

**MINUTES REPORT
LOCAL PLANNING AGENCY
May 20, 2013**

MEMBERS PRESENT:

Noel Andress
Steve Brodtkin
Wayne Daltry
Jim Green (Chair)

Mitch Hutchcraft
Ann Pierce (Vice Chair)
Roger Strelow

STAFF PRESENT:

Rick Burris, Planning
Donna Marie Collins, Chief Asst. Cty. Atty.
Kathie Ebaugh, Planning
Pamela Keyes, Utilities Director

Dave Loveland, DOT
Janet Miller, Recording Secretary
Paul O'Connor, Planning Director
Roland Ottolini, Natural Resources
Emma Wolf, Budget Services

Agenda Item 1 – Call to Order, Certificate of Affidavit of Publication

Mr. Green, Chair, called the meeting to order at 8:30 a.m. in the Administration Conference Room of the County Administration Building, 2115 Second Street in downtown Fort Myers.

Ms. Collins, Assistant County Attorney, certified the affidavit of publication and stated it was legally sufficient as to form and content.

Agenda Item 2 - Pledge of Allegiance

Agenda Item 3 – Public Forum

Ms. Stephanie Miller stated she had been working with people in the community regarding Three Oaks Parkway. She noted this road becomes a dead end in close proximity to Daniels Road. With future land planning, she was hoping there could be some thought given to the remaining small segment that needs to connect between north of Alico to Daniels Road.

Mr. Carl Veaux stated he was against the Alico Road extension for the following reasons: 1) it will upend the sheetflow into Estero Bay and possibly pollute it; 2) the runoff from the road will hurt the panther population; 3) it will upset the balance of the panther area in the DRGR; 4) a friend of his stood near the end of this road for 20 minutes, but there was no traffic activity, so he felt this extension was not needed; 5) it will upset the balance of the DRGR drinking water; 6) there are deer in this area that will get killed on the road – this will affect the panthers because the deer are part of their food supply; and 7) the goal of the panther wildlife refuge is to try to make 3 populations of 240 panthers each. Mr. Veaux asked that the LPA vote “no” to the extension of Alico Road for our wildlife, water, and the people who need the water.

Agenda Item 4 – Approval of Minutes – April 22, 2013

Mr. Andress made a motion to approve the April 22, 2013 meeting minutes, seconded by Ms. Pierce. The motion was called and passed 6-0. Mr. Hutchcraft was absent during this juncture.

Agenda Item 5 – Capital Improvement Program

Staff distributed a handout from Mr. Daltry at the beginning of the meeting entitled, “Relevant Policies for CIP Review, Alico Expansion East of Ben Hill Griffin” (attached).

Ms. Emma Wolf gave a brief overview of the Capital Improvement Program.

Mr. Green stated there were several line items regarding Ortiz Avenue. Dr. Banyan and the community have been working towards a Complete Streets concept for the area. He asked if these budget line items were consistent with that effort.

Mr. Loveland stated the CIP reflects projects that have been in the works for 10 years. In terms of widening Ortiz Avenue to 4 lanes, it will be handled in 3 segments (Colonial to Martin Luther King, Martin Luther King to Lockett Road, and Lockett Road to Palm Beach Boulevard). Staff has been working with the community through their community planning process which is now called the Tice Historic Community Plan. They encompass the north end of Ortiz within their planning area. They have some ideas and concerns they are working through, but none of them have been adopted at this point. There is some interest in not turning the road into 4 lanes; however, staff disagrees with that. At this point, with Board direction (based on the adopted CIP), staff is working on turning it into 4 lanes. There is currently no money funded for construction in the CIP. From a Complete Streets perspective, staff has indicated to the community that we are willing to revise the plans as necessary to reflect the walkability objectives that they have. Currently, the road is a narrow 2 lane road with ditches on both sides, a sidewalk on one side, and no shoulder. The plan does include widening with sidewalks and shoulders on both sides. The County is committed to fulfilling whatever Complete Streets Concepts need to be fulfilled consistent with the community planning effort for that area except for keeping it 2 lanes.

Mr. Andress stated there had previously been a meeting where Mr. Loveland, Commissioner Manning, and other parties attended regarding the bike path extension on Oleander. He asked for an update.

Mr. Loveland stated staff was working on the revision to the original concept. The County will only be putting in shoulders to a certain point. A field meeting took place last week in order to modify the plans based on what the community was asking for.

Ms. Pierce referred to Ortiz Avenue and stated that the Complete Streets concept entails much more than just walkability. This road bypasses a homogeneous community at 45 miles an hour and therefore is not a Complete Street in that context. A Complete Street in that context would support social and business enterprises for the growth of that community. Ms. Pierce noted she had attended many community meetings and talked to a lot of people in the churches located in that community. There is a strong consensus in the community that they do not want the road as designed by Lee County DOT. Even though we do not know if their amendment will be adopted, there is a good chance it will be. She did not feel it made sense to continue buying right of way or to say that because 14 million has been spent on right of way there is justification for continuing with a plan that is no longer a good plan for this particular community. She referred to comments by Mr. Loveland that the CIP is comprised of projects that have been in the works for 10 years. She noted there have been major changes in the economy both locally and nationally in the funding for transportation. Much has also changed fundamentally in terms of people’s expectations and in the way our economy is going to work. A roadway needs to support a very local economy. In her opinion, using this road as a pass-through or alternative to I75 deprecates that community and all the residents that live there.

Mr. Loveland stated his charge is to work within the adopted plans and that he is also responsible for thinking regionally. He is charged with designing a transportation system. As part of that system, he must look at how well the pieces fit together. In the context of Ortiz Avenue, it is part of Lee County's regional transportation network because it links to Six Mile Cypress Parkway to Gladiolus, it is part of a 20 mile long arterial road corridor, and it serves as a parallel reliever to I75 by virtue of where it is located. This road also has a lot of industrial and commercial uses along it and it generates a lot of truck traffic. It is recognized through the Lee County MPO process as a regional roadway and is identified on their regional road network plan that they jointly adopted with Collier County. In addition, Lee County pursued funding sources through regional grant opportunities through the state DOT for parts of Ortiz. From a design perspective, Mr. Loveland believed we could design a 4 lane road that meets all of the objectives of the community and also accommodate all users.

Mr. Brodtkin believed the industrial area was primarily between Luckett Road and SR 82. He thought it made sense that people would be looking for access to I75 from that industrial area. It seemed to him that the section north of Luckett Road would have less pressure from the industrial area than the other roadways.

Ms. Pierce noted the neighborhood has proposed using Luckett Road south to Martin Luther King. You also have the Luckett Road improvement to get to I75. There is also a different context to the road portion north of Luckett and it can be treated differently.

Mr. Loveland mentioned the community also discussed Ballard.

Ms. Pierce confirmed there was discussion about Ballard and Luckett because of the Flea Market. She noted there have been tremendous changes over the past 10 years and the widening of this road should be open to change as well. She did not feel that this project should just plow ahead simply because time and money has been spent on purchasing right-of-way.

Mr. Green asked if the right-of-way acquisition was consistent with the community's vision of Complete Streets.

Mr. Loveland stated the right-of-way acquisition is consistent with the need for a 4 lane road. The community is asking from the northern segment to have less than a 4 lane road such as a 2 lane divided road. The community has offered some suggestions on how to use the right-of-way for the roadway including a linear park.

Mr. Daltry asked how long it would take for the roadway construction regarding the Alico Road widening from Ben Hill Griffin Parkway to Airport Hall.

Mr. Loveland stated a project like this typically takes between 1 ½ - 2 years.

Mr. Daltry stated it seemed that this widening project would require a relocation water main.

Mr. Loveland stated they were adding a waste water line. He noted there were already two water lines out there. One of them will have to be dealt with as part of this process.

Mr. Daltry asked if there would be a need after the road is widened to cut through for the water main.

Mr. Loveland stated the construction money is in the same year as the roadway construction, so the intent is to coordinate those two items.

Ms. Pamela Keyes stated it was the County's intent to do all of this work at the same time as part of the same contract so that it will be relocated at the same time that the road is being built. The challenge is that we need to put in new wastewater lines. Staff is in the process of looking at right-of-way for that. Staff is still in the concept phase as the design is not complete yet.

Due to a question Mr. Daltry had about using burrowing as a process, Ms. Keyes stated that staff does use the burrowing method on occasion. Much of this will depend on the contractor as far as where they get the most economical bids.

Mr. Daltry noted the document mentions the money being paid by Enterprise Funds. He asked if that was coming from the rate payers or from contributions from specific end users.

Ms. Keyes stated it was through the pool of users for the water line. For the wastewater line, the County will seek some grant funding.

Mr. Loveland noted the County did not have to have all of the funding up front to award the contract.

Mr. Daltry asked if this was from the gas tax.

Mr. Loveland confirmed that it was from the gas tax.

Mr. Brodtkin asked for clarification on the Alico Road Multi-Laning. He asked if that portion was the segment completed between I75 and Ben Hill Griffin Parkway.

Mr. Loveland confirmed that it was. The work that was being finished up in that area related to some access from drainage canals.

Mr. Strelow referred to comments by Mr. Daltry about coordination on the two projects needed (i.e. road widening and the water line). He was aware that the County, through this year's budget process, is attempting to do a better job of finding areas where coordination is needed in an effort to reduce costs. He felt this should be commended and he was glad Mr. Daltry brought this issue up.

Ms. Pierce stated the document mentions the gas tax being used for this project. She asked if there had been efforts to develop an MSTU or MSBU as policy. She referred to Policy 38.1.8, which came before the Board a year ago.

Mr. Loveland stated the County has made no effort to create an MSTU or MSBU because they do not normally impose an MSTU in an area involuntarily. The property owners/residents normally ask to create them and they need a majority of the property owners/residents to do that.

Mr. Daltry asked if Corkscrew Road was an MSTU or MSBU.

Mr. Loveland stated Corkscrew Road had fallen under a different provision of county regulations at the time, which does not exist anymore. It was a privately funded infrastructure overlay. There were certain areas that were considered outliers for the urban area at the time. In other words, if people wanted to do urban level development, they fell under this privately funded infrastructure overlay category and were required to be self sufficient in terms of providing all the infrastructure in those areas and for the Corkscrew Road special assessment which was created for the 8 properties along Corkscrew Road between the Interstate and Bella Terra.

Mr. Daltry stated that although it is not provided for, would it be prevented from having a privately funded infrastructure expansion.

Mr. Loveland stated this would be a board policy. The Board has the authority to impose an MSTU unrequested if they wanted to. However, they have never shown any inclination to do that other than when they are requested or something else occurs such as the county wide unincorporated MSTU.

