



**LEE COUNTY**  
SOUTHWEST FLORIDA

Lee County Board of County Commissioners  
Department of Community Development  
Division of Planning  
Post Office Box 398  
Fort Myers, FL 33902-0398  
Telephone: (941) 479-8585  
FAX: (941) 479-8519

## APPLICATION FOR A COMPREHENSIVE PLAN AMENDMENT

(To be completed at time of intake)

DATE REC'D: 6/11/01

REC'D BY: GMO

APPLICATION FEE: 500.00

TIDEMARK NO: CPA2001-00006

THE FOLLOWING VERIFIED:

Zoning AG-2/C-1

Commissioner District 04

Designation on FLUM SUBURBAN

(To be completed by Planning Staff)

Plan Amendment Cycle:  Normal  Small Scale  DRI  Emergency

Request No: \_\_\_\_\_

### APPLICANT PLEASE NOTE:

Answer all questions completely and accurately. Please print or type responses. If additional space is needed, number and attach additional sheets. The total number of sheets in your application is: \_\_\_\_\_

Submit 6 copies of the complete application and amendment support documentation, including maps, to the Lee County Division of Planning. Additional copies may be required for Local Planning Agency, Board of County Commissioners hearings and the Department of Community Affairs' packages.

I, the undersigned owner or authorized representative, hereby submit this application and the attached amendment support documentation. The information and documents provided are complete and accurate to the best of my knowledge.

DATE

SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

*[Handwritten Signature]*

WITHDRAWN

**I. APPLICANT/AGENT/OWNER INFORMATION**

WILLIAM & MARIANNE DEDEUGD & A. PETER KLOOTWYK

APPLICANT  
17220 CASTLEVIEW DR

ADDRESS  
N. FT. MYERS, FL 33917

CITY STATE ZIP  
941-543-3001 941-543-4403

TELEPHONE NUMBER FAX NUMBER

PETER M. DAILEY

AGENT\*  
3665 BEE RIDGE RD, SUITE 312

ADDRESS  
SARASOTA, FL 34233

CITY STATE ZIP  
941-929-0846 941-929-0745

TELEPHONE NUMBER FAX NUMBER

SAME AS APPLICANT ABOVE  
OWNER(s) OF RECORD

ADDRESS

CITY STATE ZIP

TELEPHONE NUMBER FAX NUMBER

Name, address and qualification of additional planners, architects, engineers, environmental consultants, and other professionals providing information contained in this application.

\* This will be the person contacted for all business relative to the application.

**II. REQUESTED CHANGE (Please see Item 1 for Fee Schedule)**

**A. TYPE: (Check appropriate type)**

Text Amendment

Future Land Use Map Series Amendment  
(Maps 1 thru 19)

List Number(s) of Map(s) to be amended

1 MAP

**B. SUMMARY OF REQUEST (Brief explanation):**

WE ARE EXPANDING THE INTERCHANGE INDUSTRIAL LAND USE DESIGNATION  
TO INCLUDE AN EXISTING CONCRETE PRODUCTS RETAIL SHOW ROOM AND OUTSIDE  
STORAGE OF PRODUCT PARCEL WEST OF AND ADJACENT TO THE EXISTING  
BOUNDARY FOR THE DISTRICT. THE NEW LAND USE DESIGNATION ADDS  
APPROXIMATELY 1.5 ACRES OF INTERCHANGE INDUSTRIAL LAND USE.

**III. PROPERTY SIZE AND LOCATION OF AFFECTED PROPERTY  
(for amendments affecting development potential of property)**

**A. Property Location:**

1. Site Address: 17261 WEST ST, N. FT. MYERS, FL

2. STRAP(s): 21-43-25-01-000L0-0010/21-43-25-0<sup>0</sup>~~1~~-00017-0000

**B. Property Information**

Total Acreage of Property: 1.31 ACRES

Total Acreage included in Request: 1.6 +/- ACRES

Area of each Existing Future Land Use Category: 1.6 +/- ACRES

Total Uplands: 1.6 +/- ACRES

Total Wetlands: 0

Current Zoning: AG-2/IL & C-1

Current Future Land Use Designation: S SUBURBAN

Existing Land Use: CONCRETE PRODUCTS RETAIL SALES & OUTSIDE STORAGE OF PRODUCT

C. State if the subject property is located in one of the following areas and if so how does the proposed change effect the area:

Lehigh Acres Commercial Overlay: N/A

Airport Noise Zone 2 or 3: N/A

Acquisition Area: N/A

Joint Planning Agreement Area (adjoining other jurisdictional lands): N/A

Community Redevelopment Area: N/A

D. Proposed change for the Subject Property:

CURRENTLY DESIGNATED SUBURBAN; REQUESTING INTERCHANGE INDUSTRIAL

E. Potential development of the subject property:

1. Calculation of maximum allowable development under existing FLUM:

Residential Units/Density N/A

Commercial intensity

Industrial intensity 19800 SQ. FT. BLDG COVERAGE

2. Calculation of maximum allowable development under proposed FLUM:

Residential Units/Density

Commercial intensity

Industrial intensity 19800 SQ. FT. BLDG COVERAGE

#### IV. AMENDMENT SUPPORT DOCUMENTATION

At a minimum, the application shall include the following support data and analysis. These items are based on comprehensive plan amendment submittal requirements of the State of Florida, Department of Community Affairs, and policies contained in the Lee County Comprehensive Plan. Support documentation provided by the applicant will be used by staff as a basis for evaluating this request. To assist in the preparation of amendment packets, the applicant is encouraged to provide all data and analysis electronically. (Please contact the Division of Planning for currently accepted formats)

**A. General Information and Maps**

*NOTE: For each map submitted, the applicant will be required to provide a reduced map (8.5" x 11") for inclusion in public hearing packets.*

**The following pertains to all proposed amendments that will affect the development potential of properties (unless otherwise specified).**

1. Provide any proposed text changes.
2. Provide a Future Land Use Map showing the boundaries of the subject property, surrounding street network, surrounding designated future land uses, and natural resources.
3. Map and describe existing land *uses* (not designations) of the subject property and surrounding properties. Description should discuss consistency of current uses with the proposed changes.
4. Map and describe existing zoning of the subject property and surrounding properties.
5. The legal description(s) for the property subject to the requested change.
6. A copy of the deed(s) for the property subject to the requested change.
7. An aerial map showing the subject property and surrounding properties.
8. If applicant is not the owner, a letter from the owner of the property authorizing the applicant to represent the owner.

**B. Public Facilities Impacts**

*NOTE: The applicant must calculate public facilities impacts based on a maximum development scenario (see Part II.H.).*

**1. Traffic Circulation Analysis**

The analysis is intended to determine the effect of the land use change on the Financially Feasible Transportation Plan/Map 3A (20-year horizon) and on the Capital Improvements Element (5-year horizon). Toward that end, an applicant must submit the following information:

**Long Range – 20-year Horizon:**

- a. Working with Planning Division staff, identify the traffic analysis zone (TAZ) or zones that the subject property is in and the socio-economic data forecasts for that zone or zones;

- b. Determine whether the requested change requires a modification to the socio-economic data forecasts for the host zone or zones. The land uses for the proposed change should be expressed in the same format as the socio-economic forecasts (number of units by type/number of employees by type/etc.);
- c. If no modification of the forecasts is required, then no further analysis for the long range horizon is necessary. If modification is required, make the change and provide to Planning Division staff, for forwarding to DOT staff. DOT staff will rerun the FSUTMS model on the current adopted Financially Feasible Plan network and determine whether network modifications are necessary, based on a review of projected roadway conditions within a 3-mile radius of the site;
- d. If no modifications to the network are required, then no further analysis for the long range horizon is necessary. If modifications are necessary, DOT staff will determine the scope and cost of those modifications and the effect on the financial feasibility of the plan;
- e. An inability to accommodate the necessary modifications within the financially feasible limits of the plan will be a basis for denial of the requested land use change;
- f. If the proposal is based on a specific development plan, then the site plan should indicate how facilities from the current adopted Financially Feasible Plan and/or the Official Trafficways Map will be accommodated.

**Short Range – 5-year CIP horizon:**

- a. Besides the 20-year analysis, for those plan amendment proposals that include a specific and immediated development plan, identify the existing roadways serving the site and within a 3-mile radius (indicate laneage, functional classification, current LOS, and LOS standard);
- b. Identify the major road improvements within the 3-mile study area funded through the construction phase in adopted CIP's (County or Cities) and the State's adopted Five-Year Work Program;  
Projected 2020 LOS under proposed designation (calculate anticipated number of trips and distribution on roadway network, and identify resulting changes to the projected LOS);
- c. For the five-year horizon, identify the projected roadway conditions (volumes and levels of service) on the roads within the 3-mile study area with the programmed improvements in place, with and without the proposed development project. A methodology meeting with DOT staff prior to submittal is required to reach agreement on the projection methodology;
- d. Identify the additional improvements needed on the network beyond those programmed in the five-year horizon due to the development proposal.

2. Provide an existing and future conditions analysis for:
  - a. Sanitary Sewer
  - b. Potable Water
  - c. Surface Water/Drainage Basins
  - d. Parks, Recreation, and Open Space.

Analysis should include (but is not limited to) the following:

- Franchise Area, Basin, or District in which the property is located;
  - Current LOS, and LOS standard of facilities serving the site;
  - Projected 2020 LOS under existing designation;
  - Projected 2020 LOS under proposed designation;
  - Improvements/expansions currently programmed in 5 year CIP, 6-10 year CIP, and long range improvements; and
  - Anticipated revisions to the Community Facilities and Services Element and/or Capital Improvements Element (state if these revisions are included in this amendment).
3. Provide a letter from the appropriate agency determining the adequacy/provision of existing/proposed support facilities, including:
    - a. Fire protection with adequate response times;
    - b. Emergency medical service (EMS) provisions;
    - c. Law enforcement;
    - c. Solid Waste;
    - d. Mass Transit; and
    - e. Schools.

*In reference to above, the applicant should supply the responding agency with the information from Section's II and III for their evaluation. This application should include the applicant's correspondence to the responding agency.*

**C. Environmental Impacts**

Provide an overall analysis of the character of the subject property and surrounding properties, and assess the site's suitability for the proposed use upon the following:

1. A map of the Plant Communities as defined by the Florida Land Use Cover and Classification system (FLUCCS).
2. A map and description of the soils found on the property (identify the source of the information).
3. A topographic map with property boundaries and 100-year flood prone areas

indicated (as identified by FEMA).

4. A map delineating wetlands, aquifer recharge areas, and rare & unique uplands.
5. A table of plant communities by FLUCCS with the potential to contain species (plant and animal) listed by federal, state or local agencies as endangered, threatened or species of special concern. The table must include the listed species by FLUCCS and the species status (same as FLUCCS map).

**D. Impacts on Historic Resources**

List all historic resources (including structure, districts, and/or archeologically sensitive areas) and provide an analysis of the proposed change's impact on these resources. The following should be included with the analysis:

1. A map of any historic districts and/or sites, listed on the Florida Master Site File, which are located on the subject property or adjacent properties.
2. A map showing the subject property location on the archeological sensitivity map for Lee County.

**E. Internal Consistency with the Lee Plan**

1. Discuss how the proposal affects established Lee County population projections, Table 1(b) (Planning Community Year 2020 Allocations), and the total population capacity of the Lee Plan Future Land Use Map.
2. List all goals and objectives of the Lee Plan that are affected by the proposed amendment. This analysis should include an evaluation of all relevant policies under each goal and objective.
3. Describe how the proposal affects adjacent local governments and their comprehensive plans.
4. List State Policy Plan and Regional Policy Plan goals and policies which are relevant to this plan amendment.

**F. Additional Requirements for Specific Future Land Use Amendments**

1. Requests involving Industrial and/or categories targeted by the Lee Plan as employment centers (to or from)
  - a. State whether the site is accessible to arterial roadways, rail lines, and cargo airport terminals,
  - b. Provide data and analysis required by Policy 2.4.4,




- c. The affect of the proposed change on county's industrial employment goal specifically policy 7.1.4.
2. Requests moving lands from a Non-Urban Area to a Future Urban Area
    - a. Demonstrate why the proposed change does not constitute Urban Sprawl. Indicators of sprawl may include, but are not limited to: low-intensity, low-density, or single-use development; 'leap-frog' type development; radial, strip, isolated or ribbon pattern type development; a failure to protect or conserve natural resources or agricultural land; limited accessibility; the loss of large amounts of functional open space; and the installation of costly and duplicative infrastructure when opportunities for infill and redevelopment exist.
  3. Requests involving lands in critical areas for future water supply must be evaluated based on policy 2.4.2.
  4. Requests moving lands from Density Reduction/Groundwater Resource must fully address Policy 2.4.3 of the Lee Plan Future Land Use Element.
- G. Justify the proposed amendment based upon sound planning principles. Be sure to support all conclusions made in this justification with adequate data and analysis.

**Item 1: Fee Schedule**

Map Amendment Flat Fee	\$500.00 each
Map Amendment > 20 Acres	\$500.00 and \$20.00 per 10 acres up to a maximum of \$2,255.00
Text Amendment Flat Fee	\$1,250.00 each

**AFFIDAVIT**

I, Peter M. Dailey, certify that I am the owner or authorized representative of the property described herein, and that all answers to the questions in this application and any sketches, data, or other supplementary matter attached to and made a part of this application, are honest and true to the best of my knowledge and belief. I also authorize the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made through this application.

  
 \_\_\_\_\_  
 Signature of owner or owner-authorized agent

5/29/01  
 \_\_\_\_\_  
 Date

Peter M. Dailey  
Typed or printed name

STATE OF FLORIDA )  
COUNTY OF ~~LEE~~ ) SARASOTA

The foregoing instrument was certified and subscribed before me this 29<sup>th</sup> day of May, <sup>2001</sup>~~19~~,  
by Peter M. Dailey, who is personally known to me or who has produced  
as identification.

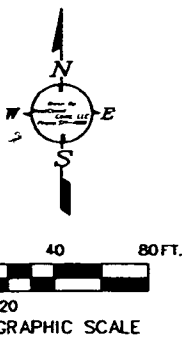
(SEAL)



Michelle E. Verhay  
Signature of notary public

Michelle E. Verhay  
Printed name of notary public

# **EXHIBIT II**



DAILEY DESIGN GROUP  
 3665 BEE RIDGE ROAD #312  
 SARASOTA, FL. 34233  
 PH: 941\*929\*0846  
 FAX: 941\*929\*0745

SINGLE FAMILY RES.

GOLF BALL RETAIL SALES

BAYSHORE ROAD

FEED AND TACKLE WAREHOUSE

CONCRETE PLANT

VACANT INDUSTRIAL

S89°48'50"E  
95.88'

16,147 SF

CROSSING EASEMENT

S89°43'30"E  
435.41'

ATLANTIC COAST LINE R/R

EX CONC.

56,397 SF

EX CONC. SLAB ATTACHMENT

BAYSHORE PRECAST INC.

EASEMENT

N89°48'50"W  
270.20'

EX TRAILER

40,000 SF

SUBJECT PROPERTY

PALM AV.

