



Case No.:

DCI 2004-00029

Intake Date:

Alico Lakes Lot 1 CPD

4/30/04

Project Name:



STRAP Number(s):

07-46-25-07-00000.0010

Planner Name:

Ext.

Tony Palermo

8325

LEGAL DESCRIPTION VERIFICATION and INITIAL GIS MAPPING

Date:

13 JULY 04

INTAKE:

DCI 04029 [signature]

LEGAL SUFFICIENT☒ YES LM☐ NO

Initials:

If not, give brief explanation:

MAP UPDATE following FINAL ACTION

Date:

02 DEC 04

☐

Hearing Examiner Decision



Resolution

Board of County Commissioner's

☐

Administrative Approval

☐

Blue Sheet

Zoning Notes: Z-04-061, DCI 2004-00029, IS NOV 04, BEZONE 2.98 ACRES FROM A VACATED CPD TO CPD IN REF TO 'ALICO LAKES LOT 1'; CONDS

MAP UPDATED☒ YES

ARC

☐ NO

Initials:

[signature]

If not, give brief explanation:

Note to CPD: 015403

Exhibit PH-3.C.1

LEGAL DESCRIPTION:

LOT 1, ALICO LAKES CPD 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN
PLAT BOOK 45, PAGES 12 & 13, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

Applicant's Legal Checked
by July 9, 2004

RECEIVED
APR 30 2004

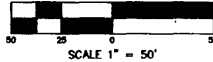
PERMIT COUNTER

DCI 2004-00029

BOUNDARY SURVEY OF

**LOT 1
ALICO LAKES**

SECTION 07, TOWNSHIP 46 SOUTH, RANGE 25 EAST
(PLAT BOOK 45, PAGE 13)
FT. MYERS, LEE COUNTY, FLORIDA

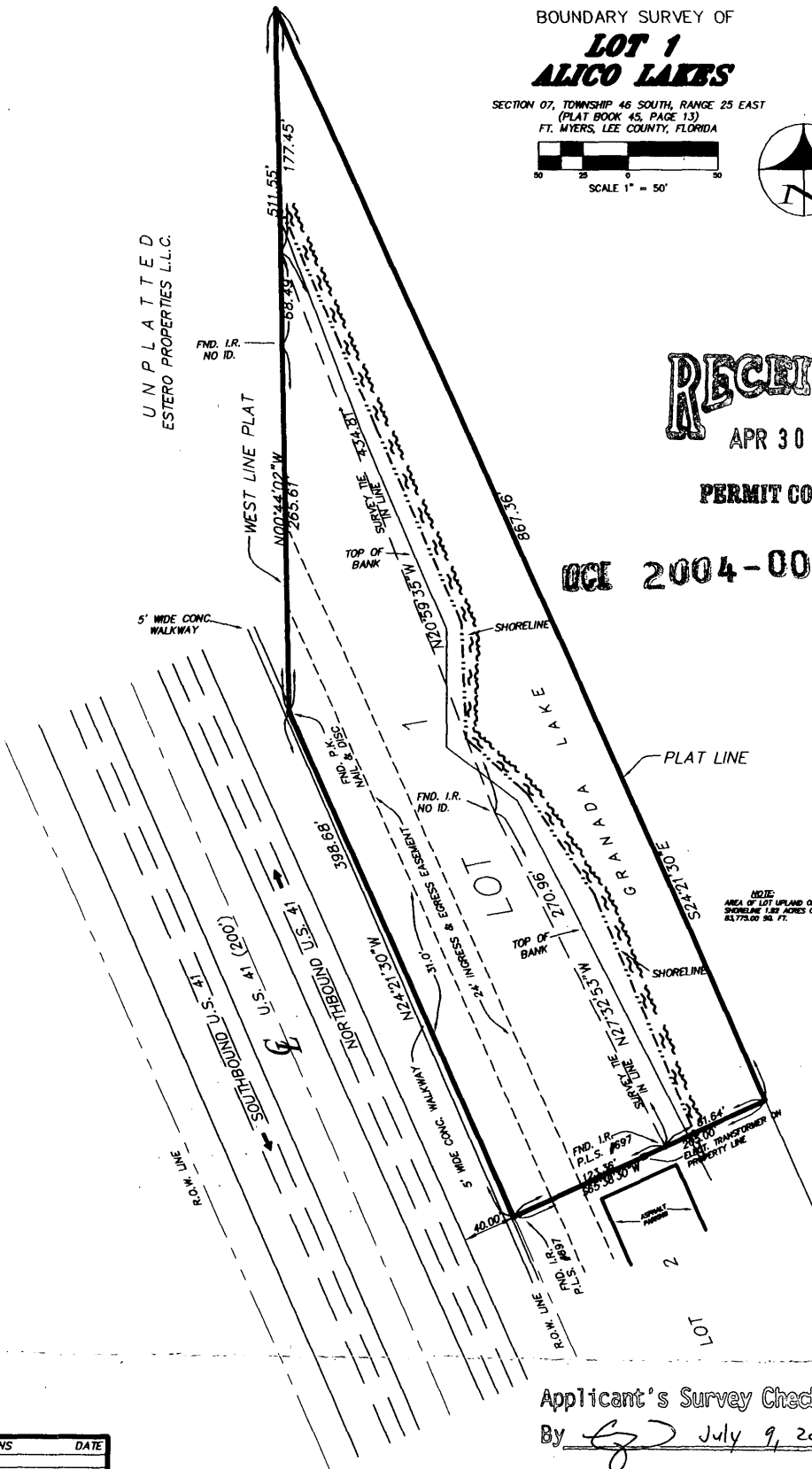


UNPLATTED
ESTERO PROPERTIES L.L.C.

RECEIVED
APR 30 2004

PERMIT COUNTER

DCI 2004-00029



Applicant's Survey Checked

By [Signature] July 9, 2004.

REVISIONS DATE



PREPARED BY: R.S.
SANIBEL SURVEYS, INC.
2410 PALM RIDGE ROAD,
SANIBEL, FL 33957
(239) 472-0085

JOB #03280
STATE OF FLORIDA
WALTER L. FRASER, P.L.S. #3985
FIELD COMPLETION DATE: 8/22/03

CERTIFICATION:
I HEREBY CERTIFY THAT THIS SURVEY WAS MADE UNDER MY RESPONSIBLE CHARGE AND MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 61817-6 FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.0027 OF THE FLORIDA STATUTES.
BY: [Signature]
WALTER L. FRASER, P.L.S. #3985
FIELD COMPLETION DATE: 8/22/03

LEGAL DESCRIPTION:
LOT 1, ALICO LAKES CPD 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 45, PAGES 12 & 13, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.
CERTIFIED TO:
BARBOUR ENTERPRISES LIMITED PARTNERSHIP I
LEE COUNTY



LEE COUNTY

SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

239-533-8585

Bob Janes
District One

A. Brian Bigelow
District Two

Ray Judah
District Three

Tammy Hall
District Four

Frank Mann
District Five

Donald D. Stilwell
County Manager

David Owen
County Attorney

Diana M. Parker
County Hearing
Examiner

July 28, 2009

RUSSELL MATICEK
PRIVATE FINANCIAL CAPITAL
7940 NORTH 81ST STREET
MILWAUKEE WI 53223

Re: ALICO LAKES LOT 1
Senate Bill 360 Extension (F)
DCI2009-00024

Dear RUSSELL MATICEK:

In accord with Senate Bill 360 (SB360) and Lee County Resolution 09-06-22, development permits meeting certain criteria are entitled to one 2-year extension from the existing/initial permit expiration date. Accordingly, the effectiveness of the Master Concept Plan identified in Zoning Resolution Z-04-061, DCI2004-00029, ALICO LAKES LOT 1, is hereby extended for the following:

From an expiration date of November 15, 2009 to November 15, 2011.

No additional extensions under SB360 may be granted for the above-referenced development permit. All underlying conditions of the zoning resolution remain in full force and effect. Failure to comply with zoning conditions may result in enforcement action as provided under Florida law and local regulations.

This extension applies only to the specific approvals identified above. If your project requires additional development permits or authorizations to continue construction, you are required to obtain the necessary approvals, including related permit extensions. If you hold other permits or authorizations that qualify for an extension under SB360, you must file a specific request for each qualifying development permit.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Department of Community Development
Division of Zoning

Pam Houck
Director

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

WHEREAS, an application was filed by the property owner, Hugh and Eva Barbour % BARBOUR ENTERPRISES, LP 1, to rezone 2.98± acres from a vacated Commercial Planned Development (CPD) to Commercial Planned Development (CPD), in reference to Alico Lakes Lot 1; and,

WHEREAS, a public hearing was advertised and held on September 22, 2004, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #DCI2004-00029; and

WHEREAS, a second public hearing was advertised and held on November 15, 2004, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS:

SECTION A. REQUEST

The applicant filed a request to rezone 2.98± acres from a vacated CPD previously approved by Zoning Resolution #Z-91-113 to CPD to permit commercial, office, restaurant (with outdoor consumption on premises) and/or retail development utilizing 20,000 square feet of building area with a maximum building height of 45 feet/two stories. Development blasting is not being requested. The property is located in the Urban Community Future Land Use Category and is legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS:

All references to uses are as defined or listed in the Lee County Land Development Code (LDC).

1. The development of this project must be consistent with the one-page Master Concept Plan (MCP) entitled "ALICO LAKES LOT 1, Lee County, Florida," dated APR 2004 and stamped "RECEIVED AUG 11 2004 Permit Counter," except as modified by the conditions below.

This development must comply with all requirements of the Lee County LDC at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.

2. The following limits apply to the project and uses:

a. **Schedule of Uses**

ACCESSORY USES AND STRUCTURES

ADMINISTRATIVE OFFICE

BAR OR COCKTAIL LOUNGE - indoor consumption on premises permitted. Outdoor consumption on premises in conjunction with conditions below in conformance with MCP "Optional Outdoor Seating"

BOAT PARTS STORE

BOAT RAMP, BOAT DOCKS, NO MARINAS

Boat Sales, Storage, Rental & Repairs not supported by the MCP. Must be in conformance with §34-1352.

CONSUMPTION ON PREMISES - indoor.

Outdoor Consumption on Premises permitted with the following limitations in conformance with MCP "Optional Outdoor Seating".

Outdoor consumption on premises in conjunction with a Group III restaurant, bar or cocktail lounge.

Outdoor seating limited to 1,000 square feet, 40 seats, 10 tables.

Outdoor and indoor consumption on premises limited to 11 a.m. to 2 a.m. daily.

DRIVE-THROUGH FACILITY FOR ANY PERMITTED USE

DRUGSTORE, PHARMACY

ENTRANCE GATE, AND GATEHOUSE per §34-1749

ESSENTIAL SERVICES - per §34-1611, *et seq.*

ESSENTIAL SERVICE FACILITIES, GROUP I -

Per §34-1611, *et seq.* & §34-622(C)(13)

EXCAVATION, WATER RETENTION - (NO BLASTING)

FENCES, WALLS

MEDICAL OFFICE

PACKAGE STORE - Indoor consumption on premises permitted.

Outdoor consumption on premises in conjunction with a Group III restaurant, bar or cocktail lounge only.

PARKING LOT: ACCESSORY, TEMPORARY

PLANT NURSERY - per §34-2081.

PRINTING AND PUBLISHING per §34-622(C)(36)

RESTAURANT, FAST FOOD - Limited to one.

RESTAURANTS, GROUPS I, II, AND III - Indoor consumption on premises permitted. Outdoor consumption on premises with conditions above.

SIGNS PER CHAPTER 30

SPECIALTY RETAIL SHOPS, GROUPS I AND II

TEMPORARY USES - per §34-3041

b. **Site Development Regulations**

20,000-SQUARE-FOOT MAXIMUM GROSS FLOOR AREA.

Minimum Lot Area and Dimensions

Lot Size:	2.98 acres
Lot Depth:	n/a
Lot Width:	n/a

Minimum Setbacks

Street (US41):	25 feet
North and South Boundary:	15 feet
Lake:	0 feet (per Deviation Request)

Accessory Uses and Structures	Per §§34-1171 & 34-2194
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Minimum Building Separation	20 feet
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Maximum Height:	45 feet/2 stories
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Maximum Lot Coverage:	40 percent
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3. No development blasting is permitted as part of this project unless approved at a subsequent public hearing as an amendment to the public hearing.
4. Prior to local development order approval, a minimum of 31,330 square feet of open space must be delineated on the development order plans as shown on the approved MCP.
5. All required buffers must utilize 100 percent native vegetation.
6. Buildings exceeding 35 feet in height must maintain additional building separation as regulated by §34-2174(a).
7. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Lee County LDC may be required to obtain a local development order.
8. Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b), be reviewed for, and found consistent with, the retail commercial standards for site area, including range of gross floor area, location, tenant mix and general function, as well as all other Lee Plan provisions.

9. Accessory uses must be located on the same tract, parcel or outparcel where a principal use is located. Accessory uses must be incidental and subordinate to the principal use of the tract, parcel or outparcel.

SECTION C. DEVIATIONS:

1. Deviation (1) seeks relief from the §34-2194(b) requirement of a waterbody setback of 25 feet to permit a zero-foot setback from an existing man-made lake. This deviation is APPROVED, SUBJECT TO the following conditions:
 1. The developer provide guardrails or other protection deemed necessary at the Development Order stage; and
 2. Approval is limited to development consistent with the approved MCP; and
 3. The zero-foot setback is only approved for the parking lot and the dock on Lot 1 as shown on the approved MCP; and
 4. The developer must also install a one-foot high berm along the easterly edge of the parking area on Lot 1 where it abuts the lake and the developer must install vegetation according to a planting plan approved by County staff.
2. Deviation (2) seeks relief from the §10-416(D)(3) requirement of a Type "A" buffer between two commercial developments, to permit no buffer between the subject property and the commercial property to the south. This deviation is APPROVED.

SECTION D. EXHIBITS AND STRAP NUMBER:

The following exhibits are attached to this resolution and incorporated by reference:

- Exhibit A: Legal description of the property
Exhibit B: Zoning Map (with the subject parcel indicated)
Exhibit C: The Master Concept Plan

The applicant has indicated that the STRAP number for the subject property is:
07-46-25-07-00000.0010

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and any other applicable code or regulation.

2. The rezoning, as approved:
 - a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request; and
 - b. is consistent with the densities, intensities and general uses set forth in the Lee Plan; and
 - c. is compatible with existing or planned uses in the surrounding area; and
 - d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and
 - e. will not adversely affect environmentally critical areas or natural resources.
3. The rezoning satisfies the following criteria:
 - a. the proposed use or mix of uses is appropriate at the subject location; and
 - b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and
 - c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.
4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.
5. The approved deviations, as conditioned, enhance achievement of the planned development objectives, and preserve and promote the general intent of LDC Chapter 34, to protect the public health, safety and welfare.
6. The request meets the criteria to qualify as a Special Case finding (infill development per Lee Plan Policies 6.1.2, 6.1.2.8 and 6.17) to allow development of the subject property for commercial retail and office development as conditioned by this resolution.

The foregoing resolution was adopted by the Lee County Board of Commissioners upon the motion of Commissioner Ray Judah, seconded by Commissioner Douglas R. St. Cerny and, upon being put to a vote, the result was as follows:

Robert P. Janes	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Aye
Andrew W. Coy	Absent
John E. Albion	Aye

DULY PASSED AND ADOPTED this 15th day of November 2004.

ATTEST:
CHARLIE GREEN, CLERK

BY: *Traci Sherce*
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: *[Signature]*
Chairman

Approved as to form by:

John J. Rodriguez
County Attorney's Office



RECEIVED
MINUTES OFFICE
2004 NOV 23 AM 10:47

EXHIBIT "A"
LEGAL DESCRIPTION
Property located in Lee County, Florida

Exhibit PH-3.C.1

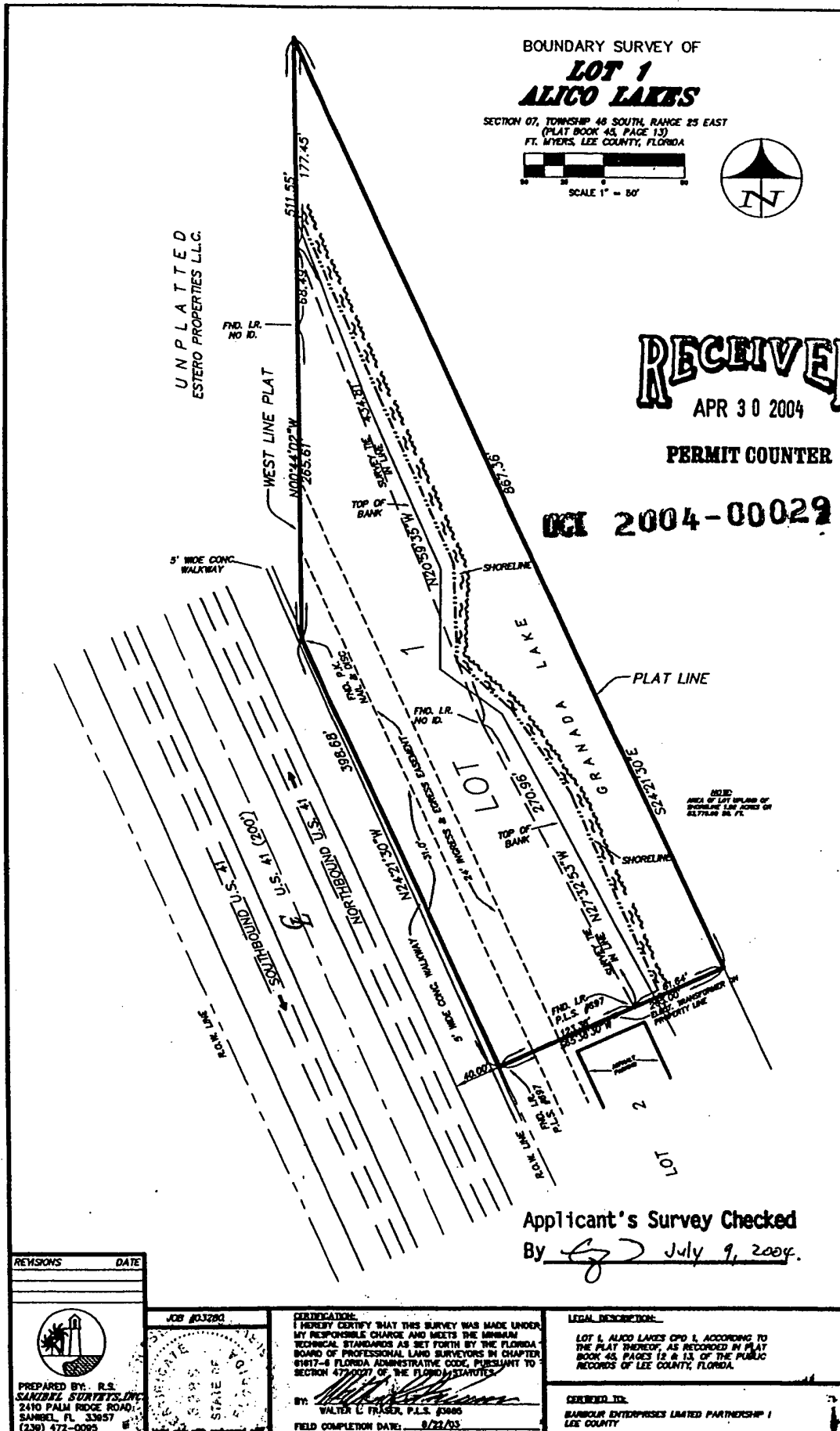
LEGAL DESCRIPTION:

LOT 1, ALICO LAKES CPD 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN
PLAT BOOK 45, PAGES 12 & 13, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

Applicant's Legal Checked
by [Signature] July 9, 2004

RECEIVED
APR 30 2004
PERMIT COUNTER

001 2004-00029



[illegible]

EXHIBIT "B"

EXHIBIT "C"
MASTER CONCEPT PLAN

SITE DATA	
TOTAL SITE AREA	2,120,728 SF (62.28 AC.)
GRANADA LAKE AREA	160,298 SF (4.65 AC.)
PROPOSED BUILDING	410,000 SF (0.9% LOT COVERAGE)
GROUND LEVEL FLOOR AREA	432,141 SF
PAVEMENT / SIDEWALK AREA	234,697 SF = 10%
LANDSCAPE AREA	5,803 SF = 4%
DRY RETENTION AREA /	
INDIGENOUS PRESERVE	3,313,320 SF = 24%
TOTAL OPEN SPACE AREA	
(NOT INCLUDING LAKE AREA)	

SCHEDULE OF DEVIATIONS

- ① TYPE "C" BUFFER REQUIREMENT
- ② TYPE "X" BUFFER REQUIREMENT

OPTIONAL COPY OUT DOOR SEATING

CP CIVIL ENGINEERING 1000 N. W. 10th Ave., Suite 100 Fort Lauderdale, FL 33304 Phone: (305) 555-1000 Fax: (305) 555-1001 Website: www.civilpros.com		Approved By: _____ Checked By: _____ Drawn By: _____ Designated By: _____ Activity: _____ Name: _____ Date: _____
Approved: _____ Title: _____ License No.: _____ Exp. Date: _____ Scale: 1" = 50' Date: _____		Proposed Master Concept Plan / Exhibit A-1 LEE COUNTY, FLORIDA ALICO LAKES LOT 1 SHEET NO. _____

OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER RECOMMENDATION

RECEIVED
OCT 20 2004
ZONING

REZONING: DCI2004-00029
APPLICANT: BARBOUR ENTERPRISES, LP 1, in reference to
ALICO LAKES LOT 1
HEARING DATE: SEPTEMBER 22, 2004

I. APPLICATION:

This matter came before the Lee County Hearing Examiner as an Application for a Rezoning to a Commercial Planned Development (CPD) pursuant to the Lee County Land Development Code (LDC).

Filed by HUGH & EVA BARBOUR, % BARBOUR ENTERPRISES, LP 1, 16198 Edgemont Drive, Fort Myers, Florida 33908 (Applicant/Owner); JEFFREY M. SATFIELD, % CPH ENGINEERS, INC., 2211 Peck Street, Suite 300, Fort Myers, Florida 33901 (Agent).

Request is to rezone 2.98 acres from a vacated Commercial Planned Development (CPD) previously approved by Zoning Resolution #Z-91-113 to Commercial Planned Development (CPD) to permit commercial, office, restaurant (with outdoor consumption on premises) and/or retail development utilizing 20,000 square feet of building area with a maximum building height of 45 feet/two stories. Development blasting is not being requested.

The subject property is located at 17555 South Tamiami Trail, Fort Myers, Florida (the site is approximately one-quarter of a mile south of the intersection of U.S. 41 and Alico Road on the eastern side of U.S. 41), in Section 7, Township 46 South, Range 25 East, Lee County, Florida (District #5).

II. STAFF REPORT AND RECOMMENDATION: APPROVE WITH CONDITIONS

The Department of Community Development Staff Report was prepared by Tony Palermo. The Staff Report is incorporated herein by this reference.

III. RECOMMENDATION OF HEARING EXAMINER:

The undersigned Lee County Hearing Examiner recommends that the Lee County Board of County Commissioners APPROVE the Applicant's request for a rezoning from a vacated CPD to CPD for the real estate described in Section IX. Legal Description WITH THE FOLLOWING CONDITIONS AND DEVIATIONS:

A. CONDITIONS:

1. The development of this project must be consistent with the one-page Master Concept Plan entitled "**ALICO LAKES LOT 1**" stamped received **AUGUST 11, 2004** except as modified by the conditions below.

This development must comply with all requirements of the Lee County LDC at time of local Development Order Approval, except as may be granted by deviation as part of this planned development. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.

2. The following limits apply to the project and uses:

a. **Schedule of Uses**

ACCESSORY USES AND STRUCTURES

ADMINISTRATIVE OFFICE

BAR OR COCKTAIL LOUNGE - indoor consumption on premises permitted. Outdoor consumption on premises in conjunction with conditions below in conformance with Master Concept Plan "Optional Outdoor Seating"

BOAT PARTS STORE

BOAT RAMP, BOAT DOCKS, NO MARINAS

Boat Sales, Storage, Rental & Repairs not supported by the MCP. Must be in conformance with LDC Sec. 34-1352.

CONSUMPTION ON PREMISES - indoor.

Outdoor Consumption on Premises permitted with the following limitations in conformance with Master Concept Plan "Optional Outdoor Seating".

Outdoor consumption on premises in conjunction with a Group III restaurant, bar or cocktail lounge.

Outdoor seating limited to 1,000 square feet, 40 seats, 10 tables.

Outdoor and indoor consumption on premises limited to 11 a.m. to 2 a.m. daily.

DRIVE-THROUGH FACILITY FOR ANY PERMITTED USE

DRUGSTORE, PHARMACY

ENTRANCE GATE, AND GATEHOUSE PER LDC SEC. 34-1749

ESSENTIAL SERVICES - PER LDC SEC. 34-1611 ET SEQ.

ESSENTIAL SERVICE FACILITIES, GROUP I - PER LDC SEC. 34-1611 ET SEQ. & SEC. 34-622(C)(13)

EXCAVATION, WATER RETENTION - (NO BLASTING)

FENCES, WALLS

MEDICAL OFFICE

PACKAGE STORE - Indoor consumption on premises permitted.

Outdoor consumption on premises in conjunction with a Group III restaurant, bar or cocktail lounge only.

PARKING LOT: ACCESSORY, TEMPORARY

PLANT NURSERY - PER LDC SEC. 34-2081.

PRINTING AND PUBLISHING PER LDC SEC. 34-622(C)(36)

RESTAURANT, FAST FOOD - Limited to one.

RESTAURANTS, GROUPS I, II, AND III - Indoor consumption on premises permitted. Outdoor consumption on premises with conditions above.

SIGNS PER CHAPTER 30

SPECIALTY RETAIL SHOPS, GROUPS I AND II

TEMPORARY USES PER LDC SEC. 34-3041

b. **Site Development Regulations**

20,000-SQUARE-FOOT MAXIMUM GROSS FLOOR AREA.

Minimum Lot Area and Dimensions

Lot Size:	2.98 acres
Lot Depth:	n/a
Lot Width:	n/a

Minimum Setbacks

Street (US41):	25 feet
North and South Boundary:	15 feet
Lake:	0 (per Deviation Request)

Accessory Uses and Structures	Per LDC Sec. 34-1171, 34-2194
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Minimum Building Separation	20 feet
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Maximum Height:	45 feet/2 stories
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Maximum Lot Coverage:	40 percent
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3. No development blasting is permitted as part of this project unless approved at a subsequent public hearing as an amendment to the public hearing.

4. Prior to local development order approval, a minimum of 31,330 square feet of open space must be delineated on the development order plans as shown on the approved Master Concept Plan.

5. All required buffers must utilize 100 percent native vegetation.

6. Buildings exceeding 35 feet in height must maintain additional building separation as regulated by LDC Section 34-2174(a).

7. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Lee County LDC may be required to obtain a local development order.

8. Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b), be reviewed for, and found consistent with, the retail commercial standards for site area, including range of gross floor area, location, tenant mix and general function, as well as all other Lee Plan provisions.

9. Accessory uses must be located on the same tract, parcel or outparcel where a principal use is located. Accessory uses must be incidental and subordinate to the principal use of the tract, parcel or outparcel.

B. DEVIATIONS:

Deviation 1 seeks relief from LDC Section 34-2194(b) requiring a waterbody setback of 25 feet to permit a zero-foot setback from an existing man-made lake. The Hearing Examiner recommends **APPROVAL** of this deviation subject to the following conditions:

1. The developer provide guardrails or other protection deemed necessary at the Development Order stage.
2. Approval is limited to development consistent with the approved Master Concept Plan.

Deviation 2 seeks relief from LDC Section 10-416(D)(3), which requires a Type "A" buffer between two commercial developments, to permit no buffer between the subject property and the commercial property to the south. The Hearing Examiner recommends **APPROVAL** of this deviation.

IV. HEARING EXAMINER DISCUSSION:

The Applicant, Barbour Enterprises, LP, in reference to Alico Lakes Lot 1 CPD, is requesting a rezoning from a vacated Commercial Planned Development (CPD) zoning district, to the CPD zoning district for a 2.98-acre portion of a larger parcel that is located at 17555 S. Tamiami Trail, Lee County, Florida. If approved, the Applicant wishes to develop the property with commercial, office, restaurant (with outdoor consumption on premises) and/or retail development within a 20,000-square-foot building with a maximum height of 45 feet (two stories).

The site, and all of the surrounding property is located within the Urban Community land use category. There is commercial zoning on three sides of the site, with U.S. 41 (6-lanes) located to the west.

The property, which fronts on U.S. 41 is not located in the proximity of any residential uses, churches, or schools. There is a 53-acre lake that separates this site from any residential uses, the closest of which is located more than 1,100 feet from the site. This fact is important because the COP's that are being recommended will not have an impact on any of the listed uses.

The Staff has recommended approval of the request along with two deviations that will make the project compatible with the surrounding uses and consistent with the Lee Plan and the Land Development Code.

The property was zoned to CPD in 1987, and it has received two extensions since that time. The parcel was never developed, and its zoning lapsed under the provisions of Land Development Code (LDC) Section 34-381. The Applicant is seeking to resurrect the CPD with a Master Concept Plan (MCP) that is largely consistent with the earlier approval.

The Conditions are largely those that were approved in the previous zoning resolution. The Schedule of Uses has, however, been somewhat pared back to address some of the existing conditions in the area. For example, Boat Repair and Service has been eliminated as a use.

Also, since blasting was not an issue in 1987, it has been addressed in this request; it will not be allowed. Additionally, included in this request was a requirement for open space that is specifically listed in square feet (i.e., 31,330 square feet). The conditions also require all buffers that will be erected on the site to consist of 100 percent native vegetation. Finally, it has been made clear that any accessory uses must be located on the same parcel or outparcel, where the principal use is located, and that they must be subordinate to the principal use of that parcel.

The Applicant has also requested two deviation, both of which the Staff has recommended approving. The first deviation allows a zero-foot setback from a manmade lake rather than the 25 feet called for in the LDC. This type of deviation is routinely approved as long as precautions are taken to protect wayward vehicles from entering the lake.

The second deviation will allow the Applicant to eliminate the buffer to the south between two commercial properties because a portion of the property to the south contains sufficient buffering already. Furthermore, elimination of a portion of the buffer requirement will also accommodate a shared access with the property to the south.

A final issue that was raised at the hearing was whether the earlier approval had made a "special case" finding for the project. Since the project qualifies as a special case because it is infill development that is well suited for commercial, retail and office development, it was thought to be prudent to make a special case finding in this case rather than to leave this issue ambiguous.

Therefore, based upon the foregoing, it is found that the requested rezoning is compatible, as conditioned, with the surrounding uses, and consistent with the Lee Plan and the Land Development Code. It is recommended that the Lee County Board of County Commissioners approve the request as conditioned.

V. FINDINGS AND CONCLUSIONS:

Based upon the Staff Report, the testimony and exhibits presented in connection with this matter, the undersigned Hearing Examiner makes the following findings and conclusions:

- A. That the Applicant has proved entitlement to the rezoning by demonstrating compliance with the Lee Plan, the Land Development Code, and any other applicable code or regulation.
- B. That the request will meet or exceed all performance and locational standards set forth for the potential uses allowed by the request.
- C. That the request is consistent with the densities, intensities and general uses set forth in the Lee Plan.
- D. That the request is compatible with existing or planned uses in the surrounding area.

E. That approval of the request will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development.

F. That, where applicable, the request will not adversely affect environmentally critical areas and natural resources.

G. That the proposed use or mix of uses is appropriate at the subject location.

H. That the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest.

I. That the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.

J. That the requested deviations enhance the achievement of the objectives of the planned development.

K. That the requested deviations preserve and promote the general intent of Chapter 34, Land Development Code, to protect the public health, safety and welfare.

L. That, where the change proposed is within a future urban area category, urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.

M. That the request meets the criteria to qualify as a special case finding (infill development per Lee Plan Policies 6.1.2, 6.1.2.8 and 6.17) to allow development of the subject property for commercial retail and office development as conditioned by this resolution.

VI. LIST OF EXHIBITS:

Proposed Master Concept Plan / Exhibit 6-J, Alico Lakes Lot 1, dated April 2004, not revised, prepared by CPH Engineers, Inc., date stamped "RECEIVED AUG 11 2004 PERMIT COUNTER"

STAFF'S EXHIBITS

- 1 Aerial photograph of subject property and surrounding area 924" x 36") [color]
- 2 Composite of photographs of subject property and surrounding area [color]
- 3 Correction to page 3 of the Staff Report

Résumés of Lee County Staff are on file with the Hearing Examiner's Office and are incorporated herein.

APPLICANT'S EXHIBITS

Résumés of Applicant's consultants are on file with the Hearing Examiner's Office and are incorporated herein.

VII. PRESENTATION SUMMARY:

The Hearing Examiner explained the hearing process and placed all the participants under oath. Lisa Williams, Project Coordinator with CPH Engineers, Inc., introduced herself as the Applicant's, Barbour Enterprises, representative. The Applicant was in agreement with the Staff Report, however, there was one issue, as mentioned in their September 20, 2004 letter to the Hearing Examiner, that was clarified with Alaina Rey, with Lee County Environmental Sciences.

Ms. Williams described the subject property as an irregularly-shaped 2.98-acre parcel that was on Lake Granada. The present owner wanted to reinstate the original CPD that had been vacated. They had limited some of the uses and only requested two deviations. The first deviation was for a zero-foot setback from the lake and the second was to eliminate the buffer between the adjacent commercial property, both of which Staff was in agreement with.

The Hearing Examiner clarified that the concern in their September 20, 2004-letter had been taken care of and that they were in agreement with the conditions in the Staff Report.

Then, John J. Fredyma, Assistant County Attorney, confirmed that the Deviations were noted on the Master Concept Plan (MCP). He questioned if there had been a previous special case finding made, being that the case was a reinstatement of a previously-approved resolution and if that finding was being requested again. If that was the case, the Board of County Commissioners (BOCC) would again have to make it a condition.

The Hearing Examiner believed it was being requested in the Staff Report. He questioned if Mr. Fredyma's concern was that even if it had been approved, it became part of the current request to be requested again, with which Mr. Fredyma agreed. The Hearing Examiner was unsure if he had the same concern, because the way the language was written in the Staff Report, it appeared to be part of the condition and he did not know if it was a request, as well. He advised that was a matter to be clarified by Staff.

Next, Tony Palermo, Senior Planner with the Department of Community Development, stated that his resume was on file with the Hearing Examiner's Office and requested to be accepted as an expert in planning, zoning and land use. After hearing no objections, the Hearing Examiner accepted him as such.

He began Staff's presentation by indicating that they had recommended approval of the proposed request with conditions. No members of the public had inquired about the request. However, one property owner in Alico Lakes called to express interest in resurrecting their expired CPD, but did not oppose the Application. He then presented an aerial photograph of the subject property and the surrounding area (Staff's Exhibit 1), and nine photographs that were taken by him on June 14, 2004 (Staff's Exhibit 2). The first page of the photographs showed U.S. 41 looking north from the driveway of the neighboring office building. The other pages showed surrounding properties, such as the Hess station to the north, the Seetech Center office to the south, and various views of the subject property and the lake, looking east on the subject property.

Mr. Palermo stated that the request was to rezone 2.98 acres from the vacated designation of Commercial Planned Development (CPD), previously approved per Resolution #Z-91-113 to Commercial Planned Development (CPD) to permit commercial, office, restaurant (with outdoor Consumption on Premises (COP)) and/or retail development utilizing $\pm$ 20,000

square feet of building area with a maximum building height of 45 feet/2 stories. Development blasting was not being requested. The subject vacant property, with a man-made lake, was located at 17555 South Tamiami Trail in Fort Myers with the future land use designation of Urban Community.

Staff recommended a number of conditions, which included that it must be consistent with the August 11, 2004 Master Concept Plan. They had approved a Schedule of Uses that included Office Retail, and Restaurants, with approval for COP with outdoor seating, as conditioned. The limited hours included conditions under which the outdoor COP could take place that included consistency with the MCP.

Continuing, Mr. Palermo stated that they also recommended approval of 20,000 square feet of maximum gross floor area for the building. He presented a copy of page 3 of the Staff Report, dated September 1, 2004, and labeled as Staff's Exhibit 3, that incorrectly stated under Site Development Regulations section b, that the maximum height was 50 feet/2 stories. That section should be corrected to read 45 feet/two stories.

Summarizing the conditions in the Staff Report, Mr. Palermo related that Condition 3 stated blasting was not allowed. In Condition 4, the section that read "(not including the lake)," should be removed. Condition 5 stated that all required buffers must utilize 100 percent native vegetation. Condition 6 advised that buildings exceeding 35 feet in height must maintain additional building separations, as per the Land Development Code (LDC).

Condition 7 required the Applicant to obtain a local development order. Condition 8 related that approval of the rezoning request did not guarantee a development order. Additional language was added to make a special case finding in this case, being that it was an infill development. He advised that he did not see the special case finding in the previous Resolutions, but believed it was appropriate in this instance. It was clearly an infill development and was appropriate for commercial, retail and office development, as conditioned in the Resolution.

Condition 9 stated that accessory uses must be located on the same tract, parcel or outparcel where a principal use was located. Accessory uses must be incidental and subordinate to the principal use of the tract, parcel or outparcel.

At that point, Mr. Palermo advised they had approved the request for two Deviations. The first deviation to deviate from a 25-foot waterbody setback to allow a zero-foot setback from the existing man-made lake, was similar to one that was previously approved. The same approved conditions as before, were included.

The second Deviation dealt with the Type "A" buffer between the two commercial office developments. The MCP showed a portion of the buffer along 52 feet of the north/south boundary that was adequate to shield the two commercial buildings. There would also be an appropriate shared access.

The request was originally approved in 1987 and had been extended twice. The subject property was an unusual four-sided shape, being triangular at the north end. The parcel was never developed and the zoning lapsed, as per LDC Section 34-381.

Continuing, Mr. Palermo stated that the subject property fronted on U.S. 41 and was not in proximity to any residential uses, churches or schools, that would be affected by the COP. A 53-acre lake separated the property from any residential communities and the closest residential property and RV use was estimated to be more than 1,100 feet from the subject property. Staff also recommended conditions that were appropriate to permit and limit COP.

Next, Mr. Palermo advised that the request was consistent with the Lee Plan Policies, located in Urban Community and the findings could be found in the Staff Report. The Staff Report also described the properties located to the north, south, east and west of the subject property. Due to compatibility concerns with some of the residential uses across the lake, Staff had recommended refinement of the uses and conditions for the COP, with which the Applicant agreed.

Due to the small scale of the development, the U.S. 41 location and the prior approval as a CPD, the proposed development was entirely appropriate, as conditioned, and compatible with the neighborhood.

There were no environmental or transportation issues involved with the Application and Staff believed the requested rezoning, as conditioned, met the criteria necessary for a CPD, which included consistency with the Lee Plan. Staff also found that the two requested Deviations, as conditioned, enhanced the objectives of the planned development and preserved and promoted the general intent of the LDC to protect the public health, safety and welfare. As conditioned, it was also compatible with neighboring uses and did not effect environmentally critical areas. In addition, there was sufficient access infrastructure and there would not be any detrimental impact on traffic. In closing, Mr. Palermo stated that, as conditioned, the proposed mix of commercial uses was appropriate at the subject property.

Next, Mr. Fredyma confirmed with Mr. Palermo that the photographs, labeled as Staff's Exhibit 2, were taken by him and accurately portrayed those areas. Also, Mr. Fredyma referred to the italicized paragraph in Condition 8 of the Staff Report and expressed his belief that, because the request was effectively a new case, the Hearing Examiner's recommendation should include a special finding for the subject case. He suggested that the italicized paragraph in Condition 8 be slightly reworded and moved to the Findings and Conclusion section of the recommendation. Mr. Palermo agreed and the Applicant did not object.

In conclusion, the Hearing Examiner indicated that a site visit would be conducted prior to issuing his recommendation to the Board of County Commissioners (BOCC), which would be in approximately one month. The hearing was then closed.

VIII. OTHER PARTICIPANTS AND SUBMITTALS:

ADDITIONAL APPLICANT'S REPRESENTATIVES:

1. Lisa Williams, % CPH Engineers, Inc., 2211 Peck Street, Suite 300, Fort Myers, Florida 33901

ADDITIONAL COUNTY STAFF:

1. John J. Fredyma, Assistant County Attorney, P. O. Box 398, Ft. Myers, Florida 33902-0398

PUBLIC PARTICIPATION:

A. THE FOLLOWING PERSONS TESTIFIED OR SUBMITTED EVIDENCE FOR THE RECORD AT THE HEARING (SEE SECTION VII.):

For: NONE

Against: NONE

B. THE FOLLOWING PERSONS SUBMITTED A LETTER/COMMENT CARD, OR OTHERWISE REQUESTED A COPY OF THE HEARING EXAMINER RECOMMENDATION:

For: NONE

Against: NONE

IX. LEGAL DESCRIPTION:

See Exhibit A (scanned legal description).

X. UNAUTHORIZED COMMUNICATIONS:

Unauthorized communications shall include any direct or indirect communication in any form, whether written, verbal or graphic, with the Hearing Examiner, or the Hearing Examiner's staff, any individual County Commissioner or their executive assistant, by any person outside of a public hearing and not on the record concerning substantive issues in any proposed or pending matter relating to appeals, variances, rezonings, special exceptions, or any other matter assigned by statute, ordinance or administrative code to the Hearing Examiner for decision or recommendation. . . . [Administrative Code AC-2-5]

No person shall knowingly have or attempt to initiate an unauthorized communication with the Hearing Examiner or any county commissioner [or their staff]. . . . [LDC Section 34-52(a)(1), emphasis added]

Any person who knowingly makes or attempts to initiate an unauthorized communication . . . [may] be subject to civil or criminal penalties which may include: [Section 34-52(b)(1), emphasis added]

Revocation, suspension or amendment of any permit variance, special exception or rezoning granted as a result of the Hearing Examiner action which is the subject of the unauthorized communication. [LDC Section 34-52(b)(1)b.2.]; OR

A fine not exceeding \$500.00 per offense, by imprisonment in the county jail for a term not exceeding 60 days, or by both such fine and imprisonment. [LDC Section 1-5(c)]

XI. HEARING BEFORE LEE COUNTY BOARD OF COUNTY COMMISSIONERS:

A. This recommendation is made this 20th day of October, 2004. Notice or copies will be forwarded to the offices of the Lee County Board of County Commissioners.

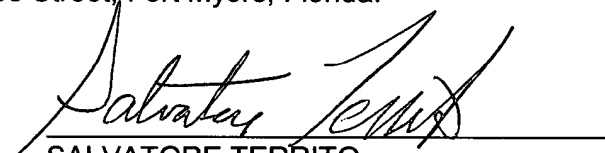
B. The original file and documents used at the hearing will remain in the care and custody of the Department of Community Development. The documents are available for examination and copying by all interested parties during normal business hours.

C. The Board of County Commissioners will hold a hearing at which they will consider the record made before the Hearing Examiner. The Department of Community Development will send written notice to all hearing participants of the date of this hearing before the Board of County Commissioners. Only participants, or their representatives, will be allowed to address the Board. The content of all statements by persons addressing the Board shall be strictly limited to the correctness of Findings of Fact or Conclusions of Law contained in the recommendation, or to allege the discovery of relevant new evidence which was not known by the speaker at the time of the earlier hearing before the Hearing Examiner and not otherwise disclosed in the record.

D. The original file containing the original documents used in the hearing before the Hearing Examiner will be brought by the Staff to the hearing before the Board of County Commissioners. Any or all of the documents in the file are available on request at any time to any County Commissioner.

XII. COPIES OF TESTIMONY AND TRANSCRIPTS:

A verbatim transcript of the testimony presented at the hearing can be purchased from the court reporting service under contract to the Hearing Examiner's Office. The original documents and file in connection with this matter are located at the Lee County Department of Community Development, 1500 Monroe Street, Fort Myers, Florida.



SALVATORE TERRITO
LEE COUNTY HEARING EXAMINER
1500 Monroe Street, Suite 218
Post Office Box 398
Fort Myers, Florida 33902-0398
Telephone: 239/479-8100
Facsimile: 239/479-8106

Exhibit PH-3.C.1

LEGAL DESCRIPTION:

LOT 1, ALICO LAKES CPD 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN
PLAT BOOK 45, PAGES 12 & 13, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

Applicant's Legal Checked
by *[Signature]* July 9, 2004

RECEIVED
APR 30 2004

PERMIT COUNTER

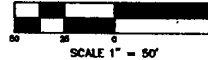
DOI 2004-00029

EXHIBIT A

BOUNDARY SURVEY OF

**LOT 1
ALICO LAKES**

SECTION 07, TOWNSHIP 46 SOUTH, RANGE 25 EAST
(PLAT BOOK 45, PAGE 13)
FT. MYERS, LEE COUNTY, FLORIDA



SCALE 1" = 50'

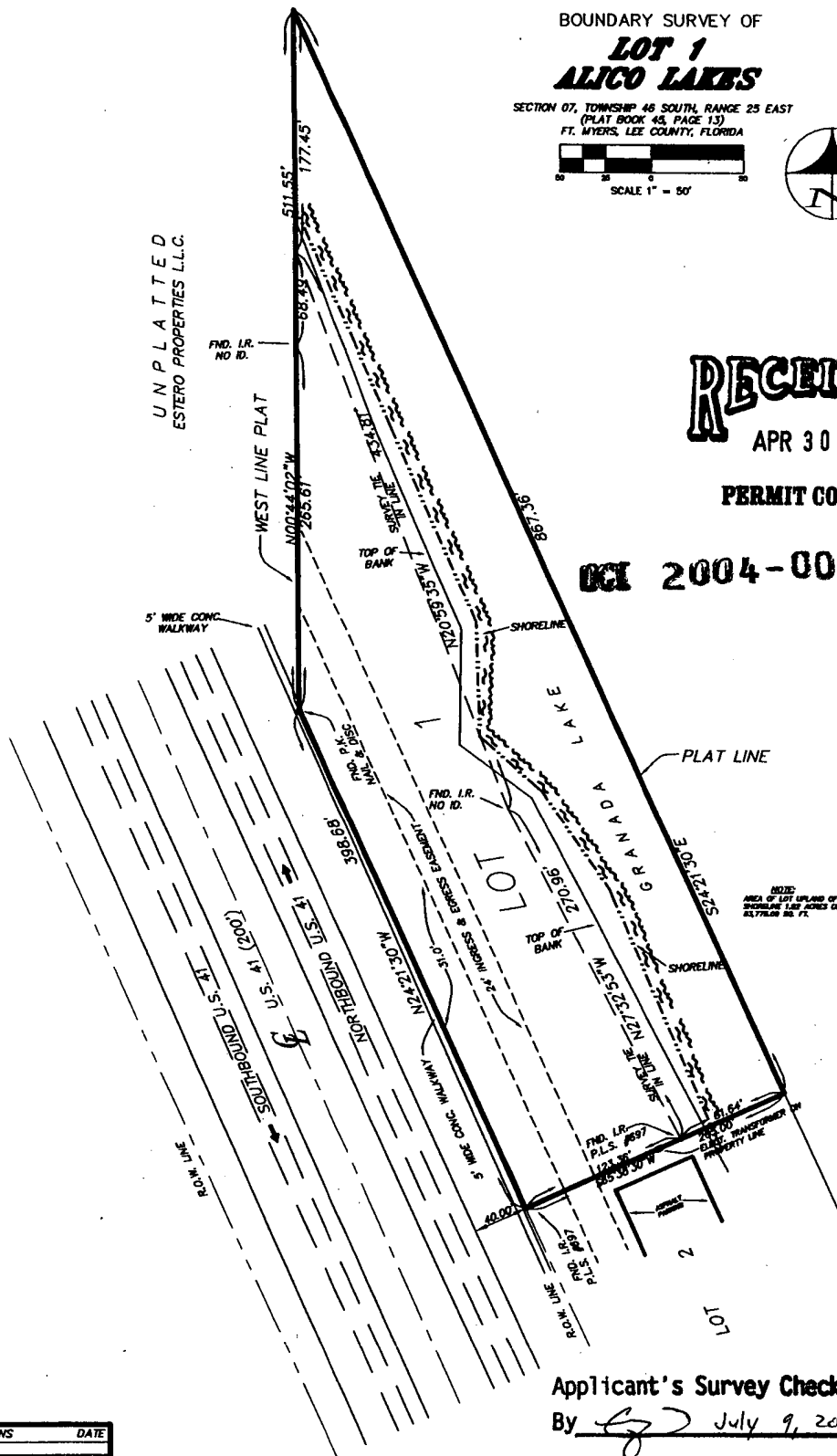


UNPLATTED
ESTERO PROPERTIES LLC.

RECEIVED
APR 30 2004

PERMIT COUNTER

001 2004-00029



Applicant's Survey Checked
By g July 9, 2004.

REVISIONS DATE



PREPARED BY: R.S.
SANIBEL SURVEYS, INC.
2410 PALM RIDGE ROAD
SANIBEL, FL 33857
(239) 472-0095

JOB #03280



CERTIFICATION:

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE UNDER MY RESPONSIBLE CHARGE AND MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 61B17-6 FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 477.0007 OF THE FLORIDA STATUTES.

BY: Walter L. Fraser
WALTER L. FRASER, P.L.S. #3685
FIELD COMPLETION DATE: 8/22/03

LEGAL DESCRIPTION:

LOT 1, ALICO LAKES CPD 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 45, PAGES 12 & 13, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

CERTIFIED TO:

BARBOUR ENTERPRISES LIMITED PARTNERSHIP I
LEE COUNTY

[illegible]

ATTACHMENT A

LEE COUNTY, FLORIDA
DEPARTMENT OF COMMUNITY DEVELOPMENT
ZONING DIVISION
STAFF REPORT

TYPE OF CASE: PLANNED DEVELOPMENT/DCI
CASE NUMBER: DCI2004-00029
HEARING EXAMINER DATE: SEPTEMBER 22, 2004

I. APPLICATION SUMMARY:

- A. Applicant: Barbour Enterprises, LP 1 in ref. to Alico Lakes Lot 1 CPD
- B. Request: Rezone +/- 2.98 acres from the vacated designation of Commercial Planned Development (CPD) previously approved per Resolution #Z-91-113 to Commercial Planned Development (CPD) to permit commercial, office, restaurant (with outdoor consumption on premises) and/or retail development utilizing +/- 20,000 square feet of building area with a maximum building height of 45 feet/2 stories. Development blasting is not being requested.
- C. Location: The subject property is located at 17555 S. Tamiami Trail, Ft. Myers, FL (the site is approximately 1/4 mile south of the intersection of US 41 and Alico Road on the eastern side of US 41), in S07-T46S-25E, Lee County, FL. (District #5)
- D. Future Land Use Plan Designation, Current Zoning and Use of Subject Property:
- | | |
|------------------|--|
| Future Land Use: | Urban Community |
| Zoning: | Vacated Commercial Planned Development (CPD) |
| Land Use: | Vacant land on a man-made lake. |
- E. Surrounding Land Use:
- | <u>Existing Zoning & Land Use</u> | <u>Future Land Use Map</u> |
|--|----------------------------|
| North: Community Commercial (CC), Vacant. | Urban Community |
| East: Commercial Planned Development (CPD), man-made lake. | Urban Community |
| South: Commercial (C-1), Office Building | Urban Community |
| West: US 41 (6-lanes) then Mixed Planned Development (MPD), Vacant | Urban Community |
- F. Size of Property: 2.98± acres

II. RECOMMENDATION:

Staff recommends **APPROVAL** of the Applicant's request for rezoning from Commercial Planned Development (**CPD**) **vacated** to Commercial Planned Development (**CPD**) with the following conditions and deviations:

A. Conditions

1. The development of this project must be consistent with the 1-page Master Concept Plan entitled "**ALICO LAKES LOT 1**" stamped received **AUGUST 11, 2004** except as modified by the conditions below.

This development must comply with all requirements of the Lee County LDC at time of local Development Order Approval, except as may be granted by deviation as part of this planned development. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.

2. The following limits apply to the project and uses:

a. Schedule of Uses

ACCESSORY USES AND STRUCTURES

ADMINISTRATIVE OFFICE

BAR OR COCKTAIL LOUNGE - indoor consumption on premises permitted.
Outdoor consumption on premises in conjunction with conditions below in conformance with Master Concept Plan "Optional Outdoor Seating"

BOAT PARTS STORE

BOAT RAMP, BOAT DOCKS, ~~BOAT REPAIR & SERVICE~~ - NO MARINAS

Boat Sales, Storage, Rental & Repairs not supported by the MCP. Must be in conformance with LDC Sec. 34-1352.

CONSUMPTION ON PREMISES - indoor.

Outdoor Consumption on Premises permitted with the following limitations in conformance with Master Concept Plan "Optional Outdoor Seating".

Outdoor consumption on premises in conjunction with a Group III restaurant, bar or cocktail lounge.

Outdoor seating limited to 1,000 square feet, 40 seats, 10 tables.

Outdoor and indoor consumption on premises limited to 11 am to 2 am daily.

DRIVE-THROUGH FACILITY FOR ANY PERMITTED USE

DRUGSTORE, PHARMACY

ENTRANCE GATE, AND GATEHOUSE PER LDC SEC. 34-1749

ESSENTIAL SERVICES - PER LDC SEC. 34-1611 ET SEQ.

ESSENTIAL SERVICE FACILITIES, GROUP I - PER LDC SEC. 34-1611 ET
SEQ. & SEC. 34-622(C)(13)
EXCAVATION, WATER RETENTION - (NO BLASTING)

FENCES, WALLS

MEDICAL OFFICE

PACKAGE STORE - Indoor consumption on premises permitted.

Outdoor consumption on premises in conjunction with a Group III
restaurant, bar or cocktail lounge only.

PARKING LOT: ACCESSORY, TEMPORARY

PLANT NURSERY - PER LDC SEC. 34-2081.

PRINTING AND PUBLISHING PER LDC SEC. 34-622(C)(36)

RESTAURANT, FAST FOOD - Limited to one.

RESTAURANTS, GROUPS I, II, AND III - Indoor consumption on premises
permitted. Outdoor consumption on premises with conditions above.

SIGNS PER CHAPTER 30

SPECIALTY RETAIL SHOPS, GROUPS I AND II

TEMPORARY USES PER LDC SEC. 34-3041

b. **Site Development Regulations**

20,000 SQUARE FOOT MAXIMUM GROSS FLOOR AREA.

Minimum Lot Area and Dimensions

Lot Size: 2.98 acres
Lot Depth: n/a
Lot Width: n/a

Minimum Setbacks

Street (US41): 25 feet
North and South Boundary: 15 feet
Lake: 0 (per Deviation Request)

Accessory Uses and Structures Per LDC Sec. 34-1171, 34-2194

Minimum Building Separation 20 feet

Maximum Height: 50 feet/2 stories

Maximum Lot Coverage: 40%

3. No development blasting is permitted as part of this project unless approved at a subsequent public hearing as an amendment to the public hearing.
4. Prior to local development order approval, a minimum of 31,330 square feet of open space (not including the lake) must be delineated on the development order plans as shown on the approved Master Concept Plan.
5. All required buffers must utilize 100% native vegetation.
6. Buildings exceeding 35 feet in height must maintain additional building separation as regulated by LDC Section 34-2174(a).
7. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Lee County LDC may be required to obtain a local development order.
8. Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b), be reviewed for, and found consistent with, the retail commercial standards for site area, including range of gross floor area, location, tenant mix and general function, as well as all other Lee Plan provisions.

The Board of County Commissioners, as recommended by staff and the Lee County Hearing Examiner, has made a special case finding (infill development per Lee Plan Policies 6.1.2, 6.1.2.8 and 6.17) to allow development of the subject property for commercial retail and office development as conditioned by this resolution.

9. Accessory uses must be located on the same tract, parcel or outparcel where a principal use is located. Accessory uses must be incidental and subordinate to the principal use of the tract, parcel or outparcel.

B. Deviations

Deviation #1 from LDC Sec. 34-2194(b) requiring a waterbody setback of 25 feet to permit a 0-foot setback from an existing man-made lake.

This is an unusually shaped parcel and this deviation will assist in designing a usable building. There are no adjacent property owners impacted by this reduced setback, and no significant health, safety, or welfare issues. This deviation was previously granted in Resolutions Z-87-179 and Z-91-113. Conditions have not changed to any significant degree since that time.

Both Zoning and Development Services staff find the request enhances the objectives of the planned development, and preserves, and promotes the general intent of the LDC to protect the public health, safety, and welfare (See Attachment Q). Staff recommends **APPROVAL** of the deviation request with two conditions:

1. The developer provide guardrails or other protection deemed necessary at the Development Order stage.
2. Approval is limited to development consistent with the approved Master Concept Plan.

Deviation #2 from LDC Sec. 10-416(D)(3) requiring a Type "A" buffer between 2 commercial developments to permit no buffer between the subject property and the commercial property to the south.

The proposed entrance is located adjacent to a commercial office building to the south. The applicant is proposing to share an access point to US 41 with the adjacent property owner, per an FDOT recommendation. This proposed access from US 41 and cross access between developments is located at an along U.S. 41 from north to south. The building to the south is an office building, parking, and service area. There is not a compatibility issue, even with the deviation. A Type "A" buffer (5 feet in width, 4 trees per 100 feet, and no shrubs and no wall) would not be possible along the entire boundary with this cross access. If the two neighbors are going to share and access, there is little gained from requiring the Type A buffer for the entire boundary.

The MCP shows a Type "A" buffer along 52.93 feet of the north/south boundary - which is adequate to shield the two commercial buildings.

Environmental Sciences staff found the site is not conducive to the preservation of trees.

Development Services and Zoning staff find the request enhances the objectives of the planned development, and preserves, and promotes the general intent of the LDC to protect the public health, safety, and welfare (See Attachment Q). Staff recommends **APPROVAL** of the deviation request.

Findings and Conclusions:

Based upon an analysis of the application and the standards for approval of planned development rezonings, staff makes the following findings and conclusions:

1. The applicant has proven entitlement to the Rezoning by demonstrating compliance with the Lee Plan, the Land Development Code, and other applicable codes and regulations.
2. The requested zoning, as conditioned:
 - a) meets all performance and locational standards set forth for the potential uses allowed by the request;
 - b) is consistent with the densities, intensities and general uses set forth in the Lee Plan;
 - c) is compatible with existing or planned uses in the surrounding area; and
 - d) will not adversely affect environmentally critical areas or natural resources.
3. Approval of the request, as conditioned, will not place an undue burden upon existing transportation or planned infrastructure facilities and the site will be served by streets with the capacity to carry traffic generated by the development.
4. As conditioned, urban services, as defined in the Lee Plan, are available and adequate to serve the proposed land use.
5. As conditioned, the proposed use or mix of uses is appropriate at the subject location.

6. The recommended conditions to the concept plan and other applicable regulations provide sufficient safeguards to the public interest.
7. The recommended conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development.
8. The deviations granted:
 - a) enhance the objectives of the planned development; and
 - b) preserve and promote the general intent of the LDC to protect the public health, safety and welfare.

III. BACKGROUND INFORMATION AND ANALYSIS:

Introduction/Synopsis

This is a request to rezone +/- 2.98 acres from a vacated Commercial Planned Development (CPD) approved per Resolution #Z-91-113 to Commercial Planned Development (CPD) to permit commercial, office, restaurant and/or retail development utilizing +/- 20,000 square feet of building area with a maximum building height of 50 feet/2 stories. The request is largely consistent with what was already approved in 1987 and extended twice.

The subject property has an unusual 4-sided shape (triangular at the north end) with 867 feet of width, 205-feet deep, and about 400 feet of frontage on U.S. 41 less than 2,000 feet south of the intersection of Alico Road.

In September 1987 the site was a portion of the Alico Lakes Commercial Planned Development (CPD). The property was rezoned from Commercial Tourist (CT) and Commercial Planned Development (CPD) to all Commercial Planned Development (CPD) in 1987. In 1991 the vacated Master Concept Plan received a 1-year extension. In 2000 another 2-year extension was granted.

The parcel was never developed and its zoning lapsed per LDC Sec. 34-381.

Prior to these events the property was part of a rezoning in 1978 from Agriculture (AG) and Industrial (IL) to CT and RV, and part of a rezoning in 1981 from RV to RM-2 (with a special exception for model home and setback variances).

The applicant seeks to resurrect the Commercial Planned Development (CPD) with a Master Concept Plan largely consistent with the uses (retail, office, restaurants, etc.) and intensities previously approved.

Zoning Resolution #Z-87-179 (Alico Lakes) permitted 79,000 square feet of commercial, 70 multi-family units, on 69.6 acres of land with 45-foot/3 story buildings. This approval included 3 consumption on premises establishments, including 1 at the subject property. This approval also included a deviation allowing a 0-foot setback from the man-made lake. The schedule of uses proposed in this staff report are similar to those previously approved.

