### Mayor

Joe Coviello **Council Members** <u>District 1</u>: John Gunter <u>District 2</u>: John M. Carioscia Sr. <u>District 3</u>: Marilyn Stout <u>District 4</u>: Jennifer I. Nelson <u>District 5</u>: Dave Stokes <u>District 6</u>: Richard Williams <u>District 7</u>: Jessica Cosden



City Manager John Szerlag City Attorney Dolores Menendez City Auditor Andrea R. Butola Interim City Clerk Kimberly Bruns

1015 Cultural Park Blvd. Cape Coral, FL

### AGENDA FOR THE REGULAR MEETING OF THE CAPE CORAL CITY COUNCIL

November 5, 2018

4:30 PM

Council Chambers

# PLEDGE OF CIVILITY

We will be respectful of each other even when we disagree. We will direct all comments to the issues. We will avoid personal attacks.

VIDEO

### 1. MEETING CALLED TO ORDER

A. MAYOR COVIELLO

### 2. INVOCATION/MOMENT OF SILENCE

A. COUNCILMEMBER COSDEN

# 3. PLEDGE OF ALLEGIANCE

A. TRIBUTE TO OUR VETERANS - MAYOR PRO TEM WILLIAMS; NATIONAL ANTHEM PERFORMED BY JENNIFER SLEIMAN OF IDA BAKER HIGH SCHOOL

# 4. ROLL CALL

A. MAYOR COVIELLO, COUNCIL MEMBERS CARIOSCIA, COSDEN, GUNTER, NELSON, STOKES, STOUT, WILLIAMS

# 5. CHANGES TO AGENDA/ADOPTION OF AGENDA

# 6. RECOGNITIONS/ACHIEVEMENTS

A. NONE

# 7. APPROVAL OF MINUTES

A. Regular Meeting - October 1, 2018

- B. Special Meeting October 9, 2018
- C. Special Meeting October 10, 2018
- D. Special Meeting October 15, 2018
- E. Regular Meeting October 15, 2018
- F. Special Meeting October 24, 2018

# 8. BUSINESS

A. PUBLIC COMMENT - CONSENT AGENDA

A maximum of 60 minutes is set for input of citizens on matters concerning the Consent Agenda; 3 minutes per individual.

- B. CONSENTAGENDA
  - (1) Resolution 223-18 Award ITB-PD19-01/MM for the purchase of ammunition, to Florida Bullet, Inc., as the lowest responsive responsible bidder, for all Bid Items at the unit prices, at an estimated cost of \$77,387, not to exceed budgetary limits, and authorize the City Manager or designee to execute the agreement, renewals, amendments and Purchase Orders; Department: Police; Dollar Value \$77,387; (General Fund)
  - (2) Resolution 232-18 A Resolution approving the request of John D'Angelo (The Outdoor Kitchen Outlet, LLC) to allow the outdoor display of merchandise in front of a Household/Office Furnishing, Group I use located at 1306 Cape Coral Parkway West, Units B and C.
  - (3) Resolution 239-18 Award ITB-PW18-122/MM (FY)2017 Sidewalk Curb Ramp Improvements—Phase 2, to Pavement Maintenance, LLC., as the lowest responsive responsible bidder, to provide sidewalk curb ramp improvements for ADA compliance at various locations in the City of Cape Coral in the amount of \$310,539 with a 5% City Controlled contingency of \$15,527 for a total project cost of \$326,066 and authorize the City Manager or Designee to execute the agreements, amendment and any renewals; Department: Public Works; Dollar Value \$326,066; (Sidewalk Capital Project Fund)
  - (4) Resolution 241-18 Approve the Selection Advisory Committee (SAC) ranking of the Request for Proposal (RFP) RFP-UT18-89/KR to engage a firm to provide professional design services for the Design of Irrigation Storage Tank and High Service Pumping Station and authorize the City Manager or Designee to enter into negotiation with the number one ranked firm, TKW Consulting Engineers, Inc.; Department: Utilities; Dollar Value: N/A; (Fund: N/A)
  - (5) Resolution 242-18 Award RFP-HR18-118/KS for Employee Benefits for Medicare to Blue Cross and Blue Shield of Florida, Inc. (Florida Blue) and authorize the City Manager to execute the contracts, renewals, and related documents;

Department: Human Resources; Estimated Annual Dollar Value: \$310,665; this represents a reduction in the rate structure from 2018.

- (6) Resolution 245-18 Approve META C-7 / Replat of Tract R-1; Department: DCD; Dollar Value: N/A; (Fund: N/A)
- (7) Resolution 246-18 Approve Cape Coral 6A and 6B Plat; Department: DCD; Dollar Value: N/A; (Fund: N/A)
- (8) Resolution 250-18 A Resolution authorizing payment up to \$5,000 in reimbursable relocation expenses as allowed in section 2-37.3 of the City of Cape Coral Code of Ordinances to the selected candidate for the position of Employee Relations Specialist in the Human Resources Department; Funding for the Human Resources Department; Dollar Value: maximum of \$5,000; (General Fund)
- C. CITIZENS INPUT TIME

A maximum of 60 minutes is set for input of citizens on matters concerning the City Government to include Resolutions appearing in sections other than Consent Agenda or Public Hearing; 3 minutes per individual.

- D. PERSONNEL ACTIONS
  - (1) NONE
- E. PETITIONS TO COUNCIL
  - (1) NONE
- F. APPOINTMENTS TO BOARDS / COMMITTEES / COMMISSIONS
  - (1) NONE

### 9. ORDINANCES/RESOLUTIONS

- A. Public Hearings
  - (1) Ordinance 70-18 Public Hearing

WHAT THE ORDINANCE ACCOMPLISHES:
An ordinance amending the Land Use and Development Regulations, Article III, Supplementary District Regulations, Section 3.9, Fences, Shrubbery, Walls, by amending the regulations for fence materials in Residential Zoning Districts.
(Applicant: Brought forward by City Management.)
P&Z Recommendation: At their October 3, 2018 meeting, the Planning & Zoning Commission voted unanimously to recommend approval.
City Management Recommendation: City Management

- recommends approval.
- (2) Ordinance 71-18 Public Hearing for Transmittal

### WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the Conservation and Coastal Management, Housing, Future Land Use, Infrastructure, Recreation and Open Space, and Transportation Elements of the City of Cape Coral Comprehensive Plan. (Applicant: Brought forward by City Management.) P&Z Recommendation: At their October 3, 2018 meeting, the Planning and Zoning Commission voted unanimously to approve Ordinance 71-18 for transmittal. City Management Recommendation: City Management recommends approval for transmittal.

(3) Ordinance 73-18 Public Hearing

WHAT THE ORDINANCE ACCOMPLISHES: An ordinance declaring certain real property to be surplus property and authorizing the City Manager to sell the surplus property described in Exhibit A. (Applicant: Brought forward by City Management.)

- B. Introductions
  - Resolution 244-18 (VP 18-0003\*) Set Public Hearing Date for November 19, 2018

\*Quasi-Judicial, All Persons Testifying Must be Sworn In WHAT THE RESOLUTION ACCOMPLISHES: A resolution providing for the vacation of plat for an alley and the underlying public utility and drainage easements located between Lots 1-3, Block 4819 and Block 4819-A, between Lots 10-13, Block 4819 and Block 4819-A, and between Lots 17-22, Block 4819 and Block 4819-A, all in Cape Coral Unit 71; providing for the vacation of plat for all public utility and drainage easements lying within Lots 1-3, 12-15, and 17-18, Block 4819, and within Block 4819-A, all in Cape Coral Unit 71; providing for the vacation of plat for all platted lot lines associated with Lots 1-3, 12-15, and 17-18, Block 4819, Cape Coral Unit 71; property located at the northwest corner of the intersection of Chiquita Boulevard and Trafalgar Parkway. (Applicant: 38335 Chiquita Trafalgar, LLC)

(2) Ordinance 61-18 (ZA 18-0001\*) Set Public Hearing Date for December 3, 2018

\*Quasi-Judicial, All Persons Testifying Must be Sworn In WHAT THE ORDINANCE ACCOMPLISHES: An ordinance amending the City of Cape Coral Official Zoning Map by rezoning property described as Lots 11-12, Block 665, Unit 21, Cape Coral Subdivision, from Multi-Family Residential (R-3) to Pedestrian Commercial (C-1) zone; property is located at 2121 SE 15th Place. (0.23 acres) (Applicant: Lazaro Flores) Hearing Examiner Recommendation: The Hearing Examiner recommends that the City Council deny this application for rezoning. City Management Recommendation: City Management recommends approval.

(3) Ordinance 74-18 Set Public Hearing Date for November 19, 2018

WHAT THE ORDINANCE ACCOMPLISHES: An ordinance amending City of Cape Coral Ordinance 54-17, as amended by Ordinance 29-18, which adopted the City of Cape Coral Operating Budget, Revenues and Expenditures, and Capital Budget for Fiscal Year 2018, by increasing the total Revenues and Expenditures by a total of \$19,106,531. (Applicant: Brought forward by City Management.)

(4) Ordinance 75-18 Set Public Hearing Date for November 19, 2018

WHAT THE ORDINANCE ACCOMPLISHES: The ordinance amends Chapter 2, Administration, Article VI, Pensions, Division 2, Firefighter Pension, of the Code of Ordinances to amend Section 2-122.26, Military Service Prior to Employment, and Section 2-122.28, Prior Fire Service, to allow the purchase of prior service at any time prior to retirement. (Applicant: Brought forward by City Management)

### **10. UNFINISHED BUSINESS**

- A. Water Quality Update
- B. Follow Up Items for Council

### 11. NEW BUSINESS

A. NONE

# 12. REPORTS OF THE MAYOR AND COUNCIL MEMBERS

# 13. REPORTS OF THE CITY ATTORNEY AND CITY MANAGER

A. Utilities Rate Sufficiency Analysis

# 14. TIME AND PLACE OF FUTURE MEETINGS

A. A Regular Meeting of the Cape Coral City Council is Scheduled for Monday, November 19, 2018 at 4:30 p.m. in Council Chambers

# 15. MOTION TO ADJOURN

# GENERAL RULES AND PROCEDURES REGARDING THE CAPE CORAL CITY COUNCIL AGENDA

In accordance with the Americans with Disabilities Act and Section of 286.26, Florida Statutes, persons with disabilities needing special accommodation to participate in this meeting should contact the Office of the City Clerk at least forty-eight (48) hours prior to the meeting. If hearing impaired, telephone the Florida Relay Service Numbers, 1-800-955-8771 (TDD) or 1-800-955-8770 (v) for assistance. Persons wishing to address Council under Citizens Input or the Consent Agenda may

do so during the designated times at each meeting. No prior scheduling is necessary. All speakers <u>must</u> have their presentations approved by the City Clerk's office no later than 3:00 PM the day of the meeting.

Any citizen may appear before the City Council at the scheduled PUBLIC HEARING/INPUT to comment on the specific agenda item being considered. No prior scheduling is necessary.

When recognized by the presiding officer, a speaker shall address the City Council from the designated speaker's lectern, and shall state his or her name and whom, if anyone, he or she represents. An address shall only be required if necessary to comply with a federal, state of local law.

Copies of the agenda are available in the main lobby of Cape Coral City Hall and in the City Council Office, 1015 Cultural Park Boulevard. Copies of all back-up documentation are also available for review in the lobby of Council Chambers. You are asked to refrain from removing any documentation. If you desire copies, please request they be made for you. Copies are 15 cents per page. Agendas and back-up documentation are also available on-line on the City website (capecoral.net) after 4:00 PM on the Thursday prior to the Council Meeting.

### \*PUBLIC HEARINGS DEPARTMENT OF COMMUNITY DEVELOPMENT CASES

In all public hearings for which an applicant or applicants exist and which would affect a relatively limited land area, including but not limited to PDPs, appeals concerning variances or special exceptions, and small-scale rezonings, the following procedures shall be utilized in order to afford all parties or their representatives a full opportunity to be heard on matters relevant to the application:

- 1. The applicant, as well as witnesses offering testimony or presenting evidence, will be required to swear or affirm that the testimony they provide is the truth.
- 2. The order of presentation will begin with the City staff report, the presentation by the applicant and/or the applicant's representative; witnesses called by the applicant, and then members of the public.
- 3. Members of the City Council may question any witness on relevant issues, by the applicant and/or the applicant's representative, City staff, or by any member of the public.
- 4. The Mayor may impose reasonable limitations on the offer of testimony or evidence and refuse to hear testimony or evidence that is not relevant to the issue being heard. The Mayor may also impose reasonable limitations on the number of witnesses heard when such witnesses become repetitive or are introducing duplicate testimony or evidence. The Mayor may also call

witnesses and introduce evidence on behalf of the City Council if it is felt that such witnesses and/or evidence are necessary for a thorough consideration of the subject.

- 5. After the introduction of all-relevant testimony and evidence, the applicant shall have the opportunity to present a closing statement.
- 6. If a person decides to appeal any decision made by the City Council with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Item 7.A. Number: 7.A. Meeting 11/5/2018 Date: APPROVAL OF MINUTES

AGENDA REQUEST FORM CITY OF CAPE CORAL



**TITLE:** Regular Meeting - October 1, 2018

### **REQUESTED ACTION:**

Approve or Deny

### **STRATEGIC PLAN INFO:**

1. Will this action result in a Budget Amendment?	No
2. Is this a Strategic Decision?	No
If Yes, Priority Goals Supported are listed below.	
If No, will it harm the intent or success of the Strategic Plan?	No

# PLANNING & ZONING/HEARING EXAMINER/STAFF RECOMMENDATIONS:

# SUMMARY EXPLANATION AND BACKGROUND:

# LEGAL REVIEW:

### EXHIBITS:

Regular Meeting - October 1, 2018

### PREPARED BY:

Kimberly Bruns Division- Managerial Department-City Clerk's Department

# SOURCE OF ADDITIONAL INFORMATION:

Kimberly Bruns Assistant City Clerk 1-239-242-3243

### ATTACHMENTS:

### Description

**D** Regular Meeting - October 1, 2018

**Type** Backup Material

# SUBJECT TO APPROVAL

### MINUTES FOR THE REGULAR MEETING OF THE CAPE CORAL CITY COUNCIL

#### October 1, 2018

### **Council Chambers**

4:30 p.m.

Meeting called to order by Mayor Coviello at 4:30 p.m.

Invocation/Moment of Silence - Councilmember Williams

Pledge of Allegiance - Mattheu Rua - Diplomat Elementary

Roll Call: Mayor Coviello, Council Members Carioscia, Cosden, Gunter, Nelson, Stokes, Stout, and Williams were present.

#### CHANGES TO AGENDA/ADOPTION OF AGENDA

Councilmember Stokes moved, seconded by Councilmember Gunter to adopt the agenda, as presented.

*Council polled as follows: Williams, Carioscia, Cosden, Coviello, Gunter, Nelson, Stokes, and Stout voted "aye." All "ayes." Motion carried 8-0.* 

### **RECOGNITIONS/ACHIEVEMENTS**

#### Youth Council Award Presentation - Chaz Smith, Florida League of Cities

Chaz Smith from the Florida League of Cities presented the Youth Council with an award for their service project "Blessings in a Backpack." They won the third place in the statewide competition.

### **APPROVAL OF MINUTES**

#### Special Meeting - August 27, 2018

Councilmember Nelson moved, seconded by Councilmember Williams to approve the minutes for the August 27, 2018 special meeting as presented. Voice Poll: All "ayes." Motion carried.

#### Special Meeting – September 6, 2018

Councilmember Williams moved, seconded by Councilmember Stout to approve the minutes for the September 6, 2018 special meeting as presented. Voice Poll: All "ayes." Motion carried.

#### **BUSINESS**

### PUBLIC COMMENT - CONSENT AGENDA

John Jacobs, Northwest Neighborhood Association, appeared in support of Resolution 211-18.

#### CONSENT AGENDA

Councilmember Williams pulled item B(1).

1) <u>Resolution 200-18 Approves purchases of Capital Equipment, Vehicles and the</u> <u>corresponding peripheral equipment (upfitting), Hardware, Software and</u> Maintenance within the City's General Fund, Special Revenue, Enterprise Funds and Internal Service Fund Groups including, but not limited to the Water and Sewer Fund, Stormwater Fund, Golf Course Fund, Internal Services Facilities Fund, Internal Services Fleet Fund, Lot Mowing Fund, Sidewalk Capital Project Fund and to dispose of City-owned surplus tangible personal property that is no longer needed as a result of said purchases in accordance to the City of Cape Coral Procurement Ordinance and authorize the City Manager to approve the purchase orders for these purchases and any related documents. Department(s): City-Wide; Dollar value: \$13,196,067 (Capital Project Fund, Enterprise Fund, General Fund, Internal Services Fund, Special Revenue Fund)

- 2) <u>Resolution 211-18 Award Bid# ITB-UT18-75/KR Southwest RO WTP Odor</u> <u>Control Modifications to Poole and Kent Company of Florida, located in Miami,</u> <u>FL, as the lowest responsive, responsible bidder, for the demolition and</u> <u>installation of the new water treatment degasification system and odor control</u> <u>stacks located at the Southwest RO Water Treatment Plant for \$1,049,000 plus</u> <u>a 10% City controlled contingency of \$104,900 for a total project cost of</u> <u>\$1,153,900 and authorize the City Manager or designee to execute the contract,</u> <u>amendments, change orders and purchase orders, within his authority;</u> <u>Department: Utilities; Dollar Value: \$1,153,900; (Water and Sewer Fund)</u>
- 3) <u>Resolution 213-18 Award Bid# ITB-UT18-100/KR San Carlos Canal Force Main Replacement Project to Andrew Site Work, LLC of Fort Myers, FL as the lowest responsive, responsible bidder, to provide construction services for the replacement of the aerial wastewater force main over the San Carlos Canal on Cape Coral Parkway, east of Santa Barbara Boulevard for \$95,158, plus a 10% City controlled contingency of \$9,516 for a total project cost of \$104,674 and authorize the City Manager or designee to execute the contract, amendments, change orders and purchase orders, within his signature authority; Department: Utilities; Dollar Value: \$104,674; (Water and Sewer Fund)</u>
- 4) <u>Resolution 218-18 Acceptance of Florida Department of Transportation Highway</u> <u>Traffic Safety Funds to conduct impaired driving operations; Department: Police;</u> <u>Dollar Value \$38,000; No cash match</u>
- 5) <u>Resolution 219-18 Federal Fiscal Year (FFY) 2017 Edward Byrne Memorial</u> <u>Justice Assistance Grant (JAG) Program - JAG Countywide-State Solicitation;</u> <u>Department: Police</u>
- 6) Resolution 220-18 Approve Amendment No. 1 to SFWMD Cooperative Funding Program Grant No. 600003494 for North 2 UEP installation of 50,000 LF of 10inch to 36-inch (non-assessable) irrigation water main. The Amendment extends the term of the Agreement from October 31, 2018 to February 28, 2019 to provide adequate time for invoicing and documentation required by the Agreement. In addition to extending the period of performance, the Amendment updates the Statement of Work, Payment and Deliverable Schedule, Quarterly Status Report and Final Project Summary Report. The funding amount of \$200,000.00 is not affected; Department: Public Works; Dollar Value: \$0; (Water & Sewer Fund)
- 7) Resolution 224-18 Award a 60 month lease to EZ-GO, a Division of Textron, Inc. via a piggyback of the National Intergovernmental Purchasing Alliance (National IPA formerly TCPN) Contract #R161101 for the lease of 80 golf carts, one (1) beverage unit and one (1) range picker and Rescind the award, due to non-performance, to Yamaha Golf-Car Company awarded on July 31, 2017 via Resolution 110-17. EZ-GO annual amount is \$117,283 for a five-year total of \$586,415 and authorize the City Manager or Designee to execute the cancellation of Yamaha Golf Car Company lease and execute the lease agreement, contract and renewals with EZ-GO; Department: Parks and Recreation; Annual Dollar Value: \$117,283 (Five-year total \$586,415 Golf Course Enterprise Fund)

8) <u>Resolution 225-18 Approve Amendment No. 1 to SFWMD Cooperative Funding Program Grant No. 4600003495 for North 2 UEP Canal Pump Station #10 (non-assessable). The Amendment extends the term of the Agreement from October 31, 2018 to February 28, 2019 to provide adequate time for invoicing and documentation required by the Agreement. In addition to extending the period of performance, the Amendment updates the Statement of Work, Payment and Deliverable Schedule, Quarterly Status Report and Final Project Summary Report. The Scope of Work for the Grant is modified to include only the intake structure components to accommodate the City's request. The funding amount of \$200,000.00 is not affected. Department: Public Works; Dollar Value: \$0; (Water & Sewer Fund)</u>

Councilmember Cosden moved, seconded by Councilmember Gunter to approve items 8(B)(2), 8(B)(3), 8(B)(4), 8(B)(5), 8(B)(6), 8(B)(7), and 8(B)(8), as presented.

Council polled as follows: Williams, Carioscia, Cosden, Coviello, Gunter, Nelson, Stokes, and Stout voted "aye." All "ayes." Motion carried 8-0.

Councilmember Williams expressed concern for item B(1) in reference to the cost.

Councilmember Williams moved to approve item 8(B)(1), as presented.

City Manager Szerlag explained the purpose of the B(7) golf cart resolution and that major capital items appear in one item B(1) as they are approved by Council as part of the agenda.

<u>Mayor Coviello</u> added that the current carts that are not working properly have an annual cost of \$105,000 per year. The new ones would be \$117,000. The old lease was for three years; the new lease is for five years.

Procurement Manager Roop explained 8(B)(1), if approved, allows the City Manager to sign the agreements with the vendors on the purchase order. The list includes 189 items, and various funds are impacted. The Yamaha Golf-Car Company is about \$12K difference.

City Attorney Menendez restated these are items that are identified in the budgetary process. In the future Council may choose to handle it in a different way or place additional parameters. Prior Councils felt this was efficient for this category for expenditures. You are not bound to this process.

<u>Councilmember Stokes</u> shared comments from the Golf Course Advisory Board members. During the budgetary process, there were innovative ideas about running the golf course in the red. He brought up those ideas, especially the idea of a restaurant as a triple P. The Board welcomed the ideas and will be discussing it at their future meetings to work toward running in the black.

<u>Councilmember Gunter</u> requested clarification for the \$143,000 under Resolution 200-18.

Manager Roop stated these were listed as line items under the Golf Course Special Revenue to replace lawn equipment and utility vehicles.

Councilmember Williams questioned the GPS 5-year lease cost of \$147,760.

Discussion held in reference to 8(B)(7).

<u>Mayor Coviello</u> questioned the cost for lawn equipment when we were looking at potentially outsourcing that function.

City Manager Szerlag responded that one option would be labor and not equipment.

Councilmember Gunter seconded the motion to approve item 8(B)(1), as presented.

Council polled as follows: Williams, Carioscia, Cosden, Coviello, Gunter, Nelson, Stokes, and Stout voted "aye." All "ayes." Motion carried 8-0.

### **CITIZENS INPUT TIME**

Lily Sanchez Ruiz appeared on behalf of her sister, Jessica Sanchez Ruiz, who is a Cape Coral resident. She discussed domestic violence abuse statistics. Finding support is half of the battle, the other half is having the strength to report the incident. She wished that she could say that City of Cape Coral is prepared to handle cases of domestic violence. Her sister is a victim of domestic violence and has a language barrier. She explained who helped work on her case to establish a restriction order. Her wish is that the City has a protocol so that the process could have more rapid success.

Maryanne Sweeney suggested thinking of possibly changing the way the City Government is run based on reaching future capacity. We need: 1) A full time Mayor with a good salary, 2) Not just have a City Manager with so much control and power. 3) We need a restructuring of sorts. Please think about it very seriously. She addressed the legal fees with LCEC. Do we have caps? Do we get something in return? Our Charter needs amending now that we are growing. Rebuild and keep us strong.

Louis Navarra appeared to discuss the Parks Bond Referendum. He was not in favor of the Referendum passing. He discussed the ½ cent sales tax for the School District that will also appear on the ballot. He mentioned the increase in fees for garbage, Fire, and Stormwater on our property taxes. He inquired about the purchase of the Golf Course property. He suggested selling Coral Oaks. We do not need GPS's. He expressed thanks for Council recognizing the veterans.

Dan Sheppard appeared to discuss having businesses with attractive landscaping such as those that add value to our City (Culvers at Cape Coral Parkway and Del Prado and a new storage facility off of Chiquita.) There are new businesses moving in that were an asset when they paid for their permits, we have new businesses that have landscaping on Cape Coral Parkway that is failing (Dollar General Stores.) He suggested having one Code Officer go around and police the different businesses in Cape Coral to keep a level of value.

Bob Renshaw appeared to commend Council getting the LCEC agreement signed. Common sense and compromise are necessary to be an effective member of Council. He thanked the Mayor and District 1's Councilmember for their involvement for the Blue Algae problem in Cape Coral.

<u>Councilmember Nelson</u> requested the process for Domestic Violence be explained by Chief of Police Newlan.

Chief of Police Newlan explained mandatory training is received every year for Domestic Violence and explained this is a matter that is taken very seriously, with follow up. He offered the Cape Coral Police Department was available to help the Sanchez's.

### PERSONNEL ACTIONS

None

#### PETITIONS TO COUNCIL

None

# APPOINTMENTS TO BOARDS / COMMITTEES / COMMISSIONS

None.

#### ORDINANCES/RESOLUTIONS

#### PUBLIC HEARINGS

Ordinance 65-18 Public Hearing

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance approving and granting to Florida Governmental Utility Authority a Utility Easement to survey, construct, operate, maintain, repair, remove, replace or abandon a 16-inch irrigation main and associated valving and telemetry facilities in, along, under, above and upon property owned by the City that is in the area of the Del Prado Irrigation Storage Tank; authorizing and directing the Mayor to execute the Easement, (Applicant: Brought forward by City Management).

City Clerk van Deutekom read the title of the Ordinance.

Property Broker Andrews explained the purpose of the Ordinance and displayed an aerial photograph of the property area.

Public Hearing opened.

No speakers.

Public Hearing closed.

*Councilmember Stokes moved, seconded by Councilmember Williams to adopt Ordinance 65-18, as presented.* 

Council polled as follows: Williams, Carioscia, Cosden, Coviello, Gunter, Nelson, Stokes, and Stout voted "aye." All "ayes." Motion carried 8-0.

Ordinance 66-18 (PDP 18-0004\*) Public Hearing

\*Quasi-Judicial, All Persons Testifying Must be Sworn In

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending Ordinance 112-03, approving a Planned Development Project entitled "Houlihans Restaurant and Office Building" for certain property described as Lots 12-20 and 52-62, Unit 44, Block 1699; property located at 627 & 629 Cape Coral Parkway West and 620 SW 47th Terrace; renaming the project "Duffy's Parking Lot Expansion"; expanding the project area by 20,000 square feet; rezoning Lots 19-20 and 52-53, Block 1699, Unit 44, from Professional Office (P-1) to Pedestrian Commercial (C-1); expanding a previously approved deviation from the Engineering and Design Standards, Sheet E-1, in order to allow a parking lot design where vehicles may back onto a public right-of-way; granting development plan approval. (Applicant: Cape Coral Parkway, LLC)

Hearing Examiner Recommendation: The Hearing Examiner recommends approval of the Project, subject to the terms and conditions set forth in PDP HEX Recommendation 4-2018.

City Management Recommendation: City Management recommends approval.

City Clerk van Deutekom read the title of the Ordinance and administered the oath.

Planner Heller reviewed the purpose of the Ordinance and presented the following slides:

- Ordinance 66-18; Duffy's Parking Lot Expansion
- Owner: Cape Coral Parkway, LLC
- Site map and Subject Parcel map
- Zoning map
- Need for the PDP Amendment
- Requests
- Site Plan showing proposed parking lot improvements of the site
- Rezoning

- Analysis Section 8.7.3.B
- Deviation
- Analysis
- Analysis (continued)
- Comprehensive Plan
- Recommendation

Public Hearing opened.

Greg Stewart stated he was available to address any questions that City Council may have.

Public Hearing closed.

# *Councilmember Carioscia moved, seconded by Councilmember Gunter to adopt Ordinance 66-18, as presented.*

<u>Councilmember Williams</u> inquired about the PDP recommendations from the Hearing Examiner.

Planner Heller read the recommendations into the record and displayed them on the screen.

Discussion held regarding vehicles backing out on the alley side into the parking lot.

Council polled as follows: Williams, Carioscia, Cosden, Coviello, Gunter, Nelson, Stokes, and Stout voted "aye." All "ayes." Motion carried 8-0.

None.

### INTRODUCTIONS

#### UNFINISHED BUSINESS

### Water Quality – Update

Public Works Director Clinghan reviewed the memo provided to Council and provided the most current update on Lake Okeechobee.

Director Pearson provided an update on the algae clean up with AECOM and Lee County. It has wrapped up last week, we have another pilot project called the NANO Bubble Technology. They were originally going to do a pilot in North Fort Myers. The City is working with those folks to potentially do a pilot project in the Cape. The thick mats are gone as well as the odors.

Mayor Coviello inquired about the Eco Labs canal.

Director Pearson explained the thick algae mat at the end of Cabot Canal has broken up. We are monitoring the 6-month pilot project that will wrap up in February with water testing tomorrow by Ecological Laboratories to calibrate the lab testing program. He added that the contract for the pilot program with the bubble curtain has been assigned, approved, and given to the vendor. We have the power set up at the Chamber of Commerce building on Cape Coral Parkway.

Discussion held regarding the first three-weeks are a free trial, and the costs after that time frame is \$2,000 per week up to the 90 days approval from the DEP; if purchased, the \$2,000 would go towards the purchase price of \$46,000.

Fire Chief Lamb stated upon notification of the installation, Council will be notified. In reference to the boom installation, due to tides and heavier winds, the booms have shifted, and corrective action will be taken.

### Follow Up Items Requested by Council

None

#### **NEW BUSINESS**

#### Air Quality Discussion - Brought forward by Councilmember Cosden

Environmental Resources Manager Robert explained that air quality is regulated and monitored by the Environmental Protection Agency at the Federal level and the Florida Department of Environmental Protection at the State level. There are no set criteria to test the cyanotoxins in the air. At this time the local County does not intend on doing any type of air quality testing for toxins. We are, however, keeping in touch with different research universities and helping them in their efforts to sample for air toxins and maybe have some type of future collaboration.

<u>Councilmember Cosden</u> reiterated that air quality testing is typically done by the Environmental Protection Agency and Department of Health. She questioned if the City can do anything and learned that it would be close to impossible due to lack of equipment. More importantly, we do not have the reference ranges to base any testing.

Manager Robert confirmed that information.

<u>Councilmember Cosden</u> inquired if we have been doing some work with the University of Miami.

Manager Robert stated it was still ongoing, and Professor Brand will be in Cape Coral next week. We are looking for locations for him, and it is yet to be determined if he will do further testing.

<u>Councilmember Cosden</u> reviewed if there are issues caused by Blue Green Algae in the air, are they more long term or short term?

Manager Robert explained that scientific literature points to that.

<u>Councilmember Cosden</u> requested we work with the University of Miami to achieve those results.

Manager Robert explained that the National Science Foundation and the National Institutes of Health have come together to create a specific program that address harmful algal blooms. They are awarded multi-million dollars every five years to create centers that study environmental development of harmful algal blooms. She noted that some lakes in the north are having an issue with this type of cyanobacteria. Those studies are in progress in the Great Lakes and will likely be applicable to the Florida case.

<u>Mayor Coviello</u> inquired about the DEP Ozone site. Is there a test to check the toxins in the existing air?

Manager Robert responded in the affirmative. The analysis is the same as the toxins in the water. How long do you have to sample for to get a detection? There is an extraction process that will make those toxins detected by the analysis methodology.

<u>Mayor Coviello</u> inquired if that would be administered by the DEP or the Department of Health.

Manager Robert stated they work hand in hand for these kinds of issues. DEP would most likely do the sampling and part of the analysis. The Department of Health would also look at the analysis as well.

<u>Mayor Coviello</u> inquired what would we need to do to get them to do those types of tests in our City.

Manager Robert responded she did not know but it could be requested.

<u>Mayor Coviello</u> requested a follow up of calls be made to the DEP and Department of Health to do the tests in our City.

Manager Robert responded she will complete more research.

Councilmember Cosden moved, seconded by Councilmember Nelson to craft a letter to the Department of Health and to the Department of Environmental Protection to conduct air quality testing here.

Councilmember Gunter expressed support for the motion.

Councilmember Stokes also expressed support for the motion.

Council polled as follows: Williams, Carioscia, Cosden, Coviello, Gunter, Nelson, Stokes, and Stout voted "aye." All "ayes." Motion carried 8-0.

#### **REPORTS OF THE MAYOR AND COUNCIL MEMBERS:**

<u>Councilmember Williams</u> – Topics: Attended the retirement ceremony for Sara Sansone; Youth Council meeting; Rotary Garden Dedication; and an Eagle Scout Court of Honor Ceremony for Jayme Kenyon.

Councilmember Carioscia - No Report.

<u>Councilmember Cosden</u> – Topics: Attended the Cape Coral Animal Shelter Masquerade Ball; and Military Museum event to raise awareness and funds for PTSD.

<u>Councilmember Gunter</u> – Topics: Attended the CRA monthly meeting; Cape Coral Charter School Town Hall meeting; Boom Placement with Fire and Public Works; Community Gardens Event; and the Swearing in Ceremony for Sheriff Carmine Marceno; and commended the Youth Council for their State Award showcased earlier.

<u>Councilmember Nelson</u> – Topics: Attended the Charter School Town Hall meeting; Rotary Gardens Ceremony; and will attend the PACE Ball for PACE Center for Girls.

<u>Councilmember Stokes</u> – Topics: Attended the Golf Course Advisory Board meeting who appeared interested in the restaurant concept improvements but not eager to outsource the maintenance; and Swearing in Ceremony for Sheriff Carmine Marceno.

<u>Councilmember Stout</u> – Topics: Attended the Florida Commission on Status of Women; will be attending the PACE Ball.

<u>Mayor Coviello</u>: Topics: Attended the Swearing in Ceremony for Sheriff Carmine Marceno. Will attend the Horizon Council Appreciation Awards and BMX ceremony on Saturday.

### REPORTS OF THE CITY ATTORNEY AND CITY MANAGER

<u>City Attorney</u> – Topic: Requested an Attorney-Client Session on Monday, October 15, 2018 @2:00 p.m. in Council Chambers. (City of Cape Coral vs. Florida Properties III, LLC 17-CA-002626).

*Councilmember Stout moved, seconded by Councilmember Stokes to hold an Attorney Client Session on October 15, 2018 @2:00 p.m.* 

Council polled as follows: Williams, Carioscia, Cosden, Coviello, Gunter, Nelson, Stokes, and Stout voted "aye." All "ayes." Motion carried 8-0.

City Manager - No Report

### TIME AND PLACE OF FUTURE MEETINGS

A Committee of the Whole Meeting was scheduled for Wednesday, October 10, 2018 at 4:30 p.m. in Council Chambers.

A Regular Meeting of the Cape Coral City Council was scheduled for Monday, October 15, 2018 at 4:30 p.m. in Council Chambers.

A Special Meeting (Attorney-Client Session) of the Cape Coral City Council was scheduled for Monday, October 15, 2018 at 2:00 p.m. in Council Chambers.

### MOTION TO ADJOURN

There being no further business, the meeting adjourned at 5:44 p.m.

Submitted by,

Rebecca van Deutekom, MMC City Clerk Item 7.B. Number: 7.B. Meeting 11/5/2018 Date: APPROVAL OF MINUTES

AGENDA REQUEST FORM CITY OF CAPE CORAL



**TITLE:** Special Meeting - October 9, 2018

### **REQUESTED ACTION:**

Approve or Deny

### STRATEGIC PLAN INFO:

1. Will this action result in a Budget Amendment?	No
2. Is this a Strategic Decision?	No
If Yes, Priority Goals Supported are listed below.	
If No, will it harm the intent or success of the Strategic Plan?	No

# PLANNING & ZONING/HEARING EXAMINER/STAFF RECOMMENDATIONS:

# SUMMARY EXPLANATION AND BACKGROUND:

# LEGAL REVIEW:

### EXHIBITS:

Special Meeting - October 9, 2018

### PREPARED BY:

Kimberly Bruns Division- Managerial Department- City Clerk's Department

# SOURCE OF ADDITIONAL INFORMATION:

Kimberly Bruns Assistant City Clerk 1-239-242-3243

### ATTACHMENTS:

### Description

**D** Special Meeting - October 9, 2018

**Type** Backup Material

# SUBJECT TO APPROVAL

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#### MINUTES FOR THE SPECIAL MEETING OF THE CAPE CORAL CITY COUNCIL

#### Tuesday, October 9, 2018

**Council Chambers** 

3:30 p.m.

Meeting called to order by Mayor Coviello at 3:30 p.m.

Invocation/Moment of Silence

Pledge of Allegiance

Roll Call: Mayor Coviello, Council Members Carioscia, Cosden, Gunter, Nelson, Stokes, Stout and Williams were present.

### CHANGES TO AGENDA/ADOPTION OF AGENDA

Councilmember Nelson moved, seconded by Councilmember Gunter to adopt the agenda, as presented.

Council polled as follows: Carioscia, Cosden, Coviello, Gunter, Nelson, Stokes, Stout, and Williams voted "aye." All "ayes." Motion carried 8-0.

### CITIZENS INPUT TIME.

Michael Hannon, a Matlacha resident, appeared to discuss a future proposal to restore the canals and clean them up. The proposal involves the construction of three high speed boat lift barriers that would benefit the City by cleaning the water and enabling the City of Cape Coral to come in compliance with the Clean Water Act.

<u>Councilmember Williams</u> responded by explaining why he would not be in favor of the proposal. He listed the following:

1. We are not going to water our lawns with salt water, if you block off that area, that canal system is brackish and saltwater due to breaches and leaks through the preserve area;

2. There is a half mile of mud after you get to Charlotte Harbor, too costly to maintain and the State will not let you dig there;

3. Pollution from farm land

4. He suggested the resident read the reports available on the matter.

<u>Mayor Coviello</u> added that he was not sure how three high speed locks with 30 canal entrances in our City would solve the problem.

### **BUSINESS**

Update on Administrative Rule Challenge – SFWMD (Matter: State of Florida Division of Administrative Hearings Case No. 18-5114RP/City of Sanibel, Town of Fort Myers Beach, and City of Cape Coral, Petitioners, vs. South Florida Water Management District, Respondent.)

Mayor Coviello turned the floor over to City Attorney Menendez.

City Attorney Menendez explained the City is a party to Administrative Litigation Proceeding entitled City of Sanibel, Town of Fort Myers Beach, and City of Cape Coral vs South Florida Water Management District, Division of Administrative Hearings, Case #18-5114RP. This matter is currently scheduled for a hearing on October 29<sup>th</sup> and October 30<sup>th</sup>. Accordingly, pursuant to Section 286.011(8) of the Florida Statutes, she requested that City Council convene in a closed Attorney-Client session to discuss strategies concerning litigation expenditures. It could occur on Wednesday, October 10,

2018 @2:30 p.m. for the purpose of discussing strategies concerning litigation expenditures.

<u>Councilmember Nelson</u> inquired if all of the attorneys that are representing the other cities would be attending or just Cape Coral.

City Attorney Menendez responded the invitees would consist of herself, Assistant City Attorney Steve Griffin, an Attorney from the Water Environmental law firm the City uses for environmental water issues and City Manager John Szerlag. Besides those named, the ability to have others attend is very limited by Statute, the only other person attending would be a court reporter.

Councilmember Nelson supported the meeting request.

<u>Councilmember Williams</u> inquired about the Council's schedule already in place for Wednesday, October 10, 2018.

City Attorney Menendez explained originally the Council had scheduled a Shade Meeting for Union Negotiations. When speaking with the City Manager and Mayor, it was felt that 2:30 p.m. would be a better time to go ahead, if Council was so inclined, to schedule the Attorney-Client session that would take about an hour. At the conclusion of that Attorney-Client session, Council could decide to go into a Shade meeting regarding labor negotiations at approximately 3:30 p.m.

Councilmember Nelson moved, seconded by Councilmember Gunter to schedule an Attorney-Client meeting @2:30 p.m. on Wednesday, October 10, 2018 to discuss strategies for litigation expenditures. (RE: Matter: State of Florida Division of Administrative Hearings Case No. 18-5114RP/City of Sanibel, Town of Fort Myers Beach, and City of Cape Coral, Petitioners, vs. South Florida Water Management District, Respondent.)

Council polled as follows: Carioscia, Cosden, Coviello, Gunter, Nelson, Stokes, Stout, and Williams voted "aye." All "ayes." Motion carried 8-0.

#### TIME AND PLACE OF FUTURE MEETINGS

A Committee of the Meeting of the Cape Coral City Council was scheduled for Wednesday, October 10, 2018 at 4:30 p.m. in Council Chambers.

#### **MOTION TO ADJOURN**

There being no further business, the meeting adjourned at 3:42 p.m.

Submitted by,

Rebecca van Deutekom, MMC City Clerk Item 7.C. Number: 7.C. Meeting 11/5/2018 Date: APPROVAL OF MINUTES

AGENDA REQUEST FORM CITY OF CAPE CORAL



TITLE:

Special Meeting - October 10, 2018

# **REQUESTED ACTION:**

Approve or Deny

### STRATEGIC PLAN INFO:

1. Will this action result in a Budget Amendment?	No
2. Is this a Strategic Decision?	No
If Yes, Priority Goals Supported are listed below.	
If No, will it harm the intent or success of the Strategic Plan?	No

### PLANNING & ZONING/HEARING EXAMINER/STAFF RECOMMENDATIONS:

# SUMMARY EXPLANATION AND BACKGROUND:

# LEGAL REVIEW:

### EXHIBITS:

Special Meeting - October 10, 2018

### PREPARED BY:

Kimberly	Division Managorial	City Clerk's Department-
Bruns	Division- Managerial	Department-Department

# SOURCE OF ADDITIONAL INFORMATION:

### ATTACHMENTS:

# Description

D Special Meeting - October 10, 2018

**Type** Backup Material

# SUBJECT TO APPHOVAL

### MINUTES FOR THE SPECIAL MEETING OF THE CAPE CORAL CITY COUNCIL

#### Wednesday, October 10, 2018

#### **Council Chambers**

2:30 p.m.

Meeting called to order by Mayor Coviello at 2:33 p.m.

### Invocation/Moment of Silence

Pledge of Allegiance led by Mayor Coviello

Roll Call: Mayor Coviello, Council Members Carioscia, Cosden, Gunter, Nelson, Stokes, Stout, and Williams were present.

#### Approval of Agenda/Changes to the Agenda

Councilmember Williams moved, seconded by Councilmember Stout to adopt the agenda, as presented

Council polled as follows: Carioscia, Cosden, Coviello, Gunter, Nelson, Stokes, Stout, and Williams voted "aye." All "ayes." Motion carried 8-0.

**Citizen's Input** 

No speakers.

#### BUSINESS

#### **Attorney-Client Session**

Matter: The State of Florida Division of Administrative Hearings Case No. 18-

5114RP / City of Sanibel, Town of Fort Myers Beach, and City of Cape Coral,

Petitioners, vs. South Florida Water Management District, Respondent.)

Attendees were as follows:

Dolores Menendez, City Attorney Steven Griffin, Assistant City Attorney Attorney Craig Varn John Szerlag, City Manager Mayor Coviello Council Members Carioscia, Cosden, Gunter, Nelson, Stokes, Stout, and Williams

Also, in attendance was a Court Reporter from Von Ahn Associates.

The Attorney-Client Session began at 2:35 p.m. and convened in Conference Room 220A.

City Council reconvened in Council Chambers at 4:01 p.m.

Mayor Coviello called the meeting back to order.

### TIME AND PLACE OF FUTURE MEETINGS

A Committee of the Whole Meeting of the Cape Coral City Council was scheduled for Wednesday, October 10, 2018 at 4:30 p.m. in Council Chambers.

### MOTION TO ADJOURN

There being no further business, the meeting adjourned at 4:01 p.m.

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Submitted by,

Rebecca van Deutekom, MMC City Clerk

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Item 7.D. Number: 7.D. Meeting 11/5/2018 Date: APPROVAL OF MINUTES

AGENDA REQUEST FORM CITY OF CAPE CORAL



TITLE:

Special Meeting - October 15, 2018

### **REQUESTED ACTION:**

Approve or Deny

### STRATEGIC PLAN INFO:

1. Will this action result in a Budget Amendment?	No
2. Is this a Strategic Decision?	No
If Yes, Priority Goals Supported are listed below.	
If No, will it harm the intent or success of the Strategic Plan?	No

### PLANNING & ZONING/HEARING EXAMINER/STAFF RECOMMENDATIONS:

# SUMMARY EXPLANATION AND BACKGROUND:

# LEGAL REVIEW:

### EXHIBITS:

Special Meeting - October 15, 2018

### PREPARED BY:

Kimberly Bruns Division- Managerial Department-City Clerk's Department

# SOURCE OF ADDITIONAL INFORMATION:

Kimberly Bruns Assistant City Clerk 1-239-242-3243

### ATTACHMENTS:

### Description

**D** Special Meeting - October 15, 2018

**Type** Backup Material

# SUBJECT TO APPROVAL

#### MINUTES FOR THE SPECIAL MEETING OF THE CAPE CORAL CITY COUNCIL

#### Monday, October 15, 2018

#### **Council Chambers**

2:00 p.m.

Meeting called to order by Mayor Coviello at 2:00 p.m.

Roll Call: Mayor Coviello, Council Members Carioscia, Cosden, Gunter, Stokes, Stout, and Williams were present. Councilmember Nelson arrived after Roll Call.

### BUSINESS

#### **Attorney-Client Session**

Attorney-Client Session - Discuss strategy related to litigation expenditures and possible settlement in the case of City of Cape Coral vs. Florida Properties III, LLC, Case No. 17-CA-002626

Attendees were as follows:

Dolores Menendez, City Attorney Steven Griffin, Assistant City Attorney Attorney Jon Larue -John Szerlag, City Manager Mayor Coviello Council Members Carioscia, Cosden, Gunter, Nelson, Stokes, Stout, and Williams

Also, in attendance was a Court Reporter from Von Ahn Associates.

The Attorney-Client Session began at 2:02 p.m. and convened in Conference Room 220A.

City Council reconvened in Council Chambers at 3:00 p.m.

Mayor Coviello called the meeting back to order.

### TIME AND PLACE OF FUTURE MEETINGS

A Regular Meeting of the Cape Coral City Council is Scheduled for Monday, October 15, 2018 at 4:30 p.m. in Council Chambers.

### MOTION TO ADJOURN

There being no further business, the meeting adjourned at 3:00 p.m.

Submitted by,

Rebecca van Deutekom, MMC City Clerk Item 7.E. Number: 7.E. Meeting 11/5/2018 Date: APPROVAL OF MINUTES

AGENDA REQUEST FORM CITY OF CAPE CORAL



**TITLE:** Regular Meeting - October 15, 2018

# **REQUESTED ACTION:**

Approve or Deny

### STRATEGIC PLAN INFO:

1. Will this action result in a Budget Amendment?	No
2. Is this a Strategic Decision?	No
If Yes, Priority Goals Supported are listed below.	
If No, will it harm the intent or success of the Strategic Plan?	No

# PLANNING & ZONING/HEARING EXAMINER/STAFF RECOMMENDATIONS:

# SUMMARY EXPLANATION AND BACKGROUND:

# LEGAL REVIEW:

### EXHIBITS:

Regular Meeting - October 15, 2018

### PREPARED BY:

Kimberly Division- Managerial Department-City Clerk's Department

# SOURCE OF ADDITIONAL INFORMATION:

Kimberly Bruns Assistant City Clerk 1-239-242-3243

### ATTACHMENTS:

### Description

**D** Regular Meeting - October 15, 2018

**Type** Backup Material SUBJECT TO APPROVAL

VOLUME: LXXIII PAGE: 299 OCTOBER 15, 2018

#### MINUTES FOR THE REGULAR MEETING OF THE CAPE CORAL CITY COUNCIL

#### October 15, 2018

**Council Chambers** 

4:30 p.m.

Meeting called to order by Mayor Coviello at 4:30 p.m.

Invocation/Moment of Silence - Councilmember Carioscia

Pledge of Allegiance - Maya Drew - Trafalgar Elementary School

Roll Call: Mayor Coviello, Council Members Carioscia, Gunter, Nelson, Stokes, Stout, and Williams were present. Councilmember Cosden was excused.

### CHANGES TO AGENDA/ADOPTION OF AGENDA

<u>Mayor Coviello</u> announced he had received a request from the applicant to remove Item 8(B)(11).

Councilmember Williams moved, seconded by Councilmember Stokes to adopt the agenda, as amended to withdraw item 8(B)(11).

Council polled as follows: Carioscia, Coviello, Gunter, Nelson, Stokes, Stout, and Williams voted "aye." All "ayes." Motion carried 7-0.

### **RECOGNITIONS/ACHIEVEMENTS**

City Manager Szerlag expressed appreciation to City Clerk van Deutekom for her years of service to the residents; her retirement date is Friday, November 2, 2018.

<u>Mayor Coviello</u> expressed appreciation to City Clerk van Deutekom for her years of service to the residents.

### **APPROVAL OF MINUTES**

### Regular Meeting - September 17, 2018

*Councilmember Stout moved, seconded by Councilmember Stokes to approve the minutes for the September 17, 2018 regular meeting as presented. Voice Poll: All "ayes." Motion carried.* 

#### Special Meeting - September 20, 2018

*Councilmember Gunter moved, seconded by Councilmember Nelson to approve the minutes for the September 20, 2018 special meeting as presented. Voice Poll: All "ayes." Motion carried.* 

#### Special Meeting - September 24, 2018

Councilmember Gunter moved, seconded by Councilmember Stout to approve the minutes for the September 24, 2018 special meeting as presented. Voice Poll: All "ayes." Motion carried.

#### Regular Meeting - September 24, 2018

*Councilmember Stokes moved, seconded by Councilmember Stout to approve the minutes for the September 24, 2018 regular meeting as presented. Voice Poll: All "ayes." Motion carried.* 

### **BUSINESS**

#### PUBLIC COMMENT - CONSENT AGENDA

No speakers.

### CONSENT AGENDA

- Resolution 118-18 Approve the piggyback of State of Florida Department of Management Services agreement with CBRE, Inc. for the purpose of tenant broker and commercial real estate consulting services for the development of the land area known as Seven Islands at a monthly cost of \$7,500 for a total annual cost of \$90,000; And authorize the City Manager or Designee to execute the contract, amendments, renewals, and any other related documents; Department: Department of Community Development; Estimated Dollar Value: \$90,000; (Government Services)
- 2) Resolution 216-18 Award RFP-HR18-118/KS for Employee Benefits for Self Insured Medical Administrative Services (ASO), Prescription Benefit Management (PBM), Medical Insurance Stop Loss, Group Term Life with Accidental Dismemberment, Long Term Disability, Employee Assistance Program, Dental and Vision to the following firms: In respect to Medical-Self-Insured Health Insurance Administrative Services Only (ASO); Prescription Benefit Management (PBM); Self Insured Health Insurance Claims Stop Loss to Blue Cross and Blue shield of Florida. Inc. (Florida Blue). In respect to Group Term Life with Accidental Death and Dismemberment Insurance; Long Term Disability and Employee Assistance Program award to Blue Cross and Blue Shield of Florida (Florida Combined Life); In respect to Dental award to Blue Cross and Blue Shield of Florida (Florida Combined Life) and In respect to Vision award to Vision Services Plan Insurance Company (VSP) and authorize the City Manager to execute the contracts, renewals, amendments and related documents; Department: Human Resources; Estimated Dollar Value: \$18,496,922
- 3) <u>Resolution 217-18 Award Bid# ITB-PW18-105/KS for Generator and Pump Repair, Maintenance and Installation Services to LJ Power Inc., located in Jupiter, FL as the lowest responsive, responsible bidder at the unit price stated in the bid documents for an estimated annual amount of \$181,358 not to exceed budgetary limits and authorize the City Manager or Designee to execute the contract, renewals and amendments within his authority; Department: Public Works; Estimated Annual Dollar Value \$181,358; (General Fund/W&S)</u>
- 4) <u>Resolution 221-18 Award Bid# ITB-UT18-94/KR to Gulf States Electric, Inc. of Naples, FL as the lowest responsive, responsible bidder, to provide construction services for the replacement of the Southwest (SW) Reverse Osmosis (RO) Water Treatment Plant (WTP), Motor Control Centers (MCC) for \$881,600 with a 10% City controlled contingency of \$88,160 for a total project cost of \$969,760 and authorize the City Manager or designee to execute the contract, amendments, change orders and purchase orders, within his signature authority; Department: Utilities; Dollar Value: \$969,760; (Water and Sewer Fund)</u>
- 5) <u>Resolution 222-18 Amendment to South Cape Banner Program; Reducing the</u> installation fee from \$80 per pole to \$40 per pole; Department: City Manager's Office; Dollar Value: N/A; (Fund: N/A)
- 6) <u>Resolution 226-18 Award Bid# ITB-UT18-116/KR to Quality Enterprises USA, Inc. of Naples, FL as the lowest responsive, responsible bidder, to provide construction services for the relocation of Weir 15 controls and replacement of the deteriorated control systems for Weir 15 Bladder & Controls Improvement project which are part of the continuation of the Lee County Burnt Store Road</u>

Widening project, for an amount of \$174,102 with a 10% City controlled contingency of \$17,410 for a total project cost of \$191,512 and authorize the City Manager or designee to execute the contract, amendments, change orders and purchase orders, within his signature authority; Department: Utilities; Dollar Value: \$191,512; (Water and Sewer Fund)

- 7) <u>Resolution 228-18 A Resolution authorizing payment up to \$5,000 in reimbursable relocation expenses as allowed in section 2-37.3 of the City of Cape Coral Code of Ordinances to the selected candidate for the position of Senior Auditor in the City Auditor's Office; Funding for the City Auditor's Office; Dollar Value: maximum of \$5,000; (General Fund)</u>
- 8) <u>Resolution 229-18 Acceptance of a Permanent Utility Easement within the southern portion of the parcel located at the northwest corner of Pine Island Road and Chiquita Boulevard (Strap #16-44-23-C3-00005.0000) for the installation of utilities associated with the North 2 Utilities Extension Project; Department: Financial Services / Real Estate Division; Dollar Value: NTE \$675; (Water and Sewer Fund)</u>
- 9) <u>Resolution 230-18 Approval of Contract for Purchase of Lots 46 and 47, Block 3025, Unit 43, Cape Coral Subdivision, 1128 Wilmington Parkway, Cape Coral, for the Festival Park project for the purchase price of \$11,000 plus closing costs not to exceed \$1,500; Department: Financial Services / Real Estate Division; Dollar Value: \$12,500; (Parks Capital Project Fund) Note: Trade offer rejected by Seller.</u>
- 10)<u>Resolution 231-18 Renewal of an Interlocal Agreement Between the City of Cape Coral and Lee County to Provide Services to the Burnt Store Area Fire Service Municipal Service Taxing Unit; Department: Fire; Estimated Dollar Value: \$1,022,886; (General Fund)</u>
- 11) WITHDRAWN Resolution 232-18 A Resolution approving the request of John D'Angelo (The Outdoor Kitchen Outlet, LLC) to allow the outdoor display of merchandise in front of a Household/Office Furnishing, Group I use located at 1306 Cape Coral Parkway West, Units B and C.
- 12)<u>Resolution 233-18 Acceptance of Paul Coverdell Forensic Science Improvement</u> Grant to purchase forensic equipment and extend forensic accreditation; Department: Police; Dollar Value \$98,043; no cash match; (Fund: N/A)
- 13)<u>Resolution 235-18 Acceptance of a Public Utility and Drainage Easement within a portion of Lots 1 and 2, Block 4898, Unit 74 Cape Coral, (2835 & 2839 SW 33rd Street Straps # 05-45-23-C1-04898.0010 & -04898.0020) for the relocation of a storm water drainage pipe; Department: Financial Services / Real Estate Division; Dollar Value: N/A; (Fund: N/A)</u>
- 14)<u>Resolution 238-18 Acceptance of Edward Byrne Memorial Justice Assistance</u> <u>Grant (JAG) Funding to purchase license plate reader camera system;</u> <u>Department: Police; Dollar Value \$16,382; No cash match</u>
- 15)<u>Authorization to convey an Offer of Judgment in the amount of \$525,000 in an</u> <u>effort to resolve the eminent domain case of City of Cape Coral v. Florida</u> <u>Properties III, LLC, et al., Case Number 2017-CA-002626</u>

Councilmember Williams moved, seconded by Councilmember Carioscia to approve items 8(B)(1), 8(B)(2), 8(B)(3), 8(B)(4), 8(B)(5), 8(B)(6), 8(B)(7), 8(B)(8), 8(B)(9), 8(B)(10), 8(B)(12), 8(B)(13), 8(B)(14), and 8(B)(15), as presented.

Councilmember Gunter pulled item 8(B)(10).

Councilmember Williams amended his motion to approve the Consent agenda items minus item 10, seconded by Councilmember Carioscia to approve items 8(B)(1), 8(B)(2), 8(B)(3), 8(B)(4), 8(B)(5), 8(B)(6), 8(B)(7), 8(B)(8), 8(B)(9), 8(B)(12), 8(B)(13), 8(B)(14), and 8(B)(15), as presented.

Council polled as follows: Carioscia, Coviello, Gunter, Nelson, Stokes, Stout, and Williams voted "aye." All "ayes." Motion carried 7-0.

Councilmember Gunter requested the historic perspective on Resolution 231-18.

Fire Chief Lamb explained the City of Cape Coral has provided service to Burnt Store Marina, Unincorporated Lee County and the North part of the County since 1990. Our current agreement is based on a "Calls for service" methodology which means it is based on the number of calls that Fire Station 7 runs into that MSTU area. The MSTU area encompasses three fire station districts: Eagle Road, Sanctuary Estates, and Burnt Store Marina. The Fire Department wants to implement a change to a "Ready to Serve" model. The request is extending the existing agreement until the new methodology has come to a mutual agreement with the County. The goal is to have a new agreement back to Council in six months that truly represents the costs to residents and the costs to the City.

Councilmember Gunter moved, seconded by Councilmember Stout to approve item 8(B)(10), as presented.

Council polled as follows: Carioscia, Coviello, Gunter, Nelson, Stokes, Stout, and Williams voted "aye." All "ayes." Motion carried 7-0.

### **CITIZENS INPUT TIME**

Bartholomew Mazzara appeared to discuss issues at the Yacht Club Basin. He expressed appreciation for the items taken care of in the basin, the algae, red tide, removal of the yellow tent, the vehicle parking has reduced by 66%. He expressed concerns of a large vessel parked for six months at the East end of the basin that obstructs the view for residents.

Renee Schihl appeared to discuss canal dredging that resulted in her seawall caving in. The City repaired the seawall, it caved in again, and the City fixed it. During IRMA, she experienced a third failure and stated the City does not want to take responsibility. She does not feel she is responsible for fixing it. She has received quotes, and the work would only be guaranteed for one year while new seawalls are built to last.

Louis Navarra appeared to discuss the GO Parks Bond Issue that will result in an additional tax to the residents. He requested Council buy the Golf Course and take the Bond Issue off of the ballot. He inquired about the flyer cost and explained the flyer does not contain public disclosure wording.

Bob Renshaw was in favor of the GO Parks Bond being passed based on requirements for open space needed for residents. He used Central Park as an example and explained that cities need open space to bring people here. This provides open space for the community and improves our environment.

Gary Eldred appeared to discuss the parking situation in Cape Coral including parking on the grass and furniture on streets. He requested Council look at these problems and have more Code Enforcement to address the problems. He commended the Mayor and City Council for working together on issues.

Mary Anne Sweeney reiterated what Mr. Eldred spoke about specific to parking violations and property conditions. Behind Back Streets and Aubuchon Builders, the parking is very tight and will result in damage to residents' cars.

<u>Councilmember Williams</u> inquired about Ms. Schihl's Citizens Input statements about her seawall failures.

Public Works Director Clinghan responded that we leave a buffer. Staff will be addressing this situation, look at the records, and the repairs completed by the City. He will research with Public Maintenance to address the request. This evening was the first time he learned about the issue and will look into the issue.

<u>Councilmember Stokes</u> explained the Council is looking for a compromise for the City and appreciates citizen input.

<u>Councilmember Gunter</u> reviewed the population increase to 200,000 residents, the Council is looking at the regulations and appreciates community input. He encouraged resident participation on the parking issues.

<u>Councilmember Nelson</u> explained the Council is looking at the parking ordinance and compromises based on our diverse population increases versus our long-term resident needs. About furniture on the side of road, she is very aware of this issue. She is the sponsor of an Ordinance that is a work in progress to address the move outs, the rental moveouts, and foreclosures.

City Manager Szerlag explained at the last COW meeting when we spoke about parking on the grass as well as signage on vehicles on private driveways, he did not get a general sense of direction on those two topics. He tasked DCD to come up with a matrix of narratives that each individual member had relative of the two issues. He was interested in meeting and discussing this further.

<u>Mayor Coviello</u> added that the duplex design component should address the parking. He was not in favor of parking on the grass but recognized that residents living in a duplex could be faced with this challenge. This should be considered in the regulations. Should we have regulations in residential and different types of regulations for multifamily? Also, he reviewed the mailer about the GO Bond, this was an informational piece for residents.

#### Councilmember Stout reiterated about the seawall damage done by IRMA.

<u>Mayor Coviello</u> added about the Yacht Club complaints, after speaking with the Harbormaster, it was his understanding that when room becomes available, they would consider moving it to a different location in the marina.

### PERSONNEL ACTIONS

None

### **PETITIONS TO COUNCIL**

None

### APPOINTMENTS TO BOARDS / COMMITTEES / COMMISSIONS

# Affordable Housing Advisory Committee - 2 vacancies (1 for the P&Z member vacancy and 1 for the Resident vacancy)

City Clerk van Deutekom announced there was a vacancy for a member of the Local Planning and Zoning Commission. At their meeting held on October 3, 2018, P&Z recommended that Jim Ranfranz remain as the P&Z Representative for AHAC. P&Z respectfully requests that the City Council accept and affirm the appointment as a ministerial duty of the Council. The term would be extended to 10/31/2021.

Councilmember Williams moved, seconded by Councilmember Gunter to accept and affirm the appointment of Jim Ranfranz as the P&Z representative to AHAC; term would expire on 10/31/2021. Council polled as follows: Carioscia, Coviello, Gunter, Nelson, Stokes, Stout, and Williams voted "aye." All "ayes." Motion carried 7-0.

<u>Interviews</u> Dan Kasperkoski - not present Franklin Lee –present Stephen Stefanik – present

City Clerk van Deutekom also announced there were three applicants for the one vacancy for the resident position on the AHAC. She explained Franklin Lee was interviewed in the past for a position but was unable to attend this evening. Mr. Kasperkoski was also unable to attend. Stephen Stefanik was present and provided details about himself.

Council was polled as follows: Carioscia – Lee; Coviello – Stefanik; Gunter – Stefanik; Nelson – Stefanik; Stokes – Lee; Stout – Stefanik; and Williams - Stefanik.

City Clerk van Deutekom provided the results as follows: Lee - 2; Stefanik - 5.

Councilmember Stout moved, seconded by Councilmember Gunter to appoint Stephen Stefanik to the resident position on the Affordable Housing Advisory Committee. (Term expiration of 11/30/2021.)

Council polled as follows: Carioscia, Coviello, Gunter, Nelson, Stokes, Stout, and Williams voted "aye." All "ayes." Motion carried 7-0.

#### ORDINANCES/RESOLUTIONS

#### PUBLIC HEARINGS

Ordinance 43-18/LU 17-0012 2nd and Final Public Hearing WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the City of Cape Coral Comprehensive Plan by amending the Future Land Use Map from Mixed Use Preserve (MUP), Class III, Type D to Multi-Family Residential (MF) and from Urban Services Reserve Area to Urban Services Transition Area for a parcel lying in a portion of the Southwest Quarter of Section 29, Township 44 South, Range 23 East, Lee County Florida; property located northeast of Veterans Parkway and to the west of the Sandoval Subdivision. (84.47 acres) (Applicant: MSI Holdings, LLC)

Planning & Zoning Recommendation: At their June 6, 2018 meeting, Planning & Zoning voted (5-2) to recommend approval of the Ordinance.

City Management Recommendation: City Management recommends approval.

City Clerk van Deutekom read the title of the Ordinance.

Principal Planner Boyko explained the purpose of the Ordinance and displayed the following power point slides:

- Ordinance 43-18 LU 17-0012
- Ordinance 43-18; applicant; size; location; zoning; request
- Subject Parcel Map
- Current Future Land use; Proposed Future Land Use
- Current Zoning
- Findings of Fact
- Mixed Use Preserve
- Multi-Family Residential
- Analysis Future Land Use Element
- Analysis Future Land Use Element (continued)
- Analysis Economic Development Master Plan

- Analysis Urban Service Boundary
- Development Impact Analysis
- Recommendation
- Correspondence

Public Hearing opened.

Brian Smith, EnSite, authorized representative for the applicant, appeared to answer any questions that City Council may have regarding this request.

Public Hearing closed.

# *Councilmember Stout moved, seconded by Councilmember Carioscia to adopt Ordinance 43-18, as presented.*

<u>Mayor Coviello</u> inquired about the existing large bodies of water and placing the homes. What is the plan?

Mr. Smith responded that a PDP application has been submitted with a development plan that contains approximately 300-500 units without losing the existing lakes.

# *Council polled as follows: Carioscia, Coviello, Gunter, Nelson, Stokes, Stout, and Williams voted "aye." All "ayes." Motion carried 7-0.*

### Ordinance 44-18 Public Hearing

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the City of Cape Coral Code of Ordinances, Chapter 2, Administration, Article III, Personnel Rules and Regulations, Division 12, "Classifications," to amend the requirements for Council approval regarding the addition of regular full-time positions within a classification and to amend the requirements for Council approval based on the new pay grade for a reclassification. (Applicant: Brought forward by City Management)

City Clerk van Deutekom read the title of the Ordinance.

Human Resources Director Sonego explained the purpose of the Ordinance was to provide efficient and productive service, the number of regular full-time employees per department and fund cannot be increased without Council approval.

Public Hearing opened.

No speakers.

Public Hearing closed.

# *Councilmember Williams moved, seconded by Councilmember Gunter to adopt Ordinance 44-18, as presented.*

*Council polled as follows: Carioscia, Coviello, Gunter, Nelson, Stokes, Stout, and Williams voted "aye." All "ayes." Motion carried 7-0.* 

### INTRODUCTIONS

Ordinance 70-18 Set Public Hearing Date for November 5, 2018

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the Land Use and Development Regulations, Article III, Supplementary District Regulations, Section 3.9, Fences, Shrubbery, Walls, by amending the regulations for fence materials in Residential Zoning Districts. (Applicant: Brought forward by City Management.) P&Z Recommendation: At their October 3, 2018 meeting, the Planning & Zoning Commission voted unanimously to recommend approval.

City Management Recommendation: City Management recommends approval.

City Clerk van Deutekom read the title of the Ordinance.

The public hearing was scheduled for November 5, 2018 in Council Chambers.

Principal Planner Boyko stated he would give a presentation at the public hearing and was available for any questions.

#### Ordinance 71-18 Set Public Hearing Date for November 5, 2018 WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the Conservation and Coastal Management, Housing, Future Land Use, Infrastructure, Recreation and Open Space, and Transportation Elements of the City of Cape Coral Comprehensive Plan. (Applicant: Brought forward by City Management.)

P&Z Recommendation: At their October 3, 2018 meeting, the Planning and Zoning Commission voted unanimously to approve Ordinance 71-18 for transmittal.

City Management Recommendation: City Management recommends approval for transmittal.

City Clerk van Deutekom read the title of the Ordinance.

The public hearing was scheduled for November 5, 2018 in Council Chambers.

Planning Team Coordinator Daltry stated he would give a presentation at the public hearing and was available for any questions.

### Ordinance 73-18 Set Public Hearing Date for November 5, 2018

WHAT THE ORDINANCE ACCOMPLISHES: An ordinance declaring certain real property to be surplus property and authorizing the City Manager to sell the surplus property described in Exhibit A. (Applicant: Brought forward by City Management.)

City Clerk van Deutekom read the title of the Ordinance.

The public hearing was scheduled for November 5, 2018 in Council Chambers.

Property Broker Andrews stated she would give a presentation at the public hearing and was available for any questions.

### UNFINISHED BUSINESS

### Water Quality - Update

Public Works Director Clinghan reviewed the memo provided to Council and provided the most current update on Lake Okeechobee.

Mayor Coviello inquired about testing and reopening the Yacht Club Beach.

Director Clinghan explained that the information from the Department of Health is expected by the end of week. We were also testing the algae for toxins. Once we know, we will let Council know.

Utilities Director Pearson provided an update on the algae in the canals. Staff has been out to all the canals where complaints have been registered. Eleven canals out of approximately 50 are registered at a one, the rest at a zero with no visible algae present. There is improvement, and we expect more improvement through the dry season with

salinity increases and temperature changes. We also expect less discharges from Lake Okeechobee.

Mayor Coviello inquired about any existing results from Ecological Laboratories.

Director Pearson responded that there is an upcoming meeting with Ecological Laboratories and the DEP to go over initial results.

Councilmember Gunter inquired about the bubble curtain results.

Chief Lamb explained there is a lot of tidal action and more weights need to be placed. This is a large opening, and there is a lot of force. There will be another attempt to add another weight and chain tomorrow. As conditions are improving, we will be looking at it for future problems.

Discussion held regarding moving the location to deeper inside the canal.

<u>Councilmember Nelson</u> inquired about the air testing letter sent to the Department of Health.

Director Clinghan explained this was a letter sent out by the Mayor. He offered to follow-up.

### Follow Up Items Requested by Council

None

### **NEW BUSINESS**

ADDENDUM: Metropolitan Planning Organization Citizens Advisory Committee (MPOCAC) (Brought forward by Councilmember Cosden)

*Councilmember Stout moved, seconded by Councilmember Williams to recommend appointment of Steve Henry as a member of the MPOCAC.* 

*Council polled as follows: Carioscia, Coviello, Gunter, Nelson, Stokes, Stout, and Williams voted "aye." All "ayes." Motion carried 7-0.* 

### REPORTS OF THE MAYOR AND COUNCIL MEMBERS

<u>Councilmember Stokes</u> – Topics: Thanks to First Responders/Volunteers helping victims of Hurricane Michael; requested a second on an issue at SE 8<sup>th</sup> Place, the north part of NE 8<sup>th</sup> Place is 30 MPH, SE 8<sup>th</sup> Place has a speed limit of 35 MPH, concerned about speeding, he requested a second to work with staff to lower the speed limit back to 30 MPH. He received a second from Councilmember Carioscia. He expressed appreciation to City Clerk van Deutekom.

<u>Councilmember Nelson</u> – Topics: Expressed appreciation to City Clerk van Deutekom for her service to the City; Attended the Boo Ball for PACE Center for Girls, Bike Night; and explained her research regarding the City's Fertilizer Ordinance. She requested a second to work with staff to enhance our existing ordinance, specific to violations given in the current ordinance, enhancement, possibly banning sale of fertilizer for about four months a year and going with an organic type, and certifications for residents and applicators for the fertilizer. We should be setting the trend to help with the water issues. Councilmember Williams provided the second.

<u>Councilmember Stout</u> – Topics: Attended Boo Ball for PACE Center for Girls; Valerie's House event; and wished City Clerk van Deutekom the best with her retirement.

<u>Councilmember Williams</u> – Topics: Addressed memo distributed by Councilmember Cosden about Medical Marijuana by City Employees.

City Attorney Menendez explained it was her belief that Councilmember Cosden's memo was looking for a second. Councilmember Williams provided the second.

<u>Councilmember Carioscia</u> – Topics: Expressed appreciation to City Clerk van Deutekom for her service to the residents.

<u>Councilmember Williams</u> – Expressed his appreciation to City Clerk van Deutekom for her service.

<u>Councilmember Gunter</u> – Topics: Congratulated City Clerk van Deutekom for her service as City Clerk and eagerness to always help residents. Attended the Parks GO Bond meeting at the Yacht Club with City Manager; explained the area on the City's website to get informed; attended the CCCIA dinner; and explained Bike Night was a great event and he gave Kudos to the Parks and Recreation Department for their success.

Councilmember Cosden - Topics: Excused.

<u>Mayor Coviello</u>: Topics: Attended several GO Bond meetings around the City; Chamber of Commerce Leadership event; BMX Opening Day; CCCIA Dinner event; and Bike Night. Will attend the Board of County Commissioners meeting to discuss the appeal; ground breaking ceremony for the Myriad Luxury Motor Coach Resort opening; Upcoming on 11/3 between 9 am and 12 pm - Cape Coral Fire Station Open House event; next Bulk Item Drop Off Day is Saturday 11/17 at the Moose Lodge and the Parking Lot across from City Hall. CCPD is accepting applications for volunteers, their Citizens Police Academy will be January 14 through the 18<sup>th</sup>, next Friday night – Octoberfest kicks off for two weeks.

City Clerk van Deutekom added details to the withdrawal of item 8(B)(11); it will be rescheduled to the upcoming November 5, 2018 Regular Meeting. She expressed appreciation to everyone for all of the kind words in reference to her service to the City.

### REPORTS OF THE CITY ATTORNEY AND CITY MANAGER

City Attorney – Topic: No Report.

<u>City Manager</u> – Topic: Rate Sufficiency Analysis is typically addressed by our Consultants at a COW meeting. No increase is anticipated, so there is no need for the COW meeting. Under his reports he can have Stantec available to do their report/presentation as there is no rate increase anticipated.

<u>Mayor Coviello</u> stated the COW meeting for Monday, October 22, 2018 will be canceled. He noted that this would be added on to an agenda for a light presentation since there are no rate increases.

City Manager Szerlag confirmed that statement made by the Mayor. He added that he attended the 47<sup>th</sup> Terrace Bike Night and stated two major thresholds have been met:

- 1. Club Square open in time for Farmers Market
- 2. Open for Bike Night

Next dates are upcoming to be open for Christmas and to have a New Year's Eve party on 47th Terrace.

#### TIME AND PLACE OF FUTURE MEETINGS

The Committee of the Whole Meeting that was scheduled for Monday, October 22, 2018 at 4:30 p.m. in Council Chambers was canceled.

A Regular Meeting was scheduled for Monday, November 5, 2018 at 4:30 p.m. in Council Chambers.

#### MOTION TO ADJOURN

There being no further business, the meeting adjourned at 5:49 p.m.

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Submitted by,

Rebecca van Deutekom, MMC City Clerk Item 7.F. Number: 7.F. Meeting 11/5/2018 Date: APPROVAL OF MINUTES

AGENDA REQUEST FORM CITY OF CAPE CORAL



TITLE:

Special Meeting - October 24, 2018

## **REQUESTED ACTION:**

Approve or Deny

## STRATEGIC PLAN INFO:

1. Will this action result in a Budget Amendment?	No	
2. Is this a Strategic Decision?		
If Yes, Priority Goals Supported are listed below.		
If No, will it harm the intent or success of the Strategic Plan?	No	

## PLANNING & ZONING/HEARING EXAMINER/STAFF RECOMMENDATIONS:

## SUMMARY EXPLANATION AND BACKGROUND:

## LEGAL REVIEW:

## EXHIBITS:

Special Meeting - October 24, 2018

## PREPARED BY:

Kimberly Bruns Division- Managerial Department-City Clerk's Department

## SOURCE OF ADDITIONAL INFORMATION:

Kimberly Bruns Assistant City Clerk 1-239-242-3243

## ATTACHMENTS:

## Description

D Special Meeting - October 24, 2018

**Type** Backup Material



#### MINUTES FOR THE SPECIAL MEETING OF THE CAPE CORAL CITY COUNCIL

#### Wednesday, October 24, 2018

#### **Council Chambers**

2:00 p.m.

Meeting called to order by Mayor Coviello at 2:02 p.m.

Invocation/Moment of Silence

Pledge of Allegiance

Roll Call: Mayor Coviello, Council Members Carioscia, Nelson, Stokes, and Stout were present. Councilmembers Cosden, Gunter, and Williams were excused.

#### CHANGES TO AGENDA/ADOPTION OF AGENDA

Councilmember Carioscia moved, seconded by Councilmember Nelson to adopt the agenda, as presented.

Council polled as follows: Coviello, Nelson, Stokes, Stout, and Carioscia voted "aye." All "ayes." Motion carried 5-0.

#### **CITIZENS INPUT TIME**

No speakers

#### **BUSINESS**

#### <u>Consideration of Waiver of Conflict of Interest from the Law Firm of Manson</u> <u>Bolves Donaldson Varn for the Representation of the City of Sanibel and</u> <u>Fort Myers Beach</u>

City Attorney Menendez explained the City has engaged the services of the Manson Bolves Firm based in Tallahassee to represent the City in the Administrative Litigation going on against the South Florida Water Management District and discussed the following:

- The City has been a party in that matter, a petitioner in that matter with Fort Myers Beach and the City of Sanibel.
- She listed Fort Myers, Bonita Springs, and Estero as interveners as well as another entity from Captiva that she believes they are attempting to become an intervener.
- The three main parties in this matter are the City of Cape Coral, the City of Sanibel, and the Town of Fort Myers Beach.
- As of the 19<sup>th</sup> of October, the general counsel for the City of Sanibel has been conflicted out of this case because of other representation that he or his firm is engaged in.
- That initiated a formal request by the City of Sanibel that they would like to be represented by Manson Bolves Law Firm.
- The Town of Fort Myers Beach has also approached the City in this regard.
- She explained that normally, attorneys do not recommend that clients share lawyers in the same case so that they have multiple parties in the same case all represented by a single counsel.
- There are two factors that make this not as objectionable in this instance. This particular litigation is very, very, expedited in the pace of this case. Right now, we are in the deposition stage. The Hearing on this matter is currently scheduled for this Monday and Tuesday. The interests of the Town of Fort Myers Beach, the City of Cape Coral, and the City of Sanibel seem well aligned in this case. We have all filed a joint petition.

- 1. First concern, is not going to arise, which is having a difference regarding this matter.
- 2. Second concern, what about future litigation?
- If we find in the future there is a conflict revolving around environmental water issues, specific to City of Sanibel and Town of Fort Myers Beach, it could become a future conflict issue since we have shared them in this case.
- The waivers prepared address that issue. It states in the letter from Manson Volves Law Firm to City of Sanibel and Town of Fort Myers Beach, even in respect to matters adverse to Sanibel and Fort Myers Beach. Under these circumstances, the City Attorney's Office does not have a concern.
- It is up to Council to determine if you have a comfort level. Before you today, you should have two waivers of conflict of waivers – one from City of Sanibel and Town of Fort Myers Beach.

John Agnew, General Counsel for City of Sanibel, has signed their letter of engagement and waiver of conflict of interest. The Town of Fort Myers Beach Attorney stated he has to take it to his Council for approval but is confident that they will be going forward. Their next meeting is after the Hearing.

City Attorney Menendez continued by explaining there is a question as to how we share the money. Discussions have ensued between the attorneys about how the sharing may occur. It would be an issue for the local governments but has not been finalized.

<u>Mayor Coviello</u> explained up to this point we all had attorneys, as of today, time going forward, until our attorney's representation, we would share the cost.

Councilmember Stout moved, seconded by Councilmember Nelson to authorize Mayor Coviello to execute a Waiver of Conflict of Interest for the Law Firm of Manson Bolves Donaldson Varn to represent the City of Sanibel in this proceeding and to authorize Mayor Coviello to execute a Waiver of Conflict of Interest for the Law Firm of Manson Bolves Donaldson Varn to represent the Town of Fort Myers Beach in this proceeding.

Council polled as follows: Coviello, Nelson, Stokes, Stout, and Carioscia voted "aye." All "ayes." Motion carried 5-0.

#### TIME AND PLACE OF FUTURE MEETINGS

A Regular Meeting of the Cape Coral City Council was scheduled for Monday, November 5, 2018 at 4:30 p.m. in Council Chambers.

#### MOTION TO ADJOURN

There being no further business, the meeting adjourned at 2:16 p.m.

Submitted by,

Rebecca van Deutekom, MMC City Clerk Item Number: B.(1) Meeting Date: 11/5/2018 Item Type: CONSENT AGENDA

AGENDA REQUEST FORM CITY OF CAPE CORAL



## TITLE:

Resolution 223-18 Award ITB-PD19-01/MM for the purchase of ammunition, to Florida Bullet, Inc., as the lowest responsive responsible bidder, for all Bid Items at the unit prices, at an estimated cost of \$77,387, not to exceed budgetary limits, and authorize the City Manager or designee to execute the agreement, renewals, amendments and Purchase Orders; Department: Police; Dollar Value \$77,387; (General Fund)

## **REQUESTED ACTION:**

Approve or Deny

# STRATEGIC PLAN INFO:

- 1. Will this action result in a Budget Amendment?
- 2. Is this a Strategic Decision?

No

If Yes, Priority Goals Supported are listed below. If No, will it harm the intent or success of the Strategic Plan?

# PLANNING & ZONING/HEARING EXAMINER/STAFF RECOMMENDATIONS:

# SUMMARY EXPLANATION AND BACKGROUND:

- 1. On August 8, 2018, Invitation to Bid #ITB-PD19-01/MM was issued for the purchase and delivery of ammunition used by the Police Department for duty, qualification and training.
- On September 6, 2018, five (5) bids were received from the following firms, listed in alphabetic order: Commonwealth Ammunition, Supply, Florida Bullet, Inc., GT Distributors, Inc., International Cartridge Corporation and Lawmen's & Shooters' Supply Inc.
- 3. Staff recommends awarding all items to Florida Bullet Inc., as the lowest responsive responsible bidder having met the requirements and specifications outlined in the bid documents.
- 4. If approved, the term of the contract is from one year from Council award with two (2) additional one year renewals.
- 5. This is a budgeted item.
- 6. Funding: 121101.652123 Police Support Administration/Weapons and Ammunition

# LEGAL REVIEW:

Contract reviewed by Legal

## EXHIBITS:

Department Recommendation Memo Resolution 223-18 Bid Tabulation- #ITB-PD19-01/MM

## PREPARED BY:

Wanda Roop Division- Procurement Department- Finance

## SOURCE OF ADDITIONAL INFORMATION:

David Newlan, Chief of Police

#### ATTACHMENTS:

#### Description

Туре

- Department Memo
- Resolution 223-18
- **D** Bid Tabulation- #ITB-PD19-01/MM
- Backup Material Resolution Backup Material



CAPE CORAL POLICE DEPARTMENT

Office of the Chief of Police

TO: John Szerlag, City Manager Victoria Bateman, Financial Services Director Wanda Roop, Procurement Manager

FROM: David Newlan, Chief of Police

DATE: September 18, 2018

SUBJECT: Bid Recommendation for Ammunition Bid

## Background

The Cape Coral Police Department has reviewed bid #PD10-01/MM for ammunition. Five bids were received; Commonwealth Ammunition, Florida Bullet, GT Distributors, ICC Ammo, and Lawmen's and Shooters.

## Recommendation

The Cape Coral Police Department recommends awarding this Invitation to Bid to the lowest, responsive, and responsible bidder as follows:

Award all bid items to Florida Bullet

## **Fund Availability**

Funds are budgeted in the FY19 proposed budget under 121101.652123.

## DN:tg

Attachment: City of Cape Coral Evaluation Matrix, ITB-PD19-01-MM

#### RESOLUTION 223 - 18

A RESOLUTION OF THE CITY OF CAPE CORAL AWARDING A BID FOR THE PURCHASE AND DELIVERY OF AMMUNITION TO FLORIDA BULLET, INC.; AUTHORIZING THE RENEWAL OF THE CONTRACT FOR UP TO TWO ADDITIONAL ONE-YEAR PERIODS; PROVIDING FOR SUBSEQUENT EXECUTION OF THE CONTRACT, PURCHASE ORDERS AND ANY FUTURE RENEWALS BY THE CITY MANAGER OR HIS DESIGNEE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on August 8, 2018, INVITATION TO BID (ITB) #PD19-01/MM was issued for the purchase and delivery of ammunition used by the Police Department for duty, qualification, and training; and

WHEREAS, having received five (5) bids, the City Manager recommends the award of the bid to Florida Bullet, Inc., as the lowest qualified responsible and responsive bidder meeting the requirements and criteria set forth in the invitation to bid, in the estimated amount of \$77,387; and

WHEREAS, the term of the contract is for one (1) year from the Council award date with two (2) optional one-year renewals at the unit prices bid; and

WHEREAS, the City Council desires to authorize the City Manager or his designee to enter into a contract for the purchase and delivery of ammunition between the City of Cape Coral and Florida Bullet, Inc., and to authorize the City Manager to approve the renewal of the contract for up to two additional one-year periods, if the City Manager deems the renewals to be in the best interest of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA, AS FOLLOWS:

Section 1. The City Council hereby awards the bid for the purchase and delivery of ammunition to Florida Bullet, Inc., at the unit prices bid, in the estimated amount of \$77,387.

Section 2. The City Council hereby authorizes the City Manager to enter into a contract for the purchase and delivery of ammunition between the City of Cape Coral and Florida Bullet, Inc., and authorizes the City Manager or his designee to execute the contract and purchase orders. The contract is attached hereto as Exhibit 1.

Section 3. The City Council hereby authorizes the City Manager to approve the renewal of the contract for two (2) additional one-year periods and authorizes the City Manager or his designee to execute any future contracts and purchase orders associated with such renewals, should the City Manager deem it to be in the best interest of the City.

Section 4. This Resolution shall take effect immediately upon its adoption.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF CAPE CORAL AT ITS REGULAR COUNCIL SESSION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

#### JOE COVIELLO, MAYOR

VOTE OF MAYOR AND COUNCILMEMBERS:

COVIELLO	 NELSON	
GUNTER	 STOKES	
CARIOSCIA	 WILLIAMS	
STOUT	 COSDEN	

ATTESTED TO AND FILED IN MY OFFICE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2018.

> KIMBERLY BRUNS INTERIM CITY CLERK

APPROVED AS TO FORM:

Menende (1 DOLORES D. MENENDEZ CITY ATTORNEY res/Bid Award-Florida Bullet

THIS CONTRACT is made this \_\_\_\_\_\_ day of \_\_\_\_\_\_,2018 by and between the CITY OF CAPE CORAL, FLORIDA, hereinafter called "CITY", and FLORIDA BULLET, INC., doing business as a corporation, located at 1220 Rogers Street, Clearwater, Florida 33756 hereinafter called "CONTRACTOR".

WITNESSETH: For and in consideration of the payments and agreements mentioned hereinafter:

- 1. The CONTRACTOR will supply <u>ammunition</u> in accordance with the Contract Documents.
- 2. The CONTRACTOR agrees to supply ammunition at the price outlined in Attachment A, attached hereto and made a part hereof.
- 3. The term of this agreement shall be for 1 year from the Council award date. The contract may be renewed for 2 (two) additional, 1 (one) year periods, upon mutual agreement by the CITY and the CONTRACTOR.
- 4. <u>Delivery:</u> All orders placed shall be delivered within the City of Cape Coral as per the location listed on the Invitation to Bid documents and shall occur between the hours of 7:30am and 2:30pm.
- 5. <u>Pick-up</u>: The CITY may decide to pick-up materials from the CONTRACTOR. Arrangements for pickup date and time will be made by mutual agreement with the CONTRACTOR.
- 6. The CONTRACTOR agrees to supply the product, within 45 (forty-five) calendar days, as described in the bid documents. If delivery is not made within 45 (forty-five) calendar days after the placement of an order, the CITY reserves the right to utilize other available contracts.
- 7. This Contract may be terminated for convenience by either party upon thirty (30) days prior written notice to either party. In the event of termination, the CONTRACTOR shall be paid as compensation in full for work performed to the day of such termination, an amount prorated in accordance with the work substantially performed under this Contract. Such amount shall be paid by the CITY after inspection of the work to determine the extent of performance under this Contract, whether completed or in progress.
- 8. <u>Annual Appropriation Contingency</u>: Pursuant to FL Statute §166.241, the City's performance and obligation to pay under this Contract is contingent upon an annual appropriation by the City Council. This contract is not a commitment of future appropriations. Authorization for continuation and completion of work and any associated payments may be rescinded, with proper notice, at the discretion of the City if the City Council reduces or eliminated appropriations.
- 9. The Term "Contract Documents" means and includes the following:
  - A. Bid Specifications prepared and issued by the CITY;
  - B. Submitted Response of CONTRACTOR to the CITY, except when it conflicts with any contractual provision; and
  - C. This contract as well as all other documents attached hereto and/or referenced herein.

This agreement constitutes the entire and exclusive agreement between the parties and supersedes any and all prior communications, discussions, negotiations, understandings, or agreements, whether written or verbal.

In the event of conflict between any provision of any other document referenced herein as part of the contract and this agreement, the terms of this agreement shall control.

Page 1 of 4

#### Exhibit 1

10. Record Keeping

The awarded bidder shall maintain auditable records concerning the procurement adequate to account for all receipts and expenditures, and to document compliance with the specifications. These records shall be kept in accordance with generally accepted accounting principles, and the City of Cape Coral reserves the right to determine the record-keeping method in the event of non-conformity. If a Public Construction Bond is required records shall be maintained for ten (10) years, after final payment has been made and shall be readily available to City personnel with reasonable notice, and to other persons in accordance with the Florida Public Disclosure Statutes.

Records of the Contractor's personnel, sub-consultants, and the costs pertaining to the Project shall be kept in accordance with generally accepted accounting practices.

Contractor shall keep full and detailed accounts and financial records pertaining to the provision of services for the City. Prior to commencing work, Contractor shall review with and obtain the City's approval of the accounting procedures and records to be utilized by the Contractor on the Project. Contractor shall preserve the aforementioned Project records for a period of ten (10) years after final payment, or for such longer period as may be required by law.

# 11. Public Records

Pursuant to Florida Statute §287.058 (1) (c), this contract may be unilaterally cancelled by the City if the Contractor, refuses to allow public access to all documents, papers, letters, or other material made or received by the Contractor in conjunction with this contract, unless the records are exempt from disclosure.

- 12. <u>Assignment:</u> This agreement may not be assigned except with the written consent of the CITY, and if so assigned, shall extend and be binding upon the successors and assigns of the CONTRACTOR.
- 13. <u>Disclosure:</u> The CONTRACTOR warrants that it has not employed or retained any company or person, other than a bona fide employee working solely for the CONTRACTOR to solicit or secure this agreement and that it has not paid or agreed to pay any person, company, corporation, individual or CONTRACTOR, other than a bona fide employee working solely for the CONTRACTOR, any fee, commission percentage, gift, or other compensation contingent upon or resulting from the award or making of the agreement.
- 14. <u>Unauthorized Aliens</u>: The employment of unauthorized aliens by any Contractor is considered a violation of Section 274A(e) of the Immigration and Nationality Act. If the Contractor knowingly employs unauthorized aliens, such violation shall be cause for unilateral cancellation of any contract resulting from this solicitation. This applies to any sub-contractors used by the Contractor as well.
- 15. <u>Administration of Contract:</u> The <u>Police Chief</u>, or his representative, shall administer this agreement for the CITY.
- 16. <u>Governing Law:</u> The validity, construction and effect of this Contract shall be governed by the laws of the State of Florida. All claim and/or dispute resolution under this Agreement, whether by mediation, arbitration, litigation, or other method of dispute resolution, shall take place in Lee County, Florida. More specifically, any litigation between the parties to this Agreement shall be conducted in the Twentieth Judicial Circuit, in and for Lee County, Florida. In the event of any litigation arising out of this Contract, each party shall be responsible to pay for its own reasonable costs and attorney fees.
- 17. <u>Amendments:</u> No Amendments or variation of the terms or conditions of this Contract shall be valid unless in writing and signed by the parties.

- 18. Payments: CITY shall make payment and CONTRACTOR shall be in receipt of all sums properly invoiced within thirty (30) days of the City's receipt of such invoice unless, within a fifteen (15) day period, CITY notifies CONTRACTOR in writing of its objection to the amount of such invoice, together with CITY'S determination of the proper amount of such invoice. CITY shall pay any undisputed portion of such invoice within such thirty (30) day period. If CITY shall give such notice to the CONTRACTOR within such fifteen (15) day period, such dispute over the proper amount of such invoice shall be resolved, and after final resolution of such dispute, CITY shall promptly pay the CONTRACTOR the amount so determined, less any amounts previously paid by CITY with respect to such invoice. In the event it is determined that CITY has overpaid such invoice, the CONTRACTOR shall promptly refund to the CITY the amount of such overpayment.
- 19. Indemnity: The CONTRACTOR shall indemnify and hold harmless the CITY, its officers and employees, from liabilities, damages, losses and costs, including, but not limited to, reasonable attorney's fees, to the extent caused by the negligence, recklessness, or Intentional wrongful misconduct of the CONTRACTOR and any persons employed or utilized by CONTRACTOR in the performance of this Contract.
- 20. <u>Invalid Provision</u>: The invalidity or unenforceability of any particular provision of this Contract shall not affect the other provisions hereof, and the Contract shall be construed in all respects as if such invalid or unenforceable provisions were omitted.
- 21. <u>Insurance:</u> Without limiting its liability, the CONTRACTOR shall be required to procure and maintain at its own expense during the life of the Contract, insurance of the types and in the minimum amounts as specified in the Contract Documents which will protect the

CONTRACTOR, from claims which may arise out of or result from the CONTRACTOR'S execution of the project, whether such execution by himself or by any sub-consultant, or by anyone directly or indirectly employed by any of them or by anyone for whose acts any of them may be liable. Any questions regarding the insurance requirements should be directed to the Risk Manager, (239) 574-0529. The CITY shall be listed as additional insured on General Liability policies.

22. <u>Entire Agreement:</u> This Contract constitutes the entire and exclusive agreement between the parties and supersedes any and all prior communications, discussions, negotiations, understandings, or agreements, whether written or verbal.

IN WITNESS WHEREOF, the parties hereto have executed, or caused to be executed, by their duly authorized officials this Contract in <u>one</u> counterparts which shall be deemed an original on the date last signed as below written:

(CITY SEAL): ATTEST	CITY:		
	City of Cape Coral, Florida		
Signature:	Signature:		
Typed Name: <u>Rebecca van Deutekom, MMC</u>	Printed Name: <u>A. John Szerlag</u>		
Title:City Clerk	Title: <u>City Manager</u>		
	Date:		

CITY LEG REVIEW

Dolores Menendez City Attorney

Date

WITNESS CONTRACTOR:

CONTRACTOR:

Signature: Typed Name: Leonard Anderson Title: Director of Operations

Florida Bullet, Inc. Signature: Tem Falment Typed Name: TOM FALONETT Title: PRESIDENT Date: 9-24-2018

# **ATTACHMENT A**

ITB-PD19-01/MM

#### OFFICIAL BID PROPOSAL

	Ammunition Type	Use	Requested	Rounds/Case	Case Price	Extended Price
1	.40 S&W Speer LE Gold Dot 165 gr. *NO SUBSTITUTES*	Duty	5,000 rounds	4.000/5	364.90	\$ 1824.50
2	.223 Federal Duty Tactical 62 gr, Bonded Soft Point *NO SUBSTITUTES*	Duty	10,000 rounds		\$249.90	\$ 12,495.00
3	.223 Cleanfire, 55gr Frangible *NO SUBSTITUTES*	Training	15,000 rounds		\$159.00	\$6885.00
4	.40 Federal, 125gr Frangible *SUBSTITUTES ALLOWED*	Training	80,000 rounds	1000/80	369.00	\$29520,00
5	.380 Federal, 75gr Frangible *SUBSTITUTES ALLOWED*	Qual	3,000 rounds	1000/3	\$385.00	\$ 1/55,00
6	9mm Federal, 98gr Frangible *SUBSTITUTES ALLOWED*	Qual	3,000 rounds	1000/3	\$328,00	\$ 984,00
7	.45 Federal, 155gr Frangible *SUBSTITUTES ALLOWED*	Qual	1,000 rounds	1000/1	\$449.00	s 449.00
8	223 Federal, 55gr, Ball *SUBSTITUTES ALLOWED*	Training	20,000 rounds	1,000/20	\$295.00	\$5,900.00
9	.40 Speer, 165gr, Ball *SUBSTITUTES ALLOWED*	Training	60,000 rounds	1000/40	\$205.90	\$/2354.00
D	9mm "any color" Marking Training Rounds *SUBSTITUTES ALLOWED*	Training	6,000 rounds	500/12	\$245,00	\$2940,00
1	9mm Non-Marking Training Rounds *SUBSTITUTES ALLOWED*	Training	6,000 rounds	500/12	\$340.00	\$2880,00

Page 18 of 35



#### City of Cape Coral EVALUATION MATRIX: ITB-PD19-01-MM Bids Due 9/6/18 Commonwealth Lawmen's & Florida Bullet **GT Distributors** ICC Ammo AMMUNITION FY19 Ammunition Shooters Clearwater, FL Austin, TX Reynoldsville, PA Miami, FL Vero Beach, FL EVALUATION MATRIX ITEM Extended Price Extended Price Extended Price Extended Price Extended Price ITB-PD19-01-MM 40 S&W Speer LE Gold \$1,824.50 1 Dot 165 gr. GDHP No Bid No Bid No Bid No Bid NO SUBSTITUTES .223 Federal Duty Tactical .62g 2 No Bid \$12,495.00 No Bid No Bid No Bid Bonded Soft Point NO SUBSTITUTES .223 (Cleanfire) .55g 3 Frangable No Bid \$6,885.00 No Bid No Bid No Bid NO SUBSTITUTES .40 Federal .125g Frangible \$33,600.00 \$29.520.00 \$37.648.00 \$39.200.00 \$39,542.40 4 SUBSTITUTES ALLOWED .380 Federal .75g Frangible 5 \$1,320.00 \$1,155.00 \$1,341.15 \$1,289.58 No Bid SUBSTITUTES ALLOWED 9mm Federal .98g Frangible 6 \$1,053.00 \$984.00 \$1,164.75 \$1,229.79 \$1,191.30 SUBSTITUTES ALLOWED .45 Federal .155g Frangible 7 \$508.00 \$449.00 \$552.95 \$532.55 \$614.70 SUBSTITUTES ALLOWED .223 Federal .55g Ball 8 SUBSTITUTES No Bid \$5.900.00 \$8.181.80 \$8.580.00 \$6.428.80 ALLOWED .40 Speer .165g Ball 9 SUBSTITUTES \$12,354.00 \$21,136.20 No Bid \$13,279.20 No Bid ALLOWED Marking Training 10 Rounds No Bid \$2,940.00 No Bid No Bid No Bid SUBSTITUTES 9mm Non - Marking Training Rounds 11 No Bid \$2,880.00 No Bid No Bid No Bid SUBSTITUTES ALLOWED Total Bid: \$36,481.00 \$77,386.50 \$70,024.85 \$50,831.92 \$61,056.40

Item Number: B.(2) Meeting Date: 11/5/2018 Item Type: CONSENT AGENDA

AGENDA REQUEST FORM CITY OF CAPE CORAL



## TITLE:

Resolution 232-18 A Resolution approving the request of John D'Angelo (The Outdoor Kitchen Outlet, LLC) to allow the outdoor display of merchandise in front of a Household/Office Furnishing, Group I use located at 1306 Cape Coral Parkway West, Units B and C.

## **REQUESTED ACTION:**

Approve or Deny

# STRATEGIC PLAN INFO:

- 1. Will this action result in a Budget Amendment? No
- 2. Is this a Strategic Decision?

No

If Yes, Priority Goals Supported are listed below. If No, will it harm the intent or success of the Strategic Plan?

# PLANNING & ZONING/HEARING EXAMINER/STAFF RECOMMENDATIONS:

# SUMMARY EXPLANATION AND BACKGROUND:

A Resolution approving the request of John D'Angelo (The Outdoor Kitchen Outlet, LLC) to allow the outdoor display of merchandise (three prefabricated outdoor kitchens) in front of a Household/Office Furnishing, Group I use located at 1306 Cape Coral Parkway West, Units B and C.

## LEGAL REVIEW:

Brian R. Bartos, Assistant City Attorney

## EXHIBITS:

Memo - Request for Outdoor Display of Merchandise Resolution 232-18

## **PREPARED BY:**

Division- Department-City Attorney

# SOURCE OF ADDITIONAL INFORMATION:

Vince Cautero, DCD Director

ATTACHMENTS:

# Description

- Memo Request for Outdoor Display of Merchandise
- Resolution 232-18

# Туре

Backup Material Resolution

## MEMORANDUM

## CITY OF CAPE CORAL DEPARTMENT OF COMMUNITY DEVELOPMENT

TO:	Mayor Coviello and Council Members
FROM:	John Szerlag, City Manager Vincent A. Cautero, Community Development Director // Robert H. Pederson, Planning Manager
DATE:	October 1, 2018
SUBJECT:	Request for Outdoor Display of Merchandise

#### Summary

The City has received a request from Mr. John D'Angelo (Outdoor Kitchen Outlet, LLC) for outdoor display of merchandise, which requires Council approval pursuant to Section 3.4 of the Land Use and Development Regulations (LUDR). He has signed a lease for Units B and C at 1306 Cape Coral Parkway East. City records indicate that Mr. D'Angelo has not yet applied for a Certificate of Use for this site. The business is classified as a Household/Office Furnishing, Group I use, which is a permitted use on this site.

#### Request

Mr. D'Angelo requests to display outdoor kitchen appliances in front of the store. LUDR, Section 3.4 identifies merchandise that may be displayed outdoors in conjunction with an existing licensed business in nonresidential zoning districts. These items include boats, new and used cars, bicycles, motorcycle, tires, garden equipment, and landscaping items. In addition, the outdoor display of fruit, vegetables, flowers, jewelry, books, and antiques are allowed in the South Cape District. The outdoor display of any item not explicitly mentioned in Section 3.4 is prohibited.

#### Analysis

Mr. D'Angelo's business would occupy Units B and C in space previously occupied by Royal Key. Unit A is presently occupied by Yellow Fin Sushi.

There is about 1,000 sq. ft. of pavers on private property in front of the two units of the site. Mr. D'Angelo proposes to display three separate prefabricated outdoor kitchens in this area. Each kitchen includes a grill with counter area. The area of each kitchen is not expected to exceed 100 sq. ft. The weight of each kitchen ranges from about 300 to 900 lbs. depending on whether the counter surface includes a granite top. Each kitchen will be fastened to the ground. Surveillance cameras will be installed for security purposes.

City Manager – D'Angelo Request for Outdoor Display of Merchandise October 1, 2018 Page 2 of 2

In evaluating this request, staff finds sufficient room exists for placing three kitchens on private property, clear of the sidewalk and not impeding the required accessible route to the building. The kitchens are comprised of materials designed to withstand weather. The display of these items should not pose a safety concern, and because these kitchens are made of durable materials, the displays should maintain good aesthetics despite being outdoors. The display of these items will not result in a loss of parking as the front area is not used for this purpose.

This proposal has been reviewed by the Fire Marshal and their comments are incorporated as conditions of approval #6 and #7, below.

#### Recommendation

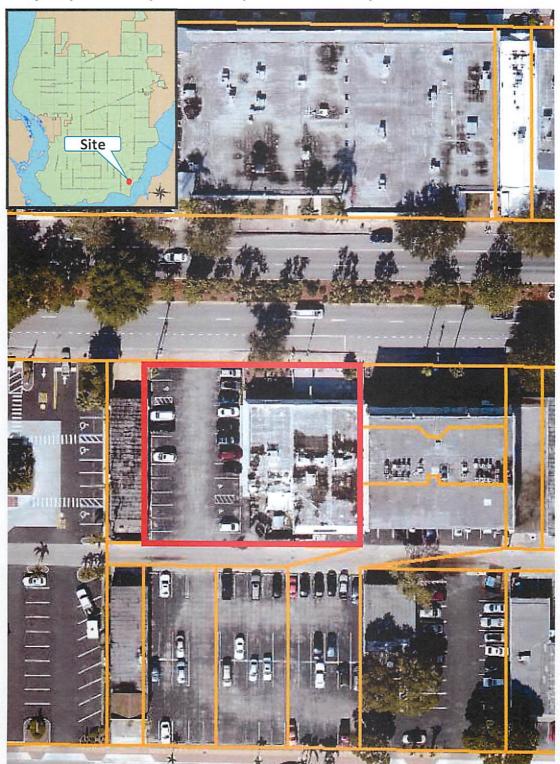
Staff recommends approval this request with the following conditions:

- 1. No outdoor display item shall be within 10 feet of the front or side property line.
- 2. Outdoor display items shall only be placed in front of Units B and C.
- 3. A maximum of three separate kitchen displays shall be placed on the site.
- 4. No single kitchen display shall exceed 100 sq. ft.
- 5. A building permit for these improvements shall be submitted to the City. The building permit shall demonstrate compliance with wind-load standards and the maintenance of a clear travel path to the front door of the building.
- 6. No merchandise shall be displayed under the overhang of the building unless fire sprinklers are extended outside to include the overhang.
- 7. Grills and similar kitchen equipment may utilize propane gas for cooking providing the grill and propane gas tank is a minimum of 10 feet from the building.

#### Attachments

RP/ms (S:\Planning\_Division\_2009\Memo\D'Angelo 100118)

C: Dolores Merienclez, City Attorney



Property boundary of 1306 Cape Coral Parkway East shown in red.

John D'Angelo The Outdoor Kitchen Outlet, LLC 1222 SE 47<sup>th</sup> St Cape Coral, FL 33904 (239) 405-0888 Outdoo( Eitchenoutlet@gmail.com 20 X S wu Z U Z

August 8, 2018

Director of Community Development Vincent A. Cautero Cape Coral Community Development 815 Nicholas Pkwy E Cape Coral, FL 33990

Re: Outdoor Display of Merchandise

Dear Director of Community Development:

I am writing you, in accordance to § 3.4 – Outdoor display of merchandise, to request consideration of an outdoor display for my up and coming new business located at 1306 Cape Coral Pkwy E, units B & C. I met with you in your office this past April about my outdoor kitchen business and you explained to me the steps involved to get a display approved (hopefully!) by the city. Well since then I have signed a lease for this 4,000 space and we are hoping to be open right as season begins! Up front is a 900 square foot patio that was just refinished with brand new pavers and this is where I would love to display my outdoor kitchens. I have included pictures and renderings to illustrate what I would like to do on the patio, as well as some pictures of actual kitchens we have done. There would be no construction on-site to build the kitchens, they are prebuilt, brought in, then fastened to the ground. We would not have any gas hooked up or on the premises, unless we wanted to do a special event, like a little cook-out, which then we would apply for the proper permit. Please let me know if there is anything else you need from me! Thanks again for your time!

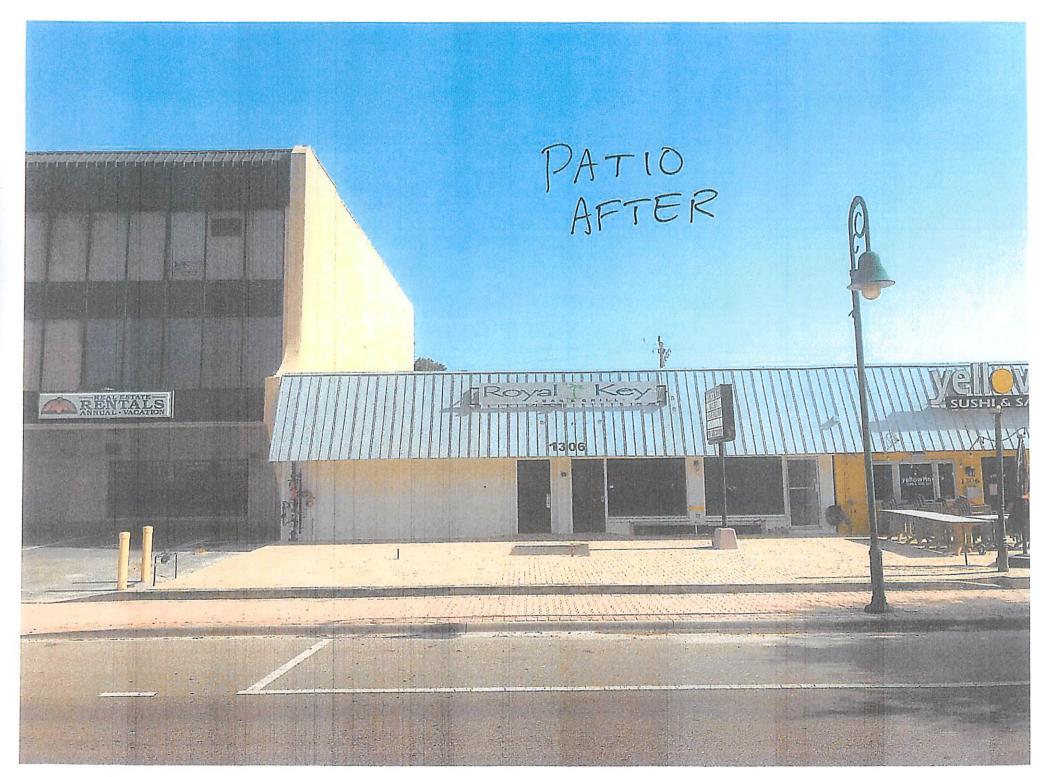
Sincerely,

John D'Angelo The Outdoor Kitchen Outlet

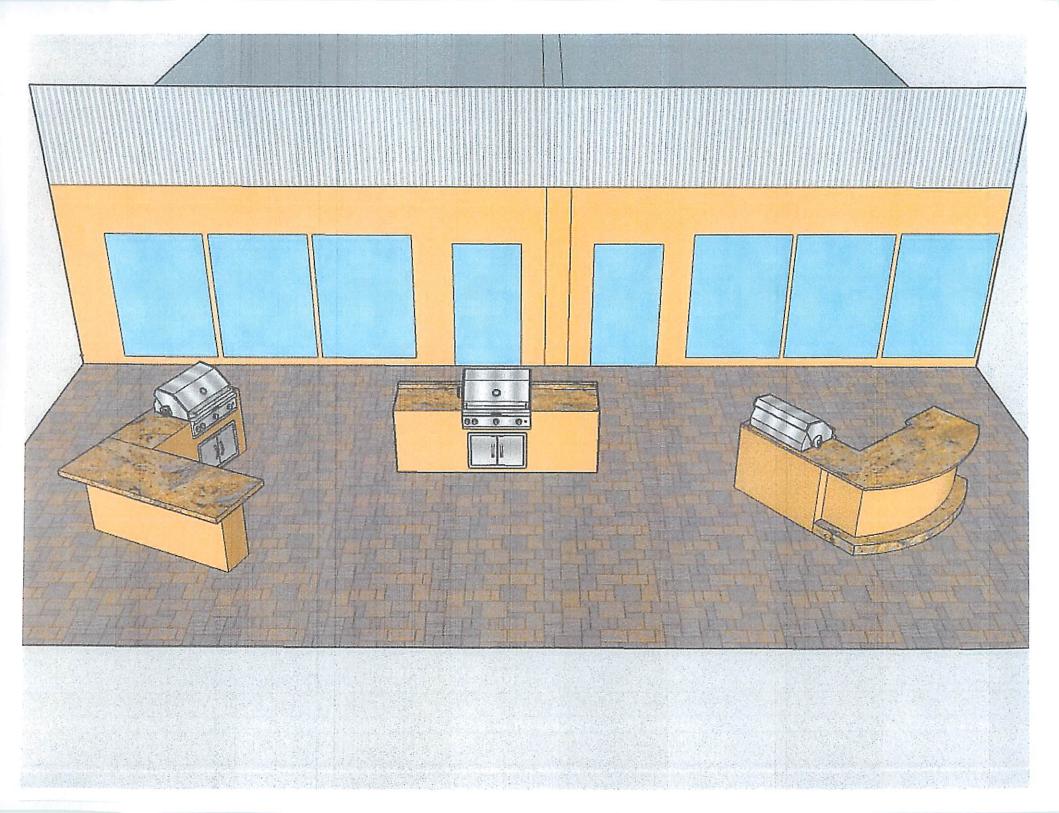


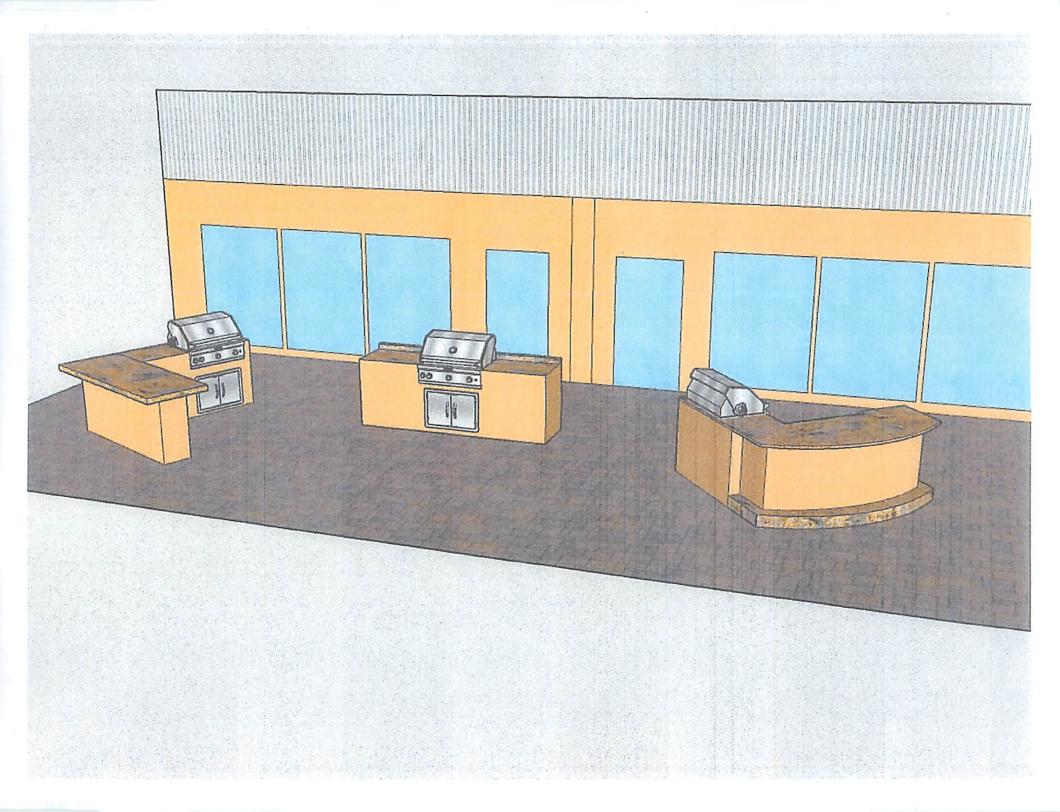


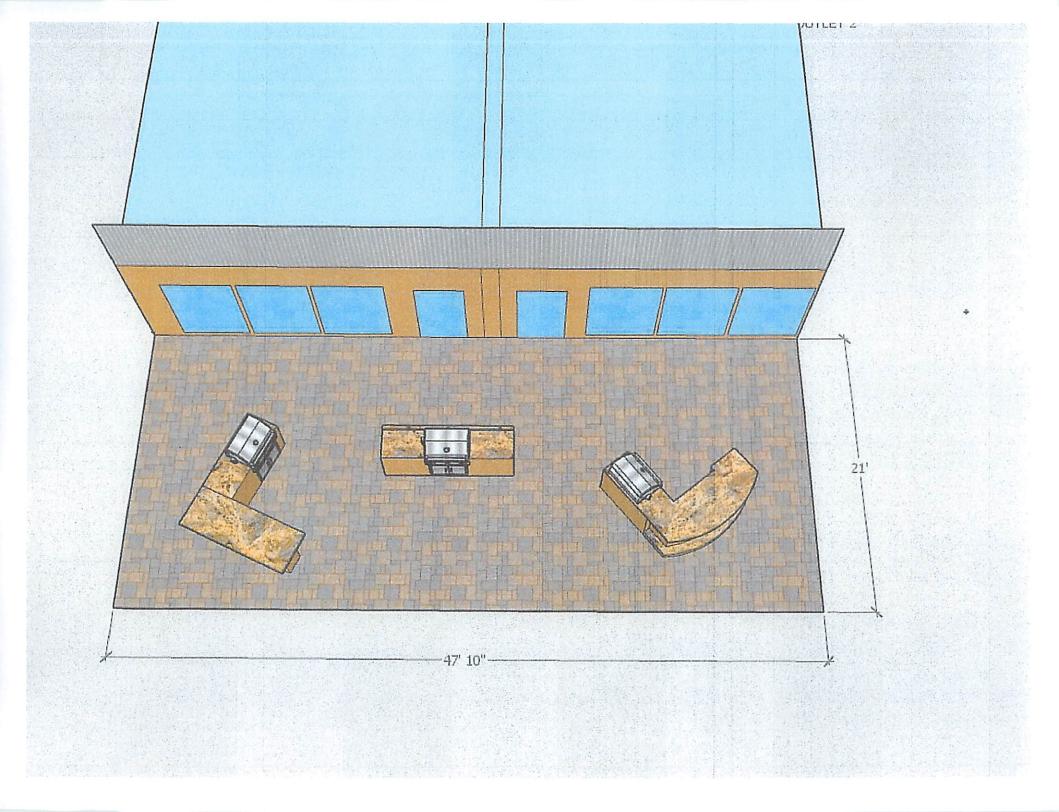




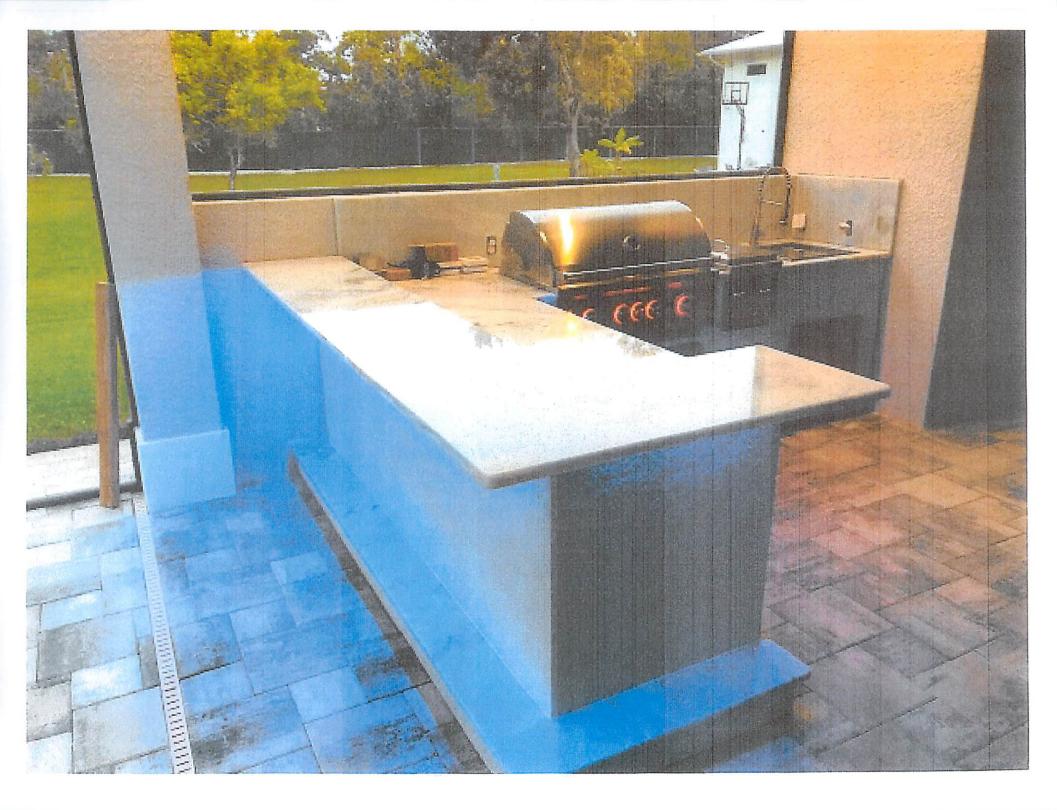
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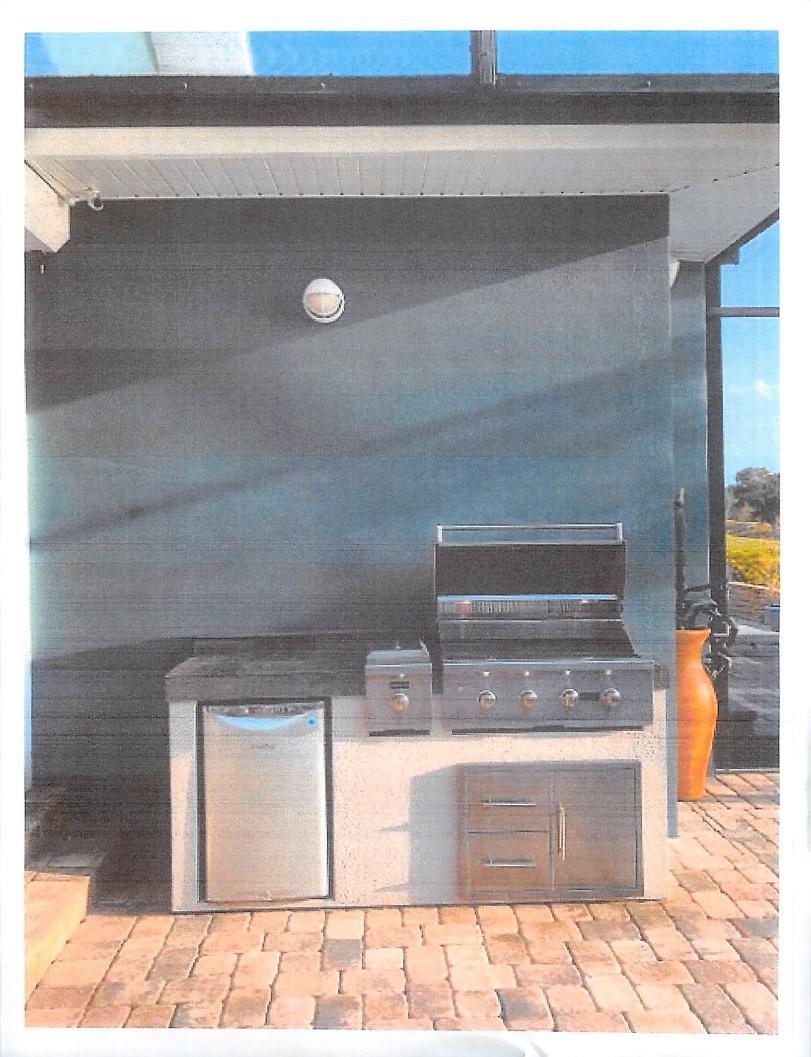












#### RESOLUTION 232 - 18

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPE CORAL APPROVING THE REQUEST OF JOHN D'ANGELO TO ALLOW THE OUTSIDE DISPLAY OF MERCHANDISE IN FRONT OF A HOUSEHOLD/OFFICE FURNISHING, GROUP 1 USE LOCATED AT 1306 CAPE CORAL PARKWAY WEST, UNITS B AND C; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 3.4 of the City of Cape Coral Land Use and Development Regulations prohibits the outdoor display of merchandise in commercial, professional, industrial and agricultural districts, except for the following items when displayed in conjunction with an existing business location which retails said items: boats; displays of new or used cars by auto dealerships or auto rental companies; bicycles; motorcycles; garden equipment; landscaping nursery items; tires as displayed in service stations; and

WHEREAS, in addition to the foregoing, the outdoor displays of fruit, vegetables, flowers, jewelry, books or antiques are allowed in the downtown zoning district(s); and

WHEREAS, Section 3.4 of the City of Cape Coral Land Use and Development Regulations further states that any other outdoor display on improved property must be approved by the City Council and is subject to review annually at the discretion of Council; and

WHEREAS, the City has received a Petition to Council from John D'Angelo requesting approval for his business, The Outdoor Kitchen Outlet, LLC, to utilize approximately 1,000 square feet of private property directly in front of his store located at 1306 Cape Coral Parkway East, Units B and C, to display three prefabricated outdoor kitchens; and

WHEREAS, the business is classified as a Household/Office Furnishing, Group I use, which is a permitted use on the site; and

WHEREAS, staff believes that the request, if approved, will not have any adverse effect on the public and supports the approval of the request for outdoor display of merchandise at the proposed site, subject to certain conditions; and

WHEREAS, City Council desires to approve the request from John D'Angelo for the outdoor display of merchandise directly in front of The Outdoor Kitchen Outlet, LLC, located at 1306 Cape Coral Parkway East, Units B and C.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA, AS FOLLOWS:

Section 1. The City Council of the City of Cape Coral hereby approves the request from John D'Angelo for the outdoor display of merchandise directly in front of The Outdoor Kitchen Outlet, LLC, located at 1306 Cape Coral Parkway East, Units B and C, subject to the following conditions:

- 1. No outdoor display item shall be within 10 feet of the front or side property line.
- 2. Outdoor display items shall only be placed in front of Units B and C.
- 3. A maximum of three separate kitchen displays shall be placed on the site.
- 4. No single kitchen display shall exceed 100 square feet.
- 5. A building permit for these improvements shall be submitted to the City. The building permit shall demonstrate compliance with wind-load standards and the maintenance of a clear travel path to the front door of the building.
- 6. No merchandise shall be displayed under the overhang of the building unless fire sprinklers are extended outside to include the overhang.
- 7. Grills and similar kitchen equipment may utilize propane gas for cooking providing the grill and propane gas tank are a minimum of 10 feet from the building.

