

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

Telephone: (239) 479-8585 FAX: (239) 479-8519

# APPLICATION FOR A COMPREHENSIVE PLAN AMENDMENT

(To be completed at time of intake)
DATE REC'D 9-28-06 REC'D BY: MK LE
APPLICATION FEE 2000. TIDEMARK NO: <u>CPA 206000</u>
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.
3/25/06 Mattle O. Whe
DATE SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

### I. APPLICANT/AGENT/OWNER INFORMATION

Raymond Building Supply Corp.		
APPLICANT		
7751 Bayshore Road		
ADDRESS	_,	22047
North Fort Myers	FL	33917
CITY	STATE	ZIP
(239) 731-8300		(239) 731-3299
TELÉPHONE NUMBER		FAX NUMBER
Matthew D. Uhle, Esq. for Knott, Co	nsoer, Ebelini, Hart & S	wett, P.A.
AGENT*		
1625 Hendry Street, Suite 301		
ADDRESS		00004
Fort Myers	FL	33901
CITY	STATE	ZIP
(239) 334-2722		(239) 334-1446
TELÉPHONE NUMBER		FAX NUMBER
SW Florida Land 163 LLC		
OWNER(s) OF RECORD		
6150 Diamond Centre Ct., BLDG. 1	300	
ADDRESS		00017
Fort Myers	FL	33917
CITY	STATE	ZIP
TELEPHONE NUMBER		FAX NUMBER

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

<sup>\*</sup> This will be the person contacted for all business relative to the application.

II. REQUESTED CHANGE (Please see Item 1 for Fee Schedule)			
	A. TYPE: (Check appropriate type)		
	Text Amendment  Future Land Use Map Series Amendment (Maps 1 thru 21) List Number(s) of Map(s) to be amended Map 1 - FLUM		
	B. SUMMARY OF REQUEST (Brief explanation):		
	Map amendment from Suburban to Industrial Development		
III.	. PROPERTY SIZE AND LOCATION OF AFFECTED PROPERTY (for amendments affecting development potential of property)		
	A. Property Location:		
	1. Site Address: 7701 Bayshore Road, North Fort Myers, FL 33917		
	2. STRAP(s): 20-43-25-00-00003.1000	_	
B. Property Information			
	Total Acreage of Property: 14± Acres		
	Total Acreage included in Request: 14± Acres		
	Area of each Existing Future Land Use Category: All property in Suburban	_	
	Total Uplands: 14± Acres	_	
	Total Wetlands: None	_	
	Current Zoning: AG-2	_	
	Current Future Land Use Designation: Suburban	_	
	Existing Land Use: Vacant		

C. State if the subject property is located in one of the following areas and if sides the proposed change effect the area:				
	Le	high Acres Commercial Overlay: _	NA	
	Air	rport Noise Zone 2 or 3:	NA	
	Ac	quisition Area:	NA	
	Jo	int Planning Agreement Area (adjo	nining other jurisdictional lands): NA	
	Cc	ommunity Redevelopment Area: _	NA	
D.	Pi	oposed change for the Subject Pr	operty:	
		Industrial Development		
E.	Po	tential development of the subjec	t property:	
	1.	Calculation of maximum allowab	le development under existing FLUM:	
		Residential Units/Density	6 d.u./acre (84 total units)	
		Commercial intensity	NA	
		Industrial intensity	NA	
	2.	Calculation of maximum allowab	le development under proposed FLUM:	
		Residential Units/Density	NA	
		Commercial intensity	NA	
		Industrial intensity	180,000 square feet	
ΑN	۱E۸	IDMENT SUPPORT DOCUMENT	TATION	

### IV.

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  $(8.5" \times 11")$  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 3mile 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.

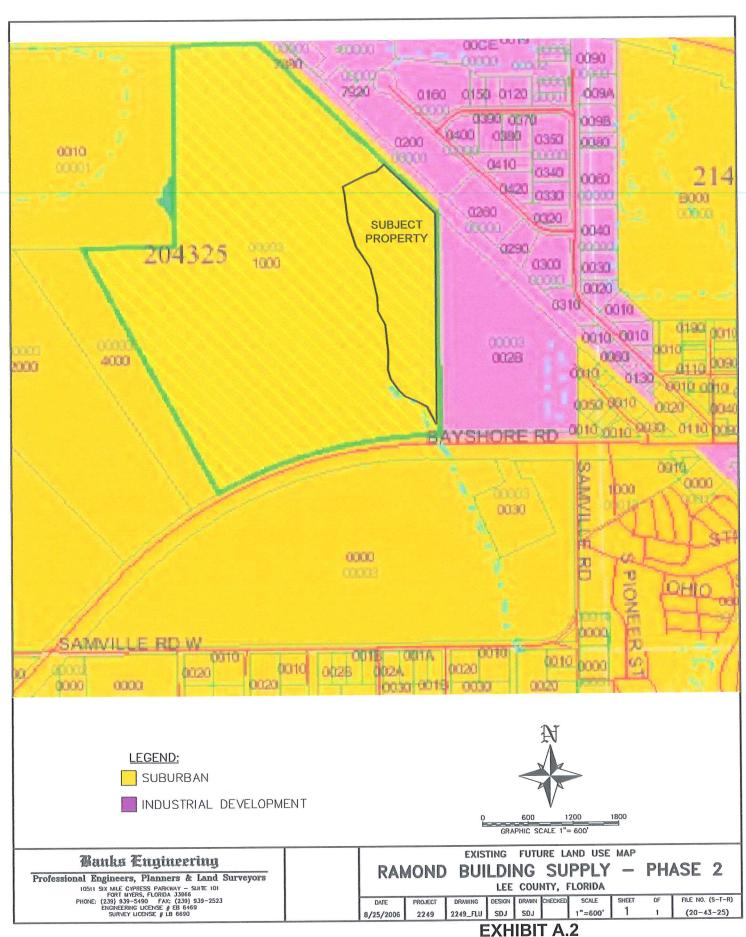
- 1. Requests involving lands in critical areas for future water supply must be evaluated based on policy 2.4.2.
- 2. Requests moving lands from Density Reduction/Groundwater Resource must fully address Policy 2.4.3 of the Lee Plan Future Land Use Element.
- G. Justify the proposed amendment based upon sound planning principles. Be sure to support all conclusions made in this justification with adequate data and analysis.

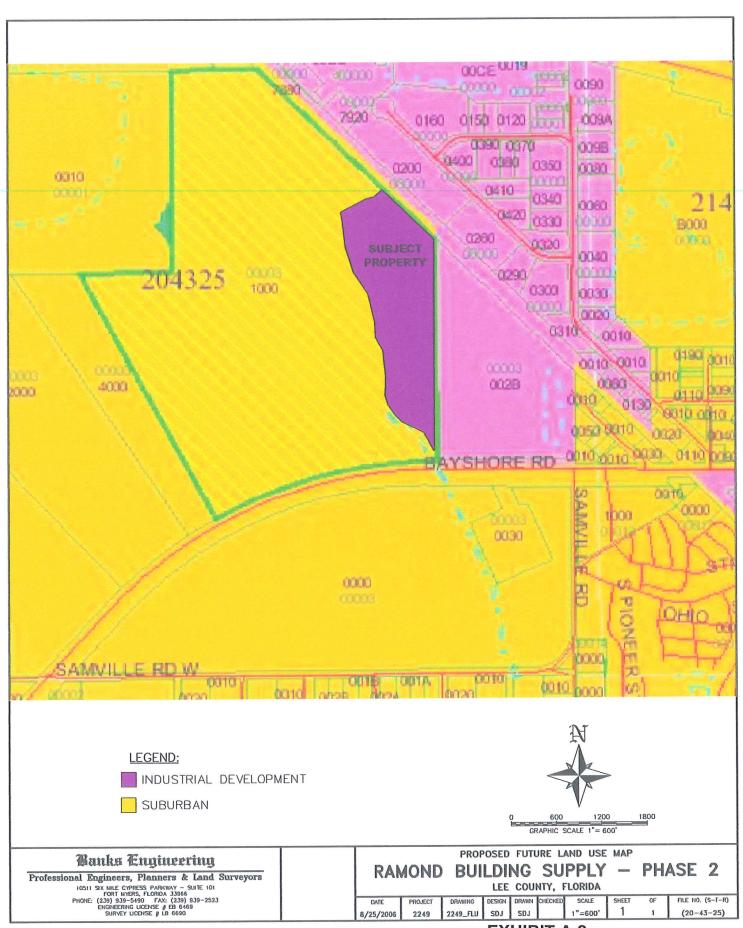
Item 1: Fee Schedule

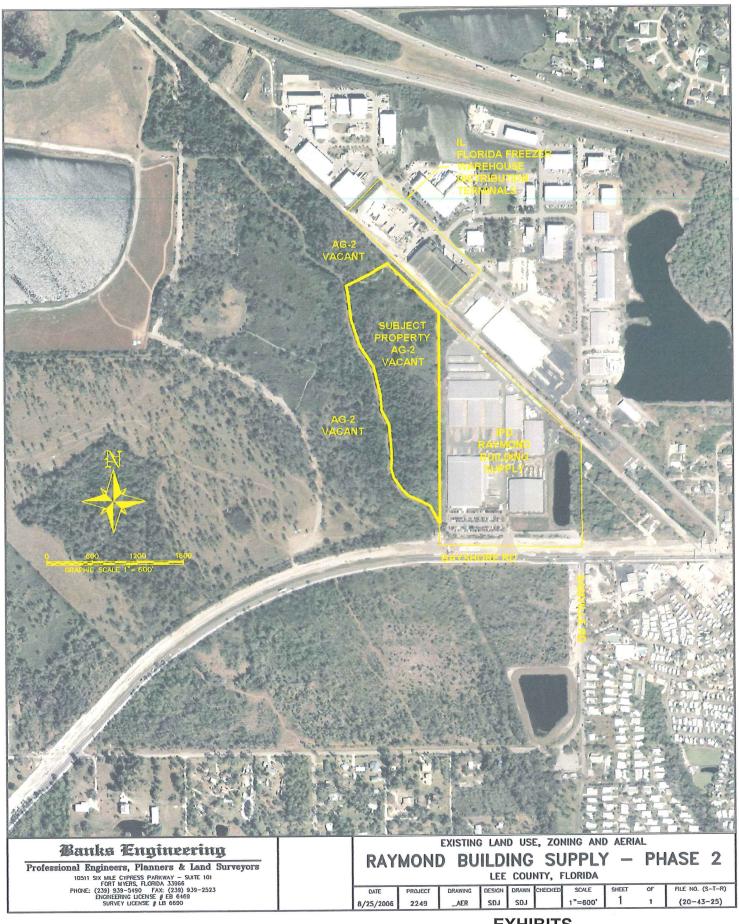
item i. ree schedule	
Map Amendment Flat Fee	\$2,000.00 each
Map Amendment > 20 Acres	\$2,000.00 and \$20.00 per 10 acres
Small Scale Amendment (10 acres or less)	\$1,500.00 each
Text Amendment Flat Fee	\$2,500.00 each

### **AFFIDAVIT**

I, <u>Janet E. Allison</u> as <u>Vice-President</u> of <u>SW Florida Land 163, LLC, a lorida Limited Liability Company</u> , certify that I am the owner or authorized epresentative of the property described herein, and that all answers to the juestions in this application and any sketches, data, or other supplementary natter attached to and made a part of this application, are honest and true to the				
boot of my knowledge and belief. I also a	uthorize the staff of Lee County			
Community Development to enter upon the	property during normal working			
<u>hours for the purpose of investigating and eva</u>	aluating the request made through			
this application.				
Eget E allum	9/24/06			
Signature of owner or owner-authorized agent	Date			
Janet E. Allison, Vice President				
Typed or printed name				
STATE OF FLORIDA ) COUNTY OF LEE )				
The foregoing instrument was certified and se	ubscribed before me this			
day of 20, by _Janet E. Allison as				
163, LLC, a Florida Limited Liability Company	, who is personally known to me or			
who has produced	as identification.			
	Depa 5 Censalle			
(SEAL)	Signature of notary public			
DEBRA S. LASALLE  Notary Public, State of Florida  My comm. exp. Jun. 25, 2010  Comm. No. DD 567644	Debra 5 LaSalle Printed name of notary public			







EXHIBITS A.3 & A.4

### Legal Description EXHIBIT A.5

A parcel or tract of land lying in Section 20, Township 43 South, Range 25 East, Lee County, Florida, more particularly described as follows:

Commence at the west quarter corner of said Section 20 and run N 89°43'21" E along the north line of the SW ¼ of said Section 20 for 2,016.85 feet to the Point of Beginning; thence continue N 89°43'21" E for 617.49 feet to the center of said Section 20; thence run N 00°09'22" W for 1,334.98 feet to the NW corner of the SW ¼ of the NE ¼ of said Section 20; thence run N 89°42'16" E for 540.65 feet to the southwesterly right-of-way line of the Seaboard Coast Line Railroad; thence run S 46°40'52" E along said right-of-way line for 1,611.27 feet; thence run S 00°22'45" W for 1,497.21 feet to a point on the northerly right-of-way line of County Road C-78 (Bayshore Road), said point being the point of curvature of a curve concave to the southeast, having a radius of 2,914.79 feet; thence run southwesterly along said right-of-way along the arc of said curve through a central angle of 29°11'41" for an arc distance of 1,485.22 feet; thence run N 28°48'56" W for 1,852.02 feet to the Point of Beginning.

### **EXHIBIT A.6**

Prepared by and return to: Peter J. Gravina, Esq.