Consumption on Premises

The property has U.S. 41 frontage, **and is not in proximity** to any residential uses, churches, or schools. A 53-acre lake separates the property from residential communities (the closest residential properties and RV uses are more than 1,150 feet from the subject property). Staff has recommended conditions appropriate to permit, and limit consumption on premises.

Master Concept Plan

The one-page Master Concept Plan dated **AUGUST 11, 2004** illustrates a layout of the proposed commercial development which indicates the location of the proposed commercial building(1) in relation to U.S. 41, Lake Granada, and the existing 2-story office next door.

A direct connection to U.S. 41 is proposed at the southwest corner of the site as the development's main access (to be shared with the neighboring office). The MCP also depicts buffers, parking, service areas, preserve areas, and the general location of the 2 deviation requests. There is a 24' cross access easement on the property, which is consistent with the MCP building areas, and access to the neighboring property. The MCP also shows potential areas for docks on the lake, and an exact location for an optional area for outdoor consumption on premises.

The MCP does not support boat storage, rental, repair, sales, or other uses addressed by LDC Sec. 34-1352. As such, those uses cannot be supported by staff.

Lee Plan Considerations

POLICY 1.1.4: *The Urban Community areas are areas outside of Fort Myers and Cape Coral that are characterized by a mixture of relatively intense commercial and residential uses. Included among them, for example, are parts of Lehigh Acres, San Carlos Park, Fort Myers Beach, South Fort Myers, the city of Bonita Springs, Pine Island, and Gasparilla Island. Although the Urban Communities have a distinctly urban character, they should be developed at slightly lower densities. As the vacant portions of these communities are urbanized, they will need to maintain their existing bases of urban services and expand and strengthen them accordingly. As in the Central Urban area, predominant land uses in the Urban Communities will be residential, commercial, public and quasi-public, and limited light industry (see Policy 7.1.6). Standard density ranges from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre), with a maximum of ten dwelling units per acre (10 du/acre).*

The subject property is in the Urban Community future land use category. This classification provides for a wide range of residential densities and commercial activities within the context of the urban environment and allows a wide range of development options. The proposed commercial development and its range of proposed uses would fall into this land use designation.

This request, as conditioned, is **CONSISTENT** with Policy 1.1.4 of the Lee Plan.

OBJECTIVE 2.1: DEVELOPMENT LOCATION. *Contiguous and compact growth patterns will be promoted through the rezoning process to contain urban sprawl, minimize energy costs, conserve land, water, and natural resources, minimize the cost of services, prevent development patterns where large tracts of land are by-passed in favor of development more distant from services and existing communities. (Amended by Ordinance No. 94-30, 00-22)*

OBJECTIVE 2.2: DEVELOPMENT TIMING. *Direct new growth to those portions of the Future Urban Areas where adequate public facilities exist or are assured and where compact and contiguous development patterns can be created. Development orders and permits (as defined in F.S. 163.3164(7)) will be granted only when consistent with the provisions of Sections 163.3202(2)(g) and 163.3180, Florida Statutes and the county's Concurrency Management Ordinance. (Amended by Ordinance No. 94-30, 00-22)*

The project is located on U.S. 41 surrounded by commercial, Recreational Vehicle (RV), and residential development. All public utilities and urban services are available on site. This is clearly infill development and **CONSISTENT** with Objectives 2.1 and 2.2 of the Lee Plan.

POLICY 5.1.5: *Protect existing and future residential areas from any encroachment of uses that are potentially destructive to the character and integrity of the residential environment. Requests for conventional rezonings will be denied in the event that the buffers provided in Chapter 10 of the Land Development Code are not adequate to address potentially incompatible uses in a satisfactory manner. If such uses are proposed in the form of a planned development or special exception and generally applicable development regulations are deemed to be inadequate, conditions will be attached to minimize or eliminate the potential impacts or, where no adequate conditions can be devised, the application will be denied altogether. The Land Development Code will continue to require appropriate buffers for new developments. (Amended by Ordinance No. 94-30, 99-15, 00-22)*

Staff has recommended a number of refinements in commercial uses in deference to residential development, RV uses, and office uses in proximity to the property. A large lake separates the property from any residential and RV uses. These conditions also promote compatible commercial development on U.S. 41. The applicant has proposed buffers adequate to protect the public interest and protect the character and integrity of the residential environment. As such this request is **CONSISTENT** with Policy 5.1.5 of the Lee Plan.

GOAL 6: COMMERCIAL LAND USES. *To permit orderly and well-planned commercial development at appropriate locations throughout the county.*

OBJECTIVE 6.1: *All development approvals for commercial land uses must be consistent with the following policies, the general standards under Goal 11 and other provisions of this plan.*

POLICY 6.1.1: *All applications for commercial development will be reviewed and evaluated as to:*

- a. Traffic and access impacts (rezoning and development orders);*
- b. Landscaping and detailed site planning (development orders);*
- c. Screening and buffering (planned development rezoning and development orders);*
- d. Availability and adequacy of services and facilities (rezoning and development orders);*
- e. Impact on adjacent land uses and surrounding neighborhoods (rezoning);*
- f. Proximity to similar centers (rezoning); and*
- g. Environmental considerations.*

The proposed commercial development at this location would serve a wide market area in this portion of Lee County. The U.S. Highway 41 corridor is committed to mostly commercial and other non-residential development patterns. The proposed rezoning would support the continuation of this commercial corridor.

The access proposed must be evaluated by the Florida Department of Transportation, not Lee County Department of Transportation. The access proposed is the same as was approved under its prior zoning.

As conditioned, this request is **CONSISTENT** with Policy 6.1.1 of the Lee Plan.

POLICY 6.1.2: *All commercial development must be consistent with the location criteria in this policy, except where specifically excepted by this policy or by Policy 6.1.7, or in Lehigh Acres by Policies 1.8.1 through 1.8.3.*

POLICY 6.1.2.8 *The standards specified in Subsections 1-4 for location, floor area and site area will serve as guidelines during the rezoning process (allowing limited discretion by the Board of County Commissioners in special cases in which retail uses are the only reasonable use of the parcel in light of its size, its proximity to arterials and collectors, and the nature of the existing and projected surrounding uses, including but not limited to environmental factors) but are strict requirements during the development order process in the case of zoning that existed prior to the effective date of the Lee Plan (December 21, 1984). The other standards specified in Subsections 1-4 will serve generally to indicate the types of development which are likely to fall within each commercial category. Proposed rezonings to commercial zoning districts that include both uses that are subject to the standards in Subsections 1-4 and uses that are not (see Subsection 7) may be found consistent with the Lee Plan by the Board of County Commissioners even if the subject parcel does not comply with the applicable location standard; provided, however, that no development orders will be issued on any such parcel for any use to which the standards in Subsection 1-4 is applicable, and all such development orders must be consistent with the level of service requirements in Policy 70.1.3.*

The applicant is asking a development consistent with a "Minor Commercial" development (less than 30,000 square feet of gross floor area). Normally these are located on the intersection of 2 roads. The applicant is asking for a finding (also known as the special case/infill rule) stating that this amount of development (20,000 square feet of gross floor area) is appropriate for this infill development on a major arterial road. Staff finds this amount of commercial retail development a reasonable amount given it is an infill commercial property on U.S. 41.

The nearest point of the subject property to the intersection of Alico Road and U.S. 41 is approximately 2,000 feet. Alico Road and U.S. 41 are both arterial roads. The proposed development must meet the location criteria of a minor commercial development. A minor commercial development may have a site area of less than 2 acres and a gross floor area less than 20,000 square feet and be located "at the intersection of collector and arterial or arterial and arterial roads.

"At the intersection" means commercial development will extend no more than one-quarter mile from the centerline of the intersection. Based on the above criteria the proposed development would not be in compliance with Policy 6.1.2.3. of the Lee Plan.

Notwithstanding the above, Policy 6.1.2.8. provides relief from the strict interpretation of Policy 6.1.2.3 of the Lee Plan. Policy 6.1.2.8. states that the location criteria standards specified in Policy 6.1.2.3. will serve as guidelines during the rezoning process (allowing limited discretion by the Board of County Commissioners in special cases in which retail uses are the only reasonable use of the parcel in light of its size, its proximity to arterials and collectors, and the nature of the existing and projected surrounding uses, including but not limited to environmental factors).

The applicant has provided justification for a special case finding and staff finds that there is merit in the applicant's request for a special case finding regarding the subject property. The property is zoned commercial already, and is entirely inappropriate for residential development. The subject property is surrounded by commercial offices, a mini-storage, gas stations, and other commercial uses along U.S. 41. The rezoning of the subject property for commercial retail is appropriate and the proposed development - as conditioned - is compatible with the surrounding land uses. Given the location of the subject property, the surrounding land uses, the integration of the projects access points with adjacent commercial developments staff finds that the only reasonable use of the property would be commercial retail and office uses.

Staff recommends to the Hearing Examiner that the Board of County Commissioners make a **Special Case Finding** to develop the subject property for commercial retail and office uses, as conditioned.

Policy 6.1.2. of the Lee Plan exempts projects from being consistent with the location criteria of the Lee Plan where the project is consistent with Policy 6.1.7. of the Lee Plan. Policy 6.1.2. prohibit commercial developments from locating in such a way as to open new areas to premature, scattered, or strip development; but permit commercial development to infill on small parcels in areas where existing commercial development would make a residential use clearly unreasonable.

The development of the subject property for commercial retail and office uses would not be opening new areas to premature, scattered, or strip development and would allow for infill in an area that is surrounding by commercial and residential uses. All utilities and services are available to the subject property and development of the site would help to maximize the uses of these services and facilities. Staff finds that, in this instance, that the development of the site as conditioned would constitute infill development and is **CONSISTENT** with these policies of the Lee Plan.

POLICY 6.1.4: Commercial development will be approved only when compatible with adjacent existing and proposed land uses and with existing and programmed public services and facilities. (Amended by Ordinance No. 94-30, 00-22)

There are adequate public services and facilities to serve this development. The recommended schedule of uses is appropriate as conditioned. As conditioned, this application is **CONSISTENT** with Policy 6.1.4 of the Lee Plan.

POLICY 6.1.5: The land development regulations will require that commercial development be designed to protect the traffic-carrying capacity of roads and streets.

Access will to U.S. 41 will be subject to approval by the Florida Department of Transportation. This application is **CONSISTENT** with Policy 6.1.5 of the Lee Plan.

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

POLICY 6.1.7: Prohibit commercial developments from locating in such a way as to open new areas to premature, scattered, or strip development; but permit commercial development to infill

on small parcels in areas where existing commercial development would make a residential use clearly unreasonable.

This is infill development **CONSISTENT** with Policy 6.1.7 of the Lee Plan.

GOAL 11: WATER, SEWER, TRAFFIC, AND ENVIRONMENTAL REVIEW STANDARDS. *To insure that appropriate water, sewer, traffic, and environmental review standards are considered in reviewing rezoning applications and are met prior to issuance of a county development order.*

There is water and sewer service available. There is adequate access, and with the existing 6-laning, adequate road capacity. Staff has addressed environmental concerns regarding open space and indigenous vegetation. As conditioned, this application is **CONSISTENT** with Goal 11 of the Lee Plan.

Neighborhood Compatibility

This property is located in the San Carlos Community Planning District described in the Lee Plan as follows:

San Carlos/Estero *This Community is located in the southern portion of Lee County, east of Hendry Creek and, for the most part, south of Alico Road. It is north of the Estero River on the west side of US 41 then north of the new Brooks of Bonita development east of US41. The community does extend east of I-75 to include the approved developments along Corkscrew Road and all lands designated University Community. The majority of the land in this community is designated as Suburban and then Urban Community (both having a maximum standard density of 6 units per acre) with the remaining areas designated as Rural, Outlying Suburban, and Industrial Development. There are four distinct areas within this community: San Carlos Park, Island Park, Estero, and the new university area. All of these areas will be experiencing tremendous development pressures as this community explodes into the next century. This community will be challenged with addressing the needs of the Lee County community that contains the newest major state university, a new semi-professional ice-hockey arena, and immediate access to the Southwest Florida International Airport. Most of the vacant property in this community (nearly 70%) has some type of development approval most of which were granted prior to the advent of many of these new development engines. The San Carlos/Estero will struggle with these conflict throughout the life of this plan but will emerge a vibrant urban core for Lee County's high-tech research and development employment base. The historic Estero area will struggle to maintain its historic character through the year 2020 and will feel many development pressures which will threaten this character. Overall, this community, which has been a fast growing area of Lee County since 1980, will add more than 15,000 new permanent residents and accommodate a total functional population of nearly 50,000 people by the year 2020. (Added by Ordinance No. 99-15)*

Surrounding this site is a mixture of land uses with commercial development occurring along the U.S. 41 corridor and residential development and RV development across from a large lake.

NORTH - To the north of the subject property are billboards, a vacant commercial parking area, and a Hess Station at the intersection of Alico Road and U.S. 41. The MCP shows a Type "A" buffer (5 feet in width, 4 trees per linear 100 feet, no hedge) appropriate to buffer 2 commercial properties. No additional buffering is necessary.

SOUTH - To the south is a 2-story office building (the Seatech Center) with a variety of office uses including real estate sales and insurance). The subject property is adjacent to the office

building's parking and service areas. The applicant proposes a deviation to the requirement of a Type "A" commercial buffer, in the expectation that the 2 commercial properties will share a cross-access and will be largely compatible with one another. Staff agrees with this assessment and recommends the deviation. South of this office is a mini storage business, and then more commercial U.S. 41 frontage.

EAST - To the east of the subject property is a 53-acre man-made lake some 900-1,000 feet in width. There is an RV community about 1,175 feet from the subject property (Granada Lakes RV community). The nearest residential zoning and residential uses are Lakeside Villa Condominiums, also some 1,175 feet from the closest point of the subject property. The applicant is not required to place a buffer along the artificial waterbody and the applicant is proposing a 0-foot setback, as approved under the the previous rezoning.

WEST - To the west is a 6-lane portion of U.S. 41. Across from this is a vacant property zoned Mixed Use Planned Development (MCP) called Emerson Square (also known as Portofino). This development is approved for a mixture of commercial, single-family and multi-family uses. To the northwest are restaurants, stores, and commercially-zoned property. The applicant proposes a Type "D" buffer (15 feet in width, 5 trees per 100 feet, and a hedge) which is appropriate.

Without more detail, the MCP does not support certain intensive uses, such as vehicle and boat sales. Given the small size, it is an unlikely location for boat sales, boat storage, etc, and staff would not support deviations to LDC Sec. 34-1352 (which governs vehicle sales and storage) in this case.

Due to compatibility concerns with the residential uses and RV uses across the lake, staff has recommended a refinement in uses, and conditions on consumption on premises. However, due to the small scale of development, its location on US 41, and its prior approval as a Commercial Planned Development, this MCP and this proposed development is entirely appropriate and will be - as conditioned - compatible with the neighborhood.

Environmental Issues

In general the property is surrounded by development, and the site is vacant, and cleared of dense vegetation. There are scattered shrubs, bushes, slash pine, Melaleuca and Brazilian Pepper on site, dirt pathways for vehicles, and some evidence of trash dumping. The east portion contains open water habitat associated with Lake Grenada. There are no species on site, and the MCP does not impact any wetlands or indigenous plant communities.

The applicant's environmental assessment is included in Attachment "J" of this staff report.

Environmental Sciences comments are also included in Attachment "O".

Transportation Issues

This property has frontage along U.S. 41, a Florida Department of Transportation (FDOT) controlled arterial highway. FDOT does the permitting for access points onto U.S. 41. The Lee County Department of Development Services has evaluated the submitted Traffic Impact Statement (TIS) and have provided comments included as Attachment "P". According to their comments, U.S. 41 will operate with a level of service "C" in conjunction with this project.

Specific access issues and level of service issues will be addressed at the Development Order stage of development.

Conclusions

In conclusion, this requested rezoning as conditioned meets the criteria necessary for a commercial planned development including consistency with the Lee Plan.

Staff finds the deviations requested - as conditioned - enhance the objectives of the planned development and preserve and promote the general intent of the LDC to protect the public health, safety and welfare.

As conditioned it is compatible with neighboring uses. As conditioned, the request does not adversely affect environmentally critical areas. As conditioned, there is sufficient access, infrastructure, and no detrimental impact on traffic. As conditioned, the proposed mix of uses is appropriate at the subject location.

IV. ATTACHMENTS:

- A. Map of surrounding zoning
- B. Master Concept Plan
- C. Boundary Survey
- D. Applicant's Narrative & Deviation Requests
- E. Zoning Resolution #Z-87-179 Alico Lakes CPD
- F. Zoning Resolution #Z-91-113 Alico Lakes 1-year extension
- G. Blue Sheet #20000293 Alico Lakes 2-year extension
- H. Zoning Resolution #Z-81-255 Rezoning from RV to RM-2 with model home and variance
- I. Zoning Resolution #Z-78-251 Rezoning from AG and IL to RV and CT.
- J. Applicant's Ecological Assessment Report
- K. Applicant's Traffic Statement
- L. Applicant's Lee Plan Statement
- M. Applicant's Proposed Development Regulation Table
- N. Applicant's Schedule of Uses
- O. Environmental Sciences Comments
- P. Development Services Traffic Comments (Bob Rentz)
- Q. Development Services Substantive Comments (Ross Morgan)

cc: Applicant
Alaina Ray, Environmental Sciences
County Attorney
Zoning/DCI File

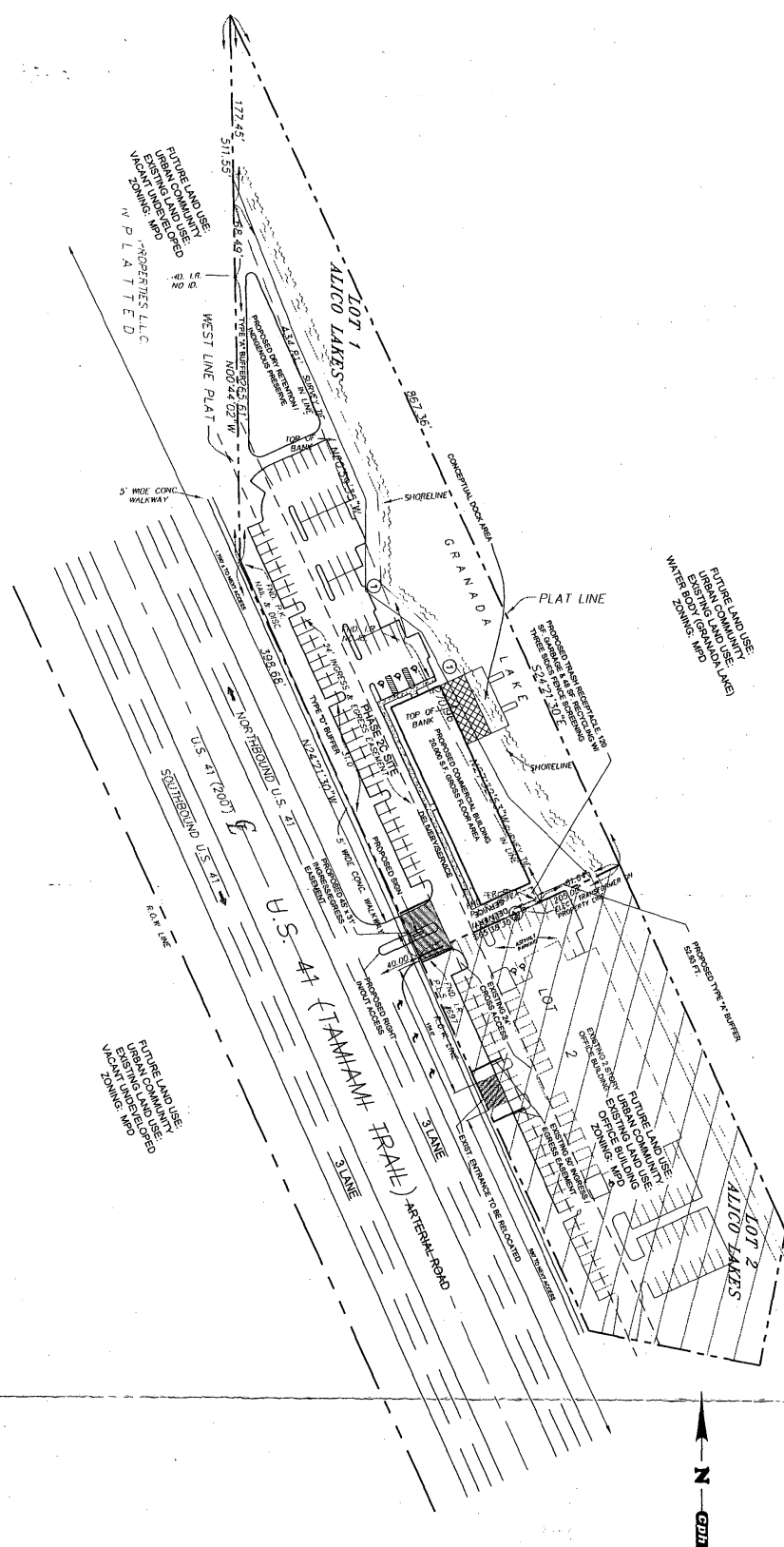
ATTACHMENT A

SITE DATA

TOTAL SITE AREA	1,129,789 SF (4.28 AC)
GRANDOLA LAKE AREA (PER PERMANENTLY APPROVED "A" RESOLUTION REQUIREMENT, THE EXISTING LAKE DEPTH IS APPROXIMATELY 3.7')	458,298 SF (1.29 AC)
PROPOSED BUILDING FOOTPRINT AND DRIVEWAY AREA (TWO STORY TOTAL, 50'4" X 200'0")	110,000 SF (7.7% LOT COVERED)
PAVEMENT / SIDEWALK AREA	332,141 SF
LANDSCAPE AREA DRY RETENTION AREA/ INDIGENOUS PRESERVE	224,887 SF = 19% 4,633 SF = 5%
TOTAL OPEN SPACE AREA (NOT INCLUDING LAKE AREA)	51,330 SF = 24%

SCHEDULE OF DEVIATIONS

- ① TYPE "E" BUFFER REQUIREMENT
 - ② TYPE "X" BUFFER REQUIREMENT
- OPTIONAL COP OUT DOOR SEATING



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AUG 11 2004

PERMIT COUNTER

ATTACHMENT B

Sheet No.	PROPOSED MASTER CONCEPT PLAN / EXHIBIT 6-J	Activity	Name	Date	Scale	1" = 50'
CP	ALICO LAKES LOT 1 LEE COUNTY, FLORIDA	Designed by:	S.J.P.	04/04	Date:	APR 2004
		Drawn by:	CNW/KDL	04/04	Job No.	B7501
		Checked by:			File:	BASE1
		Approved by:			Approved	© 2004
		No.	Date	Revision		

cph Engineers
Planners
Landscape Architects
Surveyors
Construction Management
www.cphengr.com
2211 Park Street, Suite 200, Fort Myers, FL 33901
Phone: 239.333.3499 Fax: 239.333.2905

DCI2004-00029

ATTACHMENT C

BOUNDARY SURVEY OF

LOT 1 ALICO LAKES

SECTION 07, TOWNSHIP 46 SOUTH, RANGE 25 EAST
(PLAT BOOK 45, PAGE 13)
FT. MYERS, LEE COUNTY, FLORIDA



SCALE 1" = 50'

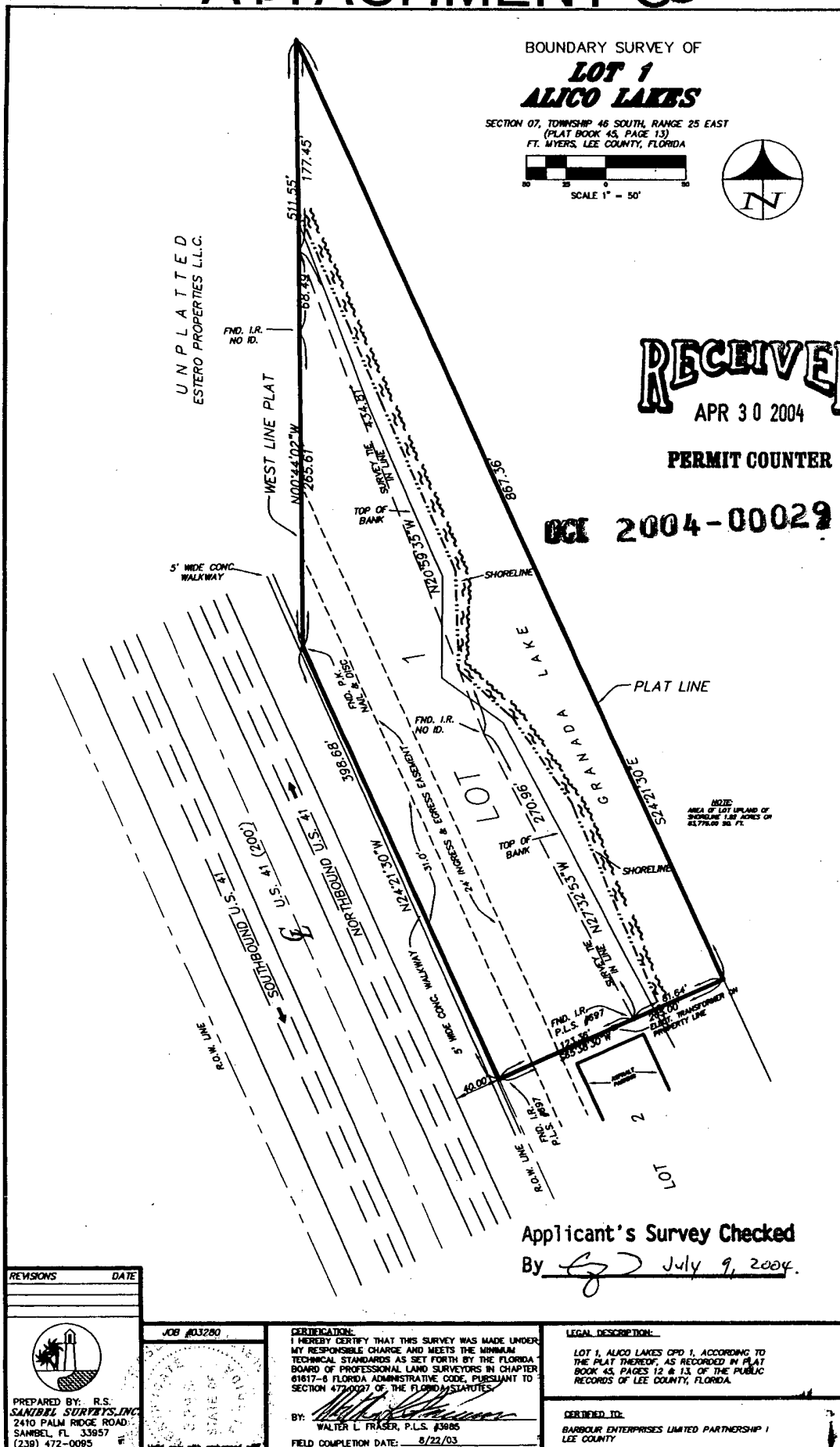


UNPLATTED
ESTERO PROPERTIES L.L.C.

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APR 30 2004

PERMIT COUNTER

DCI 2004-00029



Applicant's Survey Checked

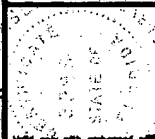
By g July 9, 2004.

REVISIONS DATE



PREPARED BY: R.S.
SAMBEL SURVEYS, INC.
2410 PALM RIDGE ROAD
SAMBEL, FL 33957
(239) 472-0095

JOB #03280



CERTIFICATION:
I HEREBY CERTIFY THAT THIS SURVEY WAS MADE UNDER MY RESPONSIBLE CHARGE AND MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 61B17-8 FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 479.0027 OF THE FLORIDA STATUTES.

BY: Walter L. Fraser
WALTER L. FRASER, P.L.S. #3885
FIELD COMPLETION DATE: 8/22/03

LEGAL DESCRIPTION:

LOT 1, ALICO LAKES CPD 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 45, PAGES 12 & 13, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

ORDERED TO:

BARBOUR ENTERPRISES LIMITED PARTNERSHIP I
LEE COUNTY

**Schedule of Deviations and Justification Statement
Alico Lakes Lot 1
Tamiami Trail & Alico Road
April 2004**

CPH Engineers, Inc. as agent for Barbour Enterprises, LP 1, is requesting the rezoning of approximately 2.98[±] acres located immediately south of the corner of Tamiami Trail (US-41) and Alico Road in the San Carlos Park Community region of unincorporated Lee County. The applicant is requesting that the property be rezoned to CPD. This request to rezone to CPD is consistent with property's the previous CPD zoning designation granted in 1991 which was extended in 2000. The property's vested zoning designation was vacated by Lee County in 2002 due to the failure to act on the existing resolution Z-91-113 and development order. Resolution Z-91-113 and a reduced copy of the original Master Concept Plan are attached for your review.

Property Description

The 2.98 [±] acre site (STRAP # 07-46-25-07-00000.0010) is currently undeveloped with approximately 398 linear feet of frontage along US 41 (Tamiami Trail) and a depth of approximately 200 linear feet. The property to the north of the subject site is zoned Community Commercial (CC); east is Community Planned Development (CPD) and Recreational Vehicle Park (RV-3); south is Commercial (C-1) and to the west, across US 41, the property is zoned Agricultural (AG-2). The subject site has a future land use designation of Urban Community, as do the surrounding sites. This request is for the restoration of the previously approved CPD zoning designation that was vacated in 2002. Restoring the CPD zoning designation will bring the subject parcel in accordance with the future land use designation assigned to the parcel by the Lee Plan.

Background

In September of 1987, the subject site, which was a part of the Alico Lakes Master Concept Plan (Phase 2C), was granted a rezoning designation from CT & RM-2 to CPD. The parcel remained undeveloped and in August 2000 the owner requested and was granted an extension of the site's CPD zoning designation. The owner did not implement the approved Master Concept Plan for the parcel and in August 2002 the August 2000 development order extension lapsed and the CPD zoning designation was deemed vacated per Sec. 34-381; *Duration of Rights Conferred by Adopted Master Concept Plan Lee County Land Development Code*.

ATTACHMENT D

Request

The owner of the subject site is requesting that the site be rezoned to CPD in accords with the previous CPD zoning designation that was vacated in 2002 to enable its development. This master concept plan, is a replica of the original Alico Lakes Master Concept Plan submitted in July 1991, adheres to the previous conditions of approval identified in Resolution Z-91-113 and is in accordance with *Sec. 34-373 of the Lee County Land Development Code*. Development will be in accords with the *Lee County Land Development Code Sec. 34-934 Use Regulations Table*. Architectural and landscaping styling will reflect surrounding development patterns to ensure a harmonious development style with existing structures along Tamiami Trail.

This request is in agreement with previous approvals for the site and does not encumber surrounding properties with an incompatible use along the corridor. The zoning designations of the surrounding properties and the requested zoning designation for the subject parcel adhere to a cohesive development pattern along the US 41 corridor and are in accords with the Future Land Use designation assigned to the area by the Lee County Plan. The applicant requests that the conditions of approval from Resolution Z-91-113 items 1, 3-8 be applied to this request and that condition number 2 be deleted from the new planned development resolution (Resolution Z-91-113 attached).

The applicant is requesting that all of the uses identified in the Commercial Planned Development (CPD) column in Lee County's Land Development Code Section 34-934 Use Regulations Table for Planned Development Districts be allowed for development on the site.

Architectural styling and landscaping shall abide by Lee County's Land Development Code and shall reflect the recent development styles within the corridor. Through the use architectural and landscaping elements, the development of the site will enhance the aesthetic quality of the corridor.

Based on Lee County's land development regulations and Comprehensive Plan, this request is consistent with the assigned land uses surrounding the site. The applicant respectfully requests Lee County's support and approval of this CPD rezoning application.

ATTACHMENT D

EXHIBIT 6-N

**ALICO LAKES LOT 1
DCI2004-00029**

SCHEDULE OF DEVIATIONS

1. The applicant is requesting a deviation be approved allowing the building/structure and parking setback be zero (0) feet from a water body. Lee County Land Development Code Sec. 34-2194(c)c allows for planned developments to be granted less stringent setback requirements than those required in Section 34-2194. This deviation request for a reduction in is in accords with previous deviation approvals for the site per Resolutions Z-87-179 and Z-91-113 per Condition 8 Deviation #2. Given the peculiar dimensions and depth of the site the applicant requests Lee County allow this deviation be approved to facilitate the eventual development of the site.
2. The applicant is requesting a deviation be approved from the required Type A buffer for portions of the southern property line bordering the existing commercial development. The applicant is proposing to relocate and share one access to US 41 with the adjacent property owner, per FDOT recommendation. The proposed access from US 41 and cross access between developments is located at and along the southern property line. Due to the irregular shape of this parcel and request from FDOT for shared access, the applicant respectfully requests that the deviation for Type A buffer with adjacent commercial use be granted.

ATTACHMENT D

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JUL 07 2004

COMMUNITY DEVELOPMENT

DCI 2004-00029

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BILLED

2547057

RESOLUTION NUMBER Z-87-179

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

WHEREAS, Landmark Holdings has properly filed an application on a project known as Alico Lakes for:

A rezoning from CT and RM-2, to Commercial Planned Development and Residential Planned Development, to permit 75,000 square feet of commercial retail area and 70 multi-family units on 69.6 total acres of land. The maximum building height for all structures is forty-five (45) feet above grade. The proposed development will also include three (3) consumption-on-premises of alcoholic beverages permits.

NOTE:

If approved, the Master Concept Plan will deviate from the following Lee County Standards:

- (1) Minimum setback for perimeter road and parking from property line from required 25 feet (Section 431.C.2.a.2.), to 0 feet;
- (2) Minimum setback from water body to a structure from required 25 feet (Section 202.15.B.), to 0 feet;
- (3) In a Planned Development District, the Board of County Commissioners shall have the authority to grant less stringent setbacks than required for artificial bodies of water such as retention ponds or reflection ponds when development surrounding the entire body (100%) of water is under unified control, Section 202.15.B.4.6.(1), to 96% of the development surrounding the body of water;
- (4) Maximum of 25% of required open space credit for an artificial water body (Section 431.C.4.b.), to 50%;
- (5) Requirement that lands identified as meeting the criteria for Resource Protection Areas (Ordinance 86-31, Sections 6.01 and 8.01, and Ordinance 86-27, Section C.1.b.4.a) must meet certain performance standards and may not be used for roads except in instances of overriding public interest, to instead be used for a road as shown on the Master Concept Plan with mitigation; or

Requirement that lands designated as a Resource Protection Area (Section 202.08.B.1.b) may not be used for roads except in instances of overriding public interest, to allow use for roads as shown on the Master Concept Plan with mitigation;
- (6) Minimum water retention excavation setbacks to a section line of 75 feet (518.C.1.), to 0 feet for the north/south Section Line between Sections 7 and 8, T46S, R25E;
- (7) Minimum water retention excavation setbacks to a quarter section line of 60 feet (518.C.2), to 0 feet for the east/west line in Section 7 (lake is existing);

ATTACHMENT E

OR2027

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- (8) Minimum water retention excavation setbacks to a street right-of-way of 150 feet (518.C.4.), to 10 feet (lake is existing);
- (9) Minimum water retention excavation setbacks to a private property line of 50 feet (518.C.4), to 10 feet (lake is existing);
- (10) Minimum setback between structures and a section line of 75 feet (202.15.B.3.a), to 0 feet for the north/south Section Line between Sections 7 and 8;
- (11) Maximum depth of water retention excavation of 12.0 feet (518.B), to 35 feet (lake is existing);
- (12) Minimum street intersection separation of 125 feet (D.S.O. C.3.h.), to 100 feet;
- (13) Minimum street intersection separation of 660 feet on Arterial Streets (D.S.O. C.3.h), to 280 feet;
- (14) The required 45 feet minimum roadway width for a privately maintained local street (D.S.O. Table C-2), to 40 feet;
- (15) The required 35 feet minimum roadway width for a privately maintained access street (D.S.O. Table C-2), to 24 feet; and
- (16) The requirement that "Access Streets" shall be required for a proposed development which is traversed by or abuts arterial and/or collector roads which are shown on the Lee County Required Access Road Map (Section C.3.0.2), to allow no Access Road.

WHEREAS, the subject property is located south and east of the southeast corner of Allico Road and U.S Highway, described more particularly as:

LEGAL DESCRIPTION: In Sections 07 and 08, Township 46 South, Range 25 East, Lee County, Florida:

A tract or parcel of land situated in the State of Florida, County of Lee, being a part of the Northeast One Quarter (NE 1/4) of Section 07 and the Northwest One quarter (NW 1/4) of Section 08, Township 46 South, Range 25 East and further bounded and described as follows:

Beginning at a wooden post marking the Southeast corner of said Northeast One Quarter (NE 1/4) of Section 07; THENCE N.78°24'17"W. along the South line of said Northeast One Quarter (NE 1/4) for 1050.34 feet to an intersection with the Easterly right-of-way line of U.S. 41 (S.R. 45 - Tamiami Trail), said intersection being on a curve concave to the Southwest having a radius of 8662.37 feet and to which intersection a radial line bears N.67°28'25"E.; THENCE Northwesterly along said curve and said right-of-way line through a central angle of 01°45'47" for 266.57 feet; THENCE N.24°17'22"W. along said right-of-way line for 510.29 feet; THENCE N.00°39'25"W. along the West line of the Southeast One Quarter (SE 1/4) of said Northeast One Quarter (NE 1/4) for 382.51 feet; THENCE N.24°17'22"W.

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for 173.18 feet; THENCE N.84°26'44"W. along the South line of the Northwest One Quarter (NW 1/4) of said Northeast One Quarter (NE 1/4) for 176.78 feet to the aforesaid Easterly right-of-way line of U.S. 41; THENCE N.24°17'22"W. along said right-of-way line for 93.81 feet to the beginning of a curve concave to the Southwest have a radius of 1564.40 feet; THENCE Northwesterly along said curve through a central angle of 14°31'21" for 396.52 feet; THENCE N.54°20'31"E. for 136.04 feet; THENCE N.00°39'29"W. for 500.00 feet; THENCE N.89°20'31"E. for 104.44 feet; THENCE N.00°39'29"W. for 100.00 feet to the Southerly right-of-way line of Alico Road (100.00 feet wide); THENCE N.89°20'31"E. along said right-of-way line for 270.08 feet to an intersection with the West line of the Northeast One Quarter (NE 1/4) of said Northeast One Quarter (NE 1/4); THENCE continue N.89°20'31"E. along said right-of-way line for 321.89 feet to an intersection with the Southwesterly right-of-way line of the Atlantic Coast Line Railroad; THENCE S.32°31'35"E. along said right-of-way line for 3060.44 feet to an intersection with the South line of the aforesaid Northwest One Quarter (NW 1/4) of Section 08; THENCE S.89°16'17"W. along the South line of said Northwest One Quarter (NW 1/4) for 232.22 feet; THENCE N.01°00'06"W. for 50 feet more or less to the waters of a lake; THENCE Westerly along said waters for 380 feet more or less to an intersection with a line bearing N.00°58'42"W. from the POINT OF BEGINNING; THENCE S.00°58'42"E. along said line for 45 feet more or less to the POINT OF BEGINNING.

WHEREAS, the applicant has indicated the property's current STRAP number is 07-46-25-00-00006.0000; and

WHEREAS, proper authorization has been given to Thomas M. Brondstetter, Attorney at Law, by Paul Germaine, Trustee and fee simple title holder and by Landmark Holdings, as contract purchaser of the subject parcel, to act as agent to pursue this zoning application; and

WHEREAS, a public meeting was legally and properly advertised and held before the Lee County Planning and Zoning Commission, with full consideration of all the evidence available to the Planning and Zoning Commission; and

WHEREAS, the Lee County Planning and Zoning Commission fully reviewed the matter in a public meeting held on September 8, 1987; and

WHEREAS, a public meeting was legally and properly advertised and held before the Lee County Board of County Commissioners; and

WHEREAS, in the legislative process the Lee County Board of County Commissioners gave full and complete consideration to the recommendations of the staff, the Planning and Zoning Commission, the documents on file with the county, and the testimony of all interested persons.

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NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, that the Board of County Commissioners does hereby APPROVE the Request for Residential Planned Development and Commercial Planned Development.

Approval is subject to the following conditions:

- A. The Master Concept Plan is a one-sheet plan, titled "Alico Lake for Landmark Holdings" prepared by Duane Hall Associates, last revised February 25, 1988, except as modified by the conditions herein.
- B. The applicant shall establish and maintain a homeowner's or resident's association to provide a program of education and information to the residential population describing the risks of environmental hazards, as well as the actions necessary to mitigate the dangers which these hazards present.
- C. At the completion of development construction or each phase thereof, a development representative shall provide to Lee County Emergency Medical Service a site plan depicting the official names and building addresses within the development.
- D. At the completion of development construction or each phase thereof, a development representative shall contact Lee County Emergency Medical Service to discuss: 1) the designation of emergency helicopter landing zones; and 2) the accessibility of the EMS unit.
- E. Prior to final plan approval, the developer shall have made acceptable provisions for off-setting any added net public costs or premature commitment of public funds needed to provide appropriate levels of fire protection services for the additional development. In particular, the applicant shall make all necessary arrangements with the San Carlos Fire District to off-set a proportionate share of costs of any land, building, and/or equipment required to provide adequate fire protection services to the project.
- F. Prior to the issuance of Final Development Order on any of the three (3) individual commercial parcels or the R.P.D. portion of the project, the developer of each respective parcel shall submit a lake littoral zone planting plan, for that specific parcel upon which the Final Development Order is being sought, which shall include trees, shrubs and emergent aquatics. The planting plan for each respective parcel shall be subject to approval by the environmental staff of the Department of Community Development.
- G. Prior to the issuance of Final Development Order on any of the three (3) individual commercial parcels or the R.P.D. portion of the project, the developer of each respective parcel shall submit a plan for the removal of all exotic vegetation located upon the specific parcel upon which the Final Development Order is being sought, which shall include a minimum three (3) year maintenance program to control the reinvasion of exotic vegetation. The removal plan shall be subject to approval by the environmental staff of the Department of Community Development.

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- H. Prior to the issuance of a Preliminary Development Order on either commercial Parcel III or the R.P.D. portion of the project, the developer of either parcel shall submit a design to realign the intersection of the Granada Lakes access street with Alico Road to improve the operation and sight distance of the intersection. The design shall be subject to approval by the Lee County Department of Transportation and Engineering. The actual construction of this realignment shall take place at such time as either commercial Parcel III or the R.P.D. portion of the project is developed. However, if commercial Parcel III is developed prior to the R.P.D. portion of the project, it shall not be necessary for the entire road leading back to Granada Lakes R.V. Park to be redesigned and reconstructed, but only the realignment of the intersection of the access road and Alico Road to a distance necessary to accommodate the realignment.
- I. Prior to the issuance of a Preliminary Development Order on the R.P.D. portion of the project, the developer of the R.P.D. portion of the project shall redesign the intersection of the access road to the R.P.D. and Granada Lakes R.V. Park to allow for safe operation. The redesign shall be subject to the approval of Lee County Department of Transportation and Engineering.
- J. Deviations 1 through and including 16 are hereby APPROVED.
- K. Prior to the issuance of a Preliminary Development Order on the R.P.D. portion of the project, the developer shall provide the required road right-of-way to access the Residential Planned Development subject to approval of the Lee County Department of Transportation and Engineering.
- L. Prior to the issuance of a Final Development Order on any of the three (3) commercial parcels, the developer shall pay a pro-rata share towards the signalization of U.S. 41 and Alico Road, the total pro-rata share for this project being \$15,600.00, as determined by the Lee County Department of Transportation and Engineering. The payment amount due for this project, \$15,600.00, shall be divided amongst the three (3) commercial parcels as follows:
- | | |
|-----------------------|--------------|
| Commercial Parcel I | - \$8,567.83 |
| Commercial Parcel II | - \$4,027.02 |
| Commercial Parcel III | - \$3,005.15 |
- Payment for each parcel shall be made prior to the issuance of the Final Development Order for each respective parcel.
- M. The Northern access on U.S. 41 shall be temporary until such time that the adjacent property is developed to provide shared access.
- N. The banks of the excavation shall be to a slope at a ratio no greater than 6(H) to 1(V) to a water depth of 4 feet below dry season table or a fence along the excavation shall be provided with regular maintenance assured by the Master Property Owners Association.

Site Plan 87-179 is attached hereto and incorporated herein by reference, as a reduced copy of the Master Concept Plan.

The following findings of fact were made in conjunction with this approval of R.P.D. zoning:

- a. The proposed uses are appropriate at the subject location;

- b. Sufficient safeguards to the public interest are provided by the recommended conditions to the Master Concept Plan and by other applicable regulations;
- c. All conditions found on the Master Concept Plan and recommended by staff are reasonably related to the impacts on the public's interest created by or expected from the proposed development;
- d. The deviations being recommended for approval enhance the achievement of the objectives of the planned development; and
- e. The general intent of these regulations, to protect the public health, safety, and welfare, is preserved and promoted.

BE IT FURTHER RESOLVED, that the Board does hereby APPROVE three (3) consumption-on-premises of alcoholic beverages permits.

The foregoing Resolution was adopted by the Lee County Board of County Commissioners upon a motion by Commissioner Slisher, and seconded by Commissioner Fussell and, upon being put to a vote, the result was as follows:

Porter J. Goss	ABSENT
Charles L. Bigelow, Jr.	ABSENT
Mary Ann Wallace	NAY
Bill Fussell	AYE
Donald D. Slisher	AYE

Upon adoption of the foregoing motion, Chairman Fussell requested that the record show that his support of the motion did not imply his approval in principle of the consumption on premises aspect of this development.

DULY PASSED AND ADOPTED this 25th day of January, A.D., 1988.

ATTEST:
CHARLIE GREEN, CLERK

BY: Charlie J. Green
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: Bill Fussell
Chairman

Approved as to form by:

[Signature]
County Attorney's Office

FILED

NOV 04 88

CLERK CIRCUIT COURT
BY Charlie J. Green D.C.

RESOLUTION NUMBER 2-87-179

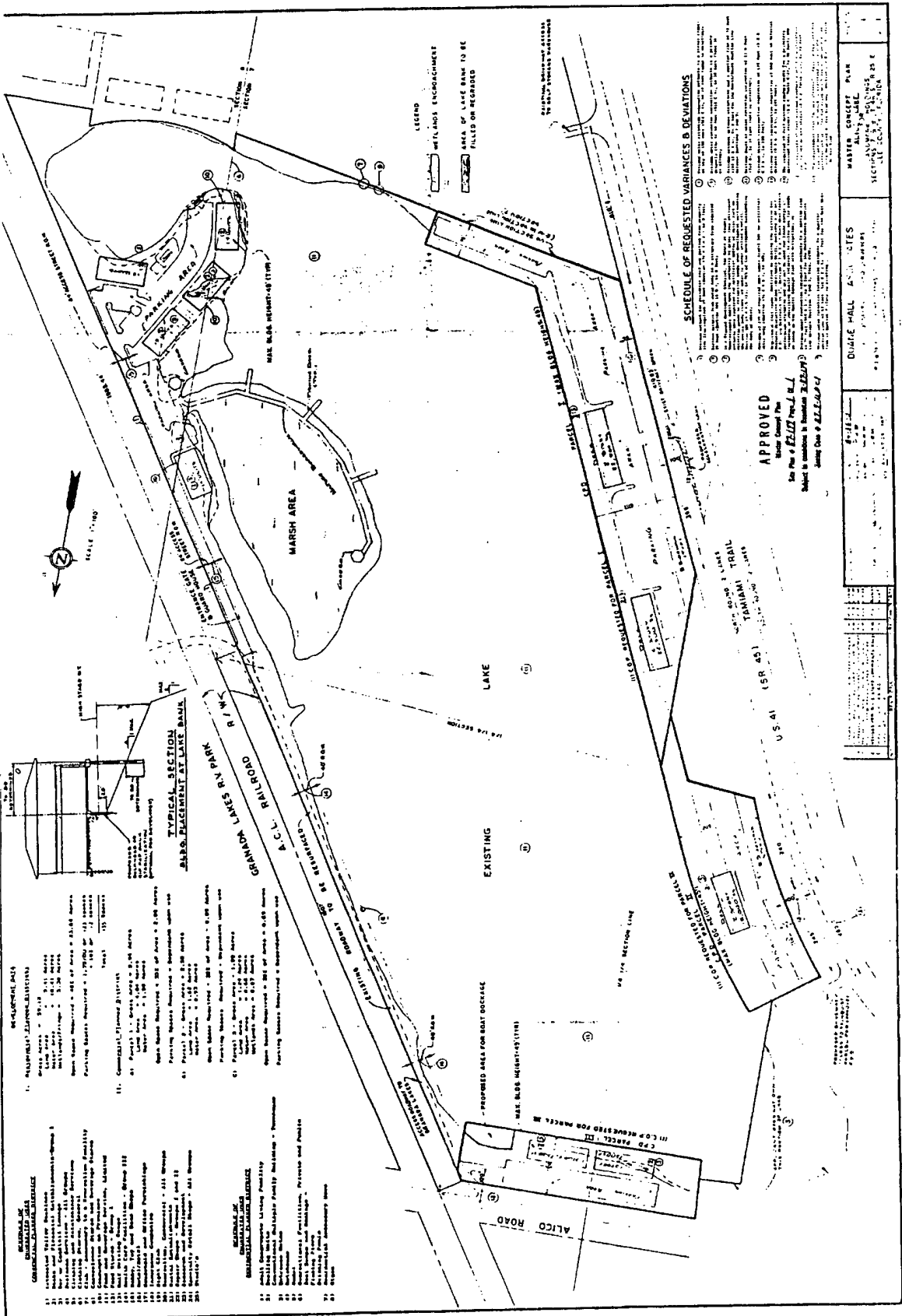
HEARING NUMBER 87-9-11 DCI

Page 6 of 6

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ATTACHMENT E

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

WHEREAS, Margaret Kesler, Trustee, et al, in reference to Alico Lakes, has properly filed an application for a reaffirmation of the vacated Master Concept Plan for one (1) year; and

WHEREAS, the subject property is located at 17481, 17321 and 17351 South Tamiami Trail and 6780 Alico Road, described more particularly as:

LEGAL DESCRIPTION: In Sections 07 and 08, Township 46 South, Range 25 East, Lee County, Florida:

COMMERCIAL PARCEL I

A parcel of land lying in the Northeast Quarter (NE1/4) of said Section 07 described as follows:

COMMENCING at the Southeast corner of the Northeast Quarter (NE1/4) of said Section 07;
THENCE N78°24'17"W along the East/West Quarter (E/W1/4) section line for 1,050.34 feet to the Easterly line of US 41 (SR 45, Tamiami Trail, 200 feet wide) and a Point on a Curve;
THENCE 266.57 feet along said Easterly line along the arc of a curve concave to the Southwest having a radius of 8,662.37 feet and subtended by a chord having a length of 266.56 feet and bearing N23°24'28"W to a Point of Tangency;
THENCE N24°17'22"W along said Easterly line for 110.77 feet to the POINT OF BEGINNING;
THENCE continue N24°21'30"W for 399.52 feet to the intersection of the West line of the East Half (E1/2) of said Northeast Quarter (NE1/4) and said Easterly line;
THENCE N00°39'25"W along said West line for 511.39 feet;
THENCE S24°17'22"E for 719.02 feet;
THENCE S65°38'30"W for 205.00 feet to the POINT OF BEGINNING.
Tract contains 2.99 acres more or less.
SUBJECT TO all easements, setbacks, reservations, restrictions, riparian rights, and rights-of-way of record.

AND

COMMERCIAL PARCEL II

A parcel of land lying in the Northeast Quarter (NE1/4) of said Section 07 described as follows:

COMMENCING at the Southeast corner of the Northeast Quarter (NE1/4) of said Section 07;
THENCE N78°24'17"W along the East/West Quarter (E/W1/4) section line for 1,050.34 feet to the Easterly line of US 41 (SR 45, Tamiami Trail, 200 feet wide) and a Point on a Curve;
THENCE 266.57 feet along said Easterly line along the arc of a curve concave to the Southwest having a radius of 8,662.37 feet and subtended by a chord having a length of 266.56 feet and bearing N23°24'28"W to a Point of Tangency;
THENCE N24°17'22"W along said Easterly line for 510.29 feet to the continued...

ATTACHMENT F

intersection of the West line of the East Half (E1/2) of said Northeast Quarter (NE1/4) and said Easterly line;
THENCE N00°39'25"W along said West line for 382.51 feet to the POINT OF BEGINNING;
THENCE N24°17'22"W for 173.18 feet to the North line of the South Half (S1/2) of said Northeast Quarter (NE1/4);
THENCE N84°26'44"W along said North line for 176.78 feet to the said Easterly line of US 41;
THENCE N24°17'22"W along said Easterly line for 93.81 feet to a Point of Curvature;
THENCE 396.52 feet along the arc of a curve concave to the Southwest having a radius of 1,564.40 feet and subtended by a chord having a length of 395.46 feet and bearing N31°33'03"W to a Point on said Curve;
THENCE N54°20'31"E for 205.27 feet to a Point on a Curve;
THENCE 437.18 feet along the arc of a curve concave to the Southwest having a radius of 1,769.40 feet and subtended by a chord having a length of 436.07 feet and bearing S31°22'05"E to a Point of Tangency;
THENCE S24°17'22"E for 236.89 feet to the said West line of the East Half (E1/2) of the Northeast Quarter (NE1/4);
THENCE S00°39'25"E along said West line for 128.88 feet to the POINT OF BEGINNING.
Tract contains 2.798 acres more or less.
SUBJECT TO all easements, setbacks, reservations, restrictions, riparian rights, and rights-of-way of record.

AND

COMMERCIAL PARCEL III

A parcel of land lying in the Northeast Quarter (NE1/4) of said Section 07 described as follows:

COMMENCING at the Southeast corner of the Northeast Quarter (NE1/4) of said Section 07;
THENCE N89°16'17"E along the East/West Quarter (E/W1/4) section line of Section 08, Township 46 South, Range 25 East for 603.82 feet to the intersection of the Southwesterly line of the Atlantic Coast Line Railroad (as occupied) and said Quarter section line;
THENCE N32°31'35"W along said Southwesterly line for 3,060.44 feet to the intersection with the said Southwesterly line and the Southerly line of Alico Road (100 feet wide) and the POINT OF BEGINNING;
THENCE S89°20'31"W along said Southerly line for 591.97 feet;
THENCE S00°39'29"E for 150.00 feet to a line which lies parallel to and 150.00 feet Southerly (as measured at right angles) from the said South line of Alico Road;
THENCE N89°20'31"E along said parallel line for 607.81 feet;
THENCE N00°39'29"W for 124.52 feet to the said Southwesterly line of the Atlantic Coast Line Railroad;
THENCE N32°31'35"W along said Southwesterly line for 30.00 feet to the POINT OF BEGINNING.
Parcel contains 2.088 acres more or less.
SUBJECT TO all easements, setbacks, reservations, restrictions, riparian rights, and rights-of-way of record.

AND

RPD (Residential)

A tract or parcel of land situated in the State of Florida, County of Lee, being a part of the Northeast Quarter (NE1/4) of Section 07 and the Northwest Quarter (NW1/4) of Section 08, Township 46 South, Range 25 East, and further bounded and described as follows:

BEGINNING at a wooden post marking the Southeast corner of said Northeast Quarter (NE1/4) of Section 07;
THENCE N78°24'17"W along the South line of said Northeast Quarter

continued...

(NE1/4) for 1,050.34 feet to an intersection with the Easterly right-of-way line of US 41 (SR 45 - Tamiami Trail), said intersection being on a curve concave to the Southwest having a radius of 8,662.37 feet and to which intersection a radial line bears N67°28'25"E;

THENCE Northwesternly along said curve and said right-of-way line through a central angle of 01°45'47" for 266.57 feet;

THENCE N24°17'22"W along said right-of-way line for 510.29 feet;

THENCE N00°39'25"W along the West line of the Southeast Quarter (SE1/4) of said Northeast Quarter (NE1/4) for 382.51 feet;

THENCE N24°17'22"W for 173.18 feet;

THENCE N84°26'44"W along the South line of the Northwest Quarter (NW1/4) of said Northeast Quarter (NE1/4) for 176.78 feet to the aforesaid Easterly right-of-way line of US 41;

THENCE N24°17'22"W along said right-of-way line for 93.81 feet to the beginning of a curve concave to the Southwest having a radius of 1,564.40 feet;

THENCE Northwesternly along said curve through a central angle of 14°31'21" for 396.52 feet;

THENCE N54°20'31"E for 136.04 feet;

THENCE N00°39'29"W for 500.00 feet;

THENCE N89°20'31"E for 104.44 feet;

THENCE N00°39'29"W for 100.00 feet to the Southerly right-of-way line of Alico Road (100.00 feet wide);

THENCE N89°20'31"E along said right-of-way line for 270.08 feet to an intersection with the West line of the Northeast Quarter (NE1/4) of said Northeast Quarter (NE1/4);

THENCE continue N89°20'31"E along said right-of-way line for 321.89 feet to an intersection with the Southwesterly right-of-way line of the Atlantic Coast Line Railroad;

THENCE S32°31'35"E along said right-of-way line for 3,060.44 feet to an intersection with the South line of the aforesaid Northwest Quarter (NW1/4) of Section 08;

THENCE S89°16'17"W along the South line of said Northwest Quarter (NW1/4) for 232.22 feet;

THENCE N01°00'06"W for 50 feet more or less to the waters of a lake;

THENCE Westerly along said waters for 380 feet more or less to an intersection with a line bearing N00°58'42"W from the POINT OF BEGINNING;

THENCE S00°58'42"E along said line for 45 feet more or less to the POINT OF BEGINNING.

LESS & EXCEPT

COMMERCIAL PARCEL I, COMMERCIAL PARCEL II, & COMMERCIAL PARCEL III

AND LESS & EXCEPT OUT PARCEL

COMMENCING at the Southeast corner of the Northeast Quarter (NE1/4) of said Section 07;

THENCE N78°28'25"W, 550.34 feet, along the East/West Quarter (E/W1/4) section line to the true POINT OF BEGINNING;

THENCE N78°28'25"W, 500.00 feet, along said Quarter Section line to the Easterly line of US 41 (SR 45, 200 feet wide) to a point on the arc of a non-tangent curve to the left;

THENCE run 266.59 feet along the arc of said curve, with a radius of 8,662.37 feet, a central angle of 01°45'48", and a chord of N23°28'36"W, 266.58 feet, along said Easterly line to the tangent end of said curve;

THENCE N24°21'30"W, 110.77 feet;

THENCE N65°38'30"E, 205.00 feet;

THENCE S24°21'30"E, 110.77 feet, to the beginning of a tangent curve to the right;

THENCE run 259.77 feet along the arc of said curve, with a radius of 8,867.37 feet, a central angle of 01°40'43", and a chord of S23°31'09"E, 259.76 feet;

THENCE N78°28'25"W, 337.67 feet, along said Quarter Section line;

THENCE S11°31'35"W, 125.86 feet, to the true POINT OF BEGINNING.

CONTAINING a computed area of 2.962 acres of land.

WHEREAS, the applicant has indicated the property's current STRAP numbers are: 07-46-25-00-00006.0050, 07-46-25-00-00006.0060, 08-46-25-00-00006.0000, 07-46-25-00-00006.0000, 07-46-25-07-00000.0010; and

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Hearing Examiner, with full consideration of all the evidence available; and the Lee County Hearing Examiner fully reviewed the matter in a public hearing held on December 17, 1991; and

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Board of County Commissioners; and in the legislative process the Lee County Board of County Commissioners gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on file with the county, and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, that the Board of County Commissioners does hereby APPROVE with conditions a reaffirmation of the vacated Master Concept Plan for one (1) year.

The reaffirmation of the Master Concept Plan is subject to the following conditions:

1. The development of the property shall be in accordance with the two-page Master Concept Plan entitled "Alico Lakes," dated January 7, 1991 and received November 27, 1991, prepared by Morris-Depew Associates, Inc., except as may be modified by the conditions herein. This approval does not relieve the developer from compliance with the zoning regulations and all other applicable state or local regulations, except for those specifically approved as part of the development.
2. No commercial retail shall be developed on Phase 2C of Parcel I.
3. Prior to issuance of Development Orders for commercial Parcels II and III, the payments of \$4,027.02 and \$3,005.15 respectively should be made by the developer for the cost of signalization of U.S. 41 and Alico Road.
4. Prior to the issuance of a development order, the developer shall prepare, execute and record agreements, subject to the approval of the County Attorney's office for the shared access point.
5. There is no guarantee that the applicant will receive development authorization if the 2010 Overlay use is or would be exceeded.
6. The terms and conditions of the original zoning resolution shall remain in full force and effect, except as modified herein.
7. The banks of the excavation shall be to a slope at a ratio no greater than 6 (H) to 1 (V) to a water depth of 4 feet below dry season table, or a fence and/or guardrails shall be provided with regular maintenance assured by the Master Property Owners Association.
8. Deviation (1) was previously approved per Resolution Z-87-179, to allow the internal roadway to have a zero setback from the development perimeter, instead of the required 25 feet (Section 431.C.2.a.2). Deviation (1) is again hereby APPROVED but with the condition that the developer provide guardrails or other protection if deemed necessary at the Development Order stage.