Section 2. This Resolution shall take effect immediately upon its adoption.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF CAPE CORAL AT ITS REGULAR COUNCIL SESSION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

## JOE COVIELLO, MAYOR

VOTE OF MAYOR AND COUNCILMEMBERS:

COVIELLO	 NELSON	
GUNTER	STOKES	
CARIOSCIA	WILLIAMS	
STOUT	 COSDEN	

ATTESTED TO AND FILED IN MY OFFICE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

REBECCA VAN DEUTEKOM CITY CLERK

APPROVED AS TO FORM:

KR al

BRIAN R. BARTOS ASSISTANT CITY ATTORNEY Res\Petition to Council-John D'Angelo Item Number: B.(3) Meeting Date: 11/5/2018 Item Type: CONSENT AGENDA

AGENDA REQUEST FORM CITY OF CAPE CORAL



# TITLE:

Resolution 239-18 Award ITB-PW18-122/MM (FY)2017 Sidewalk Curb Ramp Improvements– Phase 2, to Pavement Maintenance, LLC., as the lowest responsive responsible bidder, to provide sidewalk curb ramp improvements for ADA compliance at various locations in the City of Cape Coral in the amount of \$310,539 with a 5% City Controlled contingency of \$15,527 for a total project cost of \$326,066 and authorize the City Manager or Designee to execute the agreements, amendment and any renewals; Department: Public Works; Dollar Value \$326,066; (Sidewalk Capital Project Fund)

# **REQUESTED ACTION:**

Approve or Deny

# STRATEGIC PLAN INFO:

- 1. Will this action result in a Budget Amendment? No
- 2. Is this a Strategic Decision?

Yes

If Yes, Priority Goals Supported are listed below. If No, will it harm the intent or success of the Strategic Plan?

**ELEMENT C:** INVEST IN COMMUNITY INFRASTRUCTURE INCLUDING UTILITIES EXPANSION IMPROVEMENTS TO ENHANCE THE CITY'S ABILITY TO MEET THE NEEDS OF ITS CURRENT AND FUTURE RESIDENTS AND BUSINESSES

**ELEMENT E:** INCREASE QUALITY OF LIFE FOR OUR CITIZENS BY DELIVERING PROGRAMS AND SERVICES THAT FOSTER A SAFE COMMUNITY

# PLANNING & ZONING/HEARING EXAMINER/STAFF RECOMMENDATIONS:

# SUMMARY EXPLANATION AND BACKGROUND:

- 1. The City has a Sidewalk Curb Ramp Improvements program which involves removing and replacing existing concrete curb ramps along streets resurfaced to meet current Americans with Disabilities Act (ADA) standards. ADA standards requires all curb ramps impacted by resurfacing projects conform to current standards.
- 2. On August 15, 2018, the City issued Invitation to Bid ITB-PW18-122/MM for experienced and qualified firms to provide Sidewalk Curb Ramp Improvements for the City at various locations in the Southeast and Southwest of Cape Coral.
- 3. On September 19, 2018, two (2) firms responded to the Invitation to Bid. The two (2) firms in alphabetical order are: Newson Construction and Pavement Maintenance, LLC.
- 4. After evaluation and review, Staff recommends award to Pavement Maintenance, LLC., as the lowest responsive, responsible bidder meeting the requirements and specifications

outlined in the bid documents.

- 5. If approved, the contract is to be completed in 120 calendar days for a contract amount of \$310,539 with a 5% city-controlled contingency of \$15,527 for a total of \$326,066.
- 6. The Department is requesting a 5% City Controlled Contingency. The expenditure of the contingency, if any, will be subject to approval of specific change orders by the Project manager, if justified upon identified needs with an appropriate scope and cost to address specific needs.
- 7. Funding Information: Budgeted item- Business Unit 3040013 Sidewalk/Bike Path Road Resurface

# LEGAL REVIEW:

Contract reviewed by Legal

# EXHIBITS:

Department Recommendation Resolution 239-18 Bid Matrix – ITB-PW18-122/MM

# PREPARED BY:

Wanda Division- Procurement Department- Finance

# SOURCE OF ADDITIONAL INFORMATION:

Paul Clinghan, Public Works Director

## ATTACHMENTS:

#### Description

- Department Memo
- Resolution 239-18
- Bid Matrix ITB-PW18-122/MM

## Туре

Backup Material Resolution Backup Material

#### MEMORANDUM

#### CITY OF CAPE CORAL DEPARTMENT OF PUBLIC WORKS

TO:	John Szerlag, City Manager Victoria Bateman, Financial Services Director Wanda Roop, Procurement Manager
FROM:	Paul Clinghan, Public Works Director PRC Stephanie Smith, Design & Construction Manager
DATE:	October 2, 2018
SUBJECT:	FY 2017 – Sidewalk Curb Ramp Improvements Phase 2 Bid Recommendation

#### BACKGROUND:

Fiscal Year (FY) 2017 Sidewalk Curb Ramp Improvements Phase 2 involves removing and replacing existing concrete curb ramps along streets resurfaced in FY 2016 and FY 2017 to meet current ADA standards. ADA regulations require all curb ramps impacted by resurfacing projects conform to current standards. A location map of FY 2017 Sidewalk Curb Ramp Improvements Phase 2 is attached.

This contract contains most of the ramp locations included in the Phase 1 contract (FY 2017 – Sidewalk Curb Ramp Improvements) which was terminated after unacceptable performance by the contractor. Staff in Procurement and Public Works took additional steps to vet contractors for the Phase 2 contract to assure the recommended contractor could perform satisfactorily. The City required references and received at least three evaluations from those references. In addition, staff spoke at length with the reference given from a local government body to verify that the contractor performed satisfactorily.

#### RECOMMENDATION:

An Invitation to Bid was advertised and the two bids submitted were opened on September 19, 2018. The Public Works Department recommends awarding the FY 2017 Sidewalk Curb Ramp Improvement Phase 2 contract to Pavement Maintenance, LLC, the lowest responsible, responsive bidder. The contract includes a substantial completion time frame of one hundred twenty (120) days after the notice to proceed is issued.

Staff recommends awarding the contract for the submitted bid of \$310,539 for sidewalk curb ramp improvements. The contract price including a 5% City controlled contingency of \$15,527 is \$326,066.

John Szerlag, City Manager – FY 2017 – Sidewalk Curb Ramp Improvements Phase 2 October 2, 2018 Page 2 of 2

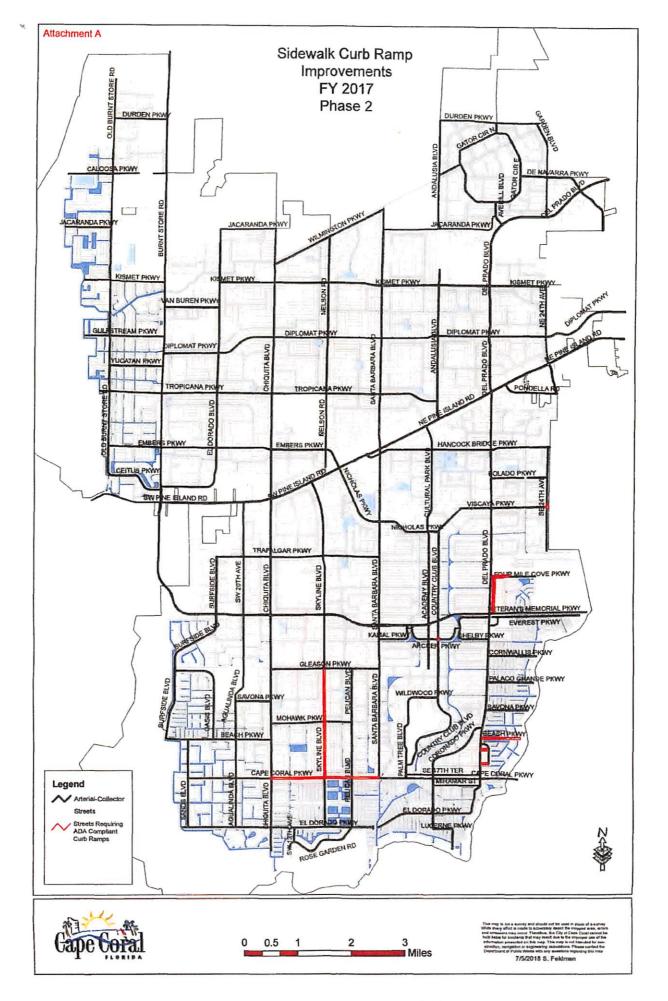
If you have any questions regarding this request, please contact Wendy Williams, Principal Engineer, Public Works at 239-574-0523 or wwilliam@capecoral.net.

#### FUND AVAILABILITY:

Sidewalk/Bike Path Road Resurface: Business Unit 3040013; \$310,539 plus a 5% City controlled contingency of \$15,527 for a total of \$326,066.

PC/SS:se

Attachments: FY 2017 Sidewalk Curb Ramp Improvements Phase 2 Location Map



A RESOLUTION OF THE CITY OF CAPE CORAL AWARDING A BID FOR SIDEWALK CURB RAMP IMPROVEMENTS – PHASE 2 TO PAVEMENT MAINTENANCE, LLC; PROVIDING FOR SUBSEQUENT EXECUTION OF THE CONTRACT DOCUMENTS BY THE CITY MANAGER OR HIS DESIGNEE; PROVIDING FOR APPROVAL OF A CONTINGENCY AMOUNT; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on August 15, 2018, INVITATION TO BID ITB-PW18-122/MM was issued for Sidewalk Curb Ramp Improvements at various locations in the Southeast and Southwest areas of Cape Coral; and

WHEREAS, having received two bids, the City Manager recommends the award of the bid to Pavement Maintenance, LLC, as the lowest qualified responsible and responsive bidder meeting the requirements and criteria set forth in the invitation to bid, in the amount of \$310,539, subject to a City-controlled contingency amount not to exceed five (5) percent of the total amount of the contract.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA, AS FOLLOWS:

Section 1. The City Council hereby awards the bid for Sidewalk Curb Ramp Improvements – Phase 2 to Pavement Maintenance, LLC, in the amount of \$310,539, subject to a City-controlled contingency amount not to exceed five (5) percent of the total amount of the contract.

Section 2. The City Council hereby approves Contract #CON-PW18-122/MM between the City of Cape Coral and Pavement Maintenance, LLC, for Sidewalk Curb Ramp Improvements – Phase 2, and authorizes the City Manager or his designee to execute the Contract. A copy of the Contract is attached hereto as Exhibit 1.

Section 3. The City Council hereby authorizes the City Manager or the City Manager's designee to enter into change orders for work required other than as contemplated in the contract documents with an appropriate scope and cost to address those needs, subject to payment of a City-controlled contingency amount not to exceed five (5) percent of the total amount of the contract.

Section 4. This Resolution shall take effect immediately upon its adoption.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF CAPE CORAL AT ITS REGULAR COUNCIL SESSION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

JOE COVIELLO, MAYOR

VOTE OF MAYOR AND COUNCILMEMBERS:

COVIELLO	 NELSON	
GUNTER	STOKES	
CARIOSCIA	 WILLIAMS	
STOUT	 COSDEN	

ATTESTED TO AND FILED IN MY OFFICE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

KIMBERLY BRUNS INTERIM CITY CLERK

APPROVED AS TO FORM:

DOLORES D. MENENDEZ CITY ATTORNEY res/Bid Award-Pavement Maintenance LLC

THIS CONTRACT is made this \_\_\_\_\_\_ day of \_\_\_\_\_\_, 2018 by and between the CITY OF CAPE CORAL, FLORIDA, hereinafter called "CITY", and Pavement Maintenance, LLC., located at 1640 Benchmark Ave., Fort Myers, FL 33905 hereinafter called "CONTRACTOR".

WITNESSETH: For and in consideration of the payments and agreements mentioned hereinafter:

- 1. The CONTRACTOR will commence and complete the <u>SIDEWALK CURB RAMP IMPROVEMENTS FY-17-PHASE 2</u> project in accordance with the Contract Documents.
- 2. The CONTRACTOR will furnish all of the material, supplies, tools, equipment, labor and other services necessary for the completion of the project described in the ContractDocuments.
- 3. The CONTRACTOR will commence work as required by the CONTRACT DOCUMENTS as stipulated in the written NOTICE TO PROCEED and will complete the same within one hundred twenty (120) calendar days from and including the date of commencement unless the period for completion is extended otherwise by the CONTRACT DOCUMENTS. Time is of the essence in the performance of this agreement. The CONTRACTOR agrees that liquidated damages will be assessed in the amount of <u>\$958.00</u> per calendar day for each calendar day that contract is not completed beyond the completion date required by the CONTRACT DOCUMENTS.

Any sums due and payable hereunder by the CONTRACTOR shall be payable, not as a penalty, but as liquidated damages representing an estimate of delay damages likely to be sustained by the CITY, estimated at the time of executing this Contract. When the OWNER reasonably believes that Completion will be inexcusably delayed, the CITY shall be entitled, but not required, to withhold from any amounts otherwise due the CONTRACTOR an amount then believed by the CITY to be adequate to recover liquidated damages applicable to such delays. If and when the CONTRACTOR overcomes the delay in achieving Completion, or any part thereof, for which the OWNER has withheld payment, the CITY shall promptly release to the CONTRACTOR those funds withheld, but no longer applicable, as liquidated damages.

- 4. The CONTRACTOR agrees to perform all the WORK described in the CONTRACT DOCUMENTS for a total sum of <u>\$310,539,00</u>, said amount being the Total Bid Amount as listed on the CONTRACTOR'S Official Bid Proposal Form (Attachment A) as submitted for this project.
- 5. This agreement may be terminated by the CITY for its convenience upon thirty (30) days prior written notice to the CONTRACTOR. In the event of termination, the CONTRACTOR shall be paid as compensation in full for work performed to the day of such termination, an amount prorated in accordance with the work substantially performed under this agreement. Such amount shall be paid by the CITY after inspection of the work to determine the extent of performance under this agreement, whether completed or in progress.
- 6. The Term "Contract Documents" shall include this Contract, addenda, Contractor's Bid except when it conflicts with any other contractual provision, the Notice to Proceed, the Bonds, the Bid Package prepared and issued by the CITY, the General Conditions, the Specifications and Drawings, any Special Conditions, together with all Written Amendments, Change Orders, Work Change Directives or Field Orders. In the event of conflict between any provision of any other document referenced herein as part of the contract and this agreement, the terms of this agreement shall control.
- 7. <u>Assignment:</u> This agreement may not be assigned except with the written consent of the CITY, and if so assigned, shall extend and be binding upon the successors and assigns of the CONTRACTOR.
- 8. <u>Disclosure:</u> The CONTRACTOR warrants that it has not employed or retained any company or person, other than a bona fide employee working solely for the CONTRACTOR to solicit or secure this agreement and that it has not paid or agreed to pay any person, company, corporation, individual or firm, other than a bona fide employee working solely for the CONTRACTOR, any fee, commission, percentage, gift, or other compensation contingent upon or resulting from the award or making of the agreement.
- 9. <u>Administration of Agreement:</u> The Public Works Director or his representative shall administer this agreement for the CITY.

- 10. <u>Governing Law:</u> The validity, construction and effect of this Contract shall be governed by the laws of the State of Florida. All claim and/or dispute resolution under this Agreement, whether by mediation, arbitration, litigation, or other method of dispute resolution, shall take place in Lee County, Florida. More specifically, any litigation between the parties to this Agreement shall be conducted in the Twentieth Judicial Circuit, in and for Lee County, Florida. In the event of any litigation arising out of this Contract, each party shall be responsible to payfor its own reasonable costs and attorney's fees.
- 11. <u>Amendments:</u> No Amendments or variation of the terms or conditions of this agreement shall be valid unless in writing and signed by the parties.
- Payment Procedures: CONTRACTOR shall submit Applications for Payment in accordance with PART 17, General Conditions of the Invitation to Bid. Applications for Payment will be processed by the CITY as provided in the General Conditions.

Progress Payments: As long as progress on the Work is satisfactory according to the CONTRACTOR'S Work schedule, the CITY shall make payments on account of the contract as follows:

On no later than the fifth (15) day of every month the CONTRACTOR shall present to the CITY an invoice covering the total quantities under each item of work that have been completed from the start of the job up to and including the last day of the preceding month, and the value of the work so completed is in accordance with the schedule of unit prices.

All such invoices are approximate only and are subject to corrections by the final estimate. Measures shall be in accordance with Paragraph 17.1 of the General Conditions. No later than thirty (30) days after submittal by the CONTRACTOR and approval by CITY, the CITY shall, after deducting previous payments made, pay the CONTRACTOR 90% of the amount of the invoice. The 10% retained percentage shall be held by the CITY until final completion. When 50 percent of the contract sum specified in section 4 of this contract, together with all costs associated with existing charge orders and other additions or modifications to the construction services provided for in this contract is expended, thereafter the retainage shall be reduced to 5%.

<u>Substantial Completion</u>: The time at which the Work (or a specified part thereof) has progressed to the point where, in the opinion of the CITY'S Engineer, the Work (or a specified part thereof) is sufficiently complete, in accordance with the Contract Documents, so that the Work (or a specified part thereof) can be utilized for the purposes for which it is intended. The terms "substantially complete" and "substantially completed" as applied to all or part of the Work, refer to Substantial Completion thereof. The CITY'S Engineer will issue a "Certificate of Substantial Completion" establishing the date of substantial completion.

Final Payment: Upon final completion and acceptance of the Work in accordance with Paragraph 17.7 of the General Conditions, CITY shall pay the remainder of the Contract Price as recommended by A/E as provided in paragraph 17.7 of the Invitation to Bid.

13. <u>Contractor's Representations:</u> In order to induce CITY to enter into the Agreement CONTRACTOR makes the following representations:

CONTRACTOR has been familiarized with the Contract Documents and the nature and extent of the work required to be performed, locality, local conditions, and Federal, State, and Local laws, ordinances, rules and regulations that in any manner may affect costs, progress or performance of the work.

CONTRACTOR has studied carefully all reports of investigations and tests of subsurface, and latent physical conditions at the site which may affect cost, progress or performance of the Work. This information was relied upon by ENGINEER in the preparation of the Drawings and Specifications.

CONTRACTOR has made or caused to be made examinations, investigations and tests and studies as deemed necessary for the performance of the Work at the Contract Price, within the Contract Time and in accordance with the other terms and conditions of the Contract Documents; and no additional examinations, investigations, tests, reports or similar data are or will be required by CONTRACTOR for such purposes.

CONTRACTOR has correlated the results of all such observations, examinations, investigations, tests, reports and data with the terms and conditions of the Contract Documents.

CONTRACTOR has given CITY written notice of all conflicts, errors or discrepancies that have been discovered in the CONTRACT DOCUMENTS and the written resolution thereof by CITY is acceptable to CONTRACTOR.

- 14. Indemnity: To the extent permitted by law (F.S. 768.28), the CONTRACTOR shall indemnify and hold harmless the CITY, its officers and employees, from liabilities, damages, losses and costs, including, but not limited to, reasonable attorney's fees, to the extent caused by the negligence, recklessness, or intentional wrongful misconduct of the CONTRACTOR and any persons employed or utilized by CONTRACTOR in the performance of this Contract.
- 15. <u>Other Provisions</u>: The CITY reserves unto itself sole authority to execute and authorize the issuance of change order(s), directives, or other documents to the CONTRACTOR which impact on or change the contract time or price. These actions by the CITY will be taken after due consideration of the recommendations and analysis of the ENGINEER. This provision supersedes any other contradictory provisions within the Contract Documents.
- 16. <u>Invalid Provision:</u> The invalidity or unenforceability of any particular provision of this agreement shall not affect the other provisions hereof, and the agreement shall be construed in all respects as if such invalid or unenforceable provisions were omitted.
- 17. <u>Record Keeping</u>: The awarded bidder shall maintain auditable records concerning the procurement adequate to account for all receipts and expenditures, and to document compliance with the specifications. These records shall be kept in accordance with generally accepted accounting principles, and the City of Cape Coral reserves the right to determine the record-keeping method in the event of non-conformity. If a Public Construction Bond is required records shall be maintained for ten (10) years, after final payment has been made and shall be readily available to City personnel with reasonable notice, and to other persons in accordance with the Florida Public Disclosure Statutes.

Records of the Contractor's personnel, sub-consultants, and the costs pertaining to the Project shall be kept in accordance with generally accepted accounting practices.

Contractor shall keep full and detailed accounts and financial records pertaining to the provision of services for the City. Prior to commencing work, Contractor shall review with and obtain the City's approval of the accounting procedures and records to be utilized by the Contractor on the Project. Contractor shall preserve the aforementioned Project records for a period of ten (10) years after final payment, or for such longer period as may be required by law.

- 18. <u>Public Record:</u> Pursuant to Florida Statute §287.058 (1) (c), this contract may be unilaterally cancelled by the City if the Consultant, refuses to allow public access to all documents, papers, letters, or other material made or received by the Consultant in conjunction with this contract, unless the records are exempt from disclosure.
- 19. Public Construction Bond: Any Contractor entering into a contract for the construction of a public building or public work, or for any repairs upon a building or public work shall, before commencing work, execute, deliver to the City of Cape Coral, and record in the public records of Lee County, Florida, a public construction bond issued by a surety authorized to do business in the State of Florida. The amount of the bond shall be 100% of contractamount.
- 20. Unauthorized Aliens: The employment of unauthorized aliens by any Contractor is considered a violation of Section 274A(e) of the Immigration and Nationality Act. If the Contractor knowingly employs unauthorized allens, such violation shall be cause for unilateral cancellation of any contract resulting from this ITB. This applies to any sub-contractors used by the Contractor as well.
- 21. <u>Guarantee</u>: The Contractor shall warrant all materials furnished and work performed for a period of one year from the date of written acceptance by the City or by the date on the substantial completion letter. The making and acceptance of final payment shall not waive any claim for faulty work appearing after final payment or for failure to adhere strictly to the Construction Documents. If any part of the project is guaranteed for a longer period, such longer period shall prevail. Except as otherwisespecified, all work shall be guaranteed by the Contractor against defects resulting from the use of inferior materials, equipment or workmanship for one year from the date of final completion and acceptance by the City.

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- 22. Insurance: Unless otherwise specified, Contractor shall, at its own expense, carry and maintain the following minimum insurance coverage, as well as any insurance required by law.
  - A. Worker's Compensation:
    - 1. State Statutory
    - 2. Applicable Federal (e.g., Longshoremen's) Statutory
    - 3. Employer's Liability \$100,000 Each Accident

B. Comprehensive General Liability (including Premises and/or -Operations; Independent Contractors' and Products and/or Completed Operations; Broad Form Property Damage and XCU Coverage);

- 1. Combined single limits for bodily injury and property damage:
  - \$1,000,000 Per Occurrence
  - \$1,000,000 Annual Aggregate
- 2. Products and Completed Operations to be maintained for one year after final payment.
- C. Contractual Liability:
- 1. Bodily Injury
   \$1,000,000 Per Occurrence

   2. Property Damage
   \$1,000,000 Per Occurrence

   \$1,000,000 Per Occurrence
   \$1,000,000 Per Occurrence

   \$1,000,000 Annual Aggregate
   \$1,000,000 Annual Aggregate
- D. Automobile Liability: 1. Bodily Injury
- \$1,000,000 Each Person \$1,000,000 Per Occurrence
- age \$1,000,000 Per Occurrence
- 2. Property Damage

The City of Cape Coral is to be specifically included as an additional insured on the General Liability Insurance Policy. This does not pertain to Workers' Compensation.

In the event the insurance coverage expires prior to the completion of the project, a renewal certificate shall be issued thirty (30) days prior to said expiration date.

The policy shall provide a 30-day notification clause in the event of cancellation or modification to the policy.

Unless otherwise specified, it shall be the responsibility of the contractor to ensure that all subcontractors comply with the same insurance requirements spelled out above.

All certificates of insurance must be on file with and approved by the City of Cape Coral before the commencement of any work activities.

- 23. Licenses and Permits: Contractor shall maintain and submit copies of all Licenses and Permits required to complete the assigned project to the City.
- 24. <u>Annual Appropriation Contingency</u>: Pursuant to Florida Statute §166.241, the City's performance and obligation to pay under this Contract is contingent upon an annual appropriation by the City Council. This Contract is not a commitment of future appropriations. Authorization for continuation and completion of work and any associated payments may be rescinded, with proper notice, at the discretion of the City if the City Council reduces or eliminates appropriations.
- 25. Entire Agreement: This Contract constitutes the entire and exclusive agreement between the parties and supersedes any and all prior communications, discussions, negotiations, understandings, or agreements, whether written or verbal.

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IN WITNESS WHEREOF, the parties hereto have executed, or caused to be executed by their duly authorized officials this Agreement which shall be deemed an original on the date last signed as below written.

(CITY SEAL) ATTEST:

С	I	Y	:

CITY OF CAPE CORAL

Rebecca van Deutekom, MMC

City Clerk

City Manager A John Szerlag

Date

CONTRACTOR Atchance, LLC Signature: Company a Signature: brd 0 Printed Name: Title: C Date:

CONTRACTOR WITNESS: Printed Name: \_ Marco 70mei 4 Date: 10

CITY LEGAL REVIEW **Dolores Menendez** 

City Attorney

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#### Attachment A

# CITY OF CAPE CORAL OFFICIAL BID PROPOSAL

#### **Official Bid Proposal**

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ltem .	Description	Qty	Unit	Unit Cost	Price
1	Mobilization	1	LS	\$ 24,955.00	\$ 24,955.00
2	мот	1	LS	\$ 8,300.00	\$ 8,300.00
3	Remove & Replace Concrete Curb & Gutter	2070	LF	\$ 49.00	\$ 101,430.00
4	Remove & Replace Concrete Sidewalk, 4" Thick	10080	SF	\$ 13.80	\$ 139,104.00
5	ADA Detectable Warning (Cast-In-Place ONLY)	1470	SF	\$ 25,00	\$ 36,750.00
				All Inclusive	

Total Price \$ 310,639.00

It is the sole responsibility of the contractor to field verify all quantities prior to bidding. Any discrepancies found should be questioned according to ITB requirements for answer to be included in an Addendum.

By signing you assume all risk regarding the quantities in your bid. You also agree to maintain the above Bid Price on all alley segments.

SUBMITTED BY: SIGNATURE NAME: Joseph Ward TITLE: Manager

DATE: 09/19/2018

PHONE #: (239)334-6760

COMPANY: Pavement Maintenance, LLC

**EMAIL:** Jward@pmloffortmyers.com

NOTE: This page <u>MUST</u> be complete and signed by an authorized signer and returned as part of your Bid.

City of cape Coral Sidewalk Curb Ramp Improvements FY17 - Phase 2 ITB-PW18-122/MM Opening Date: 09/19/2018



ITB-PW18-122/MM			Newson Construction Cape Coral, FL		Pavement Maintenance, LLC Ft Myers, FL		
ITEM	Description	Qty	Unit	Unit Cost	Price	Unit Cost	Price
1	Mobilization	1	LS	\$50,216.83	\$50,216.83	\$24,955.00	\$24,955.00
2	мот	1	LS	\$16,738.88	\$16,738.88	\$8,300.00	\$8,300.00
I ≺	Remove & Replace Concrete Curb & Gutter	2070	LF	\$35.25	\$72,967.50	\$49.00	\$101,430.00
4	Remove & Replace Concrete Sidewalk, 4" Thick	10080	SF	\$42.50	\$428,400.00	\$13.80	\$139,104.00
5	ADA Detectable Warning (Cast-in-Place ONLY)		\$38.50	\$56,595.00	\$25.00	\$36,750.00	
All Inclusive, Lump Sum Project Cost:				:	\$624,918.21		\$310,539.00

Item Number: B.(4) Meeting Date: 11/5/2018 Item Type: CONSENT AGENDA

AGENDA REQUEST FORM CITY OF CAPE CORAL



# TITLE:

Resolution 241-18 Approve the Selection Advisory Committee (SAC) ranking of the Request for Proposal (RFP) RFP-UT18-89/KR to engage a firm to provide professional design services for the Design of Irrigation Storage Tank and High Service Pumping Station and authorize the City Manager or Designee to enter into negotiation with the number one ranked firm, TKW Consulting Engineers, Inc.; Department: Utilities; Dollar Value: N/A; (Fund: N/A)

# **REQUESTED ACTION:**

Approve or Deny

# STRATEGIC PLAN INFO:

1. Will this action result in a Budget Amendment? No

2. Is this a Strategic Decision?

If Yes, Priority Goals Supported are listed below. If No, will it harm the intent or success of the Strategic Plan?

**ELEMENT C:** INVEST IN COMMUNITY INFRASTRUCTURE INCLUDING UTILITIES EXPANSION IMPROVEMENTS TO ENHANCE THE CITY'S ABILITY TO MEET THE NEEDS OF ITS CURRENT AND FUTURE RESIDENTS AND BUSINESSES

Yes

# PLANNING & ZONING/HEARING EXAMINER/STAFF RECOMMENDATIONS:

# SUMMARY EXPLANATION AND BACKGROUND:

- 1. On June 6, 2018, a Request for Proposal RFP-UT18-89/KR was issued seeking qualified firms to provide Professional Design Services for Design of Irrigation Storage Tank and High Service Pumping Station, located North of Pine Island Road and West of Commercial Park Place.
- 2. On August 2, 2018, four (4) firms responded to the RFP. The four (4) firms, in alphabetical order, are: AECOM Technical Services, Inc.; CDM Smith, Inc.; Tetra Tech, Inc. and TKW Consulting Engineers, Inc.
- Proposals were evaluated based on City of Cape Coral, Code of Ordinance Article VII: Purchase and Sale of Real and Personal Property Section 2-144 (h) Consultant's Competitive Negotiation Act.
- 4. On October 9, 2018, the Selection Advisory Committee (SAC) interviewed the four (4) firms recommended by the evaluation committee. The SAC ranked the firms in the following order: #1 TKW Consulting Engineers, Inc.; #2 Tetra Tech, Inc.; #3 CDM Smith, Inc. and #4 AECOM Technical Services, Inc.
- 5. Upon Council approval, staff will begin contract negotiations with the #1 ranked firm and will bring back a contract for Council approval. In the event that the City is unable to negotiate a

contract with the #1 ranked firm, staff will begin negotiations with the #2 ranked firm and so on.

- 6. The negotiated contract will be brought forward to Council for approval on a later date
- 7. Funding Information: N/A

# LEGAL REVIEW:

Not applicable

# EXHIBITS:

SAC Recommendation Resolution 241-18 SAC Summary Matrix

# **PREPARED BY:**

Wanda Division- Procurement Department- Finance

# SOURCE OF ADDITIONAL INFORMATION:

Jeff Pearson, Utilities Director

## ATTACHMENTS:

## Description

- SAC Recommendation
- Resolution 241-18
- SAC Summary Matrix

# Туре

Backup Material Resolution Backup Material



#### CITY OF CAPE CORAL FINANCIAL SERVICES DEPARTMENT RFP-UT18-89/KR

TO: John Szerlag, City Manager

FROM: Wanda Roop, SAC Chair Manager

DATE: October 10, 2018

SUBJECT: RFP-UT18-89/KR Request for Proposal for the Design of Irrigation Storage Tank and High Service Pumping Station

On August 2, 2018, the Procurement Division received responses for RFP-UT18-89/KR from four (4) firms for the Design of Irrigation Storage Tank(s) and High Service Pumping Station.

On September 6, 2018, an internal Evaluation Committee, reviewed the four proposals and recommended all firms to the Selection Advisory Committee. The four firms listed below are shown in alphabetical order:

AECOM Technical Services, Inc. CDM Smith, Inc. Tetra Tech, Inc. TKW Consulting Engineers, Inc.

They were evaluated based on the proposer's ability to demonstrate understanding of the City's requirements and plans for meeting them; the professional qualifications and related staff experience; the prior experience and references of the firm; prior experience with the City of Cape Coral, the size and organizational structure; local professional preference and MBE/WBE/SBE small business, minority business, women business enterprise certification.

On October 9, 2018, the Selection Advisory Committee (SAC) interviewed the firms. The SAC, based on the presentation and evaluation ranked the firms as follows:

Rank # 1	TKW Consulting Engineers, Inc.
Rank # 2	Tetra Tech, Inc.
Rank # 3	CDM Smith, Inc.

The ranking will be presented to the City Council on November 5, 2018 for approval.

KR/WR

Copy: SAC Members Utilities Department

#### RESOLUTION 241 – 18

A RESOLUTION OF THE CITY OF CAPE CORAL COUNCIL DIRECTING THE CITY MANAGER OR DESIGNEE TO NEGOTIATE A CONTRACT FOR PROFESSIONAL DESIGN SERVICES FOR DESIGN OF IRRIGATION STORAGE TANK AND HIGH SERVICE PUMPING STATION BASED ON THE SELECTION ADVISORY COMMITTEE RANKINGS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on June 6, 2018, the City issued Request for Proposal RFP-UT18-89/KR for Professional Design Services for Design of Irrigation Storage Tank and High Service Pumping Station; and

WHEREAS, the City received four (4) proposals; and

WHEREAS, the proposals were evaluated based on the criteria set forth in the City of Cape Coral Code of Ordinances, Section 2-144(h), Consultants' Competitive Negotiation Act; and

WHEREAS, on October 9, 2018, the SAC interviewed the four firms and ranked the firms as follows: TKW Consulting Engineers, Inc., ranked #1; Tetra Tech, Inc., ranked #2; CDM Smith, Inc., ranked #3, and AECOM Technical Services, Inc., ranked #4; and

WHEREAS, City Staff has completed the selection process in accordance with the City of Cape Coral Code of Ordinances, Section 2-144, Procurement Procedures; and

WHEREAS, the City Council has carefully considered the recommendation of the SAC, has reviewed the qualifications of the firms, and accepts the ranking of the firms by the SAC.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA, AS FOLLOWS:

Section 1. The City Council hereby accepts the ranking of the SAC and directs the City Manager or his designee to begin negotiations with the #1 ranked firm and to bring the contract to City Council for approval.

Section 2. In the event the City Manager is unable to reach agreement on a Contract with the #1 ranked firm, the City Manager or his designee will begin negotiations with the #2 ranked firm, and so on.

Section 3. This Resolution shall take effect immediately upon its adoption.

ADOPTED BY THE CITY C	OUNCIL OF THE CITY	OF CAPE CORAL AT ITS R	EGULAR
COUNCIL SESSION THIS _	DAY OF	, 2018.	

JOE COVIELLO, MAYOR

VOTE OF MAYOR AND COUNCILMEMBERS:

COVIELLO	NELSON	·
GUNTER	STOKES	
CARIOSCIA	WILLIAMS	
STOUT	COSDEN	

ATTESTED TO AND FILED IN MY OFFICE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2018.

APPROVED AS TO FORM:

DOLORES D. MENENDEZ CITY ATTORNEY res/SAC Ranking – Irrigation Storage Tank Design KIMBERLY BRUNS INTERIM CITY CLERK

#### City of Cape Coral- RFP Closed on August 2, 2018

Project Name: RFP-UT18-89/KR Design Services for the Irrigation Storage Tank and High Service Pumping Station

Evaluation Matrix - SAC Meeting on October 9, 2018

Evaluation Matrix - SAC Meetin	5 011 0000001 3, 2010								
		Professional							
		Qualifications,							
		<b>Related Experience</b>							
		and Adequacy of	Qualification /		Team Management &		Small Busines,		
	Understanding of City's	Personnel, Specific	Experience of Key	Prior Experience	Ability to Complete	Local	Minority, Woman's		
	Requirements and	Project Experience	Personnel and	with Cape Coral	Work (size and	Professional	(SWMBE)		
	Plans for Meeting Them	Possible Points =	Team	Possible Points =	organization structure)	Possible	Possible Points =		
Firms	Possible Points = 25	40	Possible Points = 20	5	Possible Points = 10	Points= (0-10)	(5)	Total	Ranking
AECOM Technical Services, Inc									
Fort Myers, FL	22	37	19	5	8	7	0	97	4
CDM Smith, Inc.									
Fort Myers, FL	23	37	18	5	8	7	0	98	3
Tetra Tech, Inc.									
Estero, FL	24	37	19	5	9	7	0	101	2
TKW Consulting Engineers, Inc.									
Fort Myers, FL	23	36	19	4	8	7	5	103	1

Item Number: B.(5) Meeting Date: 11/5/2018 Item Type: CONSENT AGENDA

AGENDA REQUEST FORM CITY OF CAPE CORAL



# TITLE:

Resolution 242-18 Award RFP-HR18-118/KS for Employee Benefits for Medicare to Blue Cross and Blue Shield of Florida, Inc. (Florida Blue) and authorize the City Manager to execute the contracts, renewals, and related documents; Department: Human Resources; Estimated Annual Dollar Value: \$310,665; this represents a reduction in the rate structure from 2018.

# **REQUESTED ACTION:**

Approve or Deny

# STRATEGIC PLAN INFO:

- 1. Will this action result in a Budget Amendment? No
- 2. Is this a Strategic Decision?

If Yes, Priority Goals Supported are listed below. If No, will it harm the intent or success of the Strategic Plan?

# PLANNING & ZONING/HEARING EXAMINER/STAFF RECOMMENDATIONS:

# SUMMARY EXPLANATION AND BACKGROUND:

- 1. The City of Cape Coral offers Retiree Medicare Plans to Medicare-eligible retirees and coordinate with our larger medical plan. Medicare plans are the primary (first) payor on claims, creating a cost savings for the City.
- On August 8, 2018, a Request for Proposal, RFP-HR18-118/KS, for the plan year beginning on January 1, 2019 for City of Cape Coral and Charter School Active employees, retirees and their dependents (not including the IAFF Fire represented employees) was issued for Self Insured Medical Administrative Services (ASO), Prescription Benefit Management (PBM), Medical Insurance Stop Loss, Group Term Life with Accidental Dismemberment, Long Term Disability, Employee Assistance Program, Dental and Vision, Medicare Advantage, Medicare Supplement Plan F, Medicare Rx.
- 3. On August 29, 2018, fourteen (14) proposals were received for the Employee Benefits Request for Proposal RFP-HR18-118/KS from the following firms, in alphabetical order, Aetna Life Insurance Company, Advantica Insurance Company, Avesis Third Party Administrators, Inc., Blue Cross Blue Shield of Florida, Inc. (Florida Blue), Cigna Health and Life Insurance Company, EyeMed Vision Care, LLC, Hartford Life and Accident Insurance Company, Humana Insurance Company, Minnesota Life Insurance Company, Standard Insurance Company, Rx Benefits, Inc., United Concordia Insurance Company, Vision Service Plan Insurance Company, WellDyneRx LLC.; However, for the Retiree Medical Plans, Florida Blue was the sole respondent.
- 4. On October 15, 2018 via Resolution 216-18, Council awarded Blue Cross Blue Shield the employee welfare benefit plans. The Medicare plans and pricing are regulated by the

Federal and State government and the information was not available at the time. Council, via the department memo, was advised that the **Medicare plans would be brought to Council in November.** 

- 5. The Gehring Group along City Staff evaluated the Blue Cross Blue Shield (Florida Blue) proposal and request approval to continue with Blue Cross and Blue Shield of Florida, Inc. (Florida Blue) which will represent a reduction in the rate structure.
- 6. The agreement, if approved, will be for one year with four additional one-year renewals.
- 7. Funding: General Fund Government Services. Contributions that are required by retirees for dependent coverage are processed through pension deductions or individual direct payment.

# LEGAL REVIEW:

Agreement reviewed by Legal

## EXHIBITS:

Recommendation Memo Resolution 242-18

# PREPARED BY:

Wanda Roop Division- Procurement Department- Finance

# SOURCE OF ADDITIONAL INFORMATION:

Lisa Sonego, Human Resources Director

## ATTACHMENTS:

## Description

- Department Memo
- Resolution 242-18

# Туре

Backup Material Resolution

# MEMORANDUM

## CITY OF CAPE CORAL HUMAN RESOURCES DEPARTMENT

TO:	John Szerlag, City Manager Victoria Bateman, Financial Services Director Wanda Roop, Procurement Manager
FROM:	Lisa Sonego, Human Resources Director Jill Ramirez, Benefits Manager
DATE:	October 18, 2018
SUBJECT:	Recommended Retiree Medicare Plans (RFP-HR18-118/KS)

#### Background

In the spirit of the City's mission, vision and core values, we present recommendations for the Retiree Medicare Plans beginning January 2019 which allow for cost avoidance for the City. These Medicare plans renew each year and require signed agreements.

Medicare plans and pricing are regulated by federal and state government.

These plans are offered to the City of Cape Coral Medicare-eligible retirees and coordinate with our larger medical plan. Medicare plans are the primary (first) payor on claims, creating a cost savings for the City.

#### Recommendation

The City submitted a Request for Proposal for the plan year beginning on January 1, 2019 for various health and welfare lines of business including Retiree Medicare Plans. Florida Blue was the sole respondent for the Medicare Plans.

Gehring Group, the City's Benefits Brokerage firm, analyzed the Medicare renewal from Florida Blue along with the Benefits Manager and Human Resources Director.

The recommendation is to continue with Florida Blue and their submittal which represents a reduction in the rate structure.

#### Contract Rates

Staff respectfully requests approval for a one-year contract for Florida Blue BlueMedicare PPO (Advantage) Plan, Medicare Supplemental Plan F Medical and the BlueMedicare Rx plan that combines with Plan F.

John Szerlag, City Manager - Recommended Retiree Medicare Plans October 18, 2018 Page 2 of 2

The below rates represent a savings from 2018 with an overall approximate savings of \$38,715 annually for 2019.

The following are renewal rates on a per enrolled per month (PEPM) basis:

- 2019 BlueMedicare PPO (medical with Rx included) \$266.03 PEPM
   2018 \$300.78
- 2019 Supplement Plan F, Medical Rates have been frozen since 2016
  - o grandfathered plan, not open to new enrollments, 46 retirees remain
  - Rates based on age and zip code, ranges from \$219.10 to \$673.70
- 2019 BlueMedicare Rx (combines with Plan F) \$137.63 PEPM
   2018 \$152.30

# **Contract Term**

These plans are subject to annual renewal. Staff respectfully requests approval to extend this contract for up to four additional one-year contract terms if renewal rates and structure are conducive to City's budget affordability features in place at the time.

These contract renewals will coordinate with the City's approved contract with Florida Blue for group medical and prescription administrative services only (ASO) contract.

## Fund Availability

The approximate \$310,665 annual costs for these Medicare Plans is budgeted in the General Fund Government Services. Contributions that are required by retirees for dependent coverage are processed through pension deductions or individual direct payment.

C: Christopher Phillips, Budget Administrator

#### RESOLUTION 242 - 18

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPE CORAL AWARDING THE CONTRACT FOR GROUP MEDICARE SUPPLEMENTAL INSURANCE TO BLUE CROSS AND BLUE SHIELD OF FLORIDA, INC., AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE BLUEMEDICARE GROUP MASTER AGREEMENT AND ANY FUTURE RENEWALS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City provides health insurance benefits upon retirement to eligible employees; and

WHEREAS, retirees who qualify for health insurance benefits upon retirement must sign up for health insurance coverage under Medicare Parts A and B as soon as they become eligible; and

WHEREAS, once an employee is receiving health insurance coverage under Medicare Parts A and B, the City has provided the option to those employees of either remaining on the City's health insurance to cover any remaining expenses after Medicare has been utilized, or enrolling in a Medicare supplemental plan offered through the City in lieu of remaining on the City's health insurance; and

WHEREAS, the City provides Medicare supplemental insurance to eligible retirees and their Medicare-eligible dependents at the option of the retirees; and

WHEREAS, the City's Medicare supplemental insurance is on an annual basis with the plan year beginning each January 1; and

WHEREAS, the City currently has a contract with Blue Cross and Blue Shield of FL, Inc. for Medicare supplemental insurance that expires this year; and

WHEREAS, the City issued a Request for Proposal, RFP-HR18-118/KS for Medicare Advantage, Medicare Supplement Plan F, and Medicare Rx; and

WHEREAS, City staff and the Gehring Group reviewed the proposals and recommend continuing to use Blue Cross and Blue Shield of Florida, Inc. (Florida Blue) for the Medicare insurance plans; and

WHEREAS, the City desires to enter into a one year agreement with four additional one-year renewal options as set forth in the BlueMedicare Group Master Agreement; and

WHEREAS, the City Council desires to authorize the City Manager or his designee to execute all necessary documents for the 2019 Plan Year Medicare insurance plans with Blue Cross Blue Shield of Florida, Inc.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA, AS FOLLOWS:

Section 1. The City Council hereby awards the contract for group Medicare supplemental insurance for eligible retirees and their Medicare-eligible dependents at the option of the retirees for the 2019 Plan Year to Blue Cross and Blue Shield of Florida, Inc.. The Medicare Group Master Agreement is attached hereto as Exhibit A.

Section 2. The City Manager or his designee is authorized to execute all documents necessary to effectuate the 2019 Plan Year contract and to approve the renewal of the contract for up to four additional oneyear periods and authorizes the City Manager or his designee to execute any future contract documents associated with such renewals, should the City Manager deem it to be in the best interest of the City.

Section 3. This Resolution shall take effect immediately upon its adoption.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF CAPE CORAL AT ITS REGULAR COUNCIL SESSION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

JOE COVIELLO, MAYOR

VOTE OF MAYOR AND COUNCILMEMBERS:

ATTESTED TO AND FILED IN MY OFFICE THIS \_\_\_\_\_ DAY OF \_ 2018.

> KIMBERLY BRUNS INTERIM CITY CLERK

APPROVED AS TO FORM:

Menne our  $\subset$ DOLORES D. MENENDEZ CITY ATTORNEY

Res\Insurance-Medicare Supplement Provider 10/29/18

EXHIBIT A



# **BLUEMEDICARE GROUP MASTER AGREEMENT**

# **SECTION 1: INTRODUCTION**

This BlueMedicare Group Master Agreement (this "Agreement") describes the rights and obligations which you and Blue Cross and Blue Shield of Florida, Inc. ("Florida Blue") have with respect to the group Medicare Advantage, Medicare Advantage Prescription Drug Plan, and/or standalone Medicare Prescription Drug Plan (hereinafter, "Medicare Plan(s)") coverage to be provided by us to your Covered Retirees and Covered Dependents.

References to "we", "us", "our," and Florida Blue throughout this Agreement refer to Blue Cross and Blue Shield of Florida, Inc. In exchange for your payment of the Premium, we agree to provide the coverage and/or benefits specified in the Evidence of Coverage for the Medicare Plan(s) ("Evidence of Coverage"), a copy of which is attached to this Agreement. The coverage to be provided by us under the Group Plan which you have established is described in the Evidence of Coverage.

# **SECTION 2: DEFINITIONS**

Certain terms defined in the Agreement are also used and defined (for the convenience of Covered Persons) in the Evidence of Coverage. If a word or phrase starts with a capital letter, it is either the first word in a sentence, a proper name, a title, or a defined term. The following defined terms apply to this Agreement:

Anniversary Date means the date one year after the Effective Date of coverage and subsequent annual anniversaries or such other date as mutually agreed to in writing by the parties.

**Appeal** means a request submitted by or on behalf of a Covered Person for a review of our decision to deny a request for coverage of health care services or prescription drugs or payment for services or drugs.

CMS means the Centers for Medicare and Medicaid Services.

**CMS Requirements** means the provisions of Parts C and D of Title XVIII of the Social Security Act, CMS Medicare Part C and D regulations at 42 C.F.R. Parts 422 and 423, the CMS Managed Care and Prescription Drug Benefit Manuals, other CMS instructions and guidance and the provisions of Florida Blue's contracts with CMS to offer the Medicare Plans.

**Covered Dependent** means an Eligible Dependent who continues to meet all applicable eligibility requirements described in the Evidence of Coverage and who is enrolled, and actually covered, under the Agreement other than as a Covered Retiree.

Covered Person means a Covered Retiree or a Covered Dependent.

**Covered Retiree** means an Eligible Retiree, who continues to meet all applicable eligibility requirements described in the Evidence of Coverage and who is enrolled, and actually covered, under the Agreement other than as a Covered Dependent.

**Effective Date** for the Group means 12:01 a.m. on the date specified on the last page of this Agreement and for Covered Persons means 12:01 a.m. on the date coverage will begin as specified in the Evidence of Coverage.

**Eligible Dependent** means an individual who meets and continues to meet all of the eligibility requirements described in the Evidence of Coverage.

**Eligible Retiree** means an individual who meets and continues to meet all of the eligibility requirements set forth in the Evidence of Coverage and is eligible to enroll as a Covered Retiree. An Eligible Retiree is not a Covered Retiree until actually enrolled and accepted for coverage as a Covered Retiree by us.

**Enrollment Forms** means those forms, electronic or paper, which are approved by us and used to maintain accurate enrollment files under the Agreement.

Grace Period means the sixty (60) calendar day period beginning on the date the Premium is due.

**Grievance** means a type of complaint submitted by a Covered Person (or other person eligible under CMS Requirements to submit a Grievance) about us or one of our network providers or pharmacies, including a complaint concerning the quality of care. This type of complaint does not involve coverage or payment disputes.

**Group** means the employer, labor union, association, partnership, corporation, department, other organization or entity through which coverage and benefits are issued by us.

Note: References to "you" or "your" throughout the first part of this Agreement also refer to the Group. References to "you" or "your" in the Evidence of Coverage refer to Eligible Retirees, Eligible Dependents, Covered Retirees and/or Covered Dependents depending on the context and intent of the specific provision.

**Group Master Agreement or Agreement** means the written document which is evidence of the entire agreement between the Group and Florida Blue whereby coverage and benefits are provided to Covered Persons.

**Late Enrollment Penalty ("LEP")** means an amount added to the Part D Premium of an individual who did not have Part D coverage or other creditable prescription drug plan when the individual first became eligible for Part D or who had a break in Part D or other creditable prescription drug coverage for at least 63 days.

**Low Income Subsidy ("LIS")** means the premium subsidy amount paid to us by CMS for qualifying Covered Persons with Medicare Part D coverage.

**Medicare Plan** means the group Medicare Advantage Plan, Medicare Advantage Prescription Drug Plan, and/or standalone Medicare Prescription Drug Plan that you select.

**Premium** means the amount required to be paid by the Group to us for coverage under this Agreement.

Service Area means a geographic area where a Medicare Plan accepts members.

# SECTION 3: ELIGIBILITY, ENROLLMENT, AND DISENROLLMENT

## A. Eligibility Determination

Determination of whether an individual is an Eligible Retiree or Eligible Dependent will be a two-step process:

- 1. You will determine whether the individual is eligible to participate in the retiree group health benefit plan that you sponsor. For individuals meeting your eligibility criteria, you will promptly forward completed applications to us. You are responsible for complying with all applicable laws and regulations, including but not limited to the Employee Retirement Income Security Act (ERISA) and the Internal Revenue Code, in making this eligibility determination. You must also comply with all eligibility guidelines included in the benefit administrative guide and Evidence of Coverage.
- 2. After receiving a complete application, we will process the application in accordance with CMS Requirements. An application must be approved by us and accepted by CMS for an individual to be enrolled in a Medicare Plan.

## **B.** Distribution of Enrollment Materials

You may only distribute materials describing the Medicare Plan that we have provided to you or that we have approved in writing. You will distribute any pre-enrollment materials that we provide to you to each potential enrollee before collecting enrollment applications. Nothing in this Section will preclude you from making additional disclosures about your group health benefit plan as applicable to comply with ERISA, such as a wrap-around summary plan description or other plan document. If applicable, you are solely responsible for compliance with ERISA disclosure requirements in connection with the Medicare Plan(s).

## **C. Group Disenrollment**

If you decide to disenroll all Covered Persons from a Medicare Plan, you must:

- 1. Notify all beneficiaries that you intend to disenroll them from the Medicare Plan. You will provide this notice at least twenty one (21) calendar days before the disenrollment. This notice will explain how to contact Medicare for information about other plan options that may be available. You will include language provided by Florida Blue in this notice to meet specific CMS Requirements for notice contents.
- 2. Provide us with all information necessary to submit a complete disenrollment request transaction to CMS in accordance with CMS Requirements.
- 3. In the event of termination of this Agreement, provide advanced notice in accordance with Section 4 of this Agreement.

## **D. Individual Covered Person Disenrollment**

Covered Persons may be disenrolled from a Medicare Plan by Florida Blue if they become ineligible for continued enrollment. Covered Persons may also be disenrolled if this Agreement terminates or if you

inform us that they are no longer eligible to participate in your retiree group health plan. If Florida Blue determines that a Covered Person is ineligible for continued enrollment or if you instruct us to disenroll an individual, you must:

- 1. Provide us with at least thirty (30) calendar days advanced notice of the ineligibility or disenrollment election of an individual; and
- 2. Provide the Covered Person(s) who will be disenrolled with at least twenty one (21) calendar days advanced notice of the termination and of other insurance options that are available to them. You will include language provided by Florida Blue in this notice to meet specific CMS Requirements for notice contents.

The Covered Person will have the opportunity to elect another plan offered by us or by you, join Original Medicare, or join another carrier's Medicare Plan (by submitting an enrollment request to that organization).

# SECTION 4: TERM AND TERMINATION

## A. Term of Agreement and Renewal Process

This Agreement shall become effective as of the Effective Date provided: (1) that we accept your Group Application; and (2) that you pay the required initial Premium specified by us.

This Agreement shall continue in effect until the first Anniversary Date following the Effective Date unless terminated earlier as permitted by its terms. After the initial term, this Agreement shall automatically renew each succeeding year on the Anniversary Date for an additional one-year period unless:

- 1. At least sixty (60) calendar days prior to such Anniversary Date, you notify us that you do not want the Agreement to automatically renew; or
- 2. It is terminated as permitted by its terms.

At least ninety (90) calendar days before each Anniversary Date, we will provide you with notice of changes in Premium and benefits under the Medicare Plan for the upcoming year (the "Renewal Notice").

If this Agreement renews as specified above, all of its terms and provisions (including the Premium due) shall be amended to include the terms of the Renewal Notice, and the amended Agreement shall govern coverage as of the Anniversary Date. Payment of the new charges shall constitute acceptance of the change in Premium rates. This Agreement is conditionally renewable. This means that it automatically renews each year on your Anniversary Date unless terminated earlier in accordance with its terms.

## **B.** Termination by Group

The Group may cancel this Agreement on its Anniversary Date by giving written notice to us at least sixty (60) calendar days in advance, unless we have initiated a termination for any of the reasons stated below.

## C. Termination by Florida Blue

We may terminate this Agreement or refuse to renew for the following reasons:

- 1. **Failure to Pay Premiums**. You do not pay Premiums in accordance with its terms or we have not received timely Premium payments prior to the end of the Grace Period. Termination of this Agreement for failure to pay premiums shall be effective as of the end of the Grace Period. In the event of such termination, you are obligated to pay the following:
  - a. Any portion of the Premium due for coverage provided by us prior to termination; and
  - b. Any amounts otherwise due us.
- 2. Fraud or Intentional Misrepresentation of Material Fact. You perform an act, or engage in any practice, that constitutes fraud or make an intentional misrepresentation of material fact.
- 3. **Group Contribution and Participation and CMS Rules.** You do not comply with: (1) a material provision which relates to rules for Group contributions or Covered Person participation; or (2) any provision in this Agreement which relates to LIS or other CMS Requirements.
- 4. **Service Area**. There is no longer any Covered Person who lives, resides, or works in the Service Area.
- 5. **Termination or Non-renewal of the CMS Contract**. We will provide you with at least ninety (90) calendar days' notice upon termination or non-renewal of our contract with CMS.

Except as specifically provided in this Subsection 4.C, if we decide to terminate or not renew the Agreement based on one or more of the circumstances mentioned above, we will give you at least forty-five (45) calendar days advance written notice.

#### **D.** Notification of Termination to Covered Retirees

It is your obligation to immediately notify each Covered Person of any such termination of this Agreement for any reason, consistent with the requirements of Section 3 of this Agreement.

#### E. Representations Made By, and Obligations of, the Group

In agreeing to provide coverage in accordance with the terms of this Agreement, we rely on the representations you made when you applied for coverage with us and your representation that you have authority to act on behalf of all Covered Persons with respect to this Agreement. Consequently, every act by, agreement with, or notice given to, you will be binding on all Covered Persons. You agree that you shall offer to all Eligible Retirees the opportunity to become a Covered Person under this Agreement. You agree that, if requested by us, you will distribute the Evidence of Coverage and other coverage materials to Covered Persons.

#### SECTION 5: PAYMENT PROVISIONS

#### **A. Monthly Invoice**

We will prepare a monthly invoice of the Premium due on or before the due date. This monthly invoice will also reflect any prorated charges and credits resulting from changes in the number of Covered Persons and changes in the types of coverage that took place in the previous or current month.

If you become aware that a Covered Person will become ineligible, you must provide us with written notice of such ineligibility as described in Section 3 of this Agreement. You shall be liable to us for the Premium due for each individual enrolled in a Medicare Plan under this Agreement until the effective date of disenrollment, which is set by CMS Requirements.

You must pay the total amount of the invoice. Do not add names to an invoice, change coverage or pay for a retiree or dependent whose name does not appear on the invoice. No changes can be made to a Group invoice unless a signed application form is on file and submitted to Florida Blue. Payment shall be for the total amount of the Group invoice.

## **B.** Payment Due Date

The first Premium payment is due before the Effective Date of the Agreement. Each following payment is due monthly unless you agree with us in writing on some other method and/or frequency of payment. The Premium is due and payable on or before the first day of each succeeding calendar month to which such payments apply.

# C. Grace Period

This Agreement has a sixty (60) calendar day Premium payment Grace Period, which begins on the date the Premium payment is due. If we do not receive the required Premium payment on or before the date it is due, it may be paid during this Grace Period. Coverage will stay in force during the Grace Period. If Premium payments are not received by the end of the Grace Period, we will terminate this Agreement and proceed with the disenrollment of Covered Persons as described in Section 3 of this Agreement.

## **D.** Changes in Premium

Premium rates may be changed on your Anniversary Date as described in Section 4.A above regarding renewal.

## E. Other Rules Regarding the Payment of Premiums

- 1. CMS rules govern the effective date of any disenrollment of a Covered Person under this Agreement, and we are not required to retroactively terminate this Agreement or coverage for any Covered Person.
- 2. If full payment of the Premium is not paid when due, this Agreement may be terminated as described in Section 4 of this Agreement.

## F. Premium Subsidization

You may subsidize Premium amounts charged to Eligible Retirees. You are responsible for compliance with all applicable laws and regulations relating to your subsidy of Premiums, including ERISA and CMS Requirements, as applicable. You acknowledge and agree that Premium subsidization may vary for different classes of Eligible Retirees only if such classes are reasonable and based on objective business criteria. You represent and warrant that you will not vary Premium subsidization based on any Covered Person's eligibility for LIS. Further, you will not vary Premium subsidization for individuals within a given class of Eligible Retirees. In no case will you charge an Eligible Retiree more than the sum of the monthly Premium that we charge you for the Medicare Plan benefits.

#### G. Low Income Subsidy

You will comply with the following requirements in connection with LIS:

- 1. You are required to pass through any LIS payments received from CMS to reduce the Premium amount that the Covered Retiree pays. You will first apply any LIS amounts to a Covered Person's share of Premium. You may not benefit from any LIS amount until the Premium for a Covered Person (including amounts for the non-drug benefits in a combined Medicare Advantage Prescription Drug Plan) paid by a Covered Retiree is reduced to zero (\$0.00).
- 2. You are responsible for reducing up-front Premium contributions that you collect from Covered Retirees for any Covered Persons eligible for LIS. In limited situations where you are unable to reduce the up-front Premium contribution (*e.g.* if LIS is awarded retroactively), you will directly refund the LIS amount to the Eligible Retiree within fifteen (15) calendar days of the date you receive the LIS amount from Florida Blue.

#### H. Late Enrollment Penalty (LEP)

The Premium for an individual Covered Person may be higher if the Covered Person is assessed an LEP for not enrolling in Part B in a timely manner. This higher Premium will be reflected on the bill you receive from us.

#### I. Premium Billing

You will be responsible for the payment of the "Total Monthly Premium per Covered Retiree" of all Group members. The Total Monthly Premium may be less for Covered Persons who qualify for LIS as defined by CMS. You will also be responsible for any LEP charges that Group members have been assessed by CMS. The first Premium charge is payable before the Effective Date of this Agreement. Monthly charges are payable on the first day of each following month during the time this Agreement is in effect.

#### J. Retroactive Premium Adjustment

The monthly charge will be determined from our records by the number of Covered Retirees who have been confirmed through the CMS enrollment transaction process. Retroactive adjustments will be made for additions and terminations of Covered Retirees and for Covered Retirees who have been confirmed through the CMS enrollment transaction process after the initial billing statement. Any refund that is owed to a Covered Retiree must come from the Group, unless the Covered Retiree is billed directly by us. Florida Blue will only adjust the amount due of a Group and will not refund Premium(s) paid to a Covered Retiree, unless we mutually agree that a Covered Retiree is to be directly billed by Florida Blue. You must refund to Covered Retirees any amounts received from us that are due to Covered Retirees in a timely manner.

## **SECTION 6: HOST BLUE PLANS**

#### A. Out-of-Area Services – Medicare Advantage

We have relationships with other Blue Cross and/or Blue Shield Licensees ("Host Blues") referred to generally as the "Inter-Plan Medicare Advantage Program." This Program operates under rules and procedures issued by the Blue Cross Blue Shield Association ("Association"). When members access

healthcare services outside the geographic area we serve, the claim for those services will be processed through the Inter-Plan Medicare Advantage Program. The Inter-Plan Medicare Advantage Program available to members under this agreement is described generally below.

## **B.** Member Liability Calculation

When you receive Covered Services outside of our service area from a Medicare Advantage PPO network provider, the cost of the service, on which member liability (copayment/coinsurance) is based, will be either:

- The Medicare allowable amount for covered services; or
- The amount either we negotiate with the provider or the Host Blue negotiates with its provider on behalf of our members, if applicable. The amount negotiated may be either higher than, lower than, or equal to the Medicare allowable amount.

#### C. Nonparticipating Healthcare Providers Outside Our Service Area

When Covered Services are provided outside of our service area by nonparticipating healthcare providers, the amount(s) a member pays for such services will be based on either the payment arrangements, described above, for Medicare Advantage PPO network providers, Medicare's limiting charge where applicable or the provider's billed charge. In these situations, the member may be responsible for the difference between the amount that the nonparticipating healthcare provider bills and the payment we will make for the covered services as set forth in this paragraph. Payments for out-of-network emergency services will be governed by applicable federal and state law.

## SECTION 7: GENERAL PROVISIONS

#### A. Administration and Record Retention

You must provide us with any information we need to administer the coverage and/or benefits to be provided or needed to compute the Premium due. While this coverage is in force, we have the right, at any reasonable time, to examine your records on any issues necessary to verify information provided by you. You must retain all records relating to this Agreement, including but not limited to those relating to LIS administration, for the current calendar year plus an additional ten (10) years.

#### **B.** Assignment and Delegation

You may not assign, delegate or otherwise transfer this Agreement and the obligations hereunder without our written consent. Any assignment, delegation, or transfer made in violation of this provision shall be void. We may assign, delegate, or otherwise transfer this Agreement to our successor in interest or an affiliated entity without your consent at any time.

## C. Authorization

Where this Agreement requires that an act involving the administration of coverage and/or benefits be authorized or approved by us, such authorization or approval shall be considered given when provided in writing by a duly authorized officer of Florida Blue or his or her designee.

#### **D.** Evidence of Coverage

We will provide an Evidence of Coverage and ID Card for each Covered Retiree. The Evidence of Coverage will describe the coverage and benefits to be provided to Covered Persons by us.

You agree that, if requested by us, you will distribute the Evidence of Coverage (and any Endorsements to it) and other coverage materials to Covered Persons.

#### **E.** Grievance and Appeals Process

We have established and will maintain a process for hearing and resolving Grievances and Appeals raised by Covered Persons in accordance with CMS requirements. Details regarding this process are provided in the Evidence of Coverage.

#### **F.** Changes to the Agreement

Florida Blue may make any changes to this Agreement that are necessary to meet CMS Requirements ("CMS Mandated Amendments") with sixty (60) calendar days advanced written notice to you. Such changes shall become effective as amendments to this Agreement upon expiration of this sixty (60) calendar day notice period.

Except in the case of (a) CMS Mandated Amendments or (b) Renewal Notices as described in Section 4.A., no person may change, modify, or revise the written terms or provisions of this Agreement unless such change is made by a written amendment signed by one of our duly authorized officers. For example, no Eligible Retiree or agent of Florida Blue or the Group can change or waive the written terms or provisions of this Agreement except as stated in the first sentence of this paragraph.

## G. Furnishing and Maintaining Enrollment Records

You must provide any information required by us for the purpose of creating and maintaining enrollment records, processing terminations, and recording changes in family status. In addition, you and each Eligible Retiree must submit accurate and complete Enrollment Forms on a timely basis. You are responsible for collecting the Enrollment Forms, reviewing them for accuracy and completeness, and forwarding them to us, along with the applicable Premium payment. All enrollment record information which is relevant to the eligibility or coverage status of any individual must be made available to us for inspection and copying upon request.

## H. Errors or Delays

Clerical errors or delays by us in maintaining enrollment records regarding Covered Persons will not invalidate coverage which would otherwise be validly in force or continue coverage which would otherwise be validly terminated, provided you have furnished us with timely and accurate enrollment information. Errors or delays by you in furnishing accurate enrollment information to us will not affect our right to strictly enforce any and all eligibility requirements.

#### I. Entire Agreement

This Agreement sets forth the exclusive and entire understanding and agreement between the parties and shall be binding upon the Covered Persons, the parties, and any of their subsidiaries, affiliates, successors,

heirs, and permitted assigns. All prior negotiations, agreements, and understandings are superseded hereby. No oral statements, representations, or understanding by any person can change, alter, delete, add or otherwise modify the express written terms of this Agreement, which includes the terms of coverage and/or benefits set forth in the Evidence of Coverage, the Schedule of Benefits, and any other attachments, amendments or riders.

## J. Financial Responsibilities of the Group

We reserve the right to recover any benefit payments made to or on behalf of any individual whose coverage has been terminated. Our recovery efforts may relate to benefit payments made for health care services rendered subsequent to the Covered Person's termination date and prior to the date notice of coverage termination is required to be made by you. Your cooperation with and support such recovery efforts is required.

In the event that you do not comply with the notice requirements set forth in Subsection 5.A (Monthly Invoice), you shall be solely liable to us for Premium due until the effective date established by CMS for a Covered Person's disenrollment.

# K. Indemnification

You shall hold harmless and indemnify Florida Blue, against all claims, demands, liabilities, or expenses (including reasonable attorney fees and court costs), which are related to, arise out of, or are in connection with any of your acts or omissions, or acts or omissions of any of your employees, retirees or agents, in the performance of your obligations under this Agreement. We are not your agent, nor are you our agent, for any purpose. This paragraph shall only apply to the extent allowed under Florida Statutes § 768.28.

## L. Representations on the Group Application and the Enrollment Forms

We rely on the information you and your Eligible Retirees provide to determine whether to issue coverage; the appropriate Premium and financing method; and eligibility for coverage. All such information must be accurate, truthful, and complete. Statements made on the Enrollment Forms are representations and not warranties.

We may cancel, terminate, or void this Agreement if the information which you provide is fraudulent, or if you make an intentional misrepresentation.

## M. Reservation of Right to Contract

We reserve the right to contract with any individuals, corporations, associations, partnerships, or other entities for assistance with the servicing of coverage and benefits to be provided by us or obligations due, under this Agreement.

## N. Service Mark

You, on behalf of the Group and its Covered Retirees, hereby expressly acknowledge your understanding that this Agreement constitutes a contract solely between you and Florida Blue. We are an independent corporation operating under a license with the Blue Cross and Blue Shield Association, an association of independent Blue Cross and Blue Shield Plans, (the "Association") permitting us to use the Blue Cross and Blue Shield Service Mark in the state of Florida and that we are not contracting as the agent of the

Association. You further acknowledge and agree that you have not entered into this contract based upon representations by any person other than us and that no person, entity, or organization other than us shall be held accountable or liable to you for any of our obligations created under this Agreement. This paragraph shall not create any additional obligations whatsoever on our part other than those obligations created under other provisions of this Agreement.

## **O.** Third Party Beneficiary

This Agreement was entered into solely and specifically for the benefit of Florida Blue and the Group. The terms and provisions of the Agreement shall be binding solely upon, and inure solely to the benefit of, Florida Blue and the Group, and no other person shall have any rights, interest or claims under this Agreement, including the Evidence of Coverage, or be entitled to sue for a breach thereof as a third-party beneficiary or otherwise. Florida Blue and the Group hereby specifically express their intent that health care providers that have not entered into contracts with Florida Blue to participate in Florida Blue's provider networks shall not be third-party beneficiaries under this Agreement, including the Evidence of Coverage.

#### **P. Inspection and Audit**

You shall permit CMS, The U.S. Department of Health and Human Services, the Comptroller General, or their designees, to inspect, evaluate, and audit any of your books, contracts, medical records, patient care documentation, documents, papers, and other records pertaining to coverage by providing records to Florida Blue, which will submit the records to CMS. This right to inspect, evaluate, and audit shall extend ten (10) years from the expiration or termination of the Agreement or completion of final audit, whichever is later, unless otherwise required by applicable law.

## Q. Benefit Administrator Guide

We will provide you with a Benefit Administrator Guide, which provides details related to how your plan is administered and your responsibilities as a benefit administrator.

#### **R.** Member Communications and Campaigns

We may send CMS required or Florida Blue member communications without your consent. Samples of all required materials are available upon request for informational purposes.

We may also contact Covered Persons by telephone regarding any Florida Blue campaign and any campaign approved by the Florida Office of Insurance Regulation and/or CMS, as applicable. We will notify you of the campaign prior to making contact with members.

#### S. COBRA

You are solely responsible for determining when individuals are eligible for coverage under a Medicare Plan pursuant to the Consolidated Omnibus Budget Reconciliation Act ("COBRA"). You will notify us promptly of any COBRA elections. For more information on your COBRA responsibilities refer to the Benefit Administrator Guide.

\* \* \* \* \* \* \*

In consideration of the payment of Premiums when due and subject to all of the terms of this Agreement, Blue Cross Blue Shield of Florida, Inc. hereby agrees to provide each enrollee of **City of Cape Coral** the benefits of this Agreement as set forth in the attached Evidence of Coverage beginning on each enrollee's effective date.

The Group has selected the following plan and premium: Plan PPO1Rx1 and Premium \$266.03. Plan Rx1 Only and Premium \$137.63

 The Group's Agreement is effective as of 01/01/2019

 IN WITNESS WHEREOF, the parties have executed this Agreement as of \_\_\_\_\_\_\_.

 Blue Cross Blue Shield of Florida, Inc. (DBA Florida Blue)
 City of Cape Coral

 By:
 By:

 (Signature)
 (Signature)

 Name:
 Lynn Esposito (Please Print or Type)

 Name:
 A. John Szerlag (Please Print or Type)

Title:

City Manager

Title:

Vice President, Sales Operations

Item Number: B.(6) Meeting Date: 11/5/2018 Item Type: CONSENT AGENDA

AGENDA REQUEST FORM CITY OF CAPE CORAL



#### TITLE:

Resolution 245-18 Approve META C-7 / Replat of Tract R-1; Department: DCD; Dollar Value: N/A; (Fund: N/A)

#### **REQUESTED ACTION:**

Approve or Deny

#### STRATEGIC PLAN INFO:

1. Will this action result in a Budget Amendment?	No
2. Is this a Strategic Decision?	No
If Yes, Priority Goals Supported are listed below.	
If No, will it harm the intent or success of the Strategic Plan?	No

#### PLANNING & ZONING/HEARING EXAMINER/STAFF RECOMMENDATIONS:

#### SUMMARY EXPLANATION AND BACKGROUND:

1. On August 20, 2018 City Council Approved the PDP Amendment for Meta at Cape Harbour.

- 2. A copy of the final plat presented for approval is attached to the Resolution.
- 3. This is a replat only, no infrastructure construction is involved.

#### LEGAL REVIEW:

#### EXHIBITS:

Resolution 245-18

#### PREPARED BY:

David A. Hyyti, Manager

Division- Development Services Department-Community Development

#### SOURCE OF ADDITIONAL INFORMATION:

#### ATTACHMENTS:

#### Description

Resolution 245-18

**Type** Resolution

#### RESOLUTION 245 – 18

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPE CORAL APPROVING THE REPLAT FOR THE META AT CAPE HARBOUR SUBDIVISION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 177, Florida Statutes, and Sections 4.2.5.H. and 4.2.5.I. of the Land Use and Development Regulations set forth the regulations and procedures for the subdivision of land and the final subdivision plat approval; and

WHEREAS, after the adoption of a planned development project, the City of Cape Coral requires the submission of a final subdivision plat for review by the Department of Community Development for compliance with all regulations; and

WHEREAS, before a plat is offered for recording, the Plat must be approved by the City Council; and

WHEREAS, upon approval of the subdivision plat by City Council, the Mayor shall indicate the approval by signing the certificate of approval for recording; and

WHEREAS, an approved subdivision plat shall be recorded at the expense of the applicant with the Lee County Clerk of Court; and

WHEREAS, on August 20, 2018, the City of Cape Coral adopted Ordinance 49-18, amending the "Meta at Cape Harbour" planned development project and approving a replat of a portion of the subdivision; said subdivision is entitled "Meta C-7" on the proposed plat; and

WHEREAS, the Director of Community Development has approved the replat attached hereto as Exhibit A as being in conformance with the approved development plan and all other applicable regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA, AS FOLLOWS:

Section 1. The City Council hereby approves the replat for a portion of the "Meta at Cape Harbour" subdivision entitled "Meta C-7" as being substantially in accordance with the approved Preliminary Subdivision Plan as set forth in Ordinance 49-18 and all other applicable regulations. A copy of the proposed "Meta C-7" replat is attached hereto as Exhibit A.

Section 2. This Resolution shall take effect immediately upon its adoption.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF CAPE CORAL AT ITS REGULAR COUNCIL SESSION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

VOTE OF MAYOR AND COUNCILMEMBERS:

COVIELLO GUNTER CARIOSCIA STOUT

\_\_\_\_\_

JOE COVIELLO, MAYOR

NELSON \_\_\_\_\_\_ STOKES \_\_\_\_\_\_ WILLIAMS \_\_\_\_\_ COSDEN \_\_\_\_\_

ATTESTED TO AND FILED IN MY OFFICE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2018.

> KIMBERLY BRUNS INTERIM CITY CLERK

APPROVED AS TO FORM:

Segon D. Manual

DOLORES D. MENENDEZ CITY ATTORNEY res/Plat – Meta at Cape Harbour Replat

## KING ENGINEERING ASSOCIATES, INC. 324 NICHOLAS PARKWAY WEST, SUITE A CAPE CORAL, FLORIDA 33991 PHONE 239-673-9541 FAX 239-424-8181 FLORIDA AUTHORIZATION NO. LB6210

#### DESCRIPTION:

A PORTION OF TRACT R-1, BLOCK 7004, META AT CAPE HARBOUR, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 71, PAGES 74 THROUGH 80 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF TRACT R-1. BLOCK 7004. META AT CAPE HARBOUR. ACCORDING TO THE PLAT THEREOF OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA AND THE POINT OF BEGINNING; THENCE N.14°50'44"E. LANDS, A DISTANCE OF 43.85 FEET TO THE NORTHEASTERLY CORNER OF SAID LANDS; THENCE N.40°22'18"W., LINE OF SAID LANDS, A DISTANCE OF 30.44 FEET TO THE NORTHWEST CORNER OF SAID LANDS; THENCE S.14°50'44"W, ALONG THE WEST LINE OF SAID LANDS, A DISTANCE OF 25.00 FEET TO THE NORTHEAST CORNER OF LOT 1, BLOCK 8078, WATERFRONT AT CAPE HARBOUR, ACCORDING TO THE PLAT RECORDED IN INSTRUMENT NO. 2008000125434 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING A POINT ON A NON-TANGENT CURVE; THENCE ALONG THE BOUNDARY OF BLOCK 8078 OF SAID "WATERFRONT AT CAPE HARBOUR" PLAT THE FOLLOWING NINE CALLS, THENCE ALONG THE ARC OF A NON TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES N.12°32'43"E., A RADIAL DISTANCE OF 51.56 FEET; THENCE NORTHWESTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 31°53'55" CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES N. 45°21'30"E., A RADIAL DISTANCE OF 75.78 FEET; THENCE NORTHERLY ALONG ANGLE OF 52°00'11". A DISTANCE OF 68.78 FEET (SUBTENDED BY A RADIAL DISTANCE OF 318.23 FEET: THENCE NORTHERLY ALONG THE ARC. THROUGH A CENTRAL ANGLE OF 16°53'07". FEET (SUBTENDED BY A CHORD WHICH BEARS N.06°31'52"E., 93.44 FEET) TO THE POINT OF CURVE OF A NON TANGENT CURVE TO TH RIGHT, OF WHICH THE RADIUS POINT LIES S. 73°57'57"E., A RADIAL DISTANCE OF 421.97 FEET; THENCE NORTHERLY ALONG THE ARC. THROUGH A CENTRAL ANGLE OF 10°57'37", A DISTANCE OF 80.72 FEET (SUBTENDED BY A CHORD WHICH BEARS N.21°30'52"E., 80.60 FEET) TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES S.57°44'06"E., A RADIAL DISTANCE OF 471.60 FEET; THENCE NORTHEASTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 09°55'56", A DISTANCE OF 81.75 FEET (SUBTENDED BY A CHORD WHICH BEARS N. 37°13'52"E., 81.65 FEET) TO A POINT OF COMPOUND CURVE TO THE RIGHT HAVING A RADIUS OF 57.76 FEET AND A CENTRAL ANGLE OF 47°40'38"; THENCE NORTHEASTERLY ALONG THE ARC, A DISTANCE OF 48.06 FEET (SUBTENDED BY A CHORD WHICH BEARS N.66°02'09"E., 46.69 FEET); THENCE N. 89°52'29"E., A DISTANCE OF 119.61 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES N. 02°10'13"E., A RADIAL DISTANCE OF 196.81 ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 12°32'25", A DISTANCE OF 43.08 FEET (SUBTENDED BY A CHORD WHICH BEARS N 85°54'03"E., 42.99 FEET), SAID POINT BEING THE SOUTHEAST CORNER OF LOT 19, BLOCK 8078 OF SAID "WATERFRONT AT CAPE HARBOUR" PLAT; THENCE N. 10°22'07"W., A DISTANCE OF 39.26 FEET TO A POINT BEING ON THE EASTERLY BOUNDARY OF SAID LC INTERSECTS A SEAWALL ADJACENT TO THE WATERWAY. ALSO BEING A POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT. O WHICH THE RADIUS POINT LIES N.07°09'56"W.. A RADIAL DISTANCE OF 105.66 FEET; THENCE DEPARTING THE BOUNDARY OF BLOCK 8078 OF SAID "WATERFRONT AT CAPE HARBOUR" PLAT EASTERLY ALONG SAID SEAWALL AND THE ARC, THROUGH A CENTRAL ANGLE OF 22°45'22". A DISTANCE OF 41.97 FEET (SUBTENDED BY A CHORD WHICH BEARS N. 71°27'23"E., 41.69 FEET) TO A POINT ON THE EASTERLY BOUNDARY OF TRACT R-1. BLOCK 7004 OF SAID "META AT CAPE HARBOUR" PLAT; THENCE DEPARTING SAID SEAWALL AND FOLLOWING ALONG THE BOUNDARY OF SAID TRACT R-1 THE FOLLOWING SEVEN CALLS, S.02°57'05"E., A DISTANCE OF 248.14 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES N. 08°24'34"W., A RADIAL DISTANCE OF 125.00 FEET THENCE WESTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 05°26'58", A DISTANCE OF 11.89 FEET (SUBTENDED BY A CHORD WHICH BEARS S. 84°18'55"W., 11.88 FEET); THENCE S. 87°02'24"W., A DISTANCE OF 1.79 FEET; THENCE S. 02°57'05"E., A DISTANCE OF 62.56 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES EAST, A RADIAL DISTANCE OF 75.00 FEET; THENCE SOUTHERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 38°11'43", A DISTANCE OF 50.00 FEET (SUBTENDED BY A CHORD WHICH BEARS S. 19°05'51"E., 49.08 FEET); THENCE S. 02°57'05"E., A DISTANCE OF 52.22 FEET TO THE SOUTHEAST CORNER OF SAID TRACT R-1; THENCE S. 87°02'57"W., A DISTANCE OF 287.68 FEET TO THE POINT OF BEGINNING

#### SURVEYORS NOTES:

- BEARINGS ARE BASED ON THE EAST BOUNDARY LINE OF TRACT R1 & WEST BOUNDARY LINE OF TRACT C2, BEING N02°57'05"W. ALL LOT LINES ARE RADIAL UNLESS OTHERWISE NOTED
- MONUMENTS WILL BE SET PER FLORIDA STATUTE CHAPTER 177.091 4.
- PROPERTY IS SUBJECT TO EASEMENTS RESERVED IN THE DEED RECORDED IN O.R. BOOK 320, PAGE 529. 5. PROPERTY IS SUBJECT TO CAPE HARBOUR AT CAPE CORAL DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS, EASEMENTS CHARGES AND LIENS RECORDED IN O.R. BOOK 2863, PAGE 3737, TOGETHER WITH AND AS AMENDED BY AMENDMENTS THERETO RECORDED IN O.R. BOOK 3210, PAGE 4168, O.R. BOOK 3439, PAGE 368, O.R. BOOK 3729, PAGE 1991, ASSIGNMENTS OF DECLARANT'S RIGHTS RECORDED IN O.R. BOOK 3141, PAGE 652; O.R. BOOK 3210, PAGE 4192, AND IN INSTRUMENT NUMBER 2015-106232, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, WHICH CONTAIN PROVISIONS CREATING BUILDING AND USE RESTRICTIONS, MAINTENANCE OBLIGATIONS, EASEMENTS AND ASSESSMENTS.
- PROPERTY IS SUBJECT TO EASEMENT IN FAVOR OF LEE COUNTY ELECTRIC COOPERATIVE, INC. RECORDED IN O.R. BOOK 3329, PAGE 44 PUBLIC RECORDS OF LEE COUNTY, FLORIDA.
- PROPERTY IS SUBJECT TO DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS, EASEMENTS, CHARGES AND LIENS FOR META AT CAPE HARBOUR RECORDED IN O.R. BOOK 3729, PAGE 2018, TOGETHER WITH AND AS AMENDED BY AMENDMENTS THERETO RECORDED IN O.R. BOOK 3912, PAGE 1377, O.R. BOOK 4003, PAGE 4111, O.R. BOOK 4558, PAGE 3640, INSTRUMENT NUMBER 2006-214729. INSTRUMENT NUMBER 2009-98433 AND ASSIGNMENT OF DECLARANT'S RIGHTS RECORDED IN INSTRUMENT NUMBER 2015-106231 AND INSTRUMENT NUMBER 2017000005796, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, WHICH CONTAIN PROVISIONS CREATING BUILDING AND USE RESTRICTIONS, MAINTENANCE REQUIREMENTS, EASEMENTS AND ASSESSMENTS. PROPERTY IS SUBJECT TO EASEMENT IN FAVOR OF LEE COUNTY ELECTRIC COOPERATIVE, INC. RECORDED IN INSTRUMENT NUMBER
- 2009-296139, PUBLIC RECORDS OF LEE COUNTY, FLORIDA. PROPERTY IS SUBJECT TO DECLARATION OF EASEMENT BY CRE CAPE HARBOUR MARINA, LLC, A DELAWARE LIMITED LIABILITY
- COMPANY RECORDED IN INSTRUMENT NUMBER 2017-5783, PUBLIC RECORDS OF LEE COUNTY, FLORIDA. 10. PROPERTY IS SUBJECT TO A CONDITIONAL PARKING EASEMENT AGREEMENT BY AND BETWEEN CRE CAPE HARBOUR LAND, LLC, A
- DELAWARE LIMITED LIABILITY COMPANY, CRE CAPE HARBOUR MARINA, LLC, A DELAWARE LIMITED LIABILITY COMPANY AND SHM CAPE HARBOUR, LLC, A DELAWARE LIMITED LIABILITY COMPANY RECORDED IN INSTRUMENT NUMBER 2017-5799, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.
- PROPERTY IS SUBJECT TO LANDSCAPE EASEMENTS AND AGREEMENTS RECORDED IN O.R. BOOK 4558, PAGE 3656 AND O.R. BOOK 4558 PAGE 3663, TOGETHER WITH ASSIGNMENT AND ASSUMPTION AGREEMENT IN FAVOR OF CRE CAPE HARBOUR LAND, LLC, A DELAWARE LIMITED LIABILITY COMPANY RECORDED IN INSTRUMENT NUMBER 2015-106348 AND ASSIGNMENT AND ASSUMPTION AGREEMENT IN FAVOR OF CRE CAPE HARBOUR LAND, LLC, A DELAWARE LIMITED LIABILITY COMPANY RECORDED IN INSTRUMENT NUMBER 2015-106371, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.
- PROPERTY IS SUBJECT TO UTILITY EASEMENT FOR THE CITY OF CAPE CORAL RECORDED IN INSTRUMENT NUMBER 2009000291275 12. PUBLIC RECORDS OF LEE COUNTY, FLORIDA.
- PROPERTY IS SUBJECT TO A SIX (6) FOOT SETBACK EASEMENT (SETBACK EASEMENT 2) AND A FIVE (5) FOOT FRONTAGE EASEMENT AS 13. RECORDED IN INSTRUMENT NUMBER 2009000098429, PUBLIC RECORDS OF LEE COUNTY, FLORIDA

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE ATTACHED PLAT OF META C-7, SECTION 21, TOWNSHIP 45 SOUTH, RANGE 23 EAST, WAS PREPARED UNDER MY DIRECTION AND SUPERVISION AND COMPLIES WITH ALL OF THE SURVEY REOUIREMENTS OF CHAPTER 177, FLORIDA STATUTES. I FURTHER CERTIFY THAT THE PERMANENT REFERENCE MONUMENTS (PRMs) HAVE BEEN PLACED AT THE LOCATIONS SHOWN ON THE PLAT.

CLERK'S	CERTIFICATE

I HEREBY CERTIFY THAT THE ATTACHED PLAT OF META C-7 A SUBDIVISION LOCATED IN SECTION 21, TOWNSHIP 45 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, WAS FILED FOR RECOR THIS DAY OF , 2018 AND DULY RECORD AS INSTRUMENT # IN THE PUBLIC RECORD LEE COUNTY, FLORIDA

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JEFFREY D. STOUTEN, PSM (FLORIDA CERTIFICATE NO. 6584) KING ENGINEERING ASSOCIATES, INC. (L.B. 2610) 324 NICHOLAS PARKWAY WEST, SUITE A CAPE CORAL, FLORIDA 33991

\_\_\_\_\_

PHONE 239-673-9541 FAX 239-424-8181 FLORIDA AUTHORIZATION NO. LB 2610

SURVEYOR SEAL

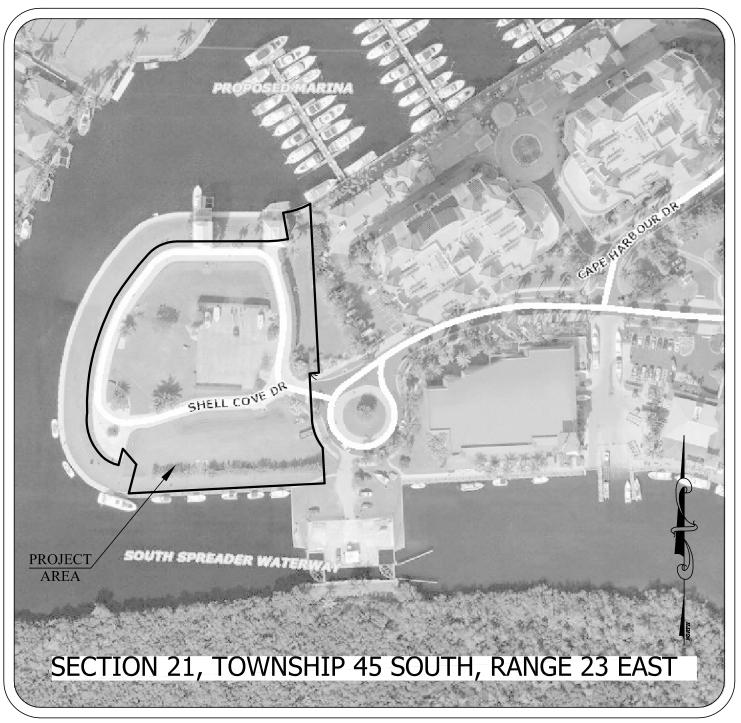
LINDA DOGGETT CLERK OF THE CIRCUIT COURT IN AND FOR LEE COUNTY, FLORIDA

CLERK SEAL

# META C-7

A REPLAT OF A PORTION OF TRACT R-1, BLOCK 7004 OF META AT CAPE HARBOUR AS RECORDED IN PLAT BOOK 71, PAGES 74 THROUGH 80 OF THE PUBLIC RECORDS OF LEE COUNTY FLORIDA, LYING IN SECTION 21, TOWNSHIP 45 SOUTH, RANGE 23 EAST, CITY OF CAPE CORAL, LEE COUNTY, FLORIDA





LOCATION MAP NOT TO SCALE

NOTICE:

THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

## NOTICE:

LANDS DESCRIBED IN THIS PLAT MAY BE SUBDIVIDED BY THE DEVELOPER WITHOUT THE ROADS, DRAINAGE, WATER AND SEWER FACILITIES BEING ACCEPTED FOR MAINTENANCE BY THE CITY OF CAPE CORAL OR LEE COUNTY. ANY PURCHASER OF A LOT IN THIS SUBDIVISION IS ADVISED TO DETERMINE WHETHER THE LOT MAY BE SUBJECT TO ASSESSMENT OR CALLED UPON TO BEAR A PORTION OR ALL OF THE EXPENSE OF CONSTRUCTION, MAINTENANCE OR IMPROVEMENT OF ROADS, DRAINAGE, WATER AND SEWER FACILITIES.

CITY OF CAPE CORAL APPROVAL	S	CITY SURVEYORS CERTIFICATION A REVIEW BY THE DESIGNATED CI THAT THIS PLAT CONFORMS TO TH	IE REQUIREMENTS OF
DOLORES D. MENENDEZ CITY ATTORNEY	VINCENT CAUTERO, AICP COMMUNITY DEVELOPMENT DIRECTOR	FLORIDA STATUTES CHAPTER 177, BY: TOM CHERNESKY, PSM	
	EPTED AND APPROVED FOR RECORD THIS OPEN MEETING OF THE CITY COUNCIL OF DA.	FLORIDA CERTIFICATION NO. 5426	λ
JOE COVIELLO, MAYOR	REBECCA VAN DEUTEKOM CITY CLERK		

Exhibit A

## INSTRUMENT #

DEDICATION

1. KNOW ALL MEN BY THESE PRESENTS THAT CRE CAPE HARBOUR MARINA, LLC, A DELAWARE LIMITED LIABILITY COMPANY, THE OWNER OF THE HEREIN DESCRIBED LANDS HAS CAUSED THIS PLAT OF META C-7, A SUBDIVISION IN SECTION 21, TOWNSHIP 45 SOUTH, RANGE 23 EAST TO BE MADE.

## ACKNOWLEDGEMENT

IN WITNESS WHEREOF. AS MANAGING MEMBER OF CRE CAPE HARBOUR MARINA, LLC, A DELAWARE LIMITED LIABILITY COMPANY, HAS EXECUTED AND CAUSED THIS DEDICATION TO BE MADE AND SIGNED THIS DAY OF

PRINTED NAME: \_\_\_\_\_

AS OF

WITNESS

PRINTED NAME

WITNESS

PRINTED NAME

MORTGAGEE	CONSENT

CRE GS CL23, LLC, A DELAWARE LIMITED LIABILITY COMPANY, BEING THE OWNER AND HOLDER OF MORTGAGES DATED JUNE 2, 2014. WHICH WERE RECORDED AS INSTRUMENT NUMBERS 2014000189391 AND 2014000189393. IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, ENCUMBERING THE PROPERTY, HEREBY JOINS AND CONSENTS TO THE DEDICATION APPEARING ON THE FACE OF THE PLAT.

WITN	ESSES:	

CRE GS CL23, LLC, A DELAWARE LIMITED LIABILITY COMPANY

NOTARY SEAL

SHEET 1 OF 2

PRINTED	NAME

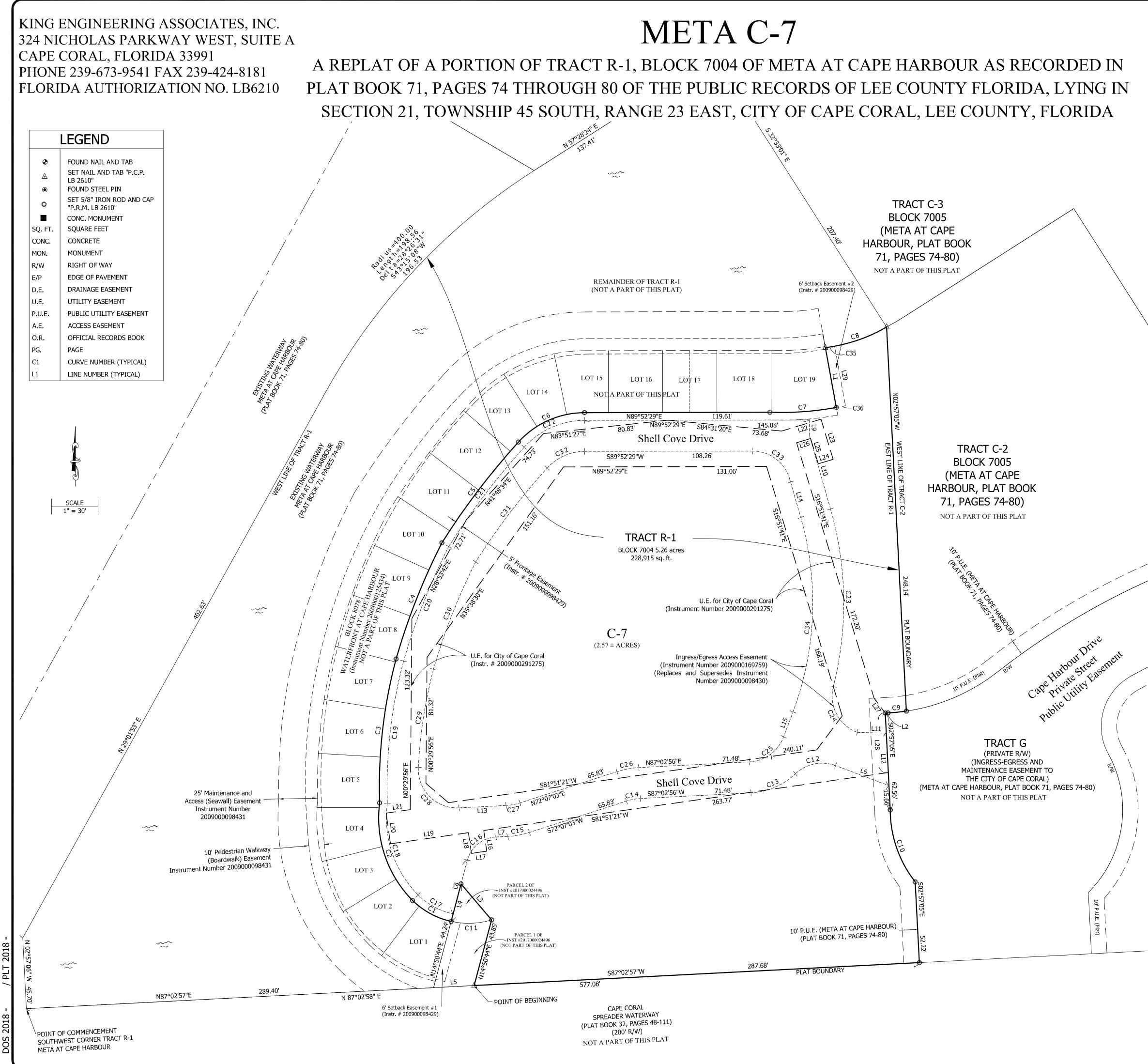
WITNESS

PRINTED NAME AS ITS:

WITNESS

PRINTED NAME

NOTARY ACKNOWLEDGEMENT STATE OF FLORIDA COUNTY OF LEE \_, 2018 BY THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS DAY OF A FLORIDA CORPORATION, WHO IS PERSONALLY KNOWN TO ME OR HAS PROVIDEI AS IDENTIFICATION. NOTARY SIGNATURE PRINT NAME OF NOTARY COMMISSION NO. MY COMMISSION EXPIRES



# INSTRUMENT #

	LINE TABLE	
LINE	BEARING	LENGTH
L1	N10°22'07"W	39.26'
L2	S87°02'24"W	1.79'
L3	N40°22'18"W	30.44'
L4	S14°50'44"W	25.00'
L5	S87°02'56"W	26.26'
L6	N69°25'42"W	36.80'
L7	S87°02'56"W	7.69'
L8	S14°50'44"W	35.95'
L9	S00°07'31"E	10.00'
L10	S16°00'47"E	49.37'
L11	S88°22'19"E	18.75'
L12	S02°57'04"E	33.90'
L13	N87°02'56"E	30.38'
L14	N16°00'47"W	25.79'
L15	N20°34'18"E	17.15'
L16	S08°08'39"E	13.53'
L17	S81°51'21"W	10.00'
L18	N08°08'39"W	13.53'
L19	S81°51'21"W	50.80'
L20	N08°08'39"W	20.00'
L21	N81°51'21"E	15.71'
L22	S73°08'19"W	26.49'
L23	S16°51'41"E	27.07'
L24	S73°08'19"W	10.00'
L25	S16°51'41"E	17.07'
L26	S73°08'19"W	9.44'
L27	N37°00'20"W	12.07'
L28	S02°57'04"E	38.43'
L29	S10°22'07"E	38.69'

		C	URVE TA	BLE	
CURVE	RADIUS	LENGTH	DELTA	CHORD BEARING	CHORD LENGTH
C1	51.56	28.71	31°53'55"	N61°30'19"W	28.34
C2	75.78	68.78	52°00'11"	N18°38'24"W	66.44
C3	318.23	93.78	16°53'07"	N06°31'52"E	93.44
C4	421.97	80.72	10°57'37"	N21°30'52"E	80.60
C5	471.60	81.75	9°55'56"	N37°13'52"E	81.65
C6	57.76	48.06	47°40'38"	N66°02'09"E	46.69
C7	196.81	43.08	12°32'25"	N85°54'03"E	42.99
C8	105.66	41.97	22°45'22"	N71°27'23"E	41.69
C9	125.00	11.89	5°26'58"	N84°18'55"E	11.88
C10	75.00	50.00	38°11'43"	S19°05'51"E	49.08
C11	51.56	26.43	29°22'03"	N87°51'42"E	26.14
C12	25.00	27.95	64°03'39"	S78°32'28"W	26.52
C13	45.00	31.84	40°32'17"	N66°46'47"E	31.18
C14	35.00	9.12	14°55'53"	S79°34'59"W	9.10
C15	55.00	14.33	14°55'53"	N79°34'59"E	14.29
C16	20.00	25.20	72°12'12"	S50°56'50"W	23.57
C17	46.56	26.08	32°05'46"	S61°39'09"E	25.74
C18	70.78	64.60	52°17'40"	S18°27'42"E	62.38
C19	313.23	92.67	16°57'07"	S06°29'21"W	92.34
C20	416.97	79.49	10°55'20"	S21°30'07"W	79.37
C21	466.60	80.65	9°54'14"	S37°14'43"W	80.55
C22	52.76	43.90	47°40'38"	S66°02'09"W	42.64
C23	220.00	115.97	30°12'13"	N00°54'40"W	114.63
C24	25.00	36.49	83°37'08"	S27°37'08"E	33.33
C25	25.00	29.01	66°28'38"	N53°48'37"E	27.41
C26	55.00	14.33	14°55'53"	S79°34'59"W	14.29
C27	35.00	9.12	14°55'53"	N79°34'59"E	9.10
C28	25.00	41.76	95°42'32"	S45°05'48"E	37.07
C29	306.20	64.12	11°59'51"	S08°45'23"W	64.00
C30	396.97	74.53	10°45'26"	S21°27'01"W	74.42
C31	446.60	76.27	9°47'04"	S37°18'18"W	76.17
C32	32.76	27.26	47°40'38"	S66°02'09"W	26.48
C33	25.00	32.34	74°06'45"	N53°04'09"W	30.13
C34	200.00	127.70	36°35'04"	N02°16'45"E	125.55
C35	158.14	6.00	2°10'28"	N78°32'39"E	6.00
C36	196.81	6.00	1°44'49"	N78°45'28"E	6.00

	EASEMENT LO	CATION TABLE	
EASEMENT / TRACT	RECORDING INFO (All recording references are Lee County Public Records)	DESCRIPTION	LOCATION ON SHEET 2 PLAT
UTILITY EASEMENT	INSTRUMENT NUMBER 2009000291275	UTILITY EASEMENT FOR CITY OF CAPE CORAL	THROUGHOUT C-7 AS SHOWN ON PLAT DRAWING
INGRESS/EGRESS ACCESS EASEMENT	INSTRUMENT NUMBERS 2009000098430, 2009000169759 AND 2015000106348	INGRESS AND EGRESS EASEMENT	THROUGHOUT C-7 AS SHOWN ON PLAT DRAWING
PUBLIC UTILITY EASEMENT (P.U.E.)	PLAT BOOK 71, PAGES 74-80	PUBLIC UTILITY EASEMENT CREATED AND DEDICATED VIA THE PRIOR PLAT OF META AT CAPE HARBOUR	ALONG WESTERLY SIDE OF C-7 AS SHOWN ON PLAT DRAWING
5' FRONTAGE EASEMENT	INSTRUMENT NUMBER 2009000098429	"FRONTAGE" EASEMENT AS DESCRIBED IN RECORDED DOCUMENT	ALONG WESTERLY SIDE OF C-7 AS SHOWN ON PLAT DRAWING
6' SETBACK EASEMENT	INSTRUMENT NUMBER 2009000098429	"SETBACK" EASEMENT AS DESCRIBED IN RECORDED DOCUMENT	ALONG WESTERLY SIDE OF C-7 AS SHOWN ON PLAT DRAWING

Item Number: B.(7) Meeting Date: 11/5/2018 Item Type: CONSENT AGENDA

AGENDA REQUEST FORM CITY OF CAPE CORAL



#### TITLE:

Resolution 246-18 Approve Cape Coral 6A and 6B Plat; Department: DCD; Dollar Value: N/A; (Fund: N/A)

#### **REQUESTED ACTION:**

Approve or Deny

#### STRATEGIC PLAN INFO:

1. Will this action result in a Budget Amendment?	No
2. Is this a Strategic Decision?	No
If Yes, Priority Goals Supported are listed below.	
If No, will it harm the intent or success of the Strategic Plan?	No

#### PLANNING & ZONING/HEARING EXAMINER/STAFF RECOMMENDATIONS:

#### SUMMARY EXPLANATION AND BACKGROUND:

1. On October 2, 2017 City Council Approved the PDP for Cape Coral 6A and 6B subdivision.

2. A copy of the final plat presented for approval is attached to the Resolution.

3. The developer is dedicating right of way to the City to expand existing 20' platted alley to provide an additional 4' feet.

4. Letter of credit has been provided as surety for the required subdivision improvements in the amount of \$550,000.00.

#### LEGAL REVIEW:

#### EXHIBITS:

Resolution 246-18

#### PREPARED BY:

David A. Hyyti, Manager

Division- Development Services Department-Community Development

### SOURCE OF ADDITIONAL INFORMATION:

ATTACHMENTS:

## Description

Resolution 246-18

**Type** Resolution

#### RESOLUTION 246 – 18

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPE CORAL APPROVING THE PLAT FOR THE CAPE CORAL 6A AND 6B SUBDIVISION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 177, Florida Statutes, and Sections 4.2.5.H. and 4.2.5I. of the Land Use and Development Regulations set forth the regulations and procedures for the subdivision of land and the final subdivision plat approval; and

WHEREAS, after the adoption of a planned development project, the City of Cape Coral requires the submission of a final subdivision plat for review by the Department of Community Development for compliance with all regulations; and

WHEREAS, before a plat is offered for recording, the Plat must be approved by the City Council; and

WHEREAS, upon approval of the subdivision plat by City Council, the Mayor shall indicate the approval by signing the certificate of approval for recording; and

WHEREAS, an approved subdivision plat shall be recorded at the expense of the applicant with the Lee County Clerk of Court; and

WHEREAS, the City of Cape Coral adopted Ordinance 48-17 on October 2, 2017, approving the "Cape Coral 6A and 6B Subdivision" planned development project which included the subdivision of property; and

WHEREAS, the Director of Community Development has approved the plat attached hereto as Exhibit A as being in conformance with the approved development plan and all other applicable regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA, AS FOLLOWS:

Section 1. The City Council hereby approves the plat for the Cape Coral 6A and 6B Subdivision as being substantially in accordance with the approved Preliminary Subdivision Plan as set forth in Ordinance 48-17 and all other applicable regulations. A copy of the proposed "Cape Coral 6A and 6B" plat is attached hereto as Exhibit A.

Section 2. This Resolution shall take effect immediately upon its adoption.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF CAPE CORAL AT ITS REGULAR COUNCIL SESSION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

JOE COVIELLO, MAYOR

VOTE OF MAYOR AND COUNCILMEMBERS:

COVIELLO GUNTER CARIOSCIA STOUT

 -

NELSON \_\_\_\_\_\_ STOKES \_\_\_\_\_\_ WILLIAMS \_\_\_\_\_\_ COSDEN \_\_\_\_\_

ATTESTED TO AND FILED IN MY OFFICE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

KIMBERLY BRUNS INTERIM CITY CLERK

APPROVED AS TO FORM:

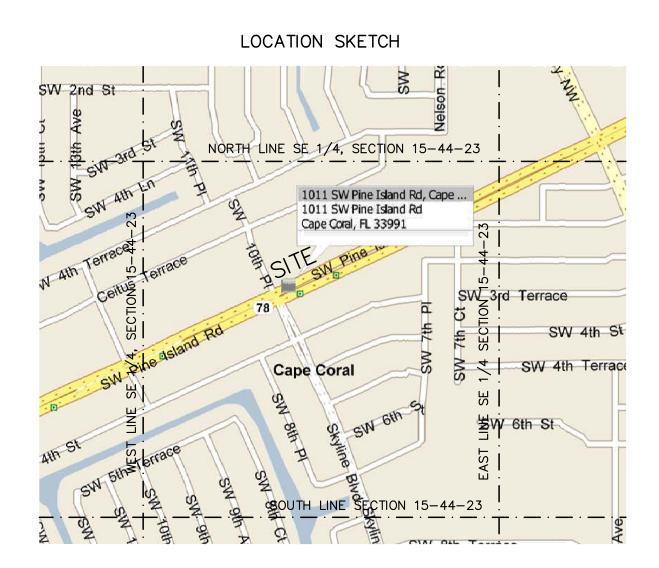
DOLORES D. MENENDET CITY ATTORNEY res/Plat Approval-Cape Coral 6A & 6B

CHARLES DEGRAFF LAND SURVEYOR 301 HAZELTINE DRIVE DEBARY, FLORIDA 32713 239-699-8572 SURVEYOR'S NOTES: SEE SHEET 2 Legal Description: That part of Block 3611, Cape Coral, Unit 49, according to Plat Book 17, Pages 145 through 154 of the Public Records of Lee County, Florida described in Instrument Number 6131574, of the Public Records of Lee County, Florida and more particularly described as follows: Beginning at the Northwest corner of Block 3611, Cape Coral Unit 49, according to Plat Book 17, Pages 145 through 154 of the Public Records of Lee County, Florida. Said Northwest corner lying on the East right-of-way of S. W. 10th Place (60' wide) run along the North line of said Block 3611, N65°10'01"E for 1363.39 feet to the Northeast corner of said Block 3611; thence run S00°04'03"W, along the East line of said Block 3611, for 398.47 feet to an intersection with the North right-of-way line of Pine Island Road (F.D.O.T. Parcel No. 1957562, Section 12060—000), being on a 22815.31 foot radius curve to the Southeast, said curve having a central angle of 00°06'16", a chord bearing S65°08'29′W 41.55 feet, thence run Southwesterly along the arc of said curve for 41.55 feet; thence continue S65°11'37"W along said North right-of-way line of Pine Island Road, for 1154.07 feet to an intersection with the East right-of-way line of S.W. 10th Place (60' wide); thence run along said East right-of-way line, N24°49'59'W for 360.91 feet to the Point of Beginning. NOTICE expense of construction, maintenance, or improvement of roads, drainage, water and sewer facilities. NOTICE: This plat, as recorded in its graphic form, is the official depiction of the subdivided lands described herein and will in no County. Review by City of Cape Coral Professional Surveyor and Mapper. Review by the designated City of Cape Coral PSM determined that this plat conforms to the requirement of F.S. Ch. 177, Part I.

Tom Chernesky, PSM Registered Surveyor Florida Certificate No. 5426

# Cape Coral 6A and 6B

A REPLAT OF PART OF BLOCK 3611 CAPE CORAL SUBDIVISION, UNIT 49 SECTION 15, TOWNSHIP 44 SOUTH, RANGE 23 E CITY OF CAPE CORAL, LEE COUNTY, FLORIDA



Lands described in this plat may be subdivided by the developer without the roads, drainage, water and sewer facilities being accepted for maintenance by Lee County and the City of Cape Coral. Any purchaser of a lot in this subdivision is advised to determine whether the lot may be subject to assessment or called upon to bear a portion or all of the

circumstances be supplanted in authority by any other graphic or digital form of the plat. There may be additional restrictions that are not recorded on this plat that may be found in the public records of this

Preparing Surveyor's certification.

I hereby certify that the attached plat of Cape Coral 6A and 6B (a replat of part of Block 3611, Cape Coral Subdivision, Unit 49 as recorded at Plat Book 17, Pages 145 through 154) was prepared under my direction and supervision and complies with all of the survey requirements of Chapter 177, Florida Statutes. I further certify that the permanent reference monuments (PRMs) have been placed at the locations shown on the plat.

SEAL

Charles L. DeGraff, PLS 4706

IAST	
DEDICATION	
Known all men by these presents that Cape Co owners of the herein described lands has cause	ral 6A and 6B, LLC, a Florida limited liability company, the ed this plat of Cape Coral 6A and 6B a Subdivision in City of Cape Coral, Lee County, Florida to be made and
1. Drainage public utility easements (DPUE) for or private utilities for public utility purposes operation of their respective facilities, includ construction, installation, maintenance and o services of an Electric, Gas, Telephone or o damages the facilities of another public utili	r drainage purposes and to all licensed AND franchised public including construction, installation, maintenance and ding cable television services; provided however no such operation of cable television services shall interfere with the ther public utility. In the event a cable television company ity they will be solely responsible for the damages. Int-of-way, drainage and utility purposes with Maintenance
Responsibilities. 3. The 30 foot drainage easement adjacent to without maintenance responsibility.	Tract "A" is hereby dedicated to the City of Cape Coral
4. To the Cape Coral 6A & 6B Property Owner responsibility for the maintenance of all dra	rs Association, Inc., a Florida not for profit corporation with inage facilitates constructed within designated drainage Itility easement (D.P.U.E.) shown on the attached plat.
In witness whereby Cape Coral 6A and 6B, LLC signed this day of, 20	C has executed and caused this dedication to be made and 
Cape Coral 6A & 6B, LLC a Florida limited liab By: TCL Realty, Inc. an Illinois corporation, as	
By Scott Perry, Executive Vice President	Witness
	Printed Name
	Witness Printed Name
STATE OF FLORIDA COUNTY OF COLLIER	
	ed before me on, 20, by on behalf v known to me or has produced the following identification
 Notary Pub	 Jlic
City of Cape Coral Approvals.	
By: Dolores Menendez, City Attorney	By: Vincent Cautero, AICP Community Development Director
This plat is accepted and approved for record Lee County, Florida on thisday of	d at a meeting of the City Council of the City of Cape Coral, , 20
Ву:	By: Rebecca van Deutekom, City Clerk
Joe Coviello, Mayor	Rebecca van Deutekom, City Clerk
Clerk of Court Certification.	
Coral Subdivision, Unit 49 as recorded at Pla in Section 15, Township 44 South, Range 23 record on thisday of	pe Coral 6A and 6B (a replat of part of Block 3611, Cape at Book 17, Pages 145 through 154), a subdivision located East, City of Cape Coral, Lee County, Florida, was filed for , 20_ and duly recorded as in the Public Records of Lee County, Florida.

INSTRUMENT NUMBER

SHEET 1 OF 2

CHARLES DEGRAFF LAND SURVEYOR 301 HAZELTINE DRIVE DEBARY, FLORIDA 32713 239-699-8572

# Cape Coral 6A and 6B

SURVEYOR'S NOTES:

1. 🔳 DENOTES PRM (PERMANENT REFERENCE MONUMENT) WITH METAL CAP MARKED PRM LS4706 MONUMENTS ARE 3.5"X3.5" CONCRETE 24" LONG WITH 1/2" X 18" IRON ROD ENCASED

2. 1/2" IRON ROD AND CAP LS4706 SET AT ALL LOT CORNERS EXCEPT PRM'S.

- 3. ALL MEASUREMENTS ARE FEET AND DECIMAL PARTS THEREOF. 4. D.P.U.E. REPRESENTS DRAINAGE AND PUBLIC UTILITY EASEMENT.
- 5. BASIS OF BEARING IS THE WEST LINE OF LOT 1 BEING N24°49'59"W.

6. LCEC IS LEE COUNTY ELECTRIC COOPERATIVE. 7. EASEMENT TO LCEC OR 1389, PG 1879 IS BLANKET EASEMENT 12' WIDE CENTERLINE BEING EXISTING POLES OR BURIED CABLE OVER ALL OF BLOCK 3611.

8. PROPERTY IS SAME PROPERTY AS DESCRIBED IN WARRANTY

DEED INSTRUMENT NO. 6131574 PUBLIC RECORDS LEE COUNTY, FLORIDA 9. NOTE: PROPERTY CONSISTS OF TWO CONTIGUOUS PARCELS WHICH INCLUDE ALL OF BLOCK 3611 EXCEPT THE RIGHT-OF-WAY OF PINE ISLAND ROAD F.D.O.T. PARCEL FP NO.1957562, SECTION 12060-000.

S. W. 5TH TERRACE

1.5 Acres. 65915.0 Sq.ft.

360.91

LOT

<u>ଚ</u>

CENTERLINE (60' R/W)--

N24.49

ഗ

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10TH

(60,

R/W

PERMANENT REFERENCE MONUMENT SET AT OFFSET ON RIGHT-OF-WAY PER FLORIDA STATUTE CHAPTER 177 TO AVOID BEING IN ROADWAY

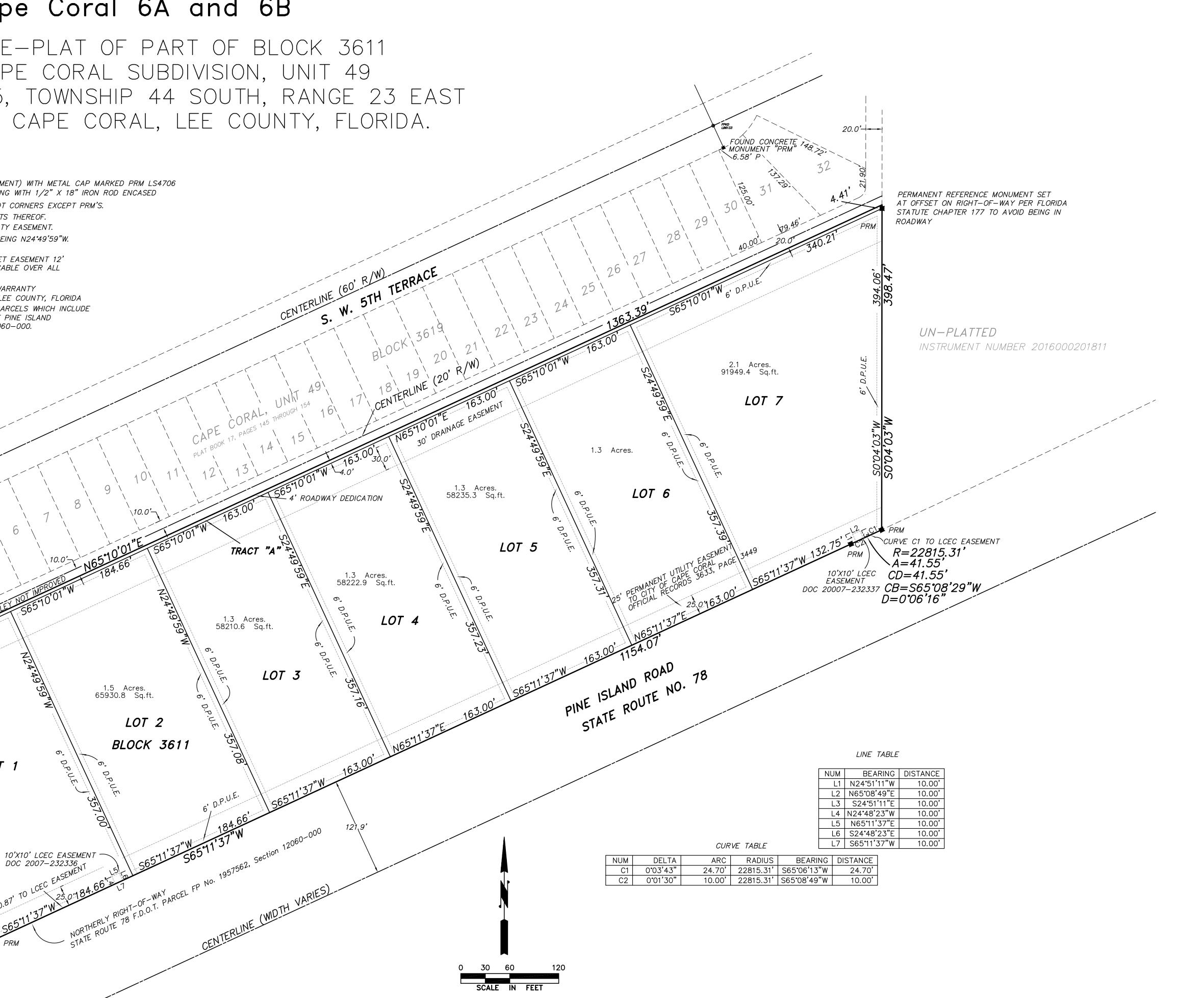
CAPE CORAL SUBDIVISION UNIT 49

MATCH PLAT BEARNGS OF CAPE CORAL UNIT 49

PLAT BOOK 17, PAGES 145 THROUGH 154

NOTE: A 12' ELECTRIC UTILITY EASEMENT TO LEE COUNTY ELECTRIC CO-OPERATIVE, INC. IS CENTERED OVER ALL EXISTING OVERHEAD CABLE AND UNDERGROUND BURIED CABLE PER m OFFICIAL RECORD 1389, PAGE 1878. NOTE: BEARINGS OF EASEMENTS AND RIGHT-OF-WAY MAP OF FLORIDA DEPARTMENT OF TRANSPORTATION MAP SECTION 12060-0000 ROTATED TO

A RE-PLAT OF PART OF BLOCK 3611 CAPE CORAL SUBDIVISION, UNIT 49 SECTION 15, TOWNSHIP 44 SOUTH, RANGE 23 EAST CITY OF CAPE CORAL, LEE COUNTY, FLORIDA.



INSTRUMENT NUMBER

SHEET 2 OF 2

Item Number: B.(8) Meeting Date: 11/5/2018 Item Type: CONSENT AGENDA

AGENDA REQUEST FORM CITY OF CAPE CORAL



#### TITLE:

Resolution 250-18 A Resolution authorizing payment up to \$5,000 in reimbursable relocation expenses as allowed in section 2-37.3 of the City of Cape Coral Code of Ordinances to the selected candidate for the position of Employee Relations Specialist in the Human Resources Department; Funding for the Human Resources Department; Dollar Value: maximum of \$5,000; (General Fund)

#### **REQUESTED ACTION:**

Approve or Deny

#### STRATEGIC PLAN INFO:

Will this action result in a Budget Amendment? No
 Is this a Strategic Decision? No

 If Yes, Priority Goals Supported are listed below.
 If No, will it harm the intent or success of the Strategic Plan?

