



FEBRUARY 21, 2006

The Regular Meeting of the Board of Lee County Commissioners was held on this date with the following Commissioners present:

Tammara Hall, Chairwoman
Robert P. Janes, Vice-Chairman
Ray Judah
John E. Albion
Douglas R. St. Cerny

The Chairwoman called the meeting to order at 9:33 a.m. The Invocation was given by Pastor Clint Cottrell, of Cypress Lake Presbyterian Church, followed by the Pledge of Allegiance to the Flag.

PRESENTATIONS

Public Information Officer Booch DeMarchi announced the 15th Annual Paulette Burton Citizen of the Year Award; and introduced Ms. Burton's daughters Sandy Kerry, Sarah Cadwell, and Bryn Byron. Ms. Kerry expressed satisfaction with this tradition being carried on and with the Board's encouragement of leadership and civic duty in Lee County. Mr. DeMarchi acknowledged the below listed runners-up; and announced the winner of this year's award was Anne Dalton of Fort Myers, who expressed thanks and gratitude, specifically recognizing Shady Rest.

Helen Kralj - Bonita Springs
Nola Theiss - Sanibel
Steve Maxwell - Sanibel

Commissioner Janes offered special congratulations to Ms. Dalton and the many participants who donated their time and efforts for this cause; and Commissioner Albion requested that every year following these awards biographies/photos of the winners be displayed at the libraries. (#20060093 - Public Resources)

AT THIS TIME WALK-ON NO. 2 WAS HEARD. SEE THAT PORTION OF THE MEETING

ANNOUNCEMENTS

Referring to the Agenda Revision Recap Sheet dated February 21, 2006, the Chairwoman announced that:

Three Walk-on Items and one Carry-Over Item would be heard after the Administrative Agenda.

9:30 A.M. AGENDA ITEM - Public Comment on Agenda Items Consent (C) and Administrative (A)

The Chairman called for public input and the following concerned citizens came forward:

Walk-on Item 1 - Lehigh Acres Watchdog, Inc. Chairman Robert Anderson came forward to express concern about this item being rushed through as a walk-on without any public notice; and requested this item be removed/delayed to give proper notice to citizens.

C4(a) - Lee Building Industry Association Executive Director Michael Reitmann stated he was in favor of removing the cap on the affordable housing trust fund by the state, the Sadowski Act; and noted that he also urged the National Association of Counties and the League of Cities to support this item.

A6(a) - Southwest Florida Regional Planning Council member Julia Davis distributed a letter (copy is on file in the Minutes Office) to Board members from the Lee County Local Coordinating Board; and expressed concern of Medicaid changing from paying a per person/per trip to a capitated fund for a vendor to receive a lump sum for a whole year, forcing local vendors to cut corners; detailed the reason there was an increase of Medicaid members using LeeTran through the ADA plan. She further explained an agreement, as spelled out in the letter, was worked out to leave the Medicaid members on the ADA plan for the remainder of the year.

The following are the Consent Agenda items that each Board member wished to have discussed:

Commissioner Hall - None
 Commissioner Janes - None
 Commissioner Judah – C9(a)
 Commissioner Albion – C4(a) and C10(h)
 Commissioner St. Cerny - None

CONSENT AGENDA

1. COUNTY ADMINISTRATION

- (a) **ACTION REQUESTED/PURPOSE:**
 Concur with the ranking of Consultants by the Competitive Negotiations Committee for CN-06-03 Commercial/Industrial Lands Study, in the below listed order of ranking; and authorize contract negotiations to commence with the number one ranked firm.

Basile Baumann Prost & Associates, Inc.
 Clarion Associates
 Strategic Planning Group, Inc

WHAT ACTION ACCOMPLISHES:

Provides Lee County with a consultant to perform a Commercial/Industrial Lands Study to identify appropriate lands for economic development.

MANAGEMENT RECOMMENDATION:

Approval recommended. (#20060080 – County Administration)

Commissioner Janes moved approval, seconded by Commissioner Albion, called and carried.

- (b) **ACTION REQUESTED/PURPOSE:**
 Present to the Board for information and filing, the Object Code #504015 Expenditure Detail Report for the fourth quarter of FY04-05 (July through September 2005) and the first quarter of FY05-06 (October through December 2005), as required by Lee County Ordinance #90-18.
WHAT ACTION ACCOMPLISHES:
 Allows Board to monitor expenditures being made by County Departments and Divisions to this object code.
MANAGEMENT RECOMMENDATION:
 Approve (#20060141 - County Administration)

Commissioner Janes moved approval, seconded by Commissioner Albion, called and carried.

2. CONSTRUCTION AND DESIGN

- (a) **ACTION REQUESTED/PURPOSE:**
 Approve award of Formal Quotation No. Q-050773 The Annual Purchase of Locks, Parts, Tools and Accessories for Facilities Management, to the below listed low quoters meeting specifications per line item, at the discounts as listed on the Lee County Tabulation Sheet. The initial term of this quote is one year; with requested authority to renew this quote for four additional one-year periods, at the same terms and conditions, if in the best interest of Lee County; and to exercise the price escalator clause as per the specifications on an as-needed basis. In the event that the low quoter is unable to establish the effectiveness of their product, request the Purchasing Director be given authority to act on behalf of the Board in the event of vendor non-compliance so that the Purchasing Director can proceed to the next low quoter(s). Funding will be available from the individual department or division's budget who will be responsible for monitoring their individual expenditures. The Facilities Department estimates expending approximately \$75,000.00 annually for locks, parts, tools and accessories.

Majestic Lock Company, Inc.
 IDN-Armstrong's, Inc.
 Stanley Security Solutions/Best Access Systems Division
 Craftmaster Hardware
 Clark Security Products
 Independent Hardware Inc.
 Southern Lock & Supply
 Taylor Security & Lock Co.

WHAT ACTION ACCOMPLISHES:

Provides Facilities with competitive discounts and reliable sources to purchase locks, parts, tools and accessories.

MANAGEMENT RECOMMENDATION:

Approve as stated. (#[20060144](#) – Facilities Management)

Commissioner Janes moved approval, seconded by Commissioner Albion, called and carried.

3. COUNTY COMMISSIONERS

No requests received.

4. COMMUNITY DEVELOPMENT**(a) ACTION REQUESTED/PURPOSE:**

Approve, and authorize the Chairwoman to execute a resolution, supporting full funding by the State for the FY 06/07 affordable housing initiatives, as originally set forth in the Sadowski Act.

WHAT ACTION ACCOMPLISHES:

Expresses the County's support for full funding by the State for the state and local affordable housing initiatives.

MANAGEMENT RECOMMENDATION:

Approve. (#[20060135](#) – Planning)

PULLED FOR DISCUSSION

Commissioner Albion moved approval, seconded by Commissioner Judah. Commissioner Albion stated he was hopeful of a lobbying movement to help release funds that are being collected but not forwarded to the counties; and requested Board support of this to be on the priority list for Lee County's lobbyists in Tallahassee. Commissioner Judah stated he was astounded that the State was receiving a 3.2 to 3.5 billion dollar windfall, and that within the Governor's budget there is a dramatic reduction in availability of funds collected under the Sadowski Act to be applied to the Housing Trust Fund. Commissioner Albion added that a stronger discussion was needed with Tallahassee as to what the various Counties' needs are. The motion was called and carried.

RESOLUTION NO. 06-02-11**5. HUMAN SERVICES**

No requests received.

6. INDEPENDENT**(a) ACTION REQUESTED/PURPOSE:**

Accept a donation of \$9,816.00; and approve associated Budget Amendment resolution for the Mid Metro Industrial Park MSTU Fund #10252.

WHAT ACTION ACCOMPLISHES:

Will allow staff to initiate services within the scope of the unit.

MANAGEMENT RECOMMENDATION:

Approve. (#[20060140](#) – Public Resources)

Commissioner Janes moved approval, seconded by Commissioner Albion, called and carried.

RESOLUTION NO. 06-02-12**(b) ACTION REQUESTED/PURPOSE:**

Approve Interagency agreements between, Lee County (LC) and the [Lee County Tax Collector](#); and Lee County and the [Lee County Property Appraiser](#), for the preparation and submission of the below listed Lee County Non-Ad Valorem Assessment Rolls and their related Uniform Collection and Enforcement, pursuant to F.S. 197.3632.

Harbor Road Municipal Service Benefit Unit (MSBU)
Western Acres MSBU
Gasparilla Beach Renourishment MSBU
Briarcrest Sewer MSBU
San Carlos Island Drainage MSBU

WHAT ACTION ACCOMPLISHES:

This establishes separate agreements between the Board and the LC Tax Collector and LC Property Appraiser for the preparation and submission of certain Lee County MSBUs to the Non-Ad Valorem assessment rolls.

MANAGEMENT RECOMMENDATION:

Approve – (#[20060076](#) – Public Resources)

Commissioner Janes moved approval, seconded by Commissioner Albion, called and carried.

7. PUBLIC SAFETY

(a) **ACTION REQUESTED/PURPOSE:**

Approve, and authorize Chairwoman to sign, a [Memorandum of Understanding](#), between Lee County and the Florida Department of Law Enforcement, which grants this State agency the authority to expend locally obligated funds from the 2005 Homeland Security Grant Program. No budget authority is required at this time.

WHAT ACTION ACCOMPLISHES:

Allows the Florida Department of Law Enforcement to disburse Homeland Security grant funding for eight regional domestic security task force planning positions, one of which will be coming to Lee County.

MANAGEMENT RECOMMENDATION:

Staff recommends approval. (#[20060155](#) – Public Safety)

Commissioner Janes moved approval, seconded by Commissioner Albion, called and carried.

8. SOLID WASTE-NATURAL RESOURCES

(a) **ACTION REQUESTED/PURPOSE:**

Approve an addition of \$6,075.00 to Purchase Order No. 73055, to General Electric Energy, for the purpose of delaying shipment of the Waste-to-Energy (WTE) main step-up transformer for approximately 3 weeks as requested by the County's installation contractor. The County's contractor will reimburse the County for this cost.

WHAT ACTION ACCOMPLISHES:

Provides change to PO 73055 reflecting revised purchase price including cost for storage.

MANAGEMENT RECOMMENDATION:

Staff recommends the action requested. (#[20060130](#) – Solid Waste)

Commissioner Janes moved approval, seconded by Commissioner Albion, called and carried.

(b) **ACTION REQUESTED/PURPOSE:**

Approve, and authorize the Chairwoman to sign, [Change Order No. 1](#) to Contract No. 3334, with Casey Industrial, Inc., providing for the construction of the Ash Residue Storage Building expansion to be performed as part of the Waste-to-Energy (WTE) Expansion Project. The total Change Order amount is \$1,626,103.00.

WHAT ACTION ACCOMPLISHES:

Provides a Contractor to construct an expansion to the Ash Residue Storage Building as part of the WTE Expansion Project.

MANAGEMENT RECOMMENDATION:

Staff recommends approval of the requested motion. (#[20060146](#) – Solid Waste)

Commissioner Janes moved approval, seconded by Commissioner Albion, called and carried.

9. TRANSPORTATION

(a) **ACTION REQUESTED/PURPOSE:**

Concur with the ranking of Consultants by the Competitive Negotiations Committee, for CN-06-05 Corridor Alignment Study for Luckett Road and Sunshine Boulevard, in the below order of ranking; and authorize contract negotiations to commence with the number one ranked firm:

Inwood Consulting Engineers
McMahon Associates, Inc.
URS Southern Corporation

WHAT ACTION ACCOMPLISHES:

Provides Lee County with a Consultant to develop and study alternative corridors from I-75 to Joel Boulevard, for both four and six lane alternatives; and to study alignments to extend Sunshine Boulevard from the northern terminus to State Road 80.

MANAGEMENT RECOMMENDATION:

Approval Recommended. (#[20060109](#) – Transportation)

PULLED FOR DISCUSSION

Commissioner Judah moved approval, seconded by Commissioner Albion. Commissioner Judah expressed the importance of this study; agreed with the suggestion to extend CR 951 further north from Alico Road via Green Meadows Road to SR 82 and Sunshine Boulevard to SR 80; noted it was a crucial north-south connector; and applauded DOT for recognizing the importance of moving forward to piggy-back the Sunshine Boulevard extension into the study. The motion was called and carried.

(b) **ACTION REQUESTED/PURPOSE:**

Approve interest-bearing loan from the General Fund to County Road (CR) 951 Extension South Project, in Fund 30712, for \$22,500,000.00; approve [budget transfer](#), and resolution to increase the project (204097); and amend FY 05/06 – 09/10 CIP accordingly.

WHAT ACTION ACCOMPLISHES:

Allows County to purchase 27.6± acres for CR 951 and Estero Parkway Extension.

MANAGEMENT RECOMMENDATION:

Approval. ([20060154](#) - Transportation)

Commissioner Janes moved approval, seconded by Commissioner Albion, called and carried.

RESOLUTION NO. 06-02-13

(c) **ACTION REQUESTED/PURPOSE:**

Approve payment of \$174,325.65, to JG Fort Myers, LLP, for street light relocations made on Ben Hill Griffin Parkway, from Alico Road to the south entrance to Gulf Coast Town Center.

WHAT ACTION ACCOMPLISHES:

Authorizes payment to Jacobs Group for street light relocations.

MANAGEMENT RECOMMENDATION:

Approve payment. (#[20060083](#) – Transportation)

Commissioner Janes moved approval, seconded by Commissioner Albion, called and carried.

(d) **ACTION REQUESTED/PURPOSE:**

Approve [Transportation Regional Incentive Program \(TRIP\) Agreement](#), with the Florida Department of Transportation (FDOT), for Three Oaks Parkway South, from East Terry Street to The Brooks; and approve authorizing resolution for Chairwoman or designee to execute agreement. Also, approve budget amendment resolution in the amount of \$10,200,000.00; and amend FY05/06 – 09/10 Capital Improvement Program accordingly.

WHAT ACTION ACCOMPLISHES:

Allows County to enter into a TRIP Agreement with FDOT, for Three Oaks Parkway South, with a maximum contribution of \$10,200,000.00 from FDOT.

MANAGEMENT RECOMMENDATION:

Approve. ([20060132](#) - Transportation)

Commissioner Janes moved approval, seconded by Commissioner Albion, called and carried.

RESOLUTION NOS. 06-02-14 AND 06-02-21

10. UTILITIES

(a) **ACTION REQUESTED/PURPOSE:**

Approve construction of two (2) 10 inch diameter master meter assemblies and a force main extension serving Mercedes Plaza, to provide potable water service, fire protection, and sanitary sewer service to this proposed automobile dealership. This is a developer contributed asset project located along the east side of US 41, approximately ½ mile south of Six Mile Cypress Parkway.

WHAT ACTION ACCOMPLISHES:

Provides adequate utility infrastructure to support development of the subject property, and complies with the Lee County Utilities Operations Manual.

MANAGEMENT RECOMMENDATION:

Approve. (#[20060088](#) – Utilities)

Commissioner Janes moved approval, seconded by Commissioner Albion, called and carried.

(b) **ACTION REQUESTED/PURPOSE:**

Approve final acceptance, by Resolution and recording of one [utility easement](#), as a donation of one fire hydrant, one double water service and one sewer service serving United Martial Arts Studio, to provide potable water service, fire protection and sanitary sewer service to this newly constructed commercial building. This is a developer contributed asset project located on the south side of Crystal Drive, approximately 500 feet west of Metro Parkway.

WHAT ACTION ACCOMPLISHES:

Provides adequate utility infrastructure to support development of the subject property, and complies with the Lee County Utilities Operations Manual.

MANAGEMENT RECOMMENDATION:

Approve. (#[20060089](#) – Utilities)

Commissioner Janes moved approval, seconded by Commissioner Albion, called and carried.

[RESOLUTION NO. 06-02-15](#)

(c) **ACTION REQUESTED/PURPOSE:**

Approve final acceptance, by Resolution and recording of one [utility easement](#), as a donation of one fire line serving Romano's Macaroni Grill, to provide fire protection to this recently reconstructed commercial building. This is a developer contributed asset project located on the east side of South Tamiami Trail, approximately 800 feet south of Daniel Parkway.

WHAT ACTION ACCOMPLISHES:

Provides adequate utility infrastructure to support development of the subject property, and complies with the Lee County Utilities Operations Manual.

MANAGEMENT RECOMMENDATION:

Approve. (#[20060099](#) – Utilities)

Commissioner Janes moved approval, seconded by Commissioner Albion, called and carried.

[RESOLUTION NO. 06-02-16](#)

(d) **ACTION REQUESTED/PURPOSE:**

Approve final acceptance, by Resolution and recording of one [utility easement](#), as a donation of water and gravity main extensions, to provide potable water service, fire protection and sanitary sewer service to Corkscrew Palms, Phase 2, a phased commercial development. This is a developer contributed asset project located on the south side of Corkscrew Road, approximately 2/3 mile east of South Tamiami Trail.

WHAT ACTION ACCOMPLISHES:

Places the water and gravity mains into operation, and complies with the Lee County Utilities Operations Manual.

MANAGEMENT RECOMMENDATION:

Approve. (#[20060105](#) – Utilities)

Commissioner Janes moved approval, seconded by Commissioner Albion, called and carried.

[RESOLUTION NO. 06-02-17](#)

(e) **ACTION REQUESTED/PURPOSE:**

Approve final acceptance, by Resolution and recording of one [utility easement](#), as a donation of a force main extension, to provide sanitary sewer service to Bella Terra, a phased residential development. This is a developer contributed asset project known as the Bella Terra Off-site Force Main Extension, Phase 1; and is located along Corkscrew Road, approximately 3 1/4 miles east of South Tamiami Trail.

WHAT ACTION ACCOMPLISHES:

Places the force main into operation, and complies with the Lee County Utilities Operations Manual.

MANAGEMENT RECOMMENDATION:

Approve. (#[20060122](#) – Utilities)

Commissioner Janes moved approval, seconded by Commissioner Albion, called and carried.

[RESOLUTION NO. 06-02-18](#)

(f) **ACTION REQUESTED/PURPOSE:**

Approve final acceptance, by Resolution, as a donation of one relocated fire hydrant serving The Moore Building, to provide fire protection to this recently constructed commercial building. This is a developer contributed asset project located along north side of Bruner Lane, approximately 500 feet west of Hemingway Drive.

WHAT ACTION ACCOMPLISHES:

Provides adequate utility infrastructure to support development of the subject property, and complies with the Lee County Utilities Operations Manual.

MANAGEMENT RECOMMENDATION:

Approve. (#[20060123](#) – Utilities)

Commissioner Janes moved approval, seconded by Commissioner Albion, called and carried.
[RESOLUTION NO. 06-02-19](#)

(g) **ACTION REQUESTED/PURPOSE:**

Approve final acceptance, by Resolution and recording of [two utility easements](#), as a donation of a water main extension, one fire hydrant, one 4 inch diameter fire line, gravity main extension, force main extension and a lift station, to provide potable water service, fire protection and sanitary sewer service to the recently constructed San Carlos Fire Station No. 3. This is a developer contributed asset project located on the east side of Ben Hill Griffin Parkway, approximately 1 2/3 miles north of Corkscrew Road.

WHAT ACTION ACCOMPLISHES:

Provides adequate utility infrastructure to support development of the subject property, and complies with the Lee County Utilities Operations Manual.

MANAGEMENT RECOMMENDATION:

Approve. (#[20060124](#) – Utilities)

Commissioner Janes moved approval, seconded by Commissioner Albion, called and carried.
[RESOLUTION NO. 06-02-20](#)

(h) **ACTION REQUESTED/PURPOSE:**

Award B-06-06 Corkscrew Water Treatment Plant – Sludge Lagoon Cleaning, to the low bidder meeting all bidding requirements, [ProLine Corporation](#), for a Base Bid amount of \$73,800.00, with a final project completion time of 90 days. This project is in the Operating Budget, and funds are available.

WHAT ACTION ACCOMPLISHES:

The project provides for the removal of Sludge from existing Sludge Lagoon #2 and stockpiling of removed material on an existing, adjacent drying field.

MANAGEMENT RECOMMENDATION:

Staff recommends approval. (#[20060115](#) – Utilities)

PULLED FOR DISCUSSION

Commissioner Albion moved approval, seconded by Commissioner Janes. Commissioner Albion expressed concern that the contractor with the lowest bid, compared to the other competitors, would be able to do the job as expected. Utilities Director Rick Diaz stated the contractor presented his methods that were acceptable, and confirmed that there would be clauses and provisions in the contract to allow Lee County to take whatever action necessary. The motion was called and carried.

(i) **ACTION REQUESTED/PURPOSE:**

Concur with the ranking of Consultants by the Competitive Negotiations Committee, for CN-06-04 Green Meadows Water Treatment Plant Expansion, in the below order of ranking; and authorize contract negotiations to commence with the number-one ranked firm. Also, authorize Chairwoman, on behalf of the Board, to execute the agreements upon final negotiations.

CH2M Hill
Carollo Engineers
Hole Montes

WHAT ACTION ACCOMPLISHES:

Authorizes negotiations for design services contract for the project known as CN-06-04 Green Meadows Water Treatment Plant Expansion, to expand the existing plant to provide an additional 7.5 million gallons per day (MGD). This project involves professional engineering services associated with the design, permitting and construction of additional raw water supply, and expansion of the water treatment capacity.

MANAGEMENT RECOMMENDATION:

Staff recommends approval. (#[20060134](#) – Utilities)

Commissioner Janes moved approval, seconded by Commissioner Albion, called and carried.

(j) **ACTION REQUESTED/PURPOSE:**

Approve, and authorize Chairwoman to execute, [Change Order No. 3](#) to Contract No. 2919, under B-04-30 Matanzas Pass Force Main, to Danella Companies, in the not-to-exceed amount of \$67,099.98. This Change Order was anticipated, and funds are available.

WHAT ACTION ACCOMPLISHES:

Provides Lee County with co-location of 6 inch conduits for future use in conjunction with water and sewer lines being installed under this contract. Placing these conduits now allows future users to install their cables in conduit, and avoids potential for damage to Lee County water and sewer lines.

MANAGEMENT RECOMMENDATION:

Staff recommends approval. ([#20060150](#) – Utilities)

Commissioner Janes moved approval, seconded by Commissioner Albion, called and carried.

11. PARKS AND RECREATION

(a) **ACTION REQUESTED/PURPOSES:**

Approve [lease amendment](#) to existing agreement, between the Lee County and the Tice Fire District, for use of property located at 5170 Tice Street, Ft. Myers. This amendment will allow the Parks & Recreation Division to relocate their Heavy Equipment operation from Terry Park.

WHAT ACTION ACCOMPLISHES:

This action will provide the Parks & Recreation Heavy Equipment operation a suitable facility, and free up almost two acres at Terry Park for use by our citizens and visitors.

MANAGEMENT RECOMMENDATION:

Parks & Recreation recommends approval of the lease amendment. ([#20060103](#) – Parks & Recreation)

Commissioner Janes moved approval, seconded by Commissioner Albion, called and carried.

12. COUNTY ATTORNEY

(a) **ACTION REQUESTED PURPOSE:**

Approve the [Agreement of Assignment](#) for the Edison Avenue Public Road Crossing Easement by and between the City of Fort Myers and the Seminole Gulf Railway.

WHAT ACTION ACCOMPLISHES:

Relinquishes the County of all duties and obligations for the Edison Avenue railroad crossing including all maintenance responsibilities.

MANAGEMENT RECOMMENDATION:

Recommend Approval. ([#20060092](#) – County Attorney)

Commissioner Janes moved approval, seconded by Commissioner Albion, called and carried.

(b) **ACTION REQUESTED/PURPOSE:**

Direct an amendment to Lee County Land Development Code (LDC) Chapter 34 pertaining to resource recovery facilities to public hearing as follows:

LPA: February 27, 2006

1st Public Hearing: March 14, 2006 at 5:05 p.m.

2nd Public Hearing: March 28, 2006 at 5:05 p.m.

WHAT ACTION ACCOMPLISHES:

Satisfies the statutory requirement to hold two public hearings to amend the LDC. If adopted, this amendment will require the establishment of resource recovery facilities such as wood chipping and similar operations to be first reviewed and approved by the Board as part of a planned development.

MANAGEMENT RECOMMENDATION:

Approve. ([#20060118](#) – County Attorney)

Commissioner Janes moved approval, seconded by Commissioner Albion, called and carried.

13. HEARING EXAMINER

No requests received.

14. PORT AUTHORITY

No requests received.

15. CONSTITUTIONAL OFFICERS**(a) ACTION REQUESTED/PURPOSE:**

Approve payment of Delinquent Tax overbid money to the claimant, [Nellie Western](#), in the amount of \$7,622.25, for Tax Deed No. 2003-005700. Pursuant to Florida Statute 197, the Board is to hold unclaimed overbid funds from Delinquent Tax sales for a period of two years on behalf of the original landowner.

WHAT ACTION ACCOMPLISHES:

The Clerk has received a verified claim of these funds, and requests that the Board release them to the claimant.

MANAGEMENT RECOMMENDATION:

Approve. (#[20060145](#)-Clerk of Court)

Commissioner Janes moved approval, seconded by Commissioner Albion, called and carried.

(b) ACTION REQUESTED/PURPOSE:

Approve payment of Delinquent Tax overbid money to the claimant, [Randall W. Peterman](#), in the amount of \$15,215.38, for Tax Deed No. 2004-001760. Pursuant to Florida Statute 197, the Board is to hold unclaimed overbid funds from Delinquent Tax sales for a period of two years on behalf of the original landowner.

WHAT ACTION ACCOMPLISHES:

The Clerk has received a verified claim of these funds and requests that the Board release them to the claimant.

MANAGEMENT RECOMMENDATION:

Approve. (#[20060147](#)-Clerk of Court)

Commissioner Janes moved approval, seconded by Commissioner Albion, called and carried.

(c) ACTION REQUESTED/PURPOSE:

Approve payment of Delinquent Tax overbid money to the claimant, [John B. Jones, Jr.](#), in the amount of \$565.06, Tax Deed No. 2003-000114. Pursuant to Florida Statute 197, the Board is to hold unclaimed overbid funds from Delinquent Tax sales for a period of two years on behalf of the original landowner.

WHAT ACTION ACCOMPLISHES:

The Clerk has received a verified claim of these funds, and requests that the Board release them to the claimant.

MANAGEMENT RECOMMENDATION:

Approve. (#[20060148](#)-Clerk of Court)

Commissioner Janes moved approval, seconded by Commissioner Albion, called and carried.

(d) ACTION REQUESTED/PURPOSE:

Approve payment of Delinquent Tax overbid money to the claimant, [John B. Jones, Jr.](#), in the amount of \$706.14, for Tax Deed No. 2003-000115. Pursuant to Florida Statute 197, the Board is to hold unclaimed overbid funds from Delinquent Tax sales for a period of two years on behalf of the original landowner.

WHAT ACTION ACCOMPLISHES:

The Clerk has received a verified claim of these funds, and requests that the Board release them to the claimant.

MANAGEMENT RECOMMENDATION:

Approve. (#[20060149](#)-Clerk of Court)

Commissioner Janes moved approval, seconded by Commissioner Albion, called and carried.

(e) ACTION REQUESTED/PURPOSE:

Approve payment of Delinquent Tax overbid money to the claimant, [Frank R. Steiner II](#), Trustee, in the amount of \$12,002.68, for Tax Deed No 2003-003338. Pursuant to Florida Statute 197, the Board is to hold unclaimed overbid funds from Delinquent Tax sales for a period of two years on behalf of the original landowner.

WHAT ACTION ACCOMPLISHES:

The Clerk has received a verified claim of these funds, and requests that the Board release them to the claimant.

MANAGEMENT RECOMMENDATION:

Approve. (#[20060151](#)-Clerk of Court)

Commissioner Janes moved approval, seconded by Commissioner Albion, called and carried.

(f) **ACTION REQUESTED/PURPOSE:**

Approve [disbursements](#).

WHAT ACTION ACCOMPLISHES:

Florida Statute Chapter 136.06(1) requires that all County disbursements be recorded in the Minutes of the Board. Compliance with the requirements of FS 136.06(1).

MANAGEMENT RECOMMENDATION:

Approve. (#[20060152](#)-Clerk of Court)

Commissioner Janes moved approval, seconded by Commissioner Albion, called and carried.

(g) **ACTION REQUESTED/PURPOSE:**

Approve, and authorize Chairwoman to execute, the Edward Byrne Memorial Justice Assistance Grant application for the CLEAN Task Force. This will allow Lee County Sheriff's Office to serve as implementing agency.

WHAT ACTION ACCOMPLISHES:

Authorization allows Lee County to apply for the Federal Edward Byrne Memorial Justice Assistance Grant, and distribute \$84,725.00 in funds for the CLEAN Task Force.

MANAGEMENT RECOMMENDATION:

Approve. (#[20060156](#) – Sheriff)

Commissioner Janes moved approval, seconded by Commissioner Albion, called and carried.

ADMINISTRATIVE AGENDA

1. **COUNTY ADMINISTRATION**

No requests received.

2. **CONSTRUCTION AND DESIGN**

No requests received.

3. **COUNTY COMMISSIONERS**

No requests received.

4. **COMMUNITY DEVELOPMENT**

No requests received.

5. **HUMAN SERVICES**

No requests received.

6. **INDEPENDENT**

(a) **ACTION REQUESTED/PURPOSE:**

Approve the temporary compromise agreement for Medicaid trips as recommended by the Local Coordinating Board (LCB); and support the proposed policy recommendation of the Executive Director of the Commission for the Transportation Disadvantaged (CTD), to clarify this issue for local Community Transportation Coordinators (CTC's). Direct staff to prepare a [letter](#) for the Chairwoman's signature supporting the CTD Executive Director's position statement on Medicaid Non-Emergency Transportation.

WHAT ACTION ACCOMPLISHES:

Allows presently enrolled Medicaid clients on the ADA Passport system to continue to receive service through the County FY '05-06. Good Wheels, the CTC, will retain and transport all new clients enrolled in a Medicaid Program and not mandate their use of the Lee Tran Passport system; and supports the CTD Executive Director's position statement, which, if implemented by the CTD Commission, will clarify and resolve this issue. Notifies the CTD that Lee County intends to take additional actions to recoup the cost of providing the Medicaid trips.

MANAGEMENT RECOMMENDATION:

Approve LCB recommendation. (#[20060167](#) – Transit)

Commissioner Judah moved for approval, seconded by Commissioner Janes, called and carried.

7. **PUBLIC SAFETY**

(a) **ACTION REQUESTED/PURPOSE:**

Approve Bid Waiver #W-060247 to waive the formal quotation procedure, and allow Public Safety to purchase the Search Cam Entry Link System and accessories, from Search Systems Inc., at a total price of \$71,260.00. This equipment is being purchased by Lee County Public Safety for use by the Fort Myers Fire Department, through a grant from the State of Florida Department of Community Affairs. This grant is part of the federal funding from the Office for Domestic Preparedness and Homeland Security. A waiver has been requested because Search Systems Inc. is both the sole distributor and manufacturer of this equipment. Also, this equipment must match the Fort Myers Fire Department's previously purchased Search Systems Inc.'s equipment.

WHAT ACTION ACCOMPLISHES:

Allows the Fort Myers Fire Department to respond to hazardous material calls or acts of terrorism as part of the homeland security program.

MANAGEMENT RECOMMENDATION:

Approve as stated. (#[20060136](#) – Public Safety)

Commissioner Judah moved for approval, seconded by Commissioner Janes, called and carried.

8. **SOLID WASTE-NATURAL RESOURCES**

No requests received.

9. **TRANSPORTATION**

No requests received.

10. **UTILITIES**

No requests received.

11. **PARKS AND RECREATION**

No requests received.

12. **COUNTY ATTORNEY**

(a) **ACTION REQUESTED/PURPOSE:**

Approve settlement in Lee County v. Paletsky, Case No. 04CA-2696.

WHAT ACTION ACCOMPLISHES:

Settles all claims except attorney fees for condemnation of Parcel 100.

MANAGEMENT RECOMMENDATION:

County Attorney's Office recommends approval. (#[20060127](#) – County Attorney)

Commissioner Albion moved for approval, seconded by Commissioner Judah, called and carried.

(b) **ACTION REQUESTED/PURPOSE:**

Adopt a Resolution of Exchange relating to: privately-owned property located in Sections 9 and 10, Township 44 South, Range 24 East; and County-held easements located in Sections 9 and 10, Township 44 South, Range 24 East. Authorize Chairwoman to execute all [documents](#) necessary to effectuate the exchange; and the Division of County Lands to handle and accept all documentation to complete the transaction.

WHAT ACTION ACCOMPLISHES:

Exchange of County property must be approved by the Board pursuant to Florida Statutes.

MANAGEMENT RECOMMENDATION:

Management recommends the Board approve the action requested.

(#[20060104](#) - County Attorney)

Commissioner Judah moved for approval, seconded by Commissioner Janes, called and carried.

[RESOLUTION NO. 06-02-22](#)

13. HEARING EXAMINER

No requests received.

14. PORT AUTHORITY

No requests received.

15. CONSTITUTIONAL OFFICERS

No requests received.

WALK-ON ITEM NO. 1**10. UTILITIES****ACTION REQUESTED/PURPOSE:**

Review/approve copies of documents (contained in the backup material to the Blue Sheet), rate resolution and bulk water sales agreement, provided by Florida Government Utility Authority (FGUA) Special Projects Administrator Mr. David Miles regarding the proposed bulk water rate for the wholesale delivery of water from the Lehigh Acres Utility System of the FGUA, and subsequent interconnect construction.

WHAT ACTION ACCOMPLISHES:

Review and approval. (#20060166-Utilities)

MANAGEMENT RECOMMENDATION:

Staff recommends approval.

REASON FOR WALK-ON:

Imperative that the Board review the documents no later than February 21st. This will allow the FGUA Board to meet on February 24th, and the City Council to meet on March 6th, as already scheduled.

Commissioner Judah moved for approval, seconded by Commissioner Janes. Commissioner Judah appreciated Mr. Anderson's concern with this item being a walk-on; explained the interlocal agreements in place, and the desire to absorb the Lehigh Acres utility system from Florida Government Utility Authority (FGUA); and agreed that all future projects involving the FGUA should go through the appropriate Blue Sheet procedure. Utilities Director Rick Diaz noted that was their intention; and stated, in the event a walk-on is necessary, Mr. Anderson and others will be notified as soon as possible. Commissioner Janes asked if there was a sense of emergency in this action; and Mr. Diaz confirmed that problems exist with the present system in Lehigh Acres. Public Works Director Jim Lavender confirmed that the FGUA held two public meetings on this issue. Commissioner Hall opined there had been plenty of dialogue on the importance of walk-ons and Commissioner Items and that the public be given every opportunity to be engaged in the process; and suggested at least a five day notice for walk-ons. Commissioner St. Cerny opined these issues can at times seem controversial, and requested a synopsis after any meetings with FGUA; and Mr. Diaz replied that minutes are taken at these meetings and offered copies to Board members. Commissioner St. Cerny requested that all Board members be brought up to speed when a walk-on is necessary to provide insight on the urgency of the walk-on. In reply to Commissioner Albion's request, Mr. Diaz stated that he and Mr. Lavender would be giving a PowerPoint presentation on April 3rd. The motion was called and carried.

WALK-ON ITEM NO. 2**2. CONSTRUCTION AND DESIGN****ACTION REQUESTED/PURPOSE:**

Present Boston Red Sox Spring Training Resolution. (Commissioner Hall #20060172).

Commissioner Hall read and presented a resolution proclaiming the Board of County Commissioners of Lee County, the Lee County's Visitor & Convention Bureau, Sports Authority, Parks & Recreation Department, Facilities Management Division, and the City of Fort Myers full support for the Boston Red Sox organization; and sending their most sincere best wishes for success in the upcoming 2006 baseball season. Red Sox Coordinator of Florida Operations Todd Stevenson thanked the Board for the improvements at the Park, and commented on his positive experiences with County staff.

WALK-ON ITEM NO. 3

ACTION REQUESTED/PURPOSE:

Authorize Chairwoman to sign a [letter of support](#) to accompany a grant application to the National Fish and Wildlife Foundation. (#[20060182](#) – Parks and Recreation)

REASON FOR WALK-ON:

Grant application requires Board support.

Commissioner Janes moved approval, seconded by Commissioner Judah, called and carried.

WALK-ON ITEM NO. 4**ACTION REQUESTED/PURPOSE:**

Authorize Chairwoman to sign a letter of support of Senate Bill 2239, the Permanent Protection for Florida Act of 2006 sponsored by Senator Mel Martinez and Senator Bill Nelson. The bill would provide lasting protections from drilling off the Continental Shelf of Florida in the eastern Gulf of Mexico.

WHAT ACTION ACCOMPLISHES:

Senator Mel Martinez and Senator Bill Nelson have requested letters of support for S.2239.

MANAGEMENT RECOMMENDATION:

Approve letter of support. (#[20060210](#) – County Commissioners)

REASON FOR WALK-ON:

Board directed.

Commissioner Judah moved approval, seconded by Commissioner Janes. Commissioner Judah thanked his fellow Board members for bringing this item forward, and for supporting Senators Bill Nelson and Mel Martinez in their preemptive move and diligent conscientious effort to provide better protection for the Florida coastline and still allow for necessary energy exploration. Commissioner Janes concurred, and added he would like to make sure that copies of the letter are sent to House and Natural Resources Committee Chairman Congressman Richard Pombo and Chairman of a Senate subcommittee on Energy and Water Senator Pete V. Domenici. Commissioner Judah agreed to make that part of the motion. The motion was called and carried. Commissioner Albion inquired if it would be helpful to contact the liaison of the White House to acquire a position paper that might be more direct on how it would affect the State of Florida; and, citing Commissioner Janes' work with the Florida Association of Counties, stated that this issue should be instigated by the FACC. Discussion followed on the assignment of the task to Assistant County Manager Holly Schwartz.

CARRY-OVER ITEM NO. 1**9. TRANSPORTATION****ACTION REQUESTED/PURPOSE:**

Award B-06-04 County-Wide Minor Paving & Drainage, for the Department of Transportation (DOT), to the seven lowest responsive, responsible bidders meeting all bidding requirements:

[AEC, Inc.](#)

[Ajax Paving Industries, Inc.](#)

[APAC-Southeast](#)

[Cougar Contracting Specialties](#)

[Gulf Paving, Inc.](#)

[Neubert Construction Services](#)

[Better Roads, Inc.](#)

Based on individual unit prices multiplied by the estimated quantity, with a total not-to-exceed annual contract amount of \$1,350,000.00 with an annual contract period of one year. Also, authorize the Chairwoman to execute agreement on receipt on behalf of the Board.

WHAT ACTION ACCOMPLISHES:

Provides the Department of Transportation, Parks & Recreation and Natural Resources with the availability of having seven contractors to perform intersection improvements, drainage improvements and general roadway improvements based on an as-needed basis for a one-year period without going through the formal bidding process each time.

MANAGEMENT RECOMMENDATION:

Approval recommended. (#[20060071](#)-Transportation)

REASON FOR CARRY-OVER:

Board directed.

After noting that he had met with DOT Staff, Commissioner Albion stated his concern with some contractors making business decisions to perform work for others and falling behind on obligations to Lee County; and noted that better monitoring would be conducted and companies that try to reciprocate would be recognized. Division of Transportation Director Scott M. Gilbertson elaborated how the contracts are structured by unit pricing/quantities, contract performance, timeliness, and other considerations. Commissioner Albion moved for approval, seconded by Commissioner Judah, called and carried.

COMMISSIONER ITEMS

HUMAN SLAVERY RESOLUTION - Commissioner Janes relayed a request from the Human Slavery Task Force to furnish them with a Resolution in support of their cause, similar to the one issued last year. Commissioner Janes moved for approval, seconded by Commissioner Judah, called and carried.

NATIONAL ASSOCIATION OF COUNTIES (NACo) MEETING – Commissioner Hall announced that Commissioner Judah, Commissioner Janes and herself would be attending the NACo Meeting in Washington and therefore there would be no quorum for the March 6, 2006 Management and Planning Meeting (M&P) and Zoning Meeting and the March 7, 2006 Regular Board Meeting. In response to Commissioner Hall's inquiry if there were any pressing issues, Assistant County Manager Pete Winton stated there were only two items scheduled for the M & P meeting that could be carried over to April's M & P meeting. Commissioner Judah moved to cancel the meetings discussed above, seconded by Commissioner Janes, called and carried.

STATE DELEGATION MEETING - Commissioner Albion stated his concern that there are some intense issues that need dialogue, and inquired if there would be a joint meeting with the State Delegation members. Commissioner Hall replied that a meeting is scheduled with Lee, Collier and Charlotte counties on March 23, 2006 in Tallahassee. Assistant County Manager Holly Schwartz explained that the meeting done in the past was "morphed" into the meeting on March 23rd, and noted that for this session committee meetings are already being held. Commissioner Albion reviewed the issues for Lee County: the Sadowski Act, Babcock Ranch, Human Slavery, Lake Okeechobee, etc. Discussion ensued between Board members with Commissioner Hall going into detail of the different meetings that are being put together between the counties to work on a list of issues; and Commissioner Albion suggesting the School Board be included due to impact fee issues. Commissioner Janes recommended putting together a compendium of any new issues that may have come forward since the meeting of the delegation.

HYDROLOGISTS TO REVIEW RESERVOIR MODEL - Commissioner Judah thanked Administration for their prompt response to discussions last week concerning the fact that South Florida Water Management District's (SFWMD) Central South Florida Flood Control project models were flawed; and noted the entire Comprehensive Everglades Restoration Program was based on these flawed models. He continued by stating that Administration is pursuing an initial investigation by hiring several hydrologists to review the models and conduct the necessary work to correct the models to ultimately get in the position to abate these excessive discharges from Lake Okeechobee. Commissioner Judah apprised the Board that there will be a ground-breaking for the C-43 test cell; and stated that he was not certain if Lee County has gotten the attention of the Army of Engineers (COE) and SFWMD to ensure they incorporate the water filtration component in the Project Implementation Report (PIR) to make sure a Special Treatment Area (STA) be built concurrently with the C-43 Reservoir. Commissioner Hall stated after meeting with Colonel Carpenter a detailed letter had been requested regarding the PIR, which deals with that component; and noted that with the change in Staff and the Colonel there was a need for specific items in writing. Commissioner Albion suggested that Lee County work with the Federal Delegation to get on the agenda for discussions with the new Colonel. Commissioner Hall apprised that Lee County has already requested time with the new Colonel and the new project manager; and that Colonel Carpenter has been asked to work with Lee County. Commissioner Hall shared that the Everglades Foundation has also been doing a hydrology study on the plan, with the draft expected to be ready in June.

COMMITTEE APPOINTMENTS

Commissioner St. Cerny moved to reappoint Lois Knight to the **PINE MANOR LOCAL NEIGHBORHOOD DISTRICT COMMITTEE**, seconded by Commissioner Janes, called and carried.

Chairwoman Hall requested nine appointments to the **HORIZON COUNCIL'S EQUITY STUDY COMMISSION**, as listed below:

<u>INDUSTRY</u>	<u>NOMINEE</u>
Construction	Steve Richards with Owen-Ames-Kimball
Manufacturing	Cliff Smiley with Cement Industries
Retail/Wholesale Trade	Luann Burkholder with Chico's FAS, Inc.
Food/Food Service	Richard Johnson with Bailey's General Store
Finance and Insurance	Laurie Jerrie with Colonial Bank

Real Estate
Professional, Scientific &
Technical Services
Health Care
Accommodations & Clubs

Jim Woodward with Re/Max Realty Group
Richard Woodruff with WilsonMiller
Elizabeth Martin with Lehigh Regional Medical Center
Jere Carrick with Majestic Golf Club

Commissioner Albion moved approval, seconded by Commissioner Janes, called and carried.

COUNTY MANAGER ITEMS

County Manager Donald D. Stilwell had nothing to offer.

COUNTY ATTORNEY ITEMS

County Attorney David M. Owen had nothing to offer.

The Chairwoman adjourned the meeting at 10:36.

ATTEST:
CHARLIE GREEN, CLERK

Deputy Clerk

[Chairwoman, Lee County Commission](#)

Lee County Board Of County Commissioners
Agenda Item Summary

Blue Sheet No. 20060080

1. ACTION REQUESTED/PURPOSE: Concur with the ranking of Consultants by the Competitive Negotiations Committee for CN-06-03 COMMERCIAL/INDUSTRIAL LANDS STUDY, in the following order of ranking, and authorize contract negotiations to commence with the number one ranked firm: (1) Basile Baumann Prost & Associates, Inc., (2) Clarion Associates and (3) Strategic Planning Group, Inc.

2. WHAT ACTION ACCOMPLISHES: Provides Lee County with a consultant to perform a Commercial/Industrial Lands Study to identify appropriate lands for economic development.

3. MANAGEMENT RECOMMENDATION: Approval recommended.

4. Departmental Category: 01 CIA		5. Meeting Date: 02-21-2006
6. Agenda: <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Administrative <input type="checkbox"/> Appeals <input type="checkbox"/> Public <input type="checkbox"/> Walk-On	7. Requirement/Purpose: (specify)	
	Statute	
	Ordinance	
	<input checked="" type="checkbox"/> Admin. Code AC-4-4	
	Other	
		8. Request Initiated: Commissioner _____ Department <u>County Administration</u> Division <u>Comm. Development</u> By: <u>Mary Gibbs, Director</u> <i>Mary Gibbs</i>

9. Background:

Letters of Interest were solicited on behalf of the Board of County Commissioners for professional services for a Commercial/Industrial Lands Study.

The deadline for receipt of Letters of Interest was December 16, 2005. A total of five (5) Letters of Interest were submitted by the established deadline. All five (5) Letters of Interest were considered at the Competitive Negotiations Committee on December 20, 2005. The Competitive Negotiations Committee consisted of Holly Schwartz, Assistant County Manager, Mary Gibbs, Community Development Director and Paul O'Connor, Community Development, Project Manager. Based on the information submitted by all five (5) firms, it was the consensus of the Committee to invite three (3) firms for written and oral presentations.

On the basis of the information submitted by the firms in the Letters of Interest and after conducting oral presentations on January 24, 2006, the Committee agreed to recommend to the Board the following order of ranking of Consultants: 1) Basile Baumann Prost & Associates, Inc.; 2) Clarion Associates; 3) Strategic Planning Group, Inc.

The negotiated Agreement will be brought back to the Board for approval.

Attachment: 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
<i>Mary Gibbs</i>	<i>[Signature]</i>	N/A		<i>[Signature]</i>	Analyst <i>[Signature]</i> 2/17/06	Risk <i>[Signature]</i> 2/17/06	Grants <i>[Signature]</i> 2/17/06	Mgr. <i>[Signature]</i> 2/17/06	<i>[Signature]</i> 2/17/06

11. Commission Action:

- ☐ Approved
- ☐ Deferred
- ☐ Denied
- ☐ Other

RECEIVED BY COUNTY ADMIN:
2-3-06
2:23
COUNTY ADMIN FORWARDED TO:
<i>[Signature]</i> 2/3/06

Rec. by CoAtty
Date: 2/3/06
Time: 3:00pm
Forwarded To: Co. Admin
2/3/06

**COMPETITIVE NEGOTIATIONS COMMITTEE
OVERALL RANKING SHEET
INTERVIEWS/PRESENTATIONS
FOR
CN-06-03 COMMERCIAL/INDUSTRIAL LANDS STUDY
Tuesday, January 24, 2006
1:00 p.m.**

COMPANY NAME

NUMBER RANKED

Basile Baumann Prost

1

Clarion Associates

2

Strategic Planning

3

COMMITTEE MEMBER

SIGNATURE: Paul O'Connell
PROJECT MANAGER

DATE: 01/24/06

JUNE 27, 2006

The Regular Meeting of the Board of [Lee County Commissioners](#) was held on this date with the following Commissioners present:

Tammara Hall, Chairwoman
Robert P. Janes, Vice-Chairman
Ray Judah
John E. Albion

COMMISSIONER ST. CERNY WAS ABSENT FOR THE ENTIRE MEETING.

The Chairwoman called the meeting to order at 9:30 A.M. The Invocation was given by County Attorney David M. Owen, followed by the Pledge of Allegiance to the Flag.

PRESENTATIONS

Commissioner Albion read and presented a [Resolution recognizing Donna and Robert Giavonette](#) for their unselfish love and steadfast commitment which earned them the Ol'geta Beckworth Foundation's Grandparents of the Year Award for 2006. Mr. & Mrs. Giavonette accepted the Resolution, and thanked the Board for the recognition.

(#20060846 - Commissioner Albion)

Commissioner Judah read and presented a Resolution [proclaiming July 2006 as Parks & Recreation month in Lee County](#) and urging all citizens to visit the parks, especially on the weekend of July 29 and 30, when all parking fees will be waived at Lee County regional parks and boat ramps, and there will be free admission at the county pools. Mr. Yarbrough accepted the Resolution and thanked the Board.

(#20060847 - Commissioner Judah)

WALK ON ITEM NOS. 8 AND 9 WERE HEARD AT THIS TIME. SEE THOSE ITEMS.

ANNOUNCEMENTS

Referring to the Agenda Revision [Recap](#) sheet dated June 27, 2006, the Chairwoman announced that:

Administrative Agenda Item A3(a) should be deferred to the Board Meeting of August 1, 2006.

Commissioner Judah moved approval, seconded by Commissioner Janes, called and carried with Commissioner St. Cerny absent.

For Consent Agenda Item C8(e) the ACTION REQUESTED/PURPOSE section should be amended to read as follows: "Competitive Negotiations Committee ranking as follows: (1) Malcolm Pirnie, Inc.; (2) PBS & J Tampa; (3) URS Corporation Southern, and authorize contract negotiations to commence with the number one ranked firm."

Commissioner Janes moved approval, seconded by Commissioner Judah, called and carried with Commissioner St. Cerny absent.

The remaining [seven \(7\) Walk-on Items](#) will be heard following the agenda.

9:30 A.M. AGENDA ITEM - [Public Comment on Agenda Items](#)

Consent (C) and Administrative (A)

C10(h) – Earth Tech Consultants, Inc. Vice President [Agustin Maristany](#) offered comments for the Board's consideration: the award is being recommended to the highest bidder; Earth Tech was the lowest bidder with a difference of \$1 million; in reviewing the proposals, Earth Tech could see nothing that would justify the recommendation; was surprised that Earth Tech was ranked number four out of the four firms, given the quality of work performed for the County in the past; and cited two projects completed providing a savings of \$2 million.

C10(h) –Lewis, Stroud and Deutsch partner [Harriet Lewis](#), representing [TKW Consulting Engineers](#), stated she believed the selection was predetermined from the beginning to exclude TKW for the following reasons: the drastic change in TKW's

relationship with the County when former Utilities Director Rick Diaz resigned; the design for Phase 1 was finished and performed well; and the design concept for Phase 2 was rejected for an alternative design of the County's choice; and requests for qualifications were distributed, along with requested proposals on a design bid project, and an addendum for engineering services. Ms. Lewis opined that this was a violation of the Consultants Competitive Negotiation Act, and violated Florida Statute 287.055.4.b. Ms. Lewis requested that the following questions be addressed by the Board before making their decision, and that TKW be given a fair evaluation:

Why didn't the Evaluators rate all the proposals?
 Why weren't Minutes kept of the evaluation process and selection meetings?
 Did this not violate the Florida Sunshine Law?
 Why was there no ranking of the proposers according to the matrix of common qualifying aspects?
 Why did the Evaluators make the exact same rankings?
 Why documents were not made available under a public record request?

9:30 A.M. AGENDA ITEM - Presentation by William Barton, Chairman of the Southwest Florida Expressway Authority ([#20060849](#) – Commissioner Albion)

Southwest Florida Expressway Authority Chairman William Barton commended the Board on the selection of Commissioner Albion to represent the Lee County Board on the Authority, the selection of Katherine Green (Vice-Chairman), and the loan of DOT Deputy Director David Loveland (Treasurer), and DOT Transportation Program Manager Amy Davies. Mr. Barton stressed that the objective is to accelerate the 10-lane section of I-75 through a 35 mile section in Lee and Collier Counties, hoped the \$775,000.00 loan requests from Lee and Collier County were in place; and noted the possibility that security would be requested on a \$500,000.00 loan being sought from the Florida Transportation Trust Fund. He explained that the loaned funds would be used for start up costs, traffic and revenue studies, and hiring of an Executive Director to assist in securing funding and selecting professional engineers. Commissioner Albion briefly commented on the need for the traffic and revenue studies; and thanked his fellow Board members for the opportunity to sit on the Authority Board. Mr. Barton explained the concept of a two-by two plan and the possibility of adding voluntary toll lanes to expedite the construction of eight lanes. Brief discussion was held between the Commissioners on the earliest date that funding could be allocated to the Authority. Commissioner Janes emphasize the need for a more in-depth discussion to be responsible in making a decision; and Commissioner Judah concurred. Commissioner Albion recommended that Mr. Loveland get with the Board members to obtain knowledge of what information would be helpful and share information gathered at the Authority meetings. Chairman Hall encouraged the public to attend the Authority meetings held at the City of Bonita Springs Council Chambers.

The following are the Consent Agenda items that each Board member wished to have discussed:

Commissioner – Hall - None
 Commissioner Janes - None
 Commissioner Judah – C10(h)
 Commissioner Albion – C9(e), C10(h)

CONSENT AGENDA

1. COUNTY ADMINISTRATION

(a) ACTION REQUESTED/PURPOSE:

Accept the sole Proposal received from [Phase V of Southwest Florida, Inc.](#), under RFP-06-04 Lee County Visitor & Convention Bureau Inquiry Processing and Electronic Fulfillment. Further authorize Chairwoman to execute an agreement, for an amount up to \$300,000.00 annually, with an initial contract period through September 30, 2007, with the option of renewal for two (2) additional one (1) year periods.

WHAT ACTION ACCOMPLISHES:

Provides Lee County with a Vendor to provide inbound telemarketing phone service and reports, information directory, mail fulfillment data delivery and database design and maintenance services.

MANAGEMENT RECOMMENDATION:

Approve recommendation. ([#20060775](#) – County Administration)

Commissioner Judah moved approval, seconded by Commissioner Albion, called and carried with Commissioner St. Cerny absent.

(b) ACTION REQUESTED/PURPOSE:

Approve, and authorize Chairwoman to execute the Agreement, award from the Florida State Contract #250-000-03-01 (IT Hardware) to cover the upgrade of the telephone switch and software at the Constitutional Complex; and provide the annual maintenance for all of the County's Nortel telephone systems hardware for a period of 39 months and 36 months for software to Shared Technologies Inc., for a total amount not-to-exceed \$800,000.00. Further, allow for the addition of switches currently under a one year warranty, to be included in the maintenance plan upon the warranty expiring, at the rates indicated under the Florida State Contract #250-000-03-01.

WHAT ACTION ACCOMPLISHES:

To cover the Constitutional Complex Upgrade, and provide the annual maintenance for a period of 39 months for hardware and 36 months for software and to include additional switches upon warranty expiring.

MANAGEMENT RECOMMENDATION:

Staff recommends approval. ([#20060817](#) – County Administration)

Commissioner Judah moved approval, seconded by Commissioner Albion, called and carried with Commissioner St. Cerny absent.

(c) ACTION REQUESTED/PURPOSE:

Approve the below listed Public Official Faithful Performance Bonds

Commissioner John E. Albion	\$2,000.00
Commissioner Tammara Hall	\$2,000.00
Commissioner Robert P. Janes	\$2,000.00
Commissioner Ray Judah	\$2,000.00
Commissioner Douglas St. Cerny	\$2,000.00
Tax Collector Cathy Curtis	\$15,000.00
Clerk of Courts Charlie Green	\$100,000.00
Sheriff Mike Scott	\$10,000.00
Property Appraiser Ken Wilkinson	\$25,000.00
Supervisor of Elections Sharon Harrington	\$5,000.00

WHAT ACTION ACCOMPLISHES:

Assures compliance with the provisions of F.S. 137.05.

MANAGEMENT RECOMMENDATION:

Approval. ([#20060834](#) – County Administration)

Commissioner Judah moved approval, seconded by Commissioner Albion, called and carried with Commissioner St. Cerny absent.

2. CONSTRUCTION AND DESIGN**(a) ACTION REQUESTED/PURPOSE:**

Approve, and execute, Addendum to the Construction Manager (CM) Agreement, under RFQ-05-07 County-wide Contract for Construction Management, for the project known as Bonita Springs Sheriff's Substation, to [Target Builders, Inc.](#), for a total Guaranteed Maximum Price (GMP) of \$199,956.00, which includes CM Fee of \$17,126.00 or 8.6%, with a total completion time of five (5) months. Also, request that the Board approve waiving of the formal process, if needed; and authorize the use of the Direct Material Purchase Orders as provided for in the CM agreement with Lee County, which allows the County to purchase directly from suppliers of equipment and/or materials as a cost/time saving measure. Also, approve [budget transfer from General Fund reserves](#) in the amount of \$320,000.00 to renovate the Sheriff Substation in Bonita and amend FY 05/06 budget.

WHAT ACTION ACCOMPLISHES:

Provides Lee County with a Construction Manager to provide labor and materials for selective remodeling at the Bonita Springs Sheriff's Substation.

MANAGEMENT RECOMMENDATION:

Staff recommends approval. ([#20060799](#) – Construction & Design)

Commissioner Judah moved approval, seconded by Commissioner Albion, called and carried with Commissioner St. Cerny absent.

(b) ACTION REQUESTED/PURPOSE:

Approve, and authorize Chairwoman to execute, an Addendum to the Construction Manager Agreement, for RFQ-05-08 Lee County Justice Center Hearing Rooms 9-12 & Judicial Spaces, with

Target Builders, Inc., to include the Guaranteed Maximum Price (GMP) in the amount of \$126,026.00, which includes the CM Fee of 10% or \$11,457.00, with a project completion time of five (5) months. Also, approve waiving of any formal process, if needed; and authorize the use of the Direct Material Purchase Orders as provided for in the CM agreement with Lee County, which allows the County to purchase directly from suppliers of equipment and/or materials as a cost/time saving measure.

WHAT ACTION ACCOMPLISHES:

For work to be performed in Lee County Justice Center Hearing Rooms 9-12 & Judicial Spaces.

MANAGEMENT RECOMMENDATION:

Staff recommends approval. ([#20060814](#) – Construction & Design)

Commissioner Judah moved approval, seconded by Commissioner Albion, called and carried with Commissioner St. Cerny absent.

(c) **ACTION REQUESTED/PURPOSE:**

Approve, and authorize Chairwoman to execute, an [Addendum to the Construction Manager Agreement](#), for RFQ-05-08 Lee County Justice Center- Annex 2nd Floor Remodeling, 1st Floor Lobby, with Target Builders, Inc., to include the Guaranteed Maximum Price (GMP) in the amount of \$2,432,323.00, which includes the CM Fee of 6% or \$147,113.00, with a project completion time of seven (7) months. Also, approve waiving of any formal process, if needed; and authorize the use of the Direct Material Purchase Orders as provided for in the CM agreement with Lee County, which allows the County to purchase directly from suppliers of equipment and/or materials as a cost/time saving measure.

