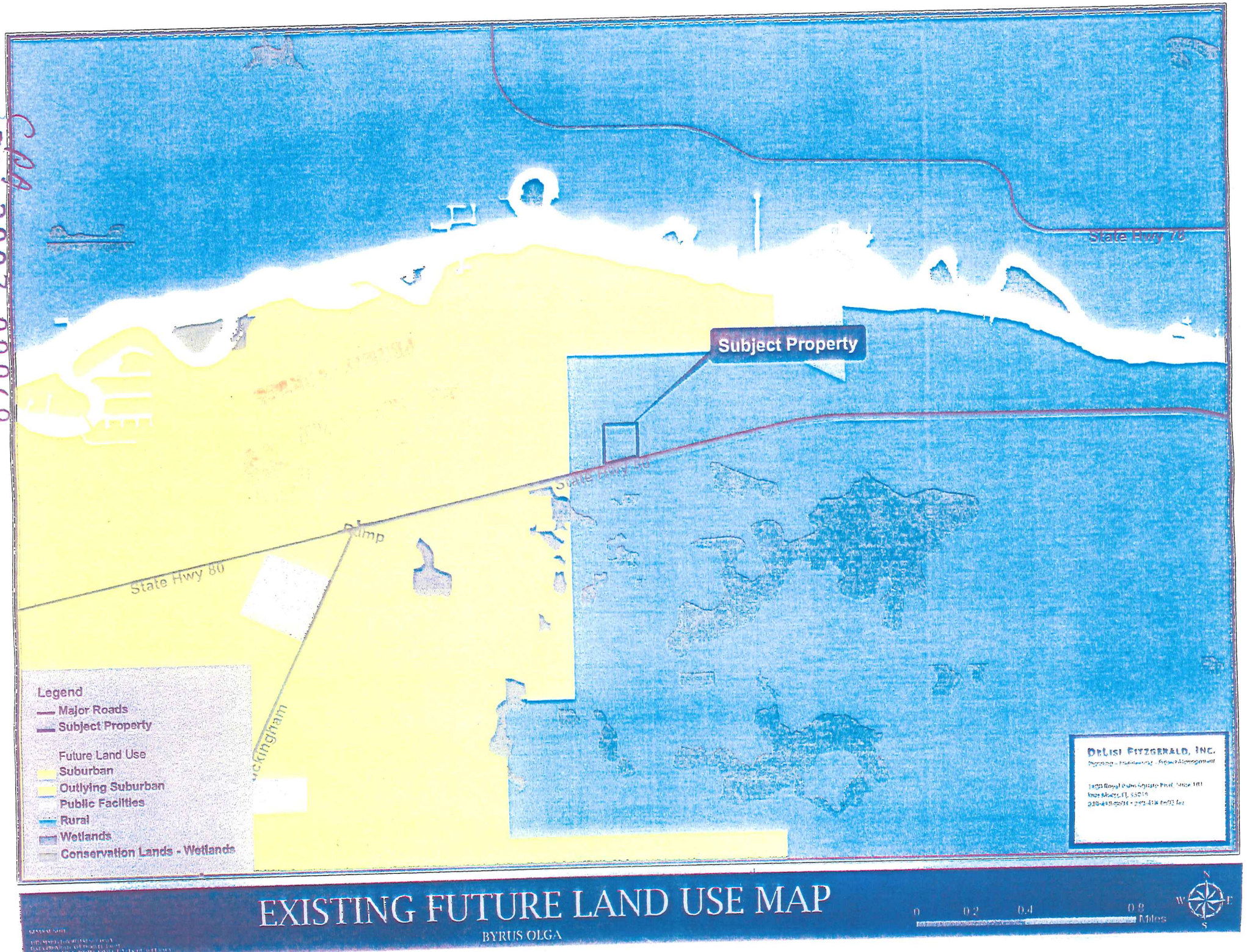
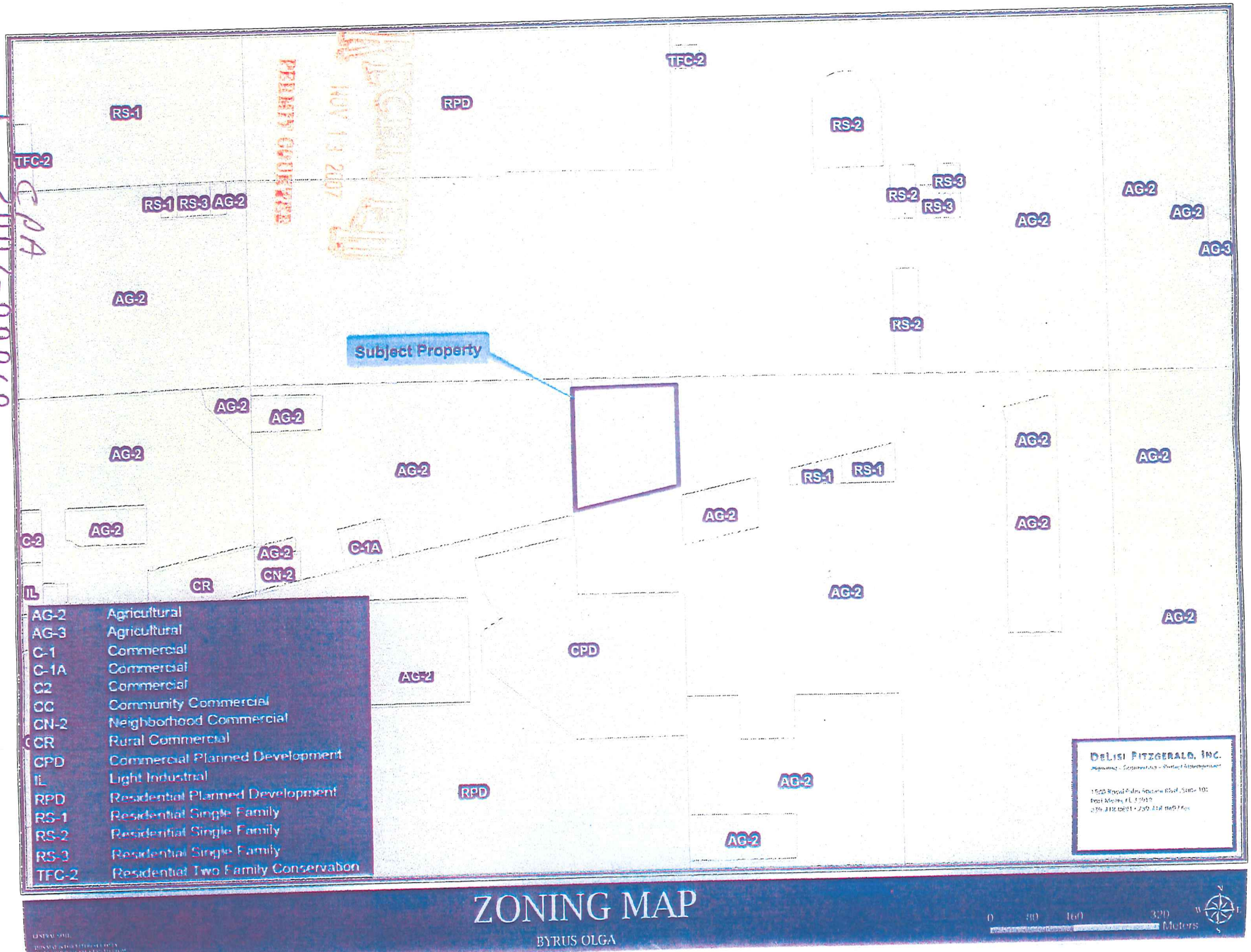


AERIAL PROJECT LOCATION MAP

BYRUS OLGA


Subject Property
State Hwy 78
State Hwy 80
Olimp
Legend
Major Roads
Subject Property
Future Land Use
Suburban
Outlying Suburban
Public Facilities
Rural
Wetlands
Conservation Lands - Wetlands
DeLisi Fitzgerald, Inc.
EXISTING FUTURE LAND USE MAP
BYRUS OLGA
0 0.2 0.4 0.8 Miles
N
W
E
S



ZONING MAP

BYRUS OLGA

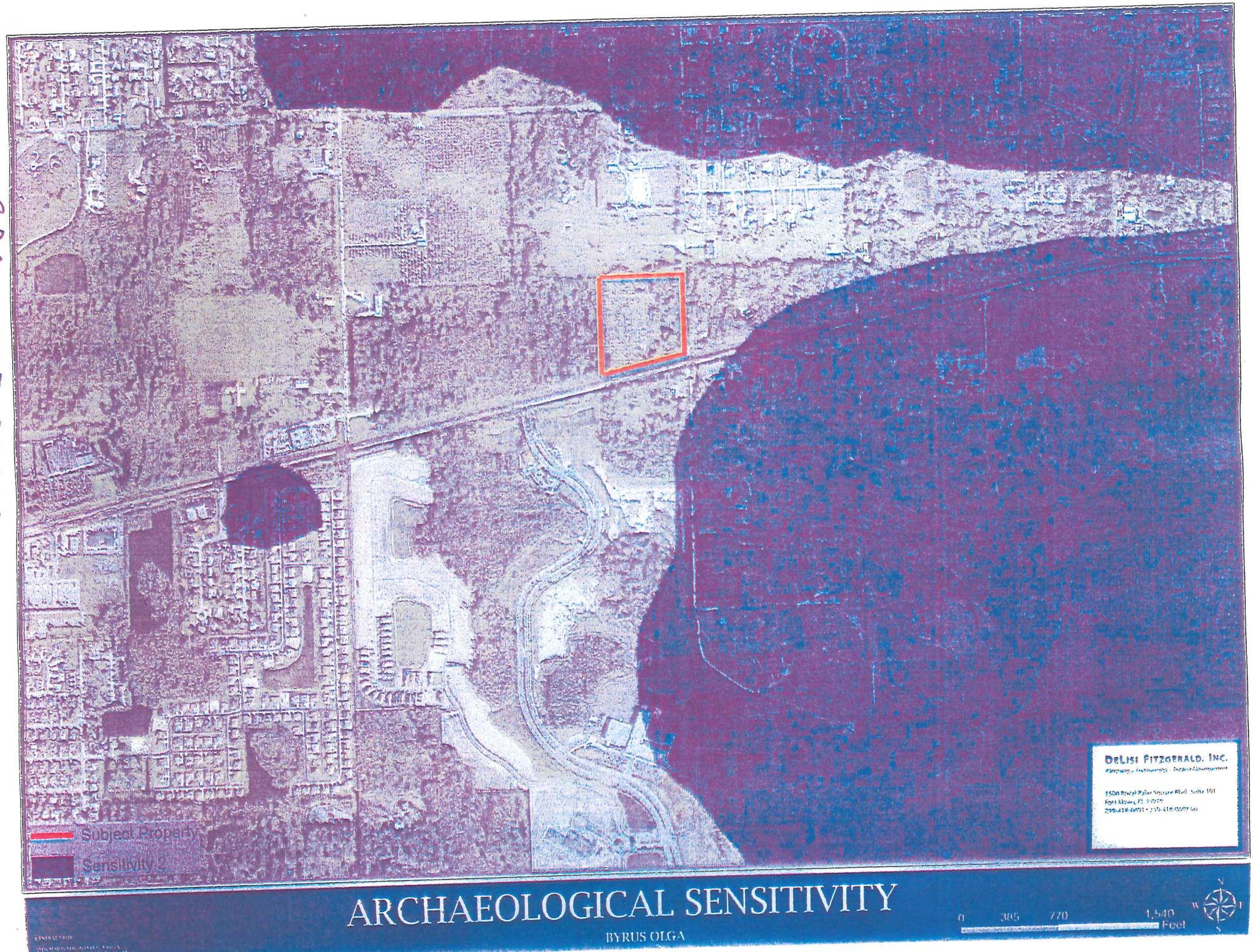

Legend
Subject Property
Land Use
CROPLAND AND PASTURELAND
DISTURBED LAND
INSTITUTIONAL
MIXED RANGELAND
NURSERIES AND VINEYARDS
RESERVOIRS
RESIDENTIAL, LOW DENSITY
RESIDENTIAL, MEDIUM DENSITY
TRANSPORTATION
TREE CROPS
UPLAND CONIFEROUS FOREST
UPLAND HARDWOOD FORESTS
UPLAND SHRUB AND BRUSHLAND
WETLAND CONIFEROUS FOREST
WETLAND FORESTED MIXED
WETLAND HARDWOOD FOREST
DeLisi Fitzgerald, Inc.
Planning - Engineering - Project Management
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Fort Myers, FL 33919
239-418-0691 - 239-418-0692 fax
EXISTING LAND USE
BYRUS OLGA
0
190
380
760
Feet
N
W
E
S



PLANNING COMMUNITIES MAP

BYRUS OLGA

0 0.2 0.4 0.8 1.2 Miles

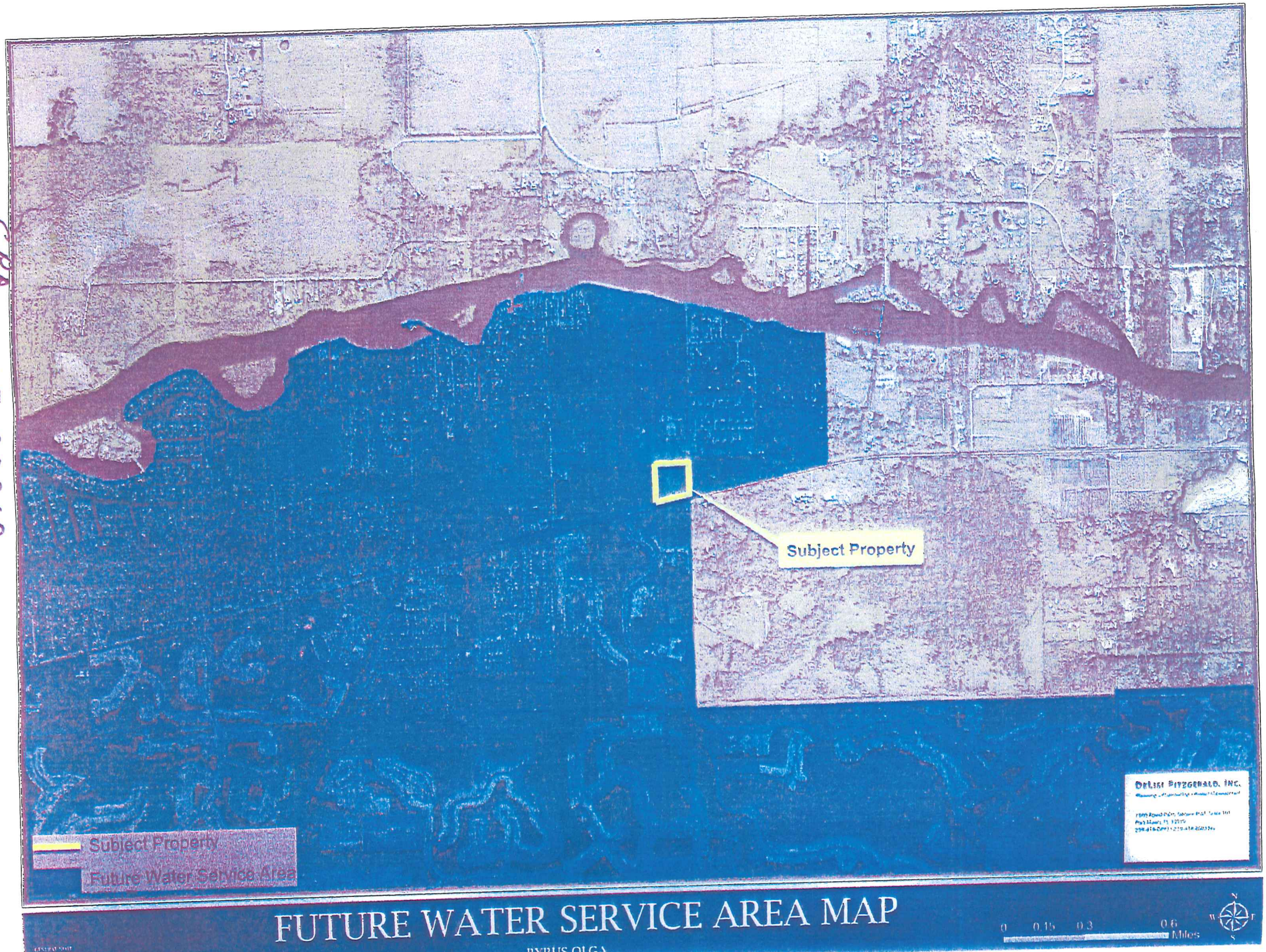

Subject Property
Sensitivity 2
DeLisi Fitzgerald, Inc.
ARCHAEOLOGICAL SENSITIVITY
BYRUS OLGA
0
385
770
1,540
Feet
N
S
W
E


Traverse
River Chase
Oak View
Wise
Wenona
Clark
Lee
Park
Hazel
Riverview
Riverside
Marilyn
Iris
Virginia
Violet
Randolph
Court
Old Olga
Franklin Lock
Sessler
Bigelow
Idalia
Pine
Werner
Olga
Linwood
Brown
Karanan
Palm Beach
Izzi
Ribbon
Renee
Shade
Carter
Legend
Subject Property
1/2 mile buffer
Historic Districts
Streets
DeLisi Fitzgerald, Inc.
0
0.1
0.2
0.4
Miles
HISTORIC DISTRICTS
BYRUS OLGA



FUTURE SEWER SERVICE AREA MAP

BYRUS OLGA



FUTURE WATER SERVICE AREA MAP

BYRUS OLGA

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BYRUS OLGA
COMPREHENSIVE PLAN AMENDMENT

INTRODUCTION

The subject site for this amendment to the Lee County Comprehensive Plan is located within Section 27, Township 43 and Range 26. More specifically, the site is located along Palm Beach Boulevard, three miles east of State Highway 31 at the intersection of Palm Beach and Linwood Avenue. The property is approximately one half mile south of the Caloosahatchee River and is in the Fort Myers Shores planning community. The total area of the property is 9.99 acres. Map 1 shows an aerial location of the subject property with the surrounding road network.

The request of this application is to change the designation of the subject property on the Lee County Future Land Use Map from Rural to Commercial. The proposed amendment would allow for a maximum of 62,500 square feet of office floor area, and 30,000 square feet of retail floor area. It is structured as solely a map amendment due to the scale of the project. The intent of the request is to work with Lee County and the surrounding community to implement county goals through the development of this property- to provide commercial uses that will enhance and serve the residential community.

Surrounding Land Uses, Compatibility, and Area Context

The Bryus Olga property is located in an emerging growth corridor in Lee County. The property is located along Palm Beach Boulevard, a major thoroughfare that connects the Alva community to the City of Fort Myers. West of the property are State Road 31 and Buckingham Road, and extends across the state to Palm Beach County. While rural in character, the historic Olga community remains a predominantly residential area. Larger residential subdivisions exist just west of the property including River Hall/ Hawks Haven. Located along Palm Beach Boulevard and Buckingham Road and southwest of the subject property, River Hall/Hawks Haven is comprised 2,000 acres and approximately 1600 residential units and no commercial component in the surrounding area to serve the residents.

The subject property is a central location between two densely populated communities- the City of LaBelle which is thirteen miles east, and the City of Fort Myers which is seven miles west. The Olga community lies directly to the west which is an area comprised of low density residential.

Community Planning and Coordination

The applicant has been maintained continuous involvement with the creation and revisions to the Olga Community plan. Over the course of the most recent planning process, the creation of a commercial node at this location was the subject of significant discussion. On June 9, 2007 a community meeting was held to determine the level of acceptance for a commercial node at this location and the extension of a collector road through the adjacent property. While the property that is the subject of this application was not the property discussed, the

CPA 2007-00060

subject property has been part of the conversation throughout the planning process. At the June 9th meeting, an overwhelming majority of the participants were in favor of designating the property as commercial.

In conversations with community members, there were two primary benefits to having the subject property designated as commercial. The applicant is committed to continuing to work with the community to enhance the area.

1. Decrease in potential residential units allowed in the area.

2. Limited areas of environmental significance. While other properties in the area have significant vegetation and wetland area, the subject property has limited areas that are valuable as preserve and the small area in the northeast portion of the property that is wetland can be preserved.

Land Use Change Analysis

The Byrus Olga property is currently designated as *Rural* on the Lee County Future Land Use Map and the applicant is requesting a change to Commercial designation. Policy 1.4.1 describes the Rural Land Use Designation and Policy 1.1.10 describes the Commercial Land Use Designation as adopted by the Board of County Commissioners on May 16, 2007.

Policy 1.4.1: The Rural areas are to remain predominantly rural--that is, low density residential, agricultural uses, and minimal non-residential land uses that are needed to serve the rural community. Maximum density in the Rural area is one dwelling unit per acre (1 du/acre).

Policy 1.4.1 states that these areas are not to be programmed to receive urban-type capital improvements, and they can anticipate a continued level of public services below that of the urban areas; however, the subject property is along a major arterial road and the urban infrastructure necessary to support the property is available. The subject property is in an area that no longer fits the rural character described in Policy 1.4.1. With the increase in residential development along Palm Beach Boulevard, the area is transitioning from rural to suburban character. It is important to note that the property is within the Lee County utility service area for both water and sewer (see Map 12- Future Utilities Service Area).

Policy 1.1.10: The Commercial areas are located in close proximity to existing commercial areas or corridors accommodating employment centers, tourist oriented areas, and where commercial services are necessary to meet the project needs of the residential areas of the County. These areas are designated for commercial uses. Residential uses, other than bona fide caretaker residences, are not permitted in this future land use category except to the extent provided in Chapter XIII of the Plan. The Commercial areas are areas where residential uses are not expected or compatible due to the nature of the surrounding land uses and their location along major travel corridors. The commercial designation is intended for use where residential development would increase densities in areas such as the Coastal High Hazard Areas of the County or areas such as Lehigh Acres where residential uses are abundant and existing commercial areas service the residential needs are extremely limited.

The requisite infrastructure needed for commercial development is generally planned or in place. New developments in this category must connect to a potable water and sanitary sewer

system. Commercial retail developments, hotels and motels, banks, all types of office development, research and development, public, and other similar development will predominate in the commercial areas. Limited light industrial uses are also permitted, excluding outdoor storage type uses. Any redesignation of land to the Commercial land use category should occur along major travel corridors and at road intersections. The planned development rezoning process must be used to prevent adverse impacts to the surrounding areas and to ensure that appropriate site development regulations are incorporated into the development plans of each site. A maximum Floor Area Ratio (FAR) of 1 will be used as an index of intensity of development in the commercial category. Development in this future land use category is not required to comply with the site location criteria provided in Goal 6. When appropriate, site development regulations are incorporated into the planned development.

The subject property, as described in Policy 1.1.10, is in close proximity to existing corridors of commercial activity; however, an uneven balance exists between residential development and commercial activity with residential development being the majority of all new development in this area. The proposed plan for the property will provide accessible retail and office space to meet the needs of the residential areas. Located on a major travel corridor and at the intersection of Palm Beach Boulevard and Linwood Avenue, the subject property will be a convenient location for commercial activity for locals and tourists. New office space will allow businesses to locate near residential communities, thus creating a mixed-use hub in this area of Alva.

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

2. Neighborhood Commercial: The major function of the Neighborhood Commercial development is to provide for the sale of convenience goods and personal services such as food, drugs, sundries, and hardware items. Supermarket and drug stores are the typical leading tenants on a site area ranging from 2 to 10 acres. The property must be located as follows (except where this plan provides specific exceptions): At the intersection of an arterial and a collector or two arterials so that direct access is provided to both intersecting roads. Such direct access may be provided via an internal access road to either intersecting road. Range of Gross 30,000 to 100,000 square feet of Floor Area.

The subject property is in compliance with the criteria in Policy 6.1.2. The property is located at the intersection of State Highway 80 and Linwood Avenue, which will provide direct access at two key points. There is limited retail in this area, and the subject property will provide neighborhood commercial conveniences for the surrounding residential community. Additionally, the plan for the site is to create a retail and office commercial site of 9.9 acres, thus maintaining the neighborhood commercial scale.

Justification of Commercial Square Foot

Policy 1.1.10 states that a Floor Area Ratio (FAR) of 1.0 will be used as an index of intensity of development in the commercial category; however, Policy 6.1.2 limits property to 30,000 square feet of retail. Since the subject property is in a non-central urban area, the FAR of 1.0 is both not realistic and appropriate. The proposed square footage for the subject property

was derived using planning standards of 8,000 sq.ft./acre for retail and 10,000 sq.ft./acre for office. These are suburban standards that assumes parking, water management and open spaces.

Spot Planning/Smart Growth

The request for this application is to designate the subject property Commercial. A commercial category cannot be defined as Spot Planning because the subject property creates a shopping node, not a giant commercial area. Rural areas need commercial areas so commuter distances to services can diminish. A single node, such as the subject property, can serve a wide area without being a large commercial center.

DeLisi Fitzgerald, Inc.
Planning – Engineering – Project Management

BYRUS OLGA
UTILITIES ANALYSIS

Under the current land use designation of the Comprehensive Plan, the subject property can be developed with 9 units generating an approximate water and wastewater demand of 2,250 gallons-per-day (GPD). With the amendment, 62,500 square-feet of office and 30,000 square-feet of retail will be allowed which increases the demands by 10,125 GPD, for a total demand of 12,375 GPD.

Wastewater service will be provided by Lee County Utilities (LCU) via the City of Fort Myers Central Plant which has a permitted capacity of 6.0 million gallons per day (MGD) while currently operating at 3.69 MGD. There is an existing force main located approximately 700' to the west on the north side of SR80.

Water service will be provided by LCU via the Olga Water Treatment Plant which has a permitted capacity of 5.39 MGD while currently operating at 2.88 MGD. An existing 24" water main is located on the north side of SR 80, abutting the southern property line of the subject property.

Based on current capacities, there will be excess capacity for each utility serving the demand of the proposed development. There will be nearly 2.3 MGD of excess capacity available for wastewater service and 2.5 MGD of excess capacity for potable water service.

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BYRUS OLGA
DRAINAGE FACILITIES ANALYSIS

Existing Facilities

The subject property consists mostly of fallow farm fields with the remainder comprised of hardwood forest and various agriculture related structures. There are no dedicated water management facilities that currently exist on the property which allows surface water run-off and pollutants to discharge directly to the Palm Beach Boulevard (SR 80) ROW and ultimately the Caloosahatchee River.

Proposed Facilities

The proposed development will include a water management system consisting of lakes and dry detention areas that will provide water quality and quantity treatment prior to discharge into the Caloosahatchee River. The ability to incorporate a modern water management system in place of the uncontrolled surface discharge from the developed areas of the property should allow for the reduction of pollutants discharging directly to the surrounding water bodies.

Level of Service

The proposed project will provide water quality volume in the amount of 2.5" over the impervious area of the site, attenuation for the 25 year, 3 day storm event, and flood protection from the 100 year storm event. All proposed works will follow the current South Florida Water Management District requirements as a minimum. These include meeting the 5 year, 1 day design storm stage for the road centerlines and parking, the 25 year, 3 day design storm event for allowable discharge control, and the 100 year, 3 day and FEMA flood zones for finished floor elevations.

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TR TRANSPORTATION CONSULTANTS, INC.

13881 PLANTATION ROAD, SUITE 11
FORT MYERS, FL 33912-4339
OFFICE 239.278.3090
FAX 239.278.1906

TRAFFIC ENGINEERING
TRANSPORTATION PLANNING
SIGNAL SYSTEMS/DESIGN

MEMORANDUM

TO: Mr. Daniel DeLisi, AICP
DeLisi Fitzgerald, Inc.

FROM: David L. Wheeler, E.I.
Transportation Consultant

Ted B. Treesh
President

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DATE: September 21, 2007

CPA 2007-00060

RE: Byrus Olga Property
Small Scale Comprehensive Plan Amendment
Lee County, Florida

TR Transportation Consultants, Inc. has completed a traffic circulation analysis for the Byrus Olga Property pursuant to the requirements outlined within the application document for Comprehensive Plan Amendment requests. This analysis will determine the impacts of the requested land use change from Rural to Commercial. The approximately 9.99-acre site is located on the north side of Palm Beach Boulevard (S.R. 80) just west of its intersection with Linwood Avenue in Lee County, Florida.

The transportation related impacts of the proposed Comprehensive Plan Amendment were evaluated pursuant to the criteria in the application document. This included an evaluation of the long range impact (20-year horizon) and short range impact (5-year horizon) the proposed amendment would have on the existing and future roadway infrastructure.

The proposed Map Amendment would change the future land use designation on the subject site from Rural to Commercial. Based on the existing land use designation (Rural) the subject site could be developed with up to approximately 10 single-family dwelling units. Based on the proposed land use designation (Commercial) the subject site could be developed with up to approximately 62,500 square feet of office uses and up to approximately 30,000 square feet of retail uses. **Table 1** highlights the intensity of uses that could be constructed under the existing land use designation and the intensity of uses under the proposed land use designation.

Table 1
Land Uses
Byrus Olga Property

Land Use Category	Intensity
Existing Land Uses	10 single-family dwelling units
Proposed Land Uses	62,500 sq. ft. of retail uses
	30,000 sq. ft. of office uses

The trip generation for the site was determined by referencing the Institute of Transportation Engineer's (ITE) report, titled *Trip Generation*, 7th Edition. Land Use Code 210 (Single-Family Detached Housing) was utilized for the trip generation purposes of the uses permitted under the existing Rural land use designation. Land Use Code 710 (General Office Building) and Land Use Code 820 (Shopping Center) were utilized for the trip generation purposes of the uses permitted under the proposed Commercial land use designation. **Table 2** indicates the potential trip generation of the Byrus Olga Property based on the existing land use designation (Rural).

Table 2
Trip Generation
Existing Land Use Designation
Byrus Olga Property

Land Use	A.M. Peak Hour			P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Single-Family Housing (10 dwelling units)	5	10	15	10	5	15	125

Table 3 indicates the potential trip generation of the Byrus Olga Property based on the proposed land use designation (Commercial).

Table 3
Trip Generation
Proposed Land Use Designation
Byrus Olga Property

Land Use	A.M. Peak Hour			P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
General Office (62,500 square feet)	115	15	130	25	125	150	930
Retail (30,000 square feet)	45	30	75	135	150	285	3,105
Total Trips	**160**	**45**	**205**	**160**	**275**	**435**	**4,035**

Table 4 indicates the trip generation difference between the proposed and existing land use designations.

Table 4
Trip Generation
Byrus Olga Property

Land Use	A.M. Peak Hour			P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Proposed Land Use Designation (62,500 s.f. office & 30,000 s.f. retail)	160	45	205	160	275	435	4,035
Existing Land Use Designation (10 single-family dwelling units)	-5	-10	-15	-10	-5	-15	-125
Resultant Trip Change	**155**	**35**	**190**	**150**	**270**	**420**	**3,910**

Long Range Impacts (20-year horizon)

The Lee County Metropolitan Planning Organization's (MPO) 2030 Long Range Transportation Plan was reviewed to determine if any future roadway improvements were planned in the vicinity of the subject site. Based on the review there are no roadway improvements programmed within the vicinity of the subject site that are designated as financially feasible. However, there are two improvements currently programmed within the 2030 Long Range Transportation Plan in the vicinity of the subject site that are designated as Contingent based upon additional funding. These improvements include the widening of Palm Beach Boulevard (S.R. 80) from its existing four-lane cross section to six-lanes from Arcadia Road (S.R. 31) to Buckingham Road and the widening of Buckingham Road from its existing two-lane cross section to four-lanes from Palm Beach Boulevard (S.R. 80) to Gunnery Road.

The Lee County Metropolitan Planning Organization's (MPO) long range transportation travel model was also reviewed in order to determine the impacts the amendment would have on the surrounding area. The subject site lies within Traffic Analysis Zone (TAZ) 1305. The model has both productions and attractions included in this zone. The productions include both single-family homes and multi-family units. The attractions include industrial employment, commercial employment, and service employment. **Table 5** identifies the land uses currently contained in the long range travel model utilized by the MPO and Lee County for the Long Range Transportation Analysis.

Table 5
TAZ 1305
Land Uses in Existing Travel Model (2030)

Land Use Category	Intensity
Single Family Homes	116 dwelling units
Multi-Family Homes	3 dwelling units
Industrial Employment	54 employees
Commercial Employment	52 employees
Service Employment	80 employees

The proposed change in land use designation on the subject site from Rural to Commercial would change the site into an attraction of trips instead of a production of trips. More specifically, the proposed small scale map amendment would attract approximately 287 commercial and service employees to TAZ 1305. However, based on the uses currently existing within TAZ 1305, there are very few sources of employment. Therefore, the majority of the commercial and service employees that would be generated by the proposed development are already accounted for in the travel model. It is not anticipated that the minor increase in employment, beyond the employment already accounted for within TAZ 1305, would have a significant impact to the existing 2030 travel model. Therefore, no modifications to the existing 2030 travel model are warranted as a result of this analysis.

Short Range Impacts (5-year horizon)

The 2006/2007-2010/2011 Lee County Transportation Capital Improvement Plan and the 2007-2011 Florida Department of Transportation Adopted Work Program were reviewed to determine the short term impacts the proposed land use change would have on the surrounding roadways. Based on this review there are no programmed improvements in the vicinity of the subject site.

The proposed map amendment will increase the overall trip generation of the subject site by approximately 190 vehicles during the A.M. peak hour and approximately 420 vehicles during the P.M. peak hour. **Table 1A** and **Table 2A** attached to this report indicate the projected 5-year planning Level of Service on Palm Beach Boulevard (S.R. 80) based on the uses that would be permitted under the proposed land use designation. From Table 2A, Palm Beach Boulevard (S.R. 80) is anticipated to operate at a Level of Service "C" in 2012 both with and without the trips from the proposed development. Therefore, based on this analysis no modifications will be necessary to the Lee County or FDOT short term capital improvement program.

Conclusion

The proposed Comprehensive Plan Amendment is to modify the future land use designation on the subject site from Rural to Commercial. The approximately 9.99-acre site is located on the north side of Palm Beach Boulevard (S.R. 80) just west of its intersection with Linwood Avenue in Lee County, Florida. Based on the analysis, no modifications are necessary to the Short Term or the Long Range Transportation plan to support the proposed Comprehensive Plan Amendment. In addition, no modifications to the socio-economic data forecasts are necessary as a result of this application as the proposed Comprehensive Plan Amendment is not anticipated to significantly increase the employment within TAZ 1305. Site specific road improvements such as turn lanes, traffic control devices, etc. will be further evaluated at the re-zoning and Development Order stages as the property is developed. The project will proceed through the zoning and Development Order process and be subject to the Concurrency Management System requirements in effect at the time of this process.

Attachments

AERIAL PR

DELISI FITZGERALD
PROJECT MANAGEMENT, LLC
Planning – Engineering – Project Management

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TABLE 1A
PEAK DIRECTION PROJECT TRAFFIC VS. 10% LOS C LINK VOLUMES
BYRUS OLGA PROPERTY

TOTAL AM PEAK HOUR PROJECT TRAFFIC = 190 VPH IN= 155 OUT= 35

TOTAL PM PEAK HOUR PROJECT TRAFFIC = 420 VPH IN= 150 OUT= 270

ROADWAY	SEGMENT	ROADWAY CLASS	LOS A VOLUME	LOS B VOLUME	LOS C VOLUME	LOS D VOLUME	LOS E VOLUME	PERCENT PROJECT TRAFFIC	PROJECT TRAFFIC	PROJ/ LOS C
Palm Beach Blvd (S.R. 80)	E. of Linwood Ave.	4LD	1,690	2,040	2,050	2,050	2,050	10%	27	1.3%
	W. of Linwood Ave.	4LD	1,690	2,040	2,050	2,050	2,050	90%	243	11.9%

* Level of Service Thresholds obtained from Lee County Link Specific Peak Hour Directional Service Volumes

TABLE 2A
LEE COUNTY TRAFFIC COUNTS AND CALCULATIONS
BYRUS OLGA PROPERTY

TOTAL PROJECT TRAFFIC AM = 190 VPH IN = 155 OUT = 35

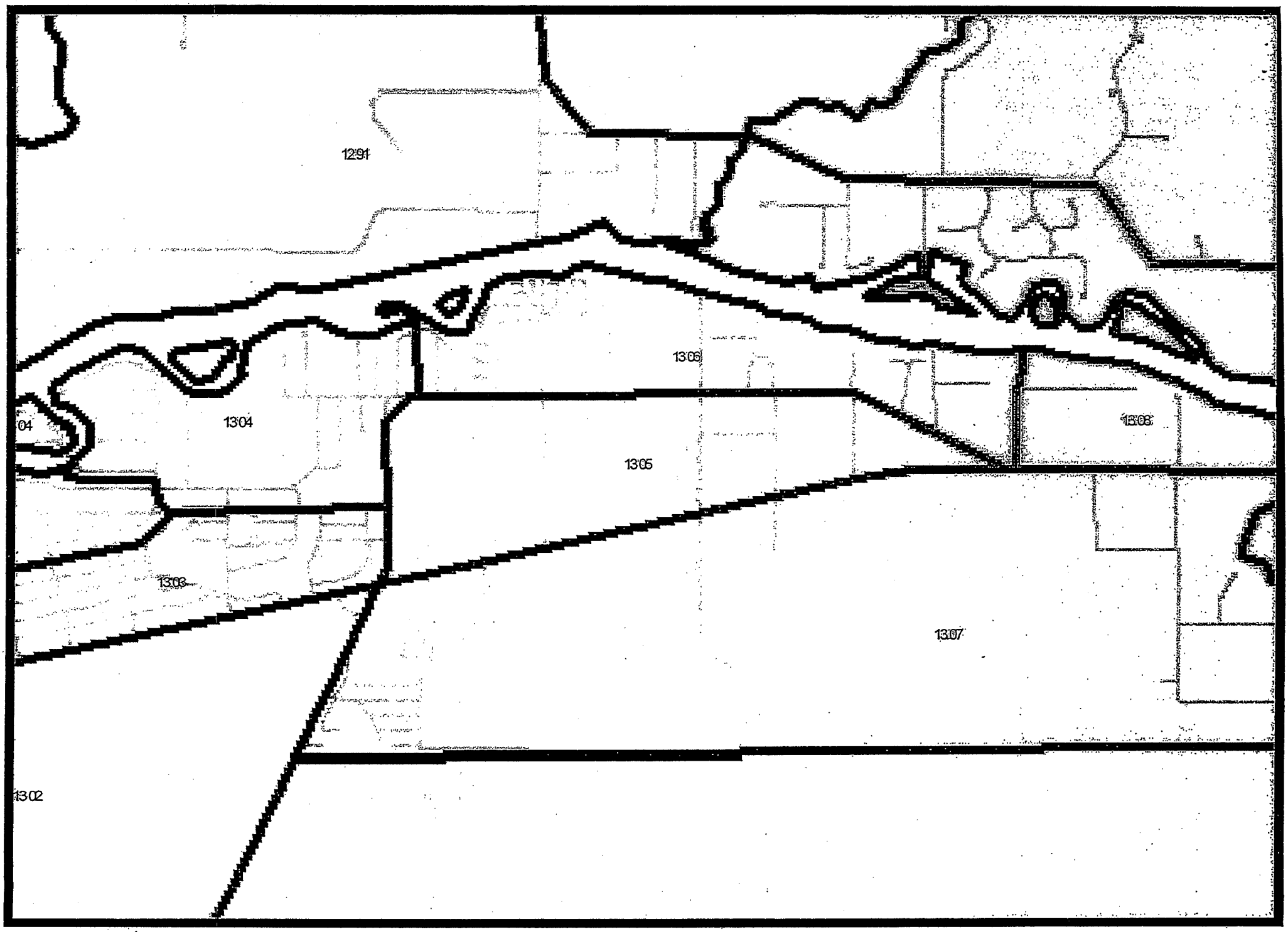
TOTAL PROJECT TRAFFIC PM = 420 VPH IN = 150 OUT = 270

ROADWAY	SEGMENT	PCS	BASE YR ADT	2006 ADT	YRS OF GROWTH	ANNUAL RATE	2007 PK HR PK SEASON PEAK DIR.	2012 PK HR PK SEASON PEAK DIR.	PERCENT PROJECT TRAFFIC	AM PROJ TRAFFIC	PM PROJ TRAFFIC	2012 BCKGRND + AM PROJ TRAFFIC	2012 BCKGRND + PM PROJ TRAFFIC
Palm Beach Blvd (S.R. 80)	E. of Linwood Ave.	5	13,700	25,700	9	7.24%	1,271	1,803	10%	16	27	1,818	1,830
	W. of Linwood Ave.	5	13,700	25,700	9	7.24%	1,271	1,803	90%	140	243	1,942	2,046

* The 2007 Peak Hour, Peak Season, Peak Direction Traffic Volume was obtained from the 2006/2007-2007/2008 Lee County Concurrency Management Inventory and Projections Report, dated June 2007

100TH HIGHEST HOUR LOS ANALYSIS

	2012 BCKGRND TRAFFIC LOS	2012 BCKGRND + AM PROJ LOS	2012 BCKGRND + PM PROJ LOS
Palm Beach Blvd (S.R. 80) E. of Linwood Ave.	B	B	B
W. of Linwood Ave.	B	B	C


1291
1306
1304
1308
1305
1308
1307
1302

TYPICAL EMPLOYMENT CONVERSION FACTORS

(October, 1991)

Land Use	Employees/ 1,000 Sq. Ft.[1]	Source[2]
Industrial		
Industrial	1.89	DCA
General Light Industrial	2.16	ITE, p. 82
Industrial Park	2.00	ITE, p. 125
Warehousing	1.28	ITE, p. 183
Office		
General Office, Below 100,000	3.39 4.80	ITE, p. 940 DCA
General Office, 100,000-200,000	3.84 4.40	ITE, p. 940 DCA
General Office, 201,000-500,000	3.22 3.50	ITE, p. 940 DCA
General Office, Above 500,000	2.88 3.50	ITE, p. 940 DCA
General Office, Average	3.29 4.00	ITE, p. 940 DCA
Medical-Dental Office Building	4.83	ITE, p. 975
Office Park	3.59	ITE, p. 1036
Research and Development Center	2.47	ITE, p. 1058
Retail/Commercial		
Retail/Commercial	2.50	DCA

LINK-SPECIFIC SERVICE VOLUMES ON ARTERIALS IN LEE COUNTY (2004 DATA)

ROAD SEGMENT	FROM	TO	TRAFFIC DISTRIC	LENGTH (MILE)	ROAD TYPE	SERVICE VOLUMES (PEAK HOUR PEAK DIRECTION)					SERVICE VOLUMES (PEAK HOUR--BOTH DIRECTION				
						A	B	C	D	E	A	B	C	D	E
PINE ISLAND RD/ BAYSHORE RD (SR 78)	SANTA BARBARA BLVD	DEL PRADO BLVD	5	2.3	4LD	0	1,360	2,010	2,100	2,100	0	2,420	3,580	3,740	3,74
	DEL PRADO BLVD	BARNETT RD	5	2.1	4LD	0	1,360	2,010	2,100	2,100	0	2,420	3,580	3,740	3,74
	BARNETT RD	US 41	2	0.5	4LD	0	1,360	2,010	2,100	2,100	0	2,420	3,580	3,740	3,74
	US 41	BUSINESS 41	2	1.2	4LD	0	0	1,250	1,900	1,990	0	0	2,440	3,720	3,90
	BUSINESS 41	HART RD	2	1.1	4LD	0	0	1,250	1,900	1,990	0	0	2,440	3,720	3,90
	HART RD	BREWERS RD	2	0.4	4LD	0	0	1,250	1,900	1,990	0	0	2,440	3,720	3,90
	BREWERS RD	SLATER RD	2	0.8	4LD	0	0	1,250	1,900	1,990	0	0	2,440	3,720	3,90
	SLATER RD	I-75	2	2.9	4LD	450	1,630	1,900	1,950	1,950	840	3,020	3,510	3,600	3,60
	I-75	NALLE RD	2	0.6	2LN	120	260	420	670	1,080	240	500	830	1,310	2,11
	NALLE RD	SR 31	2	2.7	2LN	120	260	420	670	1,080	240	500	830	1,310	2,11
PONDELLA RD	SR 78	WESTWOOD RD	5	0.9	4LD	0	0	1,380	1,920	2,010	0	0	2,510	3,490	3,65
	WESTWOOD RD	ORANGE GROVE BLVD	2	0.6	4LD	0	0	1,380	1,920	2,010	0	0	2,510	3,490	3,65
	ORANGE GROVE BLVD	US 41	2	1.6	4LD	0	0	1,380	1,920	2,010	0	0	2,510	3,490	3,65
	US 41	BUS 41	2	0.6	4LD	0	0	1,380	1,920	2,010	0	0	2,510	3,490	3,65
SAN CARLOS BLVD	ESTERO BLVD	MAIN ST	4	0.6	2LB	90	280	590	850	1,080	170	550	1,160	1,660	2,12
	MAIN ST	SUMMERLIN RD	4	2.5	4LD	0	1,530	1,910	1,980	1,980	0	3,000	3,750	3,880	3,88
	SUMMERLIN RD	KELLY RD	4	1.1	2LN	0	670	960	1,000	1,000	0	1,260	1,810	1,890	1,89
	KELLY RD	McGREGOR BLVD	4	0.6	2LN	0	670	960	1,000	1,000	0	1,260	1,810	1,890	1,89
SANDY LN	CORKSCREW RD	SOUTH END	4	2.7	4LD	0	0	1,240	1,710	1,800	0	0	2,290	3,160	3,34
SANIBEL CAUSEWAY	SANIBEL SHORELINE	TOLL PLAZA	4	2.9	2LN	0	170	520	730	930	0	310	970	1,360	1,73
SIX MILE CYPRESS	US 41	METRO PKWY	4	1.2	4LD	460	1,680	1,960	2,020	2,020	890	3,230	3,780	3,880	3,88
	METRO PKWY	DANIELS PKWY	4	1.8	4LD	460	1,680	1,960	2,020	2,020	890	3,230	3,780	3,880	3,88
	DANIELS PKWY	WINKLER EXT.	4	3.7	4LD	270	1,620	1,970	2,030	2,030	500	3,000	3,650	3,760	3,76
	WINKLER EXT.	CHALLENGER BLVD	4	0.8	4LD	840	1,760	1,830	1,830	1,830	1,560	3,260	3,390	3,390	3,39
	CHALLENGER BLVD	COLONIAL BLVD	4	0.5	6LD	1,260	2,650	2,740	2,740	2,740	2,330	4,910	5,080	5,080	5,08
SLATER RD	SR 78	NALLE GRADE RD	2	4.0	2LN	0	170	380	570	970	0	340	740	1,120	1,91
SR 31	SR 80	SR 78	2 & 3	1.4	2LN	120	240	390	620	1,010	200	400	650	1,040	1,68
	SR 78	N. RIVER RD	2	1.3	2LN	120	240	390	620	1,010	200	400	650	1,040	1,68
	N. RIVER RD	COUNTY LINE	2	2.0	2LN	120	240	390	620	1,010	200	400	650	1,040	1,68
SR 80	PROSPECT AVE	ORTIZ AVE	1	1.3	4LD	0	810	1,790	1,980	2,030	0	1,360	2,980	3,300	3,38
	ORTIZ AVE	I-75	1	1.2	6LD	0	1,230	2,730	2,970	3,040	0	2,040	4,550	4,950	5,07
	I-75	SR 31	3	2.7	6LD	2,570	3,070	3,080	3,080	3,080	4,280	5,110	5,130	5,130	5,13
	SR 31	BUCKINGHAM RD	3	2.5	4LD	1,690	2,040	2,050	2,050	2,050	2,810	3,410	3,420	3,420	3,42
	BUCKINGHAM RD	HICKEY CREEK RD	3	2.5	4LD	1,690	2,040	2,050	2,050	2,050	2,810	3,410	3,420	3,420	3,42
	HICKEY CREEK RD	MITCHELL AVE	3	0.9	4LD	910	1,470	2,130	2,760	3,130	1,520	2,460	3,550	4,600	5,22
	MITCHELL AVE	JOEL BLVD	3	4.0	4LD	910	1,470	2,130	2,760	3,130	1,520	2,460	3,550	4,600	5,22
	JOEL BLVD	COUNTY LINE	3	2.2	4LD	910	1,470	2,130	2,760	3,130	1,520	2,460	3,550	4,600	5,22
STRINGFELLOW RD	1ST AVE	PINE ISLAND RD	6	7.9	2LN	0	150	350	550	1,010	0	260	620	990	1,80
	PINE ISLAND RD	PINELAND RD	6	3.3	2LN	0	150	350	550	1,010	0	260	620	990	1,80
	PINELAND RD	MAIN ST	6	3.7	2LN	0	150	350	550	1,010	0	260	620	990	1,80

PERIODIC COUNT STATION DATA

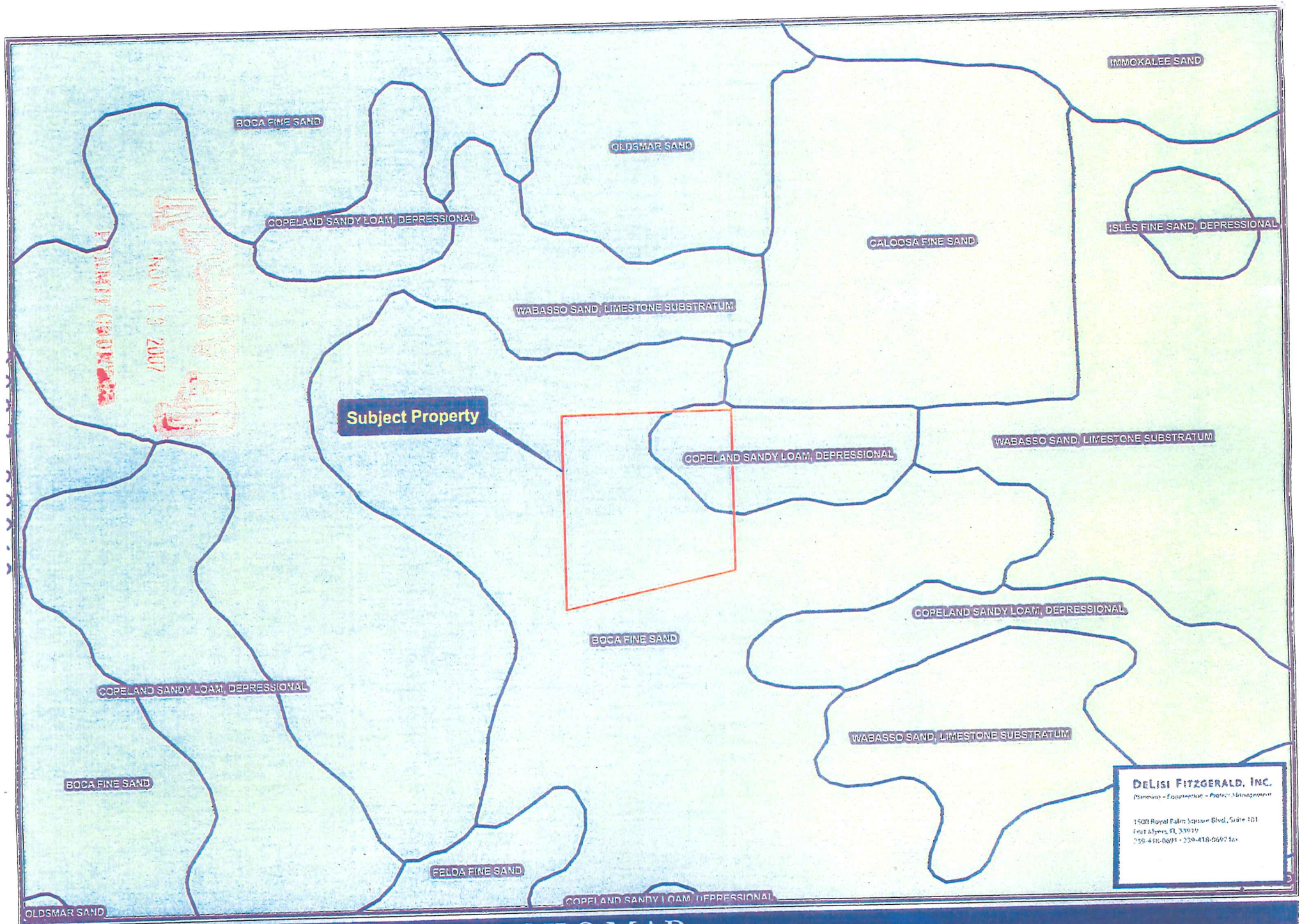
STREET	LOCATION	Loc. #	P	Daily Traffic Volume (AADT) 1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	PERM. COUNT STATION
ORANGE BLVD	S OF PALM BEACH BLVD	353	D	7400	4100	7200	6900	7000	7800	7300	7400	6100	8300	5
	E OF STALEY RD	352	D	4800	4900	5000	4500	4400	5600	5800	5900	7100	8300	5
ORIOLE RD	S OF ALICO RD	462	H	1800	3000	3000	2500	2900	2600	2600	2300	2400	2800	25
ORTIZ AVE	N OF COLONIAL BLVD	354	E	11000	10400	11700	9900	12800	13500	13700	18100	18300	17600	18
	N OF MLK BLVD (SR 80)	451	A	11700	14600	12100	11700	18300	16700	U/C	15100	17000	17900	18
	N OF TICE ST	450	A	7200	6600	13900	6400	6800	7200	8400	7900	6500	16100	18
PALM BEACH BLVD (SR 80)	W OF ORTIZ BLVD		A											
	W OF TICE STREET	452	A	24800	25500	26300	26400	27100	28700	28700	27800	29100	30100	5
	E OF ORTIZ BLVD	361	A	24100	25700	25700	27000	25800	27400	29200	27000	28000	28400	5
	W OF SR 31	5	D	22700	23800	24500	24900	25300	25000	22800	25800	23900	28100	
	E OF I-75	360	D	24700	24700	25000	25400	27000	27500	27300	29400	31700	35200	5
	E OF BUCKINGHAM RD	362	D	13700	14200	15400	14900	15800	16800	18100	18900	21900	25700	5
	W OF HENDRY/COLLIER CO LINE	450	D	9200	9700	10500	9300	9000	11200	12100		15700	17300	5
PALOMINO DR	N OF DANIELS	501	E	600	500	1500	700	700	2100			5000	4500	31
PAUL J DOHERTY PKWY	E OF DANIELS PKWY	504	E							1600	1700	1400	1000	800	31
PARK MEADOWS DR	W OF US 41	363	E	4300	4300	4200	4200	4700	3800	3400	3300	4000	3800	9
PELICAN AVE	W OF SR 41	464	H	3500	2400	4000	3700	3400	4100	4100	4000	4000	4300	16
PENZANCE BLVD	W OF SIX MILE CYPRESS PKW	483	E	900	1000	1200	1100	1500	1600	2100	2500	2300	2400	45
PERIWINKLE DR	E OF CAUSEWAY RD									4800				
	W OF CAUSEWAY RD									17500				
PINE ISLAND RD	S OF MAIDEN LN	351	E	10000	10300	10400	10500	10900	11200	11500	12200	11900	11500	

ROADWAY LINK NAME	FROM	TO	ROAD TYPE	PERFORMANCE STANDARD		2006 100th HIGHEST HR		EST 2007 100th HIGHEST HR		FORECAST FUTURE VOL		NOTES*	LINK NO.
				LOS	CAPACITY	LOS	VOLUME	LOS	VOLUME	LOS	VOLUME		
PALM BEACH BL (SR 80)	I-75	SR 31	6LD	D	3,080	A	1,453	A	1,579	A	1,861		20100
PALM BEACH BL (SR 80)	SR 31	BUCKINGHAM RD	4LD	D	2,050	B	1,700	B	1,750	B	1,841		20200
PALM BEACH BL (SR 80)	BUCKINGHAM RD	WERNER DR	4LD	D	2,050	A	1,241	A	1,271	F	2,141		20300
PALM BEACH BL (SR 80)	WERNER DR	JOEL BL	4LD	C	2,130	A	845	A	849	A	849		20330
PALM BEACH BL (SR 80)	JOEL BLVD	HENDRY COUNTY LINE	4LD	C	2,130	A	845	A	854	B	990		20400
PALOMINO RD	DANIELS PKWY	PENZANCE BL	2LU	E	860	C	199	C	200	C	220		20500
PARK MEADOW DR	SUMMERLIN RD	US 41	2LU	E	860	C	143	C	144	C	151		20600
PENZANCE BL	RANCHETTE RD	SIX MILE CYPRESS PKWY	2LU	E	860	C	126	C	129	C	193		20800
PINE ISLAND RD	STRINGFELLOW BL	BURNT STORE RD	2LN	E	1,010	E	590	E	591	E	598	Constrained in part v/c = 0.59	20900
PINE ISLAND RD (SR 78)	BARRETT RD	US 41	4LD	E	2,100	B	1,061	B	1,077	B	1,077		21400
PINE ISLAND RD (SR 78)	US 41	BUSINESS 41	4LD	E	1,990	D	1,487	D	1,500	D	1,500		21500
PINE RIDGE RD	SAN CARLOS BL	SUMMERLIN RD	2LU	E	860	D	473	D	473	D	533		21600
PINE RIDGE RD	SUMMERLIN RD	GLADIOLUS BL	2LU	E	860	C	252	C	282	C	300		21700
PINE RIDGE RD	GLADIOLUS DR	McGREGOR BL	2LU	E	860	C	284	C	284	C	284		21800
PLANTATION RD	SIX MILE CYPRESS PKWY	DANIELS PKWY	2LU	E	860	D	613	D	645	F	1,061	4 Ln construction scheduled in 2010/11	21900
PLANTATION RD	DANIELS PKWY	IDLEWILD ST	2LU	E	860	C	155	C	188	C	222		22000
PONDELLA RD	ORANGE GROVE BL	US 41	4LD	E	2,010	C	1,216	C	1,217	C	1,217		22200
PONDELLA RD	US 41	BUSINESS 41	4LD	E	2,010	C	996	C	997	C	997	Hancock Br Pkwy Ext corridor study proposed in 2007/08	22300
PRICHETT PKWY	BAYSHORE RD	RICH RD	2LU	E	860	B	103	B	103	B	103		22400
RANCHETTE RD	PENZANCE BL	IDLEWILD ST	2LU	E	860	B	73	B	73	B	73		22500
RICH RD	SLATER RD	PRITCHETT PKWY	2LU	E	860	B	81	B	81	B	81		22600
RICHMOND AVE	LEELAND HEIGHTS BL	E 12th ST	2LU	E	860	B	89	C	150	C	169		22700
RICHMOND AVE	E 12th ST	GREENBRIAR BL	2LU	E	860	B	61	B	107	B	107		22800

TRIP GENERATION EQUATIONS

BYRUS OLGA PROPERTY – COMPREHENSIVE PLAN AMENDMENT
ITE TRIP GENERATION REPORT, 7th EDITION

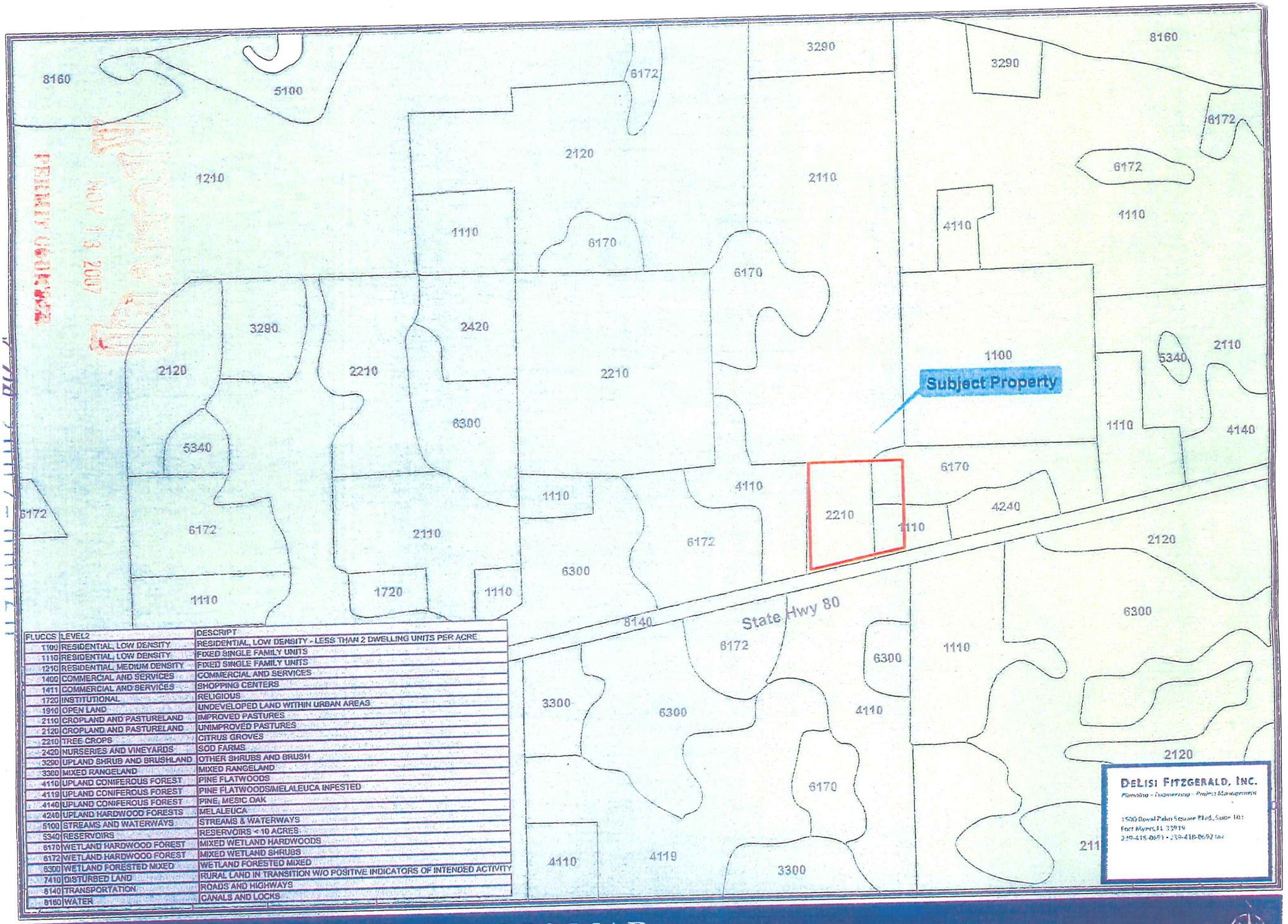
Land Use	Weekday AM Peak Hour	Weekday PM Peak Hour	Weekday
Single-Family Detached Housing (LUC 210)	T = 0.70 (X) + 9.43 (25% In/75% Out)	Ln (T) = 0.90 Ln (X) + 0.53 (63% In/37% Out)	Ln (T) = 0.92 Ln (X) + 2.71
T = Number of Trips, X = Number of Dwelling Units			
General Office Building (LUC 710)	Ln (T) = 0.80 Ln (X) + 1.55 (88% In/12% Out)	T = 1.12 (X) + 78.81 (17% In/83% Out)	Ln (T) = 0.77 Ln (X) + 3.65
T = Number of Trips, X = 1000's of Square Feet of Gross Leasable Area (GLA)			
Shopping Center (LUC 820)	Ln (T) = 0.60 Ln (X) + 2.29 (61% In/39% Out)	Ln (T) = 0.66 Ln (X) + 3.40 (48% In/52% Out)	Ln (T) = 0.65 Ln (X) + 5.83
T = Number of Trips, X = 1000's of Square Feet of Gross Leasable Area (GLA)			



SOILS MAP

BYRUS OLGA

Source: Southwest Florida Water Management District



FLUCCS	LEVEL2	DESCRIPT
1100	RESIDENTIAL, LOW DENSITY	RESIDENTIAL, LOW DENSITY - LESS THAN 2 DWELLING UNITS PER ACRE
1110	RESIDENTIAL, LOW DENSITY	FIXED SINGLE FAMILY UNITS
1210	RESIDENTIAL, MEDIUM DENSITY	FIXED SINGLE FAMILY UNITS
1400	COMMERCIAL AND SERVICES	COMMERCIAL AND SERVICES
1411	COMMERCIAL AND SERVICES	SHOPPING CENTERS
1720	INSTITUTIONAL	RELIGIOUS
1910	OPEN LAND	UNDEVELOPED LAND WITHIN URBAN AREAS
2110	CROPLAND AND PASTURELAND	IMPROVED PASTURES
2120	CROPLAND AND PASTURELAND	UNIMPROVED PASTURES
2210	TREE CROPS	CITRUS GROVES
2420	NURSERIES AND VINEYARDS	SOD FARMS
3290	UPLAND SHRUB AND BRUSHLAND	OTHER SHRUBS AND BRUSH
3300	MIXED RANGELAND	MIXED RANGELAND
4110	UPLAND CONIFEROUS FOREST	PINE FLATWOODS
4119	UPLAND CONIFEROUS FOREST	PINE FLATWOODS/MELALEUCA INFESTED
4140	UPLAND CONIFEROUS FOREST	PINE, MESIC OAK
4240	UPLAND HARDWOOD FORESTS	MELALEUCA
5100	STREAMS AND WATERWAYS	STREAMS & WATERWAYS
5340	RESERVOIRS	RESERVOIRS < 10 ACRES
6170	WETLAND HARDWOOD FOREST	MIXED WETLAND HARDWOODS
6172	WETLAND HARDWOOD FOREST	MIXED WETLAND SHRUBS
6300	WETLAND FORESTED MIXED	WETLAND FORESTED MIXED
7410	DISTURBED LAND	RURAL LAND IN TRANSITION W/O POSITIVE INDICATORS OF INTENDED ACTIVITY
8140	TRANSPORTATION	ROADS AND HIGHWAYS
8160	WATER	CANALS AND LOCKS

DeLisi Fitzgerald, Inc.
Planning – Engineering – Project Management
1500 Royal Palm Square Blvd., Suite 101
Fort Myers, FL 33919
239-418-0691 • 239-418-0692 fax

FLUCCS MAP

BYRUS OLGA

0 445 890 1,780 Feet

September 2, 2008

DeLisi Fitzgerald, Inc.
Planning – Engineering – Project Management

Ms. Brandy Gonzalez
Principal Planner
Lee County Department of Community Development, Division of Planning
PO Box 398
Fort Myers, FL 33902-0398

RECEIVED
SEP 02 2008
COMMUNITY DEVELOPMENT

Re: CPA2007-60
Byrus Small Scale Comprehensive Plan Amendment

Dear Ms. Gonzalez:

In response to the comment letter dated April 3, 2008 in regard to the above referenced project, please find the following responses in order as received:

PART III

Comment B
This section of the application provides that there are a total of 1.77 acres of wetlands located on the subject property. Staff is requesting the delineation of the jurisdictional wetland lines as part of the staff's review of the proposed amendment. Such information will assist staff in determining the potential maximum allowable development under the proposed FLUM.

Please see the attached environmental assessment conducted by Boylan Environmental.

Comment E.2.
The application provides the maximum allowable commercial intensity of the site as 92,500 square feet. Staff notes that the proposed Commercial designation has a maximum Floor Area Ratio of 1. Staff calculates the maximum commercial intensity of the site at 358,063 square feet. Please provide a discussion of the methodology used to calculate the maximum allowable commercial development under the proposed future land use category. Several aspects of the application, such as potable water and sanitary sewer, and staff's review of the amendment rely on the maximum intensity. As part of a future land use map amendment, staff review and the applicant's analysis must evaluate the maximum allowable use of the proposed land use category as it relates to public facilities impacts. Please update the application to address the maximum allowable commercial intensity of the site as proposed.

It is our understanding that the Olga Community has proposed that the commercial land use category in this area would limit this site to a FAR of 0.25. Given the 1 acre wetland on the property, the maximum development would be limited to 98,010 square feet of commercial floor area, essentially the same assumption made in the original submittal. A FAR of 0.25 is much more consistent with the type/intensity of commercial development found outside of central urban type areas.

2007-00060

1500 Royal Palm Square Blvd., Suite 101 • Fort Myers, FL 33919 • 239-418-0691 • 239-418-0692 fax

PART IV

Comment A.8.
The plan amendment application is signed by William C. Byrus in his individual capacity, while the property owner is BJZ, LLC. In order for the affidavit to be property executed, William C. Byrus must execute the affidavit in his capacity as Managing Member of the Limited Liability Company.

Please see the attached revised affidavit and cover page.

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

Our understanding is that Lee County will model the transportation based on the revised FAR of 0.25. The TIS that was submitted in the original application remains essentially the same with a relatively minor increase in total allowable office area.

Comment B.2.
Please update the utilities analysis providing the maximum allowable commercial intensity of the site as well as the projected LOS under the proposed designation for services. In addition, please provide a letter of availability from the utility provider.

Planning staff is requesting additional information with regard to water supply based on changes made by Senate Bill 360 to improve the coordination between water supply and land use planning. Please determine the availability of water supply to support the desired level of development 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 irrigation. Include any other water conservation measures that will be applied to the site (see Lee Plan Goal 54).

Please see the attached revised utility analysis.

Comment B.3.b.
Staff has not received a letter for fire protection provisions as part of the submitted application from the appropriate agency determining support facilities.

Please see the attached letter from the Fire District.

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

Please see the attached environmental assessment conducted by Boylan Environmental that includes a FLUCCS map.

Comment E.1.-4.
Please include the required analysis concerning internal consistency with the Lee Plan.

Please see the attached Lee Plan Analysis.

Comment F.2.
Please include the required analysis for requests moving lands from a Non-Urban area to a Future Urban area demonstrating why the proposed change does not constitute Urban Sprawl.

Please see the attached revised narrative, which now includes additional information for the Growth Management Analysis.

Comment G.
Please provide the required justification for the proposed plan amendment based on sound planning principals, including adequate data and analysis supporting all conclusions.

Please see the attached revised narrative, which now includes additional information for the Growth Management Analysis.

If you should require any additional information, please contact our office.

Sincerely,
DeLisi Fitzgerald, Inc.

Daniel DeLisi, AICP
Principal

DD/av

Project No.: 21061

cc: Mr. Bill Byrus, with attachments

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: _____

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.

8/22/08 William C Byrne managing member BIZ LLC
DATE SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

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

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

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

Item 1: Fee Schedule

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

AFFIDAVIT

I, _____, 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.

William C Byrus managing member B12 LLC 8/22/08

Signature of owner or owner-authorized agent — Date

William C Byrus managing member B12 LLC

Typed or printed name

STATE OF FLORIDA)
COUNTY OF LEE)

The foregoing instrument was certified and subscribed before me this 22nd day of August 20 2008 by William C. Byrus, who is personally known to me or who has produced _____ as identification.

(SEAL)

AMY VETTER
MY COMMISSION #DD800137
EXPIRES: JUN 23, 2012
Bonded through 1st State Insurance

Signature of notary public

Amy Vetter

Printed name of notary public

BYRUS OLGA
COMPREHENSIVE PLAN AMENDMENT
INTERNAL CONSISTENCE WITH THE LEE PLAN

Land Use Change Analysis

The Byrus Olga property is currently designated as *Rural* on the Lee County Future Land Use Map. The applicant is requesting a change to the *Commercial* designation, consistent with the Olga Community Plan. The following is a narrative describing how the proposed amendment is internally consistent with the Lee County Comprehensive Plan.

Policy 1.4.1: The Rural areas are to remain predominantly rural--that is, low density residential, agricultural uses, and minimal non-residential land uses that are needed to serve the rural community. Maximum density in the Rural area is one dwelling unit per acre (1 du/acre).

Policy 1.4.1 states that these areas are not to be programmed to receive urban-type capital improvements, and they can anticipate a continued level of public services below that of the urban areas; however, the subject property is along a major arterial road and the urban infrastructure necessary to support the property is available. It is important to note that the property is within the Lee County utility service area for both water and sewer (see Map 12- Future Utilities Service Area). The subject property is in an area that no longer fits the rural character described in Policy 1.4.1. With the increase in residential development along Palm Beach Boulevard, the area is transitioning from rural to suburban character. There is a need to provide for commercial development to meet the needs of the surrounding suburban development.

Policy 1.1.10: The Commercial areas are located in close proximity to existing commercial areas or corridors accommodating employment centers, tourist oriented areas, and where commercial services are necessary to meet the project needs of the residential areas of the County. These areas are designated for commercial uses. Residential uses, other than bona fide caretaker residences, are not permitted in this future land use category except to the extent provided in Chapter XIII of the Plan. The Commercial areas are areas where residential uses are not expected or compatible due to the nature of the surrounding land uses and their location along major travel corridors. The commercial designation is intended for use where residential development would increase densities in areas such as the Coastal High Hazard Areas of the County or areas such as Lehigh Acres where residential uses are abundant and existing commercial areas service the residential needs are extremely limited.

The requisite infrastructure needed for commercial development is generally planned or in place. New developments in this category must connect to a potable water and sanitary sewer system. Commercial retail developments, hotels and motels, banks, all types of office development, research and development, public, and other similar development will predominate in the commercial areas. Limited light industrial uses are also permitted, excluding outdoor storage type uses. Any re-designation of land to the Commercial land use category should occur along major travel corridors and at road intersections. The planned

development rezoning process must be used to prevent adverse impacts to the surrounding areas and to ensure that appropriate site development regulations are incorporated into the development plans of each site. A maximum Floor Area Ratio (FAR) of 1 will be used as an index of intensity of development in the commercial category. Development in this future land use category is not required to comply with the site location criteria provided in Goal 6. When appropriate, site development regulations are incorporated into the planned development.

The subject property, as described in Policy 1.1.10, is in close proximity to existing corridors of commercial activity, however an uneven balance exists between residential development and commercial activity with residential development being the majority of all new development in this area. The property is located along State Road 80, a major east-west travel corridor. The proposed plan for the property will provide accessible retail and office space to meet the needs of the surrounding residential areas. Located on a major travel corridor and at the intersection of State Road 80 (Palm Beach Boulevard) and Linwood Avenue, the subject property will be a convenient location for commercial activity for locals and tourists. New office space will allow businesses to locate near residential communities, thus creating a mixed-use hub in this area of Alva.

Policy 6.1.2: All commercial development must be consistent with the location criteria in this policy, except where specifically accepted 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: "... On or near the intersection (within 330 feet of the adjoining rights-of-way of the intersection roads) of local and collector, local and arterial, or collector and collector roads. In Commercial Planned Developments where future road improvements that are included in the Capital Improvement Program will enable the property to qualify for the higher level of commercial development specified in Subsection 2 below, and which are conditioned to allow the increased commercial intensity when the roadway actually functions at the higher level of a collector road, the Minor Commercial use may extend beyond 330 feet of such intersections provided the Master Concept plan specifically indicates the phasing of the development from Minor to Neighborhood Commercial use. Proposed interconnections of future internal access roads or driveways servicing only the subject parcel with an arterial or collector will not comply with the requirements of this section..."*

The subject property is in compliance with the criteria in Policy 6.1.2. The property is located at the intersection of State Highway 80 and Linwood Avenue, which will provide direct access to a local and arterial road. There is limited retail in this area, and the subject property will provide minor commercial conveniences for the surrounding residential community, in accordance with site location standards. Additionally, the plan for the site is to create a retail and office commercial site of approximately 9 acres, with the retail in compliance with this policy thus maintaining the neighborhood commercial scale. In the future, the property may be allowed to develop with neighborhood levels of retail if and when a collector road extends through this or an adjacent property. If and when that happens additional analysis would need to be conducted to meet concurrency requirements.

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.

The proposed amendment has urban infrastructure in place to serve development. The River Hall development is adjacent to the property on the south side of State Road 80 and has extended utility lines in close proximity to the subject property. The subject property is already within the County's utility service area and adequate supply is available. Similarly, the subject property is located along State Road 80 and roadway capacity exists to serve new development.

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

The subject property is in an area with existing development. Directly south, across State Road 80 is the River Hall development. To the north is the South Olga Community with residential uses. The subject property itself is located along State Road 80, a major east-west travel corridor, and at the intersection of a local and arterial road. The location of the property lends itself to minor commercial development.

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.

The proposed amendment has urban infrastructure in place to serve development. The River Hall development is adjacent to the property on the south side of State Road 80 and has extended utility lines in close proximity to the subject property. The subject property is already within the County's utility service area and adequate supply is available. Similarly, the subject property is located along State Road 80 and roadway capacity exists to serve new development.

POLICY 2.4.4: Lee Plan amendment applications to expand the Lee Plan's employment centers, which include light industrial, commercial retail and office land uses, will be evaluated by the Board of County Commissioners in light of the locations and cumulative totals already designated for such uses, including the 1994 addition of 1,400 acres to the Tradeport category just south of the Southwest Florida International Airport.

The proposed amendment will contain only minor levels of commercial development and office space. There is not a significant increase from what is already allowable under the Rural land use category and what is being requested. The retail development is intended to service the immediately surrounding neighborhood of South Olga. The Tradeport category in south Lee County has no impact on the proposed amendment.

Policy 4.1.1: requires development to be integrated with the natural features of the site.

There is no plan to impact the 1 acre wetland on the property. The rest of the property has been cleared by historic agricultural uses.

Policy 6.1.3: requires that commercial developments protect natural resources.

An environmental study has been conducted for the subject property. There is no plan to impact the 1 acre of wetland area on the subject property. At the time of rezoning, the wetland area will need to be preserved in accordance with the County's indigenous preservation requirements.

Objective 11.1: WATER.

1. Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development in excess of 30,000 square feet of gross leasable (floor) area per parcel, must connect to a public water system (or a "community" water system as that is defined by Chapter 17-22, F.A.C.).

Future development can and will connect to central water.

Objective 11.2: SEWER.

1. Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development that generates more than 5,000 gallons of sewage per day, must connect to a sanitary sewer system.

Future development can and will connect to central sewer.

Goal 107: Resource Protection - manage county's wetland and upland ecosystems to maintain and enhance native habitats, floral and faunal species diversity, water quality and natural surface water characteristics.

An environmental study has been conducted for the subject property. There is no plan to impact the 1 acre of wetland area on the subject property. At the time of rezoning, the wetland area will need to be preserved in accordance with the County's indigenous preservation requirements.

BYRUS OLGA
GROWTH MANAGEMENT ANALYSIS

INTRODUCTION

The subject site for this amendment to the Lee County Comprehensive Plan is located within Section 27, Township 43 and Range 26. More specifically, the site is located along Palm Beach Boulevard, three miles east of State Highway 31 at the intersection of Palm Beach and Linwood Avenue. The property is approximately one half mile south of the Caloosahatchee River and is in the Fort Myers Shores planning community. The total area of the property is 9.99 acres, of which approximately 1 acre is designated as Wetland. Map 1 shows an aerial location of the subject property with the surrounding road network.

The request of this application is to change the designation of the subject property on the Lee County Future Land Use Map from Rural to Commercial. The proposed amendment would allow for a maximum of 68,010 square feet of office floor area, and 30,000 square feet of retail floor area. It is structured as solely a map amendment due to the scale of the project. The intent of the request is to work with Lee County and the surrounding community to implement county goals through the development of this property - to provide commercial uses that will enhance and serve the residential community.

Surrounding Land Uses, Compatibility, and Area Context

The Bryus Olga property is located in an emerging growth corridor in Lee County. The property is located along Palm Beach Boulevard, a major thoroughfare that connects the Alva community to the City of Fort Myers. West of the property are State Road 31 and Buckingham Road, and extends across the state to Palm Beach County. While rural in character, the historic Olga community remains a predominantly residential area. Larger residential subdivisions exist just west of the property including River Hall/ Hawks Haven. Located along Palm Beach Boulevard and Buckingham Road and southwest of the subject property, River Hall/Hawks Haven is comprised 2,000 acres and approximately 1,600 residential units and no commercial component in the surrounding area to serve the residents.

The subject property is a central location between two densely populated communities- the City of LaBelle which is thirteen miles east, and the City of Fort Myers which is seven miles west. The Olga community lies directly to the west which is an area comprised of low density residential.

Community Planning and Coordination

The applicant has maintained continuous involvement with the creation and revisions to the Olga Community plan. Over the course of the most recent planning process, the creation of a commercial node at this location was the subject of significant discussion. On June 9, 2007 a community meeting was held to determine the level of acceptance for a commercial node at this location and the extension of a collector road through the adjacent property. While the property that is the subject of this application was not the property discussed, the subject

property has been part of the conversation throughout the planning process. At the June 9th meeting, an overwhelming majority of the participants were in favor of designating the property as commercial. This decision was reaffirmed at a community meeting on August 2nd, where the Olga residents specifically voted to designate this property and the property to the west as a commercial node.

In conversations with community members, there were two primary benefits to having the subject property designated as commercial. The applicant is committed to continuing to work with the community to enhance the area.

1. Decrease in potential residential units allowed in the area.

2. Limited areas of environmental significance. While other properties in the area have significant vegetation and wetland area, the subject property has limited areas that are valuable as preserve and the small area in the northeast portion of the property that is wetland can be preserved.

GROWTH MANAGEMENT ANALYSIS (LEE PLAN OBJECTIVES 2.1 AND 2.2)

FAC 9J-5.006(5) provides specific guidance for reviewing plan amendments to determine how well they discourage urban sprawl. The purpose of the referenced subsection of 9J-5 is stated as to "give guidance to local governments and other interested parties about how to make sure that plans and plan amendments are consistent with relevant provisions of the state comprehensive plan, regional policy plans, Chapter 163, Part II, Florida Statutes, and the remainder of this chapter [9J-5] regarding discouraging urban sprawl, including provisions concerning the efficiency of land use, the efficient provisions of public facilities and services, the separation of urban and rural land uses, and the protection of agriculture and natural resources."

Lee County implements this section of 9J-5 through Objectives 2.1 and 2.2 in the Lee Comprehensive Plan. Objective 2.1 deals with Development Location and the need for development to be located in such a way that development does not create sprawl and public facilities to become financially feasible. Objective 2.2 deals with Development Timing and is primarily implemented through the rezoning process.

The following point-by-point analysis demonstrates how the proposed amendment not only discourages sprawl, but helps the county transition from a plan that currently calls for low density residential development along State Road 80 within limited commercial opportunity in South Olga, to specifically identifying a commercial area in the most logical location and capturing commercial trips locally. While this analysis is structured as a point-by-point answer as to how this proposal implements 9J5, the comments point out how this proposal is consistent with Objectives 2.1 and 2.2.

9J-5 lists thirteen "Primary Indicators" of urban sprawl. These are provided below with a brief analysis of how each is relevant to the proposed amendment.

1. *Promotes, allows, or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single-use development or uses in excess of demonstrated need. (Restated in Lee Plan Objective 2.1)*

The current comprehensive plan allows for primarily single use development at low densities on the subject property. The current Lee Plan promotes a scattering of low density residential subdivisions with few to no service or commercial areas. Under this pattern of development, the costs of infrastructure increases significantly, making most services financially infeasible.

The proposed change to commercial allows for a use other than low density single family to specifically be designated and promoted at this location in order to allow for a mixing of uses and services to the local community.

2. *Promotes, allows, or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while leaping over undeveloped lands which are available and suitable for development. (Restated in Lee Plan Objective 2.1)*

   The subject property is in an area with existing development. Adjacent to the site on the south side of State Road 80 is the River Hall development, consisting of approximately 1,600 units. To the north of the property is the South Olga community. The subject property is within the county's utility service area and represents a logical extension of the commercial uses that are along State Road 80. The designation of a commercial node at this location cannot be considered "leap frog development" because it simply extends the development pattern that already exists. Urban services are available to adjacent properties and the extension of urban services would not require "leaping" over undeveloped areas.

3. *Promotes, allows, or designates urban development in radial, strip, isolated or ribbon patterns generally emanating from existing urban developments.*

   The proposed future land use map amendment creates a commercial node. The proposed amendment has been changed from the original proposal of designating a "strip" of commercial along State Road 80 to designating a specific node of commercial development.

4. *As a result of premature or poorly planned conversion of rural land to other uses, fails adequately to protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems.*

   According to the environmental survey, there is approximately 1 acre of wetland area on the subject property. The intention is to preserve that area. The rest of the property has been cleared and impacted by historic agricultural uses. Natural resources would not be impacted by this land use change.

5. *Fails to adequately protect adjacent agricultural areas and activities, including silviculture, and including active agricultural and silviculture activities as well as passive agricultural activities and dormant, unique and prime farmlands and soils.*

   The subject property is not surrounded by active agricultural uses. The property is surrounded by development, roadways and proposed development.

6. *Fails to maximize use of existing public facilities and services. (Restated in Lee Plan Objective 2.2)*

   The proposed amendment extends the limits of the urban designated areas out to the limits of the utility service area, thereby maximizing existing utility capacity. The subject property is located along a road that has existing capacity and in an area that has existing and planned capacity for all other public infrastructure and services (i.e. fire) that would be needed for commercial development.

7. *Fails to maximize use of future public facilities and services. (Restated in Lee Plan Objective 2.2)*

   The proposed amendment extends the limits of the urban designated areas out to the limits of the utility service area, thereby maximizing existing utility capacity. The subject property is located along a road that has existing capacity and in an area that has existing and planned capacity for all other public infrastructure and services (i.e. fire) that would be needed for commercial development.

8. *Allows for land use patterns or timing which disproportionately increase the cost in time, money and energy, of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, healthcare, fire and emergency response, and general government. (Restated in Lee Plan Objective 2.2)*

   Please see responses to statements 7 & 8. Any development here would simply make better use of existing facilities.

9. *Fails to provide a clear separation between rural and urban areas.*

   The subject property would be the limit of the urban area and would create a separation consistent with the County's existing utility service area map.

10. *Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.*

    The proposed amendment simply promotes the development of a minor commercial node in order to provide services to the local community. This change in land use category would have no impact on in-fill or redevelopment.

11. *Fails to encourage an attractive and functional mix of uses.*

    Creating a commercial designation ensures that the community will have a functional mix of uses rather than only low density residential uses, as promoted in the Rural land use category. The idea is to allow for shopping and services locally so that residents of South Olga do not have to leave the area for shopping and service needs.

12. *Results in poor accessibility among linked or related land uses.*

The proposed land use amendment does not have any impact on linked or related land uses.

13. *Results in the loss of significant amounts of functional open space.*

The property is currently being used for tree farming. The current condition of the site contains no functional open space. The proposed development will not create a loss in functional open space.

DeLisi Fitzgerald, Inc.
Planning - Engineering - Project Management

1500 Royal Palm Square Blvd., Suite 101
Fort Myers, FL 33919
239-418-0691 • 239-418-0692 fax

Utilities Analysis

With the proposed amendment to the Comprehensive Plan, the subject property can be developed with 98,010 square-feet of commercial retail and office generating an approximate water and wastewater demand of 14,702 gallons-per-day (GPD). The projected build-out year for the development is 2012.

Potable water and wastewater service will be provided by Lee County Utilities (LCU). For potable water, the property will connect to LCU's water main provided along State Road 80 adjacent to the property. The property will be served by LCU"s interconnected water system with a permitted capacity of 38.12 million gallons per day (MGD). According to LCU, the current demand on the system is 24.3 MGD. Based on the information provided, there is sufficient capacity to serve this project with potable water.

For wastewater service, the property will connect to the LCU's forcemain transmission system located along State Road 80. LCU's transmission system connects to the City of Fort Myers Central Wastewater Treatment Facility with a permitted capacity to treat 11.0 MGD. The plant operated at 6.92 MGD during 2007. According to the City's Wastewater Master Plan prepared in 2005, the Central Plant is projected to operate at an average daily flow of approximately 5.6 MGD in 2012. The projected flow rate is estimated under the assumption that the City will have completed its construction of the East wastewater treatment plant which is currently in the design and permitting process.

Based on current capacities and planned expansions of the utilities that will serve the property, there will be excess capacity for water and sewer to serve the demand of the proposed development. For potable water, there will be nearly 13.8 MGD of permitted excess capacity available to the project. For wastewater, there will be as much as 5.4 MGD of projected excess capacity provided to the property by the City of Fort Myers.



AERIAL PROJECT LOCATION MAP

BYRUS OLGA

0 0.125 0.25 0.5 Miles

F.M.S.F.D.

Ft. Myers Shores Fire Protection and Rescue Service District
12345 Palm Beach Blvd S.E. Ft. Myers Fl. 33905
Phone (239) 694-2833
Fax (239) 694-3355

August 26, 2008

Daniel DeLisi
DeLisi Fitzgerald, Inc.
1500 Royal Palm square Blvd., Suite 101
Fort Myers, FL 33919

Re: Byrus Olga / Impact Verification
Project NO., 21061
Parcel Strap No.:27-43-26-00-0006.0030
Property Address 208 Linwood Avenue, Alva, FL

Dear Daniel DeLisi,

In regards to the Byrus Olga Development, and how it will impact the Fort Myers Shores Fire Department (FMSFD). Currently the Agency's staff does not foresee any service interruption due to the increased demand from the proposed development.

Additionally FMSFD plans to build a new fire station approximately ¼ mile from the above mentioned project beginning in 2010. The new station will increase our agency's ability to maintain service in the midst of current and future growth. This addition also furthers our agency's ability to provide improved service to the community with additional manning and equipment.

Please do not hesitate to contact my office for additional information or questions.

Sincerely,

Walter S. Gee IV (Pete)
Division Chief

BYRUS OLGA

COMPREHENSIVE PLAN AMENDMENT APPLICATION ANSWERS

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

July 28, 2008

C. ENVIRONMENTAL IMPACTS

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

Please see the attached FLUCFCS map (exhibit C1) and FLUCFCS aerial (exhibit C2) for community locations. The vegetation communities on site were mapped according to the Florida Land Use, Cover and Forms Classification System (FLUCFCS) (Florida Department of Transportation, 1985). The site was inspected and the mapping superimposed on 2007 digital aerial photographs. Acreages were approximated using AutoCAD (2008 version).

The following is a discussion of the existing land uses and vegetative associations found on site. The following table summarizes the FLUCFCS communities discussed below.

2211 Abandoned Citrus Grove (approximately 4.61 acres)
This upland community historically consisted of a citrus grove. Remnant furrows and scattered citrus trees were all that remained. The community was dominated by Bahia grass (*Paspalum notatum*), rag weed (*Ambrosia sp.*), Spanish needles (*Bidens bipinnata*), torpedo grass (*Panicum repens*), finger grass (*Eustachys sp.*), Florida sandspur (Cenchrus echinatus), ceaser weed (*Urena lobata*), carpet grass (*Axonopus sp.*), various sedges (*cyperus sp.),* sharp edge sedge (*cyperus sp.*), and silk reed (*neyraudia reynaudiana*).

4279 Live Oak, Disturbed (approximately 2.46 acres)
This upland community's canopy was dominated by live oak (*Quercus virginiana*) with scattered laurel oak (*Quercus laurifolia*), cabbage palms (*Sabal palmetto*), slash pine (*Pinus elliottii*), Hawaiian orchid (*Bauhinia variegata*) and mimosa (*Mimosa sp.).* The under-story had been cleared and contained Bahia grass (*Paspalum notatum*), ceaser weed (*Urena lobata*), crabs eye vine (*Abrus precatorius*), wild balsm apple (*Momordica charantia*), wild sensitive plant (*Chamaecrista nictitans*), mother in laws tongue (*Sansevieria trifasciata*), wild taro (*Colocasia esculenta*) and silk reed (*neyraudia reynaudiana*).

617E2 Mixed Wetland Hardwoods w/ Exotics 25-50% (approximately 0.99 acres)
This wetland community contained cabbage palms (*Sabal palmetto*), laurel oak (*Quercus laurifolia*), red maple (*Acer rubrum*) and cypress trees (*Taxodium distichum*). The exterior of the under-story contained Brazilian pepper (*Schinus terebinthifolius*) (approximately 28% coverage), salt bush (*Baccharis halmifolia*), wild coffee (*Psychotria sp.*), dog fennel (*Eupatorium sp.*), thistle (*Cirsium sp.*) and wild taro (*Colocasia*

esculenta). The under-story of the interior of the wetland contained button bush (*Cephalanthus occidentalis*), primrose willow (*Ludwigia sp.*), and arrowhead (*Sagittaria lancifolia*).

740 Disturbed Lands (approximately 1.94 acres)

This area contained some abandoned structures. The ground cover was similar to the abandoned citrus community. The community was dominated by Bahia grass (*Paspalum notatum*), rag weed (*Ambrosia sp.*), Spanish needles (*Bidens bipinnata*), torpedo grass (*Panicum repens*), finger grass (*Eustachys sp.*), Florida sandspur (Cenchrus echinatus), ceaser weed (*Urena lobata*), carpet grass (*Axonopus sp.*), various sedges (*cyperus sp.)*, sharp edge sedge (*cyperus sp.*), and silk reed (*neyraudia reynaudiana*).