#### PLANNING & ZONING/HEARING EXAMINER/STAFF RECOMMENDATIONS:

#### SUMMARY EXPLANATION AND BACKGROUND:

This resolution authorizes payment up to \$5,000 in eligible relocation expenses when filling the Employee Relations Specialist position in the Human Resources Department.

#### LEGAL REVIEW:

#### EXHIBITS:

Memo - Relocation Employee Relations Specialist Resolution 250-18

#### PREPARED BY:

Molly Liebegott Divisi

Division- Administration

Department- Resources

#### SOURCE OF ADDITIONAL INFORMATION:

Lisa Sonego - Human Resources Director

## ATTACHMENTS:

#### Description

- n Memo
- Resolution 250-18

**Type** Backup Material Resolution

#### MEMORANDUM

#### CITY OF CAPE CORAL CITY MANAGER'S OFFICE

25 OCT '18

TO:Mayor Coviello and Council MembersFROM:John Szerlag, City Manager

DATE: October 23, 2018

SUBJECT: Authorization to Extend Relocation Reimbursement

Lisa Sonego, Human Resources Director

We are requesting authorization to extend reimbursement of applicable relocation expenses up to \$5,000 as allowed in Section 2-37.3 of the City of Cape Coral Code of Ordinances to the selected candidate for the position of Employee Relations Specialist in the Human Resources Department. This position is anticipated to be vacant due to a retirement.

JS/LS:ml

#### RESOLUTION 250 - 18

A RESOLUTION OF THE CITY OF CAPE CORAL AUTHORIZING PAYMENT OF UP TO \$5,000 IN ELIGIBLE RELOCATION EXPENSES WHEN FILLING THE LABOR RELATIONS SPECIALIST POSITION IN THE HUMAN RESOURCES DEPARTMENT; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Labor Relations Specialist position in the Human Resources Department will soon be vacant due to the retirement of the employee currently in that position; and

WHEREAS, the City Manager requests approval to provide payment of up to \$5,000 in reimbursable relocation expenses in order to aid in recruiting an exceptional candidate for the Labor Relations Specialist position as allowed in Section 2-37.3(c) of the City of Cape Coral Code of Ordinances.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA, AS FOLLOWS:

SECTION 1. The City Council hereby authorizes payment of up to \$5,000 in reimbursable relocation expenses if the selected candidate for the Labor Relations Specialist position qualifies for relocation expenses under Section 2-37.3(c) of the Code of Ordinances of the City of Cape Coral, Florida.

SECTION 2. This Resolution shall take effect immediately upon its adoption.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF CAPE CORAL AT ITS REGULAR COUNCIL SESSION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

JOE COVIELLO, MAYOR

VOTE OF MAYOR AND COUNCILMEMBERS:

COVIELLO	NELSON	and the second second
GUNTER	STOKES	
CARIOSCIA	WILLIAMS	and the first of the
STOUT	COSDEN	Alexander and a second

ATTESTED TO AND FILED IN MY OFFICE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2018.

KIMBERLY BRUNS INTERIM CITY CLERK

APPROVED AS TO FORM:

DOLORES D. MENENDEZ CITY ATTORNEY res/Relocation Expenses-Labor Relations Specialist

Item A.(1) Number: A.(1) Meeting 11/5/2018 Date: 11/5/2018 Item ORDINANCES/RESOLUTIONS -Type: Public Hearings





TITLE: Ordinance 70-18 Public Hearing

#### **REQUESTED ACTION:**

#### STRATEGIC PLAN INFO:

- 1. Will this action result in a Budget Amendment?
- 2. Is this a Strategic Decision?

If Yes, Priority Goals Supported are listed below. If No, will it harm the intent or success of the Strategic Plan?

#### PLANNING & ZONING/HEARING EXAMINER/STAFF RECOMMENDATIONS:

**P&Z Recommendation:** At their October 3, 2018 meeting, the Planning & Zoning Commission voted unanimously to recommend approval.

Staff Recommendation: Staff recommends approval.

#### SUMMARY EXPLANATION AND BACKGROUND:

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the Land Use and Development Regulations, Article III, Supplementary District Regulations, Section 3.9, Fences, Shrubbery, Walls, by amending the regulations for fence materials in Residential Zoning Districts.

#### LEGAL REVIEW:

Brian R. Bartos, Assistant City Attorney

#### EXHIBITS:

Ordinance 70-18 Staff Presentation

#### PREPARED BY:

Division- Department- City Attorney

### SOURCE OF ADDITIONAL INFORMATION:

#### ATTACHMENTS:

#### Description

- D Ordinance 70-18
- Staff Presentation

#### Туре

Ordinance Backup Material

#### ORDINANCE 70 - 18

AN ORDINANCE AMENDING THE CITY OF CAPE CORAL LAND USE AND DEVELOPMENT REGULATIONS, ARTICLE III, SUPPLEMENTARY DISTRICT REGULATIONS, SECTION 3.9 FENCES, SHRUBBERY, WALLS, BY AMENDING THE REGULATIONS FOR FENCE MATERIALS IN RESIDENTIAL ZONING DISTRICTS; PROVIDING A SEVERABILITY AND EFFECTIVE DATE.

NOW, THEREFORE, MAY IT BE ORDAINED BY THE CITY COUNCIL OF THE CITY OF CAPE CORAL, AS FOLLOWS:

SECTION 1. The City of Cape Coral Land Use and Development Regulations, Article III Supplementary District Regulations, Section 3.9 Fences, Shrubbery, Walls, is hereby amended as follows:

- § 3.9 Fences, shrubbery, walls.
- .1 Residential Zoning Districts.
  - A. A fence shall not be constructed on unimproved property.
  - •••
  - F. 1. A fence or wall shall be constructed of one or more of the following materials or finishes:
    - a. Wood (decay resistant or pressure treated only);
    - b. Concrete block with stucco (CBS);
    - c. Concrete with or without stucco;
    - d. Stone or brick, including cast (simulated) stone or brick;
    - e. Wrought iron;
    - f. Aluminum;
    - g. Chain-link without slats;
    - h. Plastic or vinyl; and
    - i. <u>Galvanized steel privacy panels painted with alkali-resistant coatings.</u> <u>Alkali-resistant coatings include, but are not limited to, heavy-bodied</u> <u>bituminous paint or mothacrylate lacquer.</u>

All other finishes and materials are prohibited.

- 2. For fences or walls located in a public utility or drainage easement, only the following materials or finishes are permitted:
  - Wood (decay resistant or pressure treated only);
  - b. Aluminum;

a.

- c. Chain-link without slats;
- d. Plastic or vinyl; and
- e. <u>Galvanized steel privacy panels painted with alkali-resistant coatings.</u> <u>Alkali-resistant coatings include, but are not limited to, heavy-bodied</u> <u>bituminous paint or mothacrylate lacquer.</u>

•••

Section 2. Severability. In the event that any portion of Section of this ordinance is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or Sections of this ordinance which shall remain in full force and effect.

Section 3. Effective Date. This ordinance shall become effective immediately upon adoption by the Cape Coral City Council.

ADOPTED BY THE COUNCIL OF THE CITY OF CAPE CORAL AT ITS REGULAR SESSION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

JOE COVIELLO, MAYOR

VOTE OF MAYOR AND COUNCILMEMBERS:

COVIELLO	 NELSON	
GUNTER	 STOKES	
CARIOSCIA	WILLIAMS	
STOUT	COSDEN	

ATTESTED TO AND FILED IN MY OFFICE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

REBECCA VAN DEUTEKOM CITY CLERK

APPROVED AS TO FORM:

BRIAN R. BARTOS

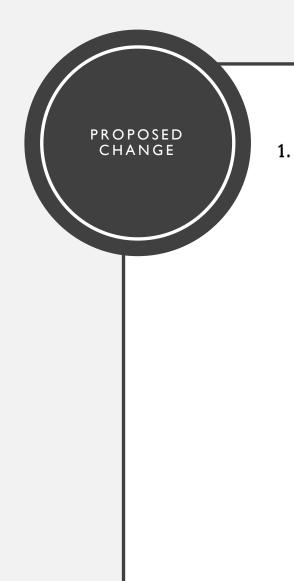
ASSISTANT CITY ATTORNEY ord\Fence Materials in Residential Zoning Districts

# ORDINANCE 70-18

City Council Introduction City Council Introduction 10/15/18 City Council 11/5/18

## BACKGROUND

- In 2014, the City's fence/wall regulations were amended to include a type/material prohibition for residential fences.
- Currently these types/materials are limited to:
  - Wood
  - Concrete Block with Stucco
  - Concrete with or without stucco
  - Stone or Brick (inc. cast/simulated)
  - Wrought Iron
  - Aluminum
  - Chain-link without slats
  - Plastic/Vinyl



A fence or wall shall be constructed of one or more of the following materials <u>or finishes</u>:

- a. Wood (decay resistant or pressure treated only);
- b. Concrete block with stucco (CBS);
- c. Concrete with or without stucco;
- d. Stone or brick, including cast (simulated) stone or brick;
- e. Wrought iron;
- f. Aluminum;
- g. Chain-link without slats;
- h. Plastic or vinyl; and
- i. <u>Galvanized steel privacy panels painted with alkali-resistant coatings.</u> <u>Alkali-resistant coatings include, but are not limited to, heavy-bodied</u> <u>bituminous paint or mothacrylate lacquer.</u>

All other finishes and materials are prohibited.









## STEEL FENCES

## LOCAL PLANNING AGENCY RECOMMENDATION

 At the October 3, 2018 Local Planning and Zoning Agency Meeting, the LPA voted unanimously to recommend approval of Ordinance 70-18.

# QUESTIONS

Item A.(2) Number: A.(2) Meeting 11/5/2018 Date: 11/5/2018 Item ORDINANCES/RESOLUTIONS -Type: Public Hearings





#### TITLE:

Ordinance 71-18 Public Hearing for Transmittal

#### **REQUESTED ACTION:**

#### STRATEGIC PLAN INFO:

- 1. Will this action result in a Budget Amendment?
- 2. Is this a Strategic Decision?

If Yes, Priority Goals Supported are listed below. If No, will it harm the intent or success of the Strategic Plan?

#### PLANNING & ZONING/HEARING EXAMINER/STAFF RECOMMENDATIONS:

**P&Z Recommendation:** At their October 3, 2018 meeting, the Planning and Zoning Commission voted unanimously to recommend approval for transmittal with changes.

**<u>Staff Recommendation:</u>** Staff recommends approval for transmittal with changes.

#### SUMMARY EXPLANATION AND BACKGROUND:

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the Conservation and Coastal Management, Housing, Future Land Use, Infrastructure, Recreation and Open Space, and Transportation Elements of the City of Cape Coral Comprehensive Plan.

#### LEGAL REVIEW:

Brian R. Bartos, Assistant City Attorney

#### EXHIBITS:

REVISED - Ordinance 71-18 with Exhibits Revised Staff Presentation

#### **PREPARED BY:**

Division- Department-City Attorney

#### SOURCE OF ADDITIONAL INFORMATION:

Wyatt Daltry, Planning Team Coordinator

#### ATTACHMENTS:

#### Description

- Revised Ordinance 71-18 with Exhibits
- Revised Staff Presentation

#### Туре

Backup Material Backup Material

#### ORDINANCE 71 - 18

AN ORDINANCE AMENDING THE CITY OF CAPE CORAL COMPREHENSIVE PLAN BY AMENDING THE CONSERVATION AND COASTAL MANAGEMENT ELEMENT, THE HOUSING ELEMENT, THE FUTURE LAND USE ELEMENT, THE INFRASTRUCTURE ELEMENT, THE RECREATION AND OPEN SPACE ELEMENT, AND THE TRANSPORTATION ELEMENT, ALL AS MORE SPECIFICALLY DESCRIBED HEREIN; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

NOW, THEREFORE, THE CITY OF CAPE CORAL, FLORIDA, HEREBY ORDAINS AS FOLLOWS:

Section 1. The City of Cape Coral hereby adopts Comprehensive Plan amendments necessary to update the Comprehensive Plan as follows:

- A. The amendment to the Conservation and Coastal Management Element replaces references to "Land Use and Development Regulations" with "Land Development Code"; provides revised dates for various plans and target dates; clarifies guidelines for marina placement in Cape Coral; broadens the reference to wildlife-related non-profit organizations supported by the City; eliminates Policy 1.2.7 and Policy 4.3.6; inserts references to Planned Unit Developments. The amendment to the Conservation and Coastal Management Element is more specifically described in Exhibit A, attached hereto and incorporated herein by reference.
- B. The amendment to the Housing Element provides revised dates for various plans and target dates; replaces references to "Land Use and Development Regulations" with "Land Development Code"; eliminates Policy 3.3, Policy 10.6, Policy 10.7 and Policy 10.8. The amendment to the Housing Element is more specifically described in Exhibit B, attached hereto and incorporated herein by reference.
- C. The amendment to the Future Land Use Element establishes policies and guidelines regarding the development of multi-family residential housing; eliminates the Transfer of Development Rights (TDR) Program as described in Policy 1.10; establishes a policy for development of periodic buildout analyses; replaces references to "Land Use and Development Regulations" with "Land Development Code"; eliminates reference to the Development Review Process; amends Policy 1.15 by adding Table 1, listing future land use classifications and the zoning districts which are consistent with and implement the respective future land use classifications, by establishing certain new future land use classifications and eliminating certain existing future land use classifications, zoning districts, and overlay districts, amending the permitted densities and intensities in certain classifications, by deleting provisions for Detached Properties, by establishing the Seven Islands Sub-District, and by establishing guidelines for Council-Adopted Vision Plans; eliminates Policy 1.23, which described the Development Incentive Program (DIP); inserts references to Planned Unit Developments. The amendment to the Future Land Use Element is more specifically described in Exhibit C, attached hereto and incorporated herein by reference.
- D. The amendment to the Infrastructure Element establishes Policy 1.1.8, allowing for incidental utility activities in all future land use classifications and zoning districts. The amendment to the Infrastructure Element is more specifically described in Exhibit D, attached hereto and incorporated herein by reference.
- E. The amendment to the Recreation and Open Space Element provides revised dates for various plans and target dates; eliminates Policy 1.5; eliminates reference to the Transfer of Development Rights (TDR) Program. The amendment to the Recreation and Open Space Element is more specifically described in Exhibit E, attached hereto and incorporated herein by reference.
- F. The amendment to the Transportation Element replaces references to "Land Use and Development Regulations" with "Land Development Code"; replaces references to the Planned Development Project process with the site development plan process or the Planned Unit Development process; updates the references to the Federal program utilized to pursue funding for pedestrian, bicycle and intermodal travel related issues and facilities; eliminates Policy 4.2.2; provides revised dates for various plans and target dates. The amendment to the Transportation Element is more specifically described in Exhibit F, attached hereto and incorporated herein by reference.

Section 2. Severability. In the event that any portion or section of this Ordinance is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Ordinance which shall remain in full force and effect.

SECTION 3. Effective Date. The effective date of this plan amendment shall be thirty-one (31) days after the state land planning agency notifies the City that the plan amendment package is complete, or if timely challenged, the date a final order is issued by the Administration Commission finding the amendment to be in compliance in accordance with Chapter 163.3184(3)(c)4., F.S., whichever is applicable.

ADOPTED BY THE COUNCIL OF THE CITY OF CAPE CORAL AT ITS REGULAR SESSION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

#### JOE COVIELLO, MAYOR

VOTE OF MAYOR AND COUNCILMEMBERS:

COVIELLO	NELSON	
GUNTER	STOKES	
CARIOSCIA	WILLIAMS	
STOUT	COSDEN	

ATTESTED TO AND FILED IN MY OFFICE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2016.

REBECCA VAN DEUTEKOM CITY CLERK

APPROVED AS TO FORM:

BRIAN R. BARTOS ASSISTANT CITY ATTORNEY Comp Plan Amendments-LUDR Rewrite

#### Exhibit A

#### CONSERVATION AND COASTAL MANAGEMENT GOALS, OBJECTIVES, POLICIES

#### GOAL 1: Protecting Environmental Resources.

The natural and historic resources of Cape Coral will be preserved, protected, and enhanced. These resources will be managed to ensure the highest environmental quality possible. Development activities will be managed, in accordance with this goal. The scientific and resource management activities outlined under this goal will be coordinated by the City's Environmental Resources Section.

<u>Objective 1.1:</u> Estuarine Water Quality. Cape Coral will maintain and/or improve the environmental quality of estuarine waters within its jurisdiction, and will prevent the degradation of adjacent water bodies.

<u>Policy 1.1.1</u>: The City will maintain and/or improve the environmental quality of its estuarine waters by promoting habitat restoration, developing policies for improving mixing zones through use of the addition of hard substrate, and through public education.

<u>Policy 1.1.2</u>: The City will continue its surface water quality monitoring program to properly evaluate the general environmental condition of its surface waters and estuarine system, to identify any new problem areas, and to evaluate the effectiveness of measures to maintain or improve water quality.

<u>Policy 1.1.3</u>: Pursuant to S.163.3202, F.S., the City will maintain <u>Land Use and Development</u> <u>RegulationsLand Development Code</u>, which prohibit dredging for the construction of new boat basins in the estuarine system, without proper permits. Marina and multi-dock facilities will be designed, located, constructed and managed so as not to reduce estuarine water quality.

<u>Policy 1.1.4:</u> The City will assure that there will be no dredging of estuarine waterways that reduces estuarine water quality. Dredging activities will be properly permitted by state and federal agencies.

<u>Policy 1.1.5:</u> Pursuant to S.163.3202, F.S., <u>Land Use and Development RegulationsLand</u> <u>Development Code</u> will be maintained to prohibit dredging at the mouths of canals directly emptying into natural estuarine waters unless, (1) a detailed study of sediment contaminants is performed and adequate safeguards to prevent the release of any contaminants are provided, and (2) a survey of benthic ecological communities is performed to prevent the destruction of any important biological resources (e.g., marine plant beds).

<u>Policy 1.1.6:</u> The City has completed and will maintain a comprehensive stormwater management plan, the primary purpose of which is to minimize the impact of stormwater runoff on estuarine water quality. As part of the comprehensive stormwater management plan, the City will continue to conduct the following activities to minimize the impact of stormwater runoff on estuarine water quality:

- The City will incorporate an acceptable level of stormwater treatment in all newly designed stormwater systems.
- The City will perform maintenance activities in accordance with an annual work plan. The work plan will include but not be limited to the following activities:
- The City will conduct street sweeping at major intersections, along bike paths, paved alleys, curbed roads, and within all City owned paved parking lots. In the Viscaya industrial zoned area, the City will provide street sweeping once every month and will clean catch basins four times per year.

The City will replace deteriorated stormwater drainage pipe and stormwater inlets on an as-needed basis.

The City will periodically clean and inspect catch basins and stormwater pipes.

The City will maintain Engineering Design Standards for paved alleys and roadways.

- The City will require all property development to stabilize all areas not covered with structures, pavement, or landscape beds.
- The City will require all non-paved areas of street right-of-ways and areas within fifteen feet of seawalls to be permanently vegetated.
- The City will require the placement of silt screens on all construction sites to eliminate adverse impacts associated with erosion.
- The City will continue to participate with Lee County and other co-permittees in the NPDES process.
- The City will require applicants for clearing and development permits to provide a letter addressing NPDES standards, if applicable, prior to City inspections.

<u>Policy 1.1.7</u>: The City of Cape Coral will continue to extend sanitary sewer and potable water facilities to previously unserved areas of the City, and will coordinate with private and county sources for the provision of solid waste facilities to meet the existing and projected needs identified within the Capital Improvements and Infrastructure Elements of this Comprehensive Plan, and consisted with the City's Facilities Planning Report, prepared by Montgomery Watson Harza (MWH) in 2005.

<u>Policy 1.1.8</u>: The City will <u>(as a cooperative effort with appropriate governmental agencies)</u> continue to investigate the effectiveness and function of the spreader waterway systems in reducing the adverse environmental impacts of surface water discharge from Cape Coral into Matlacha Pass State Aquatic Preserve, and will periodically evaluate whether improvements are needed in the spreader system to reduce measurable negative impacts on the Matlacha Pass Ecosystem.

<u>Policy 1.1.9</u>: The City will not permit the construction of interior waterway systems unless their primary purpose is to provide stormwater management, environmental enhancement, or water supply.

<u>Objective 1.2:</u> The City will continue to monitor and inventory all ecological communities, and their component flora and fauna, especially endangered and rare species. The City will implement protective regulations; acquire land or take other actions that are deemed necessary to protect natural communities, listed species and their habitats.

<u>Policy 1.2.1</u>: By <u>20092020</u>, the City of Cape Coral will adopt regulations to ensure that, prior to property development, or habitat alteration, of any kind, owners of properties having viable native habitat and/or, which may contain habitat for protected species, undergoing significant development and/or habitat alteration, will be required to provide an environmental survey of their properties and undertake acceptable mitigation, as appropriate.

<u>Policy 1.2.2</u>: The City will notify state and/or federal agencies if activities, suspected to be in in violation of state and/or federal regulations, are known to have been conducted.

<u>Policy 1.2.3</u>: The City will develop and maintain priorities for the acquisition for preservation of vulnerable coastal ecological communities, and acquire this land, either as part of its land banking program, as discussed in the Future Land Use and Recreation and Open Space Elements, or through other feasible methods.

<u>Policy 1.2.4</u>: The City will require a management plan for development other than development of a single\_-family residence for disturbance of habitat of any state or federally listed species. Any such management plan shall be consistent with Federal and State guidelines and management strategies relative, but not necessarily limited to: the Bald & Golden Eagle Protection Act (U.S. Fish & Wildlife Service); the Florida Scrub-jay Recovery Plan (USFWS); the Gopher Tortoise Recovery Plan (USFWS); and "Burrowing Owl Nest Protection Guidelines and Procedures in Urban Areas", published by the Florida Fish & Wildlife Conservation Commission.

<u>Policy 1.2.5:</u> The City will assist in the implementation of and compliance with all state and federal regulations concerning species listed as endangered, threatened, species of special concern, or commercially exploited by monitoring development activities, providing information on listed species in building permit packages, and assisting in investigations as requested.

<u>Policy 1.2.6</u>: To protect manatees, the city will cooperate in enforcement of boat speed zones within the City's jurisdiction.

<u>Policy 1.2.7:</u> Lee County has adopted a State approved Manatee Protection Plan. By 2009, the City of Cape Coral will assess whether to officially adopt the Lee County Manatee Protection Plan, or whether to pursue development of a City of Cape Coral Manatee Protection Plan.

<u>Policy 1.2.87</u>: The City of Cape Coral will protect avian roosting, nesting and feeding areas in estuarine and upland environments through the development of regulations for tree and vegetation clearing.

<u>Policy 1.2.98</u>: The City will adopt and maintain, consistent with the provisions of section 163.3202 Florida Statutes, land development regulations to require that development and redevelopment of properties include the removal and ongoing control of invasive exotic pest plants.

<u>Policy 1.2.109</u>: The City will identify, quantify, and rank existing stormwater discharge sources and consider this data in the prioritization of Capital Improvements.

Policy 1.2.1110: The City will continue its street sweeping and catch basin cleaning programs.

<u>Policy 1.2.+211:</u> The City will maintain a program to ensure the integrity of vegetation in the swales within the City.

<u>Policy 1.2.1312</u>: The City will continue to investigate the benefits and costs of adding hard substrate on the bottom of deep canals with substandard dissolved oxygen levels.

<u>Policy 1.2.1413</u>: The City will investigate the benefits and costs of interconnecting saltwater canals for the purpose of providing flushing.

<u>Policy 1.2.1514</u>: The City will maintain a program to manage aquatic vegetation in freshwater canals to maintain sufficient abundance to perform valuable environmental functions, but control excessive growth which inhibits recreational opportunities including recreational fisheries and navigation, hinders drainage, and can result ultimately in poor environmental quality. The City will coordinate this effort with the Lee County Hyacinth Control District.

<u>Policy 1.2.1615</u>: The City will maintain a program of environmentally sound maintenance dredging to provide adequate depth for environmental flushing (sea water), surface water conveyance (saltwater and freshwater), surface water storage (freshwater), and depth for boats (sea water and freshwater).

<u>Policy 1.2.1716</u>: The City shall require, as a condition of approval for Planned Development Projects, <u>Planned Unit Developments</u>, -and Site <u>Development Plans</u>-Reviews, a protected species survey, which reflects the current conditions (at the time of the review) on the development site. If listed species are known to inhabit or use the site, the applicant shall prepare a protected species management plan.

<u>Policy 1.2.<del>18</del>17:</u> The City of Cape Coral will acquire land, as opportunity and resources allow for the purpose of preserving natural communities, listed species and their habitats.

<u>Policy 1.2.1918</u>: The City will, as opportunity and resources allow, restore and enhance degraded natural areas on City-owned lands through activities such as the recreation of natural communities, restoration of natural hydrology, and the removal of noxious exotic vegetation.

<u>Policy 1.2.2019</u>: In order to support the City's continued protected species coordination efforts with the Florida Fish and Wildlife Conservation Commission and the United States Fish and Wildlife Service, the City of Cape Coral shall require a protected species affidavit to be signed by

the applicant prior to receipt of a development order application. This affidavit will identify whether gopher tortoises, burrowing owls, or bald eagles are located on-site, or on adjacent property(s), and establish if federal or state permits will need to be obtained for the protection of these species during construction activities.

<u>Objective 1.3:</u> Water Dependent/Water Related Land Uses: The City will adopt and maintain, consistent with the provisions of section 163.3202 Florida Statutes, land development regulations to direct the management of water-dependent facilities, including marinas and marine-related support facilities.

<u>Policy 1.3.1</u>: Future public use marinas will be allowed only in <u>commercial</u>, <u>industrialnon-residential</u> and mixed use zoning districts and public parks. Note: A "marina" is hereby defined as a dock or basin providing secure moorings for pleasure boats and often offering supply, repair, and other facilities. For purposes of this policy, A public use marina is one that may be utilized by any boat owner, and which does not require membership or is not restricted to the residents or guests of a specific development.

<u>Policy 1.3.2</u>: The City will require that all work area runoff at new marina facilities will obtain any necessary permitting by the SFWMD and the FDEP.

<u>Policy 1.3.3</u>: Pursuant to S.163.3202, F.S., the City will require that prior to the operation of any new marina fueling facility, a fuel management /spill contingency plan will be developed and provided to the City for review as a condition of planned development project approval. Included in this plan shall be descriptions of methods to be used in dispensing fuel and all the procedures, methods, and materials to be used in the event of a fuel spill and shall meet Lee County Fire Prevention Codes and the Rules of the State Fire Marshall's office.

<u>Policy 1.3.4</u>: The City will revise the <u>Land Use and Development RegulationsLand Development</u> <u>Code</u>, pursuant to S.163.3202, F.S., to require that all marinas will provide sewage pumpout facilities and facilities for proper handling of used oils and contaminated bilge water.

<u>Policy 1.3.5</u>: The City will maintain <u>Land Use and Development RegulationsLand Development</u> <u>Code</u>, pursuant to S.163.3202, F.S., that do not permit fueling or repair facilities within residential zoning classifications.

<u>Policy 1.3.6:</u> The City will require that proposed marina developments will demonstrate that they have sufficient upland areas to accommodate all needed support facilities including adequate parking, work areas, and retention areas for stormwater and work area runoff and have a hurricane contingency plan in place prior to approving such project.

<u>Policy 1.3.7:</u> During the Planned Development Project <u>and Planned Unit Development process</u> the City will request that marina facilities use dry storage.

<u>Policy 1.3.8:</u> Marina and/or boat ramp siting shall be consistent with the appropriate aquatic preserve management plan, where applicable.

<u>Policy 1.3.9</u>: Marina and boat ramp siting preference shall be given to areas where water depths can accommodate vessels with a four foot, or greater, draft, and to those facilities which are to be available for public use, and where economic need and feasibility can be demonstrated.

<u>Policy 1.3.10</u>: The City will consider consistency with the countywide marina siting plan, adopted on June 29, 2004, in the permitting of marinas The City will also consider consistency with the general criteria of the Florida Fish and Wildlife Conservation Commission, Boat Facility Siting Guide, adopted August 2000:

- Expansion of existing facilities may be preferred over new facilities, if environmentally sound;
- There should be no impact to seagrass;
- Mitigation for seagrass destruction should not be allowed;
- Areas with adequate depth and good flushing which require no new dredging are preferable;
- Locations near inlets and popular boating destinations are preferable;
- Piling construction is preferred over dredge and fill techniques;
- Marinas should not be sited in essential manatee habitats; and
- Marinas should not be situated in areas with high manatee mortality occurrence.

<u>Objective 1.4:</u> Air Quality. Cape Coral will continue to meet or exceed the air quality standards established by the Florida Department of Environmental Protection (FDEP).

<u>Policy 1.4.1</u>: The City will regularly review reports of the air quality monitoring station in Cape Coral and take appropriate actions indicated.

<u>Policy 1.4.2</u>: Future industrial land uses will be required to locate in those specific areas identified on the Future Land Use Map as "Light Industrial" or, if compatible, "Mixed Use" to minimize the impact of industry on the current air quality of non-industrial areas.

<u>Policy 1.4.3</u>: The City will require industries to take appropriate measures to ensure that state and federal standards for air pollution are met as established by EPA by requiring that applicants for Planned Development Projects obtain necessary state and federal permits to be obtained prior to City approval. If state and/or federal standards are not met by an existing business proposing expansion or additional facilities, the City will deny further inspections to a violating business until such business is brought into compliance. This shall not limit any inspections for permits needed for activities that are necessary for the purpose of correcting a violation.

<u>Policy 1.4.4</u>: The City will lessen the potential impacts of automobile emissions pollution by:

(a) Promoting mixed use development by designating specific prime development sites for Mixed Use Development that combines residential land uses with commercial and professional land uses to reduce trip generation;

(b) Maintaining development standards, pursuant to S. 163.3202, F.S., to require vegetative buffer strips between arterial roadways and residential developments; and

(c) Pursuant to the Transportation Element, providing and/or encouraging alternative means of transportation such as car-pooling, public transit, and bicycle and pedestrian paths.

<u>Objective 1.5:</u> Surface Water. The City of Cape Coral will continue to pursue improvement to the quality of all surface waters within its jurisdiction.

<u>Policy 1.5.1</u>: The City will maintain and/or improve the environmental quality of Cape Coral's surface waters, littoral zone, nutrient input (terrestrial runoff, groundwater) aquatic plant management, and to protect the habitats of aquatic dependent species by encouraging the use of Best Management Practices. The Best Management Practices will be encouraged by distributing information to the citizens and will include the promotion of the following concepts:

- Voluntary fertilization and pesticide application reduction.
- Integrated Pest Management.
- Turf management practices, including mowing practices and irrigation.
- Preservation of areas of existing vegetation.
- Landscaping with appropriate native plants and limiting turf areas.
- Organic pest management.
- Proper hazardous material disposal.

<u>Policy 1.5.2</u>: The City will continue to conserve and protect its wetlands in accordance with standards set by FDEP and SFWMD. The City shall direct future land uses incompatible with protection and conservation of wetlands away from wetlands. The evaluation of incompatibility shall include the following factors for land uses: types, intensity, density, extent, distribution, and location of allowable land uses. The evaluation of incompatibility shall include the following attributes of the wetlands: types, value, function, size, conditions, and location.

<u>Policy 1.5.3</u>: The City has completed and maintains a comprehensive stormwater management plan, the primary purpose of which is to minimize the impact of stormwater runoff on the quality of Cape Coral's surface water and estuarine receiving waters. Level of Service Standards for

drainage will be based upon SFWMD's Basis of Review for Surface Water Management Permit Applications.

<u>Policy 1.5.4</u>: The City will reduce the effects of septic tank seepage on surface water quality by extending central sewer service to all areas as rapidly as possible, in accordance with the adopted  $\frac{2005 - 2010}{2010}$  Utility Extension Program-(2005).

<u>Objective 1.6:</u> Canal Structures. The City will continue to maintain the design and function of all canal structures.

<u>Policy 1.6.1</u>: The City will inspect all canal structures for structural and functional integrity and take corrective measures as needed.

<u>Objective 1.7:</u> Ground Water Resources. The City will protect the quality of its groundwater resources, and will maintain programs that have the goal of reducing the consumption rate (per dwelling unit) of potable water used for irrigation and other outdoor purposes from (2000) levels.

<u>Policy 1.7.1</u>: The City will continue to adhere to its interlocal agreement with the SFWMD, which requires the plugging of abandoned wells for the purpose of slowing the spread of saltwater intrusion.

<u>Policy 1.7.2</u>: The City will maintain its current policy requiring mandatory connection to sewer and water service when such service is provided, thus reducing the number of septic tanks and wells in use.

<u>Policy 1.7.3</u>: The City will commit to developing regulations that require the disconnection of private self-serve well water supply lines from irrigation systems when City irrigation water is connected.

<u>Policy 1.7.4</u>: The City will protect the functions of natural groundwater recharge areas through means identified jointly by the City and the SFWMD.

<u>Policy 1.7.5</u>: The City will incorporate and/or maintain water conservation measures into its land development regulations (adopted pursuant to F.S. 163.3202) and development orders for Planned Development Projects and Developments of Regional Impact including, but not limited to:

- Adherence to the Standard Plumbing Code to require the use of water saving devices.

- Maintain provisions of the Landscape Ordinance that strongly encourage the use of Florida Yards and Neighborhoods principles.

- Maintain a rate schedule to discourage wasteful use of potable water.

- Establishing conserving time of use restrictions for irrigation.

<u>Policy 1.7.6</u>: The City will continue to comply with, and enforce through its Code Compliance Program, emergency conservation measures as required by the South Florida Water Management District.

<u>Policy 1.7.7</u>: The City will monitor the potential to enhance recreational fisheries (e.g. stocking) and protect and create (e.g. artificial reefs and seawall habitats) fisheries habitats.

<u>Policy 1.7.8:</u> The City will confer with the Florida Fish and Wildlife Conservation Commission and/or the U.S. Department of Interior, Fish and Wildlife Service prior to granting land use approvals that would adversely impact a federal or state listed species.

<u>Policy 1.7.9</u>: The City will continue its policy of requiring all applicants for City building permits to complete an affidavit stating they have inspected the proposed building site for the presence of burrowing owl nests. The applicant shall be required to state whether state and federal permits to remove the owl burrows are needed or whether the development can be completed without removing the owl burrows, in which case the contractor shall accept full responsibility for protecting the owl burrows from actions of employees or sub-contractors.

<u>Policy 1.7.10</u>: The City will maintain a bald eagle protection ordinance with the intention of maintaining Cape Coral's bald eagle population and the successful reproduction of the species in Cape Coral.

<u>Policy 1.7.11</u>: The City will accept and administer private donations of monies and real property for the acquisition and preservation of endangered critical habitat for all endangered and threatened species, and species of special concern, and environmentally sensitive lands within the City's jurisdiction. All funds and the earnings from such funds will be escrowed in a special account administered by the City Manager.

<u>Policy 1.7.12</u>: The City will cooperate with the State of Florida and the Federal Government to maintain the existing natural reservations in the State-owned preservation areas identified in the Recreation and Open Space Element of this plan. These natural reservations include the Four Mile Cove Eco Park and the Matlacha Pass preservation area, including the Matlacha Pass State Aquatic Preserve and the Matlacha Pass National Wildlife Refuge.

<u>Policy 1.7.13</u>: The City, in conjunction with Lee County, has begun development of a Regional Park site in the City's northeast, preserving an upland natural reservation of at least 250 acres as identified in the Recreation and Open Space Element of this plan.

<u>Policy 1.7.14</u>: The management of bays, estuaries, harbors and unique vegetative communities that cross Cape Coral's borders will be coordinated with adjacent local governments including, but not limited to, Lee County, Charlotte County and the City of Fort Myers. Coordination activities may include, but not necessarily be limited to, interlocal agreements, public meetings, staff interaction, written notifications, and joint committees.

<u>Policy 1.7.15</u>: The City of Cape Coral, recognizing the Four Mile Cove Ecological Park area as a unique and irreplaceable example of an estuarine salt marsh, will continue to maintain and protect

this vital state owned, city maintained property in its current capacity as a city park emphasizing passive recreation and nature study. To ensure the protection of this area, the City will continue to abide by all rules and regulations imposed by state authorities. The City will limit development within the park to projects such as boardwalks and displays which enhance the public's knowledge of natural resources. The City will also review adjacent applications for development <del>orders</del> to minimize adverse impacts of development upon the park.

<u>Policy 1.7.16</u>: Recognizing the importance of the Matlacha Pass Preservation Area, including the Matlacha Pass State Aquatic Preserve and the Matlacha Pass National Wildlife Refuge, as representing a unique and vitally important estuarine mangrove community, the City of Cape Coral will continue to abide by all rules and regulations imposed by state authorities to ensure the protection of this area. To implement this policy the City will prohibit all development within the Preservation Area, except for providing public access for enjoyment of the natural area, and will review adjacent applications for development orders to minimize adverse impacts of development upon this unique area.

<u>Policy 1.7.17</u>: The City of Cape Coral recognizes the Yellow Fever Creek Headwaters Area, which is included in the Regional Park site in northeast Cape Coral (see Policy 1.7.13), as a unique upland habitat representative of the upland communities that were destroyed by the development of the City. The City commits itself to the restoration and protection of this area and development of a regional park for passive recreation uses that preserve the area, to the extent possible, in its natural and pristine state.

<u>Policy 1.7.18</u>: The City will discourage the destruction of natural systems by the recreational use of off-road vehicles on public and private property.

<u>Policy 1.7.19</u>: The City will continue to aggressively promote and maintain its established Florida Yards and Neighborhoods (FYN) Program. This program is a partnership of concerned citizens, members of the landscape industry, the University of Florida's Cooperative Extension Service, the Charlotte Harbor National Estuary Program, Florida's Sea Grant College Program and numerous environmental agencies. The program focuses on yards as the first line of water quality defense for our estuaries, rivers, lakes and aquifers.

<u>Objective 1.8:</u> Public Awareness of Natural Resources. The City will maintain and expand a program to enhance public awareness of coastal and other natural resources in order to better understand the importance of these resources and the need for their proper management and conservation. Methods for increasing public awareness may include, but not necessarily be limited to, public presentations, presentations on the Cape Coral Government television channel, education programs, and publications.

<u>Policy 1.8.1</u>: The City will continue to coordinate with Lee County Environmental Learning Center, the Calusa Nature Center, the Cooperative Extension Service, the Cape Coral Friends of Wildlife, and other environmental education organizations to promote the value and conservation of coastal and other natural resources. This shall include, but not be limited to providing or receiving information for public presentations, education programs, and publications.

<u>Policy 1.8.2:</u> The City will educate the public on the value of natural resources, especially species of special concern, threatened, and endangered species, through interpretive displays and trails at recreation sites and parks.

<u>Policy 1.8.3</u>: The City will require that all Planned Development Projects <u>and Planned Unit</u> <u>Developments</u>, which include marinas, multi-slip facilities, and boat ramps having saltwater access post manatee awareness signs and information. This information shall be placed in locations highly visible to the boating public.

<u>Policy 1.8.4</u>: The City of Cape Coral will continue to support the non-profit <u>organizations such as</u> Cape Coral Friends of Wildlife, for the purpose of promoting public awareness of Cape Coral's native wildlife and natural habitats, and to provide volunteer habitat maintenance services in the City's publicly owned parks and natural areas. The City will also continue to support the organization's nature center, and related activities, located at Rotary Park.

<u>Objective 1.9:</u> Mining Activities. The City will ensure that mining activities have a minimal impact on the quality of the environment.

<u>Policy 1.9.1:</u> City <u>Land Use and Development RegulationsLand Development Code</u> will be maintained, pursuant to s.163.3202, F.S., to require the use of buffering between mining sites and adjacent land uses to promote an aesthetically pleasing landscape compatible with existing and future land uses adjacent to the site.

<u>Policy 1.9.2</u>: The City will inform every applicant for a <u>P</u>planned <u>D</u>development <u>P</u>project <u>or</u> <u>planned unit development</u> for any mining activities, including, but not limited to borrow pits, that state and/or federal permits may be required.

<u>Policy 1.9.3:</u> The City will require that Planned Development Projects <u>and Planned Unit</u> <u>Developments</u> for mining activities shall be phased, when possible, in an attempt to assure that the land areas affected by such activities at one time shall be minimal.

<u>Policy 1.9.4:</u> The City will require that Planned Development Projects <u>and Planned Unit</u> <u>Developments</u> for mining activities must provide a reclamation plan, to be approved by the City. Reclaimed lands must be returned in a usable state with complete vegetative cover of all disturbed areas and must conform to the Future Land Use Map and to the provisions of the Future Land Use Element.

<u>Policy 1.9.5:</u> The City will require that Planned Development Projects <u>and Planned Unit</u> <u>Developments</u> for mining activities must, when necessary, include a performance bond, or other financial security, assuring that environmental standards are met and reclamation is carried out to the full extent as a condition for approval.

<u>Objective 1.10:</u> Hazardous Waste Management. The City will continue to reduce its levels of hazardous wastes in accordance with the provisions stipulated by the State's Solid Waste Management Act and will coordinate these activities on a City, County, and regionwide basis.

<u>Policy 1.10.1</u>: The City will coordinate with the Lee County Department of Solid Waste and the Lee County Pollution Prevention Program concerning the proper storage, recycling, collection, and disposal of hazardous wastes, and cooperate with the County household "Hazardous Waste Day" program in program promotion and provision of a temporary site within the City.

<u>GOAL 2:</u> Increasing public awareness of coastal natural resources and public access to coastal resources.

<u>Objective 2.1:</u> Public <u>a</u>Access to the coast. The City will continue to maintain <u>and/or</u> increase public access sites to the coastal zone.

<u>Policy 2.1.1</u>: The City will annually strive to acquire additional estuarine waterfront property for the purpose of establishing or expanding parks and public access locations, including boat ramps, as part of the land banking strategy specified in the Future Land Use Element, and in accordance with the needs identified in the Recreation and Open Space Element. Current waterfront parks will be maintained. Impact fees and user fees will be the principal sources of funding for these projects.

<u>Policy 2.1.2</u>: The City will conduct a user survey of the current public coastal access points to assist in determining the need for additional facilities. The City will evaluate the potential revenue generation and user acceptance of charging users of boat ramps, fishing piers, and/or parking a fee to fund acquisition and/or development of additional facilities.

<u>Policy 2.1.3</u>: All coastal public access development will be done in accordance with the objectives and policies of Goal 1 so as not to destroy or damage coastal natural resources.

<u>Policy 2.1.4</u>: The City will accept donations of shoreline lands suitable for use as public access facilities.

<u>GOAL 3:</u> Historic Resources. There shall be no loss of historic resources on City owned property and historic resources on private property shall be protected, preserved or used in a manner that will allow their continued existence.

<u>Objective 3.1:</u> Protection of Historic Resources. The City will continue to identify the historic resources within its jurisdiction and will work to preserve and protect these resources for future enjoyment. To accomplish this task the City will consult and work with Federal, State, and local historical organizations and will, as opportunity, resources and preservation needs allow, acquire such historical resources and make them accessible to the general public.

<u>Policy 3.1.1</u>: Cape Coral will continue to cooperate with appropriate Federal and State agencies to protect identified historical and archaeological resources from vandalism and desecration, and to preserve them in a manner which promotes an understanding of historic and prehistoric peoples and their times.

<u>Policy 3.1.2:</u> The City will require that applicants for Planned Development Projects <u>and Planned</u> <u>Unit Developments</u> that include undisturbed areas identified in the Archaeological Sensitivity map of Cape Coral as Sensitivity Level 1 or Sensitivity Level 2 perform an archaeological assessment and provide any appropriate mitigation as a condition of approval.

<u>Policy 3.1.3</u>: The City shall, as opportunity, resources and preservation needs allow, acquire historical and archaeological resources and make them accessible, in a controlled manner, to the general public.

<u>GOAL 4:</u> Reducing Vulnerability to Disasters. The City will maintain programs designed to mitigate the damage to people and property in Cape Coral from the effects of natural or man-made disasters.

<u>Objective 4.1:</u> Evacuation. Consistent with The Lee Plan, Amended November 2006, Objective 109.1, the City of Cape Coral shall continue to fulfill its assigned role as specified within The Lee County Comprehensive Emergency Management Plan and its policies regarding hurricane evacuation.

<u>Policy 4.1.1</u>: The City shall coordinate efforts with Lee County to relieve deficiencies identified in the *Southwest Florida Region, Statewide Regional Evacuation Study Program for Charlotte, Collier, Glades, Hendry, Lee and Sarasota Counties*, prepared by the Southwest Florida Regional Planning Council in 2010 and will provide sufficient and appropriate personnel to implement and expedite the County's evacuation plan.

<u>Policy 4.1.2</u>: The Lee County and Cape Coral Comprehensive Emergency Management Plans shall be used as the operational guide in the mitigation of, preparation for, in response to, and for recovery from, any natural or man-made disaster requiring emergency actions by local government officials.

<u>Policy 4.1.3</u>: Development review for projects within the coastal high hazard area shall consider significant impacts upon evacuation routes and sheltering, and shall require appropriate mitigation, if deemed necessary.

<u>Policy 4.1.4</u>: The City shall encourage early hurricane evacuation by residents in the Category A Evacuation Zone through cooperation with Lee County Emergency Management officials and the print and broadcast media in public awareness programs.

<u>Policy 4.1.5</u>: Critical roadway links causing congestion or subject to flooding or blockage on the City's evacuation routes shall receive high priority for capital improvement expenditures.

<u>Policy 4.1.6:</u> The City shall continue to lobby for the establishment or expansion of strategic routes within unincorporated Lee County or the region, which alleviate congestion and improve the City of Cape Coral's hurricane evacuation clearance times.

<u>Policy 4.1.7:</u> All future improvements to City maintained evacuation routes shall include solutions to roadway segments known to be prone to flooding, as identified in the Surface Water Master Plan or through other records.

<u>Policy 4.1.8:</u> The City shall encourage all City residents to know the Evacuation Zone and storm surge flooding zone of their dwelling unit.

<u>Objective 4.2:</u> SHELTER. The City will continue to coordinate with County and State emergency officials, the City of Cape Coral Charter School System and the Lee County Public School System to increase the amount of shelter space that is available to meet the needs of the City's general evacuation and special needs populations.

<u>Policy 4.2.1</u>: In order to mitigate evacuation shelter impacts caused by new development, the City of Cape Coral shall continue to participate in the Lee County All-Hazards Program. The Program includes a municipal services taxing unit (MSTU). Proceeds from the MSTU are used to meet emergency management and evacuation needs in unincorporated Lee County and member municipalities.

<u>Policy 4.2.2</u>: The Lee County Office of Emergency Management shall identify the special needs and special care populations of the City of Cape Coral, shall maintain an inventory of such special needs and special care populations, and shall endeavor to have the special needs of these populations met. The City of Cape Coral shall assist the Lee County Office of Emergency Management relative to special care and special needs populations and continue its procedures to inform persons with special needs of evacuation transportation and shelter services that may be available to them.

<u>Policy 4.2.3:</u> The City will continue to coordinate with County, State and Red Cross public education programs concerned with hurricane preparedness. City staff will periodically meet and work with Emergency Preparedness officials from the Red Cross, the Florida Division of Emergency Management and Lee County to exchange information and to assure that all information provided in the programs is valid. The hurricane preparedness programs shall include, but not be limited to, public presentations and publications.

<u>Objective 4.3:</u> Coastal High-Hazard Area. New public expenditures within the Coastal High-Hazard Area shall be limited to those needed for public health and safety, recreation and open space uses, public land acquisition, and the enhancement and protection of natural resources.

<u>Policy 4.3.1</u>: Cape Coral shall designate the coastal high hazard area as the sum of all of those areas which are within the storm surge flooding zone for a Category 1 hurricane as illustrated on Figure 4: *Coastal High Hazard Areas with Hurricane Evacuation Routes*, based on the *Southwest Florida Region, Statewide Regional Evacuation Study Program for Charlotte, Collier, Glades, Hendry, Lee and Sarasota Counties*, prepared by the Southwest Florida Regional Planning Council in 2010.

<u>Policy 4.3.2</u>: As of the adoption date of the City of Cape Coral 2030 Comprehensive Plan, new public expenditures within the Coastal High-Hazard Area shall be limited to those needed for public health and safety, recreation and open space uses, public land acquisition, and the enhancement and protection of natural resources.

<u>Policy 4.3.3:</u> The City shall not approve any future land use map amendment that would increase the maximum residential density within the coastal high-hazard area, unless one of the following criteria is met, in accordance with Section 163.3178(9), F.S.:

1. The proposed amendment would not exceed a 16-hour out-of-county hurricane evacuation time for a category 5 storm event, as measured on the Saffir-Simpson scale; or 2. A 12-hour evacuation time to shelter is maintained for a category 5 storm event as measured on the Saffir-Simpson scale and shelter space reasonably expected to accommodate the residents of the development contemplated by a proposed comprehensive plan amendment is available; or

3. Appropriate mitigation is provided that will satisfy the provisions of either of the previous two paragraphs. Appropriate mitigation shall include, without limitation, payment of money, contribution of land, and construction of hurricane shelters and transportation facilities. Required mitigation may not exceed the amount required for a developer to accommodate impacts reasonably attributable to development. For future land use map amendments initiated by a developer, the City and the developer shall enter into a binding agreement to memorialize the mitigation plan prior to adoption of the amendment.

<u>Policy 4.3.4</u>: The City shall maintain requirements for structural wind resistance at least as restrictive as those stated in the latest approved edition of the Florida Building Code.

<u>Policy 4.3.5</u>: In its evaluation of a zoning amendment for a property located within the coastal high-hazard area the City shall consider the objective of hazard mitigation, in addition to other planning considerations, such as, but not limited to, suitability or compatibility.

<u>Policy 4.3.6:</u> Within the coastal high-hazard area, the City shall prohibit new mobile home planned development projects (MHPDPs), private package treatment plants, and industrial development.

<u>Objective 4.4:</u> POST DISASTER REDEVELOPMENT. The purpose of the City's post-disaster redevelopment programs shall be to speed post disaster recovery and reduce or eliminate the future risk to human life and property from natural hazards through recovery and redevelopment strategies, which ensure improved hurricane/disaster preparedness and recovery in the future. The implementation of such post-disaster redevelopment programs shall be the responsibility of the Community Development Department.

<u>Policy 4.4.1:</u> By December 31, <u>20142021</u>, the City will prepare a post-disaster redevelopment plan, and will recommend any appropriate amendments to the comprehensive plan, Local Comprehensive Emergency Management Plan, and other policies and procedures.

<u>Policy 4.4.2</u>: In responding to natural disasters, the City will prioritize activities consistent with guidelines contained in the Lee County and Cape Coral Comprehensive Emergency Management Plans.

<u>Policy 4.4.3</u>: As part of the post-disaster redevelopment plan, the City will establish guidelines to address the removal, relocation, or structural modification of damaged infrastructure, and the

City's role in addressing privately owned unsafe structures. The City will also establish policies limiting redevelopment in areas of repeated damage.

<u>Policy 4.4.4:</u> The City shall continue to participate in the National Flood Insurance Program and shall conduct all activities necessary to meet the requirements of the program.

<u>Policy 4.4.5</u>: The post-disaster redevelopment plan will establish guidelines and procedures for evaluating the effectiveness of current hazard mitigation measures at preventing damage.

<u>Policy 4.4.6</u>: The post-disaster redevelopment plan shall include the establishment of guidelines and procedures for utilizing information obtained from damage assessment teams to expedite post-disaster recovery.

<u>Policy 4.4.7</u>: The post-disaster redevelopment plan shall include provisions for enactment of a temporary restriction on issuing permits for reconstruction and repair not immediately needed to protect the public health, safety and welfare.

<u>Policy 4.4.8:</u> The City shall prohibit rebuilding or redevelopment on any property within the coastal high-hazard area containing damaged structures if such rebuilding or redevelopment would increase the maximum residential density above that allowed for the subject property on the Future Land Use Map. Further, the maximum density allowed on any property shall be determined based upon the future land use classification of the subject property, as shown on the future land use map.

<u>Policy 4.4.9</u>: The post-disaster redevelopment plan shall establish criteria for evaluating the options for repairing, replacing, modifying or relocating public and private facilities and infrastructure within the coastal high-hazard area. Any actions chosen by the City of Cape Coral to repair, replace, modify, or relocate public facilities and infrastructure within the coastal high-hazard area shall be consistent with federal and state funding standards.

<u>Policy 4.4.10:</u> The post-disaster redevelopment Plan shall include guidelines and criteria for determining priorities for the acquisition of storm-damaged property in the coastal high-hazard area. These guidelines shall:

1) Give priority to eliminating unsafe conditions and inappropriate uses;

2) Be used to prioritize potential coastal acquisitions through the State's land acquisition program; and,

3) Be used to recognize pristine coastal properties or properties of significant or important environmental sensitivity.

<u>Policy 4.4.11:</u> The City of Cape Coral shall continue to implement its existing hazard mitigation programs that include building code and floodplain regulations, <u>land use and development regulationsLand Development Code</u>, zoning requirements, and the goals, objectives and policies of the City of Cape Coral Comprehensive Plan, as well as other applicable hazard mitigation

measures. Recommendations of damage assessment teams, interagency hazard mitigation reports, or City, County, State or Federal emergency management agencies may be incorporated into one or more of these hazard mitigation programs at the discretion of the City. These mitigation programs shall be periodically amended to remain consistent with State and Federal requirements.

<u>GOAL 5:</u> Infrastructure. Public facilities will be adequate and available to serve the residents and visitors to Cape Coral.

<u>Objective 5.1:</u> Levels of Service. Maintain levels of service, service areas, and phasing of improvements for Cape Coral consistent with the other elements of this plan.

<u>Policy 5.1.1</u>: The levels of service, service areas, and phasing improvements for roadways will be those contained within the Transportation Element.

<u>Policy 5.1.2</u>: The levels of service, service areas, and phasing of improvements for sanitary sewer, solid waste, surface water management, potable water, and natural groundwater aquifer recharge will be those contained within the Infrastructure Element of this plan.

<u>GOAL 6:</u> Intergovernmental Coordination. The City will use intergovernmental coordination to protect environmental and coastal resources.

<u>Objective 6.1:</u> Natural Resource Management. Environmental and coastal resource management will address natural ecosystems on a system wide basis regardless of political boundaries by using existing formal and informal coordination mechanisms, or by establishing new formal mechanisms to ensure coordination.

<u>Policy 6.1.1</u>: The City will continue to cooperate with other government agencies concerning conservation issues via jointly funded research and management projects, coordinated review of development projects, and regularly scheduled or special meetings. Examples of coordination shall include, but not be limited to, jointly funded coastal research and management studies, coordinated review of Developments of Regional Impact (DRIs), and regularly scheduled or special meetings.

<u>Policy 6.1.2</u>: The City will continue to adhere to the Charlotte Harbor Management Plan and carry out its responsibilities under this plan. This shall include, but not be limited to a program evaluating and improving the effectiveness and function of the spreader waterway system with regard to the environmental impacts of surface water discharge from Cape Coral into Matlacha Pass State Aquatic Preserve, and a determination if improvements are needed in the spreader system to reduce any negative impacts on the Matlacha Pass and Charlotte Harbor ecosystem.

<u>Policy 6.1.3</u>: The management of bays, estuaries, harbors, and unique vegetative communities that cross Cape Coral's borders will be coordinated with adjacent local governments including, but not limited to, Lee County, Charlotte County, and the City of Fort Myers. Coordination may include, but not necessarily be limited to, interlocal agreements, public meetings, staff interaction, written notifications, participation in the Charlotte Harbor National Estuary Program, and joint committees.

# Exhibit B

# HOUSING ELEMENT GOALS, OBJECTIVES AND POLICIES

<u>GOAL</u>: To provide good quality housing in safe, clean neighborhoods, offering a broad choice of options in both type (single family and multi-family) and tenure (owner and renter occupied) to meet the needs of present and future residents of the City, regardless of age or income status.

<u>Objective 1:</u> Housing Availability. In conjunction with private sector, the City will provide the infrastructure needed to increase Cape Coral's housing stock by 10,290 units by 2010, and an additional 35,549 units by 2025 to accommodate the expected 2025 and 2040 permanent populations of 137,593 by 2010, and 192,795 by 2025, in accordance with the levels of service standards established in other elements of this Comprehensive Plan.

<u>Policy 1.1:</u> Provide information, technical assistance, and incentives to the private sector to maintain a housing production capacity sufficient to meet citizen demand.

<u>Policy 1.2:</u> Maintain criteria for implementation of the City's <u>Land Use and Development</u> <u>RegulationsLand Development Code</u>, pursuant to S.163.3202, F.S., for activities such as, zero lot line development, townhouse development, and transfer of development rights to encourage residential developments to include a wide mix of housing types and designs at a variety of allowable housing densities and intensities.

<u>Policy 1.3:</u> In accordance with S 163.3177 (b) (f) F.S., the city will utilize the State Land Planning Agency's Affordable Housing Needs Assessment as one basis for determining the current and anticipated affordable housing needs of the City's population.

<u>Policy 1.4:</u> In order to eliminate excessive or duplicative regulatory requirements continue to review, revise and amend (as necessary), the following in accordance with changing household preferences, community needs, and housing industry technology and economics, while maintaining the health, welfare and safety of the residents.

- Policies
- Ordinances
- Codes
- Regulations
- Permitting Process

<u>Policy 1.5:</u> The City will implement the activities specified in the Capital Improvements Element (CIE) within the time frames specified in the CIE, to ensure that adequate infrastructure is available to support the projected population.

<u>Policy 1.6</u>: The City will, through its development review and permitting processes, require that development outside of the specified infrastructure service areas pay for and provide the infrastructure to serve the development.

<u>Objective 2:</u> Housing Affordability. In accordance with S.163.3202 (1), F.S., the City will review and re-evaluate the City Codes to identify and revise those sections which restrict the development of affordable housing in the City by the year <u>20092020</u>.

<u>Policy 2.1:</u> Pursuant to S. 163.3202 (1), F.S., the City will continue to incorporate provisions into its <u>Land Use and Development RegulationsLand Development Code</u> that assist in lowering the costs for residential development, while maintaining housing quality in accordance with the City's minimum building standards.

<u>Policy 2.2:</u> Pursuant to S. 163.3177 (6) (f) 1. g. F.S. the City will address a portion of its affordable housing concerns through job training, job creation and economic solutions. The City will within three years of the adoption of Comprehensive Plan EAR based amendments (2010) evaluate current economic development programs for effectiveness, examine additional programs, and create new programs if necessary.

<u>Policy 2.3:</u> The City will enter into an interlocal agreement with a neighboring jurisdiction to provide affordable housing in that jurisdiction if it is no longer economically feasible to provide such housing in the City. Note: The Plan does not anticipate this situation occurring in the near future. This is due to pre-platted nature of the City. The City is 12018.5 square miles and approximately 42-54 percent developed. Therefore, the supply of adequate sites for affordable housing is anticipated to meet the demand.

<u>Objective 3:</u> Equal Opportunity. Through the Fair Housing Ordinance, the City shall assure that the Cape Coral housing market is open to all persons, regardless of age, race, sex, disability, or other legally prohibited designations by mitigating impediments to affordable housing and tracking/resolving complaints concerning housing discrimination reported to the City.

<u>Policy 3.1:</u> The City shall not knowingly approve any development which discriminates against housing availability.

<u>Policy 3.2:</u> The City shall cooperate, on request, with federal, state, and local agencies in the enforcement of anti-discrimination and fair housing laws.

<u>Policy 3.3:</u> The City will continue coordination with the Lee County Office of Equal Opportunity to track/resolve complaints regarding fair housing violations.

<u>Objective 4:</u> Special Housing Needs. In accordance with S.163.3202 (1), F.S., the City will maintain the Land Use and Development Code to enable the siting of group homes and foster care facilities in residential areas.

<u>Policy 4.1:</u> During the review of all housing plans the City shall address the housing needs of the elderly and handicapped to ensure that provisions for accessibility, transportation, affordability and locational needs are addressed to the fullest extent possibly<u>e</u>.

<u>Policy 4.2:</u> The City shall cooperate with the State and local agencies that review and permit group and foster care facilities in order to provide convenient, adequate and non-isolated sites, to meet the requirements of persons with special needs, disabilities and handicaps.

<u>Policy 4.3</u>: The City will continue to monitor the development and distribution of group homes and residential care facilities to <u>einsure</u> that adequate sites and infrastructure are provided and that over-concentration in any residential area is avoided.

<u>Policy 4.4:</u> The City shall incorporate in the provisions for the location of affordable housing, mobile homes, and foster care facilities requirements that such facilities are encouraged to have access to transit routes, arterial roads, shopping areas, schools, parks and community service facilities, medical centers. Note: the Plan does not foresee the need to provide rural and farm worker housing as Cape Coral is an urban area with no agricultural areas within the City limits.

<u>Objective 5:</u> Housing Quality. The City will continue to maintain a high standard of quality for new and existing housing.

<u>Policy 5.1</u>: The City will continue to investigate the feasibility of using financial and tax incentives to facilitate public and private efforts for housing rehabilitation and preservation. If such programs prove feasible, the City will participate and/or provide technical assistance to implement said programs.

<u>Policy 5.2</u>: Seek federal and state funding, or otherwise provide local public funds for the rehabilitation of substandard housing and investigate the feasibility of conducting a study identifying substandard housing in the City.

<u>Policy 5.3:</u> Enforce the building and housing codes, through regular inspection, to assure that housing shall remain habitable and that quality standards are preserved.

<u>Objective 6:</u> Displacement. The City shall maintain the adopted Residential Anti-displacement and Relocation Plan that is compatible with federal regulation and state statutes and shall amend said plan as necessary to reflect changes in federal and state requirements.

<u>Policy 6.1:</u> Assure that standard housing at affordable costs is available to persons displaced through public action by implementing the adopted Residential Anti-Displacement and Relocation Plan.

<u>Objective 7:</u> Historic Preservation. The City will continue to inventory historically significant and potentially historically significant structures in the City. When structures are identified, the City will explore alternatives to preserve them.

<u>Policy 7.1:</u> Promote the rehabilitation and reuse of historically significant structures through technical assistance programs.

<u>Policy 7.2:</u> By providing technical assistance through the Department of Community Development, assist property owners of historically significant structures in utilizing state and federal assistance programs.

<u>Policy 7.3</u>: Provide public information and education relating to historic preservation programs.

<u>Objective 8:</u> Housing Implementation. Pursuant to S.163.3202, F.S., the City will implement City Codes and regulations through enforcement activities to promote housing opportunities for City residents without sacrificing housing quality and affordability.

<u>Policy 8.1:</u> The City shall continue to support the complaint driven code enforcement program implemented through the adopted housing code.

<u>Policy 8.2:</u> Assure that existing and new housing meet minimum standards of livability and design through programs for regulation, review and code enforcement.

<u>Policy 8.3:</u> Participate in State and Federal housing assistance programs to aid elderly and lower-income households to secure affordable housing.

<u>Policy 8.4:</u> The City shall enforce procedures for the conservation, rehabilitation and the demolition of dilapidated housing in its Housing Code.

<u>Objective 9:</u> Pursuant to S. 163.3202 (1), F.S., the City will review annually the <u>Land Use and</u> <u>Development RegulationsLand Development Code</u> to evaluate provisions for the enforcement of land use regulations to protect the value of individual homes and properties and amend said regulations as necessary.

<u>Policy 9.1:</u> Enforce the City's <u>Land Use and Development Regulations</u><u>Land Development Code</u>, <u>International Property Management Code</u>, and Florida Building Code to prevent the degradation of neighboring property values.

<u>Objective 10:</u> The City shall provide adequate sites for the housing needs of low and moderate income moderate-income persons.

<u>Policy 10.1</u>: The City of Cape Coral will update the inventory of city owned real property holdings to identify parcels appropriate for affordable housing. This list will be updated as necessary and land on this list may be donated to a housing nonprofit or sold with a restriction requiring the development of permanently affordable housing.

<u>Policy 10.2</u>: Support public and private entities in their efforts to identify and develop affordable housing by providing technical assistance to identify sites and to guide development through the review process.

<u>Policy 10.3</u>: Pursuant to S.163.3202, the City will maintain the <u>Land Use and Development</u> <u>RegulationsLand Development Code</u> to provide for scattered sites for the location of assisted housing to avoid concentration of housing for low and <u>moderate incomemoderate-income</u> persons.

<u>Policy 10.4</u>: Cooperate with the agencies responsible for the administration of the Section 8 Rental Assistance Program in locating suitable housing sites in the City for the Section 8 Rental Assistance Program.

<u>Policy 10.5:</u> Coordinate efforts with the housing assistance providers both public and private to assist in the provision of affordable housing for low and <u>moderate incomemoderate-income</u>

persons, including the homeless, to find adequate housing. In an effort to facilitate this, the City will undertake a housing study within three years of the adoption of Comprehensive Plan EAR based amendments. This study will include an evaluation of existing housing stock, significant housing needs and issues including, but not limited to affordable housing.

<u>Policy 10.6:</u> The City will continue to promote mobile home park development through the Mobile Home Planned Development Project (MHPDP) process. The MHPDP process will ensure compatibility with neighboring land uses and provide for mobile\manufactured housing development. The MHPDP guidelines are in the Land Use and Development Regulations (Section 4.3). The guidelines include but are not necessarily limited to:

A. Dimensional Regulations: Minimum parcel size, 20 acres; Minimum lot size, 7,500 sq. ft.; Minimum lot width, 75 feet; Minimum lot depth, 100 feet; Minimum number, 25 mobile homes; Setbacks: Front, 25 feet; Side, 10 feet; Rear, 10 feet; Minimum individual living area, 720 sq. ft.

B. Buffer: A fence, masonry wall or hedge at least five (5) feet in height shall be located in a twenty-five-foot-wide landscaped buffer which encompasses the project's entire perimeter.

C. Landscaping: A properly maintained landscaped separation strip at least five (5) feet in width shall be provided along all access roads on which off-street parking is located. All requirements of Article V, Sec. 5.2, Landscaping, shall apply.

D. Uses permitted in MHPDP: Mobile homes, laundry facilities, convenience stores, recreational facilities and those uses normally incidental accessory uses to mobile homes.

E. Utilities: No mobile home shall be connected to electric, gas, telephone, water, sewer or any other utility or service in, through or at another mobile home. All such utility and service connections shall be made directly to the mobile home from utility service lines provided on mobile home lots and designed to serve the specific mobile home located on a lot. All utilities shall be underground. All Mobile Home Park Planned Development Projects shall conform with all appropriate state regulations which prescribe standards for water supply, sewerage disposal and other facilities.

F. Foundations and Crawl Space: All mobile homes and permitted structures shall be permanently attached to a foundation. The crawl space under such structure shall be a minimum of eighteen (18) inches from ground to underside of floor members, shall be cleared of vegetation and have a layer of five eighths inch diameter of stone at least six (6) inches in depth. This area shall be skirted in a manner approved by the Director.

### G. Parking:

a. Two (2) off-street parking spaces per mobile home shall be located on each lot. In addition, one (1) space shall be provided in visitor common parking areas for every two (2) mobile home lots provided in the project. In addition, off street parking for other buildings and uses specifically permitted shall be provided as required in Article V, Sec. 5.1, Off-street Parking Requirements;

- b. Areas shall be provided for the parking, loading and unloading of delivery trucks and other vehicles and for the servicing of buildings for refuse collection, fueling and other service vehicles in addition to the required automobile parking spaces. Such areas shall be adequate in size and so arranged that they may be used without blockage or interference with the use of accessways or automobile parking facilities;
- c. All off-street parking facilities proposed to be located either below or above ground level shall be designed and constructed so that entrance and exit ramps do not result in direct or indirect traffic congestion on the site or on adjacent streets;
- d. All off-street parking, loading and unloading areas and access roads shall be surfaced in a stable manner and in accordance with City standards;
- e. Off-street parking space access points on access roads should be located at least two hundred (200) feet apart, and no access point should exceed thirty-six (36) feet in width.

#### H. Access:

- a. An access road at least twenty-eight (28) feet in width shall provide direct access to each mobile home lot. No mobile home shall be located any closer than ten (10) feet to the edge of this access road. The area occupied by the access road shall not fulfill any part of the area requirements for any lot. All dead-end roads within the project shall be designed to enable mobile homes to reverse direction without having to back more than one mobile home length;
- b. Access points on all collector or arterial streets serving a Planned Development Project shall be properly located and spaced.
- c. The Governing Body may approve the use of temporary access points provided that such temporary access shall be eliminated by the developer when access roads or other streets are extended to the permanent access points;
- d. No Planned Development Project shall be permitted vehicular access to a minor residential street unless specifically approved by the Governing Body.

I. Expansion of Existing Parks: Existing nonconforming mobile home parks, as well as conforming parks, shall be permitted to expand beyond the present size, but the minimum increment is five (5) acres, and such increment shall meet all ordinances in effect at the time of approval. Such request for expansion shall be submitted as a MHPDP and must be approved by the Governing Body in accordance with this Section.

Policy 10.7: MHPDP are a permitted use within the Mixed Use, Land Use Classification.

<u>Policy 10.8:</u> Within four (4) years from the adoption of the Comprehensive Plan EAR based amendments, the City will amend the Land Use and Development Regulations to permit Mobile Home Planned Development Projects in Zoning Districts appropriate for the MHPDP use.

# Exhibit C

### FUTURE LAND USE ELEMENT

**GOAL:** TO PROTECT THE PUBLIC INVESTMENT BY ENCOURAGING THE EFFICIENT USE OF COMMUNITY INFRASTRUCTURE AND NATURAL RESOURCES; ASSURE THE ORDERLY, EFFICIENT GROWTH OF THE CITY BY ENCOURAGING DEVELOPMENT IN THOSE AREAS WHICH ARE BEST SERVED BY INFRASTRUCTURE AND COMMUNITY SERVICES; PROMOTE NEW LAND USES WHICH CREATE THE LEAST POSSIBLE DISRUPTION TO EXISTING USES; CREATE A STRATEGY WHICH ANTICIPATES FUTURE COMMUNITY NEEDS BY ACQUIRING AND ASSEMBLING PLATTED LANDS; AND PROTECT THE RIGHTS OF INDIVIDUAL PROPERTY OWNERSHIP, CONSISTENT WITH PUBLIC NEEDS.

<u>OBJECTIVE 1:</u> Managing Future Growth and Development: The City of Cape Coral will manage future growth and land development by adopting, implementing, and enforcing new regulatory vehicles. All land development regulations called for in this Plan shall be adopted and implemented in accordance with the provisions of S. 163.3202, Florida Statutes. The short-term planning timeframe shall be established as up to the year <u>20202025</u>, while the long-term planning horizon shall be the year 2035.

<u>Policy 1.1:</u> Reserved. The City will consider the impacts of climate change and sea level rise when determining the appropriate future land use map classification for property within the City of Cape Coral.

<u>Policy 1.2:</u> The City will regulate the use of land and water to protect State-owned preservation lands, the City's system of fresh and salt-water canals, and the outlying waters of the Caloosahatchee River and Charlotte Harbor.

<u>Policy 1.3</u>: The City will adopt measures to regulate areas subject to seasonal and periodic flooding and will provide for drainage and stormwater management.

<u>Policy 1.4</u>: The City will continue to protect potable water wellfields through the placement of the wellheads in a manner which uses street rights-of-way as buffers. The wellheads will continue to be protected from physical damage by using construction techniques appropriate for their location, such as locating future wellheads adjacent to street rights-of-way. However, due to population densities, it may be necessary to place wellheads in the median in isolated circumstances. Buffering for such locations will be evaluated on an individual site basis to prevent contamination via the wellhead itself.

Policy 1.5: The City will continue to regulate signage to prevent visual blight.

<u>Policy 1.6</u>: Reserved. The City will continue to promote healthy communities and a diverse housing stock so that all persons may have an opportunity to reside in this community. To accomplish this goal, the City supports efforts to balance single-family and multi-family residential stock.

<u>Policy 1.7:</u> Reserved. The City has identified a shortfall of multi-family residential housing stock in the community. To provide better guidance in identifying properties which are appropriate for multi-family residential development, to reduce this shortfall, locational

guidelines have been developed. The following locational guidelines are as follows:

1.) Proximity to major roadways.

To prevent the establishment of multi-family residential development far in the middle of predominantly single-family neighborhoods, an appropriate location for multi-family residential development is adjacent to or within <sup>1</sup>/<sub>4</sub> mile of major roadways such as arterial and collector roadways, as identified by *Figure 7 City Roadway Classifications*.

2.) Proximity to non-residential land uses.

An important consideration for siting multi-family residential development is the need for multi-family residential uses to be in proximity to major employment centers. Providing housing near commercial uses can result in shorter trips, lessened traffic generation by workers, and providing multiple transportation mode options (walking, bicycling, automobile, bus) for employees.

An appropriate location for multi-family residential development is adjacent to or within 1/4 mile of non-residential land uses such as the Commercial/Professional, Light Industrial, Mixed Use, Downtown Mixed, Pine Island Road District, or Commercial Activity Center future land use classifications.

3.) Transitioning from commercial uses to less intense uses.

Multi-family residential uses have traditionally provided a role in buffering singlefamily uses or neighborhoods from nearby commercial development. Multi-family residential development is often self-contained with parking lots which provide a physical barrier visually separating commercial uses, particularly the lighting and loading areas, from single-family residential uses, which is a benefit to the community.

Therefore, an appropriate location for Multi-family residential development is physically between single-family development and non-residential land uses such as the Commercial/Professional, Light Industrial, Mixed Use, Downtown Mixed, Pine Island Road District, or Commercial Activity Center future land use classifications.

<u>4.)</u> Assemblage opportunities and adjacency to existing multi-family residential.

Single, isolated pre-platted parcels provide little opportunity for larger-scale multifamily residential development, and contribute to the same ills that strip center commercial developments offer; a proliferation of driveways onto major roadways.

Therefore, an appropriate location for multi-family residential development is a collection of properties of 3-acres or greater which provide multi-family assemblage opportunities, or

for properties which alone are 3-acres or greater in size. Furthermore, consideration will be given to logical extensions from existing multi-family residential designated properties.

<u>Policy 1.8:</u> The City will maintain regulations ensuring safe and convenient on-site traffic flow and vehicle parking needs for all developed lands.

<u>Policy 1.9</u>: The City will issue no development orders or construction permits, which result in a reduction in the level of service for any affected public facility below the level of service standard adopted in this comprehensive plan.

<u>Policy 1.10:</u> The City will maintain and modify regulations as necessary, which create a Transfer of Development Rights (TDR) mechanism that may be used to acquire lands for public use, and to create commercial and industrial tracts for private use. In utilizing the Transfer of Development Rights (TDR) Program, the City of Cape Coral shall ensure that no net increase in density or increase in hurricane evacuation clearance time will occur within the coastal high hazard area. The City will periodically develop a buildout analysis to assist long-range planning activities. This analysis shall be conducted no less than once per five years and will be available to the public on the City website.

<u>Policy 1.11:</u> The City will continue to conduct studies to ascertain the feasibility of implementing alternative mechanisms to aid and encourage the de-platting of platted lands, and to encourage the acquisition and assembly of land for public uses.

<u>Policy 1.12:</u> The City will continue to conduct commercial land needs studies to identify potential areas of the City, which could accommodate commercially designated land, and then amend the Future Land Use Map, consistent with the studies, findings, and recommendations, and other provisions of the Comprehensive Plan.

<u>Policy 1.13:</u> In establishing commercial siting guidelines, it is the intent of the City of Cape Coral to discourage new "strip commercial" development. Strip commercial development, for the purpose of this policy, is often, but not always, linear in orientation, typically generates high volumes of traffic <u>that is (often associated with separate vehicular entrances and exits for each property on the primary street</u>), may have poor or undefined pedestrian path systems that create conflicts between pedestrian and vehicular movements, and generally lacks sufficient onsite space to accommodate normal parking and loading activities. In discouraging new strip commercial development, the City shall also seek to limit or reduce traffic conflict points along arterial and collector roadways, to promote pedestrian-friendly development, and to create synergistic, compact patterns of commercial development.

To achieve this intent, the City will utilize commercial siting guidelines as a basis for considering the appropriateness of placing the Commercial/Professional (CP), Mixed Use (MX), Commercial Activity Center (CAC), and Highway Commercial (HC) future land use classifications at various locations. "Commercial siting guidelines," in the sense used herein, refers to guidelines for evaluating potential locations for non-residential (except industrial) development within the above-referenced future land use classifications. The City will also complement its consideration of potential commercial lands; by utilizing the policies contained in Future Land Use Objectives 2 and 3 and Policy 1.12 of this comprehensive plan. Finally, the City of Cape Coral's commercial siting guidelines shall

be based on the ideal concept of a "commercial node."

Commercial nodes may be defined as a compact concentration of commercial land within a relatively small area. Ideally, such nodes are located around or in the vicinity of intersections of major city roadways (typically, 4 or more lane divided parkways and boulevards). The City recognizes that commercial areas may periodically develop distant from a major intersection, as some intersections (particularly of arterials and collectors) may have insufficient undeveloped property (in the vicinity of the intersection) to allow for development of larger commercial centers. Such outlying commercial development can be useful in providing neighborhood commercial centers, professional buildings or office parks to serve a variety of local needs.

Preferably, however, commercial nodes should begin as a concentration of commercial properties adjacent to a major intersection. Once the node is established, it is difficult to define how far from the intersection subsequent commercial expansion should reach. It is also difficult to define the types of future land uses that should exist between nodes. The application of hard and fast rules is not appropriate as each area of the City is unique and has specific conditions and limitations that must be addressed.

The ideal commercial node development pattern thus would consist of commercial land located at the intersection of arterial and/or collector streets in a relatively compact manner. The use of the word, "compact," should not be construed to imply that development is small or limited in size. Instead,For purposes of this policy, "compact," relates to the form and interrelatedness of the commercial land uses within the commercial node. The commercial node should not only extend along the roadway but should also incorporate property to the rear of the road frontage. Such a pattern is referred to as "depth." The ideal pattern can be characterized by a 1:1 ratio of width to depth of the parcels (e.g., 100 feet of width per 100 feet of depth). Thus, the shape of the node (e.g., whether square or ribbon) can increase or decrease the potential for interrelatedness of uses. Increased depth also enables the development to accommodate adequate parking, buffering, retention, and open area for commercial development. Ideal commercial nodes provide limited access to the arterial roadway while providing interconnections between the various commercial uses within the node.

<u>Policy 1.14:</u> The City of Cape Coral's commercial siting guidelines are based upon comparison of the locational characteristics of a property proposed for conversion to a commercial future land use classification with the ideal commercial node concept, as described in Policy 1.13, above. The guidelines are also based upon the need to maintain compatibility between commercial development and adjacent or nearby residential future land use classifications. Additional guidance for consideration of such properties is contained in Future Land Use Objectives 2 and 3 and Policy 1.12 of this comprehensive plan. Within this broad, general context, consideration of properties proposed for conversion to a commercial future land use shall be based upon the following commercial siting guidelines:

# **Commercial Siting Guidelines**

Major Intersection

Preferred locations for commercial properties are in the vicinity of major intersections (i.e., intersections of two or more arterial and/or collector roadways). Development of a commercial node at such an intersection may involve multiple parcels and, sometimes, multiple quadrants of the intersection. The benefits derived by having commercial properties located in the vicinity of the intersection diminish with distance, but the distance at which a property ceases to derive benefit from proximity to the intersection varies, based upon whether the subject property would represent a "new, separate" commercial property (a commercial property not abutting any existing commercial properties) or an expansion of an existing commercial area. New commercial properties should preferably be located adjacent to the intersection, while commercial properties that clearly represent an expansion of an existing commercial area can be any distance from the intersection, provided that such properties are integrated with existing properties (see below: Integration).

### Adequate Depth

Ideally, a commercial property should extend not only along the adjacent collector or arterial roadway, but also should extend inward with adequate depth to accommodate the necessary parking, buffering, retention, and open area for the future commercial development. In Cape Coral, most City blocks are rows of back-to-back lots approximately 250 feet deep. IdeallyTherefore, then, adequate depth is achieved if any number of contiguous properties, owned by the same landowner (see Ownership Pattern, below) occupy the entire 250 feet of depth. Adequate depth would not be achieved if the subject properties have different owners or if the contiguous properties are not reasonably compact (see below).

#### Compactness

Compactness measures the ability of a property proposed for a commercial future land use to take advantage of economies of scale. The shape of an ideal compact commercial property approaches that of a square or rectangle. This quality allows for an orderly arrangement of development on the subject property and acts to reduce adverse visual, noise or aesthetic impacts to neighboring properties.

#### Integration

Integration, for the purposes of these guidelines, refers to the interrelatedness of development within a commercial node or area. The presence of features, such as internal access roads, shared parking, courtyards, walkways, or other features, binds the various commercial properties within the node together. This pattern of development reduces the traffic impacts associated with commercial development and often promotes a pedestrian-friendly environment. Integration of neighboring commercial properties should always be encouraged. Therefore, properties proposed for conversion to a commercial future land use should be evaluated for the likelihood that such properties would or could be integrated with adjacent existing commercial properties.

#### Assembly

For commercial areas to provide the most benefit to the surrounding community, they must be of relatively large size. The majority of buildable lots within the City of Cape Coral are approximately 10,000 square feet (0.23 acre) in size. These lots were designed primarily for single family residential development and do not typically have adequate width or depth for larger commercial developments that might serve the City as shopping and/or employment centers. Therefore, it is important for the City to encourage commercial applicants to assemble relatively large parcels (properties comprising 3 acres or more). Assembly of pre-platted parcels into tracts of 3 acres or more will promote the development. Assembly of larger parcels also allows the developer to provide a greater variety of commercial land uses, and to provide architectural and landscape features that result in a more attractive end-product.

Properties proposed for conversion to a commercial future land use, where such properties would represent an expansion of an existing commercial area may be considered "assembled," for the purposes of these guidelines if the proposed expansion properties are either owned by the landowner of one or more adjacent commercial properties, or if the expansion property is likely to be integrated with (see above) adjacent commercial properties.

# Intrusion

"Intrusion," as defined for the purpose of these guidelines, is a measure of the objectionable qualities of the proposed commercial development. This guideline applies primarily to new commercial property (a property proposed for conversion to a commercial future land use in an area where it would not abut existing commercial properties). Intrusion evaluates the potential adverse impacts on surrounding properties that could be caused by converting a property from its existing future land use to a commercial use. There are no hard and fast guidelines for determining when a proposed commercial use would be intrusive to surrounding development. However, expansions of existing commercial areas are generally considered less intrusive to adjacent multi-family development than to adjacent single\_-family development. Commercial development that is separated from a residential area by a street, canal, a vegetative buffer, or other geographic features, may be considered less intrusive to adjacent that directly abuts a residential area. The degree of compactness (see above) of a commercial property can also reduce or increase its intrusion upon adjacent or nearby properties.

Typically, new commercial properties (properties proposed for conversion to a commercial future land use classification, which do not abut existing commercial properties) are less likely to be considered intrusive if the surrounding or adjacent residential areas are sparsely developed. While intrusion is subjective and depends on many factors, a rule of thumb is that the proposed commercial property would not likely be intrusive if adjacent residential areas are 25% or less developed. The area analyzed to determine the percentage of adjacent residential development may vary from 300 feet to 1,000 feet from the subject property, depending upon the degree to which streets, canals, landscaping or other geographic features separate the subject property from nearby residential areas.

Access

In the City of Cape Coral there are two ideal access provisions for a commercial property. If a subject property would meet the requirements for one or more of these provisions, the creation of a commercial future land use at the proposed location should be encouraged. These provisions are as follows:

- Access via a platted City parking area. The City of Cape Coral contains a number of dedicated commercial parking areas; some created by plat, and some deeded to the City by landowners. The Comprehensive Plan and City Land Use and Development RegulationsLand Development Code refer to these as "dedicated City parking areas." These parking areas are often surrounded by smaller platted lots originally intended for commercial development with access to these lots only, or primarily, from the dedicated City parking area. In implementing this provision, it may sometimes be in the City's interest to promote conversion of a dedicated City parking area to a fully functional commercial development (i.e., a portion of the dedicated parking area would become a commercial building site) in return for the applicant's agreement to own and manage the site.
- b) Direct access onto an arterial or collector roadway having an adopted City access management plan. The City has adopted access management plans for certain arterial and collector roadways. Access management plans serve to facilitate mobility of the traveling public; therefore, such roadways more readily accommodate the impacts of commercial development than roadways without such access management plans.

### **Ownership** Pattern

An ideal commercial node is a cohesive, compact, interrelated network of commercial properties. Properties proposed for conversion to a commercial future land use, which properties consist of multiple parcels, or groups of parcels, under multiple ownership are unlikely to develop as a true "commercial node." Instead, these properties are more likely to develop as separate, small commercial developments with multiple access points, leading to adverse, unsafe traffic conditions. Each small development may also have its own stormwater management pond, dumpster, and an appearance and/or landscaping design that is inconsistent with surrounding development. This pattern is a characteristic of strip commercial development—(see Policy 1.13, above). Therefore, the City of Cape Coral encourages land owners and developers to assemble the properties involved in a commercial future land use request under common ownership. Multiple, small properties under separate ownership, even if such properties are included in a single future land use amendment request, may not be appropriate for the full array of commercial uses.

# **APPLICATION OF GUIDELINES:**

### Dual purpose

The dual purpose of the above guidelines is to direct commercial development to appropriate locations (commercial nodes) and to prevent the propagation of new strip commercial centers. The development of new strip commercial centers and the expansion of existing strip commercial centers should be discouraged.

### Comparison to Ideal "Commercial Node"

In utilizing the above guidelines to evaluate a proposed commercial property, the City is, in effect, comparing each proposed commercial future land use location to the concept of an ideal "commercial node." While one of the above guidelines may sometimes be the primary factor in evaluating a potential commercial location, it is in most instances the combination of various factors that is important. It is the evaluation of this combination of factors, in order to develop an overall assessment of the subject property, which will enable Staff, the Planning and Zoning Commission and the City Council to determine whether or not the siting of a proposed commercial future land use on the subject property is consistent with the intent of the City's Comprehensive Plan.

# In context with the remainder of the Comprehensive Plan

It is also important to note that consideration of the commercial siting guidelines is in addition to all other analyses required by Florida Statutes and the Florida Administrative Code for future land use map amendments. In addition to evaluating a property's consistency with the above guidelines, the City will continue to provide, or request applicants to provide, environmental and protected species analysis, transportation impact analysis and public facility capacity (concurrency) review for all future land use map amendments.

The commercial siting guidelines should be considered in light of all other factors typically evaluated within a future land use amendment request. Thus, a request, which results in an unfavorable evaluation of the commercial siting guidelines, may receive a favorable recommendation from staff, based upon other factors not considered by the guidelines. Likewise, staff may recommend denial of a project that receives a favorable evaluation of the guidelines, if other factors (again, not considered by the guidelines) appear not to be favorable.

### **RELATION TO DEVELOPMENT REVIEW PROCESS**

In reviewing a subject property as a proposed location for a commercial future land use, the application of some of the above guidelines may depend upon the reviewer making reasonable assumptions, based upon his or her experiences, concerning the ultimate nature of the proposed land use. A decision as to whether to approve a proposed commercial future land use at a subject location cannot legally be conditioned under Florida Statutes. Therefore, it shall be the function of the City's development review processes to ensure that the plan of development ultimately approved for the subject parcel is consistent with the intent of the City's commercial siting guidelines. In assessing such consistency, the development review process shall consider the following factors:

- A. Integration of vehicular and non-vehicular access into the site and access management features of the site in terms of driveway cuts and cross access between adjacent sites, including use of frontage roads and/or shared access, where feasible;
- B. Buffering from adjacent existing/potential residential future land uses, including, but not limited to site/building design features and impacts of street/right of way

vacations;

- C. The degree of compactness of the subject property, and the impact of the property boundaries on adjacent properties.
- D. Open space provisions and balance of proportion between gross floor area and site size;
- E. Adequacy of pervious surface area in terms of drainage requirements;
- F. Placement of signage;
- G. Adequacy of site lighting and intrusiveness of lighting upon the surrounding area;
- H. Safety of on site circulation patterns (patron, employee and delivery vehicles), including parking layout and drive aisles, and points of conflict;
- I. Landscaping, as it relates to the requirements of the Comprehensive Plan and Land Use and Development Regulations;
- J. Unique features and resources which may constrain site development, such as soils, existing vegetation and historic significance; and
- K. With regard to issues of public facility capacity, there are a number of issues associated with City utility systems (potable water, wastewater and irrigation). These systems do not yet exist within most of the City's Urban Reserve Services Area, while in other areas, the utility systems were designed to serve residential development and may be incapable of handling the demands presented by a large commercial project. Since future land use map decisions, by State Statute, cannot be conditioned upon an applicant's agreement to construct or repair public facilities (or, for that matter, any other factor), it is important for the City's development in relation to the adequacy of the utilities infrastructure that would serve the project. Development approvals should be conditioned upon the applicant constructing, or otherwise contributing to the construction of, the necessary public utilities.
- L. Impacts of existing or projected transportation infrastructure on the proposed location.
- M. Whether the project has been submitted as a Planned Development Project (PDP), Site Plan, <u>Planned Unit Development</u>, or enhanced buffering project and how such submittal affects the above factors (A – L).
- N. Other factors as may be required by the Land Use and Development Regulations.

<u>Policy 1.15:</u> Land development regulations adopted to implement this comprehensive plan will be based on, and will be consistent with, the standards for uses and densities/intensities as described in the following future land use classifications. <u>Table 1</u>

shows the zoning districts which are consistent with and implement the respective future land use map classifications.- In no case shall maximum densities allowable by the following classifications conflict with Policy 4.3.3 of the Conservation and Coastal Management Element regulating density of development within the Coastal High Hazard Area.

Table 1:

Future Land Use	Consistent Zoning Districts
Single-Family (SF)	<u>R-1, RE</u>
Single-Family and Multi-Family (SM)	<u>R-1, RML, RMM, RE, A</u>
Multi-Family (MF)	<u>RML, RMM</u>
Low Density Residential (LDR)	<u>RE, A</u>
Commercial/Professional (CP)	<u>C, P</u>
Mixed Use (MX)	ALL except MXB
Downtown Mixed (DM)	<u>SC, MXB</u>
Pine Island Road District (PIRD)	<u>CC</u>
Commercial Activity Center (CAC)	NC
Light Industrial (I)	Ī
Natural Resources/Preservation (PRES)	PV
Public Facilities (PF)	ALL
Parks and Recreation (PK)	ALL except MX7 and MXB
Open Space (OS)	PV

<u>Planned Unit Developments are considered to be consistent in all future land use map classifications</u> <u>except Natural Resources/Preservation and Open Space.</u>

a. <u>Single--Family Residential:</u> Sites of 10,000 square feet and greater, with <u>D</u>densities not to exceed 4.4 units per acre, except for micro-cottage communities. Densities in micro-cottage communities are restricted to 8.8 units per acre, for sites with a minimum of 3 acres.

The Single Family (R-1) District is proposed to permit a variety of single-family residential products including traditional single-family residences and microcottages.

b. <u>Multiple--Family Residential:</u> Not more than<u>Densities up to 16-25</u> units per acre are permitted in this future land use map classification. For properties less than one acre in size, densities shall be calculated as a product of the size of the property divided by 43,560, multiplied by 25, rounded down. (Exception: the City may permit as many as 20 units per acre as an incentive for the assembly of large parcels). The development of multi<del>ple</del>-family projects in the Urban Services Reserve Area is also subject to the terms of Policies 7.7 and 7.8, below.

The Residential Multi-Family Low (RML) District is designed to permit multifamily residential development. Single-family attached projects, (three or more units only), single--family residences, and duplexes are also permitted in this zoning district. The Residential Multi-Family Medium (RMM) District is designed to permit higherdensity multi-family residential development. Lower-density, multi-family residential projects such as duplexes or single-family residences are not permitted in this zoning district.

Multi-family residential developments in this future land use map classification that consist of 25-50% workforce or affordable housing, as determined by staff, may have their allowable densities doubled.

c. <u>Commercial/Professional (CP)</u>: Intensities of use in the Commercial/Professional (<u>CP</u>) land use classification shall not exceed a floor to lot area ratio (FAR) of 1.0. Density, as permitted within the Flexible Development Overlay District (see below), shall not exceed 16 units per acre. (Note: Zoning districts compatible with this classification may also be used in conjunction with the Mixed Use (MX) future land use classification. When used in conjunction with the MX Classification, densities, intensities and other parameters, as described for these districts may differ from those described for the CP Classification.) Permitted uses will ultimately depend upon the zoning district of the subject parcel. Generally, three two zoning districts are found inconsistent with the Commercial/Professional future land use classification, identified below. However, the City may develop additional zoning districts, compatible with the CP future land use classification, in the future.

The Professional Office (P-1) District is designed to provide professional office and other compatible development in areas that are suitable for such activities. The P-1-District is appropriate for development of both small-scale and largescale office or professional development projects, or projects containing uses compatible with such development. The intensity of development within this district is based upon the size (including width, depth, and compactness) and location of the subject property, as well as on compatibility with adjacent future land use classifications and zoning districts.

The Professional Business (P-2) District is designed to promote the development of major professional and related office complexes that complement nearby commercial and professional development, and to allow a limited array of commercial uses generally compatible with professional uses. The P-2 District is particularly suitable in neighborhoods adjacent to Pedestrian Commercial (C-1) Districts where there is good potential for walkability between office uses, food services, and certain other businesses that provide services to the owners, employees, and patrons of the office and professional uses developed in an urban form. Preferred locations for the P-2 District are neighborhoods consisting of multiple blocks; however, the District may also be suitable for the establishment of smaller areas, where intense professional or compatible development is warranted.

The Pedestrian-Commercial (C-1) District is designed to facilitate a broad variety of large or small commercial uses. Uses allowed in the C-1-District range from a variety of small or neighborhood-based commercial uses to larger retail or service uses, which may serve a relatively large trade area and, which may be developed as major

shopping facilities. As many commercial uses have the potential to generate relatively high levels of vehicular trips from customers and sometimes delivery vehicles, preferred locations for the C-1-District have direct access onto arterial or collector roads and adequate depth (a minimum of 250 feet) for larger- scale development.

In certain locations, fragmented ownership of relatively small properties, or other factors, may preclude the creation of larger properties with access onto a collector or arterial roadway. Under such circumstances, it may be appropriate for the C-4 Zoning District to place additional limits on the intensities of commercial development on these properties. It may also be appropriate, under certain circumstances to place restrictions on some commercial uses, such as those with high trip generation rates, adverse aesthetic attributes, and generation of disturbing noises or odors. Factors to consider when establishing such limits on intensities or uses include the following: the depth of the property, whether the property is adjacent to a waterway, whether the property is adjacent to or proximate to future land use classifications or zoning districts that allow residential uses, and/or the functional classification of street(s) available for street access. The placement of limitations upon the types and intensities of uses allowed within the C-4-Zoning District, in accordance with the factors described above, is intended to reduce conflicts between the C-4-District and adjacent or nearby residential zoning districts.

The Flexible Development Overlay District has been established for properties with a Commercial/Professional future land use classification to allow multi-family uses and zoning districts in addition to commercial and professional uses and zoning districts (such as P-1, P-2, and C-1), in order to promote compatibility and continuity of development between residential and non-residential development within the Flexible Development Overlay District and with surrounding uses. The Flexible Development Overlay District is designed for areas with a Commercial/Professional future land use classification and with one or more of the following characteristics: 1) the area has frontage on one or more local streets (functional classification) regardless of whether properties within the area are assembled with properties that have frontage on arterial or collector roadways; 2) the area is developed, sometimes sporadically, with multi family uses, or 3) properties in the area are precluded from attaining at least 250 feet in depth due to the presence of a platted waterway or other constraints. The Flexible Development Overlay District will be illustrated on the Future Land Use Map.

Development within the Flexible Development Overlay District (FDOD) shall not exceed a floor to lot area ratio (FAR) of 1.0. The density of multi-family residential uses for any property within the Flexible Development Overlay District shall not exceed 16 units per acre. At a minimum, twenty-five percent (25%) of the land area of each independent geographic area having the FDOD classification must include, 25% nonresidential development, with multi-family residential development making up the remainder. Any geographic area within the FDOD that is separated from another area within the FDOD by a street (other than an alley), or a platted waterway, shall be considered an independent geographic area within the FDOD, an individual property can be developed with multi-family uses as long as the geographic area within which it is located can achieve the minimum nonresidential component. Development in the Flexible Development Overlay District may be held to certain design standards to ensure compatibility and continuity. Use of the Flexible Development Overlay District shall not be allowed within the Coastal High Hazard Area (CHHA).

- d. <u>Highway Commercial:</u> Shall not exceed a floor to lot area ratio of 1.0.
- <u>de</u>. <u>Light Industrial:</u> Shall not exceed a floor to lot area ratio of 1.0.
- ef. <u>Mixed--Use:</u> The mixed\_-use designation is intended to encourage the development of planned projects that include more than one type of use. The baseline-maximum permitted densities/intensities of various uses within the mixed\_-use designation will be 4.425 dwelling units per acre for a residential component and 0.51.0 FAR (Floor Area Ratio) for nonresidential uses. For example, a project combining multi-family and commercial uses would be subject to Policies 1.15.b. and/or 7.7 for the multifamily portion, and Policy 1.15.c. or 1.15.d for the commercial portion. Additional residential density, up to sixteen dwelling units per acre and additional nonresidential development, to the total maximum FAR permitted would be available through participation in development incentive programs and/or participation in the City's Transfer of Development Rights (TDR) program.

Development incentives and bonuses are discretionary, not entitlements, and are dependent upon meeting the criteria for each bonus provision as described in policy 1.20 of the Future Land Use Element and the City of Cape Coral's Land Use and Development Regulations, as may be amended from time to time. However, in the Urban Services Reserve Area, where central water and sewer are not available, residential uses are restricted to 4.4 dwelling units per acre and nonresidential uses are limited to uses that do not generate an estimated flow of more than 1320 gallons of sewage per acre per day. Estimated flows shall be based on 64E 6.008 Florida Administrative Code, as may be amended from time to time.

All development of property greater than one (1) acre in size with the MixedUse Future Land Use Classification will be required to be reviewed through the Planned Development Project (PDP) process or a successor review process.

The following will control the mix of uses allowed in the Mixed\_-Use Land Use category.

**Properties less than one (1) acre:** The designation of smaller properties as Mixed\_-Use is desired to encourage the accumulation of land into large properties. However, in some cases assemblage is difficult due to existing development. In these situations, a property with a Mixed\_-Use future land use classification may be developed with one use, which is also consistent with its underlying zoning district.

Properties one (1) acre and greater: Larger properties are prime candidates for mixed use developments. These properties shall include more than one type of

use. The mix of uses may include residential, retail, office, services, light industrial <u>or</u>, preservation/open space, public facilities, parkland, or historical resources. Such uses may be mixed horizontally on a site or may be within a compound use building, (i.e. differing uses within one building or structure), consisting of residential and retail office, and/or services. For Mixed\_-Use developments adopted after October 23, 2010, retail, office, services, light industrial, preservation/open space, or public facilities, parkland, or historical resources uses may be developed up to 100% of building floor area within a Mixed\_-Use property; this will have the intended effect of not requiring a mix of <u>non-residential</u> uses for properties one (1) acre or greater in size. Stand-alone residential uses may comprise up to 20% of <del>building floor</del> <u>site</u> area of a Mixed\_-Use property one (1) acre or greater in size. Compound use residences are permitted, as discussed further in this policy and also per Policy 1.23 of the Future Land Use Element.

Notwithstanding any provisions that may be interpreted to the contrary, Mixed-Use developments approved prior to October 23, 2010 may continue to abide by the development requests granted within their respective adopted development orders or approved site plans. Furthermore, Mixed-–Use properties located in the Urban Services Reserve Area require three (3) acres in order to develop a mixed-–use project. Mixed Use designated property in the Urban Reserve Services Area less than three acres is limited to a single use that does not generate an estimated flow of more than 1,320880 gallons of sewage per acre per day. Estimated flows shall be based on 64E-6.008 Florida Administrative Code, as may be amended.

Compound uses may be developed provided both of the following standards are met:

- (1) The property must be zoned as Pedestrian Commercial (C-1), Professional Office (P-1), or as one of the mixed use zoning districts as appropriate to allow for compound uses.
- (2) They must be developed only as part of a Planned Development Project (PDP), or through specific development standards in mixed use zoning districts

Multi-family residential developments within this future land use map classification that consist of 25-50% workforce or affordable housing, as determined by staff, may have their allowable densities doubled.

<u>gf.</u> Single Family and Multi-Family-by PDP: The densities and intensities of use for this category, which is exclusively within the Urban Services Reserve Area, are those established in Future Land Use Element Policies 1.15.a, 1.15.b, 7.4 and 7.7. 4.4 dwelling units per acre for single-family residential uses, 6 units per acre for multi-family residential uses on sites less than 3 acres. Multi-family residential uses for properties between 3 and 19.99 acres have a maximum density of 16 units per acre. Multi-family residential uses for properties greater or equal to 20 acres have a density of 25 dwelling units per acre.

Multi-family residential developments within this future land use map classification

that consist of 25-50% workforce or affordable housing, as determined by staff, may have their allowable densities doubled.

hg. <u>Natural Resources/Preservation:</u> The areas designated on the Comprehensive Plan's Future Land Use Map for Natural Resources/Preservation primarily consist of Stateowned and/or regulated land. Development in these areas is limited to activities to make them accessible to the public for research and/or recreational purposes. Such activities would include accessways, nature trails, informational signs or displays, restroom facilities, picnic tables/shelters, beaches and boat ramps.

Privately-owned properties with this future land use map classification may develop at a density of one dwelling per 20 acres.

- <u>Public Facilities:</u> The majority of the public facilities category consists of schools, public safety buildings, and religious establishments. Each school site designated includes an indication of the type of school: High School (H), Middle School (M), Elementary School (E) and Community College (CC). These designations provide the density/intensity of use anticipated on each site. Similarly, every House of Worship (W) designation establishes a density/intensity of use for the site. Each site designated for House of Worship (W) must contain a minimum of one acre (unless the site is located in the Urban Services Reserve Area, then, consistent with Policy 7.4, a three (3) acre minimum is required). Government offices must conform to the Commercial/Professional densities/intensities of use.
- <u>ji</u>. <u>Parks & Recreation</u>: The densities/intensities of use for various parks and recreational facilities are those established in the Recreation and Open Space Element of this Comprehensive Plan, under the Section entitled "The Plan for Recreation and Open Space in Cape Coral<u>"</u>-and the Parks Master Plan.<u>"</u>
- **kj**. <u>Historical Resources:</u> As noted in the Comprehensive Plan, most identified historic resources are located within the Natural Resources/ Preservation land use designation, and are therefore subject to the densities/intensities of use specified in Future Land Use Element Policy 1.13gh.
- Downtown Mixed: Intended primarily for the Downtown Community <del>l</del>k. Redevelopment Area, to provide, a vibrant, walkable, mixed-use district in the historical heart of Cape Coral, mixed-use projects containing commercial and professional uses in conjunction with multi-family housing opportunities where practical and feasible are encouraged. To this end, commercial/professional uses may develop at a maximum Floor Area ratio of four (4) with an average area-wide FAR of two and twenty-three one hundredths (2.23) with commercial/professional uses developed at a ratio of sixty-five (65) percent commercial and thirty-five (35) percent professional, on an area-wide basis. Residential development may develop at a density of forty-seventy-five (4075) dwelling units per acre, not to exceed an aggregate of eleven thousand one hundred forty-six (11,146) dwelling units. In order to maintain these development limits, the City shall track residential and nonresidential development within this future land use map classification. No further residential development will be permitted in this future land use classification should dwelling unit limits be reached. If the average area-wide FAR of two and twenty-

three hundredths (2.23) is reached, the City will permit only that nonresidential development with a FAR of 2.23 or below. Development at these intensities and densities are contingent on the availability of centralized city utility services and transportation network at sufficient capacities to accommodate the development at the appropriate level of service, the availability of sufficient and convenient parking to service the project, the availability of multimodal transportation opportunities, and compatibility with adjacent existing and future land use. Special zoning designations may be established to implement this future land use classification, designed to result in a compact urban form.

Zoning districts consistent with the Downtown Mixed future land use map classification are the South Cape Downtown District and the Mixed-Use Bimini Basin zoning district.

<u>ml</u>. <u>Pine Island Road District:</u> <u>Under this land use designation, at least two distinctive</u> zoning categories will be allowed: Village and Corridor zoning. The Village zone is intended to promote maximum pedestrian friendliness and minimal automobile traffic between residential areas, shopping destinations, a variety of entertainment establishments, and employment opportunities. The Corridor zone designation will be placed on the land located between the Villages and will include larger scale, less pedestrian-oriented uses. This Land Use designation will encourage mixed-use development at key intersections with major North-South streets along Pine Island Road. The Pine Island Road District will be defined as the union of two major mixed use areas defined as follows:</u>

**Village:** Provides for compact urban centers promoting maximum pedestrian friendliness and minimal automobile traffic between residential areas, shopping destinations, a variety of entertainment establishments, and employment opportunities. It is designed to encourage "park once" decisions for destinations with a mix of commercial, office, multi-family residential and civic uses. The mix of uses may be within the same building, where for example, housing is located above commercial uses such as shops or offices, offices are located over retail, or in a wider perspective where multi-family development abuts commercial or office buildings. Residential uses are encouraged with densities not to exceed 24 dwelling units per acre and commercial uses shall not exceed a floor area ratio (FAR) of 1.25 in accordance with City design standards.

**Corridor:** The land located between the Villages and iIncludes such uses as, retail, office, office/warehouse, light manufacturing, institutional (schools, colleges), single\_-family residential, multi-family residential-golf\_courses, larger scale commercial retail (big box stores over 50,000 square-feet) and government uses such as parks and public facilities. <u>Multi-family residential uses may be developed at a density of twenty-five units per acre, for sites of four acres or more. Multi-family residential uses may consist of no less than fifty units or have a density no less than ten or more units per acre. No duplexes are permitted. Commercial and light manufacturing uses shall not exceed a floor to lot area ratio (FAR) of 1.25 in accordance with City design standards. Public facilities shall be subject to Policy 1.15.<u>hi</u>., of the Future Land Use Element and parks and recreation shall be subject</u>

to Policy 1.15.<u>ij</u>. of the Future Land Use Element.

Multi-family residential developments within this future land use map classification that consist of 25-50% workforce or affordable housing, as determined by staff, may have their allowable densities doubled.

At build-out, the mix of uses along the Pine Island Road District shall be under the following ranges:

RANGE			
Use	Units	From	То
Retail	SF	3,583,500	4,379,700
Office/warehouse/ light manufacturing	SF	1,144,800	1,582,500
Hotels	Rooms	700	790
Residential	Units	3,720	5,030

# Pine Island Road District. Build-Out Mixed-Use Ranges

The criteria to be used for evaluating proposed <del>Village and</del> Corridor zonings in relation to the intent of the City<del>'s</del> Comprehensive Plan, the Pine Island Road Master Plan and other planning principles are contained in the following tables:

# Village Criteria

CRITERIA	PERFORMANCE
1.Does the property abut an existing zoned and developed village?	If yes, good candidate for Village zoning.
<ul> <li>2. Is the property located at one of the following intersections:</li> <li>Del Prado Boulevard</li> <li>Santa Barbara Boulevard</li> <li>Surfside Extension</li> <li>Cultural Park Boulevard</li> <li>Nicholas Parkway</li> <li>Burnt Store Road</li> </ul>	If yes, good candidate for Village zoning.
3. Is the access to the property from a signalized intersection on Pine Island Road or at an intersection between the North-South collector and the parallel access road as reflected on the Master Concept Plan?	If yes, good candidate for Village zoning.
4. If the property is not abutting a currently zoned village, is the subject property at least 3 acres in size?	If yes, good candidate for Village zoning.
5. If the property is not abutting a currently zoned village, is the subject parcel at least 400 feet in depth?	If yes, good candidate for Village zoning.
6. If the property is not abutting a currently zoned village, is the subject parcel at least 350 feet wide?	If yes, good candidate for Village zoning.
7. Is the parcel a large scale lot assembly?	If yes, good candidate for Village zoning.

# **Corridor Criteria**

CRITERIA	PERFORMANCE
1. Does the property abut an existing and	If yes, good candidate for
developed corridor zoned area?	Corridor zoning.
2. Does the property abut corridor-zoned	If yes, good candidate for
area on two sides or more?	Corridor zoning.
3. Is the property part of a larger tract, a	If yes, good candidate for
portion of which is already zoned	Corridor zoning.
Corridor?	
4. Is the proposed corridor development	If yes, good candidate for
located within any of the areas not	Corridor zoning.
designated as village in the Pine Island Road	
Master Plan? Is the parcel a large-lot	
assemblage of three or more acres?	
5. Can this property be rezoned to Corridor	If yes, good candidate for
without creating an enclave within the	Corridor zoning.
Village zoning?	
6. Can this property be rezoned to Corridor	If yes, good candidate for
without compromising the integrity of the	Corridor zoning.
village in which it is located?	
7 <u>5</u> . Does the property front Pine Island Road	If yes, good candidate for
on at least 180 feet?	Corridor zoning.

**m**<u>m</u>. <u>Commercial Activity Center (CAC)</u>: The purpose of this future land use classification is to promote non-residential and mixed-use development at key locations, within close proximity to major corridors throughout the City of Cape Coral in areas where a mix of uses may be developed. The Commercial Activity Center classification is a mixed-use classification designed to minimize the need for vehicle trips through the development of both residential and non-residential uses in a single project. Furthermore, the purpose of the Commercial Activity Center is to integrate all uses through landscape, site, and architectural design standards. In addition, the Commercial Activity Center land use classification is intended to provide locations that offer employment opportunities and daily goods and services to the local community and, in some instances, attract patrons from the region. Commercial Activity Centers are intended to be pedestrian friendly and interconnected with adjacent projects – whether residential or non-residential.

### Pre-Existing Single\_-Family Residences Allowed

It is the desire of the City of Cape Coral to protect the rights of owners of single family homes located within a Commercial Activity Center (CAC), which homes had either:

a) Been lawfully constructed, or had applied for or received a building permit at their current locations prior to the designation of the subject as part of a CAC future land use classification; or,

b) Been lawfully constructed, or had applied for or received a building permit at their current locations under a former CAC future land use classification.

In this classification single family residences that meet the criteria stated above may continue to be maintained, remodeled, expanded, or rebuilt, and that the owners of such properties may continue to enjoy all of the rights, privileges and responsibilities of home ownership, including the ability to sell or rent their homes to other parties. In and of themselves, pre-existing single-family residences do not necessarily constitute **Free-Standing Residential** development, unless they otherwise meet the criteria for such development, as discussed under **Use Area Allocations**, below. If pre-existing single-family residences, as defined in this section, are included as part of a larger approved development project, the pre-existing status of the residences is lost, and such residences become subject to the City Land Use and Development RegulationsLand Development Code-regarding non-conforming structures.

#### **Detached Properties**

Development of duplex and multi-family residential uses in the Commercial Activity Center is permitted for properties that are deemed to be detached, in order to promote compatibility and continuity of existing development. Detached properties are those that share specific features that constitute obstacles to non-residential development, such as physical or topographical constraints, significant residential development patterns in the vicinity, relatively small property area, and lack of viable access to collector or arterial roads. Criteria used to determine whether a property is a detached property shall be defined in the Land Use and Development Regulations.

If deemed a detached property, the property shall be identified as such in the City's records. Owners of such properties may continue to enjoy all of the rights, privileges, and responsibilities of home ownership, including the ability to sell or rent their homes to other parties. Development of duplex or multi-family uses within detached properties shall be permitted with a maximum density of 16 units per acre.

#### **Density, Intensity, and Use Area Allocations**

As an incentive for land assembly, the allowable densities, intensities, and use area allocations within a Commercial Activity Center vary with the land area within the development project. The land area within a development project is determined by the land area encompassed by a single application for development project approval. A development project approval can consist of one or more properties that are the subject of a single application for development including, but not limited to, a Planned Development Project or Site Plan. Amendment of an approved development project to expand or contract the land area does not alter its status as a single application for development project approval. If an application for development consists of properties that are not contiguous, the application must demonstrate that the properties function as a unified development. If the application for development approval is a Planned Development Project that includes a request for vacation of right-of-way, then that portion of the vacated area of right-of-way, which would be owned or controlled by the project development, can be included in the development project size calculation.

**Density:** In development projects that qualify for residential uses (see below), the baseline residential density shall be 4.4 dwelling units per acre. The baseline density is the maximum density available to projects that are not eligible to receive density exceeding the baseline density, or to projects that are eligible but that do not participate in the Development Incentive Program (DIP) or Transfer of Development Rights (TDR) Program.

In order to be eligible to receive density exceeding the baseline density through the Transfer of Development Rights (TDR) Program and/or the Development Incentive Program (DIP), a development project within a Commercial Activity Center (CAC) must consist of at least 5 acres of contiguous platted lots, or platted or unplatted tract(s), or any combination thereof.

If the above criterion has been met, the project becomes eligible to seek density exceeding the baseline density through the TDR Program, the DIP, or a combination of the two programs. To derive density exceeding the baseline density through the TDR Program or DIP, an applicant must complete the processes identified within the City of Cape Coral Land Use and Development Regulations.

If the applicant for density exceeding the baseline density opts to participate in the City of Cape Coral's Development Incentive Program (DIP), the applicant would be required to contribute to the City of Cape Coral's Public Improvement Fund (PIF) in an amount sufficient to qualify for 25% (or between 25% and 50% for projects that meet the criteria to provide up to 50% of the differential between the baseline and maximum permitted density and/or intensity in any DIP category) of the credit points necessary to attain the density exceeding the baseline density. Such contribution to the PIF category shall be counted as a creditable activity required to support the application for increased density. Administration, collection, and disbursal of monies within the fund are set forth in the Land Use and Development Regulations.

**Intensity:** The baseline intensity of non-residential uses shall be a Floor Area Ratio (FAR) of 0.5, regardless of the size of the development. The baseline intensity is the maximum intensity available without participation in the Development Incentive Program (DIP) and/or Transfer of Development Rights (TDR) Program. Increases above the baseline intensity may be permitted, up to the maximum Floor Area Ratio (FAR) of 2.0, regardless of the size of development, through participation in the Development Incentive Program (DIP) and/or Transfer of Development Rights (TDR) Program. Note that, if the CAC project developer is only seeking an intensity increase (and not a density increase), said developer is not subject to the eligibility requirement, as referenced above under **Density**, and is neither required to participate nor prohibited from participation in the Public Improvement Fund (PIF).

#### Limitations on Density and Intensity within CACs

In the Urban Services Reserve Area, where central water and sewer are not available, residential uses are restricted to 4.4 dwelling units per acre and non residential uses are limited to uses that do not generate an estimated flow of more than 1,320 gallons of sewage per acre per day. Estimated flows shall be based on 64E-6.008 Florida Administrative Code, as may be amended from time to time.

**Use Area Allocations:** All land areas within a CAC shall be categorized as one of the three following use areas:

1) Free-standing Non-Residential;

Free standing non residential areas include the footprint and land areas associated with buildings that contain no residential units.

2) Free-standing Residential;

Free-standing residential areas include the footprint and land areas associated with buildings that contain residential units and buildings that contain non-residential floor area usage that is less than thirty (30) percent of the building's floor area. In calculating the floor area of the building, the total floor area of the building is the floor area of the building remaining after the area of any structured parking is excluded. Also, any pre-existing single-family residences do not necessarily constitute Free-Standing Residential development, unless such residences otherwise meet the criteria for such development.

3) Compound Use.

Compound use areas include the footprint and land areas associated with compound use buildings that, for the purposes of this section, are defined as buildings with at least thirty percent (30%) of their floor areas allocated to non-residential uses. In calculating the floor area of the building, the total floor area of the building is the floor area of the building remaining after the area of any structured parking is excluded.

The land area that may be allocated to any of the 3 use area allocations varies with the size of the development project, with generally increasing flexibility as a function of the total land area of the development. Densities and intensities associated with any of the three use area categories apply only to the land area of the project that is allocated to that specific use. In determining the land area within any of the three use area allocations, the area of any common areas, including, but not limited to, areas for surface water management, parking, landscaping, and circulation, shall be apportioned among the three use area allocations in the same proportion as the non-common areas relate to the area of the development project, excluding common areas.

## Development Projects Less Than 5 Acres in Area

#### Free-standing Non-Residential:

Free standing non residential areas are not required but may constitute up to 100 percent of the development project area. Increases above the baseline intensity of 0.5 may be permitted, up to the maximum Floor Area Ratio (FAR) of 2.0, regardless of the size of development, through participation in the Development Incentive Program (DIP) or Transfer of Development Rights (TDR) Program.

#### Compound Use:

Compound Use areas are not required but may constitute up to 100 percent of the development project area. No increases above the baseline density of 4.4 units per acre may be permitted.

### Freestanding Residential:

Free-standing residential areas are not allowed, except on sites identified as a "detached property".

#### Development Projects 5 acres or larger, but less than 10 acres

#### Free-standing Non-Residential:

Free standing non residential areas are not required but may constitute up to 100 percent of a development project area. Increases above the baseline intensity of 0.5 may be permitted, up to the maximum Floor Area Ratio (FAR) of 2.0, regardless of the size of development, through participation in the Development Incentive Program (DIP) or Transfer of Development Rights (TDR) Program.

### Compound Use:

Compound Use areas are not required but may constitute up to 100 percent of a development project area. Increases above the baseline density of 4.4 units per acre may be permitted, up to the maximum density allowed (10 units per acre), through participation in the Development Incentive Program (DIP) and/or Transfer of Development Rights (TDR) Program. To be eligible for densities above the baseline density, the development project must meet the requirements contained under **Density**, above.

#### Freestanding Residential:

Free standing residential areas are not required but may constitute up to 100 percent of a development project area. Only multi-family residential development shall be permitted as freestanding residential.

### Development Projects 10 acres or larger, but less than 20 acres

#### Free-standing Non-Residential:

Free standing non-residential areas are not required but may constitute up to 100 percent of a development project area. Increases above the baseline intensity of 0.5 may be permitted, up to the maximum Floor Area Ratio (FAR) of 2.0, regardless of the size of development, through participation in the Development Incentive Program (DIP) or

## Transfer of Development Rights (TDR) Program.

## Compound Use:

Compound Use areas are not required but may constitute up to 100 percent of a development project area. Increases above the baseline density of 4.4 units per acre may be permitted, up to the maximum density of 16 units per acre. To be eligible for densities above the baseline density, the development project must meet the requirements contained under **Density**, above.

### Freestanding Residential:

Free-standing residential areas are not required but may constitute up to 100 percent of a development project area. Only multi-family residential development shall be permitted as freestanding residential.

### Development Projects 20 Acres or Larger

## Free-standing Non-Residential:

Free-standing non-residential areas are not required but may constitute up to 100 percent of a development project area. Increases above the baseline intensity of 0.5 may be permitted, up to the maximum Floor Area Ratio (FAR) of 2.0, regardless of the size of development, through participation in the Development Incentive Program (DIP) or Transfer of Development Rights (TDR) Program.

### Compound Use:

Compound Use areas are not required but may constitute up to 100 percent of a development project area. Increases above the baseline density of 4.4 units per acre may be permitted, up to the maximum density of 20 units per acre. To be eligible for densities above the baseline density, the development project must meet the requirements contained under **Density**, above.

## Freestanding Residential:

Free-standing residential areas are not required but may constitute up to 50 percent of a development project area. Only multi-family residential development shall be permitted as freestanding residential.

Table of CAC Development Parameters					
	Land Area of Development Project				
	<del>Less than</del> <del>5 acres in</del> <del>area</del>	5 acres or larger, but less than 10 acres	10 acres or larger, but less- than 20- acres	<del>20 or</del> <del>more</del> acres	
Free-Standing Non-Residential					
Area					
(not including Compound Use)	0.04	0.04	0.04	0.04	
Minimum	0%	0%	<del>0%</del>	0%	
Maximum	<del>100%</del>	100%	100%	100%-	
Minimum Intensity	$0.5^{2}$	$0.5^2$	$0.5^2$	$0.5^2$	
Maximum Intensity	$\frac{2.0^2}{2.0^2}$	$2.0^{2}$	$\frac{2.0^2}{2.0^2}$	$\frac{2.0^2}{2.0^2}$	
Compound Use					
Minimum Area	0%	0%-	0%	0%	
Maximum Area	<del>100%</del>	<del>100%</del>	<del>100%</del>	<del>100%</del>	
Baseline Density (dwelling					
units(DU)/acre)	<del>4.4</del>	4.4 <sup>1,3</sup>	4.4 <sup>1,3</sup>	4.4 <sup>1,3</sup>	
Maximum Density DU/acre)	Not				
	allowed	$10.0^{1,3}$	<del>16<sup>1,3</sup></del>	$20.0^{1,3}$	
Free-Standing Residential					
Minimum Area	0%	0%	0%-	0%	
Maximum Area	<del>100% a</del>	<del>100%</del>	<del>100%</del>	<del>50%</del>	
Maximum Density	<del>-16ª</del>	<del>163</del>	<del>163</del>	<del>163</del>	
( <del>DU/acre)</del>					

Increases in density above the baseline density are permitted only through participation in the Development Incentive Program (DIP) and/or the City's Transfer of Development Rights (TDR) program, as described under **Density**, above.

- 2 Increases above the baseline intensity of 0.5 may be permitted, up to the maximum Floor Area Ratio (FAR) of 2.0, regardless of the size of development, through participation in the Development Incentive Program (DIP) /or Transfer of Development Rights (TDR) Program.
- 3 In the Urban Services Reserve Area, where central water and sewer are not available, residential uses are restricted to 4.4 dwelling units per acre and non-residential uses are limited to uses that do not generate an estimated flow of more than 1,320 gallons of sewage per acre per day. Estimated flows shall be based on 64E-6.008 Florida Administrative Code, as may be amended from time to time.
- <sup>a</sup> Detached Properties only.

The City has adopted the <u>Marketplace ResidentialNeighborhood Commercial</u> (<u>MRNC</u>) zoning district as consistent with the Commercial Activity Center Future Land Use Classification. Additional zoning districts may be developed in the future to implement this land use initiative.

Multi-family residential developments within this future land use map classification that consist of 25-50% workforce or affordable housing, as determined by staff, may have their allowable densities doubled.

Although, the Pedestrian Commercial (C-1) and Professional Office (P-1) zoning districts were formerly considered to be consistent with, but generally discouraged within, the Commercial Activity Center future land use classification, these zoning districts are currently considered to be inconsistent with the CAC Future Land Use Classification.

