



**CPA2007-04**

**MANGO/ROWSHAN  
SMALL-SCALE  
AMENDMENT  
TO THE**

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LEE COUNTY COMPREHENSIVE PLAN

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**THE LEE PLAN**

Privately Sponsored Application  
and Staff Analysis

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LPA Public Hearing Document  
for the  
January 26<sup>th</sup> Public Hearing

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*Lee County Planning Division  
1500 Monroe Street  
P.O. Box 398  
Fort Myers, FL 33902-0398  
(239) 533-8585*

*January 16, 2009*

LEE COUNTY  
DIVISION OF PLANNING  
STAFF REPORT FOR  
COMPREHENSIVE PLAN AMENDMENT  
CPA2007-04

☐

Text Amendment

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Map Amendment

This Document Contains the Following Reviews:	
✓	Staff Review
	Local Planning Agency Review and Recommendation
	Board of County Commissioners Hearing for Adoption

STAFF REPORT PREPARATION DATE: January 16, 2009

## PART I - BACKGROUND

### A. SUMMARY OF APPLICATION

#### 1. APPLICANT/REPRESENTATIVE:

Mango Development of SW Florida, LLC & Rowshan Enterprises, Inc.  
Represented by Speath Engineering

#### 2. REQUEST:

Amend the Future Land Use Map Series, Map 1, for an approximate 7.35 +/- acre to change the Future Land Use classification from Tradeport and Wetlands to General Interchange and Wetlands. The site is generally located in the southeast quadrant of Daniels Parkway and Treeline Avenue.

#### 3. SUMMARY DISCUSSION:

The applicant, Mango Development of SW Florida, LLC & Rowshan Enterprises, Inc., is requesting a small scale change of land use designation on the Future Land Use Map from Tradeport and Wetlands to General Interchange and Wetlands for an approximate 7.35 +/- acre area of land. The site is located in the southeast quadrant of Daniels Parkway and Treeline Avenue in Section 23, Township 45 South, Range 25 East. The site is located within the Gateway/Airport Planning community. Residential uses are not permitted in the Tradeport or General Interchange future land use categories. If the amendment is approved the allowable commercial intensity for the site would increase from approximately 7,350 square feet of floor area to a maximum of 73,500 square feet of floor area. Tradeport uses, such as warehousing and offices, would be reduced from 73,500 square feet to no square feet.

A Current and Proposed Future Land Use Map are attached as Attachments 1 and 2.



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

**1. RECOMMENDATION:** Planning staff recommends that Map 1, the Future Land Use Map, **not** be amended to change the future land use designation of the subject area from the Tradeport and Wetlands future land use categories to the General Interchange and Wetlands future land use categories for the subject 7.35 acres. While the proposed amendment is consistent with the General Interchange category and the majority of the urban services have adequate capacity to provide the necessary services, the proposal will intensify development on a road segment that is projected to fail. Staff is unable to recommend approval of an amendment that would exacerbate the current transportation deficiency.

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

- The site is located in the Tradeport and Wetlands future land use categories.
- The site is located in the southeast quadrant of Daniels Parkway and Treeline Avenue.
- Daniels Parkway from Fiddlesticks Boulevard to just east of Chamberlain Parkway is projected to fail by 2030, with or without the proposed amendment, based on the network contained in the Financially Feasible Plan (Map 3A).
- The proposed land use change will intensify development on a road segment that is projected to fail.
- The site is located along a primary route to and from the Southwest Florida International Airport.
- The proposed development is consistent with Policy 1.3.2, the General Interchange future land use descriptor policy of the Lee Plan.
- The subject parcels are surrounded by properties developed with similar uses and surrounding land use designations.
- The change will not impact the commercial allocations adopted in Table 1(b) of the Lee Plan for the Gateway/Airport Planning Community.
- The change will not impact the population accommodation of the adopted Lee Plan future land use map.
- Lee County Utilities has water and wastewater treatment capacity and infrastructure to support the projected increase in demand.
- Sheriff, Fire, and EMS services have provided no objections to the proposed amendment.
- There are no identified endangered species present on the subject parcel.

## **C. BACKGROUND INFORMATION**

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

**SIZE OF PROPERTY:** 7.35 ACRES

**PROPERTY LOCATION:** The subject property is located in the southeast quadrant of Daniels Parkway and Treeline Avenue.

**STRAP#:** 23-45-25-01-00022.0000 and 23-45-25-01-00032.0000

**EXISTING USE OF LAND:** The subject property is currently vacant.

**CURRENT ZONING:** CG, CT

**CURRENT FUTURE LAND USE CLASSIFICATION:** Tradeport and Wetlands

### **2. INFRASTRUCTURE AND SERVICES:**

**WATER & SEWER:** The subject property is located in the Lee County Utilities service area for potable water and sanitary sewer service.

**FIRE:** The property is located in the South Trail Fire District.

**TRANSPORTATION:** Access to the property is from Halter Lane to the south and Saddle Road to the east.

**SOLID WASTE:** District 3 Franchise Area serviced by Waste Pro

## **PART II - STAFF ANALYSIS**

### **A. STAFF DISCUSSION**

#### **INTRODUCTION**

The applicant is requesting a small scale change of land use designation on the Future Land Use Map from Tradeport and Wetlands to General Interchange and Wetlands for an approximate 7.35 acres of land. The site is located in the southeast quadrant of Daniels Parkway and Treeline Avenue just over a quarter mile from the I-75 interchange. If the amendment is approved the allowable commercial retail intensity for the site would increase from approximately 7,350 square feet of floor area or more within a hotel/motel use to a maximum of 73,500 square feet of stand alone retail use. Residential uses are not permitted in the Tradeport or General Interchange future land use categories.

The original Comprehensive Plan Amendment Application, Staff Insufficiency Letters, and Applicant Supplementary Information are attached.

#### **PROJECT SUMMARY**

The 7.35 acre area is composed of two parcels fronting Daniels Parkway in the Tradeport future land use category. The subject area is currently vacant and is surrounded by commercial, industrial, and

vacant land. The site is a little over a quarter mile east of the I-75 and Daniels Parkway interchange area and is adjacent to the General Interchange future land use category. The parcels are zoned CT and CG. The applicant's representatives have indicated that retail/restaurant/hotel type uses will be constructed on the property.

### **COMPREHENSIVE PLAN BACKGROUND**

In 1984, Lee County adopted its first official Future Land Use Map (FLUM) as an integral part of its comprehensive plan. On that map, the subject property was part of the "Airport Commerce" land use category. In 2004 the land use category "Airport Commerce" was renamed to "Tradeport" in order to eliminate confusion during airport master planning and permitting processes. "Tradeport" remains the future land use designation for the parcel today. The Tradeport areas are described by Policy 1.2.2.

Based on the existing Tradeport future land use category retail uses are only permitted if they are located within a hotel or motel. Ancillary retail uses are permitted in support of the surrounding business and industrial land uses as part of a planned development of 10 or more acres and are limited to 1,000 square feet of floor area per acre. A pending change to the Tradeport category proposes to remove this 10 acre minimum. The current land use category would allow 7,350 square feet or more of retail type uses within a hotel/motel use, depending on the size of the hotel/motel use.

Approximately 3.5 acres of the western portion of the subject area are Pine Flatwood Wetlands. The Wetland areas are described by Policy 1.5.1.

During correspondence between the applicant and staff, the applicant has stated that "Due to the location and low quality of the on-site wetlands it is anticipated that all wetlands on this site will be mitigated during South Florida Water Management District ERP processing." Environmental Sciences staff has provided comments regarding the subject area in the Endangered Species section of this report below.

### **ADJACENT ZONING AND USES**

The site is zoned CG and CT. The surrounding properties are zoned CG to the north across Daniels Parkway, CG and AG-2 to the east, CT to the west across Treeline Avenue, and AG-2 zoning to the south. The property is surrounded by vacant land with a gas station to the west across Treeline Avenue. The southeast quadrant of the interchange, which encompasses the General Interchange land use category is immediately to the west of the property, west of Treeline Avenue. There are a mix of uses in this quadrant of the interchange which include two hotels, two restaurants, an office building, and a car rental service.

### **POPULATION ACCOMMODATION CAPACITY DISCUSSION**

The request is to change the Future Land Use Map (FLUM) category of approximately 7.35 acres from Tradeport and Wetlands to General Interchange and Wetlands. Residential uses are not permitted in the Tradeport or General Interchange future land use categories. Staff concludes that there will be no increase or decrease in the population accommodation capacity of the FLUM as a result of the proposed amendment.

### **CONSISTENCY WITH THE "GENERAL INTERCHANGE" LAND USE CATEGORY**

The applicant is proposing that the subject area be amended to the General Interchange future land use category to increase the possible retail square footage of the site. The General Interchange areas are described by Policy 1.3.2.

The proposed amendment is consistent with the General Interchange designation for the following reasons: it is located adjacent to the General Interchange future land use category and is consistent with the concept of small scale development amendments; it is located in an area where residential uses are not expected or compatible due to the nature of the surrounding land uses and its location along a major travel corridor; its location at a major intersection; the allowable uses in the General Interchange category serve the traveling public; the site is located along a primary route to and from the Southwest Florida International Airport; and the urban services, as noted, have adequate capacity to provide the necessary services to accommodate the proposed small scale amendment with the exception of the transportation issues discussed below. The retail uses that are contemplated by the applicant are consistent with the General Interchange land use category.

#### **MAP 16 - PLANNING COMMUNITIES AND TABLE 1(b)**

The subject area is located within the Gateway/Airport Planning Community. In this community there are 1,100 acres allocated for commercial uses. Recent data indicates that 168 of these acres are currently developed with commercial uses, leaving a surplus of 932 acres that could be developed with commercial uses in the Gateway/Airport Planning Community before the year 2030.

Planning staff has concluded that the proposed amendment does not require an amendment to Table 1(b) in light of the current data, however, staff notes that the allocations in Table 1(b) are utilized on a first come first serve basis so this project will be "competing" community wide for a portion of this allocation.

#### **TRANSPORTATION ISSUES**

The Lee County Department of Transportation (DOT) has reviewed the request and provided the following written comments dated March 25, 2008:

*The Department of Transportation has reviewed the above referenced privately-initiated future land use map plan amendment, to change the land use designation of approximately 7.35 acres at the southeast corner of Daniels Parkway and Treeline Boulevard from "Tradeport" to "General Interchange". Your staff indicates that the proposed change would allow approximately 73,500 square feet of retail use on the site. Under that scenario, there would be approximately 276 trips (including pass-by trips) generated by this property on a p.m. peak hour basis. Plugging that impact into the Lee County MPO's 2030 Financially Feasible Plan FSUTMS travel demand model and examining the three-mile radius around the project, the only identified level of service problem is on the section of Daniels Parkway from Fiddlesticks Boulevard to just east of Chamberlain Parkway. This road segment is identified as failing in 2030 with and without the proposed land use change.*

*Despite the fact that a portion of the impacted roadway (from Fiddlesticks Boulevard to I-75) is designated in the Lee Plan as "constrained", the MPO's 2030 Needs Plan does identify a potential improvement to address the impacted portion of Daniles Parkway in the form of an 8-lane section that includes 4 express lanes. The MPO Plan suggests testing the improvement as a toll-funded project, to potentially make it financially feasible. However, absent an identified means of paying for such an improvement and subsequent inclusion in the Financially Feasible Plan, DOT staff cannot recommend approval of a land use change that intensifies development on a road segment that is projected to fail.*

Under the current Tradeport designation office type uses would generate the largest traffic volume, whereas under the proposed General Interchange designation retail type uses would generate the largest traffic volume. The proposed amendment would increase the allowable commercial retail intensity for the site from the possibility of retail uses within a hotel/motel to a maximum of 73,500

square feet of stand alone retail use. Retail uses create a higher trip generation than office uses and therefore the proposed amendment would result in an increase in traffic.

Based on the memo provided, DOT staff has rerun the FSUTMS travel demand model and concluded that the road segment noted above is projected to fail in the year 2030, with and without the proposed land use change. DOT staff has concluded that absent an identified means of paying for improvements and without such improvements identified in the Financially Feasible Plan, DOT staff cannot recommend approval of the subject land use change as it intensifies development on a road segment that is projected to fail.

## **PUBLIC SAFETY ISSUES**

The applicant has provided letters from the public safety and service providers. The purpose of these letters is to determine the adequacy of existing or proposed support facilities. Planning staff has also provided some additional analysis.

### Coastal Issues

The parcel is located in the Category 4/5 Evacuation Zone and the Category 4/5 Storm Surge. The parcel is not part of the County's defined Coastal High Hazard Area.

### Sheriff's Office Impact

The Lee County Office of the Sheriff has provided that the amendment would not affect the ability to provide core services at this time.

### Fire Service Impact

The District has provided a letter to the applicant stating that they do not see any issues or raise any objections to the proposed change. The letter states that the anticipated capital improvements needs of the District will be covered by the applicable fire/rescue impact fees.

### Emergency Medical Services (EMS) Impact

EMS staff has indicated that they have no concerns with the ability to provide services to this area.

## **SCHOOL IMPACTS**

Lee County School District staff has provided a letter to the applicant stating this land use change does not generate students and the district only considers residential land use in determining impact calculations.

## **ENDANGERED SPECIES**

Lee County Division of Environmental Sciences staff have reviewed the request and conducted a site review confirming the applicant's findings in the application back-up materials. Environmental Sciences staff has provided written comments dated January 8, 2009 stating *"The onsite wetlands hydrology has been previously disturbed with the drainage and ditching associated with the construction of Daniels Parkway and Treeline Ave. The applicant proposes to mitigate these disturbed wetlands through SFWMD for impacts associated with the project. ES Staff has determined that the restoration of hydrology to onsite wetlands is not feasible considering the historic, existing, and ongoing impacts associated with Daniels Parkway and Treeline Ave."* With regard to the protected species, Environmental Sciences staff state that *"No listed species was observed and due to the nature of the site, surrounded by disturbed lands and isolated by major roadways, no listed species is likely to occur."*

In conclusion the Environmental Sciences staff report notes *"One environmental discrepancy between Tradeport and General Interchange is the requirement in Tradeport for special environmental and design guidelines in association with Six Mile Cypress Slough."* The applicant has indicated that they will follow the environmental guidelines set forth in Policy 1.2.2.

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

Residential uses are not permitted in the subject land use categories. Therefore there will be no associated population increase and the proposed amendment will not impact community and regional parks needs.

### **DRAINAGE/SURFACE WATER MANAGEMENT**

The application provides the following concerning this issue:

*"The property is located in the Six Mile Cypress Watershed as indicated in the Lee County Surface Water Management Master Plan. Any development will be in compliance with South Florida Water Management District and the Lee County Development Code with regard to surface water management."*

Any development would need to be in compliance with South Florida Water Management District and Lee County Land Development Code regulations with regard to surface water management. Natural Resources staff has offered no comments in objection to the proposed amendment.

### **MASS TRANSIT**

Lee County Transit Division staff have reviewed the request and provided that Lee County currently provides transit services to this area. There is one route providing hourly bus service during the non tourist season and 45 minute service during tourist season. Transit staff stated "The Lee County Transit Development Plan (TDP) is the strategic transit service plan with a horizon out to the year 2017. The plan identifies the need for 30 minute service during the entire year on this route however additional service improvements are unfunded at this time."

### **UTILITIES**

The subject property is located in the Lee County Utilities water service area. Utilities staff have indicated that Lee County Utilities has excess treatment capacity through the Corkscrew water treatment plant to support the proposed amendment. There is an existing 12" water main on the west side of Treeline Avenue and there is a 12" water main stubbed out of this line to the east crossing Treeline Avenue and terminating at the northwest corner of the subject property. The developer will be required to perform hydraulic calculations to determine any required off-site improvements to support an increase in demand. If offsite improvements are required, the developer will be responsible for those improvements.

The subject property is located in the Lee County Utilities sewer service area. Utilities staff have provided that both treatment and collection system capacity in this area are currently served by the City of Fort Myers South Treatment Facility. This facility has excess treatment capacity to serve the subject development, however the current wastewater collection transmission system infrastructure is at capacity. Lee County Utilities is currently in the process of expanding the Gateway Wastewater Treatment Facility and are planning modifications to the wastewater collection system with the intention of the Gateway facility accepting flows from this area. Upon completion the system should

have sufficient treatment and collection capacity to serve the subject area. The expansion and improvements are planned for completion by August 2010. There is an existing 10" force main on the east side of Treeline Avenue south of the subject area that is available for connection. Utility staff adds that the developer will be required to perform hydraulic calculations determining sufficient infrastructure capacity. If offsite improvements are required, the developer will be responsible for those improvements.

## **HISTORIC RESOURCES**

There are no known historical or archeological areas on the site.

## **B. CONCLUSIONS**

The proposed amendment is consistent with Policy 1.3.2, the General Interchange future land use descriptor policy. The applicant's intent is to develop retail type uses. As proposed the development will be compatible with the surrounding uses and surrounding land use designations. The subject area is located adjacent to the General Interchange future land use category. If adopted, the proposed amendment would extend interchange type uses at a major intersection utilized by the traveling public. Adequate infrastructure is in place to provide the necessary services to accommodate the requested land use change with the exception of transportation planning. As discussed above, the Lee County Department of Transportation (DOT) concluded that the proposed land use change intensifies development on a road segment that is projected to fail. The road segment identified by DOT is projected to fail with or without the proposed land use change. At this time there are no identified means of paying for improvements identified in the Financially Feasible Plan. This fact makes recommending approval of an increase in intensity for the subject property unfeasible.

## **C. STAFF RECOMMENDATION**

Planning staff recommends that Map 1, the Future Land Use Map, **not** be amended to re-designate the subject area from "Rural" to "Suburban." and "Commercial." This recommendation is based upon the previously discussed issues and conclusions set forth above.

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

**DATE OF PUBLIC HEARING:** January 26, 2009

**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**

\_\_\_\_\_

**CINDY BUTLER**

\_\_\_\_\_

**CARIE CALL**

\_\_\_\_\_

**JIM GREEN**

\_\_\_\_\_

**MITCH HUTCHCRAFT**

\_\_\_\_\_

**RON INGE**

\_\_\_\_\_

**CARLA JOHNSTON**

\_\_\_\_\_



**PART IV - 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:**

**A. BRIAN BIGELOW**

\_\_\_\_\_

**TAMMARA HALL**

\_\_\_\_\_

**ROBERT P. JANES**

\_\_\_\_\_

**RAY JUDAH**

\_\_\_\_\_

**FRANKLIN B. MANN**

\_\_\_\_\_






CPA2007-04  
 SMALL SCALE  
 COMPREHENSIVE  
 PLAN AMENDMENT

MANGO/ROWSHAN  
 PROPERTIES

Existing  
 Future Land Use Map

 Subject Property

FUTURE URBAN AREAS

-  Public Facilities
-  General Interchange
-  Tradeport
-  Airport
-  Wetlands



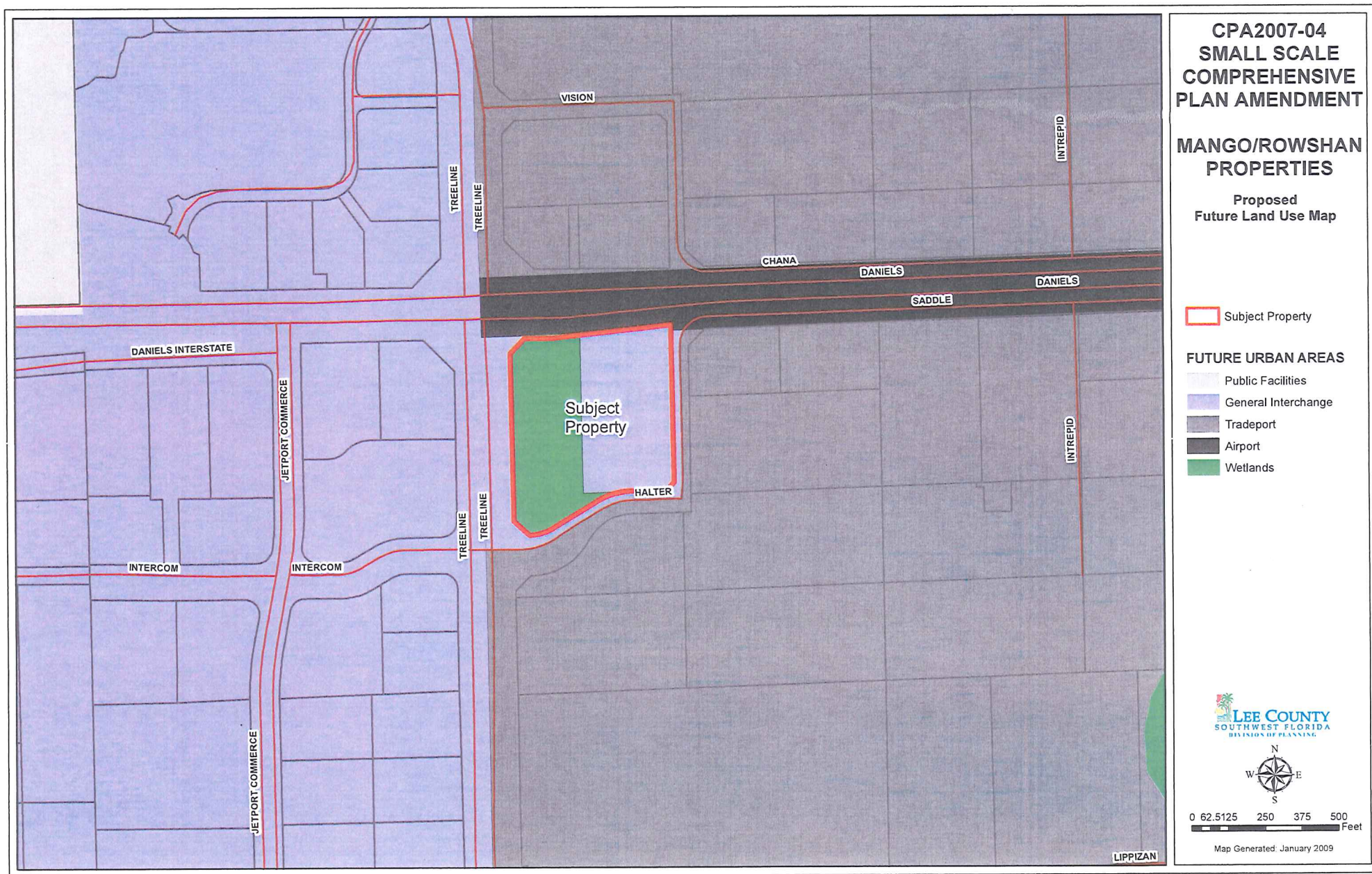
Map Generated January 2009



LEE COUNTY  
 SOUTHWEST FLORIDA  
 DIVISION OF PLANNING







Attachment 2

**CPA2007-04**

**MANGO/ROWSHAN  
SMALL-SCALE  
AMENDMENT  
TO THE**

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**LEE COUNTY COMPREHENSIVE PLAN**

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**THE LEE PLAN**

**Privately Sponsored Application  
and Staff Analysis**

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**BoCC Public Hearing Document  
for the  
April 14<sup>th</sup> Public Hearing**

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*Lee County Planning Division  
1500 Monroe Street  
P.O. Box 398  
Fort Myers, FL 33902-0398  
(239) 533-8585*

*March 30, 2009*

LEE COUNTY  
DIVISION OF PLANNING  
STAFF REPORT FOR  
COMPREHENSIVE PLAN AMENDMENT  
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Text Amendment

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Map Amendment

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STAFF REPORT PREPARATION DATE: January 16, 2009

## PART I - BACKGROUND

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#### 1. APPLICANT/REPRESENTATIVE:

Mango Development of SW Florida, LLC & Rowshan Enterprises, Inc.  
Represented by Speath Engineering

#### 2. REQUEST:

Amend the Future Land Use Map Series, Map 1, for an approximate 7.35 +/- acre to change the Future Land Use classification from Tradeport and Wetlands to General Interchange and Wetlands. The site is generally located in the southeast quadrant of Daniels Parkway and Treeline Avenue.

#### 3. SUMMARY DISCUSSION:

The applicant, Mango Development of SW Florida, LLC & Rowshan Enterprises, Inc., is requesting a small scale change of land use designation on the Future Land Use Map from Tradeport and Wetlands to General Interchange and Wetlands for an approximate 7.35 +/- acre area of land. The site is located in the southeast quadrant of Daniels Parkway and Treeline Avenue in Section 23, Township 45 South, Range 25 East. The site is located within the Gateway/Airport Planning community. Residential uses are not permitted in the Tradeport or General Interchange future land use categories. If the amendment is approved the allowable commercial intensity for the site would increase from approximately 7,350 square feet of floor area to a maximum of 73,500 square feet of floor area. Tradeport uses, such as warehousing and offices, would be reduced from 73,500 square feet to no square feet.

A Current and Proposed Future Land Use Map are attached as Attachments 1 and 2.

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

1. **RECOMMENDATION:** Planning staff recommends that Map 1, the Future Land Use Map, **not** be amended to change the future land use designation of the subject area from the Tradeport and Wetlands future land use categories to the General Interchange and Wetlands future land use categories for the subject 7.35 acres. While the proposed amendment is consistent with the General Interchange category and the majority of the urban services have adequate capacity to provide the necessary services, the proposal will intensify development on a road segment that is projected to fail. Staff is unable to recommend approval of an amendment that would exacerbate the current transportation deficiency.

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

- The site is located in the Tradeport and Wetlands future land use categories.
- The site is located in the southeast quadrant of Daniels Parkway and Treeline Avenue.
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- The proposed land use change will intensify development on a road segment that is projected to fail.
- The site is located along a primary route to and from the Southwest Florida International Airport.
- The proposed development is consistent with Policy 1.3.2, the General Interchange future land use descriptor policy of the Lee Plan.
- The subject parcels are surrounded by properties developed with similar uses and surrounding land use designations.
- The change will not impact the commercial allocations adopted in Table 1(b) of the Lee Plan for the Gateway/Airport Planning Community.
- The change will not impact the population accommodation of the adopted Lee Plan future land use map.
- Lee County Utilities has water and wastewater treatment capacity and infrastructure to support the projected increase in demand.
- Sheriff, Fire, and EMS services have provided no objections to the proposed amendment.
- There are no identified endangered species present on the subject parcel.

## **C. BACKGROUND INFORMATION**

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

**SIZE OF PROPERTY:** 7.35 ACRES

**PROPERTY LOCATION:** The subject property is located in the southeast quadrant of Daniels Parkway and Treeline Avenue.

**STRAP#:** 23-45-25-01-00022.0000 and 23-45-25-01-00032.0000

**EXISTING USE OF LAND:** The subject property is currently vacant.

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### **2. INFRASTRUCTURE AND SERVICES:**

**WATER & SEWER:** The subject property is located in the Lee County Utilities service area for potable water and sanitary sewer service.

**FIRE:** The property is located in the South Trail Fire District.

**TRANSPORTATION:** Access to the property is from Halter Lane to the south and Saddle Road to the east.

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## **PART II - STAFF ANALYSIS**

### **A. STAFF DISCUSSION**

#### **INTRODUCTION**

The applicant is requesting a small scale change of land use designation on the Future Land Use Map from Tradeport and Wetlands to General Interchange and Wetlands for an approximate 7.35 acres of land. The site is located in the southeast quadrant of Daniels Parkway and Treeline Avenue just over a quarter mile from the I-75 interchange. If the amendment is approved the allowable commercial retail intensity for the site would increase from approximately 7,350 square feet of floor area or more within a hotel/motel use to a maximum of 73,500 square feet of stand alone retail use. Residential uses are not permitted in the Tradeport or General Interchange future land use categories.

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vacant land. The site is a little over a quarter mile east of the I-75 and Daniels Parkway interchange area and is adjacent to the General Interchange future land use category. The parcels are zoned CT and CG. The applicant's representatives have indicated that retail/restaurant/hotel type uses will be constructed on the property.

### **COMPREHENSIVE PLAN BACKGROUND**

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The subject area is located within the Gateway/Airport Planning Community. In this community there are 1,100 acres allocated for commercial uses. Recent data indicates that 168 of these acres are currently developed with commercial uses, leaving a surplus of 932 acres that could be developed with commercial uses in the Gateway/Airport Planning Community before the year 2030.

Planning staff has concluded that the proposed amendment does not require an amendment to Table 1(b) in light of the current data, however, staff notes that the allocations in Table 1(b) are utilized on a first come first serve basis so this project will be "competing" community wide for a portion of this allocation.

#### **TRANSPORTATION ISSUES**

The Lee County Department of Transportation (DOT) has reviewed the request and provided the following written comments dated March 25, 2008:

*The Department of Transportation has reviewed the above referenced privately-initiated future land use map plan amendment, to change the land use designation of approximately 7.35 acres at the southeast corner of Daniels Parkway and Treeline Boulevard from "Tradeport" to "General Interchange". Your staff indicates that the proposed change would allow approximately 73,500 square feet of retail use on the site. Under that scenario, there would be approximately 276 trips (including pass-by trips) generated by this property on a p.m. peak hour basis. Plugging that impact into the Lee County MPO's 2030 Financially Feasible Plan FSUTMS travel demand model and examining the three-mile radius around the project, the only identified level of service problem is on the section of Daniels Parkway from Fiddlesticks Boulevard to just east of Chamberlain Parkway. This road segment is identified as failing in 2030 with and without the proposed land use change.*

*Despite the fact that a portion of the impacted roadway (from Fiddlesticks Boulevard to I-75) is designated in the Lee Plan as "constrained", the MPO's 2030 Needs Plan does identify a potential improvement to address the impacted portion of Daniels Parkway in the form of an 8-lane section that includes 4 express lanes. The MPO Plan suggests testing the improvement as a toll-funded project, to potentially make it financially feasible. However, absent an identified means of paying for such an improvement and subsequent inclusion in the Financially Feasible Plan, DOT staff cannot recommend approval of a land use change that intensifies development on a road segment that is projected to fail.*

Under the current Tradeport designation office type uses would generate the largest traffic volume, whereas under the proposed General Interchange designation retail type uses would generate the largest traffic volume. The proposed amendment would increase the allowable commercial retail intensity for the site from the possibility of retail uses within a hotel/motel to a maximum of 73,500

square feet of stand alone retail use. Retail uses create a higher trip generation than office uses and therefore the proposed amendment would result in an increase in traffic.

Based on the memo provided, DOT staff has rerun the FSUTMS travel demand model and concluded that the road segment noted above is projected to fail in the year 2030, with and without the proposed land use change. DOT staff has concluded that absent an identified means of paying for improvements and without such improvements identified in the Financially Feasible Plan, DOT staff cannot recommend approval of the subject land use change as it intensifies development on a road segment that is projected to fail.

## **PUBLIC SAFETY ISSUES**

The applicant has provided letters from the public safety and service providers. The purpose of these letters is to determine the adequacy of existing or proposed support facilities. Planning staff has also provided some additional analysis.

### Coastal Issues

The parcel is located in the Category 4/5 Evacuation Zone and the Category 4/5 Storm Surge. The parcel is not part of the County's defined Coastal High Hazard Area.

### Sheriff's Office Impact

The Lee County Office of the Sheriff has provided that the amendment would not affect the ability to provide core services at this time.

### Fire Service Impact

The District has provided a letter to the applicant stating that they do not see any issues or raise any objections to the proposed change. The letter states that the anticipated capital improvements needs of the District will be covered by the applicable fire/rescue impact fees.

### Emergency Medical Services (EMS) Impact

EMS staff has indicated that they have no concerns with the ability to provide services to this area.

## **SCHOOL IMPACTS**

Lee County School District staff has provided a letter to the applicant stating this land use change does not generate students and the district only considers residential land use in determining impact calculations.

## **ENDANGERED SPECIES**

Lee County Division of Environmental Sciences staff have reviewed the request and conducted a site review confirming the applicant's findings in the application back-up materials. Environmental Sciences staff has provided written comments dated January 8, 2009 stating *"The onsite wetlands hydrology has been previously disturbed with the drainage and ditching associated with the construction of Daniels Parkway and Treeline Ave. The applicant proposes to mitigate these disturbed wetlands through SFWMD for impacts associated with the project. ES Staff has determined that the restoration of hydrology to onsite wetlands is not feasible considering the historic, existing, and ongoing impacts associated with Daniels Parkway and Treeline Ave."* With regard to the protected species, Environmental Sciences staff state that *"No listed species was observed and due to the nature of the site, surrounded by disturbed lands and isolated by major roadways, no listed species is likely to occur."*

In conclusion the Environmental Sciences staff report notes *"One environmental discrepancy between Tradeport and General Interchange is the requirement in Tradeport for special environmental and design guidelines in association with Six Mile Cypress Slough."* The applicant has indicated that they will follow the environmental guidelines set forth in Policy 1.2.2.

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

Residential uses are not permitted in the subject land use categories. Therefore there will be no associated population increase and the proposed amendment will not impact community and regional parks needs.

### **DRAINAGE/SURFACE WATER MANAGEMENT**

The application provides the following concerning this issue:

*"The property is located in the Six Mile Cypress Watershed as indicated in the Lee County Surface Water Management Master Plan. Any development will be in compliance with South Florida Water Management District and the Lee County Development Code with regard to surface water management."*

Any development would need to be in compliance with South Florida Water Management District and Lee County Land Development Code regulations with regard to surface water management. Natural Resources staff has offered no comments in objection to the proposed amendment.

### **MASS TRANSIT**

Lee County Transit Division staff have reviewed the request and provided that Lee County currently provides transit services to this area. There is one route providing hourly bus service during the non tourist season and 45 minute service during tourist season. Transit staff stated "The Lee County Transit Development Plan (TDP) is the strategic transit service plan with a horizon out to the year 2017. The plan identifies the need for 30 minute service during the entire year on this route however additional service improvements are unfunded at this time."

### **UTILITIES**

The subject property is located in the Lee County Utilities water service area. Utilities staff have indicated that Lee County Utilities has excess treatment capacity through the Corkscrew water treatment plant to support the proposed amendment. There is an existing 12" water main on the west side of Treeline Avenue and there is a 12" water main stubbed out of this line to the east crossing Treeline Avenue and terminating at the northwest corner of the subject property. The developer will be required to perform hydraulic calculations to determine any required off-site improvements to support an increase in demand. If offsite improvements are required, the developer will be responsible for those improvements.

The subject property is located in the Lee County Utilities sewer service area. Utilities staff have provided that both treatment and collection system capacity in this area are currently served by the City of Fort Myers South Treatment Facility. This facility has excess treatment capacity to serve the subject development, however the current wastewater collection transmission system infrastructure is at capacity. Lee County Utilities is currently in the process of expanding the Gateway Wastewater Treatment Facility and are planning modifications to the wastewater collection system with the intention of the Gateway facility accepting flows from this area. Upon completion the system should

have sufficient treatment and collection capacity to serve the subject area. The expansion and improvements are planned for completion by August 2010. There is an existing 10" force main on the east side of Treeline Avenue south of the subject area that is available for connection. Utility staff adds that the developer will be required to perform hydraulic calculations determining sufficient infrastructure capacity. If offsite improvements are required, the developer will be responsible for those improvements.

## **HISTORIC RESOURCES**

There are no known historical or archeological areas on the site.

## **B. CONCLUSIONS**

The proposed amendment is consistent with Policy 1.3.2, the General Interchange future land use descriptor policy. The applicant's intent is to develop retail type uses. As proposed the development will be compatible with the surrounding uses and surrounding land use designations. The subject area is located adjacent to the General Interchange future land use category. If adopted, the proposed amendment would extend interchange type uses at a major intersection utilized by the traveling public. Adequate infrastructure is in place to provide the necessary services to accommodate the requested land use change with the exception of transportation planning. As discussed above, the Lee County Department of Transportation (DOT) concluded that the proposed land use change intensifies development on a road segment that is projected to fail. The road segment identified by DOT is projected to fail with or without the proposed land use change. At this time there are no identified means of paying for improvements identified in the Financially Feasible Plan. This fact makes recommending approval of an increase in intensity for the subject property unfeasible.

## **C. STAFF RECOMMENDATION**

Planning staff recommends that Map 1, the Future Land Use Map, **not** be amended to re-designate the subject area from "Rural" to "Suburban." and "Commercial." This recommendation is based upon the previously discussed issues and conclusions set forth above.

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

**DATE OF PUBLIC HEARING:** February 23, 2009

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

Planning staff gave a brief presentation concerning the proposed amendment. One member of the LPA noted the 2030 level of service deficiency and inquired what the current level of service is. DOT staff responded that the segment immediately adjacent to the subject property is adequate according to the latest concurrency report but there is a level of service problem not far from the subject site between Chamberlain Parkway and Gateway Boulevard. DOT staff indicated that 6-laning here is tentative and the improvements will most likely not remain programmed in the CIP.

Another member of the LPA asked how concurrency would be handled when the owner applied for a development order. DOT staff explained that concurrency is an immediate issue and would be dependent on the road conditions at that time. Currently portions of Treeline Avenue and Daniels Parkway immediately adjacent to the subject property are not failing based on the latest concurrency report. However, when reviewing a comprehensive plan amendment we look at the 2030 planning horizon. With or without the proposed amendment an intensification could be problematic because the roadway is projected to fail. DOT staff explained that the LPA needs to consider if there are other benefits to this amendment that outweigh this negative.

LPA members discussed the impact of the current possible square footage development of the site and the possible square footage development with the amendment. DOT staff stated that the small scale amendment was not a big impact adding a lot of extra trips.

The applicant's representative addressed the LPA and noted that the concurrency manual shows this segment of Daniels currently operating at a level-of-service A. The applicant's representative described the engineer's analysis and concluded that there is an increase in 168 trips when comparing the peak hour traffic with the existing future land use category and the peak hour traffic with the proposed category. The applicant added three reasons to support their request for approval: the roadway is projected to fail with or without the proposal, the analysis was based on the 2030 population figures prior to the downturn, and there is precedent for the subject request where the Board has previously approved two other plan amendments with similar traffic concerns.

DOT staff stated that the worst case would be a community shopping center which would equate to 5,000 trips with 466 pm peak hour trips. DOT staff indicated that while we are in a downturn it is viewed as temporary and this does not change the population forecast for long term growth forecasts.

Another member of the LPA asked staff if this is an appropriate use of the site. Planning staff stated no objection to the change of use for the property. Staff indicated that it is important to keep in mind that the Tradeport designation is an important category where we hope to expand our economic base and retail is not the kind of jobs we are looking for in this category. Staff noted that a small scale amendment is less than 10 acres without a great impact on the plan but these can add up and erode a land use category. Staff concluded there is no objection to the change yet in being consistent we do not want to exacerbate a traffic problem that already exists.

One member of the LPA made a motion stating that based on the existing zoning, existing roadway capacity, mass transit availability, and surrounding uses the request is appropriate and compatible. The LPA member stated that all other infrastructure is in place and if the LPA denied the request they would be sending the wrong message because this use would go somewhere further out where possibly infrastructure would not exist. This member stated that development should be encouraged to occur where infrastructure exists and found the amendment consistent with the Lee Plan. This member recommended approval of the amendment and the motion passed 6-0.

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

1. **RECOMMENDATION:** The LPA recommends that the Board of County Commissioners adopt the proposed amendment.
2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The LPA did not accept the findings of fact as advanced by the staff regarding traffic and recommended adoption of the amendment based on several factors discussed above.