Deviation (2) was previously approved per Resolution Z-87-179, to allow structures to be setback zero feet from a waterbody, instead of the required 25 feet (Section 202.18.B.4.b). Deviation (2) is again hereby APPROVED.

Deviation (3) was previously approved per Resolution Z-87-179, to allow 50% of the open space to consist of the existing lake, instead of the required maximum of 25% (Section 431.C.4.b). Deviation (3) is again hereby APPROVED.

Deviation (4) was previously approved per Resolution Z-87-179, to allow the water excavation lake to be set back 10 feet from the south property line, instead of the required 50 feet (Section 509.C.4). Deviation (4) is again hereby APPROVED.

Deviation (5) was previously approved per Resolution Z-87-179, to allow the existing lake depth of 35 feet, instead of the required maximum lake depth of 12 feet (Section 509.B). Deviation (5) is again hereby APPROVED but with the following conditions:

- a. An aeration system, which will provide adequate aeration for the lake, taking into account lake size, depth and volume, shall be installed prior to Certificate of Compliance for this project. The specifications on the type, size, location(s) and number of pumps necessary to obtain adequate aeration shall be subject to approval by the Division of Environmental Sciences prior to installation. The aeration system shall be used to provide for proper oxygenation and destratification of the lake; and
- b. Chemical control methods shall not be used in the lake unless prior written approval is granted by the Division of Environmental Sciences.

Deviation (6) was previously approved per Resolution Z-87-179, to allow a minimum roadway width of 40 feet, instead of the required 45 feet, for privately maintained local streets (Development Standards Ordinance Table C-2). This deviation was requested to allow the existing roadway to serve the Granada Lakes R.V. Park and the proposed Residential Planned Development. Deviation (6) is hereby APPROVED but with the condition that the technical specifications of the Development Standards Ordinance are met including proper alignment, cross section and swales (or closed drainage).

Deviation (7) was previously approved per Resolution Z-87-179, to eliminate the requirement for a frontage road (Development Standards Ordinance Section C.3.o). Deviation (7) is hereby APPROVED but with the condition that access be provided through the parking lot aisles with stubouts as shown on the revised Master Concept Plan.

Deviation (8) is a new request to only provide one access point, instead of the required two access points (Section C.2.d.4 of the Development Standards Ordinance). Deviation (8) is hereby APPROVED.

Site Plan 91-113 is attached hereto and incorporated herein by reference, as a reduced copy of the Master Concept Plan.

The following findings of fact were made in conjunction with this reaffirmation of the vacated Master Concept Plan:

- A. That the reaffirmed Master Concept Plan, as conditioned, will not create or result in an adverse impact on the intent of the Zoning Ordinance.
- B. That the reaffirmed Master Concept Plan, as conditioned, is consistent with the goals, objectives, policies and intent of the Lee Plan, and with the densities, intensities and general uses set forth in the Lee Plan.
- C. That the reaffirmed Master Concept Plan, as conditioned, meets or exceeds all performance and locational standards set forth for the proposed use.

- D. That the reaffirmed Master Concept Plan, as conditioned, will protect, conserve or preserve environmentally critical areas and natural resources.
- E. That the reaffirmed Master Concept Plan, as conditioned, will be compatible with existing or planned uses and not cause damage, hazard, nuisance or other detriment to persons or property.
- F. That the reaffirmed Master Concept Plan, as conditioned, will be in compliance with all applicable general zoning provisions and supplemental regulations pertaining to the uses as set forth elsewhere in the Zoning Ordinance.

The foregoing Resolution was adopted by the Lee County Board of County Commissioners upon a motion by Commissioner John E. Manning, and seconded by Commissioner Ray Judah and, upon being put to a vote, the result was as follows:

John E. Manning	aye
Douglas R. St. Cerny	aye
Ray Judah	aye
Vicki Lopez-Wolfe	absent
Donald D. Slisher	absent

DULY PASSED AND ADOPTED this 16th day of March, A.D., 1992.

ATTEST:
CHARLIE GREEN, CLERK

BY: Charles J. W. W. W. W.
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: [Signature]
Chairman

Approved as to form by:

[Signature]
County Attorney's Office

FILED

APR 3 1992

CLERK CIRCUIT COURT
BY [Signature] D.C.

RECEIVED
APR 30 2004

PERMIT COUNTER

DCI 2004-00029

594 M C-2011
AUG 27 2011

GRANADA LAKES
R.V. PARK

A.C.L. RAILROAD R/W

EXISTING LAKE

= LAKE BANK TO BE REGRADED OR FILLED

RECEIVED
APR 30 2004

APR 30 2004

PERMIT COUNTER

DCI 2004-00029

DRY RETENTION **MA.T.2**

ATTACHMENT F

2

[illegible][illegible][illegible]

**LEE COUNTY BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

BLUE SHEET No: 20000293

1. REQUESTED MOTION:

ACTION REQUESTED: APPROVE the extension of the vacated Master Concept Plan for Alico Lakes Commercial Planned Development for a period not to exceed two (2) years from the date of extension.

WHY ACTION IS NECESSARY: To allow the extension of the duration of rights for the approved Commercial Planned Development.

WHAT ACTION ACCOMPLISHES: To allow the original zoning approval of the Commercial Planned Development to be extended for a maximum period of two (2) years pursuant to Land Development Code 34-381.

2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT #: 5

3. MEETING DATE:

4. AGENDA

☐ CONSENT
☒ ADMINISTRATIVE
☐ APPEALS
☐ PUBLIC
☐ TIME REQUIRED:

5. REQUIREMENT/PURPOSE

(Specify)
☐ STATUTE
☐ ORDINANCE
☐ ADMIN. CODE
☒ OTHER LDC34-381

6. REQUESTOR OF INFORMATION

A. COMMISSIONER:
B. DEPARTMENT: Community Development
C. DIVISION: Development Services
BY: Walter J. McCarthy, P.E., Director

7. BACKGROUND:

This is an application to allow the extension of the duration of rights for the approved Commercial Planned Development, Zoning Case #87-9-11-DCI-(a). Resolution Z-91-113 adopted by the Board of County Commissioners on December 17, 1991, approved the CPD. On March 16, 1992, the Resolution was reaffirmed for a one-year extension. The property was not developed.

The property is located on the east side of U.S. Highway 41, south of Alico Road. The subject property was rezoned to CPD district for a number of commercial uses approved in a two-page Master Concept Plan entitled "Alico Lakes", dated January 7, 1991, and received November 27, 1991, prepared by Morris-Depew Associates, Inc. with conditions stated in Resolution Number Z-91-113.

The adjacent properties continue to remain with the same zoning and land uses that existed at the time of original approval. The property to the east is a lake included as part of the Alico Lakes development. The property to the south is developed is an office building. The properties to the north along U.S. Highway 41 are developed with a fast-food restaurant, a gas station, a muffler shop, and an automotive repair building. The properties to the west are commercial uses and a large vacant property that is zoned AG-2. The subject property as well as all surrounding adjacent property continues to be located within the Urban Community Land Use classification.

This request for extension of the Master Concept Plan is to be reviewed based upon findings of fact contained in Section 34-381 (a) (4) of the LDC. A statement of the necessary findings are listed below along with the staff findings in **bold** print.

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL

DEPARTMENT DIRECTOR	Purchasing	Human Resources	County Administration				OTHER	COUNTY ATTORNEY	COUNTY MANAGER
	N/A	N/A	OA	OM	Risk	GC			
						N/A			

ATTACHMENT G

4) An approved master concept plan may be extended as follows:

a. An approved master concept plan for a phase of or an entire planned development which has been vacated due to a failure to proceed on the applicant's part may be extended by the Board of County Commissioners for a period of no more than two (2) years from the date of the extension based upon the following findings of fact:

1. The master concept plan is consistent with the current Lee Plan, including, but not limited to, density, intensity and concurrency requirements:

Staff Finding: The adjoining lands continue to be zoned and developed for commercial uses, except for the lake and a large parcel to the west that remains zoned AG-2. The previously approved Master Concept Plan remains compatible, as conditioned, within Resolution Z-91-113. The Master Concept Plan remains consistent with the current Lee Plan, including density, intensity, and concurrency requirements.

2. The development shown by the master concept plan has not become incompatible with existing and proposed uses in the surrounding area as the result of development approvals issues subsequent to the original approval of the master concept plan; and

Staff Finding: The subject property remains bounded by the same land use categories of the Lee Plan. Anticipated and existing land uses on all of the adjacent properties have changed only by continued development of compatible commercial uses since the date of the original approval in 1991. The Master Concept Plan continues to be compatible with all existing and proposed uses.

3. The development shown by the master concept plan will not, by itself or in conjunction with other development, place an unreasonable burden on essential service facilities.

Staff Finding: Those essential services planned or existing at the time of original approval continue to be available in the area to serve the development. Programmed road improvements to U.S. Highway 41 may enhance the development potential of the subject property. There is no unreasonable burden on essential public facilities expected by approval of this extension.

Based upon the above noted findings, staff recommends APPROVAL of this request to extend the duration of the project for the maximum of two (2) years from the date of this action.

ATTACHMENT G

81-255

The following resolution was adopted by the Lee County Zoning Board upon motion by Zoning Board Member Terrell, and seconded by Zoning Board Member Morris, and upon poll of the members present the vote was as follows:

Thomas C. Smith	AYE
Thad Taylor	AYE
Chuck Ross	AYE
Monty Bishop	AYE

Robert Terrell	AYE
Truman A. Morris	AYE
Earl S. Schwartz	AYE

WHEREAS GREENTREE PROPERTY VII has requested a

CHANGE IN ZONING FROM RV TO RM-2 WITH A SPECIAL EXCEPTION FOR MODEL HOME AND A

VARIANCE FROM SEC. 605.D.1 (FOR ALL SEC. LINE SETBACKS TO 0 ft) OF THE LEE COUNTY
ZONING REGULATIONS

SUBJECT PROPERTY: (SEE ATTACHED)

WHEREAS, A Public Hearing of the Lee County Zoning Board was duly advertised and held as required by law, and after hearing all interested parties, after being duly sworn, and upon due and proper consideration having been given to the matter,

NOW THEREFORE BE IT RESOLVED by the Lee County Zoning Board, Lee County, Florida, that the petition be DENIED

UPON APPEAL, the following resolution was offered by Commissioner AVERILL, and seconded by Commissioner SCAFFE, and upon poll of the members present the vote was as follows:

Mike Roeder	AYE
Harry Rodda	ABSENT
Roland Q. Roberts	AYE
Wade H. Scaffie	AYE
Ernest Averill	AYE

WHEREAS, an appeal was filed by an aggrieved person and a Public Hearing of the Lee County Commissioners was duly advertised and held, as required by law, this Board after reviewing the records and the motion made by the Zoning Board and having given an opportunity to all interested persons to be heard, after being duly sworn, and upon due and proper consideration having been given to this matter, NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Lee County, Florida, that the motion of the Zoning Board BE SET ASIDE AND APPROVE THE REQUEST WITH THE STIPULATION THAT WATER AND SEWER ARE PROVIDED BEFORE THE FIRST CERTIFICATES OF OCCUPANCY ARE ISSUED

ATTACHMENT H

APPROVED AS

BY  COUNTY ATTORNEY

PASSED AND ADOPTED THIS 1 DAY OF June, 19 81 by the Lee County Zoning Board.

PASSED AND ADOPTED THIS 23 DAY OF June, 19 81 by the Lee County Commissioners.

RESOLUTION NUMBER Z- 81-255

HEARING NUMBER 81-5-55 (DCI)

LEGAL DESCRIPTION
GREENTREE PROPERTY VII
81-5-55 (DCI)
7 & 8- 46S-25E

SUBJECT PROPERTY: A tract or parcel of land situated in the State of Florida, County of Lee, being a part of Secs. 7 & 8, Twp. 46S, Rge. 25E, being further bounded and described as follows: Beginning at the SE corner of the NE 1/4 of said Sec. 07; thence N 78 deg. 24 min. 58 sec. W along the S line of said fraction of the section for 870.17 ft; thence N 00 deg. 51 min. 13 sec. W parallel with and 849.75 ft. W of, as measured on a perpendicular, the E line of said Sec. 07, for 2167.17 ft. to a point on the SWly R/W line of the Atlantic Coastline Railroad R/W (130.00 ft. wide); thence S 32 deg. 31 min. 35 sec. E along said SWly R/W line for 2768.05 ft. to a point on the S line of the NW 1/4 of the aforesaid Sec. 08; thence S 89 deg. 15 min. 36 sec. W along said S line for 603.66 ft to the POB. Said parcel contains 37.44 acres more or less. Said parcel subject to all easements, R/W's, restrictions and reservations of record.

ATTACHMENT H

Resolution Z- 78-251A

The following resolution was offered by Commissioner Steele and seconded by Commissioner Roberts and, upon poll of the members present, the vote was as follows:

R. Doug Taylor Aye

Roland Q. Roberts Aye

R. L. Steele Aye

Bob Whan Aye

Betty Evans Aye

Upon the rehearing of Zoning Application 78-9-15 DCI in which Thomas M. Britt/c/o Grantham Assoc requested a change in zoning from AG and IL to RV and CT.

SUBJECT PROPERTY:

SEE ATTACHED

the Board of County Commissioners of Lee County, Florida, upon motion duly made, seconded, and passed, and after review of the records and recommendations from the previous hearing held October 16, 1978 and having given an opportunity to all interested persons to be heard, and upon due and proper consideration to this matter have moved to rescind their previous action and approve a district boundary change to CT in the area described as Exhibit B of this Resolution (Attached) and grant a district boundary change to RV for the remainder of the property described in the application, subject to:

- 1.) a 300 foot buffer along the entire length of the eastern side of the subject property, except that a sewage treatment plant may be placed within the buffer area;
- 2.) subject to a setback in which no RV vehicle shall be placed or permitted and the legal description of the setback area is described in Exhibit A of this Resolution (Attached) which is the November 17, 1978 agreement between Florida Minings and Minerals Corporation and Thomas B. Britt, trustee and applicant;
- 3.) subject to compliance with all DCI requirements; and
- 4.) subject to applicant providing a road within the 300 foot buffer.

PASSED THIS 20th day of November, 1978

Heard September 25, 1978 by Zoning Board

78-9-15 DCI

ATTACHMENT I

Approved As
To Form.

By

County Attorney.

A G R E E M E N T

AGREEMENT made this 17th day of November, 1978,
by and between FLORIDA MINING & MATERIALS CORP., a Florida
corporation (herein called FLORIDA MINING), and _____
THOMAS M. BRITT, TRUSTEE (herein called BRITT).

W I T N E S S E T H:

WHEREAS, FLORIDA MINING is the owner of a 40 acre tract
of land in the SW $\frac{1}{4}$ of Section 5, Township 46 South, Range 25 East,
Lee County, Florida, said property being zoned for heavy industrial
use and currently being used as a ready mix concrete plant; and

WHEREAS, BRITT is the contract-vendee of certain lands in
Sections 7 and 8, Township 46 South, Range 25 East, which lands
adjoin FLORIDA MINING'S lands; and

WHEREAS, the BRITT property is the subject of a Petition
for Rezoning to change the classification from AG to RV, which
zoning change is opposed by FLORIDA MINING; and

WHEREAS, FLORIDA MINING is agreeable to withdrawing its
opposition to the Rezoning Application upon the conditions here-
inafter set forth.

NOW, THEREFORE, for the considerations herein contained and
for the further consideration of Ten Dollars (\$10.00) in hand
paid by each party to the other, receipt of which is hereby
acknowledged, it is agreed as follows:

1) BRITT, for himself, his heirs, personal representatives,
successors and assigns, covenants and agrees that for a period
of thirty (30) years no occupied or inhabited use of the strip
of land located within a circle having a 1,000 foot radius with
its center at the FLORIDA MINING plant site, said center being
located approximately 960 feet East of and 470 feet North of the
Southwest corner of Section 5, Township 46 South, Range 25 East.

2) At the rehearing scheduled for Monday, November 20,
1978, BRITT shall cause the Applicant to specifically request
that the rezoning resolution, if adopted by Lee County, contain
the restrictions described in Paragraph 1 above.

3) In the event the rezoning is approved by the County, and upon conveyance out by BRITT to the entities for whom he is trustee, the conveyance shall contain certain restrictions, to-wit:

(a) The restriction on the use within a 1,000 foot radius of the center of FLORIDA MINING'S plant as described in Paragraph 1 above.

(b) The grantees, for themselves, their successors and assigns shall covenant not to sue FLORIDA MINING for damage, injunctive relief, nuisance or for other relief arising out of FLORIDA MINING'S industrial operation, nor shall they harass or make claims to governmental agencies regarding such operation, provided that FLORIDA MINING conducts its operations within the scope of federal, state or local laws or regulations governing its activities.

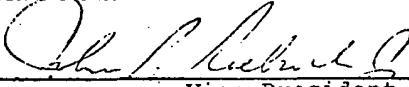
(c) The restrictions herein set forth shall be effective for a period of thirty (30) years from the date of the conveyance.

(d) The deed restrictions herein set forth shall terminate if FLORIDA MINING'S property ceases to be used for heavy industrial purposes.

4) In consideration of BRITT'S agreement and covenants set forth in the foregoing paragraphs, FLORIDA MINING agrees to withdraw and make no objection to the Application for Rezoning of BRITT'S property now pending in Lee County, Florida.

WITNESS the hands and seals of the parties hereto, the day and year first above written.

FLORIDA MINING & MATERIALS CORP.

By 
Vice President

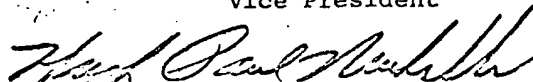
 (SEAL)
Thomas M. Britt, Trustee by
Hugh Paul Nuckolls, as his Attorney

EXHIBIT B
LEGAL DESCRIPTION
Thomas M. Britt c/o Grantham Associates
78-9-15 (DCI)
Z-78-251A

CT ZONING

A parcel of land lying in the NE 1/4 of Section 7, Township 46 South, Range 25 East, Lee County, Florida. More particularly described as follows:

That portion of said NE 1/4 of Section 7, lying east of U.S. 41, south of Alico Road and west of the Seaboard Coastline Railroad, less that part of the SW 1/4 of said NE 1/4 lying between the easterly right-of-way line of U.S. 41 and a line 153.34' (as measured perpendicular) easterly of said easterly right-of-way line of U.S. 41, and less the east 849.75 feet of said portion of Section 7. Containing 39.72 acres more or less

RV ZONING

A parcel of land lying in the east 1/2 of the NE 1/4 of Section 7, and the west 1/2 of the NW 1/4 of Section 8, Township 46 South, Range 25 East, Lee County, Florida. More particularly described as follows:

The east 849.75 feet of the NE 1/4 of said Section 7, lying south of Alico Road and the west 1/2 of the NW 1/4 of Section 7, less the right-of-way of the Seaboard Coastline Railroad and of Alico Road. Containing 118.08 acres more or less.

ATTACHMENT I



ATTACHMENT J

Lotspeich and Associates, Inc.
ECOLOGICAL CONSULTANTS

**Ecological Assessment Report
for
Lee County Planned Development Application**

Barbour Property

3± acres in Section 7, Township 46 South, Range 25 East
Lee County, Florida

Prepared for:

Lee County Department of Community Development
1500 Monroe Street
Fort Myers, Florida 33902

OCI 2004-00029

Submitted to:

CPH Engineers, Inc.
500 W. Fulton Street
Sanford, FL 32771

RECEIVED
APR 30 2004

Prepared by :

Lotspeich and Associates, Inc.
2711 West Fairbanks Avenue
Winter Park, FL 32789

PERMIT COUNTER

20 October 2003
L&A No. 2003-157.41
Doc: \2003-157-RPT-J20.wpd

TABLE OF CONTENTS

	PAGE
INTRODUCTION	1
METHODOLOGY	1
EXISTING SITE CONDITIONS	2
Topography and Drainage	2
Soils	2
Land Use and Vegetation	2
THREATENED AND ENDANGERED SPECIES	3
WETLAND AGENCY JURISDICTION	3
ARCHAEOLOGICAL AND HISTORICAL RESOURCES	3

TABLES

Table 1.	Federal and State Listed Plants Documented in Lee County and the Potential for Occurrence on the Barbour Study Site
Table 2.	Federal and State Listed Animals Documented in Lee County and the Potential for Occurrence on the Barbour Study Site

FIGURES

Figure 1	Vicinity Map
Figure 2	Topographic Map
Figure 3	Soils Map
Figure 4	Existing Land Use Map

APPENDICES

Appendix A	Primary and Secondary Information Sources
Appendix B	Bald Eagle Database Search Results
Appendix C	Florida Division of Historical Resources Master Site File Search Results

ATTACHMENT J

Ecological Assessment Report

Barbour Property

3± acres in Section 7, Township 46 South, Range 25 East

Lee County, Florida

Doc: \2003-157-RPT-J20.wpd

INTRODUCTION

Pursuant to the request and authorization of CPH Engineers, Inc., an Ecological Assessment was conducted on the above referenced parcel by representatives of Lotspeich and Associates, Inc. (L&A). The purpose of our research was to provide the necessary ecological and historical site data in support of a Lee County Planned Development Application to be submitted to the Lee County Department of Community Development. Our investigation was limited to a determination of on-site federal and state jurisdictional wetlands, an assessment of the site's potential to support federal or state listed plants and animals, and a database search for known historical or archaeological resources that might occur on-site. No subsurface soil, water quality, or hazardous materials investigations were conducted by L&A. This letter documents the findings of this investigation. These findings reflect conditions on-site at the time of the investigation and do not preclude the possibility that on-site conditions may change. The opinions expressed are those of the writer and should not be viewed as binding upon any governmental agency.

METHODOLOGY

The study area was investigated through review of published information (Appendix A), a review of the state's database species' occurrence records, and field reviews to ground truth on-site vegetative communities. A field investigation was conducted by representatives of L&A on 15 October 2003. Wetlands were delineated using the Corps of Engineers' Wetlands Delineation Manual (1987) and the Unified Wetland Delineation Methodology for the State of Florida dated 1 July 1994 (62-340, Florida Administrative Code (F.A.C.)).

Vegetative community types and general observations were recorded via field data sheets and photographs taken of the site. A list of plant species encountered was recorded for the study area. This list reflects representative species observed within the site and is not necessarily a complete floristic inventory. The site was also reviewed for the presence of any listed animals through actual observation, signs of scat, prints, or other indications of their presence or utilization of the site. Statements regarding listed species are based on limited field observations and existing data records, and do not exclude the possibility that listed species may occasionally forage on-site or may move onto the site at a later date.

A request was made to the State of Florida Division of Historical Resources (DHR) to review the Florida Master Site File for any archaeological or historical features known to occur on the study area.

ATTACHMENT J

EXISTING SITE CONDITIONS

Location

The study area is located on the east side of U.S. 41 (Tamiami Trail) approximately 2,000 feet south of Almico Road in Section 7, Township 46 South, Range 25 East, Lee County, Florida (Figure 1). The study area is bordered to the east by a man-made lake (Granada Lake), to the south by an office building, to the west by U.S. 41 and its maintained right of way, and to the north by undeveloped land.

Topography and Drainage

The U.S. Geological Survey (USGS) topographic map (Estero, FL Quadrangle) depicts the study area with a relatively flat elevation (Figure 2). Actual contours are not shown on the site, but a 5-foot National Geodetic Vertical Datum (NGVD) contour is shown west of U.S. 41 and a 10-foot NGVD contour is shown east of the site. Based on our site review, the site lies above the grade of U.S. 41 and slopes downward to the adjacent lake and road. On-site drainage occurs through soil percolation and sheet flow to the adjacent lake. The USGS map shows the lake as hatched indicating that it is man-made. The USGS topographic map does not show the lake with a surface water outfall. The study area lies in the Estero Bay drainage basin of the South Florida Water Management District (SFWMD).

Soils

The soils in the study area were mapped by the U.S. Department of Agriculture Soil Conservation Service (SCS) (Figure 3). The site is shown to contain entirely Matlacha gravelly fine sand, which is described by the SCS as somewhat poorly drained soils formed by filling and earthmoving operations. Soils types are typically classified by the SFWMD and the U.S. Army Corps of Engineers (USACE) as a non-hydric soil, typical of upland habitats, or a hydric soil, typical of wetland habitats. Matlacha gravelly fine sand is considered to be a non-hydric soil type by both the USACE and the SFWMD. It should be noted that the current status of the on-site soils may be different from the SCS description due to the effects of adjacent development, drainage activities, or possibly erosion. For instance, Figure 3 shows the entire site as being in upland soils. However, based on the projection of the site boundaries onto a recent aerial photograph it appears that much of the east portion of the site is now under water. Based on this site inspection, erosion of the west bank of the lake appears to be significant. The specific limitations and restrictions of the on-site soils should be reviewed by a licensed engineer or a professional soil scientist.

Land Use and Vegetation

The land use and vegetative communities in the study area are described using the Florida Land Use, Cover and Forms Classification System (FLUCFCS), Level III, 1999 (Figure 4). The site contains approximately 1.65± acres of upland habitat and 1.35± acres of wetland and surface water habitats associated with Granada Lake.

Uplands: The upland habitat is best described as shrubs and other brush (FLUCFCS 329). The upland habitat has been disturbed by motor vehicles, which has left a distinct network of unvegetated paths throughout the site. Peripheral areas adjacent to these paths are vegetated by a mixed herbaceous community of sandspurs (*Cenchrus* sp.), lovegrass (*Eragrostis elliottii*), threeawn grass (*Aristida* sp.), spermacoce (*Spermacoce* sp.), and begger-ticks (*Bidens alba*). A few slash pine (*Pinus elliottii*), melaleuca (*Melaleuca quinquenervia*), and Australian pine (*Casuarina equisetifolia*) are found scattered

throughout the site. Dense stands of Brazilian pepper (*Schinus terebinthifolius*) are found around each stand of trees and in the upland areas adjacent to the lake.

Wetlands and Surface Waters: The east portion of the site contains open water habitat associated with Granada Lake (FLUCFCS 523). The shallow transitional area between the open water habitat and the upland edge is vegetated by a stand of melaleuca (FLUCFCS 619).

THREATENED AND ENDANGERED SPECIES

The U.S. Fish and Wildlife Service (USFWS) and Florida Department of Agriculture and Consumer Services (FDACS) compile lists of threatened and endangered plants in Florida. The USFWS classifies protected plants as either endangered or threatened, while FDACS categorizes plants as endangered, threatened, or "commercially exploited." Table 1 lists the federal and state protected plants documented to occur in Lee County and the potential for their occurrence in the study area. There were no federal or state listed plants found in the study area. Most of the listed plants are endemic to undisturbed xeric upland and wetland habitats. The history of disturbance on this site reduces the likelihood that any listed plants would occur on the site. Thus, no coordination with the USFWS nor the FDACS related to listed plants should be necessary.

The USFWS and the Florida Fish and Wildlife Conservation Commission (FFWCC) compile lists of wildlife considered to be under a possible threat of extinction. These species are categorized as either endangered or threatened. The FFWCC utilizes an additional category - "species of special concern" (SSC) - for several animals that may ultimately be listed as endangered or threatened. This classification provides the SSC-listed animal with a particular level of protection that varies from species to species. Table 2 lists the federal and state protected animals known to occur in Lee County and the potential for their occurrence in the project area. No protected animals were observed on-site during the site review. Most of the listed animals known to occur in Lee County occur in undisturbed xeric upland habitats or marine habitats. The upland habitat on the study area has been subjected to a history of disturbance that limits the potential for the site to provide significant wildlife habitat. In addition, the site is located between a man-made lake surrounded by residential and commercial development and a heavily traveled highway. The location of this site in the broad landscape also limits the potential for the site to support listed wildlife. Due to the proximity of the site to open water bodies, a bald eagle nest search was conducted following the procedures for the FFWCC's *Eagle Nest Locator Database* (2002). There are no records of any active bald eagle nest located within one mile of the study area (Appendix B). Thus, no coordination with the USFWS or the FFWCC regarding listed animals should be necessary.

WETLAND AGENCY JURISDICTION

Federal and state regulatory agencies that may have jurisdiction over the on-site surface waters and associated wetland include the USACE and the SFWMD. Based on the site investigation, the landward limits of the wetland and surface water appear to be at the top of bank of the lake, as is consistent with man-made lakes (Figure 4). The top of bank was surveyed previously and is used as the jurisdictional limits in Figure 4.

ARCHAEOLOGICAL AND HISTORICAL RESOURCES

The Florida Division of Historical Resources reviewed the Florida Master Site File for any known historical resources in Section 7, Township 46 South, and Range 25 South in which the study area lies. The DHR found no record of any historical resources in the vicinity of the study area (Appendix C).

Table 1. State and Federal Listed Plant Species Documented in Lee County and the Potential for Occurrence within the Barbour Study Site.

Source: Lotspeich and Associates, Inc.

SCIENTIFIC NAME COMMON NAME	DESIGNATED STATUS		HABITAT and FLOWERING SEASON	LIKELIHOOD OF OCCURRENCE	OBSERVED
	FDACS	FWS			
<i>Acrostichum aureum</i> Golden leather fern	T	-	Coastal hammocks, tidal marsh	Low, no habitat on-site	No
<i>Andropogon arcatus</i> Pinewood bluestem	T	-	Flatwoods; Oct-Nov	Low, no habitat on-site	No
<i>Asclepias curtissii</i> Curtis' milkweed	E	-	Sand pine scrub, dry hammocks, flatwoods; May-Sep	Low - Moderate, poor habitat on-site	No
<i>Asplenium serratum</i> Bird's nest spleenwort	E	-	Swamps and hammocks on fallen logs	Low, no habitat on-site	No
<i>Bletia purpurea</i> Pine-pink orchid	T	-	Cypress strand; Apr-May	Low, no habitat on-site	No
<i>Bonamia grandiflora</i> Florida bonamia	E	T	Scrub; Apr-Sep	Low - Moderate, poor habitat on-site	No
<i>Burmanna flava</i> Fakahatchee burmannia	E	-	Wet flatwoods, Big Cypress Swamp; Jan	Low, no habitat on-site	No
<i>Calopogon multiflorus</i> Many-flowered grass-pink	E	-	Damp pinelands and meadows (fire maintained); Mar-Jun	Low, no habitat on-site	No
<i>Celosia nitida</i> Slender celosia	E	-	Hardwood hammocks, coastal dunes; Summer	Low, no habitat on-site	No
<i>Celtis iguanaea</i> Iguana hackberry	E	-	Shell mounds, tidal swamps	Low, no habitat on-site	No
<i>Celtis pallida</i> Spiny hackberry	E	-	Shell mounds, tidal swamps	Low, no habitat on-site	No
<i>Cereus gracilis</i> West coast prickly-apple	E	-	Shell mounds, rockland hammocks, maritime hammocks;	Low, no habitat on-site	No
<i>Cereus pentagonus</i> Barbed-wire cactus	T	-	Maritime hammocks, beaches; all year	Low, no habitat on-site	No
<i>Chamaesyce cumulicola</i> Sand-dune spurge	E	-	Coastal dunes, coastal scrub	Low - Moderate, poor habitat on-site	No
<i>Chamaesyce deltoidea</i> Rockland spurge	E	E	Pine rocklands, coastal berm, coastal grassland; all year	Low, no habitat on-site	No
<i>Crossopetalum rhacoma</i> Rhacoma	E	-	Pine rocklands, rockland hammocks, coastal strand; all year	Low, no habitat on-site	No
<i>Cyrtopodium punctatum</i> Butterfly orchid	E	-	Rockland hammocks, marl prairie, strand swamp	Low, no habitat on-site	No
<i>Deeringothamnus pulchellus</i> Beautiful pawpaw	E	E	Grassy flatwoods, road edges; Mar-May	Low, no habitat on-site	No
<i>Encyclia cochleata</i> Florida clamshell orchid	E	-	Rockland hammocks, dome swamps, strand swamps; all year.	Low, no habitat on-site	No

Table 1 - continued

SCIENTIFIC NAME COMMON NAME	DESIGNATED STATUS		HABITAT and FLOWERING SEASON	LIKELIHOOD OF OCCURRENCE	OBSERVED
	FDACS	FWS			
<i>Epidendrum anceps</i> Dingy-flowered epidendrum	E	-	Rockland hammocks, dome swamps, strand swamps, hammocks; all year	Low, no habitat on-site	No
<i>Epidendrum difforme</i> Umbelled epidendrum	E	-	Hammocks	Low, no habitat on-site	No
<i>Epidendrum rigidum</i> Rigid epidendrum	E	-	Rockland hammocks, dome swamps, strand swamps; Oct-May	Low, no habitat on-site	No
<i>Eragrostis tracyi</i> Sanibel lovegrass	E	-	Beach dunes, maritime hammocks, coastal strand, coastal grassland, old fields, clearings, disturbed sites; all year	Low - Moderate, poor habitat on-site	No
<i>Eugenia confusa</i> Redberry eugenia	E	-	Rockland hammocks; Mar-Jul	Low, no habitat on-site	No
<i>Gossypium hirsutum</i> Wild cotton	E	-	Coastal hammocks, shell mounds, coastal berm; all year	Low - Moderate, poor habitat on-site	No
<i>Habenaria distans</i> Distans habenaria	E	-	Hydric hammocks, strand swamps; Aug-Sep	Low, no habitat on-site	No
<i>Hexalectris spicata</i> Crested coralroot	E	-	Pine-hickory woods; secondary woods, calcareous hammocks; Jun-Aug	Low, no habitat on-site	No
<i>Jacquinia keyensis</i> Joewood	T	-	Coastal strand, coastal grassland, maritime hammocks, rocky pineland; all year	Low, no habitat on-site	No
<i>Lantana depressa</i> Pineland lantana	E	-	Pine rockland, coastal strand, coastal grasslands, beach berm, marl prairies; May-Nov	Low - Moderate, poor habitat on-site	No
<i>Lechea cernua</i> Scrub pinweed	T	-	Sandy openings in scrub, fire maintained; Jul-Jan	Low - Moderate, poor habitat on-site	No
<i>Lechea divaricata</i> Spreading pinweed	E	-	Dry sandy soil, scrubby flatwoods; May-Oct	Low - Moderate, poor habitat on-site	No
<i>Lilium catesbaei</i> Catesby's lily	T	-	Wet flatwoods, bogs, usually with grasses; Jul-Oct	Low, no habitat on-site	No
<i>Lycopodium cernuum</i> Nodding club-moss	C	-	Wet depressions, ditches, moist areas	Low, no habitat on-site	No
<i>Lythrum flagellare</i> Lowland loosestrife	E	-	Low open ground, swamps, thickets; Spring	Low, no habitat on-site	No
<i>Maytenus phyllanthoides</i> Mayten	T	-	Hammocks, dunes	Low - Moderate, poor habitat on-site	No
<i>Myrcianthes fragrans</i> Simpson's stopper	T	-	Hammocks, tropical/coastal; all year	Low, no habitat on-site	No
<i>Nephrolepis biserrata</i> Giant sword fern	T	-	Mesic hammocks, roadside, clearings, swamps; all year	Low, no habitat on-site	No

Table 1 - continued

SCIENTIFIC NAME COMMON NAME	DESIGNATED STATUS		HABITAT and FLOWERING SEASON	LIKELIHOOD OF OCCURRENCE	OBSERVED
	FDACS	FWS			
<i>Nolina atopocarpa</i> Florida beargrass	T	-	Grassy areas of flatwoods, bordering savannahs, shell middens; May-Aug	Low, no habitat on- site	No
<i>Ophioglossum palmatum</i> Hand fern	E	-	Bases of cabbage palm leaves in moist hammocks, strand swamps; Mar-Jun	Low, no habitat on- site	No
<i>Opuntia stricta</i> Shell mound prickly pear	T	-	Shell mounds, coastal areas; all year	Low, no habitat on- site	No
<i>Osmunda cinnamomea</i> Cinnamon fern	C	-	Swamps and wetlands; Spring	Low, no habitat on- site	No
<i>Osmunda regalis</i> Royal fern	C	-	Swamps and wetlands; all year	Low, no habitat on- site	No
<i>Pinguicula lutea</i> Yellow flowered butterwort	T	-	Sandy to sandy-peaty soils of pine flatwoods, ditches and roadsides, and seepage bogs; Feb-May	Low, no habitat on- site	No
<i>Platanthera nivea</i> Snowy orchid	T	-	Bogs, wet pine savannas and flatwoods, wet prairies; May-Jun	Low, no habitat on- site	No
<i>Polystachya concreta</i> Pale-flowered polystachya	E	-	Strand swamps; all year	Low, no habitat on- site	No
<i>Ruellia noctiflora</i> Night-flowering ruellia	E	-	Wet flatwoods, seepage slopes; May-Aug	Low, no habitat on- site	No
<i>Scaevola plumieri</i> Inkberry	T	-	Beaches, coastal strand; all year	Low, no habitat on- site	No
<i>Setaria chapmanii</i> Coral panic grass	E	-	Cleared areas, cultivated fields, shell mounds, hammocks, prairies and bay shores	Low - Moderate, poor habitat on-site	No
<i>Spiranthes brevilabris</i> Small ladies'-tresses	E	-	Pine flatwoods; Feb-May	Low, no habitat on- site	No
<i>Spiranthes longilabris</i> Long-lip ladies'-tresses	T	-	Prairies, flatwoods, marshes, sandy bogs; Nov- Dec	Low, no habitat on- site	No
<i>Spiranthes torta</i> Southern ladies'-tresses	E	-	Rockland pinelands, marl prairies; May-Jun	Low, no habitat on- site	No
<i>Spiranthes tuberosa</i> Little pearl-twist	T	-	Dry acid soil, open pine- palmetto woods, pine flatwoods; Jun	Low, no habitat on- site	No
<i>Stenorrhynchos lanceolatus</i> Terra-cotta orchid	T	-	Open pastures, roadside, wet pine flatwoods, sandhills; Apr-Jul	Low, no habitat on- site	No
<i>Stylisma abdita</i> Hidden stylisma	E	-	Pinelands, scrub; Spring- Summer	Low - Moderate, poor habitat on-site	No
<i>Thelypteris reticulata</i> Lattice-vein fern	E	-	Hammocks in cypress swamps, wet roadsides	Low, no habitat on- site	No
<i>Tillandsia balbisiana</i> Inflated wild-pine	T	-	Hammocks, cypress swamps, pinelands, scrub; Fall	Low, no habitat on- site	No

Table 1 - continued

SCIENTIFIC NAME COMMON NAME	DESIGNATED STATUS		HABITAT and FLOWERING SEASON	LIKELIHOOD OF OCCURRENCE	OBSERVED
	FDACS	FWS			
<i>Tillandsia flexuosa</i> Twisted air plant	E	-	Shell ridges or mounds, hammocks, swamps; mangrove, pinelands, scrub; Spring-Summer	Low, no habitat on-site	No
<i>Tillandsia utriculata</i> Giant wild-pine	E	-	Hammocks, cypress swamps, pinelands	Low, no habitat on-site	No
<i>Verbena tampanensis</i> Tampa vervain	E	-	Flatwoods, hammocks, sandy soils, disturbed sites; Jan-Jun	Low - Moderate, poor habitat on-site	No
<i>Vernonia blodgettii</i> Blodgett's ironweed	E	-	Low pinelands; all year	Low, no habitat on-site	No
<i>Zamia floridana</i> Florida coontie	C	-	Scrub, oak hammock, well- drained sandy or loamy soils; Fall-Winter	Low - Moderate, poor habitat on-site	No
<i>Zamia umbrosa</i> East coast coontie	C	-	Scrub, oak hammock, well- drained sandy or loamy soils; Fall-Winter	Low - Moderate, poor habitat on-site	No
<i>Zephranthes simpsonii</i> Simpson's zephyr-lily	T	-	Wet pinelands and pastures, roadsides; Spring	Low, no habitat on-site	No

LEGEND:

- E = Endangered
 T = Threatened
 C = Commercially exploited
 FDACS = Florida Department of Agriculture and Consumer Services (June 1998)
 FWS = U.S. Fish and Wildlife Service

Table 2. State and Federally Listed Animal Species Documented in Lee County and the Potential for Occurrence within the Barbour Study Site.

Source: Lotspeich and Associates, Inc.

SCIENTIFIC NAME COMMON NAME	DESIGNATED STATUS		HABITAT	LIKELIHOOD OF OCCURRENCE	OBSERVED
	FWC	FWS			
BIRDS					
<i>Ajaia ajaja</i> Roseate spoonbill	SSC	-	Salt marshes, mangroves, wet prairies, marshes, and agricultural environments	Low - Moderate, poor habitat on-site	No
<i>Aphelocoma c. coerulescens</i> Florida scrub jay	T	T	Oak scrub with open ground	Low - Moderate, poor habitat on-site	No
<i>Aramus guarauna</i> Limpkin	SSC	-	Slow-moving freshwater rivers, marshes, and lakeshores	Low - Moderate, poor habitat on-site	No
<i>Campephilus principalis principalis</i> Ivory-billed woodpecker	E	E	Cypress swamps	Low - No habitat on-site	No
<i>Charadrius alexandrinus tenuirostris</i> Southeastern snowy plover	T	-	Coastal beaches	Low - No habitat on-site	No
<i>Charadrius melodus</i> Piping plover	T	T	Beach dune, exposed marine and estuarine substrate	Low - No habitat on-site	No
<i>Egretta caerulea</i> Little blue heron	SSC	-	Marshes, lakeshores, ponds, ditches, and pastures	Low - Moderate, poor habitat on-site	No
<i>Egretta thula</i> Snowy egret	SSC	-	Marshes, lakeshores, ponds, ditches, and pastures	Low - Moderate, poor habitat on-site	No
<i>Falco peregrinus tundrius</i> Arctic peregrine falcon	E	-	Needs plentiful supply of birds for food, perches for roosting and feeding		No
<i>Falco sparverius paulus</i> Southeastern American kestrel	T	-	Forest ecotone, urban areas, farm lands, and clearings	Low - No habitat on-site	No
<i>Grus canadensis pratensis</i> Florida sandhill crane	T	T	Wet prairies, littoral zones, and wet pastures; nests in pickerelweed-maidencane marshes	Low - Moderate, poor habitat on-site	No
<i>Haematopus palliatus</i> American oystercatcher	SSC	-	Coastal beaches	Low - No habitat on-site	No
<i>Haliaeetus leucocephalus</i> Southern bald eagle	T	T	Coastal areas, large lakes, and river shorelines; nests near water bodies	Low - Moderate, poor habitat on-site	No
<i>Mycteria americana</i> Wood stork	E	E	Marshes, ponds, and lagoons; nests in cypress and mangrove swamps	Low - Moderate, poor habitat on-site	No
<i>Pelecanus occidentalis</i> Brown pelican	SSC	-	Coastal marine and estuarine habitats	Low - No habitat on-site	No
<i>Picoides borealis</i> Red-cockaded woodpecker	T	E	Mature longleaf and slash pine forests with open mid-story	Low - No habitat on-site	No
<i>Polyborus plancus audubonii</i> Audubon's crested caracara	T	T	Prairies, open grassland; nest in cabbage palm hammock	Low - No habitat on-site	No
<i>Rostrhamus sociabilis</i> Snail kite	E	E	Freshwater marsh	Low - No habitat on-site	No
<i>Speotyto cunicularia</i> Burrowing owl	SSC	-	Open grassland, prairies, farm land, pastures, and airfields; can be found in urban settings	Low - Moderate, poor habitat on-site	No

Table 2 - continued

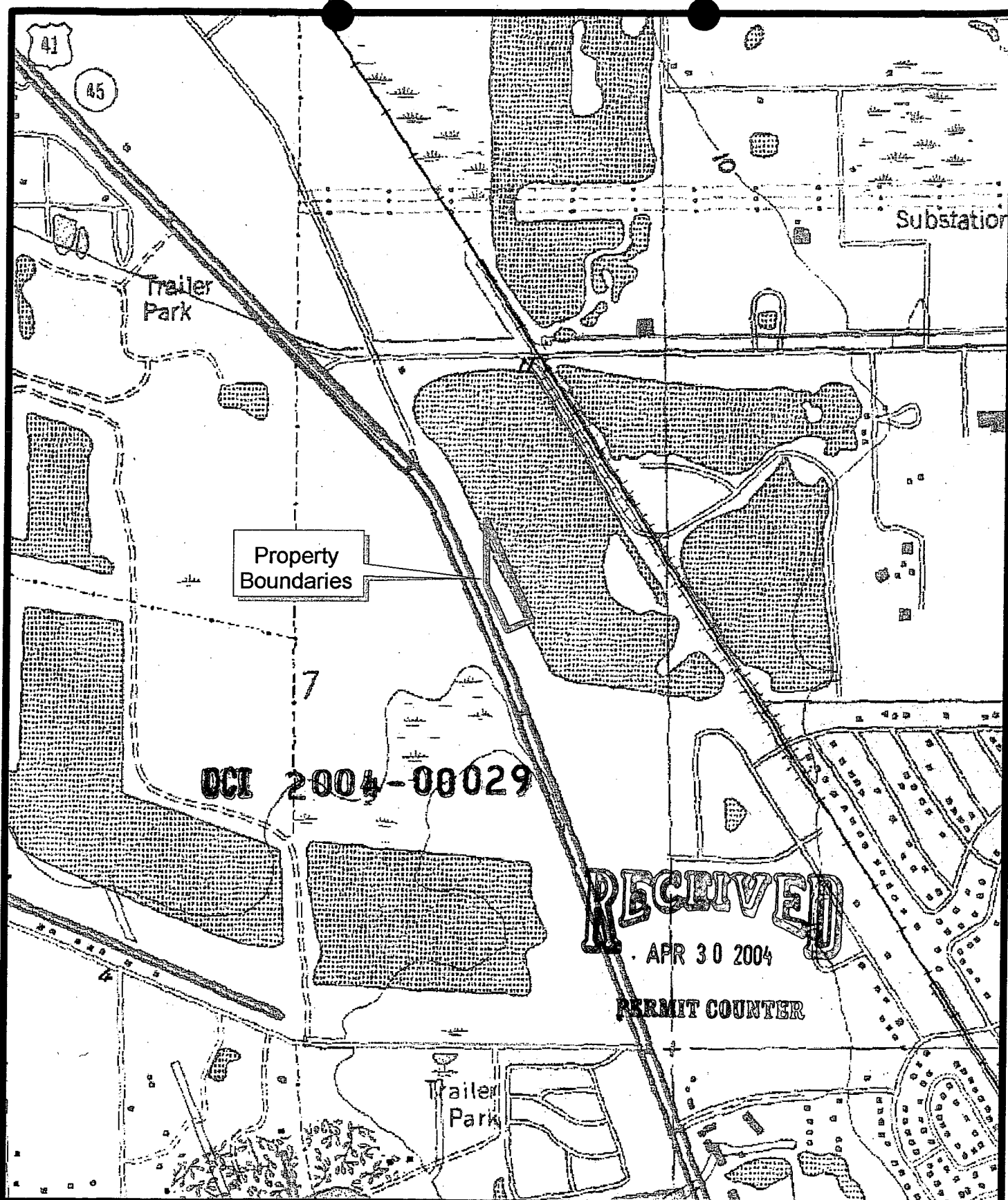
SCIENTIFIC NAME COMMON NAME	DESIGNATED STATUS		HABITAT	LIKELIHOOD OF OCCURRENCE	OBSERVED
	FWC	FWS			
<i>Sterna antillarum</i> Least tern	T	-	Open flat sand or gravel, spoil areas, and roof-tops; adjacent to coastal areas	Low - No habitat on- site	No
<i>Vermivora bachmanii</i> Bachman's warbler	E	E	Nests in hardwood swamps; migrants occur in a variety of woodlands, usually in lowlands	Low - No habitat on- site	No
MAMMALS					
<i>Balaena glacialis</i> Right whale	E	E	Near shore shallow water, in large bays	Low - No habitat on- site	No
<i>Balaenoptera borealis</i> Sei whale	E	E	Near and offshore temperate open seas	Low - No habitat on- site	No
<i>Balaenoptera physalus</i> Finback whale	E	E	Inshore and offshore	Low - No habitat on- site	No
<i>Blarina brevicauda shermanii</i> Sherman's short-tailed shrew	SSC	-	Dense grassy areas	Low - No habitat on- site	No
<i>Crocodylus aculus</i> American crocodile	-	E	Mangrove, seagrass	Low - No habitat on- site	No
<i>Felis concolor coryi</i> Florida panther	E	E	Vast areas of most vegetation	Low - Moderate, poor habitat on-site	No
<i>Megaptera novaeangliae</i> Humpback whale	E	E	Along coasts, continental shelf, island banks, open seas	Low - No habitat on- site	No
<i>Mustela vison evergladensis</i> Everglades mink	T	-	Shallow wetlands	Low - No habitat on- site	No
<i>Oryzomys palustris sanibelli</i> Sanibel Island rice rat	SSC	-	Low wet areas	Low - No habitat on- site	No
<i>Physeter catodon</i> Sperm whale	E	E	Temperate and tropical oceans, edge of continental shelf	Low - No habitat on- site	No
<i>Podomys floridanus</i> Florida mouse	SSC	-	Sand pine scrub, coastal scrub, scrubby flatwoods, and sandhills	Low - Moderate, poor habitat on-site	No
<i>Sciurus niger avicennia</i> Cypress fox squirrel	T	-	Cypress swamps, pine flatwoods, tropical hardwood swamp, mixed hardwoods, and suburban habitats	Low - Moderate, poor habitat on-site	No
<i>Trichechus manatus latirostris</i> West Indian Manatee	E	E	Caloosahatchee River and in coastal waters	Low - No habitat on- site	No
<i>Ursus americanus floridanus</i> Florida black bear	T	-	Pine flatwoods, cypress swamps, hardwood swamp, sand pine scrub, and mixed hardwoods	Low - Moderate, poor habitat on-site	No
AMPHIBIANS AND REPTILES					
<i>Alligator mississippiensis</i> American alligator	SSC	T(s/a)	Lakes, ponds, sloughs, and marshes	Moderate, poor habitat on-site	No
<i>Caretta caretta</i> Loggerhead sea turtle	T	T	Continental shelves, bays, lagoons, and estuaries in temperate, subtropical, and tropical waters	Low - No habitat on- site	No

Table 2 - continued

SCIENTIFIC NAME COMMON NAME	DESIGNATED STATUS		HABITAT	LIKELIHOOD OF OCCURRENCE	OBSERVED
	FWC	FWS			
<i>Chelonia mydas</i> Green sea turtle	E	E	Ranges throughout tropics and subtropics; nests primarily on Florida's east coast beaches	Low - No habitat on-site	No
<i>Dermochelys coriacea</i> Leatherback sea turtle	E	E	Nest on tropical beaches, usually on mainland shores of the Atlantic, Indian, Pacific oceans	Low - No habitat on-site	No
<i>Drymarchon corais couperi</i> Eastern indigo snake	T	T	Varied habitats from wet prairie to xeric pineland and scrub	Low - Moderate, poor habitat on-site	No
<i>Elaphe guttata guttata</i> Red rat snake	SCC	-	Woodland habitats, disturbed sites	Low - Moderate, poor habitat on-site	No
<i>Eretmochelys imbricata</i> Hawksbill sea turtle	E	E	Coral reefs; hardbottom habitats including limestone ledges and outcroppings	Low - No habitat on-site	No
<i>Gopherus polyphemus</i> Gopher tortoise	SSC	-	Sandhills, sand pine scrub, live oak hammocks, palmetto prairie, pine flatwoods, abandoned grove, and pasture	Low - Moderate, poor habitat on-site	No
<i>Pituophis melanoleucus mugitus</i> Florida pine snake	SSC	-	Longleaf pine-xeric oak, sand pine scrub, dry pine flatwoods, and abandoned fields on well drained soils	Low - Moderate, poor habitat on-site	No
<i>Rana capito</i> Gopher frog	SSC	-	Sandhill, pine flatwoods, and sand pine scrub; needs ephemeral marshes for breeding	Low - Moderate, poor habitat on-site	No

LEGEND:

- E = Endangered
- T = Threatened
- T(s/a) = Threatened due to similarity of appearance
- SSC = Species of Special Concern
- FWC = Florida Fish and Wildlife Conservation Commission (August 1997)
- FWS = U.S. Fish and Wildlife Service (September 1998)



Lotspeich and Associates, Inc.

ECOLOGICAL CONSULTANTS

2711 West Fairbanks Avenue, Winter Park, Florida 32789
(407) 740-8482 Fax - 645-1305 www.lotspeichandassociates.com

Barbour Property

3.0 +/- acres in
Section 7, Township 46 South, Range 25 East
Lee County, Florida

Topographic Map

Source: FDEP, 2001, Estero Quadrangle

File: 2003-157.APR

Drawn By:

JM

Job No.: 2003-157.33

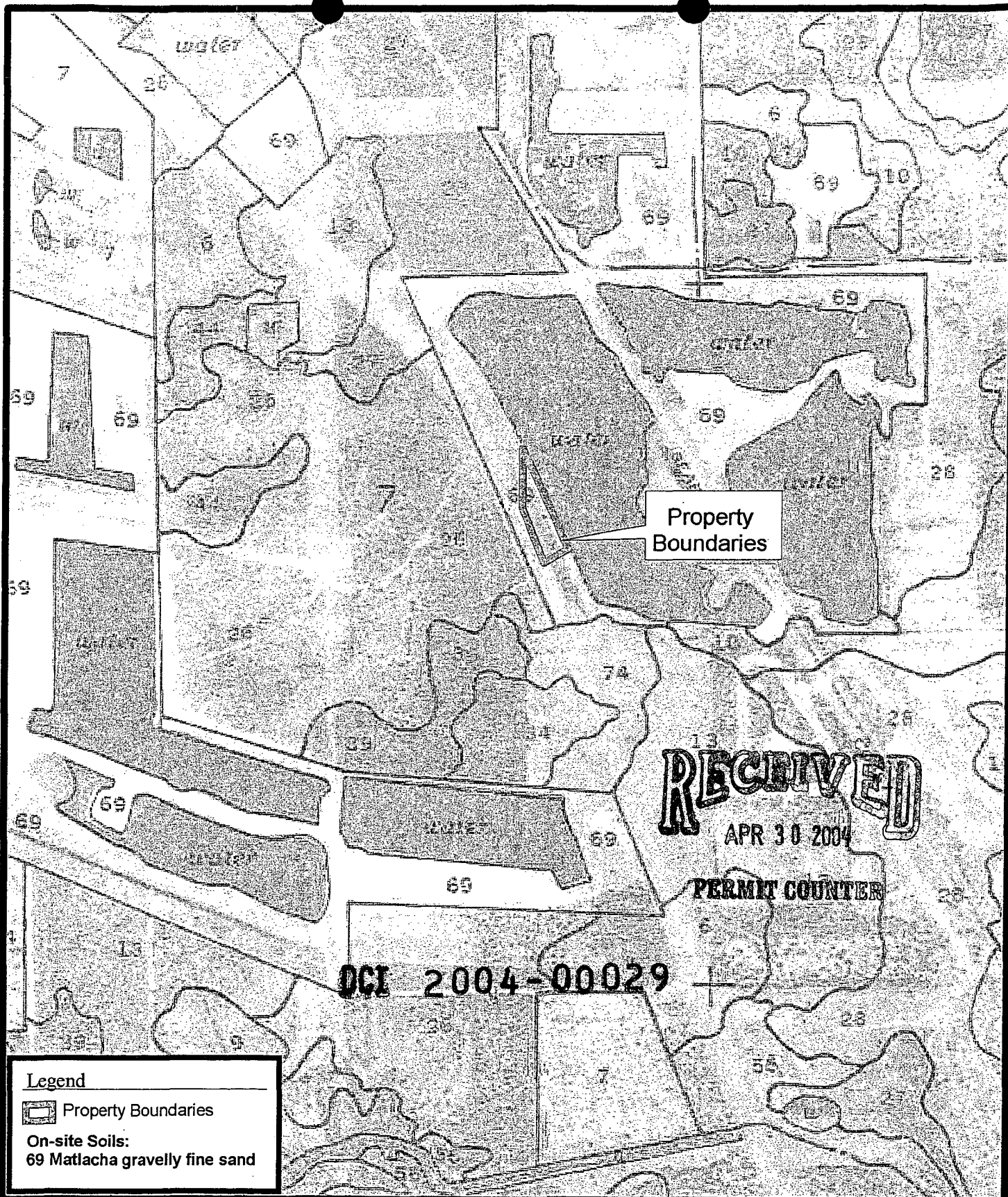
Date: 20 Oct. 2003



North

Scale: 1" = 1,000'

Figure 2



Lotspeich and Associates, Inc.
ECOLOGICAL CONSULTANTS
2711 West Fairbanks Avenue, Winter Park, Florida 32789
(407) 740-8482 Fax - 645-1305 www.lotspeichandassociates.com

Barbours Property

3.0 +/- acres in
Section 7, Township 46 South, Range 25 East
Lee County, Florida

Soils Map

Soils Data Source: St. Johns River Water Management District



North

Scale: 1" = 1,000'

Figure 3

File:2003-157.APR

Drawn By:

JM

Job No.: 2003-157.33

Date: 20 Oct. 2003

Soil Legend

Lee County, Florida

U.S. Department of Agriculture

Soil Conservation Service

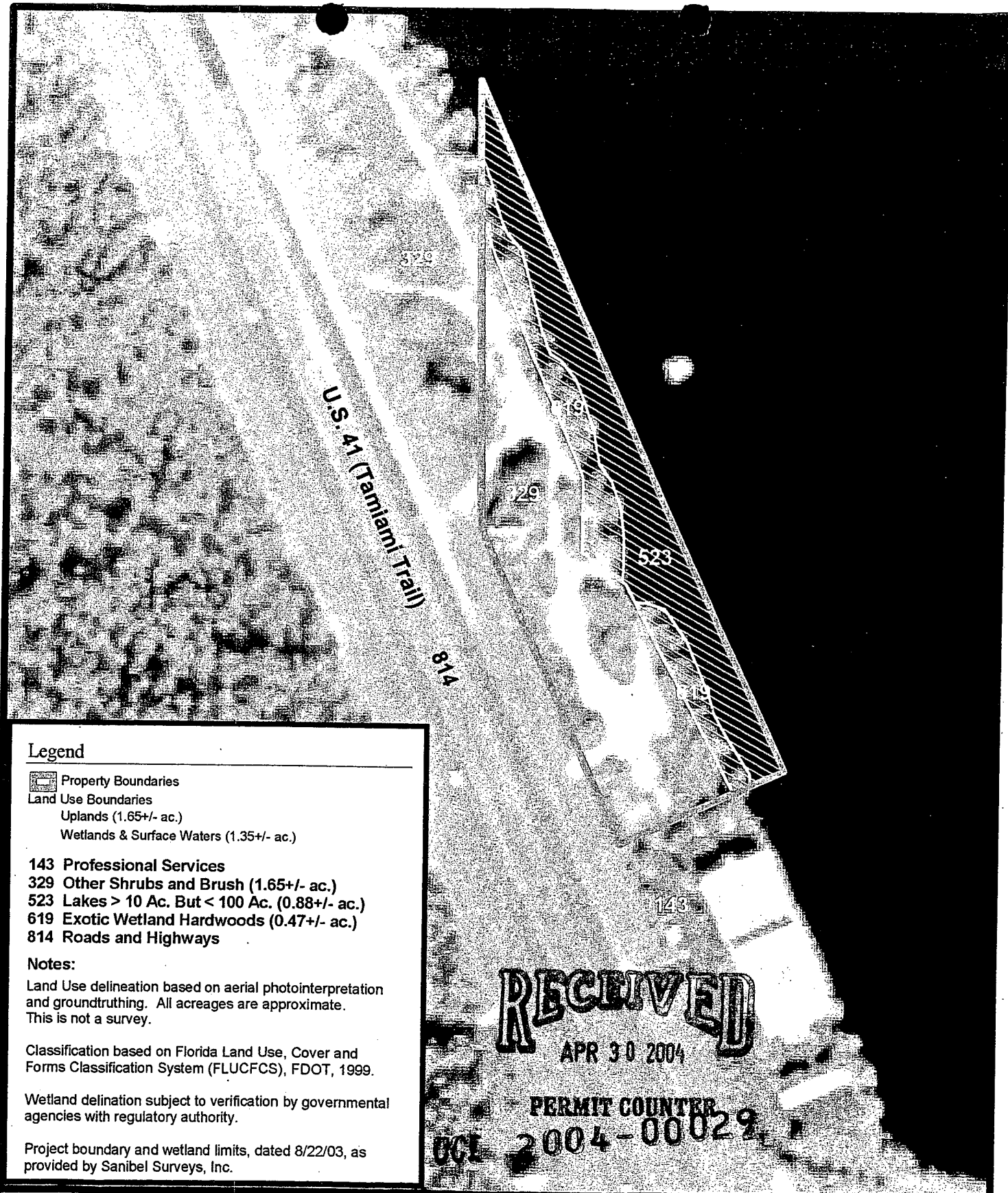
issued: December 1984

The recommended publication symbols are numerical. Map units without percent slope designated are either level or nearly level or they are miscellaneous areas.