FLUCFCS TABLE

FLUCFCS	COMMUNITY DESCRIPTION	ACRES	%
2211	Abandoned Citrus Grove	4.61 Ac.±	46.10%
4279	Live Oak, Disturbed	2.46 Ac.±	24.60%
617 E2	Mixed Wetland Hardwoods w/ Exotics (25-50%)	0.99 Ac.±	9.90%
740	Disturbed lands	1.94 Ac.±	19.40%
TOTAL		**10.00 Ac.±**	**100.00%**

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

Boca Fine Sand (13)

Boca soils are moderately deep, moderately permeable and poorly drained. These soils are found in sloughs, flatwoods and depressional areas. The uppermost soil layer is fine gray sand about 3 inches thick. The next layer is approximately 6 inches think and consists of fine light gray sand that contains thick roots. From 9 to 14 inches the soil consists of light gray fine sand with medium and coarse roots. The next soil layer (14-25 inches deep) is very pale brown single grained fine sand. Limestone can be found anywhere from 25 to 40 inches in depth. The Boca soil series is nationally listed as a hydric soil however the soil is not locally considered to be a hydric soil.

Copeland Sandy Loam, Depressional (45)

Copeland Series soils are "moderately deep, very poorly drained, moderately permeable soils that form in moderately thick beds of marine sediment over limestone." These depressional soils are smooth to concave with slopes ranging from 0 to 1 percent. The

first 8 inches consist of a weak fine granular structure very dark gray sandy loam with light gray streaks. From 8 to 20 inches the soil is a very dark gray sandy loam with light gray streaks and is a "moderate medium subangular blocky structure". The next 8 inches consist of a light brownish gray sandy clay loam with calcium carbonate. From 28 inches onward the soil is "fractured limestone bedrock". Under natural conditions the water table is above the surface for 3 to 6 months out of the year and is 10 to 40 inches below the surface for the remainder of the year.

** Hydric Soil

Please see the attached soil map (exhibit C3) for soil locations on the property. All information was achieved from the NRCS Hydric Soils of Florida Handbook (2000).

3. **A topographic map with property boundaries and 100-yearflood prone areas indicated (as identified by FEMA).**

   Please see the attached topography map.

4. **A map delineating wetlands, aquifer recharge areas, and rare & unique uplands.**

   The site contains one wetland. The wetland is a mixed hardwoods wetland with exotics. For the wetland location please see the attached FLUCFCS map (community 617E2).

   The upland areas are highly disturbed in nature. The site does not contain any rare and unique upland communities.

   The property was mapped by SFWMD in 1995 in the lower coast surficial recharge area.

5. **A table of plant communities by FLUCFCS with 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 FLUCFCS and the species status (same as FLUCFCS map).**

Protected Animals by Status

FLUCFCS	SPECIES	USFWS	FFWCC
2211	Audubon's Crest. Caracara *Polyborus plancus audubonii*		T
	Gopher Tortoise *Gopherus polyphemus*		T
	Gopher Frog *Rana capito*		SSC
4279	Gopher Tortoise *Gopherus polyphemus*		T
	Gopher Frog *Rana capito*		SSC
617E2	Limpkin *Aramus guarauna*		SSC
	Little blue heron *Egretta caerulea*		SSC
	Reddish egret Egretta rufescens		SSC
	Snowy Egret *Egretta thula*		SSC
	Tri Colored Heron *Egretta tricolor*		SSC
740	Eastern Indigo Snake *Drymarchon corais couperi*	T	T
	Gopher Tortoise *Gopherus polyphemus*		T
	Gopher Frog *Rana capito*		SSC

FFWCC-Florida Fish and Wildlife Conservation Commission
USFWS-U.S. Fish and Wildlife Service
T- Threatened
E-Endangered
SSC-Species of Special Concern

Audubon's Crested Caracara

The Audubon's Crested Caracara (*Polyborus plancus audubonii)* is a large raptor with a crest, naked face, heavy bill, elongate neck, and unusually long legs. This non-migratory species occurs in Florida as well as the southwestern U.S. and Central America. Only the Florida population, which is isolated from the remainder of the subspecies in the southwestern U.S. and Central America, is listed under the Endangered Species Act. Typically most Caracara's inhabit the prairie area of south central Florida. Caracara could utilize the cabbage palms on the property for nesting.

Eastern indigo snake
The eastern indigo snake (*Drymarchon corais*) is a non-poisonous glossy blue-black snake. It is the largest snake in the United States and can get up to nine feet long. This snake is often found in well drained scrub and sandhill habitats and is commonly considered to be associated with gopher tortoise burrows. The eastern indigo snake could potentially occur in the old agricultural lands and disturbed portions of the property, however, the potential is low. The majority of these upland habitats provide no cover for itself or any prey species.

Limpkin
The limpkin (*Aramus guarauna*) is a large brown with white spots wading bird that looks superficially like an ibis. Limpkins have a piercing cry kree-ow, kra-ow. This bird is found in freshwater marshes, along the edges of ponds, and lakes, and in wooded swamps along rivers. Its preferred food source is the apple snail however it will also eat mussels, insects, crustaceans, worms, frogs, lizards, and other types of snails. Limpkins could potentially utilize the wetland as a foraging area.

Little Blue Heron
The little blue heron (*Egretta caerulea*) is a medium sized slender heron whose appearance dramatically different with age. First year herons are pure white while the adults appear slate blue. The little blue heron's diet includes small fish, amphibians, and aquatic invertebrates. Little blues occupy swamps, estuaries, rivers, ponds, and lakes and could potentially utilize the wetland as a foraging area.

Reddish egret
The reddish egret (*Egretta rufescens*) is a large, slender egret with long legs and a long neck. There are two different distinct color patterns to these birds. The white morph is all white, while dark morph individuals have a rust colored head and neck feathers, and slate gray body feathers. This wading bird is found primarily in coastal tidal flats, salt marshes, and lagoons.. These wading birds utilize salt water areas almost exclusively. There diet consists of small fish. This wading bird typically inhabits coastal areas. Because of this it is unlikely that this bird would inhabit the property.

Snowy Egret
The snowy egret (*Egretta thula*) is a small sized white heron with a black bill, black legs, and yellow feet. Snowy egrets typically eat fish, crabs, amphibians, and insects. Snowy egrets occupy salt marshes, swamps, ponds, shores, tidal flats, rice fields, and shallow coastal bays. Snowy Egrets could potentially utilize the wetland as a foraging area.

Tri-colored Heron
The Tricolored heron (*Egretta tricolor*) is a medium sized heron with a dark slate gray head and upper body with a purplish chest. These herons have a white strip

running down the front of their neck that creates their tricolor. Their diets consist of small fish, crustaceans, reptiles, amphibians, insects, snails, and other invertebrates. Tricolored Herons prefer saltwater and brackish water habitats however it forages in both freshwater and saltwater areas. Tricolored Herons can be found in salt and freshwater mudflats, marshes, swamps, and meadows. Tricolored herons could potentially utilize the wetland as a foraging area.

Gopher Tortoise

The gopher tortoise (*Gopherus polyphemus*) is a large reptile that averages 25 cm long and 9 lbs in weight. Wild tortoises can live up to 60 years old. Gopher tortoises dig approximately 4.5 meter long burrows which have a half moon shaped entry and a large apron. Tortoise burrows create homes for 401 species of animals. These tortoises can be commonly found in dry scrub areas, including scrub oak, dry prairies, pine flatwoods, and coastal dune ecosystems. Tortoises are primarily herbivorous; however, they will eat the bones of dead animals for calcium. Gopher tortoises could potentially utilize the abandoned agricultural area and the disturbed portions of the property.

Gopher frog

The gopher frog (*Rana capito*) is a stout bodied cream to brown or black frog with irregular spots on its back and sides. The Florida subspecies (Rana capito aesopus) also features a white to cream spotted chin, and a white belly. These frogs are commonly found in moist meadows, prairies, woodlands, and pine scrub areas. The gopher frog utilizes gopher tortoise burrows as a home and is often associated with gopher tortoise burrows. The gopher frog is associated with gopher tortoise and could potentially be found in the abandoned agricultural area and the disturbed portions of the property.

Protected Plants by status

FLUCFCS	SPECIES	USFWS	FDA
4279	Twisted and banded air plant *Tillandsia flexuosa*		E
	Fuzzy-wuzzzy air plant *Tillandsia pruinosa*		E
	Giant wild pine *Tillandsia utriculata*		E
617E2	Twisted and banded air plant *Tillandsia flexuosa*		E
	Fuzzy-wuzzzy air plant *Tillandsia pruinosa*		E
	Giant wild pine *Tillandsia utriculata*		E

Listed Air Plants (*Tillandsia* spp.)
Several of the listed air plants are relatively common, but have recently been listed as a result of a weevil, which poses a potential future threat to its populations. It is likely that air plants do occur on the property, but in low numbers if they are present. Because the air plants typically cling to trees, and the abandoned citrus and disturbed areas on the property have very few trees, the presence of any air plants would be limited.

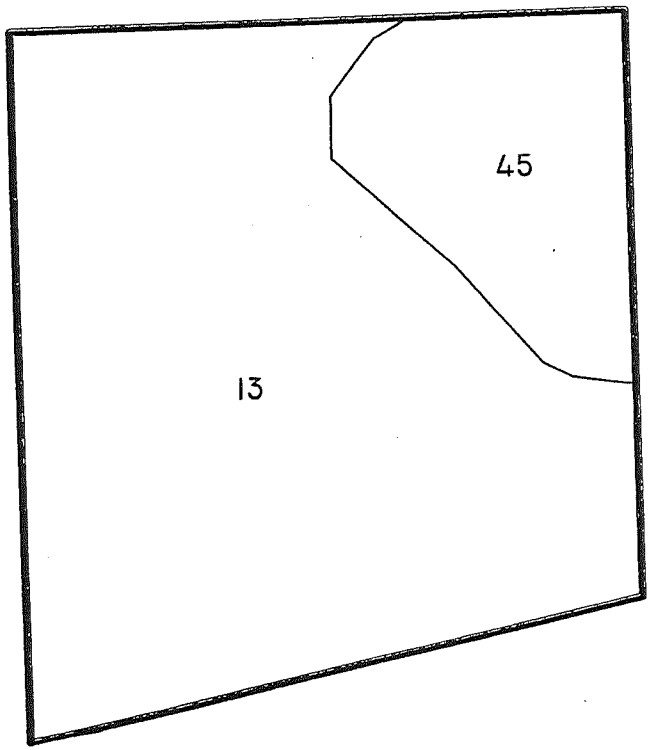
Because of the disturbed nature of the on-site vegetation communities, the development of the site would not have any appreciable impact on listed wildlife or plant resources. There are no pristine vegetation communities on the property. Nearly 90 percent of the property has been disturbed by clearing events. Any development will likely have storm water management ponds that will satisfy wading bird usage on the property. Due to the absence or low potential of the property to support listed plant and animal species, measures to mitigate impacts to these species would be unnecessary. If any rare plants are found they can be relocated.

X:\BEC\2008\2008-32 Byrus Alva Parcel\2008\Comp Plan Set 7.30.08.dwg Tab: 8.5 x 11 Soils Aug 08, 2008 - 10:15am Plotted by: alicia

N

BEC

Scale: 1" = 200'



Soil No	Description	Status
13	Boca Fine Sand	Non-Hydric
45	Copeland Sandy Loam, Depressional	Hydric

NOTES:

Soils were acquired from the FGD and are NRCS mappings.

Property boundary was obtained from Delisi Fitzgerald, Inc. on July 23, 2008 Drawing 7763SR-Eng.dw

Boylan Environmental Consultants, Inc.
Wetland & Wildlife Surveys, Environmental Permitting, Impact Assessments
11000 Metro Parkway, Suite 4, Ft. Myers, FL 33966 (239) 418-0671

Drawn By:	Date:	Category
B.K.M.	7/28/08	Soils
Job Number		Scale:
2008-32		1" = 200'
S/T/R		County
27/43S/26E		Lee

BYRUS OLGA

NRCS SOILS MAP

Revisions	Date:	Page
		Exhibit C2

STAFF REPORT
FROM
DEPARTMENT OF COMMUNITY DEVELOPMENT
DIVISION OF ENVIRONMENTAL SCIENCES

Date: September 04, 2008
To: Jim Mudd, Senior Planner

From: Brad Browning, Senior Environmental Planner BWB
Phone: (239) 533- 8157
e-mail:bbrowning@leegov.com

Project: R & D Cattle Company / Byrus
Case: CPA2007-00050
STRAP: 27-43-26-00-00003.0000 and 27-43-26-00-00006.0030

The Division of Environmental Sciences (ES) staff has reviewed the proposed R & D Cattle Company/ Byrus Comprehensive Plan Amendment and offer the following analysis and recommended conditions:

PROJECT SITE:
The ± 49.00 acre project is located on the north side of S. R. 80, east of South Olga Road, west of Linwood Avenue. The properties are zoned AG-2. The Comprehensive Plan Amendment is for two parcels, the R & D Cattle Company property and the Byrus property. The current future land use designation is suburban and rural for the properties. The request is to change the Future Land Use Map (FLUM) from Suburban/Rural to Commercial to allow for future development. A Vegetative Community Assessment was performed by Boylan Environmental Consultants Inc. on August 7, 2008 for the R and D Cattle property, July 28, 2008 for the Byrus property and field verified by ES Staff.

The assessment and the Florida Land Use Cover and Forms Classification System (FLUCCS) map was provided by the applicant. The site consist of 23.20 acres of improved pasture (FLUCCS 211),1.19 acres of open lands (FLUCCS 190), 4.61 acres of abandoned citrus grove (FLUCCS 221) and 1.94 acres of disturbed lands(FLUCCS 740) but also contains a variety of indigenous communities including: 1.13 acres Pine Flatwoods (FLUCCS 411E1), 1.35 acres Pine Mesic Oak (FLUCCS 414E1), 0.96 acres Xeric Oak (FLUCCS 421E2), 3.97 acres Temperate Hammock (FLUCCS 425E1), 0.12 acres Cabbage Palm Hammock (FLUCCS 428), 0.18 acres Hydric Cabbage Palm Hammock (FLUCCS 428H), 1.05 Stream and Waterways (FLUCCS 510), 4.00 acres Stream and Lake Swamps (FLUCCS 615E1), 1.70 acres Wetland Forested Mixed (FLUCCS 630 E3), 2.46 acres of Live Oak disturbed (FLUCCS 4279), 0.99 acres of Mixed Wetland Hardwoods (FLUCCS 617E2).

A field inspection was conducted by ES staff on August 15, 2008 to confirm the FLUCCS mapping and verify protected species survey. No protected species were observed during the site inspection. The majority of the site had been previously cleared for agriculture use, but the site

does contain areas of existing vegetation along the north and west property lines. The central portion of the property contains a Florida Department of Transportation drainage easement over a flow-way which contains approximately 2.76 acres of indigenous plant communities. The western portion of the property contains Olga Creek with indigenous plant communities. This area is approximately 8.25 acres of indigenous plant communities that could create a buffer from the commercial development to the single family homes along S. Olga Drive and also provide protection for Olga Creek. Olga Creek flows along the western property line and continues through the property to the south property line where the creek goes under S.R. 82 and connects with the River Hall RPD to the south. The northern portion of the property contains 3.6 acres of indigenous plant communities. This area could create a buffer from the commercial development to the single family home along the northern property line. The Byrus property contains ± 3.45 acres of indigenous plant communities.

The Conservation Lands land use categories were created to accurately depict the use of lands for conservation purposes. Conservation Lands include uplands and wetlands that are owned and used for long range conservation purposes. The Conservation Lands FLUM category are for lands that are primarily used to conserve important natural resources, environmentally sensitive areas, significant archeological or historical resources, or other conservation uses. Conservation Lands typically include such uses as wildlife preserves; large wetland and upland mitigation areas; natural resource based parks; and water conservation lands such as aquifer recharge areas, flow-ways, flood prone areas and well fields.

The Conservation Lands objective is to put into the public domain private lands that provide the following public benefits:

Sustain native plant and animal populations;

Help protect people and property from flooding;

Help replenish our underground drinking water supply;

Help to improve or sustain the water quality of our coastal bays, inlets;

Provide ecotourism opportunities, and

Provide local environmentally oriented recreational and educational opportunities.

The Board of County Commissioners has provided policy guidance to staff to maintain wildlife corridors and green space connections to ensure the preservation of indigenous plant and animal habitat throughout the County.

The following Comprehensive Plan Goals, Objectives and Policies further support ES Staff's recommendation for the conservation land use category for this project:

Policy 1.4.6: *Conservation Lands land use category was created to accurately depict the use of lands for conservation purposes. Conservation Lands include uplands and wetlands that are owned and used for long range conservation purposes. The Conservation Lands FLUM category is for lands that are primarily used to conserve important natural resources, environmentally sensitive areas, significant archeological or historical resources, or other conservation uses. Conservation Lands typically include such uses as wildlife preserves; large wetland and upland mitigation areas; natural resource based parks; and water conservation lands such as aquifer recharge areas, flow-ways, flood prone areas and well fields.*

The owners of R & D property and staff have worked diligently to agree on conservation lands on the parcel. Please see the attached exhibit which indicates the areas for conservation lands. The indigenous open space on the Byrus property will need to be addressed during the rezoning process.

Policy 6.1.6: *The land development regulations will require that commercial development provide adequate and appropriate landscaping, open space, and buffering.*

The utilization of conservation lands for the northern and western indigenous areas will provide buffers from the commercial development for the adjacent residential homes.

Standard 11.4: Environmental Review Factors. *In any case where there exists or there is the probability of environmentally sensitive areas the developer must propose means to protect, conserve, or preserve the environmental and natural resources.*

The utilization of conservation lands will assist to provide protection measures for these areas.

Objective 60.5: Incorporation of Green Infrastructure into the Surface Water Management Plan. *The long-term benefits of green infrastructure as part of the surface water management system includes improved water quality, improved infiltration, wild life habitat and recreational opportunities. Policy 60.5.3: states that the County encourages the preservation of existing natural flow-ways and restoration of historic natural flow-ways.*

Olga Creek is a natural flow-way and as such should be placed in the conservation lands future land use category to provide a wildlife corridor and protect drainage flow in the area.

Objective 61.2: Mimicking the function of natural systems. *Support a surface water management strategy that relies on natural features (flow-ways, sloughs, creeks, etc.) to help manage storm and surface water. Objective 61.3: Lee County will continue to provide design standards for development protective of the function of natural drainage systems.*

Olga Creek, a natural waterway, should be incorporated into the surface water management system to help maintain the historic flow-way.

Objective 77.3: *New developments must use innovative open space design to preserve existing native vegetation and buffer adjacent uses.* **Policy 77.3.3:** *The County encourages new developments to incorporate large contiguous open space areas in their development design.*

Placing the northern and western portions into conservation land use category will provide interconnectivity for wildlife and provide a transitioning buffer between the residential and commercial uses. This will provide for a large open space, which could be utilized as a contiguous wildlife corridor.

Goal 107: Resource Management Plan. *The county will continue to implement a resource management program that ensures the long-term protection and enhancement of the natural upland and wetland habitats through the retention of interconnected, functioning, and maintainable hydro ecological systems where the remaining wetlands and uplands function as a productive unit resembling the original landscape.*

Placing Olga Creek and the indigenous area around the creek into conservation land use category will ensure the protection of the flow-way and the indigenous plant community.

Policy 107.3.1: *Encourage upland preservation in and around preserved wetlands to provide habitat diversity, enhance edge effect, and promote wildlife conservation.*

The northern and western conservation lands will preserve the wetlands and uplands on site, which in turn will retain valuable habitats for wildlife to use.

Utilizing the conservation lands future land use category for the northern and the western portions of the project, as shown on the attached exhibit, will provide:

A natural transitional zone between residential and commercial use;

An indigenous high quality upland and wetland habitats for wildlife;

A protected buffer for the Olga Creek flow-way and drainage area;

Exhibit A

3.5 acres

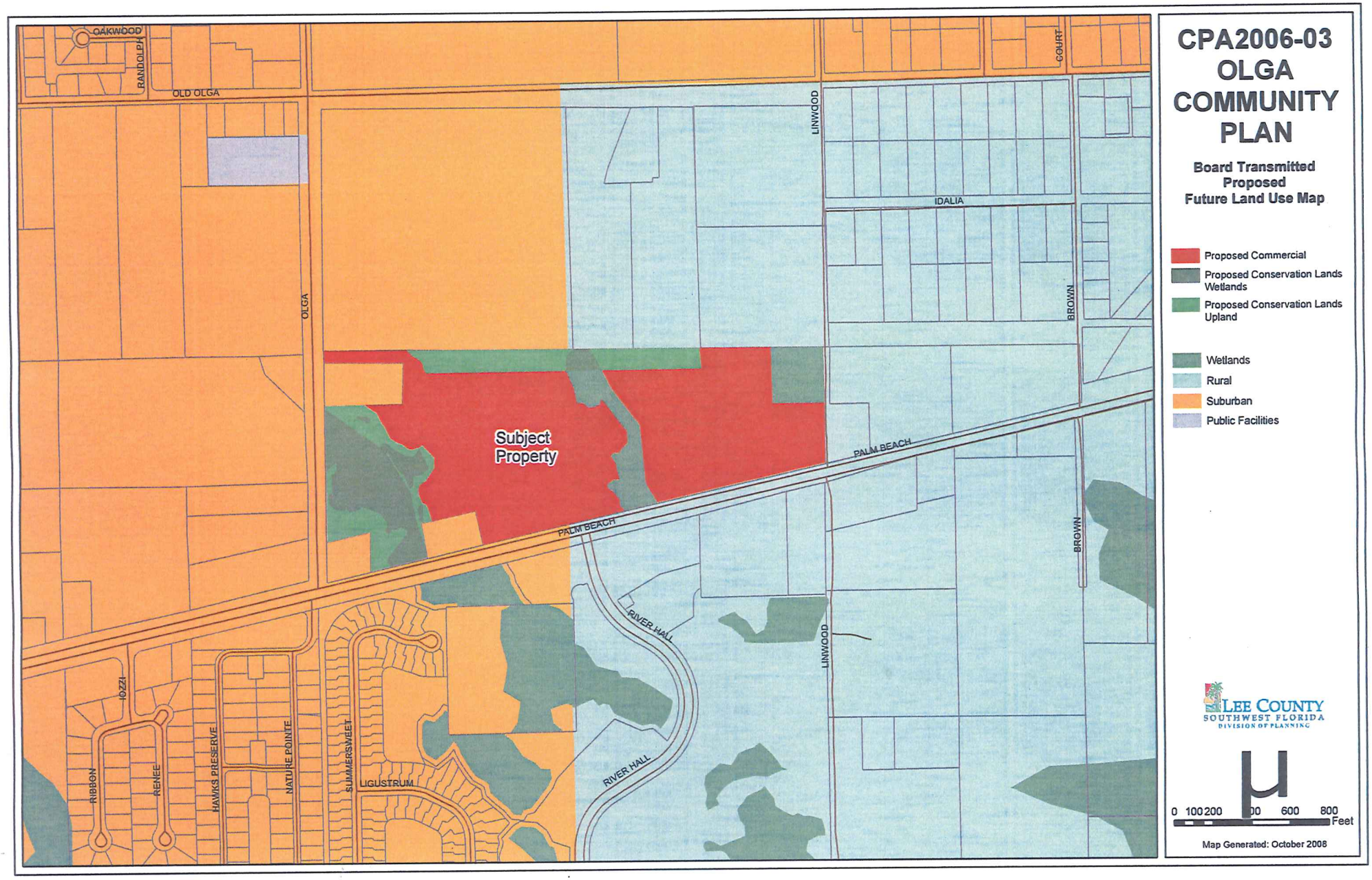
8.1 acres

PALM BEACH BLVD

N
W E
S

Legend

Conservation Lands


CPA2006-03
OLGA
COMMUNITY
PLAN
Board Transmitted
Proposed
Future Land Use Map
Proposed Commercial
Proposed Conservation Lands Wetlands
Proposed Conservation Lands Upland
Wetlands
Rural
Suburban
Public Facilities
Subject Property
OAKWOOD
RANDOLPH
OLD OLGA
OLGA
LINWOOD
COURT
IDALIA
BROWN
PALM BEACH
RIVER HALL
IZZI
RIBBON
RENEE
HAWKS PRESERVE
NATURE POINTE
SUMMERSWEET
LIGUSTRUM
LEE COUNTY
SOUTHWEST FLORIDA
DIVISION OF PLANNING
0 100 200 600 800
Feet
Map Generated: October 2008

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 2006-00003 must be posted by 9/08/08.**
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 Sheila M. Holland 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:

Sheila M. Holland
SIGNATURE OF APPLICANT OR AGENT

Sheila Holland
NAME (TYPED OR PRINTED)

2914 Cleveland Ave.
ST. OR PO BOX

Fort Myers, FL 33901
CITY, STATE & ZIP

CPA2006-00003 Olga Community Plan R&D Property

date Sept. 5, 2008 initials SH

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to and subscribed before me this 5th day of September, 2008, by Sheila Holland, personally known to me or who produced _____ as identification and who did/did not take an oath.

JULIE A. ALLISON
MY COMMISSION # DD 739905
EXPIRES: April 6, 2012
Bonded Thru Notary Public Underwriters

My Commission Expires:
(Stamp with serial number) 4/6/2012

Signature of Notary Public
Julie Allison
Printed Name of Notary Public

RECEIVED
SEP 08 2008
C.F.M.
COMMUNITY DEVELOPMENT

Please post notice signs along the plan amendment boundary generally as shown on the attached map.

RECEIVED
SEP 0 8 2008
COMMUNITY DEVELOPMENT

[redacted] 2006-00003

CPA2006-03 Olga Community Plan

RECEIVED
SEP 08 2006
COUNTY DEVELOPMENT

2006-00003

STAFF REPORT
FROM
DEPARTMENT OF COMMUNITY DEVELOPMENT
DIVISION OF ENVIRONMENTAL SCIENCES

Date: **September 04, 2008**
To: **Jim Mudd, Principal Planner**

From: **Brad Browning, Senior Environmental Planner** BWB
Phone: (239) 533- 8157
e-mail:bbrowning@leegov.com

Project: **Olga Community Comp Plan (R & D Cattle Company / Byrus)**
Case: **CPA2006-00003**
STRAP: **27-43-26-00-00003.0000 and 27-43-26-00-00006.0030**

The Division of Environmental Sciences (ES) staff has reviewed the proposed R & D Cattle Company/ Byrus Future Land Use Map Amendment that is included in the Olga Community Plan and offer the following analysis and recommended conditions:

PROJECT SITE:
The ± 49.00 acre project is located on the north side of S. R. 80, east of South Olga Road, west of Linwood Avenue. The properties are zoned AG-2. The Comprehensive Plan Amendment is for two parcels, the R & D Cattle Company property and the Byrus property. The current future land use designation is suburban and rural for the properties. The request is to change the Future Land Use Map (FLUM) from Suburban/Rural to Commercial to allow for future development. A Vegetative Community Assessment was performed by Boylan Environmental Consultants Inc. on August 7, 2008 for the R and D Cattle property, July 28, 2008 for the Byrus property and field verified by ES Staff.

The assessment and the Florida Land Use Cover and Forms Classification System (FLUCCS) map was provided by the applicant. The site consist of 23.20 acres of improved pasture (FLUCCS 211),1.19 acres of open lands (FLUCCS 190), 4.61 acres of abandoned citrus grove (FLUCCS 221) and 1.94 acres of disturbed lands(FLUCCS 740) but also contains a variety of indigenous communities including: 1.13 acres Pine Flatwoods (FLUCCS 411E1), 1.35 acres Pine Mesic Oak (FLUCCS 414E1), 0.96 acres Xeric Oak (FLUCCS 421E2), 3.97 acres Temperate Hammock (FLUCCS 425E1), 0.12 acres Cabbage Palm Hammock (FLUCCS 428), 0.18 acres Hydric Cabbage Palm Hammock (FLUCCS 428H), 1.05 Stream and Waterways (FLUCCS 510), 4.00 acres Stream and Lake Swamps (FLUCCS 615E1), 1.70 acres Wetland Forested Mixed (FLUCCS 630 E3), 2.46 acres of Live Oak disturbed (FLUCCS 4279), 0.99 acres of Mixed Wetland Hardwoods (FLUCCS 617E2).

A field inspection was conducted by ES staff on August 15, 2008 to confirm the FLUCCS mapping and verify protected species survey. No protected species were observed during the site inspection. The majority of the site had been previously cleared for agriculture use, but the site

does contain areas of existing vegetation along the north and west property lines. The central portion of the property contains a Florida Department of Transportation drainage easement over a flow-way which contains approximately 2.76 acres of indigenous plant communities. The western portion of the property contains Olga Creek with indigenous plant communities. This area is approximately 8.25 acres of indigenous plant communities that could create a buffer from the commercial development to the single family homes along S. Olga Drive and also provide protection for Olga Creek. Olga Creek flows along the western property line and continues through the property to the south property line where the creek goes under S.R. 82 and connects with the River Hall RPD to the south. The northern portion of the property contains 3.6 acres of indigenous plant communities. This area could create a buffer from the commercial development to the single family home along the northern property line. The Byrus property contains ± 3.45 acres of indigenous plant communities.

The Conservation Lands land use categories were created to accurately depict the use of lands for conservation purposes. Conservation Lands include uplands and wetlands that are owned and used for long range conservation purposes. The Conservation Lands FLUM category are for lands that are primarily used to conserve important natural resources, environmentally sensitive areas, significant archeological or historical resources, or other conservation uses. Conservation Lands typically include such uses as wildlife preserves; large wetland and upland mitigation areas; natural resource based parks; and water conservation lands such as aquifer recharge areas, flow-ways, flood prone areas and well fields.

The Conservation Lands objective is to put into the public domain private lands that provide the following public benefits:

Sustain native plant and animal populations;

Help protect people and property from flooding;

Help replenish our underground drinking water supply;

Help to improve or sustain the water quality of our coastal bays, inlets;

Provide ecotourism opportunities, and

Provide local environmentally oriented recreational and educational opportunities.

The Board of County Commissioners has provided policy guidance to staff to maintain wildlife corridors and green space connections to ensure the preservation of indigenous plant and animal habitat throughout the County.

The following Comprehensive Plan Goals, Objectives and Policies further support ES Staff's recommendation for the conservation land use category for this project:

Policy 1.4.6: *Conservation Lands land use category was created to accurately depict the use of lands for conservation purposes. Conservation Lands include uplands and wetlands that are owned and used for long range conservation purposes. The Conservation Lands FLUM category is for lands that are primarily used to conserve important natural resources, environmentally sensitive areas, significant archeological or historical resources, or other conservation uses. Conservation Lands typically include such uses as wildlife preserves; large wetland and upland mitigation areas; natural resource based parks; and water conservation lands such as aquifer recharge areas, flow-ways, flood prone areas and well fields.*

The owners of R & D property and staff have worked diligently to agree on conservation lands on the parcel. Please see the attached exhibit which indicates the areas for conservation lands. The indigenous open space on the Byrus property will need to be addressed during the rezoning process.

Policy 6.1.6: *The land development regulations will require that commercial development provide adequate and appropriate landscaping, open space, and buffering.*

The utilization of conservation lands for the northern and western indigenous areas will provide buffers from the commercial development for the adjacent residential homes.

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The utilization of conservation lands will assist to provide protection measures for these areas.

Objective 60.5: Incorporation of Green Infrastructure into the Surface Water Management Plan. *The long-term benefits of green infrastructure as part of the surface water management system includes improved water quality, improved infiltration, wild life habitat and recreational opportunities. Policy 60.5.3: states that the County encourages the preservation of existing natural flow-ways and restoration of historic natural flow-ways.*

Olga Creek is a natural flow-way and as such should be placed in the conservation lands future land use category to provide a wildlife corridor and protect drainage flow in the area.

Objective 61.2: Mimicking the function of natural systems. *Support a surface water management strategy that relies on natural features (flow-ways, sloughs, creeks, etc.) to help manage storm and surface water. Objective 61.3: Lee County will continue to provide design standards for development protective of the function of natural drainage systems.*

Olga Creek, a natural waterway, should be incorporated into the surface water management system to help maintain the historic flow-way.

Objective 77.3: *New developments must use innovative open space design to preserve existing native vegetation and buffer adjacent uses.* **Policy 77.3.3:** *The County encourages new developments to incorporate large contiguous open space areas in their development design.*

Placing the northern and western portions into conservation land use category will provide interconnectivity for wildlife and provide a transitioning buffer between the residential and commercial uses. This will provide for a large open space, which could be utilized as a contiguous wildlife corridor.

Goal 107: Resource Management Plan. *The county will continue to implement a resource management program that ensures the long-term protection and enhancement of the natural upland and wetland habitats through the retention of interconnected, functioning, and maintainable hydro ecological systems where the remaining wetlands and uplands function as a productive unit resembling the original landscape.*

Placing Olga Creek and the indigenous area around the creek into conservation land use category will ensure the protection of the flow-way and the indigenous plant community.

Policy 107.3.1: *Encourage upland preservation in and around preserved wetlands to provide habitat diversity, enhance edge effect, and promote wildlife conservation.*

The northern and western conservation lands will preserve the wetlands and uplands on site, which in turn will retain valuable habitats for wildlife to use.

Utilizing the conservation lands future land use category for the northern and the western portions of the project, as shown on the attached exhibit, will provide:

A natural transitional zone between residential and commercial use;

An indigenous high quality upland and wetland habitats for wildlife;

A protected buffer for the Olga Creek flow-way and drainage area;

Exhibit A


3.5 acres
8.1 acres
PALM BEACH BLVD
N
W
E
S
Legend
Conservation Lands

jmb transportation engineering, inc.

traffic/transportation engineering & planning

February 3, 2009

Mr. James Mudd, AICP
Principal Planner, Planning Division
Lee County Department of Community Development
1500 Monroe Avenue
Fort Myers, Florida 33901-5500

Re: Comp Plan Amendment for Lee County (DCA 09-1)
Amendment 2006-03 – Olga Community Plan

Dear Mr. Mudd:

Regarding the Department of Community Affairs' review comments, dated January 16, 2009, I offer the following response concerning Amendment 2006-03.

A. Amendment 2006-03

1. Objection (Transportation Facilities): The proposed FLUM Amendment 2006-03 is not supported by a road segment transportation analysis including assumptions, data sources, and description of methodologies used for the five-year and long-term planning timeframes addressing the following: (1) the number of peak hour vehicle trips generated by the maximum development potential allowed by the FLUM amendment; (2) the impact of the peak hour vehicle trips on the projected operating level of service of potentially impacted roadways; (3) the need for road improvements or other planning alternatives to maintain the adopted level of service standards for roadways; (4) coordination of the road improvements or other planning alternatives with the Future Land Use Element, Transportation Element (including Future Transportation Map), and Capital Improvements Element, and implementation through the Five-Year Schedule of Capital Improvements; and (5) coordination of the road improvements with the plans of the Florida Department of Transportation and the Metropolitan Planning Organization.

   Response:
   The assumptions, data sources and description of methodologies used for the five-year timeframe were included in the amendment application. The five-year horizon information was contained within the transportation response reports. The long-term planning timeframe (i.e., 2030 horizon) was addressed by Lee County Department of Transportation (LDOT). LDOT provided a description of their assumptions and methodology within the staff report, dated September 10, 2008. The information contained within the transportation response reports and LDOT's staff report did address the following:

(1) Peak hour trip generation calculations were performed for the proposed commercial land use based upon the maximum and most-intense development scenario (i.e., 391,515 s.f. of mixed commercial). The trip generation computations are provided in the transportation response reports that were submitted as part of the amendment application. The five-year horizon trip generations were determined based upon the ITE Trip Generation Manual. The long-term horizon trip generations were determined by Lee County Department of Transportation using the FSUTMS Travel Model.

(2) The impact due to the land use change on the five-year projected roadway level of service was based upon project build-out conditions. It was determined that all roadway links within a 3-mile radius of the site would operate at acceptable levels of service for the five-year horizon. The level of service results are provided in the transportation response reports. The impact due to the land use change on the long-term projected roadway level of service was determined by LDOT using the FSUTMS Travel Model. LDOT determined that all roadway links within a 3-mile radius of the site would operate at acceptable levels of service for the 2030 horizon, except for State Road 80.

As determined by LDOT

> ***S.R. 80 (w. of Buckingham Road)** will fail for 2030 traffic conditions regardless of the project.*
> *LOS "D" capacity = 1,950 vehicles per hour, peak direction*
> *2030 w/o project = 2,286 vph (exceeds max by 336 vph)*
> *2030 w/ project = 2,348 vph (exceeds max by 398 vph)*
>
> ***S.R. 80 (Buckingham to Old Olga Road)** will fail for 2030 traffic conditions due to project development.* [3]
> *LOS "D" capacity = 1,950 vehicles per hour, peak direction*
> *2030 w/o project = 1,777 vph (remaining capacity is 173 vph)*
> *2030 w/ project = 2,000 vph (exceeds max by 50 vph)*

(3) It was concluded that in order to maintain acceptable levels of service for the five-year horizon, no roadways improvements would be required. As concluded by LDOT, in order to maintain acceptable levels of service for the 2030 horizon, State Road 80 will need to be widened from its current four-lane configuration to a six-lane configuration.

(4) There are no identified roadway improvements that are warranted through the five-year horizon. Therefore, no coordination with the Five-Year Schedule of Capital Improvements is needed.

(5) There are no identified roadway improvements that are warranted through the five-year horizon. Therefore, no coordination with the Florida Department of Transportation or the Metropolitan Planning Organization is needed.

jmb

Regarding DCA's comment to include strategies to address any deficiencies projected for the long-range planning timeframe, please consider the following response.

Response:
The only identified 2030 transportation deficiency was State Road 80. LDOT determined that the road (west of Old Olga Road) will need to be widened to six-lanes in order to maintain the adopted level of service. To date, no funding program for the six-laning of State Road 80 has been established.

It should be noted that the 2030 transportation deficiency was determined based upon the projections provided by the FSUTMS[1] travel model assuming the development of 391,515 s.f. of commercial use[2].

The assumptions used in the model for the "with" and "without" change analysis are flawed on three points. One is that the 391,515 s.f. "with" number is grossly unrealistic. The site planning for this property shows that it would be virtually impossible to fit more than 180,000 s.f. into any kind of feasible commercial development. The 345,250 s.f. number, which was dictated by Staff instructions to R&D's planner, results in traffic generation numbers which are almost double what actually could result in a worst case real world scenario. If the commercial intensity is reduced approximately 87,000 s.f. then the only link that fails would be S.R. 80 (west of Buckingham Road).

The second flaw in the analysis is the assumption that traffic generation "without" the change would be virtually zero because the land is zoned for agricultural use. However, that is incorrect because the current land use designations of Suburban and Rural do permit rezoning to commercial uses. In short, even without a change in the land use categories the real world "without" number will not be zero. The model assumes unrealistic numbers on both the bottom and on the top end of the difference between the two scenarios and this leads one to the third flaw, which is that there is no difference.

The change in land use designations will allow no more development intensity in the "after" potential size than in the current "before" potential size. The difference is not in the number of square feet of commercial uses; rather, it is in the type of commercial uses, i.e., general versus rural commercial uses on the eastern part of the property. The difference in trip generation rates between the two is negligible.

---

[1]FSUTMS is the Florida Standard Urban Transportation Model Structure. It is the standard traffic demand model used throughout the State of Florida.

[2]Of this number, 46,265 s.f. are allocated for the Byrus property which is east of and adjacent to the R&D property. The allocation for the R&D property is 345,250 s.f

The following development conditions are offered as a strategy to address the "potential" 2030 transportation deficiency that was identified by LDOT.

a.) *Prior to any development that occurs on the subject property, the applicant will be required to obtain zoning approval. During the zoning phase, the project will be required to submit a traffic impact statement that will address all on-site and off-site transportation deficiencies. Construction funding will need to be identified or a solution to the transportation deficiencies will need to be identified.*

b.) *Once zoning approval has been acquired, then development permits will need to be acquired. At this phase, the development order and/or the concurrency certificate will not be issued unless construction funding is committed or a resolution to the transportation deficiency has been achieved.*

c.) *In conjunction with the applicable Lee County Government permits, the project will be required to obtain a driveway connection permit from the Florida Department of Transportation. FDOT will not issue a permit that result in the degradation of the S.R. 80's adopted level of service standard.*

Therefore, it can be concluded that no development will occur on the subject property unless the identified transportation deficiencies are resolved. This condition will be enforced regardless of whether the land use amendment is approved.

Should you have any questions concerning this matter, feel free to contact me.

Sincerely,
JMB Transportation Engineering, Inc.

Jim Banks

James M. Banks, P.E.
President

Jim Green
6/9/2007

Olga Plan Option 5 - Draft

Note: Yes/No votes may be taken on each paragraph and sub-option.

A. Proposed Olga Vision Statement to be added to the Lee Plan

Objective: In order to maintain Olga's status as the most historic and rural community in the Caloosahatchee Shores Plan area, the following policies will be applicable to the Olga community as reflected on the Olga Vision Map *(Rosalie's map updated to reflect consensus changes and to exclude any reference to parcel* 27-43-26-00-00003.0000*)*.

Policy: The Olga Vision Map reflects the vision of the residents of Olga for their community. All requests for rezonings, comp plan amendments, CIP projects and other regulatory changes by the Board of County Commissioners will take this map into consideration.

Standard 1: It is envisioned that any new residential development in Olga be approved at no more than one unit per acre with the following exceptions:
Parcel 27-43-26-00-00003.0000
(specify any other areas or parcels as reflected in our proposed changes to the LUP).
Standard 2: Commercial development is not objectionable on land parcels that touch SR80 that are east of 650 feet west of Linwood Avenue. Mixed use is encouraged. Land parcels in this designated area that request commercial zoning are envisioned to be required to meet architectural, landscaping and intensity development standards that shall be developed by the Olga community.
Standard 3: A new Town Center/Retail Village which encourages mixed use is envisioned on Old Olga Drive immediately north of the Winn Dixie.
Standard 4: It is envisioned commercial development in Olga be limited to the Olga Mall, the Town Center/Retail Village described in Standard 3 and parcels adjacent to SR80.
Standard 5: A sidewalk/bike path at least 8' wide is envisioned on the east and south side of Old Olga Road from SR 80 to its intersection with South Olga Drive, and on the north side of Old Olga Road for the remainder of its entire length, and on the west side of South Olga Drive from SR80 to Old Olga Road.
Standard 6: Landscaping with oak trees is envisioned on roads and sidewalks/bike paths in Olga by relocating existing trees from within Olga whenever possible.
Standard 7: An expanded community center/park is envisioned on the thirteen acres to the south of the existing community center.
Standard 8: Designation of the Olga Mall as a historical site is envisioned.
Standard 9: A new road with public access is envisioned to connect the River Hall/SR80 intersection (envisioned signalized) with the entrance to Caloosahatchee Estates on Old Olga Road. The road is desirable to accommodate the combination of current and new resident traffic, offset the anticipated closure of mediation cuts at South Olga Drive and Linwood Avenue,

Turn Over

Form 2-B

113728 DEED BOOK 175 PAGE 445

OUTFALL DITCH EASEMENT DEED

Project....Sec. 1202..

State Road...2..... SED #68

R.E. Kurtz, as Trustee for the holders of bonds of Caloosahatchee Improvement District.

KNOW ALL MEN BY THESE PRESENTS that / unmarried, as Grantor, in consideration of One Dollar and other valuable considerations to.....in hand paid, receipt whereof is acknowledged, does hereby grant and convey unto the STATE OF FLORIDA, as Grantee, and its assigns, a perpetual exclusive easement, license and right to excavate, construct and maintain outfall and drainage ditches and drains, upon and through the following described lands situate in Lee County, Florida, to-wit:

PART, LATERAL DITCH LEFT AND RIGHT OF STATION 535+20

That part of W½ of NE¼ of NW¼ of Section 27, Township 43 South, Range 26 East, lying within 35 feet each side of the following described ditch centerline:

Beginning on the North line of NW¼ of NE¼ of NW¼ of said Section 27, at a point 57.02 feet East of Northwest corner of NE¼ of NW¼ of said Section 27; thence run South 27°49' East 66.95 feet; thence run South 30°49' East 215 feet, thence South 37°49' East 222 feet; thence South 6°19' East 293.0 feet; thence South 32°49' East 100 feet; thence South 12°49' East 100 feet to the centerline of State Road 2, Section 1202, thence continue South 12°49' East 200 feet; thence South 4°27' East 100 feet to South end of said ditch.

Said lands containing 1.63 acres, more or less, exclusive of that part lying within highway.

LATERAL DITCH RIGHT OF STATION 615+93

That part of SW¼ of NE¼ of NW¼ of Section 27, Township 43 South, Range 26 East, lying

Said lands containing 1.63 acres, more or less, exclusive of that part lying within highway.

LATERAL DITCH RIGHT OF STATION 615+93

That part of SW¼ of NE¼ of NW¼ of Section 27, Township 43 South, Range 26 East, lying within 25 feet each side of the following described ditch centerline:

Beginning on the South line of said S½ of N½ of NW¼ of Section 27, at a point 155.05 feet West of Southeast corner of said S½ of NE¼ of NW¼ of Section 27; thence run North 23°40' West 72.22 feet; thence North 3°22' West 80.34 feet to end of ditch.

Containing .18 acres, more or less.

PART LATERAL DITCH LEFT OF STATION 595+20

That part of W½ of S½ of SW¼ of Section 22, Township 43 South, Range 26 East, lying within 35 feet each side of the following described ditch centerline:

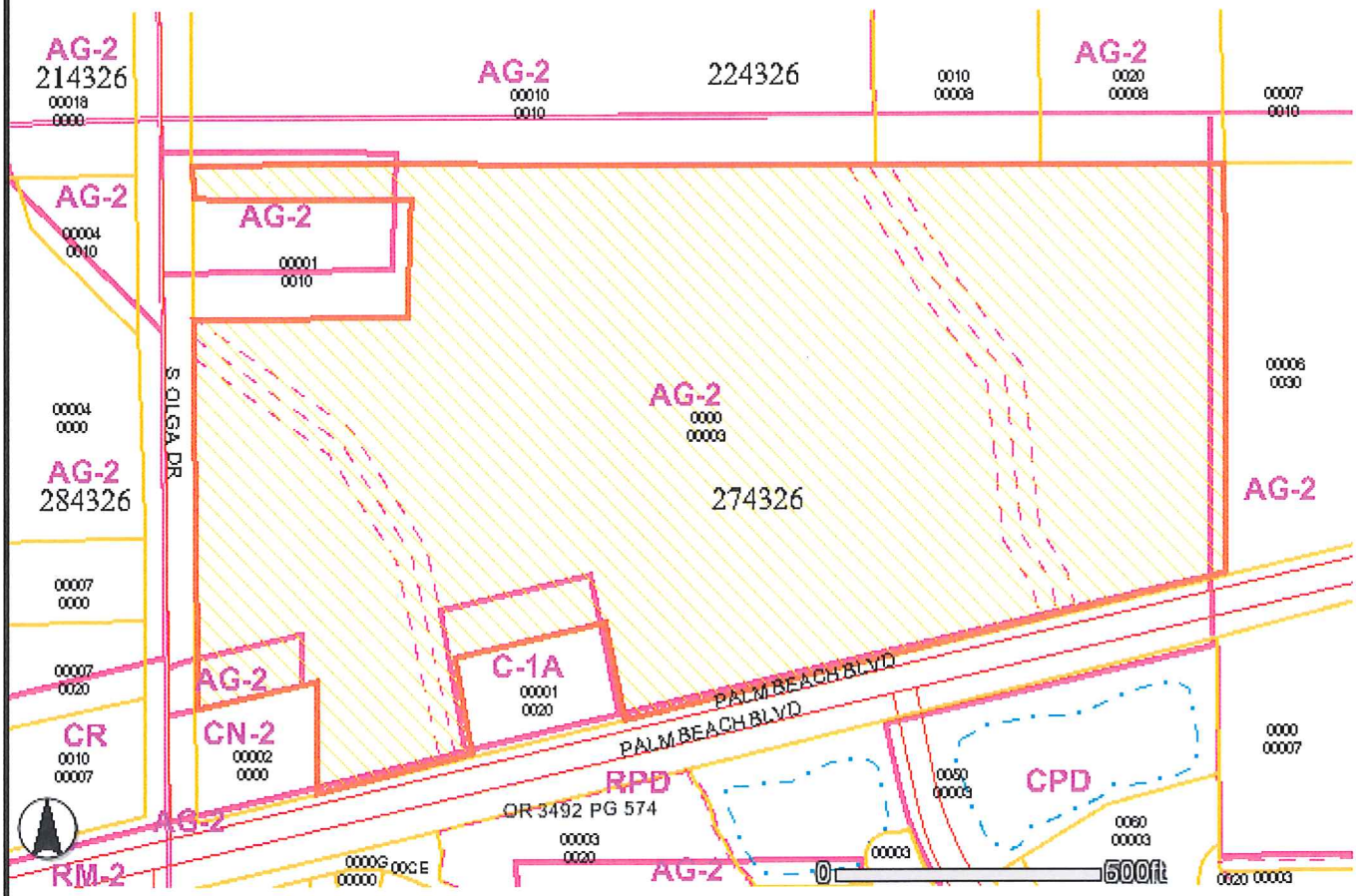
Beginning on the South line of S½ of SE¼ of SW¼ of Said Section 22 at a point 57.02 feet East of the Southwest corner of said S½ of SE¼ of SW¼; thence run North 27°43' West 123.15 feet to the West line of said SW¼ of SE¼ of SW¼ at a point 111.76 feet North of the Southwest corner thereof. ALSO,

Beginning on the West line of said W½ of SE¼ of SW¼ of Section 22 at a point 561.31 feet South of the Northwest corner of SE¼ of SW¼ of said Section 22; thence run North 47°11' East 34.35 feet; thence North 21°41' East 145 feet; thence North 32°41' East 200 feet; thence North 29°11' East 225 feet; thence North 1°01' West 43.57 feet to North line of said W½ of SE¼ of SW¼ of Section 22 at a point 302.85 feet East of Northwest corner of SE¼ of SW¼ of said Section 22.

Containing 1.24 acres, more or less.

DESCRIPTION APPROVED
DIVISION OF RIGHTS OF WAY
STATE ROAD DEPT. OF FLORIDA
OCT 11 1948

Lee County Map



Proposed Conservation Area 2.66 Acres

0 200'

SCALE: 1" = 200'

NORTH



2007 Lee County Aerial

SHEET

DATE: 2/2/09

DESIGNED BY: EH | CHECKED BY: BC

PROJECT: Collins99-Haywood

SYNECOLOGICAL NALYSTS
ENVIRONMENTAL EVALUATION AND ADVOCADY
2159 MORNING SUN LANE
NAPLES, FLORIDA 34119
PHONE: (239) 514-3998
FAX: (239) 514-0955

Conservation Areas

Steve Haywood
Section 4, T-44-S, R-24-E, Lee County, Florida

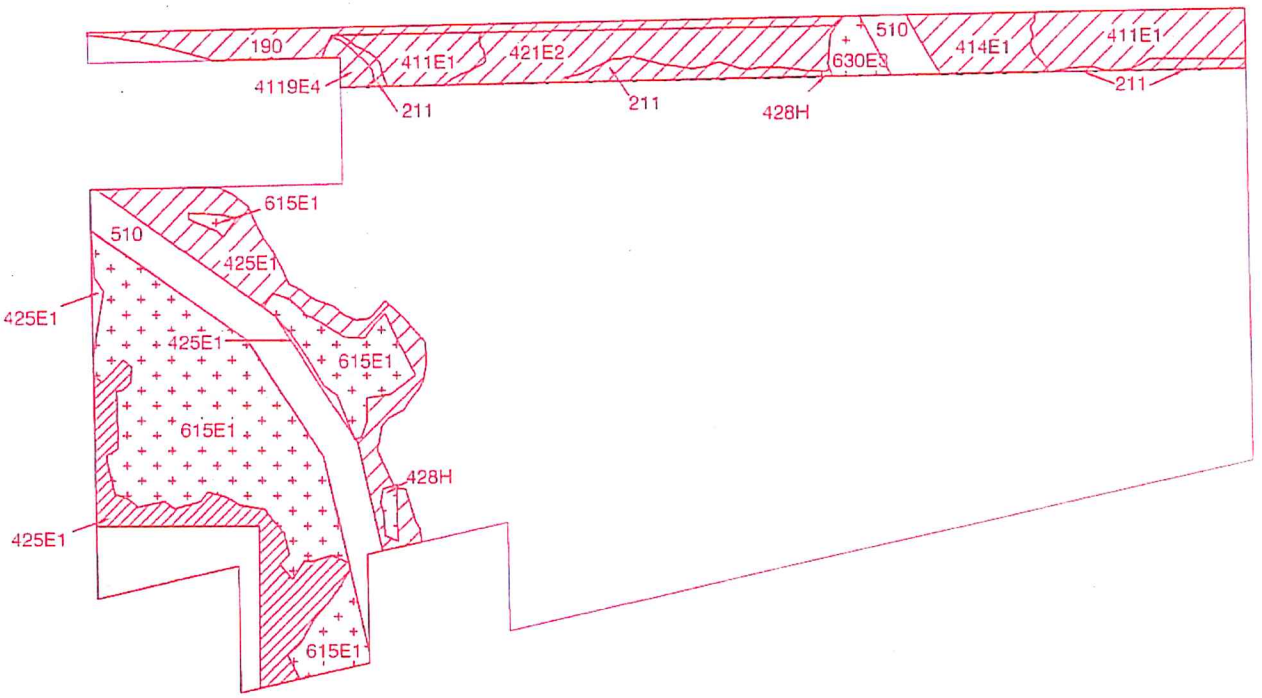
REVISIONS

C:\Documents and Settings\sholland\Local Settings\Temporary Internet Files\Content.Outlook\94XUVT0\comp plan set 9 4 08.dwg Tab: conservation lands (2) Sep 04, 2008 - 12:39pm Plotted by: sholland

N

BEC

Scale: 1" = 300'



WETLAND CONSERVATION LANDS - 3.72 AC.

UPLAND CONSERVATION LANDS - 5.29 AC.

NOTES:

Wetland lines were surveyed by Starnes Surveying, Inc.. The wetlandshave not been verified by the SFWMD.

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

Property boundary was obtained from Starnes Surveying, Inc.

Boylan Environmental Consultants, Inc.
Wetland & Wildlife Surveys, Environmental Permitting, Impact Assessments
11000 Metro Parkway, Suite 4, Ft. Myers, FL 33966 (239)418-0671

Drawn By:	Date:	Category
A.M.L.	8/21/08	Aerial
Job Number		Scale:
2005-208		1" = 300'
S/T/R		County
27/43S/26E		Lee

R & D Cattle

CONSERVATION LAND USE AREA

Revisions	Date:	Page
AML 9.4.08		
		Exhibit

18.90
19.20

27-43-26-00-00003.0000

RETURN TO COURTHOUSE BOX 4

Prepared by
RICHARD V. WINESETT
Avery, Wingham & Winesett, P.A.
2248 FIRST STREET
FORT MYERS, FL 33901

INSTR # 6787677
OR BK 04786 Pgs 0045
RECORDED 05/11/2005
CHARLIE GREEN, CLERK OF
LEE COUNTY, FLORIDA
RECORDING FEE 18.50
DEED DOC 0.70
DEPUTY CLERK T Kortright

DB 175/445
492

CORRECTIVE DEED

THIS DEED made the 29th day of April, 2005, between **WILLIAM SCHULMAN, as Trustee,** herein called the grantor, to **R & D CATTLE COMPANY, LLC, a Florida limited liability company,** whose post office address is 4618 Sylvan Ramble Street, Tampa FL. 33609, hereinafter called the grantee.

WITNESSETH: That the grantor, for and in consideration of the sum of TEN AND 00/100 ($10.00) Dollars and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee all that certain land situate in Lee County, State of Florida, described as follows:

See Exhibit "A" attached hereto and incorporated herein by reference for the legal description of the property.

The above-described property is not the homestead of the grantor but in fact is vacant land.

This is a corrective deed executed to correct the legal description of the property in Deed recorded in O. R. Book 4369, Page 60, Lee County Public Records.

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

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

AND, the grantor hereby covenants with said grantees that the grantor warrants the title against all persons claiming by, through, or under grantor and will defend the same against the lawful claims of all such persons whomsoever.

IN WITNESS WHEREOF, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

Witness Signature
FRANK J. MATTISON
Printed Name

WILLIAM SCHULMAN, as Trustee

Witness Signature
CHRISTINE MARIE
Printed Name

FRANCINE M. PANTALEO
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN SUFFOLK COUNTY
REG. 01PA6047...
MY COMM. EXPIRES 7/31/06

4/29/05

STATE OF NEW YORK
COUNTY OF SUFFOLK

The foregoing instrument was acknowledged before me this 29th day of April, 2005, by **WILLIAM SCHULMAN, as Trustee,** who is [X] personally known to me or who have produced [ ] _____ as identification.

I am a Notary Public in and for the State of New York and my commission expires on 7/31/06.

SEAL

NOTARY SIGNATURE

Francine M. Pantaleo
Printed Name

FRANCINE M. PANTALEO
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN SUFFOLK COUNTY

EXHIBIT "A"

Parcel One

The NW ¼ of the NW ¼ of Section 27, Township 43 South, Range 26 East, Lee County, Florida,

Less that portion thereof which is described as follows: Begin at the east line of the right-of-way of State Road (Old Olga Road) at the north line of Section 27, thence south along the east line of said right-of-way a distance of 50 feet for a point of beginning of the land herein described; thence south parallel with the east line of said right-of-way, 210 feet; thence east parallel with the north line of said Section, 420 feet; thence north parallel with the east line of said right-of-way, 210 feet; thence west to the point of beginning.

And less one parcel of one and one-quarter acres which is described as follows:

Beginning at the NE corner of the intersection of Route 80 and Old Olga Road (formerly Highway 31), thence run northerly along Old Olga Road (formerly Highway 31), 210 feet; thence easterly and parallel with the northerly line of Route 80, 240 feet; thence southerly and parallel to Old Olga Road (formerly Highway 31) to the northern boundary of Route 80; thence westerly along the northern boundary of Route 80 to the point or place of beginning;

And less, also, approximately one acre of land described as follows: Begin at the intersection of the east line of a drainage ditch and the north line of State Road 80 in the SW 1/4 of the NW 1/4 of the NW 1/4 of said Section 27; thence run easterly along the said road 80 yards; thence north parallel to Old Olga Road (formerly Highway 31), 60 yards; thence west parallel to the north line of State Road 80, 80 yards; thence south along drainage ditch to point of beginning, less the right-of-way of State Road No. 80.

EXCEPTING from the parcel conveyed the right-of-way of State Road No. 80 and Old Olga Road (formerly Highway 31).

Parcel Two

That portion of the West ½ of the NE ¼ of the NW ¼ lying North of State Road 80 in Section 27, Township 43 South, Range 26 East, Lee County, Florida.

10.50
9-12-73C
2178.5

741346

OFF. REC. 976 PAGE 551

Printed for Lawyers' Title Guaranty Fund, Orlando, Florida

This instrument was prepared by:

Name THIS INSTRUMENT PREPARED BY:
A DOUGLAS GRACE JR, ATTORNEY AT LAW
Address ~~CC ELECTRIC BUILDING - SUITE 1-2~~
P O BOX 1 FT MYERS FLORIDA

Warranty Deed (STATUTORY FORM—SECTION 689.02 F.S.)

This Indenture, Made this 6th day of August 19 73, **Between** EMMETT J. KELLY, also known as J. EMMETT KELLY, individually, and as Trustee, joined by his wife, ANN L. KELLY, and A. DOUGLAS GRACE, JR., individually, and as Trustee, joined by his wife, SARAH H. GRACE,
of the County of Lee, State of Florida, grantor*, and

WILLIAM SCHULMAN, as Trustee,

whose post office address is c/o Roseman & Roseman, Attorneys at Law, 150 Broad Hollow Road, Melville, New York 11746,
of the County of , State of New York, grantee*,

Witnesseth, That said grantor, for and in consideration of the sum of TEN and 00/100 ---------- Dollars, and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Lee County, Florida, to-wit:

Legal description fully set forth on Schedule "A" annexed hereto and made a part hereof.

STATE OF FLORIDA DOCUMENTARY STAMP TAX DEPT. OF REVENUE 999.99 | FLORIDA STAMP TAX 999.99 | FLORIDA STAMP TAX 999.99 | FLORIDA STAMP TAX 999.99 | FLORIDA STAMP TAX 999.99

STATE OF FLORIDA DOCUMENTARY STAMP TAX DEPT. OF REVENUE 1470.79 | FLORIDA STAMP TAX 999.99 | FLORIDA STAMP TAX 999.99 | FLORIDA STAMP TAX 999.99 | FLORIDA STAMP TAX 999.99

and said grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

*"Grantor" and "grantee" are used for singular or plural, as context requires.

In Witness Whereof, Grantor has hereunto set grantor's hand and seal the day and year first above written.
Signed, sealed and delivered in our presence:

Witnesses as to all parties

Emmett J. Kelly, individually and as Trustee (Seal)
Ann L. Kelly (Seal)
A. Douglas Grace, Jr., individually and as Trustee (Seal)
Sarah H. Grace (Seal)

STATE OF FLORIDA
COUNTY OF LEE

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared EMMETT J. KELLY, also known as J. EMMETT KELLY, and ANN L. KELLY, his wife, and A. DOUGLAS GRACE, JR. and SARAH H. GRACE, his wife, to me known to be the persons described in and who executed the foregoing instrument and acknowledged before me that they executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 6th day of August, 1973.

Notary Public

My commission expires:
Notary Public, State of Florida at Large
My Commission Expires March 7, 1975

DEF. REC. 976 PAGE 552

SCHEDULE "A"

All of that land in Township 43 South, Range 26 East, Lee County, Florida, to-wit:

PARCEL NO. 1: The NW-1/4 of the SW-1/4 of the NW-1/4 of Section 27.

PARCEL NO. 2: The NE-1/4 of the NE-1/4 of the SW-1/4 of Section 27.

PARCEL NO. 3: A tract or parcel of land lying in the NE-1/4 of the NE-1/4 of Section 27, which tract or parcel is described as follows: Beginning at the point of intersection of the north right-of-way line of State Road No. 80 with the west line of the NE-1/4 of the NE-1/4, run north along said west line to the NW corner thereof; thence run east along the north line of Section 27 to an intersection with the prolongation of a line extending from the NE corner of the S-1/2 of the SE-1/4 of Section 22 to the SE corner of Lot 10, Block 4, Idalia Annex, according to a map or plat thereof, recorded in Plat Book 3, at Page 44 of the Public Records; thence continue east along said Section line to an intersection with a line 100 feet, measured on a perpendicular, southeasterly from said line extending through the SE corner of Lot 10; thence run southwesterly along said parallel line to an intersection with a line 80 feet east of and parallel to said west line of the NE-1/4 of the NE-1/4; thence run south along said parallel line to a point on the north right-of-way line of State Road No. 80; thence run southwesterly along said right-of-way line to the point of beginning; subject to the right-of-way of an existing public road over and across the west 20 feet thereof.

PARCEL NO. 4: All that part of Idalia Annex according to a plat thereof, recorded in Plat Book 3, at Page 44, of the Public Records of Lee County, lying southeasterly of a line extending from the SE corner of Lot 10, in Block 4, of said Idalia Annex, northeasterly to the NE corner of the S-1/2 of the SE-1/4 of Section 22 and lying northwesterly of a line 100 feet, measured on a perpendicular, southeasterly from and parallel to the aforementioned; excepting any part of said described lands lying within the boundaries of Lot 3, Block 3, of said Idalia Annex; subject to any existing roads or dedicated roads or roads through or contiguous to the above described property, as well as any roads that might be shown on the recorded Plat of Idalia Annex, recorded in Plat Book 3, at Page 44, of the Public Records of Lee County, Florida, with reservations and reversions as set forth in that Deed made by Robert M. Newell and Lorraine Newell, his wife, to Benn Development Corp. dated November 13, 1957 and recorded in Deed Book 277, Page 340, of the Public Records of Lee County.

PARCEL NO. 5: The S-1/2 of the S-1/2 of the SE-1/4 of Section 25 lying south of the former (now abandoned) Seaboard Airline Railroad Company right-of-way.

PARCEL NO. 6: All that part of the S-1/2 of the SW-1/4 of the SE-1/4 and the S-1/2 of the S-1/2 of the SW-1/4 of Section 26 which lies south of the former (now abandoned) Seaboard Airline Railroad Company right-of-way.

PARCEL NO. 7: All that part of the S-1/2 of the S-1/2 of the SE-1/4 of Section 27 which lies south of the former (now abandoned) Seaboard Airline Railroad Company right-of-way and that part of the S-1/2 of the SW-1/4 of the SW-1/4 of Section 27 which lies south of the former (now abandoned) Seaboard Airline Railroad right-of-way in Section 27 and the SE-1/4 of the SE-1/4 of the SW-1/4 in Section 27, less the former (now abandoned) Seaboard Airline Railroad Company right-of-way.

DOCUMENTARY SURTAX 99.99

DOCUMENTARY SURTAX 99.99 FLORIDA

DOCUMENTARY SURTAX 178.57 FLORIDA

A. DOUGLAS GRACE, JR.
ATTORNEY AT LAW
SUITE 204
COURTNEY BUILDING
2048 FIRST STREET
POST OFFICE BOX 1779
FORT MYERS, FLORIDA
33902

PARCEL NO. 8: The NW-1/4 of the NW-1/4 of Section 27, less that portion thereof which is described as follows: Begin at the east line of the right-of-way of State Road No. 2 at the north line of Section 27, thence south along the east line of said right-of-way a distance of 50 feet for a point of beginning of the land herein described; thence south parallel with the east line of said right-of-way, 210 feet; thence east parallel with the north line of said Section, 420 feet; thence north parallel with the east line of said right-of-way, 210 feet; thence west to the point of beginning.

And less one parcel of one and one-quarter acres which is described as follows: Beginning at the NE corner of the intersection of Route 80 and Highway 31, thence run northerly along Highway 31, 210 feet; thence easterly and parallel with the northerly line of Route 80, 240 feet; thence southerly and parallel to Highway 31 to the northern boundary of Route 80, thence westerly along the northern boundary of Route 80 to the point or place of beginning.

And less, also, approximately one acre of land described as follows: Begin at the intersection of the east line of a drainage ditch and the north line of State Road 80 in the SW-1/4 of the NW-1/4 of the NW-1/4 of said Section 27; thence run easterly along the said road 80 yards; thence north parallel to State Road 31, 60 yards; thence west parallel to the north line of State Road 80, 80 yards; thence south along drainage ditch to point of beginning, less the right-of-way of State Road 80. EXCEPTING THEREFROM the right-of-way of State Road No. 80 and State Road No. 31.

PARCEL NO. 9: The W-1/2 of the NE-1/4 of the NW-1/4 of Section 27.

PARCEL NO. 10: The N-1/2 of the SE-1/4 of the NW-1/4 of Section 27.

PARCEL NO. 11: (a) The SE-1/4 of the SE-1/4 of the NW-1/4 of Section 27, less that portion of Section 27, along the east line of the west one-half thereof to the south line of the SE-1/4 of the SE-1/4 of the NW-1/4 thereof; dedicated as a public County road.

(b) The SW-1/4 of the SE-1/4 of the NW-1/4 of Section 27.

PARCEL NO. 12: The S-1/2 of the SW-1/4 of the NW-1/4 of Section 27.

PARCEL NO. 13: The N-1/2 of the NW-1/4 of the SW-1/4 of Section 27.

PARCEL NO. 14: The SE-1/4 of the NW-1/4 of the SW-1/4 of Section 27.

PARCEL NO. 15: The W-1/2 of the NE-1/4 of the SW-1/4 of Section 27.

PARCEL NO. 16: The SE-1/4 of the NE-1/4 of the SW-1/4 of Section 27.

PARCEL NO. 17: The N-1/2 of the SE-1/4 of the SW-1/4 of Section 27.

PARCEL NO. 18: That portion of the S-1/2 of the SW-1/4 of the SW-1/4 of Section 27 north of the Seaboard Airline Railroad Company right-of-way.

PARCEL NO. 19: The N-1/2 of Section 34.

PARCEL NO. 20: The N-1/2 and the SW-1/4 and the S-1/2 of the SW-1/4 of the SE-1/4 in Section 35.

A. DOUGLAS GRACE, JR.
ATTORNEY-AT-LAW
SUITE 808
COUNTRY BUILDING
2000 FIRST STREET
POST OFFICE BOX 1770
FORT MYERS, FLORIDA
33902

PARCEL NO. 21: All of Section 36.

Subject to the following:

MORTGAGE, made by Emmett J. Kelly and A. Douglas Grace, Jr., as Trustees, to Edward A. Osher, Trustee, recorded August 14, 1972, in Official Record Book 843, page 727, of the Public Records of Lee County, Florida, securing the original principal sum of $1,176,400.00; and thereafter assigned by Edward A. Osher, Trustee, to Ben M. Belon and Martin Blum, as Trustees, by Assignment of Mortgage recorded September 14, 1972, in Official Record Book 854, page 203, of the Public Reocrds of Lee County, Florida, which the Grantor herein agrees to assume and pay.

RESTRICTIVE COVENANTS, CONDITIONS AND EASEMENTS OF RECORD, AS FOLLOWS:

a) The property described herein is subject to an Easement to the Florida Power & Light Company recorded in Deed Book 280, page 67, Lee County Public Records, and Utility Easements to Florida Power & Light Company recorded in Deed Book 234, page 26, Deed Book 234, page 28, Deed Book 262, page 143 and Deed Book 230, page 106, as modified by Amendment to Right-of-Way Agreement filed November 15, 1956, in Misc. Book 43, page 37 and the unrecorded Easement dated January 16, 1958.

b) Road right-of-way for State Road No. 31, along the West 50 feet and 75 feet on each side of the center line of State Road No. 80, as set forth in Deed Book 173, page 449, Lee County Public Records, which affects Parcel No. 8 of the property hereinabove conveyed.

c) Outfall ditches as set forth in Deeds to the State of Florida recorded in Deed Book 175, page 445 and Deed Book 175, page 492, Lee County Public Records, which affect Parcel Nos. 8, 9 and 10 herein.

d) Right-of-way for road twenty (20) feet wide along south and west side of the tract described herein, which affects Parcel No. 11(b).

e) Reservations for Road:

1. As to Parcel No. 1, there is a reservation of a 20 foot wide road along the west side thereof.
2. As to Parcel Nos. 2 and 16, there is a 20 foot road right-of-way reservation on the north and east sides thereof.

f) Easement reservation as set forth in Deed from N. H. Hunter et al to Lee-Dade Properties, Inc., dated November 15, 1956, recorded in Deed Book 263, page 186, involving a one square acre parcel in the SW corner of the N-1/2 of Section 34, which affects Parcel No. 19 herein.

g) Subject to the grazing rights of N. H. Hunter et ux by virtue of an unrecorded document dated November 16, 1956.

h) Mineral royalty interest by N. H. Hunter, dated November 16, 1956 and recorded in Misc. Book 43, page 35, Lee County Public Records.

i) Easement for ingress and egress through Section 27 from Route 80 to the north line of Section 34, Township 43 South, Range 26 East by Martin Blum and Ben M. Belon, as Trustees, and Emmett J. Kelly and A. Douglas Grace, Jr., as Trustees, recorded in Official Record Book 843, page 862, Lee County Public Records.

j) 100 foot easement road along Sections 28 and 33 boundary from Buckingham-Olga Road to East line of Sections 28 and 33.

RECORDED IN OFFICIAL RECORDS LEE COUNTY, FLORIDA AUG 15 PM 4:13 CLERK OF CIRCUIT COURT

A. DOUGLAS GRACE, JR.
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Stephen L. Precourt
Lawrence L. Smith, Jr.
William T. Stone

DRMP
ENGINEERS • SURVEYORS • PLANNERS • SCIENTISTS

November 8, 2007

DRMP Job # 06-0096.000

Mr. Jim Mudd
Principal Planner
Lee County Community Development
1500 Monroe Street
Fort Myers, Florida 33901

Subject: Olga Community Plan

Dear Jim:

Dyer, Riddle, Mills and Precourt, Inc. (DRMP) has worked diligently with the East Lee County Council, the Olga Planning Subcommittee and the Olga Community over the last few months to create the Olga Community Plan being submitted with this letter. Please find six copies of the plan for your review. This is an exciting time for the Olga community.

During the community review period a letter from a property owner located along SR 80 was received requesting consideration of some of the proposed goals, objectives and policies in the Plan. We have attached the letter for your review. The letter was submitted to the East Lee County Council and the Olga Planning Subcommittee for their review and comment. The overwhelming sense of the community responding to the letter was to submit the plan as presented and any changes proposed in the property owner letter could be discussed during the Planned Development phase. Please find attached the responses to the letter from members of both committees for your review as well. With the potential fast paced development of its community, the Olga community felt that submitting the Olga Plan in its current state would be the best avenue to pursue at this time.

DRMP has enjoyed the opportunity to be part of the development of this plan. Over the course of reviewing the plan, should you or any member of your staff have any questions or comments or need additional information, please do not hesitate to contact our office.

Sincerely,
Dyer, Riddle, Mills & Precourt, Inc.

Elly Soto McKuen
Planning Manager

CC: East Lee County Council
Olga Planning Subcommittee

P:\Remote_Projects\FTME\East Lee County Council\OLGA_31\Olga Community Plan\letter of transmittal.dot

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‡ Also Member PA, NJ, DC Bars

October 1, 2007



Elly Soto McKuen, Planning Manager
DRMP, INC.
Dyer, Riddle, Mills and Precourt, Inc.
1404 Dean Street, Suite 300
Fort Myers, FL 33901

RE: Olga Community Plan

Dear Elly:

Thank you very much for sending me a draft of the Olga Community Plan supplemental report to the Caloosahatchee Shores Community Plan. As you know, I represent R & D Cattle Company, which owns the largest undeveloped parcel which fronts on Palm Beach Boulevard in Olga, and which has been probably the single most significant issue which has been addressed by the public in discussions concerning the Olga Community Plan.

The R & D owners have enjoyed working with you and with the community to identify a plan by which the R & D parcel could be developed in a way which would be mutually beneficial to both the owner and the community. The centerpiece of that discussion has been the alignment of a proposed road which would connect to State Route 80 aligned with River Hall Parkway, to create a signalized four-way intersection, as explained in the last full paragraph on page 19 of your draft.

As the draft informs the County, beginning at the bottom of page 19, the community was presented with five different options concerning the alignment of this new road which would be North of State Route 80. The so-called "third option" was the overwhelming preference of the community. This option treats the road as a collector road that would connect with South Olga Drive, just North of the Baptist Church which lies on the East

side of South Olga Drive. This route is illustrated on Exhibit I to the draft. R & D voices no objection to this alignment so long as it is selected in conjunction with several other requirements which the draft does not address. These requirements are those which were discussed with the community at length during the June 9, 2007 meeting at the United Methodist Church of Olga/Fort Myers Shores (Grace Church). Please allow me to repeat them here.

The R & D property has been artificially divided into a Suburban portion on the West and a Rural portion on the East. I think I am correct in saying that good planning dictates that the property be in a single land use category. Option 3 would not be economically feasible if the eastern part remains Rural. If the designation on the eastern part cannot be changed, then economics dictate that the proposed road be developed as a private local road which would connect to adjourning parcels to the North. If the Rural designation is changed to at least Outlying Suburban, then Option 3 would be feasible. The owner has no objection if Outlying Suburban is imposed on both portions of the property.

On page 30 of your draft, there is a draft policy which specifically refers to the R & D parcel and the proposed collector road. The language in the policy does not explain whether the road would be deemed a collector at the time it is constructed, or whether the collector designation would have to follow later, pursuant to other Lee County regulations. Option 3 will not be feasible unless it is made clear that the road will be deemed a collector road for site location purposes at the time the project is developed and the road is built, regardless of whether the road would meet other Lee County collector road designation requirements. I believe it is understood that the road will ultimately function as a collector road once it is extended to Old Olga Road through other properties which are West of South Olga Drive and which are not owned by R & D. Unfortunately, it is not feasible to build the portion on the R & D property unless it is designated as a collector road when it is built. This is something of a chicken and egg problem and, presuming that you would support the recommendation, I believe that it could be addressed in the proposed policy by modifying the language to read as follows:

> "The development of the parcel located at the northeast quadrant of South Olga Drive and S.R. 80 (a/k/a Strap #27-43-26-00-00003.000) shall incorporate a road, which shall be designated and treated as a collector road for site location purposes as required in the Lee Plan and the County's land development regulations, and which road will align North to the northern boundary of the property line, turn West following the northern boundary of the property line, and connect to South Olga Drive. The cost of such improvement shall be borne by the developer."

In addition to the language set forth above, the policy would have to be further revised to allow for the fact that it is impossible to provide a 100 foot wide landscape buffer within the area North of the Baptist Church. I believe that the dimension there is only 50 feet, which makes any buffer infeasible and which may require relief from the minimum width standards for collector roads. Moreover, R & D has agreed to build the road within the 100 foot wide landscape buffer, not South of the 100 foot wide landscape buffer described in the draft policy. Therefore, R & D would like to see the second-half of the policy be revised to read as follows before it could agree:

> "The roadway, which shall be built to minor collector road cross-section standards where feasible, shall be incorporated within a 100 foot wide landscape buffer on the northern boundary of the property where there is sufficient room to accommodate such a buffer. Except along that portion of the parcel which is only 50 feet wide as it intersects with South Olga Drive and where no buffer shall be required, the area between the roadway and the property line North of the roadway shall be landscaped to the maximum extent possible to provide a completely opaque buffer separating the commercial use on the property from the adjoining properties at the time when such vegetation has matured. No connections from any parcel North of this location shall connect to the proposed roadway."

With respect to the various standards set forth on page 29 of the draft, I believe that the ones relating to the minimum building setbacks are not feasible unless they are applied to a parent tract and considered as a whole, rather than applied to sub-parcels within the parent tract.

May I suggest that this could be accomplished by amending the setback standard to read as follows:

> "In the case of parcels which are subdivided after October 1, 2007, the minimum building setbacks required for development shall be applied to the property lines of the original parent tract, and not to individual parcels into which the parent tract may be divided after October 1, 2007."

With respect to the standards set forth on page 29 regarding internal parking lots, floor area ratios and open space requirements, I question whether these are feasible. In the case of parking, it seems to me that parking need not be internal if the parking lots are shielded from view from the streets and neighborhood. I think that the standard for parking is accomplished by the following language:

> "Parking lots shall be shielded from view from public streets and adjoining neighborhoods."

David Depew is on vacation and, so, I cannot confirm this with him yet, but my preliminary calculations show that the proposed floor area ratio of .10 is not economically feasible, at least on the R & D Cattle Company property, where very substantial costs will be incurred in building the internal collector road and providing the dense buffers which will be required. Moreover, a considerable portion of the property is lost to flow-ways. I think that the standard could be adjusted by providing the following:

> "Floor Area Ratios (FAR) maximum shall be 0.10 on parcels less than ten acres in size and 0.20 on parcels more than ten acres in size. In the case of parcels which are subdivided after October 1, 2007, the FAR maximum shall be applied to the parent tract, as it existed on October 1, 2007, taken as a whole, and not to individual parcels into which the parent tract may be subdivided after October 1, 2007."

Again, I am assuming that my calculations will be sustained by Mr. Depew's greater knowledge of site planning requirements.

With respect to open space requirements, I am advised that a 50% requirement for parcels more than ten acres will not work in this case. I will have to ask Mr. Depew to do some calculations before I can say whether any number greater than 30% is acceptable. I think not, but, again, I have to defer to Mr. Depew's greater expertise in site planning.

Finally, at the top of page 30, you have a requirement that mature trees be preserved and relocated on site. I cannot speak knowledgably about the other parcels along S.R. 80, but the requirement is totally infeasible in the case of R & D Cattle, where the mature trees lie precisely where the only commercial development can occur, and the cost of relocating these massive, mature oak trees would be prohibitive. Moreover, the rate of survival for such trees would be dubious, even if there existed a cost-effective way to move them. Perhaps the following language could be considered:

> "Mature trees shall be preserved or relocated on site whenever economically feasible after taking into account typical commercial development requirements for building size, location, drainage, parking, internal traffic circulation and other normal and customary site development requirements."

I hope that you find the suggestions which are set forth above to be something that you can recommend to the County. I believe that the community would support the changes suggested above, if given the opportunity to do so. I believe that the community understands the need for reasonable trade-offs and balance, and I do not think that anything proposed above is something that has not already been said with respect to the R & D Cattle parcel. I think we can continue our collaborative efforts with the community's support by making these changes, which I do not believe will do violence to the community's vision of its future.

Sincerely,

GOLDSTEIN, BUCKLEY, CECHMAN,
RICE & PURTZ, P.A.

Michael J. Ciccarone

MJC:alr

cc: Mr. Ralph Bond
Mr. David Depew

Elly Mckuen

From: Glen Chagrin [pbgf141@yahoo.com]
Sent: Friday, October 19, 2007 2:49 PM
To: Elly Mckuen
Subject: Re: Ralph Bond letter

10-19-07

Dear Elly;

I find nothing objectionable re: the Oct 1, 2007 letter from Mike Ciccarone for R&D Cattle Company. If Alva wishes responsible developers that will be responsive to a community's looks, then Alva needs to understand that the plan needs to fair to ALL parties involved. You cannot make an omelette without breaking the eggs, but the mess needs to be responsibly cleaned up afterwards, pots & pans cleaned & put away, neat & orderly which is what it seems Ralph Bond wants, but you have to leave him with enough to buy the eggs.

My impression was that the community wanted development like Daytona did along SR 421 from I-95 east - low monument signs (even for fast food places & convenience stores) - heavy vegetation along the road that still allows the buildings to peek out, but curtains them effectively and gives the effect of driving in a corridor. Daytona took a worn out look & made it timeless. There should be plenty of negotiable space between properties if landscape shielded from the main road. The more properties off the road that are connected through their parking lots or secondary roads, the less impact on the main highway, the less entrances, the less breaks in SR 80 landscaping. If you wish to shield residential from commercial on the backside of the property, then the Dairy Queen on Rt 80 immediately west of Buckingham did that well with their wall or even the Tractor Supply Store's wall. However, neither of those (2) properties have any landscaping to speak of. Let the Alva developers put their efforts into landscape shielding SR 80 and walling the back and give them freer reign on the "unseen" interior. Side buffers from another commercial property should not be an issue. Or let them build a bigger footprint if they build around a courtyard of existing trees.

My input is that all of the land fronting SR 80 is commercial use and the developer should be held to "Commercially Feasible" rules. In case anyone has missed the news, commerical development are the only projects moving forward right now, residential has fallen off over 90% and any real estate sales have tanked. Properties that were asking $350K last year are on the market for $125K. I believe that as responsible planners, we should construct regulations that work in good times as well as bad and for the betterment of all because landowners & developers are also part of the community in the long haul. Typically, commerical owners take better care of their properties than residential because commerical owners normally are businessmen that recognize the value of maintaining their asset. The better a neighborhood is built and looks (because appearances MUST be maintained) then the better the values remain and decay is kept at arm's length.

Thank you for your time and consideration in this matter.

Sincerely,

Elly Mckuen

From: Janet Tripp [jtripp21@juno.com]
Sent: Thursday, October 18, 2007 6:27 PM
To: Elly Mckuen; Ken Griffith; mamath03@earthlink.net; hdhotbikes@embarqmail.com; dkorf@msn.com; kimelk@netzero.net
Subject: Draft Olga Plan

Elly

The Olga plan was discussed various times throughout the year. It was voted on by the citizens of Olga. In my opinion the plan submitted should remain untouched and the voice from the citizens of Olga should be respected.

This is not the time to address zoning issues, leave that up to Mr. Bond and the County staff.

Thank you

Janet Tripp
and
Ed Kimball

Elly Mckuen

From: Gordon L Brandt [gordon@glbrandt.net]
Sent: Friday, October 19, 2007 7:41 AM
To: Elly Mckuen
Cc: Douglas Vaught; Grady Mairs; Janet Tripp; Jim Mathisen; Kris Cella
Subject: RE: Letter from Ralph Bond's Attorney

Greetin's Elly;
I have reread the letter from R&D Co. several times and in my opinion these are details that need to be worked out after the plan gets to LC planning.
Since we're talking the overall concept of how Olga's community wants growth i.e. the Olga plan; that issue needs to be determined before rezoning starts. The zoning there looks like a patch quilt anyway and R&D's suggestions don't improve the situation except for them. I believe they are the last major property owner objecting and we have general consensus otherwise put the plan forward and let R&D present their objections/suggestions to the BOCC in open session.
I agree with Jim Mathisen they are trying to dictate terms and have held up this process long enough.

Gordon L. Brandt
4238 Skates Circle
Buckingham, Florida 33905-7324
E-mail: gordon@glbrandt.net
Voice: 239-694-6680
Fax: 239-694-9714
Cell: 239-246-0055
Sic Semper Tyranous

Elly Mckuen

From: JAMES MATHISEN [jaymar001@embarqmail.com]
Sent: Thursday, October 18, 2007 12:29 PM
To: Elly Mckuen
Cc: Ralph & Sharron Lamely; Jim Mudd; J KAEMMERER; Cherie Foster; Bill Byrus; gloriamoff@omcast.net; alvadonga@mail.com; Bob Reige; Doug Vaught; Ed Kimball; Janet Tripp; Gordon Brandt; Clarence Bowman; \"Breffle Ken\" gemiars@landmargroup.com; gemiars@landmargroup.com, \"Ken
Subject: Re: Letter from Ralph Bond's Attorney

Elly: I believe we should let the Olga Comprehensive Plan stand as is and make no changes at this time. Mr. Bond is trying to dictate "zoning" to us in advance and I, for one, am against this action on his part.

Jim
----- Original Message -----
From: "Elly Mckuen" <EMckuen@drmp.com>
To: "JAMES MATHISEN" <jaymar001@embarqmail.com>, JMudd@leegov.com, "Clarence Bowman" <cbowman260@aol.com>, "Doug Vaught" <douglasvaught@mac.com>, gordon@glbrandt.net, "Grady Miars" <gemiars@landmargroup.com>, jtripp21@juno.com, jgreen@cyberstreet.com, "Jim Mathisen" <jaymar001@earthlink.net>, "Ken Breffle" <kbdf2@msn.com>, KGriffith@drmp.com, kcella@cella.cc, "Bill Byrus" <wcbyrus@aol.com>, "Bob Reige" <baselinesurvey@comcast.net>, "Cherie Schneider" <cherswfl@yahoo.com>, "Ed Kimball" <kimelk@netzero.com>, "Elly Soto McKuen" <emckuen@drmp.com>, "Glenn Chagrin" <pbgf141@yahoo.com>, "Gloria Moff" <gloriamoff@comcast.net>, "Janet Jones" <alval1@earthlink.net>, "Jerry Kaemmerer" <j.kaemmerer@att.net>, "Ken Griffith" <Kgriffith@drmp.com>, "Sharron Lamely" <hdhotbikes@embarqmail.com>
Cc: hdhotbikes@embarqmail.com, JMudd@leegov.com, "Ken" <Griffith@drmp.com>, wcbyrus@aol.com, baselinesurvey@comcast.net, cherswfl@yahoo.com, gloriamoff@comcast.net, "j kaemmerer" <j.kaemmerer@att.net>, alvadogan@gmail.com, MJC@jbclaw.com
Sent: Monday, October 15, 2007 10:05:25 AM (GMT-0500) America/New_York
Subject: RE: Letter from Ralph Bond's Attorney

To the Olga Community Planning Sub-Committee...

A number of you were copied on Jim's email below late last week. As you recall we had hoped to present the draft Olga Plan to the October 22 ELCC meeting. However, with a full agenda we will not have that opportunity. That would mean we would have to wait until the November
26 meeting. If we waited to present to the ELCC, we would essentially lose a whole month.

In order to save time and present a timely submittal to Lee County...what if we...

Continue to collect any final plan comments from the ELCC and the Olga Planning sub-committee that was sent 2 weeks ago. So far only one person has given me comments. I will need any comments you have to the plan by the end of this week...Friday, October 19. Any changes suggested will be incorporated in a strikethrough and underline format and re-sent to the committees this week.

Any and all comments we receive on Friday, October 19 will be resubmitted to the committees no later than Monday, October 22 for one final comment period so we can submit to Lee County no later than October 31.

This option would entail not having another community meeting. However, at this point, I'm not sure if we really need another community meeting or if it would change or add anything else that hasn't already been said. The focus is to get the plan to Lee County so it can get adopted.
The sooner the better!!

Let me know what you think. If you have any questions or need more information, please don't hesitate to call or email.

Thanks, Elly

-----Original Message-----
From: JAMES MATHISEN [mailto:jaymar001@embarqmail.com]
Sent: Thursday, October 11, 2007 8:42 AM
To: Elly Mckuen
Cc: hdhotbikes@embarqmail.com; JMudd@leegov.com; Ken; wcbyrus@aol.com; baselinesurvey@comcast.net; cherswfl@yahoo.com; gloriamoff@comcast.net; j.kaemmerer@att.net; alvadogan@gmail.com; MJC@jbclaw.com
Subject: Re: Letter from Ralph Bond's Attorney

Elly: I am sorry, but our October Agenda is full to the gills this month and we just don't have an extra 20 minutes. Our meetings are not run like they used to be and we already have a full plate. If you want to schedule for November, check with Kickstand to make sure he'll have a good Olga attendance at our ELCC meeting, which we usually don't unless it's a specific issue relating to Olga.

Once again, Elly, this is an Olga problem and should be handled by an individual meeting, as you suggest, with just Olga residents.

Jim
----- Original Message -----
From: "Elly Mckuen" <EMckuen@drmp.com>
To: "JAMES MATHISEN" <jaymar001@embarqmail.com>
Cc: hdhotbikes@embarqmail.com, JMudd@leegov.co, "Ken Griffith" <KGriffith@drmp.com>, wcbyrus@aol.colm, baselinesurvey@comcast.net, cherswfl@yahoo.com, gloriamoff@comcast.net, "j kaemmerer" <j.kaemmerer@att.net>, alvadogan@gmail.com, MJC@jbclaw.com
Sent: Wednesday, October 10, 2007 5:06:00 PM (GMT-0500) America/New_York
Subject: RE: Letter from Ralph Bond's Attorney

Thanks Jim for your email.

With respect to the October 29 agenda, I know how the organization likes short presentations so we will keep our presentation to 20 minutes at the most? Any questions can be addressed quickly and if there are any issues we can address them via individual meetings, emails or phone calls.

Thanks again and hope all is well with you and Margie. Elly

-----Original Message-----
From: JAMES MATHISEN [mailto:jaymar001@embarqmail.com]
Sent: Wednesday, October 10, 2007 4:48 PM
To: Elly Mckuen
Cc: hdhotbikes@embarqmail.com; JMudd@leegov.co; Ken Griffith; wcbyrus@aol.colm; baselinesurvey@comcast.net; cherswfl@yahoo.com; gloriamoff@comcast.net; j kaemmerer; alvadogan@gmail.com; MJC@jbclaw.com
Subject: Re: Letter from Ralph Bond's Attorney

Dear Elly:

In response to your email regarding Mike Ciccarone's letter, i.e., draft of the Olga Plan, I believe this is an "Olga" issue and does not have to be brought in front of the ELCC Board nor Membership. Also, just FYI, the Agenda for the October ELCC Meeting has already been set.

I would suggest that you get together with Ralph Lamley, who is the current President of the Olga group, and make arrangements with him for any further discussion regarding the land use designation on Ralph Bond's property and the other disputed "non-feasible" issues in Mike's opinion. I would be happy to be in attendance if the folks in Olga want me to.

I have only copied in those in Olga that you had on your list regarding this issue. You might want to make note of Jerry Kaemmerer's and Janet Jones' new email addresses as noted above.

If I can be of any further service, please let me know.

Jim
----- Original Message -----
From: "Elly Mckuen" <EMckuen@drmp.com>
To: JMudd@leegov.com, "Doug Vaught" <douglasvaught@mac.com>, gordon@glbrandt.net, "Grady Miars" <gemiars@landmargroup.com>, jtripp21@juno.com, jgreen@cyberstreet.com, "Jim Mathisen"
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<emckuen@drmp.com>, "Glenn Chagrin" <pbgf141@yahoo.com>, "Gloria Moff"
<gloriamoff@comcast.net>, "Janet Jones" <alval1@earthlink.net>, "Jerry Kaemmerer"
<j.kaemmerer@worldnet.att.net>, "Ken Griffith"
<Kgriffith@drmp.com>, "Sharron Lamely" <hdhotbikes@embarqmail.com>
Cc: MJC@gbclaw.com
Sent: Tuesday, October 9, 2007 12:55:39 PM (GMT-0500) America/New_York
Subject: Letter from Ralph Bond's Attorney

Attached please find a letter we recently received from Mike Ciccarone regarding responses to the draft Olga Plan.

Mike's letter references the discussion we had during some of our meetings regarding the split land use designation on Ralph's parcel, i.e., the western portion is currently designated Suburban while the east portion is currently designated Rural. I do recall we discussed the land use option designating the entire parcel Outlying Suburban at the June 9 meeting, but I'm not sure I recall a determination by the community.

Please take a look at the letter and provide any feedback regarding Ralph's request to change the land use designation from Suburban/Rural to Outlying Suburban. Mike will be prepared to discuss this request at the October ELCC presentation in order to have the community decide whether to change the proposed Future Land Use Map.