Address

PAVESE LAW FIRM 1833 Hendry Street Post Office Drawer 1507 FORT MYERS, FLORIDA 33902

INSTR # 6651886 OR BK 04595 Pgs 1267 - 1268; (2pgs) RECORDED 02/16/2005 04:32:23 PM CHARLIE GREEN, CLERK OF COURT LEE COUNTY, FLORIDA RECORDING FEE 18.50 DEED DOC 683.90 DEPUTY CLERK D Schapfer

Property Appraiser's Parcel Identification No.: 20-43-25-00-00003.1000

WARRANTY DEED (STATUTORY FORM - SECTION 689.02, F.S.) This Indenture, made this / May of / ERNARY, 2005, Between, JOHN B. FASSETT, Individually and as Trustee of the Ann B. Fassett Trust dated June 5, 1986, whose post office address is 4560 Via Royale, Fort Myers, Florida 33919, grantor\*, and S.W. FLORIDA LAND 163, L.L.C., a Florida limited liability company, whose post office address is 6250 Diamond Centre Court, Bldg. 1300, Fort Myers, Florida 33912, grantee\*,

Witnesseth that said grantor, for and in consideration of the sum of TEN AND NO/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:

An undivided 2 1/2% % interest in and to the property described on attached Exhibit "A".

Subject to easements, reservations and restrictions of record and taxes for the current and all subsequent years.

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

Signed, sealed and delivered in our presence: JOHN B. FASSETT, Individually and as

Witness #2 06K ORRAINE

Printed name of Witness #2

Brinted name of Wijness #

written.

Venner

STATE OF COUNTY OF

The foregoing instrument was acknowledged before me this // Aday of February, 2005, by JOHN B. FASSETT, Individually and as Trustee, who is personally known to me or who

produced DRIVER S ICENSE as identification.

June 5, 1986

Notary Public

Trustee of the Ann B. Passett Trust dated

OFFICIAL NOTARY SEAL LORRAINE L COOK NOTARY PUBLIC STATE OF FLORIDA My Commission Expireso. DD094596 MY COMMISSION FIND MAR. 17,2005

Printed name of Notary Public

001

### **EXHIBIT "A"**

PARCEL 1:

A parcel or tract of land lying in Section 20, Township 43 South, Range 25 East, Lee County, Florida, more particularly described as follows:

Commence at the west quarter corner of said Section 20 and run N 89 0 43'21" E along the north line of the SW 1/4 of said Section 20 for 2,016.85 feet to the Point of Beginning; thence continue N 89 0 43' 21" E for 617.49 feet to the center of said Section 20; thence run N 00 09' 22" W for 1,334.98 feet to the NW corner of the SW 1/4 of the NE 1/4 of said Section 20; thence run N 89 0 42' 16" E for 540.65 feet to the southwesterly right-of-way line of the Seaboard Coast Line Railroad; thence run S 46 0 40' 52" E along said right-of-way line for 1,611.27 feet; thence run S 00 22' 45" W for 1,497.21 feet to a point on the northerly right-of-way line of County Road C-78 (Bayshore Road), said point being the point of curvature of a curve concave to the southwesterly along said right-of-way along the arc of said curve through a central angle of 290 11' 41" for an arc distance of 1,485.22 feet; thence run N 28 0 48' 56" W for 1,852.02 feet to the Point of Beginning.

# Sanitary Sewer / Potable Water EXHIBITS B.2.a & B.2.b

The Average Daily Flow of water and sewer for 84 multi-family units is 148,480 GPD; 220 GPD per unit. The maximum assumption for the Average Daily Flow for 180,000 square feet of warehouse is 1,050 GDP; 15 GPD per employee per 8 hour shift for 70 employees.

### Surface Water / Drainage Basins EXHIBIT B.2.c

The subject property is located in the Chapel Branch and Daughtrey Creek East Watersheds as indicated in the Lee County Surface Water Management Master Plan. Any development will be in compliance with South Florida Water Management District and the Lee County Development Code with regard to surface water management.

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

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

The June 2006 Concurrency Report states on page 3 that "All new developments that receive approval from the South Florida Water Management District and which comply with standards in Chapters 17-3, 17-40, and 17-302 of the Florida Statutes, and Rule 40E-4 of the Florida Administrative Code are deemed Concurrent with the Level of Service standards set forth in THE LEE PLAN."

# Parks, Recreation and Open Space EXHIBIT B.2.d

The proposed amendment from Suburban to Industrial Development will reduce the demand for developed park acreage in Lee County. The reductions, based on the applicable Lee Plan levels of service, are as follows:

Regional Park Required LOS--1.05 acres

Regional Park Desired LOS--1.4 acres

Community Park Required LOS--.14 acres

Community Park Desired LOS--.35 acres

No revisions to the CIE will be required as a result of this amendment.



P.O. Box 3507 N. Ft. Myers, FL 33918-3507 (239) 997-8654 (239) 995-3757 fax

www.northfortmyersfire.com

9/20/06

Alison Stowe Knott, Consoer, Ebelini, Hart & Sweet, P.A. P.O. Box 2449 Ft. Myers, FL 33902-2449

Dear Alison

The Comprehensive Plan Amendment for 14.11 acres identified by your firm would not negatively affect our district's ability to provide fire and emergency services for the proposed change. If we can be of any more assistance to you concerning this change or the future projects on this property, feel free to contact us.

Thank you for your time in this matter,

Sincerely,

Terry Pye Fire Chief

Letter will follow via USPS

### **EXHIBIT B.3.c**





### State of Florida County of Lee

Ms. Alison Stowe Knott, Consoer, Ebelini, Hart & Swett, P.A. 1625 Hendry Street P.O. Box 2449 Fort Myers, Florida 33901

September 25, 2006

Dear Ms. Stowe:

The Sheriff's Office has reviewed your fax letter dated September 19, 2006 outlining your intention to request a comprehensive plan amendment from Lee County for the project referenced as "Raymond Building Supply" located south of I-75 between West Street and Bayshore Roads in North Lee County, Florida. It is my understanding that the purpose of the amendment, if approved, would be to change the land use designation of approximately 14.11 acres from Suburban to Industrial Development allowing for the expansion of light industry and the reduction of residential development in that parcel.

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

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

Sincerely,

Mike Scott

Sheriff, Lee County Florida



### **EXHIBIT B.3.d**



### **BOARD OF COUNTY COMMISSIONERS**

(239) 533-0333

Writer's Direct Dial Number:\_\_

Bob Janes District One

Dougles R. St. Cerny District Two

Ray Judah District Three

Tammy Hall District Four

John E. Albion

Donald D. Stilwell County Manager

David M, Owen County Attorney

Diana M. Parker County Hearing Examiner September 25, 2006

Ms. Alison M. Stowe

Knott, Consoer, Ebelini, Hart & Swett, P.A.

P.O. Box 2449

Fort Myers, FL 33902-2449

Re: Raymond Building Supply

Mr. Stowe:

Lee County Transit received your letter on September 21, 2006 in reference to the Comprehensive Plan Amendment Application for the subject property located south of I-75 with access from West Street and Bayshore Road. Lee County does not currently provide public transportation services to the subject property or to the surrounding area. Planning studies have not identified the need to extend service to the site anytime within the existing Lee County Transit Development Plan, which goes through 2015 and the Lee County Long Range Transportation Plan, which goes through 2030. We do not anticipate this to change with the proposed comprehensive plan amendment changing the designated land use.

If you have any questions please contact me at the telephone number listed above or you can send an e-mail to <a href="mailto:mhorsting@leegov.com">mhorsting@leegov.com</a>.

Sincerely

Michael Horsting, AICP

Planner

Lee County Transit

## EXHIBITS C.1, C.3 & C.5

### IV. AMENDMENT SUPPORT DOCUMENTATION

### 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 Forms Classification System (FLUCFCS).

See attached FLUCFCS map for community locations in Parcel. The vegetation communities were mapped according to the Florida Land Use, Cover and Forms Classification System (FLUCFCS) (Florida Department of Transportation, 1999). The mapping utilized Level III FLUCFCS. The site was inspected and the mapping superimposed on a 2006 digital aerial photographs. Acreages were approximated using AutoCAD.

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.

### 321 Palmetto Prairie (approximately 5.03 acres)

This upland community contains widely scattered Florida slash pine in the canopy. The sub-canopy contains saw palmetto, downy rose myrtle, rusty lyonia, and beautyberry. Ground cover species includes grapevine, saw palmetto, caesarweed, poison ivy, smilax, pennyroyal, and chocolate weed.

428 Cabbage Palm (approximately 9.07 acres)

This upland forested community is dominated by cabbage palm with scattered live oak, slash pine, and melaleuca found in the canopy. The sub-canopy is dominated by cabbage palm with scattered saw palmetto. Ground cover species includes Caesarweed, poison ivy, smilax, pennyroyal, and chocolate weed.

FLUCFCS	Description	Acreage	Percent of Total
321	Palmetto Prairie	5.03	35.7%
428	Cabbage Palm	9.07	64.3%
	Total	+/- 14.10	100%

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

See attached map for soil mappings based on NRCS soil survey for Lee County. The NRCS mapped the property as being underlain by Boca Fine Sand, Oldsmar Sand, and Wabasso Sand Limestone Substratum

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

See attached USGS Topography and FEMA Flood Zone Maps. The parcel is located in the 100 year – flood prone zone.

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

See attached FLUCFCS map. The parcel does not contain wetlands, aquifer recharge areas, or rare and unique uplands.

5. A table of plant communities by FLUCFCS 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 FLUCFCS and the species status.

#### ANIMALS

Listed wildlife species that have the potential to occur on the project site are listed in the following table. These potential occurrences were determined by referencing the Field Guide to Rare Animals of Florida (Florida Natural Areas Inventory 2000), Florida Atlas of Breeding Sites for Herons and Their Allies (Runde et. al. 1991), Lee County Eagle Technical Advisory Committee (ETAC) Active 2000-2001 Season map. The Florida Endangered Species, Threatened Species and Species of Special Concern; Official Lists, dated August 1997 was used to identify the status of the potentially occurring species.

There is a known eagle's nest (LE068) located approximately 1360' west of the parcel on adjacent lands. This nest is located outside of the 660' buffer zone outlined in the USFWS management guidelines currently in use the USFWS.

Name	Scientific Name	Habitat	State & Fed Status	
			FWC	FWS
Big Cypress Fox Squirrel	Sciurus niger avicennia	411	T	No listing
Eastern Indigo Snake	Drymarchon corais couperi	411, 428	Т	T
Florida Black Bear	Ursus americanus floridanus	411, 428	Т	No listing
Gopher Frog	Rana areolata	411	SSC	No listing
Gopher Tortoise	Gopherus polpyhemus	411	SSC	No listing
Red-cockaded Woodpecker	Picoides borealis	411	Т	Е
Southeastern American Kestrel	Falco sparverius paulus	411	Т	No listing
Audubon's Crested Caracara	Caracara plancus audubonii	428	T	T

FWC-Florida Fish and Wildlife Conservation Commission\FWS-U.S. Fish and Wildlife Service SSC-Species of Special Concern/T-Threatened/E-Endangered T(S/A)-Threatened due to similarity of appearance

#### **PLANTS**

Listed plant species that have the potential to occur on the project site are listed in the following table. These potential occurrences were determined by referencing the Field Guide to Rare Plants of Florida (Florida Natural Areas Inventory 2000). The Florida Endangered Species, Threatened Species and Species of Special Concern; Official Lists, dated August 1997 was used to identify the status of the potentially occurring species.

<u>Name</u>	Scientific Name	Habitat	Status	
			FDA	FWS
Beautiful paw-paw	Deeringothamnus pulchellus	411	Е	Е
Fakahatchee Burmannia	Burmannia flava	411	E	
Florida coontie	Zamia Floridana	411	С	
Satinleaf	Chrysophyllum oliviforme	411	Е	
Twisted Air Plant	Tillandsia flexuosa	411	E	
Simpson' Stopper	Myrcianthes fragrans	428	Т	

FWC-Florida Fish and Wildlife Conservation Commission FWS-U.S. Fish and Wildlife Service SSC-Species of Special Concern T-Threatened E-Endangered C-Commercially Exploited

### D. Impacts on Historic Resources

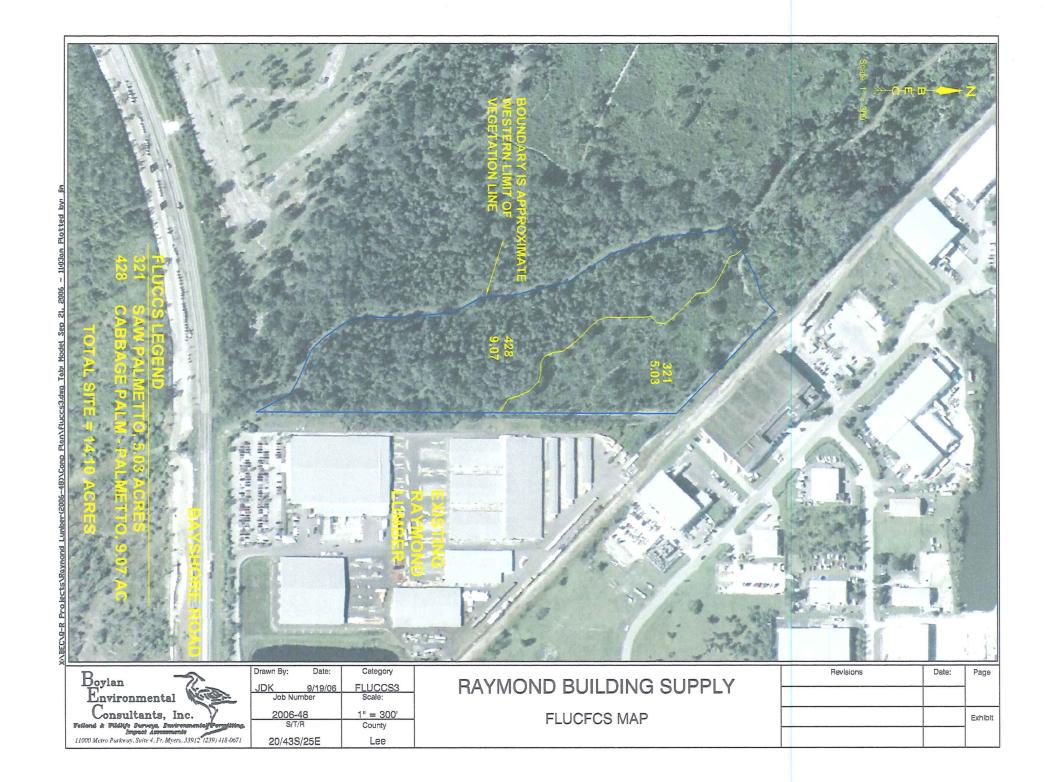
List all historic resources (including structure, districts, and/or archaeologically sensitive areas) and provide an analysis of the proposed change's impact on these resources. The following should be included with the analysis:

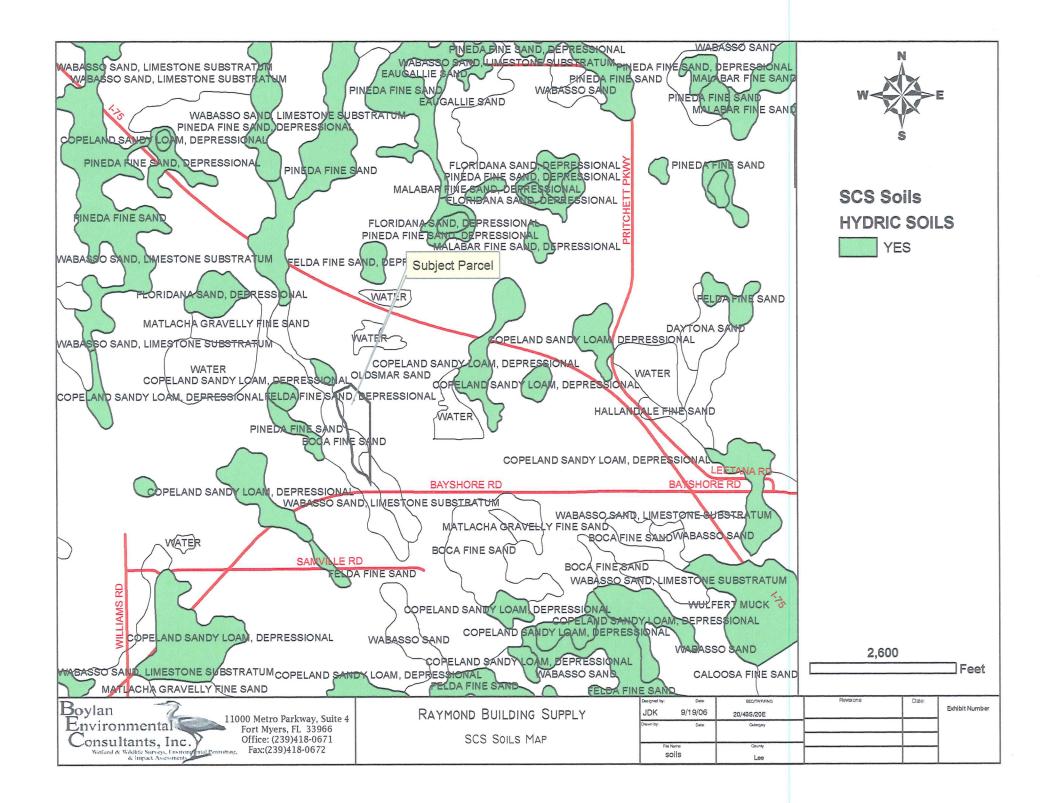
1. A map of any historic districts and/or sites, listed on the Florida Master Site File, which are located on the subject property or adjacent properties.

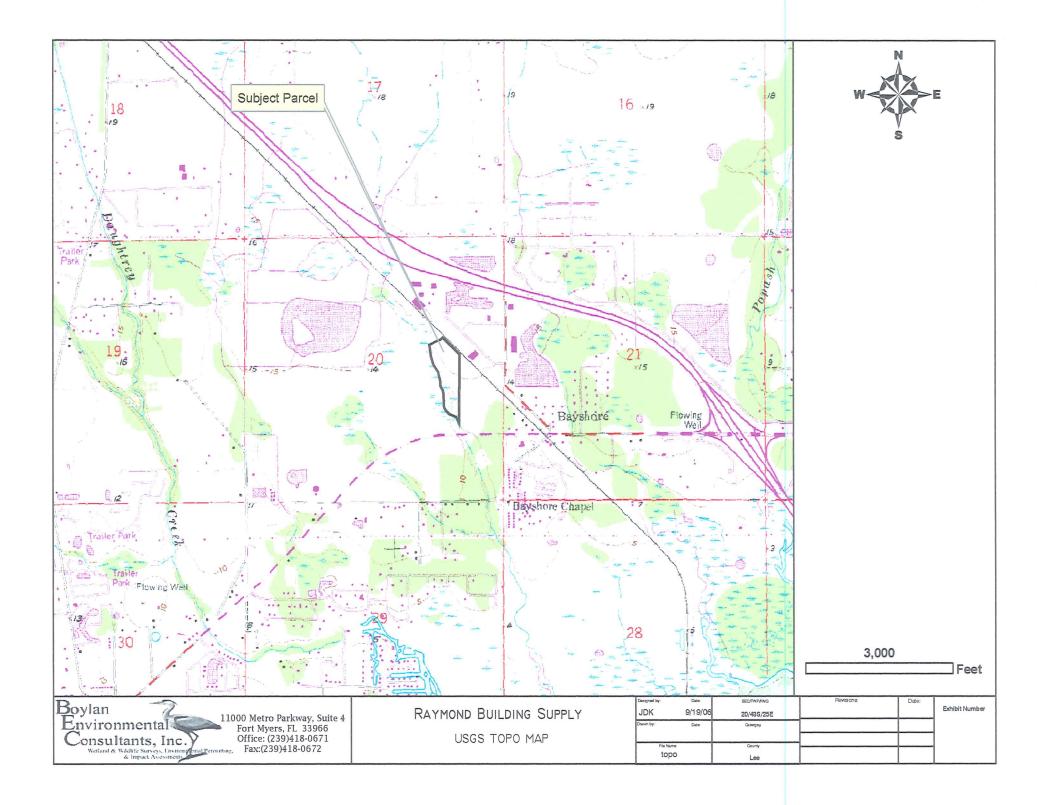
Attached are the results of the Florida Master Site File. The Master Site File lists no previously recorded cultural resources in the parcels vicinity.

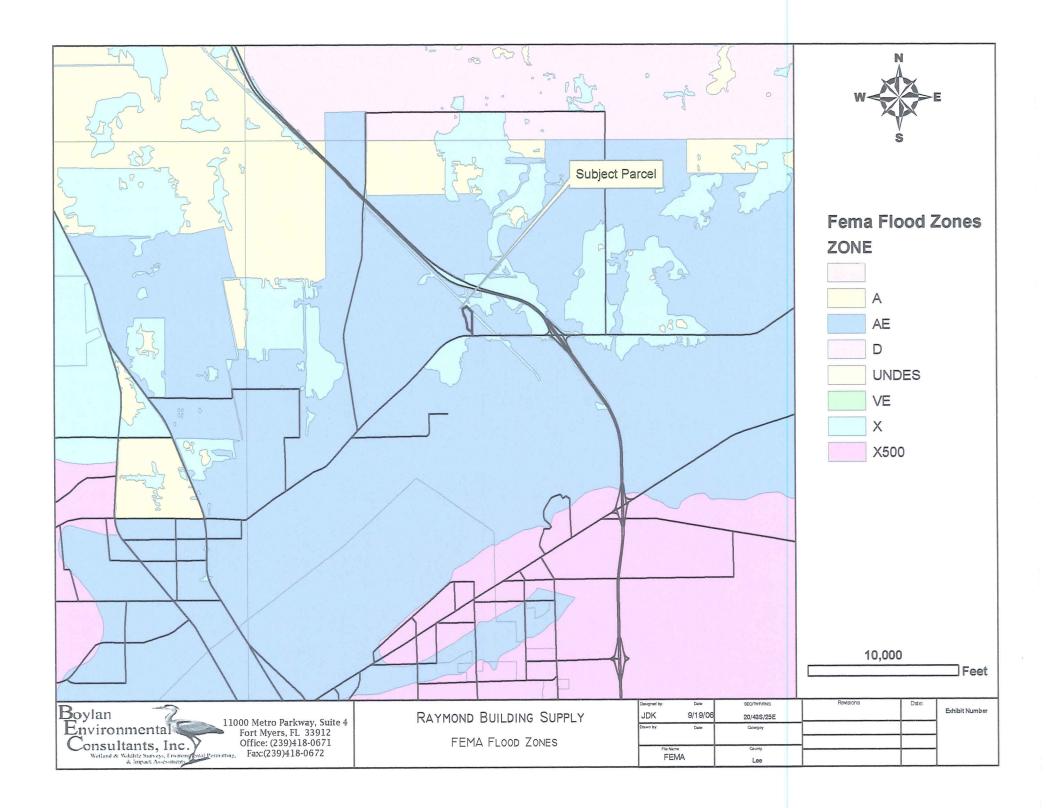
2. A map showing the subject property location on the archaeological sensitivity map for Lee County.

See attached sensitivity map that shows the property in relationship to the limits of the archaeologically sensitive areas.











### FI.ORIDA DEPARTMENT OF STATE Sue M. Cobb Secretary of State DIVISION OF HISTORICAL RESOURCES

Soptember 19, 2006

Jim Keltner Doylan Environmental Consultants, Inc. 11000 Metro Parkway, Suite 4 Fort Myers, Florida 33966 Fax: 239-418-0672

Dear Mr. Keitner:

In response to your inquiry of September 19, 2006, the Florida Master Site File lists no previously recorded cultural resources in the following parcels:

T43S, R25E, Section 20

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

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

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

Archaeological Data Analyst, Florida Master Site File

Division of Historical Resources

R. A. Gray Building

500 South Dronough Street Tallahossee, Florida 32399-0250 Phone: 850-245-6440, Fax: 850-245-6439

State SunCom: 205-6440 Email: finsfile@ dos.state fl.us

Web: http://www.dus.state.fl.us/dhr/msf/

500 S. Bronough Street + Tallahassee, FL 32399-0250 + http://www.flberitage.com

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

Archaeological Research (850) 245-6444 - TAX; 245 6436

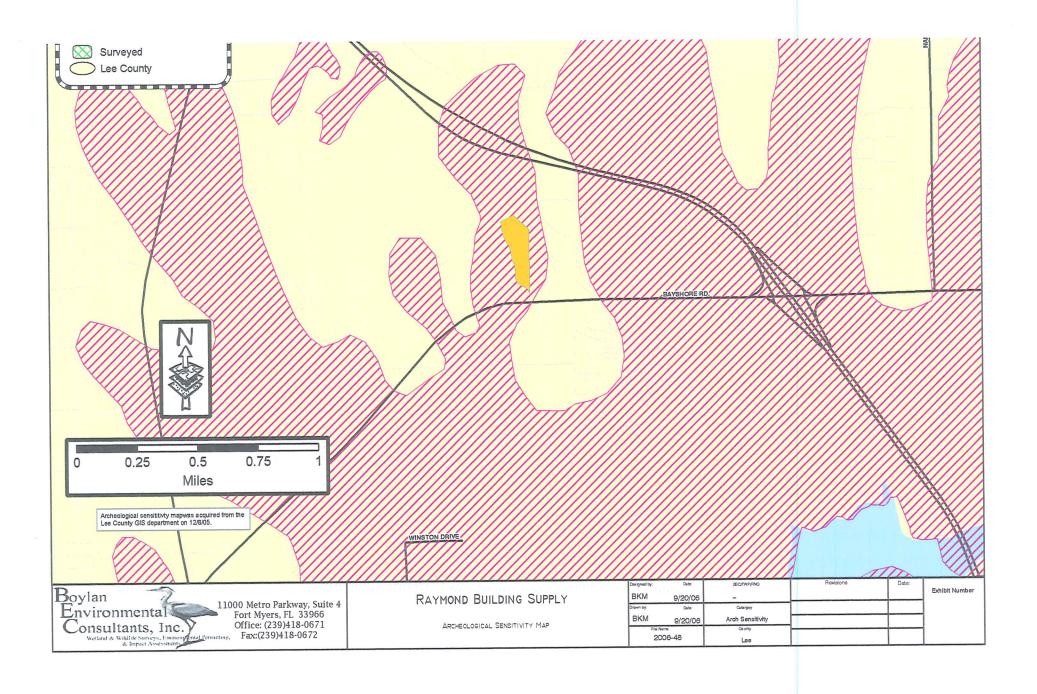
A Historic Preservation (850) 245-6333 • FAX: 245-6437

🗆 Historical Museums (850) 245-6400 - PAX. 245-6433

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

☐ 51, Augustine Regional Office (904) 825-5045 • FAX: 825-5044

□ Tampa Regional Office (813) 272-3848 • FAX: 272-2340





### SOILS LEGEND:

13 - BOCA FINE SAND

33 - OLDSMAR SAND 42 - WABASSO SAND, LIMESTONE SUBSTRATUM

### Banks Engineering

Professional Engineers, Planners & Land Surveyors

10511 SIX MILE CYPRESS PARKWAY - SUITE 101
FORT MYERS, PLORIDA 33966
PHONE: (239) 939-5490 FAX: (239) 939-2523
ENGINEERING LICENSE # EB 6469
SURVEY LICENSE # LB 6690

SOILS MAP

#### PHASE 2 RAYMOND BUILDING SUPPLY -

LEE COUNTY, FLORIDA

DESIGN DRAWN CHECKED FILE NO. (S-T-R) SDJ SDJ (20-43-25) 8/25/2006 2249



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

September 19, 2006

Alison M. Stowe Knott, Consoer, Ebelini, Hart & Swett, P.A. 1625 Hendry Street Fort Myers, Florida 33901 Fax: 239-334-1446

Dear Ms. Stowe:

In response to your inquiry of September 19, 2006, the Florida Master Site File lists no previously recorded cultural resources in the following parcels:

T43S, R25E, Section 20

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

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

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

Sincerely, celeste IVT

Celeste Ivory

Archaeological Data Analyst, Florida Master Site File

Division of Historical Resources

R. A. Gray Building

500 South Bronough Street

Tallahassee, Florida 32399-0250

Phone: 850-245-6440, Fax: 850-245-6439

State SunCom: 205-6440 Email: fmsfile@ dos.state.fl.us

Web: http://www.dos.state.fl.us/dhr/msf/

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

# FLUM CAPACITY ANALYSIS EXHIBIT E.1

The proposed amendment from Suburban to Industrial Development will reduce the capacity of the FLUM by approximately 176 persons (14 acres x 6 du/a x 2.09 ppu). This reduction is de minimis. 193 acres of industrial lands are currently unallocated in the North Fort Myers Planning Community.