2		Canaveral fine sand, 0 to 5 percent slopes	38	△◇★	Isles fine sand, slough
4		Canaveral-Urban Land complex	39	△◇★	Isles fine sand, depressional
5	△◇★	Captiva fine sand	40	△◇★	Anclote sand, depressional
6	△	Hallandale fine sand	41	△◇★	Valkaria fine sand, depressional
7		Matlacha-Urban Land complex	42	△	Wabasso sand, limestone substratum
8	△	Hallandale fine sand, tidal	43	△	Smyrna fine sand
9	△	EauGallie sand	44	△◇★	Malabar fine sand depressional
10	△◇★	Pompano fine sand	45	△◇★	Copeland sandy loam, depressional
11	△	Myakka fine sand	48		St. Augustine fine sand
12	△◇★	Felda fine sand	49	△◇★	Felda fine sand, depressional
13	△	Boca fine sand	50		Oldsmar fine sand, limestone substratum
14	△◇★	Valkaria fine sand	51	△◇★	Floridana sand, depressional
15	△◇★	Estero muck	53	△◇★	Myakka fine sand, depressional
16	△◇★	Peckish mucky fine sand	55		Cocoa fine sand
17		Daytona sand	56	△◇★	Isles muck
18		Matlacha gravelly fine sand, limestone substratum	57	△◇★	Boca fine sand, tidal
19	△◇★	Gator muck	59		Urban land
20	△◇★	Terra Ceia muck	61		Orsino fine sand
22	◇★	Beaches	62	△◇★	Winder sand, depressional
23	△◇★	Wulfert muck	63	△	Malabar fine sand, high
24	△◇★	Kesson fine sand	64	△	Hallandale-Urban Land complex
25		St. Augustine sand, organic substratum-Urban Land complex	66		Caloosa fine sand
26	△◇★	Pineda fine sand	67	△	Smyrna-Urban Land complex
27	△◇★	Pompano fine sands, depressional	69		Matlacha gravelly fine sand
28		Immokalee sand	70		Heights fine sand
29	△	Punta fine sand	72	△	Bradenton fine sand
33		Oldsmar sand	73	△◇★	Pineda fine sand, depressional
34	△◇★	Malabar fine sand	74	△◇★	Boca fine sand, slough
35	△	Wabasso fine sand	75	△◇★	Hallandale fine sand, slough
36	△	Immokalee-Urban Land complex	76		Electra fine sand
37		Satellite fine sand	77	△◇★	Pineda fine sand, limestone substratum
			78	△◇★	Chobee muck

LEGEND

- △ Denotes hydric soils U.S. Army Corps of Engineers, January 1987.
- ◇ Denotes hydric soils South Florida Water Management District.
- ★ Denotes hydric soils Florida Association of Professional Soils Classifiers, July 1990.
- ◎ The composition of these units is more variable than that of others in the survey area, but has been controlled well enough to be interpreted for the expected use of the soils.



Legend

- Property Boundaries
- Land Use Boundaries
 - Uplands (1.65+/- ac.)
 - Wetlands & Surface Waters (1.35+/- ac.)

- 143 Professional Services
- 329 Other Shrubs and Brush (1.65+/- ac.)
- 523 Lakes > 10 Ac. But < 100 Ac. (0.88+/- ac.)
- 619 Exotic Wetland Hardwoods (0.47+/- ac.)
- 814 Roads and Highways

Notes:

Land Use delineation based on aerial photointerpretation and groundtruthing. All acreages are approximate. This is not a survey.

Classification based on Florida Land Use, Cover and Forms Classification System (FLUCFCS), FDOT, 1999.

Wetland delineation subject to verification by governmental agencies with regulatory authority.

Project boundary and wetland limits, dated 8/22/03, as provided by Sanibel Surveys, Inc.

RECEIVED
APR 30 2004

PERMIT COUNTER

2004-00022



Lotspeich and Associates, Inc.

ECOLOGICAL CONSULTANTS

2711 West Fairbanks Avenue, Winter Park, Florida 32789
(407) 740-8482 Fax - 645-1305 www.lotspeichandassociates.com

Barbour Property

3.0 +/- acres in
Section 7, Township 46 South, Range 25 East
Lee County, Florida

**Existing Land
Use (1995)**

Source: Florida Department of Environmental Protection, 2001



North

Scale: 1" = 150'

Figure 4

File:2003-157.APR

Drawn By: JM

Job No.: 2003-157.33 Date: 20 Oct. 2003

APPENDIX A

Primary and Secondary Information Sources

Primary information sources utilized for the Barbour Study Site :

1. USGS Topographic Survey Map: Estero, FL Quadrangle, photorevised 2001; scale = 1:24,000;
2. Soil Survey of Lee County. 1989. United States Soil Conservation Service. Scale = 1:24,000;
3. Florida Fish and Wildlife Conservation Commission (F.K.A. Game and Freshwater Fish Commission), 1 August 1997, Florida's Endangered Species, Threatened Species and Species of Special Concern *Official Lists*;

Secondary information sources utilized for the Barbour Study Site:

1. United States Army Corps of Engineers, Section 404 of the Clean Water Act (33 U.S.C. 1344) and 33 CFR Parts 320 through 330;
2. United States Army Corps of Engineers Wetlands Delineation Manual. Technical Report Y-87-1. 1987;
3. Florida Association of Professional Soil Classifiers, Hydric Soils of Florida Handbook, 1990;
4. Cowardin, Lewis M., Virginia Carter, Francis C. Golet and Edward T. LaRoe. 1979. Classification of wetlands and deep water habitats of the United States. Office of Biological Services, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 103 pp.;
5. Florida Department of Transportation, January 1999, Florida Land Use, Cover and Forms Classification System, Level III;
6. South Florida Water Management District Management; Basis of Review for Environmental Resource Permit Applications;
7. Florida Game and Freshwater Fish Commission, September 1991, Florida Atlas of Breeding Sites for Herons and Their Allies, update 1986-1989, Florida Game and Fresh Water Fish Commission Non-Game Wildlife Program, Technical Report 10.

APPENDIX C

Florida Division of Historical Resources Master Site File Search Results



FLORIDA DEPARTMENT OF STATE
Glenda E. Hood
Secretary of State
DIVISION OF HISTORICAL RESOURCES

October 21, 2003

Ms. Anne M. Hague
Lotspeich and Associates Inc.
2711 W. Fairbanks Ave.
Winter Park, FL 32789
FAX: 407-645-1305

Dear Ms. Hague:

In response to your inquiry of October 21, 2003, the Florida Master Site File lists no previously recorded cultural resources in the following parcels of Lee County:

T46S, R25E, Section 07

In interpreting the results of our search, please remember the following points:

- Areas which have not been completely surveyed, such as yours, may contain unrecorded archaeological sites, unrecorded historically important structures, or both.
- As you may know, state and federal laws require formal environmental review for some projects. Record searches by the staff of the Florida Master Site File do not constitute such a review of cultural resources. If your project falls under these laws, you should contact the Compliance Review Section of the Bureau of Historic Preservation at 850-245-6333 or at this address.

Sincerely,

For

Neal Engel, 850-245-6440
Data Analyst, Florida Master Site File
Division of Historical Resources
R. A. Gray Building
500 South Bronough Street
Tallahassee, Florida 32399-0250

OCI 2004-00029

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APR 30 2004

PERMIT COUNTER

State SunCom: 205-6440
Fax line: 850-245-6439
Email: fmsfile@dos.state.fl.us
Web: <http://www.dos.state.fl.us/dhr/msf/>

500 S. Bronough Street • Tallahassee, FL 32399-0250 • <http://www.flheritage.com>

☐ Director's Office
(850) 245-6300 • FAX: 245-6435

☐ Archaeological Research
(850) 245-6444 • FAX: 245-6436

☐ Historic Preservation
(850) 245-6333 • FAX: 245-6437

☐ Historical Museums
(850) 245-6400 • FAX: 245-6433

☐ Palm Beach Regional Office

☐ St. Augustine Regional Office

☐ Tampa Regional Office

TOTAL P.01

2003-157.46

APPENDIX B

Bald Eagle Database Search Results

ATTACHMENT J

Lotspeich and Associates, Inc.

ECOLOGICAL CONSULTANTS, 2711 WEST FAIRBANKS AVENUE, WINTER PARK, FLORIDA 32789-3314
TELEPHONE: 407-740-8482 FAX: 407-645-1305 WWW.LOTSPEICHANDASSOCIATES.COM

CONFERENCE MEMO TO FILE

PROJECT	Barbour Property	DATE	10/22/03
WITH	State of Florida Fish and Wildlife Conservation Commission		
TELEPHONE #	L&A Job#:	2003-157.45	

ITEMS DISCUSSED

This Site is located:

in Section 7, Township 46 South and Range 25 East

Lee County, Florida

Latitude: 26 °29.33'N

Longitude: 81 ° 50.58'W

Area Searched:

3 mile radius of Latitude: Latitude: 26 °29.33'N and Longitude: 81 ° 50.58'W

Following the search procedures for the FFWCC's Eagle nest locator database (2002), there is no nest within one (1) mile of the project study area.

Other nest(s) close to study area:

Nest LE044 is located at Sec. 45, T45S, R24E, approximately 2.4 miles northwest of study area

RESEARCH INFO

Research sources: <http://wld.fwc.state.fl.us/eagle/eaglenests/nestsearch>

Information Last Updated: 7 February 2003

"This site is compiled and maintained by Wildlife Technology Services in the Division of Wildlife for the Florida Fish and Wildlife Conservation Commission. Bald eagle nest location data are current as of the end of the 2002 nesting season (mid-April 2002). This database contains records for all known and verified bald eagle nests in the state of Florida that were surveyed by the FWC during the period of 1998-2002. Nests discovered more recently than this are not yet included in the database. Each year, a number of new nest sites are found. For this reason, users of this database are cautioned that the absence of an eagle nest record for a given property does not necessarily mean nesting eagles are not present. This nest locator service is not meant to replace a specific on-the-ground survey."

Topo Quad(s): Estero

ACTION ITEMS REQUIRED

CC: FILE/RLT

MJH

SIGN:

Ann



TRAFFIC STATEMENT

April 30, 2004

ALICO LAKES

The following indicates the trip generation of the proposed commercial development, to be constructed east of U.S. 41 to the south of the Alico Road intersection in Lee County, Florida. The traffic impact statement being prepared by Metro Transportation Group, Inc. will address the traffic impacts the future use on this parcel will have on the surrounding roadways. This traffic statement is for the sole purpose of obtaining a Development Order for the construction of the residential units within the project.

The anticipated trip generation was based on the Institute of Transportation Engineer's report, titled *Trip Generation*, 7th Edition. The land use code for retail (LUC 820) was utilized based on the Master Concept Plan Schedule of Used, prepared by CPH Engineer's. The table below illustrates the anticipated trip generation for the project, which could include up to 20,000 square feet of floor area.

Trip Generation
Alico Lakes

Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily
	In	Out	Total	In	Out	Total	2-way
20,000 s.f. Retail	35	25	60	105	110	215	2,385

Access to this property will be provided via a single access to U.S. 41. This access is restricted to right-in/right-out movements only.

Table 1A and **Table 2A** indicate that 100th highest hour Level of Service volumes on U.S. 41 at the year after anticipated build-out, or 2007.

Based on the Lee County Turn Lane Policy (AC 11-4), a separate northbound right turn lane will be warranted at the site access drive. This turn lane should be constructed pursuant to FDOT Standard Index #301 standards.

Attachments

ATTACHMENT K

TABLE 1A
PEAK DIRECTION
PROJECT TRAFFIC VS. 10% LOS C LINK VOLUMES
ALICO LAKES

TOTAL PM PEAK HOUR PROJECT TRAFFIC = 215 VPH

ROADWAY	SEGMENT	ROADWAY CLASS	LOS A		LOS B		LOS C		LOS D		LOS E		PROJECT		PROJECT TRAFFIC	PROJ/LOS C
			VOLUME		VOLUME		VOLUME		VOLUME		VOLUME		TRAFFIC			
U.S. 41	S. of Alico Road	6LD	0		1940		3000		3180		3180		100.00%	110		3.7%

Source : Link Specific Level of Service Volumes (Sept. 2003)

TABLE 2A
LEE COUNTY TRAFFIC COUNTS AND CALCULATIONS
ALICO LAKES

TOTAL PROJECT TRAFFIC AM = 60 VPH IN = 35 OUT = 25
 TOTAL PROJECT TRAFFIC PM = 215 VPH IN = 105 OUT = 110

ROADWAY	SEGMENT	Link No.	BASE YR	2003 ADI	YRS OF GROWTH	ANNUAL RATE	2003		2007		2007		2007	
							PK HR	PK SEASON	PK HR	PK SEASON	PERCENT PROJECT	BCKGRND	BCKGRND	BCKGRND
							PEAK DIR. ¹	PEAK DIR.	PEAK DIR.	PEAK DIR.	TRAFFIC	TRAFFIC	TRAFFIC	TRAFFIC
U.S. 41	S. of Alico Road	306	26700	40100	9	4.62%	1902	2279	100.00%	35	110	2314	2389	2389

¹ The 2003 Peak Hour, Peak Season, Peak Direction Traffic Volume was obtained from the 2002/2003-2003/2004 Lee County Concurrency Report

100th Highest Hour Level of Service Analysis

2007		2007		2007	
BCKGRND	BCKGRND	BCKGRND	BCKGRND	BCKGRND	BCKGRND
+ AM PROJ	+ PM PROJ	+ AM PROJ	+ PM PROJ	+ AM PROJ	+ PM PROJ
LOS	LOS	LOS	LOS	LOS	LOS
C	C	C	C	C	C

U.S. 41 S. of Alico Road

Exhibit 6-G

Lee Plan Compliance Justification Statement

Alico Lakes Lot 1
DCI2004-00029

ATTACHMENT L

CPH Engineers, Inc., as agent for Barbour Enterprises, LP 1, is requesting the rezoning of approximately 2.98± acres located immediately south of the corner of Tamiami Trail (US-41) and Alico Road in the San Carlos Park Community region of unincorporated Lee County. This request is to restore the previous CPD zoning designation granted in 1991, extended in 2000, and vacated in 2002.

Property Description

The 2.98 ± acre site is currently undeveloped with approximately 398 linear feet of frontage along US 41 (Tamiami Trail). The property to the north of the subject site is zoned Community Commercial (CC); east is Community Planned Development (CPD) and Recreational Vehicle Park (RV-3); south is Commercial (C-1) and to the west, across US 41, the property is zoned Agricultural (AG-2). The subject site has a future land use designation of Urban Community, as do the surrounding sites. This request is for the restoration of the previously approved CPD zoning designation that was vacated in 2002. Restoring the CPD zoning designation will bring the subject parcel in accordance with the future land use designation assigned to the parcel by the Lee Plan.

Background

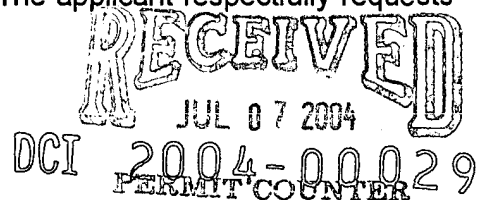
In September of 1987, the subject site was granted a rezoning designation from CT & RM-2 to CPD. The parcel remained undeveloped and in August 2000, the owner requested and was granted an extension of the site's CPD zoning designation. The owner did not implement the approved Master Concept Plan for the parcel and in August 2002 the extension lapsed and the CPD zoning designation was deemed vacated per Sec. 34-381; *Duration of Rights Conferred by Adopted Master Concept Plan Lee County Land Development Code*.

Request

The owner of this site is requesting that the vacated CPD zoning designation be restored to enable the development of the site. The revised master concept plan will adhere all existing land development regulations in accordance with Sections 34-373 and 34-934 of the *Lee County Land Development Code*. Architectural and landscaping styling will reflect surrounding development patterns to ensure a harmonious development style with existing structures along Tamiami Trail.

This request is in accord with previous approvals for the site and does not encumber surrounding properties with an incompatible use along the corridor. The zoning designations of the surrounding properties and the vacated designation for the subject parcel adhere to a cohesive pattern of development along the US 41 corridor and are in agreement with the Future Land Use designation assigned to the area by the Lee County Plan.

Based on previous approvals, Lee County's land development regulations and Comprehensive Plan, this request is consistent with the assigned land uses in the area. The applicant respectfully requests Lee County's support and approval of this rezoning application.



Proposed Development Regulation Table

ATTACHMENT M

Lot Size: 129,769 s.f. (2.98 acres)
Lot depth 205 feet
US 41 Frontage 398 feet
Rear Lot Width 867 feet

Alico Lakes Lot 1	Required	Proposed
Street Setback	25 feet from Arterial w/o frontage	25 feet minimum
Building Height	95 feet	50 feet/2 Stories
Building Setbacks		
North	15 feet	15 feet minimum
South	15 feet	15 feet minimum
East (waterbody)	25 feet	0 setback deviation
West	20	20 minimum
Landscape Buffers		
North	Type A (5 ft)	Type A
South	Type A (5 ft)	Type A partial deviation
East (Waterbody)	Type E (25 ft)	0 setback deviation
West	Type D (15 ft)	Type D
Parking Requirements	67 spaces	75 spaces
Minimum ADA Requirements	3 spaces	3 spaces

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DCI2004-00029

EXHIBIT 6-M

**ALICO LAKES LOT 1
DCI2004-00029**

SCHEDULE OF REQUESTED USES SUMMARY

The applicant is not proposing residential development for this site.

The applicant is requesting the following uses identified in Lee County's Land Development Code for Commercial Planned Development (CPD) (Section 34-934 Use Regulations Table for Planned Development Districts) be allowed for development on the site.

1. *Administrative Office*
2. *Bar or cocktail lounge*
3. *Boats: parts store; ramps and dockage (not marina); repair & service;*
4. *Drive-Through facility for any permitted use*
5. *Drugstore, pharmacy*
6. *Medical office*
7. *Package Store*
8. *Plant Nursery*
9. *Printing & Publishing (34-622(c)(36))*
10. *Restaurant, fast food*
11. *Restaurants, (Groups I, II & III)*
12. *Consumptive Use on Premises, outdoor*
13. *Specialty Retail Shops (34-622©(47)), Groups I and II*

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ATTACHMENT N

**STAFF REPORT
FROM
DEPARTMENT OF COMMUNITY DEVELOPMENT
DIVISION OF ENVIRONMENTAL SCIENCES**

Date: July 21, 2004

To: Tony Palermo, Senior Planner
From: Alaina Ray, Environmental Planner *AR*
Phone: (239) 479-8323
E-mail: aray@leegov.com

Project: Alico Lakes Lot 1 CPD
Case: DCI2004-00029
STRAP: 07-46-25-07-00000.0010

The Division of Environmental Sciences (ES) staff have reviewed the proposed Commercial Planned Development (CPD) and conducted a field inspection. The property does not contain any existing indigenous plant communities. While a few scattered slash pines are present on the property, the unusual configuration of the site provides a limited area available for development and is not conducive to the preservation of these trees. ES staff did not observe any listed species onsite. ES staff, therefore, recommend the following condition to confirm the open space requirements:

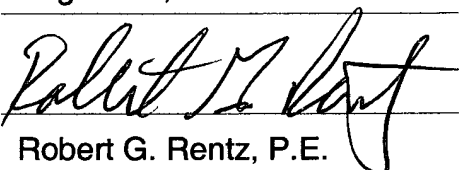
Prior to local development order approval, a minimum of 31,330 square feet of open space (not including the lake) must be delineated on the development order plans as shown on the Master Concept Plan.

ATTACHMENT O

**MEMORANDUM
FROM THE
DEPARTMENT OF
COMMUNITY DEVELOPMENT
DEVELOPMENT SERVICES DIVISION**

DATE: August 12, 2004

To: Tony Palermo
Senior Planner

FROM: 
Robert G. Rentz, P.E.
Development Review
Engineer

RE: Alico Lakes - Lot 1
Case No. DCI2004-00029

The proposed project is located on the east side of U.S.41, south of Alico Rd. Based on the ITE Trip Generation Report 7th Edition the project will generate 215 net new external trips in the peak hour. The anticipated build out year is 2006.

Based on the 2003 Traffic Count Report issued by the Lee County Department of Transportation, the 2007 background peak hour, peak season, peak direction volume of flow on U.S.41 will be 2,524 vehicles per hour. At this volume, based on the Lee County D.O.T. link-specific service volumes, U.S.41 will operate at level of service "C". When the project traffic is added to this background traffic the level of service will remain at "C".

ATTACHMENT P

MEMORANDUM
FROM THE
DEPARTMENT OF
COMMUNITY DEVELOPMENT
DEVELOPMENT SERVICES DIVISION

DATE: Aug. 31, 2004

To: Tony Palermo

CC: Don Blackburn

FROM: Ross Morgan

Development Review
Representative

RE: ALICO LAKES LOT 1 DCI2004-00029

I have reviewed the above project for the requested zoning change and can support the request, with the following comments:

1) With regards to the requested deviation to allow the building/structure and parking setback be zero (0) feet from a water body: Staff can support this deviation only to the extent as indicated on the approved Master Concept Plan, and that barrier protection be provided for vehicles at the ends of each parking aisle that abut the lake.

2) With regards to the requested deviation from the required Type A buffer bordering the existing commercial development, to allow a shared access with the adjacent property owner, to US 41 per FDOT recommendation: The shared access eliminates the need for two access points onto US 41, and also meets the minimum intersection separation requirements. Staff therefore supports this requested deviation.

ATTACHMENT Q

[Originator/Typist]

C:\Documents and Settings\palermad\Local Settings\Temp\substan1.wpd



APPLICATION FOR PUBLIC HEARING FOR UNINCORPORATED AREAS ONLY

Applicant's Name: Barbour Enterprises, LP 1

Project Name: Alico Lakes Lot 1

STRAP Number(s): 07-46-25-07-00000.0010

TYPE OF APPLICATION

- ☐ Special Exception (attach Supplement A)
☐ Variance (attach Supplement B)
☐ Conventional Zoning (attach Supplement C)
☒ Planned Development (not PRFPD) (attach Supplement D)
☐ Amendment to built Planned Development (Supplement D may be required)
☐ Private Recreational Facilities Planned Development (attach Supplement D)
☐ DRI - with rezoning (attach Supplement D and completed DRI Application)
☐ DRI - without rezoning (attach copy of ADA)

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IS THIS PROJECT LOCATED IN THE ESTERO OR CAPTIVA PLANNING COMMUNITY? ☐ Yes* ☒ No
*If yes, please provide the meeting summary document and label accordingly.

STAFF USE ONLY

Case Number: DC12004-00029 Commission District: #5
Current Zoning: CPD Fee Amount: \$15,000
Land Use Classification: URBAN COMM Intake by: DYD
Planning Community: SAN CARLOS

LEE COUNTY
COMMUNITY DEVELOPMENT
P.O. BOX 398 (1500 MONROE STREET)
FORT MYERS, FLORIDA 33902
PHONE (239) 479-8585

DCI
2004-00029

PART 1
APPLICANT/AGENT INFORMATION

A. Name of applicant: Barbour Enterprises, LP 1

Address: Street : 16198 Edgemont Drive

City: Ft. Myers

State: FL

Zip: 33908

Phone: Area Code: 239

Number: 454-6948

Ext: _____

Fax: Area Code: _____

Number: _____

E-mail address: _____

B. Relationship of Applicant to owner (check one):

_____ Applicant (individual or husband & wife) is the sole owner of the property. [34-201(a)(1)a.1.]

X _____ Applicant has been authorized by the owner(s) to represent them for this action.

X _____ **Notarized Affidavit of Authorization form** is attached as **Exhibit PH-1.B.2.** [34-202(b)(1)c.]

_____ Applicant is a contract purchaser/vendee. [34-202(b)(1)d.]

_____ **Notarized Affidavit of Authorization form** is attached as **Exhibit PH-1.B.2.** [34-202(b)(1)c.]

_____ Application is County initiated. BOCC authorization is attached as **Exhibit PH-1.B.3**

C. Authorized Agent: Name of the person who is to receive all county-initiated correspondence regarding this application. [34-202(b)(1)c.]

C.1. Company Name: CPH Engineers, Inc.

Contact Person: Jeffrey M. Satfield

Address: Street : 2211 Peck Street, Suite 300

City: Fort Myers

State: FL

Zip: 33901

Phone: Area Code: 239

Number: 332-5499

Ext: _____

Fax: Area Code: 239

Number: 332-2955

E-mail address: jsatfield@cphengineers.com

C.2. Additional Agent(s): The names of other agents that the county may contact concerning this application are attached as Exhibit PH-1.C.2. [34-202(b)(1)c.]

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**PART 2
PROPERTY OWNERSHIP**

A. Property Ownership: Single owner (individual or husband & wife only) [34-201(a)(1)a.1.]

A.1. Name: _____

Mailing Address: Street: _____

City: _____

State: _____

Zip: _____

Phone: _____

Area Code: _____

Number: _____

Ext: _____

Fax: _____

Area Code: _____

Number: _____

E-mail: _____

B. Property Ownership: Multiple owners (Corporation, partnership, trust, association) [34-201(a)(1)].

B.1. ☒ Disclosure Form is attached as **Exhibit PH-2.B.1.** [34-201(b)2]

C. Multiple parcels

C.1. _____ Property owners list is attached as **Exhibit PH-2.C.1.** [34-202(a)(5)]

C.2. _____ Property owners map is attached as **Exhibit PH-2.C.2.** [34-202(a)(5)]

D. Date property was acquired by present owner(s): 06/20/00

**PART 3
PROPERTY INFORMATION**

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A. STRAP Number(s): 07-45-25-07-00000.0010

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B. Street Address of Property: 17555 S. Tamiami Trail, Fort Myers, FL

C. Legal Description

☒ **Legal description** (on 8 1/2" by 11" paper) is attached as **Exhibit PH-3.C.1.** [34-202(a)(1)]

☒ **Electronic version of the legal description** is attached as **Exhibit PH-3.C.2.**

D. Boundary Survey or certified sketch of description: (check appropriate response)

_____ The property consists of one or more undivided platted lots in a subdivision recorded in the Official County Plat Books. A copy of the applicable plat book page is attached as **Exhibit PH-3.D.1.** [34-202(a)(2)]

☒ The request is for a conventional rezoning, special exception, or variance on a parcel less than ten acres in area. Attached is a (check one) ☒ **Certified sketch of description** attached as **Exhibit PH-3.D.2.** or a _____ **Boundary survey** attached as **Exhibit PH-3.D.2.** [34-202(a)(2)]

_____ The request is for a Planned Development or consists of ten or more acres. A Boundary survey, tied to the state plane coordinate system, is attached as **Exhibit PH-3.D.3.** [34-202(a)(2)]

2004-00029

L. Deed Restrictions

- L.1. ☒ There are no deed restrictions or other covenants on this property that affect this request.
- L.2. ☐ Deed restrictions\ covenants that may affect this request are attached as **Exhibit PH-3.L.2.**
- L.3. ☐ A narrative explanation as to how the deed restrictions or covenants may affect this request. is attached as **Exhibit PH-3.L.3** [34-202(b)(2)]

M. Property Dimensions [34-202(a)(8)]

1. Width (average if irregular parcel):	<u>867.36</u>	Feet		
2. Depth (average if irregular parcel):	<u>205</u>	Feet		
3. Total area:	<u>2.98</u>	Acres or square feet		
4. Frontage on road or street:	<u>398.68</u>	Feet on	<u>US 41</u>	<u>Trail</u>
			<u>(Tamiami)</u>	
2 nd Frontage on road or street:	<u>N/A</u>	Feet on	<u></u>	<u>Street</u>

**PART 4
ACTION REQUESTED**

A. Action Requested: [check applicable action(s)]

☐ **Special Exception** for _____ **Attached is Supplement A**

☐ **Variance** for _____ **Attached is Supplement B**

☐ **Conventional Rezoning** from: _____ to _____ **Attached is Sup. C**

☒ **Planned Development rezoning** from Vacated CPD to CPD

_____ **DCI - Major: Attached is Supplement D**

☒ **DCI - Minor: Attached is Supplement D**

_____ **Request is for PRFPD zoning in the Private Recreational Facilities Overlay Area. Attached is Supplement D**

_____ **Planned Development Amendment. Attached is the Supplement**

_____ **Public Hearing for DRI**

_____ **No rezoning is required.**

_____ **Rezoning is required. Attached is the Supplement**

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B. Excavations:

- ☒ No blasting will be used in the excavation of lakes or other site elements.
- ☐ A map indicating the general location of the proposed blasting locations is attached as **Exhibit PH-4.B** [34-202(b)(6)]

C. Bonus Density (put NA if not applicable)

☐ **NA** Bonus density will be used. Attached is **Exhibit PH-4.C** showing calculations. [34-202(b)(5)]

D. Hazardous materials (put NA if not applicable)

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2004-00029

- NA A Hazardous materials emergency plan is attached as **Exhibit PH-4.D** [34-202(b)(4)]
- E. **Mobile Home Park** (put NA if not applicable)
- NA Request includes rezoning of a Mobile Home Park. **Attached is Exhibit PH-4.E** [34-203(d)]
- F. **Aviation Hazard** (put NA if not applicable)
- NA Property is subject to Airport Hazard District regulations. **Attached is Exhibit PH-4.F** [34-1001 et seq]
- NA A tall structures permit will be required.
- NA Property is located within Noise zone: _____
- G. **Estero Planning Community** (put NA if not applicable)
- NA A summary of public informational session. **Attached is Exhibit PH-4.G** [34-373(a)(10)]
- H. **Captiva Planning Community** (put NA if not applicable)
- NA A summary of public informational session. **Attached is Exhibit PH-4.H** [Lee Plan Policy 21.7]
- I. **Waivers from Application Submission Requirements:** The following waivers have been approved by the Director of Zoning Services and are attached as **Exhibit PH-4.I** [Section 34-202(a)]

Section Number	Name of item
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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**PART 6
SUBMITTAL REQUIREMENTS**

THE NUMBER OF COPIES REQUIRED FOR EACH EXHIBIT IS BASED ON THE ACTION REQUESTED AS INDICATED BELOW. TO BE SUBMITTED FOR EACH OF THE FOLLOWING EXHIBITS IS AS FOLLOWS:

			Exhibits	SUBMITTAL ITEMS
Var.	Conv. Rez. or Spe. Exc.	PDs & DRIs		
1	1	12 ✓		Completed application for Public Hearing [34-201(b)]
1	1	1 ✓		Filing Fee - [34-202(a)(9)]
SUPPLEMENTAL FORMS (select applicable form)				
0	1	0	SUP A	Special Exception supplement
1	0	0	SUP B	Variance supplement
0	1	0	SUP C	Conventional rezoning
0	0	12 ✓	SUP D	Planned Development Rezoning or DRI with PD Rezoning requested
0	0	12	SUP-D	Planned Development Amendment
0	0	12	SUP D	PRFPD in in Overlay Area Rezoning supplement
0	0	12	ADA	DRI no rezoning requested
EXHIBITS				
1	1	3 ✓	PH-1.B.2	Notarized Affidavit of Authorization Form [34-202(b)(1)c]
1	1	1	PH-1.B.3	BOCC authorization (if applicable)
1	1	12 ✓	PH-1.C.2	Additional agents
1	1	3 ✓	PH-2.B.1.	Disclosure Form [34-201(b)(2)a]
1	1	2	PH-2.C.1	Subject property owners list (if applicable) [34-202(a)(5)]
1	1	2	PH-2.C.2	Subject Property Owners map (if applicable) [34-202(a)(5)]
2	2	2 ✓	PH-3.C.1	Legal Description [34-202(a)(1)]
1	1	1 ✓	PH-3.C.2	Electronic version of legal description (if available)
1	1	3 ✓	PH-3.D.1	Copy of Plat Book Page (if applicable) [34-202(a)(1)]
1	1	3 ✓	PH-3.D.2	Certified sketch of description (less than ten acres) [34-202(a)(2)]
1	1	3	PH-3.D.3	Boundary survey (all PDs and anything ten acres or more) [34-202(a)(2) & [34-373(a)(4)a.]
1	1	0	PH-3.F	Area Location Map on 8 by 11 paper pursuant to sec. 34-202(a)(4). (Non Planned Developments)
0	0	0		Area Location Map for Planned Development see Supplement D
1	1	2 ✓	PH-3.G.1	List of Surrounding Property Owners [34-202(a)(6)]
1	1	2 ✓	PH-3.G.2	Map of Surrounding Property Owners [34-202(a)(7)]
2	2	2 ✓	PH-3.G.3	Mailing labels [34-202(a)(6)]
0	1	12	PH-3.I	Agricultural uses at time of zoning application [34-202(b)(7)]
1	1	3	PH-3.L.2	Deed Restrictions\Covenants [34-202(b)(2)]
1	1	3	PH-3.L.3	Narrative addressing effect of Deed Restrictions [34-202(b)(2)]

			Exhibits	SUBMITTAL ITEMS
1	1	12	PH-4.B	Location of proposed blasting (if applicable) [34-202(b)(6)]
0	0	4	PH-4.C	Bonus Density units (if applicable) [34-202(b)(5)]
1	1	4	PH-4.D	Hazardous materials emergency plan (if applicable) [34-202(b)(4)]
0	1	4	PH-4.E	Mobile Home Park Information (if applicable) [34-203(d)]
1	1	4	PH-4.F	Aviation Hazard (if applicable) [34-1001 et seq.]
1	1	4	PH-4.G	Developments located within Estero Planning District [34-373-(a)(10)]
1	1	4	PH-4.H	Developments located within Captiva Planning District [Lee Plan Policy 21.7)
1	1	12	PH-4.I	Approved Waivers [34-202(a)]
				ADDITIONAL REQUIREMENTS FOR DRIs NOT INVOLVING A REZONING
0	0	12		Notice of proposed change Substantial Deviations Form RPM-BSP-Proposed Change - 1 pursuant to Section 380.06(19) F.S.
0	0	12		DRI, AMDA, FQD Form RPM-BSP-ADA - 1. Application for Development Approval pursuant to Section 380.06 F.S.
0	0	12		Abandonment Form RPM-BSP-Abandonment-DRI-1. Application for abandonment of a DRI.

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**EXHIBIT PH-2.B.1
DISCLOSURE OF INTEREST FORM FOR:**

STRAP NO. 07-46-25-07-00000.0010 **CASE NO.** _____

1. If the property is owned in fee simple by an INDIVIDUAL, tenancy by the entirety, tenancy in common, or joint tenancy, list all parties with an ownership interest as well as the percentage of such interest.

Name and Address	Percentage of Ownership

2. If the property is owned by a CORPORATION, list the officers and stockholders and the percentage of stock owned by each.

Name and Address	Percentage of Stock

3. If the property is in the name of a TRUSTEE, list the beneficiaries of the trust with percentage of interest.

Name and Address	Percentage of Interest

4. If the property is in the name of a GENERAL PARTNERSHIP OR LIMITED PARTNERSHIP, list the names of the general and limited partners.

Name and Address	Percentage of Ownership
HUGH BARBOUR	50
EVE BARBOUR	50

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5. If there is a CONTRACT FOR PURCHASE, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the officers, stockholders, beneficiaries, or partners.

Name and Address	Percentage of Stock

Date of Contract: _____

6. If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust.

Name and Address	

For any changes of ownership or changes in contracts for purchase subsequent to the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest shall be filed.

The above is a full disclosure of all parties of interest in this application, to the best of my knowledge and belief.

Signature: _____

Hugh Barbour

(Applicant)

Eva M. Barbour

Hugh Barbour Eva M. Barbour
(Printed or typed name of applicant)

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged
before me this

27th day of April,
2004

by Hugh Barbour

who is personally known to me or who has provided

as identification.



Lisa M. Williams
MY COMMISSION # DD033969 EXPIRES
July 14, 2005
BONDED THRU TROY FAIN INSURANCE, INC.

(SEAL)

Lisa M. Williams
Signature of Notary Public

Lisa M. Williams

Printed Name of Notary Public

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SUPPLEMENT D

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ADDITIONAL REQUIRED INFORMATION FOR A PLANNED DEVELOPMENT APPLICATION UNINCORPORATED LEE COUNTY

Case Number: _____

Project Name: Alico Lakes Lot 1

Authorized agent: Jeffrey M. Satfield, CPH Engineers, Inc.

STRAP Number(s): 07-46-25-07-00000.0010

Select one only

_____ DRI (rezoning required)

_____ DCI-Major

X _____ DCI-Minor

_____ DCI-Minor - Existing Dev. ⁽¹⁾

_____ DCI-Minor - Amend. to approved master concept plan ⁽²⁾

_____ Amend. to built planned development meeting DCI threshold. ⁽³⁾

_____ PRFPD in Private Recreational Facilities Overlay Area [(34-341(a)(2))]

Notes:

- (1) Existing development. A development that has already been developed but does not conform to the regulations for a conventional district and is requesting a rezoning to a planned development classification. It will be reviewed in the same manner as a minor planned development except that a traffic impact statement will not be required. [34-341(b)(2)d.1.]
- (2) Amendments to application. Application to amend an approved major or minor master concept plan or its attendant documentation, or for the extension of a vacated master concept plan originally approved prior to December 2, 1991. It will be treated procedurally as minor planned developments. These applications will require only as much information, as deemed necessary by the director, needed to describe the changes requested, to specify the incremental change in impacts expected from the amendment, and to detail the changes in development, environment and background (surrounding land use, traffic volumes, water, wastewater and other service availability, etc.), that have occurred since the original application. [34-341(b)(2)d.2.]
- (3) Amendments to built planned developments (PD). An application for a variance or other approval covered by this chapter wherein the subject property is the only part of the original planned development for which the approval is sought. Application meets the threshold for a development of county impact and will be reviewed in accordance with the provisions for reviewing developments of county impact. Applicant must be the owner of the subject property and the consent of the owners of the remainder of the original planned development will be unnecessary. However, these owners must be given notice of the application and other proceedings as if they were owners of property abutting the subject property regardless of their actual proximity to the subject property.

For purposes of this subsection, the term "built" means that all of the roads, utilities, buffering, open space, surface water management features and structures, common space, common amenities, common landscaping, gatehouses, entrance signs, entrance ways and other similar items identified as part of the final approved master concept plan have been constructed and acknowledged by the county as complete. In the case of residential planned developments or mixed developments which include residential structures, the term "built" does not mean that all residential structures must have been constructed on individual platted lots.

DCI 2004-00029

**PART 1
GENERAL INFORMATION**

A. Comprehensive Plan Amendments (check one):

- ☒ There are **NO** Lee Plan Amendments pending that could affect the future use of this property.
- ☐ The following Lee Plan Amendments **ARE** pending and could affect the future use of this property. (List uses and brief explanation of their effect on this application):

B. Archaeological/Historical (check one):

- ☒ There are **NO** known or recorded historical or archaeological sites on the property and no part of the property is located within a level 1 or level 2 zone of archaeological sensitivity pursuant to chapter 22. [34-373(a)(4)f.]
- ☐ There are known or recorded historical or archaeological sites on the property or part of the property is located within a level 1 or level 2 zone of archaeological sensitivity pursuant to chapter 22. Attached as **Exhibit 1-B** is a map indicating the nature and location of known or recorded historical or archaeological or areas of the property located within level 1 or level 2 zones of archaeological sensitivity including the outline of historic Lee Tran approximate extent of archaeological sites. [34-373(a)(4)f.]

C. Public Transit (check one):

- ☐ Property is **NOT** within the Lee Tran public transit service area.
- ☒ Property is within the Lee Tran public transit service area. **Exhibit 1-B** shows the property in relation to existing and proposed public transit routes,

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D. Density

- ☒ There are no residential dwelling units proposed for this development.
- ☐ The property is located within one or more Future Land Use categories. Density has been calculated in **Part 3** of this application and is summarized below:

Intensive Development	_____	Proposed dwelling units
Central Urban	_____	Proposed dwelling units
Urban Community	_____	Proposed dwelling units
Suburban	_____	Proposed dwelling units
Outlying Suburban	_____	Proposed dwelling units
TOTAL	_____	Proposed dwelling units

DCI 2004-00029

PART 2
TYPES OF LAND AREA ON PROPERTY

A.	Gross Acres (total area within described parcel)	<u>2.98</u>	Acres
1.	Submerged land subject to tidal influence:	<u>0</u>	Acres
2.	Other non-freshwater Wetlands:	<u>0</u>	Acres
3.	R-O-W providing access to non-residential uses:	<u>0</u>	Acres
4.	Non-residential use areas ⁽¹⁾	<u>2.98</u>	Acres
B.	Total area not eligible as gross residential acreage. Items A.1. + A.2 + A.3. + A.4.	<u>2.98</u>	Acres
C.	Gross residential acres. (A minus B) ⁽²⁾	<u>0</u>	Acres
D.	Gross residential acres by Land Use Category		
1.	a. Intensive development - Upland	<u> </u>	Acres
	b. Intensive development - freshwater wetland	<u> </u>	Acres
2.	a. Central Urban - Upland	<u> </u>	Acres
	b. Central Urban - freshwater wetland	<u> </u>	Acres
3.	a. Urban Community or Suburban - Upland	<u> </u>	Acres
	b. Urban Community or Suburban freshwater wetland	<u> </u>	Acres
4.	a. Outlying Suburban - Upland	<u> </u>	Acres
	b. Outlying Suburban - freshwater wetland	<u> </u>	Acres
5.	a. Rural, Outer Island, Rural Community Preserve - Upland	<u> </u>	Acres
	b. Rural, Outer Island, Rural Community Preserve - freshwater wetland	<u> </u>	Acres
6.	a. Open Lands - Upland	<u> </u>	Acres
	b. Open Lands - freshwater wetland	<u> </u>	Acres
7.	a. DR/GR - Upland	<u> </u>	Acres
	b. DR/GR - freshwater wetland	<u> </u>	Acres
8.	a. Wetlands - freshwater	<u> </u>	Acres
	b. Wetlands - not - freshwater	<u> </u>	Acres
9.	a. New Community - Upland	<u> </u>	Acres
	b. New Community - freshwater wetland	<u> </u>	Acres
10.	a. University Community - Upland	<u> </u>	Acres
	b. University Community - freshwater wetland	<u> </u>	Acres
11.	TOTAL (should equal "C" above)	<u>0</u>	Acres

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NOTES:

- (1) Lands for commercial, office, industrial uses, natural water bodies, and other non-residential uses must not be included.
- (2) Lands to be used for residential uses including land within the development proposed to be used for streets and street rights of way, utility rights-of-way, public and private parks, recreation and open space, schools, community centers, and facilities such as police, fire and emergency services, sewage and water, drainage, and existing man-made waterbodies.

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PART 3 **RESIDENTIAL DEVELOPMENTS** **PRELIMINARY DENSITY CALCULATIONS***

- * Notes: 1. Complete only if living units are proposed in a Future Land Use Category.
 2. If more than one classification, calculations for each classification must be submitted.
 3. If wetlands are located on the property, density calculations are considered preliminary pending a wetlands jurisdictional determination.

A. Intensive Development Category

1. Preliminary Standard Units	Maximum standard density	Units
a. Total upland Acres (from Part 2, D.1.a.)	_____ times 14 equals	_____
b. Total freshwater wetland Acres (from Part 2, D.1.b.)	_____ times 14 equals	_____
c. Preliminary Total Standard units (a. plus b.) ⁽¹⁾		_____
2. Maximum Permitted Units	Maximum permitted	Units
a. Total upland Acres (from Part 2, D.1.a.)	_____ times 18 equals	_____
3. Total allowed standard units (A.1.c. or A.2.a., whichever is less)		_____
4. Bonus Units ⁽²⁾		
a. Low-moderate housing density:		_____
b. TDR units:		_____
c. Sub-total (A.4.a. plus A.4.b.)		_____
5. Total Permitted Units (A.3. plus A.4.c.): ⁽¹⁾		_____

B. Central Urban Category

1. Preliminary Standard Units	Maximum standard density	Units
a. Total upland Acres (from Part 2, D.2.a.)	_____ times 10 equals	_____
b. Total freshwater wetland Acres (from Part 2, D.2.b.)	_____ times 10 equals	_____
c. Preliminary Total Standard units (a. plus b.) ⁽¹⁾		_____
2. Maximum Permitted Units	Maximum permitted	Units
a. Total upland Acres (from Part 2, D.2.a.)	_____ times 12.5 equals	_____
3. Total allowed standard units (B.1.c. or B.2.a., whichever is less)		_____
4. Bonus Units ⁽²⁾		
a. Low-moderate housing density:		_____
b. TDR units:		_____
c. Sub-total (B.4.a. plus B.4.b.)		_____
5. Total Permitted Units (B.3. plus B.4.c.): ⁽¹⁾		_____

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Notes:

- (1) Subject to revision if wetlands jurisdictional determination indicates a different acreage of wetlands.
 (2) If low-moderate housing density credits or Transfer of Development Rights (TDRs) credits are included, attach the calculations and approvals hereto.

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C. Urban Community Category

1. Preliminary Standard Units	Maximum standard density	Units
a. Total upland Acres (from Part 2, D.3.a.)	_____ times 6 equals	_____
b. Total freshwater wetland Acres (from Part 2, D.3.b.)	_____ times 6 equals	_____
c. Preliminary Total Standard units (a. plus b.) ⁽¹⁾		_____
2. Maximum Permitted Units	Maximum permitted	Units
a. Total upland Acres (from Part 2, D.3.a.)	_____ times 8 equals	_____
3. Total allowed standard units (C.1.c. or C.2.a, whichever is less)		_____
4. Bonus Units ⁽²⁾		
a. Low-moderate housing density:		_____
b. TDR units:		_____
c. Sub-total (D.4.a. plus D.4.b.)		_____
5. Total Permitted Units (C.3. plus C.4.c.): ⁽¹⁾		_____

Notes:

- (1) Subject to revision if wetlands jurisdictional determination indicates a different acreage of wetlands.
(2) If Low-moderate housing density credits or Transfer of Development Rights (TDRs) credits are included, attach the calculations and approvals hereto.

D. Suburban Category

1. Preliminary Standard Units	Maximum standard density	Units
a. Total upland Acres (from Part 2, D.3.a.)	_____ times 6 equals	_____
b. Total freshwater wetland Acres (from Part 2, D.3.b.)	_____ times 6 equals	_____
c. Preliminary Total Standard units (a. plus b.) ⁽¹⁾		_____
2. Maximum Permitted Units	Maximum permitted	Units
a. Total upland Acres (from Part 2, D.3.a.)	_____ times 8 equals	_____
3. Total allowed standard units (D.1.c. or D.2.a., whichever is less)		_____

E. Outlying Suburban Category

1. Preliminary Standard Units	Maximum standard density	Units
a. Total upland Acres (from Part 2, D.4.a.)	_____ times 3 equals	_____
b. Total freshwater wetland Acres (from Part 2, D.4.b.)	_____ times 3 equals	_____
c. Preliminary Total Standard units (a. plus b.) ⁽¹⁾		_____
2. Maximum Permitted Units	Maximum permitted	Units
a. Total upland Acres (from Part 2, D.4.a.)	_____ times 4 equals ⁽¹⁾	_____
3. Total allowed standard units (E.1.c. or E.2.a., whichever is less)		_____

Notes:

- (1) Outlying suburban land located north of the Caloosahatchee River and east of Interstate-75, north of Pondella Road and south of Pine Island Road (SR 78), and in the Buckingham area (see Goal 19 of the Lee Plan), the maximum upland density is two (2) units per acre plus one (1) for a total of three (3) units per acre.

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PART 3A
COMMERCIAL, INDUSTRIAL, MINING, ASSISTED LIVING FACILITIES,
HOTELS & MOTELS
PRELIMINARY DENSITY CALCULATIONS

A. Commercial		Habitable Stories	Height	Total Floor Area
A.1.	Medical			Sq. Ft.
A.2.	General Office			Sq. Ft.
A.3.	Retail			Sq. Ft.
A.4.	Other	2 Max.	3	22,000 Sq. Ft.
A.5.	TOTAL FLOOR AREA			22,000 Sq. Ft.
B. Industrial		Habitable Stories	Height	Total Floor Area
B.1.	Under Roof			Sq. Ft.
B.2.	Not under Roof	NA		Sq. Ft.
B.3.	TOTAL FLOOR AREA			Sq. Ft.
C. Mining			Depth	Total Acres
C1.	Area to be excavated	NA		Acres
D. Assisted Living Facilities		Habitable Stories	Height	Total Number of Beds/Units
D.1.	Dependent Living Units			Beds/Units
D.2.	Independent Living Units			Beds/Units
D.3.	TOTAL BEDS/UNITS			Beds/Units
E. Hotels/Motels				
	Room Size	Habitable Stories	Height	Number of Rental Units
E.1.	< 425 sq. ft.			Units
E.2.	426-725 sq. ft.			Units
E.3.	725 < sq. ft.			Units
E.4.	TOTAL UNITS			Units

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PART 4

ENVIRONMENTAL ISSUES

A. Topography: Describe the range of surface elevations of the property:

Please refer to attached Ecological Assessment Report prepared by Lotspeich and Associates.

B. Sensitive Lands: Identify any environmentally sensitive lands, including, but not limited to, wetlands (as defined in the Lee Plan), flowways, creek beds, sand dunes, other unique land forms [see Lee Plan Policy 77.1.1 (2)] or listed species occupied habitat (see Sec. 10-4730 of the Land Development Code.

Please refer to attached Ecological Assessment Report prepared by Lotspeich and Associates.

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C. **Preservation/Conservation of Natural Features:** Describe how the lands listed in B. above will be protected by the completed project:

Please refer to attached Ecological Assessment Report prepared by Lotspeich and Associates.

D. **Shoreline Stabilization:** If the project is located adjacent to navigable natural waters, describe the method of shoreline stabilization, if any, being proposed:

Method of shoreline stabilization will be detailed for approval at the time of development order application.

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PART 5
SANITARY SEWER FACILITIES (34-415)

- A. **Special Effluent:** If special effluent is anticipated, please specify what it is and what strategies will be used to deal with its' special characteristics:

NO

- B. **Private On-site Facilities:** If a private on-site wastewater treatment and disposal facility is proposed, please provide a detailed description of the system including:

1. Method and degree of treatment:

NA

2. Quality of the effluent:

NA

3. Expected life of the facility:

NA

4. Who will operate and maintain the internal collection and treatment facilities:

NA

5. Receiving bodies or other means of effluent disposal:

NA

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C. Spray Irrigation: If spray irrigation will be used, specify:

1. The location and approximate area of the spray fields:

NA

2. Current water table conditions:

NA

3. Proposed rate of application:

NA

4. Back-up system capacity:

NA

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PART 6 - SUBMITTAL REQUIREMENTS

Copies*		Exhibits	Item
Sub.	Req.		
	(12)		Public Hearing Application form [34-373(a)(1)]
	(1)		Application Fee [34-373(a)(2)]
DESCRIPTION OF EXISTING CONDITIONS			
3	(3) ✓	1-B	Historical or Archaeological sites: The nature and location of any known or recorded historical or archaeological sites as listed on the Florida Master Site File or the Lee County Historical Site Survey, and the location of any part of the property that is located within level 1 or level 2 zones of archaeological sensitivity pursuant to chapter 22. The plan must show the outline of historic buildings and approximate extent of archaeological sites. A description of proposed improvements that may impact archaeological or historical resources must also be provided. [34-373(a)(4)h.]
12	✓12	1-C	Public Transit. A map or other depiction of the property in relation to existing and proposed public transit routes, as well as to bus stops, if located within the Lee Tran public transit service area. [34-373(a)(4)g.]
NA	NA 3	6-A	A Boundary Survey , prepared by a professional surveyor, that meets the minimum technical standards as set out in chapter 61G17-6, F.A.C., and which survey has been signed and sealed within one year of the application date, and which shows existing conditions on the property to full survey accuracy. [34-373(a)(4)a.]
12	✓12	6-B	Area Location Map on 8.5" by 11" paper. A map marked to show the location of the property to be developed in relation to arterial and collector streets as well as the location of existing easements and rights-of-way on or abutting the <u>property</u> . [34-373(a)(4)b.]
12	mlp 12 ✓	6-C	Existing zoning and current land uses A map or other depiction of the existing zoning and current land uses (i.e. single family residence, multiple-family building, retail commercial, office building, etc.) surrounding the tract or parcel to a distance of 500 feet. [34-373(a)(4)c.]
12	✓12	6-D	Aerial photograph with the site clearly delineated. [34-373(a)(4)d.] Originals only - photocopies not acceptable.
4	✓4	6-E	Soils, vegetation, rare & unique uplands, topography. Maps drawn at the same scale as the master concept plan marked or overprinted to show the information required by section 34-373(a)(4)e.] [34-373(a)(4)e.]
4	✓4	6-F	FLUCCS Map. A Florida Land Use, Cover and Classification System (FLUCCS) map at the same scale as the Master Concept Plan, prepared by an environmental consultant. The FLUCCS map must clearly delineate any federal and state jurisdictional wetlands and other surface waters, including the total acreage of federal and state wetlands. [34-373(a)(4)f.]
NARRATIVE COMPLIANCE STATEMENTS			
12	✓12	6-G	Lee Plan Compliance. A narrative explanation as to how the proposed development complies with the Lee Plan [34-373(a)(5)]
3	✓3	6-H	Design Standards Compliance. A narrative explanation as to how the proposed development complies with the Design Standards set forth in Section 34-411. [34-373(a)(5)]
3	✓3	6-I	Decision-making compliance. A narrative explanation as to how the proposed development complies with the guidelines for decision-making embodied in sections 34-145(c)(2)a and e. and 34-145(d)(3). [34-373(a)(5)]

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Copies*		Exhibits	Item
MASTER CONCEPT PLAN			
12	✓ 12	6-J	Master Concept Plan, Non-PRFPD . A graphic illustration (master concept plan) of the proposed development, showing and identifying the information required by Section 34-373(a)(6). Copies of the master concept plan must be provided in two sizes, 24 inches by 36 inches, and 11 inches by 17 inches in size and must clearly legible and drawn at a scale sufficient to adequately show and identify the required information. [34-373(a)(6)]
NA	12	6-K	Master Concept Plan, PRFPD : A clearly legible drawing, no less than 24 inches by 36 inches in size and drawn at a scale sufficient to adequately show and identify the information required by Section 34-941(g). [34-941(g)]
NA 4/12	✓ 4	6-L	Traffic Impact Statement . A traffic impact statement in a format and to the degree of detail required by the county and in conformance with the adopted county administrative code. [34-373(a)(7)] TIS is not required for an existing development. [34-341(b)(2)d.1.]
12	✓ 12	6-M	Schedule of Uses . A schedule of uses keyed to the Master Concept Plan as well as a summary for the entire property including the information required by section 34-373(a)(8)]. [34-373(a)(8)]
12	✓ 12	6-N	Schedule of deviations and a written justification . A schedule of deviations and a written justification for each deviation requested as part of the master concept plan. The location of each requested deviation must be located on the master concept plan. [34-373(a)(9)]
ADDITIONAL REQUIREMENTS FOR MAJOR PDs			
	4	6-O	Surface water management plan A written description of the surface water management plan as required by Section 34-373(b)(1). [34-373(b)(1)]
	12	6-P	Phasing program . If the development is to be constructed in phases or if the traffic impact statement utilized phasing, then a description of the phasing program must be submitted. [34-373(b)(3)]
ADDITIONAL REQUIREMENTS FOR LARGE PROJECTS			
	4	6-Q	Protected species survey . Required for large developments (defined in Chapter 10-1), a protected species survey as required by section 10-473. [34-373(b)(2)]
AMENDMENTS TO BUILT PLANNED DEVELOPMENTS			
	4	6-R	Proof of notice to other property owners . Although the consent of the owners of the remainder of the original planned development is not required, the owners must be given notice of the application and other proceedings as if they were owners of property abutting the subject property regardless of their actual proximity to the subject property. [34-373(c)]
REQUIREMENTS FOR PRFPDs			
	12	6-S	Binding letter of interpretation from ADA by a complete and sufficient ADA. [34-373(d)(2)]
ADDITIONAL EXHIBITS FOR PRFPDs			
	4	6-T	Conceptual surface water management [34-941(d)(3)b.i.1)]
	12	6-U	If within an area identified as an anticipated draw down area, demonstration of compliance with section 34-941(d)(3)d. [34-941(d)(3)d.]
	12	6-V	Preliminary indigenous restoration plan (if applicable). [34-941(e)(5)f]
	12	6-W	Environmental Assessment [34-941(g)(2)]
	12	6-X	Demonstration of compatibility [34-941(g)(4)]

* includes 1 original

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AGENT CONSENT FORM

Project Name: US 41/Alico

This form shall serve as **CONSENT** for the agent identified below to prepare or have prepared and submit all documents for the following application(s) affecting property I have an ownership interest in:

Rezoning the property located at the southwest corner of Tamiami Trail (US 41) and Alico Road. (STRAP # 07-46-25-07-00000.0010) Attached is a copy of the last recorded warranty deed for subject property.

I hereby give **CONSENT** to **CPH Engineers, Inc.** to act on my behalf, to submit or have submitted this application and all required material and documents, and to attend and represent me at all meetings and public hearings pertaining to the application(s) indicated above. Furthermore, I hereby give consent to the party designated above to agree to all terms and conditions that may arise as part of the approval of this application for the proposed use of:

Rezoning the property located at the southwest corner of Tamiami Trail (US 41) and Alico Road. (STRAP # 07-46-25-07-00000.0010)

I hereby certify I have full knowledge the property I have an ownership interest in is the subject of this application. I further certify the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge. I understand that any false, inaccurate or incomplete information provided by me or my agent will result in the denial, revocation or administrative withdrawal of this application, request, approval or permits. I acknowledge that additional information may be required to process this application. I further agree to all terms and conditions, which may be imposed as part of the approval of this application.

OWNER INFORMATION:

Hugh R. Barbour/The Barbour Enterprises LP 1

(Name - type, stamp or print clearly)

Hugh R. Barbour
(Signature)

1698 Edgemont Dr Fort Myers FL 33908
(Address) (City/State, Zip)

NOTARY PUBLIC INFORMATION:

STATE OF New Jersey

COUNTY OF Bergen

The foregoing instrument was acknowledged before me this 18 day of September, 2003, by Michaela Hall (name of person acknowledging). He/she is personally known to me or has produced (type of identification) as identification and did/did not take an oath (circle correct response).

Michaela Hall
(Name - type, stamp or print clearly) (Signature)

My Commission Expires on: 9/12/2006

Sworn to and subscribed

before me this 12 day of 09, 2003

NOTARY'S SEAL OR STAMP

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MICHAELA G. HALL
NOTARY PUBLIC OF NEW JERSEY
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Exhibit PH-1.B.2

Notarized Affidavit of Authorization

And Agent Consent Form

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PART V AFFIDAVIT A2

AFFIDAVIT FOR PUBLIC HEARING
APPLICATION IS SIGNED BY A CORPORATION, LIMITED LIABILITY COMPANY (L.L.C.),
LIMITED COMPANY (L.C.), PARTNERSHIP, LIMITED PARTNERSHIP, OR TRUSTEE

I, * Hugh R. Barbour, as General Partner, of the authorized representative of the owner(s) of the property and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the County in accordance with this application, and the Land Development Code;
2. All Answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I have authorized the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigation and evaluating the request made thru this application; and that
4. The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restriction imposed by the approved action.

Barbour Enterprises L.P. 1

*Name of Entity (corporation, partnership, LLP, LC, etc.)

Hugh R. Barbour
Signature

Hugh R. Barbour

(Type or print name)

STATE OF New Jersey
COUNTY OF Bergen

Sworn to and subscribed
before me this
18 day of 09, 2003

The foregoing instrument was sworn to (or affirmed) and subscribed before me this 9/18/03 (date)
by _____ (name of person providing oath or affirmation),
who is personally known to me or who has produced DL (type of identification)
as identification.