WHAT ACTION ACCOMPLISHES:

For work to be performed in Lee County Justice Center Annex, 2nd Floor Remodeling on the 1st Floor Lobby.

MANAGEMENT RECOMMENDATION:

Staff recommends approval. ([#20060815](#) – Construction & Design)

Commissioner Judah moved approval, seconded by Commissioner Albion, called and carried with Commissioner St. Cerny absent.

(d) **ACTION REQUESTED/PURPOSE:**

Approve, and authorize Chairwoman to execute, the Construction Manager (CM) Agreement, under RFQ-05-07 County-wide Contract for Construction Management, to [Gary Wilkes, Inc.](#), for the project known as City Centreem, Cape Coral Government Complex project, for a total Guaranteed Maximum Price (GMP) of \$618,112.00, which includes CM fee of \$44,421.00 with a project completion time of 210 days. Also, approve waiving of the formal process, if needed; and authorize the use of the Direct Material Purchase Orders as provided for in the CM agreement with Lee County, which allows the County to purchase directly from suppliers of equipment and/or materials as a cost/time saving measure. Funds are available for this project.

WHAT ACTION ACCOMPLISHES:

Provides Lee County with a Construction Manager for the City Centreem Cape Coral Government Complex Interior Improvements.

MANAGEMENT RECOMMENDATION:

Staff recommends Approval. ([#20060816](#) – Construction & Design)

Commissioner Judah moved approval, seconded by Commissioner Albion, called and carried with Commissioner St. Cerny absent.

(e) **ACTION REQUESTED/PURPOSE:**

Approve, and authorize the Chairwoman to execute, [Change Order No. 3 to Contract #3083](#), under RFQ-02-04 Justice Center Expansion Phase VI (Tower), with Centex Construction, in the amount of \$470,452.50.

WHAT ACTION ACCOMPLISHES:

For work to include replacement of two existing generators and three Amp Transfer Switches.

MANAGEMENT RECOMMENDATION:

Staff recommends approval. ([#20060821](#) – Construction & Design)

Commissioner Judah moved approval, seconded by Commissioner Albion, called and carried with Commissioner St. Cerny absent.

(f) **ACTION REQUESTED/PURPOSE:**

Approve, and authorize Chairwoman to execute, the Construction Manager (CM) Agreement, under RFQ-05-07 Hammond Stadium Roof Replacement, to [Karr Group, Inc. d/b/a Casey Construction](#),

Contract #3157, for a total Guaranteed Maximum Price (GMP) of \$991,569.00, which includes CM fee of \$65,560.00, with a project completion time of six (6) months. Also, approve waiving of the formal process, if needed; and authorize the use of the Direct Material Purchase Orders as provided for in the CM agreement with Lee County, which allows the County to purchase directly from suppliers of equipment and/or materials as a cost/time saving measure. Also, approve [budget transfer from General Fund reserves](#), in the amount of \$665,000.00, to advance the replacement of the roof at the Sports Complex, Project No. 402051; and amend the budget for FY 05/06.

WHAT ACTION ACCOMPLISHES:

Provides Construction Manager to complete the Hammond Stadium Roof Replacement Project.

MANAGEMENT RECOMMENDATION:

Approval recommended. ([#20060838](#) – Construction & Design)

Commissioner Judah moved approval, seconded by Commissioner Albion, called and carried with Commissioner St. Cerny absent.

3. COUNTY COMMISSIONERS

No requests received.

4. COMMUNITY DEVELOPMENT

(a) ACTION REQUESTED/PURPOSE:

Award, and authorize Chairwoman to execute, a Service Provider Agreement, for CN-06-03 Commercial/Industrial Lands Study, to [Basile Baumann Prost & Associates, Inc.](#), in the not-to-exceed amount of \$91,545.00. This project was anticipated, and funds are available.

WHAT ACTION ACCOMPLISHES:

Provides Lee County with a Consultant to perform a Commercial/Industrial Lands Study to identify appropriate lands for economic development.

MANAGEMENT RECOMMENDATION:

Approval recommended. ([#20060763](#) – Community Development)

Commissioner Judah moved approval, seconded by Commissioner Albion, called and carried with Commissioner St. Cerny absent.

5. HUMAN SERVICES

(a) ACTION REQUESTED/PURPOSE:

Enter into a [three year revenue contract](#), in the amount of \$69,444.00, with the Florida Department of Children and Families, to partially fund salary for the current Lee County Homeless Coalition Coordinator. Also, approve a budget amendment resolution, in the amount of \$5,787.00, to establish budget in Fiscal Year 2006.

WHAT ACTION ACCOMPLISHES:

Enables the Department of Human Services to offset salary dollars for the current Homeless Coalition Coordinator.

MANAGEMENT RECOMMENDATION:

Enter into contract number HF011 with the Florida Department of Children and Families, and increase the general fund budget to include these unanticipated revenues.

([#20060784](#) – Human Services)

Commissioner Judah moved approval, seconded by Commissioner Albion, called and carried with Commissioner St. Cerny absent.

RESOLUTION NO. 06-06-31

(b) ACTION REQUESTED/PURPOSE:

Approve submission of Lee County's [Homeless Continuum of Care Challenge Grant Florida FY 2007](#) to the State of Florida Office on Homelessness, Tallahassee; authorize the Chairwoman to sign Cover Letters and Certifications and; adopt minor [revision to Lee County Continuum of Care HUD FY 2006](#).

WHAT ACTION ACCOMPLISHES:

Allows Lee County to apply for state funding for local homeless projects by the Department of Human Services and local non-profit agencies.

MANAGEMENT RECOMMENDATION:

Staff recommends approval. ([#20060788](#) – Human Services)

Commissioner Judah moved approval, seconded by Commissioner Albion, called and carried with Commissioner St. Cerny absent.

6. INDEPENDENT

(a) ACTION REQUESTED/PURPOSE:

Accept donation of Slope Easements for the below listed parcels, for Gladiolus Drive Widening, Project No. 4083; and authorize the payment of recording fees and the Division of County Lands to handle all documentation necessary to complete transaction.

Judith D. Armstrong	Parcel 36	33-32-45-24-01-0000F.0070
Clarence Hogg	Parcel 41	32-45-24-00-00003.0000
The Estate of Edna May Robson	Parcel 53	32-45-24-00-00010.0220

WHAT ACTION ACCOMPLISHES:

Accepts voluntary slope easements for the Gladiolus Drive Widening Project, No. 4083.

MANAGEMENT RECOMMENDATION:

Approve. ([#20060454](#) – County Lands)

Commissioner Judah moved approval, seconded by Commissioner Albion, called and carried with Commissioner St. Cerny absent.

(b) ACTION REQUESTED/PURPOSE:

Grant a [perpetual electrical utility easement](#), STRAP No. 06-46-26-00-00001.0060, to Florida Power & Light Company, to serve the Pinewoods Water Treatment Plant Expansion, Project No. 7173, pursuant to the terms and conditions as set forth in the Easement; and authorize payment of recording fees in the approximate amount of \$29.20, and the Division of County Lands to handle all documentation necessary to complete this transaction.

WHAT ACTION ACCOMPLISHES:

Grants an electrical utility easement required by FPL, to provide electrical service to the County's facility located at 11950 Corkscrew Road.

MANAGEMENT RECOMMENDATION:

Approve. ([#20060564](#) – County Lands)

Commissioner Judah moved approval, seconded by Commissioner Albion, called and carried with Commissioner St. Cerny absent.

(c) ACTION REQUESTED/PURPOSE:

Approve [Purchase Agreement](#) for acquisition of Parcel 128, STRAP No. 08-44-23-C4-03986.0170, from Robert M. Amoroso Trustee, in the amount of \$250,000.00, for Burnt Store Road Widening, Project No. 4088; and authorize payment of costs to close in the approximate amount of \$2,500.00, and the Division of County Lands to handle all documentation necessary to complete transaction.

WHAT ACTION ACCOMPLISHES:

The purchase of the property during the voluntary acquisition phase of the project.

MANAGEMENT RECOMMENDATION:

Approve. ([#20060701](#) – County Lands)

Commissioner Judah moved approval, seconded by Commissioner Albion, called and carried with Commissioner St. Cerny absent.

(d) ACTION REQUESTED/PURPOSE:

Approve [Purchase Agreement](#) for the acquisition of Parcel 137, STRAP No. 09-44-25-P3-00065.0000, from Templo Cristiano "La Estrella Resplandeciente de la Mañana Inc., in the amount of \$71,600.00, for Ortiz Avenue Widening, Project No. 4072, pursuant to the terms and conditions set forth in the Agreement; and authorize payment of costs to close in the approximate amount of \$1,250.00, and the Division of County Lands to handle and accept all documentation necessary to complete this transaction.

WHAT ACTION ACCOMPLISHES:

The Board avoids Eminent Domain.

MANAGEMENT RECOMMENDATION:

Approve. ([#20060739](#) – County Lands)

Commissioner Judah moved approval, seconded by Commissioner Albion, called and carried with Commissioner St. Cerny absent.

(e) **ACTION REQUESTED/PURPOSE:**

Approve Purchase Agreements for the acquisition of Parcel 108, STRAP No. 04-44-25-16-00005.0040, from Lucille Ambrose Love, in the amount of \$53,000.00 for the [east 60 feet](#) and \$25,000.00 for the [west 70 feet](#), for Ortiz Avenue Widening, Project No. 4072, pursuant to the terms and conditions set forth in the agreements; and authorize payment of costs to close in the approximate amount of \$1,250.00, and the Division of County Lands to handle and accept all documentation necessary to complete this transaction.

WHAT ACTION ACCOMPLISHES:

The Board must accept all real estate conveyances to Lee County.

MANAGEMENT RECOMMENDATION:

Approve. ([#20060751](#) – County Lands)

Commissioner Judah moved approval, seconded by Commissioner Albion, called and carried with Commissioner St. Cerny absent.

(f) **ACTION REQUESTED/PURPOSE:**

Authorize the Division of County Lands to make a binding offer to property owner Lighthouse Bay Villas Four Association, Inc., for Parcel 400, STRAP No. 11-47-25-32-00000.00CE, in the amount of \$53,000.00, for Three Oaks Parkway South Extension, Project No. 4043, pursuant to the Purchase Agreement; and authorize payment of costs to close in the approximate amount of \$1,500.00, and the Division of County Lands to handle and accept all documentation necessary to complete transaction.

WHAT ACTION ACCOMPLISHES:

Makes binding offer to property owner.

MANAGEMENT RECOMMENDATION:

Management recommends approval. ([#20060756](#) – County Lands)

Commissioner Judah moved approval, seconded by Commissioner Albion, called and carried with Commissioner St. Cerny absent.

(g) **ACTION REQUESTED/PURPOSE:**

Approve [Purchase Agreement](#) for the acquisition of Parcel 132, STRAP No. 09-44-25-00-00026.0030, from Beacon Properties of SW Florida LLC, in the amount of \$160,000.00, for Ortiz Avenue Widening, Project No. 4072, pursuant to the terms and conditions set forth in the Agreement; and authorize payment of costs to close in the approximate amount of \$100.00, and the Division of County Lands to handle and accept all documentation necessary to complete this transaction.

WHAT ACTION ACCOMPLISHES:

The purchase of the property during the voluntary acquisition phase of the project.

MANAGEMENT RECOMMENDATION:

Approve. ([#20060790](#) – County Lands)

Commissioner Judah moved approval, seconded by Commissioner Albion, called and carried with Commissioner St. Cerny absent.

(h) **ACTION REQUESTED/PURPOSE:**

Approve [Purchase Agreement](#) for acquisition of Parcel 212, STRAP No. 32-43-23-C4-04099.0530, from Mary Pilkington Hills, in the amount of \$160,000.00, for Burnt Store Road Widening, Project No. 4088; and authorize payment of costs to close in the approximate amount of \$1,500.00, and the Division of County Lands to handle all documentation necessary to complete transaction.

WHAT ACTION ACCOMPLISHES:

The purchase of the property during the voluntary acquisition phase of the project.

MANAGEMENT RECOMMENDATION:

Approve. ([#20060794](#) – County Lands)

Commissioner Judah moved approval, seconded by Commissioner Albion, called and carried with Commissioner St. Cerny absent.

(i) **ACTION REQUESTED/PURPOSE:**

Authorize the Division of County Lands to make a binding offer to property owner, TI-LI, Inc., in the amount of \$206,000.00, for STRAP Nos. 04-44-25-17-0000A.0060 and 04-44-25-17-0000A.0070, located in East Fort Myers, for the Schandler Park Improvements, Project No. 1758, pursuant to the Purchase Agreement; authorize the Division of County Lands to handle all documentation necessary to

complete transaction; approve [budget transfer in the amount of \\$140,000.00](#) from Community Park Impact Fees – District 21 reserves; and amend the FY 05-06 CIP accordingly.

WHAT ACTION ACCOMPLISHES:

Makes binding offer to property owner prior to initiation of condemnation proceedings as required by Florida Statutes.

MANAGEMENT RECOMMENDATION:

Approve. ([#20060806](#) – County Lands)

Commissioner Judah moved approval, seconded by Commissioner Albion, called and carried with Commissioner St. Cerny absent.

(j) **ACTION REQUESTED/PURPOSE:**

Authorize the Division of County Lands to make a binding offer to property owner, Billy J. and Barbara L. Ware Sr. and various Successor Trustees, in the amount of \$475,000.00, for STRAP N0s. 04-44-25-17-0000A.0090 and 04-44-25-17-0000A.0120, located in East Fort Myers, for the Schandler Park Improvements, Project No. 1758, pursuant to the [Purchase Agreement](#); and authorize the Division of County Lands to handle all documentation necessary to complete transaction.

WHAT ACTION ACCOMPLISHES:

Makes binding offer to property owner prior to initiation of condemnation proceedings as required by Florida Statutes.

MANAGEMENT RECOMMENDATION:

Approve. ([#20060807](#) – County Lands)

Commissioner Judah moved approval, seconded by Commissioner Albion, called and carried with Commissioner St. Cerny absent.

7. PUBLIC SAFETY

(a) **ACTION REQUESTED/PURPOSE:**

Accept [EMS Matching Grant](#), in the amount of \$25,875.00, from the Florida Bureau of Emergency Medical Service, for the purpose of promoting safety awareness in the use of portable gas operated generators and distributing home carbon monoxide detectors. Also, approve a budget amendment resolution in the amount of \$25,875.00.

WHAT ACTION ACCOMPLISHES:

The action gives budgetary authority to accept the grant funds while completing the agreement process with the Florida Bureau of Emergency Medical Service.

MANAGEMENT RECOMMENDATION:

Management recommends approval. ([#20060824](#) – Public Safety)

Commissioner Judah moved approval, seconded by Commissioner Albion, called and carried with Commissioner St. Cerny absent.

[RESOLUTION NO. 06-06-32](#)

(b) **ACTION REQUESTED/PURPOSE:**

Accept [EMS Matching Grant](#), in the amount of \$16,987.50, from the Florida Bureau of Emergency Medical Service, for the purpose of promoting bicycle safety awareness among Hispanic males. Also, approve a budget amendment resolution in the amount of \$16,987.50.

WHAT ACTION ACCOMPLISHES:

The action gives budgetary authority to accept the grant funds while completing the agreement process with the Florida Bureau of Emergency Medical Service.

MANAGEMENT RECOMMENDATION:

Management recommends approval. ([#20060825](#) – Public Safety)

Commissioner Judah moved approval, seconded by Commissioner Albion, called and carried with Commissioner St. Cerny absent.

[RESOLUTION NO. 06-06-33](#)

(c) **ACTION REQUESTED/PURPOSE:**

Accept [EMS Matching Grant](#), in the amount of \$56,921.25, from the Florida Bureau of Emergency Medical Service, for the purpose of promoting Stay Alive Just Drive Program. Also, approve a budget amendment resolution in the amount of \$56,921.25.

WHAT ACTION ACCOMPLISHES:

The action gives budgetary authority to accept the grant funds while completing the agreement process with the Florida Bureau of Emergency Medical Service.

MANAGEMENT RECOMMENDATION:

Management recommends approval. ([#20060826](#) – Public Safety)

Commissioner Judah moved approval, seconded by Commissioner Albion, called and carried with Commissioner St. Cerny absent.

RESOLUTION NO. 06-06-34**(d) ACTION REQUESTED/PURPOSE:**

Accept [EMS Matching Grant](#), in the amount of \$9,949.50, from the Florida Bureau of Emergency Medical Service, for the purpose of purchasing eleven (11) automatic external defibrillators for the Lee County Sheriff's Office Marine units. Also, approve a budget amendment resolution in the amount of \$9,949.50.

WHAT ACTION ACCOMPLISHES:

The action gives budgetary authority to accept the grant funds while completing the agreement process with the Florida Bureau of Emergency Medical Service.

MANAGEMENT RECOMMENDATION:

Management recommends approval. ([#20060827](#) – Public Safety)

Commissioner Judah moved approval, seconded by Commissioner Albion, called and carried with Commissioner St. Cerny absent.

RESOLUTION NO. 06-06-35**(e) ACTION REQUESTED/PURPOSE:**

Approve, and execute, an [agreement](#), between Lee County and Messiah Lutheran Church, for use of their property for emergency response, relief and recovery efforts for a period of five years.

WHAT ACTION ACCOMPLISHES:

Authorizes Lee County temporary use of the property called Messiah Lutheran Church for emergency response, relief and recovery efforts.

MANAGEMENT RECOMMENDATION:

Staff recommends approval. ([#20060841](#) – Public Safety)

Commissioner Judah moved approval, seconded by Commissioner Albion, called and carried with Commissioner St. Cerny absent.

8. SOLID WASTE-NATURAL RESOURCES**(a) ACTION REQUESTED/PURPOSE:**

Award, and authorize Chairwoman to execute, a Professional Services Agreement, for CN-05-18 North Fort Myers Surface Water Management Plan, to [Boyle Engineering Corporation](#), in the not-to-exceed amount of \$588,500.00.

WHAT ACTION ACCOMPLISHES:

Provides a Consultant to do an overall assessment of the North Fort Myers region of the County with regard to surface water management, and to develop a surface water management plan to cover all watersheds in the region.

MANAGEMENT RECOMMENDATION:

Approval recommended. ([#20060738](#) – Natural Resources)

Commissioner Judah moved approval, seconded by Commissioner Albion, called and carried with Commissioner St. Cerny absent.

(b) ACTION REQUESTED/PURPOSE:

Approve award of formal quotation RFP B&R 2661-SM162, and issuance of a purchase order, to Delta Duncan, Inc., the low price proposer meeting all specification requirements for dolomitic lime storage equipment, in an amount of \$191,775.00, including \$9,100.00 for optional lighting and electrical outlets to be exercised if necessary.

WHAT ACTION ACCOMPLISHES:

Provides the necessary dolomitic lime storage equipment for the Waste To Energy Expansion Project.

MANAGEMENT RECOMMENDATION:

Staff recommends approval. ([#20060782](#) – Solid Waste)

Commissioner Judah moved approval, seconded by Commissioner Albion, called and carried with Commissioner St. Cerny absent.

(c) ACTION REQUESTED/PURPOSE:

Authorize the Solid Waste Division to add two full time positions now rather than waiting until the new fiscal year: 1 Mechanic position for the maintenance of solid waste heavy trucks and equipment at the Lee/Hendry Landfill and 1 Scale House Attendant position for the Lee/Hendry Landfill scale house.

WHAT ACTION ACCOMPLISHES:

Provides the Solid Waste Division with personnel necessary to meet the ever-increasing demand for services provided by the Solid Waste Division.

MANAGEMENT RECOMMENDATION:

Approve the requested motion. ([#20060783](#) – Solid Waste)

Commissioner Judah moved approval, seconded by Commissioner Albion, called and carried with Commissioner St. Cerny absent.

(d) **ACTION REQUESTED/PURPOSE:**

Approve award of formal quotation RFP B&R 2661-SC313, and issuance of a purchase order to Miller Energy, Inc., the low price proposer meeting all specification requirements for a portion of the Balance of Plant Instruments, in an amount not to exceed \$109,066.20, plus an allowance of \$8,000.00 for adjustments, if necessary, during the equipment detailed submittal process.

WHAT ACTION ACCOMPLISHES:

Provides a portion of the necessary instrumentation equipment for the Waste to Energy Expansion Project.

MANAGEMENT RECOMMENDATION:

Staff recommends approval. ([#20060789](#) – Solid Waste)

Commissioner Judah moved approval, seconded by Commissioner Albion, called and carried with Commissioner St. Cerny absent.

(e) **ACTION REQUESTED/PURPOSE:**

Concur with the below listed ranking of Consultants by the Competitive Negotiations Committee for CN-06-11 Lee County Household Chemical Waste Facility, and authorize contract negotiations to commence with the number one ranked firm in accordance with the selection committee's recommendation.

- (1) **Malcolm Pirnie, Inc**
- (2) **PBS & J Tampa**
- (3) **URS Corporation Southern**

WHAT ACTION ACCOMPLISHES:

Provides Lee County with a Consultant to review program objectives, and provide technical assistance for the development of a new Household Chemical Waste Facility.

MANAGEMENT RECOMMENDATION:

Approval recommended. ([#20060795](#) – Solid Waste)

DURING THE ANNOUNCEMENTS PORTION OF THE MEETING, THE CHAIRWOMAN ANNOUNCED THAT:

For Consent Agenda Item C8(e) the ACTION REQUESTED/PURPOSE section should be amended to read as follows: ADD the "Competitive Negotiations Committee Ranking as follows: (1) Malcolm Pirnie, Inc.; (2) PBS & J Tampa; (3) URS Corporation Southern, and authorize contract negotiations to commence with the number one ranked firm." Commissioner Judah moved to accept the recap items as requested, seconded by Commissioner Albion, called and carried with Commissioner St. Cerny absent.

Commissioner Judah moved approval, seconded by Commissioner Albion, called and carried with Commissioner St. Cerny absent.

(f) **ACTION REQUESTED/PURPOSE:**

Concur with the ranking of Consultants by the Competitive Negotiations Committee, for CN-06-13 Phase III Design for the Lee/Hendry Landfill, in the below listed order of ranking, and authorize contract negotiations to commence with the number one ranked firm.

- (1) **Jones Edmund & Associates, Inc**
- (2) **SCS Engineers**
- (3) **Hazen & Sawyer, PC.**

WHAT ACTION ACCOMPLISHES:

Provides Lee County with engineering consulting services related to the design, permitting and construction support of landfill cell expansion at the County's Lee/Hendry Landfill.

MANAGEMENT RECOMMENDATION:

Approval recommended. ([#20060796](#) – Solid Waste)

Commissioner Judah moved approval, seconded by Commissioner Albion, called and carried with Commissioner St. Cerny absent.

(g) **ACTION REQUESTED/PURPOSE:**

Recognize, and approve, vendor's announced name change from Onyx Waste Services of Florida Inc. to Veolia ES Solid Waste Southeast, Inc., for Lee Contract Nos. 3135 & 3137; and authorize staff to prepare and finalize all necessary documents, e.g. insurance, guarantee, etc. related to this name change.

WHAT ACTION ACCOMPLISHES:

Updates documents related to the Service Agreements for Solid Waste/Recycling Collection Services for Areas 1 & 2.

MANAGEMENT RECOMMENDATION:

Staff recommends approval. ([#20060800](#) – Solid Waste)

Commissioner Judah moved approval, seconded by Commissioner Albion, called and carried with Commissioner St. Cerny absent.

(h) **ACTION REQUESTED/PURPOSE:**

Approve the award of Project EX060498, the purchase of Inductively Coupled Plasma Mass Spectrometer, for Natural Resources, at GSA pricing from Perkin Elmer. Expenditures are \$154,396.00. GSA Schedule GS24F-0028J is in effect until August 30, 2009. Also, approve the expenditure of a not to exceed amount of 10% for incidentals, such as unforeseen additional parts needed. Funding has been budgeted and will come from OC5370800100.506410 and Natural Resources will be responsible for monitoring their own expenditures.

WHAT ACTION ACCOMPLISHES:

Authorizes Natural Resources to exceed the \$100,000.00 limit for this purchase.

MANAGEMENT RECOMMENDATION:

Approve as stated. ([#20060801](#) – Natural Resources)

Commissioner Judah moved approval, seconded by Commissioner Albion, called and carried with Commissioner St. Cerny absent.

(i) **ACTION REQUESTED/PURPOSE:**

Award RFP-06-03 Yard Waste, (Horticulture) Processing and Recycling Services, to the proposer whose proposal was evaluated by the Evaluation Committee as being in the best interest of Lee County, [Thelin Recycling Company, LP](#), for a per ton cost of \$16.35, which may be adjusted on the first of October 2007 and annually thereafter. This adjustment will be based on the change in the July 2007 CPI and annually thereafter, to receive, process, remove from the County's site, and recycle, horticultural/vegetative materials, for a contract period of three (3) years, with the option of two (2) additional 12 month periods. Additionally, Thelin Recycling Company will process and/or remove material remaining on site at the beginning of their contract at a per ton cost of \$16.35.

WHAT ACTION ACCOMPLISHES:

Provides Lee County with a firm who will receive neatly stored and processed horticultural material after it crosses the County's truck scales at the Waste to Energy (WTE) Plant. The firm will grind, screen, load and haul away the same material to an acceptable location at their expense in accordance with the terms of this Agreement.

MANAGEMENT RECOMMENDATION:

Approval recommended. ([#20060802](#) – Solid Waste)

Commissioner Judah moved approval, seconded by Commissioner Albion, called and carried with Commissioner St. Cerny absent.

(j) **ACTION REQUESTED/PURPOSE:**

Authorize staff to take all necessary actions to request reimbursement from the Bond Trustee, and transfer funds to the Solid Waste Enterprise Fund for appropriate expenditures for the Waste to Energy Expansion Project, from approximately May 15, 2005 to May 15, 2006. Approve a [budget transfer](#), and a budget resolution in the amount of \$23,483,488.00.

WHAT ACTION ACCOMPLISHES:

Transfers bond proceeds to the Solid Waste Fund for appropriate expenditures made by the Enterprise Fund during the past year.

MANAGEMENT RECOMMENDATION:

Staff recommends approval. ([#20060805](#) – Solid Waste)

Commissioner Judah moved approval, seconded by Commissioner Albion, called and carried with Commissioner St. Cerny absent.

RESOLUTION NO. 06-06-36

9. TRANSPORTATION

(a) **ACTION REQUESTED/PURPOSE:**

Approve, and authorize Chairwoman to execute, a Service Provider Agreement, to [TransCore](#), under BW-06-03 Transcore Blanket bid waiver, in the amount of \$150,593.33 for year one to cover dedicated maintenance plan for ARCS hardware/software support for the Lee County Toll System; and approve on-going support for years 2007–2010, with a total 5-year expenditure in the amount of \$1,393,426.72, subject to funds being available through each fiscal year.

WHAT ACTION ACCOMPLISHES:

Allows DOT to proceed with on-going dedicated maintenance plan for ARCS hardware/software support for the Lee County Toll System for the term of the bid waiver.

MANAGEMENT RECOMMENDATION:

Approval recommended. ([#20060702](#) – Transportation)

Commissioner Judah moved approval, seconded by Commissioner Albion, called and carried with Commissioner St. Cerny absent.

(b) **ACTION REQUESTED:**

Approve a [Memorandum of Understanding](#), between Lee County and the Lee County Port Authority, for the implementation and operation of a transponder system to collect parking fees at the Southwest Florida International Airport.

WHAT ACTION ACCOMPLISHES:

Upon implementation, Leeway customers will be able to use their account to pay parking fees electronically at the airport.

MANAGEMENT RECOMMENDATION:

Staff recommends approval. ([#20060743](#) – Transportation)

Commissioner Judah moved approval, seconded by Commissioner Albion, called and carried with Commissioner St. Cerny absent.

(c) **ACTION REQUESTED/PURPOSE:**

Accept Imperial Parkway for maintenance, from the Collier County line to Bonita Beach Road; and waive the following item from Administrative Code 11-7. The Developer is not required to post a two-year letter of credit as the road has been opened for four years.

WHAT ACTION ACCOMPLISHES:

Pursuant to Statutory requirements, provide notice to the public that the road is a Public Road and will be maintained on a regular basis by the Lee County Department of Transportation.

MANAGEMENT RECOMMENDATION:

Approve. ([#20060747](#) – Transportation)

Commissioner Judah moved approval, seconded by Commissioner Albion, called and carried with Commissioner St. Cerny absent.

(d) **ACTION REQUESTED/PURPOSE:**

Approve, and authorize Chairwoman to execute, the [Project Maintenance Agreement](#), and authorizing resolution, with the Florida Department of Transportation (FDOT), for maintenance of SR 739 Alico Road from US 41 to Dusty Road.

WHAT ACTION ACCOMPLISHES:

Allows FDOT to begin construction on SR 739, Alico Road, by executing a Project Maintenance Agreement.

MANAGEMENT RECOMMENDATION:

Approve. ([#20060750](#) – Transportation)

Commissioner Judah moved approval, seconded by Commissioner Albion, called and carried with Commissioner St. Cerny absent.

RESOLUTION NO. 06-06-37**(c) ACTION REQUESTED/PURPOSE:**

Approve submittal of six requests for County Incentive Grant Program (CIGP) matching funds directly to FDOT for fiscal years 2006/2007 through 2009/2010, Attachment A to the Blue Sheet. Also, approve submittal of three requests for Transportation Regional Incentive Program (TRIP) matching funds to the Lee County MPO for fiscal years 2007/2008 through 2009/2010, Attachment B to the Blue Sheet. The TRIP requests also require a resolution from the Board committing to the specified local match. Authorize the Chairwoman to execute three resolutions specific to the TRIP requests.

WHAT ACTION ACCOMPLISHES:

Authorizes pursuit of State grant funds for various County road projects.

MANAGEMENT RECOMMENDATION:

Approve. ([#20060758](#) – Transportation)

PULLED FOR DISCUSSION

In reply to Commissioner Albion's question if the County could do better in applying for TRIP money than just getting dual turn lanes on State Road (SR) 82, DOT Deputy Director David Loveland stated that the application represents a matching fund program from the State, that the project had to be programmed and budgeted, and that consideration from the State for a matching fund was requested. He further stated that there are currently no projects programmed on State Road 82 with County money to provide the match, other than the intersection project, to qualify for the Transportation Regional Incentive Program (TRIP) money. Mr. Loveland explained that the next cycle is to try to get more Strategic Intermodel System (SIS) funds applied to SR82, since this is an emerging SIS road and would represent 75% of the total funding. In reply to Commissioner Albion's question if there was a strategy on how to accomplish that, Mr. Loveland stated their strategy is working with local FDOT staff in providing information about the level of service conditions and where Lee County stands in assisting them in convincing Tallahassee to commit SIS funds toward SR82. He then provided other methods to secure funding, including the possibility of an advance/reimbursement situation. Commissioner Albion stressed the need to create a push on this issue as there is a public safety issue on this roadway; and moved the item, seconded by Commissioner Judah, called and carried with Commissioner St. Cerny absent.

RESOLUTION NOS. 06-06-38 THROUGH 06-06-40**(f) ACTION REQUESTED/PURPOSE:**

Approve, and authorize Chairwoman to execute, [Supplemental Agreement](#) and authorizing resolution, with the Florida Department of Transportation, for landscaping installation on Palm Beach Boulevard from Prospect to I-75.

WHAT ACTION ACCOMPLISHES:

Allows the County to update the Local Agency Program Agreement for landscaping at Palm Beach Boulevard and I-75, to landscaping of Palm Beach Boulevard from Prospect to I-75.

MANAGEMENT RECOMMENDATION:

Approve. ([#20060762](#) – Transportation)

Commissioner Judah moved approval, seconded by Commissioner Albion, called and carried with Commissioner St. Cerny absent.

RESOLUTION NO. 06-06-41**(g) ACTION REQUESTED/PURPOSE:**

Concur with the ranking of Consultants by the Competitive Negotiations Committee, for CN-06-09 Buckingham Shoulders, in the below listed order of ranking; and authorize contract negotiations to commence with the number one ranked firm:

- (1) Dyer, Riddle, Mills & Precourt
- (2) Pitman-Hartenstein
- (3) Boyle Engineering Corp.

WHAT ACTION ACCOMPLISHES:

Provides Lee County with a Consultant to provide plans to construct 5 foot paved shoulders along Buckingham Road, from State Road 82 to State Road 80.

MANAGEMENT RECOMMENDATION:

Approval recommended. ([#20060766](#) – Transportation)

Commissioner Judah moved approval, seconded by Commissioner Albion, called and carried with Commissioner St. Cerny absent.

(h) ACTION REQUESTED/PURPOSE:

Approve, authorize Chairwoman to execute, the [Airspace Agreement](#) and authorizing resolution, with the Florida Department of Transportation, for Estero Parkway.

WHAT ACTION ACCOMPLISHES:

Allows County to proceed with the construction of Estero Parkway.

MANAGEMENT RECOMMENDATION:

Approve agreement. ([#20060777](#) – Transportation)

Commissioner Judah moved approval, seconded by Commissioner Albion, called and carried with Commissioner St. Cerny absent.

RESOLUTION NO. 06-06-42

(i) **ACTION REQUESTED/PURPOSE:**

Approve, authorize Chairwoman to execute, [Change Order No. 2 to Contract 3187](#), piggybacking from Broward County, Bid No. T-6-03-177-B-1, with Lanzo Lining Services, Inc., in the amount of \$164,043.00, for additional work requested by Lee County Department of Transportation, Operations Division.

WHAT ACTION ACCOMPLISHES:

Provides Lee County with a Contractor to perform additional work on the Cured in Place Pipe Rehabilitation, for cleaning, televising and lining storm sewers in various locations in Lee County, for Lee County Department of Transportation, Operations Division, to complete the needed cleaning and lining of storm sewers as quickly as possible.

MANAGEMENT RECOMMENDATION:

Staff recommends approval. ([#20060808](#) – Transportation)

Commissioner Judah moved approval, seconded by Commissioner Albion, called and carried with Commissioner St. Cerny absent.

(j) **ACTION REQUESTED/PURPOSE:**

Approve, and execute, the [agreement for the construction and installation](#) of the traffic signal at Alico Road and the joint driveway of Rinker Materials of Florida, Inc., and Schwab Ready-Mix, Inc. Approve budget amendment resolution in the amount of \$150,000.00 in Project 204030, and amend FY 05/06-09/10 Capital Improvement Program accordingly.

WHAT ACTION ACCOMPLISHES:

Allows for the design and construction of a traffic signal on Alico Road. Rinker Materials is providing an amount not to exceed \$150,000.00 toward the design and construction of same, and Schwab Ready-Mix is providing a public frontage road easement from their joint driveway to their east property line in accordance with the agreement.

MANAGEMENT RECOMMENDATION:

Staff recommends approval. ([#20060823](#) – Transportation)

Commissioner Judah moved approval, seconded by Commissioner Albion, called and carried with Commissioner St. Cerny absent.

RESOLUTION NO. 06-06-43

(k) **ACTION REQUESTED/PURPOSE:**

Approve, and authorize Chairwoman to execute, Change Order No. 3 to Contract 3036, under B-05-04 Summerlin Road Six-laning, to Phoenix Construction, in the amount of \$252,981.29, for additional work requested by Lee County DOT and Lee County Utilities. This Change Order was anticipated, and funds are available.

WHAT ACTION ACCOMPLISHES:

Provides Lee County with a Contractor to clear & grub and spread fill behind the Bass Road School, Zion Lutheran Sidewalk, South Winkler Widening, Storm Changes thru June 9, 2006 and lighting at Summerlin and Gladiolus for DOT and extra fittings for LCU. Also, allows Contractor additional time to perform the requested work.

MANAGEMENT RECOMMENDATION:

Approval recommended. ([#20060830](#) – Transportation)

Commissioner Judah moved approval, seconded by Commissioner Albion, called and carried with Commissioner St. Cerny absent.

10. UTILITIES

(a) **ACTION REQUESTED/PURPOSE:**

Approve final acceptance, by Resolution and recording of [two \(2\) Utility Easements](#), as a donation of a water main extension and a gravity collection system serving Internal Medicine Associates, to provide potable water service, fire protection and sanitary sewer service to this recently constructed medical facility. This is a developer contributed asset project located at the southeast corner of Daniels and Metro Parkways.

WHAT ACTION ACCOMPLISHES:

Provides adequate utility infrastructure to support development of the subject property, and complies with the Lee County Utilities Operations Manual.

MANAGEMENT RECOMMENDATION:

Approval. ([#20060718](#) – Utilities)

Commissioner Judah moved approval, seconded by Commissioner Albion, called and carried with Commissioner St. Cerny absent.

RESOLUTION NO. 06-06-44

(b) **ACTION REQUESTED/PURPOSE:**

Approve award of Formal Quotation No.'s Q-060116 Belt Press Rebuilt, two (2) each Aquabelt Size 4, 3.0 meter Type 85, and Q-060117 Belt Press Rebuilt Klampress, Size 3, 2.0 meter Type 85 for Public Works/Utilities, to the low quoter meeting specifications, Andritz Ruthner, Inc., at the prices listed on the Lee County Tabulation Sheets. The total cost to rebuild all presses will come to \$226,214.00.

Funding will come from the individual department/ division's budget and they will be responsible for monitoring their individual expenditures.

WHAT ACTION ACCOMPLISHES:

Allows Public Works/Utilities to obtain necessary belt press rebuilding services.

MANAGEMENT RECOMMENDATION:

Approve as stated. ([#20060746](#) – Utilities)

Commissioner Judah moved approval, seconded by Commissioner Albion, called and carried with Commissioner St. Cerny absent.

(c) **ACTION REQUESTED/PURPOSE:**

Approve partial payment of \$2,750,000.00 to the City of Fort Myers for FY05-06 estimated wastewater treatment costs; and approve payment of \$215,577.99 to the City of Fort Myers to cover the agreed flat fee for the amortization of the construction cost of the Chlorine Contact Basins and Dechlorination Facilities at the Wastewater Treatment Plant Projects and other Capital projects for FY 05/06.

WHAT ACTION ACCOMPLISHES:

Authorizes Lee County Utilities to partially pay estimated wastewater treatment costs for FY05/06 based on the City of Fort Myers' flow estimates, and provides for the FY05/06 full payments requirements to cover the agreed upon flat fee for the amortization of the Dechlorination Projects and other Capital projects.

MANAGEMENT RECOMMENDATION:

Request approval of disbursements. ([#20060791](#) – Utilities)

Commissioner Judah moved approval, seconded by Commissioner Albion, called and carried with Commissioner St. Cerny absent.

(d) **ACTION REQUESTED/PURPOSE:**

Award B-06-19 Olga Water Treatment Plant Aquifer Storage and Recovery (ASR) Phase IA - ASR #5 Plus 16 inches Recovery Header Piping, to the lowest responsive, responsible bidder, [C.A.N. Construction, Inc.](#), in the not-to-exceed base bid amount of \$435,096.00; and authorize Chairwoman to execute contract upon receipt.

WHAT ACTION ACCOMPLISHES:

Construction of an Aquifer Storage and Recovery (ASR) expansion facility. To construct Phase IA - ASR #5 Plus 16 inches Recovery Header Piping. Phase IA includes general construction, including but not limited to: site work and grading, construction of buried yard piping and electrical conduit, construction of grade piping and electrical facilities on a concrete slab at the ASR #5 wellhead and restoration.

MANAGEMENT RECOMMENDATION:

Staff recommends approval. ([#20060797](#) – Utilities)

Commissioner Judah moved approval, seconded by Commissioner Albion, called and carried with Commissioner St. Cerny absent.

(e) **ACTION REQUESTED/PURPOSE:**

Approve, and authorize Chairwoman to execute, [Supplemental Task Authorization \(STA\) No. 3](#) to Contract No. 2925, to Source Inc., under CN-04-14 Miscellaneous Utility Engineering Design, in the amount of \$114,795.00, for the Fiesta Village Inflow/Infiltration Study.

WHAT ACTION ACCOMPLISHES:

Provides the Utilities Division with a Consultant to provide the Fiesta Village Inflow/Infiltration Study: project management and prepare initial findings report.

MANAGEMENT RECOMMENDATION:

Staff recommends approval. ([#20060818](#) – Utilities)

Commissioner Judah moved approval, seconded by Commissioner Albion, called and carried with Commissioner St. Cerny absent.

(f) **ACTION REQUESTED/PURPOSE:**

Approve, and authorize Chairwoman to execute, [Supplemental Task Authorization \(STA\) No. 5](#) to Contract No. 2922, to Malcolm Pirnie, Inc., under CN-04-14 Miscellaneous Utility Engineering Design and/or Inspection Services: Olga WTP Phase I & II CEI Services, in the amount of \$187,000.00. This project was in the CIP (7265), and funds are available within the budget.

WHAT ACTION ACCOMPLISHES:

Provides Lee County with a Consultant to provide design, bidding, and construction for the Olga WTP Phases I & II CEI Services.

MANAGEMENT RECOMMENDATION:

Staff recommends approval. ([#20060819](#) – Utilities)

Commissioner Judah moved approval, seconded by Commissioner Albion, called and carried with Commissioner St. Cerny absent.

(g) **ACTION REQUESTED/PURPOSE:**

Approve, and authorize Chairwoman to execute, [Supplemental Task Authorization \(STA\) No. 6](#) to Contract No. 2922, to Malcolm Pirnie, Inc., under CN-04-14 Miscellaneous Utility Engineering Design and/or Inspection Services: I & I Evaluation – South Fort Myers Sewer District, in the amount of \$240,000.00. This project was in the CIP (7247), and funds are available within the budget.

WHAT ACTION ACCOMPLISHES:

Provides Lee County with a Consultant to provide project management; technical review; lift station testing and subsystem testing for the South Fort Myers Sewer District.

MANAGEMENT RECOMMENDATION:

Staff recommends approval. ([#20060820](#) – Utilities)

Commissioner Judah moved approval, seconded by Commissioner Albion, called and carried with Commissioner St. Cerny absent.

(h) **ACTION REQUESTED/PURPOSE:**

Concur with the ranking of Proposers by the Qualification Selection Committee, for RFP-06-01 Gateway WWTP Expansion Project, in the below listed order of ranking; and authorize contract negotiations to commence with the number one ranked firm, for an amount not-to-exceed (for design services, Phase II) of \$1,700,000.00. Additionally, approve waiving of any formal process, if needed; and authorize the use of the Direct Material Purchase Orders as provided for in the CM agreement with Lee County, which allows the County to purchase directly from the suppliers of equipment and/or materials as a cost/time saving measure..

- (1) MWH
- (2) Wharton-Smith Inc.
- (3) Encore Construction Company
- (4) Earth Tech Consulting Inc

WHAT ACTION ACCOMPLISHES:

Provides Lee County with a Design/Build team for the Gateway Wastewater Treatment Plant Expansion Project. The purpose of the proposed project is to expand the treatment capacity of the Gateway WWTP in two phases to at least 5.0 MGD with the ability to expand to 6.0 MGD in the future. Phase-One includes the Construction Management of the plant expansion to 3.00 MGD in accordance with the plans and specifications prepared by TKW Consulting Engineers, Inc. Phase-Two includes the Design/Build of an additional 2.0 MGD capacity to the plant. The conceptual design is already incorporated in the original design included in Phase-One.

MANAGEMENT RECOMMENDATION:

Staff recommends approval. ([#20060822](#) – Utilities)

At the request of Commissioner Judah, Utilities Acting Director Ivan Velez provided a brief review on the rational of the decision to award to the number one ranked firm, and stated that the need for plant capacity was the reason for requesting a Design/Build for Phase-Two. He noted that TKW Consulting Engineers were requested to give a proposal for a design of Phase-Two without having to compete, and their proposal was 2.2 million including the construction services. He clarified that at that time, Former Utilities Director Rick Diaz considered the price to be excessive and the time delay, due to availability of only one engineer, was unacceptable; therefore, RFP's were distributed with a deadline for submittal of April 6, 2006; qualifications were received and ranked; and four firms were selected to provide presentations: Encore Construction Company, Earth Tech Consulting Inc., Montgomery Watson Harza (MWH), and Wharton-Smith Inc. Mr. Velez pointed out that presentations were made on June 12th and that it was clear that two firms gave better presentations and a better approach that would result in substantial savings for the County. He clarified that the RFP was not a bid, it was a price to allow the County to fix the maximum amount that would be spent on the design project; and noted that the construction cost would be around \$30 to \$40 million. He then noted that the Qualification Selection Committee was composed of Director of Public Works Jim Lavender, Utilities Acting Director Ivan Velez, Project Manager Luis Soto, and Engineers Tomas Mamott and Juan Laracuento; clarified that Mr. Lavender, himself and Mr. Soto were voting members; assured that the rankings were done independently without conferring with each other; and confirmed that the Qualification Selection Committee unanimously selected the proposer whose proposal was in the best interest for Lee County, MWH. In response to Commissioner Judah's inquiry on comments/questions made of whether the process followed legal procedures, Assistant County Attorney Scott Covert stated this was handled under the normal procedures, although Design/Builds are relatively new, they go through the same process with minutes and audio recordings taken. He further noted that the audio tape, because of the quality of the tape, was not able to be duplicated but could be reviewed at the Contracts Management Office or a transcript could be made. Citing the public comments Commissioner Janes questioned the status of the TKW contract, and Mr. Velez responded that the current contract with TKW started September 29, 2003 with 375 days to complete the design, and that it was not completed at the end of the 375 day period. Discussion ensued regarding the additional change orders by the County, the fact that changes made by the County did not affect the length of time needed to complete the project, and that it should have been completed August, 2005 and to-date has not been completed. In response to Commissioner Albion's question, Community Development Contracts Manager Cindy Logan confirmed that all public records requests had been provided, with the exception of the audio tape that could not be duplicated because of the quality of the audio. She confirmed Attorney Covert's statement that the audio tape is available and could be reviewed at the Contracts Management Office or a transcript could be provided. Commissioner Albion stressed the importance of providing all records requests. The Board members agreed that a transcript should be provided. During discussion between Commissioners Albion and Hall and Mr. Velez the following issues were addressed: the design was completed under the same process as Phase-One; MWH and Wharton-Smith's presentations contained options resulting in savings through "value engineering"; the estimated savings by the firms at \$11.5 million and Mr. Velez's estimated savings of \$8 or 9 million; the wording in the RFP to "use the Phase-One design", and the fact that two of the companies submitted options to change the design; and the legality of accepting a submittal that goes outside of the scope of the RFP. Mr. Velez stated that following questions were posed to the proposers: "What will you do to the existing design? How will you improve the design? What would you change in the design? He stated that the opportunity was given to all of the proposers. Commissioner Hall questioned how Staff was going to guarantee a construction savings, and Mr. Velez clarified that when selecting a firm in a competitive negotiation it is not based on numbers, it's based on the capabilities of the team. In response to Commissioner Judah's question on whether there was a level playing field with regard to the RFP process, Mr. Covert responded in the affirmative; stated that a lot of the information was very technical; and noted the Board has wide discretion in determining the award of the contract. In response to Commissioner Judah's inquiry, County Manager Don Stilwell stated that the Assistant County Attorney had covered it very well; and noted his only concern was on the playing field, and that it was stated it was a level playing field. Commissioner Judah moved Staff's recommendation. Due to the lack of a second the motion failed. Commissioner Judah emphasized that technical and legal staff had supported moving forward with the recommendation. Commissioner Hall stated that she hesitated because of conflicting issues with two (2) firms expressing concerns, and would like to see further documents and listen to the tape. Mr. Velez confirmed that a delay to the August 1st meeting would not pose any problems. Commissioner Albion suggested that a transcript of the tapes be made available to the public and the Board; and stressed the need to lock the savings into a Contract. Mr. Velez offered to provide the Board members with a breakdown of the difference between the savings items cited by MWH and what he felt should not be changed or eliminated in the design. Commissioner Janes moved to defer Consent Item C10(h) to August 1, 2006, seconded by Commissioner Albion, called and carried with Commissioner Judah voting nay and Commissioner St. Cerny absent.

11. PARKS AND RECREATION

(a) ACTION REQUESTED/PURPOSE:

Approve mitigation proposal from Boylan Environmental, and prepare to mitigate wetland loss for Sunrise Lakes Development at Caloosahatchee Regional Park; approve Budget Amendment Resolution in the amount of \$231,267.00 for mitigation work; and amend the FY 05/06 CIP accordingly.

WHAT ACTION ACCOMPLISHES:

Provides for mitigation work at Caloosahatchee Regional Park with no cost to Lee County.

MANAGEMENT RECOMMENDATION:

Approve mitigation proposal which allows the project to go to SFWMD for final approval and allows for mitigation work to be accomplished. ([#20060810](#) – Parks & Recreation)

Commissioner Judah moved approval, seconded by Commissioner Albion, called and carried with Commissioner St. Cerny absent.

RESOLUTION NO. 06-06-45(b) **ACTION REQUESTED/PURPOSE:**

Approval waiving of parking fees the weekend of July 29 and 30, 2006 at the regional parks and boat ramps, as well as, free admission to county pools, in order to celebrate National Parks & Recreation Month.

WHAT ACTION ACCOMPLISHES:

Allows Parks & Recreation to waive parking fees at regional parks and boat ramps, and provides free admission to county pools on July 29 and 30, 2006.

MANAGEMENT RECOMMENDATION:

Approve waiver of fees at certain county facilities. ([#20060839](#) – Parks & Recreation)

Commissioner Judah moved approval, seconded by Commissioner Albion, called and carried with Commissioner St. Cerny absent.

RESOLUTION NO. 06-06-46(c) **ACTION REQUESTED/PURPOSE:**

Approve establishment of two full time positions for Parks and Recreation for operations of Fisherman's Coop and at Bokeelia Boat Ramp: 1 full time Senior Supervisor, Parks and Recreation, Group #52170 and 1 Parks and Recreation Maintenance Worker, Senior, Group #51340. Approve a [transfer from general fund reserves](#), Fund #001, in the amount of \$20,000.00 for the remaining two months of FY 06.

WHAT ACTION ACCOMPLISHES:

Establishes two new full time positions to be utilized in the Pine Island/Matlacha area.

MANAGEMENT RECOMMENDATION:

Approve two new full time positions for Parks and Recreation.
([#20060840](#) – Parks & Recreation)

Commissioner Judah moved approval, seconded by Commissioner Albion, called and carried with Commissioner St. Cerny absent.

12. COUNTY ATTORNEY

No requests received.

13. HEARING EXAMINER

No requests received.

14. PORT AUTHORITY

No requests received.

15. CONSTITUTIONAL OFFICERS(a) **ACTION REQUESTED/PURPOSE:**

Authorize Lee County Sheriff's Office (LCSO) to reallocate lapse funds from State Criminal Alien Assistance Program (SCAAP) reimbursements awarded in 2003, 2004, and 2005.

WHAT ACTION ACCOMPLISHES:

Authorization of the reallocation of funds will allow the LCSO to purchase additional equipment and contribute funds toward the Florida FBI National Academy Associates, Inc. training session.

MANAGEMENT RECOMMENDATION:

Approve. ([#20060803](#) – Sheriff)

Commissioner Judah moved approval, seconded by Commissioner Albion, called and carried with Commissioner St. Cerny absent.

- (b) **ACTION REQUESTED/PURPOSE:**
Disbursements.
WHAT ACTION ACCOMPLISHES:
 Compliance with the requirements of FS 136.06 (1)
MANAGEMENT RECOMMENDATION:
 Approve. ([#20060811](#) – Clerk of Court)

Commissioner Judah moved approval, seconded by Commissioner Albion, called and carried with Commissioner St. Cerny absent.

- (c) **ACTION REQUESTED/PURPOSE:**
 Present for information purposes, the Financial Report for the month of May 2006.
WHAT ACTION ACCOMPLISHES:
 To provide interim reporting on selected funds and revenues of the Lee County Board of County Commissioners; and also included, in compliance with Chapter 218.415 Florida Statutes, Local Government Investment Policies, is the stated and fair market value of the investments managed by the Clerk's Office. Pursuant to Lee County Ordinance 02-28, activity for the Driver's Education Safety Trust Funds, is included. The purpose of this report is to convey to the Board the financial status of selected significant funds of the Lee County Board of County Commissioners, the status of specific revenues as of the stated dates, and the market value of the investments managed by the Clerk's Office on behalf of the Board.
MANAGEMENT RECOMMENDATION:
 Approve. ([#20060812](#) – Clerk of Court)

Commissioner Judah moved approval, seconded by Commissioner Albion, called and carried with Commissioner St. Cerny absent.

ADMINISTRATIVE AGENDA

1. COUNTY ADMINISTRATION

- (a) **ACTION REQUESTED/PURPOSE:**
 Update of Lower West Coast 5 Year Water Supply Plan
WHAT ACTION ACCOMPLISHES:
 Enables Board to provide direction on this South Florida Water Management District (SFWMD) plan before its adoption, and coordinates with the SFWMD briefing for Lee County Board on same meeting day.
MANAGEMENT RECOMMENDATION:
 Request authorization to make comments on behalf of Lee County to SFWMD Governing Board when the item is discussed. ([#20060833](#) – Smart Growth)

At the request of Commissioner Judah, Smart Growth Executive Director Wayne Daltry provided an update of the Lower West Coast 5 Year Water Supply Plan; and requested authorization to represent the Board on the West Coast 5 Year Water Supply Plan before the South Florida Water Management District (SFWMD) Governing Board on July 12, 2006. Mr. Daltry further stated that the opportunity was given to raise issues and the only real issue was to ensure more flexibility for Lee County's utilities to pursue traditional sources of water, surface and ground water; noted this comment had been received favorably during the workshop on June 26, 2006; and believed SFWMD would be redrafting the report this week to be presented to the Water Resource Advisory Commission (WRAC) on July 6. Commissioner Judah questioned whether the Lower West Coast Water Supply Plan contained prioritization for preservation of water for natural resources. Mr. Daltry replied that component had been included in two (2) steps: the initial reservation is based on the believed water sources available under regional assessment; and the second step is tied to the Comprehensive Everglades Restoration Program (CERP) projects, Aceler8, that are proposed to start construction in 2007. In reply to Commissioner Judah's inquiry, Mr. Daltry stated that the rate of discharge from Lake Okeechobee, as stated in the Lower West Coast Water Supply Plan, would be in the range of 450 cubic feet per second (cfs) to 2800 cfs; and noted the real reservation was the Lower East Coast Water Supply Plan which will not be coming to the Governing Board until after the Lee County Board of Commissioners return from the July break. At the request of Commissioner Hall, Mr. Daltry confirmed that the WRAC members are being kept apprised of the Board's position. Commissioner Judah moved approval, seconded by Commissioner Janes, called and carried with Commissioner St. Cerny absent.

- (b) **ACTION REQUESTED/PURPOSE:**
 Approve a [budget transfer](#), and budget amendment resolution, from the Conservation 2020, Project #208800, to the Babcock Acquisition, Project #208803, in the amount of \$15,561,442; and amend the

FY 05-06 CIP accordingly for the purpose of purchasing 5,620.4 acres of the Babcock Ranch in Lee County. Authorize payment of all costs and fees to close; and the Chairwoman or Vice-Chairman and County Staff to execute [all additional documentation](#) and take all actions as necessary to perfect the Contract for sale and purchase of the specified portion of the Babcock property.

WHAT ACTION ACCOMPLISHES:

Purchase of environmentally sensitive land.

MANAGEMENT RECOMMENDATION:

Approve budget transfer and resolution for the purchase of Lee County portion of the Babcock Ranch.
(#20060831 – County Manager)

Commissioner Janes moved approval, seconded by Commissioner Judah, called and carried with Commissioner St. Cerny absent.

[RESOLUTION NO. 06-06-47](#)

2. CONSTRUCTION AND DESIGN

No requests received.

3. COUNTY COMMISSIONERS

(a) **ACTION REQUESTED/PURPOSE:**

Provide direction on a locally sponsored environmental analysis of the Density Reduction/Groundwater Resource (DR/GR) lands east of the proposed Coconut Road/I-75 interchange.

WHAT ACTION ACCOMPLISHES:

Requests an environmental analysis of specified property.

MANAGEMENT RECOMMENDATION:

Approve. ([#20060845](#) – Commissioner Judah)

DURING THE ANNOUNCEMENTS PORTION OF THE MEETING, THE CHAIRWOMAN ANNOUNCED THAT:

Administrative Agenda Item 3(a) should be deferred to the Board Meeting on August 1, 2006. Commissioner Judah moved to accept the recap items as requested, seconded by Commissioner Janes, called and carried with Commissioner St. Cerny absent.

4. COMMUNITY DEVELOPMENT

(a) **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

WHAT ACTION ACCOMPLISHES:

Determines the most appropriate way to proceed with this Community Planning effort.

MANAGEMENT RECOMMENDATION:

Option (a). ([#20060842](#) – Community Development)

Commissioner Judah moved approval of Option A, seconded by Commissioner Janes for discussion. Commissioner Hall asked the Board for leniency because the North Fort Myers Community Plan cannot operate under the standard plan; noted that additional funding was not being requested; and request approval of the hybrid Option B – Modified Community Plan approach. Commissioner Hall explained that no organization felt comfortable being the requester of the funds nor did they feel they had the ability to operate under the County Ordinance for receipt of the funds, and reviewed the Modified Community Plan approach as noted in the Blue Sheet. Commissioner Janes stated that he would prefer to see a “community” planning effort. Discussion ensued on the best way to proceed with the plan for North Fort Myers. Community Development Director Mary Gibbs stated that the reason the Standard approach was recommended was because Staff was concerned it would create a precedent of financial implications. Commissioner Janes pointed out that the heated discussions are a part of bringing the community together to form a working Community Plan; and Commissioner Hall stated that the issue is more about the funds and who controls them, and asked that the Board support the modified plan. Commissioner Albion expressed concern that individuals could be discouraged to contribute or participate, and that the choosing of the consultant by the community group is a crucial part of the task; and noted that he had no problem with the County being the banker as long as there is a united group for the decision process. AT THIS TIME COMMISSIONER JUDAH NOTED HE HAD A PRIOR COMMITMENT AND WOULD HAVE TO LEAVE THE MEETING; AND WITHDREW HIS MOTION.