**C. VOTE:**

NOEL ANDRESS	<u>AYE</u>
CINDY BUTLER	<u>ABSTAIN</u>
CARIE CALL	<u>AYE</u>
JIM GREEN	<u>AYE</u>
MITCH HUTCHCRAFT	<u>AYE</u>
RON INGE	<u>AYE</u>
CARLA JOHNSTON	<u>AYE</u>

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

**DATE OF ADOPTION HEARING: April 14, 2009**

**A. BOARD REVIEW:**

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

**1. BOARD ACTION:**

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

**C. VOTE:**

**A. BRIAN BIGELOW**

\_\_\_\_\_

**TAMMARA HALL**

\_\_\_\_\_

**ROBERT P. JANES**

\_\_\_\_\_

**RAY JUDAH**

\_\_\_\_\_

**FRANKLIN B. MANN**

\_\_\_\_\_



CPA2007-04  
 SMALL SCALE  
 COMPREHENSIVE  
 PLAN AMENDMENT

MANGO/ROWSHAN  
 PROPERTIES

Existing  
 Future Land Use Map

 Subject Property

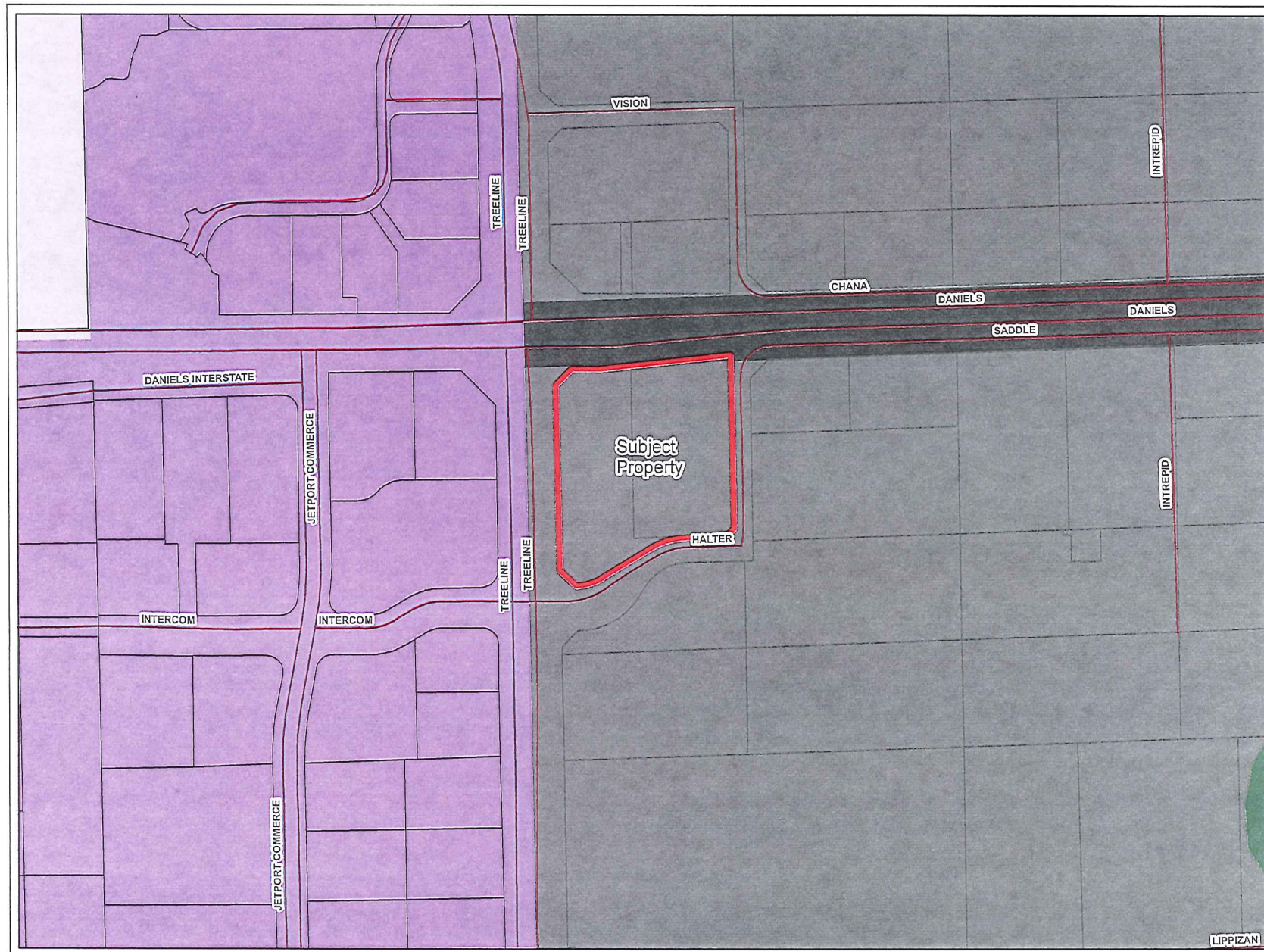
FUTURE URBAN AREAS

-  Public Facilities
-  General Interchange
-  Tradeport
-  Airport
-  Wetlands



0 65 130 260 390 520 Feet

Map Generated: January 2009





CPA2007-04  
SMALL SCALE  
COMPREHENSIVE  
PLAN AMENDMENT

MANGO/ROWSHAN  
PROPERTIES

Proposed  
Future Land Use Map

 Subject Property

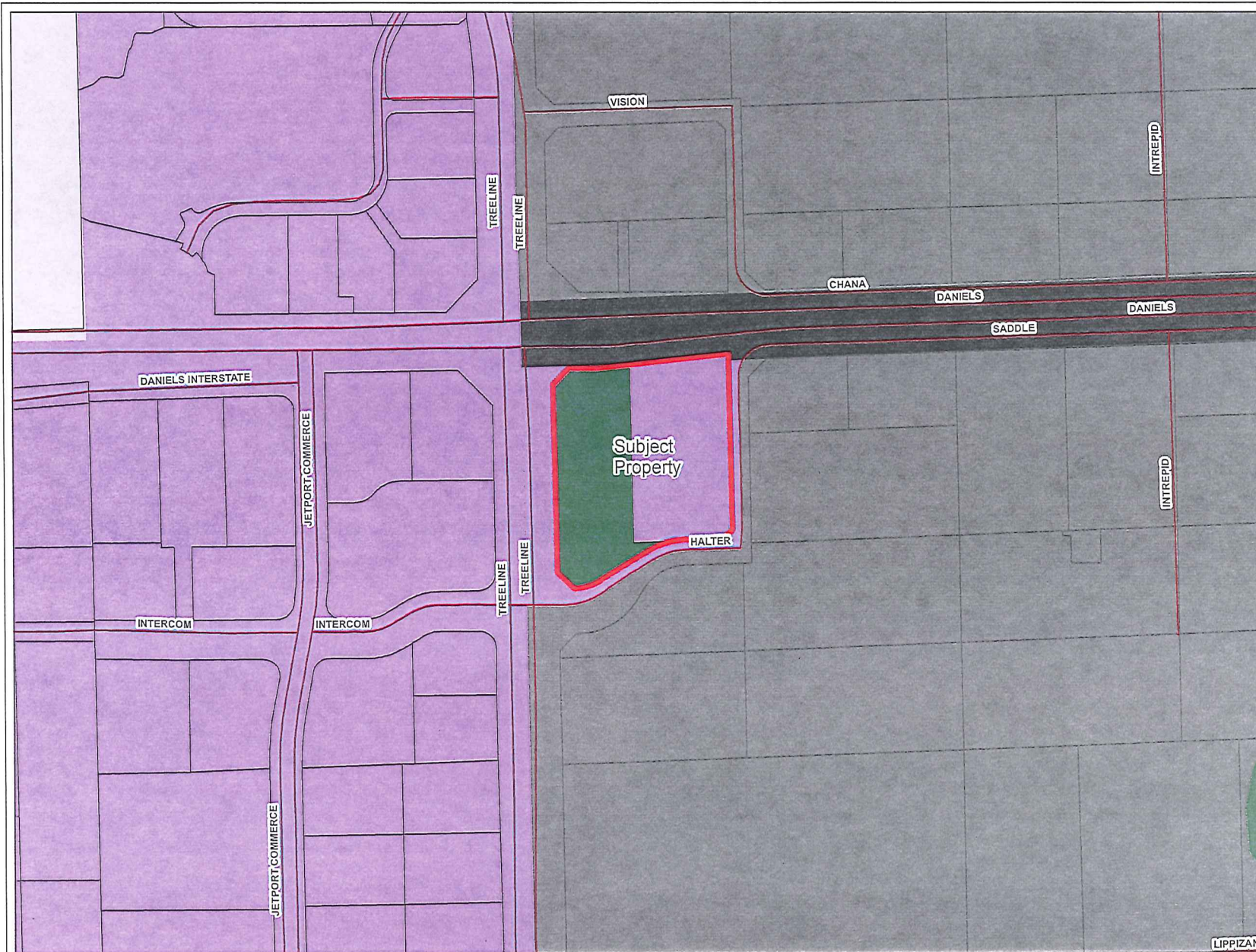
FUTURE URBAN AREAS

-  Public Facilities
-  General Interchange
-  Tradeport
-  Airport
-  Wetlands



0 62.5 125 250 375 500  
Feet

Map Generated: January 2009





**LEE COUNTY**  
SOUTHWEST FLORIDA

# Board of County Commissioners Meeting Agenda

**District #1**  
Bob Janes

**District #2**  
Brian Bigelow

**District #3**  
Ray Judah  
Chairman

**District #4**  
Tammy Hall  
Vice Chair

**District #5**  
Frank Mann

Donald D. Stilwell  
County Manager

David M. Owen  
County Attorney

**April 14, 2009**

Please fill out a "Request to Comment" card if you plan to address the Board and return it to the Clerk at the left of the podium prior to the start of the meeting. All back up for this agenda is available on the Internet at <http://www.lee-county.com>. Additional information is available in the **Public Resources Office**, 1<sup>st</sup> Floor, Administration Building, 2115 Second St., Fort Myers, FL  
**PLEASE NOTE:** The Board may take action in its capacity as the Port Authority or Government Leasing Corporation.

**COMMISSION CHAMBERS, 2120 MAIN STREET, FORT MYERS, FLORIDA**  
**9:30 AM**

Invocation: Rev. Dennis Gingerich      Cape Christian Fellowship

Pledge of Allegiance

Recap

Public Comment on the Consent and Administrative Agenda

Consent Agenda

- Items to be pulled for discussion by the Board
- Motion to approve balance of items
- Consideration of items pulled for discussion

Administrative Agenda

Walk-ons and Carry-overs

Commissioners' Items/Committee Appointments

County Manager Items

County Attorney Items

Recess Until 5:00PM

## CONSENT AGENDA

### 1. COUNTY ADMINISTRATION

#### A) ACTION REQUESTED/PURPOSE:

Approve resolution for project LC-09-02-02 as a qualified applicant for the State Qualified Target Industry Tax Refund Program (QTI) as recommended by the Lee County Industrial Development Authority (IDA) on March 20, 2009. (#20090329-ECONOMIC DEVELOPMENT)

#### FUNDING SOURCE:

No funding required at this time.

#### WHAT ACTION ACCOMPLISHES:

State Law requires County to demonstrate 20% local match support for the application.

#### MANAGEMENT RECOMMENDATION:

Approve.

#### B) ACTION REQUESTED/PURPOSE:

Present to the Board for information and filing the Object Code #504015 Expenditure Detail Report for the second quarter of FY08-09 (January through March 2009) as required by Lee County Ordinance #90-18.

(#20090349-COUNTY MANAGER)

#### FUNDING SOURCE:

Combination of Library, County Administration, Human Services, Public Resources, Human Resources, Parks & Recreation, Economic Development, Smart Growth and Solid Waste.

#### WHAT ACTION ACCOMPLISHES:

Allows Board to monitor expenditures being made by County Departments and Divisions to this object code.

#### MANAGEMENT RECOMMENDATION:

Approve.

### 2. ADMINISTRATIVE SERVICES

### 3. COMMUNITY DEVELOPMENT

#### A) ACTION REQUESTED/PURPOSE:

1) Execute the grant award agreements for the 2008/2009 Lee County Historic Preservation Grant Assistance Program as recommended by staff and the Historic Preservation Board.

2) Authorize amendments to extend historic preservation contracts: C-3849, C4353, C-4354 and C-4355.

(#20090343-COMMUNITY DEVELOPMENT)

#### FUNDING SOURCE:

Lee County Unincorporated Area Municipal Service Taxing and Benefit (MTSU) Program: Planning.

#### WHAT ACTION ACCOMPLISHES:

Allows the county to enter into agreements with the grant recipients who will use these funds to rehabilitate historic structures.

#### MANAGEMENT RECOMMENDATION:

Approve.

#### **4. CONSTRUCTION AND DESIGN**

##### **A) ACTION REQUESTED/PURPOSE:**

Approve Addendum to the Construction Manager Agreement under RFQ-05-08 JUSTICE CENTER RENOVATIONS & ANNEX REMODEL, to Target Builders, Inc., for the project known as 3rd Floor Renovations of Pod D, Phase I, for a Guaranteed Maximum Price of \$1,968,986.00 (includes CM Fee of \$99,922.00 or 6%), with a total project completion time of 240 calendar days to substantial and 270 calendar days to final completion. Also request that the Board approve waiving of the formal process (if needed) and authorize the use of the Direct Material Purchase Orders as provided for in the CM agreement with Lee County, which allows the County to purchase directly from suppliers of equipment and/or materials as a cost/time saving measure. Further authorize Chair to execute the CM Addendum on behalf of the Board upon receipt. This project was anticipated and funds are available. (#20090339-CONSTRUCTION AND DESIGN)

##### **FUNDING SOURCE:**

Fund: General Fund; Program – Major Maintenance Project; Project – Justice Center Renovations.

##### **WHAT ACTION ACCOMPLISHES:**

Provides Lee County with a Construction Manager for all supervision, materials, labor, equipment and insurance for Phase I of the 3rd Floor, Pod D Lee County Justice Center.

##### **MANAGEMENT RECOMMENDATION:**

Approve.

##### **B) ACTION REQUESTED/PURPOSE:**

Approve Addendum to the Construction Manager Agreement under RFQ-05-08 JUSTICE CENTER RENOVATIONS & ANNEX REMODEL, to Target Builders, Inc., for project known as Jail Sewer Pipe Rehabilitation, for a Guaranteed Maximum Price of \$311,972.00 (includes CM Fee of \$24,559.00 or 8.8%), with a project completion time of 180 calendar days to substantial completion and 210 calendar days to final completion. Also request that the Board approve waiving of the formal process (if needed) and authorize the use of the Direct Material Purchase Orders as provided for in the CM agreement with Lee County, which allows the County to purchase directly from suppliers of equipment and/or materials as a cost/time saving measure. Further authorize Chair to execute the CM Addendum on behalf of the Board upon receipt. This Addendum was anticipated and funds are available. (#20090340-CONSTRUCTION AND DESIGN)

##### **FUNDING SOURCE:**

Fund: General Fund; Program – Major Maintenance Project; Project – Sheriff Building Improvements – Sewer Pipe Rehabilitation.

##### **WHAT ACTION ACCOMPLISHES:**

Provides Lee County with a Construction Manager to provide all labor and materials for the Lee County Jail Sewer Pipe Rehabilitation.

##### **MANAGEMENT RECOMMENDATION:**

Approve.

#### **5. COUNTY COMMISSIONERS**

#### **6. COUNTY LANDS**

##### **A) ACTION REQUESTED/PURPOSE:**

Approve and execute four (4) utility easements to Lee County Electric Cooperative, Inc. (LCEC) for the North Lee County Water Treatment Plant Expansion Project No. 7084/7602. Authorize the Division of County Lands to handle all documentation necessary to complete the transactions. (#20090334-COUNTY LANDS)

##### **FUNDING SOURCE:**

Fund: LCU Capital Impr.; Program: Capital Project; Project: North Lee County Water Treatment Plant Wellfield Expansion 7602.

##### **WHAT ACTION ACCOMPLISHES:**

Provides four (4) utility easements providing electric service to the North Lee County Water Treatment Plant Expansion Project parcels.

##### **MANAGEMENT RECOMMENDATION:**

Approve.

6. COUNTY LANDS (Continued)

B) **ACTION REQUESTED/PURPOSE:**

Accept Donation of property at 3411 3rd Street West, Lehigh Acres, for the Department of Human Services. Authorize the Division of County Lands to accept the deed on behalf of Lee County.

(#20090335-COUNTY LANDS)

**FUNDING SOURCE:**

Fund: Human Services Grant-Affordable Home Ownership Assistance; Program: Affordable Home ownership Assistance.

**WHAT ACTION ACCOMPLISHES:**

Formally accepts donation of property for the Department of Human Services.

**MANAGEMENT RECOMMENDATION:**

Approve.

C) **ACTION REQUESTED/PURPOSE:**

Approve Purchase Agreement for acquisition of Parcel 3001 DE/SE (±209 sq. ft.), Ortiz Avenue Project 4072/5056, in the amount of \$500, pursuant to the terms and conditions set forth in the Agreement. Authorize payment of costs to close and the Division of County Lands to handle and accept all documentation necessary to complete this transaction. (#20090336-COUNTY LANDS)

**FUNDING SOURCE:**

Fund: Road Impact Fee – Central District; Program: Capital Project; Project: Ortiz Ave - S.R. 80 (Palm Beach Blvd.) to Lockett Road.

**WHAT ACTION ACCOMPLISHES:**

Acquisition of property necessary for the widening of Ortiz Avenue, without the necessity of an eminent domain action.

**MANAGEMENT RECOMMENDATION:**

Approve.

D) **ACTION REQUESTED/PURPOSE:**

Authorize the Division of County Lands to make a binding offer to property owner in the amount of \$10,000 for +/- 700 square feet, identified as part of STRAP No. 32-44-22-00-00007.0000, Pine Island Fisherman's Cooperative Project No. 1871, pursuant to the Easement Purchase Agreement; and authorize the Division of County Lands to handle all documentation necessary to complete transaction. (#20090337-COUNTY LANDS)

**FUNDING SOURCE:**

Fund – Capital Improvement Fund and Solid Waste Operating Fund; Program – Capital Project and Solid Waste Disposal Facilities; Project – Fisherman's Co-op Improvements.

**WHAT ACTION ACCOMPLISHES:**

Makes binding offer to property owner prior to initiation of condemnation proceedings as required by Florida Statutes.

**MANAGEMENT RECOMMENDATION:**

Approve.

E) **ACTION REQUESTED/PURPOSE:**

Approve reconveyance of a portion of a utility easement located on Gasparilla Island, in Section 11, Township 43 South, Range 20 East, further identified as a part of STRAP No. 11-43-20-06-00006.0250; authorize Chairman to execute the County Deed; authorize County Lands Division to handle all documentation necessary to complete transaction. (#20090338-COUNTY LANDS)

**FUNDING SOURCE:**

All costs are paid by Requestor.

**WHAT ACTION ACCOMPLISHES:**

Returns a portion of an easement not being utilized for the intended purpose back to the fee simple owner of the property.

**MANAGEMENT RECOMMENDATION:**

Approve.



6. COUNTY LANDS (Continued)

F) **ACTION REQUESTED/PURPOSE:**

Approve Purchase Agreement for acquisition of Parcel 3000 DE/SE (±794 sq. ft.), Ortiz Avenue Project 5056, in the amount of \$500, pursuant to the terms and conditions set forth in the Agreement. Authorize payment of costs to close and the Division of County Lands to handle and accept all documentation necessary to complete this transaction. (#20090345-COUNTY LANDS)

**FUNDING SOURCE:**

Fund: Road Impact Fee – Central District; Program: Capital Project; Project: Ortiz Ave - S.R. 80 (Palm Beach Blvd.) to Luckett Road.

**WHAT ACTION ACCOMPLISHES:**

Acquisition of property necessary for the widening of Ortiz Avenue, without the necessity of an eminent domain action.

**MANAGEMENT RECOMMENDATION:**

Approve.

7. HUMAN SERVICES

8. INDEPENDENT

A) **ACTION REQUESTED/PURPOSE:**

Approve award of Formal Quotation No. Q-090131 for the Repair of Small Gasoline Engine Powered Equipment and Hand Tools for Countywide use to the following vendors meeting specifications: Barry's Gravely Tractors; East Side Rentals Inc; Sarlo Power Mowers Inc. and Circle Service of SW FL at the rates listed on the attached tabulation sheet. Estimated annual expenditure of approximately \$125,000. Also, request the authority to renew this quote for four additional one-year periods at the same terms and conditions if in the best interest of Lee County. Permission is also requested to exercise the price escalator clause as per the specifications on an as needed basis. (#20090314-PURCHASING)

**FUNDING SOURCE:**

Funding will be made available by the individual departments and divisions account strings on an as needed basis. Departments will monitor their own expenditure.

**WHAT ACTION ACCOMPLISHES:**

Supplies Lee County with a pool of vendors to repair our small gas powered equipment and tools.

**MANAGEMENT RECOMMENDATION:**

Approve.

B) **ACTION REQUESTED/PURPOSE:**

Approve Budget Transfer from Future Capital Outlay Reserves to construction in the Cherry Blueberry MSTU Fund 10417. (#20090350-PUBLIC RESOURCES)

**FUNDING SOURCE:**

Funds available in the Cherry Blueberry MSTU Reserve Account.

**WHAT ACTION ACCOMPLISHES:**

Allows the Cherry Blueberry Improvement Unit to access funds set aside specifically for the purpose of road maintenance.

**MANAGEMENT RECOMMENDATION:**

Approve.

8. INDEPENDENT (Continued)

C) **ACTION REQUESTED/PURPOSE:**

Request the Lee County Board of County Commissioners (BOCC) authorize and transfer funds in the amount \$33,000.00 from the Animal Care Trust Fund (ACTF) reserves to be utilized for expenses of veterinary treatment of sick and injured animals (both shelter and public animals) and purchase of dog beds and cat boxes to improve comfort and enrichment of animals awaiting adoption and other minor miscellaneous supplies for the adoption centers. (#20090331-ANIMAL SERVICES)

**FUNDING SOURCE:**

Transfer from the ACTF reserves; current balance of \$444,000.00.

**WHAT ACTION ACCOMPLISHES:**

Prevents pain and suffering of animals that require veterinary care and treatment and improves the comfort and enrichment of shelter animals awaiting adoption.

**MANAGEMENT RECOMMENDATION:**

Approve.

9. NATURAL RESOURCES/ SOLID WASTE

10. PARKS AND RECREATION

11. PUBLIC SAFETY

12. PUBLIC WORKS ADMINISTRATION

13. TRANSPORTATION

A) **ACTION REQUESTED/PURPOSE:**

Approve and authorize Chairman to sign Maintenance Agreement and authorizing resolution with the Florida Department of Transportation in order for the County to assume the maintenance responsibility for the Landscape & Irrigation in the medians of Alico Road from Three Oaks Parkway to just east of Ben Hill Griffin Pkwy. (#20090312-TRANSPORTATION)

**FUNDING SOURCE:**

Fund – Transportation Trust Fund; Program – DOT Operations - Landscape.

**WHAT ACTION ACCOMPLISHES:**

Allows the County to execute the maintenance agreement and proceed with maintenance activities for landscaping & Irrigation.

**MANAGEMENT RECOMMENDATION:**

Approve.

B) **ACTION REQUESTED/PURPOSE:**

Approve award of Formal Quotation No. Q-090205 Traffic Cable, Parts and Installation for DOT Transportation to the following vendors meeting specifications: Fiber Solutions, primary vendor and Precision Contracting Services, Inc., secondary vendor, at the prices listed on the attached tabulation sheet. Also, all MOT items will be priced as in attachment C, Section 102: maintenance of traffic from the Florida State Department of Transportation (on page 52 of this quote) from the Office of Roadway Design from Florida's transportation Engineers. All MOT items must be priced and listed as in section: 103-13.23 payment items (as on pages 70-71 of this quote) and will be handled per project. The initial term of this quote is one-year and also request the authority to renew this quote for four additional one-year periods, at the same terms and conditions, if in the best interest of Lee County; and to exercise the price escalator clause as per the specifications on an as-needed basis. The annual expenditure is anticipated to be approximately \$200,000. (#20090330-TRANSPORTATION)

**FUNDING SOURCE:**

Transportation Trust Fund; Program – DOT Traffic-Signals PD5410417500.505280.

**WHAT ACTION ACCOMPLISHES:**

Allows DOT to have qualified and dependable vendors to install and provide traffic cable and parts.

**MANAGEMENT RECOMMENDATION:**

Approve.

#### 14. UTILITIES

**A) ACTION REQUESTED/PURPOSE:**

Renew existing Reuse Agreement-Kelly Greens: (BS 20090316/11297, SIV/SDG): Authorize Chair, on behalf of the BOCC, to execute and approve recording of the "Agreement for the Delivery and Use of Reclaimed Effluent Water" (which does NOT include a utility easement) between Lee County and Kelly Greens Master Association, Inc., for a project known as 'KELLY GREENS'. The project is located at the northeast corner of Summerlin and John Morris Road. (#20090316-UTILITIES)

**FUNDING SOURCE:**

No funds required.

**WHAT ACTION ACCOMPLISHES:**

Provides for disposal of treated effluent from the 'Fort Myers Beach Wastewater Plant'.

**MANAGEMENT RECOMMENDATION:**

Approval.

**B) ACTION REQUESTED/PURPOSE:**

Developer Contributed Asset - Premier Airport Park Phase 1 (BS 20090320/11301, THO/SDG): Approve construction of a water main extension, and one 10" diameter master meter assembly serving 'PREMIER AIRPORT PARK, PHASE 1, to provide potable water service, and fire protection to this proposed Industrial Development. This is a Developer contributed asset project located on the west side of Airport Haul Road approximately 3,900' north of Alico Road. (#20090320-UTILITIES)

**FUNDING SOURCE:**

No funds required.

**WHAT ACTION ACCOMPLISHES:**

Provides adequate water infrastructure to support development of the subject property and complies with the Lee County Utilities Operations Manual.

**MANAGEMENT RECOMMENDATION:**

Approval.

**C) ACTION REQUESTED/PURPOSE:**

Developer Contributed Asset - Alico Center Road Industrial, Lot 4 (BS 20090321/11302, MMM/SDG): Approve final acceptance, by Resolution, as a donation of one fire hydrant, to provide fire protection to 'ALICO CENTER ROAD INDUSTRIAL, LOT 4', a recently constructed light industrial building. This is a Developer contributed asset project located along the west side of Alico Center Road approximately 500' south of Alico Road. (#20090321-UTILITIES)

**FUNDING SOURCE:**

No funds required.

**WHAT ACTION ACCOMPLISHES:**

Provides adequate utility infrastructure to support development of the subject property and complies with the Lee County Utilities Operations Manual.

**MANAGEMENT RECOMMENDATION:**

Approval.

**D) ACTION REQUESTED/PURPOSE:**

Renew existing Reuse Agreement-Lexington: (BS 20090322/11303, SIV/SDG): Authorize Chair, on behalf of the BOCC, to execute and approve recording of the "Agreement for the Delivery and Use of Reclaimed Effluent Water" (which does NOT include a utility easement) between Lee County and Lexington Community Association, Inc., (agreement formerly with Stoneybrook) for a project known as 'LEXINGTON'. The project is located at the southeast corner of Summerlin and Bass Roads. (#20090322-UTILITIES)

**FUNDING SOURCE:**

No funds required.

**WHAT ACTION ACCOMPLISHES:**

Provides for disposal of treated effluent from the 'Fort Myers Beach Wastewater Plant'.

**MANAGEMENT RECOMMENDATION:**

Approval.



**14. UTILITIES (Continued)**

**E) ACTION REQUESTED/PURPOSE:**

Developer Contributed Asset - Southwest Capital Bank (BS 20090296/11278, MMM/SDG): Approve final acceptance, by Resolution, as a donation of force main extension/connection, to provide sanitary sewer service to 'SOUTHWEST CAPITAL BANK', a recently constructed commercial building. This is a Developer contributed asset project located on the southwest corner of Stringfellow Road and Sunset Lane. (#20090296-UTILITIES)

**FUNDING SOURCE:**

No funds required.

**WHAT ACTION ACCOMPLISHES:**

Provides adequate utility infrastructure to support development of the subject property and complies with the Lee County Utilities Operations Manual.

**MANAGEMENT RECOMMENDATION:**

Approval.

**F) ACTION REQUESTED/PURPOSE:**

Developer Contributed Asset - United Way of Lee County (BS 20090300/11281, MMM/SDG): Approve final acceptance, by Resolution and recording of one (1) utility easement, as a donation of one 4" diameter fire line and one sewer service, to provide fire protection to the recent office expansion for 'UNITED WAY OF LEE COUNTY'. This is considered a Developer contributed asset project located along the west side of Concourse Drive approximately 800' south of Gladiolus Drive. (#20090300-UTILITIES)

**FUNDING SOURCE:**

No funds required.

**WHAT ACTION ACCOMPLISHES:**

Provides adequate utility infrastructure to support the office expansion and complies with the Lee County Utilities Operations Manual.

**MANAGEMENT RECOMMENDATION:**

Approval.

**15. COUNTY ATTORNEY**

**16. HEARING EXAMINER**

**17. CONSTITUTIONAL OFFICERS**

**A) ACTION REQUESTED/PURPOSE:**

Approve the Minutes for the following meetings of the Board of County Commissioners held during the week of March 30, 2009 through April 03, 2009:  
March 31, 2009 (Regular) (#20090353-MINUTES)

**FUNDING SOURCE:**

Not Applicable.

**WHAT ACTION ACCOMPLISHES:**

Approval of the Board Minutes, pursuant to Florida Statute 286.011.

**MANAGEMENT RECOMMENDATION:**

Approve.

**B) ACTION REQUESTED/PURPOSE:**

Request Board approves disbursements. The check and wire registers can now be viewed on the Clerk's Website at [www.leeclerk.org](http://www.leeclerk.org) by accessing the BOCC Minutes and Documents link. (#20090355-FINANCE)

**FUNDING SOURCE:**

N/A.

**WHAT ACTION ACCOMPLISHES:**

Florida Statute Chapter 136.06 (1) requires that all County disbursements be recorded in the Minutes of the Board.

**MANAGEMENT RECOMMENDATION:**

Compliance with the requirements of FS 136.06(1).

**18. PORT AUTHORITY AND OTHER GOVERNING BOARDS**

## **ADMINISTRATIVE AGENDA**

### **1. COUNTY ADMINISTRATION**

#### **A) ACTION REQUESTED/PURPOSE:**

Approve revisions to the Code of Ethics Policy Number 206 of the Policy and Procedures Manual to update and include a section on investments. Adopt a resolution to amend Administrative Code AC-6-1 to reflect these changes. (#20090348-COUNTY MANAGER)

#### **FUNDING SOURCE:**

N/A.

#### **WHAT ACTION ACCOMPLISHES:**

Updates Code of Ethics Policy Number 206 of the Policy and Procedures Manual.

#### **MANAGEMENT RECOMMENDATION:**

Approve revisions to the Code of Ethics Policy Number 206 and adopt resolution to amend Administrative Code AC-6-1.

#### **B) ACTION REQUESTED/PURPOSE:**

Approve the electronic submission of a grant proposal under the American Recovery and Reinvestment Act of 2009 for the full, allocated amount of \$768,977.00 (OMB No. 1121-0323, Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Program: Local Solicitation). (#20090351-COUNTY MANAGER)

#### **FUNDING SOURCE:**

No Lee County funds required; 100% Federal grant funding to support local personnel.

#### **WHAT ACTION ACCOMPLISHES:**

In order to apply for the attached grant, the applicant must make the grant application available for review by its governing body for at least 30 days before the application is submitted. In addition, that application must be made public for opportunity to comment. This action is to earn the BOCC's publicly acknowledged approval of the justice system's plan to recover and reinvest in Lee County's Circuit Criminal Court, while commencing a period for public comment via the AOC's website.

#### **MANAGEMENT RECOMMENDATION:**

Approve with understanding that post-grant funding is not committed.

#### **C) ACTION REQUESTED/PURPOSE:**

The Lee County Sheriff's Office requests approval to submit a federal online grant application to the U.S. Department of Justice, Office of Community Oriented Policing Services to request \$4,300,926 in funding through the FY 2009 COPS Hiring Recovery Program, to hire 21 new deputies for a three-year period beginning Oct. 1, 2009. This will increase the capacity of the Lee County Sheriff's Office to implement community policing strategies that strengthen partnerships for safer communities and enhance law enforcement's capacity to prevent, solve and control crime. (#20090354-COUNTY MANAGER)

#### **FUNDING SOURCE:**

U.S. Department of Justice.

#### **WHAT ACTION ACCOMPLISHES:**

The COPS Hiring Recovery Program grant pays 100 percent of the approved entry-level salary and fringe benefits for full-time, sworn law enforcement officers. There is no local match requirement; however, there is a 12-month retention requirement. \$1,594,964 will be required to cover the cost of these 21 positions for one year after funding ends on Sept. 30, 2012. The grant submission deadline is April 14, 2009.

#### **MANAGEMENT RECOMMENDATION:**

Approve with understanding that post-grant funding is not committed.

### **2. ADMINISTRATIVE SERVICES**

### **3. COMMUNITY DEVELOPMENT**

### **4. CONSTRUCTION AND DESIGN**

### **5. COUNTY COMMISSIONERS**

### **6. COUNTY LANDS**

7. HUMAN SERVICES
8. INDEPENDENT
9. NATURAL RESOURCES/ SOLID WASTE
10. PARKS AND RECREATION
11. PUBLIC SAFETY
12. PUBLIC WORKS ADMINISTRATION
13. TRANSPORTATION
14. UTILITIES
15. COUNTY ATTORNEY

A) **ACTION REQUESTED/PURPOSE:**

Approve mediated settlement in Lee County v. Dahlke, Tr., et al., Case No. 08CA-419, parcels 412, 413, 414, Bonita Beach Road Project #5720. (#20090341-COUNTY ATTORNEY)

**FUNDING SOURCE:**

Fund: Transportation CIP; Program: Capital Improvement Project; Project: Bonita Beach Road.

**WHAT ACTION ACCOMPLISHES:**

Settles all claims excluding statutory attorney fees and costs for the acquisition of parcels 412, 413, 414.

**MANAGEMENT RECOMMENDATION:**

Approve.

B) **ACTION REQUESTED/PURPOSE:**

Approve the Amended Resolution of Necessity for the acquisition and condemnation of Parcel 262SE, required for the Three Oaks Parkway South Extension (Imperial Parkway) Project No. 4043, between East Terry Street and The Brooks. (#20090344-COUNTY ATTORNEY)

**FUNDING SOURCE:**

No funds are required.

**WHAT ACTION ACCOMPLISHES:**

Allows the County to proceed with condemnation, if necessary, so Parcel 262SE can be acquired for the Three Oaks Parkway South Extension (Imperial Parkway) Project No. 4043.

**MANAGEMENT RECOMMENDATION:**

Approve.

16. HEARING EXAMINER
17. CONSTITUTIONAL OFFICERS
18. PORT AUTHORITY AND OTHER GOVERNING BOARDS

## **PUBLIC AGENDA - 5:00 PM**

### **1. ACTION REQUESTED/PURPOSE:**

Review an ordinance to adopt **Lee Plan Small Scale Amendment** CPA2007-00004 Mango/Rowshan Small Scale Amendment. (#20090342-COMMUNITY DEVELOPMENT)

#### **FUNDING SOURCE:**

N/A.

#### **WHAT ACTION ACCOMPLISHES:**

CPA2007-00004 is a request to amend the Lee Plan Future Land Use Map Series, Map 1, for 7.35 ± acres from Tradeport and Wetlands to General Interchange and Wetlands. The site is located in the southeast quadrant of Daniels Parkway and Treeline Avenue.

#### **MANAGEMENT RECOMMENDATION:**

Deny.

Public Presentation of Matters by Citizens

Adjourn



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: 9

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.

August 28, 2007

DATE

  
SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

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2007-00004

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

Mango Development of SW Florida, LLC - Owner

APPLICANT

PMB # 23911300 Lindbergh Blvd. Suite 103

ADDRESS

Fort Myers

Florida

33913

CITY

STATE

ZIP

239-466-5200

239-693-9777

TELEPHONE NUMBER

FAX NUMBER

Rowshan Enterprises Inc. - Owner

APPLICANT

12580 Allendale Cir.

ADDRESS

Fort Myers

Florida

33912

CITY

STATE

ZIP

TELEPHONE NUMBER

FAX NUMBER

Speath Engineering - Agent

AGENT\*

8000 Summerlin Lakes Dr. Suite # 201

ADDRESS

Fort Myers

Florida

33907

CITY

STATE

ZIP

239-275-1899

239-275-0105

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.

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**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 21)

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

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

Change Future Land Use Map of subject property from Tradeport to General  
Interchange to allow for the property to be developed with retail/restaurant  
Uses.

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

**A. Property Location:**

1. Site Address: 10320 Daniels Parkway, Fort Myers, FL

2. STRAP(s): 23-45-25-01-00022.0000, 23-45-25-01-00021.0000,

23-45-25-01-00032.0000

23452501000380000

**B. Property Information**

Total Acreage of Property: 7.35 +/- Ac.

Total Acreage included in Request: 7.35 +/- Ac.

Area of each Existing Future Land Use Category: 7.35 +/- Ac.

Total Uplands: 3.79 acres

Total Wetlands: 3.56 acres

Current Zoning: CT, CG

Current Future Land Use Designation: Tradeport

Existing Land Use: Vacant Commercial

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

Lehigh Acres Commercial Overlay: \_\_\_\_\_ N/A

Airport Noise Zone 2 or 3: \_\_\_\_\_ N/A

Acquisition Area: \_\_\_\_\_ N/A

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

Community Redevelopment Area: \_\_\_\_\_ N/A

- D. Proposed change for the Subject Property:

From "Tradeport" to "General Interchange"

- E. Potential development of the subject property:

1. Calculation of maximum allowable development under existing FLUM:

Residential Units/Density \_\_\_\_\_ -0-

Commercial intensity \_\_\_\_\_ 128,066 s.f. 73,500 37,500

Industrial intensity \_\_\_\_\_ 128,066 s.f.

2. Calculation of maximum allowable development under proposed FLUM:

Residential Units/Density \_\_\_\_\_ -0-

Commercial intensity \_\_\_\_\_ 128,066 s.f. 73,500 37,500

Industrial intensity \_\_\_\_\_ 128,066 s.f.

#### 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. *OK*
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. *OK*
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. *OK*
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. *OK*
7. An aerial map showing the subject property and surrounding properties. *OK*
8. If applicant is not the owner, a letter from the owner of the property authorizing the applicant to represent the owner. *OK*

**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

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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;

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- 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; *-OK*
  - b. Emergency medical service (EMS) provisions; *-OK*
  - c. Law enforcement; *- Need more info*
  - c. Solid Waste; *-OK*
  - d. Mass Transit; and *-OK*
  - e. Schools. *-OK*

*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.

*difference between commercial and industrial uses*



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
Small Scale Amendment (10 acres or less)	\$1,500.00 each
Text Amendment Flat Fee	\$2,500.00 each

**AFFIDAVIT**

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

  
Signature of owner or owner-authorized agent

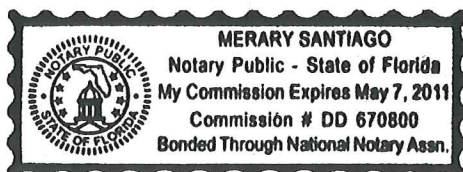
August 28, 2007  
Date

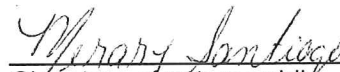
Matthew Speath  
Typed or printed name

STATE OF FLORIDA  
COUNTY OF LEE

The foregoing instrument was certified and subscribed before me this 28 day of August 2007, by Matthew Speath, who is personally known to me or who has produced \_\_\_\_\_ as identification.