Mr. Daltry asked if volunteerism climbs if the County had a statement that they were not going to widen a road.

Mr. Loveland stated it would depend on how the Board framed the statement. If they say they are not going to allow the road to be widened, then it would not matter. However, if they say 4 lanes will be allowed, but the County is not going to pay for it, then the property owners may need to look at doing it themselves. Mr. Loveland noted that staff had recently met with the Board at a Management and Planning meeting about the relative importance of certain projects in the CIP because there is not enough funding for all of the projects. However, the Board felt the Alico Road project was very important as well as some other roads. Their direction was for staff to find a way to fund them.

Mr. Brodtkin referred to Policy 38.1.8 that says, "***Properties that generate traffic on the segment of Alico Road east of Ben Hill Griffin Parkway that have not already fully mitigated traffic impacts will be required to participate in the funding mechanism.***" He asked in what way is the County requiring them to participate in the funding mechanism.

Mr. Loveland explained that if such a mechanism was created they would be required to participate. If you are talking about an MSTU, they are currently participating through the payment of impact fees and the DRIs because there is a proportionate share requirement.

Mr. Brodtkin noted that impact fees were not listed as the funding mechanism for this project.

Mr. Loveland stated that is because all of the impact fees in that impact fee district are going to debt payment for previous loans that the county had taken out. There is no money available in that impact fee district for projects.

Mr. Green noted in addition to what Mr. Loveland just stated, the impact fees were recently reduced.

Mr. Brodtkin felt there was an inconsistency.

Per Mr. Green's request, Ms. Keyes provided an update on the North Fort Myers Water Plant.

Mr. Green asked where the wellfield was located.

Ms. Keyes stated the wellfield is scattered around the plant. There is not a specific area as there are several different properties. The County continues to expand their wells, make improvements, and expand the capacity. Staff has all the permitting required to do this work for the additional capacity needed. Staff recently renewed their permit with the District.

Mr. Green asked if staff had enough land for the project.

Ms. Keyes stated the County had the majority of the land, but they needed one more easement.

Mr. Green opened this item for public input. Public input was received from Dr. Margaret Banyan (member of the Tice Planning Panel aka Palm Beach Planning Panel) and Darla Letourneau from BikeWalkLee.

Mr. Andress stated he did not feel there was much choice but to support the CIP plan that is being presented today for consistency for another year. However, he did not want to see a plan come in next year that does not take into account that we have changing demographics including statistics from the state and federal government saying traffic is declining on our roads and that it is not expected to increase in the near future. The CIP that is presented next year needs to take into account all the changes being made in the Comprehensive Plan so that it will be consistent with the plan going forward.

Mr. Strelow referred to comments made by the public and some of the LPA members that could be taken into account this year.

Mr. Andress stated he was not opposed if some of the LPA members wanted to bring forward specific language.

Mr. Hutchcraft stated he did not believe there was a reduction in buildout population stating that there might even be an increase in buildout as is reflected in the Future Land Use Map. Although we have gone through a cycle where the pressure on the roads has been decreased due to the economic downturn, it is beginning to increase as seen this season. He was not in favor of hitting the “pause button” as Collier County has done because in the end it has caused many problems for them. He agreed with Mr. Andress that we should support the plan being presented today but give further direction to staff that as this moves through the process they should be developing a list of what the changes would be and how would we implement them.

Mr. Daltry stated he had a problem with one project in the CIP that he did not feel was consistent with the existing plan. He referred to the Alico Road extension and noted that as far as traffic counts go, there is not an existing deficiency. As far as public provision of infrastructure, he did not feel this was a priority area. Although the gas tax will absorb most of the cost for the expansion, the LPA previously recommended this project be paid for by sources in addition to gas tax and that the master planning process, set forth in the Research Diamond webpage of the County Government, should be completed which would indicate where you would need your inner sections and major driveways for your major users. This information is relevant for the road, stormwater management, and utility relocation. Mr. Daltry clarified that he brought up the issue of funding because a big portion of the gas tax money will be used for this project when there are other identified issues/projects that need funding.

Mr. Brodtkin stated that if the LPA determines that the CIP is not consistent with the Lee Plan either through the way it is prioritized or with the way some of the projects are funded, he did not see why the recommendation had to be to find it consistent with the Lee Plan.

Ms. Pierce stated some parts of the CIP are consistent while others are not such as Objective 2.3 and Policy 2.3.2. She noted that Objective 2.3 states “the highest priority is given to urban planning program construction of urban services and facilities in existing developed areas where facilities are inadequate.”

She felt this described Estero Boulevard as opposed to Alico Road. Regarding Ortiz as an arterial, the community has voiced that they would like to have transit service from Palm Beach Boulevard extending down approximately 20 miles. If they have very intense transit use, they do not see the need for this intensive type of road upgrade in the plan. She did not feel it was consistent to say that the Alico extension should be given priority.

Mr. Hutchcraft referred to Natural Resources and noted there had been a Florida Gulf Coast University study that looked into the nutrients at the mouth of the Caloosahatchee River. According to the study, 50%-60% of those nutrients come from the Lee County Drainage Basin. Although there is a lot of discussion about the quality of the river, there are big issues surfacing from a water quality/water storage standpoint. He appreciated the efforts the County is making as he feels Lee County has to do its fair share as it applies to water quality. He noted that as we look at making more urbanized areas/more intense development areas, there is not much opportunity for that water quality treatment. As we go forward, he hoped the County would think about the investment that we are going to make to do the water quality associated with those compact areas of development. He appreciated the funding that is included in the CIP for those functions.

Due to a question by Mr. Brodtkin, Mr. Ottolini reviewed how the funds would be used for the Caloosahatchee TMDL Compliance project.

Due to a question by Mr. Address, Mr. Ottolini reviewed what would take place now that each County is allowed to adopt their own septic tank inspection ordinance.

Mr. Daltry felt it was important to get to the maintenance of the septic tanks as among the five things that need to be done for water quality improvements.

Mr. Hutchcraft referred to the 10 Mile Canal Filter Marsh project and noted it was improving since the County has been putting in the filter marshes all along the canal. There is also a linear park along it, it is next to the railroad, Seminole Gulf ties together, as well as Bonita, Estero, The Villas, and Fort Myers. He felt you can now begin to see the green infrastructure that ties our community together. Mr. Hutchcraft stated that water quality is an important component to it.

Mr. Address made a motion to find the CIP consistent with the Lee Plan with the following recommendations:

- 1. That we ask the Board of County Commissioners to revisit the current plan on Ortiz north of Lockett Road to Highway 80 to reconsider the recommendations from the community and to work with the community on redesigning that section of the road to satisfy the needs of the community.**
- 2. The Board of County Commissioners, in the funding for future expansion of Alico east of Treeline, take into account other funding mechanisms other than gas tax such as forming an MSTU or other private funding mechanisms to accomplish the widening of that road rather than put that on the tax payer.**

After clarification that this alternate funding would be to enhance gas tax as opposed to replacing it, **Mr. Hutchcraft seconded the motion.**

Amendment to the Initial/Main Motion

Mr. Daltry motioned that the timing of the Alico Road extension be contingent to the completion of the master plan for the Research and Development Diamond and that it should lead to reallocation of funds as shown in the CIP.

Ms. Pierce stated that **Estero Boulevard South improvements should be moved to the highest priority for funding** since that road meets the definition of how the priority should be set in Objective 2.3 in the current Comprehensive Plan.

Mr. Andress and Mr. Hutchcraft did not object to the amendments by Mr. Daltry and Ms. Pierce; therefore, **Mr. Strelow seconded the amendment to the motion.**

Mr. Glen Salyer, Assistant County Manager, referred to comments about the Research and Enterprise Diamond Master Plan and noted that it would be a strategic plan not a land use plan. He stated this plan would not entail the kind of detail mentioned by the Local Planning Agency in relation to the Alico Road deliberations. It would be more of an economic development, marketing, incentive type plan. He noted that at one time, a more expansive scope of work akin to what the LPA is suggesting was brought before the Board of County Commissioners. At that time, they did not want to fund that kind of effort. Although it can be proposed again, he was not certain what the prospects would be.

Mr. Andress stated a more expansive study is what the LPA is recommending.

Ms. Pierce stated the generalized drawing of the Enterprise Diamond we have so far encompasses a very large area and it does not take into account, in a responsible way, how it will connect to our existing and planned transportation systems, which is the primary issue. The plan also should be connected with what will be received shortly from the Rail Feasibility Study.

Mr. Loveland clarified that staff does a projection of traffic as part of the process to do the roadway design. So far, staff has done the preliminary design. The design phase is still to come. As part of this, staff has worked with all the adjacent property owners in order to factor in their development plans as part of the process. However, one of the difficulties is that many times a developer's plans change over time. Staff can only accommodate the plans as they are currently being proposed. This roadway design will be part of what the Board is going to be asked to approve in terms of the alignment issues. Mr. Loveland referred to development contributions and clarified that the developers are participating. The property owner on the south side is donating 70 feet of right of way so there is a development contribution that is part of the process.

After Mr. Hutchcraft expressed concerns over the detail being requested with a master plan, it was clarified that Mr. Daltry was not requesting a detailed master plan. It should include utility information and access points so that someone could have a general understanding of the magnitude of what is on the property, where the intersection breaks are going to be, and how utilities are planned. Once this was clarified, Mr. Hutchcraft was not opposed.

The amendment to the motion was called and passed 7-0.

The initial/main motion was called and passed 7-0.

After the item was closed, Mr. Brodtkin made a motion to reopen the vote because he misunderstood what the LPA was voting on and he wanted to change his vote. Mr. Daltry seconded the motion.

Mr. Brodtkin stated that the LPA had made recommendations for the CIP last year and the recommendations seemed to be ignored. To him, the plan as it stands now, is not consistent with the Lee Plan. Therefore, he wanted to change his vote.

The motion to reopen the vote was called and passed 7-0.

The previous amended motion was called and passed 6-1. Mr. Brodtkin was opposed for the reasons stated above.

Ms. Pierce requested that recommendations made today be included in the Management and Planning packets because in the past this has not been done. She felt this information was only relevant at the time the Board is looking at the material.

The LPA recessed at 10:20 a.m. for a brief break and reconvened at 10:30 a.m.

Agenda Item 6 – New Horizon 2035: Plan Amendments

A. CPA2011-00008 – Future Land Use Element

No formal presentation was conducted. Mr. Green opened this item for public comment.