Thanks and as always, please do not hesitate to contact me if you have any questions.
Elly

Elly Soto McKuen
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emckuen@drmp.com
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Glen Chagrin

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Miller, Janet

From: Karen Kamener [Shadowfaxfan@earthlink.net]
Sent: Thursday, March 12, 2009 2:48 PM
To: Noble, Matthew; Miller, Janet
Subject: [Fwd: Water Holes for North Ft Myers]

Hi Matt,

This is what I sent out to the citizens/environmental groups just ignore the babble if you want. The link is to the study and the list of impaired creeks is at the bottom the next email will have the map. It is somewhere in the 270 plus pages. Thanks again for your help. You and Janet are wonderful in my book. Take care, Karen

-------- Original Message --------
Subject: Water Holes for North Ft Myers
Date: Mon, 02 Mar 2009 07:59:45 -0500
From: Karen Kamener <Shadowfaxfan@earthlink.net>
To: Shelley Traurig <Sat300@aol.com>, Debbie Jackow <debjack12@gmail.com>, Rachel Abrams <rachabrams@juno.com>, Barbara Rodd <Bkaraim@aol.com>, Carolyn Morton <mortonpalm@yahoo.com>, Laura Alvarez <Laura@AINurcc.com>, Matt Smith <mattsmith@biofilters.com>, Maynard Houston <maynardh@embarqmail.com>, Steve Brodkin <SteveB239@aol.com>, Ralph and Phyllis Picking <rpicking@aol.com>, Dorothy and John Kantaris <JoDoKant@aol.com>, Plambeck <Lehighcorp@aol.com>, Rhoda Beutler <rbeutler@echonet.org>, Lori Davidson <Lori.davidson@53.com>, Bill Hannong <HaRa7sec@aol.com>, Mr John Bordonaro <johnbord@yahoo.com>, Irby English <irbye@exoconnect.com>, Steven Brown <stevenb@conservancy.org>, Larry EcKhardt <Elarry839@aol.com>, pegasustfts@aol.com, Evelyn <EZGH1@yahoo.com>

http://www.sfwmd.gov/pls/portal/docs/PAGE/PG_GRP_SFWMD_KOE/PORTLET_NORTHERN
Caloosahatchee River Watershed
Protection Plan
January 2009
Prepared by:
South Florida Water Management District
Florida Department of Environmental Protection
Florida Department of Agriculture and Consumer Services

Hi All,

It seems this study that was just released but was open for public comment previously may explain why they want to dig holes all over North Ft Myers.It definitely explains them not wanting to talk about the inadequate conveyances on the creeks.

Loss of natural habitat from riverfront and coastal development, increased urban development, construction of drainage canals, and agricultural activities have affected the timing, quantity, quality, and distribution of runoff to the estuary. Wet season flows have intensified, due to increased runoff resulting from land clearing and impervious areas; dry season flows have decreased, due to increased water supply demand for agricultural and urban development.

And hey, after they develop Babcock and North River Village I bet we become one big water hole.

I have taken some paragraphs from over 200 pages of double talk. If this is what I am understanding it to be, I say we raise hell for them not explaining things at the public meeting at the Civic Center. I am so tired of the condescending attitudes from DNR and Tammy Hall. She used the word armchair hydrologist when talking to me on Friday afternoon. Well maybe if our government could be trusted and were not such information hogs I would not be researching this information to make sure they don't destroy more of our community with their hankypanky performances. I bet Scott Carter still gets to pump once he gets his permit, no holes for him. later, Karen

Matt and Steve, Not sure what this paragraph means for you north of the 20/20 land. I knew they were going to crack down on the TMDL situation but had no idea this study would be the solution.

CRE 53	Caloosahatchee Creeks Preserve Hydrological Restoration	This project will consist of culvert construction and p increase the retention time on the Caloosahatchee Cre rehydration of the wetland and in the quality of water the Caloosahatchee River. It is estimated that this wil storage capacity and will result in 21.8 and 5.44 mt/yı respectively.
		This project proposes to install a mobile unit of Algal

4.2 Public Involvement and Stakeholder Notification

The public outreach effort for the CRWPP planning process sought to achieve the fc goals:

- Increase public awareness of the overall goals and objectives of the NEEPP;
- Inform the public and receive input regarding the project goals, objectives, p issues and findings;
- Involve stakeholders, agencies, and other interested groups and individuals dur development, to ensure that public values regarding the project were fully conside
- Reduce potential conflict among interested and affected parties by building cc solutions to emerging issues;
- Improve the substantive quality of project-level decisions, as a result of participation; and
- Increase public trust in SFWMD and the other agencies involved in the planning p

4.3 Public Comments

The Draft CRWPP was released for public comment on October 1, 2008, with a public c period until Oct 31, 2008. The public, stakeholders, and agencies were invited to rev provide comments on the Draft CRWPP. 114 comments were received during th comment period. The public comments were considered during the finalization of the and formal response for each comment was provided in the Final Plan (see **Appendix H**)

Table 5-2. Nutrient and DO Impaired Waterbodies for Caloosahatchee River Basin

WBID	Waterbody Segment	Waterbody Type	Waterbody Class[1]	Parameters Assessed Using the Impaired Waters Rule
3240A	Tidal Caloosahatchee	Estuary	3M	Dissolved Oxygen
3240A	Tidal Caloosahatchee	Estuary	3M	Nutrients (Chlorophyll-a
3240B	Tidal Caloosahatchee	Estuary	3M	Dissolved Oxygen
3240B	Tidal Caloosahatchee	Estuary	3M	Nutrients (Chlorophyll-a
3240C	Tidal Caloosahatchee	Stream	3F	Dissolved Oxygen
3240C	Tidal Caloosahatchee	Stream	3F	Nutrients (Chlorophyll-a
3240E 1	Hancock Creek	Estuary	3M	Dissolved Oxygen
3240E 1	Hancock Creek	Estuary	3M	Nutrients (Chlorophyll-a
3240L	Gilchrest Drain - Powel	Stream	3F	Dissolved Oxygen
3240L	Gilchrest Drain - Powel	Stream	3F	Nutrients (Chlorophyll-a
3240M	Stroud Creek	Stream	3F	Nutrients (Chlorophyll-a
3240Q	Popash Creek	Stream	3F	Dissolved Oxygen
3240Q	Popash Creek	Stream	3F	Nutrients (Chlorophyll-a

[1] The 3 stands for Class III. The designated uses of Class III waters are for recreation, propagation, and maintenan healthy, well-balanced populations of fish and wildlife. The M stands for marine, and the F stands for freshwate

[2] Based on Cycle 1 Assessment (1996 to 2003 water quality data).

[3] Based on Cycle 1 Assessment (January 1, 1997 to June 30, 2004 water quality data).

6.1.5 Types of Management Measures

The management measures in the toolbox could be applied either at the local (parcel) o regional level (sub-watershed) scale. Local features typically have minimal requirement for engineering, construction, and operations. These local features also have relativel smaller real estate requirements and promote landowner involvement. In contras regional features require significant amounts of real estate acquisition, engineering construction, and operations. Another scale designation is source control which include projects that contain pollutants on site, many of which were included in the report entitle *Nutrient Loading Rates, Reduction Factors and Implementation Costs Associated wit BMPs and Technologies* (Soil and Water Engineering Technology, Inc. 2008) (**Appendi D**).

Management measures can also be broadly grouped into three general categories. Thes categories include water quantity/storage projects, water quality projects, and lan management and restoration projects. **Table 6.1-1** (at the end of this section) shows th scale, general category, and sub-watershed for each management measure in the toolbox.

6.1.5.1 Water Quantity/Storage

Management measures considered for capturing and storing stormwater runoff in th watershed include aboveground reservoirs, alternative water storage/disposal project and aquifer storage and recovery (ASR) wells.

3.2 Problems

The quality and quantity of water entering the Caloosahatchee Estuary directly affects th of the system. Evaluating water quality and quantity can determine long term trends state of this estuary. Historical drainage patterns within the Caloosahatchee River Wa have been highly altered since pre-drainage times. Loss of natural habitat from riverfr coastal development, increased urban development, construction of drainage cana agricultural activities have affected the timing, quantity, quality, and distribution of runo estuary. Wet season flows have intensified, due to increased runoff resulting from land and impervious areas; dry season flows have decreased, due to increased water supply for agricultural and urban development. Loss of storage within the watershed has result the watershed being drained to accommodate grazing, citrus farms and other crop farms.

The general problems associated with water entering the Caloosahatchee Estuary include:

- Excess discharges from Lake Okeechobee and watershed runoff occurring mainly the wet season;
- Insufficient flows to the Caloosahatchee Estuary during the dry season; and
- Excess nutrient loads to the Caloosahatchee River and Estuary.

The following subsections focus on the ecological problems in the Caloosahatchee I identify the possible causes of the problems, and describe opportunities to improve condi the estuary.

3.2.2.1 Discharges from Lake Okeechobee Regulatory Releases and the Caloosaha River Watershed

Construction of drainage systems in the Caloosahatchee River Watershed to accor agriculture and urban development has resulted in a loss of storage. During the rainy runoff occurs with a shorter duration at higher volumes and peak discharges. Th discharges can be exacerbated by regulatory discharges from Lake Okeechobee ser Caloosahatchee Estuary through the C-43 Canal. These discharges have led to extr sudden low salinity conditions within the Caloosahatchee Estuary. For example, disc the Caloosahatchee Estuary exceeding 2,800 cubic feet per second (cfs) at the S-79 Lock and Dam have been determined to cause stress to the estuary. Discharges gre 4,500 cfs have been determined to be severely damaging. Although this CRWPP acc Lake Okeechobee regulatory releases, they are addressed in the LOP2TP. This plan fo discharges from the Caloosahatchee River Watershed.

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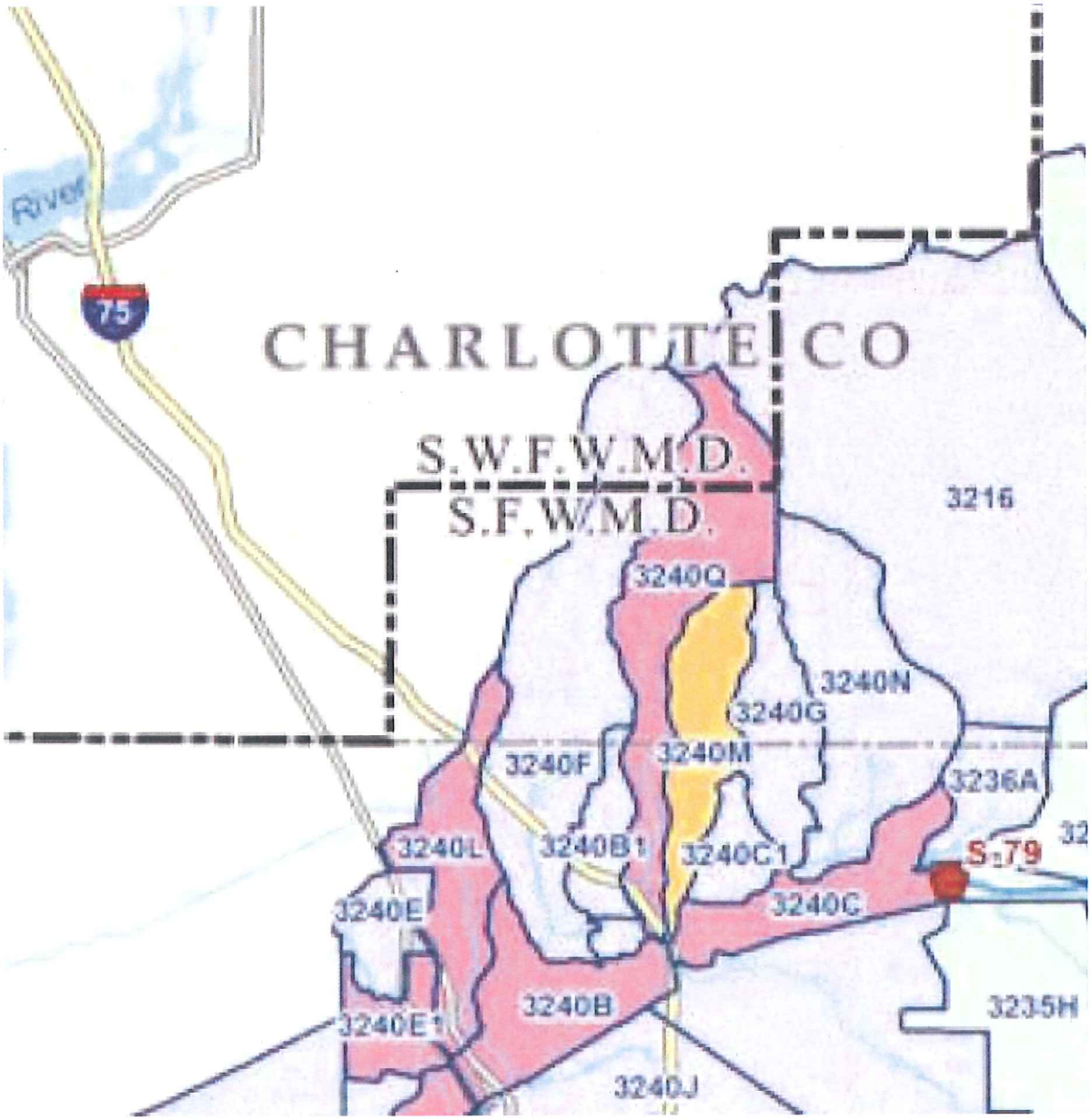
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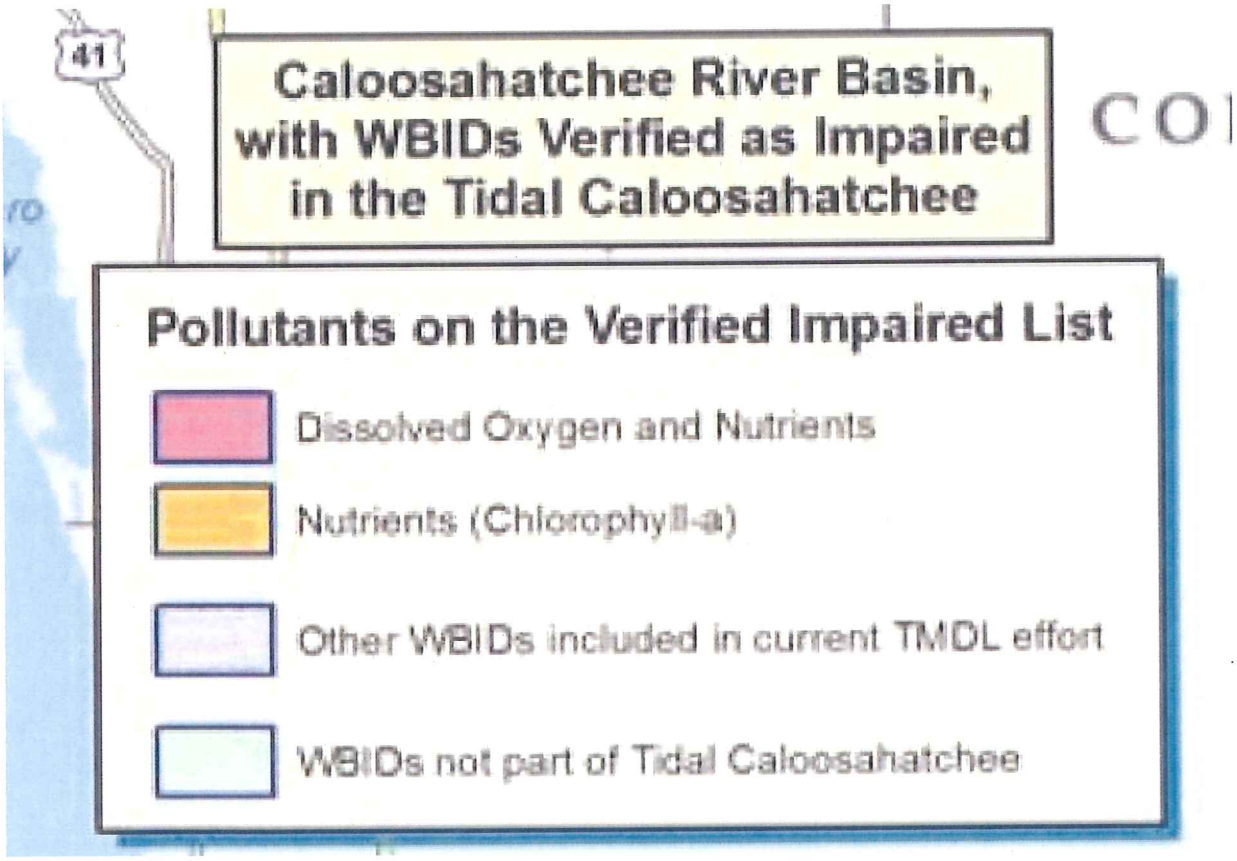
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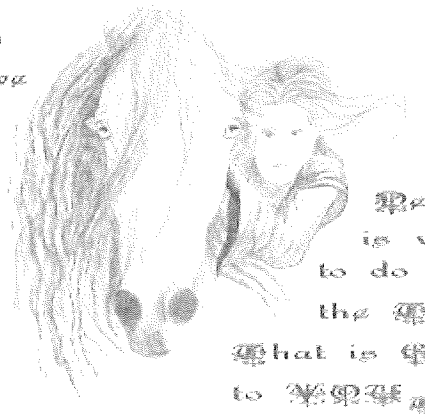

River
75
CHARLOTTE CO
S.W.F.W.M.D.
S.F.W.M.D.
3216
3240Q
3240N
3240G
3240F
3240M
3236A
3240L
3240B1
3240C1
S-79
3240E
3240C
3240B
3240E1
3235H
3240J


41
Caloosahatchee River Basin, with WBIDs Verified as Impaired in the Tidal Caloosahatchee
Pollutants on the Verified Impaired List
Dissolved Oxygen and Nutrients
Nutrients (Chlorophyll-a)
Other WBIDs included in current TMDL effort
WBIDs not part of Tidal Caloosahatchee


Ridge Harbor
Duncan Rd
17
Punta Heights
75
45
Tropical ul/Acres
41
Tamiami Trail N
Gilchrist
75
Slater
45
North Fort Myers
Suncoast Estates
Palmona Park
Salvista
78
State Rd 31
Tuckers Corner
31
31
78
Bayshore
Bayshore Rd
Fort Myers Shores
80
75

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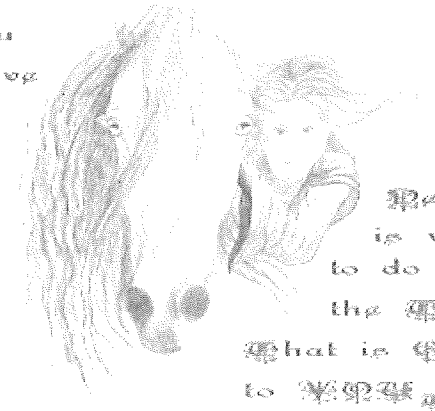
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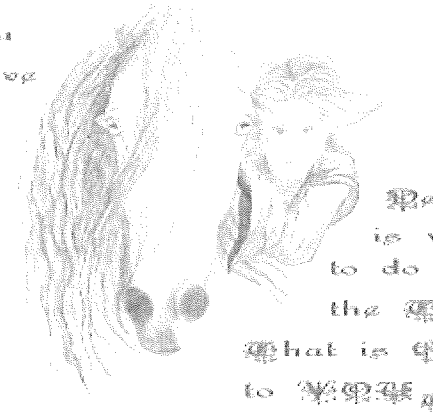
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Miller, Janet

From: Karen Kamener [Shadowfaxfan@earthlink.net]
Sent: Wednesday, March 11, 2009 3:11 PM
To: Mudd, James; Noble, Matthew; Miller, Janet
Subject: [Fwd: Babcock ISD]
Attachments: Babcock Ranch Agenda Packet 2-26-09.pdf; Attached Message Part

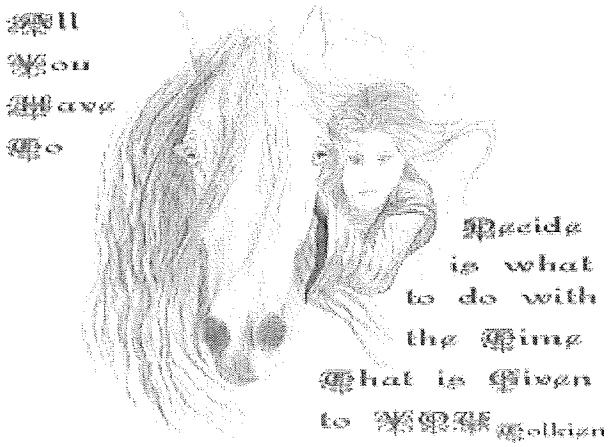
-------- Original Message --------
Subject: Babcock ISD
Date: Thu, 26 Feb 2009 10:41:05 -0600
From: Matt Smith <mattsmith@biofilters.com>
Reply-To:<mattsmith@biofilters.com>
To:'Karen Kamener' <Shadowfaxfan@earthlink.net>

Karen,

If you need some additional reading material, here is the board packet for the Babcock ISD. The engineers report is included.

Matt Smith
L. S. Enterprises
PO Box 51033
Fort Myers, FL 33994 USA
Tel 1-239-543-1258
Fax 1-239-543-7308
Cell 1-239-851-1175

--



Babcock Ranch Community
Independent Special District

12051 Corporate Boulevard,
Orlando, FL 32817
407-382-3256
FAX 407-382-3254

Members of the Board of Supervisors
Babcock Ranch Community
Independent Special District

Dear Board Members:

The meeting of the Board of Supervisors of Babcock Ranch Community Independent Special District will be held **Thursday, February 26, 2009 at 1:00 p.m.** at 17841 Murdock Circle, Port Charlotte, FL 33948. The following is the agenda for this meeting.

Board of Supervisors' Meeting

A. Business Matters

- Call to Order
- Roll Call
  1. Consideration of Letter of Resignation & Appointment of Replacement Supervisor
  2. Consideration of Minutes of the January 8, 2009 Board of Supervisors Meeting
  3. Consideration of Minutes of the January 8, 2009 Audit Selection Committee Meeting
  - Report from Audit Selection Committee
  4. Consideration of Resolution 2009-04, Stormwater Management
  5. Consideration of Resolution 2009-05, Environmental Resource Permit (provided under separate cover)

B. Consideration of Matters Related to District Financing

6. Consideration of Resolution 2009-06, Ratifying and Approving Actions Taken Regarding Stimulus Funds and Authorizing the Chairman to Sign Future Documents
7. Consideration of the Affordable Housing Agreement
8. Consideration of Funding Requests 17
9. Statement of District Financial Position

C. Other Business

- Staff Reports
  - Attorney
  - Engineer
  - Manager
- Audience Comments and Supervisors Requests

D. Adjournment

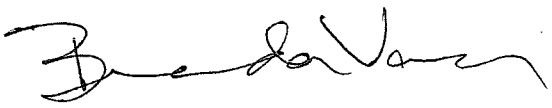
BABCOCK RANCH COMMUNITY INDEPENDENT SPECIAL DISTRICT

Letter of Resignation

January 8, 2009

Jonathan,

Please accept my resignation effective immediately as a Board Member of the Babcock Ranch ISD Board.
Thank you.



Brenda Varner

BABCOCK RANCH COMMUNITY INDEPENDENT SPECIAL DISTRICT

Minutes
January 8, 2009
Board of Supervisor's Meeting

MINUTES OF MEETING

Babcock Ranch Community
Independent Special District
Board of Supervisors Meeting
Thursday, January 8, 2008
Punta Gorda Isles Civic Association
2001 Shreve Street, Punta Gorda, Florida 33950

Present and constituting a quorum:

Paul Mink	Board Member
Brenda Varner	Board Member
George Speer	Board Member (via telephone)
Bill Vander May	Board Member

Also present were:

Jill Cupps	Fishkind & Associates
Hank Fishkind	Fishkind & Associates
Jonathan Johnson	Hopping Green & Sams
Erica Chutkan	Kitson & Partners
Linda Carr	Charlotte County BCC
Gary Nelson	Kitson & Parnters
Tom Danahy	Kitson & Partners

FIRST ORDER OF BUSINESS **Call to Order**

The meeting was called to order at 9:30 a.m. and Dr. Fishkind proceeded with Roll Call. With three board members present there was a quorum.

SECOND ORDER OF BUSINESS **Business Matters**

Consideration of Letter of Resignation

A letter of resignation has been submitted by Neal Blackketter. This left an opening on the Board of Supervisors. Gary Nelson wished to serve as a Board member.

On MOTION by Mr. Vander May, seconded by Mr. Mink, with all in favor, the Board appointed Mr. Nelson as a member of the Board of Supervisors.

Mr. Nelson was sworn in by Jill Cupps, a notary in the State of Florida.

Consideration of Resolution 2009-03, Appointing a Chairman

Mr. Blackketter's resignation left the position of Chairman vacant, and a new Chairman needed to be selected. Mr. Nelson was nominated as Chairman.

> On MOTION by Mr. Vander May, seconded by Mr. Mink, with all in favor, the Board passed Resolution 2009-02, Appointing Gary Nelson as Chairman.

Consideration of the Minutes from the December 4, 2008 Board of Supervisors Meeting

The next item on the agenda was the consideration of the Minutes from the December 4, 2008 Board of Supervisors Meeting. There were no additions or corrections to the minutes

> On MOTION by Mr. Vander may, seconded by Mr. Mink, with all in favor, the Board approved the minutes of the December 4, 2008 Board of Supervisors Meeting of the Babcock Ranch Community Independent Special District.

THIRD ORDER OF BUSINESS

Matters Related to District Financing

Consideration of Funding Request 16

There were no questions or comments.

> On MOTION by Mr. Vander May, seconded by Mr. Mink, with all in favor, the Board approved Funding Requests 16.

Statement of District's Financial Position

Dr. Fishkind explained the Financial statements. There were no questions or comments.

FOURTH ORDER OF BUSINESS **Other Business**

Staff Reports

Attorney – No Report

Engineer – No Report

Manager – No Report

FIFTH ORDER OF BUSINESS **Audience Comments and Supervisors Requests**

Mr. Mink requested that we change the date of the Board meeting to the end of the month. The fourth Thursday of the month was suggested. The meeting will be advertised to reflect the new meeting date of the fourth Thursday of the month at 1:00 p.m.

SIXTH ORDER OF BUSINESS **Adjournment**

Dr. Fishkind asked if there was any further business. There was none.

> On MOTION by Mr. Blackketter seconded by Mr. Nelson, with all in favor, the Board of Supervisors meeting of the Babcock Ranch Community Independent Special District was adjourned.

_____
Secretary/Assistant Secretary

_____
Chairman

BABCOCK RANCH COMMUNITY INDEPENDENT SPECIAL DISTRICT

Minutes
January 8, 2009
Audit Selection Committee

MINUTES OF MEETING

BABCOCK RANCH COMMUNITY INDEPENDENT SPECIAL DISTRICT
Thursday, January 8, 2009
AUDIT SELECTION COMMITTEE MEETING
9:45 a.m.

Committee Members present:

Bill Vander May	Committee Member
Mitch Gordon	Committee Member

Also present were:

Jonathan Johnson	Hopping Green & Sams
Jill Cupps	Fishkind & Associates, Inc.
Hank Fishkind	Fishkind & Associates, Inc.

FIRST ORDER OF BUSINESS **Call to Order and Roll Call**

The Audit Selection Committee meeting of the Babcock Ranch Community ISD was called to order and Dr. Fishkind proceeded with the roll call. The persons in attendance are outlined above.

SECOND ORDER OF BUSINESS **Business Matters**

Evaluation and Ranking of Proposal

There was only one response the RFP placed in the newspaper. The Board was presented with the proposal from Carr, Riggs, & Ingram (CRI). The proposed fee was $5,000 for the first year, $5,250 the second year, $5,500 for the third year. District Management advised that this was a competitive. Mr. Gordon asked if these fees were all inclusive. District Management will check with CRI to verify that the fees include any travel expenses. The Board ranked Carr, Riggs, & Ingram as number 1, and recommend the Board engaged this firm as the District Auditor.

> On MOTION by Mr. Vander May, seconded by Mr. Gordon, with all in favor the Committee ranked CRI number one.

THIRD ORDER OF BUSINESS **Adjournment**

There was no additional business and it was recommended that a motion be made to adjourn the meeting.

On MOTION by Mr. Vander May, seconded by Mr. Gordon, with all in favor the meeting of the Babcock Ranch ISD Audit Committee was adjourned

Secretary / Assistant Secretary

Chairperson / Vice Chairperson

BABCOCK RANCH COMMUNITY INDEPENDENT SPECIAL DISTRICT

Resolution 2009-04,
Stormwater Management

RESOLUTION 2009-04

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE BABCOCK RANCH COMMUNITY INDEPENDENT SPECIAL DISTRICT EXPRESSING ITS INTENT TO OPERATE AND MAINTAIN CERTAIN PORTIONS OF THE SURFACE WATER MANAGEMENT SYSTEM; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

WHEREAS, the Babcock Ranch Community Independent Special District ("District") was established by the Florida Legislature as an independent special district for the purpose of planning, financing, constructing, operating and/or maintaining certain infrastructure improvements, facilities and services in conjunction with the development of lands within the District; and

WHEREAS, the District has contemplated the design, construction and/or acquisition, operation and maintenance of certain surface water management system improvements by the District; and

WHEREAS, the authority of the District to finance, operate and maintain the surface water management system was approved in the Final Judgment to validate the issuance of the District's Special Assessment Revenue Bonds, was judgment entered on April 1, 2008; and

WHEREAS, parties have inquired regarding the District's intent to finance, operate and maintain those portions of the surface water management system identified in **Exhibit A** and any stormwater conveyance facilities not located within Charlotte County rights-of-way or easements, when construction of the system is complete; and

WHEREAS, the Board of Supervisors of the District desires to express its intent to operate and maintain those portions of the surface water management system identified in **Exhibit A** attached hereto and incorporated by reference herein, and any stormwater conveyance facilities not located within Charlotte County rights-of-way or easements, when construction of the system is complete; and .

WHEREAS, the Board wishes to authorize the District Chairman to sign any additional evidence of such intentions.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE BABCOCK RANCH COMMUNITY INDEPENDENT SPECIAL DISTRICT:

SECTION 1. INCORPORATION OF RECITALS. All of the above representations, findings and determinations contained above are recognized as true and accurate, and are expressly incorporated into this resolution.

SECTION 2. OPERATION AND MAINTENANCE OF SURFACE WATER MANAGEMENT SYSTEM. The Board of Supervisors hereby expresses its intent to operate and maintain those portions of the surface water management system identified in **Exhibit A** and any stormwater conveyance facilities not located within Charlotte County rights-of-way or easements, when construction of the system is complete. The Board further authorizes the District Chairman to sign or execute any additional evidence of such intentions on the District's behalf. Nothing herein shall predispose or be deemed to determine the means, manner or apportionment of any special assessments, benefit special assessments, or maintenance special assessments that may be imposed to fund such operations or maintenance.

SECTION 3. SEVERABILITY. If any section or part of a section of this Resolution is declared invalid or unconstitutional, the validity, force and effect of any other section or part of a section of this Resolution shall not thereby be affected or impaired unless it clearly appears that such other section or part of a section of this Resolution is wholly or necessarily dependent upon the section or part of a section so held to be invalid or unconstitutional.

SECTION 4. EFFECTIVE DATE. This Resolution shall take effect upon the passage and adoption of this Resolution by the Board of Supervisors of the District.

PASSED AND ADOPTED this 26th day of February, 2009.

ATTEST:

BABCOCK RANCH COMMUNITY INDEPENDENT SPECIAL DISTRICT

_____
Assistant Secretary

_____
Its: _____

ENGINEERS REPORT - FINAL

FOR

BABCOCK RANCH COMMUNITY INDEPENDENT SPECIAL DISTRICT

October 17, 2007

Prepared by:

JOHNSON
ENGINEERING
251 West Hickpochee Avenue
LaBelle, Florida 33935
Telephone (863) 612-0594
EB 642

Project No. 20066507-005

TABLE OF CONTENTS

		Page
I.	PURPOSE	1
II.	BACKGROUND	1
III.	GENERAL DESCRIPTION	2
IV.	LAND USES	2
V.	DISTRICT INFRASTRUCTURE IMPROVEMENTS	3
VI.	PERMITS	5
VII.	OPINION OF PROBABLE COST	5
VIII.	SUMMARY AND CONCLUSION	6

TABLES

1	OPERATION AND MAINTENANCE	5
2	PROPOSED IMPROVEMENT COSTS (SUMMARY)	7

EXHIBITS

1	LOCATION MAP	8
2	DISTRICT BOUNDARY	9
3	LEGAL SKETCH OF DESCRIPTION	10

I. PURPOSE

The report is to document the infrastructure associated with the Babcock Ranch Community (BRC), as defined in Chapter 2007-306, Laws of Florida (the Act) that is expected to be designed, permitted, constructed, acquired, operated and maintained by the Babcock Ranch Community Independent Special District (BRCISD). Infrastructure that may or may not be supplied or funded by other entities will be acknowledged to provide a more complete view of the entire BRC. Exhibit 1 shows the location of the present district.

II. BACKGROUND

The BRC is a master planned multi-use development in Charlotte and Lee Counties, Florida. House Bill 1515 (codified in Chapter 2007-306, Laws of Florida) passed by the Florida Legislature and approved by the Governor of Florida on June 27, 2007 created the Babcock Ranch Community Independent Special District. The BRCISD was created to cover the 13,630.60 grid acres of the BRC within Charlotte County shown in Exhibit 2. The BRCISD may be expanded to include BRC lands within Lee County in the future by subsequent Legislative action.

The BRC is being planned and permitted as a new community of 17,870 residential units and up to 6,000,000 square feet of non-residential uses plus schools and other community service facilities. The community will have a town center, four villages and four hamlets. Between the development pods there will be corridors of undeveloped lands that will provide separation of the developed areas for native animals and recreational uses by residents and other members of the public. These areas are a mix of uplands and wetlands.

This community has a need for significant infrastructure in order for the planned development to occur. The present uses include mining, timber, hunting, cattle grazing and truck crops, none of which have required the installation of infrastructure improvements to any significant degree. The Legislature determined that the BRCISD will allow for orderly financing, construction and provision of a variety of infrastructure improvements. Either the BRCISD or Charlotte County is expected to operate and maintain the infrastructure improvements contemplated within the BRC. The BRCISD will provide for environmental features, water management systems, portions of the utility systems, parks, street lights, roads, community service commitments embodied in development approvals or permit conditions, among other improvements and services authorized by the Act, etc. The environmental features include the wetland and upland systems within and without the BRCISD and the State preserve areas that are used for mitigation purposes. Potential utilities to be provided include the distribution and collection systems for water, sewer and reuse systems, and may include communications and electric supply facilities. The primary back-bone utilities will be supplied by Town and Country Utilities Company, which is a privately held company with a franchise area which covers the entire BRCISD and areas in Lee County. The balance of the utilities could be funded by the BRCISD. The roads will include onsite major and minor roads along with major offsite road improvements required by expected development approvals or permits. The community service commitments include but are not limited to schools,

sheriff substations, parks with buildings and the acquisition of property. The community will also have approximately 10% of the total dwelling units priced as affordable as defined in the DRI. The District may fund, finance and/or build said improvements for same.

The legal sketch and description of the District is provided in Exhibit 3.

It is anticipated that infrastructure construction for the District will begin in 2007 and continue through the year 2037, and consist of four major phases. The timeline could be lengthened or shortened and the number of phases could be modified based on actual developer sales, economic conditions and future development trends in the area.

III. GENERAL DESCRIPTION

The terrain within the District is gently rolling, with elevations within the District ranging from elevation 36 feet down to 20 feet North American Vertical Datum (NAVD). Soils generally consist of fine sands typical for Charlotte County. Groundwater generally is located zero to two feet below natural grade during the rainy, season. Annual fluctuations may reach four to five feet. A series of storm water ponds and control structures are planned to control storm water discharge. South Florida Water Management District (SFWMD) design criteria will be utilized for design of all water management facilities within the BRCISD. Outside the BRCISD the water management design criteria will follow the applicable government agencies.

The District is served or planned to be served by entry from several major roadways including North River Road (CR-78) and SR-31.

Potable water will be provided by Town and Country Utilities Company, which is a private company that operates under the regulations of the Public Service Commission. Irrigation water will be provided by Town and Country Utilities Company or some other vendor. Wastewater treatment and effluent disposal will be provided by Town and Country Utilities Company.

IV. LAND USES

Land uses within the District currently include or may include (but not be limited to):

a) Open space and preservation areas.
b) Schools, Hospitals and Community Centers.
c). Recreation (i.e., parks, nature trails, etc.).
d) Commercial.
e) Residential (single family and multiple family).
f) Industrial.

There may be more than one land use on the same property dependant on approval by appropriate entities.

V. DISTRICT INFRASTRUCTURE IMPROVEMENTS

The District is expected to fund, finance, construct, acquire or otherwise provide public infrastructure improvements within the BRC including but not limited to the following: roadways (including landscaping and lighting), water management (i.e., storm water ponds, control structures, culverts, etc.), recreation (i.e., nature trail, parks), decorative walls, fences, mitigation for plants and/or animals, water, sewer, and irrigation facilities along with technical and permitting fees and associated costs of real property acquisition. Table 1 outlines the anticipated operation and maintenance entities.

The overall master plan for this community has been developed to utilize previously developed areas to a high degree. It provides extensive green spaces and corridors for greenways and blueways. This type of development is environmentally friendlier, but costs more for infrastructure items such as roads and utilities.

Water and wastewater treatment facilities will be built by Town and Country Utilities Company, and will not be funded by the BRCISD. Major offsite roads that are to be constructed, extended or widened will continue to be maintained by the appropriate county or state entity. Internal public roads will be maintained by the District if not dedicated to Charlotte County.

Presently, the District is located within the franchise areas of Florida Power & Light and Lee County Electric Cooperative for electrical supply. Private entities are expected to provide telephone service and cable television to the District. Some such services may be provided by BRCISD.

The capital improvements described in this report represent the present intentions of the District. The implementation of any improvements discussed in this plan requires the final approval by many regulatory and permitting agencies including local, state and federal agencies as well as the cooperation of affected landowners. Cost estimates contained in this report have been prepared based upon the best available information at this time. The actual cost of construction, final engineering design, planning, approvals and permitting may vary from the cost estimates presented. These improvements are further described in the following sections.

A. Roads

Numerous roads within the District will be built during development of the land within the District. The roadways will be designed and constructed to the appropriate governing agency standards, whether in Charlotte County, Lee County or the Florida Department of Transportation (FDOT). Roads outside the District boundaries may be constructed, widened or extended as required to allow for development of the property by meeting the local and state criteria. Right-of-way for roads inside or outside the BRCISD may be acquired by it. These roadways may include (but are not to be limited to):

1. Internal subdivision roadways.
2. Arterial and Connector roads between development pods.

3 SR-31 expansion.
4. North River Road (CR-78) expansion.
5. Other roadways affected by the development as may be required by development approval or permit.

The potential exists for substantial offsite road improvements over the duration of development. The exact amount is difficult to determine as other developments may share in the cost or build offsite roads and fill needs prior to triggers set for this project. Offsite road costs herein are estimated so that the project can be built without dependence on other projects.

B. Utilities

The District may construct the secondary potable water, secondary sanitary sewer and irrigation systems necessary to support the District's residents, industrial and commercial activities. Potable water, sewer and irrigation will be constructed to the appropriate governmental standards, including Charlotte County and the State of Florida. Utilities may include offsite systems (i.e., offsite force main), onsite systems constructed as part of a major roadway or subdivision. The spine or major transmission/distribution lines, water/wastewater treatment plants and effluent disposal systems will be provided separately by Town and Country Utilities Company.

C. Water Management/Drainage

The water management/drainage system for the District will be designed and constructed according to South Florida Water Management District (SFWMD), Charlotte County, Florida Department of Environmental Protection or (FDOT) standards as appropriate. System elements may include ponds, swales, piping, control structures, storm inlets, littoral plantings, mitigation, etc. Land acquisition for some or all of the system elements is possible. Each portion of the system will be required to be reviewed and approved by the appropriate agency prior to construction.

D. Landscaping and Hardscape Features

Landscaping and hardscape features will be an integral part of the District infrastructure. Typically (though not always required), major roadways will be landscaped, irrigated, and street lights provided. Development areas and various neighborhoods will have entry features and various hardscape features designed to provide a distinctive look to the community.

E. Recreation

Recreation areas throughout the District may include (but not be limited to) neighborhood parks (with ball fields, playground equipment, restrooms, tennis courts, etc.), nature trails, greenways, and active recreation amenities.

TABLE 1

Proposed Operations / Maintenance Responsibilities	
Description	**Anticipated Obligated Party for Maintenance**
Offsite Road Program	Lee County Charlotte County Florida Department of Transportation BRCISD
Internal Road Program	Charlotte County Lee County BRCISD
Potable Water / Sanitary Sewer / Reuse	Town & Country Utilities Company BRCISD
Electric	Lee County Electrical Cooperative Florida Power & Light
Natural Gas	Central Florida Gas
Trails / Greenways	BRCISD
Schools	Charlotte County
Exotic Removal and Maintenance	BRCISD

VI. PERMITS

Permits required for development will include Charlotte County, Lee County, South Florida Water Management District, Florida Department of Transportation, U.S. Army Corps of Engineers and Florida Department of Environmental Protection. These permits are a normal part of the development process and are expected to be issued upon filing of the applications. However, all permits are subject to final agency action.

VII. OPINION OF PROBABLE COST

Table 2 presents a summary of the District financed improvements, as described above in Section V. DISTRICT INFRASTRUCTURE IMPROVEMENTS of this report (which is the focus of this report). In arriving at the estimates presented in this Table, the Engineer developed the cost estimates for all work required to construct the Project based on other projects of similar sizes and types. The following estimates are based upon sound engineering principles and judgment plus discussions with the Developer concerning their land plan. To these numbers, professional/technical services were estimated at 15%

and a 20% construction contingency was added. Inflation is not included in these estimates.

VIII. SUMMARY AND CONCLUSION

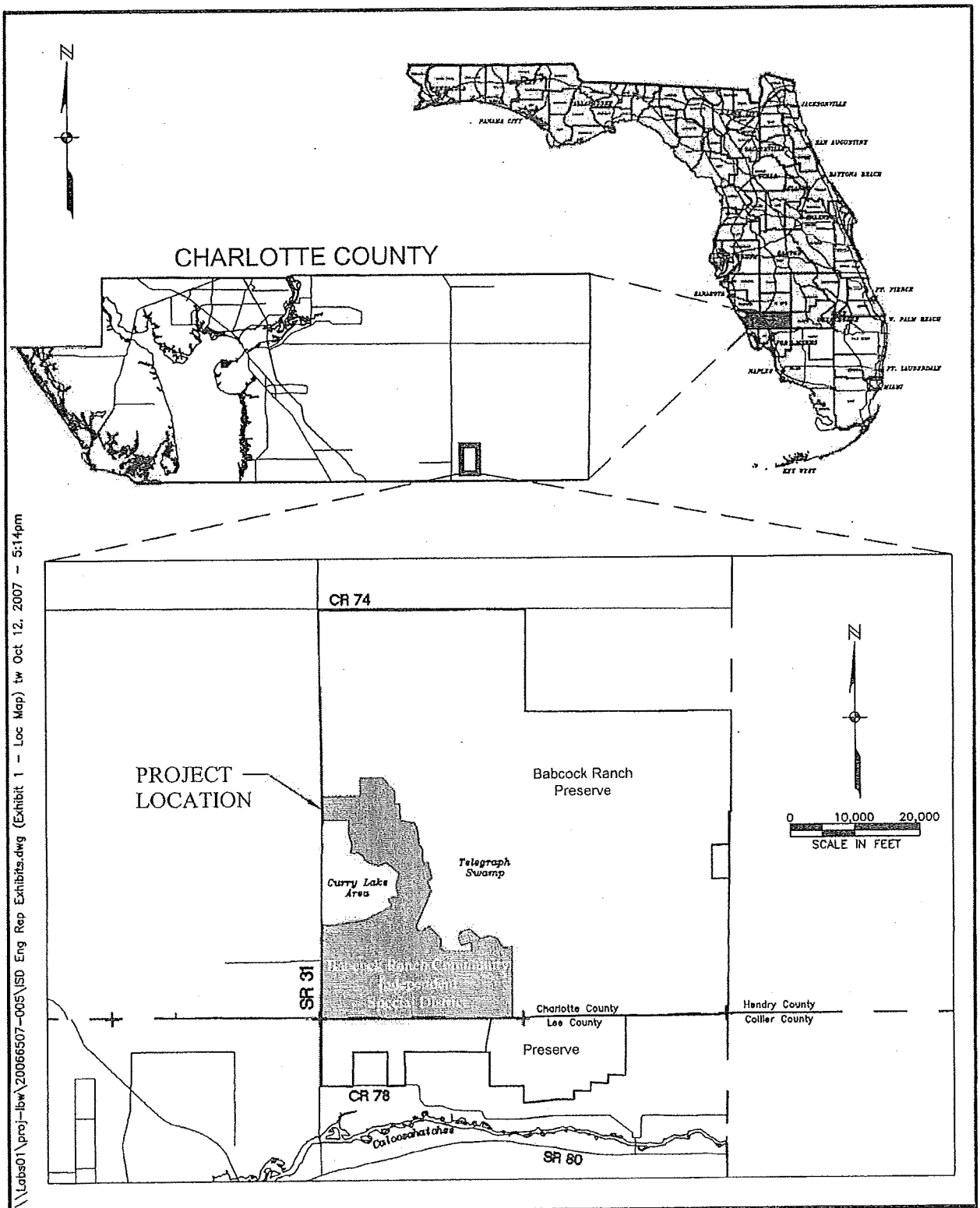
The project as outlined is necessary for the functional development of the District. The project is being designed in accordance with current governmental regulatory requirements. The project will serve its intended function so long as the construction is in substantial compliance with the design. Items of construction for the project are based upon current development plans.

It is our professional opinion that the Infrastructure costs provided herein for the District improvements are reasonable to complete the construction of the infrastructure described herein and that these infrastructure improvements will benefit and add value to the lands within the BRCISD. These estimated costs are based upon prices currently being experienced for similar items of work in Southwest Florida. Actual costs may vary based on final engineering, planning and approvals from regulatory agencies.

TABLE 2

ISD Overall Project Costs - 10/17/07		
Item #	**Description**	**ISD Funded Items**
1	Offsite Road Program	$622,510,308
2	Overall Project Spine Roads	$163,900,497
3	Overall Project Spine Utilities (water/wastewater)	$53,000,000
4	Electrical/Communication/Internet/CATV	$126,732,500
5	POD Infrastructure (water management, roads, utilities, etc)	$951,879,725
6	POD Entry Features/Common Landscape/Hardscape	$38,515,415
7	Overall Environmental Mitigation/Removal of Exotic/Nuisance Vegetation	$37,439,590
8	Master Water Management System (portion outside of PODS)	$19,500,000
9	Trails/Greenways	$319,957,302
10	Recreation	$98,560,000
11	Local Development Order Requirements	$63,270,000
12	Permitting	$12,512,526
13	Schools	$235,000,000
14	Affordable Housing	$437,815,000
15	**Sub-Total:**	**$3,180,592,863**
16	Soft Costs, Planning, Engineering (15%)	$477,088,929
17	Contingency (20%)	$636,118,573
18	**TOTAL:**	**$4,293,800,365**

NOTE 1: All costs are approximate and are subject to change based upon actual bid prices.

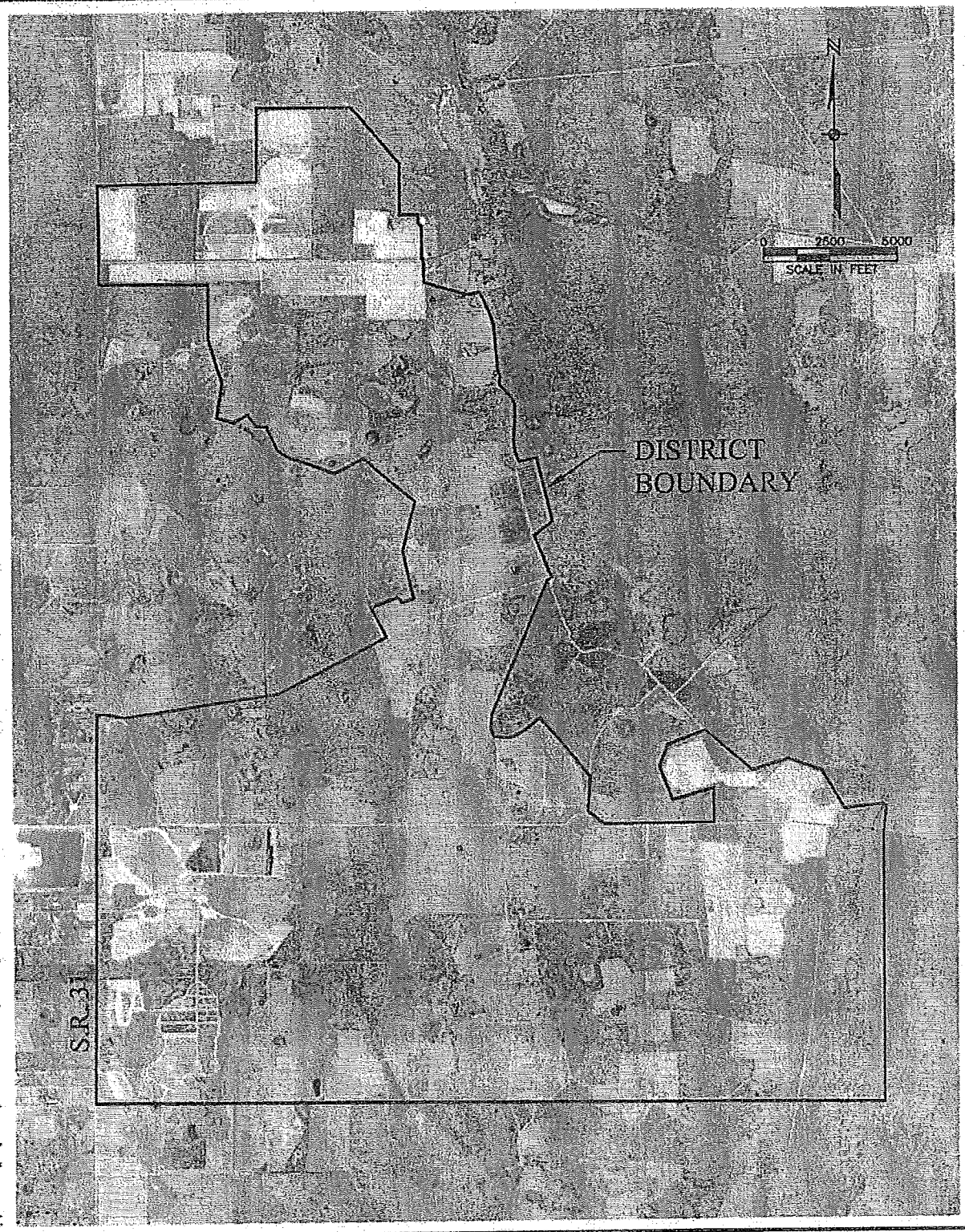


\\Labs01\proj-lbw\20066507-005\ISD Eng Rep Exhibits.dwg (Exhibit 1 - Loc Map) tw Oct 12, 2007 - 5:14pm

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Babcock Ranch Community Independent Special District
Location Map

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
09/11/07	20066507-005	00-00-00	As Shown	Exhibit 1



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Babcock Ranch Community Independent Special District
District Boundary

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
09/11/07	20066507-005	00-00-00	As Shown	Exhibit 2

LINE TABLE		
LINE	BEARING	LENGTH
L1	S89°41'45"E	5189.75
L2	S89°41'45"E	5306.08
L3	S89°37'16"E	5289.11
L4	S89°35'44"E	5294.60
L5	S89°35'44"E	5294.60
L6	S89°35'44"E	3430.66
L7	N00°00'40"W	10185.53
L8	N05°46'23"E	1058.56
L9	N66°40'38"W	200.62
L10	S83°12'47"W	1373.33
L11	N30°17'33"W	1686.63
L12	N70°02'41"W	1332.41
L13	S72°42'44"W	1430.81
L14	N49°18'31"W	2362.25
L15	S69°00'57"W	1518.19
L16	S21°08'17"W	865.44
L17	S20°29'11"E	1376.91
L18	N74°38'25"E	1635.69
L19	S00°18'50"E	1309.92
L20	S89°45'02"W	4154.48
L21	N51°39'36"W	782.53
L22	N04°14'12"E	1329.59
L23	N39°20'59"W	1779.16
L24	N42°01'35"W	1162.94
L25	S52°01'16"W	818.34
L26	S82°56'46"W	516.42
L27	S89°59'33"W	307.20
L28	N80°05'18"W	334.84
L29	N20°54'51"W	336.86
L30	N05°03'05"E	533.35
L31	N22°47'49"E	5490.82
L32	N55°42'26"E	195.73
L33	N21°59'06"W	1739.17
L34	N52°37'55"E	867.75
L35	N13°36'57"W	2507.33
L36	S78°50'16"W	687.95
L37	N19°48'25"W	368.25
L38	N08°01'21"W	493.32
L39	N03°43'40"E	687.22
L40	N00°28'20"E	674.51
L41	N25°12'33"W	261.13
L42	N42°54'55"W	643.19
L43	N07°19'37"W	171.40
L44	N13°05'30"E	201.96
L45	N32°40'01"W	186.12
L46	N05°04'15"W	1832.77
L47	N19°47'08"W	827.20
L48	N26°13'22"W	802.13
L49	S79°06'55"W	475.20
L50	N74°19'19"W	1689.05
L51	N01°25'06"W	897.42
L52	N89°51'42"W	67.91
L53	N00°00'03"W	1218.37
L54	N39°50'11"W	190.86
L55	N00°00'29"W	324.62
L56	N89°59'52"W	688.20
L57	N00°00'00"E	1967.22
L58	N41°13'25"W	2825.17
L59	S89°59'57"W	3566.80
L60	S00°00'03"E	2799.34
L61	S89°11'17"W	5960.98
L62	S00°48'43"E	2976.13
L63	S00°34'01"W	786.25
L64	S89°25'59"E	4104.32
L65	S00°01'22"E	2084.04
L66	S16°46'15"E	1740.24
L67	S09°11'59"W	1325.85
L68	S73°15'18"E	661.15
L69	N59°20'29"E	577.75
L70	S38°10'48"E	551.48
L71	S86°25'58"E	385.80
L72	S24°01'11"E	975.12
L73	S57°46'34"E	530.20
L74	S70°04'12"E	1843.47
L75	N63°01'21"E	1214.99
L76	S50°03'22"E	2565.56
L77	S13°56'09"W	1953.90
L78	S12°51'59"E	1862.33
L79	S71°59'01"W	448.53
L80	N45°00'57"W	266.60
L81	S69°50'23"W	1104.27
L82	S28°10'55"E	1272.60
L83	S62°45'03"W	4638.30
L84	S82°12'01"W	711.48
L85	S81°38'00"W	5167.82
L86	N77°54'41"W	707.32
L87	N89°28'15"W	299.98
L88	S00°31'45"W	4197.71
L89	S00°26'10"W	5282.33
L90	S00°36'46"W	5337.00

NOTES:
1. Date of last field work: July 2006.
2. THIS IS NOT A BOUNDARY SURVEY, NOR IS IT INTENDED TO BE USED AS ONE.
3. Sketch of Description performed as requested by Kitson & Partners.
4. Bearing Reference: State Plane Coordinate, Florida West Zone, NAD 83(99). Bearing of S89°41'45"E on the South line of Section 31, Township 42 South, Range 26 East.
5. Dimensions and acreage shown on survey map are grid values.

This sketch of description is only for the benefit of:

Babcock Ranch Community Independent Special District

I hereby certify that this sketch of description was prepared under my direction and is correct to the best of my knowledge and belief and meets the minimum technical standards for surveys as required by law. Florida Statutes Chapter 472: Chapter 61G17 F.A.C.

Matthew M. Howard (For The Firm – LB 642)
Professional Surveyor and Mapper
Florida Certificate No. 4912

Date signed:_____

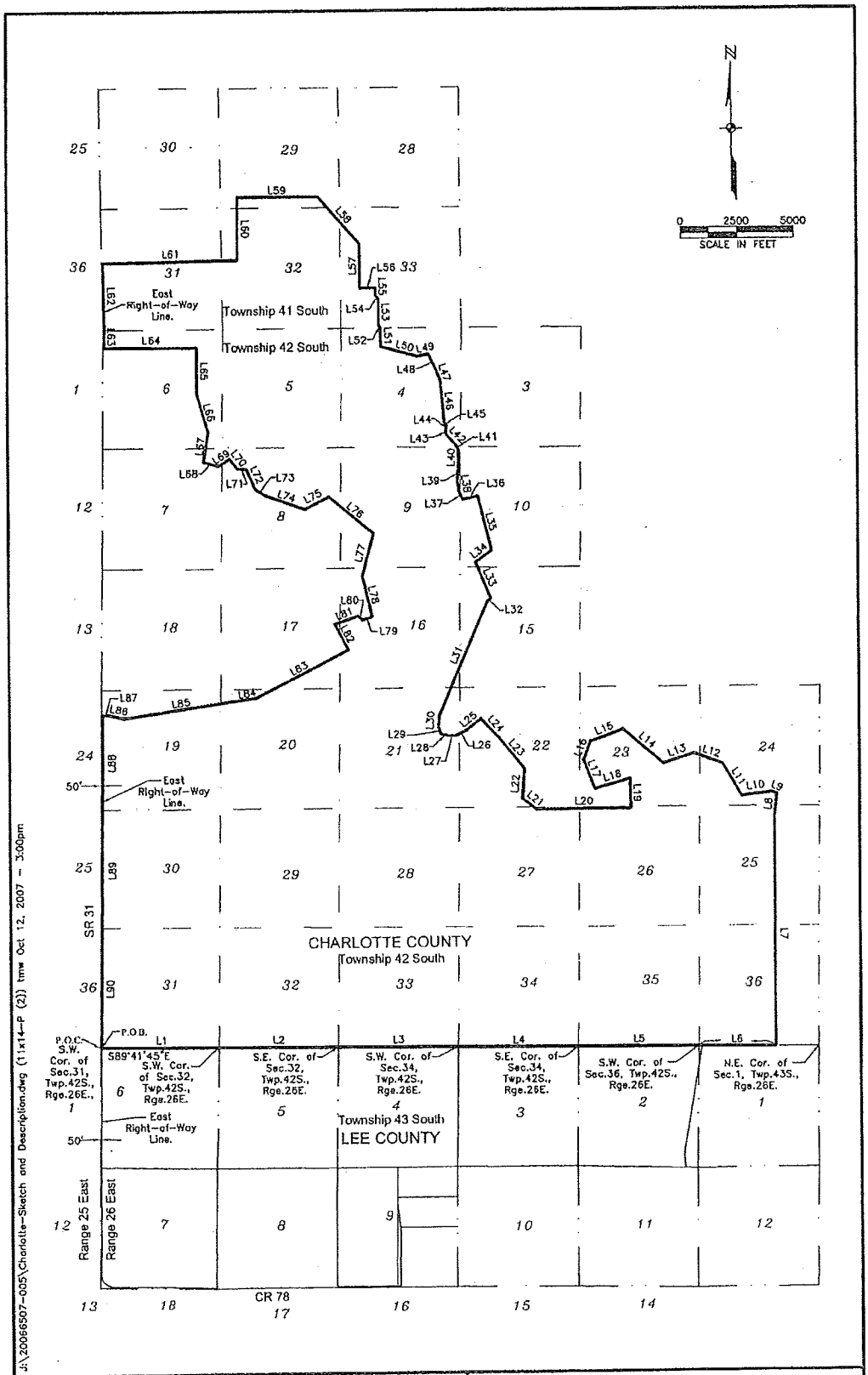
This sketch of description is not valid without the signature and original raised seal of a Florida licensed surveyor and mapper.

J:\20066507-005\Charlotte-Sketch and Description.dwg (11x14-P (1)) tmw Oct 12, 2007 - 3:00pm

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Babcock Ranch Community Independent Special District
Sketch Of Description

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
January 2007	20055693-602	31-42-26	As Shown	EXHIBIT 3



J:\20066507-005\Charlotte-Sketch and Description.dwg (11x14-P (2)) tmw Oct 12, 2007 - 3:00pm

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Babcock Ranch Community Independent Special District
Sketch Of Description

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
January 2007	20055693-602	31-42-26	As Shown	EXHIBIT 3

CHARLOTTE COUNTY PARCEL:
A parcel of land lying within Sections 29, 31 through 33, Township 41 South, Range 26 East, AND, Sections 4 through 10, Sections 15 through 17 and Sections 19 through 36, Township 42 South, Range 26 East, Charlotte County, Florida, being more particularly described as follows:
Commence at the Southwest corner of Section 31, Township 42 South, Range 26 East and run S89°41'45"E, along the South line of said Section 31, a distance of 50.00 feet to a point on the East right-of-way line of State Road No. 31, said point also being the Point of Beginning of the parcel of land herein described; Thence continue S89°41'45"E a distance of 5,189.75 feet to the Southwest corner of Section 32, Township 42 South, Range 26 East; Thence S89°41'45"E a distance of 5,306.08 feet to the Southeast corner of Section 32, Township 42 South, Range 26 East; Thence S89°37'16"E a distance of 5,289.11 feet to the Southwest corner of Section 34, Township 42 South, Range 26 East; Thence S89°35'44"E a distance of 5,294.60 feet to the Southeast corner of Section 34, Township 42 South, Range 26 East; Thence S89°35'44"E a distance of 5,294.60 feet to the Southwest corner of Section 36, Township 42 South, Range 26 East; Thence S89°35'44"E, along the South line of Section 36, Township 42 South, Range 26 East, a distance of 3,430.66 feet; Thence N00°00'40"W a distance of 10,185.53 feet; Thence N05°46'23"E a distance of 1,058.56 feet; Thence N66°40'38"W a distance of 200.62 feet; Thence S83°12'47"W a distance of 1,373.33 feet; Thence N30°17'33"W a distance of 1,686.63 feet; Thence N70°02'41"W a distance of 1,332.41 feet; Thence S72°42'44"W a distance of 1,430.81 feet; Thence N49°18'31"W a distance of 2,362.25 feet; Thence S69°00'57"W a distance of 1,518.19 feet; Thence S21°08'17"W a distance of 865.44 feet; Thence S20°29'11"E a distance of 1,376.91 feet; Thence N74°38'25"E a distance of 1,635.69 feet; Thence S00°18'50"E a distance of 1,309.92 feet; Thence S89°45'02"W a distance of 4,154.48 feet; Thence N51°39'36"W a distance of 782.53 feet; Thence N04°14'12"E a distance of 1,329.59 feet; Thence N39°20'59"W a distance of 1,779.16 feet; Thence N42°01'35"W a distance of 1,162.94 feet; Thence S52°01'16"W a distance of 818.34 feet; Thence S62°56'46"W a distance of 516.42 feet; Thence S89°59'33"W a distance of 307.20 feet; Thence N80°06'18"W a distance of 334.84 feet; Thence N20°54'51"W a distance of 336.86 feet; Thence N05°03'05"E a distance of 533.35 feet; Thence N22°47'49"E a distance of 5,490.82 feet; Thence N55°42'26"E a distance of 195.73 feet; Thence N21°59'06"W a distance of 1,739.17 feet; Thence N52°37'55"E a distance of 867.75 feet; Thence N13°36'57"W a distance of 2,507.33 feet; Thence S78°50'16"W a distance of 687.95 feet; Thence N19°48'25"W a distance of 366.25 feet; Thence N08°01'21"W a distance of 493.32 feet; Thence N03°43'40"E a distance of 687.22 feet; Thence N00°28'20"E a distance of 674.51 feet; Thence N25°12'33"W a distance of 261.13 feet; Thence N42°54'55"W a distance of 643.19 feet; Thence N07°19'37"W a distance of 171.40 feet; Thence N13°05'30"E a distance of 201.96 feet; Thence N32°40'01"W a distance of 186.12 feet; Thence N05°04'15"W a distance of 1,832.77 feet; Thence N19°47'08"W a distance of 527.20 feet; Thence N26°13'22"W a distance of 802.13 feet; Thence S79°06'55"W a distance of 475.20 feet; Thence N74°19'19"W a distance of 1,689.05 feet; Thence N01°26'06"W a distance of 897.42 feet; Thence N89°51'42"W a distance of 67.91 feet; Thence N00°00'03"W a distance of 1,218.37 feet; Thence N39°50'11"W a distance of 190.86 feet; Thence N00°00'29"W a distance of 324.62 feet; Thence N89°59'52"W a distance of 688.20 feet; Thence N00°00'00"E a distance of 1,967.22 feet; Thence N41°13'25"W a distance of 2,825.17 feet; Thence S89°59'57"W a distance of 3,566.80 feet; Thence S00°00'03"E a distance of 2,799.34 feet; Thence S89°11'17"W a distance of 5,960.98 feet to a point on the East right-of-way line for State Road No. 31; Thence along the East right-of-way line for State Road No. 31, the following courses and distances: S00°48'43"E a distance of 2,976.13 feet and S00°34'01"W a distance of 786.25 feet; Thence S89°25'59"E a distance of 4,104.32 feet; Thence S00°01'22"E a distance of 2,084.04 feet; Thence S16°46'15"E a distance of 1,740.24 feet; Thence S09°11'59"W a distance of 1,325.85 feet; Thence S73°15'18"E a distance of 661.15 feet; Thence N59°20'29"E a distance of 577.75 feet; Thence S38°10'48"E a distance of 551.46 feet; Thence S86°25'58"E a distance of 385.80 feet; Thence S24°01'11"E a distance of 975.12 feet; Thence S57°46'34"E a distance of 530.20 feet; Thence S70°04'12"E a distance of 1,843.47 feet; Thence N63°01'21"E a distance of 1,214.99 feet; Thence S50°03'22"E a distance of 2,565.56 feet; Thence S13°56'09"W a distance of 1,953.90 feet; Thence S12°51'59"E a distance of 1,862.33 feet; Thence S71°59'01"W a distance of 448.53 feet; Thence N45°00'57"W a distance of 266.60 feet; Thence S69°50'23"W a distance of 1,104.27 feet; Thence S28°10'55"E a distance of 1,272.60 feet; Thence S62°45'03"W a distance of 4,638.30 feet; Thence S82°12'01"W a distance of 711.48 feet; Thence S81°38'00"W a distance of 5,167.82 feet; Thence N77°54'41"W a distance of 707.32 feet; Thence N89°28'15"W a distance of 299.98 feet to a point on the East right-of-way line for State Road No. 31; Thence along the East right-of-way line for State Road No. 31, the following courses and distances: S00°31'45"W a distance of 4,197.71 feet, S00°26'10"W a distance of 5,282.33 feet and S00°36'46"W a distance of 5,337.00 feet to the Point of Beginning.
Containing 13,630.60 acres, more or less.

Bearings hereinabove mentioned are based on the South line of Section 31, Township 42 South, Range 26 East to bear S89°41'45"E.

J:\20066507-005\Charlotte-Sketch and Description.dwg (11x14-P (3)) tmw Oct 12, 2007 - 2:59pm

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Babcock Ranch Community Independent Special District
Sketch Of Description

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
January 2007	20055693-602	31-42-26	As Shown	EXHIBIT 3

BABCOCK RANCH COMMUNITY INDEPENDENT SPECIAL DISTRICT

Resolution 2009-05,
Environmental Resource Permit

BABCOCK RANCH COMMUNITY INDEPENDENT SPECIAL DISTRICT

Resolution 2009-06,
Ratifying and Approving Actions
Taken Regarding Stimulus
Funds and Authorizing the
Chairman to Sign Future Documents

RESOLUTION 2009-06

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE BABCOCK RANCH COMMUNITY INDEPENDENT SPECIAL DISTRICT RATIFYING AND APPROVING ACTIONS TAKEN IN FILING A REQUEST FOR STIMULUS FUNDS AND AUTHORIZING THE CHAIRMAN OF THE BOARD TO SIGN FUTURE DOCUMENTS AND PERMIT APPLICATIONS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Babcock Ranch Community Independent Special District ("District") was established by the Florida Legislature as an independent special district for the purpose of planning, financing, constructing, operating and/or maintaining certain infrastructure improvements, facilities and services in conjunction with the development of lands within the District; and

WHEREAS, the District has contemplated the design, construction and/or operation and maintenance of certain sustainable and green infrastructure and improvements within the District; and

WHEREAS, the Federal Government is currently finalizing legislation to grant federal stimulus funds to stimulate infrastructure and economic recovery; and

WHEREAS, the deadline to submit appropriations request for stimulus funds was on February 13, 2009; and

WHEREAS, on February 13, 2009, the Chairman of the board executed such documents to meet the deadline for the appropriations request for the benefit of the District; and

WHEREAS, the Board of Supervisors desires that the Chairman of the board be authorized to sign permit applications and other related documentation to avoid delays in request of stimulus funds for the District provided that such actions are in furtherance of the District's Infrastructure Work and have been reviewed and approved by the District's legal counsel.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE BABCOCK RANCH COMMUNITY INDEPENDENT SPECIAL DISTRICT:

SECTION 1. INCORPORATION OF RECITALS. All of the above representations, findings and determinations contained above are recognized as true and accurate, and are expressly incorporated into this resolution.

SECTION 2. RATIFICATION. The execution of documents on behalf of the Babcock Ranch Community Independent Special District on February 13, 2009, requesting stimulus funds from the Federal Government as listed on the attached **Exhibit A**, is hereby ratified, approved and confirmed.

SECTION 3. AUTHORIZATION. The District hereby authorizes the Chairman of the board to execute permit applications and/or other documentation relating to the request of stimulus funds provided that such actions are in furtherance of the District's Infrastructure Work and have been reviewed and approved by the District's legal counsel.

SECTION 4. SEVERABILITY. If any section or part of a section of this Resolution is declared invalid or unconstitutional, the validity, force and effect of any other section or part of a section of this Resolution shall not thereby be affected or impaired unless it clearly appears that such other section or part of a section of this Resolution is wholly or necessarily dependent upon the section or part of a section so held to be invalid or unconstitutional.

SECTION 5. EFFECTIVE DATE. This Resolution shall take effect upon the passage and adoption of this Resolution by the Board of Supervisors of the District.

PASSED AND ADOPTED this 26th day of February, 2009.

ATTEST:

BABCOCK RANCH COMMUNITY INDEPENDENT SPECIAL DISTRICT

_____
Assistant Secretary

_____
Its: _____

BABCOCK RANCH COMMUNITY INDEPENDENT SPECIAL DISTRICT

Affordable Housing Agreement

AFFORDABLE HOUSING AGREEMENT
FOR
BABCOCK RANCH COMMUNITY

THIS AGREEMENT is made and entered as of this _____ day of _____, 2009, by and between the **BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA**, a political subdivision of the State of Florida ("Board" or "County"), **BABCOCK PROPERTY HOLDINGS, LLC**, a Delaware limited liability company ("Developer") and **BABCOCK RANCH COMMUNITY INDEPENDENT SPECIAL DISTRICT,** a special district of the State of Florida ("District").

RECITALS

WHEREAS, the Board and Developer recognize the following:

A. The Developer is the owner of some 17,890 acres located in Charlotte and Lee Counties generally known as the "Babcock Ranch Community" or "Area 6." Approximately 13,630 of those acres are located in Charlotte County ("Charlotte Area 6"), as more specifically set forth in Exhibit "A" attached hereto and incorporated herein.

B. County approved the Babcock Ranch Community Master Development of Regional Impact Master DRI Development Order ("Master Development Order") on December 13, 2007, addressing the development of Charlotte Area 6, which was appealed, and subsequently amended on June 17, 2008. The effective date of the Master Development Order is September 1, 2008. The Master Development Order, as may be amended, is hereinafter referred to as the "MDO."

C. County approved a development agreement with MSKP III, Inc. on April 4, 2006 ("Development Agreement") which was subsequently assigned to Developer on November 15, 2006 and which addresses the provision of the affordable housing within the Babcock Ranch Community. Those provisions were subsequently incorporated into the MDO.

D. Pursuant to condition 3.(C.)(1) of the MDO, prior to the approval of the first Incremental development order Developer and County shall enter into an affordable housing implementation agreement, approved by the County, which sets out all procedures, standards, requirements, and identifies grant programs which may be used to:

(a) monitor the effectiveness of this program;

(b) implement the program (e.g., administration, ownership, resale, incentives, down payment grant programs, covenants in deeds, liens, further defining household, etc.); and

(c) sustain affordability.

E. Board, District and Developer ("the parties") desire to establish by agreement the terms under which affordable housing will be developed within the Babcock Ranch Community.

F. This Agreement satisfies condition 3.(C.)(1) of the MDO and Future Land Use Policy 2.20.2 of the Comprehensive Plan. The Future Land Use element Goals, Objectives and Policies relating to the Babcock Ranch Community are contained within the Babcock Ranch Overlay District, hereinafter referred to as the "BROD."

G. The District was created by the 2007 Session of the Florida Legislature.

H. The parties agree that the provision of Affordable Housing within the Babcock Ranch Community is an important element of the development, but recognize certain of the sub-conditions contained within the MDO and Developer's Agreement, relating to, *inter alia,* target income levels, control periods and sales and rental prices, will change over time, and the parties need flexibility to make the provision of affordable housing units workable, livable and sustainable. While it remains the desire of the parties to implement those provisions to the greatest extent possible, the actual provision of affordable housing will be addressed in each Incremental Development Order, and program specifics may be further spelled out in financing and other relevant documents for the affordable housing units developed after approval of the individual Increments. Amending the MDO will likely be required to reflect changes in the provision of Affordable Housing over the term of buildout in the MDO.

NOW, THEREFORE, in consideration of the mutual covenants set forth herein, and in consideration of the benefits to accrue to County and Developer, it is agreed as follows:

1. Recitals. The above recitals are true and correct and are incorporated herein and made a part hereof.

2. Terms. For purposes of this Agreement, the term "affordable housing" is intended to include the term "workforce housing," as indicated in the BROD.

3. Affordable Housing Requirements.

(A) Ten percent (10%) of the total number of housing units constructed at buildout shall be for affordable housing. At least ten percent (10%) of the residential units in each DRI Increment of the Project shall be designated affordable housing. If a particular DRI Increment includes more than ten percent (10%) of affordable housing, then the ten percent (10%) minimum of subsequent DRI Increments may be reduced proportionately. In no event shall more than a cumulative total of ten percent (10%) of the total number of housing units built be required to be affordable housing.

(B) All affordable units developed must be targeted to households meeting the appropriate county, state or federal definitions for affordable housing. Currently, the state agency is the Florida Housing Finance Corporation ("FHFC") and the federal program is administered under the U.S. Housing and Urban Development ("HUD") agency.

(C) The affordable units shall be eligible for whatever incentives the County establishes in the future. The County agrees to use its best efforts to develop a comprehensive affordable housing strategy. A developer of affordable units may apply to County for local public funding to assist in the financing and development of the affordable units. Local public funding may serve to facilitate State allocation of tax credits, mortgage revenue bond funds, State or federal assistance to the affordable units (External Subsidy), or other funding mechanisms.

(D) The parties agree that amendments to the MDO may be necessary to revise, *inter alia,* targeted households and income levels, to reflect economic conditions over the life of the development.

(E) Changes in federal and local policies and/or budget directly affect the availability and amount of affordable housing development funding. A commitment is made by the parties to investigate and analyze the appropriateness of these funding sources and pursue appropriate opportunities. Each funding allocation will include requirements to effectively monitor and insure that all commitments are adhered to as outlined in the application for funding.

The traditional funding sources currently include:

Low Income Housing Tax Credits
HOME (Federal Money)
SHIP (State Money through Charlotte County)
Fee Waivers
Local Government (Grants)
Bond Program (State and/or Local)

Additionally, there are various Florida Housing Finance Corporation programs, such as assistance with down payment monies and low interest loans which will be communicated to applicants.

4. Restrictions. Any restrictions on affordable sales and rental units, including, *inter alia,* restrictions on resales, maximum sales and rental prices, control periods shall be as determined by the County, State or Federal program under which financing is provided for the affordable housing project, and may require amendments to the MDO.

5. Timing of Development. Subsequent to the issuance of the 5,000th residential C.O. within Area 6, each AIDA and Incremental Development Order ("IDO") shall indicate when affordable housing units shall be made available for occupancy based on residential C.O.'s issued and the IDO shall indicate if and when C.O.'s shall be withheld for failure to provide the affordable housing units.

6. Sites/Locations of Affordable Units. The affordable units shall be situated so as not to be in less desirable locations than the market rate units, and shall be no less accessible to the

community amenities, such as common open spaces, public facilities, and commercial goods and services, than the market rate units within the Babcock Ranch Community.

7. Babcock Ranch Community Affordable Housing Advisory Council ("Advisory Council"). There is hereby established a three person Advisory Council, including one member appointed by Developer, one by District and one by County which will meet semi-annually to monitor and report to the parties on:

(a) the effectiveness of the provision of affordable housing within Area 6,

(b) implementation of the affordable housing program within Area 6, and

(c) sustainability of the affordable housing provided.

8. Recording. The Clerk to the Board shall record this Agreement in the Public Records of Charlotte County.

9. Effective Date. This Agreement shall be effective upon the signing of this Agreement by the last party to execute this Agreement.

10. Duration. This Agreement shall terminate upon the expiration or termination of the MDO.

11. Default/Enforcement. Either party may file an action for injunctive relief in the Circuit Court of Charlotte County to enforce the terms of this Agreement.

12. Notices.

The parties designate the following persons as representatives to be contacted and to receive all notices regarding this Agreement:

For the County:	County Administrator Charlotte County 18500 Murdock Circle Port Charlotte, FL 33948-1094
with a copy to:	County Attorney Charlotte County 18500 Murdock Circle Port Charlotte, FL 33948-1094
For the Developer:	Thomas J. Danahy, President Babcock Property Holdings, LLC 17837 Murdock Circle Port Charlotte, FL 33948

with a copy to:	Robert H. Berntsson, Esq. McKinley, Ittersagen, Gunderson, Berntsson, Waksler & Wideikis, L.L.P. 18401 Murdock Circle, Suite C Port Charlotte, FL 33948
For the District:	Babcock Ranch Community Independent Special District 17837 Murdock Circle Port Charlotte, FL 33948
with a copy to:	Jonathan T. Johnson, Esq. Hopping, Green & Sams, P.A. 123 South Calhoun Street Tallahassee, FL 32301

Any change in the person designated by a party to receive notices hereunder shall be communicated in writing to the representative of the other parties designated hereunder.

13. Binding Effect, Successors, Assigns, and Assignments.

(A) This Agreement shall be binding upon the parties and their successors and assigns. This Agreement, or portions hereof, will not be assigned by Developer without the express written approval of County, and such approval shall not be unreasonably withheld. In the event of a proposed assignment, the Developer shall provide notice as set forth above.

(B) Notwithstanding the foregoing, County recognizes that Developer may establish other entities to exercise its various rights and responsibilities under this Agreement, and County does not object to such exercise by such other entities, as long as Developer, or one of its officers, retains control of the other entity.

14. Modification of Agreement. This Agreement may be amended or modified by the agreement of the parties hereto by written instrument duly executed with the formality of a deed, acknowledged and recorded in the Public Records of Charlotte County, Florida. However, the parties acknowledge and agree that this Agreement may be amended or modified by provisions set forth in subsequent Incremental development orders without a formal amendment to this Agreement.

15. Severability. In the event any provision of this Agreement shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof, unless such invalid provision was a material provision of this Agreement, in which event this Agreement shall terminate.

16. Applicable Law and Venue. This Agreement shall be governed by and construed in accordance with the laws of the State of Florida. Venue for any action or proceeding to construe or enforce the provisions of this Agreement shall be in the Circuit Court in and for Charlotte County, Florida.

17. Entire Agreement. This Agreement constitutes the entire agreement among the parties pertaining to affordable housing, and supersedes all prior and contemporaneous agreements, understandings, negotiations, and discussions of the parties, whether oral or written, including those contained within the Development Agreement.

IN WITNESS WHEREOF, the parties hereto have caused the execution of this Agreement by their duly authorized officials as of the day and year first above written.

Signed, sealed and delivered in the presence of:

BABCOCK PROPERTY HOLDINGS, LLC, a Delaware limited liability company

By: _____
Its: President

_____
Print Name: _____
Witness

_____
Print Name: _____
Witness

BOARD OF COUNTY COMMISSIONERS CHARLOTTE COUNTY, FLORIDA

ATTEST:

_____
Deputy Clerk

By: _____
, Chairman

Approved as to form and correctness.

By: _____
Janette S. Knowlton, Esq., County Attorney

Signed, sealed and delivered in the presence of:

BABCOCK RANCH COMMUNITY INDEPENDENT SPECIAL DISTRICT

By: _____
Its: Chairman, Board of Supervisors

_____
Print Name: _____
Witness

_____
Print Name: _____
Witness

STATE OF FLORIDA

COUNTY OF CHARLOTTE

The foregoing instrument was acknowledged before me this ____ day of _____, 2009, by **Thomas J. Danahy**, the President of Babcock Property Holdings, LLC, a Delaware limited liability company, who is _____ personally known to me, or _____ who has produced _____ as identification.

Notary Seal

_____
Notary Public, State of Florida

Print Name: _____

My Commission Expires: _____

STATE OF FLORIDA

COUNTY OF CHARLOTTE

The foregoing instrument was acknowledged before me this ____ day of _____, 2009, by _____, the Chairman of The Board of County Commissioners of Charlotte County, Florida, who is _____ personally known to me, or _____ who has produced _____ as identification.

Notary Seal

_____
Notary Public, State of Florida

Print Name: _____

My Commission Expires: _____

STATE OF FLORIDA

COUNTY OF CHARLOTTE

The foregoing instrument was acknowledged before me this ____ day of _____, 2009, by Gary Nelson, Chairman, Board of Supervisors, of THE BABCOCK RANCH COMMUNITY INDEPENDENT SPECIAL DISTRICT, who is _____ personally known to me, or _____ who has produced _____ as identification.

Notary Seal

_____

Notary Public, State of Florida

Print Name: _____

My Commission Expires: _____

EXHIBIT "A"

Legal Description of Property

JOHNSON ENGINEERING

Since 1946

BABCOCK RANCH COMMUNITY

CHARLOTTE COUNTY PARCEL:
A parcel of land lying within Sections 29, 31 through 33, Township 41 South, Range 26 East, AND, Sections 4 through 10, Sections 15 through 17 and Sections 19 through 36, Township 42 South, Range 26 East, Charlotte County, Florida, being more particularly described as follows: Commence at the Southwest corner of Section 31, Township 42 South, Range 26 East and run S89°41'45"E, along the South line of said Section 31, a distance of 50.00 feet to a point on the East right-of-way line of State Road No. 31, said point also being the Point of Beginning of the parcel of land herein described; Thence continue S89°41'45"E a distance of 5,189.75 feet to the Southwest corner of Section 32, Township 42 South, Range 26 East; Thence S89°41'45"E a distance of 5,306.08 feet to the Southeast corner of Section 32, Township 42 South, Range 26 East; Thence S89°37'16"E a distance of 5,289.11 feet to the Southwest corner of Section 34, Township 42 South, Range 26 East; Thence S89°35'44"E a distance of 5,294.60 feet to the Southeast corner of Section 34, Township 42 South, Range 26 East; Thence S89°35'44"E a distance of 5,294.60 feet to the Southwest corner of Section 36, Township 42 South, Range 26 East; Thence S89°35'44"E, along the South line of Section 36, Township 42 South, Range 26 East, a distance of 3,430.66 feet; Thence N00°00'40"W a distance of 10,185.53 feet; Thence N05°46'23"E a distance of 1,058.56 feet; Thence N66°40'38"W a distance of 200.62 feet; Thence S83°12'47"W a distance of 1,373.33 feet; Thence N30°17'33"W a distance of 1,686.63 feet; Thence N70°02'41"W a distance of 1,332.41 feet; Thence S72°42'44"W a distance of 1,430.81 feet; Thence N49°18'31"W a distance of 2,362.25 feet; Thence S69°00'57"W a distance of 1,518.19 feet; Thence S21°08'17"W a distance of 865.44 feet; Thence S20°29'11"E a distance of 1,376.91 feet; Thence N74°38'25"E a distance of 1,635.69 feet; Thence S00°18'50"E a distance of 1,309.92 feet; Thence S89°45'02"W a distance of 4,154.48 feet; Thence N51°39'36"W a distance of 782.53 feet; Thence N04°14'12"E a distance of 1,329.59 feet; Thence N39°20'59"W a distance of 1,779.16 feet; Thence N42°01'35"W a distance of 1,162.94 feet; Thence S52°01'16"W a distance of 818.34 feet; Thence S62°56'46"W a distance of 516.42 feet; Thence S89°59'33"W a distance of 307.20 feet; Thence N80°06'18"W a distance of 334.84 feet; Thence N20°54'51"W a distance of 336.86 feet; Thence N05°03'05"E a distance of 533.35 feet; Thence N22°47'49"E a distance of 5,490.82 feet; Thence N55°42'26"E a distance of 195.73 feet; Thence N21°59'06"W a distance of 1,739.17 feet; Thence N52°37'55"E a distance of 867.75 feet; Thence N13°36'57"W a distance of 2,507.33 feet; Thence S78°50'16"W a distance of 687.95 feet; Thence N19°48'25"W a distance of 366.25 feet; Thence N08°01'21"W a distance of 493.32 feet; Thence N03°43'40"E a distance of 687.22 feet; Thence N00°28'20"E a distance of 674.51 feet; Thence N25°12'33"W a distance of 261.13 feet; Thence N42°54'55"W a distance of 643.19 feet; Thence N07°19'37"W a distance of 171.40 feet; Thence N13°05'30"E a distance of 201.96 feet; Thence N32°40'01"W a distance of 186.12 feet; Thence N05°04'15"W a distance of 1,832.77 feet; Thence N19°47'08"W a distance of 527.20 feet; Thence N26°13'22"W a distance of 802.13 feet; Thence S79°06'55"W a distance of 475.20 feet; Thence N74°19'19"W a

251 West Hickpochee Avenue (S.R. 80) | LaBelle, Florida 33935-4757
(863) 612-0594 | Fax (863) 612-0341

distance of 1,689.05 feet; Thence N01°26'06"W a distance of 897.42 feet; Thence N89°51'42"W a distance of 67.91 feet; Thence N00°00'03"W a distance of 1,218.37 feet; Thence N39°50'11"W a distance of 190.86 feet; Thence N00°00'29"W a distance of 324.62 feet; Thence N89°59'52"W a distance of 688.20 feet; Thence N00°00'00"E a distance of 1,967.22 feet; Thence N41°13'25"W a distance of 2,825.17 feet; Thence S89°59'57"W a distance of 3,566.80 feet; Thence S00°00'03"E a distance of 2,799.34 feet; Thence S89°11'17"W a distance of 5,960.98 feet to a point on the East right-of-way line for State Road No. 31; Thence along the East right-of-way line for State Road No. 31, the following courses and distances: S00°48'43"E a distance of 2,976.13 feet and S00°34'01"W a distance of 786.25 feet; Thence S89°25'59"E a distance of 4,104.32 feet; Thence S00°01'22"E a distance of 2,084.04 feet; Thence S16°46'15"E a distance of 1,740.24 feet; Thence S09°11'59"W a distance of 1,325.85 feet; Thence S73°15'18"E a distance of 661.15 feet; Thence N59°20'29"E a distance of 577.75 feet; Thence S38°10'48"E a distance of 551.46 feet; Thence S86°25'58"E a distance of 385.80 feet; Thence S24°01'11"E a distance of 975.12 feet; Thence S57°46'34"E a distance of 530.20 feet; Thence S70°04'12"E a distance of 1,843.47 feet; Thence N63°01'21"E a distance of 1,214.99 feet; Thence S50°03'22"E a distance of 2,565.56 feet; Thence S13°56'09"W a distance of 1,953.90 feet; Thence S12°51'59"E a distance of 1,862.33 feet; Thence S71°59'01"W a distance of 448.53 feet; Thence N45°00'57"W a distance of 266.60 feet; Thence S69°50'23"W a distance of 1,104.27 feet; Thence S28°10'55"E a distance of 1,272.60 feet; Thence S62°45'03"W a distance of 4,638.30 feet; Thence S82°12'01"W a distance of 711.48 feet; Thence S81°38'00"W a distance of 5,167.82 feet; Thence N77°54'41"W a distance of 707.32 feet; Thence N89°28'15"W a distance of 299.98 feet to a point on the East right-of-way line for State Road No. 31; Thence along the East right-of-way line for State Road No. 31, the following courses and distances: S00°31'45"W a distance of 4,197.71 feet, S00°26'10"W a distance of 5,282.33 feet and S00°36'46"W a distance of 5,337.00 feet to the Point of Beginning.

Containing 13,630.60 acres, more or less.

Dimensions and acreage shown are grid values.

Bearings hereinabove mentioned are based on the South line of Section 31, Township 42 South, Range 26 East to bear S89°41'45"E.

Mark G. Wentzel

Mark G. Wentzel (For The Firm LB 642)
Professional Surveyor and Mapper
Florida Certificate No. 5247
Date signed: 8/27/08

1

BABCOCK RANCH COMMUNITY INDEPENDENT SPECIAL DISTRICT

Funding Request 17

BABCOCK COMMUNITY INDEPENDENT SPECIAL DISTRICT

Funding Request No. 17
2/18/2009 **Job# 300250080-05**

Item No.	Payee	Invoice No.	General Fund	Construction Fund
1	**Fishkind & Associates**			
	District Management Fee - January 2009	4292	$ 3,333.33	
	Postage, Conference Call 11/6/08 and Mileage Reim.	4293	$ 70.89	
	District Management Fee - February 2009	4411	$ 3,333.33	
	Postage, Tax Forms 2008, Copies & Conference Calls	4412	$ 279.38	
2	**The Sun**			
	Legal Advertising - 12/30/08		$ 70.65	
	Legal Advertising - 1/17/09		$ 49.46	
3	**Hopping Green & Sams**			
	General Representation 11/03/08 - 11/24/08	42054	$ 1,816.50	
4	**Johnson Engineering, Inc.**			
	Professional Services through December 14, 2008	6	$ 475.00	
			$9,428.54	$ -
		TOTAL	**$9,428.54**	

Secretary / Assistant Secretary

Chairman / Vice Chairman

Fishkind & Associates, Inc.
12051 Corporate Blvd.
Orlando, Fl 32817
Ph: 407-382-3256
Fax: 407-382-3254

FISHKIND
& ASSOCIATES

Invoice

1/15/2009

Invoice No. 4292

Babcock Ranch ISD
c/o Fishkind & Associates
12051 Corporate Blvd.
Orlando, FL 32817

File: BabcockRanchDM	Amount
District Management Fee: January 2009	3,333.33

Please include the invoice number on your remittance and submit to:
Fishkind & Associates, Inc.
12051 Corporate Blvd.
Orlando, FL 32817

Balance Due $3,333.33

Fishkind & Associates, Inc.
12051 Corporate Blvd.
Orlando, Fl 32817
Ph: 407-382-3256
Fax: 407-382-3254

FISHKIND & ASSOCIATES

Invoice

1/15/2009

Invoice No. 4293

Babcock Ranch ISD
c/o. Fishkind & Associates
12051 Corporate Blvd.
Orlando, FL 32817

File: BabcockRanchReimExp	Amount
US Postage	0.84
Conference Call on 11/6/08	27.24
Mileage reimbursement for meeting on 1/8/09 (392 miles @ $0.585)	42.81

Please include the invoice number on your remittance and submit to:
Fishkind & Associates, Inc.
12051 Corporate Blvd.
Orlando, FL 32817

Balance Due $70.89

REFERENCE

CONF. NO	COST CENTER	CONF. DATE	CONF. TITLE / NAME / ANI	TIME	SERVICE	ACCESS TYPE	PERSONS	UNITS	RATE	CHARGE	TAX	CALL TOT
4480411	Bebeack Ranch	11/06/2008	9416371655	9:29AM - 9:37AM	READYCONFERENCE	TOLL FREE	1	8	0.26/MIN	2.08	0.26	
		11/06/2008	5616244000	9:31AM - 9:47AM	READYCONFERENCE	TOLL FREE	1	16	0.26/MIN	4.16	0.53	
		11/06/2008	5616244000	9:34AM - 9:47AM	READYCONFERENCE	TOLL FREE	1	13	0.26/MIN	3.38	0.43	
		11/06/2008	9417303595	9:35AM - 10:09AM	READYCONFERENCE	TOLL FREE	1	34	0.26/MIN	8.84	1.12	
		11/06/2008	9416613025	9:47AM - 10:09AM	READYCONFERENCE	TOLL FREE	1	22	0.26/MIN	5.72	0.72	27.24

TOTAL PRE-TAX 24.18 **TOTAL USF/OTHER** 3.06 **TOTAL STATE TAX/OTHER** 0.00 **TOTAL MODERATOR CHARGES** **USD$27.24**

Fishkind & Associates, Inc.
12051 Corporate Blvd.
Orlando, Fl 32817
Ph: 407-382-3256
Fax: 407-382-3254

FISHKIND & ASSOCIATES

Invoice

2/12/2009

Invoice No. 4411

Babcock Ranch ISD
c/o Fishkind & Associates
12051 Corporate Blvd.
Orlando, FL 32817

File: BabcockRanchDM	Amount
District Management February 2009	3,333.33

Please include the invoice number on your remittance and submit to:
Fishkind & Associates, Inc.
12051 Corporate Blvd.
Orlando, FL 32817

Balance Due $3,333.33

Fishkind & Associates, Inc.
12051 Corporate Blvd.
Orlando, Fl 32817
Ph: 407-382-3256
Fax: 407-382-3254

FISHKIND
& ASSOCIATES

Invoice

2/12/2009

Invoice No. 4412

Babcock Ranch ISD
c/o. Fishkind & Associates
12051 Corporate Blvd.
Orlando, FL 32817

File: BabcockRanchReimExp	Amount
FedEx	145.42
Tax Form 2008	4.48
Postage	8.42
Copies (392 copies @ $0.20)	78.40
Conference Call 12/04/08	28.19
Conference Call 01/08/09	14.47

Please include the invoice number
on your remittance and submit to:
Fishkind & Associates, Inc.
12051 Corporate Blvd.
Orlando, FL 32817

Balance Due $279.38

Dropped off: Jan 02, 2009 **Cust. Ref.:** BABCOCK **Ref.#2:**
Payor: Shipper **Ref.#3:**

- Fuel Surcharge - FedEx has applied a fuel surcharge of 15.00% to this shipment.
- Distance Based Pricing, Zone 2
- FedEx has audited this shipment for correct packages, weight, and service. Any changes made are reflected in the invoice amount.
- Package Delivered to Recipient Address - Release Authorized
- The package weight exceeds the maximum for the packaging type, therefore, FedEx Envelope was rated as FedEx Pak.