(SEAL)



  
Signature of notary public

Merary Santiago  
Printed name of notary public

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RETURN TO:  
STEWART TITLE GUARANTY CO  
3402 WEST CYPRESS, SUITE 100  
TAMPA, FL 33607  
FILE NO. 20040595-PK

After recording return to:  
STEWART NATIONAL TITLE SERVICES  
Attn: Susan D. Ashley  
1980 Post Oak Blvd., Suite 610  
Houston, TX 77056

INSTR # 6902135  
OR BK 04805 Pgs 3776 - 3785; (10pgs)  
RECORDED 07/20/2005 01:54:31 PM  
CHARLIE GREEN, CLERK OF COURT  
LEE COUNTY, FLORIDA  
RECORDING FEE 86.50  
DEED DOC 13,300.00  
DEPUTY CLERK t hale

EXXONMOBIL OIL CORPORATION  
3225 Gallows Road - Law Department  
Fairfax, VA 22037 (703) 846-2348

①  
86.50  
13,300.00

-SPACE ABOVE THIS LINE FOR RECORDER'S USE -

SPECIAL WARRANTY DEED

STATE OF FLORIDA

§

COUNTY OF LEE

§

§ KNOW ALL MEN BY THESE PRESENTS:

⑩  
THAT Exxon Mobil Corporation a New Jersey corporation formerly known as Exxon Corporation having an office at 3225 Gallows Road, Fairfax, Virginia 22037-0001, ("Grantor") for and in consideration of the sum of One Million Nine Hundred Thousand Dollars and No Cents (\$1,900,000 U.S.) cash to it in hand paid by ROWSHAN ENTERPRISES, INC., a Florida corporation, having an address of 18690 Shauna Manor Dr., Boca Raton, FL 33496 ("Grantee") the receipt of which is hereby acknowledged, does hereby GRANT, BARGAIN, SELL, and CONVEY unto Grantee, subject to the further provisions of this Deed, all that certain tract or parcel of land (the "Property") in the City of Fort Myers, County of Lee, State of Florida, being more particularly described in Exhibit "A" attached hereto and incorporated herein for all purposes.

1. This conveyance is made by Grantor and accepted by Grantee subject to Grantor's right to re-enter as described herein and all existing leases, easements, encumbrances, rights-of-way, covenants, conditions and/or restrictions whether of record or not, reservations and exceptions of record, including all building and zoning ordinances, laws, regulations and restrictions by municipal or other governmental authority applicable to the Property and all matters apparent from an inspection of the Property, or which a current, accurate survey of the Property would disclose (including but not limited to encroachments, overlaps or boundary line disputes), collectively the "Permitted Encumbrances".

2. Grantor's Reservation of Access.

a. This conveyance is made by Grantor and accepted by Grantee subject to the following reservation by Grantor for access to the Property after Closing. Grantor reserves the right of access to the Property after Closing, and Grantee on behalf of itself and the Grantee-Related Parties grants to Grantor access to the Property after Closing, at no cost to Grantor, for Grantor, Grantor's employees, agents, contractors and successors and assigns for the purpose of

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compliance with the terms and conditions of the Deed, and the obligations of Grantee under the purchase and sale agreement between Grantor and Grantee that survived the closing and the delivery of this Deed, and otherwise performing any obligation Grantor may have with respect to the Property. Grantor will not be liable to Grantee or the Grantee-Related Parties and Grantee hereby waives on its own behalf and on behalf of the Grantee-Related Parties all Claims arising from business disruption or any other Claims (as defined below) whatsoever resulting from such access or Losses (as defined below)(including, without limitation, lost business opportunity or income, reasonable attorneys' fees, court costs and settlement of claims) except that Grantor shall be liable to Grantee for actual damages (but not consequential or incidental or speculative damages) arising directly from the gross negligence or willful misconduct of Grantor on the Property.

b. Grantor's reservation of access shall be a covenant running with the land and binding upon the Property, Grantee, Grantee-Related Parties, and any lessee, licensee, occupier, user or subsequent owner or transferee of the Property. Any transferee, assignee, or successor owner, lessee, licensee, occupier or user of the Property shall take title to the Property subject to Grantor's reservation of access. The rights and benefits of this reservation of access shall inure to the benefit of Grantor, its Affiliates, successors and assigns.

c. Grantee agrees that Grantor's reservation of access set forth in this Deed shall be a covenant that runs with the land herein conveyed and that Grantee agrees that Grantee shall not complete any sale, transfer or assignment of its interest in the Property or any part thereof or enter into any lease, license or right to occupy or use the Property or any part thereof without first obtaining from the purchaser, transferee, assignee, lessee, licensee, occupier or any other person or entity having the right to use the Property, a written, recordable acknowledgement from such party of Grantor's reservation of access to the Property from any such subsequent purchase, transferee, assignee, lessee, occupier or any other person or entity having the right to use the Property and Grantor's reservation of access shall be inserted in any other deed or lease or other instrument conveying or demising the Property herein conveyed or any part thereof.

3. Environmental. From and after the date of this Deed, Grantee shall be solely responsible for investigation and/or remediation of (and any costs or expenses related to) any Hazardous Materials (as defined below) deposited, released or discharged on or into the Property or migrating onto or into the Property.

4. In consideration of this Deed and the conveyance of the Property to Grantee, Grantee agrees on behalf of itself and the Grantee-Related Parties, as applicable, to accept the conveyance of the Property in its present condition and will make no claim regarding the environmental condition of the Property. As of the Effective Date (as defined below), Grantee, on behalf of itself and the Grantee-Related Parties, shall be solely responsible for the investigation and/or remediation of (and any costs or expenses related to) any Hazardous Materials existing on the Property or deposited, released or discharged on or into the Property or migrating onto or into the Property. Grantee for itself and the Grantee-Related Parties releases and forever discharges Grantor and the Grantor-Related Parties of and from any and all, and all manner of, Claims and Losses of any kind or of any nature whatsoever, including without limitation any claim made under any Environmental Law (as defined below) including without limitation CERCLA and RCRA and/or any registration requirements including compliance testing, any Claims asserted by any third party or Governmental Authority (as defined below), known and unknown, foreseen and unforeseen, and the consequences thereof, which heretofore have been, and which hereafter may be sustained by Grantee, Grantee-Related Parties, Grantor and Grantor-Related Parties, whether herein named or referred to whether or not arising out of, related to or connected with the



environmental condition of the Property and the improvements and the equipment on the Property, including without limitation, any contamination from Hazardous Materials or the presence or the existence of Hazardous Materials on, in, under or about the Property, or the migration of any Hazardous Materials onto or from the Property. Grantee expressly declares and agrees: (i) the foregoing release covers and includes all Claims and Losses several or otherwise, past, present or future, which can or may ever be asserted by any person or entity, or otherwise as the result of the environmental condition of the Property and the improvements and the equipment on the Property, including any contamination from Hazardous Materials or the presence or existence of Hazardous Materials onto, in, under or about the Property or the migration of any Hazardous Materials on or from the Property, (ii) the foregoing release covers and includes any and all future Claims and Losses not now known to any of the parties hereto but which may later develop or be discovered, including the effects or consequences thereof and including all Claims and Losses therefor, and (iii) Grantee on behalf of itself and the Grantee-Related Parties indemnifies and holds harmless the Grantor and Grantor-Related Parties against Claims and Losses from any and every claim or demand of every kind and character, including claims or demands for contribution, which may be asserted by Grantee, Grantee-Related Parties or third parties by reason of any Claims or Losses or effects or consequences thereof.

5. Assumption and Release. In addition, as of the Effective Date, Grantee shall be solely responsible for, and on behalf of itself and the Grantee-Related Parties shall indemnify, protect, defend (with counsel acceptable to Grantor) and hold Grantor and each of the Grantor-Related Parties harmless from and against, any and all Claims and Losses of any kind or of any nature whatsoever, known and unknown, foreseen and unforeseen, which may at any time be imposed upon, incurred by or asserted or awarded against Grantor or any of the Grantor-Related Parties arising from or by reason of or in relation to the environmental condition of the Property, including without limitation, the presence or existence of or contamination of Hazardous Materials on, in, under or about the Property or the migration of any Hazardous Materials onto or from the Property.

6. Covenants Running with the Land. The conditions, covenants and other provisions set out in this Deed shall be covenants running with the land and shall be binding upon and (except as expressly provided otherwise) shall inure to the benefit of the Grantor and Grantor-Related Parties, their subsidiaries, affiliates, legal representatives, heirs, successors and assigns, as applicable.

7. Pro-ration of Taxes. Ad valorem taxes and special assessments, if any, against the Property for the year in which the Effective Date occurs will be pro-rated between Grantor and Grantee as of the Effective Date, and Grantee hereby assumes and agrees to pay same.

8. Definitions. The following definitions are used in this Deed:

a. Affiliate(s). The term Affiliate(s) means, with respect to any Person, any other Person directly or indirectly controlling, controlled by, or under common control with, such Person. For purposes of this definition, the term "control" (including the terms "controlled by" and "under common control with") means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of any Person, whether through the ownership of voting securities or by contract or otherwise. "Persons" means an individual, partnership (whether general or limited), limited liability company, corporation, trust, estate, unincorporated association, nominee, joint venture or other entity.

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b. Claims (or individually a Claim). The term Claims (or individually a Claim) means each and every action, right, loss, cost, claim, obligation, damage, liability, demand, payment, fine, penalty, cause of action at law or in equity, defense, proceeding, injury, judgment (including expert witness fees and attorneys' fees awarded as part of a judgment), lien, cost or expense, including, but not limited to, attorneys' fees and other litigation expenses.

c. Environmental Laws (or individually, an Environmental Law). The term Environmental Laws or individually, an Environmental Law means any and all federal, state and local laws, statutes, regulations, ordinances, codes, rules and other governmental restrictions or requirements relating to health, industrial hygiene, environmental or ecological conditions or Hazardous Materials including, without limitation, the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. Section 9601 et seq., as amended ("CERCLA"); the Resource Conservation and Recovery Act as amended, 42 U.S.C. Section 6901 et seq. ("RCRA"); the Toxic Substance Control Act, as amended, 15 U.S.C. Section 2601 et seq.; the Clean Air Act, as amended, 42 U.S.C. Section 1857 et seq.; the Federal Water Pollution Control Act, as amended, 33 U.S.C. Section 1251 et seq.; the Federal Hazardous Materials Transportation Act, 49 U.S.C. Section 1801 et seq.; and the laws, rules, regulations and ordinances of the U. S. Environmental Protection Agency, and the City and/or County and State where this Deed is recorded, and of all other agencies, boards, commissions and other governmental bodies and officers having jurisdiction over the Property or the use or operation thereof.

d. Governmental Authority. The term Governmental Authority means and refers to the relevant governmental authority having jurisdiction with respect to the Property and its environmental condition.

e. Grantee-Related Parties. The term Grantee-Related Parties means Grantee, its parent, subsidiaries, Affiliates, and their respective owners, officers, employees, agents, representatives, contractors, invitees, servants, successors or assigns, its heirs and representatives and any lessee, licensee, occupier, user or subsequent owner of the Property.

f. Grantor-Related Parties. The term Grantor-Related Parties means Grantor, its parent, subsidiaries, and Affiliates and their respective owners, officers, employees, agents, representatives, contractors, invitees or successors and assigns.

g. Hazardous Materials. The term Hazardous Materials means those substances, materials, and wastes, including but not limited to, those substances, materials and wastes listed in the United States Department of Transportation Hazardous Materials Table (49 CFR 172.101) or by the Environmental Protection Agency as hazardous substances (40 CFR Part 302) and amendments thereto, or such substances, materials and wastes which are or become regulated under any applicable Environmental Law, including, without limitation, any material, waste or substance which is (i) petroleum, (ii) asbestos, (iii) polychlorinated biphenyls, (iv) designated as a "Hazardous Substance" pursuant to Section 331 of the Clean Water Act, 33 U.S.C. Sec 1251, et. seq. (33 U.S.C. 1321) or listed pursuant to Section 307 of the Clean Water Act (33 U.S.C. Sec 1371), or (v) defined as a "hazardous waste" pursuant to Section 101 of the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. Sec 9601, et. seq. (42 U.S.C. 9601).

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h. Losses. The term Losses means any and all Claims, including without limitation losses or claims arising from business disruption, lost business opportunity or income, reasonable attorneys' fees, court costs and the costs of investigation and settlement of Claims.

TO HAVE AND TO HOLD the Property, together with the appurtenances, estate, title and interest thereto, unto Grantee, Grantee's successors, heirs and assigns, forever, subject to the provisions hereof, and in lieu of all other warranties, express or implied, Grantor does hereby bind itself, its successors and assigns, to warrant and forever defend the title to the Property unto Grantee, Grantee's successors, heirs and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through or under Grantor, but not otherwise.

**THIS PORTION LEFT INTENTIONALLY BLANK**

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IN WITNESS WHEREOF, Grantor has signed this deed this 17 day of June, 2005, but EFFECTIVE as of this 23 day of June, 2005, ("Effective Date").

GRANTOR:

EXXON MOBIL CORPORATION,  
a New Jersey corporation

By: [Signature] 0903  
Name: DAVID J. FISHER  
Title: Agent and Attorney-in-Fact  
by authority given by document  
attached hereto as Exhibit B

Witness:  
By: [Signature]  
Name: SOPHIA KASSIM

Witness:  
By: [Signature]  
Name: RHONDA SHERROCK

Signed, sealed and delivered in the presence of:

COMMONWEALTH OF VIRGINIA §  
§  
COUNTY OF FAIRFAX §

Before me the undersigned authority, this day personally appeared David J. Fisher, to me well known and known to me to be the Agent and Attorney-in-Fact of the corporation named in the foregoing instrument, and he acknowledged to and before me that he executed said instrument on behalf of and in the name of said corporation as such Agent and Attorney-in-Fact; and that he is duly authorized by said corporation to execute said instrument pursuant to a Power of Attorney dated February 12, 2004 recorded February 26, 2004 in OR Book # 04210, Page # 1467-1473, as Instrument # 6161654 among the land records of the Clerk of Court, County of Lee State of Florida and that his execution of said instrument is the free act and deed of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, this the 17<sup>th</sup> day of June, 2005.



[Signature: Laura S. Davies]  
Print Name: LAURA S. DAVIES  
Notary Public, Commonwealth of Virginia  
My Commission Expires: 5/31/08

OPA 2007-00004

GRANTEE:

ROWSHAN ENTERPRISES, INC.,  
a Florida corporation

\* By: [Signature]  
Name: M. M. PATWARY  
Title: PRESIDENT

WITNESS:

[Signature]  
Print Name: Michael D. Randolph

WITNESS:

Deborah L. Helton  
Print Name: Deborah L. Helton

STATE OF FLORIDA

COUNTY OF Lee

§  
§  
§

On this 23<sup>rd</sup> day of Dec, 2005, before me personally came Mr. M. Patwary, to me known, who being by me duly sworn, did depose and say that he/she resides in Lee County; that he/she is the President of ROWSHAN ENTERPRISES, INC., a Florida corporation described in and which executed the foregoing instrument; that he/she was authorized to execute the same under the operative governing documents of the company; and that he/she executed the same in the name of said limited liability company intending it to be so bound thereby.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, this the 23<sup>rd</sup> day of Dec, 2005.

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[Signature]

Notary Public, State of Florida

My Commission Expires: Michael D. Randolph



My Commission DD186019  
Expires June 03, 2007

CPA 2007-00004

EXHIBIT "A" TO SPECIAL WARRANTY DEED FROM  
EXXONMOBIL OIL CORPORATION TO  
ROWSHAN ENTERPRISES, INC.,

A portion of Lot 21, 32 and 33 of "SABAL RIDGE" an unrecorded subdivision in Section 23, Township 45 South, Range 25 East, as reflected in Plat recorded in Official Records Book 966 at pages 451 and 452, of the Public Records of Lee County, Florida, being more particularly described as follows:

**PARCEL 1:**

Begin at the Southwest corner of the West ½ of said Lot 32; thence North 88°05'31" East 159.07 feet to a point of cusp of a circular curve concave South; thence Westerly on the arc of said curve, with a radius of 230.00 feet and a central angle of 29°00'00" an arc distance of 117.02 feet to a point of tangency; thence South 58°56'31" West 176.18 feet to a point of curvature of a circular curve concave North; thence Westerly on the arc of said curve, with a radius of 170.00 feet and a central angle of 29°09'15" an arc distance of 86.50 feet; thence North 46°21'38" West 70.05 feet to the intersection with a line 100.00 feet East of and parallel with the West line of said Lot 32; thence North 01°00'58" West on said parallel line 568.49 feet; thence North 44°11'35" East 70.44 feet to the intersection with the South Right-of-Way line of Daniel's Parkway; thence North 89°24'16" East on said South Right-of-Way Line 95.92 feet; thence North 83°45'21" East on said South Right-of-Way Line 92.03 feet to the intersection with the East line of the West ½ of said Lot 21; thence South 00°59'36" East on said East line and on the East line of the West ½ of said Lot 32 for 535.62 feet to the Point Of Beginning. Said lands situate, lying and being in Lee County, Florida.

Together with a portion of Lot 33 of "SABAL RIDGE", an unrecorded subdivision in Section 23, Township 45 South, Range 25 East, as reflected in Plat Recorded in Official Records Book 966 at Page 451 and 452 of the Public Records of Lee County, Florida, being more particularly described as follows

**PARCEL II**

Commence at the Northeast corner of Lot 33 of "SABAL RIDGE", an unrecorded subdivision in Section 23, Township 45 South, Range 25 East, as reflected in Plat recorded in Official Records Book 966 at Pages 452 and 453 of the Public Records of Lee County, Florida; thence along the East line of said Lot 33, S00°58'14" E for a distance of 60.01 feet to the Point of Beginning; thence continue S00°58'14" E along the East line of said Lot 33 for 270.58 feet to the Southeast corner of said Lot 33; thence S88°05'21"W for a distance of 574.48 feet to a point on a line 100.00 feet East of the parallel to the West line of Lot 33; thence N01°00'58"W along said parallel line for a distance of 24.35 feet; thence N43°59'01"E for a distance of 72.06 feet to a point on a circular curve concave to the Northwest Whose Radial Point Bears N00°09'37" E; thence along the arc of said curve of the East having a radius of 225.00 feet and through a central angle of 61°51'09" for an arc distance of 242.89 feet to a point of reverse curvature; thence along the arc of a circular curve concave to the Southeast having a radius of 170.00 feet and through a central angle of 59°47'03" for an arc distance of 177.38 feet to a point of tangency; thence N88°05'31"E for a distance of 177.33 feet to the Point Of Beginning, Said lands situate, lying and being in Lee County, Florida.

Subject to existing easements, rights of way, restrictions, covenants and conditions whether of record or not.

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EXHIBIT B  
AFFIDAVIT

Commonwealth of Virginia

§

County of Fairfax

§

Before me, the undersigned authority on this day personally appeared D. J. Fisher of EXXON MOBIL CORPORATION, a New Jersey Corporation (the "Company"), who being by me first duly sworn and under oath deposed and stated as follows:

My name is D. J. FISHER and I have been appointed as a true and lawful Agent and Attorney-in-Fact by the Company under Power of Attorney (the 'Power of Attorney') dated February 12, 2004 recorded February 26, 2004 in OR Book # 04210, Page # 1467-1473, as Instrument # 6161654 among the land records of the Clerk of Court, County of Lee State of Florida. The Power of Attorney was executed by authority of the Board of Directors of the Company under resolution adopted October 19, 1999. I certify under oath that the Power of Attorney has not been revoked or terminated by the Company and is still in full force and effect.

"This Affidavit is being given for the purpose of setting forth as a matter of record the authority of the undersigned to act on behalf of the Company with respect to the following described property:

SEE EXHIBIT A ATTACHED HERETO

"Further Affiant saith not."

Executed the 17 day of June, 2005.

By: [Signature]

Name: D.J. Fisher

Agent and Attorney-in-Fact

Date executed: 6-17-05 Commonwealth of Virginia §

County of Fairfax

§

The above and foregoing instrument was sworn to and subscribed before me and acknowledged by D. J. FISHER of EXXON MOBIL CORPORATION, a New Jersey Corporation, on the 17<sup>th</sup> day of June, 2005 to which witness my hand and seal of office.

(Notary Seal)

[Signature]  
NOTARY PUBLIC

My commission expires: 8/31/09

1

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AUG 25 2005  
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CPA2007-00004



## EXHIBIT A

A portion of Lot 21, 32 and 33 of "SABAL RIDGE" an unrecorded subdivision in Section 23, Township 45 South, Range 25 East, as reflected in Plat recorded in Official Records Book 966 at pages 451 and 452, of the Public Records of Lee County, Florida, being more particularly described as follows:

### PARCEL 1:

Begin at the Southwest corner of the West ½ of said Lot 32; thence North 88°05'31" East 159.07 feet to a point of cusp of a circular curve concave South; thence Westerly on the arc of said curve, with a radius of 230.00 feet and a central angle of 29°00'00" an arc distance of 117.02 feet to a point of tangency; thence South 58°56'31" West 176.18 feet to a point of curvature of a circular curve concave North; thence Westerly on the arc of said curve, with a radius of 170.00 feet and a central angle of 29°09'15" an arc distance of 86.50 feet; thence North 46°21'38" West 70.05 feet to the intersection with a line 100.00 feet East of and parallel with the West line of said Lot 32; thence North 01°00'58" West on said parallel line 568.49 feet; thence North 44°11'35" East 70.44 feet to the intersection with the South Right-of-Way line of Daniel's Parkway; thence North 89°24'16" East on said South Right-of-Way Line 95.92 feet; thence North 83°45'21" East on said South Right-of-Way Line 92.03 feet to the intersection with the East line of the West ½ of said Lot 21; thence South 00°59'36" East on said East line and on the East line of the West ½ of said Lot 32 for 535.62 feet to the Point Of Beginning, Said lands situate, lying and being in Lee County, Florida.

Together with a portion of Lot 33 of "SABAL RIDGE", an unrecorded subdivision in Section 23, Township 45 South, Range 25 East, as reflected in Plat Recorded in Official Records Book 966 at Page 451 and 452 of the Public Records of Lee County, Florida, being more particularly described as follows

### PARCEL II

Commence at the Northeast corner of Lot 33 of "SABEL RIDGE", an unrecorded subdivision in Section 23, Township 45 South, Range 25 East, as reflected in Plat recorded in Official Records Book 966 at Pages 452 and 453 of the Public Records of Lee County, Florida; thence along the East line of said Lot 33, S00°58'14" E for a distance of 60.01 feet to the Point of Beginning; thence continue S00°58'14" E along the East line of said Lot 33 for 270.58 feet to the Southeast corner of said Lot 33; thence S88°05'21" W for a distance of 574.48 feet to a point on a line 100.00 feet East of the parallel to the West line of Lot 33; thence N01°00'58" W along said parallel line for a distance of 24.35 feet; thence N43°59'01" E for a distance of 72.06 feet to a point on a circular curve concave to the Northwest Whose Radial Point Bears N00°09'37" E; thence along the arc of said curve of the East having a radius of 225.00 feet and through a central angle of 61°51'09" for an arc distance of 242.89 feet to a point of reverse curvature; thence along the arc of a circular curve concave to the Southeast having a radius of 170.00 feet and through a central angle of 59°47'03" for an arc distance of 177.38 feet to a point of tangency; thence N88°05'31" E for a distance of 177.33 feet to the Point Of Beginning, Said lands situate, lying and being in Lee County, Florida.

Subject to existing easements, rights of way, restrictions, covenants and conditions whether of record or not.

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This instrument prepared by:  
Timothy G. Hains, Esquire  
QUARLES & BRADY  
1395 Panther Lane, Suite 300  
Naples, Florida 34109

\$ \_\_\_\_\_ recording  
\$ \_\_\_\_\_ doc stamps

Property ID#: 23-45-25-01-00022.0000

### **WARRANTY DEED**

THIS DEED, is made this 16<sup>th</sup> day of August, 2005, between **MCALPINE (FT. MYERS AIRPORT), INC., a Florida corporation**, whose post office address is 1100 Fifth Avenue South, Suite 201, Naples, Florida 34102, Grantor and **MANGO DEVELOPMENT OF SW FLORIDA, LLC, a Florida limited liability company**, Grantee, whose post office address is 13300-56 South Cleveland Avenue, PMB 236, Fort Myers, Florida 33907.

3 The Grantor, in consideration of the sum of Ten Dollars (\$10.00), and other good and valuable consideration paid by the Grantee to the Grantor, the receipt of which is hereby acknowledged, hereby conveys to Grantee, the following described real property in Lee County, Florida:

**See Exhibit "A" attached hereto and incorporated herein**

GRANTOR fully warrants title to said land and will defend the same against the lawful claims of all persons whomsoever; except that this deed is subject to the following:

1. Real property ad valorem taxes and assessments for the current and subsequent years;
2. Zoning, building code and other use restrictions imposed by governmental authority;
3. Outstanding oil, gas and mineral interests of record, if any; and
4. Restrictions, reservations and easements of record.

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IN WITNESS WHEREOF, the said Grantor has caused these presence to be signed in his name the day and year first above written.

Witness #1:

Myla J. Wiseman  
Print Name: MYLA J. WISEMAN

MCALPINE (FT. MYERS AIRPORT),  
INC., a Florida corporation

By: John A. Wanklyn  
John A. Wanklyn, President

(Corporate Seal)

Witness #2:

Kent Baring  
Print Name: KENT BARING

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 16 day of AUGUST, 2005, by John A. Wanklyn, as President of McAlpine (Ft. Myers Airport), Inc., a Florida corporation. He ( ) is personally known to me or (X) has produced FLDLW524-46740-7470 as identification.

(SEAL)



[Signature]  
Notary Public Signature

Notary Public Printed Name  
My Commission Expires:

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## EXHIBIT "A"

The East 337.51 feet of Tract 32 of that certain subdivision known as SABAL RIDGE, an unrecorded subdivision in Section 23, Township 45 South, Range 25 East, as reflected on plat recorded in Official Record Book 966, Pages 452 and 453, Lee County, Florida, containing 2.5 acres, more or less.

and

Tract 22 of a certain subdivision known as SABAL RIDGE, an unrecorded subdivision in Section 23, Township 45 South, Range 25 East, as reflected on a plat recorded in Official Record Book 966, Pages 452 and 453, Lee County, Florida, less and except the following:

From the East quarter corner of said Section 23 run S 88° 06' 12" West along the East-West quarter section line of said Section 23 for 3,376.06 feet to the Northeast corner of said Tract 22 and the point of beginning.

From said point of beginning run S 01° 02' 11" E along the East line of said Tract 22 for 100.00 feet; thence run S 83° 46' 46" W for 323.26 feet to an intersection with the West line of said Tract 22; thence run N 01° 02' 49" West along said West line for 124.38 feet to an intersection with the said East-West quarter section line; thence run N 88° 06' 12" E along said quarter section line for 338.31 feet to the point of beginning.

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**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 21)  
List Number(s) of Map(s) to be amended

B. SUMMARY OF REQUEST (Brief explanation):

Change Future Land Use Map of subject property from Tradeport to General  
Interchange to allow for the property to be developed with retail/restaurant  
Uses.

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

A. Property Location:

1. Site Address: 10320 Daniels Parkway, Fort Myers, FL
2. STRAP(s): 23-45-25-01-00022.0000, 23-45-25-01-00021.0000,  
23-45-25-01-00032.0000

B. Property Information

Total Acreage of Property: 7.35 +/- Ac.

Total Acreage included in Request: 7.35 +/- Ac.

Area of each Existing Future Land Use Category: 7.35 +/- Ac.

Total Uplands: 3.79 acres

Total Wetlands: 3.56 acres

Current Zoning: CT, CG

Current Future Land Use Designation: Tradeport

Existing Land Use: Vacant Commercial

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FLORIDA DEPARTMENT OF STATE

Kurt S. Browning

Secretary of State

DIVISION OF HISTORICAL RESOURCES

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July 10, 2007

Mr. Matt Brawley  
Speath Engineering  
7370 College Parkway  
Suite 301  
Fort Myers, Florida 33907

OA 2007-00004

Re: Small Scale Comprehensive Plan Amendment for Section 23, T45S-R25E  
Lee County / DHR Project File No. 2007-5476

Dear Mr. Brawley:

According to this agency's responsibilities under Sections 163.3177 and 163.3178, *Florida Statutes*, Chapter 9J-5, *Florida Administrative Code*, and any appropriate local ordinances, we reviewed the proposed small scale comprehensive plan amendment for 7.35 acres.

A review of the Florida Master Site File indicates that there are no archaeological or historic sites recorded within the project area. However, the lack of recorded sites is not considered significant because the area has never been subjected to a systematic, professional survey to locate such sites. Data from environmentally similar areas indicate that archaeological and historic sites are likely to occur in the study area. Furthermore, it appears that the entire project tract falls within the Lee County archaeological high probability area.

It is, therefore, the opinion of this office that there is a reasonable probability of project activities impacting archaeological and historic sites and properties potentially eligible for listing in the National Register of Historic Places, or otherwise of historical or archaeological significance.

Since potentially significant archaeological and historic sites may be present, it is our recommendation that, prior to initiating any project related land clearing or ground disturbing activities within the project area, it should be subjected to a systematic, professional archaeological and historical survey. The purpose of this survey will be to locate and assess the significance of any historic properties present. The resultant survey report must conform to the specifications set forth in Chapter 1A-46, *Florida Administrative Code*, and be forwarded to this agency for comment in order to complete the process of reviewing the impact of this proposed project on historic properties.

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

☐ Director's Office  
(850) 245-6300 • FAX: 245-6436

☐ Archaeological Research  
(850) 245-6444 • FAX: 245-6452

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

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

☐ Southeast Regional Office  
(561) 416-2115 • FAX: 416-2149

☐ Northeast Regional Office  
(904) 825-5045 • FAX: 825-5044

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



Mr. Brawley  
July 10, 2007  
Page 2

If you have any questions concerning our comments, please do not hesitate to contact Susan Harp at (850) 245-6333. Thank you for your interest in protecting Florida's historic resources.

Sincerely,

A handwritten signature in dark ink, appearing to read "Frederick P. Gaske", with a horizontal line extending from the end of the signature.

Frederick P. Gaske, Director

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2007-00004

**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 in the analysis:

1. A map of any historic districts and/or sites, listed on the Florida Master Site File, which are located on the subjected property or adjacent properties.

*A letter of clearance from the Florida Division of Historical Resources stated that the Florida Master Site File indicates there or no archaeological or historic sites recorded in the project area.*

2. A map showing the subject property location on the archaeological sensitivity map for Lee County:

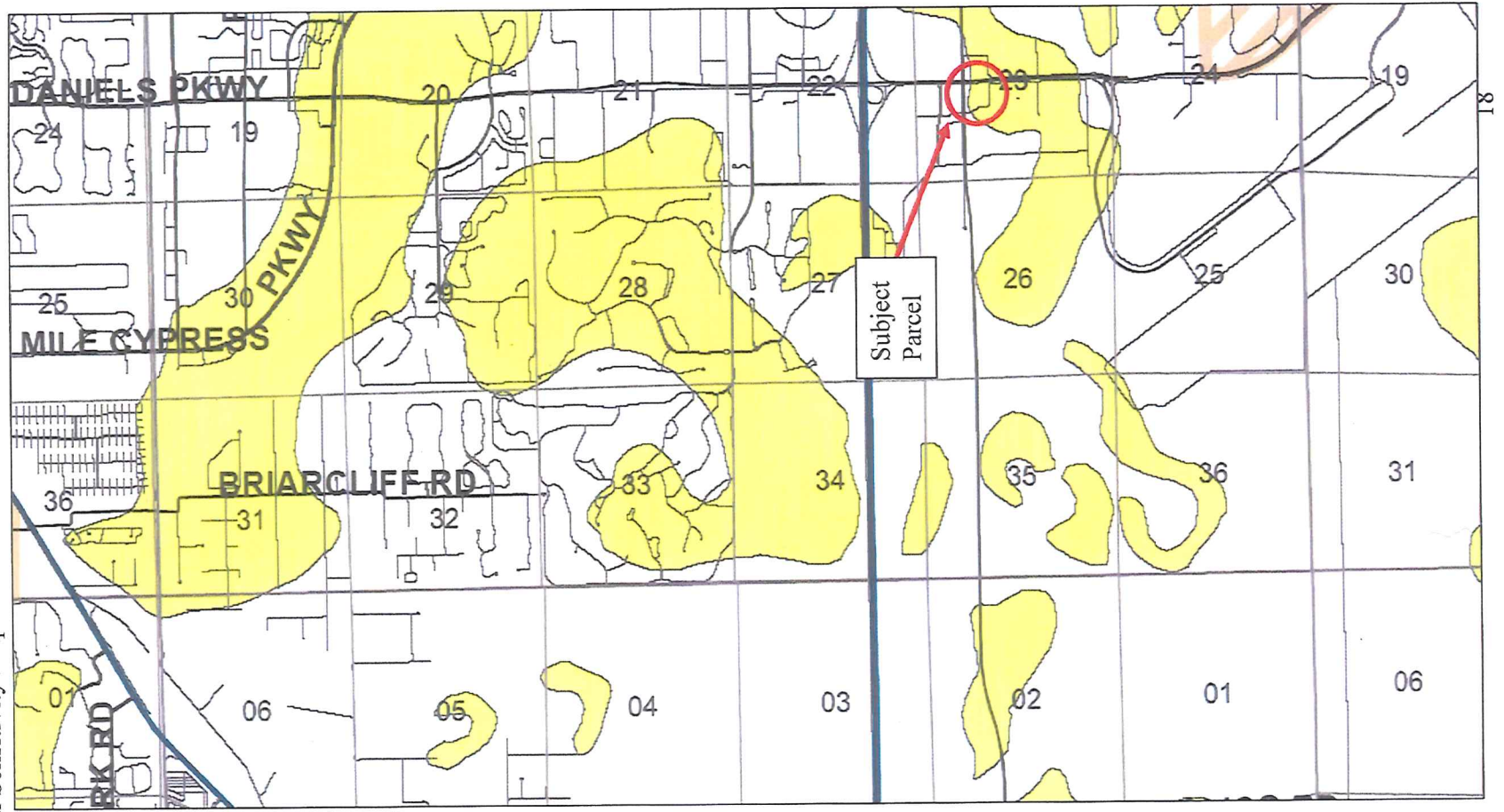
*Please see Figure 7.*

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Figure 7. Archaeological Sensitivity Map



### Lee County Archaeological Sensitivity Map



**Sensitivity Level 1**



**Sensitivity Level 2**



**Previously Surveyed & Sites Addressed**

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100-2007-00004

**CPA2007-04** is small scale map amendment generally located in the southeast quadrant of Daniels Parkway and Treeline Avenue. The applicant has requested to amend 7.35 acres to change the classification shown on the Future Land Use Map, from Tradeport and Wetlands to General Interchange and Wetlands.

While the proposed amendment is consistent with the General Interchange category and the majority of urban services are in place, the proposal will intensify development on a road segment that is projected to fail. Staff's findings are that this particular segment of Daniels Parkway is projected to fail by 2030. Staff is unable to recommend approval of an amendment that would increase the current transportation deficiency.

- This particular segment of Daniels Parkway is projected to fail with and without the proposed land use change. Dot staff has indicated that they cannot recommend approval of the amendment as it will intensify development on a road segment that is projected to fail.
- The subject area is currently vacant and is surrounded by commercial, industrial, and vacant land. The parcels are zoned CT and CG.
- The site is a little over a quarter mile east of the I-75 and Daniels Parkway interchange area and is adjacent to the General Interchange future land use category.
- The requested land use change will have a minimal impact on public service providers with the exception of the transportation services.
- Staff has evaluated the proposal determining the maximum potential development on the site. The applicant anticipates that the wetlands on the site, approximately 3.5 acres, will be mitigated during South Florida Water Management District ERP processing.
- ES Staff have reviewed the request determined that the restoration wouldn't be feasible considering the historic and existing impacts to the wetlands associated with Daniels Parkway and Treeline Ave.



## INSTRUCTIONS

(Section A.2.b., Lee County Administrative Code AC 13.7)

A Planning Division notification sign must be posted on a parcel(s) subject to any comprehensive plan map amendment application for a minimum of fifteen (15) calendar days in advance of the Local Planning Agency's Hearing and maintained through the Board of County Commissioners Hearing, if any. This sign will be provided by the Planning Division in the following manner:

- a. Sign for case # **CPA 2007-00004 must be posted by 1/11/09.**
- b. The sign must be erected in full view of the public, not more than five (5) feet from the nearest street right-of-way or easement.
- c. The sign must be securely affixed by nails, staples or other means to a wood frame or to a wood panel and then fastened securely to a post, or other structure. The sign may not be affixed to a tree or other foliage.
- d. The applicant must make a good faith effort to maintain the sign in place, and in a readable condition until the requested action has been heard and a final decision rendered.
- e. If the sign is destroyed, lost, or rendered unreadable, the applicant must report the condition to the Planning Division, and obtain duplicate copies of the sign from the Planning Division.

The Division may require the applicant to erect additional signs where large parcels are involved with street frontages extending over considerable distances. If required, such additional signs must be placed not more than three hundred (300) feet apart.

When a parcel abuts more than one (1) street, the applicant must post signs along each street.

When a subject parcel does not front a public road, the applicant must post the sign at a point on a public road which leads to the property, and the sign must include a notation which generally indicates the distance and direction to the parcel boundaries and the dimensions of the parcel.

**NOTE: AFTER THE SIGN HAS BEEN POSTED, THE AFFIDAVIT OF POSTING NOTICE, BELOW, SHOULD BE RETURNED NO LATER THAN THREE (3) WORKING DAYS BEFORE THE HEARING DATE TO LEE COUNTY PLANNING DIVISION, 1500 Monroe Street, Fort Myers, FL 33901**

**(Return the completed Affidavit below to the Planning Division as indicated in previous paragraph.)**

### AFFIDAVIT OF POSTING NOTICE

STATE OF FLORIDA  
COUNTY OF LEE

BEFORE THE UNDERSIGNED AUTHORITY, PERSONALLY APPEARED Matthew Brawley "Speath Engineering" WHO ON OATH SAYS THAT HE/SHE HAS POSTED PROPER NOTICE AS REQUIRED BY SECTION 34-236(b) OF THE LEE COUNTY LAND DEVELOPMENT CODE ON THE PARCEL COVERED IN THE ZONING APPLICATION REFERENCED BELOW:

10320 Daniels Parkway  
Ft Myers FL 33913

Matthew Brawley  
SIGNATURE OF APPLICANT OR AGENT

Matthew Brawley "Speath Engineering"  
NAME (TYPED OR PRINTED)

8000 Summerlin Lakes Dr Suite 201  
ST. OR PO BOX

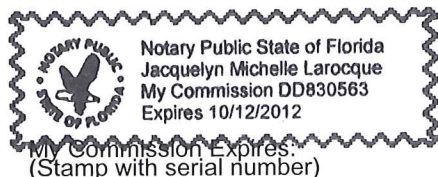
Ft Myers FL 33907  
CITY, STATE & ZIP

CPA2007-00004 Mango/Rowshan

date \_\_\_\_\_ initials \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF LEE

The foregoing instrument was sworn to and subscribed before me this 13 day of January, 2009, by Matthew Brawley, personally known to me or who produced \_\_\_\_\_ as identification and who did/did not take an oath.