Commissioner Hall assured that they wanted the County to handle the financial issues. Commissioner Albion pointed out that the group did not want to select the consultant; and suggested that the County put out the Request for Proposal, narrow down the selection, and let the committee decide on the consultant. In response to Commissioner

Hall's inquiry on Commissioner Albion's suggestion, County Attorney David M. Owen stated he didn't think there would be a problem. Ms. Gibbs agreed the RFP part could be done similar to the one for Lehigh Acres: one person representing North Fort Myers and two from the County Staff sitting on the Selection Committee; and stressed her concern with the dollar amount creeping up as it did with Lehigh Acres. Commissioner Hall requested confidence from her colleagues because of the amount of time she had invested with this group/community; and again stressed that this group is committed. Commissioner Janes moved approval of Option (b) Modified Community Plan approach, with the modification that the grant amount not exceed \$50,000.00, seconded by Commissioner Albion for discussion. Commissioner Albion request that the process come back to the Board for discussion, and noted that this is the second plan to go outside of the process. Commissioner Hall requested an amendment to the motion to allow the option to have the nine member panel be the selection committee with assistance from Staff or to use the County methodology; the maker and seconder agreed. The motion, as amended, was called and carried with Commissioners St. Cerny and Judah absent. The Board agreed that a general review of this process would be presented at an upcoming Management and Planning meeting.

5. **HUMAN SERVICES**

No requests received.

6. **INDEPENDENT**

No requests received.

7. **PUBLIC SAFETY**

(a) **ACTION REQUESTED/PURPOSE:**

Approve Bid Waiver #W-060511 to waive the formal quotation procedure, and allow Public Safety to purchase helicopter airframe parts, as well as the repair/labor of airframe parts, from American Eurocopter. A waiver has been requested because American Eurocopter is the sole distributor of helicopter parts for Eurocopter Aircraft operating within the United States geographic area. It is also requested that the term of the waiver be for the useful life of the helicopters; and for an annual amount of approximately \$300,000.00.

WHAT ACTION ACCOMPLISHES:

Allows Public Safety to purchase required parts, etc. on an as-needed basis in order to keep the helicopters fully operational.

MANAGEMENT RECOMMENDATION:

Approve as stated. ([#20060837](#) – Public Safety)

Commissioner Janes moved approval, seconded by Commissioner Albion, called and carried with Commissioners St. Cerny and Judah absent.

8. **SOLID WASTE-NATURAL RESOURCES**

No requests received.

9. **TRANSPORTATION**

(a) **ACTION REQUESTED/PURPOSE:**

Approve termination of the 1978 Interlocal Agreement and the 2003 Supplemental Interlocal Agreement, between Lee County and the City of Sanibel, which allows the City's use of a portion of the Causeway Islands for the City weigh station; and direct staff to notify the City by correspondence of the termination in accordance with the Interlocal Agreements.

WHAT ACTION ACCOMPLISHES:

Enhances the use of the Causeway Islands for recreational purposes by eliminating the weigh station and the need for trucks to pull off into this area.

MANAGEMENT RECOMMENDATION:

Staff recommends approval. ([#20060634](#) – Transportation)

At the request of Commissioner Janes, Division of Transportation Deputy Director Paul Wingard provided the Board with a brief history of the weigh station and the collection of funds; and advised that it was a City weigh station and that all revenues went to the City. Following a brief discussion on the potential use of the causeway islands, Commissioner Janes moved approval to notify Sanibel by correspondence of its intent to terminate both agreements, seconded by Commissioner Albion, called and carried with Commissioners St. Cerny and Judah absent.

AT THIS TIME COMMISSIONER HALL ANNOUNCED THAT IT WAS 12:00 NOON AND NOTED THAT THE BOARD WOULD NOW HEAR THE 10:00 AM PRESENTATION. SOUTH FLORIDA WATER MANAGEMENT DISTRICT DIVISION DIRECTOR CARLA PALMER SUGGESTED THAT THE PRESENTATION BE DEFERRED TO AUGUST 2006; AND STAFF NOTED THEY HAD NO PROBLEM WITH THE DEFERRAL.

10. UTILITIES

No requests received.

11. PARKS AND RECREATION

No requests received.

12. COUNTY ATTORNEY

(a) ACTION REQUESTED/PURPOSE:

Authorize making proposals for settlement in Veronica Shoemaker Boulevard, Project No. 4073, condemnation cases.

WHAT ACTION ACCOMPLISHES:

The offers of judgment will be made for the below listed parcels in an attempt to expedite disposition of litigation. If accepted, the offers will resolve all claims of compensation for condemnation of the parcels. If rejected, the offers will freeze the accrual of attorney's fees by the respondents/landowners, should the judgment ultimately obtained by the respondent/landowner be equal to or less than the offer.

<u>Parcels</u>	<u>Appraisal Amount</u>	<u>Settlement Offer</u>
1000	\$11,900	\$13,700
1026	\$4,620	\$5,300
1029 & 1031	\$8,800	\$10,120
1030	\$4,200	\$4,830

MANAGEMENT RECOMMENDATION:

Approve settlement. ([#20060752](#) – County Attorney)

Commissioner Janes moved approval, seconded by Commissioner Albion, called and carried with Commissioners St. Cerny and Judah absent.

(b) ACTION REQUESTED/PURPOSE:

Authorize making proposals for settlement in Three Oaks Parkway Extension, Project No. 4043, condemnation cases.

WHAT ACTION ACCOMPLISHES:

The offers of judgment will be made for the below listed parcels in an attempt to expedite disposition of litigation. If accepted, the offers will resolve all claims of compensation for condemnation of the parcels. If rejected, the offers will freeze the accrual of attorney's fees by the respondents/landowners, should the judgment ultimately obtained by the respondent/landowner be equal to or less than the offer.

<u>Parcel</u>	<u>Appraisal Amount</u>	<u>Settlement Offer</u>
306,306SDE, 306RW	\$398,000	\$457,000
338W	\$4,000	\$4,600
321, 321SDE, 321RW \$244,000	\$280,000	
203 & 203 SE	\$119,000	\$136,800
327 & 327SDE	\$246,000	\$282,000
330, 330SDE, 331, 331SDE, 331RW	\$315,600	\$362,500

MANAGEMENT RECOMMENDATION:

Approve settlement. ([#20060753](#) – County Attorney)

Commissioner Janes moved approval, seconded by Commissioner Albion, called and carried with Commissioners St. Cerny and Judah absent.

(c) ACTION REQUESTED/PURPOSE:

Approve the Resolution of Necessity for the acquisition and condemnation of Parcel 100, required for the Alico Road Water Main Relocation/Metro, Project 7143.

WHAT ACTION ACCOMPLISHES:

Allows the County to proceed with condemnation, if necessary, so parcels can be acquired for the Project.

MANAGEMENT RECOMMENDATION:

Approve. ([#20060767](#) – County Attorney)

Commissioner Janes moved approval, seconded by Commissioner Albion, called and carried with Commissioners St. Cerny and Judah absent.

RESOLUTION NO. 06-06-48

(d) **ACTION REQUESTED/PURPOSE:**

Approve an exchange of real property interests, under §125.37, F.S., on property located on the south side of Del Prado Extension/Mellow Drive, North Fort Myers, Florida; and authorize the Chairwoman to sign all documents necessary to complete the exchange, and the Office of the County Attorney to do those things necessary to complete the transaction.

WHAT ACTION ACCOMPLISHES:

Authorizes an exchange of real property interests under §125.37, F.S., and authorizes the Chairwoman to sign and accept documents to complete the transaction.

MANAGEMENT RECOMMENDATION:

Approve. ([#20060785](#) – County Attorney) ([Affidavit](#))

Commissioner Albion moved approval, seconded by Commissioner Janes, called and carried with Commissioners St. Cerny and Judah absent.

RESOLUTION NO. 06-06-49

(e) **ACTION REQUESTED/PURPOSE:**

Approve, and execute, Grant of Easement, to North Fort Myers Utilities, Inc. (NFMU), for placement of a new re-use/force main into a twenty foot (20') wide strip of Lee County property, located in North Fort Myers.

WHAT ACTION ACCOMPLISHES:

Grants an easement for utility purposes to NFMU.

MANAGEMENT RECOMMENDATION:

Approval and execution of Grant of Easement. ([#20060792](#) – County Attorney)

Commissioner Albion moved approval, seconded by Commissioner Janes, called and carried with Commissioners St. Cerny and Judah absent.

(f) **ACTION REQUESTED/PURPOSE:**

Approve settlement offer to the Defendant, Fort Myers Airways, in Case No. 96CC-001682 and 96AP-007591, in the amount of \$50,000.00, which is a share of the total amount of \$336,310.78 and is on deposit in the Court Registry.

WHAT ACTION ACCOMPLISHES:

If the offer is accepted by the Defendant, the litigation will end.

MANAGEMENT RECOMMENDATION:

County Attorney's Office recommends approval of offer of settlement. ([#20060793](#) – County Attorney)

Commissioner Albion moved approval, seconded by Commissioner Janes, called and carried with Commissioners St. Cerny and Judah absent.

(g) **ACTION REQUESTED/PURPOSE:**

Reject offer of settlement, in the amount of \$5,000 for each of the following parcels: 177C, 190ABC, and 191ABC, in Case No. 05CA-3028-I; and make counteroffer.

WHAT ACTION ACCOMPLISHES:

Make counteroffer in attempt to settle this case.

MANAGEMENT RECOMMENDATION:

Approve counteroffer. ([#20060829](#) – County Attorney)

Commissioner Janes moved approval, seconded by Commissioner Albion, called and carried with Commissioners St. Cerny and Judah absent.

13. HEARING EXAMINER

No requests received.

14. PORT AUTHORITY

No requests received.

15. CONSTITUTIONAL OFFICERS

No requests received.

WALK-ON ITEM NO. 1**8. NATURAL RESOURCES****ACTION REQUESTED/PURPOSE:**

Approve award of formal quotation RFP B&R 2661-M320A and 2661-M320B and issuance of a Purchase Order, to US filter PWS, Inc., the low price proposer meeting all specification requirements, for a MF/RO Water Treatment system, in an amount of \$620,657.00, plus an allowance of \$30,000.00 for options to determine after receipt of detailed submittals.

WHAT ACTION ACCOMPLISHES:

Provides the necessary water treatment equipment for the Waste-to-Energy Expansion Project.

MANAGEMENT RECOMMENDATION:

Staff recommends approval of the requested motion.

REASON FOR WALK ON:

Time critical, a delay would greatly impact the current construction activities.
(#20060859 – Solid Waste)

Commissioner Janes moved approval, seconded by Commissioner Albion. In response to Commissioner Albion's inquiry, Solid Waste Deputy Director Keith Howard stated that there is no pilot work to be done, and noted that the two firms that have been considered do not see the need for pilot study and stand behind their equipment and guarantee that it will function to the performance standards. The motion was called and carried with Commissioners St. Cerny and Judah absent.

WALK-ON ITEM NO. 2**12. COUNTY ATTORNEY****ACTION REQUESTED/PURPOSE:**

Approve mediated settlements in Lee County vs. Press Printing Enterprises, Inc., et al, Case No. 04CA-2559-I, Parcels 105 and 109, Veronica Shoemaker Boulevard Project.

WHAT ACTION ACCOMPLISHES:

Settles claims for compensation for Parcels 105 and 109, exclusive of costs and fees.

MANAGEMENT RECOMMENDATION:

County Attorney's Office recommends approval.

REASON FOR WALK ON:

Time sensitive due to the nature of the litigation. (#20060860 – County Attorney)

Commissioner Janes moved approval, seconded by Commissioner Albion. Commissioner Albion pointed out that the figures were reversed on the two parcels and noted that the Background Section of the Blue Sheet, third paragraph should read: "Lee County's appraisal for parcel 105 was \$194,200.00 and \$29,900 for parcel 109. The owner's appraisal was \$264,000.00 for 105 and \$60,500.00 for 109. A mediated settlement has been reached to settle 105 for \$227,500.00 and 109 for \$44,550.00". The motion was called and carried with Commissioners St. Cerny and Judah absent.

WALK-ON ITEM NO. 3**1. COUNTY ADMINISTRATION****ACTION REQUESTED/PURPOSE:**

Authorization to comment on items pending regarding United States Army Corp of Engineers' proposed changes to Lake Okeechobee regulation schedules, and upon draft Environmental Protection Agency Rule on transfer of water.

WHAT ACTION ACCOMPLISHES:

The County Attorney and Staff will preserve the Board's standing upon these items should alternatives and proposals be pursued that adversely affect Lee County's river water quality and estuary, while the Board is at recess.

MANAGEMENT RECOMMENDATION:

Authorize comments within guidelines previously established by the Board within the River Recovery Strategy and similar direction.

REASON FOR WALK ON:

To allow Staff to preserve the Board's stance on these items while the Board is in recess.
(#20060856 – County Administration)

Smart Growth Executive Director Wayne Daltry noted that the Corp of Engineers (CoE) was re-drafting the water supply environmental lake elevations for management purposes, and that comments were continuously requested. He noted that, unless directed otherwise by the Board, the comment would be to continue to pursue release schedules that are less harmful to the estuary than has been endured the last two years under any particular modeling effort the CoE has had. Mr. Daltry stated that, on the EPA draft rule, there is a proposal to exempt, from water quality permits under NPDS, transfers of water; and that the County Attorney's office and Staff are prepared to forward comments on the Board's behalf. He further stated that the cut-off date would be July 24, 2006, and Staff would be operating from the basic direction that they would not accept anything that does not enable the County to pursue water quality mediation for any discharges of water coming to the County from anything other than the natural system. Commissioner Albion moved approval, seconded by Commissioner Janes. Commissioner Hall requested an update to the Board members. The motion was called and carried with Commissioners St. Cerny and Judah absent.

WALK-ON ITEM NO. 4**5. HUMAN SERVICES****ACTION REQUESTED/PURPOSE:**

Approve, and execute, the [grant renewal agreement](#) from the Department of Juvenile Justice, in the amount of \$62,685.00, for the Neighborhood Accountability Boards of Southwest Florida; and approve a budget amendment resolution in the amount of \$62,685.00.

WHAT ACTION ACCOMPLISHES:

Continues the Neighborhood Accountability Boards in Charlotte and Collier Counties to address first time juvenile offenders, victims, and the victimization of the neighborhoods.

MANAGEMENT RECOMMENDATION:

Continue the Neighborhood Accountability Board Program in Charlotte and Collier Counties by signing the renewal agreement and adopting the budget. County Attorney's Office recommends approval.

REASON FOR WALK ON:

Timely approval of grant award is necessary in order for these Coordinator positions to continue.
(#20060865 – Human Services)

Commissioner Janes moved approval, seconded by Commissioner Albion, called and carried with Commissioners St. Cerny and Judah absent.

[RESOLUTION NO. 06-06-50](#)

WALK-ON ITEM NO. 5**5. HUMAN SERVICES****ACTION REQUESTED/PURPOSE:**

Accept a grant award, and sign the renewal agreement, from the [Department of Juvenile Justice, for the Restitution Accountability Board program](#) for Lee County; and approve a budget amendment resolution in the amount of \$64,137.00.

WHAT ACTION ACCOMPLISHES:

Enables the Department of Human Services to continue the Restitution Accountability Board Program in Lee County, to address juvenile offenders charged with more serious crimes, such as grand theft auto and burglary, as well as the victims and the victimization of the neighborhoods.

MANAGEMENT RECOMMENDATION:

Accept grant award and approve establishment of the budget.

REASON FOR WALK ON:

Timely approval of grant award is necessary in order for this Coordinator position to continue.
(#20060866 – Human Services)

Commissioner Janes moved approval, seconded by Commissioner Albion. In response to Commissioner Albion's inquiry if issues like this one had been reviewed by Administration, County Manager Donald D. Stilwell responded in the affirmative. The motion was called and carried with Commissioners St. Cerny and Judah absent.

[RESOLUTION NO. 06-06-51](#)

WALK-ON ITEM NO. 6

5. HUMAN SERVICES

ACTION REQUESTED/PURPOSE:

Approve a [grant award](#) of \$35,000.00, from the Department of Juvenile Justice, to offset 51% salary for the Neighborhood Accountability Board Coordinator; authorize Chairwoman to sign agreement; and approve a budget amendment resolution in the amount of \$35,000.00.

WHAT ACTION ACCOMPLISHES:

Expands the Neighborhood Accountability Board Program to Bonita Springs and San Carlos Park, to address first time juvenile offenders, victims, and the victimization of the neighborhoods.

MANAGEMENT RECOMMENDATION:

Approve budget amendment resolution and sign grant agreement.

REASON FOR WALK ON:

Timely approval of grant award is necessary in order for this Coordinator position to continue.
(#20060867 – Human Services)

Commissioner Janes moved approval, seconded by Commissioner Albion, called and carried with Commissioners St. Cerny and Judah absent.

[RESOLUTION NO. 06-06-52](#)

WALK-ON ITEM NO. 7

6. COUNTY LANDS

ACTION REQUESTED/PURPOSE:

Authorize acceptance of donation of Parcels [100](#) & [101](#), Easements for the San Carlos Arches Municipal Service Benefit Unit, Project No. GD541170234; and authorize payment of costs to close in the approximate amount of \$200.00, and the Division of County Lands to handle all documentation necessary to complete transaction.

WHAT ACTION ACCOMPLISHES:

Acquires two easements for reconstruction and maintenance of Constitution Boulevard Arch at the entrance to the San Carlos Park community.

MANAGEMENT RECOMMENDATION:

Approve.

REASON FOR WALK ON:

The property owners have just agreed to grant easements to the County, which will allow the contractor to commence work within the next few weeks. (#20060843 – County Lands)

Commissioner Albion moved approval, seconded by Commissioner Janes, called and carried with Commissioners St. Cerny and Judah absent.

WALK-ON ITEMS NO. 8 AND 9 WERE HEARD DURING THE PRESENTATIONS PORTION OF THE MEETING.

WALK-ON ITEM NO. 8

3. COUNTY COMMISSIONERS

ACTION REQUESTED/PURPOSE:

Ceremonial [Resolution recognizing the Mango Mania](#) celebration.

REASON FOR WALK ON:

Mango Mania will take place during the Board recess.

Commissioner Janes read and presented a Resolution extending best wishes for a successful 2006 Mango Mania Tropical Fruit Festival. The Greater Pine Island residents accepted the Resolution and thanked the Board.
(#20060871 – Commissioner Hall)

WALK-ON ITEM NO. 9

3. COUNTY COMMISSIONERS

ACTION REQUESTED/PURPOSE:

-----APPROVED MINUTES OF 062706R-----

Ceremonial Resolution recognizing North Fort Myers Day.

REASON FOR WALK ON:

North Fort Myers Day will take place during the Board recess.

Commissioner Hall read and presented a [Resolution proclaiming July 14, 2006 as North Fort Myers Day in Lee County](#) and congratulated both the Chamber of Commerce and the residents of North Fort Myers on their community spirit. North Fort Myers Chamber of Commerce President Wendy Murray, accompanied by Executive Director Mary Habner, thanked the Board, and extended an invitation to the Gala and Induction of the New Honorary Mayor of North Fort Myers on July 14, 2006.
(#20060872 – Commissioner Hall)

COMMISSIONER ITEMS

ROGER MERCADO - Commissioner Hall announced that Human Services Program Manager Roger Mercado will be leaving his position with the County to go to the private sector, thanked him for his years of service, and wish him and his family the best.

MERGING OF FIRE DISTRICTS – After noting there was an extensive article involving the Fire Districts in the *News-Press*, Commissioner Albion noted that part of the article stated that Lee County Commission should be instigating a change within the independent districts. At the request of Commissioner Albion, County Attorney David M. Owen clarified that this would not be classified as a Board responsibility, but may be persuasive in discussing this with the legislative delegation because all special districts are created by special acts of the legislature; and noted the County Commission does not have authority to assemble or disassemble. Following comments by the individual Board members concerning phone calls and emails from the public and the erroneous information contained in the article, Commissioner Albion suggested that the County Attorney send a letter to the *News-Press* to clarify the matter; Commissioner Hall concurred.

ECONOMIC DEVELOPMENT HORIZON COUNCIL - Commissioner Albion congratulated and thanked Economic Development Director Regina Smith and her staff for the very informative forum on affordable housing.

COMMITTEE APPOINTMENTS

Commissioner Albion moved to appoint James E. Kinsey, Jr. to the **EXECUTIVE REGULATORY OVERSIGHT COMMITTEE**, seconded by Commissioner Janes, called and carried with Commissioners St. Cerny and Judah absent.

COUNTY MANAGER ITEMS

County Manager Donald D. Stilwell requested a point of clarification on the action taken on Consent Agenda Item C9(a). In response, Commissioner Hall stated that the item had been approved.

COUNTY ATTORNEY ITEMS

Assistant County Attorney John J. Renner introduced the newest intern Steven Smith, a law student at the University of Toledo in Ohio, who will be in the Attorney's office until August 2006.

9:30 AM AGENDA ITEM - Public Hearing

(1) ACTION REQUESTED/PURPOSE:

Conduct a Public Hearing to adopt a Resolution on Petition No. VAC2006-00018, to vacate a 12-foot wide Public Utility Easement, between Lots 133 and 134, Unit 2, of the Palmetto Point subdivision, as recorded in Plat Book 30, Page 98 of the Public Records of Lee County, Florida. The property is located at 4823 Conover Court, Fort Myers. (S29-T45S-R24E) (District #3)

WHAT ACTION ACCOMPLISHES:

To build a single-family residence on the reconfigured lot. The vacation of this easement will not alter existing utility conditions, and the easement is not necessary to accommodate any future utility requirements.

MANAGEMENT RECOMMENDATION:

Approve. (#20060581 – Community Development)

Assistant County Attorney John J. Fredyma approved as to legal form and sufficiency, the [Affidavit of Publication](#) for the 9:30 a.m. Agenda Item Nos. 1 and 2; and briefly described this request. Commissioner Albion moved approval,

seconded by Commissioner Janes. The Chairwoman called for public input; however, no one came forward. The motion was called and carried with Commissioners St. Cerny and Judah absent.

RESOLUTION NO. 06-06-53

(2) ACTION REQUESTED/PURPOSE:

Conduct a Public Hearing to adopt a Resolution on Petition No. VAC2006-00019, to vacate a 12-foot wide Public Utility Easement, between Lots 10 and 11, Block 3, Unit 1, a subdivision of Lehigh Acres, as recorded in Plat Book 15, Page 15 of the Public Records of Lee County Florida. The property is located at 1206 Leroy Avenue, Lehigh Acres.

(S13-T44S-R27E) (District #5)

WHAT ACTION ACCOMPLISHES:

To build a single-family residence on the combined lots. The vacation of this easement will not alter existing utility conditions, and the easement is not necessary to accommodate any future utility requirements.

MANAGEMENT RECOMMENDATION:

Approve. ([#20060705](#) – Community Development)

Assistant County Attorney John J. Fredyma approved as to legal form and sufficiency, the [Affidavit of Publication](#) for the 9:30 a.m. Agenda Item Nos. 1 and 2; and briefly described this request. Commissioner Janes moved approval, seconded by Commissioner Albion. The Chairwoman called for public input; however, no one came forward. The motion was called and carried with Commissioners St. Cerny and Judah absent.

RESOLUTION NO. 06-06-54

10:00 AM ACTION REQUESTED/PURPOSE:

[Presentation](#) on what the District activities have been within the Caloosahatchee Watershed and elsewhere in Lee County, regarding storm water; water quality; and capital project planning.

WHAT ACTION ACCOMPLISHES:

This presentation is a follow-up on the Management & Planning Committee meeting presentation on June 5th, with more local issues, projects, and information.

MANAGEMENT RECOMMENDATION:

Informational item: preview of potential joint projects.

([#20060771](#) – Board of County Commission)

IMMEDIATELY FOLLOWING ADMINISTRATIVE AGENDA ITEM 9(A):

COMMISSIONER HALL ANNOUNCED THAT IT WAS 12:00 NOON AND NOTED THAT THE BOARD WOULD NOW HEAR THE 10:00 AM PRESENTATION. SOUTH FLORIDA WATER MANAGEMENT DISTRICT DIVISION DIRECTOR CARLA PALMER SUGGESTED THAT THE PRESENTATION BE DEFERRED TO AUGUST 2006; AND STAFF NOTED THEY HAD NO PROBLEM WITH THE DEFERRAL.

10:00 AM Public Presentation of Matters by Citizens

South Lee County resident [Dan Dorman](#) reminded that June 29, 2006 will be the celebration of the 50th Anniversary of the Interstate System in the United States.

The Chairwoman adjourned the meeting at 12:24 p.m.

ATTEST:

CHARLIE GREEN, CLERK

Deputy Clerk

[Chairwoman, Lee County Commission](#)

SERVICE PROVIDER AGREEMENT

This SERVICE PROVIDER AGREEMENT is made and entered into this 10th day of May, 2006, between the Board of County Commissioners of LEE COUNTY, a political subdivision of the STATE OF FLORIDA hereinafter referred to as the "COUNTY", and Basile Baumann Prost & Associates, Inc. hereinafter referred to as the "PROVIDER".

WITNESSETH

WHEREAS, the COUNTY desires to obtain the economics services of said PROVIDER as further described herein referred to as CN-06-03, Commercial/Industrial Lands Study; and,

WHEREAS, the PROVIDER hereby certifies that it 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 Board and Government Agencies responsible for regulating and licensing the services to be provided and performed by the PROVIDER pursuant to this Agreement; and,

WHEREAS, the PROVIDER has reviewed the 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.

NOW, THEREFORE, in consideration of the foregoing, and the terms and provisions as contained herein, the parties agree that a Contract shall exist between them consisting of the following:

ARTICLE 1.0 - SCOPE OF SERVICES

PROVIDER hereby agrees to provide and perform the Services required and necessary to complete the services and work as set forth in EXHIBIT "A", dated May 10, 2006, entitled "SCOPE OF SERVICES", which is attached hereto and made a part of this Agreement.

ARTICLE 2.0 - DEFINITIONS

2.1 COUNTY shall mean the Board of County Commissioners of Lee County, a political subdivision of the State of Florida, and all officials and employees.

2.2 PROVIDER shall mean the individual, firm or entity offering 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 the work of subcontractors, required under the covenants, terms and provisions contained in this Agreement.

2.3 SERVICES shall mean all services, work, materials, and all related professional, technical and administrative activities that are necessary to perform and complete the services required pursuant to the terms and provisions of this Agreement.

2.4 ADDITIONAL SERVICES shall mean any additional services that the COUNTY may request and authorize, in writing, which are not included in the Scope of Services as set forth in Article 1.0 above.

2.5 CHANGE ORDER shall mean a written document executed by both parties to this Agreement setting forth such changes to the Scope of Services as may be requested and authorized in writing by the COUNTY.

2.6 SUPPLEMENTAL TASK AUTHORIZATION as used refers to a written document executed by both parties to an existing Professional Service 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.

ARTICLE 3.0 - OBLIGATIONS OF THE PROVIDER

The obligations of the PROVIDER with respect to all the Basic Services and Additional Services authorized pursuant to this Agreement shall include, but not be limited to the following:

3.1 LICENSES. The PROVIDER agrees to obtain and maintain throughout the terms of this Contract 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 services provided and performed by the PROVIDER.

3.2 QUALIFIED PERSONNEL. The PROVIDER agrees that 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 charge of all Basic Services and Additional Services to be provided pursuant to this Agreement.

3.3 STANDARDS OF PROFESSIONAL SERVICE. The PROVIDER agrees to provide and perform all services pursuant to this Agreement in accordance with generally accepted standards of professional practice and, in accordance with the laws, statutes, ordinances, codes, rules, regulations and requirements of governmental agencies which regulate or have jurisdiction over the services to be provided and/or performed by the PROVIDER.

- 3.4 CORRECTION OF ERRORS, OMISSIONS OR OTHER DEFICIENCIES
- (1) Responsibility to Correct. The PROVIDER agrees to be responsible for the professional quality, technical adequacy and accuracy, timely completion, and the coordination of all data, studies, reports, memoranda, other documents and other services, work and materials performed, provided, and/or furnished by PROVIDER. The PROVIDER shall, without additional compensation, correct or revise any errors, omissions or other deficiencies in such data, studies and other services, work and materials resulting from the negligent act, errors or omissions or intentional misconduct of PROVIDER.
 - (2) County's Approval Shall Not Relieve Provider of Responsibility. Neither review, approval, or acceptance by COUNTY of data, studies, reports, memoranda, and incidental professional services, work and materials furnished hereunder by the PROVIDER, shall in any way relieve PROVIDER of responsibility for the adequacy, completeness and accuracy of its services, work and materials. Neither the COUNTY'S review, approval or acceptance of, nor payment for, any part of the PROVIDER'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.

3.5 LIABILITY - PROVIDER TO HOLD COUNTY HARMLESS.
The PROVIDER shall be liable and agrees to be liable for, and shall indemnify, defend and hold the COUNTY 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 PROVIDER'S errors, omissions, and/or negligence. The PROVIDER shall not be liable to, nor be required to 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.

3.6 NOT TO DIVULGE CERTAIN INFORMATION. PROVIDER agrees, during the term of this Agreement, not to divulge, furnish or make available to any third person, firm, or organization, without the COUNTY'S prior written consent, or unless incident to the proper performance of PROVIDER'S obligations hereunder, or as provided for or required by law, 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 PROVIDER, AND PROVIDER shall require all of its employees and subcontractor(s) to comply with the provisions of this paragraph.

3.7 RESPONSIBILITY FOR ESTIMATES. In the event the services required pursuant to this Agreement include the PROVIDER preparing and submitting to the COUNTY any cost estimates, the PROVIDER, by exercise of his experience and judgement shall develop its best cost estimates and shall be held accountable, responsible and liable for the accuracy, completeness, and correctness of any and all such cost estimates to the extent provided hereafter.

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

ADDITIONAL SERVICES shall be administered and executed as "CHANGE ORDERS" or "SUPPLEMENTAL TASK AUTHORIZATIONS" under the Agreement. The Provider shall not provide or perform, nor shall the COUNTY incur or accept any obligation to compensate the PROVIDER for any ADDITIONAL SERVICES, unless a written CHANGE ORDER or SUPPLEMENTAL TASK AUTHORIZATION shall be executed by the parties.

Each such CHANGE ORDER or SUPPLEMENTAL TASK AUTHORIZATION shall set forth a 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 the ADDITIONAL SERVICES.

ARTICLE 4.0 - COMPENSATION AND METHOD OF PAYMENT

4.1 BASIC SERVICES. The COUNTY shall pay the PROVIDER for all requested and authorized basic services rendered hereunder by the PROVIDER and completed in accordance with the requirements, provisions, and/or terms of this Agreement as set forth in EXHIBIT "B" dated May 10, 2006, which is attached hereto and made a part of this Agreement.

4.2 ADDITIONAL SERVICES. The COUNTY shall pay the PROVIDER for all ADDITIONAL SERVICES as have been requested and authorized by the COUNTY and agreed to in writing by both parties to this Agreement, and according to the terms for compensation and payment of said ADDITIONAL SERVICES as set forth in EXHIBIT "B".

4.3 METHOD OF PAYMENT.

(1) MONTHLY STATEMENTS.

The PROVIDER shall be entitled to submit not more than one invoice statement to the COUNTY each calendar month covering services rendered and completed during the preceding calendar month. The PROVIDER'S invoice statement(s) shall be itemized to correspond to the basis of compensation as set forth in the Agreement or CHANGE ORDER(S) or SUPPLEMENTAL TASK AUTHORIZATION(S). The PROVIDER'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) or SUPPLEMENTAL TASK AUTHORIZATION(S).

(2) PAYMENT SCHEDULE.

The COUNTY shall issue payment to the PROVIDER within thirty (30) calendar days after receipt of an invoice statement from the PROVIDER 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 PROVIDER'S invoice statement, the COUNTY shall notify the PROVIDER of such objection or exception with 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 PROVIDER of the amount not in dispute. Payment of any disputed amount will be resolved by the mutual agreement of the parties to this Agreement.

4.4 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, the COUNTY shall compensate the PROVIDER for: (1) all services performed prior to the effective date of termination; (2) reimbursable expenses then due; and (3) reasonable expenses incurred by the PROVIDER in affecting the termination of services and work, and incurred by the submittal to the COUNTY of any documents.

4.5 PAYMENT WHEN SERVICES ARE SUSPENDED. In the event the COUNTY suspends the PROVIDER'S services or work on all or part of the services required by this Agreement, the COUNTY shall compensate the PROVIDER for all 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.

4.6 NON-ENTITLEMENT TO ANTICIPATED FEES IN THE EVENT OF SERVICE TERMINATION, SUSPENSION, ELIMINATION, CANCELLATION AND/OR DECREASE IN SCOPE OF SERVICES. 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 CHANGE ORDER(S), the PROVIDER 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 5.0 - TIME AND SCHEDULE OF PERFORMANCE

5.01 NOTICE TO PROCEED. Following the execution of this Agreement by both parties, and after the PROVIDER has complied with the insurance requirements set forth hereinafter, the COUNTY shall issue the PROVIDER a WRITTEN NOTICE TO PROCEED. Following the issuance of such NOTICE TO PROCEED the PROVIDER shall be authorized to commence work and the PROVIDER 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.

5.02 TIME OF PERFORMANCE. The PROVIDER 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 PROVIDER 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 PROVIDER, or its sub-consultant(s) and/or subcontractor(s), and not due to their fault or neglect, the PROVIDER 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 PROVIDER'S time of performance. Upon receipt of the PROVIDER'S request for an extension of time, the COUNTY shall grant the extension if the COUNTY determines the delay(s) encountered by the PROVIDER, or its sub-consultant(s) and/or subcontractor(s), is due to unforeseen causes and not attributable to their fault or neglect.

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

5.04 FAILURE TO PERFORM IN A TIMELY MANNER. Should the PROVIDER 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 PROVIDER, withhold any or all payments due and owing to the PROVIDER, not to exceed the amount of the compensation for the work in dispute, until such time as the PROVIDER 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 as set forth in this Agreement.

ARTICLE 6.0 - SECURING AGREEMENT

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

ARTICLE 7.0 - ASSIGNMENT, TRANSFER AND SUBCONTRACTS

The PROVIDER 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 PROVIDER with a third party; or (2) the disestablishment of the PROVIDER'S professional practice and the establishment of the successor PROVIDER. Nor shall the PROVIDER subcontract any of its service obligations hereunder to third parties without prior written approval of the COUNTY. The PROVIDER shall have the right, subject to the COUNTY'S prior written approval, to employ other persons and/or firms to serve as subcontractors to PROVIDER in connection with the PROVIDER performing services and work pursuant to the requirements of this Agreement.

In providing and performing the services and work required pursuant to this Agreement, PROVIDER intends to engage the assistance of subcontractor(s) as set forth in EXHIBIT "D", dated May 10, 2006, entitled "PROVIDER'S ASSOCIATED SUBCONTRACTORS", which EXHIBIT "D" is attached hereto and made a part of this Agreement.

ARTICLE 8.0 - APPLICABLE LAW

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 9.0 - NON-DISCRIMINATION

The PROVIDER 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 the 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. Should PROVIDER authorize another person, with the COUNTY'S prior written consent, to provide services to the COUNTY hereunder, PROVIDER shall obtain from such person a written agreement pursuant to which such person shall, with respect to the services which he is authorized to provide, undertake for himself the obligations contained in this Section.

ARTICLE 10.0 - INSURANCE

10.1 INSURANCE COVERAGE TO BE OBTAINED

- (1) The PROVIDER shall obtain and maintain such insurance or self-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 PROVIDER, 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 for not less than the limits of liability specified hereinafter, or as required by law, whichever is greater
- (3) The PROVIDER shall require, and shall be responsible for insuring, throughout the time that this Agreement is in effect, that any and all of its subcontractors obtains and maintains until the completion of that subcontractor's work, such of the insurance coverages described herein and as are required by law to be provided on behalf of their employees and others.

- (4) The PROVIDER shall obtain, have and maintain during the entire period of this Agreement all such insurance or a self-insurance program as set forth and required herein.

10.2 PROVIDER REQUIRED TO FILE INSURANCE CERTIFICATE(S)

- (1) The PROVIDER, within fourteen (14) calendar days from receipt of the COUNTY'S written Notice of Award, shall submit to the COUNTY all such insurance certificates or self-insurance program documentation as are required under this Agreement. Failure of the PROVIDER to submit such certificates and documents within the required time shall be considered cause for the COUNTY to find the PROVIDER in default and terminate the contract. Before the PROVIDER shall commence any service or work pursuant to the requirements of this Agreement, the PROVIDER shall obtain and maintain insurance coverages of the types and to the limits specified hereinafter, and the PROVIDER shall file with the COUNTY certificates of all such insurance coverages.
- (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 or self-insurance program documentation shall be submitted to the COUNTY in triplicate.
- (4) Each Certificate of Insurance shall include the following:
 - (A) The name and type of policy and coverages provided;
 - (B) The amount or limit applicable to each coverage provided;
 - (C) The date of expiration of coverage.
 - (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) Cancellation - Should any of the 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.
- (5) If the initial, or any subsequently issued Certificate of Insurance expires prior to the completion of the work or termination of this Agreement, the PROVIDER shall furnish to the COUNTY renewal or replacement Certificate(s) of Insurance not later than thirty (30) calendar days prior to the date of their expiration. Failure of the PROVIDER to provide the COUNTY with such renewal certificate(s) shall be justification for the COUNTY to terminate this Agreement.

ARTICLE 11.0 - INSURANCE COVERAGES REQUIRED

The PROVIDER shall obtain and maintain the following insurance coverages:

(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 shall 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 latest edition of the Commercial General Liability Policy filed by the Insurance Services Office and shall 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.

(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 non-owned vehicles, and employee non-ownership.

(4) PROFESSIONAL LIABILITY

Coverage shall include the following:

- (A) A minimum aggregate limit of \$ N/A
- (B) Should the Professional Liability Insurance Policy issued pursuant to the above requirements and limits, or self-insurance program, provide an applicable deductible amount, or other exclusion or limitation, or sovereign immunity as to the amount of (4) coverage to be provided within the minimum coverage limits set forth above, the COUNTY shall hold the PROVIDER 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, or amount

of sovereign immunity, the PROVIDER shall be required to provide written documentation that is acceptable to the COUNTY establishing that the PROVIDER 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 12.0 - DUTIES AND OBLIGATIONS IMPOSED ON THE PROVIDER

The duties and obligations imposed upon the PROVIDER 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 13.0 - OWNERSHIP AND TRANSFER OF DOCUMENTS

All documents such as payment records, notes, computer files, evaluations, reports and other records and data relating to the services specifically prepared or developed by the PROVIDER under this Agreement shall be the property of the PROVIDER until the PROVIDER has been paid for performing the services and work required to produce such documents.

Upon completion or termination of this Agreement, all of the above documents to the extent requested by the COUNTY shall be delivered to the COUNTY or to any subsequent PROVIDER within thirty (30) calendar days.

The PROVIDER, at its expense, may make and retain copies of all documents delivered to the COUNTY for reference and internal use.

ARTICLE 14.0 - MAINTENANCE OF RECORDS

The PROVIDER 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 PROVIDER for a minimum of five (5) years from the date of termination of this Agreement, or for such period as required by law.

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 as set forth in the paragraph above; provided, however, such activity shall be conducted only during normal business hours of the PROVIDER and at the expense of the COUNTY.

ARTICLE 15.0 - HEADINGS

The headings of the Articles, Sections, Exhibits, and Attachments 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, Section, Exhibits and Attachments.

ARTICLE 16.0 - ENTIRE AGREEMENT

This Agreement, including the referenced Exhibits and Attachments, constitutes the entire Agreement between the parties and shall supersede all prior agreements or understandings, written or oral, relating to the matters set forth herein.

ARTICLE 17.0 - NOTICES AND ADDRESS

17.1 NOTICES BY PROVIDER TO COUNTY All notices required and/or made pursuant to this Agreement to be given to the PROVIDER to the COUNTY shall be in writing and shall be given by the United States Postal Service to the following COUNTY address of record:

Lee County Board of County Commissioners
PO Box 398
Ft Myers FL 33902-0398
Attention: Paul O'Connor

17.2 NOTICES BY AUTHORITY TO PROVIDER All notices required and/or made pursuant to this Agreement to be given by the COUNTY to the PROVIDER shall be made in writing and shall be given by the United States Postal Service to the following PROVIDER'S address of record:

Basile Baumann Prost & Associates, Inc.
177 Defense Hwy
Suite 10
Annapolis, Maryland 21401
Phone : 410-266-7800
Fax: 410-266-7866
Attention: Ralph J. Basile

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

ARTICLE 18.0 - TERMINATION

This Agreement may be terminated by the COUNTY at its convenience, or due to the fault of the PROVIDER, by giving thirty (30) calendar days written notice to the PROVIDER. If the PROVIDER 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 PROVIDER or for any of its property; or if it files a petition to take advantage of any debtor's act or to reorganize under the bankruptcy or similar laws; or if it disregards the authority of the COUNTY'S designated representatives; or 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 PROVIDER written notice, terminate this Agreement.

ARTICLE 19.0 - MODIFICATIONS

Modifications to the terms and provisions of this Agreement shall only be valid when issued in writing as a properly executed Supplemental Task Authorization(s) or CHANGE ORDER(S). In the event of any conflicts between the requirements, provisions, and/or terms of this Agreement and any written Supplemental Task Authorization(s) or CHANGE ORDER(S) shall take precedence.

ARTICLE 20.0 - ACCEPTANCE

Acceptance of this Agreement shall be indicated by the signature of the duly authorized representative of the parties in the space provided.

IN WITNESS WHEREOF, the parties have executed this Agreement effective the day and year first written above.

ATTEST:

COUNTY: LEE COUNTY, FLORIDA

CLERK OF CIRCUIT COURT
Charlie Green, Clerk

BOARD OF COUNTY COMMISSIONERS

BY: Michele S. Cooper

BY: [Signature]
Chairwoman



DATE:

APPROVED AS TO FORM

BY: [Signature]
County Attorney's Office

ATTEST:

BASILE BAUMANN PRIST ASSOC INC
(CONSULTANT)

[Signature]
(Witness)
[Signature]
(Witness)

BY: [Signature]
(Authorized Signature)
Principal
(Title)

DATE: May 10, 2006

CORPORATE SEAL:

EXHIBIT A

Date: 5/10/06

SCOPE OF SERVICES

for CN-06-03, Commercial/Industrial Lands 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.

Section 2. TASKS

Pursuant to the GENERAL SCOPE of the BASIC SERVICES stated herein above, the CONSULTANT shall perform all services and/or work necessary to complete the following task(s) and/or provide the following item(s) which are enumerated to correspond to the task(s) and/or items set forth in EXHIBIT "B" entitled "COMPENSATION AND METHOD OF PAYMENT".

Scope of Services

Task 1. Kick-Off Meeting/Stakeholders Interview/Data Collection

Immediately upon project initiation, BBP will schedule a kick-off meeting with key members of County staff. During the meeting, BBP will gather available information related to the project; identify major technical and policy issues involved; coordinate staff and consultant responsibilities; refine the project schedule; and identify candidates for stakeholder interviews including public officials, county planning and economic development staff, Horizon Council, developers, and brokers.

County will provide BBP, without charge, copies of all relevant plans, studies and documents needed to perform the scope of work for the development of road impact fees. A major data need that we will rely on staff to provide is current information on existing county-wide nonresidential land uses (nonresidential building square feet by land use type). BBP will review and analyze existing plans, data and related documents including the Lee County Comprehensive Plan, the 1983 Industrial Lands Inventory (Roberts Study) and other existing documents and databases relating to commercial and industrial development will be renewed. Some of this data may need to come from the Property Appraiser.

Following the meeting, BBP will prepare a memorandum summarizing the organizational framework for the project, and listing additional data needs, if any. The memorandum will be delivered within two weeks of the meeting. The Consultant will then proceed with Task 2.

Deliverable 1: Project Organization Meeting and Data Collection Memorandum

Task 2. Inventory and Assessment of Existing Commercial and Industrial Land Use

BBP will conduct a comprehensive inventory of commercial and industrial land uses in the county, both vacant improved. The inventory and assessment will include both a quantification of land and building area, by location and the quality of those uses (age, design, condition, etc.) compared to Lee County's job growth and economic diversification objectives.

BBP will inventory vacant land currently not zoned for commercial or industrial use, but with the potential for such uses.

In conducting this inventory, BBP will utilize existing data sources, both public and private, when possible but will be prepared to conduct data collection as needed for an accurate inventory. The result will be a complete and accurate inventory of existing conditions, organized in a GIS compatible format. An initial staff review draft of this portion of the study shall be prepared.

Deliverable 2: Staff Review - Draft of Inventory and Assessment (5 bound paper copies, with a GIS compatible inventory and maps)

Task 3. Land Use Projections for Future Commercial and Industrial Employment

BBP will consult with County and MPO staff, and other private or public sources, to develop the key data for land use projections including:

- Existing County employment and population
- Projected employment and population growth, given existing trends and public policies
- Employment trends (national, regional, local) by industry
- Estimated distribution of future work force between industry categories and among job types
- Space-per-employee trends
- Land to building ratios
- Real Estate absorption rates

Deliverable 3: Initial Staff Review Draft of Land Use Projections (5 bound paper copies)

Task 4. Review and Make Recommendation for Any Changes to the Land Use Plan and Land Development Code

As part of its review and assessment of commercial and industrial land, BBP will review the County's Land Use Plan and Land Development Code and make recommendations for additions or modifications needed including:

- Assess existing policies and make recommendations for revised and new policies. Particular consideration will be given to transportation and highway access, proximity to labor pool, infrastructure.
- Review land use categories and uses, what they permit, and how it fits within county goals. BBP will examine whether existing land use categories are still relevant and appropriate for the current and projected business models.
- Review Land Use Plan and Land Development Code to assure they are consistent with the target that can be achieved.
- Provide recommendation for the Lee Plan (map and text).

Deliverable 4: Final Draft Report of Recommended Changes to Land Use Plan and Land Development Code. (5 bound paper copies)

Task 5. Preparation and Presentation of Final Report

BBP will prepare a Final Report that will include all major findings from Deliverables 1 through 4 after first producing a draft for staff review. This report will include:

- A. Inventory of existing commercial and industrial uses and zoning
- B. Assumptions for population and employment projections
- C. Findings and recommendations on assessment of Land Use Plan
- D. Recommendations for Land Use Plan and Map Amendments related to commercial and industrial land use policies

Two presentations of the Final Report will be made (on the same trip).

Deliverable 5: Draft and final report and presentation to the Horizon Council and County Commission. (5 bound paper copies, with a GIS compatible inventory and maps)

Task 6. Additional Meeting

BBP will participate in four (4) additional meetings in Lee County, as directed.

Deliverable 6: Materials prepared for and participation in additional meetings

EXHIBIT B

Date: 5/10/06

COMPENSATION AND METHOD OF PAYMENT

For: CN-06-03, Commercial/Industrial Lands 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 Title	Amount of Compensation	Indicate Basis of Compensation LS or NTE	If Applicable Indicate (W.I.P.P.)
1	Kick-Off Meeting/Stakeholder Interviews/Data Collection	\$11,910	NTE	W.I.P.P.
2	Inventory & Assessment: Com./Ind. Land Use	\$16,710	NTE	W.I.P.P.
3	Land Use Projections: Com./Ind. Employment	\$16,720	NTE	W.I.P.P.
4	Review & Make Recommendations	\$18,260	NTE	W.I.P.P.
5	Preparation/Presentation of Reports	\$13,045	NTE	W.I.P.P.
6	Additional Meetings	<u>\$14,900</u>	NTE	W.I.P.P.
Total		\$91,545	NTE	W.I.P.P.
TOTAL		\$91,545	NTE	

(Unless list is continued on next page)

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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 5/10/06, 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 5/10/06, entitled "NON-PERSONNEL REIMBURSABLE EXPENSES AND COSTS".

Date: 05/10/06

for CN-06-03, Commercial/Industrial Lands Study

CONSULTANT	OR	SUB-CONSULTANT	NAME
(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	\$119.96	1.402%	\$168.18
Senior Associate	\$94.02	1.402%	\$131.82
Associate	\$77.81	1.402%	\$109.09
Technical Support	\$48.63	1.402%	\$ 68.18

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

Page 1 of 1

Date: 05/10/06

For Commercial/Industrial Lands Study

CONSULTANT OR SUB-CONSULTANT NAME: ARCHITECTURE, INC.
(A separate Attachment No. 1 should be included for each Sub-Consultant)

[illegible]

****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".

Date: 05-10-06

NON-PERSONNEL REIMBURSABLE EXPENSES AND COSTS

for **COMMERCIAL/INDUSTRIAL LANDS STUDY**

(Enter Project Name from Page 1 of the Agreement)

CONSULTANT OR SUB-CONSULTANT NAME: **BASIL BAUMANN PROST & ASSOCIATES, INC.**

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

[illegible]

NOTE: N.T.E. indicates Not-To-Exceed

NOTE:
CMO:033

09/25/01

EXHIBIT C

Date: 05/10/06

TIME AND SCHEDULE OF PERFORMANCE

for CN-06-03, Commercial/Industrial Land 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	Kickoff/Interviews/Data collection	30	30
2	Inventory/assessment- Commercial and Industrial Land Use	90	120
3	Land Use Projections	120*	150
4	Recommended Changes- Land Use Plan and Land Development Code	90*	180
5	Final Report and Presentation	60*	210
6	Additional Meetings	240*	240

*overlaps other tasks

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EXHIBIT D

Date: 05/10/06

CONSULTANT'S ASSOCIATED SUB-CONSULTANT(S) AND SUBCONTRACTOR(S)
for CN-06-03, Commercial/Industrial Lands 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
Primary: Task 5 Secondary: Tasks 1,2,4	Architecture, Inc. 6325 Presidential court, Suite 3 Fort Myers, FL 33919		X			X

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09/25/01

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EXHIBIT E

Date: 05/10/06

PROJECT GUIDELINES AND CRITERIA

for CN-06-03 COMMERICAL/INDUSTRIAL LANDS 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

EXHIBIT F

Date: 05/10/06

AMENDMENT TO ARTICLES

For: Commercial/Industrial Lands 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.

None

CMO:
09/25/01

ACORD™ CERTIFICATE OF LIABILITY INSURANCE		DATE (MM/DD/YYYY) 6/21/2006
PRODUCER Jack Hutchison Ins. Agency, Inc 517 Benfield Road, Suite 201 Severna Park, MD 21146 410-647-9540		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.
INSURED Basile, Baumann, Probst & Associates, Inc 177 Defense Highway, Suite 10 Annapolis, MD 21401		
		INSURERS AFFORDING COVERAGE INSURER A: Nationwide Insurance Company of America INSURER B: INSURER C: INSURER D: INSURER E:
		NAIC#

COVERAGES

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	ADPL	LTR	INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A	A			GENERAL LIABILITY	52BO1345070001	03/01/06	03/01/07	EACH OCCURRENCE \$ 2,000,000
				<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY				DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000
				<input type="checkbox"/> CLAIMSMADE <input checked="" type="checkbox"/> OCCUR				MED EXP (Any one person) \$ 5,000
				GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC				PERSONAL & ADV INJURY \$ 2,000,000
								GENERAL AGGREGATE \$ 4,000,000
								PRODUCTS - COMP/OP AGG \$
A	A			AUTOMOBILE LIABILITY	52BO1345070001	03/01/06	03/01/07	COMBINED SINGLE LIMIT (Ea accident) \$ 2,000,000
				<input type="checkbox"/> ANY AUTO				BODILY INJURY (Per person) \$
				<input type="checkbox"/> ALL OWNED AUTOS				BODILY INJURY (Per accident) \$
				<input checked="" type="checkbox"/> HIRED AUTOS				PROPERTY DAMAGE (Per accident) \$
				NON-OWNED AUTOS				
				GARAGE LIABILITY				AUTO ONLY - EA ACCIDENT \$
				<input type="checkbox"/> ANY AUTO				OTHER THAN EA ACC AGG \$
				EXCESS/UMBRELLA LIABILITY				EACH OCCURRENCE \$
				<input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMSMADE				AGGREGATE \$
				<input type="checkbox"/> DEDUCTIBLE				\$
				<input type="checkbox"/> RETENTION \$				\$
A				WORKERS COMPENSATION AND EMPLOYERS' LIABILITY	52WC1345070002	03/01/06	03/01/07	<input checked="" type="checkbox"/> WC STATU-TORY LIMITS <input type="checkbox"/> OTH-ER \$ 100,000
				ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED?				E.L. EACH ACCIDENT \$ 100,000
				If yes, describe under SPECIAL PROVISIONS below				E.L. DISEASE - EA EMPLOYEES \$ 100,000
				OTHER				E.L. DISEASE - POLICY LIMIT \$ 500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS

Project Name: CN-06-03 Commercial/Industrial Land Study

With respect to Commercial General Liability, Lee County Board of County Commissioners, its officers and employees are included as an Additional Insured.

CERTIFICATE HOLDER

LEE COUNTY BOARD OF COUNTY COMMISSIONERS
 ATTN: PUBLIC WORKS, CONTRACT MANAGEMENT
 P.O. BOX 398
 FORT MYERS, FL 33902

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

[Signature]

SEPTEMBER 10, 2007

A Workshop Meeting of the Board of Lee County Commissioners sitting as the Board Management and Planning Committee was held this date with the following Commissioners present:

Robert P. Janes, Chairman
Ray Judah, Vice-Chairman
Tammara Hall
Frank B. Mann
A. Brain Bigelow (arrived at 1:05 p.m.)

The Chairman called the meeting to order at 1:00 p.m.

The Chairman announced that Agenda Item No. 4 would be heard first due to the scheduled return flight of Consultant Ralph Basile's departure immediately after his presentation.

AGENDA ITEM NO. 4 WAS HEARD AT THIS TIME. SEE THAT ITEM FOR DISCUSSION.

BOARD COMMENTS/DISCUSSION

1. FGUA LEHIGH ACRES UTILITY EXPANSION OPTIONS

FGUA has investigated options of expanding utility services in Lehigh to begin reducing dependence on individual wells and septic and would like to present the concepts to the Board for informational purposes.

Public Works Director Jim Lavender introduced Executive Director of the Government Services Group, which is the Operation and Project Management arm of the FGUA, Robert Sheets who provided a Power Point presentation (a copy is on file in the Minutes office) on options in expanding utility services in Lehigh in order to reduce dependence on individual wells and septic. East County Water Control District (ECWCD) Manager David Lindsay gave a brief presentation; (a copy is on file in the Minutes office) and announced that the District would be hosting a Town Hall meeting today at 6:30 p.m. at the Majestic Golf Club in Lehigh Acres. During Board discussion, Mr. Sheets, Mr. Lindsay, County Attorney David M. Owen, Assistant County Attorney Tim Jones, and Utilities Director Doug Meurer responded to questions.

FOLLOWING A SHORT BREAK, THE CHAIRMAN CALLED THE MEETING BACK TO ORDER WITH ALL COMMISSIONERS PRESENT.

2. NOTICED GENERAL PERMIT FOR NAVIGATION CHANNELS

Provide staff direction on ongoing effort to secure a state (FDEP) general permit for maintenance dredging of public navigation channels throughout Lee County. As described in the agenda backup material, Lee County and the West Coast Inland Navigation District (WCIND) are seeking a Noticed General Permit (NGP) from the state that would allow for dredging of 48 public navigation channel systems to a predefined depth. Mitigation for dredging impacts is proposed to be creation of seagrass protection areas that would prohibit combustion engine operation (see figures 2 and 3 on page 5 of the agenda backup material). The permit, including the dredging authorizations and the no motor zone designation will be subject to a state rule-making.

OPTIONS:

- A. Concur with staff direction and proceed to resolution supporting the NGP and no motor zones.
- B. Direct staff to terminate work on NGP

RECOMMENDATION:

Proceed with Option A.

Natural Resources Project Manager Steve Boutelle noted:

That Lee County had been working closely with the West Coast Inland Navigation District (WCIND) and the Florida Department of Environmental Protection (FDEP) since

2001 to designate a series of public navigation channels and their appropriate maintenance standards

That both Lee County and the WCIND are seeking a noticed general permit (NGP) from the State that would allow for dredging of 48 public navigation channel systems to a predefined depth

That there are some unavoidable resource impacts caused by dredging, and some of the areas to be dredged are located in state designated Aquatic Preserves

That "no internal combustion motor zones" are proposed to mitigate potential impacts to seagrasses and other resources that provide numerous benefits and are critical to the health of Lee County's bays and estuaries.

He stated that the Board will be required to pass a resolution of support for the noticed general permit (NGP) process specifically including the designation of "no internal combustion motor zones", and that these will be incorporated into a resolution for Board consideration. He further noted that if the Board passes the resolution, it will be incorporated into the state rule language which will go through a FDEP initiated rule-making process. The Board concurred to prepare the blue sheet for Board action.

3. LANDSCAPE AND FERTILIZER MANAGEMENT ORDINANCE

Discuss and review proposed Professional Landscape Management Practices and Fertilizer Ordinance which would provide the regulation of landscaping professionals and the use of fertilizers continuing nitrogen and/or phosphorus in order to meet Federal and State mandated water quality standards (Total Maximum Daily Loads – TMDLs) and minimize the negative environmental effects said nutrients have in and on Lee County's waterbodies.

OPTIONS:

- 1) Adopt the proposed ordinance.
- 2) Recommend changes to the proposed ordinance.
- 3) Do not adopt the proposed ordinance.

RECOMMENDATIONS, AND JUSTIFICATION:

Recommend scheduling proposed ordinance for Public Hearings.

Assistant County Attorney Jed Schneck provided an extensive briefing on the proposed Professional Landscape Management Practices and Fertilizer Ordinance. He noted that this Ordinance would regulate landscaping professionals and the use of fertilizers containing nitrogen and/or phosphorus in order to meet Federal and State mandated water quality standards and minimize the negative environmental effects that nutrients have on Lee County's water bodies. Following a brief discussion, Commissioner Judah noted support of Option 1, to adopt the proposed ordinance. Attorney Schneck recommended Option 1 and suggested an affidavit be published for a public hearing; and the Board concurred. Throughout the Board discussion on this item Attorney Schneck, Natural Resources Operations Manager Kurt Harclerode and Lee County Extension Services Master Gardener Coordinator Stephen H. Brown responded to questions from the Board.

AGENDA ITEM 4 WAS HEARD PRECEDING AGENDA ITEM 1.

4. COMMERCIAL/INDUSTRIAL LAND USE STUDY

Approximately one year ago, at the request of the Office of Economic Development, the Board directed that a re-analysis of the County's Commercial and Industrial land be conducted. The last time such a study was done was in 1983 by consultant Thomas Roberts, in conjunction with the comprehensive plan. There was a concern that there was a shortage of office/industrial lands for future economic development. BBP Associates was hired to conduct the study (see the attached report). The consultant will present the findings and recommendations of the study.

OPTIONS:

The recommendations for changes to County policy and regulations are included in Section E of the study, starting on page 32.

RECOMMENDATION:

Presented as an informational item and to receive policy direction from the Board regarding further actions based on the study's recommendations.