Michaela Hall

Signature of person taking oath or affirmation

MICHAELA G. HALL
NOTARY PUBLIC OF NEW JERSEY
Commission Expires 9/12/2006

Name typed, printed or stamped

Title or rank

Serial Number, if any

***Notes:**

- If the applicant is a corporation, then it is usually executed by the corp. pres., or v. pres.
- If the applicant is a Limited Liability Company (LLC) or Limited Company (LC), then the documents should typically be assigned by the Company's "Managing Member".
- If the applicant is a partnership, then typically a partner can sign on behalf of the partnership.
- If the applicant is a limited partnership, then the general partner must sign and be identified as the "general partner" of the named partnership.
- If the applicant is a trustee, then they must include their title of "trustee".
- In each instance, first determine the applicant's status, e.g., individual, corporate, trust partnership, etc., and then use the appropriate format for that ownership.

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PART V AFFIDAVIT A2

AFFIDAVIT FOR PUBLIC HEARING
APPLICATION IS SIGNED BY A CORPORATION, LIMITED LIABILITY COMPANY (L.L.C.),
LIMITED COMPANY (L.C.), PARTNERSHIP, LIMITED PARTNERSHIP, OR TRUSTEE

I, * Eva M. Barbour, as General Partner of the authorized
representative of the owner(s) of the property and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the County in accordance with this application, and the Land Development Code;
2. All Answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I have authorized the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigation and evaluating the request made thru this application; and that
4. The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restriction imposed by the approved action.

Barbour Enterprises I. P. 1

*Name of Entity (corporation, partnership, LLP, LC, etc.)

Eva M Barbour

Signature

Eva M. Barbour

(Type or print name)

STATE OF New Jersey
COUNTY OF Bergen

Sworn to and subscribed
before me this 8 day of 9, 2003

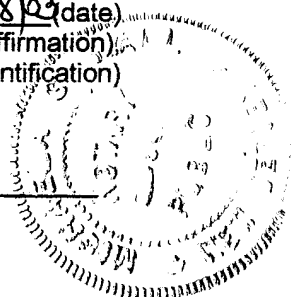
The foregoing instrument was sworn to (or affirmed) and subscribed before me this 9/18/03 (date)
by _____ (name of person providing oath or affirmation)
who is personally known to me or who has produced DI (type of identification)
as identification.

Michaela Hall

Signature of person taking oath or affirmation

MICHAELA G. HALL
NOTARY PUBLIC OF NEW JERSEY
Commission Expires 9/12/2006

Name typed, printed or stamped



Title or rank

Serial Number, if any

*Notes:

- If the applicant is a corporation, then it is usually executed by the corp. pres., or v. pres.
- If the applicant is a Limited Liability Company (LLC) or Limited Company (LC), then the documents should typically be assigned by the Company's "Managing Member".
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- In each instance, first determine the applicant's status, e.g., individual, corporation, trust partnership, estate, etc., and then use the appropriate format for that ownership.

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April 30, 2004

Mr. Pete Eckenrode, Director
Lee County Department of Community Development
Division of Development Services
1500 Monroe Street
Fort Myers, Florida 33902-0398

2211 Peck Street
Suite 300
Fort Myers, Florida 33901
Phone: 239.332.5499
Fax: 239.332.2955
www.cphengineers.com

RE: New Application for Public Hearing
Barbour Enterprises, LP1
17555 South Tamiami Trail, Fort Myers/Alico Lakes
Strap Number: 07-46-25-07-00000.0010
CPH PN: B7501

Dear Mr. Eckenrode:

CPH Engineers, Inc. is pleased to submit, on behalf of Barbour Enterprises, LP1, an application for public hearing for the rezoning of the referenced property.

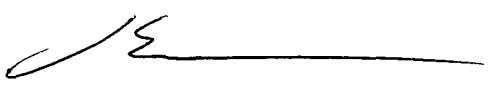
The site consists of approximately 2.98+ acres and is located immediately south of the corner of Tamiami Trail (US-41) and Alico Road in the San Carlos Park Community region of unincorporated Lee County. The applicant is requesting that the property be rezoned to CPD. This request to rezone to CPD is consistent with property's previous CPD zoning designation granted in 1991 that was extended in 2000. The property's vested zoning designation was vacated by Lee County in 2002 due to the failure to act on the existing resolution Z-91-113 and development order

In support of our application, please find enclosed:

1. Twelve copies of the application for Public Hearing, Supplement D and associated exhibits.
2. One check for the application fee in the amount of \$5000.00.

Please do not hesitate to contact us if you would like to discuss the enclosed or if you require any additional information.

Sincerely,
CPH ENGINEERS, INC.


Jeffrey M. Satfield
Associate Vice President/Branch Manager

cc: Hugh Barbour, Barbour Enterprises
Scott Phillips, CPH
Lisa Williams, CPH
File

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Spatial District Query Report

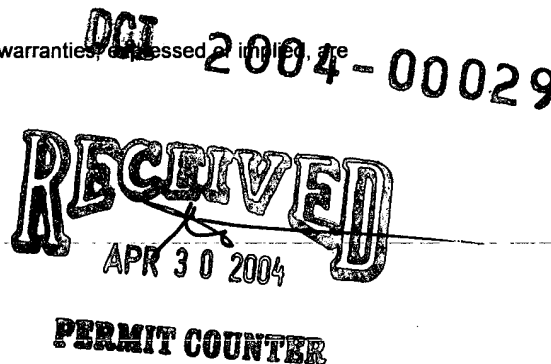
STRAP Number: 07-46-25-07-00000.0010

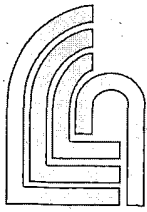
District Name	District Value(s)		Pct of Parcel in District (if fractional)	Notes
Airport Noise Zone			NOT FOUND	
Coastal Building Zone			NOT FOUND	
Coastal High Hazard Area	Coastal High Hazard Zone	High hazard		
Flood Insurance Zone	Flood Zone	A14-EL11		
Planning Community	ID	13		
	Plan Community	San Carlos		
Planning Land Use 2010	Landuse	Urban Community		
Sea Turtle Lighting Zone			NOT FOUND	
Vegetation Permit Required			NOT FOUND	
Soil	Map Symbol	69	92.83%	
	Soil Name	MATLACHA GRAVELLY FINE SAND		
	Map Symbol	99	7.17%	
	Soil Name	WATER		
Panther Habitat			NOT FOUND	
Eagle Nesting Site buffer			NOT FOUND	
Commissioner District	District Commissioner	5 John Albion		
Unincorporated Lee County Zoning	Zoning Designation	CPD	> 99.99%	
	Zoning Designation	MPD	< 0.01%	1
Development Orders	Development Order	89-04-014-00D	< 0.01%	1
	Status	ACTIVE		
	Wet Season Water Table	6.0		

[[Modify](#)] Report Settings

Note	Details
1	Small percentages can result from slight variations in the way lines are drawn or imported into our system. Such values may not accurately reflect an overlap with the subject parcel.

Our goal is to provide the most accurate data available, however no warranties are provided with this data, its use, or interpretation.
 All information subject to change without notice.
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Lotspeich and Associates, Inc.
ECOLOGICAL CONSULTANTS

**Ecological Assessment Report
for
Lee County Planned Development Application**

Barbour Property

3± acres in Section 7, Township 46 South, Range 25 East
Lee County, Florida

Prepared for:

Lee County Department of Community Development
1500 Monroe Street
Fort Myers, Florida 33902

OCI 2004-00029

Submitted to:

CPH Engineers, Inc.
500 W. Fulton Street
Sanford, FL 32771

RECEIVED
APR 30 2004

PERMIT COUNTER

Prepared by :

Lotspeich and Associates, Inc.
2711 West Fairbanks Avenue
Winter Park, FL 32789

20 October 2003
L&A No. 2003-157.41
Doc: \2003-157-RPT-J20.wpd

TABLE OF CONTENTS

	PAGE
INTRODUCTION	1
METHODOLOGY	1
EXISTING SITE CONDITIONS	2
Topography and Drainage	2
Soils	2
Land Use and Vegetation	2
THREATENED AND ENDANGERED SPECIES	3
WETLAND AGENCY JURISDICTION	3
ARCHAEOLOGICAL AND HISTORICAL RESOURCES	3

TABLES

Table 1.	Federal and State Listed Plants Documented in Lee County and the Potential for Occurrence on the Barbour Study Site
Table 2.	Federal and State Listed Animals Documented in Lee County and the Potential for Occurrence on the Barbour Study Site

FIGURES

Figure 1	Vicinity Map
Figure 2	Topographic Map
Figure 3	Soils Map
Figure 4	Existing Land Use Map

APPENDICES

Appendix A	Primary and Secondary Information Sources
Appendix B	Bald Eagle Database Search Results
Appendix C	Florida Division of Historical Resources Master Site File Search Results

Ecological Assessment Report

Barbour Property

3± acres *in* Section 7, Township 46 South, Range 25 East

Lee County, Florida

Doc: \2003-157-RPT-J20.wpd

INTRODUCTION

Pursuant to the request and authorization of CPH Engineers, Inc., an Ecological Assessment was conducted on the above referenced parcel by representatives of Lotspeich and Associates, Inc. (L&A). The purpose of our research was to provide the necessary ecological and historical site data in support of a Lee County Planned Development Application to be submitted to the Lee County Department of Community Development. Our investigation was limited to a determination of on-site federal and state jurisdictional wetlands, an assessment of the site's potential to support federal or state listed plants and animals, and a database search for known historical or archaeological resources that might occur on-site. No subsurface soil, water quality, or hazardous materials investigations were conducted by L&A. This letter documents the findings of this investigation. These findings reflect conditions on-site at the time of the investigation and do not preclude the possibility that on-site conditions may change. The opinions expressed are those of the writer and should not be viewed as binding upon any governmental agency.

METHODOLOGY

The study area was investigated through review of published information (Appendix A), a review of the state's database species' occurrence records, and field reviews to ground truth on-site vegetative communities. A field investigation was conducted by representatives of L&A on 15 October 2003. Wetlands were delineated using the Corps of Engineers' Wetlands Delineation Manual (1987) and the Unified Wetland Delineation Methodology for the State of Florida dated 1 July 1994 (62-340, Florida Administrative Code (F.A.C.)).

Vegetative community types and general observations were recorded via field data sheets and photographs taken of the site. A list of plant species encountered was recorded for the study area. This list reflects representative species observed within the site and is not necessarily a complete floristic inventory. The site was also reviewed for the presence of any listed animals through actual observation, signs of scat, prints, or other indications of their presence or utilization of the site. Statements regarding listed species are based on limited field observations and existing data records, and do not exclude the possibility that listed species may occasionally forage on-site or may move onto the site at a later date.

A request was made to the State of Florida Division of Historical Resources (DHR) to review the Florida Master Site File for any archaeological or historical features known to occur on the study area.

EXISTING SITE CONDITIONS

Location

The study area is located on the east side of U.S. 41 (Tamiami Trail) approximately 2,000 feet south of Almico Road in Section 7, Township 46 South, Range 25 East, Lee County, Florida (Figure 1). The study area is bordered to the east by a man-made lake (Granada Lake), to the south by an office building, to the west by U.S. 41 and its maintained right of way, and to the north by undeveloped land.

Topography and Drainage

The U.S. Geological Survey (USGS) topographic map (Estero, FL Quadrangle) depicts the study area with a relatively flat elevation (Figure 2). Actual contours are not shown on the site, but a 5-foot National Geodetic Vertical Datum (NGVD) contour is shown west of U.S. 41 and a 10-foot NGVD contour is shown east of the site. Based on our site review, the site lies above the grade of U.S. 41 and slopes downward to the adjacent lake and road. On-site drainage occurs through soil percolation and sheet flow to the adjacent lake. The USGS map shows the lake as hatched indicating that it is man-made. The USGS topographic map does not show the lake with a surface water outfall. The study area lies in the Estero Bay drainage basin of the South Florida Water Management District (SFWMD).

Soils

The soils in the study area were mapped by the U.S. Department of Agriculture Soil Conservation Service (SCS) (Figure 3). The site is shown to contain entirely Matlacha gravelly fine sand, which is described by the SCS as somewhat poorly drained soils formed by filling and earthmoving operations. Soils types are typically classified by the SFWMD and the U.S. Army Corps of Engineers (USACE) as a non-hydric soil, typical of upland habitats, or a hydric soil, typical of wetland habitats. Matlacha gravelly fine sand is considered to be a non-hydric soil type by both the USACE and the SFWMD. It should be noted that the current status of the on-site soils may be different from the SCS description due to the effects of adjacent development, drainage activities, or possibly erosion. For instance, Figure 3 shows the entire site as being in upland soils. However, based on the projection of the site boundaries onto a recent aerial photograph it appears that much of the east portion of the site is now under water. Based on this site inspection, erosion of the west bank of the lake appears to be significant. The specific limitations and restrictions of the on-site soils should be reviewed by a licensed engineer or a professional soil scientist.

Land Use and Vegetation

The land use and vegetative communities in the study area are described using the Florida Land Use, Cover and Forms Classification System (FLUCFCS), Level III, 1999 (Figure 4). The site contains approximately 1.65± acres of upland habitat and 1.35± acres of wetland and surface water habitats associated with Granada Lake.

Uplands: The upland habitat is best described as shrubs and other brush (FLUCFCS 329). The upland habitat has been disturbed by motor vehicles, which has left a distinct network of unvegetated paths throughout the site. Peripheral areas adjacent to these paths are vegetated by a mixed herbaceous community of sandspurs (*Cenchrus* sp.), lovegrass (*Eragrostis elliottii*), threeawn grass (*Aristida* sp.), spermacoce (*Spermacoce* sp.), and begger-ticks (*Bidens alba*). A few slash pine (*Pinus elliottii*), melaleuca (*Melaleuca quinquenervia*), and Australian pine (*Casuarina equisetifolia*) are found scattered

throughout the site. Dense stands of Brazilian pepper (*Schinus terebinthifolius*) are found around each stand of trees and in the upland areas adjacent to the lake.

Wetlands and Surface Waters: The east portion of the site contains open water habitat associated with Granada Lake (FLUCFCS 523). The shallow transitional area between the open water habitat and the upland edge is vegetated by a stand of melaleuca (FLUCFCS 619).

THREATENED AND ENDANGERED SPECIES

The U.S. Fish and Wildlife Service (USFWS) and Florida Department of Agriculture and Consumer Services (FDACS) compile lists of threatened and endangered plants in Florida. The USFWS classifies protected plants as either endangered or threatened, while FDACS categorizes plants as endangered, threatened, or "commercially exploited." Table 1 lists the federal and state protected plants documented to occur in Lee County and the potential for their occurrence in the study area. There were no federal or state listed plants found in the study area. Most of the listed plants are endemic to undisturbed xeric upland and wetland habitats. The history of disturbance on this site reduces the likelihood that any listed plants would occur on the site. Thus, no coordination with the USFWS nor the FDACS related to listed plants should be necessary.

The USFWS and the Florida Fish and Wildlife Conservation Commission (FFWCC) compile lists of wildlife considered to be under a possible threat of extinction. These species are categorized as either endangered or threatened. The FFWCC utilizes an additional category - "species of special concern" (SSC) - for several animals that may ultimately be listed as endangered or threatened. This classification provides the SSC-listed animal with a particular level of protection that varies from species to species. Table 2 lists the federal and state protected animals known to occur in Lee County and the potential for their occurrence in the project area. No protected animals were observed on-site during the site review. Most of the listed animals known to occur in Lee County occur in undisturbed xeric upland habitats or marine habitats. The upland habitat on the study area has been subjected to a history of disturbance that limits the potential for the site to provide significant wildlife habitat. In addition, the site is located between a man-made lake surrounded by residential and commercial development and a heavily traveled highway. The location of this site in the broad landscape also limits the potential for the site to support listed wildlife. Due to the proximity of the site to open water bodies, a bald eagle nest search was conducted following the procedures for the FFWCC's *Eagle Nest Locator Database* (2002). There are no records of any active bald eagle nest located within one mile of the study area (Appendix B). Thus, no coordination with the USFWS or the FFWCC regarding listed animals should be necessary.

WETLAND AGENCY JURISDICTION

Federal and state regulatory agencies that may have jurisdiction over the on-site surface waters and associated wetland include the USACE and the SFWMD. Based on the site investigation, the landward limits of the wetland and surface water appear to be at the top of bank of the lake, as is consistent with man-made lakes (Figure 4). The top of bank was surveyed previously and is used as the jurisdictional limits in Figure 4.

ARCHAEOLOGICAL AND HISTORICAL RESOURCES

The Florida Division of Historical Resources reviewed the Florida Master Site File for any known historical resources in Section 7, Township 46 South, and Range 25 South in which the study area lies. The DHR found no record of any historical resources in the vicinity of the study area (Appendix C).

Table 1. State and Federal Listed Plant Species Documented in Lee County and the Potential for Occurrence within the Barbour Study Site.

Source: Lotspeich and Associates, Inc.

SCIENTIFIC NAME COMMON NAME	DESIGNATED STATUS		HABITAT and FLOWERING SEASON	LIKELIHOOD OF OCCURRENCE	OBSERVED
	FDACS	FWS			
<i>Acrostichum aureum</i> Golden leather fern	T	-	Coastal hammocks, tidal marsh	Low, no habitat on-site	No
<i>Andropogon arctatus</i> Pinewood bluestem	T	-	Flatwoods; Oct-Nov	Low, no habitat on-site	No
<i>Asclepias curtissii</i> Curtis' milkweed	E	-	Sand pine scrub, dry hammocks, flatwoods; May-Sep	Low - Moderate, poor habitat on-site	No
<i>Asplenium serratum</i> Bird's nest spleenwort	E	-	Swamps and hammocks on fallen logs	Low, no habitat on-site	No
<i>Blétia purpurea</i> Pine-pink orchid	T	-	Cypress strand; Apr-May	Low, no habitat on-site	No
<i>Bonamia grandiflora</i> Florida bonamia	E	T	Scrub; Apr-Sep	Low - Moderate, poor habitat on-site	No
<i>Burmannie flava</i> Fakahatchee burmannia	E	-	Wet flatwoods, Big Cypress Swamp; Jan-	Low, no habitat on-site	No
<i>Calopogon multiflorus</i> Many-flowered grass-pink	E	-	Damp pinelands and meadows (fire maintained); Mar-Jun	Low, no habitat on-site	No
<i>Celosia nitida</i> Slender celosia	E	-	Hardwood hammocks, coastal dunes; Summer	Low, no habitat on-site	No
<i>Celtis iguanaea</i> Iguana hackberry	E	-	Shell mounds, tidal swamps	Low, no habitat on-site	No
<i>Celtis pallida</i> Spiny hackberry	E	-	Shell mounds, tidal swamps	Low, no habitat on-site	No
<i>Cereus gracilis</i> West coast prickly-apple	E	-	Shell mounds, rockland hammocks, maritime hammocks;	Low, no habitat on-site	No
<i>Cereus pentagonus</i> Barbed-wire cactus	T	-	Maritime hammocks, beaches; all year	Low, no habitat on-site	No
<i>Chamaesyce cumulicola</i> Sand-dune spurge	E	-	Coastal dunes, coastal scrub	Low - Moderate, poor habitat on-site	No
<i>Chamaesyce deltoidea</i> Rockland spurge	E	E	Pine rocklands, coastal berm, coastal grassland; all year	Low, no habitat on-site	No
<i>Crossopetalum rhacoma</i> Rhacoma	E	-	Pine rocklands, rockland hammocks, coastal strand; all year	Low, no habitat on-site	No
<i>Cyrtopodium punctatum</i> Butterfly orchid	E	-	Rockland hammocks, marl prairie, strand swamp	Low, no habitat on-site	No
<i>Deeringothamnus pulchellus</i> Beautiful pawpaw	E	E	Grassy flatwoods, road edges; Mar-May	Low, no habitat on-site	No
<i>Encyclia cochleata</i> Florida clamshell orchid	E	-	Rockland hammocks, dome swamps, strand swamps; all year	Low, no habitat on-site	No

Table 1 - continued

SCIENTIFIC NAME COMMON NAME	DESIGNATED STATUS		HABITAT and FLOWERING SEASON	LIKELIHOOD OF OCCURRENCE	OBSERVED
	FDACS	FWS			
<i>Epidendrum anceps</i> Dingy-flowered epidendrum	E	-	Rockland hammocks, dome swamps, strand swamps, hammocks; all year	Low, no habitat on- site	No
<i>Epidendrum difforme</i> Umbelled epidendrum	E	-	Hammocks	Low, no habitat on- site	No
<i>Epidendrum rigidum</i> Rigid epidendrum	E	-	Rockland hammocks, dome swamps, strand swamps; Oct-May	Low, no habitat on- site	No
<i>Eragrostis tracyi</i> Sanibel lovegrass	E	-	Beach dunes, maritime hammocks, coastal strand, coastal grassland, old fields, clearings, disturbed sites; all year	Low - Moderate, poor habitat on-site	No
<i>Eugenia confusa</i> Redberry eugenia	E	-	Rockland hammocks; Mar- Jul	Low, no habitat on- site	No
<i>Gossypium hirsutum</i> Wild cotton	E	-	Coastal hammocks, shell mounds, coastal berm; all year	Low - Moderate, poor habitat on-site	No
<i>Habenaria distans</i> Distans habenaria	E	-	Hydric hammocks, strand swamps; Aug-Sep	Low, no habitat on- site	No
<i>Hexalectris spicata</i> Crested coralroot	E	-	Pine-hickory woods; secondary woods, calcareous hammocks; Jun- Aug	Low, no habitat on- site	No
<i>Jacquinia keyensis</i> Joewood	T	-	Coastal strand, coastal grassland, maritime hammocks, rocky pineland; all year	Low, no habitat on- site	No
<i>Lantana depressa</i> Pineland lantana	E	-	Pine rockland, coastal strand, coastal grasslands, beach berm, marl prairies; May-Nov	Low - Moderate, poor habitat on-site	No
<i>Lecyda cernua</i> Scrub pinweed	T	-	Sandy openings in scrub, fire maintained; Jul-Jan	Low - Moderate, poor habitat on-site	No
<i>Lecyda divaricata</i> Spreading pinweed	E	-	Dry sandy soil, scrubby flatwoods; May-Oct	Low - Moderate, poor habitat on-site	No
<i>Lilium catesbaei</i> Catesby's lily	T	-	Wet flatwoods, bogs, usually with grasses; Jul- Oct	Low, no habitat on- site	No
<i>Lycopodium cernuum</i> Nodding club-moss	C	-	Wet depressions, ditches, moist areas	Low, no habitat on- site	No
<i>Lythrum flagellare</i> Lowland loosestrife	E	-	Low open ground, swamps, thickets; Spring	Low, no habitat on- site	No
<i>Maytenus phyllanthoides</i> Mayten	T	-	Hammocks, dunes	Low - Moderate, poor habitat on-site	No
<i>Myrcianthes fragrans</i> Simpson's stopper	T	-	Hammocks, tropical/coastal; all year	Low, no habitat on- site	No
<i>Nephrolepis biserrata</i> Giant sword fern	T	-	Mesic hammocks, roadside, clearings, swamps; all year	Low, no habitat on- site	No

Table 1 - continued

SCIENTIFIC NAME COMMON NAME	DESIGNATED STATUS		HABITAT and FLOWERING SEASON	LIKELIHOOD OF OCCURRENCE	OBSERVED
	FDACS	FWS			
<i>Nolina atopocarpa</i> Florida beargrass	T	-	Grassy areas of flatwoods, bordering savannahs, shell middens; May-Aug	Low, no habitat on- site	No
<i>Ophioglossum palmatum</i> Hand fern	E	-	Bases of cabbage palm leaves in moist hammocks, strand swamps; Mar-Jun	Low, no habitat on- site	No
<i>Opuntia stricta</i> Shell mound prickly pear	T	-	Shell mounds, coastal areas; all year	Low, no habitat on- site	No
<i>Osmunda cinnamomea</i> Cinnamon fern	C	-	Swamps and wetlands; Spring	Low, no habitat on- site	No
<i>Osmunda regalis</i> Royal fern	C	-	Swamps and wetlands; all year	Low, no habitat on- site	No
<i>Pinguicula lutea</i> Yellow flowered butterwort	T	-	Sandy to sandy-peaty soils of pine flatwoods, ditches and roadsides, and seepage bogs; Feb-May	Low, no habitat on- site	No
<i>Platanthera nivea</i> Snowy orchid	T	-	Bogs, wet pine savannas and flatwoods, wet prairies; May-Jun	Low, no habitat on- site	No
<i>Polystachya concreta</i> Pale-flowered polystachya	E	-	Strand swamps; all year	Low, no habitat on- site	No
<i>Ruellia noctiflora</i> Night-flowering ruellia	E	-	Wet flatwoods, seepage slopes; May-Aug	Low, no habitat on- site	No
<i>Scaevola plumieri</i> Inkberry	T	-	Beaches, coastal strand; all year	Low, no habitat on- site	No
<i>Setaria chapmanii</i> Coral panic grass	E	-	Cleared areas, cultivated fields, shell mounds, hammocks, prairies and bay shores	Low - Moderate, poor habitat on-site	No
<i>Spiranthes brevilabris</i> Small ladies'-tresses	E	-	Pine flatwoods; Feb-May	Low, no habitat on- site	No
<i>Spiranthes longilabris</i> Long-lip ladies'-tresses	T	-	Prairies, flatwoods, marshes, sandy bogs; Nov- Dec	Low, no habitat on- site	No
<i>Spiranthes torta</i> Southern ladies'-tresses	E	-	Rockland pinelands, marl prairies; May-Jun	Low, no habitat on- site	No
<i>Spiranthes tuberosa</i> Little pearl-twist	T	-	Dry acid soil, open pine- palmetto woods, pine flatwoods; Jun	Low, no habitat on- site	No
<i>Stenorrhynchos lanceolatus</i> Terra-cotta orchid	T	-	Open pastures, roadside, wet pine flatwoods, sandhills; Apr-Jul	Low, no habitat on- site	No
<i>Stylisma abdita</i> Hidden stylisma	E	-	Pinelands, scrub; Spring- Summer	Low - Moderate, poor habitat on-site	No
<i>Thelypteris reticulata</i> Lattice-vein fern	E	-	Hammocks in cypress swamps, wet roadsides	Low, no habitat on- site	No
<i>Tillandsia balbistana</i> Inflated wild-pine	T	-	Hammocks, cypress swamps, pinelands, scrub; Fall	Low; no habitat on- site	No

Table 1 - continued

SCIENTIFIC NAME COMMON NAME	DESIGNATED STATUS		HABITAT and FLOWERING SEASON	LIKELIHOOD OF OCCURRENCE	OBSERVED
	FDACS	FWS			
<i>Tillandsia flexuosa</i> Twisted air plant	E	-	Shell ridges or mounds, hammocks, swamps, mangrove, pinelands, scrub; Spring-Summer	Low, no habitat on- site	No
<i>Tillandsia utriculata</i> Giant wild-pine	E	-	Hammocks, cypress swamps, pinelands	Low, no habitat on- site	No
<i>Verbena tamensis</i> Tampa vervain	E	-	Flatwoods, hammocks, sandy soils, disturbed sites; Jan-Jun	Low - Moderate, poor habitat on-site	No
<i>Vernonia blodgettii</i> Blodgett's ironweed	E	-	Low pinelands; all year	Low, no habitat on- site	No
<i>Zamia floridana</i> Florida coontie	C	-	Scrub, oak hammock, well- drained sandy or loamy soils; Fall-Winter	Low - Moderate, poor habitat on-site	No
<i>Zamia umbrosa</i> East coast coontie	C	-	Scrub, oak hammock, well- drained sandy or loamy soils; Fall-Winter	Low - Moderate, poor habitat on-site	No
<i>Zephranthes simpsonii</i> Simpson's zephyr-lily	T	-	Wet pinelands and pastures, roadsides; Spring	Low, no habitat on- site	No

LEGEND:

- E = Endangered
 T = Threatened
 C = Commercially exploited
 FDACS = Florida Department of Agriculture and Consumer Services (June 1998)
 FWS = U.S. Fish and Wildlife Service

Table 2. State and Federally Listed Animal Species Documented in Lee County and the Potential for Occurrence within the Barbour Study Site.

Source: Lotspeich and Associates, Inc.

SCIENTIFIC NAME COMMON NAME	DESIGNATED STATUS		HABITAT	LIKELIHOOD OF OCCURRENCE	OBSERVED
	FWC	FWS			
BIRDS					
<i>Ajaia ajaja</i> Roseate spoonbill	SSC	-	Salt marshes, mangroves, wet prairies, marshes, and agricultural environments	Low - Moderate, poor habitat on-site	No
<i>Aphelocoma c. coerulescens</i> Florida scrub jay	T	T	Oak scrub with open ground	Low - Moderate, poor habitat on-site	No
<i>Aramus guarana</i> Limpkin	SSC	-	Slow-moving freshwater rivers, marshes, and lakeshores	Low - Moderate, poor habitat on-site	No
<i>Campephilus principalis principalis</i> Ivory-billed woodpecker	E	E	Cypress swamps	Low - No habitat on-site	No
<i>Charadrius alexandrinus tenuirostris</i> Southeastern snowy plover	T	-	Coastal beaches	Low - No habitat on-site	No
<i>Charadrius melodus</i> Piping plover	T	T	Beach dune, exposed marine and estuarine substrate	Low - No habitat on-site	No
<i>Egretta caerulea</i> Little blue heron	SSC	-	Marshes, lakeshores, ponds, ditches, and pastures	Low - Moderate, poor habitat on-site	No
<i>Egretta thula</i> Snowy egret	SSC	-	Marshes, lakeshores, ponds, ditches, and pastures	Low - Moderate, poor habitat on-site	No
<i>Falco peregrinus tundrius</i> Arctic peregrine falcon	E	-	Needs plentiful supply of birds for food, perches for roosting and feeding		No
<i>Falco sparverius paulus</i> Southeastern American kestrel	T	-	Forest ecotone, urban areas, farm lands, and clearings	Low - No habitat on-site	No
<i>Grus canadensis pratensis</i> Florida sandhill crane	T	T	Wet prairies, littoral zones, and wet pastures; nests in pickerelweed-maidencane marshes	Low - Moderate, poor habitat on-site	No
<i>Haematopus palliatus</i> American oystercatcher	SSC	-	Coastal beaches	Low - No habitat on-site	No
<i>Haliaeetus leucocephalus</i> Southern bald eagle	T	T	Coastal areas, large lakes, and river shorelines; nests near water bodies	Low - Moderate, poor habitat on-site	No
<i>Mycteria americana</i> Wood stork	E	E	Marshes, ponds, and lagoons; nests in cypress and mangrove swamps	Low - Moderate, poor habitat on-site	No
<i>Pelecanus occidentalis</i> Brown pelican	SSC	-	Coastal marine and estuarine habitats	Low - No habitat on-site	No
<i>Picoides borealis</i> Red-cockaded woodpecker	T	E	Mature longleaf and slash pine forests with open mid-story	Low - No habitat on-site	No
<i>Polyborus plancus audubonii</i> Audubon's crested caracara	T	T	Prairies, open grassland; nest in cabbage palm hammock	Low - No habitat on-site	No
<i>Rostrhamus sociabilis</i> Snail kite	E	E	Freshwater marsh	Low - No habitat on-site	No
<i>Speotyto cunicularia</i> Burrowing owl	SSC	-	Open grassland, prairies, farm land, pastures, and airfields; can be found in urban settings	Low - Moderate, poor habitat on-site	No

Table 2 - continued

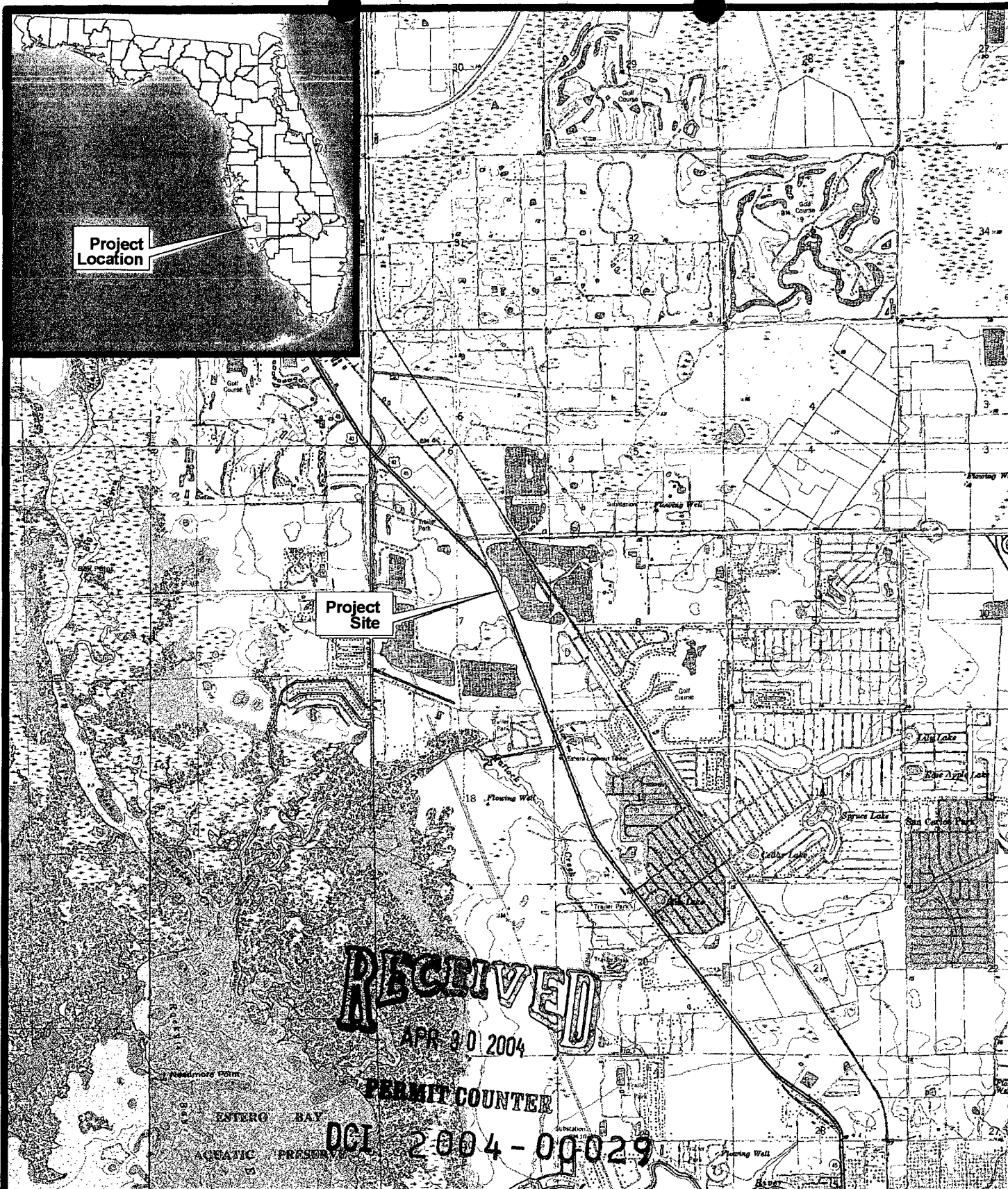
SCIENTIFIC NAME COMMON NAME	DESIGNATED STATUS		HABITAT	LIKELIHOOD OF OCCURRENCE	OBSERVED
	FWC	FWS			
<i>Sterna antillarum</i> Least tern	T	-	Open flat sand or gravel, spoil areas, and roof-tops; adjacent to coastal areas	Low - No habitat on-site	No
<i>Vermivora bachmanii</i> Bachman's warbler	E	E	Nests in hardwood swamps; migrants occur in a variety of woodlands, usually in lowlands	Low - No habitat on-site	No
MAMMALS					
<i>Balaena glacialis</i> Right whale	E	E	Near shore shallow water, in large bays	Low - No habitat on-site	No
<i>Balaenoptera borealis</i> Sei whale	E	E	Near and offshore temperate open seas	Low - No habitat on-site	No
<i>Balaenoptera physalus</i> Finback whale	E	E	Inshore and offshore	Low - No habitat on-site	No
<i>Blarina brevicauda shermanii</i> Sherman's short-tailed shrew	SSC	-	Dense grassy areas	Low - No habitat on-site	No
<i>Crocodylus aculus</i> American crocodile	-	E	Mangrove, seagrass	Low - No habitat on-site	No
<i>Felis concolor coryi</i> Florida panther	E	E	Vast areas of most vegetation	Low - Moderate, poor habitat on-site	No
<i>Megaptera novaeangliae</i> Humpback whale	E	E	Along coasts, continental shelf, island banks, open seas	Low - No habitat on-site	No
<i>Mustela vison evergladensis</i> Everglades mink	T	-	Shallow wetlands	Low - No habitat on-site	No
<i>Oryzomys palustris sanibelli</i> Sanibel Island rice rat	SSC	-	Low wet areas	Low - No habitat on-site	No
<i>Physeter catodon</i> Sperm whale	E	E	Temperate and tropical oceans, edge of continental shelf	Low - No habitat on-site	No
<i>Podomys floridanus</i> Florida mouse	SSC	-	Sand pine scrub, coastal scrub, scrubby flatwoods, and sandhills	Low - Moderate, poor habitat on-site	No
<i>Sciurus niger avicennia</i> Cypress fox squirrel	T	-	Cypress swamps, pine flatwoods, tropical hardwood swamp, mixed hardwoods, and suburban habitats	Low - Moderate, poor habitat on-site	No
<i>Trichechus manatus latirostris</i> West Indian Manatee	E	E	Caloosahatchee River and in coastal waters	Low - No habitat on-site	No
<i>Ursus americanus floridanus</i> Florida black bear	T	-	Pine flatwoods, cypress swamps, hardwood swamp, sand pine scrub, and mixed hardwoods	Low - Moderate, poor habitat on-site	No
AMPHIBIANS AND REPTILES					
<i>Alligator mississippiensis</i> American alligator	SSC	T(s/a)	Lakes, ponds, sloughs, and marshes	Moderate, poor habitat on-site	No
<i>Caretta caretta</i> Loggerhead sea turtle	T	T	Continental shelves, bays, lagoons, and estuaries in temperate, subtropical, and tropical waters	Low - No habitat on-site	No

Table 2 - continued

SCIENTIFIC NAME COMMON NAME	DESIGNATED STATUS		HABITAT	LIKELIHOOD OF OCCURRENCE	OBSERVED
	FWC	FWS			
<i>Chelonia mydas</i> Green sea turtle	E	E	Ranges throughout tropics and subtropics; nests primarily on Florida's east coast beaches	Low - No habitat on-site	No
<i>Dermochelys coriacea</i> Leatherback sea turtle	E	E	Nest on tropical beaches, usually on mainland shores of the Atlantic, Indian, Pacific oceans	Low - No habitat on-site	No
<i>Drymarchon corais couperi</i> Eastern indigo snake	T	T	Varied habitats from wet prairie to xeric pineland and scrub	Low - Moderate, poor habitat on-site	No
<i>Elaphe guttata guttata</i> Red rat snake	SSC	-	Woodland habitats, disturbed sites	Low - Moderate, poor habitat on-site	No
<i>Eretmochelys imbricata</i> Hawksbill sea turtle	E	E	Coral reefs; hardbottom habitats including limestone ledges and outcroppings	Low - No habitat on-site	No
<i>Gopherus polyphemus</i> Gopher tortoise	SSC	-	Sandhills, sand pine scrub, live oak hammocks, palmetto prairie, pine flatwoods; abandoned grove, and pasture	Low - Moderate, poor habitat on-site	No
<i>Pituophis melanoleucus mugitus</i> Florida pine snake	SSC	-	Longleaf pine-xeric oak, sand pine scrub, dry pine flatwoods; and abandoned fields on well drained soils	Low - Moderate, poor habitat on-site	No
<i>Rana capito</i> Gopher frog	SSC	-	Sandhill, pine flatwoods, and sand pine scrub; needs ephemeral marshes for breeding	Low - Moderate, poor habitat on-site	No

LEGEND:

- E = Endangered
 T = Threatened
 T(s/a) = Threatened due to similarity of appearance
 SSC = Species of Special Concern
 FWC = Florida Fish and Wildlife Conservation Commission (August 1997)
 FWS = U.S. Fish and Wildlife Service (September 1998)



Lotspeich and Associates, Inc.
ECOLOGICAL CONSULTANTS
 2711 West Fairbanks Avenue, Winter Park, Florida 32789
 (407) 740-8482 Fax - 645-1305 www.lotspeichandassociates.com

Barbours Property

3.0 +/- acres in
 Section 7, Township 46 South, Range 25 East
 Lee County, Florida

Vicinity Map

Source: St. Johns River Water Management District



North

Scale: 1" = 4,000'

Figure 1

File:2003-157.APR

Drawn By:

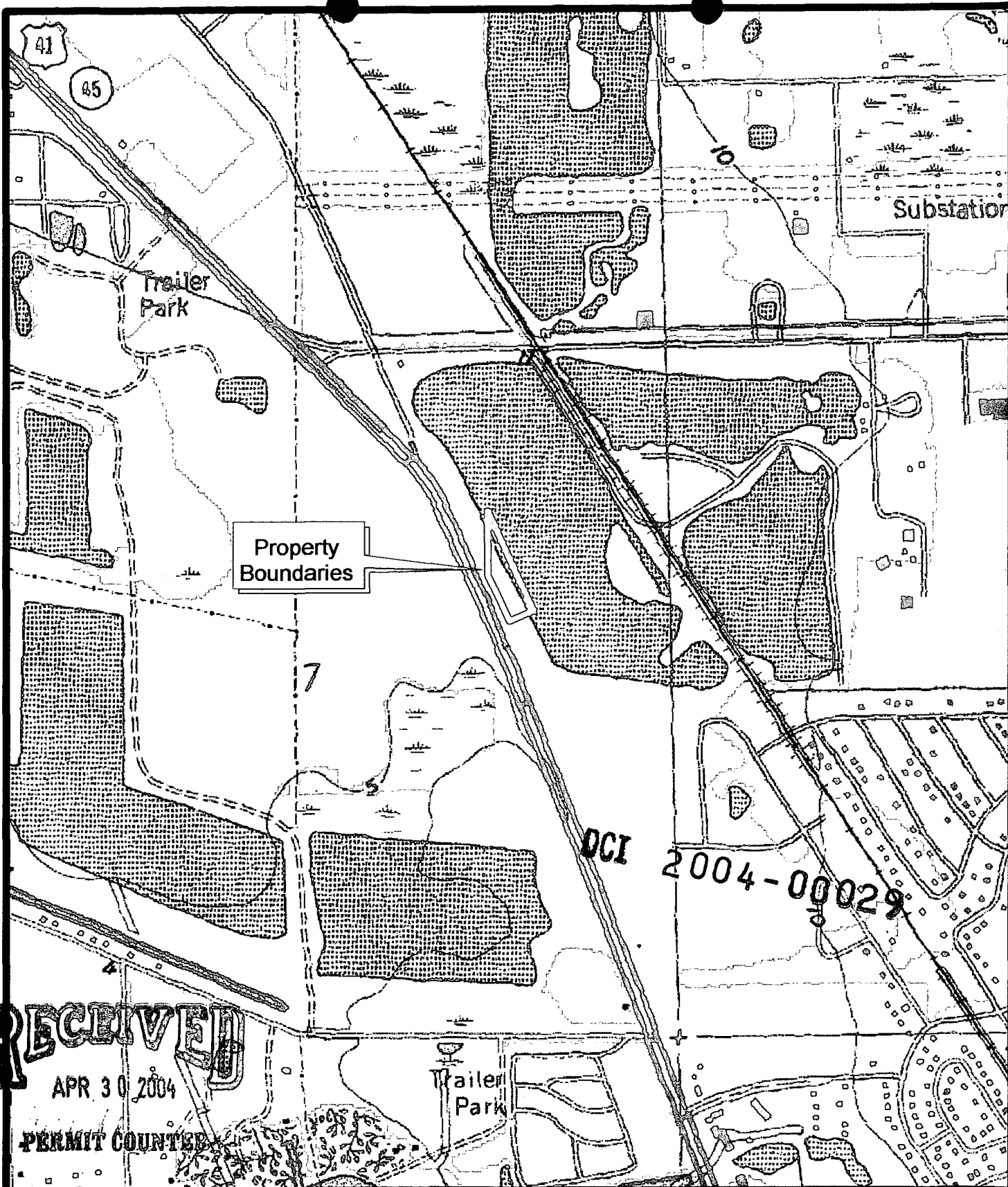
JM

Job No.:

2003-157.33

Date:

20 Oct. 2003



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ECOLOGICAL CONSULTANTS

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(407) 740-8482 Fax - 645-1305 www.lotspeichandassociates.com

Barbour Property

3.0 +/- acres in
Section 7, Township 46 South, Range 25 East
Lee County, Florida

Topographic Map

Source: FDEP, 2001, Estero Quadrangle



North

Scale: 1" = 1,000'

Figure 2

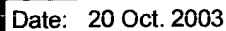
File: 2003-157.APR

Drawn By:

JM

Job No.: 2003-157.33

Date: 20 Oct. 2003



Soil Legend

Lee County, Florida

U.S. Department of Agriculture

Soil Conservation Service

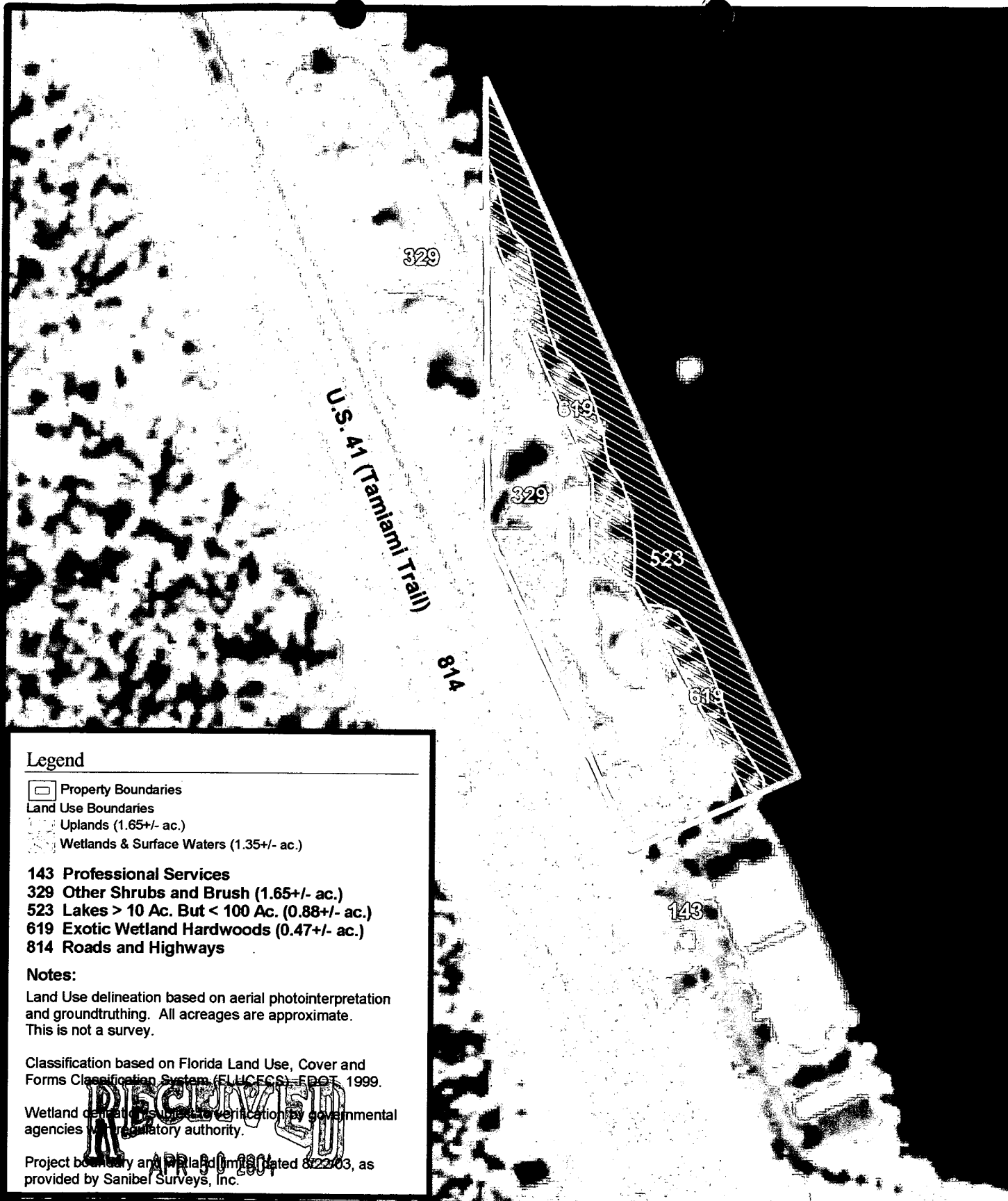
issued: December 1984

The recommended publication symbols are numerical. Map units without percent slope designated are either level or nearly level or they are miscellaneous areas.

2		Canaveral fine sand, 0 to 5 percent slopes	38	△◇★	Isles fine sand, slough
			39	△◇★	Isles fine sand, depressional
4		Canaveral-Urban Land complex	40	△◇★	Anclote sand, depressional
5	△◇★	Captiva fine sand	41	△◇★	Valkaria fine sand, depressional
6	△	Hallandale fine sand	42	△	Wabasso sand, limestone substratum
7		Matlacha-Urban Land complex	43	△	Smyrna fine sand
8	△	Hallandale fine sand, tidal	44	△◇★	Malabar fine sand depressional
9	△	EauGallie sand	45	△◇★	Copeland sandy loam, depressional
10	△◇★	Pompano fine sand	48		St. Augustine fine sand
11	△	Myakka fine sand	49	△◇★	Felda fine sand, depressional
12	△◇★	Felda fine sand	50		Oldsmar fine sand, limestone substratum
13	△	Boca fine sand			
14	△◇★	Valkaria fine sand	51	△◇★	Floridana sand, depressional
15	△◇★	Esterio muck	53	△◇★	Myakka fine sand, depressional
16	△◇★	Peckish mucky fine sand	55		Cocoa fine sand
17		Daytona sand	56	△◇★	Isles muck
18		Matlacha gravelly fine sand, limestone substratum	57	△◇★	Boca fine sand, tidal
			59		Urban land
19	△◇★	Gator muck	61		Orsino fine sand
20	△◇★	Terra Ceia muck	62	△◇★	Winder sand, depressional
22	◇★	Beaches	63	△	Malabar fine sand, high
23	△◇★	Wulfert muck	64	△	Hallandale-Urban Land complex
24	△◇★	Kesson fine sand	66		Caloosa fine sand
25		St. Augustine sand, organic substratum-Urban Land complex	67	△	Smyrna-Urban Land complex
			69		Matlacha gravelly fine sand
26	△◇★	Pineda fine sand	70		Heights fine sand
27	△◇★	Pompano fine sands, depressional	72	△	Bradenton fine sand
28		Immokalee sand	73	△◇★	Pineda fine sand, depressional
29	△	Punta fine sand	74	△◇★	Boca fine sand, slough
33		Oldsmar sand	75	△◇★	Hallandale fine sand, slough
34	△◇★	Malabar fine sand	76		Electra fine sand
35	△	Wabasso fine sand	77	△◇★	Pineda fine sand, limestone substratum
36	△	Immokalee-Urban Land complex			
37		Satellite fine sand	78	△◇★	Chobee muck

LEGEND

- △ Denotes hydric soils U.S. Army Corps of Engineers, January 1987.
- ◇ Denotes hydric soils South Florida Water Management District.
- ★ Denotes hydric soils Florida Association of Professional Soils Classifiers, July 1990.
- ◎ The composition of these units is more variable than that of others in the survey area, but has been controlled well enough to be interpreted for the expected use of the soils.



PERMIT COUNTER
Lotspich and Associates, Inc.
 ECOLOGICAL CONSULTANTS
 2711 West Fairbanks Avenue, Winter Park, Florida 32789
 (407) 740-8482 Fax - 645-1305 www.lotspichandassociates.com

Barbour Property

3.0 +/- acres in
 Section 7, Township 46 South, Range 25 East
 Lee County, Florida

Existing Land Use (1995)

Source: Florida Department of Environmental Protection, 2001



North

Scale: 1" = 150'

Figure 4

File: 2003-157.APR

Drawn By:

JM

Job No.: 2003-157.33

Date: 20 Oct. 2003

OCI 2004-00029

Primary information sources utilized for the Barbour Study Site :

1. USGS Topographic Survey Map: Estero, FL Quadrangle, photorevised 2001; scale = 1:24,000;
2. Soil Survey of Lee County. 1989. United States Soil Conservation Service. Scale = 1:24,000;
3. Florida Fish and Wildlife Conservation Commission (F.K.A. Game and Freshwater Fish Commission), 1 August 1997, Florida's Endangered Species, Threatened Species and Species of Special Concern *Official Lists*;

Secondary information sources utilized for the Barbour Study Site:

1. United States Army Corps of Engineers, Section 404 of the Clean Water Act (33 U.S.C. 1344) and 33 CFR Parts 320 through 330;
2. United States Army Corps of Engineers Wetlands Delineation Manual. Technical Report Y-87-1. 1987;
3. Florida Association of Professional Soil Classifiers, Hydric Soils of Florida Handbook, 1990;
4. Cowardin, Lewis M., Virginia Carter, Francis C. Golet and Edward T. LaRoe. 1979. Classification of wetlands and deep water habitats of the United States. Office of Biological Services, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 103 pp.;
5. Florida Department of Transportation, January 1999, Florida Land Use, Cover and Forms Classification System, Level III;
6. South Florida Water Management District Management; Basis of Review for Environmental Resource Permit Applications;
7. Florida Game and Freshwater Fish Commission, September 1991, Florida Atlas of Breeding Sites for Herons and Their Allies, update 1986-1989, Florida Game and Fresh Water Fish Commission Non-Game Wildlife Program, Technical Report 10.



FLORIDA DEPARTMENT OF STATE
Glenda E. Hood
Secretary of State
DIVISION OF HISTORICAL RESOURCES

October 21, 2003

Ms. Anne M. Hague
Lotspeich and Associates Inc.
2711 W. Fairbanks Ave.
Winter Park, FL 32789
FAX: 407-645-1305

Dear Ms. Hague:

In response to your inquiry of October 21, 2003, the Florida Master Site File lists no previously recorded cultural resources in the following parcels of Lee County:

T46S, R25E, Section 07

In interpreting the results of our search, please remember the following points:

- Areas which have not been completely surveyed, such as yours, may contain unrecorded archaeological sites, unrecorded historically important structures, or both.
- As you may know, state and federal laws require formal environmental review for some projects. Record searches by the staff of the Florida Master Site File do not constitute such a review of cultural resources. If your project falls under these laws, you should contact the Compliance Review Section of the Bureau of Historic Preservation at 850-245-6333 or at this address.

Sincerely,

For
Neal Engel, 850-245-6440
Data Analyst, Florida Master Site File
Division of Historical Resources
R. A. Gray Building
500 South Bronough Street
Tallahassee, Florida 32399-0250

RECEIVED
APR 30 2004

PERMIT COUNTER

State SunCom: 205-6440
Fax line: 850-245-6439
Email: fmsfile@dos.state.fl.us
Web: <http://www.dos.state.fl.us/dhr/msf/>

DCI 2004-00029

500 S. Bronough Street • Tallahassee, FL 32399-0250 • <http://www.flheritage.com>

☐ Director's Office
(850) 245-6300 • FAX: 245-6435

☐ Archaeological Research
(850) 245-6444 • FAX: 245-6436

☐ Historic Preservation
(850) 245-6333 • FAX: 245-6437

☐ Historical Museums
(850) 245-6400 • FAX: 245-6433

☐ Palm Beach Regional Office

☐ St. Augustine Regional Office

☐ Tampa Regional Office

TOTAL P.01

2003-15746

Lotspeich and Associates, Inc.

ECOLOGICAL CONSULTANTS, 2711 WEST FAIRBANKS AVENUE, WINTER PARK, FLORIDA 32789-3314
TELEPHONE: 407-740-8482 FAX: 407-645-1305 WWW.LOTSPEICHANDASSOCIATES.COM

CONFERENCE MEMO TO FILE

PROJECT	Barbour Property	DATE	10/22/03
WITH	State of Florida Fish and Wildlife Conservation Commission		
TELEPHONE #		L&A Job#:	2003-157.45
ITEMS DISCUSSED			
This Site is located:			
in Section 7, Township 46 South and Range 25 East			
Lee County, Florida			
Latitude: 26 °29.33'N Longitude: 81 ° 50.58'W			
Area Searched:			
3 mile radius of Latitude: Latitude: 26 °29.33'N and Longitude: 81 ° 50.58'W			
Following the search procedures for the FFWCC's Eagle nest locator database (2002), there is no nest within one (1) mile of the project study area.			
Other nest(s) close to study area:			
Nest LE044 is located at Sec. 45, T45S, R24E, approximately 2.4 miles northwest of study area			
RESEARCH INFO			
Research sources: http://wld.fwc.state.fl.us/eagle/eaglenests/nestsearch		Information Last Updated: 7 February 2003	
"This site is compiled and maintained by Wildlife Technology Services in the Division of Wildlife for the Florida Fish and Wildlife Conservation Commission. Bald eagle nest location data are current as of the end of the 2002 nesting season (mid-April 2002). This database contains records for all known and verified bald eagle nests in the state of Florida that were surveyed by the FWC during the period of 1998-2002. Nests discovered more recently than this are not yet included in the database. Each year, a number of new nest sites are found. For this reason, users of this database are cautioned that the absence of an eagle nest record for a given property does not necessarily mean nesting eagles are not present. This nest locator service is not meant to replace a specific on-the-ground survey."			
Topo Quad(s): Estero			
ACTION ITEMS REQUIRED			
CC: FILE/RLT MJH		SIGN: Ann	
S:\PROJECTS\2003\03-157 - Barbour Property\2003-157-eaglememo.wpd			



FLORIDA DEPARTMENT OF STATE
Glenda E. Hood
Secretary of State
DIVISION OF HISTORICAL RESOURCES

October 21, 2003

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OCI 2004-00029

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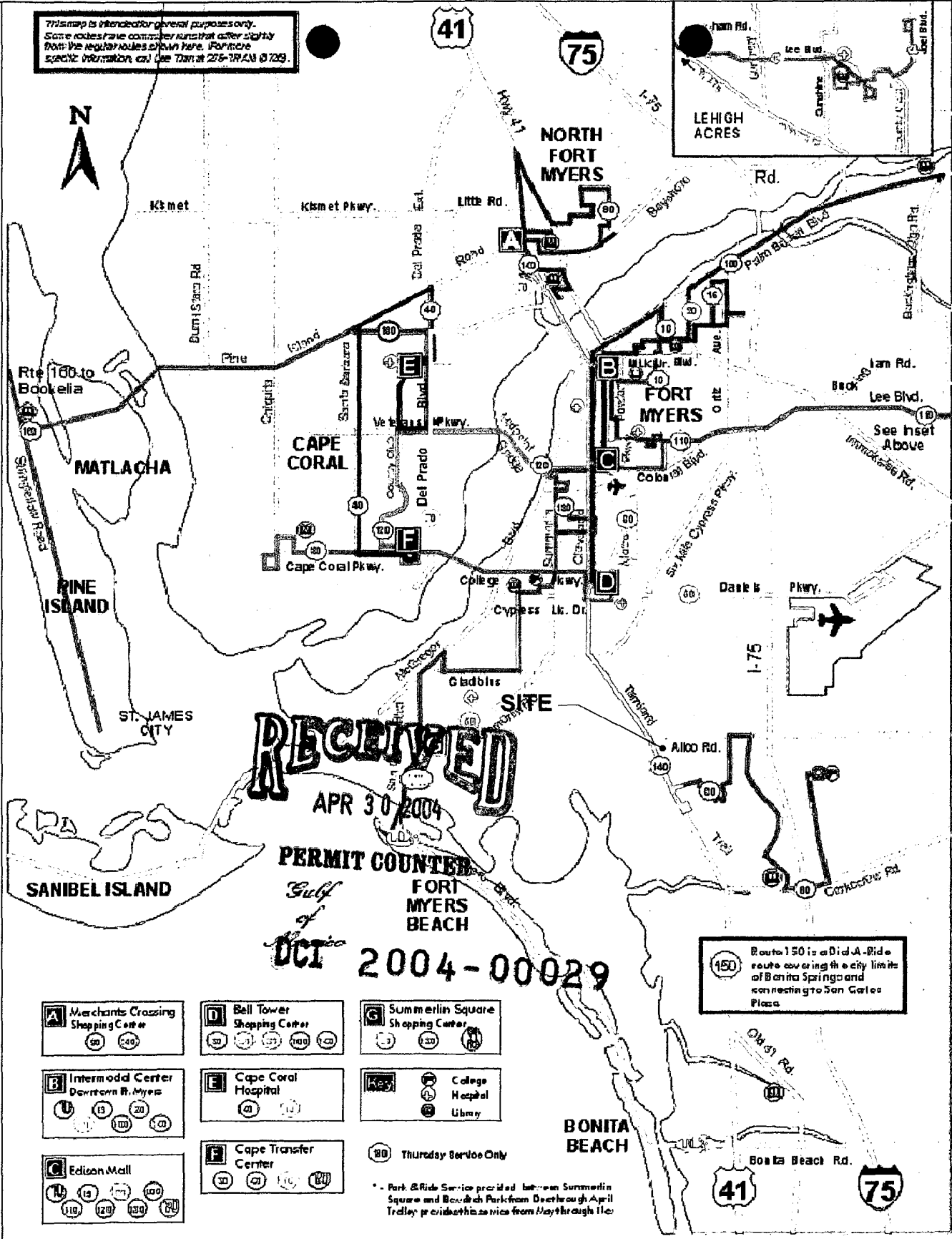
☐ St. Augustine Regional Office

☐ Tampa Regional Office

TOTAL P.01

2003-157.46

This map is intended for general purposes only. Some routes have been simplified and do not reflect the actual route. For more specific information, call Lee Transit at 238-7777 or 238-7778.