S44°13'50"W  
270.92'

S45°48'10"E  
207.88'

N44°13'50"E  
200.00'

N44°13'50"E  
200.00'

N44°13'50"E  
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N44°13'50"E  
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N44°17'49"E  
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N44°17'49"E  
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MOBILE HOME AND RECREATION VEHICLE PARK

Project Name:  
BAYSHORE CONCRETE

Project Title:  
EXISTING LAND USE

Revision	Date	Description	Revised By:

Revision Block

PETER M. DAILEY

Drawing Name:  
001.001

Project Number:  
0010

Date:  
04/09/01

Scale:  
1" = 40'

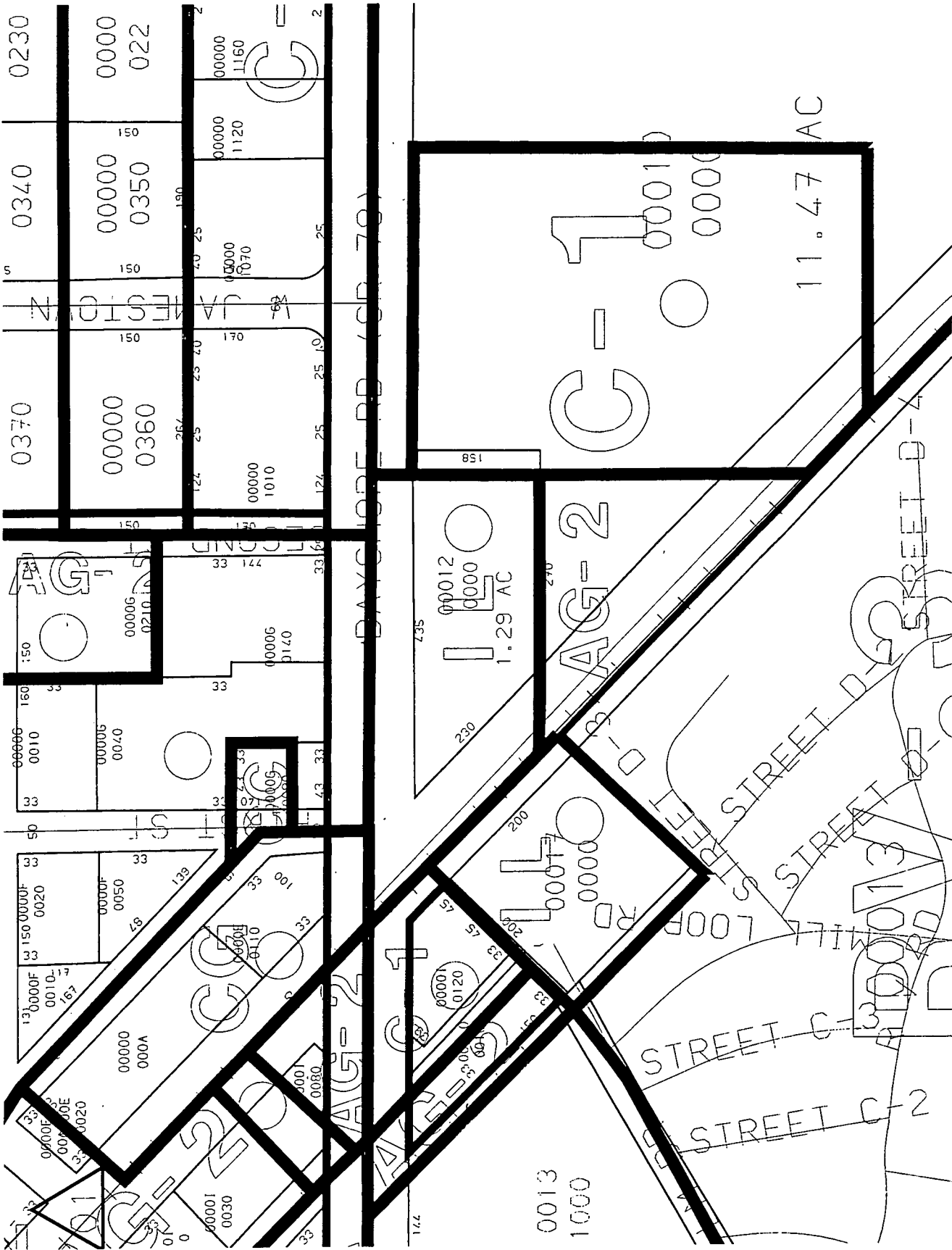
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PD

Checked By:  
PD

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# **EXHIBIT III**



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STREET C-3

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STREET D-2

STREET D-3

STREET D-4

DAYTON ROAD (CR 78)

STREET C-1

STREET D-1

STREET D-2

STREET D-3

STREET D-4

STREET D-5

STREET D-6

STREET D-7

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STREET D-28

STREET D-29

STREET D-30

STREET D-31

STREET D-32

RESOLUTION Z-76-55

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

George Goldtrap	ABSENT
James Sweeney	AYE
Richard Sayers	AYE
Bob Whan	AYE
Betty Bowen	ABSENT

WHEREAS, Violet Strahla Crow has requested a zoning  
change from GU to BU-1A (Parcel 1) and BU-3A (Parcel 2)

SUBJECT PROPERTY: (Parcel 1): Lots 1 through 7, Block K of that S/D known  
known as Howells, recorded in Plat Book 5 at page 1, Public Records of Lee  
County, Florida; Section 21, Township 43S, Range 25E.  
(Parcel 2): Lots 12 through 14, Block I of that S/D known  
as Howells, recorded in Plat Book 5 at page 1, Public Records of Lee County,  
Florida; Section 21, Township 43S, Range 25E.

WHEREAS, a public hearing of the Lee County Zoning Board was advertised and  
held, as requested by law, and after hearing all interested parties and considering  
adjacent areas, the Zoning Board recommended that the petition be approved for a  
zoning change from GU to BU-1A for a lunch counter and small shop (Parcel 1) and  
BU-2A for a gas station (Parcel 2)

WHEREAS, this Board after reviewing the records and recommendations of the  
Zoning Board and having given an opportunity to all interested persons to be heard  
after being duly sworn according to law, and upon due and proper consideration  
having been given to this matter, this Board took action as hereinafter described.

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Lee County,  
Florida, that the decision of the Zoning Board to approve a zoning change from GU  
to BU-1A for a lunch counter and small shop (Parcel 1) and BU-2A for a gas station  
(Parcel 2) be upheld.

PASSED AND ADOPTED THIS 12th DAY OF April, 1976

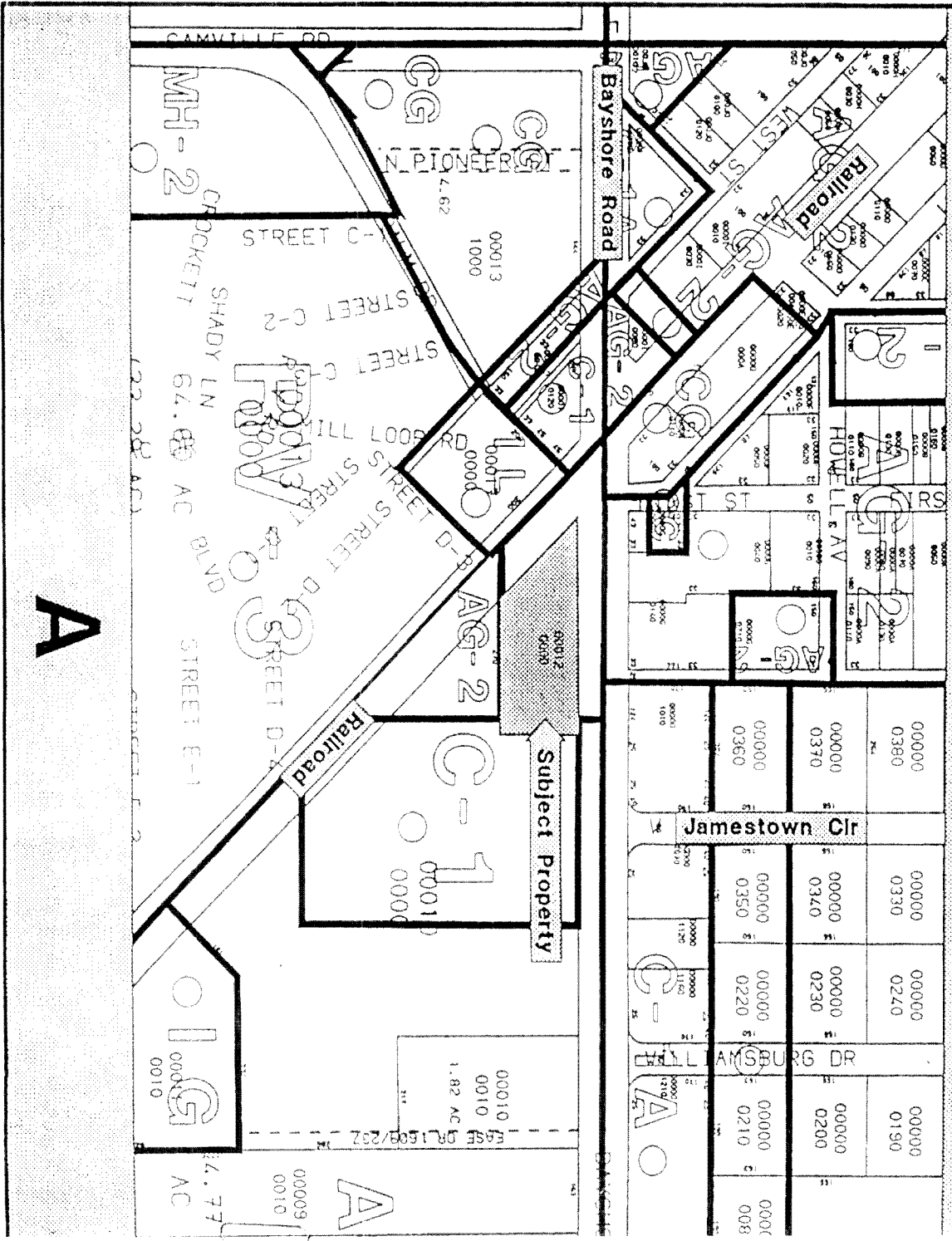
Heard March 22, 1976

Approved As  
To Form.

76-3-6

By   
County Attorney

# ZONING MAP



A

A

MH-2

CG

CG

IN PIONEER ST

STREET C-1  
STREET C-2  
STREET C-3  
SHADY LN  
64.60 AC  
STREET D-1  
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Subject Property

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# **EXHIBIT IV**



May 4, 2001

**DESCRIPTION**

**PARCEL IN**

SW-1/4 OF THE SW-1/4  
SECTION 21, T. 43 S., R. 25 E.  
LEE COUNTY, FLORIDA

A tract or parcel of land lying in the Southwest Quarter (SW-1/4) of the Southwest Quarter (SW-1/4) of Section 21, Township 43 South, Range 25 East, Lee County, Florida, said parcel being described as follows:

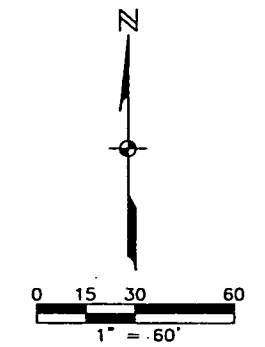
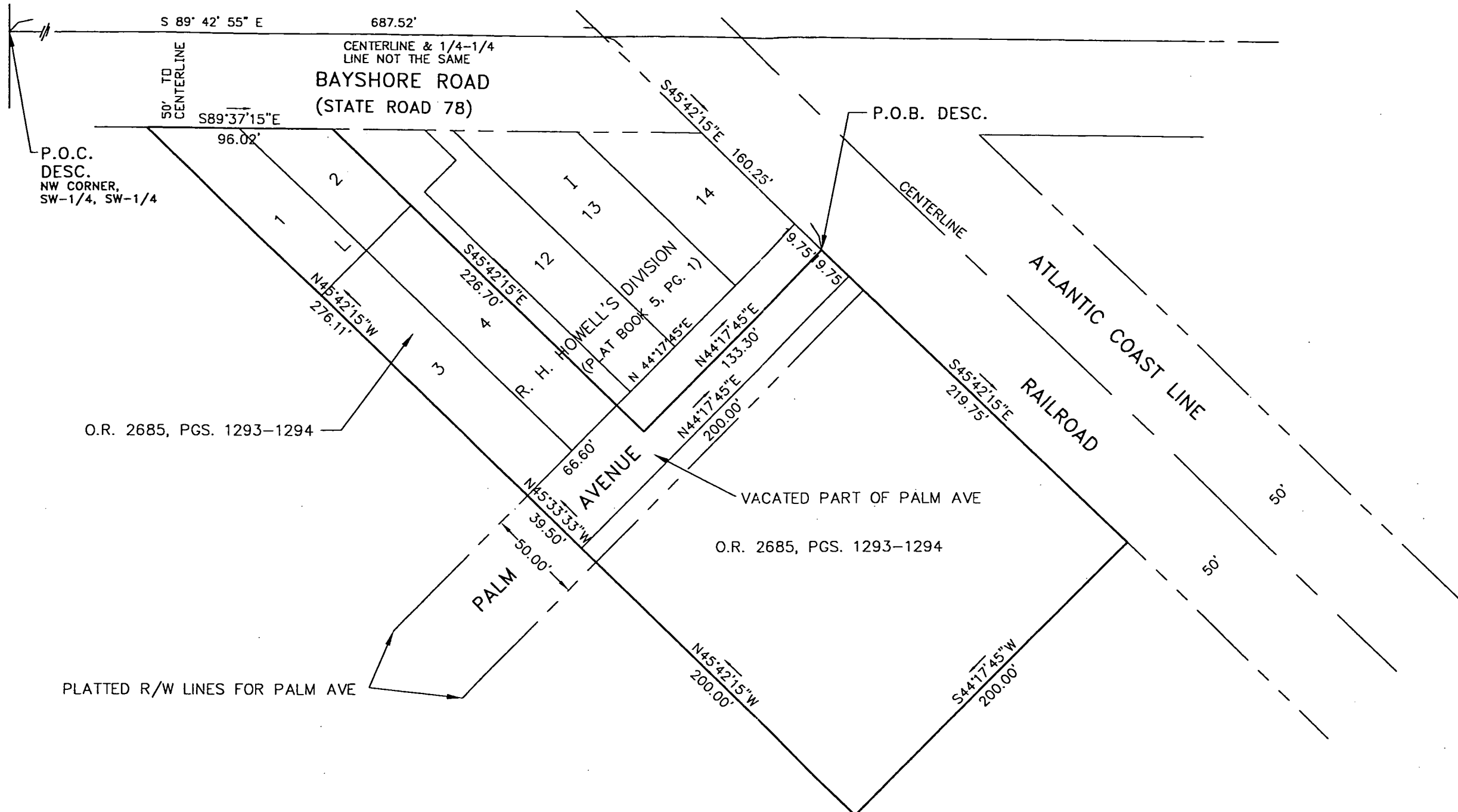
From the northwest corner of said fraction of a section run S 89° 42' 55" E along the northerly line of said fraction for 687.52 feet to an intersection with the southwesterly line (50 feet from the centerline) of the Atlantic Coast Line Railroad Company's Right-of-Way, thence run S 45° 42' 15" E along said southwesterly line for 160.25 feet to the Point of Beginning.

From said Point of Beginning continue S 45° 42' 15" E along said southwesterly line for 219.75 feet; thence run S 44° 17' 45" W along the southeasterly line of lands described in Official Record Book 2685, at Pages 1293-1294, Lee County Records for 200.00 feet; thence run N 45° 42' 15" W along the southwesterly line of said lands for 200.00 feet to an intersection with the southeasterly line of vacated Palm Avenue (vacated by resolution No.97-08-23, Official Record Book 2871, at Page 203, said public records); thence run N 45° 33' 33" W along the southwesterly line of said vacated right-of-way for 39.50 feet to an intersection with the platted (plat of R. H. Howell's Division as recorded in Plat Book 5 at Page 1, of the Public Records of Lee County, Florida) northerly right-of-way line of Palm Avenue; thence run N 45° 42' 15" W along the southwesterly line of Lots 1 and 3, Block L, of said R. H. Howell's Division for 276.11 feet to an intersection with the southerly right-of-way line of Bayshore Road (State Road 78); thence run S 89° 37' 15" E along said right-of-way for 96.02 feet to an intersection with the northeasterly line of Lots 2 and 4, Block L, on said Plat of R.H. Howell's Division; thence run S 45° 42' 15" E along said northeasterly line for 226.70 feet; thence run N 44° 17' 45" E for 133.30 feet to the Point of Beginning.

Parcel contains 1.41 acres, more or less.

Bearings hereinabove mentioned are based on the northerly line of the Southwest Quarter (SW-1/4) of the Southwest Quarter (SW-1/4) of said section to bear S 89° 42' 55" E.

20012675/050301



P.O.C. DESC.  
NW CORNER,  
SW-1/4, SW-1/4

P.O.B. DESC.

O.R. 2685, PGS. 1293-1294

O.R. 2685, PGS. 1293-1294

PLATTED R/W LINES FOR PALM AVE

VACATED PART OF PALM AVE

*Mark G. Wentzel*  
 MARK G. WENTZEL (FOR THE FIRM)  
 Professional Surveyor & Mapper No. 5247  
 Date Signed: 5/10/01  
 Not valid unless signed, dated and stamped with embossed seal.

J:\012675\SKETCH.DWG

THIS IS NOT A SURVEY

PARCEL IN  
 SOUTHWEST ONE-QUARTER OF THE  
 SOUTHWEST ONE-QUARTER  
 SECTION 21, TOWNSHIP 43S., RANGE 25E.  
 LEE COUNTY, FLORIDA



2158 JOHNSON STREET  
 P.O. BOX 1550  
 FORT MYERS, FLORIDA 33902-1550  
 PHONE (941) 334-0046  
 FAX (941) 334-3661  
 E.B. #642 & L.B. #642

SKETCH TO ACCOMPANY DESCRIPTION

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
4/27/01	20012675	21-43-25	1" = 60'	1 OF 1

# **EXHIBIT V**

RECEIVED  
APR 11 2001

PERMIT COUNTER

LETTER OF AUTHORIZATION

TO LEE COUNTY COMMUNITY DEVELOPMENT

The undersigned do hereby swear or affirm that they are the fee simple title holders and owners of record of property commonly known as 17261 WEST ST (BAYSHORE and legally described in exhibit A attached hereto. (CONCRETE)

The property described herein is the subject of an application for zoning or development. We hereby designate PETER M. DAILEY as the legal representative of the property and as such, this individual is authorized to legally bind all owners of the property in the course of seeking the necessary approvals to develop. This authority includes but is not limited to the hiring and authorizing of agents to assist in the preparation of applications, plans, surveys, and studies necessary to obtain zoning and development approval on the site. This representative will remain the only entity to authorize development activity on the property until such time as a new or amended authorization is delivered to Lee County.

Owner\* (signature)

WILLIAM DEDEUGD  
Printed Name

Owner\* (signature)

A. PETER KLOOTWYK  
Printed Name

Owner\* (signature)

Printed Name

Owner\* (signature)

Printed Name

STATE OF FLORIDA  
COUNTY OF LEE

Sworn to (or affirmed) and subscribed before me this 29th day of March, 2001; by

\_\_\_\_\_, who is personally known to me or who has produced

\_\_\_\_\_ as identification.

(SEAL)

Lisa D. Langford  
Notary Public



Lisa D. Langford  
Commission # DD 002971  
Expires March 18, 2005  
Bonded Thru  
Atlanta Bonding Co., Inc.  
(Name typed, printed or stamped)

\*If more than one owner then all owners must sign. See explanation on back.

# **EXHIBIT VI**



**LEE COUNTY**  
SOUTHWEST FLORIDA

**BOARD OF COUNTY COMMISSIONERS**

Writer's Direct Dial Number: \_\_\_\_\_

Bob Janes  
*District One*

(941) 335-1604

Douglas R. St. Cerny  
*District Two*

Ray Judah  
*District Three*

Andrew W. Coy  
*District Four*

June 7, 2001

John E. Albion  
*District Five*

Donald D. Stilwell  
*County Manager*

Peter M. Dailey, AICP  
Dailey Design Group, Inc.  
3665 Bee Ride Road, Suite 312  
Sarasota, Florida 34233

James G. Yaeger  
*County Attorney*

Diana M. Parker  
*County Hearing Examiner*

**Re: Bayshore Pre-Cast Concrete Property**

Dear Mr. Dailey:

As requested, I have review your facsimile letter dated June 1, 2001 (attached). As the licensed advanced life support ambulance provider for the area where this property is located, there is no objection to your request. If you would like to discuss this further, please call me at the above referenced number.