Community Development Planning Director Paul S. O'Connor gave a brief introduction of the Commercial/Industrial Land Use Study. Mr. O'Connor then introduced Consultant Ralph Basile of the Basile, Baumann, Prost and Associates, Inc. who was hired by Lee County Community Development to conduct the study (a copy is on file in the Minutes Office) and to present the findings and recommendations of the study. Discussions among the Board ensued. Following the discussion, Community Development Director Mary Gibbs, County Attorney David M. Owen and Smart Growth Director Wayne Daltry responded to questions from the Board. Ms. Gibbs stated that she would bring back a list of items at the end of the month for the Board's consideration.

The Chairman adjourned the meeting at 4:08 p.m.

ATTEST:
CHARLIE GREEN, CLERK

Deputy Clerk

Chairman, Lee County Commission

**MANAGEMENT & PLANNING COMMITTEE
AGENDA REQUEST FORM
COMMISSION DISTRICT: ALL**

INITIATED BY: Paul O'Connor/Community Development REQUESTED BY: Board of County Commissioners
Name/Department

TITLE OF ITEM FOR THE AGENDA : Commercial/Industrial Land Use Study

1. DESCRIPTION AND OBJECTIVE OF THE ISSUE

Approximately one year ago, at the request of the Office of Economic Development, the Board directed that a re-analysis of the County's Commercial and Industrial land be conducted. The last time such a study was done was in 1983 by consultant Thomas Roberts, in conjunction with the comprehensive plan. There was a concern that there was a shortage of office/industrial lands for future economic development. BBP Associates was hired to conduct the study (see the attached report). The consultant will present the findings and recommendations of the study.

2. PROPOSED POLICY, PROCEDURE OR PLAN OF ACTION

The study contains 7 recommendations for changes to County policy and regulations. Staff is looking for direction from the Board on the recommendations.

3. OPTIONS (List Advantages/Disadvantages of Each Option Listed)

The recommendations for changes to County policy and regulations are included in Section E of the study, starting on page 32.

4. FINANCIAL IMPACTS/FUNDING SOURCE

Depends on the options chosen.

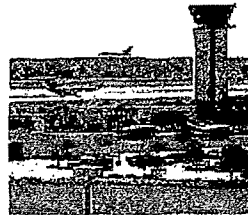
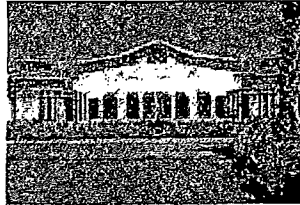
5. STAFF RECOMMENDATIONS, AND JUSTIFICATION FOR RECOMMENDATIONS

Presented as an informational item and to receive policy direction from the Board regarding further actions based on the study's recommendations.

6. MANDATED? Y N BY WHAT AUTHORITY?

DEPARTMENT DIRECTOR SIGNATURE	COUNTY ADMINISTRATOR SIGNATURE	MEETING DATE	TIME REQUIRED
<i>Mary Gibbs</i>	<i>CRP 8-30-07</i>	Sept 10, 2007	30 Min.

** Draft Report **



Commercial / Industrial Land Use Analysis

Prepared for:

Lee County, FL



Proposed by:



Basile Baumann Prost & Associates, Inc.

June 2007

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EXECUTIVE SUMMARY

Lee County, Florida engaged Basile Baumann Prost & Associates (BBP Associates) to provide a Commercial/Industrial Land Use Study and Analysis for all unincorporated areas of Lee County, Florida. This study was commissioned to enable county planners to better manage the enormous growth of population in the region and better preserve opportunities for industrial and commercial office development in the face of unprecedented residential growth, which is placing pressure on lands previously intended for commercial and industrial development.

The study was divided into four parts:

- 1) Fact-finding, stakeholder interviews, background study;
- 2) Review of the real estate market, leasing, sales, absorption rates, development patterns and existing, zoned industrial and commercial land parcels in Lee County;
- 3) Recommendations for future land use planning including any additions to current inventory based on data and field surveys;
- 4) Review of Comprehensive Plan and relevant Development Codes.

These four study areas were chosen in order to determine what development potential was most likely to occur over the next two decades, what real estate absorption rates had occurred that affect land inventory levels, whether currently zoned and available industrial and commercial land parcels were adequate to meet future demand, and how better planning recommendations and changes in relevant planning codes might facilitate better overall real estate development and community life.

Initial interviews of county officials, developers and real estate professionals revealed these major concerns about the current Lee County development climate:

- Lee County needs Comprehensive Plan changes to attract potential research parks, increase openness to mixed-uses, and allow for greater development intensity within commercial and industrial development projects.
- Incentives are needed to pull together small lots for larger commercial/industrial projects.
- The approval process for development projects often can take more than one year.
- Ratios the County uses to determine appropriate density, intensity, heights, etc. should be replaced by market-based ratios.
- Often, development leads to a “visual cacophony” that makes no sense due to haphazard application of planning principles.
- New roads leading to airport need careful planning to prevent wrong type of development.
- Roads and highways need to be designed to better support traffic in growing commercial areas.
- Code requirements for industrial uses need updating because they tend to look at an industrial project as a separate use with offsite impacts, which is not usually the case.

During the initial review of the real estate sector, preliminary data was collected to determine absorption rates of industrial and commercial development. This data allowed for a market benchmark with which to determine realistic land use requirements to meet long term demand.

After site survey work, database querying, and environmental review, it was determined that significant portions of zoned industrial and commercial parcels should not be included in the

inventory of lands identified to meet future development needs either from a standpoint of existing use or from scalability and locational issues.

In the analysis of whether adequate commercial and industrial land was available to meet development needs through 2025, it was concluded that in both categories adequate, zoned parcels existed, even though they might not be in the proper locations.

The final portion of the study included a review of Lee County's Comprehensive Plan and Land Development Code. BBP Associates, in conjunction with its sub-consultants, reviewed the relevant Comprehensive Plan and Development Code sections pertaining to industrial and commercial uses.

During this exercise, BBP Associates studied the concept of Mixed-Use Office and Industrial Parks, a concept formally known as Regional Activity Centers (RACs). These overlay centers allow more varied development that would include both industrial and commercial office uses to take place within a specific development area. Included within proposed Regional Activity Centers would be commercial office, industrial-flex, research and development facilities and limited retail to serve the needs of workers at these centers. These RACs would also conform to contemporary planning concepts known as "new urbanism."

In all, BBP Associates made several recommendations. Underlying the recommendations was the desire to encourage mixed-use commercial office and industrial centers and allow greater building intensity in order to maximize development potential without causing detrimental environmental impact. Greater intensity would also allow for greater land utility, thus extending its use to meet market demand.

Summary:

Though Lee County continues to grow at a rate beyond even the most aggressive forecasts in recent years, adequate industrial and commercial lands exist to meet demand through 2025. However, land availability is only one part of the issue. Location and suitability are also key issues as are the future development models that will likely emerge over the next few years.

Lee County should encourage new development that better utilizes its land inventory while also reserving the most valuable commercial and industrial corridors for businesses and industries likely to locate there over the next two decades. This would include medical research groups, research and development companies, company headquarters groups, various financial and consulting firms and other "post-industrial" type firms that are increasingly a greater portion of

the U.S. workforce. Growth of the *Professional Business Services* and *Healthcare and Educational Services* employment classifications will be the primary development drivers in the decades to come.

Comprehensive Plan and Development Codes should reflect the trend toward greater mixed-use developments with multiple uses working within a single development structure. More and more, local developers have called for changes that allow for speedier reviews of commercial and industrial projects and also more perspective on how to integrate separate uses that allow for single developments to serve the needs of their users.

A. BACKGROUND

1. Project Background

The purpose of this study is to determine whether there is sufficient land in Lee County's unincorporated sections to meet the needs of future commercial and industrial growth. As outlined by Lee County officials during the solicitation of this study, the project aims would include identifying adequate and appropriate lands suitable for industrial, commercial and tech-flex uses to diversify the County's economy, promote future economic development, attract higher wage employers and bring new businesses into the area. The County's objectives included:

- Identify adequate and appropriate lands suitable for industrial, commercial and tech-flex uses;
- Attract high wage businesses and target cluster industries to the County;
- Enhance Quality of Life;
- Diversify Tax Base;
- Meet short-term and long-term needs of current and future County residents.

The study identified several specific components for study including County database of lands, Comprehensive Plan and Recent Amendments, the 1993 Industrial Lands Inventory and the Land Development Code.

2. Lee County, Florida Information

Lee County is located on the Gulf coast in the southwest region of Florida. The municipalities of Fort Myers, Cape Coral, Fort Myers Beach, Sanibel and Bonita Springs are included within the County borders. More than 550,000 persons reside within the County and the population in the unincorporated regions totals approximately 293,000, 53% of the total population. Cape Coral is the largest of the municipalities, with a population of approximately 140,500, followed by Fort Myers, with 61,500 persons.

Lee County is the largest county in the Southwest Florida region in terms of population. According to recent Census surveys, Lee County is the eighth largest county in Florida in population. The Fort Myers/Cape Coral metropolitan statistical area is the tenth largest in the state.

In physical terms, Lee County covers an area of 804 square miles. Density, at 548 persons per square mile, is well above the state average of 296 persons per square mile. In physical terms, Lee County is smaller than its neighbor to the south, Collier County, with 2,025 square miles, but only 120 persons per square mile. Charlotte County, to the north, totals 693 square miles with 204 persons per square miles.

Given its advantage in terms of population density in southwest Florida, Lee County is the leading business center for the region.

3. Recent Trends

Lee County is the fastest growing county in Florida and one of the top ten leading growth counties in the U.S. From 1990 to 2005, the population of Lee County grew by 61%. Population grew by 31% between 1990 and 2000 and 23% between 2000 and 2005. The compounded growth rate over 15 years is 3.3%.

Historically, Lee County has been a retirement haven, particularly popular among Northern "rust belt" residents. The availability of cheap land and attractive financing terms fueled the County's growth for most of the decades after World War II. However, in recent decades Lee County has transformed itself into the region's primary business center. Quality of life has been a key element of this growth, with access to the ocean and favorable climate being the primary draws.

Statistical data shows not only the growth of population and households in Lee County, but also the growth in household income, which is beneficial for further commercial development. Household income figures are shown in the table below. Lee County maintains higher household income levels than does the state of Florida and is roughly even with the U.S. median household income level of \$46,242.

Household Income Comparisons						
	1990	2000	2005	% change (90-00)	% change(00-05)	% change cmpd. (90-05)
Lee County	\$28,448	\$40,319	\$46,053	41.7%	14.2%	3.26%
Florida	\$27,483	\$38,819	\$42,433	41.2%	9.3%	2.94%
U.S.	\$30,056	\$41,994	\$46,242	39.7%	10.1%	2.91%

Sources: U.S. Census Bureau, BBP Associates

Lee County continues to outpace both Florida and U.S. household income growth rates. Compounded annual growth in household income for Lee County is 3.26% over the 15 year period since 1990, significantly above both that of Florida and the U.S.

4. Lee County and Surrounding Counties

As mentioned above, Lee County is the leading business center in the southwestern Florida region. Not only does Lee County serve as the primary business center for the region, it also tends to provide employment for the majority of its residents. As the table below shows, more than 92% of workers in Lee County also live in Lee County.

Work in Lee County and Live in:	Number	Percent
Lee Co. FL	161,939	92.26
Collier Co. FL	5,068	2.89
Charlotte Co. FL	3,646	2.08
Hendry Co. FL	1,164	0.66
Other	3,703	2.11
Total	175,520	100.00

Source: Florida Agency for Workforce Innovation -- From 2000 Census

At 92%, this level is much higher for Lee County than for both Charlotte and Collier Counties, where less than 85% of the workforce also live in the same counties.

5. Infrastructure Update

The development of Lee County's infrastructure in recent years includes the expansion of the Southwest Florida International Airport as well as the development and expansion of Florida Gulf Coast University. These two growth drivers are helping to attract greater interest among firms wanting to locate facilities within its borders.

Located off of Interstate 75, the Southwest Florida International Airport ranks as among the 60 busiest in the nation. It serves both the domestic market and the international market. The airport also offers a host of cargo services and is designated a Foreign Trade Zone. The recent expansion of the terminal complex totaled \$438 million and included expanded parking, new road access and additional taxiways. In 2005, passenger traffic exceeded 7.5 million.

Florida Gulf Coast University was opened in the fall of 1997 and is situated on 760 acres along Alico Road in the bustling southeastern section of Lee County. The University has both undergraduate and graduate level programs and includes both MBA and MPA programs. More than 7,000 students are enrolled in full-time and part-time educational programs.

6. Leading Economic Sectors/Industry Clusters

Key to any land use study involving commercial office and industrial use is the anticipated future economic activity, which is best understood by looking at dominant employment sectors and comparing them to regional and national levels. An industry cluster analysis is a useful tool in presenting dominant employment sectors. The table below shows ten North American Industry Classification Standards (NAICS) codes specifically selected for comparison between Lee County and State and National levels. This data may vary slightly from employment data shown elsewhere in this report. The data was carefully selected from multiple data sources, where the data was consistent between the entities being compared.

Industry Cluster Analysis (Data from June 2006)						
	Lee County	Florida	U.S.	% of Total		
NAICS Classification				Lee County	Florida	U.S.
Construction	36,800	644,850	7,881,626	16.10%	8.05%	5.91%
Manufacturing	7,621	404,350	14,255,066	3.33%	5.05%	10.70%
Trade, Transport, Util.	48,269	1,599,200	26,038,322	21.12%	19.96%	19.54%
Information	4,060	167,700	3,065,482	1.78%	2.09%	2.30%
Financial	14,100	547,200	8,221,775	6.17%	6.83%	6.17%
Prof. Business Svcs.	28,800	1,344,200	17,647,329	12.60%	16.78%	13.24%
Education/Health	21,200	968,100	16,878,587	9.28%	12.08%	12.66%
Leisure/Hospitality	27,317	902,600	13,579,467	11.95%	11.27%	10.19%
Other	9,300	335,400	4,452,636	4.07%	4.19%	3.34%
Fed., State, Loc. Govt.	31,060	1,098,100	21,256,724	13.59%	13.71%	15.95%
Total	228,527	8,011,700	133,277,014	100.00%	100.00%	100.00%

Sources: Bureau of Labor Statistics, Florida Agency for Workforce Development, FRED Database

The most dominant statistical comparison involves the *Construction* category, with Lee County showing more than 16% participation among the 10 categories selected, whereas both Florida and the U.S. show less participation in this category. Though a slight degree of distortion may exist in this statistical category, Lee County shows a surge in construction employment that took place from 2004 through the third quarter of 2006. Though construction activity appears to be lessening, comparisons to both Florida and the U.S. shows a clear cluster advantage. As the

commercial sector of Lee County continues to expand, construction activity will maintain high levels within workforce statistical surveys.

An additional NAICS sector that deserves comment is the *Professional Business Services* category. Though the cluster analysis does not show this sector as a standout compared to Florida and the U.S. , other data shows that this is the fastest growing employment sector in the region. Recently, Lee County's Economic Development Office presented data that showed the *Professional Business Services* category growing at an annual rate of 6.8%, outpacing all other sectors except for Leisure and Hospitality, which also grew at an annual rate of 6.8%.

Over the next decade it is likely that Lee County will show greater dominance from both *Professional Business Services* and other "white collar" employment classifications. Recent information published by Florida workforce agencies shows that employment categories growing at greater than 3% annually include the following:

- Networking Systems and Data Analysts;
- Medical Assistants;
- Business Consultants;
- Computer Software Engineers, Applications;
- Computer Software Engineers, Systems Software;
- Database Administrators;
- Physical Therapists;
- Employment, Recruitment, Placement Specialists;
- Financial Advisors and Financial Products Representatives.

The future of business growth in Lee County and Florida as a whole will increasingly be driven by professional office and research type industries.

7. Strengths/Challenges/Opportunities

Lee County is one of the fastest growing counties in the U.S. according to the Bureau of Labor Statistics. This growth has challenged local community planning officials and development partners. Evidence of this growth includes the continued escalation in land values and home prices as well as the continued growth of retail and service employment.

This growth presents opportunities and challenges to the region. Below is an assessment of Lee County's strengths and opportunities as well as challenges that community development officials will need to address.

a. Strengths

Situated in favorable climate with abundant recreational opportunities;

Strong community with local input and participation;

Excellent quality of life with good neighborhoods, schools and attractive retail shopping;

Dominant business center of Southwest Florida;

Recent upgrades to airport and transportation access thereto will facilitate future growth of the region;

Development of Florida Gulf Coast University offers additional educational and training opportunities for the region.

b. Challenges

Trying to maintain community life while grappling with rapid growth;

Maintaining ability to manage environmental impacts in the face of rapid population influx;

Managing infrastructure development to facilitate rapidly expanding commercial, industrial and residential centers;

Maintaining a highly skilled workforce to meet the employment opportunities of tomorrow;

Promoting redevelopment of areas previously developed before rapid growth occurred.

c. Opportunities

Lee County can plan now to manage growth in such a way as to build better urban and suburban spaces in the future.

Lee County can capitalize on recent transportation and infrastructure improvements in shaping development;

Lee County can promote its quality of life and public services to attract the industries of the future.

Lee County can implement innovative commercial development planning to better utilize its land resources, lessen environmental impacts and enhance community life.

B. PROJECT INITIATION AND STAKEHOLDER INTERVIEWS

1. Description of Work Performed

BBP Associates held initial meetings with Lee County Officials from the Department of Community Development and the Economic Development Office.

Additionally, interviews with community stakeholders were also conducted and are discussed in further detail in sections B and C of this report. BBP Associates also toured Lee County extensively with the assistance of its locally based sub-contractor. This tour included, but was not limited to, the heavy industrial portion of Alico Road, new roads recently opened along the airport, Florida Gulf Coast University and potential infill opportunity sites. Upon completion of this kickoff trip, BBP Associates composed and mapped out a plan for engaging in land parcel site analysis.

2. Persons Interviewed

BBP Associates conducted on-site interviews with a variety of invested community stakeholders at the Lee County Economic Development Office, including the following persons:

- Edward Adkins, MEL-RE Development-Construction
- Hal Arkin, D'Alessandro & Woodyard
- Chris Bundschu, Bundschu Kraft, Inc.
- Alan Freeman, Southwest Florida Capitol Corporation
- Bruce Gora, Gora/McCahey Architects
- Ron Inge, Horizon Council
- Dan Miller, Re/Max Realty Group
- Steve Shimp, Horizon Council
- Greg Toth, Select Real Estate
- Christy Vogt, Horizon Council
- Bob White, Bob White, Inc.

3. Basic Interview Questions

BBP Associates prepared an interview template to ensure that basic, necessary questions were asked of the subjects who had volunteered their valuable time for this project. The interviews were of course not limited to the following questions, and often evolved into subjects related to their field of the subject's specialization: development, real estate, small business, etc. Further, BBP Associates prepared an additional template relating to specific projects if the interviewee could project any tangible information to further understand the development market in Lee County. The following questions made up the initial template for each interview BBP Associates conducted:

- How much land will be needed for future commercial/ industrial growth?
- Where in Lee County should future growth be expected?

- What changes to Lee County land use regulations are needed to enhance future commercial/industrial growth prospects?
- What are the business trends/growth industries of Lee County? What do these industries look for when searching for opportunity sites in Lee County?
- Could you provide insight into the work commutation patterns of Lee County's workforce? How does this impact current potential commercial sites?
- Are you familiar with the County's land use plan? Will it aid the overall development of the County? How can it be improved? Are there parts that are outdated?
- What is your future vision for the County? What industries should the County seek to grow and develop, the size of companies, areas of the County for future development?
- What obstacles exist to implement this vision?
- How much land is usually absorbed annually for commercial, industrial and residential purposes?
- Can you identify key highway intersections or interchanges where vacant land serviced by utilities exists?
- What are typical rents in the area: office, retail and industrial? Are these full service or triple net rates? Do you see trends in these rents?
- What are land prices per square foot (PSF) for commercial and industrial land?
- Do you have any insight into local absorption rates (retail, office, industrial)?
- What types of industries are contacting you to develop? What are their requirements?
- Do you know of specific County regulations that act as a deterrent to commercial and industrial growth?
- Is the infrastructure (utilities, telecom) in place for development in/near the airport area?
- Other than the airport area, what other locations in Lee County should be considered for industrial/ commercial growth?
- What percentage of land use should be dedicated to commercial/ industrial versus residential to maintain a balanced community?
- Has the County lost any expanding companies/firms primarily due to land use regulations?

4. Summary of Interview Comments

The following comments represent the main points conveyed to BBP Associates during the course of the interview period with Lee County stakeholder groups.

- Industrial Planned Developments (IPD) contain bad frontage regulations; regulations allow only a certain amount of office space within an industrial development; the limit on such office space is too low
- Need comprehensive plan changes to attract potential research parks; increase openness to mixed uses, same with potential business parks regulations
- Can only do mixed use projects under Developments of Regional Impact (DRI), and the rates do not work; the regulations need to allow retail as well
- The area traffic infrastructure is not prepared to support big distribution entities

- Recently have lost large parcels to residential downgrading; however, some parcels are going the other way (to industrial/commercial)—this is a market driven pendulum; which naturally will create NIMBYism by existing residential users who do not desire industrial/commercial businesses near them
- Need incentives to pull together small lots for commercial/industrial development
- Impediments of planned development exist since the development code forces one to split up sites; the code often limits an owner to such an amount of use even if the owner owns two sites near each other and could combine the sites
- Approval process can take more than a year
- County needs to get rid of its ratios in favor of market-based ratios of density ceilings for use in final totals
- Often, development leads to a 'visual cacophony that makes no aesthetic sense' due to haphazard planning
- Cut down the Air Installation Compatible Use Zones, so that there is less need to categorize adjacent areas as industrial
- Need more workforce housing; regulations do not allow for enough density to drive down costs to make workforce housing economical to develop
- Horizon Council did take a stand on workforce housing in July vs. raising the developer impact fees
- The "urban lines" are in the wrong place; their design forces sprawl; and further, the urban roadways need to be designed to carry more traffic
- Need to design urban roadways to carry more traffic
- Future looks bright with I-75 being expanded, \$1 billion targeted for the airport; county needs to think of the future to capitalize on this investment
- As an example of good regulations, look at flex-space design used in Fort Lauderdale
- As an example of bad code writing, current code requires product showrooms to be separate from warehouse space
- Growth should be targeted to pay for such growth instead of property tax rates being raised to new levels
- Need to spread message across the region about need to plan better, concern about property placement of land must be a joint effort
- Density should be raised on infill parcels that are being examined
- The state "concurrency" regulations hinder in-fill development and must be addressed to curtail sprawl for long term health of the area
- The cities are easier to work with than the County and are willing to waive fees so that property owners want to be annexed
- To the north of Lee Boulevard, redevelopment is needed, although it is too remote for business parks
- Public transit is always "in the red," and is used primarily by low income persons
- Need the support of the news media; media coverage is inconsistent with regard to support of regulations that would aid development and good planning
- No shipping or intermodal facilities exist, which does not aid Lee County as a potential transportation center
- County no longer allowing mining permits, which is a good thing

- Alico Road is main source of heavy industrial, and not pleasant at all visually; Lee County should not make that mistake with other roads along the airport route
- New roads along airport open up potential for airport development; development will come too quickly and be poorly done if not carefully planned
- New type of residents are coming into Lee County; not just 'snow birds' but families looking to relocate; the economy is no longer solely based on tourism
- Any new land use plan must look to Cape Coral as a cautionary tale; this community is mainly built out and seeking infill areas to satisfy industrial/ commercial needs.

5. Summary: Project Initiation and Stakeholders Interviews

The initial project meetings and interviews were designed to draw in as many participants to the process of analyzing land use in Lee County and determining areas in which to focus for the purposes of the study. The interviews included persons engaged in real estate services, real estate development, community planning, urban studies and planning, and architecture and design.

Project initiation included a determination of a process by which future field trips to Lee County would include site surveys of selected commercial and industrial land parcels in the County. These field trips would make appropriate notation of whether a particular parcel contained enough acreage for adequate scale for economic development targeting, whether environmental restrictions would deter future development, and whether locational issues would facilitate or discourage development. This information gathered from parcels of significant size would be compiled with data from Lee County's online GIS database, which includes significant information about land size, wetlands percentages, suitability for development based on location and entitlements.

C. COMMERCIAL/INDUSTRIAL REAL ESTATE ANALYSIS

1. Background

BBP Associates studied the current land use in the unincorporated areas of Lee County, Florida. The task involved collecting information about current industrial and commercial office acreage and determining future needs for additional acreage for industrial and office use.

BBP Associates studied the current real estate trends for Lee County and the adjacent Collier County in order to gain a view as to current market conditions, demand for space, absorption rates for industrial and commercial office space and price information in order to have a larger conceptual view of demand for existing land. BBP Associates also looked at employment growth and how growth would determine marginal demand for office and industrial space through Year 2025.

The accompanying analyses and tables support the conclusions drawn herein regarding Lee County's current inventory of industrial and commercial office acreage and how much, if any, the county should add to existing inventory in order to plan out to the Year 2025.

2. Analyses

Table 1 –

Lee/Collier Counties - Florida					
Industrial/Warehouse Space Inventory	2002	2003	2004	2005	2006
Total inventory	4,603,221	5,159,750	5,293,767	5,957,991	5,943,172
Inventory occupied	3,829,878	4,313,551	4,732,628	5,454,541	5,467,718
Inventory vacant	773,343	846,199	561,139	503,450	475,454
Avg. rent per sq.ft.	\$6.03	\$6.37	\$6.58	\$6.60	\$6.85
Vacancy rate	16.80%	16.40%	10.60%	8.45%	8.00%
Estimated land value per sq.ft.	\$5.50	\$6.00	\$7.00	\$9.00	na
Estimated bldg. value per sq.ft.	\$42.65	\$43.64	\$75.00	\$90.00	na
Annual absorption rate sq.ft.	178,170	375,225	273,980	818,500	262,200
Five Year Avg. Absorption (sq. ft.)	381,615				
Sources: Bob White, Inc.; Stan Stouder, CB Richard Ellis; LoopNet.					
(Note: excludes industrial space of less than 25,000 sq.ft.)					

Industrial warehouse space has shown a strong growth trend over the four-year period through 2005. In 2006, there was a net loss of approximately 15,000 square feet, according to data provided by C.B. Richard Ellis. The sector has achieved positive annual net absorption of greater than 381,000 square feet on average since 2002. In tandem with the absorption levels is the vacancy rate, which has been cut in half since 2003. Rents have trended higher as well to an average of \$6.85 per square foot as of the end of 2006. Land and building values have skyrocketed during this same period. This asset price escalation reflects total demand for land for alternate uses. According to a prominent commercial broker in the region, demand for additional residential land use and other commercial uses has driven land values up. This escalation should

place a floor on rental rates as new development would have to recoup the cost of the land by maintaining the current rental levels.

It is important to note, that this set of statistics reflects a two-county area and excludes a significant portion of industrial use. Industrial class buildings of less than 25,000 square feet are excluded from this statistical set. Absorption for the two-county area has trended to levels above historical levels; this trend suggests that Lee County absorption levels are rising as well. If buildings of less than 25,000 square feet were included in this data set, absorption levels would trend even higher than the long term trend.

A closer look at Lee County apart from Collier County shows a strong recent trend in new industrial space of greater than 25,000 square feet.

Table 2 --

Lee County, Florida					
Industrial Space Absorption	2002	2003	2004	2005	2006
Square Footage	116,400	403,550	80,950	828,700	262,200
Five Year Average	338,360				

Source: CB Richard Ellis

The five year average for Lee County appears to be in an upward trend. Typically, Lee County builds more industrial and industrial/flex space than does Collier County. Collier County experienced negative absorption both in 2003 and 2005 while Lee County experienced strong absorption. Real estate data for 2006 identifies more than 920,450 square feet of additional industrial space currently under construction for the region, most of it in Lee County, which will have to be absorbed in a period of economic slowdown nationwide.

Table 3 --

Lee/Collier Counties -- Florida				
Commercial Office Space Inventory	2003	2004	2005	2006
Total Inventory	4,620,753	4,731,669	5,169,466	6,470,312
Inventory Occupied	3,784,397	4,239,575	4,755,909	5,726,226
Inventory Vacant	836,356	492,094	413,557	744,086
Avg. rent per sq.ft.	\$16.52	\$16.29	\$22.10	\$22.73
Vacancy rate	18.10%	10.40%	8%	11.50%
Estimated bldg. value per s.f.(from sales data)		\$95.00	\$165.17	\$200.00
Annual Absorption Rate s.f.	48,025	563,070	1,031,520	673,430
Sources: CB Richard Ellis, Loopnet, BBP Associates				4 Yr. Average -----> 579,011
(Note: Office Category excludes buildings less than 15,000 sq.ft. and also government offices.)				

Table 3, above, shows recent data on commercial office space for Lee and Collier Counties. As with the previous data set, a significant portion of commercial office space is excluded that would likely show even greater absorption levels. Buildings of less than 15,000 square feet are

excluded from study as are government office buildings. Additionally, this data focuses on Class A and B office space and does not include lower grades of office space.

Demand for commercial office space has driven down vacancy rates from 18% in 2003 to 11.5% in the last reporting period. However, the vacancy rate was as low as 8% in 2005, and moved up significantly in the last year. Absorption dropped from a large increase in 2005. In all, the unincorporated portion of Lee County contains in excess of 34.6 million square feet of commercial space of all types and grades according to data provided by the Lee County Planning Office. Office rents have increased dramatically from \$16.52 per square foot in 2003 to \$22.73 per square foot in 2006. As well, building values have soared, due to the strong area economy, continued demographic trends and growth of office professional sectors of the job market. Recent data from real estate sources indicates that Class A and B commercial office space is selling for rates of \$200 or more per square foot, depending on location and other features. Additionally, the wave of hurricanes in Florida in 2005 added significantly to construction and building operating costs that do not appear to be abating.

The next table takes a closer look at Lee County apart from Collier County. Data provided by CB Richard Ellis on Lee County office and retail absorption reveals a strong upward trend in retail square footage absorbed over the past year (2006). Retail net absorption exceeded 2.6 million square feet, well above near-term trends. Commercial office absorption totaled 950,000 in 2005 and 485,000 in 2006, comfortably above the five-year average of 396,400 square feet.

Table 4 –

Lee County, Florida							
Commercial Absorption of Retail and Office Square Footage							
	2000	2001	2002	2003	2004	2005	2006
Retail	25,200	301,000	704,700	310,000	658,000	691,000	2,690,000
Office	na	na	155,000	48,000	344,000	950,000	485,000
Office Five-Year Absorption Avg.				396,400			
Retail Six -Year Absorption Avg.*				448,317			
Retail Seven-Year Absorption Avg.				768,557			
Middle Number				608,437			
Commercial(retail + office) Absorption Estimate ----->						1,004,837	
*Six year retail absorption avg. excludes 2007 data.							
All Data Provided by CB Richard Ellis, with backup data by Fishkind Econocast.							

According to local real estate experts, more than 1.9 million square feet of new office construction is underway in the Lee/Collier County region, which will add significantly to the base of 6.5 million square feet of Class A and B inventory of significant scale. Real estate experts believe that continued strong employment growth should allow for normal absorption of this added inventory.

Total near-term commercial and retail absorption for Lee County is estimated to be slightly more than 1 million square feet annually. However, this estimate excludes commercial projects below a specific scale and thus understates total absorption. Data provided by the Lee County Planning

Office, for the period of 1990-2004, shows long term absorption of approximately 1 million square feet of commercial space and approximately 360,000 in industrial space. These absorption levels would include smaller development projects as well that are not counted in other surveys.

Table 5 --

Lee County, Florida		
Long-Term Absorption of Commercial and Industrial Space*		
	Commercial	1,000,000
	Industrial	360,000
*Period is for 1990-2004		
Source: Lee County Planning Office		

The following table shows Lee County's land inventory and the change from 1988 to the present. The table presents the land for unincorporated Lee County and includes the major use categories including both active and passive agricultural uses and wetlands.

Table 6 --

Lee County: Change in Land Use Comparison -- 1988 to 2006				
Land Use	1988	2006	Difference	% Change
Total County Acres	389,472	361,517	-27,955	-7.2%
Industrial	1,330	1,614	284	21.4%
Commercial	3,291	4,640	1,349	41.0%
Residential	33,513	49,084	15,571	46.5%
Public/Quasi Public	36,996	57,958	20,962	56.7%
Active Ag	31,821	29,501	-2,320	-7.3%
Passive Ag	72,607	55,087	-17,520	-24.1%
Wetlands	85,880	82,491	-3,389	-3.9%
Vacant	124,034	81,141	-42,893	-34.6%
Total	389,472	361,517	-27,955	-7.2%
Source: Lee County Planning Division				

Lee County contains a total of 361,517 acres within its boundaries, exclusive of the incorporated entities therein. Annexation over the past 17 years has reduced the unincorporated area by approximately 28,000 acres. During the same time, industrial, commercial and residential use areas were increased at the expense of vacant and agricultural uses. Commercial land use increased by 41% during this period, while industrial use increased by 21.4%. Residential use increased by 46.5% during the same period. Public land use also experienced a large increase, while wetlands sustained a loss of 3.9% in total acreage.

Table 7 –

Lee County, Florida Comparison: Industrial and Commercial Office Zoning and Land Use					
	<i>Industrial</i>			<i>Commercial</i>	
Currently Zoned Acres	5,972		Currently Zoned Acres	11,150	
Less Res., Comm., Public Use	2,510		Less Res., Comm., Public Use	3,136	
Remaining Zoned Acres	3,462		Remaining Zoned Acres	8,014	
Zoned and Used Industrial	1,119		Zoned and Used Commercial	3,147	
Remaining Zoned Acres	2,343		Remaining Zoned Acres	4,867	
Current Industrial Use	1,614		Current Commercial Use	4,640	
Source: Lee County Planning Division					

Not all of the current acres zoned for both industrial and commercial uses are being used. In the industrial area, a total of 5,972 acres is zoned for such use, while 1,614 acres is used for industrial. Of the 1,614 industrially used acres, 1,119 are zoned for such use. The remaining 495 acres are used for industrial but are zoned for other uses. More than 3,400 acres in the industrial zoning category are used for other purposes that make them unlikely to be converted to industrial uses. This leaves 2,343 acres in the industrial zoning category not yet developed. For commercial office, more than 11,000 acres are zoned; however, 3,136 acres are used for other purposes, while 3,147 commercially zoned acres are developed within the commercial zoning category. The commercial sector has an additional use of 1,493 acres from other zoning categories. Total use is 4,640 acres. What remains is 4,867 acres of undeveloped commercially zoned acres.

Table 8 –

Demand Factors in Lee County: 1988 to Now				
<u>Factor</u>	<u>Then: 1988</u>	<u>Comparison Now: 2005</u>	<u>Difference</u>	
<u>Demographics</u>				Compound Growth Rate
Population (1)	312,383	549,442	237,059	3.3%
Households (3)	129,800	235,150	105,350	3.8%
Employees (2)	139,577	253,000	113,423	3.8%
Businesses (2)	9,146	15,126	5,980	2.8%
Sources: (1) Florida's Bureau of Economic Research (2) Lee County Economic Development Office (3) Census Bureau (4) BBP Associates				

Demand factors for Lee County include a strong general population growth trend of more than 3% annually, as well as strong annual household growth of 3.8% and the same growth rate for employees. Three of the four factors have grown at a compounded annual rate of better than 3% during this 17 year period. Business growth is also strong, albeit at a lower rate of 2.8% over this period.

Table 9 –

Projected Population Growth in Lee County					
	2005	2010	2015	2020	2025
low	NA	594,800	652,800	700,200	736,500
medium	549,442	648,400	741,700	828,500	906,200
high	NA	698,200	830,800	966,900	1,104,700
Source: Florida's Bureau of Economic & Business Research Population growth projections for Lee County through 2025.					

The same growth drivers mentioned above will likely keep Lee County growing at a rapid rate for the next two decades. Recent Bureau of Labor Statistics (BLS) information cited Lee County as one of the top ten counties in the U.S. for job growth. The middle estimate of population growth, as provided by the University of Florida's Bureau of Economic and Business Research, places the population count through Year 2025 at approximately 900,000 persons. This rate assumes a growth rate of 2.5% annually, significantly less than the historical trend. If the historical trend of growth continues, Lee County's population will total more than 1.1 million by Year 2025.

Table 10 looks at Lee County's employment classifications using the Bureau of Labor Statistics' North American Industry Classification System (NAICS) codes. Employment data is critical to understanding Lee County's future land needs because employment growth is the key driver of commercial and industrial activity as well as a key component of residential housing growth.

Table 10 –

Employment Growth in Lee County								
	2005	2010	2015	2020	2025	% of Total--2005	Growth Rate	% of Total--2025
Total Employment	226,947	258,321	294,744	337,152	386,675	100%	2.70%	100%
Manufacturing	6,410	6,838	7,294	7,780	8,299	2.82%	1.30%	2.15%
Construction	28,982	33,192	38,014	43,537	49,861	12.77%	2.75%	12.89%
Transport, Warehousing	2,586	2,718	2,857	3,002	3,155	1.14%	1.00%	0.82%
Wholesale Trade	6,476	7,256	8,129	9,108	10,205	2.85%	2.30%	2.64%
Retail Trade	34,064	36,697	39,533	42,588	45,879	15.01%	1.50%	11.87%
Information	4,274	4,719	5,210	5,752	6,351	1.88%	2.00%	1.64%
Financial Svcs.	12,424	13,717	15,145	16,721	18,461	5.47%	2.00%	4.77%
Prof. Bus. Svcs.	27,340	34,480	43,485	54,841	69,164	12.05%	4.75%	17.89%
Educ. And Health	20,241	24,040	28,552	33,911	40,275	8.92%	3.50%	10.42%
Leisure & Hospitality	26,751	29,535	32,609	36,003	39,751	11.79%	2.00%	10.28%
Other Svcs.	8,602	9,591	10,693	11,922	13,293	3.79%	2.20%	3.44%
Government	30,888	34,777	39,155	44,085	49,635	13.61%	2.40%	12.84%
Self Employed	17,909	20,761	24,068	27,902	32,346	7.89%	3.00%	8.37%
Note: employment data excludes agricultural, mining, utilities and is not seasonally adjusted.								
Sources: Lee County Economic Development Office, Florida Agency for Workforce Innovation, BBP Associates								

The employment picture for Lee County shows strong future growth in two key sectors: *Professional Business Services* and *Educational and Health Services*. *Professional Business*

Services is expected to grow by more than 4% annually over the next two decades and will become the largest single job classification sector for Lee County. By Year 2025, *Professional Business Services* will cover almost 18% of total employment in Lee County, or roughly one out of every six jobs. Approximately one out of every four new jobs will be created in this sector as well. *Educational and Health Services* will grow by 3.5% annually and will be approximately 10.4% of the employment sector. Both categories combined will total 28.3% of the employment sector by 2025. Such growth implies more demand for commercial office space. Industrial job growth will grow at a much smaller pace. Manufacturing job growth will increase at 1.3% annually, while wholesale trades will grow at 2.3% and transport and warehousing at 1%. Employment in *Leisure and Hospitality*, *Retail* and the *Construction* trades will grow at slower rates as well, but because all three categories are large job classifications in Lee County, they will add significantly to the overall growth numbers.

In order to make projections for future land needs in both industrial and commercial categories, it is necessary to split the job classifications into two categories so that those sectors that contribute to industrial growth can be examined separately from those that are involved in driving commercial office growth. Tables 11 and 12 show the two divisions, with Table 11 showing industrial sector categories, and Table 12 showing commercial office categories. One NAICS sector, *Other Services*, was split between industrial and commercial distinctions because this sector is a broad category that will include workers engaged both in industrial and commercial work. However, the majority of such classified workers are assumed to be engaged in service jobs that are predominately commercial office in nature.

Table 11 –

Drivers of Demand -- Industrial Space						
Employment in:	2005	2010	2015	2025	Diff. 2005-15	Diff. 2015-25
Manufacturing	6,410	6,838	7,294	8,299	884	1,005
Construction	28,982	33,192	38,014	49,861	9,032	11,847
Transport, Warehousing	2,586	2,718	2,857	3,155	271	298
Wholesale Trade	6,476	7,256	8,129	10,205	1,653	2,076
Other Services (10% in industrial)	860	959	1,069	1,329	209	260
Total:	45,314	50,963	57,363	72,851	12,049	15,488
*Other Services includes Contractors, Self Employed, Temporary, Unclassified Occupations.						
Sources: Table 10, BBP Associates						

Employment in the industrial sectors of the economy was examined in order to capture growth drivers for industrial space. By far, the biggest component of the industrial sector is the *Construction* category. If this component were removed or modified to reduce its contribution to industrial job growth, then this sector would see anemic overall job growth in the future. Of the approximately 28,000 jobs expected to be created by Year 2025 in the industrial sector, 21,000 or 75% of them are construction related. *Manufacturing*, traditionally the main component of industrial space needs, will grow by less than 2% annually over the next two decades. Total manufacturing jobs will grow by only 1,900 positions. *Transport and Warehousing* will also deliver negligible job growth for Lee County, while *Wholesale Trade* will deliver approximately 3,800 positions over the next two decades. Weak job growth outside of the *Construction* sector will challenge calls for additional industrial land accumulation.

Table 12 –

Drivers of Demand -- Commercial Office Space							
	2005	2010	2015	2025	Diff. 2005-15	Diff. 2015-25	
Information	4,274	4,719	5,210	6,351	936	1,141	
Financial Svcs.	12,424	13,717	15,145	18,461	2,721	3,316	
Prof. Bus. Svcs.	27,340	34,480	43,485	69,164	16,145	25,679	
Educational/Health Svcs.	20,241	24,040	28,552	40,275	8,311	11,723	
Other Services (60% in commercial)*	5,161	5,754	6,416	7,976	1,255	1,560	
Total:	69,440	82,710	98,808	142,227	29,368	43,419	

*Other Services includes Contractors, Self Employed, Temporary, Unclassified Occupations.
Sources: Table 10, BBP Associates

Growth in the commercial office market will place demands for development of additional land currently reserved for commercial uses. Strong job growth is anticipated, with *Professional Business Services* leading the growth. Of the approximately 73,000 positions expected to be created over the next 20 years in the commercial office area, 42,000, or 57%, will be from the *Professional Business Services* component. These positions will be almost exclusively white-collar jobs requiring high grade, Class A type office space. Additionally, the continued need for space for *Health Care and Educational Services* area will place demands for specialty office space.

3. Summary: Commercial / Industrial Real Estate Analysis

Using the data provided from the previous two tables, Table 13 provides an initial analysis and recommendation of how much commercial office and industrial land will need to be developed to meet anticipated demand. This analysis is based on using a traditional approach to predicting future land needs to support industrial and commercial job growth. This approach involves the use of a standard worker per utilized land acre ratio and then projecting future land needs by holding that ratio constant. Rather than rely on standard industry ratios, however, BBP Associates used the current Lee County ratios and extrapolated them to determine future needs.

The table below uses both demand drivers presented in previous tables—the numbers of commercial office and industrial workers—and the supply of land in both industrial and commercial categories presented in previous tables. Thus, the numbers of workers in each category—industrial and commercial office—are divided by utilized acres. By linking supply with demand, Table 13 allows for an analysis of how much available and undeveloped land would be used to meet anticipated employment growth through Year 2025.

The table shows that with the current Lee County worker to acreage ratios, an additional 988 industrial acres would need to be developed by Year 2025, and 4,842 acres of commercial office land would need to be developed for the same period.

Table 13 –

Future Land Needs: Industrial and Commercial Office					
Analysis of Needs	2005	2015	2025		
Commercial office employees per acre	15	15	15		
Industrial employees per acre	28	28	28		
				Difference	
	2006*	2015**	2025**	2006-15	2006-25
Commercial Office Acres	4,640	6,587	9,482	1,947	4,842
Industrial Acres	1,614	2,049	2,602	435	988
Total Industrial/Commercial Office	6,254	8,636	12,084	2,382	5,830
*Acreage represents utilized acreage.					
**Projected based on current ratios					
Note: Ratios on first two lines under "Analysis of Needs" are derived from dividing workers (Tables 11, 12) by acres.					
Sources: Lee County Planning Division, BBP Associates					

D. PROJECTIONS OF COMMERCIAL AND INDUSTRIAL LANDS

1. Background

While Table 13 provides a usable method to determine future land needs for industrial and commercial office uses, it is also believed that other more market-based methods are equally valid. While the guidelines in Table 13 are widely used for studies making comparisons and projecting future land needs, they often fail to live up to realistic assumptions regarding how much new development can be absorbed in a given market area.

As an alternative to ratio application, BBP Associates analyzed the absorption rates of square footage of real estate space for both industrial and commercial uses. Square foot absorption rates are generally stable over long time periods in industrial and commercial real estate markets. These absorptions tend to place a constraint on development assumptions derived from ratios of workers to space.

In determining land use demand using the Table 13 approach, BBP Associates chose to use current Lee County ratios rather than apply industry standard ratios. However, these methods demand a "reality check" to determine whether market conditions support the conclusions.

Additionally, in assessing the available supply of industrial and commercial zoned parcels available for future uses in these categories, BBP Associates engaged in a series of field surveys with Lee County officials and made assessments of the usability of previously identified zoned lands for commercial and industrial uses. In so doing, the following questions were considered to provide a process of analyzing cited land parcels:

- Are the size of the parcels such that more development can be accommodated, particularly today's mixed-use business and technology parks?
- Is this acreage already serviced by public infrastructure that would support these uses?
- Is this acreage geographically situated in areas likely to face future annexation pressure from nearby cities?
- Are these areas near locations experiencing residential growth pressures and likely to be targeted for residential rezoning?

These and other issues were further addressed in the site survey trips conducted to further examine the issue of developable land in Lee County.

2. Analysis

During these field surveys, additional factors were considered, such as deductions for undevelopable or support areas within zoned acreage and wetlands percentages different from recorded percentages.

Additionally, a third deduction would come from eliminating land parcels too small for any scalable development that would serve future commercial office and industrial space needs. All land parcels zoned industrial that were less than 5 acres were eliminated, as were all land parcels zoned commercial if less than 4 acres.

These site surveys were done in order to gain a better assessment of usable land for each category in order to gain an accurate assessment of locational issues, wetlands restrictions and whether errors existed in current County data provided for this study. Site survey set-up work involved selecting a representative sampling of land parcels of sufficient scale in each category for additional study. This process involved BBP Associates and Lee County officials visually surveying properties and making comments on site suitability, changes in land use from previously documented work and determining what restrictions would hinder use for each category.

Table 7, from the previous section, shows current land designations for Lee County's unincorporated areas for both industrial and commercial uses. The table below shows the adjustments made to inventories of zoned industrial and commercial lands. They take into account the available land in each category and modify it taking into consideration wetlands percentages different from those recorded on Lee County's GIS Database, errors discovered, conversions to other uses and also projects that are already in the pipeline for development, evidenced by such visual activities as land clearing, excavation, survey work, and other engineering and building activity:

Table 14 –

Results of Land Site Survey, Lee County, Florida	
Development Category	Industrial
Remaining Developable Acres	2,343
Adjustments for Scale(subtract parcels < 5 Ac.)	649
Adjusted Developable Land	1,694
Deduction: Errors Discovered on Zoning	518
Deduction: Wetlands Conditions	150
Deduction: Pipeline Development	190
Total Deductions	858
Net Developable Acres	836
Sources: Lee County Planning Office, BBPA	
Development Category	Commercial
Remaining Developable Acres	4,867
Adjustments for Scale(subtract parcels < 4 Ac.)	1,652
Adjusted Developable Land	3,215
Deduction: Errors Discovered in zoning	126
Deductions: Wetlands Conditions	75
Deductions: Pipeline Development	105
Total Deductions	306
Net Developable Acres	2,909
Sources: Lee County Planning Office, BBP Associates	

Thus, after these deductions, developable land for industrial and commercial dropped to the acreage shown. Industrial acreage dropped to 836 acres from 2,343 acres. Commercial acreage dropped from 4,867 acres to 2,909 acres. Much of the acreage drops can be attributed to the fact that they are located in land designations partially developed; therefore, only the acreages within those parcels were counted toward future development possibilities.

Among the primary findings, BBP Associates determined that the wetlands percentages listed on the County's GIS system were reasonably accurate when compared to a visual inspection of an actual site. Also, several parcels that were shown to be zoned for industrial use had actually been re-zoned for residential and other uses and were therefore not available for future industrial use. One large parcel, 274 acres, was not usable though it was classified as an industrial site. It was the current location for landfill operations.

In all, 518 acres of industrially zoned parcels were discovered to be unusable because of zoning issues involving subsequent re-zoning or because of existing use that precludes future industrial use. For example, one parcel, approximately 50 acres, was shown in County records to be zoned for industrial use, though the developer--who spoke while on site and while building activity was taking place--said he was building homes combined with an RV Park on the site.

In the commercial category, 126 acres were discovered to be unusable for future commercial use either from subsequent re-uses for residential homes or because of current use issues.

The issue of scale was also then considered in this process. All industrial lands less than 5 acres were excluded from consideration for future industrial use. In commercial lands, all parcels less than 4 acres were excluded for future commercial use.

3. Demand for Land Use to 2025 (Industrial and Commercial)

The initial assessment of future demand, as explained in Table 13, found the need for an additional 4,842 acres of commercial development and 988 acres of industrial development by the year 2025. The primary growth driver was the continued strong projected population growth of more than 3% annually, and continued strong growth in the office services sectors of *Professional Business Services*, *Financial Services*, *Government* and *Health Services*.

BBP Associates has reviewed previous industrial/commercial land use studies and industry recommendations for insight as to the proper ratio of workers per acre of land for commercial and industrial land needs. The Roberts Study conducted in the mid-1980s for Lee County recommended 8.5 workers per industrial acre for Lee County and 17 acres of commercial space per 1,000 of population. Current Urban Land Institute (ULI) case studies call for approximately 15 workers per acre in the industrial sector.

BBP Associates, in its analysis, relied on the current Lee County ratios of workers per acre of developed land in order to project future land use demand. Currently, there are 28 industrial sector employees (including construction workers) per acre of developed industrial space. In the commercial office sector, there are 15 such employees for each acre of developed commercial office space. Using this approach, BBP Associates projected a need for approximately 1,000

acres of additional industrial development through Year 2025, and 4,850 acres of commercial land for office space. Total land needed for office and industrial development would exceed 5,800 acres.

If the methodology employed were allowed to define demand for future industrial and commercial uses, Lee County would have a deficiency in industrial and commercial acreage by Year 2025.

However, as a check on assumptions, BBP Associates identified market absorption requirements from earlier tables. For Lee County, long term annual absorption rates are approximately 360,000 square feet in industrial space, and 1 million square feet in all commercial categories, including retail-commercial.

The analysis for future land development in these two sectors calls for approximately 25,000 square feet of additional annual absorption in the industrial market and approximately 100,000 more square feet in the commercial sector. While this increase is significant, BBP Associates believes that Lee County will indeed require more development to satisfy growing demand in both sectors of the market. Land prices, rental rates, and vacancy rates confirm this trend, and continued strong population growth supports this increased level as well. Increasing absorption levels will place them above long term trends but the increase appears to be within a normal range above the trend.

The next step, then, is to apply the absorption levels analyzed in the previous section to determine how much land, from a set of market-based statistics, Lee County can expect to absorb over the next two decades in industrial and commercial categories.

4. Applying Floor to Area Ratio and Assessing Surface Restrictions

As shown in Table 14 above, current net developable acres for industrial use total 836 acres. Current net developable acres for commercial use total 2,909 acres. In order to accurately determine when land use scarcity reaches its acute phase, it must be determined when land is used up on a square footage basis. In determining this timetable, square footage absorption rates must be considered. As noted in the previous deliverable, absorption rates provide a market-based indicator of growth in real estate development and determine whether growth demand assumptions are realistic given long term absorption in the past. For Lee County, long term annual absorption rates are estimated into the future to be approximately 375,000 square feet (annual increase of 25,000 square feet) in industrial space, and approximately 1.1 million square feet (annual increase of 100,000 square feet) in all commercial categories. If these rates are applied into the future, the square footage amounts need to be tied to the available acreage and the percentage of building built on an available acre of land.

County-provided estimates of floor area ratio (FAR) for industrial usage of building area above 10,000 square feet are approximately 19.5%. As building size increases beyond the 25,000 square foot range, the FAR rises to approximately 23%. This ratio takes into account land in a building area needed for roads and surface water retention. The County estimates that

approximately 30% of a building parcel will need to be set aside for roads and water retention areas.

Finding a standard commercial FAR is more difficult given that commercial space is often built on more than one level and can vary from a one-story business center to multi-story buildings. The Lee County Comprehensive Plan calls for a maximum FAR of 1 (CPA 2005-39 Commercial Future land use Map Category, Policy 1.1.10). Absent a standard ratio, the maximum FAR allowed under the Code could be applied. However, this approach might overstate square footage allowances and produce an unreliable outcome.

An alternate process can also be derived, beginning by subtracting the requisite percentage for water retention, roads and open lands. County-provided examples of water retention, roads and green space use employed for commercial areas zoned CPD range from as low as 12% to as high as 48%. The mid-point of this range is 30%. Using a 30% reduction in acreage will allow for a reasonably useful adjustment of available square footage needed for surface water retention, open areas and roads. A further percentage should be designated for parking requirements. In this case, 30% of total land area for parking is considered. This assumes no requirement for structured parking.

5. Acres Absorbed On a Square Footage Basis

a. Industrial

Industrial land that is available for development through Year 2025 totals 836 acres. This is land that is not subject to wetlands restrictions and is not currently in a pipeline stage of development. Given recent industrial absorption rates for Lee and Collier Counties, a long term absorption rate of 375,000 square feet for Lee County alone is not unrealistic over the next two decades. Applying the FAR cited above, Lee County will have total of 8.3 million square feet of land on which to occupy building space for industrial use. Over a 20 year period, this space, if completely absorbed, will average 418,785 square feet annually, which is significantly higher than both near-term and longer term absorption rates. If land is absorbed for industrial use at the assumed rate of 375,000 square feet per year (25,000 square feet of additional absorption), Lee County will not exhaust its supply of land for industrial use by the Year 2025 (see the table below).

Table 15 –

Industrial Land Needs -- Applying Absorption/FAR		
sq.ft in one acre		43,560
acres available	836	X
Total Sq.Ft.		36,416,160
Apply FAR	0.23	X
Adjusted Sq.Ft.		8,375,717
divide by absorption	385,000	/
Years to Absorb		21.8

However, shortly thereafter, certainly by Year 2030, Lee County will have absorbed its current developable industrial parcels on a square footage basis. Though Lee County has adequate industrially-zoned lands until Year 2025, it will not have any remaining lands left which are currently zoned for industrial use by Year 2030. This rate of absorption assumes that the recent higher-than-long term trends will continue into the future.

One note should be made about lands designated as part of the Future Land Use Map in the Tradeport area. An additional 2,000 acres of land in this part of Lee County is reserved for Industrial use, thus giving the County a reserve to plan for beyond Year 2030.

b. Commercial

Commercial land of significant scale that is available for development out to Year 2025 totals 2,909 acres, which is inclusive of land parcels of 4 acres or more. Commercial space requirements will be driven by growth in the population and need for greater office space and commercial space for government services, medical facilities and other business support functions.

Given Lee County's strong growth and its emerging role as a regional business center, it can be assumed that demand for commercial space, namely commercial office, will grow at a faster pace than in the past. The long-run commercial absorption rate of 1 million square feet is likely to be higher in the future, and will therefore need to be adjusted upward. A more recent growth rate suggests absorption of an additional 100,000 square feet on an annual basis. This absorption includes absorption of retail space.

Available square footage given available acreage is then modified for the 30% requirement for water retention, open areas and roads. Parking needs will require a 30% reduction in area for building as well. A total of 50.7 million square feet of land space is then available for commercial use. If absorbed at a rate of 1.1 million square feet annually, Lee County would have more than enough commercial land to satisfy demand beyond Year 2025.

Table 16 –

<i>Commercial Land Needs -- Applying Absorption</i>		
sq.ft in one acre		43,560
acres available	2,909	X
Total Sq.Ft.		126,716,040
Less:(water, road, etc.)	30%	38,014,812
Adjusted Amount		88,701,228
Less:(parking)	30%	38,014,812
Adjusted Amount		50,686,416
divide by absorption	1,100,000	/
Years to Absorb		46.1

Assuming no further net retail absorption, commercial office absorption would continue for well beyond 50 years without the need for additional lands. Thus, the original ratio analysis that

called for 4,077 acres of commercial office land for development through Year 2025 overstates the need for additional commercial zoning beyond the current state.

6. Additional Growth Drivers and Future Needs

Two recent growth drivers for the County include the improvements to the infrastructure surrounding the airport, as well as the development of the Florida Gulf Coast University, both located along the southeast region of the county east of I-75 and near Alico Road. This growth has been given a boost from the recent widening of Alico Road to six lanes, which is in the completion stages. The area may further be boosted by the extension of S.R. 951, which will give another North-South corridor.

Given these road infrastructure improvements, greater access to the airport, and the growth catalysts of the airport and university, many commercial land parcels in more remote parts of the county may not be ideally suited for prime commercial development, given the county's shift in business activity to the southeast along this business corridor. If the bulk of new business activity continues to migrate southeast toward the airport and Alico Road, then other considerations will need to be given to commercial lands in Lee County and whether additional commercial land is needed in this one location along Alico and other growth corridors such as Daniels Parkway and Treeline Boulevard near the airport. The Future Land Use Map shows that areas around the airport have ample acreage including the areas designated as Tradeport. This acreage will likely be developed over the next two decades as access roads are now greatly improved.

Given the likely growth of these corridors into business parks servicing firms interested in the expanded road access to the airport, it appears that maintaining separate categories for industrial and commercial needs in this one particular corridor may be unnecessary and may hinder smart development initiatives. Lee County does not appear likely to attract the industrial-type projects along this corridor that would call for separate industrial and commercial zoning designations. Future industrial needs in this corridor will likely involve significant research and development (R&D), limited manufacturing or assembling, design facilities, small-scale inventory spaces, and logistics/management hubs. It is likely that this business activity can be integrated within commercial development projects without the need to segregate it into a separate category and separate location.

However, this recommendation is not to suggest that Lee County should not maintain a separate zoning designation for industrial use county-wide. Though future heavy industrial uses involving industrial waste disposal needs, heavy transport access, large manufacturing facilities, etc. are not likely to occur in Lee County to a significant degree, industrial land should still be set aside for manufacturing facilities and waste disposal considerations.

7. Conclusion

BBP Associates used a market-based approach to determining future industrial and commercial land needs and thus applied absorption rates from studying available market data on long term absorption of industrial and commercial square footage in the region of Lee and Collier

Counties. These absorption rates applied a check on recommendations based on ratios of employee per acre of space in both categories.

