



**LEE COUNTY ORDINANCE NO. 07-10**  
(Three Oaks North)  
(CPA2005-05)

**AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN," ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT CPA2005-05 (PERTAINING TO THE FUTURE LAND USE MAP CHANGE FOR AN 83±-ACRE PARCEL NORTH OF ALICO ROAD FROM INDUSTRIAL DEVELOPMENT TO INDUSTRIAL COMMERCIAL INTERCHANGE) APPROVED DURING THE COUNTY'S 2005/2006 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED MAPS; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.**

WHEREAS, the Lee County Comprehensive Plan ("Lee Plan") Policy 2.4.1. and Chapter XIII, provides for adoption of amendments to the Plan in compliance with State statutes and in accordance with administrative procedures adopted by the Board of County Commissioners ("Board"); and,

WHEREAS, the Board, in accordance with Section 163.3181, Florida Statutes, and Lee County Administrative Code AC-13-6 provide an opportunity for the public to participate in the plan amendment public hearing process; and,

WHEREAS, the Lee County Local Planning Agency ("LPA") held public hearings on the proposed plan amendment in accordance with Florida Statutes and the Lee County Administrative Code on October 23, 2006, and November 27, 2006; and,

WHEREAS, the Board held a public hearing for the transmittal of the proposed amendment on December 13, 2006. At that hearing, the Board approved a motion to send, and did later send, proposed amendment CPA2005-05, pertaining to an amendment to the Future Land Use Map Series for an 83±-acre parcel north of Alico Road from

Industrial Development to Industrial Commercial Interchange to the Florida Department of Community Affairs ("DCA") for review and comment; and,

WHEREAS, at the December 13, 2006 meeting, the Board announced its intention to hold a public hearing after the receipt of DCA's written comments commonly referred to as the "ORC Report." DCA issued their ORC report on March 2, 2007; and,

WHEREAS, the Board held public hearings on the adoption of the proposed amendment to the Lee Plan on April 11 and May 16, 2007; and,

WHEREAS, on May 16, 2007, the Board adopted the proposed amendment to the Lee Plan set forth herein.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, THAT:**

**SECTION ONE: PURPOSE, INTENT AND SHORT TITLE**

The Board of County Commissioners of Lee County, Florida, in compliance with Chapter 163, Part II, Florida Statutes, and with Lee County Administrative Code AC-13-6, conducted public hearings to review proposed amendments to the Lee Plan. The purpose of this ordinance is to adopt the amendments to the Lee Plan discussed at those meetings and approved by a majority of the Board of County Commissioners. The short title and proper reference for the Lee County Comprehensive Land Use Plan, as hereby amended, will continue to be the "Lee Plan." **This amending ordinance may be referred to as the "2005/2006 Regular Comprehensive Plan Amendment Cycle CPA2005-05 Three Oaks North Future Land Use Map Amendment Ordinance."**



## SECTION TWO: ADOPTION OF LEE COUNTY'S 2005/2006 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE

The Lee County Board of County Commissioners amends the existing Lee Plan, adopted by Ordinance Number 89-02, as amended, by adopting an amendment, as revised by the Board on April 11, 2007, known as CPA2005-05. CPA2005-05 amends the Future Land Use Map Series of the Plan for an 83±-acre parcel north of Alico Road and adjacent to I-75 from the Industrial Development to Industrial Commercial Interchange Future Land Use category.

The corresponding Staff Reports and Analysis, along with all attachments for this amendment are adopted as "Support Documentation" for the Lee Plan.

## SECTION THREE: LEGAL EFFECT OF THE "LEE PLAN"

No public or private development will be permitted except in conformity with the Lee Plan. All land development regulations and land development orders must be consistent with the Lee Plan as amended.

## SECTION FOUR: GEOGRAPHIC APPLICABILITY

The Lee Plan is applicable throughout the unincorporated area of Lee County, Florida, except in those unincorporated areas included in joint or interlocal agreements with other local governments that specifically provide otherwise.

## SECTION FIVE: SEVERABILITY

The provisions of this ordinance are severable and it is the intention of the Board of County Commissioners of Lee County, Florida, to confer the whole or any part of the powers herein provided. If any of the provisions of this ordinance are held unconstitutional by a court of competent jurisdiction, the decision of that court will not affect or impair the remaining provisions of this ordinance. It is hereby declared to be the legislative intent of

the Board that this ordinance would have been adopted had the unconstitutional provisions not been included therein.

#### SECTION SIX: INCLUSION IN CODE, CODIFICATION, SCRIVENERS' ERROR

It is the intention of the Board of County Commissioners that the provisions of this ordinance will become and be made a part of the Lee County Code. Sections of this ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or other appropriate word or phrase in order to accomplish this intention; and regardless of whether inclusion in the code is accomplished, sections of this ordinance may be renumbered or relettered. The correction of typographical errors that do not affect the intent, may be authorized by the County Manager, or his or her designee, without need of public hearing, by filing a corrected or recodified copy with the Clerk of the Circuit Court.

#### SECTION SEVEN: EFFECTIVE DATE

The plan amendments adopted herein are not effective until a final order is issued by the DCA or Administrative Commission finding the amendment in compliance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before the amendment has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status. A copy of such resolution will be sent to the DCA, Bureau of Local Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

THE FOREGOING ORDINANCE was offered by Commissioner Hall, who moved its adoption. The motion was seconded by Commissioner Judah. The vote was as follows:

Robert P. Janes	Aye
Brian Bigelow	Nay
Ray Judah	Aye
Tammy Hall	Aye
Frank Mann	Aye

DONE AND ADOPTED this 16<sup>th</sup> day of May 2007.

ATTEST:  
CHARLIE GREEN, CLERK

LEE COUNTY  
BOARD OF COUNTY COMMISSIONERS

BY: Marcia Wilson  
Deputy Clerk

BY: Ray Judah  
Robert P. Janes, Chair

DATE: 5-16-07



Approved as to form by:

Donna Marie Collins  
Donna Marie Collins  
County Attorney's Office

STATE OF FLORIDA

COUNTY OF LEE

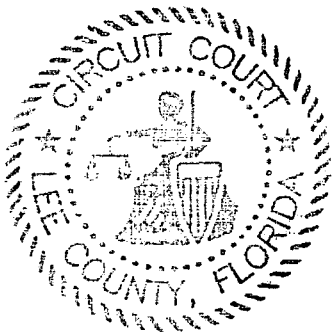
I Charlie Green, Clerk of Circuit Court, Lee County, Florida, and ex-Officio Clerk of the Board of County Commissioners, Lee County, Florida, do hereby certify that the above and foregoing, is a true and correct copy of Ordinance No. 07-10, adopted by the Board of Lee County Commissioners, at their meeting held on the 16th day of May, 2007 and same filed in the Clerk's Office.

Given under my hand and seal, at Fort Myers, Florida, this 21st day of May 2007.

CHARLIE GREEN,  
Clerk of Circuit Court  
Lee County, Florida

By:

Marcia Wilson  
Deputy Clerk



**CPA2005-05  
THREE OAKS NORTH  
PRIVATELY INITIATED  
AMENDMENT  
TO THE**

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**LEE COUNTY COMPREHENSIVE PLAN**

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**THE LEE PLAN**

**Privately Initiated Application  
and Lee County Staff Analysis**

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**BoCC Adoption Document**

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**Lee County Planning Division  
1500 Monroe Street  
P.O. Box 398  
Fort Myers, FL 33902-0398  
(239) 479-8585**

**May 16, 2007**

**LEE COUNTY  
DIVISION OF PLANNING  
STAFF REPORT FOR  
COMPREHENSIVE PLAN AMENDMENT  
CPA2005-05**



Text Amendment



Map Amendment

This Document Contains the Following Reviews:	
✓	Staff Review
✓	Local Planning Agency Review and Recommendation
✓	Board of County Commissioners Hearing for Transmittal
✓	Staff Response to the DCA Objections, Recommendations, and Comments (ORC) Report
✓	Board of County Commissioners Hearing for Adoption

STAFF REPORT PREPARATION DATE: November 14, 2006

**PART I - BACKGROUND AND STAFF RECOMMENDATION**

**A. SUMMARY OF APPLICATION**

**1. APPLICANT/REPRESENTATIVE:**

Paul H. Freeman, Trustee represented by Quattrone and Associates, Inc.

**2. REQUEST:** Amend the Lee Plan's Future Land Use Map series for 169.2± acres in northwest quadrant of I-75 and Alico Road. Section 3, Township 46 South, Range 25 East, Lee County, Florida, lying west of I-75 from Industrial Development and Wetlands to Industrial Commercial Interchange and Wetlands.

**3. REVISED REQUEST:** Amend the Lee Plan's Future Land Use Map series for 82.86± acres in northwest quadrant of I-75 and Alico Road. Section 3, Township 46 South, Range 25 East, Lee County, Florida, lying west of I-75 from Industrial Development and Wetlands to Industrial Commercial Interchange and Wetlands.

## **B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY**

1. **RECOMMENDATION:** Planning staff recommends that the Board of County Commissioners not adopt the proposed amendment to the Lee Plan to the Department of Community Affairs.

### **2. BASIS AND RECOMMENDED FINDINGS OF FACT:**

- Alico Road from US 41 to I-75 is projected to fail by 2030, based on the network contained in the Financially Feasible Plan.
- The change is not a "spot" redesignation of the Industrial Commercial Interchange category and does not create an isolated-island of the Industrial Development category.
- The change will improve on the ability to maintain a diverse economy.
- The change may help to facilitate a working partnership with the Florida Gulf Coast University.
- The change will not impact the population accommodation of the adopted Lee Plan Future Land Use Map.

## **C. BACKGROUND INFORMATION**

### **1. EXISTING CONDITIONS:**

**SIZE OF PROPERTY:** 82.86 acres (4.522 wetland acres)

**PROPERTY LOCATION:** The property is generally located north of Alico Road, West of Interstate 75, east of the proposed Three Oaks Parkway extension.

**EXISTING USE OF LAND:** The applicant has provided information that the subject property is currently use is "vacant/agriculture".

**CURRENT ZONING:** The property is currently zoned AG-2.

**CURRENT FUTURE LAND USE CATEGORY:** The subject property is designated Industrial Development and Wetlands.

### **2. BACKGROUND DISCUSSION:**

The applicant is requesting a change in the property's future land use category from Industrial Development to Industrial Commercial Interchange to allow the creation of "a commercial office, retail and recreation center, a dedication to FGCU to anchor a proposed research park and to expand off campus functions, and a light industrial park that is sensitive to and compatible with the abutting areas with a sensitivity to this highly visible Interstate Corridor Location."

The application states: "The change would allow the property to increase the permitted commercial and office building uses for a comprehensive business park and increase the usefulness for FGCU, to anchor a proposed research park and to expand off campus functions onto land the applicant intends to donate."

## **PART II - STAFF ANALYSIS**

### **A. STAFF DISCUSSION**

#### **INTRODUCTION**

The proposed amendment is the result of a desire to expand the allowable uses of the property from the limited commercial and office uses allowed in the Industrial Development future land use category to allow greater flexibility of those uses. The property fronts on Interstate - 75 and has a high visibility.

#### **COMPREHENSIVE PLAN BACKGROUND**

In 1984 the property was designated as Industrial Development. The property to the north was designated Rural. In 1996 staff proposed changing the property to the north from Rural to Industrial Development. That change was approved by the Board of County Commissioners. The adjacent properties to the south were also designated Industrial Development. During the 1994 Evaluation and Appraisal amendments the Industrial Commercial Interchange located along Alico Road was expanded to the north and now is contiguous to the subject property. The request would therefore be a further expansion to the north of the interchange use.

#### **SURROUNDING ZONING, LAND USES, AND FUTURE LAND USE DESIGNATION**

The application states:

- North of subject parcel is zoned AG-2
- South of subject parcel is zoned CPD
- East of subject parcel is zoned MPD
- West of subject parcel is zoned AG-2 and pending IPD

#### **TRANSPORTATION/TRAFFIC CIRCULATION IMPACTS**

The Lee County Department of Transportation has review this proposal and sent a memorandum to the Director of Planning. The text of that October 25, 2006 memo follows:

"The Department of Transportation has reviewed the above-referenced privately-initiated future land use map plan amendment, to change 169.2 acres north of Alico Road



and west of I-75 from the "Industrial" to "Industrial Commercial Interchange" land use category. As indicated in an October 11<sup>th</sup> e-mail from your staff, the new designation would allow a maximum of 1,692,000 square feet of commercial retail use as a worst case scenario assuming development of the full 169.2 acres, and about 1,152,000 square feet of commercial retail use based on only 93 developable acres on the site. We have run the 2030 Financially Feasible Plan FSUTMS travel demand model for three scenarios: (1) no project; (2) with the project (1,152,000 square feet of commercial); and (3) with the maximum allowable (1,692,000 square feet of commercial).

Under all three scenarios, the six lane section of Alico Road from US 41 to I-75 is projected to fail by 2030, based on the network contained in the Financially Feasible Plan. There is an improvement contemplated in the 2030 Needs Plan network that would relieve Alico Road, the four lane Alico Expressway from Summerlin Road to SR 82, but a definitive source of funding for that improvement has not yet been identified. The potential alignment of the Alico Expressway could affect the property subject to this proposed Three Oaks North comprehensive plan amendment, but no right-of-way has been reserved through the site. The MPO plan suggests the Alico Expressway should be evaluated as a toll facility. Nevertheless, the projected condition of Alico Road based on the Financially Feasible Plan (without the Alico Expressway) begs the question of whether we should be approving any intensity increases in the area that could make a bad situation worse.

Beyond the Alico Road issue, the second scenario with 1,152,000 square feet of commercial also results in the failure of the four lane Three Oaks Parkway from Alico Road up to the project entrance by 2030. Without the project that segment is at Level of Service "B", so the addition of the project clearly has a detrimental effect. The third scenario with 1,692,00 square feet of commercial makes the situation worse, extending the failure on Three Oaks Parkway the entire length between Alico Road and Daniels Parkway. The six laning of this segment is not currently part of the financially feasible plan.

The County's plan amendment package states "(a)n 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." An applicant in this scenario has two options to avoid a staff recommendation of denial: (1) make the financial commitment to cover the full cost of the needed improvement (in this case six laning Three Oaks Parkway) so it can be added to the financially feasible plan; or (2) reduce the level of development so that the impacts don't cause the need for an additional improvement."

Subsequent to these comments the applicant has amended the application to exclude 86.6 acres of the northern half of the proposal. The new impacts from the reduced proposal

assume 783,380 square feet of commercial. DOT staff reran the proposal with the new reduced impacts. The new reduced impacts do affect the level of service for Three Oaks Parkway. Under the new scenario Three Oaks Parkway maintains a level of service of C and is therefore not a problem. Unfortunately, as indicated above in the first scenario with no impacts from this project Alico Road fails. The recommendation not to increase intensity in the area that could make the failing of this roadway facility worse remains.

#### **POPULATION ACCOMMODATION**

The request is to change from Industrial Development to Industrial Commercial Interchange. Neither of these categories allows residential uses. Therefore the population accommodation of the Future Land Use Map (FLUM) is not affected.

#### **ENVIRONMENTAL CONSIDERATIONS**

Environmental Sciences staff is currently reviewing an application to the South Florida Water Management (SFWMD) district for an Environmental Resource Permit (ERP) for the Three Oaks Parkway and Oriole Road extension. This permit encompasses some 56.86 acres. Associated with this permit application is a request for conceptual approval of the surface water management system serving an additional 538.48 acres, known as the Three Oaks Commerce Park. The subject property is included in that acreage. The SFWMD staff is recommending approval of the ERP application. No objection is expected from Environmental staff.

#### **SOILS**

A map of the soils for the property is included in the application as Exhibit C-1 and C-2.

#### **HISTORIC RESOURCES**

According to the application, there are not any historical resources located on the property and the subject parcel is not located in one of the two levels of the archeological sensitivity areas.

#### **SCHOOL IMPACTS**

With no increase in population the proposed amendment will not impact the school district. No additional classrooms will be required.

#### **PARKS, RECREATION, AND OPEN SPACE**

With no increase in population the proposed amendment will not impact Community or Regional Park needs.

#### **POLICE**

The subject property is located within the service area of Lee County Sheriff's Office. A letter confirming the availability of service has been submitted.

**FIRE**

The subject property is located within the service area of the San Carlos Fire District. To date no letter confirming the availability of service has been submitted. Staff understands that the services will be available.

**EMERGENCY MEDICAL SERVICES (EMS)**

The subject property is located within the service area of Lee County Emergency Medical Services. To date no letter confirming the availability of service has been submitted. Staff understands that the services will be available.

**SOLID WASTE**

The subject property is served by Lee County Solid Waste. To date no letter confirming the availability of service has been submitted. Staff understands that the services will be available.

**MASS TRANSIT**

Lee Tran Rout 60 runs along Alico Road from Oriole Road to Three Oaks Parkway. The opening of the Three Oaks Parkway and the Oriole Road extensions and the establishment of an employment center on the subject property mass transit could be revised to serve this area.

**UTILITIES**

The subject property is located within the future service area of Lee County Utilities. To date no letter confirming the availability of service has been submitted. Staff understands that the services will be available.

**B. CONCLUSIONS**

Most of the urban services necessary to support the proposed change of use are in place or can be made available. The proposed changes to the allowable uses for the subject property have merit. Development of a wider range of uses, including research and development facilities, on property with such a high visibility from Interstate-75 has a certain appeal. However, with or without the proposed Lee Plan amendment, Alico Road is projected to fail by the year 2030. This fact makes recommending approval of an increase in intensity for the subject property unfeasible.

**C. STAFF RECOMMENDATION**

Staff recommends that the proposed amendment not be transmitted. Staff further recommends that the county through the Office of Economic Development, the Department of Transportation, and the Department of Community Development work with the property owner to try to address the transportation issues on Alico Road. If a

solution to the roadway problems can be identified this amendment should be brought back for additional consideration.

### **PART III - LOCAL PLANNING AGENCY REVIEW AND RECOMMENDATION**

PUBLIC HEARING DATE: November 27, 2006

#### **A. LOCAL PLANNING AGENCY REVIEW**

Staff made a brief presentation to the LPA to introduce the amendment and stated the recommendation. This was followed by the applicant's presentation which emphasized the working partnership with Florida Gulf Coast University including the donation of land for a 50,000sf office building for research and development activities. The applicant explained the intended development would include office uses not necessarily related to the industrial uses within the development. Per the Lee Plan Industrial Development category, office uses must be specifically related to adjoining industrial uses. The commercial retail uses envisioned for the site will serve the workers not only of this site, but also the employees of the over 6 million square feet of industrial uses already approved in the Industrial Development lands to the west of the project. The applicant also stated the projects proximity along I-75 (a corridor approximately 1,900 feet in length) and closeness to the entrance of The Southwest Florida International Airport establishes this project as a gateway to Lee County. This amendment will allow some flexibility in producing an attractive commercial corridor at this location. The applicant explained how the proposal was "scaled back" to address the impacts on the future Three Oaks Parkway extension from Alico Road to Daniels Parkway. The property included in the request was reduced from over 169 acres to less than 83 acres. The applicant realizes that this reduction in the request does not eliminate the concerns raised by Lee County DOT regarding Alico Road. The applicant stated they understand that the issues with Alico Road will need to be addressed prior to any development occurring on the site. It was also stated that, since Alico Road is projected to fail regardless of how the subject property is developed. Therefore, the problem is not isolated to this site but needs to be addressed for the entire Alico Road corridor.

No public comment was received on this amendment.

The LPA discussed the fact that this proposal was an appropriate change on the Future Land Use Map to allow a public/private partnership with the university and related uses that are not possible with the existing Future Land Use Designation. One LPA member inquired about the service providers specifically utilities. When the report for the LPA was printed, this information was not available, since that time staff has received the letters from the applicant from the San Carlos Fire Department, State of Florida Division of Historical Resources, Lee County Utilities, Lee County Solid Waste, Lee County School District, Lee County Sheriff's Department, and the Southwest Florida International Airport. These letters are now included in the attached application

package. The discussion then focused primarily on the issue which was the basis for staff's recommendation, the fact that Alico road is projected to fail by the Year 2030. The LPA was informed that Alico Road will fail regardless of the development on the subject site and the Level of Service situation requires a solution with or without this amendment being approved. The proposed site is less than 4% of the entire area north of Alico Road designated Industrial Development and Industrial Commercial Interchange. The LPA continued the discussion on the most appropriate designation for the site in terms of furthering the goals of the County. The LPA concluded that the county needed to be "forward thinking" regarding Future Land Use decisions. One LPA member stated "Don't hold the property from good planning based on a technical issue that will need to be resolved prior to permitting". The motion was made and seconded to recommend transmittal of this amendment.

**B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY**

1. **RECOMMENDATION:** The LPA recommends that the Board of County Commissioners transmit the proposed amendment.
2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The LPA advances the findings of fact presented by staff and additionally finds that the Alico Road LOS issue should be address by Lee County and the applicant prior to development occurring on the site.

**C. VOTE:**

NOEL ANDRESS	Aye
DEREK BURR	Aye
RONALD INGE	Aye
CARLETON RYFFEL	Absent
RAYMOND SCHUMANN, ESQ	Aye
RAE ANN WESSEL	Aye
VACANT	

**PART IV - BOARD OF COUNTY COMMISSIONERS  
HEARING FOR TRANSMITTAL OF PROPOSED AMENDMENT**

**DATE OF TRANSMITTAL HEARING:** December 13, 2006

**A. BOARD REVIEW:**

Staff made a brief introduction for the amendment and stated the staff recommendation was to not transmit based on transportation issues and that the LPA recommendation was to transmit the amendment.

The applicant presentation followed staffs. The applicant's representative presented the history of the amendment including the reduction in the size of the property included in the request from 169± to 83± acres. This was done in response to issues with the level of service on the extension of Three Oaks Parkway which will be built from Alico Road to Daniels Parkway. The proposed change would allow the development of a research and development complex for the Florida Gulf Coast University as well as office space for the university on a portion of the property that will be donated by the land owner to the university. It was stated that the anticipated development is still primarily industrial. However, the existing Future Land Use Map Category would precludes the proposed projects due to the requirement that commercial be ancillary to the industrial uses within the development. It was stated that development intended for the site will be mixed use with 50% industrial, 30% commercial, and 20% retail. The Industrial Development category limits commercial development to 10% of the total project and limits retail development within a Planned Development to 30,000 square feet. Also, the property is located on major corridors in Lee County (Three Oaks Parkway and Interstate 75) and this change would allow a cleaner look on these corridors. The speaker stated it was understood the road issue would need to be resolved prior to development.

The applicant spoke next and re-emphasized that the change would allow development that would present a better image along the interstate and Three Oaks Pkwy.

A representative from the Florida Gulf Coast University spoke in favor of the amendment. The university spokesperson made three points for supporting the change;

1. The current designation will not allow the university to add office space on the site,
2. The university has a stated need for research and development space, and
3. There is a fear that maintaining the current designation will only add more industrial truck traffic in the area.

The discussion went back to the board and staff was asked if there were concerns with the amendment beyond the transportation issues. Staff responded that the proposed change to the Future Land Use Map was generally considered favorably and that if it were not for

the transportation issue the recommendation would have been to transmit the amendment. Staff stated that the only improvement that might alleviate the LOS problem is the Alico Expressway which is not on the financially feasible plan. To find this change consistent with the Lee Plan, this project would have to be listed in the comprehensive plan as financially feasible. Staff added making the change on the Future Land Use Map would not eliminate the LOS issue from being raised at the time of concurrency and development order review. A board member then asked if the Three Oaks Parkway LOS could become an issue as well. Staff stated that in a worst case situation the segment of Three Oaks Parkway between Alico Rd and Daniels Parkway might have a LOS problem. Staff was asked if mining would be allowed in the Industrial Development category. Staff responded that it was allowed in Industrial Development, but not in the Industrial Commercial Interchange category. A general consensus among the board members was that the transportation issues, that were the basis for the recommendation of denial, would be resolved before development occurred. They also agreed that the Alico Expressway option east of US 41 should be revisited as an option to address the situation. The Alico Expressway met with opposition due to environmental concerns west of US 41. One board member had concerns with approving an amendment that could increase the impacts on a failing roadway. The motion was made and seconded to transmit the amendment.

**B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:**

1. **BOARD ACTION:** The Board voted to transmit the proposed amendment, as recommended by the local planning, to the Florida Department of Community Affairs for their review.
2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The Board advanced the Local Planning Agency Findings of Fact.

**C. VOTE:**

<b>A. BRIAN BIGELOW</b>	<u>NAY</u>
<b>TAMMARA HALL</b>	<u>AYE</u>
<b>BOB JANES</b>	<u>AYE</u>
<b>RAY JUDAH</b>	<u>AYE</u>
<b>FRANKLIN B. MANN</b>	<u>AYE</u>



**PART V – DEPARTMENT OF COMMUNITY AFFAIRS  
OBJECTIONS, RECOMMENDATIONS, AND COMMENTS (ORC) REPORT**

**DATE OF ORC REPORT:** March 2, 2007

**A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS:**

***AI: CPA 2005-05; Three Oaks North:***

*This is a request to change the land use designation on an 82.86-acre site from Industrial Development to Industrial Commercial Interchange. The Department raises the following issues with the proposed land use change:*

**OBJECTION**

- 1) **Traffic Impact:** The proposed amendment is not supported by data and analysis of the impact of the amendment on transportation facilities and a demonstration that transportation facilities are available or planned to be available within the next five years to accommodate the impact of the amendment. No analysis is included that assesses the impact of the amendment within the short range planning timeframe of five years to identify the existing and future road capacity that can accommodate the maximum amount of development allowed by the proposed Future Land Use Map category. In addition, according to the County's staff report, Alico Road, one of the roadways to be impacted, is projected to fail by 2030 with or without the amendment. Furthermore, according to the Florida Department of Transportation (FDOT), the proposed amendment could create potentially 20,000 additional trips which will worsen the traffic situation at the intersection of Alico Road and 1-75 that is currently operating at a level of service "F". Thus, this amendment is inconsistent with the requirements of state law which requires comprehensive plans be coordinated with the availability of public facilities. [Chapter 163.3177(2), (6)(a) & (b), & (S), Florida Statutes (F.S.); 9J-5.006(3)(b)1.,(3)(c)3., and 9J-5.019(3)(d), (f), & (h), Florida Administrative Code (F.A.C.)]*

***Recommendation:*** *Provide data and analysis that shows the impact of the maximum development allowed by the proposed land use change on transportation facilities within the study area at the adopted level of service standards and also demonstrating that roadway capacity exist or is planned to accommodate the impact of the amendment within the next five years. The analysis should show the existing condition of the roadways with and without the amendment and the condition during the short term planning timeframe of five years with and without the amendment. If the analysis shows that there is no capacity on the impacting roadways to accommodate the amendment, the County should include improvements in a financially feasible Five-Year Schedule of Capital Improvements to provide the needed capacity. If the improvement will be paid for by a developer, the schedule of capital improvements should be accompanied by an executed agreement between the County and the developer to demonstrate the financial feasibility of the schedule.*

## **OBJECTION**

- 2) **Water and Sewer Facility Analysis:** With respect to water and sewer according to information provided the amendment will create a demand for water and sewer of 110,088 GPD. No analysis is provided to identify the demand individually, for water and sewer, based on the adopted level of service standards and the maximum development allowed by the proposed designation, and taking into account the existing and committed demands, as well as the existing capacity in order to identify any surplus or deficit that exists. [Chapter 163.3 177(6)(a) & (c), & (8), F.S.; 9J-5.006(3)(b)l., (3)(c)3., Rules 9J-5.011(l)(f); F.A.C.]

**Recommendation:** *Revise the supporting data and analysis for this amendment to analyze the impact of this amendment on water and sewer facilities capacity and delivery system in order to address the issues raised above. The analysis should show the current demand, committed demand, and the demand due to this amendment based on the City's adopted level of service standards, and indicating the surplus or deficit that exist in the system. If the analysis shows a deficit, include in the Capital Improvements Element, a schedule of improvements that is financially feasible which will enable the facilities to be available to serve the needs of this amendment.*

## **OBJECTION**

- 3) **Potable Water Supply Sources:** The potable water information provided does not address the availability and adequacy of water at the sources to meet the demand of this amendment plus the existing and committed demands. This is not consistent with State law which requires each local government to address in their comprehensive plan the water supply sources necessary to meet and achieve the projected water use demand for the established planning period. [Chapter 163.3 167(13), F.S., and Rule 9J-5.013(l)(c), F.A.C.]

**Recommendation:** *Revise the analysis to identify the potable water source or sources that will be relied upon for this amendment and demonstrate the adequacy of water at that source to meet the projected demand. The analysis should take into account the existing demand, the committed demand, and the demand due to this amendment, and demonstrate that adequate water is available at the identified source or planned to be available to meet the need created by this amendment. This information is necessary in order to demonstrate consistency with the above cited provisions of the law.*

## **B. STAFF RESPONSE:**

The applicant's response to the ORC is attached (see attached).

The first objection raised in the ORC Report relates to transportation issues. Staff has worked with the applicant to revise the policy language for the Industrial Commercial Interchange category. The proposed amendment will increase the amount of land in this designation and reduce the amount of land designated Industrial Development. The Industrial Commercial

Interchange category is only in place on the north side of Alico Road on the east and west sides of Interstate 75. Any expansion of this category will reduce the amount of either the Industrial Development category or the Tradeport category, both of which are considered as primary resources for accommodating the industrial needs of Lee County. As stated in the staff analysis portion of this report, staff is supportive of the change from Industrial Development to Industrial Commercial Interchange in this area to allow the development proposed (see staff analysis conclusion). Staff recommended to "not transmit" this amendment based on transportation issues. A large factor in the transportation issue is due to the fact that the current policy language (Policy 1.3.4) will allow the site to be developed entirely with retail commercial uses which generate higher trip counts. The revised language to the category description, provided below, limits the amount of retail allowed and also establishes a minimum amount of industrial uses. Staff had concerns that there were no guarantees that projects in the "Industrial Commercial Interchange" would contain any industrial uses. In fact, both projects due south of the subject property and the project at the north east quadrant of the I-75/Alico Road interchange are approved for commercial planned developments containing primarily retail uses. These projects are all in the Industrial Commercial Interchange Category. Lee County is currently analyzing the commercial and industrial needs of the county due to the acknowledgement that good locations for employment centers are becoming scarce. The proposed amendment language to Policy 1.3.4 provides a guarantee that no less than half of a project will be industrial. It also does not preclude the entire site from being developed for industrial uses. This language change will only affect property that is re-designated to the Industrial Commercial Interchange category.

***POLICY 1.3.4:** The Industrial Commercial Interchange areas are designated to permit a mixture of light industrial and/or commercial uses. This category does not permit heavy industrial uses. Within areas expanded beyond the existing Industrial Commercial Interchange boundaries (on January 1, 2007), retail commercial uses will be limited to 20% of the total floor area and light industrial uses will be a minimum of 50% of the total floor area.*

The limitations added by the proposed policy language will reduce the daily trips by 53%, to 12,128 trips, for the "worst case scenario" analysis and the PM Peak Trips by 43%, to 1,326 trips, from what was reviewed for the initial staff report. The applicant has stated that Alico Road is still expected to fail by 2030 with or without the project but will remain "above failing" in the five-year time frame. The ORC report requests that an analysis of the short term conditions with and without this amendment be provided. The response is not clear and data has not been provided, by the applicant, to show the LOS of Alico Road in the five-year time frame with this project. Additionally a memo from Lee County Department of Transportation (attached) dated April 5, 2007 indicates that the construction phase of the Three Oaks Parkway Extension north from Alico Road to Daniels Parkway is expected to be moved outside of the five-year window (beyond Fiscal Year 2011/2012). Without this improvement, all trips from this project would be forced onto Alico Road, provided that the

developer came to an agreement with Lee County to construct the portion of the Three Oaks Parkway extension needed to access this site. Staff's concern regarding the LOS of Alico Road in 2030 still exists. Additionally, if the construction of the Three Oaks Parkway extension is moved beyond the five-year time frame, staff is concerned what the impact of this amendment will be on the level of service of Alico Road

The second and third objections from the ORC Report address the water and sewer facility analysis and the availability of potable water. The applicant has provided development parameter engineering plans for infrastructure associated with the Three Oaks North development plan. These plans show a 16" water main and 8" force main adjacent to the subject property which will be financed by the developer.

Potable water to the site is provided by Lee County Utilities. The applicant has provided a "Potable Water and Wastewater Availability" letter from Lee County Utilities. The two closest water treatment plants (WTP) are the Green Meadows WTP and the Corkscrew WTP. The Green Meadows WTP has an existing Design Capacity of 10,500,000 gallons per day. This plant has a planned expansion currently in the design phase which will add 4,500,000 gallons per day to the capacity. This project is funded in the CIP and will be completed in FY08/09. The maximum daily flow for this plant is expected to be 9,900,000 gallons per day in 2008. The Corkscrew WTP has recently been expanded and has a design capacity of 15,000,000 gallons per day. The projected 2008 maximum daily flow for the Corkscrew WTP is 11,300,000 gallons per day. The estimated daily flow for the subject site with the proposed land use designation is 64,000 gallons per day. The two closest WTP combined are projected to have an excess capacity of 8.8 MGD.

Sanitary Sewer services are also provided by Lee County Utilities. The applicant has provided a "Potable Water and Wastewater Availability" letter from Lee County Utilities. The site is served by the Three Oaks Sewage Treatment Plant (STP). This facility has an existing capacity of 3,000,000 gallons per day which is currently being expanded to 6,000,000 gallons per day. This project is funded in the CIP and is in the completion stage.

#### **C. STAFF RECOMMENDATION:**

Planning staff recommends that the Board of County Commissioners not adopt this proposed amendment to the Future Land Use Map (Map 1 page 1) changing 82.86 acres from Industrial Development to Industrial Commercial Interchange.

**PART VI - BOARD OF COUNTY COMMISSIONERS  
HEARING FOR ADOPTION OF PROPOSED AMENDMENT**

**DATE OF ADOPTION HEARING:** May 16, 2007

**A. BOARD REVIEW:** This amendment was scheduled on the administrative agenda. Staff presented this amendment with an explanation regarding proposed new language for Policy 1.3.4. Staff stated that this new language addressed concerns that the area could be developed entirely as a retail site. The applicant agreed with the proposed language and stated that it is consistent with their intended project. Staff stated the recommendation was still to deny the project based on long range transportation issues; however, the applicant's response to the ORC report does address and satisfies the objections raise by DCA. At the hearing, the applicant was able to supply the BoCC with an analysis of the impacts the change would have on the surrounding road network. This analysis demonstrated that the existing and planned improvements are sufficient to accommodate the trips anticipated to be generated by the proposed development. Members of the board asked about the future conditions of Alico Road to clarify that it is a facility that will need to be addressed regardless of the outcome of this decision. The Board voted to adopt the proposed change to the Future Land Use Map and amend Policy 1.3.4 with the language presented by staff.

**B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:**

- 1. BOARD ACTION:** The Board of County Commissioners voted to adopt the proposed plan amendment.
- 2. BASIS AND RECOMMENDED FINDINGS OF FACT:** The Board of County Commissioners found that the applicant has addressed the objections raised by the DCA in the ORC report. The BoCC also found that the transportation issues regarding Alico Road need to be addressed regardless of the adoption of this amendment and that this proposal is not causing the deficiencies. The BoCC also accepted the facts advanced by staff and the LPA.

**C. VOTE:**

<b>BRIAN BIGELOW</b>	<u>NAY</u>
<b>TAMMARA HALL</b>	<u>AYE</u>
<b>BOB JANES</b>	<u>AYE</u>
<b>RAY JUDAH</b>	<u>AYE</u>
<b>FRANK MANN</b>	<u>AYE</u>

## Memo

To: Paul O'Connor, Planning Director

From: David Loveland, Manager, Transportation Planning *DL*

Date: April 5, 2007

Subject: CPA 2005-00005 (Three Oaks North)

The Department of Transportation had previously reviewed the above-referenced privately-initiated future land use map plan amendment, to change 169.2 acres north of Alico Road and west of I-75 from the "Industrial" to "Industrial Commercial Interchange" land use category. Last October, we ran the 2030 Financially Feasible Plan FSUTMS travel demand model for three scenarios: (1) no project; (2) with the project limited based on 93 developable acres (1,152,000 square feet of commercial); and (3) with the maximum allowable (1,692,000 square feet of commercial). Under all three scenarios, the six lane section of Alico Road from US 41 to I-75 was projected to fail by 2030, based on the network contained in the Financially Feasible Plan. Beyond the Alico Road issue, the second scenario with 1,152,000 square feet of commercial also resulted in the failure of the four lane Three Oaks Parkway from Alico Road up to the project entrance by 2030. Without the project that segment was projected at Level of Service "B", so the addition of the project clearly had a detrimental effect. The third scenario with 1,692,00 square feet of commercial made the situation worse, extending the failure on Three Oaks Parkway the entire length between Alico Road and Daniels Parkway. The six laning of this segment is not currently part of the financially feasible plan.

We have now been asked to run the 2030 model again with a fourth scenario, limiting the project to 399,000 square feet of industrial use, 225,000 square feet of office use, and 160,000 square feet of retail use. The segment of Three Oaks Parkway from Alico Road to Daniels Parkway does not degrade under the new scenario by 2030, remaining at Level of Service "B". As would be expected, the segment of Alico Road from US 41 to I-75 is still projected to be Level of Service "F". We had previously noted that there is a potential solution for the Alico Road situation identified in the 2030 Needs Plan, which would be contingent upon additional funding to become financially feasible. That improvement is the four lane Alico Expressway from Summerlin Road to SR 82, which could potentially be a toll facility, but would require significant analysis to determine whether it is toll feasible and whether there is a suitable alignment (which could potentially affect the property that is the subject of this amendment). This situation was previously highlighted for the Board of County Commissioners at the transmittal hearing, and they felt the project was still worthy of transmittal.

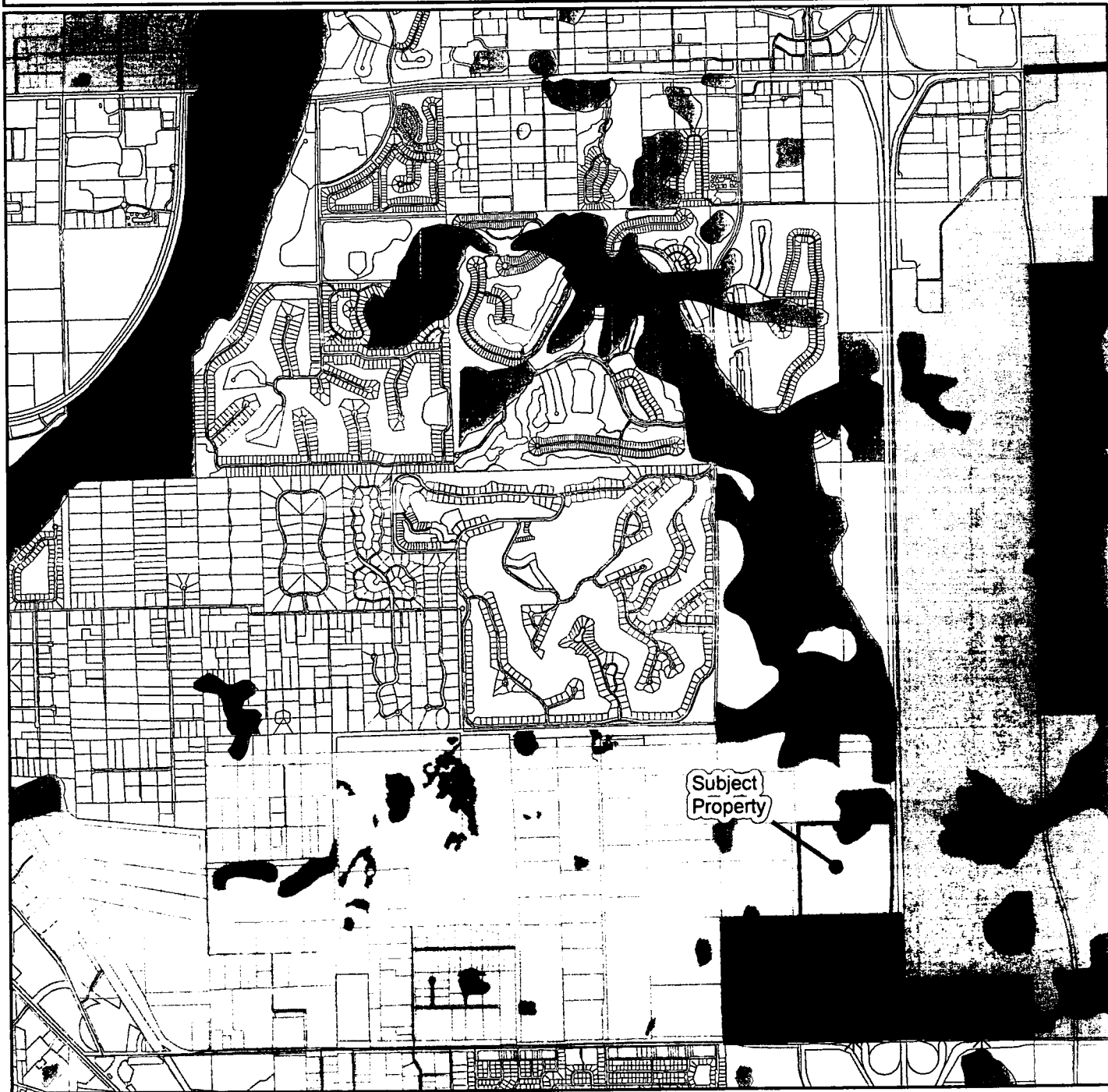
Memo to Paul O'Connor  
April 5, 2007  
CPA 2005-00005  
Page 2

One final note that relates to the short-term analysis requested by the Florida Department of Community Affairs. The County's current adopted Transportation Capital Improvement Program includes the four-lane extension of Three Oaks Parkway from north of Alico Road (connecting to a segment that is supposed to be built by this same applicant) to Daniels Parkway. The construction phase is currently identified in Fiscal Year 2009/2010 at a total cost of \$21.2 million. That same program assumes a right-of-way acquisition phase of \$8.4 million. Lee County DOT has recently drafted the annual update of the Transportation Capital Improvement Program, and the Three Oaks North Extension is expected to change significantly. Most notably, the right-of-way acquisition costs have increased by \$14.6 million and the construction costs have increased by \$3 million, which has led to the construction phase being moved outside the five-year window (beyond Fiscal Year 2011/2012). Although the draft CIP is still going through internal review and won't be presented to the Board of County Commissioners until June and adopted until September, we do not expect this programming status to change.

Thank you for this opportunity to comment. Please let me know if you have any questions.

cc: Rick Burris  
Donna Marie Collins

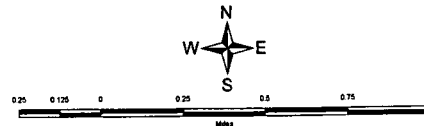
# THIRD DRAFT REPORT OF THE LEE COUNTY DCD/PLANNING DIVISION 2007-2008



Generated: December 2006  
 Source: Lee County DCD/Planning  
 Legal: Provided by applicant

## Legend

Intensive Development	General Interchange	Coastal Rural
Central Urban	General Commercial Interchange	Outer Island
Urban Community	Industrial Commercial Interchange	Open Lands
Suburban	University Village Interchange	Density Reduction/Groundwater Resource
Outlying Suburban	New Community	Conservation Lands - Uplands
Industrial Development	Tradeport	Wetlands
Public Facilities	Airport	Conservation Lands - Wetlands
University Community	Rural	
Industrial Interchange	Rural Community Preserve	



LEE COUNTY  
 SOUTHWEST FLORIDA  
 DIVISION OF PLANNING



# THREE CAPS NORTH FACILITY DEVELOPMENT MAP CRANFORD 00000



Generated: December 2006  
 Source: Lee County DCD/Planning  
 Legal: Provided by applicant

## Legend

Intensive Development	General Interchange	Coastal Rural
Central Urban	General Commercial Interchange	Outer Island
Urban Community	Industrial Commercial Interchange	Open Lands
Suburban	University Village Interchange	Density Reduction/Groundwater Resource
Outlying Suburban	New Community	Conservation Lands - Uplands
Industrial Development	Tradeport	Wetlands
Public Facilities	Airport	Conservation Lands - Wetlands
University Community	Rural	
Industrial Interchange	Rural Community Preserve	



**THREE OAKS NORTH CPA  
CPA2005-00005**

**APPLICATION FOR A  
LARGE-SCALE COMPREHENSIVE  
PLAN AMENDMENT**

**LEE COUNTY, FLORIDA**



**THREE OAKS NORTH (CPA2005-00005)**

**SUFFICIENCY RESPONSE**

**Revised Application and  
Supplemental Data  
CPA2005-00005 (11-15-2006)**



Lee County Board of County Commissioners  
Department of Community Development  
Division of Planning  
Post Office Box 398  
Fort Myers, FL 33902-0398  
Telephone: (239) 479-8585  
FAX: (239) 479-8519

**APPLICATION FOR A  
COMPREHENSIVE PLAN AMENDMENT**

(To be completed at time of intake)

DATE REC'D \_\_\_\_\_

REC'D BY: \_\_\_\_\_

APPLICATION FEE \_\_\_\_\_

TIDEMARK NO: \_\_\_\_\_

THE FOLLOWING VERIFIED:

Zoning ☐

Commissioner District ☐

Designation on FLUM ☐

-----  
(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: 19

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.

**11/15/06**

DATE

SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

## I. APPLICANT/AGENT/OWNER INFORMATION

**Paul H. Freeman, Trustee**

APPLICANT

**19091 Tamiami Trail, SE**

ADDRESS

**Fort Myers**

**FLORIDA**

**33908**

CITY

STATE

ZIP

**239.267.3999**

**239.267.7622**

TELEPHONE NUMBER

FAX NUMBER

**AL QUATTRONE – QUATTRONE AND ASSOCIATES, INC.**

AGENT\*

**11000 METRO PARKWAY, SUITE 30**

ADDRESS

**FORT MYERS**

**FLORIDA**

**33912**

CITY

STATE

ZIP

**239.936.5222**

**239.936.7228**

TELEPHONE NUMBER

FAX NUMBER

**Paul H. Freeman, Trustee**

OWNER(s) OF RECORD

**1940 West 49<sup>th</sup> Street, Suite #410**

ADDRESS

**Hialeah**

**FLORIDA**

**33012**

CITY

STATE

ZIP

**305.827.3331**

**305.826.2092**

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 20)

List Number(s) of Map(s) to be amended  
**Map 1**

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

**1. Amend the Future Land Use designation (Map 1) from Industrial to Industrial Commercial Interchange for 82.86 acres, less 4.522 acres of jurisdictional wetlands which are to remain in the Wetland FLUM, contained in TWO parcels lying in Section 3, Township 46 South, Range 25 East, Lee County, Florida, lying west of I-75, in the Gateway/Airport Planning Community on the west side of I-75 south of the SWFIA Drainage Conveyence, north of Alico Road and east of the planned Three Oaks Parkway North Extension.**

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

**A. Property Location: Subject parcels are located west of I-75, east of Three Oaks Parkway Extension North, south of Daniels Parkway and north of Alico Road.**

**1. Site Address: Access undetermined (will be Three Oaks Parkway North)**

**2. STRAP(s): 03-46-25-00-00001.1020, 03-46-25-00-00001.1050**

**B. Property Information**

**Total Acreage of Property: 78.338 acres**

**Total Acreage included in Request: 78.338 acres**

**Area of each Existing Future Land Use Category:**

**82.860 acres Industrial Development**

**Total Uplands: 78.338 acres**

**Total Wetlands: 4.522 acres(excluded from legal description for inclusion in land use change – to remain in wetland FLUC)**

Current Zoning: AG-2

Current Future Land Use Designation:

**INDUSTRIAL DEVELOPMENT (and some WETLANDS)**

Existing Land Use: Vacant Agricultural Land

- 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: No

Airport Noise Zone 2 or 3: No, small portion in DNL 60 contour

Acquisition Area: No

Joint Planning Agreement Area (adjoining other jurisdictional lands): No

Community Redevelopment Area: No

- D. Proposed change for the Subject Property: **Amend the Future Land Use Map (1) designation to Industrial Commercial Interchange for a commercial office, retail and recreation center, a dedication to FGCU to anchor a proposed research park and to expand off campus functions, and a light industrial park that is sensitive to and compatible with the abutting areas with a sensitivity to this highly visible Interstate Corridor Location.**
- E. Potential development of the subject property:

1. Calculation of maximum allowable development under existing FLUM:

Residential Units/Density: **0.0 SF not permitted in the Industrial FLUM.**

Commercial intensity: **30,000 SF retail 760,000 SF industrial with an approximate 25% commercial office mix.**

Industrial intensity: **790,000 SF calculating 79 acres developable (pavement and building areas) at an intensity of approximately 10,000 SF of building per acre (no commercial).**

2. Calculation of maximum allowable development under proposed FLUM:

Residential Units/Density: **0.0 - not permitted in land use category existing or requested.**

Commercial intensity: **790,000 SF calculating 79 acres at an intensity of approximately 10,000 SF of building per acre (no industrial).**

Industrial intensity: 790,000 SF calculating 79 acres at an intensity of approximately 10,000 SF of building per acre (no commercial).

#### 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.  
**See attached document – Exhibit A-1.**
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.  
**See Attached Map - Exhibit A-2.**
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.

**See Attached Map - Exhibit A-3 and A-4.**

**Proposal Overview**

The subject property is located within the Gateway/Airport Planning Community with a Future Land Use designation of Industrial and is zoned AG-2. The subject property is currently vacant and is being used for cattle grazing. The site is in close proximity to the SWFIA and FGCU between Alico Road and Daniels Parkway. The property will have approximately 1,900 linear feet of frontage on Three Oaks Parkway North Extension and a similar amount of frontage on I-75.

The Gateway/Airport Planning Community has allocated 3,096 acres of land for industrial of which 262 acres are used leaving 2,834 available.

Most of this land is to the west of the subject property across the Three Oaks right-of-way north of Alico Road. The great majority of this land is accessed by service roads that connect the industrial land to Alico Road and do not connect to other roads. Appropriately these Industrial designated properties with the potential for heavy industrial development are isolated helping to reduce the potential impacts such as visual, noise, odor, dust, truck traffic, etc from other less intense uses.

In contrast, the subject property dominates a significant amount of Three Oaks Parkway and I-75 road frontage between Daniels Parkway and Alico Road. It is not unreasonable to argue that this corridor will be highly traveled by commuters, shoppers, tourists and other local traffic that is non-commercial and non-industrial based.

The Industrial future land use category limits the amount of office, retail and other non-industrial land uses understandably so the county can retain land for industrial uses that are necessary for balanced growth. We agree this is important and are not proposing to eliminate industrial uses from the land, hence the Industrial Commercial Interchange request. We feel that the highest and best use of the subject property is industrial park development mixed with office, retail and business park and for FGCU off-campus research park development along Three Oaks Parkway. The aforementioned uses are unable to be pursued under the Industrial FLUC since commercial, retail and office uses would need to exceed the Industrial FLUC limitation of 10% of potential development within the planned development.

The proposed land use change would allow:

1. FGCU to expand off-campus activities by increasing the permitted commercial and office building uses necessary for a comprehensive business park and enabling FGCU to anchor a proposed research park onto land the applicant intends to donate;
2. A recapturing of developable Industrial Commercial Interchange land lost to the Alico Road/I-75 Interchange improvements that has resulted in moving nearly 60 acres of Industrial Commercial Interchange land into the I-75 right-of-way. The recent expansion of the I-75 interchange at the northwest corner of Alico Road and the interstate reduced the developable acreage by approximately 30 acres. The expansion on the northeast corner of Alico Road and I-75 reduced the developable acreage by approximately 15 acres. The requirements of detention ponds along I-75 is causing a decrease developable acreage in the southwest quadrant of Alico Road and I-75 by another 15 acres;
3. An improvement of visual impacts upon Three Oaks Parkway and I-75 by diversifying the development potential with a greater



percentage of commercial, retail, and office uses as opposed to domination by an industrial park;

4. An improvement of services to county residents, FGCU students and personnel, and tourists by providing retail, office and other professional employment centers along an easily accessible, and highly visible major arterials; and
5. A diversification of the employment center beyond industrial and warehouse jobs to professional office, research park, retail and business services.

As statistics show less than 10% of the industrial land in the Gateway/Airport Planning Community have been utilized. The planning community has been allocated 824 acres of land for commercial of which 178 acres are used, therefore, 646 acres remain available for use. Neither category are in short supply so we had to look at the highest and most appropriate use of the property with the greatest long term benefits to the county given its location and characteristics.

#### Surrounding Land Uses

**EAST:** The property to the east is I-75. Across I-75 is a large tract of land that is part of a 275 acre mixed-use planned development. The property is currently vacant, zoned MPD (Airport Interstate Commerce Park, Z-05-029) approved for up to 1.4 million SF industrial and 309,000 SF retail and office commercial located within the Tradeport FLUC.

**SOUTH:** The property to the south is currently vacant but with an approved commercial planned development. The Alico Crossroads Center CPD (Z-03-017) is approved for 300,000 SF retail and 51,000 SF office. The CPD extends from the southern most property boundary of the subject property to Alico Road/Three Oaks Parkway North/I-75 interchange.

**WEST:** Directly west of the site is the future Three Oaks Parkway North Extension right-of-way. Then, west at the Three Oaks Parkway right-of-way just south of the SWFIA Conveyance, is a pending rezoning for Three Oaks Commerce Park to an industrial planned development. The property is currently zoned AG-2 in the Industrial FLUC. Next, is the planned extension of Oriole Road and vacant lands zoned AG-2 in the Industrial FLUC.

**NORTH:** North of the property are three parcels that are vacant and contain a borrow pit, wetland and a lot of designated preserve areas. Further north is the 200' SWFIA Conveyance canal, buffering the property from the vacant Rural category land to the north.

4. Map and describe existing zoning of the subject property and surrounding properties.

**See Attached Map - Exhibit A-3 and A-4.**

Subject parcel is zoned AG-2  
North of subject parcel is zoned AG-2  
South of subject parcel is zoned CPD  
East of subject parcel is zoned MPD  
West of subject parcel is zoned AG-2 and pending IPD

5. The legal description(s) for the property subject to the requested change.  
A tract or parcel of land lying in Section 3, Township 46 South, Range 25 East, Lee County, Florida, described as follows:

Commencing at the Northwest corner of the aforesaid Section 3; thence run N.89°24'36"E. along the North line of said Section 3 for 1508.74 feet; thence run S.00°36'43"E. for 2097.19 feet to a point on the centerline of Three Oaks Parkway (150.00 feet wide); thence run N.89°23'17"E. for 75.00 feet to the point of beginning; thence continue N.89°23'17"E. for 1908.17 feet to the Westerly right-of-way line of Interstate Highway No. 75; thence run S.00°37'07"E. along said Westerly right-of-way line for 1222.63 feet; thence run S.03°23'08"W. along said Westerly right-of-way line for 672.48 feet; thence run N.89°23'08"E. along said Westerly right-of-way line for 18.08 feet; thence run S.00°36'52"E. along said Westerly right-of-way line for 6.32 feet; thence run S.89°23'17"W. for 1879.51 feet to the East right-of-way line of the aforesaid Three Oaks Parkway; thence run N.00°36'43"W. along said East right-of-way line for 1899.80 feet to the point of beginning.

Said tract contains 82.860 acres, more or less. Bearings are based on the North line of the aforesaid Section 3 as being N.89°24'36"E.

LESS AND EXCEPT:

DESCRIPTION: (Wetlands Tract)

A tract or parcel of land lying in Section 3, Township 46 South, Range 25 East, Lee County, Florida, described as follows:

Commencing at the Northwest corner of the aforesaid Section 3; thence run N.89°24'36"E. along the North line of said Section 3 for 1580.74 feet; thence run S.00°36'43"E. for 2097.19 feet; thence run N.89°23'17"E. for 825.20 feet to the point of beginning; thence run N.89°23'17"E. for 720.28 feet; thence run S.11°00'37"W. for 34.26 feet; thence run S.24°37'07"W. for 36.35 feet; thence run S.12°11'29"W. for 34.25 feet; thence run S.39°52'32"W. for 31.31 feet; thence run S.57°48'11"W. for 44.14 feet; thence run S.75°46'55"W. for 30.68 feet; thence run S.05°00'27"W. for 12.23 feet; thence run S.36°54'53"W. for 47.21 feet; thence run S.57°31'16"W. for 38.73 feet; thence run S.69°12'52"W. for 33.49 feet; thence run

S.34°25'01"W. for 54.39 feet; thence run S.67°31'56"W. for 40.02 feet; thence run S.53°50'19"W. for 33.26 feet; thence run S.77°23'35"W. for 54.51 feet; thence run S.60°28'16"W. for 44.67 feet; thence run S.36°38'58"W. for 20.09 feet; thence run S.79°45'22"W. for 33.60 feet; thence run S.63°58'04"W. for 26.69 feet; thence run N.87°00'47"W. for 54.82 feet; thence run N.54°09'32"W. for 83.78 feet; thence run N.37°17'40"W. for 24.61 feet; thence run N.03°30'58"E. for 29.57 feet; thence run N.62°49'03"W. for 31.54 feet; thence run N.11°21'38"W. for 13.32 feet; thence run N.33°07'40"W. for 33.80 feet; thence run N.11°54'15"E. for 82.92 feet; thence run N.61°53'42"W. for 37.48 feet; thence run N.26°19'11"W. for 16.34 feet; thence run N.75°59'12"W. for 23.99 feet; thence run N.35°10'35"W. for 25.24 feet; thence run N.28°35'00"W. for 40.25 feet; thence run N.12°05'22"E. for 46.56 feet; thence run N.00°51'37"E. for 19.06 feet to the point of beginning.

Said tract contains 4.522 acres, more or less. Bearings are based on the North line of the aforesaid Section 3 as being N.89°24'36"E.

6. A copy of the deed(s) for the property subject to the requested change.  
**See Attached.**
7. An aerial map showing the subject property and surrounding properties.  
**See Attached Map – Exhibit A-7.**
8. If applicant is not the owner, a letter from the owner of the property authorizing the applicant to represent the owner.  
**Applicant is agent for the owners. Affidavits are attached from all owners authorizing agent to proceed with CPA.**

**B. Public Facilities Impacts**

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

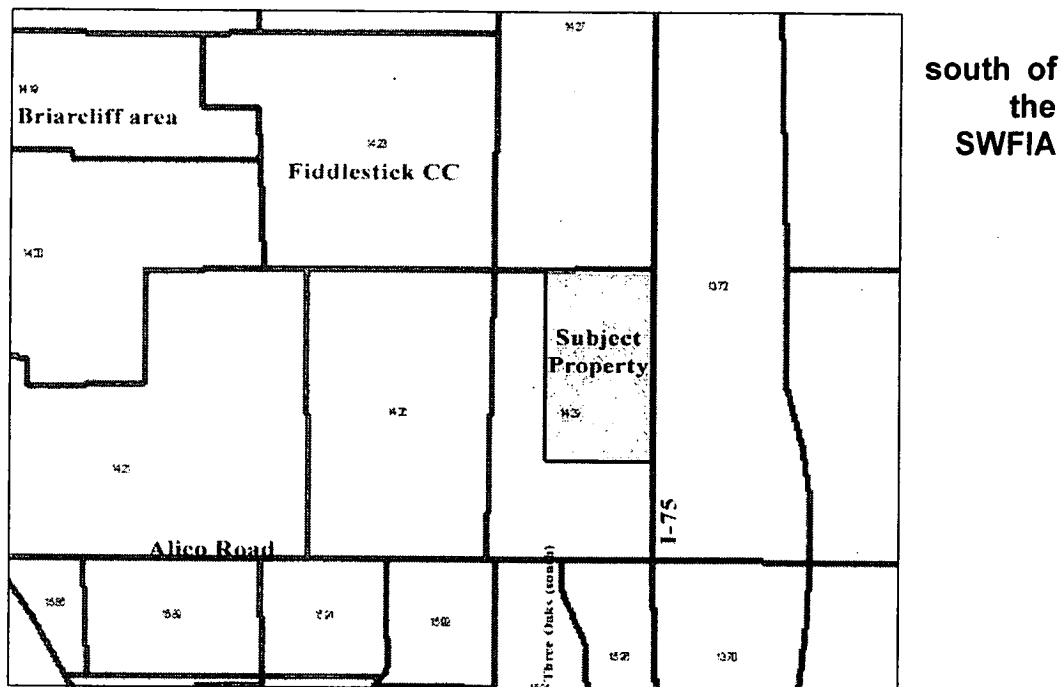
**1. Traffic Circulation Analysis**

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;  
**See Attached Document – Exhibit B-1a.**

**The subject parcel is located in TAZ 1429 encompassing the area**



Conveyence, west of I-75, east of Three Oaks North Extension and north of Alico Road as shown below. It is anticipated that the socio-economic data will require updates since the intended use after the future land use category change will permit the same industrial uses, but expand the commercial possibilities. The updating will be done per Lee DOT running the FSUTMS model on the 2020 or 2030 Financially Feasible Plan network.

See graphic below:

- 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.);

**It is likely given the density and intensity possibilities for this parcel that the data will need to be updated. A change to Industrial Commercial Interchange on 78.338 acres makes provisions for:**

- **O residential units (NO CHANGE); or**
- **Up to 790,000 square feet of commercial office, retail and recreational uses (+760,000 SF but in exchange of 790,000 SF industrial); or**
- **Up to 790,000 square feet of light industrial development (NO CHANGE).**

**In a meeting with Lee DOT and planning we were advised to provide development parameters for this analysis to be conducted by Lee DOT.**

- 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;

**We anticipate that the modifications are going to be minor given the TAZ includes intense development areas near Alico Road, I-75 and Three Oaks Parkway. Additionally, the 2020 Financially Feasible Network includes 6-laning I-75, improving the I-75 interchange, an Airport Entrance Road, and extending Three Oaks Parkway north to Daniels Parkway. Alico Road was recently improved to six lanes and the I-75 interchange is currently undergoing improvements to provide a full cloverleaf. Within the three-mile radius I-75 is to be 6 lanes by 2010 and Three Oaks Parkway will connect from Alico and continue north to Daniels Parkway. Further a corridor study is taking place involving an Airport entrance road that will provide additional traffic relief connecting the Airport, Treeline Boulevard, I-75 and US 41 across Three Oaks Parkway (see 2020 FFN graphic).**

Given the road expansions underway, the road network for 2020 and the newly proposed 2030 FFN, the overall minor traffic impact changes from the full development potential of the parcel should be able to be adequately absorbed by the roadway network.

In a meeting with Lee DOT and Planning we were advised that Lee DOT would run the FSUTMS to determine if, given our development parameters, an improvement to the road network would be necessary.

- 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;

**It is not anticipated that improvements to the road network beyond the 2020 FFN will be required. It is our understanding that the road impact fees being contributed from the proposed development would more than offset the cost of the improvements necessary for the road network to absorb the traffic impacts created by the development.**

- 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;

**Understood.**

- 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.

**See Attached Three Oaks Development Parameters Exhibit.**

Short Range – 5-year CIP horizon:

- a. Besides the 20-year analysis, for those plan amendment proposals that include a specific and immediate development plan, identify the existing roadways serving the site and within a 3-mile radius (indicate laneage, functional classification, current LOS, and LOS standard);

***It is anticipated that the subject parcel will have a development plan prepared upon approval of the Future Land Use Amendment and rezoning to follow by the various respective owners. The major roads within a 3-mile radius are as follows:***

<i>Road Name</i>	<i>Laneage</i>	<i>Funct Class</i>	<i>LOS Crnt</i>	<i>LOS Stnd</i>
<i>Three Oaks Parkway</i>	<i>2 Lane</i>	<i>Art</i>	<i>C</i>	<i>C</i>
<i>Alico Road</i>	<i>6 Lane</i>	<i>Art</i>	<i>B</i>	<i>C</i>
<i>Interstate 75 N. of Alico</i>	<i>4 Lane</i>	<i>Art</i>	<i>E</i>	<i>C</i>
<i>Interstate 75 S. of Alico</i>	<i>4 Lane</i>	<i>Art</i>	<i>E</i>	<i>C</i>
<i>Treeline Boulevard</i>	<i>4 Lane</i>	<i>Art</i>	<i>B</i>	<i>C</i>
<i>US 41</i>	<i>6 Lane</i>	<i>Art</i>	<i>D</i>	<i>D</i>

- 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;

**Alico Road Widening to 6 lanes (4030), Three Oaks Parkway North Extension 4 lane (4053), Three Oaks Parkway South Extension 4 lane (4043), Three Oaks Parkway Widening 4 lane from Corkscrew Road to Alico Road (4081), Alico Road/US 41/Old US 41 intersection improvements and Metro Parkway extension south of Six Mile Cypress.**

- c. Projected 2020 LOS under proposed designation (calculate anticipated number of trips and distribution on roadway network, and identify resulting changes to the projected LOS);

**In a meeting with Lee DOT and Planning, we were advised that Lee DOT would run the FSUTMS and determine the resulting number of trips, distribution and impact on LOS for impacted roadways projected to 2020.**

- d. 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;

**In a meeting with Lee DOT and Planning, we were advised that Lee DOT would run the FSUTMS and determine the resulting number of trips, distribution and impact on LOS for impacted roadways projected to 2020.**

- e. Identify the additional improvements needed on the network beyond those programmed in the five-year horizon due to the development proposal.

**In a meeting with Lee DOT and Planning, we were advised that Lee DOT would run the FSUTMS and determine the improvements necessary, if any, to accommodate the project on the road network**

**within a 3-mile radius. We do not anticipate improvements will need to be made beyond those deemed financially feasible in the 2020 FFN map.**

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.

- 
- a. Sanitary Sewer
  - b. Potable Water

**The site is located within the Lee County Utilities service area. We understand LCU has the capacity to serve the project. Currently the subject parcel is located within the future water or sewer franchise areas as depicted on Lee Plan Maps 6 and 7. Utilities infrastructure is planned as part of the Three Oaks Parkway construction.**

**We anticipate that the plan amendment will intensify the development potential of the property by increasing the permissible amount of commercial but overall, will not result in an increase in total permissible square footage of development. Currently the FLUM is Industrial which allows the following development density/intensity:**

Residential Units/Density:	0.0 not permitted in Industrial FLUC
Commercial intensity:	30,000 SF retail and approximately 25% commercial, or $(760,000 \times .25)$ 190,000 SF for 220,000 total commercial. (570,00 SF industrial remaining)
Industrial intensity:	790,000 SF

**The maximum allowable development under proposed FLUM based on the proposed site plan enclosed and/or maximum development potential:**

Residential Units/Density:	0 Units • NO CHANGE
Commercial intensity:	790,000 SF • AN INCREASE OF 760,000 SF, but in substitution of 760,000 SF of currently permitted industrial and 30,000 retail.



or

Industrial intensity: 790,000 SF  
• NO CHANGE

**Based on these calculations the total expected water and wastewater treatment volumes will be approximately 110,088 GPD.**

- Franchise Area, Basin, or District in which the property is located;

**The property falls into the Lee County Utilities potable water and sanitary sewer future service areas (Maps provided in submittal package). LCU will have capacity to service the project according to the 2005-2007 Concurrency Report. Lee County Utilities has begun construction of a 3.0 MGD expansion of the Three Oaks STP which will bring the capacity of the plant to 6.0 MGD to serve rapidly growing areas of Estero and San Carlos Park. It is our understanding that this plant will serve the project and we are waiting for confirmation from LCU from a letter sent October 4, 2006.**

c. Surface Water/Drainage Basins

**Drainage has been determined and established by the Three Oaks Parkway Extension North and Oriole Road Extension North permitting completed by Source Engineering for the SFWMD. See attached Three Oaks Development Parameters exhibit or contact Source Engineering and LCDOT for more details.**

- Basin in which the property is located;

**Coastal Ecosystems Watershed of the South Florida Water Management District in the Six Mile Slough drainage basin.**

d. Parks, Recreation, and Open Space.

**Three Oaks Community Park is located approximately 2 miles south of the site. On-site open space will be provided as required. Recreational amenities may be incorporated into the site as provided by employers or as auxiliary commercial development in the form of health and exercise clubs and by day care providers.**

- Anticipated revisions to the Community Facilities and Services Element and/or Capital Improvements Element (state if these revisions are included in this amendment).

**We do not anticipate the need for parks or recreation to increase in**

the area due to the proposed possible development. The overall development parameters actually change very little. The major change is substituting commercial for industrial but overall intensity of square footage will not increase.

- District in which the property is located;

**South Fort Myers Unincorporated Benefit District.**

- Improvements/expansions currently programmed in 5 year CIP, 6-10 year CIP, and long range improvements; and

The required (Regulatory) Level of Service standard for community parks is currently eight tenths (0.8) acres of developed standard community parks per 1,000 permanent residents in the unincorporated area of each district. The "Desired Future Level of Service Standard" is two acres per 1,000 permanent residents which has been in effect since September 30, 1998. The South Fort Myers Unincorporated District has a total of 145 acres. The regulatory standard (66 acres in 2005) and the "Desired" standard (165 acres in 2005) were met in 2005 and will continue to be met through 2009. The South Fort Myers Community Park is planned for the district in 2006/2007 and will occupy 30 acres.

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.

**Letters were sent September 21, 2006 and have been attached to the submittal file. Letters from the above listed agencies are attached or pending arrival.**

*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).  
**See Attached Map – Exhibit C-1 and C-2.**
2. A map and description of the soils found on the property (identify the source of the information).  
**See Attached Map – Exhibit C-1 and C-2.**
3. A topographic map with property boundaries and 100-year flood prone areas indicated (as identified by FEMA).  
**See Attached Map – Exhibit C-3.**
4. A map delineating wetlands, aquifers recharge areas, and rare & unique uplands.  
**See Attached Map – Exhibit C-4.**
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).  
**See Attached Map – Exhibit C-5.**

**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.

**There are not any historical resources located on the property. A letter has been provided from the State of Florida.**

2. A map showing the subject property location on the archeological sensitivity map for Lee County.  
**See Attached Exhibit D-1.**

**The subject parcel is NOT located in one of the two sensitivity areas.**

**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.  
**See Attached Exhibit E, Section 1.**

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.

**See Attached Exhibit E, Section 2.**

3. Describe how the proposal affects adjacent local governments and their comprehensive plans.

**See Attached Exhibit E, Section 3.**

4. List State Policy Plan and Regional Policy Plan goals and policies which are relevant to this plan amendment.

**See Attached Exhibit E, Section 4.**

**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.

**The subject parcel will be located with over 3,000 linear feet of road frontage and access onto Three Oak Parkway North Extension, a 4 lane arterial which will connect to Alico Road, a 6 lane arterial and Daniels Parkway, a 6 lane arterial. Both Alico and Daniels connect directly to I-75 interchanges.**

- b. Provide data and analysis required by Policy 2.4.4.

**The land use category change will not alter the current industrial employment opportunities but will serve to expand the mix of employment possibilities by permitting more retail and office uses in direct support of this policy.**

- c. The affect of the proposed change on county's industrial employment goal specifically policy 7.1.4.

**The proposed land use amendment will not impact the goal of policy 7.1.4. since the current and proposed land use categories both support industrial development.**

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.

**The lands are currently in the Future Urban Areas and the request is compatible with uses allowed in the future urban areas.**

3. Requests involving lands in critical areas for future water supply must be evaluated based on policy 2.4.2.

**The lands are not in critical areas for future water supply.**

4. Requests moving lands from Density Reduction/Groundwater Resource must fully address Policy 2.4.3 of the Lee Plan Future Land Use Element.

**The lands are not in the DR/GR.**

- 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.

**See Attached Exhibit E (Introduction to the Project).**

**Item 1: Fee Schedule**

Map Amendment Flat Fee	\$2,000.00 each
Map Amendment > 20 Acres	\$2,000.00 and \$20.00 per 10 acres up to a maximum of \$2,255.00
Small Scale Amendment (10 acres or less)	\$1,500.00 each
Text Amendment Flat Fee	\$2,500.00 each

## EXHIBIT "A"

### DESCRIPTION:

A tract or parcel of land lying in Section 3, Township 46 South, Range 25 East, Lee County, Florida, described as follows:

Commencing at the Northwest corner of the aforesaid Section 3; thence run N.89°24'36"E. along the North line of said Section 3 for 1508.74 feet; thence run S.00°36'43"E. for 2097.19 feet to a point on the centerline of Three Oaks Parkway (150.00 feet wide); thence run N.89°23'17"E. for 75.00 feet to the point of beginning; thence continue N.89°23'17"E. for 1908.17 feet to the West-erly right-of-way line of Interstate Highway No. 75; thence run S.00°37'07"E. along said Westerly right-of-way line for 1222.63 feet; thence run S.03°23'08"W. along said Westerly right-of-way line for 672.48 feet; thence run N.89°23'08"E. along said Westerly right-of-way line for 18.08 feet; thence run S.00°36'52"E. along said Westerly right-of-way line for 6.32 feet; thence run S.89°23'17"W. for 1879.51 feet to the East right-of-way line of the aforesaid Three Oaks Parkway; thence run N.00°36'43"W. along said East right-of-way line for 1899.80 feet to the point of beginning.

Said tract contains 82.860 acres, more or less. Bearings are based on the North line of the aforesaid Section 3 as being N.89°24'36"E.

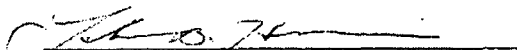
### LESS AND EXCEPT:

#### DESCRIPTION: (Wetlands Tract)

A tract or parcel of land lying in Section 3, Township 46 South, Range 25 East, Lee County, Florida, described as follows:

Commencing at the Northwest corner of the aforesaid Section 3; thence run N.89°24'36"E. along the North line of said Section 3 for 1580.74 feet; thence run S.00°36'43"E. for 2097.19 feet; thence run N.89°23'17"E. for 825.20 feet to the point of beginning; thence run N.89°23'17"E. for 720.28 feet; thence run S.11°00'37"W. for 34.26 feet; thence run S.24°37'07"W. for 36.35 feet; thence run S.12°11'29"W. for 34.25 feet; thence run S.39°52'32"W. for 31.31 feet; thence run S.57°48'11"W. for 44.14 feet; thence run S.75°46'55"W. for 30.68 feet; thence run S.05°00'27"W. for 12.23 feet; thence run S.36°54'53"W. for 47.21 feet; thence run S.57°31'16"W. for 38.73 feet; thence run S.69°12'52"W. for 33.49 feet; thence run S.34°25'01"W. for 54.39 feet; thence run S.67°31'56"W. for 40.02 feet; thence run S.53°50'19"W. for 33.26 feet; thence run S.77°23'35"W. for 54.51 feet; thence run S.60°28'16"W. for 44.67 feet; thence run S.36°38'58"W. for 20.09 feet; thence run S.79°45'22"W. for 33.60 feet; thence run S.63°58'04"W. for 26.69 feet; thence run N.87°00'47"W. for 54.82 feet; thence run N.54°09'32"W. for 83.78 feet; thence run N.37°17'40"W. for 24.61 feet; thence run N.03°30'58"E. for 29.57 feet; thence run N.62°49'03"W. for 31.54 feet; thence run N.11°21'38"W. for 13.32 feet; thence run N.33°07'40"W. for 33.80 feet; thence run N.11°54'15"E. for 82.92 feet; thence run N.61°53'42"W. for 37.48 feet; thence run N.26°19'11"W. for 16.34 feet; thence run N.75°59'12"W. for 23.99 feet; thence run N.35°10'35"W. for 25.24 feet; thence run N.28°35'00"W. for 40.25 feet; thence run N.12°05'22"E. for 46.56 feet; thence run N.00°51'37"E. for 19.06 feet to the point of beginning.

Said tract contains 4.522 acres, more or less. Bearings are based on the North line of the aforesaid Section 3 as being N.89°24'36"E.

  
John B. Harris  
P.S.M. #4631 November 10, 2006

POINT OF  
COMMENCEMENT

SEE EXHIBIT "A" FOR LEGAL DESCRIPTION

SKETCH OF LEGAL DESCRIPTION

A PARCEL OF LAND  
LYING IN SECTION 3

TOWNSHIP 46 SOUTH, RANGE 25 EAST  
LEE COUNTY, FLORIDA

7/1/06 3:14 PM  
11/1/06 3:14 PM  
11/1/06 3:14 PM

154072  
N 82° 24' 00" E

NORTH LINE OF SECTION 3-46-25

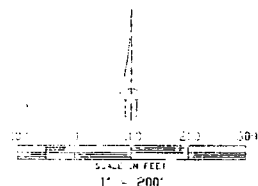
S 003° 43' 14" W  
200.13

POINT OF BEGINNING

S 89° 23' 08" E  
15.05'

POINT OF BEGINNING  
TO SUB A EXCEPT

RE FLANDS



LINE TABLE

LINE TABLE

LINE	Bearing	Distance	LINE	Bearing	Distance
L1	S 003° 43' 14" W	200.13	L51	S 74° 36' 00" W	33.00
L2	S 100° 05' 00" W	34.20	L52	S 83° 58' 04" W	26.69
L3	S 89° 23' 08" E	15.05	L53	N 81° 00' 00" W	34.00
L4	S 003° 43' 14" W	200.13	L54	N 84° 00' 00" W	23.78
L5	S 29° 52' 32" W	31.71	L55	N 37° 10' 00" W	64.61
L6	S 57° 48' 11" W	44.14	L56	N 03° 00' 00" E	24.57
L7	S 57° 48' 11" W	44.14	L57	N 02° 49' 00" W	31.24
L8	S 55° 00' 00" W	23.60	L58	N 11° 11' 33" W	13.72
L9	S 55° 00' 00" W	23.60	L59	N 33° 07' 40" W	32.00
L10	S 55° 00' 00" W	23.60	L60	N 11° 54' 15" E	42.92
L11	S 55° 00' 00" W	23.60	L61	N 51° 32' 42" W	37.48
L12	S 55° 00' 00" W	23.60	L62	N 26° 10' 11" W	16.24
L13	S 55° 00' 00" W	23.60	L63	N 55° 12' 12" W	22.72
L14	S 55° 00' 00" W	23.60	L64	N 25° 10' 05" W	25.04
L15	S 55° 00' 00" W	23.60	L65	N 33° 05' 00" W	40.00
L16	S 55° 00' 00" W	23.60	L66	N 02° 05' 00" E	44.00
L17	S 55° 00' 00" W	23.60	L67	N 02° 05' 00" E	44.00
L18	S 55° 00' 00" W	23.60			
L19	S 55° 00' 00" W	23.60			

HAPPIN & JOHNSON, INC.  
2715 S.E. SANTA BARBARA PLACE  
CAPE CORAL FLORIDA  
PHONE (239) 772-9939  
FAX (239) 772-1315

IDE # 176 NE 3

SKETCH DATE 11/1/06

NOVEMBER 10, 2006

JOHN R. HARRIS, PSM  
FLORIDA LAND SURVEYOR #4631

FLORIDA CERTIFICATE OF AUTHORIZATION LB #0621

20' FLORIDA POWER & LIGHT COMPANY EASEMENT

S 092° 17' W 1879.91'

20' FLORIDA POWER & LIGHT COMPANY EASEMENT

N 89° 23' 08" E

15.05'

6.32'

S 003° 52' E

15.05'

**EXHIBIT A-1**  
**PROPOSED TEXT CHANGES**

<p><b>THREE OAKS NORTH CPA</b>  <b>Future Land Use Map Amendment</b>  STRAP#: 03-46-25-00-00001.1030 and 03-46-25-00-00001.103C  Three Oaks Ext North, Fort Myers, Florida 33912</p>
--

**TABLE 1(b)**  
**(Planning Community Year 2020 Allocations)**

We are requesting a change in the Planning Communities Map 16 for **82.86** acres (revised from 169.2 acres) from Industrial to Industrial Commercial Interchange.

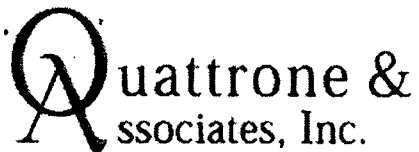
We are NOT requesting a change to the 2020 allocations for the Gateway/Airport planning community Table 1(b) because the planning community has ample acreage dedicated to the industrial and commercial uses proposed within the project. The planning community has been allocated 824 acres of land for commercial of which 178 acres are used, therefore, 646 acres remain available for use. The project contains  $82.86 - 4.52 = 78.34$  gross acres. The planning community has been allocated 3,096 acres of land for industrial of which 262 acres are used leaving 2,834 available.

According to development parameters determined by the Three Oaks Parkway Extension North corridor study and mapping produced by Source Engineering for the South Florida Water Management District permit, the development parameters are as follows:

LOT	Total Parcel	Preserve	Wetland	Three Oaks ROW	Pavement	Building	Dry Detention	Other (Open Space)	Percent Imperv.
18	38.49	6.22	4.52	0.00	18.40	9.20	2.90	1.77	72%
17	44.37	0.00	0.00	0.00	22.17	11.09	3.99	6.85	75%
TOT	82.86	6.22	4.52	0.00	40.57	20.29	6.89	8.62	-

table summary next page ...





### Table Summary

GROSS ACRES	82.86	(100.0%)
CONSTRAINED (Wetland, Preserve):	10.74	(13.0%)
<b>DEVELOPABLE:</b>	<b>72.12</b>	<b>(87.0%)</b>
PAVEMENT	40.57	(49.0%)
BUILDING	20.29	(24.5%)
<b>TOTAL IMPERVIOUS:</b>	<b>60.86</b>	<b>(73.5%)</b>
DRY DETENTION	6.89	(8.3%)
OPEN SPACE	8.62	10.4%)
<b>OTHER:</b>	<b>15.51</b>	<b>(18.7%)</b>

# LEE PLAN GOALS & OBJECTIVES

LEE PLAN GOALS & OBJECTIVES

**EXHIBIT E1-4**  
**INTERNAL CONSISTENCY WITH THE LEE PLAN**

**THREE OAKS NORTH CPA**  
**Future Land Use Map and Text Amendment**  
STRAP#: 03-46-25-00-00001.1030 and 03-46-25-00-00001.103C  
Three Oaks Ext North, Fort Myers, Florida 33912

**PROPOSAL OVERVIEW**

The subject property is located within the Gateway/Airport Planning Community with a Future Land Use designation of Industrial and is zoned AG-2. The subject property is currently vacant and is being used for cattle grazing. The site is in close proximity to the SWFIA and FGCU between Alico Road and Daniels Parkway. The property will have 1,900 linear feet of frontage on Three Oaks Parkway North Extension and a similar amount of frontage on I-75.

The Gateway/Airport Planning Community has allocated 3,096 acres of land for industrial of which 262 acres are used leaving 2,834 available. Most of this land is to the west of the subject property across the Three Oaks right-of-way north of Alico Road. The great majority of this land is accessed by service roads that connect the industrial land to Alico Road and do not connect to other roads. Appropriately these Industrial designated properties with the potential for heavy industrial development are isolated helping to reduce the potential impacts such as visual, noise, odor, dust, truck traffic, etc from other less intense uses.

In contrast, the subject property dominates a significant amount of Three Oaks Parkway and I-75 road frontage between Daniels Parkway and Alico Road. It is not unreasonable to argue that this corridor will be highly traveled by commuters, shoppers, tourists and other local traffic that is non-commercial and non-industrial based.

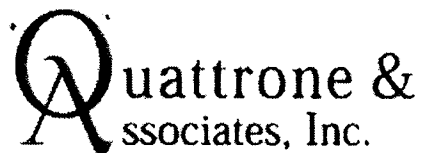
As statistics show, less than 10% of the industrial land in the Gateway/Airport Planning Community have been utilized. The planning community has been allocated 824 acres of land for commercial of which 178 acres are used, therefore, 646 acres remain available for use. Neither category are in short supply so we looked at the highest and most appropriate use of the property with the greatest long term benefits to the county given its location and characteristics.

**WHY A LAND USE CATEGORY CHANGE?**

The basis for our request lies within the three primary limitations of the Industrial future land use category on the types and amount of commercial, office and retail uses:

1. Commercial uses limited to 10% of potential development within a PD; and
2. Commercial office must be directly related to on-site industrial businesses; and
3. Retail 30,000 square feet.

**What we intend to do** is build a mixed use industrial park, commercial center and supporting retail made up of approximately 50% industrial, 30% commercial/office and 20%



retail. The primary element is a 50,000 square foot FGCU off-campus research park with high visibility to I-75, a clean commercial office corridor along I-75 ROW, clean, supporting retail and additional office components along Three Oaks Parkway and an internal industrial park. (MCP EXHIBIT)

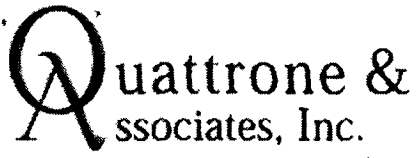
The proposed land use change would allow:

1. FGCU to expand off-campus activities by increasing the permitted commercial and office building uses necessary for a comprehensive business park and enabling FGCU to anchor a proposed research park onto land the applicant intends to donate;
2. A recapturing of developable Industrial Commercial Interchange land lost to the Alico Road/I-75 Interchange improvements that has resulted in moving nearly 60 acres of Industrial Commercial Interchange land into the I-75 right-of-way. The recent expansion of the I-75 interchange at the northwest corner of Alico Road and the interstate reduced the developable acreage by approximately 30 acres. The expansion on the northeast corner of Alico Road and I-75 reduced the developable acreage by approximately 15 acres. The requirements of detention ponds along I-75 is causing a decrease developable acreage in the southwest quadrant of Alico Road and I-75 by another 15 acres;
3. An improvement of visual impacts upon Three Oaks Parkway and I-75 by diversifying the development potential with a greater percentage of commercial, retail, and office uses as opposed to domination by an industrial park;
4. An improvement of services to county residents, FGCU students and personnel, and tourists by providing retail, office and other professional employment centers along an easily accessible, and highly visible major arterials; and
5. A diversification of the employment center beyond industrial and warehouse jobs to professional office, research park, retail and business services.

**What we do NOT intend to do** is build a regional shopping center.

However, the uses necessary for FGCU and a business/industrial park are unable to be pursued under the Industrial FLUC for three reasons:

1. The proposed commercial office uses will be unrelated to the industrial development on-site as required by the Industrial FLUC; and
2. The amount of commercial for the business park and FGCU research facility would need to exceed the Industrial FLUC limitation of 10% of potential development within the planned development; and
3. Demand for supporting retail along the Three Oaks corridor will exceed the 30,000 square feet limit.



## BENEFITS OF A LAND USE CHANGE

- Overcome the limitations placed on commercial uses in the industrial land use category.
- Use of 44.11 acres of Industrial Commercial Interchange acreage by the I-75 ROW for the new interchange. Recouping some of the loss.
- Location: an extensive road system is in place. The site will be located on an arterial that connects directly to two major arterials one of which is at an interchange for I-75. In addition, Alico Road connects to US 41 and the future Metro Parkway north extension to the west. Three Oaks is being four-laned to the south and will connect to Naples. If this area is not appropriate for a commercial and industrial mixed development, then where in the county is?
- Reduction of local trips lengths: San Carlos Park, Three Oaks regional park, schools, etc. are nearby.
- A significant amount of industrial development is coming on-line west of this project, millions of square feet with room for millions more. Is necessary for more pure industrial to be located along to major corridors with high visibility?
- Meet demand: FGCU needs off-site room to expand. Mr. Freeman is willing to dedicate land to the University for a 50,000 square foot office, research and possibly business incubator.
- Demand does not call for a regional retail center – it is simply not the proper location.
- Likewise it is not the proper location for a purely industrial development either. The corridor and visibility is too significant to “dirty” with industrial uses. Clean corridors, well designed integrated architecture along the arterials is the intention.

## DETAILS OF REQUEST

The property is located in the Gateway/Airport Planning Community on the west side of I-75 south of the SWFIA Drainage Conveyance, north of Alico Road and east of the planned Three Oaks Parkway North Extension. The property occupies **82.86** acres (revised from 169.2). The property is currently in the Industrial future land use category. The application is requesting a change from Industrial to Industrial Commercial Interchange FLUM with development plans to create a commercial office, retail and recreation center, a dedication to FGCU to anchor a proposed research park and to expand off campus functions, and a light industrial park that is sensitive to and compatible with the abutting areas with a sensitivity to this highly visible corridor location.

## PROJECT ACREAGE

GROSS ACRES	82.86	(100.0%)
CONSTRAINED (Wetland, Preserve):	10.74	(13.0%)
<b>DEVELOPABLE:</b>	<b>72.12</b>	<b>(87.0%)</b>
PAVEMENT	40.57	(49.0%)
BUILDING	20.29	(24.5%)
<b>TOTAL IMPERVIOUS:</b>	<b>60.86</b>	<b>(73.5%)</b>
DRY DETENTION	6.89	(8.3%)
OPEN SPACE	8.62	10.4%)

**OTHER:**

**15.51 (18.7%)**

The projects proximity to I-75, **1,900** linear feet of frontage on Three Oaks North, access to the SWFI Airport via Treeline Avenue and location near FGCU make this a prime place for uses beyond those traditionally permitted in the Industrial FLUC. Allowing a change to Industrial Commercial Interchange retains the industrial potential base while encouraging and providing for additional employment and service opportunities.

One such opportunity is commercial and educational space to be used by FGCU as the landowners cooperate with FGCU to create a research and business park to attract new industry to the area. Without the land use change, the uses required by the University would not be permitted on the property. The particular region has a significant amount of industrial land use. Commercial and office uses would provide a much needed mix of employment opportunities. Another opportunity lies in the land use category permitting many commercial and office uses that are less intense than industrial development. These commercial uses will be along the Interstate and along Three Oaks Parkway to provide a visual buffer for the traveling public. Any more intense industrial activities will take place near the central portions of the site away from the likely lower density and possible multi-family housing development north of the SWFIA Conveyence.

**CONCLUSION**

It seems that all parties feel that the potential development of a FGCU research park, office and retail corridor along I-75 and Three Oaks and an internal industrial park is a good thing. Give this development a chance, let the LDC and concurrency requirements limit the project, let the zoning staff restrict the development through condition of the MPD, but do not let this development not have a chance because of a long-term resolvable issue with no solution.

**SECTION II**

**THE LEE PLAN**

This request is consistent with the goals, objectives, policies and intent of the Lee Plan in accordance with the following:

## **LEE PLAN VISION**

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### **Planning Community**

**Gateway/Airport** - *This Community is located South of SR 82, generally east of I-75, and north of Alico Road including those portions of the Gateway development that either have not been or are not anticipated to be annexed into the City of Fort Myers, the Southwest Florida International Airport and the properties the airport expects to use for its expansion, the lands designated as Tradeport, and the land designated as Industrial Development west of I-75 north of Alico Road. In addition to these two land use designations, properties in this community are designated New Community (the Gateway development), Airport, Density Reduction/Groundwater Resource (primarily the anticipated airport expansion areas), Rural, and General Interchange. The road network in this community is planned to change dramatically over time creating access to and from this community to the north, south, and east without relying on I-75.*

*There are three distinct areas within this community . . . The airport expansion and the completion of Florida Gulf Coast University are expected to energize the remaining area in this community, including the commercial and industrial components. This portion of the community is to the south and west of Gateway and the airport and extends west of I-75 along Alico Road. While this segment of the community is not expected to build out during the timeframe of this plan, the area will be much more urbanized with hi-tech/clean industry businesses. (Amended by Ordinance No. 04-16)*

The “energizing” of the community in the area north of Alico and west of I-75 will occur to a greater extent if some additional commercial, office, educational and retail activities are permitted. The subject parcels have 1,900 linear feet of the I-75 and Three Oaks North road frontage. It seems like a natural fit to better use such visibility for uses beyond light manufacturing, especially uses that serve to expand the presence of FGCU and create a business and research park that will be at the Gateway to the major Lee County Airport/University Interstate Interchange.

## **GOAL 1: FUTURE LAND USE**

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**OBJECTIVE 1.1: FUTURE URBAN AREAS.** *Designate on the Future Land Use Map (Map 1) categories of varying intensities to provide for a full range of urban activities. These designations are based upon soil conditions, historic and developing growth patterns, and existing or future availability of public facilities and services.*

**POLICY 1.1.1:** *The **Future Land Use Map** contained in this element is hereby adopted as the pattern for future development and substantial redevelopment within the unincorporated portion of Lee County. Map 16 and Table 1(b) are an integral part of the Future Land Use Map series (see Policies 1.7.6 and 2.2.2). They depict the extent of development through the year 2020. No development orders or extensions to development orders will be issued or approved by Lee County which would allow the Planning Community’s acreage totals for residential, commercial or industrial uses established in Table 1(b) to be exceeded (see*



*Policy 1.7.6). The cities of Fort Myers, Cape Coral, and Sanibel are depicted on these maps only to indicate the approximate intensities of development permitted under the comprehensive plans of those cities. Residential densities are described in the following policies and summarized in Table 1(a). (Amended by Ordinance No. 94-29, 98-09)*

The intent is to amend the Future Land Use Map to **Industrial Commercial Interchange** to allow the subject property to be developed with a light industrial, research and business park, educational center and commercial uses. The properties are currently in the Industrial FLUM, included in the future urban areas category. The change to Industrial Commercial Interchange will not overwhelmingly change the potential of the property, it simply adds commercial uses as a flexibility option and opens opportunities for FGCU.

**POLICY 1.3.4:** *The Industrial Commercial Interchange areas are designated to permit a mixture of light industrial and/or commercial uses. This category does not permit heavy industrial uses.*

The proposed amendment will provide enhanced workplace and job opportunities beyond light and heavy industrial manufacturing and warehousing. This amendment provides the opportunity to improve visual appearance of the development along I-75. Mixing in retail, commercial and research uses will add visual diversification to a typical industrial subdivision including commercial architectural standards, additional open space requirements, and additional buffer requirements.

## GOAL 2: GROWTH MANAGEMENT

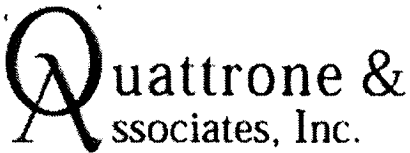
**OBJECTIVE 2.1: DEVELOPMENT LOCATION.** *Contiguous and compact growth patterns will be promoted through the rezoning process to contain urban sprawl, minimize energy costs, conserve land, water, and natural resources, minimize the cost of services, prevent development patterns where large tracts of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

The subject parcel is going to be served by adequate roadways and infrastructure such as sewer and water is scheduled to be in place as Three Oaks Parkway North is being constructed.

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

Three Oaks Parkway North is on the 2005-2010 LCDOT CIP which will prompt rapid development of the corridor. Additional roadways to be completed like the I-75 Alico interchange and the 6-laning of I-75 will also prompt development whose timing should coincide with the subject property, especially considering the properties are 12-18 months





away from having zoning in place. Action is taking place on nearly all surrounding properties. To the northwest proposals are out for rezoning, to the west is a pending IPD, to the south of that parcel a rezoning will take place soon, to the south is an approved CPD and to the east is an approved MPD under construction.

**OBJECTIVE 2.4: FUTURE LAND USE MAP AMENDMENTS.** Regularly examine the Future Land Use Map in light of new information and changed conditions, and make necessary modifications.

**POLICY 2.4.1:** *The County will accept applications from private landowners or non-profit community organizations to modify the boundaries as shown on the Future Land Use Map. Procedures, fees, and timetables for this procedure will be adopted by administrative code. (Amended by Ordinance No. 94-30).*

In accordance with this policy the applicant is requesting approval to amend the Land Use Map to put in place a Land Use that is more appropriate for the subject parcel given its location, visibility and proximity to major population and future employment centers.

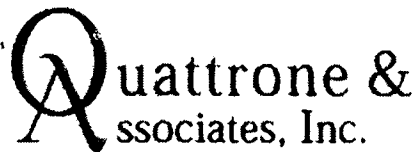
**POLICY 2.4.4:** Lee Plan amendment applications to expand the Lee Plan's employment centers, which include light industrial, commercial retail and office land uses, will be evaluated by the Board of County Commissioners in light of the locations and cumulative totals already designated for such uses, including the 1994 addition of 1,400 acres to the Tradeport category just south of the Southwest Florida International Airport. (Added by Ordinance No. 97-05, Amended by Ordinance No. 00-22. 04-16)

This application is driven by the need for a mix of industrial, commercial and office uses on the subject parcel beyond what is typically permitted in the Industrial land use category.

## GOAL 6: COMMERCIAL LAND USES

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

- *Traffic and access impacts are minimal given projected trip ends.*  
Access points are predetermined by the Three Oaks Parkway road design.
- *Screening and buffering can be provided to meet County standards.*  
The future development will be an MPD and the county can condition buffers to make the uses visually appealing and compatible with surrounding uses if the standard buffers are deemed inadequate.
- *Sewer and water facilities are available, as well as all other utilities.*  
Lee County Utilities intends to add sewer and water along Three Oaks Parkway as it is constructed.
- *No residential uses adjacent to the project are impacted.*



Residential areas do not exist in close proximity to the parcels. The county can condition buffering and uses in the future mixed-use planned development.

- *Similar uses are located in the area.*  
Industrial uses will be located to the west and southwest, the Interstate to the east followed by mixed commercial and industrial and commercial uses of intense nature to the south.
- *There are no environmental concerns with this property.*  
The site has a moderate amount of wetlands that have been determined by the Three Oaks Parkway engineering and the SFWMD permitting. Any impacts will be mitigated both on and off site as required by the permitting agencies.

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

The property is located on a future 4 lane arterial with access to Daniels Parkway north, Oriole Road to the west, Alico Road to the south and the I-75 interchange to the east. Commercial retail activities will be limited by the site location standards.

**POLICY 6.1.3:** *Commercial developments requiring rezoning and meeting Development of County Impact (DCI) thresholds must be developed as commercial planned developments designed to arrange uses in an integrated and cohesive unit in order to:*

- *provide visual harmony and screening;*
- *reduce dependence on the automobile;*
- *promote pedestrian movement within the development;*
- *utilize joint parking, access and loading facilities;*
- *avoid negative impacts on surrounding land uses and traffic circulation;*
- *protect natural resources; and*
- *provide necessary services and facilities where they are inadequate to serve the proposed use. (Amended by Ordinance No. 94-30, 00-22)*

The project intends to provide appropriate screening and buffering along Three Oaks, and to preserve the cypress wetlands on site. Compliance with the Planned Development regulations will insure visual harmony and avoid other negative impacts.

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

The project intends to adhere to all LDC requirements of the Lee Plan.

## **GOAL 7: INDUSTRIAL LAND USES**

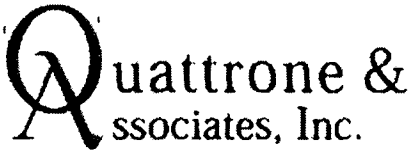
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**OBJECTIVE 7.1:** *All development approvals for industrial land uses must be consistent with the following policies, the general standards under Goal 11, and other provisions of this plan. (Amended by Ordinance No. 94-30)*

**POLICY 7.1.1:** *In addition to the standards required herein, the following factors apply to industrial rezoning and development order applications:*

1. *The development must comply with local, state, and federal air, water, and noise pollution standards.*
2. *When located next to residential areas, industry must not generate noise levels incompatible with the residential development.*
3. *Bulk storage or production of toxic, explosive, or hazardous materials will not be permitted near residential areas.*
4. *Contamination of ground or surface water will not be permitted.*
5. *Applications for industrial development will be reviewed and evaluated as to;*
  - a. air emissions (rezoning and development orders);*
  - b. impact and effect on environmental and natural resources (rezoning and development orders);*
  - c. effect on neighbors and surrounding land use (rezoning);*
  - d. impacts on water quality and water needs (rezoning and development orders);*
  - e. drainage system (development orders);*
  - f. employment characteristics (rezoning);*
  - g. fire and safety (rezoning and development orders);*
  - h. noise and odor (rezoning and development orders);*
  - i. buffering and screening (planned development rezoning and development orders);*
  - j. impacts on transportation facilities and access points (rezoning and development orders);*
  - k. access to rail, major thoroughfares, air, and, if applicable, water (rezoning and development orders);*
  - l. Utility needs (rezoning and development orders); and*
  - m. Sewage collection and treatment (rezoning and development orders). (Amended by Ordinance No. 00-22)*

The property is ideally suited for complying with the above standards. The project is bordered by industrial FLUC lands to the north and north of them is a 200' SWFIA Conveyance canal to the north, I-75 to the east, Three Oaks Parkway Extension North to the west and an intense commercial CPD to the south. The property has certain required wetland preserves and an existing borrow lake on site. The mixed use potential created by the Industrial Commercial Interchange category will lessen the intensity of the project from heavy industrial to light industrial, commercial and office uses. This should create greater compatibility with possible residential uses on the north side of the SWFIA Conveyance, improve the visual impact on I-75 and Three Oaks Parkway and provide development flexibility so that lesser intense uses can be placed accordingly. Infrastructure will be available through Lee County Utilities and will be installed at the time Three Oaks Parkway North Extension is developed.



**POLICY 7.1.2:** *Industrial developments requiring rezoning and meeting Development of County Impact (DCI) thresholds must be developed as Planned Developments designed to arrange uses as an integrated and cohesive unit in order to:*

- *promote compatibility and screening;*
- *reduce dependence on the automobile;*
- *promote pedestrian movement within the development;*
- *utilize joint parking, access and loading facilities;*
- *avoid negative impacts on surrounding land uses and traffic circulation;*
- *protect natural resources; and*
- *provide necessary facilities and services where they are inadequate to serve the proposed use. (Amended by Ordinance No. 94-30, 98-09, 00-22)*

The project intends to adhere to all requirements of a mixed use planned development and capture trips by providing a mix of employment and employment services on the site. The site provides central access to employees living in San Carlos Park, the communities in Estero and the Corkscrew Road corridor, the communities along Daniels Parkway extending to the residents of Lehigh. The surrounding transportation network is adequate and in line to be expanded in the 2020 Financially Feasible Plan.

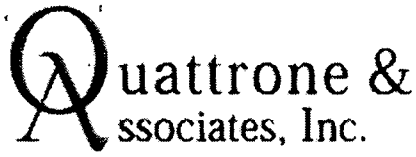
**POLICY 7.1.3:** *Industrial land uses must be located in areas appropriate to their special needs and constraints, including, but not limited to, considerations of topography; choice and flexibility in site selection; access by truck, air, deep water, and rail; commuter access from home-to-work trips; and utilities; greenbelt and other amenities; air and water quality considerations; proximity to supportive and related land uses; and compatibility with neighboring uses. (Amended by Ordinance No. 93-25, 94-30, 00-22)*

The project has excellent road access. Three Oaks North is to be a 4 lane arterial which connects to the 6-laned Daniels Parkway to the north and 6-laned Alico Road to the south. The Alico Road intersection is less than 1 mile south and abuts the redesigned (under construction) I-75 interchange which is also slated to be expanded to 6 lanes. Major residential densities are within a few miles of the property with San Carlos Park to the south on Three Oaks Parkway and to the north along or near Daniels Parkway.

**POLICY 7.1.4:** *The Future Land Use Map must designate a sufficient quantity of land to accommodate industrial development that will employ 3% of the county's population in manufacturing activities by the year 2010. A report will be prepared by county staff every two years to monitor the county's progress towards this employment goal. (Amended by Ordinance No. 93-25, 94-30, 00-22)*

The request maintains industrial development potential while adding a greater diversity of potential uses.

**POLICY 7.1.5:** *The timing and location of industrial development will be permitted only with the availability and adequacy of existing or planned services and facilities. (Amended by Ordinance No. 00-22)*



The region is growing fast and the roadway will be constructed soon. A mixed-use industrial and commercial center at this prime location will serve as an employment center.

**POLICY 7.1.8:** Land development regulations will require that industrial uses be adequately buffered and screened from adjacent existing or proposed residential areas so as to prevent visual blight and noise pollution. (Amended by Ordinance No. 00-22)

The property is ideally suited for complying with the above standards. The project is bordered by a 200' SWFIA Conveyance canal to the north, I-75 to the east, Three Oaks Parkway Extension North to the west and an intense commercial CPD to the south. The property has certain required wetland preserves and an existing borrow lake on site. The mixed use potential created by the Industrial Commercial Interchange category will lessen the intensity of the project from heavy industrial to light industrial, commercial and office uses. This should create greater compatibility with possible residential uses on the north side of the SWFIA Conveyance, improve the visual impact on I-75 and Three Oaks Parkway and provide development flexibility so that lesser intense uses can be placed accordingly. Infrastructure will be available through Lee County Utilities and will be installed at the time Three Oaks Parkway North Extension is developed.

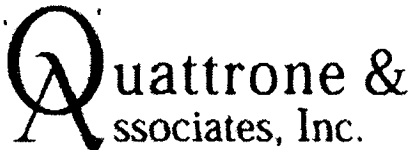
**POLICY 7.1.9:** Industrial development will not be permitted if it allows industrial traffic to travel through predominantly residential areas. (Amended by Ordinance No. 00-22)

There are no residential areas currently located on Three Oaks Parkway Extension North nor any planned within an area that traffic from the subject property would have to travel through.

## GOAL 11: WATER, SEWER, TRAFFIC, AND ENVIRONMENTAL REVIEW STANDARDS

Standard 11.1: Water  
Standard 11.2: Sewer

Utility connections are available through Lee County Utilities and will be available at the time the roadway is completed.



## GOAL 39: DEVELOPMENT REGULATIONS.

*Maintain clear, concise, and enforceable development regulations that fully address on-site and off-site development impacts and protect and preserve public transportation facilities. (Amended by Ordinance No. 98-09, 99-15)*

**OBJECTIVE 39.1: DEVELOPMENT IMPACTS.** *The county will maintain and enforce development regulations to ensure that impacts of development approvals occur concurrently with adequate roads, and to achieve maximum safety, efficiency, and cost effectiveness. (Amended by Ordinance No. 99-15)*

**POLICY 39.1.1: New development must:**

- *Have adequate on-site parking.*
- *Have access to the existing or planned public road system except where other public policy would prevent such access.*
- *Fund all private access and intersection work and mitigate all site-related impacts on the public road system; this mitigation is not eligible for credit against impact fees. (Amended and Relocated by Ordinance No. 99-15)*

The project intends to adhere or exceed all LDC requirements.

**POLICY 39.1.4:** *Main access points from new development will not be established where traffic is required to travel through areas with significantly lower densities or intensities (e.g. multifamily access through single-family areas, or commercial access through residential areas) except where adequate mitigation can be provided. (Amended and Relocated by Ordinance No. 99-15)*

Direct access to the project is to be on Three Oaks Parkway Extension North, an arterial road with direct access to Alico Road, US 41, I-75 and Treeline Avenue, all without traveling through low density areas of development.

**POLICY 39.1.5:** The Land Development Code will continue to require appropriate landscaping for developments abutting arterial and collector roads. (Amended and Relocated by Ordinance No. 99-15)

The project plans to meet buffer requirements conditioned through the rezoning process.

**POLICY 39.1.6:** *Through the zoning process, the county will direct high-intensity land uses to parcels which abut designated future transit corridors identified in Map 3C. (Amended by Ordinance No. 98-09, Amended and Relocated by Ordinance No. 99-15)*

While the location is appropriate for the uses requested, Lee Tran does not at this time have plans to provide services to Three Oaks North.

### **GOAL 53: POTABLE WATER INFRASTRUCTURE.**

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*To ensure the public health, welfare, and safety by the provision of high-quality central potable water service throughout the future urban areas of unincorporated Lee County, and to ensure that the costs of providing facilities for the supply of potable water are borne by those who benefit from them.*

**OBJECTIVE 53.1:** *The County will ensure the provision of acceptable levels of potable water service throughout the future urban areas of the unincorporated county, either directly by Lee County Utilities, or indirectly through franchised utility companies. (Amended by Ordinance No. 94-30, 00-22, 03-04)*

**POLICY 53.1.1:** *The Board of County Commissioners hereby establishes service areas for the Lee County Utilities water systems throughout which it will provide standard service as required by demand, and within which it will challenge applications by private water utilities to obtain a Certificate of Operation from the Florida Public Service Commission and reject all applications for a county franchise therein. These service areas are illustrated in Map 6. Within the Fort Myers urban reserve area, the service areas shown on the map are subject to modifications in accordance with existing and future interlocal agreements. (Amended by Ordinance No. 93-25)*

Lee County Utilities plans to provide sewer and water as Three Oaks North is constructed. The development intends to connect.

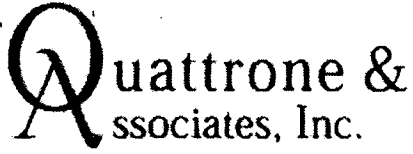
### **GOAL 53: SANITARY SEWER INFRASTRUCTURE.**

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*To protect the public health and environmental quality by encouraging and ensuring the provision of sanitary sewer service and wastewater treatment and disposal throughout the future urban areas of the unincorporated county and to Fort Myers Beach. (Amended by Ordinance No. 98-09)*

**OBJECTIVE 56.1:** *The county will ensure the provision of acceptable levels of sanitary sewer service throughout the future urban areas of the unincorporated county, either directly by Lee County Utilities or a utility authority, or indirectly through franchised utility companies. (Amended by Ordinance No. 00-22)*

**POLICY 56.1.1:** *The Board of County Commissioners hereby establishes service areas for the Fort Myers Beach Ina sewer system, the South Fort Myers sewer system, the East Lee County sewer system, and the Matlacha sewer system throughout which it will provide standard service as required by demand, and within which it will challenge applications by private sanitary sewer utilities to obtain a Certificate of Operation from the Florida Public Service Commission and reject all applications for a county franchise therein. These service areas are illustrated in Map 7. Within the Fort Myers urban reserve area, the service areas shown on the map are subject to modifications in accordance with existing and future interlocal agreements. (Amended by Ordinance No. 93-25) Although this property is not located in the City of Fort Myers Utility Franchise Area the City has extended potable water*



*and sewer lines to the incinerator west of the property which is adequately sized to serve future development on the subject parcel.*

Lee County Utilities plans to provide sewer and water as Three Oaks North is constructed. The development intends to connect.

### SECTION III

### **AFFECTS ON ADJACENT LOCAL GOVERNMENT AND ITS COMPREHENSIVE PLAN**

The subject property is located within the unincorporated portion of Lee County.

## SECTION IV

## STATE POLICY PLAN AND REGIONAL POLICY PLAN GOALS AND POLICIES

State and Regional Policy Plans are consistent with the Lee County Comprehensive Plan and as such have been addressed.





FLORIDA DEPARTMENT OF STATE  
Sue M. Cobb  
Secretary of State  
DIVISION OF HISTORICAL RESOURCES

September 25, 2006

Fred Drovdic, AICP  
Quattrone & Associates, Inc.  
11000 Metro Parkway, Suite 30  
Fort Myers, FL 33912  
Fax: 239-936-7228

Dear Mr. Drovdic:

In response to your inquiry of September 21, 2006, the Florida Master Site File lists no previously recorded cultural resources in the following parcels:

T:46S R:25E Section 3 (also known as parcels 03-46-25-00-00001.1020, 103C, 1050, 1030, 103B)

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

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

If you have any further questions concerning the Florida Master Site File, please contact us as below.

Sincerely,

Ginny Jones  
Senior Database Analyst, Florida Master Site File  
Division of Historical Resources  
R. A. Gray Building  
500 South Bronough Street  
Tallahassee, Florida 32399-0250

Phone: 850-245-6440, Fax: 850-245-6439  
State SunCom: 205-6440  
Email: [fmsfile@dos.state.fl.us](mailto:fmsfile@dos.state.fl.us)  
Web: <http://www.dos.state.fl.us/dhr/msf/>

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

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

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

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

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

☐ Palm Beach Regional Office  
(561) 279-1475 • FAX: 279-1476

☐ St. Augustine Regional Office  
(904) 825-5045 • FAX: 825-5044

☐ Tampa Regional Office  
(813) 272-3843 • FAX: 272-2340



# THE SCHOOL DISTRICT OF LEE COUNTY

2055 CENTRAL AVENUE • FORT MYERS, FLORIDA 33901 • (239) 334-1102 • TTD/TTY (239) 335-1512

STEVEN K. TELBER, J.D.  
CHAIRMAN • DISTRICT 4

ELINOR C. SCRIPPA, PH.D.  
VICE CHAIRMAN • DISTRICT 5

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DISTRICT 2

JANE E. KICKEL, PH.D.  
DISTRICT 3

JAMES W. BROWDER, Ed.D.  
SUPERINTENDENT

KEITH B. MARTIN  
BOARD ATTORNEY

October 6, 2006

Mr. Fred Drovdlie  
Quattrone & Associates, Inc.  
11000 Metro Parkway, Suite 30  
Fort Myers, FL 33912

Re: Three Oaks North CPA

Dear Mr.Drovdlie:

Thank you for the opportunity to review the proposed Three Oaks North CPA for comments with regard to educational impacts. This proposed development is in the South Choice Zone of the District. This letter is in response to your request dated September 21, 2006.

This development should have no impact on classroom needs based on the your indication that this is a commercial project only and will not have any residential units.

Thank you for your attention to this issue. If I may be of further assistance, please give me a call at (239) 337-8678.

Sincerely,

Ellen Lindblad, Long Range Planner  
Planning, Growth & School Capacity

**Fred Drovdlc**

**From:** Bibeau, Melissa B. [MBibeau@leegov.com]  
**Sent:** Friday, October 13, 2006 7:53 AM  
**To:** Fred Drovdlc  
**Subject:** RE: Three Oaks North CPA

Good morning Fred,

The Request for Letters of Availability form submitted does not provide sufficient information for us to prepare the requested letter.

Although the subject parcels are located within Lee County Utilities' service area and potable water and sanitary sewer facilities are currently in operation in the vicinity of these parcels, developer funded system enhancements will be required in order to provide service. Service is contingent upon Lee County Board of County Commissioners' final acceptance of these developer funded system enhancements and is subject to available capacity at the time connection to Lee County Utilities' facilities is completed. Capacity is reserved on a first come first serve basis & only upon receipt of applicable fees, a signed request for service and/or an executed service agreement, and the approval of all State and local regulatory agencies.

Lee County Utilities may provide Letters of Availability for specific purposes upon request however, in order to process we will need to know the estimated flow demands for the project. Please be aware that issuance of Letters of Availability should in no way be construed as a commitment to serve but only as to the availability of service at the time the letter is requested

If you should have any questions or require further assistance, please contact our office.

Please email or call if you need additional information.  
Thanks!

Melissa Bibeau  
Engineering Tech I  
Lee County Utilities  
1500 Monroe Street  
Fort Myers, FL 33901  
Ph. 239-479-8525  
Fax 239-479-8709  
Email: [mbibeau@leegov.com](mailto:mbibeau@leegov.com)

**From:** Fred Drovdlc [mailto:fred@qainc.net]  
**Sent:** Tuesday, October 10, 2006 9:38 AM  
**To:** Bibeau, Melissa B.; Wegis, Howard S.  
**Subject:** RE: Three Oaks North CPA

Inia in our office completed it. Here is the scanned submittal. It may have not gotten to you yet. Thanks for the update.

*Fred Drovdlc, AICP*  
239.936.5222



**From:** Bibeau, Melissa B. [mailto:MBibeau@leegov.com]  
**Sent:** Tuesday, October 10, 2006 9:33 AM  
**To:** Fred Drovdlc; Wegis, Howard S.  
**Subject:** Three Oaks North CPA

Good morning Fred. I am just touching base with you regarding this project. We have not processed this letter of availability yet due to the fact that we are waiting for the required form to be filled out and submitted. I have again attached the required document needed for you. Thanks. Let me know if I can help with anything else.

10/13/2006

• Please email or call if you need additional information.  
Thanks!

Melissa Bibeau  
Engineering Tech I  
Lee County Utilities  
1500 Monroe Street  
Fort Myers, FL 33901  
Ph. 239-479-8525  
Fax 239-479-8709  
Email: [mbibeau@leegov.com](mailto:mbibeau@leegov.com)

# San Carlos Park Fire Protection And Rescue Service District

19591 Ben Hill Griffin Parkway, Ft. Myers, FL 33913

Business: (239) 267-7525 or 267-2424

Fax: (239) 267-7505

To: Fred Drovdic

Fax # 936-7228

From: Thomas M. Beard

Date: 10-5-06

Number of pages being sent including this cover sheet: 2

## Comments:

letter of availability for fire protection

## CONFIDENTIALITY NOTICE

The documents accompanying this telecopy transmission contain confidential information belonging to the sender which is legally privileged. The information is intended only for the use of the individual(s) or entity named above. If you are not the intended recipient you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited. If you have received this telecopy in error, please immediately notify us by telephone at the number listed above to arrange for return of the original document to us. Thank you.



## *San Carlos Park Fire Protection and Rescue Service District*

19591 Ben Hill Griffin Parkway • Fort Myers, Florida 33913-8989

Emergency 911  
Office 239.267.7525  
Fax 239.267.7505

October 5, 2006

Mr. Fred Drovdlc, AICP  
Quattrone & Associates  
11000 Metro Parkway, Suite 30  
Fort Myers, FL 33913  
Re: Three Oaks North CPA  
CPA2005-00005

Dear Mr. Drovdlc

Thank you for this opportunity to let me inform you about our fire district. The San Carlos Park Fire Protection and Rescue Service District is one of 17 Special Fire Districts in Lee County. The Insurance Service Office (ISO) currently rates our department as a Class 3 / 9. Your location for this project would be classified as a 3. We currently have 3 fire stations and are in the process of planning a fourth station off of Three Oaks Parkway. We have 44 full-time firefighters ready to respond to any emergency, supported by an administrative staff.

The project location is approximately two miles or less from the fire station # 1 located at 8013 Sanibel Blvd. The response time would be about 2 minutes or less. At this time, we use Lee County Emergency Medical Services for Advanced Life Support (ALS) transport and have our own Firefighter Paramedics on shift to provide non-transport ALS services.

The San Carlos Park Fire District is also responsible for all of your fire-related inspections that will be needed for your project throughout the construction phase. We currently have 3 full-time fire inspectors that work a 40 hour week to handle all the fire related inspections. The plan review and building permit process will go through Lee County Codes and Building Services.

If you have any questions or concerns, please feel free to contact me at 239-267-7525.

Sincerely,

A handwritten signature in black ink, appearing to read "T. M. Beard".

Thomas M. Beard  
Fire Marshal



Direct Dial: (239) 590-4624  
Fax: (239) 590-4688

October 18, 2006

ROBERT M. BALL, A.A.E.  
EXECUTIVE DIRECTOR

DAVID M. OWEN  
PORT AUTHORITY ATTORNEY

BOARD OF  
PORT COMMISSIONERS

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TAMMY HALL

BOB JAMES

RAY JUDAH

DOUGLAS R. ST. CERNY

Mr. Fred Drovdlie, AICP  
Quattrone & Associates, Inc.  
11000 Metro Parkway, Suite 30  
Fort Myers, FL 33912

RE: **Preliminary Airspace Analysis**  
Proposed Industrial, Retail, & Commercial Business Park Development  
Three Oaks North CPA  
STRAP # 03-46-25-00-00001.1020; .1050; .103B; .103C and .1030

Dear Mr. Drovdlie:

The Lee County Port Authority Department of Planning and Environmental Compliance has performed a preliminary airspace analysis for the parcels located in your September 21, 2006 letter at the proposed Three Oaks Parkway North site. Please note that this analysis does not constitute any type of approval or denial of the proposed property development. It is only designed to offer an overview of the potential federal and local airspace regulations that may apply to the subject parcels due to their close proximity to Southwest Florida International Airport (RSW).

The analysis concludes that any new buildings, antennas, signs, lighting, flag poles, or temporary construction equipment that exceed a height of 78 feet above ground level (AGL) or 105 feet above mean sea level at this site, must first obtain airspace approval from the Lee County Port Authority and the Federal Aviation Administration (FAA). However, it would appear that the controlling imaginary airport surfaces will be the conical surface and both approach surfaces for the existing runway and planned future runway, which in the area is approximately 200 feet above mean sea level. Structures that exceed this height will be considered obstructions by the FAA.

Based on the year 2020 composite noise contour map for RSW, the planned development is located within the 55 day-night average sound level (DNL) and 60 DNL noise contours. As the new proposed noise zones are currently going through the Lee Plan and Comprehensive Plan Amendment process based on the composite 2020 noise contours and should be adopted sometime in the year 2007 by the County, parcels located within these noise contours will be

subjected to the following notices:

- 55 DNL noise contour – No restrictions on development, but parcels will have notices advising of aircraft noise and over-flight exposure recorded in the official county records and tied to the title of the properties within the zones.
- 60 DNL noise contour - No new noise sensitive uses such as homes, schools or places of worship will be allowed.

Local and federal notification criteria, existing federal obstruction standards governing height hazards near airports, and noise contours nearby are discussed on the two attached sheets. The above-referenced property is located under the Federal Aviation Administration (FAA) imaginary conical and approach surfaces for RSW. Please find enclosed the following information regarding airspace and noise issues with potential impacts:

- Airspace analysis of subject parcels;
- Lee County Land Development Code Section 34-1001/34-1008 "Airport Hazard District;"
- Lee County Tall Structure Review Application;
- Exhibit of year 2020 composite Noise Contours for Southwest Florida International Airport.

All cited FAA Advisory Circulars and other FAA documents addressing airspace review and obstruction marking and lighting can be located through the FAA website [www.faa.gov](http://www.faa.gov). Your attention is also drawn to Chapter 333, "Airport Zoning", Florida Statutes. Please call me if you have any questions. I would be happy to meet with you to discuss this information.

Sincerely,

LEE COUNTY PORT AUTHORITY



Herman Lawrence, Jr.  
Project Coordinator Noise & Airspace

HL/ams

Attachments

C: Peter Eckenrode, Director, Lee County Development Services  
Tom Nichols, Operations  
William Horner, Planning Manager



**PRELIMINARY AIRSPACE ANALYSIS**  
**For Three Oaks North CPA Parcels Identified by**  
**STRAP #:03-46-25-00- 00001.1020; .1050; .103B; .103C & .1030**  
**West of I-75 & north of Alico Rd, Fort Myers, FL 33913**

**Lee County Airspace Notification/Review Criteria:** Section 34.1001-34.1008, Lee County Land Development Code (copy enclosed) states that any proposed object (including new buildings, building alterations, antennas, signs, or temporary construction equipment) which would penetrate an imaginary surface extending outward and upward at a slope of 125 to 1 (one foot vertically for every 125 feet horizontally) from any point of Southwest Florida International Airport (RSW) will require review and approval by the Lee County Port Authority. Please complete and submit the enclosed Lee County Tall Structures Review Application to the Port Authority for any proposed object that will exceed 78 feet AGL/105 feet AMSL.

**Federal Notification/Review Criteria:** Federal Aviation Regulations Part 77.13 requires FAA review of any construction or alteration involving a height greater than an imaginary surface extending outward and upward at a slope of 100 to 1 (one foot vertically for every 100 feet horizontally) from the nearest point of the nearest public airport runway. The closest point of your project to RSW, the northeast corner, appears to be approximately 9,796 feet from the end of RSW Runway 6. For any permanent structure, sign, antenna tower, or temporary construction equipment that will exceed 78 feet AGL/105 feet AMSL, please request an FAA airspace review electronically through the FAA website [www.faa.gov](http://www.faa.gov) by completing FAA 7460-1 form, "Notice of Proposed Construction or Alteration."

A copy of the FAA airspace determination must then be submitted to the Port Authority along with the completed and signed Lee County Tall Structures Review Application.

**Existing Obstruction Surfaces:** Federal Aviation Regulations Part 77 also defines various imaginary approach, horizontal, and transitional surfaces necessary for the safe arrival and departure of aircraft at RSW. Any object proposed to penetrate these imaginary surfaces is considered to be an obstruction to air navigation and a potential hazard to aircraft using RSW. FAA review may determine that obstruction marking and/or lighting of the object can eliminate the hazard. These surfaces are described below:

***Approach Surface*** -- The Runway 6 imaginary approach surface is centered along the extended runway centerline and begins sloping up and away from the runway at the end of the primary surface (where it is 1,000 feet wide at an elevation of 26.5 feet AMSL [NAVD 88]). The primary surface extends 200 feet beyond the runway end. The approach surface increases in width and rises at a slope of 50:1 (one foot vertically for every 50 feet horizontally) along the extended centerline for a horizontal distance of 10,000 feet and then at a slope of 40:1 for an additional horizontal distance of 40,000 feet. The subject parcels are located within both approach surfaces for the existing and planned future parallel south runway.

***Horizontal Surface*** – The Horizontal Surface is centered over RSW at an elevation of 180 feet AMSL. The subjected parcels are not located inside this imaginary surface.

***Conical Surface*** – This surface extends outward and upward at a slope of 20:1 (one foot vertically for every 20 feet horizontally) from the outer limits of the horizontal surface for a distance of 4,000 feet. This surface overlays the mentioned parcels but begins at an elevation above 180 feet AMSL.

**Potential Aircraft Noise Impacts:** The subjected parcels are located southwest of Runway 6 and within the extended runway centerline for aircraft landings and takeoffs. As it is sometimes difficult to gauge the impact of aircraft noise on people as their response often varies, but based on the location of the planned development, the noise impact from aircraft operations might be annoying or disturbing on occasion. These parcels will also be impacted by an additional increase in aircraft noise from operations on the planned south parallel runway to be constructed sometime after the year 2010. This new runway will be constructed based on FAA criteria to allow for simultaneous operation of aircraft landings and takeoffs. Based on the 2004 Master Plan Update Study for RSW, air traffic is expected to almost double by the year 2020 and it should also be noted that the airport has been experiencing record growth in passenger service for the past two years. Future noise contours are depicted in the attached exhibit taken from the recently FAA approved Part 150 Noise & Land Use Compatibility Study.

<http://www.municode.com/resources/gateway.asp?pid=12625&sid=9>

**Sec. 34-1001. Applicability.**

Through the development and implementation of this subdivision, it is hereby determined that county airports consist of the Southwest Florida International Airport, Page Field and all existing and proposed state-licensed airports and heliports, public and private, in the county.

(Ord. No. 93-24, § 7(492), 9-15-93; Ord. No. 94-24, § 28, 8-31-94)

**Sec. 34-1002. Purpose and intent.**

(a) The purpose and intent of this subdivision shall be as follows:

- (1) To promote the maximum safety of aircraft arriving at and departing from county airports;
- (2) To promote the maximum safety of residents and property within areas surrounding county airports;
- (3) To promote the full utility of county airports, so as to ensure the maximum prosperity, welfare and convenience to the Lee, Charlotte, Collier, Hendry and Glades County areas and their residents;
- (4) To provide building height standards for use within the approach, transitional, horizontal and conical surfaces so as to encourage and promote proper and sound development beneath such areas;
- (5) To provide development standards for land uses within prescribed noise zones associated with the normal operation of county airports; and
- (6) To provide administrative procedures for the efficient and uniform regulation of all development proposals within such zones.

(b) The regulations set out in this subdivision are adopted pursuant to the authority conferred by F.S. § 333.03. It is hereby found that an airport obstruction has the potential for being hazardous to aircraft operations as well as to persons and property on the ground in the vicinity of the obstruction. An obstruction may affect land use in its vicinity and may reduce the size of areas available for the taking-off, maneuvering and landing of aircraft, thus tending to impair or destroy the utility of county airports and the public investment therein. It is hereby found that aircraft noise may be an annoyance or may be objectionable to residents in the county. Accordingly, it is declared that:

- (1) The creation or establishment of an airport obstruction which may be hazardous to aircraft operations, or which reduces the size of the area available for such operations, or which inhibits the safe and efficient use of airspace surrounding a county airport, is a public nuisance and an injury to the county;
  - (2) It is necessary in the interest of the public health, safety and general welfare that the creation of airport obstructions and the incompatible use of land within the designated airport noise zones be prevented; and
  - (3) The prevention of these obstructions and incompatible land uses should be accomplished, to the extent legally possible, by the exercise of police power without compensation.
- (c) It is further declared that the prevention of the creation of airport obstructions and incompatible land uses and the elimination, removal, alteration, mitigation or marking

and lighting of existing airport obstructions are public purposes for which the political subdivision may raise and expend public funds and acquire land or interests in land. (Ord. No. 93-24, § 7(492(A)), 9-15-93)

**Sec. 34-1003. Definitions.**

The following words, terms and phrases, when used in this subdivision, will have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Aircraft* means any vehicle which is used or designed for navigation of or flight in the air.

*Airport* means the Southwest Florida International Airport, Page Field and any state-licensed area of the county intended to be used for the taking-off, maneuvering and landing of aircraft, including any state-licensed seaplane base, helistop or emergency landing area.

*Airport elevation* means the highest point of the airport's usable landing area, measured in feet above mean sea level (AMSL).

*Airport obstruction* means any manmade structure, object of natural growth or use of land which would exceed the federal obstruction standards as contained in Federal Aviation Administration Handbook 8260.38, United States Standards for Terminal Instrument Procedures (TERPS), Federal Aviation Regulations part 77, as revised, and aircraft manufacturer's operating manuals for turbine-powered aircraft capable of landing or taking off at a county airport, or which obstructs the airspace or may otherwise be hazardous to aircraft taking off, maneuvering or landing at an airport.

*Airport surveillance radar (ASR)* means approach control radar used to detect and display an aircraft's position in the terminal area. ASR provides range and azimuth information, and coverage of the ASR can extend up to 60 miles.

*Airspace height* means the height limits as established and set forth in this subdivision. Above mean sea level (AMSL) elevation shall be the datum unless otherwise specified.

*Aviation easement* means the transference by grant of a property owner's legal property rights pertaining to airspace above his property, and the waiving of all possible claims for damages resulting from the operation of aircraft above the surface of the grantor's property, to include but not be limited to noise, vibrations, fumes, dust, fuel particles and all other effects that may be caused due to present and future aircraft flights over the grantor's property.

*A-weighted decibels* means a logarithmic quantification designed to compress the full range of sound pressures and incorporating a filter that deemphasizes sound pressure levels of very high-pitched or low-pitched components to better correlate with subjective judgments of loudness.

*Balloon* means any type of dirigible, balloon or other type of hovering or floating object, tethered or untethered.

*Civil airport* means any county airport not operated strictly for military use.

*Climb gradient* means an aircraft instrument departure procedure requiring adherence to a minimum climb slope or grade expressed in feet per nautical mile.

*Day-night average sound level DNL* means a 24-hour average noise level incorporating a ten-decibel penalty for noise during nighttime hours between 10:00 p.m. and 7:00 a.m.

*DNL noise contour* means a line linking together a series of points of equal cumulative noise exposure. Such contours are developed based upon aircraft flight patterns, number of daily aircraft operations by type of aircraft, and typical runway utilization patterns in terms of percentage of use.

*Decision height* means the height at which a pilot must decide, during an instrument landing system (ILS) approach, to either continue the approach or to execute a missed approach.

*Instrument approach procedure* means a landing approach utilizing electronic guidance aids and made without visual reference to the ground.

*Instrument flight rules (IFR)* means rules governing the procedures for conducting instrument flight according to Federal Aviation Regulations part 91. These rules usually go into affect during bad weather conditions with low visibility minimums.

*Instrument landing system (ILS)* means a landing approach system that establishes a course and a descent path to align aircraft with a runway for final approach.

*Minimum descent altitude (MDA)* means the lowest altitude above mean sea level to which descent is authorized on final approach or during circling-to-land maneuvering in execution of a standard instrument approach procedure (SIAP) where electronic glide slope is not provided.

*Minimum en route altitude (MEA)* means the lowest published altitude between radio fixes that ensures acceptable navigational signal coverage and meets obstruction clearance requirements between those fixes.

*Minimum obstruction clearance altitude (MOCA)* means the lowest published altitude between radio fixes on federal VOR airways, off-airway routes or route segments that meets obstruction clearance requirements for the entire route segment and ensures acceptable navigational signal coverage only within 22 miles of a VOR.

*Minimum vectoring altitude (MVA)* means the lowest altitude above mean sea level at which aircraft operating under instrument flight rule (IFR) conditions will be vectored by a radar controller, except when otherwise authorized for radar approaches, departures or missed approaches.

*Noise zones* means areas representative of specific airport DNL noise contours in which land use is limited due to the level of noise associated with these areas surrounding an airport.

*Nonprecision-instrument runway* means a runway having a nonprecision-instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type of navigation equipment, for which a straight-in nonprecision-instrument approach procedure has been approved or planned, and for which no precision-instrument approach facilities are planned or indicated on an appropriate civil or military airport planning document.

*Nonstandard take-off minimums* means conditions of existing weather required for takeoff at an airport which exceed the standards prescribed in Federal Aviation Regulations part 91.

*Owner* means a mortgage holder, a lienholder or any person having any right, title or interest of any nature and kind whatsoever in and to any real estate within the boundaries of the zones established by this subdivision.

*Precision-instrument runway* means a runway having an instrument approach procedure utilizing horizontal and vertical guidance through an instrument landing system (ILS),

microwave landing system (MLS) or a precision approach radar (PAR), including a runway for which such a system is planned and is so indicated on an approved civil or military airport layout plan, other Federal Aviation Administration planning documents, or comparable military service planning documents.

*Radar obstruction* means any structure or object of natural growth or use of land which would shield or otherwise interfere with the full coverage of the airport surveillance radar (ASR) for the Southwest Florida Regional Airport, Page Field or any other county airport.

*Runway* means a defined area on an airport prepared, used or intended to be used for the taking off and landing of aircraft along its length.

*Utility runway* means a runway that is constructed for and intended to be used by propeller-driven aircraft of 12,500 pounds maximum gross weight or less.

*Visual flight rules (VFR)* means rules governing the procedures for conducting flight under visual conditions according to Federal Aviation Regulations part 91. These rules are usually in effect during good weather conditions with high visibility minimums.

*Visual runway* means a runway intended solely for the operation of aircraft using visual approach procedures with no instrument approach procedure and no instrument designation planned or indicated on a Federal Aviation Administration approved civil or military airport layout plan, or by any other planning document submitted to the Federal Aviation Administration by competent authority.

*VOR* means a very high frequency omnidirectional range air navigation aid which provides bearing information to aircraft.

(Ord. No. 93-24, § 7(492(B)), 9-15-93; Ord. No. 94-24, § 28, 8-31-94; Ord. No. 00-14, § 5, 6-27-00)

**Cross references:** Definitions and rules of construction generally, § 1-2.

#### **Sec. 34-1004. Flight obstruction surfaces.**

In order to carry out the provisions of this subdivision, there are hereby created and established certain surfaces which include all of the land lying beneath the primary, horizontal, conical, approach and transitional surfaces as they apply to a particular airport. Such surfaces are shown on the airport layout plans and the approach and clear zone plans for the Southwest Florida International Airport and Page Field, as well as those surfaces described in the Federal Aviation Administration Terminal Approach Procedures Manual (TERPS) and under Federal Aviation Regulations part 77, on file at Southwest Florida International Airport. These surfaces apply to existing and proposed runway configurations. An area located in more than one of the described surfaces is considered to be only in the surface with the more restrictive height limitations. All height restrictions refer to height above mean sea level (AMSL).

(1) *Publicly owned, public-use county airports.* The various surfaces established and defined for any publicly owned and operated, public-use county airport are as follows:

a. *Primary surface.* The primary surface is an area longitudinally aligned along the runway centerline for each runway, extending 200 feet beyond each end of that runway with the width so specified for each runway for the most precise approach existing or planned for either end of that runway.

1. *Primary surface widths.* The width of each primary surface is as follows:

- i. Precision-instrument runways and nonprecision-instrument runways other than utility with visibility minimums lower than three-fourths of a statute mile: 1,000 feet in width.
- ii. Nonprecision-instrument runways having visibility minimums greater than three-fourths of a statute mile: 500 feet in width.
- iii. Visual runways other than utility: 500 feet in width.
- iv. Utility runways having only visual approaches: 250 feet in width.-

2. *Primary surface height.* No structure or obstruction will be permitted within the primary surface that is not part of the landing, maneuvering and taking-off facilities and is of a greater height than the nearest point of the runway centerline.

b. *Horizontal surface.* The horizontal surface is an area around each civil airport with an outer boundary, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each airport's runways and connecting the adjacent arcs by lines tangent to those arcs. The radius of the arc specified for each end of the runway will have the same arithmetical value, being the higher determined for either end of that runway. When a smaller arc is encompassed by the tangent connecting two adjacent larger arcs, the smaller arc shall be disregarded in the construction of the perimeter of the horizontal surface.