- o. <u>Low Density Residential I:</u> This land use classification allows for a maximum density of one (1) dwelling unit per 20,000 square feet, excluding right-of-way.
- <u>np.</u> <u>Low Density Residential-II:</u> This land use classification allows for a maximum density of one (1) dwelling unit per 40,000 square feet, excluding right-of-way.
- <u>Mixed Use Preserve District (MUP)</u>: The purpose of this future land use <del>q</del>. classification is to promote non residential and mixed use development intended to create additional employment opportunities while requiring preservation and open space standards that would protect significant environmental resources on or near the property. Because of differing characteristics of properties within the MUP, five different classes are established that provide the allowable uses within each class. Four of these five classes are Urban classifications, and the fifth class is a Conservation classification. Within each Urban class, sub-designations, referred to as types, are established that provide the proportions of the allowable nonresidential and residential uses. The differing characteristics of properties include environmentally sensitive areas on or near the property, land use, development and environmental objectives for a given area, the potential for connectivity to the surrounding major road network, the relative size of the property, the nature of surrounding uses, and the capacity of infrastructure to serve the properties. Every property with a Mixed Use Preserve designation will also have a class and a type designation, with the exception of the Conservation class. Conservation areas are designated within the MUP as a separate classification, and permit low density residential uses, although such uses must be transferred to uplands unless there is a judicial determination that not allowing such development would constitute a <del>"taking."</del>

Properties located within any of the MUP classification types can only be developed as a Planned Development Project (PDP), as detailed in the Cape Coral Land Development Regulations. Clustering of development areas is required in order to preserve, to the greatest extent practicable, the natural features of the property being developed. Single family detached subdivision style residential development is not permitted in the Mixed Use Preserve north of Pine Island Road, although a single family residence may be permitted in those limited circumstances necessary to avoid a taking.

**1. URBAN MUP CLASSES:** The mix of uses permitted in the four urban MUP classes is as follows:

- a. Class I includes residential with an average density of 1 dwelling unit per acre. To promote clustered residential development in the Mixed Use Preserve, densities up to 8.8 dwelling units per acre may be obtained so long as the average density of the residential portion of this Mixed Use Preserve Class and Type is not infringed; commercial, professional, recreational, and public facilities may be developed in accordance with the table below and the Design Standards Within The MUP provided in Section 3.
- b. Class II includes residential with an average density of 4.4 dwelling units per acre. To promote clustered residential development in the Mixed Use Preserve, densities up to 16 dwelling units per acre may be obtained so long as the average density of the residential portion of this Mixed Use Preserve Class and Type is not infringed; commercial, professional, recreational, and public facilities may be developed in accordance with the table below and the Design Standards Within The MUP provided in Section 3.
- c. Class III includes residential with an average density of 4.4 dwelling units per acre. To promote clustered residential development in the Mixed Use Preserve, densities up to 16 dwelling units per acre may be obtained, so long as the average density of the residential portion of this Mixed Use Preserve Class and Type is not infringed; commercial, professional, recreational, public facilities, and light industrial (excluding manufacturing) may be developed in accordance with the table below and the Design Standards Within The MUP provided in Section 3.
- d. Class IV includes residential with an average density of 4.4 dwelling units per acre. To promote clustered residential development in the Mixed Use Preserve, densities up to 16 dwelling units per acre may be obtained so long as the average density of the residential portion of this Mixed Use Preserve Class and Type is not infringed; commercial, professional, recreational, public facilities, and industrial (including manufacturing) may be developed in accordance with the table below and the Design Standards Within the MUP provided in Section 3.

		Percentage of	Percentage
		Non-	of
<del>Class</del>	TYPE	Residential:	Residential:
Ŧ	Type A	<del>10-40</del>	<del>60 90</del>
Ŧ	Type B	20-60	4 <del>0 80</del>
Ħ	Type A	<del>10 - 40</del>	<del>60 - 90</del>
H	Type B	<del>20 - 60</del>	<del>40 - 80</del>
H	Type C	<del>70 - 100</del>	<del>0 - 30</del>
Ħ	Type D	<del>80 100</del>	0-20
Ħ	Type C	<del>70 100</del>	<del>0-30</del>
Ħ	Type D	<del>80 - 100</del>	<del>0 - 20</del>
IV	Type C	<del>70 - 100</del>	<del>0 - 30</del>
IV	Type D	<del>80 100</del>	0-20

The type designations within the table above specify the percentage of non-residential and residential uses. Percentages will be determined by a calculation of the acreage within a single development. Compound use developments will be considered nonresidential for the purposes of Mixed Use Preserve Type percentage calculation. Dwelling units located within a compound use development within the Mixed Use Preserve, however, will still count towards the residential dwelling unit density cap produced by the development's Mixed Use Preserve Type. In order to facilitate design flexibility, lands included within a unified plan of development as part of a PDP that are located within a combination of Mixed Use Preserve Classes II, III, or IV but are within the same Mixed Use Preserve Type may aggregate their allowable residential density and utilize it within the project boundary, provided the overall average density of 4.4 dwelling units per acre for the residential portion of the PDP development plan is not exceeded. Class I properties, regardless of type, are not subject to this permitted density aggregation, as are any properties of differing Types, regardless of Mixed Use Preserve Class. The non residential uses permitted under the Mixed Use Preserve Classes will be strictly applied to the Mixed Use Preserve Class boundaries. Single-family detached subdivision-style development is not permitted within the Mixed Use Preserve north of Pine Island Road, although a single family residence may be permitted in those limited circumstances necessary to avoid a taking; residential uses will be clustered into mixed use areas or buildings, multi-family or attached units, residential components of a compound use building or new urbanist development intended to serve as an adjunct to the development of employment and emphasizing mobility options for residents.

Average non-residential intensities for all MUP Classes, (except Conservation) located north of Pine Island Road (SR 78) are 0.25 FAR. Maximum intensities up to 2.0 FAR may be permitted for any given portion of a contiguous non-residential Mixed Use Preserve area so long as the overall average intensities of the non-residential area of 0.25 FAR are not abridged. South of Pine Island Road, the maximum FAR for Mixed Use Preserve properties of all classes, except Conservation, is 2.0.

A development project within the Mixed Use Preserve will be permitted to exceed the

average and maximum densities and intensities specified above under the following limited circumstances:

1. Residential units are transferred from wetlands within the Mixed Use Preserve Conservation classification pursuant to Policy 1.15.q.2.b.ii below; or

2. Residential units or non-residential intensity is transferred from isolated uplands within the Mixed Use Preserve Conservation classification pursuant to Policy 1.15.q.2.b.iii below; or

3. Residential units or non-residential intensity is transferred from uplands adjacent to the Mixed Use Preserve Conservation classification pursuant to Policy 1.15.q.2.b.vi below.

**2. MUP CONSERVATION:** The following language pertains to the fifth Mixed Use Preserve classification, one that permits limited development opportunities, the Conservation (CONS) class:

a. Description of MUP Conservation: Lands within the MUP that are classified as Conservation (CONS) designate property that has been determined by the City to have significant environmental and natural resources that will be protected from the impacts of development. Utilizing an environmental/land use planning approach based upon significant field work and review of existing environmental data, these lands have been identified as having significant natural features on site, including wetlands, isolated uplands, and flow ways. The classification of lands as MUP Conservation is based upon the goal of preserving large intact areas of functional wetlands, suitable protected species habitat, and intact flowways through the Mixed Use Preserve areas. Those areas that are currently identifiable as functional wetlands of higher quality, suitable protected species habitat, and intact flowways have been identified and mapped as part of the data and analysis accompanying the designation of Mixed Use Preserve properties and have been shown as Conservation on the Future Land Use Map. High quality wetland determination at the future land use map amendment application stage will be based on:

- 1.) Wetland type;
- 2.) Wetland function;
- 3.) Wetland quality;
- 4.) Size;
- 5.) Uniqueness;
- 6.) Demonstrated habitat values;
- 7.) Connection to larger wetland systems; and
- 8.) Potential for isolation by being surrounded by development and site plan needs.

The emphasis on the preservation, enhancement, and maintenance of habitat values for these areas will be the guiding principles for evaluation of development options on adjoining and proximate MUP lands as part of the required PDP process. The preservation of these areas will facilitate the maintenance and enhancement of wetland and isolated upland functions and habitat values on the property. The MUP Conservation areas shown on the Future Land Use Map may not be altered, changed, or amended except through the plan amendment process. However, additional lands that are later determined to meet the criteria established herein during the PDP process will be added to the MUP Conservation classification as provided below.

*b. Uses within the MUP Conservation Class:* Uses with the MUP Conservation will be subject to the following policies:

i. Non-residential development; with the exception of the limited passive recreational uses and utility or roadway crossings described herein; is not permitted.

ii. Residential development is permitted at a density of one dwelling unit per 20 acres for wetlands, and must be located on uplands in other Mixed Use Preserve classes or other future land use classifications that can receive transferred dwelling units. The only exception to this requirement is in those limited circumstances where construction within the Conservation class is necessary to avoid a taking of private property. Examples of these limited circumstances include, but are not limited to, situations in which permitted dwelling units may not be transferred due to a lack of uplands, where Conservation properties are not adjacent to a land use classifications that can receive transferred dwelling units, but are at maximum density. If density from conservation lands is to be located on uplands, the entire property must be developed as a PDP, and the conservation lands must be dedicated, in perpetuity, for conservation purposes.

- In addition to wetlands, uplands including isolated uplands are also included iii. within the Conservation classification and are shown on the Future Land Use Map. Isolated uplands are uplands areas that are surrounded by wetlands and would necessitate significant wetland impacts in order to obtain access for development. These isolated upland areas cannot be developed, except when and to the minimum extent necessary to avoid a "taking." Development in these limited circumstances is limited to one dwelling unit per 20 acres. However, densities and intensities from upland areas will be transferred to other upland areas, at the density and intensity of the receiving area's Mixed Use Preserve class and type, within the Mixed Use Preserve as part of the PDP process. If density or intensity from these Mixed Use Preserve Conservation upland areas is transferred to other upland areas pursuant to this policy, the entire property must be developed as a PDP, and the isolated uplands from which the density or intensity is transferred must be dedicated, in perpetuity, for conservation purposes. Any future land use map amendment that incorporates upland Conservation lands must identify the upland (including isolated upland) acreage in the accompanying case report and support the amount of acreage with appropriate data and analysis.

iv. Public uses, in the form of designated roadway crossings shown on the Future Land Use Map and utility connections, may be located in the MUP Conservation areas, but must be consistent with the development standards provided below and with the Conservation and Coastal Management Element.

v. Passive conservation uses consistent with the environmental sensitivity of these lands, such as boardwalks, nature trails, or other similar passive recreation uses, are permitted.

vi. In order to further promote protection of Mixed Use Preserve Conservation areas, the residential density and non residential intensity of lands immediately adjacent to MUP Conservation areas may be transferred to developable uplands within the MUP at the underlying density and intensity of the receiving area's MUP class and type. Such transfers must be approved by a development agreement or other binding written agreement with the affected landowners, and implemented through the PDP process.

*c. Development Standards Within the MUP Conservation Class.* Conservation land within the Mixed Use Preserve must incorporate the following standards during the PDP process:

i. Public utilities including poles, lines, and/or pipes shall be subject to all applicable federal and state regulations relating to environmentally sensitive lands and permitted based on the South Florida Water Management District's standards for practical avoidance.

ii. Roadway crossings of MUP Conservation lands will be limited to those crossings shown on the Future Land Use Map. Any such crossing must preserve the overall water quantity, water quality, water speed, and other related characteristics of the slough or flow way to be crossed, and be designed as a bridge.

iii. All flow way and floodway corridors within the Mixed Use Preserve shall be identified as conservation or preservation lands on the PDP plans, and will be protected from development. These corridors are identified as the channels of a stream, marsh, or wetland system, plus any other floodplain area which serves as a corridor for watershed sheet flow.

*d.* Additional Conservation Lands. As noted above, the MUP Conservation lands shown on the Future Land Use Map do not necessarily include all jurisdictional wetlands within the Mixed Use Preserve, and other lands may be added to the MUP Conservation elass as part of the PDP process. Furthermore, lands identified as MUP Conservation as part of the PDP process will be identified and protected within the PDP development order. Evaluation of other wetlands and proposed wetland impacts within the MUP will be conducted in accordance with the following policies:

i. Determination of the wetland boundaries will be consistent with the applicable adopted State methodology and jurisdictional determinations made by the South Florida Water Management District (SFWMD) or Florida Department of Environmental Protection (DEP), as applicable, utilizing the unified state delineation methodology described in F.A.C. Chapter 17 340, as ratified and amended by Section 373.4211, Fla. Stat.. The City does not anticipate the necessity of an independent review of these boundaries.

ii. Wetlands not previously classified and mapped as Conservation lands in the Mixed Use Preserve will be evaluated during the PDP process. Practicable design modifications will not be mandated when the overall ecological value and quality of the wetland is low, based on:

- 1.) Wetland type;
- 2.) Wetland function;
- 3.) Wetland quality;
- 4.) Size;
- 5.) Uniqueness;
- 6.) Demonstrated habitat values;
- 7.) Connection to larger wetland systems; and
- 8.) Potential for isolation by being surrounded by development and site plan needs.

iii. Additionally, when isolated wetlands are less than 5 acres in size and would be surrounded by developable land, designation of the isolated wetland as Mixed Use Preserve Conservation and practicable design modifications may not be required.

iv. For wetlands that are determined to be of medium to high quality pursuant to subpolicy d.ii. above, development design will be required to avoid and minimize wetland impacts. Design modifications will be required to achieve such avoidance and minimization to the greatest extent practicable. The following factors will be utilized by the City during the PDP process to evaluate the extent to which design

modifications will be required to avoid and minimize such wetland impacts:

- 1.) Uniform Mitigation Assessment Method (UMAM) analysis;
- 2.) Condition of wetlands;
- 3.) Uniqueness of wetlands;
- 4.) Location of wetlands and habitatinterconnectedness potential;
- 5.) Hydrologic connections and potential connections;
- 6.) Observed fish and wildlife utilization and habitat value; and
- 7.) Whether the proposed mitigation will provide greater long termecological value than the wetland to be impacted.

v. Medium-to-high quality wetland areas identified for preservation or conservation as part of the PDP process will be identified as MUP Conservation on the PDP plan. The City will incorporate these additional MUP Conservation lands into the Future Land Use Map during the next available plan amendment cycle.

*e.* Implementing Land Use and Development Regulations. The City's wetlands protection regulations in the areas designated as MUP will be consistent with the following, regardless of whether such areas are classified or suitable to be classified as Mixed Use Preserve Conservation:

i. In accordance with F.S. 163.3184(6)(c), the City will not undertake an independent review of the impacts to wetlands resulting from development in wetlands that is specifically authorized by a DEP or SFWMD dredge and fill permit or exemption.

ii. No development in wetlands regulated by the State of Florida will be permitted by the City without the appropriate state agency or South Florida Water Management District permit or authorization.

iii. The City will incorporate the terms and conditions of state permits into city permits and will prosecute violations of state regulations and permit conditions through its code enforcement procedures.

iv. Every reasonable effort will be required to avoid or minimize adverse impacts on wetlands through the clustering of development and other site planning techniques. On- or off-site mitigation will be permitted in accordance with applicable state standards.

v. Mitigation banks and their issuance and use of mitigation bank credits will be permitted to the extent authorized by applicable state statutes.

**3. DESIGN STANDARDS WITHIN THE MUP:** The following design elements will be required for all development taking place within the Mixed Use Preserve:

a. Surface Water Management. For development within the Mixed Use Preserve, the City will support surface water management design strategies that rely on natural features such as flow-ways, sloughs, strands, and other natural systems to receive and otherwise manage storm and surface water consistent with applicable regulations, adopted environmental criteria, and accepted engineering practices. Mixed Use Preserve developments must have and maintain an adequate surface water management system, make provision for acceptable programs for operation and maintenance, and demonstrate post-development runoff conditions which reflect the natural surface water flow in terms of rate, direction, quality, hydroperiod, and drainage basin. Pre-development run-off water quality must not be exceeded in the post development situation; post development water quality must not degrade water quality below pre-development standards. If monitoring is required to establish pre- and post development quantity and quality standards, the City will require submittal of such data as part of the application process for development permits. The following specific standards will be implemented during the PDP and subsequent permitting processes:

i. Best management practices for stormwater systems including, but not limited to, filtration marshes, grassed swales planted with native vegetation, retention/detention lakes with enlarged littoral zones, preserved or restored wetlands, and meandering flow ways;

ii. Design of surface water management systems will incorporate existing wetland systems to the greatest extent practicable;

iii. Preservation of existing natural flow ways and the restoration of historic natural flow-ways where practicable;

iv. Preservation of natural functions of significant natural systems;

v. Coordination in the review of flow-ways with regulatory agencies charged with implementation of regional surface water management systems that address flood protection, water quality, environmental enhancement and water conservation;

vi. Natural water system features which are essential for retention, detention, purification, runoff, recharge, and maintenance of stream flows and groundwater levels shall be identified, protected, and managed;

vii. Artificial drainage systems must not channel runoff directly into natural waterbodies.

viii. Mixed Use Preserve development must not degrade surface and ground water quality.

ix. No garbage or untreated sewage will be discharged into coastal and interior surface waters.

x. For those areas that drain to the Gator Slough, or other important surface water bodies as determined through a PDP process, a surface water management plan

is required that is consistent with the functional capacity of the Gator Slough or other water system and consistent with the Charlotte Harbor Management Plan.

# b. Landscaping, Exotic Removal, and Irrigation:

i. Xeriscape landscaping techniques, low impact development (LID) practices and native vegetation will be used to the greatest extent practicable;

ii. Provision will be made for the elimination of exotic and invasive species of vegetation.

iii. Unpermitted or improperly constructed wells will either be permitted and re-constructed to applicable standards or plugged.

iv. Irrigation will be provided by reclaimed water, to the extent it is available.

c. Design Considerations for Protection of Adjacent State Owned Lands. In some instances, lands owned by the State as wildlife management areas are adjacent or proximate to Mixed Use Preserve lands north of Pine Island Road. These lands are known generally as the Yucca Pens Preserve. While these state-owned lands are outside of the City's boundaries and, therefore, cannot be directly addressed by its comprehensive plan, prudent land use planning requires that the City should coordinate development efforts with preservation activities undertaken by the State or other public, quasi-public, and private agencies. Accordingly, for MUP areas north of Pine Island Road, in order to ensure compatibility and protection of state owned lands adjacent or proximate to MUP lands, the following specific design standards will be implemented during the PDP process and in subsequent permitting:

i. In order to protect the Yucca Pens from the effects of nearby development, all impervious surface areas shall maintain a minimum 25-foot setback within the Mixed Use Preserve for those areas adjacent to a city residential or county nonurban future land use classification at the time of development. This buffer is supplemental to all other buffers described elsewhere within this policy. Specifically, the three tiered buffer described in Policy 1.15.q.3.h. below is applicable wherever development of the MUP abuts state owned preservation land.

ii. Design standards intended to address the need for wildland fuel management and controlled burning will be implemented, as follows.

The National Fire Protection Association (NFPA) has established NFPA 299, *Standard for Protection of Life and Property from Wildfire*. Section 3-3.2 of this standard requires tree and brush clearance for a distance that will prevent ignition of either the structure or vegetation, should the other burn. Development design will be consistent with all applicable NFPA standards in general, and with this standard in particular.

 Vegetation constituting a fire hazard within 30 feet of the structure must be mowed to four inches or less and ground litter removed annually. This is not intended to prohibit ornamental landscaping efforts insofar as fire suppression and structure protection can be accomplished through other demonstrated means.

- All development permitted in this area will require notification to owners that controlled burns are to be expected and that smoke is to be anticipated from such burns.
- All development permits for property adjacent to areas in which wildland fuel reduction and/or controlled burns are to be expected must prepare a plan for additional firebreaks, setbacks, or other design elements that demonstrate compliance with the need to protect life and property while also recognizing the need for controlling fuel in wildland habitat.

iii. All residential development will be required to provide to future residents notice in the form of deed restrictions regarding the dangers to preservation lands represented by free-roaming domestic animals, exotic species of flora and fauna, and the need for controlling such threats to wildlands.

iv. Consistent with the Yucca Pens Preserve management plan, development design will: 1) design stormwater management systems to mimic the conditions of historic, pre-development surface water flows; 2.) encourage ditch plugging or backfilling to stop the altered conveyance of water, allowing water to stay on site longer through sheet flow; 3.) remove and control exotic plant infestations on site; 4.) repair damage to lands from historical recreational uses and secure development tracts from unauthorized access; and 5.) recognize the necessity for prescribed burn events in proximate preserve lands.

*d. Mix of Non Residential Uses.* Overall development intensity will be calculated on a Class and Type basis by land use to ensure that the goal of creating employment opportunities is met. Based upon a forecast build out employment profile, industrial uses in the MUP area north of Pine Island Road will account for 15% to 32% of the non-residential uses, retail and service uses will account for 15% to 38% of the non-residential uses, and office uses will account for 30% to 70% of the non-residential uses. Development requests will be required to demonstrate compliance with these intensity ranges.

*e. Roadways and Utilities.* The following policies relative to roadway and utilities will be applicable to MUP lands north of Pine Island Road:

i. Development approvals will be limited through 2015 to a maximum of 145,000 square feet of industrial, 205,000 square feet of office, 150,000 square feet of retail and service uses, and 85 dwelling units (or its functional equivalent in trip generation), unless a definitive funding commitment and CIE amendment is approved that provides for the construction of at least two lanes of a collector or arterial roadway connecting US 41 with Durden Parkway

ii. Development proposals within the MUP will analyze the impact of such development on US 41. After 2015, the City will not allow development in excess of the amount specified in subparagraph i. above if such development is projected to cause any segment of US 41 between the Charlotte County line and Del Prado Boulevard to fail, unless at least two lanes of a collector or arterial roadway have been constructed connecting US 41 with Durden Parkway.

iii. In accordance with Objective 2 of the City's Intergovernmental Coordination Element, all development applications will be forwarded to the Lee County Department of Transportation (LDOT) and Florida Department of Transportation (FDOT) requesting review and comment regarding impacts to non-City roads as part of the PDP process. Notice of any hearing pertaining to such development applications will be provided to LDOT and FDOT.

iv. The City will submit a copy of any application meeting the requirements of Section 380.06(29)(f), F.S., and any proposed development order issued pursuant to such application, to the State land planning agency and Lee County, requesting review and comment. Notice of any hearing pertaining to such development application will be provided to these agencies.

v. Consistent with the requirements of Policies 2.1.4, 2.1.5, 2.1.8, and 2.1.9 of the Transportation Element, the City will review and mandate efficient bicycle and pedestrian movement as part of the PDP and subsequent development review processes.

vi. During the PDP and subsequent development review processes, the City will review and promote coordination with the extension of LeeTran local or express transit service within the MUP, and consistent with Policy 2.2.10 of the Transportation Element will specifically evaluate and, when necessary, mandate efforts to establish park-and-ride facilities.

vii. Development designs for MUP properties will be required to promote alternative modes of transportation in an effort to provide a safe and efficient multimodal system, providing for the potential reduction of individual passenger vehicle travel. Development design will include provision for transit, bicycle, and pedestrian features, intra-development and interdevelopment connectivity intra-city and intercity connectivity, encouragement of ride- sharing, consideration of off-peak working hours, and other strategies for trip reductions as may be appropriate.

viii. It is recognized that the provision of sufficient public facilities to meet projected public demand and development impacts, as they are needed and as determined by the adopted level of service standards within this Plan, are an integral part of providing the basis for new employment centers within the City of Cape Coral. For that reason, new developments requiring central utility services shall not commence until there is adequate urban service capacity in accordance with the adopted level of service standards found within this Plan. In addition, in reference to development within the MUP, the City will analyze and adopt, not later than December 1, 2011, an amendment to the Capital Improvement Plan that would provide an analysis and extension schedule for transportation and utility capital improvements and related infrastructure to service the growth of employment development in the area. Infrastructure extension may involve the establishment of interlocal agreements for service, service agreements with other utilities, privately financed service extensions, or other guaranteed mechanisms intended to provide the necessary infrastructure coincidental with demand.

f. Protection of Existing Adjacent Residential. Specific protections will be provided to existing residential uses within the unincorporated portion of the County. These protections will be provided through the PDP, or successive development permitting process, in order to ensure compatibility between residential uses outside the Mixed Use Preserve and non-residential uses within the MUP. These protections will be applied to any MUP lands that abut existing residential development within the County, and are expressly applicable to the eastern boundary of Section 7, Township 43 South, Range 24 East. To promote compatibility between these uses, a minimum 100-foot edge protection area will be established during the development order process within which:

i. Height will be limited to a maximum of 35 feet;

ii. The 25-foot setback for impervious surfaces described above will be provided;

iii. An opaque vegetated or structural screen will be provided;

iv. Industrial uses and open storage areas are prohibited;

v. Through-roads are prohibited; and

vi. Appropriate lighting standards designed for protecting abutting residential uses will be implemented.

g. Open Space: Within the MUP, every development must provide open space. The amount of open space required is determined by a function of the uses within the development.

i. At least 50% of lands approved for development of residential uses (excluding compound uses) shall be maintained and/or developed as open space.

ii. At least 30% of lands approved for development of retail, office, compound use, or industrial uses within the MUP shall be maintained and/or developed as open space.

iii. If a development includes a golf course, fairways can account for no more than fifty percent (50%) of the open space of any development area within the MUP.

iv. Open Space includes preserved natural areas, buffers, lakes, parks, golf courses (to the extent provided above), nature trails, retention areas, conservation areas, scenic resources, green belts, wetlands, and associated areas.

v. The design of the functional open space area must incorporate the following design features:

Uses including, but not limited to, picnic areas, trails, benches, boardwalks, golf courses, water management systems, biking/jogging/equestrian trails/vita courses, bird viewing blinds/towers and interpretative facilities may be allowed within functional open areas;

The open spaces within a development site within the MUP must be cleared of exotic, non-native vegetation, so long as any necessary State or Federal permits can be obtained, and replanted with native vegetation as part of the PDP plan, consistent with the requirements of the land development regulations;

Plant material used for revegetation must conform to the standards for Florida Number 1, or better as given in Grades and Standards for Nursery Plants 1973, and Grades and Standards for Nursery Plants, Part II, Florida Department of Agriculture and Consumer Services Tallahassee;

Australian Pine, cajuput, Brazilian pepper, downy rose myrtle, Cuban laurel, melaleuca, bishopwood, castor bean, common papaya, common snakeplant, day Jessamine, hunters robe, Queensland umbrella tree and trailing wedelia may not be used as part of the revegetation of the property after development; and

The vegetation that surrounds, or is within the open space areas should have the capacity to provide habitat for a diversity of wildlife.

*h. Mandatory Buffers for Protection of Natural Areas.* Development within the MUP must provide a buffer to protect adjacent natural areas from the impacts of development. This buffer is expressly applicable to Mixed Use Preserve lands that abut conservation lands owned by any governmental agency or by any private entity. The purpose of the buffer, as described below, is to protect adjacent natural resources from the activities and impacts of development on the property. Buffers may be included in the open space calculations for a development and must be located outside of the Conservation class of the Mixed Use Preserve. All development must incorporate buffers, as follows, in three zones:

i. Zone 1 must be a minimum of 50 feet wide and must extend completely along all boundaries of areas deemed to be ecologically sensitive on a given tract or development site. The buffer will consist of selected native upland forest plant species such as south Florida slash pine, live oak, laurel oak, and saw palmetto. Selected species must be tolerant of drought conditions, and must not require fertilizers and pesticides to promote growth and survival. Exotic plant species must be controlled by the periodic application of herbicides and mechanical removal. Wetland forest species must be used in situations where wetland functions remain on the property and where soil and moisture conditions are suitable. Zone 1 may incorporate the existing water management reservoirs as necessary, and may not require additional buffering beyond the reservoirs themselves and shoreline/littoral plantings as necessary to maintain the ecologically viable health of the wetland/retention system. No structures may be erected in Zone 1 other than those associated with passive recreation such as hiking, bird watching, and nature-study, such as boardwalks, railings, etc. for access to the Zone 1 areas. Construction of lakes in Zone 1 may be allowed. Existing berms and ditches are allowed to remain in Zone 1.

ii. Zone 2 is adjacent to Zone 1 and must encompass an area that is at least 35 feet wide. The area must be free of lights and other structures such as fences, pools, and sheds. The permanent placement of generators, pumps, and other fixed motors is prohibited. Lot areas may extend into Zone 2, but no portion of a structure may extend into this zone. If individual lots are incorporated into this zone, those portions of yard acreage must be planted and maintained in a fashion similar to that proposed for Buffer Zone 1. Passive recreation such as hiking, jogging, biking, and walking will be allowed along designated trails and boardwalk systems. Golf courses and lakes may extend into this zone, but may not incorporate lights or structures other than drainage structures and cart paths. All golf course acreage in Zone 2 must be free of lights and structures, and the use of golf carts will be permitted. If water, sewer, or electrical lines are placed in Zone 2, they must be buried.

iii. Zone 3 is adjacent to Zone 2 and may consist of utilities, lots, accessory, structures, and other infrastructure development in a 25-foot wide band. Exterior lighting in this zone may not project toward adjacent preserve land. Measures such as directional lighting, reduced-height light supports and other light abatement technology must be used. The buffer zones will not preclude governmental entities from constructing public roadways.

OPEN SPACE (OS): The Open Space Future Land Use Classification is designed to <u>o</u>r. designate, with the consent of the property owner, areas for purposes or activities having no dwelling units, non-residential floor area or demand for public facilities. Areas suitable for designation under this classification include, but are not limited to, the following: lakes or other waterways not platted as rights-of-way, which may be used for recreational purposes; stormwater treatment facilities; buffer areas; preserves or conservation areas; or recreation areas having no access except by owners, guests or employees of the surrounding development project. Areas included within this future land use classification used for recreation may have amenities, including, but not limited to, boat ramps, piers, docks, open-sided picnic shelters, gazebos or pavilions. Floor areas of any such structures shall not be considered as non-residential floor area, and may not be used to support the sale or rental of any items; nor may such structures be used for office or administrative purposes. No commercial use shall be made for any recreational facilities located within the Open Space Future Land Use Classification.

Paving of areas within this future land use classification shall be limited to the construction of foot paths and floors for open-sided shelters or pavilions, basketball, tennis or other recreational courts (however, no such courts shall have associated spectator seating or administrative/maintenance structures), as well as paving

associated with minimal parking areas, boat ramps, piers, docks, open- sided picnic shelters, gazebos or pavilions. Lands or areas within this future land use classification shall not be used as parking for residential, commercial or industrial areas, although minimal onsite parking, including an access drive, may be allowed to facilitate recreational use of lands under this future land use classification, or to serve as parking for nearby properties that are within the Natural Resources/Preservation Future Land Use Classification.

All zoning districts are considered compatible with this future land use classification. However, this future land use classification allows only those activities that are consistent with this classification, as delineated above, and, which have no associated density, intensity, or demand for public facilities.

p. <u>Sub-Districts:</u> In addition to the regulations listed above, the City of Cape Coral also has sub-districts, as a means to efficiently regulate development in particular areas of interest. These sub-districts include:

## **Tyson Shores Sub-District**

Within the Tyson Shores Sub-District, development shall be limited to a maximum of 115 dwelling units. All property within the Tyson Shores Sub-District shall be entitled to a proportional share of the 115 dwelling units; however, the development rights may be transferred among any properties within the Tyson Shores Sub-District through mutual agreement of the affected property owners, as long as the density is consistent with all <u>Land Use and Development RegulationsLand</u> <u>Development Code</u> and other provisions of this Plan. This limitation may be amended when central water and sewer service is available to serve the site.

## Judd Creek Sub-District

Within the Judd Creek Sub-District, development shall not exceed 10-16 dwelling units per acre on lands with a future land use map designation of Multi-Family. The number of residential dwelling units cannot exceed 1,170 units. Non-residential intensity on lands with a future land use map designation of Pine Island Road District shall not exceed 250,000 square feet of gross leasable floor area. All lands within the Judd Creek Sub-District with a future land use map designation of Pine Island Road District shall be entitled to a proportional share of the 250,000 square feet of gross leasable floor area; however, the development rights may be transferred among any properties within the Judd Creek Sub-District with a future land use map designation of Pine Island Road District through mutual agreement of the affected property owners, as long as the intensity is consistent with all Land Use and Development RegulationsLand Development Code and other provisions of this These limitations may be amended in the event that roadway network Plan. improvements are made that would allow development beyond these limitations without degradation of roadway level of service below the adopted level of service.

## Paradise Preserve Sub-District

Within the Paradise Preserve Sub-District, development shall be limited to a

maximum of 420 dwelling units. All property within the Paradise Preserve Sub-District shall be entitled to a proportional share of the 420 dwelling units; however, the development rights may be transferred among any properties within the Paradise Preserve Sub-District through mutual agreement of the affected property owners, as long as the density is consistent with all Land Use and Development RegulationsLand Development Code and other provisions of this Plan.

# Seven Islands Sub-District

Within the Seven Islands Sub-District, development shall be limited to a maximum of 995 dwelling units and 110,000 square feet of non-residential development. A hotel of no more than 240 rooms is also permitted in addition to the aforementioned non-residential square footage. Development rights within the Sub-District may be transferred among any properties within the Seven Islands Sub-District through mutual agreement of the property owners.

This Sub-District shall be placed within the Mixed-Use future land use map classification but is not subject to Mixed-Use future land use map classification baseline densities and intensities found within Policy 1.15.e and Policy 1.23. Mixed use development is required within the Seven Islands Sub-District. Development within the Seven Islands Sub-District shall not require a PDP.

The location of the Sub-District is legally described as:

Parcels of land lying in Sections 12 and 13, Section 44 South, Range 22 East, Lee County, Florida; and being more particularly described as follows:

All of Lots 12 through 17, Block 6400; All of Tract "G" and all of Lots 1 through 5, Block 6401; All of Tract "F" and all of Lots 1 through 7, Block 6402; All of Tract "E" and all of Lots 1 through 4, Block 6403; All of Tract "D" and all of Lots 1 through 3, Block 6404; All of Tract "C" and all of Lots 1 and 2, Block 6405; All of Tract "B" and all of Lots 1 through 7, Block 6406; All of Tract "A" and all of Lots 1 through 8, Block 6407; All of Tract "I" and all of Lots 1 through 8, Block 6408;

All as shown on the Plat of Cape Coral, Unit 76, The Islands, recorded in Plat Book 35 at Pages 121 through 129 of the Public Records of Lee County, Florida. Subject to Easements, Reservations, and Restrictions of record.

q. Council-adopted Vision Plans

Exemptions to the development requirements are permitted for master plan or vision planning efforts that meet the following criteria:

<u>1. The master or vision planning effort must be adopted by resolution or ordinance by the City Council.</u>

2. Property in question is city-owned at the time of the master or vision planning effort. Transfers of property or public-private partnerships occurring after the planning effort must contain a clause requiring the future property owner(s) or developer(s) to abide by the adopted master or vision planning effort.

3. The master or vision planning effort must have had no fewer than two (2) public hearings discussing the provisions of the plan. Residents living within 500 feet of a property considered for a master or vision planning effort shall receive notice of these public hearings in the same manner as a rezoning for future land use map amendment.

4. The minimum size of the area subject to the master or vision planning effort is twenty (20) acres.

5. At a minimum, the master or vision planning effort must address the following impacts of the planning effort on the property and surrounding area.

a.)Transportation Impactsb.)Environmental Impactsc.)Utility Capacity Availabilityd.)Public Safety Availability

6. Development options approved by Council through a master or vision planning effort may result in densities and intensities greater than those permitted elsewhere in Policy 1.15. In such instances, staff will establish a Sub-District on the Future Land Use Map and depict specific development limits for the site in the Future Land Use Element.

7. Changes to the adopted master or vision planning effort shall occur through a public hearing process identical to s.166.041(3)(c)2, F.S.

<u>Policy 1.16:</u> Land development regulations, whether adopted or revised subsequent to the adoption of this plan, will address the location and extent of both residential and non-residential land uses in accordance with the Future Land Use Map and the policies and description of types, sizes, densities, and intensities of land use contained in the "Future Land Use Map" section of this Element.

<u>Policy 1.17:</u> Land development regulations, whether adopted or revised subsequent to the adoption of this plan, will address buffering and open space requirements, and will protect existing residential land uses from incompatible land uses.

<u>Policy 1.18:</u> Vested Rights. In circumstances in which constitutionally protected property rights or valid development expectations conflict with the City of Cape Coral Comprehensive Plan and judicially defined principles of equitable estoppel may override otherwise valid limitations imposed by the Plan, such property rights or expectations may be recognized by the Cape Coral City Council, acting by resolution after review and

recommendation by the Cape Coral Planning & Zoning Commission/Local Planning Agency, on a case-by-case basis.

Such development expectations are exclusive to the following:

- 1. A development order issued prior to adoption of the Cape Coral Comprehensive Plan including <u>Planned Unit Development</u>, Planned Development Project, special exception, and site plan approvals which have been expressly approved by the City Council in writing and where construction has been or is being diligently pursued pursuant to such approval.
- 2. A development or project that has been issued a valid building permit prior to adoption of the Cape Coral Comprehensive Plan (February 13, 1989) which has commenced construction and is continuing in good faith.

Nothing in the Cape Coral Comprehensive Plan shall limit or modify the rights of any person to complete any development that has been authorized as a Development of Regional Impact pursuant to Chapter 380, Florida Statutes.

<u>Policy 1.19</u>: The City will adopt urban corridor design guidelines and special land use regulations along the City's roadways, which serve as entry points to the City. These guidelines and regulations will identify specific signage and setback requirements, and other regulations, which will serve to prevent visual and physical blight along specified roadways. The City has adopted guidelines within the Community Redevelopment Area, which may serve as an example for future corridor design guidelines.

<u>Policy 1.20</u>: The City will promote the development of identifiable residential neighborhoods and commercial districts through the encouragement of more compact development patterns, the use of shared design and landscaping characteristics, and the development of landmarks and gateways.

<u>Policy 1.21:</u> The need for additional educational facilities and programs in the City of Cape Coral will be met through cooperation between the City and the Lee County School Board. Prospective sites shall first be evaluated on projections of residential growth in the area, the ability to serve the current school age population, and transportation needs for use of the site. The City of Cape Coral will then coordinate with the Lee County School Board to evaluate the list of prospective sites to avoid impacts on unique or regionally significant natural systems, to avoid the placement of new public facilities within the Coastal High-Hazard Area, and to ensure compatibility with adjacent land uses and concurrency with other necessary urban services.

<u>Policy 1.22:</u> The City of Cape Coral shall continue to coordinate land use policies with hazard mitigation reports generated in the aftermath of a natural or manmade disaster. Furthermore, the City will continue to coordinate with other local agencies in the placement of public buildings, such as schools, in order to ensure that such buildings are not placed within the Coastal High-Hazard Area. Finally, the City may also consider measures designed to reduce potential hazards to life and property within the Coastal High-Hazard Area. Such measures may include reduction of densities in the Coastal High-Hazard Area, public acquisition of land, increased building requirements, or any other appropriate

policies recommended in future hazard mitigation reports, or otherwise determined by the City Council to be warranted.

Policy 1.23: The Development Incentive Program (DIP) referred to in Policies 1.14 and 1.15 of the Future Land Use Element shall be established in the Land Development Regulations in accordance with the following concepts. The purpose of the Development Incentive Program is to encourage new and expanded development in excess of baseline densities and/or intensities that will exceed minimum standards of quality for site design, preservation of natural resources, provision of public improvements, and achievement of related citywide land use and development objectives. Development incentives are opportunities offered to property owners and developers as a means to meet specific development goals while increasing the quality of development and providing benefits to the community at large. Such incentives shall not be considered an inherent right but a potential opportunity if certain conditions are met. Site and/or area-wide constraints, public facility capacity limitations, and/or regulatory controls may limit the achievement of densities and intensities offered under this program. Further, density or intensity incentives awarded under this program shall not be interpreted as increasing the density or intensity of development within the Coastal High-Hazard Area above the maximum density (expressed as units per acre) and intensity (expressed as Floor Area Ratio) allowed on a subject property as of the date of adoption of the City of Cape Coral 2030 Comprehensive Plan.

Increases in residential densities and non-residential intensities on a development site in excess of the baseline densities and intensities awarded, up to the maximum permitted, would require providing one or more objectives in one or more of the categories within the program. The categories of the DIP may include but are not limited to:

- 1. Superior site design and quality development;
- 2. Preservation of natural resources;
- 3. Open space and recreational areas;
- 4. Community facilities;
- 5. Affordable Housing;
- 6. Transportation improvements;
- 7. Enhanced waterfront access and use;
- 8. Public Improvement Fund; and
- 9. Land Assemblage.

The DIP will include a point system and weight formula for each category that clearly defines the level of participation and the corresponding additional density and intensity reward that may be granted with respect to the points achieved. Factors that will affect the point system and weight formula may include but are not limited to the Category and creditable activity provided; the physical area and/or improvement provided; the land cost and construction cost of the improvement; the importance of the resource preserved, enhanced or expanded; and the community, neighborhood and/or city-wide value of the creditable activity.

For each dwelling unit per acre in a project that would exceed the baseline density, the project would need to qualify for 100 credit points. For each increase of 0.1 FAR per acre exceeding the baseline FAR, the project would need to qualify for 100 credit points. The

credit points used to qualify for additional density cannot also be used for additional intensity. Similarly, the credit points used to qualify for additional intensity cannot also be used for additional density.

The total points that would need to be achieved to realize the maximum residential density and/or the maximum non-residential intensity permitted above the baseline densities and intensities per acre in the Commercial Activity Center and Mixed Use land use classifications are as follows: 1) Residential Density in Non-Compound Buildings for the Commercial Activity Center, Mixed Use, or Mixed Use Preserve, Class II through IV land use classifications is 1,160 points; 2) Residential Density in Compound Buildings for either the Commercial Activity Center or Mixed Use land use classifications is 1,000 points; 3) the Non-Residential Floor Area Ratio in the Commercial Activity Center classification is 1,500 points; 4) the Non Residential Floor Area Ratio in the Mixed Use land use classification is 500 points, and 5) the Non Residential Floor Area Ratio in the Mixed Use Preserve land use classification is 1,750 points. Except as noted below, a maximum of 25% of the differential between the permitted baseline densities and/or intensities and the maximum permitted in the Commercial Activity Center (CAC), and Mixed Use Preserve and/or Mixed Use land use classifications may be achieved in any of the nine categories, as indicated in the following table. The achievable points associated with the 25% differential per category are also provided in the table below.

	Total Points Achievable per acre						
	<b>Density</b>						
	<del>in non-</del>						
	compound	Density-		Density-			
Percentage-	buildings-	<del>in com-</del>	Density-	in Mixed			
of maximum	in CAC	pound	in Mixed	Use			
density/	and-	<del>in-</del>	Use	Preserve,	FAR-	FAR-	FAR in
intensity	Mixed-	CAC-	Preserve,	<b>Class</b>	<del>in-</del>	<del>in</del>	Mixed-
achievable-	<del>Use</del>	and-	Class I	<del>II-IV</del>	CAC	Mixed	<del>Use</del>
in each-		Mixed-				Use	Preserve
<b>Category</b>		Use					
<del>25%</del>	<del>290</del>	<del>250</del>	<del>195</del>	<del>290</del>	<del>375</del>	<del>125</del>	4 <del>37</del>

Up to 50% of the differential between the baseline density and/or intensity and the maximum permitted may be achieved in any of the nine categories for mixed use development requiring incentive credit for increases above the baseline density and intensity, if either of the following criteria are met:

- 1) By providing an extraordinary, significant improvement, that meet important objectives of the City of Cape Coral, which will be further identified in the Land Development Regulations; or
- 2) By demonstrating that it is not feasible to meet four categories due to the size of the site, location characteristics

While the above describes the points achievable for the Commercial Activity Center, Mixed Use Preserve and Mixed Use land use classifications, the same or other development incentive program(s) may be applied to other land use classifications and zoning districts.

# **Category 1: Superior Site Design & Quality Development**

The physical layout, orientation and design of a proposed development can greatly affect the activities on site, the connectivity to uses and activities off site, and the overall neighborhood character and aesthetic appreciation of the development. While less quantitative than other categories, there are a number of planning and design elements recognized by the planning professions that greatly contribute the quality of development. Some of the objectives under this category may include, but are not limited to:

Connectivity: the placement of uses, development, and pathways on site realizes and complements connections amongst uses internally and externally;

- -- Clustering: concentrating development on a tract of land to increase areas of open space and/or preservation on site;
  - Exterior design and Materials: Treatment of facades, fenestrations and provision of ornamental features can greatly enhance the quality of development. Use of

colonnades, awnings, arcades and balconies can provide shade to pedestrians and further accent the building façade. Building recesses and setbacks can promote greater light and air, mitigating effects of increased building bulk and height;

Orientation: Street and building placement can be designed to orient activities and vistas. Undulating streets can break up monotonous grid systems and slow traffic. The location of public parks, open space, community facilities and public squares relative to other development can create a sense of cohesiveness and community; and

Underground Utilities: provision of underground utilities enhances the aesthetic value of a community while affording additional protection from hurricanes.

## **Category 2: Preservation of Natural Resources**

Preservation of natural resources, particularly wetlands and upland habitats that support threatened and endangered species and/or mature tree stands are important objectives under this program. These resources are beneficial to the ultimate users of the development site, the surrounding community, the city as a whole and the region. Existing natural resource areas preserved, enhanced and/or expanded in excess of that required by local, state and federal regulations will receive points under this program towards increased density and intensity. Examples of this may include but are not limited to: increase wetland buffers from 25 feet to 300 feet beyond any buffer required by other agencies, preservation of mature trees in excess of that required under the City's landscape code and enhanced storm water management controls.

# Category 3: Public Open Space & Recreational Areas

Open space, landscaping and buffering provided in addition to that required under the City's land use and development regulations, ordinances and resolutions are important objectives under this category. Provision of passive and active recreational areas and facilities are highly valued objectives in this category. Objectives achieved under this category shall be awarded points based on the physical size, location, public accessibility, and quality of improvement made. Connection to existing public recreational areas and achievement of target areas and facilities under the City's Master Park Plan shall be considered in the award of points under this category.

# **Category 4: Community Facilities**

The provision of community facilities throughout the City is beneficial to the development site, surrounding neighborhood and the City as a whole. Community facilities may be public and/or private. The geographic distribution as well as the amount of facilities within the City is a benefit to local communities. The demographic and/or service need in a given area, stated public needs and objectives, and contextual suitability for the proposed facilities would be factors considered as a first tier in evaluating elements in this category. Facilities proposed at suitable locations would be eligible to receive points in this program. The types of facilities eligible under this program may include but are not limited to:

Government and Public Facilities;

**Educational Facilities;** 

Day Care & Special Needs Facilities; and

Hurricane Shelters; dedicated land in non-flood prone areas, compliant structures.

## **Category 5: Affordable Housing**

As housing costs continue to escalate, the provision of affordable housing to support the workforce associated with commercial services and industries will continue to be an important objective to sustain the City's socio-economic long-term objectives. Points would be awarded based on the provision of the quantity and quality of affordable housing opportunities provided on and/or off site. The suitability of areas to support population needs will be considered in evaluating proposed affordable housing contributions under this category.

# **Category 6: Transportation Improvements**

The provision of transportation improvements in excess of those required under other regulations and review procedures shall be objectives under this program, based on achieving suitability and eligibility criteria. The improvements that may receive points under this category may include but are not limited to:

Provision of land to support existing and proposed right-of-ways on and off-site needed by the City;

Physical construction of and/or payments for right of way improvements on and off-site in excess of those required by the City or other agency;

Provision of streetscape improvements (plantings, street furniture, etc);

Provision of traffic control measures (e.g. signalization);

Traffic calming control measures;

Mass transit services/facilities; e.g. bus shelters; and

Bicycle racks/storage lockers.

## Category 7: Enhanced Waterfront Access & Use

Provision of new and/or enhanced opportunities for public access and use of waterfront resources would be awarded points under this program, based on the type, location and quality of the objective achieved. Objectives rewarded under this category may include but are not limited to:

Provision of land and/or facilities that expand existing public parks and facilities;

Provision of waterfront boardwalks, esplanades, and/or pathways;

Provision of sitting areas and other passive -related improvements;

Provision of piers, docks, and boat-launches;

- \_\_Provision of parking lots or parking structures at or adjacent to waterfront locations, serving the general public; and
- \_-Creation and/or expansion of man-made lakes that enhance use areas available to the public.

## Category 8: Public Improvement Fund

Contributions to the City's Public Improvement Fund (PIF) can be made in accordance with a schedule approved by the City to achieve greater density and/or intensity for a development site. Contributions collected under PIF will be used by the City to make public improvements along corridors, where developments achieve additional development through awards under this category. Monies under this fund could be used, but are not limited to the following types of public improvements: public parks, bike and or pedestrian paths, greenbelt and nature trails, plantings, government facilities and infrastructure improvements. The City will prepare an annual report describing the amount of money collected under this program, current and proposed expenditures, and projects under this program, inclusive of an anticipated time schedule.

## **Category 9: Land Assemblage**

The pre-platted nature of the City poses challenges to the aggregation of land needed to support a quality commercial and/or mixed use development. Points will be awarded under this category based on the amount of land assembled, (3 acres or more of lots and consisting of at least 250 feet in depth along the 50% of the site's frontage), the number of platted lots assembled, the amount of commercial development proposed, and the location of the assemblage.

Policy 1.234: Based upon increased awareness of the difficulties associated with pesticides, herbicides, water quality, and habitat loss, the City has determined that all new golf courses should be developed in a manner that is sensitive to environmental and ecological quality. New golf courses throughout the City will be developed as Planned Development Projects Unit Developments in accordance with the City of Cape Coral Land Use and Development RegulationsLand Development Code. Additionally, new golf courses will be developed following the Florida Department of Environmental Protection's Best Management Practices for the Enhancement of Environmental Quality on Florida Golf Courses, January 2007, and be designed, constructed, certified, and then managed in accordance with the Audubon International Signature Program. Exempted from these regulations are former and existing golf course facilities in Cape Coral, otherwise known as the Coral Oaks Golf Course, Executive Golf Course, and the Palmetto Pine Golf Course, and the Cape Coral Golf and Tennis Resort (also known as the Golf Club). The term "golf course facilities" refers to all properties used in the operation and maintenance of golf courses, including, but not limited to, fairways, greens, bunkers, driving ranges, pathways,

parking lots, clubhouses, and pro shops. The foregoing exemption from Policy 1.24 shall apply in perpetuity and run with the land.

To further ensure a high standard of golf course development in Cape Coral, natural waterways shall be left in a natural, unaltered condition and shall not be channelized, provided:

i. If a crossing for a natural waterway, water body, or flow way is proposed, it must be designed, to the greatest extent practicable, to minimize the removal of trees and other shading vegetation;

ii. Golf cart crossings must be designed to be permeable, be no wider than eight feet, and placed on pilings from edge of floodplain to edge of floodplain;

iii. Created or restored flow ways and water bodies may be crossed by bridges or culverts, or a combination thereof, if approved by the South Florida Water Management District;

iv. An existing natural waterway may not be excavated for new lakes or ponds;

v. Upland ponds must not expose stream channels to an increase in either the rate or duration of floodwater, unless otherwise required by the South Florida Water Management District in order to further regional water management objectives.

All fairways, greens, and tees are elevated above the 25-year flood level, and all greens must utilize underdrains. The effluent from these underdrains must be pre-treated prior to discharge into the balance of the development's water management system.

Further, to ensure water conservation, golf course irrigation systems must utilize computerized irrigation programs based on weather station information and moisture sensing systems to determine existing soil moisture and evapotranspiration rates so as to provide water efficient zone control. Where re-use water is available, new golf courses will, to the greatest extent practicable, utilize such re-use water for irrigation purposes.

Design of new golf courses will protect wildlife by: 1.) maintaining natural wildlife habitat in at least 50% of all minimally used portions of the property; 2.) connect natural areas as much as possible to improve wildlife movement throughout the golf course and from the course to neighboring natural areas; 3.) maintain a water source for wildlife with aquatic plants and shrubbery or native landscaping along the shoreline; 4.) naturalize at least 50% of out-of-play shorelines with emergent aquatic and shoreline plants; and 5.) maintain nesting boxes or other structures, when appropriate, to enhance nesting sites for birds or bats.

A Construction Management Plan will be required prior to new golf course development in accordance with the Florida Department of Environmental Protection's Best Management Practices for the Enhancement of Environmental Quality on Florida Golf Courses.

New golf courses shall be monitored annually in the following areas:

a. Surface and groundwater monitoring requirements

b. Construction monitoring: Annual reports detailing construction activities, permitting, compliance with Audubon International Signature Standards and percent of project completed.

c. Land management activities: Including those used on the golf course, as well as natural and preserve areas.

d. Wildlife monitoring: An inventory of wildlife, wildlife activity, and wildlife management activities.

e. Irrigation monitoring: A summary of the monthly irrigation withdrawal and irrigation sources.

f. Mitigation/vegetation monitoring: Status reports on the viability of any mitigation or landscaping conducted on-site and an inventory of all fertilizers used for golf course and non-golf course areas maintained during the year.

g. Integrated pest management monitoring: Provide a discussion on the pest management techniques, and any pest problems that have occurred on the project.

h. If surface and/or groundwater monitoring shows degradation of water quality the City will notify the property owner that a plan, to correct the identified problem(s), must be submitted. The property owner must submit a plan of action within 30 days after receipt of written notice from the City. The plan must identify actions that will correct the problem(s) within the shortest possible time frame. This plan will be reviewed and must be found to be acceptable by the City. If the plan is not submitted as required, or is found to be unacceptable by the City, the City will require that all activities on the property cease until a plan is submitted and approved. The approved plan must be implemented by the property owner. If the City determines that the approved plan is not being implemented properly, the City can require that all activities on the property cease until the property owner comes back into compliance.

<u>OBJECTIVE 2:</u> Location of New Commercial Development: New commercial development shall be so located to provide minimal vehicle trip lengths, at or near transportation nodes, and compatible with neighboring residential uses.

<u>Policy 2.1:</u> The City shall encourage the location of Commercial Activity <u>Centerscommercial development</u> where they it can efficiently use infrastructure, where their adverse impacts on adjacent uses are minimized and where they will effectively provide the community with desired products, services and employment opportunities.

<u>OBJECTIVE 3:</u> Development of Quality Commercial Centers: The City encourages development of quality commercial (retail, office, and/or services) centers on property that meets the recommended land configuration for such commercial centers and that is located proximate to an adequate trade area, relative to the size and character of the center, and necessary to ensure economic viability.

<u>Policy 3.1:</u> The City of Cape Coral will encourage the development of future commercial (retail, office and/or services) areas at or near transportation nodes by assigning appropriate future land use designations.

<u>Policy 3.2</u>: The size, location and function of commercial areas shall be related and central to the population, market area and the transportation network system. The distribution and size of commercial areas shall be spatially located to meet neighborhood, community and regional needs and to reduce vehicle trip lengths.

<u>Policy 3.3:</u> Application of the commercial areas along and proximate to commercial corridors at key locations is intended to address the projected demand for commercial development as summarized in the Table below, or other subsequent analysis.

Commercial Centers by Corridor					
<u>Corridor Name</u>	Total Projected Demand For Commercial Acres of Land	Neighborhood Shopping Center	Community Shopping Center	Power Center	Regional Shopping Center
Burnt Store Road	295	2	2*		
Del Prado Boulevard North	307	1	2*		
Del Prado Boulevard South	243	2	2*		
Chiquita Boulevard South	129	0			
Chiquita Boulevard North	129	2			
Cape Coral Parkway (east of Palm Tree)	144	1			
Cape Coral Parkway (west of Palm Tree)	94	1	1*		
Santa Barbara North	120	2	2*		
Santa Barbara South	56	0			
Santa Barbara (Formerly Juanita Boulevard)	79	1	1*		
Veterans Parkway	189	2	1*	1	
Kismet Parkway	151	1			
Skyline Boulevard	148	2			
Diplomat Parkway	136	2			
Tropicana Parkway	117	1			
Cultural Park Boulevard	109	0			
Hancock Bridge Parkway	85	0			
Andalusia Boulevard	75	0			
Embers Parkway	73	0			
Nicholas Parkway	50	0			
Viscaya Parkway	27	0			
Pine Island Road	399(1) 299	3			

(\*) Asterisk indicates that the center has a dual function as a community commercial center and neighborhood commercial center.

There may be more than one Super Community/Power Center in the City of Cape Coral.

(1) Adjusted on pro rata basis for incorporation of a regional commercial center on Pine Island Road

<u>Policy 3.4</u>: The City shall initiate and/or consider privately initiated future land use map amendments necessary to provide an adequate supply of lands designated for retail, office, and services uses in quantities and locations appropriate for such uses, generally consistent with the findings of the Commercial Corridor Study (City of Cape Coral, 2003), or other subsequent analysis.

<u>Policy 3.5:</u> Commercial development shall include bicycle parking areas, and when appropriate, bus bays and bus shelters in order to encourage alternative transportation modes.

<u>Policy 3.6:</u> The City of Cape Coral adopted the Pine Island Road Corridor Master Plan in January 2002. The City will adhere to this the Pine Island Road Corridor Master Plan to provide guidance, standards, and to direct growth and development along the Pine Island Road Corridor.

Policy 3.7: The City may consider the vacation of rights-of-way to facilitate land assembly and the development of a unified, contiguous commercial project.

Policy 5.43.8: The City of Cape Coral may develop other zoning districts that are compatible with the Commercial/Professional future land use classification.

<u>OBJECTIVE 4:</u> Location of Future Development: Future private development requiring public water and wastewater will be directed into the Urban Services Infill Area and the Urban Services Transition Area illustrated on the Future Land Use Map, unless specifically accepted by the provisions of this plan.

<u>Policy 4.1:</u> Future development requiring access or connection to public water and sewer facilities will be located within either the Urban Services Infill or Transition areas.

<u>Policy 4.2</u>: Exemption from the provisions of Policy 4.1 will be made only in extraordinary cases where the physical size, potentially disruptive nature, or geographic needs of the project would make strict adherence unreasonable. These projects include developments of regional impact, utilities plants, airports, public schools, technical schools, community colleges, parks and other government facilities.

<u>Policy 4.3:</u> By 2010, the <u>The</u> City will <u>complete</u> <u>continue to periodically review its</u> <u>an</u> Economic Development <u>Master</u> Plan to <u>identify emerging trends and</u> encourage large-scale commercial, professional, and industrial types of development within the City.

<u>Policy 4.4</u>: Completed and city-accepted private initiatives to utility service, such as onsite sewage treatment plants and developer-extended utilities, shall be considered as extensions to the Urban Services Transition Area.

<u>OBJECTIVE 5:</u> Extension of Infrastructure and Services in the Urban Services Infill Area: Infrastructure and community services will be extended to serve 100 percent of the anticipated functional population of the Urban Services Infill Area.

<u>Policy 5.1:</u> Land use regulations, whether adopted or revised pursuant to this plan, shall provide incentives to encourage infill of residential, commercial, and other appropriate uses

within the Urban Services Infill Area and Transition Area.

<u>Policy 5.2</u>: The City will amend the Future Land Use Map using the plan amendment process, to annex Urban Services Transition Area lands into the Urban Services Infill Area as soon as those lands are found to be served with the adopted level of infrastructure and community services.

<u>Policy 5.3</u>: New commercial development shall meet all of the requirements for adequate facilities based on the level of service standards adopted for roads, potable water and sanitary sewer, solid waste, storm water facilities and other services in this plan.

<u>Policy 5.4:</u> The City of Cape Coral may develop other zoning districts that are compatible with the Commercial/Professional future land use classification.

<u>Policy 5.5:</u> The City may consider the vacation of rights-of-way to facilitate land assembly and the development of a unified, contiguous commercial project.

<u>Policy 5.64:</u> In addition to the facilities for which level of service standards are adopted as part of the concurrency management system of this plan; other services that should be considered to serve new commercial and mixed-use development include fire, police and emergency medical protection.

<u>OBJECTIVE 6:</u> Extension of Infrastructure and Services in the Urban Services Transition Area: Infrastructure and community services will be extended to serve 100 percent of the anticipated functional population of the Urban Services Transition Area at the same level of service standards available within the Urban Services Infill Area.

<u>Policy 6.1</u>: Future extension of utilities will be located and timed to attain a reasonable balance between the following factors:

Protection of public health, safety, and welfare.

Protection of the environment from contamination.

Protection of potable water aquifers from excessive withdrawal and/or saline-water intrusion.

Projected population increases.

Enhancement of economic development resulting from the provision of services.

Continuity with the future plans for utilities within the extension area and adjacent areas.

Collection and distribution facilities will only be extended with consideration given to the capacities of the aquifers, water wells, treatment plants, or disposal facilities capacities to provide the adopted levels of service.

Property value and financial impacts on property owners.

Financial feasibility of the utility expansion.

<u>Policy 6.2:</u> The City will continue to <u>set asideidentify</u> a portion of the Urban Services Transition Area as a receiving area for Transfers of Development Rights (TDRs). for future land banking opportunities.

<u>OBJECTIVE 7:</u> Development in the Urban Services Reserve Area: The City will discourage premature "leap-frog" development within the Urban Services Reserve Area.

<u>Policy 7.1:</u> The City will amend the Future Land Use Map through the plan amendment process to annex Urban Services Reserve Area lands into the Urban Services Transition Area as a prerequisite to the extension of infrastructure and community services. Amendments of this type may take place only after the Urban Services Infill and Transition Areas are reevaluated as a whole and the City determines that the additional land is appropriate in size and location to meet the needs of the projected population. Per Policy 2.3.3 of the Infrastructure Element, extension of centralized potable water and wastewater infrastructure services beyond the Urban Services Infill and Transition Areas may be undertaken if such services are provided by a developer, independent utility franchise, or through the developer-financed extension of City utilities.

<u>Policy 7.2:</u> The City will concentrate its long-range land acquisition and assembly efforts within the Urban Services Reserve Area.

<u>Policy 7.3</u>: The City will provide incentives to individual property owners, builders, and developers to assemble parcels of land for future private uses, and will encourage the use of zero lot line (ZLL) and cluster type of development to improve lot layout, drainage, and stormwater retention.

<u>Policy 7.4:</u> Developers of lands within the Urban Services Reserve Area, shall bear the costs of extending water and wastewater infrastructure if onsite systems are impracticable.

Policy 7.5: Reserved.

<u>Policy 7.6</u>: Notwithstanding any provisions in this element which may be interpreted to the contrary, the right to a development order to build one (1) single family dwelling unit in the Urban Services Reserve Area on a property of 10,000 square feet or more, or to build no more than 4.4 single family dwelling units per developable acre, shall not be abridged<u>be</u> permitted for privately-owned lands if classified as Park and Recreation Facilities or Public Facilities on the Future Land Use Map.

<u>Policy 7.7:</u> As an incentive to the assembly, holding, and <del>planned</del> development of sizable tracts of land in the Urban Services Reserve Area, tracts of the following sizes may be developed at the following residential densities, subject to (i) adopted performance standards capable of allowing residential development at such densities; (ii) any applicable concurrency requirements; (iii) applicable standards of other governmental agencies; and (iv) any other applicable goals, objectives and policies in the Cape Coral Comprehensive Plan:

ACREAGE	DU/ACRE
3-4.99	8
5-9.99	10
10-14.99	12
15-19.99	14
20	16

<u>Policy 7.8:</u> Platted lots in the Urban Services Reserve Area zoned for Commercial or Professional use prior to the February 13, 1989 Cape Coral Comprehensive Plan that are now designated for Residential use, if they (i) are below the minimum size for Residential use, and (ii) adjoin City-owned property, may be conveyed to the City for an impact fee credit that may be lawfully granted by the City equal to their fair market value at the time of conveyance, based on their Commercial or Professional zoning prior to the adoption of the February 13, 1989 Cape Coral Comprehensive Plan.

<u>Policy 7.9</u>: Development of properties or projects that have access to city utilities and are divided by or adjacent to the Urban Services boundary may be developed, at the density or intensity of land use as designated on the Future Land Use Map. Such development must proceed as one compact and unified development and shall be governed by the rules for development in the Urban Services Infill and Transition Areas and be subject to the intensities and densities of policy 1.16.

<u>Policy 7.10:</u> The City shall discourage illogical and inefficient leapfrog development, by encouraging and directing development to areas adjacent to section of the City served by existing centralized utilities, and that the extension of centralized utilities will abide by Policy 1.1.6 of the Infrastructure Element.

<u>OBJECTIVE 8:</u> Restrictions upon Incompatible Land Uses: The City will prohibit land uses which are incompatible or inconsistent with the Future Land Use Map.

<u>Policy 8.1:</u> The City will prohibit the expansion or replacement of land uses which are inconsistent with the Future Land Use Element.

<u>Policy 8.2:</u> Land development regulations, adopted pursuant to s.163.3202, F.S., will require the buffering of incompatible land uses.

<u>Policy 8.3</u>: Commercial developments shall be designed to minimize negative impacts on surrounding residential uses and the land development regulations shall provide for adequate buffering between commercial and residential uses. The design should ensure adequate screening of unsightly views of commercial developments (such as loading docks, rooftop equipment, service entrances, trash containers, parking areas and exterior storage) through the extensive use of landscaping, berms, fencing, concealment, architectural features, open space, setbacks, and/or building orientation. Ensure that the placement of any noise generating activities such as ingress/egress, parking, deliveries, air conditioning equipment and dumpster collections are designed to minimize any adverse noise effects. Traffic and parking should not adversely affect neighborhood quality. Noise, safety and overall maintenance of commercial properties should be carefully monitored.

<u>Policy 8.4:</u> The City shall encourage transitions from commercial uses to less intensive land uses and site design that considers the following preferred characteristics to attain compatibility with adjacent residential uses:

- a. Site Orientation
  - i. Vehicular access should be from a collector, arterial, access street, or an alley if the subject uses are located within the Downtown Community Redevelopment Area.
  - ii. Pedestrian access should be designed to provide internal and external circulation from adjacent neighborhoods.
  - iii. Streets should be designed with elements to provide visual or physical buffering may serve as boundaries between different intensities of land uses.
  - iv. Site improvements within commercial areas such as lighting, signage and landscaping should be designed and coordinated in order to create a positive identity and visual image throughout the development area.
- b. Site design should promote the preservation and integration of mature trees, natural vegetation, natural and environmentally sensitive areas whenever feasible.
- c. Screening and landscaping
  - i. Creative and extensive use of landscaping and berming techniques for natural transitions between differing intensities of land uses is encouraged.
  - ii. Fences should not be used as a sole method of providing screening and buffering between differing intensities of land uses.
  - iii. The City shall review and revise landscaping and signage standards for commercial development to enhance the visual and physical environment to foster its integration of other land uses.
- d. Lighting used to illuminate parking areas, signs or structures should be placed and designed to deflect light away from adjoining property or public streets through fixture type, height, orientation and location.

<u>Policy 8.5</u>: The City encourages the use of multi-family residential, compound buildings, professional offices, and parks as transitional uses between commercial development and low-density residential neighborhood. Such development should include:

- a. Design elements such as: height and scale compatible with the surrounding residential uses::
- b. Site design that is compatible with surrounding residential neighborhoods with consideration given to extensive screening, architectural features, building and parking orientation, and preservation of natural features; and

c. Primary site access provided from arterials, collectors or access streets in order to discourage traffic from directly entering residential areas.

<u>Policy 8.6:</u> Commercial developments and compound buildings shall be encouraged to preserve substantial areas of natural vegetation.

<u>OBJECTIVE 9:</u> Coastal Development: The City will coordinate coastal area population densities with the Southwest Florida Comprehensive Hurricane Evacuation Plan.

<u>Policy 9.1</u>: The City will encourage the development of infrastructure in the northeastern portion of the community to take advantage of high elevations and opportunities for rapid evacuation.

Policy 9.2: The City will utilize the 2017 Climate Change Resiliency Strategy, and other strategies as updated, for the placement of public infrastructure in order to better prepare for sea level rise.

<u>OBJECTIVE 10:</u> Charlotte Harbor Management Plan: The City will coordinate its planning efforts with the provisions of the Charlotte Harbor Management Plan.

<u>Policy 10.1:</u> Requests for development orders and building permits will be coordinated with governmental agencies including, but not necessarily limited to, Lee County, Charlotte County, the Regional Planning Council, the South Florida Water Management District, and other State and Federal agencies.

<u>OBJECTIVE 11:</u> Protection of Marine, Estuarine, and Upland Environments: Cape Coral will continue to protect marine and estuarine communities and will continue its protection to include the ownership and maintenance of a significant example of an upland ecological community.

<u>Policy 11.1:</u> The City will own and maintain a minimum of 200-acre tract of upland for use as a major park emphasizing passive recreation and nature study.

<u>Policy 11.2</u>: The City will continue to use inland sites for dredge spoil to protect marine and estuarine communities. The identification of subsequent spoil sites will begin within two years of the existing site reaching capacity.

<u>OBJECTIVE 12:</u> Protection of Historic and Pre-historic Resources: The City will continue to identify all historic and prehistoric resources within the City's jurisdiction, and will adopt regulations to preserve and protect those resources for future enjoyment.

<u>Policy 12.1:</u> The Department of Community Development will be the designated body responsible for preserving the City's historic resources and the identification of historic homes and structures within the City's jurisdictional boundaries.

<u>Policy 12.2</u>: Cape Coral will continue to cooperate with State and Federal agencies to protect identified historical and archaeological resources from vandalism and desecration, and will preserve these resources in a manner which promotes an understanding of historic and prehistoric peoples and their times.

<u>OBJECTIVE 13:</u> Renewal of Blighted Areas: The City will pursue the redevelopment and renewal of blighted areas in the downtown area consistent with the provisions of the Community Redevelopment Area (CRA) plan.

<u>Policy 13.1:</u> The City will continue the redevelopment of the Community Redevelopment Area (CRA) in downtown Cape Coral according to the schedule of the CRA plan as adopted by Council.

<u>Policy 13.2:</u> The City will, as part of its CRA planning process, investigate innovative market opportunities to property owners in blighted areas to remodel, rebuild and replat their buildings and properties.

<u>Policy 13.3:</u> In order to encourage and facilitate development and redevelopment and the provision of housing, employment, service and shopping opportunities in a compact area currently served by public facilities, mixed\_-use development shall be allowed in the Downtown Community Redevelopment Area. Such mixed\_-use development shall conform to the Community Redevelopment Area Plan, as same may be amended, and shall be reviewed in accordance with the City's <u>Land-Use-and-Development RegulationsLand</u> Development Code.

<u>Objective 14:</u> In order to promote the economic viability of Downtown Cape Coral, the City of Cape Coral shall establish the Downtown Transportation Concurrency Exception Area (Downtown TCEA). Establishment of the TCEA will enhance the ability of the City to undertake the following activities:

Urban redevelopment;

Urban infill development;

Increasing retail and commercial services, as well as employment opportunities within the downtown area, thereby reducing the City's reliance on travel across bridges to reach such land uses;

Providing residents of, and visitors to, the downtown area with a variety of transportation choices and opportunities including automotive, pedestrian, bicycle and transit;

The creation and implementation of desirable urban design and form in the downtown area;

The creation of a broader mix of residential and non-residential uses in the downtown area;

Implementing streetscaping and landscaping improvements in the downtown area; and

Increasing comfort, safety and convenience for pedestrian, bicycle and transit users in the downtown area.

<u>Policy 14.1:</u> The City of Cape Coral hereby establishes the Downtown CRA Transportation Concurrency Exception Area (Downtown TCEA) to aid in the revitalization and redevelopment of the properties within the Community Redevelopment Agency (CRA) area. The purpose of the TCEA shall be to provide incentives for revitalization, infill development and redevelopment by eliminating or minimizing transportation concurrency requirements, in exchange for the implementation of sound land use and transportation planning techniques, which enhance mobility within the downtown area.

<u>Policy 14.2</u>: The City of Cape Coral Downtown CRA TCEA shall have boundaries as depicted on the Future Land Use Map. The general boundaries of the area are as follows: SE 44th Street and SE 46th Lane on the North, SE 17th Place, Waikiki Avenue, and the Caloosahatchee River on the East, Miramar Street, Bimini Basin Canal, and Norfolk Canal on the South, and Tudor Canal, Palm Tree Boulevard, Coronado Parkway and the alley in Block 396 on the West.

<u>Policy 14.3:</u> New development, redevelopment and infill development projects located within the City of Cape Coral Downtown Transportation Concurrency Exception Area (Downtown TCEA) may elect to be exempt from transportation concurrency requirements through implementation of the mitigation strategies described in Policy 14.5 of this Element. New development, redevelopment and infill development projects that do not choose to mitigate transportation concurrency impacts in such manner shall be subject to all applicable transportation impacts through the strategies identified in Future Land Use Policy 14.5, or elects to be subject to standard transportation concurrency requirements, all projects shall be subject to concurrency review for the purpose of assessing the transportation impacts of the proposed development.

<u>Policy 14.4</u>: The City of Cape Coral and the Cape Coral Community Redevelopment Agency (CRA) will work with Lee County Transit (LeeTran), or other local transit provider, and the Lee County Metropolitan Planning Organization (MPO) to expand and/or otherwise improve the public transportation system within the Downtown TCEA in an effort to reduce the demand on the existing transportation network by reducing the number of trips on the roadways within the Downtown TCEA.

<u>Policy 14.5</u>: In order to be exempt from link specific concurrency and to support mobility enhancement within the Downtown TCEA, all new development, redevelopment, or infill development projects may opt to incorporate any five of the following provisions:

Preferential parking for carpools, vanpools, and/or multiple occupancy vehicles with the object of increasing the average vehicle occupancy for trips generated by the development.

Parking price structures favoring carpools, vanpools, and/or multiple occupancy vehicles, with the object of increasing either the average vehicle occupancy for trips generated by the development, or increasing transit ridership.

Flexible work schedules for employees of the development, with the object of

decreasing peak hour automobile trips generated by the development.

Payment of a subsidy to LeeTran to support an increased level of transit service within the TCEA.

Payment into one or more funds, to be established by the City or the CRA. Monies collected by such fund(s) shall be used to support programs and/or capital projects designed to provide additional parking and/or to enhance bicycle, pedestrian, and transit mobility within the TCEA.

The provision of transit shelters, built to City of Cape Coral specifications, within the development.

The provision of a safe and convenient internal pedestrian and bicycle circulation system within the development, including the placement of bicycle racks or bike lockers.

The provision of transit turn out lanes on heavily traveled roadways.

The provision of structured parking for use by residents, patrons and employees of the development.

Clustering buildings within the development, or otherwise designing the development to achieve maximum residential density or non-residential intensity at the development site in a manner, which preserves open space, enhances multi-modal opportunities and provides transit oriented densities or intensities.

Where feasible, the construction of new roadway or alleyway facilities to reduce congestion on major roadways and to provide alternate access to the development.

Any other innovative transportation related modifications or standards submitted by the developer and acceptable to and approved by the City of Cape Coral.

<u>Objective 15:</u> Downtown TCEA Administration: The City shall develop and implement strategies and programs designed to achieve the purposes of the City of Cape Coral Downtown CRA Transportation Concurrency Exception Area (TCEA).

<u>Policy 15.1:</u> The Community Redevelopment Plan for the Community Redevelopment Area (CRA) provides information regarding funding of redevelopment within the CRA. As provided for by Florida's Community Redevelopment Act, the principal source of funding for the Community Redevelopment Agency will be through the Tax Increment Trust Fund. Other sources of funding may include the sale or lease of acquired property, Enterprise Fund Revenue Bonds, one or more funds for mobility enhancement, as described in Policy 14.5, above, and Federal, State and Regional Grants.

<u>Policy 15.2</u>: In order to promote new development, redevelopment and infill development within the Downtown TCEA, funding for multimodal transportation modifications and identified improvements (not otherwise provided by the developer, as per Policy 14.5,

above) will be provided to the maximum extent feasible by the City, the CRA, Lee County, state and/or federal governments, developers and other outside sources such as grant funds.

<u>Policy 15.3</u>: Within the Downtown TCEA, the City of Cape Coral and the Community Redevelopment Agency will continuously work to improve other forms of mobility such as pedestrian, bicycle and transit service and to implement connectivity between all modes so as to promote lower vehicular traffic.

<u>Policy 15.4</u>: The City of Cape Coral and the Community Redevelopment Agency will implement sidewalk, or other pedestrian, and bicycle improvements to increase the Level of Service of these facilities within the downtown area. Pedestrian projects designed to increase the pedestrian level of service may include but shall not be limited to:

Construction of new or expanded sidewalk facilities to service streets or portions of streets not currently served by sidewalks;

A reduction in the number of physical obstructions within the sidewalk network;

Improvements to pedestrian crosswalk signalization;

The designation of one or more local streets as pedestrian only areas; and/or

The provision of shading, sitting areas and other streetscape amenities.

<u>Policy 15.5:</u> The City and the CRA will cooperate with Lee County Transit (LeeTran) to maintain/improve the transit facilities and transit level of service within the Downtown TCEA. In addition to developer-implemented strategies, as described in Policy 14.5 of this Element, strategies that may be implemented include, but may not necessarily be limited to, improving the density, intensity and mix of development in the downtown area, improving route headways, improving service time spans, and reducing the interval distance between stops.

<u>Objective 16:</u> The Cape Coral Downtown CRA Transportation Concurrency Exception Area (Downtown TCEA) will be administered in a manner that supports the Community Redevelopment Agency's goals concerning urban design, the preservation of open spaces, streetscaping and the removal of blighting factors.

<u>Policy 16.1</u>: With regard to open space and street layout within the Community Redevelopment Area, the intent of the City, in implementing the Downtown TCEA, is to create a high-intensity, yet pedestrian friendly, urban area that is served by multi-modal circulation systems, which are designed to ensure that visitors, employees, and residents can easily find their way, park, and enjoy their walk to their destinations.

<u>Policy 16.2</u>: Within the Downtown TCEA, the City shall utilize regulatory controls and incentives to provide appropriate limitations on the type, size, height and use of buildings in order to stimulate and attract private investment in real property and property improvements in the redevelopment area. Such investment and improvements will be directed toward the elimination of blighting factors, the improvement of the economic health of the City and the County, increasing employment opportunities within the downtown area, providing better

services to residents, businesses, and tourists, and improving the tax base.

<u>Policy 16.3</u>: In regulating residential development (including, but not necessarily limited to, affordable housing) within the Downtown TCEA, the City will continuously seek to increase the number of people that both live and work downtown in order to promote the creation of pedestrian-friendly shopping areas, provide employment opportunities for downtown residents, and decrease automobile use in the downtown area.

<u>Policy 16.4</u>: In order to enhance the visual characteristics of roadways within the Downtown TCEA, and to create an appealing environment that supports multi-modal transit opportunities, the City and the CRA will develop streetscaping guidelines and/or plans for roadways within the downtown area.

<u>Policy 16.5</u>: The City will include right of way and median landscaping as part of any major roadway modification program carried out within the Downtown TCEA.

<u>Policy 16.6:</u> The City of Cape Coral shall coordinate with the CRA, Lee County, and the Lee County Metropolitan Planning Organization to balance the need for and design of roadway improvements within the Downtown TCEA with the CRA's need for quality urban design concepts for all revitalization, redevelopment and infill development.

<u>Policy 16.7</u>: Land use intensities and densities within the Downtown TCEA shall be consistent with the goals objectives and policies of the City's Comprehensive Plan. In particular, Policy 1.15 (<u>k</u>+) of this Element, describing the Downtown Mixed Future Land Use Classification, defines the allowable intensities and densities within the Downtown TCEA.

<u>Objective 17:</u> Downtown TCEA Network Connectivity: In implementing various mobility strategies and infrastructure projects within the Downtown TCEA, the City of Cape Coral and the Community Redevelopment Agency will seek to establish network connectivity within and between all modes of transportation within the downtown area.

<u>Policy 17.1:</u> In reviewing requests for vacation of streets within the downtown area, the City of Cape Coral shall consider the following:

Whether the loss of the street will adversely impact current or future bicycle/pedestrian mobility;

Whether the loss of the street will prevent access to adjacent land uses or transit stops; and,

Whether the loss of the street is necessary for the construction of high density, mixed use projects containing both residential and non-residential uses or projects that permit residential and non-residential uses to be constructed in close proximity to each other.

<u>Policy 17.2:</u> Within the Downtown TCEA, development plans for the placement of new parking structures and/or surface parking lots as a principal or accessory use shall:

Minimize conflicts between pedestrian, motor vehicle, and bicycle travel routes; and,

Utilize locations and designs, which discourage commercial vehicle access through residential streets.

## Exhibit D

## **INFRASTRUCTURE ELEMENT**

## GOALS, OBJECTIVES, AND POLICIES

<u>GOAL 1:</u> Consistency with the 5-Year Capital Improvements Program and the adopted levels of service - required public facilities will be provided in a manner that promotes orderly, compact, and efficient urban growth.

<u>Objective 1.1:</u> The City will ensure that the public facilities needed through 2020 are in place in accordance with the adopted 5-Year Capital Improvements schedule, and ensure that when building permits are issued, adequate facility capacity is available, or will be available to serve the development at the time required. The long-term planning window shall be the period from the 2015 update of this document to 2035. Long-term infrastructure planning needs to build-out are and will be implemented as identified in the Montgomery Watson Harza Facilities Planning Report (2005 ed.).

<u>Policy 1.1.1.</u> The following levels of service are hereby adopted by the City as a means of determining the availability of facility capacity and the demand created by new development:

Sanitary Sewer Facilities

200 gallons per day/dwelling unit for dwelling units located in the Urban Services Infill and Transition Areas that are serviced by the City's sanitary sewer utility.

The Level of service standard will be equivalent to the Department of Environmental Protection requirements for package treatment plants as identified in Rule 62-555.348 FAC located in Planned Development Projects and Developments of Regional Impact within the Urban Services Reserve Area.

The City Level of service standard for onsite septic systems will be equivalent to the County Department of Health requirements for septic systems in Planned Development Projects and Developments of Regional Impact within the Urban Services Reserve Area.

No level of service standard exists for individual private homes within the Urban Services Reserve Area.

<u>Solid Waste Facilities</u> Average Solid Waste Generation Rate Citywide 4.74 lbs per capita per day

Drainage Facilities Citywide Based on, *Basis of Review for Surface Water Management Permit Applications*, South Florida Water Management District (See Appendices I and II).

Drainage Facilities Quantity: Design Storm (3 day duration, 25 year return frequency)

Drainage Facilities Quality: The City adopts Chapter 17-25, F.A.C. as standards for water quality.

<u>Potable Water Facilities</u> 200 gallons per day/dwelling unit for areas serviced by municipal utilities.

No level of service standard exists for private self serve wells within the Urban Services Reserve Area.

200 gallons per day/dwelling unit for potable water in areas serviced by the Greater Pine Island Water Association.

<u>Policy 1.1.2.</u> All improvements for replacement, expansion, or increase in capacity of public facilities will be compatible with adopted levels of service.

<u>Policy 1.1.3.</u> All new facilities, as well as improvements to existing facilities will be designed to meet or be expandable to meet buildout system requirements.

<u>Policy 1.1.4.</u> The City will maintain procedures to ensure adequate facility capacity before building permits are issued.

<u>Policy 1.1.5.</u> The City will prepare annual summaries of capacity and demand information for each facility to coincide with the annual update to the Capital Improvement Program (CIP).

<u>Policy 1.1.6.</u> Provision by the City of centralized sanitary sewer and potable water service will be limited to the urban services infill and transition areas, as outlined in the adopted future land use map and amended annually via the plan amendment process, and to those areas where the City has a legal commitment to provide services and facilities, including, but not limited to the North Spreader Ecological Management Agreement. The City hereby designates, when feasible, a dual water system which consists of both the irrigation and domestic water supply for the extension of public water service to those portions of the Urban Services Transition Area per the future land use map as amended not currently served by both public water and sewer. In accordance with this, the extension of public water service, when feasible, using non-potable sources for irrigation purposes.

<u>Policy 1.1.7:</u> New City of Cape Coral potable water, wastewater, and public irrigation water facilities, except for water distribution or wastewater collection facilities, shall not be located within the Coastal High-Hazard Area.

Policy 1.1.8: To promote efficient growth patterns, public safety, and timely construction of infrastructure, incidental utility activities are allowed in all future land use classifications and zoning districts in Cape Coral, subject to any applicable special regulations to address specific impacts.

<u>Objective 1.2</u>: The City will maintain a five year schedule of capital improvements, to be updated annually to conform to the annual review process for the Capital Improvements Element of this plan.

<u>Policy 1.2.1.</u> Capital Improvements projects proposed for inclusion in the five year schedule of capital improvement needs will be evaluated by City Council or its designee. Council will, at least annually, update this schedule to ensure that public facilities and improvements are provided at adopted levels of service concurrent with growth.

<u>Objective 1.3:</u> The City will continue its cooperation with other local and state agencies for the inspection of on-site wastewater treatment systems.

<u>Policy 1.3.1.</u> Issuance of development permits will continue to be conditioned upon demonstration of compliance with all applicable federal, state, and local permit requirements for on-site wastewater treatment systems.

<u>Policy 1.3.2.</u> The City will coordinate with appropriate federal and state agencies to require that issuance of permits for replacement or expansion of on-site wastewater services is conditioned upon compliance with current regulatory requirements and water quality standards.

<u>Objective 1.4:</u> The City will make maximum use of its existing treatment/processing facilities (in each respective service area) but will construct additional facilities, in accordance with thresholds identified in the Florida Administrative Code.

<u>Policy 1.4.1.</u> Existing septic tanks and package treatment plants may remain in service until such time as centralized service is made available unless the continued operation of the facility poses a threat to public health, safety, or welfare.

<u>GOAL 2:</u> Provision of Sanitary Sewer, Drainage, Potable Water, and Solid Waste Services - the City of Cape Coral will provide sanitary sewer, drainage, and potable water facilities, and will coordinate with private and County sources for provision of solid waste facilities to meet the existing and projected needs identified in this plan.

<u>Objective 2.1:</u> Existing deficiencies will be corrected by undertaking the following projects:

a) Sanitary Sewer and Potable Water Implement Utility Expansion Program b) Drainage Implement recommendations of the Master Storm Water Management Plan <u>Policy 2.1.1.</u> All projects will be undertaken in accordance with the Five Year Schedule of Capital Improvements adopted as part of the Capital Improvements Element.

<u>Policy 2.1.2.</u> Projects needed to correct existing deficiencies will be given priority in the formation and implementation of the Capital Improvements Plan.

Objective 2.2: Projected demands through the year 2018 will be met.

### Policy 2.2.1.

The City will meet projected demands by undertaking the following projects within the short-term planning timeframe:

- a. Sewer and Water Projects
- 1. Continue to provide planning and studies necessary for orderly expansion
- 2. North 1 Utility Expansion Program
- 3. North 2 Utility Expansion Program
- 4. Construct North Cape Water Reclamation Facility
- 5 Upgrade Lift Stations
- 6. Rehab/Replace Raw Water Production Wells
- 7. Southwest Bio-Solids Centrifuges
- 8. Palm Tree Water Main Extension Phase I
- 9. Palm Tree Water Main Extension Phase II
- 10. Galvanized Pipe Replacement
- 11. UCD Administration Building
- 12. Manhole Rehabilitation
- 13. Infiltration/Inflow
- 14. Weir# 4 Construction
- 15. Force main Interconnect
- 16. Fire Sprinkler Conversion (Irr to PW)

- 17. Weir# 16 and # 17 Construction
- 18. Reuse Water Main-River Crossing
- 19. ASR/Irrigation Supply Improvement
- 20. North RO Deep Injection Well
- 21. Potable Water Infrastructure Replacement
- 22. Reuse Utilities Main Extension-FGUA
- 23. SWRO Deep Injection Well
- 24. Southwest Operations Building
- 25. Analyzer Building
- 26. Retro SWRO Well Field Control/Communication
- 27. SWRO Control Systems Upgrade
- 28. Distribution System Automation
- b. Solid Waste Projects
  - to be coordinated with Lee County
- c. Drainage Projects

1. Continue to construct city-wide drainage improvements, including modifications to weirs, based on the recommendations in the Master Storm Water Management Plan.

2. Continue to dredge the canals to provide required conveyance of storm water.

<u>Policy 2.2.2.</u> Projects generally will be undertaken in accordance with the schedule provided in the Capital Improvements Element of this plan and its amendments.

<u>Policy 2.2.3.</u> Projects will be scheduled in such a way as to minimize disruption of services and duplication of labor and to maintain service levels for all facilities.

<u>Policy 2.2.4.</u> All required Federal, State, or County permits must be obtained before the City undertakes, or authorizes contractors to undertake, construction or operation of facilities.

<u>Policy 2.2.5.</u> All projects will be designed and constructed to meet or exceed the needs of projected population up to and including buildout if appropriate.

<u>Objective 2.3</u>: For areas not currently programmed to receive utilities, the City will extend services to areas consistent with recommendations of an annually updated implementation plan.

<u>Policy 2.3.1.</u> The City will amend its future land use map at least annually via the plan amendment process to include in the Urban Services Transition Area those subdivided units, unplatted areas, and miscellaneous subdivisions which are 30 or more percent developed and which are contiguous to the existing Urban Services Transition Area. Exceptions to this policy are provided for those extreme circumstances where the City has entered into an interlocal agreement to provide centralized utilities, or as provided in Policy 1.1.6 of the Infrastructure Element.

<u>Policy 2.3.2.</u> Provision of potable water and/or sanitary sewer facilities beyond the area shown on the current five year capital improvements plan will be guided by the following methodology unless as otherwise formulated by a comprehensive utility master plan:

- 1. The subdivided unit to receive sewer or water must be in the Urban Services Infill or Transition area (as defined by the Future Land Use Map, or any amendments thereto.)
- 2. The subdivided unit to receive sewer or water must be contiguous to a subdivided unit currently receiving sewer or water.

<u>Policy 2.3.3.</u> The extension of water and sewer beyond the adopted Urban Services Infill and Transition Areas may be, pending adequate facility capacity, undertaken through developer contributions, or through special assessment districts, should that option become available to the City.

<u>Policy 2.3.4.</u> Potable water, secondary irrigation water, and sanitary sewer service will be extended concurrently to new service areas unless unusual conditions peculiar to a particular area warrant a deviation based on sound planning principals.

<u>Policy 2.3.5.</u> The City hereby adopts the Water Supply Facilities Work Plan, dated May 12, 2014, thereby being consistent with the South Florida Water Management District's Lower West Coast Water Supply Plan Update. The City shall continue to coordinate future updates of the Water Supply Facilities Work Plan with the South Florida Water Management District, as required by law.

<u>Objective 2.4:</u> The City will continue to assure that public health, environmental health, property values, and quality of life is maintained through assurance of the provision of solid waste facilities and services.

<u>Policy 2.4.1.</u> The City will continue to require that all developed properties receive solid waste collection and disposal services.

<u>GOAL 3:</u> Stormwater drainage provision - adequate stormwater drainage will be provided to afford reasonable protection from flooding and to prevent degradation of quality of receiving waters.

<u>Objective 3.1:</u> By 2020, the stormwater drainage regulations contained in the City's Land Use and Development regulations will be reviewed and amended to ensure that future development utilizes stormwater management systems compatible with an adopted comprehensive stormwater management plan.

<u>Policy 3.1.1.</u> The Public Works Department will ensure that major drainage systems are inspected on an as needed basis, and that they receive required maintenance.

<u>Policy 3.1.2.</u> The City will maintain a Stormwater Utility ordinance or an alternative funding system to fund improvements and maintenance of the stormwater drainage system within the City.

<u>Policy 3.1.3.</u> The City will install a two (2) foot sump in the last accessible catch basin of each drainage system for new systems and as drainage systems are repaired and/or replaced.

<u>Policy 3.1.4.</u> The City will combine stormwater retention/detention as part of development of public parks.

<u>Policy 3.1.5.</u> The City will update a capital improvement schedule for correction of deficiencies in the stormwater drainage system based on historic flooding or pollutant loading conditions.

<u>GOAL 4:</u> Groundwater recharge protection - the functions of natural groundwater aquifer recharge areas within the City of Cape Coral will be maintained.

<u>Objective 4.1:</u> The City will protect the functions of natural groundwater recharge areas through means identified jointly by the City and the South Florida Water Management District (SFWMD).

<u>Policy 4.1.1.</u> The City will maximize recharge of the surficial aquifer by maintaining the function of the weirs and maintaining adjustable structures to provide the maximum the water levels that will not cause flooding or other property damage.

<u>Policy 4.1.2.</u> The City will coordinate with federal, state, and local agencies to achieve regional aquifer recharge protection objectives. Such coordination shall include, but not necessarily be limited to, staff interaction, interlocal agreements, and participation on joint committees.

<u>Policy 4.1.3.</u> The City will investigate methods to develop long term dependable water storage capacity.

<u>Policy 4.1.4.</u> The City will develop a program of best management practices, including techniques such as provision of retention basins, grassed swales, infiltration areas, etc. to protect the surficial aquifer and create development standards which maintain aquifer recharge at its pre-development levels.

<u>Policy 4.1.5.</u> The City will maintain regulations to prohibit littering in canals and lakes and to provide recovery of costs incurred in response and recovery efforts related to hazardous materials incidents to protect the surficial aquifer.

<u>Goal 5:</u> Potable Water resource protection - the City will protect and conserve its potable water resources.

<u>Objective 5.1:</u> The City will continue programs with a goal of continuing to reduce the consumption rate of potable water used for irrigation and other outdoor purposes from (2004) levels.

<u>Policy 5.1.1.</u> The City will incorporate and/or maintain water conservation measures into its land development regulations (adopted pursuant to F.S. 163.3202) and development orders for Planned Development Projects and Developments of Regional Impact including, but not limited to:

- Adherence to the Standard Plumbing Code to require the use of water saving devices.

- Maintain provisions of the Landscape Ordinance that strongly encourage the use of Xeriscape principles.

- Maintain a rate schedule to discourage wasteful use of potable water.

- Establishing irrigation conserving time of use restrictions.

<u>GOAL 6:</u> Efficient and safe solid waste disposal - the City will continue to minimize the per household quantity of non-hazardous solid waste delivered to the Lee County solid waste disposal facilities from Cape Coral and discourage littering and illegal dumping.

<u>Objective 6.1:</u> The City of Cape Coral will reduce the volume of non-hazardous solid waste requiring disposal to seventy percent of the total volume.

Policy 6.1.1. The solid waste materials to be picked up in the City's recycling program shall consist of aluminum containers, steel, tin cans, newsprint/newspaper, magazines, brown grocery bags, glass (clear, brown, and green) containers, and plastic #1 (HDPE), #2 (PETE), #3, #4, #5, #6, and #7 plastic, and cardboard.

<u>Policy 6.1.2.</u> The City will maintain a program to educate the public and increase their awareness of the solid waste disposal problem, and the importance of recycling. This program may include, but not necessarily be limited to, public presentations, video presentations, and publications. This program may be coordinated with similar programs offered by the Lee County Division of Solid Waste, the Lee County Extension Service, and other agencies.

<u>Policy 6.1.3.</u> The City will continue to ensure that collection and disposal of horticultural waste is separate from other waste collection.

<u>Policy 6.1.4.</u> The City will continue to support programs which develop or expand recyclable material markets, especially those involving plastics, metals, paper, and glass.

Objective 6.2: The City will maintain regulations to discourage littering and illegal dumping.

<u>Policy 6.2.1.</u> The City will maintain a requirement that mandates subscription to a solid waste collection service for all occupied dwelling units.

## Exhibit E

## **RECREATION AND OPEN SPACE**

## GOALS, OBJECTIVES, AND POLICIES

### **GENERAL GOAL:**

Enhance the quality of life in Cape Coral by developing a system of public parks, recreational facilities, and open space which meets the varied needs of present and future populations.

## **SUBORDINATE GOALS:**

Acquire and develop a system of park lands, recreational facilities, and open spaces, which keep pace with community growth and changing community needs.

Provide a balanced and varied system of park lands, recreational facilities, and open spaces which are conveniently located, and accessible to all members of the public regardless of age or disability.

<u>Objective 1:</u> The City of Cape Coral will develop and maintain a system of parks and recreational facilities meeting the needs of the City's permanent and functional residents and shall identify and plan park and recreation improvements to <u>20302040</u>.

<u>Policy 1.1:</u> The City hereby adopts the "Plan for Recreation and Open Space in Cape Coral" and these goals, objectives, and policies, as the Recreation and Open Space Element of the Cape Coral Comprehensive Plan.

<u>Policy 1.2</u>: The City hereby adopts the definitions of Regional, Community, Neighborhood, and Special Parks ("The Plan for Recreation and Open Space") and adopts the following standards for recreational facilities:

Park Classification	Acres per Service Population*	Emphasis
Regional Park	4 acres per 1,000	Passive
	population	Recreation (e.g.
		hiking,
		picnicking, nature
		study)
Community	2 acres per 1,000	Senior center,
Park	population	swimming pool,
		tennis,
		racquetball,
		picnicking,

		shelter houses, community rooms, etc.
Neighborhood Park	2 acres per 1,000 population	Playground, restrooms, picnic tables, bicycle and pedestrian access, other features as per neighborhood interest
Specialty Parks*	<sup>1</sup> ⁄2 acre per 1,000 population	Gridiron or diamond sports, restrooms, refreshment area, bleachers

\*Includes Athletic Fields, Environmental Parks, Aquatic Facilities, and Golf Courses.

Facility	Unit of Measure	
Basketball Goal	1 goal per 2,500 persons	
BMX Bicycle Course	1 course per 400,000 persons	
Boat Ramp Lanes	1 lane per 10,000 persons	
Bocce Courts	1 court per 30,000 persons	
Diamond Sports Fields	1 field per 4,000 persons	
Exercise Course	1 course per 50,000 persons	
Golf Courses	1 course per 100,000 persons	

Gridiron –Soccer	1 field per 10,000 persons
Gridiron - Football	1 field per 20,000 persons
Horseshoe Pits	1 court per 15,000 persons
Picnic Tables	1 table per 725 persons
Play Areas, Equipped	1 area per 10,000 persons
Racquetball Courts	1 court per 25,000 persons
Senior Center	1 center per 50,000 persons
Shuffleboard Courts	1 court per 25,000 persons
Swimming Pools	1 pool per 50,000 persons
Tennis Courts	1 court per 7,500 persons
Volleyball Courts	1 court per 25,000 persons
Nature Trails	1 mile per 50,000 persons
Bicycle/Jogging Paths	0.56 mile per 1,000 persons

<u>Policy 1.3</u>: Funding of capital costs for park and recreational facilities, including acquisition, development and maintenance, shall be met using the following sources:

• Proceeds of impact fee collections (provided that such monies are not used to correct a deficiency);

- Federal, State or private grants, loans and bonds; and,
- Private donations.

Ad valorem tax revenues will only be used, when necessary, to provide the balance of necessary funding.

<u>Policy 1.4:</u> User fees will be used as a funding source for the operation and maintenance of City\_owned parks and recreation facilities.

<u>Policy 1.5</u>: All parks and recreation facilities proposed within the Urban Services Infill area will be completed and functioning by the end of 2012. <u>Reserved.</u>

<u>Policy 1.6:</u> Parks and recreation facilities within the Urban Services Reserve Area will be acquired and developed in proportion to the rate of growth within the service area of the park or facility.

<u>Policy 1.7:</u> Acquisition of lands within the Urban Services Reserve Area will be via Transfer of <u>Development Rights (TDR)property trade</u> or by direct purchase funded by the City's revolving Recreational Land Acquisition Fund, as provided in the "Land Banking" section of the Future Land Use Element. The City will seek additional funding from private sources. Condemnation shall not be used to obtain lands within the Urban Services Reserve Area, except as a last resort.

<u>Policy 1.8</u>: Excepting only such projects as described under Policy 1.9, below, a proposed residential development shall be determined concurrent for park and recreational facilities and services if any of the following conditions are met:

- At the time a development order or building permit is issued, the necessary park and recreational facilities and services are in place or under actual construction; or
- A development order or building permit is issued subject to the condition that the acreage for the necessary facilities and services has been dedicated to or acquired by the City of Cape Coral or funds in the amount of the developer's fair share have been committed by the time of issuance of the building permit; or,
- At the time a development order or building permit is issued, the necessary park and recreational facilities and services are the subject of a binding executed agreement which requires the necessary park and recreational facilities and services to serve the new development to be in place or under actual construction no more than three (3) years after the issuance of a building permit; or
- At the time a development order or building permit is issued, the necessary park and recreational facilities and services are guaranteed in an enforceable development agreement, pursuant to Section 163.3220, Florida Statutes, or an agreement or development

order issued pursuant to Chapter 380, Florida Statutes, to be in place or under actual construction not more than three (3) years after issuance of a building permit.

<u>Policy 1.9</u>: For the purpose of issuing a development order or building permit, a proposed development may be deemed to have a de minimis impact on the affected park and recreational facilities and not subject to concurrency requirements of Policy 1.8 only if all of the following conditions are met:

- The development proposal is for an increase in density less than or equal to two (2) times the density or intensity of existing development, or for the development of a vacant parcel of land, residential development proposal is for a density of less than four (4) dwelling units per acre; and
- The park and recreational impact of the proposed residential development does not exceed 0.1 percent of the adopted level-of-service of the affected park and recreational facilities.
- If the affected park and recreation facilities do not meet adopted level-of-service standards, the cumulative park and recreational impact from the de minimis exemption does not exceed three (3) percent of the adopted level-of-service standard.

<u>Policy 1.10</u>: Design and development of park and recreation facilities shall consider environmental and neighborhood conditions.

<u>Policy 1.11:</u> The City shall meet the recreational needs of all population groups through the development of recreational facilities.

<u>Objective 2:</u> The City will acquire lands at least sufficient to provide the recreational facilities and improvements identified in the Comprehensive Plan as needed by 2012-2025 and shall identify lands needed to meet future recreational demands in 20302040, in order to preserve open space, and protect from intrusion the existing open space owned by the State of Florida.

<u>Policy 2.1:</u> The City will explore methods for preserving corridor open space and enhancing landscaping along the City's multi-lane divided roadways.

<u>Policy 2.2:</u> The City will cooperate with State authorities to protect State-owned preservation lands as a source of open space, passive recreation, nature study, and personal enrichment.

<u>Policy 2.3:</u> The City will coordinate with other government agencies and nonprofit organizations to acquire and manage natural areas and open space.

<u>Policy 2.4</u>: The City will adopt, pursuant to the provisions of Chapter 163.3202 (1), Florida Statutes, land development regulations which include incentives to encourage the provision of open space within future developed areas.

<u>Policy 2.5:</u> In selecting lands for acquisition and future park development the City shall strive to locate and acquire environmentally sensitive lands.

<u>Policy 2.6</u>: By <u>20122025</u>, the City of Cape Coral will develop a master plan, including conceptual maps, for a network of recreational trails and conservation greenways. The network will be designed, to the degree feasible, around existing facilities. Land for the network, including land for destinations, trailheads and associated parking facilities, will be acquired as opportunity and resources allow.

Policy 2.7: The City shall continue to develop Parks Master Plans (last updated: 2016) every 10-15 years.

<u>Objective 3:</u> The City of Cape Coral will continue to provide a system of parks, recreational facilities, and open space which is accessible to all members of the public.

<u>Policy 3.1:</u> All park facilities will be built and maintained in accordance with the Americans with Disabilities Act (ADA) of 1990.

<u>Policy 3.2:</u> The City will ensure that all new Community, Specialty and Regional Parks have adequate parking, and are accessible to automobile, pedestrian, and bicycle traffic.

<u>Policy 3.3:</u> The City will assure the safety of all public park users.

<u>Policy 3.4:</u> Neighborhood Parks will be accessible to pedestrians and bicyclists, and adequate parking shall be provided in accordance with Americans with Disabilities Act (ADA) requirements. Limited vehicular parking will be provided for all other users.

<u>Policy 3.5:</u> By 2010, the <u>The City will shall continue to look for opportunities to provide at least</u> one (1) additional boat ramp lanes to that would provide access to the Caloosahatchee River or Charlotte Harbor.

<u>Policy 3.6:</u> The City will seek funding for additional boat ramp lanes by applying for its share of Lee County's Recreational Vehicle and boat tax funds and for Florida Recreation and Park Development Assistance Project (FRDAP) grants.

<u>Policy 3.7:</u> The City will permit no diminution in the length of fresh or salt-water shoreline which is available for public use and enjoyment and, as opportunity and resources allow the City will increase the length of such shoreline.

<u>Policy 3.8:</u> The City will ensure that the existing level of vehicular and non-vehicular access to fresh and salt-water shorelines is maintained and, as opportunity and resources allow, the City will increase the level of access to the City's fresh and salt-water shorelines.

<u>Policy 3.9</u>: The City will continue to explore opportunities for obtaining beach access to Charlotte Harbor. The selection of the beach access shall be such that the environmental integrity and ecological function of the area is maintained.

<u>Policy 3.10:</u> In order to prevent the loss of fresh or salt water beach access, the City will pursue grants from the Federal, State, and County governments for beach renourishment and maintenance.

<u>Objective 4:</u> By 20122025, City parks and recreational facilities will be as safe as, or safer than, they were during the period from 1996 through 20022018. The number of accidents occurring in City parks, as a function of usership, will remain constant, or decrease.

<u>Policy 4.1:</u> The City will promote safety at public parks and recreational facilities through regular risk assessment and safety inspections. The frequency of the inspections for each facility will be a function of use and number of accidents, on a schedule to be established by the City Risk Manager within one year of adoption of this plan.

<u>Policy 4.2:</u> The City will promote safety at public parks and recreation facilities through the use of information signage, lighting, rails, fences, and other appropriate measures.

<u>Policy 4.3:</u> The City will promote playground safety through the use of impact-absorbing ground materials, by separating playgrounds from vehicular traffic, and by selecting safe play equipment.

<u>Objective 5:</u> The City will continue to provide adequate levels of funding to properly and efficiently maintain park and recreation facilities within Cape Coral.

<u>Policy 5.1:</u> The City will maintain park maintenance standards consistent with accepted national standards as set forth in the publication "Park Maintenance Standards" published by the National Recreation and Park Association.

<u>Policy 5.2</u>: The City will establish a maintenance program for each park and recreational facility and will prepare a schedule of expenditures required to maintain each park and recreation facility.

<u>Objective 6:</u> The City will aggressively pursue an increase in private and public funds for the acquisition, development, maintenance, and operation of parks and recreational facilities.

<u>Policy 6.1</u>: The City will continue and enhance its agreements with Lee County government and with the School Board of Lee County for the joint development and operation of parks and recreational facilities, and shall, when possible, extend these agreements to cover new school facilities.

<u>Policy 6.2</u>: The City will continue to study the feasibility of the privatization of park concessions by non-governmental vendors, including community-based, not-for-profit organizations. If determined feasible, the City will amend the Comprehensive Plan to incorporate a Schedule for privatization of services.

<u>Policy 6.3:</u> The City will adopt, as a part of its land development regulations, in accordance with s. 163.3202 (1), F.S., incentives for private developers to create recreational facilities, which are available for public use. These incentives may include, but are not limited to, park impact fee credits or density bonuses.

<u>Policy 6.4</u>: The City will, within one year of the adoption of this comprehensive plan, commission a study to explore joint ventures between the City and private donors; and will create a method for soliciting, receiving, and disbursing dedicated contributions.

<u>Policy 6.5:</u> The City will encourage contributions from private sources by creating matching funds, and identifying and creating other inducements.

Policy 6.6: The City shall diversify and expand its revenue base for park and recreation facilities.

<u>Policy 6.7:</u> The City shall explore and initiate cooperative agreements with non-profit organizations, civic clubs, religious organizations, and other organizations in the development and maintenance of park and recreation facilities.

<u>Policy 6.8:</u> In acquiring and developing parks, especially neighborhood parks, the City shall seek to obtain the financial, physical, and political support of the residents of the surrounding neighborhoods.

<u>Policy 6.9:</u> The Parks and Recreation Department shall investigate the feasibility of revising the application of park impact fees to include special and neighborhood parks.

<u>Objective 7:</u> The City will maintain and/or expand public opportunities for participation in the creative and performing arts.

<u>Policy 7.1:</u> The City will promote the creative and performing arts by providing appropriate outlets for artistic expression.

<u>Policy 7.2</u>: The City will identify other fine arts organizations, which provide visual and performing arts. The Parks and Recreation Department will attempt to coordinate their efforts with such organizations to avoid duplication of services.

<u>Policy 7.3:</u> The City will evaluate, for purposes of long-term development, a broad variety of arts facilities, including: outdoor performing arts facilities, community theater activities, museums, and fine arts workshops. The City will amend the Comprehensive Plan to incorporate those facilities into its Capital Improvement Element for which adequate demand can be established and for which a cost/benefit analysis indicates financial feasibility.

<u>Policy 7.4:</u> The City will construct arts facilities capable of multiple uses when such construction will increase the use of the facility without creating scheduling conflicts.

<u>Policy 7.5:</u> The City will promote the efficient utilization of existing cultural and performing arts facilities located at Cultural Park, as well as other existing facilities throughout the City.

## Exhibit F

# TRANSPORTATION ELEMENT

#### GOALS, OBJECTIVES, AND POLICIES

<u>GOAL 1</u>: The City of Cape Coral shall provide its residents with an efficient, balanced and safe motorized and non-motorized transportation system, which is both economical and in accord with future land use and environmental goals.

<u>Objective 1.1</u>: All of the City's road network within the Urban Services Infill, Transition and Reserve Areas will meet level of service standards as adopted by the City in Policy1.1.1.

<u>Policy 1.1.1</u>: The City shall review professionally accepted studies and current traffic counts to determine levels of service standards within Cape Coral. The City hereby adopts the following peak hour, peak season Level of Service Standards for the following facilities:

- a) Del Prado Boulevard (Cape Coral Parkway to SR 78) LOS E Del Prado Boulevard (SR 78 to US 41) - LOS D
- b) State Road 78 (Pine Island Road) West of Del Prado Boulevard LOS C State Road 78 (Pine Island Road) East of Del Prado Boulevard - LOS D
- c) Pondella Road LOS E
- d) Hancock Bridge Parkway (City Limits to Del Prado Boulevard) LOS E
- e) Cape Coral Parkway (Cape Coral Bridge to Pelican Boulevard) LOS E
- f) Burnt Store Road/ Veterans Parkway Corridor LOS E
- g) All other local, collector, and arterial roadways LOS D
- h) All other limited access facilities LOS D
- i) All other roads within City jurisdictions LOS D

<u>Policy 1.1.2</u>: Existing and future traffic circulation demands will be met within the next five years by undertaking the projects shown in Figure 21 of this Transportation Element.

<u>Policy 1.1.3</u>: The City will amend the comprehensive plan in the event that changing development patterns or community needs make the improvements referenced in Policy 1.1.2 unnecessary.

Policy 1.1.4: The City will amend its land use and development regulations in accordance with s.163.3202, Florida Statutes to preserve through traffic capacity,

minimize energy consuming delays and interruptions to the flow of arterial and collector traffic on the street system by:

- a) Controlling driveway access.
- b) Providing sufficient distance between land access and expressway interchanges.
- c) Spacing intersections on arterials and collectors for efficient traffic signal operation.
- d) Encouraging the concentration of commercial and industrial development to control and minimize the number of points of access to arterial road systems.
- e) Restricting private driveway access to the expressway system.
- f) Installing, or continuing in operation, traffic control devices only when a demonstrated need is established through appropriate engineering studies and when warranted, as defined and specified in the Florida Manual of Traffic Control Devices.
- g) Eliminating or minimizing roadway designs which lead to hazardous conditions by implementing the Engineering Design Standards. Such standards shall address the topics of:
  - 1) Access control
  - 2) Site access design
  - 3) Geometric design
  - 4) Traffic signals
  - 5) Construction zones
  - 6) Emergency access lanes
  - 7) Transit facilities
  - 8) Noise
  - 9) Striping and signing
  - 10) Street lights and utilities

#### 11) Parking

<u>Policy 1.1.5</u>: Traffic demands created by proposed development will be reviewed for consistency with the Comprehensive Plan and level-of-service standards as referenced in Policy 1.1.1.

<u>Policy 1.1.6</u>: A proposed development shall be determined concurrent for transportation if any of the following conditions are met:

- a) At the time a development order or building permit is issued, the necessary transportation facilities and services are in place or under actual construction; or
- b) A development order or building permit is issued subject to the condition that the necessary transportation facilities and services needed to serve the new development are scheduled to be in place or under actual construction not more than three (3) years after issuance of a building permit. The required transportation facilities and services shall be provided for in the Capital Improvements Element; or
- c) At the time a development order or building permit is issued, the necessary transportation facilities and services are the subject of a binding executed agreement which requires the necessary transportation facilities and services to serve the new development to be in place or under actual construction no more than three (3) years after the issuance of a building permit; or
- d) At the time a development order or building permit is issued, the necessary transportation facilities and services are guaranteed in an enforceable development agreement, pursuant to Section 163.3220, Florida Statutes, or an agreement or development order issued pursuant to Chapter 380, Florida Statutes, to be in place or under actual construction not more than three (3) years after issuance of a building permit.

<u>Policy 1.1.7:</u> New development, redevelopment and infill development projects located within the City of Cape Coral Downtown CRA Transportation Concurrency Exception Area (TCEA) may be exempt from transportation concurrency requirements, so long as said new development, redevelopment or infill development opts to mitigate impacts to transportation levels of service through the strategies described Policy 14.5 of the Future Land Use Element of this comprehensive plan. New development, redevelopment and infill development projects that do not choose to mitigate transportation concurrency impacts in such manner shall be subject to all applicable transportation concurrency requirements. Whether or not a project agrees to mitigate its transportation impacts through the strategies identified in Future Land Use Policy 14.5, or opts to be subject to

standard transportation concurrency requirements, all projects shall be subject to concurrency review for the purpose of assessing the transportation impacts of the proposed development.

<u>Policy 1.1.8</u>: If a proposed development is determined not concurrent for transportation, the applicant may choose to satisfy the transportation concurrency requirement(s) by making a proportionate fair-share contribution pursuant to the Proportionate Fair-Share Regulation(s) adopted by the City. The City shall maintain the Proportionate Fair-Share Ordinance, or otherwise develop a basis upon which the landowners will be assessed a proportionate share of the cost addressing the transportation impacts resulting from a proposed development.

<u>Policy 1.1.9</u>: For the purposes of issuing a development order or building permit, a proposed urban redevelopment project located within the Urban Services Infill Area, as identified on the Future Land Use Map, shall not be subject to concurrency requirements of Policy 1.1.6 for up to one hundred ten (110) percent of the transportation impact generated by the previously existing development. A previously existing development is the actual previous built use which was occupied and active within one (1) year of the date of application for a development order or building permit for the proposed redevelopment project.

<u>Policy 1.1.10</u>: For the purpose of issuing a development order or building permit, a proposed development may be deemed to have a de minimis impact and not subject to concurrency requirements of Policy 1.1.6 only if all of the following conditions are met:

- a) Development proposal is for an increase in density or intensity less than or equal to two (2) times the density or intensity of the existing development, or for the development of a vacant parcel of land, residential development proposal is for a density of less than four (4) dwelling units per acre, or for non-residential uses the proposal is for an intensity of less than 0.1 floor area ratio; and
- b) The Transportation impact of the proposed development does not exceed 0.1 percent of the maximum service volume at the adopted level-of- service standard for the peak hour of the affected transportation facility; and
- c) If the affected transportation facility does not meet adopted level-ofservice standards, the cumulative total transportation impact from the de minimis exemption does not exceed three (3) percent of the maximum service volume of the adopted level-of-service standard.
- d) The proposed development does not exceed the adopted level-of-service standard of a designated hurricane evacuation route.

<u>Policy 1.1.11</u>: Notwithstanding Policy 1.1.8 and Policy 1.1.9, all new development proposals that generate three hundred (300) or more cumulative trips in the peak hour

shall submit a traffic impact study (TIS) in accordance with the City of Cape Coral Engineering Design Standards.

<u>Policy 1.1.12</u>: If deemed necessary to meet concurrency requirements for transportation facilities, the City shall revise the Comprehensive Plan to implement any or all of the following programs in accordance with s. 163.3180, Florida Statutes:

- a) Transportation Concurrency Management System
- b) Transportation Concurrency Management Areas
- c) Transportation Concurrency Exception Areas

<u>Policy 1.1.13</u>: The City will set priorities annually to make efficient use of existing capacity of transportation facilities before investing in additional facilities, by implementing the City's annual budget.

<u>Policy 1.1.14</u>: Proposed projects will be evaluated in an ongoing process by the City and ranked in order of priority according to the following guidelines:

- a) Projects addressing future peak hour level of service deficiencies as defined by Chapter 14-94, Florida Administrative Code.
- b) Projects involving existing conditions by procedures outlined in the current Highway Capacity Manual and/or the Florida Department of Transportation's 2002 Quality/Level of Service Handbook and subsequent updates.
- c) Both of the above are to incorporate safety considerations by use of benefit cost ratios.

<u>Policy 1.1.15</u>: The City will continue the Traffic Operations Program to Increase Capacity and Safety (TOPICS) to improve signal timing, signing, marking, channelization, and other traffic control measures. This program, which ranks prospective projects' capacity and safety impacts on a benefit cost ratio basis, shall be budgeted and implemented within a two year time frame after approval.

<u>Policy 1.1.16</u>: Priority setting for annual road resurfacing projects will be based on engineering studies that take into consideration among other factors: pavement conditions along 4-lane roadways, population densities, and whether utilities are in place. Arterial and Collector roadways under municipal jurisdiction will be given priority for resurfacing over local streets.

<u>Policy 1.1.17</u>: The City will continue to implement the Engineering Design Standards which establish standards set forth in the State of Florida Manual of Uniform Standards for

Design Construction and Maintenance for Street and Highways. All new roads will be constructed and maintained according to these standards.

<u>Policy 1.1.18</u>: The long range traffic circulation map, Figure 22, shall be derived primarily through the use of the Lee County Metropolitan Planning Organization's (MPO) travel demand forecast models and shall reflect the MPO's 2040 Financially Feasible Plan, roadways identified in the Florida Department of Transportation's 2040 Florida Transportation Plan, and other locally designated needs.

<u>Policy 1.1.19</u>: The City shall assure through the annual budgeting process that adequate funds are dedicated for the operation and maintenance of the City's existing transportation network.

<u>Policy 1.1.20</u>: The City shall provide adequate funding for operation and maintenance of Cape Coral's transportation network to provide for a safe and efficient transportation system.

<u>Policy 1.1.21:</u> The City of Cape Coral's transportation planning and improvement programs shall be based upon two planning horizons: (1) a short term planning horizon, based upon the Five-year Schedule of Capital Improvements; and, (2) a long term planning horizon, based upon the Future Land Use Element's long term horizon year (2035).

<u>Objective 1.2</u>: The City shall ensure the availability of rights-of-way for the construction of arterial and collector roadways and transportation projects to meet the projected travel demand by 2030.

<u>Policy 1.2.1</u>: The City will, by 2020, adopt an "Official Thoroughfare Map" identifying future rights-of-way (at buildout) based upon the Transportation Element and the Future Land Use Element of the Comprehensive Plan.

<u>Policy 1.2.2</u>: As indicated in the City's Engineering and Design standards, the City adopts the following minimum right of way requirements for new roadway construction. Right-of-way width reductions may be justified in specific instances as stated in the Uniform Manual of Minimum Standards.

6 Lane Rural Section 206 feet

6 Lane Urban Section 120 feet

6 Lane Urban Section Limited 100 feet

4 Lane Urban Section 100 feet

Local Section 60 feet (swale drainage)

50 feet (curb and gutter)

Alleys 20 feet

<u>Policy 1.2.3</u>: The City will establish and implement a comprehensive process of advance acquisition and protection of right-of-way on corridors identified and designated for advance acquisition on the City Thoroughfare Map. This right-of-way protection and acquisition is required to insure compliance with level of service standards established by Policy 1.1.1.

<u>Objective 1.3</u>: Level-of-service standards, roadway capacity, and safety shall be enhanced through the implementation of access management plans for major roadways.

<u>Policy 1.3.1</u>: The Florida Department of Transportation's Access Management Plan for SR 78 (Pine Island Road) shall be implemented through revisions to the City of Cape Coral Land Use and Development RegulationsLand Development Code and Engineering Design Standards for properties located along SR 78 (Pine Island Road). These revisions include, but are not limited to:

- a) Establishing minimum driveway connection spacing.
- b) Establishing spacing of full and directional median openings.
- c) Establishing a program for the construction of a parallel access road system.
- d) Requiring, when feasible, cross-access easements to allow interconnection between abutting properties fronting SR-78.

<u>Policy 1.3.2</u>: Access management measures shall be implemented along Del Prado Boulevard from SR 78 (Pine Island Road) to US 41. These measures shall include, but are not limited to:

- a) Establishing driveway connection spacing.
- b) Establishing spacing of full and directional median openings.
- c) Establishing a program for the construction of a parallel access road system.

<u>Policy 1.3.3:</u> The Burnt Store Road-Veterans Parkway-Colonial Boulevard Bi-County Study shall be implemented through revisions to the City of Cape Coral Land Use and Development RegulationsLand Development Code and Engineering Design Standards for properties located adjacent to Burnt Store Road and Veterans Parkway. These revisions include, but are not limited to:

a) Establishing minimum driveway connection spacing.

- b) Establishing spacing of full and directional median openings.
- c) Establishing a program for the construction of parallel access roadways as needed.

<u>Policy 1.3.4</u>: Joint driveways shall be encouraged for properties located along Cape Coral's divided arterials and collectors. The joint driveways shall be designed to operate in a safe and efficient manner.

<u>Policy 1.3.5</u>: Circular driveways or driveways with a turnaround area shall be required for properties located along Cape Coral's divided arterials and collectors.

<u>Policy 1.3.6:</u> As a means of implementing access management controls such as rear access roads, frontage roads, or parallel access road systems, the City shall investigate the feasibility of establishing Municipal Services Benefit or Taxing Units (MSBU or MSTU).

<u>Objective 1.4:</u> Ground transportation times between Cape Coral and the Southwest Florida International Airport shall be maintained or improved beyond their 2014 levels, both by ensuring that roads within the City's jurisdiction and control maintain the level of service standards specified in the Transportation Element; and by working with the Lee County Metropolitan Planning Organization and neighboring jurisdictions to support road improvements that would act to reduce travel times between the City and the airport.

<u>Policy 1.4.1:</u> Road improvements within the City of Cape Coral will be made, in accordance with the Transportation and Capital Improvements Elements, to maintain access routes to the Southwest Florida International Airport.

<u>Policy 1.4.2:</u> The City will monitor the implementation of the Transit Element developed as part of the 2040 Lee County MPO Long Range Transportation Plan that includes expansion of existing transit routes and future consideration of a express service to the Southwest Florida International Airport.