# LEE PLAN CONSISTENCY EXHIBIT E.2

The requested amendment from Suburban to Industrial Development is consistent with the Lee Plan in general and the following objectives and policies in particular:

- 1. Policy 1.1.7: The proposed expansion of the existing Raymond Lumber facility would be consistent with the Industrial Development FLUM category.
- 2. Policy 1.7.6: 193 industrial acres are still available for use in the North Fort Myers Planning Community.
- 3. Objective 2.1: The subject parcel is already in a Future Urban land use category. The applicant intends to use the parcel for the expansion of an existing industrial use. The proposal will not, therefore, encourage urban sprawl.
- 4. Objective 2.2: The property will be served by public water and sewer facilities. FDOT is currently widening Bayshore Road at this location. Bayshore will operate at LOS \_\_\_ with the project at buildout.
- 5. Objective 2.4 and Policy 2.4.4: The County has entered into a contract with a consultant to address an ongoing problem with the conversion of industrial land to other uses and to identify additional land which can be used for industrial purposes. The absence of adequate industrial property due to demands for other uses is a changed condition which supports the proposed amendment.
- 6. Policy 5.1.5: The parcel does not abut any existing residential uses. The applicant has reached agreements with the owner of the property to the west, which is currently being rezoned for residential development, on issues involving lighting, buffers, hours of operation, and setbacks. The request will not, therefore, be incompatible with the neighborhood.
- 7. Policy 7.1.2: The applicant intends to request an amendment to an existing IPD to encompass the subject parcel. Access to the property will be provided through the current Raymond Lumber facility.
- 8. Policy 7.1.3: The parcel has direct access by rail and by an arterial road (Bayshore Road) and is located in close proximity to I-75. The property abuts an existing industrial use and is compatible with all existing and proposed uses in the area, as noted above.
- 9. Policy 7.1.4: The County is currently studying the FLUM to address a perceived deficit of industrial land, as noted above. The applicant's plans to expand its facility, and thereby provide additional industrial employment opportunities, cannot be accomplished unless the subject parcel is added to the existing site.
- 10. Policy 7.1.9: As noted above, the proposed expansion will be accessed through the existing Raymond Lumber facility.
- 11. Standards 11.1 and 11.2: As noted above, the project will be served by public water and sewer facilities.\
- 12. Policy 158.3.5: As noted above, the FLUM must be amended to provide additional industrial land to accommodate the proposed expansion.
- 13. Objective 158.4: The proposed expansion will add to the County's industrial tax base.

# IMPACT ON ADJACENT LOCAL GOVERNMENTS EXHIBIT E.3

The subject parcel is not located in close proximity to any other counties or municipalit	ubject parcel is not located in clos	se proximity to any other	· counties or municipalities
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## CONSISTENCY WITH STATE PLAN EXHIBIT E.4

The requested amendment is consistent with the State Plan in general and the following goal and policy in particular:

- 1. Goal 21 (Economy): The amendment will facilitate the expansion of the existing Raymond Lumber facility, thereby maximizing job opportunities and increasing the per capita income of Lee County residents.
- 2. Policy 17(b) (Public Facilities): The applicant intends to develop additional property on an arterial road which is currently being widened to four lanes.

# COMPLIANCE WITH REGIONAL PLAN EXHIBIT E.4

The requested amendment is consistent with the Regional Plan in general, and the following strategies and actions in particular:

- 1. Economic Development Goal 1, Strategy 4: The amendment to the FLUM will assist the County in providing an adequate amount of land for industrial centers.
- 2. Economic Development Goal 3, Strategy 5: The amendment will encourage the retention and expansion of a successful local business.
- 3. Regional Transportation Goal 1, Strategy 6, Action 2: The amendment creates an additional interface between rail service and an industrial land use.

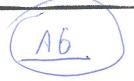
# INDUSTRIAL LANDS ANALYSIS EXHIBIT F.1.a-c

- a. The subject parcel abuts a rail line and an arterial and is located approximately one mile from an I-75 interchange.
- b. Policy 2.4.4 was adopted in 1997. The County has recently determined that, due to the heavy demand for residential and commercial uses on lands which could be used for industrial purposes, there may be a shortage of industrial property on the FLUM. A consultant has been hired to study this issue. The proposed FLUM change is consistent with the intent of the study.
- c. The proposed amendment will permit an expansion of the existing Raymond Lumber facility. The applicant estimates that 100-150 jobs will be added if the expansion is approved.

# JUSTIFICATION FOR APPLICATION EXHIBIT G

The requested amendment from Suburban to Industrial Development should be approved, for the following reasons:

- 1. The property is well-suited for industrial development. It abuts a rail line, has access to Bayshore Road, and is located in close proximity to I-75. There are no existing residential uses on the adjoining parcels. Finally, the project will be served by public facilities operating at an adequate LOS.
- 2. The applicant's plan to expand the existing Raymond Lumber facility will add to the County's industrial tax base and create additional employment opportunities, which is consistent with the Economic Element of the Lee Plan. The proposed expansion cannot be accomplished on the current site.
- 3. It is appropriate to use a geographic feature (Chapel Creek) as the boundary between two different kinds of uses on the FLUM.



This Instrument was prepared by: Gregg S. Truxton, Esquire Bolaños Truxton, P.A. 12800 University Drive, Suite #350 Fort Myers, Florida 33907

Parcel Identification Nos: 20-43-25-00-00003.1000

[Space above this line for recording]	

## SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED is made this <u>2nd</u> day of <u>November</u>, 2006, by S.W. FLORIDA LAND 163, L.L.C., a Florida limited liability company (hereinafter called the Grantor), whose address is 6150 Diamond Centre Court, Building 1300, Fort Myers, Florida 33912 to RAYMOND BUILDING SUPPLY CORPORATION, a Florida corporation (hereinafter called Grantee), whose address is 7751 Bayshore Road, North Fort Myers, Florida 33917.

WITNESSETH: That the Grantor, for and in consideration of the sum of Ten (\$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, Florida to-wit:

## See Exhibit "A" Attached Hereto For Legal Description

and this conveyance is subject to: (1) applicable zoning ordinances, regulations and governmental requirements; (2) real estate taxes and assessments for the year 2006 and subsequent years; (3) Restrictive Covenant between Grantor and Grantee to be recorded in the Public Records of Lee County, Florida contemporaneously herewith; and (4) covenants, conditions, restrictions and easements, if any, of record, none of which are hereby reimposed.

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 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 claiming by, through or under the said Grantor.

IN WITNESS WHEREOF, the said Grantor has hereunto set our hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

S.W. FLORIDA LAND 163, L.L.C. a Florida limited liability company

a Florida ininted natinity company

Sign: May C. Hullysa

Print Name: Mary C. Phillips

Print Name: Mary C. Phillips

Sign:

Gail Ebert Lynn

Randy Thibaut, Manager

6 50 Diamond Centre Court

Building 1800

Fort Myers, Florida 33912

STATE OF FLORIDA ) COUNTY OF LEE )

The foregoing instrument was acknowledged before me this 2nd day of November, 2006, by Randy Thibaut as Manager of S.W. FLORIDA LAND 163, L.L.C., a Florida limited liability company. He (xx) is personally known to me, or ( ) has produced as identification.

My Commission Expires:

July 30, 2008

GAIL EBERT LYNN
MY COMMISSION # DD 334384
EXPIRES: July 30, 2008
Bonded Thru Notary Public Underwriters

Notary Public Gail Ebert Lynn

Agent File Number: Thibaut/Raymond

File #: 06062019

## Exhibit "A" Attachment

A tract or parcel of land lying in Section 20, Township 43 South, Range 25 East, Lee County, Florida, said tract or parcel being more particularly described as follows:

Commencing at the East Quarter Corner of said Section 20 run S89°35'46"W along the North line of the Southeast Quarter (SE ¼) of said Section 20 for 679.70 feet to an intersection with the Southwesterly line of the Seaboard Coast Line Railroad, as described in Deed Book 12, Page 490, Lee County Records; thence run N45°46'33"W along said Southwesterly line of said Railroad for 353.89 feet to the Northwest Corner of lands described in Official Records Book 2805, Page 3881, Lee County Records, and the POINT OF BEGINNING.

From said Point of Beginning run S00°14'42"W along the West line of said lands for 1,397.24 feet; thence run N27°45'14"W for 127.65 feet; thence run N61°09'48"W for 63.94 feet; thence run N66°01'27"W for 97.77 feet; thence run N43°34'35"W for 56.55 feet; thence run N35°27'33"W for 91.88 feet; thence run N15°47'36"W for 66.07 feet; thence run N03°53'00"E for 59.94 feet; thence run N01°27'18"W for 68.32 feet; thence run N04°34'47"W for 104.84 feet; thence run N06°56'00"W for 65.29 feet; thence run N28°41'23"W for 101.26 feet; thence run N02°58'19"W for 101.11 feet; thence run N13°10'35"W for 191.90 feet; thence run N33°08'01"W for 172.66 feet; thence run N17°33'46"W for 175.53 feet; thence run N06°44'59"W for 184.93 feet; thence run N12°27'53"W for 47.23 feet; thence run N63°11'42"E for 185.80 feet; thence run N73°42'23"E for 58.90 feet; thence run N48°02'19"E for 69.87 feet to an intersection with said Southwesterly line of said Railroad; thence run S45°46'33"E along said Southwesterly line for 470.96 feet to the POINT OF BEGINNING.



## Gaither, Wayne

From: Horsting, Michael S.

Sent: Monday, January 29, 2007 8:59 AM

To: Gaither, Wayne
Cc: Noble, Matthew A.

Subject: RE: CPA2006-00014 / Raymond Building Map Amendment

Wayne,

We have no additional comments at this time and feel the application is sufficient for review.

Thanks, Mike

Mike Horsting, AICP Principal Planner - Lee County Transit 239-533-0333 tel

From: Gaither, Wayne

Sent: Friday, January 26, 2007 2:15 PM

**To:** tpnfmfd@yahoo.com; Bergquist, W.; Campbell, George G.; Collins, Donna Marie; Daltry, Wayne E.; Eckenrode, Peter J.; Hansen, Hans C.; Houck, Pamela E.; Lavender, James H.; Liddblad, Ellen; Loveland, David M.; Horsting, Michael S.; Newman, William T.; Nygaard, James; Ottolini, Roland E.; Pavese, Michael P.; Roberts, Rickey G.; Sampson, Lindsey J.; Smith, Regina Y.; Trebatoski, Kim; Velez, Sergio I.; William Horner; Wilson, John; Wu, Lili; Yarbrough, John H.; Zettel, Mary S.

Cc: Noble, Matthew A.

Subject: CPA2006-00014 / Raymond Building Map Amendment

### Distribution List:

John Wilson, Lee County Public Safety Chris Hansen, Lee County Public Safety, EMS Richard Cranford, Lee County Public Safety Gerald Campbell, Lee County Public Safety, Emergency Management W. Bergquist, Lee County Sheriff's Office James Nygaard, Lee County Sheriff's Office Roland E. Ottolini, Lee County Natural Resources Management Kim Trebatoski, Lee County Environmental Sciences Michael Horsting, Lee Tran Dave Loveland, Lee County Division of Transportation Lili Wu, Lee County, Division of Transportation John Yarbrough, Lee County Parks & Recreation Lindsey Sampson, Lee County Solid Waste William Newman, Lee County, Solid Waste Regina Smith, Lee County Economic Development Jim Lavender, Lee County Public Works Ivan Velez, Lee County Utilities Pam Houck, Lee County Zoning Pete Eckenrode, Lee County Development Services Michael Pavese, Lee County Public Works Wayne Daltry, Lee County Smart Growth Mary Zettel, DCD/Code Enforcement

Rick Roberts, DCD/Code Enforcement Donna Marie Collins, County Attorney's Office Ellen Lidblad, Lee County School Board William Horner, Airport Authority Terry Pye, North Fort Myers Fire Control and Rescue District

January 26, 2007

Public Service/Review Agencies

RE: CPA2006-00014 - Raymond Building (Map Amendment) STRAP 20-43-25-00-00003.1000

Planning staff requests your agencies help in reviewing the above referenced Lee Plan Amendment. The proposed map amendment would change the Land Use designation from <u>Rural</u> to <u>Suburban</u>. The site is generally 14 ± acres in size. The properties site address is: 7701 Bayshore Road, North Fort Myers, FL 33917

The applicant is proposing to amend the Future Land Use Map (FLUM), Map 1.