1. *Horizontal surface arc radius.* The radius of each runway arc is as follows:

i. All runways other than utility having precision- and nonprecision-instrument approaches: 10,000-foot radius.

ii. Utility runways having visual or nonprecision approaches and other than utility runways having visual approaches: 5,000-foot radius.

2. *Horizontal surface height.* No structure or obstruction will be permitted in the horizontal surface that has a height greater than 150 feet above the airport elevation.

c. *Conical surface.* The conical surface is an area extending outward from the periphery of the airport's horizontal surface for a distance of 4,000 feet. No structure or obstruction will be permitted in the conical surface that has a height greater than 150 feet above the airport elevation at the inner boundary (connecting to the horizontal surface) with permitted height increasing at a slope of 20 to 1 (one foot vertically for every 20 feet of horizontal distance) measured outward from the inner boundary to a height 350 feet above the airport elevation at the outer boundary.

d. *Approach surface.* The approach surface is an area longitudinally centered on the extended runway centerline and extending outward from the end of the primary surface. The approach surface is designated for each runway based upon the type of approach available or planned for that runway end.

1. *Approach surface widths.* The inner edge of the approach surface is the same width as the primary surface. The outer width of the approach surface is prescribed for the most precise approach existing or planned for that runway end expanding uniformly outward to a width of:

i. Precision-instrument runways: 16,000 feet in width.

ii. Nonprecision-instrument runways: 4,000 feet in width for that end of a nonprecision-instrument runway other than utility, having visibility minimums lower than three-fourths of a statute mile; 3,500 feet in width for that end of a nonprecision-instrument runway other than utility, having visibility minimums greater than three-fourths of a statute mile; and 2,000 feet in width for that end of a nonprecision-instrument utility runway.

iii. Visual runways: 1,500 feet in width for that end of an other than utility runway with only visual approaches, and 1,250 feet in width for that end of a utility runway with only visual approaches.

2. *Approach surface lengths.* The approach surface extends for a horizontal distance of:

i. Precision-instrument runways: 50,000 feet in length.

ii. Nonprecision-instrument runways: 10,000 feet in length for other than utility runways having nonprecision-instrument approaches.

iii. Visual and utility runways: 5,000 feet in length for utility runways having visual and nonprecision approaches and other than utility runways having visual approaches.

3. *Approach surface heights.* No structure or obstruction will be permitted within approach surfaces having a height greater than the runway end at its inner edge, increasing with horizontal distance outward from the inner edge as follows:

i. Precision-instrument runways: A slope of 50 to 1 (one foot vertically for every 50 feet horizontally) for the first 10,000 feet, increasing to 40 to 1 (one foot vertically for every 40 feet horizontally) for an additional 40,000 feet.

ii. Nonprecision-instrument runways: A slope of 34 to 1 (one foot vertically for every 34 feet horizontally) for the designated length for runways having nonprecision-instrument approaches.

iii. Visual and utility runways: A slope of 20 to 1 (one foot vertically for every 20 feet horizontally) for the designated length for utility runways having visual and nonprecision approaches and other than utility runways having visual approaches.

e. *Transitional surface.* The transitional surface is an area extending outward and upward from the sides of each primary surface and approach surface at a slope of 7 to 1 (one foot vertically for every seven feet horizontally) until the height matches the height of the horizontal surface or for a horizontal distance of 5,000 feet for a precision-instrument runway approach surface extending beyond the conical surface.

f. *Terminal instrument procedures (TERPS) departure surfaces.* Terminal instrument procedures departure surfaces are areas designated for the instrument departure of aircraft as outlined in Federal Aviation Administration Handbook 8260.3B. The application of the terminal instrument procedures (TERPS) departure surfaces shall be made after application of the surfaces described in subsections (1)a through e of this section, to determine which of the surface's elevations are more constraining. The surface that is most constraining with regard to permitted heights will apply. The terminal instrument procedures (TERPS) departure surface is an area longitudinally centered on the extended runway centerline and extending outward from the departure end of each runway for two nautical miles. The width of the surface is 1,000 feet at the runway end, diverging 15 degrees outward from either side of the runway centerline out to the end of the surface (width at this point is approximately 7,512 feet). The beginning elevation of these surfaces is 35 feet above the runway end with this elevation increasing at a slope of 40 to 1 (one foot vertically for every 40 feet horizontally) to the end of the surface.

g. *Airport surveillance radar (ASR) surface.*

1. The airport surveillance radar (ASR) surface extends radially from the airport surveillance radar (ASR) facility located adjacent to the northwestern perimeter of the Southwest Florida International Airport. The beginning elevation of the airport surveillance radar (ASR) conical surface is designated as the ground elevation at the center of the airport surveillance radar (ASR) facility. The airport surveillance radar



(ASR) surface extends upward and outward from this reference point in all directions at a 125 to 1 slope (one foot vertically for every 125 feet horizontally) until an elevation of 125 feet above mean sea level is reached.

2. Due to the fact that the operation of the airport surveillance radar (ASR) facility is electromagnetic in nature, objects not penetrating the 125 to 1 airport surveillance radar (ASR) surface may still have an adverse affect on the safe and efficient operation of the airport surveillance radar (ASR) facility. Therefore, the airport surveillance radar (ASR) obstruction zone is hereby created and is designated as an area that extends from the airport surveillance radar (ASR) facility reference point in all directions to a radius of 5,000 feet. No construction or alteration shall be permitted within this airport surveillance radar (ASR) obstruction zone without prior review and approval by the county port authority.

h. *Heliport primary surface.* The area of the heliport primary surface coincides in size and shape with the designated takeoff and landing area of a heliport. This surface is a horizontal plane at the elevation of the established heliport elevation.

i. *Heliport approach surface.* The heliport approach surface begins at each end of the heliport primary surface with the same width as the heliport primary surface and extends outward and upward for a horizontal distance of 4,000 feet where its width is 500 feet at a slope of 8 to 1 (one foot vertically for every eight feet horizontally).

j. *Heliport transitional surface.* This surface extends outward and upward from the lateral boundaries of the heliport primary surface and from the heliport approach surface at a slope of 2 to 1 (one foot vertically for every two feet horizontally) for a distance of 250 feet measured horizontally from the centerline of the heliport primary and approach surfaces.

k. *Other areas.* In addition to the height limitations imposed in subsections (1)a through j of this section, no structure or obstruction will be permitted within the county that would cause a minimum descent altitude (MDA), minimum obstruction clearance altitude (MOCA), minimum vectoring altitude (MVA) or decision height to be raised, or which would impose either the establishment of restrictive minimum climb gradients or nonstandard takeoff minimums. The following limitations apply to height restrictions within the county, in addition to those presented in subsections (1)a through j of this section. Where any two restrictions are in conflict, the more stringent applies.

1. Except as otherwise provided in this subdivision, no structure or object of natural growth shall be erected, altered or allowed to grow, or be maintained, to a height which penetrates any flight obstruction surfaces created in this subdivision.

2. Except as otherwise provided in this subdivision, no structure or object of natural growth shall be erected, altered or allowed to grow, or be maintained, without prior approval by the county port authority, which is or would be an obstruction to air navigation within the county or of a height greater than any of the following:

i. A height of 500 feet above ground level at the site of the object.

ii. A height of 200 feet above ground level or above the established airport elevation, whichever is higher, within three nautical miles of the established reference point of an airport, and which height increases at a slope of 100 to 1 (one foot vertically for every 100 feet horizontally) up to a maximum of 500 feet.

iii. Any object within the approach segment, the departure area or any missed approach or circling approach area which is determined by the administrative director to be a hazard to the safe and efficient use of airspace around an airport.

3. Except as otherwise provided in this subdivision, no structure or object or natural growth shall be erected, altered or allowed to grow, or be maintained, which penetrates any of the imaginary surfaces outlined under Federal Aviation Regulations part 77, Notice of Construction or Alteration, as revised, without prior notification to the Federal Aviation Administration as outlined under the same regulations.

(2) *Other county airports.* No structure or obstruction will be permitted within zones specified in the rules of the state department of transportation, chapter 14-60, Airport Licensing and Zoning, that is not part of the landing, maneuvering and taking-off facilities at any county airport, as determined by the county port authority. (Ord. No. 93-24, § 7(492(C)), 9-15-93; Ord. No. 94-24, § 28, 8-31-94)

**Sec. 34-1005. Land use restrictions and obstruction identification.**

(a) *Land use restrictions.* Notwithstanding any other provisions of this subdivision, no use may be made of land or water within the county in such a manner as to interfere with the safe operation of an airborne aircraft. The following special requirements shall apply to each permitted use:

(1) All lights or illumination used in conjunction with streets, parking, signs, or use of land and structures shall be arranged and operated in such a manner that it is not misleading or dangerous to aircraft operating from a county airport or in the vicinity thereof.

(2) All floodlights and spotlights and any type of pulsating, flashing, rotating or oscillating light intended as an attention-gathering device shall be prohibited if determined to be a possible hazard to air navigation by the county port authority.

(3) No operations of any type shall produce smoke, dust, visible fumes or vapors, glare or other visual hazards within three statute miles of any usable runway of an airport.

(4) No operations of any type shall produce electronic interference with navigational signals or radio communication between aircraft, an airport or other types of air traffic controlling facilities.

(5) Sanitary landfills shall be considered as an incompatible use if located within areas established for the airport through the application of the following criteria:

a. Landfills located within 10,000 feet of any runway used or planned to be used by turbojet or turboprop aircraft.

b. Landfills located within 5,000 feet of any runway used only by piston type aircraft. Landfills outside the perimeters described in this subsection, but still within the lateral limits of the surfaces described in this subdivision, will be reviewed on a case-by-case basis.

(6) Any landfill located so that it places the runways or approach and departure patterns of an airport between bird feeding, water or roosting areas is not permitted.

(7) Any type of dirigible, balloon or other type of hovering or floating object the height of which exceeds the airspace notification limitations outlined in section 34-1008 shall be reviewed by the county port authority as outlined in the procedures specified in section 34-1008.

(8) No structure of any height, type or material shall be constructed or altered which could possibly cause interference to any airport surveillance radar system as determined by the Federal Aviation Administration or the county port authority.

(b) *Obstruction marking and lighting.*

(1) Any variance or permit granted which is determined to be a possible obstruction to air navigation as outlined in the provisions of this subdivision shall, as a specific condition, require the owner to mark and light the structure to indicate to aircraft pilots the presence of the obstruction. Such marking and lighting shall conform to the specific standards established by F.S. § 333.07 and Federal Aviation Administration Advisory Circular 70/7460-1, as amended.

(2) Notwithstanding any other provisions within this subdivision, the owner of any existing nonconforming structure or tree is hereby required to install, operate and maintain thereon such markers and lights as shall be deemed necessary by the administrative director to indicate to the operators of aircraft in the vicinity of the airport the presence of such flight obstructions. Such markers and lights shall be installed, operated and maintained at the expense of the owner.

(Ord. No. 93-24, § 7(492(D)), 9-15-93)

#### **Sec. 34-1006. Airport noise zones.**

(a) *Purpose.* The purpose of this section is to establish standards for land use and for noise compatibility requirements with respect to noise associated with the normal operation of county airports. This section establishes noise zones of differing intensities and land uses in the vicinity of county airports, establishes permitted land uses within the noise zones, and establishes notification and easement procedures to prospective purchasers or developers of real estate within the noise zones.

(b) *Noise zones defined; permitted uses.* There are hereby created and established two airport noise zones pertaining to land uses surrounding the Southwest Florida International Airport based upon the DNL contours for airport noise developed in accordance with the Federal Aviation Regulations, Part 150, Noise Compatibility Study for the Southwest Florida International Airport, as adopted by the Board of County Commissioners and on file at the county port authority. The purpose and intent of these noise zones is to define and set forth specific regulations for all properties within the described areas. These noise zones are set forth as overlay zoning districts in that they provide regulations and restrictions in addition to those set forth in the planned development or conventional zoning districts in which the property is located, as defined in this chapter. Except as otherwise provided in this section, no land, body of water or structure may be used or permitted to be used and no structure may be hereafter erected, constructed, moved, reconstructed or structurally altered or maintained in any of these airport noise zones which is designed, arranged or intended to be used or occupied for any purpose other than as defined in the following:

(1) *Airport Lands zone.*

a. *Location.* Airport Lands zone is the land within the airport boundary as identified in Appendix C.

b. *Restrictions.* The Airport Lands zone is restricted to airport-related uses only, including but not limited to those necessary to provide services and convenience goods principally to airline passengers, and those uses generally associated with the airport

operations, including aircraft and aircraft parts manufacturers, air freight terminals, aviation and airline schools, aircraft repair shops, aerial survey offices, aircraft sales, equipment and parts storage, aviation research and testing laboratories, airline catering services and governmental facilities.

(2) *Noise sensitive zone.*

a. *Location.* The noise sensitive zone consists of that area of land located between the Airport Lands boundary and the 2020 Composite 60 DNL contour line as determined in the adopted 2005 FAR Part 150 Study for Southwest Florida International Airport and identified in Appendix C.

b. *Restrictions.* This zone allows any use permitted by this chapter, provided that no residential living units, places of worship, libraries, schools, hospitals, correctional institutions or nursing homes are permitted. However, residential units, including mobile homes, that are lawfully existing as of June 27, 2000 will be treated as legally permitted uses and not as nonconforming uses. Lawfully existing mobile or manufactured homes may be replaced with new mobile or manufactured homes or conventional single-family construction and existing conventional single-family homes may be replaced with new conventional homes so long as such replacement would be otherwise allowed by this Code. However, an existing conventional home may not be replaced with a new mobile or manufactured home. One conventional single-family home is permitted on each lot in a plat properly recorded before June 27, 2000 if such use would have been permitted on the lot prior to June 27, 2000.

(Ord. No. 93-24, § 7(492(E)), 9-15-93; Ord. No. 94-24, § 28, 8-31-94; Ord. No. 96-25, § 2, 12-18-96; Ord. No. 00-14, § 5, 6-27-00; Ord. No. 01-03, § 5, 2-27-01; Ord. No. 01-18, § 5, 11-13-01; Ord. No. 05-15, § 1, 8-23-05)

**Sec. 34-1007. Nonconforming uses.**

Except as prescribed in section 34-1005(b), pertaining to obstruction marking and lighting, the requirements prescribed by this subdivision shall not be construed to necessitate the removal, lowering or alteration of any existing structure not conforming to the requirements set forth in this subdivision; nor shall it be construed to require the sound conditioning or other changes or alteration of any existing structure not conforming to the requirements as of September 1, 1989, or otherwise interfere with the continuance of any existing nonconforming use. Nothing contained in this subdivision shall require any change in construction or alteration which was begun prior to September 1, 1989, and is diligently pursued and completed within two years thereof. The cost of removing or lowering any tree or object of natural growth not conforming to the requirements of this section shall be borne by the owner of the nonconforming tree.

(Ord. No. 93-24, § 7(492(F)), 9-15-93)

**Sec. 34-1008. Permit for tall structures.**

(a) It shall be the duty of the director to administer and enforce the requirements prescribed in this subdivision within the territorial limits over which the county has jurisdiction through the permitting process. The director shall implement airspace notification procedures through the use of the county airspace notification map, as developed by the county port authority, to assist the department in determining when a proposed structure or object would require a tall structures permit. This airspace

notification map shall be reviewed annually with the county port authority's attorney and executive director, or their designees, to ensure currency. The various surfaces displayed on the county airspace notification map are defined as follows. The penetration of the imaginary surfaces outlined in this section shall require review by the county port authority under the provisions provided in this section.

(1) *Publicly owned, public-use county airports.* Any construction or alteration of a greater height than an imaginary surface extending outward and upward from any point of any publicly owned, public-use county airport at a slope of 125 to 1 (one foot vertically for every 125 feet horizontally) for a distance up to a height of 125 feet above mean sea level.

(2) *Other county airports.* Any construction or alteration of a greater height than an imaginary surface extending outward and upward from any point of any privately owned or private-use county airport at a slope of 50 to 1 (one foot vertically for every 50 feet horizontally) for a distance up to a height of 125 feet above mean sea level.

(3) *Heliports.* Any construction or alteration of a greater height than an imaginary surface extending outward and upward from any point of any public or private state-licensed county heliport at a slope of 25 to 1 (one foot vertically for every 25 feet horizontally) for a distance up to a height of 125 feet above mean sea level.

(4) *Airport surveillance radar notification areas.* Any construction or alteration within 5,000 feet of any airport surveillance radar facility, and any construction or alteration of a greater height than an imaginary surface extending outward and upward from the reference point of any airport surveillance radar facility at a slope of 125 to 1 (one foot vertically for every 125 feet horizontally) for a distance up to a height of 125 feet above mean sea level.

(5) *Other areas.* Any construction or alteration of a greater height than 125 feet above mean sea level.

(b) If the director determines, for any proposed construction, including adding height to any existing structures, and for all alterations, repairs or additions that will change the use of the structure, or for erecting, altering or repairing any object of natural growth, that the height of the proposed structure or object exceeds the height limitations outlined on the county airspace notification map as determined by the director, then the applicant is required to obtain a tall structures permit prior to the issuance of any further development orders or permits.

(c) Applications for a tall structures permit shall include the height and location of derricks, draglines, cranes and other boom-equipped machinery, if such machinery is to be used during construction.

(d) Applicants intending to use derricks, draglines, cranes and other boom-equipped machinery for such construction, reconstruction or alteration as is consistent with the provisions of this subdivision shall, when the machine operating height exceeds the height limitations imposed by this subdivision, require a tall structures permit. Upon obtaining this permit through the procedures outlined in this section, the applicant shall mark, or mark and light, the machine to reflect conformity with the Federal Aviation Administration's or the county port authority's standards for marking and lighting obstructions, whichever is more restrictive, and shall be required in such cases to inform the county port authority, through this tall structures permit process, of the location,

height and time of operation for such construction equipment use prior to the issuance of any construction permit to the applicant.

(e) The permitting procedures for a tall structures permit are outlined as follows. If a tall structures permit application is deemed necessary by the director, as determined through the use of the county airspace notification map, the following procedures shall apply:

(1) The department shall give a written notice to the applicant that a tall structures permit is required and that no further permits or development orders can be issued until a tall structures permit is obtained.

(2) The applicant shall then submit a completed tall structures permit application to the Lee County Port Authority, 16000 Chamberlin Parkway, Ft. Myers, Florida 33913. The county port authority shall review the application, and the following procedures will apply:

a. If the county port authority determines that the proposed construction or alteration represented in the application does not violate the provisions of Federal Aviation Regulations, part 77, or the provisions of this subdivision or any other application of federal or state rules and regulations or does not adversely affect the airspace surrounding any county airport, the port authority shall indicate such determination on the tall structures permit application. The signed tall structures permit application will then be returned to the applicant. The applicant shall present the tall structures permit application to the administrative director in order that a tall structures permit may be issued. If the signed tall structures permit application is accompanied with stipulations of compliance as determined by the county port authority, it is the responsibility of the administrative director to ensure that these stipulations are adequately addressed prior to the issuance of a tall structures permit.

b. If the county port authority determines that the proposed construction or alteration violates the notification criteria of Federal Aviation Regulations, part 77, or otherwise violates any provisions of this subdivision or any other applicable federal or state rules or regulations, the county port authority will notify the applicant in writing that the proposed construction or alteration may adversely affect the airspace surrounding county airports and require that a notice of proposed construction or alteration be filed with the Federal Aviation Administration for review through the submittal of Federal Aviation Administration Form 7460-1 as required by Federal Aviation Regulations, part 77. The county port authority shall suspend the tall structures permit application process until Federal Aviation Administration findings of aeronautical effect are received and reviewed.

c. It is the responsibility of the applicant to forward the Federal Aviation Administration's findings of aeronautical effect, along with a copy of the completed original Federal Aviation Administration Form 7460-1, to the county port authority in order to continue the tall structures permit process.

d. The tall structures permit application shall not be issued if the proposed construction or alteration is found to violate the provisions of this subdivision or any other applicable federal or state rules or regulations. No tall structures permit will be issued if all Federal Aviation Administration and county port authority comments are not addressed to the satisfaction of the county port authority. The applicant shall be forwarded a written notice if the tall structures permit is denied, from the county port authority. This written notice

shall specify the reason for objections and suggestions for compliance under this subdivision and all other applicable federal or state rules and regulations.

e. After reviewing the Federal Aviation Administration's comments pertaining to the Federal Aviation Administration Form 7460-1, if the county port authority determines that the proposed construction or alteration does not adversely affect any other requirements pertaining to county airports, the port authority shall return to the applicant the signed tall structures permit application. The applicant shall present a copy of the tall structures permit application, along with all port authority comments and stipulations, to the director in order that a tall structures permit may be issued. If the signed tall structures permit application is accompanied with stipulations of compliance, it is the responsibility of the director to ensure that these stipulations are adequately addressed prior to the issuance of a tall structures permit.

(f) If the director determines that all procedures and application approvals are in compliance with the provisions outlined in this section, then a tall structures permit will be issued to the applicant.

(g) No tall structures permit shall be issued prior to obtaining a determination of acceptability and compliance from the county port authority.

(h) Temporary or conditional tall structures permits pending completion of the Federal Aviation Administration's or the county port authority's review shall not be issued.  
(Ord. No. 93-24, § 7(492(G)), 9-15-93)

## LEE COUNTY TALL STRUCTURES REVIEW APPLICATION

To: Planning & Environmental Compliance Dept. Date: \_\_\_\_\_  
Lee County Port Authority

Project: \_\_\_\_\_  
DO #/ Building Permit Ref. # (circle one): \_\_\_\_\_

The undersigned Owner/Lessee hereby requests a Tall Structures Review in accordance with the Lee County Land Development Code, Zoning Section 34-1008, as amended.

1. Location: \_\_\_\_\_  
STRAP Number: \_\_\_\_\_

**IMPORTANT:** A USGS 7.5 Quadrangle Map showing the exact location of the proposed project must be attached (USGS 7.5 Quadrangle Maps may be obtained from the Lee County Mapping office), unless exact Latitude/Longitude of project is given below:

North	Latitude-	_____	Degrees	_____	Minutes	_____	Seconds
West	Longitude-	_____	Degrees	_____	Minutes	_____	Seconds

### 2. Proposed Tall Structures

#### A. TEMPORARY CRANE:

Height \_\_\_\_\_ AGL Date(s) of Operation \_\_\_\_\_  
Hours of Use \*\* \_\_\_\_\_

\*\*Must coordinate with Lee County Port Authority prior to use.

#### B. PERMANENT STRUCTURE:

Type Construction \_\_\_\_\_

Construction Materials \_\_\_\_\_

Dimensions- at Base: \_\_\_\_\_ at Top \_\_\_\_\_

Height Above Ground Level \_\_\_\_\_ Elevation of site \_\_\_\_\_

3. Property Owner:	Applicant:
Name _____	Name _____
Address _____	Address _____
_____	_____
Phone _____	Phone _____
Fax _____	Fax _____

IF PERMIT SEEKER IS NOT LANDOWNER, attach a copy of the authorization to construct or lease on the land involved.



4. Construction Diagram: Attach hereto a scale drawing showing the size and dimensions of the proposed construction. **If cranes are to be used during the project, include the maximum crane height used during construction, dates and hours of operation, and shade in their envelope of maneuverability.**
5. Special considerations, if any:

I do solemnly swear (or affirm) that the statements and information contained herein and on the required supporting documents are true and correct.

Date: \_\_\_\_\_ Applicant Signature: \_\_\_\_\_

Print Applicant Name: \_\_\_\_\_

Please forward this application, and direct any questions regarding the completion of this application, to Herman Lawrence, Jr., Lee County Port Authority, Planning and Environmental Compliance Department, Southwest Florida International Airport, 11000 Terminal Access Road, Suite 8671, Fort Myers, FL 33913, FAX (239) 590-4688/Telephone: (239) 590-4624.

**BELOW COMPLETED BY LEE COUNTY PORT AUTHORITY**

LEE COUNTY PORT AUTHORITY  
TALL STRUCTURES REVIEW/PERMIT

Date Reviewed \_\_\_\_\_

DO # or Building Permit Ref. # (circle one) \_\_\_\_\_

Project: \_\_\_\_\_

STRAP #: \_\_\_\_\_

The Lee County Port Authority has reviewed the above project and determined that the proposed development is:

\_\_\_\_\_ Approved for a Tall Structures Permit and is in compliance with Zoning Section 34-1008 of the Lee County Land Development Code. This approval is conditional based on the attached stipulations.

\_\_\_\_\_ Disapproved for a Tall Structures Permit based on the following:

DATE \_\_\_\_\_  
LEE COUNTY PORT AUTHORITY REPRESENTATIVE

*Mike Scott*  
Sheriff



State of Florida  
County of Lee

Mr. Fred Drovdlc  
Quattrone & Associates, Inc...  
11000 Metro Parkway, Suite 30  
Fort Myers, FL. 33912

October 3, 2006

Dear Mr. Drovdlc:

The Sheriff's Office has reviewed your letter dated September 21, 2006 outlining your intention to request Lee County to consider a comprehensive plan amendment for the area of Three Oaks Parkway North. According to my staff, the amendment, if approved, will allow the construction of a 1,344,000 square foot business park consisting of industrial, research and development, retail and commercial office space to be situated on 169.2 acres. I further understand that the project has a tentative commencement date of sometime in the year 2009.

If the proposed development follows that which you have discussed with my staff then the Sheriff's Office has no objection to this project and I am confident that we will be able to provide an adequate "core" level of law enforcement services to the area. As is our policy, we evaluate from year to year the demand for law enforcement services based on a formula derived from our calls for service, size of the service population and optimal response times. As this project builds out we will factor its impact into our annual manpower review and make adjustments accordingly.

We look forward to further discussions on this matter as the development progresses. Please let us know if there are any significant changes in the projected density of the project.

Sincerely,

Mike Scott  
Sheriff, Lee County Florida



14750 Six Mile Cypress Parkway • Fort Myers, Florida 33912-4406 • (239) 477-1000

# MAPS

## MAPS



RPD  
(Fiddlesticks CC)  
Danels Parkway  
RURAL FLUM  
Single-Family Housing

AG-2  
Pending Rezone to IPD  
(Three Oaks Commerce Park)  
Gateway/Airport  
INDUSTRIAL FLUM  
VACANT

AG-2  
Danels Parkway  
RURAL LANDS  
VACANT

AG-2  
Gateway/Airport  
INDUSTRIAL FLUM  
VACANT

AG-2  
Gateway/Airport  
INDUSTRIAL FLUM  
VACANT

AG-2  
Gateway/Airport  
INDUSTRIAL FLUM  
VACANT

AG-2  
Gateway/Airport  
INDUSTRIAL FLUM  
VACANT

AG-2  
Gateway/Airport  
INDUSTRIAL/WETLANDS FLUM  
VACANT

SUBJECT PARCELS  
STRAP #  
03-46-25-00-00001.1030  
03-46-25-00-00001.103C  
03-46-25-00-00001.103B  
ELIMINATED FROM REQUEST

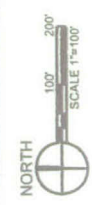
SUBJECT PARCELS  
STRAP #  
03-46-25-00-00001.1050  
03-46-25-00-00001.1020  
82.86 ACRES

CPTD  
Z-07  
(Allco Crossroads Center CPTD)  
Gateway/Airport  
INDUSTRIAL INTERCHANGE FLUM  
VACANT

AG-2  
Gateway/Airport  
TRADEPORT  
VACANT

MPD  
Z-05-029  
(Airport Interstate Commerce Park)  
Gateway/Airport  
TRADEPORT FLUM  
VACANT/UNDER DEVELOPMENT

I-75



A-3 & A-4

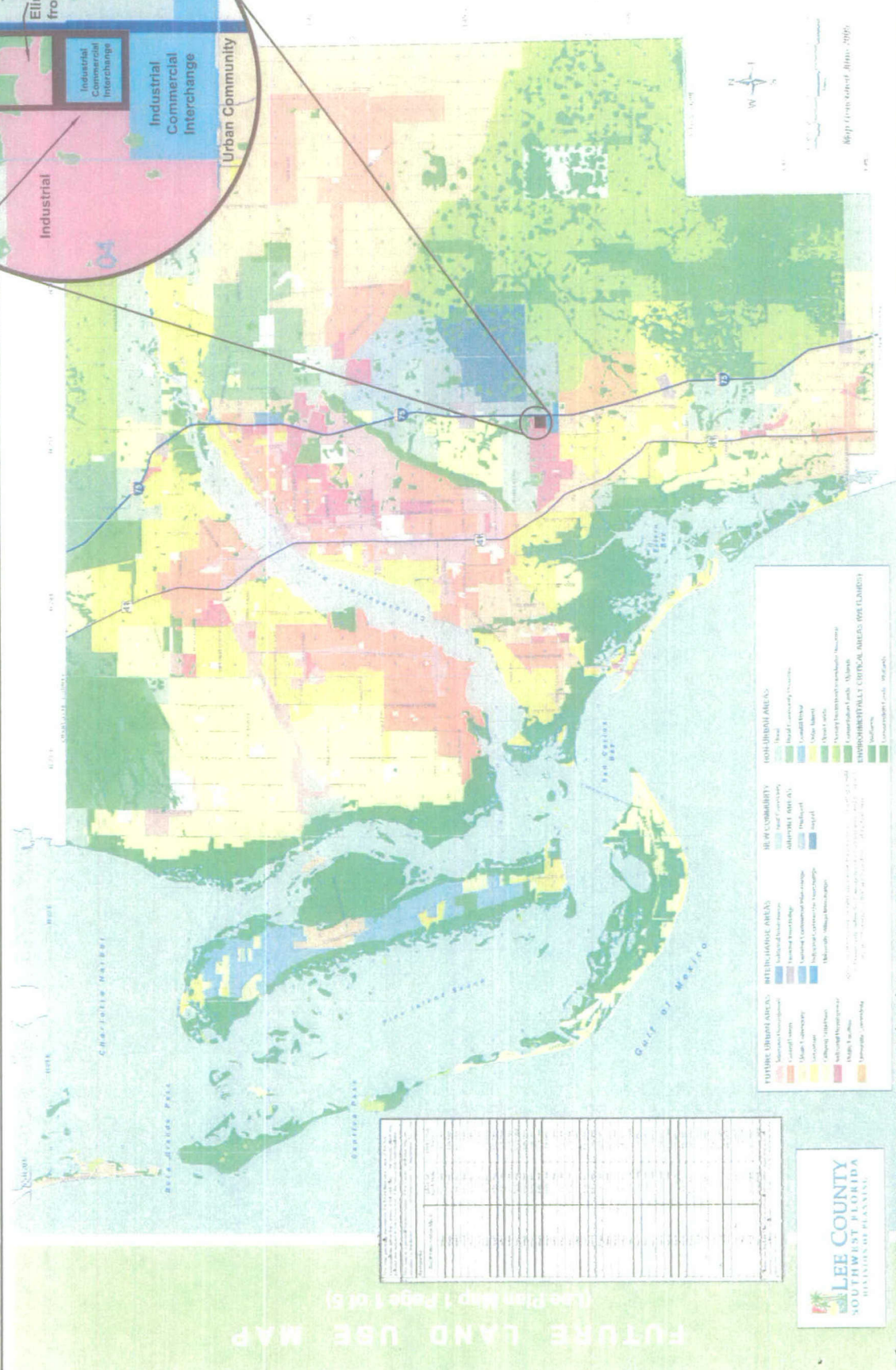
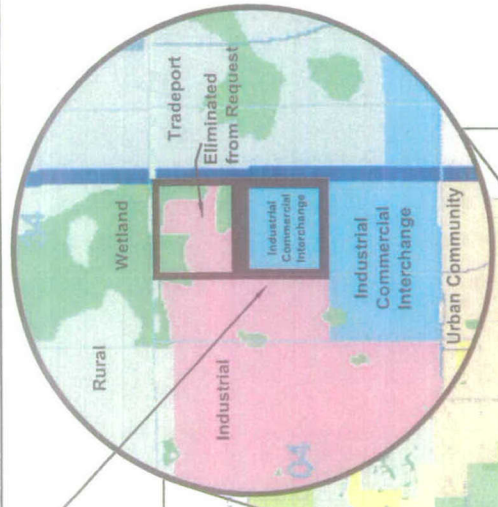
Quattrone & Associates, Inc.  
Engineers, Planners, & Development Consultants  
11000 Mirror Parkway, Suite 20 • Fort Myers, Florida 33912 • 239-936-5222  
(Certified as a Professional Engineer, No. 1000)

THREE OAKS NORTH CPA  
EXHIBIT A-3 & A-4: EXISTING ZONING & LAND USES  
LEE COUNTY, FLORIDA



STRAP #03-46-25-00-00001.1050, 03-46-25-00-00001.1020  
82.86 ACRES  
(Revised from 169 acres)

**PROPOSED: INDUSTRIAL COMMERCIAL INTERCHANGE**

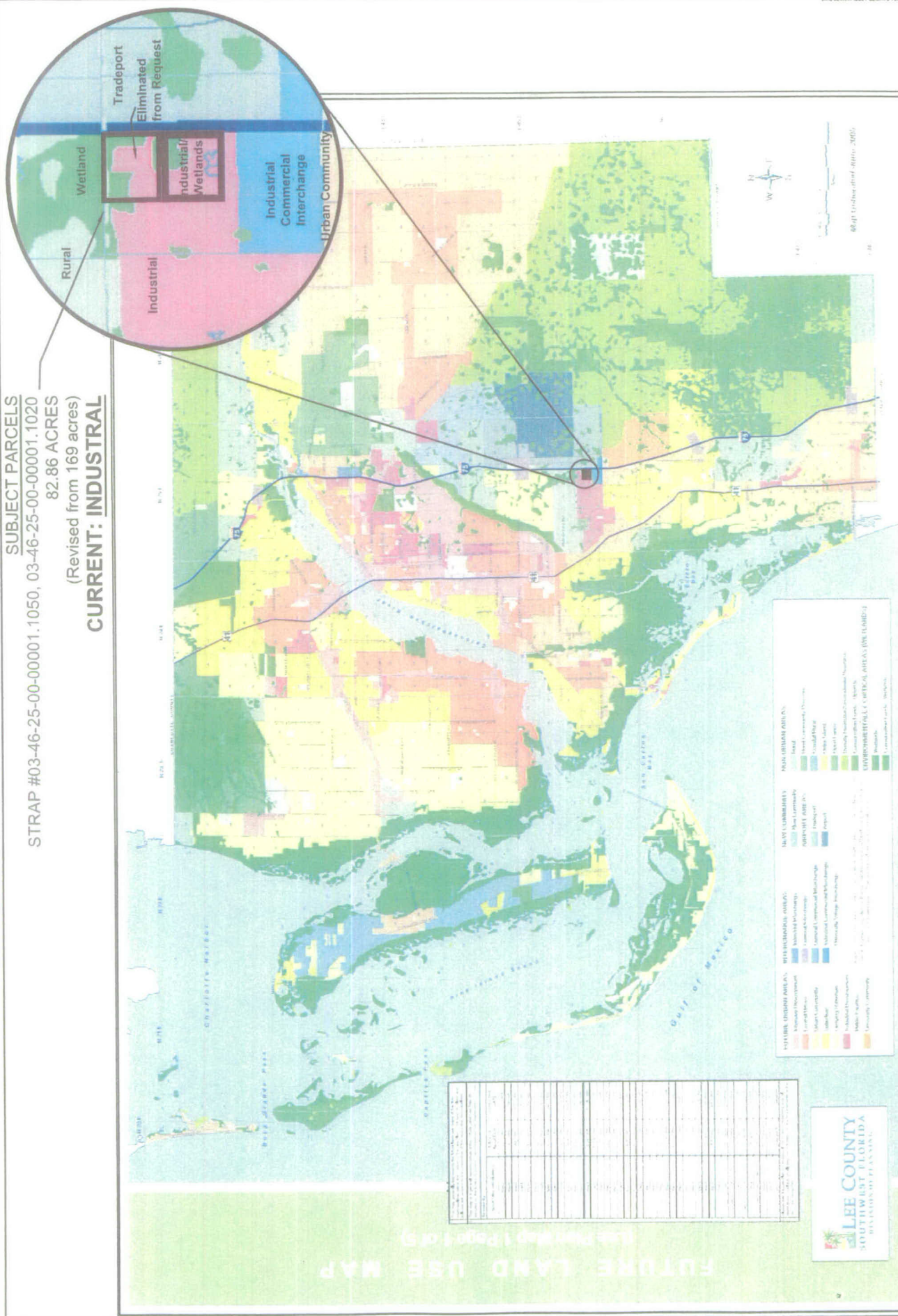


**LEGEND**

Future Urban Areas	Wetland	Rural	Urban Community
High Density Residential	Wetland	Wetland	High Density Residential
Medium Density Residential	Wetland	Wetland	Medium Density Residential
Low Density Residential	Wetland	Wetland	Low Density Residential
Commercial	Wetland	Wetland	Commercial
Industrial	Wetland	Wetland	Industrial
Public Use	Wetland	Wetland	Public Use
Unincorporated	Wetland	Wetland	Unincorporated

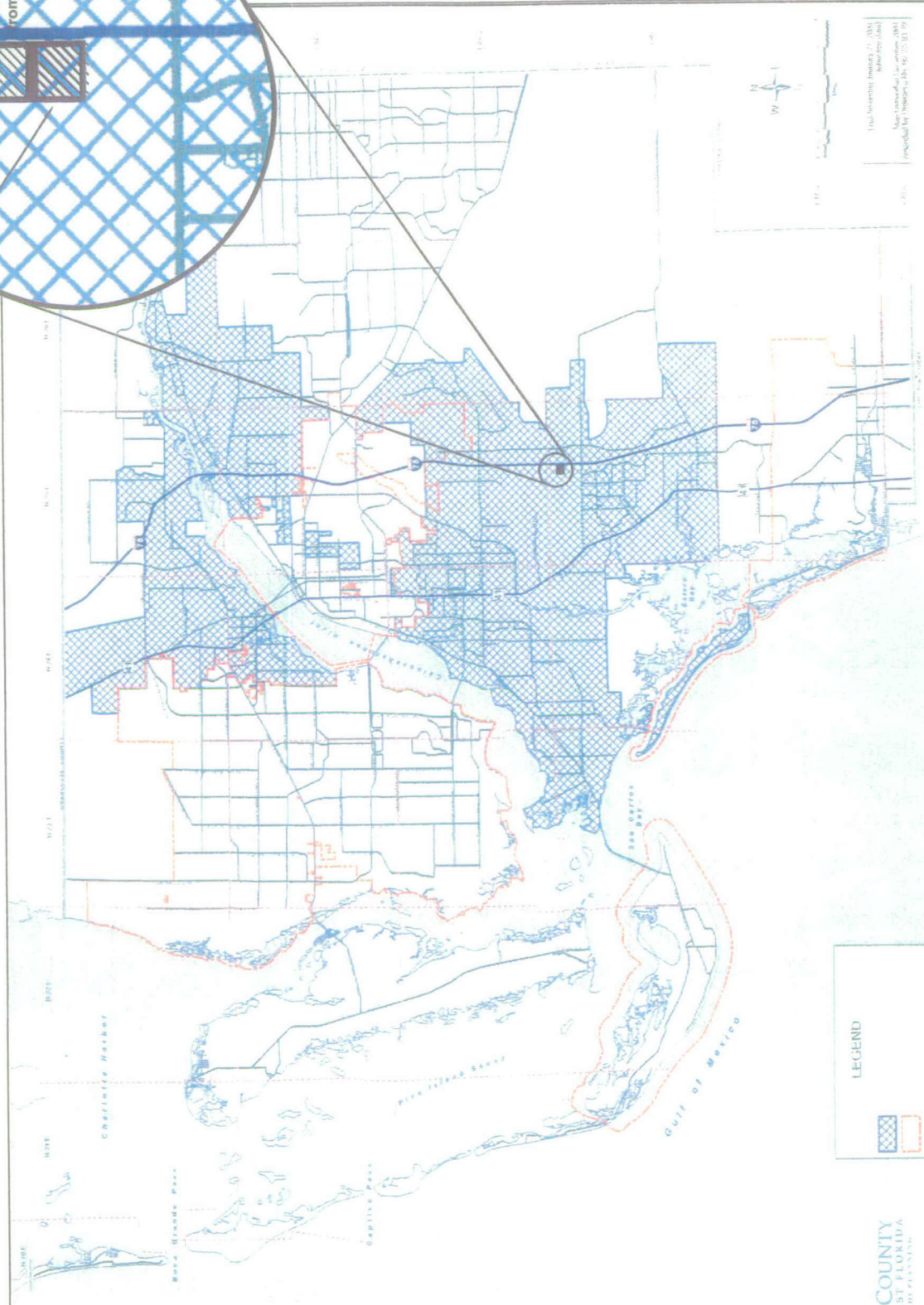
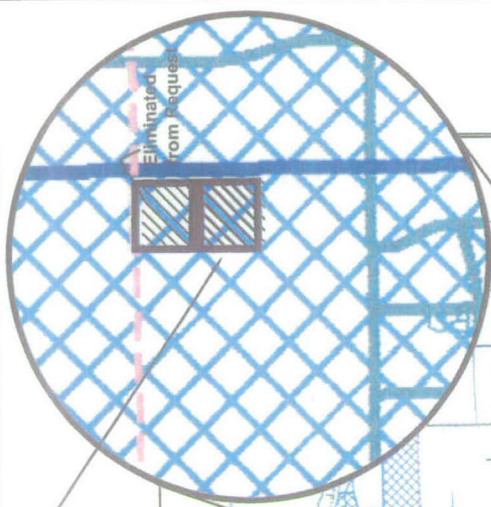








STRAP #03-46-25-00-00001.1050, 03-46-25-00-00001.1020  
 82.86 ACRES  
 (Revised from 169 acres)



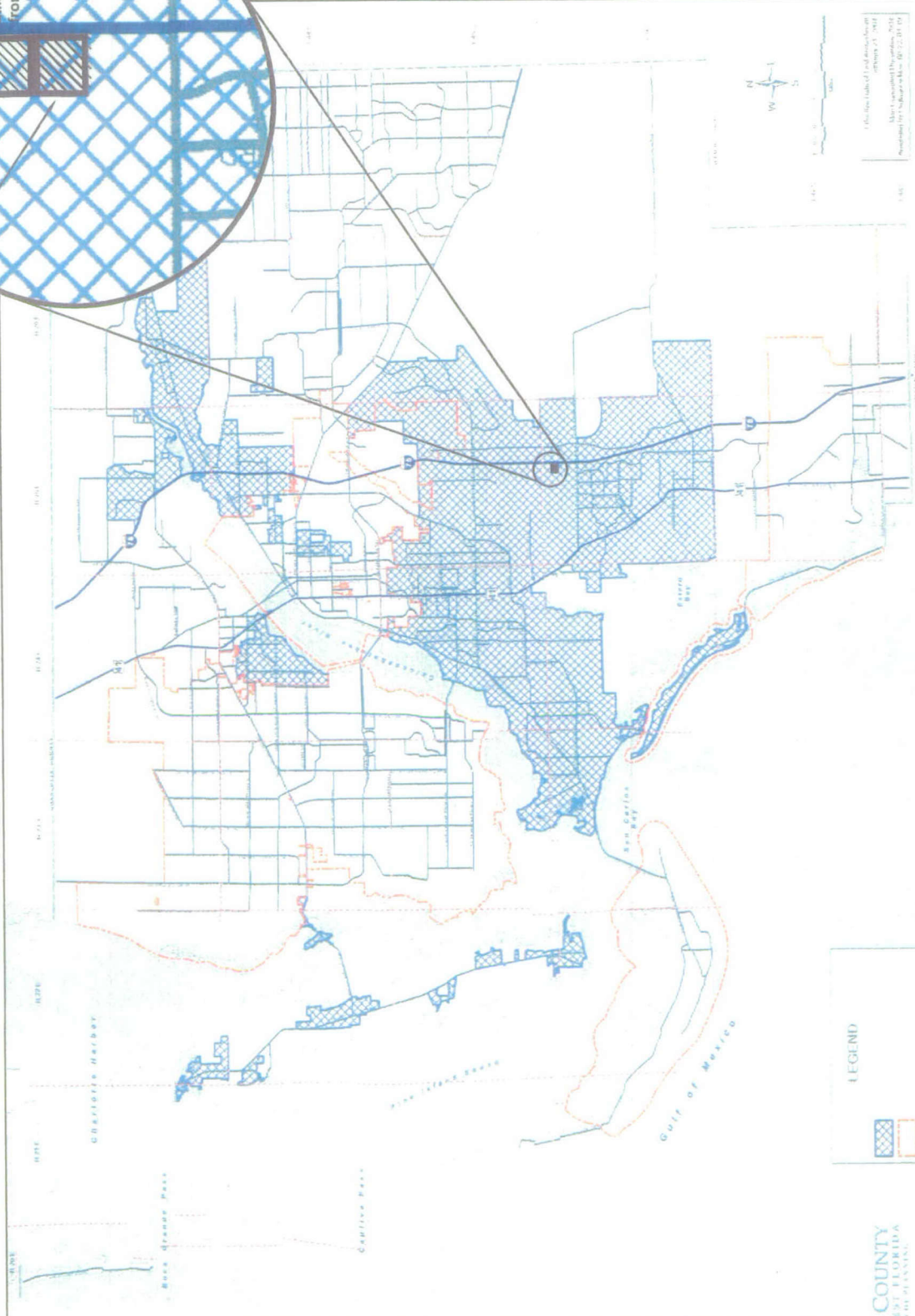
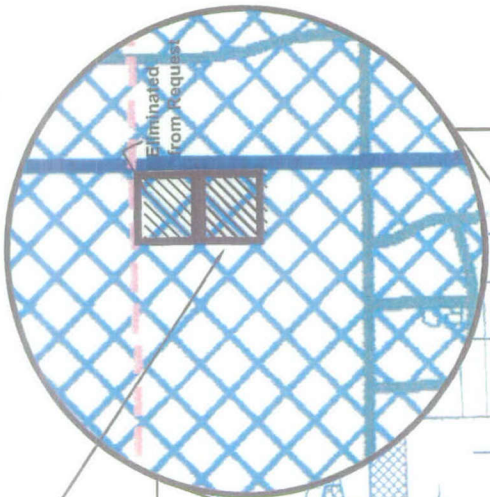
**LEGEND**

Blue cross-hatch pattern: Future Water Service Area

Red outline: Boundary



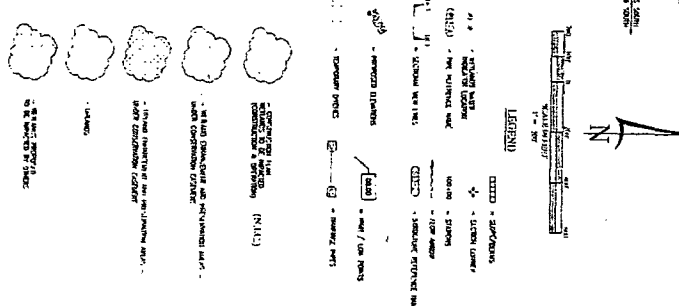
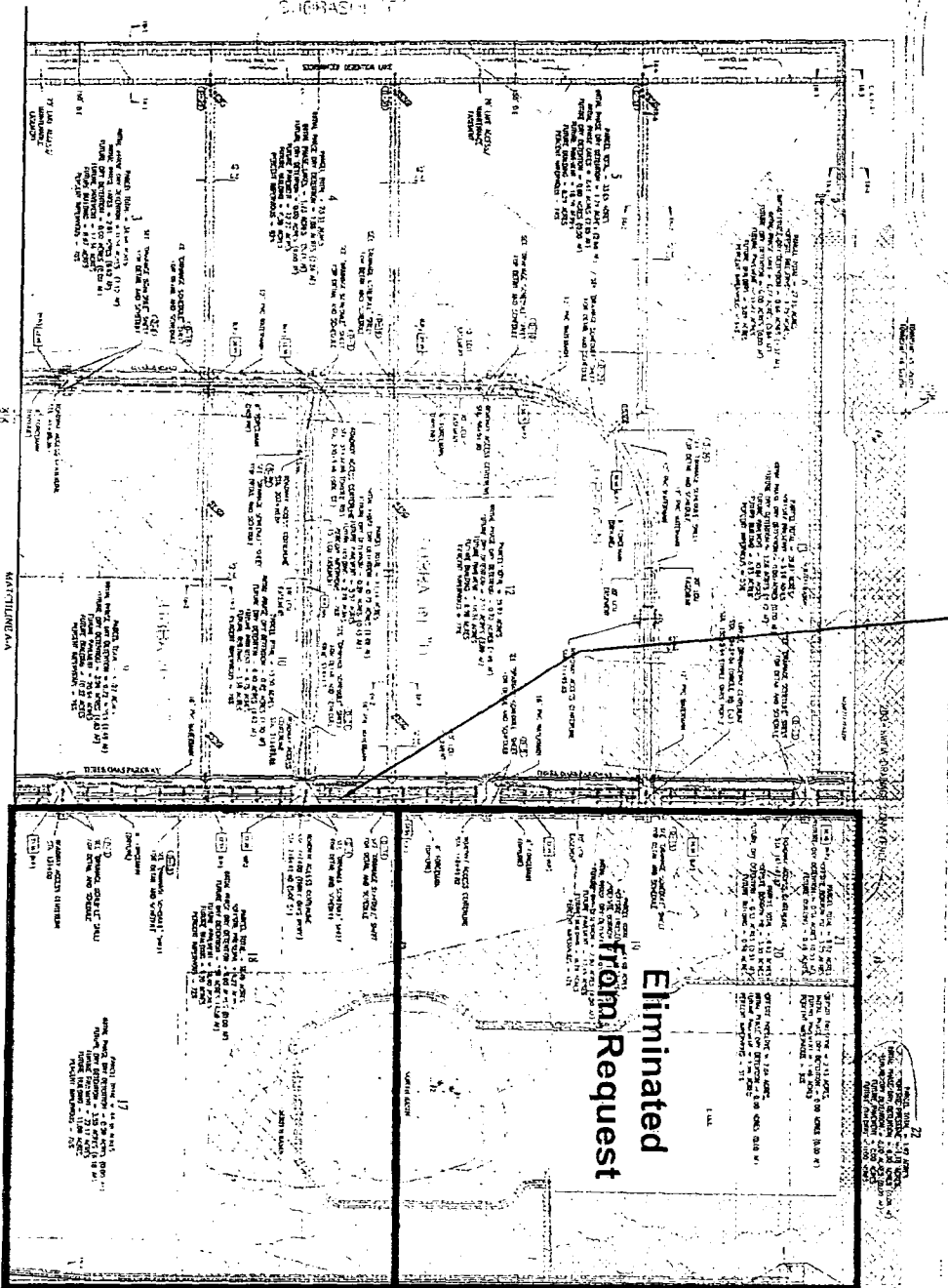
**SUBJECT PARCELS**  
 STRAP #03-46-25-00-00001.1050, 03-46-25-00-00001.1020  
 82.86 ACRES  
 (Revised from 169 acres)



LEE COUNTY UTILITIES  
 FUTURE SEWER SERVICE AREAS  
 (See Plan Map 7)



**SUBJECT PARCELS**  
**STRAP #03-46-25-00-00001.1050, 03-46-25-00-00001.1020**  
**82.86 ACRES**  
 (Revised from 169 acres)



NO.	ACRES	OWNER
1	1.00	STATE OF FLORIDA
2	1.00	STATE OF FLORIDA
3	1.00	STATE OF FLORIDA
4	1.00	STATE OF FLORIDA
5	1.00	STATE OF FLORIDA
6	1.00	STATE OF FLORIDA
7	1.00	STATE OF FLORIDA
8	1.00	STATE OF FLORIDA
9	1.00	STATE OF FLORIDA
10	1.00	STATE OF FLORIDA
11	1.00	STATE OF FLORIDA
12	1.00	STATE OF FLORIDA
13	1.00	STATE OF FLORIDA
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94	1.00	STATE OF FLORIDA
95	1.00	STATE OF FLORIDA
96	1.00	STATE OF FLORIDA
97	1.00	STATE OF FLORIDA
98	1.00	STATE OF FLORIDA
99	1.00	STATE OF FLORIDA
100	1.00	STATE OF FLORIDA

THREE OAKS PARKWAY EXTENSION  
 SECTIONS 3 & 4, TOWNSHIP 36N, RANGE 25E  
 LEE COUNTY, FLORIDA

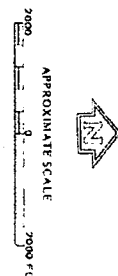
**SOURCE, INC.**  
 1111 W. WASHINGTON AVE., SUITE 100  
 TAMPA, FLORIDA 33606  
 TEL: 813-281-1111 FAX: 813-281-1112

**SITE DEVELOPMENT**  
 NORTH

**THOMAS J. ROSE, P.E.**  
 1111 W. WASHINGTON AVE., SUITE 100  
 TAMPA, FLORIDA 33606  
 TEL: 813-281-1111 FAX: 813-281-1112

**48221**  
**1111**  
**5 OF 24**

EXPLANATION OF ZONE DESIGNATIONS	
ZONE A	Areas of 100-year flood, flood elevations and flood hazard depths not determined
ZONE B	Areas of 100-year flood, flood elevations and flood hazard depths determined
ZONE B-1	Areas of 100-year flood, flood elevations and flood hazard depths determined
ZONE B-2	Areas between 100- and 500-year flood, or certain areas subject to 100-year flooding with average depth less than 1 foot
ZONE C	Areas between 100- and 500-year flood, or certain areas subject to 100-year flooding with average depth less than 1 foot and the combination drainage area is less than 100 acres that is not protected by levees from the 100-year flood
ZONE D	Areas of 100-year flood, flood elevations and flood hazard depths determined
ZONE E	Areas of 100-year flood, flood elevations and flood hazard depths determined
ZONE F	Areas of 100-year flood, flood elevations and flood hazard depths determined
ZONE G	Areas of 100-year flood, flood elevations and flood hazard depths determined
ZONE H	Areas of 100-year flood, flood elevations and flood hazard depths determined
ZONE I	Areas of 100-year flood, flood elevations and flood hazard depths determined
ZONE J	Areas of 100-year flood, flood elevations and flood hazard depths determined
ZONE K	Areas of 100-year flood, flood elevations and flood hazard depths determined
ZONE L	Areas of 100-year flood, flood elevations and flood hazard depths determined
ZONE M	Areas of 100-year flood, flood elevations and flood hazard depths determined
ZONE N	Areas of 100-year flood, flood elevations and flood hazard depths determined
ZONE O	Areas of 100-year flood, flood elevations and flood hazard depths determined
ZONE P	Areas of 100-year flood, flood elevations and flood hazard depths determined
ZONE Q	Areas of 100-year flood, flood elevations and flood hazard depths determined
ZONE R	Areas of 100-year flood, flood elevations and flood hazard depths determined
ZONE S	Areas of 100-year flood, flood elevations and flood hazard depths determined
ZONE T	Areas of 100-year flood, flood elevations and flood hazard depths determined
ZONE U	Areas of 100-year flood, flood elevations and flood hazard depths determined
ZONE V	Areas of 100-year flood, flood elevations and flood hazard depths determined
ZONE W	Areas of 100-year flood, flood elevations and flood hazard depths determined
ZONE X	Areas of 100-year flood, flood elevations and flood hazard depths determined
ZONE Y	Areas of 100-year flood, flood elevations and flood hazard depths determined
ZONE Z	Areas of 100-year flood, flood elevations and flood hazard depths determined



**Federal Emergency Management Agency**

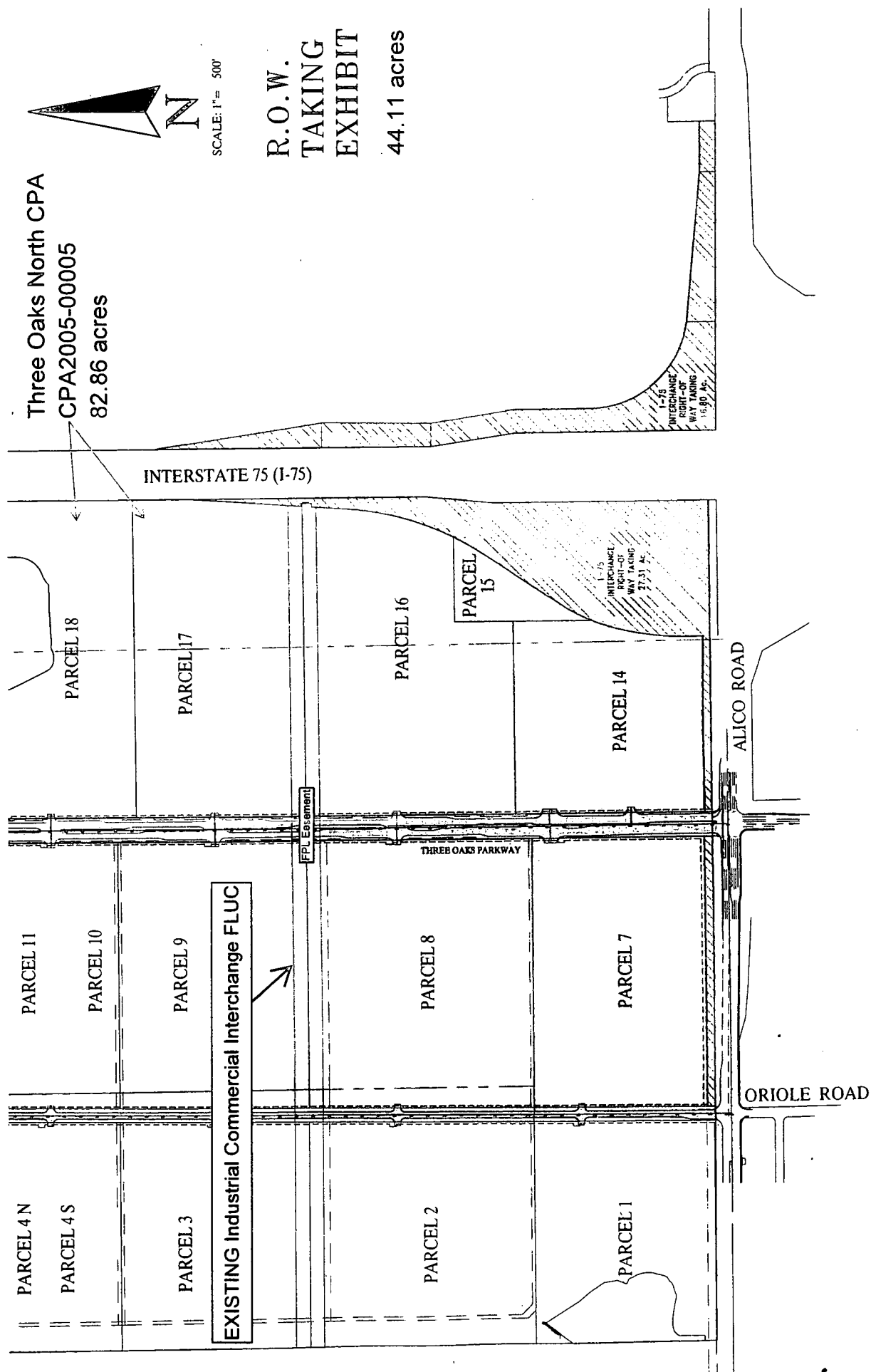
This is an official copy of a portion of the above referenced Flood Maps & was extracted using F-4117 (Chadborn). This map does not reflect changes or amendments which may need to be made subsequent to the date on the bill stock. For the latest product information about National Flood Insurance Program flood maps, such as the FEMA Flood Map Update at [www.fema.gov](http://www.fema.gov)



SCALE: 1" = 500'

R.O.W.  
TAKING  
EXHIBIT

44.11 acres



**THREE OAKS NORTH CPA  
CPA2005-00005**

**- ORC RESPONSE -  
APPLICATION FOR A  
LARGE-SCALE COMPREHENSIVE  
PLAN AMENDMENT**

LEE COUNTY, FLORIDA

 **Quattrone &  
Associates, Inc.**

**THREE OAKS NORTH (CPA2005-00005)**



Engineers, Planners & Development Consultants

11000 Metro Parkway, Suite 30 • Fort Myers, Florida 33966  
Tel: (239) 936-5222 • Fax: (239) 936-7228

March 29, 2007

Mr. Rick Burris, Principle Planner  
Planning Division  
Lee County Department of Community Development  
1500 Monroe Street  
Fort Myers, Florida 33901

**S: RESUBMITTAL IN REPONSE TO ORC REPORT**  
**PROJECT: CPA2005-00005**  
**THREE OAKS NORTH CPA**

Dear Rick,

Attached, please find 35 copies of the response to the ORC Report issued March 2, 2007.

If you have any questions or need additional information, please call me at this office. I, of course, would be happy to meet with you and staff as necessary.

Sincerely,  
Quattrone & Associates, Inc.

A handwritten signature in black ink, appearing to read 'Fred Drovdlie', is written over a horizontal line.

Fred Drovdlie, AICP  
Planning Director

*Attachments*

**DEPARTMENT OF COMMUNITY AFFAIRS**  
**Objections, Recommendations and Comments Report**  
**For Lee County's Comprehensive Plan Amendment 07-1ER**

**A. Future Land Use Map Changes:**

**AI: CPA 2005-05; Three Oaks North:**

This is a request to change the land use designation on an 82.86-acre site from Industrial Development to Industrial Commercial Interchange. The Department raises the following issues with the proposed land use change:

**1) Traffic Impact:** The proposed amendment is not supported by data and analysis of the impact of the amendment on transportation facilities and a demonstration that transportation facilities are available or planned to be available within the *next five years* to accommodate the impact of the amendment. No analysis is included that assesses the impact of the amendment within the short range planning timeframe of five years to identify the existing and future road capacity that can accommodate the maximum amount of development allowed by the proposed Future Land Use Map category. In addition, according to the County's staff report, Alico Road, one of the roadways to be impacted, is projected to fail by 2030 with or without the amendment. Furthermore, according to the Florida Department of Transportation (FDOT), the proposed amendment could create potentially 20,000 additional trips which will worsen the traffic situation at the intersection of Alico Road and 1-75 that is currently operating at a level of service "F". Thus, this amendment is inconsistent with the requirements of state law which requires comprehensive plans be coordinated with the availability of public facilities.

[Chapter 163.3177(2), (6)(a) & (b), & (S), Florida Statutes (F.S.); 9J-5.006(3)(b)l., (3)(c)3., and 9J-5.019(3)(d), (0, & (h), Florida Administrative Code (F.A.C.)]

**Recommendation:** Provide data and analysis that shows the impact of the maximum development allowed by the proposed land use change on transportation facilities within the study area at the adopted level of service standards and also demonstrating that roadway capacity exist or is planned to accommodate the impact of the amendment within the next five years. The analysis should show the existing condition of the roadways with and without the amendment and the condition during the short term planning timeframe of five years with and without the amendment. If the analysis shows that there is no capacity on the impacting roadways to accommodate the amendment, the County should include improvements in a financially feasible Five-Year Schedule of Capital Improvements to provide the needed capacity. If the improvement will be paid for by a developer, the schedule of capital improvements should be accompanied by an executed agreement between the County and the developer to demonstrate the financial feasibility of the schedule.

## **RESPONSE**

The maximum development allowed under the proposed land use change from Industrial to Industrial Commercial Interchange, as estimated by FDOT in the February 1, 2007 memo issued by Mike Daniel and included in the ORC Report, is 783,380 square feet of commercial (TABLE 1). The actual build-out (proposed) numbers will be 160,000 square feet of retail, 225,000 office, and 399,000 industrial/warehouse. Nevertheless, using FDOT numbers based on 100% commercial development, the total number of daily trips generated by the potential 783,380 square feet of commercial development is estimated to be 25,883 and 2,346 p.m. peak hour trips. The net increase in trips over the existing ability to develop industrially is estimated to be 19,815 daily trips and 1,328 p.m. peak hour trips.

TABLE 1						
Scenario	Max Allowable Intensity	ITE Land Use Code	ITE Description	Allowed Development (Square Feet)	Daily Trips	PM Peak Trips
ADOPTED IND	10,000 SF/AC based on 82.6 gross acres	110	General Light Industrial	826,000	6,068	1,018
REQUESTED ICU		820	Shopping Center	783,380	25,883	2,346
TOTAL DIFFERENCE					+19,815	+1,328

It should be noted that the FDOT trip estimate for the ADOPTED SCENARIO under the Industrial Land Use category should be higher (TABLE 2). Today, as permitted in the Lee County Comprehensive Plan, the property could develop up to 30,000 square feet of retail and a minimum of a 1 to 10 ratio of industrial to office or nearly 80,000 square feet, all of which were not taken into account in the adopted scenario, an 18% difference in trips.

TABLE 2						
Scenario	Max Allowable Intensity	ITE Land Use Code	ITE Description	Allowed Development (Square Feet)	Daily Trips	PM Peak Trips
ADOPTED IND	10,000 SF/AC based on 82.6 gross acres	110	General Light Industrial	826,000	6,068	1,018
ADOPTED IND (ADJUSTED FOR PERMITTED USES)		110	General Light Industrial	716,000	2,879	702
		710	General Office Building	80,000	2,491	119
		820	Shopping Center	30,000	9,218	113
TOTAL WITH ADJUSTMENTS				826,000	7,160	934
TOTAL DIFFERENCE					+1,092	-84

Regardless, in order to reduce the potential volume of trips we are offering to Lee County Planning Staff, to include as an addendum to the Land Use Category Amendment,

stipulations limiting the types and intensity of potential development as follows (TABLE 3):

TABLE 3						
Scenario	Max Allowable Intensity	ITE Land Use Code	ITE Description	Allowed Development (Square Feet)	Daily Trips	PM Peak Trips
ADOPTED IND	10,000 SF/AC based on 82.6 gross acres	110	General Light Industrial	826,000	6,068	1,018
REQUESTED ICU WITH INTENSITY AND USE RESTRICTIONS		110	General Light Industrial	399,000	2,781	391
		710	General Office Building	225,000	2,477	335
		820	Shopping Center	160,000	6,870	600
TOTAL UNDER RESTRICTIONS				784,000	12,128	1,326
DIFFERENCE					+6,060	+308
REDUCTION IN TRIPS FROM UNRESTRICTED ICU LAND USE (TABLE 1)					-13,755	-1,020

The restrictions would accomplish limiting the potential office and retail for the project while maintaining the majority of the project as industrial uses that are currently available.

The restrictions reduce potential trips from a total of 25,883 daily and 2,346 p.m. peak hour trips to 12,128 daily and 1,326 p.m. peak hour trips – **a trip reduction of 13,755 daily trips and 1,020 peak hour p.m. trips, equal to -53.1% from the impact of unrestricted Industrial Commercial Interchange.**

#### FIVE YEAR IMPROVEMENTS

In consideration is the five year roadway project horizon offering several improvements making the project impact acceptable (all levels of service are according to the Lee County 2006/2007 Concurrency Report).

1. The Three Oaks North (see attached Capital Improvements Program 2006-2011 for Lee County DOT) project is a four lane roadway from the project site north to a 6-lane arterial and south to another 6-lane arterial (Alico Road). Three Oaks North is to operate at a level of service "A" or "B" with the project.
2. The intersection of Alico Road and I-75 (east of project) is being improved. Construction on the Alico Road/I-75 interchange is within 1 year of completion (see attached FDOT work program). Currently Alico operates at level of service "B" east and west of Three Oaks Parkway.
3. The 6-laning of I-75 (east of project) has been announced to begin construction within 2 months and will be completed within the five-year timeframe (see attached FDOT work program). Currently I-75 is at level of service "F" as a four lane and should move to LSO "C" or "D" after the six lane is complete.
4. The intersection of US 41 and Alico Road (west of project) is underway and should be complete within 9-12 months. US 41 immediately north and south of this intersection is operating at LOS "B".



## **BEST-CASE SCENERIO CONSTRUCTION SCHEDULE**

The parcels within the subject property are currently vacant. The comprehensive plan amendment will take until mid 2007 to reach a decision. If the amendment were to be approved the rezoning would begin. The rezoning process takes at least 12 months placing the zoning completion date in mid 2008. At that time a development order may be filed. Concurrently private development must fund the Three Oaks North to the project entrance since the County plans for the project are on the edge of the five-year horizon. If the road construction and development order process go well a development order approval may be reached by mid 2009. At that time a building permit will be acquired and ground may break mid to late 2009. Assuming a year construction time from grading, utilities to going vertical an actual building could be ready for occupancy early 2011.

## **CONCLUSION**

In the five year timeframe the access road (Three Oaks North), the I-75/Alico Road interchange, I-75 capacity, and the intersection at US 41 will all be improved. Trip demand for this project has been reduced by almost 50% through staff limitations to amendment. Alico Road is slated to fail in 2030 with or without the project, but in the five year time frame to remain above failing and is currently LOS "B". Alico Road will need relief regardless of this project. Lee County DOT is exploring the Alico Expressway as a solution. The Alico Expressway is on the 2030 needs program.

At the time of this response Lee County DOT was in the process of revising there traffic model based on the restricted land use category. It is there full intent to issue a revised memo based on the new limited demand but there was not sufficient time prior to the response deadline.

**2) Water and Sewer Facility Analysis:** With respect to water and sewer according to information provided the amendment will create a demand for water and sewer of 110,088 GPD. No analysis is provided to identify the demand individually, for water and sewer, based on the adopted level of service standards and the maximum development allowed by the proposed designation, and taking into account the existing and committed demands, as well as the existing capacity in order to identify any surplus or deficit that exists. [Chapter 163.3 177(6)(a) & (c), & (8), F.S.; 9J-5.006(3)(b)l., (3)(c)3., Rules 9J- 5.011(l)(f); F.A.C.]

**Recommendation:** Revise the supporting data and analysis for this amendment to analyze the impact of this amendment on water and sewer facilities capacity and delivery system in order to address the issues raised above. The analysis should show the current demand, committed demand, and the demand due to this amendment based on the City's adopted level of service standards, and indicating the surplus or deficit that exist in the system. If the analysis shows a deficit, include in the Capital Improvements Element, a schedule of improvements that is financially feasible which will enable the facilities to be available to serve the needs of this amendment.

**3) Potable Water Supply Sources:** The potable water information provided does not address the availability and adequacy of water at the sources to meet the demand of this

amendment plus the existing and committed demands. This is not consistent with State law which requires each local government to address in their comprehensive plan the water supply sources necessary to meet and achieve the projected water use demand for the established planning period.

[Chapter 163.3 167(13), F.S., and Rule 9J-5.013(l)(c), F.A.C.]

**Recommendation:** Revise the analysis to identify the potable water source or sources that will be relied upon for this amendment and demonstrate the adequacy of water at that source to meet the projected demand. The analysis should take into account the existing demand, the committed demand, and the demand due to this amendment, and demonstrate that adequate water is available at the identified source or planned to be available to meet the need created by this amendment. This information is necessary in order to demonstrate consistency with the above cited provisions of the law.

#### **RESPONSE**

The amendment to an unrestricted Industrial Commercial Interchange created a demand for 110,088 GPD as a 100% shopping center. The amendment is to limit the potential retail and commercial office uses to reduce demand on water and sewer facilities, as well as reduce the burden on the road network. The limitations reduce the demand by 46,088 GPD, or 42%. As stated in a previous memo from Lee County Utilities capacity currently exists for this project and is available on a first-come-first-serve basis. Service to this project depends on developer financed infrastructure which led to the inability of LCU to issue a standard availability letter. Attached are development parameter engineering plans for infrastructure from the Three Oaks North development plan. The attachment shows plans for a 16" water main and 8" force main adjacent to the subject property.

***A letter of availability was produced by Lee County Utilities on April 3, 2007 and is attached. The letter states that Potable Water and Sewer capacity are available for this project.***



## BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: (239) 479-8525

Bob Janes  
District One

April 3, 2007

A. Brian Bigelow  
District TwoFred Drovdllic  
Quattrone & Associates, Inc.  
11000-30 Metro Parkway  
Fort Myers, FL 33966Ray Judah  
District ThreeTammy Hall  
District Four**RE: POTABLE Water and Wastewater AVAILABILITY**  
**Three Oaks North CPA**  
**STRAP #: 03-46-25-00-00001.1020**Frank Mann  
District FiveDonald D. Stillwell  
County Manager

Dear Mr. Drovdllic:

David M. Owen  
County Attorney

Potable water lines and wastewater lines are in operation in the vicinity of the proposed project mentioned above. However, in order to provide service to the subject parcels, developer funded system enhancements such as line extensions may be required.

Diana M. Parker  
County Hearing Examiner

Your firm has indicated that this project will consist of 3 commercial units with an estimated flow demand of approximately 64,000 gallons per day. Lee County Utilities presently has sufficient capacity to provide potable water and sanitary sewer service as estimated above.

Prior to beginning design work on this project, a meeting should be scheduled with Thom Osterhout to determine the best point of connection and discuss requirements for construction.

Availability of potable water and sanitary sewer service is contingent upon final acceptance of the infrastructure to be constructed by the developer. Upon completion and final acceptance of this project, potable water service will be provided through our Corkscrew Water Treatment Plant.

Sanitary sewer service will be provided by Three Oaks Wastewater Treatment Plant. The Lee County Utilities' Operations Manual requires the project engineer to perform hydraulic computations to determine what impact this project will have on our existing system.

This letter should not be construed as a commitment to serve, but only as to the availability of service. Lee County Utilities will commit to serve only upon receipt of all appropriate connection fees, a signed request for service and/or an executed service agreement, and the approval of all State and local regulatory agencies.

Further, This Letter Of Availability Of Water and Wastewater Service Is To Be Utilized For Development Review For This Project Only. Individual Letters Of Availability Will Be Required For The Purpose Of Obtaining Building Permits.

Sincerely,

LEE COUNTY UTILITIES

Melissa Bibeau  
Engineering Tech., I  
UTILITIES ENGINEERING

VIA FACSIMILE

DO - THREE OAKS NORTH CPA

Summary of Multi-Use Trip Generation  
Average Weekday Driveway Volumes  
April 03, 2007

Land Use	Size	24 Hour Two-Way Volume	AM Pk Hour Enter	AM Pk Hour Exit	PM Pk Hour Enter	PM Pk Hour Exit
Shopping Center	160.000 T.G.L.A.	6870	101	64	288	312
General Office Building	225.000 Th.Gr.Sq.Ft.	2477	306	43	56	279
General Light Industrial	399.000 Th.Gr.Sq.Ft.	2781	323	44	48	343
Total		12128	730	151	392	934

Note: A zero indicates no data available.

TRIP GENERATION BY MICROTRANS

Summary of Multi-Use Trip Generation  
 Saturday and Sunday Driveway Volumes  
 April 03, 2007

Land Use	Size	Saturday			Sunday		
		24 Hr	Peak Hour		24 Hr	Peak Hour	
		2-Way Vol.	Enter	Exit	2-Way Vol.	Enter	Exit
Shopping Center	160.000 T.G.L.A.	7995	413	382	4038	245	254
General Office Building	225.000 Th.Gr.Sq.Ft.	533	50	43	221	18	14
General Light Industrial	399.000 Th.Gr.Sq.Ft.	527	28	28	271	20	20
Total		9055	491	453	4530	283	288

Note: A zero indicates no data available.

TRIP GENERATION BY MICROTRANS

# LEE COUNTY CONCURRENRY REPORT

LEE COUNTY CONCURRENRY REPORT



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# Concurrency Report

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## Inventory and Projections 2005/2006 – 2006/2007

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*Prepared for Board of County Commissioners*

*by Department of Community Development  
with assistance from*

County Attorney's Office  
Construction and Design Division  
Environmental Services Division - Natural Resources  
Environmental Services Division - Solid Waste  
Parks and Recreation Division  
Department of Transportation

June, 2006

ROAD	FROM	TO	LOS		Planned Parallel Improvement
			STD	Exist	
I-75	Collier County Line	Bonita Beach Road	C	F	Livingston Road 4Ln completed; US 41 6Ln construction recently completed.
I-75	Bonita Beach Road	Corkscrew Road	C	E	Imperial Street/Three Oaks Parkway partly constructed, part 4Ln funded in 2005/06; US 41 6Ln under construction; 4Ln Sandy Lane extension under construction.
I-75	Corkscrew Road	Alico Road	C	E	Three Oaks Parkway 4Ln funded in 2005/06; US 41 6Ln funded in 2010/11.
I-75	Alico Road	Daniels Parkway	C	F	Ben Hill Griffin/Treeline Avenue 4Ln extension completed; Three Oaks North extension funded in 2009/10.
I-75	Daniels Parkway	Colonial Boulevard	C	E	Treeline Avenue 4Ln extension North under construction by private developer; Plantation 4Ln extension and Six Mile Cypress Pkwy 4Ln funded in 2006/07.
I-75	Colonial Boulevard	ML King Boulevard	C	E	Shoemaker Boulevard 4Ln extension under construction; Ortiz Avenue 4Ln proposed in 2009/10.
I-75	ML King Boulevard	Luckett Road	C	F	Ortiz Ave 4Ln in 2008/09.
I-75	Luckett Road	Palm Beach Boulevard	C	F	Ortiz Ave 4Ln proposed in 2008/09.
I-75	Palm Beach Boulevard	Bayshore Road	C	D	8Ln design and ROW programmed by FDOT.

The following county roadway links meet the LOS standard now but may not meet it in the future as projects that have been approved continue to develop. These links could become a problem if the approved projects are constructed and the capacity is not increased or road projects providing alternative routes are not constructed.

ROAD	FROM	TO	LOS			Planned Improvement
			2005	2006	Future	
Daniels Parkway	Metro Parkway	Six Mile Cypress Parkway	D	E	F	Constrained Facility; v/c=0.89; Alico Expressway PD&E proposed in 2008/09.
Daniels Parkway	Six Mile Cypress Parkway	Palomino Lane	D	F	F	Constrained Facility; v/c=0.98; Alico Expressway PD&E proposed in 2008/09.
Daniels Parkway	Chamberlin Parkway	Gateway Boulevard	C	F	F	6Ln proposed in 2010/11.
Homestead Road	Immokalee Road (S.R. 82)	Leeland Heights Boulevard	D	E	F	Part 4Ln proposed in 2008/09.
Sunshine Boulevard	West 12 <sup>th</sup> Street	West 75 <sup>th</sup> Street	C	F	F	



ROAD LINK VOLUMES													
Peak Direction of Flow													
ROADWAY LINK NAME	FROM	TO	ROAD TYPE	PERFORMANCE STANDARD		2005 100th HIGHEST HOUR		EST 2006 100th HIGHEST HOUR		FORECAST FUTURE VOL		NOTES*	LINK NO.
				LOS	CAPACITY	LOS	VOLUME	LOS	VOLUME	LOS	VOLUME		
A & W BULB RD.	GLADIOLUS DR.	MCGREGOR BLVD.	2LU	E	860	C	260	C	287	C	369		00100
ALABAMA RD.	IMMOKALEE RD. (S.R. 82)	MILWAUKEE BLVD.	2LN	E	990	D	310	D	428	D	428		00200
ALABAMA RD.	MILWAUKEE BLVD.	HOMESTEAD RD.	2LN	E	990	D	383	D	478	D	478		00300
A. G. BELL BLVD.	IMMOKALEE RD. (S.R. 82)	MILWAUKEE BLVD.	2LN	E	990	B	152	C	350	D	554		00400
A. G. BELL BLVD.	MILWAUKEE BLVD.	JOEL BLVD. (S.R. 884)	2LN	E	990	C	266	D	477	E	620		00500
ALICO RD.	U.S. 41	LEE RD.	6LD	E	2,920	B	1,068	B	1,237	B	1,362	Part 6 Ln by FDOT 06/07 Rest recently complete	00600
ALICO RD.	LEE RD.	THREE OAKS PKWY.	6LD	E	2,920	B	1,079	B	1,083	B	1,088	6 Ln under construction	00700
ALICO RD.	THREE OAKS PKWY.	I-75	6LD	E	2,920	B	1,097	B	1,097	B	1,097	6 Ln under const by FDOT	00800
ALICO RD.	I-75	BEN HILL GRIFFIN BLVD.	6LD	E	2,920	B	722	B	1,086	B	2,312	6 Ln under const by FDOT	00900
ALICO RD.	BEN HILL GRIFFIN BLVD.	GREEN MEADOW DR.	2LN	E	860	E	707	E	727	E	762		01000
ALICO RD.	GREEN MEADOW DR.	CORKSCREW RD. (C.R. 850)	2LN	E	860	B	86	E	707	E	762		01050
ARROYAL ST.	BONITA BEACH RD.	PENNSYLVANIA AVE.	2LN	E	860	C	333	C	344	C	366		01100
BABCOCK RD.	U.S. 41	ROCKEFELLER CIR.	2LN	E	860	B	88	B	88	B	88		01200
BARRETT RD.	PONDELLA RD.	PINE ISLAND RD.	2LN	E	860	C	191	C	191	C	191		01400
BASS RD.	SUMMERLIN RD.	GLADIOLUS DR.	2LN	E	860	C	159	C	303	D	434	Pl 4Ln, remainder part of Gladiolus 4Ln project in 07/08	01500
BAYSHORE RD. (S.R. 78)	BUSINESS 41 (C.R. 739)	HART RD.	4LD	E	1,990	D	1,693	D	1,693	D	1,693		01600

ROAD LINK VOLUMES																
Peak Direction of Flow																
ROADWAY LINK NAME	FROM	TO	ROAD TYPE	PERFORMANCE STANDARD		2005 100th HIGHEST HOUR		EST 2006 100th HIGHEST HOUR		FORECAST FUTURE VOL		NOTES*	LINK NO.			
				LOS	CAPACITY	LOS	VOLUME	LOS	VOLUME	LOS	VOLUME			LOS	VOLUME	
CORKSCREW RD. (C.R. 850)	WILDCAT DR.	COLLIER COUNTY LINE	2LN	E	1,010	B	180	C	374	E	648	4 Ln by CRSA Ben Hill Griffin to Habitat entr. in 06	07000			
COUNTRY LAKES BLVD.	LUCKETT RD.	TICE ST.	2LU	E	860	C	144	C	145	C	269		07100			
CRYSTAL DR.	U.S. 41	METRO PKWY.	2LU	E	860	E	715	E	715	E	715		07200			
CRYSTAL DR.	METRO PKWY.	PLANTATION RD.	2LU	E	860	C	245	C	283	C	302		07300			
CYPRESS LAKE DR.	MCGREGOR BLVD. (S.R. 867)	SOUTH POINTE BLVD.	4LD	E	1,920	D	970	D	975	D	1,009		07400			
CYPRESS LAKE DR.	SOUTH POINTE BLVD.	WINKLER RD.	4LD	E	1,920	D	1,223	D	1,223	D	1,223		07500			
CYPRESS LAKE DR.	WINKLER RD.	SUMMERLIN RD. (C.R. 869)	4LD	E	1,920	E	1,520	E	1,524	E	1,524		07600			
CYPRESS LAKE DR.	SUMMERLIN RD. (C.R. 869)	U.S. 41	6LD	E	2,890	D	1,909	D	1,911	D	1,920		07700			
DANIELS PKWY.	U.S. 41	METRO PKWY.	6LD	E	2,740	E	2,140	E	2,141	E	2,194		07800			
DANIELS PKWY.	METRO PKWY.	SIX MILE CYPRESS PKWY.	6LD	E	2,740	E	2,428	E	2,436	E	2,857	Constrained v/c = 0.89 Allico Express PD&E prop in 08/09	07900			
DANIELS PKWY.	SIX MILE CYPRESS PKWY.	PALOMINO LN.	6LD	E	3,050	D	2,974	F	3,148	F	3,212	Constrained v/c = 0.98 Express PD&E prop in 08/09	08000			
DANIELS PKWY.	PALOMINO LN.	I-75	6LD	E	3,050	B	2,415	C	2,570	C	2,644	Constrained v/c = 0.79	08100			
DANIELS PKWY.	I-75	TREELINE AVE.	6LD	E	2,950	B	2,424	B	2,477	B	2,484		08200			
DANIELS PKWY.	TREELINE AVE.	CHAMBERLIN PKWY.	6LD	E	2,950	B	2,520	B	2,520	B	2,527		08300			

ROAD LINK VOLUMES																
Peak Direction of Flow																
ROADWAY LINK NAME	FROM	TO	ROAD TYPE	PERFORMANCE STANDARD		2005 100th HIGHEST HOUR		EST 2006 100th HIGHEST HOUR		FORECAST FUTURE VOL.		NOTES*	LINK NO.			
				LOS	CAPACITY	LOS	VOLUME	LOS	VOLUME	LOS	VOLUME			LOS	VOLUME	
U.S. 41	COLLIER COUNTY LINE	BONITA BEACH RD. (C.R. 865)	6LD	E	2920	B	1,707	B	1,720	B	1,794	6 Ln under construction	29500			
U.S. 41	BONITA BEACH RD. (C.R. 865)	W. TERRY ST.	6LD	E	2920	B	1,902	B	1,902	B	1,902	6 Ln under construction	29600			
U.S. 41	W. TERRY ST.	OLD 41	6LD	E	2920	B	1,647	B	1,917	B	1,966	6 Ln under construction	29700			
U.S. 41	OLD 41	CORKSCREW RD.	6LD	E	2920	B	1,964	C	2,597	D	2,894	Three Oaks ext funded in 05/06 Sandy Lane ext. under const.	29800			
U.S. 41	CORKSCREW RD.	SANIBEL BLVD.	4LD	E	2110	B	1,799	B	1,808	B	1,814	6 Ln funded in 10/11 by FDOT Three Oaks 4 Ln funded in 05/06	29900			
U.S. 41	SANIBEL BLVD.	ALICO RD.	6LD	E	3170	B	1,847	B	1,894	B	2,093	Three Oaks 4 Ln funded in 05/06	30000			
U.S. 41	ALICO RD.	ISLAND PARK RD.	6LD	E	3170	B	2,432	B	2,440	B	2,491		30100			
U.S. 41	ISLAND PARK RD.	BRIARCLIFF RD.	6LD	E	3170	B	2,449	B	2,517	B	2,557		30200			
U.S. 41	BRIARCLIFF RD.	SIX MILE CYPRESS PKWY.	6LD	E	3170	B	2,518	B	2,518	B	2,518		30300			
U.S. 41	SIX MILE CYPRESS PKWY.	DANIELS RD.	6LD	E	2690	E	1,788	E	1,809	E	1,980	Plantation 4 Ln proposed in 10/11 Summerlin 6 Ln proposed in 07/08	30400			
U.S. 41	DANIELS RD.	COLLEGE PKWY.	6LD	E	2690	E	2,213	E	2,214	E	2,222	Constrained w/c=0.82 Summerlin 6 Ln proposed in 07/08	30500			
U.S. 41	COLLEGE PKWY.	SOUTH RD.	6LD	E	2690	E	2,514	E	2,517	E	2,517	Constrained w/c=0.93 Summerlin 6 Ln proposed in 07/08	30600			
U.S. 41	SOUTH RD.	BOY SCOUT DR.	6LD	E	2690	E	2,284	E	2,284	E	2,301	Constrained w/c=0.85 Summerlin 6 Ln proposed in 07/08	30700			

ROAD LINK VOLUMES													
Peak Direction of Flow													
ROADWAY LINK NAME	FROM	TO	ROAD TYPE	PERFORMANCE		2005 100th HIGHEST HOUR		EST 2006 100th HIGHEST HOUR		FORECAST FUTURE VOL		NOTES*	LINK NO.
				LOS	CAPACITY	LOS	VOLUME	LOS	VOLUME	LOS	VOLUME		
U.S. 41	BOY SCOUT DR.	NORTH AIRPORT RD.	6LD	E	2690	E	1,660	E	1,681	E	1,683	Constrained v/c=0.62	30800
U.S. 41	FT. MYERS CITY LIMITS	NORTH KEY DR.	4LD	E	2820	C	2,051	C	2,054	C	2,054		30900
U.S. 41	NORTH KEY DR.	HANCOCK BRIDGE PKWY.	4LD	E	2820	C	2,509	C	2,509	C	2,512		31000
U.S. 41	HANCOCK BRIDGE PKWY.	PONDELLA RD.	4LD	E	1920	D	1,547	D	1,547	D	1,547		31100
U.S. 41	PONDELLA RD.	PINE ISLAND RD. (S.R. 78)	4LD	E	1920	D	1,251	D	1,261	D	1,264		31200
U.S. 41	PINE ISLAND RD. (S.R. 78)	LITTLETON RD.	4LD	E	2000	B	1,156	B	1,182	B	1,183		31300
U.S. 41	LITTLETON RD.	BUSINESS 41	4LD	E	2000	A	918	A	920	A	920		31400
U.S. 41	BUSINESS 41	DEL PRADO BLVD.	4LD	E	2000	A	841	A	847	A	891		31500
U.S. 41	DEL PRADO BLVD.	CHARLOTTE COUNTY LINE	4LD	E	2000	A	841	A	841	A	841		31600
I-75	COLLIER COUNTY LINE	BONITA BEACH RD.	4LD	C	2890	F	3,974	F	3,974	F	3,974	6 Ln in 06/07 and parallel improv.	31700
I-75	BONITA BEACH RD.	CORKSCREW RD. (C.R. 850)	4LD	C	2890	E	3,442	E	3,442	E	3,442	6 Ln in 06/07 and parallel improv.	31800
I-75	CORKSCREW RD. (C.R. 850)	ALICO RD.	4LD	C	2890	E	3,688	E	3,688	E	3,688	6 Ln in 06/07 and parallel improv.	31900
I-75	ALICO RD.	DANIELS PKWY.	4LD	C	2890	F	4,481	F	4,481	F	4,481	6 Ln in 06/07 and parallel improv.	32000
I-75	DANIELS PKWY.	COLONIAL BLVD. (S.R. 884)	4LD	C	2890	E	3,634	E	3,634	E	3,634	6 Ln in 06/07 and parallel improv.	32100
I-75	COLONIAL BLVD. (S.R. 884)	DR. M.L. KING, JR. BLVD. (S.R. 82)	4LD	C	2890	E	3,770	E	3,770	E	3,770	6 Ln in 06/07	32200
I-75	DR. M.L. KING, JR. BLVD. (S.R. 82)	LUCKETT RD	4LD	C	2890	F	4,207	F	4,207	F	4,207	6 Ln in 06/07 and parallel improv.	32300
I-75	LUCKETT RD	PALM BEACH BLVD. (S.R. 80)	4LD	C	2890	F	4,098	F	4,098	F	4,098	6 Ln in 06/07 and parallel improv.	32400
I-75	PALM BEACH BLVD. (S.R. 80)	BAYSHORE RD. (S.R. 78)	4LD	C	2890	D	3,033	D	3,033	D	3,033	8 Ln Design funded in 06/07 ROW in 09/10	32500
I-75	BAYSHORE RD. (S.R. 78)	CHARLOTTE COUNTY LINE	4LD	C	2890	B	2,076	B	2,076	B	2,076		32600

# LEE COUNTY DOT 2006/07 CIP

LEE COUNTY DOT 2006/07 CIP

# SUMMARY OF MAJOR ROAD PROJECTS PROGRAMMED BY LEE COUNTY, FY 06/07 TO FY 10/11

COMM. DIST.	PROJ. NUMBER	PROJECT NAME	LENGTH (MILES)	FY 98-05 PRIOR EXP.	FY 05/06 BUDGET	06/07	07/08	08/09	09/10	10/11	5-YEAR TOTAL	6-YEAR TOTAL	PROJECT TOTAL	FUTURE REVENUE SOURCE	PROJECT MANAGER
5		Sandy Lane Ext. North	1.43	0	0	0	0	0	0	1,410,000	1,410,000	17,260,000	18,670,000	IF24	Andy Gatch, 479-8510
1	5814	2L Extension, Corkscrew Road to Estero Parkway		41,878,547	73,507,522	0	0	0	0	0	0	0	115,388,069	TOLL	getchal@leegov.com
		Sanibel Bridge Replacement (CST UNDERWAY)		DES/CS	CST								0	BONDS	wingardpw@leegov.com
1	5816	Replacement of Spans "A", "B" and "C"		1,052,667	17,844,075	0	0	0	0	0	0	0	18,896,742	TOLL	wingardpw@leegov.com
		Sanibel Toll Facility Reconstruction (CST UNDERWAY)		DES	CST								0	BONDS	wingardpw@leegov.com
1,4	6068	Rebuild and expand the Sanibel Bridge toll plaza and building		0	558,000	0	0	0	0	0	0	0	558,000	SURPLUS	Paul Wingard, 479-8545
		SeGo Implementation		0	CST								0	TOLLS	wingardpw@leegov.com
2	4604	New transponders and related readers, software upgrades		122,187	1,563,813	10,229,000	604,000	0	0	0	10,833,000	0	12,519,000	IF23	Mike Rigby, 479-8513
		Six Mile Cypress Pkwy 4L	2.30	DES	DES/ROW	ROW/CS	LS				0	0	0	IF23	mrigby@leegov.com
5		N. of Daniels Pkwy. to S. of Winkler Ext.		0	0	200,000	800,000	0	0	0	1,000,000	0	1,000,000	IF23	Nicole Maxey, 479-8569
		SR 82/Daniels Dual Left Lanes		0	0	DES	CST				0	0	0	IF23	mmaxeync@leegov.com
2,3,5	6007	Expansion to include dual NB-to-WB left turn lanes	2.60	2,275,005	7,317,210	0	30,381,000	380,000	0	0	30,761,000	0	40,354,215	IF23	Sarah Clarke, 479-8718
		Summerlin/Boyscout-Cypress Lake		DES/ROW	DES/ROW		CST	LS			0	0	0	IF23	sclarke@leegov.com
3	4067	8L widening, including overpass at College Parkway	4.26	11,839,207	32,436,994	0	0	0	0	0	0	0	44,276,201	IF6/IF24/	Mike Rigby, 479-8513
		Summerlin Rd./San Carlos to Gladiolus (CST UNDERWAY)		ALL	ROW/CS						0	0	0	GT	mrigby@leegov.com
5	4053	6L, including grade separations at San Carlos Blvd. and Gladiolus Pkwy.	3.50	1,990,290	10,025,476	685,940	0	0	21,200,000	577,000	22,462,940	0	34,478,706	IF24	Eyra Cash, 479-8562
		Three Oaks Parkway Extension North		DES/ROW	DES/ROW	MIT			CST	LS	0	0	0	IF8/GT/	g-cash@leegov.com
3	4043	New 4L, N. of Alico Rd. to Daniels Pkwy.	4.15	13,631,873	37,820,102	997,000	0	0	0	0	997,000	0	52,448,975	CITY	Nicole Maxey, 479-8569
5	4081	Three Oaks Parkway Extension South (CST UNDERWAY)	4.60	9,015,592	20,524,801	0	0	0	0	0	0	0	29,540,393	IF24/GT	Betsy Rowan, 479-8511
		New 4L, E. Terry St. to Bontia Bill Dr. (Joint project with City)		ALL	ROW/CS	LS					0	0	0	IF24/GT	browan@leegov.com
All	5037	Three Oaks Parkway Widening (CST UNDERWAY)		DES/ROW	ALL	0	0	0	0	0	80,000	0	225,000	GT	Harry Campbell, 533-9500
		4L, Corkscrew Rd. to Alico Rd.		0	145,000	80,000	0	0	0	0	0	0	0	GT	campbellh@leegov.com
5	4068	Traffic Management Center Update		382,386	227,614	0	1,002,000	0	0	0	1,002,000	0	1,612,000	IF3/IF23	Nicole Maxey, 479-8569
		Hardware/software upgrades at Billys Creek	4.20	CEI/PM	CEI/PM		LS				0	0	0	IF3/IF23	mmaxeync@leegov.com
All	4086	Tree Line Extension North (CST UNDERWAY BY DEVELOPER)		1,053,708	5,997,369	1,200,000	1,200,000	700,000	700,000	700,000	4,500,000	3,500,000	15,051,077	AV	Harry Campbell, 533-9500
1,4	5039	New 4L, Daniels Pkwy. to S. of Colonial Blvd		0	2,167,000	0	0	0	0	0	0	0	0	AV	campbellh@leegov.com
		Urban Arterial Street Lighting		CST	CST						0	0	0	AV	campbellh@leegov.com
		Adding street lights along major County roads		0	0	0	0	0	0	0	0	0	0	AV	campbellh@leegov.com
1,4	5029	VES and Fiber Optics		0	0	0	0	0	0	0	0	0	0	AV	campbellh@leegov.com
		Implementation of Vehicle Enforcement System at toll bridges		0	0	0	0	0	0	0	0	0	0	AV	campbellh@leegov.com
1,4		Veterans Pkwy @ Del Prado		12,560	369,114	700,000	0	0	500,000	6,500,000	7,700,000	0	8,081,674	SURPLUS	Paul Wingard, 479-8545
		Interim and ultimate improvements at exit ramp of overpass		DES	DES/CS	CST			DES	CST	0	0	0	TOLLS	wingardpw@leegov.com
1,4		Veterans/Santa Barbara Overpass		0	0	0	0	2,250,000	0	0	2,250,000	30,000,000	32,250,000	TOLLS	sclarke@leegov.com
		Grade separation at intersection		0	0	0	0	0	0	0	0	0	0	TOLLS	mmaxeync@leegov.com
TOTAL													\$1,550,450,931		

NOTE: Budget figures represent estimates for programming purposes. All dollar figures are subject to adjustment. Program year represents when funds are available, not necessarily when phase started or completed.  
KEY (PHASES): PRELIM = Preliminary Study; PD&E = Project Development & Environmental Study; DES = Design; ROW = Right-of-Way Acquisition; CST = Construction; CEI = Construction Engineering Inspection; PM = Project Management; LS = Landscaping; MIT = Mitigation  
KEY (FUNDS): IF23 = Road Impact Fees from District 23; GT = City funds; PS = Public Safety funds; FDOT = Florida Dept. of Transportation; AV = Ad Valorem

# FDOT WORK PROGRAM

FDOT WORK PROGRAM

# Florida Department of Transportation Work Program - 6 year History

2001-2006 ADOPTED

Last Update: 3/28/2007 - 03:00 AM

District 1 - LEE County

Item Number: 200966-1

Transportation System Description	Fiscal Year:	District	Length	Type of Work	2003	2004	2005	Item	2006
<b>CA89000: Highways</b> <b>Interstate</b> <b>75A1 RUGO ROAD</b>		01 - Lee County	2.117 Miles					200966-1	
Preliminary Engineering					\$33,839	\$102,798	\$42,765		-- SIS --
Right Of Way			\$314,089		\$3,587,213	\$11,384,719	\$61,711		\$2,252
Railroad & Utilities							\$3,215,088		\$1,143
Construction							\$28,120,626		\$118,583
Environmental							\$135,750		\$100
Construction Support							\$3,005,356		\$58,213

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## Work Program

2007-2012 TENTATIVE

Last Update: 2/17/2007 - 07:19 AM

District 1 - LEE County

Item Number: 200966-1

Intrastate Interstate  
21-75 AT/ALICO ROAD

[Click here to review the contact information for the content presented in this web site](#)

2001-2006 ADOPTED  
Last Update: 3/28/2007 - 03:00 AM

**District 1 - LEE County**

Item Number: 406225-4

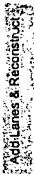
Transportation System Description	Fiscal Year:	2001	2002	2003	2004	2005	2006
<b>Category: Highways</b>							
Intrastate Interstate	01 - Lee County	7.717 Miles		406225-4			
7.717 Miles OF CORKSCREW ROAD TO OF DANIEL'S PARKWAY	Preliminary Engineering	\$51,607		\$506,082		\$38,994	
Right Of Way		\$3,547,983		\$154		\$358,834	

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# Florida Department of Transportation Work Program 2007-2012 TENTATIVE Last Update: 2/17/2007 - 07:19 AM

District 1 - LEE County

Item Number: 406225-4

Transportation System Description	Fiscal Year:	2007	Length	2008	2009	2010	2011	2012	Item
<b>Category: Highways</b> Interstate 17th FROM S OF CONKERN ROAD TO S OF DANIELS PARKWAY Right Of Way (On-Going)		\$34,062,509	7.717 Miles						406225-4

[Click here to review the contact information for the content presented in this web site](#)

# PROJECT UTILITY DEMAND

PROJECT UTILITY DEMAND

# UTILITY SUMMARY SHEET

Project Name: **Three Oaks North CPA2005-00005**

Building #1 Area	160,000	SF				
Type of Use #1	Retail	Enter Retail Area	140,000	Daily Flow =	14000 GPD	88%
Type of Use #2	Restaurant		300	Daily Flow =	12000 GPD	
# of Loading Bays						
# of Employees (Based on 1 / 2000 SF of Warehouse)						
Subtotal					26,000 GPD	
Meter Size / # of Meters					2" / 2	

Building #2 Area	225,000	SF				
Type of Use #1	Medical	Enter # of Doctors	20	Daily Flow =	5000 GPD	
Type of Use #2	Office	Enter Office Area	185,000	Daily Flow =	27750 GPD	116%
# of Loading Bays						
# of Employees						
Subtotal					32,750 GPD	
Meter Size / # of Meters					1" / 2	

Building #3 Area	399,000	SF				
Type of Use #1	Warehouse	Enter # of Employees Below	399,000			249%
Type of Use #2						
# of Loading Bays			15	Daily Flow =	1,500 GPD	
# of Employees			250	Daily Flow =	3,750 GPD	
Subtotal					5,250 GPD	
Meter Size / # of Meters					5/8" /	

Total Project Flow **64,000 GPD**  
 Total ERU's **256 ERU's**

## FLOW ASSUMPTIONS

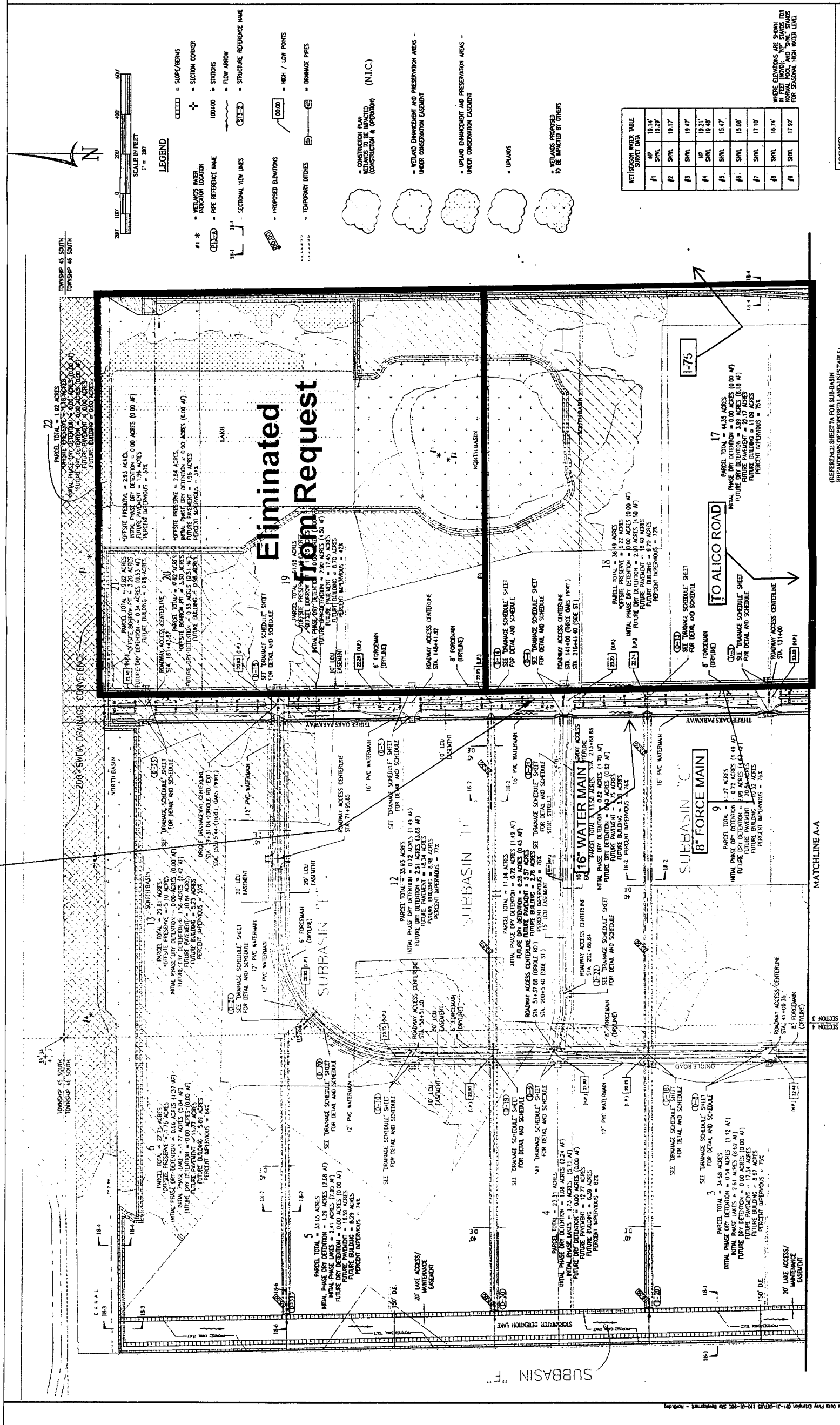
Medical	250	/	Doctor
Office	15	/	100
Warehouse	15	/	2000 (Based on 1 employee per 2000 SF)
Restaurant	40	/	Seat
Church	3	/	Seat
Multifamily	200	/	Unit
Single Family	250	/	House
Retail	10	/	100 (Shopping Centers w/o Food)
Miniwarehouse	1	/	Unit up to 200 Units
Loading Bays	100	/	Bay
Employees	15	/	Person

# THREE OAKS NORTH INFRASTRUCTURE PLAN



THREE OAKS NORTH INFRASTRUCTURE PLAN

STRAP #03-46-25-00-00001.1050, 03-46-25-00-00001.1020  
SUBJECT PARCELS  
 82.86 ACRES  
 (Revised from 169 acres)



WET SEASON WATER TABLE SURFACE DATA		
#1	HP SWHL	19.45 19.29
#2	SWHL	19.17
#3	SWHL	19.47
#4	HP SWHL	19.31 19.40
#5	SWHL	15.47
#6	SWHL	15.00
#7	SWHL	17.10
#8	SWHL	16.74
#9	SWHL	17.92

WHERE ELEVATIONS ARE SHOWN IN FEET (NGVD): "NP" STANDS FOR NORMAL POOL, AND "SHML" STANDS FOR SEASONAL HIGH WATER LEVEL

40104969 NORTH ALICO PROPERTY OWNERS ASSOCIATION, INC. 1000 SOUTHWEST FLORIDA CAPITAL CORPORATION 1000 SOUTHWEST FLORIDA CAPITAL TRAIL, S.E. FT. MYERS, FLORIDA 33908	CERTIFICATE NUMBER: 48221	JOB NO. 110-01-38	DRAWN BY: L.G.	FILE NAME: 05-110
THESE PLANS ARE FORWARDED UNLESS NOTED AND SAVED			SHEET NO. 5 OF 24	

**SITE DEVELOPMENT  
NORTH**

**SOURCE INC.**  
ENGINEERS - PLANNERS  
Engineering Business #2627  
1334 LAFAYETTE STREET • CAPE CORAL, FL 33904

THREE OAKS PARKWAY EXTENSION  
SECTIONS 3 & 4, TOWNSHIP 46S, RANGE 25E  
LEE COUNTY, FLORIDA

[illegible]

P:\2006 Projects\060820 FREEMAN THREE OAKS NORTH CPA\CADD\CPA Exhibits\_LeePlanMaps.dwg

**LEE COUNTY ORDINANCE NO. \_\_\_\_\_**  
(Three Oaks North)  
(CPA2005-05)

**AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN," ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT CPA2005-05 (PERTAINING TO THE FUTURE LAND USE MAP CHANGE FOR AN 83±-ACRE PARCEL NORTH OF ALICO ROAD FROM INDUSTRIAL DEVELOPMENT TO INDUSTRIAL COMMERCIAL INTERCHANGE) APPROVED DURING THE COUNTY'S 2005/2006 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED MAPS; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.**

WHEREAS, the Lee County Comprehensive Plan ("Lee Plan") Policy 2.4.1. and Chapter XIII, provides for adoption of amendments to the Plan in compliance with State statutes and in accordance with administrative procedures adopted by the Board of County Commissioners ("Board"); and,

WHEREAS, the Board, in accordance with Section 163.3181, Florida Statutes, and Lee County Administrative Code AC-13-6 provide an opportunity for the public to participate in the plan amendment public hearing process; and,

WHEREAS, the Lee County Local Planning Agency ("LPA") held public hearings on the proposed plan amendment in accordance with Florida Statutes and the Lee County Administrative Code on October 23, 2006, and November 27, 2006; and,

WHEREAS, the Board held a public hearing for the transmittal of the proposed amendment on December 13, 2006. At that hearing, the Board approved a motion to send, and did later send, proposed amendment CPA2005-05, pertaining to an amendment to the Future Land Use Map Series for an 83±-acre parcel north of Alico Road from



Industrial Development to Industrial Commercial Interchange to the Florida Department of Community Affairs ("DCA") for review and comment; and,

WHEREAS, at the December 13, 2006 meeting, the Board announced its intention to hold a public hearing after the receipt of DCA's written comments commonly referred to as the "ORC Report." DCA issued their ORC report on March 2, 2007; and,

WHEREAS, at a public hearing on April 11, 2007, the Board moved to adopt the proposed amendment to the Lee Plan set forth herein.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, THAT:**

**SECTION ONE: PURPOSE, INTENT AND SHORT TITLE**

The Board of County Commissioners of Lee County, Florida, in compliance with Chapter 163, Part II, Florida Statutes, and with Lee County Administrative Code AC-13-6, conducted public hearings to review proposed amendments to the Lee Plan. The purpose of this ordinance is to adopt the amendments to the Lee Plan discussed at those meetings and approved by a majority of the Board of County Commissioners. The short title and proper reference for the Lee County Comprehensive Land Use Plan, as hereby amended, will continue to be the "Lee Plan." **This amending ordinance may be referred to as the "2005/2006 Regular Comprehensive Plan Amendment Cycle CPA2005-05 Three Oaks North Future Land Use Map Amendment Ordinance."**

**SECTION TWO: ADOPTION OF LEE COUNTY'S 2005/2006 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE**

The Lee County Board of County Commissioners amends the existing Lee Plan, adopted by Ordinance Number 89-02, as amended, by adopting an amendment, as revised by the Board on April 11, 2007, known as CPA2005-05. CPA2005-05 amends the

Future Land Use Map Series of the Plan for an 83±-acre parcel north of Alico Road and adjacent to I-75 from the Industrial Development to Industrial Commercial Interchange Future Land Use category.

The corresponding Staff Reports and Analysis, along with all attachments for this amendment are adopted as "Support Documentation" for the Lee Plan.

### SECTION THREE: LEGAL EFFECT OF THE "LEE PLAN"

No public or private development will be permitted except in conformity with the Lee Plan. All land development regulations and land development orders must be consistent with the Lee Plan as amended.

### SECTION FOUR: GEOGRAPHIC APPLICABILITY

The Lee Plan is applicable throughout the unincorporated area of Lee County, Florida, except in those unincorporated areas included in joint or interlocal agreements with other local governments that specifically provide otherwise.

### SECTION FIVE: SEVERABILITY

The provisions of this ordinance are severable and it is the intention of the Board of County Commissioners of Lee County, Florida, to confer the whole or any part of the powers herein provided. If any of the provisions of this ordinance are held unconstitutional by a court of competent jurisdiction, the decision of that court will not affect or impair the remaining provisions of this ordinance. It is hereby declared to be the legislative intent of the Board that this ordinance would have been adopted had the unconstitutional provisions not been included therein.

### SECTION SIX: INCLUSION IN CODE, CODIFICATION, SCRIVENERS' ERROR

It is the intention of the Board of County Commissioners that the provisions of this ordinance will become and be made a part of the Lee County Code. Sections of this

ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or other appropriate word or phrase in order to accomplish this intention; and regardless of whether inclusion in the code is accomplished, sections of this ordinance may be renumbered or relettered. The correction of typographical errors that do not affect the intent, may be authorized by the County Manager, or his or her designee, without need of public hearing, by filing a corrected or recodified copy with the Clerk of the Circuit Court.

#### SECTION SEVEN: EFFECTIVE DATE

The plan amendments adopted herein are not effective until a final order is issued by the DCA or Administrative Commission finding the amendment in compliance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before the amendment has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status. A copy of such resolution will be sent to the DCA, Bureau of Local Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

THE FOREGOING ORDINANCE was offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_. The vote was as follows:

Robert P. Janes

Brian Bigelow

Ray Judah

Tammy Hall

Frank Mann

DONE AND ADOPTED this 11th day of April 2007.

ATTEST:  
CHARLIE GREEN, CLERK

LEE COUNTY  
BOARD OF COUNTY COMMISSIONERS

BY: \_\_\_\_\_  
Deputy Clerk

BY: \_\_\_\_\_  
Robert P. Janes, Chair

DATE: \_\_\_\_\_

Approved as to form by:

\_\_\_\_\_  
Donna Marie Collins  
County Attorney's Office

MEMORANDUM

TO: Mr. Alan Freeman  
Southwest Florida Capital Corporation

FROM: David L. Wheeler  
Transportation Consultant

Ted B. Treesh  
President

DATE: April 9, 2007

RE: Three Oaks North CPA  
CPA2005-00005  
Supplemental Analysis

TR Transportation Consultants, Inc. has completed a supplemental analysis in order to address the impacts of the proposed Comprehensive Plan Amendment in the short term five-year planning horizon. The subject site is located north of Alico Road between the future Three Oaks Parkway extension and I-75.

The proposed Comprehensive Plan Amendment would allow the approximately 82.6-acre site to be developed with up to approximately 784,000 square feet of industrial and commercial uses. More specifically based on the proposed Comprehensive Plan language, under the "worst-case" development scenario, the subject site could be developed with up to approximately 160,000 square feet of retail uses, approximately 225,000 square feet of office uses, and approximately 399,000 square feet of industrial uses. Access to the subject site will be provided directly to the future Three Oaks Parkway extension.

**PROPOSED DEVELOPMENT**

The trip generation for the proposed development was determined by referencing the Institute of Transportation Engineer's (ITE) report, titled *Trip Generation*, 7th Edition. Land Use Code 820 (Shopping Center) was utilized for the trip generation purposes of the retail uses proposed on the subject site. Land Use Code 710 (General Office

Building) was utilized for the trip generation purposes of the office uses proposed on the subject site. Land Use Code 110 (General Light Industrial) was utilized for the trip generation purposes of the industrial uses proposed on the subject site.

Based on the proposed Comprehensive Plan language, under the "worst-case" development scenario, the subject site could be developed with up to approximately 160,000 square feet of retail uses, approximately 225,000 square feet of office uses, and approximately 399,000 square feet of industrial uses. **Table 1** outlines the trips anticipated to be generated by the Three Oaks North CPA as currently proposed.

**Table 1  
Trip Generation  
Three Oaks North CPA**

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Shopping Center (160,000 square feet)	125	80	205	410	445	855	9,220
General Office (225,000 square feet)	315	45	360	55	275	330	2,490
General Light Industrial (399,000 square feet)	335	45	380	50	355	405	2,880
<b>Total Trips</b>	<b>775</b>	<b>170</b>	<b>945</b>	<b>515</b>	<b>1,075</b>	<b>1,590</b>	<b>14,590</b>

The trips shown in Table 1 will not all be new trips to the adjacent roadway system. ITE estimates that a retail center of comparable size may attract as much as 10 to 90 percent of its traffic from vehicles already traveling the adjoining roadway system. This traffic, called "pass-by" traffic, reduces the development's overall impact on the surrounding roadway system but does not decrease the actual driveway volumes. From the ITE Trip Generation report, the relationship between the percent pass-by and the size of the development for Land Use Code 820 is:

$$\ln(T) = -0.291 \ln(X) + 5.001$$

T = Percent pass-by traffic

X = 1,000's of square feet GLA of the retail portion of the development

Therefore, the percent pass-by for this development was calculated as follows:

$$\ln(T) = -0.291 \ln(160) + 5.001$$

$$T = 34\%$$

However, Lee County only permits a maximum reduction in trips due to “pass-by” traffic for shopping centers of thirty percent (30%). Therefore, thirty percent (30%) pass-by reduction was utilized for Land Use Code 820 (Shopping Center).

For this analysis, the “pass-by” traffic was accounted for to determine the number of “new” trips the development will add to the surrounding roadways. Table 2 summarizes the development traffic and the breakdown between the new trips the development is anticipated to generate and the “pass-by” trips the development is anticipated to attract. It should be noted that the driveway volumes are not reduced as a result of the “pass-by” reduction, only the traffic added to the surrounding streets and intersections.

**Table 2  
Trip Generation – New Trips  
Three Oaks North CPA**

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Total Trips	775	170	945	515	1,075	1,590	14,590
Total Retail Trips	125	80	205	410	445	855	9,220
Less 30% Retail Pass-by	-35	-25	-60	-125	-130	-255	-2,765
New Trips	740	145	885	390	945	1,335	11,825

#### 100<sup>th</sup> HIGHEST HOUR LEVEL OF SERVICE ANALYSIS

A link Level of Service analysis was conducted for the short term five-year planning horizon. Table 1A, attached to the end of this memorandum, indicates the project traffic distribution utilized for the purposes of this analysis. The Lee County Generalized Directional Peak Hour Level of Service Thresholds were utilized, due to the analysis year (2012). As can be seen from Table 1A, the only roadway segments that are shown to be significantly impacted by the proposed development are Three Oaks Parkway between Daniels Parkway and Alico Road. Significant Impact is defined as those roadway links where the project traffic is anticipated to consume ten percent (10%) or more of the Level of Service “C” Threshold.

The current 2006 peak hour peak direction peak season directional traffic volumes on Alico Road were obtained from the 2005/2006-2006/2007 Lee County Concurrency Management Inventory and Projections Report, dated June 2006. As Three Oaks Parkway currently does not exist north of Alico Road, the 2012 background traffic volumes along this portion of Three Oaks Parkway were calculated based upon the 2030 background traffic projections as follows:

**Three Oaks Pkwy North of the Site**

2012 Volume =  $50\% * (2030 \text{ AADT}) * (K-100) * (D)$

2012 Volume =  $50\% * (13,191 \text{ veh}) * (0.091) * (0.54)$

2012 Volume = 324 Vehicles

**Three Oaks Pkwy North of Alico Road**

2012 Volume =  $50\% * (2030 \text{ AADT}) * (K-100) * (D)$

2012 Volume =  $50\% * (13,895 \text{ veh}) * (0.091) * (0.54)$

2012 Volume = 342 Vehicles

As indicated from the calculation above, the 2012 peak direction traffic volume was assumed to be half of the projected 2030 peak direction traffic volume. Table 2A indicates the methodology utilized to conduct the link Level of Service analysis. Based on the results of the analysis, all roadway segments are shown to operate at an acceptable Level of Service condition in 2012 both with and without the traffic associated with the proposed development. Therefore, no modifications to the short range five-year Capital Improvement Plan will be warranted as a result of this analysis.

**CONCLUSION**

Based on the supplemental analysis conducted for the Three Oaks North CPA, all roadway segments anticipated to be significantly impacted by the proposed development are shown to operate at an acceptable Level of Service condition in the short term five-year planning timeframe. The existing roadway network as well as the roadway improvements currently planned within the next five years are sufficient to accommodate the trips anticipated to be generated by the proposed development. Therefore, no modifications to the short range five-year Capital Improvement Plan will be warranted as a result of this analysis.



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

TOTAL AM PEAK HOUR PROJECT TRAFFIC = 885 VPH													IN=	740	OUT=	145					
TOTAL PM PEAK HOUR PROJECT TRAFFIC = 1,335 VPH													IN=	390	OUT=	945					
ROADWAY		SEGMENT	ROADWAY	LOS A	LOS B	LOS C	LOS D	LOS E	PERCENT					PROJECT	PROJ/						
			CLASS	VOLUME	VOLUME	VOLUME	VOLUME	VOLUME	TRAFFIC	TRAFFIC	TRAFFIC	TRAFFIC	TRAFFIC	TRAFFIC	LOS C						
Three Oaks Pkwy.		N. of Site	4LD	450	1,630	1,900	1,950	1,950	40%			378		19.9%							
		N. of Alico Rd.	4LD	450	1,630	1,900	1,950	1,950	60%			567		29.8%							
		S. of Alico Rd.	4LD	450	1,630	1,900	1,950	1,950	30%			284		14.9%							
Alico Rd.		W. of Three Oaks Pkwy.	6LD	670	2,490	2,850	2,920	2,920	15%			142		5.0%							
		W. of I-75	6LD	670	2,490	2,850	2,920	2,920	25%			236		8.3%							
		E. of I-75	6LD	670	2,490	2,850	2,920	2,920	5%			47		1.7%							
U.S. 41		N. of Alico Rd.	6LD	670	2,490	2,850	2,920	2,920	5%			47		1.7%							
		S. of Alico Rd.	6LD	670	2,490	2,850	2,920	2,920	10%			95		3.3%							
I-75		N. of Alico Rd.	6LD	1,970	3,260	4,550	5,530	6,150	5%			47		1.0%							
		S. of Alico Rd.	6LD	1,970	3,260	4,550	5,530	6,150	15%			142		3.1%							
Daniels Pkwy.		W. of Three Oaks Pkwy.	6LD	670	2,490	2,850	2,920	2,920	15%			142		5.0%							
		E. of Three Oaks Pkwy.	6LD	670	2,490	2,850	2,920	2,920	25%			236		8.3%							

\* Lee County Generalized Peak Hour Directional Service Volumes were utilized for all roadway segments analyzed

**TABLE 2A  
LEE COUNTY TRAFFIC COUNTS AND CALCULATIONS**

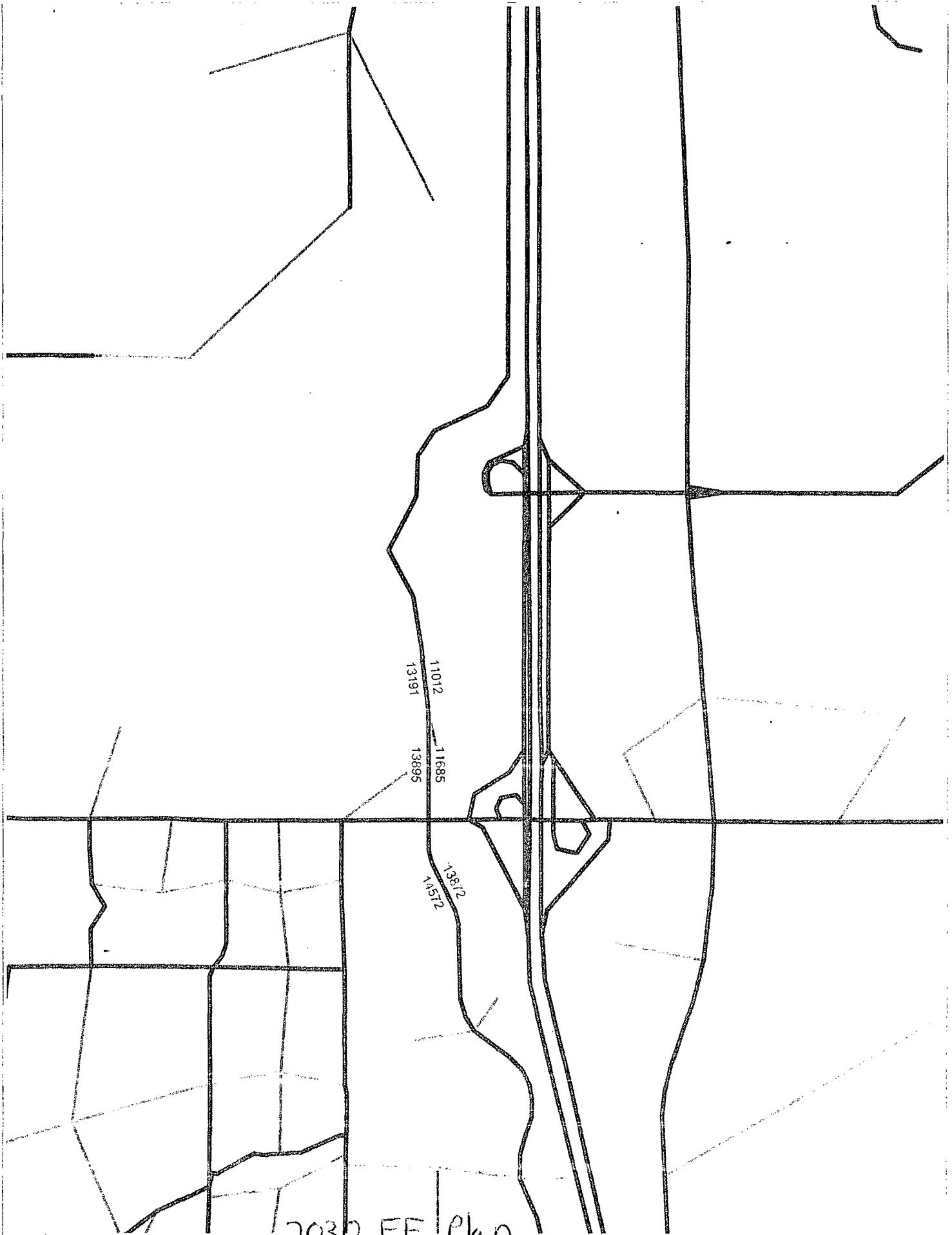
TOTAL PROJECT TRAFFIC AM =		885	VPH IN =	740	OUT =	145										
TOTAL PROJECT TRAFFIC PM =		1,335	VPH IN =	390	OUT =	945										
ROADWAY	SEGMENT	PCS/ SITE #	BASE YR		2006 ADI	YRS OF GROWTH	ANNUAL RATE <sup>1</sup>	2006		PERCENT PROJECT	2012		2012		2012	
			ADI	ADJ				PK SEASON PEAK DIR. <sup>2</sup>	PK HR		PK SEASON PEAK DIR. <sup>3</sup>	TRAFFIC	AM PROJ TRAFFIC	PM PROJ TRAFFIC	BCKGRND + AM PROJ TRAFFIC	BCKGRND + PM PROJ TRAFFIC
Three Oaks Pkwy.	N. of Site	414	5,000	9,400	9	7.27%	0	324		40%	378	296	620	378	702	
	N. of Alico Rd.	414	5,000	9,400	9	7.27%	0	342		60%	567	444	786	567	909	
Alico Rd.	W. of Three Oaks Pkwy.	207	11,600	22,600	9	7.69%	1,083	1,689		15%	142	111	1,800	142	1,831	
	W. of I-75	207	11,600	22,600	9	7.69%	1,097	1,711		25%	236	185	1,896	236	1,947	

<sup>1</sup> The growth rate utilized for Three Oaks Parkway north of Alico Road was calculated from the data for the count location on the segment of Three Oaks Parkway south of Alico Road as Three Oaks Pkwy north of Alico Road does not currently exist.

<sup>2</sup> The 2006 Peak Hour, Peak Season, Peak Direction Traffic Volumes on Alico Road were obtained from the 2005/2006-2007 Lee County Concurrence Report, dated June 2006

<sup>3</sup> The 2012 Peak Hour, Peak Season, Peak Direction Traffic Volumes on Three Oaks Pkwy were assumed to be half of the 2030 FSUTMS projections.

		2012		2012		2012	
Three Oaks Pkwy.	N. of Alico Rd.	BCKGRND	TRAFFIC	BCKGRND	TRAFFIC	BCKGRND	TRAFFIC
		LOS	LOS	LOS	LOS	LOS	LOS
		A	A	B	B	B	B
Alico Rd.	W. of Three Oaks Pkwy.	B	B	B	B	B	B
	W. of I-75	B	B	B	B	B	B



**Lee County  
Generalized Peak Hour Directional Service Volumes  
Urbanized Areas**

Sept., 2005

c:\input2

Uninterrupted Flow Highway						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	100	360	710	1,000	1,270
2	Divided	1,060	1,720	2,480	3,210	3,650
3	Divided	1,590	2,580	3,720	4,820	5,480

Arterials						
Class I (>0.00 to 1.99 signalized intersections per mile)						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	*	290	760	900	920
2	Divided	450	1,630	1,900	1,950	1,950
3	Divided	670	2,490	2,850	2,920	2,920
4	Divided	890	3,220	3,610	3,700	3,700

Class II (>2.00 to 4.50 signalized intersections per mile)						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	*	210	660	850	900
2	Divided	*	490	1,460	1,790	1,890
3	Divided	*	760	2,240	2,700	2,830
4	Divided	*	1,000	2,970	3,500	3,670

Class III (more than 4.50 signalized intersections per mile)						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	*	*	370	720	850
2	Divided	*	*	870	1,640	1,790
3	Divided	*	*	1,340	2,510	2,690
4	Divided	*	*	1,770	3,270	3,480

Controlled Access Facilities						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	120	740	930	960	960
2	Divided	270	1,620	1,970	2,030	2,030
3	Divided	410	2,490	2,960	3,040	3,040

Collectors						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	*	*	530	800	850
1	Divided	*	*	560	840	900
2	Undivided	*	*	1,180	1,620	1,720
2	Divided	*	*	1,240	1,710	1,800

Note: the service volumes for I-75 (freeway) should be from FDOT's most current version of LOS Handbook.