A Merchants Crossing Shopping Center
(50) (240)

D Bell Tower Shopping Center
(20) (30) (40) (50) (60) (70) (80) (90) (100)

G Summerlin Square Shopping Center
(5) (20) (30) (40) (50) (60) (70) (80) (90) (100)

B Intermodal Center Downtown Ft. Myers
(1) (15) (20) (30) (40) (50) (60) (70) (80) (90) (100)

E Cape Coral Hospital
(20) (30) (40) (50) (60) (70) (80) (90) (100)

K College Hospital Library
(5) (20) (30) (40) (50) (60) (70) (80) (90) (100)

C Edison Mall
(10) (15) (20) (30) (40) (50) (60) (70) (80) (90) (100)

F Cape Transfer Center
(30) (40) (50) (60) (70) (80) (90) (100)

80 Thursday Service Only

Route 150 is a Dial-A-Ride route covering the city limits of Bonita Springs and connecting to San Carlos Plaza.

* Park & Ride Service provided between Summerlin Square and Bonita Park from Downtown April 1st through April 15th.

cph Engineers
Planners
Landscape Architects
Surveyors
Construction Management
www.cphengineers.com
2211 Peck Street, Suite 300, Fort Myers, FL 33901
Phone: 238-332-5499 Fax: 238-332-2965

©2002

EXHIBIT 1-C
ALICO LAKES LOT-1

LEE COUNTY, FLORIDA

SOUTHBOUND

PM times in BOLD

140

NORTHBOUND

★ Transfer Locations

[illegible]

PAA times: 10, 20, 30, 40, 50, 60, 70, 80, 90, 100

Bus Riding Tips

- Be at Bus Stop 5 minutes before scheduled time
- Have exact fare.
Drivers cannot make change
- Check the destination sign above the windshield to ensure you are boarding the correct route

- Transfers Good On Next Available Bus Only and Not Valid on Same Route
- Out of courtesy to fellow passengers, smoking, drinking, eating, gambling, littering, and music without headphones are not allowed.
- No Service provided on following days

New Year's Day	Labor Day
Memorial Day	Thanksgiving Day
July 4th	Christmas Day

Fort Myers	LeeTran Office 6035 Landing Way Road Intermodal Transfer Center 2250 Peck St.
Sa. Fort Myers	Edison Community College Student Services Building
Cape Coral	City Hall 1015 Cultural Parkway

- Lee Tran provided over 2.3 million passenger trips and 100,000 para-transit trips last year.
- Ridership has increased over 70% since 1996.
- Riding on Lee Tran is 49 times safer than driving or riding in a car.
- LeeTran was the first transit agency in Florida to install bike racks on its entire fleet of buses.
- LeeTran buses cover over 400 miles of roadway in Lee County each day.
- LeeTran will be 30 years old in 2004.

Effective 4/1/04
www.rideline.com

MORE INFO

275-TRAN

All buses are wheelchair accessible.

San Carlos Park	150
San Carlos Plaza	60
Bell Tower	30, 50, 80, 100
Edison Mall	110, 120, 130
Intermodal	10, 15, 80, 100
North Shore	10, 15, 20, 70, 100
Merchants Crossing	90

TRANSFERS

• Merchants Crossing
• North Shore S/C
• Intermodal Center
• Edison Mall
• Bell Tower
• San Carlos Plaza
• San Carlos Park

140

Merchants Crossing

San Carlos Park

Lee train

Your Ride Is Here.

SOUTHBOUND

Merchants Crossing	Intermodal Center	Edison Mall	Bell Tower	San Carlos Plaza
5:00	5:20	5:10	5:30	5:50
5:25	5:45	5:35	5:55	6:15
5:55	6:15	6:05	6:25	6:45
6:20	6:40	6:30	6:50	7:10
6:45	7:05	6:55	7:15	7:35
7:15	7:35	7:20	7:40	8:00
7:40	8:00	7:50	8:10	8:30
8:05	8:25	8:15	8:35	8:55
8:35	8:55	8:40	9:00	9:20
9:00	9:20	9:10	9:30	9:50
9:25	9:45	9:35	9:55	10:15
9:55	10:15	10:00	10:20	10:40
10:20	10:40	10:10	10:30	10:50
10:45	11:05	10:40	11:00	11:20
11:15	11:35	11:10	11:25	11:45
11:40	12:00	11:35	11:50	12:10
12:05	12:25	12:00	12:15	12:35
12:35	12:55	12:10	12:25	12:45
1:00	1:20	1:05	1:20	1:40
1:25	1:45	1:15	1:30	1:50
1:55	2:15	1:35	1:50	2:10
2:20	2:40	1:55	2:10	2:30
2:45	3:05	2:20	2:35	2:55
3:15	3:35	2:50	3:05	3:25
3:40	4:00	3:20	3:35	3:55
4:05	4:25	3:50	4:05	4:25
4:35	4:55	4:20	4:35	4:55
5:00	5:20	4:50	5:05	5:25
5:25	5:45	5:20	5:35	5:55
5:55	6:15	5:50	6:05	6:25
6:20	6:40	6:20	6:35	6:55
6:45	7:05	6:45	6:55	7:15
7:15	7:35	7:10	7:25	7:45
7:40	8:00	7:35	7:50	8:10
8:05	8:25	8:00	8:15	8:35
8:35	8:55	8:30	8:45	9:05
9:00	9:20	9:00	9:15	9:35

PM times in BOLD
All times are approximate

Pases

Tarjetas para Adultos \$ 1.00
De edad o mayor (con tarjeta de Medicare)
Boleto de transbordo \$.50
Fre-escolar niños (menos de 42 pagados)
No pagan \$.15

Pase Para de Dia \$ 3.00
Pase Mensual para Adultos \$30.00
Pase Mensual para Estudiantes \$25.00
Pase para Ancianos e Impedidos \$18.00
Pase de Doce Viajes para Adultos \$10.00
Pase de Doce Viajes para Ancianos \$ 5.00
Pase de Doce Viajes para Estudiantes \$ 7.50

Fare Information

Adult Fare \$1.00
Discount Fare \$.50
Free \$.15

Pre-School Children (under 42 in.)
Transfers
(Must be purchased when boarding)

All Day Pass
Adult Monthly Pass
Student Monthly Pass
Senior/Disabled Monthly Pass
Adult Twelve Trip
Student Twelve Trip
Senior Twelve Trip

Pases

Se requiere cambio exacto

Saturday Service Schedule

140

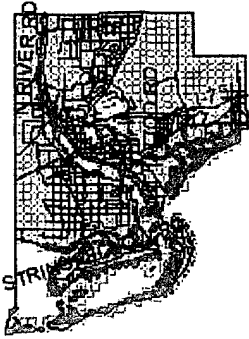
Route 140 Landmarks

- 1 Merchants Crossing
- 2 North Shore S/C
- 3 Intermodal Center
- 4 Edison Mall
- 5 Bell Tower
- 6 San Carlos Plaza
- 7 San Carlos Park

★ Transfer Locations

All times are approximate				
PM times in BOLD				
San Carlos Park	Merchants Crossing	Edison Intermodal Center	Bell Tower	Lower 4th
6:35	6:55	7:15	7:30	7:45
7:05	7:25	7:45	8:00	8:15
7:35	7:55	8:15	8:30	8:45
8:05	8:25	8:45	9:00	9:15
8:35	8:55	9:15	9:30	9:45
9:05	9:25	9:45	10:00	10:15
9:35	9:55	10:15	10:30	10:45
10:05	10:25	10:45	11:00	11:15
10:35	10:55	11:15	11:30	11:45
11:05	11:25	11:45	12:00	12:15
11:35	11:55	12:15	12:30	12:45
12:05	12:25	12:45	1:00	1:15
12:35	12:55	1:15	1:30	1:45
1:05	1:25	1:45	2:00	2:15
1:35	1:55	2:15	2:30	2:45
2:05	2:25	2:45	3:00	3:15
2:35	2:55	3:15	3:30	3:45
3:05	3:25	3:45	4:00	4:15
3:35	3:55	4:15	4:30	4:45
4:05	4:25	4:45	5:00	5:15
4:35	4:55	5:15	5:30	5:45
5:05	5:25	5:45	6:00	6:15
5:35	5:55	6:15	6:30	6:45
6:05	6:25	6:45	7:00	7:15
6:35	6:55	7:15	7:30	7:45
7:05	7:25	7:45	8:00	8:15
7:35	7:55	8:15	8:30	8:45
8:05	8:25	8:45	9:00	9:15
8:35	8:55	9:15	9:30	9:45
9:05	9:25	9:45	10:00	10:15
9:35	9:55	10:15	10:30	10:45
10:05	10:25	10:45	11:00	11:15
10:35	10:55	11:15		

Lee County Map



Legend

Hydro Features

Lot

Block

Easements

Easement Policy

Lot Line

TABLE 1

SYMPOSIUM

1. **What is the purpose of the study?**

100

•

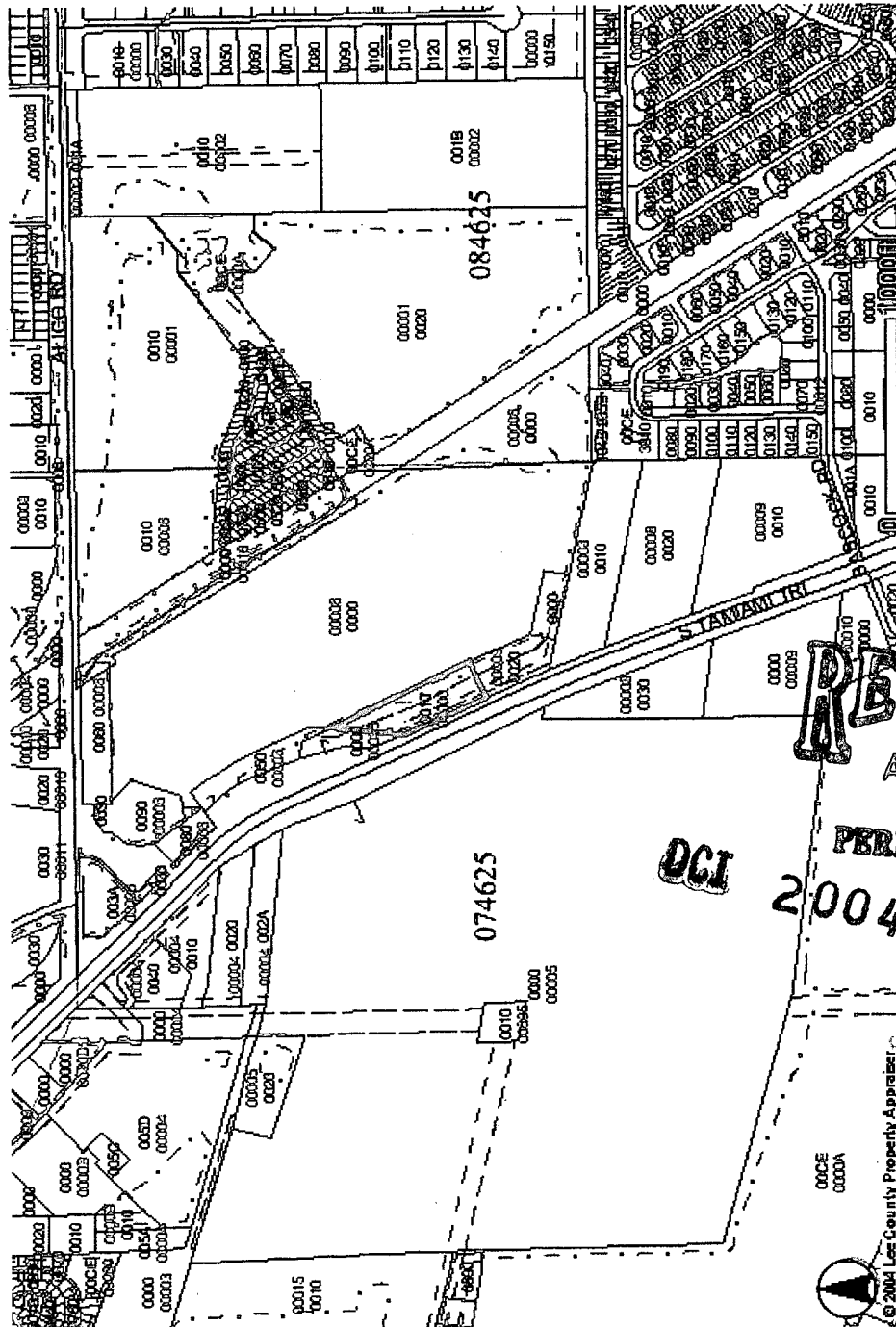
Care Costs

Four! 84 years

উদ্দেশ্য

Team of Fort Myers Beach

Lot Labels



RECEIVED
APR 30 2004

APR 30 2004

PERMIT COUNTER

2004-00029

NOVA

GOOD
MORNING

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AERIAL EXHIBIT 6-D

ALICO LAKES LOT-1

LEE COUNTY, FLORIDA

cph
Engineers
Planners
Landscape Architects
Surveyors
Construction Management
w w . c p h e n g i n e e r s . c o m
2211 Peak Street, Suite 300, Fort Myers, FL 33901
Phone: 239.332.5499 Fax: 239.332.1955

© 2002

Exhibit PH-3.C.1

LEGAL DESCRIPTION:

LOT 1, ALICO LAKES CPD 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN
PLAT BOOK 45, PAGES 12 & 13, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

RECEIVED
APR 30 2004

PERMIT COUNTER

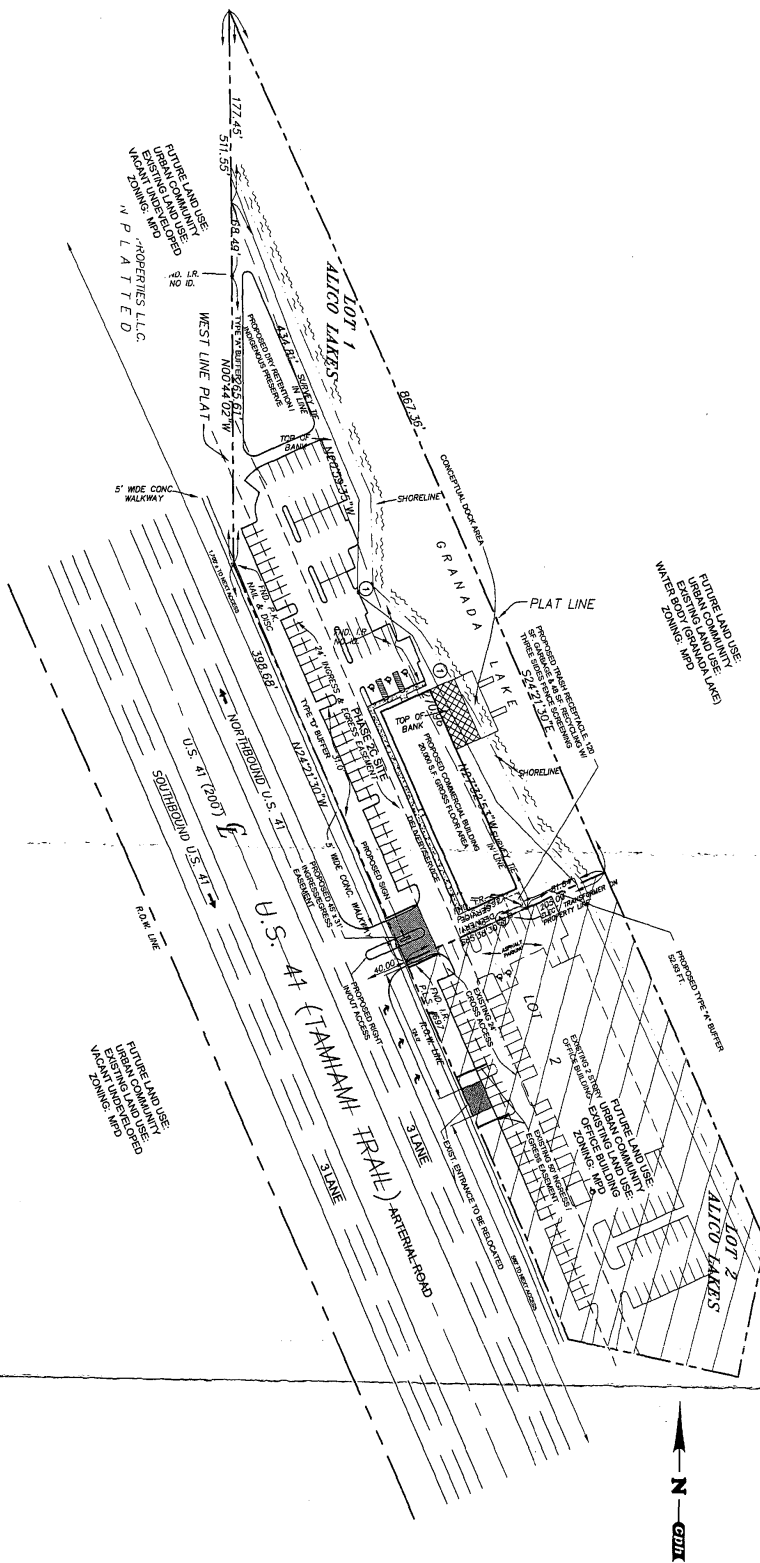
DCI 2004-00029

SITE DATA

TOTAL SITE AREA	4,125,796 SF (4.288 AC.)
GRANADA LAKE AREA (PER PERIODS APPROVED FOR REZONING APPROXIMATELY 1977)	456,298 SF (1.29 AC.)
PROPOSED BUILDING GROUND LEVEL FLOOR AREA (7.7% LOT COVERAGE)	410,000 SF (7.7% LOT COVERAGE)
PAVEMENT / SIDEWALK AREA	432,141 SF
LANDSCAPE AREA DRY RETENTION AREA / INDIGENOUS PRESERVE	246,697 SF = 19% 1,600,330 SF = 44%
TOTAL OPEN SPACE AREA (NOT INCLUDING LAKE AREA)	3,373,300 SF = 81%

SCHEDULE OF DEVIATIONS

- ① TYPE "E" BUFFER REQUIREMENT
- ② TYPE "X" BUFFER REQUIREMENT
- OPTIONAL COP OUT DOOR SEATING



RECEIVED APR 11 2004 PERMIT CENTER DC12C04-00029		Sheet No. CP PROPOSED MASTER CONCEPT PLAN / EXHIBIT 6-J ALICO LAKES LOT 1 LEE COUNTY, FLORIDA		Activity Designed by: S.J.P. Drawn by: GHWKDL Checked by: Approved by: No. 666679	Name Date 04/04 04/04 04/04 04/04	Scale: 1" = 50' Date: APR 2004 Job No. B7501 File: BASE1 Approved: © 2004	cph Engineers Planners Landscape Architects Surveyors Construction Management 2211 Peach Street, Suite 200, Fort Myers, FL 33901 Phone 788.332.3400 Fax 788.332.3500
--	--	--	--	--	--	---	--

ZONING DIVISION
LEE COUNTY
PLANNED DEVELOPMENT SUBSTANTIVE REVIEW
TRANSMITTAL SHEET

TO: Distribution

FROM: Tony Palermo

DATE: 08/11/2004

Joan Henry, Asst. County Attorney
TIS Reviewer - Bob Rentz
DS Reviewer - Ross S Morgan
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Andy Getch, LCDOT
Kathy Babcock, Lee County School District
Roland Ottolini, Natural Resources
Luis Machado, Zoning

PROJECT NAME: ALICO LAKES LOT 1

CASE #: DCI2004-00029

INFORMATION SUMMARY:

To update your file
☒ Review and forward substantive comments **ASAP**.

RESPONSE REQUIRED BY: 08/23/2004

Additional Comments:

cc: DCI planner/working file
DCI Zone File

Distributed by: Jodi M Payne

Date: 08/12/2004

DCI2004-00029

RECEIVED
AUG 11 2004



August 11, 2004

Mr. Tony Palermo
Department of Community Development
Zoning Division
P.O. Box 398
Fort Myers, FL 33902-0398

PERMIT COUNTER

2211 Peck Street
Suite 300
Fort Myers, Florida 33901
Phone: 239.332.5499
Fax: 239.332.2955
www.cphengineers.com

RE: ALICO LAKES LOT 1 DCI2004-00029 – PDS Application (Minor PD)
CPH PN: B7501

Dear Mr. Palermo:

We are in receipt of your comments dated 7/29/04 and e-mail dated 8/9/04 for the above referenced project and offer the following confirmation of the language for the staff report and tentative September 22, 2004 Hearing Examiner date.

"Rezone +/- 2.98 acres from the vacated designation of Commerical Planned Development (CPD) previously approved per Resolution #Z-91-113, to Commercial Planned Development (CPD), to permit commercial, office, restaurant and/or retail development utilizing +/- 20,000 square feet of building area with a maximum building height of 45 feet/2 stories. Development blasting is not being requested."

In addition, pursuant to your conversations with Lisa Williams, CPH, we have revised the following items:

- A. Schedule of Uses: added consumptive use on premises, outdoor, under restaurant groups; removed boat rental, sales and storage and hotel/motel.
- B. The Development Regulation Table has been revised increasing the maximum building height to 45 feet/2 stories.
- C. The MCP has been revised to call out the Type A buffer distance along the southern property line that is not proposed for deviation. Conceptual dockage areas and optional COP outdoor seating have been added. The applicant is requesting that if the end use of this site is a restaurant, that outdoor seating along the lake and boat dockage be available for same.

Enclosed please find the following submittal replacement items.

- 1. Twelve (12) Revised Master Concept Plan (11x17)
- 2. Twelve (12) Revised Master Concept Plan (24x36)
- 3. Twelve (12) Revised Development Regulations Table
- 4. Twelve (12) Revised Schedule of Uses Tables

We look forward to your draft staff report and are available for any additional information, or if you have any questions on the enclosed. Thank you for your consideration.

Sincerely,
CPH ENGINEERS, INC.

Jeffrey M. Satfield, P.E.
Vice President/Branch Manager

cc: Lisa Williams, CPH

Alico Lakes Lot 1
DCI2004-00029

Proposed Development Regulation Table

Lot Size: 129,769 s.f. (2.98 acres)
Lot depth 205 feet
US 41 Frontage 398 feet
Rear Lot Width 867 feet

Alico Lakes Lot 1	Required	Proposed
Street Setback	25 feet from Arterial w/o frontage	25 feet minimum
Building Height	95 feet	50 feet/2 Stories
Building Setbacks		
North	15 feet	15 feet minimum
South	15 feet	15 feet minimum
East (waterbody)	25 feet	0 setback deviation
West	20	20 minimum
Landscape Buffers		
North	Type A (5 ft)	Type A
South	Type A (5 ft)	Type A partial deviation
East (Waterbody)	Type E (25 ft)	0 setback deviation
West	Type D (15 ft)	Type D
Parking Requirements	67 spaces	75 spaces
Minimum ADA Requirements	3 spaces	3 spaces

RECEIVED
AUG 11 2004

PERMIT COUNTER

DCI2004-00029

EXHIBIT 6-M

**ALICO LAKES LOT 1
DCI2004-00029**

SCHEDULE OF REQUESTED USES SUMMARY

The applicant is not proposing residential development for this site.

The applicant is requesting the following uses identified in Lee County's Land Development Code for Commercial Planned Development (CPD) (Section 34-934 Use Regulations Table for Planned Development Districts) be allowed for development on the site.

- 1. Administrative Office**
- 2. Bar or cocktail lounge**
- 3. Boats: parts store; ramps and dockage (not marina); repair & service;**
- 4. Drive-Through facility for any permitted use**
- 5. Drugstore, pharmacy**
- 6. Medical office**
- 7. Package Store**
- 8. Plant Nursery**
- 9. Printing & Publishing (34-622(c)(36))**
- 10. Restaurant, fast food**
- 11. Restaurants, (Groups I, II & III)**
- 12. Consumptive Use on Premises, outdoor**
- 13. Specialty Retail Shops (34-622©(47)), Groups I and II**

DCI2004-00029

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PERMIT COUNTER

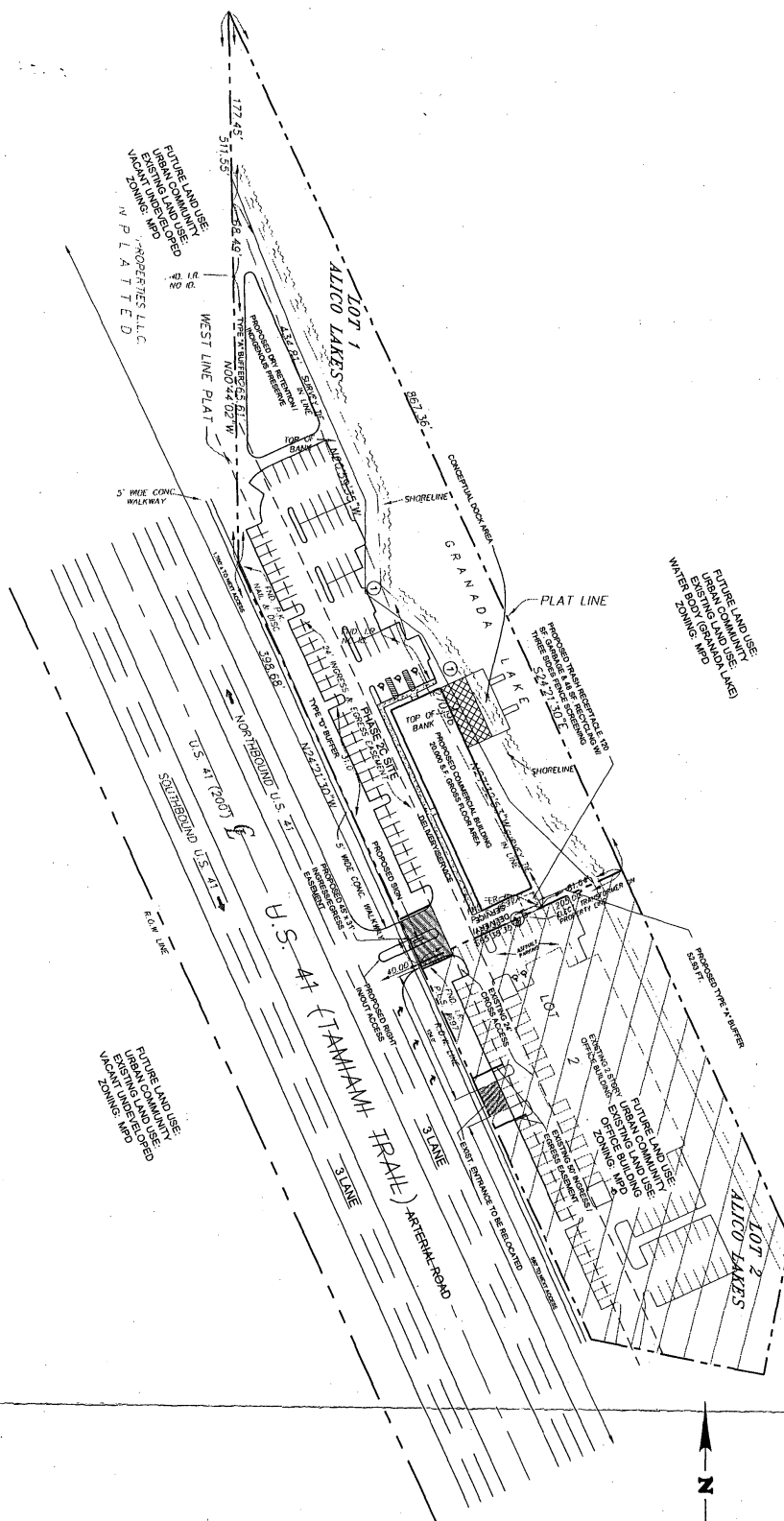
SCHEDULE OF DEVIATIONS

TOTAL SITE AREA	1729.769 SF (4.28 AC.)
GRANADA LAKE AREA PER MEMORANDUM OF UNDERSTANDING, RESOLUTION APPROVED BY THE BOARD OF SUPERVISORS, MAY 11, 2011	156.269 SF (1.29 AC.)
PROPOSED BUILDING FOOTPRINT AREA (TWO TOTAL TOTAL SF: 32,000 SF)	410,000 SF (7.1% LOT COVERAGE)
PAVEMENT / SIDEWALK AREA	332,141 SF
LANDSCAPE AREA DRY RETENTION CULV. INDIVIDUALS PRESERVE	424,697 SF = 19% ± 6,693 SF = 5%
TOTAL OPEN SPACE AREA (NOT INCLUDING LAKE AREA)	± 31,330 SF = 24%

① TYPE "E" BUFFER REQUIREMENT

② TYPE "A" BUFFER REQUIREMENT

OPTIONAL COP OUT DOOR SEATING



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AUG 11 2004

PERMIT COUNTER

Sheet No. 	PROPOSED MASTER CONCEPT PLAN / EXHIBIT 6-J ALICO LAKES LOT 1 LEE COUNTY, FLORIDA	Activity Designed by: S.J.P. Drawn by: CNW/KDL Checked by: - Approved by: -	Name S.J.P. CNW/KDL - -	Date 04/04 04/04 - -	 	Scale: 1" = 50' Date: APR 2004 Job No. B7501 File: BASE1	 Engineers Planners Landscape Architects Surveyors Construction Management 10101 West 22nd Avenue, Suite 200, Fort Myers, FL 33907 Phone: 239.532.5499 Fax: 239.532.2095
		No. 066675	No.	Date	Revision	Approved	

DCI 2004-00029

ZONING DIVISION
LEE COUNTY
PLANNED DEVELOPMENT SUFFICIENCY REVIEW
TRANSMITTAL SHEET

TO: Distribution

FROM: Tony Palermo

DATE: 07/27/2004

Joan Henry, Asst. County Attorney
TIS Reviewer - Bob Rentz
DS Reviewer - Ross S Morgan
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Andy Getch, LCDOT
Kathy Babcock, Lee County School District
Roland Ottolini, Natural Resources
Luis Machado, Zoning

*** REVIEWERS - remember permit plan checklists should now be used.**

PROJECT NAME: ALICO LAKES LOT 1

CASE #: DCI2004-00029

INFORMATION SUMMARY:

RESUBMITTAL

To update your file
☒ Review and forward sufficiency
questions or make finding of
sufficiency

RESPONSE REQUIRED BY: 08/10/2004

Additional Comments:

(DCI) Lee County LDC Section 34-373(d)(1).
Sufficiency and Completeness

No hearing will be scheduled for an application for a Planned Development until the application has been found sufficient. All applications for Planned Developments will be deemed sufficient unless a letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of submittal of the application. All amended applications will be deemed sufficient unless a subsequent letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of the date of the resubmittal. The contents of insufficiency letters will be limited to brief explanations of the manner in which insufficient applications do not comply with the formal requirements in Section 34-373.

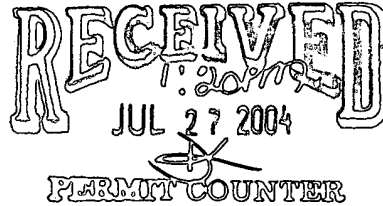
cc: DCI planner/working file
DCI Zone File

Distributed by: Jamie Princing

Date: 07/27/2004

July 27, 2004

Mr. Tony Palermo
Department of Community Development
Zoning Division
P.O. Box 398
Fort Myers, FL 33902-0398



2211 Peck Street
Suite 300
Fort Myers, Florida 33901
Phone: 239.332.5499
Fax: 239.332.2955
www.cphengineers.com

RE: ALICO LAKES LOT 1 DCI2004-00029 – PDS Application (Minor PD)
CPH PN: B7501

Dear Mr. Palermo:

We are in receipt of your comments dated July 19, 2004 for the above referenced project and offer the following responses or additional information. Please note that our responses are shown in bold italic type face.

Please address Development Services comments attached.

Please see response below.

Please also remove the schedule of uses summary and the numerals 1-13 from the MCP. The Schedule of Uses (which you provided on a separate attachment) will be in the resolution and not on the master concept plan.

Acknowledged. The schedule of uses and numerals have been removed from the MCP.

Development Review Checklist

4) Miscellaneous Items

Please revise the MCP as follows:

1. Indicate the required trash receptacle area, sized in accordance with section 10-261(a) of the LDC.

The required trash receptacle has been added with a call out for requirements per LDC.

2. Please delete the "2%" reference to the handicap parking count requirements. The number of handicap parking spaces required for a "75 space parking lot" is given as actual count, not as a percentage.

Please refer to the revised MCP and Proposed Development Regulation Table.

3. Please indicate that the minimum number of handicap parking spaces required is 3.

Please refer to the revised Proposed Development Regulation Table.

4. Provide a written statement or a dimension, for the nearest existing driveway along US 41, to the proposed driveway. Note: The minimum intersection separation required for US 41 (an arterial road) is 660 ft.

Please refer to the revised MCP for dimensions of nearest driveways along US 41.

DCI 2004-00029

Mr. Tony Palermo
Alico Lakes Lot 1 – DCI2004-00029
Response to Lee County Request for Additional Information dated 07/19/04
July 27, 2004
Page 2 of 2



5. Please provide an update on the acquisition of the FDOT Permit required for the relocation of the driveway.

The applicant is currently working with the adjacent property owner for a shared access agreement pertaining to the relocation of the existing access to the south per FDOT recommendation. Upon execution of the aforementioned agreement, the applicant plans to submit an application for driveway connection/relocation to FDOT. It is understood that this rezoning request does not constitute access approval to US 41 and the applicant must receive FDOT approval as well as concurrency review/approval from Lee County DOT via the Development Order process.

5) Contact. The reviewer may be contacted regarding questions on the Development Review Sufficiency Checklist.

Ross Morgan at 479-8795

In support of this response, we have enclosed the following items:

1. Twelve (12) Revised Master Concept Plan (11x17)
2. Twelve (12) Revised Master Concept Plan (24x36)
3. Twelve (12) Revised Development Regulations Table

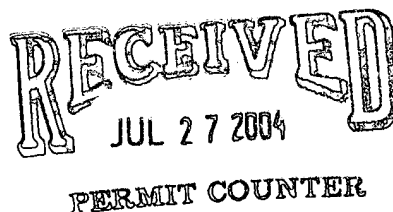
Thank you for your consideration of this resubmittal. Please do not hesitate to contact us if you require additional information, or if you have any questions on the enclosed.

Sincerely,
CPH ENGINEERS, INC.

A handwritten signature in black ink, appearing to read 'Jeffrey M. Satfield', is written over a light blue horizontal line.

Jeffrey M. Satfield
Vice President/Branch Manager

cc: Lisa Williams, CPH
Scott Phillips, CPH



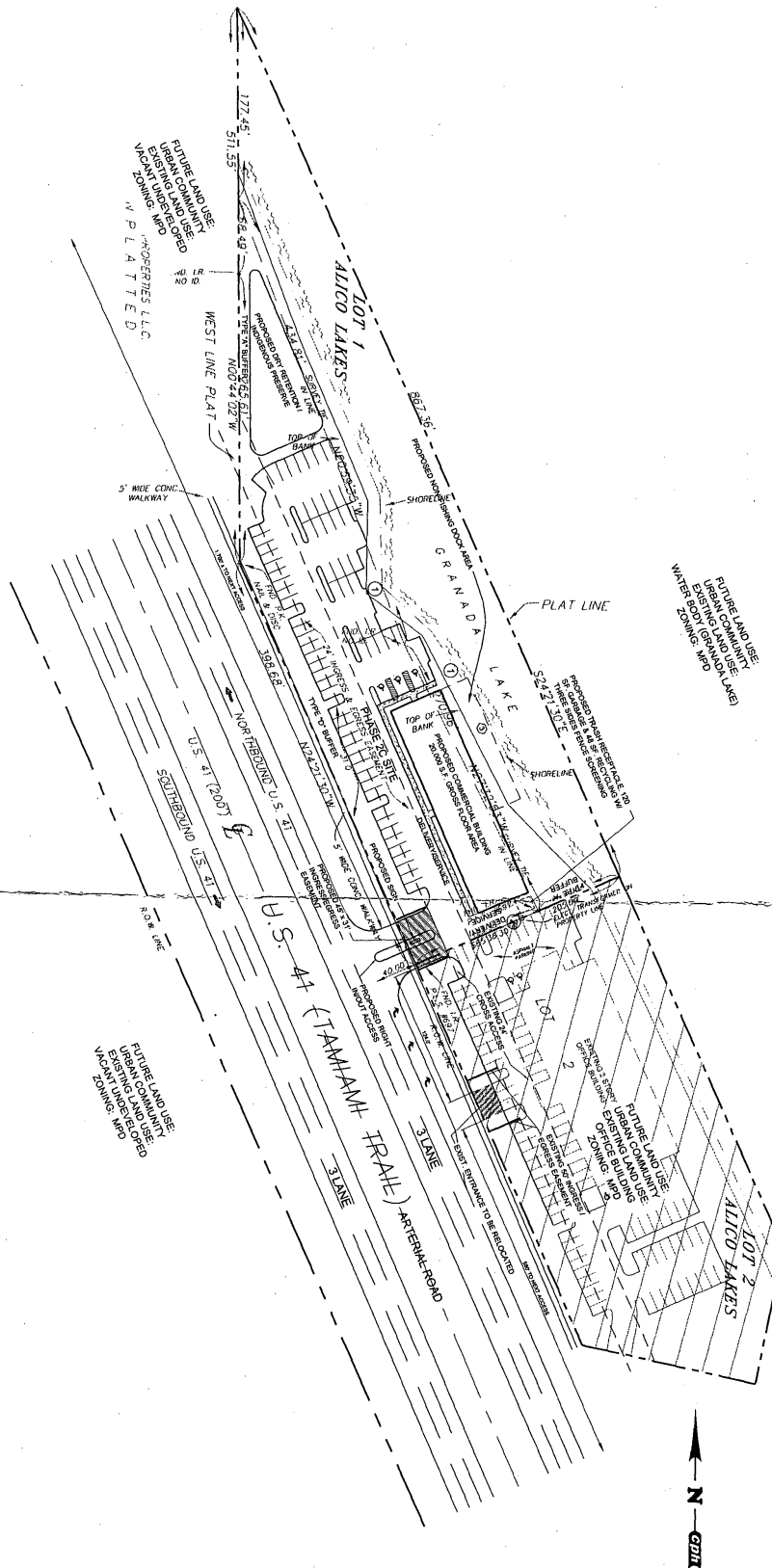
DCI 2004-00029

SITE DATA

TOTAL SITE AREA	1123,718 SF (4.28 AC.)
GRAND LANE AREA (PER MINIMUM, APPROVED FOR RESERVATION APPROXIMATELY 3.77)	456,288 SF (1.29 AC.)
PROPOSED BUILDING GROUND LANE AREA (TWO STORY TOTAL GFA 1,800,000 SF)	110,000 SF 17.1% LOT COVERAGE
PARKING / SIDEWALK AREA	322,141 SF
LANDSCAPE AREA DRY RETENTION AREA / INDIGENOUS PRESERVE	224,887 SF = 19% 4,633 SF = 5%
TOTAL OPEN SPACE AREA (NOT INCLUDING LAKE AREA)	21,330 SF = 24%

SCHEDULE OF DEVIATIONS

- TYPE "B" BUFFER REQUIREMENT
- TYPE "X" BUFFER REQUIREMENT



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JUL 27 2004

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Sheet No.	PROPOSED MASTER CONCEPT PLAN / EXHIBIT 6-J	Activity	Name	Date	Δ
CP	ALICO LAKES LOT 1 LEE COUNTY, FLORIDA	Designed by:	S.J.P.	04/04	Δ
		Drawn by:	CNWKDL	04/04	Δ
		Checked by:			Δ
		Approved by:			Δ
No. sheets		No.	Date	Revision	Approved

cph Engineers
Planners
Landscape Architects
Surveyors
Construction Management

211 Park Street, Suite 200, Fort Myers, FL 33901
Phone: (813) 333-3000 Fax: (813) 333-3001

001 2004-00029

Alico Lakes Lot 1
DCI2004-00029

Proposed Development Regulation Table

Lot Size: 129,769 s.f. (2.98 acres)
Lot depth 205 feet
US 41 Frontage 398 feet
Rear Lot Width 867 feet

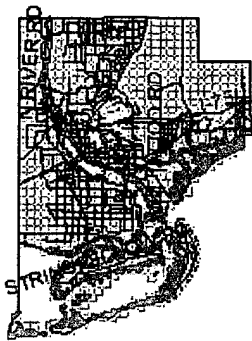
Alico Lakes Lot 1	Required	Proposed
Street Setback	25 feet from Arterial w/o frontage	25 feet minimum
Building Height	95 feet	50 feet/2 Stories
Building Setbacks		
North	15 feet	15 feet minimum
South	15 feet	15 feet minimum
East (waterbody)	25 feet	0 setback deviation
West	20	20 minimum
Landscape Buffers		
North	Type A (5 ft)	Type A
South	Type A (5 ft)	Type A partial deviation
East (Waterbody)	Type E (25 ft)	0 setback deviation
West	Type D (15 ft)	Type D
Parking Requirements	67 spaces	75 spaces
Minimum ADA Requirements	3 spaces	3 spaces

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JUL 27 2004

PERMIT COUNTER

DCI 2004-00029

Lee County Map



Legend

Selected Features

Hydro Features

Lot

Block

Easements

Easements Poly

Lot Lines

Parcels

Parcel Hooks

Road Center Line

Section Lines

City Limits

Bonita Springs

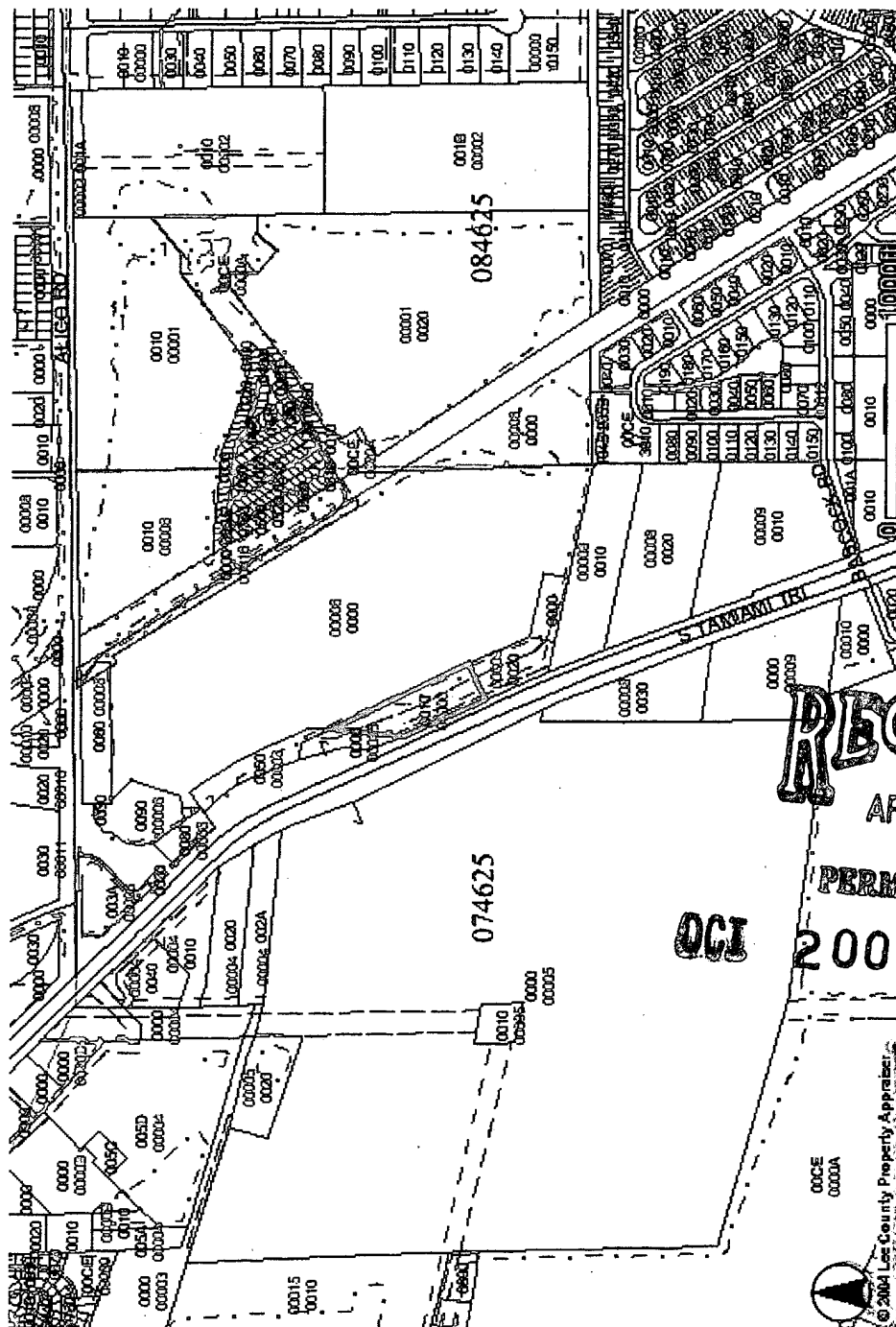
Cape Coral

Fort Myers

Sarcel

Town of Fort Myers Beach

Lot Labels



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PERMIT COUNTER

2004-00029



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ZONING DIVISION
LEE COUNTY
PLANNED DEVELOPMENT SUFFICIENCY REVIEW
TRANSMITTAL SHEET

TO: Distribution

FROM: Tony Palermo

DATE: 07/07/2004

Joan Henry, Asst. County Attorney
TIS Reviewer - Bob Rentz
DS Reviewer - Ross S Morgan
Paul O'Connor, Planning
Alaina Ray, Environmental Sciences
Andy Getch, LCDOT
Kathy Babcock, Lee County School District
Roland Ottolini, Natural Resources
Luis Machado, Zoning

*** REVIEWERS - remember permit plan checklists should now be used.**

PROJECT NAME: ALICO LAKES LOT 1

CASE #: DCI2004-00029

INFORMATION SUMMARY:

RESUBMITTAL

To update your file
X Review and forward sufficiency
questions or make finding of
sufficiency

RESPONSE REQUIRED BY: 07/21/2004

Additional Comments:

2nd Round Sufficiency Comments Please

(DCI) Lee County LDC Section 34-373(d)(1).
Sufficiency and Completeness

No hearing will be scheduled for an application for a Planned Development until the application has been found sufficient. All applications for Planned Developments will be deemed sufficient unless a letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of submittal of the application. All amended applications will be deemed sufficient unless a subsequent letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of the date of the resubmittal. The contents of insufficiency letters will be limited to brief explanations of the manner in which insufficient applications do not comply with the formal requirements in Section 34-373.

cc: DCI planner/working file
DCI Zone File

Distributed by: Jamie Princing

Date: 07/08/2004



July 7, 2004

Mr. Tony Palermo
Department of Community Development
Zoning Division
P.O. Box 398
Fort Myers, FL 33902-0398

2211 Peck Street
Suite 300
Fort Myers, Florida 33901
Phone: 239.332.5499
Fax: 239.332.2955
www.cphengineers.com

RE: ALICO LAKES LOT 1 DCI2004-00029 – PDS Application (Minor PD)
CPH PN: B7501

Dear Mr. Palermo:

We are in receipt of your comments dated May 17, 2004, for the above referenced project and offer the following responses or additional information. Please note that our responses are shown in bold italic type face.

Environmental Sciences Planned Development Sufficiency Checklist

5a) For commercial or industrial developments, the percentage of open space within each lot or outparcel must be per 34-414 (c). [34-373(a)(6)f.;34-373(a)(8)iii.]

The amount of Open Space shown on MCP does not meet current Open Space requirements. Please provide open space according to current LDC standards.

Response: The MCP has been revised to reflect the open space proposed for this site. Areas utilized for calculating the site's open space for this CPD request are buffers and landscaped areas in off-street parking areas and dry detention areas.

9) Buffers. The minimum width and composition of all proposed buffers along the perimeter of the subject property, as well as between the individual uses, if the types of proposed uses requires buffer separations. References to types of buffers as described in chapter 10 are acceptable. [34-373(a)(6)g.]

The buffers shown on MCP do not comply with current LDC standards. Please revise plan to show a Type D buffer along US 41. Also, please provide details regarding buffer between parking and lake.

Response: The MCP has been revised to show Type D buffer along US 41 and Type A along northern property line. The applicant is requesting two deviations from the required buffers for the following:

- 1. A deviation from the required Type E buffer between Granada Lake (man-made) and building/parking areas based on the previously approved Master Concept Plan. Previously, Deviation 8(2) [Resolution Z-87-179 and Z-91-113] allowed the site to have a 0 foot setback from a waterbody, instead of the required Type E buffer of 25 feet. The distance between the lake top of bank and the parking lot/building area varies at points from approximately 7-feet (parking area) to 46 feet (building). These open space areas are proposed to be sodded and/or landscaped.***
- 2. A deviation from the required Type A buffer for portions of the southern property line bordering the existing commercial development. The applicant is proposing to relocate and share one access to US 41 with the adjacent property owner, per FDOT recommendation. The proposed access from US 41 and cross access between developments is located at and along the southern property line.***

DCI 2004-00029

JUL 07 2004

Mr. Tony Palermo

Alicò Lakes Lot 1 – DCI2004-00029

Response to Lee County Request for Additional Information dated 05/17/04

July 7, 2004

Page 2 of 7



Due to the irregular shape of this parcel, the applicant respectfully requests that the deviations for the required Type E buffer along a waterbody and Type A with adjacent commercial use be granted. Please refer to attached Schedule of Requested Deviations.

10) Dock & Shoreline Structures. Location and dimensions of proposed structure(s) must be shown on the Master Concept Plan. How will protected species, the natural waterway buffer, and adjacent waterways be affected? [10-474; 10-416(d)(9); Chapter 26]

Since request is being made for all allowable uses in CPD, are docks piers, etc being proposed?

Response: Please refer to the revised Schedule of Requested Uses Summary. The applicant is requesting that the allowable uses for Boats within the CPH designation be approved, which includes "ramps and dockage (not marina)". The applicant is requesting this use to allow for the possibility of a dock, non-fishing pier or other waterborne structure primarily to serve as an outdoor sitting and/or dining area as allowed within the CPD zoning designation. Pursuant to the environmental report performed by Lotspelch and Associates and submitted with this application as an Addendum to Supplemental Application D, the site's upland area has been disturbed by vehicular movement along US 41. Only few slash pines were identified, no other native/indigenous, threatened or endangered species were observed.

11a) Deviation Details. The location of each requested deviation must be indicated on the Master Concept Plan, keyed to the schedule of deviations, including drawings demonstrating the effect the requested deviations will have on the site plan. [34-373(a)(6)k.]

Please show locations of any requested environmental deviations on the MCP.

Response: The deviation requests for buffers have been identified on the MCP.

13) Contact. The Environmental Planner may be contacted regarding any question on the Environmental Sciences Sufficiency Checklist.

Alaina Ray, 239-479-8323

Legal Requirements Sufficiency Checklist

6) All applications requiring a public hearing must include the following: [34-202(a)]

Please refer to 7)

7) Miscellaneous Items.

Re: Easements/Right-of-Way.

In conjunction with the PD zoning request, the applicant must file for the vacation/relocation of the 24' and 50' ingress and egress easements that are encroaching the property through the Development Order process. The applicant must understand that a D.O. approval cannot be obtained until such easements are vacated/relocated and that they must provide documentation to prove this has been done prior to Local Development Order Approval. In the interim, all existing easements (including the 50' ingress-egress easement) must be depicted on the MCP, as they legally exist.

Note: "Sufficiency or non-applicability of Legal Requirements subject to change upon review of subsequent resubmittals."

DCI 2004-00029

RECEIVED

JUL 07 2004

COMMUNITY DEVELOPMENT



Response: The 50' ingress/egress easement has been added to the MCP and the applicant acknowledges that the 24' and 50' easements must be vacated and the new access subsequently dedicated through the Development Order process.

8) Contact. The planner may be contacted regarding any questions on this checklist.

Please contact Luis G. Machado, Planning Technician/Zoning at (239) 479-8485 or e-mail:

lmachado@leegov.com

Lee County Sufficiency Checklist for Planned Developments, Amendments, and Existing Developments Requesting Planned Developments Zoning

6n) If blasting is proposed, the application must show location of the blasting and demonstrate what measures will be used to ameliorate any negative impacts. This must include soil borings, drawings showing the location(s) of the blasting, and any other information deemed necessary to allow compatibility analysis. [34-202(b)(6)]

Please verify no development blasting is being requested at this time for lake excavation or other purposes.

Response: The applicant does not propose any development blasting at this time.

9c) Zoning and Land Use Map. A map or other depiction of the existing zoning and current land uses (i.e. single family residence, multiple-family building, retail commercial, office building, etc.) surrounding the tract or parcel to a distance of 500 feet. [34-373(a)(4)c.]

May be included on the MCP or a separate attachment.

Response: Please refer to the revised MCP for the zoning designations, and the future and existing land uses of the adjacent parcels.

10) Lee Plan Compliance Narrative. A narrative explanation as to how the proposed development complies with the Lee Plan, as well as the guidelines for decision-making embodied in sections 34-145(c)(2)a. and e., and 34-145(d)(3). [34-373(a)(5)]

Your narrative is adequate. I would suggest adding a little more information demonstrating consistency with policies in regards to Future Land Use, compatibility with neighboring uses, availability of urban services, commercial site location standards, etc. The past finding of consistency back in 1987, 1991, etc. do not guarantee consistency today.

Response: A revised copy of the narrative is attached with greater detail demonstrating consistency with policies in regards to Future Land Use, compatibility with neighboring uses, availability of urban services, commercial site location standards, etc.

11a) Sizes of Plans. Copies of the Master Concept Plan must be provided in two (2) sizes, 24 inches by 36 inches and 11 inches by 17 inches in size. [34-373(a)(6)]

No 11x17's received.

Response: Copies of the MCP in 11x17 size were submitted with the initial application. Please refer to the revised MCP (11x17) included as part of this resubmittal.

RECEIVED

DCI 2004-00029

JUL 07 2004



12b) Vehicular Access. The exact location of all point of vehicular ingress and egress from existing easements of rights-of-way into the development. [34-373(a)(6)b.]

MCP needs to show access points in relation to existing access points along US 41.

Response: Please refer to the revised MCP for existing access points along US 41.

12d1) Parcels/Lots. The general location, configuration, and approximate dimensions of each lot or parcel (including outparcels). [34-373(a)(6)c.]

Confirm there is no desire to subdivide, or split into lots. (you did not include minimum lot size, depth, or width)

Response: The applicant is not proposing the subdivision or the splitting of the parcel into individual lots. The lot is approximately 129,769 square feet (2.98 acres) with an approximate lot depth of 205 feet and a frontage width along US 41 of 398 feet and a rear lot width of 867 feet.

12d2) Lot Coverage. The lot coverage for each lot or parcel (including outparcels). [34-373(a)(6)c.]

12d3) Setbacks. The minimum proposed setbacks for principal structures on each lot or parcel (including outparcels). [34-373(a)(6)c.]

See below.

12d4) Uses. The proposed use of each lot or parcel (including outparcels) keyed to the list of proposed uses submitted with the application. If the property development regulations for a specific zoning district will be used, reference to the specific district will be sufficient. [34-373(a)(6)c.]

See below.

12e2) Height. The maximum height, in feet and number of habitable stories, of any proposed buildings or structures. If parking under the buildings is proposed, the number of stories proposed for parking must be indicated and included in the total maximum height of the buildings. [34-373(a)(6)d.ii.]

Your application reads 2 Max stories and 3 height. Please propose development regulations on a separate sheet.

Response: Please refer to revised MCP and Development Regulation Table.

12f) Service Areas. The general location of service areas for delivery of goods or services must be shown for all developments that are not residential subdivisions. [34-373(a)(6)e.]

Please show on the MCP.

Response: Please refer to revised MCP identifying delivery/service areas.

12h) Open space design plan delineating the indigenous preserves and/or native tree preservation areas as required per LDC Section 10-415(b). [34-373(a)(6)g.]

Please show on the MCP.

Response: Pursuant to the environmental report performed by Lotspeich and Associates and submitted with this application as an Addendum to Supplemental Application D, the site's upland area has been disturbed by vehicular movement along US 41. Only few slash pines were identified, no other native/indigenous, threatened or endangered species were observed. The

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applicant is proposing to preserve the minimal indigenous vegetation within the dry retention surface water management system, as shown on the revised MCP.

12j) Buffers. The minimum width and composition of all proposed buffers along the perimeter of the subject property, as well as between the individual uses, if the types of proposed uses require buffer separations. References to types of buffers as described in chapter 10 are acceptable. [34-373(a)(6)i.]

Please show on the MCP. (graphically illustrate on the boundaries of the site) Why isn't a Type D buffer shown on US 41?

Response: Please refer to the revised MCP all site buffers, including Type D on US 41.

12l) Excavations. The general location of excavations for on-site fill and wet retention. [34-373(a)(6)k.]

Please confirm lake size (acres) and depth on MCP.

Response: Onsite lake area is approximately 1.29 acres. Per Deviation No. 5 of the previously approved MCP (Resolution Z-91-113), the existing lake depth is approximately 35 feet. Please see revised MCP for notation.

12m) Location of Deviations. The location of any requested deviations, keyed to the schedule of deviations, including sample drawings demonstrating the effect the requested deviations will have on the site plan. [34-373(a)(6)l.]

Please place applicable deviations (in today's LDC terms) on the MCP. The MCP needs to show the Deviation number (Deviation #1,2,3 etc.) and the wording for the deviation can go on a separate sheet or page.

Response: The requested deviations have been identified on the MCP.

14) Schedule of Uses. A schedule of uses keyed to the Master Concept Plan as well as a summary for the entire property must be provided including the following: [34-373(a)(8)]

Using today's LDC language, please propose a schedule of uses. They may be the same or different from the 1987 approval. But you need to propose them explicitly (not just proposing all used allowed in CPD).

Response: Please refer to the revised MCP and Exhibit 6-M Schedule of Uses.

15a) Deviation Documentation and Detail Drawings. Documentation including sample detail drawings must be provided illustrating how each deviation will operate to the benefit, or at least not the detriment, of the public interest. [34-412(a)]

If necessary. Details may help deviations get approved.

Response: Noted.

20) Contact. The Zoning Planner may be contacted regarding any questions on the Planned Development Sufficiency Checklist.

TONY PALERMO, SENIOR PLANNER, #239-479-8325.

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21) Miscellaneous Items.

COUNTY ATTORNEY COMMENT

1. We did not receive: authorization forms; financial disclosure forms; and a boundary survey.

Response: *Applicant submitted original signed and notarized authorization forms and financial disclosure forms as well as certified legal descriptions and sketches, per Lee County requirements for accepting applications at the DCD desk. We are including additional copies of said documents with this submittal.*

ZONING COMMENTS

1. Please confirm if this wording is correct.

Rezone +/- 2.98 acres from vacated Commerical Planned Development (CPD) per Resolution #Z-91-113 to Commercial Planned Development (CPD) to permit commercial, office, and retail development utilizing +/- 22,000 square feet of building area with a maximum building height of X feet/2 stories. Development blasting is not being requested.

Response: *The following wording is requested: "Rezone +/- 2.98 acres, from the vacated designation of Commerical Planned Development (CPD) previously approved per Resolution #Z-91-113, to Commercial Planned Development (CPD), to permit commercial, office, restaurant and/or retail development utilizing +/- 20,000 square feet of building area with a maximum building height of 40 feet/2 stories. Development blasting is not being requested."*

2. Please remove the building setbacks required and proposed from the MCP and include in a separate sheet with all the proposed development regulations.

Response: *Please refer to the the attached Development Regulation Table.*

3. Please remove "Landscape Buffers" table – and simply put the proposed buffers on the MCP (Type A, etc.). You may put a note on the MCP elaborating on the content of the buffers, enhancements, etc.