After applying market absorption rates, BBP Associates has concluded that current land designated as industrial and commercial is adequate to meet demand for both industrial and commercial uses beyond Year 2025. However, future commercial and industrial development will likely include a mixed-use approach that might not conform to current land use policies. The areas around the Alico Road corridor and the Airport are the centers of economic activity, and growth of business parks, industrial flex centers, and research and development facilities will likely challenge traditional development regulations and approaches. The next section will address these issues and provide options for future industrial and commercial uses that are most likely to occur in Lee County.

**E. RECOMMENDATIONS FOR CHANGES TO THE COMPREHENSIVE CODE
AND LAND DEVELOPMENT CODE**

1. Background

BBP Associates reviewed and made recommendations for changes to Lee County's Comprehensive Plan and Land Development Code. The scope of this task included a review of land use categories and uses, determine what they permit, and assess how such uses advance County goals. The scope then requires an assessment of existing policies and recommendations for revised and new policies.

2. Impact of Recent Lee County Growth Trends on County Regulatory Tools

Early in Lee County's growth history, the primary development emphasis centered on residential tract housing development, primarily for retired persons. As Lee County has matured and also developed a professional business community, officials have recognized the need for more commercial centers located near residential areas.

In the past 20 years, growth has been sustained beyond most experts' highest estimates. Population growth has compounded at more than 3% on an annual basis, while growth in the *Business and Professional Services* employment sector has increased even more. Ever-increasing land values and escalating rents are indicative of the healthy environment for real estate development, while low rates of commercial and industrial vacancy are indicative of a continued demand for both land and building square footage.

While this growth has continued, the business center of Lee County has continued to shift south away from the downtown area to the southeast region. At the same time, job growth has been dominated by the services sector of the economy. Manufacturing continues to be a small and subservient economic sector. Most industrial growth continues to be dominated by links to the construction sector and the distribution of services related to building activity. Talks with various stakeholders in Lee County, both in government and the private sector, suggest that future industrial sector growth will come more from firms involved in research and development activities, rather than manufacturing and distribution facilities.

Some recent amendments to the Comprehensive Plan have attempted to address these changed circumstances. One set of amendments specifically addressed the lack of commercial centers in the Lehigh Acres section of the county. However, this renewed emphasis on more commercial centers in proximity to residential areas has not led to more mixed-use projects, which seeks to integrate home, work and shopping so as to promote quality of life, reduce traffic congestion and limit sprawl.

On an aggregate basis, Lee County does not appear to suffer from a shortage of commercially zoned parcels. However, Lee County should consider whether it has enough land zoned *Commercial Office* in the growth corridors along Alico Road, Three Oaks Parkway, Daniels Parkway, in the areas around Florida Gulf Coast University and the areas around the Southwest Florida Regional Airport. Lee County has created two new land use categories in this area to

emphasize the specialized nature of the commercial and industrial activity that is expected and encouraged, but additional guidelines and possible incentives to encourage true mixed-use development would be appropriate.

Lee County has sufficient land zoned for commercial and industrial activity at the present time. However, not all of it may be in locations that are in greatest demand. In the meantime, it is recommended (Recommendation 6) that the CC, CG and CS-1 categories be amended to allow for certain uses from Research and Development Laboratories, Group IV and Business Services, Group, II that are determined to not have adverse off-site impacts.

The recommendations below address how the Comprehensive Plan and Land Development Code can be adjusted to accommodate today's market demand and development trends. These recommendations are offered with an eye toward enhancing the County's long term commercial and industrial land supply and promoting more high-quality developments.

3. Recommended Revisions to the Comprehensive Plan

Recommendation 1: Re-evaluate Policy 7.1.4., and consider replacement language that addresses land needs for industrial uses (including manufacturing activities) in the context of current economic and labor force trends.

Policy 7.1.4 – *“The Future Land Use Map must designate a sufficient quantity of land to accommodate industrial development that will employ 3% of the county's population in manufacturing activities by the year 2010. A report will be prepared by county staff every two years to monitor the county's progress towards this employment goal.”*

This particular policy was inserted into the Comprehensive Plan following a recommendation in the Roberts Study published in the mid-1980s. This study emphasized population growth and linked this growth to both employment growth and the need for a more diversified employment base. From this emphasis, industrial growth and development in Lee County was benchmarked to population growth.

The desire at that time to bring industrial jobs to the region stemmed from the belief that industrial jobs, particularly those in various manufacturing designations, were higher paying jobs than were retail and tourism-related ones. Now, other categories of jobs such as high-paying service sector employment in *Business and Professional Services* have evolved. The past two decades has seen a shift nationwide in new job development to business and professional services, health care services, software and computer hardware services, distribution and logistics, as well as small business development, the last of which is often missed in statistical compilations of job growth.

The recommendation provided by the Roberts Study to benchmark industrial job growth and land needs to population growth was likely appropriate at that time, but not now. If the 1980's goal of having 3% of the population employed in manufacturing is to be met by 2010, Lee County will have to produce approximately 13,000 new manufacturing positions in a span of three years.

Today, Lee County has only a small manufacturing base according to the statistics provided by Florida's Bureau of Economic and Business Research. High paying manufacturing jobs have taken root in other southern states such as Tennessee, Alabama and North Carolina, more so than in Florida due to better regional access. Other regions of the Southeast, for example, are closer to major shipping, intermodal, interstate and population points that allow for lower costs of operating manufacturing facilities. Long-term cost analysis exercises, routinely done when businesses decide where to locate a new factory or logistics facility, handicap regions that are more physically remote from transportation points and population centers than are their peer states. Lee County is

not in the pursuit of these same industrial jobs as is Florida and her peer states; however, the regional trend places Lee County in a particular context of the types of industrial jobs that are likely to be attracted to the area.

Though the manufacturing base of Lee County has shown incremental growth over the past two decades, the manufacturing sector is less than 1% of the total population. This statistic represents shrinkage of the manufacturing base as a percentage of the Lee County population compared to when the Roberts Study was compiled. This shrinkage is completely logical. As population growth in Lee County has averaged 3.5% annually, manufacturing job growth has averaged 1.3% annually. If this trend continues, the manufacturing base as a percentage of the population will show further shrinkage.

Today's policies should reflect labor participation rates and the fact that with a large population of retired persons in Lee County, labor participation is much lower than for the averages nationwide. The population growth as an aggregate statistic is no longer a valid driver for industrial development. Thus, mere population growth, even if it consists of predominately working age persons, is no longer a useful benchmark to make industrial land use allocations in Lee County.

It is recommended that Lee County engage in a new benchmarking method that links both industrial job growth and industrial land allocations to a more market-based set of data that takes into consideration past industrial real estate absorption rates as well as the needs of the current workforce. Today, domestic worker demand is highest in health services, business and professional services and such high-tech areas as computer network administration. Manufacturing is increasingly out-sourced to countries where labor costs are lower. This trend is particularly true if the product manufactured carries a high labor input as a percentage of its total production value.

Rather than asserting that Lee County should have a percentage of its population in manufacturing positions and then link such a goal to industrial land planning, the Comprehensive Plan should rather assert that Lee County desires high paying positions that fit both its economic development goals and workforce development goals while also conforming to its long range land use planning. Such a restatement would allow for more flexibility in economic development. It would also de-emphasize the focus on strictly-defined manufacturing jobs in favor of not only a broader definition of manufacturing jobs but also business and manufacturing

support services that typically pay much better than do narrowly defined industrial job classifications.

Future land for heavy industrial use should be allocated based on long term market absorption for the types of uses that will involve heavier impacts and special waste disposal needs. However, for light industrial and industrial-flex, new demand can be integrated with commercial office development in intensive urban and central urban designations as long as the particular use is not incompatible with adjacent office and commercial activities, as further described below.

Recommendation 2: The County Commission should evaluate a Charter amendment that provides more power to prevent any proposed municipal annexation that would affect the Comprehensive Plan.

Lee County should initiate steps to prevent the further erosion of land parcels already designated for industrial and commercial office uses. Two circumstances need to be addressed:

- The process that is not under the control of the County Commission is annexation by its municipalities. There are currently five cities in Lee County. The most significant recent example was the annexation by the City of Ft. Myers of the Arborwood property north of Daniels Parkway and east of I-75. This large land parcel was designated Tradeport under the Comprehensive Plan which was designed to accommodate light industrial, warehousing, distribution and office uses that would benefit from close proximity to the International Airport, but no residential uses. The DRI that was approved for Arborwood in 2004 permitted a significant residential and retail development, but no office and no industrial.
- The processes that are under the control of the County Commission are re- zonings and Comprehensive Plan amendments. For lands that are lost as a result of rezoning or Comprehensive Plan amendments by the Board of County Commissioners, the simple answer would be to just say "no." That answer is probably too simple in light of the fact that there are lands designated industrial development or zoned industrial that may be better suited for other uses, depending on the particular circumstances. The County recently adopted a resolution for Lehigh which makes it more difficult to rezone land from commercial to residential. This might serve as a starting point to prevent further erosion of the commercial land base. The County should strive to maintain a reasonable reserve of land suitably designated for industrial/office use, recognizing that future industrial uses will involve less offsite impacts than have been the case in the past.

Lee County is a Charter County and as such has a certain amount of "home rule" authority. The County Commission should consider a Charter amendment to ensure industrial/office land is retained and not converted for residential use.

Recommendation 3: Amend and broaden Policy 1.1.7 with language that redefines industrial development in Lee County.

Policy 1.1.7: *The Industrial Development areas play an important role in strengthening the county's economic base and will become increasingly important as the county grows in size and urban complexity. To a great extent these are the areas to which Lee County must look for sufficient tax base. These areas have special locational requirements that are more stringent than those for residential areas, including transportation needs (e.g., air, rail, highway); industrial levels of water, sewer, fire protection, and other urban services; and locations that are convenient for employees to reach. Whereas the other Future Urban Areas will include a broad combination of residential, commercial, public and limited activities per se, as well as for selective land use mixtures such as the combined uses of industrial, manufacturing, research, properly buffered recreational uses (except where precluded by airport hazard zone regulations), and office complexes (if specifically related to adjoining industrial uses) that constitute a growing part of Florida's economic development sector. New natural resource extraction (mining) activities and fill dirt operations must be approved through the Industrial Planned Development rezoning process. Retail or wholesale of products manufactured or processed upon the premises may be allowed at a ratio of 1 square foot of commercial uses to 10 square feet of industrial use in association with a Planned Development. Ancillary minor retail commercial uses intended to support the surrounding industrial land uses may not exceed 30,000 square feet per development; and, at build out, may not exceed more than ten percent (10%) of the total acreage of the lands uses, other than bona fide caretaker residences, are not permitted in this category except to the extent provided in Chapter XIII of the Plan.*

In this part of the Comprehensive Plan, the role of jobs in the county's tax base is discussed and the need for zoning that serves strictly industrial use is addressed. As pertains to industrial/office mixed-use or a combination of industrial sites within an office park, the Comprehensive Plan places restrictions on the type of office space allowable within an industrial use category. Yet, the Industrial Development areas play an important role in strengthening the County's economic base. These areas have special locational requirements that are more stringent than those for residential areas, including transportation needs (e.g. air, rail, and highway), industrial levels of water, sewer, fire protection, and other urban services in locations that are convenient for employees to reach.

Restrictions against office and retail that do not directly relate to the industrial activity should also be lifted. Future industrial development aims should seek out firms interested in locating in business and research parks that have integrated features and offer attractive work amenities, including significant green space, retail, office and recreational amenities. Additionally, this change should consider the possibility of mixed-use development to be considered into a large business/research/office park classified as a "Regional Activity Center" (RAC) (see Recommendation 4 below).

Recommendations for County regulatory changes are driven by the assumption that future industrial uses will call for wider applications than just for heavy uses. Thus, a wider definition of such use should permit increased light industrial and flex-industrial activities in other commercial and mixed-use zoning areas.

Though some concern exists that rescinding this language will allow for commercial retail centers to be established in areas designated as industrial or industrial/flex, specific zoning measures can properly guide the development process. The RAC is described below as a separate land use designation, available either to a landowner or by initiation of the County Commission.

Recommendation 4: Add a policy to evaluate designating specific areas as Regional Activity Centers to allow for office and industrial diversification.

The RAC designation is recommended for implementation through amendments to the Comprehensive Plan and Land Development Code to encourage more intense levels of industrial development. These amendments would also allow for the integration of industrial and commercial space consistent with the overall goals of the County, and without the restrictions that typically call for separate land uses. The goal in mind is to promote industrial activity involving more "future-oriented" industries such as medical and technical research, design and engineering and product development without the manufacturing and inventory facilities.

It is difficult to successfully execute a mixed-use project because the different components have different markets and design requirements, and lenders are reluctant to finance a project which does not fit neatly into one of their prescribed categories. When the additional review time is added to process the zoning for a mixed-use project, it is much more challenging, especially if a project includes residential and retail and/or office. When industrial flex activity is added to the mix, incentives may be necessary to induce developers to contemplate the concept.

Such a concept would seek to integrate other commercial activities (such as commercial office and retail) without linking them to direct association with other industrial activities therein, as is currently required by the Comprehensive Plan and Land Development Code. The RAC could also allow for higher FARs, greater building heights and a more diverse atmosphere for allowing business activities to occur.

The RAC is envisioned as a new land use designation that would require mixed-use with a significant office/industrial flex component. Limited retail use would be allowed as long as it is part of the overall purpose of the development and not a use meant to attract shopping as a purpose for its presence therein. For example, a large office/industrial development should expect to have small eateries, snack/coffee shops, and convenience shops to serve the needs of the persons working within the development. However, a big-box retailer would be an inappropriate use of retail within such a development.

Rather than maximum densities and intensities, the RAC would specify minimum requirements for FAR. Since it is anticipated that the greatest demand for this designation would be in the Tradeport and University Community land use categories, and since these are both located in some of the most environmentally sensitive areas of the County, the new category would also require more open space and water management. A way to reconcile these two requirements is to allow and encourage taller buildings, most likely in the range of 4-8 stories. And, of course, any tall buildings would have to be reviewed and approved under FAA guidelines for the airport.

The Regional Activity Center land use designation is intended to promote a mixed-use pattern with a significant light industrial/office component and limited retail activity. This can be requested by a landowner or by the Board of County Commissioners to accommodate and facilitate important new employment centers in a mixed-use environment. Any combination of light industrial, office, commercial, and community facilities can be permitted, but three-fourths of the net usable acreage should be light industrial/office uses. The minimum parcel size for this designation should be one hundred acres.

The RAC designation should also require Mixed-Use Planned Development (MPD) zoning (see Land Development Code 34-931(h), as discussed in Recommendation 8 below), and this zoning should insure a minimum Floor Area Ratio (FAR) of 1. When designated in the Tradeport or University Community Land Use categories, the minimum open space should be 40%. If the RAC amendment is initiated by the Board of County Commissioners, it can be processed outside of the once-per-year amendment cycle, if done concurrently with MPD zoning.

4. Recommended Revisions to the Land Development Code

Recommendation 5: Review lot coverage standards in industrial districts.

The Land Development Code Industrial Districts' setbacks, building height limits and maximum lot coverage percentages should be reviewed for modification in order to allow for more intensity, particularly regarding areas of interest already noted above. In line with this review, an environmental standard should be included that will make provision for water retention minimums and green space requirements, that encourages flexibility and greater intensity within industrial development projects, thereby lessening demand for scarce land that would otherwise result from lower intensity limits.

Recommendation 6: Expand the General Office designation in Land Development Code Table 34-843 to allow Research & Development Uses in Commercial Zoning Categories.

It is recommended that the CC, CG and CS-1 categories be amended to allow for certain uses from Research and Development Laboratories, Group IV and Business Services, Group, II that are determined to not have adverse off-site impacts.

Recommendation 7: Promote mixed-use developments by amending Land Development Code 34-901(4) and Land Development Code 34-931 (h).

Since 1994 Lee County has had a Mixed-Use Planned Development District (MPD) in its Land Development Code that allows for virtually any combination of residential, commercial, light industrial and community facility uses in a single project utilizing the same basic procedures and submittal requirements as other Planned Development Districts (e.g. RPD, CPD, IPD, etc.). And, in 2003, the MPD regulations were amended to reduce the thresholds for eligibility to request the district, as initially it was only available to fairly large projects (e.g. at least 300 dwelling units and 100,000 square feet or more of commercial).

The current rules require at least two of the following factors to utilize the MPD district: 1) 50 dwelling units; 2) a commercial development on two or more acres and at least 30,000 square feet of floor area; 3) an industrial development on two or more acres and at least 30,000 square feet of floor area; and 4) a community facility on at least two acres. While in theory this would allow an MPD development on as little as four acres, a commercial building would have to be 3 or 4 stories to fit 30,000 square feet on two acres.

As the County has continued to grow, there have been some developments that have taken advantage of the MPD zoning category. However, few have resulted in a true mixed-use development with a close interrelationship of the different uses. The design and financing of these projects are much more complicated than a traditional single use. These complexities have resulted in the continued trend of separate residential and commercial areas, often resulting in "urban sprawl" which is an inefficient use of public infrastructure investment.

The Land Development Code 34-901 (4) provision should be amended to allow for the incorporation of other uses besides strict industrial classifications in designated districts throughout the County. These newly-allowed activities would include retail and office activities that are not strictly defined as "*ancillary*" and allow for mixed-use office and industrial flex-space to flourish within the same development.

The current MPD zoning category requires open space according to the component use i.e. residential uses require 40% open space, commercial uses 30% and industrial uses 20%. It is possible that in less sensitive parts of the County, the open space requirement for a RAC could be less. At least two-thirds of the square footage of any RAC should have to be comprised of office or light industrial/flex uses. There would be no special requirement linking commercial to the office/industrial uses on site, but it is suggested that no single commercial operation could exceed 20,000 square feet. This would allow for a modern drug store or furniture store, but would exclude the big boxes which are not the purpose of this district.

While creating a successful mixed-use development is challenging, it is also possible to achieve mixed-use out of disparate existing developments by improving interconnectivity with service roads and pedestrian ways or by adding a new and different uses to an existing development. Although Section 10-294 mandates the coordination of street layouts with the surrounding area, and even gives the director of development review authority to require a connection to adjacent developments, this happens infrequently due to the historic pattern of self-contained developments and a clear preference by developers and homeowners for maximum privacy and security. Section 10-416 of the Land Development Code requires a 30 foot landscaped buffer or a 15 foot buffer with an 8 foot masonry wall between any new commercial activity and any residential use. The County should encourage interconnections between uses in already developed areas, without undermining residents' desire for safety and privacy.

A mixed-use environment is emerging on the east side of I-75 between Daniels Parkway and Corkscrew Road. Anchored by the International Airport on the north, the Miromar Mall and the Germain Arena on the south, and with Florida Gulf Coast University and the Gulf Coast Center in between, the County enjoys an employment/transportation/ education/shopping and

entertainment focal point for this new engine of growth, with an abundance of existing upscale housing at either end of the corridor.

The Alico Road / I-75 Interchange and Treeline Corridor are logical areas of opportunity relative to creating a RAC. Within the RAC, distinct mixed-use districts would be encouraged utilizing the MPD zoning category to include support services to the airport, research and development parks, distribution centers and flex-industrial space inclusive of limited retail.

Conclusion:

Lee County, Florida continues to achieve population growth rates that make it one of the fastest growth regions of the U.S. As the region continues to transform itself into Southwest Florida's premier business center, it will have to be mindful of the challenges that this transformation places on land use planning and development.

In previous growth cycles, real estate development included significant lower-density residential housing subdivisions to meet the needs of retiring workers. However, in recent years, growth has been fueled in part by the influx of younger workers and businesses taking advantages of Southwest Florida's amenities. In the future, development will be fueled by the continuing growth of "white collar" jobs and businesses.

The Bureau of Labor Statistics has cited Lee County as having one of the 10 fastest growing work forces in the U.S. Future land use planning will have to address the needs of this growth and offer opportunities for development that will improve the quality of life while maintaining land resources.

Block, Alvin H.

From: Block, Alvin H.
Sent: Wednesday, March 12, 2008 12:43 PM
To: Horner, Bill; Loveland, David M.; Pavese, Michael P.; Lavender, James H.; Cronyn, Edward
Subject: CAP2007-00055, Industrial/Commercial Land Use Analysis
Attachments: CAP2007-00055.pdf

Attached is a report prepared at the direction of the Board of County Commissioners. The report provides analysis and recommendations, and is the basis of a future Lee Plan Comprehensive Plan amendment. I have been assigned to review and provide comments and recommendations on the report and any recommended changes to the Lee Plan.

I send this out to you so that you, or a member of your staff, can review this Study. Once you have completed this, please send me any comments and recommendations that you may have concerning the study or recommendation. I will take these comments and recommendations, include them as needed in the report, and provide an overall recommendation.

I appreciate your help in this matter. I have not been advised when this matter will be send forward, so I only ask that you review the study and respond at your earliest convenience.

Thanks
Chip Block

Alvin Block, AICP
Principal Planner
Lee County Department of Community Development
Zoning Division
(239) 533-8371
blockah@leegov.com

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

3/18/2008

March 21, 2008

**LEE PLAN AMENDMENTS
FRIENDLY FRIDAY GET TOGETHER
AGENDA II**

1. True Confessions with a Cape Coral Twist

The continuing rest of the story ...about amendment transmittals
School Concurrency, small scale amendments, & the regular amendment cycle
and the City of Cape Coral Gambit.

2. CPA2006-20 10 Year Water Supply Facilities Work Plan

Amend the Community Facilities and Services, Potable Water sub-element, the Conservation and Coastal Management Element, and the Intergovernmental Coordination Element of the Lee Plan to coordinate appropriate aspects of the comprehensive plan with the South Florida Water Management District Water Supply Plan and to include a ten year Water Supply Facilities Work Plan as required by s. 163.3177(6)(c), F.S.

3. CPA2006-06 Kreinbrink

Amend the Future Land Use Map Series for an approximate 40± acre site located in Section 18, Township 43 South, Range 26 East, to change the classification shown on Map 1, the Future Land Use Map, from Rural to Suburban. The site is generally located at the southeast intersection of SR 31 and North River Road.

4. CPA2007-50 North/Upper Captiva Community Plan

Amend the Future Land Use Element to incorporate the recommendations of the Upper Captiva Community Planning effort. Establish a new Vision Statement and a new Goal, Objectives, and Policies specific to Upper Captiva.

5. CPA2006-14 Raymond Lumber

Amend the Future Land Use Map Series, Map 1, for an approximate 14± acre site located in Section 20, Township 43 South, Range 25 East, to change the Future Land Use classification from Suburban to Industrial Development. The site is generally located north of Bayshore Road and 1.1 miles west of I-75.

6. CPA 2007-55 Incorporation of the Commercial/Industrial Lands Study

Evaluate and incorporate into the Future Land Use Element the appropriate policy changes that were included in the recommendations from the Basile, Baumann, Prost, Inc. Commercial/Industrial Study.

Recommendation 1:

Re-evaluate Policy 7.1.4., and consider replacement language that addresses land needs for industrial uses (including manufacturing activities) in the context of current economic and labor force trends.

Recommendation 2:

The County Commissioner should evaluate a Charter amendment that provides more power to prevent any proposed municipal annexation that would affect the Comprehensive Plan.

Recommendation 3:

Amend and broaden Policy 1.1.7 with language that redefines industrial development in Lee County.

Recommendation 4:

Add a policy to evaluate designated specific areas as Regional Activity Centers (RAC) to allow for office and industrial diversification.

Recommendation 5:

Revise lot coverage standards in industrial districts.

Recommendation 6:

Expand the General Office designation in Land Development Code Table 34-843 to allow Research and Development Uses in Commercial zoning categories.

Recommendation 7:

Promote mixed-use developments by amending Land Development Code 34-901(4) and 34-931(b).



Paul
To: Chip Block
Industrial
Commercial
Amendment

April 8th, 2008



Commissioner Ray Judah
Lee County Board of County Commissioners
P.O. Box 398
Ft. Myers, FL 33902

Dear Commissioner Judah:

Thank you so very much for your time and for listening to our concerns and comments regarding our County's land use issues.

The following is a summary of results of our meeting, April 1st, from our prospective:

1. We understand that the comp plan amendment Paul now has in progress includes the area North of Alico on the Three Oaks Extension up to the ditch and just past where Oriole meets Three Oaks, East of the industrial property. Exhibits attached. The curved road per Paul O'Connor qualifies for retail site location standards should site locations apply. Area has limited intersections.

2. The amendment when in draft form will be provided to us when available. Our e-mail addresses are: Stephanie@selectre.net
Greg@selectre.net

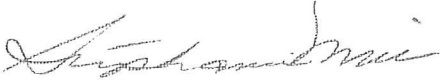
It is expected to contain language which will allow for greater office and retail use than is currently now possible.

3. We conveyed our concern for the appearance of this unique area near the airport and university and its' potential for higher quality development while still providing a necessary niche. We explained that there are about 8 owners of the 600 acres or so West of I-75 being addressed and time is of the essence as the road construction project we are personally and privately paying our share of, has prompted other owners to submit plans based on current standards which need change. We gave examples of uses that included our current prospective government agency client. Regina did not feel that this use was one the Economic Development Office should be involved in regardless of whether they left the county because they are in Lee County now. We had hoped we could encourage them to stay in Lee County with impact fee credits or any other benefits.

We appreciate and expect confidentiality protections in the disclosure of our prospect as we are now in position as one of the final selections and would not want to jeopardize that by our conversation.

Should you need to speak to me I can be reached in my office at 239/277-1515. Thank you again.

Sincerely,
Select Real Estate by Stephanie Miller, Inc.



Stephanie Miller
Broker/Owner

SM:de

Cc: ✓ Paul O'Connor, Dept. of Community Development
Regina Smith, Economic Development Office
Sue Noe, Economic Development Office
Greg Toth, VP of Select Real Estate

Cc: Smith, Regina Y.; Salyer, Glen V.; Barkway, Brent S.

Subject: RE: Land Use issues for Economic Diversification for Horizon Council Task Force

Have you been able to look at any of the following? I know that you have been working on the mining regulations, so it has taken a great deal of time.

Can you give a time frame on the commercial/industrial amendments? Plus, we need to make sure that we do enough research to make sure we are on the leading edge of land use accommodation policies if we are to be truly flexible and enable us to attract the catalyst projects.

Ronald E. Inge
Land Solutions, Inc./Development Solutions, LLC
4571 Colonial Blvd.
Suite 102
Fort Myers, FL
Phone 239-489-4066
Fax 239-481-8477

From: Ron Inge

Sent: Monday, June 30, 2008 8:06 PM

To: Mary Gibbs; O Connor, Paul S.

Cc: 'Smith, Regina Y.'; Salyer, Glen V.; 'Barkway@leegov.com'

Subject: Land Use issues for Economic Diversification for Horizon Council Task Force

Please see the 04/13/08 email below outlining a strategy for analyzing the availability of lands suitable for R&D, Regional Activity Centers, etc. Further, we need to look at addressing the following types of issues when the upcoming commercial and industrial lands study generates changes to the LDC or Comp Plan:

- Fast track permitting. I know that we talk about this often, but we need to get really serious about getting projects through that would fit the R&D, etc efforts. These need to have limited review time and priority before the HEX.
- As part of the following, we could put out a notice requesting that property owners with an interest in designating their lands contact the EDO or your departments so that they could be explored for suitability, etc.
- Maybe we could consider an exemption from the commercial site location standards for suitable projects.
- Lee County needs to add more certainty to the process in order to encourage mixed use or RAC's by the private sector. The process takes quite some time and the parameters often change significantly during the two public hearing processes.
- The IL category needs to provide for general office uses.
- Allow IL in the suburban land use category, but make sure that IL is defined to include true light industrial, but it will need more office component.
- Consider the FS provided Regional Activity Centers and consider a certain amount of residential in these centers. These will have to be several hundred acres each in order to meet the FS provisions and provide for the appropriate range of permitted uses.
- Consider allowing certain residential, associated with R&D or RAC's within the noise contours of the airport. This would require appropriate notice to residential owners, etc due to the county's concerns over noise from the airport and to eliminate the merits of future complaints.
- Higher density for the above areas would encourage more moderately priced housing.
- Many of these ideas are contained within the report from BBP Associates in their report to the county dated 02/27/07. We should use this report as a basis for generating discussion and changes.

Ronald E. Inge
Land Solutions, Inc./Development Solutions, LLC
4571 Colonial Blvd.
Suite 102
Fort Myers, FL
Phone 239-489-4066
Fax 239-481-8477

From: Ron Inge

Sent: Sunday, April 13, 2008 7:47 PM

To: O Connor, Paul S.

8/8/2008

Cc: 'rsmith@leegov.com'

Subject: Horizon Council Task Force

Thanks for attending the task force meeting on Thursday. As you know, we are trying to develop a strategy for diversifying the economy through a focus on bio-technology and an effort to attract those types of firms to our area. We already have our foot in the door on this issue through the existing firms that are here, some of the work the Madden Group is doing in its effort on the airport lands, and the Bio-Florida chapter that we have in SW Florida.

One of the things we have learned that is a significant issue is the availability of land that is ready for building, in suitable locations and with the ability for expansion and for like kind businesses to locate nearby. This is where we have to do some homework.

We discussed the Bioscience Research Protection Overlay that was adopted on the east coast and the interlocal agreement that is designed to protect property for biomedical use.

What we need to examine are the following:

- Review the Bioscience Research Protection Overlay and what it is intended to do and how it may fit in our comp plan. It may be that our land use classifications will allow for what it provides. Please see if you can obtain the overlay, the supporting documentation and maybe even the ORC report to see what the State said about the idea. We then need to come up with whether this is a good idea for us.
- Also see if you can obtain the interlocal agreement and what it provided. It may be that we don't do the same thing, or maybe we enter into one with Fort Myers, Cape Coral and Bonita Springs. It may be that Sanibel and the Town of Fort Myers Beach may not want to due to their lack of land areas, but I am not trying to exclude them on purpose, just a thought.
- We then need to look at the DRI's for locations like Lake Nona in Orlando and Tradition in Port St. Lucie and see what their development regulations provide for. Once we do this, we can see how it fits in our zoning categories, etc.
- Next, we need to look at what inventory of lands we have available. The commercial and industrial lands study has already given us a base inventory to look at, but we need to hone in on this more. We need to figure out a critical size for a cluster or campus, so this will eliminate many of the sites in the study. I am thinking that we need to focus on parcels that are at least 100 acres initially, but Regina may have a different idea. We can always reduce the size after the initial run through.
- After identifying parcels, we need to figure out which ones will not make sense, either in environmentally sensitive lands or other constraints.
- That will give us an inventory of what we have already identified in our existing study.
- After that, we will need to look at the land use category and zoning status of those identified lands. The goal here is to identify what impediments there may be to having these sites ready to go. Again, having parcels on line is what enabled some of the other communities to react quickly.
- After we identify what we have, then we have to go back to the board and think outside the box. We have to identify what other properties there may be that weren't identified in the commercial and industrial lands study, but that could be considered for these types of uses.
- Then, we need to develop a strategy to work with the property owners, either those that are already in the commercial/industrial study, and those other parcels that we identify, in order to bring them as far forward to the "permit-ready" state that we may need. Of course, this doesn't mean every parcel, but we will need to work with enough of them to have a suitable inventory.

So, overall, there is a lot of work involved in this, but it is one of the most crucial items that we have to do. Our community has been very fortunate that its economy has done very well without this type of focus, but we see what happens when one of our major sectors has a downturn.

Please let me know what we can do to assist in this review. I spoke with Mary about this recently and she is a member of our committee, so she has a good idea of what we are asking for. If the above makes sense to you and Regina, please feel free to forward to Mary, Rick Burris and others. Thanks for your help in all of this.

Ronald E. Inge
Land Solutions, Inc./Development Solutions, LLC.
4571 Colonial Blvd.
Suite 102
Fort Myers, FL 33966
Phone 239-489-4066
Fax 239-481-8477

8/8/2008

email: ringe@landsolutions.net

Block, Alvin H.

From: Gibbs, Mary
Sent: Monday, July 28, 2008 10:05 AM
To: Block, Alvin H.
Subject: RE: Land Use issues for Economic Diversification for Horizon Council Task Force

thanks Chip

Mary Gibbs, Director
Lee County Dept. of Community Development
1500 Monroe Street
Fort Myers, FL 33901
(239) 533-8345
(239) 485-8341 (fax)
gibbsmx@leegov.com

From: Block, Alvin H.
Sent: Monday, July 28, 2008 9:50 AM
To: Ron Inge
Cc: Houck, Pamela E.; Noble, Matthew A.; O Connor, Paul S.; Gibbs, Mary
Subject: RE: Land Use issues for Economic Diversification for Horizon Council Task Force

Ron:

My apologies for this delayed response.

Yes, we are looking at this issue. Our expectation is that the case will go before the LPA in September with transmittal in October.

We have taken note of your comments below and will consider these as we prepare the Comprehensive Plan amendment staff report.

We will keep you advised as to the process of the amendment and feel free to contact me if you have any questions.

Chip

Alvin Block, AICP
Principal Planner
Lee County Department of Community Development
Zoning Division
(239) 533-8371
blockah@leegov.com

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

From: Ron Inge [<mailto:ringe@landsolutions.net>]
Sent: Sunday, July 20, 2008 8:30 PM
To: Gibbs, Mary ; O Connor, Paul S.

8/8/2008

October 18, 2008

Commissioner Ray Judah
Chairman
Lee County Board of County Commissioners
PO Box 398
Fort Myers, FL 33902-0398

Re: CPA 2007-55, Commercial/Industrial Lands

Chairman Judah:

The Horizon Council has been monitoring the Commercial/Industrial Lands study that was completed by the County's consultant and the resulting proposed Lee Plan amendments. You may recall that we recommended that the county engage in the study and this is a follow up letter with our comments on the staff report.

The amendment was provided to the LPA shortly before their public hearing and our Economic Diversification Task Force has had an opportunity to review the report and make the following recommendations. These recommendations have the unanimous support of the Horizon Council Executive Committee. We are scheduled to discuss this at the upcoming general membership meeting on October 24th, and anticipate support of the Council. However, due to the timing of the BOCC transmittal hearing and the Horizon Council general membership meeting, we are compelled to forward you these comments prior to the general membership meeting so that you will have them available for your deliberations at the transmittal hearing.

We have outlined the suggested changes to the staff proposed policies in an underline/strikethrough format, where appropriate. We have followed up the suggestion with an explanation to justify the requested change. After a discussion of the current recommendations, we have included a series of future steps that we believe should be investigated by the County.

Immediate Modifications Requested

Policy 1.1.7

Retail and commercial service uses supporting neighboring industrial uses are allowed if the following criteria are met:

1. Retail and/or wholesaling of products manufactured on the premises, or;
2. Commercial uses are integrated into the primary R&D/Industrial Development; or
3. Commercial service and retail uses may not exceed ~~10%~~ 20% of the total building area with the Industrial Development areas per each ~~Planning Community~~ Planned Development; and
4. ~~Free-standing Commercial uses are developed to meet the definition of "Corner Store-Commercial"~~.

Explanation: The BBP Study suggested that the Industrial areas should have more flexibility in

allowing for a mixture of supporting office and retail uses. The staff language would add office and retail uses that are directly related to the industrial activity, but then would limit those activities to no more than 10% of the total building area. The suggested language tracks and clarifies the recommendation of the LPA by supporting the staff's recommendation to allow appropriate office and retail that could be developed if related to the industrial activity, but would limit unrelated office and retail to no more than 20% of the building area within each Planned Development as opposed to each Planning Community. It would not be practical or even possible to evaluate each zoning request in terms of an entire Planning Community. The requirement that any free standing retail use could only be developed as a "corner store" is not realistic since that limits the activity to 5,000 square feet and would be contrary to the study's recommendation of providing additional flexibility and market responsiveness.

Policies 1.1.2, 1.1.3, and 1.1.4

Add the words "where appropriate" to each policy after the words "as described in Policy 2.12.3" in each policy.

Explanation: There may be instances where mixed use development may not be feasible, so the suggested addition acknowledges this possibility. See also the discussion on Policy 2.12.3, below.

Policy 1.2.2

In the third sentence, change to "~~Corner Store~~ Commercial uses, intended to support the surrounding business and industrial land uses, are allowed if they are part of a Planned Development."

In the fourth sentence, change to "Future development in this category ~~must~~ is encouraged to include a mixture of land uses as described in Policy 2.12.2."

Explanation: Corner Store should be deleted, as noted above, due to its low limitation of 5,000 square feet. The change in the mandatory requirement for mixed use is for the same reason as stated above and as noted below.

Policy 2.12.2

Add the words "where appropriate" at the end of the Policy.

Explanation: Again, this change recognizes that mixed use may not be feasible in all circumstances. Also, see below.

Policy 2.12.3

Add the words "where appropriate" at the end of the first sentence.

Explanation: The BBP study strongly recommended more mixed use, and that was one of the reasons it advocated loosening the restrictions on office and retail in the industrial category. However, not every property or proposed use lends itself to mixed use, especially smaller parcels. If the adopted language does not provide for flexibility, any proposal will be required to "prove

the negative” that a mixed use was not reasonable. This may make the entitlement of industrial and commercial lands more difficult, not less, which is contrary to the purpose of the amendments.

Long Term Suggestions

1. Evaluate the feasibility of allowing limited residential housing as a limited component of mixed use developments in the Tradeport and Industrial Development Land Use categories.
2. Explore the adoption by the County of one or more Regional Activity Centers (RAC) in appropriate locations. Regional Activity Centers are defined in the Florida Statutes.
3. Identify procedures and amendments that would provide meaningful incentives to develop mixed use projects. Evaluate whether buffer requirements are in some cases discouraging the evolution of existing developments into mixed use communities.

Explanation: Recommendations #1 and #3 request that the county look at new and different ways to incentivize mixed use developments. Recommendation #2 also promotes mixed use, but it would also allow for the more intense utilization of the most valuable land near the airport and university, while at the same time providing an opportunity for the County to review appropriate standards for aesthetics and allowable uses.

4. Delete Policy 2.4.4.

Explanation: This policy states that any Lee Plan amendment applications seeking to expand the industrial, commercial or office land uses must be evaluated by the Board of County Commissioners in light of the locations and cumulative totals already designated for such uses, including the addition of 1,400 acres to the Tradeport category in 1994.

In addition to no objective standards as to what such an “evaluation” would consist of, the entire policy seems at variance with the concern that prompted the BBP study to evaluate whether the County might be running out of industrial and commercial land in the future. This policy seems to be a vague and ambiguous requirement.

We thank you for your consideration in this matter and strongly encourage the Board to adopt the modifications suggested above.

Sincerely,



Ron Inge,
Horizon Council Diversification Task Force Chair

Cc: Board of County Commissioners, District #1, 2, 4 and 5
Don Stilwell, County Manager; Mary Gibbs, Community Development; Paul O’Conner, Community Development

ALAN C. FREEMAN
17041 ALICO COMMERCE COURT, SUITE 1
FORT MYERS, FLORIDA 33967
(239) 267-8888 • Fax (239) 267-7622

February 4, 2009

Mr. Wayne Daltry
Lee County Smart Growth
P.O. Box 398
Fort Myers, FL 33902

Dear Wayne:

I am writing regarding the County initiated Comprehensive Plan Amendment # CPA2007-55 relating to Commercial/Industrial Lands. This amendment was drafted in order to incorporate changes in the Lee Plan suggested in the Commercial/Industrial Land Use Analysis study, (the "Study") proposed by BBP Associates for Lee County in 2007.

While I agree with most of the amendment language, it appears there are a few items which require revised wording to meet the intent of the Study recommendations. Specifically, I would like to receive your assistance in modifying the following sections:

1. Policy 2.12.2: Future development within the Tradeport and Industrial Development (with the exception of the lands designated as Industrial Development between US 41 and I-75, north of Alico Road) future land use categories is strongly encouraged to be designed to include a mixture of research and development, industrial, and related office uses.

Request: Please delete the language... "(with the exception of the lands designated as Industrial Development between US 41 and I-75, north of Alico Road)"

We request that our lands be covered by the same provision as all other Industrial Development lands in Lee County and not be singled out for some special, more limiting restrictions.

The Study recommends, per your Staff Report, "In the Industrial Development and Tradeport future land use categories, mixed use development is encouraged to include both commercial and industrial (including the possibility of research and development) uses. The recommendations also seek to eliminate the restrictions on office and commercial uses, opening these categories to greater commercial and office use.

2. Policy 1.1.7: The Industrial Development areas play an important role in strengthening the County's economic base and will become increasingly important as the County grows in size and urban complexity. To a great extent, these are the areas to which Lee County must look for expanded job opportunities and production opportunities, and a balanced and sufficient tax base. These areas have special locational requirements that are more stringent than those for residential areas, including transportation needs (e.g., air, rail, highway); industrial levels of water, sewer, fire protection, and other urban services; and central locations to reduce employee commuting distances. The Industrial Development area is to be reserved for research and development, laboratories, and industrial activities; selective land use mixtures of industrial, manufacturing, research and development, laboratories, and office uses supporting the preceding uses; and properly

buffered recreational uses (except where precluded by airport hazard zone regulations).

Request: Please delete the language... "supporting the preceding uses" as it is confusing and contrary to the Study conclusions and objectives. *Not in*

3. The final section of the proposed Policy 1.1.7 reads as follows: Retail and commercial service uses supporting neighborhood industrial uses are allowed if the following criteria are met: ...

While I can understand the reason to place some limit on retailing in this land use category, the list of items 1 through 4 is confusing to me. Allowing Item 1 and Item 2 are fine. There currently is no definition for Corner Store Commercial in the Lee Plan or elsewhere.

Request: Limit retail uses to 10% of the total building area of the Planning Community and use current site location standards already incorporated in the Lee Plan for retail uses applied for in a Planned Development. This would limit the square footage of uses based on the roadway intersection location (such as local street and local street equals 30,000 square foot retail limit). Comprehensive Plan limits are not entitlements but are maximum parameters. Under this policy, if a location justifies greater commercial use, it may be granted within the defined parameters. Most locations would still only justify limited retailing relative to the total square footage of the proposed project.

Suggestion: Revise the wording of the last sentence of Policy 1.1.7 to read:
Retail uses within the Industrial Development land use category shall be limited to square footage justified by applying the site location standards in Policy 6.1.2, but in no event shall the square footage exceed 10% of the total building area within the Industrial Development areas of each Planning Community.

Working in tandem, these policies, as revised, will help us and our neighbors create new and modern business/corporate parks designed to provide good, high paying, clean industry jobs consistent with the goals and objectives of the Lee Plan.

These policy changes are consistent with the Smart Growth objectives of creating a positive and well-planned economic environment. These policies will encourage well-planned business development in areas with sufficient urban infrastructure (water, sewer, drainage, and public services). This should also provide a quality business park environment that will be convenient for the workforce to reach with greater compatibility to the surrounding residential communities. They will also provide a more pleasing visual environment to the traveling public along the adjacent arterial and collector roads.

I look forward to your review of these suggestions. Please contact me with your thoughts regarding the implementation of these revised policies at the Comprehensive Plan final adoption hearing.

Sincerely,

Alan C. Freeman
ACF:mlc

CPA2007-55
Commercial/Industrial Lands

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

**LPA Public Hearing Document
for the
September 22, 2008 Public Hearing**

**Lee County Board of County Commissioners
Sponsored Amendment and Staff Report**

*Lee County Planning Division
1500 Monroe Street
P.O. Box 398
Fort Myers, FL 33902-0398
(239) 533-8585
September 19, 2008*

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

CPA2007-00055

☒

Text Amendment

☐

Map Amendment

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

STAFF REPORT PREPARATION DATE: September 19, 2008

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. APPLICANT/REPRESENTATIVE:

LEE COUNTY BOARD OF COUNTY COMMISSIONERS
represented by the Lee County Division of Planning

- 2. REQUEST:** Evaluate and incorporate into the Future Land Use Element and Glossary appropriate Lee Plan policy changes and additions consistent with the Commercial/Industrial Study.

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

- 1. RECOMMENDATION:** Staff recommends that the Board of County Commissioners transmit this amendment as follows:

Recommendation 1: Amend Policy 1.1.2:

POLICY 1.1.2: The Intensive Development areas are located along major arterial roads in Fort Myers, North Fort Myers, and Cape Coral. By virtue of their location, the county's current development patterns, and the available and potential levels of public services, they are well suited to accommodate high densities and intensities. Planned mixed-use centers of high-density residential, commercial, limited light industrial (see Policy 7.1.6), and office uses are appropriate in these locations encouraged to be developed as described in Policy 2.12.3. As Lee County moves toward becoming a metropolitan complex of a half-million people, these centrally located urban nodes can offer a diversity of lifestyles, cosmopolitan shopping opportunities, and specialized professional services that befit such a region. The standard density range is from seven dwelling units per acre (7 du/acre) to fourteen dwelling units per acre (14 du/acre). Maximum density is twenty-two dwelling units per acre (22 du/acre). (Amended by Ordinance No. 94-30)

Recommendation 2: Amend Policy 1.1.3:

POLICY 1.1.3: The Central Urban areas can best be characterized as the "urban core" of the county. These consist mainly of portions of the city of Fort Myers, the southerly portion of the city of Cape Coral, and other close-in areas near these cities; and also the central portions of the city of Bonita Springs, Iona/McGregor, Lehigh Acres, and North Fort Myers. This is the part of the county that is already most heavily settled and which has or will have the greatest range and highest levels of urban service--water, sewer, roads, schools, etc. Residential, commercial, public and quasi-public, and limited light industrial land uses (see Policy 7.1.6) will continue to predominate in the Central Urban area with future development in this category encouraged to be developed as a mixed-use, as described in Policy 2.12.3. This category has a standard density range from four dwelling units per acre (4 du/acre) to ten dwelling units per acre (10 du/acre) and a maximum density of fifteen dwelling units per acre (15 du/acre). (Amended by Ordinance No. 94-30, 02-02)

Recommendation 3: Amend Policy 1.1.4:

POLICY 1.1.4: The Urban Community areas are areas outside of Fort Myers and Cape Coral that are characterized by a mixture of relatively intense commercial and residential uses. Included among them, for example, are parts of Lehigh Acres, San Carlos Park, Fort Myers Beach, South Fort Myers, the city of Bonita Springs, Pine Island, and Gasparilla Island. Although the Urban Communities have a distinctly urban character, they should be developed at slightly lower densities. As the vacant portions of these communities are urbanized, they will need to maintain their existing bases of urban services and expand and strengthen them accordingly. As in the Central Urban area, predominant land uses in the Urban Communities will be residential, commercial, public and quasi-public, and limited light industry (see Policy 7.1.6) with future development in this category encouraged to be developed as a mixed-use, as described in Policy 2.12.3. Standard density ranges from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre), with a maximum of ten dwelling units per acre (10 du/acre). (Amended by Ordinance No. 94-30, 02-02)

Recommendation 4: Amend Policy 1.1.7:

POLICY 1.1.7: The Industrial Development areas play an important role in strengthening the county's economic base and will become increasingly important as the county grows in size and urban complexity. To a great extent these are the areas to which Lee County must look for expanded job opportunities and production opportunities, and a balanced and sufficient tax base. These areas have special locational requirements that are more stringent than those for residential areas, including transportation needs (e.g., air, rail, highway); industrial levels of water, sewer, fire protection, and other urban services; and locations that are convenient for employees to reach central locations to reduce employee commuting distances. ~~Whereas the other Future Urban Areas will include a broad combination of residential, commercial, public, and limited industrial land uses, t~~ The Industrial Development area is to be reserved mainly for research and development, laboratories, and industrial activities; per se, as well as for selective land use mixtures such as the combined uses of industrial, manufacturing, research and development, laboratories, and office uses supporting the preceding uses; and properly buffered recreational uses (except where precluded by airport hazard zone regulations). , and offices complexes(if specifically related to adjoining industrial uses) that constitute a growing part of Florida's economic development sector. New natural resource extraction (mining) activities and fill dirt operations must be approved through the Industrial Mining Excavation Planned Development rezoning process in accordance with the Lee County Land Development Code. Retail and commercial service uses supporting neighboring industrial uses are allowed if the following criteria are met:

1. Retailing and/or wholesaling of products manufactured on the premises, or;
2. Commercial uses are integrated into the primary R&D/Industrial development;
3. Commercial service and retail uses may not exceed 10% of the total building area within the Industrial Development areas per each Planning Community; and
4. Free standing commercial uses are developed to meet the definition of "Corner Store Commercial".

~~Retail or wholesale of products manufactured or processed upon the premises may be allowed at a ratio of 1 square foot of commercial uses to 10 square feet of industrial use in association with a Planned Development. Ancillary minor retail commercial uses intended to support the surrounding industrial land uses may not exceed 30,000 square feet per development; and, at buildout, may not exceed more than ten percent (10%) of the total acreage of the lands designated as Industrial Development areas in each community outlined in Map 16. Residential uses, other than bona fide caretaker residences, are not permitted in this category except to the extent provided in Chapter XIII of the Plan. (Amended by Ordinance No. 94-30, 98-09, 99-15, 02-02)~~

Recommendation 5: Amend Policy 1.2.2:

POLICY 1.2.2: The Tradeport areas are commercial and industrial lands adjacent to the airport needed to accommodate projected growth through the year ~~2020~~ 2030. These areas will include developments consisting of light manufacturing or assembly, warehousing, and distribution facilities; offices; research and development activities; laboratories; ground transportation and airport-related terminals or transfer facilities; and hotels/motels, meeting facilities; and office uses. ~~retail uses within hotels/motels. Ancillary retail~~ Corner Store Commercial uses, intended to support the surrounding business and industrial land uses, are allowed if they are part of a Planned Development of 10 or more acres in size and are limited to 1,000 square feet per acre of Tradeport ~~land within the Planned Development. Future development in this category must include a mixture~~

of land uses as described in Policy 2.12.2. Residential uses, other than bona fide caretaker residences, are not permitted in this category except to the extent provided in Chapter XIII of the Plan. Caretaker residences are not permitted in the Airport Noise Zone B. Because this area is located within the Six Mile Cypress Basin and is also a primary point of entry into Lee County, special environmental and design review guidelines will be applied to its development to maintain the appearance of this area as a primary point of entry into Lee County. Property in Section 1 and the east ½ of Section 2, Township 46 South, Range 25 East, and in Section 6, Township 46 South, Range 26 East, must be rezoned to a planned development zoning category prior to any development other than the construction of essential public services. During the rezoning process, the best environmental management practices identified on pages 43 and 44 of the July 28, 1993 Henigar & Ray study entitled, "Groundwater Resource Protection Study" will be rebuttably presumed to be necessary to protect potential groundwater resources in the area. (Amended by Ordinance No. 94-30, 02-02, 03-04, 04-16, 07-09)

Recommendation 6: Add the following new Objective and Policies to the Lee Plan:

OBJECTIVE 2.12: DIVERSIFIED CLUSTER DEVELOPMENT - The County in several future land use categories allows the potential for a mixture of different land uses including: residential, commercial/office, research and development, and light industrial.

POLICY 2.12.1: The County encourages and promotes clustered, mixed use development within certain Future Urban Area land use categories to spur cluster development and smart growth within those areas of Lee County where sufficient infrastructure exists to support development, as well as continue to improve the economic well-being of the County; provide for diversified land development; and provide for cohesive, viable, well-integrated, and pedestrian and transit oriented projects. This is intended to encourage development to be consistent with Smart Growth principles.

POLICY 2.12.2: Future development within the Tradeport and Industrial Development (with the exception of the lands designated as Industrial Development between US 41 and I-75, north of Alico Road) future land use categories is strongly encouraged to be designed to include a mixture of research and development, industrial, and related office uses.

POLICY 2.12.3: Future development within the Intensive Development, Central Urban, and Urban Community future land use categories is strongly encouraged to be development as a mixed use with two or more of the following uses: residential, commercial (including office), and light industrial (including research and development use). When residential use is one of three uses proposed, in a mixed use development, residential densities may be developed as provided for under the Glossary terms: "Mixed Use", "Mixed Use Building", and "Density".

Recommendation 7: Amend Policy 7.1.4:

POLICY 7.1.4: The Future Land Use Map must designate a sufficient quantity of land to accommodate industrial development that will employ 3% of the county's population in manufacturing activities by the year 2010. A report will be prepared by county staff every two years to monitor the county's progress towards this employment goal. the minimum allocated land area found in Policy 1.7.6 and related Table 1(b). Lee County will monitor the progress of development and the number of acres converted to industrial use as part of every Evaluation and

Appraisal Report (EAR). This acreage may be adjusted to accommodate increases in the allocations. (Amended by Ordinance No. 93-25, 94-30, 00-22)

Recommendation 8:

DENSITY - The number of residential dwelling or housing units per gross acre (du/acre). Densities specified in this plan are gross residential densities. For the purpose of calculating gross residential density, the total acreage of a development includes those lands to be used for residential uses, and includes land within the development proposed to be used for streets and street rights of way, utility rights-of-way, public and private parks, recreation and open space, schools, community centers, and facilities such as police, fire and emergency services, sewage and water, drainage, and existing man-made waterbodies contained within the residential development. Lands for commercial, office, industrial uses, natural water bodies, and other non-residential uses must not be included, except within areas identified on the Mixed Use Overlay Map (Future Land Use Map Series Map 1 page 6 of 6) that have elected to use the process described in Objective 4.2. Within the Captiva community in the areas identified by Policy 13.2.1, commercial development that includes commercial and residential uses within the same project or the same building do not have to exclude the commercial lands from the density calculation. For true mixed use developments located on the mainland areas of the County, the density lost to commercial, office and industrial acreage can be regained through the utilization of TDRs that are either created from Greater Pine Island Coastal Rural future land use category or previously created TDRs. True mixed use developments must be primarily multi-use structures as defined in this Glossary as a mixed use building. If development is proposed in accordance with Policy 2.12.3, residential densities are calculated using the total land area included in the mixed use portion of the development. (Amended by Ordinance No. 98-09, 00-22, 03-21, 05-21, 07-09 [CPA2005-12], 07-14 [CPA2005-35])

Add the following to the Glossary:

RESEARCH AND DEVELOPMENT - Establishments primarily engaged in commercial physical and biological research and development, and noncommercial research establishments; performing commercial business, marketing, opinion, and other economic, sociological, and educational research; performing noncommercial research into and dissemination of, information for public health, education, or general welfare; and establishments primarily engaged in providing testing services.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- The Commercial/Industrial Study was commissioned by the Board of County Commissioners to help better manage and preserve lands for industrial and commercial office development.
- The Commercial/Industrial Study was presented to the Board of County Commissioners during the Management & Planning meeting of September 10, 2007.
- The Study recommended a number of changes to the Lee Plan, Land Development Code, and to the development process.

- The proposed amendment language contained in this recommendation is a direct result of the three recommendations to amend the Lee Plan as contained in the Study.
- There is a need to clearly identify that the Lee Plan accommodates development of research and development uses along with other related uses.
- There is a need to clearly state that the Lee Plan does allow for mixed use, clustered development within some of the designated future urban land use categories.

C. BACKGROUND INFORMATION

On June 27, 2006, the Board of County Commissioners contracted with Basile Baumann Prost & Associates (consultant) to perform a Commercial/Industrial Lands Study to identify appropriate lands for economic development. This Study was requested by the Office of Economic Development as an analysis of the County's Commercial and Industrial lands. The last time that such a study was done was in 1983 in conjunction with the 1985 Evaluation and Appraisal of the Comprehensive Plan. The re-analysis was in response to a concern that there was a shortage of office/industrial lands for future economic development. The study was presented to the Board of County Commissioners at the September 10, 2007 Workshop Meeting of the Board Management and Planning Committee.

The completed study is a 40-page document, dated September 2007. The Study was divided into four parts:

- 1) Fact-finding, stakeholder interviews, background study;
- 2) Review of the real estate market, leasing, sales, absorption rates, development patterns and existing, zoned industrial and commercial land parcels in Lee County;
- 3) Recommendations for future land use planning including any additions to current inventory based on data and field surveys;
- 4) Review of Comprehensive Plan and relevant Development Codes.

The consultant found that there is currently adequate industrial and commercial lands to meet demand through 2025. They also found that over the next few years the location and suitability of the lands will be key issues. The consultant has suggested that Lee County should encourage new development that better utilizes the land inventory, reserving more valuable commercial and industrial corridors for businesses and industries that may locate in Lee County over the next two decades. Uses would include medical research groups, research and development companies, corporate headquarters, financial and consulting firms, and other similar uses. This would be accomplished through greater use of the mixed-use development concept.

The Study provides seven (7) recommendations: three (Recommendations 1, 3, and 4) involve text changes to the Lee Plan, one involves a potential change to the Charter, and the remaining three are recommended changes to the Land Development Code. The complete Study is attached to this report.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

The Study included following three recommendations related to the Lee Plan (beginning on Page 32):

Study Recommendation 1: Re-evaluate Policy 7.1.4., and consider replacement language that addresses land needs for industrial uses (including manufacturing activities) in the context of current economic and labor force trends.

This Policy of the Lee Plan requires that the Future Land Use Map designate sufficient land for industrial development in order to employ a percentage of the county's population by the year 2010. This would be monitored every two years by a staff report that would follow the County's progress toward this goal. The Roberts Study in the mid-1980's linked population growth to employment growth and the need for a more diversified employment base.

The Study notes that Lee County's population has averaged 3.5% growth annually, while the manufacturing base as a percentage of population has averaged 1.3% annually. If the goal expressed in the current language found in Policy 7.1.4. is to be achieved by 2010, the County will have to add 13,000 new manufacturing positions in the next 3 years (study dated September 2007) to remain consistent with this Policy. It maintains that the percentage of the population in manufacturing positions should be revised to state that Lee County desires high paying positions fitting both the economic and workforce development goals and suggests amending the Policy to provide greater flexibility and offer a broader definition of manufacturing jobs and business and manufacturing support services. It also indicates that new demand for light industrial and what is called industrial-flex use should be included in commercial office development in the intensive development, urban community, and central urban future land use designations where it is demonstrated that these would be compatible with adjoining office and commercial uses.

Staff concurs with these Study findings and recommends the Policy be re-written to use the allocations already provided for in the Lee Plan and to monitor the existing industrial allocations and the amount of acres left available for future development. As part of each Evaluation and Appraisal Report (and sooner if needed), Lee County will consider adjustments of these allocations to ensure continued provision of adequate acreage for commercial and industrial development.

Study Recommendation 3: Amend and broaden Policy 1.1.7 with language that redefines industrial development in Lee County.

Policy 1.1.7. describes the future land use category of Industrial Development. The study notes that the Lee Plan places restrictions on the type of office spaces allowed within this future land use category. The study recommends that the restriction placed on office and retail uses that do not directly relate to the industrial activities should be lifted. The study cautions that some concerns exist that removing these restrictions could lead to the development of commercial centers. A "Regional Activity Center" (RAC) is suggested as a separate land use category to address this concern. The RAC is further described in Recommendation 4.

Staff agrees with the concern regarding restrictions on office and commercial use within this category and provides in Staff Recommendation 4 revised language. This recommendation

removes the language requiring office and retail use to be ancillary and provides industrial use remain the primary use allowed, while also providing for selective retail and office uses. The staff recommendation also identifies research and development as a desirable use. This directly relates to the desires of the Office of Economic Development to encourage and provide for the development of this type of use in Lee County.