# PERMANENT COUNT STATION 25 US-41 (SR 45) S OF HICKORY DR

2006 AADT = 43300  
K100 Factor - 0.091

Monthly ADT as a % of Annual ADT

January	106%
February	113%
March	116%
April	105%
May	95%
June	93%
July	85%
August	92%
September	93%
October	99%
November	107%
December	98%

112

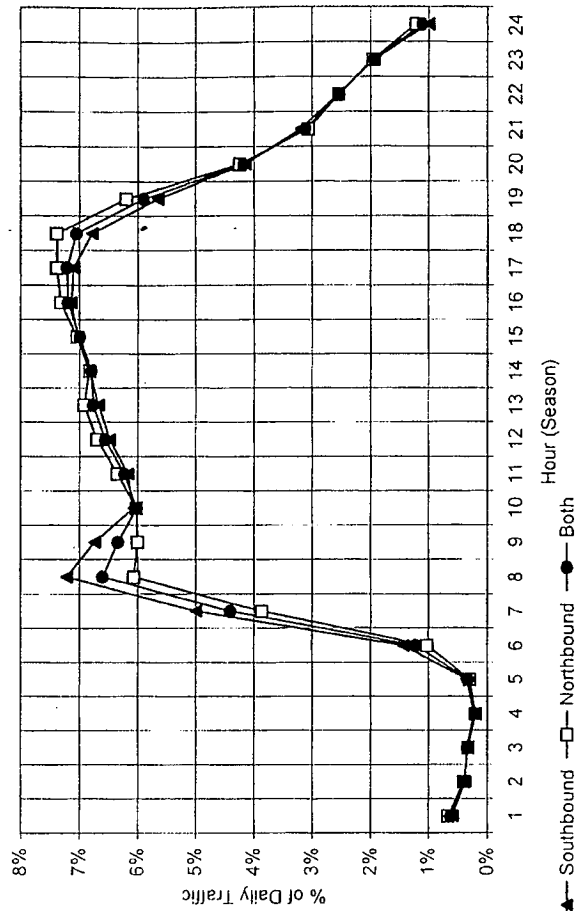
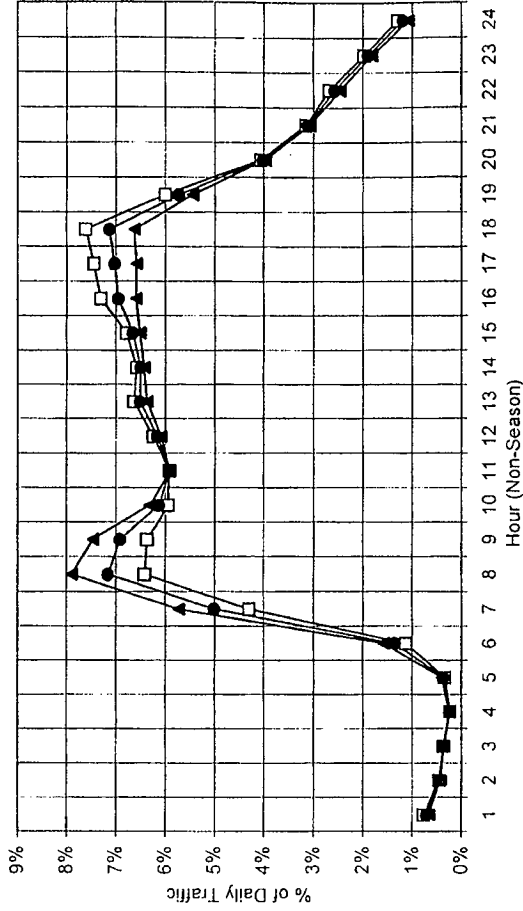
Day of Week as a % of Annual ADT

Monday	104%
Tuesday	109%
Wednesday	110%
Thursday	112%
Friday	114%
Saturday	86%
Sunday	66%

Weekday Peak Flow Characteristics

Peak Flow between 7 a.m. and 9 a.m.	Non-Season	Season
1) as a % of weekday traffic	7.0%	6.5%
2) directional Split (peak direction)	Southbound 55%	Southbound 54%
Peak Flow between 4 p.m. and 6 p.m.		
1) as a % of weekday traffic	7.1%	7.1%
2) directional Split (peak direction)	Northbound 53%	Northbound 52%

## PERMANENT COUNT STATION 25 US-41 (SR 45) S OF HICKORY DR



**SUMMARY OF MAJOR ROAD PROJECTS PROGRAMMED BY LEE COUNTY - FY 06/07 TO FY 10/11**

COMM DIST.	PROJ. NUMBER	PROJECT NAME	LENGTH (MILES)	FY 06-07 PRIOR EXP.	FY 06-07 BUDGET	06/07	07/08	08/09	09/10	10/11	5-YEAR TOTAL	6-10 DES ROW & CST	PROJECT TOTAL	PROJECT REVENUE SOURCE	PROJECT MANAGER
5	5034	Allico-Green Meadows Corridor Study (UNDERWAY) Feasibility/study for aerial extension from end of Allico Rd up Green Meadows Dr. to SR 82 opposite Sunshine Blvd.	7.00	4,233 PRELIM	498,767	0	0	0	0	0	0	73,500,000 DES ROW & CST	73,500,000	IF25	Sarah Clarke, 479-8718 sclarke@leegov.com
5	4030	Allico Road Multi-Laning		13,790,956 ALL	3,010,120	0	0	600,000 DES	1,000,000 ROW	400,000 CST	2,000,000	0	18,801,076	GT	Nicole Maxey, 479-8569 maxeync@leegov.com
All	6002	Bicycle/Pedestrian Facilities		9,006,171 CST	5,761,502	2,885,650 CST	3,090,215 CST	3,315,237 DES	3,439,000 ROW	3,568,948 CST	16,298,050	16,000,000	47,066,723	IF/GT	Vickie Griffin, 479-8580 griffin@leegov.com
1	6047	Boca Grande Master Drainage Project		404,555 DES/CST	1,251,070	500,000 CST	0	0	0	0	500,000	0	2,155,625	GT	Erin Cash, 479-8562 ecash@leegov.com
3		Bonita Beach Road Phase 2	0.90	0	0	6,600,000 ROW	0	0	0	0	6,600,000	8,097,000 ROW/CST	14,697,000	AV/CITY	Erin Cash, 479-8562 ecash@leegov.com
5		6L Old 41 to Lime St. (Subject to pending interlocal agreement)		0	0	0	0	0	0	0	0	0	0		
		Buckingham/Orange River-SR 80	2.55	0	0	0	0	0	1,880,000 DES	15,000,000 ROW	16,880,000	29,015,000 ROW/CST	29,015,000	IF23	Sarah Clarke, 479-8718 sclarke@leegov.com
1,4	4088	Burnt Store Road 4L	3.60	397,570 DES/ROW	4,588,289	508,937 ROW	1,000,000 ROW	5,564,068 ROW	7,715,941 DES	2,941,287 ROW	17,830,233	32,155,000 ROW/CST	54,985,092	SURP. TOLLS	Nicole Maxey, 479-8569 maxeync@leegov.com
4	4020	SR 78 (Pine Island Road) to Van Buren Parkway		0	0	0	0	0	0	0	0	0	0		
4		Business US 41 (SR 739) Four Lanes (CST UNDERWAY)	1.40	0	5,279,888	0	0	0	0	0	0	0	5,279,888	GT	Betsy Rowan, 479-8511 browan@leegov.com
4		SR 78 (Pine Island Road) to Littleton Road		0	0	0	0	0	0	0	0	0	0		
2		Business US 41 (SR 739)/Littleton - US 41	2.54	0	0	1,400,000 DES	0	0	0	0	1,400,000	20,690,000 ROW/CST	22,090,000	IF2/IF22	Betsy Rowan, 479-8511 browan@leegov.com
2,3	5815	Cape Coral Toll Facility Reconstruction		1,635,274 DES	4,580,401	6,000,000 CST	0	0	0	0	6,000,000	0	12,215,675	SURP. TOLLS	Paul Wingard, 479-8545 wingarpw@leegov.com
1	5053	Rebuild and expand the Cape Coral Bridge toll plaza		0	450,000	0	0	596,000 CST	0	0	596,000	0	1,046,000	GT	Randy Cerchie, 479-8573 cerchirp@leegov.com
5	4054	Adding 4-ft paved shoulders on both sides, Blind Pass to South Seas		185,937 DES	2,749,063	13,775,000 ROW/CST	221,000 LS	0	0	0	13,996,000	0	16,931,000	IF23	Mike Rigby, 479-8513 mrigbsr@leegov.com
2	5054	Colonial Boulevard I-75 to SR 82	2.65	0	2,500,000	6,605,109 DES	6,894,891 DES	200,000 ROW	0	181,900,000 CST	397,400,000	0	400,000,000	SURP/NEW TOLLS	Nicole Maxey, 479-8569 maxeync@leegov.com
2	5054	Colonial Expressway		0	0	0	0	0	0	0	0	0	0		
2	6064	Colonial @ Metro Queue Jump		5,486 DES	1,935,002	0	0	0	0	24,400,000 CST	24,400,000	0	26,341,488	NEW TOLLS	Sarah Clarke, 479-8718 sclarke@leegov.com
2	5035	Communications Plant Upgrades		0	285,000	0	0	300,000 CST	0	0	300,000	0	585,000	GT	Harry Campbell, 533-9500 campbaha@leegov.com
5		Installation of fiber optics from Billys Creek to downtown and RTMC		0	0	0	1,305,000	0	0	0	1,305,000	0	1,305,000	GT	Erin Cash, 479-8562 ecash@leegov.com
		Corsew Curve		0	0	0	0	0	0	0	0	0	0		
5	4723	Project to ease severe curve at Hendry County line	3.0	0	1,000,000	0	0	0	0	0	0	0	1,000,000	IF25	Don DeBerry, 479-8503 deberry@leegov.com
3,5	4078	Corkscrew Road East (Special Assessment)		0	1,388,953	0	0	0	0	0	0	0	1,388,953	IF25/GT	Don DeBerry, 479-8503 deberry@leegov.com
		4L Ben Hill Griffin Pkwy. to The Habitat entrance (Co. participation only)		0	0	0	0	0	0	0	0	0	0		
3		CR 951 E to SR 82 (UNDERWAY)	15.00	0	0	0	0	0	0	0	0	0	0		
		Study for new 4L Immokalee Rd. (Collier Co.) to Allico Rd.		0	0	0	0	0	0	0	0	0	0		
		CR 951 Extension South	4.50	0	0	0	0	6,500,000 DES	0	0	6,500,000	88,100,000	92,600,000	NEW TOLLS	Don DeBerry, 479-8503 deberry@leegov.com
		New 4L Immokalee Rd. (Collier Co.) to Bonita Beach Rd. (Joint project, Collier Co. at 78% and Lee Co. at 22%)		0	0	0	0	0	0	0	0	0	0		
3,5	4097	CR 951 Extension	11.50	0	22,500,000	0	0	0	0	0	0	0	22,500,000	IF25	Don DeBerry, 479-8503 deberry@leegov.com
All		New 4L expressway, Bonita Beach Rd. to Allico Rd.		0	0	0	0	0	0	0	0	0	0		
		Countywide Signal Timing		0	557,500	0	0	0	0	0	0	0	557,500	GT	Harry Campbell, 533-9500 campbaha@leegov.com
5	6066	Complete signal system retiming and timing updates		0	0	0	0	0	0	0	0	0	0		
		Daniels 6L Chamberlin-Gateway	1.70	0	0	0	0	0	1,520,000 DES	10,010,000 CST	11,530,000	200,000 LS	11,730,000	IF23	Nicole Maxey, 479-8569 maxeync@leegov.com
1	5033	6L widening, Chamberlin Pkwy. to Gateway Blvd.		0	0	0	0	0	0	0	0	0	0		
		Del Prado/Cape Coral Parkway		0	750,000	0	0	0	0	0	0	0	750,000	IF5/IF22	Rob Phelan, 479-8594 rphelanr@leegov.com
		Addition of 3rd SB to EB left turn lane at intersection		0	0	0	0	0	0	0	0	0	0		
4		Del Prado ROW		0	0	4,000,000 ROW	0	0	0	0	4,000,000	0	4,000,000	IF5/IF22	David Loveland, 479-8509 lovelagd@leegov.com
		Reimbursement of land acquisition by Cape Coral south of SR 79		0	0	0	0	0	0	0	0	0	0		

**SUMMARY OF MAJOR ROAD PROJECTS PROGRAMMED BY LEE COUNTY - FY 06/07 TO FY 10/11**

COMM DIST	PROJ. NUMBER	PROJECT NAME	LENGTH (MILES)	FY 98-05 PRIOR EXP.	FY 05/06 BUDGET	06/07	07/08	08/09	09/10	10/11	5-YEAR TOTAL	6-10	PROJECT TOTAL	FUTURE REVENUE SOURCE	PROJECT MANAGER
2	5038	e-ARCS Upgrade		0	350,000	DES	850,000	0	0	0	850,000	0	1,200,000	SURP	Rob Radford, 573-1680 radfordr@lee.gov.com
5	5021	Estero Parkway Extension New 4L, Three Oaks Pkwy. to Ben Hill Griffin Pkwy., including prelim. phases for 2L ext. from Ben Hill Griffin Pkwy. to Corkscrew Rd.	0.70	9,234,990	22,002,815	DES/ROW	454,962	120,000	0	0	17,849,495	0	48,887,300	TOLLS IF3/IF24 IF25	Betsy Rowan, 479-8511 browan@lee.gov.com
3	4083	Gladiolus Widening 4L Pine Ridge Rd. to Bass Rd., 6L Bass Rd. to Winkler Rd., plus 4L, Bass Rd. from Heathpark to Gladiolus and A&W Blvd. Rd. overlay/sidewalk	2.30	1,606,609	1,970,391	DES/ROW	0	515,000	0	0	15,005,000	0	19,582,000	IF4/IF24/ GT	Rob Phelan, 479-8594 phelanr@lee.gov.com
5	4055	Gunnery Road/ SR 82 to Lee Blvd (CST UNDERWAY) 4L	2.20	1,690,859	11,632,144	DES/ROW	0	0	0	0	0	0	13,323,000	IF3/IF23	Nicole Maxey, 479-8569 maxeync@lee.gov.com
5		Homestead 4L/Sunrise-Alabama 4L widening, Sunrise Blvd. to Alabama Rd.	1.50	0	0	DES/ROW	2,100,000	4,740,000	0	0	13,900,000	150,000	14,050,000	IF23	Sarah Clarke, 479-8718 clarke@lee.gov.com
3	4060	Imperial Street (CST UNDERWAY) 4L Bonita Beach Rd. to E. Terry St. (Joint project with City)	1.00	5,385,977	13,101,127	DES/ROW	0	0	0	0	0	0	18,487,104	IFB/GT/ CITY	Nicole Maxey, 479-8569 maxeync@lee.gov.com
2.3.5	5036	ITS Installation on County roads adjacent to Interstate 4L		0	400,000	DES/CST	0	400,000	0	0	400,000	0	800,000	GT	Harry Campbell, 533-9500 campbellh@lee.gov.com
5		ITS Installation on County roads adjacent to Interstate 4L widening, 17th St. to SR 80	3.24	0	0	DES	0	2,180,000	0	6,000,000	15,460,000	13,780,000	29,240,000	IF23	Sarah Clarke, 479-8718 clarke@lee.gov.com
2		Lockett Rd 4L/Ortiz to I-75 4L widening	0.45	0	0	DES/ROW	0	2,380,000	0	3,960,000	7,870,000	50,000	7,920,000	IF23	Eyra Cash, 479-8562 ecash@lee.gov.com
5	5060	Lockett/Sunshine Corridor Study (UNDERWAY) Corridor alignment study of Lockett Rd. Extension to Lehigh Acres from I-75 to Joel Blvd., and Sunshine Blvd. Ext. North to SR 80		0	1,200,000	PRELIM	0	0	0	0	0	0	1,200,000	IF23	Sarah Clarke, 479-8718 clarke@lee.gov.com
1	5904	Malachia Pass Bridge Replacement		0	2,668,000	DES	0	0	0	25,000,000	25,000,000	0	27,668,000	GT/IF22	Don DeBerry, 479-8503 ddeberry@lee.gov.com
All		Monitoring Camera Deployment		0	0	DES	0	175,000	0	0	175,000	0	175,000	GT/PS	Harry Campbell, 533-9500 campbellh@lee.gov.com
All		Insell monitoring cameras at various intersections		0	0	DES	0	30,000	60,000	60,000	210,000	0	210,000	GT	Harry Campbell, 533-9500 campbellh@lee.gov.com
2		Monitoring Station Upgrades		0	0	DES	0	30,000	60,000	60,000	210,000	0	210,000	GT	Harry Campbell, 533-9500 campbellh@lee.gov.com
2		Ortiz 4L/Colonial-MLK 4L widening, Colonial Blvd. to SR 82 (Dr. Martin Luther King, Jr. Blvd.)	1.73	0	0	DES	0	1,840,000	12,060,000	0	13,900,000	200,000	14,100,000	IF23	Eyra Cash, 479-8562 ecash@lee.gov.com
2	4072	Ortiz 4L/MLK-Lockett 4L widening, SR 82 (Dr. Martin Luther King, Jr. Blvd.) to Lockett Rd.	1.25	78,974	3,139,852	DES/ROW	3,500,000	0	8,935,000	155,000	12,590,000	0	15,808,826	IF23	Eyra Cash, 479-8562 ecash@lee.gov.com
2	5056	Ortiz 4L/Lockett-SR 80 4L widening, Lockett Rd. to SR 80 (Palm Beach Blvd.)	1.33	0	2,630,000	DES/ROW	6,000,000	0	9,475,600	185,000	15,660,600	0	18,290,600	IF /IF23	Eyra Cash, 479-8562 ecash@lee.gov.com
1		Pine Island ITS		0	0	DES	0	189,000	0	120,000	330,000	0	330,000	PS/GT	Harry Campbell, 533-9500 campbellh@lee.gov.com
2	4065	Fiber optic/ITS equipment installation along Pine Island Road New 4L	1.00	867,849	1,775,151	DES/ROW	6,709,880	140,000	0	0	6,849,880	0	9,492,880	IF23	Betsy Rowan, 479-8511 browan@lee.gov.com
2		Plantation 4L/Six Mile-Daniels 4L widening, Six Mile Parkway to Daniels Parkway	1.25	0	0	DES	0	1,910,000	1,000,000	8,350,000	11,270,000	175,000	11,445,000	IF24	Betsy Rowan, 479-8511 browan@lee.gov.com
All	0700	Project Planning & Pre-Design Funds for feasibility studies, cost estimates, alignment studies		1,160,587	202,561	PRELIM	150,000	150,000	150,000	150,000	750,000	750,000	2,863,148	GT	Don DeBerry, 479-8503 ddeberry@lee.gov.com
1	6067	Real Time Travel Info System Test project for using transponders for real time traffic data		0	160,000	DES/CST	0	0	0	0	0	0	160,000	FDOT	Harry Campbell, 533-9500 campbellh@lee.gov.com
All	4079	Right-of-Way Opportunity Buy's Funds for feasibility studies, cost estimates, alignment studies		597,454	1,390,547	ROW	500,000	500,000	500,000	500,000	2,500,000	2,500,000	6,988,001	GT	Don DeBerry, 479-8503 ddeberry@lee.gov.com
3	6069	San Carlos Blvd ITS		0	200,000	DES/CST	0	0	0	0	0	0	200,000	GT/PS	Harry Campbell, 533-9500 campbellh@lee.gov.com

# SUMMARY OF MAJOR ROAD PROJECTS PROGRAMMED BY LEE COUNTY - FY 06/07 TO FY 10/11

COMM DIST.	PROJ. NUMBER	PROJECT NAME	LENGTH (MILES)	FY 98-05 PRIOR EXP.	FY 05/06 BUDGET	06/07	07/08	08/09	09/10	10/11	5-YEAR TOTAL	6-10	PROJECT TOTAL	FUTURE REVENUE SOURCE	PROJECT MANAGER
5		Sandy Lane Ext. North	1.43	0	0	0	0	0	0	1,410,000	1,410,000	ROW/CST	18,670,000	IF24	Andy Gatch, 479-8510
1	5814	Sanibel Bridge Replacement (CST UNDERWAY)		41,878,547	73,507,522								115,386,069	TOLL	Paul Wingard, 479-8545
1	5816	Replacement of Spans "A", "B" and "C"		1,052,667	17,844,075								18,896,742	BONDS	wingardp@lee.gov.com
1,4	6058	Sanibel Toll Facility Reconstruction (CST UNDERWAY)											0	TOLL	Paul Wingard, 479-8545
		Rebuild and expand the Sanibel Bridge toll plaza and building											0	BONDS	wingardp@lee.gov.com
		SeGo Implementation		0	558,000	0	0	0	0	0	0	0	558,000	SURPLUS	Paul Wingard, 479-8545
		New transponders and related readers, software upgrades											0	TOLLS	wingardp@lee.gov.com
2	4604	Six Mile Cypress Pkwy 4L	2.30	122,187	1,563,813	10,229,000	604,000	0	0	0	10,833,000	0	12,519,000	IF23	Mike Riggsby, 479-8513
5		N. of Daniels Pkwy. to S. of Winkler Ext.				200,000	800,000	0	0	0	1,000,000	0	1,000,000	IF23	Nicole Maxey, 479-8569
2,3,5	6007	SR 82/Daniels Dual Left Lanes		0	0								0		maxeync@lee.gov.com
		Expansion to include dual NB-to-WB left turn lanes											0		
3	4067	Summerlin/Boyscout-Cypress Lake	2.60	2,276,003	7,317,210		30,381,000	380,000	0	0	30,761,000	0	40,354,215	IF23	Sarah Clarke, 479-8718
		6L widening, including overpass at College Parkway											0		clarke@lee.gov.com
3	4067	Summerlin Rd./San Carlos to Gladiolus (CST UNDERWAY)	4.26	11,839,207	32,436,994								44,276,201	IF6/IF24	Mike Riggsby, 479-8513
5	4053	Three Oaks Parkway Extension North	3.50	1,990,290	10,025,476	685,940	0	0	21,200,000	577,000	22,462,940	0	34,478,706	IF24	Triggsby@lee.gov.com
3	4043	New 4L, N. of Allico Rd. to Daniels Pkwy.											0		Eyva Cash, 479-8552
5	4081	Three Oaks Parkway Extension South (CST UNDERWAY)	4.15	13,631,873	37,820,102	997,000	0	0	0	0	997,000	0	52,448,975	IF8/IF23	Nicole Maxey, 479-8569
		New 4L, E. Terry St. to Bonita Bill Dr. (Joint project with City)											0		maxeync@lee.gov.com
		Three Oaks Parkway Widening (CST UNDERWAY)	4.60	9,015,552	20,524,801								29,540,393	IF24/IF23	Betsy Rowan, 479-8511
		4L, Corkscrew Rd. to Allico Rd.											0		browan@lee.gov.com
All	5037	Traffic Management Center Update		0	145,000	90,000					80,000	0	225,000	GT	Harry Campbell, 533-9500
5	4068	Hardware/software upgrades at Billys Creek	4.20	382,386	227,614		1,002,000	0	0	0	1,002,000	0	1,612,000	IF3/IF23	campbellh@lee.gov.com
		Treeline Extension North (CST UNDERWAY BY DEVELOPER)											0		maxeync@lee.gov.com
All	4065	New 4L, Daniels Pkwy. to S. of Colonial Blvd.		1,053,708	5,997,389	1,200,000	1,200,000	700,000	700,000	700,000	4,500,000	3,500,000	15,051,077	AV	Harry Campbell, 533-9500
1,4	5039	Urban Arterial Street Lighting											0		campbellh@lee.gov.com
		Adding street lights along major County roads											0		maxeync@lee.gov.com
		VES and Fiber Optics											0		
1,4	5029	Implementation of Vehicle Enforcement System at toll bridges		12,560	369,114	700,000	0	0	0	0	7,700,000	0	8,081,674	SURPLUS	Paul Wingard, 479-8545
		Veterans Pkwy @ Del Prado											0		wingardp@lee.gov.com
		Interim and ultimate improvements at exit ramp bt overpass											0		clarke@lee.gov.com
1,4		Veterans/Santa Barbara Overpass		0	0	0	0	2,250,000	0	0	2,250,000	30,000,000	32,250,000	SURPLUS	Nicole Maxey, 479-8569
		Grade separation at intersection											0		maxeync@lee.gov.com
TOTAL			98.34								\$771,902,198		\$1,550,450,931		

NOTE: Budget figures represent estimates for programming purposes. All dollar figures are subject to adjustment. Program year represents when funds are available, not necessarily when phase started or completed.  
 KEY (PHASES): PRELIM = Preliminary Study, PD&E = Project Development & Environmental Study, DES = Design, ROW = Right-of-Way Acquisition, CST = Construction, CEI = Construction Engineering Inspection, PM = Project Management, LS = Landscaping.  
 KEY (FUNDS): IF23 = Road Impact Fees from District 23, GT = Local Option Gas Taxes, CITY = City funds, PS = Public Safety Funds, FCOT = Florida Dept. of Transportation, AV = Ad Valorem



# PERIODIC COUNT STATION DATA

Daily Traffic Volume (AADT)																		
STREET	LOCATION	Station #	M	A	T	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
A & W BULB RD	N OF GLADIOLUS DR	215	G			2400	3000	4000	3700	3300	3800	4300	4700	5700	5800			
ALABAMA RD	N OF IMMOKALEE RD	201	E			3000	3700	2800	2600	3200	4200	4200	5100	5300	5300			
	S OF HOMESTEAD RD	200	F			5900	5900	5800	4900	5600	6400	7100	8100	8800	9500			6
BELL BLVD	N OF IMMOKALEE RD	202	F			1000	1000	1000	1000	1100	1400	1300	2100	2600	3200			21
	S OF LEE LAND HEIGHTS BV	203	E			2700	2600	3000	2700	3200	3700	4000	4900	6100	8500			46
ALICOR RD	E OF US 41	204	G			14700	12800	15100	15700	13900	9000	1700	19800	18900				
	E OF LEE RD	207	H			11600	12000	13900	14200	16000	17400	18000	20000	22600				25
	W OF I-75	10	H			13400	14900	16300	15700	17200	18000	19000	19000	UIC				
	E OF BEN HILL GRIFFIN PKWA	205	H			4700	5200	5500	5800	6500	9800	UIC	14700	13100	12600			25
	E OF I-75	53	H							10100	11500	14500	12500	11700				
	N OF CORKSCREW RD	206				1000	900	1000	1000	N/A	800	2000	2100	1600	2800			25
ARROYAL ST	N OF BONITA BEACH RD	496	H			4500	3600	4000	4000	5900	4300	5000	6200	6500	6400			16
BABCOCK RD	E OF US 41	461	H			1630	1300	1500	1600	N/A	1500	1600	1700		900			25
BALLARD RD	W OF ORTIZ AV	504	E			4600	4800	4900	3500	N/A	5200	5100	5800	5300	6400			22
BARRETT RD	S OF PINE ISLAND RD	509	C			2800	2700	2900	2500	2800	3300	3100	3300	3200	3100			49
BASS RD	N OF SUMMERLIN RD	216	G			6400	5700	6800	6200	5700	6000	7600	7400	9200	5900			39
BAYSHORE RD	E OF BUSINESS 41	218	C			33100	27500	31300	31800	32300	34000	31000	35700	37800	33400			5
(SR-78)	E OF HART RD	219	C			24200	24600	26800	26000	24900	22800	25700	27300	28700	28500			
	W OF WILLIAMSBURG DR	4	D			15900	16400	17000	18400	19500	20000	20600	22000	22300	UIC			
	E OF NALLE RD	217	D			8900	8400	9900	19300	19000	9300	10100	10900	11900	13700			
BEN HILL GRIFFIN PKWY	S OF MIDFIELD TERMINAL	60	E											19000	20900			
	S OF ALICO RD	514	H			2400	2800	5300	N/A	6500	7100	8200		20300				25
	N OF CORKSCREW RD	517	H			10000	2800	3000	3000	4500	5000	7800	10200	11200	20500			25
BETH STACEY RD	S OF HOMESTEAD RD	220	F			4600	4100	4000	4500	4500	5200	5200	6500	38900				

# PERIODIC COUNT STATION DATA

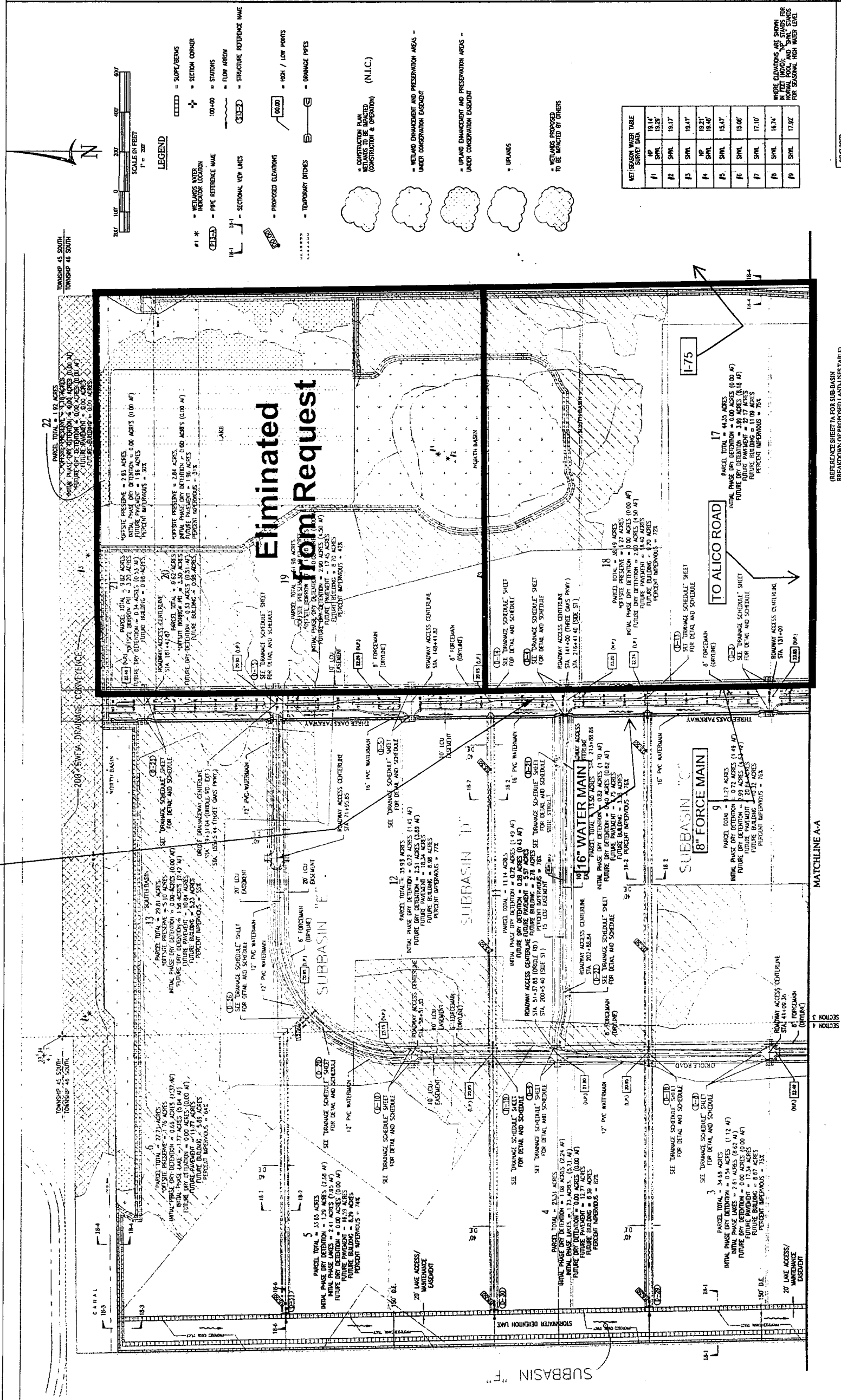
STATION	LOCATION	Sta. A	Sta. B	Daily Traffic Volume (AADT)												DERIVATION
				1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	
S. RINGBROOK BLVD	N. OF CASTLE RD	276	I	2300	4400	4600	4400	4500	4800	4700	5000	4100	4600			
	S. OF PINE ISLAND RD	400	I	9400	9500	9100	8600	9000	9400	9400	9900	9800	9900	27		
	N. OF AVENUE C	399	I	8600	18700	8400	7800	7800	8200	8900	9000	9100	9000	27		
	N. OF HOWARD RD	401	I	3600	3500	3300	3300	3400	3500	3200	3500	3700	3400	27		
SUMMERLIN RD	E. OF JOHN MORRIS RD	36	G	18300	19100	19800	19200	19300	18900	17900	15300	18200	17300			
	W. OF SAN CARLOS BLVD	402	G	20400	20100	21300	21300	20700	20700	21200	20800	19600	19600	19		
	E. OF SAN CARLOS BLVD	408	G	22400	20700	22700	21100	20200	19400	20400	24500	23100	UIC	19		
	E. OF PINE RIDGE RD	410	G	29900	28400	30800	30100	31000	30200	31700	26800	32400	UIC	19		
	W. OF WINKLER RD	19	G	33000	32500	34000	33800	34400	34000	34600	37600	42200	UIC			
	N. OF GUADALUPE DR	409	G	20600	25700	26300	24200	21500	23300	26500	26700	26200	UIC	19		
	N. OF CYPRESS LAKE DR	407	G	27500	26400	28200	26600	26900	27500	27400	31200	30400	27700	35		
	S. OF PARKMEADOWS	35	B	32400	32200	32600	33200	32900	34600	34600	36300	34900				
	N. OF MAPLE DR	405	B	31100	30100	31700	33200	28100	32500	36100	39900	37700	35800	35		
	N. OF BOX SCOUT DR	403	B	18300	19100	20700	22100	21800	24800	22100	25400	22000	22400	35		
	S. OF COLONIAL BLVD	411	B	15100	17100	20300	21200	20900	21000	22100	25400	23600	23800	35		
SUNRISE BLVD	E. OF BELL BLVD	480	F	200	200	300	200	200	300	300	600	800	6			
	N. OF IMMOKALEE RD	413	F	1000	1300	1100	1200	1300	1000	1800	2800	3800	4200	22		
SUNSHINE BLVD	S. OF LEE BLVD	406	F										8100	22		
	N. OF LEE BLVD (CR 884)	412	F	2300	3000	2800	3100	3400	5000	4600	5600	9300	11500	22		
	N. OF W. 12TH ST	479	F	700	2400	2500	2380	N/A	2900	9400	4000	7000	6100	22		
TAMPA TRAIL - SEE US FOR BUSINESS 41																
THREE OAKS PKWY	S. OF CORKSCREW RD	525	H						8400	10700	12500	16900	13400	25		
	N. OF CORKSCREW RD	415	H	4000	4500	5600	5900	7200	8500	11100	12700	12900	15100	25		
	S. OF ALICOR RD	414	H	5000	5100	5700	5600	5700	6400	6300	7800	7200	9400	25		
THREE SUNS	W. OF ORTIZ AV	417	A	3400	3000	4000	3700	4100	4000	3500	3100	4200	3500	5		
	W. OF 175	416	E	2400	2700	2300	2400	2500	2100	2600	2400	2800	3100	5		
TREELINE AVE	S. OF COLONIAL BLVD	453											5800	61		
	N. OF DANIELS PKWY	454											12000	5		
	S. OF DANIELS PKWY	502	E	900	900	2200	2600	2300	2700	2200	10400	28700	1	48		

ROAD LINK VOLUMES												
Peak Direction of Flow												
ROADWAY LINK NAME	FROM	TO	ROAD TYPE	PERFORMANCE STANDARD		2005 100th HIGHEST HOUR		EST 2006 100th HIGHEST HOUR		FORECAST FUTURE VOL		LINK NO.
				LOS	CAPACITY	LOS	VOLUME	LOS	VOLUME	LOS	VOLUME	
A & W BULB RD.	GLADIOLUS DR.	MCGREGOR BLVD.	2LU	E	860	C	260	C	286	C	298	00100
ALABAMA RD.	IMMOKALEE RD. (S.R. 82)	MILWAUKEE BLVD.	2LN	E	990	D	310	D	425	D	425	00200
ALABAMA RD.	MILWAUKEE BLVD.	HOMESTEAD RD.	2LN	E	990	D	383	D	478	D	478	00300
A. G. BELL BLVD.	IMMOKALEE RD. (S.R. 82)	MILWAUKEE BLVD.	2LN	E	990	B	152	C	352	D	556	00400
A. G. BELL BLVD.	MILWAUKEE BLVD.	JOEL BLVD. (S.R. 884)	2LN	E	990	C	266	D	474	E	617	00500
ALICO RD.	U.S. 41	LEE RD.	6LD	E	2,920	B	1,068	B	1,237	B	1,362	00600
ALICO RD.	LEE RD.	THREE OAKS PKWY.	6LD	E	2,920	B	1,079	B	1,083	B	1,088	00700
ALICO RD.	THREE OAKS PKWY	I-75	6LD	E	2,920	B	1,097	B	1,097	B	1,097	00800
ALICO RD.	I-75	BEN HILL GRIFFIN BLVD	6LD	E	2,920	B	722	B	1,086	B	2,312	00900
ALICO RD.	BEN HILL GRIFFIN BLVD	GREEN MEADOW DR	2LN	E	860	E	707	E	727	E	762	01000
ALICO RD.	GREEN MEADOW DR	CORKSCREW RD. (C.R. 850)	2LN	E	860	B	86	E	707	E	762	01050
ARROYAL ST.	BONITA BEACH RD.	PENNSYLVANIA AVE.	2LN	E	860	C	333	C	344	C	366	01100
BABCOCK RD	U S 41	ROCKEFELLER CIR.	2LN	E	860	B	88	B	88	B	88	01200
BARRETT RD.	PONDELLA RD.	PINE ISLAND RD.	2LN	E	860	C	191	C	191	C	191	01400
BASS RD.	SUMMERLIN RD.	GLADIOLUS DR.	2LN	E	860	C	159	C	301	D	431	01500

**TRIP GENERATION EQUATIONS  
THREE OAKS NORTH CPA  
ITE TRIP GENERATION REPORT, 7<sup>th</sup> EDITION**

Land Use	Weekday AM Peak Hour	Weekday PM Peak Hour	Daily (2-way)
Shopping Center (LUC 820)	$\ln(T) = 0.60 \ln(X) + 2.29$ (61% In/39% Out)	$\ln(T) = 0.66 \ln(X) + 3.40$ (48% In/52% Out)	$\ln(T) = 0.65 \ln(X) + 5.83$
T = Number of Trips, X = 1,000's of square feet of Gross Floor Area (GFA)			
General Office Building (LUC 710)	$\ln(T) = 0.80 \ln(X) + 1.55$ (88% In/12% Out)	$T = 1.12 (X) + 78.81$ (17% In/83% Out)	$\ln(T) = 0.77 \ln(X) + 3.65$
T = Number of Trips, X = 1,000's of square feet of Gross Floor Area (GFA)			
General Light Industrial (LUC 110)	$T = 1.18 (X) - 89.28$ (88% In/12% Out)	$T = 1.43 (X) - 163.42$ (12% In/88% Out)	$T = 7.47 (X) - 101.92$
T = Number of Trips, X = 1,000's of square feet of Gross Floor Area (GFA)			

STRAP #03-46-25-00-00001.1050, 03-46-25-00-00001.1020  
SUBJECT PARCELS  
 82.86 ACRES  
 (Revised from 169 acres)



WET SEASON WATER TABLE SURVEY DATA			
#1	NP SHWL	19.14' 19.28'	
#2	SHWL	19.17'	
#3	SHWL	19.47'	
#4	NP SHWL	19.31' 19.40'	
#5	SHWL	15.47'	
#6	SHWL	15.06'	
#7	SHWL	17.10'	
#8	SHWL	16.74'	
#9	SHWL	17.92'	

WHERE ELEVATIONS ARE SHOWN IN FEET (MGVD): "NP" STANDS FOR NORMAL POOL, AND "SHWL" STANDS FOR SEASONAL HIGH WATER LEVEL

DRAWER: NORTH ALICO PROPERTY OWNERS ASSOCIATION, INC. CO. SOUTHWEST FLORIDA CAPITAL CORPORATION 1001 SOUTHWEST TAMIAMI TRAIL, SE FORT MEADE, FLORIDA 33158	JOB NO.	DRAWN BY:	FILE NAME:	SHEET NO. 5 OF 24
	110-01-99	L.G.	05-110	
RE 0	DATE:			
	11-04-03			

**SITE DEVELOPMENT  
NORTH**

**SOURCE, INC.**  
ENGINEERS - PLANNERS  
Engineering Business #2627  
1334 LAFAYETTE STREET • CAPE CORAL, FL 33904



THREE OAKS PARKWAY EXTENSION  
SECTIONS 3 & 4, TOWNSHIP 46S, RANGE 25E  
LEE COUNTY, FLORIDA

[illegible]

P:\2006 Projects\060820 FREEMAN THREE OAKS NORTH CPA\CADD\CPA Exhibits LeePlanMaps.dwg



RPD  
(Fiddlesticks CC)  
Dantes! Parkway  
RURAL FLUM  
Single-Family Housing

AG-2  
Pending Rezone to IPD  
(Three Oaks Commerce Park)  
Gateway/Airport  
INDUSTRIAL FLUM  
VACANT

AG-2  
Daniels Parkway  
RURAL/WETLANDS  
VACANT

AG-2  
Gateway/Airport  
INDUSTRIAL FLUM  
VACANT

AG-2  
Gateway/Airport  
INDUSTRIAL/WETLANDS FLUM  
VACANT

SUBJECT PARCELS  
STRAP #03-46-25-00-00001.1030  
03-46-25-00-00001.103C  
03-46-25-00-00001.103B  
ELIMINATED FROM REQUEST

SUBJECT PARCELS  
STRAP #  
03-46-25-00-00001.1050  
03-46-25-00-00001.1020  
82.86 ACRES

AG-2  
Gateway/Airport  
INDUSTRIAL FLUM  
VACANT

AG-2  
Gateway/Airport  
INDUSTRIAL FLUM  
VACANT

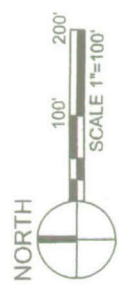
AG-2  
Gateway/Airport  
INDUSTRIAL FLUM  
VACANT

CPD  
Z-03-017  
(Allico Crossroads Center CPD)  
Gateway/Airport  
INDUSTRIAL COMMERCIAL INTERCHANGE FLUM  
VACANT

MPD  
Z-05-029  
(Airport Interstate Commerce Park)  
Gateway/Airport  
TRADEPORT FLUM  
VACANT/UNDER DEVELOPMENT

AG-2  
Gateway/Airport  
TRADEPORT  
VACANT

I-75



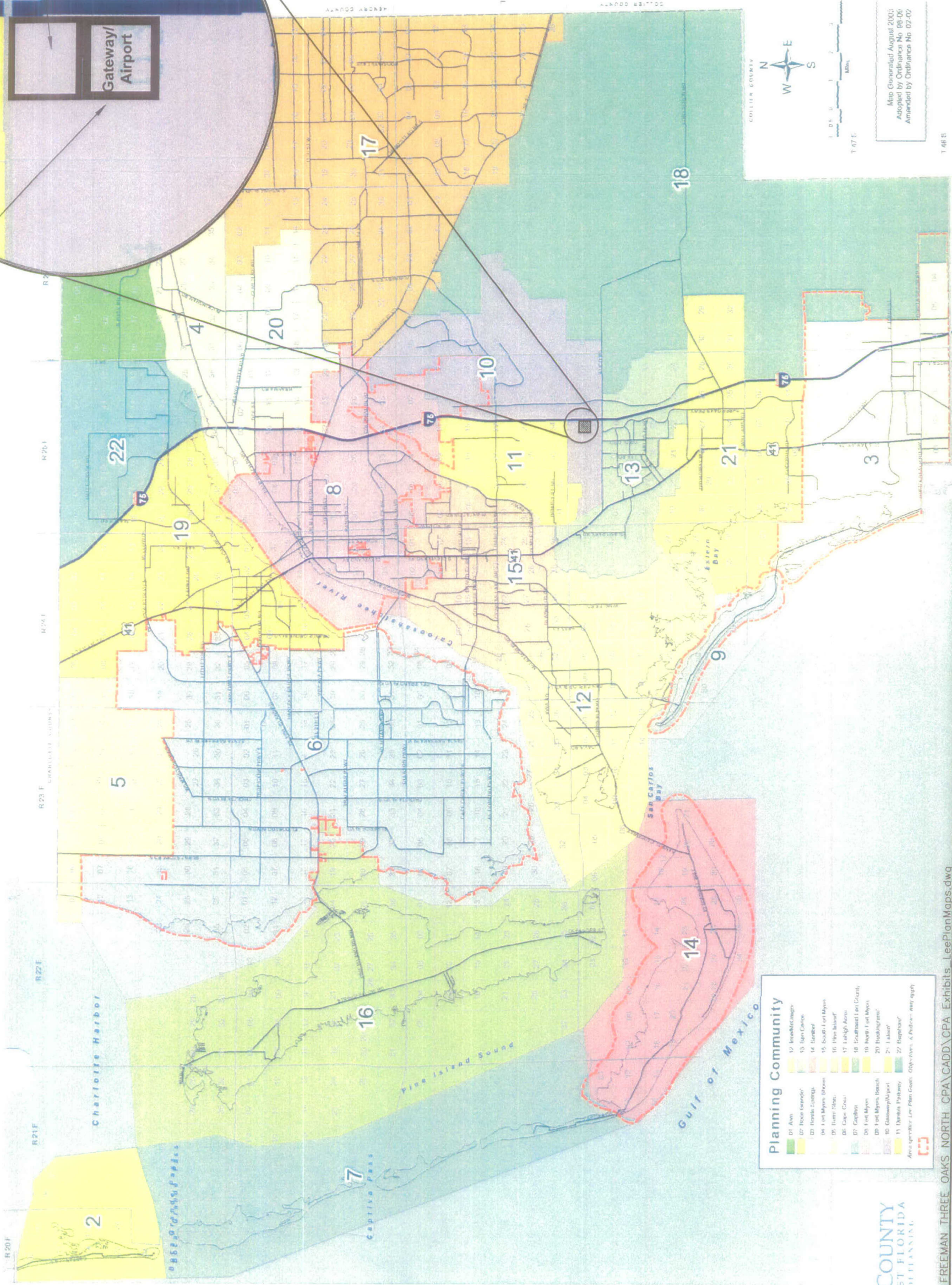
**Quattrone & Associates, Inc.**  
Engineers, Planners, & Development Consultants  
11000 Metro Parkway, Suite 30 - Fort Myers, Florida 33912 - 239-936-5222  
Certificate of Authorization Number: 9465

THREE OAKS NORTH CPA  
EXHIBIT A-3 & A-4 : EXISTING ZONING & LAND USES  
LEE COUNTY, FLORIDA

A-3 & A-4



STRAP #03-46-25-00-00001.1050, 03-46-25-00-00001.1020  
SUBJECT PARCELS  
82.86 ACRES  
(Revised from 169 acres)  
GATEWAY/AIRPORT



Map Generated August 2003  
Adopted by Ordinance No. 08-06  
Amended by Ordinance No. 07-02

Scale: 1" = 1 Mile

North Arrow

Quattrone & Associates, Inc.  
Engineers, Planners, & Development Consultants  
11000 Metro Parkway, Suite 30 - Fort Myers, Florida 33912 - 239-936-5222  
Certificate of Authorization Number: 9465

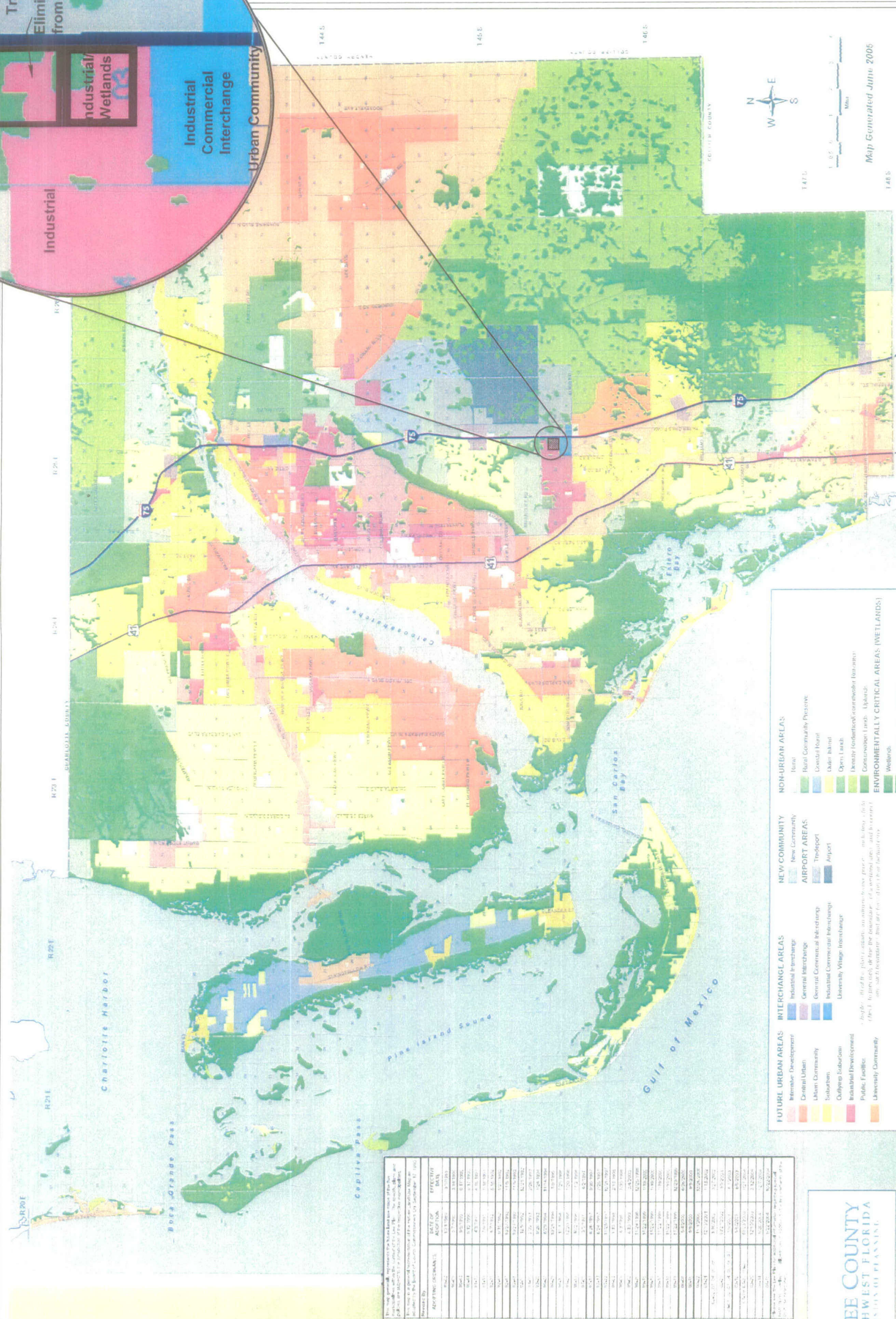
THREE OAKS NORTH CPA  
EXHIBIT A-2a: EXISTING PLANNING COMMUNITIES  
LEE COUNTY, FLORIDA



SUBJECT PARCELS  
STRAP #03-46-25-00-00001.1050, 03-46-25-00-00001.1020  
82.86 ACRES  
(Revised from 169 acres)  
**CURRENT: INDUSTRIAL**

THREE OAKS NORTH CPA  
EXHIBIT A-2 CURRENT FLUM  
LEE COUNTY, FLORIDA

Quatrone & Associates, Inc.  
Engineers, Planners, & Development Consultants  
11000 Metro Parkway, Suite 30 - Fort Myers, Florida 33912 - 239-936-5222  
Certificate of Authorization Number: 9465



- FUTURE URBAN AREAS**
- Intensive Development
  - Central Urban
  - Urban Community
  - Suburban
  - Outlying Suburban
  - Industrial Development
  - Public Facility
  - University Community
- INTERCHANGE AREAS**
- Industrial Interchange
  - General Interchange
  - General Commercial Interchange
  - Industrial Commercial Interchange
  - University Village Interchange
- NEW COMMUNITY**
- New Community
  - AIRPORT AREAS
  - Tradeport
  - Airport
- NON-URBAN AREAS**
- Rural
  - Rural Community Preserve
  - Special Hand
  - Outer Island
  - Open Land
  - Density (industrial) commercial (business)
- ENVIRONMENTALLY CRITICAL AREAS (WETLANDS)**
- Conservation Lands - Uplands
  - Wetlands
  - Conservation Lands - Wetlands

Parcel ID	DATE OF ACQUISITION	EFFECTIVE DATE
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00003	1/1/2000	1/1/2000
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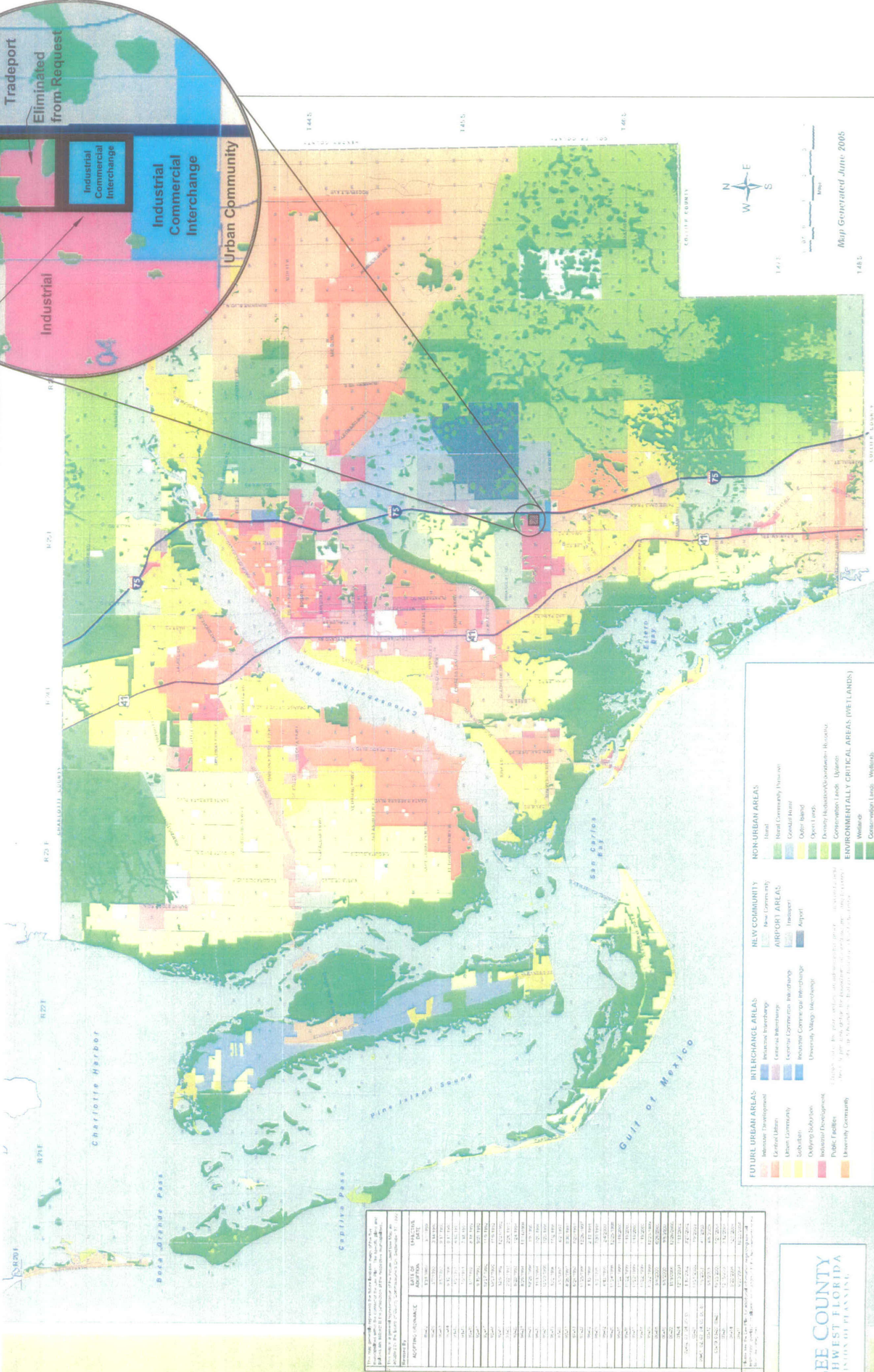
FUTURE LAND USE MAP  
(Lee Plan Map 1 Page 1 of 5)



STRAP #03-46-25-00-00001.1050, 03-46-25-00-00001.1020  
82.86 ACRES  
(Revised from 169 acres)  
**PROPOSED: INDUSTRIAL COMMERCIAL INTERCHANGE**

THREE OAKS NORTH CPA  
EXHIBIT A-2 PROPOSED FLUM  
LEE COUNTY, FLORIDA

Quattrone & Associates, Inc.  
Engineers, Planners, & Development Consultants  
11000 Metro Parkway, Suite 30 - Fort Myers, Florida 33912 - 239-936-5222  
Certificate of Authorization Number: 9465



ACCEPTING AGENCY	DATE OF ADOPTION	DATE	REVISION
Lee County Board of Commissioners	11/11/2004	11/11/2004	1
Lee County Board of Commissioners	11/11/2004	11/11/2004	2
Lee County Board of Commissioners	11/11/2004	11/11/2004	3
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Lee County Board of Commissioners	11/11/2004	11/11/2004	85
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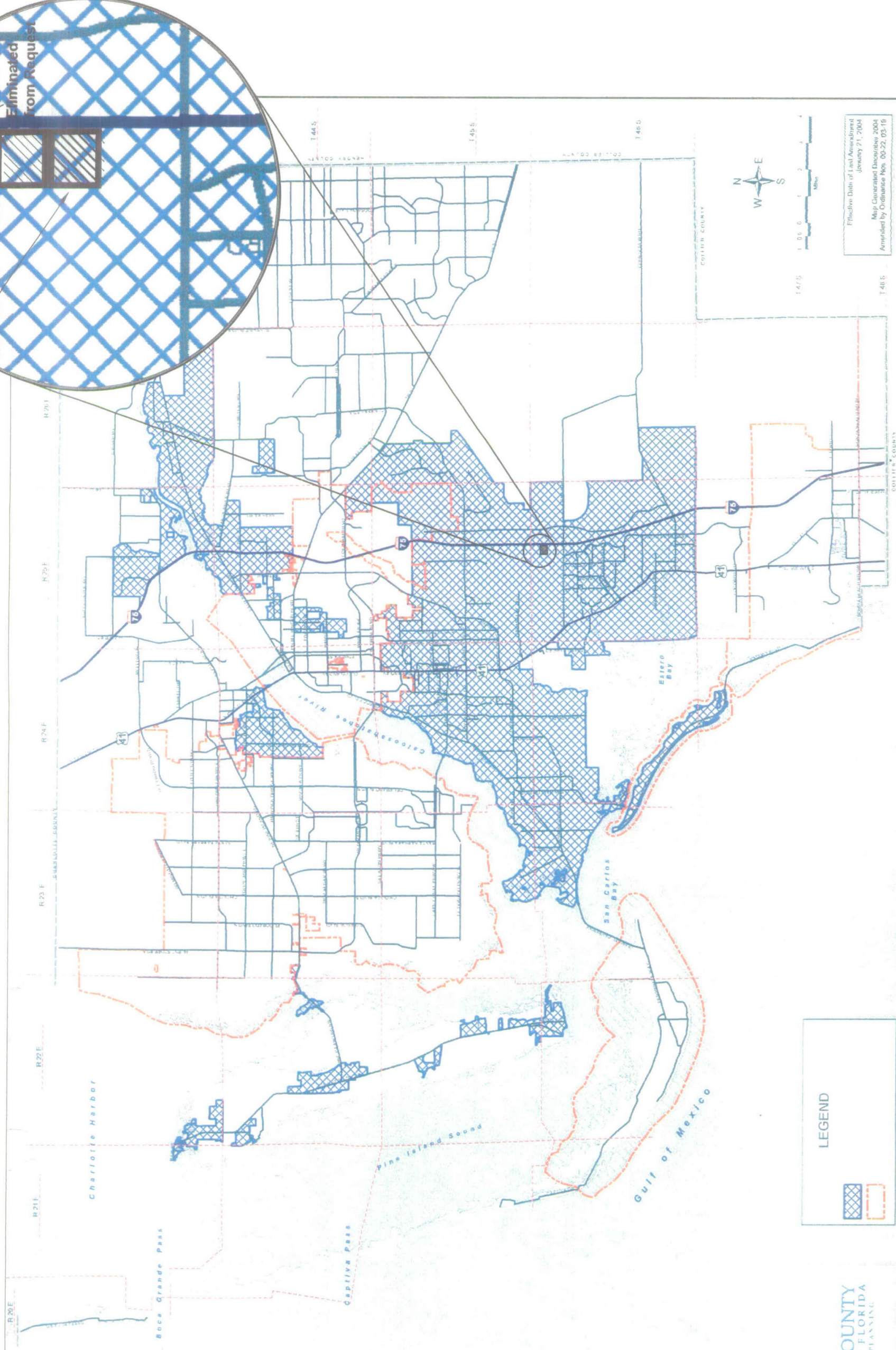




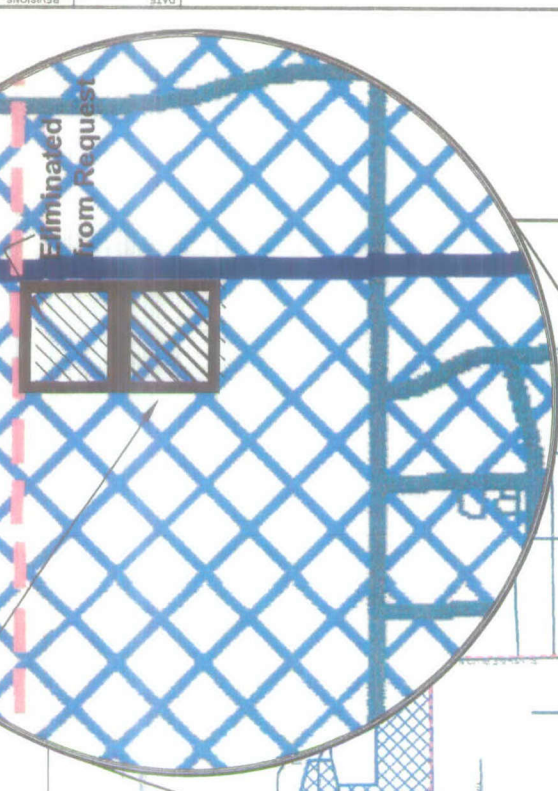
LEE COUNTY UTILITIES  
FUTURE SEWER SERVICE AREAS  
(Lee Plan Map 7)



LEGEND



SUBJECT PARCELS  
STRAP #03-46-25-00-00001.1050, 03-46-25-00-00001.1020  
82.86 ACRES  
(Revised from 169 acres)



THREE OAKS NORTH CPA  
EXHIBIT - FUTURE SEWER SERVICE  
LEE COUNTY, FLORIDA

Quattrone & Associates, Inc.  
Engineers, Planners, & Development Consultants  
11000 Metro Parkway, Suite 30 - Fort Myers, Florida 33912 - 239-936-5222  
Certificate of Authorization Number: 9465

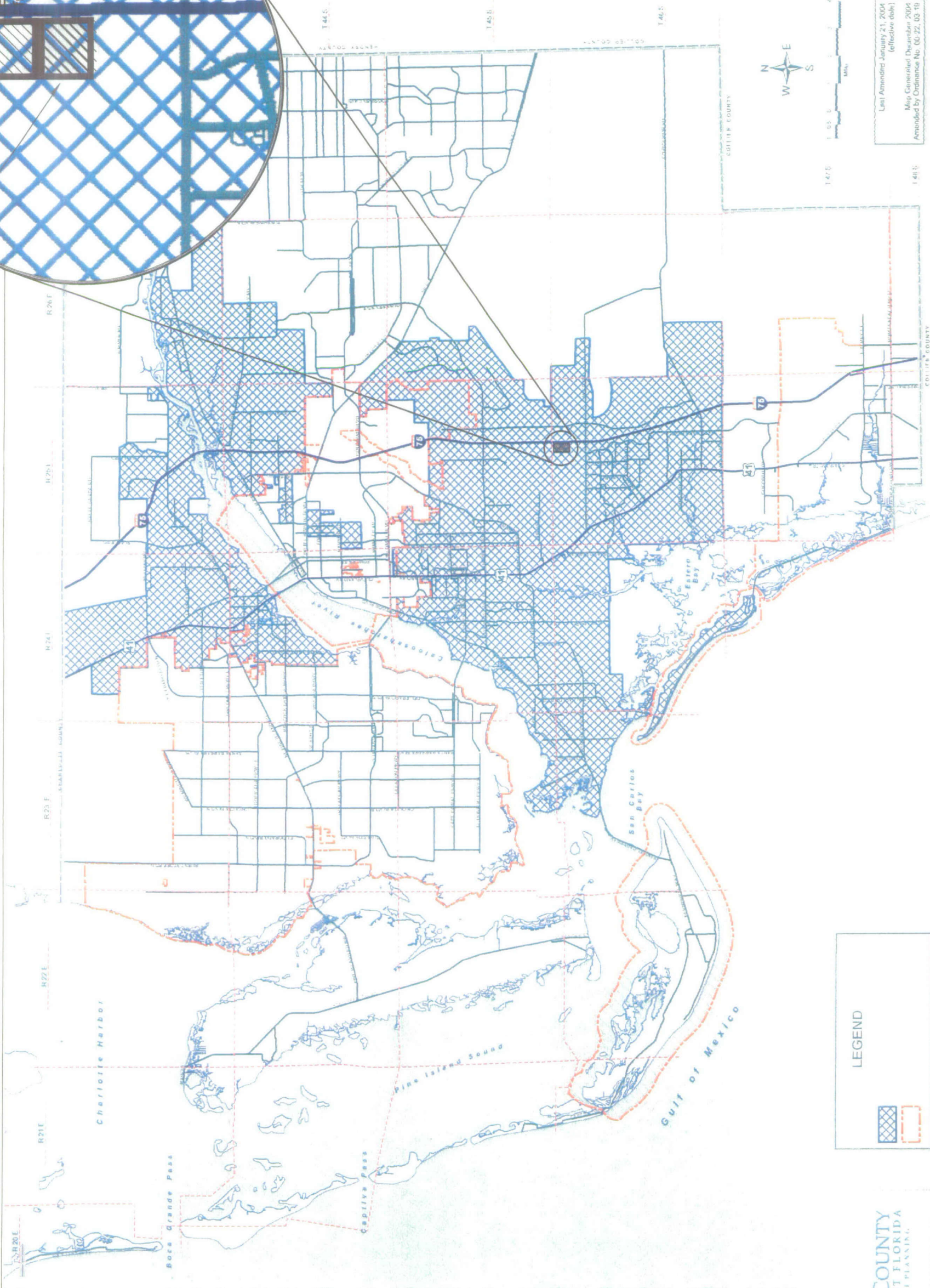
Effective Date of Last Amendment  
January 21, 2004  
Map Generated Date: 02/22/2004  
Amended by Ordinance No. 00-22, 03-19



LEE COUNTY UTILITIES  
FUTURE WATER SERVICE AREAS  
(Lee Plan Map 6)



LEGEND



SUBJECT PARCELS  
STRAP #03-46-25-00-00001.1050, 03-46-25-00-00001.1020  
82.86 ACRES  
(Revised from 169 acres)

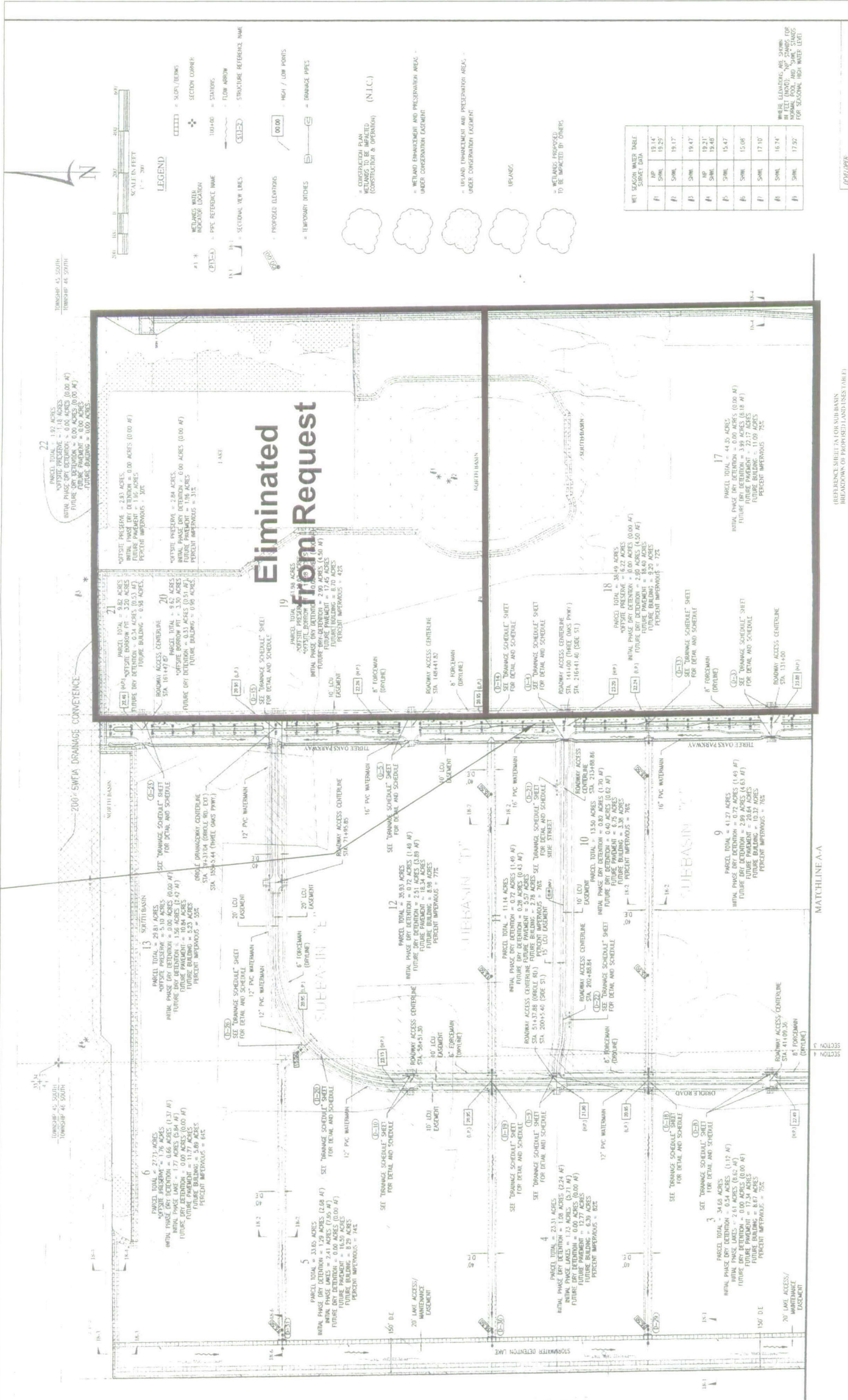
Quattrone & Associates, Inc.  
Engineers, Planners, & Development Consultants  
11000 Metro Parkway, Suite 30 • Fort Myers, Florida 33912 • 239-936-5222  
Certificate of Authorization Number: 9465

THREE OAKS NORTH CPA  
EXHIBIT - FUTURE WATER SERVICE  
LEE COUNTY, FLORIDA



STRAP #03-46-25-00-00001.1050, 03-46-25-00-00001.1020  
82.86 ACRES  
(Revised from 169 acres)

SUBJECT PARCELS



WET SEASON WATER TABLE SURVEY DATA	
HP	19.14'
SP	19.29'
HP	19.17'
SP	19.47'
HP	19.21'
SP	19.40'
HP	15.47'
SP	15.08'
HP	17.10'
SP	16.74'
HP	17.92'

WHERE ELEVATIONS ARE SHOWN FOR WET SEASON WATER TABLE, NORMAL POOL AND "DRAINAGE" FOR SEASONAL HIGH WATER LEVEL

STRAP #03-46-25-00-00001.1050, 03-46-25-00-00001.1020  
82.86 ACRES  
(Revised from 169 acres)

THREE OAKS PARKWAY EXTENSION  
SECTIONS 3 & 4, TOWNSHIP 46S, RANGE 25E  
LEE COUNTY, FLORIDA

DATE: 11-04-03  
SHEET NO: 5 OF 24

ENGINEER: THOMAS J. PUGH, P.E.

SOURCE, INC.  
ENGINEERS-PLANNERS  
Engineering Business #2627  
1334 LAFALETTE STREET • GAITHERSBURG, MD 20878  
TELEPHONE (301) 549-2545 FAX (301) 549-6779

SITE DEVELOPMENT  
NORTH

DEVELOPER:  
NORTH ALCO (PROPERTY) OWNERS ASSOCIATION, INC.  
ATTENTION: DEVELOPMENT DEPARTMENT  
10000 METRO PARKWAY, SUITE 300  
FORT MYERS, FLORIDA 33912

DATE: 11-04-03  
SHEET NO: 5 OF 24



PARCEL 4 N  
PARCEL 4 S

PARCEL 3

PARCEL 11  
PARCEL 10  
PARCEL 9

EXISTING Industrial Commercial Interchange FLUC

PARCEL 2

PARCEL 8

PARCEL 1

PARCEL 7

PARCEL 14

PARCEL 16

PARCEL 15

PARCEL 18

PARCEL 17

INTERSTATE 75 (I-75)

FPL Easement

THREE OAKS PARKWAY

ORIOLE ROAD

ALICO ROAD

1-75  
INTERCHANGE  
RIGHT-OF-  
WAY TAKING  
16.80 Ac.

1-75  
INTERCHANGE  
RIGHT-OF-  
WAY TAKING  
27.31 Ac.

Three Oaks North CPA  
CPA2005-00005  
82.86 acres



SCALE: 1"= 500'

R.O.W.  
TAKING  
EXHIBIT  
44.11 acres

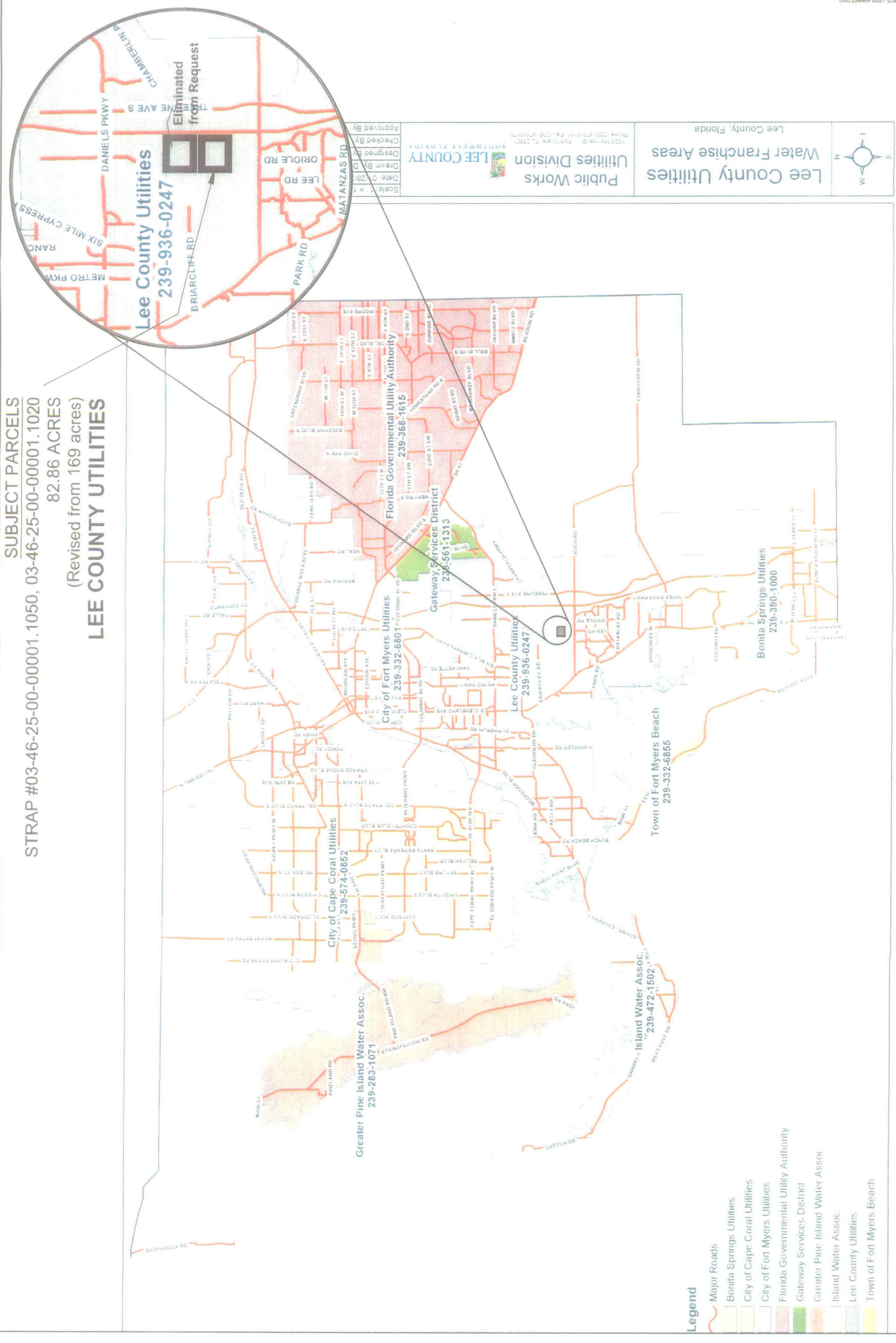


STRAP #03-46-25-00-00001.1050, 03-46-25-00-00001.1020  
82.86 ACRES  
(Revised from 169 acres)  
**LEE COUNTY UTILITIES**

THREE OAKS NORTH CPA	LEE COUNTY, FLORIDA
UTILITY FRANCHISE MAP	
DATE	
REVISIONS	

**Quatrone & Associates, Inc.**  
Engineers, Planners, & Development Consultants  
11000 Metro Parkway, Suite 30 - Fort Myers, Florida 33912 - 239-936-5222  
Certificate of Authorization Number: 9465

**UTILITY**  
CPA EXHIBITS, LEEPLANMAPS.DWG  
PLOTTED BY: PAF  
THU, 11-30-2006 5:03 PM

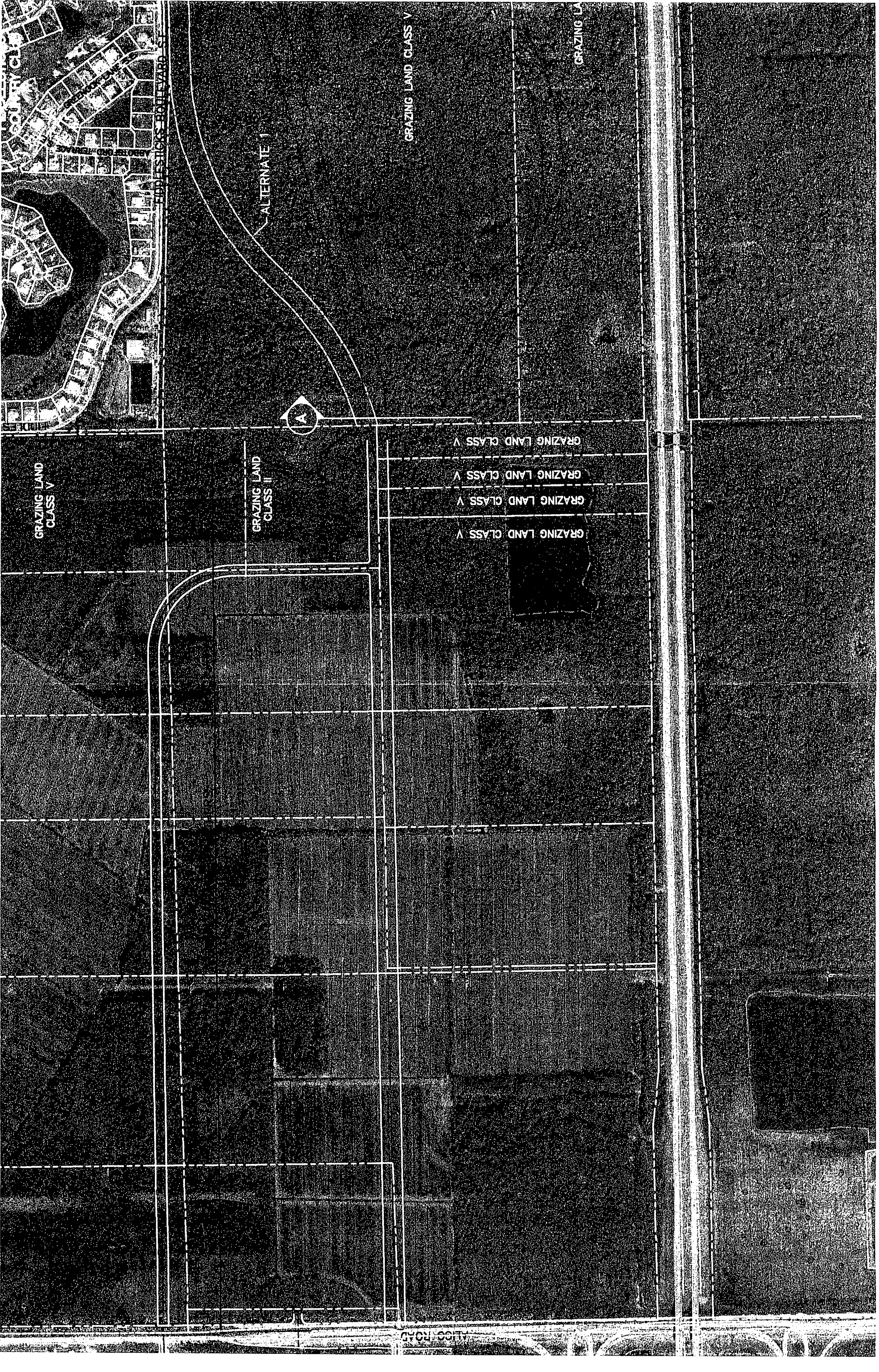


**Lee County Utilities**  
Water Franchise Areas  
Lee County, Florida

**Public Works**  
Utilities Division  
LEE COUNTY  
SOUTHWEST FLORIDA  
1500 Metro Parkway, Suite 30 - Fort Myers, FL 33912  
Phone: (239) 472-1502 Fax: (239) 472-1501

Scale: 1" = 1/4"  
Date: 01/28/06  
Drawn By: D  
Checked By: D  
Approved By: D





GRAZING LAND  
CLASS V

GRAZING LAND  
CLASS II

ALTERNATE 1

GRAZING LAND CLASS V

GRAZING LA

GRAZING LAND CLASS V  
GRAZING LAND CLASS V  
GRAZING LAND CLASS V  
GRAZING LAND CLASS V

ALICE ROAD

RECEIVED  
SEP 30 2005



LEE COUNTY  
SOUTHWEST FLORIDA

COMMUNITY DEVELOPMENT

Lee County Board of County Commissioners  
Department of Community Development  
Division of Planning  
Post Office Box 398  
Fort Myers, FL 33902-0398  
Telephone: (239) 479-8585  
FAX: (239) 479-8519

## APPLICATION FOR A COMPREHENSIVE PLAN AMENDMENT

(To be completed at time of intake)

DATE REC'D 9/30/05

REC'D BY: [Signature]

APPLICATION FEE \$2500 -

TIDEMARK NO: CPA2005-00005

### THE FOLLOWING VERIFIED:

Zoning ☒

Commissioner District ☒

Designation on FLUM ☒

(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: 11

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.

9/29/05  
DATE

[Signature]  
SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE



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

**Paul H. Freeman, Trustee**  
\_\_\_\_\_  
APPLICANT  
**19091 Tamiami Trail, SE**  
\_\_\_\_\_  
ADDRESS  
**Fort Myers** **FL** **33908**  
CITY STATE ZIP  
**(239) 267-3999** **(239) 267-7622**  
TELEPHONE NUMBER FAX NUMBER

**Alan C. Freeman**  
\_\_\_\_\_  
AGENT\*  
**19091 Tamiami Trail, SE**  
\_\_\_\_\_  
ADDRESS  
**Fort Myers** **FL** **33908**  
CITY STATE ZIP  
**(239) 267-3999** **(239) 267-7622**  
TELEPHONE NUMBER FAX NUMBER

**Paul H. Freeman, Trustee**  
\_\_\_\_\_  
OWNER(s) OF RECORD  
**1840 West 49th Street, Suite # 410**  
\_\_\_\_\_  
ADDRESS  
**Hialeah** **FL** **33012**  
CITY STATE ZIP  
**(305) 827-3331** **(305) 826-2092**  
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.

**Source, Inc.**  
**Attn: Tim Pugh**  
**1334 Lafayette Street**  
**Cape Coral, FL 33904**  
**(239) 549-2345**

**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 20)

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

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

Change the Land Use Category from Industrial Development to Industrial Commercial Interchange. In the alternative, allow the uses in the adjacent Industrial Commercial Interchange to be allowed uses for this location in the Industrial Development area. The Industrial Commercial Interchange land at Alico Road Interchange and I-75 has been reduced by approximately 30 acres on each side of I-75 as a result of the expansion of the Alico Road Interchange. These broad ranges of uses are essential to the appropriate economic development in this area due to the unique and highly visible location near I-75, the airport and Florida Gulf Coast University.

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

**A. Property Location:**

1. Site Address: North of Alico Rd., West of I-75, East of Three Oaks  
03-46-25-00-00001.1020 Parkway Extension
2. STRAP(s): 03-46-25-00-00001.1050 03-46-25-00-00001.103B  
03-46-25-00-00001.103C 03-46-25-00-00001.1030

**B. Property Information**

Total Acreage of Property: 169 +/- Acres

Total Acreage included in Request: 169 +/- Acres

Area of each Existing Future Land Use Category: \_\_\_\_\_

Total Uplands: 149 +/- Acres

Total Wetlands: 20 +/- Acres

Current Zoning: AG

Current Future Land Use Designation: Industrial Development

Existing Land Use: Vacant - AG. Pasture

- 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: A small portion of the property is within the 60 DNL cone. All development will comply with any airport noise notice requirements and use restrictions

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:

Change from Industrial Development to Industrial Commercial Interchange

- E. Potential development of the subject property:

1. Calculation of maximum allowable development under existing FLUM:

Residential Units/Density

\_\_\_\_\_

Commercial intensity

\_\_\_\_\_

Industrial intensity

\_\_\_\_\_

2. Calculation of maximum allowable development under proposed FLUM:

Residential Units/Density

\_\_\_\_\_

Commercial intensity

\_\_\_\_\_

Industrial intensity

\_\_\_\_\_

#### 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	\$2,000.00 each
Map Amendment > 20 Acres	\$2,000.00 and \$20.00 per 10 acres up to a maximum of \$2,255.00
Small Scale Amendment (10 acres or less)	\$1,500.00 each
Text Amendment Flat Fee	\$2,500.00 each

**AFFIDAVIT**

I, **Paul H. Freeman, TTE**, 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.

Paul H. Freeman, TTE  
Signature of owner or owner-authorized agent

9/29/05  
Date

**Paul H. Freeman, Trustee**

Typed or printed name

STATE OF FLORIDA )  
COUNTY OF LEE )

The foregoing instrument was certified and subscribed before me this 29 day of Sept. 19 2005 by Paul H. Freeman, Trustee, who is personally known to me or who has produced \_\_\_\_\_ as identification.

(SEAL)



Brooke S Allen  
My Commission DD104505  
Expires March 28, 2006

Brooke S. Allen  
Signature of notary public

Brooke S. Allen  
Printed name of notary public



**COMP PLAN AMENDMENT**  
**SUPPLEMENTARY INFORMATION**

**Page 1 of 2**

**B.1 Traffic Circulation Analysis:**

The property is located north of the newly 6 laned Alico Road. The I-75 / Alico Road Interchange is currently being expanded and will be completed in 2007. Three Oaks Parkway is scheduled to be extended from Alico Road to Daniels Parkway within the 5 year CIP and will be a 4 lane divided arterial road.

- B.2**
- a. Sanitary water service is provided by Lee County Utilities. Service lines will be extended by the property owners to connect to the current lines leading to the Three Oaks Wastewater Treatment Plant located approximately 2 miles south of the property.
  - b. Potable water service is provided by Lee County Utilities. Service lines will be extended by the property owners to connect to the current lines on Alico Road and Three Oaks Parkway.
  - c. The surface water will drain through a series of drainage easements and control structures into the Alico Road canal. The water will then enter the Six Mile canal. South Florida Water Management District permits have already been applied for.
  - d. Parks, Recreation, and Open Space - Project requirements will be met.
- 3.**
- a. and b. Fire Protection - The project site will be located within the San Carlos Park Fire District. Service will be provided from existing stations at Ben Hill Griffin Blvd., San Carlos Park, and a planned new station just south of Alico Road and Three Oaks Parkway.
  - c. Law Enforcement - Service will be provided by Lee County Sheriffs Department.
  - d. Solid waste services will be provided by the approved Lee County franchise hauler.
  - e. Mass Transit - Lee Tran
  - f. Schools - Closest schools are San Carlos Elementary, Three Oaks Elementary, Three Oaks Middle and Estero High School.
- C.**
- Environmental Impacts  
Plant, Soil and Wetland information has been submitted to the South Florida Water Management District. This information will be sent under separate cover.
- D.**
- Historical Resources - None listed.

**COMP PLAN AMENDMENT**  
**SUPPLEMENTARY INFORMATION**  
**Page 2 of 2**

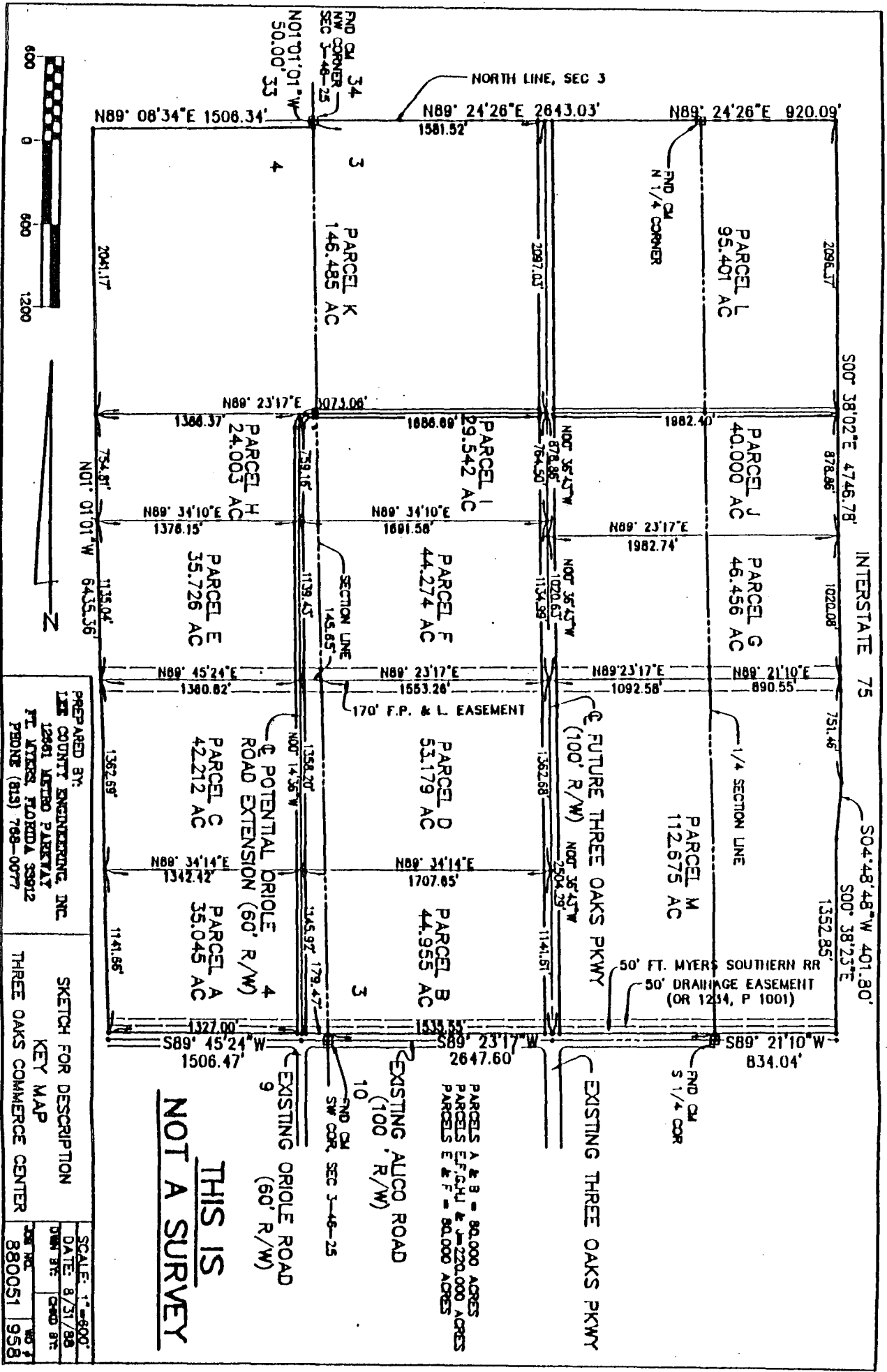
E. Consistency with the Lee Plan

1. The proposal has no effect on population projections in Lee County
2. Goals & Objectives  
Objective 1.3 - To maximize the beneficial use of these critical access points.  
Policy 1.3.4 - Permit a mixture of light industrial and / or commercial uses.  
Do not permit heavy industrial uses.  
Goal 2.  
Growth Management. To provide for an economically feasible plan which coordinated the location and timing of new development with the provision of infrastructure by government agencies, private utilities, and other sources.  
  
Objective 2.2. Direct new growth to Future Urban Areas where adequate public facilities are assured and where compact and contiguous development patterns can be created.  
  
Objective 2.4. Examine Future Land Use Map in light of new information and changed conditions and make necessary modifications.  
  
Policy 2.4.4. Lee Plan Amendment applications to expand the Lee Plan's employment center, which includes light industrial, commercial retail and office land uses, will be evaluated in light of the locations and cumulative total already designated for each use.  
  
A number of additional goals and objectives are met by the amendment including:  
Goal 53: Potable Water Infrastructure  
Goal 56: Sanitary Sewer Infrastructure

3. There is no effect on adjacent local governments.
4. All infrastructure and economic development goals and policies are enhanced by this amendment.

F. 1. The site is accessible to the arterial roadways of Alico Road, Three Oaks Parkway, I-75 to the east and US 41 to the west. It is also close to the airport cargo terminal.

G. The proposed amendment will provide enhanced workplace and job opportunities. This amendment provides the opportunity to improve the visual appearance of the development along I-75 particularly in this high traffic corridor location near the Airport and the University. The new Chico's World Headquarters indicates this location will be a prime high wage corridor if the appropriate range of uses is allowed. Companies desiring research and development ties to Florida Gulf Coast University will uniquely be appropriately located at this site.



PREPARED BY:  
 LEE COUNTY ENGINEERING, INC.  
 12861 METRO PARKWAY  
 FT. MYERS, FLORIDA 33912  
 PHONE (813) 768-0077

SKETCH FOR DESCRIPTION  
 KEY MAP  
 THREE OAKS COMMERCE CENTER

SCALE: 1"=600'  
 DATE: 8/31/88  
 DRAWN BY: CROD BY:  
 JOB NO.: 880051  
 SHEET NO.: 958

Collegial Boulevard

Six Mile Parkway

BKS Parkway North

Proposed Ord

Side Road

BKS Parkway

- 1 Three Oaks (Alco Interchange Park) — 345 acres, 1,455,000 sq. ft., commercial and office, 1,124 residential units
- 2 San Carlos Park — 7,000 residential units
- 3 Fiddlesticks Golf and Country Club — 707 acres, 770 residential units
- 4 U.S. Homes Cross Creek Country Club — 305 acres, 905 residential units
- 5 Dan Port Center — 218 acres, 2,404,222 sq. ft., commercial, office and industrial
- 6 Jet Port Interstate Park — 158 acres, 1,800,000 sq. ft., commercial, office and industrial, 750-room motel
- 7 Omni Interchange Park — 5,745,000 sq. ft., commercial, office and industrial, 839 residential units
- 8 Southwest Florida Regional (International) Airport
- 9 Westinghouse Gateway Communities — 5,319 acres, 1,742,400 sq. ft., commercial and office, 19,932 residential units

**CPA2005-05  
THREE OAKS NORTH  
PRIVATELY INITIATED  
AMENDMENT  
TO THE**

---

**LEE COUNTY COMPREHENSIVE PLAN**

---

**THE LEE PLAN**

**Privately Initiated Application  
and Lee County Staff Analysis**

---

**BoCC Public Hearing Document  
for the  
April 11<sup>th</sup> Adoption Hearing**

---

**Lee County Planning Division  
1500 Monroe Street  
P.O. Box 398  
Fort Myers, FL 33902-0398  
(239) 479-8585**

**April 6, 2007**

LEE COUNTY  
DIVISION OF PLANNING  
STAFF REPORT FOR  
COMPREHENSIVE PLAN AMENDMENT  
CPA2005-05

☐

Text Amendment

☒

Map Amendment

This Document Contains the Following Reviews:	
✓	Staff Review
✓	Local Planning Agency Review and Recommendation
✓	Board of County Commissioners Hearing for Transmittal
✓	Staff Response to the DCA Objections, Recommendations, and Comments (ORC) Report
	Board of County Commissioners Hearing for Adoption

STAFF REPORT PREPARATION DATE: November 14, 2006

**PART I - BACKGROUND AND STAFF RECOMMENDATION**

**A. SUMMARY OF APPLICATION**

**1. APPLICANT/REPRESENTATIVE:**

Paul H. Freeman, Trustee represented by Quattrone and Associates, Inc.

**2. REQUEST:** Amend the Lee Plan's Future Land Use Map series for 169.2± acres in northwest quadrant of I-75 and Alico Road. Section 3, Township 46 South, Range 25 East, Lee County, Florida, lying west of I-75 from Industrial Development and Wetlands to Industrial Commercial Interchange and Wetlands.

**3. REVISED REQUEST:** Amend the Lee Plan's Future Land Use Map series for 82.86± acres in northwest quadrant of I-75 and Alico Road. Section 3, Township 46 South, Range 25 East, Lee County, Florida, lying west of I-75 from Industrial Development and Wetlands to Industrial Commercial Interchange and Wetlands.

## **B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY**

**1. RECOMMENDATION:** Planning staff recommends that the Board of County Commissioners not adopt the proposed amendment to the Lee Plan to the Department of Community Affairs.

### **2. BASIS AND RECOMMENDED FINDINGS OF FACT:**

- Alico Road from US 41 to I-75 is projected to fail by 2030, based on the network contained in the Financially Feasible Plan.
- The change is not a "spot" redesignation of the Industrial Commercial Interchange category and does not create an isolated island of the Industrial Development category.
- The change will improve on the ability to maintain a diverse economy.
- The change may help to facilitate a working partnership with the Florida Gulf Coast University.
- The change will not impact the population accommodation of the adopted Lee Plan Future Land Use Map.

## **C. BACKGROUND INFORMATION**

### **1. EXISTING CONDITIONS:**

**SIZE OF PROPERTY:** 82.86 acres (4.522 wetland acres)

**PROPERTY LOCATION:** The property is generally located north of Alico Road, West of Interstate 75, east of the proposed Three Oaks Parkway extension.

**EXISTING USE OF LAND:** The applicant has provided information that the subject property is currently use is "vacant/agriculture".

**CURRENT ZONING:** The property is currently zoned AG-2.

**CURRENT FUTURE LAND USE CATEGORY:** The subject property is designated Industrial Development and Wetlands.

### **2. BACKGROUND DISCUSSION:**

The applicant is requesting a change in the property's future land use category from Industrial Development to Industrial Commercial Interchange to allow the creation of "a commercial office, retail and recreation center, a dedication to FGCU to anchor a proposed research park and to expand off campus functions, and a light industrial park that is sensitive to and compatible with the abutting areas with a sensitivity to this highly visible Interstate Corridor Location."

The application states: "The change would allow the property to increase the permitted commercial and office building uses for a comprehensive business park and increase the usefulness for FGCU, to anchor a proposed research park and to expand off campus functions onto land the applicant intends to donate."

## **PART II - STAFF ANALYSIS**

### **A. STAFF DISCUSSION**

#### **INTRODUCTION**

The proposed amendment is the result of a desire to expand the allowable uses of the property from the limited commercial and office uses allowed in the Industrial Development future land use category to allow greater flexibility of those uses. The property fronts on Interstate - 75 and has a high visibility.

#### **COMPREHENSIVE PLAN BACKGROUND**

In 1984 the property was designated as Industrial Development. The property to the north was designated Rural. In 1996 staff proposed changing the property to the north from Rural to Industrial Development. That change was approved by the Board of County Commissioners. The adjacent properties to the south were also designated Industrial Development. During the 1994 Evaluation and Appraisal amendments the Industrial Commercial Interchange located along Alico Road was expanded to the north and now is contiguous to the subject property. The request would therefore be a further expansion to the north of the interchange use.

#### **SURROUNDING ZONING, LAND USES, AND FUTURE LAND USE DESIGNATION**

The application states:

- North of subject parcel is zoned AG-2
- South of subject parcel is zoned CPD
- East of subject parcel is zoned MPD
- West of subject parcel is zoned AG-2 and pending IPD

#### **TRANSPORTATION/TRAFFIC CIRCULATION IMPACTS**

The Lee County Department of Transportation has review this proposal and sent a memorandum to the Director of Planning. The text of that October 25, 2006 memo follows:

"The Department of Transportation has reviewed the above-referenced privately-initiated future land use map plan amendment, to change 169.2 acres north of Alico Road



and west of I-75 from the "Industrial" to "Industrial Commercial Interchange" land use category. As indicated in an October 11<sup>th</sup> e-mail from your staff, the new designation would allow a maximum of 1,692,000 square feet of commercial retail use as a worst case scenario assuming development of the full 169.2 acres, and about 1,152,000 square feet of commercial retail use based on only 93 developable acres on the site. We have run the 2030 Financially Feasible Plan FSUTMS travel demand model for three scenarios: (1) no project; (2) with the project (1,152,000 square feet of commercial); and (3) with the maximum allowable (1,692,000 square feet of commercial).

Under all three scenarios, the six lane section of Alico Road from US 41 to I-75 is projected to fail by 2030, based on the network contained in the Financially Feasible Plan. There is an improvement contemplated in the 2030 Needs Plan network that would relieve Alico Road, the four lane Alico Expressway from Summerlin Road to SR 82, but a definitive source of funding for that improvement has not yet been identified. The potential alignment of the Alico Expressway could affect the property subject to this proposed Three Oaks North comprehensive plan amendment, but no right-of-way has been reserved through the site. The MPO plan suggests the Alico Expressway should be evaluated as a toll facility. Nevertheless, the projected condition of Alico Road based on the Financially Feasible Plan (without the Alico Expressway) begs the question of whether we should be approving any intensity increases in the area that could make a bad situation worse.

Beyond the Alico Road issue, the second scenario with 1,152,000 square feet of commercial also results in the failure of the four lane Three Oaks Parkway from Alico Road up to the project entrance by 2030. Without the project that segment is at Level of Service "B", so the addition of the project clearly has a detrimental effect. The third scenario with 1,692,00 square feet of commercial makes the situation worse, extending the failure on Three Oaks Parkway the entire length between Alico Road and Daniels Parkway. The six laning of this segment is not currently part of the financially feasible plan.

The County's plan amendment package states "(a)n 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." An applicant in this scenario has two options to avoid a staff recommendation of denial: (1) make the financial commitment to cover the full cost of the needed improvement (in this case six laning Three Oaks Parkway) so it can be added to the financially feasible plan; or (2) reduce the level of development so that the impacts don't cause the need for an additional improvement."

Subsequent to these comments the applicant has amended the application to exclude 86.6 acres of the northern half of the proposal. The new impacts from the reduced proposal

assume 783,380 square feet of commercial. DOT staff reran the proposal with the new reduced impacts. The new reduced impacts do affect the level of service for Three Oaks Parkway. Under the new scenario Three Oaks Parkway maintains a level of service of C and is therefore not a problem. Unfortunately, as indicated above in the first scenario with no impacts from this project Alico Road fails. The recommendation not to increase intensity in the area that could make the failing of this roadway facility worse remains.

#### **POPULATION ACCOMMODATION**

The request is to change from Industrial Development to Industrial Commercial Interchange. Neither of these categories allows residential uses. Therefore the population accommodation of the Future Land Use Map (FLUM) is not affected.

#### **ENVIRONMENTAL CONSIDERATIONS**

Environmental Sciences staff is currently reviewing an application to the South Florida Water Management (SFWMD) district for an Environmental Resource Permit (ERP) for the Three Oaks Parkway and Oriole Road extension. This permit encompasses some 56.86 acres. Associated with this permit application is a request for conceptual approval of the surface water management system serving an additional 538.48 acres, known as the Three Oaks Commerce Park. The subject property is included in that acreage. The SFWMD staff is recommending approval of the ERP application. No objection is expected from Environmental staff.

#### **SOILS**

A map of the soils for the property is included in the application as Exhibit C-1 and C-2.

#### **HISTORIC RESOURCES**

According to the application, there are not any historical resources located on the property and the subject parcel is not located in one of the two levels of the archeological sensitivity areas.

#### **SCHOOL IMPACTS**

With no increase in population the proposed amendment will not impact the school district. No additional classrooms will be required.

#### **PARKS, RECREATION, AND OPEN SPACE**

With no increase in population the proposed amendment will not impact Community or Regional Park needs.

#### **POLICE**

The subject property is located within the service area of Lee County Sheriff's Office. A letter confirming the availability of service has been submitted.

**FIRE**

The subject property is located within the service area of the San Carlos Fire District. To date no letter confirming the availability of service has been submitted. Staff understands that the services will be available.

**EMERGENCY MEDICAL SERVICES (EMS)**

The subject property is located within the service area of Lee County Emergency Medical Services. To date no letter confirming the availability of service has been submitted. Staff understands that the services will be available.

**SOLID WASTE**

The subject property is served by Lee County Solid Waste. To date no letter confirming the availability of service has been submitted. Staff understands that the services will be available.

**MASS TRANSIT**

Lee Tran Rout 60 runs along Alico Road from Oriole Road to Three Oaks Parkway. The opening of the Three Oaks Parkway and the Oriole Road extensions and the establishment of an employment center on the subject property mass transit could be revised to serve this area.

**UTILITIES**

The subject property is located within the future service area of Lee County Utilities. To date no letter confirming the availability of service has been submitted. Staff understands that the services will be available.

**B. CONCLUSIONS**

Most of the urban services necessary to support the proposed change of use are in place or can be made available. The proposed changes to the allowable uses for the subject property have merit. Development of a wider range of uses, including research and development facilities, on property with such a high visibility from Interstate-75 has a certain appeal. However, with or without the proposed Lee Plan amendment, Alico Road is projected to fail by the year 2030. This fact makes recommending approval of an increase in intensity for the subject property unfeasible.

**C. STAFF RECOMMENDATION**

Staff recommends that the proposed amendment not be transmitted. Staff further recommends that the county through the Office of Economic Development, the Department of Transportation, and the Department of Community Development work with the property owner to try to address the transportation issues on Alico Road. If a

solution to the roadway problems can be identified this amendment should be brought back for additional consideration.

### **PART III - LOCAL PLANNING AGENCY REVIEW AND RECOMMENDATION**

PUBLIC HEARING DATE: November 27, 2006

#### **A. LOCAL PLANNING AGENCY REVIEW**

Staff made a brief presentation to the LPA to introduce the amendment and stated the recommendation. This was followed by the applicant's presentation which emphasized the working partnership with Florida Gulf Coast University including the donation of land for a 50,000sf office building for research and development activities. The applicant explained the intended development would include office uses not necessarily related to the industrial uses within the development. Per the Lee Plan Industrial Development category, office uses must be specifically related to adjoining industrial uses. The commercial retail uses envisioned for the site will serve the workers not only of this site, but also the employees of the over 6 million square feet of industrial uses already approved in the Industrial Development lands to the west of the project. The applicant also stated the projects proximity along I-75 (a corridor approximately 1,900 feet in length) and closeness to the entrance of The Southwest Florida International Airport establishes this project as a gateway to Lee County. This amendment will allow some flexibility in producing an attractive commercial corridor at this location. The applicant explained how the proposal was "scaled back" to address the impacts on the future Three Oaks Parkway extension from Alico Road to Daniels Parkway. The property included in the request was reduced from over 169 acres to less than 83 acres. The applicant realizes that this reduction in the request does not eliminate the concerns raised by Lee County DOT regarding Alico Road. The applicant stated they understand that the issues with Alico Road will need to be addressed prior to any development occurring on the site. It was also stated that, since Alico Road is projected to fail regardless of how the subject property is developed. Therefore, the problem is not isolated to this site but needs to be addressed for the entire Alico Road corridor.

No public comment was received on this amendment.

The LPA discussed the fact that this proposal was an appropriate change on the Future Land Use Map to allow a public/private partnership with the university and related uses that are not possible with the existing Future Land Use Designation. One LPA member inquired about the service providers specifically utilities. When the report for the LPA was printed, this information was not available, since that time staff has received the letters from the applicant from the San Carlos Fire Department, State of Florida Division of Historical Resources, Lee County Utilities, Lee County Solid Waste, Lee County School District, Lee County Sheriff's Department, and the Southwest Florida International Airport. These letters are now included in the attached application

package. The discussion then focused primarily on the issue which was the basis for staff's recommendation, the fact that Alico road is projected to fail by the Year 2030. The LPA was informed that Alico Road will fail regardless of the development on the subject site and the Level of Service situation requires a solution with or without this amendment being approved. The proposed site is less than 4% of the entire area north of Alico Road designated Industrial Development and Industrial Commercial Interchange. The LPA continued the discussion on the most appropriate designation for the site in terms of furthering the goals of the County. The LPA concluded that the county needed to be "forward thinking" regarding Future Land Use decisions. One LPA member stated "Don't hold the property from good planning based on a technical issue that will need to be resolved prior to permitting". The motion was made and seconded to recommend transmittal of this amendment.

**B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY**

1. **RECOMMENDATION:** The LPA recommends that the Board of County Commissioners transmit the proposed amendment.
2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The LPA advances the findings of fact presented by staff and additionally finds that the Alico Road LOS issue should be address by Lee County and the applicant prior to development occurring on the site.

**C. VOTE:**

NOEL ANDRESS	Aye
DEREK BURR	Aye
RONALD INGE	Aye
CARLETON RYFFEL	Absent
RAYMOND SCHUMANN, ESQ	Aye
RAE ANN WESSEL	Aye
VACANT	

**PART IV - BOARD OF COUNTY COMMISSIONERS  
HEARING FOR TRANSMITTAL OF PROPOSED AMENDMENT**

**DATE OF TRANSMITTAL HEARING:** December 13, 2006

**A. BOARD REVIEW:**

Staff made a brief introduction for the amendment and stated the staff recommendation was to not transmit based on transportation issues and that the LPA recommendation was to transmit the amendment.

The applicant presentation followed staffs. The applicant's representative presented the history of the amendment including the reduction in the size of the property included in the request from 169± to 83± acres. This was done in response to issues with the level of service on the extension of Three Oaks Parkway which will be built from Alico Road to Daniels Parkway. The proposed change would allow the development of a research and development complex for the Florida Gulf Coast University as well as office space for the university on a portion of the property that will be donated by the land owner to the university. It was stated that the anticipated development is still primarily industrial. However, the existing Future Land Use Map Category would precludes the proposed projects due to the requirement that commercial be ancillary to the industrial uses within the development. It was stated that development intended for the site will be mixed use with 50% industrial, 30% commercial, and 20% retail. The Industrial Development category limits commercial development to 10% of the total project and limits retail development within a Planned Development to 30,000 square feet. Also, the property is located on major corridors in Lee County (Three Oaks Parkway and Interstate 75) and this change would allow a cleaner look on these corridors. The speaker stated it was understood the road issue would need to be resolved prior to development.

The applicant spoke next and re-emphasized that the change would allow development that would present a better image along the interstate and Three Oaks Pkwy.

A representative from the Florida Gulf Coast University spoke in favor of the amendment. The university spokesperson made three points for supporting the change;

1. The current designation will not allow the university to add office space on the site,
2. The university has a stated need for research and development space, and
3. There is a fear that maintaining the current designation will only add more industrial truck traffic in the area.

The discussion went back to the board and staff was asked if there were concerns with the amendment beyond the transportation issues. Staff responded that the proposed change to the Future Land Use Map was generally considered favorably and that if it were not for

the transportation issue the recommendation would have been to transmit the amendment. Staff stated that the only improvement that might alleviate the LOS problem is the Alico Expressway which is not on the financially feasible plan. To find this change consistent with the Lee Plan, this project would have to be listed in the comprehensive plan as financially feasible. Staff added making the change on the Future Land Use Map would not eliminate the LOS issue from being raised at the time of concurrency and development order review. A board member then asked if the Three Oaks Parkway LOS could become an issue as well. Staff stated that in a worst case situation the segment of Three Oaks Parkway between Alico Rd and Daniels Parkway might have a LOS problem. Staff was asked if mining would be allowed in the Industrial Development category. Staff responded that it was allowed in Industrial Development, but not in the Industrial Commercial Interchange category. A general consensus among the board members was that the transportation issues, that were the basis for the recommendation of denial, would be resolved before development occurred. They also agreed that the Alico Expressway option east of US 41 should be revisited as an option to address the situation. The Alico Expressway met with opposition due to environmental concerns west of US 41. One board member had concerns with approving an amendment that could increase the impacts on a failing roadway. The motion was made and seconded to transmit the amendment.

**B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:**

1. **BOARD ACTION:** The Board voted to transmit the proposed amendment, as recommended by the local planning, to the Florida Department of Community Affairs for their review.
2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The Board advanced the Local Planning Agency Findings of Fact.

**C. VOTE:**

<b>A. BRIAN BIGELOW</b>	<u>NAY</u>
<b>TAMMARA HALL</b>	<u>AYE</u>
<b>BOB JANES</b>	<u>AYE</u>
<b>RAY JUDAH</b>	<u>AYE</u>
<b>FRANKLIN B. MANN</b>	<u>AYE</u>



**PART V – DEPARTMENT OF COMMUNITY AFFAIRS  
OBJECTIONS, RECOMMENDATIONS, AND COMMENTS (ORC) REPORT**

**DATE OF ORC REPORT:** March 2, 2007

**A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS:**

***Al: CPA 2005-05; Three Oaks North:***

*This is a request to change the land use designation on an 82.86-acre site from Industrial Development to Industrial Commercial Interchange. The Department raises the following issues with the proposed land use change:*

**OBJECTION**

1) ***Traffic Impact:*** *The proposed amendment is not supported by data and analysis of the impact of the amendment on transportation facilities and a demonstration that transportation facilities are available or planned to be available within the next five years to accommodate the impact of the amendment. No analysis is included that assesses the impact of the amendment within the short range planning timeframe of five years to identify the existing and future road capacity that can accommodate the maximum amount of development allowed by the proposed Future Land Use Map category. In addition, according to the County's staff report, Alico Road, one of the roadways to be impacted, is projected to fail by 2030 with or without the amendment. Furthermore, according to the Florida Department of Transportation (FDOT), the proposed amendment could create potentially 20,000 additional trips which will worsen the traffic situation at the intersection of Alico Road and 1-75 that is currently operating at a level of service "F". Thus, this amendment is inconsistent with the requirements of state law which requires comprehensive plans be coordinated with the availability of public facilities. [Chapter 163.3177(2), (6)(a) & (b), & (S), Florida Statutes (F.S.); 9J-5.006(3)(b)1.,(3)(c)3., and 9J-5.019(3)(d), (f), & (h), Florida Administrative Code (F.A.C.)]*

***Recommendation:*** *Provide data and analysis that shows the impact of the maximum development allowed by the proposed land use change on transportation facilities within the study area at the adopted level of service standards and also demonstrating that roadway capacity exist or is planned to accommodate the impact of the amendment within the next five years. The analysis should show the existing condition of the roadways with and without the amendment and the condition during the short term planning timeframe of five years with and without the amendment. If the analysis shows that there is no capacity on the impacting roadways to accommodate the amendment, the County should include improvements in a financially feasible Five-Year Schedule of Capital Improvements to provide the needed capacity. If the improvement will be paid for by a developer, the schedule of capital improvements should be accompanied by an executed agreement between the County and the developer to demonstrate the financial feasibility of the schedule.*

### **OBJECTION**

- 2) **Water and Sewer Facility Analysis:** With respect to water and sewer according to information provided the amendment will create a demand for water and sewer of 110,088 GPD. No analysis is provided to identify the demand individually, for water and sewer, based on the adopted level of service standards and the maximum development allowed by the proposed designation, and taking into account the existing and committed demands, as well as the existing capacity in order to identify any surplus or deficit that exists. [Chapter 163.3 177(6)(a) & (c), & (8), F.S.; 9J-5.006(3)(b)1., (3)(c)3., Rules 9J-5.011(1)(f); F.A.C.]

**Recommendation:** Revise the supporting data and analysis for this amendment to analyze the impact of this amendment on water and sewer facilities capacity and delivery system in order to address the issues raised above. The analysis should show the current demand, committed demand, and the demand due to this amendment based on the City's adopted level of service standards, and indicating the surplus or deficit that exist in the system. If the analysis shows a deficit, include in the Capital Improvements Element, a schedule of improvements that is financially feasible which will enable the facilities to be available to serve the needs of this amendment.

### **OBJECTION**

- 3) **Potable Water Supply Sources:** The potable water information provided does not address the availability and adequacy of water at the sources to meet the demand of this amendment plus the existing and committed demands. This is not consistent with State law which requires each local government to address in their comprehensive plan the water supply sources necessary to meet and achieve the projected water use demand for the established planning period. [Chapter 163.3 167(13), F.S., and Rule 9J-5.013(1)(c), F.A.C.]

**Recommendation:** Revise the analysis to identify the potable water source or sources that will be relied upon for this amendment and demonstrate the adequacy of water at that source to meet the projected demand. The analysis should take into account the existing demand, the committed demand, and the demand due to this amendment, and demonstrate that adequate water is available at the identified source or planned to be available to meet the need created by this amendment. This information is necessary in order to demonstrate consistency with the above cited provisions of the law.

### **B. STAFF RESPONSE:**

The applicant's response to the ORC is attached (see attached).

The first objection raised in the ORC Report relates to transportation issues. Staff has worked with the applicant to revise the policy language for the Industrial Commercial Interchange category. The proposed amendment will increase the amount of land in this designation and reduce the amount of land designated Industrial Development. The Industrial Commercial

Interchange category is only in place on the north side of Alico Road on the east and west sides of Interstate 75. Any expansion of this category will reduce the amount of either the Industrial Development category or the Tradeport category, both of which are considered as primary resources for accommodating the industrial needs of Lee County. As stated in the staff analysis portion of this report, staff is supportive of the change from Industrial Development to Industrial Commercial Interchange in this area to allow the development proposed (see staff analysis conclusion). Staff recommended to "not transmit" this amendment based on transportation issues. A large factor in the transportation issue is due to the fact that the current policy language (Policy 1.3.4) will allow the site to be developed entirely with retail commercial uses which generate higher trip counts. The revised language to the category description, provided below, limits the amount of retail allowed and also establishes a minimum amount of industrial uses. Staff had concerns that there were no guarantees that projects in the "Industrial Commercial Interchange" would contain any industrial uses. In fact, both projects due south of the subject property and the project at the north east quadrant of the I-75/Alico Road interchange are approved for commercial planned developments containing primarily retail uses. These projects are all in the Industrial Commercial Interchange Category. Lee County is currently analyzing the commercial and industrial needs of the county due to the acknowledgement that good locations for employment centers are becoming scarce. The proposed amendment language to Policy 1.3.4 provides a guarantee that no less than half of a project will be industrial. It also does not preclude the entire site from being developed for industrial uses. This language change will only affect property that is re-designated to the Industrial Commercial Interchange category.

***POLICY 1.3.4:** The Industrial Commercial Interchange areas are designated to permit a mixture of light industrial and/or commercial uses. This category does not permit heavy industrial uses. Within areas expanded beyond the existing Industrial Commercial Interchange boundaries (on January 1, 2007), retail commercial uses will be limited to 20% of the total floor area and light industrial uses will be a minimum of 50% of the total floor area.*

The limitations added by the proposed policy language will reduce the daily trips by 53%, to 12,128 trips, for the "worst case scenario" analysis and the PM Peak Trips by 43%, to 1,326 trips, from what was reviewed for the initial staff report. The applicant has stated that Alico Road is still expected to fail by 2030 with or without the project but will remain "above failing" in the five-year time frame. The ORC report requests that an analysis of the short term conditions with and without this amendment be provided. The response is not clear and data has not been provided, by the applicant, to show the LOS of Alico Road in the five-year time frame with this project. Additionally a memo from Lee County Department of Transportation (attached) dated April 5, 2007 indicates that the construction phase of the Three Oaks Parkway Extension north from Alico Road to Daniels Parkway is expected to be moved outside of the five-year window (beyond Fiscal Year 2011/2012). Without this improvement, all trips from this project would be forced onto Alico Road, provided that the

developer came to an agreement with Lee County to construct the portion of the Three Oaks Parkway extension needed to access this site. Staff's concern regarding the LOS of Alico Road in 2030 still exists. Additionally, if the construction of the Three Oaks Parkway extension is moved beyond the five-year time frame, staff is concerned what the impact of this amendment will be on the level of service of Alico Road

The second and third objections from the ORC Report address the water and sewer facility analysis and the availability of potable water. The applicant has provided development parameter engineering plans for infrastructure associated with the Three Oaks North development plan. These plans show a 16" water main and 8" force main adjacent to the subject property which will be financed by the developer.

Potable water to the site is provided by Lee County Utilities. The applicant has provided a "Potable Water and Wastewater Availability" letter from Lee County Utilities. The two closest water treatment plants (WTP) are the Green Meadows WTP and the Corkscrew WTP. The Green Meadows WTP has an existing Design Capacity of 10,500,000 gallons per day. This plant has a planned expansion currently in the design phase which will add 4,500,000 gallons per day to the capacity. This project is funded in the CIP and will be completed in FY08/09. The maximum daily flow for this plant is expected to be 9,900,000 gallons per day in 2008. The Corkscrew WTP has recently been expanded and has a design capacity of 15,000,000 gallons per day. The projected 2008 maximum daily flow for the Corkscrew WTP is 11,300,000 gallons per day. The estimated daily flow for the subject site with the proposed land use designation is 64,000 gallons per day. The two closest WTP combined are projected to have an excess capacity of 8.8 MGD.

Sanitary Sewer services are also provided by Lee County Utilities. The applicant has provided a "Potable Water and Wastewater Availability" letter from Lee County Utilities. The site is served by the Three Oaks Sewage Treatment Plant (STP). This facility has an existing capacity of 3,000,000 gallons per day which is currently being expanded to 6,000,000 gallons per day. This project is funded in the CIP and is in the completion stage.

#### **C. STAFF RECOMMENDATION:**

Planning staff recommends that the Board of County Commissioners not adopt this proposed amendment to the Future Land Use Map (Map 1 page 1) changing 82.86 acres from Industrial Development to Industrial Commercial Interchange.

**PART VI - BOARD OF COUNTY COMMISSIONERS  
HEARING FOR ADOPTION OF PROPOSED AMENDMENT**

**DATE OF ADOPTION HEARING:** April 11, 2007

**A. BOARD REVIEW:**

**B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:**

**1. BOARD ACTION:**

**2. BASIS AND RECOMMENDED FINDINGS OF FACT:**

**C. VOTE:**

**BRIAN BIGELOW**

**TAMMARA HALL**

**BOB JANES**


**RAY JUDAH**

**FRANK MANN**

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## Memo

To: Paul O'Connor, Planning Director

From: David Loveland, Manager, Transportation Planning 

Date: April 5, 2007

Subject: CPA 2005-00005 (Three Oaks North)

The Department of Transportation had previously reviewed the above-referenced privately-initiated future land use map plan amendment, to change 169.2 acres north of Alico Road and west of I-75 from the "Industrial" to "Industrial Commercial Interchange" land use category. Last October, we ran the 2030 Financially Feasible Plan FSUTMS travel demand model for three scenarios: (1) no project; (2) with the project limited based on 93 developable acres (1,152,000 square feet of commercial); and (3) with the maximum allowable (1,692,000 square feet of commercial). Under all three scenarios, the six lane section of Alico Road from US 41 to I-75 was projected to fail by 2030, based on the network contained in the Financially Feasible Plan. Beyond the Alico Road issue, the second scenario with 1,152,000 square feet of commercial also resulted in the failure of the four lane Three Oaks Parkway from Alico Road up to the project entrance by 2030. Without the project that segment was projected at Level of Service "B", so the addition of the project clearly had a detrimental effect. The third scenario with 1,692,000 square feet of commercial made the situation worse, extending the failure on Three Oaks Parkway the entire length between Alico Road and Daniels Parkway. The six laning of this segment is not currently part of the financially feasible plan.

We have now been asked to run the 2030 model again with a fourth scenario, limiting the project to 399,000 square feet of industrial use, 225,000 square feet of office use, and 160,000 square feet of retail use. The segment of Three Oaks Parkway from Alico Road to Daniels Parkway does not degrade under the new scenario by 2030, remaining at Level of Service "B". As would be expected, the segment of Alico Road from US 41 to I-75 is still projected to be Level of Service "F". We had previously noted that there is a potential solution for the Alico Road situation identified in the 2030 Needs Plan, which would be contingent upon additional funding to become financially feasible. That improvement is the four lane Alico Expressway from Summerlin Road to SR 82, which could potentially be a toll facility, but would require significant analysis to determine whether it is toll feasible and whether there is a suitable alignment (which could potentially affect the property that is the subject of this amendment). This situation was previously highlighted for the Board of County Commissioners at the transmittal hearing, and they felt the project was still worthy of transmittal.

Memo to Paul O'Connor  
April 5, 2007  
CPA 2005-00005  
Page 2

One final note that relates to the short-term analysis requested by the Florida Department of Community Affairs. The County's current adopted Transportation Capital Improvement Program includes the four-lane extension of Three Oaks Parkway from north of Alico Road (connecting to a segment that is supposed to be built by this same applicant) to Daniels Parkway. The construction phase is currently identified in Fiscal Year 2009/2010 at a total cost of \$21.2 million. That same program assumes a right-of-way acquisition phase of \$8.4 million. Lee County DOT has recently drafted the annual update of the Transportation Capital Improvement Program, and the Three Oaks North Extension is expected to change significantly. Most notably, the right-of-way acquisition costs have increased by \$14.6 million and the construction costs have increased by \$3 million, which has led to the construction phase being moved outside the five-year window (beyond Fiscal Year 2011/2012). Although the draft CIP is still going through internal review and won't be presented to the Board of County Commissioners until June and adopted until September, we do not expect this programming status to change.

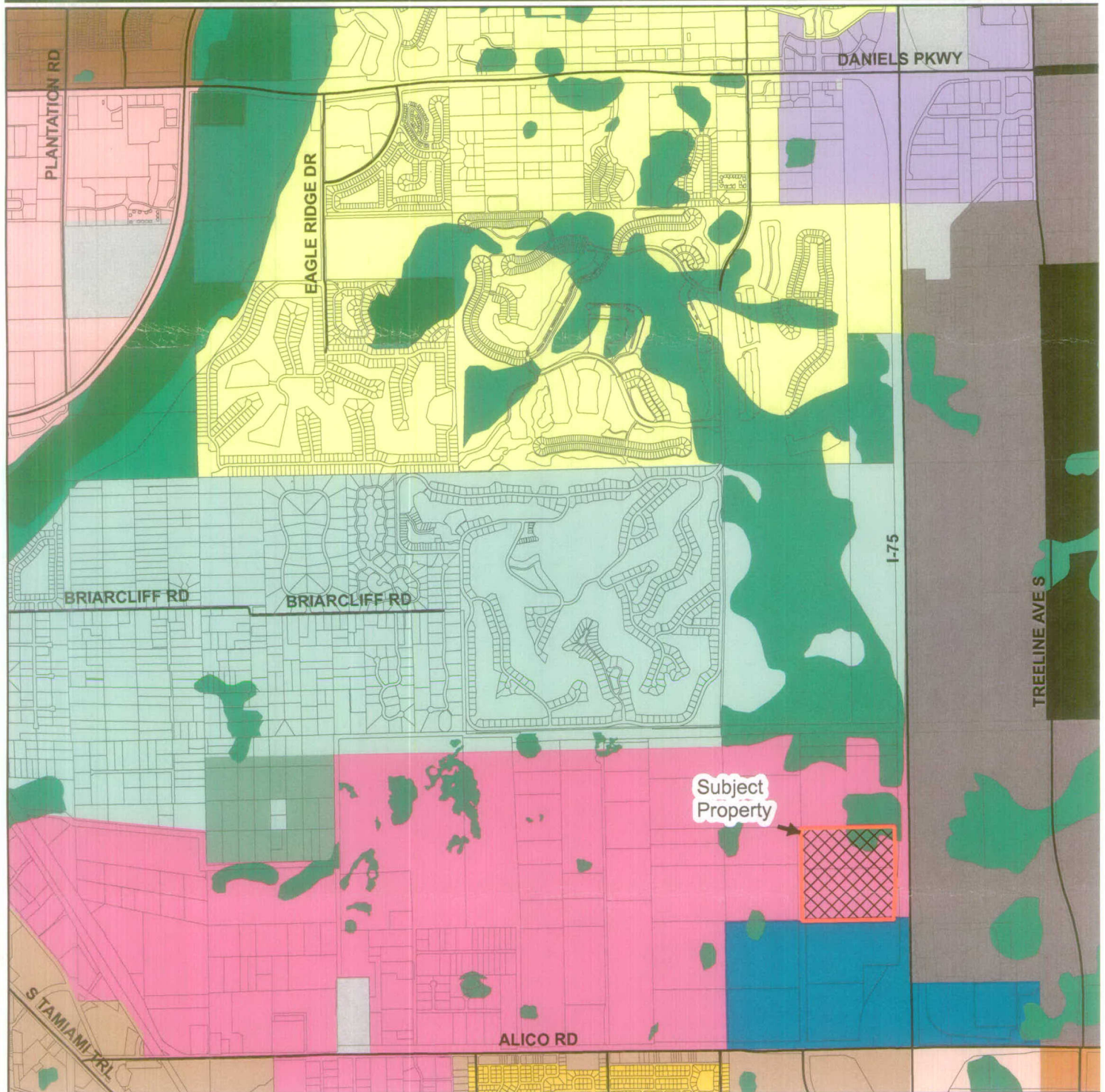
Thank you for this opportunity to comment. Please let me know if you have any questions.

cc: Rick Burris  
Donna Marie Collins



# THREE OAKS NORTH FUTURE LAND USE MAP CHANGE

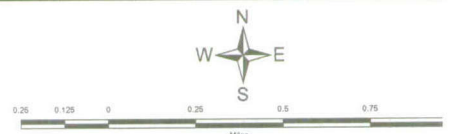
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Source: Lee County DCD/Planning  
Legal: Provided by applicant

## Legend

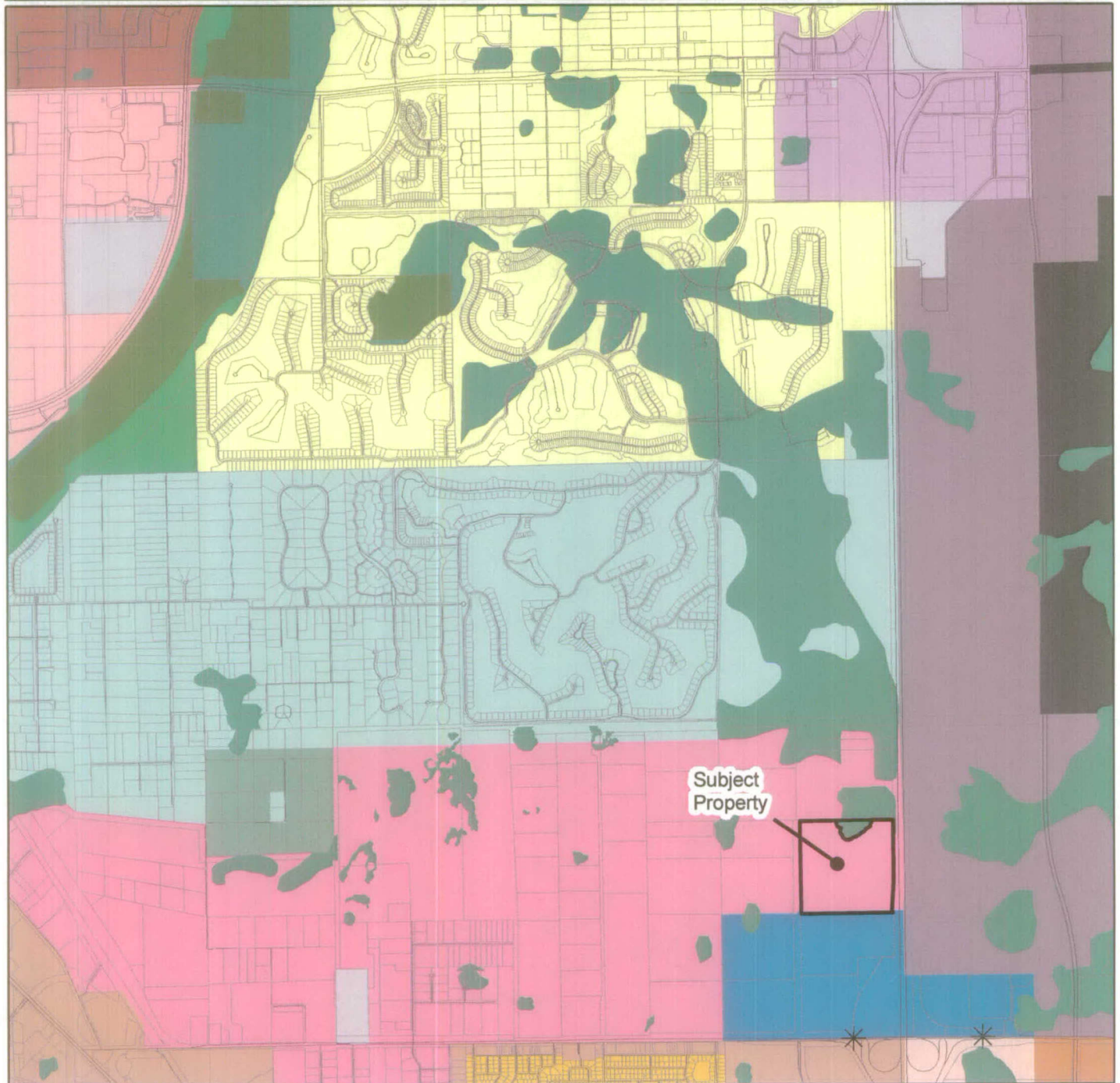
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|------------------------|-----------------------------------|--|
| CPA2005-00005          | Industrial Interchange            | Rural Community Preserve               |
| Intensive Development  | General Interchange               | Coastal Rural                          |
| Central Urban          | General Commercial Interchange    | Outer Island                           |
| Urban Community        | Industrial Commercial Interchange | Open Lands                             |
| Suburban               | University Village Interchange    | Density Reduction/Groundwater Resource |
| Outlying Suburban      | New Community                     | Conservation Lands - Uplands           |
| Industrial Development | Tradeport                         | Wetlands                               |
| Public Facilities      | Airport                           | Conservation Lands - Wetlands          |
| University Community   | Rural                             |  |



**LEE COUNTY**  
SOUTHWEST FLORIDA  
DIVISION OF PLANNING



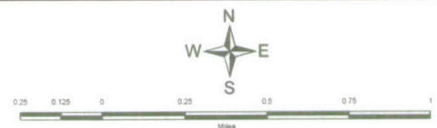
# THREE OAKS NORTH EXISTING FUTURE LAND USE MAP CPA2005-00005



Generated: December 2006  
Source: Lee County DCD/Planning  
Legal: Provided by applicant

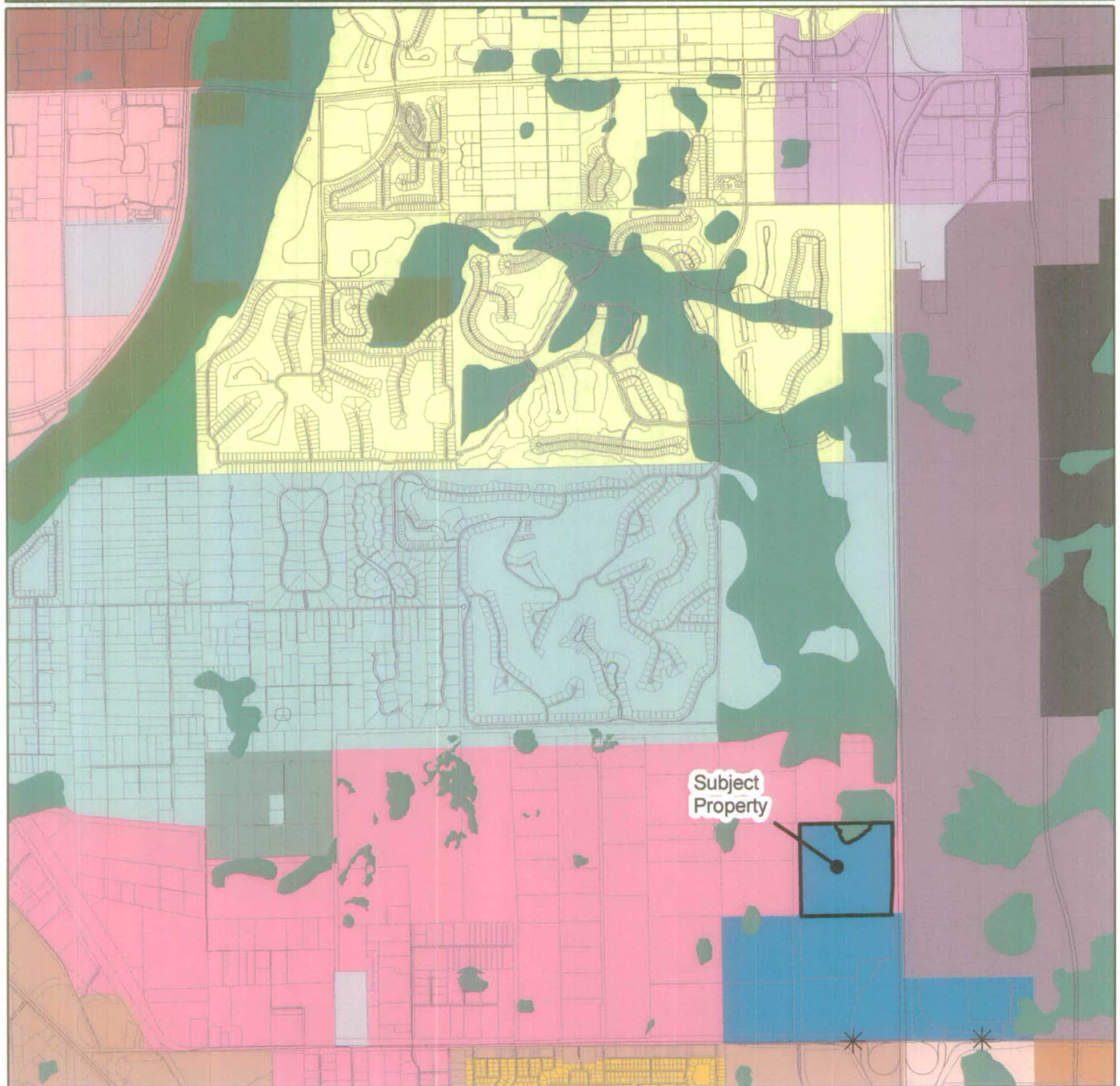
## Legend

Intensive Development	General Interchange	Coastal Rural
Central Urban	General Commercial Interchange	Outer Island
Urban Community	Industrial Commercial Interchange	Open Lands
Suburban	University Village Interchange	Density Reduction/Groundwater Resource
Outlying Suburban	New Community	Conservation Lands - Uplands
Industrial Development	Tradeport	Wetlands
Public Facilities	Airport	Conservation Lands - Wetlands
University Community	Rural	
Industrial Interchange	Rural Community Preserve	





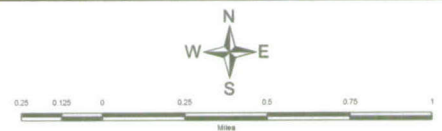
# THREE OAKS NORTH PROPOSED FUTURE LAND USE MAP CPA2005-00005



Generated: December 2006  
Source: Lee County DCD/Planning  
Legal: Provided by applicant

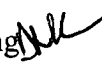
## Legend

Intensive Development	General Interchange	Coastal Rural
Central Urban	General Commercial Interchange	Outer Island
Urban Community	Industrial Commercial Interchange	Open Lands
Suburban	University Village Interchange	Density Reduction/Groundwater Resource
Outlying Suburban	New Community	Conservation Lands - Uplands
Industrial Development	Tradeport	Wetlands
Public Facilities	Airport	Conservation Lands - Wetlands
University Community	Rural	
Industrial Interchange	Rural Community Preserve	



## Memo

To: Paul O'Connor, Planning Director

From: David Loveland, Manager, Transportation Planning 

Date: April 5, 2007

Subject: CPA 2005-00005 (Three Oaks North)

The Department of Transportation had previously reviewed the above-referenced privately-initiated future land use map plan amendment, to change 169.2 acres north of Alico Road and west of I-75 from the "Industrial" to "Industrial Commercial Interchange" land use category. Last October, we ran the 2030 Financially Feasible Plan FSUTMS travel demand model for three scenarios: (1) no project; (2) with the project limited based on 93 developable acres (1,152,000 square feet of commercial); and (3) with the maximum allowable (1,692,000 square feet of commercial). Under all three scenarios, the six lane section of Alico Road from US 41 to I-75 was projected to fail by 2030, based on the network contained in the Financially Feasible Plan. Beyond the Alico Road issue, the second scenario with 1,152,000 square feet of commercial also resulted in the failure of the four lane Three Oaks Parkway from Alico Road up to the project entrance by 2030. Without the project that segment was projected at Level of Service "B", so the addition of the project clearly had a detrimental effect. The third scenario with 1,692,000 square feet of commercial made the situation worse, extending the failure on Three Oaks Parkway the entire length between Alico Road and Daniels Parkway. The six laning of this segment is not currently part of the financially feasible plan.