Respectfully submitted,

DIVISION OF PUBLIC SAFETY

H.C. "Chris" Hansen  
EMS Program Manager



*Bayshore Fire Protection and Rescue Service District*

---

*17350 Nalle Road, North Fort Myers, Florida 33917*

May 25, 2001

To Whom It May Concern:

This is to verify that the Bayshore Fire & Rescue Service District does not see any problem with Bayshore Precast Concrete being re-zoned to more accurately reflect the current land use.

If you have any questions, please feel free to contact me at (941)-543-3443.

Cordially,

A handwritten signature in black ink, appearing to read "C. Jorgensen", written over a large, stylized loop.

Chad Jorgensen  
Fire Chief

CJ/sr





# THE SCHOOL DISTRICT OF LEE COUNTY

2055 CENTRAL AVENUE • FORT MYERS, FLORIDA 33901-3916 • (941) 334-1102

KATHERINE BOREN  
CHAIRMAN • DISTRICT 4

TERRI K. WAMPLER  
VICE CHAIRMAN • DISTRICT 1

JEANNE S. DOZIER  
DISTRICT 2

JANE E. KUCKEL, PH.D.  
DISTRICT 3

LISA POCKRUS  
DISTRICT 5

BRUCE HARTER, PH.D.  
SUPERINTENDENT

KEITH B. MARTIN  
BOARD ATTORNEY

June 4, 2001

Mr. Peter Daily, AICP  
Daily Design Group, Inc.  
3665 Bee Ridge Road, Suite 312  
Sarasota, FL 34233

Re: Request for Determination of Adequacy  
Proposed Lee County Small Scale Lee Plan Amendment  
Bayshore Road, Bayshore Precast Concrete

Dear Mr. Daily:

This letter is in response to your request for a determination of adequacy from the Lee County School District on a small scale plan amendment you have submitted to Lee County. The proposed change on an existing industrial parcel to another industrial land use would not create any dwelling units if the plan amendment were to be granted. As such, the proposed plan amendment would not impact the Lee County School District.

If you have any further questions or comments, please do not hesitate to give me a call.

Sincerely,

Stephanie Keyes, AICP, Facilities Planner  
Construction Services

cc: Tyler F. Patak, NCARB, Director, Construction Services



**LEE COUNTY**  
SOUTHWEST FLORIDA

**BOARD OF COUNTY COMMISSIONERS**

941-277-5012

Writer's Direct Dial Number: \_\_\_\_\_

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. Yaeger  
County Attorney

Diana M. Parker  
County Hearing  
Examiner

June 4, 2001

Mr. Peter M. Dailey, AICP  
3665 Bee Ridge Road  
Suite 312  
Sarasota, FL 34233

Dear Mr. Dailey:

At this time Lee Tran does not offer objections to the rezoning request in Bayshore near Samville Road, Palm Drive and Bayshore Road.

Lee Tran does not currently service the area in question.

Sincerely,

TRANSIT DIVISION

Darren R. Brugmann  
Transit Planner

cc: Development Services

[Originator/Typist Initials]



## NARRATIVE

### Intent of Land Use Amendment

The owners of Bayshore Precast, Inc., an existing Industrial General Land Use are desirous of amending the Lee Plan to allow the existing land uses located west and adjacent to the CSX Railway line and south of Bayshore Road in North Fort Myers to be consistent with a singular land use designation. See Existing Land Use Map, Exhibit II. The owners are also desirous of aggregating the various parcels that Bayshore Precast, Inc. occupies and rezone them to a single zoning district of IG. In order to do this the land on the west side of the CSX Rail line needs to be redesigned to an Industrial Land Use classification.

Currently the business occupies 3 different parcels of land separated by a railroad Right of Way and C-1 zoned out parcel (under separate ownership) and has 2 different zoning designations. See Existing Zoning Map, Exhibit III.

The existing land use surrounding the subject property is as follows:

North:

Bayshore Road adjacent to a portion of the property. North of Bayshore Road is single-family housing and a golf ball retail-recycling outlet.

East:

Vacant designated Industrial Land Use.

South:

Mobile home and Recreational Vehicle Park. The area adjacent to the existing Bayshore Precast, Inc. is used for storage of RV campers and trailers.

West:

A feed and tackle western wear outlet facility.

### Section IV

#### A. General Information and Maps

The Small Area Amendment being requested is a map change only. There are no textural changes being proposed.

We have provided the following items:

- A. Future Land Use Map with property boundaries, Exhibit I.
- B. An existing land use map showing what is on the subject property and surrounding properties, Exhibit II.
- C. Existing zoning map, Exhibit III, including resolution for existing zoning.

- D. Legal descriptions for the properties included in the request. See Exhibit VI.
- E. Copy of the Deeds for the subject properties. See Exhibit V
- F. An aerial of the subject site area, Exhibit VI.
- G. Letter from the applicants designated Peter Dailey, Dailey Design Group as agent for the project.

#### Section IV

#### B. Public Facilities Impacts

Because the subject site is already fully developed most of the specific information requested is to make an assessment of the expected impacts of proposed land uses in the requested land use designation are not applicable. We have included some information where we feel it will help reviewers to further understand our request.

##### 1. Traffic Circulation Analysis

The site is already fully developed with a General Industrial Land Use. The request to change land use designation will not affect traffic and transportation.

##### 2. Existing and Future Conditions Analysis

- a. Sanitary Sewer-no change
- b. Potable Water-no change
- c. Surface Water/Drainage Basins-No change
- d. Parks, Recreation and Open Space- Not applicable

##### 3. Adequacy of Existing Proposed Facilities

Again because we are already a fully built out facility, we are not asking for new services. The existing site has adequate levels of service in Fire Protection, EMS, Law Enforcement and Solid Waste. Mass Transit and Schools are not applicable.

#### C. Environmental Impacts

Again due to the built out condition of the site, there are no environmental impacts.

#### D. Impacts on Historical Resources

There are no Historical Resources on the property.

#### E. Internal Consistency with the Lee Plan

- 1. The proposed land use designation is to simply recognize the existing land use on the property. There is no effect on population projections.

2. Goals, policies and objectives that are affected or furthered by the request for Interchange Industrial land use:

**Chapter II Future Land Use**

**Goal I: Future Land Use Map**

**Objective 1.1: Future Urban Areas**

**Policy 1.1.2**

**Policy 1.1.7**

**Objective 1.3: Interstate Highway Interchange Areas**

**Policy 1.3.1**

**Policy 1.3.8**

**Goal II: Growth Management**

**Objective 2.1: Development Location**

**Policy 2.1.3**

**Objective 2.2 Development Timing**

**Policy 2.2.1**

**Objective 2.4: Future Land Use Map Amendments**

**Policy 2.4.1**

**Goal 4: Development Design General**

**Objective 4.1**

**Policy 4.1.1**

**Goal 7: Industrial Land Uses**

**Objective 7.1**

**Policy 7.1.1**

**Policy 7.1.3**

**Policy 7.1.6(b)**

**Policy 7.1.8**

**Policy 7.1.9**

**Policy 7.1.10**

**Goal 11: Water Sewer Traffic and Environmental Review Standards**

**Standard 11.1: Water**

1,2

**Standard 11.2: Sewer**

**Chapter III: Transportation**

**Policy 21.2.5**

**Goal 22: Level of Service Standards**

**Policy 22.1.1**

**Objective 22.3: Transportation Concurrency Management System**

**Policy 22.3.3**

**Objective 23.2: Timing**

**Policy 23.2.1**

**Goal 24: Development Regulations**

**Objective 24.1: Development Impacts**

**Policy 24.1.1**

**Policy 24.1.2**

**Policy 24.1.6**

**Chapter IV Community Facilities and Services**

**a) Potable Water**

**Goal 33: Potable Water Infrastructure**

**b) Sanitary Sewer**

**Goal 36: Sanitary Sewer Infrastructure**

**c) Surface Water Management**

**Goal 39: Protection of Life and Property**

**d) Solid Waste**

**Goal 42: Solid Waste**

**Chapter XI Economic Element**

**Goal 110**

Due to the fact that the property is already developed, is located on a major arterial connector road to I-75 (with plans for 4 lanes within 3 years), adjacent to existing industrial land use and a designated Industrial Interchange Land Use area, all the services and infrastructure are in place to serve it and all impacts of the existing development already a reality. The development is internally consistent with the Lee Plan.

3. There are no adjacent local governments and therefore no effects on adjacent Comprehensive Plans.
4. Again, we are not proposing new development, but simply recognizing long standing existing development, which needs to be properly designated and zoned to a consistent zoning category. The designation of this small 1.3 acre existing industrial area located adjacent to industrial development, on a major arterial and adjacent to an Industrial Interchange Land Use designation with access to an actual railroad line does not negatively effect any goal, policies or objectives of the State and Regional Comprehensive Plans.

**F. Additional Requirements for Specific Future Land Use Amendments**

**1.**

- a. The site is adjacent to CSX rail line with frontage and access on St. 20 78, (Bayshore Rd), which is programmed to be widened within 3 years.
- b. The original Comprehensive Plan under the 1975 Florida Statutes should have recognized this area as industrial as it existed then as industrial land use. Policy 2.4.4 is not negatively affected by the additional of 1.3 acre of Interchange Industrial Land Use.

c. The property is built out and already has employees in the industrial work sector in the County.

2. Not Applicable
3. Not Applicable
4. Not Applicable

G. The area between the subject site area east to the interstate is designated as Interstate Industrial Land Use. The district boundary ends at the CSX railroad which is an active rail line. The land use on the subject parcel has been using the rail line to supply and ship product, accessing the rail from the west side of the rail corridor.

It makes good planning sense to allow land uses that can access the rail facility to do so from both sides of the rail. This is particularly true when existing non-residential industrial/retail mixed use exists adjacent of and west of the subject, therefore not causing any negative impact to this adjacent land use via designation for IL.

We are simply proposing designating the subject property to be consistent with the already developed land use, allow active use of both sides of the rail road and allow rezoning to one district for the existing concrete products lands, again consistent with the already developed land use.



LEE COUNTY  
RECEIVED

02 OCT 14 AM 8:59

COMM. DEV/  
PUBLIC WORKS CNTR.  
SECOND FLOOR



October 8, 2002

Mr. Kirk Crane  
Lee County Community Development Department  
P.O. Box 398  
1500 Monroe Street  
Fort Myers, Florida 33902

**RE: COMPLETE LEGAL DESCRIPTION**  
**PROJECT: BAYSHORE CONCRETE**  
**STRAP NO: 2143 25 01 00010.0010**

Dear Mr. Crane:

Enclosed please find an amended (and complete) legal description for the property included in the rezoning application previously submitted.

The notarized letter indicating that Mary Anne Bowie, AICP is now the designated agent for this rezoning application is currently being processed and will be transmitted to your office by Mr. Kloontwyk at Bayshore Concrete. It is my understanding from our previous discussions that once you receive this information and the amended legal description, you have everything required to move the rezoning process forward. I do understand that we will need to complete the small scale Comprehensive Plan amendment either prior to or concurrent with the rezoning plans. I am currently in the process of completing this for submittal to Brandy Gonzoles.

Please let me know if there is any additional information you need at this time. I can be reached at (941) 951-0009. I greatly appreciate your time and assistance.

Sincerely,

Mary Anne G. Bowie, AICP  
**BOWIE URBAN PLANNERS**

# LEGAL DESCRIPTION FOR PROPERTY TO BE REZONED

**PROJECT: BAYSHORE CONCRETE**  
**STRAP NUMBER: 2143 25 01 00010.0010**

**OR Book 2665, Page 1294:**

“Parcel 1

A tract or parcel of land lying in the Southwest quarter (SW ¼) of the Southwest quarter (SW ¼) of Section 21, Township 43 South, Range 25 East, which tract or parcel is described as follows:

From the railroad spike marking the Northwest corner of said fraction of a section, run South 89 degrees, 46'50" East along the Northerly line thereof for 687.52 feet to an intersection with the Southwesterly line (50 feet from the centerline) of the Atlantic Coast Line Railroad Company's right-of-way; thence run South 45 degrees, 46'10" East along said Southwesterly right-of-way line (passing through the Southeasterly corner of Block I, R.H. Howell's Division, as shown on a map or plat thereof recorded in Plat Book 5, at Page 1, of the Public records of Lee County, at 140.50 feet) for 180.00 feet to a concrete post and the point of beginning of lands herein described.

From said point of beginning, run South 44 degrees, 13'50" West, perpendicular to said Southwesterly right-of-way line, parallel with and 39.50 feet Southeasterly from (as measured on a perpendicular) the Southeasterly line of Blocks I and L, said R. H. Howell's Division, for 200 feet to a railroad iron; thence run South 45 degrees 46'10" East, parallel with said Southwesterly right-of-way line, for 200 feet to a railroad iron; thence run North 44 degrees 13'50" East, perpendicular to said right-of-way line, for 200 feet to a railroad iron marking said Southwesterly right-of-way line; thence run North 45 degrees 46'10" west along said Southwesterly right-of-way line for 200 feet to the point of beginning.

Bearings hereinabove mentioned are Plane Coordinate for the Florida West Zone.

and

Parcel 2

Lots 1, 2, 3, and 4, Block L, of that certain subdivision known as R.H. Howell's Division, according to Map or Plat thereof on file, recorded in the office of the Clerk of the Circuit Court, Lee County, Florida, in Plat Book 5, Page 1.

LESS and EXCEPT that portion of the above-described property lying within the survey line of State Road S-78 as conveyed to Lee County, Florida by Deed recorded in Deed Book 282, Page 484, of the Public Records of Lee County, Florida.”

and

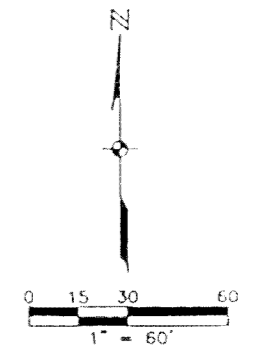
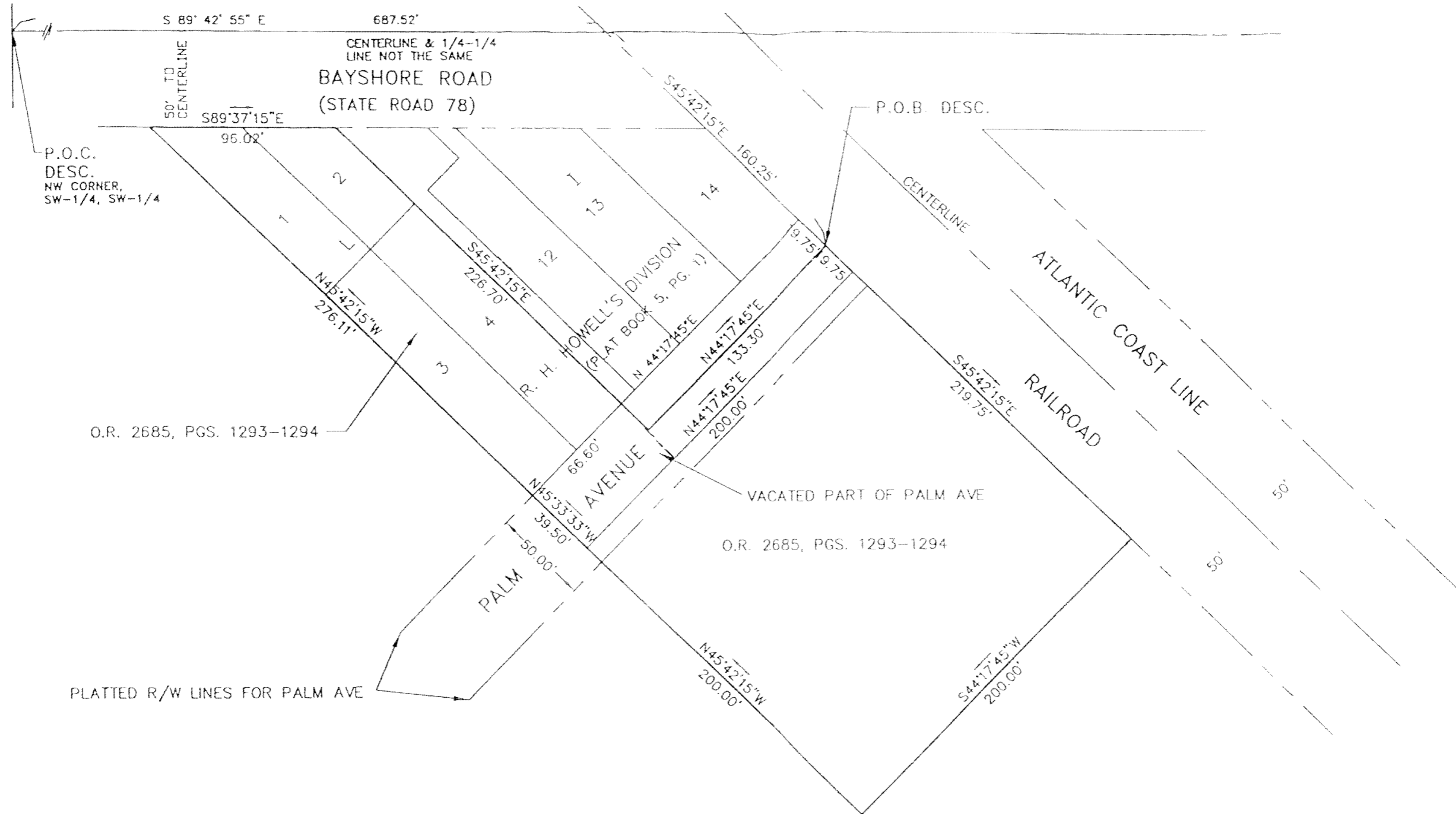
A tract or parcel of land lying in the Southwest Quarter (SW ¼) of the Southwest Quarter (SW ¼) of Section 21, Township 43 South, Range 25 East, Lee County, Florida, said parcel being described as follows:

From the northwest corner of said fraction of a section run S 89° 42'55" East along the northerly line of said fraction for 687.52 feet to an intersection with the southwesterly line (50 feet from the centerline) of the Atlantic Coast Line Railroad Company's right-of-way, thence run South 45 ° 42'15" East along said southwesterly line for 140.50 feet, thence run South 44 ° 17'45" West along the northwesterly line of vacated Palm Avenue for 133.30 feet to the Point of Beginning. —

From said point of beginning continue South 44 ° 17'45" West along the northwesterly line of vacated Palm Avenue for 66.60 feet, thence South 45 ° 42'15" East for 39.50 feet, thence North 44 ° 17'45" East for 66.60 feet, thence North 45 ° 42'15" West for 39.50 feet to the point of beginning.