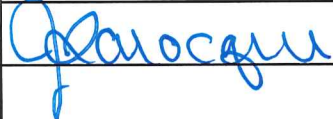


Jacquelyn Larocque  
Signature of Notary Public  
Jacquelyn M Larocque  
Printed Name of Notary Public

PLANNING SIGN PICKUP SHEET

LEE COUNTY **BOCC**

1/6/2009

DATE	SIGNATURE	PLANNER	CASE NUMBER	CASE NAME
01/09		Brandy Gonzalez	CPA2007-00004	Mango/Rowshan

Please return to Planner: Brandy Gonzalez





# GULF SHORE SURVEYING, INC.

TIM J. PUFAHL, P.L.S.  
30930 OIL WELL RD., PUNTA GORDA, FL. 33955  
(941) 639-7800 • FAX: (941) 639-7600

NICK POULOS, P.L.S.  
2112 SE. 11<sup>TH</sup> ST., CAPE CORAL, FL. 33990  
(239) 458-2388 • FAX: (239) 574-3719

SEPTEMBER 08, 2008  
JOB NUMBER 0638  
FILE: 0638L03.LGL

## DESCRIPTION

A PORTION OF TRACTS 21, 22, 32 AND 33 OF "SABAL RIDGE" AN UNRECORDED SUBDIVISION IN SECTION 23, TOWNSHIP 45 SOUTH, RANGE 25 EAST, AS RECORDED IN OFFICIAL RECORDS BOOK 966, PAGES 452 AND 453 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE POINT OF COMMENCEMENT BEING THE WEST 1/4 CORNER OF SECTION 23, TOWNSHIP 45 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE N.88°06'12"E. FOR 1691.54 FEET ALONG THE NORTH LINE OF THE SOUTH 1/2 OF SAID SECTION 23 TO THE NORTHWEST CORNER OF TRACT 22; THENCE S.01°02'31"E. FOR 124.38 FEET ALONG THE WEST LINE OF TRACT 22 TO THE SOUTH RIGHT OF WAY OF DANIELS ROAD AND THE POINT OF BEGINNING; THENCE N.83°46'46"E. FOR 309.52 FEET ALONG THE SOUTHERLY RIGHT OF WAY OF SAID DANIELS ROAD AND THE SOUTH LINE OF THE PARCEL TAKING AS RECORDED IN OFFICIAL RECORDS BOOK 1558, PAGE 2381 AND OFFICIAL RECORDS BOOK 1767, PAGE 2222 TO THE WESTERLY RIGHT OF WAY OF SADDLE ROAD (60 FEET WIDE); THENCE S.01°01'56"E. FOR 535.15 FEET ALONG SAID RIGHT OF WAY; THENCE S.43°32'08"W. FOR 35.62 FEET TO THE NORTHERLY RIGHT OF WAY OF HALTER LANE AND THE SOUTH LINE OF TRACT 32; THENCE S.88°06'08"W. FOR 127.41 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, RADIUS 230.00 FEET, CENTRAL ANGLE 29°11'44", CHORD 115.93 FEET, CHORD BEARING S.73°30'16"W. AND THE NORTHERLY RIGHT OF WAY OF HALTER LANE; THENCE ALONG SAID RIGHT OF WAY FOR THE 3 FOLLOWING CALL; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE FOR 117.20 FEET TO THE POINT OF TANGENCY; THENCE S.58°54'24"W. FOR 175.43 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, RADIUS 170.00 FEET, CENTRAL ANGLE 29°15'15", CHORD 85.86 FEET, CHORD BEARING S.73°32'02"W.; THENCE WESTERLY ALONG THE ARC OF SAID CURVE FOR 86.80 FEET TO POINT ON CURVE; THENCE N.46°31'35"W. FOR 70.32 FEET TO THE EASTERLY RIGHT OF WAY OF TREELINE AVENUE (200 FEET WIDE); THENCE N.01°02'36"W. FOR 569.31 FEET ALONG SAID RIGHT OF WAY TO THE SOUTHERLY RIGHT OF WAY OF DANIELS ROAD; THENCE ALONG SAID RIGHT OF WAY FOR THE 3 FOLLOWING CALLS; THENCE N.44°10'34"E. FOR 70.44 FEET; THENCE N.89°23'45"E. FOR 96.09 FEET; THENCE N.83°46'46"E. FOR 95.06 FEET TO THE POINT OF BEGINNING.

CONTAINING 323,870 SQUARE FEET OR 7.4350 ACRES MORE OR LESS.  
SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD.

BEARINGS MENTIONED HEREIN ARE BASED UPON THE QUARTER SECTION LINE BEING N.88°06'12"E.

REFER TO 8 1/2" X 11" SURVEY  
GULF SHORE SURVEYING, INC.

*Tim J. Pufahl* 09/08/08  
TIM J. PUFAHL

PROFESSIONAL SURVEYOR & MAPPER  
FLORIDA CERTIFICATE NUMBER 4666

POINT OF  
COMMENCEMENT  
WEST 1/4 CORNER  
SECTION 23-45-25

DANIELS ROAD  
200' R/W

NORTHWEST CORNER  
TRACT 22  
PARCEL TAKING  
O.R.B. 1558, PG 2381  
O.R.B. 1767, PG 2222

TREELINE AVE.  
200' R/W

S.01°03'05"E  
330.58'  
PARCEL 105  
O.R.B. 3609/1184

S.01°03'05"E  
330.83'

N.44°10'34"E  
70.44'

SABAL RIDGE  
TRACT 21

N.88°06'12"E  
338.25'

323,870 SQUARE FEET  
OR 7.4350 ACRES ±

SABAL RIDGE  
TRACT 32

N.88°06'08"E  
338.20'

SABAL RIDGE  
TRACT 33

N.44°55'44"E  
70.73'

N.01°02'36"W  
28.20'

S.67°59'51"W  
578.92'

SABAL RIDGE UNRECORDED PLAT  
O.R.B. 966, PG 452 & 453

RIGHT-OF-WAY  
POINT OF  
BEGINNING

SABAL RIDGE  
TRACT 22

N.88°06'12"E  
338.25'

SABAL RIDGE  
TRACT 32

SABAL RIDGE UNRECORDED PLAT  
O.R.B. 966, PG 452 & 453

SABAL RIDGE  
TRACT 33

SADDLE ROAD

S.01°01'56"E  
535.15'

S.01°01'56"E  
270.62'

150 75 0  
SCALE IN FEET

### CURVE TABLE

NO.	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
1	225.00'	61°53'21"	243.04'	231.39'	N.59°05'59"E
2	170.00'	29°15'15"	88.80'	85.86'	S.73°32'02"W
3	170.00'	59°56'49"	177.87'	169.86'	N.58°07'43"E
4	230.00'	29°11'44"	117.20'	115.93'	S.73°30'16"W

### SKETCH OF DESCRIPTION (NOT A FIELD SURVEY)

SUBJECT TO EASEMENTS,  
RESTRICTIONS, RESERVATIONS, AND  
RIGHTS OF WAY OF RECORD.

BEARINGS SHOWN ARE BASED UPON THE  
QUARTER SECTION LINE BEING N.88°06'12"E.

REFER TO 8 1/2" X 11" (LEGAL DESCRIPTION)  
SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE ATTACHED SKETCH IS AN  
ACCURATE REPRESENTATION OF THE LANDS DESCRIBED  
HEREON, WAS PREPARED, IN ACCORDANCE WITH THE  
MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING,  
CHAPTER 61G17-8 FAC, AND AS PREPARED UNDER THE  
DIRECT SUPERVISION OF THE UNDERSIGNED REGISTERED  
LAND SURVEYOR, IS TRUE AND CORRECT TO THE BEST OF  
OUR KNOWLEDGE AND BELIEF.

DATE OF SIGNATURE: 09/08/08

*Tim J. Pappalardo*  
TIM J. PAPPALARDO  
PROFESSIONAL SURVEYOR AND MAPPER  
F.L.A. CERTIFICATE NO. 4888

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED  
SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

GULF SHORE SURVEYING, INC.

LICENSED BUSINESS NO. 6729  
LEE COUNTY:  
2112 S.E. 11TH STREET  
CAPE CORAL, FL 33980  
(941) 458-2388  
CHARLOTTE COUNTY:  
30830 OIL WELL ROAD  
PUNTA GORDA, FL 33965  
(941) 639-7800



DATE : 09/08/08  
SCALE : 1" = 150'  
CADD : T.P.  
CHECK : T.P.  
FILE : 0638L03

SABAL RIDGE UNRECORDED  
SECTION 23,  
TOWNSHIP 45 SOUTH,  
RANGE 25 EAST  
LEE COUNTY, FLORIDA

JOB  
0638  
L03

# SPEATH ENGINEERING

8000 Summerlin Lakes Dr \* Suite 201 \* Fort Myers, FL 33907  
PHONE (239) 275-1899 \* FAX (239) 275-0105

## Small Scale Comprehensive Plan Amendment

Mango/Rowshan Properties

August 16, 2007

  
8/21/07

Ellis H. Speath JR #58435  
FBPE #9552

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APPLICATION FORM

GENERAL INFORMATION AND MAPS

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ADDITIONAL REQUIREMENTS FOR SPECIFIC FUTURE LAND USE  
AMENDMENTS

JUSTIFICATION FOR PROPOSED AMENDMENT

LEGAL DESCRIPTION 1

LEGAL DESCRIPTION 2

LETTER OF AUTHORIZATION

WARRANTY DEED

LETTER OF AUTHORIZATION: LEE COUNTY SHERIFF'S OFFICE

LETTER OF AUTHORIZATION: LEE COUNTY EMS

LETTER OF AUTHORIZATION: SOUTH TRAIL FIRE PROTECTION & RESCUE

LETTER OF AUTHORIZATION: LEE COUNTY SOLID WASTE DIVISION

LETTER OF AUTHORIZATION: LEE COUNTY TRANSIT

LETTER OF AUTHORIZATION: SCHOOL DISTRICT OF LEE COUNTY

LETTER OF CLEARANCE: FLORIDA DEPARTMENT OF STATE

PROTECTED SPECIES SURVEY

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2007-00004

August 28, 2007

Lee County Board of County Commissioners  
Department of Community Development  
Division of Planning  
Post Office Box 398  
Fort Myers, FL. 33902-0398

Re: Lee County Comprehensive Plan Amendment

To Whom It May Concern:

Speath Engineering is involved in a Lee County Small Scale Comprehensive Plan Amendment involving an area of land in east Lee County. The project area involved in the land use change is 7.35 +/- acres, and is located adjacent to the Daniels Pkwy, Treeline Ave intersection. The STRAP numbers for the parcels involved in this Future Land Use Amendment are: 23-45-25-01-00022.0000, 23-45-25-01-00021.0000, 23-45-25-01-00032.0000. The proposed Small Scale Comprehensive Plan Amendment will be changing the project area from Transport Land Use to General Interchange Land Use. The application presented herein, proposes this amendment as designated by Lee County. Attached you will find the Application for a Comprehensive Plan Amendment and the appropriate supporting documentation.

Thank you in advance for your attention to this request, please don't hesitate to give me a call if you have any questions.

Very truly yours,

Matt Brawley  
Project Manager  
Speath Engineering

Cc: file

Enc: Application for a Comprehensive Plan Amendment  
Amendment Support Documentation

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SMALL SCALE COMPREHENSIVE PLAN AMENDMENT  
AMENDMENT SUPPORT DOCUMENTATION

**A. GENERAL INFORMATION AND MAPS:**

1. Provide any proposed text changes: *N/A*
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:

*Please see attached Existing Future Land Use Map and Proposed Future Land Use Map. (Figures 2 & 3)*

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:

*Please see attached Aerial Photograph, Land Use and Zoning Map. (Figures 1 & 4)*

*Immediately to the north is Daniels Pkwy, and the land north of the right-of-way is in the Tradeport Future Land Use Category and is currently vacant. Immediately to the east is Saddle Rd., and beyond that the properties are in the Tradeport Future Land Use Category and are currently vacant. Immediately to the south is Halter Ln; the property to the south is in the Tradeport Future Land Use Category, and is currently vacant commercial land. Immediately to the west is Treeline Ave., and the land west of the right-of-way is in the General Interchange Future Land Use Category. One of the two parcels to the west of Treeline Ave. is developed, and has a convenience store operating on the parcel.*

*The subject property consists of three currently vacant commercial parcels in the Tradeport Future Land Use Category. The intent of this amendment is to change the future land use to General Interchange for the subject property that is consistent with the adjacent parcels.*

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

*Please see attached existing zoning maps.*

5. The legal description(s) for the property subject to the requested change:

*Please see attached legal descriptions.*

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6. A copy of the deed(s) for the property subject to the requested change:

*Please see attached Warranty Deeds.*

7. An aerial map showing the subject property and surrounding properties:

*Please see attached Aerial Photograph, Land Use, and Zoning Map  
(Figures 1, 2, & 3)*

8. If an applicant is not the owner, a letter from the owner of the property authorizing the applicant to represent the owner:

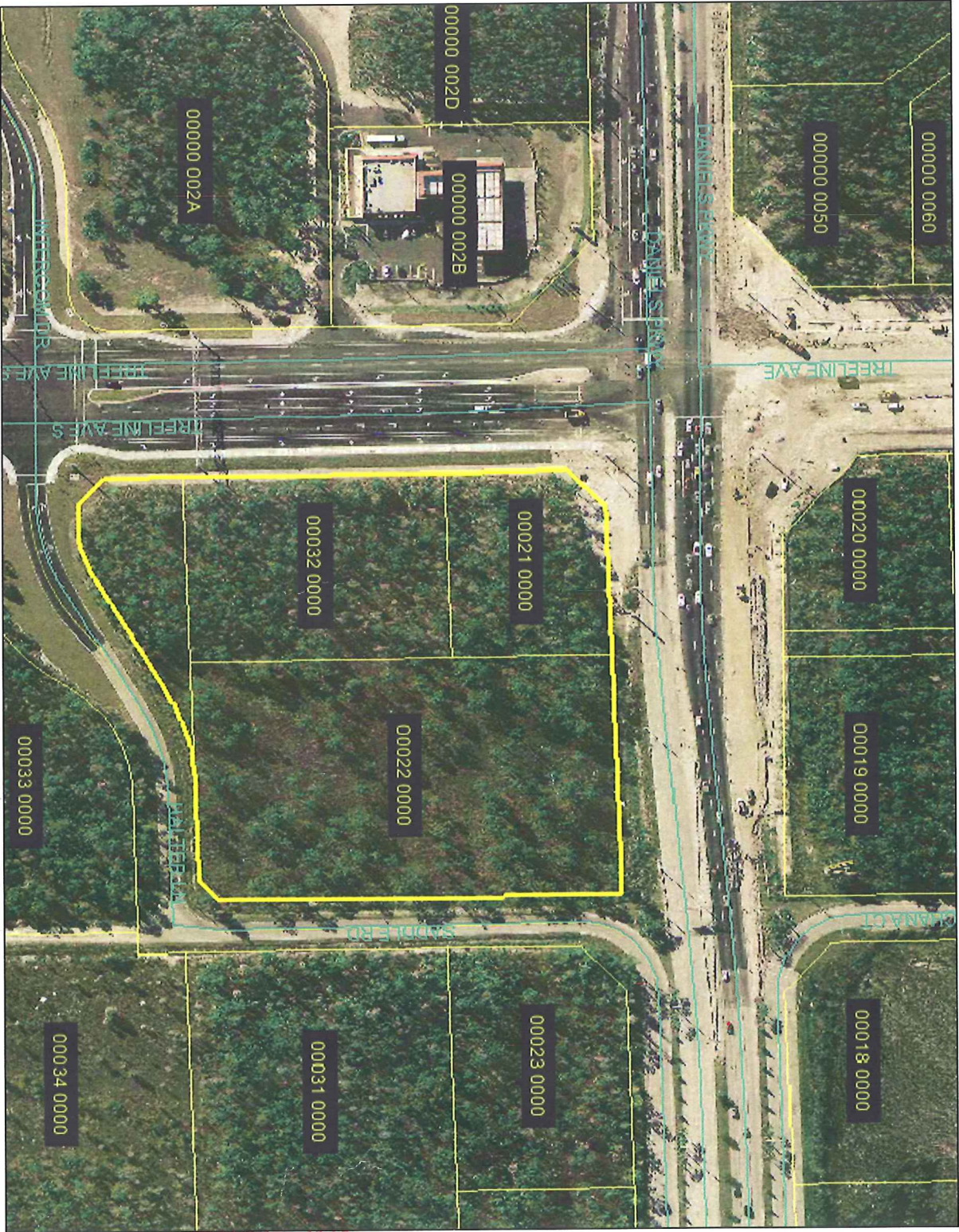
*See attached letters of authorization.*

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Figure 1. Aerial photograph



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Figure 2. Current Future Land Use Zones

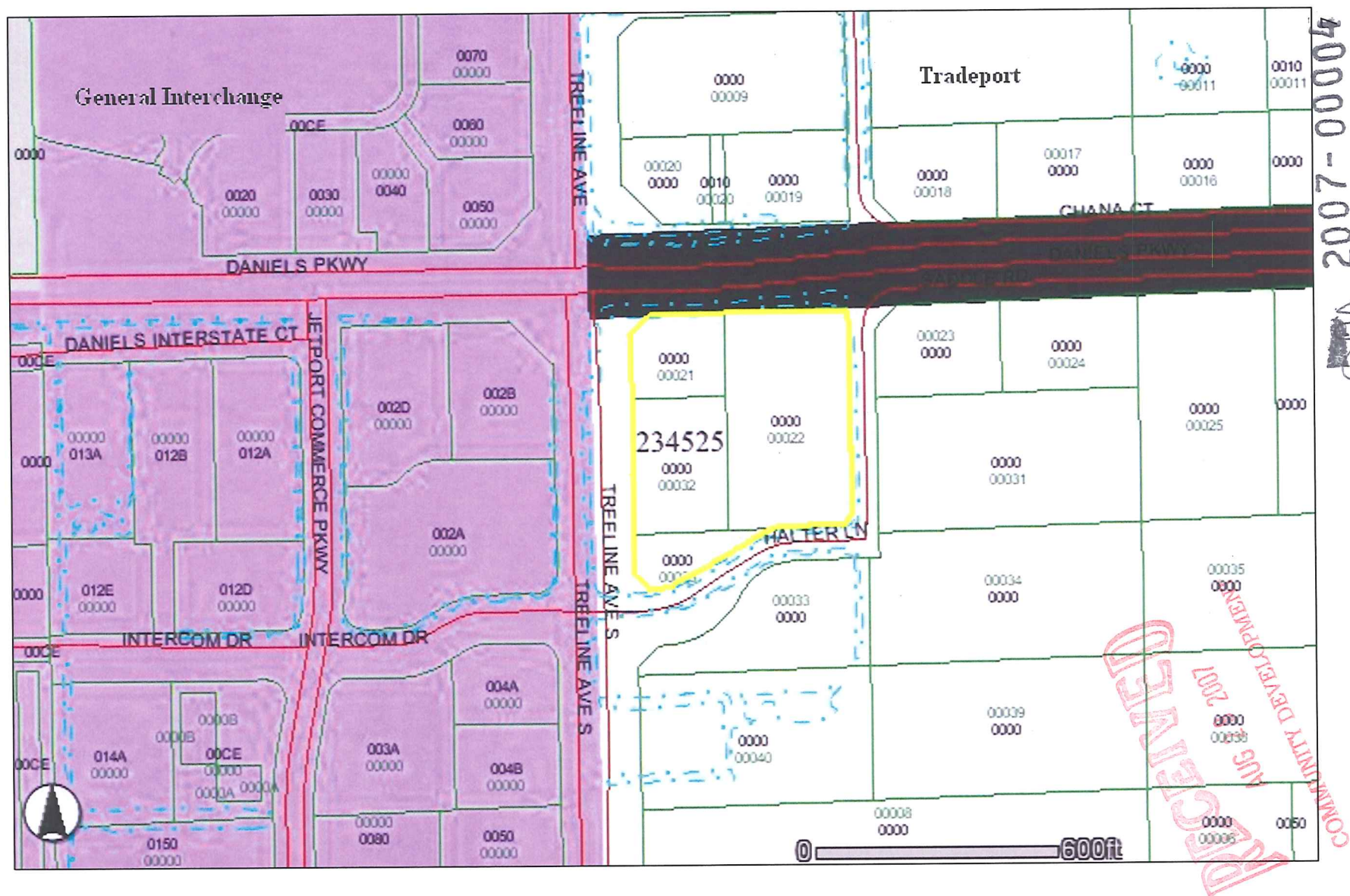
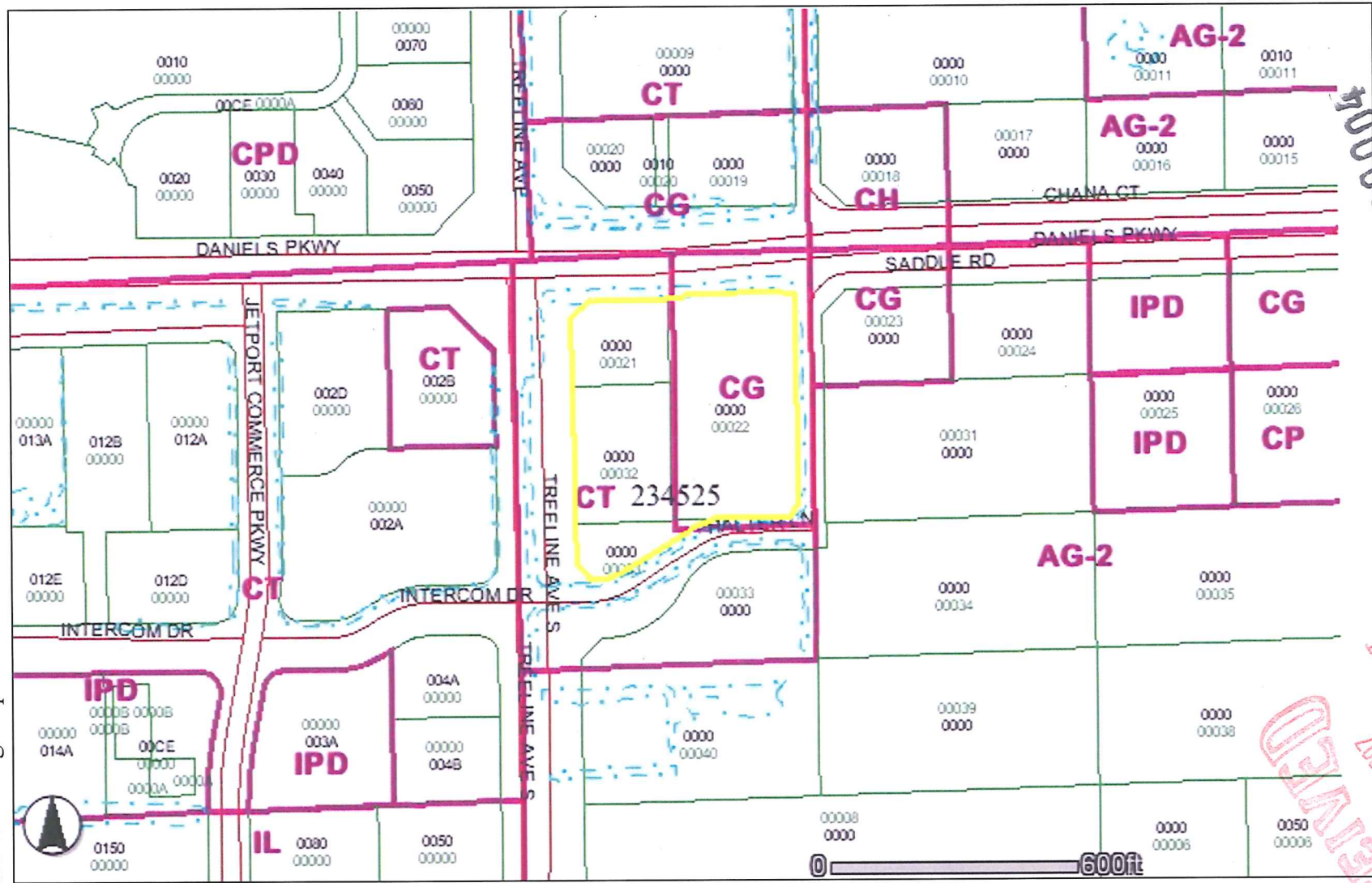






Figure 4. Zoning Map



PROJECT NO. 00000-2002-00004  
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## B. PUBLIC FACILITIES IMPACTS:

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).

*The proposed Land Use Change from Tradeport to General Interchange will have no effect on the Financially Feasible Transportation Plan/Map (20-year horizon) or on the Capital Improvements Element (5-year horizon). The land use change is being requested to allow for commercial development on the subject parcels. The additional commercial uses that would be allowed within the General Interchange Land Use would have no additional impact to the level-of-service of the existing roads over the uses that are currently allowed in the Tradeport Land Use. Treeline Avenue is a 4 lane controlled access arterial roadway that is currently operating at an LOS C. Daniels Parkway is a 6 lane controlled access arterial roadway that will be undergoing intersection improvements in 2010.*

2. Provide an existing and future conditions analysis for:

### 2a. Sanitary Sewer.

*Lee County Utilities maintains service in this area through the Three Oaks Wastewater Treatment Plant.*

Policy 56.1.2 of the Lee Plan has established that “the minimum acceptable level-of-service standards for sanitary sewer connections to Lee County Utilities shall be available basic facility capacity to treat and dispose of a volume of wastewater equal to 200 gallons per day per equivalent residential connection (ERC) for the peak month....”

*According to the June 2007 Concurrency Management report, Corkscrew Wastewater Facility has a design capacity of 3,000,000 million gallons per day and a projected flow for 2007 of 2,800,000 gallons per day.*

*The proposed amendment will have a negligible impact on the sanitary sewer facilities.*

### 2b. Potable Water.

*Lee County Utilities maintains service for this area through the Corkscrew Water Treatment Plant.*

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Policy 53.1.2 of the Lee Plan has established that “the minimum acceptable level-of-service standards for potable water connections to Lee County Utilities shall be available supply and treatment capacity of 250 gallons per day per equivalent residential connection (ERC) for the peak month...”

*According to the June 2007 Concurrency Management report, the Corkscrew Water Treatment Plant has a design capacity of 15 million gallons per day and a projected flow for 2007 of 10,800,000 gallons per day.*

*The proposed amendment will have negligible impacts on the potable water facilities.*

**2c. Surface Water/Drainage Basins.**

*The subject property is located in the Six Mile Cypress Watershed as indicated in the Lee County Surface Water Management Master Plan. Any development will be in compliance with South Florida Water Management District and the Lee County Development Code with regard to surface water management.*

Lee County Policy 60.3.1-D of the Lee Plan has established level-of-service standards for the private and public development as follows:

Surface water management systems in new private and public developments (excluding widening of existing roads) must be designed to SFWMD standards (to detain or retain excess stormwater to match the predevelopment discharge rate for the 25-year, 3-day storm event [rainfall]). Stormwater discharges from development must meet relevant water quality and surface water management standards as set forth in Chapters 17-3, 17-40, and 17-302, and rule 40E-4, F.A.C. New developments must be designed to avoid increased flooding of surrounding areas. Development must be designed to minimize increases of discharge to public water management infrastructure (or to evapotranspiration) that exceed historic rates, to approximate the natural surface water systems in terms of rate, hydroperiod, basin and quality, and to eliminate the disruption of wetlands and flowways, whose preservation is deemed in the public interest. (Amended by Ordinance No. 92-35, 94-29, 00-22)

*The June 2007 Concurrency Management report states on page 3 that “All new developments that receive approval from the South Florida Water Management District and which comply with standards in Chapters*

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*17-3, 17-40, and 17-302 of the Florida Statutes, and Rule 40E-4 of the Florida Administrative Code are deemed Concurrent with the Level of Service standards set forth in THE LEE PLAN."*

**2d. Parks, Recreation, and Open Space.**

*The parcels are located within the South Fort Myers District #44. Open space will be provided per Lee County requirements and evaluated at the time of Development Order processing. The proposed amendment will have negligible impact to the parks, recreation, and open space facilities.*

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; d) Solid Waste; e) Mass Transit; and f) Schools.

*Please see attached letters.*

**C. ENVIRONMENTAL IMPACTS:**

1. A map of the Plant Communities as defined by the Florida Land Use Cover and Classification system (FLUCCS):

*Please see the attached Protected Species Survey prepared by Boylan Environmental Consultants, Inc. dated August 31, 2006. According to their report, Pine Flatwoods (Code 411 E1) and Pine Flatwoods Wetlands (Codes 625 E1, 625 E2); and the Protected Species Assessment prepared by W. Dexter Bender and Associates, Inc dated July 2007 identifying Pine Flatwoods – Disturbed (Code 411D) have been identified on the subject property.*

2. A map and description of the soils found on the property (identify the source of the information):

*Please see Figure 5, a portion of the USDA (United States Department of Agriculture) Soil Map (Figure 5). According to the soil survey, Hallandale fine sand (Code 6) and Immokalee sand (Code 28) have been identified on the subject property.*

3. A topographic map with property boundaries and 100-year flood prone areas indicated (as identified by FEMA): *Please see Figure 6, a portion of the FIRM Flood Insurance Rate Map of Lee County, FL (Panel 350 of 550), and Boundary and Topographic Surveys. A 24"x36" copy of boundary and topographic surveys for the subject parcels has been submitted as part of this package.*

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4. A map delineating wetlands, aquifer recharge areas, and rare and unique uplands: *Please see the attached Protected Species Survey prepared by Boylan Environmental Consultants, Inc. dated August 31, 2006, and the Protected Species Assessment prepared by W. Dexter Bender and Associates, Inc dated July 2007.*
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): *Please see Table 1 below, which shows protected species from the Protected Species Survey prepared by Boylan Environmental Consultants, Inc. dated August 31, 2006, and the Protected Species Assessment prepared by W. Dexter Bender and Associates, Inc dated July 2007. As indicated, no protected species or signs thereof were identified.*

Table 1. Protected Species Survey Summary  
Protected species having the potential to occur in the corresponding FLUCFCS community or land-types with corresponding field survey results.

FLUCCS Code	Potential Listed Species	% Coverage	Present	Absent	Density	Visibility (ft)
411E1	Beautiful Pawpaw	100		X		40
	Big Cypress Fox Squirrel	100		X		40
	Eastern Indian Snake	100		X		40
	Fakahatchee Burmannia	100		X		40
	Florida Black Bear	100		X		40
	Florida Coontie	100		X		40
	Florida Panther	100		X		40
	Gopher Frog	100		X		40
	Gopher Tortoise	100		X		40
	Red-Cockaded Woodpecker	100		X		40
	Satin leaf	100		X		40
	Southeastern American Kestrel	100		X		40
	Twisted Air Plant	100		X		40
625E1 & E2	Big Cypress Fox Squirrel	100		X		40
	American Alligator	100		X		40
	Everglades Mink	100		X		40
	Florida Black Bear	100		X		40

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	Florida Panther	100		X		40
	Gopher Frog	100		X		40
	Little Blue Heron	100		X		40
	Snowy Egret	100		X		40
	Limpkin	100		X		40
	Tricolored Heron	100		X		40
	Wood Stork	100		X		40
	Red-Cockaded Woodpecker	100		X		40

Figure 5. Portion of Soil Survey



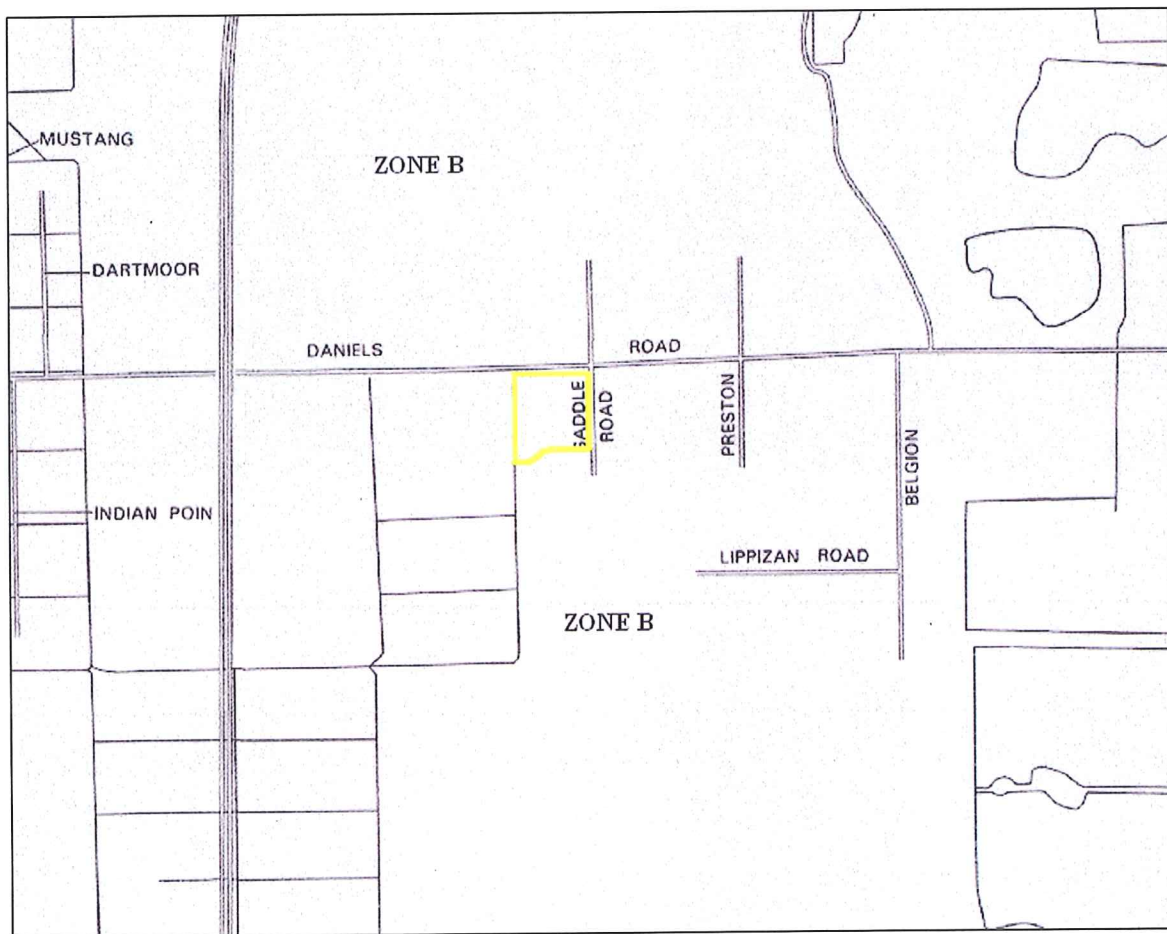
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## Map Unit Legend

Lee County, Florida (FL071)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
6	Hallandale fine sand	2.4	23.6%
28	Immokalee sand	7.7	76.4%
Totals for Area of Interest (AOI)		10.0	100.0%

Figure 6. Portion of FIRM Flood Insurance Rate Map



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**KEY TO MAP**

500-Year Flood Boundary	-----	<b>ZONE B</b>
100-Year Flood Boundary	-----	<b>ZONE A1</b>
Zone Designations*		<b>ZONE A5</b>
100-Year Flood Boundary	-----	<b>ZONE B</b>
500-Year Flood Boundary	-----	<b>ZONE B</b>
Base Flood Elevation Line With Elevation In Feet**	~~~~~513~~~~~	
Base Flood Elevation In Feet Where Uniform Within Zone**	(EL 99.1)	
Elevation Reference Mark	RM7X	
Zone D Boundary	-----	
River Mile	•M1.5	

\*\*Referenced to the National Geodetic Vertical Datum of 1929

**\*EXPLANATION OF ZONE DESIGNATIONS**

ZONE	EXPLANATION
<b>A</b>	Areas of 100-year flood; base flood elevations and flood hazard factors not determined.
<b>A0</b>	Areas of 100-year shallow flooding where depths are between one (1) and three (3) feet; average depths of inundation are shown, but no flood hazard factors are determined.
<b>AH</b>	Areas of 100-year shallow flooding where depths are between one (1) and three (3) feet; base flood elevations are shown, but no flood hazard factors are determined.
<b>A1-A30</b>	Areas of 100-year flood; base flood elevations and flood hazard factors determined.
<b>A99</b>	Areas of 100-year flood to be protected by flood protection system under construction; base flood elevations and flood hazard factors not determined.
<b>B</b>	Areas between limits of the 100-year flood and 500-year flood; or certain areas subject to 100-year flooding with average depths less than one (1) foot or where the contributing drainage area is less than one square mile; or areas protected by levees from the base flood. (Medium shading)
<b>C</b>	Areas of minimal flooding. (No shading)
<b>D</b>	Areas of undetermined, but possible, flood hazards.
<b>V</b>	Areas of 100-year coastal flood with velocity (wave action); base flood elevations and flood hazard factors not determined.
<b>V1-V30</b>	Areas of 100-year coastal flood with velocity (wave action); base flood elevations and flood hazard factors determined.

**NOTES TO USER**

Certain areas not in the special flood hazard areas (Zones A and V) may be protected by flood control structures.

This map is for flood insurance and flood plain management purposes only; it does not necessarily show all areas subject to flooding in the community or all planimetric features outside special flood hazard areas.

The coastal flooding elevations shown may include the effects of wave action and may differ significantly from those developed by the National Weather Service for hurricane evacuation planning. Coastal base flood elevations apply only landward of the shoreline shown on this map.

For adjoining map panels, see separately printed Map Index.

INITIAL IDENTIFICATION:  
SEPTEMBER 19, 1984

FLOOD HAZARD BOUNDARY MAP REVISIONS:

FLOOD INSURANCE RATE MAP EFFECTIVE:  
SEPTEMBER 19, 1984

FLOOD INSURANCE RATE MAP REVISIONS:

**NATIONAL FLOOD INSURANCE PROGRAM**


**FIRM  
FLOOD INSURANCE RATE MAP**

**COUNTY OF  
LEE,  
FLORIDA  
(UNINCORPORATED AREAS)**

**PANEL 350 OF 550**  
(SEE MAP INDEX FOR PANELS NOT PRINTED)

**COMMUNITY-PANEL NUMBER  
125124 0350 B**

**EFFECTIVE DATE:  
SEPTEMBER 19, 1984**

  
**Federal Emergency Management Agency**

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**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 in the analysis:

1. A map of any historic districts and/or sites, listed on the Florida Master Site File, which are located on the subjected property or adjacent properties.