We have now been asked to run the 2030 model again with a fourth scenario, limiting the project to 399,000 square feet of industrial use, 225,000 square feet of office use, and 160,000 square feet of retail use. The segment of Three Oaks Parkway from Alico Road to Daniels Parkway does not degrade under the new scenario by 2030, remaining at Level of Service "B". As would be expected, the segment of Alico Road from US 41 to I-75 is still projected to be Level of Service "F". We had previously noted that there is a potential solution for the Alico Road situation identified in the 2030 Needs Plan, which would be contingent upon additional funding to become financially feasible. That improvement is the four lane Alico Expressway from Summerlin Road to SR 82, which could potentially be a toll facility, but would require significant analysis to determine whether it is toll feasible and whether there is a suitable alignment (which could potentially affect the property that is the subject of this amendment). This situation was previously highlighted for the Board of County Commissioners at the transmittal hearing, and they felt the project was still worthy of transmittal.

Memo to Paul O'Connor  
April 5, 2007  
CPA 2005-00005  
Page 2

One final note that relates to the short-term analysis requested by the Florida Department of Community Affairs. The County's current adopted Transportation Capital Improvement Program includes the four-lane extension of Three Oaks Parkway from north of Alico Road (connecting to a segment that is supposed to be built by this same applicant) to Daniels Parkway. The construction phase is currently identified in Fiscal Year 2009/2010 at a total cost of \$21.2 million. That same program assumes a right-of-way acquisition phase of \$8.4 million. Lee County DOT has recently drafted the annual update of the Transportation Capital Improvement Program, and the Three Oaks North Extension is expected to change significantly. Most notably, the right-of-way acquisition costs have increased by \$14.6 million and the construction costs have increased by \$3 million, which has led to the construction phase being moved outside the five-year window (beyond Fiscal Year 2011/2012). Although the draft CIP is still going through internal review and won't be presented to the Board of County Commissioners until June and adopted until September, we do not expect this programming status to change.

Thank you for this opportunity to comment. Please let me know if you have any questions.

cc: Rick Burris  
Donna Marie Collins



Engineers, Planners & Development Consultants

11000 Metro Parkway, Suite 30 • Fort Myers, Florida 33966  
Tel: (239) 936-5222 • Fax: (239) 936-7228

## LETTER OF TRANSMITTAL

TO: Matt Nobel  
Lee County Development Services  
1500 Monroe Street  
Fort Myers, FL 33901

DATE: 28-Mar-07  
PROJECT: Three Oaks North CPA  
JOB #: 06-08-20  
RE: CPA Application for a Large Scale Plan Amend  
CPA 2005-00005

### THE FOLLOWING ITEMS ARE BEING SENT VIA:

- ☐ FAX with page(s) to follow ☐ U.S. Mail  
☒ Hand delivery ☐ Federal/Airborne Express

Quantity	DESCRIPTION
35	CPA Package copies for State Submittal

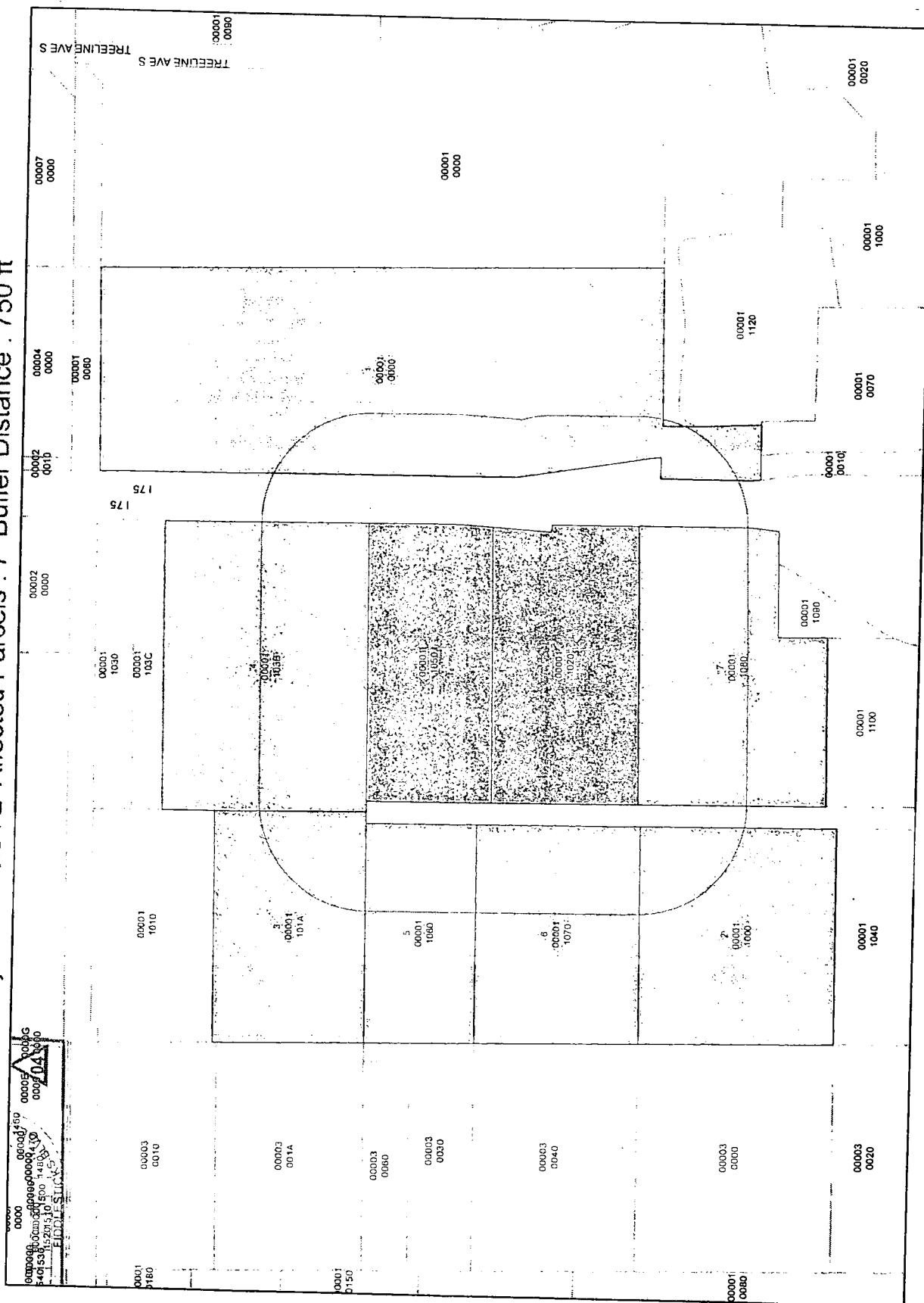
### REMARKS:

CC: File  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

FROM: Asheley Mass, Permitting Manager

## 11/29/2006

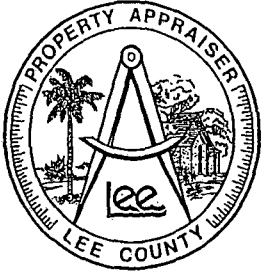
Subject Parcels : 2    Affected Parcels : 7    Buffer Distance : 750 ft



03-46-25-00-00001.1020 et al.

1,100	550	0	1,100 Feet
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# Lee County Property Appraiser

Kenneth M. Wilkinson, C.F.A.

GIS Department / Map Room

Phone: (239) 533-6159 • Fax: (239) 533-6139 • eMail: MapRoom@LeePA.org

## VARIANCE REPORT

Date of Report: November 29, 2006  
Buffer Distance: 750 ft  
Parcels Affected: 7  
Subject Parcel: 03-46-25-00-00001.1020, 03-46-25-00-00001.1050

<u>OWNER NAME AND ADDRESS</u>	<u>STRAP AND LOCATION</u>	<u>LEGAL DESCRIPTION</u>	<u>Map Index</u>
GLEVIN 275 LLC + 100 BAY COLONY LANE FORT LAUDERDALE FL 33308	03-46-25-00-00001.0000 9891 ALICO RD FORT MYERS FL 33913	SEC 3 E OF I-75 DESC IN OR 3990 PG 3411 LESS ROW DESC IN OR 4355/2364	1
WEISS BRADLEY S TR 1840 WEST 49TH ST STE #410 HIALEAH FL 33012	03-46-25-00-00001.1000 ACCESS UNDETERMINED FORT MYERS FL 33912	PARL W OF I-75 DESC IN OR 1754 PG 2803 LESS 1.101 THRU 1.1100 + RD R/W OR3273/3184	2
ALICO 73 LLP STEPHANIE MILLER 9250 CORKSCREW RD UNIT 8 ESTERO FL 33928	03-46-25-00-00001.101A ACCESS UNDETERMINED FORT MYERS FL 33912	S 1049 OF N 2097 OF W 1582 OF NW1/4	3
WEISS BRADLEY S TR 1840 WEST 49TH ST STE #410 HIALEAH FL 33012	03-46-25-00-00001.103B ACCESS UNDETERMINED FORT MYERS FL 33912	FR NW COR OF SEC RUN 1581. 52 E THEN S 680.75 TO P O B OR 2537/3033	4
THREE OAKS BUSINESS CENTER 14421 METROPOLIS AVE STE 101 FORT MYERS FL 33912	03-46-25-00-00001.1060 ACCESS UNDETERMINED FORT MYERS FL 33912	PARL IN N 1/2 AS DESC OR 2019 PG 1651 LES RD R/W OR3273/3177	5
ALICO NORTH 26 LLC 30% + 1840 WAET 49TH ST STE 410 HIALEAH FL 33012	03-46-25-00-00001.1070 ACCESS UNDETERMINED FORT MYERS FL 33912	PARL IN NW 1/4 AS DESC OR 2019 PG 1645 LES RD R/W OR3273/3182	6
THREE OAKS LAND COMPANY LLC 11860 ISLAND AVE MATLACHA FL 33993	03-46-25-00-00001.1080 ACCESS UNDETERMINED FORT MYERS FL 33912	PARL W OF I-75 N OF ALICO DESC OR 3127 PG 2808 LES RD R/W OR3273/3187	7

7 RECORDS PRINTED

03-46-25-00-00001.0000  
GLEVIN 275 LLC +  
100 BAY COLONY LANE  
FORT LAUDERDALE, FL 33308

03-46-25-00-00001.1000  
WEISS BRADLEY S TR  
1840 WEST 49TH ST STE #410  
HIALEAH, FL 33012

03-46-25-00-00001.101A  
ALICO 73 LLP  
STEPHANIE MILLER  
9250 CORKSCREW RD UNIT 8  
ESTERO, FL 33928

03-46-25-00-00001.103B  
WEISS BRADLEY S TR  
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THREE OAKS BUSINESS CENTER  
14421 METROPOLIS AVE STE 101  
FORT MYERS, FL 33912

03-46-25-00-00001.1070  
ALICO NORTH 26 LLC 30% +  
1840 WAET 49TH ST STE 410  
HIALEAH, FL 33012

03-46-25-00-00001.1080  
THREE OAKS LAND COMPANY LLC  
11860 ISLAND AVE  
MATLACHA, FL 33993

MATLACHA, FL 33993  
11860 ISLAND AVE  
THREE OAKS LAND COMPANY LLC  
03-46-25-00-00001.1080

03-46-25-00-00001.1070  
ALICO NORTH 26 LLC 30% +  
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03-46-25-00-00001.0000  
GLEVIN 275 LLC +  
100 BAY COLONY LANE  
FORT LAUDERDALE, FL 33308



# Quattrone & Associates, Inc.

Engineers, Planners & Development Consultants

11000 Metro Parkway, Suite 30 • Fort Myers, Florida 33912  
Tel: (239) 936-5222 • Fax: (239) 936-7228

November 16, 2006

Mr. Rick Burris, Principle Planner  
Planning  
Lee County Department of Community Development  
1500 Monroe Street  
Fort Myers, Florida 33901

**S: RESUBMITTAL IN REPONSE TO INSUFFICIENCY COMMENTS**  
**PROJECT: CPA2005-00005**  
**THREE OAKS NORTH CPA**

Dear Rick,

Attached, please find a response to revisions in the size of the requested amendment. As requested 22 copies are attached.

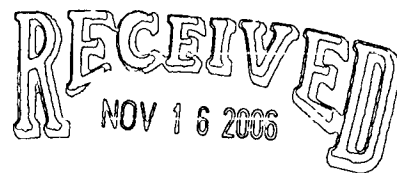
If you have any questions or need additional information, please call me at this office. I, of course, would be happy to meet with you and staff as necessary.

Sincerely,  
Quattrone & Associates, Inc.



Fred Drovdic, AICP  
Planning Director

*Attachments*



CPA 2005-00005

**SUFFICIENCY RESPONSE**  
Revised Application and  
Supplemental Data  
CPA2005-00005 (11-15-2006)



**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: (239) 479-8585  
FAX: (239) 479-8519

**APPLICATION FOR A  
COMPREHENSIVE PLAN AMENDMENT**

(To be completed at time of intake)

DATE REC'D \_\_\_\_\_

REC'D BY: \_\_\_\_\_

APPLICATION FEE \_\_\_\_\_

TIDEMARK NO: \_\_\_\_\_

**THE FOLLOWING VERIFIED:**

Zoning ☐

Commissioner District ☐

Designation on FLUM ☐

-----  
(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: 1820

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.

**11/15/06**

DATE

SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

## I. APPLICANT/AGENT/OWNER INFORMATION

**Paul H. Freeman, Trustee**

APPLICANT

**19091 Tamiami Trail, SE**

ADDRESS

**Fort Myers**

**FLORIDA**

**33908**

CITY

STATE

ZIP

**239.267.3999**

**239.267.7622**

TELEPHONE NUMBER

FAX NUMBER

**AL QUATTRONE – QUATTRONE AND ASSOCIATES, INC.**

AGENT\*

**11000 METRO PARKWAY, SUITE 30**

ADDRESS

**FORT MYERS**

**FLORIDA**

**33912**

CITY

STATE

ZIP

**239.936.5222**

**239.936.7228**

TELEPHONE NUMBER

FAX NUMBER

**Paul H. Freeman, Trustee**

OWNER(s) OF RECORD

**1940 West 49<sup>th</sup> Street, Suite #410**

ADDRESS

**Hialeah**

**FLORIDA**

**33012**

CITY

STATE

ZIP

**305.827.3331**

**305.826.2092**

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 20)

List Number(s) of Map(s) to be amended  
**Map 1**

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

**1. Amend the Future Land Use designation (Map 1) from Industrial to Industrial Commercial Interchange for 78.338 acres, less jurisdictional wetlands which are to remain in the Wetland FLUM, contained in TWO parcels lying in Section 3, Township 46 South, Range 25 East, Lee County, Florida, lying west of I-75, in the Gateway/Airport Planning Community on the west side of I-75 south of the SWFIA Drainage Conveyance, north of Alico Road and east of the planned Three Oaks Parkway North Extension.**

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

**A. Property Location: Subject parcels are located west of I-75, east of Three Oaks Parkway Extension North, south of Daniels Parkway and north of Alico Road.**

**1. Site Address: Access undetermined (will be Three Oaks Parkway North)**

**2. STRAP(s): 03-46-25-00-00001.1020, 03-46-25-00-00001.1050**

**B. Property Information**

Total Acreage of Property: **78.338 acres**

Total Acreage included in Request: **78.338 acres**

Area of each Existing Future Land Use Category:

**80.860 acres Industrial Development**

Total Uplands: **78.338 acres**

Total Wetlands: **4.522 acres(excluded from legal description for inclusion in land use change – to remain in wetland FLUC)**

Current Zoning: AG-2

Current Future Land Use Designation:

INDUSTRIAL DEVELOPMENT (and some WETLANDS)

Existing Land Use: Vacant Agricultural Land

- 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: No

Airport Noise Zone 2 or 3: No, small portion in DNL 60 contour

Acquisition Area: No

Joint Planning Agreement Area (adjoining other jurisdictional lands): No

Community Redevelopment Area: No

- D. Proposed change for the Subject Property: **Amend the Future Land Use Map (1) designation to Industrial Commercial Interchange for a commercial office, retail and recreation center, a dedication to FGCU to anchor a proposed research park and to expand off campus functions, and a light industrial park that is sensitive to and compatible with the abutting areas with a sensitivity to this highly visible Interstate Corridor Location.**

- E. Potential development of the subject property:

1. Calculation of maximum allowable development under existing FLUM:

Residential Units/Density: **0.0 SF not permitted in the Industrial FLUM.**

Commercial intensity: **30,000 SF retail 760,000 SF industrial with an approximate 25% commercial office mix.**

Industrial intensity: **790,000 SF calculating 79 acres developable (pavement and building areas) at an intensity of approximately 10,000 SF of building per acre (no commercial).**

2. Calculation of maximum allowable development under proposed FLUM:

Residential Units/Density: **0.0 - not permitted in land use category existing or requested.**

Commercial intensity: **790,000 SF calculating 79 acres at an intensity of approximately 10,000 SF of building per acre (no industrial).**

Industrial intensity:

790,000 SF calculating 79 acres at an intensity of approximately 10,000 SF of building per acre (no commercial).

#### 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.  
**See attached document – Exhibit A-1.**
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.  
**See Attached Map - Exhibit A-2.**
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.

**See Attached Map - Exhibit A-3 and A-4.**

##### Proposal Overview

The subject property is located within the Gateway/Airport Planning Community with a Future Land Use designation of Industrial and is zoned AG-2. The subject property is currently vacant and is being used for cattle grazing. The site is in close proximity to the SWFIA and FGCU between Alico Road and Daniels Parkway. The property will have approximately 1,900 linear feet of frontage on Three Oaks Parkway North Extension and a similar amount of frontage on I-75.

The Gateway/Airport Planning Community has allocated 3,096 acres of land for industrial of which 262 acres are used leaving 2,834 available.

Most of this land is to the west of the subject property across the Three Oaks right-of-way north of Alico Road. The great majority of this land is accessed by service roads that connect the industrial land to Alico Road and do not connect to other roads. Appropriately these Industrial designated properties with the potential for heavy industrial development are isolated helping to reduce the potential impacts such as visual, noise, odor, dust, truck traffic, etc from other less intense uses.

In contrast, the subject property dominates a significant amount of Three Oaks Parkway and I-75 road frontage between Daniels Parkway and Alico Road. It is not unreasonable to argue that this corridor will be highly traveled by commuters, shoppers, tourists and other local traffic that is non-commercial and non-industrial based.

The Industrial future land use category limits the amount of office, retail and other non-industrial land uses understandably so the county can retain land for industrial uses that are necessary for balanced growth. We agree this is important and are not proposing to eliminate industrial uses from the land, hence the Industrial Commercial Interchange request. We feel that the highest and best use of the subject property is industrial park development mixed with office, retail and business park and for FGCU off-campus research park development along Three Oaks Parkway. The aforementioned uses are unable to be pursued under the Industrial FLUC since commercial, retail and office uses would need to exceed the Industrial FLUC limitation of 10% of potential development within the planned development.

The proposed land use change would allow:

1. FGCU to expand off-campus activities by increasing the permitted commercial and office building uses necessary for a comprehensive business park and enabling FGCU to anchor a proposed research park onto land the applicant intends to donate;
2. A recapturing of developable Industrial Commercial Interchange land lost to the Alico Road/I-75 Interchange improvements that has resulted in moving nearly 60 acres of Industrial Commercial Interchange land into the I-75 right-of-way. The recent expansion of the I-75 interchange at the northwest corner of Alico Road and the interstate reduced the developable acreage by approximately 30 acres. The expansion on the northeast corner of Alico Road and I-75 reduced the developable acreage by approximately 15 acres. The requirements of detention ponds along I-75 is causing a decrease developable acreage in the southwest quadrant of Alico Road and I-75 by another 15 acres;
3. An improvement of visual impacts upon Three Oaks Parkway and I-75 by diversifying the development potential with a greater



percentage of commercial, retail, and office uses as opposed to domination by an industrial park;

4. An improvement of services to county residents, FGCU students and personnel, and tourists by providing retail, office and other professional employment centers along an easily accessible, and highly visible major arterials; and
5. A diversification of the employment center beyond industrial and warehouse jobs to professional office, research park, retail and business services.

As statistics show less than 10% of the industrial land in the Gateway/Airport Planning Community have been utilized. The planning community has been allocated 824 acres of land for commercial of which 178 acres are used, therefore, 646 acres remain available for use. Neither category are in short supply so we had to look at the highest and most appropriate use of the property with the greatest long term benefits to the county given its location and characteristics.

#### **Surrounding Land Uses**

**EAST:** The property to the east is I-75. Across I-75 is a large tract of land that is part of a 275 acre mixed-use planned development. The property is currently vacant, zoned MPD (Airport Interstate Commerce Park, Z-05-029) approved for up to 1.4 million SF industrial and 309,000 SF retail and office commercial located within the Tradeport FLUC.

**SOUTH:** The property to the south is currently vacant but with an approved commercial planned development. The Alico Crossroads Center CPD (Z-03-017) is approved for 300,000 SF retail and 51,000 SF office. The CPD extends from the southern most property boundary of the subject property to Alico Road/Three Oaks Parkway North/I-75 interchange.

**WEST:** Directly west of the site is the future Three Oaks Parkway North Extension right-of-way. Then, west at the Three Oaks Parkway right-of-way just south of the SWFIA Conveyance, is a pending rezoning for Three Oaks Commerce Park to an industrial planned development. The property is currently zoned AG-2 in the Industrial FLUC. Next, is the planned extension of Oriole Road and vacant lands zoned AG-2 in the Industrial FLUC.

**NORTH:** North of the property are three parcels that are vacant and contain a borrow pit, wetland and a lot of designated preserve areas. Further north is the 200' SWFIA Conveyance canal, buffering the property from the vacant Rural category land to the north.

4. Map and describe existing zoning of the subject property and surrounding properties.

**See Attached Map - Exhibit A-3 and A-4.**

Subject parcel is zoned AG-2  
North of subject parcel is zoned AG-2  
South of subject parcel is zoned CPD  
East of subject parcel is zoned MPD  
West of subject parcel is zoned AG-2 and pending IPD

5. The legal description(s) for the property subject to the requested change.  
A tract or parcel of land lying in Section 3, Township 46 South, Range 25 East, Lee County, Florida, described as follows:

Commencing at the Northwest corner of the aforesaid Section 3; thence run N.89°24'36"E. along the North line of said Section 3 for 1508.74 feet; thence run S.00°36'43"E. for 2097.19 feet to a point on the centerline of Three Oaks Parkway (150.00 feet wide); thence run N.89°23'17"E. for 75.00 feet to the point of beginning; thence continue N.89°23'17"E. for 1908.17 feet to the Westerly right-of-way line of Interstate Highway No. 75; thence run S.00°37'07"E. along said Westerly right-of-way line for 1222.63 feet; thence run S.03°23'08"W. along said Westerly right-of-way line for 672.48 feet; thence run N.89°23'08"E. along said Westerly right-of-way line for 18.08 feet; thence run S.00°36'52"E. along said Westerly right-of-way line for 6.32 feet; thence run S.89°23'17"W. for 1879.51 feet to the East right-of-way line of the aforesaid Three Oaks Parkway; thence run N.00°36'43"W. along said East right-of-way line for 1899.80 feet to the point of beginning.

Said tract contains 82.860 acres, more or less. Bearings are based on the North line of the aforesaid Section 3 as being N.89°24'36"E.

LESS AND EXCEPT:

DESCRIPTION: (Wetlands Tract)

A tract or parcel of land lying in Section 3, Township 46 South, Range 25 East, Lee County, Florida, described as follows:

Commencing at the Northwest corner of the aforesaid Section 3; thence run N.89°24'36"E. along the North line of said Section 3 for 1580.74 feet; thence run S.00°36'43"E. for 2097.19 feet; thence run N.89°23'17"E. for 825.20 feet to the point of beginning; thence run N.89°23'17"E. for 720.28 feet; thence run S.11°00'37"W. for 34.26 feet; thence run S.24°37'07"W. for 36.35 feet; thence run S.12°11'29"W. for 34.25 feet; thence run S.39°52'32"W. for 31.31 feet; thence run S.57°48'11"W. for 44.14 feet; thence run S.75°46'55"W. for 30.68 feet; thence run S.05°00'27"W. for 12.23 feet; thence run S.36°54'53"W. for 47.21 feet; thence run S.57°31'16"W. for 38.73 feet; thence run S.69°12'52"W. for 33.49 feet; thence run

S.34°25'01"W. for 54.39 feet; thence run S.67°31'56"W. for 40.02 feet; thence run S.53°50'19"W. for 33.26 feet; thence run S.77°23'35"W. for 54.51 feet; thence run S.60°28'16"W. for 44.67 feet; thence run S.36°38'58"W. for 20.09 feet; thence run S.79°45'22"W. for 33.60 feet; thence run S.63°58'04"W. for 26.69 feet; thence run N.87°00'47"W. for 54.82 feet; thence run N.54°09'32"W. for 83.78 feet; thence run N.37°17'40"W. for 24.61 feet; thence run N.03°30'58"E. for 29.57 feet; thence run N.62°49'03"W. for 31.54 feet; thence run N.11°21'38"W. for 13.32 feet; thence run N.33°07'40"W. for 33.80 feet; thence run N.11°54'15"E. for 82.92 feet; thence run N.61°53'42"W. for 37.48 feet; thence run N.26°19'11"W. for 16.34 feet; thence run N.75°59'12"W. for 23.99 feet; thence run N.35°10'35"W. for 25.24 feet; thence run N.28°35'00"W. for 40.25 feet; thence run N.12°05'22"E. for 46.56 feet; thence run N.00°51'37"E. for 19.06 feet to the point of beginning.

Said tract contains 4.522 acres, more or less. Bearings are based on the North line of the aforesaid Section 3 as being N.89°24'36"E.

6. A copy of the deed(s) for the property subject to the requested change.  
**See Attached.**
7. An aerial map showing the subject property and surrounding properties.  
**See Attached Map – Exhibit A-7.**
8. If applicant is not the owner, a letter from the owner of the property authorizing the applicant to represent the owner.  
**Applicant is agent for the owners. Affidavits are attached from all owners authorizing agent to proceed with CPA.**

B. Public Facilities Impacts

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

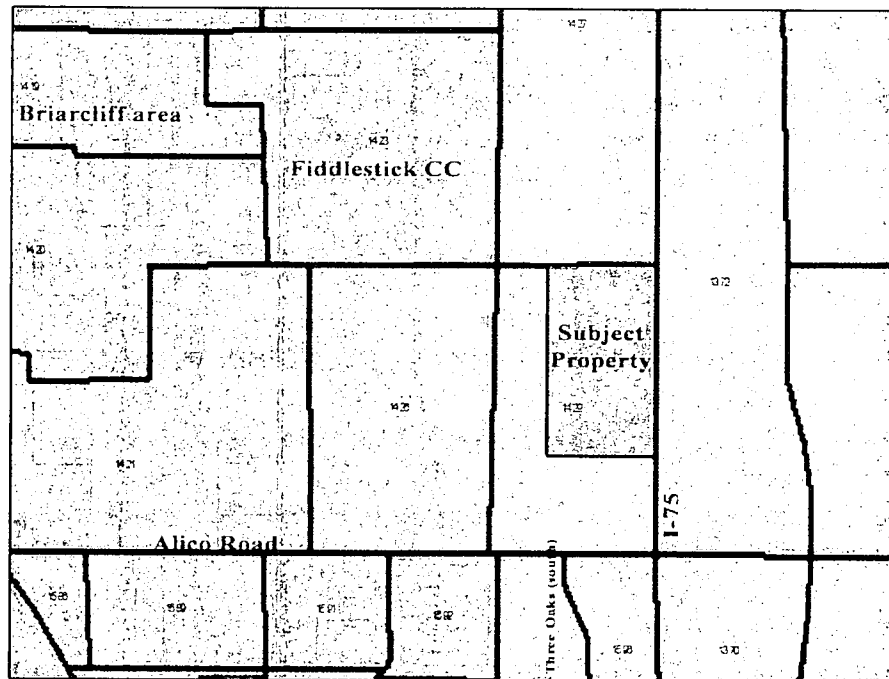
1. Traffic Circulation Analysis

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;  
**See Attached Document – Exhibit B-1a.**

**The subject parcel is located in TAZ 1429 encompassing the area**



south of  
the  
SWFIA

Conveyence, west of I-75, east of Three Oaks North Extension and north of Alico Road as shown below. It is anticipated that the socio-economic data will require updates since the intended use after the future land use category change will permit the same industrial uses, but expand the commercial possibilities. The updating will be done per Lee DOT running the FSUTMS model on the 2020 or 2030 Financially Feasible Plan network.

See graphic below:

- 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.);

It is likely given the density and intensity possibilities for this parcel that the data will need to be updated. A change to Industrial Commercial Interchange on 78.338 acres makes provisions for:

- 0 residential units (NO CHANGE); or
- Up to 790,000 square feet of commercial office, retail and recreational uses (+760,000 SF but in exchange of 790,000 SF industrial); or
- Up to 790,000 square feet of light industrial development (NO CHANGE).

In a meeting with Lee DOT and planning we were advised to provide development parameters for this analysis to be conducted by Lee DOT.

- 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;

We anticipate that the modifications are going to be minor given the TAZ includes intense development areas near Alico Road, I-75 and Three Oaks Parkway. Additionally, the 2020 Financially Feasible Network includes 6-laning I-75, improving the I-75 interchange, an Airport Entrance Road, and extending Three Oaks Parkway north to Daniels Parkway. Alico Road was recently improved to six lanes and the I-75 interchange is currently undergoing improvements to provide a full cloverleaf. Within the three-mile radius I-75 is to be 6 lanes by 2010 and Three Oaks Parkway will connect from Alico and continue north to Daniels Parkway. Further a corridor study is taking place involving an Airport entrance road that will provide additional traffic relief connecting the Airport, Treeline Boulevard, I-75 and US 41 across Three Oaks Parkway (see 2020 FFN graphic).

Given the road expansions underway, the road network for 2020 and the newly proposed 2030 FFN, the overall minor traffic impact changes from the full development potential of the parcel should be able to be adequately absorbed by the roadway network.

In a meeting with Lee DOT and Planning we were advised that Lee DOT would run the FSUTMS to determine if, given our development parameters, an improvement to the road network would be necessary.

- 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;

It is not anticipated that improvements to the road network beyond the 2020 FFN will be required. It is our understanding that the road impact fees being contributed from the proposed development would more than offset the cost of the improvements necessary for the road network to absorb the traffic impacts created by the development.

- 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;

**Understood.**

- 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.

**See Attached Three Oaks Development Parameters Exhibit.**

Short Range – 5-year CIP horizon:

- a. Besides the 20-year analysis, for those plan amendment proposals that include a specific and immediate development plan, identify the existing roadways serving the site and within a 3-mile radius (indicate laneage, functional classification, current LOS, and LOS standard);

***It is anticipated that the subject parcel will have a development plan prepared upon approval of the Future Land Use Amendment and rezoning to follow by the various respective owners. The major roads within a 3-mile radius are as follows:***

<i>Road Name</i>	<i>Laneage</i>	<i>Funct Class</i>	<i>LOS Crnt</i>	<i>LOS Std</i>
<i>Three Oaks Parkway</i>	<i>2 Lane</i>	<i>Art</i>	<i>C</i>	<i>C</i>
<i>Alico Road</i>	<i>6 Lane</i>	<i>Art</i>	<i>B</i>	<i>C</i>
<i>Interstate 75 N. of Alico</i>	<i>4 Lane</i>	<i>Art</i>	<i>E</i>	<i>C</i>
<i>Interstate 75 S. of Alico</i>	<i>4 Lane</i>	<i>Art</i>	<i>E</i>	<i>C</i>
<i>Treeline Boulevard</i>	<i>4 Lane</i>	<i>Art</i>	<i>B</i>	<i>C</i>
<i>US 41</i>	<i>6 Lane</i>	<i>Art</i>	<i>D</i>	<i>D</i>

- 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;

**Alico Road Widening to 6 lanes (4030), Three Oaks Parkway North Extension 4 lane (4053), Three Oaks Parkway South Extension 4 lane (4043), Three Oaks Parkway Widening 4 lane from Corkscrew Road to Alico Road (4081), Alico Road/US 41/Old US 41 intersection improvements and Metro Parkway extension south of Six Mile Cypress.**

- c. Projected 2020 LOS under proposed designation (calculate anticipated number of trips and distribution on roadway network, and identify resulting changes to the projected LOS);

**In a meeting with Lee DOT and Planning, we were advised that Lee DOT would run the FSUTMS and determine the resulting number of trips, distribution and impact on LOS for impacted roadways projected to 2020.**

- d. 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;

**In a meeting with Lee DOT and Planning, we were advised that Lee DOT would run the FSUTMS and determine the resulting number of trips, distribution and impact on LOS for impacted roadways projected to 2020.**

- e. Identify the additional improvements needed on the network beyond those programmed in the five-year horizon due to the development proposal.

**In a meeting with Lee DOT and Planning, we were advised that Lee DOT would run the FSUTMS and determine the improvements necessary, if any, to accommodate the project on the road network**



within a 3-mile radius. We do not anticipate improvements will need to be made beyond those deemed financially feasible in the 2020 FFN map.

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.

- 
- a. Sanitary Sewer
  - b. Potable Water

The site is located within the Lee County Utilities service area. We understand LCU has the capacity to serve the project. Currently the subject parcel is located within the future water or sewer franchise areas as depicted on Lee Plan Maps 6 and 7. Utilities infrastructure is planned as part of the Three Oaks Parkway construction.

We anticipate that the plan amendment will intensify the development potential of the property by increasing the permissible amount of commercial but overall, will not result in an increase in total permissible square footage of development. Currently the FLUM is Industrial which allows the following development density/intensity:

Residential Units/Density: 0.0 not permitted in Industrial FLUC

Commercial intensity: 30,000 SF retail and approximately 25% commercial, or  $(760,000 \times .25)$  190,000 SF for 220,000 total commercial (570,00 SF industrial remaining)

Industrial intensity: 790,000 SF

The maximum allowable development under proposed FLUM based on the proposed site plan enclosed and/or maximum development potential:

Residential Units/Density: 0 Units  
• NO CHANGE

Commercial intensity: 790,000 SF  
• AN INCREASE OF 760,000 SF, but in substitution of 760,000 SF of currently permitted industrial and 30,000 retail.

or

Industrial intensity:

**790,000 SF**

- **NO CHANGE**

**Based on these calculations the total expected water and wastewater treatment volumes will be approximately 110,088 GPD.**

- Franchise Area, Basin, or District in which the property is located;

**The property falls into the Lee County Utilities potable water and sanitary sewer future service areas (Maps provided in submittal package). LCU will have capacity to service the project according to the 2005-2007 Concurrency Report. Lee County Utilities has begun construction of a 3.0 MGD expansion of the Three Oaks STP which will bring the capacity of the plant to 6.0 MGD to serve rapidly growing areas of Estero and San Carlos Park. It is our understanding that this plant will serve the project and we are waiting for confirmation from LCU from a letter sent October 4, 2006.**

c. Surface Water/Drainage Basins

**Drainage has been determined and established by the Three Oaks Parkway Extension North and Oriole Road Extension North permitting completed by Source Engineering for the SFWMD. See attached Three Oaks Development Parameters exhibit or contact Source Engineering and LCDOT for more details.**

- Basin in which the property is located;

**Coastal Ecosystems Watershed of the South Florida Water Management District in the Six Mile Slough drainage basin.**

d. Parks, Recreation, and Open Space.

**Three Oaks Community Park is located approximately 2 miles south of the site. On-site open space will be provided as required. Recreational amenities may be incorporated into the site as provided by employers or as auxiliary commercial development in the form of health and exercise clubs and by day care providers.**

- Anticipated revisions to the Community Facilities and Services Element and/or Capital Improvements Element (state if these revisions are included in this amendment).

**We do not anticipate the need for parks or recreation to increase in**

the area due to the proposed possible development. The overall development parameters actually change very little. The major change is substituting commercial for industrial but overall intensity of square footage will not increase.

- District in which the property is located;

**South Fort Myers Unincorporated Benefit District.**

- Improvements/expansions currently programmed in 5 year CIP, 6-10 year CIP, and long range improvements; and

The required (Regulatory) Level of Service standard for community parks is currently eight tenths (0.8) acres of developed standard community parks per 1,000 permanent residents in the unincorporated area of each district. The "Desired Future Level of Service Standard" is two acres per 1,000 permanent residents which has been in effect since September 30, 1998. The South Fort Myers Unincorporated District has a total of 145 acres. The regulatory standard (66 acres in 2005) and the "Desired" standard (165 acres in 2005) were met in 2005 and will continue to be met through 2009. The South Fort Myers Community Park is planned for the district in 2006/2007 and will occupy 30 acres.

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.

Letters were sent September 21, 2006 and have been attached to the submittal file. Letters from the above listed agencies are attached or pending arrival.

*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).  
**See Attached Map – Exhibit C-1 and C-2.**
2. A map and description of the soils found on the property (identify the source of the information).  
**See Attached Map – Exhibit C-1 and C-2.**
3. A topographic map with property boundaries and 100-year flood prone areas indicated (as identified by FEMA).  
**See Attached Map – Exhibit C-3.**
4. A map delineating wetlands, aquifers recharge areas, and rare & unique uplands.  
**See Attached Map – Exhibit C-4.**
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).  
**See Attached Map – Exhibit C-5.**

**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.

**There are not any historical resources located on the property. A letter has been provided from the State of Florida.**

2. A map showing the subject property location on the archeological sensitivity map for Lee County.  
**See Attached Exhibit D-1.**

**The subject parcel is NOT located in one of the two sensitivity areas.**

**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.  
**See Attached Exhibit E, Section 1.**

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.

**See Attached Exhibit E, Section 2.**

3. Describe how the proposal affects adjacent local governments and their comprehensive plans.

**See Attached Exhibit E, Section 3.**

4. List State Policy Plan and Regional Policy Plan goals and policies which are relevant to this plan amendment.

**See Attached Exhibit E, Section 4.**

**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.

**The subject parcel will be located with over 3,000 linear feet of road frontage and access onto Three Oak Parkway North Extension, a 4 lane arterial which will connect to Alico Road, a 6 lane arterial and Daniels Parkway, a 6 lane arterial. Both Alico and Daniels connect directly to I-75 interchanges.**

- b. Provide data and analysis required by Policy 2.4.4.

**The land use category change will not alter the current industrial employment opportunities but will serve to expand the mix of employment possibilities by permitting more retail and office uses in direct support of this policy.**

- c. The affect of the proposed change on county's industrial employment goal specifically policy 7.1.4.

**The proposed land use amendment will not impact the goal of policy 7.1.4. since the current and proposed land use categories both support industrial development.**

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.

**The lands are currently in the Future Urban Areas and the request is compatible with uses allowed in the future urban areas.**

3. Requests involving lands in critical areas for future water supply must be evaluated based on policy 2.4.2.

**The lands are not in critical areas for future water supply.**

4. Requests moving lands from Density Reduction/Groundwater Resource must fully address Policy 2.4.3 of the Lee Plan Future Land Use Element.

**The lands are not in the DR/GR.**

- 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.

**See Attached Exhibit E (Introduction to the Project).**

**Item 1: Fee Schedule**

Map Amendment Flat Fee	\$2,000.00 each
Map Amendment > 20 Acres	\$2,000.00 and \$20.00 per 10 acres up to a maximum of \$2,255.00
Small Scale Amendment (10 acres or less)	\$1,500.00 each
Text Amendment Flat Fee	\$2,500.00 each

## AFFIDAVIT

I, \*AI Quattrone as President of Quattrone and Associates, Inc., 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.

Quattrone and Associates, Inc.

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

\_\_\_\_\_  
Signature

AI Quattrone

(Typed or Printed name)

President

(Title of signatory)

STATE OF FLORIDA  
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me this \_\_\_\_ (date) by AI Quattrone, as President of Quattrone & Associates, Inc. (name of person providing oath or affirmation), who is personally known to me or who has produced personally known (type of identification) as identification.

\_\_\_\_\_  
Signature of person taking oath or affirmation

\_\_\_\_\_  
Name typed, printed, or stamped

\_\_\_\_\_  
Title or Rank

\_\_\_\_\_  
Serial number, if any

### \*Notes:

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



**EXHIBIT A-1  
PROPOSED TEXT CHANGES**

<p align="center"><b>THREE OAKS NORTH CPA</b>  <b>Future Land Use Map Amendment</b>          STRAP#: 03-46-25-00-00001.1030 and 03-46-25-00-00001.103C          Three Oaks Ext North, Fort Myers, Florida 33912</p>
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**TABLE 1(b)  
(Planning Community Year 2020 Allocations)**

We are requesting a change in the Planning Communities Map 16 for 169.2 acres from Industrial to Industrial Commercial Interchange.

We are NOT requesting a change to the 2020 allocations for the Gateway/Airport planning community Table 1(b) because the planning community has ample acreage dedicated to the industrial and commercial uses proposed within the project. The planning community has been allocated 824 acres of land for commercial of which 178 acres are used, therefore, 646 acres remain available for use. The project contains 82.86-4.52=78.37 gross acres. The planning community has been allocated 3,096 acres of land for industrial of which 262 acres are used leaving 2,834 available.

According to development parameters determined by the Three Oaks Parkway Extension North corridor study and mapping produced by Source Engineering for the South Florida Water Management District permit, the development parameters are as follows:

LOT	Total Parcel	Preserve	Wetland	Three Oaks ROW	Pavement	Building	Dry Detention	Other (Open Space)	Percent Imperv.
18	38.49	6.22	4.52	0.00	18.40	9.20	2.90	1.77	72%
17	44.37	0.00	0.00	0.00	22.17	11.09	3.99	6.85	75%
TOT	82.86	6.22	4.52	0.00	40.57	20.29	6.89	8.62	

table summary next page . . .



**Table Summary**

GROSS ACRES	82.86	(100.0%)
<u>CONSTRAINED (Wetland, Preserve):</u>	<u>10.74</u>	<u>(13.0%)</u>
<b>DEVELOPABLE:</b>	<b>72.12</b>	<b>(87.0%)</b>
PAVEMENT	40.57	(49.0%)
<u>BUILDING</u>	<u>20.29</u>	<u>(24.5%)</u>
<b>TOTAL IMPERVIOUS:</b>	<b>60.86</b>	<b>(73.5%)</b>
DRY DETENTION	6.89	(8.3%)
<u>OPEN SPACE</u>	<u>8.62</u>	<u>10.4%</u>
<b>OTHER:</b>	<b>15.51</b>	<b>(18.7%)</b>

**EXHIBIT E1-4**  
**INTERNAL CONSISTENCY WITH THE LEE PLAN**

<b>THREE OAKS NORTH CPA</b> <b>Future Land Use Map and Text Amendment</b> STRAP#: 03-46-25-00-00001.1030 and 03-46-25-00-00001.103C Three Oaks Ext North, Fort Myers, Florida 33912
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**INTRODUCTION**

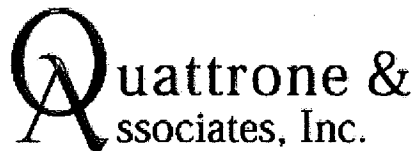
The property is located in the Gateway/Airport Planning Community on the west side of I-75 south of the SWFIA Drainage Conveyence, north of Alico Road and east of the planned Three Oaks Parkway North Extension. The property occupies 169.2 acres. The property is currently in the Industrial future land use category. The application is requesting a change from Industrial to Industrial Commercial Interchange FLUM with development plans to create a commercial office, retail and recreation center, a dedication to FGCU to anchor a proposed research park and to expand off campus functions, and a light industrial park that is sensitive to and compatible with the abutting areas with a sensitivity to this highly visible corridor location.

**PROJECT ACREAGE**

GROSS ACRES	82.86	(100.0%)
<u>CONSTRAINED (Wetland, Preserve):</u>	<u>10.74</u>	<u>(13.0%)</u>
<b>DEVELOPABLE:</b>	<b>72.12</b>	<b>(87.0%)</b>
PAVEMENT	40.57	(49.0%)
<u>BUILDING</u>	<u>20.29</u>	<u>(24.5%)</u>
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<u>OPEN SPACE</u>	<u>8.62</u>	<u>10.4%</u>
<b>OTHER:</b>	<b>15.51</b>	<b>(18.7%)</b>

The projects proximity to I-75, 1,900 linear feet of frontage on Three Oaks North, access to the SWFI Airport via Treeline Avenue and location near FGCU make this a prime place for uses beyond those traditionally permitted in the Industrial FLUC. Allowing a change to Industrial Commercial Interchange retains the industrial potential base while encouraging and providing for additional employment and service opportunities.

One such opportunity is commercial and educational space to be used by FGCU as the landowners cooperate with FGCU to create a research and business park to attract new industry to the area. Without the land use change, the uses required by the University would not be permitted on the property. The particular region has a significant amount of industrial land use. Commercial and office uses would provide a much needed mix of employment opportunities. Another opportunity lies in the land use category permitting many commercial and office uses that are less intense than industrial development. These commercial uses will be along the Interstate and along Three Oaks Parkway to provide a visual buffer for the



traveling public. Any more intense industrial activities will take place near the central portions of the site away from the likely lower density and possible multi-family housing development north of the SWFIA Conveyence.

## PROPOSAL OVERVIEW

The subject property is located within the Gateway/Airport Planning Community with a Future Land Use designation of Industrial and is zoned AG-2. The subject property is currently vacant and is being used for cattle grazing. The site is in close proximity to the SWFIA and FGCU between Alico Road and Daniels Parkway. The property will have 1,900 linear feet of frontage on Three Oaks Parkway North Extension and a similar amount of frontage on I-75.

The Gateway/Airport Planning Community has allocated 3,096 acres of land for industrial of which 262 acres are used leaving 2,834 available. Most of this land is to the west of the subject property across the Three Oaks right-of-way north of Alico Road. The great majority of this land is accessed by service roads that connect the industrial land to Alico Road and do not connect to other roads. Appropriately these Industrial designated properties with the potential for heavy industrial development are isolated helping to reduce the potential impacts such as visual, noise, odor, dust, truck traffic, etc from other less intense uses.

In contrast, the subject property dominates a significant amount of Three Oaks Parkway and I-75 road frontage between Daniels Parkway and Alico Road. It is not unreasonable to argue that this corridor will be highly traveled by commuters, shoppers, tourists and other local traffic that is non-commercial and non-industrial based.

The Industrial future land use category limits the amount of office, retail and other non-industrial land uses understandably so the county can retain land for industrial uses that are necessary for balanced growth. We agree this is important and are not proposing to eliminate industrial uses from the land, hence the Industrial Commercial Interchange request. We feel that the highest and best use of the subject property is industrial park development mixed with office, retail and business park and for FGCU off-campus research park development along Three Oaks Parkway. The aforementioned uses are unable to be pursued under the Industrial FLUC since commercial, retail and office uses would need to exceed the Industrial FLUC limitation of 10% of potential development within the planned development and 30,000 square feet maximum retail.

The proposed land use change would allow:

1. FGCU to expand off-campus activities by increasing the permitted commercial and office building uses necessary for a comprehensive business park and enabling FGCU to anchor a proposed research park onto land the applicant intends to donate;
2. A recapturing of developable Industrial Commercial Interchange land lost to the Alico Road/I-75 Interchange improvements that has resulted in moving nearly 60 acres of Industrial Commercial Interchange land into the I-75 right-of-way. The recent expansion of the I-75 interchange at the northwest corner of Alico Road and the interstate reduced the developable acreage by

approximately 30 acres. The expansion on the northeast corner of Alico Road and I-75 reduced the developable acreage by approximately 15 acres. The requirements of detention ponds along I-75 is causing a decrease developable acreage in the southwest quadrant of Alico Road and I-75 by another 15 acres;

3. An improvement of visual impacts upon Three Oaks Parkway and I-75 by diversifying the development potential with a greater percentage of commercial, retail, and office uses as opposed to domination by an industrial park;
4. An improvement of services to county residents, FGCU students and personnel, and tourists by providing retail, office and other professional employment centers along an easily accessible, and highly visible major arterials; and
5. A diversification of the employment center beyond industrial and warehouse jobs to professional office, research park, retail and business services.

As statistics show less than 10% of the industrial land in the Gateway/Airport Planning Community have been utilized. The planning community has been allocated 824 acres of land for commercial of which 178 acres are used, therefore, 646 acres remain available for use. Neither category are in short supply so we looked at the highest and most appropriate use of the property with the greatest long term benefits to the county given its location and characteristics.

## **SECTION II**

### **THE LEE PLAN**

This request is consistent with the goals, objectives, policies and intent of the Lee Plan in accordance with the following:

## **LEE PLAN VISION**

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### **Planning Community**

**Gateway/Airport** - This Community is located South of SR 82, generally east of I-75, and north of Alico Road including those portions of the Gateway development that either have not been or are not anticipated to be annexed into the City of Fort Myers, the Southwest Florida International Airport and the properties the airport expects to use for its expansion, the lands designated as Tradeport, and the land designated as Industrial Development west of I-75 north of Alico Road. In addition to these two land use designations, properties in this community are designated New Community (the Gateway development), Airport, Density Reduction/Groundwater Resource (primarily the anticipated airport expansion areas), Rural, and General Interchange. The road network in this community is planned to change dramatically over time creating access to and from this community to the north, south, and east without relying on I-75.

There are three distinct areas within this community . . . The airport expansion and the completion of Florida Gulf Coast University are expected to energize the remaining area in this community, including the commercial and industrial components. This portion of the community is to the south and west of Gateway and the airport and extends west of I-75 along Alico Road. While this segment of the community is not expected to build out during the timeframe of this plan, the area will be much more urbanized with hi-tech/clean industry businesses. (Amended by Ordinance No. 04-16)

The "energizing" of the community in the area north of Alico and west of I-75 will occur to a greater extent if some additional commercial, office, educational and retail activities are permitted. The subject parcels have 1,900 linear feet of the I-75 and Three Oaks North road frontage. It seems like a natural fit to better use such visibility for uses beyond light manufacturing, especially uses that serve to expand the presence of FGCU and create a business and research park that will be at the Gateway to the major Lee County Airport/University Interstate Interchange.

### **GOAL 1: FUTURE LAND USE**

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**OBJECTIVE 1.1: FUTURE URBAN AREAS.** Designate on the Future Land Use Map (Map 1) categories of varying intensities to provide for a full range of urban activities. These designations are based upon soil conditions, historic and developing growth patterns, and existing or future availability of public facilities and services.

**POLICY 1.1.1:** The **Future Land Use Map** contained in this element is hereby adopted as the pattern for future development and substantial redevelopment within the unincorporated portion of Lee County. Map 16 and Table 1(b) are an integral part of the Future Land Use Map series (see Policies 1.7.6 and 2.2.2). They depict the extent of development through the year 2020. No development orders or extensions to development orders will be issued or approved by Lee County which would allow the Planning Community's acreage totals for residential, commercial or industrial uses established in Table 1(b) to be exceeded (see



*Policy 1.7.6). The cities of Fort Myers, Cape Coral, and Sanibel are depicted on these maps only to indicate the approximate intensities of development permitted under the comprehensive plans of those cities. Residential densities are described in the following policies and summarized in Table 1(a). (Amended by Ordinance No. 94-29, 98-09)*

The intent is to amend the Future Land Use Map to **Industrial Commercial Interchange** to allow the subject property to be developed with a light industrial, research and business park, educational center and commercial uses. The properties are currently in the Industrial FLUM, included in the future urban areas category. The change to Industrial Commercial Interchange will not overwhelmingly change the potential of the property, it simply adds commercial uses as a flexibility option and opens opportunities for FGCU.

**POLICY 1.3.4:** *The Industrial Commercial Interchange areas are designated to permit a mixture of light industrial and/or commercial uses. This category does not permit heavy industrial uses.*

The proposed amendment will provide enhanced workplace and job opportunities beyond light and heavy industrial manufacturing and warehousing. This amendment provides the opportunity to improve visual appearance of the development along I-75. Mixing in retail, commercial and research uses will add visual diversification to a typical industrial subdivision including commercial architectural standards, additional open space requirements, and additional buffer requirements.

## **GOAL 2: GROWTH MANAGEMENT**

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

The subject parcel is going to be served by adequate roadways and infrastructure such as sewer and water is scheduled to be in place as Three Oaks Parkway North is being constructed.

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

Three Oaks Parkway North is on the 2005-2010 LCDOT CIP which will prompt rapid development of the corridor. Additional roadways to be completed like the I-75 Alico interchange and the 6-laning of I-75 will also prompt development whose timing should coincide with the subject property, especially considering the properties are 12-18 months



away from having zoning in place. Action is taking place on nearly all surrounding properties. To the northwest proposals are out for rezoning, to the west is a pending IPD, to the south of that parcel a rezoning will take place soon, to the south is an approved CPD and to the east is an approved MPD under construction.

**OBJECTIVE 2.4: FUTURE LAND USE MAP AMENDMENTS.** *Regularly examine the Future Land Use Map in light of new information and changed conditions, and make necessary modifications.*

***POLICY 2.4.1:*** *The County will accept applications from private landowners or non-profit community organizations to modify the boundaries as shown on the Future Land Use Map. Procedures, fees, and timetables for this procedure will be adopted by administrative code. (Amended by Ordinance No. 94-30).*

In accordance with this policy the applicant is requesting approval to amend the Land Use Map to put in place a Land Use that is more appropriate for the subject parcel given its location, visibility and proximity to major population and future employment centers.

***POLICY 2.4.4:*** *Lee Plan amendment applications to expand the Lee Plan's employment centers, which include light industrial, commercial retail and office land uses, will be evaluated by the Board of County Commissioners in light of the locations and cumulative totals already designated for such uses, including the 1994 addition of 1,400 acres to the Tradeport category just south of the Southwest Florida International Airport. (Added by Ordinance No. 97-05, Amended by Ordinance No. 00-22. 04-16)*

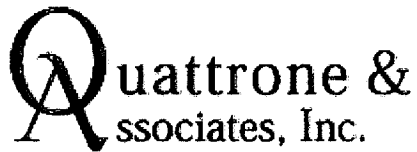
This application is driven by the need for a mix of industrial, commercial and office uses on the subject parcel beyond what is typically permitted in the Industrial land use category.

## **GOAL 6: COMMERCIAL LAND USES**

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

- *Traffic and access impacts are minimal given projected trip ends.*  
Access points are predetermined by the Three Oaks Parkway road design.
- *Screening and buffering can be provided to meet County standards.*  
The future development will be an MPD and the county can condition buffers to make the uses visually appealing and compatible with surrounding uses if the standard buffers are deemed inadequate.
- *Sewer and water facilities are available, as well as all other utilities.*  
Lee County Utilities intends to add sewer and water along Three Oaks Parkway as it is constructed.
- *No residential uses adjacent to the project are impacted.*



Residential areas do not exist in close proximity to the parcels. The county can condition buffering and uses in the future mixed-use planned development.

- *Similar uses are located in the area.*  
Industrial uses will be located to the west and southwest, the Interstate to the east followed by mixed commercial and industrial and commercial uses of intense nature to the south.
- *There are no environmental concerns with this property.*  
The site has a moderate amount of wetlands that have been determined by the Three Oaks Parkway engineering and the SFWMD permitting. Any impacts will be mitigated both on and off site as required by the permitting agencies.

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

The property is located on a future 4 lane arterial with access to Daniels Parkway north, Oriole Road to the west, Alico Road to the south and the I-75 interchange to the east. Commercial retail activities will be limited by the site location standards.

***POLICY 6.1.3:*** *Commercial developments requiring rezoning and meeting Development of County Impact (DCI) thresholds must be developed as commercial planned developments designed to arrange uses in an integrated and cohesive unit in order to:*

- *provide visual harmony and screening;*
- *reduce dependence on the automobile;*
- *promote pedestrian movement within the development;*
- *utilize joint parking, access and loading facilities;*
- *avoid negative impacts on surrounding land uses and traffic circulation;*
- *protect natural resources; and*
- *provide necessary services and facilities where they are inadequate to serve the proposed use. (Amended by Ordinance No. 94-30, 00-22)*

The project intends to provide appropriate screening and buffering along Three Oaks, and to preserve the cypress wetlands on site. Compliance with the Planned Development regulations will insure visual harmony and avoid other negative impacts.

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

The project intends to adhere to all LDC requirements of the Lee Plan.

## **GOAL 7: INDUSTRIAL LAND USES**

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**OBJECTIVE 7.1:** *All development approvals for industrial land uses must be consistent with the following policies, the general standards under Goal 11, and other provisions of this plan. (Amended by Ordinance No. 94-30)*

**POLICY 7.1.1:** *In addition to the standards required herein, the following factors apply to industrial rezoning and development order applications:*

1. *The development must comply with local, state, and federal air, water, and noise pollution standards.*
2. *When located next to residential areas, industry must not generate noise levels incompatible with the residential development.*
3. *Bulk storage or production of toxic, explosive, or hazardous materials will not be permitted near residential areas.*
4. *Contamination of ground or surface water will not be permitted.*
5. *Applications for industrial development will be reviewed and evaluated as to;*
  - a. air emissions (rezoning and development orders);*
  - b. impact and effect on environmental and natural resources (rezoning and development orders);*
  - c. effect on neighbors and surrounding land use (rezoning);*
  - d. impacts on water quality and water needs (rezoning and development orders);*
  - e. drainage system (development orders);*
  - f. employment characteristics (rezoning);*
  - g. fire and safety (rezoning and development orders);*
  - h. noise and odor (rezoning and development orders);*
  - i. buffering and screening (planned development rezoning and development orders);*
  - j. impacts on transportation facilities and access points (rezoning and development orders);*
  - k. access to rail, major thoroughfares, air, and, if applicable, water (rezoning and development orders);*
  - l. Utility needs (rezoning and development orders); and*
  - m. Sewage collection and treatment (rezoning and development orders). (Amended by Ordinance No. 00-22)*

The property is ideally suited for complying with the above standards. The project is bordered by industrial FLUC lands to the north and north of them is a 200' SWFIA Conveyance canal to the north, I-75 to the east, Three Oaks Parkway Extension North to the west and an intense commercial CPD to the south. The property has certain required wetland preserves and an existing borrow lake on site. The mixed use potential created by the Industrial Commercial Interchange category will lessen the intensity of the project from heavy industrial to light industrial, commercial and office uses. This should create greater compatibility with possible residential uses on the north side of the SWFIA Conveyance, improve the visual impact on I-75 and Three Oaks Parkway and provide development flexibility so that lesser intense uses can be placed accordingly. Infrastructure will be available through Lee County Utilities and will be installed at the time Three Oaks Parkway North Extension is developed.

**POLICY 7.1.2:** *Industrial developments requiring rezoning and meeting Development of County Impact (DCI) thresholds must be developed as Planned Developments designed to arrange uses as an integrated and cohesive unit in order to:*

- *promote compatibility and screening;*
- *reduce dependence on the automobile;*
- *promote pedestrian movement within the development;*
- *utilize joint parking, access and loading facilities;*
- *avoid negative impacts on surrounding land uses and traffic circulation;*
- *protect natural resources; and*
- *provide necessary facilities and services where they are inadequate to serve the proposed use. (Amended by Ordinance No. 94-30, 98-09, 00-22)*

The project intends to adhere to all requirements of a mixed use planned development and capture trips by providing a mix of employment and employment services on the site. The site provides central access to employees living in San Carlos Park, the communities in Estero and the Corkscrew Road corridor, the communities along Daniels Parkway extending to the residents of Lehigh. The surrounding transportation network is adequate and in line to be expanded in the 2020 Financially Feasible Plan.

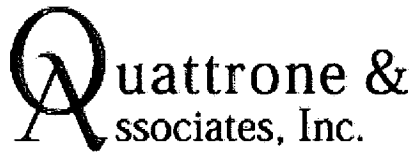
**POLICY 7.1.3:** *Industrial land uses must be located in areas appropriate to their special needs and constraints, including, but not limited to, considerations of topography; choice and flexibility in site selection; access by truck, air, deep water, and rail; commuter access from home-to-work trips; and utilities: greenbelt and other amenities; air and water quality considerations; proximity to supportive and related land uses; and compatibility with neighboring uses. (Amended by Ordinance No. 93-25, 94-30, 00-22)*

The project has excellent road access. Three Oaks North is to be a 4 lane arterial which connects to the 6-laned Daniels Parkway to the north and 6-laned Alico Road to the south. The Alico Road intersection is less than 1 mile south and abuts the redesigned (under construction) I-75 interchange which is also slated to be expanded to 6 lanes. Major residential densities are within a few miles of the property with San Carlos Park to the south on Three Oaks Parkway and to the north along or near Daniels Parkway.

**POLICY 7.1.4:** *The Future Land Use Map must designate a sufficient quantity of land to accommodate industrial development that will employ 3% of the county's population in manufacturing activities by the year 2010. A report will be prepared by county staff every two years to monitor the county's progress towards this employment goal. (Amended by Ordinance No. 93-25, 94-30, 00-22)*

The request maintains industrial development potential while adding a greater diversity of potential uses.

**POLICY 7.1.5:** *The timing and location of industrial development will be permitted only with the availability and adequacy of existing or planned services and facilities. (Amended by Ordinance No. 00-22)*



The region is growing fast and the roadway will be constructed soon. A mixed-use industrial and commercial center at this prime location will serve as an employment center.

***POLICY 7.1.8:*** *Land development regulations will require that industrial uses be adequately buffered and screened from adjacent existing or proposed residential areas so as to prevent visual blight and noise pollution. (Amended by Ordinance No. 00-22)*

The property is ideally suited for complying with the above standards. The project is bordered by a 200' SWFIA Conveyence canal to the north, I-75 to the east, Three Oaks Parkway Extension North to the west and an intense commercial CPD to the south. The property has certain required wetland preserves and an existing borrow lake on site. The mixed use potential created by the Industrial Commercial Interchange category will lessen the intensity of the project from heavy industrial to light industrial, commercial and office uses. This should create greater compatibility with possible residential uses on the north side of the SWFIA Conveyence, improve the visual impact on I-75 and Three Oaks Parkway and provide development flexibility so that lesser intense uses can be placed accordingly. Infrastructure will be available through Lee County Utilities and will be installed at the time Three Oaks Parkway North Extension is developed.

***POLICY 7.1.9:*** *Industrial development will not be permitted if it allows industrial traffic to travel through predominantly residential areas. (Amended by Ordinance No. 00-22)*

There are no residential areas currently located on Three Oaks Parkway Extension North nor any planned within an area that traffic from the subject property would have to travel through.

#### **GOAL 11: WATER, SEWER, TRAFFIC, AND ENVIRONMENTAL REVIEW STANDARDS**

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*Standard 11.1: Water*

*Standard 11.2: Sewer*

Utility connections are available through Lee County Utilities and will be available at the time the roadway is completed.

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## **GOAL 39: DEVELOPMENT REGULATIONS.**

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*Maintain clear, concise, and enforceable development regulations that fully address on-site and off-site development impacts and protect and preserve public transportation facilities. (Amended by Ordinance No. 98-09, 99-15)*

**OBJECTIVE 39.1: DEVELOPMENT IMPACTS.** *The county will maintain and enforce development regulations to ensure that impacts of development approvals occur concurrently with adequate roads, and to achieve maximum safety, efficiency, and cost effectiveness. (Amended by Ordinance No. 99-15)*

**POLICY 39.1.1:** *New development must:*

- *Have adequate on-site parking.*
- *Have access to the existing or planned public road system except where other public policy would prevent such access.*
- *Fund all private access and intersection work and mitigate all site-related impacts on the public road system; this mitigation is not eligible for credit against impact fees. (Amended and Relocated by Ordinance No. 99-15)*

The project intends to adhere or exceed all LDC requirements.

**POLICY 39.1.4:** *Main access points from new development will not be established where traffic is required to travel through areas with significantly lower densities or intensities (e.g. multifamily access through single-family areas, or commercial access through residential areas) except where adequate mitigation can be provided. (Amended and Relocated by Ordinance No. 99-15)*

Direct access to the project is to be on Three Oaks Parkway Extension North, an arterial road with direct access to Alico Road, US 41, I-75 and Treeline Avenue, all without traveling through low density areas of development.

**POLICY 39.1.5:** *The Land Development Code will continue to require appropriate landscaping for developments abutting arterial and collector roads. (Amended and Relocated by Ordinance No. 99-15)*

The project plans to meet buffer requirements conditioned through the rezoning process.

**POLICY 39.1.6:** *Through the zoning process, the county will direct high-intensity land uses to parcels which abut designated future transit corridors identified in Map 3C. (Amended by Ordinance No. 98-09, Amended and Relocated by Ordinance No. 99-15)*

While the location is appropriate for the uses requested, Lee Tran does not at this time have plans to provide services to Three Oaks North.

### **GOAL 53: POTABLE WATER INFRASTRUCTURE.**

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*To ensure the public health, welfare, and safety by the provision of high-quality central potable water service throughout the future urban areas of unincorporated Lee County, and to ensure that the costs of providing facilities for the supply of potable water are borne by those who benefit from them.*

**OBJECTIVE 53.1:** *The County will ensure the provision of acceptable levels of potable water service throughout the future urban areas of the unincorporated county, either directly by Lee County Utilities, or indirectly through franchised utility companies. (Amended by Ordinance No. 94-30, 00-22, 03-04)*

**POLICY 53.1.1:** *The Board of County Commissioners hereby establishes service areas for the Lee County Utilities water systems throughout which it will provide standard service as required by demand, and within which it will challenge applications by private water utilities to obtain a Certificate of Operation from the Florida Public Service Commission and reject all applications for a county franchise therein. These service areas are illustrated in Map 6. Within the Fort Myers urban reserve area, the service areas shown on the map are subject to modifications in accordance with existing and future interlocal agreements. (Amended by Ordinance No. 93-25)*

Lee County Utilities plans to provide sewer and water as Three Oaks North is constructed. The development intends to connect.

### **GOAL 53: SANITARY SEWER INFRASTRUCTURE.**

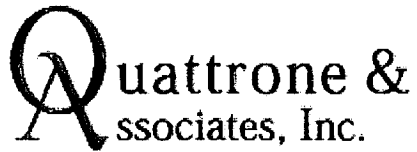
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*To protect the public health and environmental quality by encouraging and ensuring the provision of sanitary sewer service and wastewater treatment and disposal throughout the future urban areas of the unincorporated county and to Fort Myers Beach. (Amended by Ordinance No. 98-09)*

**OBJECTIVE 56.1:** *The county will ensure the provision of acceptable levels of sanitary sewer service throughout the future urban areas of the unincorporated county, either directly by Lee County Utilities or a utility authority, or indirectly through franchised utility companies. (Amended by Ordinance No. 00-22)*

**POLICY 56.1.1:** *The Board of County Commissioners hereby establishes service areas for the Fort Myers Beach Iona sewer system, the South Fort Myers sewer system, the East Lee County sewer system, and the Matlacha sewer system throughout which it will provide standard service as required by demand, and within which it will challenge applications by private sanitary sewer utilities to obtain a Certificate of Operation from the Florida Public Service Commission and reject all applications for a county franchise therein. These service areas are illustrated in Map 7. Within the Fort Myers urban reserve area, the service areas shown on the map are subject to modifications in accordance with existing and future interlocal agreements. (Amended by Ordinance No. 93-25) Although this property is not located in the City of Fort Myers Utility Franchise Area the City has extended potable water*





*and sewer lines to the incinerator west of the property which is adequately sized to serve future development on the subject parcel.*

Lee County Utilities plans to provide sewer and water as Three Oaks North is constructed. The development intends to connect.

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### **SECTION III**

#### **AFFECTS ON ADJACENT LOCAL GOVERNMENT AND ITS COMPREHENSIVE PLAN**

The subject property is located within the unincorporated portion of Lee County.

### **SECTION IV**

#### **STATE POLICY PLAN AND REGIONAL POLICY PLAN GOALS AND POLICIES**

State and Regional Policy Plans are consistent with the Lee County Comprehensive Plan and as such have been addressed.

# THREE OAKS NORTH CPA CPA2005-00005

## APPLICATION FOR A LARGE-SCALE COMPREHENSIVE PLAN AMENDMENT

LEE COUNTY, FLORIDA

 **Quattrone &**  
Associates, Inc.

THREE OAKS NORTH (CPA2005-00005)

**SUFFICIENCY RESPONSE**

Revised Application and  
Supplemental Data  
CPA2005-00005 (11-15-2006)



Lee County Board of County Commissioners  
Department of Community Development  
Division of Planning  
Post Office Box 398  
Fort Myers, FL 33902-0398  
Telephone: (239) 479-8585  
FAX: (239) 479-8519

**APPLICATION FOR A  
COMPREHENSIVE PLAN AMENDMENT**

(To be completed at time of intake)

DATE REC'D \_\_\_\_\_

REC'D BY: \_\_\_\_\_

APPLICATION FEE \_\_\_\_\_

TIDEMARK NO: \_\_\_\_\_

**THE FOLLOWING VERIFIED:**

Zoning ☐

Commissioner District ☐

Designation on FLUM ☐

-----  
(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: 19

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.

**11/15/06**

DATE

SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

## I. APPLICANT/AGENT/OWNER INFORMATION

**Paul H. Freeman, Trustee**

APPLICANT

**19091 Tamiami Trail, SE**

ADDRESS

**Fort Myers**

CITY

**239.267.3999**

TELEPHONE NUMBER

**FLORIDA**

STATE

**239.267.7622**

FAX NUMBER

**33908**

ZIP

**AL QUATTRONE – QUATTRONE AND ASSOCIATES, INC.**

AGENT\*

**11000 METRO PARKWAY, SUITE 30**

ADDRESS

**FORT MYERS**

CITY

**239.936.5222**

TELEPHONE NUMBER

**FLORIDA**

STATE

**239.936.7228**

FAX NUMBER

**33912**

ZIP

**Paul H. Freeman, Trustee**

OWNER(s) OF RECORD

**1940 West 49<sup>th</sup> Street, Suite #410**

ADDRESS

**Hialeah**

CITY

**305.827.3331**

TELEPHONE NUMBER

**FLORIDA**

STATE

**305.826.2092**

FAX NUMBER

**33012**

ZIP

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 20)

List Number(s) of Map(s) to be amended  
Map 1

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

1. Amend the Future Land Use designation (Map 1) from Industrial to Industrial Commercial Interchange for 82.86 acres, less 4.522 acres of jurisdictional wetlands which are to remain in the Wetland FLUM, contained in TWO parcels lying in Section 3, Township 46 South, Range 25 East, Lee County, Florida, lying west of I-75, in the Gateway/Airport Planning Community on the west side of I-75 south of the SWFIA Drainage Conveyance, north of Alico Road and east of the planned Three Oaks Parkway North Extension.

**III. PROPERTY SIZE AND LOCATION OF AFFECTED PROPERTY**

**(for amendments affecting development potential of property)**

**A. Property Location: Subject parcels are located west of I-75, east of Three Oaks Parkway Extension North, south of Daniels Parkway and north of Alico Road.**

1. Site Address: Access undetermined (will be Three Oaks Parkway North)

2. STRAP(s): 03-46-25-00-00001.1020, 03-46-25-00-00001.1050

**B. Property Information**

Total Acreage of Property: 78.338 acres

Total Acreage included in Request: 78.338 acres

Area of each Existing Future Land Use Category:

82.860 acres Industrial Development

Total Uplands: 78.338 acres

Total Wetlands: 4.522 acres(excluded from legal description for inclusion  
in land use change – to remain in wetland FLUC)

Current Zoning: AG-2

Current Future Land Use Designation:

INDUSTRIAL DEVELOPMENT (and some WETLANDS)

Existing Land Use: Vacant Agricultural Land

- 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: No

Airport Noise Zone 2 or 3: No, small portion in DNL 60 contour

Acquisition Area: No

Joint Planning Agreement Area (adjoining other jurisdictional lands): No

Community Redevelopment Area: No

- D. Proposed change for the Subject Property: **Amend the Future Land Use Map (1) designation to Industrial Commercial Interchange for a commercial office, retail and recreation center, a dedication to FGCU to anchor a proposed research park and to expand off campus functions, and a light industrial park that is sensitive to and compatible with the abutting areas with a sensitivity to this highly visible Interstate Corridor Location.**

- E. Potential development of the subject property:

1. Calculation of maximum allowable development under existing FLUM:

Residential Units/Density: **0.0 SF not permitted in the Industrial FLUM.**

Commercial intensity: **30,000 SF retail 760,000 SF industrial with an approximate 25% commercial office mix.**

Industrial intensity: **790,000 SF calculating 79 acres developable (pavement and building areas) at an intensity of approximately 10,000 SF of building per acre (no commercial).**

2. Calculation of maximum allowable development under proposed FLUM:

Residential Units/Density: **0.0 - not permitted in land use category existing or requested.**

Commercial intensity: **790,000 SF calculating 79 acres at an intensity of approximately 10,000 SF of building per acre (no industrial).**

Industrial intensity: 790,000 SF calculating 79 acres at an intensity of approximately 10,000 SF of building per acre (no commercial).

#### 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.  
**See attached document – Exhibit A-1.**
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.  
**See Attached Map - Exhibit A-2.**
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.

**See Attached Map - Exhibit A-3 and A-4.**

##### Proposal Overview

The subject property is located within the Gateway/Airport Planning Community with a Future Land Use designation of Industrial and is zoned AG-2. The subject property is currently vacant and is being used for cattle grazing. The site is in close proximity to the SWFIA and FGCU between Alico Road and Daniels Parkway. The property will have approximately 1,900 linear feet of frontage on Three Oaks Parkway North Extension and a similar amount of frontage on I-75.

The Gateway/Airport Planning Community has allocated 3,096 acres of land for industrial of which 262 acres are used leaving 2,834 available.



Most of this land is to the west of the subject property across the Three Oaks right-of-way north of Alico Road. The great majority of this land is accessed by service roads that connect the industrial land to Alico Road and do not connect to other roads. Appropriately these Industrial designated properties with the potential for heavy industrial development are isolated helping to reduce the potential impacts such as visual, noise, odor, dust, truck traffic, etc from other less intense uses.

In contrast, the subject property dominates a significant amount of Three Oaks Parkway and I-75 road frontage between Daniels Parkway and Alico Road. It is not unreasonable to argue that this corridor will be highly traveled by commuters, shoppers, tourists and other local traffic that is non-commercial and non-industrial based.

The Industrial future land use category limits the amount of office, retail and other non-industrial land uses understandably so the county can retain land for industrial uses that are necessary for balanced growth. We agree this is important and are not proposing to eliminate industrial uses from the land, hence the Industrial Commercial Interchange request. We feel that the highest and best use of the subject property is industrial park development mixed with office, retail and business park and for FGCU off-campus research park development along Three Oaks Parkway. The aforementioned uses are unable to be pursued under the Industrial FLUC since commercial, retail and office uses would need to exceed the Industrial FLUC limitation of 10% of potential development within the planned development.

The proposed land use change would allow:

1. FGCU to expand off-campus activities by increasing the permitted commercial and office building uses necessary for a comprehensive business park and enabling FGCU to anchor a proposed research park onto land the applicant intends to donate;
2. A recapturing of developable Industrial Commercial Interchange land lost to the Alico Road/I-75 Interchange improvements that has resulted in moving nearly 60 acres of Industrial Commercial Interchange land into the I-75 right-of-way. The recent expansion of the I-75 interchange at the northwest corner of Alico Road and the interstate reduced the developable acreage by approximately 30 acres. The expansion on the northeast corner of Alico Road and I-75 reduced the developable acreage by approximately 15 acres. The requirements of detention ponds along I-75 is causing a decrease developable acreage in the southwest quadrant of Alico Road and I-75 by another 15 acres;
3. An improvement of visual impacts upon Three Oaks Parkway and I-75 by diversifying the development potential with a greater

percentage of commercial, retail, and office uses as opposed to domination by an industrial park;

4. An improvement of services to county residents, FGCU students and personnel, and tourists by providing retail, office and other professional employment centers along an easily accessible, and highly visible major arterials; and
5. A diversification of the employment center beyond industrial and warehouse jobs to professional office, research park, retail and business services.

As statistics show less than 10% of the industrial land in the Gateway/Airport Planning Community have been utilized. The planning community has been allocated 824 acres of land for commercial of which 178 acres are used, therefore, 646 acres remain available for use. Neither category are in short supply so we had to look at the highest and most appropriate use of the property with the greatest long term benefits to the county given its location and characteristics.

#### Surrounding Land Uses

**EAST:** The property to the east is I-75. Across I-75 is a large tract of land that is part of a 275 acre mixed-use planned development. The property is currently vacant, zoned MPD (Airport Interstate Commerce Park, Z-05-029) approved for up to 1.4 million SF industrial and 309,000 SF retail and office commercial located within the Tradeport FLUC.

**SOUTH:** The property to the south is currently vacant but with an approved commercial planned development. The Alico Crossroads Center CPD (Z-03-017) is approved for 300,000 SF retail and 51,000 SF office. The CPD extends from the southern most property boundary of the subject property to Alico Road/Three Oaks Parkway North/I-75 interchange.

**WEST:** Directly west of the site is the future Three Oaks Parkway North Extension right-of-way. Then, west at the Three Oaks Parkway right-of-way just south of the SWFIA Conveyance, is a pending rezoning for Three Oaks Commerce Park to an industrial planned development. The property is currently zoned AG-2 in the Industrial FLUC. Next, is the planned extension of Oriole Road and vacant lands zoned AG-2 in the Industrial FLUC.

**NORTH:** North of the property are three parcels that are vacant and contain a borrow pit, wetland and a lot of designated preserve areas. Further north is the 200' SWFIA Conveyance canal, buffering the property from the vacant Rural category land to the north.

4. Map and describe existing zoning of the subject property and surrounding properties.  
See Attached Map - Exhibit A-3 and A-4.

Subject parcel is zoned AG-2  
North of subject parcel is zoned AG-2  
South of subject parcel is zoned CPD  
East of subject parcel is zoned MPD  
West of subject parcel is zoned AG-2 and pending IPD

5. The legal description(s) for the property subject to the requested change.  
A tract or parcel of land lying in Section 3, Township 46 South, Range 25 East, Lee County, Florida, described as follows:

Commencing at the Northwest corner of the aforesaid Section 3; thence run N.89°24'36"E. along the North line of said Section 3 for 1508.74 feet; thence run S.00°36'43"E. for 2097.19 feet to a point on the centerline of Three Oaks Parkway (150.00 feet wide); thence run N.89°23'17"E. for 75.00 feet to the point of beginning; thence continue N.89°23'17"E. for 1908.17 feet to the Westerly right-of-way line of Interstate Highway No. 75; thence run S.00°37'07"E. along said Westerly right-of-way line for 1222.63 feet; thence run S.03°23'08"W. along said Westerly right-of-way line for 672.48 feet; thence run N.89°23'08"E. along said Westerly right-of-way line for 18.08 feet; thence run S.00°36'52"E. along said Westerly right-of-way line for 6.32 feet; thence run S.89°23'17"W. for 1879.51 feet to the East right-of-way line of the aforesaid Three Oaks Parkway; thence run N.00°36'43"W. along said East right-of-way line for 1899.80 feet to the point of beginning.

Said tract contains 82.860 acres, more or less. Bearings are based on the North line of the aforesaid Section 3 as being N.89°24'36"E.

LESS AND EXCEPT:

DESCRIPTION: (Wetlands Tract)

A tract or parcel of land lying in Section 3, Township 46 South, Range 25 East, Lee County, Florida, described as follows:

Commencing at the Northwest corner of the aforesaid Section 3; thence run N.89°24'36"E. along the North line of said Section 3 for 1580.74 feet; thence run S.00°36'43"E. for 2097.19 feet; thence run N.89°23'17"E. for 825.20 feet to the point of beginning; thence run N.89°23'17"E. for 720.28 feet; thence run S.11°00'37"W. for 34.26 feet; thence run S.24°37'07"W. for 36.35 feet; thence run S.12°11'29"W. for 34.25 feet; thence run S.39°52'32"W. for 31.31 feet; thence run S.57°48'11"W. for 44.14 feet; thence run S.75°46'55"W. for 30.68 feet; thence run S.05°00'27"W. for 12.23 feet; thence run S.36°54'53"W. for 47.21 feet; thence run S.57°31'16"W. for 38.73 feet; thence run S.69°12'52"W. for 33.49 feet; thence run

S.34°25'01"W. for 54.39 feet; thence run S.67°31'56"W. for 40.02 feet; thence run S.53°50'19"W. for 33.26 feet; thence run S.77°23'35"W. for 54.51 feet; thence run S.60°28'16"W. for 44.67 feet; thence run S.36°38'58"W. for 20.09 feet; thence run S.79°45'22"W. for 33.60 feet; thence run S.63°58'04"W. for 26.69 feet; thence run N.87°00'47"W. for 54.82 feet; thence run N.54°09'32"W. for 83.78 feet; thence run N.37°17'40"W. for 24.61 feet; thence run N.03°30'58"E. for 29.57 feet; thence run N.62°49'03"W. for 31.54 feet; thence run N.11°21'38"W. for 13.32 feet; thence run N.33°07'40"W. for 33.80 feet; thence run N.11°54'15"E. for 82.92 feet; thence run N.61°53'42"W. for 37.48 feet; thence run N.26°19'11"W. for 16.34 feet; thence run N.75°59'12"W. for 23.99 feet; thence run N.35°10'35"W. for 25.24 feet; thence run N.28°35'00"W. for 40.25 feet; thence run N.12°05'22"E. for 46.56 feet; thence run N.00°51'37"E. for 19.06 feet to the point of beginning.

Said tract contains 4.522 acres, more or less. Bearings are based on the North line of the aforesaid Section 3 as being N.89°24'36"E.

6. A copy of the deed(s) for the property subject to the requested change.  
**See Attached.**
7. An aerial map showing the subject property and surrounding properties.  
**See Attached Map – Exhibit A-7.**
8. If applicant is not the owner, a letter from the owner of the property authorizing the applicant to represent the owner.  
**Applicant is agent for the owners. Affidavits are attached from all owners authorizing agent to proceed with CPA.**

**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;  
**See Attached Document – Exhibit B-1a.**

**The subject parcel is located in TAZ 1429 encompassing the area**



- 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.);

It is likely given the density and intensity possibilities for this parcel that the data will need to be updated. A change to Industrial Commercial Interchange on 78.338 acres makes provisions for:

- 0 residential units (NO CHANGE); or
- Up to 790,000 square feet of commercial office retail and recreational uses (+760,000 SF but in exchange of 790,000 SF industrial); or
- Up to 790,000 square feet of light industrial development (NO CHANGE).

In a meeting with Lee DOT and planning we were advised to provide development parameters for this analysis to be conducted by Lee DOT.

- 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;

We anticipate that the modifications are going to be minor given the TAZ includes intense development areas near Alico Road, I-75 and Three Oaks Parkway. Additionally, the 2020 Financially Feasible Network includes 6-laning I-75, improving the I-75 interchange, an Airport Entrance Road, and extending Three Oaks Parkway north to Daniels Parkway. Alico Road was recently improved to six lanes and the I-75 interchange is currently undergoing improvements to provide a full cloverleaf. Within the three-mile radius I-75 is to be 6 lanes by 2010 and Three Oaks Parkway will connect from Alico and continue north to Daniels Parkway. Further a corridor study is taking place involving an Airport entrance road that will provide additional traffic relief connecting the Airport, Treeline Boulevard, I-75 and US 41 across Three Oaks Parkway (see 2020 FFN graphic).

Given the road expansions underway, the road network for 2020 and the newly proposed 2030 FFN, the overall minor traffic impact changes from the full development potential of the parcel should be able to be adequately absorbed by the roadway network.

In a meeting with Lee DOT and Planning we were advised that Lee DOT would run the FSUTMS to determine if, given our development parameters, an improvement to the road network would be necessary.

- 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;

**It is not anticipated that improvements to the road network beyond the 2020 FFN will be required. It is our understanding that the road impact fees being contributed from the proposed development would more than offset the cost of the improvements necessary for the road network to absorb the traffic impacts created by the development.**

- 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;  
**Understood.**

- 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.  
**See Attached Three Oaks Development Parameters Exhibit.**

Short Range – 5-year CIP horizon:

- a. Besides the 20-year analysis, for those plan amendment proposals that include a specific and immediate development plan, identify the existing roadways serving the site and within a 3-mile radius (indicate laneage, functional classification, current LOS, and LOS standard);

***It is anticipated that the subject parcel will have a development plan prepared upon approval of the Future Land Use Amendment and rezoning to follow by the various respective owners. The major roads within a 3-mile radius are as follows:***



<i>Road Name</i>	<i>Laneage</i>	<i>Funct Class</i>	<i>LOS Crnt</i>	<i>LOS Std</i>
<i>Three Oaks Parkway</i>	<i>2 Lane</i>	<i>Art</i>	<i>C</i>	<i>C</i>
<i>Alico Road</i>	<i>6 Lane</i>	<i>Art</i>	<i>B</i>	<i>C</i>
<i>Interstate 75 N. of Alico</i>	<i>4 Lane</i>	<i>Art</i>	<i>E</i>	<i>C</i>
<i>Interstate 75 S. of Alico</i>	<i>4 Lane</i>	<i>Art</i>	<i>E</i>	<i>C</i>
<i>Treeline Boulevard</i>	<i>4 Lane</i>	<i>Art</i>	<i>B</i>	<i>C</i>
<i>US 41</i>	<i>6 Lane</i>	<i>Art</i>	<i>D</i>	<i>D</i>

- 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;

**Alico Road Widening to 6 lanes (4030), Three Oaks Parkway North Extension 4 lane (4053), Three Oaks Parkway South Extension 4 lane (4043), Three Oaks Parkway Widening 4 lane from Corkscrew Road to Alico Road (4081), Alico Road/US 41/Old US 41 intersection improvements and Metro Parkway extension south of Six Mile Cypress.**

- c. Projected 2020 LOS under proposed designation (calculate anticipated number of trips and distribution on roadway network, and identify resulting changes to the projected LOS);

**In a meeting with Lee DOT and Planning, we were advised that Lee DOT would run the FSUTMS and determine the resulting number of trips, distribution and impact on LOS for impacted roadways projected to 2020.**

- d. 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;

**In a meeting with Lee DOT and Planning, we were advised that Lee DOT would run the FSUTMS and determine the resulting number of trips, distribution and impact on LOS for impacted roadways projected to 2020.**

- e. Identify the additional improvements needed on the network beyond those programmed in the five-year horizon due to the development proposal.

**In a meeting with Lee DOT and Planning, we were advised that Lee DOT would run the FSUTMS and determine the improvements necessary, if any, to accommodate the project on the road network**

within a 3-mile radius. We do not anticipate improvements will need to be made beyond those deemed financially feasible in the 2020 FFN map.

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.

- 
- a. Sanitary Sewer
  - b. Potable Water

The site is located within the Lee County Utilities service area. We understand LCU has the capacity to serve the project. Currently the subject parcel is located within the future water or sewer franchise areas as depicted on Lee Plan Maps 6 and 7. Utilities infrastructure is planned as part of the Three Oaks Parkway construction.

We anticipate that the plan amendment will intensify the development potential of the property by increasing the permissible amount of commercial but overall, will not result in an increase in total permissible square footage of development. Currently the FLUM is Industrial which allows the following development density/intensity:

Residential Units/Density:	0.0 not permitted in Industrial FLUC
Commercial intensity:	30,000 SF retail and approximately 25% commercial, or (760,000*.25) 190,000 SF for 220,000 total commercial. (570,00 SF industrial remaining)
Industrial intensity:	790,000 SF

The maximum allowable development under proposed FLUM based on the proposed site plan enclosed and/or maximum development potential:

Residential Units/Density:	0 Units • NO CHANGE
Commercial intensity:	790,000 SF • AN INCREASE OF 760,000 SF, but in substitution of 760,000 SF of currently permitted industrial and 30,000 retail.

or

Industrial intensity: 790,000 SF  
• NO CHANGE

Based on these calculations the total expected water and wastewater treatment volumes will be approximately 110,088 GPD.

- Franchise Area, Basin, or District in which the property is located;

The property falls into the Lee County Utilities potable water and sanitary sewer future service areas (Maps provided in submittal package). LCU will have capacity to service the project according to the 2005-2007 Concurrency Report. Lee County Utilities has begun construction of a 3.0 MGD expansion of the Three Oaks STP which will bring the capacity of the plant to 6.0 MGD to serve rapidly growing areas of Estero and San Carlos Park. It is our understanding that this plant will serve the project and we are waiting for confirmation from LCU from a letter sent October 4, 2006.

c. Surface Water/Drainage Basins

Drainage has been determined and established by the Three Oaks Parkway Extension North and Oriole Road Extension North permitting completed by Source Engineering for the SFWMD. See attached Three Oaks Development Parameters exhibit or contact Source Engineering and LCDOT for more details.

- Basin in which the property is located;

Coastal Ecosystems Watershed of the South Florida Water Management District in the Six Mile Slough drainage basin.

d. Parks, Recreation, and Open Space.

Three Oaks Community Park is located approximately 2 miles south of the site. On-site open space will be provided as required. Recreational amenities may be incorporated into the site as provided by employers or as auxiliary commercial development in the form of health and exercise clubs and by day care providers.

- Anticipated revisions to the Community Facilities and Services Element and/or Capital Improvements Element (state if these revisions are included in this amendment).

**We do not anticipate the need for parks or recreation to increase in**

the area due to the proposed possible development. The overall development parameters actually change very little. The major change is substituting commercial for industrial but overall intensity of square footage will not increase.

- District in which the property is located;

**South Fort Myers Unincorporated Benefit District.**

- Improvements/expansions currently programmed in 5 year CIP, 6-10 year CIP, and long range improvements; and

The required (Regulatory) Level of Service standard for community parks is currently eight tenths (0.8) acres of developed standard community parks per 1,000 permanent residents in the unincorporated area of each district. The "Desired Future Level of Service Standard" is two acres per 1,000 permanent residents which has been in effect since September 30, 1998. The South Fort Myers Unincorporated District has a total of 145 acres. The regulatory standard (66 acres in 2005) and the "Desired" standard (165 acres in 2005) were met in 2005 and will continue to be met through 2009. The South Fort Myers Community Park is planned for the district in 2006/2007 and will occupy 30 acres.

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.

Letters were sent September 21, 2006 and have been attached to the submittal file. Letters from the above listed agencies are attached or pending arrival.

*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).  
**See Attached Map – Exhibit C-1 and C-2.**
2. A map and description of the soils found on the property (identify the source of the information).  
**See Attached Map – Exhibit C-1 and C-2.**
3. A topographic map with property boundaries and 100-year flood prone areas indicated (as identified by FEMA).  
**See Attached Map – Exhibit C-3.**
4. A map delineating wetlands, aquifers recharge areas, and rare & unique uplands.  
**See Attached Map – Exhibit C-4.**
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).  
**See Attached Map – Exhibit C-5.**

**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.

**There are not any historical resources located on the property. A letter has been provided from the State of Florida.**

2. A map showing the subject property location on the archeological sensitivity map for Lee County.  
**See Attached Exhibit D-1.**

**The subject parcel is NOT located in one of the two sensitivity areas.**

**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.  
**See Attached Exhibit E, Section 1.**

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.

**See Attached Exhibit E, Section 2.**

3. Describe how the proposal affects adjacent local governments and their comprehensive plans.

**See Attached Exhibit E, Section 3.**

4. List State Policy Plan and Regional Policy Plan goals and policies which are relevant to this plan amendment.

**See Attached Exhibit E, Section 4.**

**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.

**The subject parcel will be located with over 3,000 linear feet of road frontage and access onto Three Oak Parkway North Extension, a 4 lane arterial which will connect to Alico Road, a 6 lane arterial and Daniels Parkway, a 6 lane arterial. Both Alico and Daniels connect directly to I-75 interchanges.**

- b. Provide data and analysis required by Policy 2.4.4.

**The land use category change will not alter the current industrial employment opportunities but will serve to expand the mix of employment possibilities by permitting more retail and office uses in direct support of this policy.**

- c. The affect of the proposed change on county's industrial employment goal specifically policy 7.1.4.

**The proposed land use amendment will not impact the goal of policy 7.1.4. since the current and proposed land use categories both support industrial development.**

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.

**The lands are currently in the Future Urban Areas and the request is compatible with uses allowed in the future urban areas.**

3. Requests involving lands in critical areas for future water supply must be evaluated based on policy 2.4.2.

**The lands are not in critical areas for future water supply.**

4. Requests moving lands from Density Reduction/Groundwater Resource must fully address Policy 2.4.3 of the Lee Plan Future Land Use Element.

**The lands are not in the DR/GR.**

- 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.

**See Attached Exhibit E (Introduction to the Project).**

**Item 1: Fee Schedule**

Map Amendment Flat Fee	\$2,000.00 each
Map Amendment > 20 Acres	\$2,000.00 and \$20.00 per 10 acres up to a maximum of \$2,255.00
Small Scale Amendment (10 acres or less)	\$1,500.00 each
Text Amendment Flat Fee	\$2,500.00 each



## EXHIBIT "A"

### DESCRIPTION:

- A tract or parcel of land lying in Section 3, Township 46 South, Range 25 East, Lee County, Florida, described as follows:

Commencing at the Northwest corner of the aforesaid Section 3; thence run N.89°24'36"E. along the North line of said Section 3 for 1508.74 feet; thence run S.00°36'43"E. for 2097.19 feet to a point on the centerline of Three Oaks Parkway (150.00 feet wide); thence run N.89°23'17"E. for 75.00 feet to the point of beginning; thence continue N.89°23'17"E. for 1908.17 feet to the Westerly right-of-way line of Interstate Highway No. 75; thence run S.00°37'07"E. along said Westerly right-of-way line for 1222.63 feet; thence run S.03°23'08"W. along said Westerly right-of-way line for 672.48 feet; thence run N.89°23'08"E. along said Westerly right-of-way line for 18.08 feet; thence run S.00°36'52"E. along said Westerly right-of-way line for 6.32 feet; thence run S.89°23'17"W. for 1879.51 feet to the East right-of-way line of the aforesaid Three Oaks Parkway; thence run N.00°36'43"W. along said East right-of-way line for 1899.80 feet to the point of beginning.

Said tract contains 82.860 acres, more or less. Bearings are based on the North line of the aforesaid Section 3 as being N.89°24'36"E.

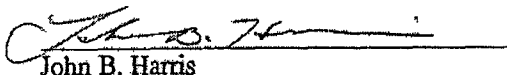
### LESS AND EXCEPT:

#### DESCRIPTION: (Wetlands Tract)

- A tract or parcel of land lying in Section 3, Township 46 South, Range 25 East, Lee County, Florida, described as follows:

Commencing at the Northwest corner of the aforesaid Section 3; thence run N.89°24'36"E. along the North line of said Section 3 for 1580.74 feet; thence run S.00°36'43"E. for 2097.19 feet; thence run N.89°23'17"E. for 825.20 feet to the point of beginning; thence run N.89°23'17"E. for 720.28 feet; thence run S.11°00'37"W. for 34.26 feet; thence run S.24°37'07"W. for 36.35 feet; thence run S.12°11'29"W. for 34.25 feet; thence run S.39°52'32"W. for 31.31 feet; thence run S.57°48'11"W. for 44.14 feet; thence run S.75°46'55"W. for 30.68 feet; thence run S.05°00'27"W. for 12.23 feet; thence run S.36°54'53"W. for 47.21 feet; thence run S.57°31'16"W. for 38.73 feet; thence run S.69°12'52"W. for 33.49 feet; thence run S.34°25'01"W. for 54.39 feet; thence run S.67°31'56"W. for 40.02 feet; thence run S.53°50'19"W. for 33.26 feet; thence run S.77°23'35"W. for 54.51 feet; thence run S.60°28'16"W. for 44.67 feet; thence run S.36°38'58"W. for 20.09 feet; thence run S.79°45'22"W. for 33.60 feet; thence run S.63°58'04"W. for 26.69 feet; thence run N.87°00'47"W. for 54.82 feet; thence run N.54°09'32"W. for 83.78 feet; thence run N.37°17'40"W. for 24.61 feet; thence run N.03°30'58"E. for 29.57 feet; thence run N.62°49'03"W. for 31.54 feet; thence run N.11°21'38"W. for 13.32 feet; thence run N.33°07'40"W. for 33.80 feet; thence run N.11°54'15"E. for 82.92 feet; thence run N.61°53'42"W. for 37.48 feet; thence run N.26°19'11"W. for 16.34 feet; thence run N.75°59'12"W. for 23.99 feet; thence run N.35°10'35"W. for 25.24 feet; thence run N.28°35'00"W. for 40.25 feet; thence run N.12°05'22"E. for 46.56 feet; thence run N.00°51'37"E. for 19.06 feet to the point of beginning.

Said tract contains 4.522 acres, more or less. Bearings are based on the North line of the aforesaid Section 3 as being N.89°24'36"E.

  
John B. Harris

P.S.M. #4631 November 10, 2006

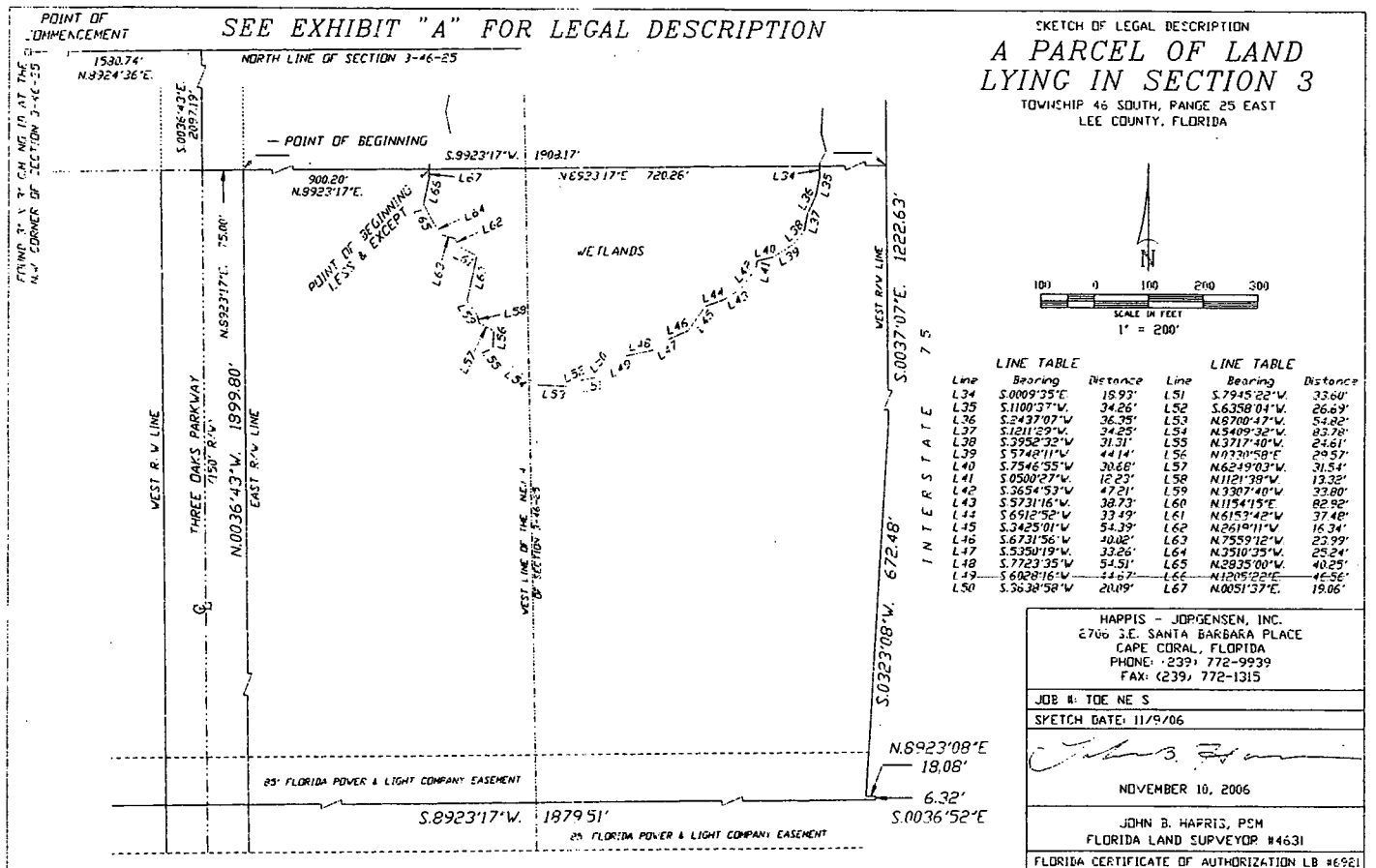




EXHIBIT A-1  
PROPOSED TEXT CHANGES

THREE OAKS NORTH CPA  
Future Land Use Map Amendment  
STRAP#: 03-46-25-00-00001.1030 and 03-46-25-00-00001.103C  
Three Oaks Ext North, Fort Myers, Florida 33912

TABLE 1(b)  
(Planning Community Year 2020 Allocations)

We are requesting a change in the Planning Communities Map 16 for **82.86** acres (revised from 169.2 acres) from Industrial to Industrial Commercial Interchange.

We are NOT requesting a change to the 2020 allocations for the Gateway/Airport planning community Table 1(b) because the planning community has ample acreage dedicated to the industrial and commercial uses proposed within the project. The planning community has been allocated 824 acres of land for commercial of which 178 acres are used, therefore, 646 acres remain available for use. The project contains  $82.86 - 4.52 = 78.34$  gross acres. The planning community has been allocated 3,096 acres of land for industrial of which 262 acres are used leaving 2,834 available.

According to development parameters determined by the Three Oaks Parkway Extension North corridor study and mapping produced by Source Engineering for the South Florida Water Management District permit, the development parameters are as follows:

LOT	Total Parcel	Preserve	Wetland	Three Oaks ROW	Pavement	Building	Dry Detention	Other (Open Space)	Percent Imperv.
18	38.49	6.22	4.52	0.00	18.40	9.20	2.90	1.77	72%
17	44.37	0.00	0.00	0.00	22.17	11.09	3.99	6.85	75%
TOT	82.86	6.22	4.52	0.00	40.57	20.29	6.89	8.62	

table summary next page . . .

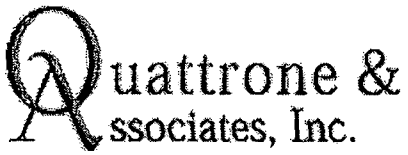


Table Summary

GROSS ACRES	82.86	(100.0%)
CONSTRAINED (Wetland, Preserve):	10.74	(13.0%)
DEVELOPABLE:	72.12	(87.0%)
PAVEMENT	40.57	(49.0%)
BUILDING	20.29	(24.5%)
TOTAL IMPERVIOUS:	60.86	(73.5%)
DRY DETENTION	6.89	(8.3%)
OPEN SPACE	8.62	10.4%)
OTHER:	15.51	(18.7%)

# LEE PLAN GOALS & OBJECTIVES

LEE PLAN GOALS & OBJECTIVES

**EXHIBIT E1-4  
INTERNAL CONSISTENCY WITH THE LEE PLAN**

**THREE OAKS NORTH CPA  
Future Land Use Map and Text Amendment  
STRAP#: 03-46-25-00-00001.1030 and 03-46-25-00-00001.103C  
Three Oaks Ext North, Fort Myers, Florida 33912**

**PROPOSAL OVERVIEW**

The subject property is located within the Gateway/Airport Planning Community with a Future Land Use designation of Industrial and is zoned AG-2. The subject property is currently vacant and is being used for cattle grazing. The site is in close proximity to the SWFIA and FGCU between Alico Road and Daniels Parkway. The property will have 1,900 linear feet of frontage on Three Oaks Parkway North Extension and a similar amount of frontage on I-75.

The Gateway/Airport Planning Community has allocated 3,096 acres of land for industrial of which 262 acres are used leaving 2,834 available. Most of this land is to the west of the subject property across the Three Oaks right-of-way north of Alico Road. The great majority of this land is accessed by service roads that connect the industrial land to Alico Road and do not connect to other roads. Appropriately these Industrial designated properties with the potential for heavy industrial development are isolated helping to reduce the potential impacts such as visual, noise, odor, dust, truck traffic, etc from other less intense uses.

In contrast, the subject property dominates a significant amount of Three Oaks Parkway and I-75 road frontage between Daniels Parkway and Alico Road. It is not unreasonable to argue that this corridor will be highly traveled by commuters, shoppers, tourists and other local traffic that is non-commercial and non-industrial based.

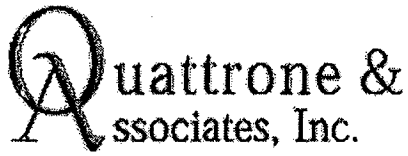
As statistics show, less than 10% of the industrial land in the Gateway/Airport Planning Community have been utilized. The planning community has been allocated 824 acres of land for commercial of which 178 acres are used, therefore, 646 acres remain available for use. Neither category are in short supply so we looked at the highest and most appropriate use of the property with the greatest long term benefits to the county given its location and characteristics.

**WHY A LAND USE CATEGORY CHANGE?**

The basis for our request lies within the three primary limitations of the Industrial future land use category on the types and amount of commercial, office and retail uses:

1. Commercial uses limited to 10% of potential development within a PD; and
2. Commercial office must be directly related to on-site industrial businesses; and
3. Retail 30,000 square feet.

**What we intend to do** is build a mixed use industrial park, commercial center and supporting retail made up of approximately 50% industrial, 30% commercial/office and 20%



retail. The primary element is a 50,000 square foot FGCU off-campus research park with high visibility to I-75, a clean commercial office corridor along I-75 ROW, clean, supporting retail and additional office components along Three Oaks Parkway and an internal industrial park. (MCP EXHIBIT)

The proposed land use change would allow:

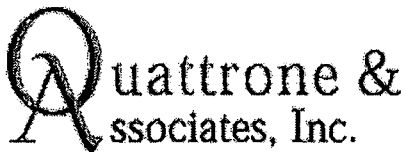
1. FGCU to expand off-campus activities by increasing the permitted commercial and office building uses necessary for a comprehensive business park and enabling FGCU to anchor a proposed research park onto land the applicant intends to donate;
2. A recapturing of developable Industrial Commercial Interchange land lost to the Alico Road/I-75 Interchange improvements that has resulted in moving nearly 60 acres of Industrial Commercial Interchange land into the I-75 right-of-way. The recent expansion of the I-75 interchange at the northwest corner of Alico Road and the interstate reduced the developable acreage by approximately 30 acres. The expansion on the northeast corner of Alico Road and I-75 reduced the developable acreage by approximately 15 acres. The requirements of detention ponds along I-75 is causing a decrease developable acreage in the southwest quadrant of Alico Road and I-75 by another 15 acres;
3. An improvement of visual impacts upon Three Oaks Parkway and I-75 by diversifying the development potential with a greater percentage of commercial, retail, and office uses as opposed to domination by an industrial park;
4. An improvement of services to county residents, FGCU students and personnel, and tourists by providing retail, office and other professional employment centers along an easily accessible, and highly visible major arterials; and
5. A diversification of the employment center beyond industrial and warehouse jobs to professional office, research park, retail and business services.

**What we do NOT intend to do** is build a regional shopping center.

However, the uses necessary for FGCU and a business/industrial park are unable to be pursued under the Industrial FLUC for three reasons:

1. The proposed commercial office uses will be unrelated to the industrial development on-site as required by the Industrial FLUC; and
2. The amount of commercial for the business park and FGCU research facility would need to exceed the Industrial FLUC limitation of 10% of potential development within the planned development; and
3. Demand for supporting retail along the Three Oaks corridor will exceed the 30,000 square feet limit.





#### BENEFITS OF A LAND USE CHANGE

- Overcome the limitations placed on commercial uses in the industrial land use category.
- Use of 44.11 acres of Industrial Commercial Interchange acreage by the I-75 ROW for the new interchange. Recouping some of the loss.
- Location: an extensive road system is in place. The site will be located on an arterial that connects directly to two major arterials one of which is at an interchange for I-75. In addition, Alico Road connects to US 41 and the future Metro Parkway north extension to the west. Three Oaks is being four-laned to the south and will connect to Naples. If this area is not appropriate for a commercial and industrial mixed development, then where in the county is?
- Reduction of local trips lengths: San Carlos Park, Three Oaks regional park, schools, etc. are nearby.
- A significant amount of industrial development is coming on-line west of this project, millions of square feet with room for millions more. Is necessary for more pure industrial to be located along to major corridors with high visibility?
- Meet demand: FGCU needs off-site room to expand. Mr. Freeman is willing to dedicate land to the University for a 50,000 square foot office, research and possibly business incubator.
- Demand does not call for a regional retail center – it is simply not the proper location.
- Likewise it is not the proper location for a purely industrial development either. The corridor and visibility is too significant to “dirty” with industrial uses. Clean corridors, well designed integrated architecture along the arterials is the intention.

#### DETAILS OF REQUEST

The property is located in the Gateway/Airport Planning Community on the west side of I-75 south of the SWFIA Drainage Conveyance, north of Alico Road and east of the planned Three Oaks Parkway North Extension. The property occupies **82.86** acres (revised from 169.2). The property is currently in the Industrial future land use category. The application is requesting a change from Industrial to Industrial Commercial Interchange FLUM with development plans to create a commercial office, retail and recreation center, a dedication to FGCU to anchor a proposed research park and to expand off campus functions, and a light industrial park that is sensitive to and compatible with the abutting areas with a sensitivity to this highly visible corridor location.

#### PROJECT ACREAGE

GROSS ACRES	82.86	(100.0%)
CONSTRAINED (Wetland, Preserve):	10.74	(13.0%)
DEVELOPABLE:	72.12	(87.0%)
PAVEMENT	40.57	(49.0%)
BUILDING	20.29	(24.5%)
TOTAL IMPERVIOUS:	60.86	(73.5%)
DRY DETENTION	6.89	(8.3%)
OPEN SPACE	8.62	10.4%)



OTHER:

15.51 (18.7%)

The projects proximity to I-75, 1,900 linear feet of frontage on Three Oaks North, access to the SWFI Airport via Treeline Avenue and location near FGCU make this a prime place for uses beyond those traditionally permitted in the Industrial FLUC. Allowing a change to Industrial Commercial Interchange retains the industrial potential base while encouraging and providing for additional employment and service opportunities.

One such opportunity is commercial and educational space to be used by FGCU as the landowners cooperate with FGCU to create a research and business park to attract new industry to the area. Without the land use change, the uses required by the University would not be permitted on the property. The particular region has a significant amount of industrial land use. Commercial and office uses would provide a much needed mix of employment opportunities. Another opportunity lies in the land use category permitting many commercial and office uses that are less intense than industrial development. These commercial uses will be along the Interstate and along Three Oaks Parkway to provide a visual buffer for the traveling public. Any more intense industrial activities will take place near the central portions of the site away from the likely lower density and possible multi-family housing development north of the SWFIA Conveyance.

#### CONCLUSION

It seems that all parties feel that the potential development of a FGCU research park, office and retail corridor along I-75 and Three Oaks and an internal industrial park is a good thing. Give this development a chance, let the LDC and concurrency requirements limit the project, let the zoning staff restrict the development through condition of the MPD, but do not let this development not have a chance because of a long-term resolvable issue with no solution.

## SECTION II

### THE LEE PLAN

This request is consistent with the goals, objectives, policies and intent of the Lee Plan in accordance with the following:

## **LEE PLAN VISION**

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### **Planning Community**

**Gateway/Airport** - This Community is located South of SR 82, generally east of I-75, and north of Alico Road including those portions of the Gateway development that either have not been or are not anticipated to be annexed into the City of Fort Myers, the Southwest Florida International Airport and the properties the airport expects to use for its expansion, the lands designated as Tradeport, and the land designated as Industrial Development west of I-75 north of Alico Road. In addition to these two land use designations, properties in this community are designated New Community (the Gateway development), Airport, Density Reduction/Groundwater Resource (primarily the anticipated airport expansion areas), Rural, and General Interchange. The road network in this community is planned to change dramatically over time creating access to and from this community to the north, south, and east without relying on I-75.

There are three distinct areas within this community . . . The airport expansion and the completion of Florida Gulf Coast University are expected to energize the remaining area in this community, including the commercial and industrial components. This portion of the community is to the south and west of Gateway and the airport and extends west of I-75 along Alico Road. While this segment of the community is not expected to build out during the timeframe of this plan, the area will be much more urbanized with hi-tech/clean industry businesses. (Amended by Ordinance No. 04-16)

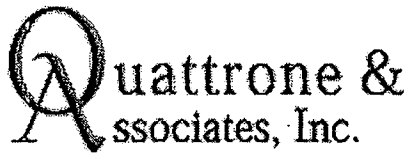
The "energizing" of the community in the area north of Alico and west of I-75 will occur to a greater extent if some additional commercial, office, educational and retail activities are permitted. The subject parcels have 1,900 linear feet of the I-75 and Three Oaks North road frontage. It seems like a natural fit to better use such visibility for uses beyond light manufacturing, especially uses that serve to expand the presence of FGCU and create a business and research park that will be at the Gateway to the major Lee County Airport/University Interstate Interchange.

## **GOAL 1: FUTURE LAND USE**

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**OBJECTIVE 1.1: FUTURE URBAN AREAS.** Designate on the Future Land Use Map (Map 1) categories of varying intensities to provide for a full range of urban activities. These designations are based upon soil conditions, historic and developing growth patterns, and existing or future availability of public facilities and services.

**POLICY 1.1.1:** The ***Future Land Use Map*** contained in this element is hereby adopted as the pattern for future development and substantial redevelopment within the unincorporated portion of Lee County. Map 16 and Table 1(b) are an integral part of the Future Land Use Map series (see Policies 1.7.6 and 2.2.2). They depict the extent of development through the year 2020. No development orders or extensions to development orders will be issued or approved by Lee County which would allow the Planning Community's acreage totals for residential, commercial or industrial uses established in Table 1(b) to be exceeded (see



*Policy 1.7.6). The cities of Fort Myers, Cape Coral, and Sanibel are depicted on these maps only to indicate the approximate intensities of development permitted under the comprehensive plans of those cities. Residential densities are described in the following policies and summarized in Table 1(a). (Amended by Ordinance No. 94-29, 98-09)*

The intent is to amend the Future Land Use Map to **Industrial Commercial Interchange** to allow the subject property to be developed with a light industrial, research and business park, educational center and commercial uses. The properties are currently in the Industrial FLUM, included in the future urban areas category. The change to Industrial Commercial Interchange will not overwhelmingly change the potential of the property, it simply adds commercial uses as a flexibility option and opens opportunities for FGCU.

***POLICY 1.3.4:*** *The Industrial Commercial Interchange areas are designated to permit a mixture of light industrial and/or commercial uses. This category does not permit heavy industrial uses.*

The proposed amendment will provide enhanced workplace and job opportunities beyond light and heavy industrial manufacturing and warehousing. This amendment provides the opportunity to improve visual appearance of the development along I-75. Mixing in retail, commercial and research uses will add visual diversification to a typical industrial subdivision including commercial architectural standards, additional open space requirements, and additional buffer requirements.

## **GOAL 2: GROWTH MANAGEMENT**

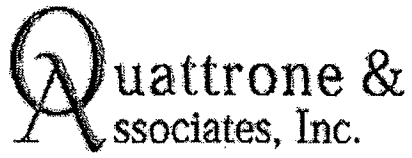
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**OBJECTIVE 2.1: DEVELOPMENT LOCATION.** *Contiguous and compact growth patterns will be promoted through the rezoning process to contain urban sprawl, minimize energy costs, conserve land, water, and natural resources, minimize the cost of services,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

The subject parcel is going to be served by adequate roadways and infrastructure such as sewer and water is scheduled to be in place as Three Oaks Parkway North is being constructed.

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

Three Oaks Parkway North is on the 2005-2010 LCDOT CIP which will prompt rapid development of the corridor. Additional roadways to be completed like the I-75 Alico interchange and the 6-laning of I-75 will also prompt development whose timing should coincide with the subject property, especially considering the properties are 12-18 months



away from having zoning in place. Action is taking place on nearly all surrounding properties. To the northwest proposals are out for rezoning, to the west is a pending IPD, to the south of that parcel a rezoning will take place soon, to the south is an approved CPD and to the east is an approved MPD under construction.

**OBJECTIVE 2.4: FUTURE LAND USE MAP AMENDMENTS.** *Regularly examine the Future Land Use Map in light of new information and changed conditions, and make necessary modifications.*

***POLICY 2.4.1:*** *The County will accept applications from private landowners or non-profit community organizations to modify the boundaries as shown on the Future Land Use Map. Procedures, fees, and timetables for this procedure will be adopted by administrative code. (Amended by Ordinance No. 94-30).*

In accordance with this policy the applicant is requesting approval to amend the Land Use Map to put in place a Land Use that is more appropriate for the subject parcel given its location, visibility and proximity to major population and future employment centers.

***POLICY 2.4.4:*** *Lee Plan amendment applications to expand the Lee Plan's employment centers, which include light industrial, commercial retail and office land uses, will be evaluated by the Board of County Commissioners in light of the locations and cumulative totals already designated for such uses, including the 1994 addition of 1,400 acres to the Tradeport category just south of the Southwest Florida International Airport. (Added by Ordinance No. 97-05, Amended by Ordinance No. 00-22. 04-16)*

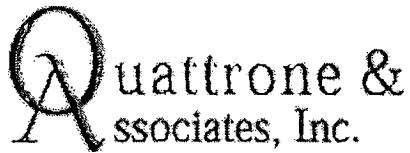
This application is driven by the need for a mix of industrial, commercial and office uses on the subject parcel beyond what is typically permitted in the Industrial land use category.

## **GOAL 6: COMMERCIAL LAND USES**

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

- *Traffic and access impacts are minimal given projected trip ends.*  
Access points are predetermined by the Three Oaks Parkway road design.
- *Screening and buffering can be provided to meet County standards.*  
The future development will be an MPD and the county can condition buffers to make the uses visually appealing and compatible with surrounding uses if the standard buffers are deemed inadequate.
- *Sewer and water facilities are available, as well as all other utilities.*  
Lee County Utilities intends to add sewer and water along Three Oaks Parkway as it is constructed.
- *No residential uses adjacent to the project are impacted.*



Residential areas do not exist in close proximity to the parcels. The county can condition buffering and uses in the future mixed-use planned development.

- *Similar uses are located in the area.*  
Industrial uses will be located to the west and southwest, the Interstate to the east followed by mixed commercial and industrial and commercial uses of intense nature to the south.
- *There are no environmental concerns with this property.*  
The site has a moderate amount of wetlands that have been determined by the Three Oaks Parkway engineering and the SFWMD permitting. Any impacts will be mitigated both on and off site as required by the permitting agencies.

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

The property is located on a future 4 lane arterial with access to Daniels Parkway north, Oriole Road to the west, Alico Road to the south and the I-75 interchange to the east. Commercial retail activities will be limited by the site location standards.

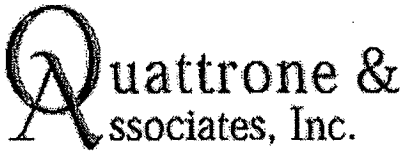
**POLICY 6.1.3:** *Commercial developments requiring rezoning and meeting Development of County Impact (DCI) thresholds must be developed as commercial planned developments designed to arrange uses in an integrated and cohesive unit in order to:*

- *provide visual harmony and screening;*
- *reduce dependence on the automobile;*
- *promote pedestrian movement within the development;*
- *utilize joint parking, access and loading facilities;*
- *avoid negative impacts on surrounding land uses and traffic circulation;*
- *protect natural resources; and*
- *provide necessary services and facilities where they are inadequate to serve the proposed use. (Amended by Ordinance No. 94-30, 00-22)*

The project intends to provide appropriate screening and buffering along Three Oaks, and to preserve the cypress wetlands on site. Compliance with the Planned Development regulations will insure visual harmony and avoid other negative impacts.

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

The project intends to adhere to all LDC requirements of the Lee Plan.



## **GOAL 7: INDUSTRIAL LAND USES**

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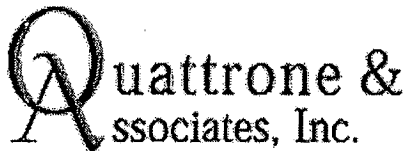
**OBJECTIVE 7.1:** *All development approvals for industrial land uses must be consistent with the following policies, the general standards under Goal 11, and other provisions of this plan. (Amended by Ordinance No. 94-30)*

**POLICY 7.1.1:** *In addition to the standards required herein, the following factors apply to industrial rezoning and development order applications:*

1. *The development must comply with local, state, and federal air, water, and noise pollution standards.*
2. *When located next to residential areas, industry must not generate noise levels incompatible with the residential development.*
3. *Bulk storage or production of toxic, explosive, or hazardous materials will not be permitted near residential areas.*
4. *Contamination of ground or surface water will not be permitted.*
5. *Applications for industrial development will be reviewed and evaluated as to;*
  - a. air emissions (rezoning and development orders);*
  - b. impact and effect on environmental and natural resources (rezoning and development orders);*
  - c. effect on neighbors and surrounding land use (rezoning);*
  - d. impacts on water quality and water needs (rezoning and development orders);*
  - e. drainage system (development orders);*
  - f. employment characteristics (rezoning);*
  - g. fire and safety (rezoning and development orders);*
  - h. noise and odor (rezoning and development orders);*
  - i. buffering and screening (planned development rezoning and development orders);*
  - j. impacts on transportation facilities and access points (rezoning and development orders);*
  - k. access to rail, major thoroughfares, air, and, if applicable, water (rezoning and development orders);*
  - l. Utility needs (rezoning and development orders); and*
  - m. Sewage collection and treatment (rezoning and development orders). (Amended by Ordinance No. 00-22)*

The property is ideally suited for complying with the above standards. The project is bordered by industrial FLUC lands to the north and north of them is a 200' SWFIA Conveyance canal to the north, I-75 to the east, Three Oaks Parkway Extension North to the west and an intense commercial CPD to the south. The property has certain required wetland preserves and an existing borrow lake on site. The mixed use potential created by the Industrial Commercial Interchange category will lessen the intensity of the project from heavy industrial to light industrial, commercial and office uses. This should create greater compatibility with possible residential uses on the north side of the SWFIA Conveyance, improve the visual impact on I-75 and Three Oaks Parkway and provide development flexibility so that lesser intense uses can be placed accordingly. Infrastructure will be available through Lee County Utilities and will be installed at the time Three Oaks Parkway North Extension is developed.





**POLICY 7.1.2:** *Industrial developments requiring rezoning and meeting Development of County Impact (DCI) thresholds must be developed as Planned Developments designed to arrange uses as an integrated and cohesive unit in order to:*

- *promote compatibility and screening;*
- *reduce dependence on the automobile;*
- *promote pedestrian movement within the development;*
- *utilize joint parking, access and loading facilities;*
- *avoid negative impacts on surrounding land uses and traffic circulation;*
- *protect natural resources; and*
- *provide necessary facilities and services where they are inadequate to serve the proposed use. (Amended by Ordinance No. 94-30, 98-09, 00-22)*

The project intends to adhere to all requirements of a mixed use planned development and capture trips by providing a mix of employment and employment services on the site. The site provides central access to employees living in San Carlos Park, the communities in Estero and the Corkscrew Road corridor, the communities along Daniels Parkway extending to the residents of Lehigh. The surrounding transportation network is adequate and in line to be expanded in the 2020 Financially Feasible Plan.

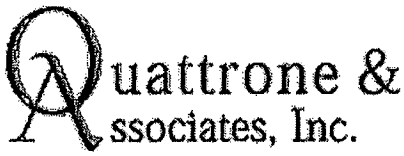
**POLICY 7.1.3:** *Industrial land uses must be located in areas appropriate to their special needs and constraints, including, but not limited to, considerations of topography; choice and flexibility in site selection; access by truck, air, deep water, and rail; commuter access from home-to-work trips; and utilities; greenbelt and other amenities; air, and water quality considerations; proximity to supportive and related land uses; and compatibility with neighboring uses. (Amended by Ordinance No. 93-25, 94-30, 00-22)*

The project has excellent road access. Three Oaks North is to be a 4 lane arterial which connects to the 6-laned Daniels Parkway to the north and 6-laned Alico Road to the south. The Alico Road intersection is less than 1 mile south and abuts the redesigned (under construction) I-75 interchange which is also slated to be expanded to 6 lanes. Major residential densities are within a few miles of the property with San Carlos Park to the south on Three Oaks Parkway and to the north along or near Daniels Parkway.

**POLICY 7.1.4:** *The Future Land Use Map must designate a sufficient quantity of land to accommodate industrial development that will employ 3% of the county's population in manufacturing activities by the year 2010. A report will be prepared by county staff every two years to monitor the county's progress towards this employment goal. (Amended by Ordinance No. 93-25, 94-30, 00-22)*

The request maintains industrial development potential while adding a greater diversity of potential uses.

**POLICY 7.1.5:** *The timing and location of industrial development will be permitted only with the availability and adequacy of existing or planned services and facilities. (Amended by Ordinance No. 00-22)*



The region is growing fast and the roadway will be constructed soon. A mixed-use industrial and commercial center at this prime location will serve as an employment center.

***POLICY 7.1.8:** Land development regulations will require that industrial uses be adequately buffered and screened from adjacent existing or proposed residential areas so as to prevent visual blight and noise pollution. (Amended by Ordinance No. 00-22)*

The property is ideally suited for complying with the above standards. The project is bordered by a 200' SWFIA Conveyance canal to the north, I-75 to the east, Three Oaks Parkway Extension North to the west and an intense commercial CPD to the south. The property has certain required wetland preserves and an existing borrow lake on site. The mixed use potential created by the Industrial Commercial Interchange category will lessen the intensity of the project from heavy industrial to light industrial, commercial and office uses. This should create greater compatibility with possible residential uses on the north side of the SWFIA Conveyance, improve the visual impact on I-75 and Three Oaks Parkway and provide development flexibility so that lesser intense uses can be placed accordingly. Infrastructure will be available through Lee County Utilities and will be installed at the time Three Oaks Parkway North Extension is developed.

***POLICY 7.1.9:** Industrial development will not be permitted if it allows industrial traffic to travel through predominantly residential areas. (Amended by Ordinance No. 00-22)*

There are no residential areas currently located on Three Oaks Parkway Extension North nor any planned within an area that traffic from the subject property would have to travel through.

## **GOAL 11: WATER, SEWER, TRAFFIC, AND ENVIRONMENTAL REVIEW STANDARDS**

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*Standard 11.1: Water*

*Standard 11.2: Sewer*

Utility connections are available through Lee County Utilities and will be available at the time the roadway is completed.

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## **GOAL 39: DEVELOPMENT REGULATIONS.**

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*Maintain clear, concise, and enforceable development regulations that fully address on-site and off-site development impacts and protect and preserve public transportation facilities. (Amended by Ordinance No. 98-09, 99-15)*

**OBJECTIVE 39.1: DEVELOPMENT IMPACTS.** *The county will maintain and enforce development regulations to ensure that impacts of development approvals occur concurrently with adequate roads, and to achieve maximum safety, efficiency, and cost effectiveness. (Amended by Ordinance No. 99-15)*

**POLICY 39.1.1:** *New development must:*

- *Have adequate on-site parking.*
- *Have access to the existing or planned public road system except where other public policy would prevent such access.*
- *Fund all private access and intersection work and mitigate all site-related impacts on the public road system; this mitigation is not eligible for credit against impact fees. (Amended and Relocated by Ordinance No. 99-15)*

The project intends to adhere or exceed all LDC requirements.

**POLICY 39.1.4:** *Main access points from new development will not be established where traffic is required to travel through areas with significantly lower densities or intensities (e.g. multifamily access through single-family areas, or commercial access through residential areas) except where adequate mitigation can be provided. (Amended and Relocated by Ordinance No. 99-15)*

Direct access to the project is to be on Three Oaks Parkway Extension North, an arterial road with direct access to Alico Road, US 41, I-75 and Treeline Avenue, all without traveling through low density areas of development.

**POLICY 39.1.5:** *The Land Development Code will continue to require appropriate landscaping for developments abutting arterial and collector roads. (Amended and Relocated by Ordinance No. 99-15)*

The project plans to meet buffer requirements conditioned through the rezoning process.

**POLICY 39.1.6:** *Through the zoning process, the county will direct high-intensity land uses to parcels which abut designated future transit corridors identified in Map 3C. (Amended by Ordinance No. 98-09, Amended and Relocated by Ordinance No. 99-15)*

While the location is appropriate for the uses requested, Lee Tran does not at this time have plans to provide services to Three Oaks North.

### **GOAL 53: POTABLE WATER INFRASTRUCTURE.**

*To ensure the public health, welfare, and safety by the provision of high-quality central potable water service throughout the future urban areas of unincorporated Lee County, and to ensure that the costs of providing facilities for the supply of potable water are borne by those who benefit from them.*

**OBJECTIVE 53.1:** *The County will ensure the provision of acceptable levels of potable water service throughout the future urban areas of the unincorporated county, either directly by Lee County Utilities, or indirectly through franchised utility companies. (Amended by Ordinance No. 94-30, 00-22, 03-04)*

**POLICY 53.1.1:** *The Board of County Commissioners hereby establishes service areas for the Lee County Utilities water systems throughout which it will provide standard service as required by demand, and within which it will challenge applications by private water utilities to obtain a Certificate of Operation from the Florida Public Service Commission and reject all applications for a county franchise therein. These service areas are illustrated in Map 6. Within the Fort Myers urban reserve area, the service areas shown on the map are subject to modifications in accordance with existing and future interlocal agreements. (Amended by Ordinance No. 93-25)*

Lee County Utilities plans to provide sewer and water as Three Oaks North is constructed. The development intends to connect.

### **GOAL 53: SANITARY SEWER INFRASTRUCTURE.**

*To protect the public health and environmental quality by encouraging and ensuring the provision of sanitary sewer service and wastewater treatment and disposal throughout the future urban areas of the unincorporated county and to Fort Myers Beach. (Amended by Ordinance No. 98-09)*

**OBJECTIVE 56.1:** *The county will ensure the provision of acceptable levels of sanitary sewer service throughout the future urban areas of the unincorporated county, either directly by Lee County Utilities or a utility authority, or indirectly through franchised utility companies. (Amended by Ordinance No. 00-22)*

**POLICY 56.1.1:** *The Board of County Commissioners hereby establishes service areas for the Fort Myers Beach Ina sewer system, the South Fort Myers sewer system, the East Lee County sewer system, and the Matlacha sewer system throughout which it will provide standard service as required by demand, and within which it will challenge applications by private sanitary sewer utilities to obtain a Certificate of Operation from the Florida Public Service Commission and reject all applications for a county franchise therein. These service areas are illustrated in Map 7. Within the Fort Myers urban reserve area, the service areas shown on the map are subject to modifications in accordance with existing and future interlocal agreements. (Amended by Ordinance No. 93-25) Although this property is not located in the City of Fort Myers Utility Franchise Area the City has extended potable water*



*and sewer lines to the incinerator west of the property which is adequately sized to serve future development on the subject parcel.*

Lee County Utilities plans to provide sewer and water as Three Oaks North is constructed. The development intends to connect.

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### **SECTION III**

#### **AFFECTS ON ADJACENT LOCAL GOVERNMENT AND ITS COMPREHENSIVE PLAN**

The subject property is located within the unincorporated portion of Lee County.

### **SECTION IV**

#### **STATE POLICY PLAN AND REGIONAL POLICY PLAN GOALS AND POLICIES**

State and Regional Policy Plans are consistent with the Lee County Comprehensive Plan and as such have been addressed.



FLORIDA DEPARTMENT OF STATE  
Sue M. Cobb  
Secretary of State  
DIVISION OF HISTORICAL RESOURCES

September 25, 2006

Fred Drovdic, AICP  
Quattrone & Associates, Inc.  
11000 Metro Parkway, Suite 30  
Fort Myers, FL 33912  
Fax: 239-936-7228

Dear Mr. Drovdic:

In response to your inquiry of September 21, 2006, the Florida Master Site File lists no previously recorded cultural resources in the following parcels:

T:46S R:25E Section 3 (also known as parcels 03-46-25-00-00001.1020, 103C, 1050, 1030, 103B)

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

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

If you have any further questions concerning the Florida Master Site File, please contact us as below.

Sincerely,

Ginny Jones  
Senior Database Analyst, Florida Master Site File  
Division of Historical Resources  
R. A. Gray Building  
500 South Bronough Street  
Tallahassee, Florida 32399-0250

Phone: 850-245-6440, Fax: 850-245-6439  
State SunCom: 205-6440  
Email: [fmsfile@dos.state.fl.us](mailto:fmsfile@dos.state.fl.us)  
Web: <http://www.dos.state.fl.us/dhr/msf/>

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

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

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

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

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

☐ Palm Beach Regional Office  
(561) 279-1475 • FAX: 279-1476

☐ St. Augustine Regional Office  
(904) 825-5045 • FAX: 825-5044

☐ Tampa Regional Office  
(813) 272-3843 • FAX: 272-2340



# THE SCHOOL DISTRICT OF LEE COUNTY

2055 CENTRAL AVENUE • FORT MYERS, FLORIDA 33901 • (239) 334-1102 • TTD/TTY (239) 335-1512

STEVEN K. TEUBER, J.D.  
CHAIRMAN • DISTRICT 4

ELINOR C. SCRICCA, PH.D.  
VICE CHAIRMAN • DISTRICT 5

ROBERT D. CHILMONIK  
DISTRICT 1

JEANNE S. DOZIER  
DISTRICT 2

JANE E. KUCKEL, PH.D.  
DISTRICT 3

JAMES W. BROWDER, ED.D.  
SUPERINTENDENT

KEITH B. MARTIN  
BOARD ATTORNEY

October 6, 2006

Mr. Fred Drovdlie  
Quattrone & Associates, Inc.  
11000 Metro Parkway, Suite 30  
Fort Myers, FL 33912

Re: Three Oaks North CPA

Dear Mr. Drovdlie:

Thank you for the opportunity to review the proposed Three Oaks North CPA for comments with regard to educational impacts. This proposed development is in the South Choice Zone of the District. This letter is in response to your request dated September 21, 2006.

This development should have no impact on classroom needs based on the your indication that this is a commercial project only and will not have any residential units.

Thank you for your attention to this issue. If I may be of further assistance, please give me a call at (239) 337-8678.

Sincerely,

Ellen Lindblad, Long Range Planner  
Planning, Growth & School Capacity



**Fred Drovdlc**

---

**From:** Bibeau, Melissa B. [MBibeau@leegov.com]  
**Sent:** Friday, October 13, 2006 7:53 AM  
**To:** Fred Drovdlc  
**Subject:** RE: Three Oaks North CPA

Good morning Fred,

The Request for Letters of Availability form submitted does not provide sufficient information for us to prepare the requested letter.

Although the subject parcels are located within Lee County Utilities' service area and potable water and sanitary sewer facilities are currently in operation in the vicinity of these parcels, developer funded system enhancements will be required in order to provide service. Service is contingent upon Lee County Board of County Commissioners' final acceptance of these developer funded system enhancements and is subject to available capacity at the time connection to Lee County Utilities' facilities is completed. Capacity is reserved on a first come first serve basis & only upon receipt of applicable fees, a signed request for service and/or an executed service agreement, and the approval of all State and local regulatory agencies.

Lee County Utilities may provide Letters of Availability for specific purposes upon request however, in order to process we will need to know the estimated flow demands for the project. Please be aware that issuance of Letters of Availability should in no way be construed as a commitment to serve but only as to the availability of service at the time the letter is requested

If you should have any questions or require further assistance, please contact our office.

Please email or call if you need additional information.  
Thanks!

Melissa Bibeau  
Engineering Tech I  
Lee County Utilities  
1500 Monroe Street  
Fort Myers, FL 33901  
Ph. 239-479-8525  
Fax 239-479-8709  
Email: [mbibeau@leegov.com](mailto:mbibeau@leegov.com)

---

**From:** Fred Drovdlc [mailto:[fred@qainc.net](mailto:fred@qainc.net)]  
**Sent:** Tuesday, October 10, 2006 9:38 AM  
**To:** Bibeau, Melissa B.; Wegis, Howard S.  
**Subject:** RE: Three Oaks North CPA

Inia in our office completed it. Here is the scanned submittal. It may have not gotten to you yet. Thanks for the update.

*Fred Drovdlc, AICP*  
239.936.5222



---

**From:** Bibeau, Melissa B. [mailto:[MBibeau@leegov.com](mailto:MBibeau@leegov.com)]  
**Sent:** Tuesday, October 10, 2006 9:33 AM  
**To:** Fred Drovdlc; Wegis, Howard S.  
**Subject:** Three Oaks North CPA

Good morning Fred. I am just touching base with you regarding this project. We have not processed this letter of availability yet due to the fact that we are waiting for the required form to be filled out and submitted. I have again attached the required document needed for you. Thanks. Let me know if I can help with anything else.