Study Recommendation 4: Add a policy to evaluate designated specific areas as Regional Activity Centers (RAC) to allow for office and industrial diversification.

The Study recommends the RAC designation to encourage more intense levels of industrial development. The amendment could also allow the combination of industrial and commercial space, and medical/technical research and design/engineering uses in the industrial areas as standalone, not ancillary, uses. The RAC is seen as a new land use designation "requiring" mixed-use with a significant office-industrial flex component. It could allow retail so long as it was not an attractor, but would serve the needs of people working within the RAC. The category would promote a mixed-use pattern with significant light industrial and office, with limited retail. It is suggested that 3/4 of the net useable acreage be limited to the light industrial/office use. Changes suggested in the LDC include a minimum floor area ratio (FAR) of 1.0, a minimum open space of 40%, and the potential for increased building heights. The designation could be processed outside of the once-per-year Lee Plan amendment cycle if initiated by the Board of County Commissioners, and it is filed concurrently with a request for MPD zoning. The intent is to reduce the review time for development approval in Lee County.

Staff does not support the inclusion of "Regional Activity Center" as new future land use category or overlay. First, this term is used in Florida Statutes 380.06 and has specific meaning and should not be used to prevent any misunderstandings or presumptions that this category or overlay is the same as in Florida Statutes. Secondly, staff finds the proposed process to achieve this actually may be contrary to one of the intents of the amendment, to reduce the amount of time to approve development in the County. The recommendation appears to require filing of a private application to amend the Lee Plan Future Land Use map to adopt the category or overlay for the property prior to development. This would actually cause additional time to review, not reduce it.

In Staff Recommendations, new Objective and Policies and amended Policies have been proposed that provide development in various future land use categories and encourage, or provide for, the development of a mixture of land uses. In Intensive Development, Central Urban, and Urban Community future land use categories, development is encouraged to mix two (or more) land uses. If residential is included, residential densities could possibly be calculated using the top of the standard density range for the mixed use portion of the development. In the Industrial Development and Tradeport future land use categories, mixed use development is encouraged to include both commercial and industrial (including the possibility of research and development) uses. The recommendations also seek to eliminate the restrictions on office and commercial uses, opening these categories to greater commercial and office use.

Staff Recommendation 1, 2 and 3: implement minor changes to the Intensive Development, Central Urban, and Urban Community future land use categories acknowledging the changes sought in Objective 2.12. and the related Policies.

Staff Recommendation 4 and 5: implement changes to the Industrial Development and Tradeport future land use categories to reduce limitations on commercial and office use, and indicate that research and development uses are uses allowed in these categories and are encouraged to be developed within these land use categories.

Staff Recommendation 6: proposes one new Objective and three new Policies to the Lee Plan. These are recommended to encourage and provide incentive for cluster and mixed use developments within most intensive future land use categories of the Lee Plan (Intensive Development, Central Urban, and Urban Community). Currently these three future land use categories indicate that residential, commercial, and light industrial uses are anticipated to be developed within each. However, in many instances, only one of the uses is being developed since the commercial and light industrial areas must be excluded when determining the density of any residential component. In the Tradeport future land use category there is no incentive to develop research and development uses because they are not discussed and the category excludes uses normally associated to this use, supportive office development. Changes to Policy 1.1.7 and Policy 1.2.2, and the inclusion of new Policy 2.12.2, provide for the opportunity to develop the research and development parks sought by the Economic Development Office in the Industrial Development and Tradeport future land use categories.

Staff Recommendations 7: is addressed in Study Recommendation 3 above.

Staff Recommendation 8: contains recommended changes to the Glossary by revising the Glossary term "Density" and adding a Glossary term that defines Research and Development. This is offered to make sure that the term is clearly understood as to what this use is and has been created by using the Standard Industrial Classification Code Group 873 describing various research, development, and testing services.

POPULATION ACCOMMODATION ANALYSIS

The recommendations contained in this amendment do not result in any changes to the population accommodation of the Future Land Use Map (FLUM) as each of the affected Future Land Use categories allow residential use and recommended densities are less than the potential Bonus Density and above the Standard Density range for each of the Future Land Use categories.

B. CONCLUSIONS

The recommendations are intended to implement the Commercial/Industrial Land Use Analysis suggestions. The recommendations also attempt to allow greater opportunity for mixed use and cluster development, incentives allowing greater residential densities to provide for the mixed use developments, and greater opportunity for commercial and office development in the Industrial Development and Tradeport future land use categories.

C. STAFF RECOMMENDATION

Find that the changes to existing Policies and the proposed new Objective and related Policies are consistent with the Lee Plan.

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

DATE OF PUBLIC LPA HEARING: September 22, 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

LELAND M. TAYLOR

RAY ANN WESSEL

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

BOB JANES

RAY JUDAH

FRANKLIN B. MANN

DATE OF ORC REPORT: _____

A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS

B. STAFF RESPONSE

September 19, 2008
PAGE 13 OF 14

**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

BOB JANES

RAY JUDAH

FRANKLIN B. MANN

CPA2007-55
Commercial/Industrial Lands

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

**BoCC Public Hearing Document
for the
October 22, 2008 Transmittal Hearing**

**Lee County Board of County Commissioners
Sponsored Amendment and Staff Report**

*Lee County Planning Division
1500 Monroe Street
P.O. Box 398
Fort Myers, FL 33902-0398
(239) 533-8585
September 19, 2008*

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

CPA2007-00055



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 19, 2008
October 8, 2008

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. APPLICANT/REPRESENTATIVE:

LEE COUNTY BOARD OF COUNTY COMMISSIONERS
represented by the Lee County Division of Planning

- 2. REQUEST:** Evaluate and incorporate into the Future Land Use Element and Glossary appropriate Lee Plan policy changes and additions consistent with the Commercial/Industrial Study.

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

- 1. RECOMMENDATION:** Staff recommends that the Board of County Commissioners transmit this amendment as follows:

Recommendation 1: Amend Policy 1.1.2:

POLICY 1.1.2: The Intensive Development areas are located along major arterial roads in Fort Myers, North Fort Myers, and Cape Coral. By virtue of their location, the county's current development patterns, and the available and potential levels of public services, they are well suited to accommodate high densities and intensities. Planned mixed-use centers of high-density residential, commercial, limited light industrial (see Policy 7.1.6), and office uses are ~~appropriate in these locations~~ encouraged to be developed as described in Policy 2.12.3. As Lee County moves toward becoming a metropolitan complex of a half-million people, these centrally located urban nodes can offer a diversity of lifestyles, cosmopolitan shopping opportunities, and specialized professional services that befit such a region. The standard density range is from seven dwelling units per acre (7 du/acre) to fourteen dwelling units per acre (14 du/acre). Maximum density is twenty-two dwelling units per acre (22 du/acre). (Amended by Ordinance No. 94-30)

Recommendation 2: Amend Policy 1.1.3:

POLICY 1.1.3: The Central Urban areas can best be characterized as the "urban core" of the county. These consist mainly of portions of the city of Fort Myers, the southerly portion of the city of Cape Coral, and other close-in areas near these cities; and also the central portions of the city of Bonita Springs, Iona/McGregor, Lehigh Acres, and North Fort Myers. This is the part of the county that is already most heavily settled and which has or will have the greatest range and highest levels of urban service--water, sewer, roads, schools, etc. Residential, commercial, public and quasi-public, and limited light industrial land uses (see Policy 7.1.6) will continue to predominate in the Central Urban area with future development in this category encouraged to be developed as a mixed-use, as described in Policy 2.12.3. This category has a standard density range from four dwelling units per acre (4 du/acre) to ten dwelling units per acre (10 du/acre) and a maximum density of fifteen dwelling units per acre (15 du/acre). (Amended by Ordinance No. 94-30, 02-02)

Recommendation 3: Amend Policy 1.1.4:

POLICY 1.1.4: The Urban Community areas are areas outside of Fort Myers and Cape Coral that are characterized by a mixture of relatively intense commercial and residential uses. Included among them, for example, are parts of Lehigh Acres, San Carlos Park, Fort Myers Beach, South Fort Myers, the city of Bonita Springs, Pine Island, and Gasparilla Island. Although the Urban Communities have a distinctly urban character, they should be developed at slightly lower densities. As the vacant portions of these communities are urbanized, they will need to maintain their existing bases of urban services and expand and strengthen them accordingly. As in the Central Urban area, predominant land uses in the Urban Communities will be residential, commercial, public and quasi-public, and limited light industry (see Policy 7.1.6) with future development in this category encouraged to be developed as a mixed-use, as described in Policy 2.12.3. Standard density ranges from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre), with a maximum of ten dwelling units per acre (10 du/acre). (Amended by Ordinance No. 94-30, 02-02)

Recommendation 4: Amend Policy 1.1.7:

POLICY 1.1.7: The Industrial Development areas play an important role in strengthening the county's economic base and will become increasingly important as the county grows in size and urban complexity. To a great extent these are the areas to which Lee County must look for expanded job opportunities and production opportunities, and a balanced and sufficient tax base. These areas have special locational requirements that are more stringent than those for residential areas, including transportation needs (e.g., air, rail, highway); industrial levels of water, sewer, fire protection, and other urban services; and ~~locations that are convenient for employees to reach central locations to reduce employee commuting distances.~~ ~~Whereas the other Future Urban Areas will include a broad combination of residential, commercial, public, and limited industrial land uses,~~ The Industrial Development area is to be reserved mainly for research and development, laboratories, and industrial activities; per se, as well as for selective land use mixtures such as the combined uses of industrial, manufacturing, research and development, laboratories, and office uses supporting the preceding uses; and properly buffered recreational uses (except where precluded by airport hazard zone regulations). ~~and offices complexes(if specifically related to adjoining industrial uses)~~ that constitute a growing part of Florida's economic development sector. New natural resource extraction (mining) activities and fill dirt operations must be approved through the Industrial Mining Excavation Planned Development rezoning process in accordance with the Lee County Land Development Code. Retail and commercial service uses supporting neighboring industrial uses are allowed if the following criteria are met:

1. Retailing and/or wholesaling of products manufactured on the premises, or;
2. Commercial uses are integrated into the primary R&D/Industrial development;
3. Commercial service and retail uses may not exceed 10% of the total building area within the Industrial Development areas per each Planning Community; and
4. Free standing commercial uses are developed to meet the definition of "Corner Store Commercial".

~~Retail or wholesale of products manufactured or processed upon the premises may be allowed at a ratio of 1 square foot of commercial uses to 10 square feet of industrial use in association with a Planned Development. Ancillary minor retail commercial uses intended to support the surrounding industrial land uses may not exceed 30,000 square feet per development; and, at buildout, may not exceed more than ten percent (10%) of the total acreage of the lands designated as Industrial Development areas in each community outlined in Map 16. Residential uses, other than bona fide caretaker residences, are not permitted in this category except to the extent provided in Chapter XIII of the Plan. (Amended by Ordinance No. 94-30, 98-09, 99-15, 02-02)~~

Recommendation 5: Amend Policy 1.2.2:

POLICY 1.2.2: The Tradeport areas are commercial and industrial lands adjacent to the airport needed to accommodate projected growth through the year ~~2020~~ 2030. These areas will include developments consisting of light manufacturing or assembly, warehousing, and distribution facilities; ~~offices~~; research and development activities; laboratories; ground transportation and airport-related terminals or transfer facilities; ~~and hotels/motels, meeting facilities; and office uses, retail uses within hotels/motels.~~ Ancillary retail Corner Store Commercial uses, intended to support the surrounding business and industrial land uses, are allowed if they are part of a Planned Development of ~~10 or more acres in size and are limited to 1,000 square feet per acre of Tradeport~~

land within the Planned Development. Future development in this category must include a mixture of land uses as described in Policy 2.12.2. Residential uses, other than bona fide caretaker residences, are not permitted in this category except to the extent provided in Chapter XIII of the Plan. Caretaker residences are not permitted in the Airport Noise Zone B. Because this area is located within the Six Mile Cypress Basin and is also a primary point of entry into Lee County, special environmental and design review guidelines will be applied to its development to maintain the appearance of this area as a primary point of entry into Lee County. Property in Section 1 and the east ½ of Section 2, Township 46 South, Range 25 East, and in Section 6, Township 46 South, Range 26 East, must be rezoned to a planned development zoning category prior to any development other than the construction of essential public services. During the rezoning process, the best environmental management practices identified on pages 43 and 44 of the July 28, 1993 Henigar & Ray study entitled, "Groundwater Resource Protection Study" will be rebuttably presumed to be necessary to protect potential groundwater resources in the area. (Amended by Ordinance No. 94-30, 02-02, 03-04, 04-16, 07-09)

Recommendation 6: Add the following new Objective and Policies to the Lee Plan:

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POLICY 2.12.1: The County encourages and promotes clustered, mixed use development within certain Future Urban Area land use categories to spur cluster development and smart growth within those areas of Lee County where sufficient infrastructure exists to support development, as well as continue to improve the economic well-being of the County; provide for diversified land development; and provide for cohesive, viable, well-integrated, and pedestrian and transit oriented projects. This is intended to encourage development to be consistent with Smart Growth principles.

POLICY 2.12.2: Future development within the Tradeport and Industrial Development (with the exception of the lands designated as Industrial Development between US 41 and I-75, north of Alico Road) future land use categories is strongly encouraged to be designed to include a mixture of research and development, industrial, and related office uses.

POLICY 2.12.3: Future development within the Intensive Development, Central Urban, and Urban Community future land use categories is strongly encouraged to be development as a mixed use with two or more of the following uses: residential, commercial (including office), and light industrial (including research and development use). When residential use is one of three uses proposed, in a mixed use development, residential densities may be developed as provided for under the Glossary terms: "Mixed Use", "Mixed Use Building", and "Density".

Recommendation 7: Amend Policy 7.1.4:

POLICY 7.1.4: The Future Land Use Map must designate a sufficient quantity of land to accommodate industrial development that will employ 3% of the county's population in manufacturing activities by the year 2010. A report will be prepared by county staff every two years to monitor the county's progress towards this employment goal. the minimum allocated land

area found in Policy 1.7.6 and related Table 1(b). Lee County will monitor the progress of development and the number of acres converted to industrial use as part of every Evaluation and Appraisal Report (EAR). This acreage may be adjusted to accommodate increases in the allocations. (Amended by Ordinance No. 93-25, 94-30, 00-22)

Recommendation 8:

DENSITY - The number of residential dwelling or housing units per gross acre (du/acre). Densities specified in this plan are gross residential densities. For the purpose of calculating gross residential density, the total acreage of a development includes those lands to be used for residential uses, and includes land within the development proposed to be used for streets and street rights of way, utility rights-of-way, public and private parks, recreation and open space, schools, community centers, and facilities such as police, fire and emergency services, sewage and water, drainage, and existing man-made waterbodies contained within the residential development. Lands for commercial, office, industrial uses, natural water bodies, and other non-residential uses must not be included, except within areas identified on the Mixed Use Overlay Map (Future Land Use Map Series Map 1 page 6 of 6) that have elected to use the process described in Objective 4.2. Within the Captiva community in the areas identified by Policy 13.2.1, commercial development that includes commercial and residential uses within the same project or the same building do not have to exclude the commercial lands from the density calculation. For true mixed use developments located on the mainland areas of the County, the density lost to commercial, office and industrial acreage can be regained through the utilization of TDRs that are either created from Greater Pine Island Coastal Rural future land use category or previously created TDRs. True mixed use developments must be primarily multi-use structures as defined in this Glossary as a mixed use building. If development is proposed in accordance with Policy 2.12.3, residential densities are calculated using the total land area included in the mixed use portion of the development. (Amended by Ordinance No. 98-09, 00-22, 03-21, 05-21, 07-09 [CPA2005-12], 07-14 [CPA2005-35])

Add the following to the Glossary:

RESEARCH AND DEVELOPMENT - Establishments primarily engaged in commercial physical and biological research and development, and noncommercial research establishments; performing commercial business, marketing, opinion, and other economic, sociological, and educational research; performing noncommercial research into and dissemination of, information for public health, education, or general welfare; and establishments primarily engaged in providing testing services.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- The Commercial/Industrial Study was commissioned by the Board of County Commissioners to help better manage and preserve lands for industrial and commercial office development.
- The Commercial/Industrial Study was presented to the Board of County Commissioners during the Management & Planning meeting of September 10, 2007.

- The Study recommended a number of changes to the Lee Plan, Land Development Code, and to the development process.
- The proposed amendment language contained in this recommendation is a direct result of the three recommendations to amend the Lee Plan as contained in the Study.
- There is a need to clearly identify that the Lee Plan accommodates development of research and development uses along with other related uses.
- There is a need to clearly state that the Lee Plan does allow for mixed use, clustered development within some of the designated future urban land use categories.

C. BACKGROUND INFORMATION

On June 27, 2006, the Board of County Commissioners contracted with Basile Baumann Prost & Associates (consultant) to perform a Commercial/Industrial Lands Study to identify appropriate lands for economic development. This Study was requested by the Office of Economic Development as an analysis of the County's Commercial and Industrial lands. The last time that such a study was done was in 1983 in conjunction with the 1985 Evaluation and Appraisal of the Comprehensive Plan. The re-analysis was in response to a concern that there was a shortage of office/industrial lands for future economic development. The study was presented to the Board of County Commissioners at the September 10, 2007 Workshop Meeting of the Board Management and Planning Committee.

The completed study is a 40-page document, dated September 2007. The Study was divided into four parts:

- 1) Fact-finding, stakeholder interviews, background study;
- 2) Review of the real estate market, leasing, sales, absorption rates, development patterns and existing, zoned industrial and commercial land parcels in Lee County;
- 3) Recommendations for future land use planning including any additions to current inventory based on data and field surveys;
- 4) Review of Comprehensive Plan and relevant Development Codes.

The consultant found that there is currently adequate industrial and commercial lands to meet demand through 2025. They also found that over the next few years the location and suitability of the lands will be key issues. The consultant has suggested that Lee County should encourage new development that better utilizes the land inventory, reserving more valuable commercial and industrial corridors for businesses and industries that may locate in Lee County over the next two decades. Uses would include medical research groups, research and development companies, corporate headquarters, financial and consulting firms, and other similar uses. This would be accomplished through greater use of the mixed-use development concept.

The Study provides seven (7) recommendations: three (Recommendations 1, 3, and 4) involve text changes to the Lee Plan, one involves a potential change to the Charter, and the remaining three are recommended changes to the Land Development Code. The complete Study is attached to this report.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

The Study included following three recommendations related to the Lee Plan (beginning on Page 32):

Study Recommendation 1: Re-evaluate Policy 7.1.4., and consider replacement language that addresses land needs for industrial uses (including manufacturing activities) in the context of current economic and labor force trends.

This Policy of the Lee Plan requires that the Future Land Use Map designate sufficient land for industrial development in order to employ a percentage of the county's population by the year 2010. This would be monitored every two years by a staff report that would follow the County's progress toward this goal. The Roberts Study in the mid-1980's linked population growth to employment growth and the need for a more diversified employment base.

The Study notes that Lee County's population has averaged 3.5% growth annually, while the manufacturing base as a percentage of population has averaged 1.3% annually. If the goal expressed in the current language found in Policy 7.1.4. is to be achieved by 2010, the County will have to add 13,000 new manufacturing positions in the next 3 years (study dated September 2007) to remain consistent with this Policy. It maintains that the percentage of the population in manufacturing positions should be revised to state that Lee County desires high paying positions fitting both the economic and workforce development goals and suggests amending the Policy to provide greater flexibility and offer a broader definition of manufacturing jobs and business and manufacturing support services. It also indicates that new demand for light industrial and what is called industrial-flex use should be included in commercial office development in the intensive development, urban community, and central urban future land use designations where it is demonstrated that these would be compatible with adjoining office and commercial uses.

Staff concurs with these Study findings and recommends the Policy be re-written to use the allocations already provided for in the Lee Plan and to monitor the existing industrial allocations and the amount of acres left available for future development. As part of each Evaluation and Appraisal Report (and sooner if needed), Lee County will consider adjustments of these allocations to ensure continued provision of adequate acreage for commercial and industrial development.

Study Recommendation 3: Amend and broaden Policy 1.1.7 with language that redefines industrial development in Lee County.

Policy 1.1.7. describes the future land use category of Industrial Development. The study notes that the Lee Plan places restrictions on the type of office spaces allowed within this future land use category. The study recommends that the restriction placed on office and retail uses that do not directly relate to the industrial activities should be lifted. The study cautions that some concerns exist that removing these restrictions could lead to the development of commercial centers. A "Regional Activity Center" (RAC) is suggested as a separate land use category to address this concern. The RAC is further described in Recommendation 4.

Staff agrees with the concern regarding restrictions on office and commercial use within this

category and provides in Staff Recommendation 4 revised language. This recommendation removes the language requiring office and retail use to be ancillary and provides industrial use remain the primary use allowed, while also providing for selective retail and office uses. The staff recommendation also identifies research and development as a desirable use. This directly relates to the desires of the Office of Economic Development to encourage and provide for the development of this type of use in Lee County.

Study Recommendation 4: Add a policy to evaluate designated specific areas as Regional Activity Centers (RAC) to allow for office and industrial diversification.

The Study recommends the RAC designation to encourage more intense levels of industrial development. The amendment could also allow the combination of industrial and commercial space, and medical/technical research and design/engineering uses in the industrial areas as standalone, not ancillary, uses. The RAC is seen as a new land use designation “requiring” mixed-use with a significant office-industrial flex component. It could allow retail so long as it was not an attractor, but would serve the needs of people working within the RAC. The category would promote a mixed-use pattern with significant light industrial and office, with limited retail. It is suggested that 3/4 of the net useable acreage be limited to the light industrial/office use. Changes suggested in the LDC include a minimum floor area ratio (FAR) of 1.0, a minimum open space of 40%, and the potential for increased building heights. The designation could be processed outside of the once-per-year Lee Plan amendment cycle if initiated by the Board of County Commissioners, and it is filed concurrently with a request for MPD zoning. The intent is to reduce the review time for development approval in Lee County.

Staff does not support the inclusion of “Regional Activity Center” as new future land use category or overlay. First, this term is used in Florida Statutes 380.06 and has specific meaning and should not be used to prevent any misunderstandings or presumptions that this category or overlay is the same as in Florida Statutes. Secondly, staff finds the proposed process to achieve this actually may be contrary to one of the intents of the amendment, to reduce the amount of time to approve development in the County. The recommendation appears to require filing of a private application to amend the Lee Plan Future Land Use map to adopt the category or overlay for the property prior to development. This would actually cause additional time to review, not reduce it.

In Staff Recommendations, new Objective and Policies and amended Policies have been proposed that provide development in various future land use categories and encourage, or provide for, the development of a mixture of land uses. In Intensive Development, Central Urban, and Urban Community future land use categories, development is encouraged to mix two (or more) land uses. If residential is included, residential densities could possibly be calculated using the top of the standard density range for the mixed use portion of the development. In the Industrial Development and Tradeport future land use categories, mixed use development is encouraged to include both commercial and industrial (including the possibility of research and development) uses. The recommendations also seek to eliminate the restrictions on office and commercial uses, opening these categories to greater commercial and office use.

Staff Recommendation 1, 2 and 3: implement minor changes to the Intensive Development, Central Urban, and Urban Community future land use categories acknowledging the changes sought in Objective 2.12. and the related Policies.

Staff Recommendation 4 and 5: implement changes to the Industrial Development and Tradeport future land use categories to reduce limitations on commercial and office use, and indicate that research and development uses are uses allowed in these categories and are encouraged to be developed within these land use categories.

Staff Recommendation 6: proposes one new Objective and three new Policies to the Lee Plan. These are recommended to encourage and provide incentive for cluster and mixed use developments within most intensive future land use categories of the Lee Plan (Intensive Development, Central Urban, and Urban Community). Currently these three future land use categories indicate that residential, commercial, and light industrial uses are anticipated to be developed within each. However, in many instances, only one of the uses is being developed since the commercial and light industrial areas must be excluded when determining the density of any residential component. In the Tradeport future land use category there is no incentive to develop research and development uses because they are not discussed and the category excludes uses normally associated to this use, supportive office development. Changes to Policy 1.1.7 and Policy 1.2.2, and the inclusion of new Policy 2.12.2, provide for the opportunity to develop the research and development parks sought by the Economic Development Office in the Industrial Development and Tradeport future land use categories.

Staff Recommendations 7: is addressed in Study Recommendation 3 above.

Staff Recommendation 8: contains recommended changes to the Glossary by revising the Glossary term “Density” and adding a Glossary term that defines Research and Development. This is offered to make sure that the term is clearly understood as to what this use is and has been created by using the Standard Industrial Classification Code Group 873 describing various research, development, and testing services.

POPULATION ACCOMMODATION ANALYSIS

The recommendations contained in this amendment do not result in any changes to the population accommodation of the Future Land Use Map (FLUM) as each of the affected Future Land Use categories allow residential use and recommended densities are less than the potential Bonus Density and above the Standard Density range for each of the Future Land Use categories.

B. CONCLUSIONS

The recommendations are intended to implement the Commercial/Industrial Land Use Analysis suggestions. The recommendations also attempt to allow greater opportunity for mixed use and cluster development, incentives allowing greater residential densities to provide for the mixed use developments, and greater opportunity for commercial and office development in the Industrial Development and Tradeport future land use categories.

C. STAFF RECOMMENDATION

Find that the changes to existing Policies and the proposed new Objective and related Policies are consistent with the Lee Plan.

PART III - LOCAL PLANNING AGENCY REVIEW AND RECOMMENDATION

DATE OF PUBLIC LPA HEARING: September 29, 2008

A. LOCAL PLANNING AGENCY REVIEW

Staff introduced the plan amendment to the LPA.

The LPA discussed with staff various elements of the changes, including: allowing a mixture of land uses in the Intensive Development, Central Urban, and Urban Community future land use categories with research and development, if residential uses may be allowed in combination with research and development uses in these future land use categories; limitation on retail commercial in the Industrial Development future land use category; and 10% allowance in the Industrial Development for commercial service and retail use in the Industrial Development

Public comments included concerns about the lack of retail in the Industrial Development future land use category and the desire to allow greater opportunities for retail use in this category as part of the amendment. There was discussion of the amount of commercial with 10% of building area being recommended and a greater percentage being sought. In addition, the public discussed what should be allowed as part of research and development parks including greater office development opportunities and maybe including residential development. One member of the public mentioned that they were concerned that the amendment had not gone far enough to allow research and development parks as found in Orange County and Broward County, and suggested the establishment of "Regional Activity Centers, RAC" as provided for under Florida Statutes.

Staff noted that Industrial Development future land use category needs to be protected from the encroachment of commercial land uses in order to preserve the land for future industrial development. Currently the Lee Plan has a number of existing future land use categories that already permit sufficient areas where commercial uses can be developed. Staff also noted that retail and wholesale sales when clearly incidental and subordinate to an industrial use on the site is already permitted.

Staff also answered questions from the Local Planning Agency regarding the same issues as presented by the members of the public that participated.

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION:

The Local Planning Agency recommends that the Board of County Commissioners transmit the proposed amendments with the following changes:

1. Revise recommended Policy 1.1.7 to add office use to the list of primary uses, revise #3 to allow commercial service and retail use to not exceed 20% (Staff recommended only 10%) of the total building area within the Industrial Development areas per each Planning Community, and delete #4. To read as follows:

POLICY 1.1.7: The Industrial Development areas play an important role in strengthening the county's economic base and will become increasingly important as the county grows in size and urban complexity. To a great extent these are the areas to which Lee County must look for expanded job opportunities and production opportunities, and a balanced and sufficient tax base. These areas have special locational requirements that are more stringent than those for residential areas, including transportation needs (e.g., air, rail, highway); industrial levels of water, sewer, fire protection, and other urban services; and ~~locations that are convenient for employees to reach central locations to reduce employee commuting distances.~~ ~~Whereas the other Future Urban Areas will include a broad combination of residential, commercial, public, and limited industrial land uses,~~ The Industrial Development area is to be reserved mainly for research and development, laboratories, and industrial activities, and office; per se, as well as for selective land use mixtures such as the combined uses of industrial, manufacturing, research and development, laboratories, and office uses supporting the preceding uses; and properly buffered recreational uses (except where precluded by airport hazard zone regulations). ; and offices complexes (if specifically related to adjoining industrial uses) that constitute a growing part of Florida's economic development sector. New natural resource extraction (mining) activities and fill dirt operations must be approved through the Industrial Mining Excavation Planned Development rezoning process in accordance with the Lee County Land Development Code. Retail and commercial service uses supporting neighboring industrial uses are allowed if the following criteria are met:

1. Retailing and/or wholesaling of products manufactured on the premises, or;
2. Commercial uses are integrated into the primary R&D/Industrial development;
3. Commercial service and retail uses may not exceed ~~10%~~ 20% of the total building area within the Industrial Development areas per each Planning Community; and
4. Free standing commercial uses are developed to meet the definition of "Corner Store Commercial".

2. Add to the 2008/2009 regular amendment cycle for review, further analysis of the Regional Activity Centers (RAC) and consideration of adding residential to the tradeport and industrial development categories where appropriate to address opportunities for future research and development facilities.

2. BASIS AND RECOMMENDED FINDINGS OF FACT: The LPA advances the findings of fact presented by staff.

C. VOTE:

NOEL ANDRESS	<u>Aye</u>
LES COCHRAN	<u>Aye</u>
RONALD INGE	<u>Aye</u>
JACQUE RIPPE	<u>Absent</u>
CARLETON RYFFEL	<u>Absent</u>
LELAND M. TAYLOR	<u>Absent</u>
RAY ANN WESSEL	<u>Aye</u>

**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

DATE OF ORC REPORT: _____

A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS

B. STAFF RESPONSE

October 8, 2008
PAGE 14 OF 15

**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

CPA2007-55
Commercial/Industrial Lands

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

**BoCC Public Hearing Document
for the
February 25th, 2009 Adoption Hearing**

**Lee County Board of County Commissioners
Sponsored Amendment and Staff Report**

*Lee County Planning Division
1500 Monroe Street
P.O. Box 398
Fort Myers, FL 33902-0398
(239) 533-8585*

January 16, 2009

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

CPA2007-00055

☒

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 19, 2008

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. APPLICANT/REPRESENTATIVE:

LEE COUNTY BOARD OF COUNTY COMMISSIONERS
represented by the Lee County Division of Planning

- 2. REQUEST:** Evaluate and incorporate into the Future Land Use Element and Glossary appropriate Lee Plan policy changes and additions consistent with the Commercial/Industrial Study.

B. BOARD OF COUNTY COMMISSIONERS TRANSMITTAL LANGUAGE

The Board of County Commissioners unanimously approved transmittal of the following text amendments:

Amend Policy 1.1.2:

POLICY 1.1.2: The Intensive Development areas are located along major arterial roads in Fort Myers, North Fort Myers, and Cape Coral. By virtue of their location, the county's current development patterns, and the available and potential levels of public services, they are well suited

to accommodate high densities and intensities. Planned mixed-use centers of high-density residential, commercial, limited light industrial (see Policy 7.1.6), and office uses are appropriate in these locations encouraged to be developed as described in Policy 2.12.3., where appropriate. As Lee County moves toward becoming a metropolitan complex of a half-million people, these centrally located urban nodes can offer a diversity of lifestyles, cosmopolitan shopping opportunities, and specialized professional services that befit such a region. The standard density range is from seven dwelling units per acre (7 du/acre) to fourteen dwelling units per acre (14 du/acre). Maximum density is twenty-two dwelling units per acre (22 du/acre). (Amended by Ordinance No. 94-30)

Amend Policy 1.1.3:

POLICY 1.1.3: The Central Urban areas can best be characterized as the "urban core" of the county. These consist mainly of portions of the city of Fort Myers, the southerly portion of the city of Cape Coral, and other close-in areas near these cities; and also the central portions of the city of Bonita Springs, Iona/McGregor, Lehigh Acres, and North Fort Myers. This is the part of the county that is already most heavily settled and which has or will have the greatest range and highest levels of urban service--water, sewer, roads, schools, etc. Residential, commercial, public and quasi-public, and limited light industrial land uses (see Policy 7.1.6) will continue to predominate in the Central Urban area with future development in this category encouraged to be developed as a mixed-use, as described in Policy 2.12.3., where appropriate. This category has a standard density range from four dwelling units per acre (4 du/acre) to ten dwelling units per acre (10 du/acre) and a maximum density of fifteen dwelling units per acre (15 du/acre). (Amended by Ordinance No. 94-30, 02-02)

Amend Policy 1.1.4:

POLICY 1.1.4: The Urban Community areas are areas outside of Fort Myers and Cape Coral that are characterized by a mixture of relatively intense commercial and residential uses. Included among them, for example, are parts of Lehigh Acres, San Carlos Park, Fort Myers Beach, South Fort Myers, the city of Bonita Springs, Pine Island, and Gasparilla Island. Although the Urban Communities have a distinctly urban character, they should be developed at slightly lower densities. As the vacant portions of these communities are urbanized, they will need to maintain their existing bases of urban services and expand and strengthen them accordingly. As in the Central Urban area, predominant land uses in the Urban Communities will be residential, commercial, public and quasi-public, and limited light industry (see Policy 7.1.6) with future development in this category encouraged to be developed as a mixed-use, as described in Policy 2.12.3., where appropriate. Standard density ranges from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre), with a maximum of ten dwelling units per acre (10 du/acre). (Amended by Ordinance No. 94-30, 02-02)

Amend Policy 1.1.7:

POLICY 1.1.7: The Industrial Development areas play an important role in strengthening the county's economic base and will become increasingly important as the county grows in size and

urban complexity. To a great extent these are the areas to which Lee County must look for expanded job opportunities and production opportunities, and a balanced and sufficient tax base. These areas have special locational requirements that are more stringent than those for residential areas, including transportation needs (e.g., air, rail, highway); industrial levels of water, sewer, fire protection, and other urban services; and ~~locations that are convenient for employees to reach central locations to reduce employee commuting distances.~~ Whereas the other Future Urban Areas will include a broad combination of residential, commercial, public, and limited industrial land uses, ~~t~~ The Industrial Development area is to be reserved mainly for research and development, laboratories, and industrial activities, and office; per se, as well as for selective land use mixtures such as the combined uses of industrial, manufacturing, research and development, laboratories, and office uses supporting the preceding uses; and properly buffered recreational uses (except where precluded by airport hazard zone regulations). ; and offices complexes (if specifically related to adjoining industrial uses) that constitute a growing part of Florida's economic development sector. New natural resource extraction (mining) activities and fill dirt operations must be approved through the Industrial Mining Excavation Planned Development rezoning process in accordance with the Lee County Land Development Code. Retail and commercial service uses supporting neighboring industrial uses are allowed if the following criteria are met:

1. Retailing and/or wholesaling of products manufactured on the premises, or;
2. Commercial uses are integrated into the primary R&D/Industrial development;
3. Commercial service and retail uses may not exceed ~~10%~~ 20% of the total acreage within the Industrial Development areas per each Planning Community; and
4. Free standing commercial uses are developed to meet the definition of "Corner Store Commercial".

(Amended by Ordinance No. 94-30, 98-09, 99-15, 02-02)

Amend Policy 1.2.2:

POLICY 1.2.2: The Tradeport areas are commercial and industrial lands adjacent to the airport needed to accommodate projected growth through the year ~~2020~~ 2030. These areas will include developments consisting of light manufacturing or assembly, warehousing, and distribution facilities; ~~offices;~~ research and development activities; laboratories; ground transportation and airport-related terminals or transfer facilities; ~~and hotels/motels, meeting facilities; and office uses.~~ retail uses within hotels/motels. Ancillary retail and Corner Store commercial uses, intended to support the surrounding business and industrial land uses, are allowed if they are part of a Planned Development ~~of 10 or more acres in size and are limited to 1,000 square feet per acre of Tradeport land within the Planned Development.~~ Future development in this category is encouraged to include a mixture of land uses as described in Policy 2.12.2. Residential uses, other than bona fide caretaker residences, are not permitted in this category except to the extent provided in Chapter XIII of the Plan. Caretaker residences are not permitted in the Airport Noise Zone B. Because this area is located within the Six Mile Cypress Basin and is also a primary point of entry into Lee County, special environmental and design review guidelines will be applied to its development to maintain the appearance of this area as a primary point of entry into Lee County. Property in Section 1 and the east ½ of Section 2, Township 46 South, Range 25 East, and in Section 6, Township 46 South, Range 26 East, must be rezoned to a planned development zoning category

prior to any development other than the construction of essential public services. During the rezoning process, the best environmental management practices identified on pages 43 and 44 of the July 28, 1993 Henigar & Ray study entitled, "Groundwater Resource Protection Study" will be rebuttably presumed to be necessary to protect potential groundwater resources in the area. (Amended by Ordinance No. 94-30, 02-02, 03-04, 04-16, 07-09)

Add the following new Objective and Policies to the Lee Plan:

OBJECTIVE 2.12: DIVERSIFIED CLUSTER DEVELOPMENT - The County in several future land use categories allows the potential for a mixture of different land uses including: residential, commercial/office, research and development, and light industrial.

POLICY 2.12.1: The County encourages and promotes clustered, mixed use development within certain Future Urban Area land use categories to spur cluster development and smart growth within those areas of Lee County where sufficient infrastructure exists to support development, as well as continue to improve the economic well-being of the County; provide for diversified land development; and provide for cohesive, viable, well-integrated, and pedestrian and transit oriented projects. This is intended to encourage development to be consistent with Smart Growth principles.

POLICY 2.12.2: Future development within the Tradeport and Industrial Development (with the exception of the lands designated as Industrial Development between US 41 and I-75, north of Alico Road) future land use categories is strongly encouraged to be designed to include a mixture of research and development, industrial, and related office uses, where appropriate.

POLICY 2.12.3: Future development within the Intensive Development, Central Urban, and Urban Community future land use categories is strongly encouraged to be development as a mixed use with two or more of the following uses: residential, commercial (including office), and light industrial (including research and development use). When residential use is one of three uses proposed, in a mixed use development, residential densities may be developed as provided for under the Glossary terms: "Mixed Use", "Mixed Use Building", and "Density".

Amend Policy 7.1.4:

POLICY 7.1.4: The Future Land Use Map must designate a sufficient quantity of land to accommodate industrial development that will employ 3% of the county's population in manufacturing activities by the year 2010. A report will be prepared by county staff every two years to monitor the county's progress towards this employment goal. the minimum allocated land area found in Policy 1.7.6 and related Table 1(b), where appropriate. Lee County will monitor the progress of development and the number of acres converted to industrial use as part of every Evaluation and Appraisal Report (EAR). This acreage may be adjusted to accommodate increases in the allocations. (Amended by Ordinance No. 93-25, 94-30, 00-22)

Amend Glossary, as follows:

DENSITY - The number of residential dwelling or housing units per gross acre (du/acre). Densities specified in this plan are gross residential densities. For the purpose of calculating gross residential density, the total acreage of a development includes those lands to be used for residential uses, and includes land within the development proposed to be used for streets and street rights of way, utility rights-of-way, public and private parks, recreation and open space, schools, community centers, and facilities such as police, fire and emergency services, sewage and water, drainage, and existing man-made waterbodies contained within the residential development. Lands for commercial, office, industrial uses, natural water bodies, and other non-residential uses must not be included, except within areas identified on the Mixed Use Overlay Map (Future Land Use Map Series Map 1 page 6 of 6) that have elected to use the process described in Objective 4.2. Within the Captiva community in the areas identified by Policy 13.2.1, commercial development that includes commercial and residential uses within the same project or the same building do not have to exclude the commercial lands from the density calculation. For true mixed use developments located on the mainland areas of the County, the density lost to commercial, office and industrial acreage can be regained through the utilization of TDRs that are either created from Greater Pine Island Coastal Rural future land use category or previously created TDRs. True mixed use developments must be primarily multi-use structures as defined in this Glossary as a mixed use building. If development is proposed in accordance with Policy 2.12.3, residential densities are calculated using the total land area included in the mixed use portion of the development. (Amended by Ordinance No. 98-09, 00-22, 03-21, 05-21, 07-09 [CPA2005-12], 07-14 [CPA2005-35])

RESEARCH AND DEVELOPMENT - Establishments primarily engaged in commercial physical and biological research and development, and noncommercial research establishments; performing commercial business, marketing, opinion, and other economic, sociological, and educational research; performing noncommercial research into and dissemination of, information for public health, education, or general welfare; and establishments primarily engaged in providing testing services.

C. ORIGINAL STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

- 1. RECOMMENDATION:** Staff recommends that the Board of County Commissioners transmit this amendment as follows:

Recommendation 1: Amend Policy 1.1.2:

POLICY 1.1.2: The Intensive Development areas are located along major arterial roads in Fort Myers, North Fort Myers, and Cape Coral. By virtue of their location, the county's current development patterns, and the available and potential levels of public services, they are well suited to accommodate high densities and intensities. Planned mixed-use centers of high-density residential, commercial, limited light industrial (see Policy 7.1.6), and office uses are ~~appropriate in these locations~~ encouraged to be developed as described in Policy 2.12.3. As Lee County moves

toward becoming a metropolitan complex of a half-million people, these centrally located urban nodes can offer a diversity of lifestyles, cosmopolitan shopping opportunities, and specialized professional services that befit such a region. The standard density range is from seven dwelling units per acre (7 du/acre) to fourteen dwelling units per acre (14 du/acre). Maximum density is twenty-two dwelling units per acre (22 du/acre). (Amended by Ordinance No. 94-30)

Recommendation 2: Amend Policy 1.1.3:

POLICY 1.1.3: The Central Urban areas can best be characterized as the "urban core" of the county. These consist mainly of portions of the city of Fort Myers, the southerly portion of the city of Cape Coral, and other close-in areas near these cities; and also the central portions of the city of Bonita Springs, Iona/McGregor, Lehigh Acres, and North Fort Myers. This is the part of the county that is already most heavily settled and which has or will have the greatest range and highest levels of urban service--water, sewer, roads, schools, etc. Residential, commercial, public and quasi-public, and limited light industrial land uses (see Policy 7.1.6) will continue to predominate in the Central Urban area with future development in this category encouraged to be developed as a mixed-use, as described in Policy 2.12.3. This category has a standard density range from four dwelling units per acre (4 du/acre) to ten dwelling units per acre (10 du/acre) and a maximum density of fifteen dwelling units per acre (15 du/acre). (Amended by Ordinance No. 94-30, 02-02)

Recommendation 3: Amend Policy 1.1.4:

POLICY 1.1.4: The Urban Community areas are areas outside of Fort Myers and Cape Coral that are characterized by a mixture of relatively intense commercial and residential uses. Included among them, for example, are parts of Lehigh Acres, San Carlos Park, Fort Myers Beach, South Fort Myers, the city of Bonita Springs, Pine Island, and Gasparilla Island. Although the Urban Communities have a distinctly urban character, they should be developed at slightly lower densities. As the vacant portions of these communities are urbanized, they will need to maintain their existing bases of urban services and expand and strengthen them accordingly. As in the Central Urban area, predominant land uses in the Urban Communities will be residential, commercial, public and quasi-public, and limited light industry (see Policy 7.1.6) with future development in this category encouraged to be developed as a mixed-use, as described in Policy 2.12.3. Standard density ranges from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre), with a maximum of ten dwelling units per acre (10 du/acre). (Amended by Ordinance No. 94-30, 02-02)

Recommendation 4: Amend Policy 1.1.7:

POLICY 1.1.7: The Industrial Development areas play an important role in strengthening the county's economic base and will become increasingly important as the county grows in size and urban complexity. To a great extent these are the areas to which Lee County must look for expanded job opportunities and production opportunities, and a balanced and sufficient tax base. These areas have special locational requirements that are more stringent than those for residential areas, including transportation needs (e.g., air, rail, highway); industrial levels of water, sewer, fire protection, and other urban services; and ~~locations that are convenient for employees to reach central locations to reduce employee commuting distances. Whereas the other Future Urban Areas will include a broad combination of residential, commercial, public, and limited industrial land~~

~~uses, t~~ The Industrial Development area is to be reserved mainly for research and development, laboratories, and industrial activities; per se, as well as for selective land use mixtures such as the combined uses of industrial, manufacturing, research and development, laboratories, and office uses supporting the preceding uses; and properly buffered recreational uses (except where precluded by airport hazard zone regulations). ; and offices complexes(if specifically related to adjoining industrial uses) that constitute a growing part of Florida's economic development sector. New natural resource extraction (mining) activities and fill dirt operations must be approved through the Industrial Mining Excavation Planned Development rezoning process in accordance with the Lee County Land Development Code. Retail and commercial service uses supporting neighboring industrial uses are allowed if the following criteria are met:

1. Retailing and/or wholesaling of products manufactured on the premises, or;
2. Commercial uses are integrated into the primary R&D/Industrial development;
3. Commercial service and retail uses may not exceed 10% of the total building area within the Industrial Development areas per each Planning Community; and
4. Free standing commercial uses are developed to meet the definition of "Corner Store Commercial".

~~Retail or wholesale of products manufactured or processed upon the premises may be allowed at a ratio of 1 square foot of commercial uses to 10 square feet of industrial use in association with a Planned Development. Ancillary minor retail commercial uses intended to support the surrounding industrial land uses may not exceed 30,000 square feet per development; and, at buildout, may not exceed more than ten percent (10%) of the total acreage of the lands designated as Industrial Development areas in each community outlined in Map 16. Residential uses, other than bona fide caretaker residences, are not permitted in this category except to the extent provided in Chapter XIII of the Plan. (Amended by Ordinance No. 94-30, 98-09, 99-15, 02-02)~~

Recommendation 5: Amend Policy 1.2.2:

POLICY 1.2.2: The Tradeport areas are commercial and industrial lands adjacent to the airport needed to accommodate projected growth through the year ~~2020~~ 2030. These areas will include developments consisting of light manufacturing or assembly, warehousing, and distribution facilities; ~~offices~~; research and development activities; laboratories; ground transportation and airport-related terminals or transfer facilities; ~~and hotels/motels, meeting facilities; and office uses.~~ ~~retail uses within hotels/motels.~~ Ancillary retail Corner Store Commercial uses, intended to support the surrounding business and industrial land uses, are allowed if they are part of a Planned Development of 10 or more acres in size and are limited to 1,000 square feet per acre of Tradeport land within the Planned Development. Future development in this category must include a mixture of land uses as described in Policy 2.12.2. Residential uses, other than bona fide caretaker residences, are not permitted in this category except to the extent provided in Chapter XIII of the Plan. Caretaker residences are not permitted in the Airport Noise Zone B. Because this area is located within the Six Mile Cypress Basin and is also a primary point of entry into Lee County, special environmental and design review guidelines will be applied to its development to maintain the appearance of this area as a primary point of entry into Lee County. Property in Section 1 and the east ½ of Section 2, Township 46 South, Range 25 East, and in Section 6, Township 46 South, Range 26 East, must be rezoned to a planned development zoning category prior to any development other than the construction of essential public services. During the rezoning process,

the best environmental management practices identified on pages 43 and 44 of the July 28, 1993 Henigar & Ray study entitled, "Groundwater Resource Protection Study" will be rebuttably presumed to be necessary to protect potential groundwater resources in the area. (Amended by Ordinance No. 94-30, 02-02, 03-04, 04-16, 07-09)

Recommendation 6: Add the following new Objective and Policies to the Lee Plan:

OBJECTIVE 2.12: DIVERSIFIED CLUSTER DEVELOPMENT - The County in several future land use categories allows the potential for a mixture of different land uses including: residential, commercial/office, research and development, and light industrial.

POLICY 2.12.1: The County encourages and promotes clustered, mixed use development within certain Future Urban Area land use categories to spur cluster development and smart growth within those areas of Lee County where sufficient infrastructure exists to support development, as well as continue to improve the economic well-being of the County; provide for diversified land development; and provide for cohesive, viable, well-integrated, and pedestrian and transit oriented projects. This is intended to encourage development to be consistent with Smart Growth principles.

POLICY 2.12.2: Future development within the Tradeport and Industrial Development (with the exception of the lands designated as Industrial Development between US 41 and I-75, north of Alico Road) future land use categories is strongly encouraged to be designed to include a mixture of research and development, industrial, and related office uses.

POLICY 2.12.3: Future development within the Intensive Development, Central Urban, and Urban Community future land use categories is strongly encouraged to be development as a mixed use with two or more of the following uses: residential, commercial (including office), and light industrial (including research and development use). When residential use is one of three uses proposed, in a mixed use development, residential densities may be developed as provided for under the Glossary terms: "Mixed Use", "Mixed Use Building", and "Density".

Recommendation 7: Amend Policy 7.1.4:

POLICY 7.1.4: The Future Land Use Map must designate a sufficient quantity of land to accommodate industrial development that will employ 3% of the county's population in manufacturing activities by the year 2010. A report will be prepared by county staff every two years to monitor the county's progress towards this employment goal. the minimum allocated land area found in Policy 1.7.6 and related Table 1(b). Lee County will monitor the progress of development and the number of acres converted to industrial use as part of every Evaluation and Appraisal Report (EAR). This acreage may be adjusted to accommodate increases in the allocations. (Amended by Ordinance No. 93-25, 94-30, 00-22)

Recommendation 8:

DENSITY - The number of residential dwelling or housing units per gross acre (du/acre). Densities specified in this plan are gross residential densities. For the purpose of calculating gross residential density, the total acreage of a development includes those lands to be used for residential

uses, and includes land within the development proposed to be used for streets and street rights of way, utility rights-of-way, public and private parks, recreation and open space, schools, community centers, and facilities such as police, fire and emergency services, sewage and water, drainage, and existing man-made waterbodies contained within the residential development. Lands for commercial, office, industrial uses, natural water bodies, and other non-residential uses must not be included, except within areas identified on the Mixed Use Overlay Map (Future Land Use Map Series Map 1 page 6 of 6) that have elected to use the process described in Objective 4.2. Within the Captiva community in the areas identified by Policy 13.2.1, commercial development that includes commercial and residential uses within the same project or the same building do not have to exclude the commercial lands from the density calculation. For true mixed use developments located on the mainland areas of the County, the density lost to commercial, office and industrial acreage can be regained through the utilization of TDRs that are either created from Greater Pine Island Coastal Rural future land use category or previously created TDRs. True mixed use developments must be primarily multi-use structures as defined in this Glossary as a mixed use building. If development is proposed in accordance with Policy 2.12.3, residential densities are calculated using the total land area included in the mixed use portion of the development. (Amended by Ordinance No. 98-09, 00-22, 03-21, 05-21, 07-09 [CPA2005-12], 07-14 [CPA2005-35])

Add the following to the Glossary:

RESEARCH AND DEVELOPMENT - Establishments primarily engaged in commercial physical and biological research and development, and noncommercial research establishments; performing commercial business, marketing, opinion, and other economic, sociological, and educational research; performing noncommercial research into and dissemination of, information for public health, education, or general welfare; and establishments primarily engaged in providing testing services.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- The Commercial/Industrial Study was commissioned by the Board of County Commissioners to help better manage and preserve lands for industrial and commercial office development.
- The Commercial/Industrial Study was presented to the Board of County Commissioners during the Management & Planning meeting of September 10, 2007.
- The Study recommended a number of changes to the Lee Plan, Land Development Code, and to the development process.
- The proposed amendment language contained in this recommendation is a direct result of the three recommendations to amend the Lee Plan as contained in the Study.
- There is a need to clearly identify that the Lee Plan accommodates development of research and development uses along with other related uses.
- There is a need to clearly state that the Lee Plan does allow for mixed use, clustered development within some of the designated future urban land use categories.

D. BACKGROUND INFORMATION

On June 27, 2006, the Board of County Commissioners contracted with Basile Baumann Prost & Associates (consultant) to perform a Commercial/Industrial Lands Study to identify appropriate lands for economic development. This Study was requested by the Office of Economic Development as an analysis of the County's Commercial and Industrial lands. The last time that such a study was done was in 1983 in conjunction with the 1985 Evaluation and Appraisal of the Comprehensive Plan. The re-analysis was in response to a concern that there was a shortage of office/industrial lands for future economic development. The study was presented to the Board of County Commissioners at the September 10, 2007 Workshop Meeting of the Board Management and Planning Committee.

The completed study is a 40-page document, dated September 2007. The Study was divided into four parts:

- 1) Fact-finding, stakeholder interviews, background study;
- 2) Review of the real estate market, leasing, sales, absorption rates, development patterns and existing, zoned industrial and commercial land parcels in Lee County;
- 3) Recommendations for future land use planning including any additions to current inventory based on data and field surveys;
- 4) Review of Comprehensive Plan and relevant Development Codes.

The consultant found that there is currently adequate industrial and commercial lands to meet demand through 2025. They also found that over the next few years the location and suitability of the lands will be key issues. The consultant has suggested that Lee County should encourage new development that better utilizes the land inventory, reserving more valuable commercial and industrial corridors for businesses and industries that may locate in Lee County over the next two decades. Uses would include medical research groups, research and development companies, corporate headquarters, financial and consulting firms, and other similar uses. This would be accomplished through greater use of the mixed-use development concept.

The Study provides seven (7) recommendations: three (Recommendations 1, 3, and 4) involve text changes to the Lee Plan, one involves a potential change to the Charter, and the remaining three are recommended changes to the Land Development Code. The complete Study is attached to this report.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

The Study included following three recommendations related to the Lee Plan (beginning on Page 32):

Study Recommendation 1: Re-evaluate Policy 7.1.4., and consider replacement language that addresses land needs for industrial uses (including manufacturing activities) in the context of current economic and labor force trends.

This Policy of the Lee Plan requires that the Future Land Use Map designate sufficient land for industrial development in order to employ a percentage of the county's population by the year 2010. This would be monitored every two years by a staff report that would follow the County's

progress toward this goal. The Roberts Study in the mid-1980's linked population growth to employment growth and the need for a more diversified employment base.

The Study notes that Lee County's population has averaged 3.5% growth annually, while the manufacturing base as a percentage of population has averaged 1.3% annually. If the goal expressed in the current language found in Policy 7.1.4. is to be achieved by 2010, the County will have to add 13,000 new manufacturing positions in the next 3 years (study dated September 2007) to remain consistent with this Policy. It maintains that the percentage of the population in manufacturing positions should be revised to state that Lee County desires high paying positions fitting both the economic and workforce development goals and suggests amending the Policy to provide greater flexibility and offer a broader definition of manufacturing jobs and business and manufacturing support services. It also indicates that new demand for light industrial and what is called industrial-flex use should be included in commercial office development in the intensive development, urban community, and central urban future land use designations where it is demonstrated that these would be compatible with adjoining office and commercial uses.

Staff concurs with these Study findings and recommends the Policy be re-written to use the allocations already provided for in the Lee Plan and to monitor the existing industrial allocations and the amount of acres left available for future development. As part of each Evaluation and Appraisal Report (and sooner if needed), Lee County will consider adjustments of these allocations to ensure continued provision of adequate acreage for commercial and industrial development.

Study Recommendation 3: Amend and broaden Policy 1.1.7 with language that redefines industrial development in Lee County.

Policy 1.1.7. describes the future land use category of Industrial Development. The study notes that the Lee Plan places restrictions on the type of office spaces allowed within this future land use category. The study recommends that the restriction placed on office and retail uses that do not directly relate to the industrial activities should be lifted. The study cautions that some concerns exist that removing these restrictions could lead to the development of commercial centers. A "Regional Activity Center" (RAC) is suggested as a separate land use category to address this concern. The RAC is further described in Recommendation 4.

Staff agrees with the concern regarding restrictions on office and commercial use within this category and provides in Staff Recommendation 4 revised language. This recommendation removes the language requiring office and retail use to be ancillary and provides industrial use remain the primary use allowed, while also providing for selective retail and office uses. The staff recommendation also identifies research and development as a desirable use. This directly relates to the desires of the Office of Economic Development to encourage and provide for the development of this type of use in Lee County.

Study Recommendation 4: Add a policy to evaluate designated specific areas as Regional Activity Centers (RAC) to allow for office and industrial diversification.

The Study recommends the RAC designation to encourage more intense levels of industrial development. The amendment could also allow the combination of industrial and commercial space, and medical/technical research and design/engineering uses in the industrial areas as

standalone, not ancillary, uses. The RAC is seen as a new land use designation "requiring" mixed-use with a significant office-industrial flex component. It could allow retail so long as it was not an attractor, but would serve the needs of people working within the RAC. The category would promote a mixed-use pattern with significant light industrial and office, with limited retail. It is suggested that 3/4 of the net useable acreage be limited to the light industrial/office use. Changes suggested in the LDC include a minimum floor area ratio (FAR) of 1.0, a minimum open space of 40%, and the potential for increased building heights. The designation could be processed outside of the once-per-year Lee Plan amendment cycle if initiated by the Board of County Commissioners, and it is filed concurrently with a request for MPD zoning. The intent is to reduce the review time for development approval in Lee County.

Staff does not support the inclusion of "Regional Activity Center" as new future land use category or overlay. First, this term is used in Florida Statutes 380.06 and has specific meaning and should not be used to prevent any misunderstandings or presumptions that this category or overlay is the same as in Florida Statutes. Secondly, staff finds the proposed process to achieve this actually may be contrary to one of the intents of the amendment, to reduce the amount of time to approve development in the County. The recommendation appears to require filing of a private application to amend the Lee Plan Future Land Use map to adopt the category or overlay for the property prior to development. This would actually cause additional time to review, not reduce it.

In Staff Recommendations, new Objective and Policies and amended Policies have been proposed that provide development in various future land use categories and encourage, or provide for, the development of a mixture of land uses. In Intensive Development, Central Urban, and Urban Community future land use categories, development is encouraged to mix two (or more) land uses. If residential is included, residential densities could possibly be calculated using the top of the standard density range for the mixed use portion of the development. In the Industrial Development and Tradeport future land use categories, mixed use development is encouraged to include both commercial and industrial (including the possibility of research and development) uses. The recommendations also seek to eliminate the restrictions on office and commercial uses, opening these categories to greater commercial and office use.

Staff Recommendation 1, 2 and 3: implement minor changes to the Intensive Development, Central Urban, and Urban Community future land use categories acknowledging the changes sought in Objective 2.12. and the related Policies.

Staff Recommendation 4 and 5: implement changes to the Industrial Development and Tradeport future land use categories to reduce limitations on commercial and office use, and indicate that research and development uses are uses allowed in these categories and are encouraged to be developed within these land use categories.