4. Please put the road classification on the MCP, and the number of lanes.

5. Please show the following condition surrounding the property (including across 41) – zoning, land use, future land use. These need to be on the MCP (+/- 500 feet around the property.) Place them in the relevant part of the MCP (north, south, east, west) – and remove the Adjacent owners and uses table.

6. Please remove the parking requirements table from the MCP. A separate attachment is fine.

7. The note, "Area based on aerial" is unnecessary.

8. Please show the number of feet between your proposed access and other access points.

Responses to 3 through 8: *Please refer to the revised MCP.*

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DCI 2004-00029

COMMUNITY DEVELOPMENT



9. The deviation language in Resolution Z-87-179 is out of date. Please propose a schedule of deviations relevant to your parcel. Please place the deviation # on the MCP, but not the deviation language. The deviation language goes on a separate sheet or attachment.

Response: Please refer to the revised MCP and Exhibit 6-N Schedule of Deviations.

10. Please propose – on a separate page or sheet – a schedule of uses using today's LDC. The uses have to be supported by the MCP. Some more intense uses (convenience stores, car washes, gas stations, etc.) may require more detail to be supported.

Response: Please refer to the Exhibit 6-M Schedule of Uses.

11. Please include – on a separate page or sheet – a set of development regulations (such as building and accessory setbacks, street setbacks, side and rear setbacks, waterbody setbacks for both buildings and accessory structures, height, number of stories, maximum lot coverage). If applicable – minimum lot size, width, depth.

Response: Please refer to the Development Regulations Table.

12. Is there a deck, dock or pier on the lake proposed?

Response: The applicant is requesting the use of a dock, deck or non-fishing pier be permitted.

13. Please remove the circled 3s from the neighboring office building property on the MCP. These could be confused with deviation #s.

Response: Please refer to the revised MCP.

In support of this response, we have enclosed the following items:

1. ✓ Twelve (12) Revised Master Concept Plan (11x17)
2. ✓ Twelve (12) Revised Master Concept Plan (24x36)
3. ✓ Twelve (12) Schedule of Requested Deviations (Exhibit 6-N)
4. ✓ Twelve (12) Schedule of Requested Uses Summary (Exhibit 6-M)
5. ✓ Twelve (12) Lee Plan Compliance Justification Statement (Exhibit 6-G)
6. ✓ Twelve (12) Development Regulations Table
7. ✓ Three (3) Sets of Additional Copies of Affidavit for Public Hearing, Disclosure Forms, and Legal Description & Sketch

Please do not hesitate to contact us if you require additional information, or if you have any questions on the enclosed.

Sincerely,
CPH ENGINEERS, INC.


Jeffrey M. Satfield
Associate Vice President/Branch Manager

cc: Lisa Williams, CPH
Scott Phillips, CPH

DCI 2004-00029

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COMMUNITY DEVELOPMENT

ALICO LAKES LOT 1
DCI2004-00029
PDS APPLICATION – MINOR PD

July 7, 2004 RESUBMITTAL MATERIALS

Three (3) Sets
Response Letter

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COMMUNITY DEVELOPMENT

DCI 2004-00029

EXHIBIT 6-N

**ALICO LAKES LOT 1
DCI2004-00029**

SCHEDULE OF DEVIATIONS

1. The applicant is requesting a deviation be approved allowing the building/structure and parking setback be zero (0) feet from a water body. Lee County Land Development Code Sec. 34-2194(c)c allows for planned developments to be granted less stringent setback requirements than those required in Section 34-2194. This deviation request for a reduction in is in accords with previous deviation approvals for the site per Resolutions Z-87-179 and Z-91-113 per Condition 8 Deviation #2. Given the peculiar dimensions and depth of the site the applicant requests Lee County allow this deviation be approved to facilitate the eventual development of the site.
2. The applicant is requesting a deviation be approved from the required Type A buffer for portions of the southern property line bordering the existing commercial development. The applicant is proposing to relocate and share one access to US 41 with the adjacent property owner, per FDOT recommendation. The proposed access from US 41 and cross access between developments is located at and along the southern property line. Due to the irregular shape of this parcel and request from FDOT for shared access, the applicant respectfully requests that the deviation for Type A buffer with adjacent commercial use be granted.

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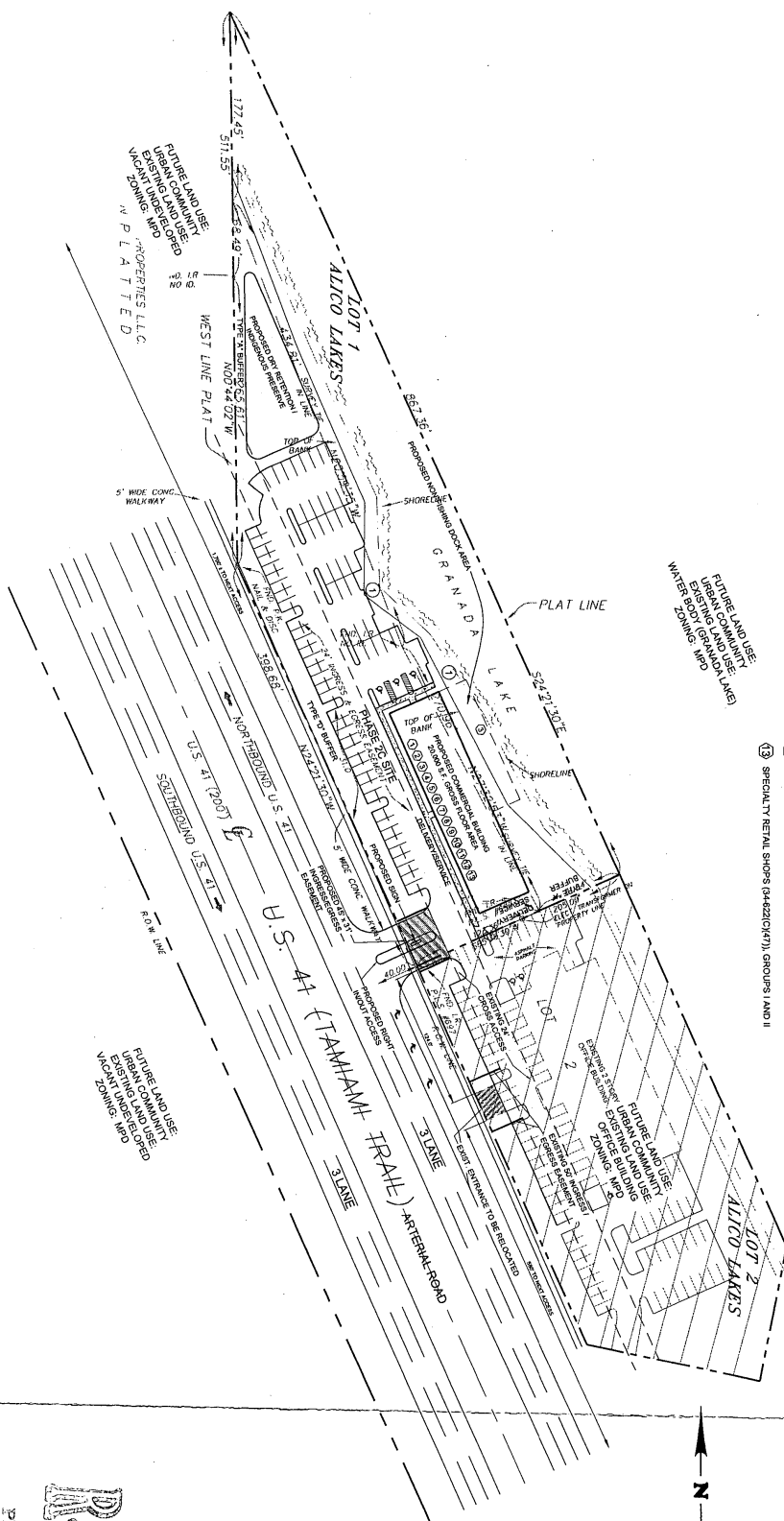
COMMUNITY DEVELOPMENT

DCI 2004-00029

SCHEDULE OF DEVIATIONS

SCHEDULE OF REQUESTED USES SUMMARY

- ① TYPE "E" BUFFER REQUIREMENT
- ② TYPE "X" BUFFER REQUIREMENT
- ③ ADMINISTRATIVE OFFICE
- ④ BAR OR COCKTAIL LOUNGE
- ⑤ BOAT PARTS STORE, PAINTS AND DOCKAGE (NOT MARINA), RENTAL, REPAIR & SERVICE, SALES STORAGE, DRY
- ⑥ DRIVE-THROUGH FACILITY FOR ANY PERMITTED USE
- ⑦ DRUGSTORE, PHARMACY
- ⑧ HOTEL/MOTEL
- ⑨ MEDICAL OFFICE
- ⑩ PACKAGE STORE
- ⑪ PLANT NURSERY
- ⑫ PRINTING & PUBLISHING (34-622(C)(3))
- ⑬ RESTAURANT, FAST FOOD
- ⑭ RESTAURANTS, (GROUPS I, II & III)
- ⑮ SPECIALTY RETAIL SHOPS (34-622(C)(7)), GROUPS I AND II



DCI 2004-00029

PERMIT COUNTER

DECEMBER 17, 2004

Sheet No.

CP

PROPOSED MASTER CONCEPT PLAN / EXHIBIT 6-1

ALICO LAKES LOT 1
LEE COUNTY, FLORIDA

Activity	Name	Date
Designed by:	S.J.P.	04/04
Drawn by:	CNW/KDL	04/04
Checked by:	-	
Approved by:	-	
No. 6556675		

△			
△			
△			
△			
△			
No	Date	Revision	Approved

Scale:	1" = 50'
Date:	APR 200
Job No.	B7501
File:	BASE1



**Engineers
Planners
Landscape Architects
Surveyors
Construction Management**
engineers.com
Suite 300, Fort Myers, FL 33901
132.5480 F--- 239.233.2007

EXHIBIT 6-M

**ALICO LAKES LOT 1
DCI2004-00029**

SCHEDULE OF REQUESTED USES SUMMARY

The applicant is not proposing residential development for this site.

The applicant is requesting the following uses identified in Lee County's Land Development Code for Commercial Planned Development (CPD) (Section 34-934 Use Regulations Table for Planned Development Districts) be allowed for development on the site.

- 1. Administrative Office**
- 2. Bar or cocktail lounge**
- 3. Boats: parts store; ramps and dockage (not marina); rental; repair & service; sales; storage, dry**
- 4. Drive-Through facility for any permitted use**
- 5. Drugstore, pharmacy**
- 6. Hotel/motel**
- 7. Medical office**
- 8. Package Store**
- 9. Plant Nursery**
- 10. Printing & Publishing (34-622(c)(36))**
- 11. Restaurant, fast food**
- 12. Restaurants, (Groups I, II & III)**
- 13. Specialty Retail Shops (34-622©(47)), Groups I and II**

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Exhibit 6-G

Lee Plan Compliance Justification Statement

Alico Lakes Lot 1
DCI2004-00029

CPH Engineers, Inc., as agent for Barbour Enterprises, LP 1, is requesting the rezoning of approximately 2.98± acres located immediately south of the corner of Tamiami Trail (US-41) and Alico Road in the San Carlos Park Community region of unincorporated Lee County. This request is to restore the previous CPD zoning designation granted in 1991, extended in 2000, and vacated in 2002.

Property Description

The 2.98 ± acre site is currently undeveloped with approximately 398 linear feet of frontage along US 41 (Tamiami Trail). The property to the north of the subject site is zoned Community Commercial (CC); east is Community Planned Development (CPD) and Recreational Vehicle Park (RV-3); south is Commercial (C-1) and to the west, across US 41, the property is zoned Agricultural (AG-2). The subject site has a future land use designation of Urban Community, as do the surrounding sites. This request is for the restoration of the previously approved CPD zoning designation that was vacated in 2002. Restoring the CPD zoning designation will bring the subject parcel in accordance with the future land use designation assigned to the parcel by the Lee Plan.

Background

In September of 1987, the subject site was granted a rezoning designation from CT & RM-2 to CPD. The parcel remained undeveloped and in August 2000, the owner requested and was granted an extension of the site's CPD zoning designation. The owner did not implement the approved Master Concept Plan for the parcel and in August 2002 the extension lapsed and the CPD zoning designation was deemed vacated per Sec. 34-381; *Duration of Rights Conferred by Adopted Master Concept Plan Lee County Land Development Code*.

Request

The owner of this site is requesting that the vacated CPD zoning designation be restored to enable the development of the site. The revised master concept plan will adhere all existing land development regulations in accordance with *Sections 34-373 and 34-934 of the Lee County Land Development Code*. Architectural and landscaping styling will reflect surrounding development patterns to ensure a harmonious development style with existing structures along Tamiami Trail.

This request is in accord with previous approvals for the site and does not encumber surrounding properties with an incompatible use along the corridor. The zoning designations of the surrounding properties and the vacated designation for the subject parcel adhere to a cohesive pattern of development along the US 41 corridor and are in agreement with the Future Land Use designation assigned to the area by the Lee County Plan.

Based on previous approvals, Lee County's land development regulations and Comprehensive Plan, this request is consistent with the assigned land uses in the area. The applicant respectfully requests Lee County's support and approval of this rezoning application.

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Alico Lakes Lot 1
DCI2004-00029

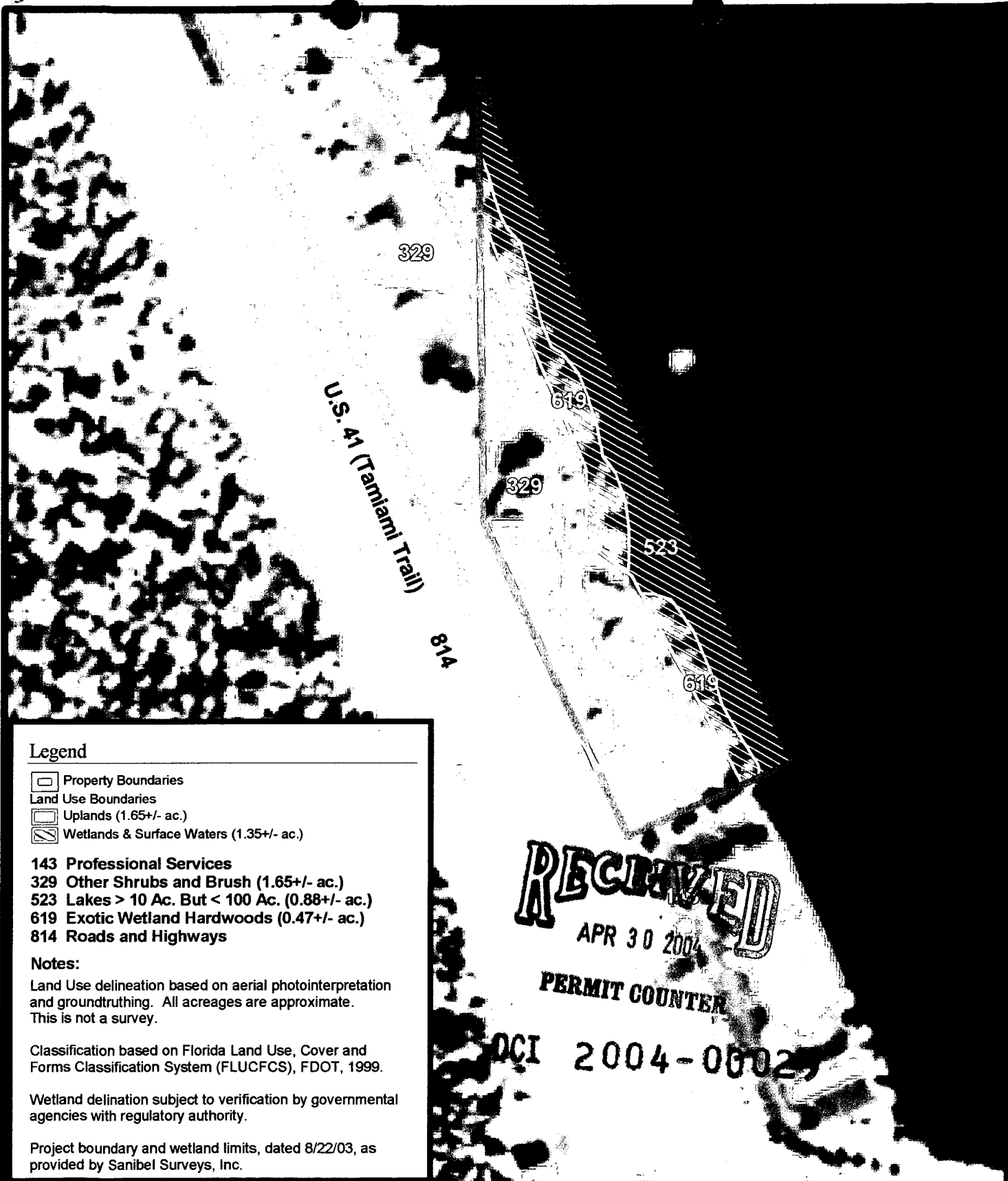
Proposed Development Regulation Table

Lot Size: 129,769 s.f. (2.98 acres)
Lot depth 205 feet
US 41 Frontage 398 feet
Rear Lot Width 867 feet

Alico Lakes Lot 1	Required	Proposed
Street Setback	25 feet from Arterial w/o frontage	25 feet minimum
Building Height	95 feet	50 feet/2 Stories
Building Setbacks		
North	15 feet	15 feet minimum
South	15 feet	15 feet minimum
East (waterbody)	25 feet	0 setback deviation
West	20	20 minimum
Landscape Buffers		
North	Type A (5 ft)	Type A
South	Type A (5 ft)	Type A partial deviation
East (Waterbody)	Type E (25 ft)	0 setback deviation
West	Type D (15 ft)	Type D
Parking Requirements	67 spaces	72 spaces
ADA Requirements	2 spaces	3 spaces

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Legend

- Property Boundaries
- Land Use Boundaries
- Uplands (1.65+/- ac.)
- Wetlands & Surface Waters (1.35+/- ac.)

- 143 Professional Services
- 329 Other Shrubs and Brush (1.65+/- ac.)
- 523 Lakes > 10 Ac. But < 100 Ac. (0.88+/- ac.)
- 619 Exotic Wetland Hardwoods (0.47+/- ac.)
- 814 Roads and Highways

Notes:

Land Use delineation based on aerial photointerpretation and groundtruthing. All acreages are approximate. This is not a survey.

Classification based on Florida Land Use, Cover and Forms Classification System (FLUCFCS), FDOT, 1999.

Wetland delineation subject to verification by governmental agencies with regulatory authority.

Project boundary and wetland limits, dated 8/22/03, as provided by Sanibel Surveys, Inc.

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DOI 2004-00025



Lotspeich and Associates, Inc.
ECOLOGICAL CONSULTANTS
2711 West Fairbanks Avenue, Winter Park, Florida 32789
(407) 740-8482 Fax - 645-1305 www.lotspeichandassociates.com

Barbour Property

3.0 +/- acres in
Section 7, Township 46 South, Range 25 East
Lee County, Florida

Existing Land Use (1995)

Source: Florida Department of Environmental Protection, 2001



North

Scale: 1" = 150'

Figure 4

File:2003-157.APR

Drawn By: JM

Job No.: 2003-157.33

Date: 20 Oct. 2003

Compliance with the Lee Plan

This request is in agreement with previous approvals for the site and does not encumber surrounding properties with an incompatible use along the corridor. The zoning designations of the surrounding properties and the requested zoning designation for the subject parcel adhere to a cohesive development pattern along the US 41 corridor and are in accords with the Future Land Use designation assigned to the area by the Lee County Plan.

The property to the north of the subject site is zoned Community Commercial (CC); east is Community Planned Development (CPD) and Recreational Vehicle Park (RV-3); south is Commercial (C-1) and to the west, across US 41, the property is zoned Agricultural (AG-2). The subject site has a future land use designation of Urban Community, as do the surrounding sites. This request is for the restoration of the previously approved CPD zoning designation that was vacated in 2002. Restoring the CPD zoning designation will bring the subject parcel in accordance with the future land use designation assigned to the parcel by the Lee Plan.

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Design Standards Compliance

This request is in agreement with previous approvals for the site and does not encumber surrounding properties with an incompatible use along the corridor. The zoning designations of the surrounding properties and the requested zoning designation for the subject parcel adhere to a cohesive development pattern along the US 41 corridor and are in accords with the Future Land Use designation assigned to the area by the Lee County Plan. The applicant requests that the conditions of approval from Resolution Z-91-113 items 1, 3-8 be applied to this request and that condition number 2 be deleted from the new development order (Resolution Z-19-113 attached). There are no incompatible uses currently proposed for this site.

The applicant is requesting that all of the uses identified in the Commercial Planned Development (CPD) column in Lee County's Land Development Code Section 34-934 Use Regulations Table for Planned Development Districts be allowed for development on the site.

Architectural styling and landscaping will shall abide by Lee County's Land Development Code and shall reflect the recent development styles within the corridor. Through the use architectural and landscaping elements, the development of the site will enhance the aesthetic quality of the corridor.

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Decision Making Compliance Statement

Per sections 34-145(c)(2)a and e, the applicant is not requesting any special exceptions at this time, the applicant is requesting that the allowable uses include uses that may require approval via a special exception application and determination.

Per section 34-145(d)(3) the applicant is requesting that the zoning determination of CPD be reinstated to this site. This designation is consistent with previous zoning designations issued for the parcel and is consistent with surrounding property and land use designation.

Per section 34-411 this request is in compliance with the Lee Plan and the requested use is consistent with the existing land use designation assigned to this parcel.

The design of the site limit does not require the movement of traffic through residential areas. The site is not currently within the Lee Tran Service area; therefore no area has been designed to facilitate the use of public transportation.

The design and proposed uses as indicated within this application do not impose any hazardous conditions that may be injurious to persons or property.

Per the ecological report, no historical or cultural resources exist on the site. The applicant does not intend to harm cultural resources if found on site, the applicant shall work with Lee County to mitigate any issues that may be found.

This request is in agreement with previous approvals for the site and does not encumber surrounding properties with an incompatible use along the corridor. The zoning designations of the surrounding properties and the requested zoning designation for the subject parcel adhere to a cohesive development pattern along the US 41 corridor and are in accords with the Future Land Use designation assigned to the area by the Lee County Plan. The applicant requests that the conditions of approval from Resolution Z-91-113 items 1, 3-8 be applied to this request and that condition number 2 be deleted from the new development order (Resolution Z-19-113 attached). There are no incompatible uses currently proposed for this site.

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SITE DATA

TOTAL SITE AREA ±129,764 SF
GRANADA LAKE AREA ±56,300 SF 43.4%
PAVEMENT AREA ±30,300 SF 23.4%
BUILDING GSF ±20,000 SF 15.4%
OPEN SPACE AREA (NOT INCLUDING LAKE AREA) ±23,164 SF 17.8%

LANDSCAPE BUFFERS:
REQUIRED
PROPOSED

NORTH 0' * 5' MIN.
SOUTH 0' * 20'
EAST 0' * 10' MIN.
WEST 0' * 20'

BUILDING SETBACKS:

REQUIRED
PROPOSED

NORTH 0' * 5' MIN.
SOUTH 0' * 20'
EAST 0' * 10' MIN.
WEST 0' * 20'

*PER PREVIOUS RESOLUTION Z91113

EXISTING ZONING: VACATED CPD
PROPOSED ZONING: CPD
FUTURE LAND USE: URBAN COMMUNITY

LANDSCAPE BUFFERS:

REQUIRED
PROPOSED

NORTH TYPE A
SOUTH TYPE A
EAST TYPE A
WEST TYPE A

LEE COUNTY PARKING REQUIREMENTS:

PARKING REQUIRED:

1 SPACE PER 300 S.F. GROSS SALES FLOOR AREA = 67 SPACES REQUIRED

PARKING PROVIDED: 75

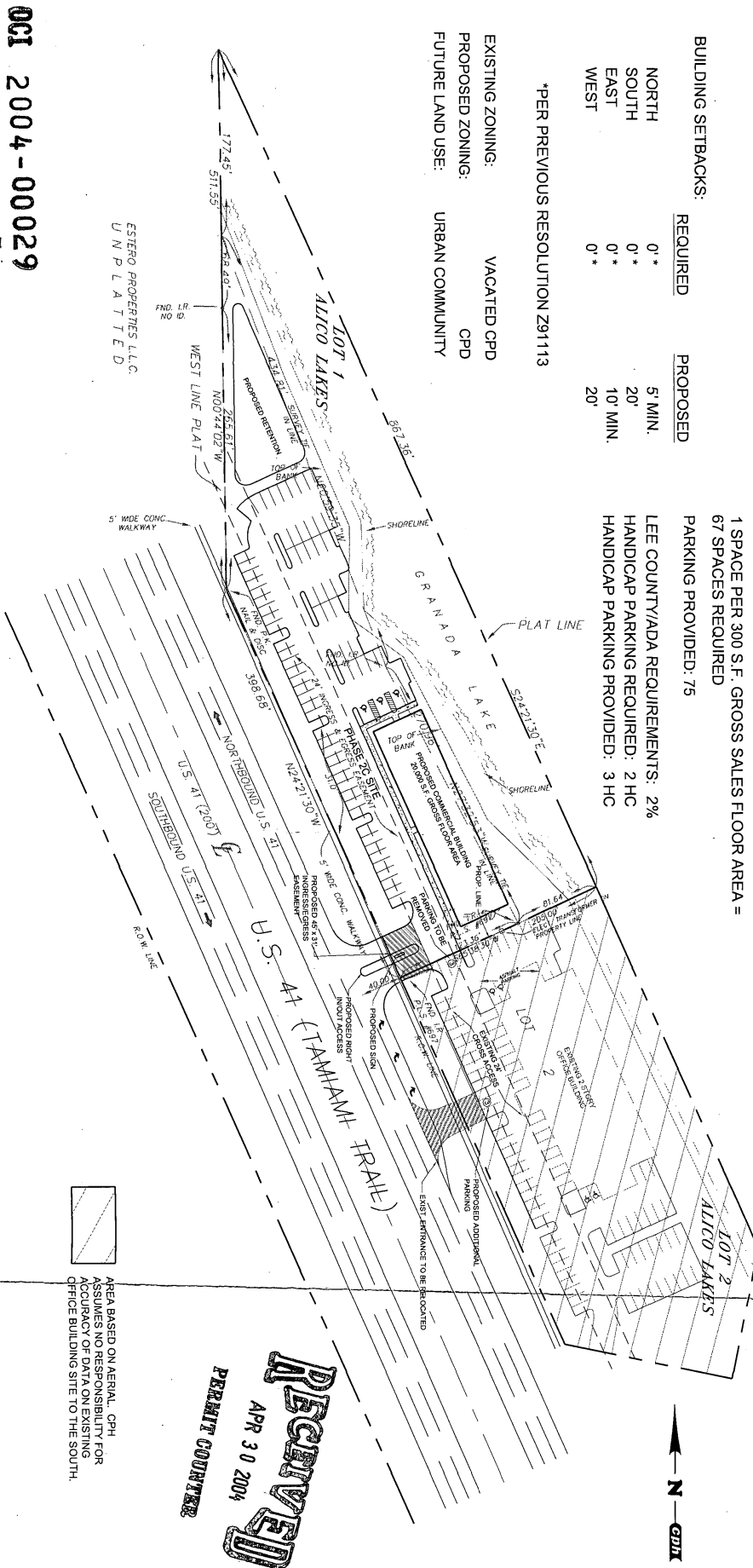
LEE COUNTY/ADA REQUIREMENTS: 2%
HANDICAP PARKING REQUIRED: 2 HC
HANDICAP PARKING PROVIDED: 3 HC

EXHIBIT 6-C ADJACENT OWNERS AND USES:

NORTH ESTERO PROPERTIES INC., VACANT
SOUTH EXISTING OFFICE BUILDING
EAST LEE COUNTY, GRANADA LAKE
WEST U.S. 41, RIGHT OF WAY

DCI 2004-00029

ESTERO PROPERTIES LLC,
UNPLATTED



AREA BASED ON AERIAL. CPH
ASSUMES NO RESPONSIBILITY FOR
ACCURACY OF DATA ON EXISTING
OFFICE BUILDING SITE TO THE SOUTH.

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LEE COUNTY
PERMIT CENTER

cph Engineers
Planners
Landscape Architects
Surveyors
Construction Management
www.cphengineers.com
2211 Pock Street, Suite 300, Fort Myers, FL 33901
Phone: 239.332.5499 Fax: 239.332.2555

Scale: 1" = 100'
Date: APRIL 2004
Job No.: B7501
Certificate of Authorization
No. 3215

PROPOSED MASTER CONCEPT PLAN / EXHIBIT 6-J

ALICO LAKES LOT 1

LEE COUNTY, FLORIDA



TRAFFIC STATEMENT

April 30, 2004

ALICO LAKES

The following indicates the trip generation of the proposed commercial development, to be constructed east of U.S. 41 to the south of the Alico Road intersection in Lee County, Florida. The traffic impact statement being prepared by Metro Transportation Group, Inc. will address the traffic impacts the future use on this parcel will have on the surrounding roadways. This traffic statement is for the sole purpose of obtaining a Development Order for the construction of the residential units within the project.

The anticipated trip generation was based on the Institute of Transportation Engineer's report, titled *Trip Generation*, 7th Edition. The land use code for retail (LUC 820) was utilized based on the Master Concept Plan Schedule of Used, prepared by CPH Engineer's. The table below illustrates the anticipated trip generation for the project, which could include up to 20,000 square feet of floor area.

**Trip Generation
Alico Lakes**

Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily
	In	Out	Total	In	Out	Total	2-way
20,000 s.f. Retail	35	25	60	105	110	215	2,385

Access to this property will be provided via a single access to U.S. 41. This access is restricted to right-in/right-out movements only.

Table 1A and **Table 2A** indicate that 100th highest hour Level of Service volumes on U.S. 41 at the year after anticipated build-out, or 2007.

Based on the Lee County Turn Lane Policy (AC 11-4), a separate northbound right turn lane will be warranted at the site access drive. This turn lane should be constructed pursuant to FDOT Standard Index #301 standards.

Attachments

TABLE 1A
PEAK DIRECTION
PROJECT TRAFFIC VS. 10% LOS C LINK VOLUMES
ALICO LAKES

TOTAL AM PEAK HOUR PROJECT TRAFFIC = 60 VPH										IN=	35	OUT=	25										
TOTAL PM PEAK HOUR PROJECT TRAFFIC = 215 VPH										IN=	105	OUT=	110										
<u>ROADWAY</u>	<u>SEGMENT</u>	<u>ROADWAY</u>		<u>LOS A</u>		<u>LOS B</u>		<u>LOS C</u>		<u>LOS D</u>		<u>LOS E</u>		<u>PERCENT</u>		<u>PROJECT</u>	<u>TRAFFIC</u>	<u>PROJECT</u>	<u>TRAFFIC</u>	<u>PROJ/</u>	<u>LOS C</u>		
		<u>CLASS</u>	<u>VOLUME</u>	<u>VOLUME</u>	<u>VOLUME</u>	<u>VOLUME</u>	<u>VOLUME</u>	<u>VOLUME</u>	<u>VOLUME</u>	<u>VOLUME</u>	<u>VOLUME</u>	<u>VOLUME</u>	<u>100.00%</u>	<u>110</u>	<u>3.7%</u>								
U.S. 41	S. of Alico Road	6LD	0		1940		3000		3180		3180		3180	100.00%		110							

Source : Link Specific Level of Service Volumes (Sept. 2003)

**SCHEDULE OF USES SUMMARY PER
SECTION 34-341(a)(8)**

- a. Not applicable. The applicant is not proposing residential development for this site.
- b. The applicant is requesting that all of the uses identified in the Commercial Planned Development (CPD) column in Lee County's Land Development Code Section 34-934 Use Regulations Table for Planned Development Districts be allowed for development on the site.
- c. The percentage of open space for this conceptual site plan is 17.8%.

Sec. 34-934. Use regulations table.

Use regulations for planned development districts are as follows:

TABLE 34-934. USE REGULATIONS FOR PLANNED DEVELOPMENT DISTRICTS

TABLE INSET:

		Special Notes or Regulations	RPD	MHPD	RVPD	CFPD	CPD	IPD Note (37)	AOPD	MPD
Accessory uses and structures		Note (1), 34-1171 et seq., 34-2441 et seq., 34-1863, 34-2141 et seq., 34-3106	P	P	P	P	P	P	P	P
Accessory apartment		Note (2), (21), & (28), 34-1177	P	--	--	--	--	--	--	P
Administrative offices		Note (1)	P	P	P	P	P	P	P	P
Agricultural services: office/base operations			--	--	--	--	--	P	--	P
Agricultural uses and agricultural accessory uses			--	--	--	--	--	P	--	P
Aircraft food services and catering			--	--	--	--	--	--	P	P
Aircraft landing facilities, private		34-1231 et seq.	P	P	P	P	P	P	P	P
Airport operations facilities			--	--	--	--	--	--	P	--
Amateur radio antennas and satellite earth stations		34-1175	Refer to 34-1 for regulations							
Amusement park			--	--	--	--	P	--	--	P
Animals:										
	Clinic or kennel	34-1321 et seq.	--	--	--	--	P	P	--	P
	Control center (including Humane Society)		--	--	--	P	P	--	--	P
	Keeping and breeding of Class I or Class II animals (df)	34-1291 et seq.	--	--	--	SE	SE	--	--	SE
Assisted living facility		Note (35), 34-1491 et seq., 34-1411	P(3)	--	--	P	P	--	--	P
ATM (automatic teller machine)							P	P	P	P
Auto parts store			P(4)	P(4)	--	--	P	--	--	P
Automobile service station			P(4)	P(4)	--	--	P	P	P	P
Auto repair and service (34-622(c)(2)), all groups		34-1351	--	--	--	--	P	P	--	P
Bait and tackle shop			P(4)	P(4)	--	--	P	P	--	P
Banks and financial establishments (34-622(c)(3)):										
	Group I		P(4)	P(4)	--	--	P	--	P	P
	Group II		--	--	--	--	P	--	--	P
Bar or cocktail lounge		34-1261 et seq.	--	--	--	--	P	P	P	P
Bed and breakfast		Note (28)	P	--	--	--	P	--	--	P

Boarding house	Note (28)	P	-	-	-	P	-	-	P
Boats:									
Boat parts store		P(4)	P(4)	-	-	P	P	-	P
Boat ramps and dockage (not marinas)		P	P	P	P	P	P	-	P
Boat rental		P(4)	P(4)	-	-	P	P	-	P
Boat repair and service	34-1352, 34-3001 et seq.	-	-	-	-	P	P	-	P
Boat sales		-	-	-	-	P	-	-	P
Boat storage, dry		-	-	-	-	P	-	-	P
Boatyard	Note (5)	-	-	-	-	-	P	-	P
Broadcast studio, commercial radio and television	34-1441 et seq.	-	-	-	-	P	P	-	P
Building material sales (34-622(c)(4))	34-3001 et seq.	-	-	-	-	P	P	-	P
Business services (34-622(c)(5)):									
Group I		P(4)	P(4)	-	-	P	P	-	P
Group II		-	-	-	-	P	P	-	P
Bus station/depot	34-1381 et seq.	-	-	-	-	P	P	P	P
Camping cabins	Note (28)	-	-	P(6)	-	-	-	-	P
Caretaker's residence	Note (34)	-	-	-	P	P	P	-	P
Car wash		-	-	-	-	P	-	-	P
Cemetery, columbarium, mausoleum		-	-	-	P	-	-	-	P
Cleaning and maintenance services (34-622(c)(7))		-	-	-	-	P	P	-	P
Clothing stores, general (34-622(c)(8))		-	-	-	-	P	-	-	P
Clubs:									
Country		P	P	P	-	P	-	-	P
Commercial		-	-	-	-	P	-	-	P
Fraternal, membership organization	34-2111	-	-	-	-	P	-	-	P
Private	34-2111	P	P	P	-	P	-	-	P
Cold storage, pre-cooling, warehouse and processing plant		-	-	-	-	-	P	-	P
Commercial fishery		-	-	-	-	P	P	-	P
Commercial use of beachfront seaward of the coastal construction control line	Note (7), 34-3151	P	P	-	-	P	-	-	P
Communication facility, wireless	34-1441 et seq. Note (22)	Refer to 34-1441 et seq. for regulations.							
Community residential home	Note (35)	P	P	-	-	P	-	-	P
Computer and data processing services		-	-	-	-	-	P	-	P
Consumption on premises	34-1261 et seq.	P(4)	P(4)	P(8)	-	P	P(9)	P	P
Continuing care facilities	Note (28), 34-1414	P	-	-	P	-	-	-	P
Contractors and builders (34-622(c)(9)), all groups	34-1352, 34-3001 et seq.	-	-	-	-	P	P	-	P
Convenience food and beverage store		P(4), (27)	P(4), (27)	-	-	P	P	-	P(27)
Correctional facility	Note (28)	-	-	-	P	-	-	-	P
Cultural facilities (34-622(c)(10))		-	-	-	P	P	-	-	P
Day care center, child, adult	Note (28)	P(4)	P(4)	P(8)	P	P	P	-	P

	Open		-	-	-	-	P	P	-	P
	Indoor		-	-	-	-	P	-	-	P
Food and beverage service, limited		Note (1)	P(4)	P(4)	-	-	P	-	-	P
Food stores (34-622(c)(16)):										
	Group I		P(4)	P(4)	P	-	P	P(9)	-	P
	Group II		P(4)	P(4)	-	-	P	P(9)	-	P
Forestry tower			-	-	-	P	P	-	-	P
Fraternity house		Note (28)	P	-	-	-	P	-	-	P
Freight and cargo handling establishments (34-622(c)(17))			-	-	-	-	P	P	P(12)	P
Funeral home and mortuary (with or without a crematory)			-	-	-	P(19)	P	-	-	P
Gasoline dispensing system, special			-	-	-	-	P	P	P	P
Gift and souvenir shop			-	-	-	-	P	-	-	P
Golf course			P	P	P	-	P	-	-	P
Golf driving range			P	P	-	-	P	-	-	P
Government maintenance facility			-	-	-	P	P	P	P	P
Hardware store			P(4)	P(4)	-	-	P	-	-	P
Hatcheries, poultry			-	-	-	-	-	P	-	P
Health care facilities (34-622(c)(20)):										
	Group I	Note (28)	P	-	-	P	P	-	-	P
	Group II	Note (28)	P	-	-	P	P	-	-	P
	Group III		P(4)	P(4)	-	P	P	P	P	P
	Group IV	Note (28)	-	-	-	P	P	-	-	P
Heliport or helistop			P	P	-	P	P	P	P	P
Hobby, toy and game shops (34-622(c)(21))			P(4)	P(4)	-	-	P	-	-	P
Home care facility		Note (1) & (28)	P	P	-	-	P	-	-	P
Home occupation		Note (1) & (31), 34-1771 et seq.	P	P	-	-	P	-	-	P
Hospice		Note (28)	-	-	-	P	P	-	-	P
Hotel/motel		34-1801 et seq., Note (36)	-	-	-	-	P	P(13)	-	P
Household and office furnishings (34-622(c)(22)), all groups			-	-	-	-	P	-	-	P
Housing units for employees only		Note (33)	-	-	-	P	-	-	-	P
Insurance companies (34-622(c)(23))			-	-	-	-	P	-	-	P
Laundry or dry cleaning (34-622(c)(24)):										
	Group I		P(4)	P(4)	P	-	P	-	-	P
	Group II		-	-	-	-	-	P	-	P
Lawn and garden supply stores		34-2081	-	-	-	-	P	-	-	P
Library		Note (28)	-	-	-	P	P	-	-	P
Manufacturing of:										
	Apparel products (34-622(c)(1))	Note (5)	-	-	-	-	P	P	-	P

	Boats	Note (5)	-	-	-	-	P	-	P
	Chemical and allied products (34-622(c)(6))								
	Group I	Note (5)	-	-	-	-	P	-	-
	Group II	Note (5)	-	-	-	-	P	-	P
	Electrical machinery and equipment (34-622(c)(11))	Note (5)	-	-	-	P	P	-	P
	Fabricated metal products (34-622(c)(14)):								
	Group I	Note (5)	-	-	-	-	P	-	-
	Group II	Note (5)	-	-	-	-	P	-	P
	Group III	Note (5)	-	-	-	P	P	-	P
	Food and kindred products (34-622(c)(15)):								
	Group I	Note (5)	-	-	-	-	P	-	P
	Group II	Note (5)	-	-	-	-	P	-	P
	Group III	Note (5)	-	-	-	P	P	-	P
	Furniture and fixtures (34-622(c)(18))	Note (5)	-	-	-	-	P	-	P
	Leather products (34-622(c)(25)):								
	Group I	Note (5)	-	-	-	-	P	-	-
	Group II	Note (5)	-	-	-	P	P	-	P
	Lumber and wood products (34-622(c)(26)):								
	Groups I, III, IV, V and VI	Note (5)	-	-	-	-	P	-	-
	Group II	Note (5)	-	-	-	P	P	-	P
	Machinery (34-622(c)(27)), all groups	Note (5)	-	-	-	-	P	-	-
	Measuring, analyzing and controlling instruments (34-622(c)(28))	Note (5)	-	-	-	P	P	-	P
	Novelties, jewelry, toys and signs (34-622(c)(29)), all groups	Note (5)	-	-	-	P	P	-	P
	Paper and allied products (34-622(c)(31))								
	Group I	Note (5)	-	-	-	-	P	-	-
	Group II	Note (5)	-	-	-	-	P	-	P
	Group III	Note (5)	-	-	-	-	P	-	P
	Petroleum (34-622(c)(34))	Note (5)	-	-	-	-	P	-	-
	Primary metal industries (34-622(c)(35))	Note (5)	-	-	-	-	P	-	-
	Rubber and plastic products (34-622(c)(44)):								
	Group I	Note (5)	-	-	-	-	P	-	-
	Group II	Note (5)	-	-	-	P	P	-	P
	Stone, clay, glass and concrete products (34-622(c)(48))								
	Group I	Note (5)	-	-	-	-	P	-	P
	Group II	Note (5)	-	-	-	-	P	-	-
	Group III	Note (5)	-	-	-	-	P	-	-
	Group IV	Note (5)	-	-	-	-	P	-	-
	Textile mill products (34-622(c)(50)), all groups	Note (5)	-	-	-	-	P	-	-
	Tobacco products (34-622(c)(51))	Note (5)	-	-	-	-	P	-	P
	Transportation equipment (34-622(c)(52)):								
	Group I	Note (5)	-	-	-	-	P	P	P

		Groups II, III and IV	Note (5)	-	-	-	-	-	P	-	-
Marina			34-1862	P	P	-	-	P	P	-	P
Medical office				P(4)	P(4)	-	-	P	P	-	P
Mini-warehouse				-	-	-	-	P	P	-	P
Mobile home dealers			34-1352	-	-	-	-	P	P	-	P
Models:											
	Display center	34-1951 et seq.	P	P	P	-	P	-	-	-	P
	Model home	34-1951 et seq.	AA	AA	AA	-	AA	-	-	-	AA
	Model unit	34-1951 et seq.	AA	AA	AA	-	AA	-	-	-	AA
Motion picture production studio				-	-	-	-	P	P	-	P
Multislip docking facility				-	-	-	-	P	-	-	P
Nightclubs			34-1261 et seq.	-	-	-	-	P	P	P	P
Nonstore retailers (34-622(c)(30)), all groups				-	-	-	-	P	P	-	P
Parcel and express services				-	-	-	-	-	P	-	P
Package store			34-1261 et seq.	P(4)	P(4)	-	-	P	-	-	P
Paint, glass and wallpaper				-	-	-	-	P	-	-	P
Parks (34-622(c)(32)):											
	Group I			P	P	P	P	P	P	P	P
	Group II			-	-	-	P	-	-	-	P
Park trailers			Note (28)	-	-	P(6)	-	-	-	-	P
Parking lot:											
	Accessory			P	P	P	P	P	P	P	P
	Commercial			-	-	-	-	P	-	-	P
	Garage, public parking			-	-	-	-	P	P	-	P
	Temporary	34-2022		-	-	-	P	P	P	P	P
Personal services (34-622(c)(33)):											
	Group I	34-3021		P(4)	P(4)	P(8)	-	P	P	P(18)	P
	Group II			-	-	-	-	P	-	-	P
	Group III			-	-	-	-	P	P	-	P
	Group IV			P(4)	P(4)	-	-	P	-	-	P
Pet services				-	-	-	-	P	-	-	P
Pet shop				P(4)	P(4)	-	-	P	-	-	P
Pharmacy				P(4)	P(4)	-	-	P	-	-	P
Photofinishing laboratory			Note (5)	-	-	-	-	-	P	-	P
Place of worship			Note (28), 34-2051 et seq.	P	P	P	P	P	P	P	P
Plant nursery			34-2081	-	-	-	-	P	-	-	P
Post office				-	-	-	P	P	P	-	P
Printing and publishing (34-622(c)(36))			Note (5)	-	-	-	-	P	P	-	P
Prison			Note (28)	-	-	-	P	-	-	-	-
Processing or packaging of agricultural or fish products			Note (5)	-	-	-	-	-	P	-	P

Processing and warehousing			-	-	-	-	P	P	P	P
Racetracks (34-622(c)(37)):										
_____ Group I			-	-	-	-	P	-	-	-
_____ Group II			-	-	-	-	P	-	-	-
Real estate sales office	Note (23), 34-1951 et seq., 34-3021	P	P	P	-	-	P	-	-	P
Recreation facilities:										
_____ Commercial (34-622(c)(38)) Groups I, III & IV		-	-	-	-	-	P	-	-	P
_____ Group V		-	-	-	P	-	P	-	-	P
_____ Personal	Note (1)	P	P	P	P	-	P	P	-	P
_____ Private--On-site	Note (1)	P	P	P	P	-	P	P	-	P
_____ Private--Off-site	Note (3)	P	P	P	P	-	P	P	-	P
Recreational vehicles	Note (28)	-	P(20)	P(14)	-	-	-	-	-	P
Recycling facility		-	-	-	P	-	P	P	-	P
Religious facilities	Note (28), 34-2051 et seq.	P(3)	P(3)	-	P	-	P	P	-	P
Rental or leasing establishment (34-622(c)(39)):										
_____ Group I	34-1352, 34-3001 et seq.	P(4)	P(4)	P(8)	-	-	P	-	-	P
_____ Group II	34-1201 et seq., 34-1352, 34-3001 et seq.	P(4)	P(4)	-	-	-	P	P	-	P
_____ Group III	34-1352, 34-3001 et seq.	-	-	-	-	-	P	P	P	P
_____ Group IV	34-1201 et seq., 34-1352, 34-3001 et seq.	-	-	-	-	-	P	P	P	P
Repair shops (34-622(c)(40)):										
_____ Group I		P(4)	P(4)	-	-	-	P	P	-	P
_____ Groups II, III, IV		-	-	-	-	-	P	P	-	P
_____ Group V		-	-	-	-	-	P	P	-	P
Research and development laboratories (34-622(c)(41)):										
_____ Group I		-	-	-	-	-	-	-	-	P
_____ Group II		-	-	-	-	-	P	P	-	P
_____ Group III		-	-	-	-	-	-	P	-	P
_____ Group IV		-	-	-	-	-	P	P	P	P
Residential accessory uses (34-622(c)(42))	Note (1) & (31), 34-1171 et seq.	P	P	-	-	-	P	-	-	P
Restaurant, fast food		-	-	-	-	-	P	-	P	P
Restaurants (34-622(c)(43)):										
_____ Groups I and III		P(4)	P(4)	-	-	-	P	P	P	P
_____ Group II		P(4)	P(4)	-	-	P(1)	P	P	P	P
_____ Group IV		-	-	-	-	-	P	P	-	P

Retail and wholesale sales, when clearly incidental and subordinate to a permitted principal use on the same premises			-	-	-	-	P	P	-	P
Rooming house		Note (28)	P	-	-	-	P	-	-	P
Salvage and disposal of materials, including auto junkyards, refuse disposal and processing plants, incinerators, landfills and similar uses			-	-	-	-	-	P(5)	-	-
Sanitary landfill		Note (5)	-	-	-	P	-	P	-	-
Schools:										
_____	Commercial (34-622(c)(45))	34-2381	-	-	-	-	P	P	-	P
_____	Noncommercial	Note (28), 34-2381	P	P	P	P	P	-	-	P
Self-service fuel pumps		Note (24)	P(4)	P(4)	-	-	P	P	-	P
Signs in accordance with chapter 30		Note (1)	P	P	P	P	P	P	P	P
Social services (34-622(c)(46)):										
_____	Group I		-	-	-	-	P	-	-	P
_____	Group II		-	-	-	P	P	P	-	P
_____	Group III	Note (28)	-	-	-	P	P	-	-	P
_____	Group IV	Note (28)	-	-	-	P	-	-	-	P
Specialty retail shops (34-622(c)(47)):										
_____	Group I		P(4)	P(4)	-	P(1)	P	-	P(18)	P
_____	Group II		P(4)	P(4)	-	-	P	-	P(18)	P
_____	Group III		-	-	-	-	P	-	-	P
_____	Group IV		P(4)	P(4)	-	-	P	-	-	P
Stable:										
_____	Boarding	34-1291 et seq.	P	P	P	-	-	-	-	P
_____	Commercial	34-1291 et seq.	-	-	-	-	P	-	-	P
_____	Private	34-1291 et seq.	P	P	P	-	-	-	-	P
Storage:										
_____	Indoor only	Note (1), 34-3001 et seq.	P(4)	P(4)	P	P	P	P	P	P
_____	Storage, open	Note (5), 34-3001 et seq.	-	-	P(15)	-	P	P	P	P
_____	Large-scale storage of noxious or hazardous materials (flammable, toxic, explosive, corrosive, etc.), including liquid petroleum, fractions and distillates thereof, and fuel gases	Note (5), 34-3001 et seq.	-	-	-	-	-	P	P(16)	-
Studios (34-622(c)(49))			-	-	-	-	P	-	-	P
Temporary uses		Note (1), 34-3041 et seq.	P	P	-	P	P	-	-	P
Tents, transient parks only		Note (28)	-	-	P	-	-	-	-	P
Theater, indoor or outdoor (drive-in)		Note (32), 34-2471 et seq.	-	-	-	-	P	-	-	P
Timeshare units		Note (28), 34-1494, 34-2020(1)g	P	-	-	-	P	-	-	P
Transportation services (34-622(c)(53)):										
_____	Group I		-	-	-	-	P	P	-	P

_____	Group II		-	-	-	P	P	P	P	
_____	Group III		-	-	-	P	P	P	P	
_____	Group IV		-	-	-	P	P	-	P	
Truck stop, trucking terminal			-	-	-	P	P	-	P	
Used merchandise stores (34-622(c)(54)):										
_____	Group I		P(4)	P(4)	-	-	P	-	P	
_____	Groups II, III and IV		-	-	-	-	P	-	P	
Variety store			P(4)	P(4)	-	-	P	-	P	
Vehicle and equipment dealers (34-622(c)(55)):										
_____	Groups I, II, and III	34-1352	-	-	-	-	P	P	-	P
_____	Group IV	34-1352	-	-	P(17)	-	P	P	-	P
_____	Group V	34-1352	-	-	-	-	P	P	-	P
Warehouse:										
_____	Mini-warehouse		-	-	-	-	P	P	-	P
_____	Private		-	-	-	-	P	P	P	P
_____	Public		-	-	-	-	P	P	P	P
_____	Cold storage only		-	-	-	-	-	-	P	P
Wholesale establishments (34-622(c)(56)):										
_____	Groups I, III and IV		-	-	-	-	P	P	-	P
_____	Group II		-	-	-	-	P	P	-	-
Wrecking yard:										
_____	Auto		-	-	-	-	-	P	-	-
_____	Other		-	-	-	-	-	P	-	-

Notes:

- (1) If use or structure is customarily accessory to an approved permitted use it does not need to be shown on the master concept plan.
- (2) Permitted only when accessory to a lawfully permitted single-family dwelling unit.
- (3) If not shown on the master concept plan, but included in the approved list of enumerated uses, this use may be approved administratively, at the director's discretion, or as a planned development amendment after approval of the master concept plan.
- (4) Subject to limitations for commercial uses set forth in section 34-937.
- (5) If the use or activity does not conform to the criteria set-forth in section 34-938, then it is subject to the setback requirements set forth in sections 34-935(b)(4) and 34-2441 et seq.
- (6) Limited to nontransient parks only.
- (7) Uses anticipated include boat rentals (inflatables, sailboats, jet skis, windsurfers and the like) food stands, rental of cabanas and beach furniture, outdoor amusements including balloonist, seaplane rides, ski tows and similar activities, fishing and sightseeing piers and towers.
- (8) Permitted as an accessory use when designed and intended primarily for use by people staying at the recreational vehicle development.
- (9) Permitted only when accessory to an airport or other transportation facility, hotel or motel, or an office complex of 50,000 or more square feet.

- (10) Permitted only in conjunction with at least 50,000 square feet or more of commercial or industrial uses.
- (11) Not permitted within 500 feet of nearest residence.
- (12) Serving air transportation or improving intermodal capabilities.
- (13) Permitted only where clearly related to highway interchange, airports, sea or river ports, or wholesale marts.
- (14) Park-trailers permitted in nontransient parks only.
- (15) Limited to recreational vehicles, trailers, boats, and other vehicles and goods belonging to park residents.
- (16) Limited to airplane fuels or other approved fuel storage terminals.
- (17) Limited to recreational vehicles only.
- (18) Permitted only when contained within the principle airport facility.
- (19) Only when clearly subordinate to a cemetery located on the same premises.
- (20) Recreational vehicle sites in mobile home planned developments (MHPD) must be designated on the approved master concept plan. All recreational vehicles approved as part of a MHPD are subject to the regulations in sections 34-762(1), 34-762(2), 34-782, 34-784 and sections 34-786 through 34-790.
- (21) In RPDs, MHPDs, and residential areas of MPDs, a special exception is required.
- (22) Wireless communication facilities must be listed on the approved schedule of uses for the planned development; however, approval of a specific facility must be in accordance with section 34-1441, et seq.
- (23) Real estate sales offices in residential areas are limited to sales of lots, homes or units within the development, except as may be permitted in section 34-1951 et seq. The location of, and approval for, the real estate sales office will be valid for a period of time not exceeding five years from the date the certificate of occupancy for the sales office is issued. The director may grant one two-year extension at the same location.
- (24) Two pumps are permissible as an accessory use to businesses to provide fuel for their own fleet of vehicles and equipment. Additional pumps require approval of a special exception.
- (25) Reserved.
- (26) In the MPD district, use is limited to industrial areas only.
- (27) Limited to eight self service fuel pumps (df) unless a greater number is specifically approved as part of the planned development and depicted on the master concept plan. An existing business with more than eight lawfully permitted pumps as of January 31, 1998 will not be considered non-conforming. Existing pumps may be modernized, replaced, or relocated on the same premises but additional new pumps will not be permitted.
- (28) Not permitted in Airport Noise Zone 3.
- (29) Not permitted in Airport Noise Zone 3. See section 34-1006(b)(2) for exceptions.
- (30) Not permitted in Airport Noise Zones 2 or 3. See section 34-1006(b)(2) & (3) for exceptions.
- (31) Not permitted in Airport Noise Zone 2 or 3 unless accessory to a lawful mobile home or single-family residence. See section 34-1006(b)(2) & (3).
- (32) Indoor theater only in Airport Noise Zone 3
- (33) Not permitted in Airport Noise Zone 3. Housing units consisting of mobile homes or park trailers are also not permitted in Airport Noise Zone 2.
- (34) Not permitted in Airport Noise Zones 2 and 3 unless required to support a noise compatible use and constructed in compliance with limitations for dwelling unit type set forth in section 34-1006(b)(2) & (3) as applicable.
- (35) Not permitted in Airport Noise Zone 3 unless pre-empted by state law.

(36) Sound attenuating insulation should be considered for hotels and motels in Airport Noise Zone 3.

(37) In the Industrial Development land use category, offices and office complexes are only permitted when specifically related to adjoining industrial use(s). Prior to issuance of any local development order, the developer must record covenants and restrictions for the property that limit any office uses to those that are specifically related to adjoining industrial uses consistent with Policy 1.1.7 of the Lee County Comprehensive Plan.

(Ord. No. 93-24, § 7(table 480.A), 9-15-93; Ord. No. 94-02, § 7, 1-19-94; Ord. No. 94-24, § 49, 8-31-94; Ord. No. 95-07, § 35, 5-17-95; Ord. No. 96-06, § 5, 3-20-96; Ord. No. 96-18, § 5, 9-18-96; Ord. No. 97-10, § 6, 6-10-97; Ord. No. 98-03, § 5, 1-13-98; Ord. No. 99-05, § 9, 6-29-99; Ord. No. 01-03, § 5, 2-27-01; Ord. No. 01-18, § 5, 11-13-01; Ord. No. 02-20, § 5, 6-25-02; Ord. No. 03-11, § 1, 4-8-03; Ord. No. 03-16, § 6, 6-24-03)

Exhibit 6-N

Schedule of Deviations and Written Justification

RECEIVED
APR 30 2004

PERMIT COUNTER

DCI 2004-00029

Schedule of Deviations and Justification Statement
Alico Lakes Lot 1
Tamiami Trail & Alico Road
April 2004

CPH Engineers, Inc. as agent for Barbour Enterprises, LP 1, is requesting the rezoning of approximately 2.98+ acres located immediately south of the corner of Tamiami Trail (US-41) and Alico Road in the San Carlos Park Community region of unincorporated Lee County. The applicant is requesting that the property be rezoned to CPD. This request to rezone to CPD is consistent with property's the previous CPD zoning designation granted in 1991 which was extended in 2000. The property's vested zoning designation was vacated by Lee County in 2002 due to the failure to act on the existing resolution Z-91-113 and development order. Resolution Z-91-113 and a reduced copy of the original Master Concept Plan are attached for your review.

Property Description

The 2.98 + acre site (STRAP # 07-46-25-07-00000.0010) is currently undeveloped with approximately 398 linear feet of frontage along US 41 (Tamiami Trail) and a depth of approximately 200 linear feet. The property to the north of the subject site is zoned Community Commercial (CC); east is Community Planned Development (CPD) and Recreational Vehicle Park (RV-3); south is Commercial (C-1) and to the west, across US 41, the property is zoned Agricultural (AG-2). The subject site has a future land use designation of Urban Community, as do the surrounding sites. This request is for the restoration of the previously approved CPD zoning designation that was vacated in 2002. Restoring the CPD zoning designation will bring the subject parcel in accordance with the future land use designation assigned to the parcel by the Lee Plan.

Background

In September of 1987, the subject site, which was a part of the Alico Lakes Master Concept Plan (Phase 2C), was granted a rezoning designation from CT & RM-2 to CPD. The parcel remained undeveloped and in August 2000 the owner requested and was granted an extension of the site's CPD zoning designation. The owner did not implement the approved Master Concept Plan for the parcel and in August 2002 the August 2000 development order extension lapsed and the CPD zoning designation was deemed vacated per *Sec. 34-381; Duration of Rights Conferred by Adopted Master Concept Plan Lee County Land Development Code*.

Request

The owner of the subject site is requesting that the site be rezoned to CPD in accords with the previous CPD zoning designation that was vacated in 2002 to enable its development. This master concept plan, is a replica of the original Alico Lakes Master Concept Plan submitted in July 1991, adheres to the previous conditions of approval identified in Resolution Z-91-113 and is in accordance with *Sec. 34-373 of the Lee County Land Development Code*. Development will be in accords with the *Lee County Land Development Code Sec. 34-934 Use Regulations Table*. Architectural and landscaping styling will reflect surrounding development patterns to ensure a harmonious development style with existing structures along Tamiami Trail.

This request is in agreement with previous approvals for the site and does not encumber surrounding properties with an incompatible use along the corridor. The zoning designations of the surrounding properties and the requested zoning designation for the subject parcel adhere to a cohesive development pattern along the US 41 corridor and are in accords with the Future Land Use designation assigned to the area by the Lee County Plan. The applicant requests that the conditions of approval from Resolution Z-91-113 items 1, 3-8 be applied to this request and that condition number 2 be deleted from the new planned development resolution (Resolution Z-91-113 attached).

The applicant is requesting that all of the uses identified in the Commercial Planned Development (CPD) column in Lee County's Land Development Code Section 34-934 Use Regulations Table for Planned Development Districts be allowed for development on the site.

Architectural styling and landscaping shall abide by Lee County's Land Development Code and shall reflect the recent development styles within the corridor. Through the use architectural and landscaping elements, the development of the site will enhance the aesthetic quality of the corridor.

Based on Lee County's land development regulations and Comprehensive Plan, this request is consistent with the assigned land uses surrounding the site. The applicant respectfully requests Lee County's support and approval of this CPD rezoning application.