10/13/2006

Please email or call if you need additional information.  
Thanks!

Melissa Bibeau  
Engineering Tech I  
Lee County Utilities  
1500 Monroe Street  
Fort Myers, FL 33901  
Ph. 239-479-8525  
Fax 239-479-8709  
Email: [mbibeau@leegov.com](mailto:mbibeau@leegov.com)

# San Carlos Park Fire Protection And Rescue Service District

19591 Ben Hill Griffin Parkway, Ft. Myers, FL 33913

Business: (239) 267-7525 or 267-2424

Fax: (239) 267-7505

To: Fred Drovdic Fax # 936-7228

From: Thomas M. Beard

Date: 10-5-06

Number of pages being sent including this cover sheet: 2

## Comments:

letter of availability for fire protection

## CONFIDENTIALITY NOTICE

The documents accompanying this telecopy transmission contain confidential information belonging to the sender which is legally privileged. The information is intended only for the use of the individual(s) or entity named above. If you are not the intended recipient you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited. If you have received this telecopy in error, please immediately notify us by telephone at the number listed above to arrange for return of the original document to us. Thank you.



## *San Carlos Park Fire Protection and Rescue Service District*

19591 Ben Hill Griffin Parkway • Fort Myers, Florida 33913-8989

Emergency 911  
Office 239.267.7525  
Fax 239.267.7505

October 5, 2006

Mr. Fred Drovdlie, AICP  
Quattrone & Associates  
11000 Metro Parkway, Suite 30  
Fort Myers, FL 33913  
Re: Three Oaks North CPA  
CPA2005-00005

Dear Mr. Drovdlie

Thank you for this opportunity to let me inform you about our fire district. The San Carlos Park Fire Protection and Rescue Service District is one of 17 Special Fire Districts in Lee County. The Insurance Service Office (ISO) currently rates our department as a Class 3 / 9. Your location for this project would be classified as a 3. We currently have 3 fire stations and are in the process of planning a fourth station off of Three Oaks Parkway. We have 44 full-time firefighters ready to respond to any emergency, supported by an administrative staff.

The project location is approximately two miles or less from the fire station # 1 located at 8013 Sanibel Blvd. The response time would be about 2 minutes or less. At this time, we use Lee County Emergency Medical Services for Advanced Life Support (ALS) transport and have our own Firefighter Paramedics on shift to provide non-transport ALS services.

The San Carlos Park Fire District is also responsible for all of your fire-related inspections that will be needed for your project throughout the construction phase. We currently have 3 full-time fire inspectors that work a 40 hour week to handle all the fire related inspections. The plan review and building permit process will go through Lee County Codes and Building Services.

If you have any questions or concerns, please feel free to contact me at 239-267-7525.

Sincerely,

A handwritten signature in black ink, appearing to read "T. M. Beard", written over a horizontal line.

Thomas M. Beard  
Fire Marshal



Direct Dial: (239) 590-4624  
Fax: (239) 590-4688

October 18, 2006

ROBERT M. BALL, A.A.E.  
EXECUTIVE DIRECTOR

DAVID M. OWEN  
PORT AUTHORITY ATTORNEY

BOARD OF  
PORT COMMISSIONERS

JOHN E. ALBION

TAMMY HALL

BOB JAMES

RAY JUDAH

DOUGLAS R. ST. CERNY

Mr. Fred Drovdlc, AICP  
Quattrone & Associates, Inc.  
11000 Metro Parkway, Suite 30  
Fort Myers, FL 33912

RE: **Preliminary Airspace Analysis**  
Proposed Industrial, Retail, & Commercial Business Park Development  
Three Oaks North CPA  
STRAP # 03-46-25-00-00001.1020; .1050; .103B; .103C and .1030

Dear Mr. Drovdlc:

The Lee County Port Authority Department of Planning and Environmental Compliance has performed a preliminary airspace analysis for the parcels located in your September 21, 2006 letter at the proposed Three Oaks Parkway North site. Please note that this analysis does not constitute any type of approval or denial of the proposed property development. It is only designed to offer an overview of the potential federal and local airspace regulations that may apply to the subject parcels due to their close proximity to Southwest Florida International Airport (RSW).

The analysis concludes that any new buildings, antennas, signs, lighting, flag poles, or temporary construction equipment that exceed a height of 78 feet above ground level (AGL) or 105 feet above mean sea level at this site, must first obtain airspace approval from the Lee County Port Authority and the Federal Aviation Administration (FAA). However, it would appear that the controlling imaginary airport surfaces will be the conical surface and both approach surfaces for the existing runway and planned future runway, which in the area is approximately 200 feet above mean sea level. Structures that exceed this height will be considered obstructions by the FAA.

Based on the year 2020 composite noise contour map for RSW, the planned development is located within the 55 day-night average sound level (DNL) and 60 DNL noise contours. As the new proposed noise zones are currently going through the Lee Plan and Comprehensive Plan Amendment process based on the composite 2020 noise contours and should be adopted sometime in the year 2007 by the County, parcels located within the these noise contours will be

subjected to the following notices:

- ➔ 55 DNL noise contour – No restrictions on development, but parcels will have notices advising of aircraft noise and over-flight exposure recorded in the official county records and tied to the title of the properties within the zones.
- ➔ 60 DNL noise contour - No new noise sensitive uses such as homes, schools or places of worship will be allowed.

Local and federal notification criteria, existing federal obstruction standards governing height hazards near airports, and noise contours nearby are discussed on the two attached sheets. The above-referenced property is located under the Federal Aviation Administration (FAA) imaginary conical and approach surfaces for RSW. Please find enclosed the following information regarding airspace and noise issues with potential impacts:

- Airspace analysis of subject parcels;
- Lee County Land Development Code Section 34-1001/34-1008 "Airport Hazard District;"
- Lee County Tall Structure Review Application;
- Exhibit of year 2020 composite Noise Contours for Southwest Florida International Airport.

All cited FAA Advisory Circulars and other FAA documents addressing airspace review and obstruction marking and lighting can be located through the FAA website [www.faa.gov](http://www.faa.gov). Your attention is also drawn to Chapter 333, "Airport Zoning", Florida Statutes. Please call me if you have any questions. I would be happy to meet with you to discuss this information.

Sincerely,

LEE COUNTY PORT AUTHORITY



Herman Lawrence, Jr.  
Project Coordinator Noise & Airspace

HL/ams

Attachments

C: Peter Eckenrode, Director, Lee County Development Services  
Tom Nichols, Operations  
William Horner, Planning Manager

## **PRELIMINARY AIRSPACE ANALYSIS**

**For Three Oaks North CPA Parcels Identified by  
STRAP #:03-46-25-00- 00001.1020; .1050; .103B; .103C & .1030  
West of I-75 & north of Alico Rd, Fort Myers, FL 33913**

**Lee County Airspace Notification/Review Criteria:** Section 34.1001-34.1008, Lee County Land Development Code (copy enclosed) states that any proposed object (including new buildings, building alterations, antennas, signs, or temporary construction equipment) which would penetrate an imaginary surface extending outward and upward at a slope of 125 to 1 (one foot vertically for every 125 feet horizontally) from any point of Southwest Florida International Airport (RSW) will require review and approval by the Lee County Port Authority. Please complete and submit the enclosed Lee County Tall Structures Review Application to the Port Authority for any proposed object that will exceed 78 feet AGL/105 feet AMSL.

**Federal Notification/Review Criteria:** Federal Aviation Regulations Part 77.13 requires FAA review of any construction or alteration involving a height greater than an imaginary surface extending outward and upward at a slope of 100 to 1 (one foot vertically for every 100 feet horizontally) from the nearest point of the nearest public airport runway. The closest point of your project to RSW, the northeast corner, appears to be approximately 9,796 feet from the end of RSW Runway 6. For any permanent structure, sign, antenna tower, or temporary construction equipment that will exceed 78 feet AGL/105 feet AMSL, please request an FAA airspace review electronically through the FAA website [www.faa.gov](http://www.faa.gov) by completing FAA 7460-1 form, "Notice of Proposed Construction or Alteration."

A copy of the FAA airspace determination must then be submitted to the Port Authority along with the completed and signed Lee County Tall Structures Review Application.

**Existing Obstruction Surfaces:** Federal Aviation Regulations Part 77 also defines various imaginary approach, horizontal, and transitional surfaces necessary for the safe arrival and departure of aircraft at RSW. Any object proposed to penetrate these imaginary surfaces is considered to be an obstruction to air navigation and a potential hazard to aircraft using RSW. FAA review may determine that obstruction marking and/or lighting of the object can eliminate the hazard. These surfaces are described below:

***Approach Surface*** -- The Runway 6 imaginary approach surface is centered along the extended runway centerline and begins sloping up and away from the runway at the end of the primary surface (where it is 1,000 feet wide at an elevation of 26.5 feet AMSL [NAVD 88]). The primary surface extends 200 feet beyond the runway end. The approach surface increases in width and rises at a slope of 50:1 (one foot vertically for every 50 feet horizontally) along the extended centerline for a horizontal distance of 10,000 feet and then at a slope of 40:1 for an additional horizontal distance of 40,000 feet. The subject parcels are located within both approach surfaces for the existing and planned future parallel south runway.



***Horizontal Surface*** – The Horizontal Surface is centered over RSW at an elevation of 180 feet AMSL. The subjected parcels are not located inside this imaginary surface.

***Conical Surface*** – This surface extends outward and upward at a slope of 20:1 (one foot vertically for every 20 feet horizontally) from the outer limits of the horizontal surface for a distance of 4,000 feet. This surface overlays the mentioned parcels but begins at an elevation above 180 feet AMSL.

**Potential Aircraft Noise Impacts:** The subjected parcels are located southwest of Runway 6 and within the extended runway centerline for aircraft landings and takeoffs. As it is sometimes difficult to gauge the impact of aircraft noise on people as their response often varies, but based on the location of the planned development, the noise impact from aircraft operations might be annoying or disturbing on occasion. These parcels will also be impacted by an additional increase in aircraft noise from operations on the planned south parallel runway to be constructed sometime after the year 2010. This new runway will be constructed based on FAA criteria to allow for simultaneous operation of aircraft landings and takeoffs. Based on the 2004 Master Plan Update Study for RSW, air traffic is expected to almost double by the year 2020 and it should also be noted that the airport has been experiencing record growth in passenger service for the past two years. Future noise contours are depicted in the attached exhibit taken from the recently FAA approved Part 150 Noise & Land Use Compatibility Study.

**Sec. 34-1001. Applicability.**

Through the development and implementation of this subdivision, it is hereby determined that county airports consist of the Southwest Florida International Airport, Page Field and all existing and proposed state-licensed airports and heliports, public and private, in the county.

(Ord. No. 93-24, § 7(492), 9-15-93; Ord. No. 94-24, § 28, 8-31-94)

**Sec. 34-1002. Purpose and intent.**

(a) The purpose and intent of this subdivision shall be as follows:

- (1) To promote the maximum safety of aircraft arriving at and departing from county airports;
- (2) To promote the maximum safety of residents and property within areas surrounding county airports;
- (3) To promote the full utility of county airports, so as to ensure the maximum prosperity, welfare and convenience to the Lee, Charlotte, Collier, Hendry and Glades County areas and their residents;
- (4) To provide building height standards for use within the approach, transitional, horizontal and conical surfaces so as to encourage and promote proper and sound development beneath such areas;
- (5) To provide development standards for land uses within prescribed noise zones associated with the normal operation of county airports; and
- (6) To provide administrative procedures for the efficient and uniform regulation of all development proposals within such zones.

(b) The regulations set out in this subdivision are adopted pursuant to the authority conferred by F.S. § 333.03. It is hereby found that an airport obstruction has the potential for being hazardous to aircraft operations as well as to persons and property on the ground in the vicinity of the obstruction. An obstruction may affect land use in its vicinity and may reduce the size of areas available for the taking-off, maneuvering and landing of aircraft, thus tending to impair or destroy the utility of county airports and the public investment therein. It is hereby found that aircraft noise may be an annoyance or may be objectionable to residents in the county. Accordingly, it is declared that:

- (1) The creation or establishment of an airport obstruction which may be hazardous to aircraft operations, or which reduces the size of the area available for such operations, or which inhibits the safe and efficient use of airspace surrounding a county airport, is a public nuisance and an injury to the county;
- (2) It is necessary in the interest of the public health, safety and general welfare that the creation of airport obstructions and the incompatible use of land within the designated airport noise zones be prevented; and
- (3) The prevention of these obstructions and incompatible land uses should be accomplished, to the extent legally possible, by the exercise of police power without compensation.

(c) It is further declared that the prevention of the creation of airport obstructions and incompatible land uses and the elimination, removal, alteration, mitigation or marking

and lighting of existing airport obstructions are public purposes for which the political subdivision may raise and expend public funds and acquire land or interests in land. (Ord. No. 93-24, § 7(492(A)), 9-15-93)

**Sec. 34-1003. Definitions.**

The following words, terms and phrases, when used in this subdivision, will have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Aircraft* means any vehicle which is used or designed for navigation of or flight in the air.

*Airport* means the Southwest Florida International Airport, Page Field and any state-licensed area of the county intended to be used for the taking-off, maneuvering and landing of aircraft, including any state-licensed seaplane base, helistop or emergency landing area.

*Airport elevation* means the highest point of the airport's usable landing area, measured in feet above mean sea level (AMSL).

*Airport obstruction* means any manmade structure, object of natural growth or use of land which would exceed the federal obstruction standards as contained in Federal Aviation Administration Handbook 8260.38, United States Standards for Terminal Instrument Procedures (TERPS), Federal Aviation Regulations part 77, as revised, and aircraft manufacturer's operating manuals for turbine-powered aircraft capable of landing or taking off at a county airport, or which obstructs the airspace or may otherwise be hazardous to aircraft taking off, maneuvering or landing at an airport.

*Airport surveillance radar (ASR)* means approach control radar used to detect and display an aircraft's position in the terminal area. ASR provides range and azimuth information, and coverage of the ASR can extend up to 60 miles.

*Airspace height* means the height limits as established and set forth in this subdivision. Above mean sea level (AMSL) elevation shall be the datum unless otherwise specified.

*Aviation easement* means the transference by grant of a property owner's legal property rights pertaining to airspace above his property, and the waiving of all possible claims for damages resulting from the operation of aircraft above the surface of the grantor's property, to include but not be limited to noise, vibrations, fumes, dust, fuel particles and all other effects that may be caused due to present and future aircraft flights over the grantor's property.

*A-weighted decibels* means a logarithmic quantification designed to compress the full range of sound pressures and incorporating a filter that deemphasizes sound pressure levels of very high-pitched or low-pitched components to better correlate with subjective judgments of loudness.

*Balloon* means any type of dirigible, balloon or other type of hovering or floating object, tethered or untethered.

*Civil airport* means any county airport not operated strictly for military use.

*Climb gradient* means an aircraft instrument departure procedure requiring adherence to a minimum climb slope or grade expressed in feet per nautical mile.

*Day-night average sound level DNL* means a 24-hour average noise level incorporating a ten-decibel penalty for noise during nighttime hours between 10:00 p.m. and 7:00 a.m.

*DNL noise contour* means a line linking together a series of points of equal cumulative noise exposure. Such contours are developed based upon aircraft flight patterns, number of daily aircraft operations by type of aircraft, and typical runway utilization patterns in terms of percentage of use.

*Decision height* means the height at which a pilot must decide, during an instrument landing system (ILS) approach, to either continue the approach or to execute a missed approach.

*Instrument approach procedure* means a landing approach utilizing electronic guidance aids and made without visual reference to the ground.

*Instrument flight rules (IFR)* means rules governing the procedures for conducting instrument flight according to Federal Aviation Regulations part 91. These rules usually go into effect during bad weather conditions with low visibility minimums.

*Instrument landing system (ILS)* means a landing approach system that establishes a course and a descent path to align aircraft with a runway for final approach.

*Minimum descent altitude (MDA)* means the lowest altitude above mean sea level to which descent is authorized on final approach or during circling-to-land maneuvering in execution of a standard instrument approach procedure (SIAP) where electronic glide slope is not provided.

*Minimum en route altitude (MEA)* means the lowest published altitude between radio fixes that ensures acceptable navigational signal coverage and meets obstruction clearance requirements between those fixes.

*Minimum obstruction clearance altitude (MOCA)* means the lowest published altitude between radio fixes on federal VOR airways, off-airway routes or route segments that meets obstruction clearance requirements for the entire route segment and ensures acceptable navigational signal coverage only within 22 miles of a VOR.

*Minimum vectoring altitude (MVA)* means the lowest altitude above mean sea level at which aircraft operating under instrument flight rule (IFR) conditions will be vectored by a radar controller, except when otherwise authorized for radar approaches, departures or missed approaches.

*Noise zones* means areas representative of specific airport DNL noise contours in which land use is limited due to the level of noise associated with these areas surrounding an airport.

*Nonprecision-instrument runway* means a runway having a nonprecision-instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type of navigation equipment, for which a straight-in nonprecision-instrument approach procedure has been approved or planned, and for which no precision-instrument approach facilities are planned or indicated on an appropriate civil or military airport planning document.

*Nonstandard take-off minimums* means conditions of existing weather required for takeoff at an airport which exceed the standards prescribed in Federal Aviation Regulations part 91.

*Owner* means a mortgage holder, a lienholder or any person having any right, title or interest of any nature and kind whatsoever in and to any real estate within the boundaries of the zones established by this subdivision.

*Precision-instrument runway* means a runway having an instrument approach procedure utilizing horizontal and vertical guidance through an instrument landing system (ILS),

microwave landing system (MLS) or a precision approach radar (PAR), including a runway for which such a system is planned and is so indicated on an approved civil or military airport layout plan, other Federal Aviation Administration planning documents, or comparable military service planning documents.

*Radar obstruction* means any structure or object of natural growth or use of land which would shield or otherwise interfere with the full coverage of the airport surveillance radar (ASR) for the Southwest Florida Regional Airport, Page Field or any other county airport.

*Runway* means a defined area on an airport prepared, used or intended to be used for the taking off and landing of aircraft along its length.

*Utility runway* means a runway that is constructed for and intended to be used by propeller-driven aircraft of 12,500 pounds maximum gross weight or less.

*Visual flight rules (VFR)* means rules governing the procedures for conducting flight under visual conditions according to Federal Aviation Regulations part 91. These rules are usually in effect during good weather conditions with high visibility minimums.

*Visual runway* means a runway intended solely for the operation of aircraft using visual approach procedures with no instrument approach procedure and no instrument designation planned or indicated on a Federal Aviation Administration approved civil or military airport layout plan, or by any other planning document submitted to the Federal Aviation Administration by competent authority.

*VOR* means a very high frequency omnidirectional range air navigation aid which provides bearing information to aircraft.

(Ord. No. 93-24, § 7(492(B)), 9-15-93; Ord. No. 94-24, § 28, 8-31-94; Ord. No. 00-14, § 5, 6-27-00)

**Cross references:** Definitions and rules of construction generally, § 1-2.

#### **Sec. 34-1004. Flight obstruction surfaces.**

In order to carry out the provisions of this subdivision, there are hereby created and established certain surfaces which include all of the land lying beneath the primary, horizontal, conical, approach and transitional surfaces as they apply to a particular airport. Such surfaces are shown on the airport layout plans and the approach and clear zone plans for the Southwest Florida International Airport and Page Field, as well as those surfaces described in the Federal Aviation Administration Terminal Approach Procedures Manual (TERPS) and under Federal Aviation Regulations part 77, on file at Southwest Florida International Airport. These surfaces apply to existing and proposed runway configurations. An area located in more than one of the described surfaces is considered to be only in the surface with the more restrictive height limitations. All height restrictions refer to height above mean sea level (AMSL).

(1) *Publicly owned, public-use county airports.* The various surfaces established and defined for any publicly owned and operated, public-use county airport are as follows:

a. *Primary surface.* The primary surface is an area longitudinally aligned along the runway centerline for each runway, extending 200 feet beyond each end of that runway with the width so specified for each runway for the most precise approach existing or planned for either end of that runway.

1. *Primary surface widths.* The width of each primary surface is as follows:

- i. Precision-instrument runways and nonprecision-instrument runways other than utility with visibility minimums lower than three-fourths of a statute mile: 1,000 feet in width.
- ii. Nonprecision-instrument runways having visibility minimums greater than three-fourths of a statute mile: 500 feet in width.
- iii. Visual runways other than utility: 500 feet in width.
- iv. Utility runways having only visual approaches: 250 feet in width.
2. *Primary surface height.* No structure or obstruction will be permitted within the primary surface that is not part of the landing, maneuvering and taking-off facilities and is of a greater height than the nearest point of the runway centerline.
- b. *Horizontal surface.* The horizontal surface is an area around each civil airport with an outer boundary, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each airport's runways and connecting the adjacent arcs by lines tangent to those arcs. The radius of the arc specified for each end of the runway will have the same arithmetical value, being the higher determined for either end of that runway. When a smaller arc is encompassed by the tangent connecting two adjacent larger arcs, the smaller arc shall be disregarded in the construction of the perimeter of the horizontal surface.
  1. *Horizontal surface arc radius.* The radius of each runway arc is as follows:
    - i. All runways other than utility having precision- and nonprecision-instrument approaches: 10,000-foot radius.
    - ii. Utility runways having visual or nonprecision approaches and other than utility runways having visual approaches: 5,000-foot radius.
  2. *Horizontal surface height.* No structure or obstruction will be permitted in the horizontal surface that has a height greater than 150 feet above the airport elevation.
- c. *Conical surface.* The conical surface is an area extending outward from the periphery of the airport's horizontal surface for a distance of 4,000 feet. No structure or obstruction will be permitted in the conical surface that has a height greater than 150 feet above the airport elevation at the inner boundary (connecting to the horizontal surface) with permitted height increasing at a slope of 20 to 1 (one foot vertically for every 20 feet of horizontal distance) measured outward from the inner boundary to a height 350 feet above the airport elevation at the outer boundary.
- d. *Approach surface.* The approach surface is an area longitudinally centered on the extended runway centerline and extending outward from the end of the primary surface. The approach surface is designated for each runway based upon the type of approach available or planned for that runway end.
  1. *Approach surface widths.* The inner edge of the approach surface is the same width as the primary surface. The outer width of the approach surface is prescribed for the most precise approach existing or planned for that runway end expanding uniformly outward to a width of:
    - i. Precision-instrument runways: 16,000 feet in width.
    - ii. Nonprecision-instrument runways: 4,000 feet in width for that end of a nonprecision-instrument runway other than utility, having visibility minimums lower than three-fourths of a statute mile; 3,500 feet in width for that end of a nonprecision-instrument runway other than utility, having visibility minimums greater than three-fourths of a statute mile; and 2,000 feet in width for that end of a nonprecision-instrument utility runway.

- iii. Visual runways: 1,500 feet in width for that end of an other than utility runway with only visual approaches, and 1,250 feet in width for that end of a utility runway with only visual approaches.
- 2. *Approach surface lengths.* The approach surface extends for a horizontal distance of:
  - i. Precision-instrument runways: 50,000 feet in length.
  - ii. Nonprecision-instrument runways: 10,000 feet in length for other than utility runways having nonprecision-instrument approaches.
  - iii. Visual and utility runways: 5,000 feet in length for utility runways having visual and nonprecision approaches and other than utility runways having visual approaches.
- 3. *Approach surface heights.* No structure or obstruction will be permitted within approach surfaces having a height greater than the runway end at its inner edge, increasing with horizontal distance outward from the inner edge as follows:
  - i. Precision-instrument runways: A slope of 50 to 1 (one foot vertically for every 50 feet horizontally) for the first 10,000 feet, increasing to 40 to 1 (one foot vertically for every 40 feet horizontally) for an additional 40,000 feet.
  - ii. Nonprecision-instrument runways: A slope of 34 to 1 (one foot vertically for every 34 feet horizontally) for the designated length for runways having nonprecision-instrument approaches.
  - iii. Visual and utility runways: A slope of 20 to 1 (one foot vertically for every 20 feet horizontally) for the designated length for utility runways having visual and nonprecision approaches and other than utility runways having visual approaches.
- e. *Transitional surface.* The transitional surface is an area extending outward and upward from the sides of each primary surface and approach surface at a slope of 7 to 1 (one foot vertically for every seven feet horizontally) until the height matches the height of the horizontal surface or for a horizontal distance of 5,000 feet for a precision-instrument runway approach surface extending beyond the conical surface.
- f. *Terminal instrument procedures (TERPS) departure surfaces.* Terminal instrument procedures departure surfaces are areas designated for the instrument departure of aircraft as outlined in Federal Aviation Administration Handbook 8260.3B. The application of the terminal instrument procedures (TERPS) departure surfaces shall be made after application of the surfaces described in subsections (1)a through e of this section, to determine which of the surface's elevations are more constraining. The surface that is most constraining with regard to permitted heights will apply. The terminal instrument procedures (TERPS) departure surface is an area longitudinally centered on the extended runway centerline and extending outward from the departure end of each runway for two nautical miles. The width of the surface is 1,000 feet at the runway end, diverging 15 degrees outward from either side of the runway centerline out to the end of the surface (width at this point is approximately 7,512 feet). The beginning elevation of these surfaces is 35 feet above the runway end with this elevation increasing at a slope of 40 to 1 (one foot vertically for every 40 feet horizontally) to the end of the surface.
- g. *Airport surveillance radar (ASR) surface.*
  - 1. The airport surveillance radar (ASR) surface extends radially from the airport surveillance radar (ASR) facility located adjacent to the northwestern perimeter of the Southwest Florida International Airport. The beginning elevation of the airport surveillance radar (ASR) conical surface is designated as the ground elevation at the center of the airport surveillance radar (ASR) facility. The airport surveillance radar

(ASR) surface extends upward and outward from this reference point in all directions at a 125 to 1 slope (one foot vertically for every 125 feet horizontally) until an elevation of 125 feet above mean sea level is reached.

2. Due to the fact that the operation of the airport surveillance radar (ASR) facility is electromagnetic in nature, objects not penetrating the 125 to 1 airport surveillance radar (ASR) surface may still have an adverse affect on the safe and efficient operation of the airport surveillance radar (ASR) facility. Therefore, the airport surveillance radar (ASR) obstruction zone is hereby created and is designated as an area that extends from the airport surveillance radar (ASR) facility reference point in all directions to a radius of 5,000 feet. No construction or alteration shall be permitted within this airport surveillance radar (ASR) obstruction zone without prior review and approval by the county port authority.

h. *Heliport primary surface.* The area of the heliport primary surface coincides in size and shape with the designated takeoff and landing area of a heliport. This surface is a horizontal plane at the elevation of the established heliport elevation.

i. *Heliport approach surface.* The heliport approach surface begins at each end of the heliport primary surface with the same width as the heliport primary surface and extends outward and upward for a horizontal distance of 4,000 feet where its width is 500 feet at a slope of 8 to 1 (one foot vertically for every eight feet horizontally).

j. *Heliport transitional surface.* This surface extends outward and upward from the lateral boundaries of the heliport primary surface and from the heliport approach surface at a slope of 2 to 1 (one foot vertically for every two feet horizontally) for a distance of 250 feet measured horizontally from the centerline of the heliport primary and approach surfaces.

k. *Other areas.* In addition to the height limitations imposed in subsections (1)a through j of this section, no structure or obstruction will be permitted within the county that would cause a minimum descent altitude (MDA), minimum obstruction clearance altitude (MOCA), minimum vectoring altitude (MVA) or decision height to be raised, or which would impose either the establishment of restrictive minimum climb gradients or nonstandard takeoff minimums. The following limitations apply to height restrictions within the county, in addition to those presented in subsections (1)a through j of this section. Where any two restrictions are in conflict, the more stringent applies.

1. Except as otherwise provided in this subdivision, no structure or object of natural growth shall be erected, altered or allowed to grow, or be maintained, to a height which penetrates any flight obstruction surfaces created in this subdivision.

2. Except as otherwise provided in this subdivision, no structure or object of natural growth shall be erected, altered or allowed to grow, or be maintained, without prior approval by the county port authority, which is or would be an obstruction to air navigation within the county or of a height greater than any of the following:

i. A height of 500 feet above ground level at the site of the object.

ii. A height of 200 feet above ground level or above the established airport elevation, whichever is higher, within three nautical miles of the established reference point of an airport, and which height increases at a slope of 100 to 1 (one foot vertically for every 100 feet horizontally) up to a maximum of 500 feet.



iii. Any object within the approach segment, the departure area or any missed approach or circling approach area which is determined by the administrative director to be a hazard to the safe and efficient use of airspace around an airport.

3. Except as otherwise provided in this subdivision, no structure or object or natural growth shall be erected, altered or allowed to grow, or be maintained, which penetrates any of the imaginary surfaces outlined under Federal Aviation Regulations part 77, Notice of Construction or Alteration, as revised, without prior notification to the Federal Aviation Administration as outlined under the same regulations.

(2) *Other county airports.* No structure or obstruction will be permitted within zones specified in the rules of the state department of transportation, chapter 14-60, Airport Licensing and Zoning, that is not part of the landing, maneuvering and taking-off facilities at any county airport, as determined by the county port authority. (Ord. No. 93-24, § 7(492(C)), 9-15-93; Ord. No. 94-24, § 28, 8-31-94)

**Sec. 34-1005. Land use restrictions and obstruction identification.**

(a) *Land use restrictions.* Notwithstanding any other provisions of this subdivision, no use may be made of land or water within the county in such a manner as to interfere with the safe operation of an airborne aircraft. The following special requirements shall apply to each permitted use:

(1) All lights or illumination used in conjunction with streets, parking, signs, or use of land and structures shall be arranged and operated in such a manner that it is not misleading or dangerous to aircraft operating from a county airport or in the vicinity thereof.

(2) All floodlights and spotlights and any type of pulsating, flashing, rotating or oscillating light intended as an attention-gathering device shall be prohibited if determined to be a possible hazard to air navigation by the county port authority.

(3) No operations of any type shall produce smoke, dust, visible fumes or vapors, glare or other visual hazards within three statute miles of any usable runway of an airport.

(4) No operations of any type shall produce electronic interference with navigational signals or radio communication between aircraft, an airport or other types of air traffic controlling facilities.

(5) Sanitary landfills shall be considered as an incompatible use if located within areas established for the airport through the application of the following criteria:

a. Landfills located within 10,000 feet of any runway used or planned to be used by turbojet or turboprop aircraft.

b. Landfills located within 5,000 feet of any runway used only by piston type aircraft. Landfills outside the perimeters described in this subsection, but still within the lateral limits of the surfaces described in this subdivision, will be reviewed on a case-by-case basis.

(6) Any landfill located so that it places the runways or approach and departure patterns of an airport between bird feeding, water or roosting areas is not permitted.

(7) Any type of dirigible, balloon or other type of hovering or floating object the height of which exceeds the airspace notification limitations outlined in section 34-1008 shall be reviewed by the county port authority as outlined in the procedures specified in section 34-1008.

(8) No structure of any height, type or material shall be constructed or altered which could possibly cause interference to any airport surveillance radar system as determined by the Federal Aviation Administration or the county port authority.

(b) *Obstruction marking and lighting.*

(1) Any variance or permit granted which is determined to be a possible obstruction to air navigation as outlined in the provisions of this subdivision shall, as a specific condition, require the owner to mark and light the structure to indicate to aircraft pilots the presence of the obstruction. Such marking and lighting shall conform to the specific standards established by F.S. § 333.07 and Federal Aviation Administration Advisory Circular 70/7460-1, as amended.

(2) Notwithstanding any other provisions within this subdivision, the owner of any existing nonconforming structure or tree is hereby required to install, operate and maintain thereon such markers and lights as shall be deemed necessary by the administrative director to indicate to the operators of aircraft in the vicinity of the airport the presence of such flight obstructions. Such markers and lights shall be installed, operated and maintained at the expense of the owner.

(Ord. No. 93-24, § 7(492(D)), 9-15-93)

#### **Sec. 34-1006. Airport noise zones.**

(a) *Purpose.* The purpose of this section is to establish standards for land use and for noise compatibility requirements with respect to noise associated with the normal operation of county airports. This section establishes noise zones of differing intensities and land uses in the vicinity of county airports, establishes permitted land uses within the noise zones, and establishes notification and easement procedures to prospective purchasers or developers of real estate within the noise zones.

(b) *Noise zones defined; permitted uses.* There are hereby created and established two airport noise zones pertaining to land uses surrounding the Southwest Florida International Airport based upon the DNL contours for airport noise developed in accordance with the Federal Aviation Regulations, Part 150, Noise Compatibility Study for the Southwest Florida International Airport, as adopted by the Board of County Commissioners and on file at the county port authority. The purpose and intent of these noise zones is to define and set forth specific regulations for all properties within the described areas. These noise zones are set forth as overlay zoning districts in that they provide regulations and restrictions in addition to those set forth in the planned development or conventional zoning districts in which the property is located, as defined in this chapter. Except as otherwise provided in this section, no land, body of water or structure may be used or permitted to be used and no structure may be hereafter erected, constructed, moved, reconstructed or structurally altered or maintained in any of these airport noise zones which is designed, arranged or intended to be used or occupied for any purpose other than as defined in the following:

(1) *Airport Lands zone.*

a. *Location.* Airport Lands zone is the land within the airport boundary as identified in Appendix C.

b. *Restrictions.* The Airport Lands zone is restricted to airport-related uses only, including but not limited to those necessary to provide services and convenience goods principally to airline passengers, and those uses generally associated with the airport

operations, including aircraft and aircraft parts manufacturers, air freight terminals, aviation and airline schools, aircraft repair shops, aerial survey offices, aircraft sales, equipment and parts storage, aviation research and testing laboratories, airline catering services and governmental facilities.

(2) *Noise sensitive zone.*

a. *Location.* The noise sensitive zone consists of that area of land located between the Airport Lands boundary and the 2020 Composite 60 DNL contour line as determined in the adopted 2005 FAR Part 150 Study for Southwest Florida International Airport and identified in Appendix C.

b. *Restrictions.* This zone allows any use permitted by this chapter, provided that no residential living units, places of worship, libraries, schools, hospitals, correctional institutions or nursing homes are permitted. However, residential units, including mobile homes, that are lawfully existing as of June 27, 2000 will be treated as legally permitted uses and not as nonconforming uses. Lawfully existing mobile or manufactured homes may be replaced with new mobile or manufactured homes or conventional single-family construction and existing conventional single-family homes may be replaced with new conventional homes so long as such replacement would be otherwise allowed by this Code. However, an existing conventional home may not be replaced with a new mobile or manufactured home. One conventional single-family home is permitted on each lot in a plat properly recorded before June 27, 2000 if such use would have been permitted on the lot prior to June 27, 2000.

(Ord. No. 93-24, § 7(492(E)), 9-15-93; Ord. No. 94-24, § 28, 8-31-94; Ord. No. 96-25, § 2, 12-18-96; Ord. No. 00-14, § 5, 6-27-00; Ord. No. 01-03, § 5, 2-27-01; Ord. No. 01-18, § 5, 11-13-01; Ord. No. 05-15, § 1, 8-23-05)

**Sec. 34-1007. Nonconforming uses.**

Except as prescribed in section 34-1005(b), pertaining to obstruction marking and lighting, the requirements prescribed by this subdivision shall not be construed to necessitate the removal, lowering or alteration of any existing structure not conforming to the requirements set forth in this subdivision; nor shall it be construed to require the sound conditioning or other changes or alteration of any existing structure not conforming to the requirements as of September 1, 1989, or otherwise interfere with the continuance of any existing nonconforming use. Nothing contained in this subdivision shall require any change in construction or alteration which was begun prior to September 1, 1989, and is diligently pursued and completed within two years thereof. The cost of removing or lowering any tree or object of natural growth not conforming to the requirements of this section shall be borne by the owner of the nonconforming tree. (Ord. No. 93-24, § 7(492(F)), 9-15-93)

**Sec. 34-1008. Permit for tall structures.**

(a) It shall be the duty of the director to administer and enforce the requirements prescribed in this subdivision within the territorial limits over which the county has jurisdiction through the permitting process. The director shall implement airspace notification procedures through the use of the county airspace notification map, as developed by the county port authority, to assist the department in determining when a proposed structure or object would require a tall structures permit. This airspace

notification map shall be reviewed annually with the county port authority's attorney and executive director, or their designees, to ensure currency. The various surfaces displayed on the county airspace notification map are defined as follows. The penetration of the imaginary surfaces outlined in this section shall require review by the county port authority under the provisions provided in this section.

(1) *Publicly owned, public-use county airports.* Any construction or alteration of a greater height than an imaginary surface extending outward and upward from any point of any publicly owned, public-use county airport at a slope of 125 to 1 (one foot vertically for every 125 feet horizontally) for a distance up to a height of 125 feet above mean sea level.

(2) *Other county airports.* Any construction or alteration of a greater height than an imaginary surface extending outward and upward from any point of any privately owned or private-use county airport at a slope of 50 to 1 (one foot vertically for every 50 feet horizontally) for a distance up to a height of 125 feet above mean sea level.

(3) *Heliports.* Any construction or alteration of a greater height than an imaginary surface extending outward and upward from any point of any public or private state-licensed county heliport at a slope of 25 to 1 (one foot vertically for every 25 feet horizontally) for a distance up to a height of 125 feet above mean sea level.

(4) *Airport surveillance radar notification areas.* Any construction or alteration within 5,000 feet of any airport surveillance radar facility, and any construction or alteration of a greater height than an imaginary surface extending outward and upward from the reference point of any airport surveillance radar facility at a slope of 125 to 1 (one foot vertically for every 125 feet horizontally) for a distance up to a height of 125 feet above mean sea level.

(5) *Other areas.* Any construction or alteration of a greater height than 125 feet above mean sea level.

(b) If the director determines, for any proposed construction, including adding height to any existing structures, and for all alterations, repairs or additions that will change the use of the structure, or for erecting, altering or repairing any object of natural growth, that the height of the proposed structure or object exceeds the height limitations outlined on the county airspace notification map as determined by the director, then the applicant is required to obtain a tall structures permit prior to the issuance of any further development orders or permits.

(c) Applications for a tall structures permit shall include the height and location of derricks, draglines, cranes and other boom-equipped machinery, if such machinery is to be used during construction.

(d) Applicants intending to use derricks, draglines, cranes and other boom-equipped machinery for such construction, reconstruction or alteration as is consistent with the provisions of this subdivision shall, when the machine operating height exceeds the height limitations imposed by this subdivision, require a tall structures permit. Upon obtaining this permit through the procedures outlined in this section, the applicant shall mark, or mark and light, the machine to reflect conformity with the Federal Aviation Administration's or the county port authority's standards for marking and lighting obstructions, whichever is more restrictive, and shall be required in such cases to inform the county port authority, through this tall structures permit process, of the location,

height and time of operation for such construction equipment use prior to the issuance of any construction permit to the applicant.

(e) The permitting procedures for a tall structures permit are outlined as follows. If a tall structures permit application is deemed necessary by the director, as determined through the use of the county airspace notification map, the following procedures shall apply:

(1) The department shall give a written notice to the applicant that a tall structures permit is required and that no further permits or development orders can be issued until a tall structures permit is obtained.

(2) The applicant shall then submit a completed tall structures permit application to the Lee County Port Authority, 16000 Chamberlin Parkway, Ft. Myers, Florida 33913. The county port authority shall review the application, and the following procedures will apply:

a. If the county port authority determines that the proposed construction or alteration represented in the application does not violate the provisions of Federal Aviation Regulations, part 77, or the provisions of this subdivision or any other application of federal or state rules and regulations or does not adversely affect the airspace surrounding any county airport, the port authority shall indicate such determination on the tall structures permit application. The signed tall structures permit application will then be returned to the applicant. The applicant shall present the tall structures permit application to the administrative director in order that a tall structures permit may be issued. If the signed tall structures permit application is accompanied with stipulations of compliance as determined by the county port authority, it is the responsibility of the administrative director to ensure that these stipulations are adequately addressed prior to the issuance of a tall structures permit.

b. If the county port authority determines that the proposed construction or alteration violates the notification criteria of Federal Aviation Regulations, part 77, or otherwise violates any provisions of this subdivision or any other applicable federal or state rules or regulations, the county port authority will notify the applicant in writing that the proposed construction or alteration may adversely affect the airspace surrounding county airports and require that a notice of proposed construction or alteration be filed with the Federal Aviation Administration for review through the submittal of Federal Aviation Administration Form 7460-1 as required by Federal Aviation Regulations, part 77. The county port authority shall suspend the tall structures permit application process until Federal Aviation Administration findings of aeronautical effect are received and reviewed.

c. It is the responsibility of the applicant to forward the Federal Aviation Administration's findings of aeronautical effect, along with a copy of the completed original Federal Aviation Administration Form 7460-1, to the county port authority in order to continue the tall structures permit process.

d. The tall structures permit application shall not be issued if the proposed construction or alteration is found to violate the provisions of this subdivision or any other applicable federal or state rules or regulations. No tall structures permit will be issued if all Federal Aviation Administration and county port authority comments are not addressed to the satisfaction of the county port authority. The applicant shall be forwarded a written notice if the tall structures permit is denied, from the county port authority. This written notice

shall specify the reason for objections and suggestions for compliance under this subdivision and all other applicable federal or state rules and regulations.

e. After reviewing the Federal Aviation Administration's comments pertaining to the Federal Aviation Administration Form 7460-1, if the county port authority determines that the proposed construction or alteration does not adversely affect any other requirements pertaining to county airports, the port authority shall return to the applicant the signed tall structures permit application. The applicant shall present a copy of the tall structures permit application, along with all port authority comments and stipulations, to the director in order that a tall structures permit may be issued. If the signed tall structures permit application is accompanied with stipulations of compliance, it is the responsibility of the director to ensure that these stipulations are adequately addressed prior to the issuance of a tall structures permit.

(f) If the director determines that all procedures and application approvals are in compliance with the provisions outlined in this section, then a tall structures permit will be issued to the applicant.

(g) No tall structures permit shall be issued prior to obtaining a determination of acceptability and compliance from the county port authority.

(h) Temporary or conditional tall structures permits pending completion of the Federal Aviation Administration's or the county port authority's review shall not be issued.

(Ord. No. 93-24, § 7(492(G)), 9-15-93)

LEE COUNTY TALL STRUCTURES REVIEW APPLICATION

To: Planning & Environmental Compliance Dept. Date: \_\_\_\_\_  
Lee County Port Authority

Project: \_\_\_\_\_  
DO #/ Building Permit Ref. # (circle one): \_\_\_\_\_

The undersigned Owner/Lessee hereby requests a Tall Structures Review in accordance with the Lee County Land Development Code, Zoning Section 34-1008, as amended.

1. Location: \_\_\_\_\_  
STRAP Number: \_\_\_\_\_

**IMPORTANT:** A USGS 7.5 Quadrangle Map showing the exact location of the proposed project must be attached (USGS 7.5 Quadrangle Maps may be obtained from the Lee County Mapping office), unless exact Latitude/Longitude of project is given below:

North Latitude- \_\_\_\_\_ Degrees \_\_\_\_\_ Minutes \_\_\_\_\_ Seconds  
West Longitude- \_\_\_\_\_ Degrees \_\_\_\_\_ Minutes \_\_\_\_\_ Seconds

2. Proposed Tall Structures

A. **TEMPORARY CRANE:**

Height \_\_\_\_\_ AGL Date(s) of Operation \_\_\_\_\_  
Hours of Use \*\* \_\_\_\_\_

\*\*Must coordinate with Lee County Port Authority prior to use.

B. **PERMANENT STRUCTURE:**

Type Construction \_\_\_\_\_

Construction Materials \_\_\_\_\_

Dimensions- at Base: \_\_\_\_\_ at Top: \_\_\_\_\_

Height Above Ground Level \_\_\_\_\_ Elevation of site \_\_\_\_\_

3. Property Owner:	Applicant:
Name _____	Name _____
Address _____	Address _____
_____	_____
Phone _____	Phone _____
Fax _____	Fax _____

IF PERMIT SEEKER IS NOT LANDOWNER, attach a copy of the authorization to construct or lease on the land involved.

4. Construction Diagram: Attach hereto a scale drawing showing the size and dimensions of the proposed construction. If cranes are to be used during the project, include the maximum crane height used during construction, dates and hours of operation, and shade in their envelope of maneuverability.

5. Special considerations, if any:

\_\_\_\_\_  
\_\_\_\_\_

I do solemnly swear (or affirm) that the statements and information contained herein and on the required supporting documents are true and correct.

Date: \_\_\_\_\_ Applicant Signature: \_\_\_\_\_

Print Applicant Name: \_\_\_\_\_

Please forward this application, and direct any questions regarding the completion of this application, to Herman Lawrence, Jr., Lee County Port Authority, Planning and Environmental Compliance Department, Southwest Florida International Airport, 11000 Terminal Access Road, Suite 8671, Fort Myers, FL 33913, FAX (239) 590-4688/Telephone: (239) 590-4624.

**BELOW COMPLETED BY LEE COUNTY PORT AUTHORITY**

LEE COUNTY PORT AUTHORITY  
TALL STRUCTURES REVIEW/PERMIT

Date Reviewed \_\_\_\_\_

DO # or Building Permit Ref. # (circle one) \_\_\_\_\_

Project: \_\_\_\_\_

STRAP #: \_\_\_\_\_

The Lee County Port Authority has reviewed the above project and determined that the proposed development is:

\_\_\_\_\_ Approved for a Tall Structures Permit and is in compliance with Zoning Section 34-1008 of the Lee County Land Development Code. This approval is conditional based on the attached stipulations.

\_\_\_\_\_ Disapproved for a Tall Structures Permit based on the following:

\_\_\_\_\_  
\_\_\_\_\_

DATE \_\_\_\_\_ LEE COUNTY PORT AUTHORITY REPRESENTATIVE \_\_\_\_\_



*Mike Scott*  
Sheriff



State of Florida  
County of Lee

Mr. Fred Drovdlc  
Quattrone & Associates, Inc...  
11000 Metro Parkway, Suite 30  
Fort Myers, FL. 33912

October 3, 2006

Dear Mr. Drovdlc:

The Sheriff's Office has reviewed your letter dated September 21, 2006 outlining your intention to request Lee County to consider a comprehensive plan amendment for the area of Three Oaks Parkway North. According to my staff, the amendment, if approved, will allow the construction of a 1,344,000 square foot business park consisting of industrial, research and development, retail and commercial office space to be situated on 169.2 acres. I further understand that the project has a tentative commencement date of sometime in the year 2009.

If the proposed development follows that which you have discussed with my staff then the Sheriff's Office has no objection to this project and I am confident that we will be able to provide an adequate "core" level of law enforcement services to the area. As is our policy, we evaluate from year to year the demand for law enforcement services based on a formula derived from our calls for service, size of the service population and optimal response times. As this project builds out we will factor its impact into our annual manpower review and make adjustments accordingly.

We look forward to further discussions on this matter as the development progresses. Please let us know if there are any significant changes in the projected density of the project.

Sincerely,

A handwritten signature in cursive script that reads "Mike Scott".

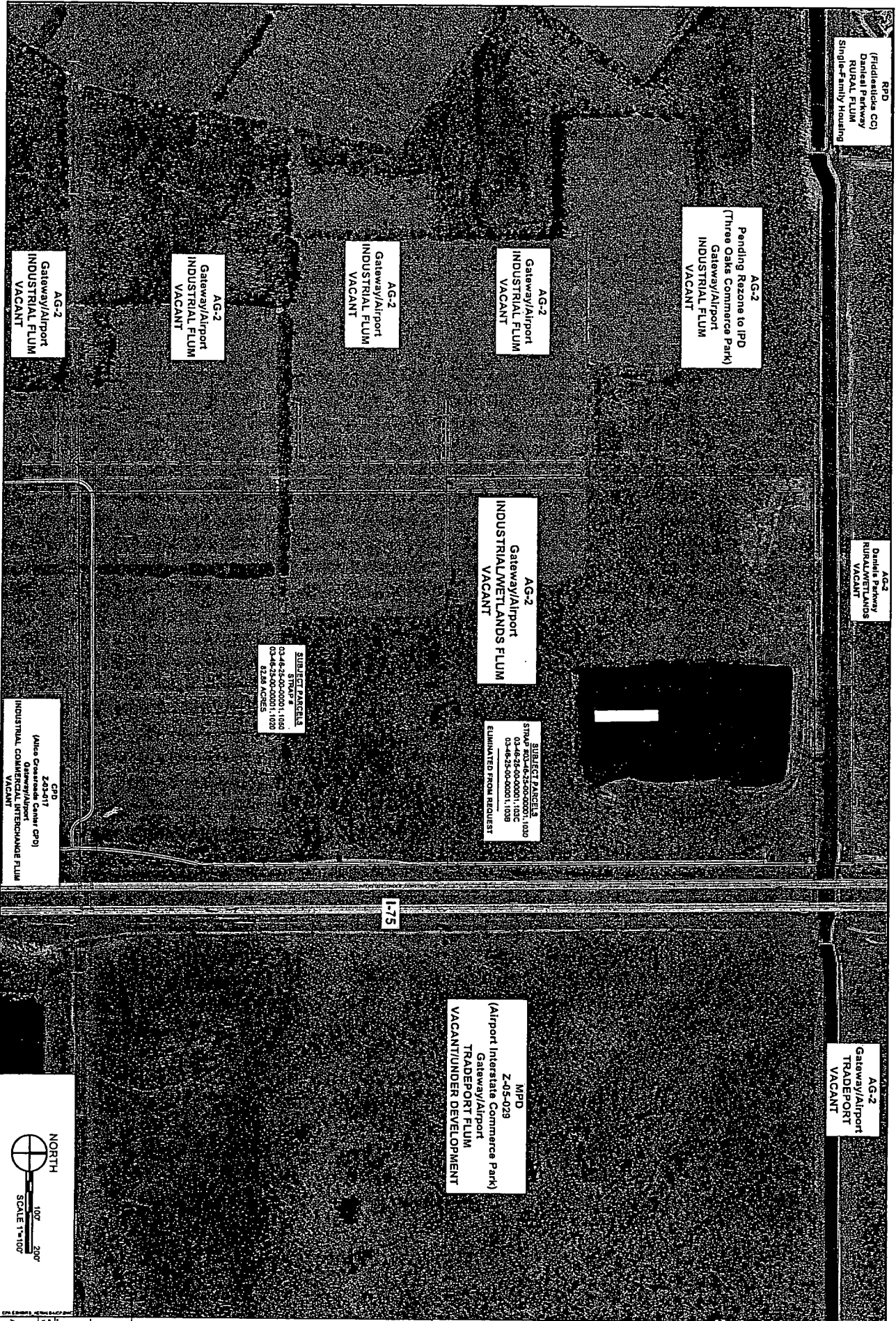
Mike Scott  
Sheriff, Lee County Florida



# MAPS

MAPS

 Quattrone &  
Associates, Inc.



RPD  
(Fiddlesticks Ct)  
Daniel Parkway  
RURAL FLUM  
Single-Family Housing

AG-2  
Pending Rezone to IPD  
(Three Oaks Commerce Park)  
Gateway/Airport  
INDUSTRIAL FLUM  
VACANT

AG-2  
Gateway/Airport  
INDUSTRIAL FLUM  
VACANT

AG-2  
Gateway/Airport  
INDUSTRIAL FLUM  
VACANT

AG-2  
Gateway/Airport  
INDUSTRIAL FLUM  
VACANT

AG-2  
Gateway/Airport  
INDUSTRIAL FLUM  
VACANT

AG-2  
Daniel Parkway  
RURAL/WETLANDS  
VACANT

AG-2  
Gateway/Airport  
INDUSTRIAL/WETLANDS FLUM  
VACANT

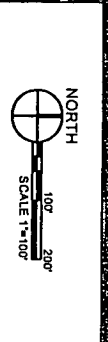
SUBJECT PARCELS  
STRAP 203-46-25-00-0001, 1000  
03-46-25-00-0001, 1000  
03-46-25-00-0001, 1000  
82.88 ACRES

SUBJECT PARCELS  
STRAP 203-46-25-00-0001, 1000  
03-46-25-00-0001, 1000  
03-46-25-00-0001, 1000  
ELIMINATED FROM REQUEST

CPD  
Z-45-029  
(Alice Oateshank Center CPD)  
Gateway/Airport  
INDUSTRIAL COMMERCIAL INTERCHANGE FLUM  
VACANT

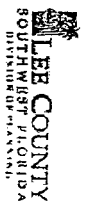
AG-2  
Gateway/Airport  
TRADEPORT  
VACANT

MPD  
Z-45-029  
(Airport Interstate Commerce Park)  
Gateway/Airport  
TRADEPORT FLUM  
VACANT/UNDER DEVELOPMENT



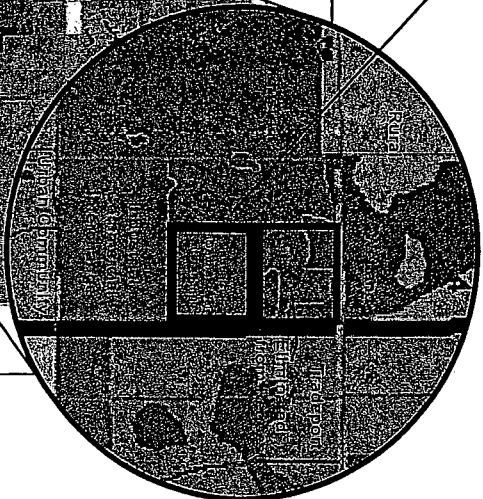
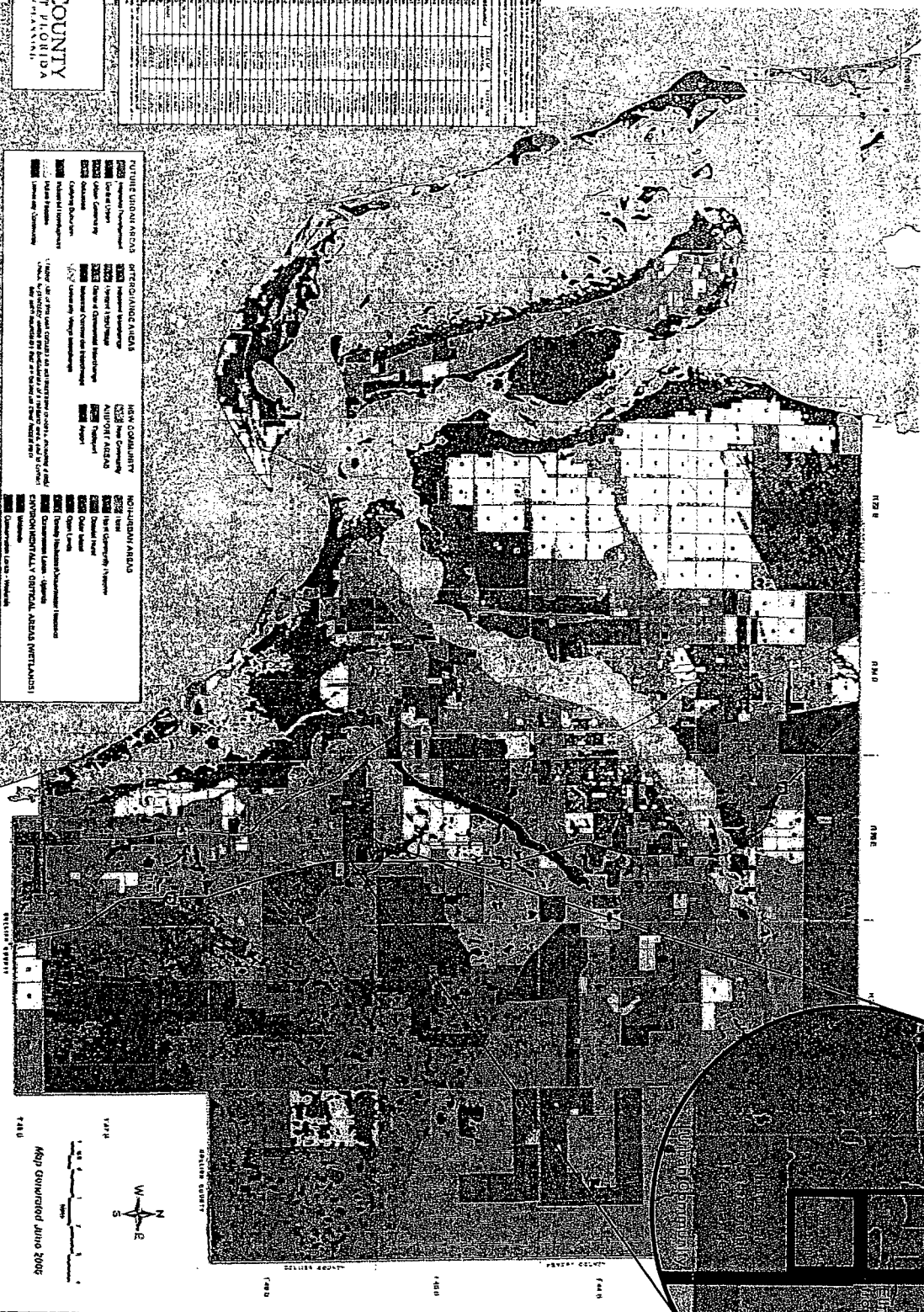
# FUTURE LAND USE MAP

(Lee Plan Map 1 Page 1 of 5)



Legend	Symbol	Description
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2	[Symbol]	Future Land Use
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100	[Symbol]	Future Land Use



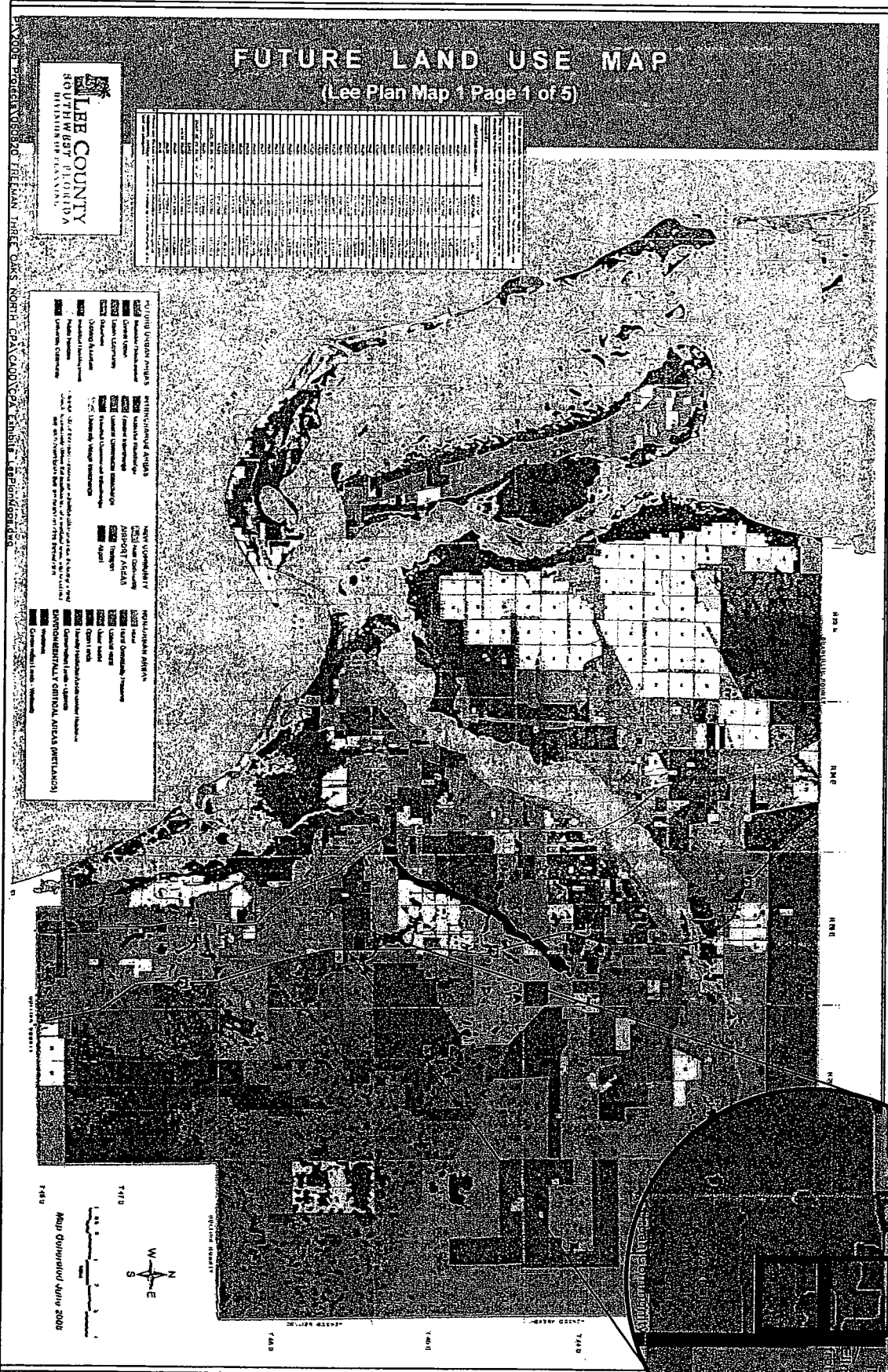
**SUBJECT PARCELS**  
 STRAP #03-46-25-00-00001.1050, 03-46-25-00-00001.1020  
 82.86 ACRES  
 (Revised from 169 acres)  
**PROPOSED: INDUSTRIAL COMMERCIAL INTERCHANGE**

A-2  
2002

**Quattrone & Associates, Inc.**  
 Engineers, Planners, & Development Consultants  
 11000 Metro Parkway, Suite 30 - Fort Myers, Florida 33912 - 239-936-5222  
 Certificate of Authorization Number: 940

**THREE OAKS NORTH CPA**  
**EXHIBIT A-2 PROPOSED FLUM**  
 LEE COUNTY, FLORIDA

DATE	REVISION



**SUBJECT PARCELS**  
STRAP #03-46-25-00-00001.1050, 03-46-25-00-00001.1020  
82.86 ACRES  
(Revised from 169 acres)  
**CURRENT: INDUSTRIAL**

**A-2**  
1 of 2

**Quattrone & Associates, Inc.**  
Engineers, Planners, & Development Consultants  
11000 Mett Parkway, Suite 30 - Fort Myers, Florida 33912 - 239-536-5222  
Certificate of Accreditation Number: 8483

**THREE OAKS NORTH CPA**  
**EXHIBIT A-2 CURRENT FLUM**  
LEE COUNTY, FLORIDA

DATE	REVISION



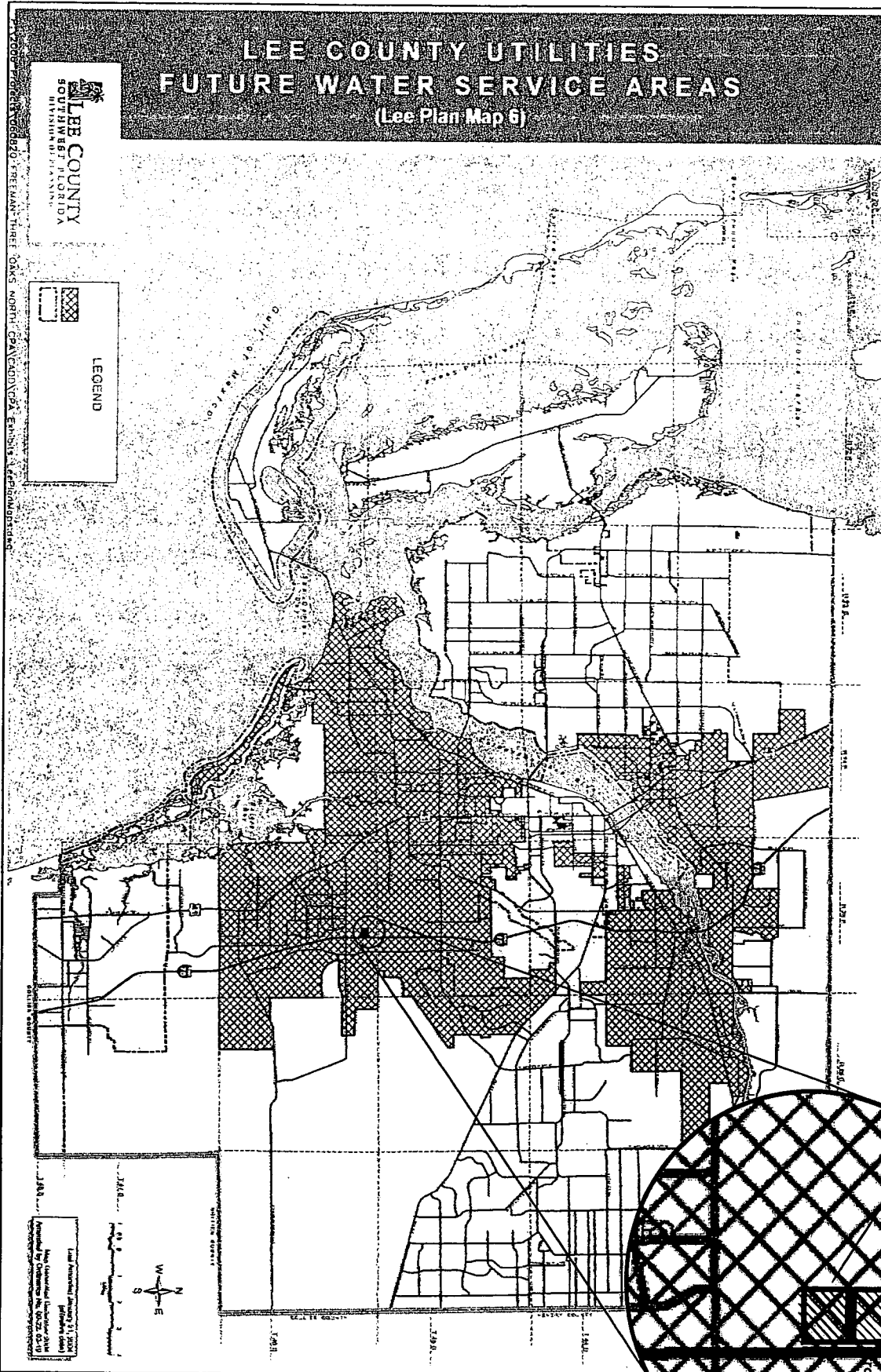
# LEE COUNTY UTILITIES FUTURE WATER SERVICE AREAS (Lee Plan Map 6)

LEE COUNTY  
SOUTHWEST FLORIDA  
WATER MANAGEMENT DISTRICT

LEGEND



Land Acquired January 1, 2004  
Map (Unrecorded) Lee County  
Map (Unrecorded) Lee County  
Map (Unrecorded) Lee County



SUBJECT PARCELS  
STRAP #03-46-25-00-00001.1050, 03-46-25-00-00001.1020  
82.86 ACRES  
(Revised from 169 acres)

ONE EIGHTY SEVEN (87) LEE COUNTY

1 of 1



**Quattrone & Associates, Inc.**  
Engineers, Planners, & Development Consultants  
11000 Micron Parkway, Suite 30 - Fort Myers, Florida 33912 - 239-936-9222  
Certificate of Registration Number: 9463

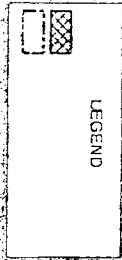
THREE OAKS NORTH CPA  
EXHIBIT - FUTURE WATER SERVICE

LEE COUNTY, FLORIDA

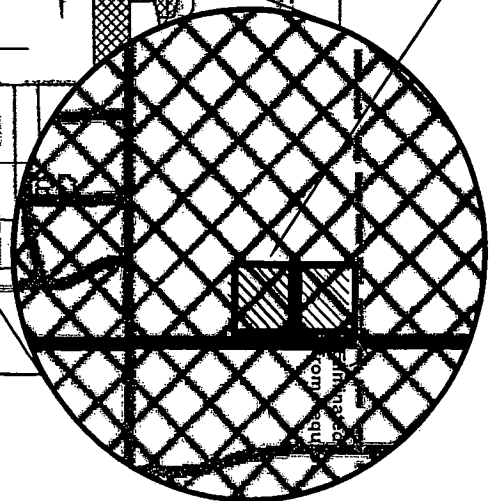
DATE	REVISION

**LEE COUNTY**  
SOUTHWEST FLORIDA  
DIVISION OF PLANNING

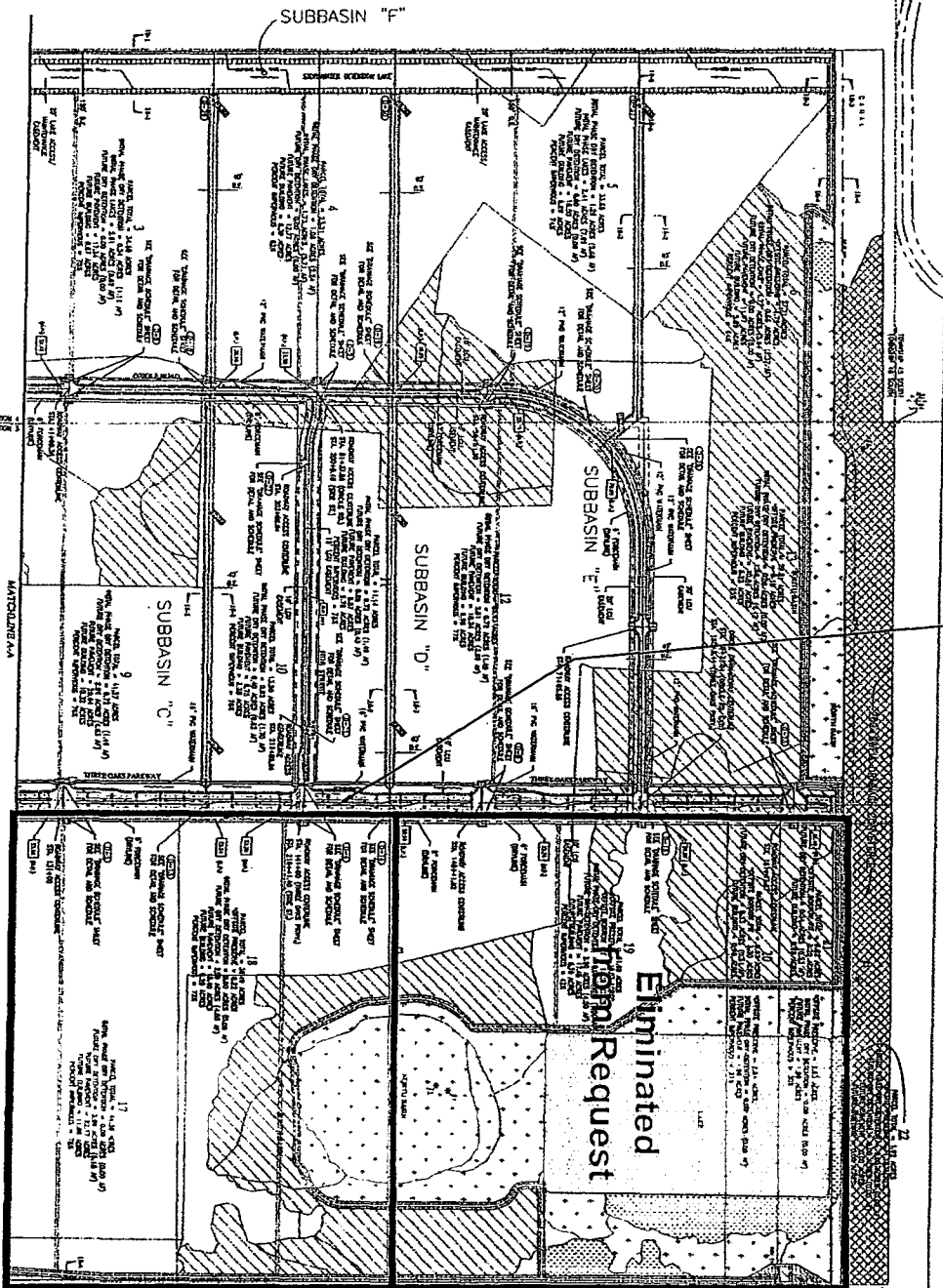
## LEGEND



SUBJECT PARCELS  
STRAP #03-46-25-00-00001.1050, 03-46-25-00-00001.1020  
82.86 ACRES  
(Revised from 169 acres)



**SUBJECT PARCELS**  
**STRAP #03-46-25-00-00001.1050, 03-46-25-00-00001.1020**  
**82.86 ACRES**  
**(Revised from 169 acres)**



THREE OAKS PARKWAY EXTENSION  
 SECTIONS 9 & 4, TOWNSHIP 46S, RANGE 23E  
 LEE COUNTY, FLORIDA



**SOURCE, INC.**  
 1324 LANTANA STREET, SUITE 200  
 TAMPA, FLORIDA 33604  
 TEL: 813-281-1111 FAX: 813-281-1112

**SITE DEVELOPMENT**  
 NORTH

DATE: 10/24/03  
 DRAWN BY: J. P. RAY

NO.	DATE	DESCRIPTION
1	10/24/03	INITIAL DESIGN
2	11/10/03	REVISION
3	12/10/03	REVISION
4	01/10/04	REVISION
5	02/10/04	REVISION
6	03/10/04	REVISION
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200	05/10/20	REVISION





R.O.W.  
TAKING  
EXHIBIT  
44.11 acres

**THREE OAKS NORTH CPA  
CPA2005-00005**

**- ORC RESPONSE -  
APPLICATION FOR A  
LARGE-SCALE COMPREHENSIVE  
PLAN AMENDMENT**

LEE COUNTY, FLORIDA

 **Quattrone &  
Associates, Inc.**

**THREE OAKS NORTH (CPA2005-00005)**



Engineers, Planners & Development Consultants

11000 Metro Parkway, Suite 30 • Fort Myers, Florida 33966  
Tel: (239) 936-5222 • Fax: (239) 936-7228

March 29, 2007

Mr. Rick Burris, Principle Planner  
Planning Division  
Lee County Department of Community Development  
1500 Monroe Street  
Fort Myers, Florida 33901

**S: RESUBMITTAL IN REPONSE TO ORC REPORT**  
**PROJECT: CPA2005-00005**  
**THREE OAKS NORTH CPA**

Dear Rick,

Attached, please find 35 copies of the response to the ORC Report issued March 2, 2007.

If you have any questions or need additional information, please call me at this office. I, of course, would be happy to meet with you and staff as necessary.

Sincerely,  
Quattrone & Associates, Inc.

A handwritten signature in black ink, appearing to read 'Fred Drovdlc', is written over a horizontal line.

Fred Drovdlc, AICP  
Planning Director

*Attachments*

**DEPARTMENT OF COMMUNITY AFFAIRS  
Objections, Recommendations and Comments Report  
For Lee County's Comprehensive Plan Amendment 07-1ER**

**A. Future Land Use Map Changes:**

**AI: CPA 2005-05; Three Oaks North:**

This is a request to change the land use designation on an 82.86-acre site from Industrial Development to Industrial Commercial Interchange. The Department raises the following issues with the proposed land use change:

**1) Traffic Impact:** The proposed amendment is not supported by data and analysis of the impact of the amendment on transportation facilities and a demonstration that transportation facilities are available or planned to be available within the *next five years* to accommodate the impact of the amendment. No analysis is included that assesses the impact of the amendment within the short range planning timeframe of five years to identify the existing and future road capacity that can accommodate the maximum amount of development allowed by the proposed Future Land Use Map category. In addition, according to the County's staff report, Alico Road, one of the roadways to be impacted, is projected to fail by 2030 with or without the amendment. Furthermore, according to the Florida Department of Transportation (FDOT), the proposed amendment could create potentially 20,000 additional trips which will worsen the traffic situation at the intersection of Alico Road and 1-75 that is currently operating at a level of service "F". Thus, this amendment is inconsistent with the requirements of state law which requires comprehensive plans be coordinated with the availability of public facilities.

[Chapter 163.3177(2), (6)(a) & (b), & (S), Florida Statutes (F.S.); 9J-5.006(3)(b)I., (3)(c)3., and 9J-5.019(3)(d), (0, & (h), Florida Administrative Code (F.A.C.)]

**Recommendation:** Provide data and analysis that shows the impact of the maximum development allowed by the proposed land use change on transportation facilities within the study area at the adopted level of service standards and also demonstrating that roadway capacity exist or is planned to accommodate the impact of the amendment within the next five years. The analysis should show the existing condition of the roadways with and without the amendment and the condition during the short term planning timeframe of five years with and without the amendment. If the analysis shows that there is no capacity on the impacting roadways to accommodate the amendment, the County should include improvements in a financially feasible Five-Year Schedule of Capital Improvements to provide the needed capacity. If the improvement will be paid for by a developer, the schedule of capital improvements should be accompanied by an executed agreement between the County and the developer to demonstrate the financial feasibility of the schedule.

## **RESPONSE**

The maximum development allowed under the proposed land use change from Industrial to Industrial Commercial Interchange, as estimated by FDOT in the February 1, 2007 memo issued by Mike Daniel and included in the ORC Report, is 783,380 square feet of commercial (TABLE 1). The actual build-out (proposed) numbers will be 160,000 square feet of retail, 225,000 office, and 399,000 industrial/warehouse. Nevertheless, using FDOT numbers based on 100% commercial development, the total number of daily trips generated by the potential 783,380 square feet of commercial development is estimated to be 25,883 and 2,346 p.m. peak hour trips. The net increase in trips over the existing ability to develop industrially is estimated to be 19,815 daily trips and 1,328 p.m. peak hour trips.

TABLE 1						
Scenario	Max Allowable Intensity	ITE Land Use Code	ITE Description	Allowed Development (Square Feet)	Daily Trips	PM Peak Trips
ADOPTED IND	10,000 SF/AC based on 82.6 gross acres	110	General Light Industrial	826,000	6,068	1,018
REQUESTED ICU		820	Shopping Center	783,380	25,883	2,346
TOTAL DIFFERENCE					+19,815	+1,328

It should be noted that the FDOT trip estimate for the ADOPTED SCENARIO under the Industrial Land Use category should be higher (TABLE 2). Today, as permitted in the Lee County Comprehensive Plan, the property could develop up to 30,000 square feet of retail and a minimum of a 1 to 10 ratio of industrial to office or nearly 80,000 square feet, all of which were not taken into account in the adopted scenario, an 18% difference in trips.

TABLE 2						
Scenario	Max Allowable Intensity	ITE Land Use Code	ITE Description	Allowed Development (Square Feet)	Daily Trips	PM Peak Trips
ADOPTED IND	10,000 SF/AC based on 82.6 gross acres	110	General Light Industrial	826,000	6,068	1,018
ADOPTED IND (ADJUSTED FOR PERMITTED USES)		110	General Light Industrial	716,000	2,879	702
		710	General Office Building	80,000	2,491	119
		820	Shopping Center	30,000	9,218	113
TOTAL WITH ADJUSTMENTS				826,000	7,160	934
TOTAL DIFFERENCE					+1,092	-84

Regardless, in order to reduce the potential volume of trips we are offering to Lee County Planning Staff, to include as an addendum to the Land Use Category Amendment,

stipulations limiting the types and intensity of potential development as follows (TABLE 3):

TABLE 3						
Scenario	Max Allowable Intensity	ITE Land Use Code	ITE Description	Allowed Development (Square Feet)	Daily Trips	PM Peak Trips
ADOPTED IND	10,000 SF/AC based on 82.6 gross acres	110	General Light Industrial	826,000	6,068	1,018
REQUESTED ICU WITH INTENSITY AND USE RESTRICTIONS		110	General Light Industrial	399,000	2,781	391
		710	General Office Building	225,000	2,477	335
		820	Shopping Center	160,000	6,870	600
TOTAL UNDER RESTRICTIONS				784,000	12,128	1,326
DIFFERENCE					+6,060	+308
REDUCTION IN TRIPS FROM UNRESTRICTED ICU LAND USE (TABLE 1)					-13,755	-1,020

The restrictions would accomplish limiting the potential office and retail for the project while maintaining the majority of the project as industrial uses that are currently available.

The restrictions reduce potential trips from a total of 25,883 daily and 2,346 p.m. peak hour trips to 12,128 daily and 1,326 p.m. peak hour trips – **a trip reduction of 13,755 daily trips and 1,020 peak hour p.m. trips, equal to -53.1% from the impact of unrestricted Industrial Commercial Interchange.**

#### FIVE YEAR IMPROVEMENTS

In consideration is the five year roadway project horizon offering several improvements making the project impact acceptable (all levels of service are according to the Lee County 2006/2007 Concurrency Report).

1. The Three Oaks North (see attached Capital Improvements Program 2006-2011 for Lee County DOT) project is a four lane roadway from the project site north to a 6-lane arterial and south to another 6-lane arterial (Alico Road). Three Oaks North is to operate at a level of service "A" or "B" with the project.
2. The intersection of Alico Road and I-75 (east of project) is being improved. Construction on the Alico Road/I-75 interchange is within 1 year of completion (see attached FDOT work program). Currently Alico operates at level of service "B" east and west of Three Oaks Parkway.
3. The 6-laning of I-75 (east of project) has been announced to begin construction within 2 months and will be completed within the five-year timeframe (see attached FDOT work program). Currently I-75 is at level of service "F" as a four lane and should move to LSO "C" or "D" after the six lane is complete.
4. The intersection of US 41 and Alico Road (west of project) is underway and should be complete within 9-12 months. US 41 immediately north and south of this intersection is operating at LOS "B".

### **BEST-CASE SCENERIO CONSTRUCTION SCHEDULE**

The parcels within the subject property are currently vacant. The comprehensive plan amendment will take until mid 2007 to reach a decision. If the amendment were to be approved the rezoning would begin. The rezoning process takes at least 12 months placing the zoning completion date in mid 2008. At that time a development order may be filed. Concurrently private development must fund the Three Oaks North to the project entrance since the County plans for the project are on the edge of the five-year horizon. If the road construction and development order process go well a development order approval may be reached by mid 2009. At that time a building permit will be acquired and ground may break mid to late 2009. Assuming a year construction time from grading, utilities to going vertical an actual building could be ready for occupancy early 2011.

### **CONCLUSION**

In the five year timeframe the access road (Three Oaks North), the I-75/Alico Road interchange, I-75 capacity, and the intersection at US 41 will all be improved. Trip demand for this project has been reduced by almost 50% through staff limitations to amendment. Alico Road is slated to fail in 2030 with or without the project, but in the five year time frame to remain above failing and is currently LOS "B". Alico Road will need relief regardless of this project. Lee County DOT is exploring the Alico Expressway as a solution. The Alico Expressway is on the 2030 needs program.

At the time of this response Lee County DOT was in the process of revising there traffic model based on the restricted land use category. It is there full intent to issue a revised memo based on the new limited demand but there was not sufficient time prior to the response deadline.

**2) Water and Sewer Facility Analysis:** With respect to water and sewer according to information provided the amendment will create a demand for water and sewer of 110,088 GPD. No analysis is provided to identify the demand individually, for water and sewer, based on the adopted level of service standards and the maximum development allowed by the proposed designation, and taking into account the existing and committed demands, as well as the existing capacity in order to identify any surplus or deficit that exists. [Chapter 163.3 177(6)(a) & (c), & (8), F.S.; 9J-5.006(3)(b)l., (3)(c)3., Rules 9J- 5.011(l)(f); F.A.C.]

**Recommendation:** Revise the supporting data and analysis for this amendment to analyze the impact of this amendment on water and sewer facilities capacity and delivery system in order to address the issues raised above. The analysis should show the current demand, committed demand, and the demand due to this amendment based on the City's adopted level of service standards, and indicating the surplus or deficit that exist in the system. If the analysis shows a deficit, include in the Capital Improvements Element, a schedule of improvements that is financially feasible which will enable the facilities to be available to serve the needs of this amendment.

**3) Potable Water Supply Sources:** The potable water information provided does not address the availability and adequacy of water at the sources to meet the demand of this



amendment plus the existing and committed demands. This is not consistent with State law which requires each local government to address in their comprehensive plan the water supply sources necessary to meet and achieve the projected water use demand for the established planning period.

[Chapter 163.3 167(13), F.S., and Rule 9J-5.013(l)(c), F.A.C.]

**Recommendation:** Revise the analysis to identify the potable water source or sources that will be relied upon for this amendment and demonstrate the adequacy of water at that source to meet the projected demand. The analysis should take into account the existing demand, the committed demand, and the demand due to this amendment, and demonstrate that adequate water is available at the identified source or planned to be available to meet the need created by this amendment. This information is necessary in order to demonstrate consistency with the above cited provisions of the law.

#### **RESPONSE**

The amendment to an unrestricted Industrial Commercial Interchange created a demand for 110,088 GPD as a 100% shopping center. The amendment is to limit the potential retail and commercial office uses to reduce demand on water and sewer facilities, as well as reduce the burden on the road network. The limitations reduce the demand by 46,088 GPD, or 42%. As stated in a previous memo from Lee County Utilities capacity currently exists for this project and is available on a first-come-first-serve basis. Service to this project depends on developer financed infrastructure which led to the inability of LCU to issue a standard availability letter. Attached are development parameter engineering plans for infrastructure from the Three Oaks North development plan. The attachment shows plans for a 16" water main and 8" force main adjacent to the subject property.

***A letter of availability was produced by Lee County Utilities on April 3, 2007 and is attached. The letter states that Potable Water and Sewer capacity are available for this project.***

**LEE COUNTY**  
SOUTHWEST FLORIDA**BOARD OF COUNTY COMMISSIONERS**Writer's Direct Dial Number: (239) 479-8525Bob Janes  
District One

April 3, 2007

A. Brian Bigelow  
District TwoFred Drovdic  
Quattrone & Associates, Inc.  
11000-30 Metro Parkway  
Fort Myers, FL 33966Ray Judah  
District ThreeTammy Hall  
District Four**RE: POTABLE Water and Wastewater AVAILABILITY**  
**Three Oaks North CPA**  
**STRAP #: 03-46-25-00-00001.1020**Frank Mann  
District FiveDonald D. Stillwell  
County Manager

Dear Mr. Drovdic:

David M. Owen  
County Attorney

Potable water lines and wastewater lines are in operation in the vicinity of the proposed project mentioned above. However, in order to provide service to the subject parcels, developer funded system enhancements such as line extensions may be required.

Diana M. Parker  
County Hearing Examiner

Your firm has indicated that this project will consist of 3 commercial units with an estimated flow demand of approximately 64,000 gallons per day. Lee County Utilities presently has sufficient capacity to provide potable water and sanitary sewer service as estimated above.

Prior to beginning design work on this project, a meeting should be scheduled with Thom Osterhout to determine the best point of connection and discuss requirements for construction.

Availability of potable water and sanitary sewer service is contingent upon final acceptance of the infrastructure to be constructed by the developer. Upon completion and final acceptance of this project, potable water service will be provided through our Corkscrew Water Treatment Plant.

Sanitary sewer service will be provided by Three Oaks Wastewater Treatment Plant. The Lee County Utilities' Operations Manual requires the project engineer to perform hydraulic computations to determine what impact this project will have on our existing system.

This letter should not be construed as a commitment to serve, but only as to the availability of service. Lee County Utilities will commit to serve only upon receipt of all appropriate connection fees, a signed request for service and/or an executed service agreement, and the approval of all State and local regulatory agencies.

Further, This Letter Of Availability Of Water and Wastewater Service Is To Be Utilized For Development Review For This Project Only. Individual Letters Of Availability Will Be Required For The Purpose Of Obtaining Building Permits.

Sincerely,

**LEE COUNTY UTILITIES**Melissa Bibeau  
Engineering Tech., I  
UTILITIES ENGINEERING

VIA FACSIMILE

DO - THREE OAKS NORTH CPA

P.O. Box 398, Fort Myers, Florida 33902-0398 (239) 335-2111  
Internet address <http://www.lee-county.com>  
AN EQUAL OPPORTUNITY AFFIRMATIVE ACTION EMPLOYER

Summary of Multi-Use Trip Generation  
Average Weekday Driveway Volumes  
April 03, 2007

Land Use	Size	24 Hour	AM Pk Hour		PM Pk Hour	
		Two-Way Volume	Enter	Exit	Enter	Exit
Shopping Center	160.000 T.G.L.A.	6870	101	64	288	312
General Office Building	225.000 Th.Gr.Sq.Ft.	2477	306	43	56	279
General Light Industrial	399.000 Th.Gr.Sq.Ft.	2781	323	44	48	343
Total		12128	730	151	392	934

Note: A zero indicates no data available.

TRIP GENERATION BY MICROTRANS

Summary of Multi-Use Trip Generation  
 Saturday and Sunday Driveway Volumes  
 April 03, 2007

Land Use	Size	Saturday			Sunday		
		24 Hr	Peak Hour		24 Hr	Peak Hour	
		2-Way Vol.	Enter	Exit	2-Way Vol.	Enter	Exit
Shopping Center	160.000 T.G.L.A.	7995	413	382	4038	245	254
General Office Building	225.000 Th.Gr.Sq.Ft.	533	50	43	221	18	14
General Light Industrial	399.000 Th.Gr.Sq.Ft.	527	28	28	271	20	20
Total		9055	491	453	4530	283	288

Note: A zero indicates no data available.

TRIP GENERATION BY MICROTRANS

# LEE COUNTY CONCURRENT REPORT

LEE COUNTY CONCURRENT REPORT



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# **Concurrency Report**

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## **Inventory and Projections 2005/2006 – 2006/2007**

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*Prepared for Board of County Commissioners*

*by Department of Community Development  
with assistance from*

**County Attorney's Office  
Construction and Design Division  
Environmental Services Division - Natural Resources  
Environmental Services Division - Solid Waste  
Parks and Recreation Division  
Department of Transportation**

**June, 2006**

ROAD	FROM	TO	LOS		Planned Parallel Improvement
			STD	Exist	
I-75	Collier County Line	Bonita Beach Road	C	F	Livingston Road 4Ln completed; US 41 6Ln construction recently completed.
I-75	Bonita Beach Road	Corkscrew Road	C	E	Imperial Street/Three Oaks Parkway partly constructed, part 4Ln funded in 2005/06; US 41 6Ln under construction; 4Ln Sandy Lane extension under construction.
I-75	Corkscrew Road	Alico Road	C	E	Three Oaks Parkway 4Ln funded in 2005/06; US 41 6Ln funded in 2010/11.
I-75	Alico Road	Daniels Parkway	C	F	Ben Hill Griffin/Treeline Avenue 4Ln extension completed; Three Oaks North extension funded in 2009/10.
I-75	Daniels Parkway	Colonial Boulevard	C	E	Treeline Avenue 4Ln extension North under construction by private developer; Plantation 4Ln extension and Six Mile Cypress Pkwy 4Ln funded in 2006/07.
I-75	Colonial Boulevard	ML King Boulevard	C	E	Shoemaker Boulevard 4Ln extension under construction; Ortiz Avenue 4Ln proposed in 2009/10.
I-75	ML King Boulevard	Luckett Road	C	F	Ortiz Ave 4Ln in 2008/09.
I-75	Luckett Road	Palm Beach Boulevard	C	F	Ortiz Ave 4Ln proposed in 2008/09.
I-75	Palm Beach Boulevard	Bayshore Road	C	D	8Ln design and ROW programmed by FDOT.

The following county roadway links meet the LOS standard now but may not meet it in the future as projects that have been approved continue to develop. These links could become a problem if the approved projects are constructed and the capacity is not increased or road projects providing alternative routes are not constructed.

ROAD	FROM	TO	LOS			Planned Improvement
			2005	2006	Future	
Daniels Parkway	Metro Parkway	Six Mile Cypress Parkway	D	E	F	Constrained Facility; v/c=0.89. Alico Expressway PD&E proposed in 2008/09.
Daniels Parkway	Six Mile Cypress Parkway	Palomino Lane	D	F	F	Constrained Facility; v/c=0.98. Alico Expressway PD&E proposed in 2008/09.
Daniels Parkway	Chamberlin Parkway	Gateway Boulevard	C	F	F	6Ln proposed in 2010/11.
Homestead Road	Immokalee Road (S.R. 82)	Leeland Heights Boulevard	D	E	F	Part 4Ln proposed in 2008/09.
Sunshine Boulevard	West 12 <sup>th</sup> Street	West 75 <sup>th</sup> Street	C	F	F	

ROAD LINK VOLUMES												
Peak Direction of Flow												
ROADWAY LINK NAME	FROM	TO	ROAD TYPE	PERFORMANCE STANDARD		2005 100th HIGHEST HOUR		EST 2006 100th HIGHEST HOUR		FORECAST FUTURE VOL		LINK NO.
				LOS	CAPACITY	LOS	VOLUME	LOS	VOLUME	LOS	VOLUME	
A & W BULB RD.	GLADIOLUS DR.	MCGREGOR BLVD.	2LU	E	860	C	260	C	287	C	369	00100
ALABAMA RD.	IMMOKALEE RD. (S.R. 82)	MILWAUKEE BLVD.	2LN	E	990	D	310	D	428	D	428	00200
ALABAMA RD.	MILWAUKEE BLVD.	HOMESTEAD RD.	2LN	E	990	D	383	D	478	D	478	00300
A. G. BELL BLVD.	IMMOKALEE RD. (S.R. 82)	MILWAUKEE BLVD.	2LN	E	990	B	152	C	350	D	554	00400
A. G. BELL BLVD.	MILWAUKEE BLVD.	JOEL BLVD. (S.R. 884)	2LN	E	990	C	266	D	477	E	620	00500
ALICO RD.	U.S. 41	LEE RD.	6LD	E	2,920	B	1,068	B	1,237	B	1,362	00600
ALICO RD.	LEE RD.	THREE OAKS PKWY.	6LD	E	2,920	B	1,079	B	1,083	B	1,088	00700
ALICO RD.	THREE OAKS PKWY.	I-75	6LD	E	2,920	B	1,097	B	1,097	B	1,097	00800
ALICO RD.	I-75	BEN HILL GRIFFIN BLVD.	6LD	E	2,920	B	722	B	1,086	B	2,312	00900
ALICO RD.	BEN HILL GRIFFIN BLVD.	GREEN MEADOW DR.	2LN	E	860	E	707	E	727	E	762	01000
ALICO RD.	GREEN MEADOW DR.	CORKSCREW RD. (C.R. 850)	2LN	E	860	B	86	E	707	E	762	01050
ARROYAL ST.	BONITA BEACH RD.	PENNSYLVANIA AVE.	2LN	E	860	C	333	C	344	C	366	01100
BABCOCK RD.	U.S. 41	ROCKEFELLER CIR.	2LN	E	860	B	88	B	88	B	88	01200
BARRETT RD.	PONDELLA RD.	PINE ISLAND RD.	2LN	E	860	C	191	C	191	C	191	01400
BASS RD.	SUMMERLIN RD.	GLADIOLUS DR.	2LN	E	860	C	159	C	303	D	434	01500
BAYSHORE RD. (S.R. 78)	BUSINESS 41 (C.R. 739)	HART RD.	4LD	E	1,990	D	1,693	D	1,693	D	1,693	01600



ROAD LINK VOLUMES													
Peak Direction of Flow													
ROADWAY LINK NAME	FROM	TO	ROAD TYPE	PERFORMANCE STANDARD		2005 100th HIGHEST HOUR		EST 2006 100th HIGHEST HOUR		FORECAST FUTURE VOL		NOTES*	LINK NO.
				LOS	CAPACITY	LOS	VOLUME	LOS	VOLUME	LOS	VOLUME		
CORKSCREW RD. (C.R. 850)	WILDCAT DR.	COLLIER COUNTY LINE	2LN	E	1,010	B	180	C	374	E	648	4 Ln by CRSA Ben Hill Griffin to Habitat entr. in 06	07000
COUNTRY LAKES BLVD.	LUCKETT RD.	TICE ST.	2LU	E	860	C	144	C	145	C	269		07100
CRYSTAL DR.	U.S. 41	METRO PKWY.	2LU	E	860	E	715	E	715	E	715		07200
CRYSTAL DR.	METRO PKWY.	PLANTATION RD.	2LU	E	860	C	245	C	283	C	302		07300
CYPRESS LAKE DR.	MCGREGOR BLVD. (S.R. 867)	SOUTH POINTE BLVD.	4LD	E	1,920	D	970	D	975	D	1,009		07400
CYPRESS LAKE DR.	SOUTH POINTE BLVD.	WINKLER RD.	4LD	E	1,920	D	1,223	D	1,223	D	1,223		07500
CYPRESS LAKE DR.	WINKLER RD.	SUMMERLIN RD. (C.R. 869)	4LD	E	1,920	E	1,520	E	1,524	E	1,524		07600
CYPRESS LAKE DR.	SUMMERLIN RD. (C.R. 869)	U.S. 41	6LD	E	2,890	D	1,909	D	1,911	D	1,920		07700
DANIELS PKWY.	U.S. 41	METRO PKWY.	6LD	E	2,740	E	2,140	E	2,141	E	2,194		07800
DANIELS PKWY.	METRO PKWY.	SIX MILE CYPRESS PKWY.	6LD	E	2,740	E	2,428	E	2,436	F	2,857	Constrained w/c = 0.89 Alico Express PD&E prop in 08/09	07900
DANIELS PKWY.	SIX MILE CYPRESS PKWY.	PALOMINO LN.	6LD	E	3,050	D	2,974	F	3,148	F	3,212	Constrained w/c = 0.98	08000
												Express PD&E prop in 08/09	
DANIELS PKWY.	PALOMINO LN.	I-75	6LD	E	3,050	B	2,415	C	2,570	C	2,644	Constrained w/c = 0.79	08100
DANIELS PKWY.	I-75	TREELINE AVE.	6LD	E	2,950	B	2,424	B	2,477	B	2,484		08200
DANIELS PKWY.	TREELINE AVE.	CHAMBERLIN PKWY.	6LD	E	2,950	B	2,520	B	2,520	B	2,527		08300

ROAD LINK VOLUMES												
Peak Direction of Flow												
ROADWAY LINK NAME	FROM	TO	ROAD TYPE	PERFORMANCE STANDARD		2005 100th HIGHEST HOUR		EST 2006 100th HIGHEST HOUR		FORECAST FUTURE VOL		LINK NO.
				LOS	CAPACITY	LOS	VOLUME	LOS	VOLUME	LOS	VOLUME	
U.S. 41	COLLIER COUNTY LINE	BONITA BEACH RD. (C.R. 865)	6LD	E	2920	B	1,707	B	1,720	B	1,794	29500
U.S. 41	BONITA BEACH RD. (C.R. 865)	W. TERRY ST.	6LD	E	2920	B	1,902	B	1,902	B	1,902	29600
U.S. 41	W. TERRY ST.	OLD 41	6LD	E	2920	B	1,647	B	1,917	B	1,966	29700
U.S. 41	OLD 41	CORKSCREW RD.	6LD	E	2920	B	1,964	C	2,597	D	2,894	29800
U.S. 41	CORKSCREW RD.	SANIBEL BLVD.	4LD	E	2110	B	1,799	B	1,808	B	1,814	29900
U.S. 41	SANIBEL BLVD.	ALICO RD.	6LD	E	3170	B	1,847	B	1,894	B	2,093	30000
U.S. 41	ALICO RD.	ISLAND PARK RD.	6LD	E	3170	B	2,432	B	2,440	B	2,491	30100
U.S. 41	ISLAND PARK RD.	BRIARCLIFF RD.	6LD	E	3170	B	2,449	B	2,517	B	2,557	30200
U.S. 41	BRIARCLIFF RD.	SIX MILE CYPRESS PKWY.	6LD	E	3170	B	2,518	B	2,518	B	2,518	30300
U.S. 41	SIX MILE CYPRESS PKWY.	DANIELS RD.	6LD	E	2690	E	1,788	E	1,809	E	1,980	30400
U.S. 41	DANIELS RD.	COLLEGE PKWY.	6LD	E	2690	E	2,213	E	2,214	E	2,222	30500
U.S. 41	COLLEGE PKWY.	SOUTH RD.	6LD	E	2690	E	2,514	E	2,517	E	2,517	30600
U.S. 41	SOUTH RD.	BOY SCOUT DR.	6LD	E	2690	E	2,284	E	2,284	E	2,301	30700

ROAD LINK VOLUMES													
Peak Direction of Flow													
ROADWAY LINK NAME	FROM	TO	ROAD TYPE	PERFORMANCE STANDARD		2005 100th HIGHEST HOUR		EST 2006 100th HIGHEST HOUR		FORECAST FUTURE VOL		NOTES*	LINK NO.
				LOS	CAPACITY	LOS	VOLUME	LOS	VOLUME	LOS	VOLUME		
U.S. 41	BOY SCOUT DR.	NORTH AIRPORT RD.	6LD	E	2690	E	1,660	E	1,661	E	1,663	Constrained v/c=0.62	30800
U.S. 41	FT. MYERS CITY LIMITS	NORTH KEY DR.	4LD	E	2820	C	2,051	C	2,054	C	2,054		30900
U.S. 41	NORTH KEY DR.	HANCOCK BRIDGE PKWY.	4LD	E	2820	C	2,509	C	2,509	C	2,512		31000
U.S. 41	HANCOCK BRIDGE PKWY.	PONDELLA RD.	4LD	E	1920	D	1,547	D	1,547	D	1,547		31100
U.S. 41	PONDELLA RD.	PINE ISLAND RD. (S.R. 78)	4LD	E	1920	D	1,251	D	1,261	D	1,264		31200
U.S. 41	PINE ISLAND RD. (S.R. 78)	LITTLETON RD.	4LD	E	2000	B	1,156	B	1,182	B	1,183		31300
U.S. 41	LITTLETON RD.	BUSINESS 41	4LD	E	2000	A	918	A	920	A	920		31400
U.S. 41	BUSINESS 41	DEL PRADO BLVD.	4LD	E	2000	A	841	A	847	A	891		31500
U.S. 41	DEL PRADO BLVD.	CHARLOTTE COUNTY LINE	4LD	E	2000	A	841	A	841	A	841		31600
I-75	COLLIER COUNTY LINE	BONITA BEACH RD.	4LD	C	2890	F	3,974	F	3,974	F	3,974	6 Ln in 06/07 and parallel improv.	31700
I-75	BONITA BEACH RD.	CORKSCREW RD. (C.R. 850)	4LD	C	2890	E	3,442	E	3,442	E	3,442	6 Ln in 06/07 and parallel improv.	31800
I-75	CORKSCREW RD. (C.R. 850)	ALICO RD.	4LD	C	2890	E	3,688	E	3,688	E	3,688	6 Ln in 06/07 and parallel improv.	31900
I-75	ALICO RD.	DANIELS PKWY.	4LD	C	2890	F	4,481	F	4,481	F	4,481	6 Ln in 06/07 and parallel improv.	32000
I-75	DANIELS PKWY.	COLONIAL BLVD. (S.R. 884)	4LD	C	2890	E	3,634	E	3,634	E	3,634	6 Ln in 06/07 and parallel improv.	32100
I-75	COLONIAL BLVD. (S.R. 884)	DR. M.L. KING, JR. BLVD. (S.R. 82)	4LD	C	2890	E	3,770	E	3,770	E	3,770	6 Ln in 06/07	32200
I-75	DR. M.L. KING, JR. BLVD. (S.R. 82)	LUCKETT RD	4LD	C	2890	F	4,207	F	4,207	F	4,207	6 Ln in 06/07 and parallel improv.	32300
I-75	LUCKETT RD	PALM BEACH BLVD. (S.R. 80)	4LD	C	2890	F	4,098	F	4,098	F	4,098	6 Ln in 06/07 and parallel improv.	32400
I-75	PALM BEACH BLVD. (S.R. 80)	BAYSHORE RD. (S.R. 78)	4LD	C	2890	D	3,033	D	3,033	D	3,033	8 Ln Design funded in 06/07 ROW in 09/10	32500
I-75	BAYSHORE RD. (S.R. 78)	CHARLOTTE COUNTY LINE	4LD	C	2890	B	2,076	B	2,076	B	2,076		32600

# LEE COUNTY DOT 2006/07 CIP

LEE COUNTY DOT 2006/07 CIP

# SUMMARY OF MAJOR ROAD PROJECTS PROGRAMMED BY LEE COUNTY - FY 06/07 TO FY 10/11

COMM DIST.	PROJ. NUMBER	PROJECT NAME	LENGTH (MILES)	FY 98-05 PRIOR EXP.	FY05/06 BUDGET	06/07	07/08	08/09	09/10	10/11	5-YEAR TOTAL	6-10 ROW/CST	PROJECT TOTAL	FUTURE REVENUE SOURCE	PROJECT MANAGER
5		Sandy Lane Ext. North	1.43		0	0	0	0	0	1,410,000	1,410,000	0	17,260,000	IF24	Andy Gatch, 479-8510 gatcha@leegov.com
1	5814	Sanibel Bridge Replacement (CST UNDERWAY)		41,878,547	73,507,522	0	0	0	0	0	0	0	115,386,068	TOLL	Paul Wingard, 479-8545 wingardpw@leegov.com
1	5816	Replacement of Spans "A", "B" and "C"		1,052,667	17,844,075	0	0	0	0	0	0	0	18,896,742	BONDS	Paul Wingard, 479-8545 wingardpw@leegov.com
1.4	6068	Sanibel Toll Facility Reconstruction (CST UNDERWAY)		DES	CST	0	0	0	0	0	0	0	558,000	BONDS	Paul Wingard, 479-8545 wingardpw@leegov.com
		Rebuild and expand the Sanibel Bridge toll plaza and building		DES	CST	0	0	0	0	0	0	0	558,000	SURPLUS	Paul Wingard, 479-8545 wingardpw@leegov.com
		SeGo Implementation		0	558,000	0	0	0	0	0	0	0	558,000	TOLLS	Paul Wingard, 479-8545 wingardpw@leegov.com
2	4604	New transponders and related readers, software upgrades		DES	CST	0	0	0	0	0	0	0	12,519,000	IF23	Mike Rigsby, 479-8513 mrigsby@leegov.com
5		Six Mile Cypress Pkwy 4L	2.30	122,187	1,563,813	10,229,000	604,000	0	0	0	10,833,000	0	1,000,000	IF23	Nicole Maxey, 479-8569 maxeync@leegov.com
		N. of Daniels Pkwy. to S. of Winkler Ext.		DES	DES/ROW	200,000	800,000	0	0	0	1,000,000	0	1,000,000	IF23	Nicole Maxey, 479-8569 maxeync@leegov.com
		SR 82/Daniels Dual Left Lanes		0	0	DES	CST	0	0	0	30,761,000	0	40,354,215	IF23	Sarah Clarke, 479-8718 sclarke@leegov.com
2,3,5	6007	Expansion to include dual NB-to-WB left turn lanes	2.60	2,278,005	7,317,210	0	30,381,000	380,000	0	0	0	0	44,276,201	IF6/IF24/	Mike Rigsby, 479-8513 mrigsby@leegov.com
3	4067	Summerlin/Boyscout-Cypress Lake	4.26	11,839,207	32,436,994	0	0	0	0	0	0	0	34,478,706	GT	Eyra Cash, 479-8562 ecash@leegov.com
5	4053	6L widening, including overpass at College Parkway	3.50	ALL	ROW/CST	685,940	0	0	0	577,000	22,462,940	0	52,448,975	IF8/GT/	Nicole Maxey, 479-8569 maxeync@leegov.com
3	4043	Summerlin Rd./San Carlos to Gladiolus (CST UNDERWAY)	4.15	1,990,290	10,025,476	MIT	0	0	0	0	997,000	0	29,540,393	CITY	Betsy Rowan, 479-8511 browan@leegov.com
5	4081	Three Oaks Parkway Extension South (CST UNDERWAY)	4.60	13,631,873	37,820,102	LS	0	0	0	0	0	0	225,000	GT	Harry Campbell, 533-9500 campbellh@leegov.com
		New 4L, N. of Alico Rd. to Daniels Pkwy.		ALL	ROW/CST	0	0	0	0	0	0	0	1,612,000	IF3/IF23	Nicole Maxey, 479-8569 maxeync@leegov.com
		Three Oaks Parkway Widening (CST UNDERWAY)		DES/ROW	ALL	0	0	0	0	0	0	0	15,051,077	AV	Harry Campbell, 533-9500 campbellh@leegov.com
		4L, Corkscrew Rd. to Alico Rd.		DES/ROW	ALL	0	0	0	0	0	0	0	2,167,000	SURPLUS	Paul Wingard, 479-8545 wingardpw@leegov.com
All	5037	Traffic Management Center Update		0	145,000	80,000	0	0	0	0	80,000	0	8,081,674	TOLLS	Paul Wingard, 479-8545 wingardpw@leegov.com
5	4068	Hardware/software upgrades at Billys Creek	4.20	382,386	227,614	CST	0	0	0	0	1,002,000	0	32,250,000	TOLLS	Nicole Maxey, 479-8569 maxeync@leegov.com
All	4086	Treeline Extension North (CST UNDERWAY BY DEVELOPER)		CEI/PM	CEI/PM	0	1,002,000	0	0	0	4,500,000	3,500,000	30,000,000	TOLLS	Paul Wingard, 479-8545 wingardpw@leegov.com
1.4	5039	New 4L, Daniels Pkwy. to S. of Colonial Blvd.		1,053,708	5,997,369	CST	0	0	0	0	0	0	8,081,674	TOLLS	Paul Wingard, 479-8545 wingardpw@leegov.com
		Urban Arterial Street Lighting		0	2,167,000	0	0	0	0	0	7,700,000	0	8,081,674	TOLLS	Paul Wingard, 479-8545 wingardpw@leegov.com
1.4	5029	Adding street lights along major County roads		0	0	0	0	0	0	0	0	0	32,250,000	TOLLS	Paul Wingard, 479-8545 wingardpw@leegov.com
		VES and Fiber Optics		0	0	0	0	0	0	0	0	0	32,250,000	TOLLS	Paul Wingard, 479-8545 wingardpw@leegov.com
		Implementation of Vehicle Enforcement System at toll bridges		0	0	0	0	0	0	0	0	0	32,250,000	TOLLS	Paul Wingard, 479-8545 wingardpw@leegov.com
1.4	5029	Veterans Pkwy @ Del Prado		12,560	369,114	700,000	0	0	500,000	6,500,000	7,700,000	0	32,250,000	TOLLS	Sarah Clarke, 479-8718 sclarke@leegov.com
		Interim and ultimate improvements at exit ramp of overpass		DES	DES/CST	0	0	0	0	0	2,250,000	30,000,000	32,250,000	TOLLS	Nicole Maxey, 479-8569 maxeync@leegov.com
1.4		Veterans/Santa Barbara Overpass		0	0	0	0	2,250,000	DES	0	0	0	32,250,000	TOLLS	Nicole Maxey, 479-8569 maxeync@leegov.com
		Grade separation at intersection		0	0	0	0	0	0	0	0	0	32,250,000	TOLLS	Nicole Maxey, 479-8569 maxeync@leegov.com
		TOTAL	98.34								\$771,902,198		\$1,550,450,931		

NOTE: Budget figures represent estimates for programming purposes. All dollar figures are subject to adjustment. Program year represents when funds are available, not necessarily when phase started or completed.

KEY (PHASES): PRELIM = Preliminary Study; PD&E = Project Development & Environmental Study; DES = Design; ROW = Right-of-Way Acquisition; CST = Construction; CEI = Construction Engineering Inspection; PM = Project Management; LS = Landscaping; MIT = Mitigation

KEY (FUNDS): IF23 = Road Impact Fees from District 23; GT = Local Option Gas Taxes; CITY = City funds; PS = Public Safety funds; FDOT = Florida Dept. of Transportation; AV = Ad Valorem

# FDOT WORK PROGRAM

FDOT WORK PROGRAM

Florida Department of Transportation  
Work Program - 6 year History  
2001-2006 ADOPTED  
Last Update: 3/28/2007 - 03:00 AM

District 1 - LEE County

Item Number: 200966-1

Transportation System Description	Fiscal Year:	District	Length		Type of Work		Item		SIS **
			2001	2002	2003	2004	2005	2006	
Category: Highways									
Intrastate Interstate		01 - Lee County		2.117 Miles	Interchange (major)		200966-1		
I-75 AT ALICO ROAD									

[Click here to review the contact information for the content presented in this web site](#)

**Florida Department of Transportation  
Work Program**

## Work Program

2007-2012 TENTATIVE

**Last Update: 2/17/2007 - 07:19 AM**

District 1 - LEE County

**Item Number: 2009666-1**

Transportation System Description	Fiscal Year:	District	2007	Length	Type of Work	2010	Item	2012
<b>Category: Highways</b>								
Intrastate Interstate I-75 AT ALICCO ROAD		01 - Lee County		2.117 Miles	Interchange (major)		200866-1	** SIS
			\$716,843					
Right Of Way (On-Going)			\$2,683,213					
Construction (On-Going)			\$400,060					
Contract Incentives			\$176,208					
Construction Support (On-Going)								

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Florida Department of Transportation  
Work Program - 6 year History

2001-2006 ADOPTED  
Last Update: 3/28/2007 - 03:00 AM

District 1 - LEE County

Item Number: 406225-4

Transportation System Description	Fiscal Year:	District	2001	Length	2002	Type of Work	2003	2004	2005	2006	Item
Category: Highways											
Intrastate Interstate I-75 FROM S OF CORKSCREW ROAD TO S OF DANIELS PARKWAY		01 - Lee County		7.717 Miles		Add Lanes & Reconstruct					
Preliminary Engineering						\$3,547,983		\$51,607	\$506,082		
Right Of Way									\$154		
										** SIS **	
										\$38,594	
										\$558,834	

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Florida Department of Transportation  
Work Program  
2007-2012 TENTATIVE  
Last Update: 2/17/2007 - 07:19 AM

District 1 - LEE County  
Item Number: 406225-4

Transportation System Description	Fiscal Year:	District	2007	Length	2008	2009	2010	2011	2012
Category: Highways									
Intrastate Interstate		01 - Lee County	\$34,062,509	7.717 Miles					
I-75 FROM S OF CORKSCREW ROAD TO S OF DANIELS PARKWAY									
Right Of Way (On-Going)						Add Lanes & Reconstruct			** SIS **
								406225-4	

[Click here to review the contact information for the content presented in this web site](#)

# PROJECT UTILITY DEMAND

PROJECT UTILITY DEMAND

# UTILITY SUMMARY SHEET

Project Name:

Three Oaks North CPA2005-00005

Building #1 Area	160,000	SF			
Type of Use #1	Retail	Enter Retail Area	140,000	Daily Flow =	14000 GPD 88%
Type of Use #2	Restaurant		300	Daily Flow =	12000 GPD
# of Loading Bays					
# of Employees (Based on 1 / 2000 SF of Warehouse)					
Subtotal				26,000	GPD
Meter Size / # of Meters				2"	/ 2

Building #2 Area	225,000	SF			
Type of Use #1	Medical	Enter # of Doctors	20	Daily Flow =	5000 GPD
Type of Use #2	Office	Enter Office Area	185,000	Daily Flow =	27750 GPD 116%
# of Loading Bays					
# of Employees					
Subtotal				32,750	GPD
Meter Size / # of Meters				1"	/ 2

Building #3 Area	399,000	SF			
Type of Use #1	Warehouse	Enter # of Employees Below	399,000		249%
Type of Use #2					
# of Loading Bays			15	Daily Flow =	1,500 GPD
# of Employees			250	Daily Flow =	3,750 GPD
Subtotal				5,250	GPD
Meter Size / # of Meters				5/8"	/

Total Project Flow

64,000 GPD

Total ERU's

256 ERU's

## FLOW ASSUMPTIONS

Medical	250	/	Doctor
Office	15	/	100
Warehouse	15	/	2000 (Based on 1 employee per 2000 SF)
Restaurant	40	/	Seat
Church	3	/	Seat
Multifamily	200	/	Unit
Single Family	250	/	House
Retail	10	/	100 (Shopping Centers w/o Food)
Minwarehouse	1	/	Unit up to 200 Units
Loading Bays	100	/	Bay
Employees	15	/	Person

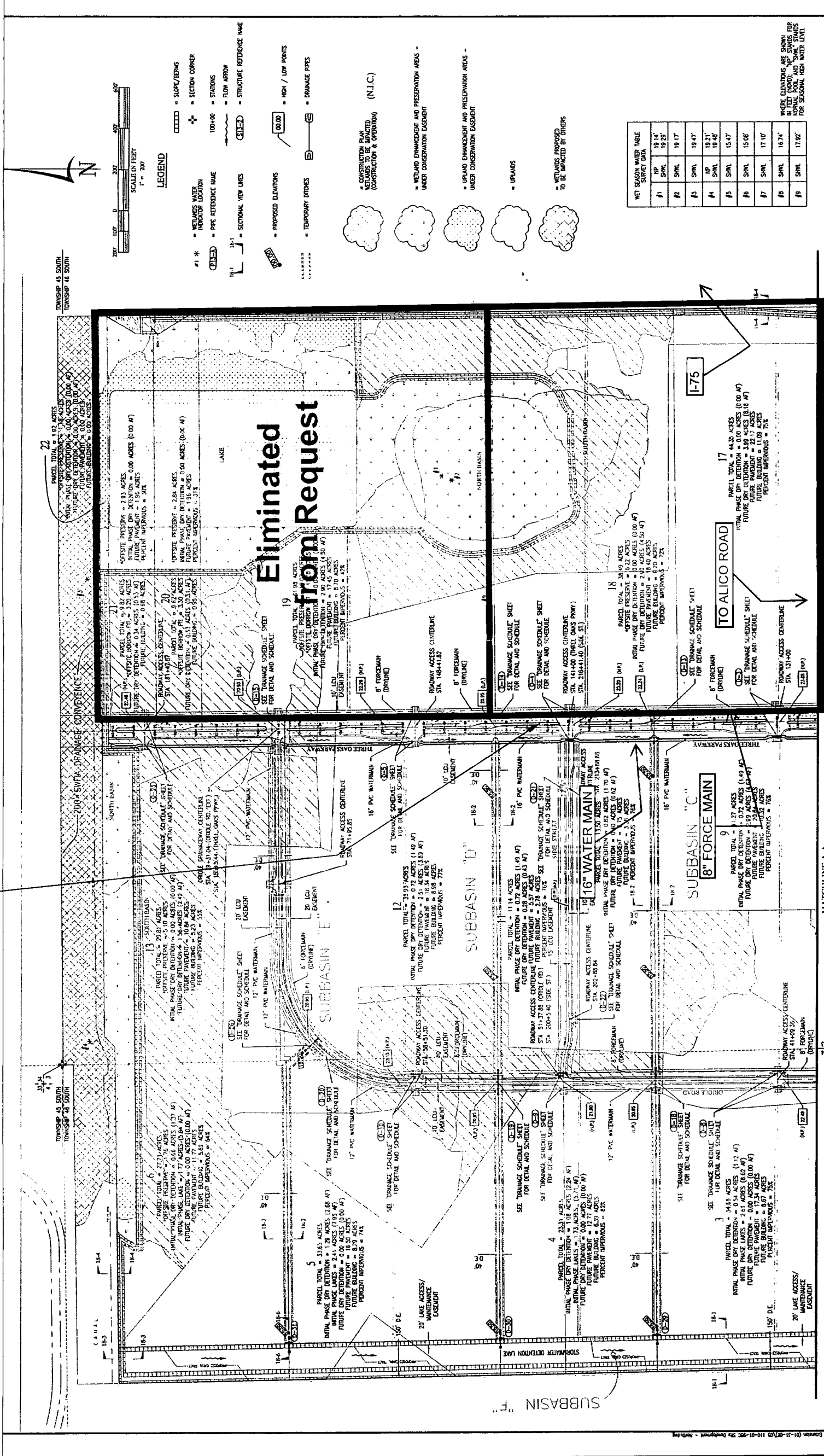
# THREE OAKS NORTH INFRASTRUCTURE PLAN



THREE OAKS NORTH INFRASTRUCTURE PLAN

STRAP #03-46-25-00-00001.1050, 03-46-25-00-00001.1020  
82.86 ACRES  
(Revised from 169 acres)

SUBJECT PARCELS



DATE: 11-04-03  
SHEET NO: 5 OF 24  
FILE NAME: 05-110  
DRAWN BY: L.G.  
JOB NO: 48221  
CERTIFICATE NUMBER: 48221  
ENGINEER: THOMAS J. PUGH, P.E.  
SOURCE, INC.  
PROFESSIONAL ENGINEER  
Engineering Business #2637  
1324 LAKEMORE STREET • CORP. OFFICE, D. 33894  
TELEPHONE (239)549-2345 FAX (239)549-0775

SITE DEVELOPMENT  
NORTH

THREE OAKS PARKWAY EXTENSION  
SECTIONS 3 & 4, TOWNSHIP 46S, RANGE 25E  
LEE COUNTY, FLORIDA

DATE: 11-04-03  
SHEET NO: 5 OF 24  
FILE NAME: 05-110  
DRAWN BY: L.G.  
JOB NO: 48221  
CERTIFICATE NUMBER: 48221  
ENGINEER: THOMAS J. PUGH, P.E.

DATE: 11-04-03  
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DRAWN BY: L.G.  
JOB NO: 48221  
CERTIFICATE NUMBER: 48221  
ENGINEER: THOMAS J. PUGH, P.E.

**Fred Drovdlc**

---

**From:** Burris, Richard R. [BURRISRX@leegov.com]  
**Sent:** Monday, March 26, 2007 1:56 PM  
**To:** Fred Drovdlc  
**Subject:** RE: Appointment with Dave Loveland

Fred,  
I was just told that we need 35 copies of your submittal and 35 copies of your response to the ORC. I am working under the assumption that mail out is late Friday.

**Richard R. Burris, AICP**  
**Principal Planner**  
**Lee County**  
**Department of Community Development**  
**Division of Planning**  
**(239) 479-8526 voice (239) 479-8319 fax**  
**[www.lee-county.com/dcd](http://www.lee-county.com/dcd)**

---

**From:** Fred Drovdlc [mailto:[fred@qainc.net](mailto:fred@qainc.net)]  
**Sent:** Monday, March 26, 2007 9:46 AM  
**To:** Nitti, Donna D.  
**Cc:** Burris, Richard R.; Fregroup@aol.com  
**Subject:** Appointment with Dave Loveland

Donna,

Under advisement of the Planning Department (Matt Noble and Rick Burris) we are to meet with Dave concerning CPA2005-00005 and the Alico Expressway status and how it affects the comments we received from DCA review. As usual we would like to meet as soon as Dave's schedule allows.

Attendees will be myself and Alan Freeman and Rick Burris (if able).

**Fred Drovdlc, AICP**  
**Vice President**

 Quattrone & Associates, Inc.   Engineers, Planners & Development Consultants   11000 Metro Parkway, Suite 30, Fort Myers, FL 33966   239.936.5222   <a href="http://qainc.net">qainc.net</a>
---

**THREE OAKS NORTH CPA  
CPA2005-00005**

**- 1st RESUBMITTAL -  
APPLICATION FOR A  
LARGE-SCALE COMPREHENSIVE  
PLAN AMENDMENT**

**LEE COUNTY, FLORIDA**

2005-00005  
**RECEIVED**  
SEP 15 2006

COMMUNITY DEVELOPMENT

**Quattrone &  
Associates, Inc.**

**THREE OAKS NORTH (CPA2005-00005)**





**INSUFFICIENCY RESPONSE**

**Revised Application and  
Supplemental Data  
CPA2005-00005**



**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: (239) 479-8585  
FAX: (239) 479-8519

**APPLICATION FOR A  
COMPREHENSIVE PLAN AMENDMENT**

(To be completed at time of intake)

DATE REC'D \_\_\_\_\_

REC'D BY: \_\_\_\_\_

APPLICATION FEE \_\_\_\_\_

TIDEMARK NO: \_\_\_\_\_

THE FOLLOWING VERIFIED:

Zoning ☐

Commissioner District ☐

Designation on FLUM ☐

-----  
(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: 19

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.

**09/15/06**

DATE

SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

## I. APPLICANT/AGENT/OWNER INFORMATION

**Paul H. Freeman, Trustee**

APPLICANT

**19091 Tamiami Trail, SE**

ADDRESS

**Fort Myers**

**FLORIDA**

**33908**

CITY

STATE

ZIP

**239.267.3999**

**239.267.7622**

TELEPHONE NUMBER

FAX NUMBER

**AL QUATTRONE – QUATTRONE AND ASSOCIATES, INC.**

AGENT\*

**11000 METRO PARKWAY, SUITE 30**

ADDRESS

**FORT MYERS**

**FLORIDA**

**33912**

CITY

STATE

ZIP

**239.936.5222**

**239.936.7228**

TELEPHONE NUMBER

FAX NUMBER

**Paul H. Freeman, Trustee**

OWNER(s) OF RECORD

**1940 West 49<sup>th</sup> Street, Suite #410**

ADDRESS

**Hialeah**

**FLORIDA**

**33012**

CITY

STATE

ZIP

**305.827.3331**

**305.826.2092**

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 20)

List Number(s) of Map(s) to be amended  
**Maps 1**

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

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**1. Amend the Future Land Use designation (Map 1): for 169.2 acres contained in five parcels lying in Section 3, Township 46 South, Range 25 East, Lee County, Florida, lying west of I-75, in the Gateway/Airport Planning Community on the west side of I-75 south of the SWFIA Drainage Conveyence, north of Alico Road and east of the planned Three Oaks Parkway North Extension. The amendment is from Industrial Development to Industrial Commercial Interchange.**

**2. Prepare a text amendment to adjust Table 1 (b): to make adjustments to the commercial and industrial regulated land totals to the Gateway/Airport Planning Community.**

**3. Allow for a Mixed-Use Planned Development (MPD):** The intent is to create a commercial office, retail and recreation center, a dedication to FGCU to anchor a proposed research park and to expand off campus functions, and a light industrial park that is sensitive to and compatible with the abutting areas with a sensitivity to this highly visible Interstate Corridor Location.

---

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

### A. Property Location: **Subject parcels are located west of I-75, east of Three Oaks Parkway Extension North, south of Daniels Parkway and north of Alico Road.**

1. Site Address: **Access undetermined (will be Three Oaks Parkway North)**

2. STRAP(s): **03-46-25-00-00001.1020, 03-46-25-00-00001.1050**

**03-46-25-00-00001.103B, 03-46-25-00-00001.103C**

**03-46-25-00-00001.1030**

---

### B. Property Information

Total Acreage of Property: **169.2 Acres**

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Total Acreage included in Request: 169.2 Acres

Area of each Existing Future Land Use Category:

149 acres Industrial Development

Total Uplands: 149.2 Acres

Total Wetlands: 20 Acres

Current Zoning: AG-2

Current Future Land Use Designation:

INDUSTRIAL DEVELOPMENT (and some WETLANDS)

Existing Land Use: Vacant Agricultural Land

- 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: No

Airport Noise Zone 2 or 3: No, small portion in DNL 60 contour

Acquisition Area: No

Joint Planning Agreement Area (adjoining other jurisdictional lands): No

Community Redevelopment Area: No

- D. Proposed change for the Subject Property: **Amend the Future Land Use Map (1) designation to Industrial Commercial Interchange for a commercial office, retail and recreation center, a dedication to FGCU to anchor a proposed research park and to expand off campus functions, and a light industrial park that is sensitive to and compatible with the abutting areas with a sensitivity to this highly visible Interstate Corridor Location.**

- E. Potential development of the subject property:

1. Calculation of maximum allowable development under existing FLUM:

Residential Units/Density: **0.0 SF not permitted in the Industrial FLUM.**

Commercial intensity: **150,000 SF calculating 96 acres developable (pavement and building areas) at an intensity of approximately 12,000 square feet of building per acre with approximately 1,150,000 SF industrial remaining.**

Industrial intensity: 1,344,000 SF calculating 96 acres developable (pavement and building areas) at an intensity of approximately 14,000 SF of building per acre (no commercial).

2. Calculation of maximum allowable development under proposed FLUM:

Residential Units/Density: 0.0 - not permitted in land use category existing or requested.

Commercial intensity: 1,152,000 SF calculating 96 acres developable (pavement and building areas) at an intensity of approximately 12,000 SF of building per acre.

Industrial intensity: 1,344,000 SF calculating 96 acres developable (pavement and building areas) at an intensity of approximately 14,000 SF of building per acre (no commercial).

#### 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.  
**See attached document – Exhibit A-1.**
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.  
**See Attached Map - Exhibit A-2.**

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.

**See Attached Map - Exhibit A-3 and A-4.**

**The subject property is located within the Gateway/Airport Planning Community with a Future Land Use designation of Industrial and is zoned AG-2. The subject property is currently vacant and is being used for cattle grazing. The site is in close proximity to the SWFIA and FGCU. The property will have 3,714.33 linear feet of frontage on Three Oaks Parkway North Extension and a similar amount of frontage on I-75. The Industrial future land use category limits the uses that restrict the highest and best use of the highly visible land. The change would allow the property to increase the permitted commercial and office building uses for a comprehensive business park and increase the usefulness for FGCU, to anchor a proposed research park and to expand off-campus functions onto land the applicant intends to donate.**

**The recent expansion of the I-75 interchange at the northwest corner of Alico Road and the interstate reduced the acreage in the Industrial Commercial Interchange future land use category by approximately 30 acres. The expansion on the northeast corner of Alico Road and I-75 reduced the commercial acreage by approximately another 15 acres. In addition, the requirements of detention ponds along I-75 is causing a decrease in commercial acreage in the southwest quadrant by another 15 acres. Added together, this is a loss of approximately 60 acres from Industrial, Commercial or other Commercial Interchange uses at this location. The plan amendment is intended to partially offset the negative economic impact on the county.**

**The property to the east is I-75. Across I-75 is a large tract of land that is part of a 275 acre mixed-use planned development. The property is currently vacant, zoned MPD (Airport Interstate Commerce Park, Z-05-029) approved for up to 1.4 million SF industrial and 309,000 SF retail and office commercial located within the Tradeport FLUC.**

**The property to the south is currently vacant but with an approved commercial planned development. The Alico Crossroads Center CPD (Z-03-017) is approved for 300,000 SF retail and 51,000 SF office. The CPD extends from the southern most property boundary of the subject property to Alico Road/Three Oaks Parkway North/I-75 interchange.**

**Directly west of the site is the future Three Oaks Parkway North Extension right-of-way. Then, west at the Three Oaks Parkway right-of-way just south of the SWFIA Conveyence, is a pending rezoning for Three Oaks Commerce Park to an industrial planned development. The property is currently zoned AG-2 in the Industrial FLUC. Next, is the**

**planned extension of Oriole Road and vacant lands zoned AG-2 in the Industrial FLUC.**

**North of the property is the 200' SWFIA Conveyence canal, buffering the property from the vacant Rural category land to the north.**

4. Map and describe existing zoning of the subject property and surrounding properties.  
**See Attached Map - Exhibit A-3 and A-4.**

**Subject parcel is zoned AG-2**

**North of subject parcel is zoned AG-2**

**South of subject parcel is zoned CPD**

**East of subject parcel is zoned MPD**

**West of subject parcel is zoned AG-2 and pending IPD**

5. The legal description(s) for the property subject to the requested change.  
**A tract or parcel of land lying in Section 3, Township 46 South, Range 25 East, Lee County, Florida, described as follows:**

**Commencing at the Northwest corner of the aforesaid Section 3; thence run N.89°24'36"E. along the North line of said Section 3 for 1580.74 feet; thence run S.00°36'43"E. for 200.00 feet to the point of beginning; thence run N.89°24'36"E. for 1063.78 feet; thence run N.89°29'56"E. for 919.18 feet to the Westerly right-of-way line of Interstate Highway #75; thence run S.00°37' 07"E. along said Westerly right-of-way line for 3117.64 feet; thence run S.03°23'08"W. along said Westerly right-of-way line for 672.48 feet; thence run N.89°23'08"E. along said Westerly right-of-way line for 18.08 feet; thence run S.00°36'52"E. along said Westerly right-of-way line for 6.32 feet to the center of a 170.00 feet wide Florida Power and Light Company Easement; thence run S.89°23'17"W. along the centerline of said easement for 1879.51 feet to the Easterly right-of-way line of Three Oaks Parkway (150.00 feet wide); thence run N.00°36'43"W. along said Easterly right-of-way line for 1817.14 feet; thence run S.89°23'17"W. for 75.00 feet; thence run N.00°36'43"W. for 1897.19 feet to the point of beginning.**

**Said tract contains 169.198 acres, more or less and is subject to easements, restrictions and reservations of record.**

**Bearings are based on the North line of the Northwest Quarter of the aforesaid Section 3 as being N.89°24'36"E.**

6. A copy of the deed(s) for the property subject to the requested change.  
**See Attached.**



7. An aerial map showing the subject property and surrounding properties.  
**See Attached Map – Exhibit A-7.**

8. If applicant is not the owner, a letter from the owner of the property authorizing the applicant to represent the owner.

**Applicant is agent for the owners. Affidavits are attached from all owners authorizing agent to proceed with CPA.**

**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:

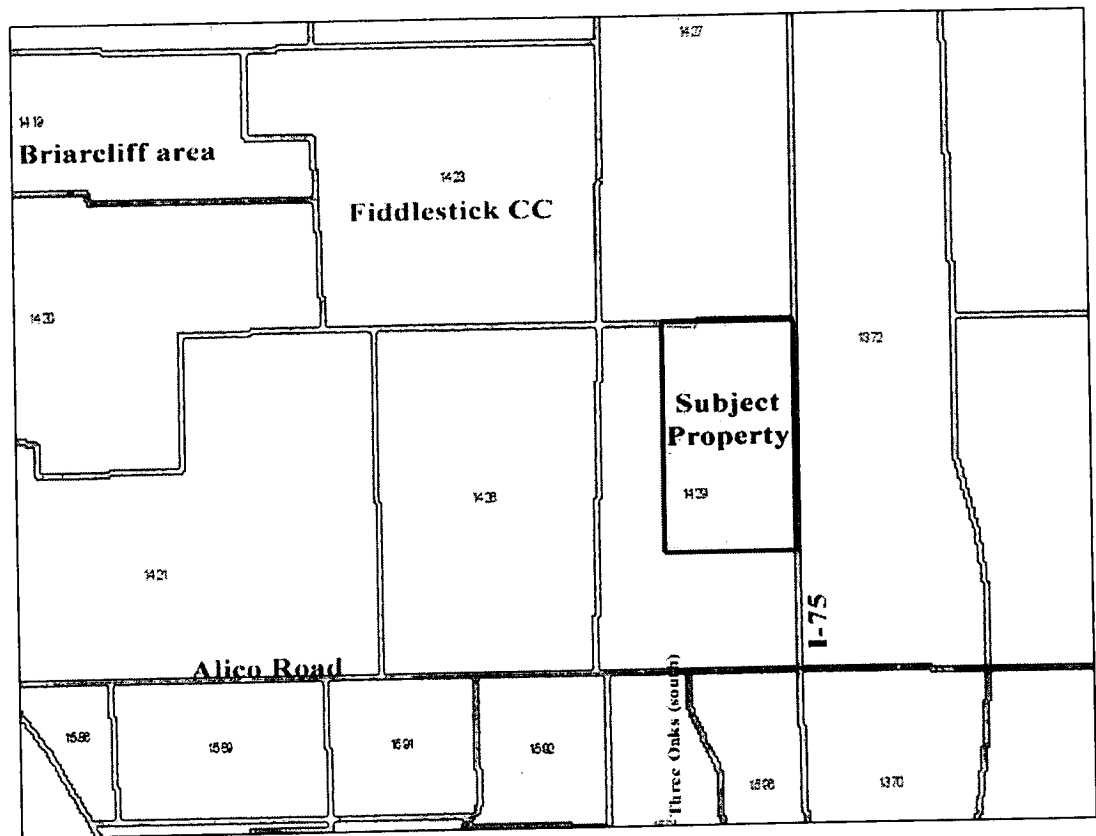
Long Range – 20-year Horizon:

- 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;

**See Attached Document – Exhibit B-1a.**

**The subject parcel is located in TAZ 1429 encompassing the area south of the SWFIA Conveyence, west of I-75, east of Three Oaks North Extension and north of Alico Road as shown below. It is anticipated that the socio-economic data will require updates since the intended use after the future land use category change will permit the same industrial uses, but expand the commercial possibilities. The updating will be done per Lee DOT running the FSUTMS model on the 2020 or 2030 Financially Feasible Plan network.**

**See graphic below:**



- 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.);

It is likely given the density and intensity possibilities for this parcel that the data will need to be updated. A change to Industrial Commercial Interchange on 169.2 acres makes provisions for:

- O residential units (NO CHANGE); or
- Up to 1,152,000 square feet of commercial office, retail and recreational uses (+1,000,000 SF but in exchange of approximately 1,150,000 SF industrial); or
- Up to 1,344,000 square feet of light industrial development (NO CHANGE).