Public input was received from Carl Veaux, Tom Lehnert (Banks Eng. Representing Stephanie Miller Trustee), Stephanie Miller, Roger Rosenthal, and Michael Roeder.

Mr. Tom Lehnert stated his client owned two pieces of property located on the southwest corner of Corkscrew Road and Via Coconut Point Road/Sandy Lane. It was originally one piece of property, but the development of Via Coconut Point Road split the property at the intersection of Corkscrew Road. There is a traffic light at this intersection. Regarding staff allowing increased densities where urban services are available, he felt this property was a prime candidate for it since it is located at a signalized intersection. It was originally Suburban but with Via Coconut Point Road going through there, he felt Urban was an appropriate designation. It was clarified that this property is located in Estero.

Ms. Ebaugh displayed the Future Land Use Map on the screen in order to highlight the area being discussed.

Ms. Stephanie Miller stated that in her initial discussions with the Estero Community Planning Panel they were in support of the request. She planned to attend the Estero Community Planning Panel meeting being held this evening and wanted to be able to tell them if the Local Planning Agency had any objections to it.

Mr. Hutchcraft stated he did not have concerns with the request because it was part of the original Estero Plan that this particular area being discussed today would be the heart of the town center in Estero. He noted there was a park in this area as well as a school.

Mr. Andress stated he had no objections and felt it was an appropriate designation.

Mr. Rosenthal talked about property he owned that is currently listed “Urban,” but is proposed to be changed to “Rural.” He expressed concerns with what this change would entail and how it would affect his property. He was concerned over possibly losing some of his property rights.

Ms. Collins stated that Mr. Rosenthal was taking the proper action by notifying staff of his objection and by attending today’s hearing and voicing his concerns to the Local Planning Agency. She recommended that he seek private counsel to further pursue his objections so that he is adequately represented as this moves forward.

Mr. Andress advised that Mr. Rosenthal hire an attorney and send a letter to the County stating his objections to this change. He stated that it is more difficult to make a change to the Future Land Use Map than it is to get a rezoning. He stated that it was important to have a notice of record on file and that he would have another opportunity to provide input when this goes to the Board of County Commissioners at a hearing.

Ms. Ebaugh stated that staff had met with the Alva community and informed them of the pending proposed changes. The Alva Community was informed at that time that Mr. Rosenthal was concerned with this proposed change and that staff was looking into it.

Mr. Green suggested that Mr. Rosenthal contact Ruby Daniels who is the President of Alva, Inc. to express his concerns directly as things are easier if you have the community behind you. Mr. Green also announced that if a vote is taken on this item, he would need to recuse himself as he owns property in this same tract. Although he will be part of any conversation that takes place, he will not be voting. Mr. Green filed Form 8B (Voting Conflict Form).

Mr. Michael Roeder stated he represented clients who owned property along Daniels Parkway near Appaloosa Lane, which is currently “Outlying Suburban.” Staff is proposing it be changed to “Suburban 4.” A letter was submitted to staff that this new classification would not be intense enough for this location. Mr. Roeder stated the services needed are already there. Due to concerns by Ms. Pierce about the size of the area, Mr. Roeder distributed a graphic/exhibit.

Mr. O’Connor stated staff is still evaluating the implications of this proposed request. Although there is some infrastructure in place, it is aging. Although they have capacity there, it might just be enough for today but not meet the needs of the area. The consultant has made it clear to staff that they need to be selective about where they will promote more urban infill redevelopment. If it is not limited, the County will be unable to do the necessary construction and improvements needed for those areas.

Mr. Hutchcraft agreed that the County can only incentivize in a certain number of locations, but in this particular instance, he felt increased density was appropriate rather than leaving it at low density due to the existing infrastructure and investment in the area. He noted this property was close to the Interstate, within walking distance of a Publix, two churches, elementary, and private schools. He also noted that if we do not develop this area at its fullest potential we are pushing density down, which will force it somewhere else.

Mr. Andress stated he was in agreement with Mr. Hutchcraft’s comments.

The public input portion was concluded.

Mr. Daltry thanked staff for distributing to the LPA a copy of a booklet entitled, “Daltry’s Playbook complete Street Prototype Study.” He stated that he might be referring to it as we go through the various policies to see if we are promoting the concepts in the document or impeding it (attached).

Ms. Pierce referred to the documents utilized when reviewing the various elements (Staff Report and Attachment 1) and asked for consistency as to which document will be referred to as she only wanted to make her notations on one or the other. After further discussion, the LPA agreed that they would review the staff report as opposed to Attachment 1.

Mr. Hutchcraft stated there were policies he liked in this element, but had concerns with others that seem to create a lot of complexity and contradictions. He made the following comments:

- There are places where TDRs have been promised and identified as compensation for reductions of intensity or density. He was concerned that we are rendering that program of no value. This could affect those who were initially promised this incentive.
- Although he agreed that we should focus on putting the appropriate development in areas where we can have the infrastructure, he did not feel it should benefit certain landowners at the impact and cost of other landowners.
- He referred to Page 5 of 77 where it discusses community planning elements. Although he has seen a lot of positives come out of this, the County still runs the risk of there being specific community benefit, but not necessarily the benefit of the greater community. With all of the different community plans, you end up with several different “kingdoms” that may not be working together to make Lee County better. Some of the planning principles are beneficial and we definitely want community input but at the same time they are acting autonomous from everyone else. Due to this, those linkages and connections may not be happening in the most appropriate way.
- In going through this document, Mr. Hutchcraft stated he had a lot of comments and questions about “who,” “how,” and “what” is the implementing mechanism and whether it is incentive based or regulatory.
- He referred to terms such as “standards,” “base densities,” and “minimum densities.” He did not feel this section was clear and he wanted to understand it better. There are also areas where the County talks about encouraging mixed use development, but it also mentions “backing off” if it is next to something that is lower density. He felt this was an example of how the County is letting external influences reduce their potential rather than having our potential drive what we do. If it makes sense to have infrastructure, pedestrian connections, mixed use, and higher densities in a certain area, then the County should go through with it and go right up to the edge even if something lower in density is near that edge.

Ms. Pierce referred to the lack of AG policies in this document to support the desire to maintain rural lands and to support the TDR transfer scheme. Regarding Mr. Hutchcraft’s comments, she felt staff will work with the LPA to always maintain a balance within each community plan and the whole county’s good. She was excited about the empowerment of these community panels and did not want to disempower them.

Mr. Hutchcraft clarified that his comments were not aimed at tearing down all the community plans. He merely wants to make sure the County is looking at how the various community plans interact together and that they evaluate how something might impact the whole county even if it seems to benefit a small area. He also clarified that his comments were not a criticism of staff.

Mr. Andress stated another factor was how these multiple plans in the future will impact costs to the Planning Division.

Mr. Brodtkin felt staff had done a good job of meeting with the various communities and communicating clearly about things that can be done as well as things that cannot take place because of the bigger picture. Although the community planning panels have input as to what they want for their community, they do not have complete control over how that plan turns out.

Ms. Pierce referred to comments by Mr. Hutchcraft regarding the terms “base,” “standard,” and “incentive” densities. She felt staff needed to revisit this section to make sure it is not unnecessarily complicated. If members of the LPA have trouble understanding it, chances are the public at large will have difficulty.

Ms. Ebaugh stated staff had been meeting with various communities over the past two months to educate them on these terms. She explained that “base” is not a guaranteed base. It is a suggested base/a guideline. “Standard” is the most appropriate density that can be received by right. It is the most you can ask for before you have to do anything additional to get additional density. The “incentive” density was once called “bonus” density. It is density you can achieve if you do something for it such as affordable housing, transfer of development rights, or providing infrastructure systems in the urban areas.

Mr. Hutchcraft stated that if these are the three terms staff chooses to use then it should be consistent throughout the document. He noted that terms such as “maximum” and “minimum” are being used as well, for instance, in Objective 1.2.

Ms. Ebaugh appreciated this catch and stated it was probably written before these new terms were devised. She stated staff would go through the document to replace those terms with the new ones.

Mr. Hutchcraft also noted that there is so much focus on “maximum” density, but there should also be places where there is an absolute minimum density, which does not seem to be in this document. He referred to comments where Mr. O’Connor stated we need to be selective about where we want to invest in fixed locations for higher density. He noted there could be instances where the County might invest their funds in a particular area. If it is not developed to its fullest, then the County has wasted tax payer monies and failed at our mission to incentivize development in the right locations. Although he is always in favor of flexibility, when it comes to money, he wants insurance that there will be a return on investment.

Mr. Andress was in agreement with Mr. Hutchcraft’s comments.

Mr. Daltry was in agreement and stated that if someone is not in favor of having those higher densities, they should buy a different piece of property.

Mr. Brodtkin stated he did not disagree with Mr. Hutchcraft’s comments, but he did have concern about some of the suburban designations that are in the more outlying areas. In those areas, he is concerned about how much “minimum” we will require.

Mr. O'Connor stated he appreciated the LPA's comments as staff has struggled with a lot of these issues. Staff believes we are moving in the right direction and are open to recommendations, suggestions, and solutions.

Agenda Item 7 - Other Business

The LPA had no other business to discuss.

Agenda Item 8 – Adjournment

The next Local Planning Agency meeting is scheduled for Monday, June 24, 2013, at 8:30 a.m. in the Administration Conference Room in the Administration Building, 2115 Second Street, Fort Myers, FL 33901.

The meeting adjourned at 12:00 noon.

Relevant Policies for CIP Review, Alico Expansion East of Ben Hill Griffin:

Role of the LPA

“4. The proposed CIP will be reviewed by the Local Planning Agency (LPA), which will consider the consistency of the proposal with the Comprehensive Plan and the effect of the CIP on the growth management objectives of the county.

5. The proposed CIP, along with the report of the Local Planning Agency, will be reviewed by the Board of County Commissioners. The Board of County Commissioners will by resolution adopt a CIP at approximately the same time as the adoption of the annual operating budget. The annual operating budget must be consistent with the first year of the adopted CIP.”

From CIP Element

“b. Priorities for the CIP:

Where needs based on current and/or projected deficiencies exceed revenues projected to be available, projects will be included according to certain priorities which are listed below. In addition, these priorities will be considered in reviewing proposals to amend the CIP.

1. Projects that remove a direct and immediate threat to the public health or safety;
2. Projects that are directed by a court order or otherwise by law;
3. Projects that are essential for the maintenance of the county's investment in existing infrastructure;
4. Projects that remove a service level deficiency that affects developed areas; and
5. Projects that provide new or additional facility capacity for undeveloped Future Urban areas.”