Staff Recommendation 6: proposes one new Objective and three new Policies to the Lee Plan. These are recommended to encourage and provide incentive for cluster and mixed use developments within most intensive future land use categories of the Lee Plan (Intensive Development, Central Urban, and Urban Community). Currently these three future land use categories indicate that residential, commercial, and light industrial uses are anticipated to be developed within each. However, in many instances, only one of the uses is being developed since the commercial and light industrial areas must be excluded when determining the density of any

residential component. In the Tradeport future land use category there is no incentive to develop research and development uses because they are not discussed and the category excludes uses normally associated to this use, supportive office development. Changes to Policy 1.1.7 and Policy 1.2.2, and the inclusion of new Policy 2.12.2. provide for the opportunity to develop the research and development parks sought by the Economic Development Office in the Industrial Development and Tradeport future land use categories.

Staff Recommendations 7: is addressed in Study Recommendation 3 above.

Staff Recommendation 8: contains recommended changes to the Glossary by revising the Glossary term "Density" and adding a Glossary term that defines Research and Development. This is offered to make sure that the term is clearly understood as to what this use is and has been created by using the Standard Industrial Classification Code Group 873 describing various research, development, and testing services.

POPULATION ACCOMMODATION ANALYSIS

The recommendations contained in this amendment do not result in any changes to the population accommodation of the Future Land Use Map (FLUM) as each of the affected Future Land Use categories allow residential use and recommended densities are less than the potential Bonus Density and above the Standard Density range for each of the Future Land Use categories.

B. CONCLUSIONS

The recommendations are intended to implement the Commercial/Industrial Land Use Analysis suggestions. The recommendations also attempt to allow greater opportunity for mixed use and cluster development, incentives allowing greater residential densities to provide for the mixed use developments, and greater opportunity for commercial and office development in the Industrial Development and Tradeport future land use categories.

C. STAFF RECOMMENDATION

Find that the changes to existing Policies and the proposed new Objective and related Policies are consistent with the Lee Plan.

PART III - LOCAL PLANNING AGENCY REVIEW AND RECOMMENDATION

DATE OF PUBLIC LPA HEARING: September 29, 2008

A. LOCAL PLANNING AGENCY REVIEW

Staff introduced the plan amendment to the LPA.

The LPA discussed with staff various elements of the changes, including: allowing a mixture of land uses in the Intensive Development, Central Urban, and Urban Community future land use categories with research and development, if residential uses may be allowed in combination with research and development uses in these future land use categories; limitation on retail commercial in the Industrial Development future land use category; and 10% allowance in the Industrial Development for commercial service and retail use in the Industrial Development

Public comments included concerns about the lack of retail in the Industrial Development future land use category and the desire to allow greater opportunities for retail use in this category as part of the amendment. There was discussion of the amount of commercial with 10% of building area being recommended and a greater percentage being sought. In addition, the public discussed what should be allowed as part of research and development parks including greater office development opportunities and maybe including residential development. One member of the public mentioned that they were concerned that the amendment had not gone far enough to allow research and development parks as found in Orange County and Broward County, and suggested the establishment of "Regional Activity Centers, RAC" as provided for under Florida Statutes.

Staff noted that Industrial Development future land use category needs to be protected from the encroachment of commercial land uses in order to preserve the land for future industrial development. Currently the Lee Plan has a number of existing future land use categories that already permit sufficient areas where commercial uses can be developed. Staff also noted that retail and wholesale sales when clearly incidental and subordinate to an industrial use on the site is already permitted.

Staff also answered questions from the Local Planning Agency regarding the same issues as presented by the members of the public that participated.

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION:

The Local Planning Agency recommends that the Board of County Commissioners transmit the proposed amendments with the following changes:

1. Revise recommended Policy 1.1.7 to add office use to the list of primary uses, revise #3 to allow commercial service and retail use to not exceed 20% (Staff recommended only 10%) of the total building area within the Industrial Development areas per each Planning Community, and delete #4. To read as follows:

POLICY 1.1.7: The Industrial Development areas play an important role in strengthening the county's economic base and will become increasingly important as the county grows in size and urban complexity. To a great extent these are the areas to which Lee County must look for expanded job opportunities and production opportunities, and a balanced and sufficient tax base. These areas have special locational requirements that are more stringent than those for residential areas, including transportation needs (e.g., air, rail, highway); industrial levels of water, sewer, fire protection, and other urban services; and locations that are convenient for employees to reach central locations to reduce employee commuting distances. ~~Whereas the other Future Urban Areas will include a broad combination of residential, commercial, public, and limited industrial land uses, t~~ The Industrial Development area is to be reserved mainly for research and development, laboratories, and industrial activities, and office; per se, as well as for selective land use mixtures ~~such as the combined uses of industrial, manufacturing, research and development, laboratories, and office uses supporting the preceding uses; and properly buffered recreational uses (except where precluded by airport hazard zone regulations). ; and offices complexes(if specifically related to adjoining industrial uses) that constitute a growing part of Florida's economic development sector.~~ New natural resource extraction (mining) activities and fill dirt operations must be approved through the Industrial Mining Excavation Planned Development rezoning process in accordance with the Lee County Land Development Code. Retail and commercial service uses supporting neighboring industrial uses are allowed if the following criteria are met:

1. Retailing and/or wholesaling of products manufactured on the premises, or;
 2. Commercial uses are integrated into the primary R&D/Industrial development;
 3. Commercial service and retail uses may not exceed 10% 20% of the total building area within the Industrial Development areas per each Planning Community; and
 4. Free standing commercial uses are developed to meet the definition of "Corner Store Commercial".
2. Add to the 2008/2009 regular amendment cycle for review, further analysis of the Regional Activity Centers (RAC) and consideration of adding residential to the tradeport and industrial development categories where appropriate to address opportunities for future research and development facilities.

2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The LPA advances the findings of fact presented by staff.

C. VOTE:

NOEL ANDRESS	<u>Aye</u>
LES COCHRAN	<u>Aye</u>
RONALD INGE	<u>Aye</u>
JACQUE RIPPE	<u>Absent</u>
CARLETON RYFFEL	<u>Absent</u>
LELAND M. TAYLOR	<u>Absent</u>
RAY ANN WESSEL	<u>Aye</u>

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

DATE OF TRANSMITTAL HEARING: October 23, 2008

A. BOARD REVIEW: Staff made a brief presentation explaining that the LPA had recommended the Board transmit the amendment as recommended by Staff with changes to proposed revised Policy 1.1.7. Staff also mentioned that the Horizon Council had submitted a letter to the Board outlining several minor changes within various Policies they would like included (as found in the Immediate Modifications Requested) in the transmittal of the amendments to the Department of Community Affairs. Staff objected only to two of the changes. First, the proposed change to Policy 1.1.7 #3 replacing "Planning Community" with "Planned Development" was not supported, and staff requested that the language not be changed. Second, revising proposed Policy 1.2.2. removing "Corner Store" and replacing with "Commercial", staff recommended that the language be changed to "Ancillary retail and Corner Store commercial ...".

Four members of the public spoke during the transmittal hearing. The Horizon Council representative spoke regarding changes as contained in their letter. This speaker requested that the change to Policy 1.1.7 they have requested be adopted, they understood and agreed with the revised language suggested by staff regarding Policy 1.2.2, and appreciated staff agreeing with the other changes that they proposed. The other three members of the public "echoed" the Horizon Council's suggestions and asked that the Board transmit the amendments.

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. **BOARD ACTION:** The Board voted to transmit the amendments as recommended by the LPA and amended by Staff and the Horizon Council letter. The specific language that the Board voted to transmit is contained below:

Amend Policy 1.1.2:

POLICY 1.1.2: The Intensive Development areas are located along major arterial roads in Fort Myers, North Fort Myers, and Cape Coral. By virtue of their location, the county's current development patterns, and the available and potential levels of public services, they are well suited to accommodate high densities and intensities. Planned mixed-use centers of high-density residential, commercial, limited light industrial (see Policy 7.1.6), and office uses are appropriate in these locations encouraged to be developed as described in Policy 2.12.3., where appropriate. As Lee County moves toward becoming a metropolitan complex of a half-million people, these centrally located urban nodes can offer a diversity of lifestyles, cosmopolitan shopping opportunities, and specialized professional services that befit such a region. The standard density range is from seven dwelling units per acre (7 du/acre) to fourteen dwelling units per acre (14 du/acre). Maximum density is twenty-two dwelling units per acre (22 du/acre). (Amended by Ordinance No. 94-30)

Amend Policy 1.1.3:

POLICY 1.1.3: The Central Urban areas can best be characterized as the "urban core" of the county. These consist mainly of portions of the city of Fort Myers, the southerly portion of the city of Cape Coral, and other close-in areas near these cities; and also the central

portions of the city of Bonita Springs, Iona/McGregor, Lehigh Acres, and North Fort Myers. This is the part of the county that is already most heavily settled and which has or will have the greatest range and highest levels of urban service--water, sewer, roads, schools, etc. Residential, commercial, public and quasi-public, and limited light industrial land uses (see Policy 7.1.6) will continue to predominate in the Central Urban area with future development in this category encouraged to be developed as a mixed-use, as described in Policy 2.12.3., where appropriate. This category has a standard density range from four dwelling units per acre (4 du/acre) to ten dwelling units per acre (10 du/acre) and a maximum density of fifteen dwelling units per acre (15 du/acre). (Amended by Ordinance No. 94-30, 02-02)

Amend Policy 1.1.4:

POLICY 1.1.4: The Urban Community areas are areas outside of Fort Myers and Cape Coral that are characterized by a mixture of relatively intense commercial and residential uses. Included among them, for example, are parts of Lehigh Acres, San Carlos Park, Fort Myers Beach, South Fort Myers, the city of Bonita Springs, Pine Island, and Gasparilla Island. Although the Urban Communities have a distinctly urban character, they should be developed at slightly lower densities. As the vacant portions of these communities are urbanized, they will need to maintain their existing bases of urban services and expand and strengthen them accordingly. As in the Central Urban area, predominant land uses in the Urban Communities will be residential, commercial, public and quasi-public, and limited light industry (see Policy 7.1.6) with future development in this category encouraged to be developed as a mixed-use, as described in Policy 2.12.3., where appropriate. Standard density ranges from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre), with a maximum of ten dwelling units per acre (10 du/acre). (Amended by Ordinance No. 94-30, 02-02)

Amend Policy 1.1.7:

POLICY 1.1.7: The Industrial Development areas play an important role in strengthening the county's economic base and will become increasingly important as the county grows in size and urban complexity. To a great extent these are the areas to which Lee County must look for expanded job opportunities and production opportunities, and a balanced and sufficient tax base. These areas have special locational requirements that are more stringent than those for residential areas, including transportation needs (e.g., air, rail, highway); industrial levels of water, sewer, fire protection, and other urban services; and locations that are convenient for employees to reach central locations to reduce employee commuting distances. ~~Whereas the other Future Urban Areas will include a broad combination of residential, commercial, public, and limited industrial land uses, t~~ The Industrial Development area is to be reserved mainly for research and development, laboratories, and industrial activities, and office; ~~per se,~~ as well as for selective land use mixtures ~~such as the combined uses of industrial, manufacturing, research and development, laboratories, and office uses supporting the preceding uses; and properly buffered recreational uses (except where precluded by airport hazard zone regulations). ; and offices complexes (if specifically related to adjoining industrial uses) that constitute a growing part of Florida's economic development sector.~~ New natural resource extraction (mining) activities and fill dirt operations must be approved through the Industrial Mining Excavation Planned

Development rezoning process in accordance with the Lee County Land Development Code. Retail and commercial service uses supporting neighboring industrial uses are allowed if the following criteria are met:

1. Retailing and/or wholesaling of products manufactured on the premises, or;
2. Commercial uses are integrated into the primary R&D/Industrial development;
3. Commercial service and retail uses may not exceed ~~10%~~ 20% of the total acreage within the Industrial Development areas per each Planning Community; and
4. ~~Free standing commercial uses are developed to meet the definition of "Corner Store Commercial"~~.

(Amended by Ordinance No. 94-30, 98-09, 99-15, 02-02)

Amend Policy 1.2.2:

POLICY 1.2.2: The Tradeport areas are commercial and industrial lands adjacent to the airport needed to accommodate projected growth through the year ~~2020~~ 2030. These areas will include developments consisting of light manufacturing or assembly, warehousing, and distribution facilities; ~~offices;~~ research and development activities; laboratories; ground transportation and airport-related terminals or transfer facilities; ~~and hotels/motels, meeting facilities; and office uses. retail uses within hotels/motels.~~ Ancillary retail and Corner Store commercial uses, intended to support the surrounding business and industrial land uses, are allowed if they are part of a Planned Development ~~of 10 or more acres in size and are limited to 1,000 square feet per acre of Tradeport land within the Planned Development.~~ Future development in this category is encouraged to include a mixture of land uses as described in Policy 2.12.2. Residential uses, other than bona fide caretaker residences, are not permitted in this category except to the extent provided in Chapter XIII of the Plan. Caretaker residences are not permitted in the Airport Noise Zone B. Because this area is located within the Six Mile Cypress Basin and is also a primary point of entry into Lee County, special environmental and design review guidelines will be applied to its development to maintain the appearance of this area as a primary point of entry into Lee County. Property in Section 1 and the east ½ of Section 2, Township 46 South, Range 25 East, and in Section 6, Township 46 South, Range 26 East, must be rezoned to a planned development zoning category prior to any development other than the construction of essential public services. During the rezoning process, the best environmental management practices identified on pages 43 and 44 of the July 28, 1993 Henigar & Ray study entitled, "Groundwater Resource Protection Study" will be rebuttably presumed to be necessary to protect potential groundwater resources in the area. (Amended by Ordinance No. 94-30, 02-02, 03-04, 04-16, 07-09)

Add the following new Objective and Policies to the Lee Plan:

OBJECTIVE 2.12: DIVERSIFIED CLUSTER DEVELOPMENT - The County in several future land use categories allows the potential for a mixture of different land uses including: residential, commercial/office, research and development, and light industrial.

POLICY 2.12.1: The County encourages and promotes clustered, mixed use development within certain Future Urban Area land use categories to spur cluster development and smart growth within those areas of Lee County where sufficient infrastructure exists to support

development, as well as continue to improve the economic well-being of the County; provide for diversified land development; and provide for cohesive, viable, well-integrated, and pedestrian and transit oriented projects. This is intended to encourage development to be consistent with Smart Growth principles.

POLICY 2.12.2: Future development within the Tradeport and Industrial Development (with the exception of the lands designated as Industrial Development between US 41 and I-75, north of Alico Road) future land use categories is strongly encouraged to be designed to include a mixture of research and development, industrial, and related office uses, where appropriate.

POLICY 2.12.3: Future development within the Intensive Development, Central Urban, and Urban Community future land use categories is strongly encouraged to be development as a mixed use with two or more of the following uses: residential, commercial (including office), and light industrial (including research and development use). When residential use is one of three uses proposed, in a mixed use development, residential densities may be developed as provided for under the Glossary terms: "Mixed Use", "Mixed Use Building", and "Density".

Amend Policy 7.1.4:

POLICY 7.1.4: The Future Land Use Map must designate a sufficient quantity of land to accommodate industrial development that will employ 3% of the county's population in manufacturing activities by the year 2010. A report will be prepared by county staff every two years to monitor the county's progress towards this employment goal. the minimum allocated land area found in Policy 1.7.6 and related Table 1(b), where appropriate. Lee County will monitor the progress of development and the number of acres converted to industrial use as part of every Evaluation and Appraisal Report (EAR). This acreage may be adjusted to accommodate increases in the allocations. (Amended by Ordinance No. 93-25, 94-30, 00-22)

Amend Glossary, as follows:

DENSITY - The number of residential dwelling or housing units per gross acre (du/acre). Densities specified in this plan are gross residential densities. For the purpose of calculating gross residential density, the total acreage of a development includes those lands to be used for residential uses, and includes land within the development proposed to be used for streets and street rights of way, utility rights-of-way, public and private parks, recreation and open space, schools, community centers, and facilities such as police, fire and emergency services, sewage and water, drainage, and existing man-made waterbodies contained within the residential development. Lands for commercial, office, industrial uses, natural water bodies, and other non-residential uses must not be included, except within areas identified on the Mixed Use Overlay Map (Future Land Use Map Series Map 1 page 6 of 6) that have elected to use the process described in Objective 4.2. Within the Captiva community in the areas identified by Policy 13.2.1, commercial development that includes commercial and residential uses within the same project or the same building do not have to exclude the commercial lands from the density calculation. For true mixed use developments located on the mainland areas of the County, the density lost to commercial,

office and industrial acreage can be regained through the utilization of TDRs that are either created from Greater Pine Island Coastal Rural future land use category or previously created TDRs. True mixed use developments must be primarily multi-use structures as defined in this Glossary as a mixed use building. If development is proposed in accordance with Policy 2.12.3, residential densities are calculated using the total land area included in the mixed use portion of the development. (Amended by Ordinance No. 98-09, 00-22, 03-21, 05-21, 07-09 [CPA2005-12], 07-14 [CPA2005-35])

RESEARCH AND DEVELOPMENT - Establishments primarily engaged in commercial physical and biological research and development, and noncommercial research establishments; performing commercial business, marketing, opinion, and other economic, sociological, and educational research; performing noncommercial research into and dissemination of, information for public health, education, or general welfare; and establishments primarily engaged in providing testing services.

2. BASIS AND RECOMMENDED FINDINGS OF FACT: The Board accepted the findings of fact as advanced by staff and the Local Planning Agency.

C. VOTE:

A. BRIAN BIGELOW

AYE

TAMMARA HALL

AYE

ROBERT P. JANES

AYE

RAY JUDAH

AYE

FRANKLIN B. MANN

AYE

**PART V - DEPARTMENT OF COMMUNITY AFFAIRS OBJECTIONS,
RECOMMENDATIONS, AND COMMENTS (ORC) REPORT**

DATE OF ORC REPORT: January 16, 2009

A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS

The DCA ORC report contained no objections, recommendations, or comments concerning this proposed amendment.

B. STAFF RESPONSE AND RECOMMENDATION

Staff recommends that the Board of County Commissioners adopt the proposed amendment as it was transmitted. Staff notes that further evaluation on this topic will occur in the next regular amendment cycle.

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

DATE OF ADOPTION HEARING: February 25th, 2009

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

CPA2007-55
Commercial/Industrial Lands

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

DCA Transmittal Document

Lee County Board of County Commissioners
Sponsored Amendment and Staff Report

Lee County Planning Division
1500 Monroe Street
P.O. Box 398
Fort Myers, FL 33902-0398
(239) 533-8585

October 23, 2008

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

CPA2007-00055

☒

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 19, 2008

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. APPLICANT/REPRESENTATIVE:

LEE COUNTY BOARD OF COUNTY COMMISSIONERS
represented by the Lee County Division of Planning

- 2. REQUEST:** Evaluate and incorporate into the Future Land Use Element and Glossary appropriate Lee Plan policy changes and additions consistent with the Commercial/Industrial Study.

B. BOARD OF COUNTY COMMISSIONERS TRANSMITTAL LANGUAGE

The Board of County Commissioners unanimously approved transmittal of the following text amendments:

Amend Policy 1.1.2:

POLICY 1.1.2: The Intensive Development areas are located along major arterial roads in Fort Myers, North Fort Myers, and Cape Coral. By virtue of their location, the county's current development patterns, and the available and potential levels of public services, they are well suited

to accommodate high densities and intensities. Planned mixed-use centers of high-density residential, commercial, limited light industrial (see Policy 7.1.6), and office uses are appropriate in these locations encouraged to be developed as described in Policy 2.12.3., where appropriate. As Lee County moves toward becoming a metropolitan complex of a half-million people, these centrally located urban nodes can offer a diversity of lifestyles, cosmopolitan shopping opportunities, and specialized professional services that befit such a region. The standard density range is from seven dwelling units per acre (7 du/acre) to fourteen dwelling units per acre (14 du/acre). Maximum density is twenty-two dwelling units per acre (22 du/acre). (Amended by Ordinance No. 94-30)

Amend Policy 1.1.3:

POLICY 1.1.3: The Central Urban areas can best be characterized as the "urban core" of the county. These consist mainly of portions of the city of Fort Myers, the southerly portion of the city of Cape Coral, and other close-in areas near these cities; and also the central portions of the city of Bonita Springs, Iona/McGregor, Lehigh Acres, and North Fort Myers. This is the part of the county that is already most heavily settled and which has or will have the greatest range and highest levels of urban service--water, sewer, roads, schools, etc. Residential, commercial, public and quasi-public, and limited light industrial land uses (see Policy 7.1.6) will continue to predominate in the Central Urban area with future development in this category encouraged to be developed as a mixed-use, as described in Policy 2.12.3., where appropriate. This category has a standard density range from four dwelling units per acre (4 du/acre) to ten dwelling units per acre (10 du/acre) and a maximum density of fifteen dwelling units per acre (15 du/acre). (Amended by Ordinance No. 94-30, 02-02)

Amend Policy 1.1.4:

POLICY 1.1.4: The Urban Community areas are areas outside of Fort Myers and Cape Coral that are characterized by a mixture of relatively intense commercial and residential uses. Included among them, for example, are parts of Lehigh Acres, San Carlos Park, Fort Myers Beach, South Fort Myers, the city of Bonita Springs, Pine Island, and Gasparilla Island. Although the Urban Communities have a distinctly urban character, they should be developed at slightly lower densities. As the vacant portions of these communities are urbanized, they will need to maintain their existing bases of urban services and expand and strengthen them accordingly. As in the Central Urban area, predominant land uses in the Urban Communities will be residential, commercial, public and quasi-public, and limited light industry (see Policy 7.1.6) with future development in this category encouraged to be developed as a mixed-use, as described in Policy 2.12.3., where appropriate. Standard density ranges from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre), with a maximum of ten dwelling units per acre (10 du/acre). (Amended by Ordinance No. 94-30, 02-02)

Amend Policy 1.1.7:

POLICY 1.1.7: The Industrial Development areas play an important role in strengthening the county's economic base and will become increasingly important as the county grows in size and

urban complexity. To a great extent these are the areas to which Lee County must look for expanded job opportunities and production opportunities, and a balanced and sufficient tax base. These areas have special locational requirements that are more stringent than those for residential areas, including transportation needs (e.g., air, rail, highway); industrial levels of water, sewer, fire protection, and other urban services; and ~~locations that are convenient for employees to reach central locations to reduce employee commuting distances.~~ ~~Whereas the other Future Urban Areas will include a broad combination of residential, commercial, public, and limited industrial land uses,~~ ~~t~~ The Industrial Development area is to be reserved mainly for research and development, laboratories, and industrial activities, and office; ~~per se,~~ as well as for selective land use mixtures ~~such as the combined uses of industrial, manufacturing, research and development, laboratories, and office uses supporting the preceding uses;~~ and properly buffered recreational uses (except where precluded by airport hazard zone regulations). ~~and offices complexes (if specifically related to adjoining industrial uses) that constitute a growing part of Florida's economic development sector.~~ New natural resource extraction (mining) activities and fill dirt operations must be approved through the Industrial Mining Excavation Planned Development rezoning process in accordance with the Lee County Land Development Code. Retail and commercial service uses supporting neighboring industrial uses are allowed if the following criteria are met:

1. Retailing and/or wholesaling of products manufactured on the premises, or;
2. Commercial uses are integrated into the primary R&D/Industrial development;
3. Commercial service and retail uses may not exceed ~~10%~~ 20% of the total acreage within the Industrial Development areas per each Planning Community; and
4. Free standing commercial uses are developed to meet the definition of "Corner Store Commercial".

(Amended by Ordinance No. 94-30, 98-09, 99-15, 02-02)

Amend Policy 1.2.2:

POLICY 1.2.2: The Tradeport areas are commercial and industrial lands adjacent to the airport needed to accommodate projected growth through the year ~~2020~~ 2030. These areas will include developments consisting of light manufacturing or assembly, warehousing, and distribution facilities; ~~offices;~~ research and development activities; laboratories; ground transportation and airport-related terminals or transfer facilities; ~~and hotels/motels, meeting facilities; and office uses.~~ ~~retail uses within hotels/motels.~~ Ancillary retail and Corner Store commercial uses, intended to support the surrounding business and industrial land uses, are allowed if they are part of a Planned Development of ~~10 or more acres in size and are limited to 1,000 square feet per acre of Tradeport land within the Planned Development.~~ Future development in this category is encouraged to include a mixture of land uses as described in Policy 2.12.2. Residential uses, other than bona fide caretaker residences, are not permitted in this category except to the extent provided in Chapter XIII of the Plan. Caretaker residences are not permitted in the Airport Noise Zone B. Because this area is located within the Six Mile Cypress Basin and is also a primary point of entry into Lee County, special environmental and design review guidelines will be applied to its development to maintain the appearance of this area as a primary point of entry into Lee County. Property in Section 1 and the east ½ of Section 2, Township 46 South, Range 25 East, and in Section 6, Township 46 South, Range 26 East, must be rezoned to a planned development zoning category

prior to any development other than the construction of essential public services. During the rezoning process, the best environmental management practices identified on pages 43 and 44 of the July 28, 1993 Henigar & Ray study entitled, "Groundwater Resource Protection Study" will be rebuttably presumed to be necessary to protect potential groundwater resources in the area. (Amended by Ordinance No. 94-30, 02-02, 03-04, 04-16, 07-09)

Add the following new Objective and Policies to the Lee Plan:

OBJECTIVE 2.12: DIVERSIFIED CLUSTER DEVELOPMENT - The County in several future land use categories allows the potential for a mixture of different land uses including: residential, commercial/office, research and development, and light industrial.

POLICY 2.12.1: The County encourages and promotes clustered, mixed use development within certain Future Urban Area land use categories to spur cluster development and smart growth within those areas of Lee County where sufficient infrastructure exists to support development, as well as continue to improve the economic well-being of the County; provide for diversified land development; and provide for cohesive, viable, well-integrated, and pedestrian and transit oriented projects. This is intended to encourage development to be consistent with Smart Growth principles.

POLICY 2.12.2: Future development within the Tradeport and Industrial Development (with the exception of the lands designated as Industrial Development between US 41 and I-75, north of Alico Road) future land use categories is strongly encouraged to be designed to include a mixture of research and development, industrial, and related office uses, where appropriate.

POLICY 2.12.3: Future development within the Intensive Development, Central Urban, and Urban Community future land use categories is strongly encouraged to be development as a mixed use with two or more of the following uses: residential, commercial (including office), and light industrial (including research and development use). When residential use is one of three uses proposed, in a mixed use development, residential densities may be developed as provided for under the Glossary terms: "Mixed Use", "Mixed Use Building", and "Density".

Amend Policy 7.1.4:

POLICY 7.1.4: The Future Land Use Map must designate a sufficient quantity of land to accommodate industrial development that will employ 3% of the county's population in manufacturing activities by the year 2010. A report will be prepared by county staff every two years to monitor the county's progress towards this employment goal. the minimum allocated land area found in Policy 1.7.6 and related Table 1(b), where appropriate. Lee County will monitor the progress of development and the number of acres converted to industrial use as part of every Evaluation and Appraisal Report (EAR). This acreage may be adjusted to accommodate increases in the allocations. (Amended by Ordinance No. 93-25, 94-30, 00-22)

Amend Glossary, as follows:

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RESEARCH AND DEVELOPMENT - Establishments primarily engaged in commercial physical and biological research and development, and noncommercial research establishments; performing commercial business, marketing, opinion, and other economic, sociological, and educational research; performing noncommercial research into and dissemination of, information for public health, education, or general welfare; and establishments primarily engaged in providing testing services.

C. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

- 1. RECOMMENDATION:** Staff recommends that the Board of County Commissioners transmit this amendment as follows:

Recommendation 1: Amend Policy 1.1.2:

POLICY 1.1.2: The Intensive Development areas are located along major arterial roads in Fort Myers, North Fort Myers, and Cape Coral. By virtue of their location, the county's current development patterns, and the available and potential levels of public services, they are well suited to accommodate high densities and intensities. Planned mixed-use centers of high-density residential, commercial, limited light industrial (see Policy 7.1.6), and office uses are ~~appropriate in these locations~~ encouraged to be developed as described in Policy 2.12.3. As Lee County moves

toward becoming a metropolitan complex of a half-million people, these centrally located urban nodes can offer a diversity of lifestyles, cosmopolitan shopping opportunities, and specialized professional services that befit such a region. The standard density range is from seven dwelling units per acre (7 du/acre) to fourteen dwelling units per acre (14 du/acre). Maximum density is twenty-two dwelling units per acre (22 du/acre). (Amended by Ordinance No. 94-30)

Recommendation 2: Amend Policy 1.1.3:

POLICY 1.1.3: The Central Urban areas can best be characterized as the "urban core" of the county. These consist mainly of portions of the city of Fort Myers, the southerly portion of the city of Cape Coral, and other close-in areas near these cities; and also the central portions of the city of Bonita Springs, Iona/McGregor, Lehigh Acres, and North Fort Myers. This is the part of the county that is already most heavily settled and which has or will have the greatest range and highest levels of urban service--water, sewer, roads, schools, etc. Residential, commercial, public and quasi-public, and limited light industrial land uses (see Policy 7.1.6) will continue to predominate in the Central Urban area with future development in this category encouraged to be developed as a mixed-use, as described in Policy 2.12.3. This category has a standard density range from four dwelling units per acre (4 du/acre) to ten dwelling units per acre (10 du/acre) and a maximum density of fifteen dwelling units per acre (15 du/acre). (Amended by Ordinance No. 94-30, 02-02)

Recommendation 3: Amend Policy 1.1.4:

POLICY 1.1.4: The Urban Community areas are areas outside of Fort Myers and Cape Coral that are characterized by a mixture of relatively intense commercial and residential uses. Included among them, for example, are parts of Lehigh Acres, San Carlos Park, Fort Myers Beach, South Fort Myers, the city of Bonita Springs, Pine Island, and Gasparilla Island. Although the Urban Communities have a distinctly urban character, they should be developed at slightly lower densities. As the vacant portions of these communities are urbanized, they will need to maintain their existing bases of urban services and expand and strengthen them accordingly. As in the Central Urban area, predominant land uses in the Urban Communities will be residential, commercial, public and quasi-public, and limited light industry (see Policy 7.1.6) with future development in this category encouraged to be developed as a mixed-use, as described in Policy 2.12.3. Standard density ranges from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre), with a maximum of ten dwelling units per acre (10 du/acre). (Amended by Ordinance No. 94-30, 02-02)

Recommendation 4: Amend Policy 1.1.7:

POLICY 1.1.7: The Industrial Development areas play an important role in strengthening the county's economic base and will become increasingly important as the county grows in size and urban complexity. To a great extent these are the areas to which Lee County must look for expanded job opportunities and production opportunities, and a balanced and sufficient tax base. These areas have special locational requirements that are more stringent than those for residential areas, including transportation needs (e.g., air, rail, highway); industrial levels of water, sewer, fire protection, and other urban services; and locations that are convenient for employees to reach central locations to reduce employee commuting distances. ~~Whereas the other Future Urban Areas will include a broad combination of residential, commercial, public, and limited industrial land~~

~~uses, t~~ The Industrial Development area is to be reserved mainly for research and development, laboratories, and industrial activities; per se, as well as for selective land use mixtures such as the combined uses of industrial, manufacturing, research and development, laboratories, and office uses supporting the preceding uses; and properly buffered recreational uses (except where precluded by airport hazard zone regulations). ~~and offices complexes (if specifically related to adjoining industrial uses) that constitute a growing part of Florida's economic development sector.~~ New natural resource extraction (mining) activities and fill dirt operations must be approved through the Industrial Mining Excavation Planned Development rezoning process in accordance with the Lee County Land Development Code. Retail and commercial service uses supporting neighboring industrial uses are allowed if the following criteria are met:

1. Retailing and/or wholesaling of products manufactured on the premises, or;
2. Commercial uses are integrated into the primary R&D/Industrial development;
3. Commercial service and retail uses may not exceed 10% of the total building area within the Industrial Development areas per each Planning Community; and
4. Free standing commercial uses are developed to meet the definition of "Corner Store Commercial".

~~Retail or wholesale of products manufactured or processed upon the premises may be allowed at a ratio of 1 square foot of commercial uses to 10 square feet of industrial use in association with a Planned Development. Ancillary minor retail commercial uses intended to support the surrounding industrial land uses may not exceed 30,000 square feet per development; and, at buildout, may not exceed more than ten percent (10%) of the total acreage of the lands designated as Industrial Development areas in each community outlined in Map 16. Residential uses, other than bona fide caretaker residences, are not permitted in this category except to the extent provided in Chapter XIII of the Plan. (Amended by Ordinance No. 94-30, 98-09, 99-15, 02-02)~~

Recommendation 5: Amend Policy 1.2.2:

POLICY 1.2.2: The Tradeport areas are commercial and industrial lands adjacent to the airport needed to accommodate projected growth through the year ~~2020~~ 2030. These areas will include developments consisting of light manufacturing or assembly, warehousing, and distribution facilities; ~~offices;~~ research and development activities; laboratories; ground transportation and airport-related terminals or transfer facilities; ~~and hotels/motels, meeting facilities; and office uses.~~ ~~retail uses within hotels/motels.~~ Ancillary retail Corner Store Commercial uses, intended to support the surrounding business and industrial land uses, are allowed if they are part of a Planned Development of 10 or more acres in size and are limited to 1,000 square feet per acre of Tradeport land within the Planned Development. Future development in this category must include a mixture of land uses as described in Policy 2.12.2. Residential uses, other than bona fide caretaker residences, are not permitted in this category except to the extent provided in Chapter XIII of the Plan. Caretaker residences are not permitted in the Airport Noise Zone B. Because this area is located within the Six Mile Cypress Basin and is also a primary point of entry into Lee County, special environmental and design review guidelines will be applied to its development to maintain the appearance of this area as a primary point of entry into Lee County. Property in Section 1 and the east ½ of Section 2, Township 46 South, Range 25 East, and in Section 6, Township 46 South, Range 26 East, must be rezoned to a planned development zoning category prior to any development other than the construction of essential public services. During the rezoning process,

the best environmental management practices identified on pages 43 and 44 of the July 28, 1993 Henigar & Ray study entitled, "Groundwater Resource Protection Study" will be rebuttably presumed to be necessary to protect potential groundwater resources in the area. (Amended by Ordinance No. 94-30, 02-02, 03-04, 04-16, 07-09)

Recommendation 6: Add the following new Objective and Policies to the Lee Plan:

OBJECTIVE 2.12: DIVERSIFIED CLUSTER DEVELOPMENT - The County in several future land use categories allows the potential for a mixture of different land uses including: residential, commercial/office, research and development, and light industrial.

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POLICY 2.12.3: Future development within the Intensive Development, Central Urban, and Urban Community future land use categories is strongly encouraged to be development as a mixed use with two or more of the following uses: residential, commercial (including office), and light industrial (including research and development use). When residential use is one of three uses proposed, in a mixed use development, residential densities may be developed as provided for under the Glossary terms: "Mixed Use", "Mixed Use Building", and "Density".

Recommendation 7: Amend Policy 7.1.4:

POLICY 7.1.4: The Future Land Use Map must designate a sufficient quantity of land to accommodate industrial development that will employ 3% of the county's population in manufacturing activities by the year 2010. A report will be prepared by county staff every two years to monitor the county's progress towards this employment goal. the minimum allocated land area found in Policy 1.7.6 and related Table 1(b). Lee County will monitor the progress of development and the number of acres converted to industrial use as part of every Evaluation and Appraisal Report (EAR). This acreage may be adjusted to accommodate increases in the allocations. (Amended by Ordinance No. 93-25, 94-30, 00-22)

Recommendation 8:

DENSITY - The number of residential dwelling or housing units per gross acre (du/acre). Densities specified in this plan are gross residential densities. For the purpose of calculating gross residential density, the total acreage of a development includes those lands to be used for residential

uses, and includes land within the development proposed to be used for streets and street rights of way, utility rights-of-way, public and private parks, recreation and open space, schools, community centers, and facilities such as police, fire and emergency services, sewage and water, drainage, and existing man-made waterbodies contained within the residential development. Lands for commercial, office, industrial uses, natural water bodies, and other non-residential uses must not be included, except within areas identified on the Mixed Use Overlay Map (Future Land Use Map Series Map 1 page 6 of 6) that have elected to use the process described in Objective 4.2. Within the Captiva community in the areas identified by Policy 13.2.1, commercial development that includes commercial and residential uses within the same project or the same building do not have to exclude the commercial lands from the density calculation. For true mixed use developments located on the mainland areas of the County, the density lost to commercial, office and industrial acreage can be regained through the utilization of TDRs that are either created from Greater Pine Island Coastal Rural future land use category or previously created TDRs. True mixed use developments must be primarily multi-use structures as defined in this Glossary as a mixed use building. If development is proposed in accordance with Policy 2.12.3, residential densities are calculated using the total land area included in the mixed use portion of the development. (Amended by Ordinance No. 98-09, 00-22, 03-21, 05-21, 07-09 [CPA2005-12], 07-14 [CPA2005-35])

Add the following to the Glossary:

RESEARCH AND DEVELOPMENT - Establishments primarily engaged in commercial physical and biological research and development, and noncommercial research establishments; performing commercial business, marketing, opinion, and other economic, sociological, and educational research; performing noncommercial research into and dissemination of, information for public health, education, or general welfare; and establishments primarily engaged in providing testing services.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- The Commercial/Industrial Study was commissioned by the Board of County Commissioners to help better manage and preserve lands for industrial and commercial office development.
- The Commercial/Industrial Study was presented to the Board of County Commissioners during the Management & Planning meeting of September 10, 2007.
- The Study recommended a number of changes to the Lee Plan, Land Development Code, and to the development process.
- The proposed amendment language contained in this recommendation is a direct result of the three recommendations to amend the Lee Plan as contained in the Study.
- There is a need to clearly identify that the Lee Plan accommodates development of research and development uses along with other related uses.
- There is a need to clearly state that the Lee Plan does allow for mixed use, clustered development within some of the designated future urban land use categories.

D. BACKGROUND INFORMATION

On June 27, 2006, the Board of County Commissioners contracted with Basile Baumann Prost & Associates (consultant) to perform a Commercial/Industrial Lands Study to identify appropriate lands for economic development. This Study was requested by the Office of Economic Development as an analysis of the County's Commercial and Industrial lands. The last time that such a study was done was in 1983 in conjunction with the 1985 Evaluation and Appraisal of the Comprehensive Plan. The re-analysis was in response to a concern that there was a shortage of office/industrial lands for future economic development. The study was presented to the Board of County Commissioners at the September 10, 2007 Workshop Meeting of the Board Management and Planning Committee.

The completed study is a 40-page document, dated September 2007. The Study was divided into four parts:

- 1) Fact-finding, stakeholder interviews, background study;
- 2) Review of the real estate market, leasing, sales, absorption rates, development patterns and existing, zoned industrial and commercial land parcels in Lee County;
- 3) Recommendations for future land use planning including any additions to current inventory based on data and field surveys;
- 4) Review of Comprehensive Plan and relevant Development Codes.

The consultant found that there is currently adequate industrial and commercial lands to meet demand through 2025. They also found that over the next few years the location and suitability of the lands will be key issues. The consultant has suggested that Lee County should encourage new development that better utilizes the land inventory, reserving more valuable commercial and industrial corridors for businesses and industries that may locate in Lee County over the next two decades. Uses would include medical research groups, research and development companies, corporate headquarters, financial and consulting firms, and other similar uses. This would be accomplished through greater use of the mixed-use development concept.

The Study provides seven (7) recommendations: three (Recommendations 1, 3, and 4) involve text changes to the Lee Plan, one involves a potential change to the Charter, and the remaining three are recommended changes to the Land Development Code. The complete Study is attached to this report.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

The Study included following three recommendations related to the Lee Plan (beginning on Page 32):

Study Recommendation 1: Re-evaluate Policy 7.1.4., and consider replacement language that addresses land needs for industrial uses (including manufacturing activities) in the context of current economic and labor force trends.

This Policy of the Lee Plan requires that the Future Land Use Map designate sufficient land for industrial development in order to employ a percentage of the county's population by the year 2010. This would be monitored every two years by a staff report that would follow the County's

progress toward this goal. The Roberts Study in the mid-1980's linked population growth to employment growth and the need for a more diversified employment base.

The Study notes that Lee County's population has averaged 3.5% growth annually, while the manufacturing base as a percentage of population has averaged 1.3% annually. If the goal expressed in the current language found in Policy 7.1.4. is to be achieved by 2010, the County will have to add 13,000 new manufacturing positions in the next 3 years (study dated September 2007) to remain consistent with this Policy. It maintains that the percentage of the population in manufacturing positions should be revised to state that Lee County desires high paying positions fitting both the economic and workforce development goals and suggests amending the Policy to provide greater flexibility and offer a broader definition of manufacturing jobs and business and manufacturing support services. It also indicates that new demand for light industrial and what is called industrial-flex use should be included in commercial office development in the intensive development, urban community, and central urban future land use designations where it is demonstrated that these would be compatible with adjoining office and commercial uses.

Staff concurs with these Study findings and recommends the Policy be re-written to use the allocations already provided for in the Lee Plan and to monitor the existing industrial allocations and the amount of acres left available for future development. As part of each Evaluation and Appraisal Report (and sooner if needed), Lee County will consider adjustments of these allocations to ensure continued provision of adequate acreage for commercial and industrial development.

Study Recommendation 3: Amend and broaden Policy 1.1.7 with language that redefines industrial development in Lee County.

Policy 1.1.7. describes the future land use category of Industrial Development. The study notes that the Lee Plan places restrictions on the type of office spaces allowed within this future land use category. The study recommends that the restriction placed on office and retail uses that do not directly relate to the industrial activities should be lifted. The study cautions that some concerns exist that removing these restrictions could lead to the development of commercial centers. A "Regional Activity Center" (RAC) is suggested as a separate land use category to address this concern. The RAC is further described in Recommendation 4.

Staff agrees with the concern regarding restrictions on office and commercial use within this category and provides in Staff Recommendation 4 revised language. This recommendation removes the language requiring office and retail use to be ancillary and provides industrial use remain the primary use allowed, while also providing for selective retail and office uses. The staff recommendation also identifies research and development as a desirable use. This directly relates to the desires of the Office of Economic Development to encourage and provide for the development of this type of use in Lee County.

Study Recommendation 4: Add a policy to evaluate designated specific areas as Regional Activity Centers (RAC) to allow for office and industrial diversification.

The Study recommends the RAC designation to encourage more intense levels of industrial development. The amendment could also allow the combination of industrial and commercial space, and medical/technical research and design/engineering uses in the industrial areas as

standalone, not ancillary, uses. The RAC is seen as a new land use designation "requiring" mixed-use with a significant office-industrial flex component. It could allow retail so long as it was not an attractor, but would serve the needs of people working within the RAC. The category would promote a mixed-use pattern with significant light industrial and office, with limited retail. It is suggested that 3/4 of the net useable acreage be limited to the light industrial/office use. Changes suggested in the LDC include a minimum floor area ratio (FAR) of 1.0, a minimum open space of 40%, and the potential for increased building heights. The designation could be processed outside of the once-per-year Lee Plan amendment cycle if initiated by the Board of County Commissioners, and it is filed concurrently with a request for MPD zoning. The intent is to reduce the review time for development approval in Lee County.

Staff does not support the inclusion of "Regional Activity Center" as new future land use category or overlay. First, this term is used in Florida Statutes 380.06 and has specific meaning and should not be used to prevent any misunderstandings or presumptions that this category or overlay is the same as in Florida Statutes. Secondly, staff finds the proposed process to achieve this actually may be contrary to one of the intents of the amendment, to reduce the amount of time to approve development in the County. The recommendation appears to require filing of a private application to amend the Lee Plan Future Land Use map to adopt the category or overlay for the property prior to development. This would actually cause additional time to review, not reduce it.

In Staff Recommendations, new Objective and Policies and amended Policies have been proposed that provide development in various future land use categories and encourage, or provide for, the development of a mixture of land uses. In Intensive Development, Central Urban, and Urban Community future land use categories, development is encouraged to mix two (or more) land uses. If residential is included, residential densities could possibly be calculated using the top of the standard density range for the mixed use portion of the development. In the Industrial Development and Tradeport future land use categories, mixed use development is encouraged to include both commercial and industrial (including the possibility of research and development) uses. The recommendations also seek to eliminate the restrictions on office and commercial uses, opening these categories to greater commercial and office use.

Staff Recommendation 1, 2 and 3: implement minor changes to the Intensive Development, Central Urban, and Urban Community future land use categories acknowledging the changes sought in Objective 2.12. and the related Policies.

Staff Recommendation 4 and 5: implement changes to the Industrial Development and Tradeport future land use categories to reduce limitations on commercial and office use, and indicate that research and development uses are uses allowed in these categories and are encouraged to be developed within these land use categories.

Staff Recommendation 6: proposes one new Objective and three new Policies to the Lee Plan. These are recommended to encourage and provide incentive for cluster and mixed use developments within most intensive future land use categories of the Lee Plan (Intensive Development, Central Urban, and Urban Community). Currently these three future land use categories indicate that residential, commercial, and light industrial uses are anticipated to be developed within each. However, in many instances, only one of the uses is being developed since the commercial and light industrial areas must be excluded when determining the density of any

residential component. In the Tradeport future land use category there is no incentive to develop research and development uses because they are not discussed and the category excludes uses normally associated to this use, supportive office development. Changes to Policy 1.1.7 and Policy 1.2.2, and the inclusion of new Policy 2.12.2. provide for the opportunity to develop the research and development parks sought by the Economic Development Office in the Industrial Development and Tradeport future land use categories.

Staff Recommendations 7: is addressed in Study Recommendation 3 above.

Staff Recommendation 8: contains recommended changes to the Glossary by revising the Glossary term "Density" and adding a Glossary term that defines Research and Development. This is offered to make sure that the term is clearly understood as to what this use is and has been created by using the Standard Industrial Classification Code Group 873 describing various research, development, and testing services.

POPULATION ACCOMMODATION ANALYSIS

The recommendations contained in this amendment do not result in any changes to the population accommodation of the Future Land Use Map (FLUM) as each of the affected Future Land Use categories allow residential use and recommended densities are less than the potential Bonus Density and above the Standard Density range for each of the Future Land Use categories.

B. CONCLUSIONS

The recommendations are intended to implement the Commercial/Industrial Land Use Analysis suggestions. The recommendations also attempt to allow greater opportunity for mixed use and cluster development, incentives allowing greater residential densities to provide for the mixed use developments, and greater opportunity for commercial and office development in the Industrial Development and Tradeport future land use categories.

C. STAFF RECOMMENDATION

Find that the changes to existing Policies and the proposed new Objective and related Policies are consistent with the Lee Plan.

PART III - LOCAL PLANNING AGENCY REVIEW AND RECOMMENDATION

DATE OF PUBLIC LPA HEARING: September 29, 2008

A. LOCAL PLANNING AGENCY REVIEW

Staff introduced the plan amendment to the LPA.

The LPA discussed with staff various elements of the changes, including: allowing a mixture of land uses in the Intensive Development, Central Urban, and Urban Community future land use categories with research and development, if residential uses may be allowed in combination with research and development uses in these future land use categories; limitation on retail commercial in the Industrial Development future land use category; and 10% allowance in the Industrial Development for commercial service and retail use in the Industrial Development

Public comments included concerns about the lack of retail in the Industrial Development future land use category and the desire to allow greater opportunities for retail use in this category as part of the amendment. There was discussion of the amount of commercial with 10% of building area being recommended and a greater percentage being sought. In addition, the public discussed what should be allowed as part of research and development parks including greater office development opportunities and maybe including residential development. One member of the public mentioned that they were concerned that the amendment had not gone far enough to allow research and development parks as found in Orange County and Broward County, and suggested the establishment of "Regional Activity Centers, RAC" as provided for under Florida Statutes.

Staff noted that Industrial Development future land use category needs to be protected from the encroachment of commercial land uses in order to preserve the land for future industrial development. Currently the Lee Plan has a number of existing future land use categories that already permit sufficient areas where commercial uses can be developed. Staff also noted that retail and wholesale sales when clearly incidental and subordinate to an industrial use on the site is already permitted.

Staff also answered questions from the Local Planning Agency regarding the same issues as presented by the members of the public that participated.

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION:

The Local Planning Agency recommends that the Board of County Commissioners transmit the proposed amendments with the following changes:

1. Revise recommended Policy 1.1.7 to add office use to the list of primary uses, revise #3 to allow commercial service and retail use to not exceed 20% (Staff recommended only 10%) of the total building area within the Industrial Development areas per each Planning Community, and delete #4. To read as follows:

POLICY 1.1.7: The Industrial Development areas play an important role in strengthening the county's economic base and will become increasingly important as the county grows in size and urban complexity. To a great extent these are the areas to which Lee County must look for expanded job opportunities and production opportunities, and a balanced and sufficient tax base. These areas have special locational requirements that are more stringent than those for residential areas, including transportation needs (e.g., air, rail, highway); industrial levels of water, sewer, fire protection, and other urban services; and ~~locations that are convenient for employees to reach central locations to reduce employee commuting distances.~~ ~~Whereas the other Future Urban Areas will include a broad combination of residential, commercial, public, and limited industrial land uses, t~~ The Industrial Development area is to be reserved mainly for research and development, laboratories, and industrial activities, and office; per se, as well as for selective land use mixtures such as the combined uses of industrial, manufacturing, research and development, laboratories, and office uses supporting the preceding uses; and properly buffered recreational uses (except where precluded by airport hazard zone regulations). ; and offices complexes (if specifically related to adjoining industrial uses) that constitute a growing part of Florida's economic development sector. New natural resource extraction (mining) activities and fill dirt operations must be approved through the Industrial Mining Excavation Planned Development rezoning process in accordance with the Lee County Land Development Code. Retail and commercial service uses supporting neighboring industrial uses are allowed if the following criteria are met:

1. Retailing and/or wholesaling of products manufactured on the premises, or;
 2. Commercial uses are integrated into the primary R&D/Industrial development;
 3. Commercial service and retail uses may not exceed ~~10%~~ 20% of the total building area within the Industrial Development areas per each Planning Community; and
 4. Free standing commercial uses are developed to meet the definition of "Corner Store Commercial".
2. Add to the 2008/2009 regular amendment cycle for review, further analysis of the Regional Activity Centers (RAC) and consideration of adding residential to the tradeport and industrial development categories where appropriate to address opportunities for future research and development facilities.

2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The LPA advances the findings of fact presented by staff.

C. VOTE:

NOEL ANDRESS	<u>Aye</u>
LES COCHRAN	<u>Aye</u>
RONALD INGE	<u>Aye</u>
JACQUE RIPPE	<u>Absent</u>
CARLETON RYFFEL	<u>Absent</u>
LELAND M. TAYLOR	<u>Absent</u>
RAY ANN WESSEL	<u>Aye</u>

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

DATE OF TRANSMITTAL HEARING: October 23, 2008

A. BOARD REVIEW: Staff made a brief presentation explaining that the LPA had recommended the Board transmit the amendment as recommended by Staff with changes to proposed revised Policy 1.1.7. Staff also mentioned that the Horizon Council had submitted a letter to the Board outlining several minor changes within various Policies they would like included (as found in the Immediate Modifications Requested) in the transmittal of the amendments to the Department of Community Affairs. Staff objected only to two of the changes. First, the proposed change to Policy 1.1.7 #3 replacing "Planning Community" with "Planned Development" was not supported, and staff requested that the language not be changed. Second, revising proposed Policy 1.2.2. removing "Corner Store" and replacing with "Commercial", staff recommended that the language be changed to "Ancillary retail and Corner Store commercial ...".

Four members of the public spoke during the transmittal hearing. The Horizon Council representative spoke regarding changes as contained in their letter. This speaker requested that the change to Policy 1.1.7 they have requested be adopted, they understood and agreed with the revised language suggested by staff regarding Policy 1.2.2, and appreciated staff agreeing with the other changes that they proposed. The other three members of the public "echoed" the Horizon Council's suggestions and asked that the Board transmit the amendments.

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. **BOARD ACTION:** The Board voted to transmit the amendments as recommended by the LPA and amended by Staff and the Horizon Council letter. The specific language that the Board voted to transmit is contained below:

Amend Policy 1.1.2:

POLICY 1.1.2: The Intensive Development areas are located along major arterial roads in Fort Myers, North Fort Myers, and Cape Coral. By virtue of their location, the county's current development patterns, and the available and potential levels of public services, they are well suited to accommodate high densities and intensities. Planned mixed-use centers of high-density residential, commercial, limited light industrial (see Policy 7.1.6), and office uses are appropriate in these locations encouraged to be developed as described in Policy 2.12.3., where appropriate. As Lee County moves toward becoming a metropolitan complex of a half-million people, these centrally located urban nodes can offer a diversity of lifestyles, cosmopolitan shopping opportunities, and specialized professional services that befit such a region. The standard density range is from seven dwelling units per acre (7 du/acre) to fourteen dwelling units per acre (14 du/acre). Maximum density is twenty-two dwelling units per acre (22 du/acre). (Amended by Ordinance No. 94-30)

Amend Policy 1.1.3:

POLICY 1.1.3: The Central Urban areas can best be characterized as the "urban core" of the county. These consist mainly of portions of the city of Fort Myers, the southerly portion of the city of Cape Coral, and other close-in areas near these cities; and also the central

portions of the city of Bonita Springs, Iona/McGregor, Lehigh Acres, and North Fort Myers. This is the part of the county that is already most heavily settled and which has or will have the greatest range and highest levels of urban service--water, sewer, roads, schools, etc. Residential, commercial, public and quasi-public, and limited light industrial land uses (see Policy 7.1.6) will continue to predominate in the Central Urban area with future development in this category encouraged to be developed as a mixed-use, as described in Policy 2.12.3., where appropriate. This category has a standard density range from four dwelling units per acre (4 du/acre) to ten dwelling units per acre (10 du/acre) and a maximum density of fifteen dwelling units per acre (15 du/acre). (Amended by Ordinance No. 94-30, 02-02)

Amend Policy 1.1.4:

POLICY 1.1.4: The Urban Community areas are areas outside of Fort Myers and Cape Coral that are characterized by a mixture of relatively intense commercial and residential uses. Included among them, for example, are parts of Lehigh Acres, San Carlos Park, Fort Myers Beach, South Fort Myers, the city of Bonita Springs, Pine Island, and Gasparilla Island. Although the Urban Communities have a distinctly urban character, they should be developed at slightly lower densities. As the vacant portions of these communities are urbanized, they will need to maintain their existing bases of urban services and expand and strengthen them accordingly. As in the Central Urban area, predominant land uses in the Urban Communities will be residential, commercial, public and quasi-public, and limited light industry (see Policy 7.1.6) with future development in this category encouraged to be developed as a mixed-use, as described in Policy 2.12.3., where appropriate. Standard density ranges from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre), with a maximum of ten dwelling units per acre (10 du/acre). (Amended by Ordinance No. 94-30, 02-02)

Amend Policy 1.1.7:

POLICY 1.1.7: The Industrial Development areas play an important role in strengthening the county's economic base and will become increasingly important as the county grows in size and urban complexity. To a great extent these are the areas to which Lee County must look for expanded job opportunities and production opportunities, and a balanced and sufficient tax base. These areas have special locational requirements that are more stringent than those for residential areas, including transportation needs (e.g., air, rail, highway); industrial levels of water, sewer, fire protection, and other urban services; and locations that are convenient for employees to reach central locations to reduce employee commuting distances. ~~Whereas the other Future Urban Areas will include a broad combination of residential, commercial, public, and limited industrial land uses, t~~ The Industrial Development area is to be reserved mainly for research and development, laboratories, and industrial activities, and office; per se, as well as for selective land use mixtures such as the combined uses of industrial, manufacturing, research and development, laboratories, and office uses supporting the preceding uses; and properly buffered recreational uses (except where precluded by airport hazard zone regulations). ~~and offices complexes (if specifically related to adjoining industrial uses) that constitute a growing part of Florida's economic development sector.~~ New natural resource extraction (mining) activities and fill dirt operations must be approved through the Industrial Mining Excavation Planned

Development rezoning process in accordance with the Lee County Land Development Code. Retail and commercial service uses supporting neighboring industrial uses are allowed if the following criteria are met:

1. Retailing and/or wholesaling of products manufactured on the premises, or;
2. Commercial uses are integrated into the primary R&D/Industrial development;
3. Commercial service and retail uses may not exceed ~~10%~~ 20% of the total acreage within the Industrial Development areas per each Planning Community; and
4. ~~Free standing commercial uses are developed to meet the definition of "Corner Store Commercial"~~.

(Amended by Ordinance No. 94-30, 98-09, 99-15, 02-02)

Amend Policy 1.2.2:

POLICY 1.2.2: The Tradeport areas are commercial and industrial lands adjacent to the airport needed to accommodate projected growth through the year ~~2020~~ 2030. These areas will include developments consisting of light manufacturing or assembly, warehousing, and distribution facilities; ~~offices~~; research and development activities; ~~laboratories~~; ground transportation and airport-related terminals or transfer facilities; ~~and hotels/motels, meeting facilities; and office uses. retail uses within hotels/motels.~~ Ancillary retail and Corner Store commercial uses, intended to support the surrounding business and industrial land uses, are allowed if they are part of a Planned Development ~~of 10 or more acres in size and are limited to 1,000 square feet per acre of Tradeport land within the Planned Development.~~ Future development in this category is encouraged to include a mixture of land uses as described in Policy 2.12.2. Residential uses, other than bona fide caretaker residences, are not permitted in this category except to the extent provided in Chapter XIII of the Plan. Caretaker residences are not permitted in the Airport Noise Zone B. Because this area is located within the Six Mile Cypress Basin and is also a primary point of entry into Lee County, special environmental and design review guidelines will be applied to its development to maintain the appearance of this area as a primary point of entry into Lee County. Property in Section 1 and the east ½ of Section 2, Township 46 South, Range 25 East, and in Section 6, Township 46 South, Range 26 East, must be rezoned to a planned development zoning category prior to any development other than the construction of essential public services. During the rezoning process, the best environmental management practices identified on pages 43 and 44 of the July 28, 1993 Henigar & Ray study entitled, "Groundwater Resource Protection Study" will be rebuttably presumed to be necessary to protect potential groundwater resources in the area. (Amended by Ordinance No. 94-30, 02-02, 03-04, 04-16, 07-09)

Add the following new Objective and Policies to the Lee Plan:

OBJECTIVE 2.12: DIVERSIFIED CLUSTER DEVELOPMENT - The County in several future land use categories allows the potential for a mixture of different land uses including: residential, commercial/office, research and development, and light industrial.

POLICY 2.12.1: The County encourages and promotes clustered, mixed use development within certain Future Urban Area land use categories to spur cluster development and smart growth within those areas of Lee County where sufficient infrastructure exists to support

development, as well as continue to improve the economic well-being of the County; provide for diversified land development; and provide for cohesive, viable, well-integrated, and pedestrian and transit oriented projects. This is intended to encourage development to be consistent with Smart Growth principles.

POLICY 2.12.2: Future development within the Tradeport and Industrial Development (with the exception of the lands designated as Industrial Development between US 41 and I-75, north of Alico Road) future land use categories is strongly encouraged to be designed to include a mixture of research and development, industrial, and related office uses, where appropriate.