The existing land use designation of Suburban are areas that are predominately residential and are either on the fringe of Central Urban or Urban Community areas or in areas where it is appropriate to protect existing or emerging residential neighborhoods. These areas provide housing near the more urban areas but do not provide the full mix of land uses typical of urban areas. The standard residential density range is from one dwelling unit per acres to six dwelling units per acres (1 – 6 du / acre). Higher densities, commercial development greater than neighborhood centers, and industrial land uses are not permitted. Bonus densities are not allowed (see Policy 1.1.6 of the Lee Plan).

The proposed land use designation of Industrial Development are areas identified as key in strengthening the county's economic bases. These areas have special locational requirements that are more stringent than those for residential areas, including transportation needs; industrial levels of water and sewer, fire protection, and other urban services; and locations that are convenient for employees to reach. The Industrial Development area is to be reserved mainly for industrial activities as well as for selective land use mixtures such as the combined uses of industrial, manufacturing, research, properly buffered complexes, associated to adjoining industrial uses, that constitute a growing part of economic development. New mining activities will be approved through the Industrial Planed Development process. Commercial activities will be allowed at a ratio of 1 square foot of commercial use to 10 square feet of industrial use so long as it is developed as part of a planned development. Retail uses will not exceed 30,000 square feet per development and at buildout will not exceed more than 10 percent of the total acreage designated as Industrial Development in a planning community. Residential uses other than actual caretaker residences are not permitted.

Planning staff requests that your agency help determine the sufficiency of the proposed plan amendment application for review. If you can identify any deficiencies in the information provided, need clarification on the subject matter, or if you find the application sufficient for review, please provide these comments to us by February 12, 2007 (Approximately 2 weeks). A letter is being drafted to submit any additional data requests to the applicant and your input concerning the potential impacts to your agency is important.

A link to the application is below. If you have problems opening the document or if you have any questions, please contact:

Matt Noble 479-8548 noblema@leegov.com

http://www.lee-county.com/dcd/PlanAmendments/PA2006-2007/CPA200614A1.pdf

## Gaither, Wayne

Daltry, Wayne E. From:

Monday, January 29, 2007 1:06 PM Sent:

To: Gaither, Wayne

Subject: RE: CPA2006-00014 / Raymond Building Map Amendment

No comment. The draft Commercial and Industrial study is indicating an increase in need for such designations.

Wavne Daltry, FAICP Director, Smart Growth 239-335-2840 fx -335-2262

From: Gaither, Wayne

Sent: Friday, January 26, 2007 2:15 PM

To: tpnfmfd@yahoo.com; Bergquist, W.; Campbell, George G.; Collins, Donna Marie; Daltry, Wayne E.; Eckenrode, Peter J.; Hansen, Hans C.; Houck, Pamela E.; Lavender, James H.; Liddblad, Ellen; Loveland, David M.; Horsting, Michael S.; Newman, William T.; Nygaard, James; Ottolini, Roland E.; Pavese,

Michael P.; Roberts, Rickey G.; Sampson, Lindsey J.; Smith, Regina Y.; Trebatoski, Kim; Velez, Sergio I.;

William Horner; Wilson, John; Wu, Lili; Yarbrough, John H.; Zettel, Mary S.

Cc: Noble, Matthew A.

Subject: CPA2006-00014 / Raymond Building Map Amendment

### Distribution List:

John Wilson, Lee County Public Safety Chris Hansen, Lee County Public Safety, EMS Richard Cranford, Lee County Public Safety Gerald Campbell, Lee County Public Safety, Emergency Management W. Bergquist, Lee County Sheriff's Office James Nygaard, Lee County Sheriff's Office Roland E. Ottolini, Lee County Natural Resources Management Kim Trebatoski, Lee County Environmental Sciences Michael Horsting, Lee Tran Dave Loveland, Lee County Division of Transportation Lili Wu, Lee County, Division of Transportation John Yarbrough, Lee County Parks & Recreation Lindsey Sampson, Lee County Solid Waste William Newman, Lee County, Solid Waste Regina Smith, Lee County Economic Development Jim Lavender, Lee County Public Works Ivan Velez, Lee County Utilities Pam Houck, Lee County Zoning Pete Eckenrode, Lee County Development Services Michael Pavese, Lee County Public Works Wayne Daltry, Lee County Smart Growth Mary Zettel. DCD/Code Enforcement Rick Roberts, DCD/Code Enforcement Donna Marie Collins, County Attorney's Office Ellen Lidblad, Lee County School Board

William Horner, Airport Authority



BOARD OF COUNTY COMMISSIONERS

(239) 533-8312

Bob Janes District One October 25, 2007

A. Brian Bigelow District Two

Ray Judah District Three

Tammy Hall District Four

Frank Mann District Five

Donald D. Stilwell County Manager

David M. Owen
County Attorney

Diana M. Parker County Hearing Examiner Mr. Matthew. Uhle

c/o Knott, Consoer, Ebelini, Hart & Swett PA

1625 Hendry Street Suite 301 Fort Myers, Florida 33901

RE: CPA2006-14 Raymond Building, Lee Plan Future Land Use Amendment

Dear Mr. Uhle:

Planning staff has reviewed the application submitted for the above reference case and finds that additional information is needed to find the application sufficient for review. Please submit the following information.

### PART I

Property Appraiser information shows the subject property was transferred to Raymond Building Supply on November 2, 2006. The application submitted on September 28, 2006 lists the owner of record as SW Florida 163 LLC, the grantor to Raymond Building Supply. Please update the application to reflect the change in ownership.

### PART II.

A The application indicates that there is a text component to the proposed amendment. No such text has been found. Please revise the application to either include the proposed text change or to remove the check mark in the relevant check box.

### **PART III**

- **A1** The application lists a different site address than the property appraiser. Please revise the application to provide the proper site address or clarify.
- A2 The application lists a different STRAP number than the property appraiser. Please revise the application to provide the proper STRAP number.
- A3 Please revise the application to provide the required map and description of existing land uses on the subject property and surrounding land.
- **A4** Please revise the application to provide the required complete map and description of existing zoning on the subject property and surrounding land.

A8 The affidavit supplied by the applicant is signed by a representative of SW Florida Land 163 LLC. Since the owner of record is listed as Raymond Building Supply Corp, please revise the application to provide the required affidavit and authorization signed by an authorized representative of that organization.

**B2a** The applicant has not submitted data and analysis regarding the availability of potable water service. The applicant has not submitted a letter of availability of service from the potable water services provider. There is insufficient data and analysis regarding the level of service for potable water required by, or available to, the subject property. The data should include current and projected future potable water plant capacity.

**B2b** The applicant has not submitted data and analysis regarding the availability of sanitary sewer service. The applicant has not submitted a letter of availability of service from the sanitary sewer services provider. There is insufficient data and analysis regarding the level of service for sanitary sewer required by, or available to, the subject property. The data should include current and projected future sanitary sewer plant capacity.

**B2d** Please revise the application to describe the current Level of Service for parks, recreation and open space that serve the site as well as the projected 2020 Level of service under the current designation. Also describe the effect of the proposed amendment upon parks, recreation and open space on the year 2020 Level Of Service.

**B3b** The applicant has not submitted a letter from the Emergency Medical Service Provider. Please provide this letter.

**B3e** The applicant has not submitted a letter from the Lee County School District. Please provide this letter.

C5 The applicant's property contains Gopher Tortoise habitat and a site inspection by Lee County Staff confirmed the presence of Gopher Tortoise. Please revise the application to include a Protected Species Survey to determine the status of listed species.

**D2** The map submitted by the applicant is unclear. Please provide an archeological sensitivity map depicting the subject parcel with a legend designating the various archeological sensitivity categories.

**E2** The applicant has filled in the numerical figure for item #4 on this page. Please revise the application to provide a corrected copy of this page.

E3 Please revise the application to describe what impact the proposed amendment has upon adjacent local governments.

The applicant has not supplied sufficient data and analysis of the effect of the proposed amendment on Table 1(b) of the Lee Plan and the total population capacity of the Lee Plan Future Land Use Map. The analysis needs to show the existing population capacity as well as the capacity under the proposed amendment. The application needs to show

the allocation of acreage for the Industrial Development future land use category as well as the allocation under the proposed amendment.

The project's western boundary abuts a pending residential planned development. Chapel Branch Creek also abuts the applicant's property on the western boundary. Chapel Branch Creek is a natural waterway. Please depict type of buffer proposed along western boundary abutting creek and pending residential development. ES staff recommends 50 foot natural waterway buffers along Chapel Branch Creek.

County staff recommends delineating build/no-build areas, and utilizing the conservation lands future land use category for an upland preserve area. Please provide future land use maps showing the existing Future Land Use designations as well as a map showing the proposed future land use categories including those areas to be designated as Upland or Wetland Conservation Future Land Use.

Additional comments from other county departments may be forthcoming.

If I can be of any assistance or if you have any questions, please do not hesitate to call me at 533-8312.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT, DIVISION OF PLANNING

Peter Blackwell

Planner

Planning file: CPA2006-14

Bleetriff

# Knott, Consoer, Ebelini Hart & Swett, P.A. A T T O R N E Y S A T A L A W

George H. Knott \*+ George L. Consoer, Jr. \*\* Mark A. Ebelini Thomas B. Hart H. Andrew Swett 1625 Hendry Street • Third Floor (33901) P.O. Box 2449 Fort Myers, Florida 33902-2449

> Telephone (239) 334-2722 Telecopier (239) 334-1446

MUhle@knott-law.com

Matthew D. Uhle Aaron A. Haak Derrick S. Eihausen Natly Torres-Alvarado David A. Burt

Director of Zoning and Land Use Planning Michael E. Roeder, AICP

Board Certified Civil Trial Lawyer
 Board Certified Real Estate Lawyer
 Board Certified Business Litigation Lawyer

January 23, 2008

Mr. Peter Blackwell, Planner Department of Community Development P.O. Box 398 Fort Myers, FL 33902

Re: Raymond Building Supply / CPA2006-00014

JAN 2 3 2003

COMMUNITY DEVELOPMENT

Dear Peter:

We are in receipt of your letter dated October 25, 2007 and would offer the following comments and additional information:

\*

### Part I

Property Appraiser information shows the subject property was transferred to Raymond Building Supply on November 2, 2006. The application submitted on September 28, 2006 lists the owner of record as SW Florida 163 LLC, the grantor to Raymond Building Supply. Please update the application to reflect the change in ownership.

RESPONSE: The application has been updated to reflect the ownership change and is included in this resubmittal package.

\*

## Part II

The application indicates that there is a text component to the proposed amendment. No such text has been found. Please revise the application to either include the proposed text change or to remove the check mark in the relevant check box.

RESPONSE: There is no text amendment in the application. The application form has been revised to reflect your comment and is included in this resubmittal package.

\*



### Part III

A1. The application lists a different site address than the Property Appraiser. Please revise the application to provide the proper site address or clarify.

RESPONSE: The application has been revised to reflect this change and is included in this resubmittal package.

A2. The application lists a different STRAP number than the Property Appraiser. Please revise the application to provide the proper STRAP number.

RESPONSE: The application has been revised to reflect this change and is included in this resubmittal package.

A3. Please revise the application to provide the required map and description of existing land uses on the subject property and surrounding land.

RESPONSE: An exhibit in the form of an aerial was previously submitted; copies of this exhibit are included in this resubmittal package for your convenience, along with a description in narrative form.

A4. Please revise the application to provide the required complete map and description of existing zoning on the subject property and surrounding land.

RESPONSE: An exhibit in the form of an aerial was previously submitted; copies of this exhibit are included in this resubmittal package for your convenience, along with a description in narrative form.

**A8.** The affidavit supplied by the applicant is signed by a representative of SW Florida Land 163 LLC. Since the owner of record is listed as Raymond Building Supply Corp., please revise the application to provide the required affidavit and authorization signed by an authorized representative of that organization.

RESPONSE: The affidavit has been signed by the Director of Raymond Building Supply and is included in this resubmittal package.

B2a. The applicant has not submitted data and analysis regarding the availability of potable water service. The applicant has not submitted a letter of availability of service from the

January 23, 2008 Raymond Building Supply / CPA2006-00014



potable water services provider. There is insufficient data and analysis regarding the level of service for potable water required by, or available to, the subject property. The data should include current and projected future potable water plant capacity.

> RESPONSE: Please see the attached letter regarding the projected plant capacity in 2030.

B2b. The applicant has not submitted data and analysis regarding the availability of sanitary sewer service. The applicant has not submitted a letter of availability of service from the sanitary sewer services provider. There is insufficient data and analysis regarding the level of service for sanitary sewer required by, or available to, the subject property. The data should include current and projected future sanitary sewer plant capacity.

> RESPONSE: Please see the attached letter regarding the projected plant capacity in 2030.