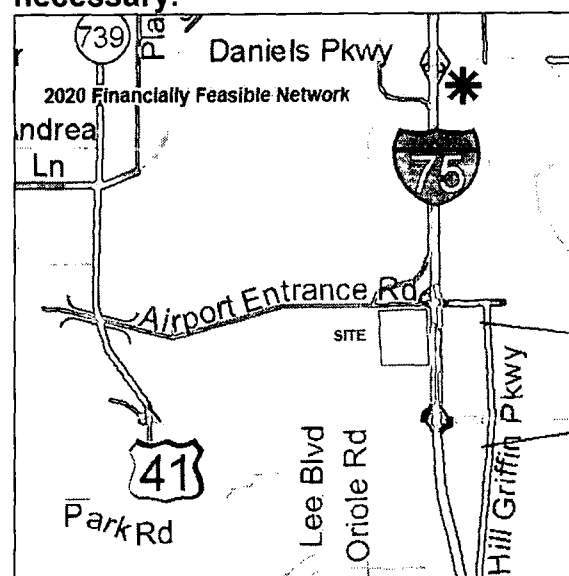
In a meeting with Lee DOT and planning we were advised to provide development parameters for this analysis to be conducted by Lee DOT.

- 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;

**We anticipate that the modifications are going to be minor given the TAZ includes intense development areas near Alico Road, I-75 and Three Oaks Parkway. Additionally, the 2020 Financially Feasible Network includes 6-laning I-75, improving the I-75 interchange, an Airport Entrance Road, and extending Three Oaks Parkway north to Daniels Parkway. Alico Road was recently improved to six lanes and the I-75 interchange is currently undergoing improvements to provide a full cloverleaf. Within the three-mile radius I-75 is to be 6 lanes by 2010 and Three Oaks Parkway will connect from Alico and continue north to Daniels Parkway. Further a corridor study is taking place involving an Airport entrance road that will provide additional traffic relief connecting the Airport, Treeline Boulevard, I-75 and US 41 across Three Oaks Parkway (see 2020 FFN graphic).**

Given the road expansions underway, the road network for 2020 and the newly proposed 2030 FFN, the overall minor traffic impact changes from the full development potential of the parcel should be able to be adequately absorbed by the roadway network.

In a meeting with Lee DOT and Planning we were advised that Lee DOT would run the FSUTMS to determine if, given our development parameters, an improvement to the road network would be necessary.



- 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;

**It is not anticipated that improvements to the road network beyond the 2020 FFN will be required. It is our understanding that the road impact fees being contributed from the proposed development would more than offset the cost of the improvements necessary for the road network to absorb the traffic impacts created by the development.**

- 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;

**Understood.**

- 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.

**See Attached Three Oaks Development Parameters Exhibit.**

Short Range – 5-year CIP horizon:

- a. Besides the 20-year analysis, for those plan amendment proposals that include a specific and immediate development plan, identify the existing roadways serving the site and within a 3-mile radius (indicate laneage, functional classification, current LOS, and LOS standard);

***It is anticipated that the subject parcel will have a development plan prepared upon approval of the Future Land Use Amendment and rezoning to follow by the various respective owners. The major roads within a 3-mile radius are as follows:***

<b>Road Name</b>	<b>Laneage</b>	<b>Funct Class</b>	<b>LOS Crnt</b>	<b>LOS Std</b>
<b>Three Oaks Parkway</b>	<b>2 Lane</b>	<b>Art</b>	<b>C</b>	<b>C</b>
<b>Alico Road</b>	<b>6 Lane</b>	<b>Art</b>	<b>B</b>	<b>C</b>
<b>Interstate 75 N. of Alico</b>	<b>4 Lane</b>	<b>Art</b>	<b>E</b>	<b>C</b>
<b>Interstate 75 S. of Alico</b>	<b>4 Lane</b>	<b>Art</b>	<b>E</b>	<b>C</b>
<b>Treeline Boulevard</b>	<b>4 Lane</b>	<b>Art</b>	<b>B</b>	<b>C</b>
<b>US 41</b>	<b>6 Lane</b>	<b>Art</b>	<b>D</b>	<b>D</b>

- 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;

**Alico Road Widening to 6 lanes (4030), Three Oaks Parkway North Extension 4 lane (4053), Three Oaks Parkway South Extension 4 lane (4043), Three Oaks Parkway Widening 4 lane from Corkscrew Road to Alico Road (4081), Alico Road/US 41/Old US 41 intersection improvements and Metro Parkway extension south of Six Mile Cypress.**

- c. Projected 2020 LOS under proposed designation (calculate anticipated number of trips and distribution on roadway network, and identify resulting changes to the projected LOS);

**In a meeting with Lee DOT and Planning, we were advised that Lee DOT would run the FSUTMS and determine the resulting number of trips, distribution and impact on LOS for impacted roadways projected to 2020.**

- d. 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;

**In a meeting with Lee DOT and Planning, we were advised that Lee DOT would run the FSUTMS and determine the resulting number of trips, distribution and impact on LOS for impacted roadways projected to 2020.**

- e. Identify the additional improvements needed on the network beyond those programmed in the five-year horizon due to the development proposal.

**In a meeting with Lee DOT and Planning, we were advised that Lee DOT would run the FSUTMS and determine the improvements necessary, if any, to accommodate the project on the road network within a 3-mile radius. We do not anticipate improvements will need to be made beyond those deemed financially feasible in the 2020 FFN map.**

- 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;

<b>Road Name</b>	<b>Laneage</b>	<b>Funct Class</b>	<b>LOS Crnt</b>	<b>LOS Stnd</b>
<b>Three Oaks Parkway</b>	<b>2 Lane</b>	<b>Art</b>	<b>C</b>	<b>C</b>
<b>Alico Road</b>	<b>6 Lane</b>	<b>Art</b>	<b>B</b>	<b>C</b>
<b>Interstate 75 N. of Alico</b>	<b>4 Lane</b>	<b>Art</b>	<b>E</b>	<b>C</b>
<b>Interstate 75 S. of Alico</b>	<b>4 Lane</b>	<b>Art</b>	<b>E</b>	<b>C</b>
<b>Treeline Boulevard</b>	<b>4 Lane</b>	<b>Art</b>	<b>B</b>	<b>C</b>
<b>US 41</b>	<b>6 Lane</b>	<b>Art</b>	<b>D</b>	<b>D</b>

- Projected 2020 LOS under existing designation;

In a meeting with Lee DOT and planning we were advised that Lee DOT would run the FSUTMS and determine the resulting number of trips, distribution and impact on LOS for the 3-mile radius of roadways for 2020.

- Projected 2020 LOS under proposed designation;

In a meeting with Lee DOT and planning we were advised that Lee DOT would run the FSUTMS and determine the resulting number of trips, distribution and impact on LOS for the 3-mile radius of roadways for 2020.

- Improvements/expansions currently programmed in 5 year CIP, 6-10 year CIP, and long range improvements; and

Alico Road Widening to 6 lanes (4030), Three Oaks Parkway North Extension 4 lane (4053), Three Oaks Parkway South Extension 4 lane (4043), Three Oaks Parkway Widening 4 lane from Corkscrew Road to Alico Road (4081), Alico Road/US 41/Old US 41 intersection improvements and Metro Parkway extension south of Six Mile Cypress.

- Sanitary Sewer
- Potable Water

The site is located within the Lee County Utilities service area. We understand LCU has the capacity to serve the project. Currently the subject parcel is located within the future water or sewer franchise areas as depicted on Lee Plan Maps 6 and 7. Utilities infrastructure is planned as part of the Three Oaks Parkway construction.

**We anticipate that the plan amendment will intensify the development**

**potential of the property by increasing the permissible amount of commercial but overall, will not result in an increase in total permissible square footage of development. Currently the FLUM is Industrial which allows the following development density/intensity:**

**Residential Units/Density: 0.0 not permitted in Industrial FLUC**

**Commercial intensity: 150,000 SF  
(1,152,000 SF industrial remaining)**

**Industrial intensity: 1,344,000 SF**

**The maximum allowable development under proposed FLUM based on the proposed site plan enclosed and/or maximum development potential:**

**Residential Units/Density: 0 Units  
• NO CHANGE**

**Commercial intensity: 1,150,000 SF  
• AN INCREASE OF 1,000,000 SF, but  
in substitution of 1,344,000 SF of  
currently permitted industrial.**

**or**

**Industrial intensity: 1,344,000 SF  
• NO CHANGE**

**Based on these calculations the total expected water and wastewater treatment volumes will be approximately 110,088 GPD.**

**c. Surface Water/Drainage Basins**

**Drainage has been determined and established by the Three Oaks Parkway Extension North and Oriole Road Extension North permitting completed by Source Engineering for the SFWMD. See attached Three Oaks Development Parameters exhibit or contact Source Engineering and LCDOT for more details.**

**d. Parks, Recreation, and Open Space.**

**Three Oaks Community Park is located approximately 2 miles south of the site. On-site open space will be provided as required. Recreational amenities may be incorporated into the site as provided by employers or as auxiliary commercial development in the form of health and exercise clubs and by day care providers.**

- Anticipated revisions to the Community Facilities and Services Element and/or Capital Improvements Element (state if these revisions are included in this amendment).

**We do not anticipate the need for parks or recreation to increase in the area due to the proposed possible development. The overall development parameters actually change very little. The major change is substituting commercial for industrial but overall intensity of square footage will not increase.**

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.

**Letters from the above listed agencies are attached or pending arrival.**

*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).  
**See Attached Map – Exhibit C-1 and C-2.**
2. A map and description of the soils found on the property (identify the source of the information).  
**See Attached Map – Exhibit C-1 and C-2.**
3. A topographic map with property boundaries and 100-year flood prone areas indicated (as identified by FEMA).  
**See Attached Map – Exhibit C-3.**
4. A map delineating wetlands, aquifers recharge areas, and rare & unique uplands.  
**See Attached Map – Exhibit C-4.**



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).

**See Attached Map – Exhibit C-5.**

**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.

**There are not any historical resources located on the property.**

2. A map showing the subject property location on the archeological sensitivity map for Lee County.

**See Attached Exhibit D-1.**

**The subject parcel is NOT located in one of the two sensitivity areas.**

**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.

**See Attached Exhibit E, Section 1.**

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.

**See Attached Exhibit E, Section 2.**

3. Describe how the proposal affects adjacent local governments and their comprehensive plans.

**See Attached Exhibit E, Section 3.**

4. List State Policy Plan and Regional Policy Plan goals and policies which are relevant to this plan amendment.

**See Attached Exhibit E, Section 4.**

**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.

**The subject parcel will be located with over 3,000 linear feet of road frontage and access onto Three Oak Parkway North Extension, a 4 lane arterial which will connect to Alico Road, a 6 lane arterial and Daniels Parkway, a 6 lane arterial. Both Alico and Daniels connect directly to I-75 interchanges.**

- b. Provide data and analysis required by Policy 2.4.4.

**The land use category change will not alter the current industrial employment opportunities but will serve to expand the mix of employment possibilities by permitting more retail and office uses in direct support of this policy.**

- c. The affect of the proposed change on county's industrial employment goal specifically policy 7.1.4.

**The proposed land use amendment will not impact the goal of policy 7.1.4. since the current and proposed land use categories both support industrial development.**

## **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.

**The lands are currently in the Future Urban Areas and the request is compatible with uses allowed in the future urban areas.**

3. Requests involving lands in critical areas for future water supply must be evaluated based on policy 2.4.2.

**The lands are not in critical areas for future water supply.**

4. Requests moving lands from Density Reduction/Groundwater Resource must fully address Policy 2.4.3 of the Lee Plan Future Land Use Element.

**The lands are not in the DR/GR.**

- 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.

**See Attached Exhibit E (Introduction to the Project).**

**Item 1: Fee Schedule**

Map Amendment Flat Fee	\$2,000.00 each
Map Amendment > 20 Acres	\$2,000.00 and \$20.00 per 10 acres up to a maximum of \$2,255.00
Small Scale Amendment (10 acres or less)	\$1,500.00 each
Text Amendment Flat Fee	\$2,500.00 each

## AFFIDAVIT

I, \*AI Quattrone as President of Quattrone and Associates, Inc., 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.

Quattrone and Associates, Inc.

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

Signature

President

(Title of signatory)

AI Quattrone

(Typed or Printed name)

STATE OF FLORIDA  
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me this 22-Sept-06 (date) by AI Quattrone, as President of Quattrone & Associates, Inc. (name of person providing oath or affirmation), who is personally known to me or who has produced personally known (type of identification) as identification.

Signature of person taking oath or affirmation



Iniavette Ramirez  
Commission #DD370027  
Expires: Nov 08, 2008  
Bonded Thru  
Atlantic Bonding Co., Inc.

Name typed, printed, or stamped

Title or Rank

Serial number, if any

### \*Notes:

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

RECEIVED  
SEP 26 2006

COMMUNITY DEVELOPMENT

# LEE PLAN GOALS & OBJECTIVES

epA 2005-00005

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SEP 15 2006

COMMUNITY DEVELOPMENT

**Quattrone &**  
Associates, Inc.

LEE PLAN GOALS & OBJECTIVES

**EXHIBIT E 1-4  
INTERNAL CONSISTENCY WITH THE LEE PLAN**

**THREE OAKS NORTH CPA  
Future Land Use Map and Text Amendment**  
STRAP#: 03-46-25-00-00001.1030, 03-46-25-00-00001.103C, 03-46-25-00-00001.103B,  
03-46-25-00-00001.1050, 03-46-25-00-00001.1020  
Three Oaks Ext North, Fort Myers, Florida 33912

**INTRODUCTION**

The property is located in the Gateway/Airport Planning Community on the west side of I-75 south of the SWFIA Drainage Conveyence, north of Alico Road and east of the planned Three Oaks Parkway North Extension. The property occupies 169.2 acres. The property is currently in the Industrial future land use category. The application is requesting a change from Industrial to Industrial Commercial Interchange FLUM with development plans to create a commercial office, retail and recreation center, a dedication to FGCU to anchor a proposed research park and to expand off campus functions, and a light industrial park that is sensitive to and compatible with the abutting areas with a sensitivity to this highly visible corridor location.

<b>PROJECT ACREAGE:</b>	169.20 AC (100%)
Preserve, open space and I-75 Borrow Pit (existing):	-33.80 AC (20.0%)
Three Oaks ROW:	- 3.27 AC (1.9%)
<b>DEVELOPABLE:</b>	132 AC (78.1%)
Pavement:	61.94 AC (36.6%)
Building:	30.95 AC (18.3%)
Open Space	5.71 AC (3.4%)
Three Oaks ROW:	3.27 AC (1.9%)
<b>TOTAL IMPERVIOUS (building and pavement):</b>	<b>96.16 AC (56.8%)</b>

The projects proximity to I-75, over 3,000 linear feet of frontage on Three Oaks North, access to the SWFI Airport via Treeline Avenue and location near FGCU make this a prime place for uses beyond those traditionally permitted in the Industrial FLUC. Allowing a change to Industrial Commercial Interchange retains the industrial potential base while encouraging and providing for additional employment and service opportunities.

One such opportunity is commercial and educational space to be used by FGCU as the landowners cooperate with FGCU to create a research and business park to attract new industry to the area. Without the land use change, the uses required by the University would not be permitted on the property. The particular region has a significant amount of industrial land use. Commercial and office uses would provide a much needed mix of employment opportunities. Another opportunity lies in the land use category permitting many commercial and office uses that are less intense than industrial development. These commercial uses will be along the Interstate and along Three Oaks Parkway to provide a visual buffer for the



traveling public. Any more intense industrial activities will take place near the central portions of the site away from the likely lower density and possible multi-family housing development north of the SWFIA Conveyence.

## SECTION I

**TABLE 1(b)(Planning Community Year 2020 Allocations)**

We are requesting a change in the Planning Communities Map 16 for 169.2 acres from Industrial to Industrial Commercial Interchange. The 2020 allocations for the Gateway/Airport planning community show 0 residential acres, 824 commercial and 3,096 acres of industrial. The project is not requesting a change to residential acres. According to development parameters determined by the Three Oaks Parkway Extension North corridor study and mapping produced by Source Engineering for the South Florida Water Management District permit, the development parameters are as follows:

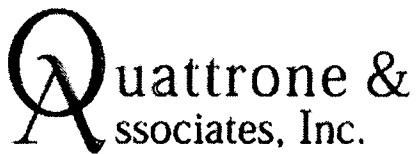
- 169.2 acres of commercial and industrial uses - less 37.1 acres dedicated to preserve, open space, an existing I-75 borrow pit and land dedicated to the Three Oak Parkway right-of-way - for a total of 132 acres of developable land.
- Of the 132 acres of land 30.95 acres are permitted to be building, 61.94 acres of pavement, and 3.27 acres of Three Oaks right-of-way.

It is not clear how the 3,096 acres of industrial land and 824 commercial acres included in the Gateway/Airport planning community in Table 1(b) were distributed. The Industrial Commercial Interchange future land use category permits both types of development to take place, while the existing Industrial FLUC places limitations on commercial development but still permits some to take place. Therefore, the specific acreage request for redistribution of the 3,920 acres of industrial and commercial land in the planning community is to be determined by staff. The recent expansion of the I-75 interchange at the northwest corner of Alico Road and the interstate reduced the acreage in the Industrial Commercial Interchange future land use category by approximately 30 acres. The expansion on the northeast corner of Alico Road and I-75 reduced the commercial acreage by approximately another 15 acres. In addition, the requirements of detention ponds along I-75 is causing a decrease in commercial acreage in the southwest quadrant by another 15 acres. Added together, this is a loss of approximately 60 acres from Industrial Commercial Interchange and Tradeport land use categories at this location.

## SECTION II

## THE LEE PLAN

This request is consistent with the goals, objectives, policies and intent of the Lee Plan in accordance with the following:



## LEE PLAN VISION

## Planning Community

***Gateway/Airport*** - This Community is located South of SR 82, generally east of I-75, and north of Alico Road including those portions of the Gateway development that either have not been or are not anticipated to be annexed into the City of Fort Myers, the Southwest Florida International Airport and the properties the airport expects to use for its expansion, the lands designated as Tradeport, and the land designated as Industrial Development west of I-75 north of Alico Road. In addition to these two land use designations, properties in this community are designated New Community (the Gateway development), Airport, Density Reduction/Groundwater Resource (primarily the anticipated airport expansion areas), Rural, and General Interchange. The road network in this community is planned to change dramatically over time creating access to and from this community to the north, south, and east without relying on I-75.

*There are three distinct areas within this community . . . The airport expansion and the completion of Florida Gulf Coast University are expected to energize the remaining area in this community, including the commercial and industrial components. This portion of the community is to the south and west of Gateway and the airport and extends west of I-75 along Alico Road. While this segment of the community is not expected to build out during the timeframe of this plan, the area will be much more urbanized with hi-tech/clean industry businesses. (Amended by Ordinance No. 04-16)*

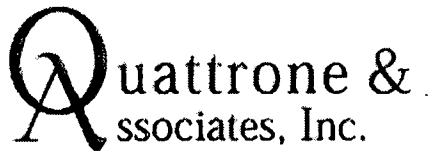
The “energizing” of the community in the area north of Alico and west of I-75 will occur to a greater extent if some additional commercial, office, educational and retail activities are permitted. The subject parcels have nearly 3,700 linear feet of the I-75 and Three Oaks North road frontage. It seems like a natural fit to better use such visibility for uses beyond light manufacturing, especially uses that serve to expand the presence of FGCU and create a business and research park that will be at the Gateway to the major Lee County Airport/University Interstate Interchange.

## GOAL 1: FUTURE LAND USE

**OBJECTIVE 1.1: FUTURE URBAN AREAS.** *Designate on the Future Land Use Map (Map 1) categories of varying intensities to provide for a full range of urban activities. These designations are based upon soil conditions, historic and developing growth patterns, and existing or future availability of public facilities and services.*

**POLICY 1.1.1:** The **Future Land Use Map** contained in this element is hereby adopted as the pattern for future development and substantial redevelopment within the unincorporated portion of Lee County. Map 16 and Table 1(b) are an integral part of the Future Land Use Map series (see Policies 1.7.6 and 2.2.2). They depict the extent of development through the year 2020. No development orders or extensions to development orders will be issued or approved by Lee County which would allow the Planning Community's acreage totals for residential, commercial or industrial uses established in Table 1(b) to be exceeded (see





*Policy 1.7.6). The cities of Fort Myers, Cape Coral, and Sanibel are depicted on these maps only to indicate the approximate intensities of development permitted under the comprehensive plans of those cities. Residential densities are described in the following policies and summarized in Table 1(a). (Amended by Ordinance No. 94-29, 98-09)*

The intent is to amend the Future Land Use Map to **Industrial Commercial Interchange** to allow the subject property to be developed with a light industrial, research and business park, educational center and commercial uses. The properties are currently in the Industrial FLUM, included in the future urban areas category. The change to Industrial Commercial Interchange will not overwhelmingly change the potential of the property, it simply adds commercial uses as a flexibility option and opens opportunities for FGCU.

**POLICY 1.3.4:** *The Industrial Commercial Interchange areas are designated to permit a mixture of light industrial and/or commercial uses. This category does not permit heavy industrial uses.*

The proposed amendment will provide enhanced workplace and job opportunities beyond light and heavy industrial manufacturing and warehousing. This amendment provides the opportunity to improve visual appearance of the development along I-75. Mixing in retail, commercial and research uses will add visual diversification to a typical industrial subdivision including commercial architectural standards, additional open space requirements, and additional buffer requirements.

## **GOAL 2: GROWTH MANAGEMENT**

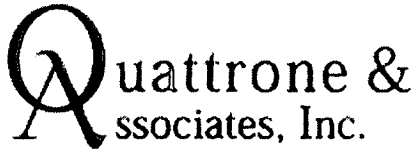
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**OBJECTIVE 2.1: DEVELOPMENT LOCATION.** *Contiguous and compact growth patterns will be promoted through the rezoning process to contain urban sprawl, minimize energy costs, conserve land, water, and natural resources, minimize the cost of services,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

The subject parcel is going to be served by adequate roadways and infrastructure such as sewer and water is scheduled to be in place as Three Oaks Parkway North is being constructed.

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

Three Oaks Parkway North is on the 2005-2010 LCDOT CIP which will prompt rapid development of the corridor. Additional roadways to be completed like the I-75 Alico interchange and the 6-laning of I-75 will also prompt development whose timing should coincide with the subject property, especially considering the properties are 12-18 months



away from having zoning in place. Action is taking place on nearly all surrounding properties. To the northwest proposals are out for rezoning, to the west is a pending IPD, to the south of that parcel a rezoning will take place soon, to the south is an approved CPD and to the east is an approved MPD under construction.

**OBJECTIVE 2.4: FUTURE LAND USE MAP AMENDMENTS.** Regularly examine the Future Land Use Map in light of new information and changed conditions, and make necessary modifications.

**POLICY 2.4.1:** *The County will accept applications from private landowners or non-profit community organizations to modify the boundaries as shown on the Future Land Use Map. Procedures, fees, and timetables for this procedure will be adopted by administrative code. (Amended by Ordinance No. 94-30).*

In accordance with this policy the applicant is requesting approval to amend the Land Use Map to put in place a Land Use that is more appropriate for the subject parcel given its location, visibility and proximity to major population and future employment centers.

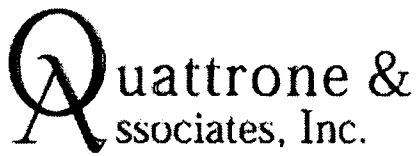
**POLICY 2.4.4:** *Lee Plan amendment applications to expand the Lee Plan's employment centers, which include light industrial, commercial retail and office land uses, will be evaluated by the Board of County Commissioners in light of the locations and cumulative totals already designated for such uses, including the 1994 addition of 1,400 acres to the Tradeport category just south of the Southwest Florida International Airport. (Added by Ordinance No. 97-05, Amended by Ordinance No. 00-22. 04-16)*

This application is driven by the need for a mix of industrial, commercial and office uses on the subject parcel beyond what is typically permitted in the Industrial land use category.

## GOAL 6: COMMERCIAL LAND USES

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

- *Traffic and access impacts are minimal given projected trip ends.*  
Access points are predetermined by the Three Oaks Parkway road design.
- *Screening and buffering can be provided to meet County standards.*  
The future development will be an MPD and the county can condition buffers to make the uses visually appealing and compatible with surrounding uses if the standard buffers are deemed inadequate.
- *Sewer and water facilities are available, as well as all other utilities.*  
Lee County Utilities intends to add sewer and water along Three Oaks Parkway as it is constructed.



- *No residential uses adjacent to the project are impacted.*  
Residential areas do not exist in close proximity to the parcels. The north parcel is separated by a 200 foot wide canal from adjacent property and the county can condition buffering and uses in the future mixed-use planned development.
- *Similar uses are located in the area.*  
Industrial uses will be located to the west and southwest, the Interstate to the east followed by mixed commercial and industrial and commercial uses of intense nature to the south.
- *There are no environmental concerns with this property.*  
The site has a moderate amount of wetlands that have been determined by the Three Oaks Parkway engineering and the SFWMD permitting. Any impacts will be mitigated both on and off site as required by the permitting agencies.

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

The property is located on a future 4 lane arterial with access to Daniels Parkway north, Oriole Road to the west, Alico Road to the south and the I-75 interchange to the east. Commercial retail activities will be limited by the site location standards.

**POLICY 6.1.3:** Commercial developments requiring rezoning and meeting Development of County Impact (DCI) thresholds must be developed as commercial planned developments designed to arrange uses in an integrated and cohesive unit in order to:

- *provide visual harmony and screening;*
- *reduce dependence on the automobile;*
- *promote pedestrian movement within the development;*
- *utilize joint parking, access and loading facilities;*
- *avoid negative impacts on surrounding land uses and traffic circulation;*
- *protect natural resources; and*
- *provide necessary services and facilities where they are inadequate to serve the proposed use. (Amended by Ordinance No. 94-30, 00-22)*

The project intends to provide appropriate screening and buffering along Three Oaks, and to preserve the cypress wetlands on site. Compliance with the Planned Development regulations will insure visual harmony and avoid other negative impacts.

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

The project intends to adhere to all LDC requirements of the Lee Plan.

## **GOAL 7: INDUSTRIAL LAND USES**

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**OBJECTIVE 7.1:** *All development approvals for industrial land uses must be consistent with the following policies, the general standards under Goal 11, and other provisions of this plan. (Amended by Ordinance No. 94-30)*

**POLICY 7.1.1:** *In addition to the standards required herein, the following factors apply to industrial rezoning and development order applications:*

1. *The development must comply with local, state, and federal air, water, and noise pollution standards.*
2. *When located next to residential areas, industry must not generate noise levels incompatible with the residential development.*
3. *Bulk storage or production of toxic, explosive, or hazardous materials will not be permitted near residential areas.*
4. *Contamination of ground or surface water will not be permitted.*
5. *Applications for industrial development will be reviewed and evaluated as to;*
  - a. *air emissions (rezoning and development orders);*
  - b. *impact and effect on environmental and natural resources (rezoning and development orders);*
  - c. *effect on neighbors and surrounding land use (rezoning);*
  - d. *impacts on water quality and water needs (rezoning and development orders);*
  - e. *drainage system (development orders);*
  - f. *employment characteristics (rezoning);*
  - g. *fire and safety (rezoning and development orders);*
  - h. *noise and odor (rezoning and development orders);*
  - i. *buffering and screening (planned development rezoning and development orders);*
  - j. *impacts on transportation facilities and access points (rezoning and development orders);*
  - k. *access to rail, major thoroughfares, air, and, if applicable, water (rezoning and development orders);*
  - l. *Utility needs (rezoning and development orders); and*
  - m. *Sewage collection and treatment (rezoning and development orders). (Amended by Ordinance No. 00-22)*

The property is ideally suited for complying with the above standards. The project is bordered by a 200' SWFIA Conveyence canal to the north, I-75 to the east, Three Oaks Parkway Extension North to the west and an intense commercial CPD to the south. The property has certain required wetland preserves and an existing borrow lake on site. The mixed use potential created by the Industrial Commercial Interchange category will lessen the intensity of the project from heavy industrial to light industrial, commercial and office uses. This should create greater compatibility with possible residential uses on the north side of the SWFIA Conveyence, improve the visual impact on I-75 and Three Oaks Parkway and provide development flexibility so that lesser intense uses can be placed accordingly. Infrastructure will be available through Lee County Utilities and will be installed at the time Three Oaks Parkway North Extension is developed.



**POLICY 7.1.2:** *Industrial developments requiring rezoning and meeting Development of County Impact (DCI) thresholds must be developed as Planned Developments designed to arrange uses as an integrated and cohesive unit in order to:*

- *promote compatibility and screening;*
- *reduce dependence on the automobile;*
- *promote pedestrian movement within the development;*
- *utilize joint parking, access and loading facilities;*
- *avoid negative impacts on surrounding land uses and traffic circulation;*
- *protect natural resources; and*
- *provide necessary facilities and services where they are inadequate to serve the proposed use. (Amended by Ordinance No. 94-30, 98-09, 00-22)*

The project intends to adhere to all requirements of a mixed use planned development and capture trips by providing a mix of employment and employment services on the site. The site provides central access to employees living in San Carlos Park, the communities in Estero and the Corkscrew Road corridor, the communities along Daniels Parkway extending to the residents of Lehigh. The surrounding transportation network is adequate and in line to be expanded in the 2020 Financially Feasible Plan.

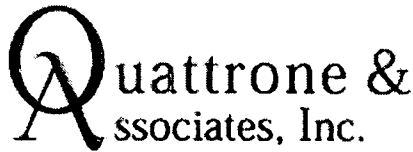
**POLICY 7.1.3:** *Industrial land uses must be located in areas appropriate to their special needs and constraints, including, but not limited to, considerations of topography; choice and flexibility in site selection; access by truck, air, deep water, and rail; commuter access from home-to-work trips; and utilities; greenbelt and other amenities; air and water quality considerations; proximity to supportive and related land uses; and compatibility with neighboring uses. (Amended by Ordinance No. 93-25, 94-30, 00-22)*

The project has excellent road access. Three Oaks North is to be a 4 lane arterial which connects to the 6-laned Daniels Parkway to the north and 6-laned Alico Road to the south. The Alico Road intersection is less than 1 mile south and abuts the redesigned (under construction) I-75 interchange which is also slated to be expanded to 6 lanes. Major residential densities are within a few miles of the property with San Carlos Park to the south on Three Oaks Parkway and to the north along or near Daniels Parkway.

**POLICY 7.1.4:** *The Future Land Use Map must designate a sufficient quantity of land to accommodate industrial development that will employ 3% of the county's population in manufacturing activities by the year 2010. A report will be prepared by county staff every two years to monitor the county's progress towards this employment goal. (Amended by Ordinance No. 93-25, 94-30, 00-22)*

The request maintains industrial development potential while adding a greater diversity of potential uses.

**POLICY 7.1.5:** *The timing and location of industrial development will be permitted only with the availability and adequacy of existing or planned services and facilities. (Amended by Ordinance No. 00-22)*



The region is growing fast and the roadway will be constructed soon. A mixed-use industrial and commercial center at this prime location will serve as an employment center.

**POLICY 7.1.8:** Land development regulations will require that industrial uses be adequately buffered and screened from adjacent existing or proposed residential areas so as to prevent visual blight and noise pollution. (Amended by Ordinance No. 00-22)

The property is ideally suited for complying with the above standards. The project is bordered by a 200' SWFIA Conveyance canal to the north, I-75 to the east, Three Oaks Parkway Extension North to the west and an intense commercial CPD to the south. The property has certain required wetland preserves and an existing borrow lake on site. The mixed use potential created by the Industrial Commercial Interchange category will lessen the intensity of the project from heavy industrial to light industrial, commercial and office uses. This should create greater compatibility with possible residential uses on the north side of the SWFIA Conveyance, improve the visual impact on I-75 and Three Oaks Parkway and provide development flexibility so that lesser intense uses can be placed accordingly. Infrastructure will be available through Lee County Utilities and will be installed at the time Three Oaks Parkway North Extension is developed.

**POLICY 7.1.9:** Industrial development will not be permitted if it allows industrial traffic to travel through predominantly residential areas. (Amended by Ordinance No. 00-22)

There are no residential areas currently located on Three Oaks Parkway Extension North nor any planned within an area that traffic from the subject property would have to travel through.

## GOAL 11: WATER, SEWER, TRAFFIC, AND ENVIRONMENTAL REVIEW STANDARDS

### Standard 11.1: Water

### Standard 11.2: Sewer

Utility connections are available through Lee County Utilities and will be available at the time the roadway is completed.

## **GOAL 39: DEVELOPMENT REGULATIONS.**

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*Maintain clear, concise, and enforceable development regulations that fully address on-site and off-site development impacts and protect and preserve public transportation facilities. (Amended by Ordinance No. 98-09, 99-15)*

**OBJECTIVE 39.1: DEVELOPMENT IMPACTS.** *The county will maintain and enforce development regulations to ensure that impacts of development approvals occur concurrently with adequate roads, and to achieve maximum safety, efficiency, and cost effectiveness. (Amended by Ordinance No. 99-15)*

**POLICY 39.1.1:** *New development must:*

- *Have adequate on-site parking.*
- *Have access to the existing or planned public road system except where other public policy would prevent such access.*
- *Fund all private access and intersection work and mitigate all site-related impacts on the public road system; this mitigation is not eligible for credit against impact fees. (Amended and Relocated by Ordinance No. 99-15)*

The project intends to adhere or exceed all LDC requirements.

**POLICY 39.1.4:** *Main access points from new development will not be established where traffic is required to travel through areas with significantly lower densities or intensities (e.g. multifamily access through single-family areas, or commercial access through residential areas) except where adequate mitigation can be provided. (Amended and Relocated by Ordinance No. 99-15)*

Direct access to the project is to be on Three Oaks Parkway Extension North, an arterial road with direct access to Alico Road, US 41, I-75 and Treeline Avenue, all without traveling through low density areas of development.

**POLICY 39.1.5:** *The Land Development Code will continue to require appropriate landscaping for developments abutting arterial and collector roads. (Amended and Relocated by Ordinance No. 99-15)*

The project plans to meet buffer requirements conditioned through the rezoning process.

**POLICY 39.1.6:** *Through the zoning process, the county will direct high-intensity land uses to parcels which abut designated future transit corridors identified in Map 3C. (Amended by Ordinance No. 98-09, Amended and Relocated by Ordinance No. 99-15)*

While the location is appropriate for the uses requested, Lee Tran does not at this time have plans to provide services to Three Oaks North.

### **GOAL 53: POTABLE WATER INFRASTRUCTURE.**

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*To ensure the public health, welfare, and safety by the provision of high-quality central potable water service throughout the future urban areas of unincorporated Lee County, and to ensure that the costs of providing facilities for the supply of potable water are borne by those who benefit from them.*

**OBJECTIVE 53.1:** *The County will ensure the provision of acceptable levels of potable water service throughout the future urban areas of the unincorporated county, either directly by Lee County Utilities, or indirectly through franchised utility companies. (Amended by Ordinance No. 94-30, 00-22, 03-04)*

**POLICY 53.1.1:** *The Board of County Commissioners hereby establishes service areas for the Lee County Utilities water systems throughout which it will provide standard service as required by demand, and within which it will challenge applications by private water utilities to obtain a Certificate of Operation from the Florida Public Service Commission and reject all applications for a county franchise therein. These service areas are illustrated in Map 6. Within the Fort Myers urban reserve area, the service areas shown on the map are subject to modifications in accordance with existing and future interlocal agreements. (Amended by Ordinance No. 93-25)*

Lee County Utilities plans to provide sewer and water as Three Oaks North is constructed. The development intends to connect.

### **GOAL 53: SANITARY SEWER INFRASTRUCTURE.**

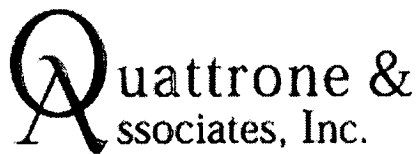
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*To protect the public health and environmental quality by encouraging and ensuring the provision of sanitary sewer service and wastewater treatment and disposal throughout the future urban areas of the unincorporated county and to Fort Myers Beach. (Amended by Ordinance No. 98-09)*

**OBJECTIVE 56.1:** *The county will ensure the provision of acceptable levels of sanitary sewer service throughout the future urban areas of the unincorporated county, either directly by Lee County Utilities or a utility authority, or indirectly through franchised utility companies. (Amended by Ordinance No. 00-22)*

**POLICY 56.1.1:** *The Board of County Commissioners hereby establishes service areas for the Fort Myers Beach Ina sewer system, the South Fort Myers sewer system, the East Lee County sewer system, and the Matlacha sewer system throughout which it will provide standard service as required by demand, and within which it will challenge applications by private sanitary sewer utilities to obtain a Certificate of Operation from the Florida Public Service Commission and reject all applications for a county franchise therein. These service areas are illustrated in Map 7. Within the Fort Myers urban reserve area, the service areas shown on the map are subject to modifications in accordance with existing and future interlocal agreements. (Amended by Ordinance No. 93-25) Although this property is not located in the City of Fort Myers Utility Franchise Area the City has extended potable water*





*and sewer lines to the incinerator west of the property which is adequately sized to serve future development on the subject parcel.*

Lee County Utilities plans to provide sewer and water as Three Oaks North is constructed. The development intends to connect.

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### **SECTION III**

#### **AFFECTS ON ADJACENT LOCAL GOVERNMENT AND ITS COMPREHENSIVE PLAN**

The subject property is located within the unincorporated portion of Lee County.

### **SECTION IV**

#### **STATE POLICY PLAN AND REGIONAL POLICY PLAN GOALS AND POLICIES**

State and Regional Policy Plans are consistent with the Lee County Comprehensive Plan and as such have been addressed.

# TEXT AMENDMENT

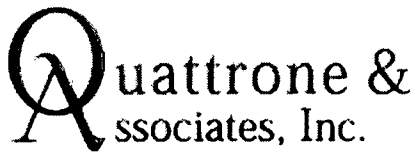
CPA 2005-00005

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COMMUNITY DEVELOPMENT

Quattrone &  
ASSOCIATES, LLC

TEXT AMENDMENT



## EXHIBIT A-1

### PROPOSED TEXT CHANGES

**THREE OAKS NORTH CPA  
Future Land Use Map and Text Amendment**

STRAP#: 03-46-25-00-00001.1030, 03-46-25-00-00001.103C, 03-46-25-00-00001.103B,  
03-46-25-00-00001.1050, 03-46-25-00-00001.1020  
Three Oaks Ext North, Fort Myers, Florida 33912

**TABLE 1(b)**  
**(Planning Community Year 2020 Allocations)**

We are requesting a change in the Planning Communities Map 16 for 169.2 acres from Industrial to Industrial Commercial Interchange. The 2020 allocations for the Gateway/Airport planning community show 0 residential acres, 824 commercial and 3,096 acres of industrial. The project is not requesting a change to residential acres. According to development parameters determined by the Three Oaks Parkway Extension North corridor study and mapping produced by Source Engineering for the South Florida Water Management District permit, the development parameters are as follows:

- 169.2 acres of commercial and industrial uses - less 37.1 acres dedicated to preserve, open space, an existing I-75 borrow pit and land dedicated to the Three Oak Parkway right-of-way - for a total of 132 acres of developable land.
- Of the 132 acres of land 30.95 acres are permitted to be building, 61.94 acres of pavement, and 3.27 acres of Three Oaks right-of-way.

It is not clear how the 3,096 acres of industrial land and 824 commercial acres included in the Gateway/Airport planning community in Table 1(b) were distributed. The Industrial Commercial Interchange future land use category permits both types of development to take place, while the existing Industrial FLUC places limitations on commercial development but still permits some to take place. Therefore, the specific acreage request for redistribution of the 3,920 acres of industrial and commercial land in the planning community is to be determined by staff. The recent expansion of the I-75 interchange at the northwest corner of Alco Road and the interstate reduced the acreage in the Industrial Commercial Interchange future land use category by approximately 30 acres. The expansion on the northeast corner of Alco Road and I-75 reduced the commercial acreage by approximately another 15 acres. In addition, the requirements of detention ponds along I-75 is causing a decrease in commercial acreage in the southwest quadrant by another 15 acres. Added together, this is a loss of approximately 60 acres from Industrial Commercial Interchange and Tradeport land use categories at this location.



## LEE PLAN TEXT CHANGES

The Vision statement, Chapter 1, section 10, "Gateway/Airport" planning community description on page I-5 of the 2004 Codification sentence two of the first paragraph reads as follows:

*In addition to these two land use designations, properties in this community are designated New Community (the Gateway development), Airport, Density Reduction/Groundwater Resource (primarily the anticipated airport expansion areas), Rural, and General Interchange.*

If the proposed future land use category is permitted then the paragraph should be updated to include Industrial Commercial Interchange as a descriptive category in the planning community:

*In addition to these two land use designations, properties in this community are designated New Community (the Gateway development), Airport, Density Reduction/Groundwater Resource (primarily the anticipated airport expansion areas), Rural, **Industrial Commercial Interchange** and General Interchange.*

**CPA2005-05  
THREE OAKS NORTH  
PRIVATELY INITIATED  
AMENDMENT  
TO THE**

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**LEE COUNTY COMPREHENSIVE PLAN**

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**THE LEE PLAN**

Privately Initiated Application  
and Lee County Staff Analysis

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**DCA Transmittal Document**

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Lee County Planning Division  
1500 Monroe Street  
P.O. Box 398  
Fort Myers, FL 33902-0398  
(239) 479-8585

December 18, 2006

**LEE COUNTY  
DIVISION OF PLANNING  
STAFF REPORT FOR  
COMPREHENSIVE PLAN AMENDMENT  
CPA2005-05**

☐

Text Amendment

☒

Map Amendment

This Document Contains the Following Reviews:	
✓	Staff Review
✓	Local Planning Agency Review and Recommendation
✓	Board of County Commissioners Hearing for Transmittal
	Staff Response to the DCA Objections, Recommendations, and Comments (ORC) Report
	Board of County Commissioners Hearing for Adoption

STAFF REPORT PREPARATION DATE: November 14, 2006

**PART I - BACKGROUND AND STAFF RECOMMENDATION**

**A. SUMMARY OF APPLICATION**

**1. APPLICANT/REPRESENTATIVE:**

Paul H. Freeman, Trustee represented by Quattrone and Associates, Inc.

**2. REQUEST:** Amend the Lee Plan's Future Land Use Map series for 169.2± acres in northwest quadrant of I-75 and Alico Road. Section 3, Township 46 South, Range 25 East, Lee County, Florida, lying west of I-75 from Industrial Development and Wetlands to Industrial Commercial Interchange and Wetlands.

**3. REVISED REQUEST:** Amend the Lee Plan's Future Land Use Map series for 82.86± acres in northwest quadrant of I-75 and Alico Road. Section 3, Township 46 South, Range 25 East, Lee County, Florida, lying west of I-75 from Industrial Development and Wetlands to Industrial Commercial Interchange and Wetlands.

## **B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY**

1. **RECOMMENDATION:** Planning staff recommends that the Board of County Commissioners **not** transmit the proposed amendment to the Lee Plan to the Department of Community Affairs.

2. **BASIS AND RECOMMENDED FINDINGS OF FACT:**

- Alico Road from US 41 to I-75 is projected to fail by 2030, based on the network contained in the Financially Feasible Plan.
- The change is not a "spot" redesignation of the Industrial Commercial Interchange category and does not create an isolated island of the Industrial Development category.
- The change will improve on the ability to maintain a diverse economy.
- The change may help to facilitate a working partnership with the Florida Gulf Coast University.
- The change will not impact the population accommodation of the adopted Lee Plan Future Land Use Map.

## **C. BACKGROUND INFORMATION**

### **1. EXISTING CONDITIONS:**

**SIZE OF PROPERTY:** 82.86 acres (4.522 wetland acres)

**PROPERTY LOCATION:** The property is generally located north of Alico Road, West of Interstate 75, east of the proposed Three Oaks Parkway extension.

**EXISTING USE OF LAND:** The applicant has provided information that the subject property is currently use is "vacant/agriculture".

**CURRENT ZONING:** The property is currently zoned AG-2.

**CURRENT FUTURE LAND USE CATEGORY:** The subject property is designated Industrial Development and Wetlands.

### **2. BACKGROUND DISCUSSION:**

The applicant is requesting a change in the property's future land use category from Industrial Development to Industrial Commercial Interchange to allow the creation of "a commercial office, retail and recreation center, a dedication to FGCU to anchor a proposed research park and to expand off campus functions, and a light industrial park that is sensitive to and compatible with the abutting areas with a sensitivity to this highly visible Interstate Corridor Location."

The application states: "The change would allow the property to increase the permitted commercial and office building uses for a comprehensive business park and increase the usefulness for FGCU, to anchor a proposed research park and to expand off campus functions onto land the applicant intends to donate."

## **PART II - STAFF ANALYSIS**

### **A. STAFF DISCUSSION**

#### **INTRODUCTION**

The proposed amendment is the result of a desire to expand the allowable uses of the property from the limited commercial and office uses allowed in the Industrial Development future land use category to allow greater flexibility of those uses. The property fronts on Interstate - 75 and has a high visibility.

#### **COMPREHENSIVE PLAN BACKGROUND**

In 1984 the property was designated as Industrial Development. The property to the north was designated Rural. In 1996 staff proposed changing the property to the north from Rural to Industrial Development. That change was approved by the Board of County Commissioners. The adjacent properties to the south were also designated Industrial Development. During the 1994 Evaluation and Appraisal amendments the Industrial Commercial Interchange located along Alico Road was expanded to the north and now is contiguous to the subject property. The request would therefore be a further expansion to the north of the interchange use.

#### **SURROUNDING ZONING, LAND USES, AND FUTURE LAND USE DESIGNATION**

The application states:

North of subject parcel is zoned AG-2

South of subject parcel is zoned CPD

East of subject parcel is zoned MPD

West of subject parcel is zoned AG-2 and pending IPD

#### **TRANSPORTATION/TRAFFIC CIRCULATION IMPACTS**

The Lee County Department of Transportation has review this proposal and sent a memorandum to the Director of Planning. The text of that October 25, 2006 memo follows:

"The Department of Transportation has reviewed the above-referenced privately-initiated future land use map plan amendment, to change 169.2 acres north of Alico Road



and west of I-75 from the "Industrial" to "Industrial Commercial Interchange" land use category. As indicated in an October 11<sup>th</sup> e-mail from your staff, the new designation would allow a maximum of 1,692,000 square feet of commercial retail use as a worst case scenario assuming development of the full 169.2 acres, and about 1,152,000 square feet of commercial retail use based on only 93 developable acres on the site. We have run the 2030 Financially Feasible Plan FSUTMS travel demand model for three scenarios: (1) no project; (2) with the project (1,152,000 square feet of commercial); and (3) with the maximum allowable (1,692,000 square feet of commercial).

Under all three scenarios, the six lane section of Alico Road from US 41 to I-75 is projected to fail by 2030, based on the network contained in the Financially Feasible Plan. There is an improvement contemplated in the 2030 Needs Plan network that would relieve Alico Road, the four lane Alico Expressway from Summerlin Road to SR 82, but a definitive source of funding for that improvement has not yet been identified. The potential alignment of the Alico Expressway could affect the property subject to this proposed Three Oaks North comprehensive plan amendment, but no right-of-way has been reserved through the site. The MPO plan suggests the Alico Expressway should be evaluated as a toll facility. Nevertheless, the projected condition of Alico Road based on the Financially Feasible Plan (without the Alico Expressway) begs the question of whether we should be approving any intensity increases in the area that could make a bad situation worse.

Beyond the Alico Road issue, the second scenario with 1,152,000 square feet of commercial also results in the failure of the four lane Three Oaks Parkway from Alico Road up to the project entrance by 2030. Without the project that segment is at Level of Service "B", so the addition of the project clearly has a detrimental effect. The third scenario with 1,692,00 square feet of commercial makes the situation worse, extending the failure on Three Oaks Parkway the entire length between Alico Road and Daniels Parkway. The six laning of this segment is not currently part of the financially feasible plan.

The County's plan amendment package states "(a)n 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." An applicant in this scenario has two options to avoid a staff recommendation of denial: (1) make the financial commitment to cover the full cost of the needed improvement (in this case six laning Three Oaks Parkway) so it can be added to the financially feasible plan; or (2) reduce the level of development so that the impacts don't cause the need for an additional improvement."

Subsequent to these comments the applicant has amended the application to exclude 86.6 acres of the northern half of the proposal. The new impacts from the reduced proposal

assume 783,380 square feet of commercial. DOT staff reran the proposal with the new reduced impacts. The new reduced impacts do affect the level of service for Three Oaks Parkway. Under the new scenario Three Oaks Parkway maintains a level of service of C and is therefore not a problem. Unfortunately, as indicated above in the first scenario with no impacts from this project Alico Road fails. The recommendation not to increase intensity in the area that could make the failing of this roadway facility worse remains.

#### **POPULATION ACCOMMODATION**

The request is to change from Industrial Development to Industrial Commercial Interchange. Neither of these categories allows residential uses. Therefore the population accommodation of the Future Land Use Map (FLUM) is not affected.

#### **ENVIRONMENTAL CONSIDERATIONS**

Environmental Sciences staff is currently reviewing an application to the South Florida Water Management (SFWMD) district for an Environmental Resource Permit (ERP) for the Three Oaks Parkway and Oriole Road extension. This permit encompasses some 56.86 acres. Associated with this permit application is a request for conceptual approval of the surface water management system serving an additional 538.48 acres, known as the Three Oaks Commerce Park. The subject property is included in that acreage. The SFWMD staff is recommending approval of the ERP application. No objection is expected from Environmental staff.

#### **SOILS**

A map of the soils for the property is included in the application as Exhibit C-1 and C-2.

#### **HISTORIC RESOURCES**

According to the application, there are not any historical resources located on the property and the subject parcel is not located in one of the two levels of the archeological sensitivity areas.

#### **SCHOOL IMPACTS**

With no increase in population the proposed amendment will not impact the school district. No additional classrooms will be required.

#### **PARKS, RECREATION, AND OPEN SPACE**

With no increase in population the proposed amendment will not impact Community or Regional Park needs.

#### **POLICE**

The subject property is located within the service area of Lee County Sheriff's Office. A letter confirming the availability of service has been submitted.

**FIRE**

The subject property is located within the service area of the San Carlos Fire District. To date no letter confirming the availability of service has been submitted. Staff understands that the services will be available.

**EMERGENCY MEDICAL SERVICES (EMS)**

The subject property is located within the service area of Lee County Emergency Medical Services. To date no letter confirming the availability of service has been submitted. Staff understands that the services will be available.

**SOLID WASTE**

The subject property is served by Lee County Solid Waste. To date no letter confirming the availability of service has been submitted. Staff understands that the services will be available.

**MASS TRANSIT**

Lee Tran Rout 60 runs along Alico Road from Oriole Road to Three Oaks Parkway. The opening of the Three Oaks Parkway and the Oriole Road extensions and the establishment of an employment center on the subject property mass transit could be revised to serve this area.

**UTILITIES**

The subject property is located within the future service area of Lee County Utilities. To date no letter confirming the availability of service has been submitted. Staff understands that the services will be available.

**B. CONCLUSIONS**

Most of the urban services necessary to support the proposed change of use are in place or can be made available. The proposed changes to the allowable uses for the subject property have merit. Development of a wider range of uses, including research and development facilities, on property with such a high visibility from Interstate-75 has a certain appeal. However, with or without the proposed Lee Plan amendment, Alico Road is projected to fail by the year 2030. This fact makes recommending approval of an increase in intensity for the subject property unfeasible.

**C. STAFF RECOMMENDATION**

Staff recommends that the proposed amendment not be transmitted. Staff further recommends that the county through the Office of Economic Development, the Department of Transportation, and the Department of Community Development work with the property owner to try to address the transportation issues on Alico Road. If a

solution to the roadway problems can be identified this amendment should be brought back for additional consideration.

### **PART III - LOCAL PLANNING AGENCY REVIEW AND RECOMMENDATION**

PUBLIC HEARING DATE: November 27, 2006

#### **A. LOCAL PLANNING AGENCY REVIEW**

Staff made a brief presentation to the LPA to introduce the amendment and stated the recommendation. This was followed by the applicant's presentation which emphasized the working partnership with Florida Gulf Coast University including the donation of land for a 50,000sf office building for research and development activities. The applicant explained the intended development would include office uses not necessarily related to the industrial uses within the development. Per the Lee Plan Industrial Development category, office uses must be specifically related to adjoining industrial uses. The commercial retail uses envisioned for the site will serve the workers not only of this site, but also the employees of the over 6 million square feet of industrial uses already approved in the Industrial Development lands to the west of the project. The applicant also stated the projects proximity along I-75 (a corridor approximately 1,900 feet in length) and closeness to the entrance of The Southwest Florida International Airport establishes this project as a gateway to Lee County. This amendment will allow some flexibility in producing an attractive commercial corridor at this location. The applicant explained how the proposal was "scaled back" to address the impacts on the future Three Oaks Parkway extension from Alico Road to Daniels Parkway. The property included in the request was reduced from over 169 acres to less than 83 acres. The applicant realizes that this reduction in the request does not eliminate the concerns raised by Lee County DOT regarding Alico Road. The applicant stated they understand that the issues with Alico Road will need to be addressed prior to any development occurring on the site. It was also stated that, since Alico Road is projected to fail regardless of how the subject property is developed. Therefore, the problem is not isolated to this site but needs to be addressed for the entire Alico Road corridor.

No public comment was received on this amendment.

The LPA discussed the fact that this proposal was an appropriate change on the Future Land Use Map to allow a public/private partnership with the university and related uses that are not possible with the existing Future Land Use Designation. One LPA member inquired about the service providers specifically utilities. When the report for the LPA was printed, this information was not available, since that time staff has received the letters from the applicant from the San Carlos Fire Department, State of Florida Division of Historical Resources, Lee County Utilities, Lee County Solid Waste, Lee County School District, Lee County Sheriff's Department, and the Southwest Florida International Airport. These letters are now included in the attached application

package. The discussion then focused primarily on the issue which was the basis for staff's recommendation, the fact that Alico road is projected to fail by the Year 2030. The LPA was informed that Alico Road will fail regardless of the development on the subject site and the Level of Service situation requires a solution with or without this amendment being approved. The proposed site is less than 4% of the entire area north of Alico Road designated Industrial Development and Industrial Commercial Interchange. The LPA continued the discussion on the most appropriate designation for the site in terms of furthering the goals of the County. The LPA concluded that the county needed to be "forward thinking" regarding Future Land Use decisions. One LPA member stated "Don't hold the property from good planning based on a technical issue that will need to be resolved prior to permitting". The motion was made and seconded to recommend transmittal of this amendment.

**B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY**

1. **RECOMMENDATION:** The LPA recommends that the Board of County Commissioners transmit the proposed amendment.
2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The LPA advances the findings of fact presented by staff and additionally finds that the Alico Road LOS issue should be address by Lee County and the applicant prior to development occurring on the site.

**C. VOTE:**

NOEL ANDRESS	Aye
DEREK BURR	Aye
RONALD INGE	Aye
CARLETON RYFFEL	Absent
RAYMOND SCHUMANN, ESQ	Aye
RAE ANN WESSEL	Aye
VACANT	

**PART IV - BOARD OF COUNTY COMMISSIONERS  
HEARING FOR TRANSMITTAL OF PROPOSED AMENDMENT**

**DATE OF TRANSMITTAL HEARING:** December 13, 2006

**A. BOARD REVIEW:**

Staff made a brief introduction for the amendment and stated the staff recommendation was to not transmit based on transportation issues and that the LPA recommendation was to transmit the amendment.

The applicant presentation followed staffs. The applicant's representative presented the history of the amendment including the reduction in the size of the property included in the request from 169± to 83± acres. This was done in response to issues with the level of service on the extension of Three Oaks Parkway which will be built from Alico Road to Daniels Parkway. The proposed change would allow the development of a research and development complex for the Florida Gulf Coast University as well as office space for the university on a portion of the property that will be donated by the land owner to the university. It was stated that the anticipated development is still primarily industrial. However, the existing Future Land Use Map Category would precludes the proposed projects due to the requirement that commercial be ancillary to the industrial uses within the development. It was stated that development intended for the site will be mixed use with 50% industrial, 30% commercial, and 20% retail. The Industrial Development category limits commercial development to 10% of the total project and limits retail development within a Planned Development to 30,000 square feet. Also, the property is located on major corridors in Lee County (Three Oaks Parkway and Interstate 75) and this change would allow a cleaner look on these corridors. The speaker stated it was understood the road issue would need to be resolved prior to development.

The applicant spoke next and re-emphasized that the change would allow development that would present a better image along the interstate and Three Oaks Pkwy.

A representative from the Florida Gulf Coast University spoke in favor of the amendment. The university spokesperson made three points for supporting the change;

1. The current designation will not allow the university to add office space on the site,
2. The university has a stated need for research and development space, and
3. There is a fear that maintaining the current designation will only add more industrial truck traffic in the area.

The discussion went back to the board and staff was asked if there were concerns with the amendment beyond the transportation issues. Staff responded that the proposed change to the Future Land Use Map was generally considered favorably and that if it were not for

the transportation issue the recommendation would have been to transmit the amendment. Staff stated that the only improvement that might alleviate the LOS problem is the Alico Expressway which is not on the financially feasible plan. To find this change consistent with the Lee Plan, this project would have to be listed in the comprehensive plan as financially feasible. Staff added making the change on the Future Land Use Map would not eliminate the LOS issue from being raised at the time of concurrency and development order review. A board member then asked if the Three Oaks Parkway LOS could become an issue as well. Staff stated that in a worst case situation the segment of Three Oaks Parkway between Alico Rd and Daniels Parkway might have a LOS problem. Staff was asked if mining would be allowed in the Industrial Development category. Staff responded that it was allowed in Industrial Development, but not in the Industrial Commercial Interchange category. A general consensus among the board members was that the transportation issues, that were the basis for the recommendation of denial, would be resolved before development occurred. They also agreed that the Alico Expressway option east of US 41 should be revisited as an option to address the situation. The Alico Expressway met with opposition due to environmental concerns west of US 41. One board member had concerns with approving an amendment that could increase the impacts on a failing roadway. The motion was made and seconded to transmit the amendment.

**B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:**

1. **BOARD ACTION:** The Board voted to transmit the proposed amendment, as recommended by the local planning, to the Florida Department of Community Affairs for their review.
2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The Board advanced the Local Planning Agency Findings of Fact.

**C. VOTE:**

<b>BRIAN BIGELOW</b>	<u>NAY</u>
<b>TAMMARA HALL</b>	<u>AYE</u>
<b>BOB JANES</b>	<u>AYE</u>
<b>RAY JUDAH</b>	<u>AYE</u>
<b>FRANK MANN</b>	<u>AYE</u>



**PART V – DEPARTMENT OF COMMUNITY AFFAIRS  
OBJECTIONS, RECOMMENDATIONS, AND COMMENTS (ORC) REPORT**

**DATE OF ORC REPORT:**

**A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS:**

**B. STAFF RESPONSE:**

**PART VI - BOARD OF COUNTY COMMISSIONERS  
HEARING FOR ADOPTION OF PROPOSED AMENDMENT**

**DATE OF ADOPTION HEARING:**

**A. BOARD REVIEW:**

**B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:**

**1. BOARD ACTION:**

**2. BASIS AND RECOMMENDED FINDINGS OF FACT:**

**C. VOTE:**

**BRIAN BIGELOW**

**TAMMARA HALL**

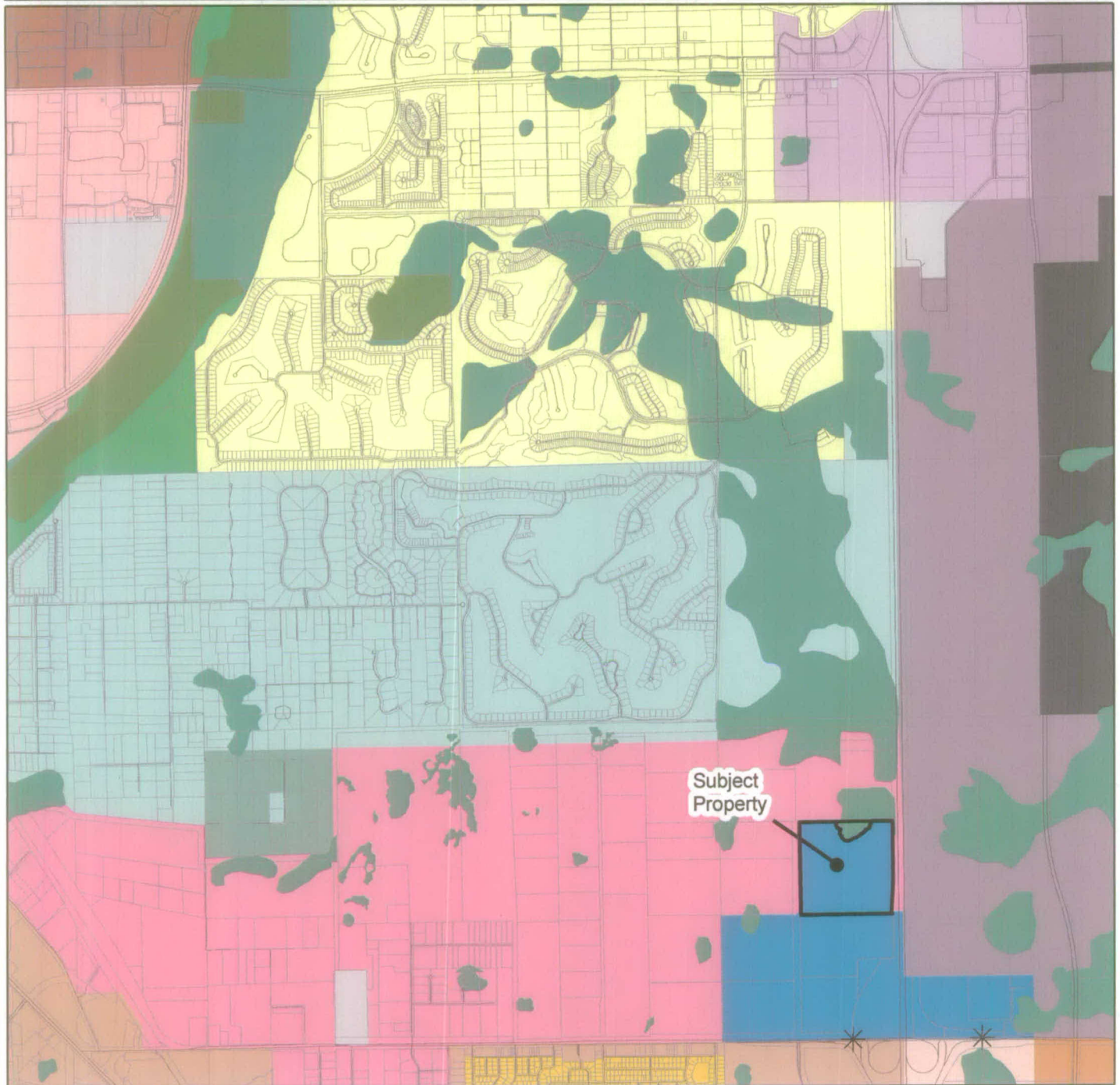
**BOB JANES**

**RAY JUDAH**

**FRANK MANN**

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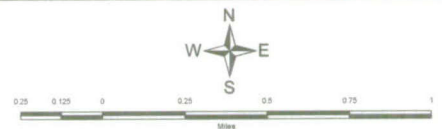
# THREE OAKS NORTH PROPOSED FUTURE LAND USE MAP CPA 2005-00005



Generated: December 2006  
Source: Lee County DCD/Planning  
Legal: Provided by applicant

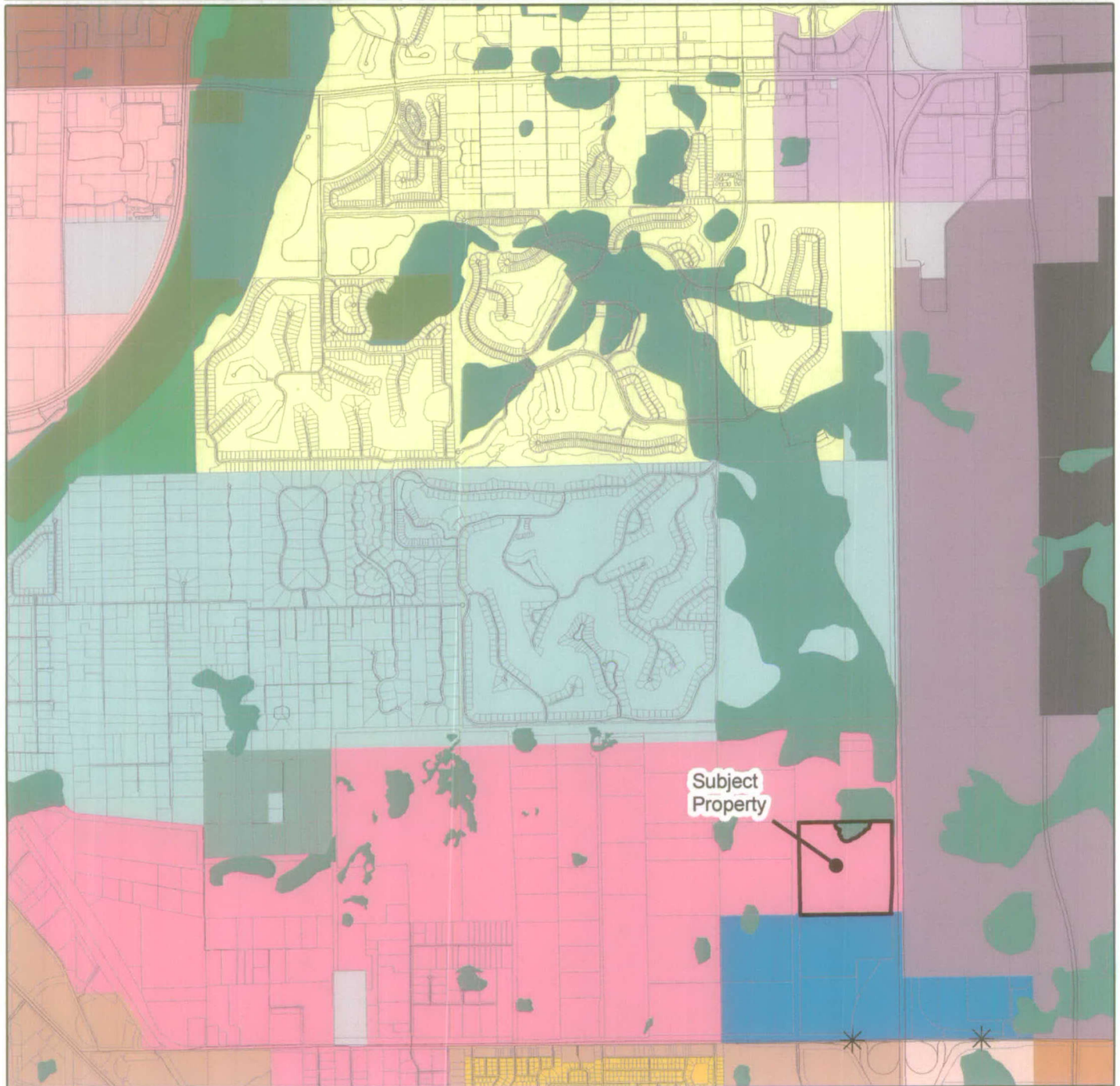
## Legend

Intensive Development	General Interchange	Coastal Rural
Central Urban	General Commercial Interchange	Outer Island
Urban Community	Industrial Commercial Interchange	Open Lands
Suburban	University Village Interchange	Density Reduction/Groundwater Resource
Outlying Suburban	New Community	Conservation Lands - Uplands
Industrial Development	Tradeport	Wetlands
Public Facilities	Airport	Conservation Lands - Wetlands
University Community	Rural	
Industrial Interchange	Rural Community Preserve	





# THREE OAKS NORTH EXISTING FUTURE LAND USE MAP CPA 2005-00005



Generated: December 2006  
Source: Lee County DCD/Planning  
Legal: Provided by applicant

## Legend

Intensive Development	General Interchange	Coastal Rural
Central Urban	General Commercial Interchange	Outer Island
Urban Community	Industrial Commercial Interchange	Open Lands
Suburban	University Village Interchange	Density Reduction/Groundwater Resource
Outlying Suburban	New Community	Conservation Lands - Uplands
Industrial Development	Tradeport	Wetlands
Public Facilities	Airport	Conservation Lands - Wetlands
University Community	Rural	
Industrial Interchange	Rural Community Preserve	



# LEE COUNTY CONCURRENCY REPORT

LEE COUNTY CONCURRENCY REPORT



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# Concurrency Report

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## Inventory and Projections 2005/2006 – 2006/2007

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*Prepared for Board of County Commissioners*

*by Department of Community Development  
with assistance from*

County Attorney's Office  
Construction and Design Division  
Environmental Services Division - Natural Resources  
Environmental Services Division - Solid Waste  
Parks and Recreation Division  
Department of Transportation

June, 2006

ROAD	FROM	TO	LOS		Planned Parallel Improvement
			STD	Exist	
I-75	Collier County Line	Bonita Beach Road	C	F	Livingston Road 4Ln completed; US 41 6Ln construction recently completed.
I-75	Bonita Beach Road	Corkscrew Road	C	E	Imperial Street/Three Oaks Parkway partly constructed, part 4Ln funded in 2005/06; US 41 6Ln under construction; 4Ln Sandy Lane extension under construction.
I-75	Corkscrew Road	Alico Road	C	E	Three Oaks Parkway 4Ln funded in 2005/06; US 41 6Ln funded in 2010/11.
I-75	Alico Road	Daniels Parkway	C	F	Ben Hill Griffin/Treeline Avenue 4Ln extension completed; Three Oaks North extension funded in 2009/10.
I-75	Daniels Parkway	Colonial Boulevard	C	E	Treeline Avenue 4Ln extension North under construction by private developer; Plantation 4Ln extension and Six Mile Cypress Pkwy 4Ln funded in 2006/07.
I-75	Colonial Boulevard	ML King Boulevard	C	E	Shoemaker Boulevard 4Ln extension under construction; Ortiz Avenue 4Ln proposed in 2009/10.
I-75	ML King Boulevard	Luckett Road	C	F	Ortiz Ave 4Ln in 2008/09.
I-75	Luckett Road	Palm Beach Boulevard	C	F	Ortiz Ave 4Ln proposed in 2008/09.
I-75	Palm Beach Boulevard	Bayshore Road	C	D	8Ln design and ROW programmed by FDOT.

The following county roadway links meet the LOS standard now but may not meet it in the future as projects that have been approved continue to develop. These links could become a problem if the approved projects are constructed and the capacity is not increased or road projects providing alternative routes are not constructed.

ROAD	FROM	TO	LOS			Planned Improvement
			2005	2006	Future	
Daniels Parkway	Metro Parkway	Six Mile Cypress Parkway	D	E	F	Constrained Facility; v/c=0.89. Alico Expressway PD&E proposed in 2008/09.
Daniels Parkway	Six Mile Cypress Parkway	Palomino Lane	D	F	F	Constrained Facility; v/c=0.98. Alico Expressway PD&E proposed in 2008/09.
Daniels Parkway	Chamberlin Parkway	Gateway Boulevard	C	F	F	6Ln proposed in 2010/11.
Homestead Road	Immokalee Road (S.R. 82)	Leeland Heights Boulevard	D	E	F	Part 4Ln proposed in 2008/09.
Sunshine Boulevard	West 12 <sup>th</sup> Street	West 75 <sup>th</sup> Street	C	F	F	

ROAD LINK VOLUMES												
Peak Direction of Flow												
ROADWAY LINK NAME	FROM	TO	ROAD TYPE	ROAD PERFORMANCE STANDARD		2005 100th HIGHEST HOUR		EST 2006 100th HIGHEST HOUR		FORECAST FUTURE VOL		LINK NO.
				LOS	CAPACITY	LOS	VOLUME	LOS	VOLUME	LOS	VOLUME	
A & W BULB RD.	GLADIOLUS DR.	MCGREGOR BLVD.	2LN	E	860	C	260	C	287	C	369	00100
ALABAMA RD.	IMMOKALEE RD. (S.R. 82)	MILWAUKEE BLVD.	2LN	E	990	D	310	D	428	D	428	00200
ALABAMA RD.	MILWAUKEE BLVD.	HOMESTEAD RD.	2LN	E	990	D	383	D	478	D	478	00300
A. G. BELL BLVD.	IMMOKALEE RD. (S.R. 82)	MILWAUKEE BLVD.	2LN	E	990	B	152	C	350	D	554	00400
A. G. BELL BLVD.	MILWAUKEE BLVD.	JOEL BLVD. (S.R. 884)	2LN	E	990	C	266	D	477	E	620	00500
ALICO RD.	U.S. 41	LEE RD.	6LD	E	2,920	B	1,068	B	1,237	B	1,362	00600
ALICO RD.	LEE RD.	THREE OAKS PKWY.	6LD	E	2,920	B	1,079	B	1,083	B	1,088	00700
ALICO RD.	THREE OAKS PKWY.	I-75	6LD	E	2,920	B	1,097	B	1,097	B	1,097	00800
ALICO RD.	I-75	BEN HILL GRIFFIN BLVD.	6LD	E	2,920	B	722	B	1,086	B	2,312	00900
ALICO RD.	BEN HILL GRIFFIN BLVD.	GREEN MEADOW DR.	2LN	E	860	E	707	E	727	E	762	01000
ALICO RD.	GREEN MEADOW DR.	CORKSCREW RD. (C.R. 850)	2LN	E	860	B	86	E	707	E	762	01050
ARROYAL ST.	BONITA BEACH RD.	PENNSYLVANIA AVE.	2LN	E	860	C	333	C	344	C	366	01100
BABCOCK RD.	U.S. 41	ROCKEFELLER CIR.	2LN	E	860	B	88	B	88	B	88	01200
BARRETT RD.	PONDELLA RD.	PINE ISLAND RD.	2LN	E	860	C	191	C	191	C	191	01400
BASS RD.	SUMMERLIN RD.	GLADIOLUS DR.	2LN	E	860	C	159	C	303	D	434	01500
BAYSHORE RD. (S.R. 78)	BUSINESS 41 (C.R. 739)	HART RD.	4LD	E	1,990	D	1,693	D	1,693	D	1,693	01600



ROAD LINK VOLUMES Peak Direction of Flow													
ROADWAY LINK NAME	FROM	TO	ROAD TYPE	PERFORMANCE STANDARD		2005 100th HIGHEST HOUR		EST 2006 100th HIGHEST HOUR		FORECAST FUTURE VOL		NOTES*	LINK NO.
				LOS	CAPACITY	LOS	VOLUME	LOS	VOLUME	LOS	VOLUME		
CORKSCREW RD. (C.R. 850)	WILDCAT DR.	COLLIER COUNTY LINE	2LN	E	1,010	B	180	C	374	E	648	4 Ln by CRSA Ben Hill Griffin to Habitat entr. in 06	07000
COUNTRY LAKES BLVD.	LUCKETT RD.	TICE ST.	2LU	E	860	C	144	C	145	C	269		07100
CRYSTAL DR.	U.S. 41	METRO PKWY.	2LU	E	860	E	715	E	715	E	715		07200
CRYSTAL DR.	METRO PKWY.	PLANTATION RD.	2LU	E	860	C	245	C	283	C	302		07300
CYPRESS LAKE DR.	MCGREGOR BLVD. (S.R. 867)	SOUTH POINTE BLVD.	4LD	E	1,920	D	970	D	975	D	1,009		07400
CYPRESS LAKE DR.	SOUTH POINTE BLVD.	WINKLER RD.	4LD	E	1,920	D	1,223	D	1,223	D	1,223		07500
CYPRESS LAKE DR.	WINKLER RD.	SUMMERLIN RD. (C.R. 869)	4LD	E	1,920	E	1,520	E	1,524	E	1,524		07600
CYPRESS LAKE DR.	SUMMERLIN RD. (C.R. 869)	U.S. 41	6LD	E	2,890	D	1,909	D	1,911	D	1,920		07700
DANIELS PKWY.	U.S. 41	METRO PKWY.	6LD	E	2,740	E	2,140	E	2,141	E	2,194		07800
DANIELS PKWY.	METRO PKWY.	SIX MILE CYPRESS PKWY.	6LD	E	2,740	E	2,428	E	2,436	F	2,857	Constrained v/c = 0.89 Alico Express PD&E prop in 08/09	07900
DANIELS PKWY.	SIX MILE CYPRESS PKWY.	PALOMINO LN.	6LD	E	3,050	D	2,974	F	3,148	F	3,212	Constrained v/c = 0.98 Express PD&E prop in 08/09	08000
DANIELS PKWY.	PALOMINO LN.	I-75	6LD	E	3,050	B	2,415	C	2,570	C	2,644		08100
DANIELS PKWY.	I-75	TREELINE AVE.	6LD	E	2,950	B	2,424	B	2,477	B	2,484		08200
DANIELS PKWY.	TREELINE AVE.	CHAMBERLIN PKWY.	6LD	E	2,950	B	2,520	B	2,520	B	2,527		08300

ROAD LINK VOLUMES													
Peak Direction of Flow													
ROADWAY LINK NAME	FROM	TO	ROAD TYPE	PERFORMANCE STANDARD		2005 100th HIGHEST HOUR		EST 2006 100th HIGHEST HOUR		FORECAST FUTURE VOL.		NOTES*	LINK NO.
				LOS	CAPACITY	LOS	VOLUME	LOS	VOLUME	LOS	VOLUME		
U.S. 41	COLLIER COUNTY LINE	BONITA BEACH RD. (C.R. 865)	6LD	E	2920	B	1,707	B	1,720	B	1,794	6 Ln under construction	29500
U.S. 41	BONITA BEACH RD. (C.R. 865)	W. TERRY ST.	6LD	E	2920	B	1,902	B	1,902	B	1,902	6 Ln under construction	29600
U.S. 41	W. TERRY ST.	OLD 41	6LD	E	2920	B	1,647	B	1,917	B	1,966	6 Ln under construction	29700
U.S. 41	OLD 41	CORKSCREW RD.	6LD	E	2920	B	1,964	C	2,597	D	2,894	Three Oaks ext funded in 05/06	29800
U.S. 41	CORKSCREW RD.	SANIBEL BLVD.	4LD	E	2110	B	1,799	B	1,808	B	1,814	Sandy Lane ext. under const.	29900
U.S. 41	SANIBEL BLVD.	ALICO RD.	6LD	E	3170	B	1,847	B	1,894	B	2,093	6 Ln funded in 10/11 by FDOT	30000
U.S. 41	ALICO RD.	ISLAND PARK RD.	6LD	E	3170	B	2,432	B	2,440	B	2,491	Three Oaks 4 Ln funded in 05/06	30100
U.S. 41	ISLAND PARK RD.	BRIARCLIFF RD.	6LD	E	3170	B	2,449	B	2,517	B	2,557		30200
U.S. 41	BRIARCLIFF RD.	SIX MILE CYPRESS PKWY.	6LD	E	3170	B	2,518	B	2,518	B	2,518		30300
U.S. 41	SIX MILE CYPRESS PKWY.	DANIELS RD.	6LD	E	2690	E	1,788	E	1,809	E	1,980	Plantation 4 Ln proposed in 10/11	30400
U.S. 41	DANIELS RD.	COLLEGE PKWY.	6LD	E	2690	E	2,213	E	2,214	E	2,222	Summerlin 6 Ln proposed in 07/08	30500
U.S. 41	COLLEGE PKWY.	SOUTH RD.	6LD	E	2690	E	2,514	E	2,517	E	2,517	Constrained v/c=0.82	30600
U.S. 41	SOUTH RD.	BOY SCOUT DR.	6LD	E	2690	E	2,284	E	2,284	E	2,301	Summerlin 6 Ln proposed in 07/08	30700

ROAD LINK VOLUMES													
Peak Direction of Flow													
ROADWAY LINK NAME	FROM	TO	ROAD TYPE	PERFORMANCE		2005 100th HIGHEST HOUR		EST 2006 100th HIGHEST HOUR		FORECAST FUTURE VOL		NOTES*	LINK NO.
				LOS	CAPACITY	LOS	VOLUME	LOS	VOLUME	LOS	VOLUME		
U.S. 41	BOY SCOUT DR.	NORTH AIRPORT RD.	6LD	E	2690	E	1,660	E	1,681	E	1,683	Constrained v/c=0.62	30800
U.S. 41	FT. MYERS CITY LIMITS	NORTH KEY DR.	4LD	E	2820	C	2,051	C	2,054	C	2,054		30900
U.S. 41		HANCOCK BRIDGE PKWY.	4LD	E	2820	C	2,509	C	2,509	C	2,512		31000
U.S. 41	HANCOCK BRIDGE PKWY.	PONDELLA RD.	4LD	E	1920	D	1,547	D	1,547	D	1,547		31100
U.S. 41	PONDELLA RD.	PINE ISLAND RD. (S.R. 78)	4LD	E	1920	D	1,251	D	1,261	D	1,264		31200
U.S. 41	PINE ISLAND RD. (S.R. 78)	LITTLETON RD.	4LD	E	2000	B	1,156	B	1,182	B	1,183		31300
U.S. 41	LITTLETON RD.	BUSINESS 41	4LD	E	2000	A	918	A	920	A	920		31400
U.S. 41	BUSINESS 41	DEL PRADO BLVD.	4LD	E	2000	A	841	A	847	A	891		31500
U.S. 41	DEL PRADO BLVD.	CHARLOTTE COUNTY LINE	4LD	E	2000	A	841	A	841	A	841		31600
I-75	COLLIER COUNTY LINE	BONITA BEACH RD. (C.R. 850)	4LD	C	2890	F	3,974	F	3,974	F	3,974	6 Ln in 06/07 and parallel improv.	31700
I-75	BONITA BEACH RD. (C.R. 850)	CORKSCREW RD. (C.R. 850)	4LD	C	2890	E	3,442	E	3,442	E	3,442	6 Ln in 06/07 and parallel improv.	31800
I-75	CORKSCREW RD. (C.R. 850)	ALICO RD. (C.R. 850)	4LD	C	2890	E	3,688	E	3,688	E	3,688	6 Ln in 06/07 and parallel improv.	31900
I-75	ALICO RD. (C.R. 850)	DANIELS PKWY.	4LD	C	2890	F	4,481	F	4,481	F	4,481	6 Ln in 06/07 and parallel improv.	32000
I-75	DANIELS PKWY.	COLONIAL BLVD. (S.R. 884)	4LD	C	2890	E	3,634	E	3,634	E	3,634	6 Ln in 06/07 and parallel improv.	32100
I-75	COLONIAL BLVD. (S.R. 884)	DR. M.L. KING, JR. BLVD. (S.R. 82)	4LD	C	2890	E	3,770	E	3,770	E	3,770	6 Ln in 06/07	32200
I-75	DR. M.L. KING, JR. BLVD. (S.R. 82)	LUCKETT RD	4LD	C	2890	F	4,207	F	4,207	F	4,207	6 Ln in 06/07 and parallel improv.	32300
I-75	LUCKETT RD	PALM BEACH BLVD. (S.R. 80)	4LD	C	2890	F	4,098	F	4,098	F	4,098	6 Ln in 06/07 and parallel improv.	32400
I-75	PALM BEACH BLVD. (S.R. 80)	BAYSHORE RD. (S.R. 78)	4LD	C	2890	D	3,033	D	3,033	D	3,033	8 Ln Design funded in 06/07 ROW in 09/10	32500
I-75	BAYSHORE RD. (S.R. 78)	CHARLOTTE COUNTY LINE	4LD	C	2890	B	2,076	B	2,076	B	2,076		32600

# LEE COUNTY DOT 2006/07 CIP

LEE COUNTY DOT 2006/07 CIP

# SUMMARY OF MAJOR ROAD PROJECTS PROGRAMMED BY LEE COUNTY - FY 06/07 TO FY 10/11

COMM DIST.	PROJ. NUMBER	PROJECT NAME	LENGTH (MILES)	FY 06-07 PRIOR EXP.	FY 05/06 BUDGET	06/07	07/08	08/09	09/10	10/11	5-YEAR TOTAL	6-10 ROW/CST	PROJECT TOTAL	FUTURE REVENUE SOURCE	PROJECT MANAGER
5		Sandy Lane Ext. North	1.43	0	0	0	0	0	0	0	1,410,000	0	18,670,000	IF24	Andy Gatch, 479-8510 gatcha@leegov.com
1	5814	2L Extension, Corkscrew Road to Estero Parkway		41,878,547	73,507,522	0	0	0	0	0	0	0	115,366,069	TOLL	Paul Wingard, 479-8545 wingar@leegov.com
		Sanibel Bridge Replacement (CST UNDERWAY)		DES/CST	CST	0	0	0	0	0	0	0	0		
1	5816	Replacement of Spans "A", "B" and "C"		1,052,667	17,844,075	0	0	0	0	0	0	0	18,896,742	TOLL	Paul Wingard, 479-8545 wingar@leegov.com
		Sanibel Toll Facility Reconstruction (CST UNDERWAY)		DES	CST	0	0	0	0	0	0	0	0		
1,4	6068	Rebuild and expand the Sanibel Bridge toll plaza and building		0	558,000	0	0	0	0	0	0	0	558,000	SURPLUS	Paul Wingard, 479-8545 wingar@leegov.com
		SeGo Implementation		DES	CST	0	0	0	0	0	0	0	0		
2	4864	New transponders and related readers, software upgrades		0	0	0	0	0	0	0	0	0	0		
		Six Mile Cypress Pkwy 4L	2.30	122,187	1,563,813	10,229,000	604,000	0	0	0	10,833,000	0	12,519,000	IF23	Mike Rigby, 479-8513 mrigby@leegov.com
		N. of Daniels Pkwy. to S. of Winkler Ext.		DES	DES/ROW	200,000	800,000	0	0	0	1,000,000	0	1,000,000	IF23	Nicole Maxey, 479-8569 maxeync@leegov.com
5		SR 82/Daniels Dual Left Lanes		0	0	0	0	0	0	0	0	0	0		
		Expansion to include dual NB-to-WB left turn lanes		DES	CST	0	0	0	0	0	0	0	0		
2,3,5	6007	Summerlin/Boyscout-Cypress Lake	2.60	2,276,005	7,317,210	0	30,381,000	380,000	0	0	30,761,000	0	40,354,215	IF23	Sarah Clarke, 479-8718 sclarke@leegov.com
		6L widening, including overpass at College Parkway		DES/ROW	DES/ROW	0	0	0	0	0	0	0	0		
3	4067	Summerlin Rd./San Carlos to Gladiolus (CST UNDERWAY)	4.26	11,839,207	32,436,994	0	0	0	0	0	0	0	44,276,201	IF6/IF24/ GT	Mike Rigby, 479-8513 mrigby@leegov.com
		6L, including grade separations at San Carlos Blvd. and Gladiolus Pkwy.		ALL	ROW/CST	0	0	0	0	0	0	0	0		
5	4053	Three Oaks Parkway Extension North	3.50	1,990,290	10,025,476	865,940	0	0	21,200,000	577,000	22,462,940	0	34,478,706	IF24	Eva Cech, 479-8562 ecech@leegov.com
		New 4L N. of Allico Rd. to Daniels Pkwy		DES/ROW	DES/ROW	997,000	0	0	0	0	0	0	0		
3	4043	Three Oaks Parkway Extension South (CST UNDERWAY)	4.15	13,631,873	37,820,102	0	0	0	0	0	0	0	52,448,975	IF6/IF24/ GT	Nicole Maxey, 479-8569 maxeync@leegov.com
		Three Oaks Parkway Widening (CST UNDERWAY)		ALL	ROW/CST	0	0	0	0	0	0	0	0		
5	4081	New 4L, E. Terry St. to Bonita Bill Dr. (Joint project with City)	4.60	9,015,592	20,524,801	0	0	0	0	0	0	0	29,540,393	IF24/IF23	Brissy Rowan, 479-8511 browan@leegov.com
		Three Oaks Parkway Extension North		DES/ROW	ALL	0	0	0	0	0	0	0	0		
All	5037	4L Corkscrew Rd. to Allico Rd.		0	145,000	80,000	0	0	0	0	80,000	0	225,000	GT	Harry Campbell, 533-9500 campbellh@leegov.com
		Traffic Management Center Update		0	0	0	0	0	0	0	0	0	0		
5	4068	Hardware/software upgrades at Billys Creek		382,385	227,614	0	1,002,000	0	0	0	1,002,000	0	1,612,000	IF3/IF23	Nicole Maxey, 479-8569 maxeync@leegov.com
		Treeline Extension North (CST UNDERWAY BY DEVELOPER)	4.20	CE/PM	CE/PM	0	0	0	0	0	0	0	0		
All	4086	New 4L, Daniels Pkwy. to S. of Colonial Blvd.		1,053,708	5,997,368	1,200,000	1,200,000	700,000	700,000	700,000	4,500,000	3,500,000	15,051,077	AV	Harry Campbell, 533-9500 campbellh@leegov.com
		Urban Arterial Street Lighting		CST	CST	0	0	0	0	0	0	0	0		
1,4	5039	Adding street lights along major County roads		0	2,167,000	0	0	0	0	0	0	0	2,167,000	TOLLS	Paul Wingard, 479-8545 wingar@leegov.com
		VES and Fiber Optics		0	0	0	0	0	0	0	0	0	0		
1,4	5029	Implementation of Vehicle Enforcement System at toll bridges		12,560	368,114	700,000	0	0	500,000	6,500,000	7,700,000	0	8,081,674	SURPLUS	Sarah Clarke, 479-8718 sclarke@leegov.com
		Veterans Pkwy. @ Del Prado		DES	DES/CST	0	0	0	0	0	0	0	0		
1,4		Interim and ultimate improvements at exit ramp of overpass		0	0	0	0	2,250,000	0	0	2,250,000	30,000,000	32,250,000	SURPLUS	Nicole Maxey, 479-8569 maxeync@leegov.com
		Veterans/Santa Barbara Overpass		0	0	0	0	0	0	0	0	0	0		
		Grade separation at intersection		0	0	0	0	0	0	0	0	0	0		
TOTAL			98.34								\$771,902,198		\$1,550,450,931		

NOTE: Budget figures represent estimates for programming purposes. All dollar figures are subject to adjustment. Program year represents when funds are available, not necessarily when phase started or completed  
KEY (PHASES): PRELIM = Preliminary Study; PD&E = Project Development & Environmental Study; DES = Design; ROW = Right-of-Way Acquisition; CST = Construction; CEI = Construction Engineering Inspection; PM = Project Management; LS = Landscaping; MIT = Mitigation  
KEY (FUNDS): IF23 = Road Impact Fees from District 23; GT = Local Option Gas Taxes; CITY = City funds; PS = Public Safety funds; FDOT = Florida Dept. of Transportation; AV = Ad Valorem

# **FDOT WORK PROGRAM**

**FDOT WORK PROGRAM**

## Florida Department of Transportation Work Program - 6 year History

2001-2006 ADOPTED  
Last Update: 3/28/2007 - 03:00 AM

District 1 - LEE County

Item Number: 200966-1

Transportation System Description	Fiscal Year:	District	Length	Type of Work	Item	2005	2006
Category: Highways							
Interstate/State US/AT/ALCO ROAD		01 - Lee County	2.117 Miles	Interchange (ramp)	200966-1		
							** SIS **
						\$42,765	\$2,252
						\$61,711	\$1,143
						\$3,215,088	\$118,583
						\$29,120,826	\$100
						\$135,750	\$58,213
						\$3,005,356	

[Click here to review the contact information for the content presented in this web site](#)

Florida Department of Transportation  
Work Program  
2007-2012 TENTATIVE  
Last Update: 2/17/2007 - 07:19 AM

District 1 - LEE County  
Item Number: 200966-1

Transportation System Description	Fiscal Year:	District	2007	Length 2008	Type of Work 2009	2010	2011	Item 2012
Category: Highways Intrastate Interstate STATE ROAD		01 - Lee County		2.117 Miles	Right of Way (On-Going) Construction (On-Going) Contract Incentives Construction Support (On-Going)			200966-1
			\$716,843 \$2,889,213 \$400,000 \$178,208					** SIS **

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# Florida Department of Transportation Work Program - 6 year History

2001-2006 ADOPTED  
Last Update: 3/28/2007 - 03:00 AM

District 1 - LEE County  
Item Number: 406225-4

Transportation System Description	Fiscal Year:	District	Length	Type of Work	2003	2004	2005	2006	Item
Category: Highways									
Interstate									
175 FROM S OF CORKSCREW ROAD TO S OF DANIELS PARKWAY		01 - Lee County	7.717 Miles	Add Lanes & Reconstruct	\$1,547,983	\$51,607	\$506,092	\$38,994	406225-4
Preliminary Engineering Right Of Way							\$154	\$568,834	
									** SIS **

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Florida Department of Transportation  
Work Program

2007-2012 TENTATIVE  
Last Update: 2/17/2007 - 07:19 AM

District 1 - LEE County

Item Number: 406225-4

Transportation System Description	Fiscal Year:	District	Length			Type of Work			Item	
			2007	2008	2009	2010	2011	2012		
Category: Highways										
Intrastate Interstate										
175 FROM S OF CORN SCREW ROAD TO S OF DANIELS PARKWAY		01 - Lee County		7.717 Miles					406225-4	" SIS "
Right Of Way (On-Going)			\$34,062,509							

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# PROJECT UTILITY DEMAND

PROJECT UTILITY DEMAND

# UTILITY SUMMARY SHEET

Project Name: **Three Oaks North CPA2005-00005**

Building #1 Area	<b>160,000</b>	SF				
Type of Use #1	<b>Retail</b>	Enter Retail Area	<b>140,000</b>	Daily Flow =	14000 GPD	88%
Type of Use #2	<b>Restaurant</b>		<b>300</b>	Daily Flow =	12000 GPD	
# of Loading Bays						
# of Employees (Based on 1 / 2000 SF of Warehouse)						
Subtotal					26,000 GPD	
Meter Size / # of Meters					2" / 2	

Building #2 Area	<b>225,000</b>	SF				
Type of Use #1	<b>Medical</b>	Enter # of Doctors	<b>20</b>	Daily Flow =	5000 GPD	
Type of Use #2	<b>Office</b>	Enter Office Area	<b>185,000</b>	Daily Flow =	27750 GPD	116%
# of Loading Bays						
# of Employees						
Subtotal					32,750 GPD	
Meter Size / # of Meters					1" / 2	

Building #3 Area	<b>399,000</b>	SF				
Type of Use #1	<b>Warehouse</b>	Enter # of Employees Below	<b>399,000</b>			249%
Type of Use #2						
# of Loading Bays			<b>15</b>	Daily Flow =	1,500 GPD	
# of Employees			<b>250</b>	Daily Flow =	3,750 GPD	
Subtotal					5,250 GPD	
Meter Size / # of Meters					5/8" /	

Total Project Flow **64,000 GPD**

Total ERU's **256 ERU's**

## FLOW ASSUMPTIONS

Medical	250	/	Doctor
Office	15	/	100
Warehouse	15	/	2000 (Based on 1 employee per 2000 SF)
Restaurant	40	/	Seat
Church	3	/	Seat
Multifamily	200	/	Unit
Single Family	250	/	House
Retail	10	/	100 (Shopping Centers w/o Food)
Miniwarehouse	1	/	Unit up to 200 Units
Loading Bays	100	/	Bay
Employees	15	/	Person

# THREE OAKS NORTH INFRASTRUCTURE PLAN



THREE OAKS NORTH INFRASTRUCTURE PLAN

**LEE COUNTY ORDINANCE NO. \_\_\_\_\_**  
(Three Oaks North)  
(CPA2005-05)

**AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN," ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT CPA2005-05 (PERTAINING TO THE FUTURE LAND USE MAP CHANGE FOR AN 83±-ACRE PARCEL NORTH OF ALICO ROAD FROM INDUSTRIAL DEVELOPMENT TO INDUSTRIAL COMMERCIAL INTERCHANGE) APPROVED DURING THE COUNTY'S 2005/2006 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED MAPS; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.**

WHEREAS, the Lee County Comprehensive Plan ("Lee Plan") Policy 2.4.1. and Chapter XIII, provides for adoption of amendments to the Plan in compliance with State statutes and in accordance with administrative procedures adopted by the Board of County Commissioners ("Board"); and,

WHEREAS, the Board, in accordance with Section 163.3181, Florida Statutes, and Lee County Administrative Code AC-13-6 provide an opportunity for the public to participate in the plan amendment public hearing process; and,

WHEREAS, the Lee County Local Planning Agency ("LPA") held public hearings on the proposed plan amendment in accordance with Florida Statutes and the Lee County Administrative Code on October 23, 2006, and November 27, 2006; and,

WHEREAS, the Board held a public hearing for the transmittal of the proposed amendment on December 13, 2006. At that hearing, the Board approved a motion to send, and did later send, proposed amendment CPA2005-05, pertaining to an amendment to the Future Land Use Map Series for an 83±-acre parcel north of Alico Road from

Industrial Development to Industrial Commercial Interchange to the Florida Department of Community Affairs ("DCA") for review and comment; and,

WHEREAS, at the December 13, 2006 meeting, the Board announced its intention to hold a public hearing after the receipt of DCA's written comments commonly referred to as the "ORC Report." DCA issued their ORC report on March 2, 2007; and,

WHEREAS, at a public hearing on April 11, 2007, the Board moved to adopt the proposed amendment to the Lee Plan set forth herein.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, THAT:**

**SECTION ONE: PURPOSE, INTENT AND SHORT TITLE**

The Board of County Commissioners of Lee County, Florida, in compliance with Chapter 163, Part II, Florida Statutes, and with Lee County Administrative Code AC-13-6, conducted public hearings to review proposed amendments to the Lee Plan. The purpose of this ordinance is to adopt the amendments to the Lee Plan discussed at those meetings and approved by a majority of the Board of County Commissioners. The short title and proper reference for the Lee County Comprehensive Land Use Plan, as hereby amended, will continue to be the "Lee Plan." **This amending ordinance may be referred to as the "2005/2006 Regular Comprehensive Plan Amendment Cycle CPA2005-05 Three Oaks North Future Land Use Map Amendment Ordinance."**

**SECTION TWO: ADOPTION OF LEE COUNTY'S 2005/2006 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE**

The Lee County Board of County Commissioners amends the existing Lee Plan, adopted by Ordinance Number 89-02, as amended, by adopting an amendment, as revised by the Board on April 11, 2007, known as CPA2005-05. CPA2005-05 amends the

Future Land Use Map Series of the Plan for an 83±-acre parcel north of Alico Road and adjacent to I-75 from the Industrial Development to Industrial Commercial Interchange Future Land Use category.

The corresponding Staff Reports and Analysis, along with all attachments for this amendment are adopted as "Support Documentation" for the Lee Plan.

### SECTION THREE: LEGAL EFFECT OF THE "LEE PLAN"

No public or private development will be permitted except in conformity with the Lee Plan. All land development regulations and land development orders must be consistent with the Lee Plan as amended.

### SECTION FOUR: GEOGRAPHIC APPLICABILITY

The Lee Plan is applicable throughout the unincorporated area of Lee County, Florida, except in those unincorporated areas included in joint or interlocal agreements with other local governments that specifically provide otherwise.

### SECTION FIVE: SEVERABILITY

The provisions of this ordinance are severable and it is the intention of the Board of County Commissioners of Lee County, Florida, to confer the whole or any part of the powers herein provided. If any of the provisions of this ordinance are held unconstitutional by a court of competent jurisdiction, the decision of that court will not affect or impair the remaining provisions of this ordinance. It is hereby declared to be the legislative intent of the Board that this ordinance would have been adopted had the unconstitutional provisions not been included therein.

### SECTION SIX: INCLUSION IN CODE, CODIFICATION, SCRIVENERS' ERROR

It is the intention of the Board of County Commissioners that the provisions of this ordinance will become and be made a part of the Lee County Code. Sections of this



ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or other appropriate word or phrase in order to accomplish this intention; and regardless of whether inclusion in the code is accomplished, sections of this ordinance may be renumbered or relettered. The correction of typographical errors that do not affect the intent, may be authorized by the County Manager, or his or her designee, without need of public hearing, by filing a corrected or recodified copy with the Clerk of the Circuit Court.

#### SECTION SEVEN: EFFECTIVE DATE

The plan amendments adopted herein are not effective until a final order is issued by the DCA or Administrative Commission finding the amendment in compliance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before the amendment has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status. A copy of such resolution will be sent to the DCA, Bureau of Local Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

THE FOREGOING ORDINANCE was offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_. The vote was as follows:

Robert P. Janes

Brian Bigelow

Ray Judah

Tammy Hall

Frank Mann

DONE AND ADOPTED this 11th day of April 2007.

ATTEST:  
CHARLIE GREEN, CLERK

LEE COUNTY  
BOARD OF COUNTY COMMISSIONERS

BY: \_\_\_\_\_  
Deputy Clerk

BY: \_\_\_\_\_  
Robert P. Janes, Chair

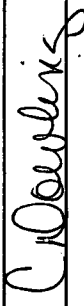
DATE: \_\_\_\_\_

Approved as to form by:

\_\_\_\_\_  
Donna Marie Collins  
County Attorney's Office

Post by November 15, 2006

PLANNING SIGN PICKUP SHEET  
LEE COUNTY LOCAL PLANNING AGENCY MEETING  
November 27, 2006

DATE	SIGNATURE	PLANNER	CASE NUMBER	CASE NAME
11/16/06		Rick Burris	CPA2005-05	Three Oaks North

Please return to Internal Services Secretary: Janet Miller

**CPA2005-05  
THREE OAKS NORTH  
PRIVATELY INITIATED  
AMENDMENT  
TO THE**

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**LEE COUNTY COMPREHENSIVE PLAN**

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**THE LEE PLAN**

**Privately Initiated Application  
and Lee County Staff Analysis**

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**BoCC Public Hearing Document  
For the  
December 13<sup>th</sup>, 2006 Public Hearing**

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**Lee County Planning Division  
1500 Monroe Street  
P.O. Box 398  
Fort Myers, FL 33902-0398  
(239) 479-8585**

**December 1, 2006**

**LEE COUNTY  
DIVISION OF PLANNING  
STAFF REPORT FOR  
COMPREHENSIVE PLAN AMENDMENT  
CPA2005-05**

☐

Text Amendment

☒

Map Amendment

This Document Contains the Following Reviews:	
✓	Staff Review
✓	Local Planning Agency Review and Recommendation
	Board of County Commissioners Hearing for Transmittal
	Staff Response to the DCA Objections, Recommendations, and Comments (ORC) Report
	Board of County Commissioners Hearing for Adoption

STAFF REPORT PREPARATION DATE: November 14, 2006

**PART I - BACKGROUND AND STAFF RECOMMENDATION**

**A. SUMMARY OF APPLICATION**

**1. APPLICANT/REPRESENTATIVE:**

Paul H. Freeman, Trustee represented by Quattrone and Associates, Inc.

**2. REQUEST:** Amend the Lee Plan's Future Land Use Map series for 169.2± acres in northwest quadrant of I-75 and Alico Road. Section 3, Township 46 South, Range 25 East, Lee County, Florida, lying west of I-75 from Industrial Development and Wetlands to Industrial Commercial Interchange and Wetlands.

**3. REVISED REQUEST:** Amend the Lee Plan's Future Land Use Map series for 82.86± acres in northwest quadrant of I-75 and Alico Road. Section 3, Township 46 South, Range 25 East, Lee County, Florida, lying west of I-75 from Industrial Development and Wetlands to Industrial Commercial Interchange and Wetlands.

## **B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY**

1. **RECOMMENDATION:** Planning staff recommends that the Board of County Commissioners **not** transmit the proposed amendment to the Lee Plan to the Department of Community Affairs.

### **2. BASIS AND RECOMMENDED FINDINGS OF FACT:**

- Alico Road from US 41 to I-75 is projected to fail by 2030, based on the network contained in the Financially Feasible Plan.
- The change is not a "spot" redesignation of the Industrial Commercial Interchange category and does not create an isolated island of the Industrial Development category.
- The change will improve on the ability to maintain a diverse economy.
- The change may help to facilitate a working partnership with the Florida Gulf Coast University.
- The change will not impact the population accommodation of the adopted Lee Plan Future Land Use Map.

## **C. BACKGROUND INFORMATION**

### **1. EXISTING CONDITIONS:**

**SIZE OF PROPERTY:** 82.86 acres (4,522 wetland acres)

**PROPERTY LOCATION:** The property is generally located north of Alico Road, West of Interstate 75, east of the proposed Three Oaks Parkway extension.

**EXISTING USE OF LAND:** The applicant has provided information that the subject property is currently use is "vacant/agriculture".

**CURRENT ZONING:** The property is currently zoned AG-2.

**CURRENT FUTURE LAND USE CATEGORY:** The subject property is designated Industrial Development and Wetlands.

### **2. BACKGROUND DISCUSSION:**

The applicant is requesting a change in the property's future land use category from Industrial Development to Industrial Commercial Interchange to allow the creation of "a commercial office, retail and recreation center, a dedication to FGCU to anchor a proposed research park and to expand off campus functions, and a light industrial park that is sensitive to and compatible with the abutting areas with a sensitivity to this highly visible Interstate Corridor Location."

The application states: "The change would allow the property to increase the permitted commercial and office building uses for a comprehensive business park and increase the usefulness for FGCU, to anchor a proposed research park and to expand off campus functions onto land the applicant intends to donate."

## **PART II - STAFF ANALYSIS**

### **A. STAFF DISCUSSION**

#### **INTRODUCTION**

The proposed amendment is the result of a desire to expand the allowable uses of the property from the limited commercial and office uses allowed in the Industrial Development future land use category to allow greater flexibility of those uses. The property fronts on Interstate - 75 and has a high visibility.

#### **COMPREHENSIVE PLAN BACKGROUND**

In 1984 the property was designated as Industrial Development. The property to the north was designated Rural. In 1996 staff proposed changing the property to the north from Rural to Industrial Development. That change was approved by the Board of County Commissioners. The adjacent properties to the south were also designated Industrial Development. During the 1994 Evaluation and Appraisal amendments the Industrial Commercial Interchange located along Alico Road was expanded to the north and now is contiguous to the subject property. The request would therefore be a further expansion to the north of the interchange use.

#### **SURROUNDING ZONING, LAND USES, AND FUTURE LAND USE DESIGNATION**

The application states:

North of subject parcel is zoned AG-2

South of subject parcel is zoned CPD

East of subject parcel is zoned MPD

West of subject parcel is zoned AG-2 and pending IPD

#### **TRANSPORTATION/TRAFFIC CIRCULATION IMPACTS**

The Lee County Department of Transportation has review this proposal and sent a memorandum to the Director of Planning. The text of that October 25, 2006 memo follows:

"The Department of Transportation has reviewed the above-referenced privately-initiated future land use map plan amendment, to change 169.2 acres north of Alico Road

and west of I-75 from the "Industrial" to "Industrial Commercial Interchange" land use category. As indicated in an October 11<sup>th</sup> e-mail from your staff, the new designation would allow a maximum of 1,692,000 square feet of commercial retail use as a worst case scenario assuming development of the full 169.2 acres, and about 1,152,000 square feet of commercial retail use based on only 93 developable acres on the site. We have run the 2030 Financially Feasible Plan FSUTMS travel demand model for three scenarios: (1) no project; (2) with the project (1,152,000 square feet of commercial); and (3) with the maximum allowable (1,692,000 square feet of commercial).

Under all three scenarios, the six lane section of Alico Road from US 41 to I-75 is projected to fail by 2030, based on the network contained in the Financially Feasible Plan. There is an improvement contemplated in the 2030 Needs Plan network that would relieve Alico Road, the four lane Alico Expressway from Summerlin Road to SR 82, but a definitive source of funding for that improvement has not yet been identified. The potential alignment of the Alico Expressway could affect the property subject to this proposed Three Oaks North comprehensive plan amendment, but no right-of-way has been reserved through the site. The MPO plan suggests the Alico Expressway should be evaluated as a toll facility. Nevertheless, the projected condition of Alico Road based on the Financially Feasible Plan (without the Alico Expressway) begs the question of whether we should be approving any intensity increases in the area that could make a bad situation worse.

Beyond the Alico Road issue, the second scenario with 1,152,000 square feet of commercial also results in the failure of the four lane Three Oaks Parkway from Alico Road up to the project entrance by 2030. Without the project that segment is at Level of Service "B", so the addition of the project clearly has a detrimental effect. The third scenario with 1,692,00 square feet of commercial makes the situation worse, extending the failure on Three Oaks Parkway the entire length between Alico Road and Daniels Parkway. The six laning of this segment is not currently part of the financially feasible plan.

The County's plan amendment package states "(a)n 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." An applicant in this scenario has two options to avoid a staff recommendation of denial: (1) make the financial commitment to cover the full cost of the needed improvement (in this case six laning Three Oaks Parkway) so it can be added to the financially feasible plan; or (2) reduce the level of development so that the impacts don't cause the need for an additional improvement."

Subsequent to these comments the applicant has amended the application to exclude 86.6 acres of the northern half of the proposal. The new impacts from the reduced proposal



assume 783,380 square feet of commercial. DOT staff reran the proposal with the new reduced impacts. The new reduced impacts do affect the level of service for Three Oaks Parkway. Under the new scenario Three Oaks Parkway maintains a level of service of C and is therefore not a problem. Unfortunately, as indicated above in the first scenario with no impacts from this project Alico Road fails. The recommendation not to increase intensity in the area that could make the failing of this roadway facility worse remains.

#### **POPULATION ACCOMMODATION**

The request is to change from Industrial Development to Industrial Commercial Interchange. Neither of these categories allows residential uses. Therefore the population accommodation of the Future Land Use Map (FLUM) is not affected.

#### **ENVIRONMENTAL CONSIDERATIONS**

Environmental Sciences staff is currently reviewing an application to the South Florida Water Management (SFWMD) district for an Environmental Resource Permit (ERP) for the Three Oaks Parkway and Oriole Road extension. This permit encompasses some 56.86 acres. Associated with this permit application is a request for conceptual approval of the surface water management system serving an additional 538.48 acres, known as the Three Oaks Commerce Park. The subject property is included in that acreage. The SFWMD staff is recommending approval of the ERP application. No objection is expected from Environmental staff.

#### **SOILS**

A map of the soils for the property is included in the application as Exhibit C-1 and C-2.

#### **HISTORIC RESOURCES**

According to the application, there are not any historical resources located on the property and the subject parcel is not located in one of the two levels of the archeological sensitivity areas.

#### **SCHOOL IMPACTS**

With no increase in population the proposed amendment will not impact the school district. No additional classrooms will be required.

#### **PARKS, RECREATION, AND OPEN SPACE**

With no increase in population the proposed amendment will not impact Community or Regional Park needs.

#### **POLICE**

The subject property is located within the service area of Lee County Sheriff's Office. A letter confirming the availability of service has been submitted.

**FIRE**

The subject property is located within the service area of the San Carlos Fire District. To date no letter confirming the availability of service has been submitted. Staff understands that the services will be available.

**EMERGENCY MEDICAL SERVICES (EMS)**

The subject property is located within the service area of Lee County Emergency Medical Services. To date no letter confirming the availability of service has been submitted. Staff understands that the services will be available.

**SOLID WASTE**

The subject property is served by Lee County Solid Waste. To date no letter confirming the availability of service has been submitted. Staff understands that the services will be available.

**MASS TRANSIT**

Lee Tran Rout 60 runs along Alico Road from Oriole Road to Three Oaks Parkway. The opening of the Three Oaks Parkway and the Oriole Road extensions and the establishment of an employment center on the subject property mass transit could be revised to serve this area.

**UTILITIES**

The subject property is located within the future service area of Lee County Utilities. To date no letter confirming the availability of service has been submitted. Staff understands that the services will be available.

**B. CONCLUSIONS**

Most of the urban services necessary to support the proposed change of use are in place or can be made available. The proposed changes to the allowable uses for the subject property have merit. Development of a wider range of uses, including research and development facilities, on property with such a high visibility from Interstate-75 has a certain appeal. However, with or without the proposed Lee Plan amendment, Alico Road is projected to fail by the year 2030. This fact makes recommending approval of an increase in intensity for the subject property unfeasible.

**C. STAFF RECOMMENDATION**

Staff recommends that the proposed amendment not be transmitted. Staff further recommends that the county through the Office of Economic Development, the Department of Transportation, and the Department of Community Development work with the property owner to try to address the transportation issues on Alico Road. If a

solution to the roadway problems can be identified this amendment should be brought back for additional consideration.

### **PART III - LOCAL PLANNING AGENCY REVIEW AND RECOMMENDATION**

PUBLIC HEARING DATE: November 27, 2006

#### **A. LOCAL PLANNING AGENCY REVIEW**

Staff made a brief presentation to the LPA to introduce the amendment and state the recommendation. This was followed by the applicant's presentation which emphasized the working partnership with Florida Gulf Coast University including the donation of land for a 50,000sf office building for research and development activities. The applicant explained the intended development would include office uses not necessarily related to the industrial uses within the development. Per the Lee Plan Industrial Development category, office uses must be specifically related to adjoining industrial uses. The commercial retail uses envisioned for the site will serve the workers not only of this site, but also the employees of the over 6 million square feet of industrial uses already approved in the Industrial Development lands to the west of the project. The applicant also stated the projects proximity along I-75 (a corridor approximately 1,900 feet in length) and closeness to the entrance of The Southwest Florida International Airport establishes this project as a gateway to Lee County. This amendment will allow some flexibility in producing an attractive commercial corridor at this location. The applicant explained how the proposal was "scaled back" to address the impacts on the future Three Oaks Parkway extension from Alico Road to Daniels Parkway. The property included in the request was reduced from over 169 acres to less than 83 acres. The applicant realizes that this reduction in the request does not eliminate the concerns raised by Lee County DOT regarding Alico Road. The applicant stated they understand that the issues with Alico Road will need to be addressed prior to any development occurring on the site. It was also stated that, since Alico Road is projected to fail regardless of how the subject property is developed. Therefore, the problem is not isolated to this site but needs to be addressed for the entire Alico Road corridor.

No public comment was received on this amendment.

The LPA discussed the fact that this proposal was an appropriate change on the Future Land Use Map to allow a public/private partnership with the university and related uses that are not possible with the existing Future Land Use Designation. One LPA member inquired about the service providers specifically utilities. When the report for the LPA was printed, this information was not available, since that time staff has received the letters from the applicant from the San Carlos Fire Department, State of Florida Division of Historical Resources, Lee County Utilities, Lee County Solid Waste, Lee County School District, Lee County Sheriff's Department, and the Southwest Florida International Airport. These letters are now included in the attached application

package. The discussion then focused primarily on the issue which was the basis for staff's recommendation, the fact that Alico road is projected to fail by the Year 2030. The LPA was informed that Alico Road will fail regardless of the development on the subject site and the Level of Service situation requires a solution with or without this amendment being approved. The proposed site is less than 4% of the entire area north of Alico Road designated Industrial Development and Industrial Commercial Interchange. The LPA continued the discussion on the most appropriate designation for the site in terms of furthering the goals of the County. The LPA concluded that the county needed to be "forward thinking" regarding Future Land Use decisions. One LPA member stated "Don't hold the property from good planning based on a technical issue that will need to be resolved prior to permitting". The motion was made and seconded to recommend transmittal of this amendment.

**B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY**

1. **RECOMMENDATION:** The LPA recommends that the Board of County Commissioners transmit the proposed amendment.
2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The LPA advances the findings of fact presented by staff and additionally finds that the Alico Road LOS issue should be address by Lee County and the applicant prior to development occurring on the site.

**C. VOTE:**

NOEL ANDRESS	Aye
DEREK BURR	Aye
RONALD INGE	Aye
CARLETON RYFFEL	Absent
RAYMOND SCHUMANN, ESQ	Aye
RAE ANN WESSEL	Aye
VACANT	

**PART IV - BOARD OF COUNTY COMMISSIONERS  
HEARING FOR TRANSMITTAL OF PROPOSED AMENDMENT**

**DATE OF TRANSMITTAL HEARING:** December 13, 2006

**A. BOARD REVIEW:**

**B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:**

**1. BOARD ACTION:**

**2. BASIS AND RECOMMENDED FINDINGS OF FACT:**

**C. VOTE:**

**BRIAN BIGELOW**

**TAMMARA HALL**

**BOB JANES**

**RAY JUDAH**

**FRANK MANN**

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**PART V – DEPARTMENT OF COMMUNITY AFFAIRS  
OBJECTIONS, RECOMMENDATIONS, AND COMMENTS (ORC) REPORT**

**DATE OF ORC REPORT:**

**A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS:**

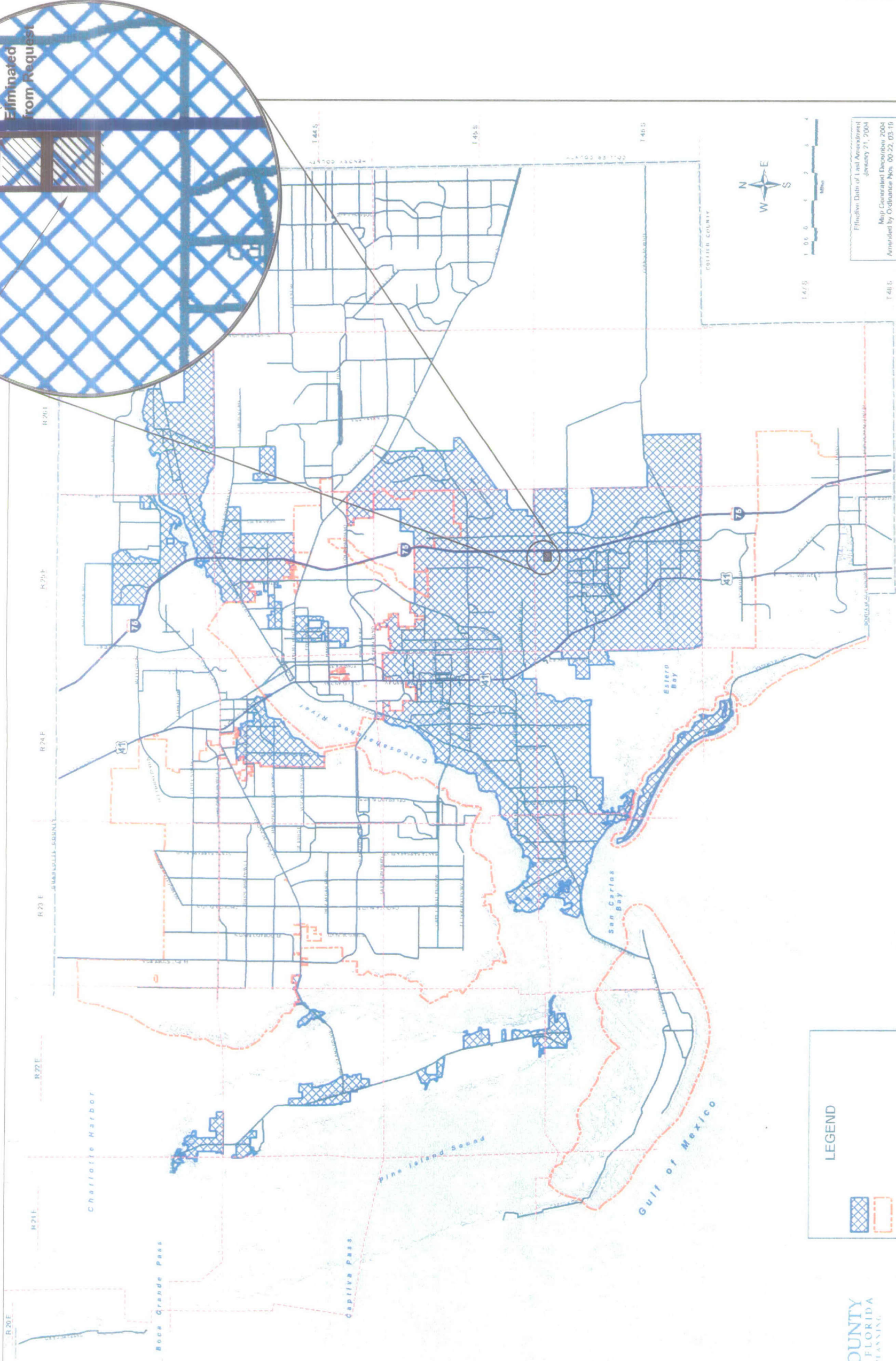
**B. STAFF RESPONSE:**



LEE COUNTY UTILITIES  
FUTURE SEWER SERVICE AREAS  
(Lee Plan Map 7)



LEGEND



SUBJECT PARCELS  
STRAP #03-46-25-00-00001.1050, 03-46-25-00-00001.1020  
82.86 ACRES  
(Revised from 169 acres)

**Quattrone & Associates, Inc.**  
Engineers, Planners, & Development Consultants  
11000 Metro Parkway, Suite 30 - Fort Myers, Florida 33912 - 239-936-5222  
Certificate of Authorization Number: 9465

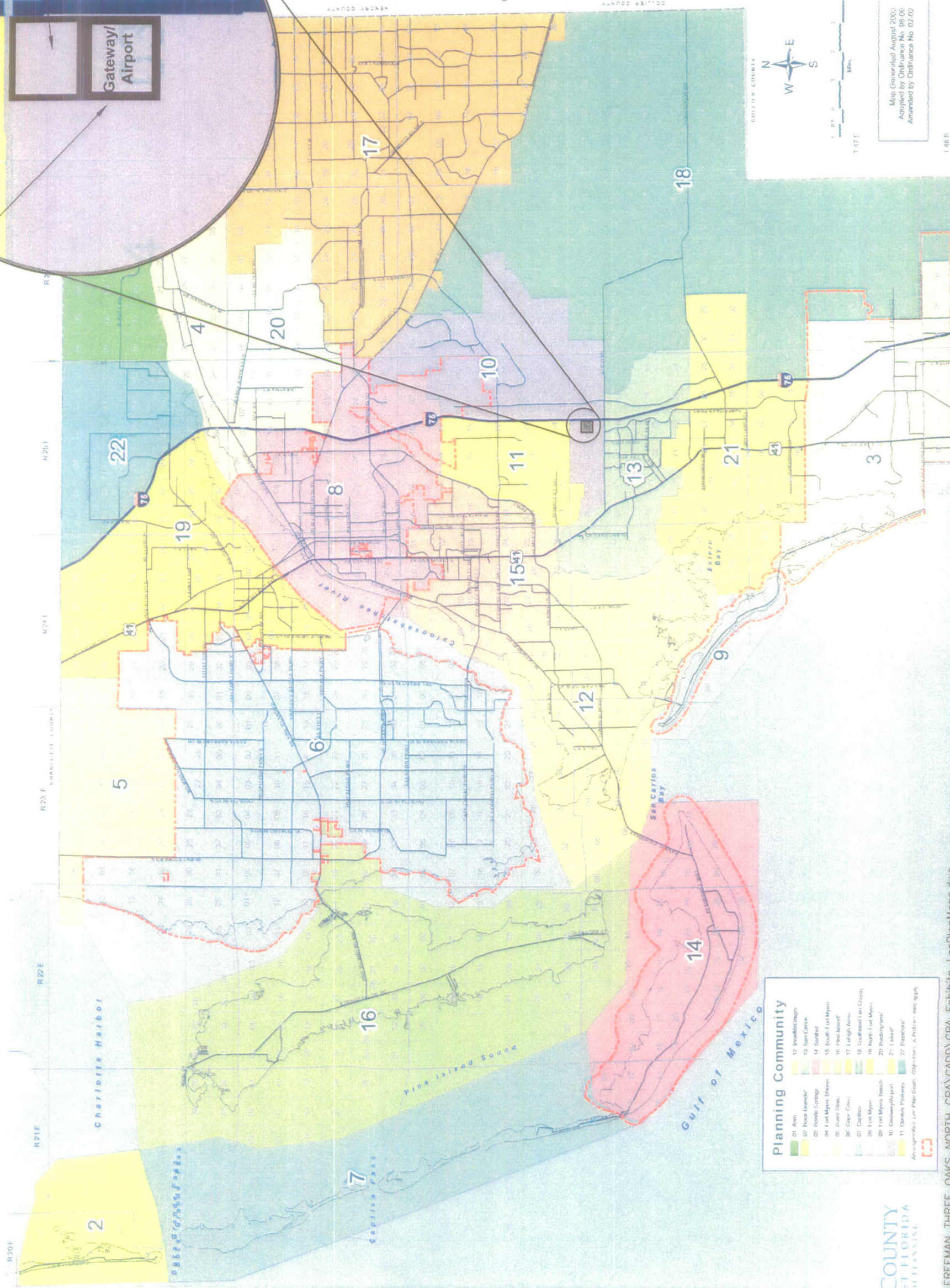
THREE OAKS NORTH CPA  
EXHIBIT - FUTURE SEWER SERVICE  
LEE COUNTY, FLORIDA

DATE	REVISIONS

DATE ONLY WITH LAMINATED SEAL  
PLOTTED BY: TFD  
FILE: 11-30-2006



STRAP #03-46-25-00-00001.1050, 03-46-25-00-00001.1020  
SUBJECT PARCELS  
82.86 ACRES  
(Revised from 169 acres)  
GATEWAY/AIRPORT



- Planning Community**
- 01 Avon
  - 02 Boca Grande
  - 03 Bonita Springs
  - 04 Fort Myers Shores
  - 05 Inverness
  - 06 Cape Coral
  - 07 Captiva
  - 08 Fort Myers Beach
  - 09 Fort Myers
  - 10 Gasparilla Point
  - 11 Daniels Parkway
  - 12
  - 13
  - 14
  - 15
  - 16
  - 17
  - 18
  - 19
  - 20
  - 21
  - 22



**Quattrone & Associates, Inc.**  
Engineers, Planners, & Development Consultants  
11000 Metro Parkway, Suite 30 - Fort Myers, Florida 33912 - 239-936-5222  
Certificate of Authorization Number: 9465

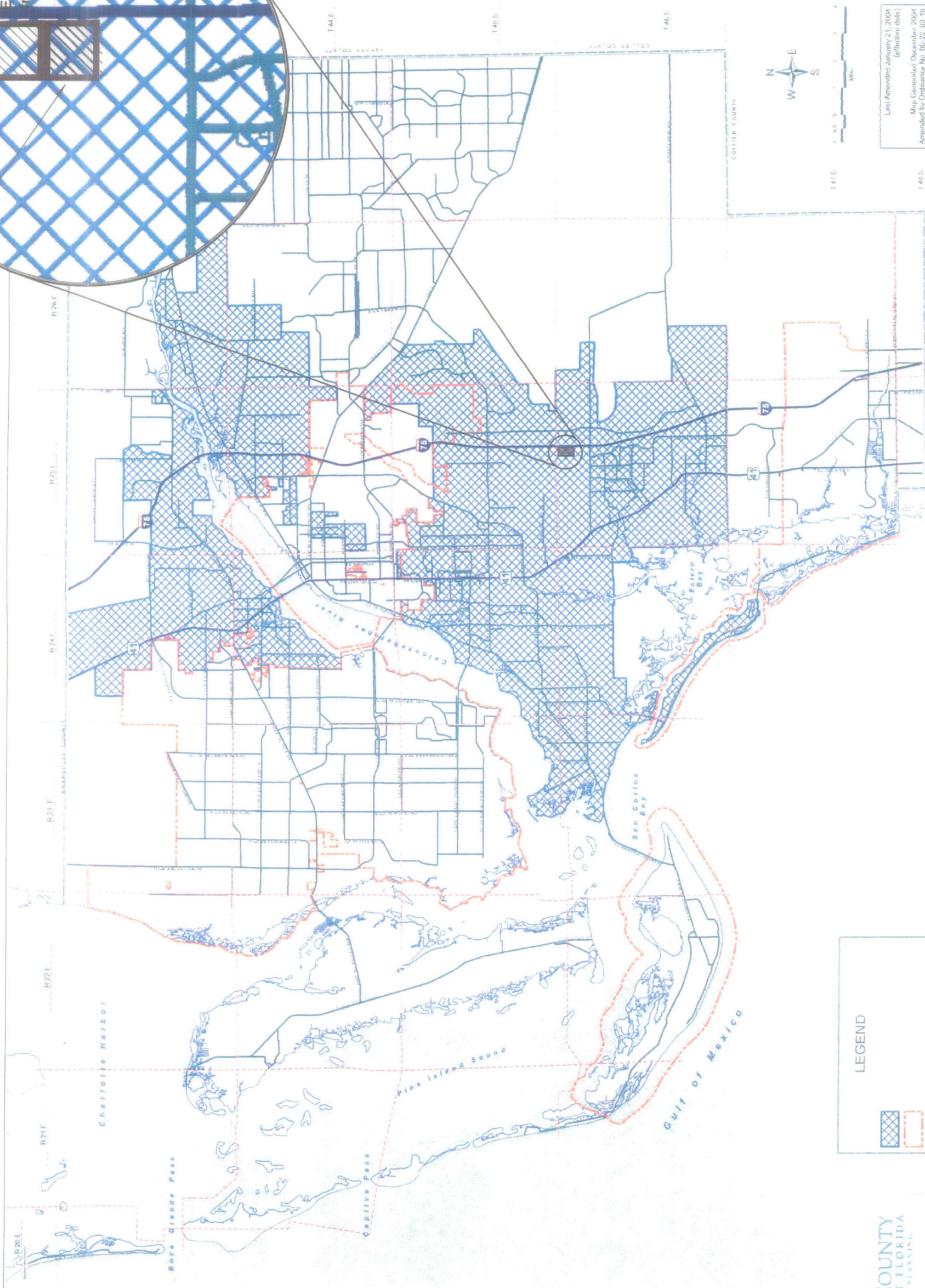
**THREE OAKS NORTH CPA**  
EXHIBIT A-2a: EXISTING PLANNING COMMUNITIES  
LEE COUNTY, FLORIDA



LEE COUNTY UTILITIES  
FUTURE WATER SERVICE AREAS  
(Lee Plan Map 6)



LEGEND



STRAP #03-46-25-00-00001.1050, 03-46-25-00-00001.1020  
SUBJECT PARCELS  
82.86 ACRES  
(Revised from 169 acres)

DATE	REVISIONS

THREE OAKS NORTH CPA  
EXHIBIT - FUTURE WATER SERVICE  
LEE COUNTY, FLORIDA

Quattrone & Associates, Inc.  
Engineers, Planners, & Development Consultants  
11000 Metro Parkway, Suite 30 - Fort Myers, Florida 33912 - 239-936-5222  
Certificate of Authorization Number: 9465











PARCEL 4 N

PARCEL 4 S

PARCEL 3

PARCEL 11

PARCEL 10

PARCEL 9

PARCEL 2

PARCEL 8

PARCEL 1

PARCEL 7

PARCEL 18

PARCEL 17

PARCEL 16

PARCEL 15

PARCEL 14

Three Oaks North CPA

CPA2005-00005

82.86 acres



SCALE: 1" = 500'

# R.O.W. TAKING EXHIBIT

44.11 acres

INTERSTATE 75 (I-75)

FPL Easement

THREE OAKS PARKWAY

ALICO ROAD

ORIOLE ROAD

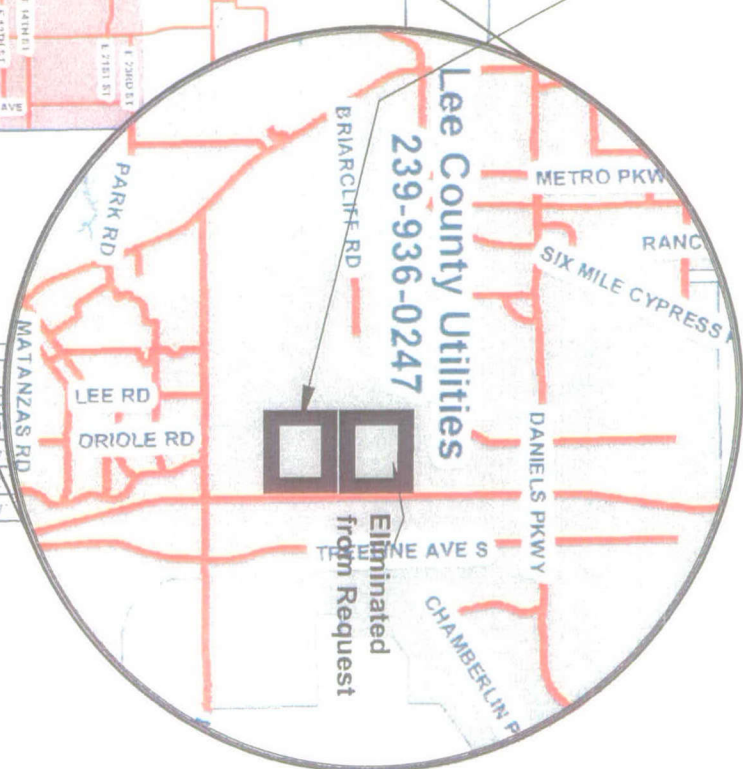
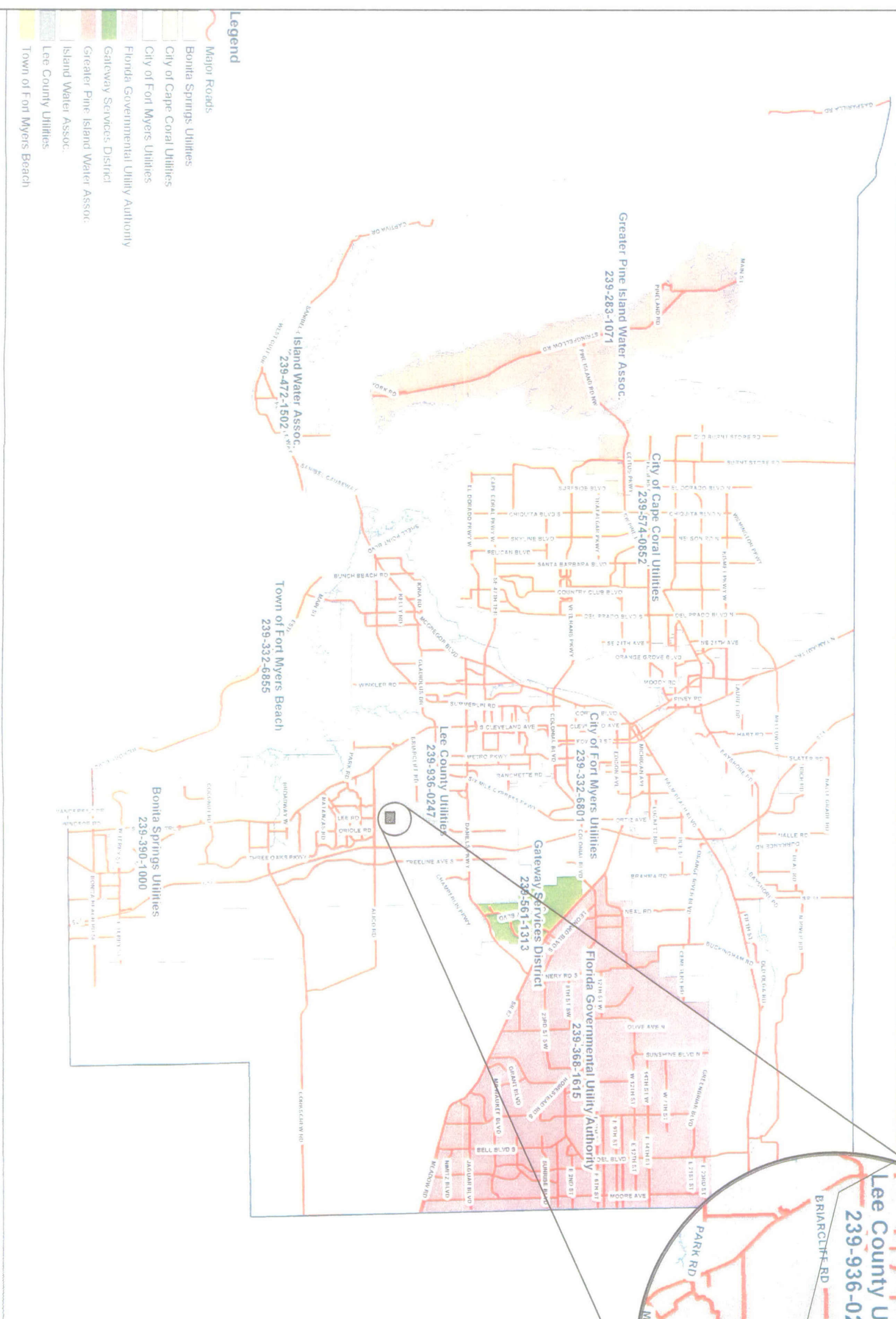
1-75  
INTERCHANGE  
RIGHT-OF-  
WAY TAKING  
16.80 Ac.