		Sender	**Recipient**	
Automation	USAB	JILL CUPPS	MATT SMITH	
Tracking ID	866018565693	FISHKIND & ASSOCIATES	9801 W BAHIA VISTA RD	
Service Type	FedEx Standard Overnight	12051 CORPORATE BLVD	FORT MYERS FL 33917 US	
Package Type	FedEx Pak	ORLANDO FL 32817-1450 US		
Zone	02			
Packages	1			
Rated Weight	1.0 lbs, 0.5 kgs	Transportation Charge		15.30
Delivered	Jan 05, 2009 10:41	Discount		-1.53
Svc Area	A3	Residential Delivery		2.30
Signed by	9999999999999	Fuel Surcharge		2.41
FedEx Use	000210673/0001283/02	**Total Charge**	**USD**	**$18.48**

Dropped off: Jan 02, 2009 **Cust. Ref.:** BABCOCK **Ref.#2:**
Payor: Shipper **Ref.#3:**

- Fuel Surcharge - FedEx has applied a fuel surcharge of 15.00% to this shipment.
- Distance Based Pricing, Zone 2
- FedEx has audited this shipment for correct packages, weight, and service. Any changes made are reflected in the invoice amount.
- The package weight exceeds the maximum for the packaging type, therefore, FedEx Envelope was rated as FedEx Pak.

		Sender	**Recipient**	
Automation	USAB	JILL CUPPS	BILL VANDERMAY	
Tracking ID	866018565708	FISHKIND & ASSOCIATES	KITSON & PARTNERS	
Service Type	FedEx Standard Overnight	12051 CORPORATE BLVD	4500 PGA BLVD STE 400	
Package Type	FedEx Pak	ORLANDO FL 32817-1450 US	PALM BEACH GARDENS FL 33418 US	
Zone	02			
Packages	1			
Rated Weight	1.0 lbs, 0.5 kgs			
Delivered	Jan 05, 2009 08:57	Transportation Charge		15.30
Svc Area	AA	Discount		-1.53
Signed by	S.BELL	Fuel Surcharge		2.07
FedEx Use	000210673/0001283/_	**Total Charge**	**USD**	**$15.84**

Dropped off: Jan 02, 2009 **Cust. Ref.:** BABCOCK **Ref.#2:**
Payor: Shipper **Ref.#3:**

- Fuel Surcharge - FedEx has applied a fuel surcharge of 15.00% to this shipment.
- Distance Based Pricing, Zone 2

		Sender	**Recipient**	
Automation	USAB	JILL CUPPS	RAY SANDROCK	
Tracking ID	866018565719	FISHKIND & ASSOCIATES	CHARLOTTE CO GOV BUDGET DEPT	
Service Type	FedEx Standard Overnight	12051 CORPORATE BLVD	18500 MURDOCK CIR STE 573	
Package Type	FedEx Envelope	ORLANDO FL 32817-1450 US	PORT CHARLOTTE FL 33948 US	
Zone	02			
Packages	1			
Rated Weight	N/A			
Delivered	Jan 05, 2009 11:27	Transportation Charge		13.25
Svc Area	A5	Discount		-2.12
Signed by	S.GONZALAS	Fuel Surcharge		1.67
FedEx Use	000210673/0000200/_	**Total Charge**	**USD**	**$12.80**

Dropped off: Jan 02, 2009 **Cust. Ref.:** BABCOCK **Ref.#2:**
Payor: Shipper **Ref.#3:**

- Fuel Surcharge - FedEx has applied a fuel surcharge of 15.00% to this shipment.
- Business Closed or Adult Recipient Unavailable - Delivery Not Completed.
- Distance Based Pricing, Zone 5
- 1st attempt Jan 05, 2009 at 12:49 PM.
- Package Delivered to Recipient Address - Release Authorized

		Sender	Recipient
Automation	USAB	JILL CUPPS	RICHARD DELOTTO
Tracking ID	866018565720	FISHKIND & ASSOCIATES	KITSON & PARTNERS
Service Type	FedEx Standard Overnight	12051 CORPORATE BLVD	10 SYLVAN WAY STE 105
Package Type	FedEx Envelope	ORLANDO FL 32817-1450 US	PARSIPPANY NJ 07054 US
Zone	05		
Packages	1		
Rated Weight	N/A		
Delivered	Jan 07, 2009 10:19	Transportation Charge	19.25
Svc Area	A1	Discount	-3.08
Signed by	KITSON N PARTNERS	Fuel Surcharge	2.43
FedEx Use	000210673/0000233/02	**Total Charge** **USD**	**$18.60**

Dropped off: Jan 02, 2009 **Cust. Ref.:** BABCOCK **Ref.#2:**
Payor: Shipper **Ref.#3:**

- Fuel Surcharge - FedEx has applied a fuel surcharge of 15.00% to this shipment.
- Distance Based Pricing, Zone 3
- FedEx has audited this shipment for correct packages, weight, and service. Any changes made are reflected in the invoice amount.
- The package weight exceeds the maximum for the packaging type, therefore, FedEx Envelope was rated as FedEx Pak.

		Sender	Recipient
Automation	USAB	JILL CUPPS	JONATHAN JOHNSON
Tracking ID	866018565730	FISHKIND & ASSOCIATES	HOPPING GREEN & SAMS
Service Type	FedEx Standard Overnight	12051 CORPORATE BLVD	123 S CALHOUN ST
Package Type	FedEx Pak	ORLANDO FL 32817-1450 US	TALLAHASSEE FL 32301 US
Zone	03		
Packages	1		
Rated Weight	1.0 lbs, 0.5 kgs		
Delivered	Jan 05, 2009 09:29	Transportation Charge	20.00
Svc Area	A2	Fuel Surcharge	2.70
Signed by	K.SCOTT	Discount	-2.00
FedEx Use	000210673/0001305/_	**Total Charge** **USD**	**$20.70**

Dropped off: Jan 02, 2009 **Cust. Ref.:** BABCOCK **Ref.#2:**
Payor: Shipper **Ref.#3:**

- Fuel Surcharge - FedEx has applied a fuel surcharge of 15.00% to this shipment.
- Distance Based Pricing, Zone 2

		Sender	Recipient
Automation	USAB	JILL CUPPS	ANDY TILTON
Tracking ID	866018565741	FISHKIND & ASSOCIATES	JOHNSON ENGINEERING
Service Type	FedEx Standard Overnight	12051 CORPORATE BLVD	251 WEST HICKPOOCHEE AVE
Package Type	FedEx Envelope	ORLANDO FL 32817-1450 US	LA BELLE FL 33935 US
Zone	02		
Packages	1		
Rated Weight	N/A	Transportation Charge	13.25
Delivered	Jan 05, 2009 12:17	Discount	-2.12
Svc Area	A5	Fuel Surcharge	1.89
Signed by	J.DRAPAL	Delivery Area Surcharge-Commercial	1.50
FedEx Use	000210673/0000200/_	**Total Charge** **USD**	**$14.52**

Dropped off: Jan 02, 2009 **Cust. Ref.:** BABCOCK **Ref.#2:**
Payor: Shipper **Ref.#3:**

- Fuel Surcharge - FedEx has applied a fuel surcharge of 15.00% to this shipment.
- Distance Based Pricing, Zone 2
- FedEx has audited this shipment for correct packages, weight, and service. Any changes made are reflected in the invoice amount.
- The package weight exceeds the maximum for the packaging type, therefore, FedEx Envelope was rated as FedEx Pak.

		Sender	Recipient
Automation	USAB	JILL CUPPS	GEORGE SPEER
Tracking ID	866018565752	FISHKIND & ASSOCIATES	KITSON & PARTNERS
Service Type	FedEx Standard Overnight	12051 CORPORATE BLVD	4500 PGA BLVD STE 400
Package Type	FedEx Pak	ORLANDO FL 32817-1450 US	PALM BEACH GARDENS FL 33418 US
Zone	02		
Packages	1		
Rated Weight	1.0 lbs, 0.5 kgs		
Delivered	Jan 05, 2009 08:57	Transportation Charge	

Tracking ID: 866018565752 continued

Svc Area	AA	Discount	-1.53
Signed by	S.BELL	Fuel Surcharge	2.07
FedEx Use	000210673/0001283/_	**Total Charge** **USD**	**$15.84**

Dropped off: Jan 02, 2009 Cust. Ref.: BABCOCK Ref.#2:
Payor: Shipper Ref.#3: Babcock

- Fuel Surcharge - FedEx has applied a fuel surcharge of 15.00% to this shipment.
- Distance Based Pricing, Zone 2

Automation	USAB
Tracking ID	866018565763
Service Type	FedEx Standard Overnight
Package Type	FedEx Envelope
Zone	02
Packages	1
Rated Weight	N/A
Delivered	Jan 05, 2009 11:20
Svc Area	A5
Signed by	J.JURCA
FedEx Use	000210673/0000200/_

Sender
JILL CUPPS
FISHKIND & ASSOCIATES
12051 CORPORATE BLVD
ORLANDO FL 32817-1450 US

Recipient
MITCH GORDON
KITSON & PARTNERS
17837 MURDOCK CIR
PORT CHARLOTTE FL 33948 US

Transportation Charge		13.25
Discount		-2.12
Fuel Surcharge		1.67
Total Charge	**USD**	**$12.80**

Dropped off: Jan 02, 2009 Cust. Ref.: BABCOCK Ref.#2:
Payor: Shipper Ref.#3:

- Fuel Surcharge - FedEx has applied a fuel surcharge of 15.00% to this shipment.
- Distance Based Pricing, Zone 2
- FedEx has audited this shipment for correct packages, weight, and service. Any changes made are reflected in the invoice amount.
- The package weight exceeds the maximum for the packaging type, therefore, FedEx Envelope was rated as FedEx Pak.

Automation	USAB
Tracking ID	866018565774
Service Type	FedEx Standard Overnight
Package Type	FedEx Pak
Zone	02
Packages	1
Rated Weight	1.0 lbs, 0.5 kgs
Delivered	Jan 05, 2009 11:20
Svc Area	A5
Signed by	J.JURCA
FedEx Use	000210673/0001283/_

Sender
JILL CUPPS
FISHKIND & ASSOCIATES
12051 CORPORATE BLVD
ORLANDO FL 32817-1450 US

Recipient
THERESA JURCA
17837 MURDOCK CIR
PORT CHARLOTTE FL 33948 US

Transportation Charge		15.30
Fuel Surcharge		2.07
Discount		-1.53
Total Charge	**USD**	**$15.84**

4480411 ill	Babcock Ranch	12/04/2008	9416370926	9:25AM - 10:09AM	READYCONFERENCE	TOLL FREE	1	44	0.272/MIN	11.96	1.52	
		12/04/2008	9412356900	9:31AM - 9:45AM	READYCONFERENCE	TOLL FREE	1	14	0.272/MIN	3.80	0.48	
		12/04/2008	9416231000	9:32AM - 9:45AM	READYCONFERENCE	TOLL FREE	1	13	0.272/MIN	3.53	0.45	
		12/04/2008	5616244000	9:33AM - 9:45AM	READYCONFERENCE	TOLL FREE	1	12	0.272/MIN	3.26	0.42	
		12/04/2008	8502227500	9:36AM - 9:45AM	READYCONFERENCE	TOLL FREE	1	9	0.272/MIN	2.45	0.32	28.19

CONF. NO	COST CENTER	CONF. DATE	CONF. TITLE / NAME / ANI	TIME	SERVICE	ACCESS TYPE	PERSONS	UNITS	RATE	CHARGE	TAX	CALL TO
4480411	Babcock Ranch	01/08/2009	9412356900	9:22AM - 9:53AM	READYCONFERENCE	TOLL FREE	1	31	0.272/MIN	8.43	0.91	
	" "	01/08/2009	5616244000	9:28AM - 9:45AM	READYCONFERENCE	TOLL FREE	1	17	0.272/MIN	4.63	0.50	14.47
4480411		01/08/2009										

The Sun
23170 Harborview Road
Port Charlotte, FL 33980

Phone:(941)206-1000 Fax:(941)629-2085 Website: www.sun-herald.com
Email: custserv@sun-herald.com

12/27/08

Date: 12/27/08	Ad Taker:AFREEMAN	Agate Lines: 95
Ad Date: 12/30/08	Sales Person:200	Depth: 10.069
Class: 26	Words: 313	Inserts: 1
Ad ID: 2167368	Lines: 90	Blind Box:

Account: 281541

FISHKIND AND ASSOCIATES, INC.
ATTN: JILL CUPPS
12051 CORPORATE BLVD.
ORLANDO, FL 32817

Description: 1/8 Meeting Telephone: (407) 382-3256

Other Charges:	$0.00	Gross:	$70.65
Discount:	$0.00		
Surcharge:	$0.00	Paid Amount:	- $0.00
Credits:	$0.00		
Bill Depth:	10.069	Amount Due:	$70.65

Publication	Start	Stop	Inserts	Cost
Legal Advertising	12/30/08	12/30/08	1	$70.65

invoice

Ad Note:
submitted by: Jill Cupps

Customer Note:
LEGALS

Please remit to:

The Sun
23170 Harborview Road
Port Charlotte, FL 33980

We Appreciate Your Business!
Thank You!

Notice of Regular Meeting
And Audit Committee Meeting
Babcock Ranch Community Independent Special District

The Regular meeting of the Board of Supervisors of the Babcock Ranch Community Independent Special District is scheduled to be held on Thursday, January 8, 2008 at 9:30 a.m. at 17841 Murdock Circle, Punta Gorda, Florida 33948. **There will be an Audit Committee meeting at 9:30 a.m. at the above-referenced location (immediately following the Board of Supervisors' meeting.)** The Audit Committee will review, discuss and establish the evaluation criteria for any proposals the District receives pursuant to solicitations for auditing services.

The meeting is open to the public and will be conducted in accordance with the provisions of Florida Law for Independent Special Districts. There may be occasions when one or more Supervisors will participate by telephone. The meeting may be continued to a date, time, and place to be specified on the record at the meeting. A copy of the agenda for this meeting may be obtained from Fishkind & Associates, Inc. 12051 Corporate Blvd., Orlando, Florida 32817.

Pursuant to provisions of the Americans with Disabilities Act, any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the District Office at (407) 382-3256 at least two calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Florida Relay Service at 1 (800) 955-8770, who can aid you in contacting the District Office.

Each person who decides to appeal any decision made by the Board with respect to any matter considered at the meeting is advised that person will need a record of the proceedings and that accordingly, the person may need to ensure that a verbatim record of the proceedings is made,

The Sun
23170 Harborview Road
Port Charlotte, FL 33980

Phone:(941)206-1000 Fax:(941)629-2085 Website: www.sun-herald.com
Email: custserv@sun-herald.com

01/15/09

Date: 01/15/09	Ad Taker:AFREEMAN	Agate Lines: 66
Ad Date: 01/17/09	Sales Person:200	Depth: 7.042
Class: 26	Words: 217	Inserts: 1
Ad ID: 2174319	Lines: 63	Blind Box:

Account: 281541

FISHKIND AND ASSOCIATES, INC.
ATTN: JILL CUPPS
12051 CORPORATE BLVD.
ORLANDO, FL 32817

Description: FY2009 Meeting Schedule Telephone: (407) 382-3256

Other Charges:	$0.00	Gross:	$49.46
Discount:	$0.00		
Surcharge:	$0.00	Paid Amount:	- $0.00
Credits:	$0.00		
Bill Depth:	7.042	Amount Due:	$49.46

Publication	Start	Stop	Inserts	Cost
Legal Advertising	01/17/09	01/17/09	1	$49.46

invoice

Ad Note:
submitted by: Jill Cupps

Customer Note:
LEGALS

Please remit to:

The Sun
23170 Harborview Road
Port Charlotte, FL 33980

We Appreciate Your Business!
Thank You!

Notice of Meeting
Babcock Ranch Community Independent Special District

The Board of Supervisors of the Babcock Ranch Community Independent Special District will hold their meetings for Fiscal Year 2009 at 17841 Murdock Circle, Punta Gorda, Florida 33948 at 1:00 p.m. each month as follows:

February 26, 2009
March 26, 2009
April 23, 2009
May 28, 2009
June 25, 2009
July 23, 2009
August 27, 2009
September 24, 2009

There may be occasions when one or more Supervisors will participate by telephone. At the above location there will be present a speaker telephone so that any interested person can attend the meeting at the above location and be fully informed of the discussions taking place either in person or by telephone communication.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the District Office at (407) 382-3256 at least five calendar days prior to the meeting.

Each person who decided to appeal any action taken at these meetings is advised that person will need a record of the proceedings and that accordingly, the person may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which such appeal is to be based.

Hank Fishkind
District Manager
Publish: January 17, 2009
281541 2174319

Hopping Green & Sams
Attorneys and Counselors

123 S. Calhoun Street
P.O. Box 6526
Tallahassee, FL 32314
850.222.7500

========== STATEMENT ==========

December 18, 2008

Babcock Ranch Independent Special District
Fishkind & Associates, Inc.
c/o District Manager
12051 Corporate Blvd.
Orlando, FL 32817

Bill Number 42054
Billed through 11/30/2008

General Representation
BRISD 00001 JJ

FOR PROFESSIONAL SERVICES RENDERED

11/03/08	JJ	Confer with Chutkan regarding research on school pledge for tax revenue; review correspondence from state regarding funds protection; confer with DFS; draft letter to district manager.	0.50 hrs
11/05/08	JJ	Prepare for meeting; confer with Chutkan regarding ISD issues.	1.40 hrs
11/06/08	JJ	Attend board meeting; post meeting wrap up.	3.10 hrs
11/12/08	JJ	Confer with Chutkan regarding impact fee credit agreement; review changes; confer with Chutkan; review correspondence regarding impact fee credit.	1.20 hrs
11/24/08	KFJ	Prepare conservation easement resolution; confer with Johnson.	0.70 hrs
		Total fees for this matter	$1,816.50

MATTER SUMMARY

Johnson, Jonathan T.	6.20 hrs	280 /hr	$1,736.00
Jusevitch, Karen F.- Paralegal	0.70 hrs	115 /hr	$80.50
TOTAL FEES			$1,816.50
TOTAL CHARGES FOR THIS MATTER			**$1,816.50**

BILLING SUMMARY

Johnson, Jonathan T.	6.20 hrs	280 /hr	$1,736.00
Jusevitch, Karen F.- Paralegal	0.70 hrs	115 /hr	$80.50
TOTAL FEES			$1,816.50
TOTAL CHARGES FOR THIS BILL			**$1,816.50**

Please include the bill number on your check.

Johnson Engineering, Inc.
Remit To:
P.O. Box 2112
Fort Myers, FL 33902
Ph: 239.334.0046 Fax: 239.334.3661
Project Manager Andrew Tilton

Invoice

December 29, 2008
Project No: 20087377-001
Invoice No: 6

Acccounts Payable
Babcock Ranch Community Independent Special District
12051 Corporate Boulevard
Orlando, FL 32817

Project 20087377-001 Babcock Ranch Community ISD

Professional Services through December 14, 2008

Phase 01 General Meetings, Discussions, Miscellaneous

Professional Personnel

		Hours	Rate	Amount	
Principal					
Hume, Dana	12/4/08	2.00	190.00	380.00	
Prepare for and attend ISD meeting					
Tilton, Andrew	12/1/08	.50	190.00	95.00	
phone call with Luna, phone call with Neal and prep Dana for meeting					
Totals		2.50		475.00	
Total Labor					475.00
			Total this Phase		$475.00
			Total this Invoice		$475.00

Johnson Engineering, Inc.
Remit To:
P.O. Box 2112
Fort Myers, FL 33902
Ph: 239.334.0046 Fax: 239.334.3661
Project Manager Andrew Tilton

Invoice

December 29, 2008
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12051 Corporate Boulevard
Orlando, FL 32817

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Professional Services through December 14, 2008

Phase 01 General Meetings, Discussions, Miscellaneous

Professional Personnel

		Hours	Rate	Amount
Principal				
Hume, Dana	12/4/08	2.00	190.00	380.00
Prepare for and attend ISD meeting				
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phone call with Luna, phone call with Neal and prep Dana for meeting				
Totals		2.50		475.00
Total Labor				475.00

Total this Phase $475.00

Total this Invoice $475.00

PLEASE SEND COPY OF INVOICE OR REFERENCE OUR FULL PROJECT NUMBER ON YOUR PAYMENTS.

BABCOCK RANCH COMMUNITY INDEPENDENT SPECIAL DISTRICT

District Financial Statements

Babcock Community Independent Special
Statement of Financial Position
As of 1/31/2009

	General Fund	Debt Service - A	Capital Projects	Total
		Assets		
Current Assets				
General Fund Bank Account	$14,006.66			$14,006.66
Total Current Assets	$14,006.66	$0.00	$0.00	$14,006.66
Total Assets	$14,006.66	$0.00	$0.00	$14,006.66
Net Assets				
Net Assets	$4.68			$4.68
Current Year Net Assets	14,001.98			14,001.98
Net Assets			($6,707.53)	(6,707.53)
Capital Expenditures			6,707.53	6,707.53
Total Net Assets	$14,006.66	$0.00	$0.00	$14,006.66
Total Liabilities and Net Assets	$14,006.66	$0.00	$0.00	$14,006.66

Babcock Community Independent Special

Statement of Activities (YTD) (Columnar, Landscape)

As of 1/31/2009

	General Fund	Debt Service - A	Capital Projects	Total
Revenues				
Developer Contributions	$19,715.27		$3,273.00	$22,988.27
General Fund Reserve	13,999.92			13,999.92
Total Revenues	$33,715.19	$0.00	$3,273.00	$36,988.19
Expenses				
District Counsel	$3,503.00			$3,503.00
District Management	9,999.99			9,999.99
Telephone	42.88			42.88
Postage	475.10			475.10
Insurance	4,000.00			4,000.00
Printing and Binding	371.40			371.40
Legal Advertising	279.98			279.98
Dues, Licenses & Fees	175.00			175.00
Misc. Charges	867.92			867.92
Total Expenses	$19,715.27	$0.00	$0.00	$19,715.27
Other Revenues (Expenses) & Gains (Losses)				
Interest Income	$2.06			$2.06
District Counsel			($2,868.00)	(2,868.00)
Misc. Charges			(405.00)	(405.00)
Total Other Revenues (Expenses) & Gains (Losses)	$2.06	$0.00	($3,273.00)	($3,270.94)
Change In Net Assets	$14,001.98	$0.00	$0.00	$14,001.98
Net Assets At Beginning Of Year	$4.68	$0.00	$0.00	$4.68
Net Assets At End Of Year	$14,006.66	$0.00	$0.00	$14,006.66

Babcock Community Independent Special

Budget to Actual

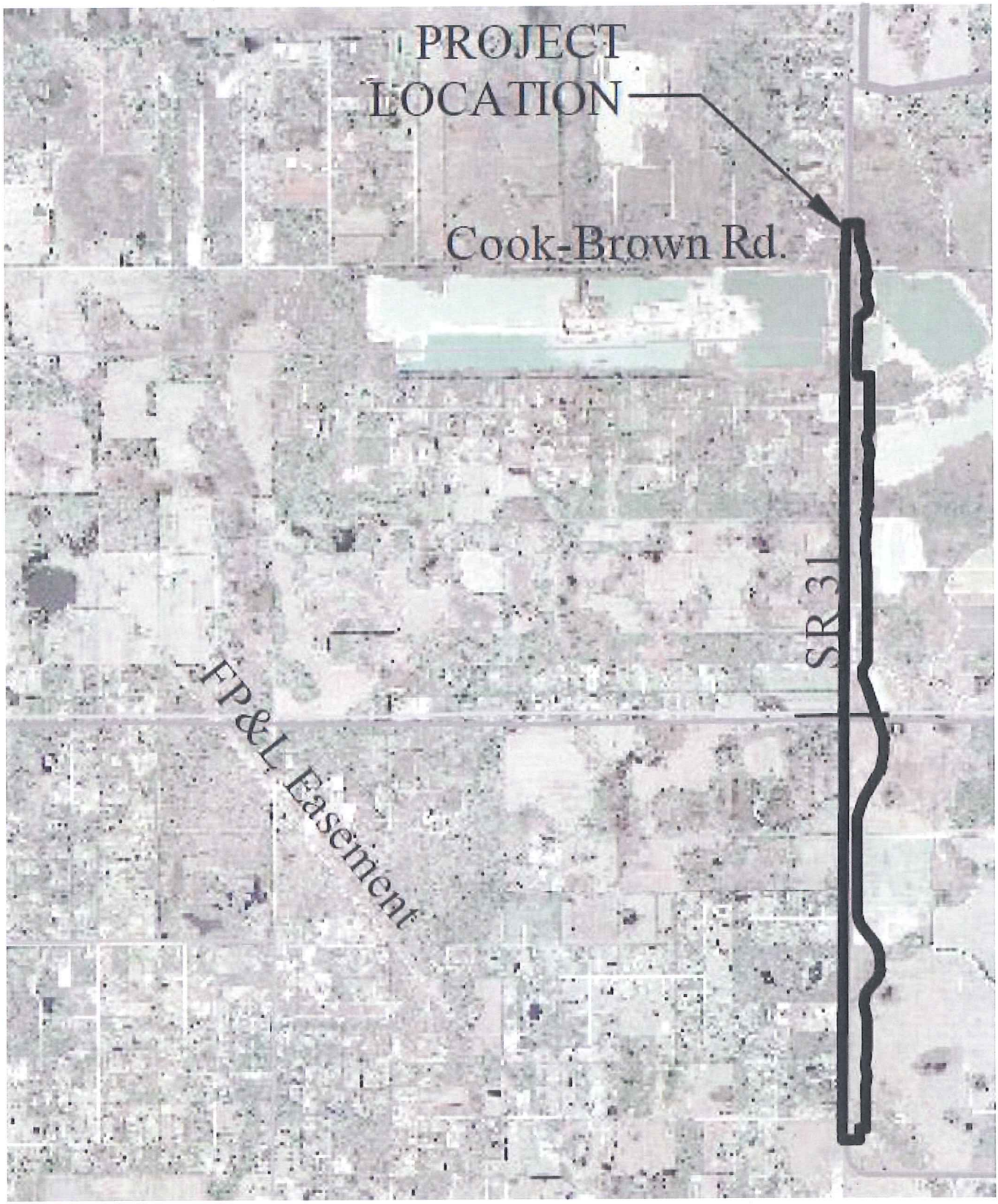
For the Month Ended 1/31/2009

	Actual	Year To Date Budget	Variance	Adopted FY09 Budget
Revenues				
Developer Contributions	$19,715.27	$41,325.00	$(21,609.73)	$123,975.00
General Fund Reserve	13,999.92	0.00	13,999.92	0.00
Net Revenues	**$33,715.19**	**$41,325.00**	**$(7,609.81)**	**$123,975.00**
General & Administrative Expenses				
Engineering Fees	$0.00	$4,000.00	$(4,000.00)	12,000.00
Trustee Fees	0.00	2,666.68	(2,666.68)	8,000.00
District Counsel	3,503.00	11,666.68	(8,163.68)	35,000.00
Capital Outlay	0.00	83.32	(83.32)	250.00
Audit Fees	0.00	1,666.68	(1,666.68)	5,000.00
Dissemination Agent	0.00	166.68	(166.68)	500.00
District Management Fees	9,999.99	13,333.32	(3,333.33)	40,000.00
Telephone	42.88	100.00	(57.12)	300.00
Postage	475.10	333.32	141.78	1,000.00
Insurance	4,000.00	1,666.68	2,333.32	5,000.00
Printing & Binding	371.40	666.68	(295.28)	2,000.00
Legal Advertising	279.98	666.68	(386.70)	2,000.00
Office Supplies	0.00	83.32	(83.32)	250.00
Dues, Licenses & Fees	175.00	58.32	116.68	175.00
Contingency Fees	0.00	4,000.00	(4,000.00)	12,000.00
Miscellaneous Charges	867.92	166.64	701.28	500.00
Total General & Administrative Expenses	**$19,715.27**	**$41,325.00**	**$(21,609.73)**	**$123,975.00**
Total Expenses	**$19,715.27**	**$41,325.00**	**$(21,609.73)**	
Income (Loss) from Operations	**$17,272.92**	**$0.00**	**$17,272.92**	
Other Income (Expense)				
Interest Income	$2.06	$0.00	$2.06	
Total Other Income (Expense)	**$(3,270.94)**	**$0.00**	**$(3,270.94)**	
Net Income (Loss)	**$14,001.98**	**$0.00**	**$14,001.98**	

Miller, Janet

From: Karen Kamener [Shadowfaxfan@earthlink.net]
Sent: Wednesday, March 11, 2009 2:13 PM
To: Mudd, James; Noble, Matthew; Miller, Janet
Subject: [Fwd: Rt. 31 2.0 ALTERNATIVE ALIGNMENT ANALYSIS]
Attachments: 081217-1erp purpose20environmental20supplement45869.pdf

-------- Original Message --------



VICINITY AER

3/12/2009

2.0 ALTERNATIVE ALIGNMENT ANALYSIS

SR 31 is an existing north/south corridor that connects SR 80 in Lee Cour DeSoto County. As regional development in the area drives the need for wide accommodate increased levels of traffic, the available alternatives for the expansion a alternative alignment analysis is therefore confined to a No-build Alternative and uj Alternatives (left, center, right) on the existing alignment. As listed species is anticipated to be the same for all alternatives, this was not a significant factor in deter available alignment.

- **No-Build Alternative (Alternative 1)**

Regional growth is expanding eastward from Florida's densely populated wes rural roadway becomes burdened by increased traffic demands. FDOT must widen maintain safety standards and an acceptable level of service. As such, the "no-build" a viewed as a viable option.

- **Center (Alternative 2)**

The existing right-of-way is 100' wide and is entirely consumed by the exist safety shoulders on both sides of the road, and a drainage swale located on both th sides of the roadway. The existing design does not provide a median for the expansi travel lanes. Consequently, this alternative is not considered to be a viable option.

- **West of the Existing Right-of-Way (Alternative 3)**

The west side of the existing SR 31 right-of-way within the subject cc agricultural land uses, as well as low-density residential and commercial developmer directly impacted by widening to this side. Purchase or condemnation of these lands f right-of-way that would be required for the ultimate six-lane design and surface wat

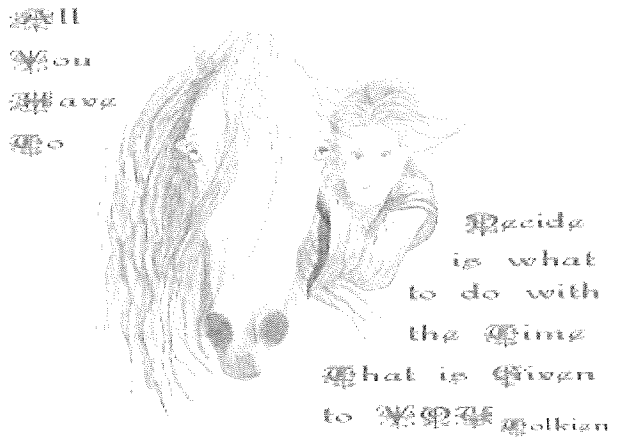
way for FDOT to permit the necessary widening of SR 31. As such, Alternative 3 the best available option.

- **East of the Existing Right-of-Way (Alternative 4)**

The east side of the existing SR 31 right-of-way within the project corridor is agricultural land uses, mining operations, and disturbed upland and wetland commun gas transmission line located underground along the east side of the entire SR 31 ; however, no impacts are anticipated to it. Wetland impacts associated with this alter similar to impacts that would be anticipated with Alternative 3. However, Kitson an has donated a 300-ft strip of land east of the existing SR 31 right-of-way to accommo roadway expansion. The land donation significantly reduces the estimated project co payers a significant amount of money, which ranks Alternative 4 as the best available

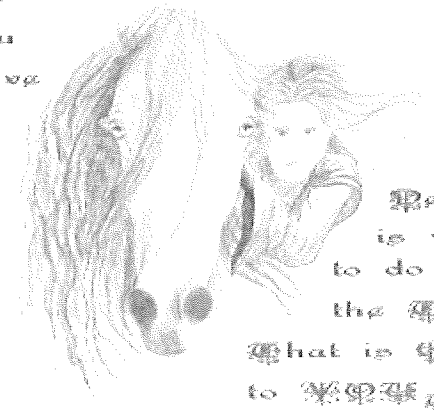
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All
You
Have
To



Decide
is what
to do with
the Time
that is Given
to You. Tolkien

Miller, Janet

From: Karen Kamener [Shadowfaxfan@earthlink.net]
Sent: Wednesday, March 11, 2009 2:16 PM
To: Noble, Matthew; Miller, Janet; Mudd, James
Subject: [Fwd: Please Read-New RT. 31 application to SFWMD[Fwd: Interested Party request for application 081217-1]]
Attachments: New RT 31 app.081217-1_RAI_20090116_443619.pdf

-------- Original Message --------

Hi Everyone,

I called Bill Foley SFWMD today and he told me there has been a more resent application submitted by Kitson/FDOT for Rt. 31. I then sent this email at the bottom of the page to Bill requesting that I be put on the list of interested parties for this latest Babcock-Kitson Partners/ FDOT application to SFWMD . Bill said basically this application has been submitted to expedite the ST Rd. 31 improvements. It is a joint application between Kitson and FDOT. They want to 4-6 lane Rt. 31 ASAP.

If you are concerned about Rt 31 and it's impacts to the area and the process that will or will not allow these impacts to happen I suggest you also ask to become an interested party. Adding your name to the list will also show the level of concern about the project. You will be sent the RAI {Request for Additional Information} letters which Water Management sends out to the applicant to request additional information so as to eliminate Water Management's concerns for the project. This is where I have been getting a lot my information from over the past 2 years. Also if the impacts of Rt. 31 are to be discussed at any future meetings of any kind then I suggest everyone at least reads the attached 7 page RAI letter even if they don't understand it fully. If everyone reads this then we may be able to help each other to understand it. I am more than willing to help anyone if they would like me to. I am putting some of the paragraphs that jumped out at me in this email. Please forward this email to others who may be interested and are not on the list. Thanks, Karen

2. It appears that there are portions of the site where a jurisdictional wetland determination has not been conducted by District Staff. Please schedule a site inspection with District staff to review the proposed control elevations, assess t current field conditions including the presence of wetlands, and review the mitigation analysis. Be advised that the control elevation must be consistent w existing field conditions in accordance with Section 6.11 of the Basis of Review addition, depending on the results of the site inspection additional information v be necessary in accordance with Section 4.0 of the Basis of Review. Please contact Julie Arrison, the environmental reviewer, at (239) 338-2929 ext. 7737 arrange a field inspection and to discuss the project. Please be advised that based upon the site inspection, revisions to the wetland lines, control elevation and mitigation analysis may be necessary.

13. Please demonstrate that the proposed project will not result in an adverse i to upstream, downstream or adjacent properties. In particular, the pro project must demonstrate it will not result in any increased stages in the r F.E.M.A. floodplain maps adopted by Lee County on August 28, 2008.

15. Please clarify if the improvements include raising the existing tw configuration to accommodate the proposed four/six lane configuration. F provide sufficient information to show that the existing and/or the pro elevations of the existing two-lane configuration will have no adverse impa the adjacent areas.

16. Please clarify how the volume of runoff currently crossing over and under Road 31 in the existing conditions will be conveyed across the new lanes in proposed conveyance ditch at the proposed conditions to ensure that no ac impacts on the adjacent areas will occur.

17. Please revise the construction plans/the models to provide consistency be the construction plans and the models. The construction plan (sheet 81, detail) label two control structure for basin 700 (pond 700-A and pond 700-B) only one structure is modeled for this basin.

21. District staff is currently reviewing Application Number 070330-5 (Babcock community) which includes the construction of a proposed conveyance located on the east side of the proposed roadway improvements. Please nc the current application will be reviewed concurrently with the Babcock application to verify consistency between the two applications.

22. Please clarify why the land use breakdown at the Conceptual phase differ the land use table breakdown at the construction Phase 1. For example, l limited to; the pavement area (53.9 acres) shown at the Conceptual phase from the pavement area (38.0 acres) as computed at the construction Phase

-------- Original Message --------
Subject: Interested Party request for application 081217-1
Date: Fri, 06 Mar 2009 20:49:02 -0500
From: Karen Kamener <Shadowfaxfan@earthlink.net>
To: Foley, William <bfoley@sfwmd.gov>

Hi Bill,

Please add me to the list of Interested Parties for application 081217-1, detailed info is below. Thank you for your time, Aloha, Karen



081217-1 **Permit#:** 36-03133-P **Received Date:** 17-Dec-2008
Issuing Office: FTM **Status:** No Response
Permit Type: Environmental Resource (Construction/Operation Modification)
Project Acres: 255.6
Project Name: State Road 31 **Receiving Body:** Owl Creek
Location: Charlotte Lee **Landuse(s):** Roadway
S19,30,31/T42/R26
S6,7/T43/R26
SWM Reviewer: Pierre R Fortunat -> (239)338-2929
ENV Reviewer: Julie Arrison -> (239)338-2929
Applicant: Kitson Babcock, L L C 17837 Murdock Circle Port Charlotte FL 33948
Applicant: Florida Department Of Transportation James R Wilt Jr P E 801 N Broadway Avenue Bartow FL 33831-1249
Owner: Kitson Babcock L L C 17837 Murdock Circle Port Charlotte FL 33948
Owner: Fdot C/O James R Wilt Jr 801 N Broadway Ave Bartow FL 338311249
Agent: Johnson Engineering Inc David V Willems 2122 Johnson Street Fort Myers FL 33901
File Location:
30-Day Deadline:

RAI Letter Sent: 16-Jan-2009 **Response Received:**
USA Letter Sent: 17-Dec-2008 **Response Received:** 19-Dec-2008

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SOUTH FLORIDA WATER MANAGEMENT DISTRICT

LOWER WEST COAST REGIONAL SERVICE CENTER 2301 McGregor Boulevard, Fort Myers, FL 33901
(239) 338-2929 • FL WATS 1-800-248-1201 • Suncom 748-2929 • Fax (239) 338-2936 • www.sfwmd.gov/lwc/

January 16, 2009

Mr. David V. Willems, P E
Johnson Engineering, Inc.
2122 Johnson Street
Fort Myers, FL 33901

Subject: State Road 31
Application No: 081217-1
Lee/Charlotte County, Sections 6 and 7, Township 43S, Range 26E and Section 19, 30, and 31, Township 42S, Range 26E

Dear Mr. Willems:

The Staff has completed a review of the above referenced application. The District's project analysts are Pierre R. Fortunat and Julie Arrison. The information received was incomplete and did not adequately address the following items. According to Rule 40E-0.103, Florida Administrative Code (FAC) and Rule 40E-4, F.A.C., the District requests the information below to complete the application:

1. The check submitted for the permit application fee of $5,000.00 was returned to the applicant on December 31, 2008 due to 'stale-dating'. Please submit a new check to cover the permit application processing fee.

2. It appears that there are portions of the site where a jurisdictional wetland determination has not been conducted by District Staff. Please schedule a site inspection with District staff to review the proposed control elevations, assess the current field conditions including the presence of wetlands, and review the mitigation analysis. Be advised that the control elevation must be consistent with existing field conditions in accordance with Section 6.11 of the Basis of Review. In addition, depending on the results of the site inspection additional information will be necessary in accordance with Section 4.0 of the Basis of Review. Please contact Julie Arrison, the environmental reviewer, at (239) 338-2929 ext. 7737 to arrange a field inspection and to discuss the project. Please be advised that based upon the site inspection, revisions to the wetland lines, control elevation, and mitigation analysis may be necessary.

    a. Please mark the wetland water level indicators prior to scheduling a site visit. Upon verification of the wetland indicators by District staff, please provide a signed and sealed survey of these indicators. The survey

should include the spot elevations of the indicators, spot elevations within the wetland, and spot elevations at the wetland-upland interface. These elevations should be surveyed using NAVD datum since the engineering plans for this project have been submitted using this format. This information is necessary to verify the proposed control elevation(s) for the site.

b. Please flag the wetland boundaries for review and verification.

c. The mitigation requirements for this project will be finalized after site visits have been completed (including wetland impact functional analysis) and the reduction/elimination analysis of proposed wetland impacts has been evaluated.

3. Please provide maps/figures which show the correlation between control elevations of neighboring properties and how they align with control elevations on the proposed project. Specifically, please provide control elevations for the adjacent conveyance project and the Babcock Ranch project (Application Number 070330-5) and how they align with the proposed cascading basins.

4. Please identify the appropriate entity to operate the project into perpetuity and provide information demonstrating the entity meets District requirements. Section E of the application identifies Babcock Ranch ISD as the operating entity for the surface water management system. Please provide documentation of the establishment of the Babcock Ranch ISD and copies of the operational documents that assign responsibility for the operation and maintenance of the surface water management system and wetland mitigation areas.

5. The application identifies the Babcock Ranch Preserve as the mitigation site for wetland impacts associated with State Road 31. District staff has reviewed the proposed mitigation plan for the project and requests the following information:

   a. Please identify specific areas within the Babcock Ranch Preserve that will be used to offset the direct and secondary wetland impacts proposed for this project. Please provide the functional analysis for the proposed mitigation area to verify that the mitigation area will provide adequate compensation to offset wetland function loss.

   b. Please provide the wetland mitigation, monitoring, and maintenance plan and work schedule for the mitigation area.

   c. Please identify the appropriate entity to operate the mitigation area into perpetuity and provide information demonstrating the entity meets District requirements. Please provide documentation of the agreement with this entity that mitigation for wetland functional loss associated with State Road 31 will be provided.

d. The mitigation areas need to be dedicated as conservation areas and placed under a conservation easement in order to meet permit criteria in 40E-4. F.A.C. The conservation easement must meet the requirements of Chapter 704.06 F.S. Additionally, the following information will be required in order to process the conservation easement:

1. Site map of conservation easement
2. Legal description and number of acres of conservation easement
3. A sketch of the legal description of the easement area

Please note that prior to the issuance of a permit, an executed (signed) copy of the easement document must be provided. Also, within 60 days of issuance of a permit a recorded copy of the easement document will be required to be submitted. A copy of the most current legal version of the conservation easement form can be found at: https://my.sfwmd.gov.

6. A boundary survey including existing ground elevations was not provided as part of the application. Please provide a boundary survey including existing ground elevations in NAVD.

7. As shown on the submitted plans, grass medians are proposed along portions of the project length. If an irrigation system is to be installed in these medians, a Water Use Permit will be required. If applicable, please revise submitted plans accordingly and submit the required Water Use Permit to the District.

8. Please identify whether the master surface water management system serving the existing surface water management system for State Road 31 has been certified. Please contact the District's Environmental Resource Compliance Division of the Lower West Coast Service Center at (239) 338-2929 to discuss and proceed with the certification of the master surface water management system.

9. Please identify how the stormwater ponds, underground utilities, and drainage structures installation will occur. The determination of how the excavation work will occur and whether a Water Use permit for short-term dewatering during construction is required is part of the review of this application. The Water Use permit application must be submitted and sufficiently reviewed concurrently with the ERP application in order to address potential secondary impacts. If the Water Use permit application has been already submitted, please indicate the application number. If the excavation work for the utilities installation will be accomplished without dewatering, please clearly indicate on the plans.

10. Please provide the following information regarding listed species on the project:

a. Listed species such as the black bear, panther, scrub jay, Florida sandhill crane, gopher tortoise, crested caracara, and wading birds utilize or may utilize the site. Please demonstrate that the project will not result in impacts to listed species. Comments from the Florida Fish and Wildlife Conservation Commission (FFWCC) and the U.S. Fish and Wildlife Service can assist the applicant in addressing these issues. Please submit a summary of any correspondence or ongoing coordination with these agencies.

b. Please add wildlife crossings to the construction plans in the areas of special concern for the Panther and other listed species. Development plans for the Babcock Ranch indicates that a wildlife crossing will be installed at the northern portion of State Road 31 adjacent to preserve areas on the Babcock Ranch during the road widening. Please contact District staff for guidance, if necessary.

11. The submittal indicates that historical and/or archaeological sites may be present in or near the project area and that a Cultural Resources Assessment Survey would be conducted. Please provide information from the survey to the State Division of Historical Resources. Please be advised that additional issues may need to be addressed and/or resolved as a result of comments from the State Division of Historical Resources.

12. Please demonstrate that the surface water management system reduces the post-development loadings of stormwater nutrients to levels equal to or less than the loadings generated under pre-development conditions. Please be advised that the requested information is required to be part of the water quality assurances of State water quality standards demonstrating that the proposed project will not adversely affect the quality of receiving waters as required in the Basis of Review (BOR) Section 4.2.4. One option available to demonstrate this is the methodology outlined in the Pollutant Loading Calculations, using the final report of Evaluation of Current Stormwater Design Criteria within the State of Florida, dated June 2007, which can be found at the following link: *http://www.dep.state.fl.us/water/nonpoint/docs/nonpoint/SW_TreatmentReportFinal_71907. pdf.* Please ensure all the offsite discharges from the surface water management system and future wastewater treatment plant are considered in the analysis.

13. Please demonstrate that the proposed project will not result in an adverse impact to upstream, downstream or adjacent properties. In particular, the proposed project must demonstrate it will not result in any increased stages in the revised F.E.M.A. floodplain maps adopted by Lee County on August 28, 2008.

14. Please provide calculations to determine if the project provides historical storage and if the site is identified as an "Importer or Exporter" of basin runoff. Please refer to the Volume IV, Basis of Review, Sections 6.6 and 6.7 and the design example

of flood compensation, Figures XE-1 through SE-6 for additional information.

15. Please clarify if the improvements include raising the existing two-lane configuration to accommodate the proposed four/six lane configuration. Please provide sufficient information to show that the existing and/or the proposed elevations of the existing two-lane configuration will have no adverse impacts on the adjacent areas.

16. Please clarify how the volume of runoff currently crossing over and under State Road 31 in the existing conditions will be conveyed across the new lanes into the proposed conveyance ditch at the proposed conditions to ensure that no adverse impacts on the adjacent areas will occur.

17. Please revise the construction plans/the models to provide consistency between the construction plans and the models. The construction plan (sheet 81, pond detail) label two control structure for basin 700 (pond 700-A and pond 700-B) while only one structure is modeled for this basin.

18. Please provide documentation for the tailwater data used in the models. The submittal indicates that this tailwater was estimated using the HEC-RAS model for SR 31 proposed conveyance swale in the Babcock Ranch application.

19. Please revise the construction plans to include the location of structure S-44 discharging offsite from pond 700-B. It also appears that this structure has the same name than the structure discharging offsite from pond 800. Please clarify or revise as needed.

20. Please revise the construction plans to show how ponds 700-A and 700-B are interconnected. These ponds shall be interconnected if they are discharging offsite via one control structure.

21. District staff is currently reviewing Application Number 070330-5 (Babcock Ranch community) which includes the construction of a proposed conveyance ditch located on the east side of the proposed roadway improvements. Please note that the current application will be reviewed concurrently with the Babcock Ranch application to verify consistency between the two applications.

22. Please clarify why the land use breakdown at the Conceptual phase differs from the land use table breakdown at the construction Phase 1. For example, but not limited to; the pavement area (53.9 acres) shown at the Conceptual phase differs from the pavement area (38.0 acres) as computed at the construction Phase 1.

Advisory Comment

The following comment is advisory in nature and does not require a response to the District:

A1. Included with this letter/permit is a brochure from the Florida Department of Environmental Protection (DEP) on Florida's National Pollutant Discharge Elimination System (NPDES) program for construction activities. As the brochure indicates, the U.S. Environmental Protection Agency authorized the DEP in October 2000 to implement the NPDES stormwater permitting program in Florida. The District is assisting DEP by distributing this information to entities which may be subject to regulation under the NPDES program. No response to the District is required.

A "Generic Permit for Stormwater Discharge from Large and Small Construction Activities" (CGP) is required for a construction activity which contributes stormwater discharges to surface waters of the State or into a municipal separate storm sewer system and disturbs five or more acres of land under Phase I large construction and one or more acres of land under Phase II small construction. A permit is required for less than one acre if the activity is part of a larger common plan of development or sale that will meet or exceed the one acre threshold.

The permit required under DEP's NPDES stormwater permitting program is separate from the Environmental Resource Permit required by the District. Receiving a permit from the District does not exempt you from meeting the NPDES program requirements.

If you have any questions on the NPDES program, there are DEP phone numbers, mailing addresses and internet web page addresses in the brochure. The DEP web site, at *www.dep.state.fl.us/water/stormwater/npdes/*, provides information associated with the NPDES program including all regulations and forms cited in the brochure.

Please be advised that insufficient information was submitted and staff was unable to complete the review of this application. Additional comments may be forthcoming upon the review of the response to this letter.

In accordance with 40E-1.603(1) (b) FAC, if the requested information is not received within 90 days of the date of this letter, this application may be processed for denial, if not withdrawn by the applicant. Please provide three (3) copies of the requested information to Pierre R. Fortunat and Julie Arrison. If you have any questions about the above comments, please contact the appropriate analysts at (239) 338-2929.

The response to this request for additional information can now be submitted online at http://my.sfwmd.gov/ePermitting. Alternately, providing a disk containing the document and plans in electronic format (preferably .pdf) will expedite administrative processing and internet posting of the application, and save paper.

Sincerely,

Julie Arrison
Environmental Analyst 3
Lower West Coast Service Center

Pierre R. Fortunat
Engineering Specialist 4
Lower West Coast Service Center

Enclosure: FDEP/NPDES Attachment
Wildlife Road Crossing Attachment

C: James R. Wilt, Jr., P.E., FDOT
Pete Eckenrode, Lee County

Form 2-B

113728 DEED BOOK 176 PAGE 445

OUTFALL DITCH EASEMENT DEED

Project Sec. 1202

State Road 2 SHD #68

R.E. Kurtz, as Trustee for the holders of bonds of Caloosahatchee Improvement District.

KNOW ALL MEN BY THESE PRESENTS that / unmarried, as Grantor, in consideration of One Dollar and other valuable considerations to ..... in hand paid, receipt whereof is acknowledged, does hereby grant and convey unto the STATE OF FLORIDA, as Grantee, and its assigns, a perpetual exclusive easement, license and right to excavate, construct and maintain outfall and drainage ditches and drains, upon and through the following described lands situate in Lee County, Florida, to-wit:

PART, LATERAL DITCH LEFT AND RIGHT OF STATION 535+20

That part of W½ of NE¼ of NW¼ of Section 27, Township 43 South, Range 26 East, lying within 35 feet each side of the following described ditch centerline:

Beginning on the North line of NW¼ of NE¼ of NW¼ of said Section 27, at a point 57.02 feet East of Northwest corner of NE¼ of NW¼ of said Section 27; thence run South 27°49' East 60.95 feet; thence run South 30°49' East 215 feet, thence South 37°49' East 222 feet; thence South 5°19' East 293.0 feet; thence South 32°49' East 100 feet; thence South 12°49' East 100 feet to the centerline of State Road 2, Section 1202, thence continue South 12°49' East 200 feet; thence South 4°27' East 100 feet to South end of said ditch.

Said lands containing 1.63 acres, more or less, exclusive of that part lying within highway.

LATERAL DITCH RIGHT OF STATION 515+93

That part of SW¼ of NE¼ of NW¼ of Section 27, Township 43 South, Range 26 East, lying within 25 feet each side of the following described ditch centerline:

Beginning on the South line of said SW¼ of NE¼ of NW¼ of Section 27, at a point 155.05 feet West of Southeast corner of said SW¼ of NE¼ of NW¼ of Section 27; thence run North 23°48' West 72.22 feet; thence North 9°22' West 80.34 feet to end of ditch.

Containing .18 acres, more or less.

PART LATERAL DITCH LEFT OF STATION 535+20

That part of W½ of SW¼ of SW¼ of Section 22, Township 43 South, Range 26 East, lying within 35 feet each side of the following described ditch centerline:

Beginning on the South line of SW¼ of SE¼ of SW¼ of Said Section 22 at a point 57.02 feet East of the Southwest corner of said SW¼ of SE¼ of SW¼; thence run North 27°49' West 125.15 feet to the West line of said SW¼ of SE¼ of SW¼ at a point 111.76 feet North of the Southwest corner thereof. ALSO,

Beginning on the West line of said W½ of SE¼ of SW¼ of Section 22 at a point 561.31 feet South of the Northwest corner of SE¼ of SW¼ of said Section 22; thence run North 47°11' East 34.35 feet; thence North 21°41' East 145 feet; thence North 32°41' East 200 feet; thence North 23°11' East 225 feet; thence North 1°01' West 43.57 feet to North line of said W½ of SE¼ of SW¼ of Section 22 at a point 302.85 feet East of Northwest corner of SE¼ of SW¼ of said Section 22.

Containing 1.24 acres, more or less.

DESCRIPTION APPROVED
DIVISION OF RIGHTS OF WAY
STATE ROAD DEPT. OF FLORIDA
O.J. Campos
OCT 11 1948

TO HAVE AND TO HOLD the same unto said Grantee and its assigns, together with immunity unto said Grantee from all claims for damage to Grantor's contiguous lands, if any, arising from or growing out of such construction and/or maintenance aforesaid.

IN WITNESS WHEREOF, the Grantor has hereunto set ..... hand and seal this 13th day of January, 1947.

Signed, sealed and delivered in presence of:

R.E. Kurtz as trustee (Seal)
for the holders of Bonds of Caloosahatchee Improvement District.

John Flagg

Signature of Two Witnesses

STATE OF Florida }
COUNTY OF Lee } ss.

Before me personally appeared R.E. Kurtz, as Trustee for the holders of Bonds of Caloosahatchee Improvement District,
to me well known and known to me to be the individual described in and who executed the foregoing instrument, and acknowledged before me that he executed the same for the purposes therein expressed.

WITNESS my hand and official seal this 13 day of January, 19 47

J. J. Parker
Clerk of Circuit Court,
Lee County, Fla.

OUTFALL DITCH EASEMENT DEED

Project
State Road
FROM
STATE OF FLORIDA

Dated ____, 19__

FILED FOR RECORD
in the office of the Clerk of the Circuit Court
for the County of Lee
State of Florida, on the 14 day of Oct
A.D. 1947, and
recorded in Deed Book 175 on Page 446

and the record verified.

J. J. Parker
Clerk of Circuit Court
Lee County, Florida.

Form 3-B

DESCRIPTION APPROVED
STATE ROAD DEPT. OF FLORIDA
OCT 11 1947

11372 B

LEE COUNTY FLORIDA

RECEIVED
AUG 29 2008
COMMUNITY DEVELOPMENT

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) 533-8585
FAX: (239) 485-8319

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: _____

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.

8/12/08 _____
DATE SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

I. APPLICANT/AGENT/OWNER INFORMATION

Mr. Ralph Bond - c/o Michael J. Ciccarone,Esq., Fowler White Boggs Banker, P.A.		
APPLICANT		
2235 First Street		
ADDRESS		
Fort Myers	FL	33901
CITY	STATE	ZIP
(239) 334-7892 x 4812		239-334-3240
TELEPHONE NUMBER		FAX NUMBER

Morris-Depew Associates, Inc.		
AGENT*		
2914 Cleveland Avenue		
ADDRESS		
Fort Myers	FL	33901
CITY	STATE	ZIP
239-337-3993		239-337-3994
TELEPHONE NUMBER		FAX NUMBER

R & D Cattle Company, LLC - c/o Michael J. Ciccarone, Esq., Fowler White Boggs Banker, P.A.		
OWNER(s) OF RECORD		
2235 First Street		
ADDRESS		
Fort Myers	FL	33901
CITY	STATE	ZIP
(239) 334-7892 x 4812		239-334-3240
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.

* David W. Depew, PhD, AICP
Morris-Depew Associates, Inc.
2914 Cleveland Avenue
Fort Myers, FL 33901

Rae Ann Boylan, Environmental Scientist
Boylan Environmental Consultants, Inc.
11000 Metro Pkwy., Suite 4
Fort Myers, FL 33966

Michael J. Ciccarone, Esq.
Fowler White Boggs Banker, P.A.
2235 First Street
Fort Myers, FL 33901

James M. Banks, PE
JMB Transportation Engineering
761 21st Street NW
Naples, FL 34120

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
Map #1

B. SUMMARY OF REQUEST (Brief explanation):
We request to change the current land uses assigned to the property from Suburban (66.69%) and Rural (33.31%). "Commercial" for the uplands and "Wetlands" for the environmentally sensitive lands on the west side of the property.

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

A. Property Location:

1. Site Address: Alva, FL at the intersection of Hwy 80 and South Olga Road
2. STRAP(s): 27-43-26-00-00003.0000

B. Property Information

Total Acreage of Property: 37.6

Total Acreage included in Request: 37.6

Area of each Existing Future Land Use Category:

Total Uplands: 25 (Suburban) 12.6 (Rural)

Total Wetlands:

Current Zoning: AG-2

Current Future Land Use Designation: Suburban and Rural

Existing Land Use: Vacant/Agricultural

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:
To change the current land uses assigned (Suburban and Rural) to Commercial & Wetlands.

E. Potential development of the subject property:

1. Calculation of maximum allowable development under existing FLUM:

Residential Units/Density	135 DU's
Commercial intensity	200,000 SF
Industrial intensity	0

2. Calculation of maximum allowable development under proposed FLUM:

Residential Units/Density	0
Commercial intensity	+/- 359,370 SF
Industrial intensity	0

IV. AMENDMENT SUPPORT DOCUMENTATION

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

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

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

1. Provide any proposed text changes.

2. Provide a Future Land Use Map showing the boundaries of the subject property, surrounding street network, surrounding designated future land uses, and natural resources.

3. Map and describe existing land *uses* (not designations) of the subject property and surrounding properties. Description should discuss consistency of current uses with the proposed changes.

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

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

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

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

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

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

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

Long Range – 20-year Horizon:

a. Working with Planning Division staff, identify the traffic analysis zone (TAZ) or zones that the subject property is in and the socio-economic data forecasts for that zone or zones;
b. Determine whether the requested change requires a modification to the socio-economic data forecasts for the host zone or zones. The land uses for the proposed change should be expressed in the same format as the socio-economic forecasts (number of units by type/number of employees by type/etc.);

c. If no modification of the forecasts is required, then no further analysis for the long range horizon is necessary. If modification is required, make the change and provide to Planning Division staff, for forwarding to DOT staff. DOT staff will rerun the FSUTMS model on the current adopted Financially Feasible Plan network and determine whether network modifications are necessary, based on a review of projected roadway conditions within a 3-mile radius of the site;
d. If no modifications to the network are required, then no further analysis for the long range horizon is necessary. If modifications are necessary, DOT staff will determine the scope and cost of those modifications and the effect on the financial feasibility of the plan;
e. An inability to accommodate the necessary modifications within the financially feasible limits of the plan will be a basis for denial of the requested land use change;
f. If the proposal is based on a specific development plan, then the site plan should indicate how facilities from the current adopted Financially Feasible Plan and/or the Official Trafficways Map will be accommodated.

Short Range – 5-year CIP horizon:

a. Besides the 20-year analysis, for those plan amendment proposals that include a specific and immediated development plan, identify the existing roadways serving the site and within a 3-mile radius (indicate laneage, functional classification, current LOS, and LOS standard);
b. Identify the major road improvements within the 3-mile study area funded through the construction phase in adopted CIP's (County or Cities) and the State's adopted Five-Year Work Program;

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

c. For the five-year horizon, identify the projected roadway conditions (volumes and levels of service) on the roads within the 3-mile study area with the programmed improvements in place, with and without the proposed development project. A methodology meeting with DOT staff prior to submittal is required to reach agreement on the projection methodology;
d. Identify the additional improvements needed on the network beyond those programmed in the five-year horizon due to the development proposal.

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

   Analysis should include (but is not limited to) the following:
   - Franchise Area, Basin, or District in which the property is located;

- Current LOS, and LOS standard of facilities serving the site;
- Projected 2020 LOS under existing designation;
- Projected 2020 LOS under proposed designation;
- Improvements/expansions currently programmed in 5 year CIP, 6-10 year CIP, and long range improvements; and
- Anticipated revisions to the Community Facilities and Services Element and/or Capital Improvements Element (state if these revisions are included in this amendment).

3. Provide a letter from the appropriate agency determining the adequacy/provision of existing/proposed support facilities, including:
   a. Fire protection with adequate response times;
   b. Emergency medical service (EMS) provisions;
   c. Law enforcement;
   c. Solid Waste;
   d. Mass Transit; and
   e. Schools.

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

C. Environmental Impacts

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

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

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

3. A topographic map with property boundaries and 100-year flood prone areas indicated (as identified by FEMA).

4. A map delineating wetlands, aquifer recharge areas, and rare & unique uplands.

5. A table of plant communities by FLUCCS with the potential to contain species (plant and animal) listed by federal, state or local agencies as endangered, threatened or species of special concern. The table must include the listed species by FLUCCS and the species status (same as FLUCCS map).

D. Impacts on Historic Resources

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

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

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

E. Internal Consistency with the Lee Plan

1. Discuss how the proposal affects established Lee County population projections, Table 1(b) (Planning Community Year 2020 Allocations), and the total population capacity of the Lee Plan Future Land Use Map.

2. List all goals and objectives of the Lee Plan that are affected by the proposed amendment. This analysis should include an evaluation of all relevant policies under each goal and objective.

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

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

F. Additional Requirements for Specific Future Land Use Amendments

1. Requests involving Industrial and/or categories targeted by the Lee Plan as employment centers (to or from)

   a. State whether the site is accessible to arterial roadways, rail lines, and cargo airport terminals,
   b. Provide data and analysis required by Policy 2.4.4,
   c. The affect of the proposed change on county's industrial employment goal specifically policy 7.1.4.

2. Requests moving lands from a Non-Urban Area to a Future Urban Area

   a. Demonstrate why the proposed change does not constitute Urban Sprawl. Indicators of sprawl may include, but are not limited to: low-intensity, low-density, or single-use development; 'leap-frog' type development; radial, strip, isolated or ribbon pattern type development; a failure to protect or conserve natural resources or agricultural land; limited accessibility; the loss of large amounts of functional open space; and the installation of costly and duplicative infrastructure when opportunities for infill and redevelopment exist.

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

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

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

Item 1: Fee Schedule

Map Amendment Flat Fee	$2,000.00 each
Map Amendment > 20 Acres	$2,000.00 and $20.00 per 10 acres
Small Scale Amendment (10 acres or less)	$1,500.00 each
Text Amendment Flat Fee	$2,500.00 each

AFFIDAVIT

I, Kenneth Ralph Bond, 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.

Kenneth R Bond
Signature of owner or owner-authorized agent

8/12/08
Date

Kenneth Ralph Bond
Typed or printed name

STATE OF FLORIDA)
COUNTY OF LEE)

The foregoing instrument was certified and subscribed before me this 12th day of August 2008 by K Ralph Bond, who is personally known to me or who has produced Florida Drivers License as identification.

SHEILA M. HOLLAND
MY COMMISSION # DD710278
EXPIRES September 07, 2011
(SEAL)
(407) 398-0153 FloridaNotaryService.com

Sheila M Holland
Signature of notary public

Sheila M Holland
Printed name of notary public

MORRIS DEPEW

ENGINEERS • PLANNERS • SURVEYORS
LANDSCAPE ARCHITECTS
LC26000330

RECEIVED
AUG 15 2008
COMMUNITY DEVELOPMENT

LETTER OF AUTHORIZATION

TO WHOM IT MAY CONCERN:

PLEASE BE ADVISED THAT I (WE) AM (ARE) THE FEE SIMPLE PROPERTY OWNER(S) OF THE PROPERTY DESCRIBED BELOW AND THAT MORRIS-DEPEW ASSOCIATES, INC. HAS BEEN AUTHORIZED TO REPRESENT ME (US) FOR THE BELOW REFERENCED PARCEL(S) IN ALL MATTERS PERTAINING TO REZONING OR DEVELOPMENT PERMITS. THIS AUTHORITY TO REPRESENT MY (OUR) INTEREST INCLUDES ANY AND ALL DOCUMENTS REQUIRED BY THE REZONING, PLANNING OR PERMITTING REQUESTS SUBMITTED ON MY (OUR) BEHALF BY MORRIS-DEPEW ASSOCIATES, INC.

STRAP NUMBER OR LEGAL DESCRIPTION:

STRAP# : 27-43-26-00-00003.

Kenneth Ralph Bond

OWNER NAME

SIGNATURE

STATE OF FL

COUNTY OF Lee

The foregoing instrument was acknowledged before me this 13th day of August, 2008, by Kenneth Ralph Bond, who is personally known to me or has produced FL. Drivers License as identification and did not take an oath.

My Commission Expires:

Sheila M Holland

Notary Public

SHEILA M. HOLLAND
MY COMMISSION # DD710278
EXPIRES September 07, 2011
(407) 398-0153 FloridaNotaryService.com
(Seal)

Sheila M Holland

Notary Printed Name

2914 Cleveland Avenue, Fort Myers, Florida 33901 Telephone: (239) 337-3993 Fax: (239) 337-3994
820 East Park Avenue, Bldg. H, Tallahassee, Florida 32301 Telephone: (850) 224-6688 Fax: (850) 224-6689
408 West University Avenue, Suite PH, Gainesville, Florida 32601 Telephone: (352) 378-3450 Fax: (352) 379-0385
Toll Free: (866) 337-7341

MORRIS DEPEW
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#LC26000330

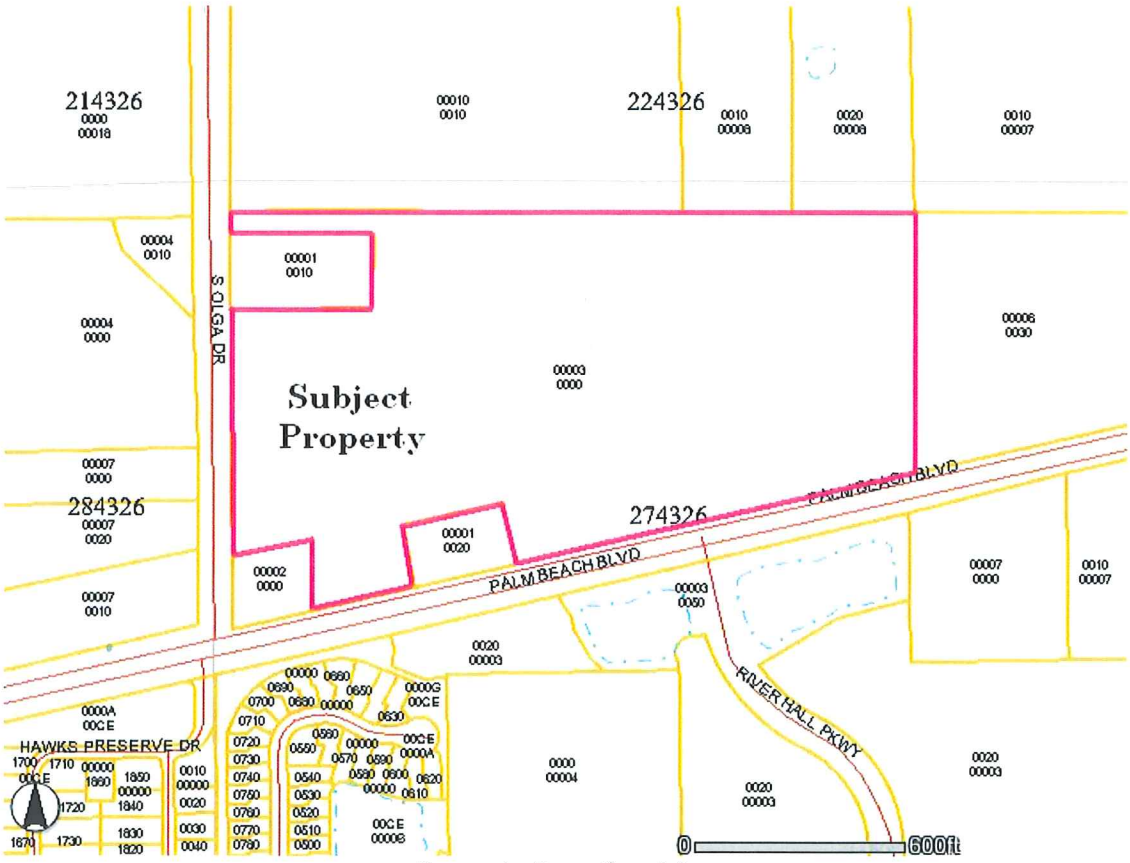
RECEIVED
AUG 29 2008
COMMUNITY DEVELOPMENT

Lee Plan FLUM Amendment Supplemental Data and Analysis

Property: 27-43-26-00-00003.0000
Owner of Record: R & D Cattle Company, LLC
c/o Michael J. Ciccarone, Esq.
2235 First Street
Fort Myers, FL 33901

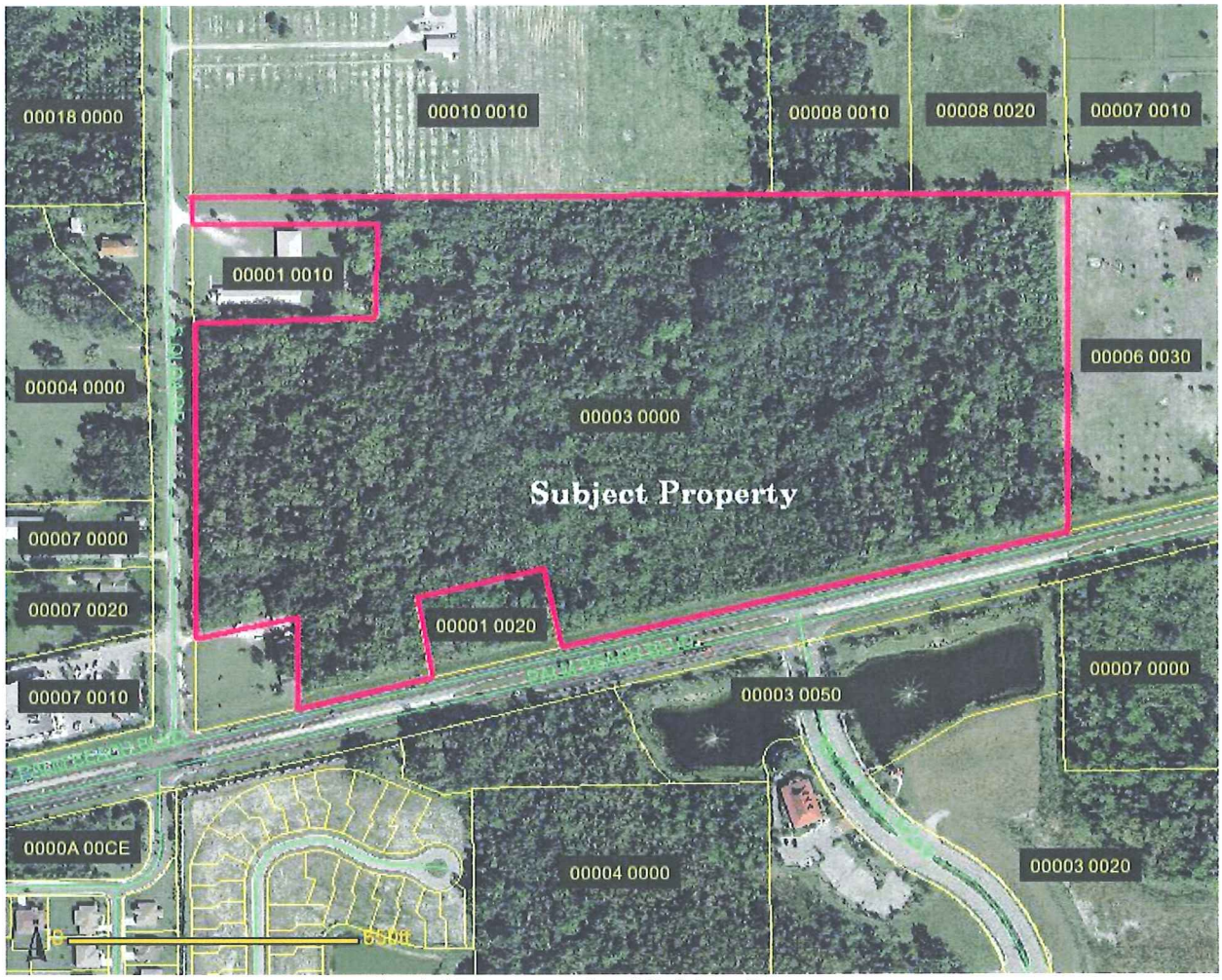
Background

The proposed Lee Plan FLUM amendment is to change a property of +/- 37.6 acres from Suburban (+/- 25 acres) and Rural (+/- 12.6 acres) to Commercial (+/- 33.0 acres) and Wetlands (+/- 4.6 acres). The subject property is located on the north side of S. R. 80, east of South Olga Road, and is zoned AG-2.



Property Location Map

2914 Cleveland Avenue, Fort Myers, Florida 33901 Telephone: (239) 337-3993 Fax: (239) 337-3994
327 Office Plaza, Suite 202, Tallahassee, Florida 32301 Telephone: (850) 224-6688 Fax: (850) 224-6689
408 West University Avenue, Suite PH, Gainesville, Florida 32601 Telephone: (352) 378-3450 Fax: (352) 379-0385
Toll Free: (866) 337-7341



Aerial Photograph of Subject Property

Currently, the subject property contains an estimated 20.4 acres of upland 'Suburban' designated property. The environmental analysis suggests that there are 4.6 acres of wetlands within the area currently designated as Suburban. There are an estimated 12.6 acres of 'Rural' designated lands within the property boundaries. River Hall Parkway, the roadway intersecting S. R. 80/Palm Beach Boulevard on the south side across from the subject property, is proposed to be extended through the property and ultimately connected to South Olga Drive, serving as a collector road. At maximum development options, and assuming the severing of the subject property into 2 development tracts, this translates into the following development potentials:

A. Residential Option:
   1. 20.4 acres (Suburban) X 6 dwelling units/acre = 122.4 dwelling units
   2. 4.6 acres (wetlands) X 1/20 dwelling units/acre = 0.23 dwelling units
   3. 12.6 acres (Rural) X 1 dwelling unit/acre = 12.6 dwelling units
   4. Total residential units = 135.23 dwelling units

B. Commercial Option:
   1. 33 acres (Suburban/Rural—2 parcels) = 200,000 SF
   2.) 4.6 acres (Wetlands)—No commercial development allowed
   3.) Total potential commercial development = 200,000 SF

By changing the FLUM category to Commercial there is an overall reduction of potential impacts associated with residential development of the subject property. Commercial uses are proposed to be limited to a floor area ratio of 0.25, or a total of 359,370 SF.

Commercial Development

1.) 33 acres (Commercial) X 0.25 FAR = 359,370 SF commercial uses
2.) 4.6 acres (Wetlands)—No commercial development allowed
3.) Total potential commercial development = 359,370 SF
4.) Differential = 159,370 SF

Impact Analysis

According to a study performed by Stearns and Wheler, LLC, for the Mashpee Sewer Commission (Mashpee, MA, April, 2007), potable water use for commercial activities are estimated at 81.5 gallons per day (GPD) per 1,000 SF of floor area. Based upon this estimate, potable water demand for 200,000 SF of commercial floor area will be 16,300 GPD. For 359,370 SF of commercial floor area potable water demand will be +/- 29,300 GPD. There will be an increase in potable water demand, comparing commercial development in the pre- and post-amendment scenarios, of 13,000 GPD.

Wastewater treatment facilities demand will be the similarly increased in the post-amendment scenario. Estimating demand for wastewater treatment services at 90% of the potable water demand, a 359,370 SF development will generate demand for 26,370 GPD of wastewater treatment; a 200,000 SF commercial development will generate demand for 14,670 GPD of wastewater treatment. This represents an increase of 11,700 GPD of wastewater treatment demand in the post-amendment situation.

According to the Florida Administrative Code (64E-6.008, FAC), wastewater treatment demand for residential use ranges between 100 and 400 GPD, depending upon the number of bedrooms in a dwelling unit. Assuming that the residential units which could be constructed on the subject property will average 3 bedrooms per dwelling unit, wastewater treatment demand will be 300 GPD per unit. In the pre-amendment situation, with an estimated development capacity of 135 dwelling units, there is an estimated demand of 40,500 GPD of wastewater treatment capacity associated with full development of the subject property.

Using the same 135 dwelling units as the estimate for full development of the subject property, and assuming that wastewater treatment demand is 90% of potable water demand, 45,000 GPD of potable water will be required to support the pre-amendment development potential.

Thus, although a comparison of commercial to commercial in the pre- and post-amendment situations yields increase demand for potable water and wastewater treatment services, a comparison of the residential option in the pre-amendment situation with the commercial development option in the post-amendment situation yields a significant reduction in demand for both potable water and wastewater treatment. For potable water, commercial development of the subject property at 359,370 SF would result in a decrease of 15,700 GPD of potable water demand; wastewater treatment demand would decline by an estimated 14,130 GPD. This

represents a significant reduction in demand that would result from the approval of the proposed amendment.

Analysis of stormwater facilities is similar for all scenarios related to development. Based upon prior demand for stormwater treatment systems, 15% of the uplands will be required for construction of adequate stormwater treatment facilities. Based upon the developable acreage, 4.95 acres or 215,622 SF will be required for a stormwater management system.

For large residential projects, open space requirements amount to 40% of the total area of the site. Based upon the total site size of 37.6 acres, this means 15.04 acres or 655,142 SF would remain as open space. According to the U. S. Census, Lee County currently has 2.31 persons per household. For the 135 dwelling units, this yields a total of +/- 312 persons that would be living on the property at full build-out in the pre-amendment scenario. The Lee Plan indicates that park demand is calculated at 6 acres/1000 persons for regional parks and 0.8 acres/1000 persons for community parks. This means that in the pre-amendment development scenario there will be a demand generated for 1.87 acres of regional parks and 0.25 acres of community parks.

Open space for the subject property, as a commercial development, will be in accordance with the locally applicable development regulations. Lee County requires not less than 30% open space for development of this size, yielding an open space estimate of 9.9 acres or 431,244 SF. Thus there would be a decline in the required amount of open space required for commercial development as compared to residential development. However, it is noted that there are no demand estimates associated with commercial development for regional or community parks. Thus, demand for these facilities would be reduced by 1.87 acres and 0.25 acres if the parcel were to be developed as commercial.

Lee Plan Consistency

As a commercial parcel, it is estimated that 312 fewer persons would be accommodated at maximum FLUM build-out should the amendment be approved. It is anticipated that the change in population accommodation is small enough that overall projections will not be affected.

In the Fort Myers Shores planning community, there are 1,810 total acres of Suburban designated property and 1,400 acres of Rural designated property. According to Lee County's calculations, 1,240 acres of the Suburban property are developed, with 570 acres remaining; 339 acres of the Rural property are developed and 1,061 acres remain undeveloped. This amounts to a development ratio of 69% for the Suburban property and 24% of the Rural property. The proposed change will reduce the total Suburban designation in this planning community to 1,785, and reduce the undeveloped Suburban property to 545 acres. The ratio of developed property to undeveloped property will remain at 69%. For the Rural category, approval of the amendment would result in reduction of the total acreage to 1,387, and the developed property ratio also remains at 24%. Although there is no calculation related to Wetlands or Conservation Lands for this planning community, approval of the amendment would also result in designation of +/- 4.6 acres of property now designated Suburban to a designation of Wetlands.

Currently there are 400 acres of commercially designated lands in the Fort Myers Shores planning community. Of the 400 acres, 236 acres are developed commercially, leaving 164

acres remaining for additional commercial development. However, as the Commercial land use category is a relatively new designation, there are no acres in this planning community in the Commercial category. The designation of the subject property to the Commercial category will establish that land use as part of the overall community characteristics anticipated to manage and direct growth over the Lee Plan's current time horizon.

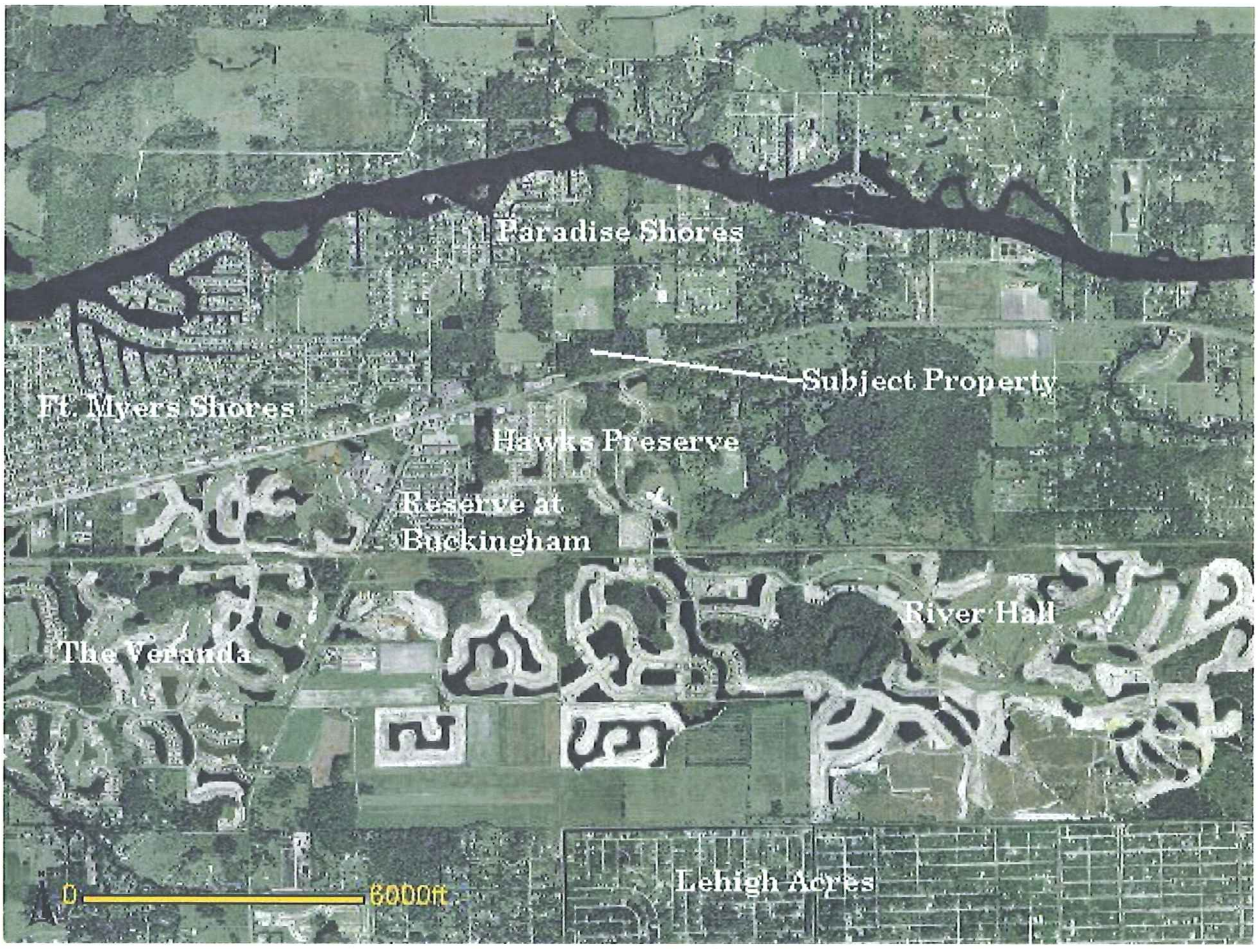
The designation to which the majority of the property is proposed to be designated is 'Commercial' with a FAR limitation of 0.25. Policy 1.1.10 states, "The Commercial areas are located in close proximity to existing commercial areas or corridors accommodating employment centers, tourist oriented areas, and where commercial services are necessary to meet the projected needs of the residential areas of the County. These areas are specifically designated for commercial uses. Residential uses, other than bona fide caretaker residences, are not permitted in this future land use category except to the extent provided in Chapter XIII of the Plan. The Commercial areas are areas where residential uses are not expected or compatible due to the nature of the surrounding land uses and their location along major travel corridors. The commercial designation is intended for use where residential development would increase densities in areas such as the Coastal High Hazard Areas of the County or areas such as Lehigh Acres where residential uses are abundant and existing commercial areas serving the residential needs are extremely limited.

The requisite infrastructure needed for commercial development is generally planned or in place. New developments in this category must connect to a potable water and sanitary sewer system. Commercial retail developments, hotels and motels, banks, all types of office development, research and development, public, and other similar development will predominate in the Commercial areas. Limited light industrial uses are also permitted, excluding outdoor storage type uses. Any redesignation of land to the Commercial land use category should occur along major travel corridors and at road intersections. The planned development rezoning process must be used to prevent adverse impacts to the surrounding areas and to ensure that appropriate site development regulations are incorporated into the development plans of each site. A maximum Floor Area Ratio (FAR) of 1 will be used as an index of intensity of development in the commercial category. Development in this future land use category is not required to comply with the site location criteria provided in Goal 6 when appropriate site development regulations are incorporated into the planned development."

Providing a focus for commercial activities, improved access across S. R. 80, and addressing employment and service needs for the area, the re-designation of the subject property to Commercial should serve to provide an anchor for the east end of the Olga community while acting to provide necessary functions to the rural, agricultural lands to the east and Lehigh Acres to the south. Additionally, S. R. 80 is a major transportation corridor, and the subject property will exist at the intersection of an arterial roadway and 2 collectors (1 existing and 1 proposed).

In addition to the designation of Commercial, a portion of the site is targeted for designation as Wetlands. Objective 1.5 indicates that Lee County will, "Designate on the Future Land Use Map those lands that are identified as Wetlands in accordance with F.S. 373.019(17) through the use of the unified state delineation methodology described in FAC Chapter 17-340, as ratified and amended in F.S. 373.4211." Wetlands mapping has been undertaken for the subject property,

and the naturally occurring and environmentally sensitive lands on the westerly portion of the site are proposed for designation in accordance with Lee Plan Objective 1.5.



Subject Property with Surrounding Development

As described in the Vision Statement of the Lee County Plan, the Fort Myers Shores Planning Community "is located south of the Caloosahatchee River, east of Hickey Creek, and north of the Orange River; and, along I-75 west of the Buckingham Rural Community Preserve, north of SR 82 and east of the City of Fort Myers. This community contains four areas: Fort Myers Shores, Morse Shores, Tice and Olga. The Fort Myers Shores, Morse Shores, and Tice areas are similar in character and will have similar development patterns for the next 20 years. The Olga area has a more rural/historic character and is anticipated to grow slightly slower that the other areas of this community. This area also has a mixture of future land use designations. The majority of the land is designated Suburban, Rural, or Urban Community; however, there are some lands designated Intensive Development, Central Urban, Public Facilities, Industrial Interchange Area, and General Interchange. The population of the Fort Myers Shores community is also expected to grow from a 1996 population of 12,000 to approximately 14,000. However, the amount of commercial building is expected to nearly double by 2020 and the amount of industrial land is expected to increase by 10 fold. Currently, this community contains commercial outlets which accommodate the needs of its residents as well as those from

neighboring communities such as Alva and Buckingham. There are two major shopping areas in this community to satisfy resident's primary commercial needs. The residents of this community still utilize commercial establishments in the more urbanized areas for much of their commercial needs. During the life of this plan this community will develop as a commercial/employment center for the adjacent communities which will retain their rural character."

The Olga section of the Fort Myers Shores Planning Community is the area in which this property is located. As described in the vision statement, the need for residential and commercial units in this community is expected to increase by the year 2020 due to the number of residents locating to this area to live and work. This community has several amenities that offer residents close access to Interstate 75 and close proximity to downtown Fort Myers. In addition, as noted in the vision statement, the Fort Myers Shores Planning Community will offer residents of this and surrounding communities a commercial center for shopping and business needs. Therefore, the change in the subject property's designation from Suburban and Rural, as currently exists, to Commercial and Wetlands, would be consistent with the Plan's vision for this area. Furthermore, this re-designation will address the growing demand for the availability of commercial businesses and residential units in the Fort Myers Shores Community.

An analysis has been undertaken (see above) related to the Acreage Allocation Table found in the Lee Plan. Policy 1.7.6 states, "The Planning Communities Map and Acreage Allocation Table (see Map 16 and Table 1(b) and Policies 1.1.1 and 2.2.2) depicts the proposed distribution, extent, and location of generalized land uses for the year 2030. Acreage totals are provided for land in each Planning Community in unincorporated Lee County. No final development orders or extensions to final development orders will be issued or approved by Lee County which would allow the acreage totals for residential, commercial or industrial uses contained in Table 1(b) to be exceeded." As noted above the modifications to the land use designation of the subject property are so slight as to have no effect upon the overall percentages of developed lands in each category. Yet, the location of the subject property will permit the overall creation of a neighborhood retail/service node consistent with the Commercial Site Location Policies and Map 19 of the Lee Plan.

Objective 2.1 suggests that, "Contiguous and compact growth patterns will be promoted through the rezoning process to contain urban sprawl, minimize energy costs, conserve land, water, and natural resources, minimize the cost of services, prevent development patterns where large tracts of land are by-passed in favor of development more distant from services and existing communities." Utilization of the +/- 33 acres of developable uplands on the site will serve to promote the establishment of an urban boundary, and assist in preventing sprawl patterns from developing in the Olga community.

Objective 2.2 indicates that Lee County will, "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." Urban services are, or will be, available to the subject property when required for development. The property will ultimately serve to enhance the system of collector roadways,

and is located at the intersection of a collector and an arterial roadway. Serving as a boundary between the more urban development to the west and the rural and agricultural activities to the east, the property will assist in the definition of the urban boundary and promote compact development patterns.

Objective 2.4 indicates that Lee County will, on a regular basis, examine the Future Land Use Map in light of new information and changed conditions. When changed or changing conditions suggest adjustments are needed, necessary modifications are made. Clearly the increased residential demand in the area suggest that adjustments to the FLUM are warranted. Viewing the subject property as the location of a new collector road intersection with S. R. 80 permits consideration of the site as a potential commercial location intended to service the commercial needs for the developing suburban population.

Part of the ongoing analysis of the FLUM involves the evolution of the carrying capacity of the various areas designated on the FLUM. Objective 2.11 indicates that the County will attempt to calculate that carrying capacity and integrate the concept into planning strategies. The property has all the various urban services available to it, is centrally located to provide retail and service related commercial activities, can establish the basis for an improved collector road system in this developing area, and is ideally situated to intercept evolving demand, thus minimizing the number of arterial trips required for community support. In this fashion it supports the Lee Plan policies related to provision of functionally related land uses intended to support surrounding development.

Goal 11 of the Lee Plan was adopted to insure that appropriate water, sewer, traffic, and environmental review standards are considered in reviewing rezoning applications and are met prior to issuance of a county development order. Urban services are or will be available to the subject property at the time of development, and the proposed amendment will designate environmentally sensitive lands on the westerly portion of the property into the Wetlands designation. This will serve to protect and preserve the environmental values associated with that portion of the site.