B2d. Please revise the application to describe the current Level of Service for parks, recreation and open space that serve the site as well as the projected 2020 Level of Service under the current designation. Also describe the effect of the proposed amendment upon parks, recreation and open space on the year 2020 Level of Service.

> RESPONSE: The most recent concurrency inventory indicated that the North Fort Myers Community Park District has a minimum required LOS of approximately 50 acres and an inventory of 166 acres. The FLUM will remain approximately the same through 2010. No projection is available for the time horizon of the plan; however, the requested amendment will reduce the demand for park acreage, so this analysis is unnecessary. The same is true for regional parks, wherein the current inventory is 6,771 acres.

B3b. The applicant has not submitted a letter from the Emergency Medical Services provider. Please provide this letter.

> RESPONSE: The letter has been requested; it will be submitted under separate cover.

B3e. The applicant has not submitted a letter from the Lee County School District. Please provide this letter.



C5. The applicant's property contains Gopher Tortoise habitat and a site inspection by Lee County Staff confirmed the presence of Gopher Tortoise. Please revise the application to include a Protected Species Survey to determine the status of listed species.

RESPONSE: The Protected Species Survey has been revised by Boylan Environmental Consultants and is included in this resubmittal package.

**D2.** The map submitted by the applicant is unclear. Please provide an archaeological sensitivity map depicting the subject parcel with a legend designating the various archaeological sensitivity categories.

RESPONSE: Please see the attached archaeological sensitivity map exhibit.

E2. The applicant has filled in the numerical figure for Item #4 on this page. Please revise the application to provide the corrected copy of this page.

RESPONSE: The application exhibit has been revised and is included in this resubmittal package.

E3. Please revise the application to describe what impact the proposed amendment has upon adjacent local governments.

RESPONSE: There are no adjacent local governments; please see the attached exhibit.

The applicant has not supplied sufficient data and analysis of the effect of the proposed amendment on Table 1(b) of the Lee Plan and the total population capacity of the Lee Plan Future Land Use Map. The analysis needs to show the existing population capacity as well as the capacity under the proposed amendment. The application needs to show the allocation of acreage for the Industrial Development future land use category as well as the allocation under the proposed amendment.

RESPONSE: The de minimus impact to the population capacity of the FLUM was addressed in the application. The 2030 acreage allocation for Industrial use in the North Fort Myers Planning Community is 554 acres, of which 381 acres remain available for use for this project.

The project's western boundary abuts a pending and residential planned development. Chapel Branch Creek also abuts the applicant's property on the western boundary. Chapel Branch Creek in a natural waterway. Please depict the type of buffer proposed along the western

January 23, 2008 Raymond Building Supply / CPA2006-00014



boundary abutting the creek and pending residential development. ES staff recommends 50' natural waterway buffers along Chapel Branch Creek.

RESPONSE: The applicant will provide an appropriate waterway buffer during the IPD zoning process. Please see the attached Master Concept Plan.

Sincerely,

KNOTT, CONSOER, EBELINI, HART & SWETT, P.A.

Matthew D. Uhle, Esq.

MDU/ams

Attachments



PERMIT COUNTER

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.
DATE SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

Lee County Comprehensive Plan Amendment

Application Form (06/06) G:\AMS\RaymondBuildingSupply\CompPlanAmend\Resubmittal\CompPlanAmendmentApp.wpd



## I. APPLICANT/AGENT/OWNER INFORMATION

		PERMIT COUNTER
Raymond Building Supply Corp.		
APPLICANT		
7751 Bayshore Road		
ADDRESS	-1	33917
North Fort Myers	FL	ZIP
CITY	STATE	(239) 731-3299
(239) 731-8300		FAX NUMBER
TELEPHONE NUMBER		TAXTOMBER
Matthew D. Uhle, Esq. for Knott, Co	nsoer, Ebelini, Hart & S	wett, P.A.
AGENT*		
1625 Hendry Street, Suite 301		
ADDRESS		22001
Fort Myers	FL	33901
CITY	STATE	ZIP
(239) 334-2722		(239) 334-1446 FAX NUMBER
TELEPHONE NUMBER		FAX NUMBER
Raymond Building Supply Corp.		
OWNER(s) OF RECORD		
7751 Bayshore Road		
ADDRESS		
North Fort Myers	FL	33917
CITY	STATE	ZIP
(239) 731-8300		(239) 731-3299
TELEPHONE NUMBER		FAX NUMBER

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

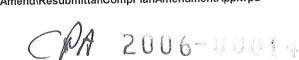


<sup>\*</sup> This will be the person contacted for all business relative to the application.



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

PERMIT COUNTER A. TYPE: (Check appropriate type) Future Land Use Map Series Amendment Text Amendment (Maps 1 thru 21) List Number(s) of Map(s) to be amended Map 1 - FLUM B. SUMMARY OF REQUEST (Brief explanation): Map amendment from Suburban to Industrial Development III. PROPERTY SIZE AND LOCATION OF AFFECTED PROPERTY (for amendments affecting development potential of property) A. Property Location: 1. Site Address: 7731 Bayshore Road, North Fort Myers, FL 33917 2. STRAP(s): 20-43-25-00-00003.1010 B. Property Information Total Acreage of Property: 14± Acres Total Acreage included in Request: 14± Acres Area of each Existing Future Land Use Category: All property in Suburban Total Uplands: 14± Acres Total Wetlands: None Current Zoning: AG-2 Current Future Land Use Designation: Suburban



Existing Land Use: Vacant

C.	C. State if the subject property is located in one of the following areas and it so does the proposed change effect the area:		ed in one of the following areas and it so now e area:
	Lei	high Acres Commercial Overlay:	NA DECEMPS
	Air	port Noise Zone 2 or 3:	NA JAN 2 3 2008
	Ac	quisition Area:	NA
	Joi	int Planning Agreement Area (adjo	oining other jurisdictional lands):PRIAMIT COUNTER
			NA
D.	Pro	oposed change for the Subject Pr	roperty:
	_	Industrial Development	
E.	Po	tential development of the subjec	et property:
	1.	Calculation of maximum allowab	le development under existing FLUM:
		Residential Units/Density	6 d.u./acre (84 total units)
		Commercial intensity	NA
		Industrial intensity	NA
	2. Calculation of maximum allowable development under proposed FLUM:		le development under proposed FLUM:
		Residential Units/Density	NA
		Commercial intensity	NA
		Industrial intensity	180,000 square feet
Αľ	ΛEΝ	NDMENT SUPPORT DOCUMEN	TATION

## IV.

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  $\overline{(8.5" \times 11")}$  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

The applicant must calculate public facilities impacts based on a NOTE: 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.);

Lee County Comprehensive Plan Amendment G:\AMS\RaymondBuildingSupply\CompPlanAmend\Resubmittal\CompPlanAmendnernAmendnernApp.wpd Application Form (06/06)

CPA 2006-00014

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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.



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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

Lee County Comprehensive Plan Amendment

Application Form (06/06)

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).

CPA 2006-00014

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- 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.



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D. Impacts on Historic Resources

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

Plan Amendment
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Application Form (06/06)

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Lee County Comprehensive Plan Amendment

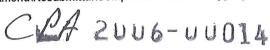
- 1. Requests involving lands in critical areas for future water supply must be evaluated based on policy 2.4.2.
- 2. Requests moving lands from Density Reduction/Groundwater Resource must fully address Policy 2.4.3 of the Lee Plan Future Land Use Element.
- G. Justify the proposed amendment based upon sound planning principles. Be sure to support all conclusions made in this justification with adequate data and analysis.

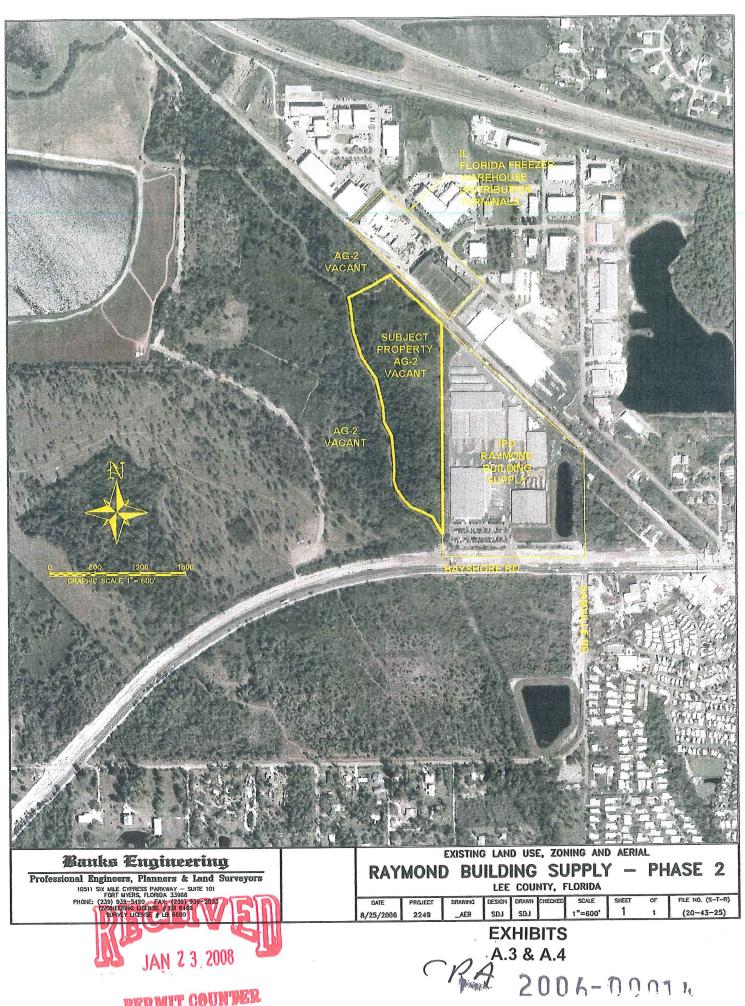
Item 1: Fee Schedule

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



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## Existing Zoning and Land Uses Narrative EXHIBITS A.3 & A.4

The subject parcel is vacant and designated Suburban on the County's land use map. The property located to the west of the subject parcel is vacant and zoned AG-2. Bayshore Road is located directly south and to the east of the subject parcel is where the Raymond Building Supply lumber yard is located, which is zoned IPD. To the north is the Florida Freezer Warehouse Distribution Terminals, zoned IL. The proposed land use change on the subject parcel will be consistent with the uses on the surrounding properties.



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CPA 2006-00014

## **AFFIDAVIT**

I, <u>Duane Swanson</u> as <u>Director</u> of <u>Raymond Building Supply Corporation</u> , a Florida <u>Corporation</u> , 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. <u>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.</u>			
Signature of owner or owner-authorized agent	peter 11/2/07 Date		
<u>Duane Swanson</u> Typed or printed name	JAN 2 3, 2008		
STATE OF FLORIDA ) COUNTY OF LEE )	PERMIT COUNTER		
The foregoing instrument was certified and subscribed before me this day of   20, by Duane Swanson as Director of Raymond Building Supply Corporation, a Florida   Corporation, who is personally known to me or who has produced			
as identification.			
SANDRA DUNAWAY MY COMMISSION # DD 613925 EXPIRES: February 10, 2011 Bondad Thru Notary Puello Undervint.	Signature of notary public  Printed name of notary public		

Lee County Comprehensive Plan Amendment
Application Form (06/06) G:\AMS\RaymondBuildingSupply\CompPlanAmend\Resubmittal\CompPlanAmendmentApp.wpd

CPA DANK-MANTE



### BOARD OF COUNTY COMMISSIONERS

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

**Bob Janes** District One November 20, 2007

Suan Bidelow District Two

Stacy Ellis Hewitt Banks Engineering

Ray Judali

10511 Six Mile Cypress Pkwy

Oistrict Three

Tammy Hall

RE:

POTABLE Water AVAILABILITY

District Four Frank Mann District Pive

Raymond Building Supply - Phase 2 STRAP#: 20-43-25-00-00003.1010

Donald D. Stilwell County Manager

Dear Ms. Hewitt:

Fort Myers, FL 33966

County Attorney

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

required.

Diana M. Parker County Hearing Examiner

Your firm has indicated that this project will consist of 4 industrial units with an estimated flow demand of approximately 1,680 gallons per day. Lee County Utilities presently has sufficient capacity to provide potable water service as estimated above.

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

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

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

Further, This Letter Of Availability Of Water Service Is To Be Utilized For Re-Zoning For This Project Only. Individual Letters Of Availability Will Be Required For The Purpose Of Obtaining Building Permits.

Sincerely,

LEE COUNTY UTILITIES

lissa Bileau

Melissa Bibeau Engineering Tech., I

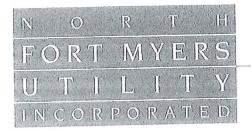
UTILITIES ENGINEERING

VIA FACSIMILE Original Mailed

PERMIT COUNTER

ZONING - 00AAA MASTER

=PA 2006-00014



Mailing Address: P.O. Box 2547 \* Fort Myers, Florida 33902

(239) 543-1005

Fax (239) 543-2226

November 15, 2007

LEE COUNTY BUILDING DEPARTMENT P. O. BOX 398 1820 HENDRY STREET FT. MYERS, FL 33901

RE: Wastewater Service - Phase 2

STRAP #: 20-43-25-00-00003.1010

ADDRESS: 7701 Bayshore Road

Please be advised that **Raymond Building Supply**, has requested wastewater service for the referred site. The onsite collection system and force main will be constructed by the developer for this project under the terms of a Developer's Agreement.

North Fort Myers Utility, Inc. has the capacity to provide 1,680 gallons per day from its wastewater treatment plant.