Parcel contains 2,630.70 square feet (0.060 acres), more or less.

Bearings hereinabove mentioned are based on the northerly line of the Southwest Quarter (SW ¼) of the Southwest Quarter (SW ¼) of said section to bear South 89 ° 42'55" East.



P.O.C. DESC.  
NW CORNER,  
SW-1/4, SW-1/4

P.O.B. DESC.

O.R. 2685, PGS. 1293-1294

O.R. 2685, PGS. 1293-1294

PLATTED R/W LINES FOR PALM AVE

*Mark G. Wentzel*  
 MARK G. WENTZEL (FOR THE FIRM)  
 Professional Surveyor & Mapper No. 5247  
 Date Signed: 5/10/01  
 Not valid unless signed, dated and stamped with embossed seal.

J:\012675\SKETCH.DWG

THIS IS NOT A SURVEY

PARCEL IN  
 SOUTHWEST ONE-QUARTER OF THE  
 SOUTHWEST ONE-QUARTER  
 SECTION 21, TOWNSHIP 43S., RANGE 25E.  
 LEE COUNTY, FLORIDA



2158 JOHNSON STREET  
 P.O. BOX 1550  
 FORT MYERS, FLORIDA 33902-1550  
 PHONE (941) 334-0046  
 FAX (941) 334-3661  
 E.B. #642 & L.B. #642

SKETCH TO ACCOMPANY DESCRIPTION

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
4/27/01	20012675	21-43-25	1" = 60'	1 OF 1

Bob Janes  
*District One*

Douglas R. St. Cerny **October 8, 2001**  
*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*

**Peter M. Dailey**  
3665 Bee Ridge Rd., Suite 312  
Sarasota, Florida 34233

**RE: CPA 2001-00006, Lee Plan Future Land Use Amendment**

**Dear Mr. Dailey:**

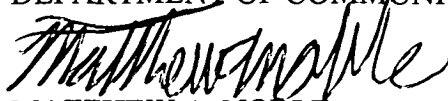
Planning staff has reviewed the resubmittal for the small scale amendment noted above and has found that further information is needed concerning the portion of the property which appears to have been a platted Right Of Way. The public interest in the property was vacated by the Board of County Commissioners but the vacation did not vacate any private rights. It appears, from the plat, that the interest in title would have been in the property owners to the northwest and therefore should not be included as part of the plan amendment application without confirmation of clear title regarding that portion of the property or the proper consent for its inclusion

Staff notes that this is the final insufficiency issue that needs to be addressed prior to staff's reviewing and making a recommendation on the proposed amendment. All of the other resubmitted materials have been found sufficient.

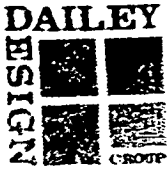
If I can be of any assistance or if you have any questions please do not hesitate to call me at 479-8548.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT



**MATTHEW A. NOBLE**  
Principal Planner



August 24, 2001

Mr. Matthew A. Noble  
Principal Planner  
Lee County  
P.O. Box 398  
Ft. Myers, FL 33902-0398

LEE COUNTY  
RECEIVED  
01 AUG 31 AM 9:06  
COUNTY DEV/PLANNING CONTR.  
LEE COUNTY FL 33903

Re: CPA 2001-00006, Lee Plan Future Land Use Amendment

Dear Mr. Noble:

Thank you and Ms. Brandi Ambrose for meeting with me on August 23, to review the staff concerns and clarify the sufficiency requirements for the CPA 2001-00006 Bayshore Concrete.

Enclosed you will find the following:

1. Page 3 of 10 of the application with the typographical error in the strap # corrected from 21-43-25-01-00017-0000 to 21-43-25-00-00017-0000 is provided in Exhibit I.
2. The acreage discrepancy from 1.31 acres to 1.6 acres in Part III of the application is due to the vacated Right-of-Way for Palm Avenue, which we are including in the application for land use change. The actual area requested for the CAP is 1.6± acre.
3. Clarification pertaining to Part IV of the application.
  - a. A-2: A copy of the Future Land Use Plan Map (FLUM) as it exists and a copy of the map as we are proposing the FLUM through the CAP application is provided in Exhibit II.
  - b. A-4: A zoning map indicating the existing zoning and the property boundary indicated for the area being considered for FLUM change and rezone as Exhibit III.
  - c. A-6: A copy of the Deed for ownership interest in the property is provided in Exhibit IV.
  - d. C-2: A soils map and soils description for soil type 33, Oldsmar Sand, is provided in Exhibit V.
  - e. C-3: A topographic map-USGS quadrangle map, Ft. Myers quadrangle and a copy of the Federal Emergency Management Agency (FEMA) map is provided in Exhibit VI.

- f. E-2: An evaluation of the consistency with the goals, objectives and policies of the Lee Plan is included as Exhibit VII.

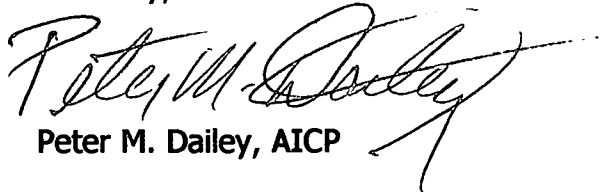
With respect to the requested land use designation, we agree with staff that the land use designation should be "Industrial Development" consistent with an expansion westward of the existing FLUM designation of Industrial Development. We have provided replacement pages indicating "Industrial Development" as the requested FLUM change. These replacement pages are provided in Exhibit VIII.

The issue relating to the vacated Right-of-Way for Palm Avenue is as follows:

Several years ago, the owners of the Bayshore Concrete filed to vacate the Palm Avenue Right-of-Way through their property. The County processed the request extinguishing the public interest in the road. The owner of parcel 21-43-25-00001-0120 was notified by certified return receipt requested mail that a vacation of the Right-of-Way for Palm Avenue was being proposed and if they had a problem with the vacation of the private interest in the Right-of-Way to respond in writing. They signed for the return receipt but did not respond relative to the private interest vacation. Therefore, the vacation divided the land of the old platted Right-of-Way with 1/2 accruing to the adjacent owners. Exhibit IX is a copy of the letter and return receipt.

If you should have any questions, please feel free to contact me at 941-929-0846. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter M. Dailey". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Peter M. Dailey, AICP

Cc: Peter Klootwyk  
Mary Anne Bowie

# **EXHIBIT I**



**II. REQUESTED CHANGE (Please see Item 1 for Fee Schedule)**

**A. TYPE: (Check appropriate type)**

Text Amendment

Future Land Use Map Series Amendment  
(Maps 1 thru 19)

List Number(s) of Map(s) to be amended

1 MAP

**B. SUMMARY OF REQUEST (Brief explanation):**

WE ARE EXPANDING THE INTERCHANGE INDUSTRIAL LAND USE DESIGNATION  
TO INCLUDE AN EXISTING CONCRETE PRODUCTS RETAIL SHOW ROOM AND OUTSIDE  
STORAGE OF PRODUCT PARCEL WEST OF AND ADJACENT TO THE EXISTING  
BOUNDARY FOR THE DISTRICT. THE NEW LAND USE DESIGNATION ADDS  
APPROXIMATELY 1.5 ACRES OF INTERCHANGE INDUSTRIAL LAND USE.

**III. PROPERTY SIZE AND LOCATION OF AFFECTED PROPERTY  
(for amendments affecting development potential of property)**

**A. Property Location:**

1. Site Address: 17261 WEST ST, N. FT. MYERS, FL

2. STRAP(s): 21-43-25-01-000L0-0010/21-43-25-00-00017-0000

**B. Property Information**

Total Acreage of Property: 1.31 ACRES

Total Acreage included in Request: 1.6 +/- ACRES

Area of each Existing Future Land Use Category: 1.6 +/- ACRES

Total Uplands: 1.6 +/- ACRES

Total Wetlands: 0

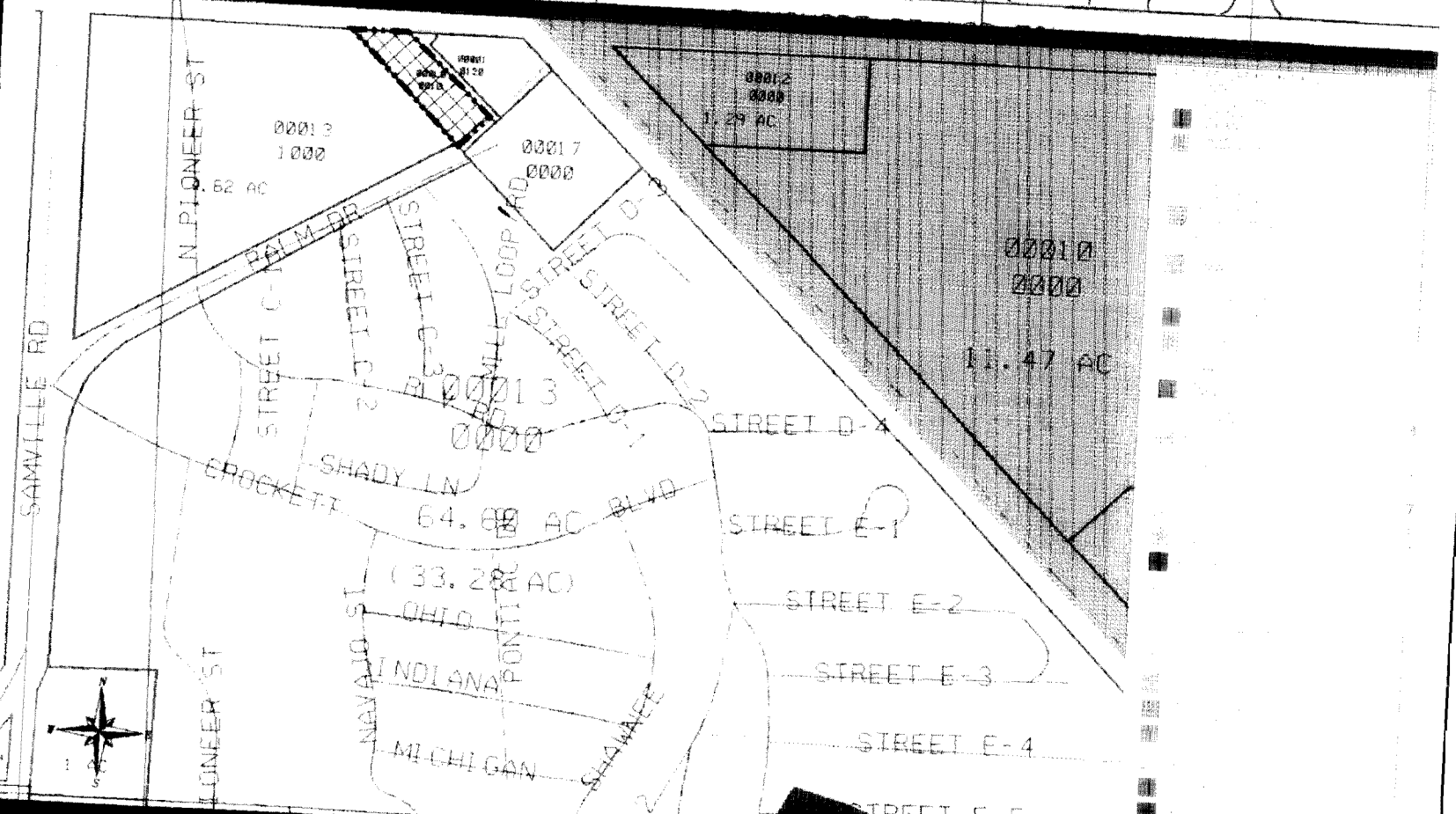
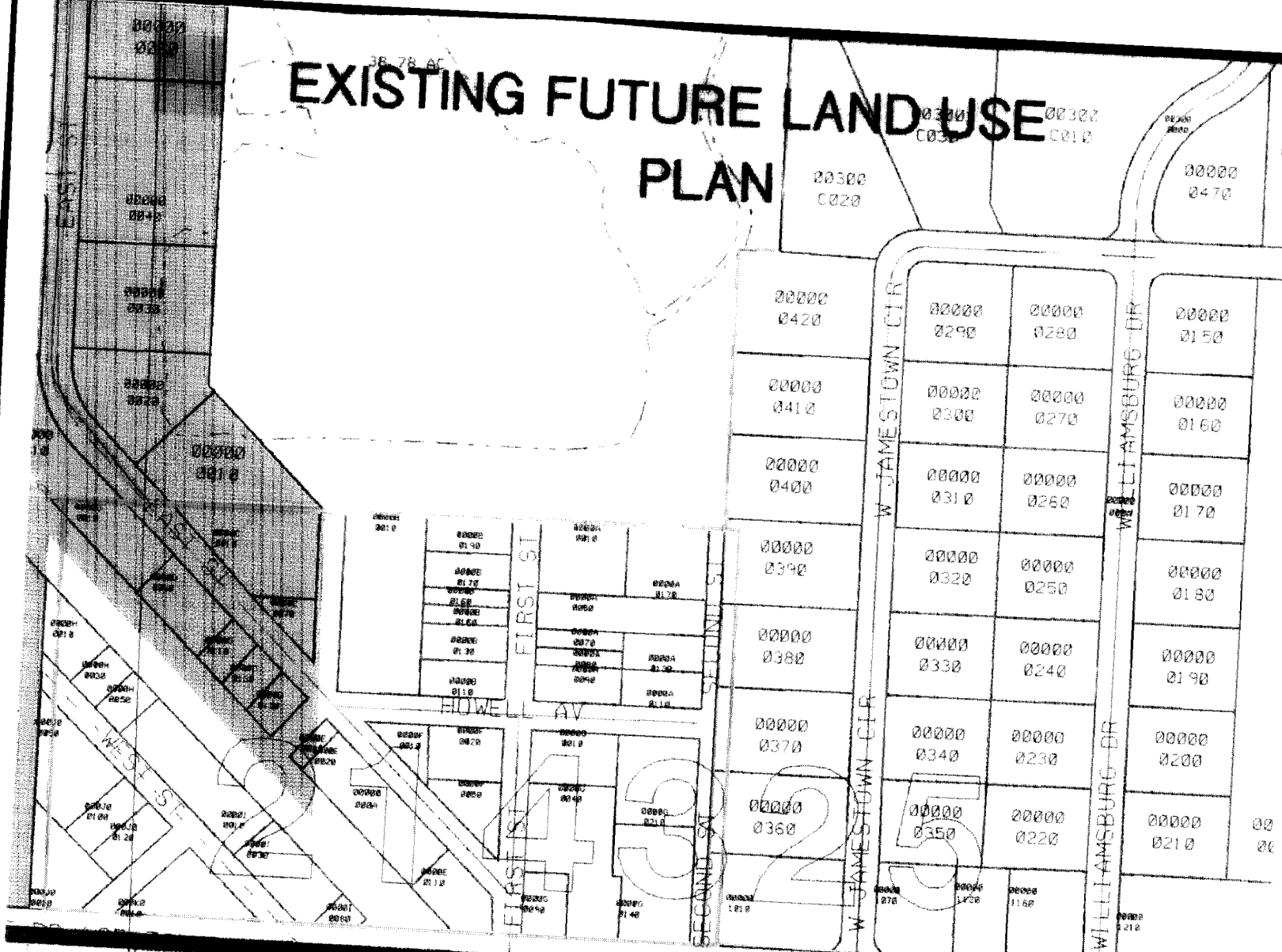
Current Zoning: AG-2/IL & C-1