This subject property is within the Fort Myers Shores Fire district with a fire/EMS station not more than 4.75 miles from the site on Palm Beach Boulevard and Kaune Baucom Road. The Lee County Sheriff Department, which is located within 2 miles of the property on Palm Beach Blvd., will provide police protection. LeeTran, the County's public transportation system, has a bus route along Palm Beach Blvd that stops approximately 1/4 mile west of the subject property at Old Olga Road. The nearby presence of other public facilities such as schools and parks are important in that it demonstrates the evolving nature of the development node of which this site is a part. There is a proposed school site directly west of the site, across South Olga Drive. Additionally, Riverdale High School is approximately 1 mile from the site.

Goal 21 establishes the Caloosahatchee Shores planning community, stating that Lee County recognizes the efforts, "To protect the existing character, natural resources and quality of life in Caloosahatchee Shores, while promoting new development, redevelopment and maintaining a more rural identity for the neighborhoods east of I-75 by establishing minimum aesthetic requirements, planning the location and intensity of future commercial and residential uses, and

providing incentives for redevelopment, mixed use development and pedestrian safe environments. This Goal and subsequent objectives and policies apply to the Caloosahatchee Shores boundaries as depicted on Map 1, page 2 of 5 in the Appendix." As part of the ongoing planning efforts, Objective 21.2 indicates that "Existing and future county regulations, land use interpretations, policies, zoning approvals, and administrative actions should be undertaken in an effort to promote the goal of commercial redevelopment along SR 80 and increased commercial opportunities to service the needs of the Caloosahatchee Shores community and surrounding areas. County regulations should attempt to ensure that commercial areas maintain a unified and pleasing aesthetic/visual quality in landscaping, architecture, lighting and signage. Commercial land uses must be designed to be compatible with and further the historic character and identity of existing rural Old Florida and Florida Vernacular styles of architecture and the historic identity of Olga." The Commercial designation requires that development be undertaken in the form of a planned development, allowing review and specification of design criteria that will serve to implement this Objective.

Additionally, Policy 21.2.4 indicates that, "Commercial developments within the Caloosahatchee Shores Community must provide interconnect opportunities with adjacent commercial uses in order to minimize access points onto primary road corridors; and residential developments should provide interconnect opportunities with commercial areas, including but not limited to bike paths, pedestrian access ways and equestrian trails." The development of the subject property will coincide with the construction of an additional collector road, connecting S. R. 80 with South Olga Drive. This will greatly enhance the neighborhood interconnections in this area, minimizing access points onto the primary roadway.

The approval of this amendment will also serve to designate +/- 4.6 acres of the site as Wetlands. According to Goal 107 Lee County is committed, "To manage the county's wetland and upland ecosystems so as to maintain and enhance native habitats, floral and faunal species diversity, water quality, and natural surface water characteristics." Additionally, Goal 114 states that the County will, "... maintain and enforce a regulatory program for development in wetlands that is cost-effective, complements federal and state permitting processes, and protects the fragile ecological characteristics of wetland systems." As part of Goal 114, Objection 114.1 states, "The natural functions of wetlands and wetland systems will be protected and conserved through the enforcement of the county's wetland protection regulations and the goals, objectives, and policies in this plan. "Wetlands" include all of those lands, whether shown on the Future Land Use Map or not, that are identified as wetlands in accordance with F.S. 373.019(17) through the use of the unified state delineation methodology described in FAC Chapter 17-340, as ratified and amended by F.S. 373.4211." Overall, the designation of the +/- 4.6 acres of wetlands on the westerly portion of the site will serve to implement these goals and their associated Objectives.

Sprawl Analysis

A comprehensive plan that promotes urban sprawl will promote, allow, or designate for development, substantial areas to develop as low-intensity, low-density, or single-use development or uses in excess of demonstrated need. Development of the subject property, must be considered in conjunction with the recognition that residential and rural, agricultural development is anticipated in close proximity to the subject property. The designation of an area that can be converted to non-residential uses demonstrates that the proposal is not for single-use

development, but rather serves to provide necessary non-residential uses to the established and evolving neighborhood. There are existing and proposed public schools proximate to the site, large residential developments, and limited commercial opportunities. Establishment of the subject property as a commercial location serves to provide needed diversity to the Ogla community.

The second criteria of urban sprawl in a plan is that it promotes, allows, or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while leaping over undeveloped lands which are available and suitable for development. A review of the larger aerial photograph above is sufficient to demonstrate that significant urban development has occurred in the vicinity of the subject property. Further, it is clear that there are no suitable lands, possessing the necessary access to infrastructure, for the type of community-scale commercial development contemplated for the subject property anywhere else in the Olga community.

Sprawl also is characterized by policies that promote, allow, or designate urban development in radial, strip, isolated or ribbon patterns generally emanating from existing urban developments. Development of the subject property would establish a commercial node, clearly define the urban-rural boundary, promote clustered development, protect open space and natural resources, and concentrate development in areas most suitable for its location. Radial, strip, isolated, or ribbon development patterns would not be consistent with the application of Lee Plan provisions to the subject property or to the adopted community-based Goals, Objectives, and Policies.

Sprawl also, is a result of premature or poorly planned conversion of rural land to other uses, fails adequately to protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems. The applicable Lee Plan provisions, as applied to the subject property, include mandates for the protection of natural systems, including setbacks, buffers, use restrictions, open space requirements, preservation and conservation provisions, and design regulations. Thus, this sprawl indicator is inapplicable to the proposed amendment.

Policies promoting urban sprawl fail to adequately protect adjacent agricultural areas and activities, including silviculture, and including active agricultural and silvicultural activities as well as passive agricultural activities and dormant, unique and prime farmlands and soils. As noted above, setbacks, buffers, and performance criteria have been incorporated into the Lee Plan development parameters in order to provide protection to adjoining uses. The proposed amendment serves to provide a strong demarcation between the evolving Olga community and the rural uses located to the east.

The proposed amendment will maximize use of existing public facilities and services and will maximize use of future public facilities and services.As noted above, all urban services are available to the subject property at this time, and the establishment of a commercial node will service the surrounding residential development, providing the necessary diversity for the Olga community.

Related to the question of infrastructure extension is the sprawl indicator that states urban sprawl policies allow for land use patterns or timing which disproportionately increase the cost in time, money and energy, of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government. As noted above, the County has determined that capacity to service the subject property exists currently. The Olga community and the County Staff have also identified the need for additional commercial development opportunities as being critical to the continued economic development of the area.

According to the Rule, the future land use map and policies will promote sprawl if they fail to provide a clear separation between rural and urban uses. However, the subject property clearly delineates the buffers, setbacks, and use limitations required for maintaining a boundary between properties so designated and adjoining parcels with different uses, especially those to the east that are designated for rural activities.

Sprawl also tends to discourage or inhibit infill development or the redevelopment of existing neighborhoods and communities. Since the type of development proposed for the subject property is non-existent anywhere else in the Olga community, and could not occur based upon the land use patterns that have evolved, it cannot be argued that designation of the subject property discourages infill development or redevelopment of the kind of non-residential development anticipated for the subject property properties.

The Rule also states that sprawl policies fail to encourage an attractive and functional mix of uses. However, the estalbishment of commerical uses on the subject property serves to provide needed commercial opportunities for the community at large. Further, design requirements mandate establishment of functional open space, preservation of environmentally sensitive wetlands, and establish design parameters to govern the style of development that emerges on the subject property.

Finally, sprawl policies are those that result in poor accessibility among linked or related land uses and result in the loss of significant amounts of functional open space. Part of the specific elements of the current designation proposal includes the establishment of rights of way connecting S. R. 80 with South Olga Drive. The anticipated road corridors will provide an additional north-south connections to the State highway network and provide alternate routes to existing facilities. Further, the subject property provisions for preservation of functional open space, preservation and conservation of regionally significant natural resources, and creation of open space requirements for future development serve to demonstrate that these sprawl indicators do not apply to the current proposed amendment.

It is also noted that 9J-5.006(h) states, "The comprehensive plan must be reviewed in its entirety to make the determinations in (5)(g) above. Plan amendments must be reviewed individually and for their impact on the remainder of the plan. However, in either case, a land use analysis will be the focus of the review and constitute the primary factor for making the determinations. Land use types cumulatively (within the entire jurisdiction and areas less than the entire jurisdiction, and in proximate areas outside the jurisdiction) will be evaluated based on density, intensity, distribution and functional relationship, including an analysis of the distribution of urban and

rural land uses." When such an analysis is undertaken (as it has herein) it is clear that the proposed designation is not sprawl, but rather part of a continuing effort on the part of Lee County to accommodate the demand for community based commercial development. The subject property designation for the subject properties serves to further advance the adopted Goals, Objectives, and Policies of the County's Comprehensive Plan.

9J5.006(i) goes on to state that, "Each of the land use factors in (5)(h) above will be evaluated within the context of features and characteristics unique to each locality. These include:

1. Size of developable area.
2. Projected growth rate (including population, commerce, industry, and agriculture).
3. Projected growth amounts (acres per land use category).
4. Facility availability (existing and committed).
5. Existing pattern of development (built and vested), including an analysis of the extent to which the existing pattern of development reflects urban sprawl.
6. Projected growth trends over the planning period, including the change in the overall density or intensity of urban development throughout the jurisdiction.
7. Costs of facilities and services, such as per capita cost over the planning period in terms of resources and energy.
8. Extra-jurisdictional and regional growth characteristics.
9. Transportation networks and use characteristics (existing and committed).
10. Geography, topography and various natural features of the jurisdiction."

As demonstrated in this analysis, when each of these factors are considered, in the context of the full range of applicable Lee Plan Goals, Objectives, and Policies, the subject property cannot be considered as sprawl, but rather as the logical extension of the County's ongoing development efforts undertaken for its localized communities.

Further, 9J5.006(j) states, "Development controls in the comprehensive plan may affect the determinations in (5)(g) above. The following development controls, to the extent they are included in the comprehensive plan, will be evaluated to determine how they discourage urban sprawl:

1. Open space requirements.
2. Development clustering requirements.
3. Other planning strategies, including the establishment of minimum development density and intensity, affecting the pattern and character of development.
4. Phasing of urban land use types, densities, intensities, extent, locations, and distribution over time, as measured through the permitted changes in land use within each urban land use category in the plan, and the timing and location of those changes.
5. Land use locational criteria related to the existing development pattern, natural resources and facilities and services.
6. Infrastructure extension controls, and infrastructure maximization requirements and incentives.
7. Allocation of the costs of future development based on the benefits received.
8. The extent to which new development pays for itself.

9. Transfer of development rights.
10. Purchase of development rights.
11. Planned unit development requirements.
12. Traditional neighborhood developments.
13. Land use functional relationship linkages and mixed land uses.
14. Jobs-to-housing balance requirements.
15. Policies specifying the circumstances under which future amendments could designate new lands for the urbanizing area.
16. Provision for new towns, rural villages or rural activity centers.
17. Effective functional buffering requirements.
18. Restriction on expansion of urban areas.
19. Planning strategies and incentives which promote the continuation of productive agricultural areas and the protection of environmentally sensitive lands.
20. Urban service areas.
21. Urban growth boundaries.
22. Access management controls."

A review of the provisions of the subject property, in conjunction with the Plan as a whole, demonstrates that all of the applicable 22 factors referenced are addressed. And, as 9J-5.006(k) indicates that these 22 land use types and land use combinations will be evaluated within the context of the features and characteristics of the locality, it is clear that the proposed designation is not urban sprawl. Additionally, the Rule notes that if a local government has in place a comprehensive plan already found to be in compliance, as is the case with the County, the Department shall not find a plan amendment to be not in compliance on the issue of discouraging urban sprawl solely because of pre-existing indicators if the amendment does not exacerbate existing indicators of urban sprawl within the jurisdiction.

Effect Upon Adjoining Local Governments

There should be no appreciable impacts upon any adjoining local government as a result of the proposed change.

Consistency with State and Regional Policy Plans

As proposed, the amendment will serve to implement State Policy Plan provisions, as applicable, including Sections 187.201(9)(b)1, 187.201(9)(b)3, 187.201(9)(b) 7, 187.201(15)(a), 187.201(15)(b)3, 187.201(15)(b)6, 187.201(17)(b)(1), 187.201(19)(b)2, & 15. These policies relate to preservation of environmental values, efficient provision of infrastructure, protection of highway capacity, and implementation of adopted policies related to land use and growth management. For a more detailed discussion, please see the applicable sections above.

The proposed amendment will also serve to implement the Regional Policy Plan, specifically in the areas of natural resource protection and the promotion of livable communities. Goal 2 of the Natural Resources section of the Regional Policy Plan states, "The diversity and extent of the Region's protected natural systems will increase consistently beyond that existing in 2001." Designation of +/- 4.6 acres of wetlands on the westerly portion of the site serves to advance this regional Goal.

Goal 4 of the Regional Policy Plan, Natural Resources section indicates that local governments

will support, "Livable communities designed to improve quality of life and provide for the sustainability of our natural resources." The provision of community commercial facilities in the Olga area will serve to create opportunities for retail, service, and employment activities for the residents, thus serving to advance the 'livable community' concept in this area of the County.

Conclusion

The proposed amendment is consistent with all applicable Lee Plan Goals, Objectives and Policies. Additionally, the basis for adopting this amendment is supported by the State Comprehensive Plan and the Regional Policy Plan. All required infrastructure is in existence and the development will not cause concurrency difficulties. The conversion of the property from residential uses to commercial uses results in a decrease in demand for potable water and wastewater treatment facilities. Finally, the establishment of commercial uses on the subject property, in conjunction with the preservation of wetlands extant on the site, serves to provide neighborhood options for retail, service, and employment activities.

Lee County GOVERNMENT

Community Development

E-Connect
Online Permitting

	Fort Myers Shores	Allocation	Existing	Remaining
Residential Acreage By Future Land Use Category	Intensive Development	20	9	11
	Central Urban	225	195	30
	Urban Community	637	284	353
	Suburban	1,810	1,240	570
	Outlying Suburban	40	3	37
	Sub-Outlying Suburban	367	0	367
	Commercial	0	0	0
	Industrial Development	0	0	0
	Public Facilities	0	0	0
	University Community	0	0	0
	Industrial Interchange	0	0	0
	General Interchange	0	0	0
	General/Commercial Interchange	0	1	(1)
	Industrial/Commercial Interchange	0	0	0
	Unversity Village Interchange	0	0	0
	New Community	0	0	0
	Airport	0	0	0
	Tradeport	0	0	0
	Rural	1,400	339	1,061
	Rural Community Preserve	0	0	0
	Coastal Rural	0	0	0
	Outer Islands	1	1	0
	Open Lands	0	0	0
	Density Reduction/Groundwater Resourse	0	0	0
	Conservation Lands Upland	0	0	0
	Wetlands	0	0	0
	Conservation Lands Wetland	0	0	0
Total Residential		4,500	2,072	2,428
Commercial		400	236	164
Industrial		400	58	342
Non Regulatory Allocations				
Public		2,000	2,301	(301)
Active Agriculture		550	554	(4)
Passive Agriculture		2,500	2,387	113
Conservation (wetlands)		1,142	1,018	124
Vacant		226	2,888	(2,662)
Total		11,718	11,514	204
Population Distribution		30,861	14,415	16,446

back to Planning Communities Map

[<<First Page] [<Previous Page] [Next Page>] [Last Page>>]

Mobile Home Park	
(a) Per single wide mobile home space, less than 4 single wide spaces connected to a shared onsite system	250
(b) Per single wide mobile home space, 4 or more single wide spaces are connected to a shared onsite system	225
(c) Per double wide mobile home space, less than 4 double wide mobile home spaces connected to a shared onsite system	300
(d) Per double wide mobile home space, 4 or more double wide mobile home spaces connected to a shared onsite system	275
Office building per employee per 8 hour shift or	15
per 100 square feet of floor space, whichever is greater	15
Transient Recreational Vehicle Park	
(a) Recreational vehicle space for overnight stay, without water and sewer hookup per vehicle space	50
(b) Recreational vehicle space for overnight stay, with water and sewer hookup per vehicle space	75
Service stations per water closet	
(a) Open 16 hours per day or less	250
(b) Open more than 16 hours per day	325
Shopping centers without food or laundry per square foot of floor space	0.1
Stadiums, race tracks, ball parks per seat	4
Stores per bathroom	100
Swimming and bathing facilities, public per person	10
Theatres and Auditoriums, per seat	4
Veterinary Clinic	
(a) Per practitioner	250
(b) Add per employee per 8 hour shift	15
(c) Add per kennel, stall or cage	20
Warehouse	
(a) Add per employee per 8 hour shift	15
(b) Add per loading bay	100
(c) Self-storage, per unit (up to 200 units)	1
INSTITUTIONAL:	
Churches per seat which includes kitchen wastewater flows unless meals prepared on a routine basis	3
If meals served on a regular basis add per meal prepared	5
Hospitals per bed which does not include kitchen wastewater flows	200
add per meal prepared	5
Nursing, rest homes, adult congregate living facilities per bed which does not include kitchen wastewater flows	100
add per meal prepared	5
Parks, public picnic	
(a) With toilets only per person	4
(b) With bathhouse, showers & toilets per person	10
Public institutions other than schools and hospitals per person which does not include kitchen wastewater flows	100
add per meal prepared	5
Schools per student	
(a) Day-type	10
(b) Add for showers	4

TABLE I
For System Design
ESTIMATED SEWAGE FLOWS

TYPE OF ESTABLISHMENT	GALLONS PER DAY
COMMERCIAL:	
Airports, bus terminals, train stations, port & dock facilities, Bathroom waste only	
(a) Per passenger	4
(b) Add per employee per 8 hour shift	15
Barber & beauty shops per service chair	75
Bowling alley bathroom waste only per lane	50
Country club	
(a) Per resident	100
(b) Add per member or patron	25
(c) Add per employee per 8 hour shift	15
Doctor and Dentist offices	
(a) Per practitioner	250
(b) Add per employee per 8 hour shift	15
Factories, exclusive of industrial wastes gallons per employee per 8 hour shift	
(a) No showers provided	15
(b) Showers provided	25
Flea Market open 3 or less days per week	
(a) Per non-food service vendor space	15
(b) Add per food service establishment using single service articles only per 100 Square feet of floor space	50
(c) Per limited food service establishment	25
(d) For flea markets open more than 3 days per week estimated flows shall be doubled	
Food operations	
(a) Restaurant operating 16 hours or less per day per seat	40
(b) Restaurant operating more than 16 hours per day per seat	60
(c) Restaurant using single service articles only and operating 16 hours or less per day per seat	20
(d) Restaurant using single service articles only and operating more than 16 hours per day per seat	35
(e) Bar and cocktail lounge per seat	20
add per pool table or video game	15
(f) Drive-in restaurant per car space	50
(g) Carry out only, including caterers	
1. Per 100 square feet of floor space	50
2. Add per employee per 8 hour shift	15
(h) Institutions per meal	5
(i) Food Outlets excluding deli's, bakery, or meat department per 100 square feet of floor space	10
1. Add for deli per 100 square feet of deli floor space	40
2. Add for bakery per 100 square feet of bakery floor space	40
3. Add for meat department per 100 square feet of meat department floor space	75
4. Add per water closet	200
Hotels & motels	
(a) Regular per room	100
(b) Resort hotels, camps, cottages per room 200	
(c) Add for establishments with self service laundry facilities per machine	750

(c) Add for cafeteria	4
(d) Add for day school workers	15
(e) Boarding-type	75
Work/construction camps, semi-permanent per worker	50
RESIDENTIAL:	
Residences	
(a) Single or multiple family per dwelling unit	
1 Bedroom with 750 sq. ft. or less of building area	100
2 Bedrooms with 751-1200 sq. ft. of building area	200
3 Bedrooms with 1201-2250 sq. ft. of building area	300
4 Bedrooms with 2251-3300 sq. ft. of building area	400

For each additional bedroom or each additional 750 square feet of building area or fraction thereof in a dwelling unit, system sizing shall be increased by 100 gallons per dwelling unit.

(b) Other per occupant	50

Footnotes to Table I:

1. For food operations, kitchen wastewater flows shall normally be calculated as 66 percent of the total establishment wastewater flow.

2. Systems serving high volume establishments, such as restaurants, convenience stores and service stations located near interstate type highways and similar high-traffic areas, require special sizing consideration due to expected above average sewage volume. Minimum estimated flows for these facilities shall be 3.0 times the volumes determined from the Table I figures.

3. For residences, the volume of wastewater shall be calculated as 50 percent blackwater and 50 percent graywater.

4. Where the number of bedrooms indicated on the floor plan and the corresponding building area of a dwelling unit in Table II do not coincide, the criteria which will result in the greatest estimated sewage flow shall apply.

5. Convenience store estimated sewage flows shall be determined by adding flows for food outlets and service stations as appropriate to the products and services offered.

6. Estimated flows for residential systems assumes a maximum occupancy of two persons per bedroom. Where residential care facilities will house more than two persons in any bedroom, estimated flows shall be increased by 50 gallons per each additional occupant.

(2) Minimum effective septic tank capacity shall be determined from Table II. However, where multiple family dwelling units are jointly connected to a septic tank system, minimum effective septic tank capacities specified in the table shall be increased 75 gallons for each dwelling unit connected to the system. With the exception noted in Rule 64E-6.013(2)(a), all septic tanks shall be multiple chambered or shall be placed in series to achieve the required effective capacity. The use of an approved outlet filter device shall be required. Outlet filters shall be installed within or following the last septic tank or septic tank compartment before distribution to the drainfield. The outlet filter device requirement includes blackwater tanks, but does not include graywater tanks or grease interceptors or laundry tanks. Outlet filter devices shall be placed to allow accessibility for routine maintenance. Utilization and sizing of outlet filter devices shall be in accordance with the manufacturers' recommendations. The approved outlet filter device shall be installed in accordance with the manufacturers' recommendations. The Bureau of Onsite Sewage Programs shall approve outlet filter devices per the department's Policy on Approval Standards For Onsite Sewage Treatment And Disposal Systems Outlet Filter Devices, August 1999, which is herein incorporated by reference.

TABLE II

SEPTIC TANK AND PUMP TANK CAPACITY

AVERAGE SEWAGE FLOW GALLONS/DAY	SEPTIC TANK MINIMUM EFFECTIVE CAPACITY GALLONS	PUMP TANK MINIMUM EFFECTIVE CAPACITY GALLONS	
		Residential	Commercial
0-200	900	150	225
201-300	900	225	375
301-400	1050	300	450
401-500	1200	375	600
501-600	1350	450	600
601-700	1500	525	750
701-800	1650	600	900
801-1000	1900	750	1050
1001-1250	2200	900	1200
1251-1750	2700	1350	1900
1751-2500	3200	1650	2700
2501-3000	3700	1900	3000

3001-3500	4300	2200	3000
3501-4000	4800	2700	3000
4001-4500	5300	2700	3000
4501-5000	5800	3000	3000

(3) Where a separate graywater tank and drainfield system is used, the minimum effective capacity of the graywater tank shall be 250 gallons with such system receiving not more than 75 gallons of flow per day. For graywater systems receiving flows greater than 75 gallons per day, minimum effective tank capacity shall be based on the average daily sewage flow plus 200 gallons for sludge storage. Design requirements for graywater tanks are described in Rule 64E-6.013(2). Where separate graywater and blackwater systems are utilized, the size of the blackwater system can be reduced, but in no case shall the blackwater system be reduced by more than 25 percent. However, the minimum capacity for septic tanks disposing of blackwater shall be 900 gallons.

(4) Where building codes allow separation of discharge pipes of the residence to separate stubouts and where lot sizes and setbacks allow system construction, the applicant may request a separate laundry waste tank and drainfield system. Where an aerobic treatment unit is used, all blackwater, graywater and laundry waste flows shall be consolidated and treated by the aerobic treatment unit. Where a residential laundry waste tank and drainfield system is used:

(a) The minimum laundry waste trench drainfield absorption area for slightly limited soil shall be 75 square feet for a one or two bedroom residence with an additional 25 square feet for each additional bedroom. If an absorption bed drainfield is used the minimum drainfield area shall be 100 square feet with an additional 50 square feet for each additional bedroom over two bedrooms. The DOH county health department shall require additional drainfield area based on moderately limited soils and other site specific conditions, which shall not exceed twice the required amount of drainfield for a slightly limited soil.

(b) The laundry waste interceptor shall meet requirements of Rule 64E-6.013(2) and (9).

(c) The drainfield absorption area serving the remaining wastewater fixtures in the residence shall be reduced by 25 percent.

(5) The minimum absorption area for standard subsurface drainfield systems, graywater drainfield systems, and filled systems shall be based on estimated sewage flows and Table III so long as estimated sewage flows are 200 gallons per day or higher. When estimated sewage flows are less than 200 gallons per day, system size shall be based on a minimum of 200 gallons per day.

TABLE III

For Sizing of Drainfields Other Than Mounds

U.S. DEPARTMENT OF AGRICULTURE SOIL TEXTURAL CLASSIFICATION	SOIL TEXTURE LIMITATION (PERCOLATION RATE)	MAXIMUM SEWAGE LOADING RATE TO TRENCH & BED ABSORPTION SURFACE IN GALLONS PER SQUARE FOOT PER DAY RENCH BED	
Sand; Coarse Sand not associated with a seasonal water table of less than 48 inches; and Loamy Coarse Sand	Slightly limited (Less than 2 min/inch)	1.20	0.80
Loamy Sand; Sandy Loam; Coarse Sandy Loam; Fine Sand	Slightly limited (2-4 min/inch)	0.90	0.70
Loam; Fine Sandy Loam; Silt Loam; Very Fine Sand; Very Fine Sandy Loam; Loamy Fine Sand; Loamy Very Fine Sand; Sandy Clay Loam	Moderately limited (5-10 min/inch)	0.65	0.35
Clay Loam; Silty Clay Loam; Sandy Clay; Silty Clay; Silt	Moderately limited (Greater than 15 min/inch but not exceeding 30 min/inch)	0.35	0.20
Clay; Organic Soils; Hardpan; Bedrock	Severely limited (Greater than 30 min/inch)	Unsatisfactory for standard subsurface system	

Coarse Sand with an estimated wet season high water table within 48 inches of the bottom of the proposed drainfield; Gravel or Fractured Rock or Oolitic Limestone	Severely limited (Less than 1 min/inch and a water table less than 4 feet below the drainfield)	Unsatisfactory for standard subsurface system

Footnotes to Table III:

1. U.S. Department of Agriculture major soil textural classification groupings and methods of field identification are explained in Rule 64E-6.016. Laboratory sieve analysis of soil samples may be necessary to confirm field evaluation of specific soil textural classifications. The USDA Soil Conservation Service "Soil Textural Triangle" shall be used to classify soil groupings based on the proportion of sand, silt and clay size particles.

2. The permeability or percolation rate of a soil within a specific textural classification may be affected by such factors as soil structure, cementation and mineralogy. Where a percolation rate is determined using the falling head percolation test procedure described in the United States Environmental Protection Agency Design Manual for Onsite Wastewater Treatment and Disposal Systems, October, 1980, incorporated by reference into this rule, the calculated percolation test rate shall be used with Table III and evaluated by the DOH county health department with other factors such as history of performance of systems in the area in determining the minimum sizing for the drainfield area.

3. When all other site conditions are favorable, horizons or strata of moderately or severely limited soil may be replaced with slightly limited soil or soil of the same texture as the satisfactory slightly limited permeable layer lying below the replaced layer. The slightly limited permeable layer below the replaced layer shall be identified within the soil profile which was submitted as part of the permit application. The resulting soil profile must show complete removal of the moderately or severely limited soil layer being replaced and must be satisfactory to a minimum depth of 54 inches beneath the bottom surface of the proposed drainfield. The width of the replacement area shall be at least 2 feet wider and longer than the drain trench and for absorption beds shall include an area at least 2 feet wider and longer than the proposed bed. Drainfields shall be centered in the replaced area. Where at least 33 percent of the moderately limited soils at depths greater than 54 inches below the bottom of the drainfield have been removed to the depth of slightly limited soil, drainfield sizing shall be based on the following sewage loading rates. Where severely limited soils are being removed at depths greater than 54 inches below the bottom of the drainfield, 100 percent of the severely limited soils at depths greater than 54 inches shall be removed down to the depth of an underlying slightly limited soil. Maximum sewage loading rates for standard subsurface systems installed in replacement areas shall be 0.90 gallons per square foot per day for trench systems and 0.70 gallons per square foot per day for absorption beds in slightly limited soil textures. Where moderately limited soil materials are found beneath the proposed drainfield, and where system sizing is based on that moderately limited soil, soil replacements of less than 33% may be permitted.

4. Where coarse sand, gravel, or oolitic limestone directly underlies the drainfield area, the site shall be approved provided a minimum depth of 42 inches of the rapidly percolating soil beneath the bottom absorption surface of the drainfield and a minimum 12 inches of rapidly percolating soil contiguous to the drainfield sidewall absorption surfaces, is replaced with slightly limited soil material. Where such replacement method is utilized, the drainfield size shall be determined using a maximum sewage application rate of 0.80 gallons per square foot per day of drainfield in trenches and 0.70 gallon per square foot per day for drainfield absorption beds.

5. Where more than one soil texture classification is encountered within a soil profile and it is not removed as part of a replacement, drainfield sizing for standard subsurface drainfield systems and fill drainfield systems shall be based on the most restrictive soil texture encountered within 24 inches of the bottom of the drainfield absorption surface.

(6) All materials incorporated herein may be obtained by contacting the department.

Specific Authority 381.0011(4), (13), 381.006, 381.0065(3)(a), 489.553 FS. Law Implemented 154.01, 381.001(2), 381.0011(4), 381.0012, 381.0025, 381.0061, 381.0065, 381.0067, 386.041, 489.553 FS. History–New 12-22-82, Amended 2-5-85, Formerly 10D-6.48, Amended 3-17-92, 1-3-95, Formerly 10D-6.048, Amended 11-19-97, 3-22-00, 9-5-00.

64E-6.009 Alternative Systems.

When approved by the DOH county health department, alternative systems may, at the discretion of the applicant, be utilized in circumstances where standard subsurface systems are not suitable or where alternative systems are more feasible. Unless otherwise noted, all rules pertaining to siting, construction, and maintenance of standard subsurface systems shall apply to alternative systems. In addition, the DOH county health department may, using the criteria in Section 64E-6.004(4), require the submission of plans prepared by an engineer registered in the State of Florida, prior to considering the use of any alternative system. The DOH county health department shall require an engineer registered in the state of Florida to design a system having a total absorption area greater than 1000 square feet and shall require the design engineer to certify that the installed system complies with the approved design and installation requirements.

The means for reducing these concentrations and ultimately the TN loadings to the coastal embayments will be discussed in subsequent reports.

The MEP analysis generated wastewater flow estimates using average water use data for the years 1997 through 1999 (for Mashpee), 2000 (for Falmouth), or 1998-2000 (for Sandwich and Barnstable). The same data was used for the purposes of the WNMP analysis. However, the relevant data was obtained for *all* parcels in the Town of Mashpee. The same analysis methods used by MEP were followed for the WNMP analysis in order to obtain consistent flow and loading estimates PPA-wide. The following discussion describes the data and estimates used.

A. Development of Existing Wastewater Flows

- For properties with water consumption data, 90 percent of a property's water use is estimated to become wastewater.

- Properties without water consumption data were assigned an average water use based on either MEP assumptions or the land use type. The MEP reports used the following assumptions in their analysis:

TABLE 7-1

MEP WATER USE ASSUMPTIONS [1]

Land Use Type	Water Use	Wastewater Flow
Residential	154 gpd	90% of water use
Commercial/Industrial	81.5 gpd/1000 sq. ft. of building	90% of water use
(1) From Table IV-4 of the MEP technical reports.		

The following table summarizes the water use estimates used in this Report for the wastewater analysis. These averages are based on existing water users in Town. Obtaining an average for a commercial use category was desirable to obtain a more accurate estimate of nitrogen loading within the Town.

EPA 625/R-00/008-Chapter 3

Chapter 3:
Establishing treatment system performance requirements

3.1 Introduction
3.2 Estimating wastewater characteristics
3.3 Estimating wastewater flow
3.4 Wastewater quality
3.5 Minimizing wastewater flows and pollutants
3.6 Integrating wastewater characterization and other design information
3.7 Transport and fate of wastewater pollutants in the receiving environment
3.8 Establishing performance requirements

3.1 Introduction

This chapter outlines essential steps for characterizing wastewater flow and composition and provides a framework for establishing and measuring performance requirements. Chapter 4 provides information on conventional and alternative systems, including technology types, pollutant removal effectiveness, basic design parameters, operation and maintenance, and estimated costs. Chapter 5 describes treatment system design and selection processes, failure analysis, and corrective measures.

This chapter also describes methods for establishing and ensuring compliance with wastewater treatment performance requirements that protect human health, surface waters, and ground water resources. The chapter describes the characteristics of typical domestic and commercial wastewaters and discusses approaches for estimating wastewater quantity and quality for residential dwellings and commercial establishments. Pollutants of concern in wastewaters are identified, and the fate and transport of these pollutants in the receiving environment are discussed. Technical approaches for establishing performance requirements for onsite systems, based on risk and environmental sensitivity assessments, are then presented. Finally, the chapter discusses performance monitoring to ensure sustained protection of public health and water resources.

3.2 Estimating wastewater characteristics

Accurate characterization of raw wastewater, including daily volumes, rates of flow, and associated pollutant load, is critical for effective treatment system design. Determinating treatment system performance requirements, selecting appropriate treatment processes, designing the treatment system, and operating the system depends on an accurate assessment of the wastewater to be treated. There are basically two types of onsite system wastewaters--residential and nonresidential. Single-family households, condominiums, apartment houses, multifamily households, cottages, and resort residences all fall under the category of residential dwellings. Discharges from these dwellings consist of a number of individual waste streams generated by water-using activities from a variety of plumbing fixtures and appliances. Wastewater flow and quality are influenced by the type of plumbing fixtures and appliances, their extent and frequency of use, and other factors such as the characteristics of the residing family, geographic location, and water supply (Anderson and Siegrist, 1989; Crites and Tchobanoglous, 1998; Siegrist, 1983).

A wide variety of institutional (e.g., schools), commercial (e.g., restaurants), and industrial establishments and facilities fall into the nonresidential wastewater category. Wastewater generating activities in some nonresidential establishments are similar to those of residential dwellings. Often, however, the wastewater from nonresidential establishments is quite different from that from of residential dwellings and should be characterized carefully before Onsite Wastewater Treatment System (OWTS) design. The characteristics of wastewater generated in some types of nonresidential establishments might prohibit the use of conventional systems without changing wastewater loadings through advanced pretreatment or accommodating elevated organic loads by increasing the size of the subsurface wastewater infiltration system (SWIS). Permitting agencies should note that some commercial and large-capacity septic systems (systems serving 20 or more people, systems serving commercial facilities such as automotive repair shops) might be regulated under USEPA's Class V Underground Injection Control Program (see http://www.epa.gov/safewater/uic/classv.html).

In addition, a large number of seemingly similar nonresidential establishments are affected by subtle and often intangible influences that can cause significant variation in wastewater characteristics. For example, popularity, price, cuisine, and location can produce substantial variations in wastewater flow and quality among different restaurants (University of Wisconsin, 1978). Nonresidential wastewater characterization criteria that are easily applied and accurately predict flows and pollutant loadings are available for only a few types of establishments and are difficult to develop on a national basis with any degree of confidence. Therefore, for existing facilities the wastewater to be treated should be characterized by metering and sampling the current wastewater stream. For many existing developments and for almost any new development, however, characteristics of nonresidential wastewaters should be estimated based on available data. Characterization data from similar facilities already in use can provide this information.

3.3 Estimating wastewater flow

The required hydraulic capacity for an OWTS is determined initially from the estimated wastewater flow. Reliable data on existing and projected flows should be used if onsite systems are to be designed properly and cost-effectively. In situations where onsite wastewater flow data are limited or unavailable, estimates should be developed from water consumption records or other information. When using water meter readings or other water use records, outdoor water use should be subtracted to develop wastewater flow estimates. Estimates of outdoor water use can be derived from discussions with residents on car washing, irrigation, and other outdoor uses during the metered period under review, and studies conducted by local water utilities, which will likely take into account climatic and other factors that affect local outdoor use.

Accurate wastewater characterization data and appropriate factors of safety to minimize the possibility of system failure

are required elements of a successful design. System design varies considerably and is based largely on the type of establishment under consideration. For example, daily flows and pollutant contributions are usually expressed on a per person basis for residential dwellings. Applying these data to characterize residential wastewater therefore requires that a second parameter, the number of persons living in the residence, be considered. Residential occupancy is typically 1.0 to 1.5 persons per bedroom; recent census data indicate that the average household size is 2.7 people (U.S. Census Bureau, 1998). Local census data can be used to improve the accuracy of design assumptions. The current onsite code practice is to assume that maximum occupancy is 2 persons per bedroom, which provides an estimate that might be too conservative if additional factors of safety are incorporated into the design.

For nonresidential establishments, wastewater flows are expressed in a variety of ways. Although per person units may also be used for nonresidential wastewaters, a unit that reflects a physical characteristic of the establishment (e.g., per seat, per meat served, per car stall, or per square foot) is often used. The characteristic that best fits the wastewater characterization data should be employed (University of Wisconsin, 1978).

When considering wastewater flow it is important to address sources of water uncontaminated by wastewater that could be introduced into the treatment system. Uncontaminated water sources (e.g., storm water from rain gutters, discharges from basement sump pumps) should be identified and eliminated from the OWTS. Leaking joints, cracked treatment tanks, and system damage caused by tree roots also can be significant sources of clear water that can adversely affect treatment performance. These flows might cause periodic hydraulic overloads to the system, reducing treatment effectiveness and potentially causing hydraulic failure.

3.3.2 Nonresidential wastewater flows

For nonresidential establishments typical daily flows from a variety of commercial, institutional, and recreational establishments are shown in tables 3-4 to 3-6 (Crites and Tchobanoglous, 1998; Tchobanoglous and Burton, 1991). The typical values presented are not necessarily an average of the range of values but rather are weighted values based on the type of establishment and expected use. Actual monitoring of specific wastewater flow and characteristics for nonresidential establishments is strongly recommended. Alternatively, a similar establishment located in the area might provide good information. If this approach is not feasible, state and local regulatory agencies should be consulted for approved design flow guidelines for nonresidential establishments. Most design flows provided by regulatory agencies are very conservative estimates based on peak rather than average daily flows. These agencies might accept only their established flow values and therefore should be contacted before design work begins.

Table 3-4. Typical wastewater flow rates from commercial sources[a,b]

Facility	Unit	Flow, gallons/unit/day		Flow, liters/unit/day	
		Range	Typical	Range	Typical
Airport	Passenger	2-4	3	8-15	11
Apartment house	Person	40-80	50	150-300	190
Automobile service station[c]	Vehicle served Employees	8-15 9-15	12 13	30-57 34-57	45 49
Bar	Customer Employees	1-5 10-16	3 13	4-19 38-61	11 49
Boarding house	Person	25-60	40	95-230	150
Department store	Toilet room Employee	400-600 8-15	500 10	1,500-2,300 30-57	1,900 38
Hotel	Guest Employee	40-60 8-13	50 10	150-230 30-49	190 38
Industrial building (sanitary waste only)	Employee	7-16	13	26-61	49
Laundry (self-service)	Machine Wash	450-650 45-55	550 50	1,700-2,500 170-210	2,100 190
Office	Employee	7-16	13	26-61	49
Public lavatory	User	3-6	5	11-23	19
Restaurant (with toilet) Conventional Short order Bar/cocktail lounge	Meal Customer Customer Customer	2-4 8-10 3-8 2-4	3 9 6 3	8-15 30-38 11-30 8-15	11 34 23 11
Shopping center	Employee Parking Space	7-13 1-3	10 2	26-49 4-11	38 8
Theater	Seat	2-4	3	8-15	11

[a]Some systems serving more than 20 people might be regulated under USEPA's Class V Underground Injection Control (UIC) Program. See http://www.epa.gov/safewater/uic.html for more information.

[b]These data incorporate the effect of fixtures complying with the U.S. Energy Policy Act (EPACT) of 1994.

[c]Disposal of automotive wastes via subsurface wastewater infiltration systems is banned by Class V UIC regulations to protect ground water. See http://www.epa.gov/safewater/uic.html for more information.

Source: Crites and Tchobanoglous, 1998.

Table 5-2:
Guide for Non-Residential Water Demand

Type of Establishment	Water Used (*gpd*)
Airport (per passenger)	3 - 5
Apartment, multiple family (per resident)	50
Bathhouse (per bather)	10
Boardinghouse (per boarder)	50
Additional kitchen requirements for nonresident boarders	10
Camp:	
Construction, semipermanent (per worker)	50
Day, no meals served (per camper)	15
Luxury (per camper)	100 - 150
Resort, day and night, limited plumbing (per camper)	50
Tourist, central bath and toilet facilities (per person)	35
Cottage, seasonal occupancy (per resident)	50
Club:	
Country (per resident member)	100
Country (per nonresident member present)	25
Factory (gallons per person per shift)	15 - 35
Highway rest area (per person)	5
Hotel:	
Private baths (2 persons per room)	50
No private baths (per person)	50
Institution other than hospital (per person)	75 - 125
Hospital (per bed)	250 - 400
Lawn and Garden (per 1000 sq. ft.)	600
Assumes 1-inch per day (typical)	
Laundry, self-serviced (gallons per washing [per customer]	50
Livestock Drinking (per animal):	
Beef, yearlings	20
Brood Sows, nursing	6
Cattle or Steers	12
Dairy	20
Dry Cows or Heifers	15
Goat or Sheep	2
Hogs/Swine	4
Horse or Mules	12
Livestock Facilities	
Dairy Sanitation (milkroom)	500
Floor Flushing (per 100 sq. ft.)	10
Sanitary Hog Wallow	100
Motel:	
Bath, toilet, and kitchen facilities (per bed space)	50
Bed and toilet (per bed space)	40
Park:	
Overnight, flush toilets (per camper)	25
Trailer, individual bath units, no sewer connection (per trailer)	25
Trailer, individual baths, connected to sewer (per person)	50
Picnic:	
Bathhouses, showers, and flush toilets (per picnicker)	20
Toilet facilities only (gallons per picnicker)	10

Type of Establishment	Water Used (*gpd*)
Poultry (per 100 birds):	
Chicken	5 - 10
Ducks	22
Turkeys	10 - 25
Restaurant:	
Toilet facilities (per patron)	7 - 10
No toilet facilities (per patron)	2-1/2 - 3
Bar and cocktail lounge (additional quantity per patron)	2
School:	
Boarding (per pupil)	75 - 100
Day, cafeteria, gymnasiums, and showers (per pupil)	25
Day, cafeteria, no gymnasiums or showers (per pupil)	20
Day, no cafeteria, gymnasiums or showers (per pupil)	15
Service station (per vehicle)	10
Store (per toilet room)	400
Swimming pool (per swimmer)	10
Maintenance (per 100 sq. ft.)	
Theater:	
Drive-in (per car space)	5
Movie (per auditorium seat)	5
Worker:	
Construction (per person per shift)	50
Day (school or offices per person per shift)	15

Source: Adapted from ***Design and Construction of Small Water Systems: A Guide for Managers, American Water Works Association, 1984, and Planning for an Individual Water System. American Association for Vocational Instructional Materials,*** 1982.

Appendix C

Industrial and Commercial Water Use:

Glossary, Data, and Methods of Analysis

This Appendix presents a glossary of water-conservation technologies available in the commercial, institutional, and industrial sectors, our analysis of the data on industrial water use collected by the CDWR and others, and background on our methods of analysis for this group of water users. More details on specific end-uses and methods can be found in Appendix D and E.

The glossary in this Appendix is not a comprehensive list of every water conservation technology in existence – it is a compilation of technologies that are common across several industry groups. The technologies are classified by end use. For each technology, we present a brief discussion and list the industry groups (as defined in Appendices D and E) to which it applies. The manner in which these technologies are implemented will vary among industries.

We also describe our analysis of the extensive data of industrial water use collected by the California Department of Water Resources in the 1990s (DWR 1995a) and shows the data we collected on commercial water use from various other sources. To use these data, errors had to be identified and corrected, data gaps filled, and some entries updated. Below we describe the corrections and modifications applied to these data.

Restrooms

Ultra-Low Flush Toilet (ULFT). (Type: Efficiency. Industry Groups: All)

Prior to 1978, toilets used 5 to 7 gallons per flush (gpf). A 1977 state law required that all new residential toilets use 3.5 gpf or fewer starting on January 1, 1980. In 1992, the state updated this law, mandating that all new residential toilets use 1.6 gpf. These laws shifted the state's toilet stock toward more efficient toilets. And in 1992, the transition gained momentum when the federal government passed the National Energy Policy Act, which mandated that all toilets produced in the United States use 1.6 gpf or less. These 1.6 gpf toilets are commonly referred to as ultra-low-flush toilets or ULFTs.

Ultra-Low Flush Urinals (ULFU). (Type: Efficiency. Industry Groups: All)

Low-volume urinals use 1.0 gpf or less. These urinals operate the same way as high-volume urinals except that the orifice in the valve is small. Moderate to high-volume urinals in commercial establishments have flush rates of 2.0 to 5.0 gpf (Vickers 2001).

Faucet Aerators. (Type: Efficiency. Industry Groups: All)

eration, flow-control restrictors, or spray features achieve reduced flow in low-flow restroom and kitchen faucets. Low flow faucets use about 1.0 gpm compared to

traditional faucet use of 1.3 to 3.5 gpm (Vickers 2001). Note that these are actual flow volumes, which are much lower than the rated flow volumes because people rarely run the faucets at the maximum volume.

Low-Flow Showerheads. (Type: Efficiency. Industry Groups: Hospitals and Hotels)

Low-volume showerheads use less water through improved spray patterns, aeration, and narrower spray areas. Actual flow rates in showers are at about 67 percent of rated flows. Low-flow showerheads use about 1.7 gpm (actual) while traditional showerheads use from 2.2 to 4.0 gpm (Vickers 2001).

Cooling and Cooling Towers

Conductivity Controllers. (Type: Efficiency. Industry Groups: Most Industrial Industries; Offices; Hotels; and Hospitals)

Improving water efficiency in cooling towers generally involves increasing the concentration ratio (CR) by installing a conductivity controller to measure the salt concentration in the cooling water (see Section 4). The technically achievable CR depends on the quality of the make-up water and varies among regions. In the Bay Area, which receives high-quality snowmelt from the Sierra Nevada, a CR of 6 to 8 is easily achievable, whereas in areas that use groundwater (high in salts), a CR of 2.5 to 3 is the maximum achievable (Lelic 2002).Table C-1 shows the percent of make-up water that can be saved with different concentration ratios.

Table C-1

Percent of Make-up Water Saved									
	New CR								
	CR	3	4	5	6	7	8	9	10
Old CR	2	25%	33%	38%	40%	42%	43%	44%	45%
	3		7%	11%	14%	17%	18%	20%	21%
	4			6%	10%	13%	14%	16%	17%

Source: NCDENR 1998

Improvement of Concentration Ratio Using Chemical Treatments. (Type: Efficiency. Industry Groups: Most Industrial Industries; Offices; Hotels; and Hospitals)

Concentration ratios of cooling towers can be boosted to as high as 12 to 15 percent using various types of chemical treatments. Some common treatments (NCDENR 1998) include:

- Sulfuric Acid Treatment - Dissolves scale on cooling towers but is potentially hazardous and needs careful handling and skilled workers.
- Side-stream Filtration – Uses a sand or cartridge filter to remove suspended solids.
- Ozonation – Oxidizes some of the metals and precipitates them in the form of sludge.

Improving the energy efficiency of fans, pumps etc. Type: Efficiency. Industry Groups: Most Industrial Industries; Offices; Hotels; and Hospitals)

A cooling tower is part of a heat transfer system that typically includes coils, fan, chiller, compressor and condenser. Increasing the energy efficiency of any component of the system will increase the overall energy efficiency. Increasing the overall energy efficiency will reduce evaporation losses. Reducing evaporation losses will reduce the cooling tower make up water requirements.

Reused/Reclaimed Water for Cooling Tower Make-up. (Type: Efficiency and Reclamation. Industry Groups: Most Industrial Industries; Office Buildings; Hotels; and Hospitals)

A recent trend in cooling tower water conservation involves reusing waste streams from processes in cooling towers. Some streams, such as those from reverse osmosis, reject water when creating ultra-pure water and require no additional treatment. Other waste streams may need to pass through one or more stages of filtration before they are usable in cooling towers.

Some industries are also substituting reclaimed water for cooling tower make-up. Typically, a denitrification plant must treat reclaimed water before it is used in cooling towers, but because some industries, such as refineries, use large quantities of cooling water, it is economical to set up a denitrification plant at each facility. In the future, reclaimed water use should increase for cooling at refineries and industrial parks where these economies of scale can be exploited.

Equipment Cooling. (Type: Efficiency. Industry Groups: Hospitals and Several Industrial Industries)

Many facilities use once-through cooling to cool small heat generating equipment including x-ray film processors, welders, vacuum pumps, air-compressors, etc. In most cases it is possible to connect the equipment to a recirculating cooling system or to install a cooling tower. Recirculating systems typically consume only two to three percent of the water used by single-pass systems.

X-Ray Film Processors. (Type: Efficiency. Industry Groups: Hospitals and Dental Offices)

X-ray film processors use a stream of rinse water as a part of the film-developing process. An audit of 38 x-ray units in southern California revealed that the units used from 3.2 AF to as much as 7.5 AF annually. Past conservation recommendations have included installing a sensor to interrupt the flow when the unit is not in use and adjusting the flow to the optimal flow rate. A recent development has been the introduction of units produced by a Southern California company that recirculate what has traditionally been "once-through" flow. These units, called Water Saver/Plus™, can save 98 percent of water use (CUWCC 2001).

Vacuum Pumps. (Type: Efficiency. Industry Groups: Hospitals; Paper and Pulp; and Others)

Vacuum pumps are widely used in a variety of facilities, including hospitals, research labs, and food processing plants, to create sterile environments or to remove moisture through a dehydrating process. Liquid water-ring pumps still use single-pass water for cooling and sealing. In many applications, such as hospitals and research facilities, it is desirable as well as efficient to replace water-ring pumps by air-cooled oil-ring or oil-less pumps and, consequently, these pumps have become increasingly common. In other industries, such as paper and pulp, water-based vacuum pumps remain appropriate, but their efficiencies can be considerably improved (Britain 2002).

Irrigation

Auto-Shutoff Nozzles. (Type: Efficiency. Industry Groups: Most)

Nozzles designed to shut off automatically (when not in use) can be installed on hoses and save 5 to 10 percent (or more) of water use (Vickers 2001).

Drip Irrigation. (Type: Efficiency. Industry Groups: Most)

Drip irrigation systems can be used on non-turf areas of landscaping. These systems use plastic tubes and small nozzles to deliver water to plant roots. These systems are often considered the most water-efficient of irrigation system (Vickers 2001).

Moisture Sensors. (Type: Efficiency. Industry Groups: Most)

Soil-moisture sensors and controllers measure soil moisture and control irrigation based on how much water the vegetation needs. These sensors reduce water use compared to simple timers that provide water whether or not it is needed.

Reclaimed Water. (Type: Reclaimed. Industry Groups: Schools; Hotels; Golf Courses; Office Buildings; and Some Industrial Industries)

Overall withdrawals of water can be reduced by replacing freshwater use with the use of partially treated water from a reclaimed water plant. This water is particularly appropriate for irrigating landscapes.

Reused Water. (Type: Efficiency. Industry Groups: Most)

Overall withdrawals of water can be reduced by replacing freshwater use with the use of wastewater from other on-site uses, such as washing clothes. This water is particularly appropriate for irrigating landscapes.

Reducing Water-intensive Vegetation. (Type: Efficiency. Industry Groups: All)

Although reducing water-intensive vegetation often involves planting vegetation native to a region or climate, we only consider replacing turf with a typical mix of "other" vegetation. While the "other" vegetation may not be as efficient as native vegetation, it is still more efficient than turf (see Appendix D).

Kitchen

Low-Flow Pre-Rinse Nozzles. (Type: Efficiency. Industry Groups: All with kitchens)

Pre-rinse nozzles are used in kitchens to dislodge food particles from dishes before putting them into a dishwasher. Typical pre-rinse nozzles use 1.8 to 2.5 gpm for manual nozzles and 3.0 to 6.0 gpm for automatic nozzles. Efficient pre-rinse nozzles use a fan-like spray pattern that generates the same cleaning action but uses only 1.6 gpm.

Efficient Icemakers. (Type: Efficiency. Industry Groups: All with kitchens)

Water-cooled machines typically use ten times more water than air-cooled machines but use less energy and generate less heat, which reduces air-conditioning load. Whether a water-cooled or air-cooled icemaker is more appropriate depends on the individual site. Water conservation measures in icemakers involve retrofitting once-through water-cooled refrigeration units and ice machines by using temperature controls and a recirculating chilled-water loop system (Pike et al. 1995).

Efficient Dishwashers. (Type: Efficiency. Industry Groups: All with kitchens)

Small establishments use rack or under-the-counter machines that are similar to dishwashers found in the home while larger restaurants use either conveyor-type or flight-type machines. Conveyer-type machines have a conveyer belt with racks moving along this belt and a hook-type mechanism that lifts the racks and loads then into a larger machine that can usually hold four racks. Flight-type machines, which are much bigger and used in hotels or large catering establishments, have pegs onto which the dishes are loaded.

All of these dishwashers come in efficient and inefficient models. Studies indicate that efficient dishwashers typically use 50 to 70 percent less water and energy compared to inefficient machines (Sullivan and Parker 1999). Water efficiency features in the efficient models include recirculating the final rinse water, electric eye sensors, and extra-wide conveyers (NCDENR 1998).

Laundry

Closed-loop Laundry Systems. (Type: Efficiency. Industry Groups: Hotels; Hospitals; and Laundries)

Closed-loop laundries use membrane-filtration systems that can recycle 80 to 90 percent of the water used at the facility. The main purpose of the membrane system is to remove suspended solids (TSS), oil, and grease from the laundry effluent.

Recycling Laundry Rinse Water. (Type: Efficiency. Industry Groups: Hotels; Hospitals; and Laundries)

One or more pre-treatment processes may be used to recycle part of the laundry wastewater. The steps followed include:

Stream Splitting - Segregation of wastewater streams into high and low pollutant loading streams so that relatively clean streams can be reused.

Gravity Setting – Leaving the wastewater to stand in a basin for some period of time to allow the settling of suspended solids.

Chemical Removal – Removal of various organic solids and oils using emulsion, precipitation etc.

Ozone Cleaning Systems. (Type: Efficiency. Industry Groups: Hotels; Hospitals; and Laundries)

These systems generate ozone gas, which is injected into the wash water. As an unstable gas, ozone decomposes to release elemental oxygen, a powerful cleaning agent. At 100 degrees F, ozone systems provide an equivalent cleaning of 160 degrees F, eliminating the need for steam and hot water. These systems thus save energy and water. Ozone cleaning systems use 30 percent less water than conventional systems and can use up to 80 percent less with recycling.

Membrane Treatment and Recycling. (Type: Efficiency. Industry Groups: Hotels; Hospitals; and Laundries)

A number of laundries are experimenting with recycling laundry wash water with membrane systems. Laundries in California and Seattle have recently implemented a "Vibratory Shear Enhanced Processing" system that filters suspended and dissolved solids and also removes BOD, COD, and color. The system provides a vibratory shear force ten times greater than convention cross-filtration and produces a clear reusable water stream and a concentrated sludge. An added advantage of the system is that the effluent water is soft, a desirable quality in the laundry industry.

Resource-Efficient Clothes Washers. (Type: Efficiency. Industry Groups: Coin Laundries; Hotels; and Hospitals)

Since the early 1990s, manufacturers, energy and water utilities, and public interest groups have been promoting more efficient washer technologies as a means of pursuing water and energy savings. The Horizontal-Axis (H-Axis) washer has been a popular model. These washers use a washtub that spins about a horizontal axis and cleaning action is accomplished by tumbling the clothes in and out of the water that fills half the tub. In contrast, traditional clothes washers have a vertical axis and spin the clothes around in a full tub of water. Since most of the energy use in washers is for heating water, conserving water also greatly reduces energy use. Recently some manufacturers have sold water- and energy-conserving washers that are based on the standard vertical-axis design. They use spray rinses, lowered temperatures, and innovative agitation systems to achieve savings comparable to H-Axis washers (Pope et al. 2000). Typical savings in water and energy are about 40 percent. We refer to all efficient models as resource-efficient clothes washers.

Guest Laundry Cards. (Type: Efficiency. Industry Groups: Hotels)

Some hotels ask guests staying more than one night to consider not having their bed linens changed every day. Participating hotels reported saving five percent on utility

costs along with 70 to 80 percent guest participation by using this option (Green Hotels Association 2002).

Process

Rinse Optimization. (Type: Efficiency. Industry Groups: Most Industrial Industries)

Optimizing rinse cycles can save water in several industries. This approach was originally developed and tested by the semiconductor industry and has since been transferred to other industries as well. Typical measures involve reducing the number of rinse cycles and rinse time as well as recycling water from dilute rinses. Optimization of rinses involves collecting and utilizing data on:

1. Water flow rates for process and idle flows, transfer speeds from chemical baths to rinse baths, and fluid dynamics.
2. Detailed conductivity, pH, mass-spectrometry measurements to determine the quantity and type of contaminants.
3. Device electrical characteristics to determine the effect that optimized rinse processes have on yield.

Auto-shutoff Valves. (Type: Efficiency, Industry Groups: Most Industrial)

Automatic shutoff valves use solenoid valves to stop the flow of water when production stops, sometimes by tying the valves to drive motor controls. Other related water-efficiency measures include adjusting flow in sprays and other lines to meet minimum requirements, providing surge tanks for each system to avoid overflow, and turning off all flows during shutdowns (unless flows are essential for cleanup).

Cascading Rinses. (Type: Efficiency. Industry Groups: High Technology; Metal Finishing; and Textiles)

Not all rinses require the same quality water. By cascading rinses it is possible to use rinse water from a "critical" rinse (requiring highly pure water) in a less critical rinse, reducing overall water withdrawals.

Reactive Rinses. (Type: Efficiency. Industry Groups: Metal Finishing and Printed Circuit Board Manufacturing)

In some processes it is possible to reuse acid rinse effluent as influent for the alkaline rinse tank.

Counter-current Rinses. (Type: Efficiency. Industry Groups: Food Processing; Textiles; Metal Finishing; and High Tech)

This measure is employed frequently on continuous production rinsing lines for water and energy savings. Clean city water enters at the final wash box and flows counter to the movement of the product through the wash boxes. Thus, the cleanest water contacts the cleanest product, and the more contaminated wash water contacts the product immediately as it enters the actual process. This method of water reuse differs from the traditional washing method, which supplies clean water at every stage of the washing. Water and energy savings are related to the number of boxes provided with counter flow.

Counter-current rinsing is a common practice in a number of industries where the product goes through successive baths or wash boxes. In the Food Processing industry, for example, it is used to clean fresh produce.

Recycling Dilute Rinse Water. (Type: Efficiency. Industry Groups: Most Industrial)

If recycling all rinse water is found to be impractical, some industries may consider diverting only the last few rinses, which are relatively uncontaminated, to a membrane filtration system to generate a clean stream of water. This type of system is useful in "clean-in-place" systems where the rinse water usually flows directly to the drain.

Bubbled Accelerated Floatation (BAF). (Type: Efficiency. Industry Groups: Food Processing)

This technology is used to pre-treat effluent water before passing it through a membrane system. Air is bubbled into the effluent from a lower level and the bubbles bring solid particles to the surface, which are then removed. BAF systems are an improvement over earlier Dissolved Air Flotation (DAF) systems since they allow removal of suspended solids, fats, and greases and thus prevent fouling of membranes.

Ozone Cleaning. (Type: Efficiency. Industry Groups: Food Processing)

In the Food Processing industry, ozone can reduce or eliminate the need for chemical or high-temperature disinfection processes during clean-in-place (CIP) cycles, reducing water requirements, downtime, and chemical costs. Ozone CIP is far superior to any other cleaning method because of the high oxidation power of ozone.

Reusing Evaporator Condensate. (Type: Efficiency. Industry Groups: Dairy and Fruit and Vegetable Processing)

In many Food Processing plants, fruits, vegetables, or milk are evaporated to condense or dry them. This process produces evaporator condensate, a mixture of water and some volatile organic solids, that may be reused in applications such as cooling towers, boilers, and irrigation. Some dairy plants generate so much excess water that some of it is sent to the drain. The Dairy industry has been experimenting with passing this excess water through a reverse osmosis membrane to remove the volatile organic compounds. The process generates pure water, which can replace fresh water in all processes. To date, this process has not proven cost-effective.

Reusing Reverse Osmosis Backwash From Ultra-pure Water Production. (Type: Efficiency. Industry Groups: High Tech and Hospitals)

Many industries use extremely pure water, called ultra-pure water (UPW), for critical applications. UPW is produced by running potable city water through a reverse osmosis membrane to remove impurities. The waste stream that is left behind after passing the potable water through a reverse osmosis membrane (the "retentate") is fairly clean and can be reused in cooling towers or landscaping.

Reducing Drag-out. (Type: Efficiency. Industry Groups: Metal Finishing and High Tech)

Drag-out is the residual chemical that sticks to the component, which must be removed through rinsing. By employing techniques that reduce drag-out, less water is needed in rinsing. Typical techniques involve using agents to decrease surface tension, racking parts to drain them out, optimizing the temperature of the baths to reduce viscosity, and increasing "drip time" (when the component is placed on a draining panel).

Caustic Recovery. (Type: Efficiency. Industry Groups: Food Processing)

The Food Processing industry's sanitation standards require that all equipment in contact with a fluid food product must be cleaned every 24 hours. Cleaning-in-Place (CIP) technologies using caustic and phosphate-based cleaning agents are commonly used to sanitize equipment. These technologies produce effluent that cannot be reused because of high chemical concentrations. Recent developments in membrane filtration technologies, however, have made it possible to recover some of the cleaning chemicals from the effluent stream. The resulting permeate is a relatively clean stream of water that can be reused in other processes.

Reused or Reclaimed Water in Scrubbers. (Type: Efficiency. Industry Groups: Metal Finishing; High Tech; and Textiles)

Many industries have scrubbers that spray water through exhaust air to strip it of pollutants before it leaves the facility. Wastewater from other processes can potentially be used as scrubber water make-up (Anderson 1993).

Maximize Efficiencies of Sterilizers. (Type: Efficiency. Industry Groups: Hospitals)

Many hospitals and research labs use autoclaves to sterilize equipment. Autoclaves use steam for sterilization and then freshwater to cool and recondense the steam. Typical measures for improving the water efficiency of autoclaves include: installing auto-shutoff valves to interrupt the flow when the unit is not in use; running the autoclave with full loads only; and reusing steam condensate and non-contact cooling water in cooling towers or boilers.

Digital X-Ray Machines. (Type: Efficiency. Industry Groups: Hospitals)

Digital x-ray machines are increasing in popularity because images can be stored on computers, digitally transmitted, or manipulated. Unlike conventional x-ray machines, the operation of digital machines requires almost no chemicals which significantly reduces the need for freshwater. Although digital x-ray machines are still very expensive and it will take several years before the conventional machines are replaced entirely, hospitals are gradually replacing their old machines with these more efficient models.

Future Conservation Technologies

Real-time Sensing of Contaminants. (Type: Recycling. Industry Groups: High Tech)

The High Tech industry has been a pioneer in developing water conservation technologies, but because most of its processes are extremely sensitive to water purity, recycling water has not gained widespread acceptance in this industry. Indeed, the mere suspicion that water may be contaminated may result in the destruction of an entire batch of components worth thousands of dollars. To address this issue, SEMATECH, a semiconductor industry association, has been researching use of real-time sensors, which can detect rinse water containing organic contaminants and then divert it away from the recycling loop. SEMATECH estimates that incorporation of such technology will decrease water consumption by 50 percent (SEMATECH 1994).

Dry Cleaning Technologies. (Type: Efficiency. Industry Groups: High Tech)

Researchers are exploring the possibility of using dry cleaning technologies, such as lasers or high-pressure gases, instead of chemical cleaning agents, in the High Tech industry. These processes will eliminate the need for ultra-pure water to rinse out chemicals.

Advanced Reverse Osmosis Treatments. (Type: Recycling. Industry Groups: High Tech; Food Processing; Metal Finishing; and Paper and Pulp)

A number of studies evaluating advanced reverse osmosis use on effluent are being conducted. While these systems appear to be in the demonstration stage, considerable potential exists for establishing closed-loop facilities that completely recycle process water.

Corrections and Modifications Performed on Data, Method A

Below we describe our analysis of the extensive data on industrial water use collected by the California Department of Water Resources in the 1990s (CDWR 1995a, b) and show the data we collected on commercial water use from various other sources. To use these data, errors had to be identified and corrected, data gaps filled, and some entries updated. Below we describe the corrections and modifications applied to these data. We thank Charlie Pike and other current and former CDWR employees, as well as a wide range of California water experts (listed in the Acknowledgements Section of the Report) for their help and diligence in both collecting and trying to understand these water-use data.

1. The average number of employees for the year was compared with the number of employees in any one month. Firms with any unusual deviations were checked visually for data entry errors and corrected.
2. Rows with zero water use or zero employees were eliminated.
3. Rows with coefficients of gallons per employee per day (GED) > 400,000 or < 5 were eliminated. A ceiling of 400,000 gallons was chosen because firms with higher GEDs did not exist in the literature or other surveys. The five-gallon minimum was selected based on the assumption that this is the minimum amount of water used for sanitary purposes for each employee.
4. All firms with GED coefficients greater than 10,000 were examined individually. Each firm's location, SIC code, and description were taken into consideration and if we had additional corroborating data from the firm's water supplier, then the water use was crosschecked. The following possibilities were examined: the data for the firm were erroneous and should be discarded; the firm's GED was representative of firms in that 3-digit SIC code and should be included in the sample; or the data could be correct, but the firm was not representative of the industry in general (in such cases, the firm was eliminated from the sample when computing the GED coefficient average but its water use was added to the industry total).

Table C-1
Water Use Coefficients by SIC Code, Industrial Sector

SIC	Description	Gallons per employee per day (GED)[1]
20	Food and kindred products	1,967
21	Tobacco manufactures	N/A
22	Textile mill products	1,530
23	Apparel and other textile products	37
24	Lumber and wood products	2,144
25	Furniture and fixtures	53
26	Paper and allied products	1,000
27	Printing and publishing	98
28	Chemicals and allied products	833
29	Petroleum and coal products	11,399
30	Rubber and misc. plastics products	120
31	Leather and leather products	32

32	Stone, clay, glass, and concrete prod.	1,304
33	Primary metal industries	1,318
34	Fabricated metal products	738
35	Industrial machinery and equipment	110
36	Electrical and electronic equipment	284
37	Transportation equipment	228
38	Instruments and related products	142
39	Misc. manufacturing industries	86

[1] Based on a 225-day year

Table C-2
Water Use Coefficients by SIC Code or Establishment Type in the Commercial Sector
gallons per employee per day (ged)

SIC	Description	Method A, Dziegielewski et al. 1990[1]	Davis et al. 1988[1]	Establishment Type[2]	Dziegielewski et al. 2000
41	Local and interurban passenger transit	32.6	42.2	O	221
42	Motor freight transportation and warehousing	470.9	137.2	O	221
43	U.S. Postal Service	8.3	8.3	O	221
44	Water transportation	993.6	573.9		
45	Transportation by air	326.7	278.4	O	221
46	Pipelines, except natural gas	0.0	0.0	O	221
47	Transportation services	105.0	64.6	O	221
48	Communications	79.3	76.7	O	221
49	Electric, gas, and sanitary services	52.4	82.7		
50	Wholesale trade--durable goods	32.3	47.0	W	
51	Wholesale trade--nondurable goods	389.5	140.6	W	
52	Building materials, hardware, garden supply, mobile	91.7	56.1	R	
53	General merchandise stores	57.6	75.9	R	
54	Food stores	213.0	158.8	S	284
55	Automotive dealers and gasoline service stations	101.6	79.3		
56	Apparel and accessory stores	87.6	109.8	R	
57	Furniture, home furnishings and equipment stores	128.8	67.6	R	
58	Eating and drinking places	331.3	253.4	R	
59	Miscellaneous retail	449.5	214.5	R	
60	Depository institutions	72.8	95.5	O	221

[1] Figures were converted into 225 days per year. Most of method 1 data came from Dziegielewski et al. (1990) with the exception of information on state and federal government employees.
[2] O=Office, E=School, R=Retail, W=Wholesale, M= Motel/Hotel, L=Laundromat, S = Supermarket, H= Hospital.

61	Nondepository credit institutions	169.0	253.7	O	221
62	Security, commodity brokers, and services	221.1	221.1	O	221
63	Insurance carriers	212.8	212.8	O	221
64	Insurance agents, brokers, and service	162.1	144.2	O	221
65	Real estate	987.9		O	221
66	Combined real estate and insurance			O	221
67	Holding and other investment offices			O	221
70	Hotels, rooming houses, camps, and other lodging	301.7	373.6	M	1083
72	Personal services	1,090.5	749.6	L	
73	Business services	161.7	93.9	O	221
74	Automotive repair, services, and parking	0.0	351.4		
75	Miscellaneous repair services	255.8	114.7		
78	Motion pictures	126.9	183.1		
79	Amusement and recreational services	732.8	692.9		
80	Health services	155.2	147.0	H	
81	Legal services	123.8	123.8	O	221
82	Educational services	236.5	187.9	E	553
83	Social services	341.2	172.6	O	221
84	Museums, art galleries, botanical & zoological garden	342.8	337.4		
86	Membership organizations	670.5	344.4		
87	Engineering and management services	0.0	141.3	O	221
88	Private households	0.0			
89	Miscellaneous services	178.1		O	221
90*	State govt. employees	171.5	171.5	O	221
91*	Federal govt. employees	171.5	171.5	O	221

Table C-3
Comparison of Estimated Statewide CII Water Use to Other Studies, 1995 (TAF)

Source	Commercial/ Institutional	Industrial	Total
Method A	2,002	675	2,677
Method B	2,203	763	2,966
DWR[1]	1,843	619	2,462
USGS[2]	1,544	919	2,463

[1] DWR 1994
[2] Solley et al. 1998

Note: We also compared our estimates to a statewide industrial use estimate from 1979 (CDWR 1982) and CII water use estimate for the South Coast region (MWD 2000) to resolve specific questions we had about our calculations.

Uncertainties Inherent in the Data

The full report extensively discusses uncertainties in the data, especially CII data. We add here some specific data issues related to the two approaches taken in this report.

Method A

Geographical Bias: Each industry's average GED was applied to all hydrologic regions in both the industrial and commercial sectors. This approach ironed out regional differences in industrial mix, price elasticity of demand, and aggressiveness of conservation programs, but it produces a lower degree of confidence in the regional estimates. This was particularly relevant in the commercial sector where the estimates are based on studies of the South Coast region, which we suspect to be more efficient than inland regions (see Section Four of the full report). Thus, there may be greater conservation potential than our results show.

GED Issues: The CDWR survey was biased toward more water-intensive facilities. Although this problem was corrected to some extent by estimating GEDs at the three-digit level, considerable variability was found within three-digit SIC codes in some cases. In the commercial sector, the sample sizes were fairly small and, therefore, the GED estimates have a higher degree of uncertainty than the industrial estimates. Moreover, the GED estimates were based on surveys collected in the late 1980s mostly from Southern California and may not accurately reflect the state average in 1995.

Method B

Sampling Issues. The sample used in Method B was small for several regions and may not have accurately represented a region's overall CII use per capita.

Self-Supplied Water: In the absence of survey data for the commercial sector, we applied the commercial estimate of self-supplied water recorded in the USGS report "Estimated Water Use in the United States in 1995" (Solley et al. 1998). Since we did not have access to other primary source data, we are less confident in our estimate of self-supplied water for the commercial sector.

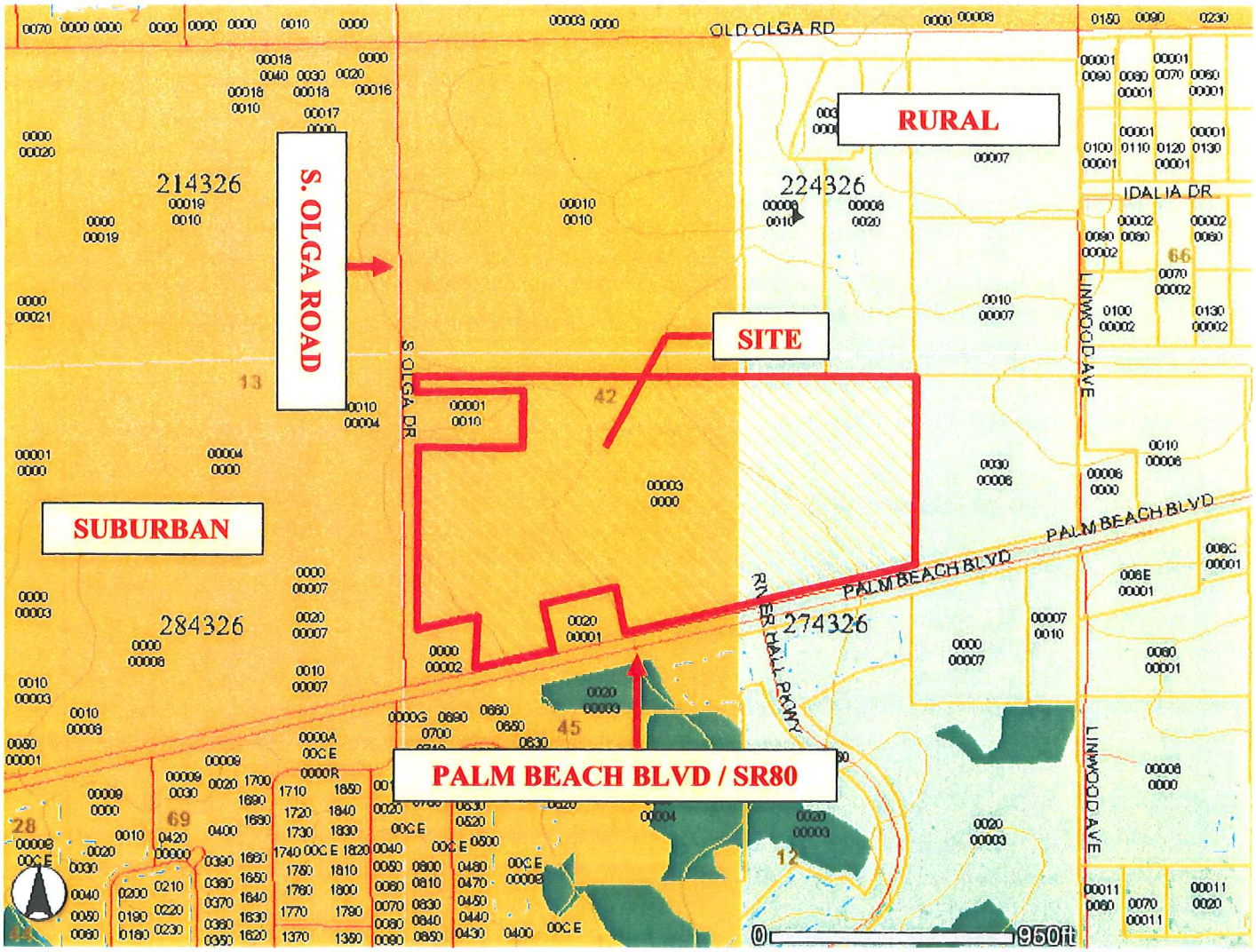
Extrapolation: We extrapolated agency data to the state level based on population served. Population may be a fairly accurate indicator of commercial water use, but we are less confident about how well it reflects industrial use since "population served" data are known to be less reliable.

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FLU Map

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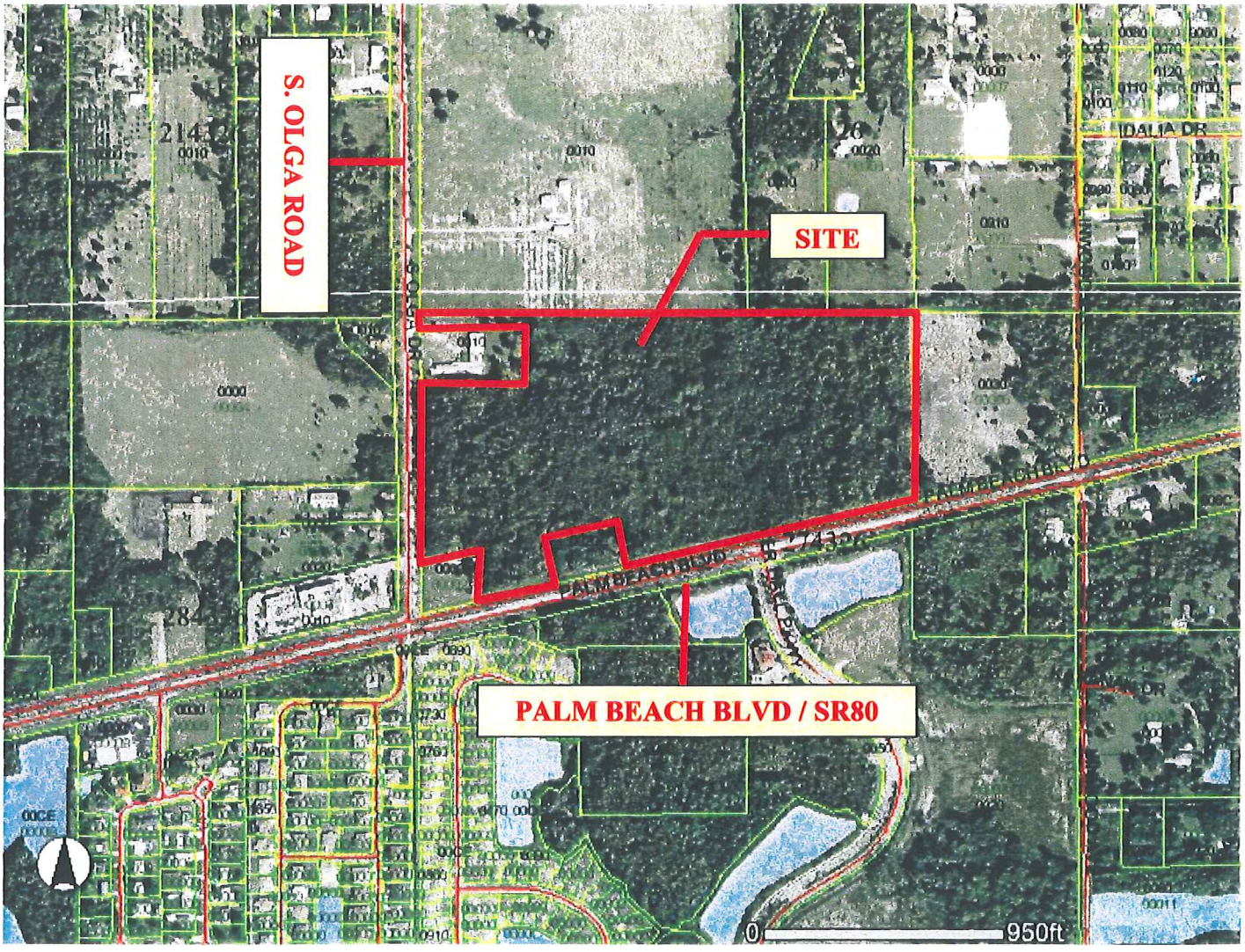
CPA2007-00050, R&D Cattle Property
August 12, 2008

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Existing Land Use Map

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Existing Land Use Narrative

Strap # 27-43-26-00-00003.0000

The subject property identified as 27-43-26-00-00003.0000 has an existing land use of vacant, agricultural. The surrounding properties to the north and east are predominately agricultural uses. The adjacent properties to the west are vacant residential, single family residential, a church and school are located adjacent to the northwest corner of the property fronting S. Olga Drive and a retail store is located at the southwest corner at the intersection of Palm Beach Boulevard and S. Olga Drive. There are two properties adjacent to the site located on the southern boundary on the north side of Palm Beach Blvd. The property located on the southwest corner is single family residential while the property located towards the middle is vacant commercial. On the south side of Palm Beach Blvd. we have the Hawks Haven and River Hall single family residential developments. The current uses of all properties described above will be consistent with the uses associated with the Outlying Suburban Land Use Category we are proposing.

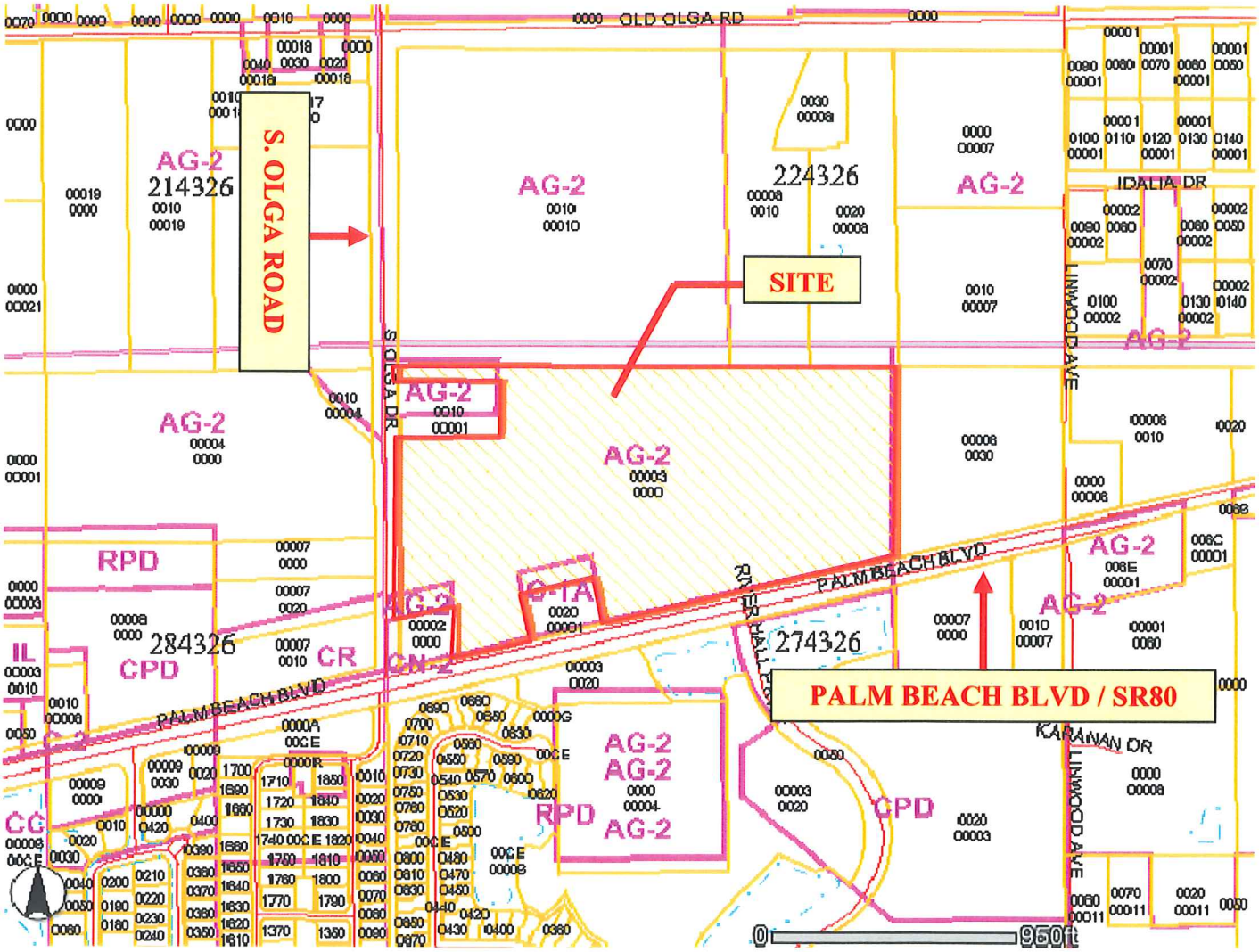
Our development will be an asset to this community conveniently providing much needed commercial and retail services to a growing area that currently lacks these resources.

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Zoning Map

Strap # 27-43-26-00-00003.0000



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Zoning Narrative

Strap # 27-43-26-00-00003.0000

The subject property described as Strap # 27-43-26-00-00003.0000 has a current zoning designation of AG-2 per the current Lee County Spatial District Query Report. The adjacent properties to the north and west of the site are zoned AG-2, to the south C1A, CN-2, AG-2, RPD and CPD and to the east the adjacent properties are zoned AG-2, CR.

18R/.70/19.20

27-43-26-00-00003.0000

RETURN TO COURTHOUSE BOX 4
This instrument Prepared by:
RICHARD W. WINESETT
Avery, Whigham & Winesett, P.A.
2248 FIRST STREET
FORT MYERS, FL 33901

INSTR # 6787671
OR BK 04706 Pgs 0849 - 850; (2pgs)
RECORDED 05/11/2005 04:16:01 PM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY, FLORIDA
RECORDING FEE 18.50
DEED DOC 0.70
DEPUTY CLERK T Kortright

RECEIVED
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CORRECTIVE DEED

THIS DEED made the 29th day of April, 2005, between **WILLIAM SCHULMAN, as Trustee,** herein called the grantor, to **R & D CATTLE COMPANY, LLC, a Florida limited liability company,** whose post office address is 4618 Sylvan Ramble Street, Tampa FL. 33609, hereinafter called the grantee.

WITNESSETH: That the grantor, for and in consideration of the sum of TEN AND 00/100 ($10.00) Dollars and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee all that certain land situate in Lee County, State of Florida, described as follows:

See Exhibit "A" attached hereto and incorporated herein by reference for the legal description of the property.

The above-described property is not the homestead of the grantor but in fact is vacant land.

This is a corrective deed executed to correct the legal description of the property in Deed recorded in O. R. Book 4369, Page 60, Lee County Public Records.

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

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

AND, the grantor hereby covenants with said grantees that the grantor warrants the title against all persons claiming by, through, or under grantor and will defend the same against the lawful claims of all such persons whomsoever.

IN WITNESS WHEREOF, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

Witness Signature
FRANK J. MASTERSON
Printed Name

Witness Signature
ANTOINE MAAIKI
Printed Name

WILLIAM SCHULMAN, as Trustee

FRANCINE M. PANTALEO
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN SUFFOLK COUNTY
REG. 01PA6045775
MY COMM. EXPIRES 7/31/06

4/29/05

STATE OF NEW YORK
COUNTY OF SUFFOLK

The foregoing instrument was acknowledged before me this 29th day of April, 2005, by **WILLIAM SCHULMAN, as Trustee,** who is [✓] personally known to me or who have produced [ ] _____ as identification.

I am a Notary Public in and for the State of New York and my commission expires on 7/31/06.

SEAL

NOTARY SIGNATURE

Francine M. Pantaleo
Printed Name

FRANCINE M. PANTALEO
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN SUFFOLK COUNTY
REG. 01PA6045775
MY COMM. EXPIRES 7/31/06

EXHIBIT "A"

Parcel One

The NW ¼ of the NW ¼ of Section 27, Township 43 South, Range 26 East, Lee County, Florida,

Less that portion thereof which is described as follows: Begin at the east line of the right-of-way of State Road (Old Olga Road) at the north line of Section 27, thence south along the east line of said right-of-way a distance of 50 feet for a point of beginning of the land herein described; thence south parallel with the east line of said right-of-way, 210 feet; thence east parallel with the north line of said Section, 420 feet; thence north parallel with the east line of said right-of-way, 210 feet; thence west to the point of beginning.

And less one parcel of one and one-quarter acres which is described as follows:

Beginning at the NE corner of the intersection of Route 80 and Old Olga Road (formerly Highway 31), thence run northerly along Old Olga Road (formerly Highway 31), 210 feet; thence easterly and parallel with the northerly line of Route 80, 240 feet; thence southerly and parallel to Old Olga Road (formerly Highway 31) to the northern boundary of Route 80; thence westerly along the northern boundary of Route 80 to the point or place of beginning;

And less, also, approximately one acre of land described as follows: Begin at the intersection of the east line of a drainage ditch and the north line of State Road 80 in the SW 1/4 of the NW '/4 of the NW 1/4 of said Section 27; thence run easterly along the said road 80 yards; thence north parallel to Old Olga Road (formerly Highway 31), 60 yards; thence west parallel to the north line of State Road 80, 80 yards; thence south along drainage ditch to point of beginning, less the right-of-way of State Road No. 80.

EXCEPTING from the parcel conveyed the right-of-way of State Road No. 80 and Old Olga Road (formerly Highway 31).

Parcel Two

That portion of the West ½ of the NE ¼ of the NW ¼ lying North of State Road 80 in Section 27, Township 43 South, Range 26 East, Lee County, Florida.

This Instrument Prepared by and Return to:

RICHARD W. WINESETT
AVERY, WHIGHAM & WINESETT, P.A.
2248 FIRST STREET
FORT MYERS, FLORIDA 33901

INSTR # 6349770
OR BK 04359 Pgs 0060 - 61; (2pgs)
RECORDED 07/08/2004 04:07:18 PM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY, FLORIDA
DEED DOC 8,750.00
DEPUTY CLERK J Miller

Property Appraisers Parcel Identification (Folio) Numbers:
27-43-26-00-00003.0000

Grantee SS #:

SPACE ABOVE THIS LINE FOR RECORDING DATA

THIS WARRANTY DEED, made the **15th** day of **April, A.D. 2004** by **WILLIAM SCHULMAN, as Trustee** herein called the grantor, whose post office address is **149 Edwards Ave., Calverton, NY 11933**, to **R & D CATTLE COMPANY, LLC, a Florida Limited Liability Co.** whose post office address is **4618 W. Sylvan Ramble St., Tampa, FL 33609**, hereinafter called the Grantee:

(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

W I T N E S S E T H: That the grantor, for and in consideration of the sum of TEN AND 00/100'S ($10.00) Dollars and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee all that certain land situate in LEE County, State of Florida, viz:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

THE PROPERTY CONVEYED HEREIN IS NOT THE HOMESTEAD OF THE GRANTOR NOR IS IT CONTIGUOUS TO SAME, BUT IN FACT GRANTOR IS A PERMANENT RESIDENT OF THE STATE OF NEW YORK.

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

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

AND, the grantor hereby covenants with said grantee that the grantor is/are lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land, and hereby warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2003.

IN WITNESS WHEREOF, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

Signature
James YORK
Printed Signature
Robert Dart
Signature
Robert DART
Printed Signature

William Schulman TRUSTEE L.S.
WILLIAM SCHULMAN, TRUSTEE

STATE OF NEW YORK
COUNTY OF Suffolk

The foregoing instrument was acknowledged before me this 29th day of June, 2004 by WILLIAM SCHULMAN, who is/are [] personally known to me or has produced [] driver license(s) or [] FLORIDA STATE D/L as identification.

SEAL

Notary Signature
Printed Notary Signature
My Commission Expires:

RICHARD T. RITCHIE
NOTARY PUBLIC, State of New York
No. 41-4997412
Qualified in Suffolk County
Commission Expires March 30, 20[illegible]

EXHIBIT "A"

The NW ¼ of the NW ¼ of Section 27, Township 43 South, Range 26 East, Lee County, Florida,

Less that portion thereof which is described as follows: Begin at the east line of the right-of-way of State Road (Old Olga Road) at the north line of Section 27, thence south along the east line of said right-of-way a distance of 50 feet for a point of beginning of the land herein described; thence south parallel with the east line of said right-of-way, 210 feet; thence east parallel with the north line of said Section, 420 feet; thence north parallel with the east line of said right-of-way, 210 feet; thence west to the point of beginning.

And less one parcel of one and one-quarter acres which is described as follows: Beginning at the NE corner of the intersection of Route 80 and Old Olga Road (formerly Highway 31), thence run northerly along Old Olga Road (formerly Highway 31), 210 feet; thence easterly and parallel with the northerly line of Route 80, 240 feet; thence southerly and parallel to Old Olga Road (formerly Highway 31) to the northern boundary of Route 80; thence westerly along the northern boundary of Route 80 to the point or place of beginning;

And less, also, approximately one acre of land described as follows: Begin at the intersection of the east line of a drainage ditch and the north line of State Road 80 in the SW ¼ of the NW ¼ of the NW ¼ of said Section 27; thence run easterly along the said road 80 yards; thence north parallel to Old Olga Road (formerly Highway 31), 60 yards; thence west parallel to the north line of State Road 80, 80 yards; thence south along drainage ditch to point of beginning, less the right-of-way of State Road No. 80.

EXCEPTING from the parcel conveyed the right-of-way of State Road No. 80 and Old Olga Road (formerly Highway 31).

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LETTER OF AUTHORIZATION

TO WHOM IT MAY CONCERN:

PLEASE BE ADVISED THAT I (WE) AM (ARE) THE FEE SIMPLE PROPERTY OWNER(S) OF THE PROPERTY DESCRIBED BELOW AND THAT MORRIS-DEPEW ASSOCIATES, INC. HAS BEEN AUTHORIZED TO REPRESENT ME (US) FOR THE BELOW REFERENCED PARCEL(S) IN ALL MATTERS PERTAINING TO REZONING OR DEVELOPMENT PERMITS. THIS AUTHORITY TO REPRESENT MY (OUR) INTEREST INCLUDES ANY AND ALL DOCUMENTS REQUIRED BY THE REZONING, PLANNING OR PERMITTING REQUESTS SUBMITTED ON MY (OUR) BEHALF BY MORRIS-DEPEW ASSOCIATES, INC.