<u>Objective 1.5:</u> Continue to implement and improve a program of mass transit and paratransit services, in coordination with Lee County Transit (Lee Tran), based upon existing and proposed major trip generators and attractors, safe and convenient mass transit terminals, and accommodation of the special needs of the transportation disadvantaged within the Urban Services Infill, Transition and Reserve Areas as recommended in the Transit Element developed as part of the 2040 Lee County MPO Long Range Transportation Plan.

<u>Policy 1.5.1</u>: The City will support, the transit program included in the adopted Lee County MPO 2040 Long Range Transportation Plan and future versions as amended, and will also request that, at a minimum, present levels of County transit service to and from Cape Coral be maintained by Lee County Transit (Lee Tran).

<u>Policy 1.5.2:</u> The Transit Element of the Lee County MPO's 2040 Long Range Transportation Plan contains plans for both improved and additional transit service for the residents of the City of Cape Coral. The City will review such planned service and, within

one (1) year of the adoption of the City of Cape Coral 2035-2040 Comprehensive Plan, will determine whether to request further service expansions and/or improvements, and if necessary, will investigate the feasibility of reimbursing the County for its share of the subsidy associated with that improved or expanded service.

<u>Policy 1.5.3</u>: The City will continue to participate through the Lee County MPO in the implementation of a dedicated funding source to support transit service in Lee County.

<u>Policy 1.5.4</u>: The City will continue to assist Lee Tran in the development of its Park & Ride Program, by providing requested population and demographic information, assisting efforts to obtain permission to use parking lots for this program, and assisting in the development of public information.

<u>Policy 1.5.5:</u> The City will, in coordination with Lee County, continue to monitor transit fare structures to ensure that rates remain affordable for the transit dependent, and will object to Lee Tran in writing if fares increase beyond an affordable level.

<u>Policy 1.5.6:</u> If, in the future, the City of Cape Coral begins to maintain and improve its own mass transit system, the City will amend this Comprehensive Plan through the plan amendment process to establish a level of service standard for the City's mass transit system.

<u>Policy 1.5.7</u>: The City shall provide incentives for the assembly of land, mixed use developments, and shall promote development within all areas of the City in such a manner as to support the efficient and economical provision of public transit service.

<u>Policy 1.5.8</u>: The City shall encourage, through the <u>Planned Development Project (PDP)site</u> <u>development plan</u> process the provision of transit shelters and other amenities along existing mass transit routes.

<u>Policy 1.5.9</u>: The City shall, in conjunction with Lee County Transit; continue to promote the use and benefits of public transit.

<u>GOAL 2:</u> The City of Cape Coral will provide its residents with diverse travel choices in order to ensure mobility, sustain environmental quality, reduce energy consumption, and increase the quality of life for Cape Coral's citizens.

<u>Objective 2.1:</u> The City will continue to implement specific, non-motorized transportation policies and programs within the Urban Services Infill and Transition Areas, which will eventually result in the establishment of regularly maintained and improved bicycle and pedestrian facilities throughout the City of Cape Coral.

<u>Policy 2.1.1:</u> The City will continue to implement, in conjunction with other local governments and the private sector, a network of sidewalks, exercise trails, and bikeways connecting residential, commercial and industrial areas, in a manner that provides safe circulation of recreational traffic within the Urban Services Infill and Transition Areas.

<u>Policy 2.1.2</u>: The City shall continue to pursue funding for the construction of facilities to promote pedestrian and bicycle travel through the provisions of the Federal <del>Safe,</del> Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)Fixing America's Surface Transportation (FAST) Act.

<u>Policy 2.1.3:</u> The City shall continue to promote increased bicycle/pedestrian safety awareness in Cape Coral.

<u>Policy 2.1.4</u>: All new collector and arterial roadways shall be designed and constructed to include sidewalks and/or bicycle lanes to safely accommodate bicycle and pedestrian traffic. Bicycle and/or pedestrian facilities should be provided when feasible as a part of road widening, reconstruction, or resurfacing projects.

<u>Policy 2.1.5:</u> The City shall continue to require new development to incorporate design elements to accommodate and protect bicyclists and pedestrians.

<u>Policy 2.1.6:</u> The City shall attend and participate in the Lee County Bicycle and Pedestrian Advisory Committee.

<u>Policy 2.1.7</u>: Prioritization of road projects shall take into consideration the extent to which the facilities being prioritized would contribute to the connectivity of the bicycle/pedestrian network.

<u>Policy 2.1.8:</u> The City shall encourage the planning and development of interconnecting pedestrian/bike facilities between developments.

<u>Policy 2.1.9</u>: The City shall coordinate the design and construction of pedestrian and bicycle facilities between projects as well as with other entities.

<u>Objective 2.2:</u> The City shall continue to implement policies and programs designed to decrease the number of single occupancy vehicle miles traveled per capita, to increase the occupancy rate of all vehicles, and to decrease the per capita consumption of non-renewable fossil fuels.

<u>Policy 2.2.1</u>: The City will participate with the Florida Department of Transportation, Lee County Metropolitan Planning Organization, other local governments, and the private sector in the implementation of transportation demand management programs designed to ensure the efficient use of existing road space, to conserve energy, and to reduce peak hour vehicle use in congested areas. The program shall include, but shall not be limited to the following:

- 1) Employer-based variable work hours.
- 2) City government variable work hours.
- 3) Employer-based carpool programs.

- 4) Provision of high-occupancy vehicle lanes in congested areas, including bridges.
- 5) Peak-hour congestion pricing on toll bridges.
- 6) Telecommuting.

<u>Policy 2.2.2</u>: The City shall cooperate with Lee County in the implementation of any plan(s) that will assist in reducing peak hour congestion on the Cape Coral and Midpoint Bridges.

<u>Policy 2.2.3</u>: Through the <u>Planned Unit Development</u> <u>Planned Development Project (PDP)</u> process and other site plan review procedures, the City shall require new development to accommodate public transit, bicycles, pedestrians, and other alternative transportation modes in the project's site design.

<u>Policy 2.2.4</u>: Within one year of adoption of this plan, the City shall develop an action plan for the implementation of transportation demand management policies and programs within the City of Cape Coral.

<u>Policy 2.2.5:</u> As new transportation technologies evolve, the City shall pursue the implementation of such technologies that increase the efficiency of operation of the City's transportation network. These technologies may include but are not limited to hybrid vehicles, the use of propane/natural gas/grain fuels, in-vehicle navigation systems, telecommuting equipment, and other, as yet unforeseen, advances in transportation technology.

<u>Policy 2.2.6:</u> In order to promote bicycling, walking, and other alternative modes of transportation, the City shall provide incentives for the development of mixed use projects, commercial activity centers and alternative subdivision design and lot layouts.

<u>Policy 2.2.7</u>: The City shall discourage new strip style commercial development through efforts to promote the concentration of commercial development at the nodes of major intersections.

<u>Policy 2.2.8</u>: By 2020 or earlier, the City shall adopt a neighborhood traffic calming program. This program shall identify guidelines for roadway design, traffic operations, land use decisions, and site design to encourage a safe mix of automobiles, bicycles, and pedestrians.

<u>Policy 2.2.9</u>: City owned parking lots shall be considered for use as park and ride lots. Use of City-owned parking lots as park and ride lots shall be based on financial feasibility, compatibility with surrounding land uses, and efficiency of service, among other factors.

<u>Policy 2.2.10</u>: The City shall investigate the feasibility of providing park and ride lots at intersections of major arterial and collector roadways.

<u>Policy 2.2.11:</u> The City shall pursue federal funding through the <u>Safe, Accountable,</u> <u>Flexible, Efficient Transportation Equity Act: A Legacy for Users Fixing America's</u> <u>Surface Transportation (SAFETEA LUFAST)Act</u> for the planning and development of intermodal facilities.

<u>Objective 2.3:</u> In order to promote the economic viability of Downtown Cape Coral, the City of Cape Coral shall establish the Downtown CRA Transportation Concurrency Exception Area (Downtown TCEA). Establishment of the TCEA will enhance the ability of the City to undertake the following activities:

- Urban redevelopment;
- Urban infill development;
- Increasing retail and commercial services, as well as employment opportunities within the Downtown Area, thereby reducing the City's reliance on travel across bridges to reach such land uses;
- Providing residents of, and visitors to, the Downtown Area with a variety of transportation choices and opportunities including automotive, pedestrian, bicycle and transit;
- The creation and implementation of desirable urban design and form in the Downtown Area;
- The creation of a broader mix of residential and non residential uses in the Downtown Area;
- Implementing streetscaping and landscaping improvements in the Downtown Area; and
- Increasing comfort, safety and convenience for pedestrian, bicycle and Transit users in the Downtown Area.

<u>Policy 2.3.1:</u> New development, redevelopment and infill development projects located within the City of Cape Coral Downtown Transportation Concurrency Exception Area (Downtown TCEA) may elect to be exempt from transportation concurrency requirements through implementation of the mitigation strategies described in Policy 14.5 of the Future Land Use Element. New development, redevelopment and infill development projects that do not choose to mitigate transportation concurrency impacts in such manner shall be subject to all applicable transportation concurrency requirements. Whether or not a project elects to mitigate its transportation impacts through the strategies identified in Future Land Use Policy 14.5, or elects to be subject to standard transportation concurrency requirements, all projects shall be subject to concurrency review for the purpose of assessing the transportation impacts of the proposed development.

<u>GOAL 3:</u> The City shall assure the availability of transportation services to all citizens of Cape Coral with a special consideration for the elderly and handicapped.

<u>Objective 3.1:</u> Transportation services for the transportation disadvantaged shall be maintained at, or improved beyond, 2014 levels.

Policy 3.1.1: To facilitate use of transit by the elderly and handicapped persons, the City will:

- 1) Provide sidewalks with curb cuts and accessible transit stops or shelters.
- 2) Support the Transportation Disadvantaged Service provided by Lee County.
- 3) Continue to subsidize the City's mini-bus service.

<u>Policy 3.1.2</u>: The City will continue to provide mini-bus service to the transportation disadvantaged population of Cape Coral. This mini-bus service shall enable the elderly and handicapped the opportunity for recreation, shopping, and non-emergency medical appointments.

<u>Policy 3.1.3</u>: The City will continue to provide information to the public regarding bus routes and services. The Department of Parks and Recreation will be directly involved in all coordination efforts with other agencies.

<u>Policy 3.1.4</u>: The City will periodically seek grants and other non-ad valorem revenues to finance the expansion of the existing City mini-bus service.

<u>Policy 3.1.5:</u> All City of Cape Coral transportation services and facilities shall meet all requirements of the Federal Americans with Disabilities Act.

<u>Policy 3.1.6:</u> The City shall maintain adequate funding to assure the operation and maintenance of the City's mini-bus service in a safe and efficient manner.

GOAL 4: The City transportation system will emphasize safety and aesthetics.

<u>Objective 4.1:</u> The City will increase the amount and variety of landscaping and will undertake other beautification projects along the City's transportation network.

<u>Policy 4.1.1:</u> The City will implement criteria within the City of Cape Coral <u>Land Use and</u> <u>Development RegulationsLand Development Code</u> for landscaping and signs along all arterials and collectors and will continue to implement a program to landscape and maintain median strips and rights of way.

<u>Policy 4.1.2</u>: The City will assure that all landscaping and beautification projects placed within the right-of-way will not pose any danger to the traveling public by ensuring that such projects adhere to the City Engineering Design Standards.

<u>Policy 4.1.3</u>: The City will continue to explore methods for preserving corridor open space and enhancing landscaping along the City's four-lane divided roadways. The City will seek to implement, where feasible, wider setbacks, improved lot layouts, enhanced landscaping, and increased open space for improved corridor access, aesthetic purposes, enhancement of housing values within the roadway corridors, and the provision of newer, safer facilities for cycling, walking, and running.

<u>Policy 4.1.4:</u> The City will actively seek public/private partnerships with local businesses, civic organizations, neighborhood associations, and other groups in order to beautify Cape Coral's transportation network.

<u>Objective 4.2:</u> Emergency evacuation times from the City of Cape Coral shall meet or exceed regional evacuation standards, as determined by the Southwest Florida Regional Planning Council.

<u>Policy 4.2.1:</u> The City will provide, or support the provision of, adequate roadway capacity for emergency evacuation through its road improvement, concurrency management and development review programs.

<u>Policy 4.2.2:</u> By 2020, the City will have worked toward improving its emergency evacuation clearance times through the four-laned extension of DeNavarra Parkway to U.S. 41, and the connection of Jacaranda Parkway and Averill Boulevard to North Del Prado Boulevard.<u>Reserved.</u>

<u>Policy 4.2.3:</u> The City will continue to maintain or improve existing emergency evacuation times, as determined by the 2001 Regional Hurricane Evacuation Study Update prepared by the Southwest Florida Regional Planning Council.

<u>Policy 4.2.4</u>: All new development shall be reviewed to assure that the capacity and operation of emergency evacuation routes will be maintained or improved.

<u>Policy 4.2.5</u>: New road construction and road reconstruction of routes shall be reviewed to assure that they are designed to minimize the potential flooding of the route during hurricane evacuations. Special emphasis shall be placed on roads designated as hurricane evacuation routes identified in this Plan.

<u>Policy 4.2.6:</u> Emergency evacuation route designation and maintenance shall be coordinated with the Southwest Florida Regional Planning Council and Lee County Emergency Management.

<u>Objective 4.3:</u> The City shall implement continuous roadway safety enhancements to maintain a steady or reduced number of traffic crashes per vehicle miles of travel.

<u>Policy 4.3.1:</u> The City Traffic Engineer will, as an ongoing process, conduct traffic engineering studies of hazardous and congested locations and take appropriate corrective actions. Funding for the immediate implementation of measures to address serious hazards will be programmed annually.

<u>Policy 4.3.2</u>: The City shall assure that its transportation safety policies and requirements continue to be enforced. Such policies and requirements shall include, but may not be limited to:

- The provision of safe and convenient on-site traffic flow and parking for both motorized and non-motorized vehicles;
- The provision of safe and convenient access to major arterials for high-density residential developments; and
- The implementation of traffic controls and access management provisions that direct through traffic onto major arterials and collectors and, which discourage through traffic from low-density residential areas.

<u>Policy 4.3.3</u>: The City shall continue to implement, and shall continually improve, the programmed maintenance and replacement of all stop, street name, and traffic control signs.

<u>Policy 4.3.4</u>: The City of Cape Coral Department of Public Works shall establish and implement criteria for the installation of street lights in such a manner as to provide for the establishment of a safe transportation network. In establishing such criteria, priorities for the installation of street lights shall include, at a minimum, in no particular order:

- (1) Areas subject to be selected as a school bus stop, where placement of a streetlight would improve safety. Particular emphasis will be taken to improve visibility during the early morning hours.
- (2) Areas experiencing significant residential and/or commercial development;
- (3) Intersections or roadway links experiencing high traffic volumes and/or having an increased potential for accidents;
- (4) The installation of approach and intersection lighting at signalized and multiway stop intersections for the enhanced safety of both motorized and non-motorized vehicles at night.
- (5) Establishing adequate street lighting on both existing major commercial corridors and new commercial corridors, as they develop.

In implementing the street lighting program, the Department of Public Works will, if feasible, seek alternative funding sources. Such funding sources may include, but may not be limited to, safety grants, private donations, and municipal services benefit units (MSBUs).

Policy 4.3.5: The City shall implement a median curbing installation program to mitigate related roadway safety hazard and to protect landscaped medians. Priority locations for

safety related median curbing shall be based on technical criteria established by the City's Traffic Engineer and shall conform to national, state, and local standards.

<u>Policy 4.3.6:</u> The City shall continue to promote a safe and efficient roadway operation during construction through compliance with the basic traffic control requirements for construction and maintenance work. Such requirements shall conform to the U.S. Department of Transportation publication "Manual on Uniform Traffic Control Devices" (MUTCD).

<u>GOAL 5:</u> The City's transportation system will be an integrated and coordinated part of the county, regional, and state transportation system.

<u>Objective 5.1:</u> All planning for traffic circulation, mass transit and paratransit systems, as well as planning for any potential seaport or airport facilities, will be coordinated with the City of Cape Coral Future Land Use Map, the Florida Department of Transportation (FDOT) 2040 Florida Transportation Plan, the Lee County Metropolitan Planning Organization 2040 Long Range Transportation Plan and future versions as amended, and the plans of neighboring jurisdictions.

<u>Policy 5.1.1:</u> The City Public Works Department in conjunction with the Department of Community Development will annually review the FDOT Five Year Work Program in order to update the Comprehensive Plan if necessary.

<u>Policy 5.1.2</u>: The City Public Works Department in conjunction with the Department of Community Development will annually review, for compatibility with this element, the transportation plans and programs of Lee and Charlotte County as they are amended in the future.

<u>Policy 5.1.3:</u> The City will participate fully in County-wide transportation planning, including the Metropolitan Planning Organization (MPO). Toward this end the City will implement its own computer modeling capabilities, by maintaining within the Department of Public Works and the Department of Community Development the ability to utilize the Florida Standard Urban Transportation Modeling Structure (FSUTMS).

<u>Policy 5.1.4</u>: The City, through participation in the Lee County Metropolitan Planning Organization (MPO) will coordinate with Lee County the correction of any deficiencies on County maintained roadways within the City of Cape Coral.

<u>Policy 5.1.5</u>: The City will coordinate with the Florida Department of Transportation the correction of any deficiencies on State maintained roadways within the City of Cape Coral.

<u>Policy 5.1.6:</u> In the unlikely event that the City of Cape Coral should consider approval of a proposed airport or seaport facility, the City will not issue development permits for any such facility without requesting comments from the Lee County Port Authority, the Lee County Metropolitan Planning Organization, the Southwest Florida Regional Planning Council and the Florida Department of Transportation. Permits will not be issued until the comment period expires or until comments are received and reviewed.

<u>Policy 5.1.7</u>: The City will coordinate all matters concerning seaport and airport facilities with the Lee County Port Authority, the Lee County Metropolitan Planning Organization, the Southwest Florida Regional Planning Council and the Florida Department of Transportation. The coordination shall include, but not necessarily be limited to notifying these agencies of any seaport or airport proposals, staff discussions and meetings relative to the proposed facilities, and formal communications relative to specific proposals.

<u>Policy 5.1.8:</u> The City will coordinate any aviation/airport planning with the Continuing Florida Aviation System Planning Process (CFASSP).

<u>Policy 5.1.9</u>: Any future mass transit or mini-bus service plans for the City of Cape Coral shall be consistent with the goals, objectives and policies set forth in the other elements of the Comprehensive Plan, specifically the Future Land Use and Conservation and Coastal Management Elements. These plans shall also be consistent and coordinated with the Lee County Metropolitan Planning Organization 2040 Long Range Transportation Plan and future versions as amended, the Lee County Transit Development Plan and Transportation Disadvantaged Program, and the Florida Department of Transportation 2040 Florida Transportation Plan.

<u>GOAL 6:</u> The transportation network shall promote and encourage positive economic development throughout the City.

<u>Objective 6.1:</u> The City's industrial, commercial and professional job opportunities and tax base shall increase over 2014-2018 levels.

<u>Policy 6.1.1:</u> The City shall continue to support and promote the construction of the Burnt Store Road/Veterans Parkway Corridor, the DeNavarra Boulevard Extension to US 41, and the extension of Del Prado Boulevard from US 41 to an interchange with I-75 to promote efficient movement of vehicles and goods throughout the region, and to promote economic growth and development within Cape Coral.

<u>Policy 6.1.2</u>: The City's transportation network shall be designed and implemented to enhance economic development opportunities without jeopardizing land use and environmental goals contained within the Comprehensive Plan.



# Cape Coral City Council November 5, 2018 ORDINANCE 71-18 TXT18-0003

# Background

 Ordinance amends the Conservation and Coastal Management Element, Housing Element, Future Land Use Element, Infrastructure Element, Recreation and Open Space Element, and Transportation Element of the Comprehensive Plan

• First major overhaul of the Comprehensive Plan since the Evaluation and Appraisal Report of 2005.

# Background

- This is one of four major efforts being undertaken in quick succession in late 2018 to update Cape Coral's planning guidance documents
- Six of the ten elements of the Comprehensive Plan were identified as requiring updates to implement the LDC
- The Future Land Use element is the most affected by this update

## **Conservation and Coastal Management Element**

- Changes were proposed to Policies 1.1.3, 1.1.5, 1.3.4, 1.3.5, 1.9.1, and 4.4.11
- Changes are housekeeping in nature (e.g. renaming the Land Use and Development Regulations to Land Development Code, date changes)
- Policy 1.2.7 was deleted, causing Policies 1.2.7-1.2.19 to be renumbered

## **Conservation and Coastal Management Element**

- Several policies were amended to account for the proposed Planned Unit Development process
- Policy 1.3.1 amended to clarify marina located in nonresidential and mixed-use districts
- Policy 1.8.4 amended to broaden policy to include additional non-profit organizations

## **Housing Element**

- Several policies amended for housekeeping purposes (Policies 1.2, 2.1, 2.2, 4.1, 4.3, 10.3, 10.5, Objectives 1, 9, and 10)
- Policy 3.3 is proposed to be deleted, as the Lee
   County Office of Equal Opportunity no longer exists
- The Mobile Home PDP process is proposed to be eliminated in the new Code; therefore, Policies 10.6 through 10.8, are proposed to be deleted

- Policy 1.1 considers impacts of climate change and sea level rise for proposed FLUMA's
- Policies 1.6 and 1.7 provide guidance for the provision of multi-family residential land use
- Policy 1.10 deletes TDR's, mandates update of buildout analysis every 5 years
- Policy 1.15 many revisions made to subsections

- Policy 1.15a permits micro-cottage development
- Policies 1.15b densities increased to 25 du/acre
- Old Policies 1.15d, o, q deleted (HC, LDR I, MUP); reflected in Ordinance 50-18, causing renumbering of Policies 1.15d on
- Old Policy 1.15h (new 1.15g)
   permits SF in privatelyowned PRES (1:20 acre)
- Old Policy 1.15l (new 1.15k) density increased from 40 to 75 du/acre

- Old Policy 1.15m (new 1.15l) permits MF for areas 4 acres+, deletes reference to Village zoning
- Old Policy 1.15n (new 1.15m)
   deletes 75% of CAC language, removal of MR
- New Policy 1.15p is intended to restructure Sub-District language into policy format
- New Policy 1.15q is designed to provide guidance for Council-adopted vision plans

- Policy 1.23 is deleted, removing the Development Incentive Program
- New Policies 3.7 and 3.8 were moved from Policies 5.4 and 5.5
- New Policy 9.2 addresses usage of the Climate Change assessment and vulnerability studies
- Several housekeeping changes made within the Element

### Infrastructure Element

 New Policy 1.1.8 permits incidental utility activities (e.g. lift stations) within all future land use map classifications

### **Recreation and Open Space Element**

- Policy 1.5 deleted, as activity (Parks proposed in Infill area are developed) was accomplished
- Policy 2.7 references periodic parks master planning efforts
- Policy 3.5 makes the effort to obtain additional boat ramps an ongoing mission

### **Transportation Element**

 Updated policies (new dates, removal of references to LUDR)

13

 Policy 4.2.2 is deleted (De Navarra/Del Prado intersection) as it was accomplished

# Recommendation

Planning Division staff recommends <u>Transmittal</u> for the following reasons:

- Prepares Comprehensive Plan for future adoption of Land Development Code
- Prepares Cape Coral to deal with recent and future issues and pressures facing the community

•Planning and Zoning Commission voted unanimously to recommend Transmittal of this ordinance on 10/3/18.

Item A.(3) Number: A.(3) Meeting 11/5/2018 Date: 11/5/2018 Item ORDINANCES/RESOLUTIONS -Type: Public Hearings





TITLE:

Ordinance 73-18 Public Hearing

#### **REQUESTED ACTION:**

Approve or Deny

#### **STRATEGIC PLAN INFO:**

1. Will this action result in a Budget Amendment?	Yes
2. Is this a Strategic Decision?	No
If Yes, Priority Goals Supported are listed below.	
If No, will it harm the intent or success of the Strategic Plan?	No

#### PLANNING & ZONING/HEARING EXAMINER/STAFF RECOMMENDATIONS:

#### SUMMARY EXPLANATION AND BACKGROUND:

An ordinance declaring certain real property to be surplus property and authorizing the City Manager to sell the surplus property described in Exhibit A.

#### LEGAL REVIEW:

Brian R. Bartos, Assistant City Attorney

#### **EXHIBITS**:

Ordinance 73-18 Memo - emailed to Council office 11/7

#### PREPARED BY:

Division- Department-City Attorney

#### SOURCE OF ADDITIONAL INFORMATION:

Dawn Andrews, Property Broker

ATTACHMENTS:

Description

#### D Ordinance 73-18

Memo - emailed to Council Office 11/7

Ordinance Backup Material

#### ORDINANCE 73 - 18

AN ORDINANCE DECLARING CERTAIN REAL PROPERTY DESCRIBED HEREIN TO BE SURPLUS PROPERTY AND AUTHORIZING THE CITY MANAGER TO SELL THE SURPLUS PROPERTY DESCRIBED HEREIN PURSUANT TO SECTION 2-155 OF THE CITY OF CAPE CORAL CODE OF ORDINANCES; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Section 2-155(a) of the City of Cape Coral Code of Ordinances provides that whenever the City owns real property not presently used for municipal purposes, nor projected in the foreseeable future to be used for municipal purposes, such property may be declared to be surplus property and may be sold or otherwise disposed of; and

WHEREAS, the City of Cape Coral has acquired certain parcels of real property as described in the attached Exhibit A which have been determined by the City Manager to be unusable municipal surplus real property, no longer needed by the City of Cape Coral; and

WHEREAS, none of the real properties described herein have been acquired by the City through civil actions or under the threat of condemnation; and

WHEREAS, Section 2-155(c) of the Code of Ordinances provides that prior to the sale or other disposition of any City-owned real property, an appraisal shall be obtained; and

WHEREAS, Section 2-155(e) of the Code of Ordinances provides for eight methods in which the City may divest itself of City properties, including the listing for sale in the multiple listing service (MLS) for a period of not less than 30 days; and

WHEREAS, Section 4.17 of the City Charter provides that the conveyance of any lands owned by the City shall be by ordinance; and

WHEREAS, the City Council desires to sell the surplus real properties described in Exhibit A as provided in Section 2-155 of the City of Cape Coral Code of Ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA, AS FOLLOWS:

Section 1. The City Council hereby declares the real properties described in Exhibit A, attached hereto and incorporated by reference, to be surplus property.

Section 2. The City Manager is hereby authorized to sell the surplus properties described in the attached Exhibit A pursuant to the procedure set forth in Section 2-155 of the Code of Ordinances.

Section 3. The City Council hereby approves funding for initial appraisal costs in an amount not to exceed \$10,000.

Section 4. Pursuant to Section 4.17 of the City Charter, all contracts for sale of the subject properties shall be presented to City Council for approval.

Section 5. Severability. In the event that any portion or section of this ordinance is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this ordinance which shall remain in full force and effect.

Section 5. Effective Date. This ordinance shall take effect immediately upon its adoption by the Cape Coral City Council.

ADOPTED BY THE COUNCIL OF THE CITY OF CAPE CORAL AT ITS REGULAR SESSION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

JOE COVIELLO, MAYOR

VOTE OF MAYOR AND COUNCILMEMBERS:

COVIELLO	 NELSON	
GUNTER	STOKES	
CARIOSCIA	 WILLIAMS	
STOUT	 COSDEN	

ATTESTED TO AND FILED IN MY OFFICE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2018.

> REBECCA VAN DEUTEKOM, CITY CLERK

APPROVED AS TO FORM:

2 ( C

BRIAN R. BARTOS ASSISTANT CITY ATTORNEY Ord\Sale of Surplus Property

#### EXHIBIT A

Lot 31, Block 4261, Unit 60, Cape Coral Subdivision, according to the map or plat thereof, as recorded in Plat Book 19, Page 162, Public Records of Lee County, Florida. 1213 NW 36<sup>th</sup> Place

Lots 1-2, Block 4262, Unit 60, Cape Coral Subdivision, according to the map or plat thereof, as recorded in Plat Book 19, Page 162, Public Records of Lee County, Florida. 1207 NW 36<sup>th</sup> Place

Lot 21, plus Vacated ROW described in Instrument #2018000028575, Block 4199, Unit 60, Cape Coral Subdivision, according to the map or plat thereof, as recorded in Plat Book 19, Page 160, Public Records of Lee County, Florida. 1031 NW 32<sup>nd</sup> Place

Lots 46-48, Block 4223, Unit 60, Cape Coral Subdivision, according to the map or plat thereof, as recorded in Plat Book 19, Page 158, Public Records of Lee County, Florida. 1001 Old Burnt Store Road North

Lots 40-41, Block 4226, Unit 60, Cape Coral Subdivision, according to the map or plat thereof, as recorded in Plat Book 19, Page 155, Public Records of Lee County, Florida. 902 NW 37<sup>th</sup> Place

Lots 29-32, Block 5460, Unit 90, Cape Coral Subdivision, according to the map or plat thereof, as recorded in Plat Book 24, Page 27, Public Records of Lee County, Florida. 4202 NW 39<sup>th</sup> Lane

Lots 35-36, Block 5460, Unit 90, Cape Coral Subdivision, according to the map or plat thereof, as recorded in Plat Book 24, Page 27, Public Records of Lee County, Florida. 4122 NW 39<sup>th</sup> Lane

Lots 49-50, Block 5460, Unit 90, Cape Coral Subdivision, according to the map or plat thereof, as recorded in Plat Book 24, Page 27, Public Records of Lee County, Florida. 4010 NW 39<sup>th</sup> Lane

Lots 53-54, Block 5460, Unit 90, Cape Coral Subdivision, according to the map or plat thereof, as recorded in Plat Book 24, Page 27, Public Records of Lee County, Florida. 4002 NW 39<sup>th</sup> Lane

Lots 25-32, Block 5463, Unit 90, Cape Coral Subdivision, according to the map or plat thereof, as recorded in Plat Book 24, Page 28, Public Records of Lee County, Florida. 4302 NW 40<sup>th</sup> Street

Lots 37-38, Block 5463, Unit 90, Cape Coral Subdivision, according to the map or plat thereof, as recorded in Plat Book 24, Page 28, Public Records of Lee County, Florida. 4013 NW 43<sup>rd</sup> Avenue

Lots 40-41, Block 5464, Unit 90, Cape Coral Subdivision, according to the map or plat thereof, as recorded in Plat Book 24, Page 25, Public Records of Lee County, Florida. 3809 NW 43<sup>rd</sup> Avenue

Lots 44-45, Block 5464, Unit 90, Cape Coral Subdivision, according to the map or plat thereof, as recorded in Plat Book 24, Page 25, Public Records of Lee County, Florida. 3801 NW 43<sup>rd</sup> Avenue

Lots 48-51, Block 5464, Unit 90, Cape Coral Subdivision, according to the map or plat thereof, as recorded in Plat Book 24, Page 25, Public Records of Lee County, Florida. 3729 NW 43<sup>rd</sup> Avenue

Lots 52-53, Block 5464, Unit 90, Cape Coral Subdivision, according to the map or plat thereof, as recorded in Plat Book 24, Page 25, Public Records of Lee County, Florida. 3723 NW 43<sup>rd</sup> Avenue

Lots 49-50, Block 5465, Unit 90, Cape Coral Subdivision, according to the map or plat thereof, as recorded in Plat Book 24, Page 27, Public Records of Lee County, Florida. 4111 NW 39<sup>th</sup> Street

Tract A, Unit 91, Cape Coral Subdivision, according to the map or plat thereof, as recorded in Plat Book 24, Page 93, Public Records of Lee County, Florida. Strap #: 18-43-23-C2-00000.00A0

Lots 49-50, Block 5437, Unit 90, Cape Coral Subdivision, according to the map or plat thereof, as recorded in Plat Book 24, Page 20, Public Records of Lee County, Florida. 4411 NW 35<sup>th</sup> Terrace

Lots 29-30, Block 5438, Unit 90, Cape Coral Subdivision, according to the map or plat thereof, as recorded in Plat Book 24, Page 21, Public Records of Lee County, Florida. 4211 NW 35<sup>th</sup> Street

Lots 11-14, Block 5448, Unit 90, Cape Coral Subdivision, according to the map or plat thereof, as recorded in Plat Book 24, Page 24, Public Records of Lee County, Florida. 4103 NW 36<sup>th</sup> Terrace

Lots 21-24, Block 5449, Unit 90, Cape Coral Subdivision, according to the map or plat thereof, as recorded in Plat Book 24, Page 24, Public Records of Lee County, Florida. 4206 NW 36<sup>th</sup> Lane

Lots 7-8, Block 5413, Unit 90, Cape Coral Subdivision, according to the map or plat thereof, as recorded in Plat Book 24, Page 14, Public Records of Lee County, Florida. 3216 NW 45<sup>th</sup> Place

Lots 60-61, Block 5427, Unit 90, Cape Coral Subdivision, according to the map or plat thereof, as recorded in Plat Book 24, Page 16, Public Records of Lee County, Florida. 4635 NW 34<sup>th</sup> Terrace

Lots 1-6, Block 5437, Unit 90, Cape Coral Subdivision, according to the map or plat thereof, as recorded in Plat Book 24, Page 19, Public Records of Lee County, Florida. 3430 NW 46<sup>th</sup> Place

Lots 49-50, Block 5152, Unit 83, Cape Coral Subdivision, according to the map or plat thereof, as recorded in Plat Book 23, Page 48, Public Records of Lee County, Florida. 2843 NW 46<sup>th</sup> Place

Lots 15-16, Block 5162, Unit 83, Cape Coral Subdivision, according to the map or plat thereof, as recorded in Plat Book 23, Page 48, Public Records of Lee County, Florida. 2800 NW 46<sup>th</sup> Avenue

Lots 17-18, Block 5162, Unit 83, Cape Coral Subdivision, according to the map or plat thereof, as recorded in Plat Book 23, Page 48, Public Records of Lee County, Florida. 2750 NW 46<sup>th</sup> Avenue

Lots 35-36, Block 5195, Unit 83, Cape Coral Subdivision, according to the map or plat thereof, as recorded in Plat Book 23, Page 51, Public Records of Lee County, Florida. 3010 NW 47<sup>th</sup> Avenue

Lots 37-38, Block 5195, Unit 83, Cape Coral Subdivision, according to the map or plat thereof, as recorded in Plat Book 23, Page 51, Public Records of Lee County, Florida. 3006 NW 47<sup>th</sup> Avenue

Lots 41-42, Block 5195, Unit 83, Cape Coral Subdivision, according to the map or plat thereof, as recorded in Plat Book 23, Page 51, Public Records of Lee County, Florida. 2856 NW 47<sup>th</sup> Avenue

Lots 43-44, Block 5195, Unit 83, Cape Coral Subdivision, according to the map or plat thereof, as recorded in Plat Book 23, Page 51, Public Records of Lee County, Florida. 2852 NW 47<sup>th</sup> Avenue

Lots 53-54, Block 5195, Unit 83, Cape Coral Subdivision, according to the map or plat thereof, as recorded in Plat Book 23, Page 48, Public Records of Lee County, Florida. 2832 NW 47<sup>th</sup> Avenue

Lot 68, Block 5196, Cape Coral Spreader Waterway, according to the map or plat thereof, as recorded in Plat Book 32, Page 59, Public Records of Lee County, Florida. 2824 NW 46<sup>th</sup> Place

Lots 21-23, Block 5162, Unit 83, Cape Coral Subdivision, according to the map or plat thereof, as recorded in Plat Book 23, Page 48, Public Records of Lee County, Florida. 2742 NW 46<sup>th</sup> Avenue

Lot 24, Block 5162, Unit 83, Cape Coral Subdivision, according to the map or plat thereof, as recorded in Plat Book 23, Page 45, Public Records of Lee County, Florida. 2740 NW 46<sup>th</sup> Avenue

Lots 27-28, Block 5162, Unit 83, Cape Coral Subdivision, according to the map or plat thereof, as recorded in Plat Book 23, Page 45, Public Records of Lee County, Florida. 2732 NW 46<sup>th</sup> Avenue

Block 2990B, Unit 43, Cape Coral Subdivision, according to the map or plat thereof, as recorded in Plat Book 17, Page 51, Public Records of Lee County, Florida. 803 Kismet Parkway West

North ½ of the Northeast ¼ of the Northwest ¼ of Section 30, Township 43 South, Range 23 East, Lee County, Florida. Strap #: 30-43-23-C1-00005.0000

South ½ of the Northeast ¼ of the Northwest ¼ of Section 30, Township 43 South, Range 23 East, Lee County, Florida. Strap #: 30-43-23-C1-00006.0040

Lots 18-19, Block 5248, Unit 82, Cape Coral Subdivision, according to the map or plat thereof, as recorded in Plat Book 24, Page 125, Public Records of Lee County, Florida. 2314 NW 44<sup>th</sup> Place

Lots 27-30, Block 5255, Unit 82, Cape Coral Subdivision, according to the map or plat thereof, as recorded in Plat Book 24, Page 116, Public Records of Lee County, Florida. 1632 Old Burnt Store Rd North

Lot 47, Block 5257, Cape Coral Spreader Waterway, according to the map or plat thereof, as recorded in Plat Book 32, Page 66, Public Records of Lee County, Florida. 1729 NW 41<sup>st</sup> Avenue

Lot 33, Block 5268, Unit 82, Cape Coral Subdivision, according to the map or plat thereof, as recorded in Plat Book 24, Page 118, Public Records of Lee County, Florida. 1729 NW 43<sup>rd</sup> Avenue

Lot 38, Block 5268, Unit 82, Cape Coral Subdivision, according to the map or plat thereof, as recorded in Plat Book 24, Page 118, Public Records of Lee County, Florida. 1730 NW 42<sup>nd</sup> Place

Tract A, Block 5268, Cape Coral Spreader Waterway, according to the map or plat thereof, as recorded in Plat Book 32, Page 67, Public Records of Lee County, Florida. 1731 NW 43<sup>rd</sup> Avenue

Tract B, Block 5268, Cape Coral Spreader Waterway, according to the map or plat thereof, as recorded in Plat Book 32, Page 67, Public Records of Lee County, Florida. 1732 NW 42<sup>nd</sup> Place

Lots 12-13, Block 5270, Unit 82, Cape Coral Subdivision, according to the map or plat thereof, as recorded in Plat Book 24, Page 115, Public Records of Lee County, Florida. 4125 NW 16<sup>th</sup> Terrace

Lots 16-17, Block 5270, Unit 82, Cape Coral Subdivision, according to the map or plat thereof, as recorded in Plat Book 24, Page 116, Public Records of Lee County, Florida. 4117 NW 16<sup>th</sup> Terrace

Lots 20-21, Block 5270, Unit 82, Cape Coral Subdivision, according to the map or plat thereof, as recorded in Plat Book 24, Page 116, Public Records of Lee County, Florida. 4109 NW 16<sup>th</sup> Terrace

Lots 30-31, Block 5271, Unit 82, Cape Coral Subdivision, according to the map or plat thereof, as recorded in Plat Book 24, Page 118, Public Records of Lee County, Florida. 1727 NW 42<sup>nd</sup> Place

Tract A, Block 5271, Cape Coral Spreader Waterway, according to the map or plat thereof, as recorded in Plat Book 32, Page 67, Public Records of Lee County, Florida. 1731 NW 42<sup>nd</sup> Place

Lots 53-54, Block 5241, Unit 81, Cape Coral Subdivision, according to the map or plat thereof, as recorded in Plat Book 24, Page 110, Public Records of Lee County, Florida. 1432 Old Burnt Store North

Lots 65-66, Block 1824, Unit 45, Cape Coral Subdivision, according to the map or plat thereof, as recorded in Plat Book 21, Page 134, Public Records of Lee County, Florida. 3314 SW Santa Barbara Place

Lots 22-23, Block 4730, Unit 70, Cape Coral Subdivision, according to the map or plat thereof, as recorded in Plat Book 22, Page 81, Public Records of Lee County, Florida. 1808 SW 38<sup>th</sup> Lane

Lots 38-40, Block 4730, Unit 70, Cape Coral Subdivision, according to the map or plat thereof, as recorded in Plat Book 22, Page 81, Public Records of Lee County, Florida. 1733 SW 39<sup>th</sup> Street

Lots 41-42, Block 4730, Unit 70, Cape Coral Subdivision, according to the map or plat thereof, as recorded in Plat Book 22, Page 81, Public Records of Lee County, Florida. 1803 SW 39<sup>th</sup> Street

Lots 45-46, Block 4730, Unit 70, Cape Coral Subdivision, according to the map or plat thereof, as recorded in Plat Book 22, Page 81, Public Records of Lee County, Florida. 1811 SW 39<sup>th</sup> Street

Lots 28-29, Block 4731, Unit 70, Cape Coral Subdivision, according to the map or plat thereof, as recorded in Plat Book 22, Page 78, Public Records of Lee County, Florida. 1730 SW 39<sup>th</sup> Street

Lots 30-31, Block 4731, Unit 70, Cape Coral Subdivision, according to the map or plat thereof, as recorded in Plat Book 22, Page 78, Public Records of Lee County, Florida. 1726 SW 39<sup>th</sup> Street

Lots 38-40, Block 4731, Unit 70, Cape Coral Subdivision, according to the map or plat thereof, as recorded in Plat Book 22, Page 78, Public Records of Lee County, Florida. 1733 SW 39<sup>th</sup> Terrace

Lots 41-42, Block 4731, Unit 70, Cape Coral Subdivision, according to the map or plat thereof, as recorded in Plat Book 22, Page 78, Public Records of Lee County, Florida. 1803 SW 39<sup>th</sup> Terrace

Lots 43-44, Block 4731, Unit 70, Cape Coral Subdivision, according to the map or plat thereof, as recorded in Plat Book 22, Page 78, Public Records of Lee County, Florida. 1807 SW 39<sup>th</sup> Terrace

Lots 45-46, Block 4731, Unit 70, Cape Coral Subdivision, according to the map or plat thereof, as recorded in Plat Book 22, Page 77, Public Records of Lee County, Florida. 1811 SW 39<sup>th</sup> Terrace

Lots 54-55, Block 2095, Unit 31, Cape Coral Subdivision, according to the map or plat thereof, as recorded in Plat Book 14, Page 164, Public Records of Lee County, Florida. 1125 NE 15<sup>th</sup> Lane

Lot 17, Block 1547, Unit 17- Part 1, Cape Coral Subdivision, according to the map or plat thereof, as recorded in Plat Book 23, Page 5, Public Records of Lee County, Florida. 1701 NE 6<sup>th</sup> Street

Lots 15-17, Block 1548, Unit 17, Cape Coral Subdivision, according to the map or plat thereof, as recorded in Plat Book 14, Page 35, Public Records of Lee County, Florida. 2005 NE 6<sup>th</sup> Street

Lots 18-21, Block 1548, Unit 17, Cape Coral Subdivision, according to the map or plat thereof, as recorded in Plat Book 14, Page 35, Public Records of Lee County, Florida. 2011 NE 6<sup>th</sup> Street

Lots 17-18, Block 1632, Unit 30, Cape Coral Subdivision, according to the map or plat thereof, as recorded in Plat Book 16, Page 32, Public Records of Lee County, Florida. 4313 SW 1<sup>st</sup> Avenue

Lots 25-26, Block 1708, Unit 44, Cape Coral Subdivision, according to the map or plat thereof, as recorded in Plat Book 21, Page 107, Public Records of Lee County, Florida. 4519 SW 6<sup>th</sup> Place

Lots 7-11, Block 3603, Unit 46, Cape Coral Subdivision, according to the map or plat thereof, as recorded in Plat Book 17, Page 120, Public Records of Lee County, Florida. 117 NE 4<sup>th</sup> Court

Lot 63, Block 1085, Unit 23, Cape Coral Subdivision, according to the map or plat thereof, as recorded in Plat Book 14, Page 46, Public Records of Lee County, Florida. 225 SE 1<sup>st</sup> Avenue

Lots 4-5, Block 1074, Unit 23, Cape Coral Subdivision, according to the map or plat thereof, as recorded in Plat Book 14, Page 40, Public Records of Lee County, Florida. 617 Santa Barbara Boulevard

Lots 51-53, Block 1947, Unit 29, Cape Coral Subdivision, according to the map or plat thereof, as recorded in Plat Book 16, Page 25, Public Records of Lee County, Florida. 348 SW 2<sup>nd</sup> Street

Lots 5-6, Block 1936, Unit 29 Part 1, Cape Coral Subdivision, according to the map or plat thereof, as recorded in Plat Book 16, Page 135, Public Records of Lee County, Florida. 713 SW 4<sup>th</sup> Street

Lots 26-27, Block 1340, Unit 18, Cape Coral Subdivision, according to the map or plat thereof, as recorded in Plat Book 13, Page 116, Public Records of Lee County, Florida. 206 SE 20<sup>th</sup> Court

Lots 22-30, Block 802, Unit 22, Cape Coral Subdivision, according to the map or plat thereof, as recorded in Plat Book 14, Page 15, Public Records of Lee County, Florida. 1111 SE 9<sup>th</sup> Street

Lots 15-18, Block 1267, Unit 18, Cape Coral Subdivision, according to the map or plat thereof, as recorded in Plat Book 13, Page 101, Public Records of Lee County, Florida. 2021 SE 13<sup>th</sup> Terrace

Lots 12-13, Block 6034, Unit 95, Cape Coral Subdivision, according to the map or plat thereof, as recorded in Plat Book 25, Page 43, Public Records of Lee County, Florida. 1810 SW 12<sup>th</sup> Terrace

Lots 35-36, Block 1962, Unit 29, Cape Coral Subdivision, according to the map or plat thereof, as recorded in Plat Book 16, Page 18, Public Records of Lee County, Florida. 934 Santa Barbara Boulevard

Lots 1-2, Block 774, Unit 24, Cape Coral Subdivision, according to the map or plat thereof, as recorded in Plat Book 14, Page 77, Public Records of Lee County, Florida. 929 SE 6<sup>th</sup> Court Lots 6-8, Block 774, Unit 24, Cape Coral Subdivision, according to the map or plat thereof, as recorded in Plat Book 14, Page 77, Public Records of Lee County, Florida. 609 SE 10<sup>th</sup> Street

Lots 9-12, Block 774, Unit 24, Cape Coral Subdivision, according to the map or plat thereof, as recorded in Plat Book 14, Page 77, Public Records of Lee County, Florida. 615 SE 10<sup>th</sup> Street

Lots 19-20, less R/W, Block 774, Unit 24, Cape Coral Subdivision, according to the map or plat thereof, as recorded in Plat Book 14, Page 77, Public Records of Lee County, Florida. 713 SE 10<sup>th</sup> Street

Lots 21-22, less R/W, Block 774, Unit 24, Cape Coral Subdivision, according to the map or plat thereof, as recorded in Plat Book 14, Page 77, Public Records of Lee County, Florida. 717 SE 10<sup>th</sup> Street

Lots 11-13, less R/W, Block 1052, Unit 24, Cape Coral Subdivision, according to the map or plat thereof, as recorded in Plat Book 14, Page 77, Public Records of Lee County, Florida. 704 SE 10<sup>th</sup> Street

Lots 4-5, Block 1064, Unit 24, Cape Coral Subdivision, according to the map or plat thereof, as recorded in Plat Book 14, Page 77, Public Records of Lee County, Florida. 608 SE 9<sup>th</sup> Terrace

Lots 6-7, Block 1064, Unit 24, Cape Coral Subdivision, according to the map or plat thereof, as recorded in Plat Book 14, Page 77, Public Records of Lee County, Florida. 612 SE 9<sup>th</sup> Terrace

Lots 8-9, Block 1064, Unit 24, Cape Coral Subdivision, according to the map or plat thereof, as recorded in Plat Book 14, Page 77, Public Records of Lee County, Florida. 616 SE 9<sup>th</sup> Terrace

Lots 31-32, Block 1065, Unit 24 Part 1, Cape Coral Subdivision, according to the map or plat thereof, as recorded in Plat Book 24, Page 3, Public Records of Lee County, Florida. 829 SE 5<sup>th</sup> Court

Lots 45-46, Block 1065, Unit 24 Part 1, Cape Coral Subdivision, according to the map or plat thereof, as recorded in Plat Book 24, Page 4, Public Records of Lee County, Florida. 927 SE 5<sup>th</sup> Court

Lot 28, Block 2300A, Unit 36, Cape Coral Subdivision, according to the map or plat thereof, as recorded in Plat Book 16, Page 122, Public Records of Lee County, Florida. Strap #: 25-43-23-C4-02300.A280

Lot 29, Block 2300A, Unit 36, Cape Coral Subdivision, according to the map or plat thereof, as recorded in Plat Book 16, Page 122, Public Records of Lee County, Florida. Strap #: 25-43-23-C4-02300.A290

Lot 30, Block 2763, Unit 40, Cape Coral Subdivision, according to the map or plat thereof, as recorded in Plat Book 17, Page 93, Public Records of Lee County, Florida. 3014 Santa Barbara Boulevard North

Lot 57, Block 2763, Unit 40, Cape Coral Subdivision, according to the map or plat thereof, as recorded in Plat Book 17, Page 90, Public Records of Lee County, Florida. 2816 Santa Barbara Boulevard North

Lots 12-14, Block 4287, Unit 61, Cape Coral Subdivision, according to the map or plat thereof, as recorded in Plat Book 21, Page 9, Public Records of Lee County, Florida. 1825 NW 37<sup>th</sup> Avenue

Lot 77, Block 2180, Unit 33, Cape Coral Subdivision, according to the map or plat thereof, as recorded in Plat Book 16, Page 49, Public Records of Lee County, Florida. 2002 NE 16<sup>th</sup> Place

Lots 14-15, Block 4106, Unit 57, Cape Coral Subdivision, according to the map or plat thereof, as recorded in Plat Book 19, Page 133, Public Records of Lee County, Florida. 1754 NW 26<sup>th</sup> Avenue

Lots 34-35 plus Vacated Alley described in Instrument #2008000165570, Block 2220, Unit 33, Cape Coral Subdivision, according to the map or plat thereof, as recorded in Plat Book 16, Page 44, Public Records of Lee County, Florida. 2216 Diplomat Parkway East

Lot 37, Block 5983, Unit 93, Cape Coral Subdivision, according to the map or plat thereof, as recorded in Plat Book 25, Page 21, Public Records of Lee County, Florida. 2420 Miracle Parkway

Lots 38-39, Block 2986, Unit 42 Part 1, Cape Coral Subdivision, according to the map or plat thereof, as recorded in Plat Book 23, Page 97, Public Records of Lee County, Florida. 1231 NW 20<sup>th</sup> Terrace

Lots 7-8, Block 3171, Unit 66, Cape Coral Subdivision, according to the map or plat thereof, as recorded in Plat Book 22, Page 23, Public Records of Lee County, Florida. 2711 SW 9<sup>th</sup> Place

Lots 9-10, Block 3171, Unit 66, Cape Coral Subdivision, according to the map or plat thereof, as recorded in Plat Book 22, Page 23, Public Records of Lee County, Florida. 2707 SW 9<sup>th</sup> Place

Lots 11-12, Block 3171, Unit 66, Cape Coral Subdivision, according to the map or plat thereof, as recorded in Plat Book 22, Page 23, Public Records of Lee County, Florida. 2703 SW 9<sup>th</sup> Place

Lot 9, Block 2709A, Unit 39, Cape Coral Subdivision, according to the map or plat thereof, as recorded in Plat Book 16, Page 144, Public Records of Lee County, Florida. 247 Diplomat Parkway West

Lots 65-67, Block 2710A, Unit 39, Cape Coral Subdivision, according to the map or plat thereof, as recorded in Plat Book 16, Page 144, Public Records of Lee County, Florida. Strap #: 35-43-23-C3-02710.A650

Lots 74-76, Block 2710A, Unit 39, Cape Coral Subdivision, according to the map or plat thereof, as recorded in Plat Book 16, Page 144, Public Records of Lee County, Florida. Strap #: 35-43-23-C3-02710.A740

Lots 40-42, Block 2710A, Unit 39, Cape Coral Subdivision, according to the map or plat thereof, as recorded in Plat Book 16, Page 144, Public Records of Lee County, Florida. Strap #: 35-43-23-C4-02710.A400

Lots 73-74, Block 2173, Unit 36, Cape Coral Subdivision, according to the map or plat thereof, as recorded in Plat Book 16, Page 115, Public Records of Lee County, Florida. 2113 NE 7<sup>th</sup> Place

Lots 16-17, Block 3549, Unit 47 Part 2, Cape Coral Subdivision, according to the map or plat thereof, as recorded in Plat Book 23, Page 123, Public Records of Lee County, Florida. 2223 NE 10<sup>th</sup> Terrace

#### CITY OF CAPE CORAL DEPARTMENT OF COMMUNITY DEVELOPMENT MEMORANDUM

	N 102
TO:	John Szerlag, City Manager
FROM:	Victoria Bateman, Finance Director Vince Cautero, Community Development Director Robert Pederson, Planning Manager Dawn Andrews, Property Broker Amy Yearsley, Housing Coordinator
DATE:	October 31, 2018

SUBJECT: City Owned Property – Surplus Land/Florida Statute 166.0451

A comprehensive review of City owned properties has now occurred and a number of properties previously designated for City projects are now potentially available to be declared surplus and offered for sale.

The City of Cape Coral is obligated by both Florida Statutes and the Code of Ordinances to triennially prepare an inventory list of all real property within the jurisdiction to which the City holds fee simple title that is appropriate for use as affordable housing.

Staff has reviewed the list of properties scheduled to be surplused by City Council on November 5 and has identified 19 lots (of the 109 total) that would be appropriate for use as affordable housing. There are a specific set of criteria staff utilizes when reviewing properties and includes: proper land use and zoning, availability of infrastructure (e.g., water and sewer), and property size. At the hearing to surplus these properties, City Council may include all, some, or none of these 19 properties on the final list.

Community Development and Financial Services are working together to finalize the list and will present the item at a future City Council meeting. Until the list is finalized and presented to City Council the 19 identified properties will not be placed for sale.

If you have any questions, or require any further information, please feel free to contact us.

VB/VC/RP/DA/ALY:aly(Surplus Land 2018)

Attachments 1. List

	Surplus Map			2018 Just	2018			Future Land				
	Number	STRAP	Site_Address	Value	Assessed	2018 Land	Improved	Use	Zoning	Condemned	<b>Date Acquired</b>	Purpose of Acquisition
1	2	024523C2018240650	3314 SW SANTA BARBARA PL	25,000	14,172	25,000	N	SF	R-1B	no	02/07/2003	donation
2	3	044523C3047300220	1808 SW 38TH LN	21,000	9,810	21,000	N	SF	R-1B	no	01/30/2004	eagle zone
3	5	044523C3047300410	1803 SW 39TH ST	21,000	9,810	21,000	N	SF	R-1B	no	09/12/2005	eagle zone
4	6	044523C3047300450	1811 SW 39TH ST	21,000	9,810	21,000	N	SF	R-1B	no	03/26/2004	eagle zone
5	7	044523C3047310280	1730 SW 39TH ST	21,000	9,810	21,000	N	SF	R-1B	no	10/26/2006	eagle zone
6	8	044523C3047310300	1726 SW 39TH ST	21,000	7,827	21,000	N	SF	R-1B	no	07/30/2006	eagle zone
7	10	044523C3047310410	1803 SW 39TH TER	21,000	7,827	21,000	N	SF	R-18	no	07/01/1996	eagle zone
8	11	044523C3047310430	1807 SW 39TH TER	21,000	7,827	21,000	N	SF	R-1B	no	07/01/1996	eagle zone
9	12	044523C3047310450	1811 SW 39TH TER	21,000	9,810	21,000	N	SF	R-1B	no	02/01/1994	eagle zone
10	22	114523C2016320170	4313 SW 1ST AVE	25,000	14,172	25,000	N	SF	R-1B	no	05/14/2003	donation
11	23	114523C4017080250	4519 SW 6TH PL	25,000	8,374	25,000	N	SF	R-1B	no	06/14/2002	donation
12	24	124423C3036030070	117 NE 4TH CT	26,000	17,569	26,000	N	SF	R-1B	no	05/28/2003	donation
13	37	134423C4010740040	617 SANTA BARBARA BLVD	16,000	8,785	16,000	N	SF	R-1B	по	01/23/2003	donation
14	40	174424C2013400260	206 SE 20TH CT	22,000	8,785	22,000	N	SF	R-1B	no	02/10/2006	donation
15	44	214423C3060340120	1810 SW 12TH TER	8,600	6,295	8,600	N	SF	R-1B	no	08/06/2002	donation
16	45	234423C2019620350	934 SANTA BARBARA BLVD	15,300	6,589	15,300	N	SF	R-1B	no	03/12/2003	donation
17	352	344423C2031710070	2711 SW 9TH PL	16,000	6,149	16,000	N	SF	R-18	no	08/01/2017	escheated
18	353	344423C2031710090	2707 SW 9TH PL	16,000	6,149	16,000	N	SF	R-1B	no	08/01/2017	escheated
19	354	344423C2031710110	2703 SW 9TH PL	16,000	6,149	16,000	N	SF	R-1B	no	08/01/2017	escheated

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Item B.(1) Number: B.(1) Meeting 11/5/2018 Date: Item ORDINANCES/RESOLUTIONS -Type: Introductions





### TITLE:

Resolution 244-18 (VP 18-0003\*) Set Public Hearing Date for November 19, 2018

### **REQUESTED ACTION:**

Approve or Deny

### STRATEGIC PLAN INFO:

1. Will this action result in a Budget Amendment?	No
2. Is this a Strategic Decision?	No
If Yes, Priority Goals Supported are listed below.	
If No, will it harm the intent or success of the Strategic Plan?	No

### PLANNING & ZONING/HEARING EXAMINER/STAFF RECOMMENDATIONS:

# SUMMARY EXPLANATION AND BACKGROUND:

A resolution providing for the vacation of plat for an alley and the underlying public utility and drainage easements located between Lots 1-3, Block 4819 and Block 4819-A, between Lots 10-13, Block 4819 and Block 4819-A, and between Lots 17-22, Block 4819 and Block 4819-A, all in Cape Coral Unit 71; providing for the vacation of plat for all public utility and drainage easements lying within Lots 1-3, 12-15, and 17-18, Block 4819, and within Block 4819-A, all in Cape Coral Unit 71; providing for the vacation of plat for all platted lot lines associated with Lots 1-3, 12-15, and 17-18, Block 4819, Cape Coral Unit 71; property located at the northwest corner of the intersection of Chiquita Boulevard and Trafalgar Parkway.

### LEGAL REVIEW:

Brian R. Bartos, Assistant City Attorney

### EXHIBITS:

Revised - Resolution 244-18 (VP 18-0003) Staff Presentation Revised - Back up materials - 1 Back up materials - 2

### **PREPARED BY:**

Division- Department- City Attorney

# SOURCE OF ADDITIONAL INFORMATION:

Mike Struve, Planning Team Coordinator

### ATTACHMENTS:

### Description

- D Revised Resolution 244-18 (VP 18-0003)
- Staff Presentation
- Revised Back up materials 1
- Back up materials 2

# Туре

Backup Material Backup Material Backup Material Backup Material

### RESOLUTION 244 - 18

A RESOLUTION PROVIDING FOR THE VACATION OF PLAT FOR AN ALLEY AND THE UNDERLYING PUBLIC UTILITY AND DRAINAGE EASEMENTS LOCATED BETWEEN LOTS 1-3, BLOCK 4819 AND BLOCK 4819-A, BETWEEN LOTS 10-13, BLOCK 4819 AND BLOCK 4819-A, AND BETWEEN LOTS 17-22, BLOCK 4819 AND BLOCK 4819-A, ALL IN CAPE CORAL UNIT 71; PROVIDING FOR THE VACATION OF PLAT FOR ALL PUBLIC UTILITY AND DRAINAGE EASEMENTS LYING WITHIN LOTS 1-3, 12-15, AND 17-18, BLOCK 4819, AND WITHIN BLOCK 4819-A, ALL IN CAPE CORAL UNIT 71; PROVIDING FOR THE VACATION OF PLAT FOR ALL PLATTED LOT LINES ASSOCIATED WITH LOTS 1-3, 12-15, AND 17-18, BLOCK 4819, CAPE CORAL UNIT 71; PROPERTY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF CHIQUITA BOULEVARD AND TRAFALGAR PARKWAY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Petition was filed by 38335 CHIQUITA TRAFALGAR, LLC, for the vacation of plat on property described herein; and

WHEREAS, the Petition meets the requirements of Land Use Development Regulations, Article VIII, Section 8.11, Vacation of Plats, Streets and Other Property of the Code of Ordinances of the City of Cape Coral and it is in the best interest of the public that such Petition be granted.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA:

Section 1. The Petition meets the requirements of Article VIII, Section 8.11, of the Code of Ordinances of the City of Cape Coral and it is in the best interest of the public that such Petition be granted. The following-described alley and the underlying public utility and drainage easements, as shown in Exhibit A, are hereby vacated by the City of Cape Coral, to wit:

A parcel of land lying in Section 21, Township 44 South, Range 23 East, Lee County, Florida and lying in Block 4819, CAPE CORAL UNIT 71, as recorded in Plat Book 22 at Pages 88 through 107, of the Public Records of Lee County, Florida being more particularly described as follows:

Beginning at the Southeast corner of Lot 22, Block 4819, CAPE CORAL UNIT 71 as recorded in Plat Book 22 at Pages 88 through 107, of the Public Records of Lee County, being a point on the Westerly right-of-way line of Chiquita Boulevard (100' R/W) thence run S00°10'17"E, along said Westerly right-of-way line, a distance of 20.00 feet to an intersection with the Northerly line of Block 4819A of said CAPE CORAL UNIT 71; thence run the following three (3) courses and distances along the boundary of said Block 4819A, also being the Southerly and Easterly line of a 20 feet wide alley as platted in said CAPE CORAL UNIT 71; (1) N89°58'05"W a distance of 225.84 feet to a point of curvature; (2) thence run 23.62 feet along the arc of said curve to the left of radius 15.00 feet, concave to the Southeast, having a delta angle of 90°12'12", a chord bearing of S44°55'49"W and a chord length of 21.25 feet to a point of tangency; (3) thence run S00°10'17"E a distance of 124.95 feet; thence run N89°57'27"W a distance of 20.00 feet to the Southeast corner of Lot 10 of said Block 4819, being a point on the Westerly line of said alley; thence run N00°10'17"W, along said Westerly line, a distance of 160.00 feet to the Southwest corner of Lot 17, said Block 4819; thence run S89°58'05"E, along the Southerly line of said Block 4819 and the Northerly line of said alley, a distance of 260.89 feet to the Point of Beginning.

Said Parcel Contains 8,067 sq. ft. (more or less)

AND

Beginning at the Southeast corner of Lot 1, Block 4819, CAPE CORAL UNIT 71 as recorded in Plat Book 22 at Pages 88 through 107, of the Public Records of Lee County, being a point on the Westerly line of a 20 feet wide alley as platted in said CAPE CORAL UNIT 71; thence run N00°10'17"W, along said Westerly right-of-way line, a distance of 134.98 feet to the Northeast corner of lot 3 of said block 4819; thence run S89°58'05"E, a distance of 20.00 feet to an intersection with the Westerly line of Block 4819-A of said CAPE CORAL UNIT 71; thence run along said Westerly line S00°10'17"E for a distance of 134.99 feet to the Southwest corner of said Block 4819-A; thence leaving said line run N89°57'27"W for 20.00 feet to the Point of Beginning.

Said Parcel Contains 2,700 sq. ft. (more or less)

Bearings are based on the centerline of Trafalgar Parkway being S89°57'27"E.

Section 2. The Petition meets the requirements of Article VIII, Section 8.11, of the Code of Ordinances of the City of Cape Coral and it is in the best interest of the public that such Petition be granted. The platted public utility and drainage easements within Lots 1-3, Lots 12-15, and Lots 17-18, Block 4819, and within Block 4819-A, all in Cape Coral Unit 71, as recorded in Plat Book 22, Pages 88-107, Public Records of Lee County, Florida are hereby vacated.

Section 3. The Petition meets the requirements of Article VIII, Section 8.11, of the Code of Ordinances of the City of Cape Coral and it is in the best interest of the public that such Petition be granted. The platted lot lines associated with Lots 1-3, Lots 12-15, and Lots 17-18, Block 4819, Cape Coral Unit 71, as recorded in Plat Book 22, Pages 88-107, Public Records of Lee County, Florida, are hereby vacated.

Section 4. The City shall retain a six-foot wide public utility and drainage easement around the perimeter of the site, as shown in Exhibit B and described as follows:

A Public Utility Easement, six feet in width to the interior (as measured on a perpendicular) of the following described boundary, lying in Section 21, Township 44 South, Range 23 East, Lee County, Florida and lying in Blocks 4819 and 4819A, CAPE CORAL UNIT 71, as recorded in Plat Book 22 at Pages 88 through 107, of the Public Records of Lee County, Florida being more particularly described as follows:

COMMENCING at the Southeast corner of Lot 22, Block 4819, of said CAPE CORAL UNIT 71, being a point on the Westerly right-of-way line of Chiquita Boulevard (100' right-of-way) thence run S00°01'55"W, along said Westerly right-of-way line, a distance of 10.00 feet to the POINT OF BEGINNING; thence continue S00°01'55"W, along said Westerly right-of-way line, a distance of 500.02 feet to a point of curvature; thence run 39.27 feet along the arc of said curve to the right of radius 25.00 feet, concave to the Northwest, having a delta angle of 90°00'38", a chord bearing of S45°02'14"W and a chord length of 35.36 feet to a point of tangency, being a point on the Northerly right-of-way line of Trafalgar Parkway (100' right-of-way); thence run N89°57'27"W, along said Northerly right-of-way line, a distance of 334.16 feet to a point of curvature; thence run 39.18 feet along the arc of said curve to the right of radius 25.00 feet, concave to the Northeast, having a delta angle of 89°47'10", a chord bearing of N45°03'52"W and a chord length of 35.29 feet to a point of tangency, being a point on the Easterly right-of-way line of S.W. 16th Court (60' right-of-way); thence run N00°10'17W, along said Easterly right-of-way line, a distance of 110.05 feet to the Southwest corner of Lot 4 of said Block 4819; thence run S89°58'05"E, along the South line of said Lot 4 and an extension thereof, a distance of 145.00 feet to an intersection with the Westerly line of said Block 4819A; thence run N00°10'17"W, along said Westerly line, a distance of 240.00 feet; thence run N89°58'05"W, departing said Westerly line, a distance of 10.00 feet to an intersection with a line, parallel to and lying 10.00 feet Westerly of (as measured on a perpendicular) the Westerly line of said Block 4819A; thence run N00°10'17"W, along said parallel line, a distance of 80.00 feet to an intersection with an extension of the Northerly line of Lot 11, said Block 4819; thence run N89°58'05"W along said Northerly line and extension thereof, a distance of 135.00 feet to the Northwest corner of said Lot 11, being a point on the Easterly right-of-way line of said S.W. 16th Court (60' right-of-way); thence run N00°10'17"W, along said Easterly right-of-way line, a distance of 179.91 feet to a point of curvature; thence run 39.36 feet along the arc of said curve to the right of radius 25.00 feet, concave to the Southeast, having a delta angle of 90°12'12", a chord bearing of N44°55'49"E and a chord length of 35.42 feet to a point of tangency, being a point on the Southerly right-of-way line of S.W. 15th Street 60' right-of-way); thence run S89°58'05"E, along said Southerly right-of-way line, a distance of 59.91 feet to the Northwest corner of Lot 16, said Block 4819; thence run S00°10'17"E, along the West line of said Lot 16, a distance of 125.00 feet to the Southwest corner of said Lot 16; thence run S89°58'05"E, along the South line of said Lot 16, a distance of 40.00 feet to the Southeast corner of said Lot 16; thence run N00°10'17"W, along the East line of said Lot 16, a distance of 125.00 feet to the Northeast corner of said Lot 16, being a point on the Southerly rightof-way line of said S.W. 15th Street; thence run S89°58'05"E, along said Southerly right-of-way line, a distance of 85.00 feet to the Northwest corner of Lot 19, said Block 4819; thence run S00°10'17"E, along the West line of said Lot 19 and an extension thereof, a distance of 135.00 feet to an intersection

with a line parallel to and 10.00 feet Southerly of (as measured on a perpendicular) the South line of said Block 4819; thence run S89°58'05"E, along said parallel line, a distance of 175.93 feet to the POINT OF BEGINNING.

Said parcel contains 15,466 sq. ft. (more or less) Bearings are based on the centerline of Trafalgar Parkway being S89°57'27"E.

Section 5. Within sixty (60) days from the date of adoption of this resolution, applicant shall provide to the City for recording a Perpetual Cross Access Easement, as shown in Exhibit C and described as follows:

Beginning at the Southeast corner of Lot 1, Block 4819, CAPE CORAL UNIT 71 as recorded in Plat Book 22 at Pages 88 through 107, of the Public Records of Lee County, being a point on the Westerly line of a 20 feet wide alley as platted in said CAPE CORAL UNIT 71; thence run N00°10'17"W, along said Westerly right-of-way line, a distance of 134.98 feet to the Northeast corner of lot 3 of said block 4819; thence run S89°58'05"E, a distance of 20.00 feet to an intersection with the Westerly line of Block 4819-A of said CAPE CORAL UNIT 71; thence run along said Westerly line S00°10'17"E for a distance of 134.99 feet to the Southwest corner of said Block 4819-A; thence leaving said line run N89°57'27"W for 20.00 feet to the Point of Beginning.

Said Parcel Contains 2,700 sq. ft. (more or less)

Bearings are based on the centerline of Trafalgar Parkway being S89°57'27"E.

Section 6. Within sixty (60) days from the date of adoption of this resolution, applicant shall provide to the City for recording a Perpetual Cross Access Easement, as shown in Exhibit D and described as follows:

A parcel of land lying in Section 21, Township 44 South, Range 23 East, Lee County, Florida and being the Northerly 30 feet of Lot 9, Block 4819, CAPE CORAL UNIT 71, as recorded in Plat Book 22 at Pages 88 through 107, of the Public Records of Lee County, Florida being more particularly described as follows:

Beginning at the Northwest corner of Lot 9, Block 4819, CAPE CORAL UNIT 71 as recorded in Plat Book 22 at Pages 88 through 107 of the Public Records of Lee County, being a point on the Easterly right-of-way line of SW 16th Court (60' R/W), thence run S89°58'00"E for 125.00 feet to the Northeast corner of said lot 9; thence run S00°10'17"E along the Easterly line of lot 9 for 30.00 feet; thence leaving said line, run N89°58'00"W for 125.00 feet to an intersection with the Westerly line of lot 9; thence run N00°10'17"W along said Westerly line for 30.00 feet to the Point of Beginning.

Said Parcel Contains 3,750 sq. ft. (more or less)

Bearings are based on the centerline of SW 16th Court Parkway being N00°10'17"W.

Section 7. The Applicant shall meet the following terms and conditions:

- 1. The vacation of the platted alley and underlying easements shall be consistent with that shown in the sketch and accompanying legal description prepared by Stouten Cramer entitled "Proposed Alley Vacation," dated January 23, 2018, and attached hereto as Exhibit A.
- 2. Within 60 days of the adoption of this resolution, the owner shall provide to the City an easement deed for providing a perimeter easement around the four-acre consolidated site. The easement deed shall be consistent with that shown in a sketch and accompanying legal description prepared by Stouten Cramer entitled "Proposed Public Utility Easement," dated August 6, 2018, and attached hereto as Exhibit B. This easement shall be approved by the City Development Services Manager and the Property Broker prior to recording.
- 3. Within 60 days from the date of adoption of this vacation, the owner shall provide to the City for recording two perpetual cross-access easements as follows: 1) a 20-foot wide cross-access easement between Lots 1-3, Block 4819 and Block 4819-A consistent with that shown in a sketch and accompanying legal description prepared by Stouten Cramer entitled "Proposed Access Easement," dated March 22, 2018, and attached hereto as Exhibit C; and 2) a 30-foot wide cross-access easement on Lot 9, Block 4819 consistent with that shown in a sketch and accompanying legal description prepared by Stouten Cramer entitled "Access Agreement,"

dated January 25, 2018, attached hereto as Exhibit D. Both access easements shall be approved by the City Development Services Manager and the Property Broker prior to execution.

- 4. The owner, 38335 Chiquita Trafalgar, LLC, shall be responsible for maintaining the alley in good condition between Lots 4-9, Block 4819 and Block 4819-A in perpetuity.
- 5. This resolution shall be recorded with the Office of the Lee County Clerk of Court by the City of Cape Coral. This resolution shall not be effectuated until the applicant provides the City with the easement deed and cross-access easements as described in Conditions #2 and #3 above and reimburses the Department of Community Development for all recording fees associated with this resolution and the easements.

Section 8. This Resolution shall take effect upon its recording within the Office of the Lee County Clerk of Court by the City of Cape Coral.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF CAPE CORAL AT ITS REGULAR COUNCIL SESSION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

### JOE COVIELLO, MAYOR

VOTE OF MAYOR AND COUNCILMEMBERS:

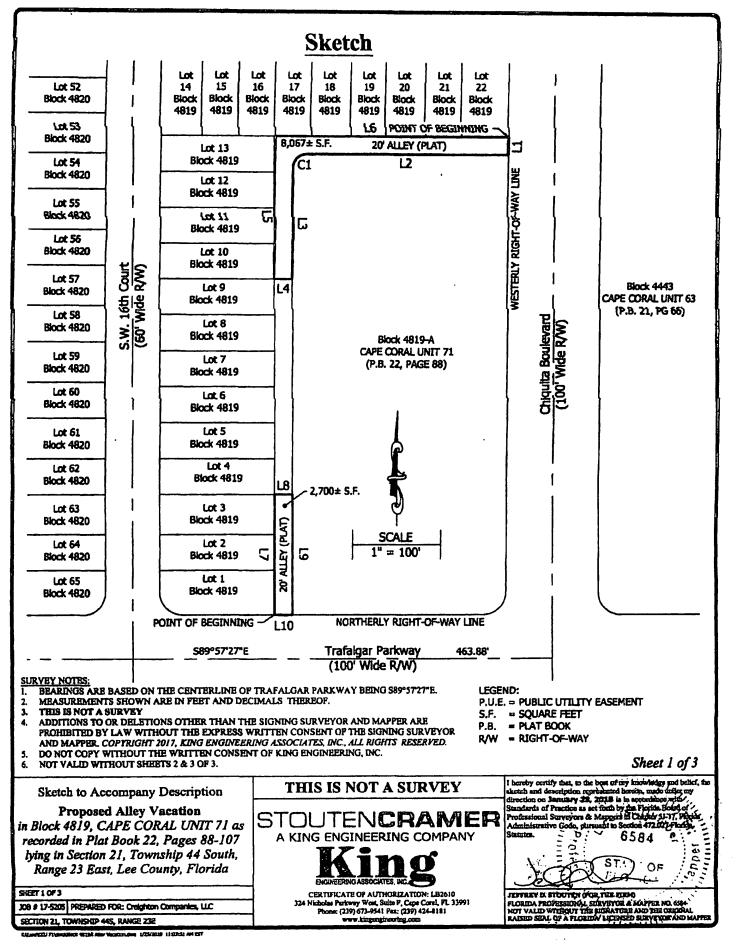
COVIELLO	 NELSON	
GUNTER	 STOKES	
CARIOSCIA	WILLIAMS	
STOUT	 COSDEN	

ATTESTED TO AND FILED IN MY OFFICE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2018.

APPROVED AS TO FORM:

KIMBERLY BRUNS INTERIM CITY CLERK

JOHN E. NACLERIO III ASSISTANT CITY ATTORNEY rcs/vp18-0003 10/31/18



### **Description of the Alleyway Vacation Areas**

### Subject Parcel Description:

A parcel of land lying in Section 21, Township 44 South, Range 23 East, Lee County, Florida and lying in Block 4819, CAPE CORAL UNIT 71, as recorded in Plat Book 22 at Pages 88 through 107, of the Public Records of Lee County, Florida being more particularly described as follows:

Beginning at the Southeast corner of Lot 22, Block 4819, CAPE CORAL UNIT 71 as recorded in Plat Book 22 at Pages 88 through 107, of the Public Records of Lee County, being a point on the Westerly right-of-way line of Chiquita Boulevard (100' R/W) thence run S00°10'17"E, along said Westerly right-of-way line, a distance of 20.00 feet to an intersection with the Northerly line of Block 4819A of said CAPE CORAL UNIT 71; thence run the following three (3) courses and distances along the boundary of said Block 4819A, also being the Southerly and Easterly line of a 20 feet wide alley as platted in said CAPE CORAL UNIT 71; (1) N89°58'05"W a distance of 225.84 feet to a point of curvature; (2) thence run 23.62 feet along the arc of said curve to the left of radius 15.00 feet, concave to the Southeast, having a delta angle of 90°12'12", a chord bearing of S44°55'49"W and a chord length of 21.25 feet to a point of tangency; (3) thence run S00°10'17"E a distance of 124.95 feet; thence run N89°57'27"W a distance of 20.00 feet to the Southeast corner of Lot 10 of said Block 4819, being a point on the Westerly line of said alley; thence run N00°10'17"W, along said Westerly line, a distance of 160.00 feet to the Southwest corner of Lot 17, said Block 4819; thence run S89°58'05"E, along the Southerly line of said Block 4819 and the Northerly line of said alley, a distance of 260.89 feet to the Point of Beginning.

Said Parcel Contains 8,067 sq. ft. (more or less)

### AND

Beginning at the Southeast corner of Lot 1, Block 4819, CAPE CORAL UNIT 71 as recorded in Plat Book 22 at Pages 88 through 107, of the Public Records of Lee County, being a point on the Westerly line of a 20 feet wide alley as platted in said CAPE CORAL UNIT 71; thence run N00°10'17"W, along said Westerly right-of-way line, a distance of 134.98 feet to the Northeast corner of lot 3 of said block 4819; thence run S89°58'05"E, a distance of 20.00 feet to an intersection with the Westerly line of Block 4819-A of said CAPE CORAL UNIT 71; thence run along said Westerly line S00°10'17"E for a distance of 134.99 feet to the Southwest corner of said Block 4819-A; thence leaving said line run N89°57'27"W for 20.00 feet to the Point of Beginning.

Said Parcel Contains 2,700 sq. ft. (more or less)

Bearings are based on the centerline of Trafalgar Parkway being S89°57'27"E.

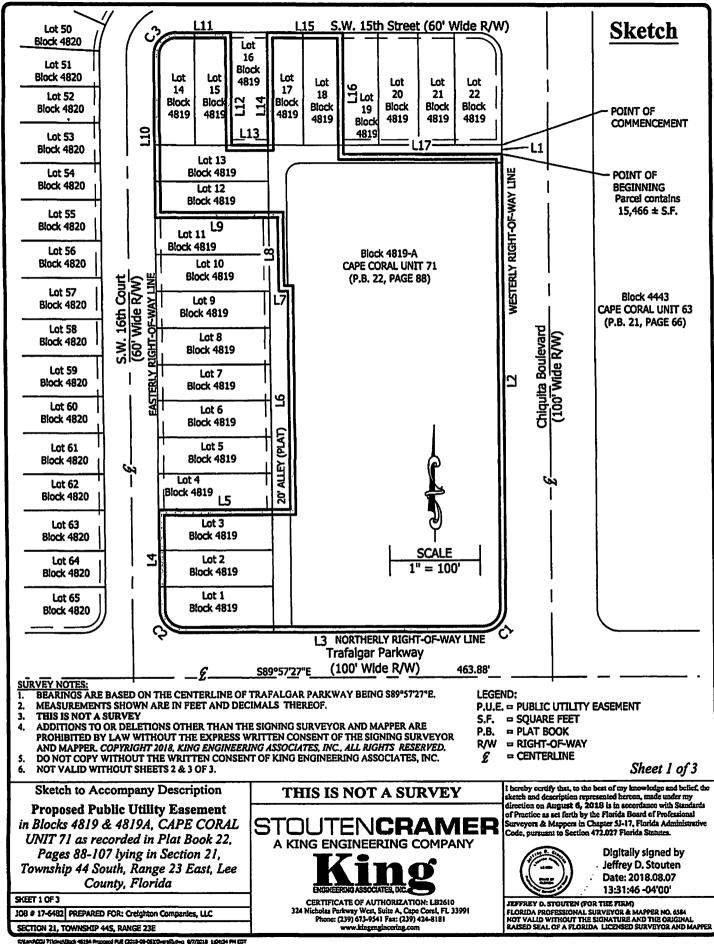


Exhibit B

### <u>Proposed Six-Foot Wide Public Utility and Drainage Easement Around the Expanded Site Following the</u> <u>Vacations</u>

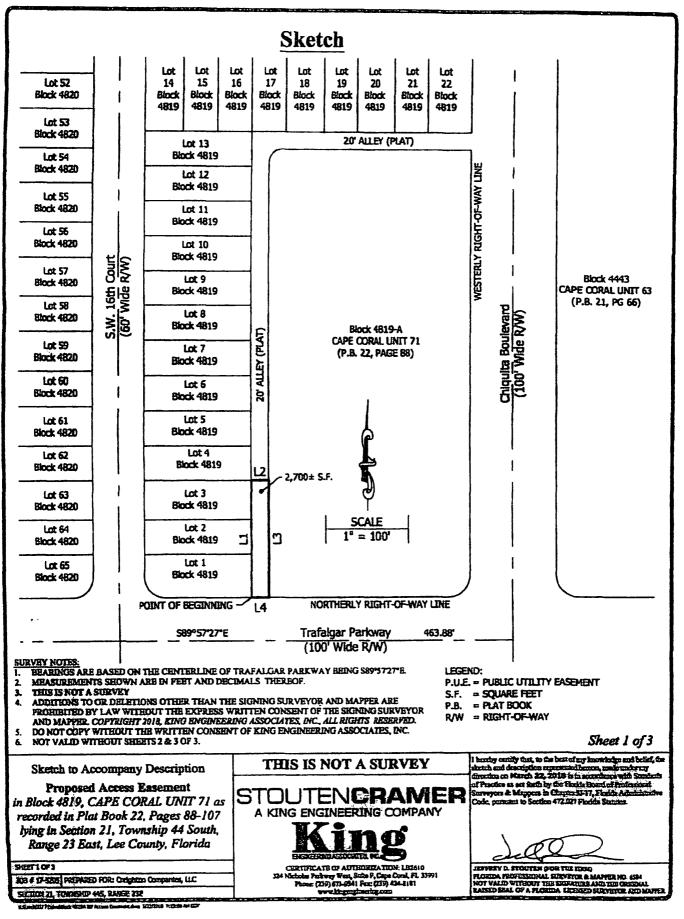
#### Subject Parcel Description:

A Public Utility Easement, six feet in width to the interior (as measured on a perpendicular) of the following described boundary, lying in Section 21, Township 44 South, Range 23 East, Lee County, Florida and lying in Blocks 4819 and 4819A, CAPE CORAL UNIT 71, as recorded in Plat Book 22 at Pages 88 through 107, of the Public Records of Lee County, Florida being more particularly described as follows:

COMMENCING at the Southeast corner of Lot 22. Block 4819, of said CAPE CORAL UNIT 71, being a point on the Westerly right-of-way line of Chiquita Boulevard (100' right-of-way) thence run S00°01'55"W, along said Westerly right-of-way line, a distance of 10.00 feet to the POINT OF BEGINNING; thence continue S00°01'55"W, along said Westerly right-of-way line, a distance of 500.02 feet to a point of curvature; thence run 39.27 feet along the arc of said curve to the right of radius 25.00 feet, concave to the Northwest, having a delta angle of 90°00'38", a chord bearing of S45°02'14"W and a chord length of 35.36 feet to a point of tangency, being a point on the Northerly right-of-way line of Trafalgar Parkway (100' right-of-way); thence run N89°57'27"W, along said Northerly right-of-way line, a distance of 334.16 feet to a point of curvature; thence run 39.18 feet along the arc of said curve to the right of radius 25.00 feet, concave to the Northeast, having a delta angle of 89°47'10", a chord bearing of N45°03'52"W and a chord length of 35.29 feet to a point of tangency, being a point on the Easterly rightof-way line of S.W. 16th Court (60' right-of-way); thence run N00°10'17W, along said Easterly right-of-way line, a distance of 110.05 feet to the Southwest corner of Lot 4 of said Block 4819; thence run S89°58'05"E, along the South line of said Lot 4 and an extension thereof, a distance of 145.00 feet to an intersection with the Westerly line of said Block 4819A; thence run N00°10'17"W, along said Westerly line, a distance of 240.00 feet; thence run N89°58'05"W, departing said Westerly line, a distance of 10.00 feet to an intersection with a line, parallel to and lying 10.00 feet Westerly of (as measured on a perpendicular) the Westerly line of said Block 4819A; thence run N00°10'17"W, along said parallel line, a distance of 80.00 feet to an intersection with an extension of the Northerly line of Lot 11, said Block 4819; thence run N89°58'05"W along said Northerly line and extension thereof, a distance of 135.00 feet to the Northwest corner of said Lot 11, being a point on the Easterly right-of-way line of said S.W. 16th Court (60' right-of-way); thence run N00°10'17"W, along said Easterly right-of-way line, a distance of 179.91 feet to a point of curvature; thence run 39.36 feet along the arc of said curve to the right of radius 25.00 feet, concave to the Southeast, having a delta angle of 90°12'12", a chord bearing of N44°55'49"E and a chord length of 35.42 feet to a point of tangency, being a point on the Southerly right-of-way line of S.W. 15th Street 60' right-ofway); thence run S89°58'05"E, along said Southerly right-of-way line, a distance of 59.91 feet to the Northwest corner of Lot 16, said Block 4819; thence run S00°10'17"E, along the West line of said Lot 16, a distance of 125.00 feet to the Southwest corner of said Lot 16; thence run S89°58'05"E, along the South line of said Lot 16, a distance of 40.00 feet to the Southeast corner of said Lot 16; thence run N00°10'17"W, along the East line of said Lot 16, a distance of 125.00 feet to the Northeast corner of said Lot 16, being a point on the Southerly right-of-way line of said S.W. 15th Street; thence run S89°58'05"E, along said Southerly right-of-way line, a distance of 85.00 feet to the Northwest corner of Lot 19, said Block 4819; thence run S00°10'17"E, along the West line of said Lot 19 and an extension thereof, a distance of 135.00 feet to an intersection with a line parallel to and 10.00 feet Southerly of (as measured on a perpendicular) the South line of said Block 4819; thence run S89°58'05"E, along said parallel line, a distance of 175.93 feet to the POINT OF BEGINNING.

Said parcel contains 15,466 sq. ft. (more or less)

Bearings are based on the centerline of Trafalgar Parkway being S89°57'27"E.



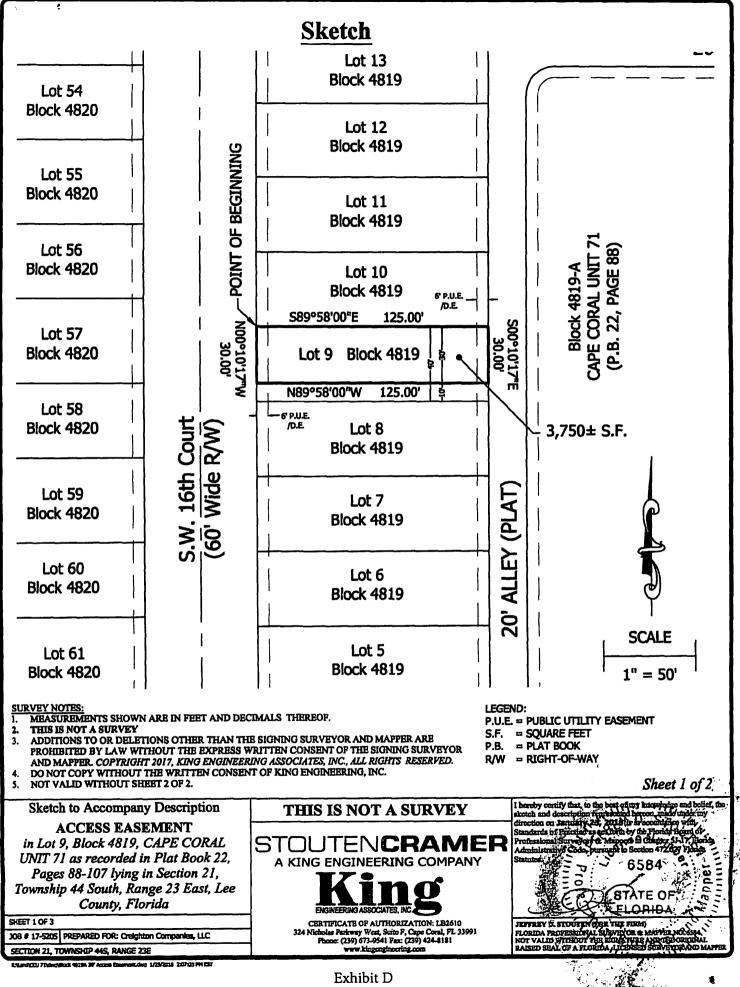
### Description of the Perpetual Cross-Access Easement Between Lots 1-3, Block 4819, and Block 4819-A

#### **Subject Parcel Description:**

Beginning at the Southeast corner of Lot 1, Block 4819, CAPE CORAL UNIT 71 as recorded in Plat Book 22 at Pages 88 through 107, of the Public Records of Lee County, being a point on the Westerly line of a 20 feet wide alley as platted in said CAPE CORAL UNIT 71; thence run N00°10'17"W, along said Westerly right-of-way line, a distance of 134.98 feet to the Northeast corner of lot 3 of said block 4819; thence run S89°58'05"E, a distance of 20.00 feet to an intersection with the Westerly line of Block 4819-A of said CAPE CORAL UNIT 71; thence run along said Westerly line S00°10'17"E for a distance of 134.99 feet to the Southwest corner of said Block 4819-A; thence leaving said line run N89°57'27"W for 20.00 feet to the Point of Beginning.

Said Parcel Contains 2,700 sq. ft. (more or less)

Bearings are based on the centerline of Trafalgar Parkway being S89°57'27"E.



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### Description of the Perpetual Cross-Access Easement Area on Lot 9

#### Subject Parcel Description:

A parcel of land lying in Section 21, Township 44 South, Range 23 East, Lee County, Florida and being the Northerly 30 feet of Lot 9, Block 4819, CAPE CORAL UNIT 71, as recorded in Plat Book 22 at Pages 88 through 107, of the Public Records of Lee County, Florida being more particularly described as follows:

Beginning at the Northwest corner of Lot 9, Block 4819, CAPE CORAL UNIT 71 as recorded in Plat Book 22 at Pages 88 through 107 of the Public Records of Lee County, being a point on the Easterly right-of-way line of SW 16th Court (60' R/W), thence run S89°58'00"E for 125.00 feet to the Northeast corner of said lot 9; thence run S00°10'17"E along the Easterly line of lot 9 for 30.00 feet; thence leaving said line, run N89°58'00"W for 125.00 feet to an intersection with the Westerly line of lot 9; thence run N00°10'17"W along said Westerly line for 30.00 feet to the Point of Beginning.

Said Parcel Contains 3,750 sq. ft. (more or less)

Bearings are based on the centerline of SW 16th Court Parkway being N00°10'17"W.

Planning Division City of Cape Coral

# RESOLUTION 244-18 VP18-0003

# Cape Coral City Council Meeting Final Public Hearing

# November 19, 2018

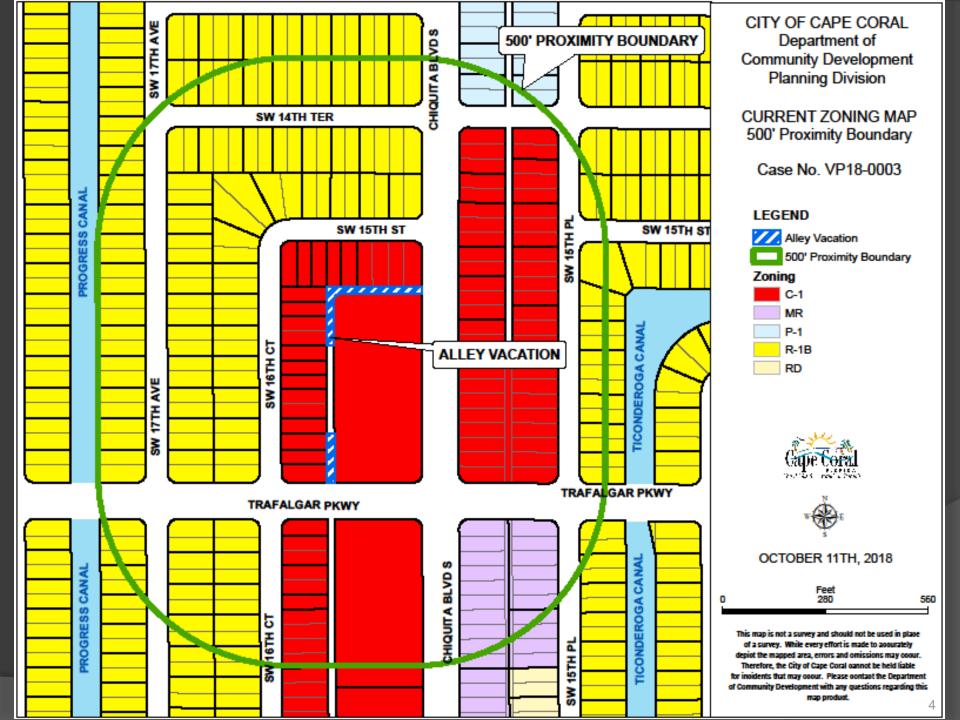
# **Resolution 244-18**

- **Owner:** 38335 Chiquita Trafalgar, LLC
- **Rep:** Quattrone and Associates, Inc. and Jeff Wright
- Requests: 1. Vacate portions of alley ROW and underlying easements between Blocks 4819 and 4819-A.
  2. Vacate platted easements in specific lots in Blocks 4819 and 4819-A.
  3. Vacate internal lot lines in specific lots in Block 4819.



# **Resolution 244-18**





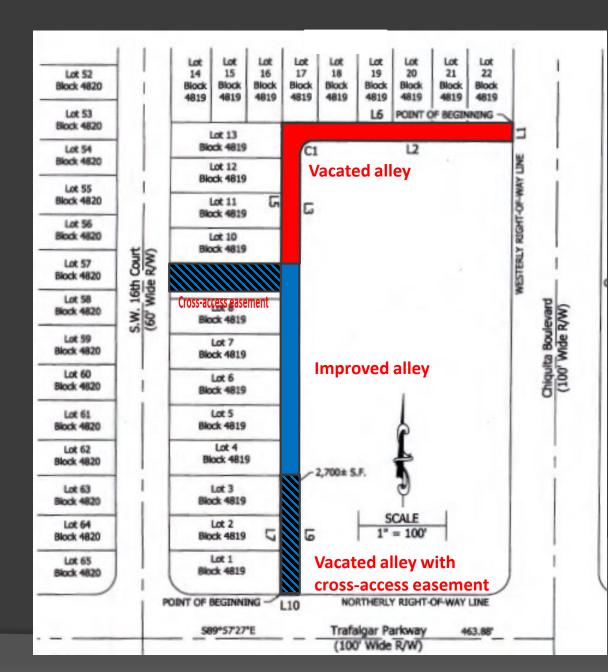
# Background

• Alley is 20 feet wide and unimproved.

 Vacations are requested to assemble multiple properties owned by the applicant into a single, commercial site.

# ROW Vacation Analysis (LUDR, Section 8.11)

- O The applicant, and two other owners that have provided written consent, own all sites adjacent to the alley requested to be vacated.
- The ROW is unimproved.
- The owner will provide two cross-access easements.
- The cross-access easements with improvements to the alley will provide access between Trafalgar and SW 16<sup>th</sup> Court.
- The owner will be responsible for maintaining the alley.



# Easement Vacation Analysis (LUDR, Section 8.11)

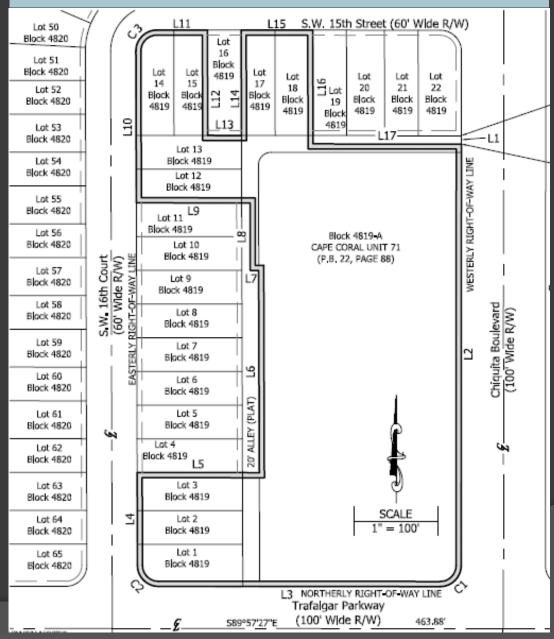
The City lacks facilities in all easements.

Century Link, Comcast, and LCEC lack facilities in all easements and do not object to the request.

O The easement vacations will provide a site without encumbrances.

A perimeter easement will be provided.

# Perimeter easement to be provided around the expanded site.



9

# Lot Line Vacation Analysis (LUDR, Section 8.11)

 Internal lot lines are requested to be vacated for Lots 1-3, 12-15, and 17-18 in Block 4819.

Output Approval of this request may eliminate uncertainty on the part of developers, lenders, and insurers as to the suitability of the site for development.

# Recommendation

Staff recommends approval of all vacation requests.

# **Hearing Examiner**

The vacation requests will be considered by the Cape Coral Hearing Examiner at a public hearing scheduled for Tuesday, November 6.



Engineers, Planners & Development Consultants

4301 Veronica Shoemaker Blvd. Fort Myers, FL 239.936.5222 | QAINC.net | f 239.936.7228

August 1, 2018

Director Department of Community Development City of Cape Coral P. O. Box 150027 Cape Coral, FL 33915-0027

RE: Letter-of-Intent for a Vacation of an Alley, PUE/DE's and Internal Lot Lines

Dear Director:

It is the intent of the property owner, 38335 Chiquita Trafalgar, LLC to vacate a portion of a platted alley, multiple platted Public Utility Easements / Drainage Easements (PUE / DE) and internal lot lines located within the Plat of Cape Coral Unit 71, as recorded in Plat Book 22, Page 88 and specifically shown on Page 105, of the Public Records of Lee County, Florida as more specifically described below:

- Vacate the 20-foot wide alley and all underlying easements between Lots 1-3, 10-13, 17-22 and Block 4819-A.
- Vacate all Internal Platted Public Utility Easements and Drainage Easements located within Lots
  I-3, 12-15, 17-18, and in Block 4819-A of the Plat of Cape Coral Unit 71, as recorded in Plat
  Book 22, Page 88 and specifically shown on Page 105.
- Vacate all Internal Platted Lot Lines located within Lots 1-3, 12-15, 17-18, and in Block 4819-A
  of the Plat of Cape Coral Unit 71, as recorded in Plat Book 22, Page 88 and specifically shown
  on Page 105.

This Vacation is sought to allow the owner to combine the lots into one parcel for a 7-Eleven convenience store and future commercial development. The vacated easements will be replaced a new PUE / DE that will go around the inside perimeter of the combined site. A 20' wide access/drainage/utility easement will be granted back to the City between Lots I-3 and Block 4819-A and across Lot 9.

If you have any questions, please don't hesitate to call.

Sincerely, QUATTRONE & ASSOCIATES, INC.

Shaw Alal

Sharon Hrabak Permit Manager



DEPARTMENT OF COMMUNITY DEVELOPMENT VACATION OF PLAT APPLICATION

Case # 1018-0003

# Questions: 239-574-0776

#### INSTRUCTIONS - APPLICATION FOR VACATION OF A PLAT, STREET, ALLEY, CANAL, RIGHT OF WAY OF EASEMENT

- 1. Application, Acknowledgement Form, Authorization to Represent.
  - a. All forms must be filled out completely.
  - b. All forms must be signed by the property owner(s) and must be notarized.
  - c. If the Authorized Representative is an attorney, the Application and the Acknowledgement form may be signed by the attorney and an Authorization to Represent Property Owner is not required.
- 2. Letter of intent identifying your request.
- Proof of title to the tract or parcel of land covered by the plat or, of the plat of which vacation is sought.
- 4. Letters of approval from the following:

Lee County Electric Cooperative, Inc	Century Link (Telephone)	Comcast (Cable)
Russell Goodman	Justin Lane	Mark Cook
Project Coordinator-Land Acquisition	OSP Engineering	Project Coordinator
LCEC, PO Box 3455 North Ft Myers, FL 33918-3455	3301 Del Prado Blvd S. Cape Coral, FL	26100 Westlinks Drive Suite 4 Fort Myers, FL 33913
Russel.goodman@lcec.net	Justin.lane@centurylink.com	Mark_cook@comcast.com
(239) 656-2112	(239) 984-7009	(239) 432-1805

- 5. A sketch and legal description of the area proposed to be vacated area.
- 6. If there are any deed restrictions on the property, a copy of the restrictions will be required.
- 7. Certified topographic survey (done within the past six (6) months), and showing all pavement, utility and drainage features in said area, including but not limited to water, sewer and irrigation lines and manholes; power, cable and utility lines and poles; catch basins, inlets, pipes, and swales. In the case where no features exist, a signed, sealed and dated certification by a Florida registered Professional Engineer can be submitted which certifies that there are no such roadway, utility or drainage features within the limits of and adjacent to the proposed vacated area.
- Please indicate on a separate sheet those persons to whom you wish a copy of the Public Hearing Notice sent.
- 9. IT IS REQUIRED THAT APPLICANT AND/OR REPRESENTATIVE ATTEND HEARINGS BEFORE BOTH THE HEARING EXAMINER AND THE CITY COUNCIL.



DEPARTMENT OF COMMUNITY DEVELOPMENT VACATION OF PLAT APPLICATION Questions: 239-574-0776 Case # VP18-0003

### REQUEST TO PLANNING & ZONING COMMISION AND COUNCIL FOR A VACATION OF PLAT

FEE: \$843.00 – In addition to the application fee, all required advertising costs are to be paid by the applicant (ORD 39-03, Sec. 5.4) Advertising costs must be paid prior to public hearing otherwise case will be pulled from public hearing.

Following the approval of your request, the applicant shall be responsible for reimbursing the City to electronically record the final signed Resolution or Ordinance with the Lee County Clerk of Court. Until this fee is paid, restrictions on the issuance of any City permits will remain on the affected property that will prevent the city from issuing any applicable building permits, site plans, certificates of use, or certificates of occupancy for any property covered by the Resolution or Ordinance.

If the owner does not own the property in his/her personal name, the owner must sign all applicable forms in his/her corporate capacity.

OWNER OF PROPERTY		
38335 Chiquita Trafalgar, LLC	Address: 900 SW Pine Island Road, Suite 202	
1 0 7	City: <u>Cape Coral</u> Phone: <u>239-673-7328</u> State: <u>FL</u> Zip <u>33991</u>	
APPLICANT M. Dan Creighton, Manager of 38335 Chiquita Trafalgar, LLC	Address: 900 SW Pine Island Road, Suite 202	
EMAIL dcreighton@creightondev.com	City: <u>Cape Coral</u> State: <u>F1</u> Zip <u>3399</u> Phone: <u>239-673-7328</u>	
AUTHORIZED REPRESENTATIVE Quattrone & Associates, Inc-Jeff Wright EMAIL Al@qainc.net	Address:4301 Veronica Shoemaker Blvd.City:Fort MyersState:FLZip33916Phone:239-673-7328	
Unit 71 Block 4819A Lot(s) Address of Property 1518 Chiquita Blvc	Subdivision <u>Cape Coral Unit 71</u> d S. Cape Coral, FL 33991	
Current Zoning C-1	Plat Book 22 , Page 105	
	Strap Number 21-44-23-C3-04819.A000	
	See Attachment "A" for addition	
	Strap Numbers	



Case # VP18-0003

### THIS APPLICATION SHALL ALSO HAVE ANY ADDITIONAL REQUIRED SUPPORTING DOCUMENTS

The owner of this property, or the applicant, agrees to conform to all applicable laws of the City of Cape Coral and to all applicable Federal, State, and County laws and certifies that all information supplied is correct to the best of their knowledge.

(SIGNATURE MUST BE NOTARIZED M. Dan Creighton APPLICANT NAME (PLEASE TYPE OR PRINT) CANT S'S GNATURE STATE OF , COUNTY OF 20 tob Swore to (or affirmed) and subscribed before me this day of who is personally known or produced n. Day Th raig as identification. Exp. Date: Commission Number: Signature of Notary Public: Printed name of Notary Public: **KIMBERLY A. HAUSER** Notary Public - State of Florida Commission # FF 216326 My Comm. Expires May 7, 2019 Bonded through National Notary Assn.



Case # VP18-0003

Questions: 239-574-0776

VACATION OF PLAT APPLICATION

#### ACKNOWLEDGEMENT FORM

I have read and understand the above instructions. Hearing date(s) will be confirmed when I receive a copy of the Notice of Public Hearing stipulating the day and time of any applicable hearings.

I acknowledge that I or my representative must attend any applicable meetings scheduled for the Hearing Examiner, Planning & Zoning Commission/Local Planning Agency, and City Council.

I will have the opportunity, at the hearing, to present verbal information pertaining to my request that may not be included in my application.

I understand any decision rendered by the CITY shall be subject to a thirty (30) day appeal period. Any work performed within the thirty (30) day time frame or during the APPEAL process will be completed at the applicant's risk.

I understand I am responsible for all fees, including advertising costs. All fees are to be submitted to the City of Cape Coral with the application or the item may be pulled from the agenda and continued to future date after fees are paid.

Please obtain all necessary permits prior to commencing any phase of construction.

Please indicate on a separate sheet those persons to whom you wish a copy of the Public Hearing Notice sent.

By submitting this application, I acknowledge and agree that I am authorizing the City of Cape Coral to inspect the subject property and to gain access to the subject property for inspection purposes reasonably related to this application and/or the permit for which I am applying.

38335 Chiquita Trafalgar, LLC CORPORATION/COMPANY NAME M. Dan Creighton ERTY OWNER'S SIGNATURE PROPERTY OWNER (PLEASE TYPE OR PRINT) - , COUNTY OF STATE OF Sworn to (or affirmed) and subscribed before me this 17 day of Oct, 2018, by Croighton who is personally known or produced as identification. Commission Number: Exp. Date: Signature of Notary Public: Printed name of Notary Public: (SIGNATURE MUST BE NOTARIZED) KIMBERLY A. HAUSER Notary Public - State of Florida Commission # FF 216326 My Comm. Expires May 7, 2019 Bonded through National Notary Assn.



Questions: 239-574-0776

Case # VPI8.0003

AUTHORIZATION TO REP	RESENT PROPERTY OWNER(s)
----------------------	--------------------------

PLEASE BE ADVISED THAT	Quattrone & Associates, Inc & Jeff Wright			
	(Name of person giving presentation)			

IS AUTHORIZED TO REPRESENT ME IN THE REQUEST TO THE PLANNING & ZONING COMMISSION/ LOCAL PLANNING AGENCY, BOARD OF ZONING ADJUSTMENTS AND APPEALS AND/OR CITY COUNCIL FOR

Vacation	
UNIT 71 BLOCK 4819A	LOT(S) All of 4819 A SUBDIVISION Cape Coral Unit 71
OR LEGAL DESCRIPTION	
LOCATED IN THE CITY OF CAPE CORAL,	COUNTY OF LEE, FLORIDA.
38335 Chiquita Trafalgar, LLC PROPERTY OWNER (Please Print)	PROPERTY OWNER (Please Print)
M. Dan Creighton-Manager PROPERTY OWNER (Signature & Title)	PROPERTY OWNER (Signature & Title)
STATE OF <u>FE</u> , COUNTY OF	Lee
	personally known or produced day of Oct , 20 by
as identification.	51/19 commission Number FEDILO3DL
Signature	of Notary Public:
Printed na	ame of Notary Public:

Note: Please list all owners. If a corporation, please supply the Planning Division with a copy of corporation paper.

1

KIMBERLY A. HAUSER Notary Public - State of Florida Commission # FF 216326 My Comm. Expires May 7, 2019 Bonded through National Notary Assn.



Case # Vp18-0003

# DOCUMENTARY EVIDENCE (LUDR, Section 8.3.1.C.6.f)

A copy of all documentary evidence shall be made available to the decision-making body or the Hearing Examiner and to staff no later than two business days prior to the hearing of the application. This requirement includes information that the applicant intends to present at public hearing.

I have read the above requirement and agree to comply with this provision.

M. Dan Creighton	na la can
OWNER/APPLICANT (PLEASE TYPE OR PRINT)	OWNER APPLICANT SIGNATURE
(SIGNATURE MUST	T BE NOTARIZED)
STATE OF FL COUNTY OF Lee	
as identification Exp. Date <u><u>Signat</u> Commission #<u>PP 210326</u> Signat</u>	In the second se

# Attachment "A"

- 1533 SW 16<sup>th</sup> Ct 21-44-23C3-04819.0010
- 1531 SW 16<sup>th</sup> Ct 21-44-23C3-04819.0020
- 1529 SW 16<sup>th</sup> Ct 21-44-23C3-04819.0030
  - 1517 SW 16<sup>th</sup> Ct 21-44-23C3-04819.0090
  - 1511 SW 16<sup>th</sup> Ct 21-44-23C3-04819.0120
  - 1509 SW 16<sup>th</sup> Ct 21-44-23C3-04819.0130
  - 1618 SW 15<sup>th</sup> Ct 21-44-23C3-04819.0140
  - 1516 SW 15<sup>th</sup> Ct 21-44-23C3-04819.0150
  - 1512 SW 15<sup>th</sup> Ct 21-44-23C3-04819.0170
  - 1510 SW 15<sup>th</sup> Ct 21-44-23C3-04819.0180

Detail by Entity Name



Department of State / Division of Corporations / Search Records / Detail By Document Number /

# **Detail by Entity Name**

Florida Limited Liability Company 38335 CHIQUITA TRAFALGAR, LLC

**Filing Information** 

Document Number	L18000134695		
FEI/EIN Number	NONE		
Date Filed	05/31/2018		
State	FL		
Status	ACTIVE		

#### Principal Address

900 SW PINE ISLAND ROAD, SUITE 202 CAPE CORAL, FL 33991

#### Mailing Address

900 SW PINE ISLAND ROAD, SUITE 202 CAPE CORAL, FL 33991

#### Registered Agent Name & Address

HF REGISTERED AGENTS, LLC 1715 MONROE STREET FORT MYERS, FL 33901

#### Authorized Person(s) Detail

Name & Address

Title MGR

CREIGHTON, M. DAN 900 SW PINE ISLAND ROAD, SUITE 202 CAPE CORAL, FL 33991

Annual Reports

No Annual Reports Filed

**Document Images** 

05/31/2018 -- Florida Limited Liability View image in PDF format

Plat Vacation Notice/ No Objection Letter

To: City of Cape Coral Department of Community Development

From: Mione Pizza, Inc. C/O Domino's Pizza

> 1133 Del Prado Blvd S Suite 1 Cape Coral, FL 33990

Lot 19 Thru 22, Block 4819, Unit 71, Cape Coral Subdivision, according to the pat thereof as recorded in Plat Book 22, page 105, Public Records of Lee County, Florida

Mione Rizza, Inc By: Nancy Drury President Date:

NOTARY FORM

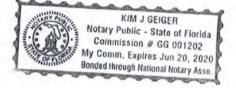
STATE OF FLORIDA)

COUNTY OF LEE)

December The foregoing instrument was acknowledged before me this day of October, 2017, by Nancy Drury, as President of Mione Pizza, Inc., who is personally known to me or who A has produced <u>FI. Drugt License</u> as identification.

NOTARY RUBBER STAMP SEAL OR EMBOSSED SEAL

Notary Public Printed Name 660013 Commission No Expiration Date



Detail by Entity Name



Department of State / Division of Corporations / Search Records / Detail By Document Number /

# **Detail by Entity Name**

Florida Profit Corporation MIONE PIZZA, INC. <u>Filing Information</u>

the second se	
Document Number	G60441
FEI/EIN Number	59-2336551
Date Filed	09/21/1983
State	FL
Status	ACTIVE
Principal Address	
1133 DEL PRADO BLVD	
SUITE 1	
CAPE CORAL, FL 33990	

Changed: 03/30/2017

## Mailing Address

1133 DEL PRADO BLVD SUITE 1 CAPE CORAL, FL 33990

Changed: 03/30/2017

#### Registered Agent Name & Address

DRURY, NANCY LYNN 1133 DEL PRADO BLVD SUITE 1 CAPE CORAL, FL 33990

Address Changed: 03/30/2017

Officer/Director Detail

Name & Address

Title DP

DRURY, NANCY 1133 DEL PRADO BLVD SUITE 1 CAPE CORAL, FL 33990

Title VP

DENNIS, SCOTT F 1133 DEL PRADO BLVD SUITE 1 CAPE CORAL, FL 33990

#### Annual Reports

Report Year	Filed Date	
2016	04/01/2016	
2017	03/30/2017	
2018	04/03/2018	

## Document Images

04/03/2018 ANNUAL REPORT	View image in PDF format
03/30/2017 - ANNUAL REPORT	View image in PDF format
04/01/2016 ANNUAL REPORT	View image in PDF format
03/24/2015 - ANNUAL REPORT	View image in PDF format
04/15/2014 ANNUAL REPORT	View image in PDF format
03/26/2013 ANNUAL REPORT	View image in PDF format
03/29/2012 ANNUAL REPORT	View image in PDF format
04/07/2011 ANNUAL REPORT	View image in PDF format
03/10/2010 ANNUAL REPORT	View image in PDF format
04/06/2009 ANNUAL REPORT	View image in PDF format
03/04/2008 ANNUAL REPORT	View image in PDF format
03/29/2007 ANNUAL REPORT	View image in PDF format
01/23/2006 ANNUAL REPORT	View image in PDF format
07/06/2005 ANNUAL REPORT	View image in PDF format
04/02/2004 ANNUAL REPORT	View image in PDF format
02/13/2003 ANNUAL REPORT	View image in PDF format
02/21/2002 ANNUAL REPORT	View image in PDF format
03/30/2001 ANNUAL REPORT	View image in PDF format
03/25/2000 ANNUAL REPORT	View image in PDF format
03/22/1999 ANNUAL REPORT	View image in PDF format
03/26/1998 ANNUAL REPORT	View image in PDF format
03/28/1997 - ANNUAL REPORT	View image in PDF format
03/26/1996 ANNUAL REPORT	View image in PDF format
03/23/1995 - ANNUAL REPORT	View image in PDF format

Horiza Department of State, Division of Corporations

Plat Vacation Notice/ No Objection Letter

To: City of Cape Coral Department of Community Development

From: Cape Holdings Enterprises Inc 210 N Pinnacle Ridge Rd Beech Mountain, NC 28604

I/We, <u>Cape Holdings Enterpriping</u> the property owner(s) of 1523 SW 16<sup>th</sup> Ct and 1513 SW 16<sup>th</sup> Ct, Cape Coral, FL 33991 have no objection to the vacation of the alley and public utility easement (PUE) adjacent to our lots:

Lots 5 + 6 and 10 + 11, Block 4819, Unit 71, Cape Coral Subdivision, according to the pat thereof as recorded in Plat Book 22, pages 88 through 107, Public Records of Lee County, Florida

10/19/2017

Signature

Date

NOTARY FORM

STATE OF NC)

COUNTY OF AVERY)

I. <u>HAROD B. KNEPKA</u>. a Notary Public, do hereby certify that on this <u>19</u> day of <u>CETOBER</u>, 2017, personally appeared before me <u>TERALE RELTAN</u> known to me to be the person whose name is subscribed to the foregoing instrument, and swore and acknowledged to me that he executed the same for the purpose and in the capacity therein expressed, and that the statements contained therein are true and correct.

And B-1	D B. KANIN
Notary Public, State of NORTH CARDEN	Notary Public T Watauga County
Name, Typed or Printed: HAROLD B. KNEY	My Comm. Exp.
My Commission Expires: 11 /01/2021	- CAR CAR

Detail by Entity Name



Department of State / Division of Corporations / Search Records / Detail By Document Number /

# **Detail by Entity Name**

Florida Profit Corporation CAPE HOLDINGS ENTERPRISES, INC.

Filing Information

<b>Document Number</b>	P98000074355	
FEI/EIN Number	65-0860558	
Date Filed	08/26/1998	
State	FL	
Status	ACTIVE	
Principal Address		

12764 Yacht Club Circle Fort Myers, FL 33919

Changed: 03/21/2016

Mailing Address

12764 Yacht Club Circle FORT MYERS, FL 33919

Changed: 03/21/2016

Registered Agent Name & Address

REITAN, J.C. 12764 Yacht Club Circle FORT MYERS, FL 33919

Name Changed: 04/07/2000

Address Changed: 03/21/2016

Officer/Director Detail

Name & Address

Title PD

REITAN, J C 12764 Yacht Club Circle FORT MYERS, FL 33919

Title STD

REITAN, KAREN M

12764 Yacht Club Circle FORT MYERS, FL 33919

## Annual Reports

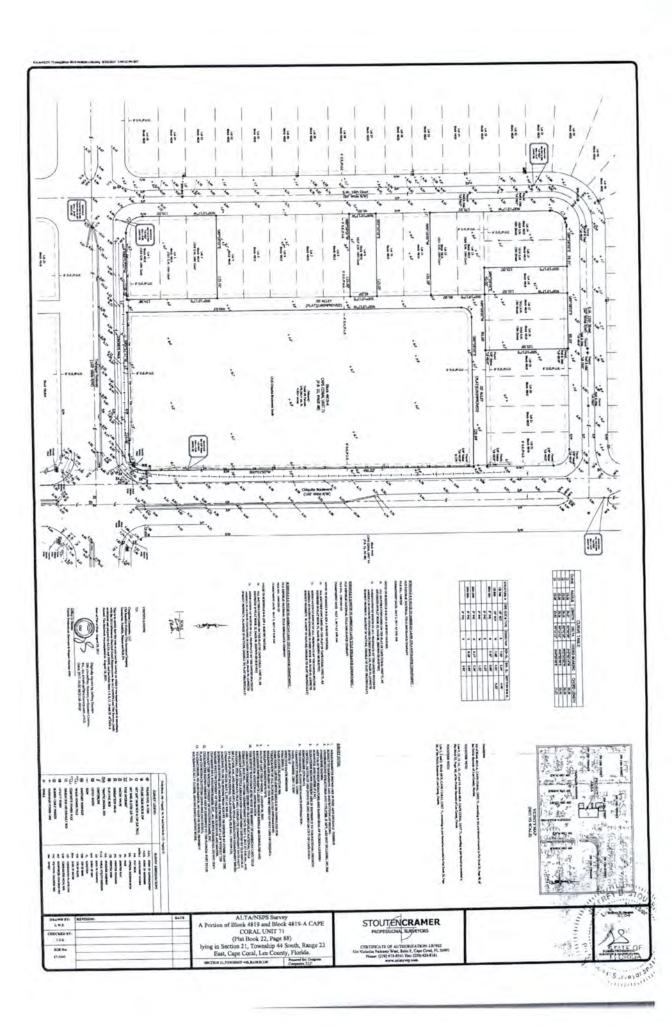
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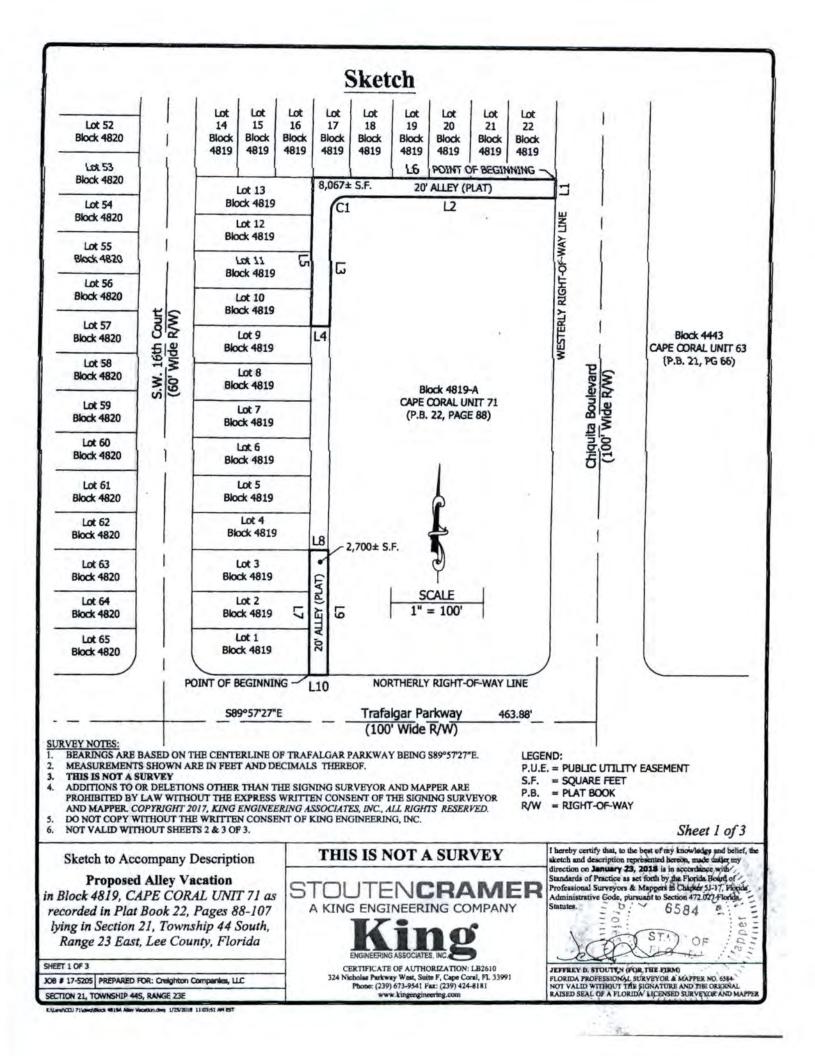
Filed Date	
03/21/2016	
02/13/2017	
01/20/2018	

#### **Document Images**

01/20/2018 ANNUAL REPORT	View image in PDF format
02/13/2017 ANNUAL REPORT	View image in PDF format
03/21/2016 ANNUAL REPORT	View image in PDF format
02/09/2015 ANNUAL REPORT	View image in PDF format
02/17/2014 ANNUAL REPORT	View image in PDF format
02/14/2013 ANNUAL REPORT	View image in PDF format
02/10/2012 ANNUAL REPORT	View image in PDF format
02/23/2011 ANNUAL REPORT	View image in PDF format
02/13/2010 ANNUAL REPORT	View image in PDF format
04/18/2009 ANNUAL REPORT	View image in PDF format
03/03/2008 ANNUAL REPORT	View image in PDF format
04/01/2007 ANNUAL REPORT	View image in PDF format
01/17/2006 ANNUAL REPORT	View image in PDF format
02/03/2005 ANNUAL REPORT	View image in PDF format
01/06/2004 ANNUAL REPORT	View image in PDF format
02/20/2003 - ANNUAL REPORT	View image in PDF format
04/11/2002 ANNUAL REPORT	View image in PDF format
02/03/2001 ANNUAL REPORT	View image in PDF format
04/07/2000 ANNUAL REPORT	View image in PDF format
04/21/1999 ANNUAL REPORT	View image in PDF format
08/26/1998 Domestic Profit	View image in PDF format

Florida Department of State: Division of Corporation





# Tables

		C	URVE TA	BLE	
CURVE	RADIUS	LENGTH	DELTA	CHORD BEARING	CHORD LENGTH
C1	15.00	23.62	90°12'12"	S44°55'49"W	21.25

LINE	BEARING	LENGTH
L1	S00°10'17"E	20.00'
12	N89°58'05"W	225.84'
L3	S00°10'17"E	124.95'
L4	N89°57'27"W	20.00'
15	N00°10'17"W	160.00'
L6	S89°58'05"E	260.89'

	LINE TABLE	
LINE	BEARING	LENGTH
L7	N00°10'17"W	134.98'
L8	S89°58'05"E	20.00'
L9	S00°10'17"E	134.99'
L10	N89°57'27"W	20.00'



# Description

#### Subject Parcel Description:

A parcel of land lying in Section 21, Township 44 South, Range 23 East, Lee County, Florida and lying in Block 4819, CAPE CORAL UNIT 71, as recorded in Plat Book 22 at Pages 88 through 107, of the Public Records of Lee County, Florida being more particularly described as follows:

Beginning at the Southeast corner of Lot 22, Block 4819, CAPE CORAL UNIT 71 as recorded in Plat Book 22 at Pages 88 through 107, of the Public Records of Lee County, being a point on the Westerly right-of-way line of Chiquita Boulevard (100' R/W) thence run S00°10'17"E, along said Westerly right-of-way line, a distance of 20.00 feet to an intersection with the Northerly line of Block 4819A of said CAPE CORAL UNIT 71; thence run the following three (3) courses and distances along the boundary of said Block 4819A, also being the Southerly and Easterly line of a 20 feet wide alley as platted in said CAPE CORAL UNIT 71; (1) N89°58'05"W a distance of 225.84 feet to a point of curvature; (2) thence run 23.62 feet along the arc of said curve to the left of radius 15.00 feet, concave to the Southeast, having a delta angle of 90°12'12", a chord bearing of S44°55'49"W and a chord length of 21.25 feet to a point of tangency; (3) thence run S00°10'17"E a distance of 124.95 feet; thence run N89°57'27"W a distance of 20.00 feet to the Southeast corner of Lot 10 of said Block 4819, being a point on the Westerly line of said alley; thence run N00°10'17"W, along said Westerly line, a distance of 160.00 feet to the Southwest corner of Lot 17, said Block 4819; thence run S89°58'05"E, along the Southerly line of said Block 4819 and the Northerly line of said alley, a distance of 260.89 feet to the Point of Beginning.