POLICY 2.12.3: Future development within the Intensive Development, Central Urban, and Urban Community future land use categories is strongly encouraged to be development as a mixed use with two or more of the following uses: residential, commercial (including office), and light industrial (including research and development use). When residential use is one of three uses proposed, in a mixed use development, residential densities may be developed as provided for under the Glossary terms: "Mixed Use", "Mixed Use Building", and "Density".

Amend Policy 7.1.4:

POLICY 7.1.4: The Future Land Use Map must designate a sufficient quantity of land to accommodate industrial development that will employ 3% of the county's population in manufacturing activities by the year 2010. A report will be prepared by county staff every two years to monitor the county's progress towards this employment goal. the minimum allocated land area found in Policy 1.7.6 and related Table 1(b), where appropriate. Lee County will monitor the progress of development and the number of acres converted to industrial use as part of every Evaluation and Appraisal Report (EAR). This acreage may be adjusted to accommodate increases in the allocations. (Amended by Ordinance No. 93-25, 94-30, 00-22)

Amend Glossary, as follows:

DENSITY - The number of residential dwelling or housing units per gross acre (du/acre). Densities specified in this plan are gross residential densities. For the purpose of calculating gross residential density, the total acreage of a development includes those lands to be used for residential uses, and includes land within the development proposed to be used for streets and street rights of way, utility rights-of-way, public and private parks, recreation and open space, schools, community centers, and facilities such as police, fire and emergency services, sewage and water, drainage, and existing man-made waterbodies contained within the residential development. Lands for commercial, office, industrial uses, natural water bodies, and other non-residential uses must not be included, except within areas identified on the Mixed Use Overlay Map (Future Land Use Map Series Map 1 page 6 of 6) that have elected to use the process described in Objective 4.2. Within the Captiva community in the areas identified by Policy 13.2.1, commercial development that includes commercial and residential uses within the same project or the same building do not have to exclude the commercial lands from the density calculation. For true mixed use developments located on the mainland areas of the County, the density lost to commercial,

office and industrial acreage can be regained through the utilization of TDRs that are either created from Greater Pine Island Coastal Rural future land use category or previously created TDRs. True mixed use developments must be primarily multi-use structures as defined in this Glossary as a mixed use building. If development is proposed in accordance with Policy 2.12.3, residential densities are calculated using the total land area included in the mixed use portion of the development. (Amended by Ordinance No. 98-09, 00-22, 03-21, 05-21, 07-09 [CPA2005-12], 07-14 [CPA2005-35])

RESEARCH AND DEVELOPMENT - Establishments primarily engaged in commercial physical and biological research and development, and noncommercial research establishments; performing commercial business, marketing, opinion, and other economic, sociological, and educational research; performing noncommercial research into and dissemination of, information for public health, education, or general welfare; and establishments primarily engaged in providing testing services.

2. BASIS AND RECOMMENDED FINDINGS OF FACT: The Board accepted the findings of fact as advanced by staff and the Local Planning Agency.

C. VOTE:

A. BRIAN BIGELOW	AYE
TAMMARA HALL	AYE
ROBERT P. JANES	AYE
RAY JUDAH	AYE
FRANKLIN B. MANN	AYE

DATE OF ORC REPORT: _____

- October 23, 2008
PAGE 22 OF 23

**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

CPA2007-55
Commercial/Industrial Lands

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

BoCC Adoption Document

Lee County Board of County Commissioners
Sponsored Amendment and Staff Report

*Lee County Planning Division
1500 Monroe Street
P.O. Box 398
Fort Myers, FL 33902-0398
(239) 533-8585*

February 25, 2009

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

CPA2007-00055



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 19, 2008

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. APPLICANT/REPRESENTATIVE:

LEE COUNTY BOARD OF COUNTY COMMISSIONERS
represented by the Lee County Division of Planning

- 2. REQUEST:** Evaluate and incorporate into the Future Land Use Element and Glossary appropriate Lee Plan policy changes and additions consistent with the Commercial/Industrial Study.

B. BOARD OF COUNTY COMMISSIONERS TRANSMITTAL LANGUAGE

The Board of County Commissioners unanimously approved transmittal of the following text amendments:

Amend Policy 1.1.2:

POLICY 1.1.2: The Intensive Development areas are located along major arterial roads in Fort Myers, North Fort Myers, and Cape Coral. By virtue of their location, the county's current development patterns, and the available and potential levels of public services, they are well suited

to accommodate high densities and intensities. Planned mixed-use centers of high-density residential, commercial, limited light industrial (see Policy 7.1.6), and office uses are ~~appropriate in these locations~~ encouraged to be developed as described in Policy 2.12.3., where appropriate. As Lee County moves toward becoming a metropolitan complex of a half-million people, these centrally located urban nodes can offer a diversity of lifestyles, cosmopolitan shopping opportunities, and specialized professional services that befit such a region. The standard density range is from seven dwelling units per acre (7 du/acre) to fourteen dwelling units per acre (14 du/acre). Maximum density is twenty-two dwelling units per acre (22 du/acre). (Amended by Ordinance No. 94-30)

Amend Policy 1.1.3:

POLICY 1.1.3: The Central Urban areas can best be characterized as the "urban core" of the county. These consist mainly of portions of the city of Fort Myers, the southerly portion of the city of Cape Coral, and other close-in areas near these cities; and also the central portions of the city of Bonita Springs, Iona/McGregor, Lehigh Acres, and North Fort Myers. This is the part of the county that is already most heavily settled and which has or will have the greatest range and highest levels of urban service--water, sewer, roads, schools, etc. Residential, commercial, public and quasi-public, and limited light industrial land uses (see Policy 7.1.6) will continue to predominate in the Central Urban area with future development in this category encouraged to be developed as a mixed-use, as described in Policy 2.12.3., where appropriate. This category has a standard density range from four dwelling units per acre (4 du/acre) to ten dwelling units per acre (10 du/acre) and a maximum density of fifteen dwelling units per acre (15 du/acre). (Amended by Ordinance No. 94-30, 02-02)

Amend Policy 1.1.4:

POLICY 1.1.4: The Urban Community areas are areas outside of Fort Myers and Cape Coral that are characterized by a mixture of relatively intense commercial and residential uses. Included among them, for example, are parts of Lehigh Acres, San Carlos Park, Fort Myers Beach, South Fort Myers, the city of Bonita Springs, Pine Island, and Gasparilla Island. Although the Urban Communities have a distinctly urban character, they should be developed at slightly lower densities. As the vacant portions of these communities are urbanized, they will need to maintain their existing bases of urban services and expand and strengthen them accordingly. As in the Central Urban area, predominant land uses in the Urban Communities will be residential, commercial, public and quasi-public, and limited light industry (see Policy 7.1.6) with future development in this category encouraged to be developed as a mixed-use, as described in Policy 2.12.3., where appropriate. Standard density ranges from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre), with a maximum of ten dwelling units per acre (10 du/acre). (Amended by Ordinance No. 94-30, 02-02)

Amend Policy 1.1.7:

POLICY 1.1.7: The Industrial Development areas play an important role in strengthening the county's economic base and will become increasingly important as the county grows in size and

urban complexity. To a great extent these are the areas to which Lee County must look for expanded job opportunities and production opportunities, and a balanced and sufficient tax base. These areas have special locational requirements that are more stringent than those for residential areas, including transportation needs (e.g., air, rail, highway); industrial levels of water, sewer, fire protection, and other urban services; and ~~locations that are convenient for employees to reach central locations to reduce employee commuting distances.~~ ~~Whereas the other Future Urban Areas will include a broad combination of residential, commercial, public, and limited industrial land uses,~~ The Industrial Development area is to be reserved mainly for research and development, laboratories, and industrial activities, and office; per se, as well as for selective land use mixtures such as the combined uses of industrial, manufacturing, research and development, laboratories, and office uses supporting the preceding uses; and properly buffered recreational uses (except where precluded by airport hazard zone regulations). ~~and offices complexes (if specifically related to adjoining industrial uses) that constitute a growing part of Florida's economic development sector.~~ New natural resource extraction (mining) activities and fill dirt operations must be approved through the Industrial Mining Excavation Planned Development rezoning process in accordance with the Lee County Land Development Code. Retail and commercial service uses supporting neighboring industrial uses are allowed if the following criteria are met:

1. Retailing and/or wholesaling of products manufactured on the premises, or;
2. Commercial uses are integrated into the primary R&D/Industrial development;
3. Commercial service and retail uses may not exceed 10% 20% of the total acreage within the Industrial Development areas per each Planning Community; and
4. Free standing commercial uses are developed to meet the definition of "Corner Store Commercial".

(Amended by Ordinance No. 94-30, 98-09, 99-15, 02-02)

Amend Policy 1.2.2:

POLICY 1.2.2: The Tradeport areas are commercial and industrial lands adjacent to the airport needed to accommodate projected growth through the year ~~2020~~ 2030. These areas will include developments consisting of light manufacturing or assembly, warehousing, and distribution facilities; ~~offices;~~ research and development activities; laboratories; ground transportation and airport-related terminals or transfer facilities; ~~and hotels/motels, meeting facilities; and office uses.~~ ~~retail uses within hotels/motels.~~ Ancillary retail and Corner Store commercial uses, intended to support the surrounding business and industrial land uses, are allowed if they are part of a Planned Development of ~~10 or more acres in size and are limited to 1,000 square feet per acre of Tradeport land within the Planned Development.~~ Future development in this category is encouraged to include a mixture of land uses as described in Policy 2.12.2. Residential uses, other than bona fide caretaker residences, are not permitted in this category except to the extent provided in Chapter XIII of the Plan. Caretaker residences are not permitted in the Airport Noise Zone B. Because this area is located within the Six Mile Cypress Basin and is also a primary point of entry into Lee County, special environmental and design review guidelines will be applied to its development to maintain the appearance of this area as a primary point of entry into Lee County. Property in Section 1 and the east ½ of Section 2, Township 46 South, Range 25 East, and in Section 6, Township 46 South, Range 26 East, must be rezoned to a planned development zoning category

prior to any development other than the construction of essential public services. During the rezoning process, the best environmental management practices identified on pages 43 and 44 of the July 28, 1993 Henigar & Ray study entitled, "Groundwater Resource Protection Study" will be rebuttably presumed to be necessary to protect potential groundwater resources in the area. (Amended by Ordinance No. 94-30, 02-02, 03-04, 04-16, 07-09)

Add the following new Objective and Policies to the Lee Plan:

OBJECTIVE 2.12: DIVERSIFIED CLUSTER DEVELOPMENT - The County in several future land use categories allows the potential for a mixture of different land uses including: residential, commercial/office, research and development, and light industrial.

POLICY 2.12.1: The County encourages and promotes clustered, mixed use development within certain Future Urban Area land use categories to spur cluster development and smart growth within those areas of Lee County where sufficient infrastructure exists to support development, as well as continue to improve the economic well-being of the County; provide for diversified land development; and provide for cohesive, viable, well-integrated, and pedestrian and transit oriented projects. This is intended to encourage development to be consistent with Smart Growth principles.

POLICY 2.12.2: Future development within the Tradeport and Industrial Development (with the exception of the lands designated as Industrial Development between US 41 and I-75, north of Alico Road) future land use categories is strongly encouraged to be designed to include a mixture of research and development, industrial, and related office uses, where appropriate.

POLICY 2.12.3: Future development within the Intensive Development, Central Urban, and Urban Community future land use categories is strongly encouraged to be development as a mixed use with two or more of the following uses: residential, commercial (including office), and light industrial (including research and development use). When residential use is one of three uses proposed, in a mixed use development, residential densities may be developed as provided for under the Glossary terms: "Mixed Use", "Mixed Use Building", and "Density".

Amend Policy 7.1.4:

POLICY 7.1.4: The Future Land Use Map must designate a sufficient quantity of land to accommodate industrial development that will employ 3% of the county's population in manufacturing activities by the year 2010. A report will be prepared by county staff every two years to monitor the county's progress towards this employment goal. the minimum allocated land area found in Policy 1.7.6 and related Table 1(b), where appropriate. Lee County will monitor the progress of development and the number of acres converted to industrial use as part of every Evaluation and Appraisal Report (EAR). This acreage may be adjusted to accommodate increases in the allocations. (Amended by Ordinance No. 93-25, 94-30, 00-22)

Amend Glossary, as follows:

DENSITY - The number of residential dwelling or housing units per gross acre (du/acre). Densities specified in this plan are gross residential densities. For the purpose of calculating gross residential density, the total acreage of a development includes those lands to be used for residential uses, and includes land within the development proposed to be used for streets and street rights of way, utility rights-of-way, public and private parks, recreation and open space, schools, community centers, and facilities such as police, fire and emergency services, sewage and water, drainage, and existing man-made waterbodies contained within the residential development. Lands for commercial, office, industrial uses, natural water bodies, and other non-residential uses must not be included, except within areas identified on the Mixed Use Overlay Map (Future Land Use Map Series Map 1 page 6 of 6) that have elected to use the process described in Objective 4.2. Within the Captiva community in the areas identified by Policy 13.2.1, commercial development that includes commercial and residential uses within the same project or the same building do not have to exclude the commercial lands from the density calculation. For true mixed use developments located on the mainland areas of the County, the density lost to commercial, office and industrial acreage can be regained through the utilization of TDRs that are either created from Greater Pine Island Coastal Rural future land use category or previously created TDRs. True mixed use developments must be primarily multi-use structures as defined in this Glossary as a mixed use building. If development is proposed in accordance with Policy 2.12.3, residential densities are calculated using the total land area included in the mixed use portion of the development. (Amended by Ordinance No. 98-09, 00-22, 03-21, 05-21, 07-09 [CPA2005-12], 07-14 [CPA2005-35])

RESEARCH AND DEVELOPMENT - Establishments primarily engaged in commercial physical and biological research and development, and noncommercial research establishments; performing commercial business, marketing, opinion, and other economic, sociological, and educational research; performing noncommercial research into and dissemination of, information for public health, education, or general welfare; and establishments primarily engaged in providing testing services.

C. ORIGINAL STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

- 1. RECOMMENDATION:** Staff recommends that the Board of County Commissioners transmit this amendment as follows:

Recommendation 1: Amend Policy 1.1.2:

POLICY 1.1.2: The Intensive Development areas are located along major arterial roads in Fort Myers, North Fort Myers, and Cape Coral. By virtue of their location, the county's current development patterns, and the available and potential levels of public services, they are well suited to accommodate high densities and intensities. Planned mixed-use centers of high-density residential, commercial, limited light industrial (see Policy 7.1.6), and office uses are appropriate in these locations encouraged to be developed as described in Policy 2.12.3. As Lee County moves

toward becoming a metropolitan complex of a half-million people, these centrally located urban nodes can offer a diversity of lifestyles, cosmopolitan shopping opportunities, and specialized professional services that befit such a region. The standard density range is from seven dwelling units per acre (7 du/acre) to fourteen dwelling units per acre (14 du/acre). Maximum density is twenty-two dwelling units per acre (22 du/acre). (Amended by Ordinance No. 94-30)

Recommendation 2: Amend Policy 1.1.3:

POLICY 1.1.3: The Central Urban areas can best be characterized as the "urban core" of the county. These consist mainly of portions of the city of Fort Myers, the southerly portion of the city of Cape Coral, and other close-in areas near these cities; and also the central portions of the city of Bonita Springs, Iona/McGregor, Lehigh Acres, and North Fort Myers. This is the part of the county that is already most heavily settled and which has or will have the greatest range and highest levels of urban service--water, sewer, roads, schools, etc. Residential, commercial, public and quasi-public, and limited light industrial land uses (see Policy 7.1.6) will continue to predominate in the Central Urban area with future development in this category encouraged to be developed as a mixed-use, as described in Policy 2.12.3. This category has a standard density range from four dwelling units per acre (4 du/acre) to ten dwelling units per acre (10 du/acre) and a maximum density of fifteen dwelling units per acre (15 du/acre). (Amended by Ordinance No. 94-30, 02-02)

Recommendation 3: Amend Policy 1.1.4:

POLICY 1.1.4: The Urban Community areas are areas outside of Fort Myers and Cape Coral that are characterized by a mixture of relatively intense commercial and residential uses. Included among them, for example, are parts of Lehigh Acres, San Carlos Park, Fort Myers Beach, South Fort Myers, the city of Bonita Springs, Pine Island, and Gasparilla Island. Although the Urban Communities have a distinctly urban character, they should be developed at slightly lower densities. As the vacant portions of these communities are urbanized, they will need to maintain their existing bases of urban services and expand and strengthen them accordingly. As in the Central Urban area, predominant land uses in the Urban Communities will be residential, commercial, public and quasi-public, and limited light industry (see Policy 7.1.6) with future development in this category encouraged to be developed as a mixed-use, as described in Policy 2.12.3. Standard density ranges from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre), with a maximum of ten dwelling units per acre (10 du/acre). (Amended by Ordinance No. 94-30, 02-02)

Recommendation 4: Amend Policy 1.1.7:

POLICY 1.1.7: The Industrial Development areas play an important role in strengthening the county's economic base and will become increasingly important as the county grows in size and urban complexity. To a great extent these are the areas to which Lee County must look for expanded job opportunities and production opportunities, and a balanced and sufficient tax base. These areas have special locational requirements that are more stringent than those for residential areas, including transportation needs (e.g., air, rail, highway); industrial levels of water, sewer, fire protection, and other urban services; and locations that are convenient for employees to reach central locations to reduce employee commuting distances. ~~Whereas the other Future Urban Areas will include a broad combination of residential, commercial, public, and limited industrial land~~

~~uses, t~~ The Industrial Development area is to be reserved mainly for research and development, laboratories, and industrial activities; per se, as well as for selective land use mixtures such as the combined uses of industrial, manufacturing, research and development, laboratories, and office uses supporting the preceding uses; and properly buffered recreational uses (except where precluded by airport hazard zone regulations). ; and offices complexes (if specifically related to adjoining industrial uses) that constitute a growing part of Florida's economic development sector. New natural resource extraction (mining) activities and fill dirt operations must be approved through the Industrial Mining Excavation Planned Development rezoning process in accordance with the Lee County Land Development Code. Retail and commercial service uses supporting neighboring industrial uses are allowed if the following criteria are met:

1. Retailing and/or wholesaling of products manufactured on the premises, or;
2. Commercial uses are integrated into the primary R&D/Industrial development;
3. Commercial service and retail uses may not exceed 10% of the total building area within the Industrial Development areas per each Planning Community; and
4. Free standing commercial uses are developed to meet the definition of "Corner Store Commercial".

~~Retail or wholesale of products manufactured or processed upon the premises may be allowed at a ratio of 1 square foot of commercial uses to 10 square feet of industrial use in association with a Planned Development. Ancillary minor retail commercial uses intended to support the surrounding industrial land uses may not exceed 30,000 square feet per development; and, at buildout, may not exceed more than ten percent (10%) of the total acreage of the lands designated as Industrial Development areas in each community outlined in Map 16. Residential uses, other than bona fide caretaker residences, are not permitted in this category except to the extent provided in Chapter XIII of the Plan. (Amended by Ordinance No. 94-30, 98-09, 99-15, 02-02)~~

Recommendation 5: Amend Policy 1.2.2:

POLICY 1.2.2: The Tradeport areas are commercial and industrial lands adjacent to the airport needed to accommodate projected growth through the year ~~2020~~ 2030. These areas will include developments consisting of light manufacturing or assembly, warehousing, and distribution facilities; ~~offices~~; research and development activities; laboratories; ground transportation and airport-related terminals or transfer facilities; ~~and hotels/motels, meeting facilities; and office uses.~~ retail uses within hotels/motels. Ancillary retail Corner Store Commercial uses, intended to support the surrounding business and industrial land uses, are allowed if they are part of a Planned Development of 10 or more acres in size and are limited to 1,000 square feet per acre of Tradeport land within the Planned Development. Future development in this category must include a mixture of land uses as described in Policy 2.12.2. Residential uses, other than bona fide caretaker residences, are not permitted in this category except to the extent provided in Chapter XIII of the Plan. Caretaker residences are not permitted in the Airport Noise Zone B. Because this area is located within the Six Mile Cypress Basin and is also a primary point of entry into Lee County, special environmental and design review guidelines will be applied to its development to maintain the appearance of this area as a primary point of entry into Lee County. Property in Section 1 and the east ½ of Section 2, Township 46 South, Range 25 East, and in Section 6, Township 46 South, Range 26 East, must be rezoned to a planned development zoning category prior to any development other than the construction of essential public services. During the rezoning process,

the best environmental management practices identified on pages 43 and 44 of the July 28, 1993 Henigar & Ray study entitled, "Groundwater Resource Protection Study" will be rebuttably presumed to be necessary to protect potential groundwater resources in the area. (Amended by Ordinance No. 94-30, 02-02, 03-04, 04-16, 07-09)

Recommendation 6: Add the following new Objective and Policies to the Lee Plan:

OBJECTIVE 2.12: DIVERSIFIED CLUSTER DEVELOPMENT - The County in several future land use categories allows the potential for a mixture of different land uses including: residential, commercial/office, research and development, and light industrial.

POLICY 2.12.1: The County encourages and promotes clustered, mixed use development within certain Future Urban Area land use categories to spur cluster development and smart growth within those areas of Lee County where sufficient infrastructure exists to support development, as well as continue to improve the economic well-being of the County; provide for diversified land development; and provide for cohesive, viable, well-integrated, and pedestrian and transit oriented projects. This is intended to encourage development to be consistent with Smart Growth principles.

POLICY 2.12.2: Future development within the Tradeport and Industrial Development (with the exception of the lands designated as Industrial Development between US 41 and I-75, north of Alico Road) future land use categories is strongly encouraged to be designed to include a mixture of research and development, industrial, and related office uses.

POLICY 2.12.3: Future development within the Intensive Development, Central Urban, and Urban Community future land use categories is strongly encouraged to be development as a mixed use with two or more of the following uses: residential, commercial (including office), and light industrial (including research and development use). When residential use is one of three uses proposed, in a mixed use development, residential densities may be developed as provided for under the Glossary terms: "Mixed Use", "Mixed Use Building", and "Density".

Recommendation 7: Amend Policy 7.1.4:

POLICY 7.1.4: The Future Land Use Map must designate a sufficient quantity of land to accommodate industrial development that will employ 3% of the county's population in manufacturing activities by the year 2010. A report will be prepared by county staff every two years to monitor the county's progress towards this employment goal. the minimum allocated land area found in Policy 1.7.6 and related Table 1(b). Lee County will monitor the progress of development and the number of acres converted to industrial use as part of every Evaluation and Appraisal Report (EAR). This acreage may be adjusted to accommodate increases in the allocations. (Amended by Ordinance No. 93-25, 94-30, 00-22)

Recommendation 8:

DENSITY - The number of residential dwelling or housing units per gross acre (du/acre). Densities specified in this plan are gross residential densities. For the purpose of calculating gross residential density, the total acreage of a development includes those lands to be used for residential

uses, and includes land within the development proposed to be used for streets and street rights of way, utility rights-of-way, public and private parks, recreation and open space, schools, community centers, and facilities such as police, fire and emergency services, sewage and water, drainage, and existing man-made waterbodies contained within the residential development. Lands for commercial, office, industrial uses, natural water bodies, and other non-residential uses must not be included, except within areas identified on the Mixed Use Overlay Map (Future Land Use Map Series Map 1 page 6 of 6) that have elected to use the process described in Objective 4.2. Within the Captiva community in the areas identified by Policy 13.2.1, commercial development that includes commercial and residential uses within the same project or the same building do not have to exclude the commercial lands from the density calculation. For true mixed use developments located on the mainland areas of the County, the density lost to commercial, office and industrial acreage can be regained through the utilization of TDRs that are either created from Greater Pine Island Coastal Rural future land use category or previously created TDRs. True mixed use developments must be primarily multi-use structures as defined in this Glossary as a mixed use building. If development is proposed in accordance with Policy 2.12.3, residential densities are calculated using the total land area included in the mixed use portion of the development. (Amended by Ordinance No. 98-09, 00-22, 03-21, 05-21, 07-09 [CPA2005-12], 07-14 [CPA2005-35])

Add the following to the Glossary:

RESEARCH AND DEVELOPMENT - Establishments primarily engaged in commercial physical and biological research and development, and noncommercial research establishments; performing commercial business, marketing, opinion, and other economic, sociological, and educational research; performing noncommercial research into and dissemination of, information for public health, education, or general welfare; and establishments primarily engaged in providing testing services.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- The Commercial/Industrial Study was commissioned by the Board of County Commissioners to help better manage and preserve lands for industrial and commercial office development.
- The Commercial/Industrial Study was presented to the Board of County Commissioners during the Management & Planning meeting of September 10, 2007.
- The Study recommended a number of changes to the Lee Plan, Land Development Code, and to the development process.
- The proposed amendment language contained in this recommendation is a direct result of the three recommendations to amend the Lee Plan as contained in the Study.
- There is a need to clearly identify that the Lee Plan accommodates development of research and development uses along with other related uses.
- There is a need to clearly state that the Lee Plan does allow for mixed use, clustered development within some of the designated future urban land use categories.

D. BACKGROUND INFORMATION

On June 27, 2006, the Board of County Commissioners contracted with Basile Baumann Prost & Associates (consultant) to perform a Commercial/Industrial Lands Study to identify appropriate lands for economic development. This Study was requested by the Office of Economic Development as an analysis of the County's Commercial and Industrial lands. The last time that such a study was done was in 1983 in conjunction with the 1985 Evaluation and Appraisal of the Comprehensive Plan. The re-analysis was in response to a concern that there was a shortage of office/industrial lands for future economic development. The study was presented to the Board of County Commissioners at the September 10, 2007 Workshop Meeting of the Board Management and Planning Committee.

The completed study is a 40-page document, dated September 2007. The Study was divided into four parts:

- 1) Fact-finding, stakeholder interviews, background study;
- 2) Review of the real estate market, leasing, sales, absorption rates, development patterns and existing, zoned industrial and commercial land parcels in Lee County;
- 3) Recommendations for future land use planning including any additions to current inventory based on data and field surveys;
- 4) Review of Comprehensive Plan and relevant Development Codes.

The consultant found that there is currently adequate industrial and commercial lands to meet demand through 2025. They also found that over the next few years the location and suitability of the lands will be key issues. The consultant has suggested that Lee County should encourage new development that better utilizes the land inventory, reserving more valuable commercial and industrial corridors for businesses and industries that may locate in Lee County over the next two decades. Uses would include medical research groups, research and development companies, corporate headquarters, financial and consulting firms, and other similar uses. This would be accomplished through greater use of the mixed-use development concept.

The Study provides seven (7) recommendations: three (Recommendations 1, 3, and 4) involve text changes to the Lee Plan, one involves a potential change to the Charter, and the remaining three are recommended changes to the Land Development Code. The complete Study is attached to this report.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

The Study included following three recommendations related to the Lee Plan (beginning on Page 32):

Study Recommendation 1: Re-evaluate Policy 7.1.4., and consider replacement language that addresses land needs for industrial uses (including manufacturing activities) in the context of current economic and labor force trends.

This Policy of the Lee Plan requires that the Future Land Use Map designate sufficient land for industrial development in order to employ a percentage of the county's population by the year 2010. This would be monitored every two years by a staff report that would follow the County's

progress toward this goal. The Roberts Study in the mid-1980's linked population growth to employment growth and the need for a more diversified employment base.

The Study notes that Lee County's population has averaged 3.5% growth annually, while the manufacturing base as a percentage of population has averaged 1.3% annually. If the goal expressed in the current language found in Policy 7.1.4. is to be achieved by 2010, the County will have to add 13,000 new manufacturing positions in the next 3 years (study dated September 2007) to remain consistent with this Policy. It maintains that the percentage of the population in manufacturing positions should be revised to state that Lee County desires high paying positions fitting both the economic and workforce development goals and suggests amending the Policy to provide greater flexibility and offer a broader definition of manufacturing jobs and business and manufacturing support services. It also indicates that new demand for light industrial and what is called industrial-flex use should be included in commercial office development in the intensive development, urban community, and central urban future land use designations where it is demonstrated that these would be compatible with adjoining office and commercial uses.

Staff concurs with these Study findings and recommends the Policy be re-written to use the allocations already provided for in the Lee Plan and to monitor the existing industrial allocations and the amount of acres left available for future development. As part of each Evaluation and Appraisal Report (and sooner if needed), Lee County will consider adjustments of these allocations to ensure continued provision of adequate acreage for commercial and industrial development.

Study Recommendation 3: Amend and broaden Policy 1.1.7 with language that redefines industrial development in Lee County.

Policy 1.1.7. describes the future land use category of Industrial Development. The study notes that the Lee Plan places restrictions on the type of office spaces allowed within this future land use category. The study recommends that the restriction placed on office and retail uses that do not directly relate to the industrial activities should be lifted. The study cautions that some concerns exist that removing these restrictions could lead to the development of commercial centers. A "Regional Activity Center" (RAC) is suggested as a separate land use category to address this concern. The RAC is further described in Recommendation 4.

Staff agrees with the concern regarding restrictions on office and commercial use within this category and provides in Staff Recommendation 4 revised language. This recommendation removes the language requiring office and retail use to be ancillary and provides industrial use remain the primary use allowed, while also providing for selective retail and office uses. The staff recommendation also identifies research and development as a desirable use. This directly relates to the desires of the Office of Economic Development to encourage and provide for the development of this type of use in Lee County.

Study Recommendation 4: Add a policy to evaluate designated specific areas as Regional Activity Centers (RAC) to allow for office and industrial diversification.

The Study recommends the RAC designation to encourage more intense levels of industrial development. The amendment could also allow the combination of industrial and commercial space, and medical/technical research and design/engineering uses in the industrial areas as

standalone, not ancillary, uses. The RAC is seen as a new land use designation "requiring" mixed-use with a significant office-industrial flex component. It could allow retail so long as it was not an attractor, but would serve the needs of people working within the RAC. The category would promote a mixed-use pattern with significant light industrial and office, with limited retail. It is suggested that 3/4 of the net useable acreage be limited to the light industrial/office use. Changes suggested in the LDC include a minimum floor area ratio (FAR) of 1.0, a minimum open space of 40%, and the potential for increased building heights. The designation could be processed outside of the once-per-year Lee Plan amendment cycle if initiated by the Board of County Commissioners, and it is filed concurrently with a request for MPD zoning. The intent is to reduce the review time for development approval in Lee County.

Staff does not support the inclusion of "Regional Activity Center" as new future land use category or overlay. First, this term is used in Florida Statutes 380.06 and has specific meaning and should not be used to prevent any misunderstandings or presumptions that this category or overlay is the same as in Florida Statutes. Secondly, staff finds the proposed process to achieve this actually may be contrary to one of the intents of the amendment, to reduce the amount of time to approve development in the County. The recommendation appears to require filing of a private application to amend the Lee Plan Future Land Use map to adopt the category or overlay for the property prior to development. This would actually cause additional time to review, not reduce it.

In Staff Recommendations, new Objective and Policies and amended Policies have been proposed that provide development in various future land use categories and encourage, or provide for, the development of a mixture of land uses. In Intensive Development, Central Urban, and Urban Community future land use categories, development is encouraged to mix two (or more) land uses. If residential is included, residential densities could possibly be calculated using the top of the standard density range for the mixed use portion of the development. In the Industrial Development and Tradeport future land use categories, mixed use development is encouraged to include both commercial and industrial (including the possibility of research and development) uses. The recommendations also seek to eliminate the restrictions on office and commercial uses, opening these categories to greater commercial and office use.

Staff Recommendation 1, 2 and 3: implement minor changes to the Intensive Development, Central Urban, and Urban Community future land use categories acknowledging the changes sought in Objective 2.12. and the related Policies.

Staff Recommendation 4 and 5: implement changes to the Industrial Development and Tradeport future land use categories to reduce limitations on commercial and office use, and indicate that research and development uses are uses allowed in these categories and are encouraged to be developed within these land use categories.

Staff Recommendation 6: proposes one new Objective and three new Policies to the Lee Plan. These are recommended to encourage and provide incentive for cluster and mixed use developments within most intensive future land use categories of the Lee Plan (Intensive Development, Central Urban, and Urban Community). Currently these three future land use categories indicate that residential, commercial, and light industrial uses are anticipated to be developed within each. However, in many instances, only one of the uses is being developed since the commercial and light industrial areas must be excluded when determining the density of any

residential component. In the Tradeport future land use category there is no incentive to develop research and development uses because they are not discussed and the category excludes uses normally associated to this use, supportive office development. Changes to Policy 1.1.7 and Policy 1.2.2, and the inclusion of new Policy 2.12.2. provide for the opportunity to develop the research and development parks sought by the Economic Development Office in the Industrial Development and Tradeport future land use categories.

Staff Recommendations 7: is addressed in Study Recommendation 3 above.

Staff Recommendation 8: contains recommended changes to the Glossary by revising the Glossary term "Density" and adding a Glossary term that defines Research and Development. This is offered to make sure that the term is clearly understood as to what this use is and has been created by using the Standard Industrial Classification Code Group 873 describing various research, development, and testing services.

POPULATION ACCOMMODATION ANALYSIS

The recommendations contained in this amendment do not result in any changes to the population accommodation of the Future Land Use Map (FLUM) as each of the affected Future Land Use categories allow residential use and recommended densities are less than the potential Bonus Density and above the Standard Density range for each of the Future Land Use categories.

B. CONCLUSIONS

The recommendations are intended to implement the Commercial/Industrial Land Use Analysis suggestions. The recommendations also attempt to allow greater opportunity for mixed use and cluster development, incentives allowing greater residential densities to provide for the mixed use developments, and greater opportunity for commercial and office development in the Industrial Development and Tradeport future land use categories.

C. STAFF RECOMMENDATION

Find that the changes to existing Policies and the proposed new Objective and related Policies are consistent with the Lee Plan.

PART III - LOCAL PLANNING AGENCY REVIEW AND RECOMMENDATION

DATE OF PUBLIC LPA HEARING: September 29, 2008

A. LOCAL PLANNING AGENCY REVIEW

Staff introduced the plan amendment to the LPA.

The LPA discussed with staff various elements of the changes, including: allowing a mixture of land uses in the Intensive Development, Central Urban, and Urban Community future land use categories with research and development, if residential uses may be allowed in combination with research and development uses in these future land use categories; limitation on retail commercial in the Industrial Development future land use category; and 10% allowance in the Industrial Development for commercial service and retail use in the Industrial Development

Public comments included concerns about the lack of retail in the Industrial Development future land use category and the desire to allow greater opportunities for retail use in this category as part of the amendment. There was discussion of the amount of commercial with 10% of building area being recommended and a greater percentage being sought. In addition, the public discussed what should be allowed as part of research and development parks including greater office development opportunities and maybe including residential development. One member of the public mentioned that they were concerned that the amendment had not gone far enough to allow research and development parks as found in Orange County and Broward County, and suggested the establishment of "Regional Activity Centers, RAC" as provided for under Florida Statutes.

Staff noted that Industrial Development future land use category needs to be protected from the encroachment of commercial land uses in order to preserve the land for future industrial development. Currently the Lee Plan has a number of existing future land use categories that already permit sufficient areas where commercial uses can be developed. Staff also noted that retail and wholesale sales when clearly incidental and subordinate to an industrial use on the site is already permitted.

Staff also answered questions from the Local Planning Agency regarding the same issues as presented by the members of the public that participated.

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION:

The Local Planning Agency recommends that the Board of County Commissioners transmit the proposed amendments with the following changes:

1. Revise recommended Policy 1.1.7 to add office use to the list of primary uses, revise #3 to allow commercial service and retail use to not exceed 20% (Staff recommended only 10%) of the total building area within the Industrial Development areas per each Planning Community, and delete #4. To read as follows:

POLICY 1.1.7: The Industrial Development areas play an important role in strengthening the county's economic base and will become increasingly important as the county grows in size and urban complexity. To a great extent these are the areas to which Lee County must look for expanded job opportunities and production opportunities, and a balanced and sufficient tax base. These areas have special locational requirements that are more stringent than those for residential areas, including transportation needs (e.g., air, rail, highway); industrial levels of water, sewer, fire protection, and other urban services; and ~~locations that are convenient for employees to reach~~ central locations to reduce employee commuting distances. ~~Whereas the other Future Urban Areas will include a broad combination of residential, commercial, public, and limited industrial land uses, t~~ The Industrial Development area is to be reserved mainly for research and development, laboratories, and industrial activities, and office; per se, as well as for selective land use mixtures ~~such as the combined uses of industrial, manufacturing, research and development, laboratories, and office uses supporting the preceding uses; and~~ properly buffered recreational uses (except where precluded by airport hazard zone regulations). ~~and offices complexes(if specifically related to adjoining industrial uses) that constitute a growing part of Florida's economic development sector.~~ New natural resource extraction (mining) activities and fill dirt operations must be approved through the Industrial Mining Excavation Planned Development rezoning process in accordance with the Lee County Land Development Code. Retail and commercial service uses supporting neighboring industrial uses are allowed if the following criteria are met:

1. Retailing and/or wholesaling of products manufactured on the premises, or;
 2. Commercial uses are integrated into the primary R&D/Industrial development;
 3. Commercial service and retail uses may not exceed 10% 20% of the total building area within the Industrial Development areas per each Planning Community; and
 4. Free standing commercial uses are developed to meet the definition of "Corner Store Commercial".
2. Add to the 2008/2009 regular amendment cycle for review, further analysis of the Regional Activity Centers (RAC) and consideration of adding residential to the tradeport and industrial development categories where appropriate to address opportunities for future research and development facilities.

2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The LPA advances the findings of fact presented by staff.

C. VOTE:

NOEL ANDRESS	<u>Aye</u>
LES COCHRAN	<u>Aye</u>
RONALD INGE	<u>Aye</u>
JACQUE RIPPE	<u>Absent</u>
CARLETON RYFFEL	<u>Absent</u>
LELAND M. TAYLOR	<u>Absent</u>
RAY ANN WESSEL	<u>Aye</u>

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

DATE OF TRANSMITTAL HEARING: October 23, 2008

A. BOARD REVIEW: Staff made a brief presentation explaining that the LPA had recommended the Board transmit the amendment as recommended by Staff with changes to proposed revised Policy 1.1.7. Staff also mentioned that the Horizon Council had submitted a letter to the Board outlining several minor changes within various Policies they would like included (as found in the Immediate Modifications Requested) in the transmittal of the amendments to the Department of Community Affairs. Staff objected only to two of the changes. First, the proposed change to Policy 1.1.7 #3 replacing "Planning Community" with "Planned Development" was not supported, and staff requested that the language not be changed. Second, revising proposed Policy 1.2.2. removing "Corner Store" and replacing with "Commercial", staff recommended that the language be changed to "Ancillary retail and Corner Store commercial ...".

Four members of the public spoke during the transmittal hearing. The Horizon Council representative spoke regarding changes as contained in their letter. This speaker requested that the change to Policy 1.1.7 they have requested be adopted, they understood and agreed with the revised language suggested by staff regarding Policy 1.2.2, and appreciated staff agreeing with the other changes that they proposed. The other three members of the public "echoed" the Horizon Council's suggestions and asked that the Board transmit the amendments.

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

- 1. BOARD ACTION:** The Board voted to transmit the amendments as recommended by the LPA and amended by Staff and the Horizon Council letter. The specific language that the Board voted to transmit is contained below:

Amend Policy 1.1.2:

POLICY 1.1.2: The Intensive Development areas are located along major arterial roads in Fort Myers, North Fort Myers, and Cape Coral. By virtue of their location, the county's current development patterns, and the available and potential levels of public services, they are well suited to accommodate high densities and intensities. Planned mixed-use centers of high-density residential, commercial, limited light industrial (see Policy 7.1.6), and office uses are appropriate in these locations encouraged to be developed as described in Policy 2.12.3., where appropriate. As Lee County moves toward becoming a metropolitan complex of a half-million people, these centrally located urban nodes can offer a diversity of lifestyles, cosmopolitan shopping opportunities, and specialized professional services that befit such a region. The standard density range is from seven dwelling units per acre (7 du/acre) to fourteen dwelling units per acre (14 du/acre). Maximum density is twenty-two dwelling units per acre (22 du/acre). (Amended by Ordinance No. 94-30)

Amend Policy 1.1.3:

POLICY 1.1.3: The Central Urban areas can best be characterized as the "urban core" of the county. These consist mainly of portions of the city of Fort Myers, the southerly portion of the city of Cape Coral, and other close-in areas near these cities; and also the central

portions of the city of Bonita Springs, Iona/McGregor, Lehigh Acres, and North Fort Myers. This is the part of the county that is already most heavily settled and which has or will have the greatest range and highest levels of urban service--water, sewer, roads, schools, etc. Residential, commercial, public and quasi-public, and limited light industrial land uses (see Policy 7.1.6) will continue to predominate in the Central Urban area with future development in this category encouraged to be developed as a mixed-use, as described in Policy 2.12.3., where appropriate. This category has a standard density range from four dwelling units per acre (4 du/acre) to ten dwelling units per acre (10 du/acre) and a maximum density of fifteen dwelling units per acre (15 du/acre). (Amended by Ordinance No. 94-30, 02-02)

Amend Policy 1.1.4:

POLICY 1.1.4: The Urban Community areas are areas outside of Fort Myers and Cape Coral that are characterized by a mixture of relatively intense commercial and residential uses. Included among them, for example, are parts of Lehigh Acres, San Carlos Park, Fort Myers Beach, South Fort Myers, the city of Bonita Springs, Pine Island, and Gasparilla Island. Although the Urban Communities have a distinctly urban character, they should be developed at slightly lower densities. As the vacant portions of these communities are urbanized, they will need to maintain their existing bases of urban services and expand and strengthen them accordingly. As in the Central Urban area, predominant land uses in the Urban Communities will be residential, commercial, public and quasi-public, and limited light industry (see Policy 7.1.6) with future development in this category encouraged to be developed as a mixed-use, as described in Policy 2.12.3., where appropriate. Standard density ranges from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre), with a maximum of ten dwelling units per acre (10 du/acre). (Amended by Ordinance No. 94-30, 02-02)

Amend Policy 1.1.7:

POLICY 1.1.7: The Industrial Development areas play an important role in strengthening the county's economic base and will become increasingly important as the county grows in size and urban complexity. To a great extent these are the areas to which Lee County must look for expanded job opportunities and production opportunities, and a balanced and sufficient tax base. These areas have special locational requirements that are more stringent than those for residential areas, including transportation needs (e.g., air, rail, highway); industrial levels of water, sewer, fire protection, and other urban services; and locations that are convenient for employees to reach central locations to reduce employee commuting distances. ~~Whereas the other Future Urban Areas will include a broad combination of residential, commercial, public, and limited industrial land uses, t~~ The Industrial Development area is to be reserved mainly for research and development, laboratories, and industrial activities, and office; ~~per se, as well as for selective land use mixtures such as the combined uses of industrial, manufacturing, research and development, laboratories, and office uses supporting the preceding uses; and properly buffered recreational uses (except where precluded by airport hazard zone regulations). ; and offices complexes (if specifically related to adjoining industrial uses) that constitute a growing part of Florida's economic development sector.~~ New natural resource extraction (mining) activities and fill dirt operations must be approved through the Industrial Mining Excavation Planned

Development rezoning process in accordance with the Lee County Land Development Code. Retail and commercial service uses supporting neighboring industrial uses are allowed if the following criteria are met:

1. Retailing and/or wholesaling of products manufactured on the premises, or;
2. Commercial uses are integrated into the primary R&D/Industrial development;
3. Commercial service and retail uses may not exceed ~~10%~~ 20% of the total acreage within the Industrial Development areas per each Planning Community; and
4. ~~Free standing commercial uses are developed to meet the definition of "Corner Store Commercial"~~.

(Amended by Ordinance No. 94-30, 98-09, 99-15, 02-02)

Amend Policy 1.2.2:

POLICY 1.2.2: The Tradeport areas are commercial and industrial lands adjacent to the airport needed to accommodate projected growth through the year ~~2020~~ 2030. These areas will include developments consisting of light manufacturing or assembly, warehousing, and distribution facilities; ~~offices~~; research and development activities; ~~laboratories~~; ground transportation and airport-related terminals or transfer facilities; ~~and hotels/motels, meeting facilities; and office uses. retail uses within hotels/motels.~~ Ancillary retail and Corner Store commercial uses, intended to support the surrounding business and industrial land uses, are allowed if they are part of a Planned Development of 10 or more acres in size and are limited to 1,000 square feet per acre of Tradeport land within the Planned Development. Future development in this category is encouraged to include a mixture of land uses as described in Policy 2.12.2. Residential uses, other than bona fide caretaker residences, are not permitted in this category except to the extent provided in Chapter XIII of the Plan. Caretaker residences are not permitted in the Airport Noise Zone B. Because this area is located within the Six Mile Cypress Basin and is also a primary point of entry into Lee County, special environmental and design review guidelines will be applied to its development to maintain the appearance of this area as a primary point of entry into Lee County. Property in Section 1 and the east ½ of Section 2, Township 46 South, Range 25 East, and in Section 6, Township 46 South, Range 26 East, must be rezoned to a planned development zoning category prior to any development other than the construction of essential public services. During the rezoning process, the best environmental management practices identified on pages 43 and 44 of the July 28, 1993 Henigar & Ray study entitled, "Groundwater Resource Protection Study" will be rebuttably presumed to be necessary to protect potential groundwater resources in the area. (Amended by Ordinance No. 94-30, 02-02, 03-04, 04-16, 07-09)

Add the following new Objective and Policies to the Lee Plan:

OBJECTIVE 2.12: DIVERSIFIED CLUSTER DEVELOPMENT - The County in several future land use categories allows the potential for a mixture of different land uses including: residential, commercial/office, research and development, and light industrial.

POLICY 2.12.1: The County encourages and promotes clustered, mixed use development within certain Future Urban Area land use categories to spur cluster development and smart growth within those areas of Lee County where sufficient infrastructure exists to support

development, as well as continue to improve the economic well-being of the County; provide for diversified land development; and provide for cohesive, viable, well-integrated, and pedestrian and transit oriented projects. This is intended to encourage development to be consistent with Smart Growth principles.

POLICY 2.12.2: Future development within the Tradeport and Industrial Development (with the exception of the lands designated as Industrial Development between US 41 and I-75, north of Alico Road) future land use categories is strongly encouraged to be designed to include a mixture of research and development, industrial, and related office uses, where appropriate.

POLICY 2.12.3: Future development within the Intensive Development, Central Urban, and Urban Community future land use categories is strongly encouraged to be development as a mixed use with two or more of the following uses: residential, commercial (including office), and light industrial (including research and development use). When residential use is one of three uses proposed, in a mixed use development, residential densities may be developed as provided for under the Glossary terms: "Mixed Use", "Mixed Use Building", and "Density".

Amend Policy 7.1.4:

POLICY 7.1.4: The Future Land Use Map must designate a sufficient quantity of land to accommodate industrial development that will employ 3% of the county's population in manufacturing activities by the year 2010. A report will be prepared by county staff every two years to monitor the county's progress towards this employment goal. the minimum allocated land area found in Policy 1.7.6 and related Table 1(b), where appropriate. Lee County will monitor the progress of development and the number of acres converted to industrial use as part of every Evaluation and Appraisal Report (EAR). This acreage may be adjusted to accommodate increases in the allocations. (Amended by Ordinance No. 93-25, 94-30, 00-22)

Amend Glossary, as follows:

DENSITY - The number of residential dwelling or housing units per gross acre (du/acre). Densities specified in this plan are gross residential densities. For the purpose of calculating gross residential density, the total acreage of a development includes those lands to be used for residential uses, and includes land within the development proposed to be used for streets and street rights of way, utility rights-of-way, public and private parks, recreation and open space, schools, community centers, and facilities such as police, fire and emergency services, sewage and water, drainage, and existing man-made waterbodies contained within the residential development. Lands for commercial, office, industrial uses, natural water bodies, and other non-residential uses must not be included, except within areas identified on the Mixed Use Overlay Map (Future Land Use Map Series Map 1 page 6 of 6) that have elected to use the process described in Objective 4.2. Within the Captiva community in the areas identified by Policy 13.2.1, commercial development that includes commercial and residential uses within the same project or the same building do not have to exclude the commercial lands from the density calculation. For true mixed use developments located on the mainland areas of the County, the density lost to commercial,

office and industrial acreage can be regained through the utilization of TDRs that are either created from Greater Pine Island Coastal Rural future land use category or previously created TDRs. True mixed use developments must be primarily multi-use structures as defined in this Glossary as a mixed use building. If development is proposed in accordance with Policy 2.12.3, residential densities are calculated using the total land area included in the mixed use portion of the development. (Amended by Ordinance No. 98-09, 00-22, 03-21, 05-21, 07-09 [CPA2005-12], 07-14 [CPA2005-35])

RESEARCH AND DEVELOPMENT - Establishments primarily engaged in commercial physical and biological research and development, and noncommercial research establishments; performing commercial business, marketing, opinion, and other economic, sociological, and educational research; performing noncommercial research into and dissemination of, information for public health, education, or general welfare; and establishments primarily engaged in providing testing services.

2. BASIS AND RECOMMENDED FINDINGS OF FACT: The Board accepted the findings of fact as advanced by staff and the Local Planning Agency.

C. VOTE:

A. BRIAN BIGELOW

AYE

TAMMARA HALL

AYE

ROBERT P. JANES

AYE

RAY JUDAH

AYE

FRANKLIN B. MANN

AYE

**PART V - DEPARTMENT OF COMMUNITY AFFAIRS OBJECTIONS,
RECOMMENDATIONS, AND COMMENTS (ORC) REPORT**

DATE OF ORC REPORT: January 16, 2009

A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS

The DCA ORC report contained no objections, recommendations, or comments concerning this proposed amendment.

B. STAFF RESPONSE AND RECOMMENDATION

Staff recommends that the Board of County Commissioners adopt the proposed amendment as it was transmitted. Staff notes that further evaluation on this topic will occur in the next regular amendment cycle.

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

DATE OF ADOPTION HEARING: February 25th, 2009

A. BOARD REVIEW: The proposed amendment was considered on the consent agenda. One member of the public addressed the Board concerning the proposed amendment. This member stated that he would like the Board to delete the parenthetical phrase in proposed Policy 2.12.2. The Board pulled the item for further discussion. Staff concurred with the member of the public, and recommended that proposed Policy 2.12.2 be modified by deleting the parenthetical phrase: (with the exception of the lands designated as Industrial Development between US 41 and I-75, north of Alico Road). Staff believes the where appropriate language in the proposed policy as well as other provisions of the plan adequately protect the industrial uses in the area under discussion.

Board modification to proposed Policy 2.12.2:

POLICY 2.12.2: Future development within the Tradeport and Industrial Development ~~(with the exception of the lands designated as Industrial Development between US 41 and I-75, north of Alico Road)~~ future land use categories is strongly encouraged to be designed to include a mixture of research and development, industrial, and related office uses, where appropriate.

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION: The Board adopted the proposed amendment with the modification to proposed Policy 2.12.2 as noted above.

2. BASIS AND RECOMMENDED FINDINGS OF FACT: The Board accepted the findings of fact as advanced by the Local Planning Agency and staff.

C. VOTE:

A. BRIAN BIGELOW

AYE

TAMMARA HALL

AYE

ROBERT P. JANES

AYE

RAY JUDAH

AYE

FRANKLIN B. MANN

AYE

Inge comments	Response
<i>Fast track permitting. I know that we talk about this often, but we need to get really serious about getting projects through that would fit the R&D, etc efforts. These need to have limited review time and priority before the HEX.</i>	Comp Plan amendments proposed do not address. This has to be follow-up changes to LDC or Administrative Code to Comp Plan change. Changes proposed help as it ID's it is allowed in different categories.
<i>As part of the following, we could put out a notice requesting that property owners with an interest in designating their lands contact the EDO or your departments so that they could be explored for suitability, etc.</i>	Not needed. No map amendment changes suggested, just clarifying where use can be allowed and other text amendments. Why force owners to file if this achieves the same thing.
<i>Maybe we could consider an exemption from the commercial site location standards for suitable projects.</i>	None suggested. But some lifting of limits on where commercial can go and to what extend in softening language in categories.
<i>Lee County needs to add more certainty to the process in order to encourage mixed use or RAC's by the private sector. The process takes quite some time and the parameters often change significantly during the two public hearing processes.</i>	This is done as text amendments. No RAC's due to potential conflict with State Statutes. If adopted, either conventional zoning categories (like Activity Group 622(c)(11) for silicon manufacturing). May need to revise LDC to help out.
<i>The IL category needs to provide for general office uses.</i>	NOT NEEDED. Business Services Group I already permitted in IL.
<i>Allow IL in the suburban land use category, but make sure that IL is defined to include true light industrial, but it will need more office component.</i>	Not suggested. Category is supposed to be limited. Creates countywide problem as it would apply Countywide. Best to do map amendments.
<i>Consider the FS provided Regional Activity Centers and consider a certain amount of residential in these centers. These will have to be several hundred acres each in order to meet the FS provisions and provide for the appropriate range of permitted uses.</i>	No. Potential for unintended consequences. Best not to use term since it is duplicated in Florida Statutes. Better to establish alternatives as provided for in the proposed text amendments.
<i>Consider allowing certain residential, associated with R&D or RAC's within the noise contours of the airport. This would require appropriate notice to residential owners, etc due to the county's concerns over noise from the airport and to eliminate the merits of future complaints.</i>	No. Should reserve lands for uses sought and which do not have conflicts with Airport operations. Clarified and revised other categories to promoted mixed development as already allowed, and proposed density bump up when truly a mixed, clustered development.
<i>Higher density for the above areas would encourage more moderately priced housing.</i>	Done.
<i>Many of these ideas are contained within the report from BBP Associates in their report to the county dated 02/27/07. We should use this report as a basis for generating discussion and changes.</i>	Acknowledged and attempted to be provided in text amendments written. Some even go beyond the report.

From Bioscience Research Protection Overlay (BRPO)(Palm Beach County text amendment noted as Amendment Round 06-2):

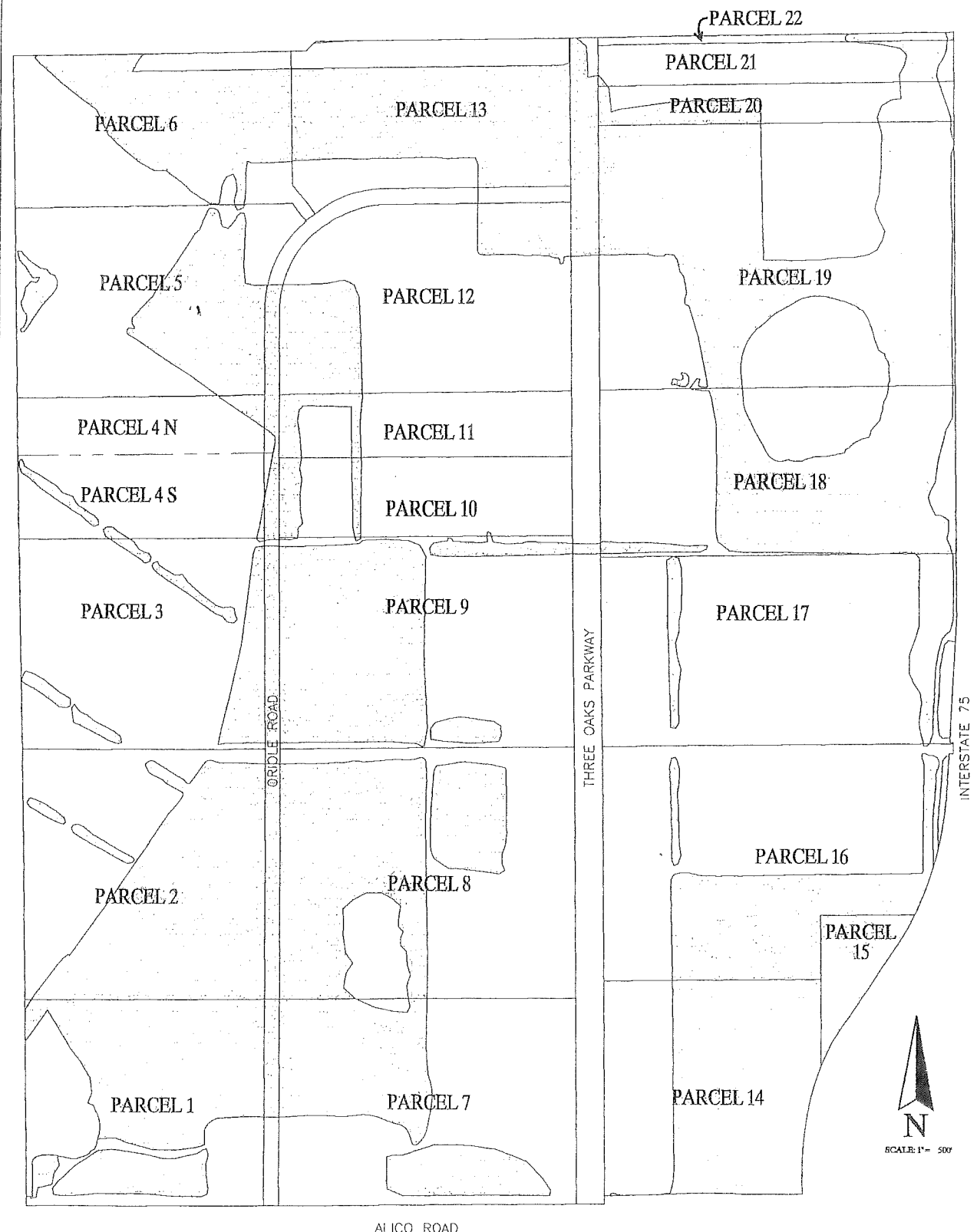
Done as an overlay to the underlying future land use categories. Encourages bioscience, science, laboratory, etc. uses. Originally established to bring in the Scripps development. Specifically allows uses. Commercial VERY limited as accessory/ancillary, but seem like use can be greater if in a PD. Residential specifically NOT allowed.

Definition- Glossary maybe alternative language for Research and Development:


The uses allowed and encouraged within the BRPO shall include science/biotechnology research uses and their supporting facilities; laboratories; other industrial uses including manufacturing uses; clinical research hospitals; and commercial retail or office uses that are accessory or ancillary to bioscience research/biotechnology uses provided all permitted, special, requested, DRO and accessory uses allowed in a planned development and/or development of regional impact shall continue.

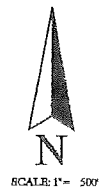
Residential not allowed:

NEW: Policy 2.10-c: Within the Overlay, residential uses shall be prohibited, and commercial uses shall be prohibited unless clearly accessory or ancillary to bioscience research/biotechnology uses or as have been or may be approved in connection with a land use mix for a planned development and/or development of regional impact.



LEGEND

 AREAS TO BE
CLEARED



SCALE: 1" = 500'