Roadway LOS (Extracted From Table)

State & County-Maintained Roads (Excluding FIHS, SIS and TRIP Roads)	D
Expressways (Limited Access Facilities)	E
Controlled Access Arterials	E
Arterials	E
Major Collectors	E
Minor Collectors	E

Regarding Use of Gas Tax to widen Road for New Development, Relevant Policy

OBJECTIVE 95.3: OTHER FINANCING POLICIES. Establish a broad-based system of revenue regulations that ensure that new development pays at least 90% of the capital costs of the public infrastructure directly attributable to that new development. (Amended by Ordinance No. 94-30)

POLICY 95.3.1: Impact fees for and/or fees-in-lieu of private provision of designated public facilities will be set to capture a substantial proportion of the full and real cost of the designated facility, and will be reviewed and updated regularly. (Amended by Ordinance No. 00-22

....

Priorities found elsewhere in this plan, including, but not limited to, Objective 2.3 and Policies 36.1.5, 37.3.3, 38.1.7, 38.2.1, 38.2.4,

POLICY 36.1.5: Construction of new roads and widening of major road segments by the county

will be based on a prioritized list of the improvements needed to create the network depicted on Transportation Map 3A. This list will be updated annually through the county's capital improvements program.

Voluntary dedication of rights-of-way necessary for improvements shown on Transportation Map 3A will be encouraged at the time local development orders are granted.

POLICY 38.1.1: The county will maintain an effective and fair system of impact fees to insure that development creating additional impacts on arterial and collector roads pays an appropriate fair share of the costs to mitigate its (off-site) impacts. (Amended by Ordinance No. 99-15)

POLICY 38.1.3: Roads impact fees will be reviewed regularly and updated when necessary to reflect travel characteristics and construction and right-of-way costs and to determine if the capital impacts of new growth are met by the fees. (Amended by Ordinance No. 99-15)

POLICY 38.1.4: The county will encourage private funding or contributions of road construction or right-of-way acquisition through innovative means including, but not limited to, voluntary MSTUs and MSBUs. The county may establish involuntary MSTUs or MSBUs to correct deficiencies in specific areas or neighborhoods. MSTUs/MSBUs will be reviewed regularly to determine whether existing units can be eliminated or new units should be created. (Amended by Ordinance No. 99-15)

POLICY 38.1.8: The County may pursue a joint funding mechanism (such as an MSTU/MSBU) to pay for the widening of Alico Road east of Ben Hill Griffin Parkway to encourage economic development in the Alico Road area. Properties that generate traffic on the segment of Alico Road east of Ben Hill Griffin Parkway that have not already fully mitigated traffic impacts will be required to participate in the funding mechanism. Participation will be creditable against future road impact fees or DRI proportionate share obligations consistent with County regulations. Property that was subject to CPA2009-01 will donate 75 feet of right-of-way along the entire frontage of Alico Road. The donation of right-of-way along Alico Road will not be creditable against road impact fees or DRI proportionate share obligations. (Added by Ordinance No. 10-40)

Regarding Map3A

The facility..Alico Widening East of I-75-is not on Map3a, Financially Feasible Network

Traffic Counts

2009-3600; 2010-2600; 2011-n/c; 2012-4400

Utility Relocation Cost

From Proposed CIP: \$3,750,000

General Growth Management Guidance in LeePlan (example)

OBJECTIVE 2.3: PUBLIC PROVISION OF INFRASTRUCTURE. The Capital Improvements Program will give the highest priority to the planning, programming, and construction of urban services and facilities in the existing developed areas where facilities are inadequate.

POLICY 2.3.2: The cost for the provision and expansion of services and facilities that benefit new development will be borne primarily by those who benefit....

“DALTRY’S PLAYBOOK”

COMPLETE STREET PROTOTYPE STUDY

North Fort Myers, FL

By

Joe Beck 2.0, Landscape Architect #1585

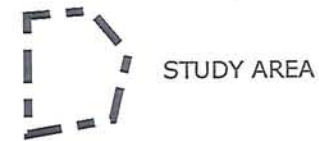
ATELIER Design Studio

www.JoeBeck2.com



LCPA as source for parcel data

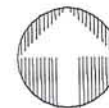
LEGEND



DATA

Descriptions	Data
Total Area for Study Area	120 AC
Residential	38%
Commercial	34%
Vacant Land	18%
Water	10%
Population	
Residential	1129
Boat - Live a Board	256
Total =	1385
Hotel Rooms	
Best Western	350
Motel 6	335
Days Inn	370
Total =	1055
Total Parcels	36

The Study Area is 120 Acres boarded by major Arterial and waterways. Along US 41 (North Cleveland Avenue) is fronted with commercial uses and hotels, with 4 Lee transit Stops for Routes 70 & 140. Along the River are hotels and mid rise Condos. Dividing the Study Area is a Marina, which allows for Live-a-board residences with 146 slips. Additional slips are available to the south, but property is currently vacant. Adjacent to the marina is the new development North Star.



STUDY AREA

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SMART GROWTH COMMITTEE

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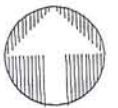
LEGEND



STUDY AREA

YELLOW LINES = PROPERTY LINES

NOTE:
36 PARCELS IN STUDY AREA



STUDY AREA PARCEL/PROPERTY LINES MAP

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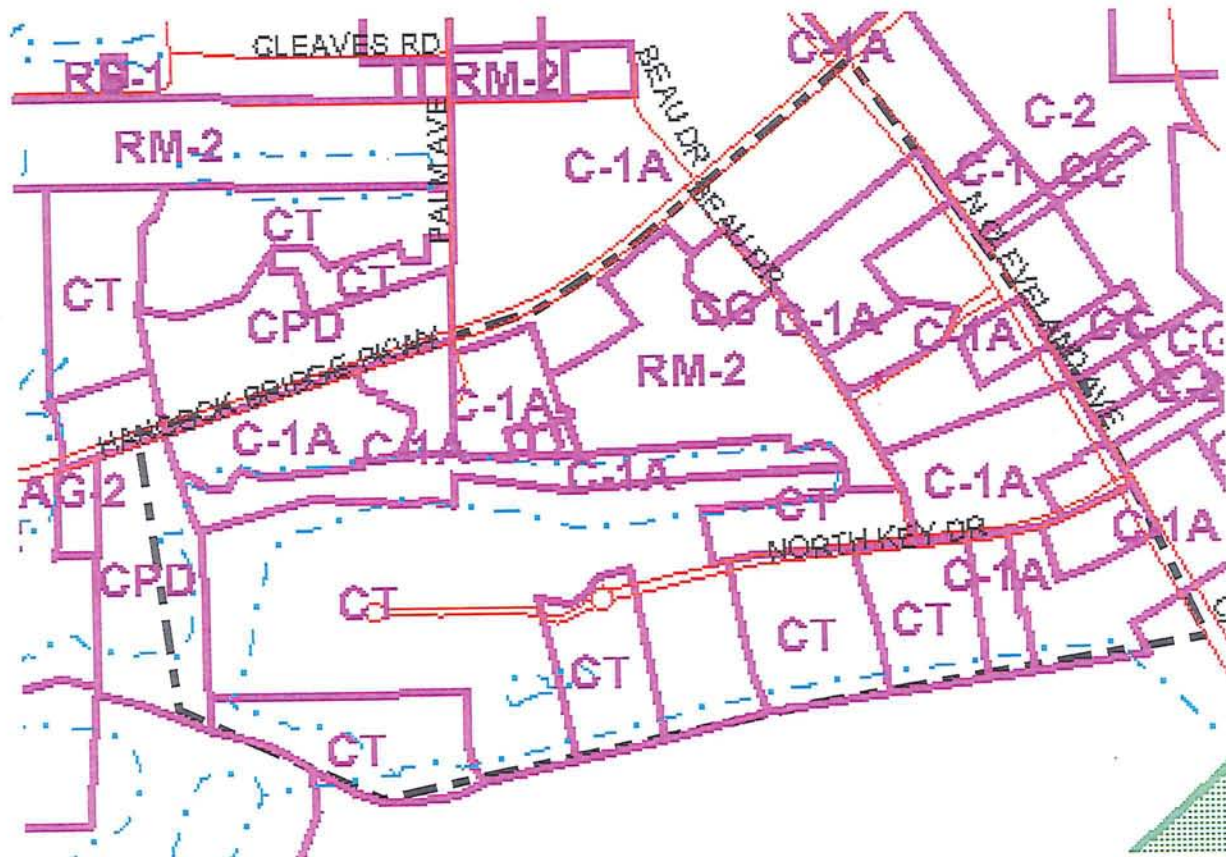
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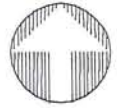
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LEGEND

-  STUDY AREA
- C-1, C-1A** Commercial Districts
- CG** General Commercial District
- CPD** Community Planned Development
- CT** Tourist Commercial District
- RM-2** Residential - Multi Family

LCPA as source for parcel data



EXISTING LAND USE MAP

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SIDEWALK ALONG HANCOCK BRIDGE PARKWAY 5' USED BY BOTH PEDESTRIANS AND CYCLIST

SIDEWALK ALONG N CLEVELAND AVE ENDS HERE

SHELTERS

TRAFFIC SIGNAL WITH PEDESTRIAN CROSS WALKS



NORTH KEY DRIVE IS A PRIVATE ROAD WITH A PAVED SHOULDER WHICH IS USED BY PEDESTRIANS, DOG WALKING AND CYCLIST

EXISTING EASEMENT FROM BEAU DRIVE TO MARINA'S PATHWAY

LEGEND



STUDY AREA



5' SIDEWALK IN ROW



4' SIDEWALK IN ROW



PAVED SHOULDER IN ROW
Used by pedestrians, ADA and cyclist



PAVED WALK ALONG MARINA IA
Semi-public pathway connected to Beau Drive thru a gate



LEE TRANSIT BUS STOPS
ROUTE S 70 & 140

NOTE REGARDING BUS STOPS/SHELTERS:
To access bus stops and shelter, user must traverse the roadway via the paved shoulder.

Brief summary of Lee Transit Routes

Route 70 services Cape Coral and terminates @ the Rosa Park Transfer Center in Downtown Fort Myers. Route 140 basically runs along US 41 from Merchants Crossing (NFM) to Coconut Point Mall in Estero. The Cleveland Bridge is a limited access roadway restricting pedestrian and cycling on bridge, therefore Pedestrians and Cyclist must cross river via a bus.