Current Future Land Use Designation: \_\_\_\_\_

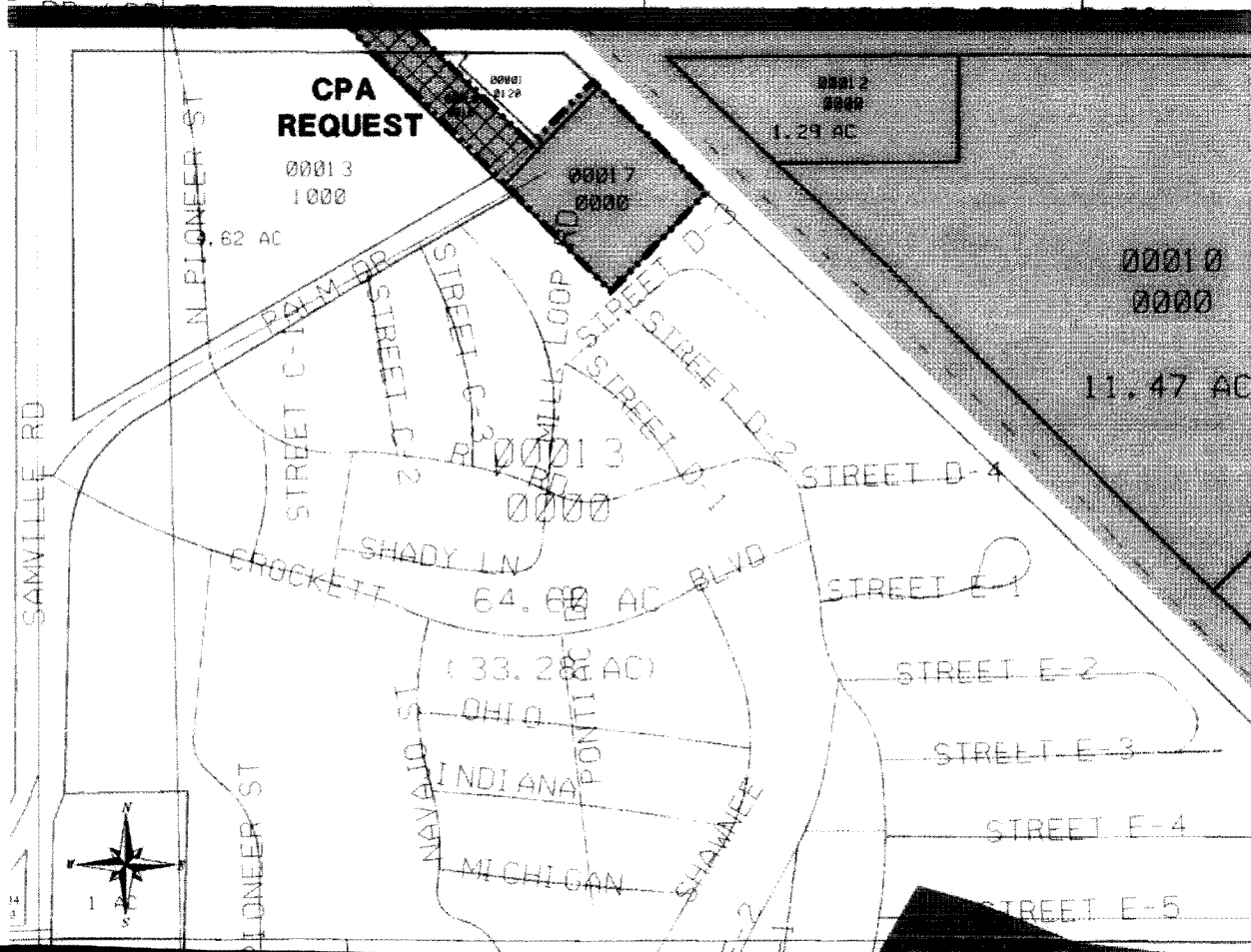
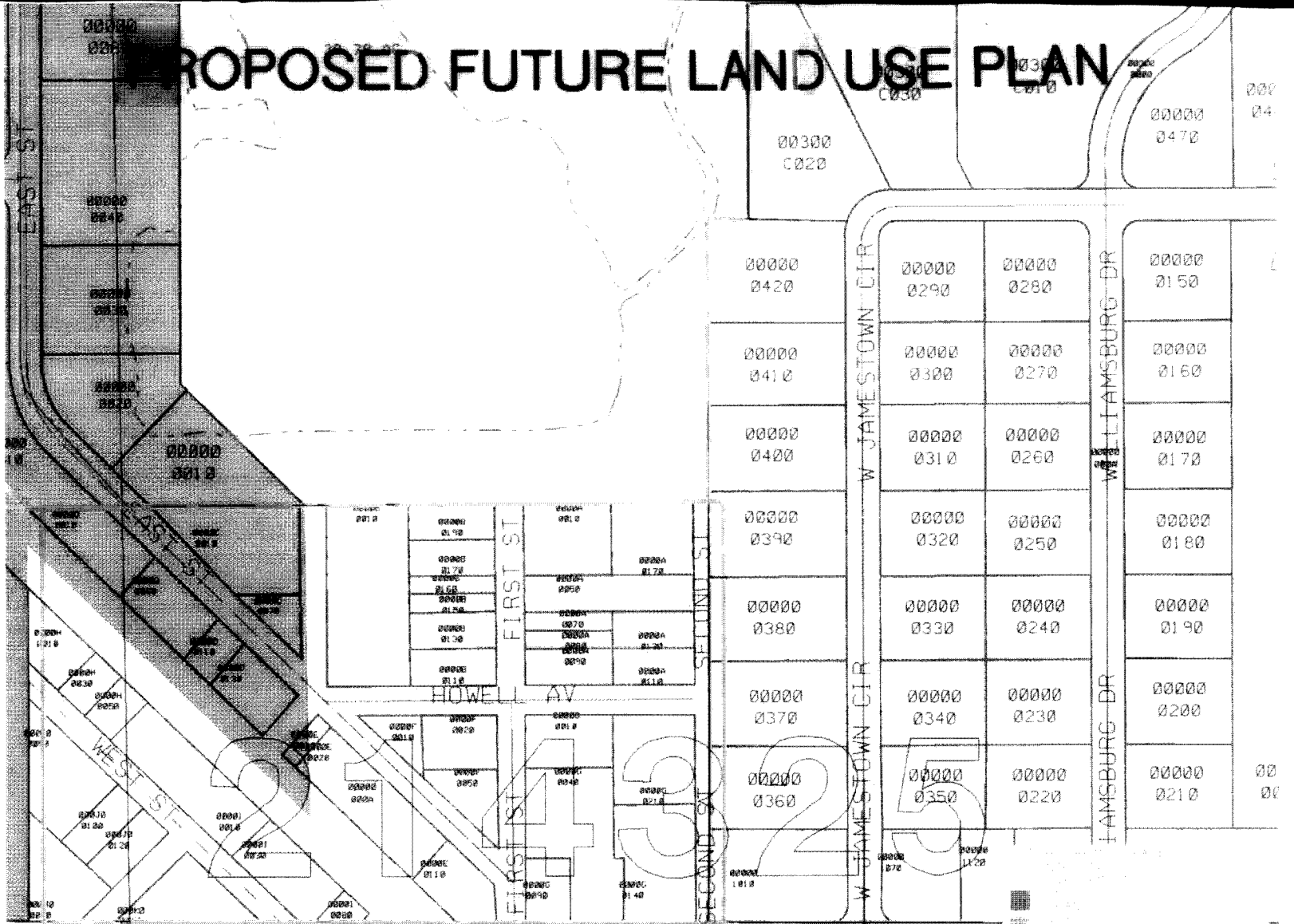
S SUBURBAN

# **EXHIBIT II**

# EXISTING FUTURE LAND USE PLAN

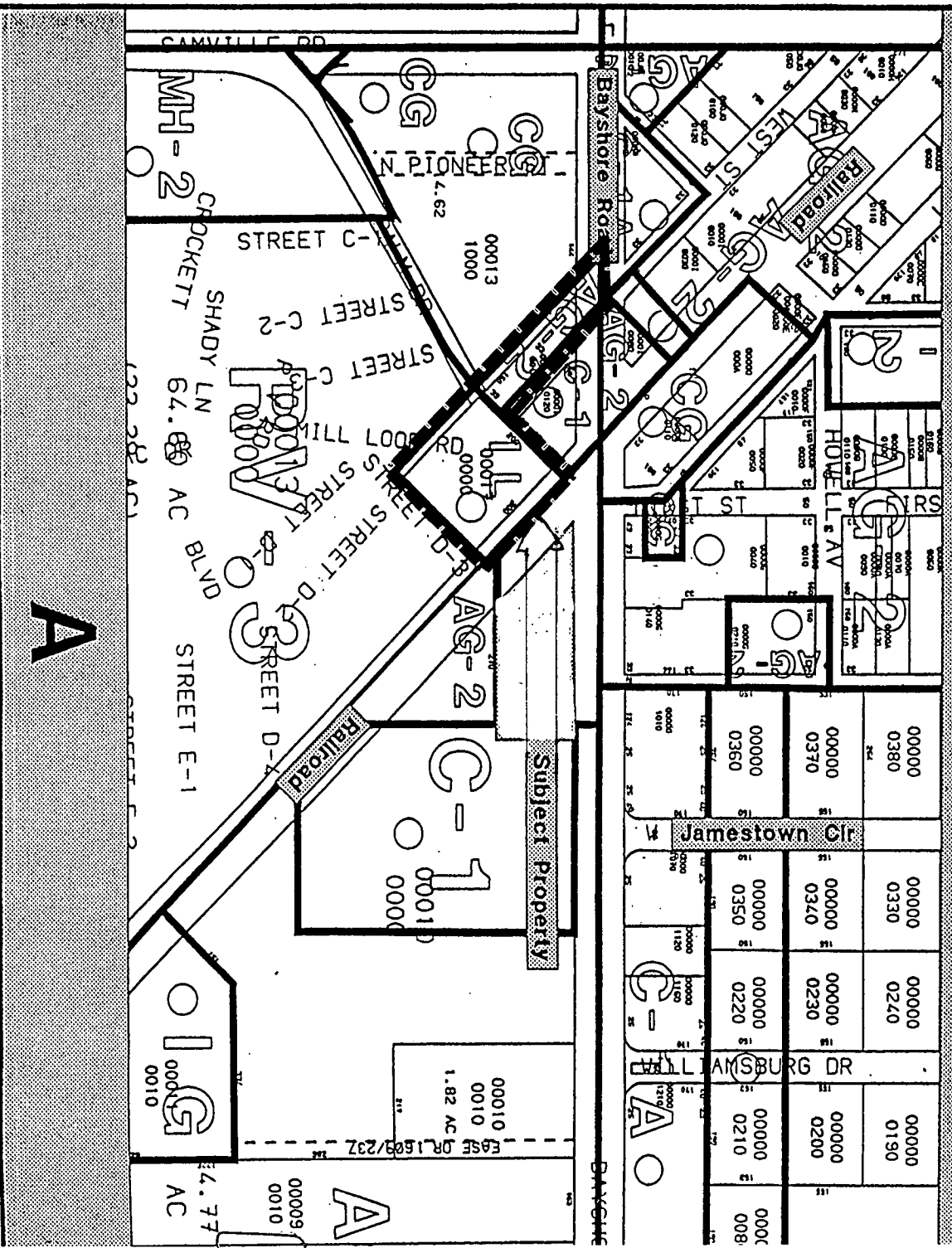


# PROPOSED FUTURE LAND USE PLAN

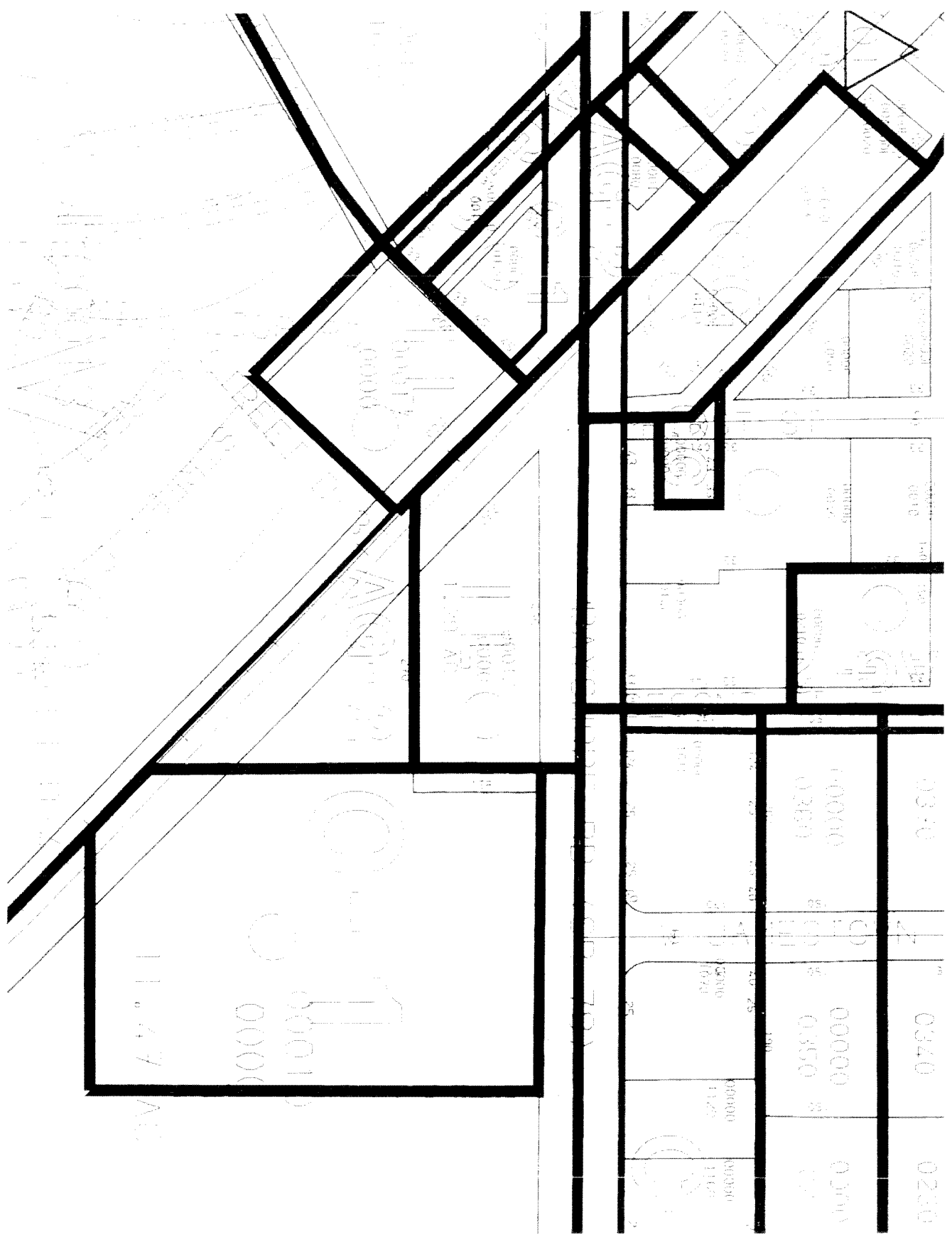


# **EXHIBIT III**

# ZONING MAP



A



0340	0340	0230
1.00000	00000	0.0000
0.2500	0.0500	0.0000

1" = 10'

11.47

00001

00000

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# **EXHIBIT IV**



THIS INSTRUMENT PREPARED BY:  
GUARDIAN TITLE SERVICES CORPORATION  
Linda Gregory  
13391 MCGREGOR BOULEVARD  
FORT MYERS, FLORIDA 33919

STRAP NO: 21-43-25-01-000L0.0010, 21-43-25-00-00017.0000  
GRANTEE'S SOCIAL SECURITY NO:

THIS WARRANTY DEED Made and executed this 11 day of March A.D.  
1996, by:

Trail Dairy, Inc.

a corporation existing under the laws of the State of Florida, and having  
its principal place of business at 8100 Dayshore Road, North Fort Myers, Florida 33917

hereinafter called the grantor, to

Bill deDeugd and A. Pieter Klootvyk

whose postoffice address is:

hereinafter called the grantee:

[Whenever used herein the terms "grantor" and "grantee" include all the  
parties to this instrument, and the heirs, legal representatives, and  
assigns of individuals, and the successors and assigns of corporations.]

WITNESSETH: That the grantor, for and in consideration of the sum of  
\$10.00 and other valuable considerations, receipt whereof is hereby  
acknowledged, by these presents does grant, bargain, sell, alien, remise,  
release, convey and confirm unto the grantee, all that certain land situate  
in Lee County, Florida, vis:

SEE EXHIBIT "A"

TOGETHER with all the tenements, hereditaments and appurtenances  
thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND the Grantor hereby covenants with said grantee that it is lawfully  
seized of said land in fee simple; that it has good right and lawful  
authority to sell and convey such land; that it hereby warrants the title  
to such land and will defend the same against the lawful claims of all  
persons whomsoever; and that said land is free of all encumbrances except  
taxes and assessments for the year 1996 and thereafter, conditions,  
restrictions, easements and limitations of record, and to all zoning rules  
and regulations and to any other laws, ordinances, rules and regulations of  
any governmental authority or otherwise.

IN WITNESS WHEREOF, the grantor has caused these presents to be  
executed in its name, and its corporate seal to be hereunto affixed, by its  
proper officers thereunto duly authorized, the day and year first above  
written.

(CORPORATE SEAL)

ATTEST: \_\_\_\_\_  
SECRETARY

Trail Dairy, Inc.