*A letter of clearance from the Florida Division of Historical Resources stated that the Florida Master Site File indicates there or no archaeological or historic sites recorded in the project area.*

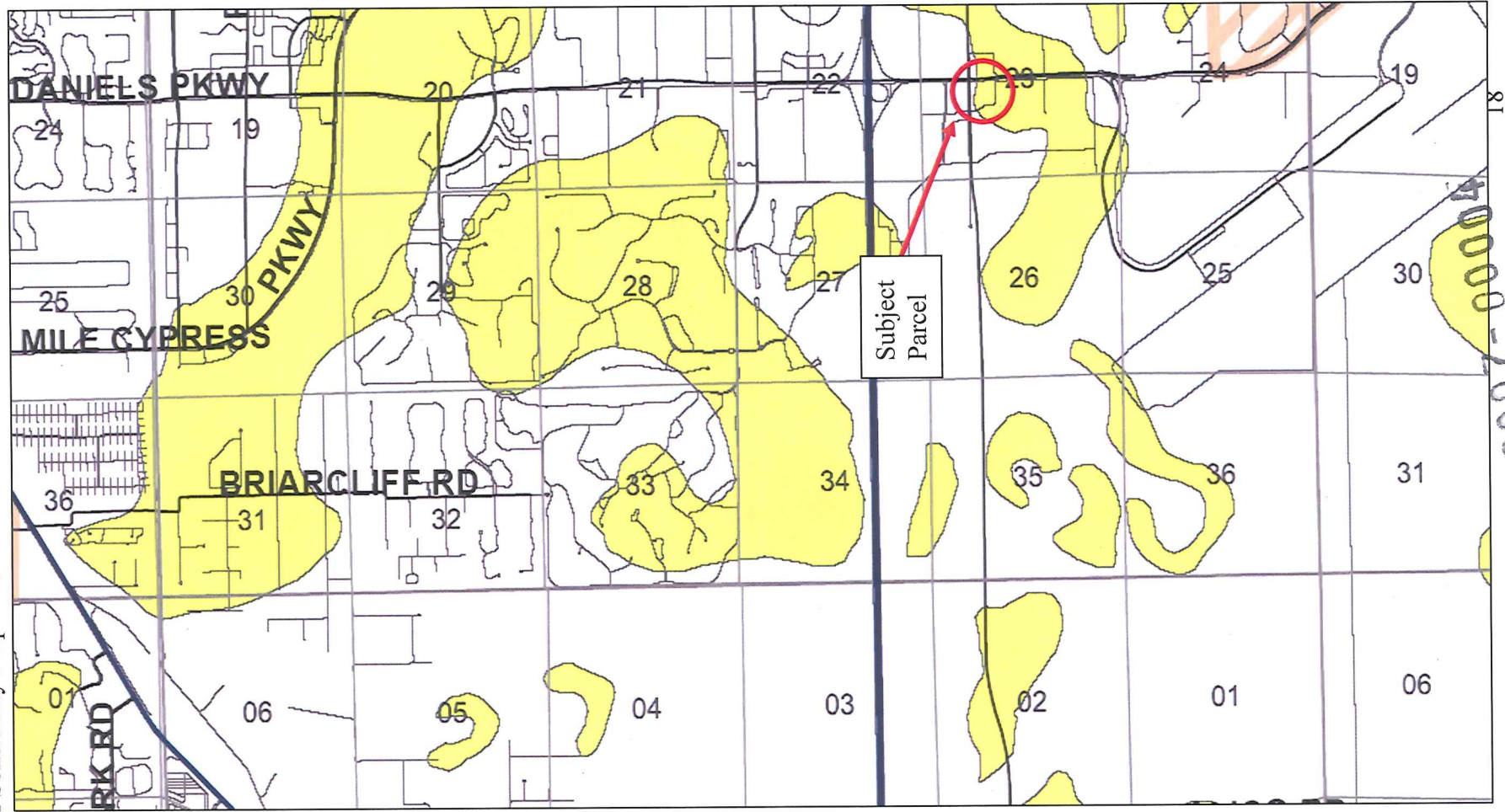
2. A map showing the subject property location on the archaeological sensitivity map for Lee County:

*Please see Figure 7.*

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Figure 7. Archaeological Sensitivity Map



### Lee County Archaeological Sensitivity Map

- Sensitivity Level 1
- Sensitivity Level 2
- Previously Surveyed & Sites Addressed

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## 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 Use Map:

*N/A Residential uses not permitted in the existing or proposed Land Use classification.*

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.

**Policy 1.3.2:** The General Interchange areas are intended primarily for land uses that serve the traveling public: service stations, hotel, motel, restaurants and gift shops. But because of their location, market attractions, and desire for flexibility, these interchange uses permit a broad range of land uses that include tourist commercial, general commercial and light industrial/commercial. (Amended by Ordinance No. 94-30, 99-18).

*The proposed development is located south of Daniels Pkwy, north of Halter Ln., east of the Jetport Interstate Commerce Park, and between Treeline Ave, and Halter Ln. The property will connect to existing water and sewer services provided by Lee County Utilities. The property will have access to local road Halter Ln. The proposed commercial development will be consistent with the existing zoning and the General Interchange Land Use.*

**GOAL 2: GROWTH MANAGEMENT.** To provide for an economically feasible plan which coordinates the location and timing of new development with the provision of infrastructure by government agencies, private utilities, and other sources.

**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)

**POLICY 2.2.1:** Rezoning and development-of-regional-impact proposals will be evaluated as to the availability and proximity of the road network; central sewer and water lines; community facilities and services such as schools, EMS, fire and police protection, and other public facilities; compatibility with surrounding land uses; and any other relevant facts affecting the public health, safety, and welfare. (Amended by Ordinance No. 94-30, 00-22)

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*The development will have access to Halter Ln. and Saddle Rd., and will connect to existing water and sewer facilities provided by Lee County Utilities.*

*The proposed development will be compatible with the existing and proposed land uses in the surrounding areas. The property to the west is zoned CT and is developed with Jetport Interstate Commerce Park. The property to the north is zoned CG and is vacant. The property to the east is zoned CG and AG-2 and is vacant.*

**GOAL 4: DEVELOPMENT DESIGN – GENERAL.** To maintain innovative land development regulations which encourage creative site designs and mixed use developments. (Amended by Ordinance No. 94-30).

**OBJECTIVE 4.1:** Maintain the current planned development rezoning process which combines site planning flexibility with rigorous review. By the end of 1995, take specific steps to further promote the creation of mixed-use developments to reduce the impact on collector and arterial roads (Amended by Ordinance No. 91-19, 94-30).

**POLICY 4.1.2:** Development designs will be evaluated to ensure that the internal street system is designed for the efficient and safe flow of vehicles and pedestrians without having a disruptive effect on the activities and functions contained within or adjacent to the development. (Amended by Ordinance 91-19, 00-22).

*The proposed project will meet or exceed the design criteria established for planned developments in the Lee County Land Development Code. The site design will minimize the internal construction of both street and utilities improvements.*

**GOAL 6: COMMERCIAL LAND USES.** To permit orderly and well-planned commercial development at appropriate locations within the county. (Amended by Ordinance No. 94-30)

**OBJECTIVE 6.1:** All development approvals for commercial land uses must be consistent with the following policies, the general standards under Goal 11 and other provisions of this plan. (Amended by Ordinance No. 94-30)

**POLICY 6.1.1:** All applications for commercial development will be reviewed and evaluated as to: a) Traffic and access impacts (rezoning and development orders); b) Landscaping and detailed site planning (development orders); c) Screening and buffering (planned development rezoning and development orders); d) Availability and adequacy of services and facilities (rezoning and development orders); e) Impact on adjacent land uses and surrounding neighborhoods (rezoning); f) Proximity to other similar centers (rezoning); and g) Environmental considerations (rezoning and development orders).

*The subject property will address these issues as part of a Development Order application.*

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CRA 007-00004

**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.

1. Minor Commercial

10. The Board of County Commissioners may approve applications for minor commercial centers that do not comply with the location standards for such centers but which are consistent with duly adopted CRA and Community plans.

*The subject property meets the criteria of a Minor Commercial development. The proposed development is tied into the street roadway system of an existing arterial street (Treeline Ave). The proposed uses will be buildings consisting of commercial uses.*

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

*The proposed Developments for the subject property are compatible with existing zoning in the surrounding area. The principal land uses in the General Interchange Land Use Category are hotel/motel, and Tourist/General Commercial developments.*

**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 proposed commercial development will provide adequate open space and buffering as required in the Land Development Code (LDC). The proposed project will meet the design criteria established commercial developments in the LDC.*

**POLICY 6.1.7:** Prohibit commercial developments from locating in such a way as to open new areas to premature, scattered, or strip development; but permit commercial development to infill on small parcels in areas where existing commercial development would make a residential use clearly unreasonable.

*The proposed Commercial Developments will be located on the subject parcels of land near existing commercial and commercial planned developments having access to Treeline Ave.*

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

**STANDARD 11.1: WATER**

*The proposed Commercial Developments will connect to an existing public water system provided by Lee County Utilities.*

**STANDARD 11.2: SEWER**

*The proposed Commercial Developments will connect to a sanitary sewer system provided by Lee County Utilities.*

**STANDARD 11.3: TRAFFIC**

*The proposed land use change will not have a detrimental impact on the surrounding roadway system. The existing roadway network can accommodate the additional new vehicle trips the development is anticipated to generate.*

**STANDARD 11.4: ENVIRONMENTAL REVIEW FACTORS**

*Please see attached Protected Species Survey prepared by Boylan Environmental Consultants, Inc. dated August 31, 2006. The survey was prepared for the Rowshan project, and the subject property was included in the report. A report for the Mango Development property was conducted by W. Dexter Bender and Associates, Inc. and completed in July 2007.*

**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. 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, and 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 proposed Commercial Developments will be designed with sufficient on-site parking for the proposed uses. The development will have access to an existing arterial (Treeline Ave) that will operate at an acceptable LOS.*

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**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 proposed commercial development will provide sufficient landscaping and buffering as required by the Land Development Code.*

**GOAL 61: PROTECTION OF WATER RESOURCES.** To protect the county's water resources through the application of innovative and sound methods of surface water management and by ensuring that the public and private construction, operation, and maintenance of surface water management systems are consistent with the need to protect receiving waters.

**POLICY 61.2.5:** The policies about (41.2.1. through 41.2.4) are not intended to prohibit any permittable surface water management solution that is consistent with good engineering practices and adopted environmental criteria.

*The development will be engineered and permitted utilizing the design criteria as established by the South Florida Water Management District as well as Lee County Development Regulations in accordance with Best Management Practices, engineering and adopted environmental criteria.*

**OBJECTIVE 61.3: GENERAL SURFACE WATER MANAGEMENT STANDARDS.** Lee County will continue to provide sufficient performance and/or design standards for development protective of the function of natural drainage systems. (Amended by Ordinance No. 94-30, 00-22)

**POLICY 61.3.6:** Developments must have and maintain an adequate surface water management system, provision for acceptable programs for operation and maintenance, and post-development runoff conditions which reflect the natural surface water flow in terms of rate, direction, quality, hydroperiod, and drainage basin. Detailed regulations will continue to be integrated with other county development regulations. (Amended by Ordinance No. 00-22)

*The proposed developments' surface water management system will be developed in accordance with South Florida Water Management District and Lee County Development regulations.*

**POLICY 61.3.11:** Runoff must be routed through retention or detention areas and vegetated swales in order to reduce flow velocity, allow for percolation, and trap and remove suspended solids and pollutants. (Amended by Ordinance No. 00-22)

*The stormwater management system will be designed in accordance with South Florida Water Management District (SFWMD) requirements to provide for attenuation/retention of stormwater runoff from the site.*

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*Issuance of a SFWMD permit shall be deemed to be in compliance with Chapter 10 of the LDC. For purposes of stormwater management calculations, the assumed water table will be established by an engineer in accordance with sound engineering practices. The stormwater management system will be reviewed for compliance with Chapter 10 of the LDC through the development order process.*

**POLICY 61.3.13:** Installation of erosion control devices for development activities adjacent to waterbodies, water courses, and wetlands will be required. Such control devices must be maintained to ensure operational effectiveness. (Amended by Ordinance No. 00-22)

*Erosion control devices will be installed in accordance with local and state regulations. A SWPPP will be submitted to Lee County, SFWMD, and Florida Department of Environmental Protection (FDEP) for their review and approval.*

**GOAL 77: DEVELOPMENT DESIGN REQUIREMENTS.** To require new development to provide adequate open space for improved aesthetic appearance, visual relief, environmental quality, preservation of existing native trees and plant communities, and the planting of required vegetation. (Amended by Ordinance No. 94-30, 02-02)

**OBJECTIVE 77.3:** New developments must use innovative open space design to preserve existing native vegetation, provide visual relief, and buffer adjacent uses and proposed and/or existing rightsof- way. This objective and subsequent policies are to be implemented through the zoning process. (Added by Ordinance No. 02-02)

*Open space will be provided per Lee County requirements and evaluated at the time of Development Order processing.*

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

*The impact of changing 7.35 acres of subject property from Tradeport to General Interchange will have no impact on any local government.*

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

*The State Policy Plan and Regional Policy plan goals and policies that are relevant to this plan amendment consist of conforming to the Lee Plan and its objectives and policies.*

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**F. ADDITIONAL REQUIREMENTS FOR SPECIFIC 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 site is accessible to Treeline Ave, an existing roadway. It is not accessible to rail lines or cargo airport terminals.*

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

*The proposed Future Land Use change will not impact any of the uses allowed in either Land Use category.*

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

*The impact of changing 7.35 +/- acres from Tradeport to General Interchange will not affect the developmental needs as required by the projected growth through the year 2020 since all of the industrial uses allowed in the Tradeport designation are also allowed in the General Interchange designation.*

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 existing Tradeport land use classification and the proposed General Interchange land use classification are both classified as Future Urban Areas. The proposed change does not constitute Urban Sprawl.*

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

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*N/A – The proposed change is not in the listed critical areas for future potable water supply as listed in Policy 2.4.2; therefore, the site does not require evaluation based on this policy.*

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

*N/A – The proposed change does not request moving lands from Density Reduction/Groundwater Resource; therefore Policy 2.4.3 does not need to be addressed.*

**G. PROPOSED AMENDMENT JUSTIFICATION:**

Justify the proposed amendment based upon sound planning principles. Be sure to support all conclusions made in this justification with adequate data and analysis.

*The proposed amendment is consistent with the General Interchange designation for the following reasons:*

- *The subject property is located on the south side of Daniels Pkwy, east of Jetport Interstate Commerce Park., between Halter Ln. and Saddle Rd. The property will have access to Treeline Ave, an arterial, which is adequate to handle the proposed commercial development.*
- *The proximity of the subject property to the roadway system is consistent with the location criteria of Policy 6.1.2. of the Lee Plan for Commercial Land Use only.*
- *The proposed commercial uses are consistent with the “General Interchange” land use category.*

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LEE COUNTY  
SOUTHWEST FLORIDA

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*County Manager*

David M. Owen  
*County Attorney*

Diana M. Parker  
*County Hearing Examiner*

July 6, 2007

Mr. Matt Brawley  
Speath Engineering  
7370 College Pkwy. Suite 301  
Fort Myers, FL 33907

**SUBJECT: Small Scale Comprehensive Plan Amendment**

Dear Mr. Brawley:

The Lee County Solid Waste Division is capable of providing solid waste collection service for the proposed project located at the south eastern corner of the Daniels Road and Treeline Avenue intersection, Ft. Myers, FL through our franchised hauling contractors. Disposal of the solid waste from this project will be accomplished at the Lee County Resource Recovery Facility and the Lee-Hendry Regional Landfill. Plans have been made, allowing for growth, to maintain long-term disposal capacity at these facilities.

The Solid Waste Ordinance (05-13, Section 21) and the Lee County Land Development Code, Chapter 10, Section 10-261 have requirements for providing on-site space for placement and servicing of commercial solid waste containers. Please review these requirements when planning the project. If you have any questions, please call me at (239) 338-3302.

Sincerely,

William T. Newman  
Operations Manager  
Solid Waste Division

cc: Wayne Gaither

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# SOUTH TRAIL FIRE PROTECTION & RESCUE SERVICE DISTRICT

Business (239) 433-0080  
FAX (239) 433-1941  
Prevention Division (239) 482-8030  
FAX (239) 433-2185

## BOARD OF COMMISSIONERS

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Commissioner

## ADMINISTRATION

Clifford H. Paxson  
Chief

William G. Proce  
Assistant Chief  
Support Services

Richard J. Intartaglio  
Assistant Chief  
Operations

July 9, 2007

Matt Brawley, Project Manager  
Speath Engineering  
7370 College Parkway, Suite 301  
Fort Myers, FL 33907

**Re: 23-45-25-01-0022.000, 23-45-25-01-0021.000, 23-45-25-01.0032.000  
Daniels Parkway/Treeline Avenue Comp Plan Change to General  
Interchange Use**

Dear Matt:

The South Trail Fire Protection and Rescue Service District has received your request for review and comment regarding our service capability to this project should it be allowed to change from Transport Land Use to General Interchange Land Use.

We do not see any issues or raise any objections to the proposed land use category change. The anticipated capital improvement needs of the District will be covered by the applicable fire/rescue impact fees currently adopted, (or as may be modified), by interlocal agreement with Lee County.

Should you have any questions with regards to this response to your correspondence, please do not hesitate to contact my office.

Respectfully,

Clifford H. Paxson  
Chief

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FLORIDA DEPARTMENT OF STATE

**Kurt S. Browning**

Secretary of State

DIVISION OF HISTORICAL RESOURCES

July 10, 2007

Mr. Matt Brawley  
Speath Engineering  
7370 College Parkway  
Suite 301  
Fort Myers, Florida 33907

Re: Small Scale Comprehensive Plan Amendment for Section 23, T45S-R25E  
Lee County / DHR Project File No. 2007-5476

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Dear Mr. Brawley:

According to this agency's responsibilities under Sections 163.3177 and 163.3178, *Florida Statutes*, Chapter 9J-5, *Florida Administrative Code*, and any appropriate local ordinances, we reviewed the proposed small scale comprehensive plan amendment for 7.35 acres.

A review of the Florida Master Site File indicates that there are no archaeological or historic sites recorded within the project area. However, the lack of recorded sites is not considered significant because the area has never been subjected to a systematic, professional survey to locate such sites. Data from environmentally similar areas indicate that archaeological and historic sites are likely to occur in the study area. Furthermore, it appears that the entire project tract falls within the Lee County archaeological high probability area.

It is, therefore, the opinion of this office that there is a reasonable probability of project activities impacting archaeological and historic sites and properties potentially eligible for listing in the National Register of Historic Places, or otherwise of historical or archaeological significance.

Since potentially significant archaeological and historic sites may be present, it is our recommendation that, prior to initiating any project related land clearing or ground disturbing activities within the project area, it should be subjected to a systematic, professional archaeological and historical survey. The purpose of this survey will be to locate and assess the significance of any historic properties present. The resultant survey report must conform to the specifications set forth in Chapter 1A-46, *Florida Administrative Code*, and be forwarded to this agency for comment in order to complete the process of reviewing the impact of this proposed project on historic properties.

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

☐ Director's Office  
(850) 245-6300 • FAX: 245-6436

☐ Archaeological Research  
(850) 245-6444 • FAX: 245-6452

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

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

☐ Southeast Regional Office  
(561) 416-2115 • FAX: 416-2149

☐ Northeast Regional Office  
(904) 825-5045 • FAX: 825-5044

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

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Mr. Brawley  
July 10, 2007  
Page 2

If you have any questions concerning our comments, please do not hesitate to contact Susan Harp at (850) 245-6333. Thank you for your interest in protecting Florida's historic resources.

Sincerely,

A handwritten signature in black ink, reading "Frederick P. Gaske", followed by a horizontal line.

Frederick P. Gaske, Director

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David M. Owen  
County Attorney

Diana M. Parker  
County Hearing  
Examiner

August 3, 2007

Mr. Matt Brawley  
Speath Engineering  
7370 College Parkway  
Suite 301  
Fort Myers, FL 33907

Re: Service Availability Request for Daniels / Treeline Request  
(Rowshan Mango)

Mr. Brawley:

Lee County Transit received your letter July 2, 2007 in reference to the Small Scale Comprehensive Plan Land Use Map Amendment Application for the subject property located on the southeast corner of Daniels Parkway and Treeline Avenue. Treeline and Daniels are established transit corridors and Lee County currently provides public transportation services to the subject property. Our long range planning activities maintain this transit corridor and document the need for additional, enhanced services on the route providing service to this area. We anticipate the current capacity on this route to be sufficient to meet the needs of the proposed development provided the requested Land Use designation is met.

If you have any questions please contact me at (239) 533-0333 or you can send an e-mail to [mhorsting@leegov.com](mailto:mhorsting@leegov.com).

Sincerely,

Michael Horsting, AICP  
Principal Planner  
Lee County Transit

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# THE SCHOOL DISTRICT OF LEE COUNTY

2855 COLONIAL BLVD. ♦ FORT MYERS, FLORIDA 33966-1012 ♦ (239) 334-1102 ♦ TTD/TTY (239) 335-1512  
WWW.LEESCHOOLS.NET

August 9, 2007

Matt Brawley  
Project Manager  
Speath Engineering  
7370 College Parkway, Suite 301  
Fort Myers, FL 33907

RE: Lee County Small Scale Comprehensive Plan Amendment

Dear Mr. Brawley;

You letter dated July 11, 2007 states that the small land use amendment will be to construct 2 hotels and 3-4 restaurants. This type of land use does not generate students and we only consider residential land use such as single family, multi-family, etc. in determining our impact calculations.

Regarding the impact on the type of use you are proposing being hotels and restaurants, Florida Statutes states, in part, that on-premises consumption of alcoholic beverages may not be located within 500 feet of the real property that comprises a public or private elementary school, middle school or secondary schools unless over-riding conditions of such sale promote the public health, safety, and general welfare of the community (562.45(2)(a), 125.66(4), 166.041(3)(c), Florida Statutes). I would recommend that you investigate the distance from School District property located at 12690 Treeline Avenue and 13151 Palomino Lane, which seem to be the closest two properties to your proposed location. We own several parcels on Palomino Lane, but the 13151 address is closest to your property.

Should you have any questions or need further information, please contact me at 239.479.5661.

Thank you,

Ms. Susan Teston  
Community Planner

Jeanne S. Dozier  
Chairman, District 2

Jane E. Kuckel, Ph.D.  
Vice Chairman, District 3

Robert D. Chilmonik  
District 1

Steven K. Teuber, J.D.  
District 4

Elinor C. Scricca, Ph.D.  
District 5

James W. Browder, Ed.D.  
Superintendent

Keith B. Martin, Esq.  
Board Attorney

Julie B. Nieminski  
Board Internal Auditor

4,900 ft  
4,100 ft  
vc

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AUG 29 2007  
COMMUNITY DEVELOPMENT

CRA 2007-00004

**Barry R. Hillmyer**  
Legal Director



State of Florida  
County of Lee

August 15, 2007

Matt Brawley  
Project Manager  
Speath Engineering  
8000 Summerlin Lakes Drive, Suite 201  
Fort Myers, FL 33907

Dear Mr. Brawley:

Thank you for your letter of August 9, 2007. Based on the limited information in your letter, the Sheriff's Office is unable to make a definite statement as to its ability to serve the intended project and the development once it is completed.

Perhaps if you would provide more information as to exactly what the development will consist of and the anticipated population and traffic flow, business or residential, etc., the Sheriff's Office will be able to give you a more definite answer.

Thank you in advance for your prompt attention to this request for information.

Very truly yours,

A handwritten signature in black ink, appearing to read "B. Hillmyer", is written over the words "Very truly yours,".

Barry R. Hillmyer, Legal Director

BRH:kbb

cc: Sheriff Mike Scott  
Chief Deputy Charles Ferrante

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CPA2007-00004





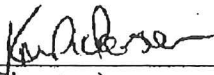
## Lee County Southwest Florida

### Statement of No Concern

I, Kim Dickerson, authorized by the Lee County Emergency Medical Services (EMS) confirm with my signature below, that Lee County EMS has no concern with the Service Availability Request from Speath Engineering for the property located at STRAP No(s): 23-45-25-01-00022.000, 23-45-25-01-00021.000, 23-45-25-01-00032.000.

The Land Use Amendment for the property located adjacent to the Daniels Parkway and Treeline Avenue intersection will not create a negative impact on our service level.

This statement does not indicate that any plans have been received, it just identifies that Lee County EMS has no concerns with the ability to provide service to this area.

  
(Signature)

EMS Operations Chief  
(Title)

Kim Dickerson  
(Printed Name)

August 16, 2007  
(Date)



Kim Dickerson, EMT-P, RN, MBA  
EMS Operations Chief  
Lee County Emergency Medical Services  
14752 Ben Pratt/Six Mile Cypress Parkway  
Fort Myers, FL 33912  
Phone: 239-335-1661  
Fax: 239-335-1671  
Email: [kdickerson@leegov.com](mailto:kdickerson@leegov.com)  
Website: [www.lee-ems.com](http://www.lee-ems.com)

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2007-00004

---

## Treeline 5.96± Acres

Section 23; Township 45 S; Range 25 E  
Lee County, Florida

---

### Protected Species Survey

**Boylan**  
**Environmental**  
**Consultants, Inc.**

*Wetland & Wildlife Surveys, Environmental Permitting,  
Impact Assessments*

11000 Metro Parkway, Suite 4  
Fort Myers, Florida, 33966  
Phone: (239) 418-0671 Fax: (239) 418-0672

August 31, 2006

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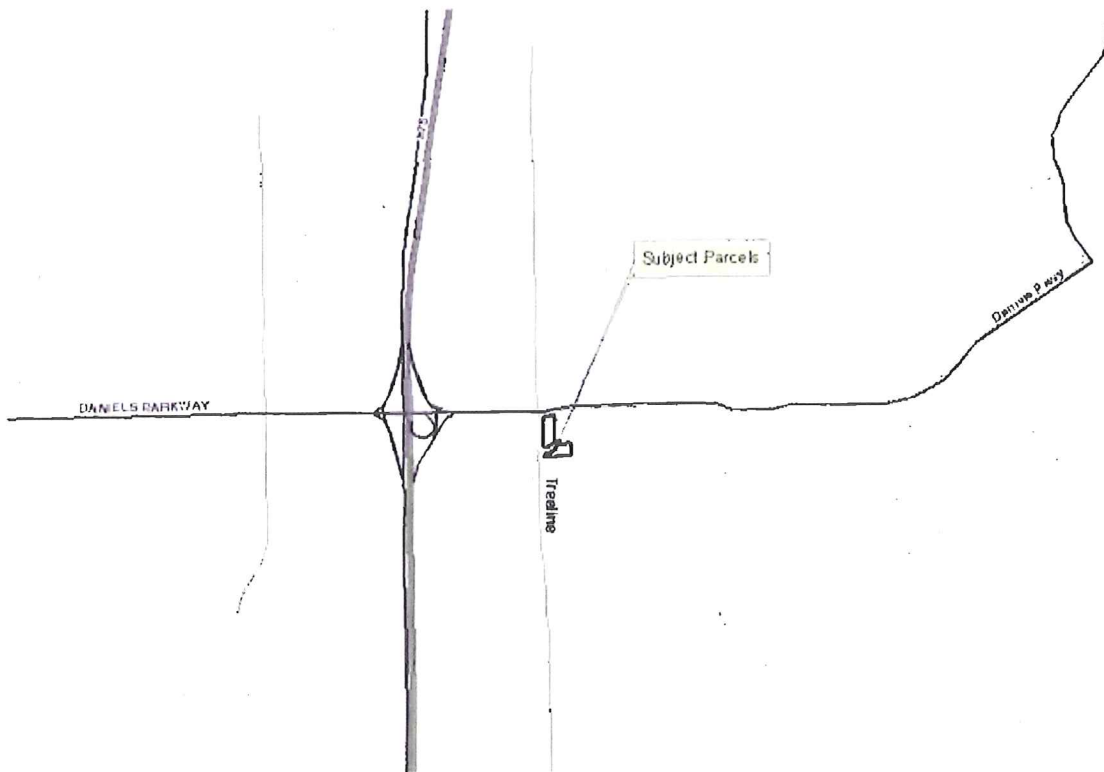
CPA 2007-00004



### INTRODUCTION

Two environmental scientists from Boylan Environmental Consultants, Inc conducted a field investigation on the 5.96± acre property on August 31, 2006. The purpose of the field investigation was to identify the potential for listed (endangered, threatened, etc.) species inhabiting the site that are regulated by the US Fish & Wildlife Service (FWS) and the Florida Fish & Wildlife Conservation Commission. The survey was conducted in the mid morning.

The site is located in Section 23, Township 45 South, Range 25 East, in Lee County, Florida. More specifically, the site is situated in the southeast corner of Daniels Parkway and Treeline Ave. on the both sides of Halter Lane.



### METHODOLOGY

The survey method consisted of overlapping belt transects performed for all FLUCCS communities onsite in compliance with the Lee County Endangered Species Ordinance No. 89-34. The specific methodology included pedestrian surveys of parallel transects. The survey was conducted according to the methodology submitted by Kevin L. Erwin Consulting Ecologist, Inc., which was a methodology previously approved by Lee County. Particular attention during the survey was placed on location of any signs of fox squirrels.

This survey is comprised of a several step process. First, vegetation communities or land-uses on the study area are delineated on an aerial photograph using the Florida Land Use, Cover and Forms Classification System (FLUCFCS). Next, the FLUCFCS codes are cross-referenced with

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COMMUNITY DEVELOPMENT

CPA2007-00004

the Lee County Protected Species List. This protected species list names the species which have a probability of occurring in any particular FLUCFCS community. The table at end of the report lists the FLUCFCS communities found on the parcel and the corresponding species which have a probability of occurring in them. Transects were walked approximately as shown on the attached aerial photograph. Specific attention was placed on locating any potential fox squirrel nests.

#### ASSESSMENT DATE AND WEATHER CONDITIONS

Survey Date	Survey Time	Weather Conditions
August 31, 2006	7:30 am	Partly cloudy with light winds and temperatures in the 80's

#### SITE CONDITIONS

Listed below are the vegetation communities or land-uses identified on the site. The following descriptions correspond to the mappings on the attached FLUCFCS map. See Florida Land Use, Cover and Forms Classification System (Department of Transportation 1985) for definitions. Boundaries and acreages are approximate.

#### **FLUCFCS CODES/Description**

##### **411 E1, Pine Flatwoods (+/- 1.80 acres)**

This community is dominated by slash pine in the canopy with approximately 25% melaleuca and Brazilian pepper invasion. Understory species is dominated by greater than 50% saw palmetto with grapevine, poison ivy, and smilax.

##### **625 E1, Pine Flatwood Wetlands (+/- 1.82 acres)**

This community is dominated by slash pine in the canopy with approximately 25% melaleuca and Brazilian pepper invasion. Understory species consists of saltbush, St. Johns wort, beakrush, grapevine, smilax, arrowhead, redroot, broomsedge, pluchea, hatpins, dog fennel, and widely scattered saw palmetto.

##### **625 E2, Pine Flatwood Wetlands (+/- 2.34 acres)**

This community is dominated by slash pine in the canopy with approximately 25 - 50% melaleuca and Brazilian pepper invasion. This community contains the same understory species with the only difference from above is the amount of exotic infestation.

#### **SPECIES PRESENCE & DISCUSSION**

The lack of tortoise burrows is likely due to the relatively high water tables in the area, the abundance of exotic plant species, and the lack of habitat. Due to the fragmented and isolated nature of the forested portions of the property, it appears unlikely fox squirrels would utilize the property. In addition, due the lack of corridors or contiguous habitat of the property with off-site areas, it is not anticipated that other listed species would occupy the property. The nearby roads also create a barrier and a hazard to other animals.

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2007-00004

Community locations were estimated and drawn by using a non-rectified aerial with approximate property boundaries and drawn by using a non-rectified aerial with approximate property boundaries, hence their location, aerial extent, and acreage is approximate.

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CPA 2007-00004

**Table 1. Protected Species Survey Summary**

Protected species having the potential to occur in the corresponding FLUCFCS community or land-types with corresponding field survey results.

FLUCCS Code	Potential Listed Species	% Coverage	Present	Absent	Density	Visibility (ft)
411E1	Beautiful Pawpaw	100		X		40
	Big Cypress Fox Squirrel	100		X		40
	Eastern Indigo Snake	100		X		40
	Fakahatchee Burmannia	100		X		40
	Florida Black Bear	100		X		40
	Florida Coontie	100		X		40
	Florida Panther	100		X		40
	Gopher Frog	100		X		40
	Gopher Tortoise	100		X		40
	Red-Cockaded Woodpecker	100		X		40
	Satinleaf	100		X		40
	Southeastern American Kestrel	100		X		40
	Twisted Air Plant	100		X		40
	Big Cypress Fox Squirrel	100		X		40
625E1 & E2	American Alligator	100		X		40
	Everglades Mink	100		X		40
	Florida Black Bear	100		X		40
	Florida Panther	100		X		40
	Gopher Frog	100		X		40
	Little Blue Heron	100		X		40
	Snowy Egret	100		X		40
	Limpkin	100		X		40
	Tricolored Heron	100		X		40
	Wood Stork	100		X		40
	Red-cockaded Woodpecker	100		X		40

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SECTION 23  
TOWNSHIP 35  
RANGE 25

# Protected Species Assessment

FLMDCS Description Acreage  
411D Pine Flatwoods Disturbed 3.9 ac



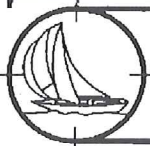
411D  
(3.9 ac.)

50' Transects

Halter Lane

### Notes:

1. Property boundary is approximate and obtained from Lee County Property Appraiser's Website.
2. Mapping based on photointerpretation of 2005 aerial photography and ground truthing in June 2007.
3. The limits of jurisdictional wetlands, if any, have not been delineated.



W. DEXTER BENDER  
AND ASSOCIATES  
ENVIRONMENTAL & MARINE CONSULTING  
FORT MYERS 239/334-3680  
PORT CHARLOTTE 941/255-1462

4 Acre  
Halter Lane Parcel

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CPA 2007-00004



3.52  
3.90  
X  
7.42  
Total



X:\BCCS-1 Projects\TreeLine 5.96 ac(2006-1107)\pss.dwg Job Model Sep 01, 2006 - 1015am Plotted by Barrett

<b>Boylan Environmental Consultants, Inc.</b>  <small>Volunteers &amp; Wildlife Services, Environmental Remediation, Impact Assessments</small> <small>22000 Alton Parkway, Suite 400, Miami, FL 33160 (781) 437-6671</small>	Drawn By:	Date:	Category:	<b>TREELINE 5.96 AC</b> <b>PROTECTED SPECIES GRAPHIC</b>		Revisions	Date:	Page
	JDK	8/31/09	PSS					
	Job Number	2006-115	S/T/R	1" = 300'	County			Exhibit
	23/45S/25E	Lee						

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**FLUCCS LEGEND**

- 411 PINE FLATWOODS (0-25% EXOTICS), 1.80 AC
- 625 E1 PINE FLATWOOD WETLANDS (0-25% EXOTICS), 1.82 AC
- 625 E2 PINE FLATWOOD WETLANDS (25-50% EXOTICS), 2.34 AC

**Boylan  
Environmental  
Consultants, Inc.**  
*Wetland & Wildlife Surveys, Environmental Permitting,  
Impact Assessments*  
22000 Metro Parkway, Suite 4, Ft. Myers, FL 33906 (813) 438-0672

Drawn By:	Date:	Category:
JDK	8/31/06	PSS
Job Number:		Scale:
2006-115		1" = 200'
S/T/R		County:
23/45S/25E		Lee

**TREELINE 5.96 AC**  
**FLUCFCS MAP**

Revisions	Date:	Page
		Exhibit

2007-2006-115  
[Signature]

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## **4± Acre Halter Lane Parcel**

Section 23, Township 45 South, Range 25 East  
Lee County, Florida

## **Protected Species Assessment**

**July 2007**

Prepared for:

**Laurel Oak Development of SW FL  
PMB 239  
11300 Lindberg Blvd., Suite 103  
Fort Myers, FL 33913**

Prepared by:

**W. Dexter Bender and Associates, Inc.  
2052 Virginia Avenue  
Fort Myers, FL 33901  
(239) 334-3680**

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## Introduction

The 4± acre project is located within a portion of Section 23, Township 45 South, Range 25 East, Lee County, Florida (see attached location map). The parcel is bordered to the east by Saddle Road, to the north by Daniels Parkway, to the south by Halter Lane and to the west by undeveloped land.

## Site Conditions

The site is composed entirely of cleared pine flatwoods.

## Vegetative Classifications

The predominant vegetation associations were mapped in the field on 2005 digital 1" = 100' scale aerial photography. One vegetation associations was identified using the Florida Land Use, Cover and Forms Classification System (FLUCCS). The attached map depicts the approximate location and configuration of the vegetation association and the acreage of the FLUCCS code is provided on the Table 1. A brief description of the FLUCCS association is also provided below.

Table 1. Acreage Summary by FLUCCS Code

FLUCCS CODE	DESCRIPTION	ACREAGE
411D	Pine Flatwoods – Disturbed	3.9
Total		3.9

### FLUCCS 411D, Pine Flatwoods - Disturbed

Slash pine (*Pinus elliottii*) forms a relatively open canopy within this disturbed habitat. Other species present here include camphorweed (*Pluchea rosea*), pineland heliotrope (*Heliotropium polyphyllum*), little blue maidencane (*Amphicarpum muhlenbergianum*), chocolate weed (*Melochia corchorifolia*), scattered saw palmetto (*Serenoa repens*), wax myrtle (*Myrica cerifera*), buttonweed (*Spermococe* sp.) and yellow-eyed grass (*Xyris* sp.).

## Survey Method

Lee County Protected Species Ordinance No. 89-34 lists several protected species of animals that could potentially occur on-site based on the general vegetative associations found on the subject parcel. Each habitat type was surveyed for the occurrence of these and any other listed species likely to occur in the specific habitat types. The survey was conducted using meandering linear pedestrian belt transects. This survey methodology is based on the Lee County administratively approved Meandering Transect Methodology. In order to provide at least 80% visual coverage of habitat types listed in Ordinance No. 89-34, the transects were spaced approximately 50 feet apart. The approximate location of all direct sighting or signs (such as tracks, nests, and droppings) of a listed species, were denoted on the aerial photography. The

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C'PA 2007-00004

attached 1" = 100' scale aerial Protected Species Assessment map depicts the approximate location of the survey transects and the results of the survey. The listed species survey was conducted during the mid-day hours of June 22, 2007. During the survey, temperatures were in low 90's F, winds were calm and skies were mostly clear.

Species listed as endangered, threatened, or species of special concern by the Florida Fish and Wildlife Conservation Commission (FWC) or the United States Fish and Wildlife Service (FWS) that could potentially occur on the subject parcel according to the Lee County Protected Species Ordinance are shown on Table 2. This list from the Lee County Protected Species Ordinance is general in nature, does not necessarily reflect existing conditions within or adjacent to the 4± acre property, and is provided for general informational purposes only.