1-75  
INTERCHANGE  
RIGHT-OF-  
WAY TAKING  
27.31 Ac.

EXISTING Industrial Commercial Interchange FLUC



**SUBJECT PARCELS**  
**STRAP #03-46-25-00-00001.1050, 03-46-25-00-00001.1020**  
**82.86 ACRES**  
 (Revised from 169 acres)  
**LEE COUNTY UTILITIES**



**Lee County Utilities**  
Water Franchise Areas

Lee County, Florida

**Public Works**  
**Utilities Division**

**LEE COUNTY**  
SOUTHWEST FLORIDA

1500 Monroe St. Fort Myers, FL 33901  
Phone (239) 479-6141 Fax (239) 479-6176

Scale: 1" = 1  
 Date: 07-28-06  
 Drawn By: DJ  
 Designed By: DJ  
 Checked By: DJ  
 Approved By: DJ



RPD  
(Fiddlesticks CC)  
Daniels Parkway  
RURAL FLUM  
Single-Family Housing

AG-2  
Pending Rezone to IPD  
(Three Oaks Commerce Park)  
Gateway/Airport  
INDUSTRIAL FLUM  
VACANT

AG-2  
Gateway/Airport  
INDUSTRIAL FLUM  
VACANT

AG-2  
Gateway/Airport  
INDUSTRIAL FLUM  
VACANT

AG-2  
Gateway/Airport  
INDUSTRIAL FLUM  
VACANT

AG-2  
Gateway/Airport  
INDUSTRIAL FLUM  
VACANT

AG-2  
Daniels Parkway  
RURAL/WETLANDS  
VACANT

AG-2  
Gateway/Airport  
INDUSTRIAL/WETLANDS FLUM  
VACANT

SUBJECT PARCELS  
STRAP #03-46-25-00-00001.1030  
03-46-25-00-00001.103C  
03-46-25-00-00001.103B  
ELIMINATED FROM REQUEST

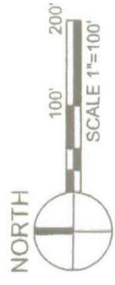
SUBJECT PARCELS  
STRAP #  
03-46-25-00-00001.1050  
03-46-25-00-00001.1020  
82.86 ACRES

CPD  
Z-43-017  
(Allico Crossroads Center CPD)  
Gateway/Airport  
INDUSTRIAL COMMERCIAL INTERCHANGE FLUM  
VACANT

AG-2  
Gateway/Airport  
TRADEPORT  
VACANT

MPD  
Z-05-029  
(Airport Interstate Commerce Park)  
Gateway/Airport  
TRADEPORT FLUM  
VACANT/UNDER DEVELOPMENT

I-75









**PART VI - BOARD OF COUNTY COMMISSIONERS  
HEARING FOR ADOPTION OF PROPOSED AMENDMENT**

**DATE OF ADOPTION HEARING:**

**A. BOARD REVIEW:**

**B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:**

**1. BOARD ACTION:**

**2. BASIS AND RECOMMENDED FINDINGS OF FACT:**

**C. VOTE:**

**BRIAN BIGELOW**

**TAMMARA HALL**

**BOB JANES**

**RAY JUDAH**

**FRANK MANN**

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# WARRANTY DEED OWNERSHIP DOCUMENTS

rept 2005-00005

RECEIVED  
SEP 15 2006

COMMUNITY DEVELOPMENT

**Quattrone &**  
ASSOCIATES, LLC

WARRANTY DEED

4086489

FOLIO NO.:

Grantee Tax ID No. 03-46-25-00-00001.1020

WARRANTY DEED

OR2776 PG2381

RECORDED VERTICES - CHARLIE GREEN, CLERK  
By J. H. Hester, D.C.

THIS INDENTURE, made this 23rd day of December, 1996 by DAVID HOWARD GOLDBERG, Individually and as Trustee, whose post office address is 100 S. Biscayne Blvd, Ste. 1101, Miami, Florida, 33131, party of the first part, and PAUL H. FREEMAN, as Trustee with power and authority either to protect, conserve and to sell, or to lease, or to encumber, or to encumber, or otherwise to manage and dispose of the real property described in the recorded instrument, whose post office address is 9100 S. Dadeland Blvd, Suite 1406, Miami, Florida, 33156, party of the second part.

WITNESSETH: That the said party of the first part, for and in consideration of the sum of TEN (\$10.00) DOLLARS in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, granted, bargained, and sold to the party of the second part, his heirs, successors and assigns forever, the following described land, situate and being in the County of Lee, State of Florida, to-wit:

That certain parcel of real property located in Section 3, Township 46 South, Range 25 East, Lee County, commonly known as Parcel "G", and which is particularly described on Exhibit "A" attached hereto.

Subject to easements, restrictions and limitations of record, if any, provided nothing herein shall reimpose same; zoning ordinances; and taxes for the year 1997 and subsequent years.

And the said party of the first part does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the said party of the first part has hereunto set his hand and seal the day and year first above written.

Signed, sealed and delivered  
in the presence of:

Documentary Tax Pd. \$ 70  
\$ \_\_\_\_\_ Intangible Tax Pd.  
CHARLIE GREEN, CLERK, LEE COUNTY  
By [Signature] Deputy Clerk

[Signature]  
WITNESS

[Signature]  
DAVID HOWARD GOLDBERG  
Individually and as Trustee

[Signature]  
WITNESS

STATE OF FLORIDA  
COUNTY OF DADE

EXECUTION OF the foregoing instrument was acknowledged before me this 23rd day of December, 1996, by DAVID HOWARD GOLDBERG, who is personally known to me or who has produced sufficient evidence of identification (described below) and who did not take an oath.

Description of identification produced: FD, L. C 431-161 - 16 371-0

0R2776 P62382

Janie D. Hershey

NOTARY PUBLIC - SIGNATURE ABOVE

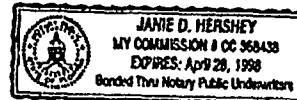
NOTARY NAME: Janie D. Hershey

( A f f i x  
Notary Seal)

COMMISSION NO.: \_\_\_\_\_

COMMISSION EXP. DATE: \_\_\_\_\_

Notary Name/Commission No./Exp. Date - type or printed



This Instrument prepared by:

PAUL H. FREEMAN, ESQ.  
9100 South Dadeland Blvd., Suite 1406  
Miami, Florida 33156  
(305) 670-5999

c:\vpdocs\goldberg.wd

HABER GREEN TEL CITY FL  
96 DEC 27 PM 3:57

DR2776 PG2383

EXHIBIT "A"

DESCRIPTION - PARCEL G

A parcel of land in Section 3, Township 45 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

COMMENCING at the Southwest Corner of Section 3, thence;

1. North 89°23'17" East, 2647.54 feet, along the south line of Section 3 to the South 1/4 Corner of Section 3, thence;
2. North 01°03'27" West, 2554.35 feet, along the east line of the Southwest 1/4 of Section 3 to the centerline of a Florida Power & Light Company easement, (170' wide), and the TRUE POINT OF BEGINNING, thence;
3. South 89°23'17" West, 1092.53 feet, along said centerline, thence;
4. North 00°36'43" West, 1020.64 feet, thence;
5. North 89°23'17" East, 1094.54 feet, to the east line of the Southwest 1/4 of Section 3, thence;
6. North 89°23'17" East, 393.13 feet, to the west right of way line of Interstate 75, thence;
7. South 00°38'02" East, 1020.03 feet, along said west right of way line to said Florida Power & Light Company easement centerline, thence;
8. South 89°21'10" West, 890.55 feet, along said centerline to the TRUE POINT OF BEGINNING,

THIS IS NOT THE HOMESTEAD OF THE GRANTOR NOR CONTIGUOUS THERETO.

RECORDED'S MEMO  
Legibility of Printing, Typing or Printing Intelligible  
Factors in This Document When Received.

DEED #2

WARRANTY DEED

2526924

THIS INDENTURE, made the 22<sup>nd</sup> day of September, 1988 by F. ANDREW DALTROFF and HARVEY YOUNGQUIST, individually and as Co-Trustees, parties of the first part, and PAUL H. FREEMAN, as Trustee, party of the second part.

WITNESSETH: That the said parties of the first part, for and in consideration of the sum of TEN (\$10.00) DOLLARS in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, have granted, bargained, and sold to the party of the second part, his heirs and assigns forever, the following described land, situate and being in the County of Lee, State of Florida, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF"

Subject to easements, restrictions and limitations of record, if any, provided nothing herein shall reimpose same; zoning, ordinances and taxes for the year 1988 and subsequent years.

The property being conveyed hereby is vacant land and is not now, nor has it ever been homestead property of any grantor hereunder.

Subject to a Purchase Money Wrap Around Mortgage, from Grantee to Grantor, of even date herewith, securing an indebtedness in the original principal amount of \$1,037,472.00, and which Mortgage wraps around (and which indebtedness includes the obligations under) that certain Mortgage Deed granted to Jonbo Corporation dated November 9, 1984, filed November 13, 1984 at O.R. Book 1754, Pg. 2805, Public Records of Lee County, Florida, and as assigned to Naples Federal Savings and Loan Association by Assignment of Mortgage recorded at O.R. Book 1772, Page 843, Public Records of Lee County, Florida.

And the said parties of the first part do hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered  
in the presence of:

Collette Dunn  
WITNESS

[Signature]  
WITNESS

[Signature]  
F. ANDREW DALTROFF, individually  
and as Co-Trustee

Collette Dunn  
WITNESS

[Signature]  
WITNESS

[Signature]  
HARVEY YOUNGQUIST, individually  
and as Co-Trustee

Documentary Tax \$ 7132.95  
Intangibles Tax \$  
CHAPMAN GREEN, CLERK, LEE COUNTY  
by [Signature] Deputy Clerk

OR2019

PG1648

RECORD VERIFIED - CHARLES GREEN, CLERK  
BY LEE SAVES, D.C.

STATE OF FLORIDA  
COUNTY OF LEE

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, personally appeared F. ANDREW DALTROFF, individually and as Co-Trustee, to me known to be the person described in and who executed the foregoing instrument and he has acknowledged before me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 22 day of September, 1988.

Marilyn Byrd  
Notary Public

My commission expires: 9/29/90

STATE OF FLORIDA  
COUNTY OF LEE

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, personally appeared HARVEY YOUNGQUIST, individually and as Co-Trustee to me known to be the person described in and who executed the foregoing instrument and he has acknowledged before me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 22 day of September, 1988.

Marilyn Byrd  
Notary Public

My Commission Expires: 9/29/90

This Instrument prepared by:

PAUL H. FREEMAN, P.A.  
9100 South Dadeland Blvd., Suite 1406  
Miami, Florida 33156  
(305) 662-5999

OR2019

PG1649

## EXHIBIT "A"

## DESCRIPTION - PARCEL G

A parcel of land in Section 3, Township 46 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

COMMENCING at the Southwest Corner of Section 3, thence;

1. North 89°23'17" East, 2647.64 feet, along the south line of Section 3 to the South 1/4 Corner of Section 3, thence;
2. North 01°03'27" West, 2554.36 feet, along the east line of the Southwest 1/4 of Section 3 to the centerline of a Florida Power & Light Company Easement, (170' wide), and the TRUE POINT OF BEGINNING, thence;
3. South 89°23'17" West, 1092.58 feet, along said centerline, thence;
4. North 00°36'43" West, 1020.64 feet, thence;
5. North 89°23'17" East, 1084.64 feet, to the east line of the Southwest 1/4 of Section 3, thence;
6. North 89°23'17" East, 898.10 feet, to the west right of way line of Interstate 75, thence;
7. South 00°38'02" East, 1020.08 feet, along said west right of way line to said Florida Power & Light Company easement centerline, thence;
8. South 89°21'10" West, 890.55 feet, along said centerline to the TRUE POINT OF BEGINNING, containing a computed area of 46.456 acres of land.

AND

## DESCRIPTION - PARCEL J

A parcel of land in Section 3, Township 46 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

COMMENCING at the Southwest Corner of Section 3, thence;

1. North 89°23'17" East, 2647.64 feet, along the south line of Section 3 to the South 1/4 Corner of Section 3, thence;
2. North 01°03'27" West, 3575.03 feet, along the east line of the Southwest 1/4 of Section 3 to the TRUE POINT OF BEGINNING, thence;
3. South 89°23'17" West, 1084.64 feet, thence;
4. North 00°36'43" West, 878.86 feet, thence;
5. North 89°23'17" East, 1077.82 feet, to the east line of the Southwest 1/4 of Section 3, thence;
6. North 89°23'17" East, 904.59 feet, to the west right of way line of Interstate 75, thence;
7. South 00°38'02" East, 878.86 feet, along said west right of way line, thence;
8. South 89°23'17" West, 898.10 feet, to the TRUE POINT OF BEGINNING, containing a computed area of 40.000 acres of land.

OR 2019

PG 1650

SEP 26 4 00 PM '88

RECORDED  
INDEXED  
FILED





FOLIO NO.: 03-46-25-00-00001.100

04-46-25-00-00003.000

03-46-25-00-00001.103

INST # 6871824 OR BK 04778 Pg 1716 - 1718: (3pgs) RECORDED 06/30/2005 10:06:20 AM  
CHARLIE GREEN, CLERK OF COURT, LEE COUNTY, FLORIDA  
REC FEE 27.00 DEED DOC 0.70  
DEPUTY CLERK T Baer

### QUIT CLAIM DEED

THIS QUIT CLAIM DEED, made this 13<sup>th</sup> day of June, 2005 by MAIN STREET FUND, LLC., a Florida limited liability company, whose post office address is 1840 West 49th Street, Suite 410, Hialeah, Florida 33012, party of the first part, and BRADLEY S. WEISS, as Trustee, of an unrecorded land trust under Florida Statute 689.071, together with the power and the authority either to protect, conserve, and to sell, or to lease or to encumber or to otherwise manage and dispose of the real property described herein, whose post office address is 1840 West 49th Street, Suite 410, Hialeah, Florida 33012, party of the second part.

WITNESSETH, That the said party of the first part, for and in consideration of the sum of TEN (\$10.00) DOLLARS in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, does hereby remise, release and quit-claim unto the said party of the second part, and their successors and assigns forever, all interest of the party of the first part in and to that certain real property lying and being in Lee County, Florida, and particularly described as follows:

(3)

An undivided sixty four (64%) percent interest in and to the real property described on Exhibit "A" attached hereto.

TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said party of the first part, either in law or equity, to the only proper use, benefit and behoof of the said party of the second part forever.

IN WITNESS WHEREOF the said party of the first part has hereunto set its hand and seal the day and year first above written.

Signed, sealed and delivered  
in the presence of:

Silvia Fernandez  
Silvia Fernandez, WITNESS

Vietle E. Erazo  
VETLE E. Erazo, WITNESS

MAIN STREET FUND, LLC.

Bradley S. Weiss  
BRADLEY S. WEISS,  
Managing Member

BK04778 6871824  
PG1716 06/30/2005

STATE OF FLORIDA  
COUNTY OF LEE

EXECUTION OF the foregoing instrument was acknowledged before me this 13<sup>th</sup> day of June, 2005, by BRALEY S. WEISS, Managing Member of MAIN STREET FUND, LLC., a Florida limited liability company, who is personally known to me or who has produced sufficient evidence of identification (described below) and who did not take an oath.

Description of identification produced: FL. Drivers License

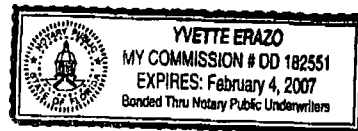
[Signature]  
NOTARY PUBLIC - SIGNATURE ABOVE  
NOTARY NAME

(Affix Notary Seal)

COMMISSION NO.:

COMMISSION EXP. DATE:

Notary Name/Commission No./Exp. Date - type or printed



This Instrument prepared by:  
PAUL H. FREEMAN, ESQ.  
1840 West 49th Street  
Suite 410  
Hialeah, Florida 33012  
(305) 827-3331

## EXHIBIT "A"

### PARCEL 1

A tract or parcel of land lying in Section 3, Township 46 South, Range 25 East, Lee County, Florida, described as follows:

Commencing at the Northwest corner of the aforesaid Section 3; thence run N.89°24'36"E. along the North line of said Section 3 for 1580.74 feet; thence run S.00°36'43"E. for 680.76 feet to the point of beginning; thence continue N.89°24'36"E. for 1067.47 feet to the West line of the Northeast Quarter (N.E.1/4) of said Section 3; thence run N.89°29'55"E. for 915.55 feet to the West right-of-way line of Interstate Highway # 75; thence run S.00°37'07"E. along said West right-of-way line for 1414.42 feet; thence run S.89°23'17"W. for 1983.17 feet; thence run N.00°36'43"W. for 1416.59 feet to the point of beginning.

Said tract contains 64.458 acres, more or less and is subject to easements, restrictions and reservations of record.

Bearings are based on the South line of the aforesaid Section 3 as being S.89°23'17"E.

### PARCEL 2

A tract or parcel of land lying in Section 3, Township 46 South, Range 25 East, Lee County, Florida, described as follows:

Commencing at the Southwest corner of the aforesaid Section 3; thence run N.00°56'55"W. along the West line of said Section 3 for 1196.58 feet to the point of beginning; thence continue N.00°56'55"W. along the West line of said Section 3 for 1357.80 feet; thence run N.89°23'17"E. for 1475.17 feet to the West right-of-way line of Three Oaks Parkway (150 feet wide); thence run S.00°36'43"E. along said West right-of-way line for 1362.47 feet; thence run S.89°34'16"W. for 1467.20 feet to the point of beginning.

Said tract contains 45.935 acres, more or less and is subject to easements, restrictions and reservations of record.

Bearings are based on the West line of the aforesaid Section 3 as being N.00°56'55"W.

### PARCEL 3

A tract or parcel of land lying in Section 4, Township 46 South, Range 25 East, Lee County, Florida, described as follows:

Commencing at the Southeast corner of the aforesaid Section 4; thence run N.00°56'55"W. along the East line of said Section 4 for 1196.58 feet to the point of beginning; thence run S.89°34'14"W. for 1506.39 feet; thence run N.00°56'55"W. for 1362.69 feet; thence run N.89°45'24"E. for 1506.44 feet to the East line of said Section 4; thence run S.00°56'55"E. for 1357.80 feet to the point of beginning.

Said tract contains 47.037 acres, more or less and is subject to easements, restrictions and reservations of record.

Bearings are based on the East line of the aforesaid Section 4 as being N.00°56'41"W.

Recording: \$ 10.50  
Documentary Stamps: \$ .70

PROPERTY APPRAISER'S PARCEL ID  
# 034625 000000 11038

3774898

This Instrument Was Prepared By:  
Kenneth A. Jones, Esq. of  
Peper, Martin, Jensen, Maichel  
and Hetlage  
2000 Main Street, Suite 600  
Fort Myers, Florida 33901

Documentary Tax Pd. \$ .70  
Intangible Tax Pd. \$             
CHARLIE GREEN, CLERK, LEE COUNTY  
*[Signature]* Deputy Clerk

QUIT-CLAIM DEED

THIS QUIT-CLAIM DEED executed this 2 day of JUNE,  
A.D. 1994, by JOHN C. KAGAN and ELIZABETH P. KAGAN, husband and  
wife, of the County of Lee and State of Florida, hereinafter called  
the "Grantors," to ABBOTT K. KAGAN, II and SHEILA KAGAN, husband  
and wife, whose address is 1314 Florida Avenue, Fort Myers, Lee  
County, Florida 33901, hereinafter called the "Grantees."

WITNESSETH, That the Grantors, for and in consideration of the  
sum of Ten and 00/100ths Dollars (\$10.00) in hand paid by the  
Grantees, the receipt whereof is hereby acknowledged, do hereby  
remit, release and quit-claim unto the Grantees, their heirs,  
successors and assigns forever, all the right, title, interest,  
claim and demand which the Grantors have in and to the following  
described lot, piece or parcel of land, situate, lying and being in  
the County of Lee, State of Florida, to-wit:

SEE EXHIBIT "A"

TO HAVE AND TO HOLD the same together with all and singular  
the appurtenances thereunto belonging or in anywise appertaining,  
and all the estate, right, title, interest, lien, equity and claim  
whatsoever of the Grantors, either in law or equity, to the only  
proper use, benefit and behoof of the Grantees.

IN WITNESS WHEREOF, the said Grantors have signed and sealed  
these presents the day and year first above written.

Signed, Sealed and Delivered in  
Presence of:

*[Signature: Charles H. Knor]*  
1st Witness as to JCK and EPK

*[Signature: Charles H. Knor]*  
Print Name

*[Signature: J. Matt Montgomery]*  
2nd Witness as to JCK and EPK

*[Signature: J. Matt Montgomery]*  
Print Name

*[Signature: John C. Kagan]*  
JOHN C. KAGAN

*[Signature: Elizabeth P. Kagan]*  
ELIZABETH P. KAGAN

Address:  
\_\_\_\_\_  
\_\_\_\_\_

RECORD VERIFIED - CHARLIE GREEN, CLERK  
BY: G. SHERWOOD, D.C. ©

CHARLIE GREEN LEE CTY FL

95 MAY 15 PM 4:07

Job No. 9048

PARCEL "B"  
DESCRIPTION

A PARCEL OF LAND IN SECTION 3, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 3, THENCE;

1. NORTH 89°24'26" EAST, 1581.52 FEET, ALONG THE NORTH LINE OF SAID SECTION 3, THENCE;
2. SOUTH 00°36'42" EAST, 460.96 FEET, TO THE TRUE POINT OF BEGINNING, THENCE;
3. NORTH 89°26'31" EAST, 1981.78 FEET, TO A POINT OF INTERSECTION WITH THE WESTERLY RIGHT OF WAY LINE OF INTERSTATE NO. 75, THENCE;
4. SOUTH 00°38'02" EAST, 219.79 FEET, ALONG SAID WESTERLY RIGHT OF WAY LINE, THENCE;
5. SOUTH 89°28'55" WEST, 920.35 FEET, TO A POINT ON THE NORTH-SOUTH QUARTER (1/4) SECTION LINE OF SAID SECTION 3, THENCE;
6. SOUTH 89°24'26" WEST, 1061.51 FEET, THENCE;
7. NORTH 00°36'42" WEST, 219.79 FEET, TO THE TRUE POINT OF BEGINNING.

CONTAINING A COMPUTED AREA OF 9.985 ACRES OF LAND, MORE OR LESS.

DR2600 PG1704



Recording: \$ 10.50  
Documentary Stamps: \$ 70

3774899

PROPERTY APPRAISER'S PARCEL ID  
# 0346250000001103A

This Instrument Was Prepared By:  
Kenneth A. Jones, Esq. of  
Peper, Martin, Jensen, Maichel  
and Hetlage  
2000 Main Street, Suite 600  
Fort Myers, Florida 33901

Documentary Tax Pd. \$ 70  
Intangible Tax Pd.  
\$ 0.00  
CHARLIE GREEN, CLERK, LEE COUNTY  
By G. Sherwood Deputy Clerk

QUIT-CLAIM DEED

THIS QUIT-CLAIM DEED executed this 20th day of June,  
A.D. 1994, by ABBOTT K. KAGAN, II and SHEILA KAGAN, husband and  
wife, of the County of Lee and State of Florida, hereinafter called  
the "Grantors," to JOHN C. KAGAN and ELIZABETH P. KAGAN, husband  
and wife, whose address is 15890 South Tamiami Trail, Fort Myers,  
Lee County, Florida 33908, hereinafter called the "Grantees."

WITNESSETH, That the Grantors, for and in consideration of the  
sum of Ten and 00/100ths Dollars (\$10.00) in hand paid by the  
Grantees, the receipt whereof is hereby acknowledged, do hereby  
remit, release and quit-claim unto the Grantees, their heirs,  
successors and assigns forever, all the right, title, interest,  
claim and demand which the Grantors have in and to the following  
described lot, piece or parcel of land, situate, lying and being in  
the County of Lee, State of Florida, to-wit:

SEE EXHIBIT "A"

TO HAVE AND TO HOLD the same together with all and singular  
the appurtenances thereunto belonging or in anywise appertaining,  
and all the estate, right, title, interest, lien, equity and claim  
whatsoever of the Grantors, either in law or equity, to the only  
proper use, benefit and behoof of the Grantees.

IN WITNESS WHEREOF, the said Grantors have signed and sealed  
these presents the day and year first above written.

Signed, Sealed and Delivered in  
Presence of:

Jeanette Crose  
1st Witness as to AKK and SK

JEANETTE CROSE  
Print Name

Barbara H. Salo  
2nd Witness as to AKK and SK

BARBARA H. SALO  
Print Name

ABBOTT K. KAGAN, II

SHEILA KAGAN

Address:

1314 Florida Avenue

Fort Myers, FL 33901

RECORD VERIFIED - CHARLIE GREEN, CLERK  
BY: G. SHERWOOD, D.C.

95 MAY 15 PM 4: 07

Job No. 9048

PARCEL "A"  
DESCRIPTION

A PARCEL OF LAND IN SECTION 3, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 3, THENCE;

1. NORTH 89°24'26" EAST, 1581.52 FEET, ALONG THE NORTH LINE OF SAID SECTION 3, THENCE;
2. SOUTH 00°36'42" EAST, 241.80 FEET, TO THE TRUE POINT OF BEGINNING, THENCE;
3. NORTH 89°24'26" EAST, 1061.43 FEET, TO A POINT ON THE NORTH-SOUTH QUARTER (1/4) SECTION LINE OF SAID SECTION 3, THENCE;
4. NORTH 89°28'55" EAST, 920.26 FEET, TO A POINT OF INTERSECTION WITH THE WESTERLY RIGHT OF WAY LINE OF INTERSTATE NO. 75, THENCE;
5. SOUTH 00°38'02" EAST, 219.16 FEET, ALONG SAID WESTERLY RIGHT OF WAY LINE, THENCE;
6. SOUTH 89°26'31" WEST, 1981.78 FEET, THENCE;
7. NORTH 00°36'42" WEST, 219.16 FEET, TO THE TRUE POINT OF BEGINNING.

CONTAINING A COMPUTED AREA OF 9.985 ACRES OF LAND, MORE OR LESS.

OR2600 PG1706



# LEGALS

CPA 2005-00005

RECEIVED

SEP 15 2006

COMMUNITY DEVELOPMENT

Quattrone &  
Associates, Inc.



## REFERENCES

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**LEGEND:**

- SEPTEMBER 11 2006

JOHN B. HARRIS, PSN  
FLORIDA LAND SURVEYOR 84631  
HARRIS - JORGENSEN, INC.  
2706 S.E. SANTA BARBARA PLACE  
CAPE CORAL, FLORIDA  
PHONE: (239) 772-9939  
FAX: (239) 772-1315

<b>REVISION</b>	<b>DESCRIPTION</b>		<b>BY</b>
<b>DRAWN FWH</b>	<b>✓ JWH</b>	<b>SCALE 1"=660'</b>	<b>PANEL # NE TIE</b>
<b>SURVEY DATE 9/8/06</b>	<b>FILE NO. 46-22-2</b>		<b>SHT - 1 OF - 1</b>
<b>FLORIDA CERTIFICATE OF AUTHORIZATION # L.R. 6591</b>			

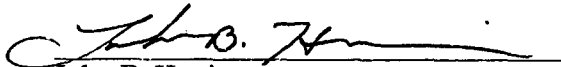
**DESCRIPTION:**

A tract or parcel of land lying in Section 3, Township 46 South, Range 25 East, Lee County, Florida, described as follows:

Commencing at the Northwest corner of the aforesaid Section 3; thence run N.89°24'36"E. along the North line of said Section 3 for 1580.74 feet; thence run S.00°36'43"E. for 200.00 feet to the point of beginning; thence run N.89°24'36"E. for 1063.78 feet; thence run N.89°29'56"E. for 919.18 feet to the Westerly right-of-way line of Interstate Highway #75; thence run S.00°37'07"E. along said Westerly right-of-way line for 3117.64 feet; thence run S.03°23'08"W. along said Westerly right-of-way line for 672.48 feet; thence run N.89°23'08"E. along said Westerly right-of-way line for 18.08 feet; thence run S.00°36'52"E. along said Westerly right-of-way line for 6.32 feet to the center of a 170.00 feet wide Florida Power and Light Company Easement; thence run S.89°23'17"W. along the centerline of said easement for 1879.51 feet to the Easterly right-of-way line of Three Oaks Parkway (150.00 feet wide); thence run N.00°36'43"W. along said Easterly right-of-way line for 1817.14 feet; thence run S.89°23'17"W. for 75.00 feet; thence run N.00°36'43"W. for 1897.19 feet to the point of beginning.

Said tract contains 169.198 acres, more or less and is subject to easements, restrictions and reservations of record.

Bearings are based on the North line of the Northwest Quarter of the aforesaid Section 3 as being N.89°24'36"E.



John B. Harris


P.S.M. #4631

September 11, 2006

**AFFIDAVIT FOR AGENT AUTHORIZATION**

The undersigned swears or affirms under oath to be the owner or authorized representative of the property commonly known as STRAP# 03-46-25-00-00001.1020 and 03-46-25-00-00001.1050.

The property described herein is the subject of an application for a comprehensive plan amendment. We hereby designate Quattrone & Associates, Inc. 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 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.

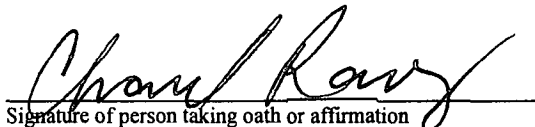
  
Signature

Paul H. Freeman, Trustee  
(Typed or printed name)

Paul H. Freeman Trust  
Name of Entity/Corporation

STATE OF FLORIDA  
COUNTY OF LEE

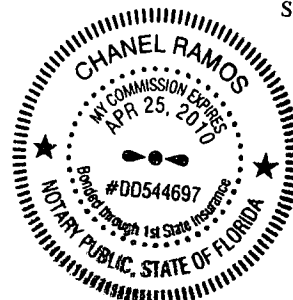
The foregoing instrument was sworn to (or affirmed) and subscribed before me this 9/8/2006  
(date) by Paul H. Freeman, (name of person providing oath or  
affirmation), who is personally known to me or who has produced  
\_\_\_\_\_  
(type of identification) as identification.

  
Signature of person taking oath or affirmation

Chanel Ramos  
Name typed, printed or stamped

\_\_\_\_\_  
Title or rank

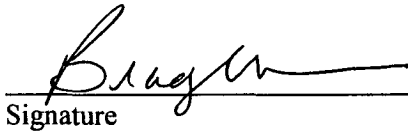
\_\_\_\_\_  
Serial number, if any



**AFFIDAVIT FOR AGENT AUTHORIZATION**

The undersigned swears or affirms under oath to be the owner or authorized representative of the property commonly known as STRAP# 03-46-25-00-00001.103B.

The property described herein is the subject of an application for a comprehensive plan amendment. We hereby designate Quattrone & Associates, Inc. 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 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.

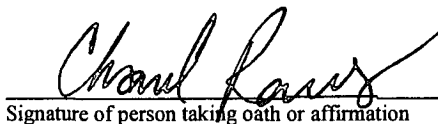
  
Signature

Bradley S. Weiss, Trustee  
(Typed or printed name)

Bradley S. Weiss Trust  
Name of Entity/Corporation

STATE OF FLORIDA  
COUNTY OF LEE

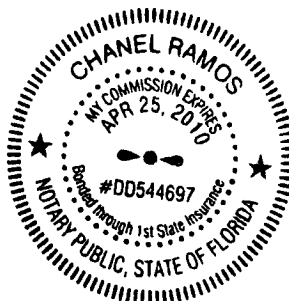
The foregoing instrument was sworn to (or affirmed) and subscribed before me this 9/8/2006  
(date) by Bradley S. Weiss  
(name of person providing oath or affirmation), who is personally known to me or who has  
produced \_\_\_\_\_ (type of identification) as identification.

  
Signature of person taking oath or affirmation

Chanel Ramos  
Name typed, printed or stamped

\_\_\_\_\_  
Title or rank

\_\_\_\_\_  
Serial number, if any



# EXHIBITS

EXHIBITS

CPA

2005-00005

RECEIVED

SEP 15 2006

COMMUNITY DEVELOPMENT

Quattrone &  
Associates, Inc.



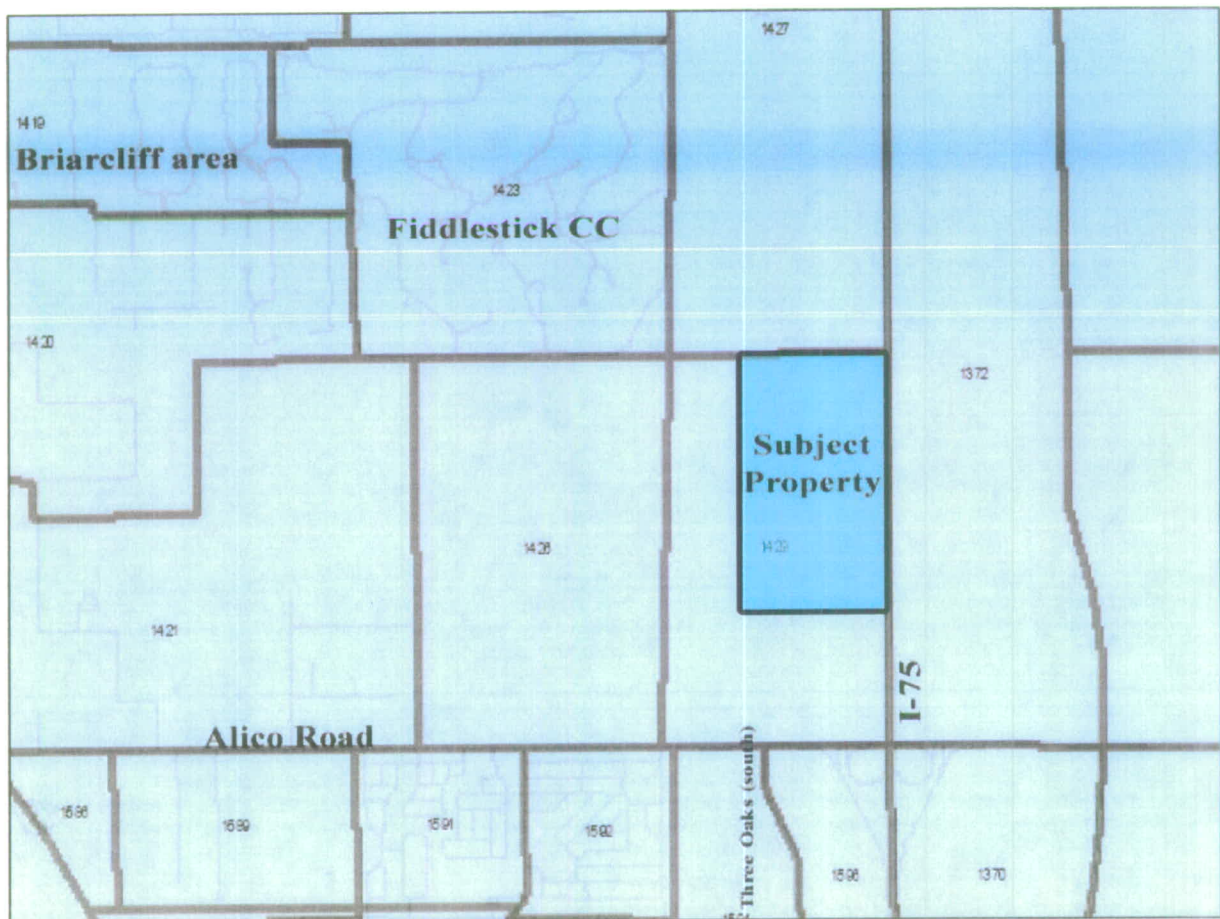
**EXHIBIT B-1a**  
**TRAFFIC ANALYSIS ZONES (TAZ)**

### THREE OAKS NORTH CPA

## Future Land Use Map and Text Amendment

STRAP#: 03-46-25-00-00001.1030, 03-46-25-00-00001.103C, 03-46-25-00-00001.103B,  
03-46-25-00-00001.1050, 03-46-25-00-00001.1020  
Three Oaks Ext North, Fort Myers, Florida 33912

The subject parcel is in TAZ 1429 as shown in below taken from the Lee County TAZ Map reproduced from the Metropolitan Planning Organization for Southwest Florida.



**SUMMARY OF MAJOR ROAD PROJECTS PROGRAMMED BY LEE COUNTY - FY 05/06 TO FY 09/10**

COMM DIST.	PROJ NUMBER	PROJECT NAME	LENGTH (MILES)	FISCAL YEAR OF PHASES					TOTAL BUDGET	PROJECT MANAGER
				PRELIM	DESIGN	RIGHT-OF-WAY	CONSTRUCTION	LANDSCAPING		
3,5	5034	Airport Connector Corridor Study Feasibility/alignment study, US 41 to I-75		06	Not yet programmed	Not yet programmed	Not yet programmed	Not yet programmed	\$500,000	Nicole Maxey, 479-8569 maxeync@leeqov.com
5	4030	Alico Road Widening 6L, east of US 41 to Three Oaks Parkway	2.6	N/A	Complete	Complete	Complete but for RR crossing	06	\$15,829,000	Nicole Maxey, 479-8569 maxeync@leeqov.com
1	6047	Boca Grande Master Drainage Project Development of master plan and implementation in 9 phases		N/A	Complete	N/A	Underway (1st 2 phases)	N/A	\$1,655,625	Eyra Cash, 479-8562 ecash@leeqov.com
5		Ben Hill Griffin Parkway 6L Alico Road south 1 mile (being done as pipeline improvement by Gulf Coast Town Center DRI developer)	1.0	N/A	Complete	N/A	Underway	N/A	\$1,501,000	Andy Geich, 479-8510 getcha@leeqov.com
3	4044	Bonita Beach Road Widen/Resurface Vanderbilt Dr. to Lime St. (Resurface)/Lime St. to I-75 (6L)	4.2	N/A	Complete	Complete	Underway	06	\$8,815,000	Nicole Maxey, 479-8569 maxeync@leeqov.com
3	4044	Bonita Beach Road Phase 2 6L, Old 41 to Lime St.	0.9	N/A	Underway	Not yet programmed	Not yet programmed	Not yet programmed	\$567,574	Eyra Cash, 479-8562 ecash@leeqov.com
1,4	4088	Burnt Store Road 4L SR 78 (Pine Island Road) to Van Buren Parkway	2.7	N/A	Underway	06-10	Not yet programmed	Not yet programmed	\$23,421,000 (\$52,200,000)	Nicole Maxey, 479-8569 maxeync@leeqov.com
4	4020	Business US 41 (SR 739) Four Lanes SR 78 (Pine Island Road) to Littleton Road	1.4	Complete (Co. funded)	Complete (by FDOT)	Complete (Co. funded, work by FDOT)	Underway	(Maybe by CRA)	\$8,795,538	Betsy Rowan, 479-8511 browan@leeqov.com
4		Business US 41 (SR 739)/Littleton - US 41 4L Widening	2.5	Complete (by FDOT)	07	Not yet programmed	Not yet programmed	N/A	\$1,400,000 (\$22,090,000)	Betsy Rowan, 479-8511 browan@leeqov.com
1	5053	Captiva Drive Shoulders Adding 4-ft. paved shoulders on both sides of road		N/A	In-house	N/A	06	N/A	\$450,000	Randy Cerchie, 479-8573 cerchirp@leeqov.com
5	4054	Colonial Boulevard/ I-75 to SR 82 6L, includes design from Six Mile Pkwy to I-75 for City	2.6	Complete	Underway	06	07 (To bid June 07)	08	\$10,376,000	Nicole Maxey, 479-8569 maxeync@leeqov.com
1,2,4	5054	Colonial/McGregor-US 41 Grade Separation	N/A	06	Partial 10	Not yet programmed	Not yet programmed	Not yet programmed	\$6,063,629 (\$103,310,000)	Nicole Maxey, 479-8569 maxeync@leeqov.com
2	6064	Colonial @ Metro Queue Jump	N/A	Complete	Underway	N/A	Not yet programmed	N/A	\$1,336,250	Don DeBerry, 479-8503 ddeberry@leeqov.com
5		Corkscrew Curve Project to ease severe curve at Hendry County line	N/A	N/A	Complete	Underway	08	N/A	\$1,000,000	Don DeBerry, 479-8503 ddeberry@leeqov.com
3,5	4723	Corkscrew Road East (Special Assessment) 4L, Ben Hill Griffin Parkway to The Habitat entrance	3.0	N/A	Underway	Underway	06 (To bid Aug. 06)	N/A	\$1,000,000 (Co. share)	Don DeBerry, 479-8503 ddeberry@leeqov.com

**SUMMARY OF MAJOR ROAD PROJECTS PROGRAMMED BY LEE COUNTY - FY 05/06 TO FY 09/10**

COMM DIST	PROJ NUMBER	PROJECT NAME	LENGTH (MILES)	FISCAL YEAR OF PHASES							TOTAL BUDGET	PROJECT MANAGER
				PRELIM	DESIGN	RIGHT-OF-WAY	CONSTRUCTION	LANDSCAPING				
3,5	4078	CR 951 Extension PD&E Study for new 4L, Immokalee Rd. (Collier Co.) to Allico Rd.	15.0	Underway	N/A	N/A (Partial acquisition underway)	N/A	N/A	N/A	\$3,797,947 (\$250,000 from Collier Co.)	Don DeBerry, 479-8503 <a href="mailto:ddeberry@leeqov.com">ddeberry@leeqov.com</a>	
3		CR 951 Extension South New 4L, Immokalee Rd. (Collier Co.) to Bonita Beach Rd. (Joint project, Collier Co. at 78% and Lee Co. at 22%)	4.5	Underway (#4078)	08	Not yet programmed	Not yet programmed	Not yet programmed	Not yet programmed	\$6,500,000 (\$92,600,000)	Don DeBerry, 479-8503 <a href="mailto:ddeberry@leeqov.com">ddeberry@leeqov.com</a>	
1	5033	Del Prado/Cape Coral Parkway Addition of 3rd SB to EB left turn lane at intersection	N/A	N/A	Underway	N/A	06	N/A	N/A	\$750,000	Don DeBerry, 479-8503 <a href="mailto:ddeberry@leeqov.com">ddeberry@leeqov.com</a>	
4	5032	Del Prado Extension Study Corridor study, US 41 to east of I-75 (including I-75 interchange)		Underway	Not yet programmed	Not yet programmed	Not yet programmed	Not yet programmed	Not yet programmed	\$562,000	Don DeBerry, 479-8503 <a href="mailto:ddeberry@leeqov.com">ddeberry@leeqov.com</a>	
5	5021	Estero Parkway Extension (formerly Koresban Ext.) New 4L, Three Oaks Pkwy. to Ben Hill Griffin Pkwy., including preliminary phases for 2L extension from Ben Hill Griffin Pkwy. to Corkscrew Rd.	0.7	N/A	Underway	Underway	06 (To bid June 06)	08		\$31,357,701	Betsy Rowan, 479-8511 <a href="mailto:browan@leeqov.com">browan@leeqov.com</a>	
3	4083	Gladiolus Widening 4L Pine Ridge Rd. to Bass Rd., 6L Bass Rd. to Winkler Rd., plus 4L Bass Rd. from Healthpark to Gladiolus and A&W Bulb Rd. overlay/sidewalk	2.3	N/A	Underway	Underway	08 (May be advanced to 07)	09		\$19,582,000	Mike Riggsby, 479-8513 <a href="mailto:mrigsby@leeqov.com">mrigsby@leeqov.com</a>	
5	4055	Gunnyery Road/ SR 82 to Lee Blvd. 4L	2.2	Complete	Complete	Complete	06 (Bid Oct. 06)	06		\$13,323,000	Eyra Cash, 479-8562 <a href="mailto:ecash@leeqov.com">ecash@leeqov.com</a>	
3	4060	Imperial Street 4L, Bonita Beach Rd. to E. Terry St. (Joint project with City)	1.0	N/A	Underway	Underway	06 (To bid Feb. 06)	06		\$18,490,089	Nicole Maxey, 479-8569 <a href="mailto:imaxeync@leeqov.com">imaxeync@leeqov.com</a>	
3	4056	Livingston/Imperial Connection New 4L, Collier Co. line to Bonita Beach Rd. (Joint project with City)	1.0	N/A	Complete	Complete	Complete	06		\$4,815,000	Nicole Maxey, 479-8569 <a href="mailto:imaxeync@leeqov.com">imaxeync@leeqov.com</a>	
5		Luckett/Lehigh Corridor Study Corridor alignment study of Luckett Rd. Extension and connection to roads in Lehigh Acres, from I-75 to Joel Blvd.		07 (May be advanced to 06)	Not yet programmed	Not yet programmed	Not yet programmed	N/A		\$1,000,000	Don DeBerry, 479-8503 <a href="mailto:ddeberry@leeqov.com">ddeberry@leeqov.com</a>	
2	4072	Ortiz 4L/MLK-Luckett 4L widening, SR 82 (Dr. Martin Luther King, Jr. Blvd.) to Luckett Rd.	1.3	Complete	06	06-08	09	10		\$15,795,000	Eyra Cash, 479-8562 <a href="mailto:ecash@leeqov.com">ecash@leeqov.com</a>	
2	5056	Ortiz 4L/Luckett-SR 80 4L widening, Luckett Rd. to SR 80 (Palm Beach Blvd.)	1.3	Complete	06	06-08	10	Not yet programmed		\$18,290,600	Eyra Cash, 479-8562 <a href="mailto:ecash@leeqov.com">ecash@leeqov.com</a>	
2	4065	Plantation Ext./Idlewild to Colonial New 4L	1.0	Complete	Underway	06	07 (To bid Feb. 07)	08		\$7,055,000	Betsy Rowan, 479-8511 <a href="mailto:browan@leeqov.com">browan@leeqov.com</a>	
5		Sandy Lane Ext. North 2L Extension, Corkscrew Road to Estero Parkway Simon Suncoast building 4L from Pelican Colony Blvd. to Corkscrew Rd.	1.4	Complete	09	Not yet programmed	Not yet programmed	Not yet programmed		\$736,000 (\$10,053,000)	Andy Getch, 479-8510 <a href="mailto:getcha@leeqov.com">getcha@leeqov.com</a>	



**SUMMARY OF MAJOR ROAD PROJECTS PROGRAMMED BY LEE COUNTY - FY 05/06 TO FY 09/10**

COMM DIST.	PROJ NUMBER	PROJECT NAME	LENGTH (MILES)	FISCAL YEAR OF PHASES				TOTAL BUDGET	PROJECT MANAGER
				PRELIM	DESIGN	RIGHT-OF-WAY	CONSTRUCTION		
2	4604	Six Mile Cypress Pkwy 4L N. of Daniels Pkwy. to S. of Winkler Ext.	2.3	N/A	Underway	06	07 (To bid Apr. 07)	08	Mike Riggsby, 479-8513 mrigsby@leeqov.com
5	5055	SR 82 PD&E Advancement Study from Lee Blvd. to SR 29, jointly funded with Collier County and FDOT CIGP funds, FDOT to do study and subsequent phases	N/A	06	N/A	N/A	N/A	\$3,000,000	Don DeBerry, 479-8503 ddeberry@leeqov.com
2,3,5	6007	Summerlin Rd Boy Scout-Cypress Lake Dr. 6L, including overpass at College Parkway	2.6	N/A	Underway	Underway	07 (To bid Dec. 06)	08	Don DeBerry, 479-8503 ddeberry@leeqov.com
3	4067	Summerlin Rd/San Carlos to Gladiolus 6L, including grade separations at San Carlos and at Gladiolus	4.3	Complete	Complete	Complete	Underway	\$43,907,659	Mike Riggsby, 479-8513 mrigsby@leeqov.com
5	4053	Three Oaks Parkway Extension North New 4L, N. of Alico Rd. to Daniels Pkwy.	3.5	Complete	Underway	06	10 (May be advanced to 08)	Not yet programmed	Eyra Cash, 479-8562 ecash@leeqov.com
3	4043	Three Oaks Parkway Extension South New 4L, E. Terry St. to Bonita Bill Dr. (Joint project with City)	4.1	Complete	Underway	Underway	06 (To bid Dec. 05)	07	Nicole Maxey, 479-8569 maxeync@leeqov.com
5	4081	Three Oaks Parkway Widening 4L, Corkscrew Rd. to Alico Rd.	4.6	N/A	Underway	Underway	06 (To bid Apr. 06)	06	Betsy Rowan, 479-8511 browan@leeqov.com
5	4068	Treeline Extension North/Daniels - Colonial New 4L (Being advanced and constructed by Worthington for credits)	4.2	Complete	Complete (by Dev.)	Complete	Underway	\$1,612,000 (Co. share)	Nicole Maxey, 479-8569 maxeync@leeqov.com
1	5814	Sanibel Bridge Replacement Replacement of Spans "A", "B" and "C"	N/A	Complete	Complete	N/A	Underway	\$118,093,112	Paul Wingard, 479-8545 wingardpw@leeqov.com
1		Matlacha Pass Bridge Replacement	N/A	N/A	06	08	10 (May be advanced to 08)	N/A	Ehab Gurguis, 694-3334 emcawad@leeqov.com
3		Big Carlos Pass Bridge Rehab	N/A	N/A	06	N/A	08	\$1,750,000	Ehab Gurguis, 694-3334 emcawad@leeqov.com
1	5816	Sanibel Toll Facility Reconstruction Rebuild and expand the Sanibel Bridge toll plaza and building	N/A	N/A	Complete	N/A	06	\$20,900,000	Paul Wingard, 479-8545 wingardpw@leeqov.com
2,3	5815	Cape Coral Toll Facility Reconstruction Rebuild and expand the Cape Coral Bridge toll plaza	N/A	N/A	Underway	N/A	08 (May be advanced to 06)	\$11,538,624	Paul Wingard, 479-8545 wingardpw@leeqov.com
<b>TOTAL</b>			<b>75.2</b>					<b>\$564,763,730</b>	

NOTES: 1) Standard font identifies budget/status of project based on current adopted CIP. Any proposed changes are identified in italics.

2) Budget figures represent estimates for programming purposes. All dollar figures are subject to adjustment. Program year represents when funds are available, not necessarily when phase started or completed.

Major Project Summary

mapping

i2

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**From:** Costley Ruth on behalf of Map Room  
**Sent:** Friday, September 08, 2006 8:46 AM  
**To:** mapping  
**Subject:** 1000.10001 Variance Report (06-008-20 Freeman CPA)

Forwarded By R. Costley

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**From:** Inia [mailto:Inia@gainc.net]  
**Sent:** Thursday, September 07, 2006 5:24 PM  
**To:** Map Room  
**Cc:** Inia  
**Subject:** 1000.10001 Variance Report (06-008-20 Freeman CPA)

I'm requesting a variance report for the following strap numbers. I will need a hard copy, an electronic copy and 2 sets of mailing labels. Please notify me with the cost and when they will be ready to be picked up.

03-46-25-00-00001.1030  
03-46-25-00-00001.103C  
03-46-25-00-00001.103B  
03-46-25-00-00001.1050  
03-46-25-00-00001.1020

Thank you.

***Iniavette Ramirez***

Office Manager

 Quattrone & Associates, Inc. |  
Engineers, Planners &  
Development Consultants | 11000  
Metro Parkway, Suite 30, Fort  
Myers, FL 33912 | 239.936.5222 |  
gainc.net

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9/8/2006

# VARIANCE REPORT

9/8/2006

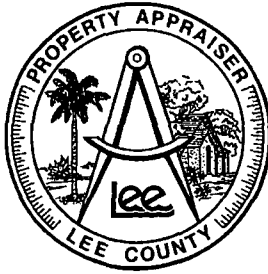
Subject Parcels : 5 Affected Parcels : 12 Buffer Distance : 500 ft



03-46-25-00-00001.1030 et al.

1,700 850 0

1,700 Feet



# Lee County Property Appraiser

Kenneth M. Wilkinson, C.F.A.

GIS Department / Map Room

Phone: (239) 339-6159 • Fax: (239) 339-6139 • eMail: MapRoom@LeePA.org

## VARIANCE REPORT

**Date of Report:** September 08, 2006  
**Buffer Distance:** 500 ft  
**Parcels Affected:** 12  
**Subject Parcel:** 03-46-25-00-00001.1030, 03-46-25-00-00001.103C,  
 03-46-25-00-00001.103B, 03-46-25-00-00001.1050,  
 03-46-25-00-00001.1020

<u>OWNER NAME AND ADDRESS</u>	<u>STRAP AND LOCATION</u>	<u>LEGAL DESCRIPTION</u>	<u>Map Inde:</u>
FREEMAN JEFFREY B TR 25435 LOBLOLLY BAY RD SW LABELLE FL 33935	<b>34-45-25-00-00001.0000</b> ACCESS UNDETERMINED FORT MYERS FL 33912	W 1/2 SEC 34	1
FSM OF FT MYERS LLC 25435 LOBLOLLY BAY RD SE LABELLE FL 33935	<b>34-45-25-00-00002.0000</b> ACCESS UNDETERMINED FORT MYERS FL 33912	W 1/2 OF E 1/2 LESS I-75 + STRIP E OF I-75	2
PRIT-CAR 6601 BAYSHORE RD N FT MYERS FL 33917	<b>34-45-25-00-00002.0010</b> ACCESS UNDETERMINED FORT MYERS FL 33913	W 1/2 OF E 1/2 LY E OF ELY R/W I-75	3
RODRIGUEZ SARA M PER REP 15562 SW 9TH LN MIAMI FL 33194	<b>34-45-25-00-00004.0000</b> ACCESS UNDETERMINED FORT MYERS FL 33913	E 1/2 OF E 1/2	4
GLEVIN 275 LLC + 100 BAY COLONY LANE FORT LAUDERDALE FL 33308	<b>03-46-25-00-00001.0000</b> 9891 ALICO RD FORT MYERS FL 33913	SEC 3 E OF I-75 DESC IN OR 3990 PG 3411 LESS ROW DESC IN OR 4355/2364	5
LEE COUNTY PO BOX 398 FORT MYERS FL 33902	<b>03-46-25-00-00001.0060</b> RIGHT OF WAY FL	PAR IN NE 1/4 SEC 3 DESC IN OR 3524/4601 DRAINAGE R/W	6
WEISS BRADLEY S TR 1840 WEST 49TH ST STE #410 HIALEAH FL 33012	<b>03-46-25-00-00001.1000</b> ACCESS UNDETERMINED FORT MYERS FL 33912	PARL W OF I-75 DESC IN OR 1754 PG 2803 LESS 1.101 THRU 1.1100 + RD R/W OR3273/3184	7
THREE OAKS 59 LLC DANIEL KELLY 12651 MCGREGOR BLVD STE 2202 FORT MYERS FL 33919	<b>03-46-25-00-00001.1010</b> ACCESS UNDETERMINED FORT MYERS FL 33912	PARL IN NW 1/4 AS DESC OR 2037 PG 3285 LESS OR 3465/1512	8
ALICO 73 LLP STEPHANIE MILLER 9250 CORKSCREW RD UNIT 8 ESTERO FL 33928	<b>03-46-25-00-00001.101A</b> ACCESS UNDETERMINED FORT MYERS FL 33913	S 1049 OF N 2097 OF W 1582 OF NW1/4	9
THREE OAKS BUSINESS CENTER 14421 METROPOLIS AVE STE 101 FORT MYERS FL 33912	<b>03-46-25-00-00001.1060</b> ACCESS UNDETERMINED FORT MYERS FL 33912	PARL IN N 1/2 AS DESC OR 2019 PG 1651 LES RD R/W OR3273/3177	10
ALICO NORTH 26 LLC 30% + 1840 WAET 49TH ST STE 410 HIALEAH FL 33012	<b>03-46-25-00-00001.1070</b> ACCESS UNDETERMINED FORT MYERS FL 33912	PARL IN NW 1/4 AS DESC OR 2019 PG 1645 LES RD R/W OR3273/3182	11
THREE OAKS LAND COMPANY LLC 11860 ISLAND AVE MATLACHA FL 33993	<b>03-46-25-00-00001.1080</b> ACCESS UNDETERMINED FORT MYERS FL 33912	PARL W OF I-75 N OF ALICO DESC OR 3127 PG 2808 LES RD R/W OR3273/3187	12

12 RECORDS PRINTED

34-45-25-00-00001.0000  
FREEMAN JEFFREY B TR  
25435 LOBLOLLY BAY RD SW  
LABELLE, FL 33935

34-45-25-00-00002.0000  
FSM OF FT MYERS LLC  
25435 LOBLOLLY BAY RD SE  
LABELLE, FL 33935

34-45-25-00-00002.0010  
PRIT-CAR  
6601 BAYSHORE RD  
N FT MYERS, FL 33917

34-45-25-00-00004.0000  
RODRIGUEZ SARA M PER REP  
15562 SW 9TH LN  
MIAMI, FL 33194

03-46-25-00-00001.0000  
GLEVIN 275 LLC +  
100 BAY COLONY LANE  
FORT LAUDERDALE, FL 33308

03-46-25-00-00001.0060  
LEE COUNTY  
PO BOX 398  
FORT MYERS, FL 33902

03-46-25-00-00001.1000  
WEISS BRADLEY S TR  
1840 WEST 49TH ST STE #410  
HIALEAH, FL 33012

03-46-25-00-00001.1010  
THREE OAKS 59 LLC  
DANIEL KELLY  
12651 MCGREGOR BLVD STE 2202  
FORT MYERS, FL 33919

03-46-25-00-00001.101A  
ALICO 73 LLP  
STEPHANIE MILLER  
9250 CORKSCREW RD UNIT 8  
ESTERO, FL 33928

03-46-25-00-00001.1060  
THREE OAKS BUSINESS CENTER  
14421 METROPOLIS AVE STE 101  
FORT MYERS, FL 33912

03-46-25-00-00001.1070  
ALICO NORTH 26 LLC 30% +  
1840 WAET 49TH ST STE 410  
HIALEAH, FL 33012

03-46-25-00-00001.1080  
THREE OAKS LAND COMPANY LLC  
11860 ISLAND AVE  
MATLACHA, FL 33993

34-45-25-00-00001.0000  
FREEMAN JEFFREY B TR  
25435 LOBLOLLY BAY RD SW  
LABELLE, FL 33935

34-45-25-00-00002.0010  
PRIT-CAR  
6601 BAYSHORE RD  
N FT MYERS, FL 33917

03-46-25-00-00001.0000  
GLEVIN 275 LLC +  
100 BAY COLONY LANE  
FORT LAUDERDALE, FL 33308

03-46-25-00-00001.1000  
WEISS BRADLEY S TR  
1840 WEST 49TH ST STE #410  
HIALEAH, FL 33012

03-46-25-00-00001.101A  
ALICO 73 LLP  
STEPHANIE MILLER  
9250 CORKSCREW RD UNIT 8  
ESTERO, FL 33928

03-46-25-00-00001.1070  
ALICO NORTH 26 LLC 30% +  
1840 WAET 49TH ST STE 410  
HIALEAH, FL 33012

34-45-25-00-00002.0000  
FSM OF FT MYERS LLC  
25435 LOBLOLLY BAY RD SE  
LABELLE, FL 33935

34-45-25-00-00004.0000  
RODRIGUEZ SARA M PER REP  
15562 SW 9TH LN  
MIAMI, FL 33194

03-46-25-00-00001.0060  
LEE COUNTY  
PO BOX 398  
FORT MYERS, FL 33902

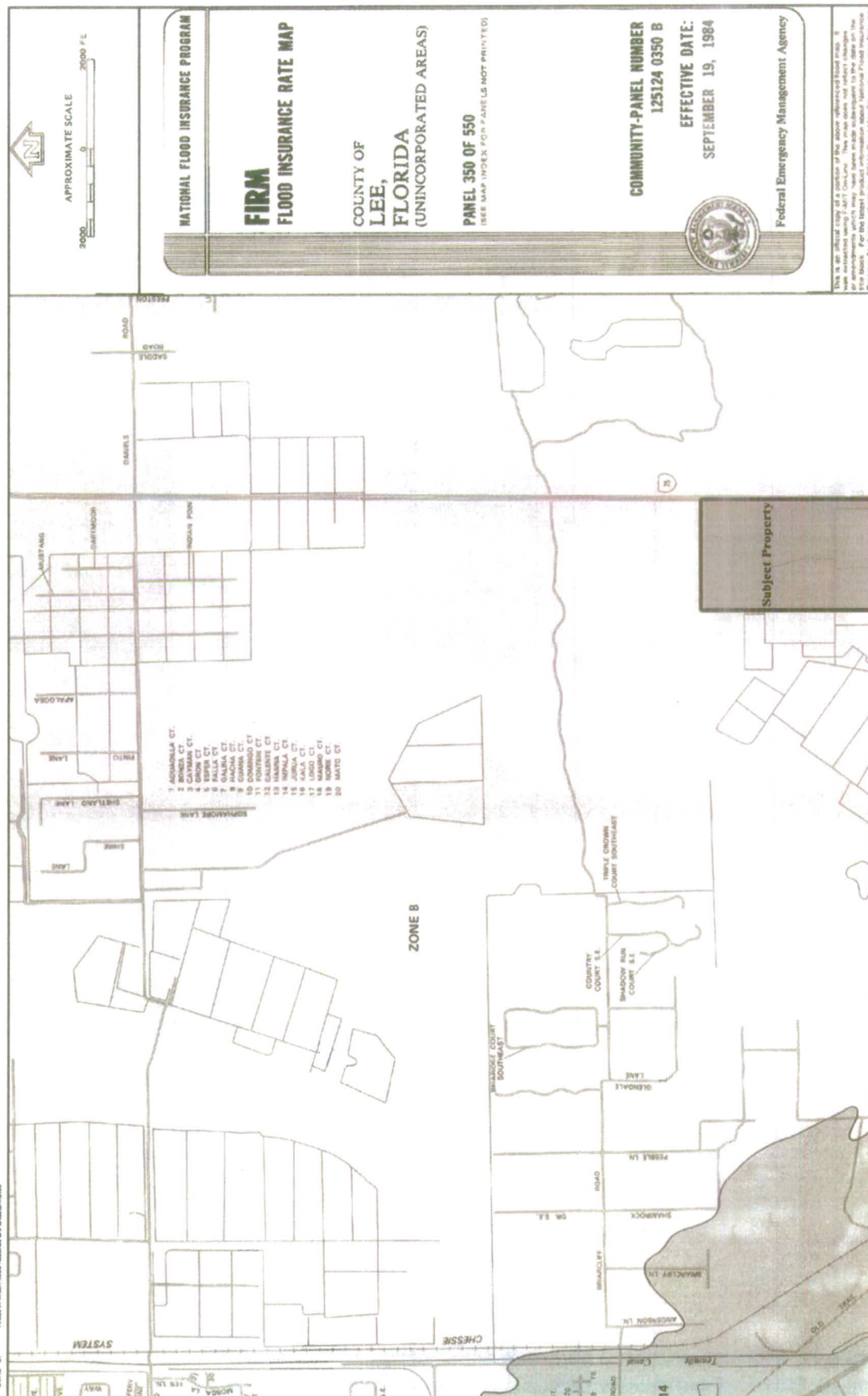
03-46-25-00-00001.1010  
THREE OAKS 59 LLC  
DANIEL KELLY  
12651 MCGREGOR BLVD STE 2202  
FORT MYERS, FL 33919

03-46-25-00-00001.1060  
THREE OAKS BUSINESS CENTER  
14421 METROPOLIS AVE STE 101  
FORT MYERS, FL 33912

03-46-25-00-00001.1080  
THREE OAKS LAND COMPANY LLC  
11860 ISLAND AVE  
MATLACHA, FL 33993

# PROTECTED SPECIES / ENVIRONMENTAL REPORT

PROTECTED SPECIES / ENV. REPORT



This is an official copy of a portion of the above referenced flood map. It was extracted using F-Alert On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information call National Flood Insurance

**DESCRIPTION OF ZONE DESIGNATIONS**

**ZONE A:** Areas of 100-year flood elevations and flood hazard factors not determined.

**ZONE A-1:** Areas of 100-year flood, base flood elevation, and flood hazard factors determined.

**ZONE B:** Areas between limits of the 100-year flood and 500-year flood, or outside areas subject to 100-year flooding with average depths less than 1 foot or where the contribution drainage area is less than one square mile, or areas protected by levees from the base flood.

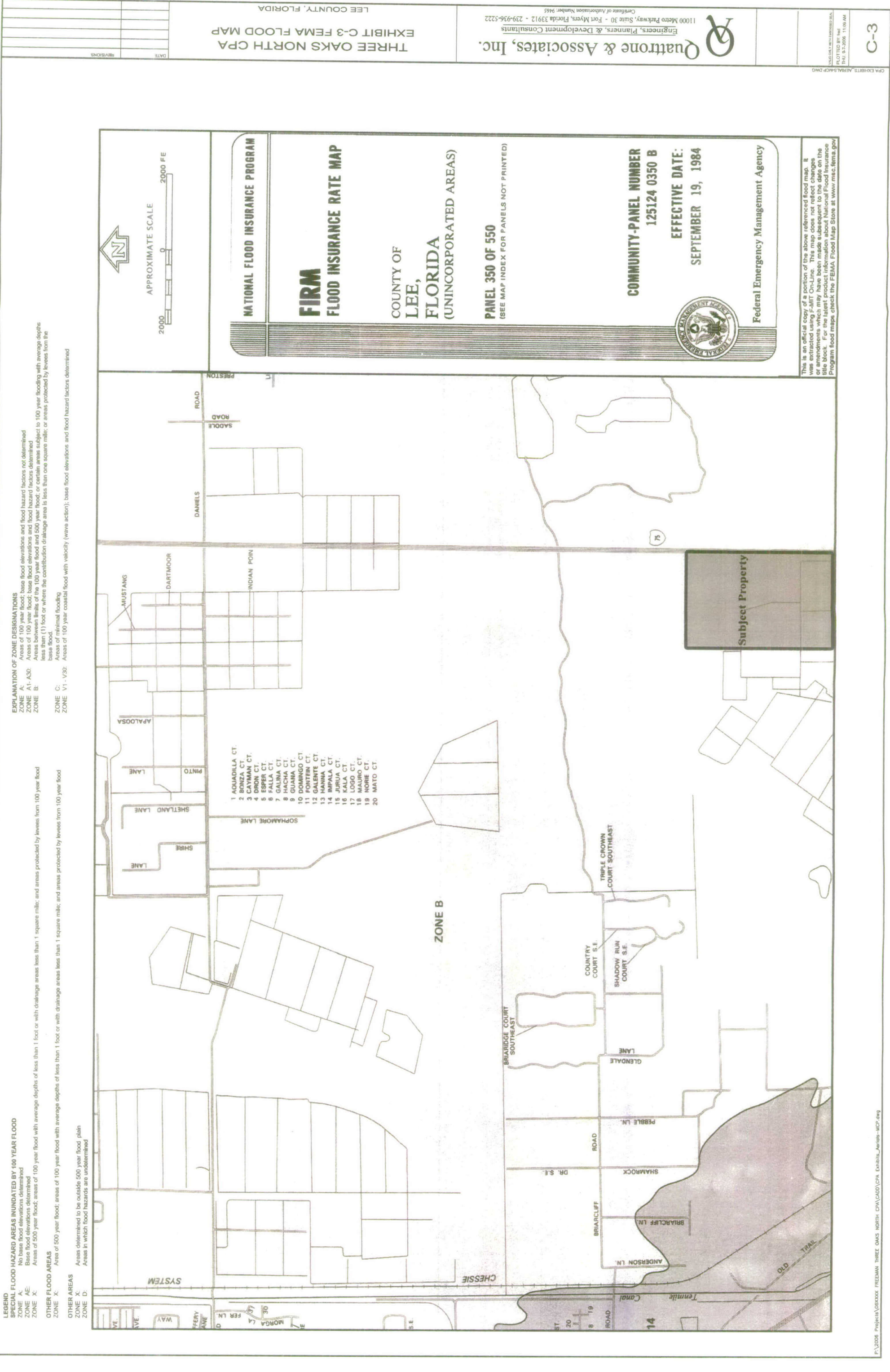
**ZONE C:** Areas of minimal flooding.

**ZONE V-1-V30:** Areas of 100-year coastal flood with velocity (wave action); base flood elevations and flood hazard factors determined.

LEGEND	100-YEAR FLOOD
SPECIAL FLOOD HAZARD AREAS BUNDED BY 100-YEAR FLOOD	
AREA OF 100-YEAR FLOOD CREATIONS DAMAGED	
ZONE A: 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	
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 FLOOD AREAS	
AREA 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	

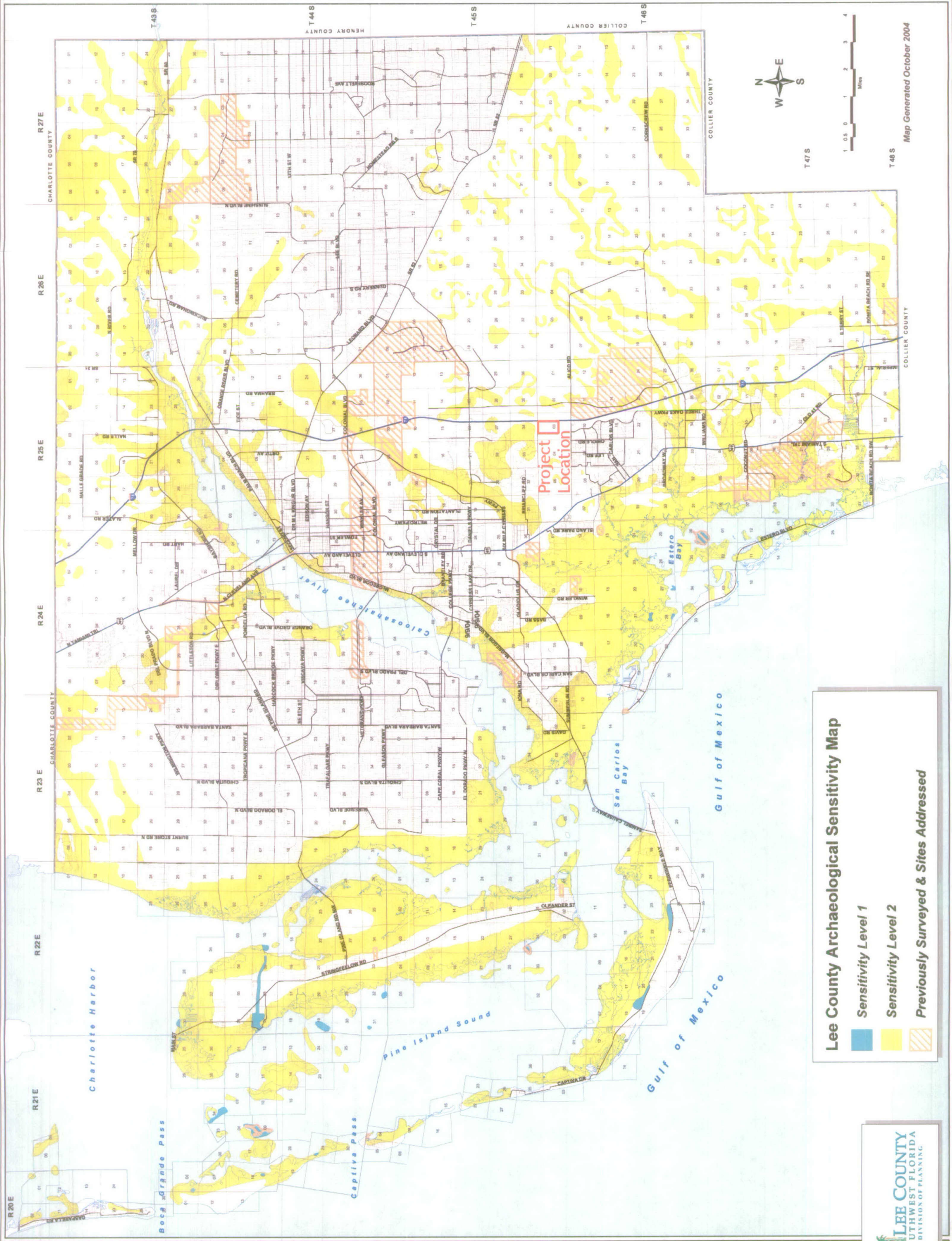
OTHER AREAS  
 ZONE X: Areas determined to be outside 500 year flood plain  
 ZONE D: Areas in which flood hazards are undetermined







ARCHAEOLOGICAL SENSITIVITY MAP



**Lee County Archaeological Sensitivity Map**

- Sensitivity Level 1
- Sensitivity Level 2
- Previously Surveyed & Sites Addressed



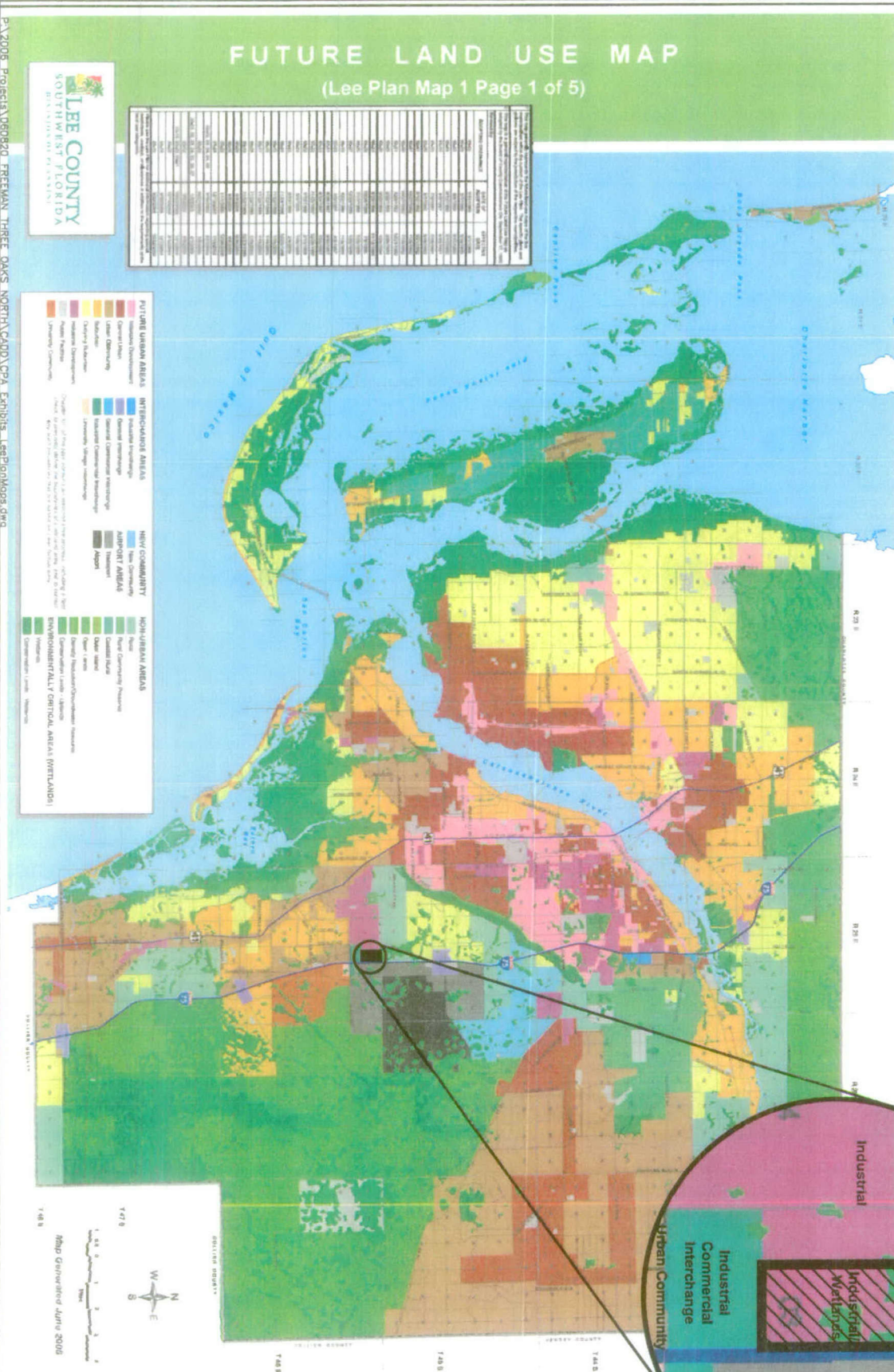
Map Generated October 2004





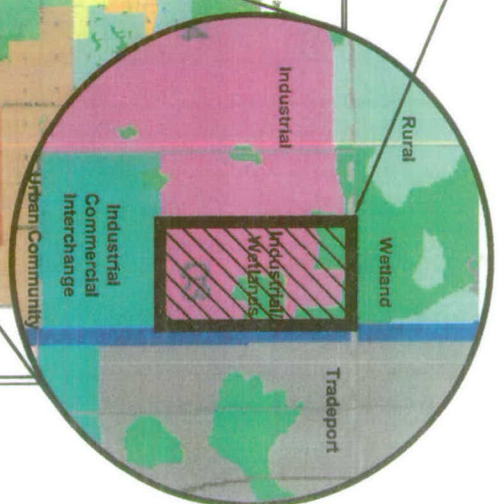
LEE COUNTY  
SOUTHWEST FLORIDA  
BUILDING A BETTER FUTURE

Date		Description		Amount		Balance	
				Debit	Credit	Debit	Credit
1998							
1		Jan 1					
2		Jan 2					
3		Jan 3					
4		Jan 4					
5		Jan 5					
6		Jan 6					
7		Jan 7					
8		Jan 8					
9		Jan 9					
10		Jan 10					
11		Jan 11					
12		Jan 12					
13		Jan 13					
14		Jan 14					
15		Jan 15					
16		Jan 16					
17		Jan 17					
18		Jan 18					
19		Jan 19					
20		Jan 20					
21		Jan 21					
22		Jan 22					
23		Jan 23					
24		Jan 24					
25		Jan 25					
26		Jan 26					
27		Jan 27					
28		Jan 28					
29		Jan 29					
30		Jan 30					
31		Jan 31					
1999							
1		Feb 1					
2		Feb 2					
3		Feb 3					
4		Feb 4					
5		Feb 5					
6		Feb 6					
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8		Feb 8					
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1999							
1		Mar 1					
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16		Mar 16					
17		Mar 17					
18		Mar 18					
19		Mar 19					
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21		Mar 21					
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23		Mar 23					
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28		Mar 28					
29		Mar 29					
30		Mar 30					
31		Mar 31					
1999							
1		Apr 1					
2		Apr 2					
3		Apr 3					
4		Apr 4					
5		Apr 5					
6		Apr 6					
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8		Apr 8					
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22		Apr 22					
23		Apr 23					
24		Apr 24					
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28		Apr 28					
29		Apr 29					
30		Apr 30					
31		Apr 30					



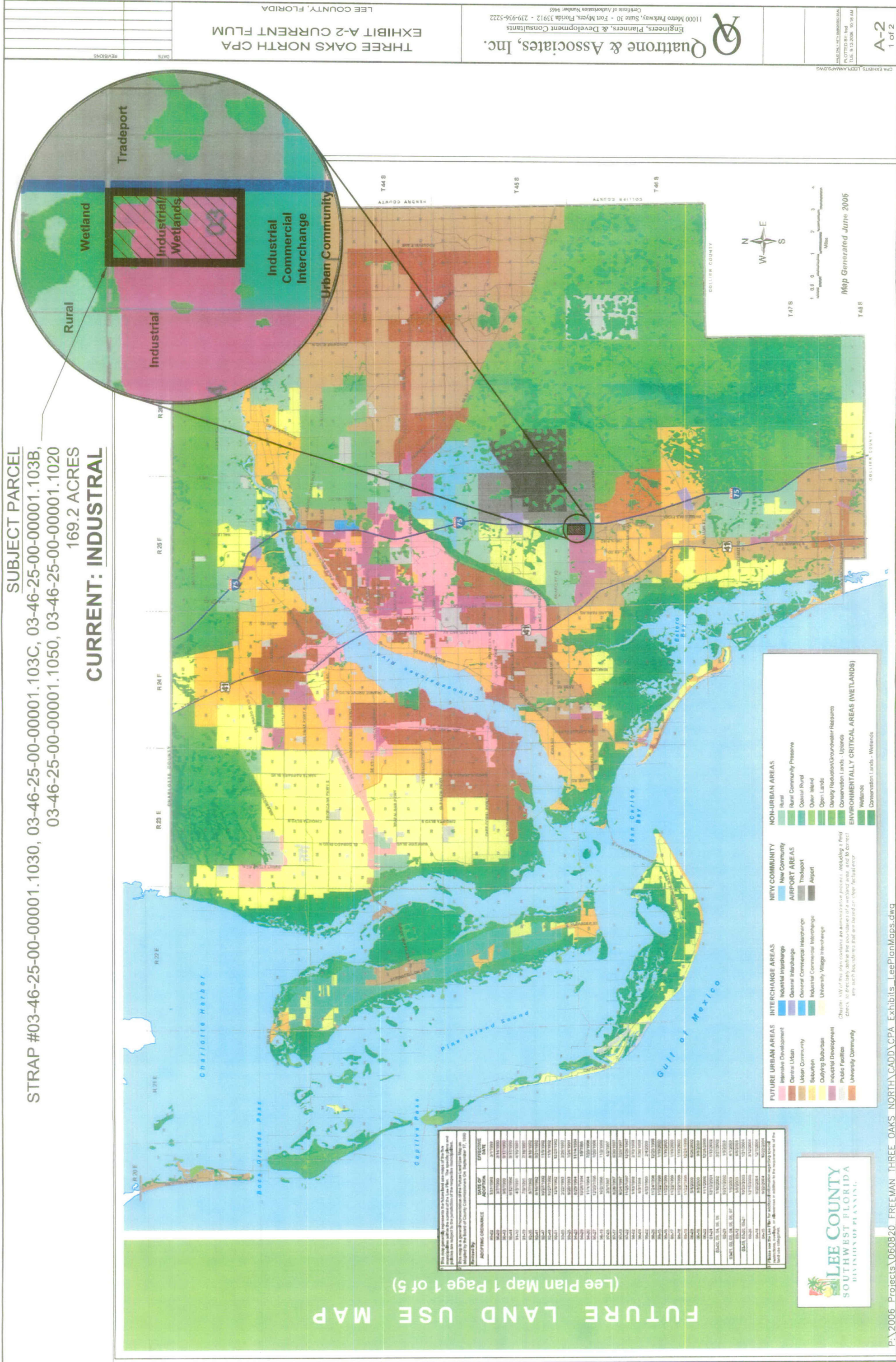
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STRAP #03-46-25-00-00001.1030, 03-46-25-00-00001.103C, 03-46-25-00-00001.103B,  
03-46-25-00-00001.1050, 03-46-25-00-00001.1020  
169.2 ACRES  
CURRENT: INDUSTRIAL

**CURRENT: INDUSTRIAL**





SUBJECT PARCEL  
STRAP #03-46-25-00-00001.1030, 03-46-25-00-00001.103C, 03-46-25-00-00001.103B,  
03-46-25-00-00001.1050, 03-46-25-00-00001.1020  
169.2 ACRES  
CURRENT: INDUSTRIAL



FUTURE LAND USE MAP  
(Lee Plan Map 1 Page 1 of 5)

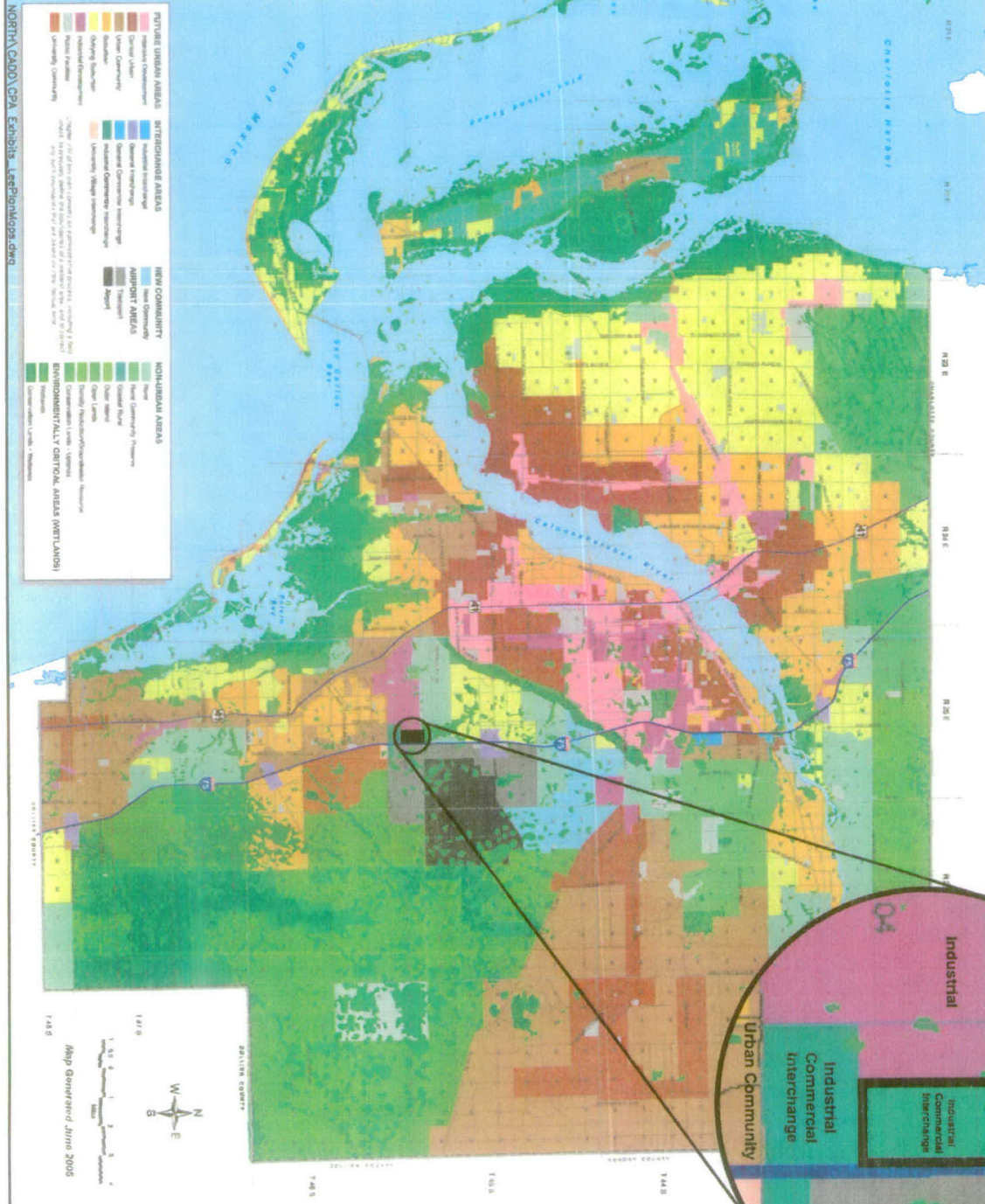
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4	1/1/2002	1/1/2002
5	1/1/2003	1/1/2003
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7	1/1/2005	1/1/2005
8	1/1/2006	1/1/2006
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20	1/1/2018	1/1/2018
21	1/1/2019	1/1/2019
22	1/1/2020	1/1/2020
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300	1/1/2298	1/1/2298
301	1/1/2299	1/1/2299





LEE COUNTY  
SOUTHWEST FLORIDA  
DIVISION OF PLANNING

DATE	DESCRIPTION	AMOUNT	BALANCE
10/1	10/1	10/1	10/1
10/2	10/2	10/2	10/2
10/3	10/3	10/3	10/3
10/4	10/4	10/4	10/4
10/5	10/5	10/5	10/5
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10/7	10/7	10/7	10/7
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10/11	10/11	10/11	10/11
10/12	10/12	10/12	10/12
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12/28	12/28	12/28	12/28
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SUBJECT PARCEL  
STRAP #03-46-25-00-00001.1030, 03-46-25-00-00001.103C, 03-46-25-00-00001.103B,  
03-46-25-00-00001.1050, 03-46-25-00-00001.1020  
169.2 ACRES  
PROPOSED: INDUSTRIAL COMMERCIAL INTERCHANGE

SUBJECT PARCEL

03-46-25-00-00001.1050, 03-46-25-00-00001.1020

169.2 ACRES

**PROPOSED: INDUSTRIAL COMMERCIAL INTERCHANGE**

DATE	REVISIONS

THREE OAKS NORTH CPA  
EXHIBIT A-2 PROPOSED FLUM

LEE COUNTY, FLORIDA



Quattrone & Associates, Inc.

11000 Metro Parkway, Suite 30 - Fort Myers, Florida 33912 - 239-936-5222  
Certificate of Authorization Number: 363

Certificate of Authorization Number: 9463

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A-2  
2 OF 2



(Lee Plan Map 1 Page 1 of 5)

ADOPTING DISCOUNT	DATES OF ADOPTION	EFFECTIVE DATE
04-02	03/1/1989	03/1/1989
04-03	03/1/1989	03/1/1989
04-04	03/1/1989	03/1/1989
04-05	03/1/1989	03/1/1989
04-06	03/1/1989	03/1/1989
04-07	03/1/1989	03/1/1989
04-08	03/1/1989	03/1/1989
04-09	03/1/1989	03/1/1989
04-10	03/1/1989	03/1/1989
04-11	03/1/1989	03/1/1989
04-12	03/1/1989	03/1/1989
04-13	03/1/1989	03/1/1989
04-14	03/1/1989	03/1/1989
04-15	03/1/1989	03/1/1989
04-16	03/1/1989	03/1/1989
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04-18	03/1/1989	03/1/1989
04-19	03/1/1989	03/1/1989
04-20	03/1/1989	03/1/1989
04-21	03/1/1989	03/1/1989
04-22	03/1/1989	03/1/1989
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04-25	03/1/1989	03/1/1989
04-26	03/1/1989	03/1/1989
04-27	03/1/1989	03/1/1989
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04-33	03/1/1989	03/1/1989
04-34	03/1/1989	03/1/1989
04-35	03/1/1989	03/1/1989
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04-93	03/1/1989	03/1/1989



LEE COUNTY  
SOUTHWEST FLORIDA  
DIVISION OF PLANNING

**FUTURE URBAN AREAS**

- Intensive Development
- Central Urban
- Urban Community
- Suburban
- Outlying Suburban
- Industrial Development
- Public Facilities
- University Community

**INTERCHANGE AREAS**

- Industrial Interchange
- General Interchange
- General Commercial Interchange
- Industrial Commercial Interchange
- University Village Interchange

**NEW COMMUNITY**

**AIRPORT AREAS**

- New Community
- Traieport
- Airport

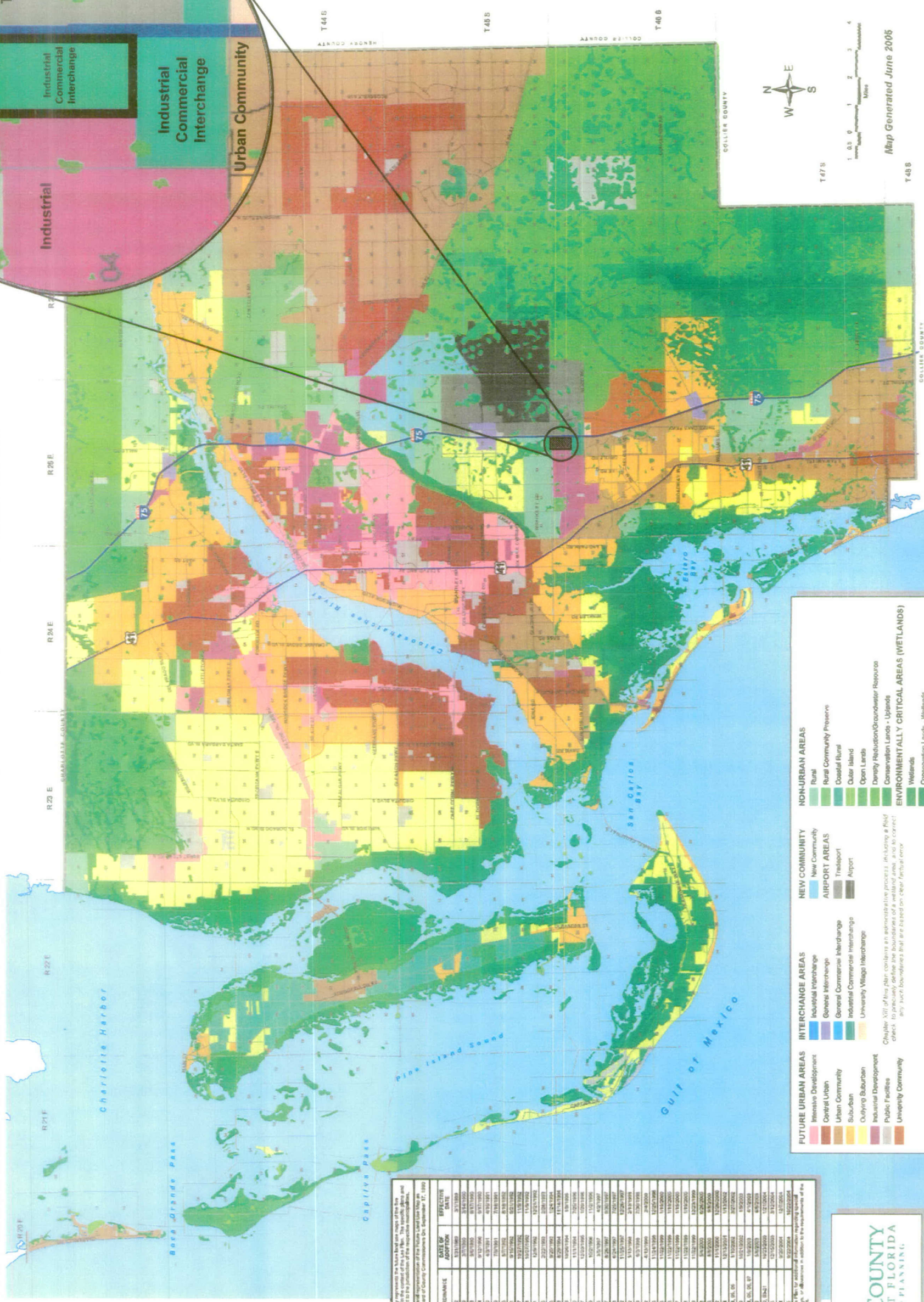
**NON-URBAN AREAS**

- Rural
- Rural Community Preserve
- Coastal Rural
- Outer Island
- Open Lands
- Density Reduction/Groundwater Resource
- Conservation Lands - Uplands

**ENVIRONMENTALLY CRITICAL AREAS (WETLANDS)**

- Wetlands
- Conservation Lands - Wetlands

*Chapter VIII of this plan contains an administrative process, including a field check, to precisely define the boundaries of a wetland area, and to correct any such boundaries that are based on prior cartular error.*



894

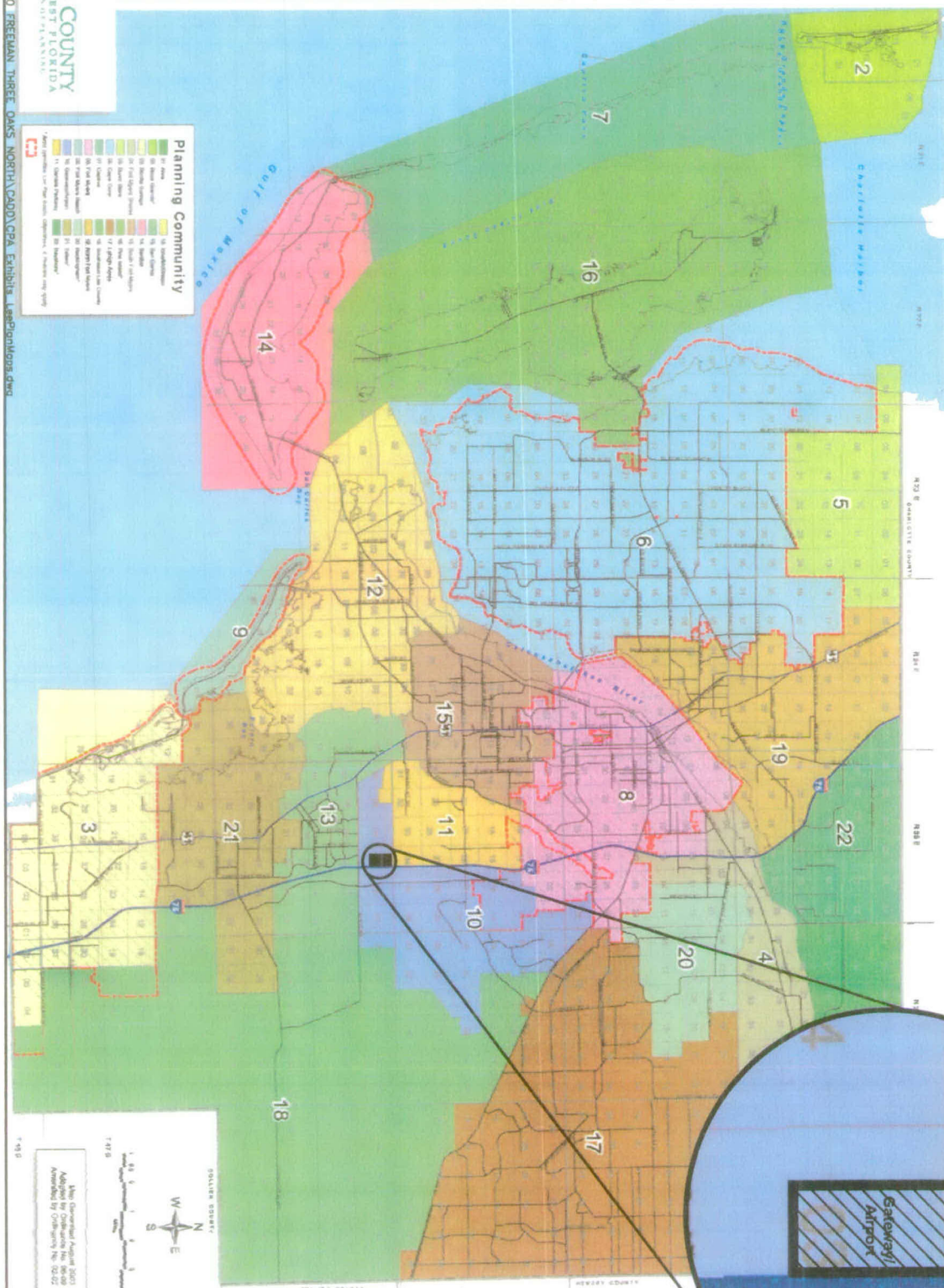
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LEE COUNTY  
SOUTHWEST FLORIDA  
RESISTANCE TO PLANNING

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03-46-25-00-00001.1050, 03-46-25-00-00001.1020  
169.2 ACRES  
CURRENT: GATEWAY/AIRPORT

**CURRENT: GATEWAY/AIRPORT**

169.2 ACRES

Daniels Parkway

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REVISIONS

DATE

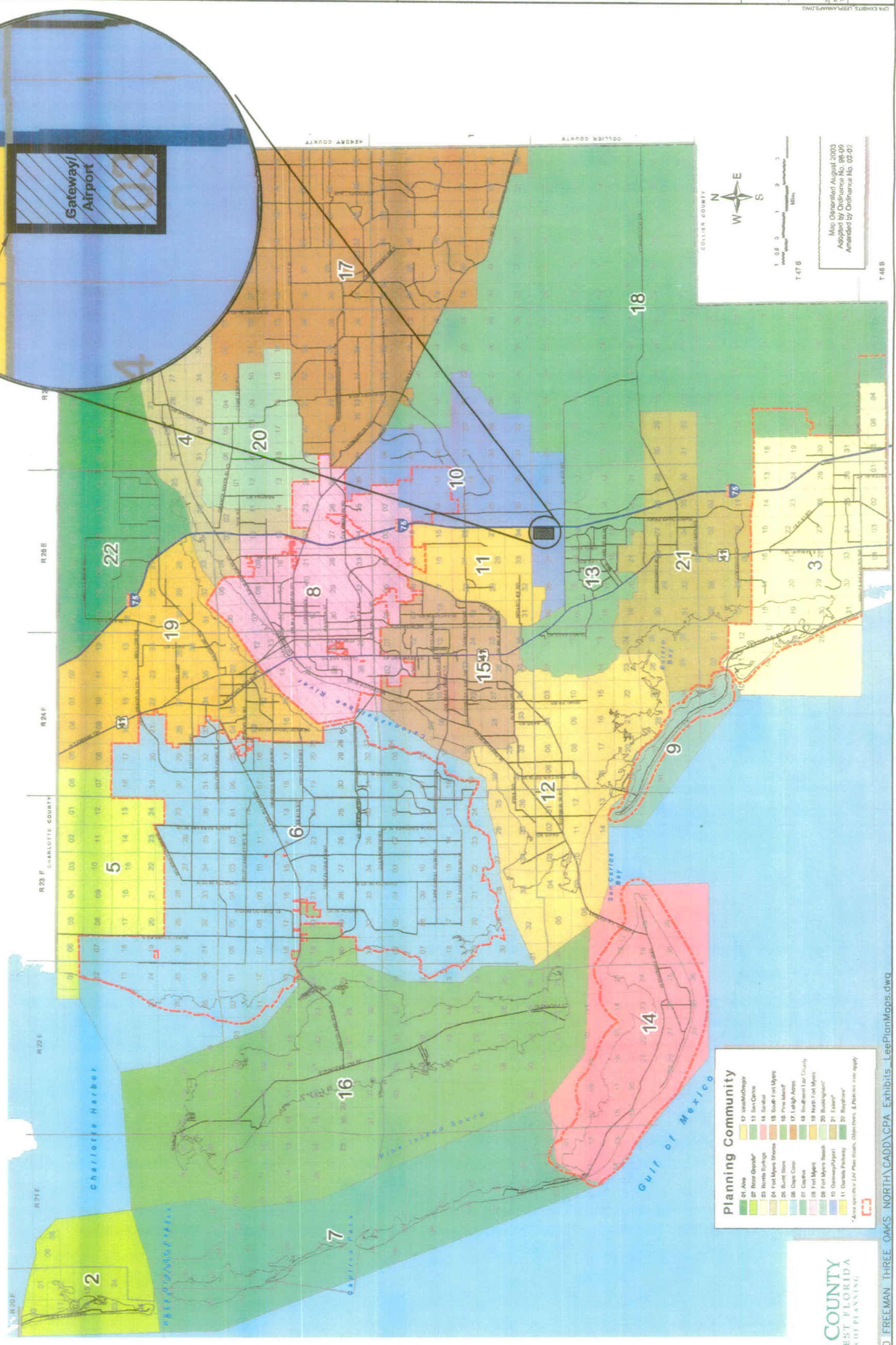
THREE OAKS NORTH CPA  
EXHIBIT A-2a: EXISTING PLANNING COMMUNITIES

LEE COUNTY, FLORIDA

**Quattrone & Associates, Inc.**  
Engineers, Planners, & Development Consultants  
11600 Metro Parkway, Suite 30 - Fort Myers, Florida 33912 - 239-936-5222  
Certificate of Authorization Number: 9445

A-2a







RPD  
(Fiddlesticks CC)  
Daniels Parkway  
RURAL FLUM  
Single-Family Housing

AG-2  
Pending Rezoning to IPD  
(Three Oaks Commerce Park)  
Gateway/Airport  
INDUSTRIAL FLUM  
VACANT

AG-2  
Gateway/Airport  
INDUSTRIAL FLUM  
VACANT

AG-2  
Gateway/Airport  
INDUSTRIAL FLUM  
VACANT

AG-2  
Gateway/Airport  
INDUSTRIAL FLUM  
VACANT

AG-2  
Gateway/Airport  
INDUSTRIAL FLUM  
VACANT

AG-2  
Daniels Parkway  
RURAL WETLANDS  
VACANT

AG-2  
Gateway/Airport  
INDUSTRIAL WETLANDS FLUM  
VACANT

SUBJECT PARCELS  
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03-46-25-00-0001, 1050,  
03-46-25-00-0001, 1050,  
169 ACRES

CPD  
Z-03-017  
(Alco Creosote Center CPD)  
Gateway/Airport  
INDUSTRIAL COMMERCIAL INTERCHANGE FLUM  
VACANT

AG-2  
Gateway/Airport  
TRADEPORT  
VACANT

MPD  
Z-05-029  
(Airport Interstate Commerce Park)  
Gateway/Airport  
TRADEPORT FLUM  
VACANT/UNDER DEVELOPMENT

I-75



**Quattrone & Associates, Inc.**  
Engineers, Planners, & Development Consultants  
11600 Metro Parkway, Suite 30 - Fort Myers, Florida 33912 - 239-936-5222  
Certificate of Accreditation Number: 9883

**THREE OAKS NORTH CPA**  
EXHIBIT A-3 & A-4 : EXISTING ZONING & LAND USES

LEE COUNTY, FLORIDA

DATE	REVISION

CPD  
Z-03-017  
(Alco Creosote Center CPD)  
Gateway/Airport  
INDUSTRIAL COMMERCIAL INTERCHANGE FLUM  
VACANT



RPD  
(Fiddlesticks CC)  
Daniels Parkway  
RURAL FLUM  
Single-Family Housing

AG-2  
Pending Rezone to IPD  
(Three Oaks Commerce Park)  
Gateway/Airport  
INDUSTRIAL FLUM  
VACANT

AG-2  
Gateway/Airport  
INDUSTRIAL FLUM  
VACANT

AG-2  
Gateway/Airport  
INDUSTRIAL FLUM  
VACANT

AG-2  
Gateway/Airport  
INDUSTRIAL FLUM  
VACANT

AG-2  
Gateway/Airport  
INDUSTRIAL FLUM  
VACANT

AG-2  
Daniels Parkway  
RURAL/WETLANDS  
VACANT

AG-2  
Gateway/Airport  
INDUSTRIAL/WETLANDS FLUM  
VACANT

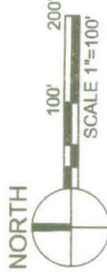
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03-46-25-00-000001.1020  
169 ACRES

MPD  
Z-050-029  
(Airport Interstate Commerce Park)  
Gateway/Airport  
TRADEPORT FLUM  
VACANT/UNDER DEVELOPMENT

AG-2  
Gateway/Airport  
TRADEPORT  
VACANT

I-75

CPD  
Z-03-017  
(Alco Crostroads Center CPD)  
Gateway/Airport  
INDUSTRIAL COMMERCIAL INTERCHANGE FLUM  
VACANT



**Quattrone & Associates, Inc.**  
Engineers, Planners, & Development Consultants  
11000 Metro Parkway, Suite 30 - Fort Myers, Florida 33912 - 239-936-5222  
Certificate of Authorization Number: 9465

THREE OAKS NORTH CPA  
EXHIBIT A-3 & A-4 : EXISTING ZONING & LAND USES  
LEE COUNTY, FLORIDA

CPA EXHIBITS: AERIAL SALES/DRAWN  
PLOTTED BY: NAI  
PNC: 6-14-2006 12:58 PM  
A-3 & A-4





PROJECT: 100' x 100'  
 DATE: 10/1/2000  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]  
 APPROVED BY: [Name]  
 SCALE: 1"=200'  
 TOTAL AREA: 100' x 100' = 10,000 sq. ft.  
 TOTAL PERIMETER: 400'



A-7

**Quattrone & Associates, Inc.**  
 Engineers, Planners, & Development Consultants  
 11000 Metro Parkway, Suite 30 - Fort Myers, Florida 33912 - 239-936-5222  
 Certificate of Authorization Number: 9468

THREE OAKS NORTH CPA  
 EXHIBIT A-7 PROJECT AERIAL

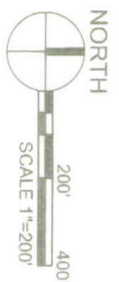
LEE COUNTY, FLORIDA

DATE	REVISION



PA1000 Project:060020 FREEMAN THREE OAKS NORTH CPA EXHIBIT A-7

PROJECT ACREAGE	
Preserve open space and 1/5 Borrow Pit (existing):	169.20 AC (100%)
Developable:	33.80 AC (20.0%)
Pavement:	13.2 AC (39.1%)
Building:	61.94 AC (36.6%)
Open Space:	30.55 AC (18.3%)
Three Oaks ROW:	5.71 AC (3.4%)
3.27 AC (1.9%)	
TOTAL IMPERVIOUS (building and pavement):	96.16 AC (56.6%)



CPA EXHIBITS, AERIALS-MCP DWN  
A-7



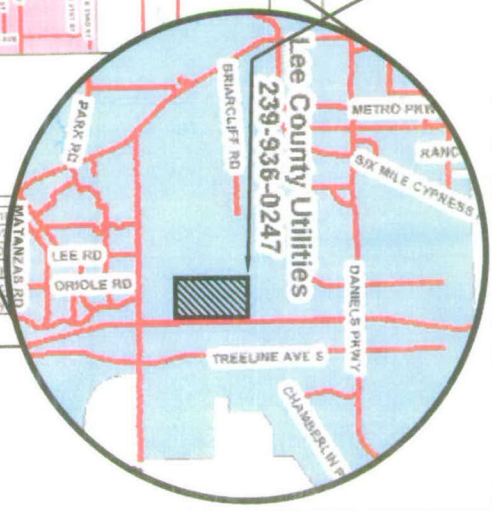
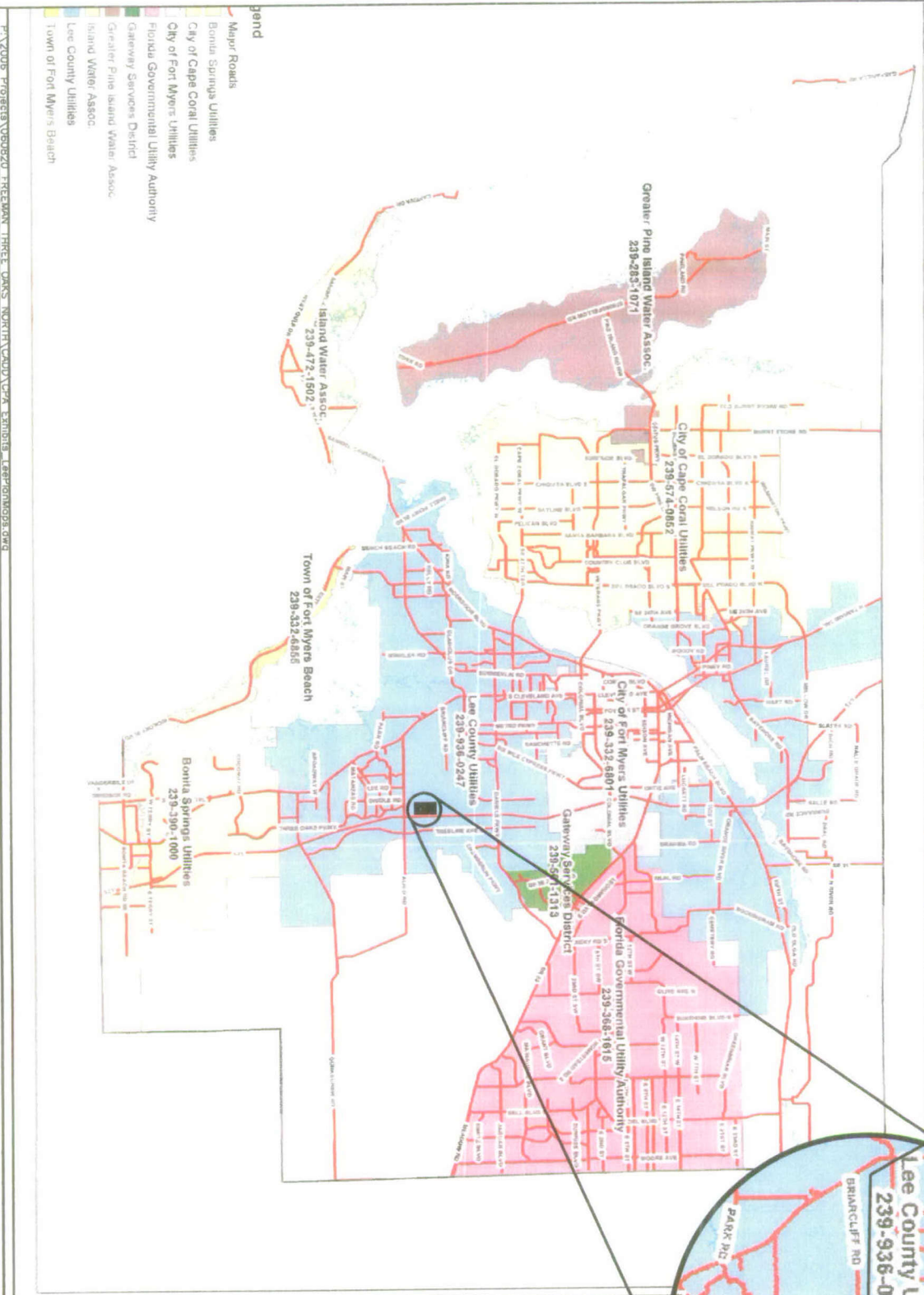
**Quattrone & Associates, Inc.**  
Engineers, Planners, & Development Consultants  
11000 Metro Parkway, Suite 30 - Fort Myers, Florida 33912 - 239-936-5222  
Certificate of Authorization Number: 9465

**THREE OAKS NORTH CPA**  
**EXHIBIT A-7 PROJECT AERIAL**  
  
LEE COUNTY, FLORIDA

DATE	REVISIONS



**SUBJECT PARCEL**  
 STRAP #03-46-25-00-00001.1030, 03-46-25-00-00001.103C, 03-46-25-00-00001.103B,  
 03-46-25-00-00001.1050, 03-46-25-00-00001.1020  
 169.2 ACRES  
**LEE COUNTY UTILITIES**



**Lee County Utilities**  
Water Franchise Areas  
Lee County, Florida

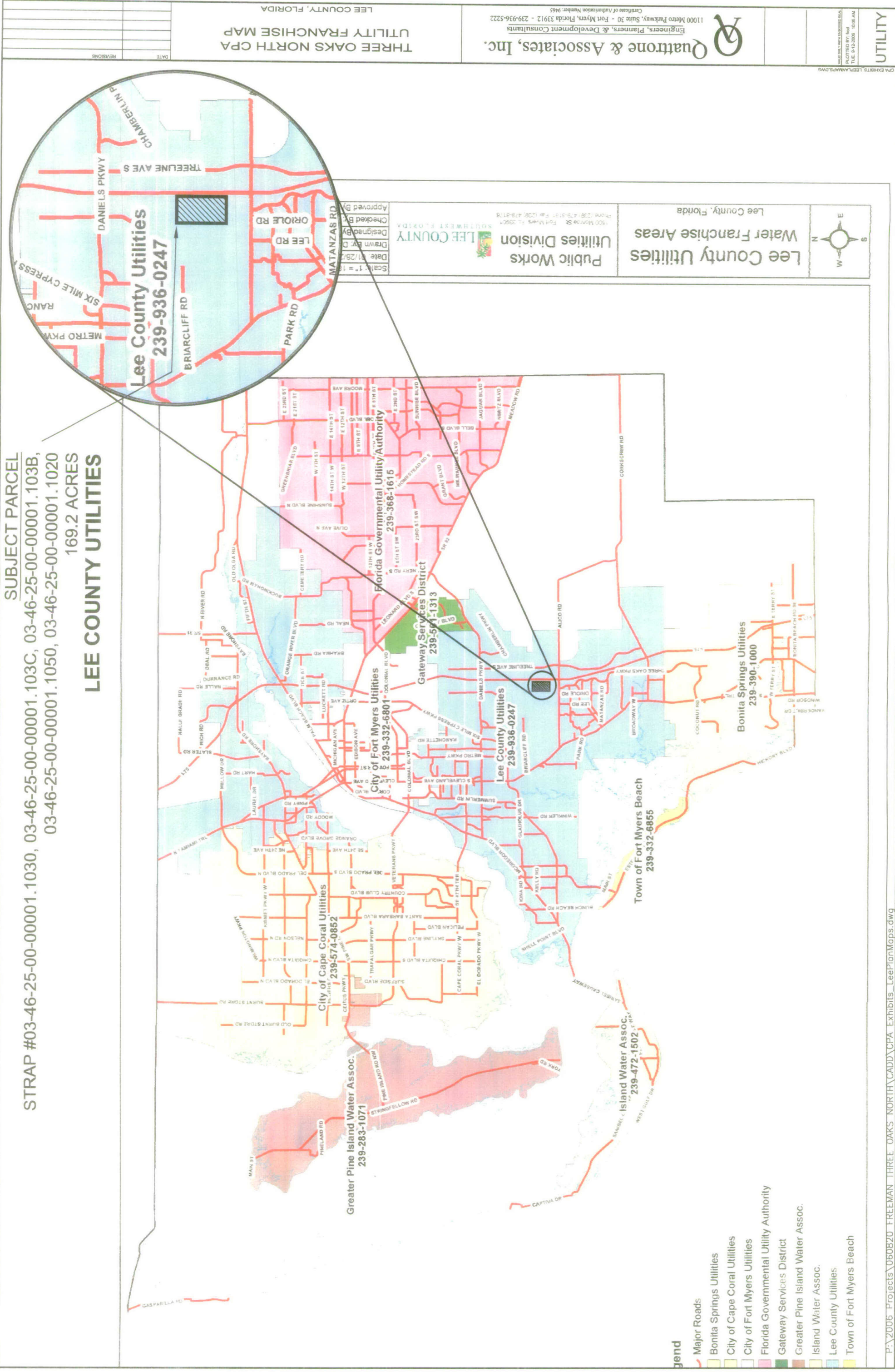
**Public Works**  
Utilities Division

**LEE COUNTY**  
FLORIDA

11000 Metro Parkway, Suite 30 • Fort Myers, Florida 33912 • 239-936-5222  
 Phone: 239-936-5222 Fax: 239-936-5222

Scale: 1" = 1/2 mile  
 Date: 11/20/05  
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 Checked by: [blank]  
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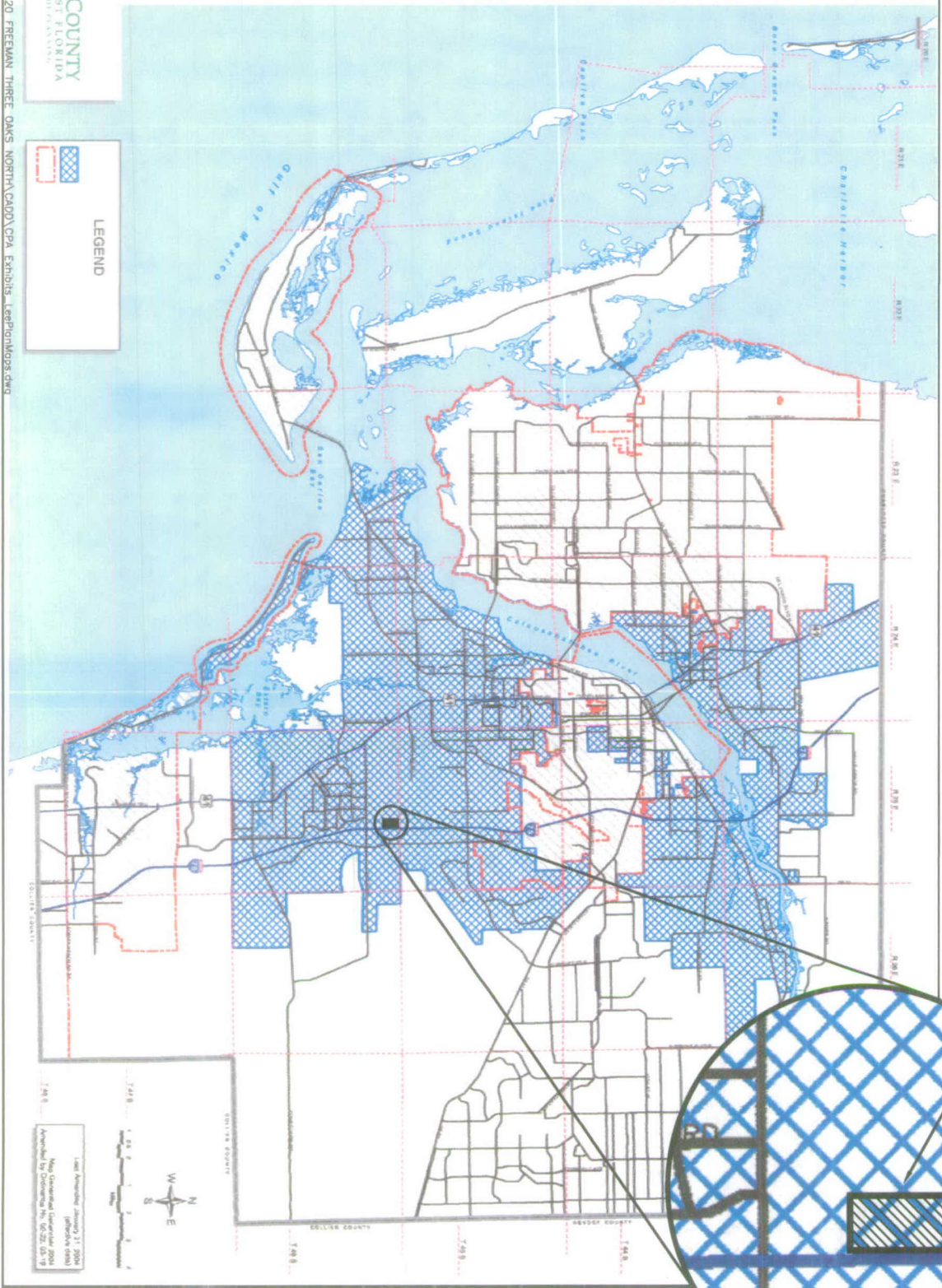




# LEE COUNTY UTILITIES FUTURE WATER SERVICE AREAS (Lee Plan Map 6)



P:\2006 Projects\060820 FREEMAN THREE OAKS NORTH\CPA\CPA Exhibit - LeePlanMap6.dwg



**SUBJECT PARCELS**  
STRAP #03-46-25-00-00001.1030, 03-46-25-00-00001.103C,  
03-46-25-00-00001.103B, 03-46-25-00-00001.1050,  
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169.2 ACRES

Map Approved January 21, 2004  
Map Generated (Computer) 2004  
Approved by Christine M. W. 02.03.04

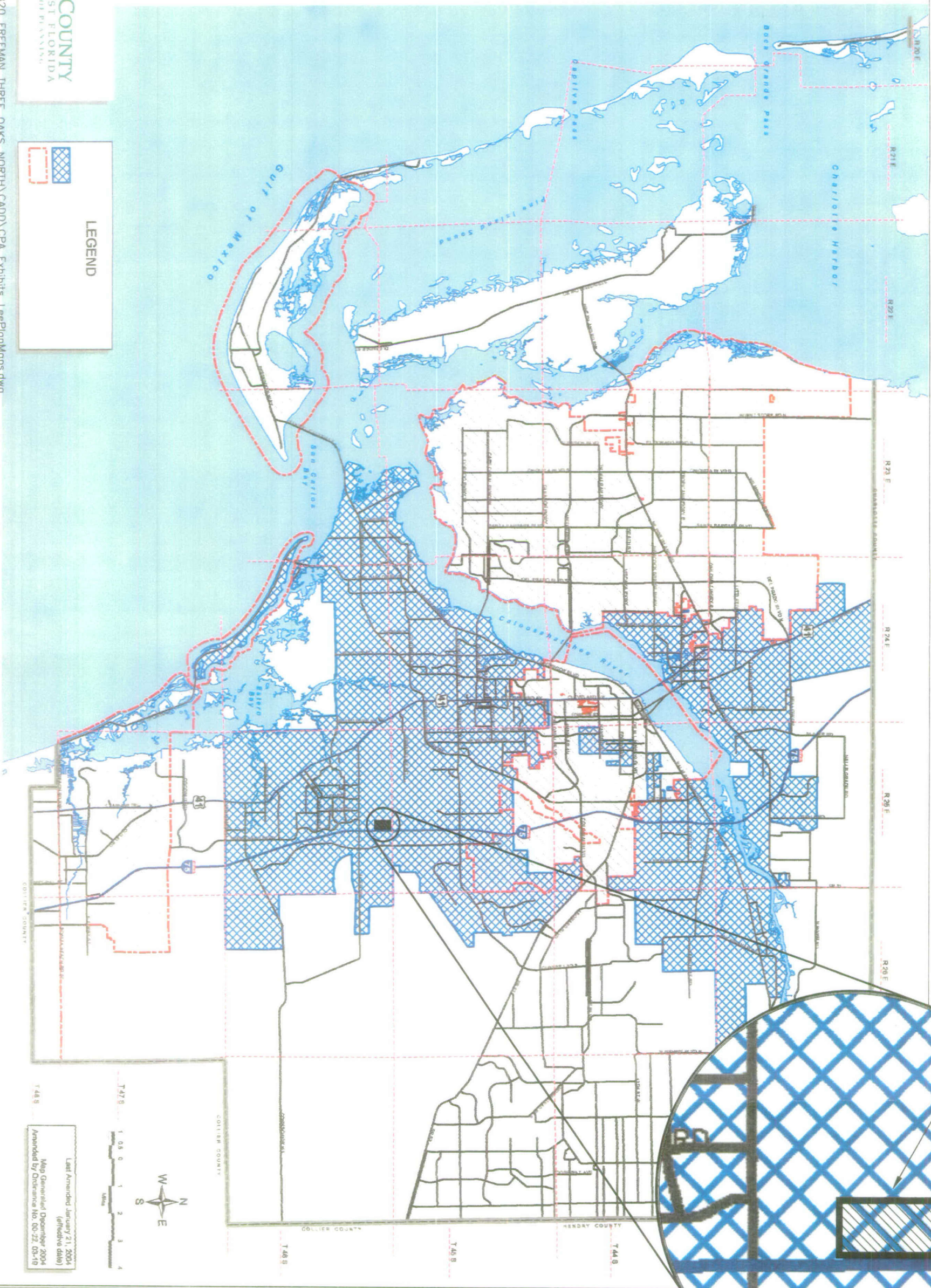
DATE	REVISION



LEE COUNTY UTILITIES  
FUTURE WATER SERVICE AREAS  
(Lee Plan Map 6)



LEGEND



SUBJECT PARCELS  
STRAP #03-46-25-00-00001.1030, 03-46-25-00-00001.103C,  
03-46-25-00-00001.103B, 03-46-25-00-00001.1050,  
03-46-25-00-00001.1020  
169.2 ACRES



Last Amended January 21, 2004  
Map Generated December 2004  
Amended by Ordinance No. 00-22, 03-19

CPA EXHIBITS - LEEPLANMAPS.DWG

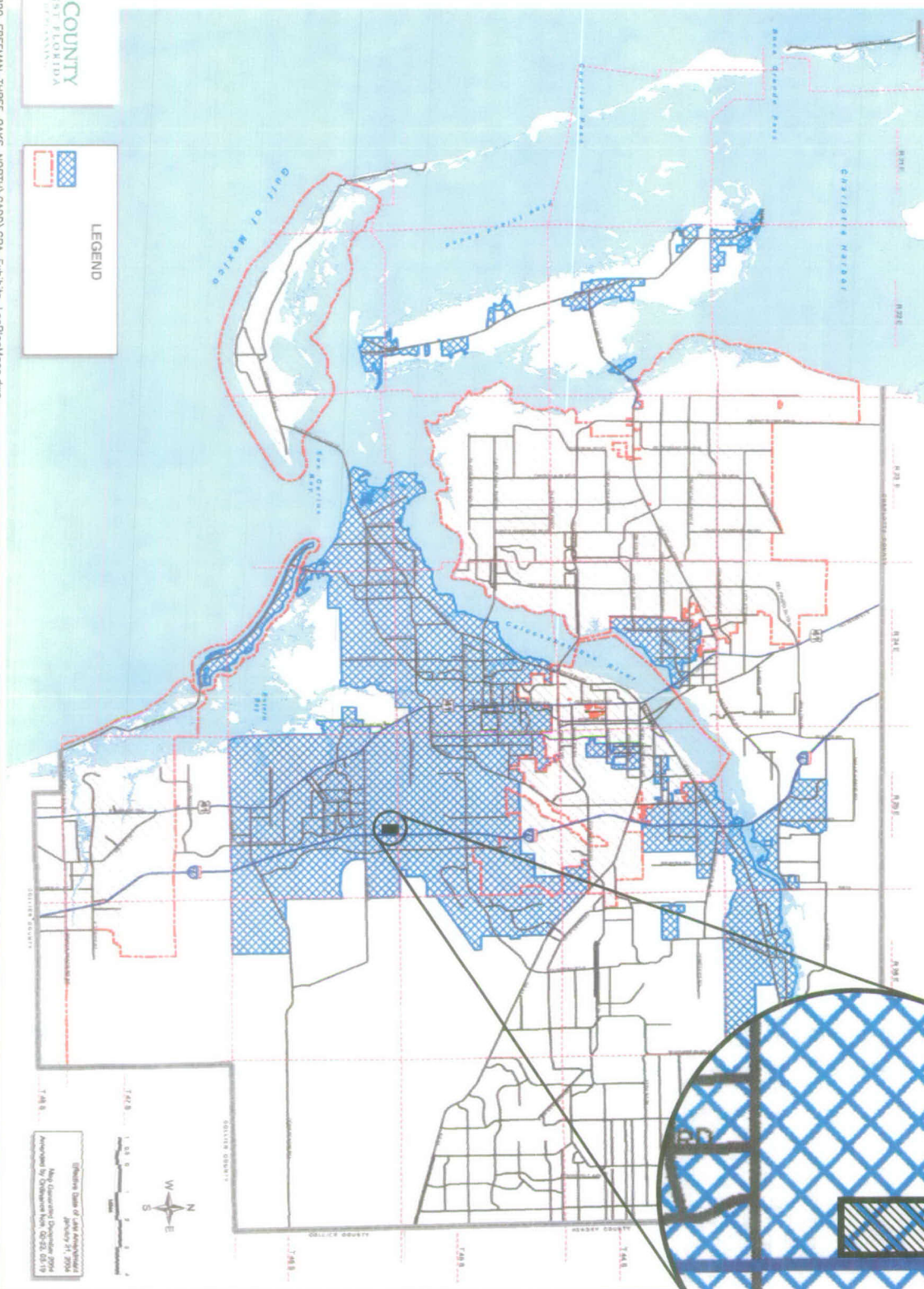
DATE	REVISIONS



# LEE COUNTY UTILITIES FUTURE SEWER SERVICE AREAS (Lee Plan Map 7)



LEGEND



Division Chief of Lee County  
Map Department  
January 11, 2004  
Approved by Department Head, 03-00-0001

**SUBJECT PARCELS**  
STRAP #03-46-25-00-00001.1030, 03-46-25-00-00001.103C,  
03-46-25-00-00001.103B, 03-46-25-00-00001.1050,  
03-46-25-00-00001.1020  
169.2 ACRES

CPM EXHIBIT 1 (2004) 0000000000

1 of 1



**Quattrone & Associates, Inc.**  
Engineers, Planners, & Development Consultants  
11000 Metro Parkway, Suite 30 - Fort Myers, Florida 33912 - 239-936-5222  
Certificate of Authorization Number 9465

**THREE OAKS NORTH CPA  
EXHIBIT - FUTURE SEWER SERVICE**  
LEE COUNTY, FLORIDA

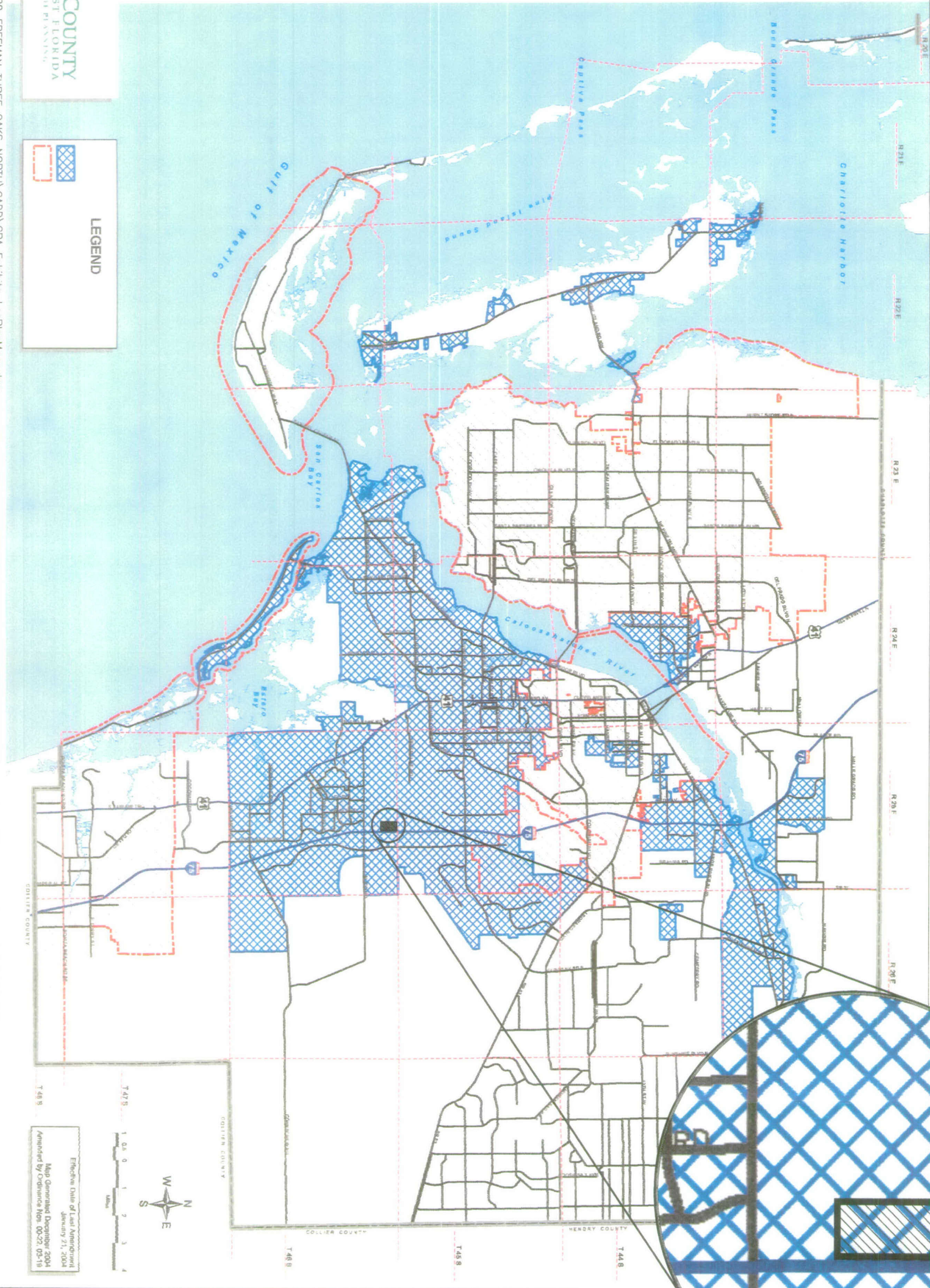
DATE	REVISIONS



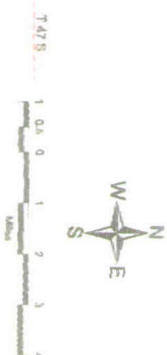
LEE COUNTY UTILITIES  
FUTURE SEWER SERVICE AREAS  
(Lee Plan Map 7)



LEGEND



SUBJECT PARCELS  
STRAP #03-46-25-00-00001.1030, 03-46-25-00-00001.103C,  
03-46-25-00-00001.103B, 03-46-25-00-00001.1050,  
03-46-25-00-00001.1020  
169.2 ACRES



Effective Date of Last Amendment  
January 21, 2004  
Map Generated December 2004  
Amended by Ordinance No. 00-22, 03-19



Quattrone & Associates, Inc.  
Engineers, Planners, & Development Consultants  
11000 Metro Parkway, Suite 30 - Fort Myers, Florida 33912 - 239-936-5222  
Certificate of Authorization Number: 9465

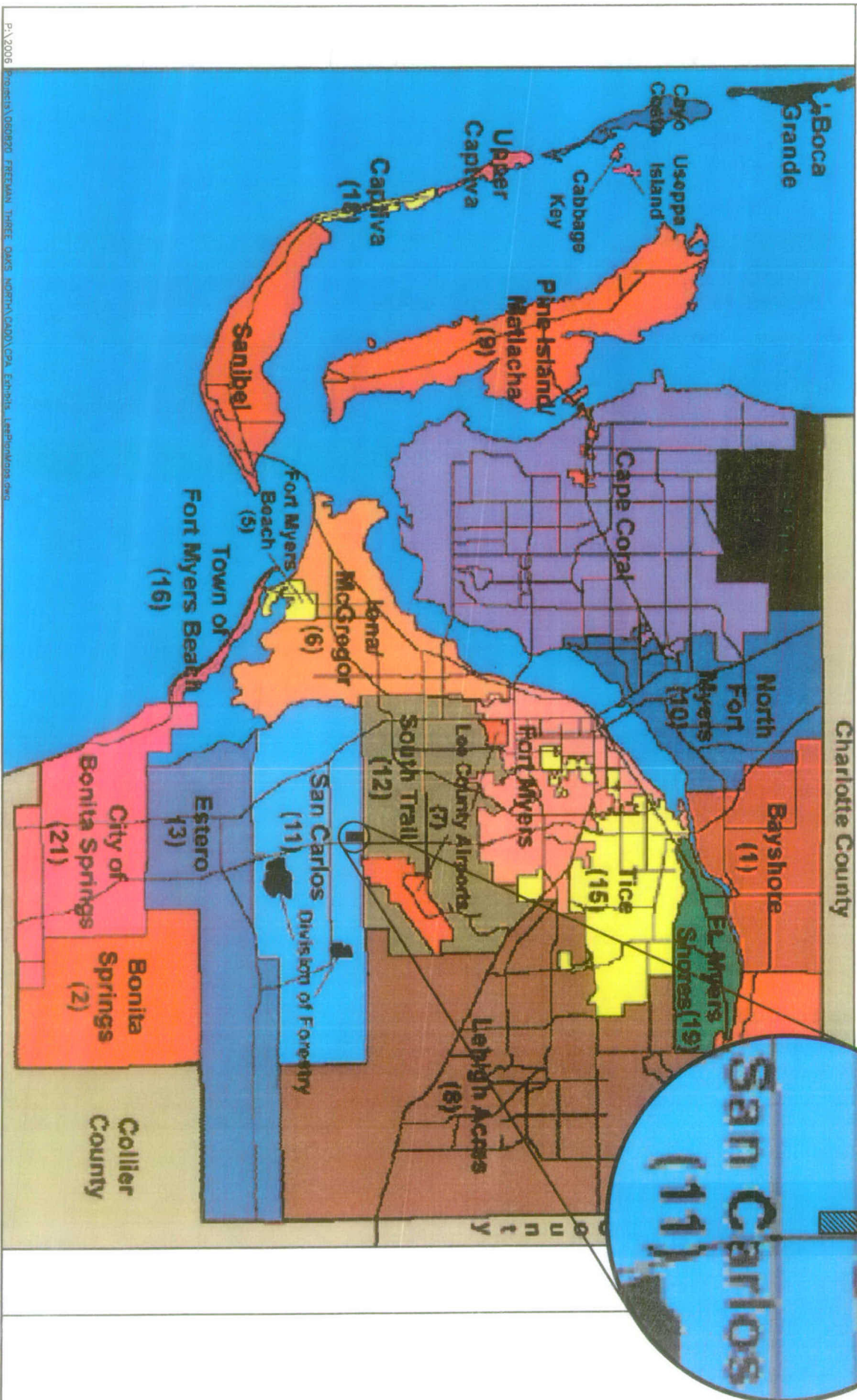
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EXHIBIT - FUTURE SEWER SERVICE

LEE COUNTY, FLORIDA

DATE	REVISIONS



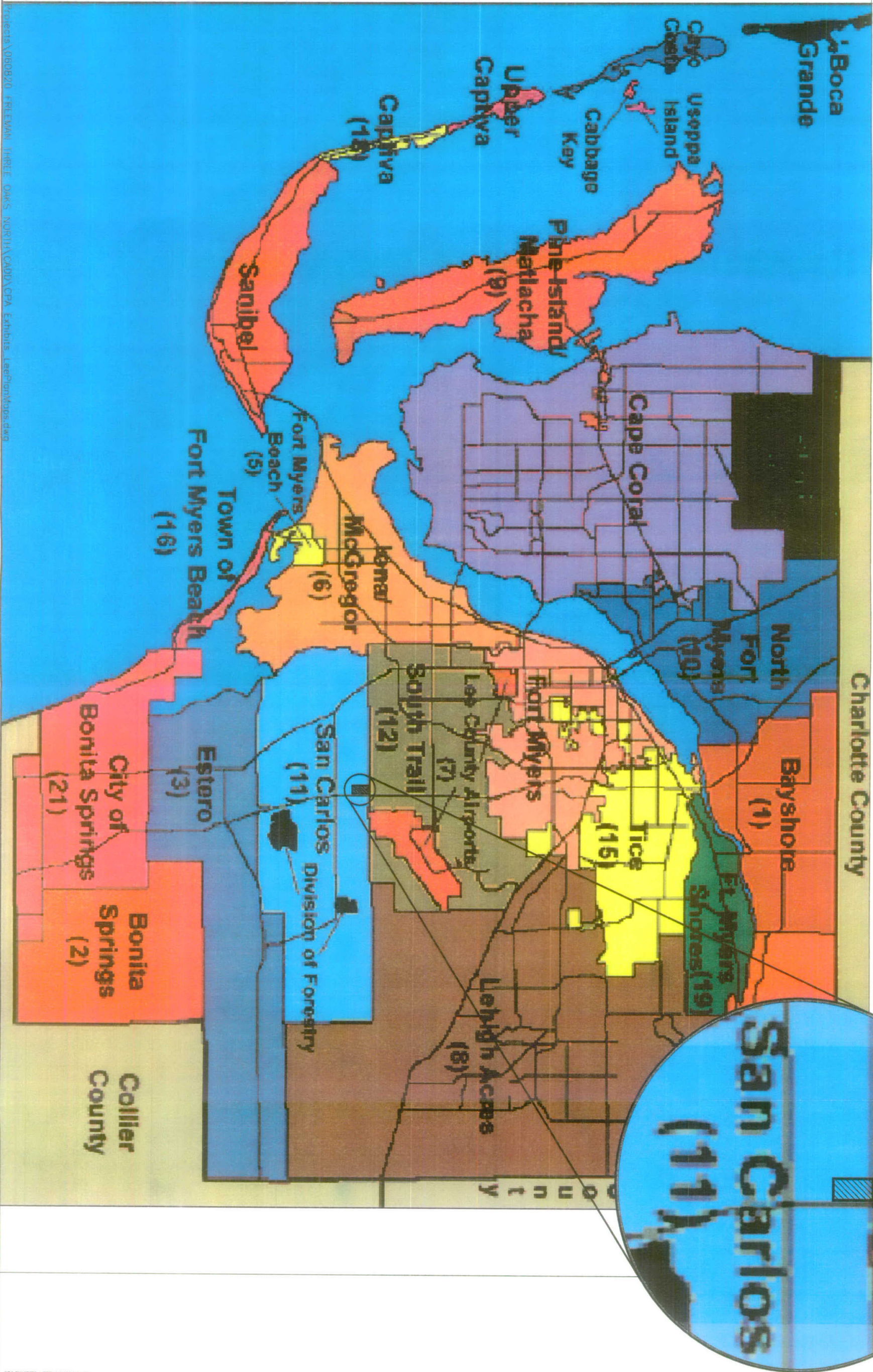
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 169.2 ACRES



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SUBJECT PARCELS  
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169.2 ACRES



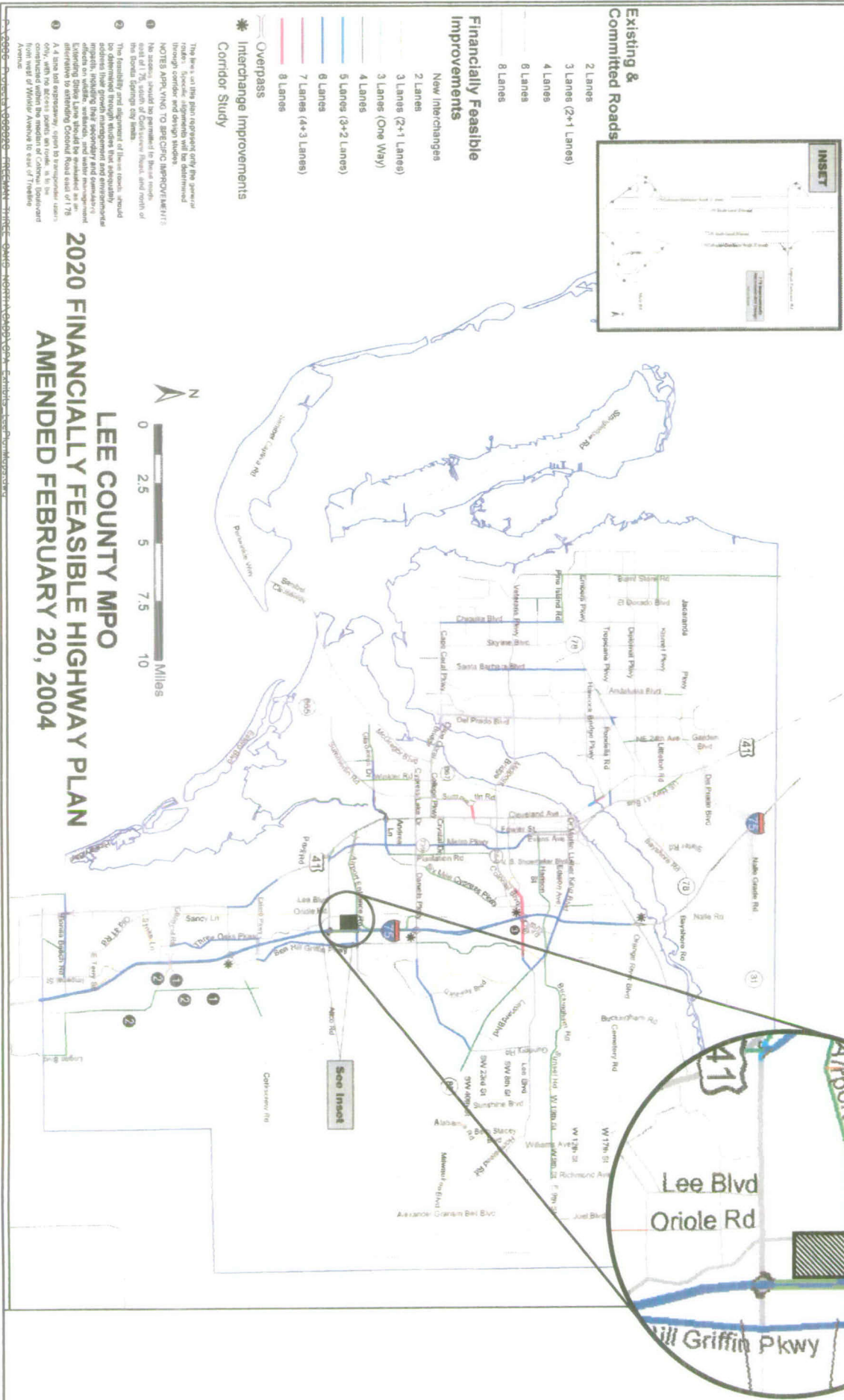
DATE	REVISIONS

THREE OAKS NORTH CPA  
EXHIBIT - FIRE DISTRICTS  
LEE COUNTY, FLORIDA

**Quattrone & Associates, Inc.**  
Engineers, Planners, & Development Consultants  
11000 Metro Parkway, Suite 30 • Fort Myers, Florida 33912 • 239-936-5222  
Certificate of Authorization Number: 9465



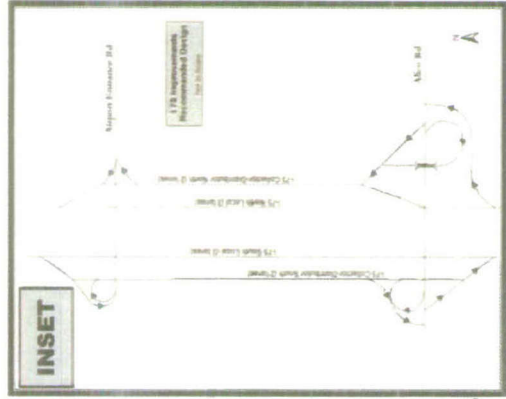
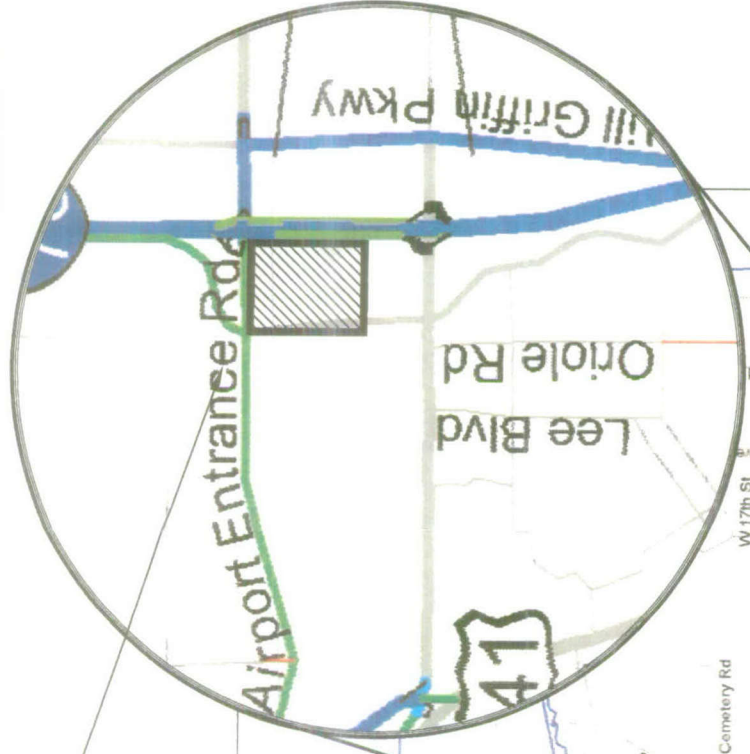
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 03-46-25-00-00001.1020  
 169.2 ACRES



**LEE COUNTY MPO  
 2020 FINANCIALLY FEASIBLE HIGHWAY PLAN  
 AMENDED FEBRUARY 20, 2004**



STRAP #03-46-25-00-00001.1030, 03-46-25-00-00001.103C,  
03-46-25-00-00001.103B, 03-46-25-00-00001.1050,  
03-46-25-00-00001.1020  
169.2 ACRES



### Existing & Committed Roads

- 2 Lanes
- 3 Lanes (2+1 Lanes)
- 4 Lanes
- 6 Lanes
- 8 Lanes

### Financially Feasible Improvements

- New Interchanges
- 2 Lanes
- 3 Lanes (2+1 Lanes)
- 3 Lanes (One Way)
- 4 Lanes
- 5 Lanes (3+2 Lanes)
- 6 Lanes
- 7 Lanes (4+3 Lanes)
- 8 Lanes

- Overpass
- Interchange Improvements
- Corridor Study

The lines on this plan represent only the general routes. Specific alignments will be determined through corridor and design studies.