\_\_\_\_\_  
Gina B. Peterson, Vice President

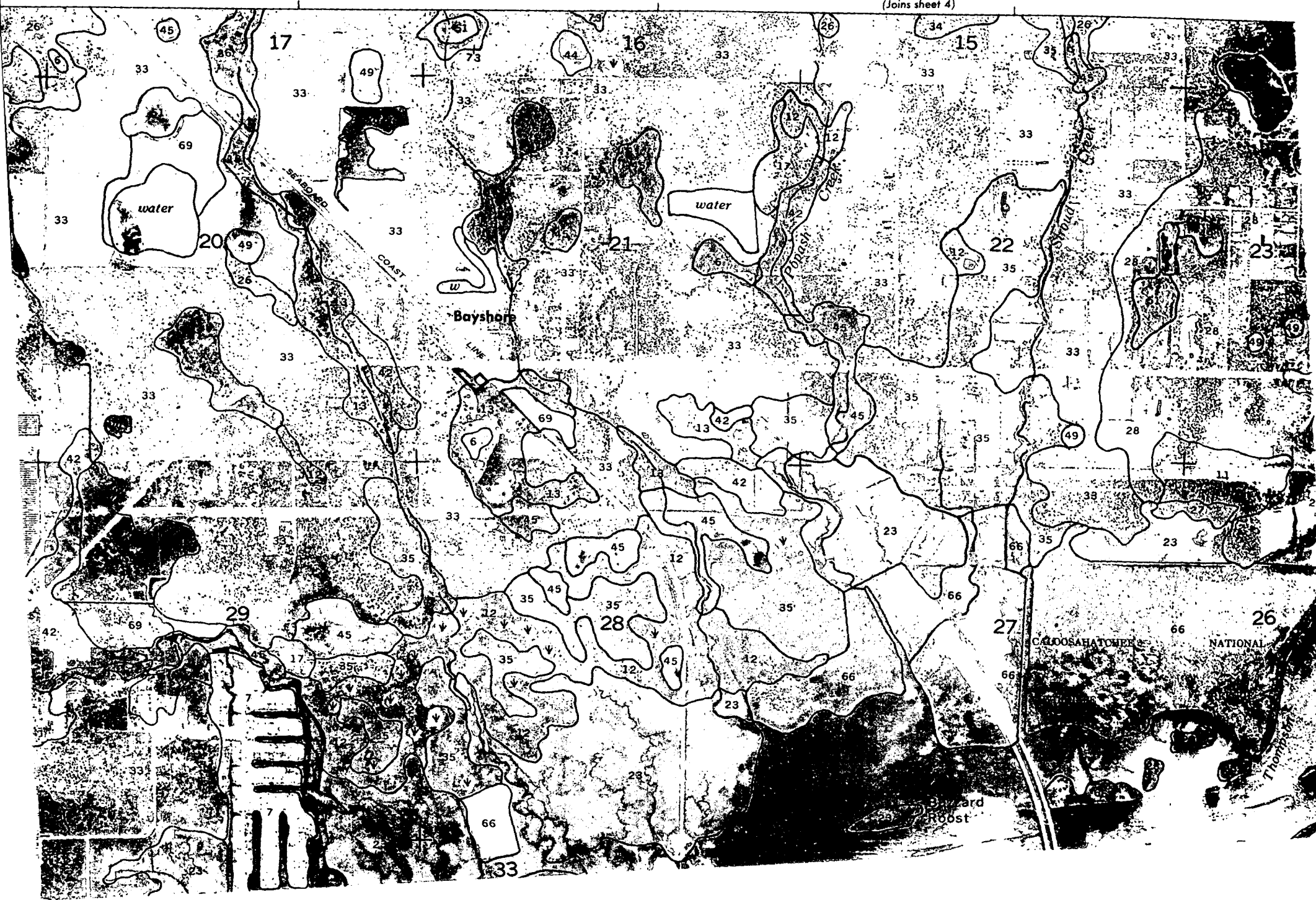
Signed, sealed, and delivered in the presence of:

\_\_\_\_\_  
Witness  
Also Print: \_\_\_\_\_

\_\_\_\_\_  
Witness  
Also Print: \_\_\_\_\_

# **EXHIBIT V**

(Joins sheet 4)



rains. Regular applications of fertilizer and lime are needed. Controlling grazing helps to prevent overgrazing and weakening of the plants.

The potential productivity is moderate for South Florida slash pine. Bedding of rows helps in establishing seedlings and in removing excess surface water. The trees should be planted on beds and a vegetative cover maintained between the trees. Regular applications of fertilizer and lime are needed.

This soil has moderate potential for desirable range plant production. The dominant forage is creeping bluestem, lopsided indiagrass, pineland threeawn, and chalky bluestem. Management practices should include deferred grazing and brush control. This Immokalee soil is in the South Florida Flatwoods range site.

This soil has severe limitations for urban development because of the high water table.

This Immokalee soil is in capability subclass IVw.

**29—Punta fine sand.** This is a nearly level, poorly drained soil that occurs on slightly elevated landscapes on flatwoods. Slopes are smooth and range from 1 to 2 percent.

Typically, the surface layer is dark gray fine sand about 4 inches thick. The subsurface layer is 53 inches thick. The upper part is light brownish gray fine sand about 7 inches thick, and the lower part is white fine sand about 46 inches thick. The subsoil is black fine sand with streaks of light gray and white fine sand extending into the upper part.

In most years, under natural conditions, the water table is within 10 inches of the surface for 1 to 3 months. It is 10 to 40 inches below the surface for 2 to 6 months. During extended dry periods the water table recedes to a depth of more than 40 inches.

Natural fertility is low. The available water capacity is low. Permeability is rapid in the surface and subsurface layers and moderate in the subsoil.

Included with this soil in mapping are Immokalee, Myakka, and Smyrna soils. Also included are small areas of soils with a subsoil layer that is firm to hard. This soil makes up less than 10 percent of any mapped area.

Most areas of this soil are in natural vegetation of sawpalmetto, South Florida slash pine, pineland threeawn, waxmyrtle, and some scrub oak. Some areas of this soil have been cleared for pasture.

The suitability for cultivated crops is poor because of wetness and high acidity. Very intense management practices must be followed to obtain good results for a limited number of adapted crops. With adequate water-control measures and soil-improving measures, these soils can be made suitable for some vegetable crops.

The suitability for pasture is good if proper management practices are applied. Pangolagrass, improved bahiagrass, and white clover grow well under well managed conditions. Water control is needed to remove excess surface water.

With proper water control, the soil is good for citrus trees. Water control systems that maintain good drainage to a depth of about 4 feet deep are needed. Bedding and planting the trees on the beds helps to provide good surface drainage. A good cover of close-growing vegetation between the trees protects the soils from blowing when the trees are young. The trees require regular applications of fertilizers and occasional liming.

The production potential for South Florida slash pine on this soil is moderate. However, adequate water control is needed before the potential can be attained. Equipment limitations, seedling mortality, and plant competition are the main management concerns.

This soil has moderate potential for desirable range plant production. The dominant forage is creeping bluestem, lopsided indiagrass, pineland threeawn, and chalky bluestem. Management practices should include deferred grazing and brush control. This Punta soil is in the South Florida Flatwoods range site.

This soil has severe limitations for urban development because of the high water table and sandy texture.

This Punta soil is in capability subclass IVw.

**33—Oldsmar sand.** This is a nearly level, poorly drained soil on low, broad flatwoods areas. Slopes are smooth to slightly convex and range from 0 to 2 percent.

Typically, the surface layer is black sand about 3 inches thick. The subsurface layer is gray and light gray sand about 39 inches thick. The upper part of the subsoil is very dark gray sand about 5 inches thick. The lower part of the subsoil is yellowish brown and mixed light brownish gray and brown fine sandy loam about 11 inches thick. Pale brown sand extends to a depth of 80 inches or more.

Included with this soil in mapping are small areas of Wabasso, Immokalee, and EauGallie soils. Some areas also have limestone at a depth of 70 to 80 inches below the surface. Included soils make up about 10 to 15 percent of any mapped area.

In most years, under natural conditions, the water table is at a depth of less than 10 inches for 1 to 3 months. It is at a depth of 10 to 40 inches for more than 6 months, and it recedes to a depth of more than 40 inches during extended dry periods.

The available water capacity is low in the surface layer and medium in the subsoil. Natural fertility is low. Permeability is rapid in the surface and subsurface layers, moderate in the upper part of the subsoil, and slow or very slow in the lower part of the subsoil.

Natural vegetation consists of sawpalmetto (fig. 6), South Florida slash pine, pineland threeawn, and meadowbeauty.

This soil is poorly suited to cultivated crops primarily because of wetness. The number of adapted crops is limited unless very intensive management practices are followed. With good water-control measures and soil-

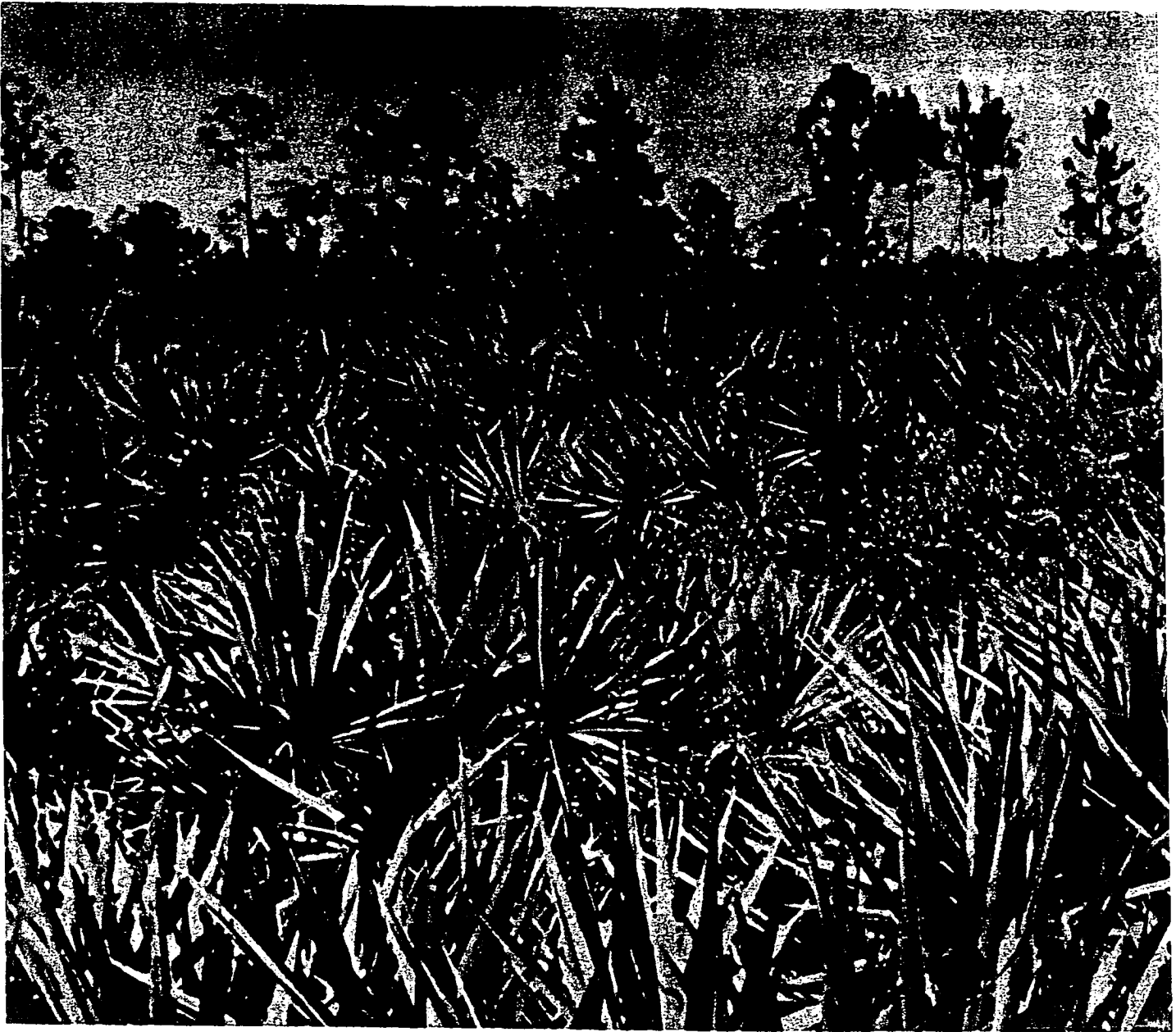


Figure 6.—Dense sawpalmetto in an area of Oldsmar sand.

improving measures, the soil can be made well suited for some vegetable crops. A water control system is needed to remove excess water in wet seasons and provide water through subsurface irrigation in dry seasons. Row crops should be rotated with close-growing, soil-improving crops. The rotation should include the soil-improving crops on the land three-fourths of the time. Seedbed preparation should include bedding of the rows.

Fertilizer and lime should be added according to the need of the crops.

The soil is poorly suited to citrus unless very intensive management is used. It is suitable for citrus only after a carefully designed water control system has been installed that will maintain the water table below a depth of 4 feet. The trees should be planted on beds and a vegetative cover maintained between the trees. Regular applications of fertilizer and lime are needed.

The soil is well suited to pasture. Pangolagrass, improved bahiagrass, and white clover grow well when they are well managed. Water control measures are needed to remove excess surface water after heavy rains. Regular applications of fertilizer and lime are needed, and grazing should be controlled to prevent overgrazing and weakening of the plants.

This soil has a moderately high potential productivity for South Florida slash pine. Bedding of rows helps in establishing seedlings and in removing excess surface water.

This soil has moderate potential for desirable range plant production. The dominant forage is creeping bluestem, lopsided indiagrass, pineland threeawn, and chalky bluestem. Management practices should include deferred grazing and brush control. This Oldsmar soil is in the South Florida Flatwoods range site.

This soil has severe limitations for urban development because of the high water table.

This Oldsmar soil is in capability subclass IVw.

**34—Malabar fine sand.** This is a nearly level, poorly drained soil on sloughs. Slopes are smooth to concave and range from 0 to 1 percent.

Typically, the surface layer is dark gray fine sand about 5 inches thick. The next 12 inches is light gray and very pale brown fine sand. Below this is a 16-inch layer of light yellowish brown fine sand with yellow mottles and a 9-inch layer of brownish yellow fine sand. The subsoil layer is gray loamy fine sand about 9 inches thick with large yellowish brown mottles. The next 8 inches is gray fine sandy loam with large brownish yellow mottles. Below is light gray loamy fine sand with yellowish brown mottles to a depth of 80 inches or more. Some areas in the central-southeastern part of the county have limestone at a depth of 70 to 80 inches.

Included with this soil in mapping are small areas of Oldsmar, Pineda, Pompano, and Valkaria soils and scattered areas of Malabar soils with limestone at a depth of 60 to 80 inches. In addition, there are scattered areas on slightly higher positions that contain a thin marl layer at a depth of less than 40 inches. Included soils make up about 10 to 15 percent of any mapped area.

In most years, under natural conditions, the water table is at a depth of less than 10 inches for 2 to 4 months. It is at a depth of 10 to 40 inches for more than 6 months, and it recedes to a depth of more than 40 inches during extended dry periods. During periods of high rainfall, the soil is covered by a shallow layer of slowly moving water for periods of about 7 to 30 days or more.

The available water capacity is low in the surface and subsurface layers and the upper part of the subsoil and medium in the lower part of the subsoil. Natural fertility is low. Permeability is rapid in the surface and subsurface layers and the upper part of the subsoil and slow or very slow in the lower part of the subsoil.

Natural vegetation consists of pineland threeawn, waxmyrtle, scattered sawpalmetto, maidencane, panicums, and South Florida slash pine.

This soil is poorly suited to cultivated crops because of wetness and poor soil quality. The number of adapted crops is limited unless very intensive management practices are followed. With good water-control measures and soil-improving measures, the soil can be made well suited for some vegetable crops.

A water control system is needed to remove excess water in wet seasons and provide water through subsurface irrigation in dry seasons. Row crops should be rotated with close-growing, soil-improving crops. The rotation should include the soil-improving crops on the land three-fourths of the time. Seedbed preparation should include bedding of the rows. Fertilizer and lime should be added according to the need of the crops.

This soil is poorly suited to citrus unless very intensive management is used. It is suitable for citrus only after a carefully designed water control system has been installed that will maintain the water table below a depth of 4 feet. The trees should be planted on beds and a vegetative cover maintained between the trees. Regular applications of fertilizer and lime are needed.

This soil is well suited to pasture. Pangolagrass, improved bahiagrass, and white clover grow well if they are well managed. Water control measures are needed to remove excess surface water after heavy rains. Regular applications of fertilizer and lime are needed. Controlling grazing helps to prevent overgrazing and weakening of the plants.

Under a high level management, this soil has moderately high potential productivity for South Florida slash pine. Bedding of the rows is needed to elevate the seedlings above the surface water. Drainage is also needed to remove excess surface water.

This soil has moderate potential for desirable range plant production. The dominant forage is creeping bluestem, lopsided indiagrass, pineland threeawn, and chalky bluestem. Management practices should include deferred grazing and brush control. This Malabar soil is in the Slough range site.