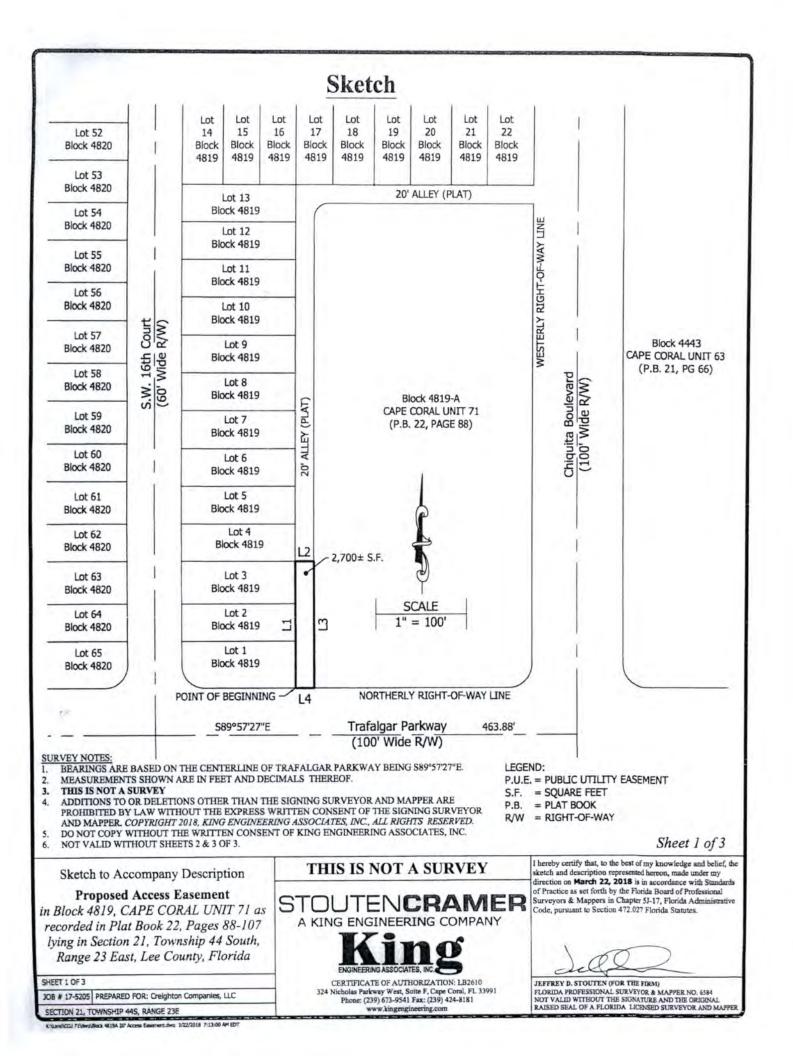
Said Parcel Contains 8,067 sq. ft. (more or less)

#### AND

Beginning at the Southeast corner of Lot 1, Block 4819, CAPE CORAL UNIT 71 as recorded in Plat Book 22 at Pages 88 through 107, of the Public Records of Lee County, being a point on the Westerly line of a 20 feet wide alley as platted in said CAPE CORAL UNIT 71; thence run N00°10'17"W, along said Westerly right-of-way line, a distance of 134.98 feet to the Northeast corner of lot 3 of said block 4819; thence run S89°58'05"E, a distance of 20.00 feet to an intersection with the Westerly line of Block 4819-A of said CAPE CORAL UNIT 71; thence run along said Westerly line S00°10'17"E for a distance of 134.99 feet to the Southwest corner of said Block 4819-A; thence leaving said line run N89°57'27"W for 20.00 feet to the Point of Beginning.

Said Parcel Contains 2,700 sq. ft. (more or less)





# Tables

	LINE TABLE	
LINE	BEARING	LENGTH
L1	N00°10'17"W	134.98'
L2	S89°58'05"E	20.00'
L3	S00°10'17"E	134.99'
L4	N89°57'27"W	20.00'



# Description

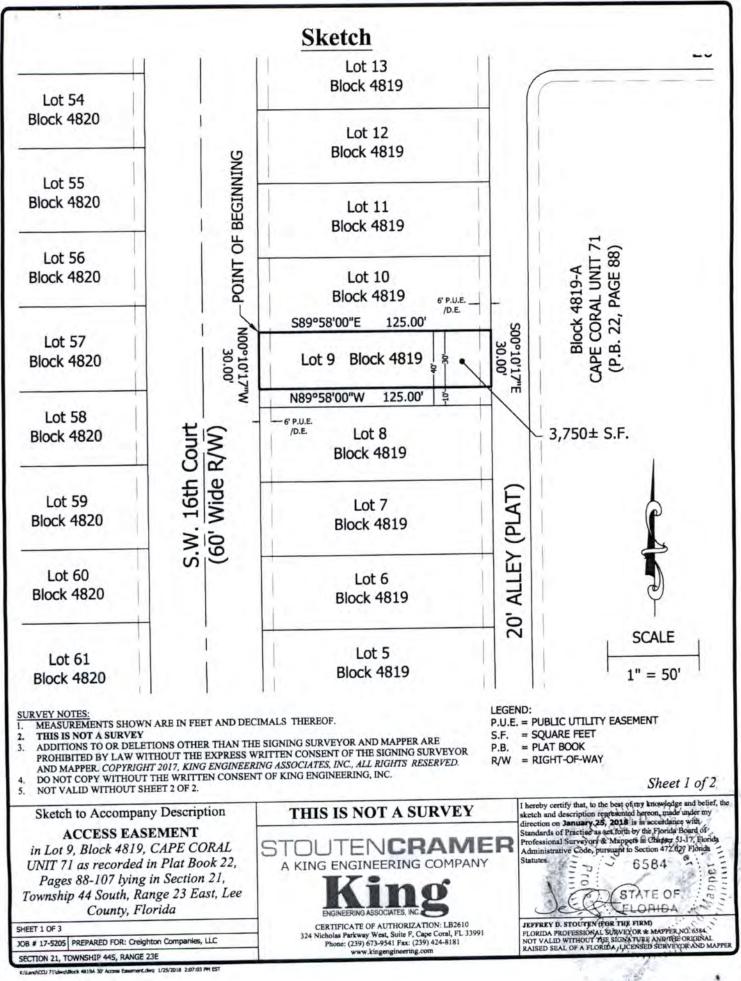
#### Subject Parcel Description:

A parcel of land lying in Section 21, Township 44 South, Range 23 East, Lee County, Florida and lying in Block 4819, CAPE CORAL UNIT 71, as recorded in Plat Book 22 at Pages 88 through 107, of the Public Records of Lee County, Florida being more particularly described as follows:

Beginning at the Southeast corner of Lot 1, Block 4819, CAPE CORAL UNIT 71 as recorded in Plat Book 22 at Pages 88 through 107, of the Public Records of Lee County, being a point on the Westerly line of a 20 feet wide alley as platted in said CAPE CORAL UNIT 71; thence run N00°10'17"W, along said Westerly right-of-way line, a distance of 134.98 feet to the Northeast corner of Lot 3 of said Block 4819; thence run S89°58'05"E, a distance of 20.00 feet to an intersection with the Westerly line of Block 4819-A of said CAPE CORAL UNIT 71; thence run along said Westerly line S00°10'17"E for a distance of 134.99 feet to the Southwest corner of said Block 4819-A; thence leaving said line run N89°57'27"W for 20.00 feet to the Point of Beginning.

Said Parcel Contains 2,700 sq. ft. (more or less)

THIS IS NOT A SURVEY	Description to Accompany Sketch Proposed Access Easement in Block 4819, CAPE CORAL UNIT 71 as recorded in Plat Book 22, Pages 88-107 lying in Section 21, Township 44 South, Range 23 East, Lee County, Florida	Not Valid without Sheets 1&2 of 3
Sheet 3 of 3	STOUTENCRAMER A KING ENGINEERING COMPANY King engineering associates, NC.	I hereby certify that, to the best of my knowledge and belief, the sketch and description represented hereon, made under my direction on March 22, 2018 is in accordance with Standards of Practice as set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 3J-17, Florida Administrative Code, pursuant to Section 472.027 Florida Statutes. See Sheet 1 of 3 for Signature and Seal
308 # 17-5205 PREPARED FOR: Creighton Companies, LLC SECTION 21, TOWNSHIP 44S, RANGE 23E	CERTIFICATE OF AUTHORIZATION: LB2610 324 Nicholas Parkway West, Suite F, Cape Coral, FL 33991 Phone: (239) 673-9541 Fax: (239) 424-8181 www.kimeenimeria.com	JEFFREY D. STOUTEN (FOR THE FIRM) FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO. 6584 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENED SURVEYOR AND MAPPER



# Description

#### Subject Parcel Description:

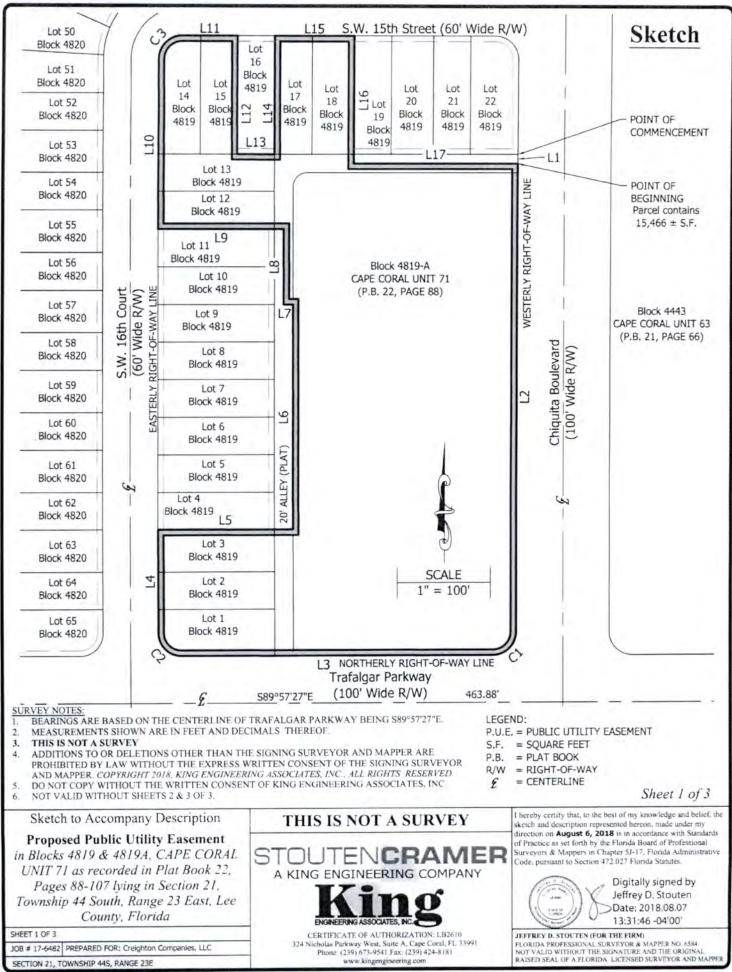
A parcel of land lying in Section 21, Township 44 South, Range 23 East, Lee County, Florida and being the Northerly 30 feet of Lot 9, Block 4819, CAPE CORAL UNIT 71, as recorded in Plat Book 22 at Pages 88 through 107, of the Public Records of Lee County, Florida being more particularly described as follows:

Beginning at the Northwest corner of Lot 9, Block 4819, CAPE CORAL UNIT 71 as recorded in Plat Book 22 at Pages 88 through 107 of the Public Records of Lee County, being a point on the Easterly right-of-way line of SW 16th Court (60' R/W), thence run S89°58'00"E for 125.00 feet to the Northeast corner of said lot 9; thence run S00°10'17"E along the Easterly line of lot 9 for 30.00 feet; thence leaving said line, run N89°58'00"W for 125.00 feet to an intersection with the Westerly line of lot 9; thence run N00°10'17"W along said Westerly line for 30.00 feet to the Point of Beginning.

Said Parcel Contains 3,750 sq. ft. (more or less)

Bearings are based on the centerline of SW 16th Court Parkway being N00°10'17"W.





K:\Land\CCU 71\dwg\Block 4619A Proposed PUE (2018-06-06)(Overall).dwg 5/7/2018 1:04:34 PM EDT

# Tables

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C1	39.27	25.00	90°00'38"	S 45°02'14" W	35.36
C2	39.18	25.00	89°47'10"	N 45°03'52" W	35.29
C3	39.36	25.00	90°12'12"	N 44°55'49" E	35.42

	LINE TABLE	
LINE	BEARING	LENGTH
L1	S 00°01'55" W	10.00'
L2	S 00°01'55" W	500.02'
L3	N 89°57'27" W	334.16'
L4	N 00°10'17" W	110.05'
L5	S 89°58'05" E	145.00'
L6	N 00°10'17" W	240.00'
L7	N 89°58'05" W	10.00'
L8	N 00°10'17" W	80.00'
L9	N 89°58'05" W	135.00'
L10	N 00°10'17" W	179.91'
L11	S 89°58'05" E	59.91'
L12	S 00°10'17" E	125.00'
L13	S 89°58'05" E	40.00'
L14	N 00°10'17" W	125.00'
L15	S 89°58'05" E	85.00'
L16	S 00°10'17" E	135.00'
L17	S 89°58'05" E	175.93'

THIS IS NOT A SURVEY	Tables to Accompany SketchProposed Public Utility Easementin Blocks 4819 & 4819A, CAPE CORAL UNIT 71 asrecorded in Plat Book 22, Pages 88-107 lying inSection 21, Township 44 South, Range 23 East, LeeCounty, Florida	Not Valid without Sheets 1&3 of 3
Sheet 2 of 3	STOUTENCRAMER A KING ENGINEERING COMPANY	I hereby certify that, to the best of my knowledge and belief, the sketch and description represented hereon, made under my direction on <b>August 6</b> , <b>2018</b> is in accordance with Standards of Practice as set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027 Florida Statutes. See Sheet 1 of 3 for Signature and Seal
JOB # 17-6482 PREPARED FOR: Creighton Companies, LLC SECTION 21, TOWNSHIP 44S, RANGE 23E	CERTIFICATE OF AUTHORIZATION: LB2610 324 Nicholas Parkway West, Suite A, Cape Coral, FL 33991 Phone: (239) 673-9541 Fax: (239) 424-8181 www.kingengineering.com	JEFFREY D. STOUTEN (FOR THE FIRM) FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO 5584 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

# Description

#### Subject Parcel Description:

A Public Utility Easement, six feet in width to the interior (as measured on a perpendicular) of the following described boundary, lying in Section 21, Township 44 South, Range 23 East, Lee County, Florida and lying in Blocks 4819 and 4819A, CAPE CORAL UNIT 71, as recorded in Plat Book 22 at Pages 88 through 107, of the Public Records of Lee County, Florida being more particularly described as follows:

COMMENCING at the Southeast corner of Lot 22, Block 4819, of said CAPE CORAL UNIT 71, being a point on the Westerly right-of-way line of Chiquita Boulevard (100' right-of-way) thence run S00°01'55"W, along said Westerly right-of-way line, a distance of 10.00 feet to the POINT OF BEGINNING; thence continue S00°01'55"W, along said Westerly right-of-way line, a distance of 500.02 feet to a point of curvature; thence run 39.27 feet along the arc of said curve to the right of radius 25.00 feet, concave to the Northwest, having a delta angle of 90°00'38", a chord bearing of S45°02'14"W and a chord length of 35.36 feet to a point of tangency, being a point on the Northerly right-of-way line of Trafalgar Parkway (100' right-of-way); thence run N89°57'27"W, along said Northerly right-of-way line, a distance of 334.16 feet to a point of curvature; thence run 39.18 feet along the arc of said curve to the right of radius 25.00 feet, concave to the Northeast, having a delta angle of 89°47'10", a chord bearing of N45°03'52"W and a chord length of 35.29 feet to a point of tangency, being a point on the Easterly right-of-way line of S.W. 16th Court (60' right-of-way); thence run N00°10'17W, along said Easterly right-of-way line, a distance of 110.05 feet to the Southwest corner of Lot 4 of said Block 4819; thence run S89°58'05"E, along the South line of said Lot 4 and an extension thereof, a distance of 145.00 feet to an intersection with the Westerly line of said Block 4819A; thence run N00°10'17"W, along said Westerly line, a distance of 240.00 feet; thence run N89°58'05"W, departing said Westerly line, a distance of 10.00 feet to an intersection with a line, parallel to and lying 10.00 feet Westerly of (as measured on a perpendicular) the Westerly line of said Block 4819A; thence run N00°10'17"W, along said parallel line, a distance of 80.00 feet to an intersection with an extension of the Northerly line of Lot 11, said Block 4819; thence run N89°58'05"W along said Northerly line and extension thereof, a distance of 135.00 feet to the Northwest corner of said Lot 11, being a point on the Easterly right-of-way line of said S.W. 16th Court (60' right-of-way); thence run N00°10'17"W, along said Easterly right-of-way line, a distance of 179.91 feet to a point of curvature; thence run 39.36 feet along the arc of said curve to the right of radius 25.00 feet, concave to the Southeast, having a delta angle of 90°12'12", a chord bearing of N44°55'49"E and a chord length of 35.42 feet to a point of tangency, being a point on the Southerly right-of-way line of S.W. 15th Street 60' right-of-way); thence run S89°58'05"E, along said Southerly right-of-way line, a distance of 59.91 feet to the Northwest corner of Lot 16, said Block 4819; thence run S00°10'17"E, along the West line of said Lot 16, a distance of 125.00 feet to the Southwest corner of said Lot 16; thence run S89°58'05"E, along the South line of said Lot 16, a distance of 40.00 feet to the Southeast corner of said Lot 16; thence run N00°10'17"W, along the East line of said Lot 16, a distance of 125.00 feet to the Northeast corner of said Lot 16, being a point on the Southerly right-of-way line of said S.W. 15th Street; thence run S89°58'05"E, along said Southerly right-of-way line, a distance of 85.00 feet to the Northwest corner of Lot 19, said Block 4819; thence run S00°10'17"E, along the West line of said Lot 19 and an extension thereof, a distance of 135.00 feet to an intersection with a line parallel to and 10.00 feet Southerly of (as measured on a perpendicular) the South line of said Block 4819; thence run S89°58'05"E, along said parallel line, a distance of 175.93 feet to the POINT OF BEGINNING.

Said parcel contains 15,466 sq. ft. (more or less)

THIS IS NOT A SURVEY	Description to Accompany Sketch Proposed Public Utility Easement in Blocks 4819 & 4819A, CAPE CORAL UNIT 71 as recorded in Plat Book 22, Pages 88-107 lying in Section 21, Township 44 South, Range 23 East, Lee County, Florida	Not Valid without Sheets 1&2 of 3
Sheet 3 of 3	STOUTENCRAMER A KING ENGINEERING COMPANY King engineering associates, Inc.	1 hereby cerufy that, to the best of my knowledge and belief, the sketch and description represented hereon, made under my direction on August 6, 2018 is in accordance with Standards of Practice as set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 51-17, Florida Administrative Code, pursuant to Section 472.027 Florida Statutes. See Sheet 1 of 3 for Signature and Seal
JOB # 17-6482 PREPARED FOR: Creighton Companies, LLC SECTION 21, TOWNSHIP 44S, RANGE 23E	CERTIFICATE OF AUTHORIZATION LB2610 324 Nicholas Parkway West, Suite A. Cape Coral, FL 33991 Phone: (239) 673-9541 Fax: (239) 424-8181 www.kingengineering.com	JEFFREY D. STOLTEN (FOR THE FIRM) FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO. 6584 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER



Engineering Department, 4195 King's Hwy., Port Charlotte, Florida 33980-8499

12/08/2017

Sharon Hrabak QUATTRONE & ASSOCIATES, INC. 4301 Veronica Shoemaker Blvd. Ft. Myers FL

RE: VACATION OF ALLEY CHIQUITA BLVD SOUTH

STRAP #21-44-23-C3-04819.A000 - .0190

Sharon

In regard to your request to vacate the alley for the building of the new Seven-Eleven, CenturyLink has no objections.

Sincerely,

Bryan Corrigan

Network Engineer II 941-637-5167



12600 Westlinks Drive Suite 4 Fort Myers, FI. 34135 Phone: 239-432-1805

December 7, 2017 Quattrone & Associates, Inc. C/O Sharon Hrabak 4301 Veronica Shoemaker Blvd. Fort Myers, Florida 33916

Re; 1518, 1506 Chiquita Bl. S. 1533, 1531, 1529 1527, 1523, 1521, 1519, 1517, 1513 1511, 1509 SW 16<sup>th</sup> Ct. 1618, 1616, 1614, 1612, 1610 15<sup>th</sup> St. Cape Coral 33991

Dear Sharon Hrabak,

This letter will serve to inform you that Comcast has no objection to your proposed vacation of the address referenced above.

Should you require additional information or assistance, please feel free to contact me here at 432-1805.

Cordially,

MlCh

Mark Cook Project Coordinator



Lee County Electric Cooperative, Inc. Post Office Box 3455 North Fort Myers, FL 33918-3455 (239) 995-2121 • Fax (239) 995-7904 www.icec.net

January 16, 2018

Mr. Al Quattrone Quattrone & Associates 4301 Veronica Shoemaker Blvd. Fort Myers, FL 33916

Re: Letter of No Objection to Plat; 7-11 (Trafalgar); Owner: Creighton Development;

Dear Mr. Quattrone:

Your firm, and on behalf of your client, Creighton Development, has opened up negotiations concerning the vacation of certain of utility easements and alley on said proposed Master Concept Plan.

We have reviewed your submission and our internal files, that the vacation of certain utility easements located on the Master Concept Plan created by your firm proposed as 7-11 (Trafalgar). LCEC has no objection to the plans as presented.

However, should there be any substantive changes to the plans, as submitted, LCEC reserves its rights to further review and comment with additional conditions, if necessary, consistent with its findings. Should the project not be submitted for development within six months, this letter will be deemed void.

Should there be any questions please call me at 239-656-2112, or, if you prefer, I can be reached by email at <u>russel.goodman@lcec.net</u>.

Very truly yours,

# Russel Goodman, SR/ WA

Digitally signed by Russel Goodman, SR/ WA DN: cn=Russel Goodman, SR/WA, o=Lee County Electric Co-operative, ou=Design and Engineering, email=Russel.Goodman@lcec.net, c=US Date: 2018.01.16 11:51:58-05'00'

Russel Goodman, SR/WA Senior Rights of Way Agent

# **Planning Division Case Report**

Review Date:	October 25, 2018
Property Owner:	38335 Chiquita Trafalgar, LLC
Owner Address:	900 SW Pine Island Road, Suite 200 Cape Coral, FL 33991
Applicant:	38335 Chiquita Trafalgar, LLC
Authorized Rep:	Quattrone and Associates, Inc. and Jeff Wright
Requests:	The applicant is requesting to vacate:
	(1) Alley right-of-way (ROW) and underlying easements totaling 10,767 sq. ft. between A) Lots 1-3 in Block 4819 and Block 4819-A; and B) Lots 10-13 and 17-22 in Block 4819, and Block 4819-A, Cape Coral, Unit 71.
	(2) All platted easements associated with Lots 1-3, 12-15, 17-18 in Block 4819; and all platted easements associated with Block 4819-A.
	(3) All platted lot lines associated with Lots 1-3, 12-15, 17-18 in Block 4819.
Property Location:	Multiple sites at the northwest corner of the intersection of Chiquita Boulevard and Trafalgar Parkway
Prepared By:	Mike Struve, AICP, LEED Green Associate, Planning Team Coordinator
Approved By:	Robert H. Pederson, AICP, Planning Manager
Recommendation:	Approval with conditions
Urban Service	Transition

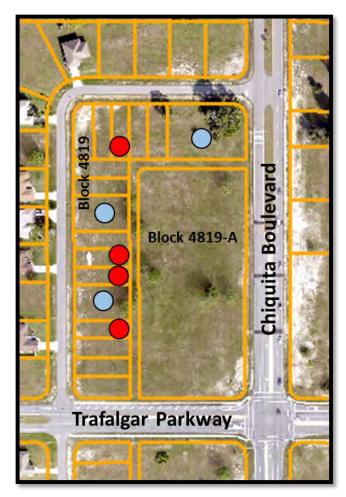
# **Property Description**

Block 4819 and 4819-A are at the northwest corner of Chiquita Boulevard and Trafalgar Parkway (Figure 1). All properties in both blocks have a Commercial/Professional Future Land Use Classification and Pedestrian Commercial (C-1) Zoning. A 20-foot wide platted alley separates lots in Block 4819 from Block 4819-A that consists of a single tract. Sites in both blocks are undeveloped.

A special exception for an automotive service station limited use (more commonly referred to as a convenience store with fuel) was approved for the southern half of Block 4819-A by SE HEX Order 2-2018. A site plan (SP18-0002) for this project was approved by the City on June 6, 2018. A site plan amendment involving a redesign of the project is under review.

October 25, 2018 VP 18-0003 (Resolution 244-18) Page 2

Figure 1. Aerial of Blocks 4819 and 4819-A showing the platted alley. All sites not respresented by colored dots are owned by 38335 Chiquita Trafalgar, LLC. Sites with a blue dot are owned by entities that support the requested vacations. Sites with red dots represent four owners that are not part of the application.



Despite the availability of centralized utilities, all four corners of the Chiquita Boulevard/Trafalgar Parkway intersection are undeveloped. Several hundred feet from this intersection in all four directions, scattered single-family residences are common on residential-zoned sites.

# **Purpose of the Vacation**

The vacations are sought to create one large parcel under common ownership. While the configuration of the parcel is irregular, the area of the site would slightly exceed four acres. According to the letter of intent, the vacation will create an assembly of property for commercial development that includes a convenience store with fuel.

## **Zoning History of the Site**

The Future Land Use Classification of all sites in Blocks 4819 and 4819-A has always been Commercial/Professional.

All sites in both blocks were rezoned from C-2 to C-1 by Ordinance 61-90.

In 1994 a Planned Development Project (PDP) entitled "Trafalgar Plaza" was approved by the City Council for 33,072 sq. ft. of retail space for Blocks 4818-A and 4819-A. However, since substantial construction never began on this project, the PDP was voided (see LUDR, Section 4.2.4H).

## Analysis:

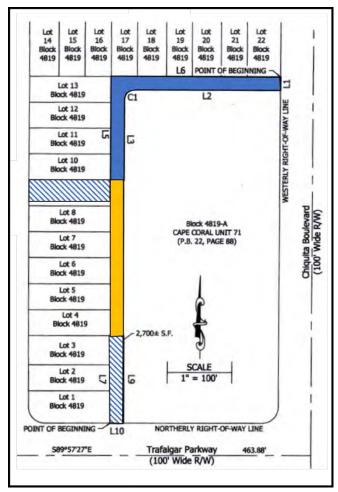
Staff analyzed all vacation requests with the Land Use and Development Regulations (LUDR), Section 8.11, "*Vacation of plats, rights-of-way and other property.*" The City Comprehensive Plan was also reviewed for policies on vacations.

## Request to Vacate Alley ROW and Underlying Easements

The owner requests to vacate both ends of the alley; the eastern segment providing access to Chiquita Boulevard, and the southern portion providing access to Trafalgar Boulevard (Figure 2). About 240 linear feet of platted alley will remain. This alley segment, along with about 130 feet of vacated alley east of

Lots 1-3 will be paved by the owner. A drive isle will be constructed on Lot 9 that is owned by 38335 Chiquita Trafalgar, LLC. Perpetual cross-access agreements will be provided by the owner to the City for the drive isle on Lot 9 and a similar drive isle that will be deeded to the City adjacent to Lots 1-3. The two drive isles in concert with the improved alley will allow vehicles to travel between Blocks 4819 and 4819-A between Trafalgar Boulevard and SW 16<sup>th</sup> Court.

# Figure 2. Alley segments proposed to be vacated are shown in blue. A remaining alley segment is shown in yellow. Two cross access easements, including one occupying part of Lot 9, are depicted in a diagonal pattern.



The owner, 38335 Chiquita Trafalgar, LLC, owns all sites except for three along the ROW requested to be vacated. However, the owners of these properties, Cape Holdings Enterprises, Inc (Lots 10-11) and Mione Pizza (Lots 19-22) have provided the City with letters supporting the vacation. As a result, the owner meets the color of title criterion (LUDR, Section 8.11.3.b.1) and is eligible to request this vacation.

The applicant also requests to vacate all underlying easements associated with the two alley segments. The City lack drainage facilities in these easements. Century Link, Comcast, and Lee County Electric Cooperative (LCEC) also lack utilities within these easements. These providers do not object to the vacations.

These vacations will allow the owner to assemble a site, while irregular, that is about four acres.

Three property owners, each owning 5,000 sq. ft. sites in Block 4819 (Lots 4, 7, and 8) are not part of this application. A fourth property owner (Lot 16) has a site that does not abut the alley. Since 38335 Chiquita Trafalgar, LLC will improve the

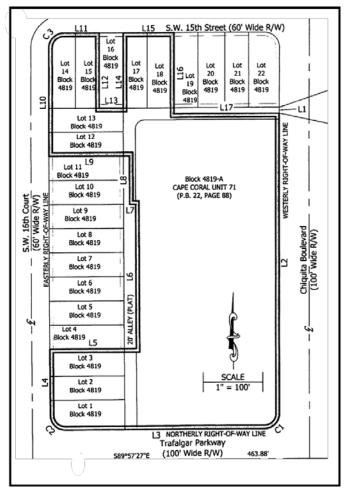
vacated alley along the eastern side of Lots 1-3 and the remaining alley along Lots 4-9 each of these three owners will enjoy public access to the rear of their respective sites. As a result, staff finds each of these owners should not be harmed by this vacation but may benefit from the vacation and associated alley improvements.

# Request to Vacate Platted Easements

The applicant also requests to vacate all platted easements associated with the following sites: Lots 1-3, 12-15, and 17-18, all in Block 4819; and all easements occupying Block 4819-A. The owner will provide a six-foot wide perimeter easement around the four-acre site (Figure 3). This vacation will produce a large commercial site that will be free of easements except for the perimeter easement. The vacation will

provide greater flexibility on the future development of the site that will be unencumbered by platted easements.





The three utility providers do not have facilities in these easements and therefore do not object to the request. The City also lacks facilities in these easements.

# Request to Vacate Lot lines

The applicant requests to vacate all platted lot lines associated with Lots 1-3, 12-15, and 17-18, all within Block 4819.

This action will create a single parcel for new development. While the site can be developed lawfully consistent with City regulations with the lot lines intact, Planning staff has no objection to this request. Approval of this request may eliminate ambiguity on the part of developers, lenders, and insurers regarding the suitability of the site for development.

# Consistency with the Comprehensive Plan

The project is consistent with the following policy appearing in the Comprehensive Plan.

# Future Land Use Element

**Policy 5.5.** The City may consider the vacation of rights-of-way to facilitate land assembly and the development of a unified, contiguous commercial project. **Staff comment: The alley vacation will allow several properties owned by 38335 Chiquita Trafalgar, LLC to be assembled into a single four-acre site at the intersection of two major streets. This policy is supportive of this request.** 

## **Recommendation:**

The request is unusual in that the applicant seeks to vacate both ends of a platted alley while leaving a portion of the middle intact. Most alley vacation applications involve vacating one end of an alley or vacating the entire alley. Leaving only the middle of an alley intact may contribute to confusion over time

in terms of what parts of an alley remain. While the vacated alley becomes part of the adjoining property owners' sites, the City remains responsible for maintaining the portion of the alley that was not vacated.

The applicant does meet those requirements found in LUDR, Section 8.11 for vacating a right-of-way. The request is consistent with Policy 5.5 of the Future Land Use Element as the vacation will yield a single commercial site with an area of about four acres at a major intersection in the City. Staff recommends the owner, not the City, assume responsibility of maintaining the remaining alley segment between the two blocks. Based on the above analysis, staff recommends **approval** of the requested vacations with the following conditions.

# **Conditions of Approval**

- 1. The vacation of the platted alley shall be consistent with that shown in the sketch and accompanying legal description prepared by Stouten Cramer entitled *"Proposed Alley Vacation"*, dated January 23, 2018.
- 2. Within 60 days of the adoption of this vacation, the owner shall provide to the City an easement deed for providing a perimeter easement around the four-acre consolidated site. The easement deed shall be consistent with that shown in a sketch and accompanying legal description prepared by Stouten Cramer entitled *"Proposed Public Utility Easement"*, dated August 6, 2018. This easement shall be approved by the City Development Services Manager and the Property Broker prior to recording.
- 3. Within 60 days from the date of adoption of this vacation, the owner shall provide to the City for recording a two perpetual cross-access easements as follows: 1) a 20-foot wide cross-access easement between Lots 1-3, Block 4819 and Block 4819-A consistent with that shown in a sketch and accompanying legal description prepared by Stouten Cramer entitled *"Proposed Access Easement"*, dated March 22, 2018; and 2) a 30-foot wide cross-access easement on Lot 9, Block 4819 consistent with that shown in a sketch and accompanying legal description prepared by Stouten Cramer entitled *"Access Easement"*, dated January 25, 2018. Both access easements shall be approved by the City Development Services Manager and the Property Broker prior to recording.
- 4. The owner, 38335 Chiquita Trafalgar, LLC, shall be responsible for maintaining the alley in good condition between Lots 4-9, Block 4819 and Block 4819-A in perpetuity.
- 5. This resolution shall be recorded with the Office of the Lee County Clerk of Court by the City of Cape Coral. This resolution shall not be effectuated until the applicant provides the City with the easement deed and cross-access easements as described in Conditions #2 and #3 above and reimburses the Department of Community Development for all recording fees associated with this resolution and the easements.

## Staff Contact Information Mike Struve, AICP, LEED Green Associate, Development Management Team Coordinator PH: 239-242-3255 Email: mstruve@capecoral.net

#### RESOLUTION 244 - 18

A RESOLUTION PROVIDING FOR THE VACATION OF PLAT FOR AN ALLEY AND THE UNDERLYING PUBLIC UTILITY AND DRAINAGE EASEMENTS LOCATED BETWEEN LOTS 1-3, BLOCK 4819 AND BLOCK 4819-A, BETWEEN LOTS 10-13, BLOCK 4819 AND BLOCK 4819-A, AND BETWEEN LOTS 17-22, BLOCK 4819 AND BLOCK 4819-A, ALL IN CAPE CORAL UNIT 71; PROVIDING FOR THE VACATION OF PLAT FOR ALL PUBLIC UTILITY AND DRAINAGE EASEMENTS LYING WITHIN LOTS 1-3, 12-15, AND 17-18, BLOCK 4819, AND WITHIN BLOCK 4819-A, ALL IN CAPE CORAL UNIT 71; PROVIDING FOR THE VACATION OF PLAT FOR ALL PLATTED LOT LINES ASSOCIATED WITH LOTS 1-3, 12-15, AND 17-18, BLOCK 4819, CAPE CORAL UNIT 71; PROPERTY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF CHIQUITA BOULEVARD AND TRAFALGAR PARKWAY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Petition was filed by 38335 CHIQUITA TRAFALGAR, LLC, for the vacation of plat on property described herein; and

WHEREAS, the Petition meets the requirements of Land Use Development Regulations, Article VIII, Section 8.11, Vacation of Plats, Streets and Other Property of the Code of Ordinances of the City of Cape Coral and it is in the best interest of the public that such Petition be granted.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA:

Section 1. The Petition meets the requirements of Article VIII, Section 8.11, of the Code of Ordinances of the City of Cape Coral and it is in the best interest of the public that such Petition be granted. The following-described alley and the underlying public utility and drainage easements, as shown in Exhibit A, are hereby vacated by the City of Cape Coral, to wit:

A parcel of land lying in Section 21, Township 44 South, Range 23 East, Lee County, Florida and lying in Block 4819, CAPE CORAL UNIT 71, as recorded in Plat Book 22 at Pages 88 through 107, of the Public Records of Lee County, Florida being more particularly described as follows:

Beginning at the Southeast corner of Lot 22, Block 4819, CAPE CORAL UNIT 71 as recorded in Plat Book 22 at Pages 88 through 107, of the Public Records of Lee County, being a point on the Westerly right-of-way line of Chiquita Boulevard (100' R/W) thence run S00°10'17"E, along said Westerly right-of-way line, a distance of 20.00 feet to an intersection with the Northerly line of Block 4819A of said CAPE CORAL UNIT 71; thence run the following three (3) courses and distances along the boundary of said Block 4819A, also being the Southerly and Easterly line of a 20 feet wide alley as platted in said CAPE CORAL UNIT 71; (1) N89°58'05"W a distance of 225.84 feet to a point of curvature; (2) thence run 23.62 feet along the arc of said curve to the left of radius 15.00 feet, concave to the Southeast, having a delta angle of 90°12'12", a chord bearing of S44°55'49"W and a chord length of 21.25 feet to a point of tangency; (3) thence run S00°10'17"E a distance of 124.95 feet; thence run N89°57'27"W a distance of 20.00 feet to the Southeast corner of Lot 10 of said Block 4819, being a point on the Westerly line of said alley; thence run N00°10'17"W, along said Westerly line, a distance of 160.00 feet to the Southwest corner of Lot 17, said Block 4819; thence run S89°58'05"E, along the Southerly line of said Block 4819 and the Northerly line of said alley, a distance of 260.89 feet to the Point of Beginning.

Said Parcel Contains 8,067 sq. ft. (more or less)

#### AND

Beginning at the Southeast corner of Lot 1, Block 4819, CAPE CORAL UNIT 71 as recorded in Plat Book 22 at Pages 88 through 107, of the Public Records of Lee County, being a point on the Westerly line of a 20 feet wide alley as platted in said CAPE CORAL UNIT 71; thence run N00°10'17"W, along said Westerly right-of-way line, a distance of 134.98 feet to the Northeast corner of lot 3 of said block 4819; thence run S89°58'05"E, a distance of 20.00 feet to an intersection with the Westerly line of Block 4819-A of said CAPE CORAL UNIT 71; thence run along said Westerly line S00°10'17"E for a distance of 134.99 feet to the Southwest corner of said Block 4819-A; thence leaving said line run N89°57'27"W for 20.00 feet to the Point of Beginning.

Said Parcel Contains 2,700 sq. ft. (more or less)

Bearings are based on the centerline of Trafalgar Parkway being S89°57'27"E.

Section 2. The Petition meets the requirements of Article VIII, Section 8.11, of the Code of Ordinances of the City of Cape Coral and it is in the best interest of the public that such Petition be granted. The platted public utility and drainage easements within Lots 1-3, Lots 12-15, and Lots 17-18, Block 4819, and within Block 4819-A, all in Cape Coral Unit 71, as recorded in Plat Book 22, Pages 88-107, Public Records of Lee County, Florida are hereby vacated.

Section 3. The Petition meets the requirements of Article VIII, Section 8.11, of the Code of Ordinances of the City of Cape Coral and it is in the best interest of the public that such Petition be granted. The platted lot lines associated with Lots 1-3, Lots 12-15, and Lots 17-18, Block 4819, Cape Coral Unit 71, as recorded in Plat Book 22, Pages 88-107, Public Records of Lee County, Florida, are hereby vacated.

Section 4. The City shall retain a six-foot wide public utility and drainage easement around the perimeter of the site, as shown in Exhibit B and described as follows:

A Public Utility Easement, six feet in width to the interior (as measured on a perpendicular) of the following described boundary, lying in Section 21, Township 44 South, Range 23 East, Lee County, Florida and lying in Blocks 4819 and 4819A, CAPE CORAL UNIT 71, as recorded in Plat Book 22 at Pages 88 through 107, of the Public Records of Lee County, Florida being more particularly described as follows:

COMMENCING at the Southeast corner of Lot 22, Block 4819, of said CAPE CORAL UNIT 71, being a point on the Westerly right-of-way line of Chiquita Boulevard (100' right-of-way) thence run S00°01'55"W, along said Westerly right-of-way line, a distance of 10.00 feet to the POINT OF BEGINNING; thence continue S00°01'55"W, along said Westerly right-of-way line, a distance of 500.02 feet to a point of curvature; thence run 39.27 feet along the arc of said curve to the right of radius 25.00 feet, concave to the Northwest, having a delta angle of 90°00'38", a chord bearing of S45°02'14"W and a chord length of 35.36 feet to a point of tangency, being a point on the Northerly right-of-way line of Trafalgar Parkway (100' right-of-way); thence run N89°57'27"W, along said Northerly right-of-way line, a distance of 334.16 feet to a point of curvature; thence run 39.18 feet along the arc of said curve to the right of radius 25.00 feet, concave to the Northeast, having a delta angle of 89°47'10", a chord bearing of N45°03'52"W and a chord length of 35.29 feet to a point of tangency, being a point on the Easterly right-of-way line of S.W. 16th Court (60' right-of-way); thence run N00°10'17W, along said Easterly right-of-way line, a distance of 110.05 feet to the Southwest corner of Lot 4 of said Block 4819; thence run S89°58'05"E, along the South line of said Lot 4 and an extension thereof, a distance of 145.00 feet to an intersection with the Westerly line of said Block 4819A; thence run N00°10'17"W, along said Westerly line, a distance of 240.00 feet; thence run N89°58'05"W, departing said Westerly line, a distance of 10.00 feet to an intersection with a line, parallel to and lying 10.00 feet Westerly of (as measured on a perpendicular) the Westerly line of said Block 4819A; thence run N00°10'17"W, along said parallel line, a distance of 80.00 feet to an intersection with an extension of the Northerly line of Lot 11, said Block 4819; thence run N89°58'05"W along said Northerly line and extension thereof, a distance of 135.00 feet to the Northwest corner of said Lot 11, being a point on the Easterly right-of-way line of said S.W. 16th Court (60' right-of-way); thence run N00°10'17"W, along said Easterly right-of-way line, a distance of 179.91 feet to a point of curvature; thence run 39.36 feet along the arc of said curve to the right of radius 25.00 feet, concave to the Southeast, having a delta angle of 90°12'12", a chord bearing of N44°55'49"E and a chord length of 35.42 feet to a point of tangency, being a point on the Southerly right-of-way line of S.W. 15th Street 60' right-of-way); thence run S89°58'05"E, along said Southerly right-of-way line, a distance of 59.91 feet to the Northwest corner of Lot 16, said Block 4819; thence run S00°10'17"E, along the West line of said Lot 16, a distance of 125.00 feet to the Southwest corner of said Lot 16; thence run S89°58'05"E, along the South line of said Lot 16, a distance of 40.00 feet to the Southeast corner of said Lot 16; thence run N00°10'17"W, along the East line of said Lot 16, a distance of 125.00 feet to the Northeast corner of said Lot 16, being a point on the Southerly rightof-way line of said S.W. 15th Street; thence run S89°58'05"E, along said Southerly right-of-way line, a distance of 85.00 feet to the Northwest corner of Lot 19, said Block 4819; thence run S00°10'17"E, along the West line of said Lot 19 and an extension thereof, a distance of 135.00 feet to an intersection with a line parallel to and 10.00 feet Southerly of (as measured on a perpendicular) the South line of said Block 4819; thence run S89°58'05"E, along said parallel line, a distance of 175.93 feet to the POINT OF BEGINNING.

Said parcel contains 15,466 sq. ft. (more or less) Bearings are based on the centerline of Trafalgar Parkway being S89°57'27"E.

Section 5. Within sixty (60) days from the date of adoption of this resolution, applicant shall provide to the City for recording a Perpetual Cross Access Easement, as shown in Exhibit C and described as follows:

Beginning at the Southeast corner of Lot 1, Block 4819, CAPE CORAL UNIT 71 as recorded in Plat Book 22 at Pages 88 through 107, of the Public Records of Lee County, being a point on the Westerly line of a 20 feet wide alley as platted in said CAPE CORAL UNIT 71; thence run N00°10'17"W, along said Westerly right-of-way line, a distance of 134.98 feet to the Northeast corner of lot 3 of said block 4819; thence run S89°58'05"E, a distance of 20.00 feet to an intersection with the Westerly line of Block 4819-A of said CAPE CORAL UNIT 71; thence run along said Westerly line S00°10'17"E for a distance of 134.99 feet to the Southwest corner of said Block 4819-A; thence leaving said line run N89°57'27"W for 20.00 feet to the Point of Beginning.

Said Parcel Contains 2,700 sq. ft. (more or less)

Bearings are based on the centerline of Trafalgar Parkway being S89°57'27"E.

Section 6. Within sixty (60) days from the date of adoption of this resolution, applicant shall provide to the City for recording a Perpetual Cross Access Easement, as shown in Exhibit D and described as follows:

A parcel of land lying in Section 21, Township 44 South, Range 23 East, Lee County, Florida and being the Northerly 30 feet of Lot 9, Block 4819, CAPE CORAL UNIT 71, as recorded in Plat Book 22 at Pages 88 through 107, of the Public Records of Lee County, Florida being more particularly described as follows:

Beginning at the Northwest corner of Lot 9, Block 4819, CAPE CORAL UNIT 71 as recorded in Plat Book 22 at Pages 88 through 107 of the Public Records of Lee County, being a point on the Easterly right-of-way line of SW 16th Court (60' R/W), thence run S89°58'00"E for 125.00 feet to the Northeast corner of said lot 9; thence run S00°10'17"E along the Easterly line of lot 9 for 30.00 feet; thence leaving said line, run N89°58'00"W for 125.00 feet to an intersection with the Westerly line of lot 9; thence run N00°10'17"W along said Westerly line for 30.00 feet to the Point of Beginning.

Said Parcel Contains 3,750 sq. ft. (more or less)

Bearings are based on the centerline of SW 16th Court Parkway being N00°10'17"W.

Section 7. The Applicant shall meet the following terms and conditions:

- The vacation of the platted alley and underlying easements shall be consistent with that shown in the sketch and accompanying legal description prepared by Stouten Cramer entitled "Proposed Alley Vacation," dated January 23, 2018, and attached hereto as Exhibit A.
- 2. Within 60 days of the adoption of this resolution, the owner shall provide to the City an easement deed for providing a perimeter easement around the four-acre consolidated site. The easement deed shall be consistent with that shown in a sketch and accompanying legal description prepared by Stouten Cramer entitled "Proposed Public Utility Easement," dated August 6, 2018, and attached hereto as Exhibit B. This easement shall be approved by the City Development Services Manager and the Property Broker prior to recording.
- 3. Within 60 days from the date of adoption of this vacation, the owner shall provide to the City for recording two perpetual cross-access easements as follows: 1) a 20-foot wide cross-access easement between Lots 1-3, Block 4819 and Block 4819-A consistent with that shown in a sketch and accompanying legal description prepared by Stouten Cramer entitled "Proposed Access Easement," dated March 22, 2018, and attached hereto as Exhibit C; and 2) a 30-foot wide cross-access easement on Lot 9, Block 4819 consistent with that shown in a sketch and accompanying legal description prepared by Stouten Cramer entitled "Access Agreement,"

dated January 25, 2018, attached hereto as Exhibit D. Both access easements shall be approved by the City Development Services Manager and the Property Broker prior to execution.

- The owner, 38335 Chiquita Trafalgar, LLC, shall be responsible for maintaining the alley in good condition between Lots 4-9, Block 4819 and Block 4819-A in perpetuity.
- 5. Prior to the City recording the resolution approving this vacation with the Office of the Lee County Clerk of Court: 1) the City shall accept the perpetual cross-access easements described in Condition #3; and 2) the applicant shall reimburse the City for all recording fees associated with this resolution and cross-access easements.

Section 8. This Resolution shall take effect upon its recording within the Office of the Lee County Clerk of Court by the City of Cape Coral.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF CAPE CORAL AT ITS REGULAR COUNCIL SESSION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

JOE COVIELLO, MAYOR

VOTE OF MAYOR AND COUNCILMEMBERS:

COVIELLO	 NELSON	
GUNTER CARIOSCIA	 STOKES WILLIAMS	
STOUT	 COSDEN	

ATTESTED TO AND FILED IN MY OFFICE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

REBECCA VAN DEUTEKOM, CITY CLERK

APPROVED AS TO FORM:

BRIAN R. BARTOS ASSISTANT CITY ATTORNEY res/vp18-0003

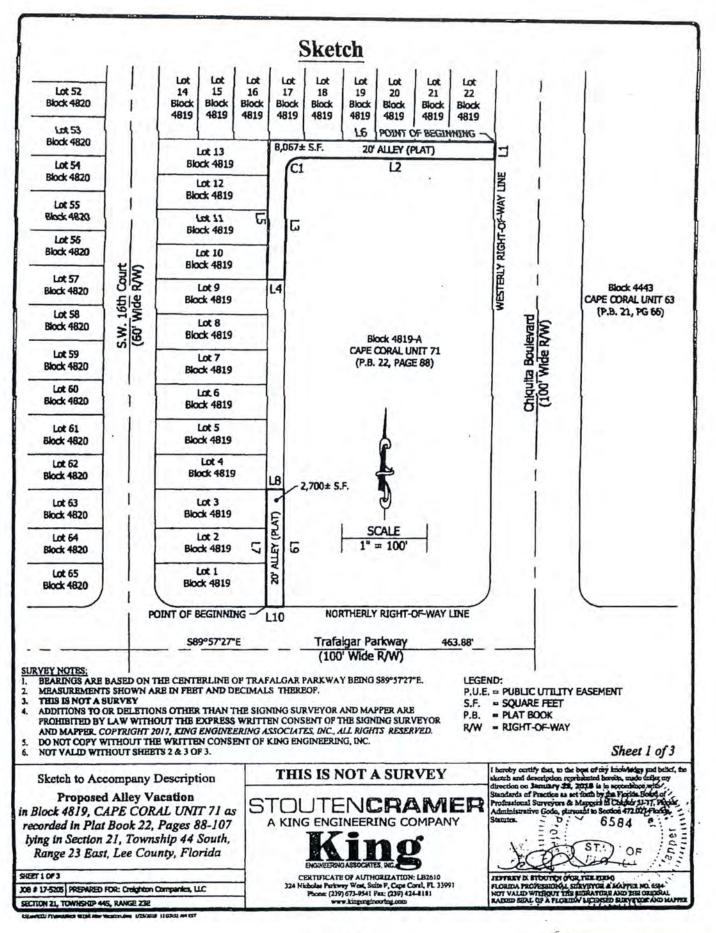


Exhibit A

- 154

#### **Description of the Alleyway Vacation Areas**

#### Subject Parcel Description:

A parcel of land lying in Section 21, Township 44 South, Range 23 East, Lee County, Florida and lying in Block 4819, CAPE CORAL UNIT 71, as recorded in Plat Book 22 at Pages 88 through 107, of the Public Records of Lee County, Florida being more particularly described as follows:

Beginning at the Southeast corner of Lot 22, Block 4819, CAPE CORAL UNIT 71 as recorded in Plat Book 22 at Pages 88 through 107, of the Public Records of Lee County, being a point on the Westerly right-of-way line of Chiquita Boulevard (100' R/W) thence run S00°10'17"E, along said Westerly right-of-way line, a distance of 20.00 feet to an intersection with the Northerly line of Block 4819A of said CAPE CORAL UNIT 71; thence run the following three (3) courses and distances along the boundary of said Block 4819A, also being the Southerly and Easterly line of a 20 feet wide alley as platted in said CAPE CORAL UNIT 71; (1) N89°58'05"W a distance of 225.84 feet to a point of curvature; (2) thence run 23.62 feet along the arc of said curve to the left of radius 15.00 feet, concave to the Southeast, having a delta angle of 90°12'12", a chord bearing of S44°55'49"W and a chord length of 21.25 feet to a point of tangency; (3) thence run S00°10'17"E a distance of 124.95 feet; thence run N89°57'27"W a distance of 20.00 feet to the Southeast corner of Lot 10 of said Block 4819, being a point on the Westerly line of said alley; thence run N00°10'17"W, along said Westerly line, a distance of 160.00 feet to the Southwest corner of Lot 17, said Block 4819; thence run S89°58'05"E, along the Southerly line of said Block 4819 and the Northerly line of said alley, a distance of 260.89 feet to the Point of Beginning.

Said Parcel Contains 8,067 sq. ft. (more or less)

#### AND

Beginning at the Southeast corner of Lot 1, Block 4819, CAPE CORAL UNIT 71 as recorded in Plat Book 22 at Pages 88 through 107, of the Public Records of Lee County, being a point on the Westerly line of a 20 feet wide alley as platted in said CAPE CORAL UNIT 71; thence run N00°10'17"W, along said Westerly right-of-way line, a distance of 134.98 feet to the Northeast corner of lot 3 of said block 4819; thence run S89°58'05"E, a distance of 20.00 feet to an intersection with the Westerly line of Block 4819-A of said CAPE CORAL UNIT 71; thence run along said Westerly line S00°10'17"E for a distance of 134.99 feet to the Southwest corner of said Block 4819-A; thence leaving said line run N89°57'27"W for 20.00 feet to the Point of Beginning.

Said Parcel Contains 2,700 sq. ft. (more or less)

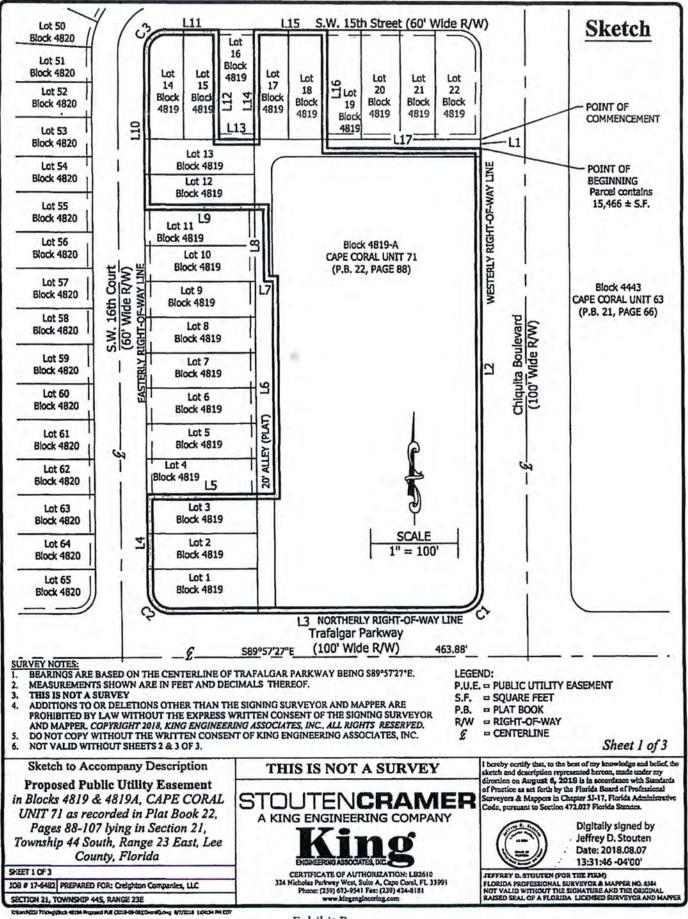


Exhibit B

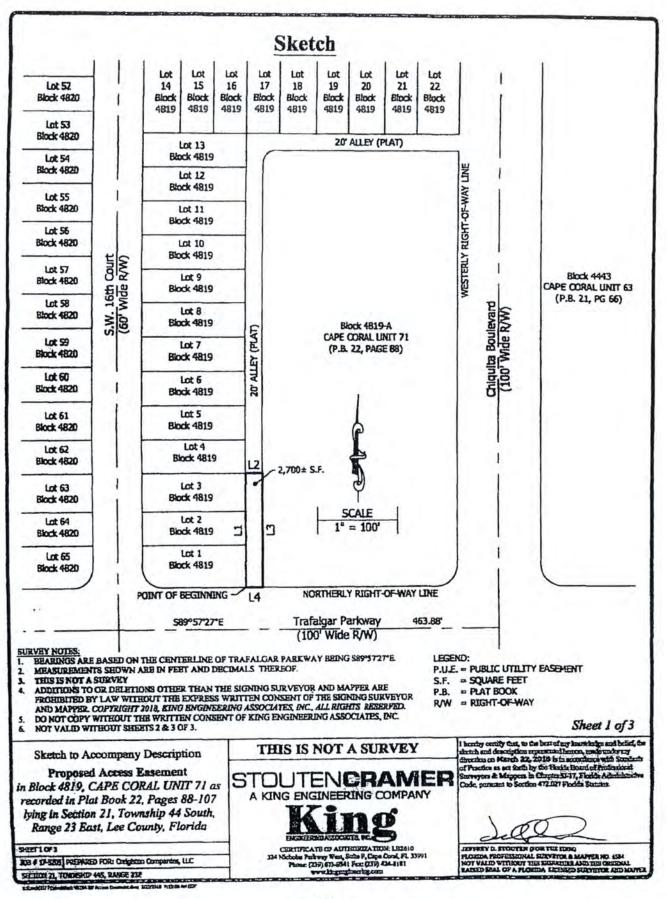
#### Proposed Six-Foot Wide Public Utility and Drainage Easement Around the Expanded Site Following the Vacations

#### Subject Parcel Description:

A Public Utility Easement, six feet in width to the interior (as measured on a perpendicular) of the following described boundary, lying in Section 21, Township 44 South, Range 23 East, Lee County, Florida and lying in Blocks 4819 and 4819A, CAPE CORAL UNIT 71, as recorded in Plat Book 22 at Pages 88 through 107, of the Public Records of Lee County, Florida being more particularly described as follows:

COMMENCING at the Southeast corner of Lot 22, Block 4819, of said CAPE CORAL UNIT 71, being a point on the Westerly right-of-way line of Chiquita Boulevard (100' right-of-way) thence run S00°01'55"W, along said Westerly right-of-way line, a distance of 10.00 feet to the POINT OF BEGINNING; thence continue S00°01'55"W, along said Westerly right-of-way line, a distance of 500.02 feet to a point of curvature; thence run 39.27 feet along the arc of said curve to the right of radius 25.00 feet, concave to the Northwest, having a delta angle of 90°00'38", a chord bearing of S45°02'14"W and a chord length of 35.36 feet to a point of tangency, being a point on the Northerly right-of-way line of Trafalgar Parkway (100' right-of-way); thence run N89°57'27"W, along said Northerly right-of-way line, a distance of 334.16 feet to a point of curvature; thence run 39.18 feet along the arc of said curve to the right of radius 25.00 feet, concave to the Northeast, having a delta angle of 89°47'10", a chord bearing of N45°03'52"W and a chord length of 35.29 feet to a point of tangency, being a point on the Easterly rightof-way line of S.W. 16th Court (60' right-of-way); thence run N00°10'17W, along said Easterly right-of-way line, a distance of 110.05 feet to the Southwest corner of Lot 4 of said Block 4819; thence run S89°58'05"E, along the South line of said Lot 4 and an extension thereof, a distance of 145.00 feet to an intersection with the Westerly line of said Block 4819A; thence run N00°10'17"W, along said Westerly line, a distance of 240.00 feet; thence run N89°58'05"W, departing said Westerly line, a distance of 10.00 feet to an intersection with a line, parallel to and lying 10.00 feet Westerly of (as measured on a perpendicular) the Westerly line of said Block 4819A; thence run N00°10'17"W, along said parallel line, a distance of 80.00 feet to an intersection with an extension of the Northerly line of Lot 11, said Block 4819; thence run N89°58'05"W along said Northerly line and extension thereof, a distance of 135.00 feet to the Northwest corner of said Lot 11, being a point on the Easterly right-of-way line of said S.W. 16th Court (60' right-of-way); thence run N00°10'17"W, along said Easterly right-of-way line, a distance of 179.91 feet to a point of curvature; thence run 39.36 feet along the arc of said curve to the right of radius 25.00 feet, concave to the Southeast, having a delta angle of 90°12'12", a chord bearing of N44°55'49"E and a chord length of 35.42 feet to a point of tangency, being a point on the Southerly right-of-way line of S.W. 15th Street 60' right-ofway); thence run S89°58'05"E, along said Southerly right-of-way line, a distance of 59.91 feet to the Northwest corner of Lot 16, said Block 4819; thence run S00°10'17"E, along the West line of said Lot 16, a distance of 125.00 feet to the Southwest corner of said Lot 16; thence run S89°58'05"E, along the South line of said Lot 16, a distance of 40.00 feet to the Southeast corner of said Lot 16; thence run N00°10'17"W, along the East line of said Lot 16, a distance of 125.00 feet to the Northeast corner of said Lot 16, being a point on the Southerly right-of-way line of said S.W. 15th Street; thence run S89°58'05"E, along said Southerly right-of-way line, a distance of 85.00 feet to the Northwest corner of Lot 19, said Block 4819; thence run S00°10'17"E, along the West line of said Lot 19 and an extension thereof, a distance of 135.00 feet to an intersection with a line parallel to and 10.00 feet Southerly of (as measured on a perpendicular) the South line of said Block 4819; thence run S89°58'05"E, along said parallel line, a distance of 175.93 feet to the POINT OF BEGINNING.

Said parcel contains 15,466 sq. ft. (more or less)



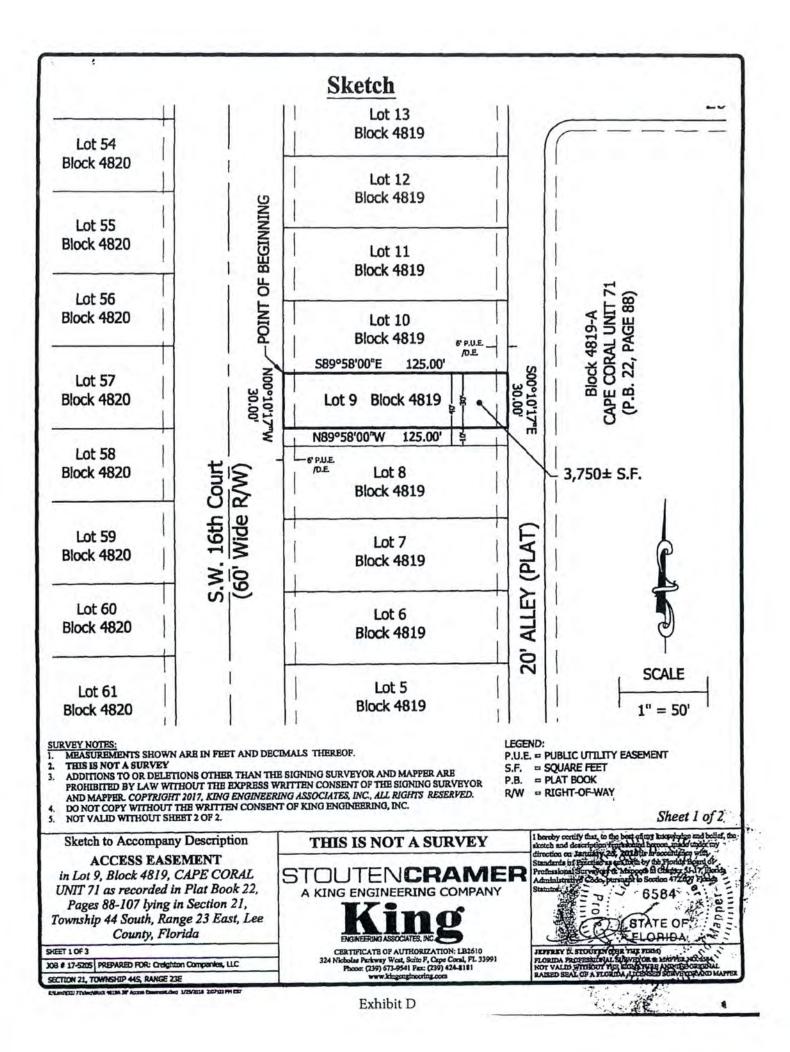
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#### Description of the Perpetual Cross-Access Easement Between Lots 1-3, Block 4819, and Block 4819-A

#### Subject Parcel Description:

Beginning at the Southeast corner of Lot 1, Block 4819, CAPE CORAL UNIT 71 as recorded in Plat Book 22 at Pages 88 through 107, of the Public Records of Lee County, being a point on the Westerly line of a 20 feet wide alley as platted in said CAPE CORAL UNIT 71; thence run N00°10'17"W, along said Westerly right-of-way line, a distance of 134.98 feet to the Northeast corner of lot 3 of said block 4819; thence run S89°58'05"E, a distance of 20.00 feet to an intersection with the Westerly line of Block 4819-A of said CAPE CORAL UNIT 71; thence run along said Westerly line S00°10'17"E for a distance of 134.99 feet to the Southwest corner of said Block 4819-A; thence leaving said line run N89°57'27"W for 20.00 feet to the Point of Beginning.

Said Parcel Contains 2,700 sq. ft. (more or less)



#### Description of the Perpetual Cross-Access Easement Area on Lot 9

#### Subject Parcel Description:

A parcel of land lying in Section 21, Township 44 South, Range 23 East, Lee County, Florida and being the Northerly 30 feet of Lot 9, Block 4819, CAPE CORAL UNIT 71, as recorded in Plat Book 22 at Pages 88 through 107, of the Public Records of Lee County, Florida being more particularly described as follows:

Beginning at the Northwest corner of Lot 9, Block 4819, CAPE CORAL UNIT 71 as recorded in Plat Book 22 at Pages 88 through 107 of the Public Records of Lee County, being a point on the Easterly right-of-way line of SW 16th Court (60' R/W), thence run S89°58'00"E for 125.00 feet to the Northeast corner of said lot 9; thence run S00°10'17"E along the Easterly line of lot 9 for 30.00 feet; thence leaving said line, run N89°58'00"W for 125.00 feet to an intersection with the Westerly line of lot 9; thence run N00°10'17"W along said Westerly line for 30.00 feet to the Point of Beginning.

Said Parcel Contains 3,750 sq. ft. (more or less)

Bearings are based on the centerline of SW 16th Court Parkway being N00°10'17"W.





## NOTICE TO SURROUNDING PROPERTY OWNERS

CASE NUMBER: VP18-0003

**RESOLUTION 244 – 18:** A RESOLUTION PROVIDING FOR THE VACATION OF PLAT FOR AN ALLEY AND THE UNDERLYING PUBLIC UTILITY AND DRAINAGE EASEMENTS LOCATED BETWEEN LOTS 1-3, BLOCK 4819 AND BLOCK 4819-A, BETWEEN LOTS 10-13, BLOCK 4819 AND BLOCK 4819-A, AND BETWEEN LOTS 17-22, BLOCK 4819 AND BLOCK 4819-A, ALL IN CAPE CORAL UNIT 71; PROVIDING FOR THE VACATION OF PLAT FOR ALL PUBLIC UTILITY AND DRAINAGE EASEMENTS LYING WITHIN LOTS 1-3, 12-15, AND 17-18, BLOCK 4819, AND WITHIN BLOCK 4819-A, ALL IN CAPE CORAL UNIT 71; PROVIDING FOR THE VACATION OF PLAT FOR ALL PLATTED LOT LINES ASSOCIATED WITH LOTS 1-3, 12-15, AND 17-18, BLOCK 4819, CAPE CORAL UNIT 71; PROPERTY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF CHIQUITA BOULEVARD AND TRAFALGAR PARKWAY; PROVIDING AN EFFECTIVE DATE.

<u>CAPE CORAL STAFF CONTACT</u>: Mike Struve, AICP, LEED Green Associate, Planning Team Coordinator, 239-242-3255, <u>mstruve@capecoral.net</u>

PROPERTY OWNER 38335 Chiquita Trafalgar, LLC

AUTHORIZED REPRESENTATIVE: Quattrone and Associates, Inc. and Jeff Wright

**UPCOMING PUBLIC HEARING:** Notice is hereby given that the City of Cape Coral Hearing Examiner will hold a public hearing at 9:00 A.M. on Tuesday, November 6, 2018 on the above mentioned case. The public hearing will be held in the City of Cape Coral Council Chambers, 1015 Cultural Park Boulevard, Cape Coral, FL.

Notice is hereby given that a final public hearing on Resolution 244-18 will be held before the City Council on Monday, November 19, 2018 at 4:30 P.M. This hearing will be held in the City of Cape Coral Council Chambers located at 1015 Cultural Park Boulevard, Cape Coral, FL.

All interested parties are invited to appear and be heard at each hearing. All materials presented before the Hearing Examiner and City Council will become a permanent part of the record. The public hearing may be continued to a time and date certain by announcement at this public hearing without any further published notice. Copies of the staff report will be available 5 days prior to each hearing. The file can be reviewed at the Cape Coral Community Development Department, Planning Division, 1015 Cultural Park Blvd., Cape Coral, FL.

**DETAILED INFORMATION:** The case report and colored maps for this application are available at the City of Cape Coral website, <u>www.capecoral.net/publichearing</u> (Click on 'Public Hearing Information', use the case number referenced above to access the information); or, at the Planning Division counter at City Hall, between the hours of 7:30 A.M. and 4:30 P.M. The public hearing may be continued to a time and date certain by announcement at this public hearing without any further published notice.

**HOW TO CONTACT:** Any person may appear at the public hearing and be heard, subject to proper rules of conduct. You are allowed sufficient time to write or appear at the public hearing to voice your objections or approval. Written comments filed with the Director will be entered into the record. Please reference the case number above within your correspondence and mail to: Department of Community Development, Planning Division, P.O. Box 150027, Cape Coral, FL 33915-0027. The hearings may be continued from time to time as necessary.

ADA PROVISIONS: In accordance with the Americans With Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Human Resources Department

whose office is located at Cape Coral City Hall, 1015 Cultural Park Boulevard, Cape Coral, Florida; telephone 1-239-574-0530 for assistance; if hearing impaired, telephone the Florida Relay Service Numbers, 1-800-955-8771 (TDD) or 1-800-955-8770 (v) for assistance.

<u>APPEALS</u>: If a person decides to appeal any decision made by the Hearing Examiner with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.



Department of Community Development Post Office Box 150027 • Cape Coral, Florida 33915-0027 1015 Cultural Park Blvd. • Cape Coral, Florida 33990 Email: planningquestions@capecoral.net



Please contact us with changes or cance	ellations as soon as possible, o	otherwise no further action needed.
TOLL-FREE	Local #	Email

	888-516-9220	239-335-0258		FNPLegals@gannett.com	
Customer:	CITY OF CAPE CORAL_DEPT OF COM		Ad No.:	0003223343	
Address:	1015 CULTURAL PARK BLVD		Net Amt:	\$880.22	
	A 1 5 5 0 5 11 51 00000				

No. of Affidavits: 1

CAPE CORAL FL 33990 USA

Run Times: 2

Run Dates: 10/27/18, 11/03/18

Text of Ad: NOTICE OF PUBLIC HEARING

#### CASE NUMBER: VP18-0003

CASE NUMBER: VP18-0003 RESOLUTION 244 – 18: A RESOLUTION PROVIDING FOR THE VACATION OF PLAT FOR AN ALLEY AND THE UNDER-LYING PUBLIC UTILITY AND DRAINAGE EASEMENTS LOCATED BETWEEN LOTS 1-3, BLOCK 4819 AND BLOCK 4819-A, BETWEEN LOTS 10-13, BLOCK 4819-A, AND BLOCK 4819-A, AND BETWEEN LOTS 17-22, BLOCK 4819-A, AND BETWEEN LOTS 17-22, BLOCK 4819 AND BLOCK 4819-A, ALL IN CAPE CORAL UNIT 71; PROVIDING FOR THE VACATION OF PLAT FOR ALL PUBLIC UTILITY AND DRAINAGE EASEMENTS LYING WITHIN LOTS 1-3, 12-15, AND 17-18, BLOCK 4819, CAPE CORAL UNIT 71; PROVIDING FOR THE VACATION OF PLAT FOR ALL PLATTED LOT LINES ASSOCIATED WITH LOTS 1-3, 12-15, AND 17-18, BLOCK 4819, CAPE CORAL UNIT 71; PROPERTY LOCATED AT THE NORTHWEST COR-NER OF THE INTERSECTION OF CHOULT TA BOULEVARD AND TRAFALGAR PARKWAY; PROVIDING AN EFFECTIVE DATE:

CAPE CORAL STAFF CONTACT: Mike Struve, AICP, LEED Green Associate, Planning Team Coordinator, 239-242-3255, mstruve@capecoral.net

PROPERTY OWNER 38335 Chiquita Tra-falgar, LLC

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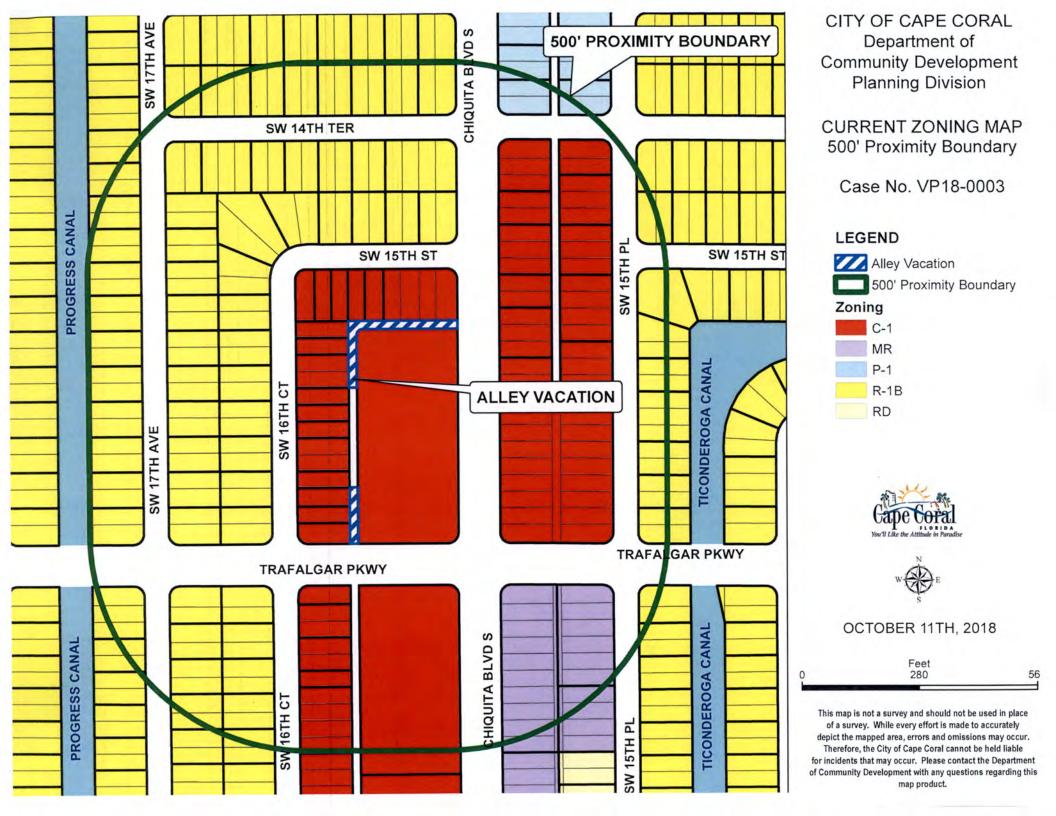
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by order of Rebecca van Deutekom, MMC City Clerk REF # VP18-0003 AD# 3223343 Oct. 27 Nov. 3, 2018





## Department of Community Development Planning Division

## AFFIDAVIT

IN RE: APPLICATION OF: Quattrone, P.E.

APPLICATION NO: VP18-0003

STATE OF FLORIDA ) ) § COUNTY OF LEE )

I, Vincent A. Cautero, AICP having first been duly sworn according to law, state on my oath the following:

That I am the Director of the Department of Community Development and responsible in performing duties as required for the City of Cape Coral.

That pursuant to City of Cape Coral Code. Section 8.3.2A and Section 8.11.3.A all required written notice and publication has been provided. Also, posting of a sign has been done when applicable per Section 8.3.2A.

DATED this

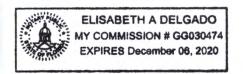
b day of

October , 2018 .

Vincent A. Cautero, AICP

## STATE OF FLORIDA COUNTY OF LEE

The foregoing instrument was acknowledged before me this  $24^{\pm}$  day of 2+0, 2018, by Vincent A. Cautero, AICP, who is personally known to me and who did not take an oath.



Exp. Date 12 6000 Commission # 6000 474

Signature of Notary Public

Elisabeth A. Delgado Print Name of Notary Public

Item B.(2) Number: B.(2) Meeting 11/5/2018 Date: 11/5/2018 Item ORDINANCES/RESOLUTIONS -Type: Introductions





## TITLE:

Ordinance 61-18 (ZA 18-0001\*) Set Public Hearing Date for December 3, 2018

## **REQUESTED ACTION:**

Approve or Deny

## STRATEGIC PLAN INFO:

1. Will this action result in a Budget Amendment?	No
2. Is this a Strategic Decision?	No
If Yes, Priority Goals Supported are listed below.	
If No, will it harm the intent or success of the Strategic Plan?	No

## PLANNING & ZONING/HEARING EXAMINER/STAFF RECOMMENDATIONS:

Hearing Examiner Recommendation: The Hearing Examiner recommends that the City Council deny this application for rezoning.

Staff Recommendation: Staff recommends approval.

## SUMMARY EXPLANATION AND BACKGROUND:

An ordinance amending the City of Cape Coral Official Zoning Map by rezoning property described as Lots 11-12, Block 665, Unit 21, Cape Coral Subdivision, from Multi-Family Residential (R-3) to Pedestrian Commercial (C-1) zone; property is located at 2121 SE 15th Place.

## LEGAL REVIEW:

John E. Naclerio III

## EXHIBITS:

Ordinance 61-18 Back up materials from HEX Hearing Hearing Examiner Recommendation Order Staff report Staff Presentation

## PREPARED BY:

Division- Department-City Attorney

## SOURCE OF ADDITIONAL INFORMATION:

Justin Heller, Planner

## ATTACHMENTS:

## Description

- D Ordinance 61-18 (ZA 18-0001)
- Back up material from HEX Hearing
- Hearing Examiner Recommendation Order
- ZA 18-0001 Staff Report
- Staff Presentation

## Туре

Ordinance Backup Material Backup Material Backup Material Backup Material

### ORDINANCE 61 – 18

AN ORDINANCE AMENDING THE CITY OF CAPE CORAL OFFICIAL ZONING DISTRICT MAP OF ALL PROPERTY WITHIN THE LIMITS OF THE CITY OF CAPE CORAL BY REZONING PROPERTY DESCRIBED AS LOT(S) 11 & 12, BLOCK 665, UNIT 21 CAPE CORAL SUBDIVISION, FROM MULTI-FAMILY RESIDENTIAL (R-3) TO PEDESTRIAN COMMERCIAL (C-1) ZONE; PROPERTY IS LOCATED AT 2121 SE 15<sup>TH</sup> PLACE; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Cape Coral City Council has considered testimony, evidence, documentation and the application submitted by LAZARO FLORES for rezoning the below-described property from MULTI-FAMILY RESIDENTIAL (R-3) TO PEDESTRIAN COMMERCIAL (C-1) ZONE, and considered the recommendations of the Hearing Examiner and City Staff, and has considered the City of Cape Coral Comprehensive Plan with this zoning request.

NOW, THEREFORE, THE CITY OF CAPE CORAL, FLORIDA, HEREBY ORDAINS PURSUANT TO THE LAWS OF FLORIDA, AND OTHER APPLICABLE LAWS, THIS ORDINANCE:

Section 1. That the City of Cape Coral Official Zoning District Map of all of the property within the limits of the City of Cape Coral is hereby amended with respect to real property described as follows:

## MULTI-FAMILY RESIDENTIAL (R-3) TO PEDESTRIAN COMMERCIAL (C-1) ZONE

LOT(S) 11 & 12, BLOCK 665, UNIT 21 CAPE CORAL SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 13, PAGE(S) 149 TO 173, INCLUSIVE, IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

PROPERTY LOCATED AT: 2121 SE 15<sup>TH</sup> PLACE

and the City administrative office shall amend the City of Cape Coral Official Zoning District Map to reflect this zoning change.

That the amendments to the City of Cape Coral Official Zoning District Map as prescribed herein are consistent with the City of Cape Coral Comprehensive Plan.

Section 2. Severability. In the event that any portion or section of this ordinance is determined to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this ordinance which shall remain in full force and effect.

Section 3. Effective Date. This ordinance shall become effective immediately upon passage by the Cape Coral City Council.

ADOPTED BY THE COUNCIL OF THE CITY OF CAPE CORAL AT ITS REGULAR SESSION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

JOE COVIELLO, MAYOR

VOTE OF MAYOR AND COUNCILMEMBERS:

COVIELLO	 NELSON	
GUNTER	 STOKES	
CARIOSCIA	 WILLIAMS	
STOUT	 COSDEN	

ATTESTED TO AND FILED IN MY OFFICE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

REBECCA VAN DEUTEKOM CITY CLERK

.

APPROVED AS TO FORM:

JOHN E NACLERIO III ASSISTANT CITY ATTORNEY ord\ZA18-0001



#### **REQUEST FOR A REZONING**

FEE \$2,050.00 first 3 acres plus \$220.00 each additional acre over 3 up to 20 acres; \$22.00 per acre over the first 20 acres. In addition to the application fee, all required advertising costs are to be paid by the applicant (ORD 39-03, Sec. 5.4). Advertising costs will be billed and must be paid prior to hearing.

Following the approval of your request, the applicant shall be responsible for paying the City to electronically record the final signed Resolution or Ordinance with the Lee County Clerk of Court. Until this fee is paid, restrictions on the issuance of any City permits will remain on the affected property that will prevent the city from issuing any applicable building permits, site plans, certificates of use, or certificates of occupancy for any property covered by the Resolution or Ordinance.

OWNER OF PROPERTY Lazaro Flores	Address: 830 N.E. 10th	Ave.			
Email: andres@boralengineering.com	City Cape Coral Phone: 239.247.9962	State:	FL	Zip	33909
	Address: 2638 Stonyhill	Court			
Steven L. Darby, P.E. Email: steve@dei-fla.com	City Cape Coral Phone: 239.945.0551	State:	FL	Zip	33991
Unit <u>21</u> Block <u>665</u> Lot(s) <u>11 &amp; 11</u> Address of Property 2121 S.E. 16th Place	Subdivision Cape Coral				
Current Zoning MF	Plat Book 13 ,	Page	167		
Proposed Zoning C1 Strap Num	ber <u>30-44-24-C3-00</u>	665.01	10		

# THIS APPLICATION SHALL ALSO HAVE ANY ADDITIONAL REQUIRED SUPPORTING DOCUMENTS

The owner of this property, or the applicant agrees to conform to all applicable laws of the City of Cape Coral and to all applicable Federal, State, and County laws and certifies that all information supplied is correct to the best of their knowledge.

If the owner does not own the property in his/her personal name, the owner must sign all applicable forms in his/her corporate capacity.



(SIGNATURE M	IUST BE NOTARIZED)
Lazaro Flores	× Jule
NAME (PLEASE TYPE OR PRINT)	APPLICANT'S SIGNATURE
STATE OF Florida, COUNTY OF Lee	
Sworn to (or affirmed) and subscribed before me this Lazaro Flores who is personally know	vn or produced FL Drivers License
as identification.	
	2019 Commission Number: FF210979
Signature of Notary P	ublic: Merlozy
Printed name of Nota SIGNATURE ML	IST BE NOTARIZED)
GLADYS S MENDOZA MY COMMISSION # FF210979 EXPIRES May 16. 2019 (407) 398-0153 FloridaNotaryService.com	



	AUTHORIZATIO	N TO REPRESE	NT PROPER	TY OWNER(s)	
PLEASE BE ADVISED TH	AT	Steven L. Darby, P.E.			
	(Name of p	person givir	ng presentation)		
IS AUTHORIZED TO RE	PRESENT ME IN TI	HE REQUEST TO	D THE HEAF	RING EXAMINER,	OR CITY COUNCIL FOR
(Type of Public Heari	ng – i.e., PDP, Zon	ing, Special Exc	ception, Va	riance, etc.)	
UNIT 21	вьоск 665	lot(s) 1	1 & 12	SUBDIVISION	Cape Coral
OR LEGAL DESCRIPTION	J				
LOCATED IN THE CITY	OF CAPE CORAL, (	COUNTY OF LE	E, FLORIDA		Atri)
PROPERTY OWNER (	Plaasa Dint)			PROPERTY CHAN	HER (Please Print)
PROPERTY OWNER (	Please Plift)				
PROPERTY OWNER	t (Signature & Title	2)		PROPERTY OWI	NER (Signature & Title)
STATE OF Marida	COUNTY OF	Lee			_
Subscribed and sworn	o (or affirmed) be	fore me this	_	∂Sday of	January, 2018, by FL Drivers License
Lazaro Flor as identification.	es who is p	ersonally know	n or produ	ced	FL Drivers License
	Exp. Date:	5/16/20	019 Commi	ssion Number:	FF 216979
	Signature o	of Notary Publi	c:		John Maly
	Printed na	me of Notary P	ublic:	Gtad	45 S. Mehdoza
MY COMMISS EXPIRES	MENDOZA ION # FF210979 May 16. 2019 ryService som				ι

Note: Please list all owners. If a corporation, please supply the Planning Division with a copy of corporation papers.



#### ACKNOWLEDGEMENT FORM

I have read and understand the above instructions. Hearing date(s) will be confirmed when I receive a copy of the Notice of Public Hearing stipulating the day and time of any applicable hearings.

I acknowledge that I, or my representative, must attend any applicable meetings scheduled for the Hearing Examiner, Planning & Zoning Commission/Local Planning Agency, and City Council.

I will have the opportunity, at the hearing, to present verbal information pertaining to my request that may not be included in my application.

I understand any decision rendered by the CITY shall be subject to a thirty (30) day appeal period. Any work performed within the thirty (30) day time frame or during the APPEAL process will be completed at the applicant's risk.

I understand I am responsible for all fees, including advertising costs. All fees are to be submitted to the City of Cape Coral with the application or the item may be pulled from the agenda and continued to future date after fees are paid.

Please obtain all necessary permits prior to commencing any phase of construction.

Please indicate on a separate sheet those persons to whom you wish a copy of the Public Hearing Notice sent.

By submitting this application, I acknowledge and agree that I am authorizing the City of Cape Coral to inspect the subject property and to gain access to the subject property for inspection purposes reasonably related to this application and/or the permit for which I am applying.

I hereby acknowledge that I h	lave read and understoo	d the above affidavit on the	25 day of January	,20 18
Lazaro Flores		X	Left	
NAME (PLEASE TYPE OR PRIN	<u> </u>	APPLICANT'S SIGNATURE	T/	
STATE OF FLorida .C	OUNTY OF	Lee		
Subscribed and sworn to (or	affirmed) before me this	25 day Jar	ruary, 2018, by	
Lazaro Flores		nally known or FL	Drivers License	-
as identification.			F	
	Exp. Date: 516 201	9 Commission Number:	44310411	<u>-</u> ( )
	Signature of Notary Pub	lic: Holy	Wenty	-
	Printed name of Notary	Public: / Gradys S.	Merdoza	
Rezoning request application	11-21-16	GLADYS S MENDOZA MY COMMISSION # FF210979 EXPIRES May 16, 2019 FloridaNotaryService.com	Page <b>5</b> of <b>6</b>	



×

## DOCUMENTARY EVIDENCE (LUDR, Section 8.3.1.C.6.f)

A copy of all documentary evidence shall be made available to the decision-making body or the Hearing Examiner and to staff no later than two business days prior to the hearing of the application. This requirement includes information that the applicant intends to present at public hearing.

I have read the above requirement and agree to comply with this provision.

Lazaro Flores	x Add
OWNER/APPLICANT (PLEASE TYPE OR PRINT)	OWNER/APPLICANT SIGNATURE
(SIGNATURE	MUST BE NOTARIZED)
STATE OF Florida COUNTY OF Le	e e
Sworn to (or affirmed) and subscribed before me on by $\underline{\text{La2aro Flores}}$ , who is personally	this 25 day of <u>January</u> , 2018 known or who has produced <u>FL Drivers Lian</u> as identification.
Exp. Date <u>5-16-2019</u> Commission # FF 210979 Si	gnature of Notary Public
 Pr	Gladys) S. Mendoza int Name of Notary Public

other sugar	GLADYS S MENDOZA
	MY COMMISSION # FF210979
OF IL	EXPIRES May 16, 2019
(407) 398-0153	FloridaNotaryService.com



2638 Stonyhill Court, Cape Coral, Florida 33991 Phone: (239) 945-0551 Fax: (239) 772-0141 Email: steve@dei-fla.com Website: www.dei-fla.com

February 5, 2018

Mr. Vince Cautero, AICP Community Development Director Dept. of Community Development City of Cape Coral P.O. Box 150027 Cape Coral, FL 33915-0027

Re: Letter of Intent for a re-zoning application 2121 S.E. 15<sup>TH</sup> Parking Lot STRAP# 30-44-24-C3-00665.0110, Block 665, Lots 11 & 12, Unit 21 2121 S.E. 15<sup>TH</sup> Place, Cape Coral, Florida 33990

Dear Mr. Cautero:

It is the intent of the property owner, Lazaro Flores, to request a zoning application for additional parking from R-3 to C-1 zoning. This site comprises of 0.23 acres with proposed access points off S.E. 15<sup>TH</sup> Place to the west and the existing alley to the east. No building is proposed since the owner just received Site Development Plan approval for the site east of the alley under SP17-0015. The access will be constructed to meet the City's Engineering Design Standard of minimum 6" thick concrete. The future land use for this property is CP (Commercial Professional) and a sidewalk will be proposed along the entire S.E. 15<sup>th</sup> Place roadway limits of the parcel.

The project will consist of parking area, landscape buffers, and stormwater drainage improvements including an outfall structure to the existing stormwater inlet within the City's right-of-way on S.E. 15<sup>th</sup> Place. No utility connections are proposed since not building is requested. The intent of this zoning application is to construct the necessary improvements to the C-1 zoning regulations. The existing zoning north and south of the lot is zoning R-3 with Future Land Use of CP and west across S.E. 15<sup>th</sup> Place zoned residential and on the east side of the alley is C-1, therefore, a 15 foot buffer with a 6 foot high CMU wall is proposed with the required landscaping within the buffer on the north, south and west portions of the property.

A dumpster will not be required for a parking area only. The project will be design to meet the landscaping within the City's landscape regulations.

The trips generated by this project will not exceed the 300 peak driveway volumes therefore, not requiring a traffic impact study. A traffic generation is enclosed with a statement on the Master Concept plan sheet MCP-1.

There are no existing borrowing owls and endanger species found on-site with a letter enclosed stating the site review. The project will not require a Pollution Prevention Plan and an NOI from the owner and contractor since site disturbance will be less than one acre.

Provided are survey, Master Concept plan, along with the supporting documentation for the site development plan submittal.

Should you require any additional information, please contact me at 239-945-0551.

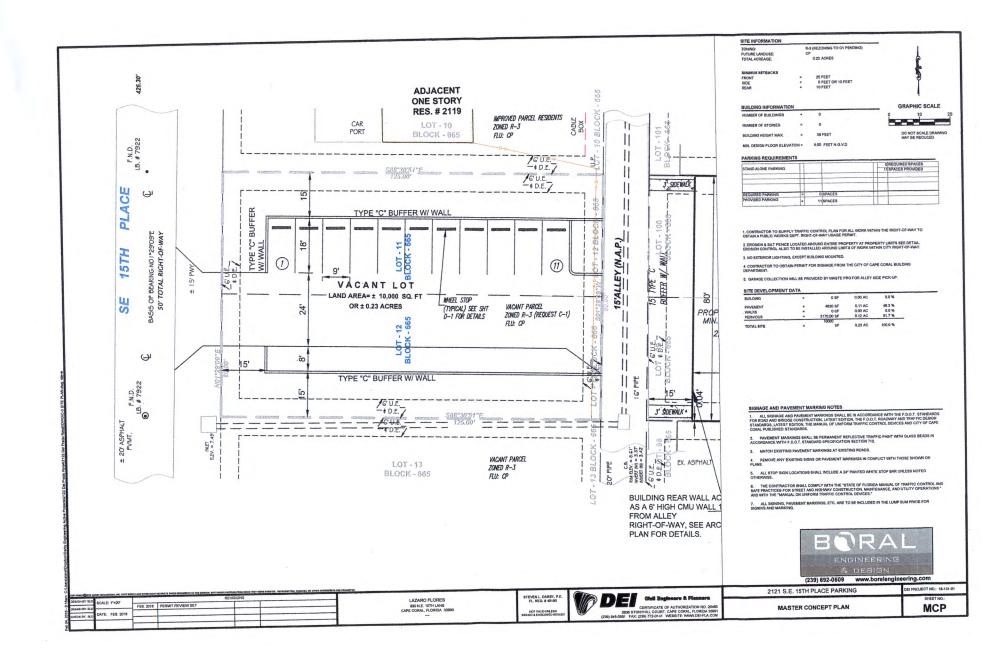
Sincerely,

DARBY Engineering, Inc./Boral Engineering

#7-2

Steven L. Darby, P.E. President

Attachments:

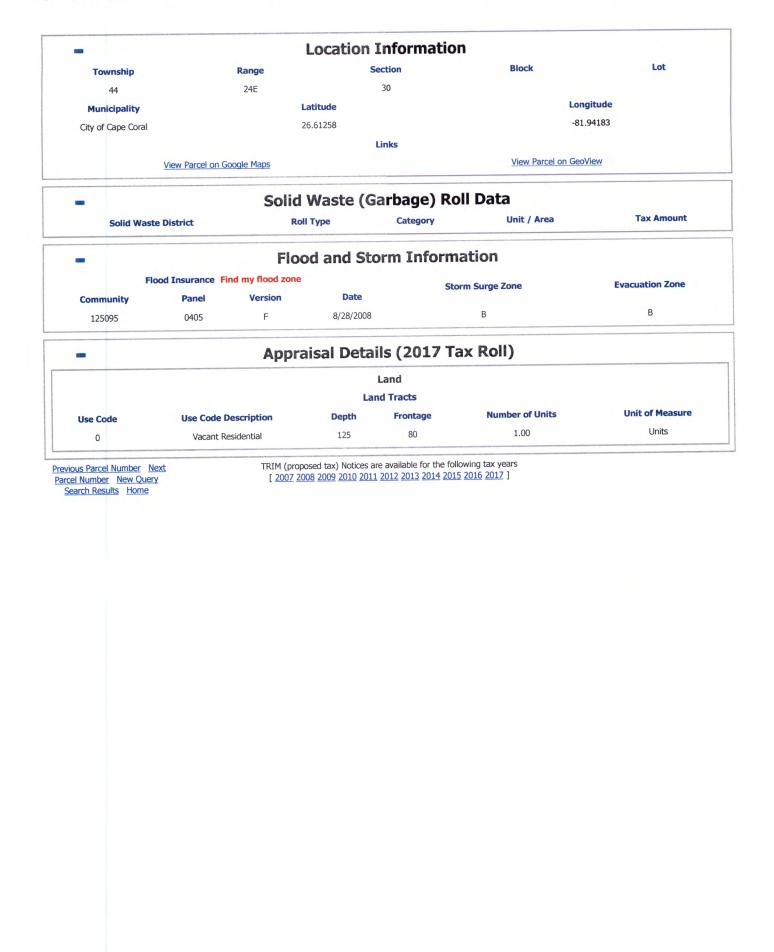


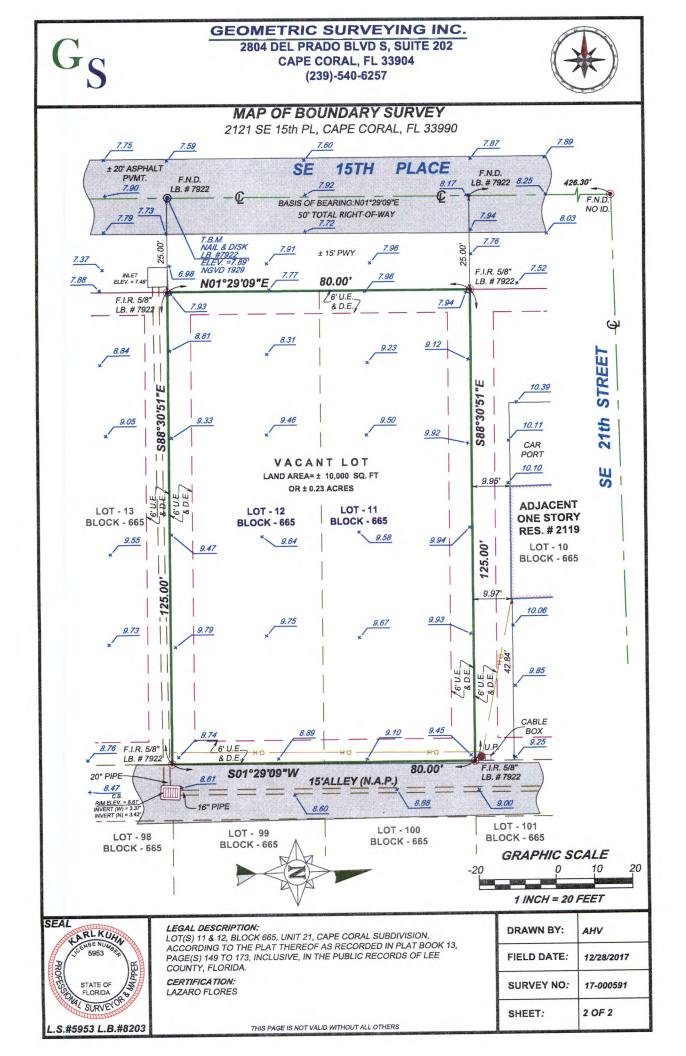
	County Property Appraiser	Next Parcel Num	ber Previous Parcel Number Tax Estimator Cape Co	oral Fees Tax Bills Print
		Propert	y Data	
	STRAP: 30-44	-	.0110 Folio ID: 10179576	
	Owner Of Record - Sole Owner		[ Tax Map Viewer ] [ View Compa	rables ]
LORES LAZAR	0			
330 NE 10TH A CAPE CORAL FI			00665 0090	00665 1010
	Site Address			
2121 SE 15TH	PL			Garden and
CAPE CORAL F			00665 0110	
	Property Description Do not use for legal documents!	3	DOBGO CHTO	00665 0990
CAPE CORAL U				
BLK 665 PB 13				
LOTS 11 + 12	Classification / DOR Code		00665 0130	00665 0970
VACANT RESID			and the second sec	
ACANT RESIL			[ Pictometry Aerial Viewer ]	
	1200		Image of Structure	
	縃 Current Working Values 🌌	(2)	Image of Structure	
Just	25,436 As Of	07/10/2017	CRTY APPD	
	Attributes		STONANCE A	
Land Units Of	Measure 🚯	UT	IMAGE	
Units 🕒		1.00	NOT	
Frontage		80	ALATLADIE	
Depth		125 0	AVAILADLE	
Total Number	or Buildings is / Bathrooms	0	LEE COUNTS	
Total Living Ar		0		
	ing on Tax Roll 🕒	N/A		
Historic Distric	t	No		
		Exem	otions	
	No e		found for this property.	
		Values (20	)17 Tax Roll)	
	Property Values		Attributes	
Just		25,436	Land Units Of Measure 🚯	
Assessed		25,436	Units 🚯	1.
Portability Ap	plied	0	Frontage	
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Taxable		25,436	Total Number of Buildings	
Cap Difference	e	0	Total Bedrooms / Bathrooms	
Sup Direction			Total Living Area 😝	
			1st Year Building on Tax Roll 🟮	Ν
			Historic District	
		Taxing A	uthorities	
			CORAL / 057	
	Name / Code	Catego	ry Mailing Address	5

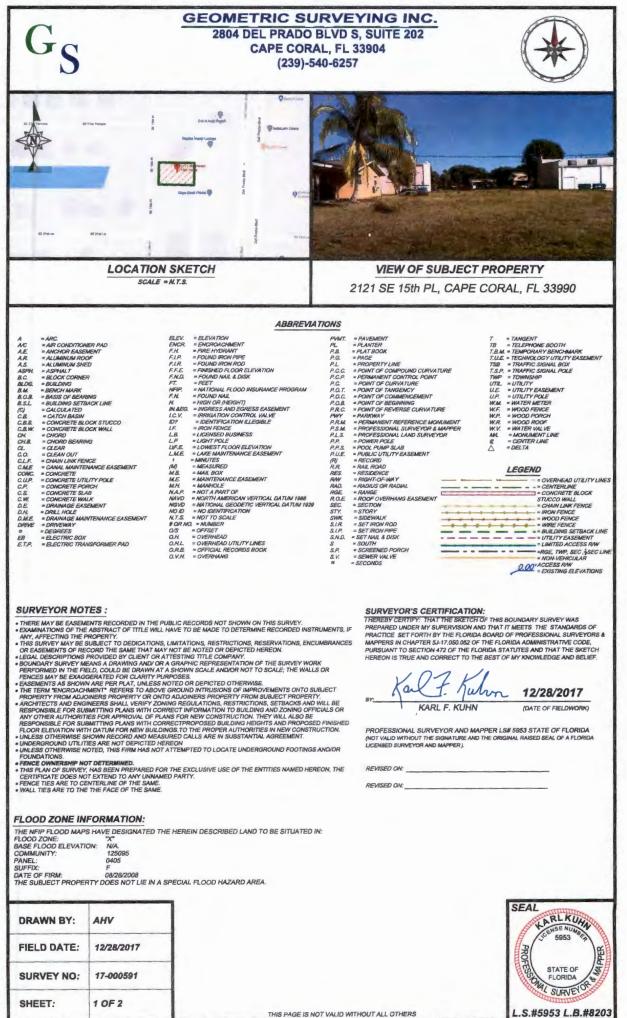
EE CO GENERAL REVENUE / 044	County	Lee County Office of Management & Budget PO BOX 398 FORT MYERS FL 33902-0398
EE CO ALL HAZARDS PROTECTION DIST / 101	Dependent District	Lee County Office of Management & Budget PO BOX 398 FORT MYERS FL 33902-0398
.EE CO LIBRARY DIST / 052	Dependent District	Lee County Office of Management & Budget PO BOX 398 FORT MYERS FL 33902-0398
MUNICIPAL SOLID WASTE DISPOSAL MSTU / 116	Dependent District	Lee County Office of Management & Budget PO BOX 398 FORT MYERS FL 33902-0398
LEE CO HYACINTH CONTROL DIST / 051	Independent District	RUSSELL BAKER 15191 HOMESTEAD RD LEHIGH ACRES FL 33971
LEE CO MOSQUITO CONTROL DIST / 053	Independent District	RUSSELL BAKER 15191 HOMESTEAD RD LEHIGH ACRES FL 33971
WEST COAST INLAND NAVIGATION DIST / 098	Independent District	CHARLES W LISTOWSKI EXECUTIVE DIRECTOR 200 MIAMI AVE E VENICE FL 34285-2408
CITY OF CAPE CORAL / 014	Municipal	VICTORIA BATEMAN FINANCIAL SERVICES DIRECTOR FO BOX 150027 CAPE CORAL FL 33915-0027
PUBLIC SCHOOL - BY LOCAL BOARD / 012	Public Schools	AMI DESAMOURS BUDGET DEPARTMENT 2855 COLONIAL BLVD FORT MYERS FL 33966
PUBLIC SCHOOL - BY STATE LAW / 013	Public Schools	AMI DESAMOURS BUDGET DEPARTMENT 2855 COLONIAL BLVD FORT MYERS FL 33966
SFWMD-DISTRICT-WIDE / 110	Water District	MICHELLE QUIGLEY 3301 GUN CLUB RD WEST PALM BEACH, FL 33406
SFWMD-EVERGLADES CONSTRUCTION PROJECT / 084	Water District	MICHELLE QUIGLEY 3301 GUN CLUB RD WEST PALM BEACH, FL 33406
SFWMD-OKEECHOBEE BASIN / 308	Water District	MICHELLE QUIGLEY 3301 gun club RD West Palm beach FL 33406

-				Sales	/ Transactions	
Sale Price	Date	OR Number	Туре		Description	Vacant/Improved
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21,000.00	12/02/2016	2016000260525	01	Sales qualified and included for sales ratio analysis Transfers qualified as arm's length because of examination of the deed or other instrument transferring ownership of real property		ferring V
100.00	08/11/2008	<u>2008000227446</u>	04	Disqualified (Multiple STRAP	Gales disqualified as a result of examination of the deed Disqualified (Multiple STRAP # - 01,03,04,07) There are 1 additional parcel(s) with this document (may have been split after the transaction date) 10-44-24-C3-00665.0130	
100.00	08/02/2005	<u>2005000039284</u>	04	Sales disqualified as a result of examination of the deed Disqualified (Multiple STRAP # - 01,03,04,07) There are 1 additional parcel(s) with this document (may have been split after the transaction date) 30-44-24-C3-00665.0130		V ate)
100.00	11/12/1997	2888/3440	03	Sales disqualified as a result of examination of the deed Disqualified (Interest Sales / Court Docs / Government)		V
100.00	07/01/1989	2088/1919	01	Sales disqualified as a re Disqualified (Doc Stamp .70	V	
35,000.00	02/01/1988	<u>1969/4066</u>	02	Sales qualified but excluded from sales ratio analysis Qualified (Multiple STRAP # / 06-09I)		V
				Parcel N	lumbering History	
	Prior STRAF			Prior Folio ID	Renumber Reason	Renumber Date
30-44-24-B	2-00665.0110	)		N/A	Reserved for Renumber ONLY 01/2	26/1997

30-44-24-B2-00665.0110







THIS PAGE IS NOT VALID WITHOUT ALL OTHERS

S.#5953 L.B.#8203

INSTR # 2017000249300, Doc Type D, Pages 1, Recorded 12/01/2017 at 12:38 PM, Linda Doggett, Lee County Clerk of Circuit Court, Deed Doc. D \$280.00 Rec. Fee \$10.00 Deputy Clerk CMASSEY

the state of the s

Corporate Warranty Deed
This Indenture, made this 112 day of 120 20 17 A.D. Between ALLIANCE HOMES, LLC, a Florida Limited Liability Company, whose post office address is: 2508 DEL PRADO BLVD S, Cape Coral, Florida 33904, Grantor, and
LAZARO FLORES, whose post office address is: 830 NE 10TH Avenue, Cape Coral, Florida 33909, Grentee,
Witnesseth, that the said Grantor, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00), to it in hand paid by the said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said Grantee forever, the following described land, situate, lying and being in the County of Lee, State of Florida, to wit:
Lots 11 & 12, Block 665, Unit 21, CAPE CORAL SUBDIVISION, according to the plat thereof, as recorded in Plat Book 13, Page(s) 149 to 173, inclusive, in the Public Records of Lee County, Florida.
Subject To taxes for the calendar year 2017, covenants, restrictions and easements of record, if any. Parcel Identification Number: 30-44-24-C3-00665.0110
Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining. To Have and to Hold, the same in fee simple forever. And, the said Grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever. In Witness Whereaf, the said Grantor has caused this instrument to be executed in its name by its duly authorized officer and caused its corporate seal to be affixed the day and year first above written.
Signed and Sealed in Our Presence: TWO Separate Witnesses Required ALLIANCE HOMES, LLC, a Florida Limited LiaMity Company
Dalman Witness Printed Maner: Wendi Dahlman By: Daniel Kelly Its, Manager
- Noon Canua      Witness     Printed Name: - Joan Cormiler
State of Florida
The foregoing instrument was acknowledged before me this day of by Daniel Kelly, Manager of ALLIANCE HOMES, LLC, Florida Limited Limit
FABIOLA ESPOSITO MY COMMISSION # FF 189271 EXPIRES: February 6, 2019 onded Thru Notary Public Underwriters My Commission Expires: 2440 2019
Prepared by: Stephen D. Merkle, an employee of CAPE CORAL TITLE INSURANCE AGENCY, INC., 1307 Cape Coral Parkway East Cape Coral, Florida 33904 File Number: 64765

Corporate Warnanty Dend LLC

## **Planning Division Case Report**

Review Date:	June 1, 2018
Property Owner:	Lazaro Flores
Representative:	Steven L. Darby
Request:	Rezone a 0.23-acre parcel from Multi-Family (R-3) to the Pedestrian Commercial (C-1) District
Location:	2121 SE 15 <sup>th</sup> Place. Block 665, Lots 11 + 12 STRAP: 30-44-24-C3-00665.0110
Prepared By:	Justin Heller, Planner
Reviewed By:	Mike Struve, Planning Team Coordinator; Robert Pederson, Planning Manager
Recommendation:	Approval

**Description of Property:** The site is 0.23 acres and is in SE Cape Coral with frontage on SE 15<sup>th</sup> Place to the west and an existing alley to the east. Del Prado Boulevard is about 150 feet to the east. City utilities are available to the site.

The site has a Commercial Professional (CP) Future Land Use Classification and Multi-Family (R-3) Zoning (Figure 1). The surrounding future land use and zoning classifications are listed below:

 Table 1. Future Land Use and Zoning of the Site and Adjacent Lands.

Subject Property:	Future Land Use	Zoning	
Current:	Commercial Professional (CP)	Multi-Family (R-3)	
Proposed:	N/A	Pedestrian Commercial (C-1)	
	Surrounding Future Land Use	Surrounding Zoning	
North:	СР	R-3	
South:	СР	R-3	
East:	СР	C-1	
West:	Single-Family (SF)	Single-Family (R-1B)	



## Figure 1: Zoning map showing the site outlined in blue.

Within the subject block all but three of the parcels are improved. The block is developed primarily with commercial uses along Del Prado Boulevard and multi-family uses along SE 15<sup>th</sup> Place. Single-family homes are to the west of SE 15<sup>th</sup> Place (Figure 2).

## **Purpose of the Rezone Request**

Based on the Future Land Use Element (Policy 1.15.) of the Comprehensive Plan, the R-3 Zoning is not consistent with the CP Future Land Use Classification. As a result, a development permit for the site cannot be issued by the City until this inconsistency is resolved.

## Figure 2. Aerial map showing the site outlined in blue.



## Analysis:

The Planning Division has reviewed this application based on the ten General Standards provided in Section 8.7.3.B of the Land Use and Development Regulations (LUDRs).

1. The extent to which the value of the property is diminished by the proposed zoning of the property:

The requested rezone should increase the value of the property. The C-1 District allows 73 permitted uses and 19 special exception uses, while the R-3 District allows 13 permitted uses and 20 special exception uses. The greater number of uses allows a wider range of development options for the owner of the site.

2. The extent to which the removal of a proposed change in zoning depreciates the value of other property in the area:

The proposed rezone should not diminish the value of surrounding properties in Block 665 since all sites have a Commercial/Profession Future Land Use Classification. Sites to the west with a Single-Family Future Land Use Classification are separated from the site by SE 15<sup>th</sup> Pl.

3. The suitability of the property for the zoning purpose:

The current R-3 Zoning is inconsistent with the CP Future Land Use Classification (FLU). The rezoning will bring the site into consistency with the future land use classification, and will allow the City to issue development permits for construction.

This site is adjacent to properties with C-1 Zoning. While the site is small for most commercial development, it can be combined with adjacent properties for a larger building site. Several businesses on Del Prado including Pool Doctor, Bill Smith Appliance, and KFC have already done this to create additional areas for parking. The owner also owns the site to the east which could be combined with this site for a larger buildable parcel.

Given the future land use classification of the site, the surrounding future land use and rezoning patterns in Block 665, staff finds that the site is suitable for the requested C-1 zoning.

4. The character of the neighborhood, existing uses, zoning of nearby and surrounding properties, and compatibility of the proposed zoning:

The block is transitioning to commercial uses. The subject block has a CP Future Land Use and is comprised mostly of commercial buildings with some multi-family housing and several vacant lots. To the west are single-family homes and to the east is Del Prado Boulevard and additional commercial and office buildings.

Immediately adjacent to the subject site are residential uses, including duplexes to the north and south and single-family homes to the west. Architectural standards for buildings and landscape buffers for C-1 zoned sites will assist in promoting a development that is harmonious with the existing residential development in the area.

5. The relative gain to the community as compared to the hardship, if any imposed, from rezoning said property:

While the site is small, the rezone will benefit the community by allowing commercial development at the neighborhood scale, through job creation, and by increasing the commercial tax base of the City.

6. The community need for the use proposed by the zoning:

As noted in the Future Land Use Element of the City of Cape Coral Comprehensive Plan, the City has identified a need for increasing commercial land within Cape Coral. The proposed rezoning will assist in a small way in addressing the City's imbalance of commercial development.

7. Length of time the property proposed to be rezoned has been vacant, as zoned, when considered in the context of the City of Cape Coral Comprehensive Land Use Plan for the development of the proposed property and surrounding property:

The site has had R-3 zoning since the City Comprehensive Plan was adopted.

8. The extent to which the proposed zoning promotes the health, safety, morals, or general welfare of this community:

Because the proposed zoning is consistent with the Comprehensive Plan, the change will assist with the community's long-term vision of adding commercial land at an appropriate location. The proposed rezoning will not negatively affect the health, safety or welfare of the community because other properties with commercial zoning exist within the general proximity of the site.

9. The extent to which the proposed zoning will impact the level of service standards for public facilities as specified in the Comprehensive Plan:

The level of service standards for utilities, roads, and public services are anticipated to be unaffected by this rezone. Centralized water, sewer, and irrigation services are available to the site.

10. Whether the proposed zoning is consistent with the City of Cape Coral's Comprehensive Land Use Plan:

The current R-3 zoning of the site is inconsistent with the Commercial/Professional Future Land Use Classification. This rezoning application, if approved, will provide consistency

between the future land use classification and the new C-1 District. While the site itself is small, the recommended C-1 zoning will maintain consistency with other commercial-zoned sites in Block 665 that includes a site to the immediate east that is also owned by the applicant in this case.

#### **Recommendation:**

This rezoning request will result in consistency of the zoning of the subject property with the future land use classification of the property, and as a result, staff recommends **approval** of this rezone.

### Staff Contact Information Justin Heller, Planner Planning Division PH: 239-574-0587 Email: jheller@capecoral.net





## NOTICE TO SURROUNDING PROPERTY OWNERS

#### CASE NUMBER: ZA18-0001

**<u>REQUEST</u>**: Applicant is requesting to Rezone a 0.23-acre parcel from Multi-Family (R-3) to Pedestrian Commercial (C-1).

LOCATION: 2121 SE 15th Place

CAPE CORAL STAFF CONTACT: Justin Heller, Planner, 239-574-0587, jheller@capecoral.net

PROPERTY OWNER(S): Lazaro Flores

#### AUTHORIZED REPRESENTATIVE: Steven L. Darby

**UPCOMING PUBLIC HEARING:** Notice is hereby given that the City of Cape Coral Hearing Examiner will hold a public hearing at 9:00 A.M. on Tuesday, July 10, 2018 on the above mentioned case. The public hearing will be held in the City of Cape Coral Council Chambers, 1015 Cultural Park Boulevard, Cape Coral, FL.

All interested parties are invited to appear and be heard. All materials presented before the Hearing Examiner will become a permanent part of the record. The public hearing may be continued to a time and date certain by announcement at this public hearing without any further published notice. Copies of the staff report will be available 5 days prior to the hearing. The file can be reviewed at the Cape Coral Community Development Department, Planning Division, 1015 Cultural Park Blvd., Cape Coral, FL.

After Hearing Examiner has made a written recommendation, the case will be scheduled for a public hearing before the City Council who will review the recommendation and make a final decision. You will receive another public hearing notice when this case is scheduled for a City Council hearing.

**DETAILED INFORMATION:** The case report and colored maps for this application are available at the City of Cape Coral website, <u>www.capecoral.net/publichearing</u> (Click on 'Public Hearing Information', use the case number referenced above to access the information); or, at the Planning Division counter at City Hall, between the hours of 7:30 AM and 4:30 PM. The public hearing may be continued to a time and date certain by announcement at this public hearing without any further published notice.

**HOW TO CONTACT:** Any person may appear at the public hearing and be heard, subject to proper rules of conduct. You are allowed sufficient time to write or appear at the public hearing to voice your objections or approval. Written comments filed with the Director will be entered into the record. Please reference the case number above within your correspondence and mail to: Department of Community Development, Planning Division, P.O. Box 150027, Cape Coral, FL 33915-0027. The hearings may be continued from time to time as necessary.

**ADA PROVISIONS:** In accordance with the Americans With Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Human Resources Department whose office is located at Cape Coral City Hall, 1015 Cultural Park Boulevard, Cape Coral, Florida; telephone 1-239-574-0530 for assistance; if hearing impaired, telephone the Florida Relay Service Numbers, 1-800-955-8771 (TDD) or 1-800-955-8770 (v) for assistance.

<u>APPEALS</u>: If a person decides to appeal any decision made by the Hearing Examiner with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.



#### Please contact us with changes or cancellations as soon as possible, otherwise no further action needed.

Please co	ntact us with changes or cancella TOLL-FREE 888-516-9220	itions as soon as possible, otherwis Local # 239-335-0258	e no further action needed. Email FNPLegals@gannett.com
Customer: CITY O	F CAPE CORAL_DEPT OF COM	Ad No.:	0003005711
	ULTURAL PARK BLVD CORAL FL 33990	Net Amt:	\$371.00
Run Times: 1		No. of Affidavits:	1
Run Dates: 06/30/18	}		
Text of Ad: NOTICE OF PUBLIC HEARING CASE NUMBER: ZA18-0001	5		
REQUEST: Applicant is reques Rezone a 0.23-acre parcel from Family (R-3) to Pedestrian Com (C-1).	ting to Multi mercial		
LOCATION: 2121 SE 15th Place			
<b>CAPE CORAL STAFF CONTACT:</b> Justin Heller, Planner, 239-574-05 jheller@capecoral.net	87,		
PROPERTY OWNER(S): Lazaro Flo	res		
AUTHORIZED REPRESENTATIVE: Steven L. Darby			
UPCOMING PUBLIC HEARING: N hereby given that the City of Ca al Hearing Examiner will hold a hearing at 9:00 A.M. on Tuesda 10, 2018 on the above mentione The public hearing will be held City of Cape Coral Council Cha 1015 Cultural Park Boulevard, Coral, FL.	pe Cor- public xy, July d case. in the imbers, Cape		
All interested parties are invited pear and be heard. All materia sented before the Hearing Ex- will become a permanent part record. The public hearing may tinued to a time and date cer announcement at this public h without any further published Copies of the staff report will b able 5 days prior to the hearin file can be reviewed at the Cap Community Development Depan Planning Division, 1015 Cultura Blvd., Cape Coral, FL.	to ap- ils pre- aminer of the be con- tain by hearing notice. e avail- ig. The e Coral tment, al Park		
After Hearing Examiner has n written recommendation, the ca be scheduled for a public heari fore the City Council who will the recommendation and make decision. You will receive anoth lic hearing notice when this scheduled for a City Council hear	nade a ase will ng be- review a final er pub- case is		
DETAILED INFORMATION: The of port and colored maps for this a tion are available at the City of Coral website, www.capecoral.nu ichearing (Click on 'Public Hear formation', use the case numbe enced above to access the in tion); or, at the Planning Division ter at City Hall, between the h 7:30 AM and 4:30 PM	ipplica- f Cape et/publ ing In- r refer- forma- i coun-		
HOW TO CONTACT: Any perso appear at the public hearing a heard, subject to proper rules duct. You are allowed sufficier to write or appear at the publi ing to voice your objections or val. Written comments filed w Director will be entered into cord. Please reference the case r above within your corresponden mail to: Department of Com Development, Planning Division	and be of con- nt time c hear- appro- ith the the re- number ce and munity		

Box 150027, Cape Coral, FL 33915-0027. The hearings may be continued from time to time as necessary.

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by order of Rebecca van Deutekom, MMC City Clerk REF # ZA18-0001 AD# 3005711 June 30, 2018

## **Department of Community Development Planning Division**

## AFFIDAVIT

IN RE: APPLICATION OF: Lazaro Flores

APPLICATION NO: ZA18-0001

STATE OF FLORIDA ) § COUNTY OF LEE

I, Vincent A. Cautero, AICP having first been duly sworn according to law, state on my oath the following:

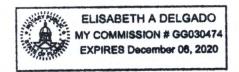
That I am the Director of the Department of Community Development and responsible in performing duties as required for the City of Cape Coral.