This letter should not be construed as a commitment to service, but only to the availability of wastewater service. The company will commit to serve only upon receipt of a signed request for service, executed Developer's Agreement, appropriate fees and charges and approval of all federal, state and local regulatory agencies. This wastewater service availability letter will expire should this project not be under contract within 12 months from the above date.

Yours truly,

North Fort Myers Utility, Inc.

A.A. "Tony" Reeves

Utility Director



PERMIT COUNTER

CPA 2006-00014

## Stacy Hewitt

From: Velez, Sergio I. [VELEZSI@leegov.com]

Sent: Tuesday, November 13, 2007 2:28 PM

To: Stacy Hewitt

Subject: RE: North Lee County WTP

The NLCWTP present capacity is 5 MGD and it was designed to be expanded to 10 MGD. We are in the process of planning the plant expansion at the present time. I hope that this information answer your question, and if you have any further questions, please let me know.

S. Ivan Velez, P.E. Deputy Director Lee County Utilities 1500 Monroe Street Fort Myers, FL 33901 Ph: 239-533-8166 Fax: 239-533-8176

cell: 239-357-1867

From: Stacy Hewitt [mailto:SHewitt@BanksEng.com]

Sent: Tuesday, November 13, 2007 1:35 PM

To: Velez, Sergio I.

Subject: North Lee County WTP

Good afternoon. We are interested in obtaining any information available on projected plant capacity for 2030 for the North Lee County WTP.

Please do not hesitate to contact me if you have any questions or require further information. Thank you.

Stacy Ellis Hewitt
Director of Planning
Banks Engineering
10511 Six Mile Cypress Parkway - Suite 101
Fort Myers, FL 33966

Email: shewitt@bankseng.com

Phone: 239-939-5490 Cell: 239-770-2527 Fax: 239-939-2523



PERMIT COUNTER

CPA 2006-00014

## Stacy Hewitt

From:

OLDBRIDGE9@aol.com

Sent:

Monday, November 19, 2007 9:38 AM

To:

Stacy Hewitt

Subject: Re: Request for Letter of Availability and 2030 Projected Plant Capacity

We figure it should be about 8.5 Million a day

Tony

See what's new at AOL.com and Make AOL Your Homepage.



PERMIT COUNTER





# THE SCHOOL DISTRICT OF LEE COUNT

2055 Central Avenue • Fort Myers, Florida 33901 • (239) 334-1102 • TTD/TTY (239) 335-1512

STEVEN K. TEUBER, J.D. CHAIRMAN · DISTRICT 4

ELINDR C. SCRIDCA, PH.D. VICE CHAIRMAN - DISTRICT 5

ROBERT D. CHILMONIK

JEANNE S. DOZIER DISTRICT 2

JANE E. KUCKEL, PH.D.

JAMES W. BROWDER, ED.D.

KEITH B. MARTIN BOARD ATTORNEY

**В тынтаі** 

September 29, 2006

Alison Stowe Knott, Consoer, Ebelini, Hart & Swett, P.A. 1625 Hendry Street, Third Floor Fort Myers, FL 33902

Comprehensive Plan Amendment for Raymond Building Supply

Dear Ms. Stowe:

Thank you for the opportunity to review the proposed Corradi Palm Beach project for sufficiency comments with regard to educational impacts. This proposed development is in the East Choice Zone of the District. This letter is in response to your request dated September 19, 2006.

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

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

Sincerely,

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

Ellen Frellihl

PERMIT COUNTER

2006-00014

# Mike Scott Office of the Sheriff



State of Florida County of Lee

October 25, 2007

Matthew Uhle Knott, Consoer, Ebelini, Hart & Swett, P.A. 1625 Hendry St PO Box 2449 Ft Myers, Fl 33902-2449

Reference to Project: Raymond Lumber

Dear Mr. Uhle

The Lee County Sheriff's Office has reviewed the proposed Raymond Lumber Project located at By I75 No Info. In order to provide core law enforcement services to this site, a Crime Prevention through Environmental Design (CPTED) study must be conducted. This study involves a survey of the physical, mechanical and organizational structure of the development to identify features which may contribute to unwanted behaviors such as criminal acts.

Upon application to Lee County for a development order or building permit, please contact Kevin Farrell, Crime Prevention Practitioner, at (239)477-2821 or (239)851-2258 to have this study conducted. Thank you in advance for your cooperation in this matter.

Sincerely,

Mike Scott Sheriff

Captain James C. Nygaard, MBA

Lee County Sheriff's Office

Administration Bureau

14750 Six Mile Cypress Pkwy

Fort Myers, Fl 33912

239-477-1424 (Office)



PERMIT COUNTER

CPA 2006-00014



# RAYMOND LUMBER

Lee County, Florida Sections 20; Township 43 South; Range 25 East

**Protected Species Survey** 

Boylan
Environmental
Consultants, Inc.

Wetland & Wildlife Surveys Environmental Permitting,
Impact Assessments

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

February 7, 2006 August 4, 2006 (updated fieldwork) Revised May 17, 2007



PERMIT COUNTER

Listed below are the vegetation communities or land-uses identified on the site as shown on the attached protected species survey map. See Florida Land Use, Cover and Forms Classification System (Department of Transportation 1999) for definitions.

# 150 INDUSTRIAL Raymond Lumber (18.03+/- ac)

This community includes the existing buildings and lumberyard.

# 321 PALMETTO PRAIRIE (5.74+/- acres)

This upland community contains widely scattered Florida slash pine in the canopy. The sub-canopy contains saw palmetto, downy rose myrtle, rusty lyonia, and beautyberry. Ground cover species includes species grapevine, saw palmetto, Caesar weed, poison ivy, smilax, pennyroyal, and chocolate weed.

# 428 CABBAGE PALM – (Palmetto) (10.39+/- acres)

This upland forested community is dominated by cabbage palm with scattered live oak, slash pine, and melaleuca found in the canopy. The sub-canopy is dominated by cabbage palm with scattered saw palmetto. Ground cover species includes Caesar weed, poison ivy, smilax, pennyroyal, and chocolate weed.

# 500 WATER – (Water Management Lake) (1.87+/- acres)

This community includes the eastern lake.

# 740 DISTURBED AREA (Bahia Grass) (0.80+/- acres)

This community includes Bahia grass adjacent to Raymond Lumber.

Table 1: FLUCCS COMMUNITIES BY PERCENTAGE

	DESCRIPTION	ACRES	PERCENT
150	Industrial	18.03	48.9%
321	Palmetto Prairie	5.74	15.6%
428	Cabbage Palm	10.39	28.3%
500	Water – (Water Management Lake)	1.87	5.0%
740	Disturbed	0.80	2.2%
Total		36.83	100%

\*Total Upland 4.62 95 % \*Total OSW 0.31 5 %





#### INTRODUCTION

The site is located in portions of Section 20, Township 43 South, and Range 25 East, Lee County. The eastern portion of the site includes the existing Raymond Lumber with the western portion being undeveloped lands that are proposed for expansion. The site is located west of Interstate 75 and just to the north of Bayshore Road (SR-78). See attached Location Map.

Two environmental scientists from Boylan Environmental Consultants, Inc conducted a field investigation on the 36.83± acre property on July 28th and 29th, 2005 from approximately 8:30 am to 4:00 pm and on August 3, 2006 from approximately 9:00 am to 11:00 am. The temperature ranged from the lower 80°'s to lower 90°'s with partly cloudy to full sun in 2005 and in the lower 90°'s with full sun in 2006.

The purposes of the field investigations were to identify the potential of listed (endangered, threatened, etc.) species inhabiting the site that are regulated by the US Fish & Wildlife Service (FWS) and the Florida Fish & Wildlife Conservation Commission.

#### SURVEY METHODOLOGY

The property was surveyed for the presence of listed species in accordance with the Lee County Ordinance No. 89-34. The methodology used for this survey was overlapping belt transects. Lee County has approved this method as outlined by Kevin L. Erwin, Consulting Ecologists Inc., as an alternative species survey method. This method is comprised of a several step process. First, vegetation communities or land-uses on the property or study area are delineated on an aerial photograph based on nomenclature of the Florida Land Use, Cover and Forms Classification System (FLUCFCS). Next, the FLUCFCS codes or land-use types found on the property are cross-referenced with the Lee County Protected Species List. This protected species list names the species that have a probability of occurring in any particular FLUCFCS community. Then, each community is searched in the field for the species listed for that particular FLUCCS type.

An intensive pedestrian survey is conducted using parallel belt transects as a means of searching for plants and animals. In addition, periodic "stop-look-listen" and quiet stalking methods are conducted for animals. Signs or sightings of these species are then recorded and are marked in the field with flagging tape. The table at end of this report lists the FLUCFCS communities found on the property and the corresponding species that have the potential of occurring in them. Transects were walked approximately as shown on the attached aerial photograph.

Particular attention was placed upon locating potential gopher tortoise burrows on this site. CPA 2006-00014

SITE CONDITIONS

In general, the property includes undeveloped uplands in the western portion of the site with the existing Raymond Lumber in the eastern. The site is bordered on the north by railroad tracks, undeveloped lands to the east, Bayshore road to the south, and Chapel Creek to the west.



# Mike Scott Office of the Sheriff



State of Florida County of Lee

October 31, 2007

Matthew Uhle Knott, Consoer, Ebelini, Hart & Swett, P.A. 1625 Hendry St PO Box 2449 Ft Myers, F1 33902-2449

Reference to Project: Raymond Lumber

Dear Mr. Uhle

The Lee Plan Ammendment for Approximately 14 acres identified by your firm as "Raymond Building" would not affect the Lee County Sheriff's Office ability to provided core services for the proposed change.

When you make application for a Development Order for this property, please provide the Lee County Sheriff's Office with a set of plans and uses for the project. A Crime Prevention Through Environmental Design (CPTED) survey and report will be done at that time with recommedations to you and the county staff.

Please contact Kevin Farrell, Coordinator of the Crime Prevention Unit at 477-2821 with copies of your plans.

Mike Scott Sheriff

Captain James C. Nygaard, MBA

Lee County Sheriff's Office

Administration Bureau

14750 Six Mile Cypress Pkwy

Fort Myers, Fl 33912 239-477-1424 (Office) JAN 2 3. 2008

PERMIT COUNTER

CPA 2006-00014



OPEN SPACE

36.82 ACRES± 300,000 S.F.± 215,000 S.F.± 1.81 ACRES± MIN. 20% 45 FEET, TWO STORIES

MAXIMUM BUILDING HEIGHT: OPEN SPACE CALCULATIONS

36.82 ACRES X 20% OPEN SPACE REQUIRED: 7.36 ACRES± (20%) OPEN SPACE PROVIDED: MINIMUM 7.36 ACRES± (20%)

INDIGENOUS VEGETATION CALCULATIONS

7.36 ACRES X 50% INDIGENOUS VEGETATION REQUIRED: 3.68 ACRES± INDIGENOUS VEGETATION PROVIDED: 3.45 ACRES± (3.68 A) \*110% CREDIT FOR MINIMUM 1/2 ACRE AND MINIMUM 50 F WIDTH PER LDC SECTION 10-415(b)(3)a.

#### LEGEND:



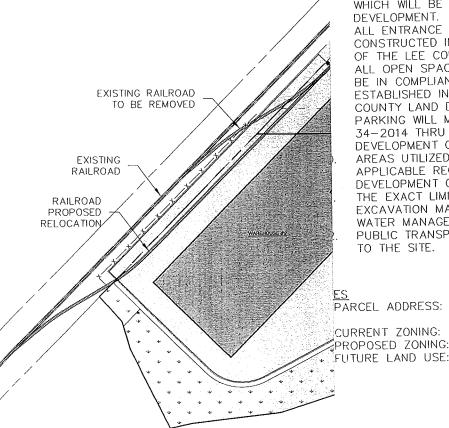
- EXISTING DEVELOPMENT



NATIVE INDIGENOUS

INDUSTRIAL DEVELOPMENT 11 WAREHOUSE DISTRIBUTION TERM

> **EXISTING** RAILROAD



)TES

NO INDUSTRIAL USES WILL BE CONSTRUCTED OUTSIDE THE LIMITS OF THE INDUSTRIAL LAND USE CLASSIFICATION UNTIL THE COMPREHENSIVE PLAN HAS BEEN AMENDED ACCORDINGLY.

BUILDING ENVELOPES DEPICTED ON THE PLAN REPRESENT THE CONCEPTUAL LOCATION AND COMBINED SQUARE FOOTAGES OF THE PROPOSED USES FOR PHASE III. THEREFORE, EACH BUILDING ENVELOPE MAY ACTUALLY CONTAIN A NUMBER OF SMALLER BUILDINGS OR STRUCTURES DEVOTED TO THE PARTICULAR USE SHOWN.

THE DEVELOPER WOULD LIKE TO RETAIN THE FLEXIBILITY TO ADJUST BUILDING AREAS FOR EACH PHASE AS LONG AS THE OVERALL BUILDING AREA DOES NOT EXCEED THE MAXIMUM TOTAL OF 515,000 SQUARE FEET ALLOCATED FOR THE ENTIRE SITE. NO BUILDING WILL INTRUDE INTO ANY OF THE BUFFER AREAS SHOWN ON THIS PLAN.

THE OPEN SPACE REQUIREMENTS FOR THE ENTIRE DEVELOPMENT WILL BE MET THROUGH THE UTILIZATION OF PERIMETER BUFFERING AND RETENTION AREAS WHICH ALLOW THE ENTIRE FUTURE DEVELOPMENT AREA (PHASE II) TO BE IMPERVIOUS.