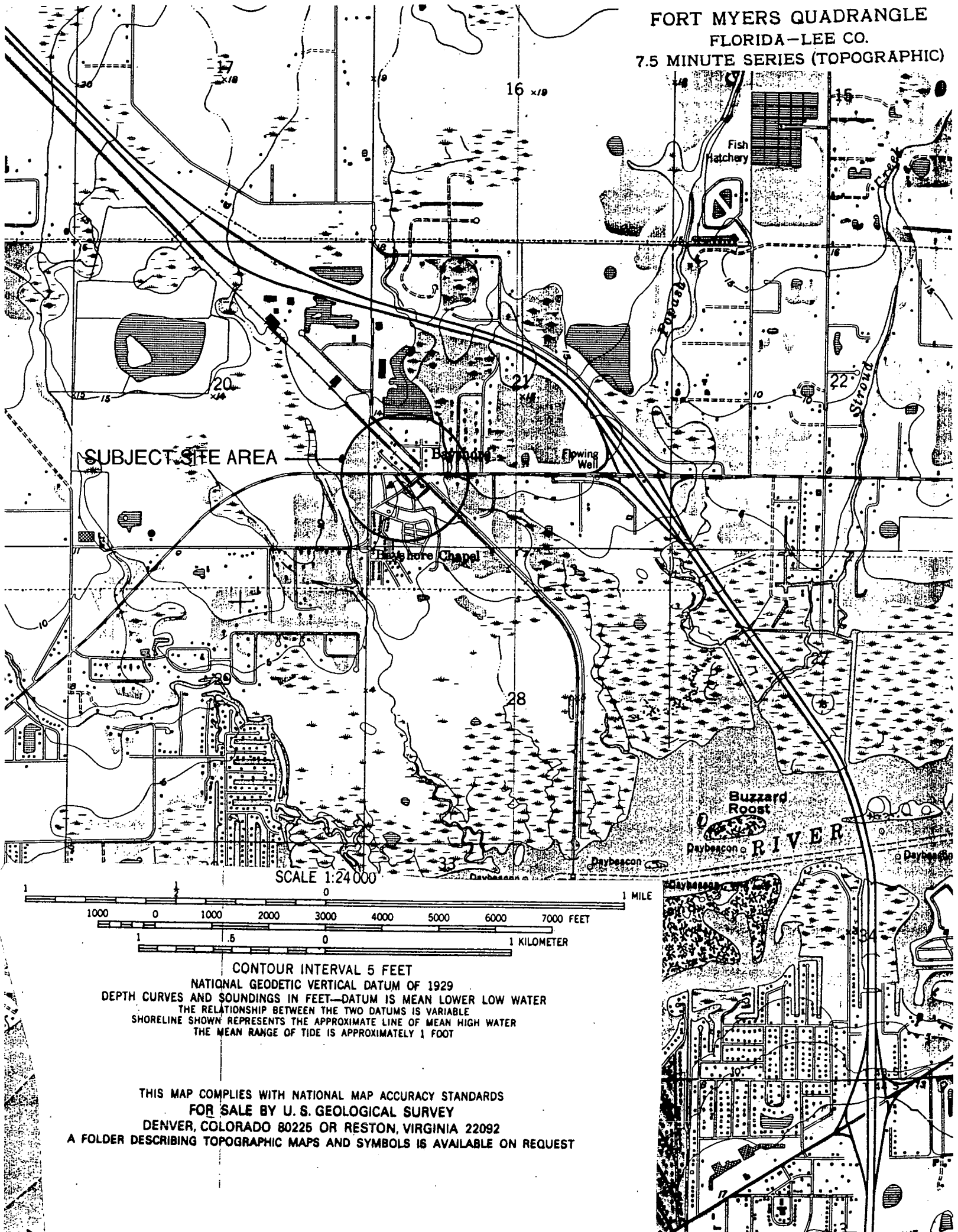
This soil has severe limitations for urban development because of the high water table.

This Malabar soil is in capability subclass IVw.

**35—Wabasso sand.** This is a nearly level, poorly drained soil on flatwoods. Slopes are smooth to slightly convex and range from 0 to 2 percent.

Typically, the surface layer is dark gray sand about 6 inches thick. The subsurface layer is sand to a depth of 24 inches. The upper 11 inches is light brownish gray with dark grayish brown stains along root channels, and the lower 7 inches is light gray with dark grayish brown stains. The subsoil is about 38 inches thick. The upper 4 inches is dark brown sand with few iron concretions. The next 8 inches is brownish yellow sandy clay loam with

FORT MYERS QUADRANGLE  
FLORIDA—LEE CO.  
7.5 MINUTE SERIES (TOPOGRAPHIC)



SUBJECT SITE AREA

Baylor's

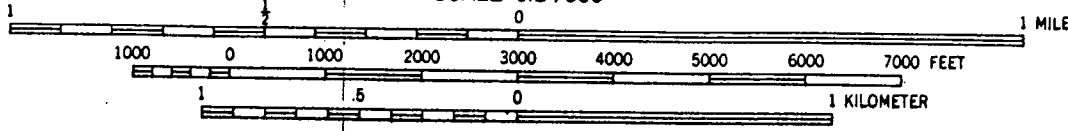
Flowing Well

Bishop's Chapel

Buzzard Roost

RIVER

SCALE 1:24 000



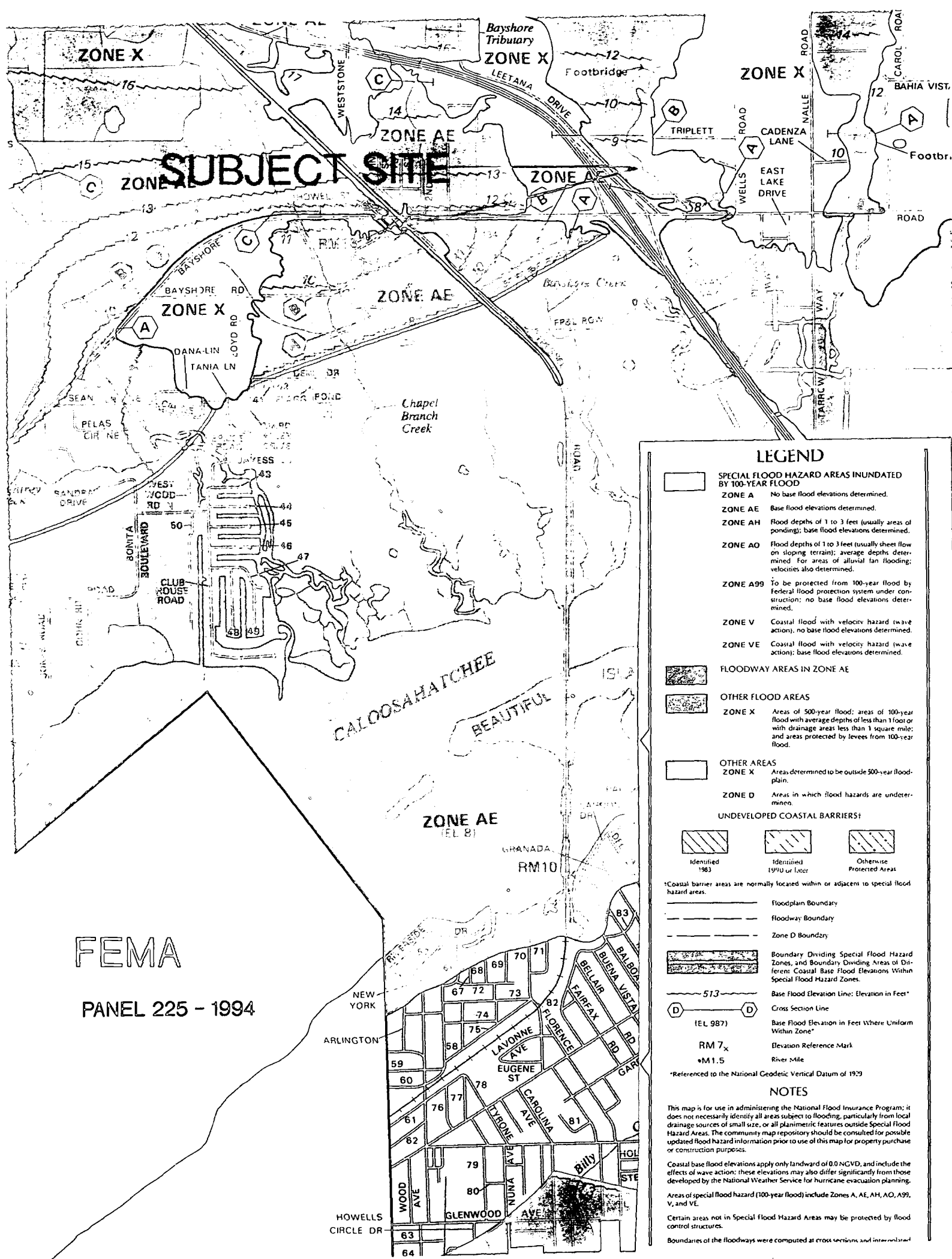
CONTOUR INTERVAL 5 FEET

NATIONAL GEODETIC VERTICAL DATUM OF 1929

DEPTH CURVES AND SOUNDINGS IN FEET—DATUM IS MEAN LOWER LOW WATER  
THE RELATIONSHIP BETWEEN THE TWO DATUMS IS VARIABLE  
SHORELINE SHOWN REPRESENTS THE APPROXIMATE LINE OF MEAN HIGH WATER  
THE MEAN RANGE OF TIDE IS APPROXIMATELY 1 FOOT








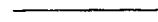
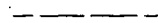

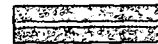
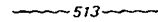
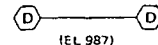
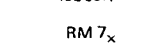
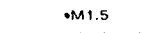
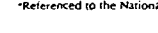
THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS  
FOR SALE BY U. S. GEOLOGICAL SURVEY  
DENVER, COLORADO 80225 OR RESTON, VIRGINIA 22092  
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST





FEMA  
 PANEL 225 - 1994

**LEGEND**

-  SPECIAL FLOOD HAZARD AREAS INUNDATED BY 100-YEAR FLOOD
  - ZONE A No base flood elevations determined.
  - ZONE AE Base flood elevations determined.
  - ZONE AH Flood depths of 1 to 3 feet (usually areas of ponding); base flood elevations determined.
  - ZONE AO Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined. For areas of alluvial fan flooding; velocities also determined.
  - ZONE A99 To be protected from 100-year flood by federal flood protection system under construction; no base flood elevations determined.
  - ZONE V Coastal flood with velocity hazard (wave action); no base flood elevations determined.
  - ZONE VE Coastal flood with velocity hazard (wave action); base flood elevations determined.
-  FLOODWAY AREAS IN ZONE AE
-  OTHER FLOOD AREAS
  - ZONE X Areas of 500-year flood; areas of 100-year flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 100-year flood.
-  OTHER AREAS
  - ZONE X Areas determined to be outside 500-year floodplain.
  - ZONE D Areas in which flood hazards are undetermined.
- UNDEVELOPED COASTAL BARRIERS:
  -  Identified 1983
  -  Identified 1910 or later
  -  Otherwise Protected Areas
- Coastal barrier areas are normally located within or adjacent to special flood hazard areas.
-  Floodplain Boundary
-  Floodway Boundary
-  Zone D Boundary
-  Boundary Dividing Special Flood Hazard Zones, and Boundary Dividing Areas of Different Coastal Base Flood Elevations Within Special Flood Hazard Zones
-  Base Flood Elevation Line: Elevation in Feet\*
-  Cross Section Line
-  Base Flood Elevation in Feet Where Uniform Within Zone\*
-  Elevation Reference Mark
-  River Mile

**NOTES**

This map is for use in administering the National Flood Insurance Program; it does not necessarily identify all areas subject to flooding, particularly from local drainage sources of small size, or all planimetric features outside Special Flood Hazard Areas. The community map repository should be consulted for possible updated flood hazard information prior to use of this map for property purchase or construction purposes.

Coastal base flood elevations apply only landward of 0.0 NGVD, and include the effects of wave action; these elevations may also differ significantly from those developed by the National Weather Service for hurricane evacuation planning.

Areas of special flood hazard (100-year flood) include Zones A, AE, AH, AO, A99, V, and VE.

Certain areas not in Special Flood Hazard Areas may be protected by flood control structures.

Boundaries of the floodways were computed at cross sections and interpolated



# **EXHIBIT VII**

## **Evaluation of the Consistency with the Goals, Objectives, and Policies of the Lee Plan**

Under Chapter II Future Land Use-Goal I Future Land Use Map, a designation for Industrial Development along a major arterial interstate connector road with good proximal access to the interstate and in an area of existing Industrial Land Use furthers many of the goals and policies of the Lee plan. There are existing urban services present, and the frontage of the interstate connector road is consistent with the provisions of goods and services to the traveling public along the interstate and State Road 78.

### **Policy 1.1.7**

The request for Industrial Development Land Use designation will provide job opportunities, aid to balance and provide sufficient tax base, has great access to arterial and interstate corridors and is adjacent to an active railroad line.

### **Goal II Growth Management**

#### **Objective 2.1 Development Location**

The proposed CAP furthers the concept of continuous and compact growth patterns in an area of the County, which has all the urban, and community services available and is consistent with existing growth patterns.

### **Goal 7 Industrial Land Uses**

The proposal furthers locating Industrial Land Uses in appropriate areas compatible with existing land use.

#### **Policy 7.1.3**

The proposed CAP locates Industrial Land Use in an area where it is compatible with surrounding land use, has appropriate soils, topography, and site elevation to protect natural resources and has great access to rail, arterial interstate connector roadway and the interstate system.

#### **Policy 7.1.4**

The County has lost some Industrial Land Use designated lands and by allowing an extension of an existing industrial area the proper amount of designated Industrial Land Use is furthered.

#### **Policy 7.1.5**

The timing and location for industrial development is furthered due to the fact the development already exists and is located in an area where existing urban services are in place.

# **EXHIBIT VIII**

Existing Land Use: CONCRETE PRODUCTS RETAIL SALES & OUTSIDE STORAGE OF PRODUCT

C. State if the subject property is located in one of the following areas and if so how does the proposed change effect the area:

Lehigh Acres Commercial Overlay: N/A

Airport Noise Zone 2 or 3: N/A

Acquisition Area: N/A

Joint Planning Agreement Area (adjoining other jurisdictional lands): N/A

Community Redevelopment Area: N/A

D. Proposed change for the Subject Property:

CURRENTLY DESIGNATED SUBURBAN; REQUESTING INDUSTRIAL DEVELOPMENT

E. Potential development of the subject property:

1. Calculation of maximum allowable development under existing FLUM:

Residential Units/Density N/A

Commercial intensity

Industrial intensity 19800 SQ. FT. BLDG COVERAGE

2. Calculation of maximum allowable development under proposed FLUM:

Residential Units/Density

Commercial intensity

Industrial intensity 19800 SQ. FT. BLDG COVERAGE

#### IV. AMENDMENT SUPPORT DOCUMENTATION

At a minimum, the application shall include the following support data and analysis. These items are based on comprehensive plan amendment submittal requirements of the State of Florida, Department of Community Affairs, and policies contained in the Lee County Comprehensive Plan. Support documentation provided by the applicant will be used by staff as a basis for evaluating this request. To assist in the preparation of amendment packets, the applicant is encouraged to provide all data and analysis electronically. (Please contact the Division of Planning for currently accepted formats)

## NARRATIVE

### Intent of Land Use Amendment

The owners of Bayshore Precast, Inc., an existing Industrial General Land Use are desirous of amending the Lee Plan to allow the existing land uses located west and adjacent to the CSX Railway line and south of Bayshore Road in North Fort Myers to be consistent with a singular land use designation. See Existing Land Use Map, Exhibit II. The existing Future Land Use designation is "Suburban" and the requested Future Land Use is "Industrial Development". The owners are also desirous of aggregating the various parcels that Bayshore Precast, Inc. occupies and rezone them to a single zoning district of IG. In order to do this the land on the west side of the CSX Rail line needs to be redesigned to an Industrial Land Use classification.

Currently the business occupies 3 different parcels of land separated by a railroad Right of Way and C-1 zoned out parcel (under separate ownership) and has 2 different zoning designations. See Existing Zoning Map, Exhibit III.

The existing land use surrounding the subject property is as follows:

North:

Bayshore Road adjacent to a portion of the property. North of Bayshore Road is single-family housing and a golf ball retail-recycling outlet.

East:

Vacant designated Industrial Land Use.

South:

Mobile home and Recreational Vehicle Park. The area adjacent to the existing Bayshore Precast, Inc. is used for storage of RV campers and trailers.

West:

A feed and tackle western wear outlet facility.

### Section IV

#### A. General Information and Maps

The Small Area Amendment being requested is a map change only. There are no textural changes being proposed.

We have provided the following items:

- A. Future Land Use Map with property boundaries, Exhibit I.
- B. An existing land use map showing what is on the subject property and surrounding properties, Exhibit II.
- C. Existing zoning map, Exhibit III, including resolution for existing zoning.

- D. Legal descriptions for the properties included in the request. See Exhibit VI.
- E. Copy of the Deeds for the subject properties. See Exhibit V
- F. An aerial of the subject site area, Exhibit VI.
- G. Letter from the applicants designated Peter Dailey, Dailey Design Group as agent for the project.

## Section IV

### B. Public Facilities Impacts

Because the subject site is already fully developed most of the specific information requested is to make an assessment of the expected impacts of proposed land uses in the requested land use designation are not applicable. We have included some information where we feel it will help reviewers to further understand our request.

#### 1. Traffic Circulation Analysis

The site is already fully developed with a General Industrial Land Use. The request to change land use designation will not affect traffic and transportation.

#### 2. Existing and Future Conditions Analysis

- a. Sanitary Sewer-no change
- b. Potable Water-no change
- c. Surface Water/Drainage Basins-No change
- d. Parks, Recreation and Open Space- Not applicable

#### 3. Adequacy of Existing Proposed Facilities

Again because we are already a fully built out facility, we are not asking for new services. The existing site has adequate levels of service in Fire Protection, EMS, Law Enforcement and Solid Waste. Mass Transit and Schools are not applicable.

### C. Environmental Impacts

Again due to the built out condition of the site, there are no environmental impacts.

### D. Impacts on Historical Resources

There are no Historical Resources on the property.