Table 2. Listed Species That Could Potentially Occur On-site

FLUCCS CODE	Percent Survey Coverage	Species Name	Present	Absent
411D	80	Gopher Frog ( <i>Rana areolata</i> )		√
		Eastern Indigo Snake ( <i>Drymarchon corais couperi</i> )		√
		Gopher Tortoise ( <i>Gopherus polyphemus</i> )		√
		Red-cockaded Woodpecker ( <i>Picoides borealis</i> )		√
		Southeastern American Kestrel ( <i>Falco sparverius paulus</i> )		√
		Big Cypress Fox Squirrel ( <i>Sciurus niger avicennia</i> )		√
		Florida Black Bear ( <i>Ursus americanus floridanus</i> )		√
		Florida Panther ( <i>Felis concolor coryi</i> )		√
		Beautiful Pawpaw ( <i>Deeringothamnus pulchellus</i> )		√
		Fakahatchee Burmannia ( <i>Burmannia flava</i> )		√
		Florida Coontie ( <i>Zamia floridana</i> )		√
		Satinleaf ( <i>Chrysophyllum olivaeforme</i> )		√

### Survey Results

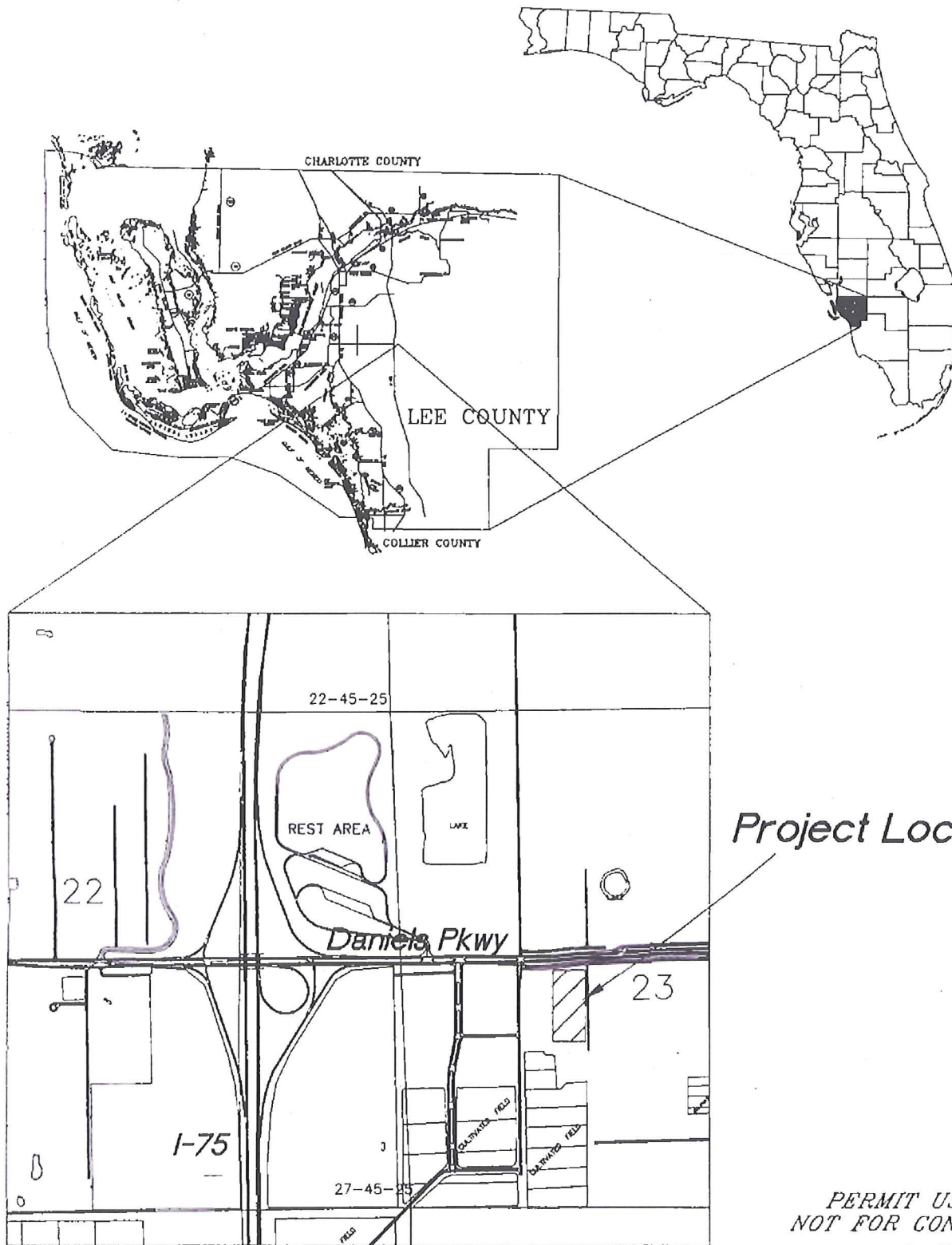
No species listed by either the FWS or the FWC were observed on the site during the protected species survey. In addition to the site inspection, a search of the FWC species database (updated in 2005) revealed no additional known protected species within or immediately adjacent to the project limits.

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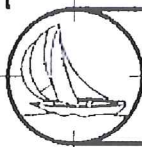
# Project Location Map



*Project Location*

PERMIT USE ONLY,  
NOT FOR CONSTRUCTION

July 09, 2007 10:50:22 a.m.  
Drawing: OWEN5PROJECT\_LOCATION.DWG (DCS)



W. DEXTER BENDER  
AND ASSOCIATES  
ENVIRONMENTAL & MARINE CONSULTING  
FORT MYERS, FL (239) 334-3680

REVISED:

4 Acre  
Halter Lane Parcel

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CPA 2007-00004



## Memo

To: Paul O'Connor, Planning Director

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

Date: February 4, 2008

Subject: **CPA 2007-04 (Mango/Rowshan Properties)**

The Department of Transportation has reviewed the above-referenced privately-initiated future land use map plan amendment, to change the land use designation of approximately 7.35 acres at the southeast corner of Daniels Parkway and Treeline Boulevard from "Tradeport" to "General Interchange". Your staff indicates that the proposed change would allow approximately 73,500 square feet of retail use on the site. Under that scenario, there would be approximately 276 trips (including pass-by trips) generated by this property on a p.m. peak hour basis. Plugging that impact into the Lee County MPO's 2030 Financially Feasible Plan FSUTMS travel demand model and examining the three-mile radius around the project, the only identified level of service problem is on the section of Daniels Parkway from Fiddlesticks Boulevard to just east of Chamberlin Parkway. This road segment is identified as failing in 2030 with and without the proposed land use change.

Despite the fact that a portion of the impacted roadway (from Fiddlesticks Boulevard to I-75) is designated in the Lee Plan as "constrained", the MPO's 2030 Needs Plan does identify a potential improvement to address the impacted portion of Daniels Parkway in the form of an 8-lane section that includes 4 express lanes. The MPO Plan suggests testing the improvement as a toll-funded project, to potentially make it financially feasible. However, absent an identified means of paying for such an improvement and subsequent inclusion in the Financially Feasible Plan, DOT staff cannot recommend approval of a land use change that intensifies development on a road segment that is projected to fail.

Please let me know if you need any additional information.

cc: Donna Marie Collins  
Brandy Gonzalez





LEE COUNTY  
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

(239) 533-8585

Bob Janes  
District One

February 12, 2008

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District Four

Frank Mann  
District Five

Donald D. Stilwell  
County Manager

David M. Owen  
County Attorney

Diana M. Parker  
County Hearing  
Examiner

Matt Brawley, Project Manager  
Speath Engineering  
8000 Summerlin Lakes Dr. Suite 201  
Fort Myers, Florida 33907

RE: CPA2007-04 - Mango/Rowshan Small Scale Comprehensive Plan Amendment

Dear Mr. Brawley:

Planning staff finds the above mentioned submittal is insufficient and further information is needed. The following comments pertain to Part III of the application:

- A.2. The application lists three STRAP numbers, while the site maps provided appear to include a portion of a fourth parcel to the south. Please update the application to include all STRAP numbers included in the request.
- E.1.& 2. The application provides the maximum allowable intensity of the site as 128,066 square feet. Staff notes that the survey provided shows 3.56 acres of the site as wetlands and 3.79 acres as uplands. Please provide a discussion of the methodology used to calculate the maximum allowable development under the existing and proposed future land use category.

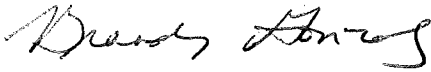
The following comments pertain to Part IV of the application:

- A.3. Part of the required information to be provided for this item of the application asks the applicant to discuss the consistency of the current uses of the area with the proposed change.
- A.5. Item 5 requires the submittal of a legal description for the subject property. Staff has found several discrepancies in the legal description provided and requests that it be revised. The description requires a valid starting point based on State Plane coordinates. The legal description does not close and is not consistent with the sketch provided. Please provide a corrected legal description.
- B.1. See the attached memo from the Lee County Department of Transportation.
- B.2. Please provide the current LOS for the sanitary sewer, potable water, surface water/drainage, and parks, recreation, and open space facilities serving the site as well as the projected LOS under the proposed designation for services.
- B.3.c. The letter provided from the Office of the Sheriff states that "Based on the limited information in your letter, the Sheriff's Office is unable to make a definite statement." Please provide Planning staff an updated letter determining the adequacy of the facilities.
- C. See the attached memo from the Lee County Division of Environmental Sciences.

- F. Please describe the affect of changing the subject area from Tradeport, a primarily industrial land use category adjacent to the airport, to General Interchange, a land use category intended primarily for land uses that serve the traveling public.

If I can be of any assistance or if you have any questions, please do not hesitate to call me at 533-8805.

Sincerely,

A handwritten signature in cursive script, appearing to read "Brandy Gonzalez".

Brandy Gonzalez, Principal Planner  
Department of Community Development, Division of Planning

*cc: Planning file: CPA 2007-04*

## Memo

To: Paul O'Connor, Planning Director

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

Date: February 4, 2008

Subject: **CPA 2007-04 (Mango/Rowshan Properties)**

The Department of Transportation has reviewed the above-referenced privately-initiated future land use map plan amendment, to change the land use designation of approximately 7.35 acres at the southeast corner of Daniels Parkway and Treeline Boulevard from "Tradeport" to "General Interchange". Your staff indicates that the proposed change would allow approximately 73,500 square feet of retail use on the site. Under that scenario, there would be approximately 276 trips (including pass-by trips) generated by this property on a p.m. peak hour basis. Plugging that impact into the Lee County MPO's 2030 Financially Feasible Plan FSUTMS travel demand model and examining the three-mile radius around the project, the only identified level of service problem is on the section of Daniels Parkway from Fiddlesticks Boulevard to just east of Chamberlin Parkway. This road segment is identified as failing in 2030 with and without the proposed land use change.

Despite the fact that a portion of the impacted roadway (from Fiddlesticks Boulevard to I-75) is designated in the Lee Plan as "constrained", the MPO's 2030 Needs Plan does identify a potential improvement to address the impacted portion of Daniels Parkway in the form of an 8-lane section that includes 4 express lanes. The MPO Plan suggests testing the improvement as a toll-funded project, to potentially make it financially feasible. However, absent an identified means of paying for such an improvement and subsequent inclusion in the Financially Feasible Plan, DOT staff cannot recommend approval of a land use change that intensifies development on a road segment that is projected to fail.

Please let me know if you need any additional information.

cc: Donna Marie Collins  
Brandy Gonzalez

**MEMORANDUM  
FROM  
DEPARTMENT OF COMMUNITY DEVELOPMENT  
DIVISION OF ENVIRONMENTAL SCIENCES**

**Date:** January 3, 2008

**To:** Brandy Gonzalez, Planner

**From:** Doug Griffith, Environmental Planner  
Phone: 239-533-8323  
E-mail: [dgriffith@leegov.com](mailto:dgriffith@leegov.com)

**Project:** Mango Rowshan Properties

**Case:** CPA2007-00004

**Strap:** 23-45-25-01-00022.0000, 23-45-25-01-00032.0000,  
23-45-25-01-00021.0000

The applicant proposes to change the Future Land Use Map (FLUM) from Tradeport to General Interchange. The property is currently vacant and zoned commercial.

Two environmental scientists from Boylan Environmental Consultants compiled a Florida Land Use Cover and Classification Systems (FLUCCS) on August 31, 2006 for 5.96 acres of the property. Dexter Bender compiled the remaining 3.9 acres FLUCCS for the remaining area on June 22, 2007. Environmental Sciences (ES) Staff (Doug Griffith) field verified the environmental assessment on December 14, 2007.

The western half of the property consist of hydric pine flatwoods FLUCCS 625E1 and 625E2 with a pine canopy intermixed with 25%-50% exotics predominately melaleuca and Brazilian pepper. The eastern half of the property is non-hydric pine flatwoods FLUCCS 411E1 and 411D and consists of a pine canopy with saw palmetto predominate in the understory.

As per policy 1.2.2, Tradeport areas located within the Six Mile Cypress Basin come under special environmental considerations, such as design review guidelines to be applied for development in order to maintain the appearance of this area. Will the applicant follow the environmental guidelines depicted for the Six Mile Cypress Basin under Tradeport future land use designation? Please clarify.





LEE COUNTY  
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: (239) 533-8525

Bob Janes  
District One

Brian Bigelow  
District Two

Ray Judah  
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Tammy Hall  
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County Manager

David M. Owen  
County Attorney

Diana M. Parker  
County Hearing  
Examiner

March 21, 2008

Matt Brawley  
Speath Engineering  
8000 Summerlin Lakes Drive  
Fort Myers, FL 33907

RE: **POTABLE Water and Wastewater AVAILABILITY**  
**MANGO/ROSHAN FLUM**  
STRAP#: 23-45-25-01-00021.0000; 00022.0000; 00032.0000

Dear Mr. Brawley:

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.

Your firm has indicated that this project will consist of 1 commercial unit with an estimated flow demand of approximately 13,000 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 the City of Ft Myers So 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 Potable water lines and wastewater lines Service Is To Be Utilized For General Purposes 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  
Original Mailed

*Mike Scott*  
Office of the Sheriff



State of Florida  
County of Lee

April 3, 2008

Mat Brawley  
Speath Engineering  
8000 Summerlin Lakes Dr  
Suite 201  
Ft Myers, Fl 33907

Reference to Project: Mango/Rowshan Properties

Dear Mr. Brawley

The Small Scale Comprehensive Plan Amendment identified at the intersection of Daniela Parkway and Treeline Avenue would not affect the ability of the Lee County Sheriff's Office to provide core services at this time.

When an application for a Development Order for this property is submitted, please provide the Lee County Sheriff's Office with a site plan and list of uses for each building in this project. A Crime Prevention Through Environmental Design (CPTED) study will be done at that time with recommendations to you and the governing agency with whom you have made the application.

Please contact Kevin Farrell, Coordinator of the Crime Prevention Unit at 477-2821 when you have the plans for your submittal.

Mike Scott  
Sheriff

A handwritten signature in black ink, appearing to read "Capt. G. Sims".

Captain Gene Sims  
Lee County Sheriff's Office  
Administration Bureau  
14750 Six Mile Cypress Pkwy  
Fort Myers, Fl 33912  
239-477-1424 (Office)



# SPEATH ENGINEERING

Civil Engineers

06/16/2008

Brandy Gonzalez  
Lee County Development Services  
P.O. Box 398  
Fort Myers FL 33902-0398

In Re: Mango/Rowshan Small Scale Comprehensive Plan Amendment  
CPA2007-04

Dear Ms. Gonzalez,

Thank you for your review letter dated February 12, 2008. Please find attached, revised plans and specifications for the above referenced project which address the items identified in the above noted letter.

The following comments pertain to Part III of the application:

- A.2. The application lists three STRAP numbers, while the site maps provided appear to include a portion of a fourth parcel to the south. Please update the application to include all STRAP numbers included in this request.

*The 3 STRAP numbers provided, 23-45-25-01-00022.0000, 23-45-25-01-00021.0000, and 23-45-25-01-00032.0000 are included along with a portion of STRAP number 23-45-25-01-00033.0000, which was split by LDO2007-00285 and is currently being recorded and will have a new STRAP number.*

- E.1.&2. The application provides that maximum allowable intensity of the site as 128,066 square feet. Staff notes that the survey provided shows 3.56 acres of the site as wetlands and 3.79 acres as uplands. Please provide a discussion of the methodology used to calculate the maximum allowable development under the existing and proposed future land use category.

*The maximum allowable intensity was calculated based off of the maximum building coverage for each of the parcels according to the proposed uses. These intensities were calculated using other project of similar size and uses to make assumptions on what could be developed on the subject parcels.*

Land Use	Proposed Intensity	Daily Traffic	AM Peak	PM Peak
General Office - Max 3 story	105,655 sf or 33% of property	1392	196	198
Medical Office - Max 3 story	80,042 sf or 25% of property	3058	199	298
Shopping Center - 1 Story	64,033 sf or 20% of property	5083	120	466
Restaurant - 1 story	41,622 sf or 13% of parcel	5293	450	455
Hotel - Max 3 story	285 rooms	2178	150	169

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(802)-362-4052 \* FAX (802) 362-4056

The following comments pertain to Part IV of the application:

- A.3. Part of the required information to be provided for this item of the application asks the applicant to discuss the consistency of the current uses of the area with the proposed change.

*The surrounding land uses are currently in the General Interchange Land Use and have uses that are constructed or under construction that include: gas stations, banks, hotels, light industrial, and other needs that pertain to the travelling public.*

*The Tradeport land use of the subject parcels allow for hotel, office, and light industrial uses, but do not allow for retail/restaurant uses. Due to the location of this site on a major intersection (Daniels Parkway and Treeline Ave.) and also being a large parcel of undeveloped land this would make an ideal site for a multi-purpose development that could encompass uses that are provided in both Tradeport (hotel, office, light industrial), and General Interchange which allows tourist commercial, general commercial, and light industrial/commercial.*

- A.5. Item 5 requires the submittal of a legal description for the subject property. Staff has found several discrepancies in the legal description provided and requests that it be revised. The description requires a valid starting point based on State Plane Coordinates. The legal description does not close and is not consistent with the sketch provided. Please provide a corrected legal description.

*Please see the attached revised legal descriptions.*

- B.1. See the attached memo from the Lee County Department of Transportation.

*While we understand the Department's stance on this issue, there are a couple of mitigating circumstances that must be taken into consideration when reviewing this proposed Comprehensive Plan Amendment.*

*The traffic issue that has been identified is a much larger issue that is unrelated to our request.*

*"The only identified level of service problem is on the section of Daniels Parkway from Fiddlesticks Boulevard to just east of Chamberlain Parkway. This road segment is identified as failing in 2030 with and without the proposed land use change."*

*This is a regional issue that must be resolved before 2030, although LCDOT does not have an identified means to fund the project at this point, this corridor will have to be improved by 2030 to prevent failure of the roadway regardless if this land use application is approved or denied.*

*We have outlined the extent of the traffic impact that this development would cause if it was developed with the most intensive uses as shown in Exhibit A. The MPO is based upon the development that can occur within the current Land Use designations of the Daniels Parkway corridor, but the intensity of traffic volumes related to future development along this corridor can fluctuate greatly depending upon the actual uses developed in relation to the maximum possible traffic volumes that can be generated under the existing land use (if the most intensive type of development was constructed on all parcels in this segment). The land uses in this area allow uses ranging from light industrial which generate minimal trips to restaurants and retail site generating a greater amount of traffic. These differences in development potential of this corridor will allow for a fluctuation of the traffic generation numbers that were used in the MPO's 2030 plan. Currently under the Tradeport land use the property would be allowed a maximum of 199 AM peak hour trips and 298 PM peak hour trips based on the intensity of*



*Medical Office development that was discussed in responses E.1. and E.2. If you subtract the amount of traffic that would be allowed under Tradeport from the maximum trips that can be generated with the proposed land use, the additional impacts would amount to a maximum of 168 additional PM peak hour trips and 251 additional AM peak hour trips. The impact of this project's PM and AM peak hour traffic can be seen in Exhibit A. When these numbers are compared to the Peak Hour Capacities and the Peak Hour Projections through 2030, our project represents a maximum possible increase of less than 5% in the total amount of peak hour trips for the corridor through 2030.*

*The project as has been outlined representing the most intensive development will present an insignificant impact to the roadway system (less than 5% increase in peak hour trips), and this segment of Daniels Parkway, as previously mentioned, will still need to be improved regardless if this land use application is approved or denied and therefore should not be used as a basis of denial.*

- B.2. Please provide the current LOS for the sanitary sewer, potable water, surface water/drainage, parks, recreation, and open space facilities serving the site as well as projected LOS under the proposed designation for services.

*Please see attached Letter of Availability from Lee County Utilities stating the ability of the utility provider to meet the requirements of the proposed development.*

*The LOS for the Six Mile Cypress Watershed states that all floor slabs for new private and public structures are located a minimum of 1 foot above the 100-year, 3-day storm event flood plain level for Six Mile Cypress Watershed. This development will adhere to the regulation of the Six Mile Cypress Watershed as outlined in Policy 60.3.1B of the Lee Plan, and designed to SFWMD standards.*

*The LOS for parks and recreation in Lee County will not be affected by this development. Parks and recreation areas are based upon population and this development does not propose any dwelling units.*

*Open space will be provided for this development as outlined in Chapter 10 of the Lee County Land Development Code.*

- B.3.c. The letter provided from the Office of the Sheriff states that "Based on the limited information in your letter, the Sheriff's Office is unable to make a definite statement." Please provide Planning staff an updated letter determining the adequacy of the facilities.

*Please see the attached updated letter from the Sheriff's Office.*

- C. See the attached memo from the Lee County Division of Environmental Sciences.

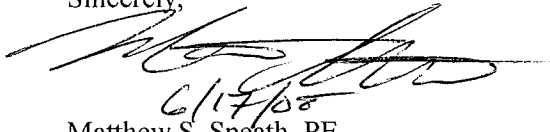
*The applicant will still follow the environmental guidelines as outlined per policy 1.2.2. We understand that this is a primary access point into Lee County and as such needs to meet the stricter guidelines to maintain the appearance of the area.*

- F. Please describe the affect of changing the subject area from Tradeport, a primarily industrial land use category adjacent to the airport, to General Interchange, a land use category intended primarily for land uses that serve the travelling public.

*Tradeport allows a mixed use of hotel, office, light industrial, and other uses that support air-related facilities. As development has occurred in the area the intersection of Daniels Parkway and Treeline Avenue has become a major intersection for people travelling to and from the airport. This large intersection along with its proximity to Interstate 75 would provide a better use as General Interchange, and would enhance the airport facilities in ways that Tradeport was originally conceived. Due to its high visibility, it would not be in the highest and best use of this parcel to be developed as an industrial parcel and would most likely be used as either medical, general office or hotel under the current Tradeport designation.*

With the revisions to CPA2007-04 contained herein, we hope that staff can conclude their review of our request with a positive recommendation thus proceeding to the hearing process. We would like to thank staff in advance for their efforts regarding this re-submittal.

Sincerely,

A handwritten signature in black ink, appearing to read 'Matthew S. Speath', with a date '6/17/08' written below it.

Matthew S. Speath PE

Lic. #67675

Florida Operations Manager

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Bob Janes  
District One

August 5, 2008

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

Matt Brawley, Project Manager  
Speath Engineering  
8000 Summerlin Lakes Dr. Suite 201  
Fort Myers, Florida 33907

RE: CPA2007-04 - Mango/Rowshan Small Scale Comprehensive Plan Amendment

Dear Mr. Brawley:

Planning staff finds the above mentioned submittal is insufficient and further information is needed. The following comments pertain to Part III of the application:

- E.1.& 2. In the previous sufficiency letter dated February 12, 2008 staff stated *"The application provides the maximum allowable intensity of the site as 128,066 square feet. Staff notes that the survey provided shows 3.56 acres of the site as wetlands and 3.79 acres as uplands. Please provide a discussion of the methodology used to calculate the maximum allowable development under the existing and proposed future land use category."* As we discussed, the 3.56 wetland portion of the site will remain in the wetlands future land use category. The upland acreage of the property will be used in determining the potential maximum allowable development under the proposed FLUM.

The following comments pertain to Part IV of the application:

- A.5. Item 5 requires the submittal of a legal description for the subject property. At this time the resubmittal includes two separate descriptions. Please provide an overall metes and bounds description of the proposed amendment.
- B.2. Please provide the current LOS for the sanitary sewer and potable water facilities serving the site as well as the projected LOS for the sanitary sewer and potable water facilities serving the site under the proposed designation.

In addition, the following is the information we are beginning to ask for plan amendments with regard to water supply. The changes are based on changes made by Senate Bill 360 to improve the coordination between water supply and land use planning. The following is taken from the plan amendment application staff has revised, under Part IV, B.2.

Determine the availability of water supply within the franchise area using the current water use allocation (Consumptive Use Permit) based on the annual average daily withdrawal rate.

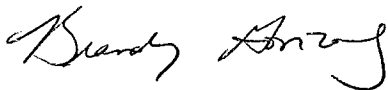
Include the current demand and the projected demand under the existing designation, and the projected demand under the proposed designation.

Include the availability of treatment facilities and transmission lines for reclaimed water for irrigation.

Include any other water conservation measures that will be applied to the site (see Goal 54).

If I can be of any assistance or if you have any questions, please do not hesitate to call me at 533-8805.

Sincerely,

A handwritten signature in cursive script, appearing to read "Brandy Gonzalez".

Brandy Gonzalez, Principal Planner

Department of Community Development, Division of Planning

cc: - *Planning file: CPA 2007-04*



# SPEATH ENGINEERING

Civil Engineers

November 24, 2008

Brandy Gonzalez  
Lee County Development Services  
P.O. Box 398  
Fort Myers FL 33902-0398



In Re: Mango/Rowshan Small Scale Comprehensive Plan Amendment CPA2007-04

Dear Ms. Gonzalez,

Thank you for your review letter dated August 5, 2008. Please find attached, revised plans and specifications for the above referenced project which address the items identified in the above noted letter.

The following comments pertain to Part III of the application:

- E.1&2. In the previous sufficiency letter dated February 12, 2008 staff stated "The application provides that maximum allowable intensity of the site as 128,066 square feet. Staff notes that the survey provided shows 3.56 acres of the site as wetlands and 3.79 acres as uplands. Please provide a discussion of the methodology used to calculate the maximum allowable development under the existing and proposed future land use category."

Due to the location and low quality of the on-site wetlands it is anticipated that all wetlands on this site will be mitigated during South Florida Water Management District ERP processing.

The following intensities were generated using the entire site as uplands.

*The maximum allowable intensity was calculated based off of the maximum building coverage for each of the parcels according to the proposed uses. These intensities were calculated using other project of similar size and uses to make assumptions on what could be developed on the subject parcels.*

Land Use	Proposed Intensity	Daily Traffic	AM Peak	PM Peak
General Office - Max 3 story	105,655 sf or 33% of property	1392	196	198
Medical Office - Max 3 story	80,042 sf or 25% of property	3058	199	298
Shopping Center - 1 Story	64,033 sf or 20% of property	5083	120	466
Restaurant - 1 story	41,622 sf or 13% of parcel	5293	450	455
Hotel - Max 3 story	285 rooms	2178	150	169

The following comments pertain to Part IV of the application:

- A.5. Item 5 requires the submittal of a legal description for the subject property. At this time the resubmittal includes two separate descriptions. Please provide an overall metes and bounds description of the proposed amendment.

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MANCHESTER CTR \* VERMONT 05255  
(802)-362-4052 \* FAX (802) 362-4056

*A copy of the legal description for the subject property has been attached.*

- B.2. Please provide the current LOS for the sanitary sewer and potable water facilities serving the site as well as the projected LOS for the sanitary sewer and potable water facilities serving the site under the proposed designation

*This site is able to have utility service from LCU and the City of Fort Myers due to its location. The Corkscrew Water Treatment Plant (WTP) and the City of Fort Myers South Drive Sewer Treatment Plant (STP) have the capacity to service this project.*

*The LOS (or current design capacity) for Corkscrew WTP is 15 MGD. The 2008 projected max daily flow is 11.3 MGD. The LOS (or current design capacity) for the City of Fort Myers South Drive STP is 12 MGD. Its 2008 projected max daily flow is 11.5 MGD.*

*The most intensive use (Hotel-285 rooms) permitted by the existing FLUM (Tradeport) would generate approximately 28,500 GPD (using 100GPD/room).*

*The proposed FLUM (General Interchange) would generate approximately 28,646 GPD (0.29MGD), given the use intensities listed below which represent the greatest intensity of development in relation to flow rate with the proposed land use change:*

Use	Intensity (based on 7.35 ac)	Daily Flow Rate	Total Daily Flow
Restaurant	10,405 SF	40 GPD/DAY/SEAT*	16,640 GPD
General Office	80,042 SF	15 GPD/100 SF	12,006 GPD

*\*Number of seats is based on recommended average of 1 seat/25SF of total square footage*

*The projected demand given the existing FLUM is 0.29 MGD. The projected demand given the proposed future land use is 0.29 MGD. The projected demand would be adequately served by the existing plant capacity with either FLUM; therefore the uses permitted by the proposed amendment would have a negligible impact on the existing plants and the utility franchises.*

Determine the availability of water supply within the franchise area using the current water use allocation (Consumptive Use Permit) based on the annual average daily withdrawal rate.

Include the current demand and the projected demand under the existing designation, and the projected demand under the proposed designation.

*Lee County Utilities (LCU) staff is currently generating a Water Supply Utilities Workplan, and as a result, the requested franchise information is not available at this time.*

With the revisions to CPA2007-04 contained herein, we hope that staff can conclude their review of our request with a positive recommendation thus proceeding to the hearing process. We would like to thank staff in advance for their efforts regarding this re-submittal.

Sincerely,



Matthew S. Speath PE  
Lic. #67675  
Florida Operations Manager

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# GULF SHORE SURVEYING, INC.

TIM J. PUFAHL, P.L.S.  
30930 OIL WELL RD., PUNTA GORDA, FL. 33955  
(941) 639-7800 • FAX: (941) 639-7600

NICK POULOS, P.L.S.  
2112 SE. 11<sup>TH</sup> ST., CAPE CORAL, FL. 33990  
(239) 458-2388 • FAX: (239) 574-3719

SEPTEMBER 08, 2008  
JOB NUMBER 0638  
FILE: 0638L03.LGL

## DESCRIPTION

A PORTION OF TRACTS 21, 22, 32 AND 33 OF "SABAL RIDGE" AN UNRECORDED SUBDIVISION IN SECTION 23, TOWNSHIP 45 SOUTH, RANGE 25 EAST, AS RECORDED IN OFFICIAL RECORDS BOOK 966, PAGES 452 AND 453 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE POINT OF COMMENCEMENT BEING THE WEST 1/4 CORNER OF SECTION 23, TOWNSHIP 45 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE N.88°06'12"E. FOR 1691.54 FEET ALONG THE NORTH LINE OF THE SOUTH 1/2 OF SAID SECTION 23 TO THE NORTHWEST CORNER OF TRACT 22; THENCE S.01°02'31"E. FOR 124.38 FEET ALONG THE WEST LINE OF TRACT 22 TO THE SOUTH RIGHT OF WAY OF DANIELS ROAD AND THE POINT OF BEGINNING; THENCE N.83°46'46"E. FOR 309.52 FEET ALONG THE SOUTHERLY RIGHT OF WAY OF SAID DANIELS ROAD AND THE SOUTH LINE OF THE PARCEL TAKING AS RECORDED IN OFFICIAL RECORDS BOOK 1558, PAGE 2381 AND OFFICIAL RECORDS BOOK 1767, PAGE 2222 TO THE WESTERLY RIGHT OF WAY OF SADDLE ROAD (60 FEET WIDE); THENCE S.01°01'56"E. FOR 535.15 FEET ALONG SAID RIGHT OF WAY; THENCE S.43°32'08"W. FOR 35.62 FEET TO THE NORTHERLY RIGHT OF WAY OF HALTER LANE AND THE SOUTH LINE OF TRACT 32; THENCE S.88°06'08"W. FOR 127.41 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, RADIUS 230.00 FEET, CENTRAL ANGLE 29°11'44", CHORD 115.93 FEET, CHORD BEARING S.73°30'16"W. AND THE NORTHERLY RIGHT OF WAY OF HALTER LANE; THENCE ALONG SAID RIGHT OF WAY FOR THE 3 FOLLOWING CALL; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE FOR 117.20 FEET TO THE POINT OF TANGENCY; THENCE S.58°54'24"W. FOR 175.43 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, RADIUS 170.00 FEET, CENTRAL ANGLE 29°15'15", CHORD 85.86 FEET, CHORD BEARING S.73°32'02"W.; THENCE WESTERLY ALONG THE ARC OF SAID CURVE FOR 86.80 FEET TO POINT ON CURVE; THENCE N.46°31'35"W. FOR 70.32 FEET TO THE EASTERLY RIGHT OF WAY OF TREE LINE AVENUE (200 FEET WIDE); THENCE N.01°02'36"W. FOR 569.31 FEET ALONG SAID RIGHT OF WAY TO THE SOUTHERLY RIGHT OF WAY OF DANIELS ROAD; THENCE ALONG SAID RIGHT OF WAY FOR THE 3 FOLLOWING CALLS; THENCE N.44°10'34"E. FOR 70.44 FEET; THENCE N.89°23'45"E. FOR 96.09 FEET; THENCE N.83°46'46"E. FOR 95.06 FEET TO THE POINT OF BEGINNING.

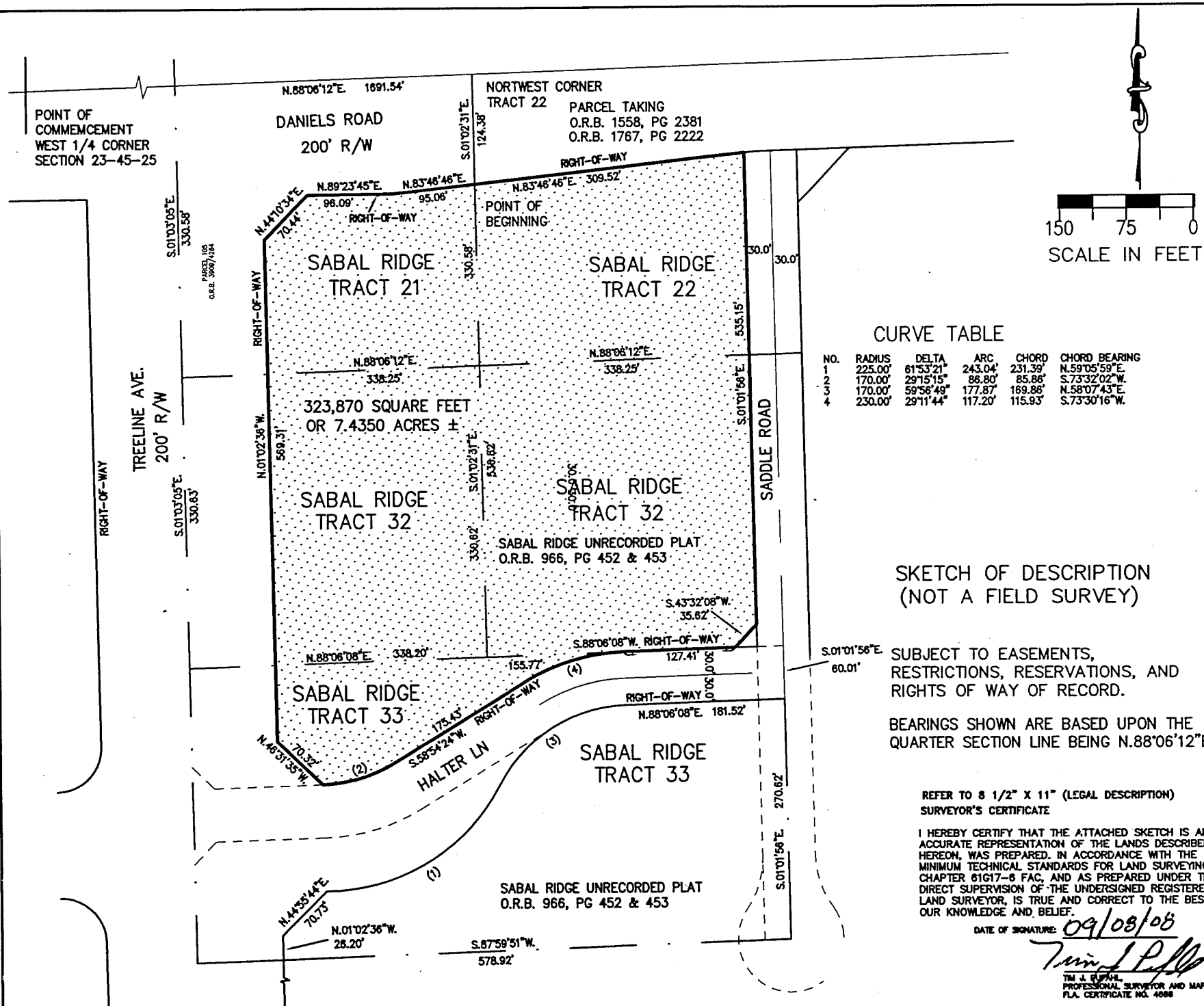
CONTAINING 323,870 SQUARE FEET OR 7.4350 ACRES MORE OR LESS.  
SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD.

BEARINGS MENTIONED HEREIN ARE BASED UPON THE QUARTER SECTION LINE BEING N.88°06'12"E.

REFER TO 8 1/2" X 11" SURVEY  
GULF SHORE SURVEYING, INC.

*Tim J. Pufahl* 09/08/08  
TIM J. PUFAHL

PROFESSIONAL SURVEYOR & MAPPER  
FLORIDA CERTIFICATE NUMBER 4666



GULF SHORE SURVEYING, INC.

LICENSED BUSINESS NO. 6729

LEE COUNTY:  
2112 S.E. 11TH STREET  
CAPE CORAL, FL 33990  
(941) 458-2388

CHARLOTTE COUNTY:  
30930 OIL WELL ROAD  
PUNTA GORDA, FL 33955  
(941) 639-7800

DATE : 09/08/08  
SCALE : 1" = 150'  
CADD : T.P.  
CHECK : T.P.  
FILE : 0638L03

SABAL RIDGE UNRECORDED  
SECTION 23,  
TOWNSHIP 45 SOUTH,  
RANGE 25 EAST  
LEE COUNTY, FLORIDA

JOB  
0638  
L03





# LEE COUNTY

## SOUTHWEST FLORIDA

### PLANNING DIVISION:

#### Fax Cover Sheet:

P.O. Box 398  
Fort Myers, FL 33902  
(239) 533-8585  
Fax: (239) 485-8319

To: <i>Kristen Youcis</i>	Date: <i>8/27/08</i>
Fax #: <i>275-0105</i>	Pages: <i>3</i> , including this cover sheet.
From: <i>Brandy Gonzalez</i>	
Subject: <i>Utility Analysis</i>	

COMMENTS:

*Examples from other submissions*

**Sanitary Sewer Analysis**  
**EXHIBIT B.2.a.**

Provide existing and future conditions analysis for Sanitary Sewer:

This site has the ability to be serviced by either Lee County Utilities or the City of Cape Coral Utilities due to its location.

Lee County Utilities owns and maintains a wastewater treatment plant on Pine Island in the vicinity of this project site. The closest connection point to this system is a manhole located approximately 1 mile west on this project site in Matlacha on Pine Island Road. The Pine Island Wastewater Treatment Plant has the capacity to serve this project, however, there are currently no refuse facilities available for disposal of effluent at this time. Future plant modifications are proposed to provide service for this project, however, have not yet been finalized. This plant expansion is listed in the 5-year Capital Improvements Plan (CIP).

Sewer service could be provided by the City of Cape Coral with an extension of a line servicing the Publix shopping center on the corner of Burnt Store Road and Pine Island Road. The service would be from the SW Water Reclamation Facility located on SW 20th Avenue. The facility is operating currently at 6.6 MGD and has been approved for funding to expand to an operating level of 14.0 MGD by the end of 2008. This expansion will service the area that the property is located within.

The uses permitted by the existing FLUM (Rural Category) would generate approximately 3,000 GPD. The breakdown of the proposed uses permitted under the requested FLUM (Suburban Category) would generate approximately the following:

**Residential Use**

The maximum number of additional residential units (39) permitted by the proposed amendment will adequately be served by one of the existing wastewater treatment facilities in accordance with Section 2-46 of the Lee County Land Development Code and Chapters 64E-6 of the Florida Statutes. Using 250 GPD per unit, the total future residential demand would be 9,750 GPD.