TIER 2 EXISTING PAVED CIRCULATIONS USES

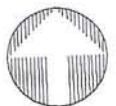
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LEGEND



STUDY AREA



5-minute walk

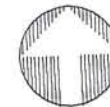


Pedestrian Shed

Pedestrian Shed

Pedestrian Shed is the central concept to the Transect (Smart Code) creating walkable communities. The premise is that people will walk a ¼ mile to something, before getting in their cars. A ¼ mile in area is a ¼ sections or 180 Acres. The Pedestrian Shed's origin comes from how we define our neighborhoods. We as humans can identify visually a person at a max distance of ¼ mile (1320'). This visual identification defines the borders our "neighborhood."

Pedestrian Shed is defined by the walkable distant, ¼ mile. Our Study Area for the Complete Street Study is dominated currently by the ROW Routes and the marina which create physical barriers and pathways to follow. The reality is the all pedestrians are funnel onto the roadway, because no alternatives (sidewalks) exist. One noteworthy exception is a public access easement from the marina to Beau Drive. The actual easement is inaccessible because of a North Star's fence for their property, but the walkway has been connected to Beau Drive south of North Star's fence.



PEDESTRIAN SHED MAP

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LEGEND

-  STUDY AREA
-  **Pedestrian Gap:** 25' gap between Marina Town walk and Hancock Bridge Pkwy sidewalk
-  **Pedestrian Gap:** Connection need to connect future walk with Fort Myers Park
-  **Conflict intersections:** High traffic intersections need traffic calming and cross walks
-  **Pedestrian Gap:** No existing pedestrian walk ways
-  **Lee Transit Stop:** Access to Transit Stops only accessible along paved shoulder. Alternative ways to access Stops are needed
-  **Cycling Gap:** Outside of the study area, the Moody River bridge is a Cycling Gap between Bike Path along Moody River estates and Hancock Bridge Pkwy
-  **Cycling Gap:** Outside of the study area, North Cleveland Bridge is a "Limited Access Roadway" which restrict use to only motor vehicles.

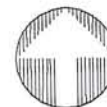
Cycling network note:

No "designated" existing cycling network exist within study area, therefore all ROW's are in need of cycling improvements.

GAPS IN PEDESTRIAN/CYCLING NETWORK

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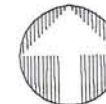


**Photograph view directions,
Sketch view and Section
direction**

"A" represents index below

Sheet index

- A North Key Drive**
 - North Key Drive - Street Tree Buffer
 - North Key Drive - Parking Buffer
 - North Key Drive - Conceptual Section
- B Beau Drive**
 - Beau Drive - Street Tree Buffer
 - Beau Drive - Conceptual Sections
- C Marinatown Lane**
 - Marinatown Lane
 - Marinatown Lane - Conceptual Section
- D Hancock Bridge Pkwy**
 - Hancock Bridge Pkwy - Street Tree Buffer
 - Hancock Bridge Pkwy - Conceptual Section
- D North Cleveland Avenue (US 41)**
 - North Cleveland Avenue - Sidewalk and Bike Lane
 - North Cleveland Avenue - Conceptual Section
- E Round-a-bout**
 - Intersection of Beau Drive and Marinatown Lane



SHEET INDEX PHASE #2

NFM COMPLETE STREET STUDY - PHASE #2
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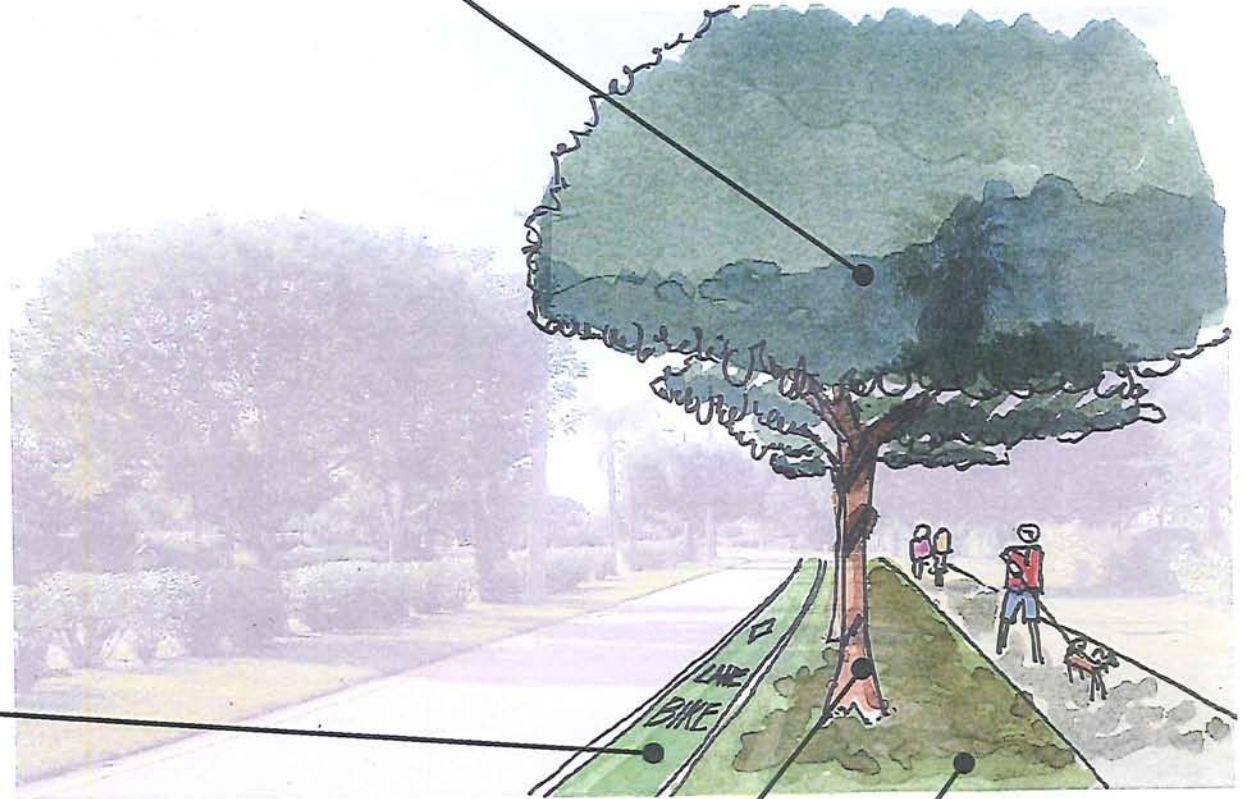
Street Trees

- Create Physical Barrier for Pedestrians
- Traffic Calming by creating sense of enclosure (Outdoor Room)
- Shade for Pedestrians

Benefits of Trees in Urban Areas

- Reduces Heat Index
- Extends life of paved surfaces (Asphalt)
- Saves Energy
- Increases Real Estate values

See more at www.coloradotrees.org



SUMMARY

EXISTING ROADWAY:

- 24' Pavement
- 20' driving lane
- 4' paved shoulder

COMPLETE STREET:

- 12' Driving lane
- 3-4' Bike Lane
- 12' Planting Strip
- 5-6' Walk
- Reduction in pavement 8'

Bike Lane

3-4' Painted Bike Lane. Bike Lane painted "Portland Green" to match color from Portland, OR and to be boarded and symbolized with White reflective paint.

See images @ www.bikeportland.org

Physical Barrier to walkway

Existing Pavement edge

North Key Drive - Street Tree Buffer

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SUMMARY

EXISTING ROADWAY:

- 24' Pavement
- 20' driving lane
- 4' paved shoulder

COMPLETE STREET:

- 12' Driving lane
- 3-4' Bike Lane
- 10' Parallel Parking
- 5-6' Walk

Bike Lane

3-4' Painted Bike Lane. Bike Lane painted "Portland Green" to match color from Portland, OR and to be bordered and symbolized with White reflective paint. See images @ www.bikeportland.org



Physical Barrier to walkway

Existing Pavement edge

North Key Drive - Alternate B (Parallel Parking Buffer)

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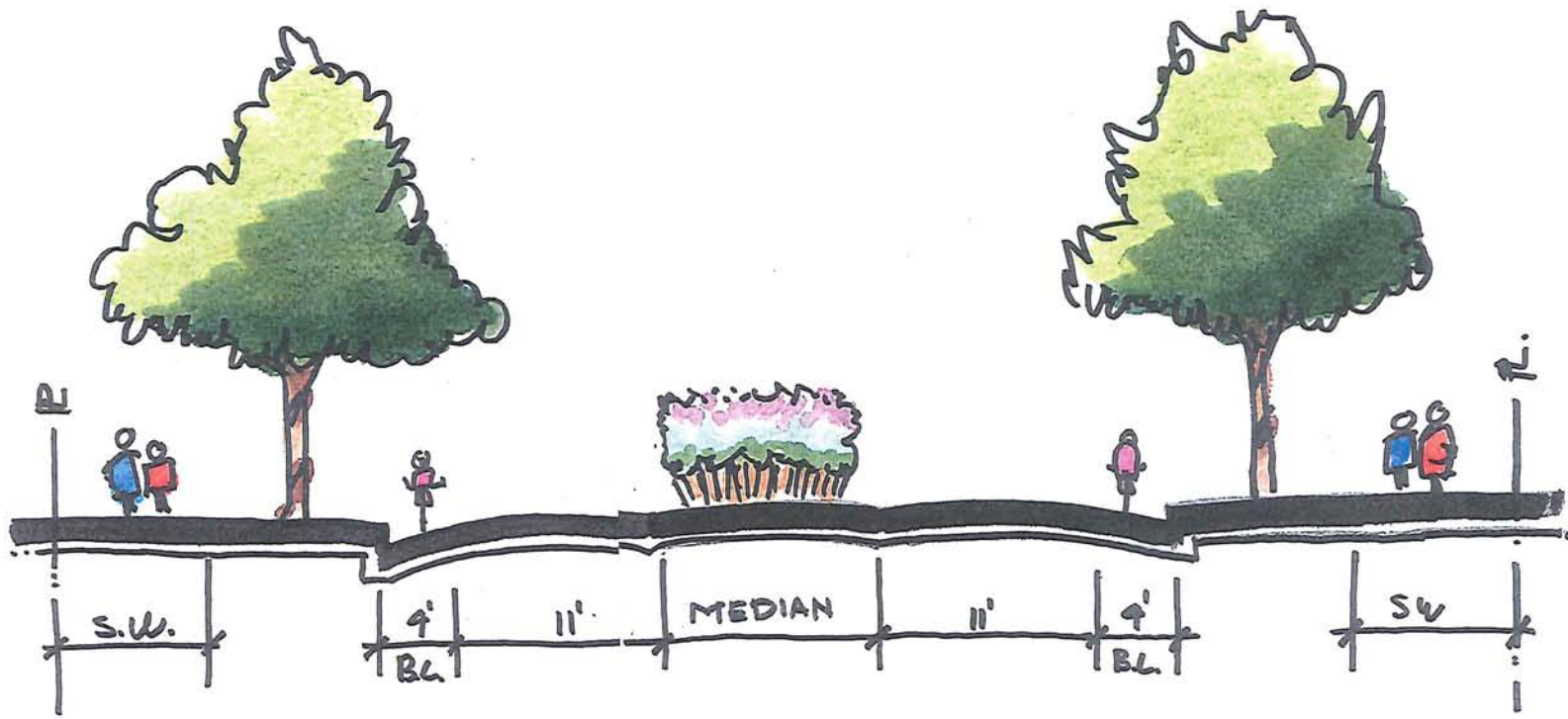
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North Key Drive - Conceptual Section

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Overhead Utilities to be moved underground to allow for Street Trees

Street Trees

- Create Physical Barrier for Pedestrians
- Traffic Calming by creating sense of enclosure (Outdoor Room)
- Shade for Pedestrians

Benefits of Trees in Urban Areas

- Reduces Heat Index
- Extends life of paved surfaces (Asphalt)
- Saves Energy
- Increases Real Estate values

See more at www.coloradotrees.org



Existing Sidewalk

NOTE: Both Breau Drive and Marintown Lane both are 60' ROW, therefore this application is appropriate for both roadways.