That pursuant to City of Cape Coral Code. Section 8.3.2A and Section 8.11.3.A all required written notice and publication has been provided. Also, posting of a sign has been done when applicable per Section 8.3.2A.

DATED this	2nd	day of	July, 2018.	
			An An	
			Ma. auce	
			Vincent A. Cautero, AICP	

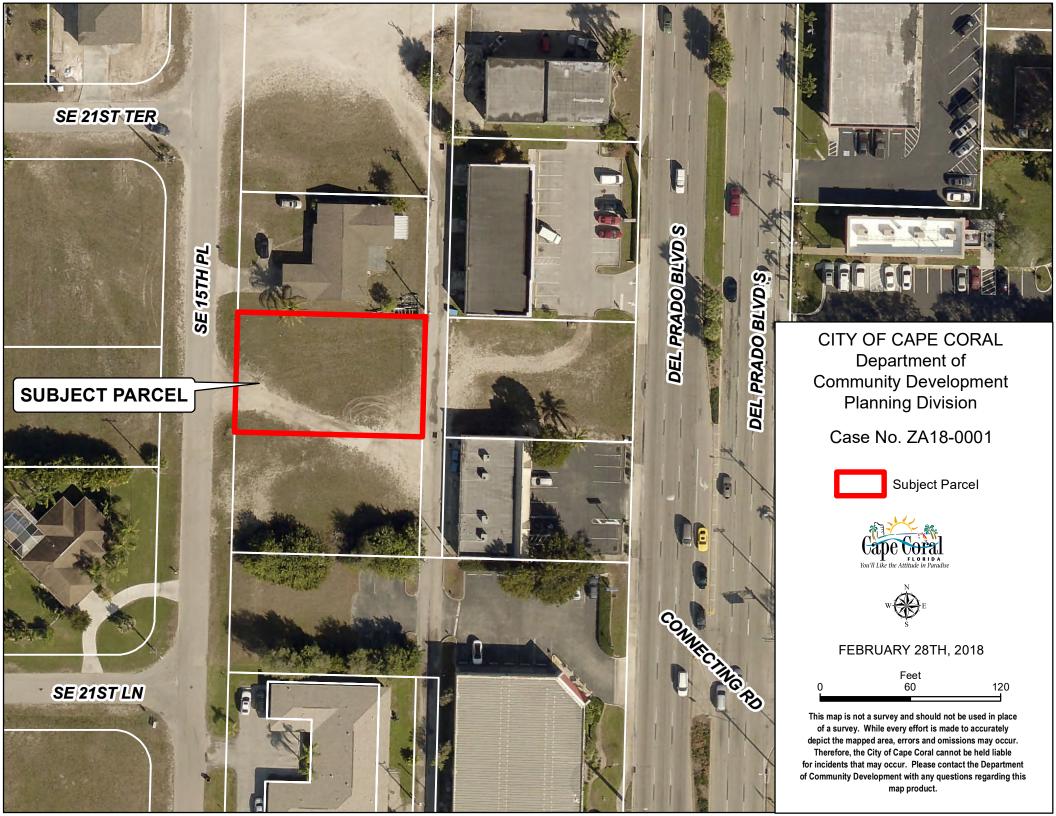
## STATE OF FLORIDA COUNTY OF LEE

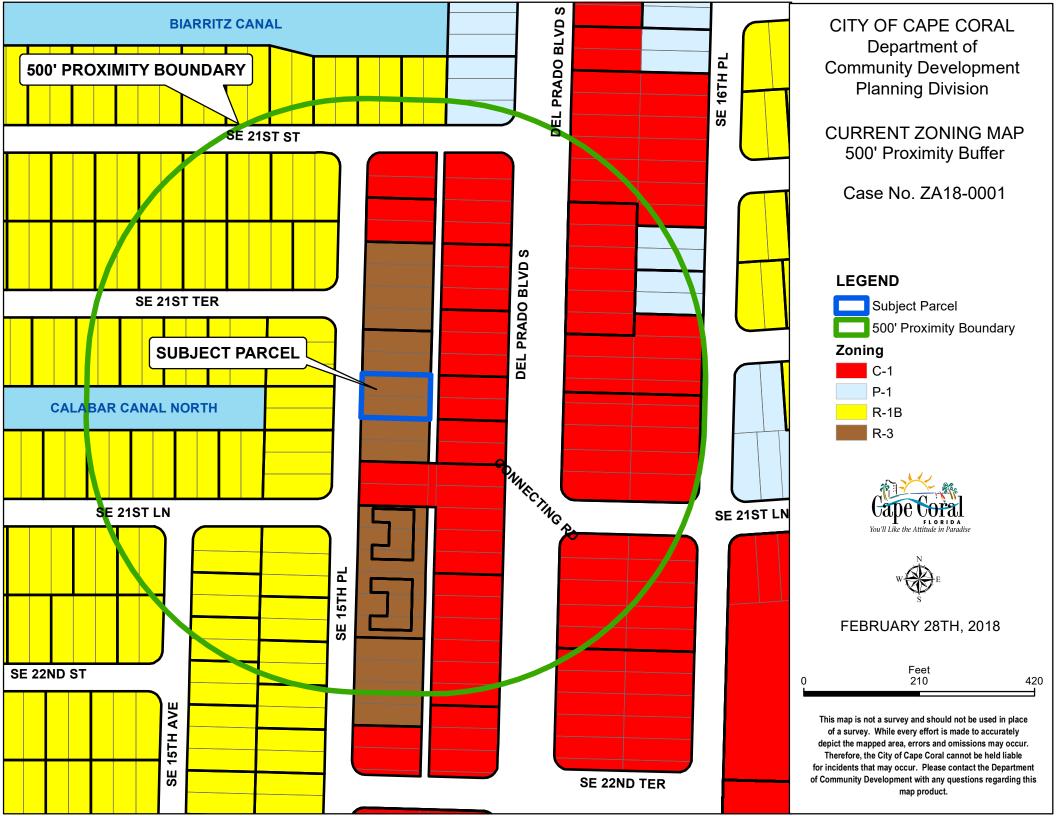
The foregoing instrument was acknowledged before me this 2nd day of July 2018, by Vincent A. Cautero, AICP, who is personally known to me and who did not take an oath.

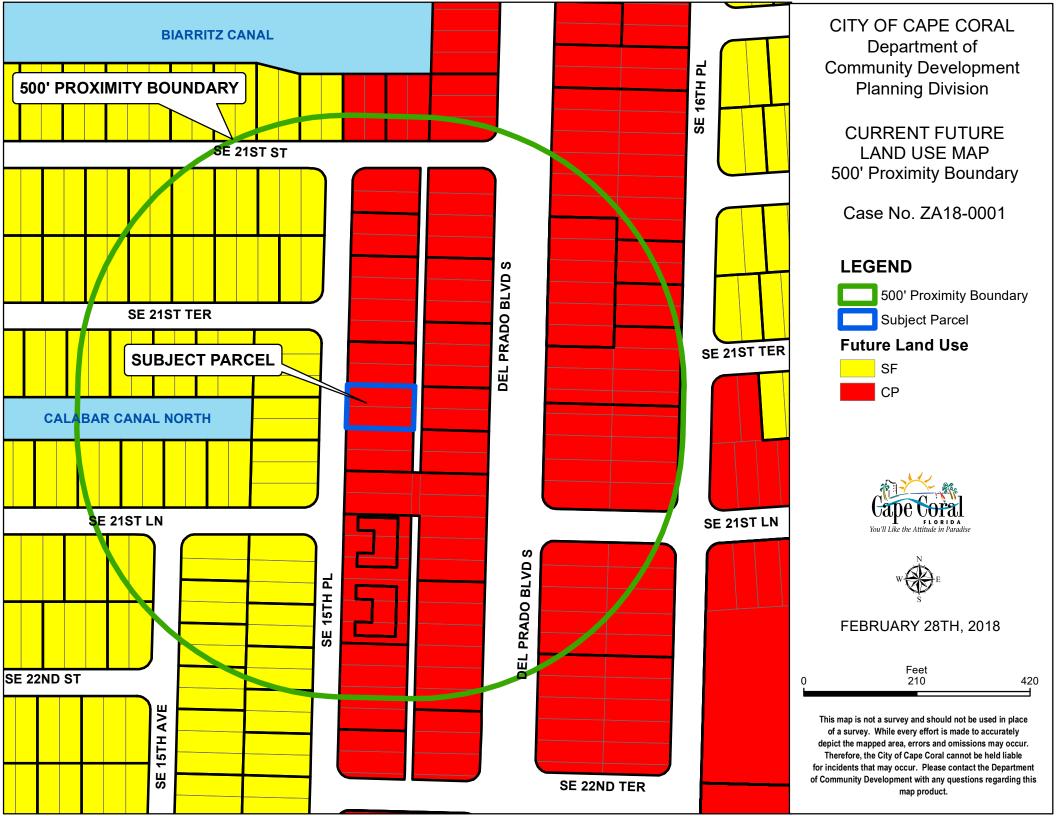


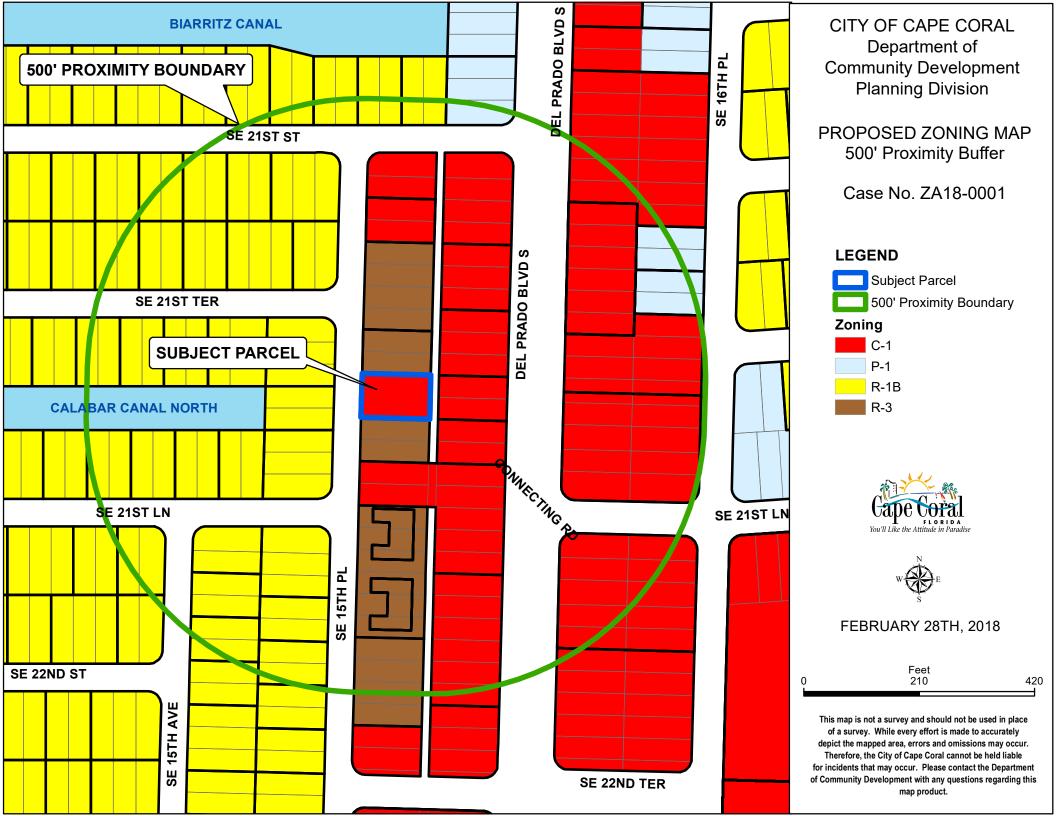
Exp. Date 12/6/20 Commission #66030474

Signature of Notary Public Elisabeth A. Delgado Print Name of Notary Public









#### OFFICE OF THE HEARING EXAMINER, CITY OF CAPE CORAL HEARING EXAMINER RECOMMENDATION

#### ZA HEX Recommendation 4-2018 Rendered July 30, 2018

#### DCD Case # ZA18-0001

APPLICATION FOR: Privately initiated rezoning from Multi-Family Residential (R-3) to Pedestrian Commercial (C-1) zoning for a site comprised of 0.23 acres

NAME OF OWNER: Lazaro Flores

APPLICANT'S REPRESENTATIVE: Steven L. Darby, P.E., DEI Civil Engineers and Planners

PROPERTY ADDRESS: 2121 SE 15<sup>th</sup> Place, Cape Coral, Florida Block 665, Lots 11 + 12 STRAP: 30-44-24-C3-00665.0110

FUTURE LAND USE CATEGORY: Commercial Professional (CP)

**CURRENT ZONING:** Multi-Family Residential (R-3)

**PROPOSED ZONING**: Pedestrian Commercial (C-1)

URBAN SERVICES: Infill

HEARING DATE: July 10, 2018

#### I. SUMMARY OF REQUEST

Applicant requests a privately initiated rezoning from Multi-Family Residential (R-3) to Pedestrian Commercial (C-1) for a parcel which is 0.23 acres in size

#### II. SUMMARY OF HEARING EXAMINER RECOMMENDATION

The Hearing Examiner recommends that the City Council:

- A. Find that **Applicant has not met his burden of proof** as to compliance with the Comprehensive Plan, the LUDRs, the Code of Ordinances, and all other relevant statutes; and therefore
- B. **Deny** this application for rezoning.

#### III. NOTICE OF HEARING

Based on the testimony of City Staff Justin Heller at the Hearing, the Hearing Examiner finds that proper notice of this hearing was provided, in accordance with the requirements of Article VIII, Section 8.3, Public Hearings, of the City of Cape Coral Land Use and Development Regulations ("LUDRs").

#### IV. PARTICIPANTS IN HEARING

CITY STAFF: Justin Heller

CITY CLERK'S OFFICE: Patricia Sorrels

APPLICANT'S REPRESENTATIVE: Steven L. Darby, P.E.

TESTIMONY BY PUBLIC: Tom Slaughter<sup>1</sup>; Harvey and Tracie Yohe<sup>2</sup>

APPLICANT'S/CITY STAFF'S EXHIBITS: previously submitted

PUBLIC SUBMITTAL: Tom Slaughter presented a PowerPoint analysis during Public Comment.<sup>3</sup>

#### V. <u>REVIEW OF STATUTORY AND LUDR REQUIREMENTS</u>

<u>Authority.</u> Section 163.3194, F.S. and LUDR §9.2.3b.9 require the Hearing Examiner to review and make a recommendation to City Council about consistency of a rezoning application to the City's adopted Comprehensive Plan and whether the requested rezoning should be granted.

<u>Standard of Review of Evidence; Hearsay Evidence.</u> The Hearing Examiner's recommendation is based on whether the application meets all applicable requirements of the Comprehensive Plan, the City Code of Ordinances, and the LUDRs, upon review of the entirety of the record.

Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but it shall not be sufficient by itself to support a finding unless it would be admissible over objection in court. In rendering this recommendation, the Hearing Examiner must consider all competent substantial evidence in the record, as defined in LUDR § 8.3.1.C.3.b.<sup>4</sup>

<sup>&</sup>lt;sup>1</sup> Mr. Slaughter was accepted by the Hearing Examiner as an expert witness upon his testimony as to his credentials during the Public Comment portion of the Hearing. He represented Harvey Yohe and Tracy Yohe, who also testified.

<sup>&</sup>lt;sup>2</sup> Harvey and Tracy Yohe stated that they reside near the subject site, i.e., at 2128 SE 15<sup>th</sup> Place.

<sup>&</sup>lt;sup>3</sup> This PowerPoint presentation is available through the City Clerk.

<sup>&</sup>lt;sup>4</sup> "Competent Substantial Evidence shall mean testimony, documentary, or other evidence based on personal observation and which will establish a substantial basis from which a fact at issue can reasonably be inferred. It includes fact or Page 2 of 12

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LUDR § 8.3.1.C.6.b provides that the Hearing Examiner may exclude evidence or testimony that is not relevant or material.<sup>5</sup>

<u>Rezoning Standards.</u> In reviewing the rezoning application for consistency with the Comprehensive Plan of the City of Cape Coral, the Hearing Examiner must make recommendations in accordance with the general standards set forth in LUDR § 8.7.3B.1-10.

#### VI. TESTIMONY AT HEARING

<u>Applicant's Representative and Staff Testimony.</u> Applicant's Representative and staff both testified in this Hearing.

<u>Site Visit</u> The Hearing Examiner conducted a site visit of the subject property prior to the Hearing.

<u>Public Testimony.</u> Tom Slaughter, Harvey Yohe and Tracie Yohe testified. Mr. Slaughter's PowerPoint was admitted into evidence.

<u>Hearing Examiner's Recommended Findings of Fact.</u> All documentary and oral testimony referenced below is accepted by the Hearing Examiner as recommended findings of fact, except as specifically noted otherwise. The Hearing Examiner recommends that the City Council accept such testimony as findings of fact to substantiate its decision hereunder.

#### VII. DISCUSSION

#### Site and Surrounding Area.

Staff testified that the site is located in southeast Cape Coral with frontage on SE 15<sup>th</sup> Place to the west and an existing alley to the east, with Del Prado Boulevard being approximately 150 feet to the east.

The Applicant's Representative testified that the Applicant owns the commercial property to the east, across the alley from to the subject property.

Staff further testified that, within the subject block, all but three of the parcels are improved.

Multi-family uses are developed to the north and south of the site.

Single family homes are developed to the west.

opinion evidence offered by an expert on a matter that requires specialized knowledge and that is relevant to the issue to be decided. Competent Substantial Evidence is evidence a reasonable mind could accept as having probative weight and adequate to support a legal conclusion." LUDR § 8.3.1.C.3.b

<sup>&</sup>lt;sup>5</sup> "Material Evidence shall mean evidence that bears a logical relationship to one or more issues raised by the application or the laws and regulations pertaining to the matter requested by the application." LUDR § 8.3.1.C.3.e

Across the alley to the east is a commercial strip center.

Accordingly, the subject property is surrounded on three sides by residential properties.

The specific future land use and zoning data are set forth below and are from the Staff Report:

Subject Property:	Future Land Use	Zoning
Current:	Commercial Professional (CP)	Multi-Family (R-3)
Proposed:	N/A	Pedestrian Commercial (C-1)
	Surrounding Future Land Use	Surrounding Zoning
North:	CP	R-3
South:	CP	R-3
East:	СР	C-1
West:	Single-Family (SF)	Single-Family (R-1B)

#### Purpose of the Rezoning Request.

Staff testified that the Applicant is seeking this zoning amendment to bring the zoning classification of the subject site into consistency with its Future Land Use Designation. Applicant is seeking a development permit for the site, which the City cannot issue unless this inconsistency is resolved.

#### Consideration of General Standards Set Forth in LUDR § 8.7.3B.1-10

1. <u>The extent to which the value of the property is diminished by the</u> proposed land use restriction or zoning of the property.

Applicant's Representative testified that the proposed rezoning should not decrease the value of the land, for two reasons.

First, he testified that the <u>status</u> of the property being vacant leads to the conclusion that the value of the property would not be diminished by the rezoning. The Hearing Examiner recommends that Council does not accept this testimony as a finding of fact, since the mere status of a property being vacant does not address whether the value of the property is, or is not, diminished by the proposed rezoning.

Applicant's Representative's second reason was that, under the current Future Land Use designation, the property cannot be developed due to the inconsistency outlined above. Staff testified to the same reason. The Hearing Examiner recommends that the Council accepts this testimony as a finding of fact which could lead to a conclusion that the value of the property would not be diminished by the proposed rezoning. In addition, staff testified that the value of the subject property would increase as a result of the addition of 73 prospective permitted uses under C-1 (versus 13 permitted uses in the existing zoning classification) and the concomitant development flexibility.

Based upon the testimony set forth above, the Hearing Examiner recommends that City Council find that the value of the subject property **would not be diminished** by the rezoning. This standard is **met.** 

### 2. <u>The extent to which the removal of a proposed land use restriction or change in zoning depreciates the value of other property in the area.</u>

The Applicant's Representative testified that the proposed rezone should not diminish the value of surrounding properties in Block 665 since all sites have a Commercial/Profession Future Land Use Classification and sites to the west which have a Single-Family Future Land Use Classification are separated from the site by SE 15<sup>th</sup> Place. However, this testimony does not address whether the value of other property in the area, under their current legal non-conforming use, would be depreciated by the proposed rezoning. The Hearing Examiner recommends a finding that this testimony is not material to the determination.

The Applicant's Representative further testified that the value of other property in the area should not be diminished, since commercial uses in the area have been operating for decades. However, this testimony also does not address the impact on multi-family residential and single family residential uses which surround the property on three sides and therefore should be deemed non-material.

He further testified that the Applicant's present intent for the property, were the rezoning to be granted, is to use the property for parking, which he stated was a passive commercial use.

A rezoning decision may not restrict the rezoned property to a specific use within a zoning district. Rather, the rezoning allows development for all uses allowed as of right in that district. <sup>6</sup> Accordingly, the testimony by the Applicant's Representative regarding Applicant's intended use of the property cannot be accepted by the Hearing Examiner as competent, substantial and material evidence (as defined in footnotes 4 and 5 above) in her consideration herein.

Harvey Yohe, neighbor, spoke in opposition to this rezoning, stating that the value of his single-family residence across the street would be diminished were the C-1 zoning to be approved. Tracie Yohe, neighbor, spoke in opposition to the rezoning, stating that she would have to put her home up for sale immediately were the rezoning to go forward, as the

<sup>&</sup>lt;sup>6</sup> And, upon proper showing, special exception uses as well.

resale value of her home across the street from a C-1 zoned property would plummet once the property is developed. In addition, she testified that there are three (3) bus stops in close proximity to this site, for use by the families and others in the area and that having a commercial use would pose a safety hazard to children in the area.

Tom Slaughter, representing the Yohes in opposition to the rezoning, testified that, in his expert opinion, if the property were to be rezoned to C-1, it could be developed with a higher intensity use as of right and that this would significantly depreciate the value of the single family properties in the immediate area.

In addition, Mr. Slaughter presented expert testimony that the value of the neighboring residential properties would be diminished due to the reduction in the positive view corridor looking from the residence across the street to a commercial use.

The Hearing Examiner recommends that the Council find the testimony of Harvey and Tracie Yohe and Tom Slaughter to be competent, substantial and material evidence in reviewing this standard.

Since it is Applicant's burden to prove that the Application meets every standard herein, it is recommended that Council find that Applicant has not met this burden. Conversely, the public speakers in opposition presented testimony that is recommended to meet all three of these evidentiary requirements.

The Hearing Examiner recommends that the Applicant has not met his burden of proving that the proposed rezoning does not depreciate the value of the multi-family and single family residential properties in the area.

Accordingly, the Hearing Examiner recommends a finding that Applicant **has not met** this standard.

3. <u>The suitability of the property for the zoning purpose or land use</u> restriction imposed on the property as zoned.

The Applicant's Representative testified that the property cannot be developed as currently zoned. The prior change in the property's Future Land Use Designation caused the current zoning district to be inconsistent with this designation.

Based on the above testimony, the Hearing Examiner recommends that City Council find that the property **is not suitable** for the current zoning district and therefore this standard is **met**.

### ZA HEX RECOMMENDATION 4-2018 July 30, 2018

#### 4. <u>The character of the neighborhood, existing uses, zoning of nearby and</u> <u>surrounding properties, and compatibility of the proposed land use</u> <u>restriction or zoning.</u>

The Applicant's Representative and Staff testified that immediately adjacent to the subject site are residential uses, including duplexes to the north and south and single-family homes to the west, while there are commercial uses nearby.

It appears from this testimony that the character of the neighborhood is still primarily residential. The existing uses and zoning of nearby and surrounding properties are addressed in the standards above and elsewhere, with that testimony and the Hearing Examiner's proposed findings and recommendations incorporated into this standard.

Staff testified that he had concerns about residential uses nearby to the proposed commercial rezoning but stated that architectural standards and landscaping buffers would assist in promoting development harmonious to such residential uses.

Given the breadth of commercial uses possible following the rezoning and the smallness of the site, the Hearing Examiner has a concern about whether these buffers and architectural standards could properly address commercial intrusion into a residential area.

Mr. Slaughter, representing the neighbors in opposition to this rezoning, pointed out that, *inter alia*, the hours of operation of commercial uses could increase the evening and early morning disturbance of adjacent residential uses. Tracie Yohe testified that light intrusion and commercial traffic would be incompatible with the residential character of the neighborhood.

Mr. Slaughter and Mr. Yohe raised the question as to whether the proposed rezoning constitutes spot zoning. The Hearing Examiner recommends a finding that, as the proposed rezoning to C-1 is adjacent to another C-1 use, this proposed rezoning would not constitute spot zoning.

Another consideration, however, is whether the proposed rezoning constitutes an **incompatible commercial intrusion** into the R-1B zoning district with single-family residences developed across the street as well as R-3 zoning with developed multi-family residences adjacent to the subject properties.

The City's Comprehensive Plan addresses commercial intrusion as part of Objective 1, Policy 1.14 of the Future Land Use Element as follows:

*"Intrusion," as defined for the purpose of these guidelines, is a measure of the objectionable qualities of the proposed commercial development. This guideline applies primarily to new commercial property (a* 

property proposed for conversion to a commercial future land use in an area where it would not abut existing commercial properties). Intrusion evaluates the potential adverse impacts on surrounding properties that could be caused by converting a property from its existing future land use to a commercial use. There are no hard and fast guidelines for determining when a proposed commercial use would be intrusive to surrounding development. However, expansions of existing commercial areas are generally considered less intrusive than the establishment of new commercial areas. Commercial areas may be considered less intrusive to adjacent multi-family development than to adjacent single family development. Commercial development that is separated from a residential area by a street, canal. a vegetative buffer, or other geographic features, may be considered less intrusive than commercial development that directly abuts a residential area. The degree of compactness... of a commercial property can also reduce or increase its intrusion upon adjacent or nearby properties.

Typically, new commercial properties (properties proposed for conversion to a commercial future land use classification, which do not abut existing commercial properties) are less likely to be considered intrusive if the surrounding or adjacent residential areas are sparsely developed. While intrusion is subjective and depends on many factors, a rule of thumb is that the proposed commercial property would not likely be intrusive if adjacent residential areas are 25% or less developed. The area analyzed to determine the percentage of adjacent residential development may vary from 300 feet to 1,000 feet from the subject property, depending upon the degree to which streets, canals, landscaping or other geographic features separate the subject property from nearby residential areas." Emphasis added.

No evidence was presented regarding the 25% "rule of thumb" or whether the percentage of adjacent residential development to be considered should be 300 feet, 1,000 feet or somewhere in between.

For the reasons set forth above and elsewhere in this Recommendation, the Hearing Examiner recommends that City Council find that the Applicant **has not met its burden of proof** under this standard.

As the Applicant has the burden of proof in showing this standard is met, the Hearing Examiner recommends a conclusion that the proposed rezoning **is not compatible** with the character of the neighborhood, existing uses, and zoning of nearby and surrounding properties.

Accordingly, the Hearing Examiner recommends a finding that Applicant **has not met** this standard.

#### 5. <u>The relative gain to the community as compared to the hardship, if any</u> <u>imposed, by the proposed land use restrictions or from rezoning said</u> <u>property.</u>

The Applicant's Representative testified that the site is small, but nevertheless the rezone would benefit the community by allowing commercial development at a neighborhood scale through job creation, and by increasing the commercial tax base of the City. However, no evidence was presented as to how jobs would be created through this rezoning, how and why commercial development at the neighborhood scale would be a gain to the community, or what the increase in commercial tax base would be.

In addition, no analysis of hardship, if any, imposed by the proposed rezoning was presented. Applicant's Representative's testified that this standard was neutral. Therefore, the Hearing Examiner was unable to perform an analysis of the gain relative to the hardship as required.

For the reasons set forth in this Recommendation, the Hearing Examiner recommends that City Council find that the Applicant **has not met its burden of proof** under this standard.

Accordingly, the Hearing Examiner recommends a finding that Applicant **has not met** this standard.

6. <u>Community need for the use proposed by the zoning or land use</u> <u>restriction.</u>

The Applicant's Representative and Staff testified that, as set forth in the Future Land Use Element of the City of Cape Coral Comprehensive Plan, the City has identified a need for increasing commercial land within Cape Coral. However, staff further testified that the proposed rezoning would only assist in a small way in correcting this imbalance.

The Applicant's Representative testified that customers and employees of the commercial property on Del Prado Boulevard would benefit, in that they would not need to circle the block to get parking. However, there was no evidence offered regarding the needs of the community, other than the needs of the commercial store.

The Hearing Examiner recommends that City Council find that the Applicant has not met its burden of proof under this standard.

Accordingly, the Hearing Examiner recommends a finding that Applicant **has not met** this standard.

7. <u>Length of time the property proposed to be rezoned has been vacant, as</u> <u>zoned, when considered in the context of the City of Cape Coral</u> <u>Comprehensive Land Use Plan for the development of the proposed</u> <u>property and surrounding property.</u>

Applicant's Representative and Staff testified that the site has had R-3 zoning since the City Comprehensive Plan was adopted. It is vacant.

8. <u>The extent to which the proposed land use restriction or zoning promotes</u> <u>the health, safety, morals, or general welfare of this community.</u>

The Applicant's Representative testified that, due to the existence of other commercial properties in the general area, community health, safety, and general welfare would not be affected.

He further testified that, the proposed C-1 zoning would be consistent with the Comprehensive Land Use Plan and the change would therefore contribute to the general welfare of the community.

The Hearing Examiner recommends a finding that this testimony does not address the health, safety, morals or general welfare of the community as a whole and it is therefore not material evidence.

Tracie Yohe, neighbor testified that rezoning to C-1 would create a safety hazard for the children in the neighborhood. Her testimony directly applies to this standard.

Since the only material testimony relevant to this standard concerned allegations of unsafe conditions were the property to be rezoned, the Hearing Examiner recommends that City Council find that the Applicant has not met its burden of proof hereunder.

Accordingly, the Hearing Examiner recommends a finding that Applicant **has not met** this standard.

9. <u>The extent to which the proposed land use, land use restriction, or zoning</u> will impact the level of service standards for public facilities as specified in the Comprehensive Plan

Staff and the Applicant's Representative testified that impacts on infrastructure for rezoning of this site would be negligible, as the property has current centralized availability of water, sewer and irrigation, roads and other services.

The Hearing Examiner recommends that City Council find the proposed rezoning would have **no discernible impact** on level of service standards for public facilities hereunder.

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The Hearing Examiner recommends a finding that this standard is met.

10. <u>Whether the proposed land use restriction, removal of a restriction, or</u> zoning is consistent with the City of Cape Coral Comprehensive Land Use <u>Plan.</u>

The Applicant's Representative testified that the City's Comprehensive Plan favors consistency of zoning classifications with the Future Land Use designation for property. The current R-3 zoning of the site is inconsistent with the Commercial/ Professional Future Land Use Classification. This rezoning application, if approved, would provide consistency between the future land use classification and the new C-1 District.

However, Applicant's Representative failed to present testimony regarding the consistency of this Application with Objective 1, Policy 1.14 of the Future Land Use Element of the Comprehensive Plan regarding commercial intrusion into a residential neighborhood.<sup>7</sup> This Comprehensive Plan policy is directly relevant to consideration of this Application and, absent proffer of findings of fact relevant to this Policy, the Hearing Examiner cannot recommend a finding that this Application is consistent with all of the goals and Objectives of the Comprehensive Plan.

It is Applicant's burden of evidence to show such consistency. It is recommended that Council find Applicant has not met his burden hereunder.

Accordingly, the Hearing Examiner recommends a finding that this standard **is not met.** 

#### VIII. <u>SUMMARY</u>

The Land Use and Development Regulations require the Applicant to present a complete case. Pursuant to LUDR § 8.3.1C.5.e.4(k), all recommendations by the Hearing Examiner must be based upon competent substantial evidence in the record.

As set forth above, the LUDRs define that standard as "evidence which will establish a substantial basis from which a fact at issue can reasonably be inferred." Further, the evidence must be material, i.e., must bear a logical relationship to the Application issue under discussion.

The Hearing Examiner has recommended specific findings that Applicant has failed to present competent, substantial, and material evidence as to the Application's compliance with the requirements of Standards 2,4,5,6,8, and 10.

<sup>&</sup>lt;sup>7</sup> See discussion under Standard 4, pp. 7-8 above.

While speakers at public comment raised issues of spot zoning, the Hearing Examiner is recommending that Council determine that this is not spot zoning.

However, those same speakers have presented testimony alleging inappropriate commercial intrusion into a legal single family home residential zoning district (R-1B) and a legal non-conforming multi-residential zoning district (R-3). It is the Hearing Examiner's Recommendation that the Council review those concerns in depth, as it is her opinion that Applicant has failed to present competent, substantial and material evidence on that matter.

The Hearing Examiner is not taking a position as to whether Applicant is able (or not able) to provide such evidence to the City Council, as she is not permitted to speculate or consider evidence outside of the record as presented at the Hearing.

Based upon the lack of evidence in the record before the Hearing Examiner, she recommends **denial** of the Application.

#### IX. <u>RECOMMENDATIONS</u>

Based upon the testimony and documentary exhibits presented during the Hearing, the Hearing Examiner recommends that:

- 1. The City Council find that Applicant **has not met** his burden of proof as to Standards 2, 4,5,6, 8 and 10 above; and
- 2. Absent the Applicant's presenting additional evidence at the Council hearing sufficient to meet its burden of proof, the City Council find the requested rezoning is **not consistent** with the requirements of the Comprehensive Plan and the Land Use Development Regulations of the City of Cape Coral, the Code of Ordinances, and other applicable laws of the State of Florida, and therefore **deny** the requested rezoning.

This Recommendation is effective on the date specified below.

#### HEARING EXAMINER OF THE CITY OF CAPE CORAL, FLORIDA

ANNE DALTON, ESQUIRE

a Van Dentoti

DATE

Page 12 of 12

#### **Planning Division Case Report**

Review Date:	June 1, 2018
Property Owner:	Lazaro Flores
Representative:	Steven L. Darby
Request:	Rezone a 0.23-acre parcel from Multi-Family (R-3) to the Pedestrian Commercial (C-1) District
Location:	2121 SE 15 <sup>th</sup> Place. Block 665, Lots 11 + 12 STRAP: 30-44-24-C3-00665.0110
Prepared By:	Justin Heller, Planner
Reviewed By:	Mike Struve, Planning Team Coordinator; Robert Pederson, Planning Manager
Recommendation:	Approval

**Description of Property:** The site is 0.23 acres and is in SE Cape Coral with frontage on SE 15<sup>th</sup> Place to the west and an existing alley to the east. Del Prado Boulevard is about 150 feet to the east. City utilities are available to the site.

The site has a Commercial Professional (CP) Future Land Use Classification and Multi-Family (R-3) Zoning (Figure 1). The surrounding future land use and zoning classifications are listed below:

 Table 1. Future Land Use and Zoning of the Site and Adjacent Lands.

Subject Property:	Future Land Use	Zoning	
Current:	Commercial Professional (CP)	Multi-Family (R-3)	
Proposed:	N/A	Pedestrian Commercial (C-1)	
	Surrounding Future Land Use	Surrounding Zoning	
North:	СР	R-3	
South:	СР	R-3	
East:	СР	C-1	
West:	Single-Family (SF)	Single-Family (R-1B)	



#### Figure 1: Zoning map showing the site outlined in blue.

Within the subject block all but three of the parcels are improved. The block is developed primarily with commercial uses along Del Prado Boulevard and multi-family uses along SE 15<sup>th</sup> Place. Single-family homes are to the west of SE 15<sup>th</sup> Place (Figure 2).

#### **Purpose of the Rezone Request**

Based on the Future Land Use Element (Policy 1.15.) of the Comprehensive Plan, the R-3 Zoning is not consistent with the CP Future Land Use Classification. As a result, a development permit for the site cannot be issued by the City until this inconsistency is resolved.

#### Figure 2. Aerial map showing the site outlined in blue.



#### Analysis:

The Planning Division has reviewed this application based on the ten General Standards provided in Section 8.7.3.B of the Land Use and Development Regulations (LUDRs).

1. The extent to which the value of the property is diminished by the proposed zoning of the property:

The requested rezone should increase the value of the property. The C-1 District allows 73 permitted uses and 19 special exception uses, while the R-3 District allows 13 permitted uses and 20 special exception uses. The greater number of uses allows a wider range of development options for the owner of the site.

2. The extent to which the removal of a proposed change in zoning depreciates the value of other property in the area:

The proposed rezone should not diminish the value of surrounding properties in Block 665 since all sites have a Commercial/Profession Future Land Use Classification. Sites to the west with a Single-Family Future Land Use Classification are separated from the site by SE 15<sup>th</sup> Pl.

3. The suitability of the property for the zoning purpose:

The current R-3 Zoning is inconsistent with the CP Future Land Use Classification (FLU). The rezoning will bring the site into consistency with the future land use classification, and will allow the City to issue development permits for construction.

This site is adjacent to properties with C-1 Zoning. While the site is small for most commercial development, it can be combined with adjacent properties for a larger building site. Several businesses on Del Prado including Pool Doctor, Bill Smith Appliance, and KFC have already done this to create additional areas for parking. The owner also owns the site to the east which could be combined with this site for a larger buildable parcel.

Given the future land use classification of the site, the surrounding future land use and rezoning patterns in Block 665, staff finds that the site is suitable for the requested C-1 zoning.

4. The character of the neighborhood, existing uses, zoning of nearby and surrounding properties, and compatibility of the proposed zoning:

The block is transitioning to commercial uses. The subject block has a CP Future Land Use and is comprised mostly of commercial buildings with some multi-family housing and several vacant lots. To the west are single-family homes and to the east is Del Prado Boulevard and additional commercial and office buildings.

Immediately adjacent to the subject site are residential uses, including duplexes to the north and south and single-family homes to the west. Architectural standards for buildings and landscape buffers for C-1 zoned sites will assist in promoting a development that is harmonious with the existing residential development in the area.

5. The relative gain to the community as compared to the hardship, if any imposed, from rezoning said property:

While the site is small, the rezone will benefit the community by allowing commercial development at the neighborhood scale, through job creation, and by increasing the commercial tax base of the City.

6. The community need for the use proposed by the zoning:

As noted in the Future Land Use Element of the City of Cape Coral Comprehensive Plan, the City has identified a need for increasing commercial land within Cape Coral. The proposed rezoning will assist in a small way in addressing the City's imbalance of commercial development.

7. Length of time the property proposed to be rezoned has been vacant, as zoned, when considered in the context of the City of Cape Coral Comprehensive Land Use Plan for the development of the proposed property and surrounding property:

The site has had R-3 zoning since the City Comprehensive Plan was adopted.

8. The extent to which the proposed zoning promotes the health, safety, morals, or general welfare of this community:

Because the proposed zoning is consistent with the Comprehensive Plan, the change will assist with the community's long-term vision of adding commercial land at an appropriate location. The proposed rezoning will not negatively affect the health, safety or welfare of the community because other properties with commercial zoning exist within the general proximity of the site.

9. The extent to which the proposed zoning will impact the level of service standards for public facilities as specified in the Comprehensive Plan:

The level of service standards for utilities, roads, and public services are anticipated to be unaffected by this rezone. Centralized water, sewer, and irrigation services are available to the site.

10. Whether the proposed zoning is consistent with the City of Cape Coral's Comprehensive Land Use Plan:

The current R-3 zoning of the site is inconsistent with the Commercial/Professional Future Land Use Classification. This rezoning application, if approved, will provide consistency

between the future land use classification and the new C-1 District. While the site itself is small, the recommended C-1 zoning will maintain consistency with other commercial-zoned sites in Block 665 that includes a site to the immediate east that is also owned by the applicant in this case.

#### **Recommendation:**

This rezoning request will result in consistency of the zoning of the subject property with the future land use classification of the property, and as a result, staff recommends **approval** of this rezone.

#### Staff Contact Information Justin Heller, Planner Planning Division PH: 239-574-0587 Email: jheller@capecoral.net

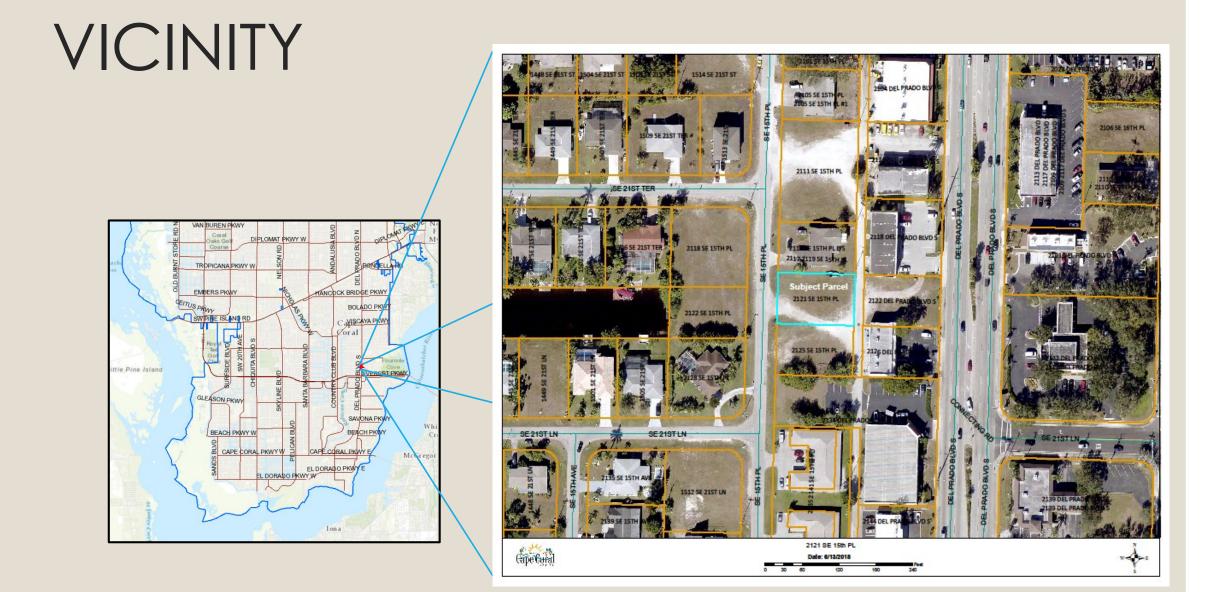
### **ORDINANCE 61-18 CASE # ZA18-0001**

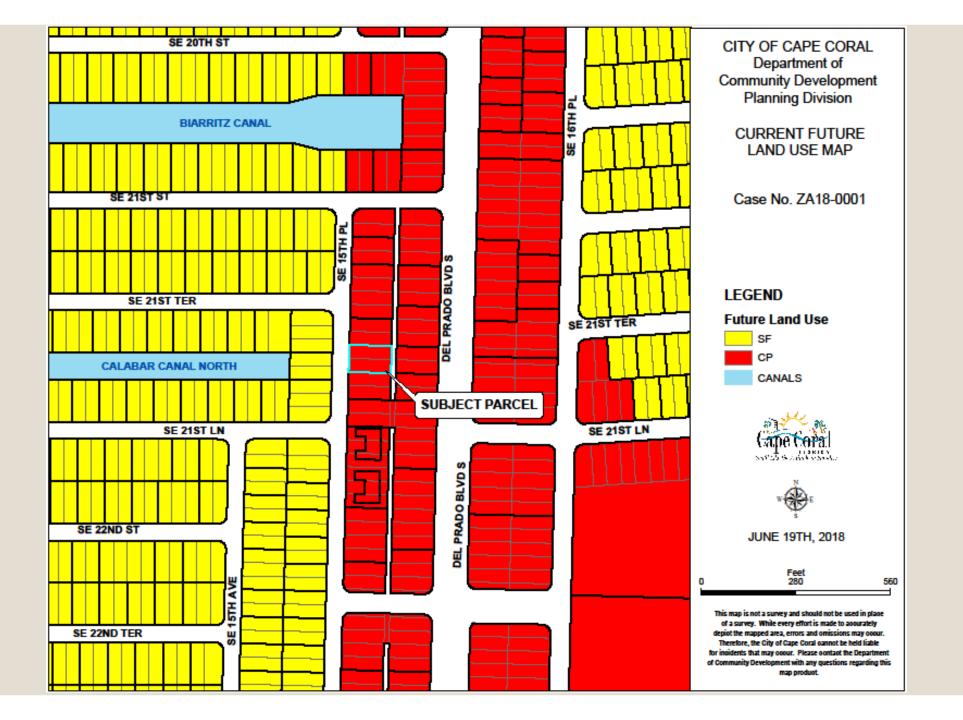
Cape Coral City Council December 3, 2018

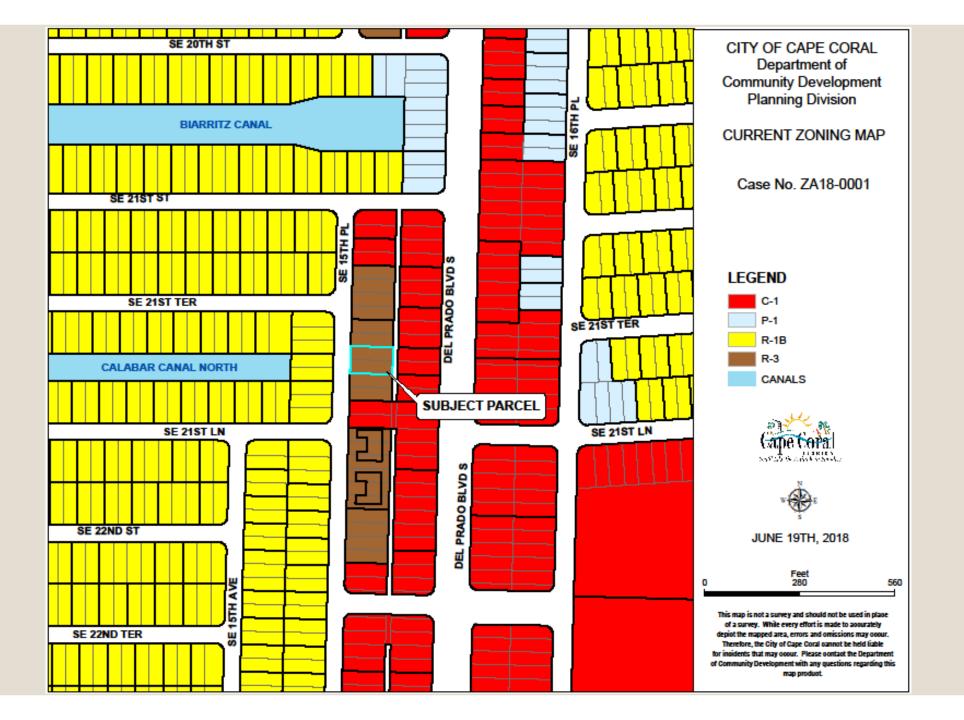
# ZA18-0001

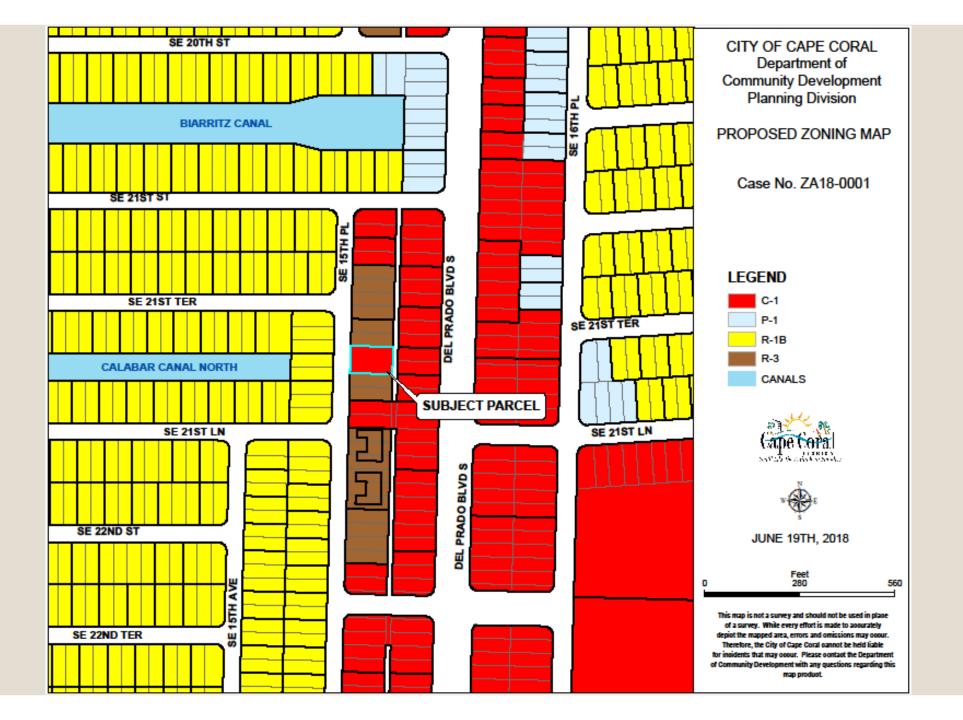
- Owner: Lazaro Flores
- Representative: Andres Boral
- Location: 2121 SE 15th Place
- Urban Services: Infill

•Request: Rezone 0.23 acre parcel from Multi-Family (R-3) to Pedestrian Commercial (C-1)









## Findings of Fact

- Site is 0.23 acres Frontage on SE 15<sup>th</sup> Place
  The site has had R-3 zoning since the City Comprehensive Plan was adopted
- Rezone is sought to make zoning compatible with the FLU
- Property cannot be developed with the inconsistent zoning and future land use

# Analysis - Comp Plan

- Future Land Use Element, Policy 1.15.C
- The current R-3 Zoning is NOT consistent with the CP Future Land Use Classification
- This rezone if approved, will provide consistency between the FLU and the C-1 Zoning

## Analysis - LUDR, Section 8.7

- •Site adjacent to other properties with C-1 Zoning
- Adjacent property to the east on Del Prado also owned by applicant
- Buffers required to north and south when site is developed
- •Staff finds the ten criteria for a rezoning have been met, as outlined in the staff report.

### Recommendation

- Staff recommends approval of the rezone.
- A hearing was held on July 10th. Hearing Examiner recommends denial of the rezone.
- Hearing Examiner felt the applicant did not provide sufficient evidence to support 6 of the 10 standards.

### **Public Input**

 Testimony in opposition presented at HEX hearing by Mr. Slaughter representing the Yohe family and neighbors.

Correspondence

Item B.(3) Number: B.(3) Meeting 11/5/2018 Date: 11/5/2018 Item ORDINANCES/RESOLUTIONS -Type: Introductions





#### TITLE:

Ordinance 74-18 Set Public Hearing Date for November 19, 2018

#### **REQUESTED ACTION:**

Approve or Deny

#### STRATEGIC PLAN INFO:

1. Will this action result in a Budget Amendment? Yes

2. Is this a Strategic Decision?

If Yes, Priority Goals Supported are listed below. If No, will it harm the intent or success of the Strategic Plan?

#### PLANNING & ZONING/HEARING EXAMINER/STAFF RECOMMENDATIONS:

#### SUMMARY EXPLANATION AND BACKGROUND:

An ordinance amending City of Cape Coral Ordinance 54-17, as amended by Ordinance 29-18, which adopted the City of Cape Coral Operating Budget, Revenues and Expenditures, and Capital Budget for Fiscal Year 2018, by increasing the total Revenues and Expenditures by a total of \$19,106,531.

#### LEGAL REVIEW:

Dolores D. Menendez

#### EXHIBITS:

Ordinance 74-18 Staff Presentation Summary of FY2018 Budget Amendment #2 General Fund Balance

#### **PREPARED BY:**

Division- Department-City Attorney

#### SOURCE OF ADDITIONAL INFORMATION:

#### Victoria Bateman, Finance Director

#### ATTACHMENTS:

#### Description

- D Ordinance 74-18
- Staff Presentation
- Summary of FY2018 Budget Amendment #2
- General Fund Balance

Туре

Ordinance Backup Material Backup Material Backup Material

#### ORDINANCE 74 - 18

AN ORDINANCE AMENDING CITY OF CAPE CORAL ORDINANCE 54-17, AS AMENDED BY ORDINANCE 29-18, WHICH ADOPTED THE CITY OF CAPE CORAL OPERATING BUDGET, REVENUES AND EXPENDITURES, AND CAPITAL BUDGET FOR FISCAL YEAR 2018, BY INCREASING THE TOTAL REVENUES AND EXPENDITURES BY A TOTAL OF \$19,106,531, AS DETAILED IN EXHIBIT "B," ATTACHED HERETO; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Cape Coral, pursuant to Section 200.065, Florida Statutes, adopted its Operating Budget, Revenues and Expenditures, and Capital Budget for Fiscal Year 2018 by approving Ordinance 54-17 on October 2, 2017; and

WHEREAS, the City of Cape Coral, pursuant to Section 166.241(3), Florida Statutes, amended its Operating Budget, Revenues and Expenditures, and Capital Budget for the Fiscal Year 2018 by approving Ordinance 29-18 on April 16, 2018, said amended budget being as set forth in Exhibit "A," which is attached hereto and incorporated herein by reference; and

WHEREAS, the City Council desires to amend its Operating Budget, Revenues and Expenditures, and Capital Budget for the Fiscal Year 2018 as authorized by Section 166.241(3), Florida Statutes.

NOW, THEREFORE, THE CITY OF CAPE CORAL, FLORIDA, HEREBY ORDAINS THIS ORDINANCE AS FOLLOWS:

SECTION 1. City of Cape Coral Ordinance 54-17, as amended by Ordinance 29-18, which adopted the City of Cape Coral Operating Budget, Revenues and Expenditures, and Capital Budget for the Fiscal Year 2018, is hereby amended as detailed in Exhibit "B," which is attached hereto and incorporated herein by reference.

SECTION 2. Severability. In the event that any portion or Section of this ordinance is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or Sections of this ordinance which shall remain in full force and effect.

SECTION 3. Effective Date. This ordinance shall become effective immediately after its adoption by the Cape Coral City Council.

ADOPTED BY THE COUNCIL OF THE CITY OF CAPE CORAL AT ITS SPECIAL SESSION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

JOE COVIELLO, MAYOR

VOTE OF MAYOR AND COUNCILMEMBERS:

COVIELLO GUNTER CARIOSCIA STOUT

 	 _	
 	 	_

NELSON	
STOKES	1
WILLIAMS	
COSDEN	

ATTESTED TO AND FILED IN MY OFFICE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2018.

KIMBERLY BRUNS INTERIM CITY CLERK

APPROVED AS TO FORM:

Dolores D. Menendez

CITY ATTORNEY Ord/Budget Amendment #2 FY2018

ATTACHMENT A TO ORDINANCE 74-18	AMENDMENT BUDGET #1 ORD 29-18	BA #2 INCREASE	REF #1	BA #2 (DECREASE) REF #2	AMENDMENT BUDGET #2 ORD 74-18
GENERAL FUND					
<u>SOURCES</u> Balances Brought Forward Revenues:	\$ 50,510,657				\$ 50,510,657
Ad Valorem Taxes Sales & Use Taxes Licenses, Permits, Franchise, Impact Fees & Special Assessments	86,698,873 13,388,264 30,705,074				86,698,873 13,388,264 30,705,074
Charges for Service	1,540,242	530,650	B4		2,079,892
Internal Service Charges	5,851,677	9,000	B26a		5,851,677
Intergovernmental	24,164,887	176,250 15,562 15,615	J8 J10 J12		24,375,714
Fines & Forfeitures Miscellaneous	663,514 1,253,641	3,400	112		663,514 1,255,891
	.,,	250 200 500 300	B18 B19 B20 B21		1,200,000
Interfund Transfers	5,550,857	1,000 82,150 258,510	B22 J8 B26c		5,891,517
Debt Proceeds	-				-
Total General Fund Sources	\$ 220,327,686	\$ 1,093,387	-	\$ -	\$ 221,421,073
USES City Council City Attorney	\$ 819,900 1,664,016	\$ 250	B18		\$         820,150 1,664,016
City Auditor City Clerk City Manager DCD	816,701 1,629,854 2,632,485 5,068,423	9,000	B26a		816,701 1,638,854 2,632,485 5,068,423
Finance Fire	3,433,180 33,932,542	- 1,474,067	B1/		3,433,180 35,406,609
Human Resources ITS Parks & Rec	1,707,618 7,296,255 14,661,559	- 38,913	B17		1,707,618 7,296,255 15,639,622
		5,161 12,157		(143,000) B24	
Police	37,461,369	140,751 436,236 487,845	B26j		39,691,346
		258,400 15,562 15,615 3,400 1,196,000 1,000	J12 J15 B9 B22		
Public Works	10,188,573	740,000	B26a		10,188,573
Government Services Expenditures	69,684,663	222,297 71,375 530,650 429,429 2,228,641 53,403			72,410,643
Fund Balance		26,600 90,000	B26m B26o	(926,415) B26i	
Fund Balance Committed	4,544,000				4,544,000

ATTACHMENT A TO ORDINANCE 74-18									
		MENDMENT DGET #1 ORD		BA #2	DEE #4	BA #2	DEE #2		MENDMENT DGET #2 ORD
Unassigned Fund Balance		29-18 24,786,548	IN	CREASE	REF #1	(DECREASE)	REF #2		74-18 18,462,598
		24,700,040				(222,297)	J7		10,402,000
						(71,375)			
						(1,196,000)			
						(1,474,067)			
						(429,429)			
						(38,913)			
						(5,161)			
						(12,157)			
				200	B18	(12,101)	5		
				500	B19				
				300	B20				
				143,000	B24				
				,		(140,751)	B26k		
						(436,236)			
						(487,845)			
						(2,228,641)			
						(53,403)			
				926,415	B26i	( , ,			
				,		(26,600)	B26m		
						(90,000)			
						(740,000)			
				258,510	B26c	,			
Appropriations & Fund Balance General Fund	\$	220,327,686	\$	9,815,677	:	\$ (8,722,290)	:	\$	221,421,073
SPECIAL REVENUE FUNDS									
ADDITIONAL FIVE CENT GAS TAX FUND									
SOURCES Balances Brought Farward	¢	9 449 604						\$	9 449 604
Balances Brought Forward	\$	8,448,621						φ	8,448,621
		2 469 009							2 469 009
Sales & Use Taxes		3,468,098							3,468,098
Intergovernmental Miscellaneous		-							-
Interfund Transfers		-							-
		-							-
Total Additional Five Cent Gas Tax Fund Sources	\$	11,916,719	\$	-		\$ -		\$	11,916,719
<u>USES</u>	•							•	
Personnel, Operating, Capital Expenditures	\$	-						\$	-
Debt Service Transfers Out		- 501 020				(431,938)	POCh		150.000
Fund Balance		581,938		424 020	DOCH	(431,930)	D20D		150,000
	¢	11,334,781	¢	431,938	B26b	¢ (424.020)	•	¢	11,766,719
Appropriations & Fund Balance Additional Five Cent Gas Tax Fund	\$	11,916,719	\$	431,938		\$ (431,938)		\$	11,916,719
SIX CENT GAS TAX FUND									
SOURCES	¢	0 444 045						¢	0 444 045
Balances Brought Forward	\$	9,114,315						\$	9,114,315
Revenues:		4 747 570							4 747 570
Sales & Use Taxes		4,717,573							4,717,573
Intergovernmental Miscellaneous		-							-
		-							-
Interfund Transfers		-							-
Total Six Cent Gas Tax Fund Sources	\$	12 021 000	¢		•	¢	•	¢	13,831,888
Total Six Cent Gas Tax Fund Sources	\$	13,831,888	\$	-	:	\$ -	:	\$	13,831,888
<u>USES</u>	¢							¢	
Personnel, Operating, Capital Expenditures	\$	-						\$	-
Debt Service		-							4 264 262
Transfers Out Fund Balance		4,364,262							4,364,262
		9,467,626							9,467,626
Appropriations & Fund Balance Six Cent Gas Tax Fund	\$	13,831,888	\$	-		\$-		\$	13,831,888
ROAD IMPACT FUND									
SOURCES									
Balances Brought Forward	\$	1,046,920	\$	-				\$	1,046,920
Revenues:									
Intergovernmental		743,343							743,343
Licenses, Permits, Franchise, Impact Fees & Special Assessments		5,141,492		760,448	B26c				5,901,940
Miscellaneous		7,062							7,062

ATTACHMENT A TO ORDINANCE 74-18	ENDMENT GET #1 ORD 29-18	IN	BA #2 ICREASE	REF #1	BA #2 (DECREASE)	REF #2	IENDMENT GET #2 ORD 74-18
Interfund Transfers	 -						-
Total Road Impact Fund Sources	\$ 6,938,817	\$	760,448	:	\$-	-	\$ 7,699,265
<u>USES</u> Personnel, Operating, Capital Expenditures Debt Service	\$ -	\$	70,000	B26c			\$ 70,000
Transfers Out Fund Balance	6,478,709 460,108		690,448	B26c			- 7,169,157 460,108
Appropriations & Fund Balance Road Impact Fee Fund	\$ 6,938,817	\$	760,448		\$-	-	\$ 7,699,265
POLICE PROT. IMPACT FEES SOURCES							
Balances Brought Forward Revenues:	\$ 3,135,617						\$ 3,135,617
Licenses, Permits, Franchise, Impact Fees & Special Assessments Miscellaneous Interfund Transfers	993,772 7,036						993,772 7,036 -
Total Police Protection Impact Fee Fund Sources	\$ 4,136,425	\$	-		\$-	-	\$ 4,136,425
<u>USES</u> Personnel, Operating, Capital Expenditures Debt Service	\$ 19,875						\$ 19,875
Transfers Out Fund Balance	4,116,550						4,116,550
Appropriations & Fund Balance Police Protection Impact Fee Fund	\$ 4,136,425	\$	-		\$ -	-	\$ 4,136,425
ALS IMPACT FEES							
<u>SOURCES</u> Balances Brought Forward Revenues:	\$ 260,169						\$ 260,169
Licenses, Permits, Franchise, Impact Fees & Special Assessments Miscellaneous Interfund Transfers	58,556 180 -						58,556 180 -
Total ALS Fund Sources	\$ 318,905	\$	-		\$-	-	\$ 318,905
<u>USES</u> Personnel, Operating, Capital Expenditures Debt Service	\$ 88,278 -						\$ 88,278 -
Transfers Out Fund Balance	- 230,627						- 230,627
Annual time & Fund Delance All & Fund	 040.005	•				_	 
Appropriations & Fund Balance ALS Fund PARK IMPACT FEE FUNDS	\$ 318,905	\$			<u> </u>	=	\$ 318,905
SOURCES Balances Brought Forward	\$ 1,598,705						\$ 1,598,705
Revenues: Licenses, Permits, Franchise, Impact Fees & Special Assessments	1,828,600		880,000	B26i			2,708,600
Miscellaneous Interfund Transfers	-						-
Total Park Impact Fee Funds Sources	\$ 3,427,305	\$	880,000		\$-	-	\$ 4,307,305
USES Personnel, Operating, Capital Expenditures Debt Service	\$ 27,430						\$ 27,430
Transfers Out Fund Balance	1,801,170 1,598,705		926,415	B26i	(46,415)	B26i	2,727,585 1,552,290
Appropriations & Fund Balance Park Impact Fee Funds	\$ 3,427,305	\$	926,415	:	\$ (46,415)	_	\$ 4,307,305
FIRE IMPACT CAPITAL IMPROVEMENT FUND SOURCES							
Balances Brought Forward Revenues:	\$ 1,702,144						\$ 1,702,144

3

ATTACHMENT A TO ORDINANCE 74-18	ENDMENT GET #1 ORD 29-18	BA #2 CREASE	REF #1	BA #2 CREASE)	REF #2	ENDMENT GET #2 ORD 74-18
Licenses, Permits, Franchise, Impact Fees & Special Assessments Miscellaneous Interfund Transfers	 957,834 3,094 -					957,834 3,094 -
Total Fire Capital Improvement Fund Sources	\$ 2,663,072	\$ -	-	\$ -		\$ 2,663,072
USES Personnel, Operating, Capital Expenditures	\$ 19,157	\$ 92,500 14,250	B5 B7			\$ 125,907
Debt Service Transfers Out Fund Balance	- 339,867 2,304,048			(92,500) (14,250)		- 339,867 2,197,298
Appropriations & Fund Balance Fire Capital Improvement Fund	\$ 2,663,072	\$ 106,750	-	\$ (106,750)		\$ 2,663,072
DO THE RIGHT THING SOURCES Balances Brought Forward Revenues:	\$ 17,569					\$ 17,569
Miscellaneous Interfund Transfers	8,000 -					8,000 -
Total Do The Right Thing Fund Sources	\$ 25,569	\$ -	-	\$ -		\$ 25,569
<u>USES</u> Personnel, Operating, Capital Expenditures Debt Service	\$ 8,000	\$ 2,500	B26e			\$ 10,500 -
Transfers Out Fund Balance	- 17,569			(2,500)	B26e	- 15,069
Appropriations & Fund Balance Do The Right Thing Fund	\$ 25,569	\$ 2,500	- =	\$ (2,500)		\$ 25,569
CRIMINAL JUSTICE EDUCATION (Police Training) SOURCES						
Balances Brought Forward Fund Balance	\$ 20,601					\$ 20,601
Fines & Forfeitures Miscellaneous Total Police Confiscation-State Fund Sources	\$ 18,000 - 38,601	\$ _	-	\$ 		\$ 18,000 - 38,601
<u>USES</u>			=		•	 <u> </u>
Personnel, Operating, Capital Expenditures Debt Service	\$ 23,000 -					\$ 23,000
Transfers Out Fund Balance	- 15,601					- 15,601
Appropriations & Fund Balance Police Confiscation - State Fund	\$ 38,601	\$ -	-	\$ -	•	\$ 38,601
POLICE CONFISCATION - STATE SOURCES Balances Brought Forward	\$ 327,728					\$ 327,728
Fund Balance Miscellaneous	100					100
Interfund Transfers Total Police Confiscation-State Fund Sources	\$ 327,828	\$ -	-	\$ -		\$ - 327,828
<u>USES</u> Personnel, Operating, Capital Expenditures Debt Service	\$ 19,575 -	\$ 19,100	B26f			\$ 38,675
Transfers Out Fund Balance	17,430 290,823			(19,100)	B26f	17,430 271,723
Appropriations & Fund Balance Police Confiscation - State Fund	\$ 327,828	\$ 19,100	-	\$ (19,100)		\$ 327,828
POLICE CONFISCATION - FEDERAL Balances Brought Forward	\$ 548,040					\$ 548,040
Fund Balance Miscellaneous Interfund Transfers	300					300
Total Police Confiscation-State Fund Sources	\$ - 548,340	\$ -	-	\$ -		\$ - 548,340

ATTACHMENT A TO ORDINANCE 74-18	ENDMENT GET #1 ORD 29-18	IN	BA #2 ICREASE	REF #1	(DE	BA #2 ECREASE)	REF #2	IENDMENT GET #2 ORD 74-18
<u>USES</u> Personnel, Operating, Capital Expenditures Debt Service	\$ 89,053							\$ 89,053
Transfers Out Fund Balance	- - 459,287		82,150	J8		(82,150)	J8	82,150 377,137
Appropriations & Fund Balance Police Confiscation - Federal Fund	\$ 548,340	\$	82,150		\$	(82,150)		\$ 548,340
ALARM FEE FUND SOURCES								
Balances Brought Forward Revenues:	\$ 4,691							\$ 4,691
Charges for Service	143,449					(27,500)	B26g	115,949
Miscellaneous Interfund Transfers	200							200
Total Alarm Fee Fund Sources	\$ 148,340	\$	-		\$	(27,500)		\$ 120,840
<u>USES</u> Personnel, Operating, Capital Expenditures	\$ 102,978	\$	1,534	B17				\$ 104,512
Debt Service Transfers Out	- 7,500							- 7,500
Fund Balance	37,862					(1,534) (27,500)		8,828
Appropriations & Fund Balance Alarm Fee Fund	\$ 148,340	\$	1,534		\$	(29,034)		\$ 120,840
ALL HAZARDS FUND SOURCES								
Balances Brought Forward Revenues:	\$ 1,232,008							\$ 1,232,008
Ad Valorem Taxes Intergovernmental	851,417					(123,309)	B26d	728,108
Miscellaneous Interfund Transfers	-							-
Total All Hazards Fund Sources	\$ 2,083,425	\$	-		\$	(123,309)		\$ 1,960,116
<u>USES</u> Personnel, Operating, Capital Expenditures	\$ 709,607	\$	37,796 4,870	B12 B17				\$ 752,273
Debt Service Transfers Out	- 93,600							- 93,600
Fund Balance	1,280,218					(37,796) (4,870) (123,309)	B17	1,114,243
Appropriations & Fund Balance All Hazards Fund	\$ 2,083,425	\$	42,666		\$	(165,975)		\$ 1,960,116
DEL PRADO PARKING LOT MAINTENANCE								
Balances Brought Forward Revenues:	\$ 98,027							\$ 98,027
Licenses, Permits, Franchise, Impact Fees & Special Assessments Miscellaneous	38,010							38,010 -
Interfund Transfers	-							-
Total Del Prado Mall Maintenance Fund Sources	\$ 136,037	\$	-		\$	-		\$ 136,037
<u>USES</u> Personnel, Operating, Capital Expenditures	\$ 38,010							\$ 38,010
Debt Service Transfers Out	-							-
Fund Balance	98,027							98,027
Appropriations & Fund Balance Del Prado Mall Maintenance Fund	\$ 136,037	\$	-		\$	-		\$ 136,037

LOT MOWING FUND

SOURCES

ATTACHMENT A TO ORDINANCE 74-18		MENDMENT OGET #1 ORD 29-18	 BA #2 NCREASE	REF #1	BA #2 (DECREASE)	REF #2	BUD	MENDMENT DGET #2 ORD 74-18
Balances Brought Forward	\$	2,358,214	 		(========,		\$	2,358,214
Revenues: Charges for Service		3,417,869						3,417,869
Miscellaneous		-						-
Fines & Forfeitures Interfund Transfers		51,000 -						51,000 -
Total Lot Mowing Fund Sources	\$	5,827,083	\$ -		\$ -		\$	5,827,083
USES Personnel, Operating, Capital Expenditures	\$	4,729,554	\$ 750,000 5,077	B8 B17			\$	5,479,554
Debt Service Transfers Out		_						_
Fund Balance		1,097,529			(750,000) (5,077)			347,529
Appropriations & Fund Balance Lot Mowing Fund	\$	5,827,083	\$ 755,077	-	\$ (755,077)		\$	5,827,083
BUILDING DIVISION FUND								
<u>SOURCES</u> Balances Brought Forward Revenues:	\$	8,527,369					\$	8,527,369
Licenses, Permits, Franchise, Impact Fees & Special Assessments		5,561,887						5,561,887
Charges for Service		265,250						265,250
Fines & Forfeitures		39,755						39,755
Miscellaneous Interfund Transfers		2,490						2,490
Total Building Division Sources	\$	14,396,751	\$ -		\$ -		\$	14,396,751
USES								
Personnel, Operating, Capital Expenditures	\$	5,367,164	\$ 283,720 53,171 538,500	B2 B17 B26j			\$	6,242,555
Debt Service		-						-
Transfers Out Fund Balance		1,044,696 7,984,891			(283,720)	<b>P</b> 2		1,044,696 7,109,500
		7,904,091			(53,171) (538,500)	B17		7,109,500
Appropriations & Fund Balance Building Division Fund	\$	14,396,751	\$ 875,391		\$ (875,391)		\$	14,396,751
COMMUNITY REDEVELOPMENT TRUST FUND								
Balances Brought Forward	\$	156,634					\$	156,634
Revenues:		000 504						000 504
Ad Valorem Taxes Charges for Service		822,594						822,594
Miscellaneous		5,700						5,700
Interfund Transfers		1,317,385	53,403	B26I				1,370,788
Total Community Redevelopment Trust Fund Sources	\$	2,302,313	\$ 53,403	:	\$ -	:	\$	2,355,716
<u>USES</u> Personnel, Operating, Capital Expenditures	\$	349,491					\$	349,491
Debt Service	Ŧ	-					Ŧ	-
Transfers Out		1,952,822						1,952,822
Fund Balance		-	53,403	B26I				53,403
Appropriations & Fund Balance Community Redevelopment Trust Fund	\$	2,302,313	\$ 53,403		\$-		\$	2,355,716
CITY CENTRUM BUSINESS PARK FUND								
SOURCES Balances Brought Forward	\$	-					\$	-
Revenues:								
Intergovernmental Miscellaneous		-						-
Interfund Transfers		- 93,274	26,600	B26m				- 119,874
		,=	.,					.,=

ATTACHMENT A TO ORDINANCE 74-18		ENDMENT GET #1 ORD 29-18	IN	BA #2 CREASE	REF #1		BA #2 CREASE)	REF #2		ENDMENT GET #2 ORD 74-18
Total City Centrum Business Park Fund Sources	\$	93,274	\$	26,600	-	\$	-	-	\$	119,874
USES Personnel, Operating, Capital Expenditures Debt Service	\$	93,274 -	\$	26,600	B26m				\$	119,874 -
Transfers Out Fund Balance		-								-
Appropriations & Fund Balance City Centrum Business Park Fund	\$	93,274	\$	26,600	-	\$	-	-	\$	119,874
SEAWALL ASSESSMENTS SOURCES										
Balances Brought Forward Revenues: Licenses, Permits, Franchise, Impact Fees & Special Assessments									\$	-
Fines & Forfeitures Miscellaneous Interfund Transfers				3,345	B26n					- 3,345 -
Total Seawall Assessment Funds Sources	\$	-	\$	3,345	-	\$	-	-	\$	3,345
USES Berganal Operating Capital Expanditures	\$		¢	2 245	P26n				¢	2 245
Personnel, Operating, Capital Expenditures Debt Service Transfers Out	ð	-	\$	3,345	B20N				\$	3,345 - -
Fund Balance					-			-		-
Appropriations & Fund Balance Seawall Assessment Funds SUN SPLASH WATERPARK FUND	\$	-	\$	3,345	=	\$	-	=	\$	3,345
SOURCES Balances Brought Forward Revenues:	\$	-							\$	-
Intergovernmental Charges for Service Miscellaneous Interfund Transfers		- 2,519,286 10,026 432,761		236,735 5,161	B11 B17		(17,810)	B26h		- 2,501,476 246,761 874,158
Debt Proceeds		-		436,236	B26h					-
Total Sun Splash Waterpark Fund Sources	\$	2,962,073	\$	678,132	- =	\$	(17,810)	- =	\$	3,622,395
<u>USES</u> Personnel, Operating, Capital Expenditures	\$	2,430,949	\$	236,735 5,161 418,426	B11 B17 B26h				\$	3,091,271
Debt Service Transfers Out Fund Balance		- 531,124 -								- 531,124 -
Appropriations & Fund Balance Sun Splash Waterpark Fund	\$	2,962,073	\$	660,322	- =	\$	-	- -	\$	3,622,395
PARK & RECREATION PROGRAMS FUND SOURCES										
Balances Brought Forward Fund Balance	\$	-							\$	-
Intergovernmental Charges for Service Fines & Forfeitures		567,496 3,732,095 11,800		100,000	B26k					567,496 3,832,095 11,800
Miscellaneous		278,881		10,000 3,254	B23					292,135
Interfund Transfers		5,309,828 -		38,913 140,751						5,489,492
Debt Proceeds Total P&R Programs Fund Sources	\$	- 9,900,100	\$	292,918	-	\$		-	\$	- 10,193,018
<u>USES</u>	<u></u>		Ŧ	,,,,,,,	=	<u> </u>		=		.,,010
Personnel, Operating, Capital Expenditures	\$	9,900,100	\$	10,000 38,913					\$	10,193,018

ATTACHMENT A TO ORDINANCE 74-18		IENDMENT GET #1 ORD 29-18	IN	BA #2 CREASE	REF #1	A #2 REASE)	REF #2		ENDMENT GET #2 ORD 74-18
				3,254 240,751	B23 B26k				
Debt Service		-		240,751	DZUK				-
Transfers Out		-							-
Fund Balance		-							-
Appropriations & Fund Balance Park Programs Fund	\$	9,900,100	\$	292,918	-	\$ -	- =	\$	10,193,018
NEIGHBORHOOD STABLIZATION (NSP/HUD) FUND									
SOURCES Balancea Braught Fanuard	¢							¢	
Balances Brought Forward Revenues:	\$	-						\$	-
Intergovernmental									
Miscellaneous Interfund Transfers		108,589		509,044	J20				617,633
		-							-
Total Neighborhood Stabilization Fund (NSP/HUD) Sources	\$	108,589	\$	509,044	-	\$ -	=	\$	617,633
USES									
Personnel, Operating, Capital Expenditures Debt Service	\$	108,589	\$	509,044	J20			\$	617,633
Transfers Out		-							-
Fund Balance		-							-
Appropriations & Fund Balance Neighborhood Stabilization Fund (NSP/HUD)	\$	108,589	\$	509,044	-	\$ -	-	\$	617,633
COMMUNITY DEVELOPMENT BLOCK GRANT FUND (CDBG)					-		-		
SOURCES Balances Brought Forward	\$	-						\$	
Revenues:	φ	-						φ	-
ntergovernmental		1,043,100							1,043,100
fiscellaneous		242,547		89,233	J18				331,780
nterfund Transfers		-							-
Total Community Development Block Grant Fund Sources	\$	1,285,647	\$	89,233	•	\$ -	=	\$	1,374,880
JSES									
Personnel, Operating, Capital Expenditures	\$	1,216,469	\$	89,233	J18			\$	1,305,702
Debt Service		-							-
Transfers Out		69,178							69,178
Fund Balance		-							-
Appropriations & Fund Balance Community Development Block Grant Fund	\$	1,285,647	\$	89,233	-	\$ -	-	\$	1,374,880
LOCAL HOUSING ASSISTANCE PROGRAM									
TRUST FUND (S.H.I.P)									
SOURCES	¢							¢	
Balances Brought Forward Revenues:	\$	-						\$	-
ntergovernmental		-							-
/liscellaneous		51,864		91,254	J19				143,118
nterfund Transfers		-							-
Total Local Housing (S.H.I.P.) Fund Sources	\$	51,864	\$	91,254	-	\$ -	-	\$	143,118
ISES									
Personnel, Operating, Capital Expenditures	\$	51,864	\$	91,254	J19			\$	143,118
lebt Service ransfers Out		-							-
Fansiers Out		-							-
ppropriations & Fund Balance Local Housing Assistance Program Trust Fund	\$	51,864	\$	91,254	-	\$ -	-	\$	143,118
RESIDENTIAL CONSTRUCTION MITIGATION FUND									
SOURCES								•	
SOURCES Balances Brought Forward	\$	-						\$	-
SOURCES Balances Brought Forward Revenues:	\$	-						\$	-
RESIDENTIAL CONSTRUCTION MITIGATION FUND SOURCES Balances Brought Forward Revenues: Intergovernmental Miscellaneous Interfund Transfers	\$	-		16,240	J21			\$	- - 16,240

ATTACHMENT A TO ORDINANCE 74-18		MENDMENT DGET #1 ORD 29-18	IN	BA #2 ICREASE	REF #1	BA #2 (DECREASE)	REF #2		ENDMENT GET #2 ORD 74-18
Total Residential Construction Mitigation Fund Sources	\$	-	\$	16,240		\$-		\$	16,240
<u>USES</u> Personnel, Operating, Capital Expenditures	\$	-	\$	16,240	J21			\$	16,240
Debt Service Transfers Out		-							-
Fund Balance Appropriations & Fund Balance Residential Construction Mitigation Fund	\$	-	\$	16,240		\$ -		\$	- 16,240
DEBT SERVICE FUND	Ψ	-	Ψ	10,240	:	ψ -		Ψ	10,240
SOURCES Balances Brought Forward	\$	4,565,307						\$	4,565,307
Revenues: Miscellaneous		4,279,469		3,000	B26r				4,282,469
Debt Proceeds Interfund Transfers		17,251,499		7,912,705	B26r				7,912,705 17,251,499
Total Debt Service Fund Sources	\$	26,096,275	\$	7,915,705		\$-		\$	34,011,980
<u>USES</u> Personnel, Operating, Capital Expenditures	\$	-	\$	3,000	B26r			\$	3,000
Debt Service Transfers Out		21,530,968		42,002 7,870,703	B26r B26r				21,572,970 7,870,703
Fund Balance		4,565,307		1,010,100	0201				4,565,307
Appropriations & Fund Balance Debt Service Fund	\$	26,096,275	\$	7,915,705		\$-		\$	34,011,980
CAPITAL PROJECTS FUNDS									
ACADEMIC VILLAGE CAPITAL PROJECT FUND SOURCES									
Balances Brought Forward Revenues:	\$	-						\$	-
Intergovernmental Miscellaneous		-							-
Interfund Transfers		-		90,000	B26o				90,000
Debt Proceeds Total Academic Village Capital Project Fund Sources	\$	-	\$	90,000		\$ -		\$	90,000
USES	<u> </u>		Ŷ	00,000		<u> </u>		Ŷ	
Personnel, Operating, Capital Expenditures	\$	-	\$	90,000	B26o			\$	90,000
Debt Service Transfers Out		-							-
Fund Balance		-							-
Appropriations & Fund Balance Academic Village Capital Project Fund	\$	-	\$	90,000		\$-		\$	90,000
FIRE STATION CONSTRUCTION CAPITAL PROJECT FUND									
Balances Brought Forward Revenues:	\$	-						\$	-
Intergovernmental Miscellaneous		-							-
Interfund Transfers Debt Proceeds		297,000 1,180,971		3,750,581	B26q	(3,750,581)	B26q		4,047,581 (2,569,610)
Total Fire Station Capital Project Fund Sources	\$	1,477,971	\$	3,750,581		\$ (3,750,581)		\$	1,477,971
USES									
Personnel, Operating, Capital Expenditures Debt Service	\$	1,477,971 -			B26q			\$	1,477,971 -
Transfers Out Fund Balance		-							-
Appropriations & Fund Balance Fire Station Construction Cap Fund	\$	1,477,971	\$	-		\$-		\$	1,477,971

CRA STREETSCAPE

ATTACHMENT A TO ORDINANCE 74-18									
		MENDMENT OGET #1 ORD 29-18	IN	BA #2 ICREASE	REF #1	BA #2 (DECREASE)	REF #2		ENDMENT GET #2 ORD 74-18
SOURCES						( - )			
Balances Brought Forward	\$	-						\$	-
Revenues:									
Intergovernmental Miscellaneous									-
Interfund Transfers		3,695,932		1,860,164	B26q				5,556,096
Debt Proceeds		-				(3,000,000)	B26q		(3,000,000)
Total CRA Streetscape Project Fund Sources	\$	3,695,932	\$	1,860,164	-	\$ (3,000,000)		\$	2,556,096
USES									
Personnel, Operating, Capital Expenditures	\$	3,695,932				\$ (1,139,836)	B26q	\$	2,556,096
Debt Service		-							-
Transfers Out		-							-
Fund Balance		-							-
Appropriations & Fund Balance CRA Streetscape	\$	3,695,932	\$	-		\$ (1,139,836)		\$	2,556,096
P&R Capital Projects - D & D Boat Ramp SOURCES									
Balances Brought Forward	\$	-						\$	-
Revenues:									
Intergovernmental		-		289,797	J7				289,797
Miscellaneous Interfund Transfers		-		222,297	17				- 222,297
Debt Proceeds				222,291	57				-
Total D & D Boat Ramp Project Fund Sources	\$	-	\$	512,094	-	\$-		\$	512,094
USES									
Personnel, Operating, Capital Expenditures	\$	-	\$	512,094	J7			\$	512,094
Debt Service Transfers Out		-							-
Fund Balance									-
Appropriations & Fund Balance D & D Boat Ramp	\$	-	\$	512,094	-	\$-	:	\$	512,094
P&R Capital Projects - Festival Park SOURCES									
Balances Brought Forward	\$	-						\$	-
Revenues:									
Intergovernmental		-							-
Miscellaneous Interfund Transfers		200,000							200,000
Debt Proceeds		-							-
					_		•		
Total Festival Park Project Fund Sources	\$	200,000	\$	-	-	\$ -		\$	200,000
LISES									
USES Personnel, Operating, Capital Expenditures	\$	200,000						\$	200,000
Debt Service	Ŷ	- 200,000						Ψ	-
Transfers Out		-							-
Fund Balance		-							-
Appropriations & Fund Balance Festival Park	\$	200,000	\$	-		\$-		\$	200,000
P&R Capital Projects - Sirenia Vista Park									
SOURCES Balances Brought Forward	\$							\$	_
Balances Brought Forward Revenues:	φ	-						φ	-
Intergovernmental		-		173,960 65,000	J11 J13				238,960
Miscellaneous		-		- 5,000					-
Interfund Transfers		-							-
Debt Proceeds		-							-
Total Sirania Viata Dark Brainat Fund Sources	·		۴	000.000	-	<u>e</u>		¢	000.000
Total Sirenia Vista Park Project Fund Sources	\$	-	\$	238,960	•	\$ -		\$	238,960
USES									
Personnel, Operating, Capital Expenditures	\$	-	\$	173,960	J11			\$	238,960

ATTACHMENT A TO ORDINANCE 74-18	MENDMENT DGET #1 ORD 29-18	BA #2 CREASE	REF #1	BA #2 (DECREASE)	REF #2	ENDMENT GET #2 ORD 74-18
Debt Service		65,000	J13			
Transfers Out	-					-
Fund Balance	-					-
Appropriations & Fund Balance Sirenia Vista Park	\$ -	\$ 238,960		\$-	· ·	\$ 238,960
P&R Capital Projects - Art Studio SOURCES						
Balances Brought Forward	\$ -					\$ -
Revenues: Intergovernmental	100,000					100,000
Miscellaneous	-					-
Interfund Transfers Debt Proceeds	200,000 -					200,000 -
Total Art Studio Project Fund Sources	\$ 300,000	\$ -		\$-		\$ 300,000
<u>USES</u> Personnel, Operating, Capital Expenditures Debt Service Transfers Out	\$ 300,000					\$ 300,000
Fund Balance	-					-
Appropriations & Fund Balance Art Studio	\$ 300,000	\$ -		\$-		\$ 300,000
PUBLIC WORKS FLEET BUILDING CAPITAL PROJECTS FUND SOURCES						
Balances Brought Forward	\$ -					\$ -
Revenues: Intergovernmental						_
Miscellaneous	-					-
Interfund Transfers Debt Proceeds	-			(4,700,000)	J16	- (4,700,000)
Total Public Works Capital Project Fund Sources	\$ -	\$ -		\$ (4,700,000)		\$ (4,700,000)
USES Personnel, Operating, Capital Expenditures				(4,700,000)	J16	(4,700,000)
Debt Service Transfers Out	-					-
Fund Balance	-					-
Appropriations & Fund Balance Public Works Fleet Bldg Capital Fund	\$ -	\$ -		\$ (4,700,000)		\$ (4,700,000)
TRANSPORTATION CAPITAL PROJECTS FUND Sources						
Balances Brought Forward	\$ -					\$ -
Revenues: Intergovernmental	3,062,538	1,393,787 729,412 396,209	J1 J2 J3			5,610,076
		125,000 478,081	J5 J6	(574,951)	J4	
Miscellaneous Interfund Transfers Debt Proceeds	- 8,282,000 -					- 8,282,000 -
Total Transportation Capital Project Fund Sources	\$ 11,344,538	\$ 3,122,489		\$ (574,951)		\$ 13,892,076
<u>USES</u> Personnel, Operating, Capital Expenditures	\$ 11,344,538	1,393,787 729,412 396,209	J1 J2 J3	/ <b></b>		13,892,076
		125,000 478,081	J5 J6	(574,951)	J4	
Debt Service	-	-				-

ATTACHMENT A TO ORDINANCE 74-18	MENDMENT DGET #1 ORD 29-18	11	BA #2 NCREASE	REF #1	I (DF	BA #2 ECREASE)	REF #2	BU	MENDMENT DGET #2 ORD 74-18
Transfers Out Fund Balance	 -				1				-
Appropriations & Fund Balance Transportation Capital Fund	\$ 11,344,538	\$	3,122,489	-	\$	(574,951)	-	\$	13,892,076
ENTERPRISE FUNDS WATER & SEWER UTILITY FUND SOURCES									
Revenues:	\$ 115,892,038							\$	115,892,038
Licenses, Permits, Franchise, Impact Fees & Special Assessments Charges for Service Internal Service Charges	35,870,035 82,162,687 631,891					(236,735)	B11		35,870,035 81,925,952 631,891
Intergovernmental Fines & Forfeitures	- 773,574								773,574
Miscellaneous Debt Proceeds	757,778 72,083,542								757,778 72,083,542
nterfund Transfers	78,829,697		500	B26a		(1,500)	B26s		78,828,697
Total Water & Sewer Utility Fund Sources	\$ 387,001,242	\$	500	-	\$	(238,235)	- =	\$	386,763,507
JSES Personnel, Operating, Capital Expenditures	\$ 163,045,593	\$		B16 B17 B26a				\$	164,440,827
Debt Service	51,614,218		1,046,000	B26s					51,614,218
ransfers Out	78,976,115		17,000	B26s		(1,500)	B26s		78,991,615
und Balance	93,365,316					(17,683) (236,735) (54,550) (276,501) (1,063,000)	B3 B11 B16 B17		91,716,847
ppropriations & Fund Balance Water & Sewer Utility Fund	\$ 387,001,242	\$	1,412,234	-	\$	(1,649,969)	-	\$	386,763,507
TORMWATER UTILITY FUND OURCES									
Balances Brought Forward Revenues:	\$ 6,122,486							\$	6,122,486
icenses, Permits, Franchise, Impact Fees & Special Assessments ntergovernmental	3,660		1,900,000	J9					3,660 1,900,000
charges for Service ines & Forfeitures	17,519,772 1,664								17,519,772 1,664
liscellaneous	108,862								108,862
terfund Transfers	-		2,700,000 1,900,000						4,600,000
lebt Proceeds	 579,000			_			_		579,000
Total Stormwater Utility Fund Sources	\$ 24,335,444	\$	6,500,000	-	\$	-	-	\$	30,835,444
JSES Personnel, Operating, Capital Expenditures	\$ 16,379,289	\$	2,700,000 1,900,000 114,816 307,395 86,014	J9 B10 B15 B17				\$	21,644,514
Debt Service	443,000		157,000	B26t					443,000
Transfers Out	-		2,700,000 1,900,000 28,750	J17 J9 B26t					4,628,750
Fund Balance	7,513,155		20,730	DEUL		(2,700,000) (114,816) (307,395) (86,014) (185,750)	B10 B15 B17		4,119,180

ATTACHMENT A TO ORDINANCE 74-18		MENDMENT DGET #1 ORD 29-18	II	BA #2 NCREASE	REF #1	(DI	BA #2 ECREASE)	REF #2	BUD	MENDMENT DGET #2 ORD 74-18
Appropriations & Fund Balance Stormwater Utility Fund	\$	24,335,444	\$	9,893,975		\$	(3,393,975)		\$	30,835,444
YACHT BASIN FUND										
Balances Brought Forward Revenues:	\$	787,393							\$	787,393
Charges for Service Miscellaneous		539,127 6,450								539,127 6,450
Interfund Transfers		- 0,400								-
Total Yacht Basin Fund Sources	\$	1,332,970	\$	-		\$	-		\$	1,332,970
<u>USES</u> Personnel, Operating, Capital Expenditures	\$	417,240	¢	158,750	B6				\$	674,545
	φ	417,240	φ	1,278 97,277	B0 B17 B26u				φ	074,040
Debt Service Transfers Out		- 115,000								- 115,000
Fund Balance		800,730					(158,750) (1,278) (97,277)	B17		543,425
Appropriations & Fund Balance Yacht Basin Fund	\$	1,332,970	\$	257,305		\$	(257,305)		\$	1,332,970
GOLF COURSE FUND										
<u>SOURCES</u> Balances Brought Forward	\$	-							\$	-
Revenues:										
Charges for Service Miscellaneous		2,621,158 17,400					(172,207)	B26v		2,448,951 17,400
Interfund Transfers		643,794		12,157 487,845						1,143,796
Total Golf Course Fund Sources	\$	3,282,352	\$	500,002		\$	(172,207)		\$	3,610,147
<u>USES</u> Personnel, Operating, Capital Expenditures	\$	3,282,352	\$	12,157 315,638	B17 B26v				\$	3,610,147
Debt Service		-								-
Transfers Out Fund Balance		-								-
Appropriations & Fund Balance Golf Course Fund	\$	3,282,352	\$	327,795		\$	-		\$	3,610,147
CHARTER SCHOOL OPERATING FUND				i						
SOURCES Balances Brought Forward	\$	8,237,805	\$	1,752,259	B27				\$	9,990,064
Revenues: Intergovernmental		22,867,177		657,747	B27					23,524,924
Charges for Service		666,450		057,747	DZI		(80,293)	B27		586,157
Miscellaneous		203,251		265,287	B27					468,538
Total Charter School Operating Fund Sources	\$	31,974,683	\$	2,675,293		\$	(80,293)		\$	34,569,683
USES	•	04 000 005				*	(070 005)	D07	•	00 740 004
Personnel, Operating, Capital Expenditures Debt Service	\$	24,686,096 306,583				\$	(972,205)	B27	\$	23,713,891 306,583
Other Fund Balance		- 6,982,004		3,567,205	B27					- 10,549,209
Appropriations & Fund Balance Charter School Operating Fund	\$	31,974,683	\$	3,567,205		\$	(972,205)		\$	34,569,683
INTERNAL SERVICE FUNDS (ISF) WORKERS COMP INSURANCE FUND							/			
SOURCES Balances Brought Forward	\$	7,786,267							\$	7,786,267
Revenues: Internal Service Charges		-								-
Miscellaneous Interfund Transfers		4,256,292								4,256,292
		-								-

ATTACHMENT A TO ORDINANCE 74-18		IENDMENT GET #1 ORD 29-18	11	BA #2 NCREASE	REF #1	(Di	BA #2 ECREASE)	REF #2	BUD	IENDMENT GET #2 ORD 74-18
Total Workers Compensation Insurance Fund Sources	\$	12,042,559	\$	-		\$	-		\$	12,042,559
<u>USES</u> Personnel, Operating, Capital Expenditures	\$	3,376,353	\$	2,428 238,630	B17 B26z				\$	3,617,411
Debt Service Transfers Out Fund Balance		- - 8,666,206					(2,428) (238,630)			- 8,425,148
Appropriations & Fund Balance Workers Compensation Insurance Fund	\$	12,042,559	\$	241,058		\$	(241,058)		\$	12,042,559
PROPERTY LIABILITY INSURANCE FUND										
<u>SOURCES</u> Balances Brought Forward Revenues:	\$	2,428,832							\$	2,428,832
Charges for Service Internal Service Charges		- 3,766,311								- 3,766,311
Miscellaneous Interfund Transfers		-								-
Total Property Liability Insurance Fund Sources	\$	6,195,143	\$	-		\$	-		\$	6,195,143
USES Personnel, Operating, Capital Expenditures	\$	3,784,448	\$	2,624 238,630	B17 B26y				\$	4,025,702
Debt Service Transfers Out Fund Balance		- - 2,410,695					(2,624) (238,630)			- - 2,169,441
Appropriations & Fund Balance Property Liability Insurance Fund	\$	6,195,143	\$	241,254		\$	(241,254)		\$	6,195,143
FACILITIES INTERNAL SERVICE										
Balances Brought Forward Revenues:	\$	-							\$	-
Internal Service Charges		5,403,378		38,133	B17					5,441,511
Miscellaneous Interfund Transfers		-		10,400	B26w					- 10,400
Total Internal Service Fund Sources	\$	5,403,378	\$	48,533		\$	-		\$	5,451,911
<u>USES</u> Personnel, Operating, Capital Expenditures	\$	5,403,378	\$	38,133 10,400					\$	5,451,911
Debt Service Transfers Out Fund Balance		-								- -
Appropriations & Fund Balance Facilities Internal Service Fund	\$	5,403,378	\$	48,533	:	\$	-	:	\$	5,451,911
FLEET INTERNAL SERVICE SOURCES										
Balances Brought Forward Revenues:	\$	-							\$	-
Internal Service Charges Miscellaneous		4,845,920 -		21,742						4,867,662
Interfund Transfers Total Fleet Internal Service Fund Sources	\$	4,845,920	\$	61,350	B26x	\$			\$	61,350
USES	<u>*</u>	-1,0-10,020	Ψ	00,002	:	Ψ			Ψ	7,020,012
Personnel, Operating, Capital Expenditures	\$	4,845,920	\$	21,742 61,350					\$	4,929,012
Debt Service Transfers Out Fund Balance		-								- - -

		MENDMENT DGET #1 ORD 29-18	IN	BA #2 ICREASE	REF #1	BA #2 (DECREASE)	REF #2		MENDMENT DGET #2 ORD 74-18
Appropriations & Fund Balance Fleet Internal Service Fund	\$	4,845,920	\$	83,092	=	\$-		\$	4,929,012
SELF INSURED HEALTH PLAN INTERNAL SERVICE									
<u>SOURCES</u> Balances Brought Forward	\$	2,638,785						\$	2,638,785
Revenues:	φ	2,030,705						φ	2,030,705
Internal Service Charges		21,208,211							21,208,211
Miscellaneous		140,000							140,000
Interfund Transfers		1,000,000							1,000,000
Total Self Insured Health Plan Internal Service Fund Sources	\$	24,986,996	\$	-	-	\$-	-	\$	24,986,996
USES									
Personnel, Operating, Capital Expenditures	\$	17,156,518	\$	1,533 4,000,000	B17 B26aa			\$	21,158,051
Debt Service		-							-
Transfers Out		-							-
Fund Balance		7,830,478				(1,533) (4,000,000)			3,828,945
Appropriations & Fund Balance Self Insured Health Plan Int Serv Fund	\$	24,986,996	\$	4,001,533	-	\$ (4,001,533)	-	\$	24,986,996
TOTAL FY 2018 BUDGET	\$	848,312,054	\$	47,515,237		\$ (28,408,706)		\$	867,418,585
TOTAL FY 2018 REVENUE (SOURCES) BUDGET	\$	848,312,054	\$	31,791,417		\$ (12,684,886)		\$	867,418,585
TOTAL FY 2018 EXPENDITURE (USES) BUDGET	\$	848,312,054	\$	47,515,237		\$ (28,408,706)		\$	867,418,585

FUND TYPE SUMMARY	Amended	ı	BA #2 NCREASE	(Di	BA #2 ECREASE)	Amended
General Fund	\$ 220,327,686	\$	1,093,387	\$	-	\$ 221,421,073
Special Revenue	83,468,965		3,400,617		(168,619)	86,700,963
Debt Service	26,096,275		7,915,705		-	34,011,980
Capital Project	17,018,441		9,574,288	(	12,025,532)	14,567,197
Enterprise	447,926,691		9,675,795		(490,735)	457,111,751
Internal Service	53,473,996		131,625		-	53,605,621
Total	\$ 848,312,054	\$	31,791,417	\$ (	12,684,886)	\$ 867,418,585

	CAPITAL PROJECTS AND MULTI-YEAR BUDGETS	
	ly Approved by City Council	
• •	proved May 16, 2016	
J1	Transportation Capital Project Fund - Increase in Budget City Council accepted Local Agency Program Agreement (LAP) between the Florida Department of Transportation and the City for installation of sidewalks on the north and south side of Chiquita Boulevard from Gleason Parkway to SW 12th Terrace, dollar value \$1,393,787. Resolution 77-16 Increase Sources: Intergovernmental Revenue Increase Uses: Capital Outlay	1,393,787 1,393,787
City Council An	proved March 5, 2018	
J2	Transportation Capital Project Fund - Increase in Budget City Council accepted Local Agency Program Agreement (LAP) between the Florida Department of Transportation and the City for installation of sidewalks on the north and south side of Trafalgar Parkway from SW 16th Court to SW 22nd Ct and on SW 20th Ave/Nott Road from Trafalgar Parkway to SW Pine Island Road. The Grant Amount is \$729,412. Resolution 48-18. Increase Sources: Intergovernmental Revenue Increase Uses: Capital Outlay	729,412 729,412
	indicase uses. Oapital Outlay	123,412
J3	Transportation Capital Project Fund - Increase in Budget	
	City Council approved a Post Project Maintenance Agreement between Florida Department of Transportation and the City for maintaining sidewalks constructed on the east side of Chiquita Boulevard from Tropicana Parkway to NW 11th St and the south side of NW 11th St from Chiquita Parkway to NW 16th St. Resolution 49-18 Increase Sources: Intergovernmental Revenue Increase Uses: Capital Outlay	396,209 396,209
City Council An	proved March 19, 2018	
J4	Transportation Capital Project Fund - Decrease in Budget City Council accepted Local Agency Program Agreement (LAP) between the Florida Department of Transportation and the City for installation of sidewalks on the north side of Van Buren Parkway from Burn Store Road to El Dorado Boulevard; on the west side of El Dorado Boulevard from Van Buren Parkway to Kismet Parkway and on the north side of Kismet Parkway from El Dorado Boulevard to Del Prado Boulevard. The Grant Amount is \$1,205,149 and the amended budget included this project at \$1,780,100. This adjustment brings the budget in line with the executed agreement. Resolution 71-18 Increase Sources: Intergovernmental Revenue Increase Uses: Capital Outlay	(574,951) (574,951)
• •	proved April 16, 2018	
J5	Transportation Capital Project Fund - Increase in Budget City Council accepted Local Agency Program Agreement (LAP) between the Florida Department of Transportation and	

Amount

	City Council accepted Local Agency Program Agreement (LAP) between the Florida Department of Transportation and the City for installation of sidewalks on both sides of Andalusia Boulevard between Pine Island Road and Diplomat Parkway. The Grant Amount is \$125,000. Resolution 76-18. Increase Sources: Intergovernmental Revenue Increase Uses: Capital Outlay	125,000 125,000
J6	Transportation Capital Project Fund - Increase in Budget City Council accepted Local Agency Program Agreement (LAP) between the Florida Department of Transportation and the City for installation of sidewalks on the south side of Tropicana Parkway from Burnt Store Road to Chiquita Boulevard. Grant Amount is \$478,081. Resolution 77-18. Increase Sources: Intergovernmental Revenue Increase Uses: Capital Outlay	478,081 478,081

### City Council Approved June 4, 2018 J7

### Park & Recreation Capital Project Fund - Increase in Budget

Park & Recreation Capital Project Fund - Increase in Budget	
City Council approved and accepted the agreement for WCIND Subgrant funding between City of (	Cape Coral and
Lee County Board of Commissioners for the replacement / Repair of the Sewall and ramp at the Cit	y-Owned D&D
Boat Ramp.	
Increase Sources: Intergovernmental Revenue	222,297
Increase Sources: Transfer in	222,297
Increase Uses: Capital Outlay	444,594
General Fund	
Increase Uses: Transfer Out	222,297
Increase Uses: Fund Balance	(222,297)
Increase Sources: Intergovernmental Revenue	67,500
Increase Uses: Capital Outlay	67,500

### City Council Approved June 18, 2018 J8

### General Fund - Police - Increase in Budget

City Council accepted the State Financial Assistance Grant Funding to retrofit the mobile command center vehicle with new technology upgrades. Grant funding amount of \$176,250 with a City cash match of \$82,150, for a total of \$258,400. Resolution 133-18.

Reference	dget Amendment #2 Attachment B to Ordinance 74-18 Description	Amount
	Increase Sources: Intergovernmental Revenue Increase Sources: Transfer In	176,250 82,150
	Increase Uses: Capital Outlay	258,400
	Special Revenue - Police Confiscation Federal - No Change in Budget Decrease Uses: Fund Balance	(82,150
	Increase Uses: Transfer Out	82,150
	il Approved June 25, 2018	
9	Enterprise Fund - Stormwater - Increase in Budget City Council accepted grant funding between the Florida Department of Environmental Protection (FDEP) and the City to assist with offsetting existing North 2 UEP Stormwater Improvement costs. 3 Grants totaling \$1,900,000 awarded, with required City match 50/50. Resolution 134-18.	
	Increase Sources: Intergovernmental Revenue	1,900,000
	Increase Uses: Transfers Out	1,900,000
	Increase Sources: Transfers in Increase Uses: Capital Outlay	1,900,000 1,900,000
City Counc	il Approved July 23, 2018	
10	General Fund - Police - Increase in Budget	
	City Council accepted Edward Byrne Memorial Justice Assistance Grant (JAG) - Countywide-State Solicitation Department for the purchase of surveillance equipment. Grant amount is \$15,562. Resolution 150-18. Increase Sources: Intergovernmental Revenue	15,562
	Increase Uses: Operating Expenditures	15,562
City Counc	il Approved July 30, 2018	
11	P&R Capital Projects Fund - Increase in Budget	
	City Council accepted FY 2018-2019 Lee County Tourist Development (TDC) Beach and Shoreline Grant Funds for	
	ADA compliant restroom at Sirena Vista Park. Resolution 161-18 Increase Sources: Intergovernmental Revenue	173,960
	Increase Uses: Capital Outlay	173,960
City Counc	il Approved August 6, 2018	
112	General Fund - Police - Increase in Budget City Council accepted FY 2018-2019 Florida's Bicycle Pedestrian Focused Initiative: High Visibility Enforcement to conduct operation on an overtime basis. Resolution 177-185 Increase Sources: Intergovernmental Revenue	15,615 15 615
	Increase Uses: Payroll Expenditures	15,615
City Counc J13	il Approved September 17, 2018 P&R Capital Projects Fund - Increase in Budget	
	City Council accepted Lee County Tourist Development (TDC) Grant for Sirena Vista Canoe; Kayak Dock Launching	
	Project and Shoreline Improvements Resolution 191-18	
	Increase Sources: Intergovernmental Revenue Increase Uses: Capital Outlay	65,000
	increase Oses. Capital Outlay	65,000
)they Adim	terre a fa	
Other Adjus J15	General Fund - Police - Increase in Budget	
	The Police Department received a grant from FDOT Drug Recognition Expert (DRE) Call-Out Grant for reimbursement	
	Personnel/Overtime Only. Increase Sources: Intergovernmental Revenue	3,400
	Increase Uses: Payroll Expenditures	3,400
16	Capital Projects Fund - Public Works - Decrease in Budget	
	Decrease Public Works Capital Project Fleet Building by the amount of Debt Proceeds. The City is not going out for debt on this project as of now. Project is being reevaluated.	
	Decrease Sources: Debt Proceeds	(4,700,000
	Decrease Uses: Capital Outlay	(4,700,000
17	Capital Projects Fund - Public Works Stormwater - No Change in Budget Stormwater Operation is transferring \$2.6M for additional Drainage Improvements in LIEP N2	
	Stormwater Operation is transferring \$2.6M for additional Drainage Improvements in UEP N2 Decrease Uses: Fund Balance	(2,700,000
	Increase Uses: Transfer out	2,700,000
	Increase Sources: Transfer in	2,700,000
	Increase Uses: Capital Outlay	2,700,000
118	Special Revenue - Community Development Block Grant (CDBG) - Increase in Budget	

Reference	Description	Amount
	To record recaptured funds that have resulted from the sale of properties that the City bought, rehabilitated, and then resold. The funds are reinvested back into the program. Increase Sources: Other Miscellaneous Revenue	89,233
	Increase Uses: CC Housing Dev OOR Increase Uses: CDBG Grant Admin General Salary	71,387 17,846
J19	Special Revenue - State Housing Initiative Partnership Grant (SHIP) - Increase in Budget To record recaptured funds that have resulted from the sale of properties that the City bought, rehabilitated, and then resold. The funds are reinvested back into the program. Increase Sources: Other Miscellaneous Revenue	91,254
	Increase Uses: SHIP Habitat New Construction Increase Uses: SHIP Admin Regular Salary (Split)	86,691 4,563
J20	Special Revenue - HUD Neighborhood Stabilization Program (NSP) - Increase in Budget To record recaptured funds that have resulted from the sale of properties that the City bought, rehabilitated, and then resold. The funds are reinvested back into the program. Increase Sources: Other Miscellaneous Revenue	509,044
	Increase Uses: NSP Regular Salary (Split) Increase Uses: CCHDC New Construction	50,905 458,139
J21	Special Revenue - Residential Construction Mitigation Program (RCMP) - Increase in Budget To record recaptured funds that have resulted from the sale of properties that the City bought, rehabilitated, and then resold. The funds are reinvested back into the program. Increase Sources: Other Miscellaneous Revenue	16,240
	Increase Uses: CC Housing Dev OOR	16,240
	SUBTOTAL CAPITAL PROJECT & MULTI-YEAR BUDGETS CHANGES Sources	6,097,340
	Uses	6,097,340
	OPERATING BUDGET	
	ly Approved by City Council oproved December 4, 2017	
B1	General Fund - Government Services - No Change in Budget City Council approved the City of Cape Coral to pay for construction-related fees pertaining to construction of the Animal Shelter (Building 1), estimated at \$71,375. Resolution 236-17	
	Increase Uses: Operating Decrease Uses: Fund Balance	71,375 (71,375)
City Council Ap B2	oproved March 5, 2018 Special Revenue - Building - No Change in Budget	
Bz	City Council approved the Contract Amendment for a software upgrade for TRAKiT, which is used for building permits, inspections, land tracking, business licenses and more. Contract amount \$283,720. Resolution 56-18	202 720
	Increase Uses: Capital Outlay Decrease Uses: Fund Balance	283,720 (283,720)
City Council Ap B3	oproved April 2, 2018 Water & Sewer Fund - Utilities - No Change in Budget City Council approved reimbursement for off-site utility agreement for Water Facilities with Crosspoint Church.	
	Reimbursement would be a net of \$17,683. Resolution 66-18. Fund Balance Increase Uses: Capital Outlay	(17,683) 17,683
City Council Ap B4	pproved April 16, 2018 General Fund - Increase In Budget	
	City Council approved waiver of the Procurement Procedures for the Security Measures Capital purchases identified for the Charter Schools. The Charter Schools are transferring \$530,650 to the City to procure and complete said Capital purchases. Resolution 87-18. Increase Sources: Internal Service Charges	530,650
	Increase Uses: Operating Expenditures	530,650
City Council Ar B5	Deproved May 7, 2018 Special Revenue - Fire Impact - No Change in Budget City Council approved the purchase contract for the purchase of Lots 24 through 29, Block 1548, Unit 17, Cape Coral Subdivision, 2025 NE 6th Street, for a future Fire Station site for the purchase price of \$90,000 plus closing costs not to exceed \$2,500. Resolution 92-18.	
	Decrease Uses: Fund Balance Increase Uses: Capital Outlay	(92,500) 92,500
City Council Ar	pproved May 14, 2018	

City Council Approved May 14, 2018

Relefence	Description	Amount
B6	Enterprise - Yacht Basin - No Change in Budget	
	City Council approved the use of Reserves from the Yacht Basin Fund for the repair of the Yacht Club Pool Bath	
	House and Pavilion Roof. The repairs are estimated at \$158,750. Resolution 107-18.	(450 350)
	Decrease Uses: Fund Balance Increase Uses: Operating Expenditures	(158,750) 158,750
B7	Special Revenue - Fire Impact - No Change in Budget City Council approved the exchange contract to trade City owned property located at 2117 Chiquita Boulevard South	
	(Lots 7-8, Block 4406), for a portion of an adjoining five-lot parcel located at 2120 SW 15th Place (Lots 53-54, Block	
	4406) to complete the assemblage of property for the construction of a future Fire Station. City will assume a portion of	
	the outstanding balance of the Southwest 6&7 utility assessment. Approximate amount of \$9,750 plus closing costs	
	not to exceed \$4,500. Resolution 111-18. Decrease Uses: Fund Balance	(14,250)
	Increase Uses: Capital Outlay	14,250
B8	Special Revenue - Lot Mowing - No Change in Budget	
	City Council approved a one-time special assessment of \$15.00 per unimproved lot to be included in the FY18-19	
	Assessment Calculation to fund the removal and dispose of the resulting vegetative debris from Hurricane Irma on Sept 10, 2017. The proposal uses available Reserves from the Lot Mowing Special Revenue Fund and an estimated	
	cost of \$750,000 to be replenished by the levy of the special assessment. Resolution 112-18	
	Decrease Uses: Fund Balance	(750,000)
	Increase Uses: Operating Expenditures	750,000
B9	General Fund - No Change in Budget	
	City Council approved the funding of 23 police vehicles from undesignated reserves for the implementation of the	
	School Resource Officer Program. Amount of \$1,196,000. Resolution 115-18. Decrease Uses: Fund Balance	(1,196,000)
	Increase Uses: Capital Outlay	1,196,000
B10	Enterprise - Stormwater - No Change in Budget	
	City Council approved to contract for the SE 47th Terrace, SE 5th Place, and Cape Coral Parkway culvert cleaning	
	(between Rubicon Canal and Bimini Basin) in the amount of \$95,680 with a 20% contingency, for a total amount of \$114.816. Resolution 114-18.	
	Decrease Uses: Fund Balance	(114,816)
	Increase Uses: Operating Expenditures	114,816
City Council A B11	pproved June 4, 2018 Special Revenue - Waterpark - Increase in Budget	
	City Council approved the reimbursement of excess payments from 2014 for wastewater charges and fees at the City-	
	owned Sunsplash Waterpark, resulting from an engineering analysis. Reimbursement of \$236,735 to be paid from the	
	Water & Sewer Fund to the Waterpark Fund for the capital improvements to Sunsplash Waterpark. Resolution 124-18. Increase Sources: Transfer In	006 705
	Increase Uses: Capital Outlay	236,735 236,735
	Enterprise - Water & Sewer - No Change in Budget	200,700
	Decrease Uses: Fund Balance	(236,735)
	Decrease Source: Charge for Service	(236,735)
City Council A	pproved June 18, 2018	
City Council A B12	pproved July 23, 2018 Special Revenue - All Hazards - No Change in Budget	
	City Council approved the purchase of the Web EOC Professional Software Suite for use at the Emergency	
	Operations Center during an emergency event. Amount is \$37,796 for the initial, FY 2018 cost. Resolution 144-18.	
	Decrease Uses: Fund Balance	(37,796)
	Increase Uses: Capital Outlay	37,796
B13	Special Revenue - Parks & Recreation Programs - Increase In Budget	
	City Council approved Tourist Development Council (TDC) Lee County Events Marketing Grant for Special Events, to	
	assist with the Coconut Festival Marketing Plan. Grant amount is \$10,000 with a City match of \$13,500, for a total of \$23,500. Resolution 141-18.	
	Increase Sources: Intergovernmental Revenue	10,000
	Increase Uses: Operating Expenditures	10,000
City Council A	approved July 30, 2018	
City Council A	upproved August 6, 2018	
B14	pproved August 6, 2018 General Fund - Fire - No Change in Budget	
	City Council approved the purchase of a 100-FT Aerial Platform Ladder Truck and the provisioning's. Resolution 184-18	
	Depreses Lipse: Fund Palance	(1 474 067)

Amount

City Council approved the purchase of a 100-FT Aerial Platform Ladder Truck and the provisioning's. Resolution 184-18 Decrease Uses: Fund Balance (1,474,067) Increase Uses: Capital Outlay 1,474,067

B15	proved August 6, 2018 Enterprise - Stormwater - No Change in Budget	
210	City Council approved emergency purchase order to repair the SE 47th Terrace, SE 5th Place, and Cape Coral	
	Parkway culvert (between Rubicon Canal and Bimini Basin) in the amount of \$279,450 plus NTE 10% contingency, for	
	a total amount of \$114,816. Resolution 160-18.	(007.005)
	Decrease Uses: Fund Balance Increase Uses: Operating Expenditures	(307,395) 307,395
		507,555
City Council Se	ptember 24, 2018	
B16	Water & Sewer Fund - Utilities - No Change in Budget	
	City Council approved reimbursement for a potable water main extension agreement for Fire Suppression with Lifeline	
	Family Center. Reimbursement would be a net of \$54,550. Resolution 214-18. Decrease Uses: Fund Balance	(54,550)
	Increase Uses: Capital Outlay	(34,550) 54,550
	······································	- ,
Items Not Prev	ously Required for Presentation to City Council	
B17	Various Funds - General Pension - No change in Budget	
	Municipal General Employees Retirement Plan Actuarial Valuation 10/01/2017. The 10/01/2017 reflected a total	
	shortfall of \$991,281 allocated across respective funds.	
	General Fund	420,420
	Increase Uses: Payroll Decrease Uses: Fund Balance	429,429 (429,429)
	Increase Uses: Transfer Out Waterpark	5,161
	Increase Uses: Transfer Out P&R Programs	38,913
	Increase Uses: Transfer Out Golf Course	12,157
	Decrease Uses: Fund Balance	(56,231)
	Special Revenue Funds Increase Sources: Transfer In	5,161
	Increase Uses: Payroll	5,161
	Increase Sources: Transfer In	38,913
	Increase Uses: Payroll	38,913
	Increase Sources: Transfer In	12,157
	Increase Uses: Payroll Decrease Uses: Fund Balance	12,157
	Increase Uses: Payroll	(1,534) 1,534
	Increase Uses: Payroll	4,870
	Decrease Uses: Fund Balance	(4,870)
	Increase Uses: Payroll	5,077
	Decrease Uses: Fund Balance	(5,077)
	Increase Uses: Payroll Decrease Uses: Fund Balance	53,171 (53,171)
	Increase Uses: Payroll	400
	Increase Uses: Payroll	(400)
	Capital Projects Fund	
	Increase Uses: Payroll	10,324
	Decrease Uses: Capital Contra Enterprise Funds	(10,324)
	Increase Uses: Payroll	276,501
	Decrease Uses: Fund Balance	(276,501)
	Increase Uses: Payroll	86,014
	Decrease Uses: Fund Balance	(86,014)
	Increase Uses: Payroll	1,278
	Decrease Uses: Fund Balance Internal Service Funds	(1,278)
	Increase Uses: Payroll	2,428
	Decrease Uses: Fund Balance	(2,428)
	Increase Uses: Payroll	2,624
	Decrease Uses: Fund Balance	(2,624)
	Increase Uses: Payroll	38,133
	Increase Sources: Internal Service Charge Increase Uses: Payroll	38,133 21,742
	Increase Sources: Internal Service Charge	21,742
	Increase Uses: Payroll	1,533
	Decrease Uses: Fund Balance	(1,533)

B18

General Fund - City Council - Increase in Budget The Youth Council received a check as winners in Florida League of Cities Sponsored Youth Council contest Increase Sources: Misc. Other

Amount

Reference	get Amendment #2 Attachment B to Ordinance 74-18 Description	Amount
	Increase Uses: Operating	250
B19	General Fund - Fire - Increase in Budget The Fire Department received a donation from Concordia Condominiums Social Committee on behalf of a citizen Increase Sources: Donations Increase Uses: Fund Balance	200 200
B20	General Fund - Fire - Increase in Budget The Fire Department received a donation from the Police & Firemen's Insurance Association Increase Sources: Donations Increase Uses: Operating	500 500
B21	General Fund - Fire - Increase in Budget The Fire Department received a citizen donation for all their service Increase Sources: Donations Increase Uses: Operating	300 300
B22	General Fund - Police - Increase in Budget The Police Department received a donation from Walmart to be used toward the purchase of two Nikon Camera for Police Investigation Intel Increase Sources: Donations Increase Uses: Operating	1,000 1,000
B23	<b>Special Revenue Fund - P&amp;R Programs - Increase in Budget</b> The P&R Department, Art Studio received a citizen donation for the purchase of a Kiln. Increase Sources: Donations Increase Uses: Operating	3,254 3,254
B24	General Fund - Parks & Recreation - Decrease in Budget	
	Adjustment to Parks Maintenance on Grant Match, budget was in both Park Administration and P&R Administration in Budget Amendment #1. Adjust P&R Administration Grant Match from Operating to Capital Outlay Decrease Uses: Capital Outlay Increase Uses: Fund Balance Decrease Uses: Operating Increase Uses: Capital Outlay	(143,000) 143,000 (143,000) 143,000
B25	Capital Projects Fund - CRA Streetscape - Decrease in Budget Adjustment in CRA Capital Projects Transfer in from CRA to Operations Transfer Out Decrease Sources: Transfer In Decrease Uses: Capital Outlay	(2,259,958) (2,259,958)
Miscellaneou	s Adjustments to Correct Budget Overages	(_,,
B26 B26a	General Fund General Fund Revenue- Increase in Budget Increase Sources: Other Admin	9,000
	General Fund Reallocated Funds Between Various Department to Cover Budget Overages Increase Uses: City Clerk - Postage Increase Uses: Parks & Recreation - Transfer out to Waterpark, P&R Programs & Golf Course	9,000 9,000 436,236
	Increase Uses: Parks & Recreation - Transfer out to P&R Programs Increase Uses: Parks & Recreation - Transfer out to Golf Course Decrease Uses: Reserves - Transfer Out P&R Increase Uses: Police - Payroll	430,230 140,751 487,845 (1,064,832) 740,000
	Increase Uses: Public Works Decrease Uses: Reserves - Police Payroll Increase Uses: Government Services - (Payroll UAAL, Facilities, Fleet, Hurricane Irma, Transfer Out to Debt), Decrease Uses: Reserves - (Payroll UAAL, Facilities, Fleet, Hurricane Irma, Transfer Out to Debt),	(740,000) 2,300,016 (2,300,016)
B26b	Special Revenue - Five Cent Gas Tax - No Change in Budget Decrease Uses: Transfer Out 2014 Gas Tax Debt Increase Uses: Reserves	(431,938) 431,938
B26c	Special Revenue - Road Impact Fee - Increase Budget Increase Sources: Impact Fees	760,448
	Increase Uses: Operating Increase Uses: Transfer Out 2014 Gas Tax Debt Increase Uses: Transfer Out to General Fund <b>General Fund - Increase in Budget</b>	70,000 431,938 258,510
	Increase Sources: Transfer In Increase Uses: Fund Balance	258,510 258,510
Baed	Special Povonue - All Hazarde - Decrease in Budget	

B26d Special Revenue - All Hazards - Decrease in Budget

FY 2018 Budg	get Amendment #2	Attachment	B to Ordinance 74-18	
Reference	Description			