STRAP NUMBER OR LEGAL DESCRIPTION:

STRAP# : 27-43-26-00-00003.

Kenneth Ralph Bond

OWNER NAME

SIGNATURE

STATE OF FL

COUNTY OF Lee

The foregoing instrument was acknowledged before me this 13th day of August, 2008, by Kenneth Ralph Bond, who is personally known to me or has produced FL. Drivers License as identification and did not take an oath.

My Commission Expires:

Sheila M Holland

Notary Public

SHEILA M. HOLLAND
MY COMMISSION # DD710278
EXPIRES September 07, 2011
(Seal)
(407) 398-0153 FloridaNotaryService.com

Sheila M. Holland

Notary Printed Name

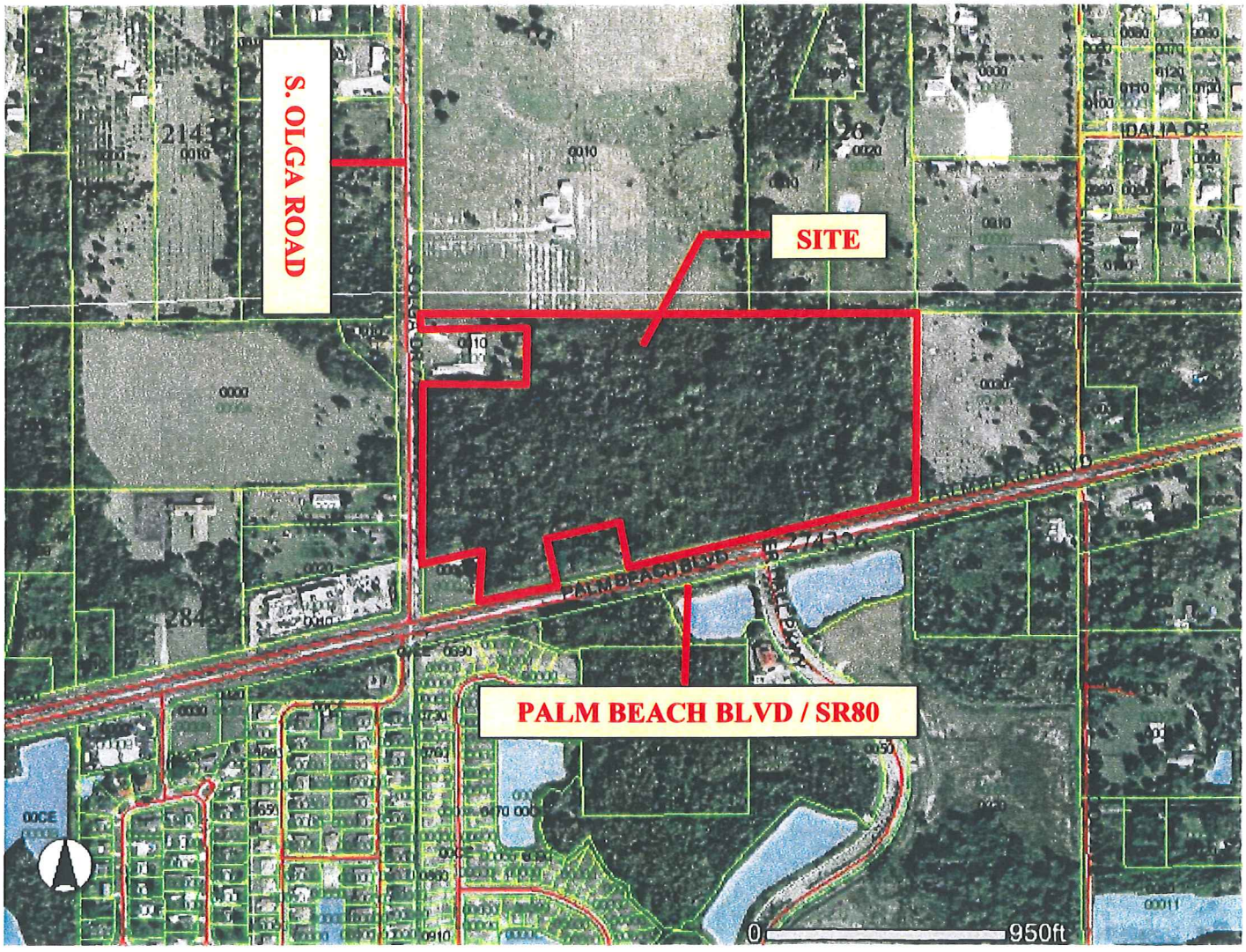
2914 Cleveland Avenue, Fort Myers, Florida 33901 Telephone: (239) 337-3993 Fax: (239) 337-3994
820 East Park Avenue, Bldg. H, Tallahassee, Florida 32301 Telephone: (850) 224-6688 Fax: (850) 224-6689
408 West University Avenue, Suite PH, Gainesville, Florida 32601 Telephone: (352) 378-3450 Fax: (352) 379-0385
Toll Free: (866) 337-7341

MORRIS DEPEW
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Aerial Map

Strap # 27-43-26-00-00003.0000



CPA2007-00050, R&D Cattle Property
August 12, 2008

jmb transportation engineering, inc.
traffic/transportation engineering & planning

TRANSPORTATION RESPONSE

FOR

R & D CATTLE COMPANY PROPERTY COMPREHENSIVE PLAN AMENDMENT

(Project No. 080715)
August 14, 2008

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Prepared By:

JMB TRANSPORTATION ENGINEERING, INC.
761 21ST Street NW
Naples, Florida 34120
239-919-2767

James M. Banks, P.E.
Reg. No. 43860

8/14/08
Date

TABLE OF CONTENTS

PURPOSE OF REPORT	**2**
SCOPE OF PROJECT	**2**
PROJECT GENERATED TRAFFIC	**2**
TRANSPORTATION CRITERIA & APPLICANT'S RESPONSE	**3**
APPENDIX	**6**

PURPOSE OF REPORT

The following Report has been prepared pursuant to the criteria set forth by the Lee County Government's Comprehensive Plan Amendment Application. This Report provides a response to Section B. Public Facilities Impacts, 1. Traffic Circulation Analysis of the Comprehensive Plan Amendment Application.

SCOPE OF PROJECT

The R & D Cattle Property has a developable land area of approximately 32 acres. The subject property is located at the northeast corner of South Olga Drive @ State Road 80, within Lee County, Florida (refer to Figure 1-Project Location Map).

The Applicant is requesting approval for a change in its permitted land use in order to construct 270,000 square feet of commercial retail space and 75,250 square feet of commercial office space. Vehicular ingress/egress will be provided via a full access onto State Road 80. This access will be aligned with the existing River Hall Parkway @ State Road 80 intersection. The project's access will create the north leg of the intersection.

PROJECT GENERATED TRAFFIC

Traffic which can be expected to be generated by the project has been estimated based upon the guidelines established by the Institute of Transportation Engineers, Trip Generation Manual, 7th Edition. That is, historical traffic data collected at similar land uses was relied upon in estimating the project's traffic. In referencing the historical data provided by the Trip Generation Manual, it was concluded that Land Use Codes "Shopping Center" (LUC 820) and "Office Park" (LUC 750) were most appropriate in estimating the project traffic. Table 1B provides a detail of the computations that were performed in determining the commercial retail trip generations. As shown, the retail trip generations were adjusted to reflect pass-by captured trips. Table 1C details the trip generation computations for the commercial office space. Table 1A provides a summary of the total retail plus office trip generations for the AM and PM peak hours of the adjacent street, as well as, total daily periods. The following provides a summary of the project's net new external trips.

Land Use	Build-out	New Trips Daily (ADT)	New Trips AM Peak (VPH)	New Trips PM Peak (VPH)
LUC 820	270,000 S.F.	9,196 ADT	202 VPH	856 VPH
LUC 750	75,250 S.F.	859 ADT	171 VPH	113 VPH
Totals		**10,055 ADT**	**373 VPH**	**969 VPH**

TRANSPORTATION CRITERIA & APPLICANT'S RESPONSE

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). 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;

      Response: *The Applicant and Lee County Planning Division have completed this task.*

   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.);

      Response: *A modification to the socio-economic data forecasts for the host zone was warranted. Lee County Government will perform the modification to the socio-economic data forecasts for the host zone.*

   c. If no modification of the forecasts is required, then no further analysis for the long range horizon is necessary. If modification is required, make the change and provide to Planning Division staff, for forwarding to DOT staff;

      Response: *The information has been provided to LDOT staff.*

   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;

      Response: *The Applicant is awaiting results from LDOT.*

   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;

Response: *The Applicant is awaiting results from LDOT.*

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.

Response: *The proposal will not affect the adopted Financially Feasible Plan and/or the Official Trafficways Map. As such, there are no accommodations that are indicated on the site plan.*

Traffic Circulation Analysis

Short Range – 5-year CIP horizon:

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

Response*: Figure 1 depicts the project's surrounding roadway conditions. Table 2A provides a detail of the roadways' laneage, functional classification and LOS standard. Figure 3 and Table 2C detail the roadways' current LOS.*

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);

Response: *Figure 3 provides a detail of the E + C road network based upon Lee County's adopted 5-Year C.I.P. As shown, the only committed improvement within the 3-mile study area is the four-laning of Buckingham Road.*

The project's traffic was distributed to the surrounding roadway network based upon logical means of ingress/egress; current and future traffic patterns in the area; demographics; business opportunities and competing markets; as well as, growth trends for the surrounding areas. Figure 2 provides a detail of the project traffic distribution based upon a percentage basis. Table 2A details the total project traffic distribution by percentage and peak hour peak direction basis for all roadway links within the 3-mile study area.

Lee County DOT will provide the projected 2020 LOS results.

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;

Response: *In order to establish the 5-year horizon traffic conditions, traffic count data was adjusted for peak season conditions, peak hour conditions, peak direction, and an annual growth rate was then applied. The peak season/peak hour/peak direction factor as shown on Table 2B was derived from the 2007 Lee County Traffic Count Report. The annual growth rate was derived from historical traffic counts also described in the Traffic Count Report. After the correct adjustments were computed, the project generated traffic was then added to the 2013 Background Traffic.*

Figure 2 provides a detail of the project traffic distribution based upon a percentage basis. Table 2A details the total project traffic distribution by percentage and peak hour peak direction basis for all roadway links within the 3-mile study area. Figure 3 and Table 2C provide a detail of the 2009 traffic conditions, 2013 background traffic conditions and 2013 background traffic plus project traffic conditions. The LOS operation has also been provided by Figure 3 and Table 2C.

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

Response: *There are no additional improvements needed on the network beyond those programmed in the 5-year horizon due to the development of the proposal. The only 5-year transportation deficiency identified will be State Road 80 (west of Buckingham Road), which will occur regardless of the proposal. It should be noted that this segment of State Road 80 is part of the Florida Department of Transportation's Strategic Intermodal System (SIS). The segment of road has an assigned minimum level of service standard of LOS D. It was determined that State Road 80 (west of Buckingham Road) will not maintain LOS D operation during the 5-year horizon, but it will not operate at LOS F.*

APPENDIX

TABLES 1A thru 2C

FIGURES 1 thru 3

MISC. SUPPORT DOCUMENTATION

TABLE 1A
R & D Property Comprehensive Plan Amendment
Trip Generation Summary

TOTAL NEW EXTERNAL PROJECT GENERATED TRIP ENDS

Retail "+" Office Trip Generations

(Refer to Tables 1B and 1C for Trip Generation Computations)

NEW DAILY TRAFFIC (ADT)		
Daily Traffic =	(9,196 + 859) =	**10,055 ADT**
NEW AM PEAK HOUR TRAFFIC (VPH)		
AM Peak Hour =	(202)+(171) =	**373 vph**
Enter/Exit =	(123)+(152)/(79)+(19)	275/98 vph
NEW PM PEAK HOUR TRAFFIC (VPH)		
PM Peak Hour =	(856) + (113)	**969 vph**
Enter/Exit =	(411)+(16)/(445)+(97)	427/542 vph

TABLE 1B
R & D Property Comprehensive Plan Amendment
Commercial Retail Trip Generation Computations

Land Use Code	**Land Use Code Description**	**Build-out Schedule**
LUC 820	Shopping Center	270,000 Square Feet

****

Unadjusted Trip Generations

DAILY TRAFFIC (ADT)
Daily Traffic = Ln(T)=0.65Ln(X)+5.83 = 0.65Ln(270) + 5.83= **12,952 ADT**

AM PEAK HOUR TRAFFIC (VPH)
AM Peak Hour = Ln(T) = 0.60Ln(X)+2.29 = 0.60Ln(270)+2.29 = **284 vph**
61%Enter/39%Exit = 173/111 vph

PM PEAK HOUR TRAFFIC (VPH)
PM Peak Hour = Ln(T) = 0.66Ln(X) + 3.4 = 0.66Ln(270) + 3.4 = **1,206 vph**
48%Enter/52%Exit = 579/627 vph

****

Adjusted for Pass-by Capture

PASS-BY ADJUSTMENT
Pass By Percentage = Ln(T) = -0.29 Ln(270) + 5.00 = 29 %

NEW DAILY TRAFFIC (ADT)
Daily Traffic = (12,952 ADT) * 71% = **9,196 ADT**

NEW AM PEAK HOUR TRAFFIC (VPH)
AM Peak Hour = (284 vph) * 71% = **202 vph**
61%Enter/39%Exit = 123/79 vph

NEW PM PEAK HOUR TRAFFIC (VPH)
PM Peak Hour = (1,206 vph) * 71% = **856 vph**
48%Enter/52%Exit = 411/445 vph

TABLE 1C
R & D Property Comprehensive Plan Amendment
Commercial Office Trip Generation Computations

Land Use Code	**Land Use Code Description**	**Build-out Schedule**
LUC 750	Office Park	75,250 Square Feet

DAILY TRAFFIC (ADT)
LUC 750
Daily Traffic = T = 11.42(X)= 11.42(75.25) = **859 ADT**

AM PEAK HOUR TRAFFIC (VPH)
LUC 750
AM Peak Hour = Ln(T) = 0.84Ln(X) + 1.51 = 0.84Ln(75.25) + 1.51 = **171 vph**
89%Enter/11%Exit = **152/19 vph**

PM PEAK HOUR TRAFFIC (VPH)
LUC 750
PM Peak Hour = T = 1.5(X) = 1.5(75.25) = **113 vph**
14%Enter/86%Exit = **16/97 vph**

TABLE 2A
PROJECT'S AREA OF IMPACT

Project Traffic Peak Direction (vph) = **542**

		Road Class	Service Volume LOS Standard	LOS Service PK Direction Volume (vph)	Project Traffic % Distribution	Project Traffic PK Direction Volume (vph)	Percentage Impact
Buckingham Road	S. of State Road 80	2LN	E	1010	15%	81	8.05%
State Road 80	W. of Buckingham Road	4LD	D	2050	45%	244	11.90%
	Buckingham Rd to Werner	4LD	D	2050	60%	325	15.86%
	Werner Rd to Joel Blvd	4LD	C	2130	20%	108	5.09%

A-4

TABLE 2B
ROADWAY LINK VOLUME/CAPACITY ANALYSIS

		K100 Factor	Directional Factor			
P.C.S. 3		0.095	58%			
P.C.S. 4				P.C.S. 50	0.095	60%
P.C.S. 5						
P.C.S. 11		0.104	52%			

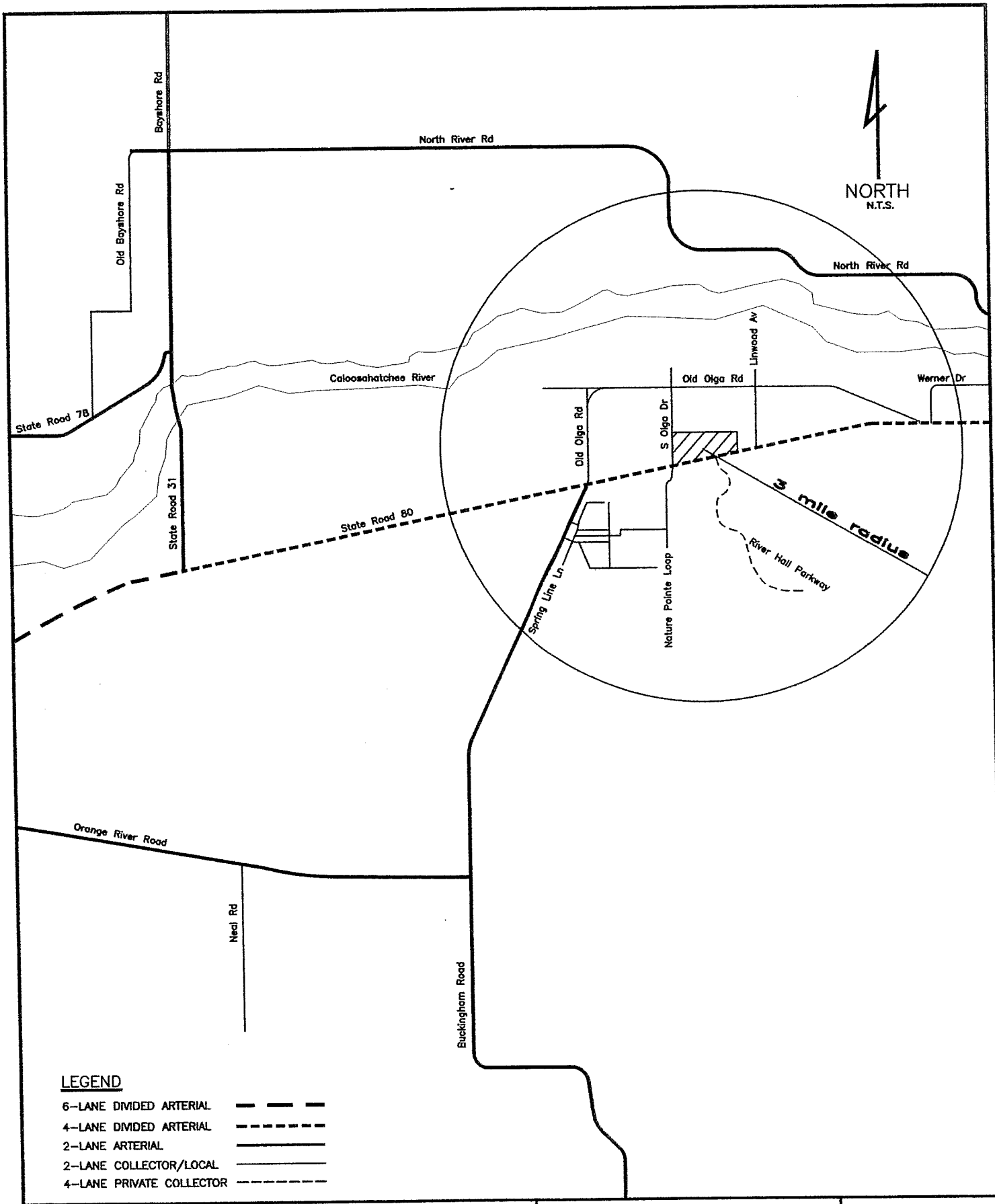
		Station Adjustment	1st Year Traffic Count (ADT)	2007 Traffic Count (ADT)	Years of Growth	Growth Rate	K100 Factor	Directional Factor	2007 Peak Hour PK Direction (VPH)	2009 Peak Hour PK Direction (VPH)	2013 Peak Hour PK Direction (VPH)
Buckingham Road	S. of State Road 80	11	5300	9600	9	6.82%	0.104	52%	519	592	771
State Road 80	W. of Buckingham Road	11	24700	34400	9	3.75%	0.104	52%	1750	1884	2182
	Buckingham Rd to Werner	11	14200	22900	9	5.45%	0.104	52%	1238	1377	1703
	Werner Rd to Joel Blvd	11	14200	22900	9	5.45%	0.104	52%	1238	1377	1703

A-1
57

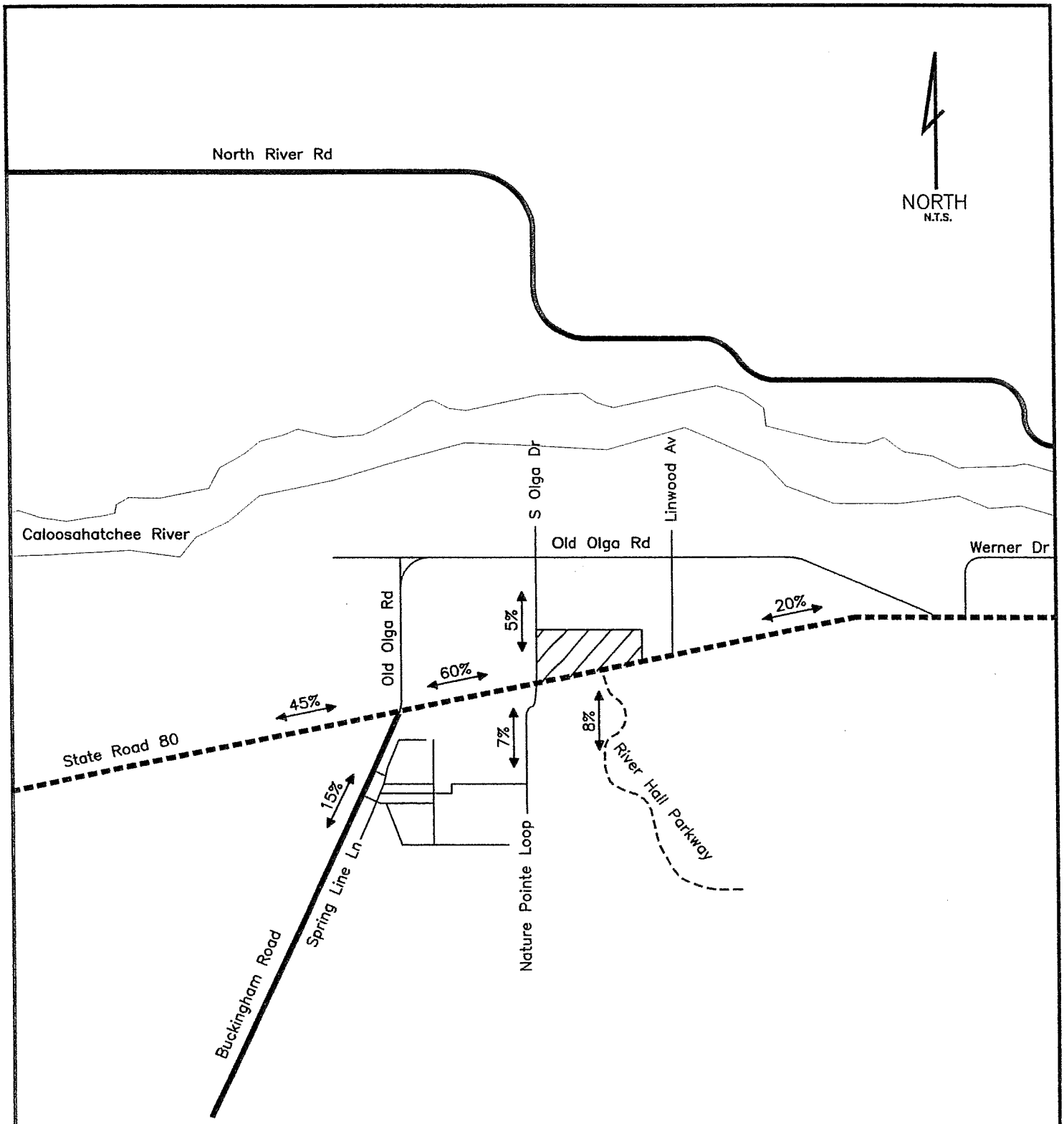
TABLE 2C
ROADWAY LINK VOLUME/CAPACITY ANALYSIS

		2009 Peak Hour PK Direction (VPH)	2009 Peak Hour PK Direction LOS	2013 Peak Hour PK Direction Background (VPH)	2013 Peak Hour PK Direction Background LOS	Project Peak Hour PK Direction (VPH)	2013 Build-Out Peak Hour PK Direction (VPH)	Service Vol. Peak Hour PK Direction (VPH)	v/c Ratio	2013 Build-Out Peak Hour PK Direction LOS
Buckingham Road	S. of State Road 80	592	B	771	B	81	853	1950	0.44	B
State Road 80	W. of Buckingham Road	1884	D	2182	E	244	2426	2050	1.18	E
	Buckingham Rd to Werner	1377	D	1703	D	325	2028	2050	0.99	D
	Werner Rd to Joel Blvd	1377	C	1703	C	108	1811	2130	0.85	C

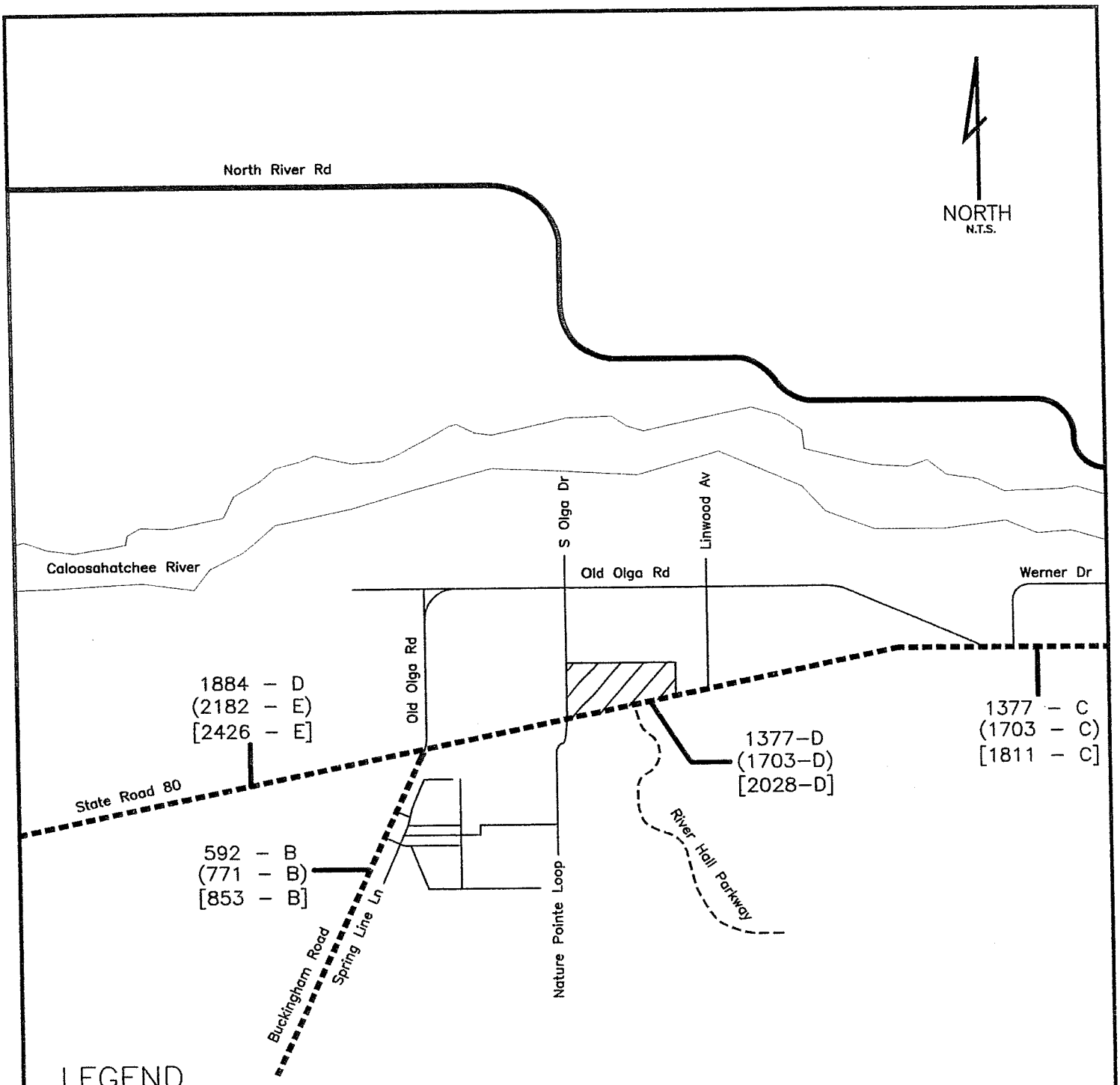
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R & D PROPERTY COMPREHENSIVE PLAN AMENDMENT AUGUST 11, 2008	PROJECT LOCATION & EXISTING ROADWAY CLASSIFICATION	FIGURE 1



R & D PROPERTY COMPREHENSIVE PLAN AMENDMENT AUGUST 11, 2008	PROJECT-GENERATED TRAFFIC DISTRIBUTION	FIGURE 2



LEGEND

000 – C 2009 PK HR/PK DIRECTION TRAFFIC – LEVEL OF SERVICE
(000 – C) 2013 BACKGROUND PK HR/PK DIRECTION TRAFFIC – LEVEL OF SERVICE
[000 – C] 2013 BACKGROUND + PROJECT PK HR/PK DIRECTION TRAFFIC – LEVEL OF SERVICE

- 6–LANE DIVIDED ARTERIAL
- 4–LANE DIVIDED ARTERIAL
- 2–LANE ARTERIAL
- 2–LANE COLLECTOR/LOCAL
- 4–LANE PRIVATE COLLECTOR

R & D PROPERTY COMPREHENSIVE PLAN AMENDMENT AUGUST 11, 2008	E + C ROADWAYS & LOS DESIGNATION FOR 5–YEAR HORIZON	FIGURE 3

ROADWAY LINK NAME	FROM	TO	ROAD TYPE	PERFORMANCE STANDARD		2006 100th HIGHEST HR		EST 2007 100th HIGHEST HR		FORECAST FUTURE VOL		NOTES*	LINK NO.
				LOS	CAPACITY	LOS	VOLUME	LOS	VOLUME	LOS	VOLUME		
BONITA BEACH RD	OLD 41	IMPERIAL ST	4LD	E	1,870	C	1,420	D	1,459	D	1,468	6 Ln under design, construction proposed in 2009/10	02700
BONITA BEACH RD	IMPERIAL ST	I-75	6LD	E	2,800	C	1,432	C	1,433	C	1,539		02800
BONITA BEACH RD	I-75	BONITA GRANDE DR	4LD	E	1,920	B	858	B	925	C	1,581		02900
BONITA GRANDE DR	COLLIER COUNTY LINE	BONITA BEACH RD	2LU	E	860	C	153	C	154	C	208		03000
BONITA GRANDE DR	BONITA BEACH RD	EAST TERRY ST	2LU	E	860	D	432	D	434	D	472		03100
BOY SCOUT DR	SUMMERLIN RD	US 41	6LD	E	2,710	D	1,357	D	1,363	D	1,366		03200
BRANTLEY RD	SUMMERLIN RD	US 41	2LU	E	860	C	193	C	245	C	310		03300
BRIARCLIFF DR	US 41	TRIPLE CROWN CT	2LU	E	860	C	297	C	304	C	316		03400
BROADWAY (ALVA)	PALM BEACH BL (SR 80)	NORTH RIVER RD	2LU	E	860	C	299	C	299	C	299		03500
BROADWAY (ESTERO)	LOGAN AVE	US 41	2LU	E	860	C	155	C	173	C	227		03600
BUCKINGHAM RD	IMMOKALEE RD (SR 82)	GUNNERY RD	2LU	E	1,010	D	381	D	459	D	490		03700
BUCKINGHAM RD	GUNNERY RD	ORANGE RIVER BL	2LU	E	1,010	D	381	D	381	D	381		03730
BUCKINGHAM RD	ORANGE RIVER BL	PALM BEACH BL (SR 80)	2LU	E	1,010	D	546	D	556	E	797	4 Ln proposed for construction in 2011/12	03800
BURNT STORE RD	PINE ISLAND RD (SR 78)	DIPLOMAT PKWY	2LU	E	1,010	D	591	D	591	D	617	4Ln under design, ROW scheduled 2008-2012	03900
BURNT STORE RD	DIPLOMAT PKWY	CHARLOTTE COUNTY LINE	2LU	E	1,010	C	316	C	319	D	412		04000
BUS 41 (SR 739)	SR 80	FT MYERS CITY LIMIT	6LD	E	4,170	C	2,300	C	2,300	C	2,300		04100
BUS 41 (SR 739)	FORT MYERS CITY LIMIT	PONDELLA RD	6LD	E	3,090	D	2,533	D	2,534	D	2,534		04200
BUS 41 (SR 739)	PONDELLA RD	PINE ISLAND RD	6LD	E	3,090	C	1,892	C	1,892	C	1,892		04300
BUS 41 (SR 739)	PINE ISLAND RD	LITTLETON RD	4LD	E	1,950	B	1,322	B	1,329	B	1,380	4 Ln under construction	04400
BUS 41 (SR 739)	LITTLETON RD	US 41	2LU	E	910	B	563	B	563	B	563	4 Ln Design funded in 2006/07 by County	04500
CAPE CORAL BR RD	DEL PRADO BL	McGREGOR BL	4L	E	2,120		2,345		2,345		2,345	Intersection improvement at Del Prado in 2008, possible 1-way tolling	04600
CAPTIVA RD	BLIND PASS	SOUTH SEAS PLANTATION	2LU	E	860	C	337	C	351	C	351	Constrained v/c = 0.39	04700
CEMETERY RD	BUCKINGHAM RD	HIGGINS AVE	2LU	E	860	C	268	C	335	C	335		04800
CHAMBERLIN PKWY	AIRPORT ENT	DANIELS PKWY	4LD	E	1,950	A	177	A	177	A	177	Port Authority maintained	04900
COCONUT RD	SPRING CREEK RD	US 41	2LN	E	860	C	265	C	272	C	339		05000
COCONUT RD	US 41	THREE OAKS PKWY	4LD	E	1,800	C	667	C	667	C	667	Privately maintained	05030
COLLEGE PKWY	McGREGOR BL	WINKLER RD	6LD	E	3,060	C	2,007	C	2,051	C	2,051		05100

ROADWAY LINK NAME	FROM	TO	ROAD TYPE	PERFORMANCE STANDARD		2006 100th HIGHEST HR		EST 2007 100th HIGHEST HR		FORECAST FUTURE VOL		NOTES*	LINK NO.
				LOS	CAPACITY	LOS	VOLUME	LOS	VOLUME	LOS	VOLUME		
PALM BEACH BL (SR 80)	I-75	SR 31	6LD	D	3,080	A	1,453	A	1,579	A	1,861		20100
PALM BEACH BL (SR 80)	SR 31	BUCKINGHAM RD	4LD	D	2,050	B	1,700	B	1,750	B	1,841		20200
PALM BEACH BL (SR 80)	BUCKINGHAM RD	WERNER DR	4LD	D	2,050	A	1,241	A	1,271	F	2,141		20300
PALM BEACH BL (SR 80)	WERNER DR	JOEL BL	4LD	C	2,130	A	845	A	849	A	849		20330
PALM BEACH BL (SR 80)	JOEL BLVD	HENDRY COUNTY LINE	4LD	C	2,130	A	845	A	854	B	990		20400
PALOMINO RD	DANIELS PKWY	PENZANCE BL	2LU	E	860	C	199	C	200	C	220		20500
PARK MEADOW DR	SUMMERLIN RD	US 41	2LU	E	860	C	143	C	144	C	151		20600
PENNSYLVANIA AVE	ARROYAL ST	OLD 41	2LU	E	860	C	237	C	248	C	251		20700
PENZANCE BL	RANCHETTE RD	SIX MILE CYPRESS PKWY	2LU	E	860	C	126	C	129	C	193		20800
PINE ISLAND RD	STRINGFELLOW BL	BURNT STORE RD	2LN	E	1,010	E	590	E	591	E	598	Constrained in part v/c = 0.59	20900
PINE ISLAND RD (SR 78)	BURNT STORE RD	CHIQUITA BL	2LN	C	940	B	682	B	702	B	722		21000
PINE ISLAND RD (SR 78)	CHIQUITA BL	SANTA BARBARA BL	4LD	C	1,900	B	1,180	B	1,180	B	1,180		21100
PINE ISLAND RD (SR 78)	SANTA BARBARA BL	DEL PRADO BL	4LD	C	2,010	C	1,912	C	1,917	C	1,926		21200
PINE ISLAND RD (SR 78)	DEL PRADO BL	BARRETT RD	4LD	E	2,100	B	1,136	B	1,137	B	1,137		21300
PINE ISLAND RD (SR 78)	BARRETT RD	US 41	4LD	E	2,100	B	1,061	B	1,077	B	1,077		21400
PINE ISLAND RD (SR 78)	US 41	BUSINESS 41	4LD	E	1,990	D	1,487	D	1,500	D	1,500		21500
PINE RIDGE RD	SAN CARLOS BL	SUMMERLIN RD	2LU	E	860	D	473	D	473	D	533		21600
PINE RIDGE RD	SUMMERLIN RD	GLADIOLUS BL	2LU	E	860	C	252	C	282	C	300		21700
PINE RIDGE RD	GLADIOLUS DR	McGREGOR BL	2LU	E	860	C	284	C	284	C	284		21800
PLANTATION RD	SIX MILE CYPRESS PKWY	DANIELS PKWY	2LU	E	860	D	613	D	645	F	1,061	4 Ln construction scheduled in 2010/11	21900
PLANTATION RD	DANIELS PKWY	IDLEWILD ST	2LU	E	860	C	155	C	188	C	222		22000
PONDELLA RD	PINE ISLAND RD (SR 78)	ORANGE GROVE BL	4LD	E	2,010	C	776	C	776	C	778		22100
PONDELLA RD	ORANGE GROVE BL	US 41	4LD	E	2,010	C	1,216	C	1,217	C	1,217		22200
PONDELLA RD	US 41	BUSINESS 41	4LD	E	2,010	C	996	C	997	C	997	Hancock Br Pkwy Ext corridor study proposed in 2007/08	22300
PRICHETT PKWY	BAYSHORE RD	RICH RD	2LU	E	860	B	103	B	103	B	103		22400
RANCHETTE RD	PENZANCE BL	IDLEWILD ST	2LU	E	860	B	73	B	73	B	73		22500
RICH RD	SLATER RD	PRITCHETT PKWY	2LU	E	860	B	81	B	81	B	81		22600
RICHMOND AVE	LEELAND HEIGHTS BL	E 12th ST	2LU	E	860	B	89	C	150	C	169		22700
RICHMOND AVE	E 12th ST	GREENBRIAR BL	2LU	E	860	B	61	B	107	B	107		22800

PERIODIC COUNT STATION DATA

STREET	LOCATION	Station #	MAP	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	NOTE	PERM-ANENT STATION
BONITA BEACH RD	E OF VANDERBILT RD	7	H	21500	24700	25300	26400	25800	25600	23900		U/C	U/C		
	E OF ARROYAL RD	221	H	20700	22000	24200	23700	24700	23600	27000	25200	25600	26300		16
	E OF OLD 41 RD	226	H	19700	25500	26000	24100	28800	26400	30900	28000	31100	33300		16
	W OF I-75	42	H	21400	24300	26900	26800	27400	28700	29100		29300	29000		
	E OF I - 75	235	H	9300	9700	10200	9900	11600	12400	15300	16500	18800	16300		16
BONITA GRANDE DR	S OF BONITA BEACH RD	493	H	2700	3100	3400	3400	3000	3000	3400	3500	2900	3600		16
	N OF BONITA BEACH RD	519	H		2100	2000	3900	5800	5400	7400	7100	8200	6800		16
BOY SCOUT DR	W OF US 41	229	B	23100	23300	23700	23200	23300	23400	28500	28000	27400	27400		35
BRAMAN AVE	W OF US 41	616	B			800	900	800	900	1000		800	1100		28
BRANTLEY RD	W OF US 41	230	B	3600	4000	3900	4100	3900	3800	4100	3500	3900	3400		35
BRIARCLIFF RD	E OF US 41	460	G	5000	4100	4200	4600	5100	5100	6400	5900	5500	5600		25
BROADWAY (ESTERO)	W OF US 41	463	H	3100	2200	2500	2700	3200	2600	3700	3400	3500	3600		25
BROADWAY AVE	S OF M.L.K. BLVD (SR 82)	600	A			3300	3600	3700	3600	4100	2600	3700	3700		28
	N OF SOLOMON AVE	601	B			6800	5600	8000	6700	8000	7700	8300	7700		28
BROADWAY RD	S OF ALVA BRIDGE	231	H	3600	5000	4800	4500	5200	5300	5700	5200	5800	4900		11
BUCKINGHAM RD	S OF PALM BEACH BLVD	11	D	5300	5700	5900	6200	6900	7300	8000	8700	9900	9600		
	E OF ALVIN AVE	232	E	3200	3000	3000	2800	3300	3600	4500	5200	7400	7600		11
BURNT STORE RD	N OF PINE ISLAND RD	233	I	3800	3700	4100	4300	5600	7600	11600	11800	12200	11800		12
	S OF CHARLOTTE CO. LINE	12	I	2900	3200	3300	3400	3800	4300	4600	5900	6100	5800		
BUSINESS 41	N OF EDISON BRIDGE	41	C	27700	29000	28300	27700	28700	29200	30800	33600	34900	29300		
	N OF PONDELLA RD	397	C	25000	26800	24200	25000	25500	26300	26900	27700	27900	24400		41
	N OF POWELL DR	394	C	17400	17900	15100	16500	16800	17000	18600	22100	19500	17400		41
	N OF LAUREL DR	396	C	9900	9900	9200	7800	9000	8200	9800	9300	8300	7700		41

PERIODIC COUNT STATION DATA

STREET	LOCATION	Station #	MAP	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	NOTE	PERM-ANENT STATION
ORANGE RIVER BLVD	S OF PALM BEACH BLVD	353	D	7100	7200	6900	7000	7800	7800	7400	8100	8900	8700		11
	E OF STALEY RD	352	D	4900	5000	4500	4400	5600	5800	5900	7100	8300	7800		11
ORIOLE RD	S OF ALICO RD	462	H	3000	3000	2500	2900	2600	2600	2300	2400	2800	2500		25
ORTIZ AVE	N OF COLONIAL BLVD	354	E	10400	11700	9900	12800	13500	13700	18100	18300	17600	16000		18
	N OF M.L.K. BLVD (SR 82)	355	A	11800	12100	11700	13300	13700	U/C	15100	17000	17900	16800		18
	N OF TICE ST	356	A	8300	8900	8400	8800	9200	8400	9200	9500	10100	8600		18
PALM BEACH BLVD (SR 80)	W OF TICE STREET	452	A	25500	26300	26400	27100	28700	28700	27800	29100	30100	31400		11
	E OF ORTIZ BLVD	359	A	26700	26700	27000	25800	27400	29200	27000	26000	28400	26800		11
	W OF SR 31	5	D	23800	24500	24900	25300	25000	22800	25800	23900	28100	U/C		
	E OF SR 31	360	D	24700	26000	25200	27000	27900	27900	29400	31700	35200	34400		11
	E OF BUCKINGHAM RD	362	D	14200	15400	14900	15800	16800	18100	18900	21900	25700	22900		11
	W OF HENDRY CO LINE	358	D	9700	10500	9300	9000	11200	12100		15700	17500	15100		11
PALOMINO RD	N OF DANIELS	501	E	800	600	700	700	2100			5000	4500	5100		31
PAUL J DOHERTY PKWY	S OF DANIELS PKWY	51	E					1600	1700	1400	1000	800	1300		
PARK MEADOWS DR	W OF US 41	363	B	4300	4200	4200	4700	3900	3400	3900	4000	3800	3700		9
PENNSYLVANIA AVE	W OF OLD 41	494	H	2700	4000	3700	3400	4100	4100	4000	4900	4500	4300		16
PENZANCE BLVD	W OF SIX MILE CYPRESS PKW	483	E	1000	1200	1100	1500	1600	2100	2500	2300	2400	2300		45
PERIWINKLE DR	E OF CAUSEWAY RD								4800						
	W OF CAUSEWAY RD								17800						
PINE ISLAND RD	@ MATLACHA PASS	3	I	10300	10400	10600	10900	11200	11500	12200	11900	11500	10500		

PERMANENT COUNT STATION 11
BUCKINGHAM RD S OF PALM BEACH BLVD

2007 AADT = 9600

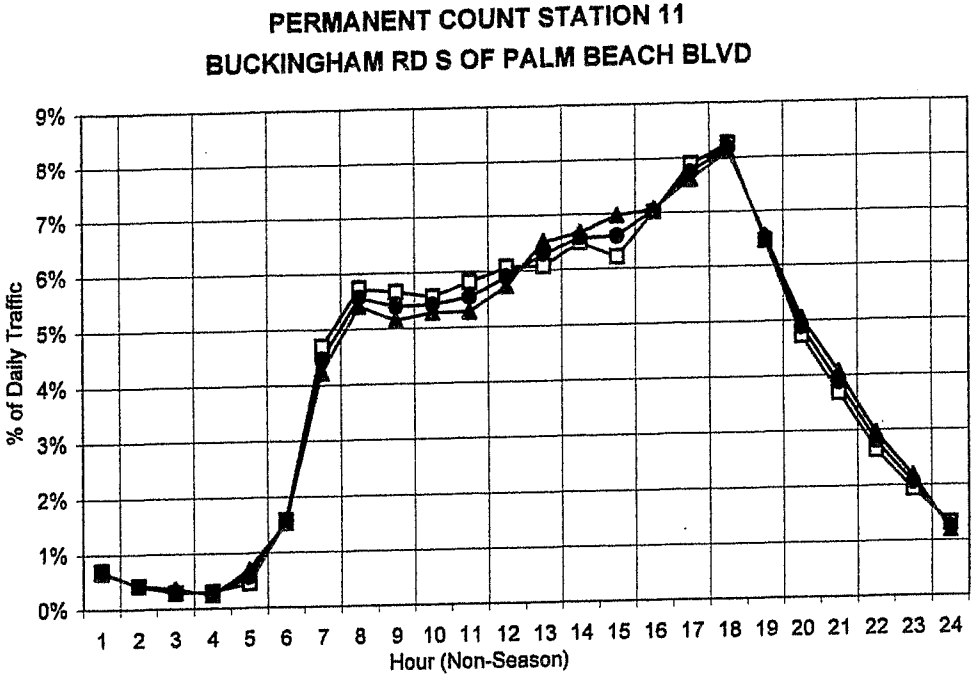
K100 Factor - 0.104

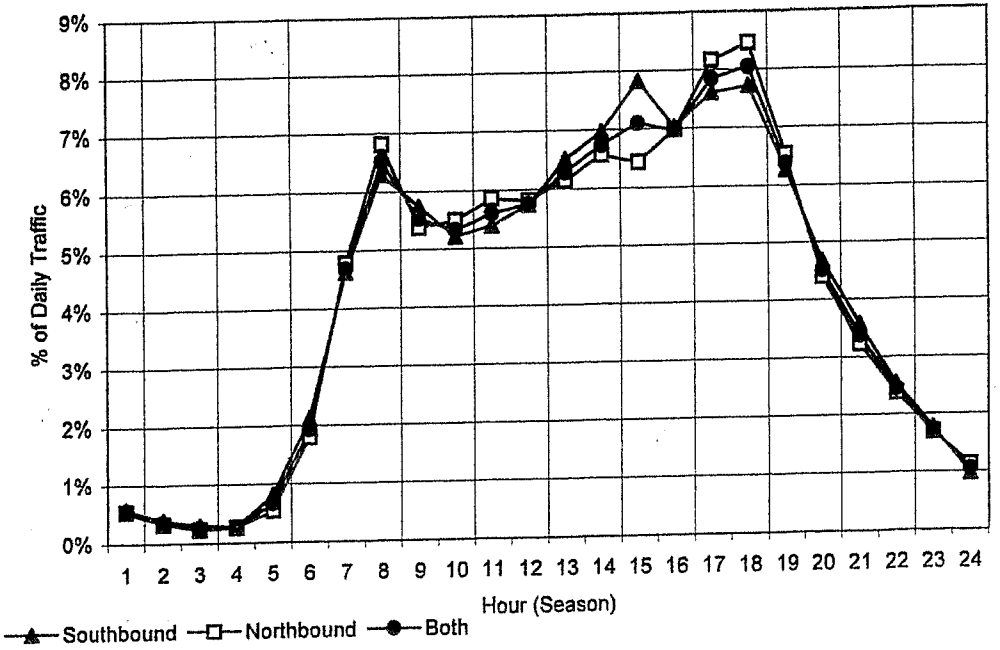
Monthly ADT as a % of Annual ADT	
January	106%
February	113%
March	114%
April	106%
May	105%
June	91%
July	84%
August	96%
September	96%
October	100%
November	97%
December	93%

Day of Week as a % of Annual ADT	
Monday	101%
Tuesday	107%
Wednesday	108%
Thursday	110%
Friday	114%
Saturday	87%
Sunday	73%

Weekday Peak Flow Characteristics	Non-Season	Season
Peak Flow between 7 a.m. and 9 a.m		
1) as a % of weekday traffic	5.5%	6.0%
2) directional Split (peak direction)	52% Northbound	50% Northbound
Peak Flow between 4 p.m. and 6 p.m.		
1) as a % of weekday traffic	8.0%	8.0%
2) directional Split (peak direction)	51% Northbound	52% Northbound

A-14





FY 06/07-10/11 CAPITAL IMPROVEMENT PROGRAM - LEE COUNTY, FLORIDA

PROJ #	17-Jan-08 PROJECT NAME	FUND. SRC.	CIP BUDGET FY 06/07	CIP BUDGET FY 07/08	CIP BUDGET FY 08/09	CIP BUDGET FY 09/10	CIP BUDGET FY 10/11	CIP BUDGET FY 06/07-10/11	CIP BUDGET YEARS 6-10	ADDITIONAL DESCRIPTION-INFORMATION
	ROADS TRANSPORTATION									
204030	Alico Road Multilaning	GT	0	0	600,000	1,000,000	400,000	2,000,000	0	2 to 6 lane widening between Dusty Ln & Three Oaks Pkwy
206002	Bicycle/Pedestrian Facilities	GT	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	5,000,000	5,000,000	construct bike paths/sidewalks existing Co-maint roads
		I - 21	650	715	787	826	867	3,845	11,000,000	
		I - 22	115,000	127,500	141,250	148,813	156,753	689,316	0	
		I - 23	1,175,000	1,298,500	1,434,350	1,509,068	1,587,521	7,004,439	0	
		I - 24	535,000	596,000	663,100	700,005	738,755	3,232,860	0	
		I - 25	60,000	67,500	75,750	80,288	85,052	368,590	0	
206047	Boca Grande Drainage - Master Drainage	GT	500,000	0	0	0	0	500,000	0	master drainage plan central Boca Grande Community
	Bonita Beach Road-Phase II	TBD						0	11,097,000	Bonita Beach Rd widen 2 to 6 lane 0.9 miles
		A	0	0	0	0	0	0	100,000	
	Bonita Beach Road-Old41 to Lime St	Loan	3,300,000	0	0	0	0	3,300,000	0	
	Buckingham/Orange River-SR80	I-23				1,880,000	15,000,000	16,880,000	11,880,000	widen existing Co arterial 2 to 4 lane 2.55 miles
		A	0	0	0	0	0	0	255,000	
204088	Burnt Store Road 4 Laning	307-21	1,608,937	1,000,000	5,564,068	7,715,941	2,941,287	18,830,233	32,155,000	widen existing rural arterial 2 to 4 lane divided 3.6 miles
205061	Bus 41/Littleton-US 41	I-2	1,048,713	0	0	0	0	1,048,713	0	widen existing 2 lane State arterial to 4 lanes, 2.54 miles
		I-22	351,287	0	0	0	0	351,287	20,690,000	
205815	Cape Coral Toll Plaza Rehab	421-35	6,000,000	0	0	0	0	6,000,000	0	completely rebuild & expand Cape Coral Bridge Toll Facility
205053	Captiva Drive Shoulders	GT	0	0	596,000	0	0	596,000	0	project to add 4-foot shoulders on both sides of Captova Dr
204054	Colonial Blvd/I75 To SR82	I-23	10,525,000	0	0	0	0	10,525,000	0	widen existing 4 lane to 6 lane rural arterial, 2.65 miles
		TRIP-SIB	3,250,000	0	0	0	0	3,250,000	0	
		A	0	221,000	0	0	0	221,000	0	
205054	Colonial /McGregor - US 41	Debt	0	0	200,000,000	0	181,900,000	381,900,000	0	grade-separation of portion of Colonial per Expressway Cor Study
		307-21	8,605,109	6,894,891	0	0	0	15,500,000		
206064	Colonial @ Metro Queue Jump	Debt	0	0	0	0	24,400,000	24,400,000	0	tolled graded separation of Collonial Blvd over Metro Pkwy
205035	Communications Plant Updates	GT	0	0	300,000	0	0	300,000	0	fiber optic connect Billy Creek-downtown-SONET & FDOT Center
	Corkscrew Curve	GT	0	1,305,000	0	0	0	1,305,000	0	project to easy severe curve on rural, 2-lane arterial
204079	CR 951 Extension South	Debt	0	1,430,000	0	0	0	1,430,000	86,100,000	4 lane CR 951ext.4.5miles inc 1.5 miles of bridging Immokalee Rd-Bonita R
	Collier County Contribution	Contribution	0	5,070,000	0	0	0	5,070,000		
	Daniels 6L/Chamberlin-Gateway	I-23	0	0	0	1,520,000	10,010,000	11,530,000	0	4 to 6 lane 1.7 miles Daniels Airport/Gateway chamberlin to Gateway
		A	0	0	0	0	0	0	200,000	

A - 15

FY 06/07-10/11 CAPITAL IMPROVEMENT PROGRAM - LEE COUNTY, FLORIDA

PROJ #	17-Jan-08 PROJECT NAME	FUND. SRC.	CIP BUDGET FY 06/07	CIP BUDGET FY 07/08	CIP BUDGET FY 08/09	CIP BUDGET FY 09/10	CIP BUDGET FY 10/11	CIP BUDGET FY 06/07-10/11	CIP BUDGET YEARS 6-10	ADDITIONAL DESCRIPTION-INFORMATION
	ROADS TRANSPORTATION									
205062	Del Prado ROW	I-5	26,222	0	0	0		26,222	0	right-of-way acquisition for improving DelPrado S of SR78
		I-22	3,973,778	0	0	0	0	3,973,778	0	
	DOT Operations Expansion	30100	0	0	0	0	700,000	700,000	0	expansion of DOT Operations Facility
205038	E-ARCS Upgrade for Leeway	421-35	768,000	0	0	0	0	768,000	0	upgrade ARCS Service Ctr software to e-ARCS software
205021	Estero Parkway Extension	I - 3	454,962	0	0	0	0	454,962	0	extend 4-ln arterial across I75 Three Oaks To Ben Hill 0.7 miles
		I-24	0	14,874,533	0	0	0	14,874,533		
		I-25	0	2,200,000	0	0	0	2,200,000	0	
		A	0	0	120,000	0	0	120,000	0	
204083	Gladiolus 4 Laning/South Fort Myers	GT	0	6,603,422	0	0	0	6,603,422	0	2 lane to 6 Bass Rd - Winkler Rd/ 4 lane from Pine Is Rd - Bass Rd
		I-4	0	386,578	0	0	0	386,578	0	
		I-24	0	8,500,000	0	0	0	8,500,000	0	
		A	0	0	515,000	0	0	515,000	0	
205063	Homestead 4L/Sunrise-Alabama	I-23	2,100,000	4,740,000	7,060,000	0	0	13,900,000	0	widen existing 2 lane County arterial to 4 lane, 1.50 miles
		A	0	0	0	0	0	0	150,000	
205036	I-75 Complimentary ITS Deploy	GT	0	0	400,000	0	0	400,000	0	Install ITS devices on Co roads serving as major I75 diversion
	Joel Blvd 4L/17th street -SR 80	I-23	0	2,180,000	0	6,000,000	7,280,000	15,460,000	13,480,000	widen existing 2 lane to 4 lane, 3.24 miles
		A	0	0	0	0	0	0	300,000	
	Luckett Rd 4L/Ortiz to I-75	I-23	0	1,630,000	2,380,000	3,860,000	0	7,870,000		4 laning of existing 2 lane arterial between 2 major roads, 0.46 mi
		A	0	0	0	0	0	0	50,000	
205904	Matlacha Pass Bridge Replacement	GT	0	0	0	0	14,000,000	14,000,000	0	replacement of 2-lane, bascule Matlacha Pass Bridge
		I-22	0	0	0	0	11,000,000	11,000,000	0	
	Monitoring Camera Deployment	GT	0	130,000	0	0	0	130,000	0	install monitor cameras at select Co locations
		182-00	0	45,000	0	0	0	45,000	0	
206750	Monitoring Station Upgrades	GT	30,000	30,000	30,000	60,000	60,000	210,000	0	convert periodic traffic counters to permanent monitor stations
204072	Ortiz Avenue - MLK To Luckett	A	0	0	0	155,000	0	155,000	0	widen existing 2 lane to 4 lane urban section, 1.25 miles
		I-23	3,500,000	0	8,935,000	0	0	12,435,000	0	
205056	Ortiz Ave/SR80 - Luckett	I-23	5,984,824	0	9,475,600	0	0	15,460,424	0	widen existing 2 lane to 4 lane urban section, 1.33 miles
		A	0	0	0	185,000	0	185,000	0	
		I -1	15,176	0	0	0	0	15,176	0	
	Ortiz 4L/Colonial-MLK	I-23	0	0	1,840,000	12,060,000	0	13,900,000	0	widen existing 2 lane to 4 lane, 1.73 miles
		A	0	0	0	0	0	0	200,000	

A-16

FY 06/07-10/11 CAPITAL IMPROVEMENT PROGRAM - LEE COUNTY, FLORIDA

PROJ #	17-Jan-08 PROJECT NAME	FUND. SRC.	CIP BUDGET FY 06/07	CIP BUDGET FY 07/08	CIP BUDGET FY 08/09	CIP BUDGET FY 09/10	CIP BUDGET FY 10/11	CIP BUDGET FY 06/07-10/11	CIP BUDGET YEARS 6-10	ADDITIONAL DESCRIPTION-INFORMATION
	ROADS TRANSPORTATION									
206751	Pine Island ITS	GT	0	189,000	0	0	120,000	309,000	0	fiber optic/radio comm plant & ITS field devices along Pine Is Rd
		182-00	21,000	0	0	0	0	21,000	0	
204065	Plantation Extension/Idlewild-Colonial	I-23	6,709,880	0	0	0	0	6,709,880	0	construct new 4 lane arterial linking Plantation to Shoemaker
		A	0	140,000	0	0	0	140,000	0	
	Plantation 4L/Six Mile-Daniels	I-24	0	0	1,910,000	1,000,000	8,360,000	11,270,000		widen existing 2 lane to 4 lane, 1.25 miles
		A	0	0	0	0	0	0	175,000	
200700	Project Planning & Pre-Design	GT	150,000	150,000	150,000	150,000	150,000	750,000	750,000	fund to support project studies-estimates & pre-design activities
204079	Right-of-Way Opportunities	GT	500,000	500,000	500,000	500,000	500,000	2,500,000	2,500,000	fund for voluntary righ-of-way purchase for future road projects
	Sandy Lane Ext North	I-24	0	0	0	0	1,410,000	1,410,000	17,260,000	extend 2 lane collector N from Corkscrew to Estero Pkwy 1.43 mi
204604	Six Mile Cypress Parkway 4 Laning	I-23	10,229,000	0	0	0	0	10,229,000	0	widen existing 2 lane rural arterial to 4 lane, 2.3 miles
		A	0	604,000	0	0	0	604,000	0	
205064	SR 82/Daniels Dual Left Lanes	I-23	200,000	800,000	0	0	0	1,000,000	0	expand intersec to include duel N bound-westbound L turn lanes
	SR82 from Ortiz to Lee Blvd (FDOT)	Loan	0	10,000,000	0	0	0	10,000,000	0	widening project SR 82 Daniels to Lee Blvd
206007	Summerlin Rd Boy Scout-University	I-23	0	30,381,000	0	0	0	30,381,000	0	widen existing 4 lane to 6 lane and add overpass at College Pkwy
		A	0	0	380,000	0	0	380,000	0	
204053	Three Oaks Parkway Extension, North	I-24	685,940	0	0	21,200,000	0	21,885,940	0	four lane arterial extension, 3.5 miles
		A	0	0	0	0	577,000	577,000	0	
204043	Three Oaks Parkway Extension, South	A	997,000	0	0	0	0	997,000	0	four lane arterial extension, 4.15 miles
206752	Traffic Building Replacement	30100	1,000,000	0	0	0	9,500,000	10,500,000	0	construct 3 story bldg & parking for traffic division
205037	Traffic Mgmt Center Update	GT	80,000	0	0	0	0	80,000	0	upgrade & enhance Billy Creek Traffic Mgmt Ctr
204068	Treeline Extension North/Daniels-Colonial	A	0	1,002,000	0	0	0	1,002,000	0	extend & expand existing 2 lane to 4 lane urban arterial, 4.2 mi
204086	Urban Street Lighting	A	1,200,000	1,200,000	700,000	700,000	700,000	4,500,000	3,500,000	install std St. lighting - existing Co-maint roads urbanized areas
205029	Veterans Parkway @ Del Prado	307-21	700,000	0	0	500,000	6,500,000	7,700,000	0	design & construction of improvements at exit ramp overpass
	Veterans/Santa Barbara Interchange	307-21	0	0	2,250,000	0	0	2,250,000	30,000,000	construction of an interchange
	CAPITAL TOTAL		77,400,478	105,296,639	247,020,905	61,924,941	299,077,235	790,720,198	246,842,000	

A-17

MORRIS DEPEW
ENGINEERS • PLANNERS • SURVEYORS
LANDSCAPE ARCHITECTS
#LC26000330

RECEIVED
AUG 29 2008
COMMUNITY DEVELOPMENT

August 8, 2008

Mr. Lee Horsting, Planner
Lee County Transit
P.O. Box 398
Fort Myers, FL 33902

RE: R & D Cattle Company – Comprehensive Plan Amendment
MDA # 07029

Dear Mr. Horsting:

Morris-Depew Associates, Inc. is assisting with the preparation of a Comprehensive Plan Amendment Application to change the current land uses assigned to the subject property from Suburban (66.69%) and Rural (33.31%) to a single land use designation of Outlying Suburban for a property located in Alva, FL at the intersection of Hwy 80 and South Olga Road, (STRAP 27-43-26-00-00003.0000). The site is approximately 37.6 acres and is currently vacant. We will be developing a project with approximately 345,250 square feet of commercial space.

In order to address the submittal requirements for the Lee County Application for a Comprehensive Plan Amendment I am requesting a letter from your agency determining the adequacy/provision of existing/proposed support facilities to this site.

Sincerely yours,

Morris-Depew Associates Inc.

Sheila M. Holland
Planning Technician

MORRIS DEPEW
ENGINEERS • PLANNERS • SURVEYORS
LANDSCAPE ARCHITECTS
#LC26000330

August 8, 2008

Fort Myers Shores Fire Department
Attention: Fire Chief
12345 Palm Beach Blvd.
Fort Myers, FL 33905

RE: R & D Cattle Company – Comprehensive Plan Amendment
MDA # 07029

To whom it may concern:

Morris-Depew Associates, Inc. is assisting with the preparation of a Comprehensive Plan Amendment Application to change the current land uses assigned to the subject property from Suburban (66.69%) and Rural (33.31%) to a single land use designation of Outlying Suburban for a property located in Alva, FL at the intersection of Hwy 80 and South Olga Road, (STRAP 27-43-26-00-00003.0000). The site is approximately 37.6 acres and is currently vacant. We will be developing a project with approximately 345,250 square feet of commercial space.

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Sincerely yours,

Morris-Depew Associates Inc.

Sheila M. Holland
Planning Technician

MORRIS DEPEW
ENGINEERS • PLANNERS • SURVEYORS
LANDSCAPE ARCHITECTS
#LC26000330

August 8, 2008

Ms. Dawn Gordon
The School District of Lee County
Department of Planning & School Capacity
2055 Central Avenue
Fort Myers, FL 33901

RE: R & D Cattle Company – Comprehensive Plan Amendment
MDA # 07029.p3

Dear Ms. Gordon:

Morris-Depew Associates, Inc. is assisting with the preparation of a Comprehensive Plan Amendment Application to change the current land uses assigned to the subject property from Suburban (66.69%) and Rural (33.31%) to one land use designation of Outlying Suburban for a property located in Alva, FL at the intersection of Hwy 80 and South Olga Road, (STRAP 27-43-26-00-00003.0000). The site is approximately 37.6 acres and is currently vacant. We will be developing a project with approximately 345,250 square feet of commercial space.

In order to address the submittal requirements for the Lee County Application for a Comprehensive Plan Amendment I am requesting a letter from your agency determining the adequacy/provision of existing/proposed support facilities to this site.

Sincerely yours,

Morris-Depew Associates Inc.

Sheila M. Holland
Planning Technician

MORRIS DEPEW
ENGINEERS • PLANNERS • SURVEYORS
LANDSCAPE ARCHITECTS
#LC26000330

August 8, 2008

Mr. William T. Newman
Operations Manager – Solid Waste Division
P.O. Box 398
Fort Myers, FL 33902

RE: R & D Cattle Company – Comprehensive Plan Amendment
MDA # 07029

Dear Mr. Newman:

Morris-Depew Associates, Inc. is assisting with the preparation of a Comprehensive Plan Amendment Application to change the current land uses assigned to the subject property from Suburban (66.69%) and Rural (33.31%) to a single land use designation of Outlying Suburban for a property located in Alva, FL at the intersection of Hwy 80 and South Olga Road, (STRAP 27-43-26-00-00003.0000). The site is approximately 37.6 acres and is currently vacant. We will be developing a project with approximately 345,250 square feet of commercial space.

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Sincerely yours,

Morris-Depew Associates Inc.

Sheila M. Holland
Planning Technician

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LANDSCAPE ARCHITECTS
#LC26000330

August 8, 2008

Sheriff Mike Scott
14750 Six Mile Cypress Parkway
Fort Myers, FL 33912

RE: R & D Cattle Company – Comprehensive Plan Amendment
MDA # 07029

Dear Sheriff Scott:

Morris-Depew Associates, Inc. is assisting with the preparation of a Comprehensive Plan Amendment Application to change the current land uses assigned to the subject property from Suburban (66.69%) and Rural (33.31%) to a single land use designation of Outlying Suburban for a property located in Alva, FL at the intersection of Hwy 80 and South Olga Road, (STRAP 27-43-26-00-00003.0000). The site is approximately 37.6 acres and is currently vacant. We will be developing a project with approximately 345,250 square feet of commercial space.

In order to address the submittal requirements for the Lee County Application for a Comprehensive Plan Amendment I am requesting a letter from your agency determining the adequacy/provision of existing/proposed support facilities to this site.

Sincerely yours,

Morris-Depew Associates Inc.

Sheila M. Holland
Planning Technician

MORRIS DEPEW
ENGINEERS • PLANNERS • SURVEYORS
LANDSCAPE ARCHITECTS
#LC26000330

August 8, 2008

Ms. Kim Dickerson – Operations Chief
Lee County Emergency Medical Services
P.O. Box 398
Fort Myers, FL 33902

RE: R & D Cattle Company – Comprehensive Plan Amendment
MDA # 07029

Dear Ms. Dickerson:

Morris-Depew Associates, Inc. is assisting with the preparation of a Comprehensive Plan Amendment Application to change the current land uses assigned to the subject property from Suburban (66.69%) and Rural (33.31%) to a single land use designation of Outlying Suburban for a property located in Alva, FL at the intersection of Hwy 80 and South Olga Road, (STRAP 27-43-26-00-00003.0000). The site is approximately 37.6 acres and is currently vacant. We will be developing a project with approximately 345,250 square feet of commercial space.

In order to address the submittal requirements for the Lee County Application for a Comprehensive Plan Amendment I am requesting a letter from your agency determining the adequacy/provision of existing/proposed support facilities to this site.

Sincerely yours,

Morris-Depew Associates Inc.

Sheila M. Holland
Planning Technician

CPA2007-00050
R & D CATTLE PROPERTY

COMPREHENSIVE PLAN AMENDMENT APPLICATION ANSWERS

RECEIVED
AUG 29 2008
COMMUNITY DEVELOPMENT

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 7, 2008

C. ENVIRONMENTAL IMPACTS

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

Please see the attached FLUCFCS map (exhibit C1) and FLUCFCS aerial (exhibit C2) for community locations. The vegetation communities on site were mapped according to the Florida Land Use, Cover and Forms Classification System (FLUCFCS) (Florida Department of Transportation, 1985). The site was inspected and the mapping superimposed on 2007 digital aerial photographs. Acreages were approximated using AutoCAD (2008 version).

The following is a discussion of the existing land uses and vegetative associations found on site. The following table summarizes the FLUCFCS communities discussed below.

190 Other Open Lands (approximately 1.19 acres)
This upland community had been previously cleared and was dominated by Bahia grass (*Paspalum notatum*). This area was mowed and maintained.

211 Improved Pasture (approximately 23.20 acres)
This area had been cleared for cattle grazing and was dominated by bare ground with scattered ceaser weed (*Urena lobata*), wild balsm apple (*Momordica charantia*), sumac saplings (*Rhus sp.*), crabs eye vine (*Abrus precatorius*), Florida sandspur (*Cenchrus echinatus*), thistle (*Cirsium sp.*), dog fennel (*Eupatorium sp.*), silk reed (*neyraudia reynaudiana*) and various sedges (*Cyperus sp.*). This area will be seeded and utilized for pasture.

411E1 Pine Flatwoods w/ Exotics (<25%) (approximately 1.13 acres)
This upland community was dominated by slash pine (*Pinus elliottii*) with a saw palmetto (*Serenoa repens*) under-story. Scattered throughout the community were live oak (*Quercus virginiana*), cabbage palm (*Sabal palmetto*), brazilian pepper (*Schinus terebinthifolius*) (approximately 15% coverage), beauty berry (*Callicarpa americana*), sumac (*Rhus sp.*), rusty lyonia (*Lyonia ferruginea*), penny royal (*Piloglephis rigida*), smilax (*smilax sp.*), grape vine (*Vitis rotundifolia*) and ceaser weed (*Urena lobata*).

4119E4 Disturbed Pine Flatwoods w/ Exotics (>75%) (approximately 0.15 acres)
This upland community was dominated by slash pine (*Pinus elliottii*) with brazilian pepper (*Schinus terebinthifolius*) (approximately 80% coverage). The under-story contained saw palmetto (*Serenoa repens*), beauty berry

(*Callicarpa americana*), sumac (*Rhus sp.*), rusty lyonia (*Lyonia ferruginea*),, smilax (*smilax sp.*), grape vine (*Vitis rotundifolia*), silk reed (*neyraudia reynaudiana*) and ceaser weed (*Urena lobata*).

414E1 Pine – Mesic Oak w/ Exotics (<25%) (approximately 1.35 acres)

This upland community contained a canopy dominated by a mixture of slash pine (P*inus elliottii*), laurel oak (*Quercus laurifolia*), cabbage palms (*Sabal palmetto*), and live oak (*Quercus virginiana*). The under-story was dominated by saw palmetto (*Serenoa repens*). Gall berry (*Ilex glabra*), wax myrtle (*Myrica cerifera*), smilax (*smilax sp.),* grapevine (*Vitis rotundifolia*), and poison ivy (*Toxicodendron radicans)* were scattered throughout.

421E2 Xeric Oak w/ Exotics (25-50%) (approximately 0.96 acres)

This upland community contained a variety of oaks including live oak (*Quercus virginiana*) and sand live oak (*Quercus virginiana var. geminata*). Scattered slash pines (*Pinus elliottii*), and scattered cabbage palms (*Sabal palmetto*) were also observed. The under-story contained Brazilian pepper (*Schinus terebinthifolius*) (approximately 30% coverage) and saw palmetto (*Serenoa repens*).

425E1 Temperate Hammock w/ Exotics (<25%) (approximately 3.97 acres)

This forested community's canopy was dominated by laurel oaks (*Quercus laurifolia*), water oaks (*Quercus nigra*), live oaks (*Quercus virginiana*), and cabbage palm (*Sabal palmetto*). Slash pine (*Pinus elliottii*) was scattered throughout the canopy. Mid-story species included dahoon holly (*Ilex cassine*), sweet bay (*Magnolia virginiana*), Brazilian pepper (*Schinus terebinthifolius*), beauty berry (*Callicarpa americana*), poison ivy (*Toxicodendron radicans*), and wild coffee (*Psychotria nervosa*). Widely scattered throughout this community were cabbage palm saplings (*Sabal palmetto*) and saw palmetto (*Serenoa repens*).

428 Cabbage Palm Hammock (approximately 0.12 acres)

This forested community was dominated by cabbage palms (*Sabal palmetto*). The under-story contained beauty berry (*Callicarpa americana*), wax myrtle (*Myrica cerifera*), and wild coffee (*Psychotria nervosa*). Typically this community type occurred as a transitional area between uplands and wetlands.

428H Hydric Cabbage Palm Hammock (approximately 0.18 acres)

This wetland community was dominated by cabbage palm (*Sabal palmetto*) with a swamp fern (*Blechnum serrulatum*) under-story. This community contained signs of hydrology including adventitious rooting, staining and lichen lines.

510 Streams and Waterways (approximately 1.05 acres)

This community consisted of two streams that vertically bisected the property. The westernmost stream had been recently maintained and was relatively free of vegetation. The eastern stream contained Brazilian pepper (*Schinus terebinthifolius*) and scattered Carolina willow (*Salix caroliniana*).

615E1 Stream and Lake Swamps w/ exotics (<25%) (approximately 4.00 acres)

This wetland community consisted of a wide variety of hardwood species that are typically found in overflow or floodplain areas. The canopy was dominated by mixture of bald cypress (*Taxodium distichum*), red maple (*Acer rubrum*), laurel oak (*Quercus laurifolia*), water oak (*Quercus nigra*), cabbage palm (*Sabal palmetto*) and sweet bay (*Magnolia virginiana*). The under-story contained beauty berry (*Callicarpa americana*), wax myrtle (*Myrica cerifera*), wild coffee (*Psychotria nervosa*), salt bush (*Baccharis sp.*), shield fern (*Dryopteris ludoviciana*), leather fern (*Acrostichum sp.*) and swamp fern (*Blechnum serrulatum*).

630E3 Wetland Forested Mixed w/ Exotics (50-75%) (approximately 1.70 acres)

This wetland community was dominated by a combination of Carolina willow (*Salix caroliniana*), Brazilian pepper (*Schinus terebinthifolius*) (approximately 70% coverage), cabbage palm (*Sabal palmetto*) and Red Maple (*Acer rubrum*). The under-story contained wax myrtle (*Myrica cerifera*) and swamp fern (*Blechnum serrulatum*).

FLUCFCS LEGEND

FLUCFCS Code	Community Description	Acres	%
190	Other Open Lands	1.19 Ac.±	3.05%
211	Improved Pasture	23.20 Ac.±	59.49%
411 E1	Pine Flatwoods w/ Exotics (<25%)	1.13 Ac.±	2.90%
4119 E4	Disturbed Pine Flatwoods w/ Exotics (>75%)	0.15 Ac.±	0.38%
414 E1	Pine - Mesic Oak w/ Exotics (<25%)	1.35 Ac.±	3.46%
421 E2	Xeric Oak w/ Exotics (25-50%)	0.96 Ac.±	2.46%
425 E1	Temperate Hammock w/ Exotics (<25%)	3.97 Ac.±	10.18%
428	Cabbage Palm Hammock	0.12 Ac.±	0.31%
428H	Hydric Cabbage Palm Hammock	0.18 Ac.±	0.46%
510	Streams and Waterways	1.05 Ac.±	2.69%
615 E1	Stream and Lake Swamps w/ Exotics (<25%)	4.00 Ac.±	10.26%
630 E3	Wetland Forested Mixed w/ Exotics (50-75%)	1.70 Ac.±	4.36%
TOTAL		**39.00 Ac.±**	**100.00%**

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

Boca Fine Sand (13)

Boca soils are moderately deep, moderately permeable and poorly drained. These soils are found in sloughs, flatwoods and depressional areas. The uppermost soil layer is fine gray sand about 3 inches thick. The next layer is approximately 6 inches think and consists of fine light gray sand that contains thick roots. From 9 to 14 inches the soil consists of light gray fine sand with medium and coarse roots. The next soil layer (14-25 inches deep) is very pale brown single grained fine sand. Limestone can be found anywhere from 25 to 40 inches in depth. The Boca soil series is nationally listed as a hydric soil however the soil is not locally considered to be a hydric soil.

Wabasso Sand, Limestone Substratum (42)

This is a deep, poorly drained soil that is slowly permeable. Slopes are smooth to slightly convex and range from 0 to 1 percent. Typically, the surface layer is dark gray sand about 6 inches thick. The subsurface layer is light brownish gray sand to a depth of 17 inches. From 17 to 24 inches the soil is light gray sand with few distinct dark grayish brown strains. The subsoil is about 38 inches thick. The upper 4 inches is dark brown sand with few iron concretions. The next 8 inches is brownish yellow sandy clay loam with light brownish gray, light gray and reddish brown mottles. The lower 26 inches is light gray sandy clay loam with pale olive and olive mottles and stains along root channels. Below that is light gray, fine, sandy loam with olive mottles extending to a depth of 80 inches or more. Under natural conditions the water table is less than 10 inches below the surface for more than 6 months. In dry periods the water table recedes to 40 inches or more below the surface. Natural vegetation consists of saw palmetto, South Florida slash pine, pineland threeawn, cabbage palm, and bluestem.

Copeland Sandy Loam, Depressional (45)

Copeland Series soils are "moderately deep, very poorly drained, moderately permeable soils that form in moderately thick beds of marine sediment over limestone." These depressional soils are smooth to concave with slopes ranging from 0 to 1 percent. The

first 8 inches consist of a weak fine granular structure very dark gray sandy loam with light gray streaks. From 8 to 20 inches the soil is a very dark gray sandy loam with light gray streaks and is a "moderate medium subangular blocky structure". The next 8 inches consist of a light brownish gray sandy clay loam with calcium carbonate. From 28 inches onward the soil is "fractured limestone bedrock". Under natural conditions the water table is above the surface for 3 to 6 months out of the year and is 10 to 40 inches below the surface for the remainder of the year. This soil is considered to be a hydric soil.

Please see the attached soil map (exhibit C3) for soil locations on the property. All information was achieved from the NRCS Hydric Soils of Florida Handbook (2000).

3. **A topographic map with property boundaries and 100-yearflood prone areas indicated (as identified by FEMA).**

   Please see the attached topography map.

4. **A map delineating wetlands, aquifer recharge areas, and rare & unique uplands.**

   The site contains five wetlands. The wetlands include; hydric cabbage palm, streamland lake swamps, and wetland forested mixed. For the wetland locations please see the attached FLUCFCS map (communities 428H, 615E1 and 630E3).

   The majority of the upland areas are highly disturbed in nature. This site does not contain any rare and unique upland communities.

   The property was mapped by SFWMD in 1995 in the lower coast surficial recharge area.

5. **A table of plant communities by FLUCFCS with 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 FLUCFCS and the species status (same as FLUCFCS map).**

Protected Animals by Status

FLUCFCS	SPECIES	USFWS	FFWCC
190	Burrowing Owl (*Athene cunicularia floridana)*		SSC
	Eastern Indigo Snake (*Drymarchon corais couperi*)	T	T

FLUCFCS	SPECIES	USFWS	FFWCC
190 cont.	Gopher Tortoise (*Gopherus polyphemus*)		**T**
	Gopher Frog *(Rana capito)*		**SSC**
211	Burrowing Owl (*Athene cunicularia floridana)*		**SSC**
	Gopher Tortoise (*Gopherus polyphemus*)		**T**
	Gopher Frog *(Rana capito)*		**SSC**
411	Eastern Indigo Snake (*Drymarchon corais couperi*)	**T**	**T**
	Gopher Tortoise (*Gopherus polyphemus*)		**T**
	Gopher Frog *(Rana capito)*		**SSC**
	Southeastern American Kestrel *(Falco sparverius paulus)*		**T**
	Red Cockaded Woodpecker *(Picoides borealis)*	**E**	**SSC**
	Big Cypress Fox Squirrel *(Sciurus niger avicennia)*		**T**
	Florida Black Bear *(Ursus americanus floridanus)*		**T**
414	Eastern Indigo Snake (*Drymarchon corais couperi*)	**T**	**T**
	Gopher Tortoise (*Gopherus polyphemus*)		**T**
	Gopher Frog *(Rana capito)*		**SSC**
	Southeastern American Kestrel *(Falco sparverius paulus)*		**T**
	Big Cypress Fox Squirrel *(Sciurus niger avicennia)*		**T**
	Florida Black Bear *(Ursus americanus floridanus)*		**T**
421	Eastern Indigo Snake (*Drymarchon corais couperi*)	**T**	**T**
	Gopher Tortoise (*Gopherus polyphemus*)		**T**
	Gopher Frog *(Rana capito)*		**SSC**

FLUCFCS	SPECIES	USFWS	FFWCC
421	Florida Scrub Jay *(Aphelocoma coerulescens)*	T	T
425	Eastern Indigo Snake *(Drymarchon corais couperi)*	T	T
	Gopher Tortoise *(Gopherus polyphemus)*		T
	Gopher Frog *(Rana capito)*		SSC
	Florida Black Bear *(Ursus americanus floridanus)*		T
428	Eastern Indigo Snake *(Drymarchon corais couperi)*	T	T
	Gopher Tortoise *(Gopherus polyphemus)*		T
	Gopher Frog *(Rana capito)*		SSC
	Florida Black Bear *(Ursus americanus floridanus)*		T
	Audubon's Crested Caracara *(Polyborus plancus audubonii)*	T	T
428H	Florida Black Bear *(Ursus americanus floridanus)*		T
	Audubon's Crested Caracara *(Polyborus plancus audubonii)*	T	T
510	American Alligator *(Alligator mississippiensis)*	T	SSC
	Roseate Spoonbill *(Platalea ajaja)*		SSC
	Limpkin *(Aramus guarauna)*		SSC
	Little Blue Heron *(Egretta caerulea)*		SSC
	Reddish Egret *(Egretta rufescens)*		SSC
	Snowy Egret *(Egretta thula)*		SSC
	Tricolored Heron *(Egretta tricolor)*		SSC
	Everglades Mink *(Mustela vison evergladensis)*		T
615	American Alligator *(Alligator mississippiensis)*	T	SSC
	Roseate Spoonbill *(Platalea ajaja)*		SSC

FLUCFCS	SPECIES	USFWS	FFWCC
615 cont.	Limpkin *(Aramus guarauna)*		**SSC**
	Little Blue Heron *(Egretta caerulea)*		**SSC**
	Reddish Egret *(Egretta rufescens)*		**SSC**
	Snowy Egret *(Egretta thula)*	**T**	**T**
	Tri Colored Heron *(Egretta tricolor)*		**T**
	Everglades Mink *(Mustela vison evergladensis)*		**T**
630	Little Blue Heron *(Egretta caerulea)*		**SSC**
	Snowy Egret *(Egretta thula)*		**SSC**
	Tricolored Heron *(Egretta tricolor)*		**SSC**
	Peregrine Falcon *(Falco peregrinus tundrius)*		**E**
	Everglades Mink *(Mustela vison evergladensis)*		**T**
	Big Cypress Fox Squirrel *(Sciurus niger avicennia)*		**SSC**
	American Alligator *(Alligator mississippiensis)*	**T**	**SSC**
	Limpkin *(Aramus guarauna)*		**SSC**
	Wood Stork *(Mycteria Americana)*	**E**	**E**
	Florida Black Bear *(Ursus americanus floridanus)*		**T**

FFWCC-Florida Fish and Wildlife Conservation Commission
USFWS-U.S. Fish and Wildlife Service
T- Threatened
E-Endangered
SSC-Species of Special Concern

Audubon's Crested Caracara

Audubon's Crested Caracara (*Polyborus plancus audubonii)* is a large raptor with a crest, naked face, heavy bill, elongated neck, and unusually long legs. This non-migratory species occurs in Florida as well as the southwestern U.S. and Central America. Only the Florida population, which is isolated from the remainder of the subspecies in the southwestern U.S. and Central America, is listed under the

Endangered Species Act. Typically most Caracara's inhabit the prairie area of south central Florida. Caracara could utilize the cabbage palms on the property for nesting. Caracara's have not been observed on the property.

Big Cypress Fox Squirrel

The Big Cypress Fox Squirrel (*Sciurus niger avicennia*) is larger than the gray squirrel with an average length of ten to fifteen inches, not including the tail, which can be up to fourteen inches in length. The fur coat is highly variable, including shades of reddish orange, black, and occasionally tans, with white nose, front toes and ear tips. The primary habitats utilized by the Big Cypress Fox Squirrel include; open pine flatwoods, cypress strands, broad-leaf evergreen hammocks, mangroves, and oak forests. These squirrels feed on cypress balls, pine seed and occasionally cabbage palm and saw palmetto berries. It would be possible for the fox squirrel to utilize the forested portions of the property. Big cypress fox squirrels have not been observed on the property.

Burrowing Owl

The Burrowing owl (Athene cunicularia floridana) is a small pint sized bird. That lives in open herbaceous areas. Burrowing owls have a brown with white back and a white with brown chest. They have a white chin patch, yellow beak and most have yellow eyes. Burrowing owls use burrows year round for roosting and for nesting from February to August. Burrowing owls mainly eat insects however they will also eat snakes and rodents. Burrowing owls may be found utilizing the open land and pasture areas on the property. No burrowing owls have been observed.

Eastern indigo snake

The eastern indigo snake (*Drymarchon corais*) is a non-poisonous glossy blue to black snake. It is the largest native snake in the United States and can get up to nine feet long. This snake is often found in well drained scrub and sandhill habitats and is commonly considered to be associated with gopher tortoise burrows. While unlikely due to the disturbed nature of the site, the eastern indigo snake may be found in the some of the upland communities on the property.

Everglades Mink

The everglades mink (*Mustela vison evergladensis*) is a small mammal with a slender, dark brown body up to 2 feet, short legs, and a bushy tail. The mink is slightly similar in appearance to a river otter. The everglades mink occupies shallow freshwater marshes and primarily feeds on crayfish, fish, and small mammals. The everglades mink may utilize the onsite streams and wetland areas. Everglades Minks have not been observed on the property.

Florida Black Bear

The Florida Black Bear (*Ursus americanus floridanus*) is a subspecies of the American Black Bear. These bears are black with a brown muzzle and some have a white spot on there chest. Black Bear habitat includes pine flatwoods,

hardwood hammocks, upland sand pine, and scrub oak. A male black bears home range is approximately 66 square miles.

Florida Scrub Jay

The Florida Scrub Jay (*Aphelocoma coerulescens*) is a small bird with a pale blue head, nape and wings. They have a pale gray belly and back with a white chest and throat. Scrub jays look similar to other jays but do not have a crest, tail feathers or white tipped wings. Scrub jays are found in scrub areas including oak and flatwoods. They live in families and maintain a territory of 5 to 50 acres (on average of 25 acres). Scrub Jays have not been observed on the property.

Limpkin

The limpkin (*Aramus guarauna*) is a large brown wading bird with white spots. Limpkins look superficially like an ibis. They have a piercing cry kree-ow, kra-ow. This bird is found in freshwater marshes, along the edges of ponds, and lakes, and in wooded swamps along rivers. Its preferred food source is the apple snail however it will also eat mussels, insects, crustaceans, worms, frogs, lizards, and other types of snails. Limpkins could potentially utilize the streams and wetland areas for foraging.

Little Blue Heron

The little blue heron (*Egretta caerulea*) is a medium sized slender heron whose appearance changes dramatically with age. First year herons are pure white while the adult herons appear slate blue. The little blue heron's diet includes small fish, amphibians, and aquatic invertebrates. Little blues occupy swamps, estuaries, rivers, ponds, and lakes and could potentially utilize the streams and wetland areas for foraging.

Red Cockaded Woodpecker

The red cockaded woodpecker (*Picoides borealis*) is a small, non-migratory, cavity nesting woodpecker. RCW's have a black and white ladder pattern on their back and wings. The belly and breast are white. They have a black cap, white patch on the check and a black bill. Males can be identified by a small red tuft behind the eye which is often difficult to see. RCW's live in family groups of two to five individuals and build their cavities in mature pine trees. Due to the limited quantity of mature pine trees on the property it is unlikely that RCW's would utilize the property. Cavity trees and/or RCW's were not observed on the property.

Reddish egret

The reddish egret (*Egretta rufescens*) is a large, slender egret with long legs and a long neck. There are two different distinct color patterns to this bird. The white morph is all white, while the dark morph individuals have a rust colored head and neck feathers, and slate gray body feathers. This wading bird is found primarily in coastal tidal flats, salt marshes, and lagoons. Reddish egrets utilize salt water

areas almost exclusively and typically inhabit coastal areas. There diet consists of small fish. Because of this it is unlikely that this bird would inhabit the property.

Roseate Spoonbill

The Roseate Spoonbill (*Platalea ajaja*) is a pink and white bird with a bare head. Its bill is grey to green; spoon shaped, and flattened out like a spatula. It is the only spoonbill species that lives in the western hemisphere. These birds primarily diet on small fish however crustaceans, insects, and aquatic plants may also be consumed. The roseate spoonbill primarily occupies estuaries, rivers, ponds, and marshes however it may utilize the streams and wetlands for foraging.

Southeastern American Kestrel

The Southeastern American Kestrel (Falco sparverius paulus) is the smallest member of the falcon family. It is approximately the size of a blue jay. The southeastern American kestrel is a reddish brown bird. Males have slate blue wings, a buff underside and small black spots on the lower abdomen. Females have brown streaks on their chest and black bands on their tails. Kestrels typically nest in cavities excavated by woodpeckers in dead trees. Due to the limited amount of pine areas on the property it is unlikely that the southeastern American kestrel would utilize this site.

Snowy Egret

The snowy egret (*Egretta thula*) is a small sized white heron with a black bill, black legs, and yellow feet. Snowy egrets typically eat fish, crabs, amphibians, and insects. Snowy egrets occupy salt marshes, swamps, ponds, shores, tidal flats, rice fields, and shallow coastal bays. Snowy Egrets could potentially utilize the streams and wetlands for foraging.

Tri-colored Heron

The Tricolored heron (*Egretta tricolor*) is a medium sized heron with a dark, slate gray head and upper body. They have a purplish chest and a white strip running down the front of their neck that creates their tricolor. Their diet consists of small fish, crustaceans, reptiles, amphibians, insects, snails, and other invertebrates. Tricolored Herons prefer saltwater and brackish water habitats however it forages in both freshwater and saltwater areas. Tricolored Herons can be found in salt and freshwater mudflats, marshes, swamps, and meadows. Tricolored herons could potentially utilize the streams and wetlands on the property for foraging.

Gopher Tortoise

The gopher tortoise (*Gopherus polyphemus*) is a large reptile that averages 25 cm long and 9 lbs in weight. Gopher tortoises dig burrows that extend down to the water table. A gopher tortoise burrow has a half moon shaped entry and typically contains a large sandy area outside of the burrow entrance called an apron. Their burrow creates a home for 401 species of animals. For this reason gopher tortoises are considered to be a keystone species. Gopher tortoises can be commonly found in dry scrub areas, including scrub oak, dry prairies, pine

flatwoods, and coastal dune ecosystems. Tortoises are primarily herbivorous; however, they will eat insects for protein and the bones of dead animals for calcium. Gopher tortoises could potentially utilize the pine flatwoods, oak communities and pasture portion of the property.