### E. Internal Consistency with the Lee Plan

- 1. The proposed land use designation is to simply recognize the existing land use on the property. There is no effect on population projections.
- 2. Goals, policies and objectives that are affected or furthered by the request for Interchange Industrial land use:

## Chapter II Future Land Use

### Goal I: Future Land Use Map

#### Objective 1.1: Future Urban Areas

##### Policy 1.1.2

Policy 1.1.7  
Objective 1.3: Interstate Highway Interchange Areas  
Policy 1.3.1  
Policy 1.3.8  
Goal II: Growth Management  
Objective 2.1: Development Location  
Policy 2.1.3  
Objective 2.2 Development Timing  
Policy 2.2.1  
Objective 2.4: Future Land Use Map Amendments  
Policy 2.4.1  
Goal 4: Development Design General  
Objective 4.1  
Policy 4.1.1  
Goal 7: Industrial Land Uses  
Objective 7.1  
Policy 7.1.1  
Policy 7.1.3  
Policy 7.1.6(b)  
Policy 7.1.8  
Policy 7.1.9  
Policy 7.1.10  
Goal 11: Water Sewer Traffic and Environmental Review Standards  
Standard 11.1: Water  
1,2  
Standard 11.2: Sewer  
Chapter III: Transportation  
Policy 21.2.5  
Goal 22: Level of Service Standards  
Policy 22.1.1  
Objective 22.3: Transportation Concurrency Management System  
Policy 22.3.3  
Objective 23.2: Timing  
Policy 23.2.1  
Goal 24: Development Regulations  
Objective 24.1: Development Impacts  
Policy 24.1.1  
Policy 24.1.2  
Policy 24.1.6

#### Chapter IV Community Facilities and Services

- a) Potable Water
  - Goal 33: Potable Water Infrastructure
- b) Sanitary Sewer
  - Goal 36: Sanitary Sewer Infrastructure

- c) Surface Water Management  
Goal 39: Protection of Life and Property
- d) Solid Waste  
Goal 42: Solid Waste

Chapter XI Economic Element  
Goal 110

Due to the fact that the property is already developed, is located on a major arterial connector road to I-75 (with plans for 4 lanes within 3 years), adjacent to existing industrial land use and a designated Industrial Development area, all the services and infrastructure are in place to serve it and all impacts of the existing development already a reality. The development is internally consistent with the Lee Plan.

- 3. There are no adjacent local governments and therefore no effects on adjacent Comprehensive Plans.
- 4. Again, we are not proposing new development, but simply recognizing long standing existing development, which needs to be properly designated and zoned to a consistent zoning category. The designation of this small 1.3 acre existing industrial area located adjacent to industrial development, on a major arterial and adjacent to an Industrial Interchange Land Use designation with access to an actual railroad line does not negatively effect any goal, policies or objectives of the State and Regional Comprehensive Plans.

F. Additional Requirements for Specific Future Land Use Amendments

- 1.
  - a. The site is adjacent to CSX rail line with frontage and access on St. 20 78, (Bayshore Rd), which is programmed to be widened within 3 years.
  - b. The original Comprehensive Plan under the 1975 Florida Statutes should have recognized this area as industrial as it existed then as industrial land use. Policy 2.4.4 is not negatively affected by the additional of 1.3 acre of Interchange Industrial Land Use.
  - c. The property is built out and already has employees in the industrial work sector in the County.
- 2. Not Applicable
- 3. Not Applicable
- 4. Not Applicable

G. The area adjacent to the subject site area east towards the interstate is designated as Industrial Development Land Use. The district boundary ends at the CSX railroad which is an active rail line. The land use on the subject parcel has been using the rail line to supply and ship product, accessing the rail from the west side of the rail corridor.



It makes good planning sense to allow land uses that can access the rail facility to do so from both sides of the rail. This is particularly true when existing non-residential industrial/retail mixed use exists adjacent to and west of the subject, therefore not causing any negative impact to this adjacent land use via designation for "ID".

We are simply proposing designating the subject property to be consistent with the already developed land use, allow active use of both sides of the rail road and allow rezoning to one district for the existing concrete products lands, again consistent with the already developed land use.

# **EXHIBIT IX**

To whom it may concern:  
June 21/97

Do you are aware from my previous letter  
(re: vacating Palm Ave) we are in  
the process of vacating Palm Avenue  
to form in our property which has Palm  
Avenue running through it.

Instead of running the fence down the  
middle of Palm Avenue along your property  
we would like to run the fence along your  
property line (as per attached drawing)  
as we can not turn into our building  
with large vehicles if fence is in middle  
of Palm Ave.

We would appreciate your agreement  
with this proposal. I wish to contact  
you by phone to discuss this matter but  
was unable to obtain your phone number.  
Please phone me or reply by mail.  
Thank you for your  
cooperative cooperation

D. Peter Keagy  
Bayshore Precast

941-543-3001

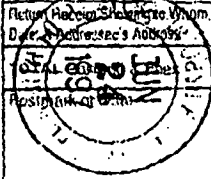
PS If we get no reply we will assume you agree with this  
proposal. action: 8:00 Bayshore Precast.  
NFT Myers FL.  
33917

Z 366 416 176

US Postal Service  
**Receipt for Certified Mail**  
No Insurance Coverage Provided.  
Do not use for International Mail (See reverse)

Sent to	STRAHLAN CROW
Street & Number	5303 W. COUNTRY HINE RD
Post Office, State, & ZIP Code	GREENWOOD, INDIANA 46142
Postage	\$ .32
Certified Fee	1.35
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Price Provided	1.10
Return Receipt Showing to Whom, Date, & Postoffice's Address	
<b>TOTAL POSTAGE &amp; FEES</b>	<b>\$ 2.77</b>
Postmark or Date	

PS Form 3800, April 1995



Bob Janes  
District One

Douglas R. St. Cerny  
District Two

August 21, 2001

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

Peter M. Dailey  
3665 Bee Ridge Rd., Suite 312  
Sarasota, Florida 34233

RE: CPA 2001-00006, Lee Plan Future Land Use Amendment

Dear Mr. Dailey:

Planning staff has found that the above mentioned submittal is insufficient and further information is needed. Part III of the application gives an incorrect strap number. The number given is 21-43-25-01-00017-0000 however this parcel is non-existent. Staff believes the strap number to be 21-43-25-00-00017-0000, please confirm this is the correct strap number. Additionally, Part III of the application indicates that the total acreage of the property is 1.31 acres while the total acreage included in the request is 1.6 acres. Staff is requesting that the acreage difference be clarified. ✓

The following comments pertain to Part IV of the application.

A.2 Please provide a Future Land Use Map showing the boundaries of the property, and surrounding street network. ✓

A.4 Although staff has received two zoning maps, neither clearly marked the subject parcel. One of the maps points to a parcel that does not correspond with the STRAP numbers given or the description of the property throughout the narrative. ✓

A.6 Please submit a copy of the deed(s). Although the submittal refers to Exhibit V none were found.

C.2 Please provide the required soils map. ✓

C.3 Please provide the required topographic map. ✓

E.2 Please provide the required evaluation. ✓

In addition the application states that this is a request to expand the interchange industrial land use designation. Staff notes that the existing interchange future land use designation for the area is currently the "general interchange" designation. Directly east adjacent to the site is the "industrial development" land use category, west of the "general interchange area. Staff requests that the land use category being requested is clarified. ✓

Another issue staff would like to raise is that a portion of the property appears to have been a platted Right Of Way. The public interest was vacated by the Board of County Commissioners but the vacation did not vacate any private rights. It appears, from the plat, that the interest in title would have been in the property owners to the northwest and therefore should not be included as part of the plan amendment application without confirmation of clear title regarding that portion of the property or consent.

If I can be of any assistance or if you have any questions please do not hesitate to call me at 479-8548.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT



MATTHEW A. NOBLE  
Principal Planner

To: Brandy

# MEMORANDUM

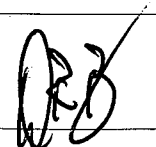
from the

TRANSIT DIVISION

DATE: July 9, 2001

TO: Paul O'Connor, AICP  
Director, Planning

FROM: Darren Brugmann  
Transit Planner



RE: CPA 2001-00006 Privately Initiated Lee Plan Future  
Land Use Map Amendment.

Please see attached a copy of a letter sent to Mr. Peter Dailey of the Daily Design Group, Inc. on June 4, 2001. This letter was sent to Mr. Dailey in response to his rezoning request for property located at Samville Road and Palm Drive off Bayshore Road.

If you have any questions, please call me at 277-5012 ext. 2233.



**LEE COUNTY**  
SOUTHWEST FLORIDA

**BOARD OF COUNTY COMMISSIONERS**

941-277-5012

Writer's Direct Dial Number: \_\_\_\_\_

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. Yaeger  
County Attorney

Diana M. Parker  
County Hearing  
Examiner

June 4, 2001

Mr. Peter M. Dailey, AICP  
3665 Bee Ridge Road  
Suite 312  
Sarasota, FL 34233

Dear Mr. Dailey:

At this time Lee Tran does not offer objections to the rezoning request in Bayshore near Samville Road, Palm Drive and Bayshore Road.

Lee Tran does not currently service the area in question.

Sincerely,

TRANSIT DIVISION

Darren R. Brugmann  
Transit Planner

cc: Development Services

[Originator/Typist Initials]



**BOARD OF COUNTY COMMISSIONERS**

June 27, 2001

Writer's Direct Dial Number: \_\_\_\_\_

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. Stitwell  
County Manager

James G. Yaeger  
County Attorney

Diana M. Parker  
County Hearing  
Examiner

Public Service/Review Agencies

See Distribution List

RE: CPA 2001-00006 – Privately Initiated Lee Plan Future Land Use Map Amendment

Planning Division staff requests your agency's help in reviewing the above referenced Lee Plan amendment. Staff is reviewing a private request to amend the Future Land Use Map (FLUM) designation for land near the intersection of West Street and Bayshore Road, Section 21, Township 43 South, Range 25 East. The proposal is to amend the Lee Plan, Map 1, the FLUM, designation of approximately 1.6 acres from "Suburban Lands" to "Industrial" development. Attached is a map providing the general location of the subject parcel.

The Suburban Lands category maximum density range permits up to six dwelling units per one acre (6 du/1 ac). The subject property is approximately 1.6 acres. Under the existing Suburban FLUM category, 10 dwelling units could be built on the subject parcel. The planning staff estimates under the existing suburban FLUM, as a worst case scenario, that 16,000 square feet of commercial retail space could be developed. The proposed Industrial designation would allow the same worst case scenario. The applicant estimates that the proposed Industrial designation would allow up to 19,800 square feet of industrial building coverage. The proposed Industrial designation would not allow any residential dwelling units to be constructed on the subject parcel.

Planning staff requests that your agency help determine the adequacy of existing and planned services in this area and if the proposal has any negative impact on these services. Planning staff requests that your agency review the proposal and provide written comments as soon as possible but no later than August 1, 2001. If this land use change includes any potential impact to your agencies budget, please include this information in your comments.

Thank you for your attention in this matter. If you have any questions, please do not hesitate to call Matt Noble of my staff at 479-8548.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT



PAUL O'CONNOR, AICP  
Director, Division of Planning

JUL 2 2001

To: M. Noble



DEPARTMENT OF TRANSPORTATION

Memo

To: Paul O'Connor, Director, Division of Planning
From: David Loveland, Planning Program Director
Date: July 6, 2001
Subject: CPA 2001-0006 - Privately Initiated Lee Plan Future Land Use Map Amendment

We have reviewed the above application which requests that the land use designation of approximately 1.6 acres be changed from "Suburban Lands" to "Industrial". As indicated by your letter of June 27, 2001, the proposed Industrial designation would allow up to 19,800 square feet of industrial building coverage, whereas the existing designation would allow 16,000 square feet of commercial retail space or 10 dwelling units. We have no objection to the application because this proposed change will not increase traffic from the existing allowed land use.

If you have any questions, please let me know.

LW/DML/mlb

cc: Administrative File

LEE COUNTY RECEIVED 01 JUL -6 PM 2:51 COMM. DEV. PUB. WORKS. CNTR. SECOND FLOOR

To: M. Noble

**MEMORANDUM**  
FROM  
**THE DEPARTMENT OF**  
**LEE COUNTY PARKS & RECREATION SERVICES**

TO: Paul O'Connor, Director, Division of Planning  
FROM: John Yarbrough, Director, Parks & Recreation *John Yarbrough*  
DATE: 07/02/01  
RE: CPA 2001-00006- Privately Initiated Lee Plan FLUM Amendment

It is our understanding that the proposed "Industrial" designation would not allow any residential dwelling units to be constructed on the subject parcel. That being the case, the proposal will have no negative impact on planned or existing Parks & Recreation services in this area.

LEE COUNTY  
RECEIVED  
01 JUL -5 PM 1:37  
COMM. DEV/  
PUB. WORKS. CNTR.  
SECOND FLOOR

**From:** Chris Hansen  
**To:** O'Connor, Paul  
**Date:** 7/2/01 5:43PM  
**Subject:** CPA 2001-00006 (Bayshore Pre-Cast)

Paul,

I wrote the attached letter to Mr. Dailey in June. If there anything further I need to provide you, please contact me directly. A signed copy is being sent to you via inter-office mail.

Sincerely,

H.C. "Chris" Hansen  
EMS Program Manager - Public Safety  
Phone: (941) 335-1604  
Fax: (941) 335-1651  
chrish@leegov.com

**CC:** Lepley, DeeDee; Noble, Matthew

**From:** John Wilson  
**To:** Campbell, John  
**Date:** 7/2/01 4:04PM  
**Subject:** CPA 2000-30 and CPA 2001-00006

John,

I have reviewed the two proposed Future Land Use Plan Amendments listed above for increased density issues. Since neither amendment and the associated land is not located in the Category 1 storm surge area, I do not plan to comment on these two proposed amendments.

John D. Wilson  
Director, Division of Public Safety  
wilsonjd@leegov.com  
TELEPHONE: (941) 335-1600  
FAX: (941) 335-1638

**CC:** Noble, Matthew; O'Connor, Paul; Saniter, David

**From:** Jerry Murphy  
**To:** Crane, Kirk; Noble, Matthew  
**Date:** 7/2/01 2:58PM  
**Subject:** Bayshore Concrete: REZ2001-00007 and CPA2001-00006

A portion of the property included in these applications appears to have been a platted ROW at one time. The public interest in that Right-of-way was vacated by the BoCC (in 1997, I believe). This vacation did not, however, vacate any private rights and it appears from the construction of the recorded plat that the interest in the title to the underlying property would have been in the property owners to the northwest, and should not be included in any owner initiated rezoning (or plan amendment) application in absence of a confirmation of clear title to that property. Let me know if you need more.

Gerald Murphy  
Community Development  
murphyge@leegov.com  
(941) 479-8585  
(941) 479-8313 FAX

**CC:** FREDYMJJ@leegov.com; Gibbs, Mary

***FAX TRANSMISSION***

**LEE COUNTY EMERGENCY MANAGEMENT  
P. O. BOX 398  
FORT MYERS, FL 33902-0398  
(941) 477-3600  
FAX: (941) 477-3636**

**Date:** 07/02/2001 **Pages:** 2, including cover sheet.

**From:** Terry M. Kelley, Emergency Management Coordinator, Lee Co.

**Subject:** CPA 2001-00006

**TO: Matt Noble**

Sincerely

Terry Kelley

**From:** Jerry Murphy  
**To:** Crane, Kirk; Noble, Matthew  
**Date:** 7/2/01 2:58PM  
**Subject:** Bayshore Concrete: REZ2001-00007 and CPA2001-00006

A portion of the property included in these applications appears to have been a platted ROW at one time. The public interest in that Right-of-way was vacated by the BoCC (in 1997, I believe). This vacation did not, however, vacate any private rights and it appears from the construction of the recorded plat that the interest in the title to the underlying property would have been in the property owners to the northwest, and should not be included in any owner initiated rezoning (or plan amendment) application in absence of a confirmation of clear title to that property. Let me know if you need more.

Gerald Murphy  
Community Development  
murphyge@leegov.com  
(941) 479-8585  
(941) 479-8313 FAX

**CC:** FREDYMJJ@leegov.com; Gibbs, Mary



(941) 335-1604

JUNE 7, 2001

PETER M. DAILEY, AICP  
DAILEY DESIGN GROUP, INC.  
3665 BEE RIDE ROAD, SUITE 312  
SARASOTA, FLORIDA 34233

RE: BAYSHORE PRE-CAST CONCRETE PROPERTY

DEAR MR. DAILEY:

AS REQUESTED, I HAVE REVIEW YOUR FACSIMILE LETTER DATED JUNE 1, 2001 (ATTACHED). AS THE LICENSED ADVANCED LIFE SUPPORT AMBULANCE PROVIDER FOR THE AREA WHERE THIS PROPERTY IS LOCATED, THERE IS NO OBJECTION TO YOUR REQUEST. IF YOU WOULD LIKE TO DISCUSS THIS FURTHER, PLEASE CALL ME AT THE ABOVE REFERENCED NUMBER.

RESPECTFULLY SUBMITTED,

DIVISION OF PUBLIC SAFETY

H.C. CHRIS HANSEN  
EMS PROGRAM MANAGER

(941) 335-1604

June 7, 2001

Peter M. Dailey, AICP  
Dailey Design Group, Inc.  
3665 Bee Ride Road, Suite 312  
Sarasota, Florida 34233

**Re: Bayshore Pre-Cast Concrete Property**

Dear Mr. Dailey:

As requested, I have review your facsimile letter dated June 1, 2001 (attached). As the licensed advanced life support ambulance provider for the area where this property is located, there is no objection to your request. If you would like to discuss this further, please call me at the above referenced number.

Respectfully submitted,

DIVISION OF PUBLIC SAFETY

H.C. "Chris" Hansen  
EMS Program Manager

9/6/01  
12:33:56 PM

### Fees Associated with Case # CPA2001-00006

Fee Type	Case Type	Start Date	End Date	Case No.	Dept. Description	Trans. Code	Revenue Account No.	Create Date	Created By	Amount	Due
MPAM	CPA	1/1/99	12/31/05	CPA2001-00006	Map Amendment > 20 Acres		LB5150715500.322000.9018	6/26/01	KDH	\$500.00	\$0.00
										<hr/>	
										\$500.00	\$0.00