**Commercial Use**

The maximum square footage of additional commercial units (10,000 S.F.) permitted by the proposed amendment will adequately be served by one of the existing wastewater treatment facilities in accordance with Section 2-46 of the Lee County Land Development Code and Chapters 64E-6 of the Florida Statutes. Using 0.15 GPD/SF, the total future commercial demand would be 1,500 GPD.

The addition of the proposed residential and commercial uses in the requested FLUM (Suburban Category) would generate approximately a total of 11,250 GPD and will be adequately served by either the Lee County Utilities Wastewater Treatment Plant on Pine Island or the City of Cape Coral Plant located on SW 20<sup>th</sup> Avenue.

CPA 2006-00002

**RECEIVED**  
NOV 14 2007

COMMUNITY DEVELOPMENT

**Potable Water Analysis**  
**EXHIBIT B.2.b**

Provide existing and future conditions analysis for Potable Water:

The Greater Pine Island Water Association maintains service for this area provided by the Greater Pine Island Reverse Osmosis Treatment Plant. This plant has a maximum capacity of 2.23 MGD, and produces an average annual daily flow of 1.25 MGD. There are no planned improvements in the 5 year Capital Improvements Plan (CIP) for this plant. A 12" water main exists on the north side of Pine Island Road running east and west in front of the property and a 10" water main runs north and south along our eastern property line entering the Cape Royal development. Either line is accessible from our site.

The uses permitted by the existing FLUM (Rural Category) would generate approximately 3,000 GPD. The breakdown of the proposed uses permitted under the requested FLUM (Suburban Category) would generate approximately the following:

**Residential Use**

The maximum number of additional residential units (39) permitted by the proposed amendment will adequately be served by the existing potable water facility in accordance with Section 2-46 of the Lee County Land Development Code and Chapter 64E-6 of the Florida Statutes. Using 250 GPD per unit, the total future residential demand would be 9,750 GPD.

**Commercial Use**

The maximum square footage of additional commercial units (10,000 S.F.) permitted by the proposed amendment will adequately be served by the existing potable water facility in accordance with Section 2-46 of the Lee County Land Development Code and Chapters 64E-6 of the Florida Statutes. Using 0.15 GPD/SF, the total future commercial demand would be 1,500 GPD.

The addition of the proposed residential and commercial uses in the requested FLUM (Suburban Category) would generate approximately a total of 11,250 GPD and will be adequately served by the existing plant capacity.

**RECEIVED**  
NOV 14 2007

COMMUNITY DEVELOPMENT

CPA 2006-00002

\*\*\*\*\*  
\*\*\* TX REPORT \*\*\*  
\*\*\*\*\*

TRANSMISSION OK

TX/RX NO	3254	
CONNECTION TEL		92750105
SUBADDRESS		
CONNECTION ID		
ST. TIME	08/27 16:22	
USAGE T	01'15	
PGS. SENT	3	
RESULT	OK	



# SPEATH ENGINEERING

Civil Engineers

November 24, 2008

Brandy Gonzalez  
Lee County Development Services  
P.O. Box 398  
Fort Myers FL 33902-0398

In Re: Mango/Rowshan Small Scale Comprehensive Plan Amendment CPA2007-04

Dear Ms. Gonzalez,

Thank you for your review letter dated August 5, 2008. Please find attached, revised plans and specifications for the above referenced project which address the items identified in the above noted letter.

The following comments pertain to Part III of the application:

E.1&2. In the previous sufficiency letter dated February 12, 2008 staff stated "The application provides that maximum allowable intensity of the site as 128,066 square feet. Staff notes that the survey provided shows 3.56 acres of the site as wetlands and 3.79 acres as uplands. Please provide a discussion of the methodology used to calculate the maximum allowable development under the existing and proposed future land use category."

Due to the location and low quality of the on-site wetlands it is anticipated that all wetlands on this site will be mitigated during South Florida Water Management District ERP processing.

The following intensities were generated using the entire site as uplands.

*The maximum allowable intensity was calculated based off of the maximum building coverage for each of the parcels according to the proposed uses. These intensities were calculated using other project of similar size and uses to make assumptions on what could be developed on the subject parcels.*

Land Use	Proposed Intensity	Daily Traffic	AM Peak	PM Peak
General Office - Max 3 story	105,655 sf or 33% of property	1392	196	198
Medical Office - Max 3 story	80,042 sf or 25% of property	3058	199	298
Shopping Center - 1 Story	64,033 sf or 20% of property	5083	120	466
Restaurant - 1 story	41,622 sf or 13% of parcel	5293	450	455
Hotel - Max 3 story	285 rooms	2178	150	169

The following comments pertain to Part IV of the application:

A.5. Item 5 requires the submittal of a legal description for the subject property. At this time the resubmittal includes two separate descriptions. Please provide an overall metes and bounds description of the proposed amendment.

8000 SUMMERLIN LAKES DR \* STE 201  
FORT MYERS \* FLORIDA 33907  
(239) 275-1899 \* FAX (239) 275-0105

111 HARMONY LANE  
MANCHESTER CTR \* VERMONT 05255  
(802)-362-4052 \* FAX (802) 362-4056

*A copy of the legal description for the subject property has been attached.*

- B.2. Please provide the current LOS for the sanitary sewer and potable water facilities serving the site as well as the projected LOS for the sanitary sewer and potable water facilities serving the site under the proposed designation

*This site is able to have utility service from LCU and the City of Fort Myers due to its location. The Corkscrew Water Treatment Plant (WTP) and the City of Fort Myers South Drive Sewer Treatment Plant (STP) have the capacity to service this project.*

*The LOS (or current design capacity) for Corkscrew WTP is 15 MGD. The 2008 projected max daily flow is 11.3 MGD. The LOS (or current design capacity) for the City of Fort Myers South Drive STP is 12 MGD. Its 2008 projected max daily flow is 11.5 MGD.*

*The most intensive use (Hotel-285 rooms) permitted by the existing FLUM (Tradeport) would generate approximately 28,500 GPD (using 100GPD/room).*

*The proposed FLUM (General Interchange) would generate approximately 28,646 GPD (0.29MGD), given the use intensities listed below which represent the greatest intensity of development in relation to flow rate with the proposed land use change:*

Use	Intensity (based on 7.35 ac)	Daily Flow Rate	Total Daily Flow
Restaurant	10,405 SF	40 GPD/DAY/SEAT*	16,640 GPD
General Office	80,042 SF	15 GPD/100 SF	12,006 GPD

*\*Number of seats is based on recommended average of 1 seat/25SF of total square footage*

*The projected demand given the existing FLUM is 0.29 MGD. The projected demand given the proposed future land use is 0.29 MGD. The projected demand would be adequately served by the existing plant capacity with either FLUM; therefore the uses permitted by the proposed amendment would have a negligible impact on the existing plants and the utility franchises.*

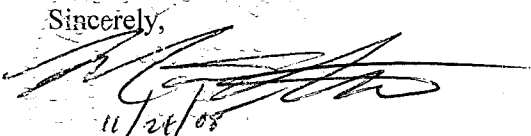
Determine the availability of water supply within the franchise area using the current water use allocation (Consumptive Use Permit) based on the annual average daily withdrawal rate.

Include the current demand and the projected demand under the existing designation, and the projected demand under the proposed designation.

*Lee County Utilities (LCU) staff is currently generating a Water Supply Utilities Workplan, and as a result, the requested franchise information is not available at this time.*

With the revisions to CPA2007-04 contained herein, we hope that staff can conclude their review of our request with a positive recommendation thus proceeding to the hearing process. We would like to thank staff in advance for their efforts regarding this re-submittal.

Sincerely,



Matthew S. Speath PE  
Lic. #67675

Florida Operations Manager

8000 SUMMERLIN LAKES DR \* STE 201  
FORT MYERS \* FLORIDA 33907  
(239) 275-1899 \* FAX (239) 275-0105

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(802)-362-4052 \* FAX (802) 362-4056

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

**Date:** January 8, 2009

**To:** Brandy Gonzalez, Planner

**From:** Doug Griffith, Environmental Planner  
**Phone:** 239-533-8323  
**E-mail:** [dgriffith@leegov.com](mailto:dgriffith@leegov.com)

**Project:** Mango Rowshan Properties

**Case:** CPA2007-00004

**Strap:** 23-45-25-01-00022.0000,  
23-45-25-01-00032.0000, 23-45-25-01-00021.0000

**PROJECT SITE:**

The applicant proposes to change the Future Land Use Map (FLUM) from Tradeport to General Interchange. The property is currently vacant and zoned commercial. The  $\pm$  7.35 acre project is located south of Daniels Parkway, east of Treeline Ave and west of Saddle Road. The surrounding land uses are vacant and zoned agriculture.

**ENVIRONMENTAL ASSESSMENT:**

An environmental assessment and Florida Land Use Cover and Classification System (FLUCCS) was performed by Boylan Environmental Consultants Inc. on  $\pm$  5.96 acres of the property. The environmental assessment was completed on August 31, 2006. The assessment was performed on the project to document existing land uses, vegetative communities, determine the presence of state jurisdictional wetlands, and research potential utilization by wildlife species listed as Threatened, Endangered or Species of special concern and plant species listed as Threatened, Endangered or Commercially Exploited. ES Staff performed a site inspection on the property and confirmed the results. The assessment and a Florida Land Use, Cover and Classification System (FLUCCS) map was submitted by the applicant.

The site contains  $\pm$  1.8 acres of uplands consisting of Pine Flatwoods (FLUCCS 411E1) with 25% exotics including Brazilian pepper (*Schinus terebinthifolius*) and melaleuca (*Melaleuca quinquenervia*). This community is dominated by South Florida slash pine (*Pinus elliotti* var *densa*) in the canopy and saw palmetto (*Serenoa repens*) in the understory.  $\pm$  4.16 acres of wetlands consisting of hydric pine flatwoods (FLUCCS 625E1 & E2) with South Florida slash pine in the canopy with an understory of saltbush (*Baccharis halimifolia*), St. Johns Wort (*Hypericum perforatum*), grapevine (*Vitis spp.*), smilax (*Smilax spp.*) And wildly scattered saw palmetto.

The onsite wetland hydrology has been previously disturbed with the drainage and ditching associated with the construction of Daniels Parkway and Treeline Ave. The applicant proposes to mitigate these disturbed wetlands through SFWMD for impacts associated with the project.

ES Staff determined that restoration of hydrology to onsite wetlands is not feasible considering the historic, existing, and ongoing impacts associated with Daniels Parkway and Treeline Ave.

An environmental assessment and Florida Land Use Cover and Classification System (FLUCCS) was performed by Dexter Bender and Associates on the  $\pm$  4 acre Halter Lane Parcel in July of 2007. The assessment was performed on the project to document existing land uses, vegetative communities, determine the presence of state jurisdictional wetlands, and research potential utilization by wildlife species listed as Threatened, Endangered or Species of special concern and plant species listed as Threatened, Endangered or Commercially Exploited. ES Staff performed a site inspection on the property and confirmed the results. The assessment and a Florida Land Use, Cover and Classification System (FLUCCS) map was submitted by the applicant.

The site contains  $\pm$  3.9 acres of uplands consisting of Pine Flatwoods Disturbed (FLUCCS 411D) with South Florida slash pine dominating the canopy and saw palmetto, wax myrtle (*Myrica cerifera*), buttonweed (*Spermocoe sp.*) and yellow-eyed grass (*Xyris sp.*) contained in the understory.

#### **PROTECTED SPECIES:**

No listed species was observed and due to the nature of the site, surrounded by disturbed lands and isolated by major roadways no listed species is likely to occur.

#### **FUTURE LAND USE:**

##### **Tradeport:**

**Policy 1.2.2:** The Tradeport areas are commercial and industrial lands adjacent to the Airport needed to accommodate projected growth through the year 2020. These areas will include developments consisting of light manufacturing or assembly, warehousing, and distribution facilities; offices; research and development activities; ground transportation and airport related terminals or transfer facilities; and hotels/motels, meeting facilities; and retail uses within hotel/motels. Because this area is located within the Six Mile Cypress watershed and is also a primary point of entry into Lee County, special environmental and design review guidelines will be applied to its development to maintain the appearance of this area as a primary entry point into Lee County.

##### **General Interchange:**

**Policy 1.3.2:** General Interchange areas are intended primarily for land uses that serve the traveling public: service stations, hotels, motels, restaurants, and gift shops. But because of their location, market attractions, and desire for flexibility, these interchange uses permit a broad range of land uses that include tourist commercial, general commercial and light industrial/commercial.



**CONCLUSION:**

The applicant's request is to change the Future Land Use from Tradeport to General Interchange to allow for retail with restaurant uses. One environmental discrepancy between Tradeport and General Interchange is the requirement in Tradeport for special environmental and design guidelines in association with Six Mile Cypress Slough. The applicant has indicated that they will follow the environmental guidelines set forth in Policy 1.2.2



**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*

**Date:** January 9, 2009

**Case Number:** CPA2007-00004

**Case Name:** Mango/Rowshan Small Scale Comprehensive Plan Amendment

**Request:** Amend the Future Land Use Map Series, Map 1, for an approximate 7.35 +/- acre site located in Section 23, Township 45 South, Range 25 East, to change the Future Land Use classification from Tradeport and Wetlands to General Interchange and Wetlands.

**Location:** The site is generally located in the southeast quadrant of Daniels Parkway and Treeline Avenue.

**PROPERTY OWNER'S REPRESENTATIVE:** Speath Engineering  
8000 Summerlin Lakes Dr.  
Fort Myers, FL 33912

**Lee County Planner:** Brandy Gonzalez  
(239) 533-8805

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 239/533-8583 for additional information.

This is a courtesy notice. Please review the New-Press for Local Planning Agency meeting notices.

This case is anticipated to be reviewed by the Local Planning Agency on: January 26, 2009.

**CPA2007-04  
SMALL SCALE  
COMPREHENSIVE  
PLAN AMENDMENT**

**MANGO/ROWSHAN  
PROPERTIES**



**LEE COUNTY**  
SOUTHWEST FLORIDA  
DIVISION OF PLANNING



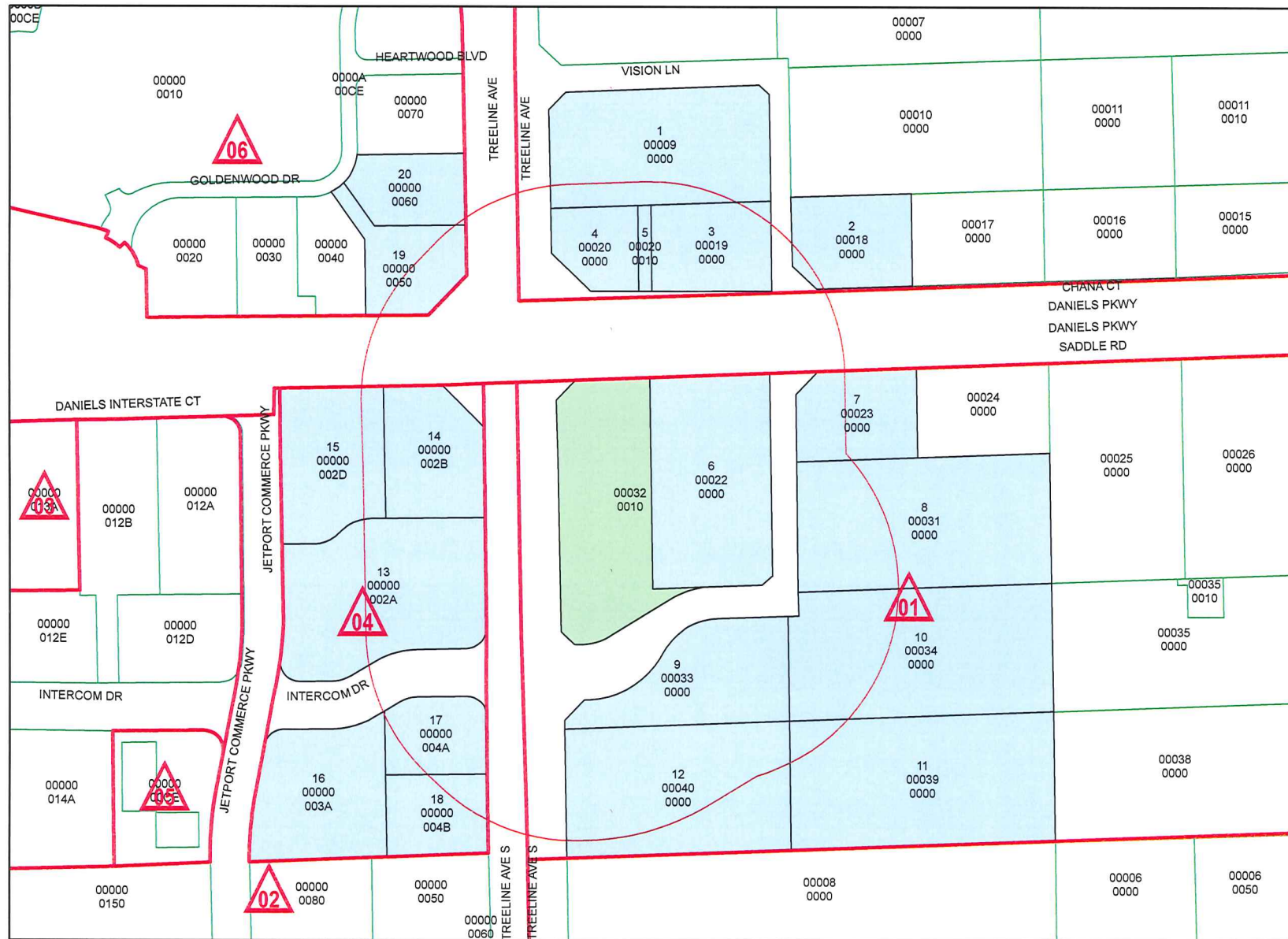
0 65 130 260 390 520 Feet

Map Generated: January 2009

# VARIANCE REPORT

1/6/2009

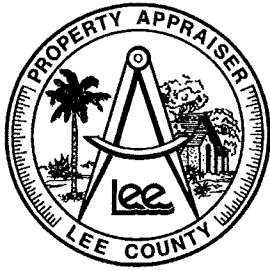
Subject Parcels : 1 Affected Parcels : 20 Buffer Distance : 500 ft



23-45-25-01-00032.0010

430      215      0      430 Feet





# 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:** January 06, 2009  
**Buffer Distance:** 500 ft  
**Parcels Affected:** 20  
**Subject Parcel:** 23-45-25-01-00032.0010

<b>OWNER NAME AND ADDRESS</b>	<b>STRAP AND LOCATION</b>	<b>LEGAL DESCRIPTION</b>	<b>Map Index</b>
FREEMAN JEFFREY B TR 25435 LOBLOLLY BAY RD SW LABELLE FL 33935	<b>23-45-25-01-00009.0000</b> 13380 CHANA CT FORT MYERS FL 33913	SABAL RIDGE UNREC OR 966 PG 452 TRACT 9 LESS R/W OR 2224/0455 + LESS ROW OR 3787/3854	1
BRIAN SCOTT HOLDINGS INC 25435 LOBLOLLY BAY RD SW LABELLE FL 33935	<b>23-45-25-01-00018.0000</b> 13391 CHANA CT FORT MYERS FL 33913	SABAL RIDGE UNREC OR966 PG452 TRACT 18 LESS S 100 FT + R R/W	2
WHEELER CATHLEEN J TR + 10060 SAN PABLO FORT MYERS FL 33919	<b>23-45-25-01-00019.0000</b> 13390 CHANA CT FORT MYERS FL 33913	SABAL RIDGE UNR OR966/452 TRACT 19 LESS R/W OR1377/1256 + OR2269/4136 + LESS TR 20 OR 3316 PG 2084 + LESS ROW OR 3787/3863	3
TREELINE LLC 875 SE 4TH TERR STE 2 CAPE CORAL FL 33904	<b>23-45-25-01-00020.0000</b> ACCESS UNDETERMINED FORT MYERS FL 33913	SABAL RIDGE UNR OR 966/452 PT TRACT 20 AS DESC IN INST#2005-147332	4
WHEELER CATHLEEN J TR + 10060 SAN PABLO FORT MYERS FL 33919	<b>23-45-25-01-00020.0010</b> NEED ACCESS DETERMINED FORT MYERS FL 33913	SABAL RIDGE UNREC WEST 34.71 FT OF TR 20 OR 966 PGS 452-453 LESS ROW OR 3787/3863	5
MANGO DEVELOPMENT OF SW 11300 LINDBERGH BLVD #103 FORT MYERS FL 33913	<b>23-45-25-01-00022.0000</b> ACCESS UNDETERMINED FORT MYERS FL 33913	SABAL RIDGE UNR OR966/260 TR 22 + PT TR 32 LESS R/W OR 2212/3768 + OR 2225/260	6
WESTAR HOLDINGS LLC 3389 SHERIDAN ST #174 HOLLYWOOD FL 33021	<b>23-45-25-01-00023.0000</b> 13451 SADDLE RD FORT MYERS FL 33913	SABAL RIDGE UNR OR 966 PG 452 TRACT 23 LESS R/W OR1372/1610+11+OR2232/2618	7
CZOSNEK ANNA M TR 1/2 INT + 17586 HILLCREST ST LIVONIA MI 48152	<b>23-45-25-01-00031.0000</b> 13551 SADDLE RD FORT MYERS FL 33913	SABAL RIDGE UNREC OR 966 PG 452 TRACT 31 LES W30FT R/W OR 2231/4041	8
ROWSHAN ENTERPRISES INC 12580 ALLENDALE CIR FORT MYERS FL 33912	<b>23-45-25-01-00033.0000</b> 13600 SADDLE RD FORT MYERS FL 33913	SABAL RIDGE UNREC OR 966 PG 452 PORT OF TRACT 3 LESS INST# 2008000089757 + LESS ROW OR 3909 PG 4282	9
ZAPIEC KRZYSTYNA TR 5134 GLADE CT CAPE CORAL FL 33904	<b>23-45-25-01-00034.0000</b> 13601 SADDLE RD FORT MYERS FL 33913	SABAL RIDGE UNREC OR 966 PG 452 TRACT 34 LESS R/W OR 2225/261	10
ZAPIEC KRZYSTYNA TR 5134 GLADE CT CAPE CORAL FL 33904	<b>23-45-25-01-00039.0000</b> 13651 SADDLE RD FORT MYERS FL 33913	SABAL RIDGE UNRECORDED OR 966 PG 452 TRACT 39	11
LEANDRO INTERNATIONAL CORP ALBERT KNOEPFFLER 5035 HAMMOCK LAKE DRIVE CORAL GABLES FL 33156	<b>23-45-25-01-00040.0000</b> 13650 SADDLE RD FORT MYERS FL 33913	SABAL RIDGE UNRECORDED OR 966 PG 452 TRACT 40 LESS ROW OR 3787/3867	12
RAY MAC ENERGY LTD PO BOX 1475 BORGER TX 79008	<b>23-45-25-04-00000.002A</b> 13621 JETPORT COMMERCE PKWY FORT MYERS FL 33913	JETPORT INTERSTATE COMM PK PB 60 PG 31 LOT 2A AS DESC IN INST#2006-116938	13

<b>OWNER NAME AND ADDRESS</b>	<b>STRAP AND LOCATION</b>	<b>LEGAL DESCRIPTION</b>	<b>Map Index</b>
PIK N RUN #7 INC 20101 PEACHLAND BLVD STE 301 PORT CHARLOTTE FL 33954	<b>23-45-25-04-00000.002B</b> 13550 TREELINE AVE S FORT MYERS FL 33913	JETPORT INTERSTATE COMM PK PB 60 PG 31 PT LOT 2A DESC IN OR 3887/640	14
PIK N RUN #7 20101 PEACHLAND BLVD STE 301 PORT CHARLOTTE FL 33954	<b>23-45-25-04-00000.002D</b> 13591 JETPORT COMMERCE PKWY FORT MYERS FL 33913	JETPORT INTERSTATE COMM PK PB 60 PG 31 PT LOT 2A DESC OR 4257/3504	15
JETPORT COMMERCE DEVELOPERS 12060 FAIRWAY ISLES DR FORT MYERS FL 33913	<b>23-45-25-04-00000.003A</b> 13721/23 JETPORT COMMERCE PKWY FORT MYERS FL 33913	JETPORT INTERSTATE COMM PK PB 60 PG 31 LOT 3A	16
BARNES WILLIAM R + BEATRICE 12500 WORLD PLAZA LN #3 FORT MYERS FL 33907	<b>23-45-25-04-00000.004A</b> 13700 TREELINE AVE S FORT MYERS FL 33913	JETPORT INTERSTATE COMM PK PB 60 PG 31 LOT 4A LESS ELY 10 FT	17
FIVE STAR REALTY CORP 3163 LANCASTER DR #1 NAPLES FL 34105	<b>23-45-25-04-00000.004B</b> 13730 TREELINE AVE S FORT MYERS FL 33913	JETPORT INTERSTATE COMM PK PB 60 PG 31 LOT 4B LESS ELY 10 FT	18
FIFTH THIRD BANK MD 10ATA1 CORP FAC 38 FOUNTAIN SQUARE PLAZA CINCINNATI OH 45263	<b>23-45-25-06-00000.0050</b> 13581 GOLDENWOOD DR FORT MYERS FL 33913	ARBORWOOD VILLAGE DESC IN INST#2007-19462 LOT 5	19
DP-TA ASSOCIATES LTD 703 WATERFORD WAY STE 800 MIAMI FL 33126	<b>23-45-25-06-00000.0060</b> 13561 GOLDENWOOD DR FORT MYERS FL 33913	ARBORWOOD VILLAGE DESC IN INST#2007-19462 LOT 6	20

**20 RECORDS PRINTED**

**SPEATH ENGINEERING**  
Civil Engineers

01/23/2009

Brandy Gonzalez  
Lee County Development Services  
P.O. Box 398  
Fort Myers FL 33902-0398

In Re: Mango/Rowshan Small Scale Comprehensive Plan Amendment  
CPA2007-04

Dear Ms. Gonzalez,

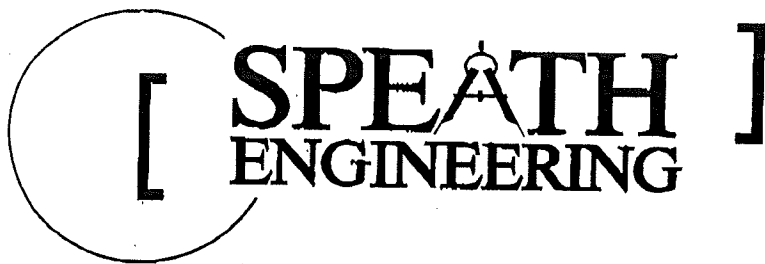
Speath Engineering is requesting a continuance for the Mango/Rowshan Small Scale Comp Plan Amendment until the February LPA meeting. This continuance is requested as to provide sufficient time to provide a response to the recommendation of LC DOT to recommend this project for denial.

Sincerely,

  
Matt Brawley  
Project Manager

8000 SUMMERLIN LAKES DR \* STE 201  
FORT MYERS \* FLORIDA 33907  
(239) 275-1899 \* FAX (239) 275-0105

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MANCHESTER CTR \* VERMONT 05255  
(802)-362-4052 \* FAX (802) 362-4056



FAX TRANSMITTAL FORM

To

Name: BRANDT GONZALEZ

Organization Name/Dept:

CC:

Phone number:

Fax number:

From

MATT BRAWLEY

8000 Summerlin Lakes Drive Suite 201

Ft Myers, FL 33907

Phone: 239-275-1899

Fax: 239-275-0105

info@speathengineering.com

Urgent

For Review

Please Comment

Please Reply

Date sent: 1-23-09

Time sent: 3:20

Number of pages including cover page: 2

Message:

FORT MYERS, FL  
8000 Summerlin Lakes  
Drive, Suite 201  
Ft Myers, FL 33907  
Phone: 239-275-1899  
Fax: 239-275-0105

MANCHESTER, VT  
111 Harmony Lane  
Manchester, Ctr. VT  
05255  
Phone: 802-362-4052  
Fax: 802-362-4056

www.speathengineering.com



**Miller, Janet M.**

**From:** Gonzalez, Brandy L.  
**Sent:** Thursday, November 15, 2007 11:22 AM  
**To:** Miller, Janet M.; Hock, Donna  
**Subject:** FW: CPA 2007-00004 Future Land Use Map Amendment

For the file.....Thanks!

---

**From:** Gonzalez, Brandy L.  
**Sent:** Thursday, November 15, 2007 11:09 AM  
**To:** Cranford, Richard M.; Campbell, George G.; 'wbergquist@sheriffleefl.org'; 'jnygaard@sheriffleefl.org'; Ottolini, Roland E.; Loveland, David M.; Horsting, Michael S.; Wu, Lili ; Yarbrough, John H.; Sampson, Lindsey J.; Newman, William T.; Smith, Regina Y.; Lavender, James H.; Velez, Sergio I.; Houck, Pamela E.; Sweigert, Rebecca H.; Eckenrode, Peter J.; Pavese, Michael P.; Daltry, Wayne E.; Zettel, Mary S.; Roberts, Rickey G.; Collins, Donna Marie ; 'wbhorner@flylcpa.com'; Wilson, John; Hansen, Hans C.; Griffith, Douglas; 'mikers@leeschools.net'; 'stfd1@yahoo.com'  
**Subject:** CPA 2007-00004 Future Land Use Map Amendment

November 15, 2007

Public Service/Review Agencies  
See Distribution List

RE: CPA 2007-00004 – Privately Initiated Lee Plan Future Land Use Map Amendment

Planning Division staff requests your agency's help in reviewing the above referenced Lee Plan amendment. Staff is reviewing a request for a small scale amendment to the Future Land Use Map (FLUM) designation for land located in the southeast quadrant of Daniels Parkway and Treeline Avenue. The proposal is to amend the Lee Plan, Map 1, the FLUM designation of approximately 7.35 acres from "Tradeport" to "General Interchange."

Residential uses are not permitted in the Tradeport land use category or the General Interchange land use category, therefore dwelling units could not be built in the subject area. The proposed General Interchange designation would allow approximately 73,500 square feet of free standing retail gross floor area, although the configuration of the lot including development regulations such as commercial setbacks and parking would limit the floor area. The current Tradeport designation requires that retail uses are placed within hotels/motels or ancillary retail uses must be part of a Planned Development of 10 acres or more and are limited to 1,000 square feet per acre.

Planning staff requests that your agency help determine the adequacy of existing and planned services in this area and if the proposal has any negative impact on these services. Staff requests that your agency review the proposal and provide written comments as soon as possible, but no later than November 30, 2007.

The following is a link to the application and backup materials provided by the applicant:  
<http://www.lee-county.com/dcd/ComprehensivePlanning/PlanAmendments/SmallScale.htm>

Sincerely,

11/15/2007

*Brandy Gonzalez*  
*Principal Planner*  
*Lee County Department of Community Development*  
*Division of Planning*  
*(239) 533-8805 phone*  
*(239) 485-8319*

*Distribution List:*

*John Wilson, Lee County Public Safety*  
*Chris Hansen, Lee County Public Safety, EMS*  
*Richard Cranford, Lee County Public Safety*  
*George Campbell, Lee County Public Safety, Emergency Management*  
*W. Bergquist, Lee County Sheriff's Office*  
*James Nygaard, Lee County Sheriff's Office*  
*Roland E. Ottolini, Lee County Natural Resources Management*  
*Becky Sweigert, Lee County Environmental Sciences*  
*Doug Griffith, Lee County Environmental Sciences*  
*Michael Horsting, Lee Tran*  
*Dave Loveland, Lee County Division of Transportation*  
*Lili Wu, Lee County, Division of Transportation*  
*John Yarbrough, Lee County Parks & Recreation*  
*Lindsey Sampson, Lee County Solid Waste*  
*William Newman, Lee County, Solid Waste*  
*Regina Smith, Lee County Economic Development*  
*Jim Lavender, Lee County Public Works*  
*Ivan Velez, Lee County Utilities*  
*Pam Houck, Lee County Zoning*  
*Pete Eckenrode, Lee County Development Services*  
*Michael Pavese, Lee County Public Works*  
*Wayne Daltry, Lee County Smart Growth*  
*Mary Zettel, DCD/Code Enforcement*  
*Rick Roberts, DCD/Code Enforcement*  
*Donna Marie Collins, County Attorney's Office*  
*Michael Smith, Lee County School Board*  
*William Horner, Airport Authority*  
*Clifford Paxson, South Trail Fire Protection & Rescue District*

**Gonzalez, Brandy L.**

---

**From:** Wegis, Howard S.  
**Sent:** Thursday, November 15, 2007 3:34 PM  
**To:** Velez, Sergio I.; Gonzalez, Brandy L.  
**Cc:** Osterhout, Thom  
**Subject:** RE: CPA 2007-00004 Future Land Use Map Amendment

Brandy,

The applicant has indicated that wastewater service will be provided by LCU through the Three Oaks WWTP. It is true that LCU will provide wastewater service, however the treatment plant serving this area is the City of Fort Myers South WWTP. LCU has an inter-local agreement with the City of Fort Myers that provides LCU with treatment capacity at their WWTP. LCU does have sufficient reserved treatment capacity at the City's plant to serve the proposed amendment. It should be noted however that off-site improvements to the wastewater collection and/or transmission system will most likely be required.

Howard S. Wegis  
Staff Engineer  
Lee County Utilities  
P.O. Box 398  
Fort Myers, FL 33901  
Phone#: (239) 533-8163  
Fax#: (239) 485-8385

---

**From:** Velez, Sergio I.  
**Sent:** Thursday, November 15, 2007 11:26 AM  
**To:** Wegis, Howard S.  
**Subject:** FW: CPA 2007-00004 Future Land Use Map Amendment

S. Ivan Velez, P.E.  
Deputy Director  
Lee County Utilities  
1500 Monroe Street  
Fort Myers, FL 33901  
Ph: 239-533-8166  
Fax: 239-533-8176  
cell: 239-357-1867

---

**From:** Gonzalez, Brandy L.  
**Sent:** Thursday, November 15, 2007 11:09 AM  
**To:** Cranford, Richard M.; Campbell, George G.; wbergquist@sheriffleefl.org; jnygaard@sheriffleefl.org; Ottolini, Roland E.; Loveland, David M.; Horsting, Michael S.; Wu, Lili ; Yarbrough, John H.; Sampson, Lindsey J.; Newman, William T.; Smith, Regina Y.; Lavender, James H.; Velez, Sergio I.; Houck, Pamela E.; Sweigert, Rebecca H.; Eckenrode, Peter J.; Pavese, Michael P.; Daltry, Wayne E.; Zettel, Mary S.; Roberts, Rickey G.; Collins, Donna Marie ; wbhorner@flylcpa.com; Wilson, John; Hansen, Hans C.; Griffith, Douglas; mikers@leeschools.net; stfd1@yahoo.com  
**Subject:** CPA 2007-00004 Future Land Use Map Amendment

November 15, 2007

Public Service/Review Agencies

11/15/2007

See Distribution List

RE: CPA 2007-00004 – Privately Initiated Lee Plan Future Land Use Map Amendment

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The following is a link to the application and backup materials provided by the applicant:

<http://www.lee-county.com/dcd/ComprehensivePlanning/PlanAmendments/SmallScale.htm>

Sincerely,

*Brandy Gonzalez*  
*Principal Planner*  
*Lee County Department of Community Development*  
*Division of Planning*  
*(239) 533-8805 phone*  
*(239) 485-8319*

*Distribution List:*

- John Wilson, Lee County Public Safety*
- Chris Hansen, Lee County Public Safety, EMS*
- Richard Cranford, Lee County Public Safety*
- George Campbell, Lee County Public Safety, Emergency Management*
- W. Bergquist, Lee County Sheriff's Office*
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- Lindsey Sampson, Lee County Solid Waste*
- William Newman, Lee County, Solid Waste*

11/15/2007



*Regina Smith, Lee County Economic Development*  
*Jim Lavender, Lee County Public Works*  
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*Rick Roberts, DCD/Code Enforcement*  
*Donna Marie Collins, County Attorney's Office*  
*Michael Smith, Lee County School Board*  
*William Horner, Airport Authority*  
*Clifford Paxson, South Trail Fire Protection & Rescue District*

**Gonzalez, Brandy L.**

---

**From:** Gonzalez, Brandy L.

**Sent:** Thursday, November 15, 2007 11:09 AM

**To:** Cranford, Richard M.; Campbell, George G.; wbergquist@sheriffleefl.org; jnygaard@sheriffleefl.org; Ottolini, Roland E.; Loveland, David M.; Horsting, Michael S.; Wu, Lili ; Yarbrough, John H.; Sampson, Lindsey J.; Newman, William T.; Smith, Regina Y.; Lavender, James H.; Velez, Sergio I.; Houck, Pamela E.; Sweigert, Rebecca H.; Eckenrode, Peter J.; Pavese, Michael P.; Daltry, Wayne E.; Zettel, Mary S.; Roberts, Rickey G.; Collins, Donna Marie ; wbhorner@flylcpa.com; Wilson, John; Hansen, Hans C.; Griffith, Douglas; mikers@leeschools.net; stfd1@yahoo.com

**Subject:** CPA 2007-00004 Future Land Use Map Amendment

November 15, 2007

Public Service/Review Agencies

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Sincerely,

*Brandy Gonzalez*

*Principal Planner*

*Lee County Department of Community Development*

*Division of Planning*

*(239) 533-8805 phone*

*(239) 485-8319*

**Miller, Janet M.**

**From:** Gonzalez, Brandy L.  
**Sent:** Thursday, November 15, 2007 3:58 PM  
**To:** Miller, Janet M.; Hock, Donna  
**Subject:** FW: CPA 2007-00004 Future Land Use Map Amendment

---

**From:** Wegis, Howard S.  
**Sent:** Thursday, November 15, 2007 3:34 PM  
**To:** Velez, Sergio I.; Gonzalez, Brandy L.  
**Cc:** Osterhout, Thom  
**Subject:** RE: CPA 2007-00004 Future Land Use Map Amendment

Brandy,  
The applicant has indicated that wastewater service will be provided by LCU through the Three Oaks WWTP. It is true that LCU will provide wastewater service, however the treatment plant serving this area is the City of Fort Myers South WWTP. LCU has an inter-local agreement with the City of Fort Myers that provides LCU with treatment capacity at their WWTP. LCU does have sufficient reserved treatment capacity at the City's plant to serve the proposed amendment. It should be noted however that off-site improvements to the wastewater collection and/or transmission system will most likely be required.