SUMMARY

EXISTING ROADWAY:

- 60' ROW
- 26' Pavement
- 12' driving lane
- 1-2' paved shoulder

COMPLETE STREET:

- 11' Driving lane
- 3-4' Bike Lane
- 10' Street Tree Planting Strip
- 5-6' Walk

Bike Lane

3-4' Painted Bike Lane. Bike Lane painted "Portland Green" to match color from Portland, OR and to be boarded and symbolized with White reflective paint. See images @ www.bikeportland.org

Beau Drive - Street Tree Buffer

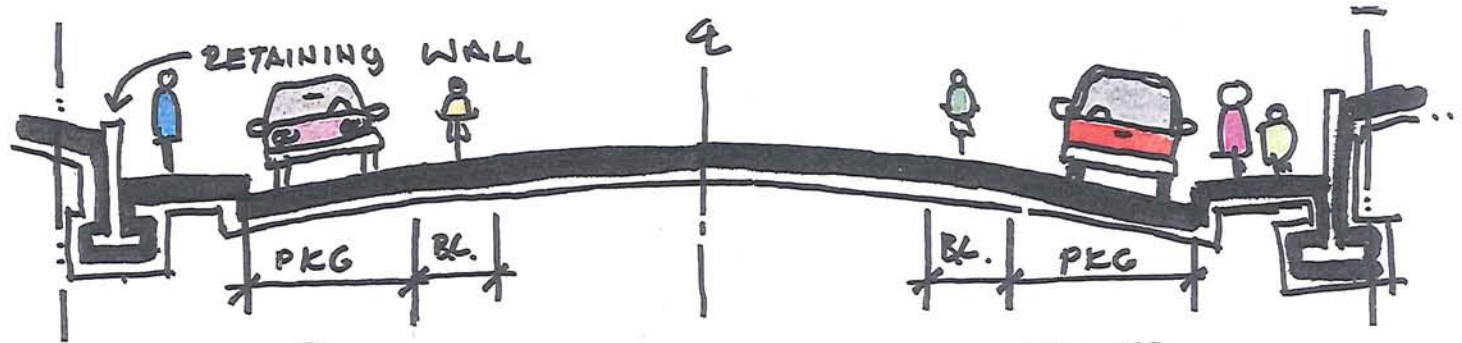
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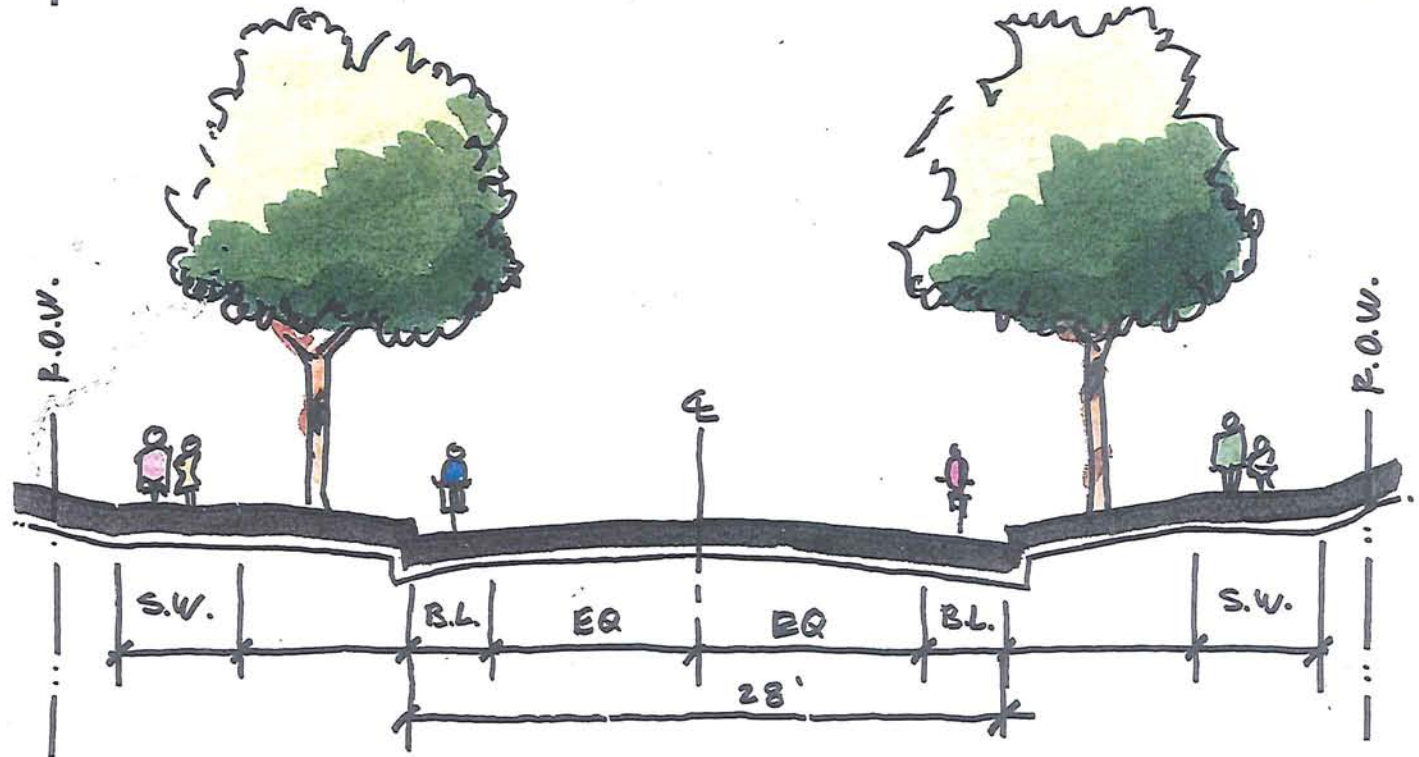
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Parallel Parking on Both Sides



Street Trees on Both Sides



Beau Drive - Conceptual Sections (60' ROW)

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Street Trees

- Create Physical Barrier for Pedestrians
- Traffic Calming by creating sense of enclosure (Outdoor Room)
- Shade for Pedestrians

Benefits of Trees in Urban Areas

- Reduces Heat Index
- Extends life of paved surfaces (Asphalt)
- Saves Energy
- Increases Real Estate values

See more at www.coloradotrees.org

SUMMARY

EXISTING ROADWAY:

- 60' ROW
- 24' Pavement
- 14' driving lane

COMPLETE STREET:

- 11' Driving lane
- 3-4' Bike Lane
- 10' Planting Strip/Parallel Parking
- 5-6' Walk

Parallel Parking on South side



Bike Lane

3-4' Painted Bike Lane. Bike Lane painted "Portland Green" to match color from Portland, OR and to be boarded and symbolized with White reflective paint. See images @ www.bikeportland.org

NOTE:
Both Breau Drive and Marintown Lane both are 60' ROW, therefore this application is appropriate for both roadways.

Marinatown Lane

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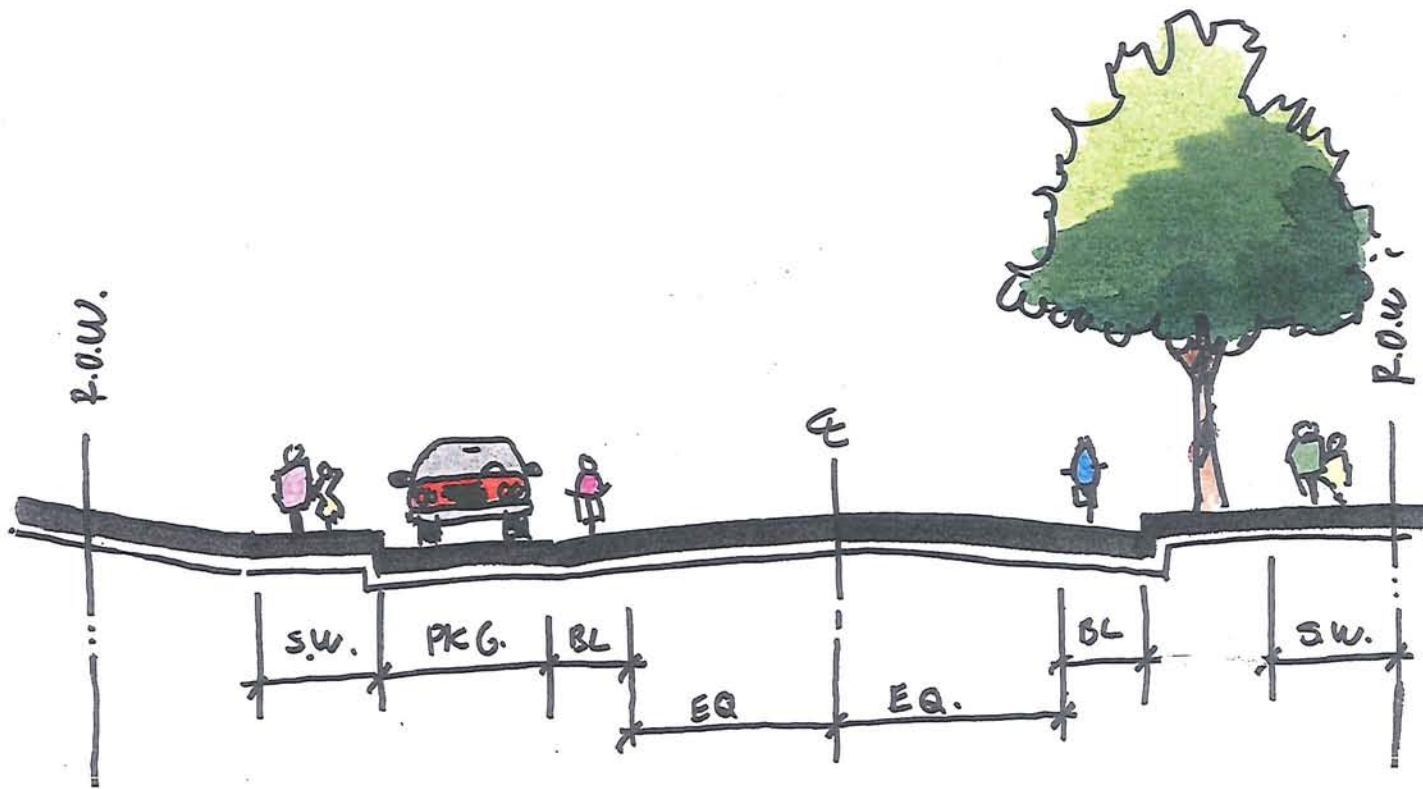
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Marinatown Lane - Conceptual Section (60' ROW)