**NOTES APPLYING TO SPECIFIC IMPROVEMENTS**  
1 No access should be permitted to these roads east of I 75, south of Corkscrew Road, and north of the Bonita Springs city limits.

2 The feasibility and alignment of these roads should be determined through studies that adequately address their growth management and environmental impacts, including their secondary and cumulative effects on wildlife, wetlands, and water management. Extending Strike Lane should be evaluated as an alternative to extending Coconut Road east of I 75.

3 A 4 lane toll expressway, open to transponder users only, with no access points on route, is to be constructed within the median of Colonial Boulevard from west of Winkler Avenue to east of Treeline Avenue.



## LEE COUNTY MPO 2020 FINANCIALLY FEASIBLE HIGHWAY PLAN AMENDED FEBRUARY 20, 2004

THREE OAKS NORTH CPA  
EXHIBIT - 2020 Financially Feasible Network  
LEE COUNTY, FLORIDA

Quattrone & Associates, Inc.  
Engineers, Planners, & Development Consultants  
1100 Metro Parkway, Suite 30 - Fort Myers, Florida 33912 - 239-936-5222  
Certificate of Authorization Number 9465

CPA EXHIBITS LEETPA\AMAP3.DWG  
PLOTTED BY: RJD  
FILE: 5-12-2003 12:00 PM



**LEE COUNTY  
DIVISION OF PLANNING  
STAFF REPORT FOR  
COMPREHENSIVE PLAN AMENDMENT  
CPA2005-05**

☐

Text Amendment

☒

Map Amendment

This Document Contains the Following Reviews:	
✓	Staff Review
	Local Planning Agency Review and Recommendation
	Board of County Commissioners Hearing for Transmittal
	Staff Response to the DCA Objections, Recommendations, and Comments (ORC) Report
	Board of County Commissioners Hearing for Adoption

STAFF REPORT PREPARATION DATE: November 14, 2006

**PART I - BACKGROUND AND STAFF RECOMMENDATION**

**A. SUMMARY OF APPLICATION**

**1. APPLICANT/REPRESENTATIVE:**

Paul H. Freeman, Trustee represented by Quattrone and Associates, Inc.

**2. REQUEST:** Amend the Lee Plan's Future Land Use Map series for 169.2± acres in northwest quadrant of I-75 and Alico Road. Section 3, Township 46 South, Range 25 East, Lee County, Florida, lying west of I-75 from Industrial Development and Wetlands to Industrial Commercial Interchange and Wetlands.

**3. REVISED REQUEST:** Amend the Lee Plan's Future Land Use Map series for 82.86± acres in northwest quadrant of I-75 and Alico Road. Section 3, Township 46 South, Range 25 East, Lee County, Florida, lying west of I-75 from Industrial Development and Wetlands to Industrial Commercial Interchange and Wetlands.

## **B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY**

**1. RECOMMENDATION:** Planning staff recommends that the Board of County Commissioners **not** transmit the proposed amendment to the Lee Plan to the Department of Community Affairs.

### **2. BASIS AND RECOMMENDED FINDINGS OF FACT:**

- Alico Road from US 41 to I-75 is projected to fail by 2030, based on the network contained in the Financially Feasible Plan.
- The change is not a "spot" redesignation of the Industrial Commercial Interchange category and does not create an isolated island of the Industrial Development category.
- The change will improve on the ability to maintain a diverse economy.
- The change may help to facilitate a working partnership with the Florida Gulf Coast University.
- The change will not impact the population accommodation of the adopted Lee Plan Future Land Use Map.

## **C. BACKGROUND INFORMATION**

### **1. EXISTING CONDITIONS:**

**SIZE OF PROPERTY:** 82.86 acres (4.522 wetland acres)

**PROPERTY LOCATION:** The property is generally located north of Alico Road, West of Interstate 75, east of the proposed Three Oaks Parkway extension.

**EXISTING USE OF LAND:** The applicant has provided information that the subject property is currently use is "vacant/agriculture".

**CURRENT ZONING:** The property is currently zoned AG-2.

**CURRENT FUTURE LAND USE CATEGORY:** The subject property is designated Industrial Development and Wetlands.

### **2. BACKGROUND DISCUSSION:**

The applicant is requesting a change in the property's future land use category from Industrial Development to Industrial Commercial Interchange to allow the creation of "a commercial office, retail and recreation center, a dedication to FGCU to anchor a proposed research park and to expand off campus functions, and a light industrial park that is sensitive to and compatible with the abutting areas with a sensitivity to this highly visible Interstate Corridor Location."

The application states: "The change would allow the property to increase the permitted commercial and office building uses for a comprehensive business park and increase the usefulness for FGCU, to anchor a proposed research park and to expand off campus functions onto land the applicant intends to donate."

## **PART II - STAFF ANALYSIS**

### **A. STAFF DISCUSSION**

#### **INTRODUCTION**

The proposed amendment is the result of a desire to expand the allowable uses of the property from the limited commercial and office uses allowed in the Industrial Development future land use category to allow greater flexibility of those uses. The property fronts on Interstate - 75 and has a high visibility.

#### **COMPREHENSIVE PLAN BACKGROUND**

In 1984 the property was designated as Industrial Development. The property to the north was designated Rural. In 1996 staff proposed changing the property to the north from Rural to Industrial Development. That change was approved by the Board of County Commissioners. The adjacent properties to the south were also designated Industrial Development. During the 1994 Evaluation and Appraisal amendments the Industrial Commercial Interchange located along Alico Road was expanded to the north and now is contiguous to the subject property. The request would therefore be a further expansion to the north of the interchange use.

#### **SURROUNDING ZONING, LAND USES, AND FUTURE LAND USE DESIGNATION**

The application states:

North of subject parcel is zoned AG-2

South of subject parcel is zoned CPD

East of subject parcel is zoned MPD

West of subject parcel is zoned AG-2 and pending IPD

#### **TRANSPORTATION/TRAFFIC CIRCULATION IMPACTS**

The Lee County Department of Transportation has review this proposal and sent a memorandum to the Director of Planning. The text of that October 25, 2006 memo follows:

"The Department of Transportation has reviewed the above-referenced privately-initiated future land use map plan amendment, to change 169.2 acres north of Alico Road

and west of I-75 from the "Industrial" to "Industrial Commercial Interchange" land use category. As indicated in an October 11<sup>th</sup> e-mail from your staff, the new designation would allow a maximum of 1,692,000 square feet of commercial retail use as a worst case scenario assuming development of the full 169.2 acres, and about 1,152,000 square feet of commercial retail use based on only 93 developable acres on the site. We have run the 2030 Financially Feasible Plan FSUTMS travel demand model for three scenarios: (1) no project; (2) with the project (1,152,000 square feet of commercial); and (3) with the maximum allowable (1,692,000 square feet of commercial).

Under all three scenarios, the six lane section of Alico Road from US 41 to I-75 is projected to fail by 2030, based on the network contained in the Financially Feasible Plan. There is an improvement contemplated in the 2030 Needs Plan network that would relieve Alico Road, the four lane Alico Expressway from Summerlin Road to SR 82, but a definitive source of funding for that improvement has not yet been identified. The potential alignment of the Alico Expressway could affect the property subject to this proposed Three Oaks North comprehensive plan amendment, but no right-of-way has been reserved through the site. The MPO plan suggests the Alico Expressway should be evaluated as a toll facility. Nevertheless, the projected condition of Alico Road based on the Financially Feasible Plan (without the Alico Expressway) begs the question of whether we should be approving any intensity increases in the area that could make a bad situation worse.

Beyond the Alico Road issue, the second scenario with 1,152,000 square feet of commercial also results in the failure of the four lane Three Oaks Parkway from Alico Road up to the project entrance by 2030. Without the project that segment is at Level of Service "B", so the addition of the project clearly has a detrimental effect. The third scenario with 1,692,00 square feet of commercial makes the situation worse, extending the failure on Three Oaks Parkway the entire length between Alico Road and Daniels Parkway. The six laning of this segment is not currently part of the financially feasible plan.

The County's plan amendment package states "(a)n 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." An applicant in this scenario has two options to avoid a staff recommendation of denial: (1) make the financial commitment to cover the full cost of the needed improvement (in this case six laning Three Oaks Parkway) so it can be added to the financially feasible plan; or (2) reduce the level of development so that the impacts don't cause the need for an additional improvement."

Subsequent to these comments the applicant has amended the application to exclude 86.6 acres of the northern half of the proposal. The new impacts from the reduced proposal

assume 783,380 square feet of commercial. DOT staff reran the proposal with the new reduced impacts. The new reduced impacts do affect the level of service for Three Oaks Parkway. Under the new scenario Three Oaks Parkway maintains a level of service of C and is therefore not a problem. Unfortunately, as indicated above in the first scenario with no impacts from this project Alico Road fails. The recommendation not to increase intensity in the area that could make the failing of this roadway facility worse remains.

#### **POPULATION ACCOMMODATION**

The request is to change from Industrial Development to Industrial Commercial Interchange. Neither of these categories allows residential uses. Therefore the population accommodation of the Future Land Use Map (FLUM) is not affected.

#### **ENVIRONMENTAL CONSIDERATIONS**

Environmental Sciences staff is currently reviewing an application to the South Florida Water Management (SFWMD) district for an Environmental Resource Permit (ERP) for the Three Oaks Parkway and Oriole Road extension. This permit encompasses some 56.86 acres. Associated with this permit application is a request for conceptual approval of the surface water management system serving an additional 538.48 acres, known as the Three Oaks Commerce Park. The subject property is included in that acreage. The SFWMD staff is recommending approval of the ERP application. No objection is expected from Environmental staff.

#### **SOILS**

A map of the soils for the property is included in the application as Exhibit C-1 and C-2.

#### **HISTORIC RESOURCES**

According to the application, there are not any historical resources located on the property and the subject parcel is not located in one of the two levels of the archeological sensitivity areas.

#### **SCHOOL IMPACTS**

With no increase in population the proposed amendment will not impact the school district. No additional classrooms will be required.

#### **PARKS, RECREATION, AND OPEN SPACE**

With no increase in population the proposed amendment will not impact Community or Regional Park needs.

#### **POLICE**

The subject property is located within the service area of Lee County Sheriff's Office. A letter confirming the availability of service has been submitted.

**FIRE**

The subject property is located within the service area of the San Carlos Fire District. To date no letter confirming the availability of service has been submitted. Staff understands that the services will be available.

**EMERGENCY MEDICAL SERVICES (EMS)**

The subject property is located within the service area of Lee County Emergency Medical Services. To date no letter confirming the availability of service has been submitted. Staff understands that the services will be available.

**SOLID WASTE**

The subject property is served by Lee County Solid Waste. To date no letter confirming the availability of service has been submitted. Staff understands that the services will be available.

**MASS TRANSIT**

Lee Tran Rout 60 runs along Alico Road from Oriole Road to Three Oaks Parkway. The opening of the Three Oaks Parkway and the Oriole Road extensions and the establishment of an employment center on the subject property mass transit could be revised to serve this area.

**UTILITIES**

The subject property is located within the future service area of Lee County Utilities. To date no letter confirming the availability of service has been submitted. Staff understands that the services will be available.

**B. CONCLUSIONS**

Most of the urban services necessary to support the proposed change of use are in place or can be made available. The proposed changes to the allowable uses for the subject property have merit. Development of a wider range of uses, including research and development facilities, on property with such a high visibility from Interstate-75 has a certain appeal. However, with or without the proposed Lee Plan amendment, Alico Road is projected to fail by the year 2030. This fact makes recommending approval of an increase in intensity for the subject property unfeasible.

**C. STAFF RECOMMENDATION**

Staff recommends that the proposed amendment not be transmitted. Staff further recommends that the county through the Office of Economic Development, the Department of Transportation, and the Department of Community Development work with the property owner to try to address the transportation issues on Alico Road. If a



solution to the roadway problems can be identified this amendment should be brought back for additional consideration.

**PART III - LOCAL PLANNING AGENCY  
REVIEW AND RECOMMENDATION**

PUBLIC HEARING DATE. November 27, 2006

**A. LOCAL PLANNING AGENCY REVIEW**

**B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT  
SUMMARY**

**1. RECOMMENDATION:**

**2. BASIS AND RECOMMENDED FINDINGS OF FACT:**

**C. VOTE:**

NOEL ANDRESS

DEREK BURR

RONALD INGE

CARLETON RYFFEL

RAYMOND SCHUMANN, ESQ

RAE ANN WESSEL

_____
_____
_____
_____
_____
_____

**PART IV - BOARD OF COUNTY COMMISSIONERS  
HEARING FOR TRANSMITTAL OF PROPOSED AMENDMENT**

**DATE OF TRANSMITTAL HEARING:** December 13, 2006

**A. BOARD REVIEW:**

**B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:**

**1. BOARD ACTION:**

**2. BASIS AND RECOMMENDED FINDINGS OF FACT:**

**C. VOTE:**

**BRIAN BIGELOW**

**TAMMERA HALL**

**BOB JANES**

**RAY JUDAH**

**FRANK MANN**

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_____
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**PART V – DEPARTMENT OF COMMUNITY AFFAIRS  
OBJECTIONS, RECOMMENDATIONS, AND COMMENTS (ORC) REPORT**

**DATE OF ORC REPORT:**

**A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS:**

**B. STAFF RESPONSE:**

**PART VI - BOARD OF COUNTY COMMISSIONERS  
HEARING FOR ADOPTION OF PROPOSED AMENDMENT**

**DATE OF ADOPTION HEARING:**

**D. BOARD REVIEW:**

**E. BOARD ACTION AND FINDINGS OF FACT SUMMARY:**

**1. BOARD ACTION:**

**2. BASIS AND RECOMMENDED FINDINGS OF FACT:**

**F. VOTE:**

**BRIAN BIGELOW**

**TAMMERA HALL**

**BOB JANES**

**RAY JUDAH**

**FRANK MANN**

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# Quattrone & Associates, Inc.

Engineers, Planners & Development Consultants

11000 Metro Parkway, Suite 30 • Fort Myers, Florida 33912  
Tel: (239) 936-5222 • Fax: (239) 936-7228

November 16, 2006

Mr. Rick Burris, Principle Planner  
Planning  
Lee County Department of Community Development  
1500 Monroe Street  
Fort Myers, Florida 33901

**S: RESUBMITTAL IN REPONSE TO INSUFFICIENCY COMMENTS**  
**PROJECT: CPA2005-00005**  
**THREE OAKS NORTH CPA**

Dear Rick,

Attached, please find a response to revisions in the size of the requested amendment. As requested 22 copies are attached.

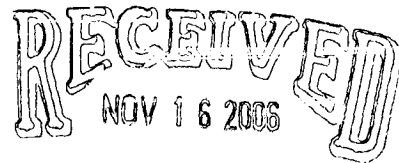
If you have any questions or need additional information, please call me at this office. I, of course, would be happy to meet with you and staff as necessary.

Sincerely,  
Quattrone & Associates, Inc.



Fred Drovdic, AICP  
Planning Director

*Attachments*



CPA 2005-00005



**SUFFICIENCY RESPONSE**  
Revised Application and  
Supplemental Data  
CPA2005-00005 (11-15-2006)



**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: (239) 479-8585  
FAX: (239) 479-8519

**APPLICATION FOR A  
COMPREHENSIVE PLAN AMENDMENT**

(To be completed at time of intake)

DATE REC'D \_\_\_\_\_

REC'D BY: \_\_\_\_\_

APPLICATION FEE \_\_\_\_\_

TIDEMARK NO: \_\_\_\_\_

THE FOLLOWING VERIFIED:

Zoning ☐

Commissioner District ☐

Designation on FLUM ☐

-----  
(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: 1820

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.

**11/15/06**

DATE

SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

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

**Paul H. Freeman, Trustee**

APPLICANT

**19091 Tamiami Trail, SE**

ADDRESS

**Fort Myers**

**FLORIDA**

**33908**

CITY

STATE

ZIP

**239.267.3999**

**239.267.7622**

TELEPHONE NUMBER

FAX NUMBER

**AL QUATTRONE – QUATTRONE AND ASSOCIATES, INC.**

AGENT\*

**11000 METRO PARKWAY, SUITE 30**

ADDRESS

**FORT MYERS**

**FLORIDA**

**33912**

CITY

STATE

ZIP

**239.936.5222**

**239.936.7228**

TELEPHONE NUMBER

FAX NUMBER

**Paul H. Freeman, Trustee**

OWNER(s) OF RECORD

**1940 West 49<sup>th</sup> Street, Suite #410**

ADDRESS

**Hialeah**

**FLORIDA**

**33012**

CITY

STATE

ZIP

**305.827.3331**

**305.826.2092**

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 20)

List Number(s) of Map(s) to be amended  
Map 1

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

1. Amend the Future Land Use designation (Map 1) from Industrial to Industrial Commercial Interchange for 78.338 acres, less jurisdictional wetlands which are to remain in the Wetland FLUM, contained in TWO parcels lying in Section 3, Township 46 South, Range 25 East, Lee County, Florida, lying west of I-75, in the Gateway/Airport Planning Community on the west side of I-75 south of the SWFIA Drainage Conveyance, north of Alico Road and east of the planned Three Oaks Parkway North Extension.

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

**A. Property Location:** Subject parcels are located west of I-75, east of Three Oaks Parkway Extension North, south of Daniels Parkway and north of Alico Road.

1. Site Address: Access undetermined (will be Three Oaks Parkway North)

2. STRAP(s): 03-46-25-00-00001.1020, 03-46-25-00-00001.1050

**B. Property Information**

Total Acreage of Property: 78.338 acres

Total Acreage included in Request: 78.338 acres

Area of each Existing Future Land Use Category:

80.860 acres Industrial Development

Total Uplands: 78.338 acres

Total Wetlands: 4.522 acres(excluded from legal description for inclusion in land use change - to remain in wetland FLUC)

Current Zoning: AG-2

Current Future Land Use Designation:

**INDUSTRIAL DEVELOPMENT (and some WETLANDS)**

Existing Land Use: Vacant Agricultural Land

- 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: No

Airport Noise Zone 2 or 3: No, small portion in DNL 60 contour

Acquisition Area: No

Joint Planning Agreement Area (adjoining other jurisdictional lands): No

Community Redevelopment Area: No

- D. Proposed change for the Subject Property: **Amend the Future Land Use Map (1) designation to Industrial Commercial Interchange for a commercial office, retail and recreation center, a dedication to FGCU to anchor a proposed research park and to expand off campus functions, and a light industrial park that is sensitive to and compatible with the abutting areas with a sensitivity to this highly visible Interstate Corridor Location.**

- E. Potential development of the subject property:

1. Calculation of maximum allowable development under existing FLUM:

Residential Units/Density: **0.0 SF not permitted in the Industrial FLUM.**

Commercial intensity: **30,000 SF retail 760,000 SF industrial with an approximate 25% commercial office mix.**

Industrial intensity: **790,000 SF calculating 79 acres developable (pavement and building areas) at an intensity of approximately 10,000 SF of building per acre (no commercial).**

2. Calculation of maximum allowable development under proposed FLUM:

Residential Units/Density: **0.0 - not permitted in land use category existing or requested.**

Commercial intensity: **790,000 SF calculating 79 acres at an intensity of approximately 10,000 SF of building per acre (no industrial).**

Industrial intensity: 790,000 SF calculating 79 acres at an intensity of approximately 10,000 SF of building per acre (no commercial)

#### 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.  
**See attached document – Exhibit A-1.**
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.  
**See Attached Map - Exhibit A-2.**
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.

**See Attached Map - Exhibit A-3 and A-4.**

##### Proposal Overview

The subject property is located within the Gateway/Airport Planning Community with a Future Land Use designation of Industrial and is zoned AG-2. The subject property is currently vacant and is being used for cattle grazing. The site is in close proximity to the SWFIA and FGCU between Alico Road and Daniels Parkway. The property will have approximately 1,900 linear feet of frontage on Three Oaks Parkway North Extension and a similar amount of frontage on I-75.

The Gateway/Airport Planning Community has allocated 3,096 acres of land for industrial of which 262 acres are used leaving 2,834 available.

Most of this land is to the west of the subject property across the Three Oaks right-of-way north of Alico Road. The great majority of this land is accessed by service roads that connect the industrial land to Alico Road and do not connect to other roads. Appropriately these Industrial designated properties with the potential for heavy industrial development are isolated helping to reduce the potential impacts such as visual, noise, odor, dust, truck traffic, etc from other less intense uses.

In contrast, the subject property dominates a significant amount of Three Oaks Parkway and I-75 road frontage between Daniels Parkway and Alico Road. It is not unreasonable to argue that this corridor will be highly traveled by commuters, shoppers, tourists and other local traffic that is non-commercial and non-industrial based.

The Industrial future land use category limits the amount of office, retail and other non-industrial land uses understandably so the county can retain land for industrial uses that are necessary for balanced growth. We agree this is important and are not proposing to eliminate industrial uses from the land, hence the Industrial Commercial Interchange request. We feel that the highest and best use of the subject property is industrial park development mixed with office, retail and business park and for FGCU off-campus research park development along Three Oaks Parkway. The aforementioned uses are unable to be pursued under the Industrial FLUC since commercial, retail and office uses would need to exceed the Industrial FLUC limitation of 10% of potential development within the planned development.

The proposed land use change would allow:

1. FGCU to expand off-campus activities by increasing the permitted commercial and office building uses necessary for a comprehensive business park and enabling FGCU to anchor a proposed research park onto land the applicant intends to donate;
2. A recapturing of developable Industrial Commercial Interchange land lost to the Alico Road/I-75 Interchange improvements that has resulted in moving nearly 60 acres of Industrial Commercial Interchange land into the I-75 right-of-way. The recent expansion of the I-75 interchange at the northwest corner of Alico Road and the interstate reduced the developable acreage by approximately 30 acres. The expansion on the northeast corner of Alico Road and I-75 reduced the developable acreage by approximately 15 acres. The requirements of detention ponds along I-75 is causing a decrease developable acreage in the southwest quadrant of Alico Road and I-75 by another 15 acres;
3. An improvement of visual impacts upon Three Oaks Parkway and I-75 by diversifying the development potential with a greater



percentage of commercial, retail, and office uses as opposed to domination by an industrial park;

4. An improvement of services to county residents, FGCU students and personnel, and tourists by providing retail, office and other professional employment centers along an easily accessible, and highly visible major arterials; and
5. A diversification of the employment center beyond industrial and warehouse jobs to professional office, research park, retail and business services.

As statistics show less than 10% of the industrial land in the Gateway/Airport Planning Community have been utilized. The planning community has been allocated 824 acres of land for commercial of which 178 acres are used, therefore, 646 acres remain available for use. Neither category are in short supply so we had to look at the highest and most appropriate use of the property with the greatest long term benefits to the county given its location and characteristics.

#### Surrounding Land Uses

**EAST:** The property to the east is I-75. Across I-75 is a large tract of land that is part of a 275 acre mixed-use planned development. The property is currently vacant, zoned MPD (Airport Interstate Commerce Park, Z-05-029) approved for up to 1.4 million SF industrial and 309,000 SF retail and office commercial located within the Tradeport FLUC.

**SOUTH:** The property to the south is currently vacant but with an approved commercial planned development. The Alico Crossroads Center CPD (Z-03-017) is approved for 300,000 SF retail and 51,000 SF office. The CPD extends from the southern most property boundary of the subject property to Alico Road/Three Oaks Parkway North/I-75 interchange.

**WEST:** Directly west of the site is the future Three Oaks Parkway North Extension right-of-way. Then, west at the Three Oaks Parkway right-of-way just south of the SWFIA Conveyance, is a pending rezoning for Three Oaks Commerce Park to an industrial planned development. The property is currently zoned AG-2 in the Industrial FLUC. Next, is the planned extension of Oriole Road and vacant lands zoned AG-2 in the Industrial FLUC.

**NORTH:** North of the property are three parcels that are vacant and contain a borrow pit, wetland and a lot of designated preserve areas. Further north is the 200' SWFIA Conveyance canal, buffering the property from the vacant Rural category land to the north.

4. Map and describe existing zoning of the subject property and surrounding properties.

See Attached Map - Exhibit A-3 and A-4.

Subject parcel is zoned AG-2  
North of subject parcel is zoned AG-2  
South of subject parcel is zoned CPD  
East of subject parcel is zoned MPD  
West of subject parcel is zoned AG-2 and pending IPD

5. The legal description(s) for the property subject to the requested change.  
A tract or parcel of land lying in Section 3, Township 46 South, Range 25 East, Lee County, Florida, described as follows:

Commencing at the Northwest corner of the aforesaid Section 3; thence run N.89°24'36"E. along the North line of said Section 3 for 1508.74 feet; thence run S.00°36'43"E. for 2097.19 feet to a point on the centerline of Three Oaks Parkway (150.00 feet wide); thence run N.89°23'17"E. for 75.00 feet to the point of beginning; thence continue N.89°23'17"E. for 1908.17 feet to the Westerly right-of-way line of Interstate Highway No. 75; thence run S.00°37'07"E. along said Westerly right-of-way line for 1222.63 feet; thence run S.03°23'08"W. along said Westerly right-of-way line for 672.48 feet; thence run N.89°23'08"E. along said Westerly right-of-way line for 18.08 feet; thence run S.00°36'52"E. along said Westerly right-of-way line for 6.32 feet; thence run S.89°23'17"W. for 1879.51 feet to the East right-of-way line of the aforesaid Three Oaks Parkway; thence run N.00°36'43"W. along said East right-of-way line for 1899.80 feet to the point of beginning.

Said tract contains 82.860 acres, more or less. Bearings are based on the North line of the aforesaid Section 3 as being N.89°24'36"E.

LESS AND EXCEPT:

DESCRIPTION: (Wetlands Tract)

A tract or parcel of land lying in Section 3, Township 46 South, Range 25 East, Lee County, Florida, described as follows:

Commencing at the Northwest corner of the aforesaid Section 3; thence run N.89°24'36"E. along the North line of said Section 3 for 1580.74 feet; thence run S.00°36'43"E. for 2097.19 feet; thence run N.89°23'17"E. for 825.20 feet to the point of beginning; thence run N.89°23'17"E. for 720.28 feet; thence run S.11°00'37"W. for 34.26 feet; thence run S.24°37'07"W. for 36.35 feet; thence run S.12°11'29"W. for 34.25 feet; thence run S.39°52'32"W. for 31.31 feet; thence run S.57°48'11"W. for 44.14 feet; thence run S.75°46'55"W. for 30.68 feet; thence run S.05°00'27"W. for 12.23 feet; thence run S.36°54'53"W. for 47.21 feet; thence run S.57°31'16"W. for 38.73 feet; thence run S.69°12'52"W. for 33.49 feet; thence run

S.34°25'01"W. for 54.39 feet; thence run S.67°31'56"W. for 40.02 feet; thence run S.53°50'19"W. for 33.26 feet; thence run S.77°23'35"W. for 54.51 feet; thence run S.60°28'16"W. for 44.67 feet; thence run S.36°38'58"W. for 20.09 feet; thence run S.79°45'22"W. for 33.60 feet; thence run S.63°58'04"W. for 26.69 feet; thence run N.87°00'47"W. for 54.82 feet; thence run N.54°09'32"W. for 83.78 feet; thence run N.37°17'40"W. for 24.61 feet; thence run N.03°30'58"E. for 29.57 feet; thence run N.62°49'03"W. for 31.54 feet; thence run N.11°21'38"W. for 13.32 feet; thence run N.33°07'40"W. for 33.80 feet; thence run N.11°54'15"E. for 82.92 feet; thence run N.61°53'42"W. for 37.48 feet; thence run N.26°19'11"W. for 16.34 feet; thence run N.75°59'12"W. for 23.99 feet; thence run N.35°10'35"W. for 25.24 feet; thence run N.28°35'00"W. for 40.25 feet; thence run N.12°05'22"E. for 46.56 feet; thence run N.00°51'37"E. for 19.06 feet to the point of beginning.

Said tract contains 4.522 acres, more or less. Bearings are based on the North line of the aforesaid Section 3 as being N.89°24'36"E.

6. A copy of the deed(s) for the property subject to the requested change.  
**See Attached.**
7. An aerial map showing the subject property and surrounding properties.  
**See Attached Map – Exhibit A-7.**
8. If applicant is not the owner, a letter from the owner of the property authorizing the applicant to represent the owner.  
**Applicant is agent for the owners. Affidavits are attached from all owners authorizing agent to proceed with CPA.**

**B. Public Facilities Impacts**

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

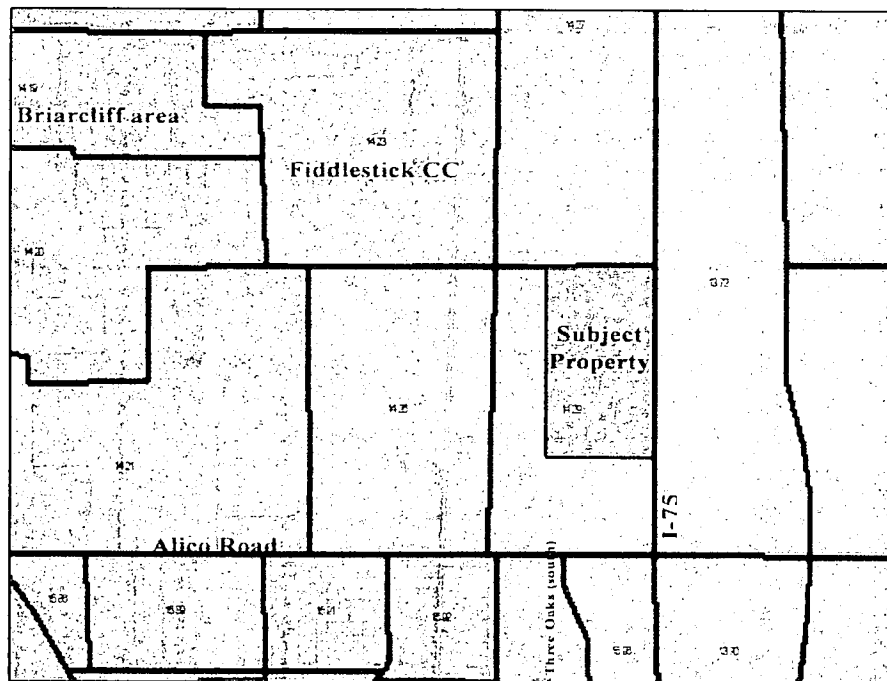
**1. Traffic Circulation Analysis**

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;  
**See Attached Document – Exhibit B-1a.**

**The subject parcel is located in TAZ 1429 encompassing the area**



south of  
the  
SWFIA

Conveyance, west of I-75, east of Three Oaks North Extension and north of Alico Road as shown below. It is anticipated that the socio-economic data will require updates since the intended use after the future land use category change will permit the same industrial uses, but expand the commercial possibilities. The updating will be done per Lee DOT running the FSUTMS model on the 2020 or 2030 Financially Feasible Plan network.

See graphic below:

- 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.);

It is likely given the density and intensity possibilities for this parcel that the data will need to be updated. A change to Industrial Commercial Interchange on 78.338 acres makes provisions for:

- 0 residential units (NO CHANGE); or
- Up to 790,000 square feet of commercial office, retail and recreational uses (+760,000 SF but in exchange of 790,000 SF industrial); or
- Up to 790,000 square feet of light industrial development (NO CHANGE).

In a meeting with Lee DOT and planning we were advised to provide development parameters for this analysis to be conducted by Lee DOT.

- 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;

We anticipate that the modifications are going to be minor given the TAZ includes intense development areas near Alico Road, I-75 and Three Oaks Parkway. Additionally, the 2020 Financially Feasible Network includes 6-laning I-75, improving the I-75 interchange, an Airport Entrance Road, and extending Three Oaks Parkway north to Daniels Parkway. Alico Road was recently improved to six lanes and the I-75 interchange is currently undergoing improvements to provide a full cloverleaf. Within the three-mile radius I-75 is to be 6 lanes by 2010 and Three Oaks Parkway will connect from Alico and continue north to Daniels Parkway. Further a corridor study is taking place involving an Airport entrance road that will provide additional traffic relief connecting the Airport, Treeline Boulevard, I-75 and US 41 across Three Oaks Parkway (see 2020 FFN graphic).

Given the road expansions underway, the road network for 2020 and the newly proposed 2030 FFN, the overall minor traffic impact changes from the full development potential of the parcel should be able to be adequately absorbed by the roadway network.

In a meeting with Lee DOT and Planning we were advised that Lee DOT would run the FSUTMS to determine if, given our development parameters, an improvement to the road network would be necessary.

- 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;

**It is not anticipated that improvements to the road network beyond the 2020 FFN will be required. It is our understanding that the road impact fees being contributed from the proposed development would more than offset the cost of the improvements necessary for the road network to absorb the traffic impacts created by the development.**

- 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;

**Understood.**

- 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.

**See Attached Three Oaks Development Parameters Exhibit.**

Short Range – 5-year CIP horizon:

- a. Besides the 20-year analysis, for those plan amendment proposals that include a specific and immediate development plan, identify the existing roadways serving the site and within a 3-mile radius (indicate laneage, functional classification, current LOS, and LOS standard);

***It is anticipated that the subject parcel will have a development plan prepared upon approval of the Future Land Use Amendment and rezoning to follow by the various respective owners. The major roads within a 3-mile radius are as follows:***



<i>Road Name</i>	<i>Laneage</i>	<i>Funct Class</i>	<i>LOS Crnt</i>	<i>LOS Stnd</i>
<i>Three Oaks Parkway</i>	<i>2 Lane</i>	<i>Art</i>	<i>C</i>	<i>C</i>
<i>Alico Road</i>	<i>6 Lane</i>	<i>Art</i>	<i>B</i>	<i>C</i>
<i>Interstate 75 N. of Alico</i>	<i>4 Lane</i>	<i>Art</i>	<i>E</i>	<i>C</i>
<i>Interstate 75 S. of Alico</i>	<i>4 Lane</i>	<i>Art</i>	<i>E</i>	<i>C</i>
<i>Treeline Boulevard</i>	<i>4 Lane</i>	<i>Art</i>	<i>B</i>	<i>C</i>
<i>US 41</i>	<i>6 Lane</i>	<i>Art</i>	<i>D</i>	<i>D</i>

- 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;

**Alico Road Widening to 6 lanes (4030), Three Oaks Parkway North Extension 4 lane (4053), Three Oaks Parkway South Extension 4 lane (4043), Three Oaks Parkway Widening 4 lane from Corkscrew Road to Alico Road (4081), Alico Road/US 41/Old US 41 intersection improvements and Metro Parkway extension south of Six Mile Cypress.**

- c. Projected 2020 LOS under proposed designation (calculate anticipated number of trips and distribution on roadway network, and identify resulting changes to the projected LOS);

**In a meeting with Lee DOT and Planning, we were advised that Lee DOT would run the FSUTMS and determine the resulting number of trips, distribution and impact on LOS for impacted roadways projected to 2020.**

- d. 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;

**In a meeting with Lee DOT and Planning, we were advised that Lee DOT would run the FSUTMS and determine the resulting number of trips, distribution and impact on LOS for impacted roadways projected to 2020.**

- e. Identify the additional improvements needed on the network beyond those programmed in the five-year horizon due to the development proposal.

**In a meeting with Lee DOT and Planning, we were advised that Lee DOT would run the FSUTMS and determine the improvements necessary, if any, to accommodate the project on the road network**

within a 3-mile radius. We do not anticipate improvements will need to be made beyond those deemed financially feasible in the 2020 FFN map.

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.

- 
- a. Sanitary Sewer
  - b. Potable Water

The site is located within the Lee County Utilities service area. We understand LCU has the capacity to serve the project. Currently the subject parcel is located within the future water or sewer franchise areas as depicted on Lee Plan Maps 6 and 7. Utilities infrastructure is planned as part of the Three Oaks Parkway construction.

We anticipate that the plan amendment will intensify the development potential of the property by increasing the permissible amount of commercial but overall, will not result in an increase in total permissible square footage of development. Currently the FLUM is Industrial which allows the following development density/intensity:

Residential Units/Density: 0.0 not permitted in Industrial FLUC

Commercial intensity: 30,000 SF retail and approximately 25% commercial, or (760,000\*.25) 190,000 SF for 220,000 total commercial (570,00 SF industrial remaining)

Industrial intensity: 790,000 SF

The maximum allowable development under proposed FLUM based on the proposed site plan enclosed and/or maximum development potential:

Residential Units/Density: 0 Units  
• NO CHANGE

Commercial intensity: 790,000 SF  
• AN INCREASE OF 760,000 SF, but in substitution of 760,000 SF of currently permitted industrial and 30,000 retail.

or

Industrial intensity:

**790,000 SF**

- **NO CHANGE**

**Based on these calculations the total expected water and wastewater treatment volumes will be approximately 110,088 GPD.**

- Franchise Area, Basin, or District in which the property is located;

**The property falls into the Lee County Utilities potable water and sanitary sewer future service areas (Maps provided in submittal package). LCU will have capacity to service the project according to the 2005-2007 Concurrency Report. Lee County Utilities has begun construction of a 3.0 MGD expansion of the Three Oaks STP which will bring the capacity of the plant to 6.0 MGD to serve rapidly growing areas of Estero and San Carlos Park. It is our understanding that this plant will serve the project and we are waiting for confirmation from LCU from a letter sent October 4, 2006.**

**c. Surface Water/Drainage Basins**

**Drainage has been determined and established by the Three Oaks Parkway Extension North and Oriole Road Extension North permitting completed by Source Engineering for the SFWMD. See attached Three Oaks Development Parameters exhibit or contact Source Engineering and LCDOT for more details.**

- Basin in which the property is located;

**Coastal Ecosystems Watershed of the South Florida Water Management District in the Six Mile Slough drainage basin.**

**d. Parks, Recreation, and Open Space.**

**Three Oaks Community Park is located approximately 2 miles south of the site. On-site open space will be provided as required. Recreational amenities may be incorporated into the site as provided by employers or as auxiliary commercial development in the form of health and exercise clubs and by day care providers.**

- Anticipated revisions to the Community Facilities and Services Element and/or Capital Improvements Element (state if these revisions are included in this amendment).

**We do not anticipate the need for parks or recreation to increase in**

the area due to the proposed possible development. The overall development parameters actually change very little. The major change is substituting commercial for industrial but overall intensity of square footage will not increase.

- District in which the property is located;

**South Fort Myers Unincorporated Benefit District.**

- Improvements/expansions currently programmed in 5 year CIP, 6-10 year CIP, and long range improvements; and

The required (Regulatory) Level of Service standard for community parks is currently eight tenths (0.8) acres of developed standard community parks per 1,000 permanent residents in the unincorporated area of each district. The "Desired Future Level of Service Standard" is two acres per 1,000 permanent residents which has been in effect since September 30, 1998. The South Fort Myers Unincorporated District has a total of 145 acres. The regulatory standard (66 acres in 2005) and the "Desired" standard (165 acres in 2005) were met in 2005 and will continue to be met through 2009. The South Fort Myers Community Park is planned for the district in 2006/2007 and will occupy 30 acres.

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.

**Letters were sent September 21, 2006 and have been attached to the submittal file. Letters from the above listed agencies are attached or pending arrival.**

*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).  
**See Attached Map – Exhibit C-1 and C-2.**
2. A map and description of the soils found on the property (identify the source of the information).  
**See Attached Map – Exhibit C-1 and C-2.**
3. A topographic map with property boundaries and 100-year flood prone areas indicated (as identified by FEMA).  
**See Attached Map – Exhibit C-3.**
4. A map delineating wetlands, aquifers recharge areas, and rare & unique uplands.  
**See Attached Map – Exhibit C-4.**
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).  
**See Attached Map – Exhibit C-5.**

**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.

**There are not any historical resources located on the property. A letter has been provided from the State of Florida.**

2. A map showing the subject property location on the archeological sensitivity map for Lee County.

**See Attached Exhibit D-1.**

**The subject parcel is NOT located in one of the two sensitivity areas.**

**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.

**See Attached Exhibit E, Section 1.**

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.

**See Attached Exhibit E, Section 2.**

3. Describe how the proposal affects adjacent local governments and their comprehensive plans.

**See Attached Exhibit E, Section 3.**

4. List State Policy Plan and Regional Policy Plan goals and policies which are relevant to this plan amendment.

**See Attached Exhibit E, Section 4.**

**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.

**The subject parcel will be located with over 3,000 linear feet of road frontage and access onto Three Oak Parkway North Extension, a 4 lane arterial which will connect to Alico Road, a 6 lane arterial and Daniels Parkway, a 6 lane arterial. Both Alico and Daniels connect directly to I-75 interchanges.**

- b. Provide data and analysis required by Policy 2.4.4.

**The land use category change will not alter the current industrial employment opportunities but will serve to expand the mix of employment possibilities by permitting more retail and office uses in direct support of this policy.**

- c. The affect of the proposed change on county's industrial employment goal specifically policy 7.1.4.

**The proposed land use amendment will not impact the goal of policy 7.1.4. since the current and proposed land use categories both support industrial development.**

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.

**The lands are currently in the Future Urban Areas and the request is compatible with uses allowed in the future urban areas.**

3. Requests involving lands in critical areas for future water supply must be evaluated based on policy 2.4.2.

**The lands are not in critical areas for future water supply.**

4. Requests moving lands from Density Reduction/Groundwater Resource must fully address Policy 2.4.3 of the Lee Plan Future Land Use Element.

**The lands are not in the DR/GR.**

- 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.

**See Attached Exhibit E (Introduction to the Project).**

**Item 1: Fee Schedule**

Map Amendment Flat Fee	\$2,000.00 each
Map Amendment > 20 Acres	\$2,000.00 and \$20.00 per 10 acres up to a maximum of \$2,255.00
Small Scale Amendment (10 acres or less)	\$1,500.00 each
Text Amendment Flat Fee	\$2,500.00 each

## AFFIDAVIT

I, \*Al Quattrone as President of Quattrone and Associates, Inc., 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.

Quattrone and Associates, Inc.

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

\_\_\_\_\_  
Signature

Al Quattrone

(Typed or Printed name)

President

(Title of signatory)

STATE OF FLORIDA  
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me this \_\_\_\_ (date) by Al Quattrone, as President of Quattrone & Associates, Inc. (name of person providing oath or affirmation), who is personally known to me or who has produced personally known (type of identification) as identification.

\_\_\_\_\_  
Signature of person taking oath or affirmation

\_\_\_\_\_  
Name typed, printed, or stamped

\_\_\_\_\_  
Title or Rank

\_\_\_\_\_  
Serial number, if any

### \*Notes:

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

**EXHIBIT A-1  
PROPOSED TEXT CHANGES**

<p align="center"><b>THREE OAKS NORTH CPA Future Land Use Map Amendment</b> STRAP#: 03-46-25-00-00001.1030 and 03-46-25-00-00001.103C Three Oaks Ext North, Fort Myers, Florida 33912</p>
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**TABLE 1(b)  
(Planning Community Year 2020 Allocations)**

We are requesting a change in the Planning Communities Map 16 for 169.2 acres from Industrial to Industrial Commercial Interchange.

We are NOT requesting a change to the 2020 allocations for the Gateway/Airport planning community Table 1(b) because the planning community has ample acreage dedicated to the industrial and commercial uses proposed within the project. The planning community has been allocated 824 acres of land for commercial of which 178 acres are used, therefore, 646 acres remain available for use. The project contains  $82.86 - 4.52 = 78.37$  gross acres. The planning community has been allocated 3,096 acres of land for industrial of which 262 acres are used leaving 2,834 available.

According to development parameters determined by the Three Oaks Parkway Extension North corridor study and mapping produced by Source Engineering for the South Florida Water Management District permit, the development parameters are as follows:

LOT	Total Parcel	Preserve	Wetland	Three Oaks ROW	Pavement	Building	Dry Detention	Other (Open Space)	Percent Imperv.
18	38.49	6.22	4.52	0.00	18.40	9.20	2.90	1.77	72%
17	44.37	0.00	0.00	0.00	22.17	11.09	3.99	6.85	75%
TOT	82.86	6.22	4.52	0.00	40.57	20.29	6.89	8.62	

table summary next page . . .



**Table Summary**

GROSS ACRES	82.86	(100.0%)
<u>CONSTRAINED (Wetland, Preserve):</u>	<u>10.74</u>	<u>(13.0%)</u>
<b>DEVELOPABLE:</b>	<b>72.12</b>	<b>(87.0%)</b>
PAVEMENT	40.57	(49.0%)
<u>BUILDING</u>	<u>20.29</u>	<u>(24.5%)</u>
<b>TOTAL IMPERVIOUS:</b>	<b>60.86</b>	<b>(73.5%)</b>
DRY DETENTION	6.89	(8.3%)
<u>OPEN SPACE</u>	<u>8.62</u>	<u>10.4%</u>
<b>OTHER:</b>	<b>15.51</b>	<b>(18.7%)</b>

**EXHIBIT E1-4  
INTERNAL CONSISTENCY WITH THE LEE PLAN**

<b>THREE OAKS NORTH CPA</b> <b>Future Land Use Map and Text Amendment</b> STRAP#: 03-46-25-00-00001.1030 and 03-46-25-00-00001.103C Three Oaks Ext North, Fort Myers, Florida 33912
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**INTRODUCTION**

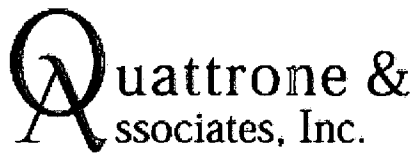
The property is located in the Gateway/Airport Planning Community on the west side of I-75 south of the SWFIA Drainage Conveyence, north of Alico Road and east of the planned Three Oaks Parkway North Extension. The property occupies 169.2 acres. The property is currently in the Industrial future land use category. The application is requesting a change from Industrial to Industrial Commercial Interchange FLUM with development plans to create a commercial office, retail and recreation center, a dedication to FGCU to anchor a proposed research park and to expand off campus functions, and a light industrial park that is sensitive to and compatible with the abutting areas with a sensitivity to this highly visible corridor location.

**PROJECT ACREAGE**

GROSS ACRES	82.86	(100.0%)
CONSTRAINED (Wetland, Preserve):	10.74	(13.0%)
<b>DEVELOPABLE:</b>	<b>72.12</b>	<b>(87.0%)</b>
PAVEMENT	40.57	(49.0%)
BUILDING	20.29	(24.5%)
<b>TOTAL IMPERVIOUS:</b>	<b>60.86</b>	<b>(73.5%)</b>
DRY DETENTION	6.89	(8.3%)
OPEN SPACE	8.62	10.4%)
<b>OTHER:</b>	<b>15.51</b>	<b>(18.7%)</b>

The projects proximity to I-75, 1,900 linear feet of frontage on Three Oaks North, access to the SWFI Airport via Treeline Avenue and location near FGCU make this a prime place for uses beyond those traditionally permitted in the Industrial FLUC. Allowing a change to Industrial Commercial Interchange retains the industrial potential base while encouraging and providing for additional employment and service opportunities.

One such opportunity is commercial and educational space to be used by FGCU as the landowners cooperate with FGCU to create a research and business park to attract new industry to the area. Without the land use change, the uses required by the University would not be permitted on the property. The particular region has a significant amount of industrial land use. Commercial and office uses would provide a much needed mix of employment opportunities. Another opportunity lies in the land use category permitting many commercial and office uses that are less intense than industrial development. These commercial uses will be along the Interstate and along Three Oaks Parkway to provide a visual buffer for the



traveling public. Any more intense industrial activities will take place near the central portions of the site away from the likely lower density and possible multi-family housing development north of the SWFIA Conveyence.

## PROPOSAL OVERVIEW

The subject property is located within the Gateway/Airport Planning Community with a Future Land Use designation of Industrial and is zoned AG-2. The subject property is currently vacant and is being used for cattle grazing. The site is in close proximity to the SWFIA and FGCU between Alico Road and Daniels Parkway. The property will have 1,900 linear feet of frontage on Three Oaks Parkway North Extension and a similar amount of frontage on I-75.

The Gateway/Airport Planning Community has allocated 3,096 acres of land for industrial of which 262 acres are used leaving 2,834 available. Most of this land is to the west of the subject property across the Three Oaks right-of-way north of Alico Road. The great majority of this land is accessed by service roads that connect the industrial land to Alico Road and do not connect to other roads. Appropriately these Industrial designated properties with the potential for heavy industrial development are isolated helping to reduce the potential impacts such as visual, noise, odor, dust, truck traffic, etc from other less intense uses.

In contrast, the subject property dominates a significant amount of Three Oaks Parkway and I-75 road frontage between Daniels Parkway and Alico Road. It is not unreasonable to argue that this corridor will be highly traveled by commuters, shoppers, tourists and other local traffic that is non-commercial and non-industrial based.

The Industrial future land use category limits the amount of office, retail and other non-industrial land uses understandably so the county can retain land for industrial uses that are necessary for balanced growth. We agree this is important and are not proposing to eliminate industrial uses from the land, hence the Industrial Commercial Interchange request. We feel that the highest and best use of the subject property is industrial park development mixed with office, retail and business park and for FGCU off-campus research park development along Three Oaks Parkway. The aforementioned uses are unable to be pursued under the Industrial FLUC since commercial, retail and office uses would need to exceed the Industrial FLUC limitation of 10% of potential development within the planned development and 30,000 square feet maximum retail.

The proposed land use change would allow:

1. FGCU to expand off-campus activities by increasing the permitted commercial and office building uses necessary for a comprehensive business park and enabling FGCU to anchor a proposed research park onto land the applicant intends to donate;
2. A recapturing of developable Industrial Commercial Interchange land lost to the Alico Road/I-75 Interchange improvements that has resulted in moving nearly 60 acres of Industrial Commercial Interchange land into the I-75 right-of-way. The recent expansion of the I-75 interchange at the northwest corner of Alico Road and the interstate reduced the developable acreage by





approximately 30 acres. The expansion on the northeast corner of Alico Road and I-75 reduced the developable acreage by approximately 15 acres. The requirements of detention ponds along I-75 is causing a decrease developable acreage in the southwest quadrant of Alico Road and I-75 by another 15 acres;

3. An improvement of visual impacts upon Three Oaks Parkway and I-75 by diversifying the development potential with a greater percentage of commercial, retail, and office uses as opposed to domination by an industrial park;
4. An improvement of services to county residents, FGCU students and personnel, and tourists by providing retail, office and other professional employment centers along an easily accessible, and highly visible major arterials; and
5. A diversification of the employment center beyond industrial and warehouse jobs to professional office, research park, retail and business services.

As statistics show less than 10% of the industrial land in the Gateway/Airport Planning Community have been utilized. The planning community has been allocated 824 acres of land for commercial of which 178 acres are used, therefore, 646 acres remain available for use. Neither category are in short supply so we looked at the highest and most appropriate use of the property with the greatest long term benefits to the county given its location and characteristics.

## **SECTION II**

### **THE LEE PLAN**

This request is consistent with the goals, objectives, policies and intent of the Lee Plan in accordance with the following:

## **LEE PLAN VISION**

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### **Planning Community**

***Gateway/Airport*** - This Community is located South of SR 82, generally east of I-75, and north of Alico Road including those portions of the Gateway development that either have not been or are not anticipated to be annexed into the City of Fort Myers, the Southwest Florida International Airport and the properties the airport expects to use for its expansion, the lands designated as Tradeport, and the land designated as Industrial Development west of I-75 north of Alico Road. In addition to these two land use designations, properties in this community are designated New Community (the Gateway development), Airport, Density Reduction/Groundwater Resource (primarily the anticipated airport expansion areas), Rural, and General Interchange. The road network in this community is planned to change dramatically over time creating access to and from this community to the north, south, and east without relying on I-75.

There are three distinct areas within this community . . . The airport expansion and the completion of Florida Gulf Coast University are expected to energize the remaining area in this community, including the commercial and industrial components. This portion of the community is to the south and west of Gateway and the airport and extends west of I-75 along Alico Road. While this segment of the community is not expected to build out during the timeframe of this plan, the area will be much more urbanized with hi-tech/clean industry businesses. (Amended by Ordinance No. 04-16)

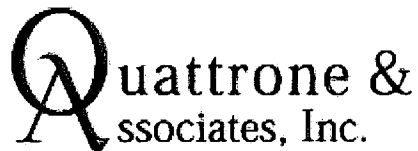
The “energizing” of the community in the area north of Alico and west of I-75 will occur to a greater extent if some additional commercial, office, educational and retail activities are permitted. The subject parcels have 1,900 linear feet of the I-75 and Three Oaks North road frontage. It seems like a natural fit to better use such visibility for uses beyond light manufacturing, especially uses that serve to expand the presence of FGCU and create a business and research park that will be at the Gateway to the major Lee County Airport/University Interstate Interchange.

## **GOAL 1: FUTURE LAND USE**

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***OBJECTIVE 1.1: FUTURE URBAN AREAS.*** Designate on the Future Land Use Map (Map 1) categories of varying intensities to provide for a full range of urban activities. These designations are based upon soil conditions, historic and developing growth patterns, and existing or future availability of public facilities and services.

***POLICY 1.1.1: The Future Land Use Map*** contained in this element is hereby adopted as the pattern for future development and substantial redevelopment within the unincorporated portion of Lee County. Map 16 and Table 1(b) are an integral part of the Future Land Use Map series (see Policies 1.7.6 and 2.2.2). They depict the extent of development through the year 2020. No development orders or extensions to development orders will be issued or approved by Lee County which would allow the Planning Community’s acreage totals for residential, commercial or industrial uses established in Table 1(b) to be exceeded (see



*Policy 1.7.6). The cities of Fort Myers, Cape Coral, and Sanibel are depicted on these maps only to indicate the approximate intensities of development permitted under the comprehensive plans of those cities. Residential densities are described in the following policies and summarized in Table 1(a). (Amended by Ordinance No. 94-29, 98-09)*

The intent is to amend the Future Land Use Map to **Industrial Commercial Interchange** to allow the subject property to be developed with a light industrial, research and business park, educational center and commercial uses. The properties are currently in the Industrial FLUM, included in the future urban areas category. The change to Industrial Commercial Interchange will not overwhelmingly change the potential of the property, it simply adds commercial uses as a flexibility option and opens opportunities for FGCU.

**POLICY 1.3.4:** *The Industrial Commercial Interchange areas are designated to permit a mixture of light industrial and/or commercial uses. This category does not permit heavy industrial uses.*

The proposed amendment will provide enhanced workplace and job opportunities beyond light and heavy industrial manufacturing and warehousing. This amendment provides the opportunity to improve visual appearance of the development along I-75. Mixing in retail, commercial and research uses will add visual diversification to a typical industrial subdivision including commercial architectural standards, additional open space requirements, and additional buffer requirements.

## **GOAL 2: GROWTH MANAGEMENT**

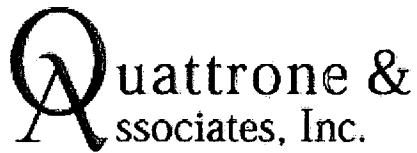
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**OBJECTIVE 2.1: DEVELOPMENT LOCATION.** *Contiguous and compact growth patterns will be promoted through the rezoning process to contain urban sprawl, minimize energy costs, conserve land, water, and natural resources, minimize the cost of services,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

The subject parcel is going to be served by adequate roadways and infrastructure such as sewer and water is scheduled to be in place as Three Oaks Parkway North is being constructed.

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

Three Oaks Parkway North is on the 2005-2010 LCDOT CIP which will prompt rapid development of the corridor. Additional roadways to be completed like the I-75 Alico interchange and the 6-laning of I-75 will also prompt development whose timing should coincide with the subject property, especially considering the properties are 12-18 months



away from having zoning in place. Action is taking place on nearly all surrounding properties. To the northwest proposals are out for rezoning, to the west is a pending IPD, to the south of that parcel a rezoning will take place soon, to the south is an approved CPD and to the east is an approved MPD under construction.

**OBJECTIVE 2.4: FUTURE LAND USE MAP AMENDMENTS.** *Regularly examine the Future Land Use Map in light of new information and changed conditions, and make necessary modifications.*

**POLICY 2.4.1:** *The County will accept applications from private landowners or non-profit community organizations to modify the boundaries as shown on the Future Land Use Map. Procedures, fees, and timetables for this procedure will be adopted by administrative code. (Amended by Ordinance No. 94-30).*

In accordance with this policy the applicant is requesting approval to amend the Land Use Map to put in place a Land Use that is more appropriate for the subject parcel given its location, visibility and proximity to major population and future employment centers.

**POLICY 2.4.4:** *Lee Plan amendment applications to expand the Lee Plan's employment centers, which include light industrial, commercial retail and office land uses, will be evaluated by the Board of County Commissioners in light of the locations and cumulative totals already designated for such uses, including the 1994 addition of 1,400 acres to the Tradeport category just south of the Southwest Florida International Airport. (Added by Ordinance No. 97-05, Amended by Ordinance No. 00-22. 04-16)*

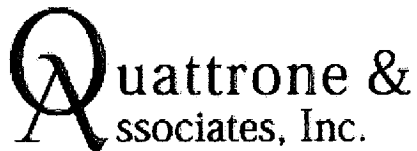
This application is driven by the need for a mix of industrial, commercial and office uses on the subject parcel beyond what is typically permitted in the Industrial land use category.

## **GOAL 6: COMMERCIAL LAND USES**

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

- *Traffic and access impacts are minimal given projected trip ends.*  
Access points are predetermined by the Three Oaks Parkway road design.
- *Screening and buffering can be provided to meet County standards.*  
The future development will be an MPD and the county can condition buffers to make the uses visually appealing and compatible with surrounding uses if the standard buffers are deemed inadequate.
- *Sewer and water facilities are available, as well as all other utilities.*  
Lee County Utilities intends to add sewer and water along Three Oaks Parkway as it is constructed.
- *No residential uses adjacent to the project are impacted.*



Residential areas do not exist in close proximity to the parcels. The county can condition buffering and uses in the future mixed-use planned development.

- *Similar uses are located in the area.*  
Industrial uses will be located to the west and southwest, the Interstate to the east followed by mixed commercial and industrial and commercial uses of intense nature to the south.
- *There are no environmental concerns with this property.*  
The site has a moderate amount of wetlands that have been determined by the Three Oaks Parkway engineering and the SFWMD permitting. Any impacts will be mitigated both on and off site as required by the permitting agencies.

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

The property is located on a future 4 lane arterial with access to Daniels Parkway north, Oriole Road to the west, Alico Road to the south and the I-75 interchange to the east. Commercial retail activities will be limited by the site location standards.

***POLICY 6.1.3:*** *Commercial developments requiring rezoning and meeting Development of County Impact (DCI) thresholds must be developed as commercial planned developments designed to arrange uses in an integrated and cohesive unit in order to:*

- *provide visual harmony and screening;*
- *reduce dependence on the automobile;*
- *promote pedestrian movement within the development;*
- *utilize joint parking, access and loading facilities;*
- *avoid negative impacts on surrounding land uses and traffic circulation;*
- *protect natural resources; and*
- *provide necessary services and facilities where they are inadequate to serve the proposed use. (Amended by Ordinance No. 94-30, 00-22)*

The project intends to provide appropriate screening and buffering along Three Oaks, and to preserve the cypress wetlands on site. Compliance with the Planned Development regulations will insure visual harmony and avoid other negative impacts.

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

The project intends to adhere to all LDC requirements of the Lee Plan.

## **GOAL 7: INDUSTRIAL LAND USES**

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**OBJECTIVE 7.1:** *All development approvals for industrial land uses must be consistent with the following policies, the general standards under Goal 11, and other provisions of this plan. (Amended by Ordinance No. 94-30)*

***POLICY 7.1.1:*** *In addition to the standards required herein, the following factors apply to industrial rezoning and development order applications:*

1. *The development must comply with local, state, and federal air, water, and noise pollution standards.*
2. *When located next to residential areas, industry must not generate noise levels incompatible with the residential development.*
3. *Bulk storage or production of toxic, explosive, or hazardous materials will not be permitted near residential areas.*
4. *Contamination of ground or surface water will not be permitted.*
5. *Applications for industrial development will be reviewed and evaluated as to;*
  - a. air emissions (rezoning and development orders);*
  - b. impact and effect on environmental and natural resources (rezoning and development orders);*
  - c. effect on neighbors and surrounding land use (rezoning);*
  - d. impacts on water quality and water needs (rezoning and development orders);*
  - e. drainage system (development orders);*
  - f. employment characteristics (rezoning);*
  - g. fire and safety (rezoning and development orders);*
  - h. noise and odor (rezoning and development orders);*
  - i. buffering and screening (planned development rezoning and development orders);*
  - j. impacts on transportation facilities and access points (rezoning and development orders);*
  - k. access to rail, major thoroughfares, air, and, if applicable, water (rezoning and development orders);*
  - l. Utility needs (rezoning and development orders); and*
  - m. Sewage collection and treatment (rezoning and development orders). (Amended by Ordinance No. 00-22)*

The property is ideally suited for complying with the above standards. The project is bordered by industrial FLUC lands to the north and north of them is a 200' SWFIA Conveyance canal to the north, I-75 to the east, Three Oaks Parkway Extension North to the west and an intense commercial CPD to the south. The property has certain required wetland preserves and an existing borrow lake on site. The mixed use potential created by the Industrial Commercial Interchange category will lessen the intensity of the project from heavy industrial to light industrial, commercial and office uses. This should create greater compatibility with possible residential uses on the north side of the SWFIA Conveyance, improve the visual impact on I-75 and Three Oaks Parkway and provide development flexibility so that lesser intense uses can be placed accordingly. Infrastructure will be available through Lee County Utilities and will be installed at the time Three Oaks Parkway North Extension is developed.



***POLICY 7.1.2:*** Industrial developments requiring rezoning and meeting Development of County Impact (DCI) thresholds must be developed as Planned Developments designed to arrange uses as an integrated and cohesive unit in order to:

- *promote compatibility and screening;*
- *reduce dependence on the automobile;*
- *promote pedestrian movement within the development;*
- *utilize joint parking, access and loading facilities;*
- *avoid negative impacts on surrounding land uses and traffic circulation;*
- *protect natural resources; and*
- *provide necessary facilities and services where they are inadequate to serve the proposed use. (Amended by Ordinance No. 94-30, 98-09, 00-22)*

The project intends to adhere to all requirements of a mixed use planned development and capture trips by providing a mix of employment and employment services on the site. The site provides central access to employees living in San Carlos Park, the communities in Estero and the Corkscrew Road corridor, the communities along Daniels Parkway extending to the residents of Lehigh. The surrounding transportation network is adequate and in line to be expanded in the 2020 Financially Feasible Plan.

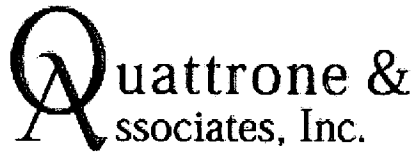
***POLICY 7.1.3:*** Industrial land uses must be located in areas appropriate to their special needs and constraints, including, but not limited to, considerations of topography; choice and flexibility in site selection; access by truck, air, deep water, and rail; commuter access from home-to-work trips; and utilities: greenbelt and other amenities; air and water quality considerations; proximity to supportive and related land uses; and compatibility with neighboring uses. (Amended by Ordinance No. 93-25, 94-30, 00-22)

The project has excellent road access. Three Oaks North is to be a 4 lane arterial which connects to the 6-laned Daniels Parkway to the north and 6-laned Alico Road to the south. The Alico Road intersection is less than 1 mile south and abuts the redesigned (under construction) I-75 interchange which is also slated to be expanded to 6 lanes. Major residential densities are within a few miles of the property with San Carlos Park to the south on Three Oaks Parkway and to the north along or near Daniels Parkway.

***POLICY 7.1.4:*** The Future Land Use Map must designate a sufficient quantity of land to accommodate industrial development that will employ 3% of the county's population in manufacturing activities by the year 2010. A report will be prepared by county staff every two years to monitor the county's progress towards this employment goal. (Amended by Ordinance No. 93-25, 94-30, 00-22)

The request maintains industrial development potential while adding a greater diversity of potential uses.

***POLICY 7.1.5:*** The timing and location of industrial development will be permitted only with the availability and adequacy of existing or planned services and facilities. (Amended by Ordinance No. 00-22)



The region is growing fast and the roadway will be constructed soon. A mixed-use industrial and commercial center at this prime location will serve as an employment center.

***POLICY 7.1.8:*** *Land development regulations will require that industrial uses be adequately buffered and screened from adjacent existing or proposed residential areas so as to prevent visual blight and noise pollution. (Amended by Ordinance No. 00-22)*

The property is ideally suited for complying with the above standards. The project is bordered by a 200' SWFIA Conveyance canal to the north, I-75 to the east, Three Oaks Parkway Extension North to the west and an intense commercial CPD to the south. The property has certain required wetland preserves and an existing borrow lake on site. The mixed use potential created by the Industrial Commercial Interchange category will lessen the intensity of the project from heavy industrial to light industrial, commercial and office uses. This should create greater compatibility with possible residential uses on the north side of the SWFIA Conveyance, improve the visual impact on I-75 and Three Oaks Parkway and provide development flexibility so that lesser intense uses can be placed accordingly. Infrastructure will be available through Lee County Utilities and will be installed at the time Three Oaks Parkway North Extension is developed.

***POLICY 7.1.9:*** *Industrial development will not be permitted if it allows industrial traffic to travel through predominantly residential areas. (Amended by Ordinance No. 00-22)*

There are no residential areas currently located on Three Oaks Parkway Extension North nor any planned within an area that traffic from the subject property would have to travel through.

## **GOAL 11: WATER, SEWER, TRAFFIC, AND ENVIRONMENTAL REVIEW STANDARDS**

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*Standard 11.1: Water*

*Standard 11.2: Sewer*

Utility connections are available through Lee County Utilities and will be available at the time the roadway is completed.

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## **GOAL 39: DEVELOPMENT REGULATIONS.**

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*Maintain clear, concise, and enforceable development regulations that fully address on-site and off-site development impacts and protect and preserve public transportation facilities. (Amended by Ordinance No. 98-09, 99-15)*

**OBJECTIVE 39.1: DEVELOPMENT IMPACTS.** *The county will maintain and enforce development regulations to ensure that impacts of development approvals occur concurrently with adequate roads, and to achieve maximum safety, efficiency, and cost effectiveness. (Amended by Ordinance No. 99-15)*

**POLICY 39.1.1:** *New development must:*

- *Have adequate on-site parking.*
- *Have access to the existing or planned public road system except where other public policy would prevent such access.*
- *Fund all private access and intersection work and mitigate all site-related impacts on the public road system; this mitigation is not eligible for credit against impact fees. (Amended and Relocated by Ordinance No. 99-15)*

The project intends to adhere or exceed all LDC requirements.

**POLICY 39.1.4:** *Main access points from new development will not be established where traffic is required to travel through areas with significantly lower densities or intensities (e.g. multifamily access through single-family areas, or commercial access through residential areas) except where adequate mitigation can be provided. (Amended and Relocated by Ordinance No. 99-15)*

Direct access to the project is to be on Three Oaks Parkway Extension North, an arterial road with direct access to Alco Road, US 41, I-75 and Treeline Avenue, all without traveling through low density areas of development.

**POLICY 39.1.5:** *The Land Development Code will continue to require appropriate landscaping for developments abutting arterial and collector roads. (Amended and Relocated by Ordinance No. 99-15)*

The project plans to meet buffer requirements conditioned through the rezoning process.

**POLICY 39.1.6:** *Through the zoning process, the county will direct high-intensity land uses to parcels which abut designated future transit corridors identified in Map 3C. (Amended by Ordinance No. 98-09, Amended and Relocated by Ordinance No. 99-15)*

While the location is appropriate for the uses requested, Lee Tran does not at this time have plans to provide services to Three Oaks North.

### **GOAL 53: POTABLE WATER INFRASTRUCTURE.**

*To ensure the public health, welfare, and safety by the provision of high-quality central potable water service throughout the future urban areas of unincorporated Lee County, and to ensure that the costs of providing facilities for the supply of potable water are borne by those who benefit from them.*

**OBJECTIVE 53.1:** *The County will ensure the provision of acceptable levels of potable water service throughout the future urban areas of the unincorporated county, either directly by Lee County Utilities, or indirectly through franchised utility companies. (Amended by Ordinance No. 94-30, 00-22, 03-04)*

**POLICY 53.1.1:** *The Board of County Commissioners hereby establishes service areas for the Lee County Utilities water systems throughout which it will provide standard service as required by demand, and within which it will challenge applications by private water utilities to obtain a Certificate of Operation from the Florida Public Service Commission and reject all applications for a county franchise therein. These service areas are illustrated in Map 6. Within the Fort Myers urban reserve area, the service areas shown on the map are subject to modifications in accordance with existing and future interlocal agreements. (Amended by Ordinance No. 93-25)*

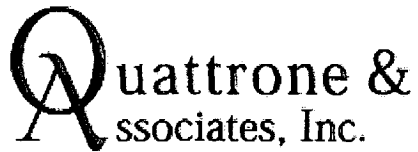
Lee County Utilities plans to provide sewer and water as Three Oaks North is constructed. The development intends to connect.

### **GOAL 53: SANITARY SEWER INFRASTRUCTURE.**

*To protect the public health and environmental quality by encouraging and ensuring the provision of sanitary sewer service and wastewater treatment and disposal throughout the future urban areas of the unincorporated county and to Fort Myers Beach. (Amended by Ordinance No. 98-09)*

**OBJECTIVE 56.1:** *The county will ensure the provision of acceptable levels of sanitary sewer service throughout the future urban areas of the unincorporated county, either directly by Lee County Utilities or a utility authority, or indirectly through franchised utility companies. (Amended by Ordinance No. 00-22)*

**POLICY 56.1.1:** *The Board of County Commissioners hereby establishes service areas for the Fort Myers Beach Ina sewer system, the South Fort Myers sewer system, the East Lee County sewer system, and the Matlacha sewer system throughout which it will provide standard service as required by demand, and within which it will challenge applications by private sanitary sewer utilities to obtain a Certificate of Operation from the Florida Public Service Commission and reject all applications for a county franchise therein. These service areas are illustrated in Map 7. Within the Fort Myers urban reserve area, the service areas shown on the map are subject to modifications in accordance with existing and future interlocal agreements. (Amended by Ordinance No. 93-25) Although this property is not located in the City of Fort Myers Utility Franchise Area the City has extended potable water*



*and sewer lines to the incinerator west of the property which is adequately sized to serve future development on the subject parcel.*

Lee County Utilities plans to provide sewer and water as Three Oaks North is constructed. The development intends to connect.

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### **SECTION III**

#### **AFFECTS ON ADJACENT LOCAL GOVERNMENT AND ITS COMPREHENSIVE PLAN**

The subject property is located within the unincorporated portion of Lee County.

### **SECTION IV**

#### **STATE POLICY PLAN AND REGIONAL POLICY PLAN GOALS AND POLICIES**

State and Regional Policy Plans are consistent with the Lee County Comprehensive Plan and as such have been addressed.

## Memo

To: Paul O'Connor, Planning Director

From: David Loveland, Manager, Transportation Planning *DL*

Date: October 25, 2006

Subject: **CPA 2005-00005 (Three Oaks North)**

The Department of Transportation has reviewed the above-referenced privately-initiated future land use map plan amendment, to change 169.2 acres north of Alico Road and west of I-75 from the "Industrial" to "Industrial Commercial Interchange" land use category. As indicated in an October 11<sup>th</sup> e-mail from your staff, the new designation would allow a maximum of 1,692,000 square feet of commercial retail use as a worst case scenario assuming development of the full 169.2 acres, and about 1,152,000 square feet of commercial retail use based on only 93 developable acres on the site. We have run the 2030 Financially Feasible Plan FSUTMS travel demand model for three scenarios: (1) no project; (2) with the project (1,152,000 square feet of commercial); and (3) with the maximum allowable (1,692,000 square feet of commercial).

Under all three scenarios, the six lane section of Alico Road from US 41 to I-75 is projected to fail by 2030, based on the network contained in the Financially Feasible Plan. There is an improvement contemplated in the 2030 Needs Plan network that would relieve Alico Road, the four lane Alico Expressway from Summerlin Road to SR 82, but a definitive source of funding for that improvement has not yet been identified. The potential alignment of the Alico Expressway could affect the property subject to this proposed Three Oaks North comprehensive plan amendment, but no right-of-way has been reserved through the site. The MPO plan suggests the Alico Expressway should be evaluated as a toll facility. Nevertheless, the projected condition of Alico Road based on the Financially Feasible Plan (without the Alico Expressway) begs the question of whether we should be approving any intensity increases in the area that could make a bad situation worse.

Beyond the Alico Road issue, the second scenario with 1,152,000 square feet of commercial also results in the failure of the four lane Three Oaks Parkway from Alico Road up to the project entrance by 2030. Without the project that segment is at Level of Service "B", so the addition of the project clearly has a detrimental effect. The third scenario with 1,692,00 square feet of commercial makes the situation worse, extending the failure on Three Oaks Parkway the entire length between Alico Road and Daniels Parkway. The six laning of this segment is not currently part of the financially feasible plan.



Memo to Paul O'Connor  
October 25, 2006  
CPA 2005-00005  
Page 2

The County's plan amendment package states "(a)n 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." An applicant in this scenario has two options to avoid a staff recommendation of denial: (1) make the financial commitment to cover the full cost of the needed improvement (in this case six laning Three Oaks Parkway) so it can be added to the financially feasible plan; or (2) reduce the level of development so that the impacts don't cause the need for an additional improvement.

Thank you for this opportunity to comment. Please let me know if you have any questions.

cc: Rick Burris  
Donna Marie Collins



# LEE COUNTY

SOUTHWEST FLORIDA

## BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: 239-479-8526

Bob Janes  
*District One*

Tim Pugh  
Source, Inc.  
1334 Lafayette Street  
Cape Coral, FL 33904

Ray Judah  
*District Three*

Tammy Hall  
*District Four*

John E. Albion  
*District Five*

Donald D. Stilwell  
*County Manager*

David M. Owen  
*County Attorney*

Diana M. Parker  
*County Hearing Examiner*

RE: Sufficiency Letter  
CPA2005-00005 (Map or Text Amendment)  
Northwest quadrant of I-75/Alico Road Interchange

Mr. Pugh:

The application for a Comprehensive Plan (Map and Text) Amendment has been reviewed for completeness and has been found insufficient for review. Please review your responses to the specified questions and provide further comment.

### III.(B). Property Information:

The property acreage split between uplands and wetlands does not reflect the current Lee Plan Future Land Use Map and no information has been provided to indicate wetland lines are incorrectly designated on the map. A jurisdictional determination is needed to justify the remapping of these areas.

### III (E). Potential development of the subject site:

No calculations of the maximum allowable development based on current and proposed FLUM designations have been provided.

### IV (A). General Information and Maps

1. The requests proposes an either/or option for the plan amendment. One option is to amend the text of policy 1.1.7 Industrial Development. Proposed text changes have not been included in the application.
2. No Future Land Use Map has been included in the application submittal.
3. No map depicting existing land uses of the subject properties and surrounding properties along with a discussion of the consistency of the proposed change on surrounding properties has been provided in the application submittal.
4. The application submittal does not include a map and description of the existing zoning of the subject properties and surrounding properties.
5. No meets and bounds Legal description has been included for the subject property. Please provide on legal description for the entire site.
6. No Deed for the subject property has been included in the application submittal.

### IV (B). Public Facilities Impacts

1. Traffic Circulation  
Long Range – 20 Horizon
  - a) TAZ has not been identified, Staff has determined the subject site is in TAZ 729 which has a total employment projection for 2020 of 5,863 persons (service, commercial, and industrial).
  - b) This item has not been responded to in the application submittal.
  - c) This item is related to item b.

- d) This item is related to item b and c.
- f) It is not mentioned if there is a specific development plan envisioned for this property in the submitted application.

Short Range – 5-year CIP Horizon

- a) Existing Roadway conditions for roadways within a 3-mile radius have not been discussed.
- b) LOS of the funded improvements and the impacts on this LOS by the proposed change has not been addressed in the application submittal.
- c) No discussion of LOS has been included in the application submittal.
- d) No additional roadway improvements (if any) have been identified in the submitted application.

2. Existing and future conditions

- a) The submitted application does not address the list of items for analysis as specified in question 2. Specifically, no information is provided to indicate the current and future capacity of existing and planned infrastructure and the impact on these facilities from the proposed change.
- b) The submitted application does not address the list of items for analysis as specified in question 2. Specifically, no information is provided to indicate the current and future capacity of existing and planned infrastructure and the impact on these facilities from the proposed change.
- c) The submitted application does not address the list of items for analysis as specified in question 2. Specifically, the watershed basin has not been identified and no information is provided to indicate the current and future LOS of this watershed. An analysis is also need to on the impacts to this watershed from the proposed change.
- d) The submitted application does not address the list of items for analysis as specified in question 2. Specifically, the park district has not been identified and no information is provided to indicate the current and future LOS in this district. An analysis is also need to on the impacts to this LOS for community and regional park facilities from the proposed change.

3. Agency Letters

- a-e) The submitted application lacks service provider letters from the San Carlos Fire District, Lee County EMS, Lee County Sheriff's Office, Lee County Solid Waste Department, LeeTran, and The School District of Lee County.

IV (C) Environmental Impacts – the application submitted states this information will be sent under separate cover. This information has not been received.

- 1. Map of Plant communities.
- 2. Map and description of soils, including source.
- 3. Topographic map and 100 year flood prone areas (FEMA)
- 4. Map delineating wetlands, aquifer recharge and rare & unique uplands. Wetland delineation should include a jurisdictional determination per Lee Plan requirements to justify discrepancy between adopted FLUM acreages and application information.
- 5. Table of plant communities by FLUCCS and Table of listed species.

IV (D) Impacts on Historic Resources

- 1. No map has been included and no letter from the appropriate agency has been submitted to confirm that no historic resources exist. The Florida Bureau of Historic Preservation

/Master Site File Room is the appropriate source of this information and can be reached by phone at 850-245-6440 (main number) or 850-245-6333 (main number)

2. The portion of the Lee County Archeological Sensitivity Map for this area of the county showing the subject property has not been included in the application.

IV (E) Internal Consistency with the Lee Plan

1. There is no discussion on how the proposed changes will affect the adopted allocations in Table 1(b). There is currently no anticipated deficit in the industrial or commercial allocation for the Gateway/Airport Community; however, the application does not discuss the current conditions and how this change will impact the allocations. Staff has posted the latest conditions on the Community Development web site at [www.lee-county.com/dcd/ComprehensivePlanning/PlanningCommunities/pcGatewaysum.htm](http://www.lee-county.com/dcd/ComprehensivePlanning/PlanningCommunities/pcGatewaysum.htm).
2. The list of policies should be discussed in the application to explain the consistency of the proposal and these policies.
3. The response to this question should be enhanced. Possibly state that the site is in unincorporated Lee County and state the distance to the cities of Fort Myers and Bonita Springs (being the closest local governments).
4. This question asks for an explanation of how the proposed State and Regional Policy Plans. The response simply states that change will enhance infrastructure and economic development goals and policies.

IV (F) Additional Requirements for Specific Future Land Use Amendments

There is no analysis provided as required by Policy 2.4.4 and the affects on the county goal listed in policy 7.1.4. This section should be enhanced to explain the merits of this change.

IV (F) Additional Justification for the Proposed Plan Changes

This section could be enhanced to add additional supporting information and discussing the market changes that have occurred to warrant this change.

No ownership information has been included in the submitted application. Records from the Property Appraiser's website indicate that the STRAP numbers listed are owned by various owners not listed in the application. Clarification on this issue is required.

Should you have any questions, please feel free to contact me at your convenience. Once the above items are submitted a substantive review of the application will begin. During the substantive review, additional questions may arise and staff will be in contact with the applicant if additional information is required. Planning staff would also encourage you to set up a meeting to discuss this amendment.

Sincerely,



Richard R. Burris, Principal Planner  
(239) 479-8526  
[burrisrx@leegov.com](mailto:burrisrx@leegov.com)



LEE COUNTY  
SOUTHWEST FLORIDA

RECEIVED

SEP 30 2005

COMMUNITY DEVELOPMENT

Lee County Board of County Commissioners  
Department of Community Development  
Division of Planning  
Post Office Box 398  
Fort Myers, FL 33902-0398  
Telephone: (239) 479-8585  
FAX: (239) 479-8519

## APPLICATION FOR A COMPREHENSIVE PLAN AMENDMENT

(To be completed at time of intake)

DATE REC'D 9/30/05

REC'D BY: DKD

APPLICATION FEE \$2500-

TIDEMARK NO: CPA2005-00005

THE FOLLOWING VERIFIED:

Zoning ☒

Commissioner District ☒

Designation on FLUM ☒

(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: 11

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.

9/29/05

DATE

Paul D. Brown, Treasurer

SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

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

**Paul H. Freeman, Trustee**  
APPLICANT  
**19091 Tamiami Trail, SE**  
ADDRESS  
**Fort Myers** **FL** **33908**  
CITY STATE ZIP  
**(239) 267-3999** **(239) 267-7622**  
TELEPHONE NUMBER FAX NUMBER

**Alan C. Freeman**  
AGENT\*  
**19091 Tamiami Trail, SE**  
ADDRESS  
**Fort Myers** **FL** **33908**  
CITY STATE ZIP  
**(239) 267-3999** **(239) 267-7622**  
TELEPHONE NUMBER FAX NUMBER

**Paul H. Freeman, Trustee**  
OWNER(s) OF RECORD  
**1840 West 49th Street, Suite # 410**  
ADDRESS  
**Hialeah** **FL** **33012**  
CITY STATE ZIP  
**(305) 827-3331** **(305) 826-2092**  
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.

**Source, Inc.**  
**Attn: Tim Pugh**  
**1334 Lafayette Street**  
**Cape Coral, FL 33904**  
**(239) 549-2345**



## 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 20)  
List Number(s) of Map(s) to be amended  
\_\_\_\_\_

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

Change the Land Use Category from Industrial Development to Industrial Commercial Interchange. In the alternative, allow the uses in the adjacent Industrial Commercial Interchange to be allowed uses for this location in the Industrial Development area. The Industrial Commercial Interchange land at Alico Road Interchange and I-75 has been reduced by approximately 30 acres on each side of I-75 as a result of the expansion of the Alico Road Interchange. These broad ranges of uses are essential to the appropriate economic development in this area due to the unique and highly visible location near I-75, the airport and Florida Gulf Coast University.

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

### A. Property Location:

1. Site Address: North of Alico Rd., West of I-75, East of Three Oaks  
03-46-25-00-00001.1020 Parkway Extension
2. STRAP(s): 03-46-25-00-00001.1050 03-46-25-00-00001.103B  
03-46-25-00-00001.103C 03-46-25-00-00001.1030

### B. Property Information

Total Acreage of Property: 169 +/- Acres

Total Acreage included in Request: 169 +/- Acres

Area of each Existing Future Land Use Category: \_\_\_\_\_

Total Uplands: 149 +/- Acres

Total Wetlands: 20 +/- Acres

Current Zoning: AG

Current Future Land Use Designation: Industrial Development

Existing Land Use: Vacant - AG. Pasture

- 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: A small portion of the property is within the 60 DNL cone. All development will comply with any airport noise notice requirements and use restrictions

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:

Change from Industrial Development to Industrial Commercial Interchange

- E. Potential development of the subject property:

1. Calculation of maximum allowable development under existing FLUM:

Residential Units/Density \_\_\_\_\_

Commercial intensity \_\_\_\_\_

Industrial intensity \_\_\_\_\_

2. Calculation of maximum allowable development under proposed FLUM:

Residential Units/Density \_\_\_\_\_

Commercial intensity \_\_\_\_\_

Industrial intensity \_\_\_\_\_

#### 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	\$2,000.00 each
Map Amendment > 20 Acres	\$2,000.00 and \$20.00 per 10 acres up to a maximum of \$2,255.00
Small Scale Amendment (10 acres or less)	\$1,500.00 each
Text Amendment Flat Fee	\$2,500.00 each

**AFFIDAVIT**

I, Paul H. Freeman, TTE, 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.

Paul H. Freeman, TTE  
Signature of owner or owner-authorized agent

9/29/05  
Date

**Paul H. Freeman, Trustee**

Typed or printed name

STATE OF FLORIDA )  
COUNTY OF LEE )

The foregoing instrument was certified and subscribed before me this 29 day of Sept. 18 2005 by Paul H. Freeman, Trustee, who is personally known to me or who has produced \_\_\_\_\_ as identification.

(SEAL)



Brooke S Allen  
My Commission DD104505  
Expires March 28, 2008

Brooke S. Allen  
Signature of notary public

Brooke S. Allen  
Printed name of notary public

**COMP PLAN AMENDMENT**  
**SUPPLEMENTARY INFORMATION**  
**Page 1 of 2**

**B.1 Traffic Circulation Analysis:**

The property is located north of the newly 6 laned Alico Road. The I-75 / Alico Road Interchange is currently being expanded and will be completed in 2007. Three Oaks Parkway is scheduled to be extended from Alico Road to Daniels Parkway within the 5 year CIP and will be a 4 lane divided arterial road.

- B.2**
- a. Sanitary water service is provided by Lee County Utilities. Service lines will be extended by the property owners to connect to the current lines leading to the Three Oaks Wastewater Treatment Plant located approximately 2 miles south of the property.
  - b. Potable water service is provided by Lee County Utilities. Service lines will be extended by the property owners to connect to the current lines on Alico Road and Three Oaks Parkway.
  - c. The surface water will drain through a series of drainage easements and control structures into the Alico Road canal. The water will then enter the Six Mile canal. South Florida Water Management District permits have already been applied for.
  - d. Parks, Recreation, and Open Space - Project requirements will be met.
- 3.**
- a. and b. Fire Protection - The project site will be located within the San Carlos Park Fire District. Service will be provided from existing stations at Ben Hill Griffin Blvd., San Carlos Park, and a planned new station just south of Alico Road and Three Oaks Parkway.
  - c. Law Enforcement - Service will be provided by Lee County Sheriffs Department.
  - d. Solid waste services will be provided by the approved Lee County franchise hauler.
  - e. Mass Transit - Lee Tran
  - f. Schools - Closest schools are San Carlos Elementary, Three Oaks Elementary, Three Oaks Middle and Estero High School.
- C.**
- Environmental Impacts  
Plant, Soil and Wetland information has been submitted to the South Florida Water Management District. This information will be sent under separate cover.
- D.**
- Historical Resources - None listed.

**COMP PLAN AMENDMENT**  
**SUPPLEMENTARY INFORMATION**

**Page 2 of 2**

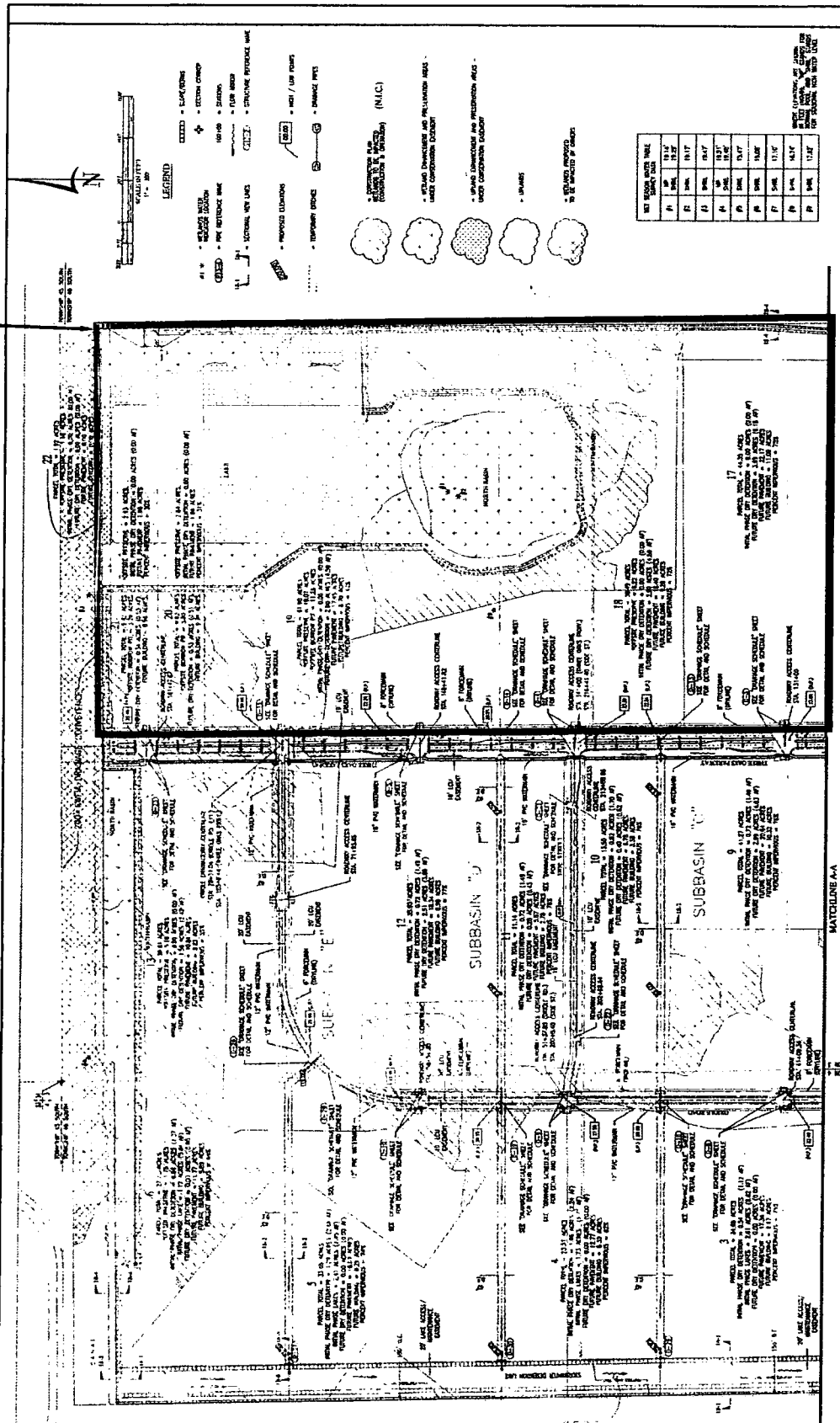
E. Consistency with the Lee Plan

1. The proposal has no effect on population projections in Lee County
2. Goals & Objectives  
Objective 1.3 - To maximize the beneficial use of these critical access points.  
Policy 1.3.4 - Permit a mixture of light industrial and / or commercial uses.  
Do not permit heavy industrial uses.  
Goal 2.  
Growth Management. To provide for an economically feasible plan which coordinated the location and timing of new development with the provision of infrastructure by government agencies, private utilities, and other sources.  
  
Objective 2.2. Direct new growth to Future Urban Areas where adequate public facilities are assured and where compact and contiguous development patterns can be created.  
  
Objective 2.4. Examine Future Land Use Map in light of new information and changed conditions and make necessary modifications.  
  
Policy 2.4.4. Lee Plan Amendment applications to expand the Lee Plan's employment center, which includes light industrial, commercial retail and office land uses, will be evaluated in light of the locations and cumulative total already designated for each use.  
  
A number of additional goals and objectives are met by the amendment including:  
Goal 53: Potable Water Infrastructure  
Goal 56: Sanitary Sewer Infrastructure
3. There is no effect on adjacent local governments.
4. All infrastructure and economic development goals and policies are enhanced by this amendment.

- F. 1. The site is accessible to the arterial roadways of Alico Road, Three Oaks Parkway, I-75 to the east and US 41 to the west. It is also close to the airport cargo terminal.

- G. The proposed amendment will provide enhanced workplace and job opportunities. This amendment provides the opportunity to improve the visual appearance of the development along I-75 particularly in this high traffic corridor location near the Airport and the University. The new Chico's World Headquarters indicates this location will be a prime high wage corridor if the appropriate range of uses is allowed. Companies desiring research and development ties to Florida Gulf Coast University will uniquely be appropriately located at this site.

STRAP #03-46-25-00-00001.1030, 03-46-25-00-00001.103C,  
03-46-25-00-00001.103B, 03-46-25-00-00001.1050,  
03-46-25-00-00001.1020  
169.2 ACRES



NET WAGON WATER TABLE		
	SURFACE DATA	
F1	10' SW	19.14'
		19.22'
F2	2000'	19.17'
F3	3000'	19.17'
F4	40' SW	19.31'
		19.05'
F5	5000'	19.17'
F6	6000'	19.02'
F7	7000'	17.10'
F8	8000'	16.24'
F9	9000'	17.27'

f0	0-4%	14.7%
f1	0-4%	17.8%

CLASSIFICATION NUMBER: 1A FOR 6179-04/74  
CATEGORIES OF INFORMATION: 1A AND 17A

## **ATCHONE A-A**

THREE OAKS PARKWAY EXTENSION  
SECTIONS 3 & 4, TOWNSHIP 46S, RANGE 25E  
LEE COUNTY, FLORIDA



**SOURCE, INC.**  
ENGINEERS - PLANNERS  
Engineering Division #7077

**SITE DEVELOPMENT  
NORTH**

0-173

RE: THOMAS J. PUGH, P.E.

CERTIFICATE NUMBER 48221	JOE NO. 110-01-35	DRAWN BY L.O.	FILE NAME 25-110
THESE PLANS ARE NOT APPROVED UNLESS SIGNED		SHEET NO 5 OF 24	

P:\2006 Projects\060820 FREEMAN THREE OAKS NORTH\CADD\CPA Exhibits\_LeePlanMaps.dwg

7.5

THREE OAKS NORTH CPA  
EXHIBIT - Three Oaks Parkway Dev. Parameters  
LEE COUNTY, FLORIDA

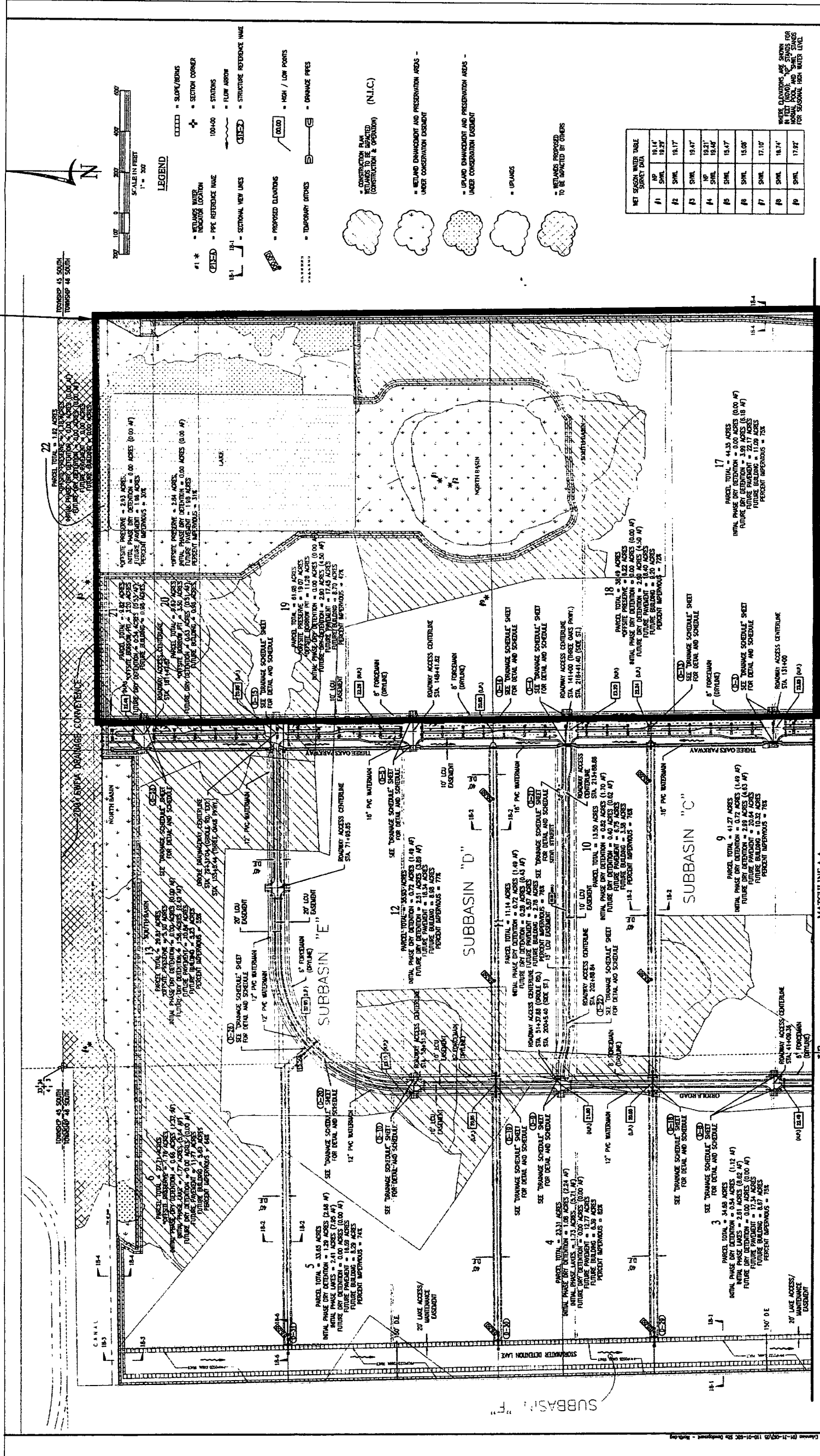
**Quattrone & Associates, Inc.**  
Engineers, Planners, & Development Consultants  
11000 Metro Parkway, Suite 30 - Fort Myers, Florida 33912 • 239-936-5222  
Certificate of Accreditation Number 9465



Scale 30 - Fort Myers, Florida 33912 - 239-936-5222  
OFFICE OF AMBASSADOR NUMBER: 945

LEE COUNTY, FLORIDA


STRAP #03-46-25-00-00001.1030, 03-46-25-00-00001.103C,  
03-46-25-00-00001.103B, 03-46-25-00-00001.1050,  
03-46-25-00-00001.1020  
169.2 ACRES



NET SEASON WATER TABLE SURVEY DATA		
	HP SWHL	10.14' 10.25'
#1	SWHL	10.17'
#2	SWHL	10.21'
#3	SWHL	10.21'
#4	HP SWHL	10.21' 10.44'
#5	SWHL	10.47'
#6	SWHL	10.08'
#7	SWHL	17.10'
#8	SWHL	10.74'
#9	SWHL	17.02'

WHERE ELEVATIONS ARE SHOWN IN FEET (NGVD). "N" STANDS FOR NORMAL POOL, AND "SH" STANDS FOR SEASONAL HIGH WATER LEVEL.

(REFERENCE SHEET 1A FOR SUB-BASIN  
BREAKDOWN OF PROPOSED LAND-USES TABLE)

PRELIMINARY NORTH-ALIGNED PROPERTY OWNERS ASSOCIATION, INC. 1000 SOUTH 10TH AVENUE, SUITE 100 FT. MYERS, FLORIDA 33908		JOB NO. 109-01-38 DRAWN BY: L.C. FILE NAME: 05-110		SHEET NO. 5 OF 24	
BREAKDOWN OF PROPOSED LAND USES (TABLE)		ENGINEER: THOMAS J. PUGH, P.E.		CERTIFICATE NUMBER 48221 TEST DATE: 11-04-03 USE NOT APPROVED UNLESS SIGNED AND DATED	
THREE OAKS PARKWAY EXTENSION SECTIONS 3 & 4, TOWNSHIP 46S, RANGE 25E LEE COUNTY, FLORIDA		 SOURCE, INC. ENGINEERS, PLANNERS Engineering Business #2627 1354 LAFAYETTE STREET • CAPE CORAL, FL 33904 TELEPHONE (239) 948-2345 FAX (239) 948-6779		SITE DEVELOPMENT NORTH	
EXHIBIT 1		EXHIBIT 1		EXHIBIT 1	



LEE COUNTY  
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Bob Janes  
District One

A. Brian Bigelow  
District Two

Ray Judah  
District Three

Tammy Hall  
District Four

Frank Mann  
District Five

Donald D. Stilwell  
County Manager

David M. Owen  
County Attorney

Diana M. Parker  
County Hearing  
Examiner

Hearing Date: December 13, 2006

Case Number: CPA2005-00005

Case Name: Three Oaks North

Request: Amend the Lee Plan's Future Land Use Map series for 82.86± acres in northwest quadrant of I-75 and Alico Road. Section 3, Township 46 South, Range 25 East, Lee County, Florida, lying west of I-75 from Industrial Development and Wetlands to Industrial Commercial Interchange and Wetlands.

Location: The property is generally located north of Alico Road, West of Interstate 75, east of the proposed Three Oaks Parkway extension.

PROPERTY OWNER'S  
REPRESENTATIVE: Fred Drovdic, AICP  
Quattrone and Associates, Inc.  
11000 Metro Parkway, Suite 30  
Fort Myers, FL 33912

Lee County Planner: Rick Burris, AICP  
(239) 479-8526

The file may be reviewed Monday through Friday between the hours of 8:00 am and 4:30 pm at the Lee County, Planning Division, 1500 Monroe St., Fort Myers, FL 33901. Call (239) 479-8585 for additional information.

This is a courtesy notice. Please review the New-Press for County Commission meeting notices.

This case is anticipated to be reviewed by the Board of County Commissioners on:  
December 13, 2006



**CPA2005-05  
THREE OAKS NORTH  
PRIVATELY INITIATED  
AMENDMENT  
TO THE**

---

**LEE COUNTY COMPREHENSIVE PLAN**

---

**THE LEE PLAN**

**Privately Initiated Application  
and Lee County Staff Analysis**

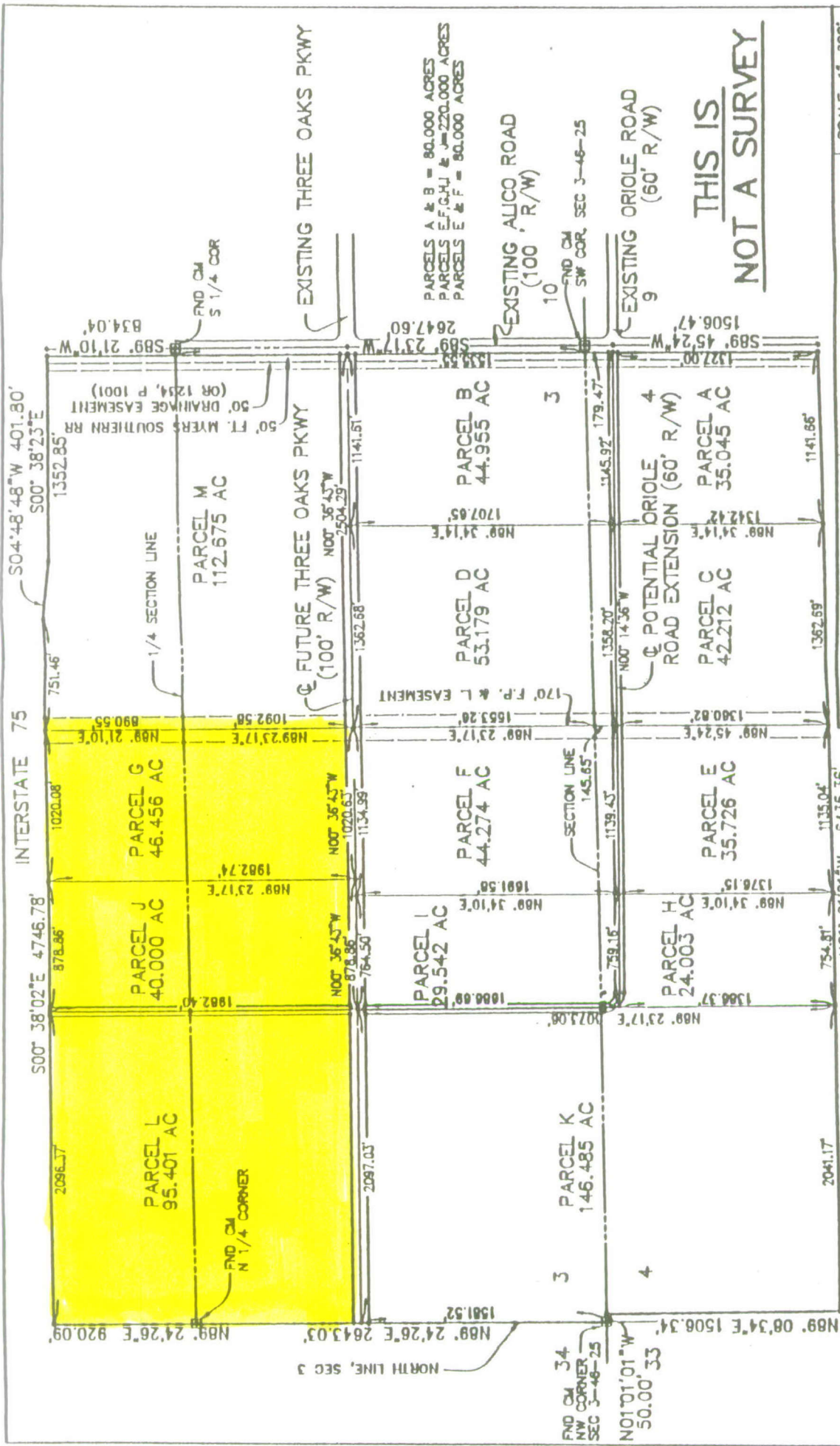
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**LPA Public Hearing Document  
For the  
November 27<sup>th</sup>, 2006 Public Hearing**

---

**Lee County Planning Division  
1500 Monroe Street  
P.O. Box 398  
Fort Myers, FL 33902-0398  
(239) 479-8585**

**November 14, 2006**





Colonial Boulevard

Six Mile Parkway

Interstate 75

Proposed Three Oaks Parkway North

Proposed Oriole Road

Oriole Road

Three Oaks Parkway

Alice Road

1. Three Oaks (Alico Interchange Park) — 345 acres, 1,455,000 sq. ft., commercial and office, 1,124 residential units.
2. San Carlos Park — 7,000 residential units.
3. Fiddlesticks Golf and Country Club — 707 acres, 770 residential units.
4. U.S. Homes. Cross Creek Country Club — 305 acres, 905 residential units.
5. Dan Port Center — 218 acres, 2,404,222 sq. ft., commercial, office and industrial.
6. Jet Port Interstate Park — 158 acres, 1,800,000 sq. ft., commercial, office and industrial, 750-room motel.
7. Omni Interchange Park — 5,745,000 sq. ft., commercial, office and industrial, 839 residential units.
8. Southwest Florida Regional (International) Airport.
9. Westinghouse Gateway Communities — 5,319 acres, 1,742,400 sq. ft., commercial and office, 19,932 residential units.



RECEIVED  
SEP 30 2005



LEE COUNTY  
SOUTHWEST FLORIDA

COMMUNITY DEVELOPMENT

Lee County Board of County Commissioners  
Department of Community Development  
Division of Planning  
Post Office Box 398  
Fort Myers, FL 33902-0398  
Telephone: (239) 479-8585  
FAX: (239) 479-8519

## APPLICATION FOR A COMPREHENSIVE PLAN AMENDMENT

(To be completed at time of intake)

DATE REC'D 9/30/05

REC'D BY: OTD

APPLICATION FEE \$2500

TIDEMARK NO: CPA 2005-00005

### THE FOLLOWING VERIFIED:

Zoning ☒

Commissioner District ☒

Designation on FLUM ☒

(To be completed by Planning Staff)

Plan Amendment Cycle: ☒ Normal ☐ Small Scale ☐ DRI ☐ Emergency

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

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DATE

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SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

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**Attn: Tim Pugh**  
**1334 Lafayette Street**  
**Cape Coral, FL 33904**  
**(239) 549-2345**

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(Maps 1 thru 20)  
List Number(s) of Map(s) to be amended

B. SUMMARY OF REQUEST (Brief explanation):

Change the Land Use Category from Industrial Development to Industrial Commercial Interchange. In the alternative, allow the uses in the adjacent Industrial Commercial Interchange to be allowed uses for this location in the Industrial Development area. The Industrial Commercial Interchange land at Alico Road Interchange and I-75 has been reduced by approximately 30 acres on each side of I-75 as a result of the expansion of the Alico Road Interchange. These broad ranges of uses are essential to the appropriate economic development in this area due to the unique and highly visible location near I-75, the airport and Florida Gulf Coast University.

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

A. Property Location:

1. Site Address: North of Alico Rd., West of I-75, East of Three Oaks  
03-46-25-00-00001.1020 Parkway Extension
2. STRAP(s): 03-46-25-00-00001.1050 03-46-25-00-00001.103B  
03-46-25-00-00001.103C 03-46-25-00-00001.1030

B. Property Information

Total Acreage of Property: 169 +/- Acres

Total Acreage included in Request: 169 +/- Acres

Area of each Existing Future Land Use Category: \_\_\_\_\_

Total Uplands: 149 +/- Acres

Total Wetlands: 20 +/- Acres

Current Zoning: AG

Current Future Land Use Designation: Industrial Development

Existing Land Use: Vacant - AG. Pasture



- 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: A small portion of the property is within the 60 DNL cone. All development will comply with any airport noise notice requirements and use restrictions

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:

Change from Industrial Development to Industrial Commercial Interchange

- E. Potential development of the subject property:

1. Calculation of maximum allowable development under existing FLUM:

Residential Units/Density

\_\_\_\_\_

Commercial intensity

\_\_\_\_\_

Industrial intensity

\_\_\_\_\_

2. Calculation of maximum allowable development under proposed FLUM:

Residential Units/Density

\_\_\_\_\_

Commercial intensity

\_\_\_\_\_

Industrial intensity

\_\_\_\_\_

#### 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	\$2,000.00 each
Map Amendment > 20 Acres	\$2,000.00 and \$20.00 per 10 acres up to a maximum of \$2,255.00
Small Scale Amendment (10 acres or less)	\$1,500.00 each
Text Amendment Flat Fee	\$2,500.00 each

#### AFFIDAVIT

I, Paul H. Freeman, TTE, 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.

Paul H. Freeman, TTE  
Signature of owner or owner-authorized agent

9/19/05  
Date

**Paul H. Freeman, Trustee**

Typed or printed name

STATE OF FLORIDA )  
COUNTY OF LEE )

The foregoing instrument was certified and subscribed before me this 29 day of Sept. 18 2005 by Paul H. Freeman, Trustee, who is personally known to me or who has produced \_\_\_\_\_ as identification.

(SEAL)



Brooke S Allen  
My Commission DD104505  
Expires March 28, 2006

Brooke S. Allen  
Signature of notary public

Brooke S. Allen  
Printed name of notary public



**COMP PLAN AMENDMENT**  
**SUPPLEMENTARY INFORMATION**

**Page 1 of 2**

**B.1 Traffic Circulation Analysis:**

The property is located north of the newly 6 laned Alico Road. The I-75 / Alico Road Interchange is currently being expanded and will be completed in 2007. Three Oaks Parkway is scheduled to be extended from Alico Road to Daniels Parkway within the 5 year CIP and will be a 4 lane divided arterial road.

B.2 a. Sanitary water service is provided by Lee County Utilities. Service lines will be extended by the property owners to connect to the current lines leading to the Three Oaks Wastewater Treatment Plant located approximately 2 miles south of the property.

b. Potable water service is provided by Lee County Utilities. Service lines will be extended by the property owners to connect to the current lines on Alico Road and Three Oaks Parkway.

c. The surface water will drain through a series of drainage easements and control structures into the Alico Road canal. The water will then enter the Six Mile canal. South Florida Water Management District permits have already been applied for.

d. Parks, Recreation, and Open Space - Project requirements will be met.

3. a. and b. Fire Protection - The project site will be located within the San Carlos Park Fire District. Service will be provided from existing stations at Ben Hill Griffin Blvd., San Carlos Park, and a planned new station just south of Alico Road and Three Oaks Parkway.

c. Law Enforcement - Service will be provided by Lee County Sheriffs Department.

d. Solid waste services will be provided by the approved Lee County franchise hauler.

e. Mass Transit - Lee Tran

f. Schools - Closest schools are San Carlos Elementary, Three Oaks Elementary, Three Oaks Middle and Estero High School.

C. Environmental Impacts  
Plant, Soil and Wetland information has been submitted to the South Florida Water Management District. This information will be sent under separate cover.

D. Historical Resources - None listed.

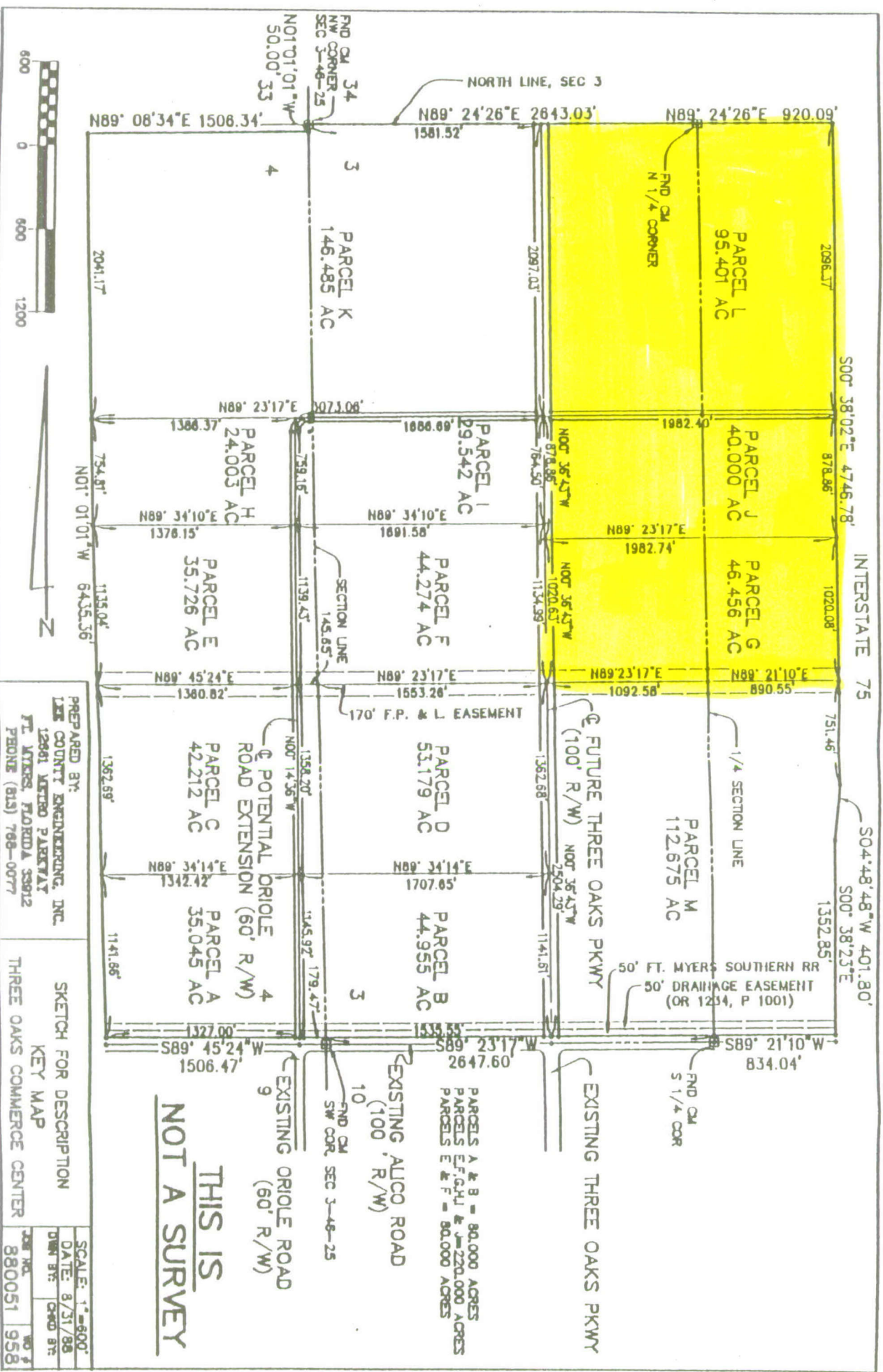
**COMP PLAN AMENDMENT**  
**SUPPLEMENTARY INFORMATION**  
**Page 2 of 2**

E. Consistency with the Lee Plan

1. The proposal has no effect on population projections in Lee County
2. Goals & Objectives  
Objective 1.3 - To maximize the beneficial use of these critical access points.  
Policy 1.3.4 - Permit a mixture of light industrial and / or commercial uses.  
Do not permit heavy industrial uses.  
Goal 2.  
Growth Management. To provide for an economically feasible plan which coordinated the location and timing of new development with the provision of infrastructure by government agencies, private utilities, and other sources.  
  
Objective 2.2. Direct new growth to Future Urban Areas where adequate public facilities are assured and where compact and contiguous development patterns can be created.  
  
Objective 2.4. Examine Future Land Use Map in light of new information and changed conditions and make necessary modifications.  
  
Policy 2.4.4. Lee Plan Amendment applications to expand the Lee Plan's employment center, which includes light industrial, commercial retail and office land uses, will be evaluated in light of the locations and cumulative total already designated for each use.  
  
A number of additional goals and objectives are met by the amendment including:  
Goal 53: Potable Water Infrastructure  
Goal 56: Sanitary Sewer Infrastructure
3. There is no effect on adjacent local governments.
4. All infrastructure and economic development goals and policies are enhanced by this amendment.

- F. 1. The site is accessible to the arterial roadways of Alico Road, Three Oaks Parkway, I-75 to the east and US 41 to the west. It is also close to the airport cargo terminal.

- G. The proposed amendment will provide enhanced workplace and job opportunities. This amendment provides the opportunity to improve the visual appearance of the development along I-75 particularly in this high traffic corridor location near the Airport and the University. The new Chico's World Headquarters indicates this location will be a prime high wage corridor if the appropriate range of uses is allowed. Companies desiring research and development ties to Florida Gulf Coast University will uniquely be appropriately located at this site.



PREPARED BY:  
 L&S COUNTY ENGINEERING, INC.  
 12801 METRO PARKWAY  
 FT. MYERS, FLORIDA 33912  
 PHONE (813) 768-0077

SKETCH FOR DESCRIPTION  
 KEY MAP  
 THREE OAKS COMMERCE CENTER

SCALE: 1"=600'  
 DATE: 8/31/88  
 DRAWN BY: CMO BTE  
 JOB NO.: 880051  
 NO. 958

**THIS IS  
 NOT A SURVEY**

PARCELS A & B = 80,000 ACRES  
 PARCELS E, F, G, H, I & J = 220,000 ACRES  
 PARCELS K & L = 80,000 ACRES



Colonial Boulevard

Six Mile Parkway

Interstate 75

Proposed Three Oaks Parkway North

Proposed Oriole Road

Oriole Road

Three Oaks Parkway

1. Three Oaks (Alico Interchange Park) — 345 acres, 1,455,000 sq. ft., commercial and office, 1,124 residential units.
2. San Carlos Park — 7,000 residential units.
3. Fiddlesticks Golf and Country Club — 707 acres, 770 residential units.
4. U.S. Homes. Cross Creek Country Club — 305 acres, 905 residential units.
5. Dan Port Center — 218 acres, 2,404,222 sq. ft., commercial, office and industrial.
6. Jet Port Interstate Park — 158 acres, 1,800,000 sq. ft., commercial, office and industrial, 750-room motel.
7. Omni Interchange Park — 5,745,000 sq. ft., commercial, office and industrial, 839 residential units.
8. Southwest Florida Regional (International) Airport.
9. Westinghouse Gateway Communities — 5,319 acres, 1,742,400 sq. ft., commercial and office, 19,932 residential units.





LEE COUNTY  
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: 479-8526

Bob Janes  
District One

September 1, 2006

Douglas R. St. Cerny  
District Two

Ray Judah  
District Three

Tammy Hall  
District Four

John E. Albion  
District Five

Donald D. Stilwell  
County Manager

David M. Owen  
County Attorney

Diana M. Parker  
County Hearing  
Examiner

Mr. Alan C. Freeman  
19091 Tamiami Trail, SE  
Fort Myers, FL 33908

Re: CPA2005-00005

Dear Mr. Freeman:

On **September 30, 2005** an application was submitted for the above referenced project. Our records indicate the last correspondence in regards to the application was on **December 12, 2005**.

Please **provide a completed application addressing sufficiency comments** by **September 15, 2006** or the case will be deemed withdrawn.

Please feel free to contact us if you require clarification or additional information.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT  
Planning Division

Richard R. Burris  
Principal Planner

cc: Paul H. Freeman, Trustee  
Tim Pugh, Source, Inc.  
Regina Smith, Lee County Economic Development  
Planning File