Howard S. Wegis  
Staff Engineer  
Lee County Utilities  
P.O. Box 398  
Fort Myers, FL 33901  
Phone#: (239) 533-8163  
Fax#: (239) 485-8385

---

**From:** Velez, Sergio I.  
**Sent:** Thursday, November 15, 2007 11:26 AM  
**To:** Wegis, Howard S.  
**Subject:** FW: CPA 2007-00004 Future Land Use Map Amendment

S. Ivan Velez, P.E.  
Deputy Director  
Lee County Utilities  
1500 Monroe Street  
Fort Myers, FL 33901  
Ph: 239-533-8166  
Fax: 239-533-8176  
cell: 239-357-1867

---

**From:** Gonzalez, Brandy L.  
**Sent:** Thursday, November 15, 2007 11:09 AM  
**To:** Cranford, Richard M.; Campbell, George G.; wbergquist@sheriffleefl.org; jnygaard@sheriffleefl.org; Ottolini, Roland E.; Loveland, David M.; Horsting, Michael S.; Wu, Lili ; Yarbrough, John H.; Sampson, Lindsey J.; Newman, William T.; Smith, Regina Y.; Lavender, James H.; Velez, Sergio I.; Houck, Pamela E.; Sweigert,

11/16/2007

Rebecca H.; Eckenrode, Peter J.; Pavese, Michael P.; Daltry, Wayne E.; Zettel, Mary S.; Roberts, Rickey G.; Collins, Donna Marie ; wbhorner@flylcpa.com; Wilson, John; Hansen, Hans C.; Griffith, Douglas; mikers@leeschools.net; stfd1@yahoo.com

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11/16/2007



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*Clifford Paxson, South Trail Fire Protection & Rescue District*

**Gonzalez, Brandy L.**


---

**From:** Daltrey, Wayne E.  
**Sent:** Wednesday, November 28, 2007 3:56 PM  
**To:** Gonzalez, Brandy L.  
**Subject:** RE: CPA 2007-00004 Future Land Use Map Amendment

Good Morning

A review of the proposal does not raise any particular issues that aren't already contained in county policy EXCEPT that the wetlands identified on site should not be changed into another development category but instead should be noted as wetlands, within the Policies that indicate whether wetlands are depicted on FLUM, they are of the wetland category.

Regarding the absence of residences, the restriction on that use in such areas is a subject that the Smart Growth recommendations considers open for review, on a case by case basis. The relative isolation of this site from other pedestrian oriented land uses would make mixing residential into this site particularly compelling.

**NOTE NEW PHONE NUMBERS**

Wayne Daltrey, FAICP  
 Director, Smart Growth  
 239-533-2240  
 fx -485-2262

---

**From:** Gonzalez, Brandy L.  
**Sent:** Thursday, November 15, 2007 11:09 AM  
**To:** Cranford, Richard M.; Campbell, George G.; wbergquist@sheriffleefl.org; jnygaard@sheriffleefl.org; Ottolini, Roland E.; Loveland, David M.; Horsting, Michael S.; Wu, Lili ; Yarbrough, John H.; Sampson, Lindsey J.; Newman, William T.; Smith, Regina Y.; Lavender, James H.; Velez, Sergio I.; Houck, Pamela E.; Sweigert, Rebecca H.; Eckenrode, Peter J.; Pavese, Michael P.; Daltrey, Wayne E.; Zettel, Mary S.; Roberts, Rickey G.; Collins, Donna Marie ; wbhorner@flylcpa.com; Wilson, John; Hansen, Hans C.; Griffith, Douglas; mikers@leeschools.net; stfd1@yahoo.com  
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November 15, 2007

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Sincerely,

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Principal Planner  
Lee County Department of Community Development  
Division of Planning  
(239) 533-8805 phone  
(239) 485-8319*

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Clifford Paxson, South Trail Fire Protection & Rescue District*

**Miller, Janet M.**

**From:** Gonzalez, Brandy L.  
**Sent:** Wednesday, November 28, 2007 4:08 PM  
**To:** Miller, Janet M.; Hock, Donna  
**Subject:** FW: CPA 2007-00004 Future Land Use Map Amendment

For the file.....

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**From:** Daltry, Wayne E.  
**Sent:** Wednesday, November 28, 2007 3:56 PM  
**To:** Gonzalez, Brandy L.  
**Subject:** RE: CPA 2007-00004 Future Land Use Map Amendment

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Wayne Daltry, FAICP  
Director, Smart Growth  
239-533-2240  
fx -485-2262

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**From:** Gonzalez, Brandy L.  
**Sent:** Thursday, November 15, 2007 11:09 AM  
**To:** Cranford, Richard M.; Campbell, George G.; wbergquist@sheriffleefl.org; jnygaard@sheriffleefl.org; Ottolini, Roland E.; Loveland, David M.; Horsting, Michael S.; Wu, Lili ; Yarbrough, John H.; Sampson, Lindsey J.; Newman, William T.; Smith, Regina Y.; Lavender, James H.; Velez, Sergio I.; Houck, Pamela E.; Sweigert, Rebecca H.; Eckenrode, Peter J.; Pavese, Michael P.; Daltry, Wayne E.; Zettel, Mary S.; Roberts, Rickey G.; Collins, Donna Marie ; wbhorner@flylcpa.com; Wilson, John; Hansen, Hans C.; Griffith, Douglas; mikers@leeschools.net; stfd1@yahoo.com  
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November 15, 2007

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11/28/2007



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- Michael Smith, Lee County School Board*

*William Horner, Airport Authority*  
*Clifford Paxson, South Trail Fire Protection & Rescue District*

## Gonzalez, Brandy L.

---

**From:** Horsting, Michael S.  
**Sent:** Friday, November 30, 2007 11:03 PM  
**To:** Gonzalez, Brandy L.  
**Subject:** RE: CPA 2007-00004 Future Land Use Map Amendment

Brandy,

We have no additional comments at this time and feel the application is fine from the transit perspective.

Mike Horsting, AICP  
Principal Planner - Lee County Transit  
239-533-0333 tel

---

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**To:** Cranford, Richard M.; Campbell, George G.; wbergquist@sheriffleefl.org; jnygaard@sheriffleefl.org; Ottolini, Roland E.; Loveland, David M.; Horsting, Michael S.; Wu, Lili ; Yarbrough, John H.; Sampson, Lindsey J.; Newman, William T.; Smith, Regina Y.; Lavender, James H.; Velez, Sergio I.; Houck, Pamela E.; Sweigert, Rebecca H.; Eckenrode, Peter J.; Pavese, Michael P.; Daltry, Wayne E.; Zettel, Mary S.; Roberts, Rickey G.; Collins, Donna Marie ; wbhorner@flylcpa.com; Wilson, John; Hansen, Hans C.; Griffith, Douglas; mikers@leeschools.net; stfd1@yahoo.com  
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12/3/2007

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**Miller, Janet M.**

**From:** Gonzalez, Brandy L.  
**Sent:** Monday, December 03, 2007 9:59 AM  
**To:** Miller, Janet M.; Hock, Donna  
**Subject:** FW: CPA 2007-00004 Future Land Use Map Amendment

For the file.....

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**From:** Horsting, Michael S.  
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**MEMORANDUM  
FROM  
DEPARTMENT OF COMMUNITY DEVELOPMENT  
DIVISION OF ENVIRONMENTAL SCIENCES**

**Date:** January 3, 2008

**To:** Brandy Gonzalez, Planner

**From:** Doug Griffith, Environmental Planner  
Phone: 239-533-8323  
E-mail: [dgriffith@leegov.com](mailto:dgriffith@leegov.com)

**Project:** Mango Rowshan Properties

**Case:** CPA2007-00004

**Strap:** 23-45-25-01-00022.0000, 23-45-25-01-00032.0000,  
23-45-25-01-00021.0000

The applicant proposes to change the Future Land Use Map (FLUM) from Tradeport to General Interchange. The property is currently vacant and zoned commercial.

Two environmental scientists from Boylan Environmental Consultants compiled a Florida Land Use Cover and Classification Systems (FLUCCS) on August 31, 2006 for 5.96 acres of the property. Dexter Bender compiled the remaining 3.9 acres FLUCCS for the remaining area on June 22, 2007. Environmental Sciences (ES) Staff (Doug Griffith) field verified the environmental assessment on December 14, 2007.

The western half of the property consist of hydric pine flatwoods FLUCCS 625E1 and 625E2 with a pine canopy intermixed with 25%-50% exotics predominately melaleuca and Brazilian pepper. The eastern half of the property is non-hydric pine flatwoods FLUCCS 411E1 and 411D and consists of a pine canopy with saw palmetto predominate in the understory.

As per policy 1.2.2, Tradeport areas located within the Six Mile Cypress Basin come under special environmental considerations, such as design review guidelines to be applied for development in order to maintain the appearance of this area. Will the applicant follow the environmental guidelines depicted for the Six Mile Cypress Basin under Tradeport future land use designation? Please clarify.

## Memo

To: Paul O'Connor, Planning Director

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

Date: February 4, 2008

Subject: **CPA 2007-04 (Mango/Rowshan Properties)**

The Department of Transportation has reviewed the above-referenced privately-initiated future land use map plan amendment, to change the land use designation of approximately 7.35 acres at the southeast corner of Daniels Parkway and Treeline Boulevard from "Tradeport" to "General Interchange". Your staff indicates that the proposed change would allow approximately 73,500 square feet of retail use on the site. Under that scenario, there would be approximately 276 trips (including pass-by trips) generated by this property on a p.m. peak hour basis. Plugging that impact into the Lee County MPO's 2030 Financially Feasible Plan FSUTMS travel demand model and examining the three-mile radius around the project, the only identified level of service problem is on the section of Daniels Parkway from Fiddlesticks Boulevard to just east of Chamberlin Parkway. This road segment is identified as failing in 2030 with and without the proposed land use change.

Despite the fact that a portion of the impacted roadway (from Fiddlesticks Boulevard to I-75) is designated in the Lee Plan as "constrained", the MPO's 2030 Needs Plan does identify a potential improvement to address the impacted portion of Daniels Parkway in the form of an 8-lane section that includes 4 express lanes. The MPO Plan suggests testing the improvement as a toll-funded project, to potentially make it financially feasible. However, absent an identified means of paying for such an improvement and subsequent inclusion in the Financially Feasible Plan, DOT staff cannot recommend approval of a land use change that intensifies development on a road segment that is projected to fail.

Please let me know if you need any additional information.

cc: Donna Marie Collins  
Brandy Gonzalez



**Gonzalez, Brandy L.**

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**From:** Wegis, Howard S.  
**Sent:** Wednesday, January 07, 2009 12:59 PM  
**To:** Gonzalez, Brandy L.  
**Cc:** Osterhout, Thom  
**Subject:** RE: CPA 2007-00004 Future Land Use Map Amendment

How's this,

**Potable Water Service:**

The subject parcels are within LCU's future water service area and LCU has excess treatment capacity to serve the proposed development. Regarding water distribution system capacity, there is a 12" water main on the west side of Treeline Avenue and a 12" water main stubbed out of this line to the east that crosses Treeline Avenue and terminates at the Northwest corner of the subject property. This main would most likely have the capacity to serve the development however, the applicant should be aware that during the development process the developer will be responsible for performing hydraulic calculations to identify the extent of any required off-site improvements to the water distribution system to support the projected increase in demand. The applicant should be aware that the developer will bear the cost of these improvements.

**Sanitary Sewer Service:**

The subject parcels are within LCU's future sewer service area. Regarding both treatment and collection system capacity, this portion of LCU's wastewater service area is currently being served by the City of Fort Myers' South Treatment Facility which has excess treatment capacity to serve the subject development, however, the current wastewater collection transmission system infrastructure is at capacity and cannot support an increase in flows proposed by this amendment. LCU is in the process of expanding our Gateway Wastewater Treatment Facility and planning modifications to the wastewater collection transmission system with the intention of having the Gateway facility accept flows from this area of the collection system. Upon completion of the expansion of the Gateway facility and a related force main project the system should have sufficient treatment and collection transmission system capacity to serve the subject development. The above mentioned expansion and improvements are planned for completion by August of 2010.

There is an existing 10' sanitary sewer force main, on the east side of Treeline Avenue, approximately 1,400 linear feet south of the subject parcels that is available for connection to the collection transmission system. Aside from the improvements planned by LCU mentioned above, the applicant should be aware that during the development process the developer will be responsible for performing hydraulic calculations to identify the extent of required on-site and off-site improvements to the wastewater collection system to support any projected increase in flow. The applicant should be aware that the developer will bear the cost of these improvements. In addition, prior to connection to the central sewer system the applicant will be responsible for ensuring compliance with pre-treatment standards established in Lee County Ordinance 05-26.

Howard S. Wegis  
Staff Engineer  
Lee County Utilities  
P.O. Box 398  
Fort Myers, FL 33901  
Phone#: (239) 533-8163  
Fax#: (239) 485-8385

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**From:** Gonzalez, Brandy L.  
**Sent:** Wednesday, January 07, 2009 9:44 AM  
**To:** Wegis, Howard S.  
**Subject:** FW: CPA 2007-00004 Future Land Use Map Amendment

Hi Howard -

1/9/2009

I sent the e-mail below regarding this plan amendment back in November of 2007. You had responded that:

"The applicant has indicated that wastewater service will be provided by LCU through the Three Oaks WWTP. It is true that LCU will provide wastewater service, however the treatment plant serving this area is the City of Fort Myers South WWTP. LCU has an inter-local agreement with the City of Fort Myers that provides LCU with treatment capacity at their WWTP. LCU does have sufficient reserved treatment capacity at the City's plant to serve the proposed amendment. It should be noted however that off-site improvements to the wastewater collection and/or transmission system will most likely be required."

Based on your comments I don't believe you have any issues with the proposal. I am currently finalizing the staff report and recommendation and I was wondering if you have any additional information. I am trying to provide a brief paragraph for both wastewater and potable water on availability and infrastructure in the area. Just a sentence or two on the services in the area would be helpful. As always, thank you for your assistance in this matter. It should only take us a few minutes for this small scale information. Let me know when you have a few minutes.

Thanks,  
Brandy

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**From:** Gonzalez, Brandy L.

**Sent:** Thursday, November 15, 2007 11:09 AM

**To:** Cranford, Richard M.; Campbell, George G.; wbergquist@sheriffleefl.org; jnygaard@sheriffleefl.org; Ottolini, Roland E.; Loveland, David M.; Horsting, Michael S.; Wu, Lili; Yarbrough, John H.; Sampson, Lindsey J.; Newman, William T.; Smith, Regina Y.; Lavender, James H.; Velez, Sergio I.; Houck, Pamela E.; Sweigert, Rebecca H.; Eckenrode, Peter J.; Pavese, Michael P.; Daltry, Wayne E.; Zettel, Mary S.; Roberts, Rickey G.; Collins, Donna Marie; wbhorner@flylcpa.com; Wilson, John; Hansen, Hans C.; Griffith, Douglas; mikers@leeschools.net; stfd1@yahoo.com

**Subject:** CPA 2007-00004 Future Land Use Map Amendment

November 15, 2007

Public Service/Review Agencies

See Distribution List

RE: CPA 2007-00004 – Privately Initiated Lee Plan Future Land Use Map Amendment

Planning Division staff requests your agency's help in reviewing the above referenced Lee Plan amendment. Staff is reviewing a request for a small scale amendment to the Future Land Use Map (FLUM) designation for land located in the southeast quadrant of Daniels Parkway and Treeline Avenue. The proposal is to amend the Lee Plan, Map 1, the FLUM designation of approximately 7.35 acres from "Tradeport" to "General Interchange."

Residential uses are not permitted in the Tradeport land use category or the General Interchange land use category, therefore dwelling units could not be built in the subject area. The proposed General Interchange designation would allow approximately 73,500 square feet of free standing retail gross floor area, although the configuration of the lot including development regulations such as commercial setbacks and parking would limit the floor area. The current Tradeport designation requires that retail uses are placed within hotels/motels or ancillary retail uses must be part of a Planned Development of 10 acres or more and are limited to 1,000 square feet per acre.

Planning staff requests that your agency help determine the adequacy of existing and planned services in this area and if the proposal has any negative impact on these services. Staff requests that your agency review the proposal and provide written comments as soon as possible, but no later than November 30, 2007.

The following is a link to the application and backup materials provided by the applicant:  
<http://www.lee-county.com/dcd/ComprehensivePlanning/PlanAmendments/SmallScale.htm>

Sincerely,

1/9/2009

*Brandy Gonzalez*  
*Principal Planner*  
*Lee County Department of Community Development*  
*Division of Planning*  
*(239) 533-8805 phone*  
*(239) 485-8319*

*Distribution List:*

- John Wilson, Lee County Public Safety*
- Chris Hansen, Lee County Public Safety, EMS*
- Richard Cranford, Lee County Public Safety*
- George Campbell, Lee County Public Safety, Emergency Management*
- W. Bergquist, Lee County Sheriff's Office*
- James Nygaard, Lee County Sheriff's Office*
- Roland E. Ottolini, Lee County Natural Resources Management*
- Becky Sweigert, Lee County Environmental Sciences*
- Doug Griffith, Lee County Environmental Sciences*
- Michael Horsting, Lee Tran*
- Dave Loveland, Lee County Division of Transportation*
- Lili Wu, Lee County, Division of Transportation*
- John Yarbrough, Lee County Parks & Recreation*
- Lindsey Sampson, Lee County Solid Waste*
- William Newman, Lee County, Solid Waste*
- Regina Smith, Lee County Economic Development*
- Jim Lavender, Lee County Public Works*
- Ivan Velez, Lee County Utilities*
- Pam Houck, Lee County Zoning*
- Pete Eckenrode, Lee County Development Services*
- Michael Pavese, Lee County Public Works*
- Wayne Daltry, Lee County Smart Growth*
- Mary Zettel, DCD/Code Enforcement*
- Rick Roberts, DCD/Code Enforcement*
- Donna Marie Collins, County Attorney's Office*
- Michael Smith, Lee County School Board*
- William Horner, Airport Authority*
- Clifford Paxson, South Trail Fire Protection & Rescue District*



## Gonzalez, Brandy L.

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**From:** Horsting, Michael S.  
**Sent:** Thursday, January 08, 2009 8:39 AM  
**To:** Gonzalez, Brandy L.  
**Subject:** RE: CPA 2007-00004 Future Land Use Map Amendment

Hi Brandy,

Lee County currently provides transit services to this area and the subject property is within the County's transit service area. There is one route providing hourly bus service during the non-tourist season and 45 minute service during tourist season. The route provides service connecting the Southwest Florida International Airport with the Bell Tower Shops via Treeline Avenue and Daniels Parkway with continuing service to Healthpark Hospital, Summerlin Square and Tanger Outlet Center via Cypress Lake Drive, Winkler Road and Summerlin Road. All points in between are accessible to the route as well. Connections to other routes in the system are available at the Bell Tower Shops and Summerlin Square.

The Lee County Transit Development Plan (TDP) is the strategic transit service plan with a horizon out to the year 2017. The plan identifies the need for 30 minute service during the entire year on this route however additional service improvements are unfunded at this time.

Please let me know if there is anything else I can help with.

Mike Horsting, AICP  
Principal Planner - Lee County Transit  
239-533-0333 tel

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**From:** Gonzalez, Brandy L.  
**Sent:** Wednesday, January 07, 2009 9:05 AM  
**To:** Horsting, Michael S.  
**Subject:** FW: CPA 2007-00004 Future Land Use Map Amendment

Hi Michael –

I sent the e-mail below regarding this plan amendment back in November of 2007. You had responded that "We have no additional comments at this time and feel the application is fine from the transit perspective." Based on your comments I don't believe you have any issues with the proposal. I am currently finalizing the staff report and recommendation and I was wondering if you have any additional information with regard to transit that I can add to the report. Maybe, just a sentence or two on the services in the area would be helpful. As always, thank you for your assistance in this matter.

Brandy Gonzalez

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**From:** Gonzalez, Brandy L.  
**Sent:** Thursday, November 15, 2007 11:09 AM  
**To:** Cranford, Richard M.; Campbell, George G.; wbergquist@sheriffleefl.org; jnygaard@sheriffleefl.org; Ottolini, Roland E.; Loveland, David M.; Horsting, Michael S.; Wu, Lili ; Yarbrough, John H.; Sampson, Lindsey J.; Newman, William T.; Smith, Regina Y.; Lavender, James H.; Velez, Sergio I.; Houck, Pamela E.; Sweigert, Rebecca H.; Eckenrode, Peter J.; Pavese, Michael P.; Daltry, Wayne E.; Zettel, Mary S.; Roberts, Rickey G.; Collins, Donna Marie ; wbhorner@flylcpa.com; Wilson, John; Hansen, Hans C.; Griffith, Douglas; mikers@leeschools.net; stfd1@yahoo.com  
**Subject:** CPA 2007-00004 Future Land Use Map Amendment

November 15, 2007



Public Service/Review Agencies  
See Distribution List

RE: CPA 2007-00004 – Privately Initiated Lee Plan Future Land Use Map Amendment

Planning Division staff requests your agency's help in reviewing the above referenced Lee Plan amendment. Staff is reviewing a request for a small scale amendment to the Future Land Use Map (FLUM) designation for land located in the southeast quadrant of Daniels Parkway and Treeline Avenue. The proposal is to amend the Lee Plan, Map 1, the FLUM designation of approximately 7.35 acres from "Tradeport" to "General Interchange."

Residential uses are not permitted in the Tradeport land use category or the General Interchange land use category, therefore dwelling units could not be built in the subject area. The proposed General Interchange designation would allow approximately 73,500 square feet of free standing retail gross floor area, although the configuration of the lot including development regulations such as commercial setbacks and parking would limit the floor area. The current Tradeport designation requires that retail uses are placed within hotels/motels or ancillary retail uses must be part of a Planned Development of 10 acres or more and are limited to 1,000 square feet per acre.

Planning staff requests that your agency help determine the adequacy of existing and planned services in this area and if the proposal has any negative impact on these services. Staff requests that your agency review the proposal and provide written comments as soon as possible, but no later than November 30, 2007.

The following is a link to the application and backup materials provided by the applicant:  
<http://www.lee-county.com/dcd/ComprehensivePlanning/PlanAmendments/SmallScale.htm>

Sincerely,

*Brandy Gonzalez*  
*Principal Planner*  
*Lee County Department of Community Development*  
*Division of Planning*  
*(239) 533-8805 phone*  
*(239) 485-8319*

*Distribution List:*

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- Michael Horsting, Lee Tran*
- Dave Loveland, Lee County Division of Transportation*
- Lili Wu, Lee County, Division of Transportation*
- John Yarbrough, Lee County Parks & Recreation*
- Lindsey Sampson, Lee County Solid Waste*
- William Newman, Lee County, Solid Waste*
- Regina Smith, Lee County Economic Development*

*Jim Lavender, Lee County Public Works*  
*Ivan Velez, Lee County Utilities*  
*Pam Houck, Lee County Zoning*  
*Pete Eckenrode, Lee County Development Services*  
*Michael Pavese, Lee County Public Works*  
*Wayne Daltry, Lee County Smart Growth*  
*Mary Zettel, DCD/Code Enforcement*  
*Rick Roberts, DCD/Code Enforcement*  
*Donna Marie Collins, County Attorney's Office*  
*Michael Smith, Lee County School Board*  
*William Horner, Airport Authority*  
*Clifford Paxson, South Trail Fire Protection & Rescue District*

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

**Date:** January 8, 2009

**To:** Brandy Gonzalez, Planner

**From:** Doug Griffith, Environmental Planner  
Phone: 239-533-8323  
E-mail: [dgriffith@leegov.com](mailto:dgriffith@leegov.com)

**Project:** Mango Rowshan Properties

**Case:** CPA2007-00004

**Strap:** 23-45-25-01-00022.0000,  
23-45-25-01-00032.0000, 23-45-25-01-00021.0000

**PROJECT SITE:**

The applicant proposes to change the Future Land Use Map (FLUM) from Tradeport to General Interchange. The property is currently vacant and zoned commercial. The  $\pm$  7.35 acre project is located south of Daniels Parkway, east of Treeline Ave and west of Saddle Road. The surrounding land uses are vacant and zoned agriculture.

**ENVIRONMENTAL ASSESSMENT:**

An environmental assessment and Florida Land Use Cover and Classification System (FLUCCS) was performed by Boylan Environmental Consultants Inc. on  $\pm$  5.96 acres of the property. The environmental assessment was completed on August 31, 2006. The assessment was performed on the project to document existing land uses, vegetative communities, determine the presence of state jurisdictional wetlands, and research potential utilization by wildlife species listed as Threatened, Endangered or Species of special concern and plant species listed as Threatened, Endangered or Commercially Exploited. ES Staff performed a site inspection on the property and confirmed the results. The assessment and a Florida Land Use, Cover and Classification System (FLUCCS) map was submitted by the applicant.

The site contains  $\pm$  1.8 acres of uplands consisting of Pine Flatwoods (FLUCCS 411E1) with 25% exotics including Brazilian pepper (*Schinus terebinthifolius*) and melaleuca (*Melaleuca quinquenervia*). This community is dominated by South Florida slash pine (*Pinus elliotti* var *densa*) in the canopy and saw palmetto (*Serenoa repens*) in the understory.  $\pm$  4.16 acres of wetlands consisting of hydric pine flatwoods (FLUCCS 625E1 & E2) with South Florida slash pine in the canopy with an understory of saltbush (*Baccharis halimifolia*), St. Johns Wort (*Hypericum perforatum*), grapevine (*Vitis spp.*), smilax (*Smilax spp.*) And wildy scattered saw palmetto.

The onsite wetland hydrology has been previously disturbed with the drainage and ditching associated with the construction of Daniels Parkway and Treeline Ave. The applicant proposes to mitigate these disturbed wetlands through SFWMD for impacts associated with the project.

ES Staff determined that restoration of hydrology to onsite wetlands is not feasible considering the historic, existing, and ongoing impacts associated with Daniels Parkway and Treeline Ave.

An environmental assessment and Florida Land Use Cover and Classification System (FLUCCS) was performed by Dexter Bender and Associates on the  $\pm$  4 acre Halter Lane Parcel in July of 2007. The assessment was performed on the project to document existing land uses, vegetative communities, determine the presence of state jurisdictional wetlands, and research potential utilization by wildlife species listed as Threatened, Endangered or Species of special concern and plant species listed as Threatened, Endangered or Commercially Exploited. ES Staff performed a site inspection on the property and confirmed the results. The assessment and a Florida Land Use, Cover and Classification System (FLUCCS) map was submitted by the applicant.

The site contains  $\pm$  3.9 acres of uplands consisting of Pine Flatwoods Disturbed (FLUCCS 411D) with South Florida slash pine dominating the canopy and saw palmetto, wax myrtle (*Myrica cerifera*), buttonweed (*Spermocoe sp.*) and yellow-eyed grass (*Xyris sp.*) contained in the understory.

#### **PROTECTED SPECIES:**

No listed species was observed and due to the nature of the site, surrounded by disturbed lands and isolated by major roadways no listed species is likely to occur.

#### **FUTURE LAND USE:**

##### **Tradeport:**

**Policy 1.2.2:** The Tradeport areas are commercial and industrial lands adjacent to the Airport needed to accommodate projected growth through the year 2020. These areas will include developments consisting of light manufacturing or assembly, warehousing, and distribution facilities; offices; research and development activities; ground transportation and airport related terminals or transfer facilities; and hotels/motels, meeting facilities; and retail uses within hotel/motels. Because this area is located within the Six Mile Cypress watershed and is also a primary point of entry into Lee County, special environmental and design review guidelines will be applied to its development to maintain the appearance of this area as a primary entry point into Lee County.

##### **General Interchange:**

**Policy 1.3.2:** General Interchange areas are intended primarily for land uses that serve the traveling public: service stations, hotels, motels, restaurants, and gift shops. But because of their location, market attractions, and desire for flexibility, these interchange uses permit a broad range of land uses that include tourist commercial, general commercial and light industrial/commercial.



**CONCLUSION:**

The applicant's request is to change the Future Land Use from Tradeport to General Interchange to allow for retail with restaurant uses. One environmental discrepancy between Tradeport and General Interchange is the requirement in Tradeport for special environmental and design guidelines in association with Six Mile Cypress Slough. The applicant has indicated that they will follow the environmental guidelines set forth in Policy 1.2.2

## Gonzalez, Brandy

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**From:** Gonzalez, Brandy  
**Sent:** Monday, March 23, 2009 11:13 AM  
**To:** Matt Brawley  
**Subject:** RE: Mango/Rowshan small scale

Thanks Matt. It will be a 5pm public hearing.

---

**From:** Matt Brawley [mailto:mbrawley@speathengineering.com]  
**Sent:** Monday, March 23, 2009 11:07 AM  
**To:** Gonzalez, Brandy  
**Subject:** RE: Mango/Rowshan small scale

Sorry, for not getting back to you sooner. The April 14<sup>th</sup> date will work for everyone. Please let me know the time.

Matt Brawley  
Project Manager  
Speath Engineering  
ph. (239) 275-1899  
fax (239) 275-0105

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---

**From:** Gonzalez, Brandy [mailto:BGonzalez@leegov.com]  
**Sent:** Monday, March 23, 2009 11:07 AM  
**To:** Matt Brawley  
**Subject:** Mango/Rowshan small scale

Hello Matt –

I wanted to check in with you and see if the April 14<sup>th</sup> hearing will work for the applicant. If not I will have to look at some other dates.

Thanks,

*Brandy Gonzalez  
Principal Planner  
Lee County Department of Community Development  
Division of Planning  
(239) 533-8805 phone  
(239) 485-8319 fax*

4/2/2009

## Gonzalez, Brandy

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**From:** Jacob, Michael  
**Sent:** Tuesday, March 31, 2009 9:12 AM  
**To:** Polito, Ann; Gonzalez, Brandy  
**Cc:** Collins, Donna Marie  
**Subject:** RE: Advertisement for Mango Rowshan

When reviewing the Public Notice requirements, we determined that the map is not required for small scale amendments. This, of course, doesn't mean we can't include it and put it in an Ad, but it is not a requirement.

Michael D. Jacob  
Assistant County Attorney  
Lee County Attorney's Office  
(239) 533-2236 (telephone)  
(239) 485-2106 (facsimile)  
[mjacob@leegov.com](mailto:mjacob@leegov.com)

Please note: Florida has a very broad public records law. Most written communications to or from County Employees and Officials regarding County business are public records available to the public and media upon request. Your e-mail communication may be subject to public disclosure.

---

**From:** Polito, Ann  
**Sent:** Tuesday, March 31, 2009 9:10 AM  
**To:** Gonzalez, Brandy  
**Cc:** Collins, Donna Marie; Jacob, Michael  
**Subject:** RE: Advertisement for Mango Rowshan

In the past, we have always used display ads and included the map. I have left this up to Michael to decide. By copy of this e-mail to DMC and Michael, I need to know before 11:00 a.m. whether or not to go with the legal liner and no map??? Thanks. Ann

Ann Polito  
Legal Administrative Assistant  
Lee County Attorney's Office  
Phone: (239) 533-2236  
FAX: (239) 485-2106  
[politoam@leegov.com](mailto:politoam@leegov.com)

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---

**From:** Gonzalez, Brandy  
**Sent:** Tuesday, March 31, 2009 9:03 AM  
**To:** Polito, Ann  
**Cc:** Collins, Donna Marie; Jacob, Michael  
**Subject:** RE: Advertisement for Mango Rowshan

I was just wondering. I have never done a map amendment without a map. If it is legally sufficient for advertising a plan

3/31/2009

amendment then I don't have a problem with it. Just something new to me.

---

**From:** Polito, Ann  
**Sent:** Tuesday, March 31, 2009 8:49 AM  
**To:** Gonzalez, Brandy  
**Cc:** Collins, Donna Marie; Jacob, Michael  
**Subject:** RE: Advertisement for Mango Rowshan

In a legal liner ad we cannot use a map. We would have to do a display ad. You guys are paying for it so how do you want it?

Ann Polito  
Legal Administrative Assistant  
Lee County Attorney's Office  
Phone: (239) 533-2236  
FAX: (239) 485-2106  
[politoam@leegov.com](mailto:politoam@leegov.com)

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---

**From:** Gonzalez, Brandy  
**Sent:** Tuesday, March 31, 2009 8:47 AM  
**To:** Polito, Ann  
**Subject:** RE: Advertisement for Mango Rowshan

Ann –

The ad looks fine. Just curious, why aren't we using the map?

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**From:** Polito, Ann  
**Sent:** Tuesday, March 31, 2009 8:29 AM  
**To:** Gonzalez, Brandy  
**Cc:** Jacob, Michael  
**Subject:** Advertisement for Mango Rowshan

Brandy, attached is the updated ad. It will not be a display ad and will not have a map. Please get back to me asap with you comments as this ad must go to the newspress before 12:00 noon today. Ann

Ann Polito  
Legal Administrative Assistant  
Lee County Attorney's Office  
Phone: (239) 533-2236  
FAX: (239) 485-2106  
[politoam@leegov.com](mailto:politoam@leegov.com)

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**Gonzalez, Brandy L.**


---

**From:** Daltrey, Wayne E.  
**Sent:** Wednesday, November 28, 2007 3:56 PM  
**To:** Gonzalez, Brandy L.  
**Subject:** RE: CPA 2007-00004 Future Land Use Map Amendment

Good Morning

A review of the proposal does not raise any particular issues that aren't already contained in county policy EXCEPT that the wetlands identified on site should not be changed into another development category but instead should be noted as wetlands, within the Policies that indicate whether wetlands are depicted on FLUM, they are of the wetland category.

Regarding the absence of residences, the restriction on that use in such areas is a subject that the Smart Growth recommendations considers open for review, on a case by case basis. The relative isolation of this site from other pedestrian oriented land uses would make mixing residential into this site particularly compelling.

**NOTE NEW PHONE NUMBERS**

Wayne Daltrey, FAICP  
 Director, Smart Growth  
 239-533-2240  
 fx -485-2262

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**From:** Gonzalez, Brandy L.  
**Sent:** Thursday, November 15, 2007 11:09 AM  
**To:** Cranford, Richard M.; Campbell, George G.; wbergquist@sheriffleefl.org; jnygaard@sheriffleefl.org; Ottolini, Roland E.; Loveland, David M.; Horsting, Michael S.; Wu, Lili ; Yarbrough, John H.; Sampson, Lindsey J.; Newman, William T.; Smith, Regina Y.; Lavender, James H.; Velez, Sergio I.; Houck, Pamela E.; Sweigert, Rebecca H.; Eckenrode, Peter J.; Pavese, Michael P.; Daltrey, Wayne E.; Zettel, Mary S.; Roberts, Rickey G.; Collins, Donna Marie ; wbhorner@flylcpa.com; Wilson, John; Hansen, Hans C.; Griffith, Douglas; mikers@leeschools.net; stfd1@yahoo.com  
**Subject:** CPA 2007-00004 Future Land Use Map Amendment

November 15, 2007

Public Service/Review Agencies  
 See Distribution List

RE: CPA 2007-00004 – Privately Initiated Lee Plan Future Land Use Map Amendment

Planning Division staff requests your agency's help in reviewing the above referenced Lee Plan amendment. Staff is reviewing a request for a small scale amendment to the Future Land Use Map (FLUM) designation for land located in the southeast quadrant of Daniels Parkway and Treeline Avenue. The proposal is to amend the Lee Plan, Map 1, the FLUM designation of approximately 7.35 acres from "Tradeport" to "General Interchange."

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or ancillary retail uses must be part of a Planned Development of 10 acres or more and are limited to 1,000 square feet per acre.

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The following is a link to the application and backup materials provided by the applicant:

<http://www.lee-county.com/dcd/ComprehensivePlanning/PlanAmendments/SmallScale.htm>

Sincerely,

*Brandy Gonzalez*  
*Principal Planner*  
*Lee County Department of Community Development*  
*Division of Planning*  
*(239) 533-8805 phone*  
*(239) 485-8319*

*Distribution List:*

*John Wilson, Lee County Public Safety*  
*Chris Hansen, Lee County Public Safety, EMS*  
*Richard Cranford, Lee County Public Safety*  
*George Campbell, Lee County Public Safety, Emergency Management*  
*W. Bergquist, Lee County Sheriff's Office*  
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*Wayne Daltry, Lee County Smart Growth*  
*Mary Zettel, DCD/Code Enforcement*  
*Rick Roberts, DCD/Code Enforcement*  
*Donna Marie Collins, County Attorney's Office*  
*Michael Smith, Lee County School Board*  
*William Horner, Airport Authority*  
*Clifford Paxson, South Trail Fire Protection & Rescue District*

**Miller, Janet M.**

**From:** Gonzalez, Brandy L.  
**Sent:** Wednesday, November 28, 2007 4:08 PM  
**To:** Miller, Janet M.; Hock, Donna  
**Subject:** FW: CPA 2007-00004 Future Land Use Map Amendment

For the file.....

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**From:** Daltry, Wayne E.  
**Sent:** Wednesday, November 28, 2007 3:56 PM  
**To:** Gonzalez, Brandy L.  
**Subject:** RE: CPA 2007-00004 Future Land Use Map Amendment

Good Morning

A review of the proposal does not raise any particular issues that aren't already contained in county policy EXCEPT that the wetlands identified on site should not be changed into another development category but instead should be noted as wetlands, within the Policies that indicate whether wetlands are depicted on FLUM, they are of the wetland category.

Regarding the absence of residences, the restriction on that use in such areas is a subject that the Smart Growth recommendations considers open for review, on a case by case basis. The relative isolation of this site from other pedestrian oriented land uses would make mixing residential into this site particularly compelling.

NOTE NEW PHONE NUMBERS

Wayne Daltry, FAICP  
Director, Smart Growth  
239-533-2240  
fx -485-2262

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**From:** Gonzalez, Brandy L.  
**Sent:** Thursday, November 15, 2007 11:09 AM  
**To:** Cranford, Richard M.; Campbell, George G.; wbergquist@sheriffleefl.org; jnygaard@sheriffleefl.org; Ottolini, Roland E.; Loveland, David M.; Horsting, Michael S.; Wu, Lili ; Yarbrough, John H.; Sampson, Lindsey J.; Newman, William T.; Smith, Regina Y.; Lavender, James H.; Velez, Sergio I.; Houck, Pamela E.; Sweigert, Rebecca H.; Eckenrode, Peter J.; Pavese, Michael P.; Daltry, Wayne E.; Zettel, Mary S.; Roberts, Rickey G.; Collins, Donna Marie ; wbhorner@flylcpa.com; Wilson, John; Hansen, Hans C.; Griffith, Douglas; mikers@leeschools.net; stfd1@yahoo.com  
**Subject:** CPA 2007-00004 Future Land Use Map Amendment

November 15, 2007

Public Service/Review Agencies  
See Distribution List

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11/28/2007

Interchange.”

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Sincerely,

*Brandy Gonzalez*  
*Principal Planner*  
*Lee County Department of Community Development*  
*Division of Planning*  
*(239) 533-8805 phone*  
*(239) 485-8319*

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- Donna Marie Collins, County Attorney's Office*
- Michael Smith, Lee County School Board*



*William Horner, Airport Authority*  
*Clifford Paxson, South Trail Fire Protection & Rescue District*

**Gonzalez, Brandy L.**

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**From:** Horsting, Michael S.  
**Sent:** Friday, November 30, 2007 11:03 PM  
**To:** Gonzalez, Brandy L.  
**Subject:** RE: CPA 2007-00004 Future Land Use Map Amendment

Brandy,

We have no additional comments at this time and feel the application is fine from the transit perspective.

Mike Horsting, AICP  
Principal Planner - Lee County Transit  
239-533-0333 tel

---

**From:** Gonzalez, Brandy L.  
**Sent:** Thursday, November 15, 2007 11:09 AM  
**To:** Cranford, Richard M.; Campbell, George G.; wbergquist@sheriffleefl.org; jnygaard@sheriffleefl.org; Ottolini, Roland E.; Loveland, David M.; Horsting, Michael S.; Wu, Lili ; Yarbrough, John H.; Sampson, Lindsey J.; Newman, William T.; Smith, Regina Y.; Lavender, James H.; Velez, Sergio I.; Houck, Pamela E.; Sweigert, Rebecca H.; Eckenrode, Peter J.; Pavese, Michael P.; Daltry, Wayne E.; Zettel, Mary S.; Roberts, Rickey G.; Collins, Donna Marie ; wbhorner@flylcpa.com; Wilson, John; Hansen, Hans C.; Griffith, Douglas; mikers@leeschools.net; stfd1@yahoo.com  
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12/3/2007

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