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

WHEREAS, Margaret Kesler, Trustee, et al, in reference to Alico Lakes, has properly filed an application for a reaffirmation of the vacated Master Concept Plan for one (1) year; and

WHEREAS, the subject property is located at 17481, 17321 and 17351 South Tamiami Trail and 6780 Alico Road, described more particularly as:

LEGAL DESCRIPTION: In Sections 07 and 08, Township 46 South, Range 25 East, Lee County, Florida:

COMMERCIAL PARCEL I

A parcel of land lying in the Northeast Quarter (NE1/4) of said Section 07 described as follows:

COMMENCING at the Southeast corner of the Northeast Quarter (NE1/4) of said Section 07;
THENCE N78°24'17"W along the East/West Quarter (E/W1/4) section line for 1,050.34 feet to the Easterly line of US 41 (SR 45, Tamiami Trail, 200 feet wide) and a Point on a Curve;
THENCE 266.57 feet along said Easterly line along the arc of a curve concave to the Southwest having a radius of 8,662.37 feet and subtended by a chord having a length of 266.56 feet and bearing N23°24'28"W to a Point of Tangency;
THENCE N24°17'22"W along said Easterly line for 110.77 feet to the POINT OF BEGINNING;
THENCE continue N24°21'30"W for 399.52 feet to the intersection of the West line of the East Half (E1/2) of said Northeast Quarter (NE1/4) and said Easterly line;
THENCE N00°39'25"W along said West line for 511.39 feet;
THENCE S24°17'22"E for 719.02 feet;
THENCE S65°38'30"W for 205.00 feet to the POINT OF BEGINNING.
Tract contains 2.99 acres more or less.
SUBJECT TO all easements, setbacks, reservations, restrictions, riparian rights, and rights-of-way of record.

AND

COMMERCIAL PARCEL II

A parcel of land lying in the Northeast Quarter (NE1/4) of said Section 07 described as follows:

COMMENCING at the Southeast corner of the Northeast Quarter (NE1/4) of said Section 07;
THENCE N78°24'17"W along the East/West Quarter (E/W1/4) section line for 1,050.34 feet to the Easterly line of US 41 (SR 45, Tamiami Trail, 200 feet wide) and a Point on a Curve;
THENCE 266.57 feet along said Easterly line along the arc of a curve concave to the Southwest having a radius of 8,662.37 feet and subtended by a chord having a length of 266.56 feet and bearing N23°24'28"W to a Point of Tangency;
THENCE N24°17'22"W along said Easterly line for 510.29 feet to the continued...

intersection of the West line of the East Half (E1/2) of said Northeast Quarter (NE1/4) and said Easterly line;
THENCE N00°39'25"W along said West line for 382.51 feet to the POINT OF BEGINNING;
THENCE N24°17'22"W for 173.18 feet to the North line of the South Half (S1/2) of said Northeast Quarter (NE1/4);
THENCE N84°26'44"W along said North line for 176.78 feet to the said Easterly line of US 41;
THENCE N24°17'22"W along said Easterly line for 93.81 feet to a Point of Curvature;
THENCE 396.52 feet along the arc of a curve concave to the Southwest having a radius of 1,564.40 feet and subtended by a chord having a length of 395.46 feet and bearing N31°33'03"W to a Point on said Curve;
THENCE N54°20'31"E for 205.27 feet to a Point on a Curve;
THENCE 437.18 feet along the arc of a curve concave to the Southwest having a radius of 1,769.40 feet and subtended by a chord having a length of 436.07 feet and bearing S31°22'05"E to a Point of Tangency;
THENCE S24°17'22"E for 236.89 feet to the said West line of the East Half (E1/2) of the Northeast Quarter (NE1/4);
THENCE S00°39'25"E along said West line for 128.88 feet to the POINT OF BEGINNING.
Tract contains 2.798 acres more or less.
SUBJECT TO all easements, setbacks, reservations, restrictions, riparian rights, and rights-of-way of record.

AND

COMMERCIAL PARCEL III

A parcel of land lying in the Northeast Quarter (NE1/4) of said Section 07 described as follows:

COMMENCING at the Southeast corner of the Northeast Quarter (NE1/4) of said Section 07;
THENCE N89°16'17"E along the East/West Quarter (E/W1/4) section line of Section 08, Township 46 South, Range 25 East for 603.82 feet to the intersection of the Southwesterly line of the Atlantic Coast Line Railroad (as occupied) and said Quarter section line;
THENCE N32°31'35"W along said Southwesterly line for 3,060.44 feet to the intersection with the said Southwesterly line and the South-erly line of Alico Road (100 feet wide) and the POINT OF BEGINNING;
THENCE S89°20'31"W along said Southerly line for 591.97 feet;
THENCE S00°39'29"E for 150.00 feet to a line which lies parallel to and 150.00 feet Southerly (as measured at right angles) from the said South line of Alico Road;
THENCE N89°20'31"E along said parallel line for 607.81 feet;
THENCE N00°39'29"W for 124.52 feet to the said Southwesterly line of the Atlantic Coast Line Railroad;
THENCE N32°31'35"W along said Southwesterly line for 30.00 feet to the POINT OF BEGINNING.
Parcel contains 2.088 acres more or less.
SUBJECT TO all easements, setbacks, reservations, restrictions, riparian rights, and rights-of-way of record.

AND

RPD (Residential)

A tract or parcel of land situated in the State of Florida, County of Lee, being a part of the Northeast Quarter (NE1/4) of Section 07 and the Northwest Quarter (NW1/4) of Section 08, Township 46 South, Range 25 East, and further bounded and described as follows:

BEGINNING at a wooden post marking the Southeast corner of said Northeast Quarter (NE1/4) of Section 07;
THENCE N78°24'17"W along the South line of said Northeast Quarter

continued...

(NE1/4) for 1,050.34 feet to an intersection with the Easterly right-of-way line of US 41 (SR 45 - Tamiami Trail), said intersection being on a curve concave to the Southwest having a radius of 8,662.37 feet and to which intersection a radial line bears N67°28'25"E;

THENCE Northwesternly along said curve and said right-of-way line through a central angle of 01°45'47" for 266.57 feet;

THENCE N24°17'22"W along said right-of-way line for 510.29 feet;

THENCE N00°39'25"W along the West line of the Southeast Quarter (SE1/4) of said Northeast Quarter (NE1/4) for 382.51 feet;

THENCE N24°17'22"W for 173.18 feet;

THENCE N84°26'44"W along the South line of the Northwest Quarter (NW1/4) of said Northeast Quarter (NE1/4) for 176.78 feet to the aforesaid Easterly right-of-way line of US 41;

THENCE N24°17'22"W along said right-of-way line for 93.81 feet to the beginning of a curve concave to the Southwest having a radius of 1,564.40 feet;

THENCE Northwesternly along said curve through a central angle of 14°31'21" for 396.52 feet;

THENCE N54°20'31"E for 136.04 feet;

THENCE N00°39'29"W for 500.00 feet;

THENCE N89°20'31"E for 104.44 feet;

THENCE N00°39'29"W for 100.00 feet to the Southerly right-of-way line of Alico Road (100.00 feet wide);

THENCE N89°20'31"E along said right-of-way line for 270.08 feet to an intersection with the West line of the Northeast Quarter (NE1/4) of said Northeast Quarter (NE1/4);

THENCE continue N89°20'31"E along said right-of-way line for 321.89 feet to an intersection with the Southwesterly right-of-way line of the Atlantic Coast Line Railroad;

THENCE S32°31'35"E along said right-of-way line for 3,060.44 feet to an intersection with the South line of the aforesaid Northwest Quarter (NW1/4) of Section 08;

THENCE S89°16'17"W along the South line of said Northwest Quarter (NW1/4) for 232.22 feet;

THENCE N01°00'06"W for 50 feet more or less to the waters of a lake;

THENCE Westerly along said waters for 380 feet more or less to an intersection with a line bearing N00°58'42"W from the POINT OF BEGINNING;

THENCE S00°58'42"E along said line for 45 feet more or less to the POINT OF BEGINNING.

LESS & EXCEPT

COMMERCIAL PARCEL I, COMMERCIAL PARCEL II, & COMMERCIAL PARCEL III

AND LESS & EXCEPT OUT PARCEL

COMMENCING at the Southeast corner of the Northeast Quarter (NE1/4) of said Section 07;

THENCE N78°28'25"W, 550.34 feet, along the East/West Quarter (E/W1/4) section line to the true POINT OF BEGINNING;

THENCE N78°28'25"W, 500.00 feet, along said Quarter Section line to the Easterly line of US 41 (SR 45, 200 feet wide) to a point on the arc of a non-tangent curve to the left;

THENCE run 266.59 feet along the arc of said curve, with a radius of 8,662.37 feet, a central angle of 01°45'48", and a chord of N23°28'36"W, 266.58 feet, along said Easterly line to the tangent end of said curve;

THENCE N24°21'30"W, 110.77 feet;

THENCE N65°38'30"E, 205.00 feet;

THENCE S24°21'30"E, 110.77 feet, to the beginning of a tangent curve to the right;

THENCE run 259.77 feet along the arc of said curve, with a radius of 8,867.37 feet, a central angle of 01°40'43", and a chord of S23°31'09"E, 259.76 feet;

THENCE N78°28'25"W, 337.67 feet, along said Quarter Section line;

THENCE S11°31'35"W, 125.86 feet, to the true POINT OF BEGINNING.

CONTAINING a computed area of 2.962 acres of land.

WHEREAS, the applicant has indicated the property's current STRAP numbers are: 07-46-25-00-00006.0050, 07-46-25-00-00006.0060, 08-46-25-00-00006.0000, 07-46-25-00-00006.0000, 07-46-25-07-00000.0010; and

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Hearing Examiner, with full consideration of all the evidence available; and the Lee County Hearing Examiner fully reviewed the matter in a public hearing held on December 17, 1991; and

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Board of County Commissioners; and in the legislative process the Lee County Board of County Commissioners gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on file with the county, and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, that the Board of County Commissioners does hereby APPROVE with conditions a reaffirmation of the vacated Master Concept Plan for one (1) year.

The reaffirmation of the Master Concept Plan is subject to the following conditions:

1. The development of the property shall be in accordance with the two-page Master Concept Plan entitled "Alico Lakes," dated January 7, 1991 and received November 27, 1991, prepared by Morris-Depew Associates, Inc., except as may be modified by the conditions herein. This approval does not relieve the developer from compliance with the zoning regulations and all other applicable state or local regulations, except for those specifically approved as part of the development.
2. No commercial retail shall be developed on Phase 2C of Parcel I.
3. Prior to issuance of Development Orders for commercial Parcels II and III, the payments of \$4,027.02 and \$3,005.15 respectively should be made by the developer for the cost of signalization of U.S. 41 and Alico Road.
4. Prior to the issuance of a development order, the developer shall prepare, execute and record agreements, subject to the approval of the County Attorney's office for the shared access point.
5. There is no guarantee that the applicant will receive development authorization if the 2010 Overlay use is or would be exceeded.
6. The terms and conditions of the original zoning resolution shall remain in full force and effect, except as modified herein.
7. The banks of the excavation shall be to a slope at a ratio no greater than 6 (H) to 1 (V) to a water depth of 4 feet below dry season table, or a fence and/or guardrails shall be provided with regular maintenance assured by the Master Property Owners Association.
8. Deviation (1) was previously approved per Resolution Z-87-179, to allow the internal roadway to have a zero setback from the development perimeter, instead of the required 25 feet (Section 431.C.2.a.2). Deviation (1) is again hereby APPROVED but with the condition that the developer provide guardrails or other protection if deemed necessary at the Development Order stage.

Deviation (2) was previously approved per Resolution Z-87-179, to allow structures to be setback zero feet from a waterbody, instead of the required 25 feet (Section 202.18.B.4.b). Deviation (2) is again hereby APPROVED.

Deviation (3) was previously approved per Resolution Z-87-179, to allow 50% of the open space to consist of the existing lake, instead of the required maximum of 25% (Section 431.C.4.b). Deviation (3) is again hereby APPROVED.

Deviation (4) was previously approved per Resolution Z-87-179, to allow the water excavation lake to be set back 10 feet from the south property line, instead of the required 50 feet (Section 509.C.4). Deviation (4) is again hereby APPROVED.

Deviation (5) was previously approved per Resolution Z-87-179, to allow the existing lake depth of 35 feet, instead of the required maximum lake depth of 12 feet (Section 509.B). Deviation (5) is again hereby APPROVED but with the following conditions:

- a. An aeration system, which will provide adequate aeration for the lake, taking into account lake size, depth and volume, shall be installed prior to Certificate of Compliance for this project. The specifications on the type, size, location(s) and number of pumps necessary to obtain adequate aeration shall be subject to approval by the Division of Environmental Sciences prior to installation. The aeration system shall be used to provide for proper oxygenation and destratification of the lake; and
- b. Chemical control methods shall not be used in the lake unless prior written approval is granted by the Division of Environmental Sciences.

Deviation (6) was previously approved per Resolution Z-87-179, to allow a minimum roadway width of 40 feet, instead of the required 45 feet, for privately maintained local streets (Development Standards Ordinance Table C-2). This deviation was requested to allow the existing roadway to serve the Granada Lakes R.V. Park and the proposed Residential Planned Development. Deviation (6) is hereby APPROVED but with the condition that the technical specifications of the Development Standards Ordinance are met including proper alignment, cross section and swales (or closed drainage).

Deviation (7) was previously approved per Resolution Z-87-179, to eliminate the requirement for a frontage road (Development Standards Ordinance Section C.3.o). Deviation (7) is hereby APPROVED but with the condition that access be provided through the parking lot aisles with stubouts as shown on the revised Master Concept Plan.

Deviation (8) is a new request to only provide one access point, instead of the required two access points (Section C.2.d.4 of the Development Standards Ordinance). Deviation (8) is hereby APPROVED.

Site Plan 91-113 is attached hereto and incorporated herein by reference, as a reduced copy of the Master Concept Plan.

The following findings of fact were made in conjunction with this reaffirmation of the vacated Master Concept Plan:

- A. That the reaffirmed Master Concept Plan, as conditioned, will not create or result in an adverse impact on the intent of the Zoning Ordinance.
- B. That the reaffirmed Master Concept Plan, as conditioned, is consistent with the goals, objectives, policies and intent of the Lee Plan, and with the densities, intensities and general uses set forth in the Lee Plan.
- C. That the reaffirmed Master Concept Plan, as conditioned, meets or exceeds all performance and locational standards set forth for the proposed use.

- D. That the reaffirmed Master Concept Plan, as conditioned, will protect, conserve or preserve environmentally critical areas and natural resources.
- E. That the reaffirmed Master Concept Plan, as conditioned, will be compatible with existing or planned uses and not cause damage, hazard, nuisance or other detriment to persons or property.
- F. That the reaffirmed Master Concept Plan, as conditioned, will be in compliance with all applicable general zoning provisions and supplemental regulations pertaining to the uses as set forth elsewhere in the Zoning Ordinance.

The foregoing Resolution was adopted by the Lee County Board of County Commissioners upon a motion by Commissioner John E. Manning, and seconded by Commissioner Ray Judah and, upon being put to a vote, the result was as follows:

John E. Manning	aye
Douglas R. St. Cerny	aye
Ray Judah	aye
Vicki Lopez-Wolfe	absent
Donald D. Slisher	absent

DULY PASSED AND ADOPTED this 16th day of March, A.D., 1992.

ATTEST:
CHARLIE GREEN, CLERK

BY: Charlie J. W. Green,
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: [Signature]
Chairman

Approved as to form by:

[Signature]
County Attorney's Office

FILED

APR 3 1992

CLERK CIRCUIT COURT
BY: Charlie J. W. Green, D.C.

DCI 2004-00029

RECEIVED
APR 30 2004

PERMIT COUNTER

gph
 Engineers
 Planners
 Surveyors
 Construction Management
 w w w . g p h e n g i n e e r s . c o m
 2211 Lake Street, Suite 306 Fort Myers, FL 33901
 Phone: (813) 335-7272 Fax: (813) 335-7273

Scale: NTS
 Date: JULY, 2004
 Job No.: B7502
 Certificate of Authorization
 No. 315

AERIAL PICTURE

BARBOUR / INDUSTRIAL PROPERTY
LEE COUNTY, FL



RECEIVED
 JUL 19 2004
 PERMIT COUNTER

DC12004-00029

**MEMORANDUM
FROM THE
DEPARTMENT OF
COMMUNITY DEVELOPMENT
ZONING DIVISION**

DATE: September 7, 2004

TO: File - DCI2004-00029

FROM: Jamie Pringing
Secretary, Internal Services

RE: Notice of Public Hearing - September 22, 2004 HEX

I, Jamie Pringing, Secretary, Internal Services, Development Services Division, do hereby certify that I have mailed notices to the adjacent property owners on the above referenced date, in the attached style, pursuant to the list marked and attached hereto and made a part of this certification.

NOTICE TO PROPERTY OWNERS WITHIN 100 FEET

CASE NUMBER: DCI2004-00029

CASE NAME: ALICO LAKES LOT 1

REQUEST: Rezone +/- 2.98 acres from the vacated designation of Commercial Planned Development (CPD) previously approved per Resolution #Z-91-113 to Commercial Planned Development (CPD) to permit commercial, office, restaurant (with outdoor consumption on premises) and/or retail development utilizing +/- 20,000 square feet of building area with a maximum building height of 50 feet/2 stories. Development blasting is not being requested.

LOCATION: The subject property is located at 17555 S. Tamiami Trail, Ft. Myers, FL (the site is approximately 1/4 mile south of the intersection of US 41 and Alico Road on the eastern side of US 41), in S07 (Section)-T46 (Township)S-R25 (Range)E, Lee County, Florida.

SIZE OF PROPERTY: 2.98 Acres ±

STAFF REPORT: Direct inquiries to Tony Palermo, Senior Planner, at 239-479-8325, at the Department of Community Development, 1500 Monroe St., Ft. Myers, FL 33901.

PROPERTY OWNER'S REPRESENTATIVE: MR. JEFFREY M. SATFIELD
CPH ENGINEERS
239-332-5499

Notice is hereby given that the Lee County Hearing Examiner will hold a public hearing at 9:30 a.m. on September 22, 2004, on the above case. The public hearing will be held in the Hearing Examiner's Meeting Room, 1500 Monroe St., Ft. Myers, FL 33901.

You must appear in person, or through counsel, or an authorized agent and provide testimony, legal argument or other evidence at the hearing to become a participant with the right to address the Board of County Commissioners.

After the Hearing Examiner has made a written recommendation, the case will be scheduled for a public hearing before the Board of County Commissioners who will review the recommendation and make a final decision.

If you do not appear before the Hearing Examiner, by law, you will not be allowed to appear before the Board of County Commissioners at the final hearing in this case.

Copies of the staff report will be available two weeks prior to the hearing. The file may be reviewed at the Development Services Division, 1500 Monroe St., Fort Myers, FL 33901. Call 239/479-8585 for additional information.

In accordance with the Americans with Disabilities Act, reasonable accommodations will be made upon request. If you are in need of a reasonable accommodation, please contact Jamie Princing at 239/479-8585.

DEPARTMENT OF COMMUNITY DEVELOPMENT
Development Services Division

Neal Noethlich (*San Carlos/Estero)
ECCO
20225 Wildcat Run Drive
Estero, FL 33928

Vanasse & Daylor (*San Carlos/Estero)
Corkscrew Road Service Area (CRSA)
12730 New Brittany Blvd., Suite 600
Ft. Myers, FL 33907

Barbour Enterprise, LP 1
16198 Edgemont Drive
Fort Myers, FL 33908

Meg Judge, Chairman of the Board (*San Carlos/Estero)
Estero Chamber of Commerce
P.O. Box 588
Estero, FL 33928

Mr. Jeffery S. Satfield
CHP Engineers, Inc.
2211 Peck Street, Ste. 300
Fort Myers, FL 33901

07-46-25-00-00004.0020
LEE JOCK + PING
4805 SHERRY LN RT 5
FT MYERS, FL 33908

07-46-25-00-00004.0020
LEE JOCK + PING
4805 SHERRY LN RT 5
FT MYERS, FL 33908

07-46-25-00-00005.0000
ESTERO PROPERTIES LLC
C/O KENNETH D GOODMAN
3838 TAMiami TRAIL NORTH #300
NAPLES, FL 34103

07-46-25-00-00006.0050
TLC PROPERTIES INC
17660 EAST STREET NE
N FORT MYERS, FL 33917

07-46-25-00-00008.0020
ROBINSON SUZANNE B +
5861 WILD FIG LN
FT MYERS, FL 33919

07-46-25-07-00000.0020
ALICO LAKES COMMONS LLC
7910 SUMMERLIN LAKES DR
FORT MYERS, FL 33907

07-46-25-00-00004.002A
LEE PING
4805 SHERRY LN RT 5
FT MYERS, FL 33908

07-46-25-00-00006.0000
SWEEPS INTERNATIONAL
C/O BARTHOLOMEW REALTY
1560 MATTHEW DR STE H
FT MYERS, FL 33907

07-46-25-00-00008.0010
KIRBY FAMILY #2 LLC
1406 SE 46TH LN #4
CAPE CORAL, FL 33904

07-46-25-00-00008.0030
DEWOLFE BERNARD J CO TR +
16050 S TAMiami TRL STE 103
FT MYERS, FL 33908

07-46-25-07-0000A.0000
DESIO JOHNNY +
137 RUSSELL ST
WALTHAM, MA 02453



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

479-8585

Writer's Direct Dial Number: _____

Bob Janes
District One

October 27, 2004

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Andrew W. Coy
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing
Examiner

Mr. Jeffery S. Satfield
CHP Engineers, Inc.
2211 Peck Street, Ste. 300
Fort Myers, FL 33901

**Re: Agenda Schedule for Alico Lakes CPD
Case No. DCI2004-00029**

Dear Mr. Satfield:

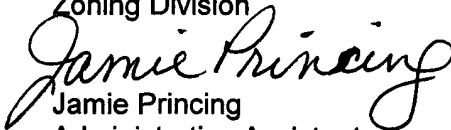
Your zoning request has been scheduled before the Board of County Commissioners to take final action after reviewing the Hearing Examiner's recommendation.

DATE & TIME: November 15, 2004, Meeting commences at 9:30 a.m.

LOCATION: Commissioners' Meeting Room
2120 Main Street
Ft. Myers, Florida

Call if you have any questions.

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division


Jamie Princing
Administrative Assistant

cc: Barbour Enterprise, LP 1
Tony Palermo, Senior Planner
Zoning File

U:\200410\DCI20040.002\9\APPLICANTLETTER BCC.WPD



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: 479-8585

Bob Janes
District One

August 23, 2004

Douglas R. St. Cerny
District Two

Mr. Jeffery S. Satfield
CHP Engineers, Inc.
2211 Peck Street, Ste. 300
Fort Myers, FL 33901

Ray Judah
District Three

Andrew W. Coy
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

Re: Agenda Schedule for Alico Lakes CPD
Case No. DCI2004-00029

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing
Examiner

Dear Mr. Jeffery S. Satfield:

Your zoning request has been scheduled before the Hearing Examiner on September 22, 2004, at 9:30 a.m. The hearing will be conducted in the Hearing Examiner Meeting Room, 1500 Monroe St., Ft. Myers, FL.

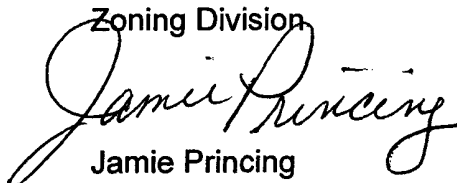
Be advised all exhibits presented to Hearing Examiner will be retained for the records. The Hearing Examiner encourages the applicant to provide reduced copies of these exhibits for the record as an alternative to a full size copy.

Your zoning sign will be ready for pickup any time after August 25, 2004, at the drive-thru window at 1500 Monroe St., Ft. Myers, FL. This sign must be posted in accordance with Department procedures no later than September 7, 2004, and is to remain posted until final decision is rendered.

Call if you have any questions.

DEPARTMENT OF COMMUNITY DEVELOPMENT

Zoning Division


Jamie Princing
Administrative Assistant

cc: Barbour Enterprise, LP 1
Tony Palermo, Senior Planner
Zoning File

U:\200408\DCI20040.002\9\APPLICANTLETTER.WPD

P.O. Box 398, Fort Myers, Florida 33902-0398 (239) 335-2111

Internet address <http://www.lee-county.com>

AN EQUAL OPPORTUNITY AFFIRMATIVE ACTION EMPLOYER

Bob Janes
District One

Douglas R. St. Cemy
District Two

Ray Judah
District Three

Andrew W. Coy
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yeager
County Attorney

Diana M. Parker
County Hearing
Examiner

July 29, 2004

MR. JEFFREY M. SATFIELD
CPH ENGINEERS
2211 PECK STREET
SUITE 300
FORT MYERS, FL 33901

Re: ALICO LAKES LOT 1
DCI2004-00029 - PDS Application (Minor PD)

Dear MR. JEFFREY M. SATFIELD :

The Zoning Division has reviewed the information provided and supplemented for the rezoning request referenced above. The application is now sufficient and the formal request has been drafted from your application as follows:

Rezone +/- 2.98 acres from the vacated designation of Commercial Planned Development (CPD) previously approved per Resolution #Z-91-113 to Commercial Planned Development (CPD) to permit commercial, office, restaurant and/or retail development utilizing +/- 20,000 square feet of building area with a maximum building height of 40 feet/2 stories. Development blasting is not being requested.

NOTE: If approved, the Master Concept Plan (available for inspection at 1500 Monroe St., in Ft. Myers) may deviate from certain Land Development Code (LDC) standards.

Please review this language carefully, and notify me in writing by August 12, 2004 whether or not this wording is satisfactory. Staff's substantive comments, along with the staff report, are being prepared. This request has been tentatively scheduled for public hearing before the Lee County Hearing Examiner on September 22, 2004. However, please note that this is a tentative date that is subject to change and that Lee County will be held harmless for any potential delay in effectuating compliance with the tentative hearing date.

MR. JEFFREY M. SATFIELD
CPH ENGINEERS
RE: ALICO LAKES LOT 1
DCI2004-00029
July 29, 2004
Page 2

You may schedule or waive a formal pre-hearing conference to discuss substantive issues. Contact me if you have any questions or if you would like to meet informally prior to the public hearings.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division



Tony Palermo
Senior Planner

Alaina Ray, Environmental Sciences

copy w/o attachments

Pamela Houck, Division Director
Joan Henry, Assistant County Attorney
DS Reviewer - Ross S Morgan
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Roland Ottolini, Natural Resources
Andy Getch, LCDOT
Kathy Babcock, Lee County School District
Billie Jacoby, DCD Admin
DCI Zoning File
DCI Working File



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: 239-479-8325

Bob Janes
District One

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Andrew W. Coy
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yeager
County Attorney

Diana M. Parker
County Hearing
Examiner

July 19, 2004

MR. JEFFREY M. SATFIELD
CPH ENGINEERS
2211 PECK STREET
SUITE 300
FORT MYERS, FL 33901

Re: ALICO LAKES LOT 1
DCI2004-00029 - PDS Application (Minor PD)

Dear MR. JEFFREY M. SATFIELD :

The Zoning Division has reviewed the information provided for the above zoning application. The Land Development Code requires additional information for the application to be sufficient. Please respond to each requirement not satisfied on the attached sufficiency checklists. For your assistance, we have enclosed any additional memoranda from the various Lee County reviewing agencies.

If you do not provide the requested supplements or corrections within 60 calendar days of this letter, the Code requires that this application be considered withdrawn. Please feel free to contact me or the staff reviewers if you have any questions.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division

Tony Palermo
Senior Planner

MR. JEFFREY M. SATFIELD
CPH ENGINEERS
RE: ALICO LAKES LOT 1
DCI2004-00029
July 19, 2004
Page 2

- PLEASE ADDRESS DEVELOPMENT SERVICES COMMENTS ATTACHED.

- PLEASE ALSO REMOVE THE SCHEDULE OF USES SUMMARY AND THE NUMERALS 1-13 FROM THE MCP. THE SCHEDULE OF USES (WHICH YOU PROVIDED ON A SEPARATE ATTACHMENT) WILL BE IN THE RESOLUTION AND NOT ON THE MASTER CONCEPT PLAN.

cc: Pamela Houck, Division Director
Paul O'Connor, Planning
Joan Henry, Assistant County Attorney
Kim Trebatoski, Environmental Sciences
Roland Ottolini, Natural Resources
Andy Getch, LCDOT
Billie Jacoby, DCD Admin
Ross S Morgan, Development Review
DCI Zoning File
DCI Working File

MR. JEFFREY M. SATFIELD
CPH ENGINEERS
RE: ALICO LAKES LOT 1
DCI2004-00029
July 19, 2004
Page 3

Development Review Checklist

4) Miscellaneous items.

Please revise the MCP as follows:

1. Indicate the required trash receptacle area, sized in accordance with section 10-261(a) of the LDC.
2. Please delete the "2%" reference to the handicap parking count requirements. The number of handicap parking spaces required for a "75 space parking lot" is given as an actual count, not as a percentage.
3. Please indicate that the minimum number of handicap parking spaces required is 3.
4. Provide a written statement or a dimension, from the nearest existing driveway along US41, to the proposed driveway. Note: The minimum intersection separation required for US41 (an arterial road) is 660 ft.
5. Please provide an update on the acquisition of the FDOT Permit required for the relocation of the driveway.

5) Contact. The reviewer may be contacted regarding questions on the Development Review Sufficiency Checklist.

Ross Morgan at 479-8795

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: 239-479-8325

Bob Janes
District One

Douglas R. St. Cerny
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Donald D. Stilwell
County Manager

James G. Yeager
County Attorney

Diana M. Parker
County Hearing
Examiner

May 17, 2004

MR. JEFFREY M. SATFIELD
CPH ENGINEERS
2211 PECK STREET
SUITE 300
FORT MYERS, FL 33901

Re: ALICO LAKES LOT 1
DCI2004-00029 - PDS Application (Minor PD)

Dear MR. JEFFREY M. SATFIELD :

The Zoning Division has reviewed the information provided for the above zoning application. The Land Development Code requires additional information for the application to be sufficient. Please respond to each requirement not satisfied on the attached sufficiency checklists. For your assistance, we have enclosed any additional memoranda from the various Lee County reviewing agencies.

If you do not provide the requested supplements or corrections within 60 calendar days of this letter, the Code requires that this application be considered withdrawn. Please feel free to contact me or the staff reviewers if you have any questions.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division



Tony Palermo
Senior Planner

MR. JEFFREY M. SATFIELD
CPH ENGINEERS
RE: ALICO LAKES LOT 1
DCI2004-00029
May 17, 2004
Page 2

cc: Pamela Houck, Division Director
Paul O'Connor, Planning
Joan Henry, Assistant County Attorney
Kim Trebatoski, Environmental Sciences
Roland Ottolini, Natural Resources
Andy Getch, LCDOT
Billie Jacoby, DCD Admin
Don Blackburn, Development Review
DCI Zoning File
DCI Working File

MR. JEFFREY M. SATFIELD
CPH ENGINEERS
RE: ALICO LAKES LOT 1
DCI2004-00029
May 17, 2004
Page 3

Environmental Sciences Planned Development Sufficiency Checklist

5a) For commercial or industrial developments, the percentage of open space within each lot or outparcel must be per 34-414(c). [34-373(a)(6)f.; 34-373(a)(8)iii.]

The amount of Open Space shown on MCP does not meet current Open Space requirements. Please provide open space according to current LDC standards.

9) Buffers. The minimum width and composition of all proposed buffers along the perimeter of the subject property, as well as between the individual uses, if the types of proposed uses requires buffer separations. References to types of buffers as described in chapter 10 are acceptable. [34-373(a)(6)g.]

The buffers shown on MCP do not comply with current LDC standards. Please revise plan to show a Type D buffer along US 41. Also, please provide details regarding buffer between parking and lake.

10) Dock & Shoreline Structures. Location and dimensions of proposed structure(s) must be shown on the Master Concept Plan. How will protected species, the natural waterway buffer, and adjacent waterways be affected? [10-474; 10-416(d)(9); Chapter 26]

Since request is being made for all allowable uses in CPD, are docks, piers, etc being proposed?

11a) Deviation Details. The location of each requested deviation must be indicated on the Master Concept Plan, keyed to the schedule of deviations, including drawings demonstrating the effect the requested deviations will have on the site plan. [34-373(a)(6)k.]

Please show locations of any requested environmental deviations on the MCP.

13) Contact. The Environmental Planner may be contacted regarding any question on the Environmental Sciences Sufficiency Checklist.

Alaina Ray, 239-479-8323

Legal Requirements Sufficiency Checklist

6) All applications requiring a public hearing must include the following: [34-202(a)]

Please refer to 7)

MR. JEFFREY M. SATFIELD
CPH ENGINEERS
RE: ALICO LAKES LOT 1
DCI2004-00029
May 17, 2004
Page 4

7) Miscellaneous Items.

Re: Easements/Rights-of-Way.

In conjunction with this PD zoning request, the applicant must file for the vacation/relocation of the 24' and 50' ingress & egress easements that are encroaching the property through the Development Order process. The applicant must understand that a D.O. approval cannot be obtained until such easements are vacated/relocated and that they must provide documentation to prove this has been done prior to Local Development Order Approval. In the interim, all existing easements (including the 50' ingress-egress easement) must be depicted on the MCP, as they legally exist.

Note: "Sufficiency or non-applicability of Legal Requirements subject to change upon review of subsequent resubmittals."

8) Contact. The Planner may be contacted regarding any questions on this Checklist.

Please contact Luis G. Machado, Planning Technician / Zoning at (239) 479-8485 or e-mail: lmachado@leegov.com

Lee County Sufficiency Checklist for Planned Developments, Amendments, and Existing Developments Requesting Planned Development Zoning

6n) If blasting is proposed, the application must show location of the blasting and demonstrate what measures will be used to ameliorate any negative impacts. This must include soil borings, drawings showing the location(s) of the blasting, and any other information deemed necessary to allow compatibility analysis. [34-202(b)(6)]

Please verify no development blasting is being requested at this time for lake excavation or other purposes.

9c) Zoning and Land Use Map. A map or other depiction of the existing zoning and current land uses (i.e. single family residence, multiple-family building, retail commercial, office building, etc.) surrounding the tract or parcel to a distance of 500 feet. [34-373(a)(4)c.]

May be included on the MCP or a separate attachment.

MR. JEFFREY M. SATFIELD
CPH ENGINEERS
RE: ALICO LAKES LOT 1
DCI2004-00029
May 17, 2004
Page 5

10) Lee Plan Compliance Narrative. A narrative explanation as to how the proposed development complies with the Lee Plan, as well as the guidelines for decision-making embodied in sections 34-145(c)(2)a. and e., and 34-145(d)(3). [34-373(a)(5)]

Your narrative is adequate. I would suggest adding a little more information demonstrating consistency with policies in regards to Future Land Use, compatibility with neighboring uses, availability of urban services, commercial site location standards, etc. The past finding of consistency back in 1987, 1991, etc. do not guarantee consistency today.

11a) Sizes of Plans. Copies of the Master Concept Plan must be provided in two (2) sizes, 24 inches by 36 inches and 11 inches by 17 inches in size. [34-373(a)(6)]

No 11x17s received.

12b) Vehicular Access. The exact location of all points of vehicular ingress and egress from existing easements or rights-of-way into the development. [34-373(a)(6)b.]

MCP needs to show access points in relation to existing access points along US 41.

12d1) Parcels/Lots. The general location, configuration, and approximate dimensions of each lot or parcel (including outparcels). [34-373(a)(6)c.]

Confirm there is no desire to subdivide, or split into lots. (you did not include minimum lot size, depth, or width)

12d2) Lot Coverage. The lot coverage for each lot or parcel (including outparcels). [34-373(a)(6)c.]

12d3) Setbacks. The minimum proposed setbacks for principal structures on each lot or parcel (including outparcels). [34-373(a)(6)c.]

See below.

12d4) Uses. The proposed use of each lot or parcel (including outparcels) keyed to the list of proposed uses submitted with the application. If the property development regulations for a specific zoning district will be used, reference to the specific district will be sufficient. [34-373(a)(6)c.]

See below.

12e2) Height. The maximum height, in feet and number of habitable stories, of any proposed buildings or structures. If parking under the buildings is proposed, the number of stories proposed for parking must be indicated and included in the total maximum height of the buildings. [34-373(a)(6)d.ii.]

Your application reads 2 Max stories and 3 height. Please propose development regulations on a separate sheet.

MR. JEFFREY M. SATFIELD
CPH ENGINEERS
RE: ALICO LAKES LOT 1
DCI2004-00029
May 17, 2004
Page 6

12f) Service Areas. The general location of service areas for delivery of goods or services must be shown for all developments that are not residential subdivisions. [34-373(a)(6)e.]

Please show on the MCP.

12h) Open space design plan delineating the indigenous preserves and/or native tree preservation areas as required per LDC Section 10-415(b) . [34-373(a)(6)g.]

Please show on the MCP.

12j) Buffers. The minimum width and composition of all proposed buffers along the perimeter of the subject property, as well as between the individual uses, if the types of proposed uses requires buffer separations. References to types of buffers as described in chapter 10 are acceptable. [34-373(a)(6)i.]

Please show on the MCP. (graphically illustrate on the boundaries of the site)
Why isn't a Type D buffer shown on US 41?

12l) Excavations. The general location of excavations for on-site fill and wet retention. [34-373(a)(6)k.]

Please confirm lake size (acres) and depth on MCP.

12m) Location of Deviations. The location of any requested deviations, keyed to the schedule of deviations, including sample drawings demonstrating the effect the requested deviations will have on the site plan. [34-373(a)(6)l.]

Please place applicable deviations (in today's LDC terms) on the MCP. The MCP needs to show the Deviation number (Deviation #1,2,3 etc.) and the wording for the deviation can go on a separate sheet or page.

14) Schedule of Uses. A schedule of uses keyed to the Master Concept Plan as well as a summary for the entire property must be provided including the following: [34-373(a)(8)]

Using today's LDC language, please propose a schedule of uses. They may be the same or different from the 1987 approval. But you need to propose them explicitly (not just proposing all uses allowed in CPD).

15a) Deviation Documentation and Detail Drawings. Documentation including sample detail drawings must be provided illustrating how each deviation will operate to the benefit, or at least not to the detriment, of the public interest. [34-412(a)]

If necessary. Details may help deviations get approved.

20) Contact. The Zoning Planner may be contacted regarding any questions on the Planned Development Sufficiency Checklist.

TONY PALERMO, SENIOR PLANNER, #239-479-8325.

MR. JEFFREY M. SATFIELD
CPH ENGINEERS
RE: ALICO LAKES LOT 1
DCI2004-00029
May 17, 2004
Page 7

21) Miscellaneous Items.

MR. JEFFREY M. SATFIELD
CPH ENGINEERS
RE: ALICO LAKES LOT 1
DCI2004-00029
May 17, 2004
Page 8

COUNTY ATTORNEY COMMENT.

1. We did not receive: authorization forms; financial disclosure forms; and a boundary survey.

ZONING COMMENTS

1. Please confirm if this wording is correct.

Rezone +/- 2.98 acres from vacated Commercial Planned Development (CPD) per Resolution #Z-91-113 to Commercial Planned Development (CPD) to permit commercial, office, and retail development utilizing +/- 22,000 square feet of building area with a maximum building height of X feet/2 stories. Development blasting is not being requested.

2. Please remove the building setbacks required and proposed from the MCP and include in a separate sheet with all the proposed development regulations.

3. Please remove "Landscape Buffers" table - and simply put the proposed buffers on the MCP (Type A, etc.). You may put a note on the MCP elaborating on the content of the buffers, enhancements, etc.

4. Please put the road classifications on the MCP, and the number of lanes.

5. Please show the following condition surrounding the property (including across 41) - zoning, land use, future land use. These need to be on the MCP (+/- 500 feet around the property.) Place them in the relevant part of the MCP (north, south, east, west) - and remove the Adjacent owners and uses table.

6. Please remove the parking requirements table from the MCP. A separate attachment is fine.

7. The note, "Area based on aerial" is unnecessary.

8. Please show the number of feet between your proposed access and other access points.

9. The deviation language in Resolution Z-87-179 is out of date. Please propose a schedule of deviations relevant to your parcel. Please place the deviation # on the MCP, but not the deviation language. The deviation language goes on a separate sheet or attachment.

10. Please propose - on a separate page or sheet - a schedule of uses using today's LDC. The uses have to be supported by the MCP. Some more intense uses (convenience stores, car washes, gas stations, etc.) may require more detail to be supported.

11. Please include - on a separate page or sheet - a set of development regulations (such as building and accessory setbacks, street setbacks, side

MR. JEFFREY M. SATFIELD
CPH ENGINEERS
RE: ALICO LAKES LOT 1
DCI2004-00029
May 17, 2004
Page 9

and rear setbacks, waterbody setbacks for both buildings and accessory structures, height, number of stories, maximum lot coverage). If applicable - minimum lot size, width, depth.

12. Is there a deck, dock or pier on the lake proposed?

13. Please remove the circled 3s from the neighboring office building property on the MCP. These could be confused with deviation #s.

**MEMORANDUM
FROM THE
OFFICE OF COUNTY ATTORNEY**

LEE COUNTY
RECEIVED

04 NOV 15 PM 1:04

COMM. DEV/
PUB. WORKS. CNTR.
SECOND FLOOR

DATE: November 15, 2004

To: Jamie Prining
Community Development - ISA

FROM: Maria M. Encarnacion
Legal Administrative Secretary

**RE: Alico Lakes Lot 1
Zoning Case #DCI2004-00029
Resolution No. Z-04-061**

Attached hereto please find a faxed legal verification in connection with the above matter.
Please place this faxed legal verification in the appropriate file.

Thank you.

/mme
Attachment



CPH Engineers, Inc.
2211 Peck Street
Suite 300
Fort Myers, Florida 33901
Phone: 239-332-5499
Fax: 239-332-2955
www.cphengineers.com

Fax

To:

Maria
Lee County

Organization:

Fax No.:

No. Of Pages Faxed:

From:

Re:

CPH Job No.:

Date:

Message:

Letter verifying legal description



November 15, 2004

Mr. John J. Fredyma, Assitant County Attorney
Lee County Board of County Commissioners
P.O. Box 398
Fort Myers, Florida 33902-0398

2211 Peck Street
Suite 300
Fort Myers, Florida 33901
Phone: 239.332.5499
Fax: 239.332.2955
www.cphengineers.com

**RE: Alico Lakes Lot 1
Zoning Case #DCI2004-00029
Resolution No. Z-04-061**

Dear Mr. Fredyma:

We are in receipt of your letter dated 10/27/04 for the above referenced project requesting verification of the legal description. The legal description that was provided with the zoning application has been reviewed and accurately describes the property intended to be rezoned.

Please do not hesitate to contact us if you would like to discuss the enclosed or if you require any additional information.

Sincerely,
CPH ENGINEERS, INC.

A handwritten signature in black ink, appearing to read 'Jeffrey M. Satfield', written over a horizontal line.

Jeffrey M. Satfield
Vice President/Branch Manager

cc: Hugh Barbour, Barbour Enterprises
Lisa M. Williams, CPH
File

MEMORANDUM
FROM THE
DEPARTMENT OF
COMMUNITY DEVELOPMENT
ZONING DIVISION

DATE: November 3, 2004

TO: Zoning File

FROM: Jamie Prancing

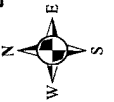
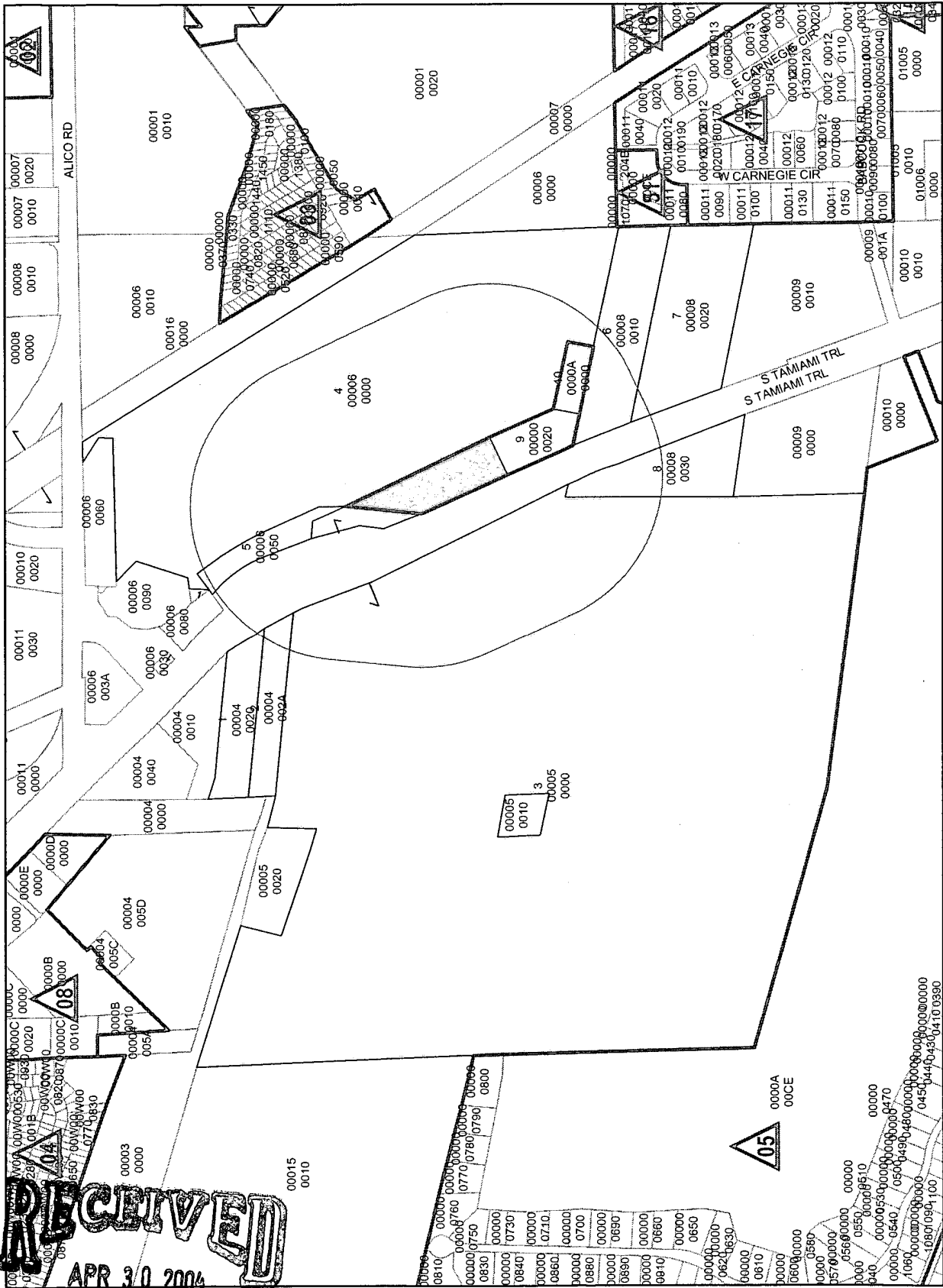
RE: DCI2004-00029 Alico Lakes Lot 1

There were **NO** participants
according to the recommendation, therefore a
NOTICE TO PARTICIPANT will not be necessary
to create and mail.

VARIANCE REPORT

RECEIVED
APR 30 2004

DCI 2004-00029



07-46-25-07-00000.0010

A vertical scale bar with markings at 760, 380, 0, and 760 Feet.

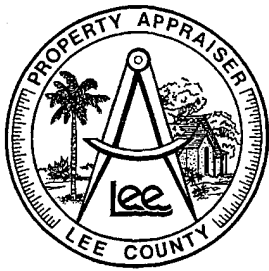
Exhibit PH-3.G.1

List of Surrounding Property Owners

RECEIVED
APR 30 2004

PERMIT COUNTER

OCI 2004-00029



Lee County Property Appraiser

Kenneth M. Wilkinson, C.F.A.

GIS Department / Map Room

Phone: (239) 339-6159 • Fax: (239) 339-6139 • eMail: MapRoom@LeePA.org

VARIANCE REPORT

Date of Report: April 21, 2004
Buffer Distance: 750 ft
Parcels Affected: 10
Subject Parcel: 07-46-25-07-00000.0010

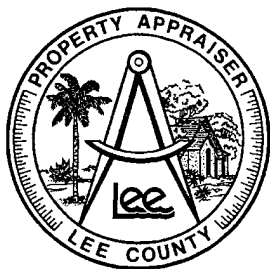
<u>OWNER NAME AND ADDRESS</u>	<u>STRAP AND LOCATION</u>	<u>LEGAL DESCRIPTION</u>	<u>Map Index</u>
LEE JOCK + PING 4805 SHERRY LN RT 5 FT MYERS FL 33908	07-46-25-00-00004.0020 17200 S TAMIAMI TRL FORT MYERS FL 33908	N 170 FT OF S 350 FT OF NW 1/4 OF NE 1/4 + N 170 FT OF E 100 DESC OR 1814/834	1
LEE PING 4805 SHERRY LN RT 5 FT MYERS FL 33908	07-46-25-00-00004.002A 17230-250 S TAMIAMI TRL FORT MYERS FL 33908	N 130 FT OF S180 FT OF NW 1/4 OF NE 1/4 + N 130FT OF E 100 DESC OR 1814/835	2
ESTERO PROPERTIES LLC C/O KENNETH D GOODMAN 3838 TAMIAMI TRAIL NORTH #300 NAPLES FL 34103	07-46-25-00-00005.0000 ACCESS UNDETERMINED FORT MYERS FL 33908	PARL IN SEC 7 TWP 46 R 25 DESC IN OR 474 P 344 + LESS OR 2684/1065 LESS R/W OR 3753/1928	3
SWEEPS INTERNATIONAL C/O BARTHOLOMEW REALTY 1560 MATTHEW DR STE H FT MYERS FL 33907	07-46-25-00-00006.0000 17351 S TAMIAMI TRL FORT MYERS FL 33908	PARL IN NE 1/4 SEC 7 AS DESC OR 2016 PG 4518 LES PAR 6.0060 LESS 4104/4399	4
TLC PROPERTIES INC 17660 EAST STREET NE N FORT MYERS FL 33917	07-46-25-00-00006.0050 17321 S TAMIAMI TRL FORT MYERS FL 33908	PARL IN NE 1/4 AS DESC IN OR 2970 PG 1213 LESS R/W OR 3851 PG 2817	5
KIRBY FAMILY #2 LLC 1406 SE 46TH LN #4 CAPE CORAL FL 33904	07-46-25-00-00008.0010 17625/27 S TAMIAMI TRL FORT MYERS FL 33908	PARL IN SE 1/4 AS DESC IN OR 1757 PG 1354 LESS PAR DESC IN OR 1800 PG 526	6
ROBINSON SUZANNE B + 5861 WILD FIG LN FT MYERS FL 33919	07-46-25-00-00008.0020 NEEDS ACCESS CONFIRMED FORT MYERS FL 33908	PARL IN SE 1/4 AS DESC IN OR 1454 PG 1808	7
DEWOLFE BERNARD J CO TR + 16050 S TAMIAMI TRL STE 103 FT MYERS FL 33908	07-46-25-00-00008.0030 NEEDS ACCESS CONFIRMED FORT MYERS FL 33908	PARL IN NE 1/4 OF SE 1/4 DESC OR 1857 PG 1845	8
ALICO LAKES COMMONS LLC 7910 SUMMERLIN LAKES DR FORT MYERS FL 33907	07-46-25-07-00000.0020 17595 S TAMIAMI TRL FORT MYERS FL 33908	ALICO LAKES CPD 1 PB 45 PG 13 LOT 2	9
DESIO JOHNNY + 137 RUSSELL ST WALTHAM MA 02453	07-46-25-07-0000A.0000 LAKE FORT MYERS FL 33908	TRACT A ALICO LAKES CPD-1 PB 45 PG 12 LAKE PARCEL	10

10 RECORDS PRINTED

RECEIVED
APR 30 2004

OCI 2004-00029

PERMIT COUNTER



Lee County Property Appraiser

Kenneth M. Wilkinson, C.F.A.

GIS Department / Map Room

Phone: (239) 339-6159 • Fax: (239) 339-6139 • eMail: MapRoom@LeePA.org

VARIANCE REPORT

Date of Report: April 21, 2004
Buffer Distance: 750 ft
Parcels Affected: 10
Subject Parcel: 07-46-25-07-00000.0010

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
LEE JOCK + PING 4805 SHERRY LN RT 5 FT MYERS FL 33908	07-46-25-00-00004.0020 17200 S TAMIAMI TRL FORT MYERS FL 33908	N 170 FT OF S 350 FT OF NW 1/4 OF NE 1/4 + N 170 FT OF E 100 DESC OR 1814/834	1
LEE PING 4805 SHERRY LN RT 5 FT MYERS FL 33908	07-46-25-00-00004.002A 17230-250 S TAMIAMI TRL FORT MYERS FL 33908	N 130 FT OF S180 FT OF NW 1/4 OF NE 1/4 + N 130FT OF E 100 DESC OR 1814/835	2
ESTERO PROPERTIES LLC C/O KENNETH D GOODMAN 3838 TAMIAMI TRAIL NORTH #300 NAPLES FL 34103	07-46-25-00-00005.0000 ACCESS UNDETERMINED FORT MYERS FL 33908	PARL IN SEC 7 TWP 46 R 25 DESC IN OR 474 P 344 + LESS OR 2684/1065 LESS R/W OR 3753/1928	3
SWEEPS INTERNATIONAL C/O BARTHOLOMEW REALTY 1560 MATTHEW DR STE H FT MYERS FL 33907	07-46-25-00-00006.0000 17351 S TAMIAMI TRL FORT MYERS FL 33908	PARL IN NE 1/4 SEC 7 AS DESC OR 2016 PG 4518 LES PAR 6.0060 LESS 4104/4399	4
TLC PROPERTIES INC 17660 EAST STREET NE N FORT MYERS FL 33917	07-46-25-00-00006.0050 17321 S TAMIAMI TRL FORT MYERS FL 33908	PARL IN NE 1/4 AS DESC IN OR 2970 PG 1213 LESS R/W OR 3851 PG 2817	5
KIRBY FAMILY #2 LLC 1406 SE 46TH LN #4 CAPE CORAL FL 33904	07-46-25-00-00008.0010 17625/27 S TAMIAMI TRL FORT MYERS FL 33908	PARL IN SE 1/4 AS DESC IN OR 1757 PG 1354 LESS PAR DESC IN OR 1800 PG 526	6
ROBINSON SUZANNE B + 5861 WILD FIG LN FT MYERS FL 33919	07-46-25-00-00008.0020 NEEDS ACCESS CONFIRMED FORT MYERS FL 33908	PARL IN SE 1/4 AS DESC IN OR 1454 PG 1808	7
DEWOLFE BERNARD J CO TR + 16050 S TAMIAMI TRL STE 103 FT MYERS FL 33908	07-46-25-00-00008.0030 NEEDS ACCESS CONFIRMED FORT MYERS FL 33908	PARL IN NE 1/4 OF SE 1/4 DESC OR 1857 PG 1845	8
ALICO LAKES COMMONS LLC 7910 SUMMERLIN LAKES DR FORT MYERS FL 33907	07-46-25-07-00000.0020 17595 S TAMIAMI TRL FORT MYERS FL 33908	ALICO LAKES CPD 1 PB 45 PG 13 LOT 2	9
DESIO JOHNNY + 137 RUSSELL ST WALTHAM MA 02453	07-46-25-07-0000A.0000 LAKE FORT MYERS FL 33908	TRACT A ALICO LAKES CPD-1 PB 45 PG 12 LAKE PARCEL	10

10 RECORDS PRINTED



COURTESY NOTICE OF RECEIPT OF ZONING APPLICATION

Date: May 7, 2004

Case Number: DCI2004-00029

Case Name: ALICO LAKES LOT 1

Request: Rezone +/- 2.98 acres from vacated Commercial Planned Development (CPD) to Commercial Planned Development (CPD) to permit retail/commercial development with +/- 22,000 square feet of building area.

Location: 17555 S. Tamiami Trail, Ft. Myers, FL (the site is approximately 1/4 mile south of the intersection of US 41 and Alico Road on the eastern side of US 41)

PROPERTY OWNER'S REPRESENTATIVE: MR. JEFFREY M. SATFIELD
CPH ENGINEERS
239-332-5499

Lee County Planner: Tony Palermo
239-479-8325

The file may be reviewed Monday through Friday between the hours of 7:30 a.m. and 4:30 p.m. at the Lee County Development Services Division, 1500 Monroe St., Fort Myers, FL 33901. Call 239/479-8585 for additional information.

This is a courtesy notice. A public hearing date has not yet been set. You will receive another notice once the hearing date and time have been established.

JMP

07-46-25-00-00004.0020
LEE JOCK + PING
4805 SHERRY LN RT 5
FT MYERS, FL 33908

07-46-25-00-00004.002A
LEE PING
4805 SHERRY LN RT 5
FT MYERS, FL 33908

07-46-25-00-00005.0000
ESTERO PROPERTIES LLC
C/O KENNETH D GOODMAN
3838 TAMiami TRAIL NORTH #300
NAPLES, FL 34103

07-46-25-00-00006.0000
SWEEPS INTERNATIONAL
C/O BARTHOLOMEW REALTY
1560 MATTHEW DR STE H
FT MYERS, FL 33907

07-46-25-00-00006.0050
TLC PROPERTIES INC
17660 EAST STREET NE
N FORT MYERS, FL 33917

07-46-25-00-00008.0010
KIRBY FAMILY #2 LLC
1406 SE 46TH LN #4
CAPE CORAL, FL 33904

07-46-25-00-00008.0020
ROBINSON SUZANNE B +
5861 WILD FIG LN
FT MYERS, FL 33919

07-46-25-00-00008.0030
DEWOLFE BERNARD J CO TR +
16050 S TAMiami TRL STE 103
FT MYERS, FL 33908

07-46-25-07-00000.0020
ALICO LAKES COMMONS LLC
7910 SUMMERLIN LAKES DR
FORT MYERS, FL 33907

07-46-25-07-0000A.0000
DESIO JOHNNY +
137 RUSSELL ST
WALTHAM, MA 02453

Meg Judge, Chairman of the Board *San Carlos/Estero
Estero Chamber of Commerce
P.O. Box 588
Estero, FL 33928

Neal Noethlich
ECCO
20225 Wildcat Run Drive
Estero, FL 33928

*San Carlos/Estero

Vanasse & Daylor *San Carlos/Estero
Corkscrew Road Service Area (CRSA)
12730 New Brittany Blvd. Suite 600
Fort Myers, FL 33907

ZONING DIVISION

LEE COUNTY

PLANNED DEVELOPMENT SUFFICIENCY REVIEW

TRANSMITTAL SHEET

TO: Distribution

FROM: Tony Palermo

DATE: 04/30/2004

Joan Henry, Asst. County Attorney
TIS Reviewer - Bob Rentz
DS Reviewer - Don Blackburn
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Andy Getch, LCDOT
Kathy Babcock, Lee County School District
Roland Ottolini, Natural Resources

Luis Machado, Zoning

*** REVIEWERS - remember permit plan checklists should now be used.**

PROJECT NAME: ALICO LAKES LOT 1 CPD

CASE #: DCI2004-00029

INFORMATION SUMMARY:

NEW SUBMITTAL

To update your file
☒ Review and forward sufficiency
questions or make finding of
sufficiency

RESPONSE REQUIRED BY: 05/14/2004

Additional Comments:

1st Round Sufficiency

(DCI) Lee County LDC Section 34-373(d)(1).

Sufficiency and Completeness

No hearing will be scheduled for an application for a Planned Development until the application has been found sufficient. All applications for Planned Developments will be deemed sufficient unless a letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of submittal of the application. All amended applications will be deemed sufficient unless a subsequent letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of the date of the resubmittal. The contents of insufficiency letters will be limited to brief explanations of the manner in which insufficient applications do not comply with the formal requirements in Section 34-373.

cc: DCI planner/working file
DCI Zone File

Distributed by: Jodi M Payne

Date: 05/06/2004



LEE COUNTY
SOUTHWEST FLORIDA

Case # DCI2004-00029

Jurisdiction : Lee County

Agent/Applicant : CPH ENGINEERS

Owner BARBOUR ENTERPRISES LP 1
16198 EDMONT DR
FT MYERS FL 33908

Description of Request APPLICATION FOR: REZONING FROM EXPIRED CPD TO CPD



PERMIT COUNTER

Following is a list of submittal requirements which were missing from your application received on 4/30/2004

Thank you

We appreciate your submitting all required documents for the above referenced Planned Development application.

This document is for informational purposes only and is not intended to be construed as a finding of sufficiency or completeness of the application or documentation submitted.

DCI 2004-00029