Reference	Description	Amount
	Decrease Sources: Taxes	(123,309)
	Decrease Uses: Reserves	(123,309)
B26e	Special Revenue - Do the Right Thing - No Change in Budget	
	Increase Uses: Operating	2,500
	Decrease Uses: Reserves	(2,500)
B26f	Special Revenue - Police Confiscation State - No Change in Budget	
	Increase Uses: Operating Decrease Uses: Reserves	19,100 (19,100)
		(10,100)
B26g	Special Revenue - Alarm Fee - Decrease in Budget Decrease Sources: Fines	(27,500)
	Decrease Uses: Reserves	(27,500)
B26h	Special Revenue - Waterpark - Increase in Budget	
02011	Decrease Sources: Charge for Service	(17,810)
	Increase Sources: Transfer in General Fund	436,236
	Increase Uses: Operating General Fund - No change in Budget	418,426
	Increase Uses: Transfer Out	436.236
	Decrease Uses: Reserves	(436,236)
B26i	Special Revenue - Park Impact Fees- Increase in Budget	
	Increase Sources: Impact Fees	880,000
	Increase Uses: Transfer out Debt Service Decrease Uses: Reserves	926,415 (46,415)
	General Fund - No change in Budget	(40,413)
	Decrease Uses: Transfer out Debt Service	(926,415)
	Increase Uses: Reserves	926,415
B26j	Special Revenue - Building - No Change in Budget	
	Increase Uses: Operating Decrease Uses: Reserves	538,500
		(538,500)
B26k	Special Revenue - P&R Programs - Increase in Budget	100.000
	Increase Sources: Charge for Service Increase Sources: Transfer in General Fund	100,000 140,751
	Increase Uses: Operating	240,751
	General Fund Increase Uses: Transfer Out	140 754
	Decrease Uses: Reserves	140,751 (140,751)
Baai	One shall December 20 meters to December 20 Date in the December 20 De	
B26I	Special Revenue - Community Redevelopment (CRA) - Increase in Budget Increase Sources: Transfer in General Fund	53,403
	Increase Uses: Reserves	53,403
	General Fund	F3 403
	Increase Uses: Transfer Out Increase Uses: Reserves	53,403 (53,403)
Baa	One shall December 2014. One former the product	
B26m	Special Revenue - City Centrum - Increase in Budget Increase Sources: Transfer in General Fund	26,600
	Increase Uses: Operating	26,600
	General Fund Increase Uses: Transfer Out	26,600
	Increase Uses: Reserves	(26,600)
B26n	Special Revenue - Seawalls - Increase in Budget	
DIG	Increase Sources: Misc. Interest	3,345
	Increase Uses: Operating	3,345
B260	Capital Projects - Academic Village - Increase in Budget	00.000
	Increase Sources: Transfer in General Fund Increase Uses: Operating	90,000 90,000
	General Fund	00,000
	Increase Uses: Transfer Out Increase Uses: Reserves	90,000
	וווטובמשב טשבש. הבשבועבש	(90,000)
В26р	Capital Projects - Fire Stations - Increase in Budget	<b></b> ·
	Increase Sources: Transfer in Debt Service Decrease Sources: Debt Proceeds	3,750,581 (3,750,581)
		(0,100,001)

### FY 2018 Budget Amendment #2 Attachment B to Ordinance 74-18 Reference Description

Reference	Description	Amount
<b>B</b> 26 <i>a</i>	Conital Projecto - CRA Streategone - Increace in Budget	
B26q	Capital Projects - CRA Streetscape - Increase in Budget Increase Sources: Debt Proceeds	(3,000,000)
	Increase Sources: Transfer in from Debt Service	4,120,122
	Increase Uses: Capital Outlay	1,120,122
B26r	Debt Service - Increase in Budget	
	Issuance of 2018 Special Obligation Debt for construction of Fire Station and CRA Streetscape Increase Sources: Debt Proceeds	7,912,705
	Increase Sources: Misc. Interest	3,000
	Increase Uses: Operating	3,000
	Increase Uses: Debt	42,002
	Increase Uses: Transfer Out Fire Station	3,750,581
	Increase Uses: Transfer Out CRA Streetscape	4,120,122
B26s	Enterprise Fund - Utilities - No Change in Budget	
2200	Increase Sources: Transfer in (from General Fund Police Capital Asset B26a)	500
	Inecrease Uses: Capital Outlay (transfer to General Fund Police B26a)	500
	Decrease Sources: Transfer in (from Sewer CIAC)	(1,500)
	Increase Uses: Operating	1,046,000
	Increase Uses: Transfer Out	15,500
	Decrease Uses: Reserves	(1,063,000)
B26t	Enterprise Fund - Stormwater - No Change in Budget Increase Uses: Operating	157,000
	Increase Uses: Transfer Out	28,750
	Decrease Uses: Reserves	(185,750)
B26u	Enterprise Fund - Yacht Basin - No Change in Budget	
	Increase Uses: Operating	97,277
	Decrease Uses: Reserves	(97,277)
B26v	Enterprise Fund - Golf Course - Increase in Budget	
	Decrease Sources: Charge for Service	(172,207)
	Increase Sources: Transfer in General Fund	487,845
	Increase Uses: Operating	315,638
	General Fund - No change in Budget Increase Uses: Transfer Out	487,845
	Decrease Uses: Reserves	(487,845)
B26w	Internal Service Fund - Facilities - Increase Budget	
	Increase Sources: Capital Transfer In	10,400
	Increase Uses: Capital Outlay	10,400
B26x	Internal Service Fund - Fleet - Increase in Budget	
	Increase Sources: Capital Transfer In	61,350
	Increase Uses: Capital Outlay	61,350
B26y	Internal Service Fund - Property Liability - No Change in Budget	
	Increase Uses: Operating	238,630
	Decrease Uses: Reserves	(238,630)
B26z	Internal Service Fund - Workers Compensation - No Change in Budget	
	Increase Uses: Operating	78,950
	Decrease Uses: Reserves	(78,950)
B26aa	Internal Service Fund - Self Insurance - No Change in Budget	
	Increase Uses: Operating	4,000,000
	Decrease Uses: Reserves	(4,000,000)
B27	Charter School Operating Fund - Increase in Budget	
D21	The Charter School Governing Board approved their operating budget. Increase of \$2,272,384 from proposed budget	
	of \$28,692,187	
	Increase Sources: Balances Brought Forward	1,752,259
	Increase Sources: Intergovernmental FEFP	638,875
	Increase Sources: Intergovernmental Capital Outlay Increase Sources: Charges for Service	18,872 (80,293)
	Increase Sources: Miscellaneous Revenue	(80,293) 265,287
	Decrease Uses: Payroll	51,039
	Decrease Uses: Operating	(304,818)

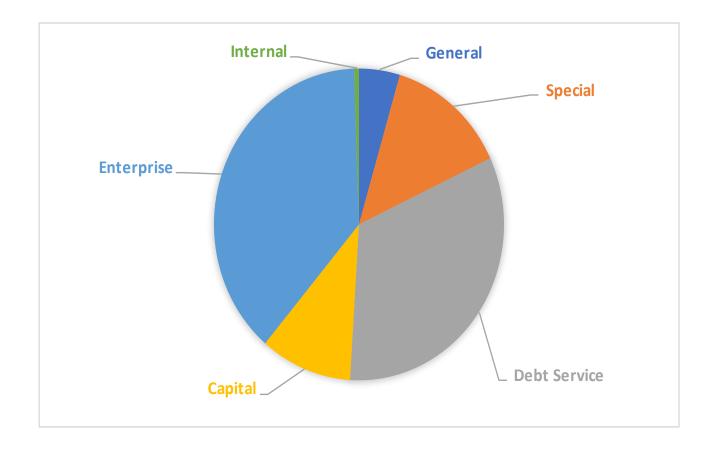
Amount

e	Description	Amount
	Increase Uses: Capital Outlay	(717,498)
	Increase Uses: Debt Service	(928)
	Increase Uses: Fund Balance	3,567,205
	SUBTOTAL OPERATING BUDGET CHANGES Sources	13.009.191
	Uses	13,009,191
	TOTAL BUDGET AMENDMENT #2	
	Sources	19,106,531
	Uses	19,106,531
	0363	-

## Ordinance 74-18 FY 2018 Budget Amendment #2 Intro: Nov. 5, 2018 Public Hearing: Nov. 19, 2018

- Purpose: Amend FY 2018 Operating Budget as Amended
   on April 16 2018 Ordinance 29-18
- City will typically have 2 budget amendments annually
- Amended Budget has NO impact on taxpayers
- BA #2 trues up Revenues and Expenditures, and accounts for any Council action items occurring after BA #1 each year.
- Summary
  - Amendment of \$19,106,531 or a 2.25% change from previously amended budget #1

# Distribution of Amendment by Fund Type



# Summary by Fund Type

	Adopted Budget ORD 54-17	Budget Amendment #1 ORD 29-18	Budget Amendment #2 ORD 74-18	BA #2 Increase / (Decrease)	Budget Percentage Change from Amended	
General	\$ 208,797,247	\$ 220,327,686	\$ 221,421,073	\$ 1,093,387	0.50%	
Special	77,774,377	83,468,965	86,700,963	3,231,998	3.87%	
Debt Service	29,297,819	26,096,275	34,011,980	7,915,705	30.33%	
Capital	15,340,370	17,018,441	14,567,197	(2,451,244)	-14.40%	
Enterprise	458,155,588	447,926,691	457,111,751	9,185,060	2.05%	
Internal	51,486,472	53,473,996	53,605,621	131,625	0.25%	
Total	\$ 840,851,873	\$ 848,312,054	\$ 867,418,585	\$ 19,106,531	2.25%	

### FY 2018 Budget Amendment #2 Highlights

- \$14,395,476 Transfer Out: \$7,870,703 Transfer from Debt Service to Capital Project, \$4,600,000 Stormwater Operations to Capital Project, \$1,121,063 P&R Subsidy
- \$1,474,067 Fire 100-foot Ladder Truck moved from FY 2019 to FY 2018
- \$1,196,000 Police SRO Vehicles
- \$1,313,201 Pension true-up City-wide
- \$769,260 Fleet and Facilities Charge back true-up
- \$406,216 Hurricane Irma (Total Hurricane Irma FY 2018 impact \$12,006,216)

### SUMMARY OF FY 2018 BUDGET AMENDMENT #2 - ALL FUNDS

///	FY 2018 Adopted Budget Ord. 29-18 Additional Sources/Uses FY 2018 Amended Budget Ord. 74-18	\$ 848,312,054 19,106,531 \$ 867,418,585		
	WHERE THE MONEY COMES FROM			
	Additional Sources			
/	Balances Forward		\$ 1,752,259	
	New Revenue	<i></i>		
	Taxes	(123,309)		All Hazards
	Charges for Service	96,105		Charter School Res. 87-18, Alarm Fee less, Utility Credit to Waterpark Res. 124-18
	Intergovernmental Funds (Grants/Shared Revenue)	5,854,869		Police Grants, P&R Grants, Sidewalk Grants, Stormwater Grant, Charter School Shared Revenue
	Miscellaneous	1.228.642		CDBG, HUD, SHIP, Waterpark Utility credit Res.124-18, General Fund Donations
	Permits,Franchise,Impact, Spec Assmt	1,640,448		Road Impact Fee, P&R Impact Fees
	Internal Service Charges	59,875		Fleet & Facilities Charges for Service
	Subtotal Revenue		8,756,630	
	Other Financing Sources			
	Interfund Transfers (In)	12,135,518		Primarily P&R Programs, Waterpark & Golf Course and Capital Projects
	Debt Proceeds	(3,537,876)		Special Obligation Bond for Fire Station Construction and CRA Streetscape adjusted debt proceeds and transfer in/out, Fleet Building project being reevaluated
	Subtotal Other Financing Sources		8,597,642	dest proceeds and italister modi, ricer bahang project senig reevaluated
	Total Additional Sources Budget Amendment #2	2	\$ 19,106,531	
	-	1	, .,,	
	HOW THE SOURCES ARE DISTRIBUTED			
	Additional Uses			
	Expenditures			
	Payroll	3,488,539		Police Overtime, Fire Overtime, Building Overtime, UAAL Pension
	Operating	10,062,173		Hurricane Irma, Grant Programs, Fleet & Facilities Charges, Charter School Security, Insurance Claims
	Capital Outlay	5,260,229		PW Stormwater UEP1 & 2, PW Sidewalks, P&R D&D Boat Ramp, Fire Ladder Truck,
	Debt Service	41,074		2018 Special Obligation Bond, Fleet Building project being reevaluated
	- Subtotal Expenditures	•	\$ 18,852,015	
	Other Financing Uses		, -,,- <b></b>	
	Interfund Transfers (Out)		14,395,476	Primarily P&R Programs, Waterpark & Golf Course and Capital Projects
	Fund Balance		(14,140,960)	Net change in budgeted Fund Balance after all adjustments
	Total Additional Uses Budget Amendment #2		\$ 19,106,531	-

### **GENERAL FUND**

FY 2018 Adopted Budget Ord. 29-18 Additional Sources/Uses FY 2018 Amended Budget Ord. 74-18	\$220,327,686 1,093,387 221,421,073		
WHERE THE MONEY COMES FROM			
Additional Sources			
Balances Forward		\$-	
New Revenue		Ψ -	
Intergovernmental Funds (Grants/Shared R	e 210,827		\$210,827 Police Grants
Charges for Service	530,650		Charter School - Security measure identified Resolution 87-18
Miscellaneous	11,250		\$9,000 City Clerk , \$250 City Council Youth Council Award,Donations: \$1,000 Fire and \$1,000 Police
Permits,Franchise,Impact, Spec Assmt			
Subtotal Revenue		752,727	
Other Financing Sources			
Interfund Transfers (In)	340,660		<ul> <li>\$ 82,150 Police Confiscation Federal retrofit mobile command unit</li> <li>\$258,510 Road Impact Fees higher 3% Administrative Fee</li> </ul>
Debt Proceeds	-		
Subtotal Other Financing Sources		. 340,660	
Total Additional Sources Budget Amendment #2	21	\$ 1,093,387	-
HOW THE SOURCES ARE DISTRIBUTED Additional Uses Expenditures			
Payroll, Capital & Capital Outlay	6,803,889		\$1,474,067 Fire purchase 100 FT Aerial Platform Ladder Truck Res.184-18
Debt Service	_		\$2,229,977 Police (\$1,196,000 Vehicle for SRO Program Res.115-18, \$1,218,400 Payroll (\$570,400 Overtime)) \$2,229,477 Government Services (\$751,349 Pension true-up, \$530,650 Charter School Security Res. 87-18, \$949,800 Facility true-up, \$406,216 Hurricane Irma (\$12,006,216 Hurricane Irma Total FY 2018 Budget
Subtotal Expenditures		\$ 6,803,889	
Other Financing Uses		. , ,	
Interfund Transfers (Out)		613,448	\$222,297 Grant Match D&D Boat Ramp; \$26,600 City Centrum; \$53,403 CRA TIF; \$26,000 Public Works purchase capital assets from other funds; P&R Transfer out to \$441,397 Waterpark, \$179,664 P&R Programs &\$500,002 Golf Course; \$90,000 Academic Village, and \$(926,415) Debt Service
Fund Balance			
Committed	-		
Unassigned	(6,323,950)		Net change in budget Fund Balance after all adjustments
Subtotal Fund Balance		(6,323,950)	<u>-</u>
Total Additional Uses Budget Amendment #2		\$ 1,093,387	-

### SUMMARY OF FY 2018 BUDGET AMENDMENT #2 CHANGES AS PER ORDINANCE #74-18

	GENERAL FUND	SPECIAL REVENUE	DEBT SERVICE	CAPITAL PROJECT	ENTERPRISE FUNDS	INTERNAL SERVICE	TOTAL ALL FUNDS
SOURCE OF FUNDS							
Estimated Revenue							
Taxes							
Special Revenue Fund: All Hazards revenue less than projections (B26d)	\$-	\$ (123,309)			\$-		\$ (123,309)
Subtotal Taxes		(123,309)	•	· -	-	-	(123,309)
Sales and Use Taxes							
	-	-			-	-	-
	-	-			-	-	-
Subtotal Sales and Use Taxes							
Licenses, Permits, Franchise, & Special Assessments							
Special Revenue Fund: Road Impact Fee additional revenue (B26c)	-	760,448	-		-	-	760,448
Special Revenue Fund: Park Impact Fee additional revenue (B26i)	-	880,000	-		-	-	880,000
Subtotal Licenses, Permits, Franchise, & Special Assessments		1,640,448			-	-	1,640,448
Charges for Service							
General Fund: Governmental Services Charter School Security Measures (B4)	530,650	-			-	-	530,650
Enterprise Fund: Water & Sewer issue credit to Waterpark for consumption based on Engineer Report (B11)	-	-			(236,735)	-	(236,735)
Special Revenue Fund: Alarm Fee revenue less than projections (B26d)	-	(27,500)			-	-	(27,500)
Special Revenue Fund: P&R Waterpark adjust to cover budget overages (B26h)	-	(17,810)	-		-	-	(17,810)
Special Revenue Fund: P&R P&R Programs adjust to cover budget overages (B26k)	-	100,000	-		-	-	100,000
Enterprise Fund: P&R Golf Course adjust to cover budget overages (B26v)	-	-			(172,207)	-	(172,207)
Charter School Fund (B27)	-	-			(80,293)	-	(80,293)
Subtotal Charges for Service	530,650	54,690	-		(489,235)	-	96,105
Intergovernmental Revenues							
General Fund: Public Works LAP and DOT Sidewalk Grant Chiquita Boulevard (J1)	-	-		- 1,393,787	-	-	1,393,787
General Fund: Public Works LAP and DOT Sidewalk Grant Trafalgar Parkway (J2)	-	-	-	- 729,412	-	-	729,412
General Fund: Public Works and DOT Sidewalk Maintenance Grant Chiquita Boulevard (J3)	-	-	-	- 396,209	-	-	396,209
General Fund: Public Works LAP and DOT Sidewalk Grant Van Buren Parkway (J4)	-	-	-	- (574,951)	-	-	(574,951)
General Fund: Public Works LAP and DOT Sidewalk Grant Andalusia Boulevard (J5)	-	-	-	- 125,000	-	-	125,000
General Fund: Public Works LAP and DOT Sidewalk Grant Tropicana Parkway (J6)	-	-	-	- 478,081	-	-	478,081
General Fund: P&R WCIND Grant Capital Projects D&D Boat Ramp (J7)	-	-	-	- 222,297	-	-	222,297
General Fund: P&R WCIND Grant Capital Projects D&D Boat Ramp (J7) General Fund: Police State Financial Assistance Grant to retrofit the mobile command vehicle (J8)	- 176,250	-	-	- 67,500	-	-	67,500 176,250
Enterprise Fund: Stormwater Florida Department of Environmental Protection UEP N2 Grant (J9)	170,250	-			- 1,900,000	-	1,900,000
General Fund: Police Edward Byrne Memorial Justice Assistance (JAG) Grant (J10)	15,562				1,300,000		15,562
General Fund: P&R Lee County Tourist Development (TDC) Grant Sirenia Vista ADA Restroom, Shoreline (J11)	10,002	-		173,960	-	-	173,960
General Fund: Police FY 2018-2019 Florida's Bicycle Pedestrian Focused Initiative Grant (J12)	15,615	-			-	-	15,615
General Fund: P&R Lee County Tourist Development (TDC) Sirenia Vista Canoe, Kayak Dock (J13)		-		- 65,000	-	-	65,000
General Fund: Police US Dept of Justice, Drug Enforcement Administration Grant (J15)	3,400	-			-	-	3,400
Special Revenue Fund: P&R P&R Program Special Events TDC Lee County Events Grant (B13)	-	10,000	-		-	-	10,000
Charter School Fund (B27)		-			657,747	-	657,747
Subtotal Intergovernmental Revenues	210,827	10,000		- 3,076,295	2,557,747	-	5,854,869
Fines & Forfeitures							-
Subtotal Fines & Forfeitures	-	-	-		-	-	-
	-	-	-		-	-	-

Miscellaneous Revenue

	GENERAL FUND	SPECIAL REVENUE	DEBT SERVICE	CAPITAL PROJECT	ENTERPRISE FUNDS	INTERNAL SERVICE	TOTAL ALL FUNDS
Special Revenue Fund: CDBG Fund - Recaptured Funds for redistribution (J18)	-	89,233	-	-	-	-	89,233
Special Revenue Fund: State Housing Initiative Partnership Grant (SHIP) Fund-Recaptured Funds (J19)	-	91,254	-	-	-	-	91,254
Special Revenue Fund: HUD Neighborhood Stabilization Fund-Recaptured Funds (J20)	-	509,044	-	-	-	-	509,044
Special Revenue Fund: Residential Construction Mitigation Program (RCMP) Fund-Recaptured Funds (J21)	-	16,240	-	-	-	-	16,240
Special Revenue Fund: P&R Waterpark W&S issue credit to Waterpark for consumption based on Engineer Report (B11)	-	236,735	-	-	-	-	236,735
General Fund: City Council Youth Florida League of Cities contest (B18)	250	-	-	-	-	-	250
General Fund: Fire Donation Citizen (B19)	200	-	-	-	-	-	200
General Fund:Fire Donation Police & Firemen's Insurance Association (B20)	500	-	-	-	-	-	500
General Fund: Fire Donation Citizen (B21)	300	-	-	-	-	-	300
General Fund: Police Donation purchase of 2 Nikon Camera (B22)	1,000	-	-	-	-	-	1,000
Special Revenue Fund: P&R P&R Programs - Donation for Art Studio kiln (B23)	-	3.254	-	-	-	-	3.254
General Fund: City Clerk Misc. Revenue (26a)	9,000		-	-	-	-	9,000
Special Revenue Fund: Seawalls adjust budget overages transfer in from General Fund (B26i)	-	3,345	-	_	-	_	3,345
Debt Service Fund: Issuance of 2018 Special Obligation Debt (B26r)	-	0,040	3,000	_	-	_	3,000
Charter School Fund (B27)	_	_	0,000	_	265,287	_	265,287
	-	-	-	-	- 200,201	-	
Subtotal Miscellaneous Revenue	11,250	949,105	3,000	-	265,287	-	1,228,642
Licenses & Permits	-	-	-	-	-	-	-
Internal Service Charges							
Internal Service Fund: Facilities General Employees Retirement Plan Actuarial Valuation Shortfall (B17)	-	-	-	-	-	38,133	38,133
Internal Service Fund: Fleet General Employees Retirement Plan Actuarial Valuation Shortfall (B17)	-	-	-	-	-	21,742	21,742
	-	-	-	-	-	-	-
Subtotal Internal Service Charges				-	-	- 59.875	- 59,875
•							
Total Estimated Revenue	752,727	2,530,934	3,000	3,076,295	2,333,799	59,875	8,756,630
Transfers In							
General Fund: P&R WCIND Grant Capital Projects D&D Boat Ramp (J7)	-	-	-	222,297	-	-	222,297
General Fund: Police State Financial Assistance Grant to retrofit the mobile command vehicle (J8)	82,150	-	-	-	-	-	82,150
Enterprise Fund: Stormwater Florida Department of Environmental Protection UEP N2 Grant (19)	-	-	-	-	1,900,000	-	1,900,000
Enterprise Fund: Stormwater Operations transferring for Drainage Improvement in UEP N2 (J17)	-	-	-	-	2,700,000	-	2,700,000
Special Revenue Fund: P&R WaterparkTransfer in General Employees Retirement Plan Actuarial Valuation Shortfall (B17)	-	5,161	-	-	-	-	5,161
Special Revenue Fund: P&R P&R Programs Transfer in General Employees Retirement Plan Actuarial Valuation Shortfall (B1)	-	38,913	-	-	-	-	38,913
Enterprise Fund: P&R Golf Course Transfer in General Employees Retirement Plan Actuarial Valuation Shortfall (B17)				-	12,157	-	12,157
Capital Projects Fund: CRA Streetscape adjust for Transfer in and Debt Proceeds (B25)	-	-	-	(2,259,958)	-	_	(2,259,958)
Enterprise Fund: Water & Sewer - Police capital asset transfer out reallocated to cover budget overages (26a)	-	-	-	(2,200,000)	500	_	(2,200,000)
General Fund: Road Impact Fee additional revenue transfer out to General Fund (B26c)	258,510			_	500	_	258,510
Special Revenue Fund: P&R Waterpark adjust to cover budget overages (B26h)	200,010	436,236	_	_	_	_	436,236
Special Revenue Fund: P&R P&R Pograms adjust to cover budget overages (B26k)		140.751		_		_	140.751
Special Revenue: CRA Fund 2018 Revenue final values higher then projections (B26I)	-	53,403	-	-	-	-	53,403
Special Revenue Fund: City Centrum adjust budget overages transfer in from General Fund (B26m)	-	26,600	-	-	-	-	26,600
Capital Projects Fund: Academic Village adjust transfer in from General Fund (B260)	-	20,000	-	- 90,000	-	-	90.000
	-	-	-		-	-	,
Capital Projects Fund: Fire Station Construction adjust for Transfer in and Debt Proceeds (B26p)	-	-	-	3,750,581	-	-	3,750,581
Capital Projects Fund: CRA Streetscape adjust for Transfer in and Debt Proceeds (B26q)	-	-	-	4,120,122	-	-	4,120,122
Enterprise Fund: Water & Sewer to cover budget overages (B26s)	-	-	-	-	(1,500)	-	(1,500)
Enterprise Fund: P&R Golf Course adjust to cover budget overages (B26v)	-	-	-	-	487,845	-	487,845
Internal Service Fund: Facilities capital asset transfer in reallocated to cover budget overages (26w)	-	-	-	-	-	10,400	10,400
Internal Service Fund: Fleet capital asset transfer in reallocated to cover budget overages (26x)	-	-	-	-	-	61,350	61,350
	-	-	-	-	-	-	-
Subtotal Transfers In	340,660	701,064	-	5,923,042	5,099,002	71,750	12,135,518

	GENERAL FUND	SPECIAL REVENUE	DEBT SERVICE	CAPITAL PROJECT	ENTERPRISE FUNDS	INTERNAL SERVICE	TOTAL ALL FUNDS
Note/Debt Proceeds							
General Fund: Public Works Fleet Building Debt Proceeds City is not going out for debt at this time (J16)	-	-	-	(4,700,000)	-	-	(4,700,000)
Capital Projects Fund: Fire Station Construction adjust for Transfer in and Debt Proceeds (B26p)	-	-	-	(3,750,581)	-	-	(3,750,581)
Capital Projects Fund: CRA Streetscape adjust for Transfer in and Debt Proceeds (B26q)	-	-	-	(3,000,000)	-	-	(3,000,000)
Debt Service Fund: Issuance of 2018 Special Obligation Debt (B26r)	-	-	7,912,705	-	-	-	7,912,705
	-	-	-	-	-	-	-
Subtotal Note/Debt Proceeds	-	-	7,912,705	(11,450,581)	-	-	(3,537,876)
Balances Brought Forward							
Charter School Fund (B27)	-	-	-	-	1,752,259	-	1,752,259
		-	-	-	-	-	-
Subtotal Balances Forward		-	-	-	1,752,259	-	1,752,259
TOTAL SOURCES (REVENUES, TRANSFERS IN & BALANCES FORWARD) Less Transfers In	1,093,387	3,231,998	7,915,705	(2,451,244)	9,185,060	131,625	<b>19,106,531</b> (12,135,518)
Net Budget Adjustment							6,971,013
USE OF FUNDS Estimated Expenditures:							
General Government							
General Fund - Public Works Fleet Building Debt Proceeds City is not going out for debt at this time (J16)	-	-	-	(4,700,000)	-	-	(4,700,000)
General Fund: Government Services Animal Shelter construction related fees (B1)	71,375	-	-	-	-	-	71,375
General Fund: Governmental Services Charter School Security Measures (B4)	530,650	-	-	-	-	-	530,650
General Fund: Government Services General Employees Retirement Plan Actuarial Valuation Shortfall (B17)	429,429	-	-	-	-	-	429,429
Internal Service Fund: Risk WC General Employees Retirement Plan Actuarial Valuation Shortfall (B17)	-	-	-	-	-	2,428	2,428
Internal Service Fund: Risk PL General Employees Retirement Plan Actuarial Valuation Shortfall (B17)	-	-	-	-	-	2,624	2,624
General Fund: City Council Youth Florida League of Cities contest (B18)	250	-	-	-	-	-	250
General Fund: City Clerk reallocated to cover budget overages (26a)	9,000	-	-	-	-	-	9,000
General Fund: Government Services reallocated to cover budget overages (26a) Special Revenue Fund: Seawalls adjust budget overages transfer in from General Fund (B26i)	2,227,641	- 3,345	-	-	-	-	2,227,641 3,345
General Fund: City Centrum adjust budget overages transfer in from General Fund (B26m)		26,600		-		-	26.600
Capital Projects Fund: Academic Village adjust transfer in from General Fund (B260)	-	-	_	90,000	-	_	90,000
Debt Service Fund: Issuance of 2018 Special Obligation Debt (B26r)	-	-	3,000	-	-	-	3,000
	-	-	-	-	-	-	-
	-	-	-	-	-	-	-
Subtotal General Government Expenditures	3,268,345	29,945	3,000	(4,610,000)	-	5,052	(1,303,658)
Public Safety							
General Fund: Police State Financial Assistance Grant to retrofit the mobile command vehicle (J8)	258,400	-	-	-	-	-	258,400
General Fund: Police Edward Byrne Memorial Justice Assistance (JAG) Grant (J10)	15,562	-	-	-	-	-	15,562
General Fund: Police FY 2018-2019 Florida's Bicycle Pedestrian Focused Initiative Grant (J12)	15,615	-	-	-	-	-	15,615
General Fund: Police US Dept of Justice, Drug Enforcement Administration Grant (J15) Special Revenue Fund: Building software upgrade for TRAKiT (B2)	3,400	- 283,720	-	-	-	-	3,400 283,720
Special Revenue Fund: Duilaing software upgrade for front (B2) Special Revenue Fund: Fire Impact purchase of lots for future Fire Station (B5)		92,500	_	_			92,500
Special Revenue Fund: Fire Impact purchase of lots for future Fire Station (B7)	-	14,250	-	-	-	-	14,250
General Fund: Police purchase of vehicles for SRO Program (B9)	1,196,000	-	-	-	-	-	1,196,000
Special Revenue Fund: All Hazards purchase Web EOC Professional Software for EmergencyOperationsCenter (B12)	-	37,796	-	-	-	-	37,796
General Fund: Fire Approved purchase of 100-FT Aerial Truck and provisioning (B14)	1,474,067	-	-	-	-	-	1,474,067
Special Revenue Fund: Alarm Fee General Employees Retirement Plan Actuarial Valuation Shortfall (B17)	-	1,534	-	-	-	-	1,534
Special Revenue Fund: All Hazards General Employees Retirement Plan Actuarial Valuation Shortfall (B17)	-	4,870	-	-	-	-	4,870
Special Revenue Fund: Building General Employees Retirement Plan Actuarial Valuation Shortfall (B17)	-	53,171	-	-	-	-	53,171
General Fund: Fire Donation Citizen (B19)	200	-	-	-	-	-	200
General Fund: Fire Donation Police & Firemen's Insurance Association (B20)	500	-	-	-	-	-	500
General Fund: Fire Donation Citizen (B21)	300	-	-	-	-	-	300

	GENERAL FUND	SPECIAL REVENUE	DEBT SERVICE	CAPITAL PROJECT	ENTERPRISE FUNDS	INTERNAL SERVICE	TOTAL ALL FUNDS
General Fund: Police Donation purchase of 2 Nikon Camera (B22)	1,000	-	-	-	-	-	1,000
General Fund: Police reallocated to cover budget overages (26a)	739,500	-	-	-	-	-	739,500
Special Revenue Fund: Do the Right Thing reallocated to cover budget overages (B26e)	-	2,500	-	-	-	-	2,500
Special Revenue Fund: Police Confiscation State reallocated to cover budget overages (B26e)	-	19,100	-	-	-	-	19,100
Special Revenue Fund: Building reallocated to cover budget overages (B26j)	-	538,500	-	-	-	-	538,500
Capital Projects Fund: Fire Station Construction adjust for Transfer in and Debt Proceeds (B26p)	-	-	-	-	-	-	-
	-	-	-	-	-	-	-
Subtotal Public Safety Expenditures	3,704,544	1,047,941	-	-	-	-	4,752,485
Physical Environment							
Enterprise Fund: Stormwater Florida Department of Environmental Protection UEP N2 Grant (J9)	-	-	-	-	1,900,000	-	1,900,000
Enterprise Fund: Stormwater Operations transferring for Drainage Improvement in UEP N2 (J17)	-	-	-	-	2,700,000	-	2,700,000
Enterprise Fund: Water & Sewer off-site utility agreement for Crosspoint Church (B3)	-	-	-	-	17,683	-	17,683
Special Revenue Fund: Lot Mowing Fund removal and dispose of vegetative debris from Hurricane Irma (B8)	-	750,000	-	-	-	-	750,000
Enterprise Fund: Stormwater Fund culvert cleaning (between Rubicon Canal and Birmini Basin (B10)	-	-	-	-	114,816	-	114,816
Enterprise Fund: Stormwater Operations emergency purchase repair culvert Rubicon Canal & Bimini Basin (B15)	-	-	-	-	307,395	-	307,395
Special Revenue Fund: Lot Mowing General Employees Retirement Plan Actuarial Valuation Shortfall (B17)	-	5,077	-	-	-	-	5,077
Enterprise Fund: Water & Sewer Reimburse Lifeline Family Center - Fire Suppression Portable watermain (B16)	-	-	-	-	54,550	-	54,550
Enterprise Fund: Water & Sewer General Employees Retirement Plan Actuarial Valuation Shortfall (B17) Enterprise Fund: Stormwater General Employees Retirement Plan Actuarial Valuation Shortfall (B17)	-	-	-	-	276,501 86,014	-	276,501 86,014
General Fund: Submixater General Employees Retirement Fian Actuation Valuation Shortain (ST7)	(26,000)	-	-	-	00,014	-	(26,000)
Enterprise Fund: Water & Sewer to cover budget overages (B26s)	(20,000)	-	_	_	1,046,500	-	1,046,500
Enterprise Fund: Stormwater to cover budget overages (B26s)	-	-	-	-	157,000	-	157,000
	-	-	-	-	-	-	-
	-	-	-	-	-	-	-
Subtotal Physical Environment Expenditures	(26,000)	755,077	-	-	6,660,459	-	7,389,536
Transportation	•						
General Fund: Public Works LAP and DOT Sidewalk Grant Chiquita Boulevard (J1)	-	-	-	1,393,787	-	-	1,393,787
General Fund: Public Works LAP and DOT Sidewalk Grant Trafalgar Parkway (J2)	-	-	-	729,412	-	-	729,412
General Fund: Public Works and DOT Sidewalk Maintenance Grant Chiquita Boulevard (J3)	-	-	-	396,209	-	-	396,209
General Fund: Public Works LAP and DOT Sidewalk Grant Van Buren Parkway (J4)	-	-	-	(574,951)	-	-	(574,951)
General Fund: Public Works LAP and DOT Sidewalk Grant Andalusia Boulevard (J5)	-	-	-	125,000	-	-	125,000
General Fund: Public Works LAP and DOT Sidewalk Grant Tropicana Parkway (J6)	-	-	-	478,081	-	-	478,081
Special Revenue Fund: Road Impact Fee additional revenue (B26c)	-	70,000	-	-	-	-	70,000
	-	-	-	-	-	-	-
Subtotal Transportation Expenditures	-	70,000	-	2,547,538	-	-	2,617,538
Economic Environment							
Special Revenue Fund: CDBG Fund - Recaptured Funds for redistribution (J18)		89,233	_				89,233
Special Revenue Fund: State Housing Initiative Partnership Grant (SHIP) Fund-Recaptured Funds (J19)	-	91,254	_	-	-	-	91,254
Special Revenue Fund: HUD Neighborhood Stabilization Fund-Recaptured Funds (J20)	-	509,044	-	-	-	-	509,044
Special Revenue Fund: Residential Construction Mitigation Program (RCMP) Fund-Recaptured Funds (J21)	-	16,240	-	-	-	-	16,240
Capital Projects Fund: CRA Streetscape adjust for Transfer in and Debt Proceeds (B25)	-	-	-	(2,259,958)	-	-	(2,259,958)
Capital Projects Fund: CRA Streetscape adjust for Transfer in and Debt Proceeds (B26q)	-	-	-	1,120,122	-	-	1,120,122
	-	-	-	-	-	-	-
		-	-	-	-	-	(424.005)
Subtotal Economic Environment Expenditures	-	705,771	-	(1,139,836)	-	-	(434,065)
Culture/Recreation							
General Fund: P&R WCIND Grant Capital Projects D&D Boat Ramp (J7)	-	-	-	512,094	-	-	512,094
General Fund: P&R Lee County Tourist Development (TDC) Grant Sirenia Vista ADA Restroom, Shoreline (J11) General Fund: P&R Lee County Tourist Development (TDC ) Sirena Vista Canoe, Kayak Dock (J13)	-	-	-	173,960 65,000	-	-	173,960 65,000
				00,000			00,000

Enterprise Fund: Yacht Basin repair of Yacht Club Pool Bath House and Pavilion Roof (B6)Special Revenue Fund: P&R Waterpark W&S issue credit for consumption based on Engineer Report (B11)236,735Special Revenue Fund: P&R P&R Programs Special Events TDC Lee County Events Grant (B13)-10,000Special Revenue Fund: P&R Waterpark General Employees Retirement Plan Actuarial Valuation Shortfall (B17)-5,161Special Revenue Fund: P&R P&R Programs General Employees Retirement Plan Actuarial Valuation Shortfall (B17)-38,913Enterprise Fund: P&R Colf Course General Employees Retirement Plan Actuarial Valuation Shortfall (B17)Enterprise Fund: P&R Yacht Basin General Employees Retirement Plan Actuarial Valuation Shortfall (B17)Enterprise Fund: P&R Yacht Basin General Employees Retirement Plan Actuarial Valuation Shortfall (B17)Enterprise Fund: P&R Yacht Basin General Employees Retirement Plan Actuarial Valuation Shortfall (B17)Special Revenue Fund: P&R Yacht Basin General Employees Retirement Plan Actuarial Valuation Shortfall (B17)Special Revenue Fund: P&R P&R Programs - Donation for Art Studio kiln (B23)Special Revenue Fund: P&R Waitenpark adjust to cover budget overages (B26h)-418,426Special Revenue Fund: P&R P&R Pograms adjust to cover budget overages (B26k)-240,751		-	158,750 - - -	- - -	158,750 236,735
Special Revenue Fund: P&R P&R Programs Special Events TDC Lee County Events Grant (B13)-10,000Special Revenue Fund: P&R Waterpark General Employees Retirement Plan Actuarial Valuation Shortfall (B17)-5,161Special Revenue Fund: P&R Course General Employees Retirement Plan Actuarial Valuation Shortfall (B17)-38,913Enterprise Fund: P&R Golf Course General Employees Retirement Plan Actuarial Valuation Shortfall (B17)Enterprise Fund: P&R Golf Course General Employees Retirement Plan Actuarial Valuation Shortfall (B17)Enterprise Fund: P&R Yacht Basin General Employees Retirement Plan Actuarial Valuation Shortfall (B17)Special Revenue Fund: P&R Yacht Basin General Employees Retirement Plan Actuarial Valuation Shortfall (B17)Special Revenue Fund: P&R Yacht Basin General Employees Retirement Plan Actuarial Valuation Shortfall (B17)Special Revenue Fund: P&R Nath dualication for Art Studio kiln (B23)-3,254General Fund: P&R Maintenance adjust Grant Match duplicate Budget in P&R Administration (B24)(143,000)-Special Revenue Fund: P&R Vaterpark adjust to cover budget overages (B26h)-418,426Special Revenue Fund: P&R P&R Programs adjust to cover budget overages (B26k)-240,751			- - -	-	
Special Revenue Fund: P&R Waterpark General Employees Retirement Plan Actuarial Valuation Shortfall (B17)-5,161Special Revenue Fund: P&R P&R Programs General Employees Retirement Plan Actuarial Valuation Shortfall (B17)-38,913Enterprise Fund: P&R Goft Course General Employees Retirement Plan Actuarial Valuation Shortfall (B17)Enterprise Fund: P&R Yacht Basin General Employees Retirement Plan Actuarial Valuation Shortfall (B17)Special Revenue Fund: P&R Yacht Basin General Employees Retirement Plan Actuarial Valuation Shortfall (B17)Special Revenue Fund: P&R PROgrams - Donation for Art Studio kiln (B23)-3,254General Fund: P&R Maintenance adjust Grant Match duplicate Budget in P&R Administration (B24)(143,000)-Special Revenue Fund: P&R Vaterpark adjust to cover budget overages (B26h)-418,426Special Revenue Fund: P&R P&R Programs adjust to cover budget overages (B26k)-240,751			-	-	40.000
Special Revenue Fund: P&R P&R Programs General Employees Retirement Plan Actuarial Valuation Shortfall (B17)-38,913Enterprise Fund: P&R Golf Course General Employees Retirement Plan Actuarial Valuation Shortfall (B17)Enterprise Fund: P&R Yacht Basin General Employees Retirement Plan Actuarial Valuation Shortfall (B17)Special Revenue Fund: P&R P&R Programs - Donation for Art Studio kill (B23)-3,254General Fund : P&R Maintenance adjust Grant Match duplicate Budget in P&R Administration (B24)(143,000)-Special Revenue Fund: P&R Waterpark adjust to cover budget overages (B26h)-418,426Special Revenue Fund: P&R P&R Programs adjust to cover budget overages (B26k)-240,751		-	-		10,000
Enterprise Fund: P&R Golf Course General Employees Retirement Plan Actuarial Valuation Shortfall (B17)Enterprise Fund: P&R Yacht Basin General Employees Retirement Plan Actuarial Valuation Shortfall (B17)Special Revenue Fund: P&R P&R Programs - Donation for Art Studio kiln (B23)-3,254General Fund: P&R Maintenance adjust Grant Match duplicate Budget in P&R Administration (B24)(143,000)-Special Revenue Fund: P&R Waterpark adjust to cover budget overages (B26h)-418,426Special Revenue Fund: P&R P&R Programs adjust to cover budget overages (B26k)-240,751		-	-	-	5,161
Enterprise Fund: P&R Yacht Basin General Employees Retirement Plan Actuarial Valuation Shortfall (B17)Special Revenue Fund: P&R P&R Programs - Donation for Art Studio kiln (B23)-3,254General Fund: P&R Maintenance adjust Grant Match duplicate Budget in P&R Administration (B24)(143,000)-Special Revenue Fund: P&R Waterpark adjust to cover budget overages (B26h)-418,426Special Revenue Fund: P&R P&R Programs adjust to cover budget overages (B26k)-240,751		-		-	38,913
Special Revenue Fund: P&R P&R Programs - Donation for Art Studio kiln (B23)-3,254General Fund: P&R Maintenance adjust Grant Match duplicate Budget in P&R Administration (B24)(143,000)-Special Revenue Fund: P&R Waterpark adjust to cover budget overages (B26h)-418,426Special Revenue Fund: P&R P&R Programs adjust to cover budget overages (B26k)-240,751	-	-	12,157	-	12,157
General Fund : P&R Maintenance adjust Grant Match duplicate Budget in P&R Administration (B24)       (143,000)         Special Revenue Fund: P&R Waterpark adjust to cover budget overages (B26h)       418,426         Special Revenue Fund: P&R P&R Programs adjust to cover budget overages (B26k)       240,751	-		1,278	-	1,278
Special Revenue Fund: P&R Waterpark adjust to cover budget overages (B26h)       -       418,426         Special Revenue Fund: P&R P&R Programs adjust to cover budget overages (B26k)       -       240,751	-	-	-	-	3,254
Special Revenue Fund: P&R P&R Programs adjust to cover budget overages (B26k) - 240,751		-	-	-	(143,000)
	-	-	-	-	418,426
	-	-	-	-	240,751
Enterprise Fund: P&R Yacht Basin adjust to cover budget overages (B26u)	-	-	97,277	-	97,277
Enterprise Fund: P&R Golf Course adjust to cover budget overages (B26v)	-	-	315,638	-	315,638
General Fund: P&R transfer out reallocated to cover budget overages (26a)	-	-	-	-	-
Charter School Fund (B27)	-	-	(972,205)	-	(972,205)
	-	-	-	-	-
Subtotal Culture/Recreation Expenditures(143,000)953,240	-	751,054	(387,105)	-	1,174,189
Debt Service					
Debt Service Fund: Issuance of 2018 Special Obligation Debt (B26r)	42,002	-	-	-	42,002
Subtotal Debt Service	42,002	-	-	-	42,002
Internal Services					
Internal Service Fund: Facilities General Employees Retirement Plan Actuarial Valuation Shortfall (B17)	-	-	-	38,133	38,133
Internal Service Fund: Fleet General Employees Retirement Plan Actuarial Valuation Shortfall (B17)	-	-	-	21,742	21,742
Internal Service Fund: Self Insurance General Employees Retirement Plan Actuarial Valuation Shortfall (B17)	-	-	-	1,533	1,533
Internal Service Fund: Facilities capital asset transfer in reallocated to cover budget overages (26w)	-	-	-	10,400	10,400
Internal Service Fund: Fleet capital asset transfer in reallocated to cover budget overages (26x)	-	-	-	61,350	61,350
Internal Service Fund: Risk PL reallocated to cover budget overages (26y)	-	-	-	238,630	238,630
Internal Service Fund: Risk WC reallocated to cover budget overages (26z)	-	-	-	78,950	78,950
Internal Service Fund: Self Insurance reallocated to cover budget overages (26aa)	-	-	-	4,000,000	4,000,000
· · ·	-	-	-	-	-
Subtotal Internal Services	-	-	-	- 4,450,738	4,450,738
Sublotal Internal Services	-	-	-	4,450,736	4,450,756
Total Expenditures         6,803,889         3,561,974	45,002	(2,451,244)	6,273,354	4,455,790	18,688,765
Transfers out					000 007
General Fund: P&R WCIND Grant Capital Projects D&D Boat Ramp (J7) 222,297 -	-	-	-	-	222,297
Special Revenue Fund: Police State Financial Assistance Grant to retrofit the mobile command vehicle (J8) - 82,150	-	-	-	-	82,150
Enterprise Fund: Stormwater Florida Department of Environmental Protection UEP N2 Grant (J9)	-	-	1,900,000	-	1,900,000
Enterprise Fund: Stormwater Operations transferring for Drainage Improvement in UEP N2 (J17)	-	-	2,700,000	-	2,700,000
General Fund: P&R Transfer out General Employees Retirement Plan Actuarial Valuation Shortfall Waterpark (B17) 5,161 -	-	-	-	-	5,161
General Fund: P&R Transfer out General Employees Retirement Plan Actuarial Valuation Shortfall P&R Programs (B17)       38,913       -         General Fund: P&R Transfer out General Employees Retirement Plan Actuarial Valuation Shortfall GolfCourse(B17)       12,157       -	-	-	-	-	38,913 12,157
	-	-	-	-	,
General Fund - Police capital asset transfer out reallocated to cover budget overages (26a)       500       -         General Fund - Public Works capital asset transfer out reallocated to cover budget overages (26a)       26,000       -	-	-	-	-	500 26,000
Special Revenue Fund: City Centrum adjust budget overages transfer in from General Fund (B26m) 26,000 -	-	-	-	-	26,000
General Fund - P&R transfer out reallocated to cover budget overages Waterpark (26a) 20,000 -	-	-	-	-	436,236
General Fund - P&R transfer out reallocated to cover budget overages Waterpark (20a) 430,230 - General Fund - P&R transfer out reallocated to cover budget overages P&R Programs (26a) 140,751 -	-	-	-	-	436,236 140,751
General Fund - P&R transfer out reallocated to cover budget overages Golf Course (26a) 140,751 - General Fund - P&R transfer out reallocated to cover budget overages Golf Course (26a) 487,845 -	-	-	-	-	487,845
	-	-	-	-	,
Special Revenue: Five Cent Gas Tax to Debt Service (B26b)       -       (431,938)         Special Revenue Fund: Road Impact Fee additional revenue transfer out to Debt Service (B26c)       -       431,938	-	-	-	-	(431,938) 431,938
	-	-	-	-	431,938 258,510
Special Revenue Fund: Road Impact Fee additional revenue transfer out to General Fund (B26c) - 258,510	-	-	-	-	298,910

Care and The Tarebox et al. DBF France 2016 Research and values at Space taxa regulations (DB)         (54.41)         -         -         (54.51)           Great A Turb Coversment Severe adjust transfer ou Location (DB)         (52.51)         -         -         (52.51)           Great A Turb Coversment Severe adjust transfer ou Location (DB)         (52.51)         -         -         (52.51)           Great A Turb Coversment Severe adjust transfer ou Location (DB)         (52.51)         -         -         (52.51)           Derivation (DB)         (52.51)         -         -         (52.51)         -         (52.51)           Derivation (DB)         (52.51)         -         -         (73.00, 02)         (73.00, 02)         (73.00, 02)         (73.00, 02)         (73.00, 02)         (73.00, 02)         -         1.000         -         (73.00, 02)         (73.00, 02)         -         -         (73.00, 02)         (73.00, 02)         -         1.000         (73.00, 02)         (73.00, 02)         -         (73.00, 02)         -         (73.00, 02)         (73.00, 02)         (73.00, 02)         -         (73.00, 02)         (73.00, 02)         (73.00, 02)         (73.00, 02)         (73.00, 02)         (73.00, 02)         (73.00, 02)         (73.00, 02)         (73.00, 02)         (73.00, 02)         (73.00,		GENERAL FUND	SPECIAL REVENUE	DEBT SERVICE	CAPITAL PROJECT	ENTERPRISE FUNDS	INTERNAL SERVICE	TOTAL ALL FUNDS
Special Networks Fund Park Import Face digits instand to disk service (SB)         -	General Fund: Transfer out to CRA Fund 2018 Revenue final values biober then projections (R26I)	53 403						53 403
General Fund Governmet Stores data framefor and in Access (View) (View) (View)         900         -         -         -         6620.415           Det Springe Fund, Fund and Access (View) (View)         900         -         -         7,870.770         -         100.000           Extension Fund, Social Control 2015 Specific Organization (View)         -         -         7,870.770         -         100.000           Extension Fund, Social Control 2015 Specific Organization (View)         -         -         17,000         -         7,000         -         100.000           Extension Fund, Social Control 2015 Specific Organization (View)         -         -         100.000         -         -         100.000         -         -         100.000         -         -         100.000         -         -         100.000         -         -         100.000         -         -         100.000         -         -         100.000         -         -         100.000         -         -         100.000         -         -         100.000         -         -         100.000         -         -         100.000         -         -         100.000         -         -         100.000         -         -         100.000         -         100.000         <		-	926 415	-	-	-	-	,
Converting Fund: Converting Fund: Service adjust transfer on the Academic Villey (1977)         - <td< td=""><td></td><td>(926 415)</td><td>-</td><td>_</td><td>-</td><td>_</td><td>-</td><td></td></td<>		(926 415)	-	_	-	_	-	
Det Service Fund - Issuer or 2019 Special Oblgion Debl (126)         -         7.877,703         -         -         7.877,703           Entemptie Fund Ware A Seven to out badje orinages (126)         -         -         17.870,703         -         1.870,703         -         1.870,703         -         1.870,703         -         1.870,703         -         1.870,703         -         1.870,703         -         1.870,703         -         1.870,703,703         -         1.870,703,703         -         1.870,703,703         -         1.870,703,703         -         1.870,703,703,703         -         1.870,703,703,703,703,703,703,703,703,703,7			-	-	-	-	-	,
Enterpise Fund. Wate A Sever to cover budget energies (282)         -         -         -         1(150)         -         1(150)           Enterpise Fund. Stammatic to cover budget energies (282)         -         -         -         20,750         -         20,750         -         20,750         -         20,750         - <td< td=""><td></td><td>-</td><td>_</td><td>7 870 703</td><td>-</td><td>_</td><td>-</td><td></td></td<>		-	_	7 870 703	-	_	-	
Dispipe Fund: Water & Saves it loaves itaging overages (BDs)         .		_	_	-	-	(1.500)	-	
Entropes Fund: Starmweiter to cover budget overages (EdSI)         -         -         -         -         -         2.7.00         2.7.00         -         2.7.00           Staticital Transfere OL         -		_	_	_	-	,	-	,
Subtrain Transfere Out         613.448         1,227,075         7,275,703         4,444,20         4,4344,20           Find Balance		_	_	_	_		_	
Fund Balance         Image: Comparison of the PAR WORD Graft Capital Projects DAB Bask Ramp (J7)         (22.297)         -         -         -         (22.297)           General Fund: Active State Printed Assistance Graft to viorite the mobile command valido (J8)         -         -         -         (22.297)           General Fund: Converment Services Annal Shalter contruction readed loss (E1)         (71.379)         -         -         (28.370)           Encode Fund: Fund: Converment Services Annal Shalter contruction (RSI)         -         -         (28.370)           Encode Fund: Fund: Converment Services Annal Shalter Contruction (RSI)         -         -         (28.370)           Encode Fund: Fund: Advance Market Tell Shalter State (TRI)         -         -         (28.370)           Encode Fund: Fund: Shalter State (TRI)         -         -         (28.370)           Encode Fund: F	Encliptise Fund. Clontinuator to cover budget overages (bzor)	-	-	-	-	- 20,730	-	-
Fund Balance         Image: Comparison of the PAR WORD Graft Capital Projects DAB Bask Ramp (J7)         (22.297)         -         -         -         (22.297)           General Fund: Active State Printed Assistance Graft to viorite the mobile command valido (J8)         -         -         -         (22.297)           General Fund: Converment Services Annal Shalter contruction readed loss (E1)         (71.379)         -         -         (28.370)           Encode Fund: Fund: Converment Services Annal Shalter contruction (RSI)         -         -         (28.370)           Encode Fund: Fund: Converment Services Annal Shalter Contruction (RSI)         -         -         (28.370)           Encode Fund: Fund: Advance Market Tell Shalter State (TRI)         -         -         (28.370)           Encode Fund: Fund: Shalter State (TRI)         -         -         (28.370)           Encode Fund: F		-	-	-	-	-	-	-
General Funct. PAR WCMD Grant Capital Projects DAD Back Ramp (J7)         (22.277)         -         -         (22.275)           Special Revenue Funct Note Statistic month route Provide Command worked (B)         (71.375)         -         -         (27.00.00)         (27.00.00)           General Funct. Stormware Statement Funct Note Statistic month worked (B)         (71.375)         -         -         (27.00.00)         (27.00.00)           Special Revenue Funct Note Statistic month worked worked (B)         -         (28.3720)         -         (17.863)         -         (28.3720)           Special Revenue Funct Note Statistic month worked worked (B)         -         (17.863)         -         (17.863)         -         (17.863)         -         (17.863)         -         (17.863)         -         (17.863)         -         (18.700)         -         -         (17.863)         -         (18.700)         -         -         (17.863)         -         (18.700)         -         -         (17.863)         -         (17.860)         -         -         (17.860)         -         -         (17.860)         -         -         (17.860)         -         -         (17.860)         -         -         (17.860)         -         -         (17.860)         -         -	Subtotal Transfers Out	613,448	1,267,075	7,870,703	-	4,644,250	-	14,395,476
Special Revenue Fund: Police State Feancial Assistance Grant to refind the mobile communal vehicle (3)       -       -       (22,700,000)         General Fund: Government Barvices Arims Shering Integree Fund Matting Southase engrade for Tablage Integreement Integree Fund. Matting Southase engrade for Tablage Integreement Integree Fund. Matting Southase engrade for Tablage Integreement Integree Fund. Matting Southase engrade for Tablage Integreement Fund. Testing Southase engrades for State (18)       -       -       (28,200)         Bereick Revener Fund. Testing Southase of Velocities Assouth Education (18)       -       (18,200)       -       -       (17,803)       (11,804)         Bereick Revener Fund. Testing Southase of Velocities (18)       -       (19,000)       -       -       (11,804)       (11,42,800)       -       -       (11,804)       (11,42,800)       -       -       (11,48,800)       -       -       (11,48,800)       -       -       (11,48,800)       -       -       (11,48,800)       -       -       (11,48,800)       -       -       (11,48,800)       -       -       (11,48,800)       -       -       (11,48,800)       -       -       (11,48,800)       -       -<								
E-Interprise Funct: Stormwater Coperations Function Planck (91)         (7.137)         (7.137)         (7.137)           Special Revenue Funct: Studing software supprised for TRAKT (82)         (28.720)         (7.137)         (7.137)           Special Revenue Funct: Studing software supprised for TRAKT (82)         (28.720)         (7.137)         (7.137)           Special Revenue Funct: Trike Impact purchase of tots for funce Fire Studion (86)         (7.137)         (7.137)         (7.137)           Special Revenue Funct: Trike Impact purchase of tots for funce Fire Studion (86)         (7.1370)         (7.1428)         (7.1428)           Special Revenue Funct: The Impact purchase of tots for funce Fire Studion (87)         (1.1428)         (7.1428)         (7.1428)           Special Revenue Funct: The Impact purchase of adoption of regulative defts' from Hunctione Imma (88)         (7.109,000)         (7.1428)         (7.1428)           Enterprise Funct: Stormwater Direct Adoption adoption of regulative defts' from Hunctione Imma (88)         (7.1428)         (7.1428)         (7.1428)           Device Revenue Funct: Advance Adoption Revenue For Advance Adoption Revenue Revenue For Advance Adoption Revenue R		(222,297)	-	-	-	-	-	(222,297)
General Funct. Government Services Animal Senver or Services Animal Senver Pack (18)       (-1,375)       (-1,375)         Special Revenue Funct. Selving on Services Animal Senver Action (18)       (-2,375)       (-1,375)         Enterprise Fund Wardt Sever Afriate Lifty agreement for Crossport Church (18)       (-2,375)       (-1,375)         Special Revenue Fund. Tein Impact on Yacht Char Firs Station (65)       (-1,375)       (-1,375)         Special Revenue Fund. 10M Marks Sever Afriate Lifty agreement for Crossport Action (18,750)       (-1,375)       (-1,375)         Special Revenue Fund. 10M Marks Sever Attack Char Revenue Fund. 10M Marks Revenue Fund.	Special Revenue Fund: Police State Financial Assistance Grant to retrofit the mobile command vehicle (J8)	-	(82,150)	-	-	-	-	(82,150)
Special Revourse Fund: Building software tograde for TRAMT (B2)       -       -       (283,720)       -       (27,763)         Entregrade Fund: The Impact purchase of blas (Hus and Bros Builon Red (B5)       -       -       (82,500)       -       -       (82,500)         Special Revenue Fund: To Marking and Ganages of vegations de derins for Hurrer Res Station (B7)       -       -       (74,250)       -       -       (74,250)         Special Revenue Fund: To Marking Fund removal and diapse of vegations de derins from Hurcinan Imm (B8)       -       (74,250)       -       -       (74,200,00)         General Fund: Police purchase of vehicles for SRO Program (B9)       -       -       (74,420)       -       (74,420)       -       (74,420)       -       (74,420)       -       -       (74,420)       -       -       (74,420)       -       -       (74,420)       -       -       (74,420)       -       -       (74,420)       -       -       -       (74,420)       -       -       (74,420)       -       -       -       (74,420)       -       -       -       (74,420)       -       -       -       (74,420)       -       -       -       (74,420)       -       -       -       (74,450)       -       -       - <td< td=""><td></td><td>-</td><td>-</td><td>-</td><td>-</td><td>(2,700,000)</td><td>-</td><td>(2,700,000)</td></td<>		-	-	-	-	(2,700,000)	-	(2,700,000)
Einergines Fund: Water & Several Of-sile utility agreement for Crosspoint Cluuch (33)         -         -         -         (17.633)         (17.633)           Special Revenue Fund: The Impair of Varb Club Pool Bath Nouse and Pavilon Rov (66)         -         -         (18.750)         -         (18.750)           Special Revenue Fund: 1: Intergraphic puritises of Iso Ro Tuburs File Status (17.750)         -         -         (17.600)           Bernard Fund: Notice Status (17.750)         -         -         (17.600)           Enterprise Fund: Stormwater fund cubert desama (18.610)         -         -         (17.600)           Enterprise Fund: Stormwater fund cubert desama (18.610)         -         -         (17.600)           Enterprise Fund: Stormwater fund cubert desama (18.610)         -         -         (17.600)           Enterprise Fund: Water & Steven Hand: Al Haazrds parchase (16.600)         -         -         (28.736)         -         (28.736)         -         (28.736)         -         (28.736)         -         (28.736)         -         (28.736)         -         (28.736)         -         (28.736)         -         (4.74.087)         -         -         -         (7.740)         -         -         -         (28.736)         -         -         -         (28.736)         -	General Fund: Government Services Animal Shelter construction related fees (B1)	(71,375)	-	-	-	-	-	(71,375)
Special Revenue Fund: Fire Impact purchases of loss for future Fire Station (165)       -       -       -       -       (162,570)         Special Revenue Fund: The Impact purchase of loss for future Fire Station (87)       -       -       -       (162,570)         Special Revenue Fund: The Monge Fund revolution and dispose of vegetable debits from Hurriane Imma (88)       -       -       -       -       (162,500)         General Fund: Police purchase of vehicles for SND Program (89)       -       -       -       -       (162,500)         Entrepriste Fund: Water A Sever Issue credit to Waterpark for consumption based on Engineer Report (811)       -       -       -       (174,706)         Entrepriste Fund: Water A Sever Issue credit to Waterpark for consumption based on Engineer Report (811)       -       -       -       (1474,067)       -       -       -       (1474,067)       -       -       (1474,067)       -       -       (1474,067)       -       -       (1474,067)       -       -       (1474,067)       -       -       (14,740,07)       -       -       (14,740,07)       -       -       -       (14,740,07)       -       -       -       (14,740,07)       -       -       -       (14,740,07)       -       -       -       (14,740,07)       -       - <td< td=""><td>Special Revenue Fund: Building software upgrade for TRAKiT (B2)</td><td>-</td><td>(283,720)</td><td>-</td><td>-</td><td>-</td><td>-</td><td>(283,720)</td></td<>	Special Revenue Fund: Building software upgrade for TRAKiT (B2)	-	(283,720)	-	-	-	-	(283,720)
Enterprise Fund Yaeth Bain: regar of Yaeth Club Pool Bailt Nouse and Pavions Roof (B)       -       -       (158,750)       -       (158,750)         Special Revenue Fund: Leit Menore Jand Genose Or Vegetablev debis from Huricane Ima (B)       (750,000)       -       -       (750,000)         Bernar Fund: Nature AS Several Availation Vegetablev debis from Huricane Ima (B)       (750,000)       -       -       (750,000)         Enterprise Fund: Stormwater Fund Calvert deaving (Debiveen Robicon Canal and Birnia Basin (B10)       -       -       (750,000)       -       -       (750,000)         Enterprise Fund: Stormwater Fund Calvert deaving (Debiveen Robicon Canal Ad Birnia Basin (B15)       -       -       (77,900)       -       -       (77,900)         Bernar Fund: Tex Agnored Quarterias of 100-FTA Availand X Subrater for EmergencyOperationsCenter (R12)       -       -       (77,900)       -       -       (77,900)       -       -       (77,900)       -       -       (77,900)       -       -       (77,900)       -       -       (77,900)       -       -       (77,900)       -       -       (77,900)       -       -       (77,900)       -       -       (77,900)       -       -       (77,900)       -       -       (77,900)       -       -       (77,900)       -       -	Enterprise Fund: Water & Sewer off-site utility agreement for Crosspoint Church (B3)	-	-	-	-	(17,683)	-	(17,683)
Special Revenue Funct.       (14.250)       -       -       (14.250)         Special Revenue Funct.       (Noning Fund emoval and dispose of velocities for SRO Program (B)       (1,196,000)       -       -       (1,186,000)         General Funct. Policia purchases of velocities for SRO Program (B)       (1,196,000)       -       -       (1,186,000)         Enterprise Fund. Water & Sewer issue credit to Waterpark for consumption based on Engineer Report (B11)       -       -       (23,735)       (23,735)         Special Revenue Fund.       Haster Starward Enders Enders Starward Enders Ende	Special Revenue Fund: Fire Impact purchase of lots for future Fire Station (B5)	-	(92,500)	-	-	-	-	(92,500)
Special Revenue Fund: Lut Moving Fund removal and dispose of vegatalive dations from Hurricane Irma (Bg)	Enterprise Fund Yacht Basin: repair of Yacht Club Pool Bath House and Pavilion Roof (B6)	-	-	-	-	(158,750)	-	(158,750)
General Fund: Police purchase of vehicles for SRO Program (B)         (1,186,000)         -         -         (1,186,000)           Enterprise Fund: Viewer Assewer issue credit to Waterpark for consumption based on Engineer Report (B11)         -         -         (28,735)           Special Revenue Fund: All Natards purchase Weight DCC Professional Software for EnergencyOperations center (B12)         (37,736)         -         -         (37,736)           General Fund: Fire Approved purchase of 100-FT Aenial Truck and provisioning (B14)         (1,474,067)         -         -         (37,736)           Enterprise Fund: Weiter & Sewer Reimburse Lifeline Family Conter - Fire Suppression Portable watermain (B16)         -         -         (37,736)         -         (37,736)           General Fund: Storwarder Covernonts         Storwarder Covernonts         (36,735)         -         (36,735)           General Fund: Weiter & Sewer Reimburse Lifeline Family Center - Fire Suppression Portable watermain (B16)         -         -         (42,84,20)           General Fund: PART Transfer out General Employees Retirement Plan Actuatial Valation Shortal (B17)         -         (15,851)         -         -         (46,701)           Special Revenue Fund: All Marards General Employees Retirement Plan Actuatial Valation Shortal (B17)         -         (53,171)         -         -         (56,571)         -         -         (56,571) </td <td>Special Revenue Fund: Fire Impact purchase of lots for future Fire Station (B7)</td> <td>-</td> <td>(14,250)</td> <td>-</td> <td>-</td> <td>-</td> <td>-</td> <td>(14,250)</td>	Special Revenue Fund: Fire Impact purchase of lots for future Fire Station (B7)	-	(14,250)	-	-	-	-	(14,250)
Enterprise Fund: Storwater Fund cutver cleaning (between Rubicon Canal and Binnin Basin (010)       -       -       (114.816)       -       (114.816)       -       (114.816)       -       (114.816)       -       (114.816)       -       (114.816)       -       (114.816)       -       (114.816)       -       (114.74067)       -       -       (126.231)       -       -       (126.231)       -       -       (116.341)	Special Revenue Fund: Lot Mowing Fund removal and dispose of vegetative debris from Hurricane Irma (B8)	-	(750,000)	-	-	-	-	(750,000)
Enterprise Fund: Water & Sewer (saus credit to Waterpark for consumption based on Engineer Report (B11)       -       -       (226,736)       -       (237,736)         Special Revenue Fund: All Hazards purchase Web EOC Professional Software for EmergrancyOperationsCenter (B12)       (1474,067)       -       -       (1474,067)         Enterprise Fund: Starwards Coperations emergrancy purchase regime cuvert Rubicon Canal & Bimin Basin (B15)       -       -       (307,385)       -       (454,500)       (454,500)         General Fund: Water & Sewer Reimburse Lileine Family Center - Fire Suppression Portable watermain (B16)       -       -       (454,500)       (454,500)         General Fund: Kwart Assewer Reimbyoes Retirement Plan Actuarial Valuation Shortfall (B17)       (429,420)       -       -       (452,511)         Special Revenue Fund: All Mazards General Employees Retirement Plan Actuarial Valuation Shortfall (B17)       (53,771)       -       -       (457,01)         Special Revenue Fund: Law Marking General Employees Retirement Plan Actuarial Valuation Shortfall (B17)       (53,771)       -       -       (276,501)         Enterprise Fund: Stark & Store Centeral Employees Retirement Plan Actuarial Valuation Shortfall (B17)       -       -       (276,501)       -       -       (276,501)         Enterprise Fund: Water & Store Centeral Employees Retirement Plan Actuarial Valuation Shortfall (B17)       -       -       - </td <td>General Fund: Police purchase of vehicles for SRO Program (B9)</td> <td>(1,196,000)</td> <td>-</td> <td>-</td> <td>-</td> <td>-</td> <td>-</td> <td>(1,196,000)</td>	General Fund: Police purchase of vehicles for SRO Program (B9)	(1,196,000)	-	-	-	-	-	(1,196,000)
Special Revenue Funct: All Hazards purchaser Web EGC Professional Software for EmergencyOperators Center (B12)       -<	Enterprise Fund: Stormwater Fund culvert cleaning (between Rubicon Canal and Bimini Basin (B10)	-	-	-	-	(114,816)	-	(114,816)
General Fund: Fire Approved purchase of 100-FT Aerial Tuck and provisioning (B14)       (1,474,067)       -       -       (1,474,067)         Enterprise Fund: Strummet Operations emerginary purchase region purchase Retirement Plan Actuarial Valuation Shortfall (B17)       (429,429)       -       -       (54,550)       -       (54,550)         General Fund: Government Services General Employees Retirement Plan Actuarial Valuation Shortfall (B17)       (65,23)       -       -       -       (54,550)         Special Revenue Fund: Altararia General Employees Retirement Plan Actuarial Valuation Shortfall (B17)       (1,534)       -       -       (58,231)         Special Revenue Fund: Altararia General Employees Retirement Plan Actuarial Valuation Shortfall (B17)       (1,637)       -       -       (50,77)         Special Revenue Fund: Strummet General Employees Retirement Plan Actuarial Valuation Shortfall (B17)       (50,77)       -       -       (50,77)         Special Revenue Fund: Strummet General Employees Retirement Plan Actuarial Valuation Shortfall (B17)       (50,77)       -       -       (50,77)         Special Revenue Fund: Strummet General Employees Retirement Plan Actuarial Valuation Shortfall (B17)       -       -       (26,501)       (27,6501)         Enterprise Fund: Water & Sover General Employees Retirement Plan Actuarial Valuation Shortfall (B17)       -       -       (2,624)       (2,624)	Enterprise Fund: Water & Sewer issue credit to Waterpark for consumption based on Engineer Report (B11)	-	-	-	-	(236,735)	-	(236,735)
Enterprise Fund: Stormwater Operations emergency purchase repair culvert Rubicon Canal & Bimini Basin (B16)       -       -       (307.385)       -       (307.385)       -       (307.385)       -       (307.385)       -       (307.385)       -       (307.385)       -       (307.385)       -       -       (307.385)       -       -       (307.385)       -       -       (307.385)       -       -       (307.385)       -       -       (307.385)       -       -       (307.385)       -       -       -       (307.385)       -       -       -       (307.385)       -       -       -       (307.385)       -       -       -       (307.385)       -       -       -       (307.385)       -       -       -       (307.385)       -       -       -       (307.385)       -       -       -       (307.385)       -       -       -       (307.385)       -       -       -       (307.385)       -       -       -       (307.385)       -       -       -       (307.385)       -       -       -       (307.385)       -       -       -       -       (307.385)       -       -       -       -       -       -       -       -       -	Special Revenue Fund: All Hazards purchase Web EOC Professional Software for EmergencyOperationsCenter (B12)	-	(37,796)	-	-	-	-	(37,796)
Enterprise Fund. Water & Sewer Reimburse Lifeline Family Center - Fire Suppression Portable watermain (18/17)       -       -       (64,550)       -       (64,550)         General Fund: Gwermene Envices General Employees Retirement Plan Actuarial Valuation Shortfall (8/17)       -       -       -       (64,550)         Special Revenue Fund: Alarm Fee General Employees Retirement Plan Actuarial Valuation Shortfall (8/17)       -       (1,534)       -       -       (6,870)         Special Revenue Fund: Lifk Hazards General Employees Retirement Plan Actuarial Valuation Shortfall (8/17)       -       (6,870)       -       -       (6,870)         Special Revenue Fund: Lifk Hazards General Employees Retirement Plan Actuarial Valuation Shortfall (8/17)       -       (5,077)       -       -       (6,014)       (6,014)         Enterprise Fund: Water & Sewer General Employees Retirement Plan Actuarial Valuation Shortfall (8/17)       -       -       (276,501)       -       (276,501)       -       (276,501)       -       (276,501)       -       (276,501)       -       (276,501)       -       (276,501)       -       (276,501)       -       (276,501)       -       (276,501)       -       (276,501)       -       (276,501)       -       (276,501)       -       (276,501)       -       (276,501)       -       (276,501)       -       (276,50	General Fund: Fire Approved purchase of 100-FT Aerial Truck and provisioning (B14)	(1,474,067)	-	-	-	-	-	(1,474,067)
General Fund: Covernment Services General Employees Retirement Plan Actuarial Valuation Shortfal (B17)       (424, 429)       -       -       (424, 429)         General Fund: Part Transfer out General Employees Retirement Plan Actuarial Valuation Shortfal (B17)       (56, 231)       -       -       (56, 231)         Special Revenue Fund: Alt Hazzds General Employees Retirement Plan Actuarial Valuation Shortfal (B17)       -       (4, 870)       -       -       (4, 870)         Special Revenue Fund: Multiang Service Fund: Employees Retirement Plan Actuarial Valuation Shortfal (B17)       -       (50, 77)       -       -       (50, 77)         Special Revenue Fund: Multiang Service Fund: Employees Retirement Plan Actuarial Valuation Shortfal (B17)       -       -       (276, 501)       (50, 77)         Enterprise Fund: Stortwater General Employees Retirement Plan Actuarial Valuation Shortfal (B17)       -       -       (276, 501)       (276, 501)       (276, 501)       (276, 501)       (276, 501)       (276, 501)       (276, 501)       (276, 501)       (276, 501)       (277, 501)       (276, 501)       (276, 501)       (276, 501)       (276, 501)       (276, 501)       (277, 501)       (276, 501)       (276, 501)       (276, 501)       (276, 501)       (276, 501)       (276, 501)       (276, 501)       (276, 501)       (276, 501)       (276, 501)       (276, 501)       (276, 501)       (	Enterprise Fund: Stormwater Operations emergency purchase repair culvert Rubicon Canal & Bimini Basin (B15)	-	-	-	-	(307,395)	-	(307,395)
General Fund: PAR Transfer out General Employees Retirement Plan Actuarial Valuation Shortfall (B17)       (66,231)         Special Revenue Fund: All mazards General Employees Retirement Plan Actuarial Valuation Shortfall (B17)       (1,534)       -       -       (4,870)         Special Revenue Fund: All Mazards General Employees Retirement Plan Actuarial Valuation Shortfall (B17)       (5,077)       -       -       (5,077)         Special Revenue Fund: Lot Moving General Employees Retirement Plan Actuarial Valuation Shortfall (B17)       (53,171)       -       -       (50,771)         Enterprise Fund: Water & Sewer General Employees Retirement Plan Actuarial Valuation Shortfall (B17)       -       -       (86,014)       (50,771)         Enterprise Fund: Water & Sewer General Employees Retirement Plan Actuarial Valuation Shortfall (B17)       -       -       (276,501)       -       (1,278)         Internal Service Fund: Risk WC General Employees Retirement Plan Actuarial Valuation Shortfall (B17)       -       -       (2,624)       (2,624)         Internal Service Fund: Risk WC General Employees Retirement Plan Actuarial Valuation Shortfall (B17)       -       -       (1,278)       -       (1,278)         Internal Service Fund: Risk PL General Employees Retirement Plan Actuarial Valuation Shortfall (B17)       -       -       (2,624)       (2,624)         Internal Service Fund: Risk PL General Employees Retirement Plan Actuarial Valuation Sho	Enterprise Fund: Water & Sewer Reimburse Lifeline Family Center - Fire Suppression Portable watermain (B16)	-	-	-	-	(54,550)	-	(54,550)
Special Revenue Fund: Alarm Ree General Employees Retirement Plan Actuarial Valuation Shortfall (B17)       -       -       -       -       -       (4,570)         Special Revenue Fund: Lot Mowing General Employees Retirement Plan Actuarial Valuation Shortfall (B17)       -       -       -       (5,077)         Special Revenue Fund: Stulding General Employees Retirement Plan Actuarial Valuation Shortfall (B17)       -       -       -       (5,077)         Special Revenue Fund: Stulding General Employees Retirement Plan Actuarial Valuation Shortfall (B17)       -       -       (276,501)       -       -       (276,501)       -       (276,501	General Fund: Government Services General Employees Retirement Plan Actuarial Valuation Shortfall (B17)	(429,429)	-	-	-	-	-	(429,429)
Special Revenue Fund: All Hazards General Employees Retirement Plan Actuarial Valuation Shortfall (B17)       -       (4,870)       -       -       (4,870)         Special Revenue Fund: Lot Mowing General Employees Retirement Plan Actuarial Valuation Shortfall (B17)       -       (50,77)       -       -       (53,171)         Enterprise Fund: Water & Sewer General Employees Retirement Plan Actuarial Valuation Shortfall (B17)       -       -       (276,501)       -       (286,014)       (28	General Fund: P&R Transfer out General Employees Retirement Plan Actuarial Valuation Shortfall (B17)	(56,231)	-	-	-	-	-	(56,231)
Special Revenue Fund: Lot Mowing General Employees Retirement Plan Actuarial Valuation Shortfall (B17)       -       -       -       (5,077)         Special Revenue Fund: Building General Employees Retirement Plan Actuarial Valuation Shortfall (B17)       -       -       -       (65,017)         Enterprise Fund: Valet & Sewer General Employees Retirement Plan Actuarial Valuation Shortfall (B17)       -       -       -       (86,014)       -       (86,014)         Enterprise Fund: Valet & Sewer General Employees Retirement Plan Actuarial Valuation Shortfall (B17)       -       -       (2,228)       (2,228)         Internal Service Fund: Risk WC General Employees Retirement Plan Actuarial Valuation Shortfall (B17)       -       -       (2,242)       (2,242)         Internal Service Fund: Risk WC General Employees Retirement Plan Actuarial Valuation Shortfall (B17)       -       -       -       (2,242)       (2,242)         Internal Service Fund: Risk PL General Employees Retirement Plan Actuarial Valuation Shortfall (B17)       -       -       -       (2,424)       (2,424)         Internal Service Fund: Risk PL General Employees Retirement Plan Actuarial Valuation Shortfall (B17)       -       -       -       (4,243)       (1,243)         General Fund: PSR Maintenance Galust Grant Match dupicate Budget in PSR Administration (B24)       143,000       -       -       -       (1,064,832)	Special Revenue Fund: Alarm Fee General Employees Retirement Plan Actuarial Valuation Shortfall (B17)	-	(1,534)	-	-	-	-	(1,534)
Special Revenue Fund: Building General Employees Retirement Plan Actuarial Valuation Shortfall (B17)       -       (53,171)       -       -       -       (53,171)         Enterprise Fund: Water & Sewer General Employees Retirement Plan Actuarial Valuation Shortfall (B17)       -       -       (26,501)       (276,501)       (276,501)         Enterprise Fund: Strinwater General Employees Retirement Plan Actuarial Valuation Shortfall (B17)       -       -       -       (86,014)       -       (26,201)         Internal Service Fund: Risk VC General Employees Retirement Plan Actuarial Valuation Shortfall (B17)       -       -       -       (2,224)       (2,224)         Internal Service Fund: Risk PL General Employees Retirement Plan Actuarial Valuation Shortfall (B17)       -       -       -       (2,624)       (2,624)         Internal Service Fund: Steff Insurance General Employees Retirement Plan Actuarial Valuation Shortfall (B17)       -       -       -       (2,624)       (2,624)         General Fund - SRR Maintenance adjuest Grant Match Auplicate Budget in PRR Administration (B24)       (146,832)       -       -       -       (1,048,832)         General Fund - PRR transfer out reallocated to cover budget overages (26a)       (1,064,832)       -       -       -       (2,227,641)         Special Revenue Ervic: Strans for out to General Fund (B26c)       288,510       -       -	Special Revenue Fund: All Hazards General Employees Retirement Plan Actuarial Valuation Shortfall (B17)	-	(4,870)	-	-	-	-	(4,870)
Enterprise Fund: Water & Sewer General Employees Retirement Plan Actuarial Valuation Shortfall (B17)       -       -       (276,501)       (276,501)         Enterprise Fund: Stormwater General Employees Retirement Plan Actuarial Valuation Shortfall (B17)       -       -       (86,014)       (86,014)         Enterprise Fund: RX Vacht Basin General Employees Retirement Plan Actuarial Valuation Shortfall (B17)       -       -       (2,428)       (2,428)         Internal Service Fund: Risk WC General Employees Retirement Plan Actuarial Valuation Shortfall (B17)       -       -       -       (2,428)       (2,428)         Internal Service Fund: Steff Insurance General Employees Retirement Plan Actuarial Valuation Shortfall (B17)       -       -       -       (2,428)       (2,428)         Internal Service Fund: Steff Insurance General Employees Retirement Plan Actuarial Valuation Shortfall (B17)       -       -       -       (2,624)       (2,610)       (2,610)       (2,610)       (2,610)       (2,610)       (2,610)       (2,61,	Special Revenue Fund: Lot Mowing General Employees Retirement Plan Actuarial Valuation Shortfall (B17)	-	(5,077)	-	-	-	-	(5,077)
Enterprise Fund: Stormwater General Employees Retirement Plan Actuarial Valuation Shortfall (B17)       -       -       (86,014)       -       (86,014)         Enterprise Fund: P&R Yacht Basin General Employees Retirement Plan Actuarial Valuation Shortfall (B17)       -       -       (1,278)       -       (1,278)         Internal Service Fund: Risk VC General Employees Retirement Plan Actuarial Valuation Shortfall (B17)       -       -       -       (2,428)       (2,428)         Internal Service Fund: Siel Flusurace General Employees Retirement Plan Actuarial Valuation Shortfall (B17)       -       -       -       (2,624)       (2,624)         Internal Service Fund: Siel Flusurace General Employees Retirement Plan Actuarial Valuation Shortfall (B17)       -       -       -       (2,624)       (2,624)         General Fund - P&R Maintenance adjust Grant Match duplicate Budget in P&R Administration (B24)       143,000       -       -       -       (1,064,332)         General Fund - Police reallocated to cover budget overages (26a)       (1,064,832)       -       -       (1,064,832)         General Fund - Covernment Service RealCoted to cover budget overages (26a)       (740,000)       -       -       -       (41,000)         Special Revenue Find - Covernment Service RealCoted to cover budget overages (26a)       (740,000)       -       -       -       (227,641)	Special Revenue Fund: Building General Employees Retirement Plan Actuarial Valuation Shortfall (B17)	-	(53,171)	-	-	-	-	(53,171)
Enterprise Fund: P&R Yacht Basin General Employees Retirement Plan Actuarial Valuation Shortfall (B17)(1,278).(1,278)Internal Service Fund: Risk VC General Employees Retirement Plan Actuarial Valuation Shortfall (B17)(2,428)(2,428)Internal Service Fund: Risk VC General Employees Retirement Plan Actuarial Valuation Shortfall (B17)(2,624)(2,624)Internal Service Fund: Self Insurance General Employees Retirement Plan Actuarial Valuation Shortfall (B17)(1,533)(1,533)General Fund: P&R Maintenance adjust Grant Match duplicate Budget in P&R Administration (B24)143,000(1,04,832)(1,04,632)(1,04	Enterprise Fund: Water & Sewer General Employees Retirement Plan Actuarial Valuation Shortfall (B17)	-	-	-	-	(276,501)	-	(276,501)
Internal Service Fund: Risk WC General Employees Retirement Plan Actuarial Valuation Shortfall (B17)(2,428)(2,428)Internal Service Fund: Risk PL General Employees Retirement Plan Actuarial Valuation Shortfall (B17)(2,624)(2,624)Internal Service Fund: Self Insurance General Employees Retirement Plan Actuarial Valuation Shortfall (B17)(2,624)(1,633)General Fund: P&R Maintenance adjust Grant Match duplicate Budget in P&R Administration (B24)143,000143,000General Fund: P&R transfer out reallocated to cover budget overages (26a)(1,064,832)(1,064,832)General Fund: Police reallocated to cover budget overages (26a)(740,000)(1,064,832)General Fund: Road Impact Fee additional revenue transfer out teallocated to cover budget overages (26a)(740,000)431,938General Fund: Road Impact Fee additional revenue transfer out to General Fund (B26c)258,510431,938General Fund: Dice Confiscation State reallocated to cover budget overages (B26e)-(12,309)2,227,401Special Revenue Fund: All Hazards revenue less than projections (B26d)431,938431,938General Fund: Confiscation State reallocated to cover budget overages (B26e)-(12,300)(2,500)(2,500)Special Revenue Fund: All Hazards	Enterprise Fund: Stormwater General Employees Retirement Plan Actuarial Valuation Shortfall (B17)	-	-	-	-	(86,014)	-	(86,014)
Internal Service Fund: Risk PL General Employees Retirement Plan Actuarial Valuation Shortfall (B17)(2,624)(2,624)Internal Service Fund: Self Insurance General Employees Retirement Plan Actuarial Valuation Shortfall (B17)(1,533)(1,533)General Fund: P&R Maintenance adjust Grant Match duplicate Budget in P&R Administration (B24)143,000(1,64,82)General Fund: P&R transfer out reallocated to cover budget overages (26a)(1,064,832)(1,64,82)General Fund: Police reallocated to cover budget overages (26a)(740,000)(2,227,641)Special Revenue: Five Cent Gas Tax to Deth Service (B26b)-431,938431,938General Fund: Road Impact Fee additional revenue transfer out to General Fund (B26c)-(123,309)431,938Special Revenue Fund: Dot he Right Thing reallocated to cover budget overages (B26b)-(123,309)431,938Special Revenue Fund: Dot he Right Thing reallocated to cover budget overages (B26b)-(123,309)(2,500)Special Revenue Fund: Dot he Right Thing reallocated to cover budget overages (B26b)-(19,100)(2,500)Special Revenue Fund: Dot he Right Thing reallocated to cover budget overages (B26b)-(19,100)(2,500)Special Revenue Fund: Alarm Fee revenue Isst han projections (B26	Enterprise Fund: P&R Yacht Basin General Employees Retirement Plan Actuarial Valuation Shortfall (B17)	-	-	-	-	(1,278)	-	(1,278)
Internal Service Fund: Self Insurance General Employees Retirement Plan Actuarial Valuation Shortfall (B17)(1,533)(1,533)General Fund: P&R Maintenance adjust Grant Match duplicate Budget in P&R Administration (B24)143,000143,000General Fund: P&R transfer out reallocated to cover budget overages (26a)(1,064,832)(1,064,832)General Fund: Police reallocated to cover budget overages (26a)(740,000)(2,227,641)General Fund: Police reallocated to cover budget overages (26a)(2,227,641)(2,227,641)Special Revenue: Five Cent Gas Tax to Debt Service (B26b)-431,938431,938General Fund: Police reallocated to cover budget overages (26a)(2,227,641)(2,227,641)Special Revenue: Five Cent Gas Tax to Debt Service (B26b)-431,938265,100Special Revenue Fund: All Hazards revenue less than projections (B26d)-(123,309)(2,500)Special Revenue Fund: Do the Right Thing reallocated to cover budget overages (B26e)-(19,100)(2,500)Special Revenue Fund: Police Confiscation State reallocated to cover budget overages (B26e)-(19,100)(2,500)Special Revenue Fund: Alarm Fee revenue less than projections (B26d)-(19,100)(2,500)Special Revenue Fund: Alar	Internal Service Fund: Risk WC General Employees Retirement Plan Actuarial Valuation Shortfall (B17)	-	-	-	-	-	(2,428)	(2,428)
General Fund : P&R Maintenance adjust Grant Match duplicate Budget in P&R Administration (B24)143,000143,000General Fund - P&R transfer out reallocated to cover budget overages (26a)(1,064,832)(1,064,832)General Fund - Police reallocated to cover budget overages (26a)(740,000)(740,000)General Fund - Government Services reallocated to cover budget overages (26a)(2,227,641)(740,000)General Fund - Government Services reallocated to cover budget overages (26a)(2,227,641)(2,227,641)Special Revenue: Five Cent Gas Tax to Debt Service (B26b)(2,227,641)Special Revenue: Five Cent Gas Tax to Debt Service (B26b)258,510(258,510)Special Revenue Fund: All Hazards revenue less than projections (B26d)(123,309)(123,309)Special Revenue Fund: Do the Right Thing reallocated to cover budget overages (B26e)-(19,100)(2,500)Special Revenue Fund: Alarm Fee revenue less than projections (B26d)-(19,100)(2,500)Special Revenue Fund: Alarm Fee revenue less than projections (B26d)-(19,100)(2,500)Special Revenue Fund: Alarm Fee revenue less than projections (B26d)-(19,100)(2,7,500)Special Revenue	Internal Service Fund: Risk PL General Employees Retirement Plan Actuarial Valuation Shortfall (B17)	-	-	-	-	-	(2,624)	(2,624)
General Fund - P&R transfer out reallocated to cover budget overages (26a)(1,064,832)(1,064,832)General Fund - Police reallocated to cover budget overages (26a)(740,000)(740,000)General Fund - Government Services reallocated to cover budget overages (26a)(2,227,641)(2,227,641)Special Revenue: Five Cent Gas Tax to Debt Service (B26b)431,938431,938General Fund: Road Impact Fee additional revenue transfer out to General Fund (B26c)258,510431,938General Fund: Road Impact Fee additional revenue transfer out to General Fund (B26c)258,510431,938General Fund: Police Confiscation State reallocated to cover budget overages (B26e)431,938Special Revenue Fund: Do the Right Thing reallocated to cover budget overages (B26e)258,510Special Revenue Fund: Alarm Fee revenue less than projections (B26d)258,510258,510Special Revenue Fund: Alarm Fee revenue less than projections (B26d)258,510258,510258,510258,51026,50026,50026,500	Internal Service Fund: Self Insurance General Employees Retirement Plan Actuarial Valuation Shortfall (B17)	-	-	-	-	-	(1,533)	(1,533)
General Fund - P&R transfer out reallocated to cover budget overages (26a)(1,064,832)(1,064,832)General Fund - Police reallocated to cover budget overages (26a)(740,000)(740,000)General Fund - Government Services reallocated to cover budget overages (26a)(2,227,641)(2,227,641)Special Revenue: Five Cent Gas Tax to Debt Service (B26b)431,938431,938General Fund: Road Impact Fee additional revenue transfer out to General Fund (B26c)258,510431,938General Fund: Road Impact Fee additional revenue transfer out to General Fund (B26c)258,510431,938General Fund: Police Confiscation State reallocated to cover budget overages (B26e)431,938Special Revenue Fund: Do the Right Thing reallocated to cover budget overages (B26e)258,510Special Revenue Fund: Alarm Fee revenue less than projections (B26d)258,510258,510Special Revenue Fund: Alarm Fee revenue less than projections (B26d)258,510258,510258,510258,51026,50026,50026,500		143,000	-	-	-	-	-	,
General Fund - Police reallocated to cover budget overages (26a)(740,000)(740,000)General Fund - Government Services reallocated to cover budget overages (26a)(2,227,641)(2,227,641)Special Revenue: Five Cent Gas Tax to Debt Service (B26b)-431,938431,938General Fund: Road Impact Fee additional revenue transfer out to General Fund (B26c)258,510431,938Special Revenue Fund: All Hazards revenue less than projections (B26d)258,510Special Revenue Fund: Do the Right Thing reallocated to cover budget overages (B26e)-(123,309)(123,309)Special Revenue Fund: Police Confiscation State reallocated to cover budget overages (B26e)-(19,100)(19,100)Special Revenue Fund: Police Confiscation State reallocated to cover budget overages (B26e)-(27,500)(27,500)Special Revenue Fund: Alarm Fee revenue less than projections (B26d)-(27,500)(27,500)General Fund: Transfer out to CRA Fund 2018 Revenue final values higher then projections (B26l)(53,403)(53,403)Special Revenue Fund: Park Impact Fee to cover budget (B26i)(53,403)(46,415)Special Revenue Fund: Park Impact Fee to cover budget (B26i)(53,403)Special Revenue Fund: Pa		(1,064,832)	-	-	-	-	-	
Special Revenue: Five Cent Gas Tax to Debt Service (B26b)431,938General Fund: Road Impact Fee additional revenue transfer out to General Fund (B26c)258,510258,510Special Revenue Fund: All Hazards revenue less than projections (B26d)-(123,309)(123,309)Special Revenue Fund: Do the Right Thing reallocated to cover budget overages (B26e)-(123,009)(123,009)Special Revenue Fund: Poice Confiscation State reallocated to cover budget overages (B26e)-(19,100)(2,500)Special Revenue Fund: Poice Confiscation State reallocated to cover budget overages (B26e)-(19,100)(19,100)Special Revenue Fund: Alarn Fee revenue less than projections (B26d)-(27,500)(27,500)General Fund: Transfer out to CRA Fund 2018 Revenue final values higher then projections (B26l)(53,403)(53,403)Special Revenue Fund: Park Impact Fee to cover budget (B26i)-(46,415)(46,415)			-	-	-	-	-	
Special Revenue: Five Cent Gas Tax to Debt Service (B26b)431,938General Fund: Road Impact Fee additional revenue transfer out to General Fund (B26c)258,510258,510Special Revenue Fund: All Hazards revenue less than projections (B26d)-(123,309)(123,309)Special Revenue Fund: Do the Right Thing reallocated to cover budget overages (B26e)-(123,009)(123,009)Special Revenue Fund: Poice Confiscation State reallocated to cover budget overages (B26e)-(19,100)(2,500)Special Revenue Fund: Poice Confiscation State reallocated to cover budget overages (B26e)-(19,100)(19,100)Special Revenue Fund: Alarn Fee revenue less than projections (B26d)-(27,500)(27,500)General Fund: Transfer out to CRA Fund 2018 Revenue final values higher then projections (B26l)(53,403)(53,403)Special Revenue Fund: Park Impact Fee to cover budget (B26i)-(46,415)(46,415)	<b>o o</b> ( )	( , ,	-	-	-	-	-	( , ,
Special Revenue Fund: All Hazards revenue less than projections (B26d)-(123,309)(123,309)Special Revenue Fund: Do the Right Thing reallocated to cover budget overages (B26e)-(2,500)(2,500)Special Revenue Fund: Police Confiscation State reallocated to cover budget overages (B26e)-(19,100)(19,100)Special Revenue Fund: Alarm Fee revenue less than projections (B26d)-(27,500)(27,500)General Fund: Transfer out to CRA Fund 2018 Revenue final values higher then projections (B26l)(53,403)(53,403)Special Revenue Fund: Park Impact Fee to cover budget (B26i)-(46,415)(46,415)	Special Revenue: Five Cent Gas Tax to Debt Service (B26b)	-	431,938	-	-	-	-	431,938
Special Revenue Fund: All Hazards revenue less than projections (B26d)-(123,309)(123,309)Special Revenue Fund: Do the Right Thing reallocated to cover budget overages (B26e)-(2,500)(2,500)Special Revenue Fund: Police Confiscation State reallocated to cover budget overages (B26e)-(19,100)(19,100)Special Revenue Fund: Alarm Fee revenue less than projections (B26d)-(27,500)(27,500)General Fund: Transfer out to CRA Fund 2018 Revenue final values higher then projections (B26l)(53,403)(53,403)Special Revenue Fund: Park Impact Fee to cover budget (B26i)-(46,415)(46,415)	General Fund: Road Impact Fee additional revenue transfer out to General Fund (B26c)	258.510	-	-	-	-	-	258,510
Special Revenue Fund: Do the Right Thing reallocated to cover budget overages (B26e)-(2,500)(2,500)Special Revenue Fund: Police Confiscation State reallocated to cover budget overages (B26e)-(19,100)(19,100)Special Revenue Fund: Alarm Fee revenue less than projections (B26d)-(27,500)(27,500)General Fund: Transfer out to CRA Fund 2018 Revenue final values higher then projections (B26l)(53,403)(23,403)Special Revenue Fund: Park Impact Fee to cover budget (B26i)-(46,415)(46,415)			(123.309)	-	-	-	-	,
Special Revenue Fund: Police Confiscation State reallocated to cover budget overages (B26e)-(19,100)(19,100)Special Revenue Fund: Alarm Fee revenue less than projections (B26d)-(27,500)(27,500)General Fund: Transfer out to CRA Fund 2018 Revenue final values higher then projections (B26l)(53,403)(53,403)Special Revenue Fund: Park Impact Fee to cover budget (B26i)-(46,415)(46,415)		-	( , ,	-	-	-	-	( , ,
Special Revenue Fund: Alarm Fee revenue less than projections (B26d)       -       (27,500)       -       -       (27,500)         General Fund: Transfer out to CRA Fund 2018 Revenue final values higher then projections (B26l)       (53,403)       -       -       -       (53,403)         Special Revenue Fund: Park Impact Fee to cover budget (B26i)       -       (46,415)       -       -       (46,415)		-	,	-	-	-	-	,
General Fund:         Transfer out to CRA Fund 2018 Revenue final values higher then projections (B26I)         (53,403)         -         -         -         (53,403)           Special Revenue Fund:         Park Impact Fee to cover budget (B26i)         -         (46,415)         -         -         (46,415)		-	( , ,	-	-	-	-	( , ,
Special Revenue Fund: Park Impact Fee to cover budget (B26i) - (46,415) (46,415)		(53 403)	(21,000)	-	-	-	-	
		(00,100)	(46,415)	-	-	-	-	
		926,415		-	-	-	-	

#### CITY OF CAPE CORAL

#### SUMMARY OF FY 2018 BUDGET AMENDMENT #2 CHANGES AS PER ORDINANCE #74-18

	GENERAL FUND	SPECIAL REVENUE	DEBT SERVICE	CAPITAL PROJECT	ENTERPRISE FUNDS	INTERNAL SERVICE	TOTAL ALL FUNDS
Special Revenue Fund: Building reallocated to cover budget overages (B26j)	-	(538,500)	-	-	-	-	(538,500)
Special Revenue: CRA Fund 2018 Revenue final values higher then projections (B26I)	-	53,403	-	-	-	-	53,403
General Fund: City Centrum adjust budget overages transfer in from General Fund (B26m)	(26,600)	-	-	-	-	-	(26,600)
General Fund: Government Service adjust transfer out to Academic Village (B26o)	(90,000)	-	-	-	-	-	(90,000)
Enterprise Fund: Water & Sewer to cover budget overages (B26s)	-	-	-	-	(1,063,000)	-	(1,063,000)
Enterprise Fund: Stormwater to cover budget overages (B26t)	-	-	-	-	(185,750)	-	(185,750)
Enterprise Fund: P&R Yacht Basin adjust to cover budget overages (B26u)	-	-	-	-	(97,277)	-	(97,277)
Internal Service Fund - Risk PL reallocated to cover budget overages (26y)	-	-	-	-	-	(238,630)	(238,630)
Internal Service Fund - Risk WC reallocated to cover budget overages (26z)	-	-	-	-	-	(78,950)	(78,950)
Internal Service Fund -Self Insurance reallocated to cover budget overages (26aa)	-	-	-	-	-	(4,000,000)	(4,000,000)
Charter School Fund (B27)	-	-	-	-	3,567,205	-	3,567,205
	-	-	-	-	-	-	-
	-	-	-	-	-	-	-
Subtotal Fund Balance	(6,323,950)	(1,597,051)	-	-	(1,732,544)	(4,324,165)	(13,977,710)
TOTAL USES (APPROPRIATED EXPENDITURES, TRANSFERS, & FUND BALANCE) Less Transfers Out Net Budget Adjustment	\$ 1,093,387	\$ 3,231,998 \$	7,915,705 \$	(2,451,244) \$	9,185,060	5 131,625 - 	\$ 19,106,531 (14,395,476) \$ 4,711,055

# **General Fund**

	FY 2018	FY 2018	FY 2018	FY 2019	FY 2020	FY 2021
	Adopted	Amended BA#1	Amended BA#2	Adopted	Proposed	Proposed
Use of Fund Balance R-E	1,146,306	1,145,569	12,275,404	-	-	2,664,686
Use of Fund Balance Assigned	4,544,000	15,275,194	15,275,194	4,544,000	4,544,000	4,544,000
Operating Fund Balance	34,089,894	34,089,894	22,960,059	24,786,548	32,414,565	31,115,155
Total Fund Balance	39,780,200	50,510,657	50,510,657	29,330,548	36,958,565	38,323,841
Revenue	169,017,047	169,817,029	170,910,416	182,311,944	185,851,883	192,121,730
Expenditure	170,162,617	190,997,138	198,414,475	174,683,927	185,659,969	194,786,416
Revenue - Expenditure	(1,145,570)	(21,180,109)	(27,504,059)	7,628,017	191,914	(2,664,686)
Assigned Fund Balance	4,544,000	4,544,000	4,544,000	4,544,000	4,544,000	4,544,000
Undesignated Reserve	34,090,630	24,786,548	18,462,598	32,414,565	32,606,479	31,115,155
Total Fund Balance - Ending	38,634,630	29,330,548	23,006,598	36,958,565	37,150,479	35,659,155
Source	208,797,247	220,327,686	221,421,073	211,642,492	222,810,448	230,445,571
Uses	208,797,247	220,327,686	221,421,073	211,642,492	222,810,448	230,445,571
		,	,,	, •, .•_	,••,•	
	FY 2018	FY 2018	FY 2018	FY 2019	FY 2020	FY 2021
	Adopted	Amended BA#1	Amended BA#2	Adopted	Proposed	Proposed
1 Payroll	109,971,308	110,597,784	112,591,471	117,482,623	121,395,032	125,080,072
2 Operating	33,805,124	49,209,520	51,406,295	38,461,566	39,520,194	41,803,182
3 Capital Outlay	3,977,375	6,669,176	9,282,603	3,854,840	4,910,225	4,405,689
5 Other	-	-		-	-	
6 Transfer Out	22,408,810	24,520,658	25,134,106	14,884,898	19,834,518	23,497,473
7 Reserves	38,634,630	29,330,548	23,006,598	36,958,565	37,150,479	35,659,155
Total Expenditures	208,797,247	220,327,686	221,421,073	211,642,492	222,810,448	230,445,571
1 mn operating	13,213,020	14,691,580	15,065,881	14,228,257	14,660,392	15,337,394
# mn of reserves	2.92	2.00	1.53	2.60	2.53	2.32
Transfer out	22,408,810	24,520,658	25,134,106	14,884,898	19,834,518	23,497,473
for Capital Projects	7,629,000	8,029,000	8,341,297	90,000	4,825,040	6,332,000
Transfer out for 2 mn calc	14,779,810	16,491,658	16,792,809	14,794,898	15,009,478	17,165,473
	,,,	, ,	,	,. 0 .,000	,,	,

Item B.(4) Number: Date: 11/5/2018 Date: ORDINANCES/RESOLUTIONS -Type: Introductions





## TITLE:

Ordinance 75-18 Set Public Hearing Date for November 19, 2018

# **REQUESTED ACTION:**

Approve or Deny

# STRATEGIC PLAN INFO:

Will this action result in a Budget Amendment? No
 Is this a Strategic Decision? No

 If Yes, Priority Goals Supported are listed below.
 If No, will it harm the intent or success of the Strategic Plan?

# PLANNING & ZONING/HEARING EXAMINER/STAFF RECOMMENDATIONS:

# SUMMARY EXPLANATION AND BACKGROUND:

Sections 2-122.26 and 2-122.28 of the Code of Ordinances currently allows the purchase of military service prior to employment and prior fire service. Multiple requests for purchase of prior service are allowed, but only during February and August of each year.

This ordinance will allow the purchase of prior military or fire service at any time of the year prior to retirement.

# LEGAL REVIEW:

EXHIBITS: Ordinance 75-18 Letter of No Impact

### **PREPARED BY:**

Division-	Doportmont City	
DIVISION	Department-City Attorne	y

# SOURCE OF ADDITIONAL INFORMATION:

# ATTACHMENTS:

# Description

- D Ordinance 75-18
- Letter of No Impact

Туре

Ordinance Backup Material

### ORDINANCE 75 - 18

AN ORDINANCE AMENDING THE CITY OF CAPE CORAL CODE OF ORDINANCES, CHAPTER 2, ADMINISTRATION, ARTICLE VI, PENSIONS, DIVISION 2, "FIREFIGHTER PENSION", TO AMEND SECTION 2-122.26, "MILITARY SERVICE PRIOR TO EMPLOYMENT", AND SECTION 2-122.28, "PRIOR FIRE SERVICE" TO ALLOW FOR THE PURCHASE OF PRIOR SERVICE AT ANY TIME PRIOR TO RETIREMENT; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Firefighters Pension allows the purchase of prior military service and prior fire service in the months of February and August of any year; and

WHEREAS, the Cape Coral Firefighters Pension Board desires to allow the purchase of the prior service at any time in order to ease administrative issues.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CAPE CORAL, AS FOLLOWS:

SECTION 1. The City of Cape Coral Code of Ordinances, Chapter 2, Administration, Article VI, Pensions, Division 2, Firefighter Pension, is hereby amended as follows:

## CHAPTER 2 ADMINISTRATION

### **ARTICLE VI: PENSIONS**

#### **DIVISION 2. – FIREFIGHTER PENSION**

#### § 2-122.26 - Military service prior to employment.

The time that a member serves or has served on active duty in the military service of the Armed Forces of the United States, the United States Merchant Marine or the United States Coast Guard, voluntarily or involuntarily and honorably or under honorable conditions, prior to first and initial employment with the city Fire Department shall be added to his or her years of credited service; provided that:

- (a) The member contributes to the fund the sum that he or she would have contributed, based on his or her salary and the member contribution rate in effect at the time that the credited service is requested, had he or she been a member of the system for the time for which he or she is requesting credit plus amounts actuarially determined such that the crediting of service does not result in any cost to the fund plus payment of costs for all professional services rendered to the Board in connection with the purchase of years of credited service.
- (b) Multiple requests to purchase credited service pursuant to this section may be made at any time prior to retirement, but made only in February and August of any given year.

. . .

#### § 2-122.28 - Prior fire service.

Unless otherwise prohibited by law, and except as provided for in § 2-122.1, the time that a member previously served as a firefighter with the city during a period of previous employment and for which period accumulated contributions were withdrawn from the fund, or the years and fractional parts of years that a member served as a firefighter for any other municipal, county or special district fire department in the State of Florida shall be added to his or her years of credited service; provided that:

(a) The firefighter contributes to the fund the sum that he would have contributed, based on his or her salary and the member contribution rate in effect at the time that the credited service is requested, had he or she been a member of this system for the time for which he or she is requesting credit plus amounts actuarially determined such that the crediting of service does not result in any cost to the fund plus payment of costs for all professional services rendered to the Board in connection with the purchase of years of credited service.

(b) Multiple requests to purchase credited service pursuant to this section may be made at any time prior to retirement, but made only in February and August of any given year.

. . .

SECTION 2. Severability. In the event that any portion or Section of this ordinance is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or Sections of this ordinance which shall remain in full force and effect.

SECTION 3. Effective Date. This ordinance shall become effective immediately after its adoption by the Cape Coral City Council.

ADOPTED BY THE COUNCIL OF THE CITY OF CAPE CORAL AT ITS REGULAR SESSION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

# JOE COVIELLO, MAYOR

#### VOTE OF MAYOR AND COUNCILMEMBERS:

COVIELLO	
GUNTER	
CARIOSCIA	
STOUT	

-		

NELSON	1
STOKES	
WILLIAMS	
COSDEN	A A A A A A A A A A A A A A A A A A A

ATTESTED TO AND FILED IN MY OFFICE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2018.

KIMBERLY BRUNS INTERIM CITY CLERK

APPROVED AS TO FORM:

**DOLORES D. MENENDEZ** 

CITY ATTORNEY ord/Pension-Fire Prior Service Purchase 10/22/18



June 7, 2018

Ms. Ferrell Jenne, Plan Administrator 2503 Del Prado Blvd. S. Suite 502 Cape Coral, FL 33904

Re: City of Cape Coral Municipal Firefighters' Retirement Plan

Dear Ferrell:

In response to your email dated May 24, 2018, we have reviewed the most recently proposed Ordinance amending Section 2-122.26 – Military Service prior to employment and Section 2-122.28 – Prior fire service. The proposed Ordinance allows members to request to purchase military service prior to employment or prior fire service at any time prior to retirement.

We have determined that adoption of the proposed ordinance will have no impact on the assumptions used in determining the funding requirements of the program. Because the changes do not result in a change in the valuation results, it is our opinion that a formal Actuarial Impact Statement is not required in support of its adoption. However, since the Division of Retirement must be aware of the current provisions of all public pension programs, it is recommended that you send a copy of this letter and a copy of the fully executed Ordinance to each of the following offices:

Mr. Keith Brinkman Bureau of Local Retirement Systems Division of Retirement P. O. Box 9000 Tallahassee, FL 32315-9000

If you have any questions, please let me know.

Sincerely.

Douglas H. Lozen, EA, MAAA

cc via email: Bonni Jensen

Steve Bardin Municipal Police and Fire Pension Trust Funds Division of Retirement P.O. Box 3010 Tallahassee, FL 32315-3010 Item 10.A. Number: 10.A. Meeting 11/5/2018 Date: UNFINISHED

Item Type: BUSINESS

AGENDA REQUEST FORM CITY OF CAPE CORAL



**TITLE:** Water Quality - Update

# **REQUESTED ACTION:**

# STRATEGIC PLAN INFO:

- 1. Will this action result in a Budget Amendment?
- 2. Is this a Strategic Decision?

If Yes, Priority Goals Supported are listed below. If No, will it harm the intent or success of the Strategic Plan?

# PLANNING & ZONING/HEARING EXAMINER/STAFF RECOMMENDATIONS:

# SUMMARY EXPLANATION AND BACKGROUND:

# LEGAL REVIEW:

# EXHIBITS:

# **PREPARED BY:**

Division- Department-

# SOURCE OF ADDITIONAL INFORMATION:

### ATTACHMENTS:

### Description

Water Quality Memo

**Type** Backup Material

B

Item Number:	10.A.
Meeting Date:	11/5/2018
Item Type:	UNFINISHED BUSINESS

AGENDA REQUEST FORM CITY OF CAPE CORAL



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#### PLANNING & ZONING/HEARING EXAMINER/STAFF RECOMMENDATIONS:

#### SUMMARY EXPLANATION AND BACKGROUND:

LEGAL REVIEW:

EXHIBITS:

PREPARED BY:

Division-

Department-

#### SOURCE OF ADDITIONAL INFORMATION:

**REVIEWERS**:

Department City Clerk **Reviewer** Bruns, Kimberly Action Approved Date 7/20/2018 - 2:53 PM

#### MEMORANDUM

## CITY OF CAPE CORAL PUBLIC WORKS DEPARTMENT

TO:	John Szerlag, City Manager
FROM:	Paul Clinghan, Public Works Director <b>PR</b> Michael Ilczyszyn, Senior Public Works Manager <b>MS</b> Maya Robert, Environmental Resources Manager <b>MR</b>
DATE:	November 2, 2018
SUBJECT:	Lake Okeechobee Level and Release Information

As of Friday, November 2, 2018, the elevation of Lake Okeechobee decreased further to 13.65 feet. The outflows measured at the Franklin Lock & Dam (S-79) were 44 cfs, although the weekly average flow was 1,000 cfs, following a new pulse release schedule by the US Army Corps of Engineers started October 26, 2018.

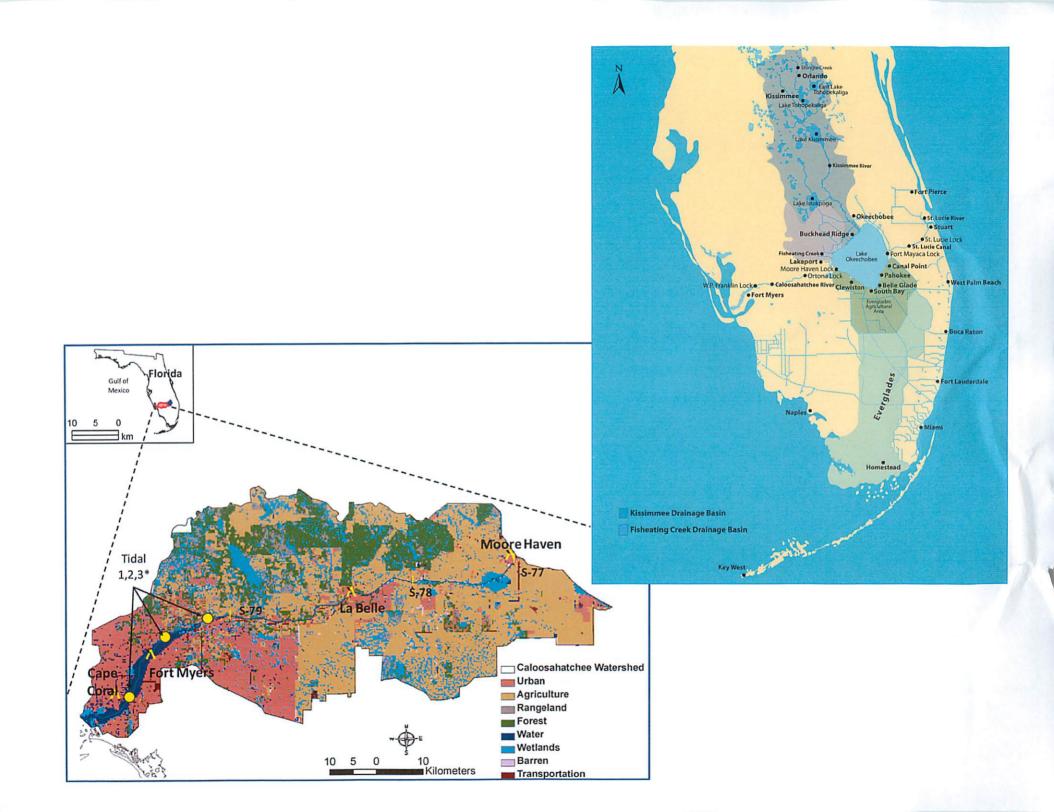
After months of low salinity in the estuary due to releases from the Lake, salinities have continued to increase, 11 PSU measured near Fort Myers, slightly above the recommended value of 10 PSU for tape grass and 28 PSU at Shell Point.

The Yacht Club Beach has been reopened after the City received tests confirming the absence of Blue Green Algae and toxins. However, Blue Green Algae is persistent in Lake Okeechobee and along the upstream Caloosahatchee and City staff continue to monitor the situation.

In Lee County this past week, Red Tide has only been observed in Pine Island Sound at very low to medium concentrations.

Attached is a map showing drainage basins of the Lake Okeechobee and the position of the Caloosahatchee River Locks.

PC/MI:mr (Weekly Lake Okeechobee Level and Release Information) Attachment; Lake Okeechobee drainage basins, Caloosahatchee River Locks map



Item Number: 13.A. Meeting Date: 11/5/2018 Item REPORTS OF THE CITY ATTORNEY Type: AND CITY MANAGER





TITLE: Utilities Rate Sufficiency Analysis

# **REQUESTED ACTION:**

# STRATEGIC PLAN INFO:

- 1. Will this action result in a Budget Amendment?
- 2. Is this a Strategic Decision?

If Yes, Priority Goals Supported are listed below. If No, will it harm the intent or success of the Strategic Plan?

# PLANNING & ZONING/HEARING EXAMINER/STAFF RECOMMENDATIONS:

# SUMMARY EXPLANATION AND BACKGROUND:

Please copy and paste the following link into your browser. Here is the link for the FY 2018 Utility Revenue Sufficiency Analysis – Final Report http://tinyurl.com/y8qdxbyw

LEGAL REVIEW:

**EXHIBITS:** Memo with Revised attachment

# **PREPARED BY:**

Division- Department-

# SOURCE OF ADDITIONAL INFORMATION:

ATTACHMENTS:

Description

Memo with Revised attachment

**Type** Backup Material

### MEMORANDUM

#### CITY OF CAPE CORAL UTILITIES DEPARTMENT

TO: John Szerlag, City Manager

FROM: Jeff Pearson, Utilities Director

DATE: October 17, 2018

SUBJECT: 2018 Utilities Rate Sufficiency Analysis Executive Summary

Attached for your reference is the power point presentation from Stantec's FAMS© Model that is associated with the annual update of the Water & Sewer Revenue Sufficiency Study. At this time, no rate adjustments are projected for the FY 2019 water, wastewater and irrigation rates. The five (5) year forecast beginning FY 2019 in the rate model follows:

	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
As Adopted Res 35-13 Sept. 2013	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Current 2018 Rate Sufficiency Analysis Forecast	N/A	0.00%	0.00%	0.00%	0.00%	0.00%

Please note, Resolution 35-13 indicated that water, wastewater and irrigation rates will remain in effect until otherwise amended. Current projections do not identify a need for rate adjustments over the five-year planning period (FY 2019 – FY 2023). Therefore, no formal City Council action is requested. Stantec's 2018 Rate Sufficiency Analysis indicates favorable bill comparisons with neighboring utility providers for residential customers served with water, sewer and irrigation utility services. Current projections do not reflect a need for rate increases over the 10-year planning period.

The 2018 Utilities Rate Sufficiency Analysis discussion item is scheduled for the November 5, 2018 City Council meeting under City Manager's report.

Attachment: Power Point Presentation

C: Victoria Bateman, Financial Services Director Monte Vavra, Assistant Financial Services Director Bill Boyd, Customer and Field Services Manager





City of Cape Coral, Florida

FY 2018 Utility Revenue Sufficiency Analysis

November 5, 2018

Executive Summary

# **Executive Summary**

- Updated Revenue Sufficiency Analysis
  - Includes Projected UEP (North 1 & North 2) transmission costs and ERUs
  - Includes irrigation purchases from Fort Myers
- Favorable bill comparisons for typical residential customers with water, sewer, and irrigation
- Current projections do not identify need for increases over the 10-year planning period

Financial Management Plan

# Financial Plan – Key Parameters

- Maintain Sufficient Operating Reserves & Debt Coverage
  - □ Target: 6 months of annual O&M expenses
  - Target: net revenues of at least 1.5 times annual senior debt service

Indicative of a financially healthy system per rating agency criteria

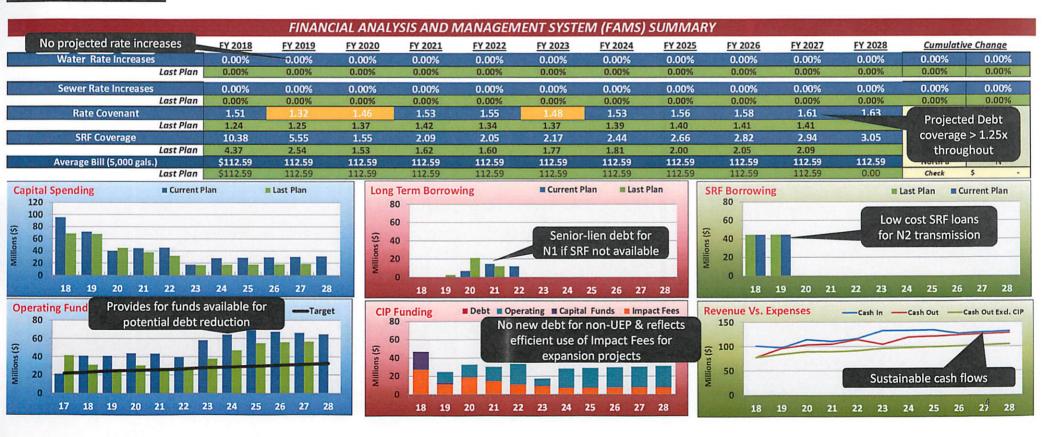
# Maintain Manageable Levels of Debt

- Goal: no additional long-term borrowing during next 10-years (except for UEP)
- Potential to pay down existing debt in the future as debt becomes redeemable

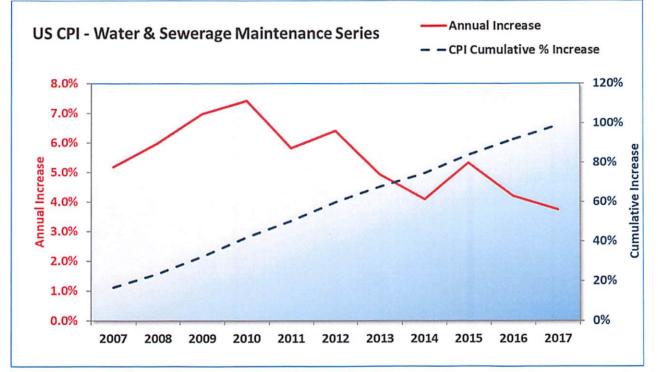
# **Financial Management Plan**

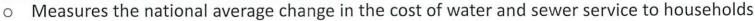
Financial Management Plan

# Blue Bars: FY 2018 Revenue Sufficiency Analysis Green Bars: FY 2017 Revenue Sufficiency Analysis



# National Industry Trend

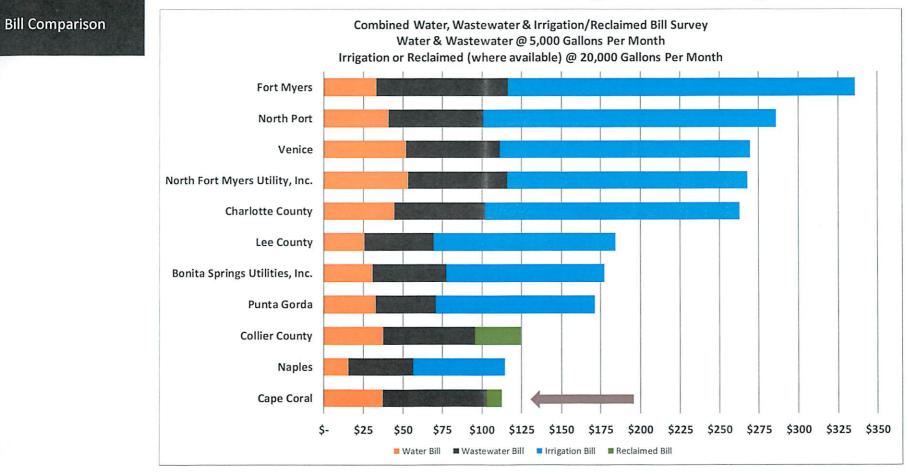




- o Much more specific and relevant to utilities than overall CPI
- 10-year average annual increase = 5.5%

National Trends

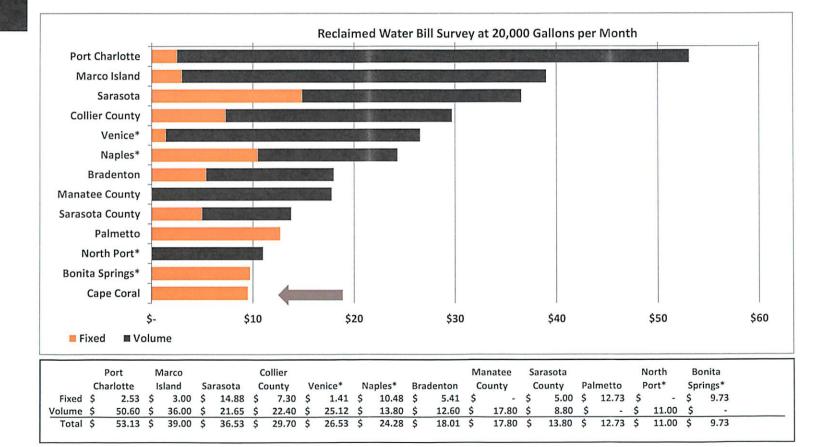
# FY 2019 Residential Utility Bill Comparison



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# FY 2019 Irrigation (Reclaimed Water) Utility Bill

#### **Bill Comparison**



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# Questions & Discussion