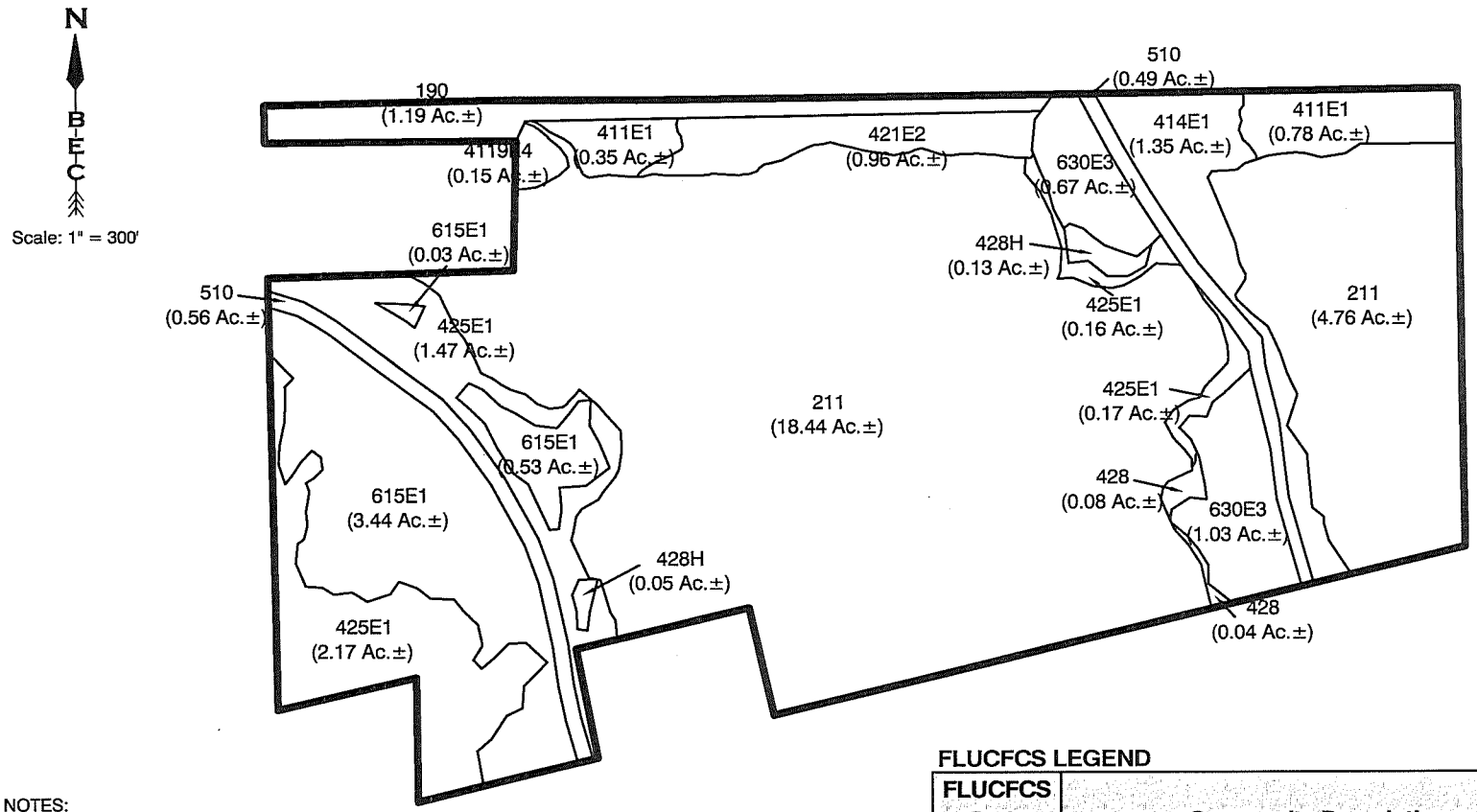
Gopher frog
The gopher frog (*Rana capito*) is a stout bodied cream to brown or black frog with irregular spots on its back and sides. The Florida subspecies (*Rana capito aesopus*) also features a white to cream spotted chin, and a white belly. These frogs are commonly found in moist meadows, prairies, woodlands, and pine scrub areas. Gopher frogs are a dependent upon wetlands and ponds for breeding and are typically found in gopher tortoise burrows within 2,000 meters of a wetland or pond. The gopher frog utilizes gopher tortoise burrows as a home and is often associated with gopher tortoise burrows. Since the gopher frog is associated with gopher tortoise burrows the gopher frog could potentially be found in the pine flatwoods, oak communities and pasture portion of the property.

Protected Plants by status

FLUCFCS COMMUNITIES	SPECIES	USFWS	FDA
411E1, 414E1, 421E2, 4255E1, 428, 428H, 615E1 & 630E3	Twisted and banded air plant *Tillandsia flexuosa*		**E**
	Fuzzy-wuzzzy air plant *Tillandsia pruinosa*		**E**
	Giant wild pine *Tillandsia utriculata*		**E**

Listed Air Plants (*Tillandsia* spp.)
Several of the listed air plants are relatively common, but have recently been listed as a result of a weevil, which poses a potential future threat to its populations. It is likely that air plants do occur on the property, but in low numbers if they are present. Because the air plants typically cling to trees any of the forested communities on the property have the potential to contain these species.

Because of the disturbed nature of the on-site vegetation communities, the development of the site would not have any appreciable impact on listed wildlife or plant resources. There are no pristine vegetation communities on the property. Nearly 70 percent of the property has been disturbed by clearing events. Any development will likely have storm water management ponds that will satisfy wading bird usage on the property. Due to the absence or low potential of the property to support listed plant and animal species, measures to mitigate impacts to these species would be unnecessary. If any rare plants are found they can be relocated.



NOTES:

FLUCFCS lines were estimated and based on aerial photographs. The FLUCFCS boundaries are approximate.

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

Aerial photographs were acquired through Lee County Property Appraiser's office with a flight dates from 8/22/07 to 11/11/07.

Property boundary was obtained from the Lee County property appraisers on 7/31/08

FLUCFCS LEGEND

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190	Other Open Lands	1.19 Ac.±	3.05%
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428	Cabbage Palm Hammock	0.12 Ac.±	0.31%
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510	Streams and Waterways	1.05 Ac.±	2.69%
615 E1	Stream and Lake Swamps w/ Exotics (<25%)	4.00 Ac.±	10.26%
630 E3	Wetland Forested Mixed w/ Exotics (50-75%)	1.70 Ac.±	4.36%
TOTAL		**39.00 Ac.±**	**100.00%**

Boylan Environmental Consultants, Inc.
Wetland & Wildlife Surveys, Environmental Permitting, Impact Assessments
11000 Metro Parkway, Suite 4, Ft. Myers, FL 33966 (239) 418-0671

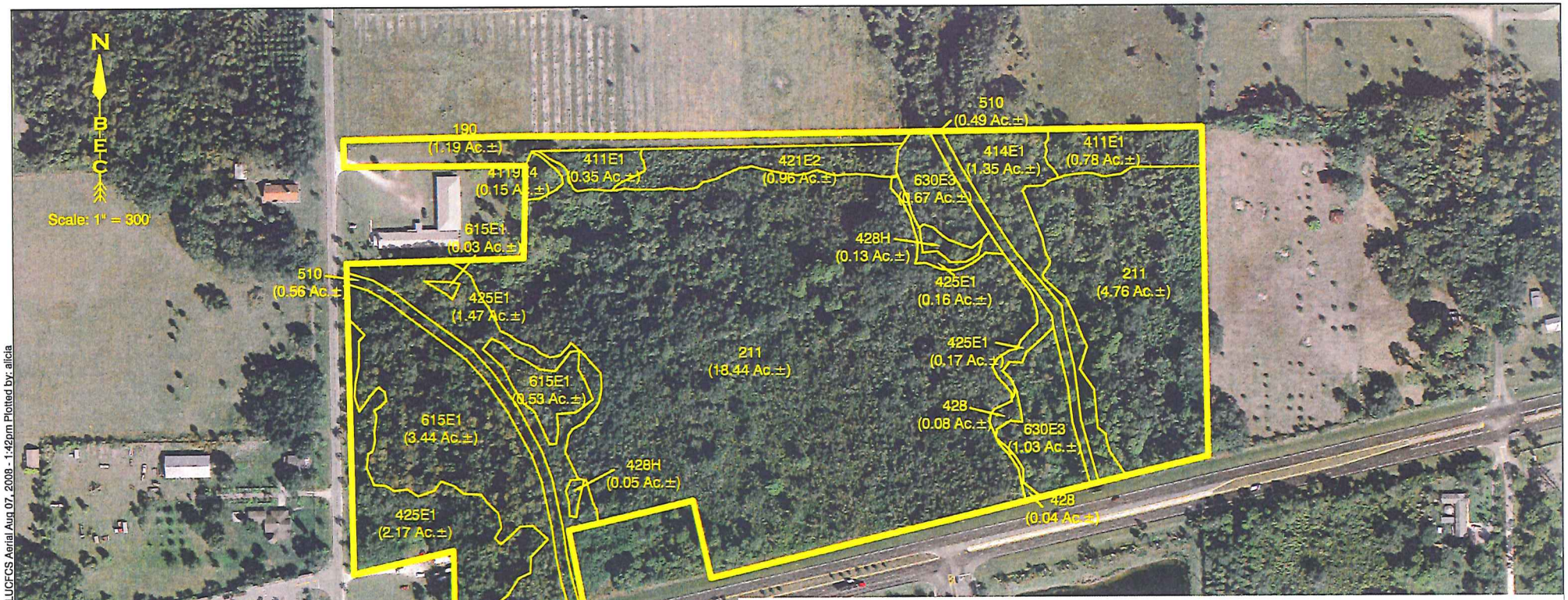
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Job Number		Scale:
2005-208		1" = 300'
S/T/R		County
27/43S/26E		Lee

R & D Cattle/ CPA2007-00050

FLUCFCS MAP

Revisions	Date:	Page
		Exhibit
		C1

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FLUCFCS LEGEND

FLUCFCS Code	Community Description	Acres	%
190	Other Open Lands	1.19 Ac.±	3.05%
211	Improved Pasture	23.20 Ac.±	59.49%
411 E1	Pine Flatwoods w/ Exotics (<25%)	1.13 Ac.±	2.90%
4119 E4	Disturbed Pine Flatwoods w/ Exotics (>75%)	0.15 Ac.±	0.38%
414 E1	Pine - Mesic Oak w/ Exotics (<25%)	1.35 Ac.±	3.46%
421 E2	Xeric Oak w/ Exotics (25-50%)	0.96 Ac.±	2.46%
425 E1	Temperate Hammock w/ Exotics (<25%)	3.97 Ac.±	10.18%
428	Cabbage Palm Hammock	0.12 Ac.±	0.31%
428H	Hydric Cabbage Palm Hammock	0.18 Ac.±	0.46%
510	Streams and Waterways	1.05 Ac.±	2.69%
615 E1	Stream and Lake Swamps w/ Exotics (<25%)	4.00 Ac.±	10.26%
630 E3	Wetland Forested Mixed w/ Exotics (50-75%)	1.70 Ac.±	4.36%
TOTAL		**39.00 Ac.±**	**100.00%**

Boylan Environmental Consultants, Inc.
Wetland & Wildlife Surveys, Environmental Permitting, Impact Assessments
11000 Metro Parkway, Suite 4, Ft. Myers, FL 33966 (239) 418-0671

Drawn By:	Date:	Category
A.M.L.	7/31/08	Aerial
Job Number		Scale:
2005-208		1" = 300'
S/T/R		County
27/43S/26E		Lee

R & D Cattle/ CPA2007-00050

FLUCFCS AERIAL MAP

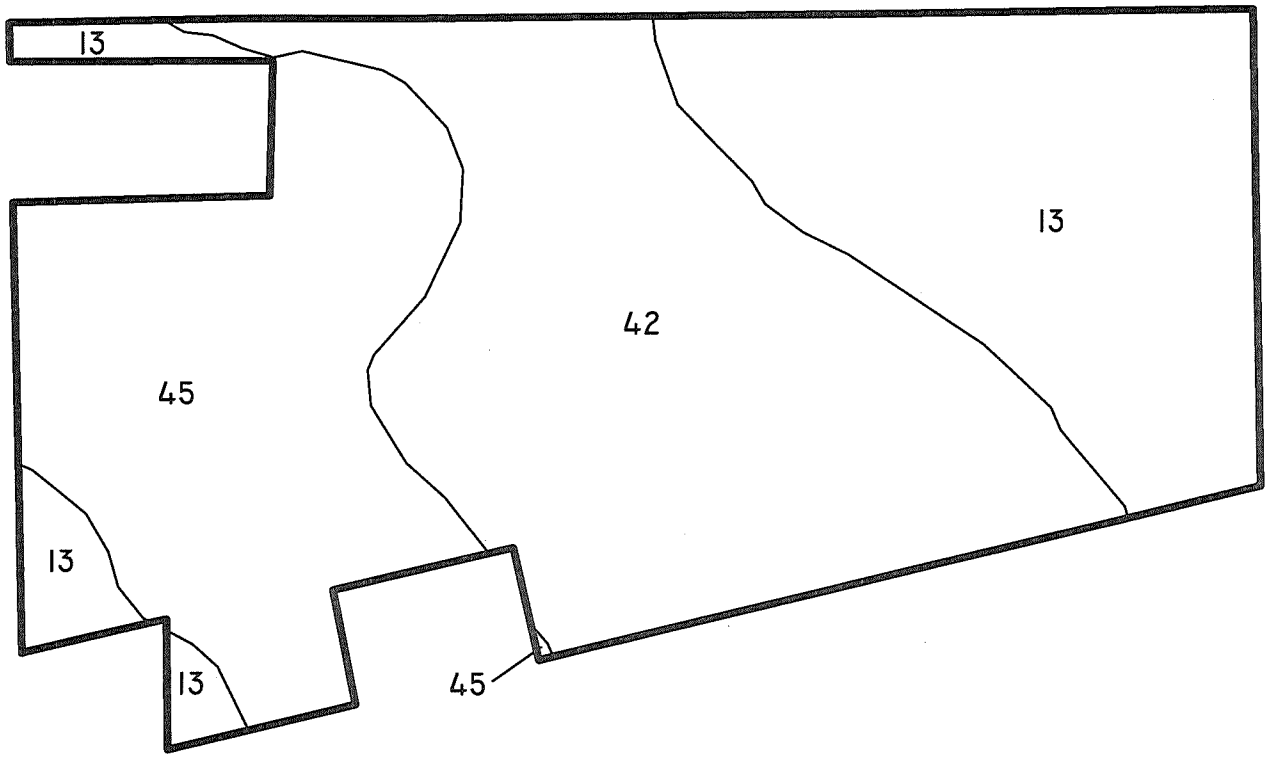
Revisions	Date:	Page
		Exhibit
		C2

X:\BEC\Q-R Projects\R & D Cattle\comp plan ammendment\Comp plan set 7.31.08.dwg Tab: FLUCFCS Aerial Aug 07, 2008 - 1:42pm Plotted by: alicia

N

B
E
C

Scale: 1" = 300'



Soils Legend		
Soil No	Description	Status
13	Boca Fine Sand	Non-Hydric
42	Wabasso Sand, Limestone Substratum	Non-Hydric
45	Copeland Sandy Loam, Depressional	Hydric

Notes:

Soils were acquired from the FGDL and are from the NRCS Soils Maps.

X:\BEC\Q-R Projects\R & D Cattle\2008\NRCS Soils Map.dwg Tab: 8.5 x 11 Aug 01, 2008 - 12:33pm Plotted by: alicia

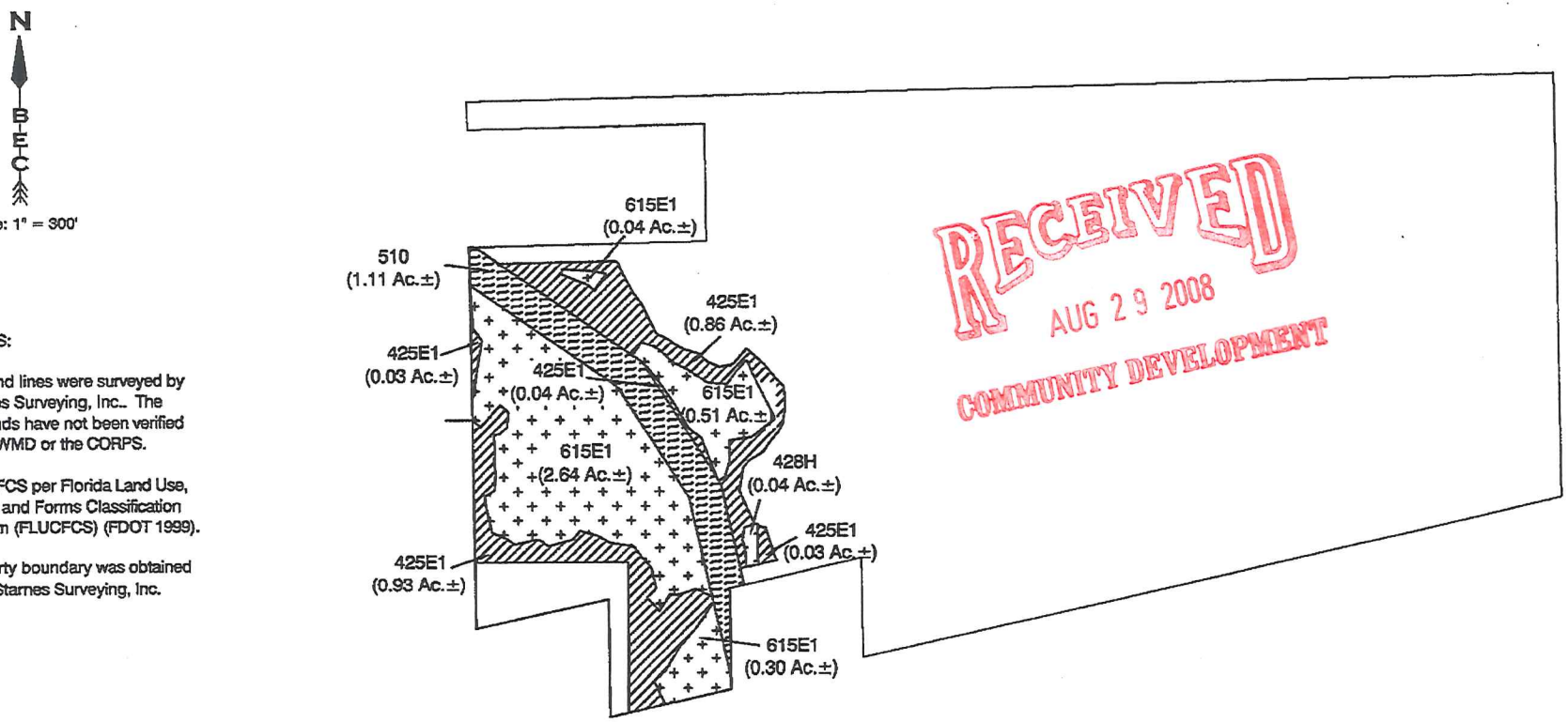
Boylan Environmental Consultants, Inc.
Wetland & Wildlife Surveys, Environmental Permitting, Impact Assessments
11000 Metro Parkway, Suite 4, Ft. Myers, FL 33966 (239) 418-0671

Drawn By:	Date:	Category
B.K.M.	7/31/08	Soils
Job Number		Scale:
2005-208		1" = 300'
S/T/R		County
27/43S/26E		Lee

R & D Cattle

NRCS Soils Map

Revisions	Date:	Page
		Exhibit
		C3



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AUG 29 2008
COMMUNITY DEVELOPMENT

NOTES:

Wetland lines were surveyed by Starnes Surveying, Inc.. The wetlands have not been verified by SFWMD or the CORPS.

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

Property boundary was obtained from Starnes Surveying, Inc.

WETLAND CONSERVATION LANDS - 3.02 AC.

UPLAND CONSERVATION LANDS - 1.89 AC.

OSW CONSERVATION LANDS - 1.11 AC.

CONSERVATION LAND USE AREA LEGEND

FLUCFCS Code	Community Description	Acres
425 E1	Temperate Hammock w/ Exotics (<25%)	1.89 Ac.±
428H	Hydric Cabbage Palm Hammock	0.04 Ac.±
510	Streams and Waterways	1.11 Ac.±
615 E1	Stream and Lake Swamps w/ Exotics (<25%)	2.98 Ac.±
TOTAL		6.02 Ac.±

Boylan Environmental Consultants, Inc.
Wetland & Wildlife Surveys, Environmental Permitting, Impact Assessments
11000 Metro Parkway, Suite 4, Ft. Myers, FL 33966 (239) 418-0571

Drawn By:	Date:	Category
A.M.L.	8/21/08	Aerial
Job Number		Scale:
2005-208		1" = 300'
S/T/R		County
27/43S/26E		Lee

R & D Cattle

CONSERVATION LAND USE AREA

Revisions	Date:	Page
AML 8-28-2008		
		Exhibit

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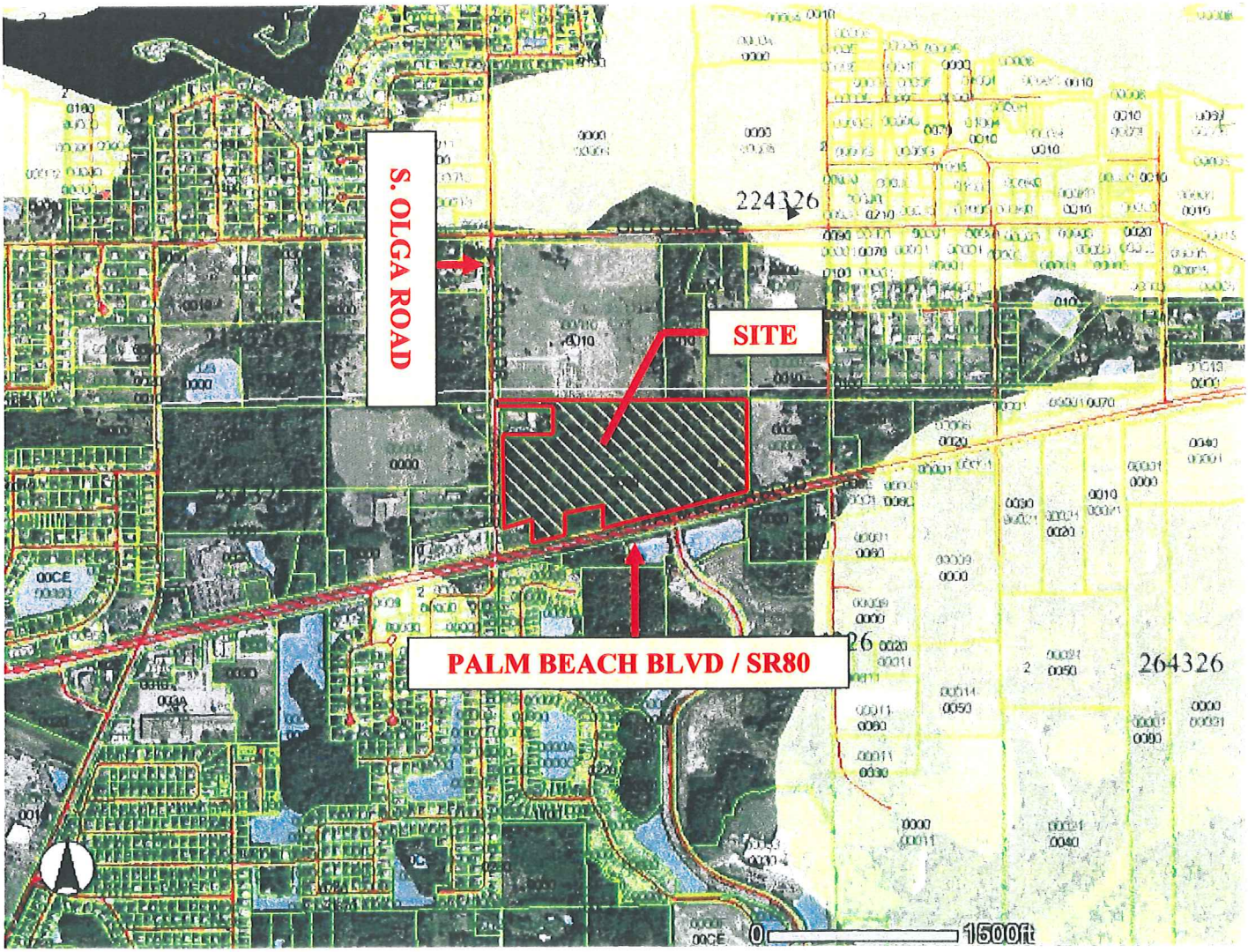
MORRIS DEPEW
ENGINEERS • PLANNERS • SURVEYORS
LANDSCAPE ARCHITECTS
#LC26000330

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COMMUNITY DEVELOPMENT

Archeological Sensitivity Map

Strap # 27-43-26-00-00003.0000

(Subject Property is not located in the Archeologically Sensitive Area)



Florida Department of Transportation

CHARLIE CRIST
GOVERNOR

STEPHANIE KOPELOUSOS
SECRETARY

MEMORANDUM

Date: August 4, 2008

To: Rae Ann Boylan, Boylan Environmental

From: Sonshine Dupree, District One Drainage
for Carl Spirio, District Drainage Engineer

Copies: Ralph Bond, R&D Cattle Co.

Subject: **SR 80, Palm Beach Blvd.**
12020 M.P 11.270 – M.P. 11.802

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The FDOT Drainage dept is fine with relocating the drainage easement for the above subject, however, the easement is to be maintained and preserved by Ralph Bond at R & D Cattle Co.

If you should need any other assistance, please call.

District One, Drainage Office
801 North Broadway Avenue * Post Office Box 1249 * Bartow, FL 33831-1249
(863) 519-2621 * (863) 534-7039 (Fax) * MS 1-37
www.shuana.dupree@dot.state.fl.us

September 2, 2008

DeLisi Fitzgerald, Inc.
Planning – Engineering – Project Management

Ms. Brandy Gonzalez
Principal Planner
Lee County Department of Community Development, Division of Planning
PO Box 398
Fort Myers, FL 33902-0398

RECEIVED
SEP 0 2 2008
COMMUNITY DEVELOPMENT

Re: CPA2007-60
Byrus Small Scale Comprehensive Plan Amendment

Dear Ms. Gonzalez:

In response to the comment letter dated April 3, 2008 in regard to the above referenced project, please find the following responses in order as received:

PART III

Comment B
This section of the application provides that there are a total of 1.77 acres of wetlands located on the subject property. Staff is requesting the delineation of the jurisdictional wetland lines as part of the staff's review of the proposed amendment. Such information will assist staff in determining the potential maximum allowable development under the proposed FLUM.

Please see the attached environmental assessment conducted by Boylan Environmental.

Comment E.2.
The application provides the maximum allowable commercial intensity of the site as 92,500 square feet. Staff notes that the proposed Commercial designation has a maximum Floor Area Ratio of 1. Staff calculates the maximum commercial intensity of the site at 358,063 square feet. Please provide a discussion of the methodology used to calculate the maximum allowable commercial development under the proposed future land use category. Several aspects of the application, such as potable water and sanitary sewer, and staff's review of the amendment rely on the maximum intensity. As part of a future land use map amendment, staff review and the applicant's analysis must evaluate the maximum allowable use of the proposed land use category as it relates to public facilities impacts. Please update the application to address the maximum allowable commercial intensity of the site as proposed.

It is our understanding that the Olga Community has proposed that the commercial land use category in this area would limit this site to a FAR of 0.25. Given the 1 acre wetland on the property, the maximum development would be limited to 98,010 square feet of commercial floor area, essentially the same assumption made in the original submittal. A FAR of 0.25 is much more consistent with the type/intensity of commercial development found outside of central urban type areas.

2007-00060

PART IV

Comment A.8.
The plan amendment application is signed by William C. Byrus in his individual capacity, while the property owner is BJZ, LLC. In order for the affidavit to be property executed, William C. Byrus must execute the affidavit in his capacity as Managing Member of the Limited Liability Company.

Please see the attached revised affidavit and cover page.

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

Our understanding is that Lee County will model the transportation based on the revised FAR of 0.25. The TIS that was submitted in the original application remains essentially the same with a relatively minor increase in total allowable office area.

Comment B.2.
Please update the utilities analysis providing the maximum allowable commercial intensity of the site as well as the projected LOS under the proposed designation for services. In addition, please provide a letter of availability from the utility provider.

Planning staff is requesting additional information with regard to water supply based on changes made by Senate Bill 360 to improve the coordination between water supply and land use planning. Please determine the availability of water supply to support the desired level of development 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 irrigation. Include any other water conservation measures that will be applied to the site (see Lee Plan Goal 54).

Please see the attached revised utility analysis.

Comment B.3.b.
Staff has not received a letter for fire protection provisions as part of the submitted application from the appropriate agency determining support facilities.

Please see the attached letter from the Fire District.

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

Please see the attached environmental assessment conducted by Boylan Environmental that includes a FLUCCS map.

Comment E.1.-4.
Please include the required analysis concerning internal consistency with the Lee Plan.

Please see the attached Lee Plan Analysis.

Comment F.2.
Please include the required analysis for requests moving lands from a Non-Urban area to a Future Urban area demonstrating why the proposed change does not constitute Urban Sprawl.

Please see the attached revised narrative, which now includes additional information for the Growth Management Analysis.

Comment G.
Please provide the required justification for the proposed plan amendment based on sound planning principals, including adequate data and analysis supporting all conclusions.

Please see the attached revised narrative, which now includes additional information for the Growth Management Analysis.

If you should require any additional information, please contact our office.

Sincerely,
DeLisi Fitzgerald, Inc.

Daniel DeLisi, AICP
Principal

DD/av

Project No.: 21061

cc: Mr. Bill Byrus, with attachments

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: _____

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.

8/22/08 William C Byrum managing member BIZ LLC

DATE SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

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

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

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

Item 1: Fee Schedule

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

AFFIDAVIT

I, _____, 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.

William C Byrus managing member BJ2 LLC 8/22/08

Signature of owner or owner-authorized agent — Date

William C Byrus managing member BJ2 LLC

Typed or printed name

STATE OF FLORIDA)
COUNTY OF LEE)

The foregoing instrument was certified and subscribed before me this 22nd day of August 20 2008 by William C. Byrus, who is personally known to me or who has produced _____ as identification.

(SEAL) AMY VETTER MY COMMISSION #DD800137 EXPIRES: JUN 23, 2012 Bonded through 1st State Insurance

Signature of notary public

Amy Vetter

Printed name of notary public

BYRUS OLGA
COMPREHENSIVE PLAN AMENDMENT
INTERNAL CONSISTENCE WITH THE LEE PLAN

Land Use Change Analysis

The Byrus Olga property is currently designated as *Rural* on the Lee County Future Land Use Map. The applicant is requesting a change to the *Commercial* designation, consistent with the Olga Community Plan. The following is a narrative describing how the proposed amendment is internally consistent with the Lee County Comprehensive Plan.

Policy 1.4.1: The Rural areas are to remain predominantly rural--that is, low density residential, agricultural uses, and minimal non-residential land uses that are needed to serve the rural community. Maximum density in the Rural area is one dwelling unit per acre (1 du/acre).

Policy 1.4.1 states that these areas are not to be programmed to receive urban-type capital improvements, and they can anticipate a continued level of public services below that of the urban areas; however, the subject property is along a major arterial road and the urban infrastructure necessary to support the property is available. It is important to note that the property is within the Lee County utility service area for both water and sewer (see Map 12- Future Utilities Service Area). The subject property is in an area that no longer fits the rural character described in Policy 1.4.1. With the increase in residential development along Palm Beach Boulevard, the area is transitioning from rural to suburban character. There is a need to provide for commercial development to meet the needs of the surrounding suburban development.

Policy 1.1.10: The Commercial areas are located in close proximity to existing commercial areas or corridors accommodating employment centers, tourist oriented areas, and where commercial services are necessary to meet the project needs of the residential areas of the County. These areas are designated for commercial uses. Residential uses, other than bona fide caretaker residences, are not permitted in this future land use category except to the extent provided in Chapter XIII of the Plan. The Commercial areas are areas where residential uses are not expected or compatible due to the nature of the surrounding land uses and their location along major travel corridors. The commercial designation is intended for use where residential development would increase densities in areas such as the Coastal High Hazard Areas of the County or areas such as Lehigh Acres where residential uses are abundant and existing commercial areas service the residential needs are extremely limited.

The requisite infrastructure needed for commercial development is generally planned or in place. New developments in this category must connect to a potable water and sanitary sewer system. Commercial retail developments, hotels and motels, banks, all types of office development, research and development, public, and other similar development will predominate in the commercial areas. Limited light industrial uses are also permitted, excluding outdoor storage type uses. Any re-designation of land to the Commercial land use category should occur along major travel corridors and at road intersections. The planned

development rezoning process must be used to prevent adverse impacts to the surrounding areas and to ensure that appropriate site development regulations are incorporated into the development plans of each site. A maximum Floor Area Ratio (FAR) of 1 will be used as an index of intensity of development in the commercial category. Development in this future land use category is not required to comply with the site location criteria provided in Goal 6. When appropriate, site development regulations are incorporated into the planned development.

The subject property, as described in Policy 1.1.10, is in close proximity to existing corridors of commercial activity, however an uneven balance exists between residential development and commercial activity with residential development being the majority of all new development in this area. The property is located along State Road 80, a major east-west travel corridor. The proposed plan for the property will provide accessible retail and office space to meet the needs of the surrounding residential areas. Located on a major travel corridor and at the intersection of State Road 80 (Palm Beach Boulevard) and Linwood Avenue, the subject property will be a convenient location for commercial activity for locals and tourists. New office space will allow businesses to locate near residential communities, thus creating a mixed-use hub in this area of Alva.

Policy 6.1.2: All commercial development must be consistent with the location criteria in this policy, except where specifically accepted 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: "... On or near the intersection (within 330 feet of the adjoining rights-of-way of the intersection roads) of local and collector, local and arterial, or collector and collector roads. In Commercial Planned Developments where future road improvements that are included in the Capital Improvement Program will enable the property to qualify for the higher level of commercial development specified in Subsection 2 below, and which are conditioned to allow the increased commercial intensity when the roadway actually functions at the higher level of a collector road, the Minor Commercial use may extend beyond 330 feet of such intersections provided the Master Concept plan specifically indicates the phasing of the development from Minor to Neighborhood Commercial use. Proposed interconnections of future internal access roads or driveways servicing only the subject parcel with an arterial or collector will not comply with the requirements of this section..."*

The subject property is in compliance with the criteria in Policy 6.1.2. The property is located at the intersection of State Highway 80 and Linwood Avenue, which will provide direct access to a local and arterial road. There is limited retail in this area, and the subject property will provide minor commercial conveniences for the surrounding residential community, in accordance with site location standards. Additionally, the plan for the site is to create a retail and office commercial site of approximately 9 acres, with the retail in compliance with this policy thus maintaining the neighborhood commercial scale. In the future, the property may be allowed to develop with neighborhood levels of retail if and when a collector road extends through this or an adjacent property. If and when that happens additional analysis would need to be conducted to meet concurrency requirements.

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.

The proposed amendment has urban infrastructure in place to serve development. The River Hall development is adjacent to the property on the south side of State Road 80 and has extended utility lines in close proximity to the subject property. The subject property is already within the County's utility service area and adequate supply is available. Similarly, the subject property is located along State Road 80 and roadway capacity exists to serve new development.

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

The subject property is in an area with existing development. Directly south, across State Road 80 is the River Hall development. To the north is the South Olga Community with residential uses. The subject property itself is located along State Road 80, a major east-west travel corridor, and at the intersection of a local and arterial road. The location of the property lends itself to minor commercial development.

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.

The proposed amendment has urban infrastructure in place to serve development. The River Hall development is adjacent to the property on the south side of State Road 80 and has extended utility lines in close proximity to the subject property. The subject property is already within the County's utility service area and adequate supply is available. Similarly, the subject property is located along State Road 80 and roadway capacity exists to serve new development.

POLICY 2.4.4: Lee Plan amendment applications to expand the Lee Plan's employment centers, which include light industrial, commercial retail and office land uses, will be evaluated by the Board of County Commissioners in light of the locations and cumulative totals already designated for such uses, including the 1994 addition of 1,400 acres to the Tradeport category just south of the Southwest Florida International Airport.

The proposed amendment will contain only minor levels of commercial development and office space. There is not a significant increase from what is already allowable under the Rural land use category and what is being requested. The retail development is intended to service the immediately surrounding neighborhood of South Olga. The Tradeport category in south Lee County has no impact on the proposed amendment.

Policy 4.1.1: requires development to be integrated with the natural features of the site.

There is no plan to impact the 1 acre wetland on the property. The rest of the property has been cleared by historic agricultural uses.

Policy 6.1.3: requires that commercial developments protect natural resources.

An environmental study has been conducted for the subject property. There is no plan to impact the 1 acre of wetland area on the subject property. At the time of rezoning, the wetland area will need to be preserved in accordance with the County's indigenous preservation requirements.

Objective 11.1: WATER.

1. Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development in excess of 30,000 square feet of gross leasable (floor) area per parcel, must connect to a public water system (or a "community" water system as that is defined by Chapter 17-22, F.A.C.).

Future development can and will connect to central water.

Objective 11.2: SEWER.

1. Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development that generates more than 5,000 gallons of sewage per day, must connect to a sanitary sewer system.

Future development can and will connect to central sewer.

Goal 107: Resource Protection - manage county's wetland and upland ecosystems to maintain and enhance native habitats, floral and faunal species diversity, water quality and natural surface water characteristics.

An environmental study has been conducted for the subject property. There is no plan to impact the 1 acre of wetland area on the subject property. At the time of rezoning, the wetland area will need to be preserved in accordance with the County's indigenous preservation requirements.

Byrus Olga
Growth Management Analysis

Introduction

The subject site for this amendment to the Lee County Comprehensive Plan is located within Section 27, Township 43 and Range 26. More specifically, the site is located along Palm Beach Boulevard, three miles east of State Highway 31 at the intersection of Palm Beach and Linwood Avenue. The property is approximately one half mile south of the Caloosahatchee River and is in the Fort Myers Shores planning community. The total area of the property is 9.99 acres, of which approximately 1 acre is designated as Wetland. Map 1 shows an aerial location of the subject property with the surrounding road network.

The request of this application is to change the designation of the subject property on the Lee County Future Land Use Map from Rural to Commercial. The proposed amendment would allow for a maximum of 68,010 square feet of office floor area, and 30,000 square feet of retail floor area. It is structured as solely a map amendment due to the scale of the project. The intent of the request is to work with Lee County and the surrounding community to implement county goals through the development of this property - to provide commercial uses that will enhance and serve the residential community.

Surrounding Land Uses, Compatibility, and Area Context

The Bryus Olga property is located in an emerging growth corridor in Lee County. The property is located along Palm Beach Boulevard, a major thoroughfare that connects the Alva community to the City of Fort Myers. West of the property are State Road 31 and Buckingham Road, and extends across the state to Palm Beach County. While rural in character, the historic Olga community remains a predominantly residential area. Larger residential subdivisions exist just west of the property including River Hall/ Hawks Haven. Located along Palm Beach Boulevard and Buckingham Road and southwest of the subject property, River Hall/Hawks Haven is comprised 2,000 acres and approximately 1,600 residential units and no commercial component in the surrounding area to serve the residents.

The subject property is a central location between two densely populated communities- the City of LaBelle which is thirteen miles east, and the City of Fort Myers which is seven miles west. The Olga community lies directly to the west which is an area comprised of low density residential.

Community Planning and Coordination

The applicant has maintained continuous involvement with the creation and revisions to the Olga Community plan. Over the course of the most recent planning process, the creation of a commercial node at this location was the subject of significant discussion. On June 9, 2007 a community meeting was held to determine the level of acceptance for a commercial node at this location and the extension of a collector road through the adjacent property. While the property that is the subject of this application was not the property discussed, the subject

property has been part of the conversation throughout the planning process. At the June 9th meeting, an overwhelming majority of the participants were in favor of designating the property as commercial. This decision was reaffirmed at a community meeting on August 2nd, where the Olga residents specifically voted to designate this property and the property to the west as a commercial node.

In conversations with community members, there were two primary benefits to having the subject property designated as commercial. The applicant is committed to continuing to work with the community to enhance the area.

1. Decrease in potential residential units allowed in the area.

2. Limited areas of environmental significance. While other properties in the area have significant vegetation and wetland area, the subject property has limited areas that are valuable as preserve and the small area in the northeast portion of the property that is wetland can be preserved.

GROWTH MANAGEMENT ANALYSIS (LEE PLAN OBJECTIVES 2.1 AND 2.2)

FAC 9J-5.006(5) provides specific guidance for reviewing plan amendments to determine how well they discourage urban sprawl. The purpose of the referenced subsection of 9J-5 is stated as to "give guidance to local governments and other interested parties about how to make sure that plans and plan amendments are consistent with relevant provisions of the state comprehensive plan, regional policy plans, Chapter 163, Part II, Florida Statutes, and the remainder of this chapter [9J-5] regarding discouraging urban sprawl, including provisions concerning the efficiency of land use, the efficient provisions of public facilities and services, the separation of urban and rural land uses, and the protection of agriculture and natural resources."

Lee County implements this section of 9J-5 through Objectives 2.1 and 2.2 in the Lee Comprehensive Plan. Objective 2.1 deals with Development Location and the need for development to be located in such a way that development does not create sprawl and public facilities to become financially feasible. Objective 2.2 deals with Development Timing and is primarily implemented through the rezoning process.

The following point-by-point analysis demonstrates how the proposed amendment not only discourages sprawl, but helps the county transition from a plan that currently calls for low density residential development along State Road 80 within limited commercial opportunity in South Olga, to specifically identifying a commercial area in the most logical location and capturing commercial trips locally. While this analysis is structured as a point-by-point answer as to how this proposal implements 9J5, the comments point out how this proposal is consistent with Objectives 2.1 and 2.2.

9J-5 lists thirteen "Primary Indicators" of urban sprawl. These are provided below with a brief analysis of how each is relevant to the proposed amendment.

1. *Promotes, allows, or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single-use development or uses in excess of demonstrated need. (Restated in Lee Plan Objective 2.1)*

The current comprehensive plan allows for primarily single use development at low densities on the subject property. The current Lee Plan promotes a scattering of low density residential subdivisions with few to no service or commercial areas. Under this pattern of development, the costs of infrastructure increases significantly, making most services financially infeasible.

The proposed change to commercial allows for a use other than low density single family to specifically be designated and promoted at this location in order to allow for a mixing of uses and services to the local community.

2. *Promotes, allows, or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while leaping over undeveloped lands which are available and suitable for development. (Restated in Lee Plan Objective 2.1)*

   The subject property is in an area with existing development. Adjacent to the site on the south side of State Road 80 is the River Hall development, consisting of approximately 1,600 units. To the north of the property is the South Olga community. The subject property is within the county's utility service area and represents a logical extension of the commercial uses that are along State Road 80. The designation of a commercial node at this location cannot be considered "leap frog development" because it simply extends the development pattern that already exists. Urban services are available to adjacent properties and the extension of urban services would not require "leaping" over undeveloped areas.

3. *Promotes, allows, or designates urban development in radial, strip, isolated or ribbon patterns generally emanating from existing urban developments.*

   The proposed future land use map amendment creates a commercial node. The proposed amendment has been changed from the original proposal of designating a "strip" of commercial along State Road 80 to designating a specific node of commercial development.

4. *As a result of premature or poorly planned conversion of rural land to other uses, fails adequately to protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems.*

   According to the environmental survey, there is approximately 1 acre of wetland area on the subject property. The intention is to preserve that area. The rest of the property has been cleared and impacted by historic agricultural uses. Natural resources would not be impacted by this land use change.

5. *Fails to adequately protect adjacent agricultural areas and activities, including silviculture, and including active agricultural and silviculture activities as well as passive agricultural activities and dormant, unique and prime farmlands and soils.*

   The subject property is not surrounded by active agricultural uses. The property is surrounded by development, roadways and proposed development.

6. *Fails to maximize use of existing public facilities and services. (Restated in Lee Plan Objective 2.2)*

   The proposed amendment extends the limits of the urban designated areas out to the limits of the utility service area, thereby maximizing existing utility capacity. The subject property is located along a road that has existing capacity and in an area that has existing and planned capacity for all other public infrastructure and services (i.e. fire) that would be needed for commercial development.

7. *Fails to maximize use of future public facilities and services. (Restated in Lee Plan Objective 2.2)*

   The proposed amendment extends the limits of the urban designated areas out to the limits of the utility service area, thereby maximizing existing utility capacity. The subject property is located along a road that has existing capacity and in an area that has existing and planned capacity for all other public infrastructure and services (i.e. fire) that would be needed for commercial development.

8. *Allows for land use patterns or timing which disproportionately increase the cost in time, money and energy, of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, healthcare, fire and emergency response, and general government. (Restated in Lee Plan Objective 2.2)*

   Please see responses to statements 7 & 8. Any development here would simply make better use of existing facilities.

9. *Fails to provide a clear separation between rural and urban areas.*

   The subject property would be the limit of the urban area and would create a separation consistent with the County's existing utility service area map.

10. *Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.*

    The proposed amendment simply promotes the development of a minor commercial node in order to provide services to the local community. This change in land use category would have no impact on in-fill or redevelopment.

11. *Fails to encourage an attractive and functional mix of uses.*

    Creating a commercial designation ensures that the community will have a functional mix of uses rather than only low density residential uses, as promoted in the Rural land use category. The idea is to allow for shopping and services locally so that residents of South Olga do not have to leave the area for shopping and service needs.

12. *Results in poor accessibility among linked or related land uses.*

The proposed land use amendment does not have any impact on linked or related land uses.

13. *Results in the loss of significant amounts of functional open space.*

The property is currently being used for tree farming. The current condition of the site contains no functional open space. The proposed development will not create a loss in functional open space.

DeLisi Fitzgerald, Inc.
Planning - Engineering - Project Management

1500 Royal Palm Square Blvd., Suite 101
Fort Myers, FL 33919
239-418-0691 · 239-418-0692 fax

Utilities Analysis

With the proposed amendment to the Comprehensive Plan, the subject property can be developed with 98,010 square-feet of commercial retail and office generating an approximate water and wastewater demand of 14,702 gallons-per-day (GPD). The projected build-out year for the development is 2012.

Potable water and wastewater service will be provided by Lee County Utilities (LCU). For potable water, the property will connect to LCU's water main provided along State Road 80 adjacent to the property. The property will be served by LCU"s interconnected water system with a permitted capacity of 38.12 million gallons per day (MGD). According to LCU, the current demand on the system is 24.3 MGD. Based on the information provided, there is sufficient capacity to serve this project with potable water.

For wastewater service, the property will connect to the LCU's forcemain transmission system located along State Road 80. LCU's transmission system connects to the City of Fort Myers Central Wastewater Treatment Facility with a permitted capacity to treat 11.0 MGD. The plant operated at 6.92 MGD during 2007. According to the City's Wastewater Master Plan prepared in 2005, the Central Plant is projected to operate at an average daily flow of approximately 5.6 MGD in 2012. The projected flow rate is estimated under the assumption that the City will have completed its construction of the East wastewater treatment plant which is currently in the design and permitting process.

Based on current capacities and planned expansions of the utilities that will serve the property, there will be excess capacity for water and sewer to serve the demand of the proposed development. For potable water, there will be nearly 13.8 MGD of permitted excess capacity available to the project. For wastewater, there will be as much as 5.4 MGD of projected excess capacity provided to the property by the City of Fort Myers.



DeLisi Fitzgerald, Inc.
Planning - Engineering - Project Management
1500 Royal Palm Square Blvd., Suite 101
Fort Myers, FL 33919
239-418-0691 • 239-418-0692 fax

AERIAL PROJECT LOCATION MAP

BYRUS OLGA

0 0.125 0.25 0.5 Miles

GENERAL NOTE:
THIS MAP IS FOR REFERENCE ONLY.
DATA PROVIDED ARE DERIVED FROM
MULTIPLE SOURCES WITH VARYING LEVELS OF ACCURACY.

F.M.S.F.D.

Ft. Myers Shores Fire Protection and Rescue Service District
12345 Palm Beach Blvd S.E. Ft. Myers Fl. 33905
Phone (239) 694-2833
Fax (239) 694-3355

August 26, 2008

Daniel DeLisi
DeLisi Fitzgerald, Inc.
1500 Royal Palm square Blvd., Suite 101
Fort Myers, FL 33919

Re: Byrus Olga / Impact Verification
Project NO., 21061
Parcel Strap No.:27-43-26-00-0006.0030
Property Address 208 Linwood Avenue, Alva, FL

Dear Daniel DeLisi,

In regards to the Byrus Olga Development, and how it will impact the Fort Myers Shores Fire Department (FMSFD). Currently the Agency's staff does not foresee any service interruption due to the increased demand from the proposed development.

Additionally FMSFD plans to build a new fire station approximately ¼ mile from the above mentioned project beginning in 2010. The new station will increase our agency's ability to maintain service in the midst of current and future growth. This addition also furthers our agency's ability to provide improved service to the community with additional manning and equipment.

Please do not hesitate to contact my office for additional information or questions.

Sincerely,

Walter S. Gee IV (Pete)
Division Chief

BYRUS OLGA

COMPREHENSIVE PLAN AMENDMENT APPLICATION ANSWERS

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

July 28, 2008

C. ENVIRONMENTAL IMPACTS

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

Please see the attached FLUCFCS map (exhibit C1) and FLUCFCS aerial (exhibit C2) for community locations. The vegetation communities on site were mapped according to the Florida Land Use, Cover and Forms Classification System (FLUCFCS) (Florida Department of Transportation, 1985). The site was inspected and the mapping superimposed on 2007 digital aerial photographs. Acreages were approximated using AutoCAD (2008 version).

The following is a discussion of the existing land uses and vegetative associations found on site. The following table summarizes the FLUCFCS communities discussed below.

2211 Abandoned Citrus Grove (approximately 4.61 acres)
This upland community historically consisted of a citrus grove. Remnant furrows and scattered citrus trees were all that remained. The community was dominated by Bahia grass (*Paspalum notatum*), rag weed (*Ambrosia sp.*), Spanish needles (*Bidens bipinnata*), torpedo grass (*Panicum repens*), finger grass (*Eustachys sp.*), Florida sandspur (Cenchrus echinatus), ceaser weed (*Urena lobata*), carpet grass (*Axonopus sp.*), various sedges (*cyperus sp.),* sharp edge sedge (*cyperus sp.*), and silk reed (*neyraudia reynaudiana*).

4279 Live Oak, Disturbed (approximately 2.46 acres)
This upland community's canopy was dominated by live oak (*Quercus virginiana*) with scattered laurel oak (*Quercus laurifolia*), cabbage palms (*Sabal palmetto*), slash pine (*Pinus elliottii*), Hawaiian orchid (*Bauhinia variegata*) and mimosa (*Mimosa sp.).* The under-story had been cleared and contained Bahia grass (*Paspalum notatum*), ceaser weed (*Urena lobata*), crabs eye vine (*Abrus precatorius*), wild balsm apple (*Momordica charantia*), wild sensitive plant (*Chamaecrista nictitans*), mother in laws tongue (*Sansevieria trifasciata*), wild taro (*Colocasia esculenta*) and silk reed (*neyraudia reynaudiana*).

617E2 Mixed Wetland Hardwoods w/ Exotics 25-50% (approximately 0.99 acres)
This wetland community contained cabbage palms (*Sabal palmetto*), laurel oak (*Quercus laurifolia*), red maple (*Acer rubrum*) and cypress trees (*Taxodium distichum*). The exterior of the under-story contained Brazilian pepper (*Schinus terebinthifolius*) (approximately 28% coverage), salt bush (*Baccharis halmifolia*), wild coffee (*Psychotria sp.*), dog fennel (*Eupatorium sp.*), thistle (*Cirsium sp.*) and wild taro (*Colocasia*

esculenta). The under-story of the interior of the wetland contained button bush (*Cephalanthus occidentalis*), primrose willow (*Ludwigia sp.*), and arrowhead (*Sagittaria lancifolia*).

740 Disturbed Lands (approximately 1.94 acres)
This area contained some abandoned structures. The ground cover was similar to the abandoned citrus community. The community was dominated by Bahia grass (*Paspalum notatum*), rag weed (*Ambrosia sp.*), Spanish needles (*Bidens bipinnata*), torpedo grass (*Panicum repens*), finger grass (*Eustachys sp.*), Florida sandspur (Cenchrus echinatus), ceaser weed (*Urena lobata*), carpet grass (*Axonopus sp.*), various sedges (*cyperus sp.),* sharp edge sedge (*cyperus sp.*), and silk reed (*neyraudia reynaudiana*).

FLUCFCS TABLE

FLUCFCS	COMMUNITY DESCRIPTION	ACRES	%
2211	Abandoned Citrus Grove	4.61 Ac.±	46.10%
4279	Live Oak, Disturbed	2.46 Ac.±	24.60%
617 E2	Mixed Wetland Hardwoods w/ Exotics (25-50%)	0.99 Ac.±	9.90%
740	Disturbed lands	1.94 Ac.±	19.40%
TOTAL		**10.00 Ac.±**	**100.00%**

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

Boca Fine Sand (13)

Boca soils are moderately deep, moderately permeable and poorly drained. These soils are found in sloughs, flatwoods and depressional areas. The uppermost soil layer is fine gray sand about 3 inches thick. The next layer is approximately 6 inches think and consists of fine light gray sand that contains thick roots. From 9 to 14 inches the soil consists of light gray fine sand with medium and coarse roots. The next soil layer (14-25 inches deep) is very pale brown single grained fine sand. Limestone can be found anywhere from 25 to 40 inches in depth. The Boca soil series is nationally listed as a hydric soil however the soil is not locally considered to be a hydric soil.

Copeland Sandy Loam, Depressional (45)

Copeland Series soils are "moderately deep, very poorly drained, moderately permeable soils that form in moderately thick beds of marine sediment over limestone." These depressional soils are smooth to concave with slopes ranging from 0 to 1 percent. The

first 8 inches consist of a weak fine granular structure very dark gray sandy loam with light gray streaks. From 8 to 20 inches the soil is a very dark gray sandy loam with light gray streaks and is a "moderate medium subangular blocky structure". The next 8 inches consist of a light brownish gray sandy clay loam with calcium carbonate. From 28 inches onward the soil is "fractured limestone bedrock". Under natural conditions the water table is above the surface for 3 to 6 months out of the year and is 10 to 40 inches below the surface for the remainder of the year.

** Hydric Soil

Please see the attached soil map (exhibit C3) for soil locations on the property. All information was achieved from the NRCS Hydric Soils of Florida Handbook (2000).

3. **A topographic map with property boundaries and 100-yearflood prone areas indicated (as identified by FEMA).**

   Please see the attached topography map.

4. **A map delineating wetlands, aquifer recharge areas, and rare & unique uplands.**

   The site contains one wetland. The wetland is a mixed hardwoods wetland with exotics. For the wetland location please see the attached FLUCFCS map (community 617E2).

   The upland areas are highly disturbed in nature. The site does not contain any rare and unique upland communities.

   The property was mapped by SFWMD in 1995 in the lower coast surficial recharge area.

5. **A table of plant communities by FLUCFCS with 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 FLUCFCS and the species status (same as FLUCFCS map).**

Protected Animals by Status

FLUCFCS	SPECIES	USFWS	FFWCC
2211	Audubon's Crest. Caracara *Polyborus plancus audubonii*		T
	Gopher Tortoise *Gopherus polyphemus*		T
	Gopher Frog *Rana capito*		SSC
4279	Gopher Tortoise *Gopherus polyphemus*		T
	Gopher Frog *Rana capito*		SSC
617E2	Limpkin *Aramus guarauna*		SSC
	Little blue heron *Egretta caerulea*		SSC
	Reddish egret Egretta rufescens		SSC
	Snowy Egret *Egretta thula*		SSC
	Tri Colored Heron *Egretta tricolor*		SSC
740	Eastern Indigo Snake *Drymarchon corais couperi*	T	T
	Gopher Tortoise *Gopherus polyphemus*		T
	Gopher Frog *Rana capito*		SSC

FFWCC-Florida Fish and Wildlife Conservation Commission
USFWS-U.S. Fish and Wildlife Service
T- Threatened
E-Endangered
SSC-Species of Special Concern

Audubon's Crested Caracara

The Audubon's Crested Caracara (*Polyborus plancus audubonii)* is a large raptor with a crest, naked face, heavy bill, elongate neck, and unusually long legs. This non-migratory species occurs in Florida as well as the southwestern U.S. and Central America. Only the Florida population, which is isolated from the remainder of the subspecies in the southwestern U.S. and Central America, is listed under the Endangered Species Act. Typically most Caracara's inhabit the prairie area of south central Florida. Caracara could utilize the cabbage palms on the property for nesting.

Eastern indigo snake
The eastern indigo snake (*Drymarchon corais*) is a non-poisonous glossy blue-black snake. It is the largest snake in the United States and can get up to nine feet long. This snake is often found in well drained scrub and sandhill habitats and is commonly considered to be associated with gopher tortoise burrows. The eastern indigo snake could potentially occur in the old agricultural lands and disturbed portions of the property, however, the potential is low. The majority of these upland habitats provide no cover for itself or any prey species.

Limpkin
The limpkin (*Aramus guarauna*) is a large brown with white spots wading bird that looks superficially like an ibis. Limpkins have a piercing cry kree-ow, kra-ow. This bird is found in freshwater marshes, along the edges of ponds, and lakes, and in wooded swamps along rivers. Its preferred food source is the apple snail however it will also eat mussels, insects, crustaceans, worms, frogs, lizards, and other types of snails. Limpkins could potentially utilize the wetland as a foraging area.

Little Blue Heron
The little blue heron (*Egretta caerulea*) is a medium sized slender heron whose appearance dramatically different with age. First year herons are pure white while the adults appear slate blue. The little blue heron's diet includes small fish, amphibians, and aquatic invertebrates. Little blues occupy swamps, estuaries, rivers, ponds, and lakes and could potentially utilize the wetland as a foraging area.

Reddish egret
The reddish egret (*Egretta rufescens*) is a large, slender egret with long legs and a long neck. There are two different distinct color patterns to these birds. The white morph is all white, while dark morph individuals have a rust colored head and neck feathers, and slate gray body feathers. This wading bird is found primarily in coastal tidal flats, salt marshes, and lagoons. These wading birds utilize salt water areas almost exclusively. There diet consists of small fish. This wading bird typically inhabits coastal areas. Because of this it is unlikely that this bird would inhabit the property.

Snowy Egret
The snowy egret (*Egretta thula*) is a small sized white heron with a black bill, black legs, and yellow feet. Snowy egrets typically eat fish, crabs, amphibians, and insects. Snowy egrets occupy salt marshes, swamps, ponds, shores, tidal flats, rice fields, and shallow coastal bays. Snowy Egrets could potentially utilize the wetland as a foraging area.

Tri-colored Heron
The Tricolored heron (*Egretta tricolor*) is a medium sized heron with a dark slate gray head and upper body with a purplish chest. These herons have a white strip

running down the front of their neck that creates their tricolor. Their diets consist of small fish, crustaceans, reptiles, amphibians, insects, snails, and other invertebrates. Tricolored Herons prefer saltwater and brackish water habitats however it forages in both freshwater and saltwater areas. Tricolored Herons can be found in salt and freshwater mudflats, marshes, swamps, and meadows. Tricolored herons could potentially utilize the wetland as a foraging area.

Gopher Tortoise

The gopher tortoise (*Gopherus polyphemus*) is a large reptile that averages 25 cm long and 9 lbs in weight. Wild tortoises can live up to 60 years old. Gopher tortoises dig approximately 4.5 meter long burrows which have a half moon shaped entry and a large apron. Tortoise burrows create homes for 401 species of animals. These tortoises can be commonly found in dry scrub areas, including scrub oak, dry prairies, pine flatwoods, and coastal dune ecosystems. Tortoises are primarily herbivorous; however, they will eat the bones of dead animals for calcium. Gopher tortoises could potentially utilize the abandoned agricultural area and the disturbed portions of the property.

Gopher frog

The gopher frog (*Rana capito*) is a stout bodied cream to brown or black frog with irregular spots on its back and sides. The Florida subspecies (Rana capito aesopus) also features a white to cream spotted chin, and a white belly. These frogs are commonly found in moist meadows, prairies, woodlands, and pine scrub areas. The gopher frog utilizes gopher tortoise burrows as a home and is often associated with gopher tortoise burrows. The gopher frog is associated with gopher tortoise and could potentially be found in the abandoned agricultural area and the disturbed portions of the property.

Protected Plants by status

FLUCFCS	SPECIES	USFWS	FDA
4279	Twisted and banded air plant *Tillandsia flexuosa*		E
	Fuzzy-wuzzzy air plant *Tillandsia pruinosa*		E
	Giant wild pine *Tillandsia utriculata*		E
617E2	Twisted and banded air plant *Tillandsia flexuosa*		E
	Fuzzy-wuzzzy air plant *Tillandsia pruinosa*		E
	Giant wild pine *Tillandsia utriculata*		E

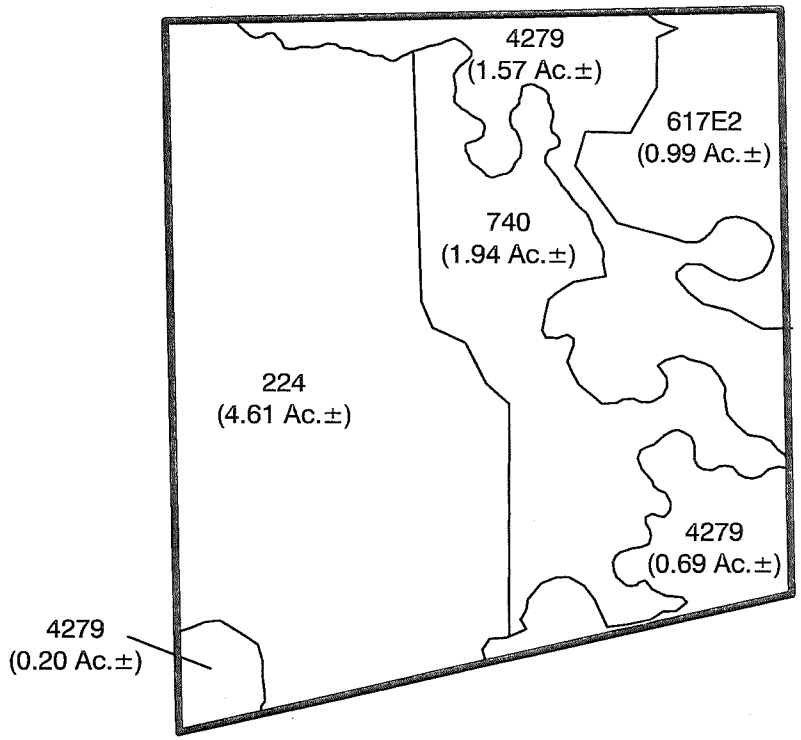
Listed Air Plants (*Tillandsia* spp.)
Several of the listed air plants are relatively common, but have recently been listed as a result of a weevil, which poses a potential future threat to its populations. It is likely that air plants do occur on the property, but in low numbers if they are present. Because the air plants typically cling to trees, and the abandoned citrus and disturbed areas on the property have very few trees, the presence of any air plants would be limited.

Because of the disturbed nature of the on-site vegetation communities, the development of the site would not have any appreciable impact on listed wildlife or plant resources. There are no pristine vegetation communities on the property. Nearly 90 percent of the property has been disturbed by clearing events. Any development will likely have storm water management ponds that will satisfy wading bird usage on the property. Due to the absence or low potential of the property to support listed plant and animal species, measures to mitigate impacts to these species would be unnecessary. If any rare plants are found they can be relocated.

N

BEC

Scale: 1" = 200'



FLUCFCS LEGEND

FLUCFCS Code	Community Description	Acres	%
2211	Abandoned Citrus Grove	4.61 Ac.±	46.10%
4279	Live Oak, Disturbed	2.46 Ac.±	24.60%
617 E2	Mixed Wetland Hardwoods w/ Exotics (25-50%)	0.99 Ac.±	9.90%
740	Disturbed lands	1.94 Ac.±	19.40%
TOTAL		**10.00 Ac.±**	**100.00%**

NOTES:

FLUCFCS lines were estimated and based on aerial photographs. The FLUCFCS boundaries are approximate.

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

Aerial photographs were acquired through Lee County Property Appraiser's office with a flight dates from 8/22/07 to 11/11/07.

Property boundary was obtained from Delisi Fitzgerald, Inc. on July, 23, 2008 Drawing 7763SR-Eng.dwg

Boylan Environmental Consultants, Inc.
Wetland & Wildlife Surveys, Environmental Permitting, Impact Assessments
11000 Metro Parkway, Suite 4, Ft. Myers, FL 33966 (239) 418-0671

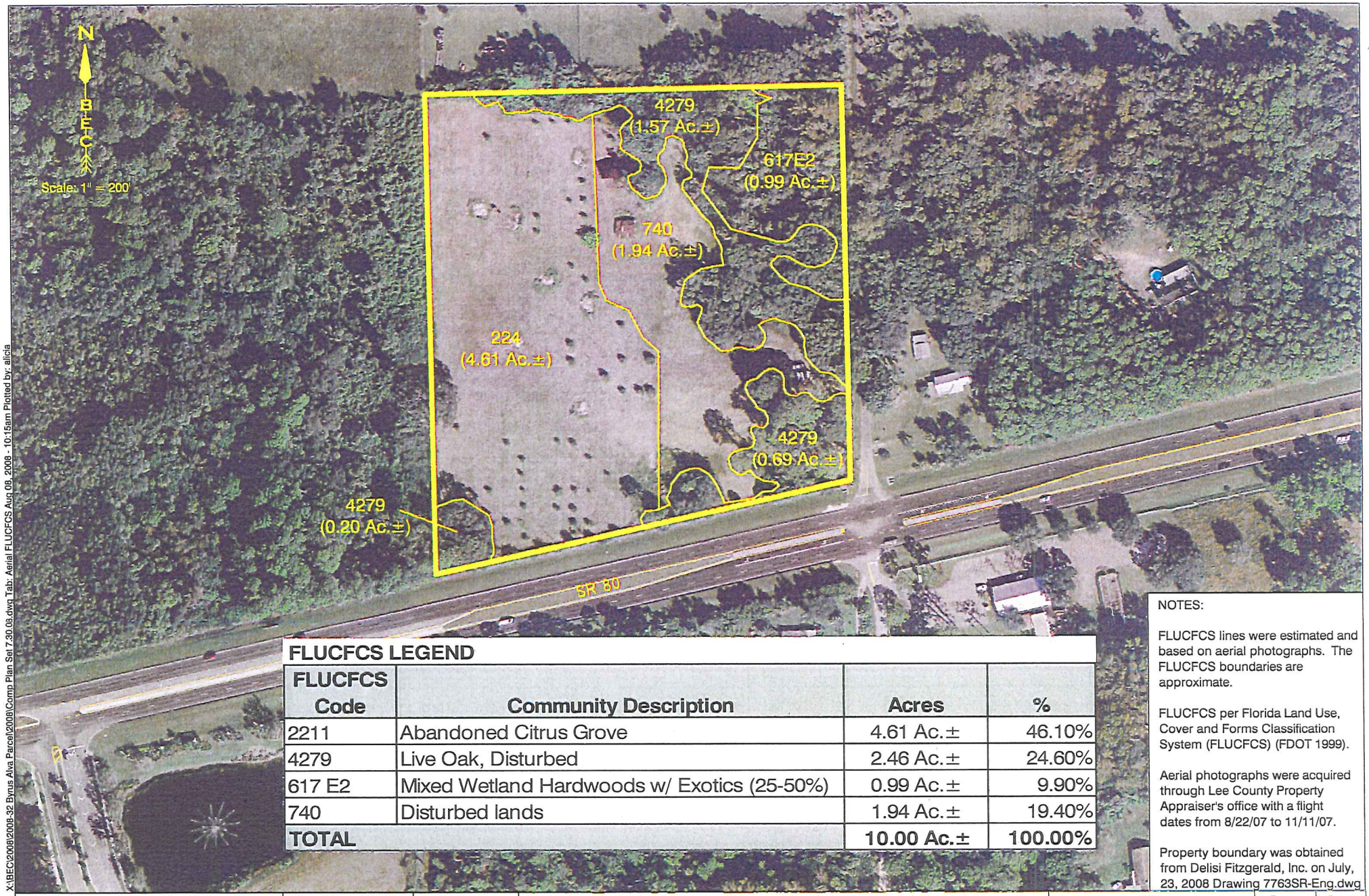
Drawn By:	Date:	Category
B.K.M.	7/28/08	FLUCFCS
Job Number		Scale:
2008-32		1" = 200'
S/T/R		County
27/43S/26E		Lee

BYRUS OLGA

FLUCFCS MAP

Revisions	Date:	Page
		Exhibit C1

X:\BEC\2008\2008-32 Byrus Alva Parcel\2008\Comp Plan Set 7.30.08.dwg Tab: FLUCFCS Aug 08, 2008 - 10:15am Plotted by: alicia



X:\BEC\2008\2008-32 Byrus Alva Parcel\2008\Comp Plan Set 7.30.08.dwg Tab: Aerial FLUCFCS Aug 08, 2008 - 10:15am Plotted by: alicia

FLUCFCS LEGEND

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Property boundary was obtained from Delisi Fitzgerald, Inc. on July, 23, 2008 Drawing 7763SR-Eng.dwg

Boylan Environmental Consultants, Inc.
Wetland & Wildlife Surveys, Environmental Permitting, Impact Assessments
11000 Metro Parkway, Suite 4, Ft. Myers, FL 33966 (239) 418-0671

Drawn By:	Date:	Category
B.K.M.	7/28/08	FLUCFCS
Job Number		Scale:
2008-32		1" = 200'
S/T/R		County
27/43S/26E		Lee

BYRUS OLGA

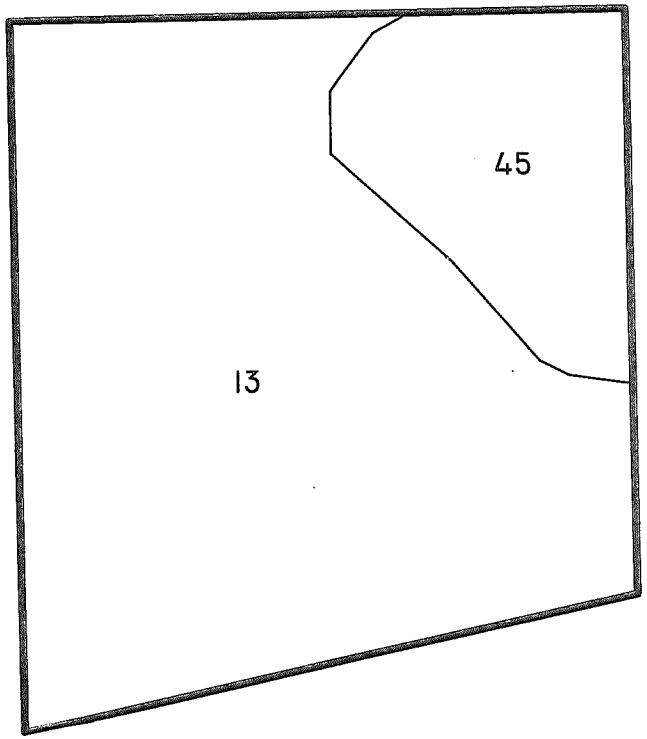
FLUCFCS MAP w/ AERIAL

Revisions	Date:	Page
		Exhibit C2

N

B-E-I-C

Scale: 1" = 200'



Soil No	Description	Status
13	Boca Fine Sand	Non-Hydric
45	Copeland Sandy Loam, Depressional	Hydric

NOTES:

Soils were acquired from the FGDL and are NRCS mappings.

Property boundary was obtained from Delisi Fitzgerald, Inc. on July, 23, 2008 Drawing 7763SR-Eng.dwg

X:\BEC\2008\2008-32 Byrus Alva Parcel\2008\Comp Plan Set 7-30-08.dwg Tab: 8.5 x 11 Soils Aug 08, 2008 - 10:15am Plotted by: alicia

Boylan Environmental Consultants, Inc.
Wetland & Wildlife Surveys, Environmental Permitting, Impact Assessments
11000 Metro Parkway, Suite 4, Ft. Myers, FL 33966 (239) 418-0671

Drawn By:	Date:	Category
B.K.M.	7/28/08	Soils
Job Number		Scale:
2008-32		1" = 200'
S/T/R		County
27/43S/26E		Lee

BYRUS OLGA

NRCS SOILS MAP

Revisions	Date:	Page
		Exhibit
		C3

Sheila Holland

From: Noble, Matthew A. [NOBLEMA@leegov.com]
Sent: Wednesday, August 13, 2008 11:18 AM
To: Ciccarone, Michael; Sheila Holland
Cc: Mudd, James P.
Subject: RE: R & D Property

Yes Friday is ok, and to Planning, it does not have to come over the counter...

From: Ciccarone, Michael [mailto:Michael.Ciccarone@fowlerwhite.com]
Sent: Wednesday, August 13, 2008 9:06 AM
To: Sheila Holland
Cc: Noble, Matthew A.; Mudd, James P.
Subject: RE: R & D Property

The deadline is a bit fuzzy. It is whatever Matt says it is. Please direct all questions to him re procedure.

Michael J. Ciccarone
Fowler White Boggs Banker P.A.
2235 First Street
Fort Myers, FL 33901-3086
Tel: 239-334-7892
Fax: 239-334-3240
E-mail address: michael.ciccarone@fowlerwhite.com

From: Sheila Holland [mailto:sholland@M-DA.com]
Sent: Wednesday, August 13, 2008 8:31 AM
To: Ciccarone, Michael
Subject: FW: R & D Property

RECEIVED
AUG 2 9 2008
COMMUNITY DEVELOPMENT

Good morning Mr. Ciccarone,

I just want to clarify for direction. I thought our deadline was today. Is it going to be okay with the county to turn this in on Friday? Also I have a question as to how I need to submit. Am I to go down to the zoning counter or take this directly to Matt Noble because this is going in with the CPA2007-00050, or is this something I need to ask Matt Noble?

Thanks
Sheila Holland
Planning Technician

From: James Banks [mailto:jmbswte@msn.com]
Sent: Wednesday, August 13, 2008 8:27 AM
To: michael.ciccarone@fowlerwhite.com
Cc: David W. Depew; Sheila Holland
Subject: R & D Property

Parcel Information

Parcel Area

85.3 Acres

Parcel Location

The parcels are located in Section 4, Township 44 South, Range 24 East, Lee County, Florida on Pine Island Road lying between Orchid Road and Barrett Road and north of Pondella Road.

Parcel Strap Numbers

04-44-24-00-00004.0010
04-44-24-00-00009.0000
04-44-24-00-00009.0020
04-44-24-00-00009.0030
04-44-24-00-00008.0000
04-44-24-00-00007.0000
04-44-24-00-00051.0000
04-44-24-00-00052.0000
04-44-24-00-00005.0000
04-44-24-00-00024.0000
04-44-24-00-00023.0000
04-44-24-00-00023.0040
04-44-24-00-00014.0000
04-44-24-00-00015.0000

Parcel Address

2500 - 2800 N.E. Pine Island Road, North Fort Myers, Florida
1570 Orchid Road, North Fort Myers, Florida
1481 Barrett Road, North Fort Myers, Florida

Parcel Ownership Information

Orchid-Pine Island, LLC
8.8 Pine Island Road, LLC
Somerset Properties, LLC
Barrett Pine Island Road, LLC
Del Prado Corbett, LLC
Robert K. Presher,
Stephen W. Haywood 50% & /Talan Corporation 50%
James H. Whitehead and Joseph P Johns

Agent Information

Charles Basinait, P.A
Henderson, Franklin, Starnes & Hoit
17145 Monroe Street, Fort Myers, Florida 33902
(239) 344-1204 Fax: (239) 344-1580

Cliff Repperger, A.I.C.P.
Avalon Engineering
2503 Del Prado Boulevard, South Suite 200, Cape Coral, Florida 33904
(239) 573-2077 Fax: (239) 573-2076

Current Land Use

Suburban	1350 linear feet X 300 feet of depth on Pine Island Road or	9.29 Acres
Central Urban	2150 linear feet X 300 feet of depth on Pine Island Road or	14.80 Acres
Outlying Suburban		61.21 Acres

Current Zoning

Special Commercial Office District (CS-2)	0.21 Acres
Agriculture (AG-2)	60.89 Acres
Single Family Residential (RS-1)	24.2 Acres

Surrounding Zoning

North: Corridor, Industrial (City of Cape Coral) and Agriculture (AG-2)
South: Single Family (RS-1)
East: Single Family (RS-1), Agriculture (AG-2), Multi-family (R-3) City of Cape Coral
West: Corridor (City of Cape Coral)

Surrounding Future Land Use

North: Pine Island Road District, Industrial (City of Cape Coral), Central Urban
South: Outlying Suburban
East: Mixed Use (City of Cape Coral), Outlying Suburban
West: Pine Island Road District (City of Cape Coral)

Soil Types

The soil types vary throughout the project site; starting from the western property line to the eastern you will find the following soil types:

Wabasso sand, limestone substratum - 42
Matlacha gravelly fine sand - 69
Felda fine sand – 12
Boca fine sand - 13
Oldsmar sand – 33
Immokalee sand – 28

Summary of Request

Proposed change to the Subject Property:

Subject Property to be included North Fort Myers Community Plan, Centers and Corridors (Objective #) and within the Corridor Overlay District (Policy #)

The applicant request a Future Land Use Map amendment of the northern 61.1 acres along Pine Island Road to Commercial Land Use and the southern 24.2 acres to Central Urban Land Use.

Amendment to Map 7 to include subject property within Future Sewer service area

Proposed development of the Subject Property:

Calculation of maximum allowable development under existing:

Residential Units/Density: 3 dwellings per acre (3 x 61.21 aces) or 183 dwelling units
Commercial Intensity: 4.81 aces that would yield 52,380.90 square feet of retail/office/restaurant uses 0.25 FAR
Industrial Intensity: None

Calculation of maximum allowable development under proposed FLUM:

Residential Units/Density: 10 dwelling per acre (10 x 24.2) or 242 dwelling units
Commercial intensity: 61.1 acres that would yield 532,303 square feet of retail/ office/ restaurant uses
Industrial intensity: None

History of the Subject Property

In 1992, the North Fort Myers Homeowners Association requested a Land Use Map Amendment the changed the project site to Outlying Suburban while preserving the existing Land Use (Suburban and Central Urban) on a 300 foot in depth strip of land along Pine Island Road. According to the staff report, the area proposed in this amendment was planned as an urban designation and as such several public improvements have occurred in this area and were planned for in the future. Prior to this amendment and continuing after Lee County improved and or expanded services, i.e., Fire, Police and Emergency, Water Availability, and Road and Surface Water to this area in accordance with the Lee Plan. In addition to the public facilities and public services provided in and around the project site since this Land Use Map Amendment, in 2006 the Judd Creek Subdivision was annexed into the City of Cape Coral reducing the original 502 acres proposed in this Land Use Map Amendment by 192 acres. The Judd Creek subdivision is a mixed-use urban development proposing a 22.8 acre commercial parcel for the development of 200,000 square feet of retail/office/ restaurant uses and 117.08 acres of residential uses for 1,100 multi-family units, a project density of 9 dwelling units per acre. Since the approval of the Pine Island Road District within the City of Cape Coral Pine Island Road has seen colossal Commercial Development to the west of the project site, i.e. Coral Walk Shopping Center, Northpoint Shopping Center, Lee Memorial Medical Office Building, National Restaurants, and a flex-space office complex (East Cape Commerce Center).

Environmental Impacts

An Environmental Survey will be undertaken and mitigation performed to minimize the impacts of the development, if any, on the protected species habitat.

Public Facilities Impacts

Water

The parcels are shown within the Future Water Service Area (Lee Plan Map 6)

Sewer

The parcels are not shown within the Future Sewer Service Areas. We request that the Lee Plan Map 7 be amended to include this future development area.

Type of Access

The parcels have access to a Principle Arterial Roadway (Pine Island Road – SR 78) and four (4) Local Roadways (Orchid Road, Smokey Hollow Lane, Queen's Drive and Barrett Road).

Surface Drainage / Drainage Basins

The property will be developed in accordance with SFWMD regulations. No amendments to the Lee Plan are necessary.

Impacts on Community and Regional Parks

The 2007 Concurrency Inventory indicates there are 166 acres of existing park acres within the North Fort Myers District #42 (Table 15). The "Regulatory" standard (47.7 acres in 2006) and the "Desired" standard (119.2 acres in 2006) were met in 2006 and will continue to be met through the year 2010. No amendments to the CIE or the Parks and Recreation element will be necessary as a result of this map change.

Internal Consistency with the Lee Plan

The proposed amendment will have a potential of increasing the number of dwelling units by 59 on the subject property. At an assumed person per household rate of 2.09, the request would add approximately 123 persons to the capacity of the FLUM.

Effect on adjoining Local Governments

All of the property in the City of Cape Coral, which directly abuts Pine Island Road, is designated for intense commercial uses. Cape Coral Future Land Use Map also classifies property located south of Pine Island Road as residential at approximately 4 units per acres, while the property north of Pine Island Road is Industrial. The proposed Amendment will eliminate a portion of an enclave of rural property within this overwhelmingly urban environment. The requested uses (commercial and residential up to 10 units per acre) are consistent with the City of Cape Coral Future Land Use Map designations abutting and around Pine Island Road.

Urban Sprawl Analysis

The requested amendment from a non-urban to an urban category does not constitute urban sprawl because the subject property is part of an enclave of rural property that is surrounded by urban lands at much higher densities and intensities. The property has access to an arterial road and public water. The project has requested a Map Amendment to the Lee Plan Map 7 (Future Sewer Service Area), to amend the service area to include sewer service to the project site.

Response to the indicators in the urban sprawl rule:

- The Commercial Land Use will provide a mixture of commercial uses adjacent to Pine Island Road and the City of Cape Coral Pine Island Road District. The Central Urban Land Use proposed for the southern project site will allow for up to 10 units per acre and provide a variety of residential housing choices.

- This amendment will not result in leapfrog development. The property is located in a commercial corridor. The residential component of the project will abut

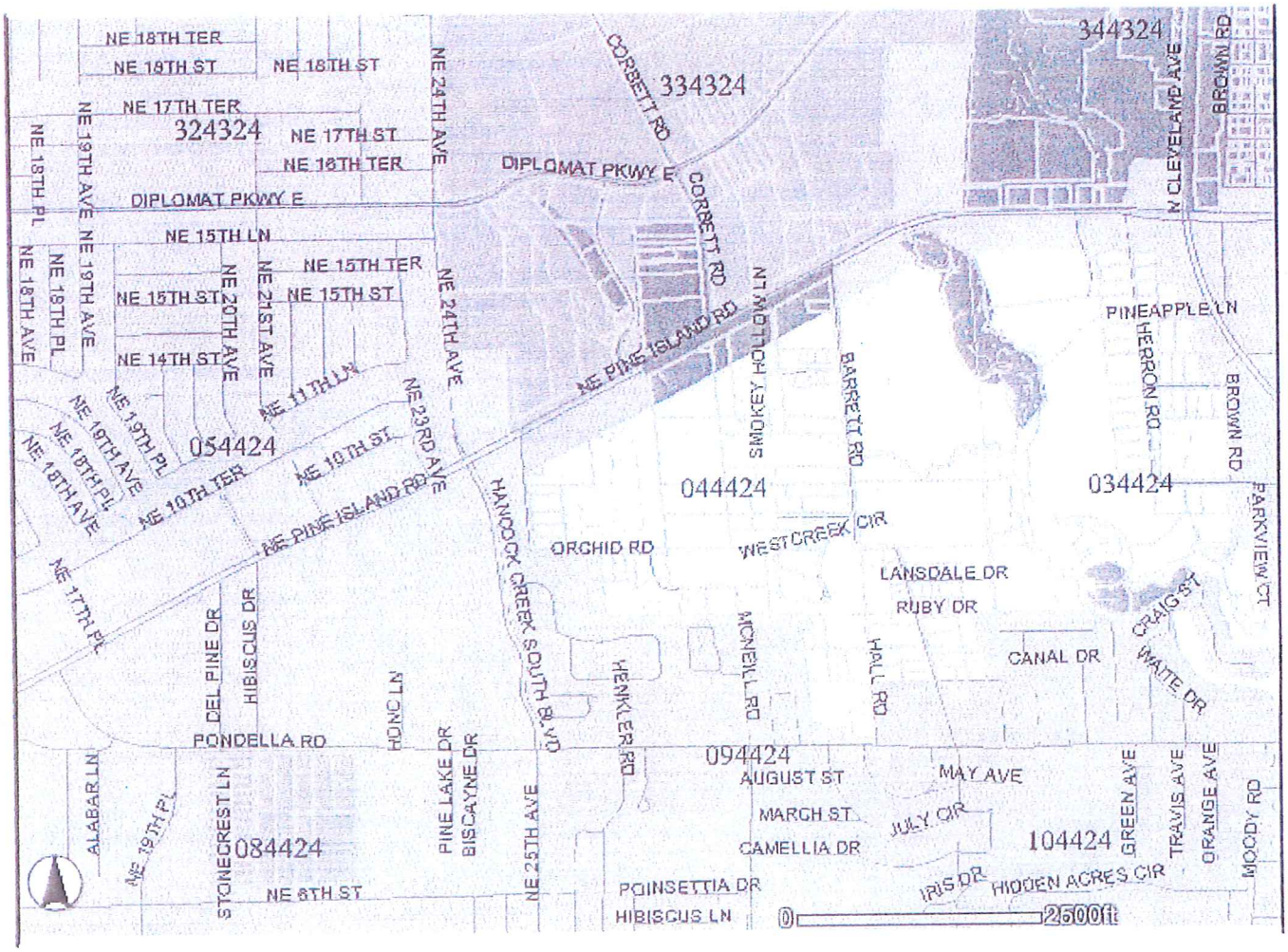
existing residential lots. Commercial development is proposed to the west of the project site, Intensive Commercial and Industrial uses are proposed to the North and the property owner to the East has an application into the City to rezone 20 acres adjacent to Pine Island Road to Commercial.

- The request does not constitute strip or ribbon development. The project site consists of 61 + acres of commercial with a minimum frontage depth of 800 feet.

- There are no valuable natural resources or agricultural uses on the site.

- The proposal will permit urban infill in lieu of an enclave of rural uses.

General Location and Area Maps (will be Named and Labeled as Exhibits if staff would like to include)


NE 18TH TER
NE 18TH ST
NE 18TH ST
NE 17TH TER
324324
NE 17TH ST
NE 16TH TER
DIPLOMAT PKWY E
NE 15TH LN
NE 15TH TER
NE 15TH ST
NE 15TH ST
NE 14TH ST
NE 11TH LN
NE 10TH ST
NE 10TH TER
NE 24TH AVE
NE 19TH AVE
NE 18TH PL
NE 18TH AVE
NE 20TH AVE
NE 21ST AVE
NE 19TH PL
NE 18TH AVE
NE 17TH PL
NE PINE ISLAND RD
NE 23RD AVE
054424
CORBETT RD
334324
344324
N CLEVELAND AVE
BROWN RD
SMOKEY HOLLOW LN
BARRETT RD
044424
034424
PINEAPPLE LN
HERRON RD
BROWN RD
PARKVIEW CT
ORCHID RD
WEST CREEK CIR
LANSDALE DR
RUBY DR
CRAIG ST
CANAL DR
WAITE DR
HANCOCK CREEK SOUTH BLVD
HENKLER RD
MCNEILL RD
HALL RD
DEL PINE DR
HIBISCUS DR
HONO LN
PONDELLA RD
PINE LAKE DR
BISCAYNE DR
NE 25TH AVE
094424
AUGUST ST
MAY AVE
MARCH ST
JULY CIR
CAMELLIA DR
104424
GREEN AVE
TRAVIS AVE
ORANGE AVE
MOODY RD
ALABAR LN
NE 19TH PL
STONECREST LN
084424
NE 8TH ST
POINSETTIA DR
IRIS DR
HIDDEN ACRES CIR
HIBISCUS LN
0
2500ft



Total Acreage
83.5+/-

Total Pine Island Road Frontage
3,600 lineal feet.

Utilities
FPL along Pine Island Road, Cape Coral sewer and water within 620 feet at Hancock Creek Parkway.

Annexation
Application for annexation to City of Cape Coral made 2/07. Currently under review.

Contacts
Charles R. Felix Phone 239-213-8878 e-mail crf@charlesrfelix.com
Daniel Kelly Phone 239-229-7019 e-mail dan@qdqllc.net

Cape Coral, Florida



Total Acreage
83.5+/-

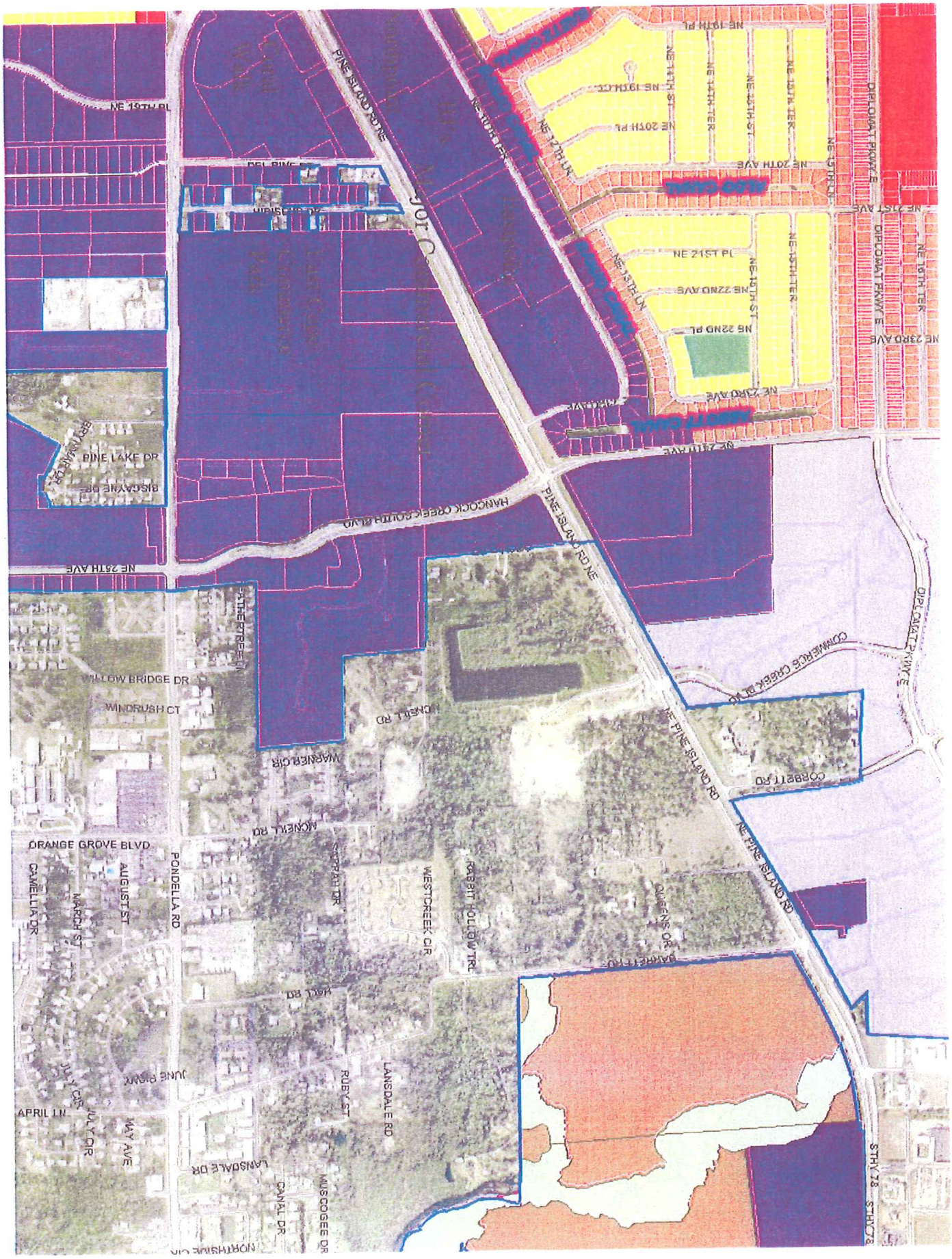
Total Pine Island Road Frontage
3,600 lineal feet.