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Street Trees

- Create Physical Barrier for Pedestrians
- Traffic Calming by creating sense of enclosure (Outdoor Room)
- Shade for Pedestrians

Benefits of Trees in Urban Areas

- Reduces Heat Index
- Extends life of paved surfaces (Asphalt)
- Saves Energy
- Increases Real Estate values

See more at www.coloradotrees.org



SUMMARY

EXISTING ROADWAY:

- 26' Pavement
- 12' driving lane
- 1-2' paved shoulder

COMPLETE STREET:

- 11' Driving lane
- 3-4' Bike Lane
- 8-10' Street Tree Planting Strip
- 5-6' Walk

Bike Lane

3-4' Painted Bike Lane. Bike Lane painted "Portland Green" to match color from Portland, OR and to be bordered and symbolized with White reflective paint. See images @ www.bikeportland.org

6-8" Curb

Existing Sidewalk

Hancock Bridge Pkwy - Street Tree Buffer

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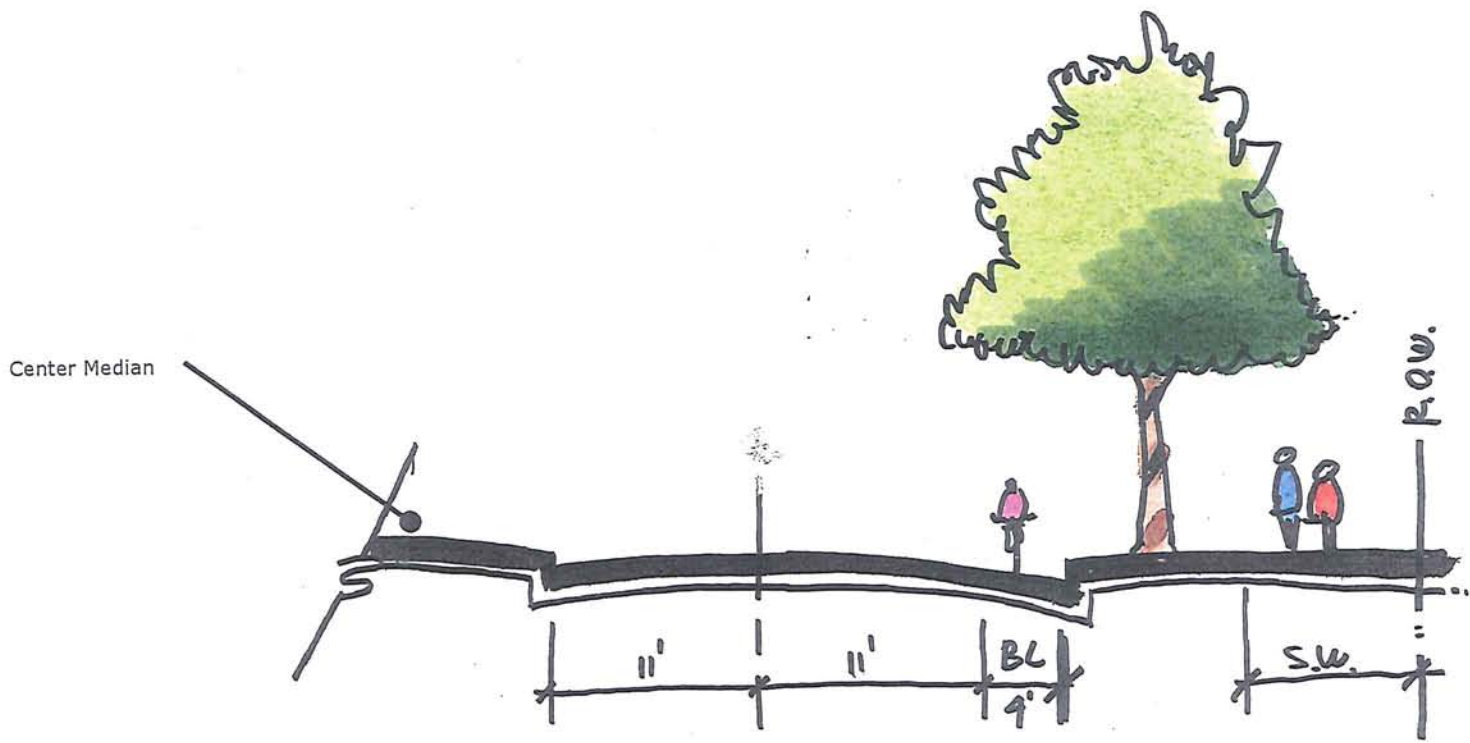
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HANCOCK BRIDGE PKWY - Conceptual Section (East Bound)

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Bike Lane
 Switch unmarked bike lane (Paved Shoulder) and Right Turn Lane then, Mark Bike Lane.



Existing Lee Transit Stop

SUMMARY

- EXISTING ROADWAY:
- 40' Pavement
 - 12' driving lane
 - 4' paved shoulder

- COMPLETE STREET:
- 12 Driving lane
 - 3-4' Bike Lane
 - 5-6' Walk

Bike Lane

3-4' Painted Bike Lane. Bike Lane painted "Portland Green" to match color from Portland, OR and to be boarded and symbolized with White reflective paint. See images @ www.bikeportland.org

6-8" Curb

Sidewalk with connection to Lee Transit Stop

North Cleveland Road (US 41) - Sidewalk and Bike Lane

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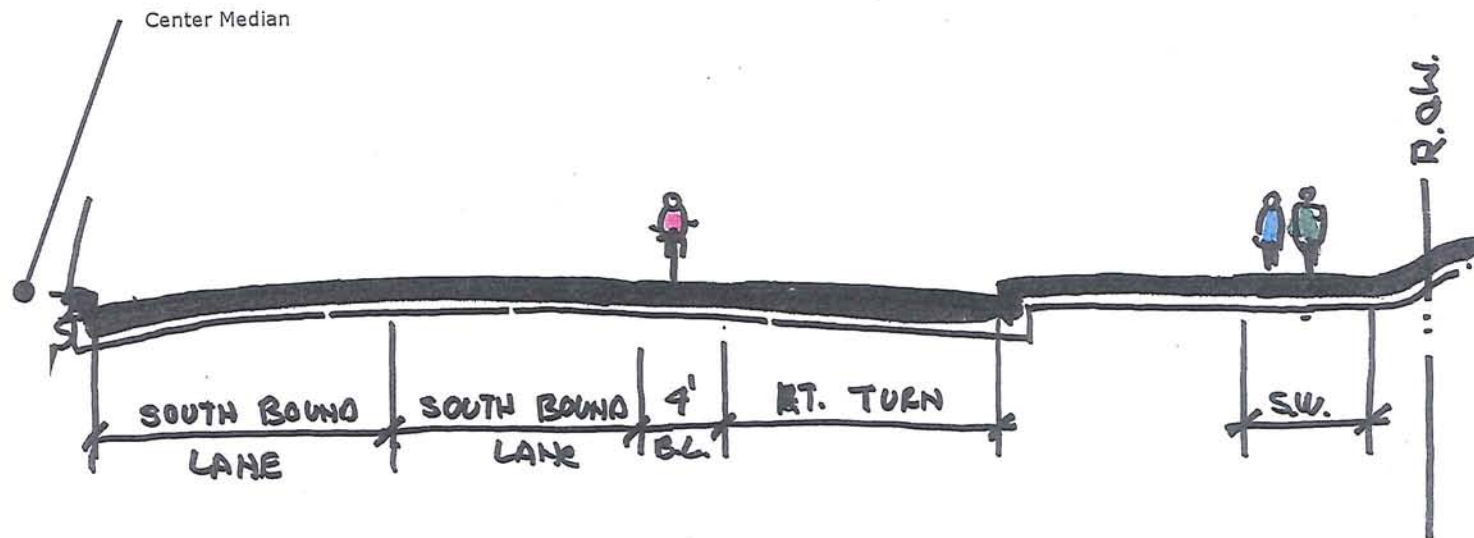
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North Cleveland Avenue - Conceptual Section (South Bound)

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SUMMARY

BEAU DRIVE EXISTING ROADWAY:

- 60' ROW
- 12' driving lane

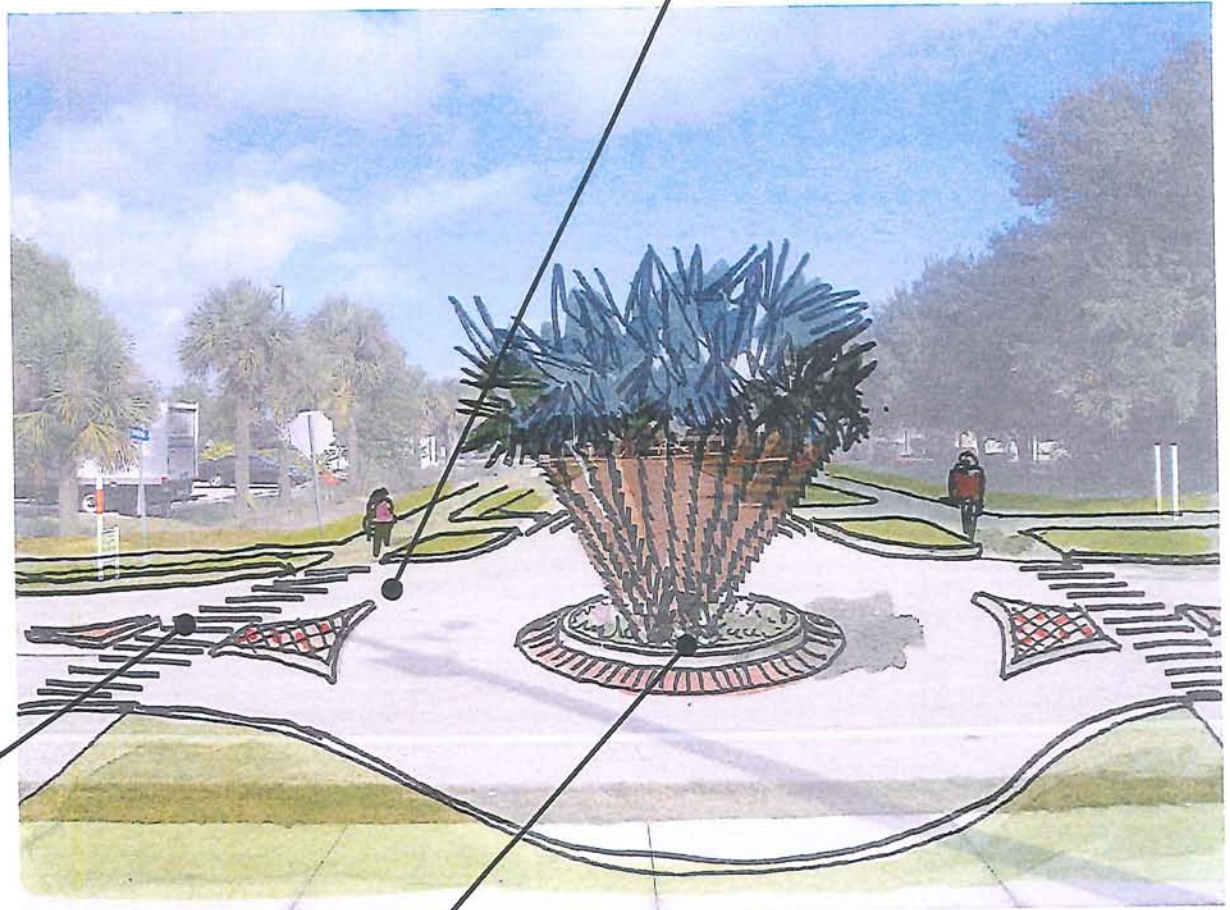
MARINATOWN LANE EXISTING ROADWAY:

- 60' ROW
- 12' driving lane

Round-a-bout are an ideal solutions to combine pedestrians, cyclist and automobiles all in a safe environment.

Another similar intersection is Breau Drive and North Key Drive.

Cross Walk



Bike Lane

Merge with traffic to navigate Round-a-bout

Raised Island

Beau Drive and Marinatown Lane (Round-a-bout)

NFM COMPLETE STREET STUDY - PHASE #2

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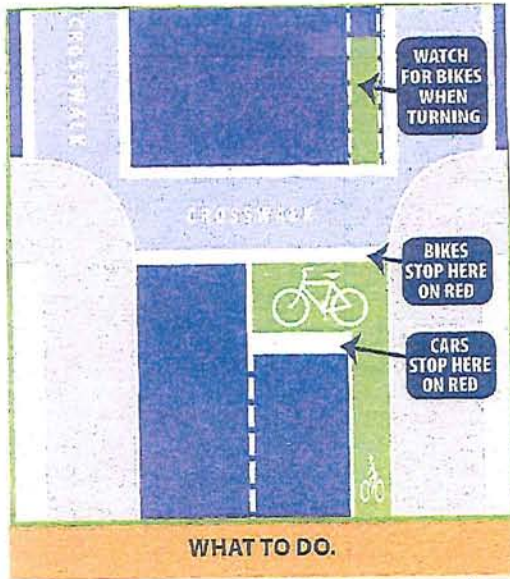


IMAGE BY CITY OF PORTLAND OFFICE OF TRANSPORTATION

BIKE BOXES

1. Increases safety when drivers are making right turns by allowing cyclist to move in front.
2. Increases safety by coloring the bike lane through the intersection
3. Increases safety by reminding motorist to be alert for cyclist

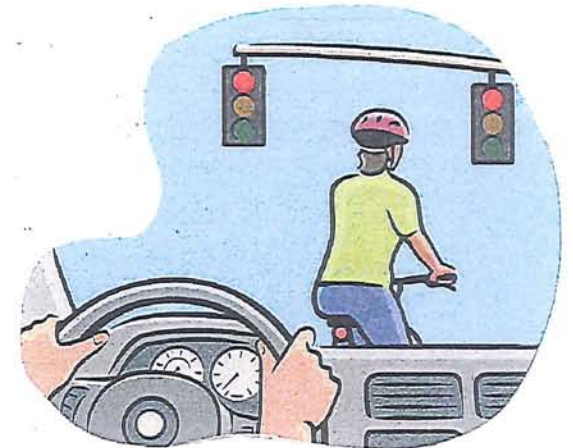


IMAGE BY CITY OF PORTLAND OFFICE OF TRANSPORTATION

CYCLISTS STOP IN BIKE BOX TO BE MORE VISIBLE.
MOTORIST WAIT BEHIND STOP LINE.

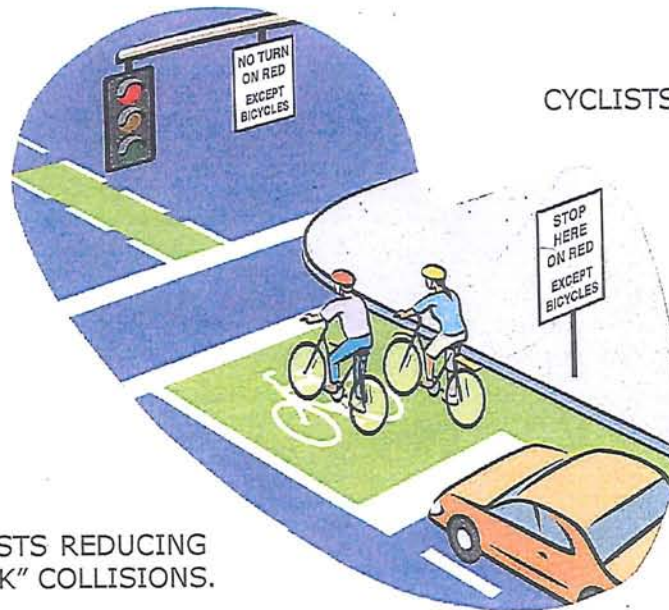


IMAGE BY CITY OF PORTLAND OFFICE OF TRANSPORTATION

CYCLIST ARE EASILY SEEN BY MOTORISTS REDUCING RISK OF "RIGHT-HOOK" COLLISIONS.

THE BIKE BOX

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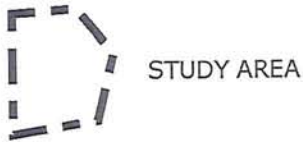
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LEGEND



Best Parcel:

Best Parcel for Re-development within the next 10 years which would support Complete Streets and creates the ideal "Pedestrian Shed" is currently the Hotel-6 site. The site fronts on three (3) roadways. The site is 2 minutes from two (2) Lee Transit Stops

The Secondary Parcel

The Secondary Parcel for Re-development within the next 10 years, would be this parcel. Currently this is vacant land and has boat slips. This site would be ideal for a Mixed-use entertainment uses. To full fill on the pedestrian shed, a pedestrian draw bridge would need to be build to connect to Marintown and North Star.

PARCELS FOR RE-DEVELOPMENT BY 2020

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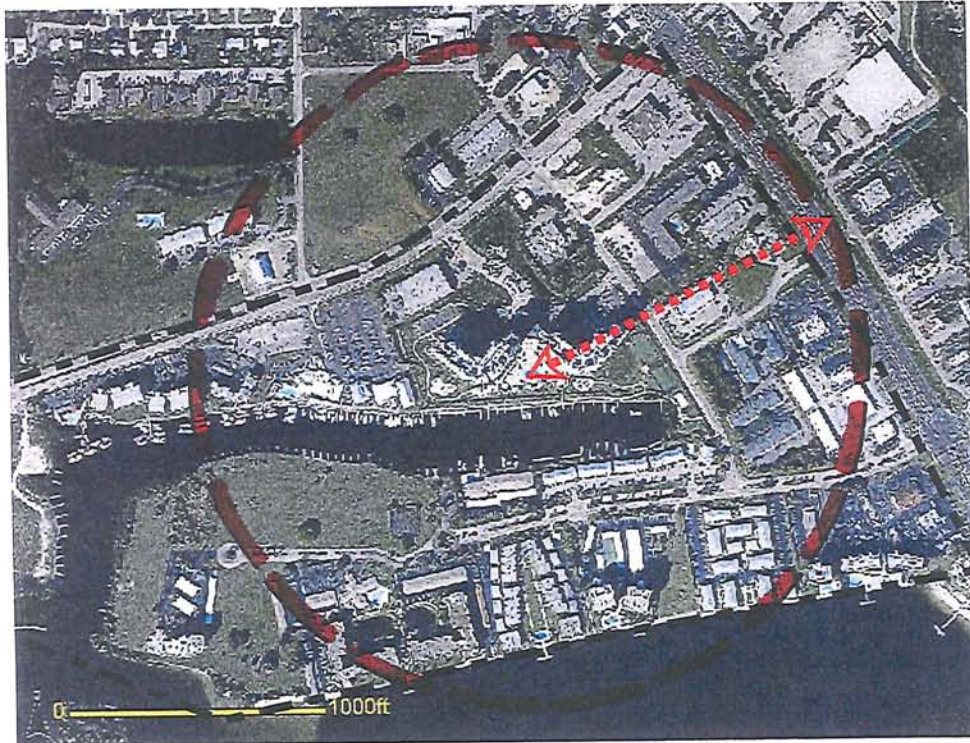
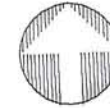
LEGEND



STUDY AREA



5-minute walk , 1/4th Mile



LCPA as source for aerial

STUDY AREA



LCPA as source for aerial

DOWNTOWN FORT MYERS, FL

COMPARATIVE AERIALS

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