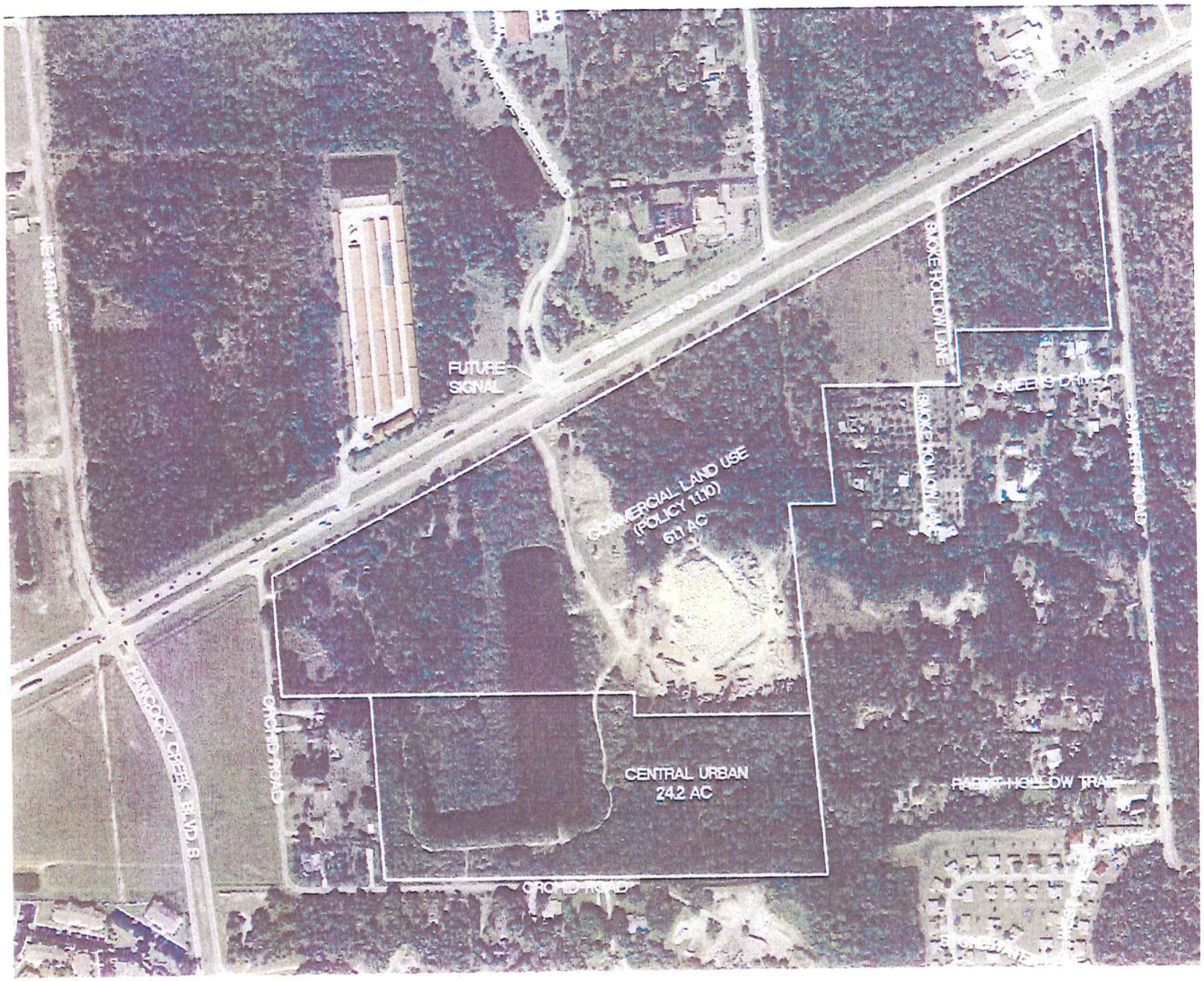
Utilities
FPL along Pine Island Road, Cape Coral sewer and water within 620 feet at Hancock Creek Parkway.

Annexation
Application for annexation to City of Cape Coral made 2/07. Currently under review.

Contacts
Charles R. Felix. Phone 239-213-8878. e-mail crf@charlesrfelix.com
Daniel Kelly. Phone 239-229-7019. e-mail dan@gdglic.net

Cape Coral, Florida


PINE ISLAND RD NE
NE 19TH PL
NE 19TH CT
NE 14TH ST
NE 14TH TER
NE 15TH ST
NE 15TH TER
NE 20TH PL
NE 20TH AVE
NE 21ST PL
NE 21ST AVE
NE 22ND AVE
NE 22ND PL
NE 23RD AVE
DIPLOMAT PKWY E
NE 16TH TER
NE 17TH LN
NE 17TH TER
MAIN CANAL
NORTH CANAL
MID CANAL
PINE LAKE DR
BISCAYNE DR
BISCAYNE CIR
HANCOCK CREEK SOUTH BLVD
NE 25TH AVE
PINE ISLAND RD NE
COMMERCE CREEK BLVD
CORBETT RD
NE PINE ISLAND RD
WILLOW BRIDGE DR
WINDRUSH CT
WARNER CIR
MCNEIL RD
ORANGE GROVE BLVD
CAMELLIA DR
AUGUST ST
MARCH ST
PONDELLA RD
SKIPPER DR
WESTCREEK CIR
RABBIT HOLLOW TRL
QUEENS DR
HOLL RD
JUNE PKWY
JULY CIR
JULY CIR
APRIL LN
MAY AVE
LANSDALE DR
RUBY ST
LANSDALE RD
CANAL DR
MUSCOGEE DR
NORTHSIDE CIR
STHWY 78



N

0 10 2
(IN FEET)

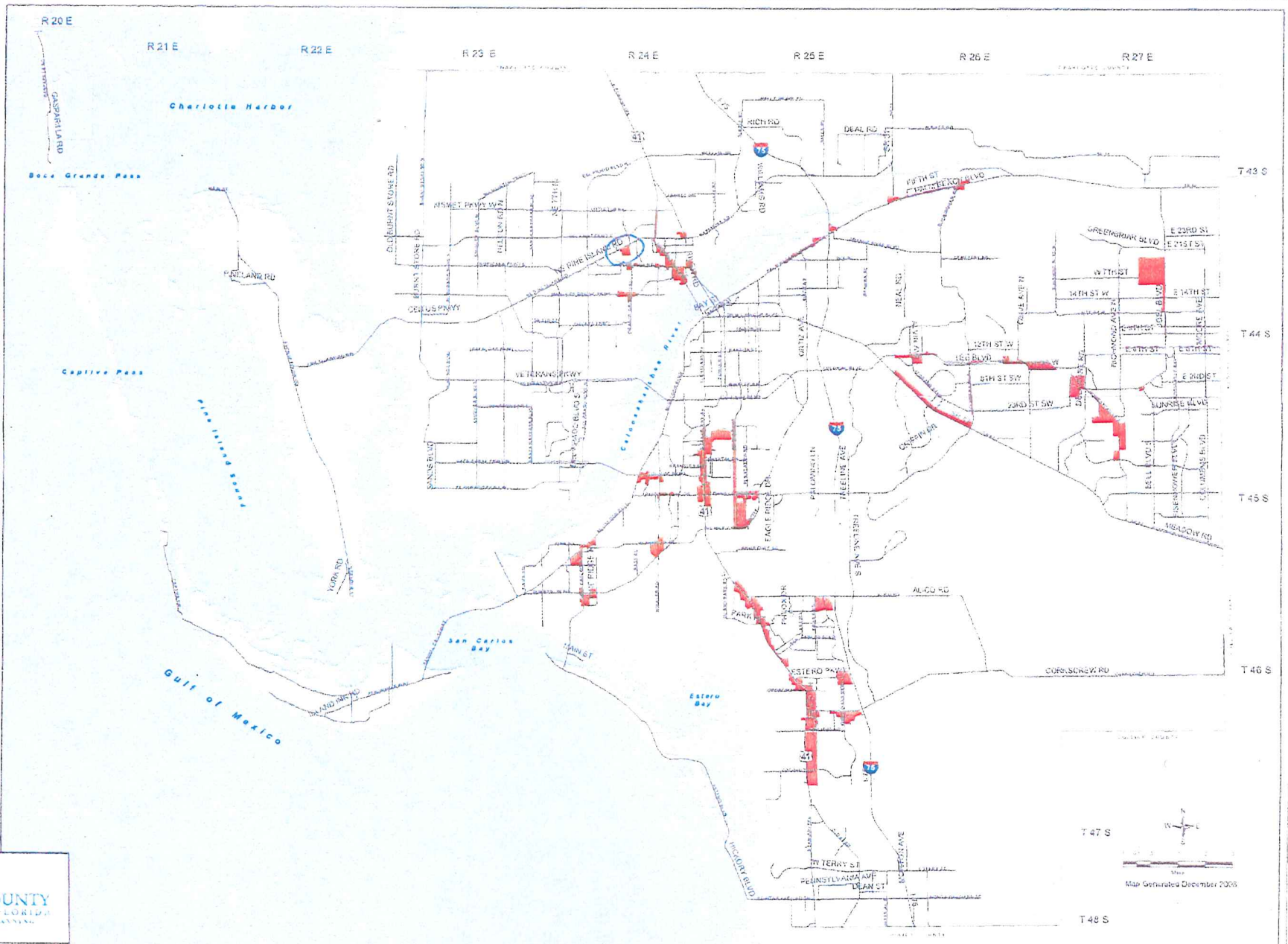
TOTAL ACREAGE
85.3±

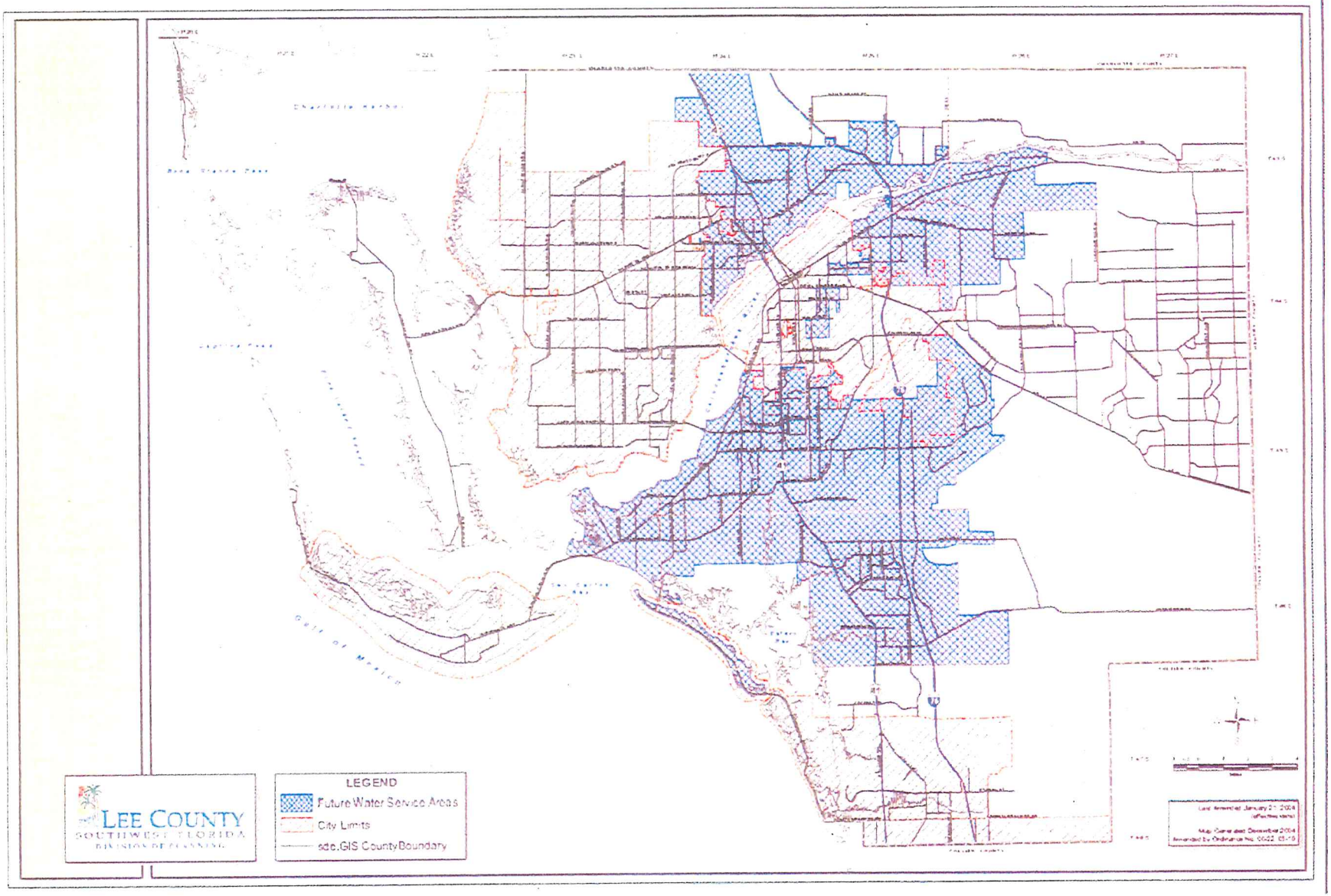
TOTAL PINE ISLAND ROAD FRONTAGE
3500 LINEAR FEET

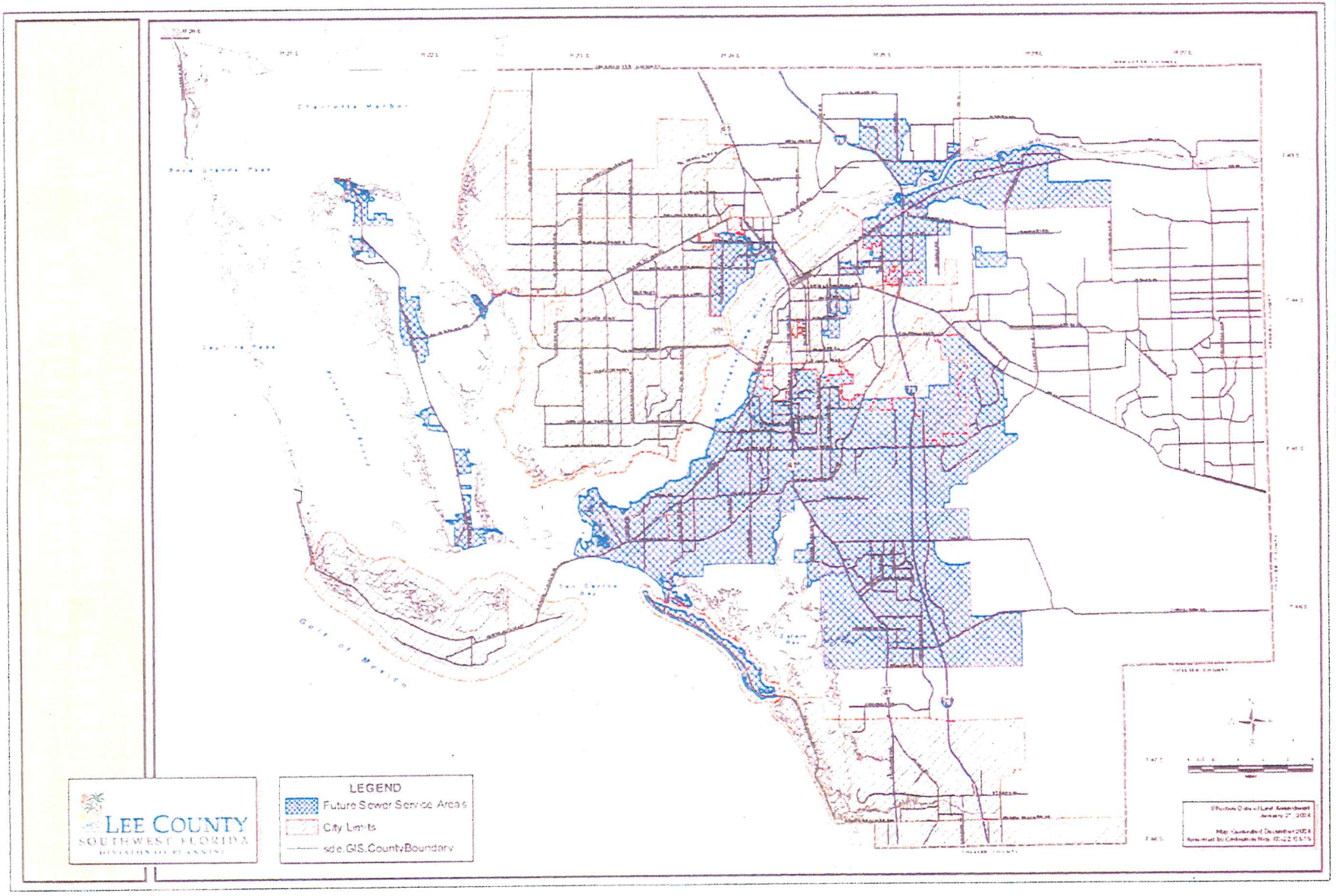
UTILITIES
FPL ALONG PINE ISLAND ROAD.
CAPE CORAL SEWER AND WATER WITHIN 620 FEET AT HANCOCK CREEK PARKWAY.

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SPECIAL TREATMENT AREAS
PROPOSED MIXED USE OVERLAY MAP


R 20 E
R 21 E
R 22 E
R 23 E
R 24 E
R 25 E
R 26 E
R 27 E
T 43 S
T 44 S
T 45 S
T 46 S
T 47 S
T 48 S
Charlotte Harbor
Boca Grande Pass
Captiva Pass
Pine Island Sound
San Carlos Bay
Gulf of Mexico
Estero Bay
Caloosahatchee River
PINE ISLAND RD
PINELAND RD
CHARLOTTE HARBOR
CLEAUROAT STONE RD
BURNT STONE RD
KISMET PKWY W
CR 78
CR 867
CR 865
CR 869
CR 867
CR 865
CR 869
CR 865
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CR 865
CR 869


LEE COUNTY
SOUTHWEST FLORIDA
LEGEND
Future Water Service Areas
City Limits
sde.GIS.CountyBoundary


LEE COUNTY
SOUTHWEST FLORIDA
LEGEND
Future Sewer Service Areas
City Limits
sde.GIS.CountyBoundary

I am providing a summary of our meeting on January 13, 2009 at the Olga Community Center where we discussed the Olga community plan amendment and Mike Ciccerone's e-mail dated January 7, 2009.

We began by discussing the possible alignment and design of the proposed road that will connect SR 80 to South Olga Road through the R&D Cattle site. The issue was the speed that the road would be designed to. We discussed two options: 1. Design the road for a speed of 30 mph. and post a speed limit of 25 mph. 2. Design the road for a speed of 25 mph. It is staff's understanding that the residents would like to see the difference in the two designs and the impact each design would have on the northern conservation area.

Next we went over Mike Ciccerone's e-mail from January 7. The first issue was the relocation of the FDOT drainage ditch running north and south through the eastern part of the R&D site. Residents did not want to see any natural water flows altered on the site. It is not clear if relocation of the drainage ditch would affect water flows and we are waiting for comments from Natural Resources staff for their opinion on relocating the ditch.

We then discussed the placement and shielding of parking areas. It was agreed that parking would be required to be internal to the site and not be placed between buildings and roadways, but that parking areas did not need to be screened by buildings. The installation of vegetative buffers to screen parking areas is preferred. We also discussed buffering of commercial uses adjacent to the Byrus site immediately to the east of the R&D cattle site and the buffering adjacent to roads. It is staff's understanding that buffering adjacent to the Byrus site should be required unless both parcels are developed as a unified project. Buffering adjacent to SR 80 and adjacent to the proposed new road should also be required.

We discussed automobile oriented uses and staff's understanding is that the community does not want to see any automobile repair, tire stores, car washes, or restaurants that would require drive-through facilities. The residents would prefer to see non-retail or minor commercial uses on the site.

We talked about Policy 26.6 that would require development density and intensity to gradient from the center to the edge suitable to integrate surrounding land uses. We agreed that either that policy would be re-written to be more clear or would be removed. If it is to be re-written then residents will need to provide staff with alternate language.

Finally, staff went over some additional questions posed by Mr. Ciccerone. The answer to question 6 in his January 7 memorandum is that any reduction in parking is discretionary. The answer to question #7 is that all required trees in parking areas must be canopy trees. Other non-canopy trees may be planted if they are in addition to required trees. Question 8 has to do with the removal of heritage trees. Heritage trees can be removed if they can not be relocated but must be replaced with a minimum 20 foot high tree planted in an appropriate place. Finally, it is understood that the location of the western edge of the northern conservation area will be determined by the design of the proposed roadway.

Mudd, James P.

From: Ciccarone, Michael [Michael.Ciccarone@fowlerwhite.com]
Sent: Wednesday, January 07, 2009 4:31 PM
To: Noble, Matthew A.; Mudd, James P.
Cc: David W. Depew; Sheila Holland
Subject: Interpretation questions regarding proposed Olga Community Plan

Dear Matt and Jim:

In checking my file on this matter I see that I sent emails to one or the other of you on November 6 and 13 and December 9 and 22 asking for clarification of certain issues raised by the proposed Olga Community Plan as it would regulate development on the R&D Cattle Company site. At you request, this email combines all of these issues. It is built on the December 9 email to Matt

The issues are as follows:

1) Does the County have objection to R&D Cattle filling in and/or relocating the FDOT ditch on the east side of R&D's property if R&D obtains all of the necessary environmental permits and FDOT's permission to fill and/or relocate the ditch. This is an issue for the Natural Resources Division and probably is irrelevant to the community. Is it understood that this relocated ditch would lie within the northeast buffer?

2) Policy 26.7 requires that "parking lots will be internal to the building site with buildings lining or shielding the parking lot from the street or neighborhood." We have the questions:

    a) Can buffers and conservation areas serve as the shielding with the parking to be behind the shielding but in front of the buildings? We think that they should be adequate and that the end result would be much more esthetically pleasing than having to look at the back side of commercial buildings which tend to be rather ugly. I think that the Staff may also be concerned with the practical minimum visibility requirements which commercial users require. If the community wants commercial development on the R&D parcel---and they do---then we must accommodate desirable prospective commercial users.

b) Is there any need for shielding at all between the R&D and Byrus properties, both of which will be commercial? We think that this makes no sense and serves no community purpose.
c) Is there a need for shielding along the proposed River Hall Parkway extension which the community wants to see built through the R&D parcel to connect to South Olga Drive. We think that this makes no sense as it will merely be shielding of commercial from commercial internal to the R&D property.

3) Policy 26.12 discourages "automobile oriented uses" which are described as "drive thru's, automotive sales and repair, drive-ins and other similar businesses."

a) Would "automotive repair" include a business which merely replaces tires, fan belts, air and oil filters, or provides oil changes, radiator flushing or lubrication? Examples would be Tire Kingdom or Jiffy Lube.
b) Would "automotive repair" include a store like Wal-Mart, Sears or Western Auto, all of which have some kind of ancillary automotive service?
c) Would "drive-thru" include any business which has some kind of drive-thru or drive-up window as an ancillary component of its overall operation? Examples include Walgreens, CVS and virtually every branch bank. Would it include convenience stores with gas pumps or a drive-up window? Would it include places like Appleby's or Pizza Hut or other restaurants which have dedicated pick-up parking spaces? If the point is to prohibit fast food franchises---and I am guessing that this is the objective---would it not make more sense to say so, rather than prohibit every type of business which the community probably would find useful? The reality, like it or not, is that many businesses, which one does not think of as "drive-thru's", have a drive-thru or pick-up window and/or dedicated pick-up spaces and these businesses simply will not build unless they are allowed to include some type of such window or space.
d) Would a "drive-in" be something like Sonics or A&W where customers dine on-site in their automobiles? I assume that a drive-in theater is an obvious example. Are there others which you can cite?

4.) How would Policy 26.6 be applied to the subject property? It requires "intensity [to] gradient [*sic*] to the edge suitable to integrate surrounding land uses". How would this apply where the Byrus property abuts R&D? We have no idea what this language means.

5.) Does Policy 26.7 require parking to be internal to the buildings even when the

parking is shielded (by vegetation) from the streets? This will produce bizarre looking development with dumpsters, loading docks, etc. bordering the streets.

6) Is the parking reduction allowed by Policy 26.8 discretionary or mandatory?

7) Does Policy 26.9 require that ONLY canopy trees can be planted in parking areas?

8) Can heritage trees be removed from the site if they are replaced, as opposed to relocated, on-site? See Policy 26.18 which is internally inconsistent on this point.

9) What configuration should be used for the internal collector road where it meets South Olga Drive and extends east and then southeast to a northern extension of River Hall Parkway? Is it understood by all that, whatever the configuration, the road has to cut into what otherwise would be the 100 foot buffer if it is to be fitted into the existing geography?

I would urge you and Tad Miller to review the specific emails listed above for further details and thoughts on these points, but I think that this is a complete listing of them

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Mudd, James P.

From: Ciccarone, Michael [Michael.Ciccarone@fowlerwhite.com]
Sent: Monday, December 22, 2008 10:54 AM
To: Noble, Matthew A.
Cc: Mudd, James P.; tadeotadeo@embarqmail.com; Houck, Pamela E.; David W. Depew
Subject: Olga Community Plan

At your suggestion, as relayed to me by Ralph Bond, with whom I am told you discussed the matter, I reviewed the Olga Community Plan language submitted by the BOCC to DCA for its review. Specifically, I looked at pages 3 and 4 of the October 22, 2008 Staff Report, which, I think, is what the BOCC decided it would transmit as the language which it proposed to adopt. This is NOT the language recommended by the Olga community.

There was a concern that there might be internal inconsistencies, for example, the use of "may" in one place and the use of "shall" in another place which purports to address the same issue. I found only one such obvious inconsistency and, as set forth in earlier emails, I did find need for interpretation of some provisions, which I will not repeat in this email. However, I did newly find a couple of instances where clarification or change ought to be considered.

Policy 26.6 requires "intensity [to] gradient [*sic*] from the center to the edge suitable to integrate surrounding land uses." I have no idea how or if this would apply to the R&D Cattle and Byrus proposed commercial properties. Does anybody know the answer?

Policy 26.7 in the version which Jim sent to me still has all parking lying internal to the building layout and does not discuss shielding via vegetation as an alternative. See my earlier emails on this issue.

Policy 26.8 grants discretion to the Director of Zoning to reduce parking space requirements. Ralph thought that this was mandatory, but I do not find that requirement.

Policy 26.9 states that "[c]anopy trees *must* be planted in all parking areas" [emphasis added]. Does this mean that only canopy trees can be planted in parking areas?

Policy 26.18 states that "[h]eritage trees . . . *will* be preserved or when possible, may be relocated *on-site* [emphasis added]. However, the very next sentence provides for replacement of heritage trees which *must be removed from the site* [emphasis added].

This is an obvious inconsistency. There is implied authority to remove and not re-locate such trees, but no explanation is offered of the standards by which such authority would be exercised.

I look forward to the Staff's clarifications on these and other points raised in earlier emails. As you know, we have had to put site-planning on hold pending needed clarification.

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If you desire a formal opinion on a particular tax matter for the purpose of avoiding the imposition of any penalties, we will discuss the additional Treasury requirements that must be met and whether it is possible to meet those requirements under the circumstances, as well as the anticipated time and additional fees involved.

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STAFF REPORT
FROM
DEPARTMENT OF COMMUNITY DEVELOPMENT
DIVISION OF ENVIRONMENTAL SCIENCES

Date: **September 04, 2008**
To: **Jim Mudd, Senior Planner**

From: **Brad Browning, Senior Environmental Planner** BLB
Phone: (239) 533- 8157
e-mail:bbrowning@leegov.com

Project: **R & D Cattle Company / Byrus**
Case: **CPA2007-00050**
STRAP: **27-43-26-00-00003.0000 and 27-43-26-00-00006.0030**

The Division of Environmental Sciences (ES) staff has reviewed the proposed R & D Cattle Company/ Byrus Comprehensive Plan Amendment and offer the following analysis and recommended conditions:

PROJECT SITE:
The ± 49.00 acre project is located on the north side of S. R. 80, east of South Olga Road, west of Linwood Avenue. The properties are zoned AG-2. The Comprehensive Plan Amendment is for two parcels, the R & D Cattle Company property and the Byrus property. The current future land use designation is suburban and rural for the properties. The request is to change the Future Land Use Map (FLUM) from Suburban/Rural to Commercial to allow for future development. A Vegetative Community Assessment was performed by Boylan Environmental Consultants Inc. on August 7, 2008 for the R and D Cattle property, July 28, 2008 for the Byrus property and field verified by ES Staff.

The assessment and the Florida Land Use Cover and Forms Classification System (FLUCCS) map was provided by the applicant. The site consist of 23.20 acres of improved pasture (FLUCCS 211),1.19 acres of open lands (FLUCCS 190), 4.61 acres of abandoned citrus grove (FLUCCS 221) and 1.94 acres of disturbed lands(FLUCCS 740) but also contains a variety of indigenous communities including: 1.13 acres Pine Flatwoods (FLUCCS 411E1), 1.35 acres Pine Mesic Oak (FLUCCS 414E1), 0.96 acres Xeric Oak (FLUCCS 421E2), 3.97 acres Temperate Hammock (FLUCCS 425E1), 0.12 acres Cabbage Palm Hammock (FLUCCS 428), 0.18 acres Hydric Cabbage Palm Hammock (FLUCCS 428H), 1.05 Stream and Waterways (FLUCCS 510), 4.00 acres Stream and Lake Swamps (FLUCCS 615E1), 1.70 acres Wetland Forested Mixed (FLUCCS 630 E3), 2.46 acres of Live Oak disturbed (FLUCCS 4279), 0.99 acres of Mixed Wetland Hardwoods (FLUCCS 617E2).

A field inspection was conducted by ES staff on August 15, 2008 to confirm the FLUCCS mapping and verify protected species survey. No protected species were observed during the site inspection. The majority of the site had been previously cleared for agriculture use, but the site

does contain areas of existing vegetation along the north and west property lines. The central portion of the property contains a Florida Department of Transportation drainage easement over a flow-way which contains approximately 2.76 acres of indigenous plant communities. The western portion of the property contains Olga Creek with indigenous plant communities. This area is approximately 8.25 acres of indigenous plant communities that could create a buffer from the commercial development to the single family homes along S. Olga Drive and also provide protection for Olga Creek. Olga Creek flows along the western property line and continues through the property to the south property line where the creek goes under S.R. 82 and connects with the River Hall RPD to the south. The northern portion of the property contains 3.6 acres of indigenous plant communities. This area could create a buffer from the commercial development to the single family home along the northern property line. The Byrus property contains ± 3.45 acres of indigenous plant communities.

The Conservation Lands land use categories were created to accurately depict the use of lands for conservation purposes. Conservation Lands include uplands and wetlands that are owned and used for long range conservation purposes. The Conservation Lands FLUM category are for lands that are primarily used to conserve important natural resources, environmentally sensitive areas, significant archeological or historical resources, or other conservation uses. Conservation Lands typically include such uses as wildlife preserves; large wetland and upland mitigation areas; natural resource based parks; and water conservation lands such as aquifer recharge areas, flow-ways, flood prone areas and well fields.

The Conservation Lands objective is to put into the public domain private lands that provide the following public benefits:

Sustain native plant and animal populations;

Help protect people and property from flooding;

Help replenish our underground drinking water supply;

Help to improve or sustain the water quality of our coastal bays, inlets;

Provide ecotourism opportunities, and

Provide local environmentally oriented recreational and educational opportunities.

The Board of County Commissioners has provided policy guidance to staff to maintain wildlife corridors and green space connections to ensure the preservation of indigenous plant and animal habitat throughout the County.

The following Comprehensive Plan Goals, Objectives and Policies further support ES Staff's recommendation for the conservation land use category for this project:

Policy 1.4.6: *Conservation Lands land use category was created to accurately depict the use of lands for conservation purposes. Conservation Lands include uplands and wetlands that are owned and used for long range conservation purposes. The Conservation Lands FLUM category is for lands that are primarily used to conserve important natural resources, environmentally sensitive areas, significant archeological or historical resources, or other conservation uses. Conservation Lands typically include such uses as wildlife preserves; large wetland and upland mitigation areas; natural resource based parks; and water conservation lands such as aquifer recharge areas, flow-ways, flood prone areas and well fields.*

The owners of R & D property and staff have worked diligently to agree on conservation lands on the parcel. Please see the attached exhibit which indicates the areas for conservation lands. The indigenous open space on the Byrus property will need to be addressed during the rezoning process.

Policy 6.1.6: *The land development regulations will require that commercial development provide adequate and appropriate landscaping, open space, and buffering.*

The utilization of conservation lands for the northern and western indigenous areas will provide buffers from the commercial development for the adjacent residential homes.

Standard 11.4: Environmental Review Factors. *In any case where there exists or there is the probability of environmentally sensitive areas the developer must propose means to protect, conserve, or preserve the environmental and natural resources.*

The utilization of conservation lands will assist to provide protection measures for these areas.

Objective 60.5: Incorporation of Green Infrastructure into the Surface Water Management Plan. *The long-term benefits of green infrastructure as part of the surface water management system includes improved water quality, improved infiltration, wild life habitat and recreational opportunities. Policy 60.5.3: states that the County encourages the preservation of existing natural flow-ways and restoration of historic natural flow-ways.*

Olga Creek is a natural flow-way and as such should be placed in the conservation lands future land use category to provide a wildlife corridor and protect drainage flow in the area.

Objective 61.2: Mimicking the function of natural systems. *Support a surface water management strategy that relies on natural features (flow-ways, sloughs, creeks, etc.) to help manage storm and surface water. Objective 61.3: Lee County will continue to provide design standards for development protective of the function of natural drainage systems.*

Olga Creek, a natural waterway, should be incorporated into the surface water management system to help maintain the historic flow-way.

Objective 77.3: *New developments must use innovative open space design to preserve existing native vegetation and buffer adjacent uses.* **Policy 77.3.3:** *The County encourages new developments to incorporate large contiguous open space areas in their development design.*

Placing the northern and western portions into conservation land use category will provide interconnectivity for wildlife and provide a transitioning buffer between the residential and commercial uses. This will provide for a large open space, which could be utilized as a contiguous wildlife corridor.

Goal 107: Resource Management Plan. *The county will continue to implement a resource management program that ensures the long-term protection and enhancement of the natural upland and wetland habitats through the retention of interconnected, functioning, and maintainable hydro ecological systems where the remaining wetlands and uplands function as a productive unit resembling the original landscape.*

Placing Olga Creek and the indigenous area around the creek into conservation land use category will ensure the protection of the flow-way and the indigenous plant community.

Policy 107.3.1: *Encourage upland preservation in and around preserved wetlands to provide habitat diversity, enhance edge effect, and promote wildlife conservation.*

The northern and western conservation lands will preserve the wetlands and uplands on site, which in turn will retain valuable habitats for wildlife to use.

Utilizing the conservation lands future land use category for the northern and the western portions of the project, as shown on the attached exhibit, will provide:

A natural transitional zone between residential and commercial use;

An indigenous high quality upland and wetland habitats for wildlife;

A protected buffer for the Olga Creek flow-way and drainage area;

Exhibit A


3.5 acres
8.1 acres
PALM BEACH BLVD
N
W
E
S
Legend
Conservation Lands

interoffice
MEMORANDUM

To: Denise Stanton
Internal Services/Fiscal Pool

From: Jim Mudd, AICP, Principal Planner
DCD/Planning

Date: June 1, 2007

Subject: East Lee County Council check request

Attached are invoices totaling $11,866.67 for work completed on the Caloosahatchee Shores Land Development Code and the Palm Beach Boulevard Land Development Code. The funding was approved by the BoCC for those projects under two separate contracts. This request is for $6,183.45 for Caloosahatchee Shores (contract #3866) and $5,683.22 for Palm Beach Boulevard (contract #3865). The account number for Sector Planning awards is: LB5150715500.508309.05

Please request a check for **$11,866.67** made payable to the East Lee County Council and mail to Janet Tripp, Treasurer, East Lee County Council, P.O. Box 50422, Fort Myers, FL 33994. Also, please send a copy of the check to my attention for our files. Thanks for your help.

4/30/07

Janet Tripp, Treasurer
East Lee County Council
P.O. Box 50422
Fort Myers, FL 33994

To: Lee County
Department of Community Development
Division of Planning
Jim Mudd, Principal Planner
1500 Monroe Street
Fort Myers, FL 33901

We are requesting payment for the following invoices (including details) from "DRMP" for work performed on:

Project: 06-0096.000 East Lee County Caloosahatchee Community Plan
Invoice: 0113811 dated 01/11/07 $6,183.45
Total: $6,183.45

Also

Project: 06-0096.001 East Lee County Palm Beach Blvd Plan
Invoice: 0113964 dated 01/18/07 $5,683.22
Total: $5,683.22

Combined Totals: $11,866.28

If you have any questions please contact me at 239.694.4336 or
my cell phone @ 239.745.5122

Thank you,

Janet Tripp

Tax Registration Number: 59-1791174

January 18, 2007
Project No: 06-0096.001
Invoice No: 0113964

East Lee County Council
P.O. Box 50422
Fort Myers, FL 33994

East Lee County Palm Beach Blvd Plan
Professional Services from November 30, 2006 to December 27, 2006

Phase	00001	Palm Beach Blvd Plan				
Total Fee		37,500.00				
Percent Complete		31.10	Total Earned		11,662.50	
			Previous Fee Billing		6,019.28	
			Current Fee Billing		5,643.22	
			Total Fee			**5,643.22**

Billing Limits	**Current**	**Prior**	**To-Date**	
Total Billings	5,643.22	6,019.28	11,662.50	
Limit			37,500.00	
Remaining			25,837.50	
			Total this Phase	**$5,643.22**

Phase	00002	Prather & Associates	**Total this Phase**	**$0.00**

Phase	00003	David M. Jones & Associates	**Total this Phase**	**$0.00**

Phase	00004	Reimbursables				
Reimbursable Expenses						
Reimbursables - Other						
12/8/06	Tice Association	Rental Fee for Meeting			40.00	
	Total Reimbursables			**1.0 times**	**40.00**	**40.00**
					Total this Phase	**$40.00**
					Total this Invoice	**$5,683.22**

Approved: Elly Soto McKeen
Dyer, Riddle, Mills & Precourt, Inc.

Date: 1-19-07

Unbilled Detail

Tuesday, January 09, 2007

Dyer, Riddle, Mills & Precourt, Inc. **As of 12/27/06** 11:25:54 AM

Billing Status	Date	Labor Code /Account	Employee/ Reference	Description	Hours/ Units	Cost Amount	Billing Amount
Project Manager Name: McKuen, Ellcina							
Project Number: 06-0096.001 East Lee County Palm Beach Blvd Plan							
Phase Number: 00001 Palm Beach Blvd Plan							
Principal: Lawrence Smith		**Total Compensation:** 37,500.00		**Rev Type:** Q			
Project Manager: Ellcina McKuen		**Client Name:** East Lee County Council					
Profit Center Code: FM:OF:LD:LP							
Labor:							
B	12/1/06	ZZZZZ	01091	Franceschelli, Vincent - Read Mixed Use Overlay amendment to Lee Plan, Read RiverHall Amendment to Lee Plan.	1.00		
B	12/4/06	ZZZZZ	01091	Franceschelli, Vincent - Revised maps, exhibits, and aerials, revised new boundaries on aerials, got exhibits and documents ready for Palm Beach Blvd. sub-committee meeting.	3.00		
B	12/11/06	ZZZZZ	01091	Franceschelli, Vincent - Went to Lee Community Development to research staff reports, [ulled zoning and land use from code and Lee Plan for specific issues, researched coastal High hazard for Leeward Yacht Club, researched transect zones, contacted News Press for meeting advertis	8.00		
B	12/12/06	ZZZZZ	01091	Franceschelli, Vincent - Made map of Olga displaying residents' land use map. determined what zoning allows pawn and porn, found all parcels along SR80 that are zoned industrial or commercial that allows pawn or porn, made exhibits.	5.00		
B	12/14/06	ZZZZZ	01091	Franceschelli, Vincent - Went over Tice overlay, Went over lighting district information, got exhibits, maps, documents from previous week ready for meeting, met with PM.	6.00		
B	12/15/06	ZZZZZ	01091	Franceschelli, Vincent - Revised exhibits based on PM comments.	2.00		
B	12/21/06	ZZZZZ	01091	Franceschelli, Vincent - Work with Chuck Hennessee to develop regulations.	4.00		
B	12/4/06	ZZZZZ	00148	Griffith, Kenneth	1.00		
B	12/8/06	ZZZZZ	00148	Griffith, Kenneth	1.00		
B	12/14/06	ZZZZZ	00148	Griffith, Kenneth - Planning document review	1.00		
B	12/14/06	ZZZZZ	01157	Harris, Kimberly - Copied Correspondence, emailed, mailed and hand-delivered to 18 receipients	1.00		
B	12/15/06	ZZZZZ	01157	Harris, Kimberly - Setup files	.50		
B	12/18/06	ZZZZZ	01157	Harris, Kimberly - Set up files	.50		
B	12/19/06	ZZZZZ	01157	Harris, Kimberly - Filing	.50		
B	12/18/06	ZZZZZ	01172	Hennessey, Charles - prepared draft mixed use LDC	4.00		
B	12/19/06	ZZZZZ	01172	Hennessey, Charles - prepared draft mixed use LDC	4.00		
B	12/20/06	ZZZZZ	01172	Hennessey, Charles - prepared draft mixed use LDC	4.00		
B	12/21/06	ZZZZZ	01172	Hennessey, Charles - Prepare Mixed Use LDCs	4.00		
B	12/22/06	ZZZZZ	01172	Hennessey, Charles - Prepare Mixed Use LDCs	4.00		

Tax Registration Number: 59-1791174

January 11, 2007
Project No: 06-0096.000
Invoice No: 0113811

East Lee County Council
P.O. Box 50422
Fort Myers, FL 33994

East Lee county Caloosahatchee Community Plan
Professional Services from November 30, 2006 to December 27, 2006

Phase	00001	Calossahatchee Shores Community Plan			
Total Fee		37,500.00			
Percent Complete		36.9292	Total Earned	13,848.45	
			Previous Fee Billing	7,665.00	
			Current Fee Billing	6,183.45	
			Total Fee		**6,183.45**

Billing Limits	**Current**	**Prior**	**To-Date**	
Total Billings	6,183.45	7,665.00	13,848.45	
Limit			50,000.00	
Remaining			36,151.55	
			Total this Phase	**$6,183.45**

Phase	00003	Prather & Associates		
			Total this Phase	**$0.00**
Phase	00004	David M. Jones & Associates		
			Total this Phase	**$0.00**
Phase	00005	Reimbursables		
			Total this Phase	**$0.00**
			Total this Invoice	**$6,183.45**

Approved: _____ Date: 1/18/07
Dyer, Riddle, Mills & Precourt, Inc.

Unbilled Detail

Tuesday, January 09, 2007

Dyer, Riddle, Mills & Precourt, Inc. **As of 12/27/06** *1:39:07 PM*

Billing Status	Date	Labor Code /Account	Employee/ Reference	Description	Hours/ Units	Cost Amount	Billing Amount
Project Manager Name: Griffith, Kenneth							
Project Number: 06-0096.000 East Lee county Caloosahatchee Community							
Phase Number: 00001 Calossahatchee Shores Community Plan							
Principal: Lawrence Smith		**Total Compensation:** 37,500.00		**Rev Type:** Q		**JTD Billed:**	
Project Manager: Sandra Ramseth		**Client Name:** East Lee County Council					
Profit Center Code: FM:OF:LD:LP							
Labor:							
B	12/6/06	ZZZZZ	01091	Franceschelli, Vincent - Drafted letter to Rick Burris to expand Mixed Use Overlay, went to Lee county Community Development to research pending projects and obtain site plans, revised maps based on Palm beach Blvd and Caloosahatchee sub-committee meetings and PM comments.	7.00		
B	12/7/06	ZZZZZ	01091	Franceschelli, Vincent - Met with PM to discuss needed tasks, Contacted Mike Roeder, FDOT for median plan, LeeDOT for landscape grant information, Lee DCD for Tice Overlay information.	6.00		
B	12/8/06	ZZZZZ	01091	Franceschelli, Vincent - Contacted Lee Parks and Rec for boat ramp information, Jim Mudd for planning community information, Public Resources for lighting district information, made zoning and land use maps.	5.00		
B	12/13/06	ZZZZZ	01091	Franceschelli, Vincent - Attended BOCC hearing, Found examples of square footage commercial centers, got information and map for schools in Olga, researched land owner patterns for vacant land in Olga and made maps, researched Hickey Creek Mitigation Park, researched wetlands.	8.00		
B	12/18/06	ZZZZZ	01091	Franceschelli, Vincent - Met with Chuck Hennessee to go over Lee Plan, LDR's, Palm Beach Plan, Caloosahatchee Shores Plan, made zoning and land use maps, met with Mr. Burris.	5.00		
B	12/20/06	ZZZZZ	01091	Franceschelli, Vincent - Go over plans, work with Chuck Hennessee to begin drafting regulations.	5.00		
B	12/4/06	ZZZZZ	00148	Griffith, Kenneth	1.00		
B	12/5/06	ZZZZZ	00148	Griffith, Kenneth	1.00		
B	12/8/06	ZZZZZ	00148	Griffith, Kenneth	1.00		
B	12/14/06	ZZZZZ	00148	Griffith, Kenneth - Document Review	1.00		
B	12/18/06	ZZZZZ	01172	Hennessey, Charles - prepared draft mixed use LDC	4.00		
B	12/19/06	ZZZZZ	01172	Hennessey, Charles - prepared draft mixed use LDC	4.00		
B	12/20/06	ZZZZZ	01172	Hennessey, Charles - prepared draft mixed use LDC	4.00		
B	12/21/06	ZZZZZ	01172	Hennessey, Charles - Prepare Mixed Use LDCs	4.00		
B	12/22/06	ZZZZZ	01172	Hennessey, Charles - Prepare Mixed Use LDCs	4.00		
B	11/30/06	ZZZZZ	01074	McKuen, Ellcina - Reviewed zoning cases approved and pending, read community plan and design standard information in preparation for community meeting	3.00		

To: J. Hudd

EAST LEE COUNTY COUNCIL
P. O. Box 50422
Fort Myers, FL 33994

RECEIVED
MAY 22 2007
COMMUNITY DEVELOPMENT

May 20, 2007

Mr. Michael E. Roeder
c/o Knott, Consoer,Ebelini
Hart & Swett, P. A.
P. O. Box 2449
Fort Myers, FL 33902-2449

Dear Mike:

I am in receipt of your letter of May 17, 2007, resigning your position as Chairman of the Planning Committee of ELCC.

Your resignation is herewith accepted.

Sincerely,

James F. Mathisen

James F. Mathisen
President/ELCC

JFM:mm

cc: ELCC Board Members
Board of County Commissioners
Paul O'Connor
Jim Green
Ed Kimball
Ken Griffith

BLUESHEET DOCUMENT CONFIRMATION
FROM
THE DIVISION OF PUBLIC RESOURCES

RECEIVED
NOV 13 2006
COMMUNITY DEVELOPMENT

DATE: 11-9-06

TO: Paul OConnor
Community Development

FROM: Georgia Sekulski, Admin Assistant

Meeting Date 10-31-06 Blue Sheet# 20061390 Item# A4C

Subject: Agreement / East Lee Co. - Olga & SR 31

THE ABOVE-REFERENCED DOCUMENT(S) IS BEING RETURNED TO YOU FOR THE FOLLOWING REASON(S):

_____ There are blank spaces that need to be filled in.

_____ Attachment or Exhibit referred to in document is not attached.

_____ Please obtain the signature(s) of the second party to this document and RETURN ONE ORIGINAL TO MINUTES.

__✓__ This document is now fully executed and the Minutes Department has an ORIGINAL or COPY for their records. As the originator of this document, it is being returned to you so that your office may provide copies or prepare transmittal letters to individuals involved with this subject matter.

_____ ____ Original(s) Attached

__✓__ __1__ Copy(s) Attached

_____ Other

Public Resources
335-2260
S:\Georgia's Folder\BLUESHEET DOCUMENT RETURN FORM - Georgia.doc

COMMUNITY PLANNING AGREEMENT
BETWEEN LEE COUNTY AND EAST LEE COUNTY COUNCIL, INC.

CALOOSAHATCHEE SHORES

RECITALS

A. The Board of County Commissioners recognizes that unincorporated Lee County consists of many diverse communities with various visions on how their community should develop.

B. The residents of the Caloosahatchee Shores community prepared and submitted a community plan that included a proposed Lee Plan Goal, Objectives, and Policies applicable to their community.

C. The Goal, Objectives and Policies specific to the Caloosahatchee Shores community were adopted by the Board of County Commissioners in 2003.

D. The East Lee County Council, Inc. is desirous of revising the adopted Goal for Caloosahatchee Shores.

E. The East Lee County Council, Inc. has requested planning funds to defray the costs incurred to prepare and submit planning overlays for the Olga community and for the SR 31 corridor.

F. Lee County Administrative Code 13-3 requires communities seeking planning funds from the County to enter into a contract to govern the disbursement and use of public money on community planning efforts.

NOW, THEREFORE, THE PARTIES HERETO AGREE as follows:

1. Geographic Area. This agreement pertains to the grant of public funds to defray the cost of preparing land development regulations for the following area:

a. Olga (planning overlay)

b. SR 31 (planning overlay)

The geographic areas have been illustrated in Exhibit A hereto.

A4c
10-31-06

COPY

2. Deliverables. The East Lee County Council planning panel (the "Panel") is responsible for the preparation of planning overlays for the Olga community and for the SR 31 corridor. A detailed description of deliverables for the phase I planning study is attached hereto as Exhibit B.

3. Eligibility for Public Funds. The parties agree that Lee County will disburse up to $25,000 in funds that will be used solely for the development of planning overlays for the Olga community and for the SR 31 corridor. Total disbursements from the County for this purpose will not exceed $25,000.

4. Applicability of Lee County Administrative Code. The parties agree that the East Lee County Council planning effort will be governed by the regulations set forth in Lee County Administrative Code 13-3 entitled "Administrative Procedures Governing Community Planning Efforts Receiving Financial Support From the BOCC."

5. Applicability of Florida's Public Records and Open Meetings Laws.

A. Open Government

1. The parties agree that the planning effort is subject to Florida laws on Open Government. Accordingly, all meetings of the Panel and its subcommittees will be open to the public. Moreover, the Panel will provide an adequate opportunity for public participation in the Caloosahatchee Shores planning effort. In addition, the Panel will encourage and allow the participation of residents, property owners, the school district, and other interested parties at all meetings and workshops on the community planning effort.

2. The Panel will provide reasonable notice of all meetings pertaining to the community planning effort.

3. Notification of meetings and workshops will include the posting of meeting date, time, and location of the meeting/workshop in accordance with Section 5, Lee County Administrative Code 13-3.

4. The parties agree that subcommittees consisting of members of the Panel and other community members may meet for the purpose of information gathering, information sharing, and the exploration of common concerns. Subcommittee meetings are also required to be

publicly noticed. Common concerns explored by the subcommittees must be presented to the full community panel during a properly noticed public meeting consistent with Section 5 of Lee County Administrative Code 13-3.

5. The Panel must maintain minutes of its meetings in accordance with Section 5, Lee County Administrative Code 13-3.

B. Public Records

All records created in connection with the community planning effort must be retained by the Panel for three years following the date of submission of completed planning overlays for the Olga community and for the SR 31 corridor. The records will be considered public records as defined by Chapter 119, Florida Statutes.

6. Record Keeping. The Panel must retain all financial, supporting documentation, and other records necessary to document the community planning effort and expenditures during the term of this agreement. If any litigation, claim, negotiation, audit, or other action involving the records are initiated prior to the expiration of a three-year period, the records must be retained for an additional one year after the final resolution of the action and final resolution of all issues that arise from the action.

7. Assurance, certification, and compliance. The Panel agrees that:

A. It will comply with Chapter 760, Florida Statutes, and Lee County Ordinance 00-18 that prohibit discrimination in employment on the basis of race, color, national origin, sex, religion, disability, or marital status.

B. Products or materials purchased with public funds will be procured in accordance with the provisions of 403.7065, Florida Statutes, which refers to the procurement of products or materials with recycled content.

C. It will comply with the Americans with Disabilities Act of 1990, P.L. 101-336, which prohibits discrimination on the basis of disability and requires reasonable accommodation for persons with disabilities.

D. It will notify Lee County of any significant change in the organization of the Panel.

8. Disbursement of Public Funds.

A. Lee County will disburse up to $25,000 to the East Lee County Council, Inc. during the term of this agreement, subject to the provisions pertaining to return of funds and suspension and termination of the agreement. (See paragraph 11.) The Panel agrees to spend the public funds only on items set forth in the request for funding & proposed budget set forth in the document attached as Exhibit B. The County will disburse money upon the receipt and approval of a completed payment request report. Disbursements may be made in installments based on the completion of items contemplated in the deliverables. The payment request report must include documents to support the expenditures. If the Panel fails to submit a payment request report, disbursements will be delayed until the receipt of a report. The County reserves the right to approve or disapprove payment requests.

Copies of supporting documentation must be attached to the payment request report. The County may require additional supporting documentation before agreeing to disburse money.

B. Unsupported/unallowable costs. The County has the option to defer payment to the Panel during the period of a County audit or monitoring due to questionable items. If, as a result of the audit or monitoring, unallowable or unsupported costs are found, no further disbursements will be made until the full amount of overpayment is remitted to Lee County or the County accepts a repayment agreement.

9. Audits, Monitoring, and Records.

A. Monitoring. The Panel agrees to permit County employees to inspect records, papers, and documents to be assured of satisfactory performance with the terms and conditions of this agreement. The monitoring is a limited scope of review and does not relieve the Panel of its obligation to manage the public monies disbursed by the County in accordance with Lee County Administrative Code 13-3 and sound management practices.

Following this monitoring, the County may deliver to the Panel a written report regarding the status of compliance with the terms and conditions of

the agreement. The panel must rectify all noted deficiencies within the specified period of time indicated in the monitoring report or provide the County with a reasonable and acceptable justification for not correcting the noted shortcomings. The Panel's failure to correct or justify the deficiencies within the time specified by the County may result in the withholding of future disbursements or termination of the agreement.

B. Audit and Inspections. The Panel will make all records and items included on financial statements available for audit or inspection purposes during normal business hours and as often as County deems necessary. The Clerk of Courts internal audit division and Lee County have the right of timely and unrestricted access to books, documents, papers, and other records of the panel that are pertinent to the agreement in order to make audits, examinations, excerpts, transcripts, and copies of those documents.

10. Risk Management. The Panel will defend, hold harmless, and indemnify the County from and against all liability, loss, claims, damages, costs, attorneys fees, and expenses that the County may sustain, incur, or be required to pay either by reason of the loss of or improper use of money disbursed or to be disbursed hereunder including, but not limited to, fraud, embezzlement, or dishonesty on the part of any person represented or employed by the Panel, or by reason of the intentional or negligent act of the Panel or its agents, representatives, or employees.

11. Suspension/Termination. The County reserves the right to suspend the disbursement of money for failure to comply with this agreement. The County may cancel this agreement by giving 24 hours written notice to the Panel by certified mail following a determination by the Board of County Commissioners that the cancellation is in the best interest of the people of Lee County. Neither party will have further obligations under this agreement as of the date of cancellation unless specified otherwise in the termination notice. The Panel may cancel this agreement by giving 72 hours prior written notice to the County by certified mail. The County's obligation to make further disbursements under this agreement will cease as of the effective date of termination.

12. Reports.

A. The Panel agrees to prepare a report outlining the progress of the Caloosahatchee Shores community planning effort and deliver the report to the County with each request for disbursement of funds.

B. A closeout report is due 60 days after the termination of the agreement or upon the submission of proposed planning overlays for the Olga community and for the SR 31 corridor.

C. If the required reports are not sent to the County or not completed in a manner acceptable to the County, the County may withhold further disbursements until the reports are completed.

13. Duration of agreement. Parties agree that the Panel will deliver the planning overlays for the Olga community and for the SR 31 corridor for consideration by the Lee County Planning Division no later than September, 2007 unless this agreement is terminated beforehand as specified in Paragraph 11.

14. Notice. The parties agree all notices provided under or pursuant to this agreement will be in writing either by hand delivery or first class certified mail, return receipt requested, to the representative identified below and at the address set forth below. The name and address of the County representative is: Paul O'Connor, Director, Planning Division, Department of Community Development, 1500 Monroe Street, P. O. Box 398, Fort Myers, Florida 33902-0398. The name and address of the representative of the East Lee County Council, Inc., responsible for the administration of this agreement is: Douglas J. Vaught, 250 Granada Blvd., Fort Myers, Florida. In the event different representatives or addresses are designated by either party after the execution of this agreement, notice of the new information will be provided in accordance with this section.

15. Applicable Law. This agreement will be construed under the laws of the State of Florida and the venue for any actions arising out of this agreement will lie in Lee County.

In witness thereof, Lee County and the East Lee County Council, Inc., have executed this agreement:

Attest: Clerk of Court

By: _____
Deputy Clerk

Lee County

By: _____
Tammara Hall, Chairwoman
Board of County Commissioners

Date: 10/31/06

APPROVED AS TO FORM:

_____
Donna Marie Collins
Assistant County Attorney

Approved by the BOCC
on 10/31/06, A4(C)

East Lee County Council, Inc., A Florida Not-for-Profit Corporation

By: _____
Douglas J. Vaught, President

Date: 11-6-2006

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 11-6-06 by (date)
Douglas J. Vaught, President of the East Lee County Council, Inc., a Florida Not-for-Profit corporation, on behalf of the corporation. He is personally known to me or has produced FL DL V330-170-56-291-0 as identification.
(type of identification)

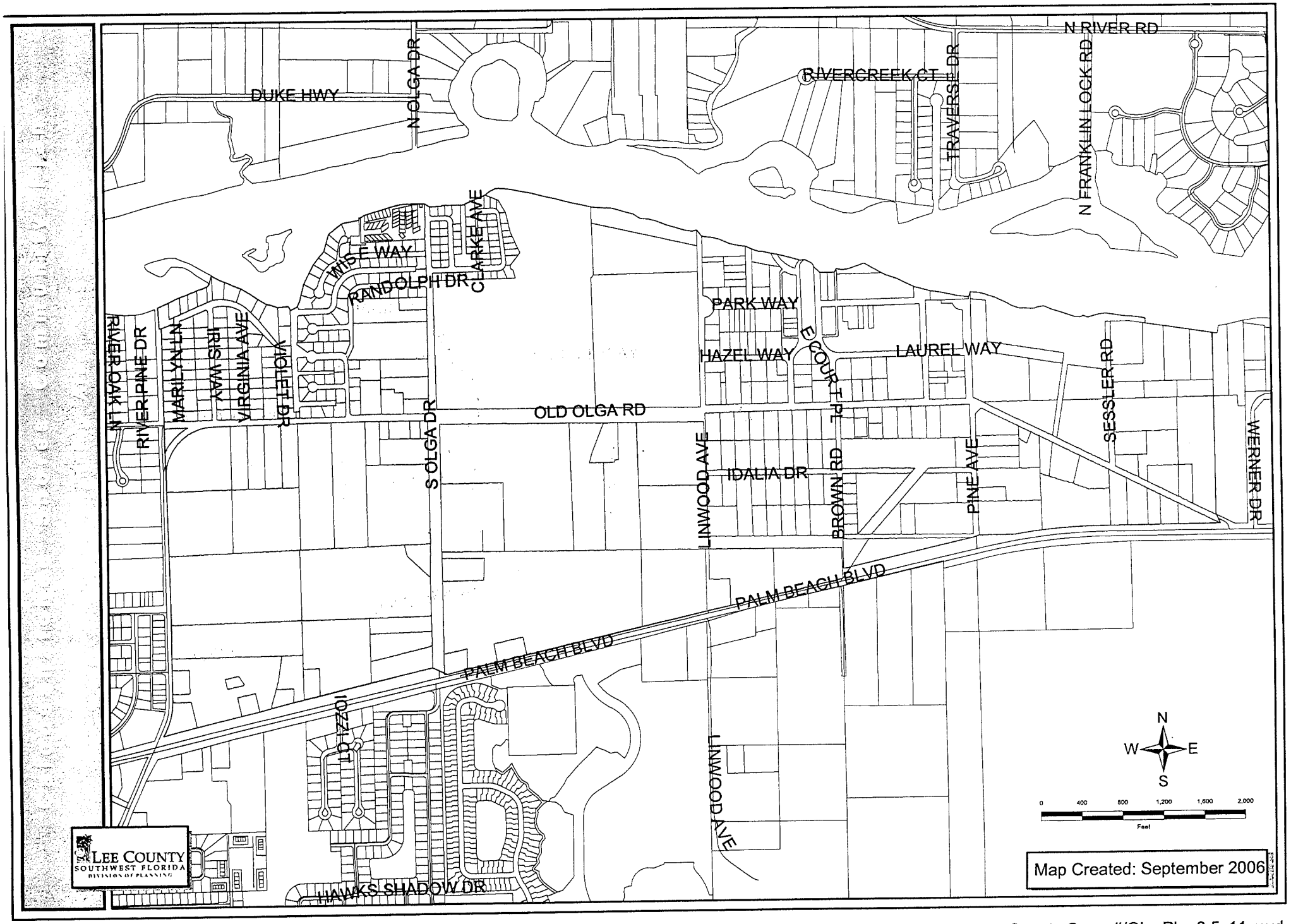
Tina L. Boone
(Signature of person taking acknowledgment)

Tina L. Boone
My Commission DD245993
Expires September 01 2007

_____
(Name typed, printed, or stamped)
(Title or Rank)
(Serial Number, if any)

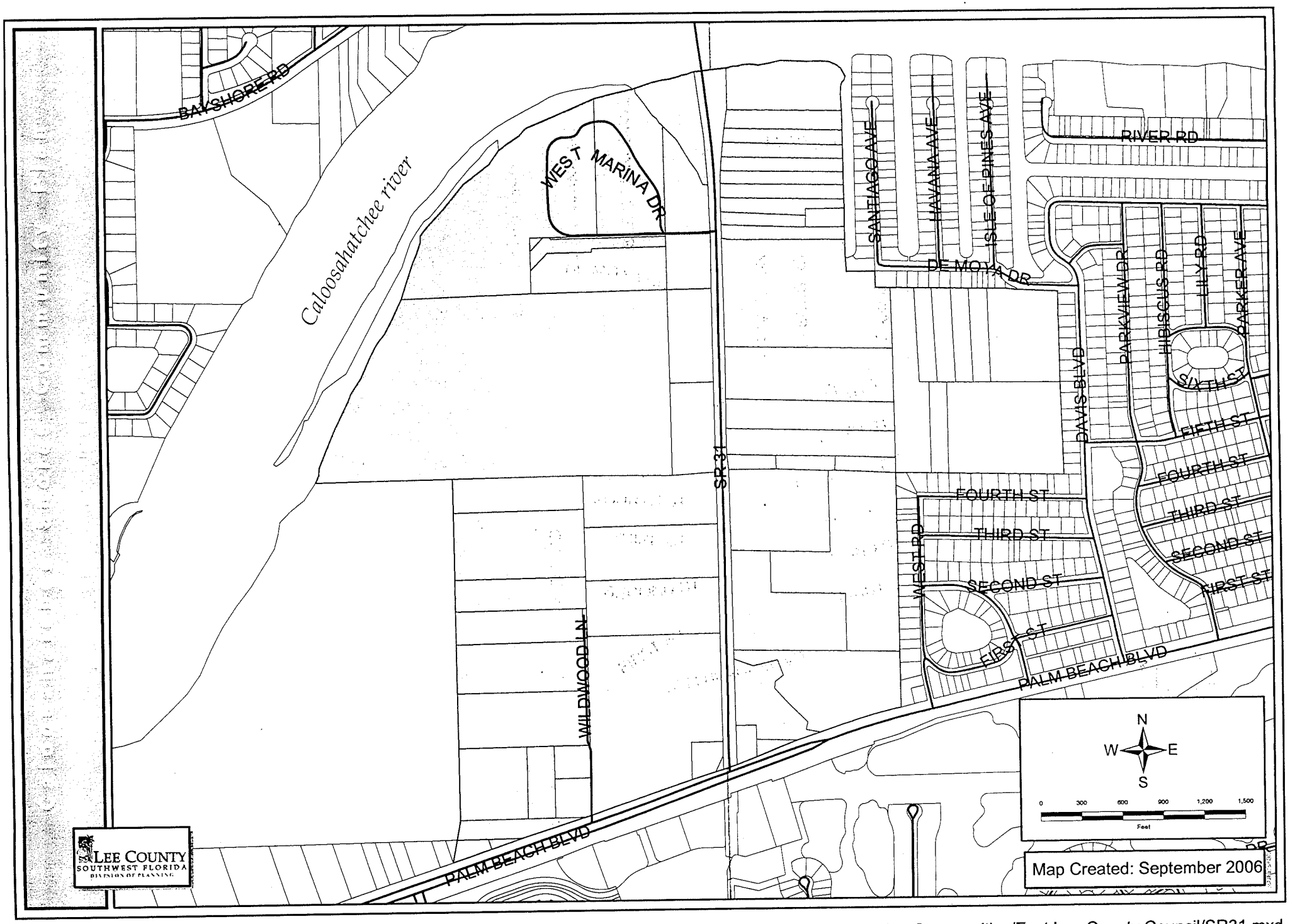
Exhibits:
A: Map of Geographic Areas subject to the Community Planning effort
B: Funding Request

EXHIBIT A



S:Comprehensive/Community Planning/Planning Communities/East Lee County Council/OlgaPlan8.5x11.mxd

EXHIBIT A



S:Comprehensive/Community Planning/Planning Communities/East Lee County Council/SR31.mxd

Dyer, Riddle, Mills
& Precourt, Inc.

Principals
Wayne D. Chalifoux
Donaldson K. Barton, Jr.
Lucius J. Cushman, Jr.
Jon S. Meadows
Stephen L. Precourt
Lawrence L. Smith, Jr.
William T. Stone

Exhibit B

September 26, 2006

DRMP Job #06-0096.000

Mr. Jim Mudd, Principal Planner
Lee County Department of Community Development
P.O. Box 398
Fort Myers, FL 33902-0398

Subject: **Revised Caloosahatchee Shores Community Plan – East Lee County Council Planning Grant**

Dear Mr. Mudd:

This letter revises our fourth request dated September 25, 2006 to submit the required information for application to Lee County for a planning grant to begin implementing the East Lee County Council Phase II Studies for the *Caloosahatchee Shores Community Plan,* and the Phase I Planning Studies for the Olga Community and the SR 31 Corridor Overlay (as sub-plans to the *Caloosahatchee Shores Community Plan*). The information is organized in accordance with Section 2 of the Lee County Administrative Code 13-3.

Section 2.2 of the code outlines the criteria needed to complete the planning grant application.

Section 2.2.a The proposed name of the community panel is the East Lee County Council. The initial members of this panel are:

- Doug Vaught, President
- John McRae, Vice President
- Janet Tripp, Treasurer
- Paul Martin, Secretary
- Gordon Brant
- Kris Cella
- Jim Green
- Mike Rippe
- Grady Miars

This group held its first meeting on Monday, August 21, 2006, 5:00 p.m. at the Olga Community Center. A budget has not yet been adopted, but this letter may serve as the preliminary budget for the panel.

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Section 2.2.b Each of these members has already filed their financial disclosure forms with the Office of the Supervisor of Elections.

Section 2.2.c The area affected by the community plans is as follows:

- *Caloosahatchee Shores Plan* generally runs from Interstate 75 east to Hickey Creek.
    - *Olga Community Plan*, proposed as a sub-plan
    - *SR 31 Corridor Overlay Plan*, proposed as a sub-plan

Section 2.2.d The purpose of this planning grant is to begin implementing the *Caloosahatchee Shores Community Plan* and begin the Phase I Planning Studies for the Olga Community and the SR 31 Corridor Overlay, as sub-plans to the *Caloosahatchee Shores Community Plan.*

The *Caloosahatchee Shores Plan* implementation phase is to prepare the specific regulations that Lee County needs to adopt into its Land Development Code. These tasks are outlined for the *Caloosahatchee Shores Plan* in the attached list of the previously adopted (Ordinance #03-21) Lee Plan policies:

1. Policy 21.1.1: New enhanced landscaping, signage and design standards
2. Policy 21.1.2: Strategies to encourage the use of vernacular Florida architectural styles for all buildings
3. Policy 21.2.1: Regulations that provides for commercial nodes at the intersection of SR 80 and SR 31, north of SR 80 and east and west of SR 31at Community Commercial levels
4. Policy 21.2.2: Regulations to discourage retail uses outside of commercial nodes to protect the rural residential character of Buckingham Road
5. Policy 21.2.3: New regulations encouraging minor commercial uses, public facilities and recreational areas at or near the intersection of Old Olga Road and South Olga Drive
6. Policy 21.2.4: Provide interconnect opportunities with adjacent commercial uses to minimize access points to primary road corridors with residential interconnect in the form of bike, pedestrian and equestrian trails
7. Policy 21.3.1: Provide greater buffers between commercial and residential properties
8. Policy 21.4.1: Regulations that allow no more than 4 dwelling units per acre, with the exception of mixed use projects for the residential areas fronting SR 80 and Buckingham Road

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9. Policy 21.5.1: Regulations to encourage public/private partnerships for passive recreational opportunities with Lee County, State of Florida and the National Park Service
10. Policy 21.5.2: Provide public access to the Caloosahatchee River including through the Florida Power and Light Plant.
11. Policy 21.6.3: Regulations outlining a public participation process for any proposed development within the Caloosahatchee Shores area.

The Phase I Planning Studies for the Olga Community and the SR 31 Corridor Overlay, as sub-plans to the *Caloosahatchee Shores Community Plan,* will revise previously submitted amendments to the *Caloosahatchee Shore Community Plan* which will adopt a specific Vision for the Olga Community, and enact further policies to guide development in the SR 31 Corridor. This proposal will accomplish the following tasks:

1. Review currently available information and data regarding Olga Community and the SR 31 Corridor plans.
2. Conduct a public meeting to facilitate input from the area's residents, property owners, and stakeholders.
3. Analyze the data from these discussions and meeting.
4. Revise, as necessary, the previously prepared draft plans, Vision Statement and Goals, Objectives, and Policies for the Olga Community and the SR 31 Corridor plans, based on information gathered from public input, and data.
5. Conduct the first public hearings with the LPA to obtain feedback and recommendations on the revised draft plans and the Vision Statement and Goals, Objectives, and Policies for the Olga Community and the SR 31 Corridor.
6. Based on LPA feedback and public input, prepare the final draft plans with Vision Statement and Goals, Objectives, and Policies.
7. Submit to the County, final drafts of the plans and Vision Statement and Goals, Objectives, and Policies and respond to any comments accordingly.
8. Conduct a second public hearing for approval by the Board of County Commissioners.

The requested grant funding of $49,900 will allow for the completion of the implementation phase of the *Caloosahatchee Shores Community Plan* and $50,000 for the Phase I Planning Studies for the Olga Community and the SR 31 Corridor Overlay, as sub-plans to the *Caloosahatchee Shores Community Plan.* These sub-plans will ultimately amend the *Caloosahatchee Shores Community Plan.*

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Section 2.2.e The preliminary timetable for the implementation phase and the Phase I Planning Studies is as follows:

- The target date for submitting a revised draft of the Olga Community Plan and SR 31 Corridor Overlay to Lee County is one month after approval of the planning grant (contingent on community panel approval)
- The target date for submitting a complete draft of implementing regulations to Lee County is six months after approval of the planning grant (contingent on community panel approval)
- The final date for submitting these implementing regulations is twelve months after approval.
- After submission of the draft language, the community panel will assist with potential revisions during the county's normal review processes until the LDC amendments are formally adopted.
- All work under this grant is anticipated to be completed within 18 months after approval of the planning grant.

Section 2.2.f The community panel is expected to meet at least monthly until the regulations and plans are submitted, and as needed thereafter. These meetings will be public meetings and will be advertised in accordance with Administrative Code 13-3.

The procedures will be in keeping with those used in preparing the community plan update:

- Drafts of individual regulatory and planning concepts and actual language will be circulated prior to meetings of the community panel to allow time for preliminary review by panel members and others who express an interest
- Detailed discussion at the actual community panel meeting
- Redrafts will follow as needed and will be resubmitted to the community panel for review
- Continuous input will be sought from county staff and the general public

Section 2.2.g The amount of work to be completed in this project is limited by the maximum size of this planning grant ($49,900 for *Caloosahatchee Shores Plan* and $50,000 for the proposed Olga Community Plan and SR 31 Corridor Overlay). The primary consultant will be Dyer, Riddle, Mills and Precourt, Incorporated who has agreed to perform the services outlined herein. In addition, our sub-consultants, David M. Jones, Jr. and Associates, Inc. will provide landscape architecture; Mike Roeder will provide planning and community redevelopment services; and Prather

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William T. Stone

Associates, Inc. will provide code regulations and land use planning all within the planning grant.

These services will be invoiced to the community panel on a monthly basis.

Section 2.2.h This planning effort to date has cost about $30,000 for Caloosahatchee Shores. The source of these funds has been:

- Lee County Community Planning - $ 25,000
- Private Contributions - $5,000 (Bonita Bay Group, Cella and Associates, East Lee County Council)

The percentage of costs that would be provided from County funds has been approximately 60% to date.

Section 2.2.i The *Caloosahatchee Shores Community Plan* was generated through a grass roots effort and provides a demonstration of the ability of those involved to conceptualize a complex public planning project and ensuring that future development remains consistent with the stated vision of the community and encourages approved development to strive towards these goals, while involving extensive public input.

Should you need additional information or further clarification, please do not hesitate to contact me at (239) 344-0050.

Sincerely,
Dyer, Riddle, Mills & Precourt, Inc.

Elly Soto McKuen
Project Manager

Attachments:
1. Lee Plan Goal 21 - Caloosahatchee Shores

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BLUESHEET DOCUMENT CONFIRMATION
FROM
THE DIVISION OF PUBLIC RESOURCES

RECEIVED
NOV 13 2006
COMMUNITY DEVELOPMENT

DATE: 11-9-06

TO: Paul O Connor
Community Development

FROM: Georgia Sekulski, Admin Assistant

Meeting Date 10-31-06 Blue Sheet# 20061366 Item# A4B

Subject: Agreement / East Lee Co. Council Inc. - Palm Beach Blvd.

THE ABOVE-REFERENCED DOCUMENT(S) IS BEING RETURNED TO YOU FOR THE FOLLOWING REASON(S):

_____ There are blank spaces that need to be filled in.

_____ Attachment or Exhibit referred to in document is not attached.

_____ Please obtain the signature(s) of the second party to this document and RETURN ONE ORIGINAL TO MINUTES.

✓ This document is now fully executed and the Minutes Department has an ORIGINAL or COPY for their records. As the originator of this document, it is being returned to you so that your office may provide copies or prepare transmittal letters to individuals involved with this subject matter.

_____ ____ Original(s) Attached

✓ 1 Copy(s) Attached

_____ Other

Public Resources
335-2260
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COMMUNITY PLANNING AGREEMENT
BETWEEN LEE COUNTY AND EAST LEE COUNTY COUNCIL, INC.

PALM BEACH BOULEVARD

RECITALS

A. The Board of County Commissioners recognizes that unincorporated Lee County consists of many diverse communities with various visions on how their community should develop.

B. The residents of the and Palm Beach Boulevard community prepared and submitted a community plan that included a proposed Lee Plan Goal, Objectives, and Policies applicable to their community.

C. The East Lee County Council, Inc. has submitted an amendment to the Lee Plan specific to the Palm Beach Boulevard planning area that is being considered in the 2005/2006 current cycle of Lee Plan amendments.

D. Some of the proposed policies for the Palm Beach Boulevard planning area direct the community to develop land development regulations specific to that planning area.

E. The East Lee County Council, Inc. has requested planning funds to defray the costs incurred to prepare and submit changes to the Lee County Land Development Code specific to the Palm Beach Boulevard community.

F. Lee County Administrative Code 13-3 requires communities seeking planning funds from the County to enter into a contract to govern the disbursement and use of public money on community planning efforts.

NOW, THEREFORE, THE PARTIES HERETO AGREE as follows:

1. Geographic Area. This agreement pertains to the grant of public funds to defray the cost of preparing land development regulations for the following area:

a. Palm Beach Boulevard

The geographic area has been illustrated in Exhibit A hereto.

A4b
10-31-06

COPY

2. Deliverables. The East Lee County Council planning panel (the "Panel") is responsible for the preparation of land development regulations applicable to the Palm Beach Boulevard planning area. A detailed description of deliverables is attached hereto as Exhibit B.

3. Eligibility for Public Funds. The parties agree that Lee County will disburse up to $37,500 in funds that will be used solely for expenditures incurred by the Panel in the preparation and submission of a proposed amendment to the Land Development Code. Total disbursements from the County for this purpose will not exceed $37,500.

4. Applicability of Lee County Administrative Code. The parties agree that the East Lee County Council planning effort will be governed by the regulations set forth in Lee County Administrative Code 13-3 entitled "Administrative Procedures Governing Community Planning Efforts Receiving Financial Support From the BOCC."

5. Applicability of Florida's Public Records and Open Meetings Laws.

A. Open Government

1. The parties agree that the planning effort is subject to Florida laws on Open Government. Accordingly, all meetings of the Panel and its subcommittees will be open to the public. Moreover, the Panel will provide an adequate opportunity for public participation in the Palm Beach Boulevard planning effort. In addition, the Panel will encourage and allow the participation of residents, property owners, the school district, and other interested parties at all meetings and workshops on the community planning effort.

2. The Panel will provide reasonable notice of all meetings pertaining to the community planning effort.

3. Notification of meetings and workshops will include the posting of meeting date, time, and location of the meeting/workshop in accordance with Section 5, Lee County Administrative Code 13-3.

4. The parties agree that subcommittees consisting of members of the Panel and other community members may meet for the purpose of information gathering, information sharing, and the exploration of common concerns. Subcommittee meetings are also required to be

publicly noticed. Common concerns explored by the subcommittees must be presented to the full community panel during a properly noticed public meeting consistent with Section 5 of Lee County Administrative Code 13-3.

5. The Panel must maintain minutes of its meetings in accordance with Section 5, Lee County Administrative Code 13-3.

B. Public Records

All records created in connection with the community planning effort must be retained by the Panel for three years following the date of submission of completed amendments to the Land Development Code. The records will be considered public records as defined by Chapter 119, Florida Statutes.

6. Record Keeping. The Panel must retain all financial, supporting documentation, and other records necessary to document the community planning effort and expenditures during the term of this agreement. If any litigation, claim, negotiation, audit, or other action involving the records are initiated prior to the expiration of a three-year period, the records must be retained for an additional one year after the final resolution of the action and final resolution of all issues that arise from the action.

7. Assurance, certification, and compliance. The Panel agrees that:

A. It will comply with Chapter 760, Florida Statutes, and Lee County Ordinance 00-18 that prohibit discrimination in employment on the basis of race, color, national origin, sex, religion, disability, or marital status.

B. Products or materials purchased with public funds will be procured in accordance with the provisions of 403.7065, Florida Statutes, which refers to the procurement of products or materials with recycled content.

C. It will comply with the Americans with Disabilities Act of 1990, P.L. 101-336, which prohibits discrimination on the basis of disability and requires reasonable accommodation for persons with disabilities.

D. It will notify Lee County of any significant change in the organization of the Panel.

8. Disbursement of Public Funds.

A. Lee County will disburse up to $37,500 to the East Lee County Council, Inc. during the term of this agreement, subject to the provisions pertaining to return of funds and suspension and termination of the agreement. (See paragraph 11.) The Panel agrees to spend the public funds only on items set forth in the request for funding & proposed budget set forth in the document attached as Exhibit B. The County will disburse money upon the receipt and approval of a completed payment request report. Disbursements may be made in installments based on the completion of items contemplated in the deliverables. The payment request report must include documents to support the expenditures. If the Panel fails to submit a payment request report, disbursements will be delayed until the receipt of a report. The County reserves the right to approve or disapprove payment requests.

Copies of supporting documentation must be attached to the payment request report. The County may require additional supporting documentation before agreeing to disburse money.

B. Unsupported/unallowable costs. The County has the option to defer payment to the Panel during the period of a County audit or monitoring due to questionable items. If, as a result of the audit or monitoring, unallowable or unsupported costs are found, no further disbursements will be made until the full amount of overpayment is remitted to Lee County or the County accepts a repayment agreement.

9. Audits, Monitoring, and Records.

A. Monitoring. The Panel agrees to permit County employees to inspect records, papers, and documents to be assured of satisfactory performance with the terms and conditions of this agreement. The monitoring is a limited scope of review and does not relieve the Panel of its obligation to manage the public monies disbursed by the County in accordance with Lee County Administrative Code 13-3 and sound management practices.

Following this monitoring, the County may deliver to the Panel a written report regarding the status of compliance with the terms and conditions of the agreement. The panel must rectify all noted deficiencies within the

specified period of time indicated in the monitoring report or provide the County with a reasonable and acceptable justification for not correcting the noted shortcomings. The Panel's failure to correct or justify the deficiencies within the time specified by the County may result in the withholding of future disbursements or termination of the agreement.

B. Audit and Inspections. The Panel will make all records and items included on financial statements available for audit or inspection purposes during normal business hours and as often as County deems necessary. The Clerk of Courts internal audit division and Lee County have the right of timely and unrestricted access to books, documents, papers, and other records of the panel that are pertinent to the agreement in order to make audits, examinations, excerpts, transcripts, and copies of those documents.

10. Risk Management. The Panel will defend, hold harmless, and indemnify the County from and against all liability, loss, claims, damages, costs, attorneys fees, and expenses that the County may sustain, incur, or be required to pay either by reason of the loss of or improper use of money disbursed or to be disbursed hereunder including, but not limited to, fraud, embezzlement, or dishonesty on the part of any person represented or employed by the Panel, or by reason of the intentional or negligent act of the Panel or its agents, representatives, or employees.

11. Suspension/Termination. The County reserves the right to suspend the disbursement of money for failure to comply with this agreement. The County may cancel this agreement by giving 24 hours written notice to the Panel by certified mail following a determination by the Board of County Commissioners that the cancellation is in the best interest of the people of Lee County. Neither party will have further obligations under this agreement as of the date of cancellation unless specified otherwise in the termination notice. The Panel may cancel this agreement by giving 72 hours prior written notice to the County by certified mail. The County's obligation to make further disbursements under this agreement will cease as of the effective date of termination.

12. Reports.

A. The Panel agrees to prepare a report outlining the progress of the Palm Beach Boulevard planning effort and deliver the report to the County with each request for disbursement of funds.

B. A closeout report is due 60 days after the termination of the agreement or upon the submission of proposed amendments to the Land Development Code.

C. If the required reports are not sent to the County or not completed in a manner acceptable to the County, the County may withhold further disbursements until the reports are completed.

13. Duration of agreement. Parties agree that the Panel will deliver proposed amendments to the Land Development Code and the Olga community and SR 31 overlay for consideration by the Lee County Planning Division no later than September, 2007 unless this agreement is terminated beforehand as specified in Paragraph 11.

14. Notice. The parties agree all notices provided under or pursuant to this agreement will be in writing either by hand delivery or first class certified mail, return receipt requested, to the representative identified below and at the address set forth below. The name and address of the County representative is: Paul O'Connor, Director, Planning Division, Department of Community Development, 1500 Monroe Street, P. O. Box 398, Fort Myers, Florida 33902-0398. The name and address of the representative of the East Lee County Council, Inc., responsible for the administration of this agreement is: Douglas J. Vaught, 250 Granada Blvd., Fort Myers, Florida. In the event different representatives or addresses are designated by either party after the execution of this agreement, notice of the new information will be provided in accordance with this section.

15. Applicable Law. This agreement will be construed under the laws of the State of Florida and the venue for any actions arising out of this agreement will lie in Lee County.

In witness thereof, Lee County and the East Lee County Council, Inc., have executed this agreement:

Attest: Clerk of Court

By: _____
Deputy Clerk

Lee County

By: _____
Tammara Hall, Chairwoman
Board of County Commissioners

Date: 10/31/06

APPROVED AS TO FORM:

_____
Donna Marie Collins
Assistant County Attorney

Approved by BOCC on
10/31/06, A4(B)

East Lee County Council, Inc., A Florida Not-for-Profit Corporation

By: _____
Douglas J. Vaught, President

Date: 11-6-2006

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 11-6-06 by (date)

Douglas J. Vaught, President of the East Lee County Council, Inc., a Florida Not-for-Profit corporation, on behalf of the corporation. He is personally known to me or has produced FL DL V230-170-56-291-0 as identification.
(type of identification)

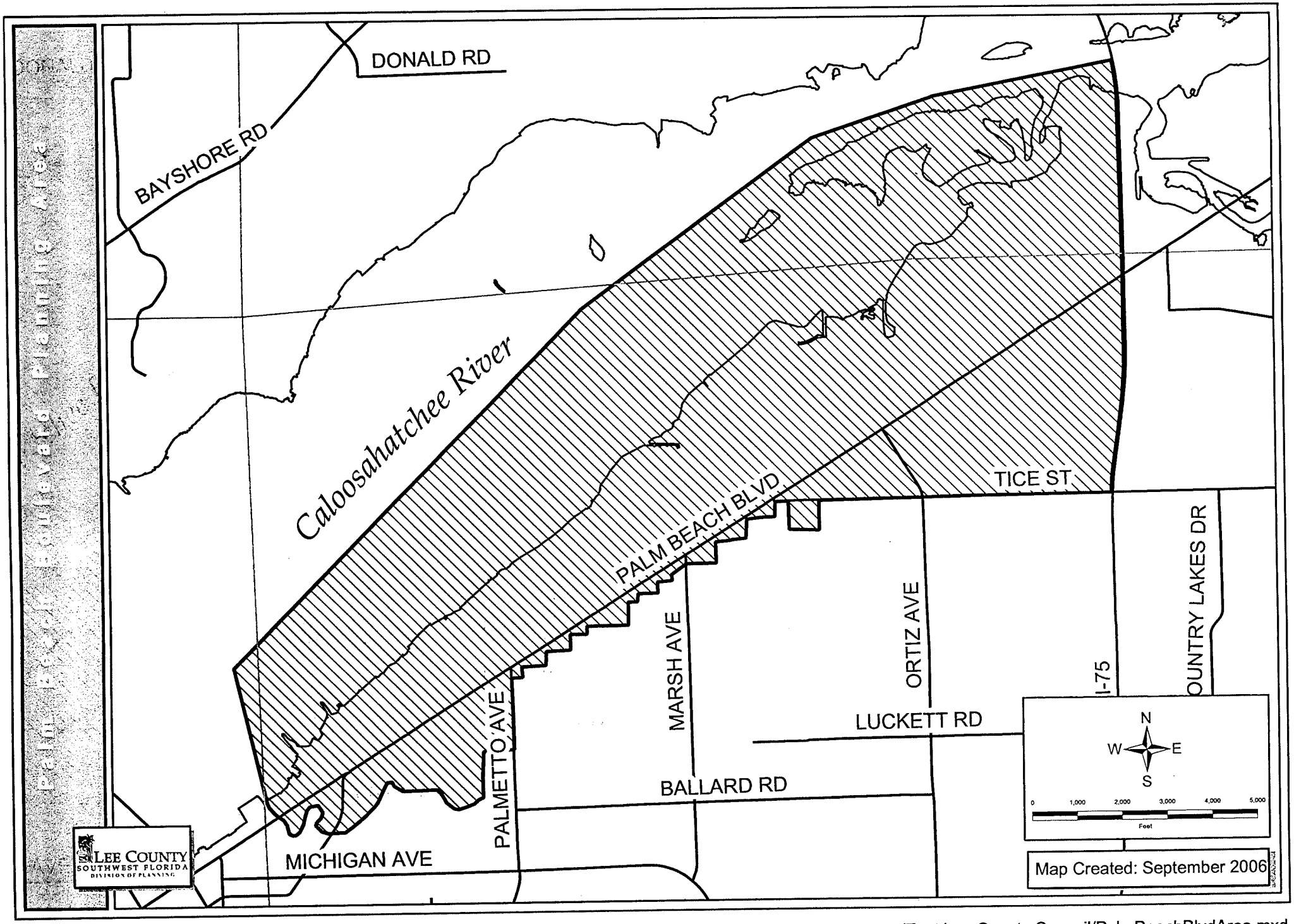
Tina L. Boone
My Commission DD245993
Expires September 01 2007

Tina L. Boone
(Signature of person taking acknowledgment)

(Name typed, printed, or stamped)
(Title or Rank)
(Serial Number, if any)

Exhibits:
A: Map of Geographic Areas subject to the Community Planning effort
B: Funding Request

EXHIBIT A



S:Comprehensive/Community Planning/Planning Communities/East Lee County Council/PalmBeachBlvdArea.mxd

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Exhibit B

September 26, 2006

DRMP Job #06-0096.000

Mr. Jim Mudd, Principal Planner
Lee County Department of Community Development
P.O. Box 398
Fort Myers, FL 33902-0398

Subject: **Revised Palm Beach Boulevard Community Plan – East Lee County Council Planning Grant**

Dear Mr. Mudd:

This letter revises our fourth request dated September 25, 2006 to submit the required information for application to Lee County for a planning grant to begin implementing the East Lee County Council Phase II Studies for the *Palm Beach Boulevard Community Plan*. The information is organized in accordance with Section 2 of the Lee County Administrative Code 13-3.

Section 2.2 of the code outlines the criteria needed to complete the planning grant application.

Section 2.2.a The proposed name of the community panel is the East Lee County Council. The initial members of this panel are:

- Doug Vaught, President
- John McRae, Vice President
- Janet Tripp, Treasurer
- Paul Martin, Secretary
- Gordon Brant
- Kris Cella
- Jim Green
- Mike Rippe
- Grady Miars

This group held its first meeting on Monday, August 21, 2006, 5:00 p.m. at the Olga Community Center. A budget has not yet been adopted, but this letter may serve as the preliminary budget for the panel.

Section 2.2.b Each of these members has already filed their financial disclosure forms with the Office of the Supervisor of Elections.

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Section 2.2.c The areas affected by the two (2) community plans are as follows:

- *Palm Beach Boulevard Plan* generally runs from the City of Fort Myers city limits to Interstate 75

Section 2.2.d The purpose of this planning grant is to begin implementing the *Palm Beach Boulevard Community Plan*

The *Palm Beach Boulevard Plan* implementation phase is to prepare the specific regulations that Lee County needs to adopt into its Land Development Code. These tasks are outlined for the *Palm Beach Boulevard Plan* in the attached list of the proposed comprehensive land amendment proposal submitted in September 2005. The proposal would add the following policies to the Lee Plan:

1. Proposed Policy 23.1.1: New enhanced landscaping along right of way corridors, greater buffering and shading of parking areas, signage, lighting and architectural design standards
2. Proposed Policy 23.1.3: Procedures to enhance code enforcement standards into Chapter 33 of the Land Development Code
3. Proposed Policy 23.2.2: Provide interconnect opportunities with adjacent commercial uses to minimize access points to primary road corridors with residential interconnect in the form of bike, pedestrian and equestrian trails
4. Proposed Policy 23.3.1: Provide greater buffers between commercial and residential properties
5. Proposed Policy 23.3.2: Regulations that encourage mixed use developments that provide integration of commercial uses with residential uses with pedestrian linkages
6. Proposed Policy 23.4.3: Procedures to coordinate with City of Fort Myers and Florida Department of Transportation to conduct prepare a streetscape plan
7. Proposed Policy 23.5.1: Procedures to register citizen groups, civic organization within Palm Beach Boulevard community that desires to receive notification of pending review of Land Development Code and Lee Plan amendments
8. Proposed Policy 23.6.1: Procedures to work with Lee County, State of Florida and the Seminole Gulf Railroad to provide a linear park along the railroad to enhance community recreational opportunities

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9. Proposed Policy 23.6.3: Regulations to integrate parks and open space into surrounding developments along Palm Beach Boulevard
10. Proposed Policy 23.6.4: Regulations for Russell Park to preserve existing linear waterfront park and work to identify maintenance issues associated with the public boat ramp

The requested grant funding of $49,900 will allow for the completion of the implementation phase of the *Palm Beach Boulevard Community Plan.*

Section 2.2.e The preliminary timetable for the implementation phase is as follows:

- The target date for submitting a complete draft of implementing regulations to Lee County is six months after approval of the planning grant (contingent on community panel approval)
- The final date for submitting these implementing regulations is twelve months after approval.
- After submission of the draft language, the community panel will assist with potential revisions during the county's normal review processes until the LDC amendments are formally adopted.
- All work under this grant is anticipated to be completed within 18 months after approval of the planning grant.

Section 2.2.f The community panel is expected to meet at least monthly until the regulations and plans are submitted, and as needed thereafter. These meetings will be public meetings and will be advertised in accordance with Administrative Code 13-3.

The procedures will be in keeping with those used in preparing the community plan update:

- Drafts of individual regulatory and planning concepts and actual language will be circulated prior to meetings of the community panel to allow time for preliminary review by panel members and others who express an interest
- Detailed discussion at the actual community panel meeting
- Redrafts will follow as needed and will be resubmitted to the community panel for review
- Continuous input will be sought from county staff and the general public

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Section 2.2.g The amount of work to be completed in this project is limited by the maximum size of this planning grant ($49,900 for the *Palm Beach Boulevard Plan* implementation). The primary consultant will be Dyer, Riddle, Mills and Precourt, Incorporated who has agreed to perform the services outlined herein. In addition, our sub-consultants, David M. Jones, Jr. and Associates, Inc. will provide landscape architecture; Mike Roeder will provide planning and community redevelopment services; and Prather Associates, Inc. will provide code regulations and land use planning all within the planning grant.

These services will be invoiced to the community panel on a monthly basis.

Section 2.2.h This planning effort to date has cost about $50,000 for Palm Beach Boulevard. The source of these funds has been:

- Lee County Community Planning - $ 25,000 for Palm Beach Boulevard
- City of Fort Myers - $ 25,000 (Palm Beach Boulevard)
- Private Contributions - $5,000 (Bonita Bay Group, Cella and Associates, East Lee County Council)

The percentage of costs that would be provided from County funds has been approximately 45% to date.

Section 2.2.i The *Palm Beach Boulevard Community Plan* was generated through a grass roots effort and provides a demonstration of the ability of those involved to conceptualize a complex public planning project and ensuring that future development remains consistent with the stated vision of the community and encourages approved development to strive towards these goals, while involving extensive public input.

Should you need additional information or further clarification, please do not hesitate to contact me at (239) 344-0050.

Sincerely,
Dyer, Riddle, Mills & Precourt, Inc.

Elly Soto McKuen
Project Manager

Attachments:

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1. Proposed Lee Plan Goal 22 – Palm Beach Boulevard

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