PROPERTY DEVELOPMENT REGULATIONS WILL MEET THE MINIMUM REQUIREMENTS OF THE IL ZONING DISTRICT PER SECTION 34-904 OF THE LEE COUNTY LAND DEVELOPMENT CODE WITH THE EXCEPTION THAT A MAXIMUM BUILDING HEIGHT OF 45 FEET, TWO STORIES WILL BE PERMITTED.

NO INTERNAL STREET RIGHTS-OF-WAY ARE PROPOSED WITHIN THE PROJECT. ACCESS TO PHASE III WILL BE PROVIDED THROUGH CONNECTING PAVEMENT AREAS WHICH WILL BE DEFINED BY THE LOCATION OF FUTURE DEVELOPMENT.

ALL ENTRANCE GATES AND GATEHOUSES WILL BE CONSTRUCTED IN ACCORDANCE WITH SECTION 34-1749 OF THE LEE COUNTY LAND DEVELOPMENT CODE. ALL OPEN SPACE, LANDSCAPING, AND BUFFERING WILL BE IN COMPLIANCE WITH THE REQUIREMENTS ESTABLISHED IN SECTION 10, DIVISION 6 OF THE LEE COUNTY LAND DEVELOPMENT CODE. PARKING WILL MEET THE REQUIREMENTS OF SECTIONS 34-2014 THRU 34-2020 OF THE LEE COUNTY LAND

DEVELOPMENT CODE.

AREAS UTILIZED FOR OPEN STORAGE WILL MEET ALL APPLICABLE REQUIREMENTS OF THE LEE COUNTY LAND DEVELOPMENT CODE.

THE EXACT LIMITS OF THE PROPOSED LAKE EXCAVATION MAY VARY SUBJECT TO SOUTH FLORIDA WATER MANAGEMENT DISTRICT APPROVAL. PUBLIC TRANSPORTATION IS NOT PRESENTLY AVAILABLE

TO THE SITE.

PARCEL ADDRESS:

7731 & 7751 BAYSHORE ROAD NORTH FORT MYERS, FL 33917 AG-2 & IPD CURRENT ZONING: IPD

PROPOSED ZONING:

\_мср

SDJ

INDUSTRIAL DEVELOPMENT AND SUBURBAN

PREPARED FOR:

RAYMOND BUIL

NORTH FOI

PROJECT

MASTER CONCEPT PLAN RAYMOND BUILDING SUPPLY

IFF COUNTY, FLORIDA DESIGN

FILE NO. (S-T-R) DRAWN CHECKED SCALE SHEET 20-43S-25E 1"=200 SDJ

S:\Jobs\22xx\2249\ZONING\2249\_MCP2.dwg, 5/8/2007 11:27:44 AM, Steve Johnson

#### SPECIES PRESENCE

During our field survey for protected species on the property, we identified approximately 22 gopher tortoise burrows onsite. There were 17 active burrows and 5 inactive burrows, indicating approximately 9 gopher tortoise (22 \* 0.40 = 8.8 rounded to 9 gopher tortoise). These burrows were flagged in the field and their approximate locations were marked with a GPS, we also identified several abandoned burrows onsite as well, they were marked with a small flag and not marked with a GPS. We also observed burrows belonging to armadillos, which were not marked in the field either.

In order to determine the density of species observed onsite species presence was calculated using method 1 under step four of the overlapping belt transect guidelines as established and outlined by Kevin L. Erwin, Consulting Ecologists Inc.. In this method abundance and density are mathematically calculated using the following formula

Abundance = sum of  $n_i$ Density = (sum of  $n_i$ )/A

In which nois the number of individuals observed in belt transect i, and A is the acreage of the FLUCCS habitat that the species were observed in. These calculations are calculated individually for each species found within each FLUCCS description.

The only signs of protected species observed were Gopher Tortoise burrows located in the palmetto area (FLUCCS 321). Below is the calculated abundance and density of Gopher Tortoise on site.

Table 2: Abundance and Density

FLUCCS	Species present	Date observed	Abundance	Density 1
321	Gopher Tortoise	7-28-2005	22 Burrows	1.42
321	Gop	7-29-2005		
		8-3-2006		

<sup>\*</sup> The calculations for the density and abundance are shown at the end of this report.

The various listed species that may occur in the vegetation communities or land-use types found on the property have been tabulated on the attached table.

#### **DISCUSSION**

The various listed species that may occur in the FLUCFCS communities have been tabulated on the attached table. During our field survey for protected species on the property, we identified approximately 22 gopher tortoise burrows onsite. There were 17 active burrows and 5 inactive burrows, indicating approximately 9 gopher tortoises (22 \* 0.40 = 8.8 rounded to 9 gopher tortoises). These burrows were flagged in the field and their approximate locations were marked

CPA 2006-00014

with a GPS, we also identified several abandoned burrows onsite as well, they were marked with a small flag and not marked with a GPS. We also observed burrows belonging to armadillos, which were not marked in the field either.

 Table 3
 Protected species list according to FLUCFCS category obtained from Lee County with corresponding field survey results.

140 321	Protected Species  None		and the second second	Absent	(Acre)	(Feet)
	None		的是包括行			
321		- 4	-	X		20
	Audubon's Crested Caracara	90		X		20
	Beautiful Pawpaw	90				20
	Burrowing Owl	90		X		20
	Curtis Milkweed	90		X		20
	Fakahatchee Burmannia	90		X		20
	Florida Black Bear	90		X		
	Florida Coontie	90		X		20
	Florida Sandhill Crane	90		X		20
	Gopher Frog	90		X		20
	Gopher Tortoise	90	X		1.42	20
	Indigo Snake	90		X		20
	Southeastern American Kestrel	90		X		20
428	Audubon's Crested Carcara	90		X		20
	Eastern Indigo Snake	90		X		20
	Florida Black Bear	90		X		20
	Florida Panther	90		X		20
	Simpson's Stopper	90		X		20
	Gopher Tortoise	90		X		20
500	American Alligator	90		X		100
	Everglades Mink	90		X		100
	Limpkin	90		X		100
	Little Blue Heron	90		X		100
	Reddish Egret	90		X		100
	Roseate Spoonbill	90		X		100
	Snowy Egret	90		X		100
	Tricolored Heron	90		X		100
	American Alligator	90		X		100
740	Gopher Tortoise	90		X		100





# **Table 3. Lee County Protected Species Abundance Calculations**

Protected Species Density:

 ${n/[L(w_1+w_2)]}$  (43,560 ft.<sup>2</sup>/ac.) (C)

number of individuals observed or active plus inactive Where n= gopher tortoise burrows length of transect L= distance of visibility to the right of transect  $w_1 =$ distance of visibility to the left of transect  $w_2 =$ gopher tortoise conversion factor (0.3 or 0.4)\* C=

\*Used for gopher tortoise calculation only

# Gopher Tortoise (Gopherus polyphemus)

#### FLUCFCS Code 321

Density

 $\{22GT/[6752 \text{ ft. } (20\text{ft.} + 20\text{ft.})]\}\ (43,560 \text{ ft.}^2/\text{ac.})\ (0.4)\ [8.14 \times 10^{-5} \text{ GT/ft.}^2]\ (43,560 \text{ ft.}^2/\text{ac.})\ (0.4)$ 

(3.54 GT/ac.) (0.4) =

1.42 GT/ac.



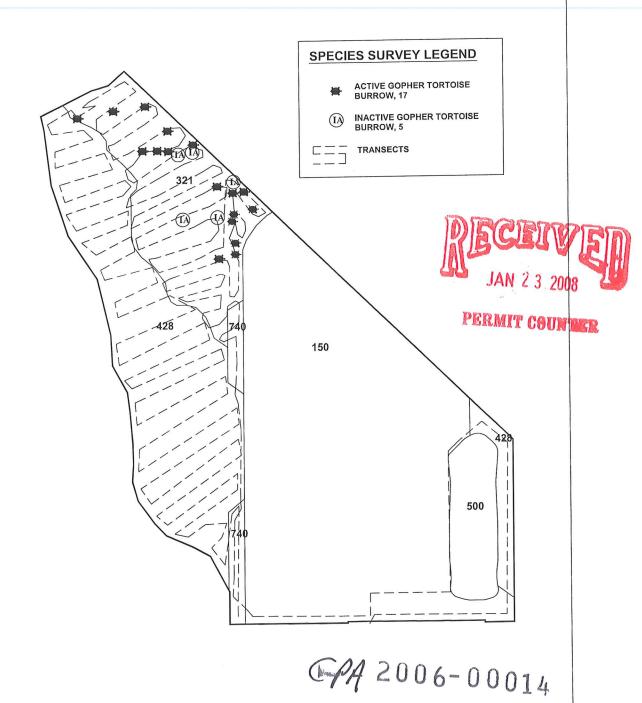
PERMIT COUNTER

CPA 2006-00014



## FLUCFCS LEGEND

Code	Description	Acreage
150	INDUSTRIAL - (Raymond Lumber)	18.03
321	SAW PALMETTO	5.74
428	CABBAGE PALM - (Palmetto)	10.39
500	WATER -(Water Management Lake)	1.87
740	DISTURBED AREA - (Bahia Grass)	0.80
	Total Site	36.83 ac



Boylan
Environmental
Consultants, Inc.
Villand & Vidility Surveys, Routenmentalphermulting, Impact Assessments
11000 Mena Parkana, Saile 4-Ft. Meco., Ft. 3596 (239) 418-4074

	Drawn By:	Date:	Category	
	KAS	5/16/07	FLUCFCS	
	Job Nu		Scale:	1
	2006	6-48	1" = 200'	
·	S/T	/R	County	
71	20/439	S/25E	Lee	L

RAYMOND LUMBER

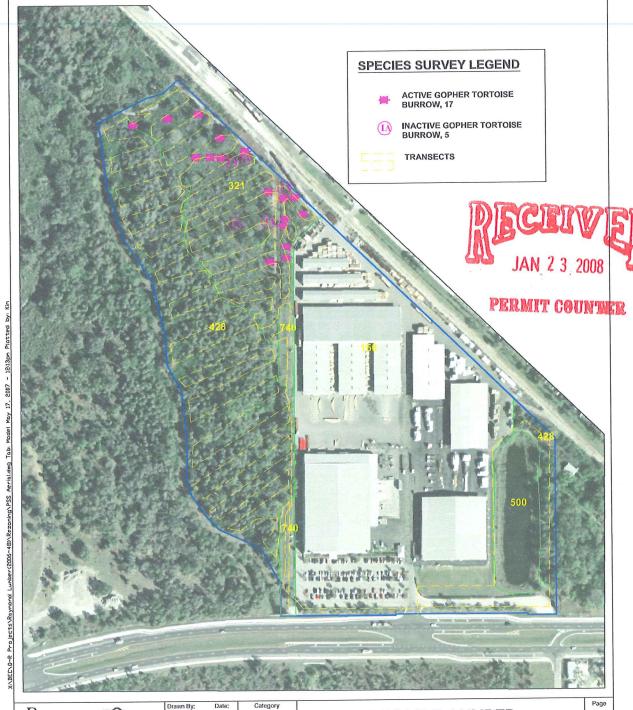
Species Survey Map

Exhibit



#### **FLUCFCS LEGEND**

Code	Description	Acreage
150	INDUSTRIAL - (Raymond Lumber)	18.03
321	SAW PALMETTO	5.74
428	CABBAGE PALM - (Palmetto)	10.39
500	WATER -(Water Management Lake)	1.87
740	DISTURBED AREA - (Bahia Grass)	0.80
	Total Site	36.83 ac



Boylan
Environmental
Consultants, Inc.
Feliand & Wildly Survey, Restronguental formal descendants
Inopol Acres Parks, Suit - S. Wyer, Pl. 1396 (23) 418-607.

	Drawn By:	Date:	Category	
	KAS	5/16/07	FLUCFCS	
	Job Nu	mber	Scale:	
	2006	-48	1" = 200'	
	S/T	/R	County	
71	20/435	S/25E	Lee	

RAYMOND LUMBER

Species Survey Map

Exhibit

## LEE PLAN CONSISTENCY

#### **EXHIBIT E.2**

The requested amendment from Suburban to Industrial Development is consistent with the Lee Plan in general and the following objectives and policies in particular:

- 1. Policy 1.1.7: The proposed expansion of the existing Raymond Lumber facility would be consistent with the Industrial Development FLUM category.
- 2. Policy 1.7.6: 381 industrial acres are still available for use in the North Fort Myers Planning Community.
- 3. Objective 2.1: The subject parcel is already in a Future Urban land use category. The applicant intends to use the parcel for the expansion of an existing industrial use. The proposal will not, therefore, encourage urban sprawl.
- 4. Objective 2.2: The property will be served by public water and sewer facilities. Bayshore Road was recently widened to four lanes at this location. The project will, therefore, be served by adequate public facilities.
- 5. Objective 2.4 and Policy 2.4.4: The County has entered into a contract with a consultant to address an ongoing problem with the conversion of industrial land to other uses and to identify additional land which can be used for industrial purposes. The absence of adequate industrial property due to demands for other uses is a changed condition which supports the proposed amendment.
- 6. Policy 5.1.5: The parcel does not abut any existing residential uses. The applicant has reached agreements with the owner of the property to the west, which is currently being rezoned for residential development, on issues involving lighting, buffers, hours of operation, and setbacks. The request will not, therefore, be incompatible with the neighborhood.
- 7. Policy 7.1.2: The applicant intends to request an amendment to an existing IPD to encompass the subject parcel. Access to the property will be provided through the current Raymond Lumber facility.
- 8. Policy 7.1.3: The parcel has direct access by rail and by an arterial road (Bayshore Road) and is located in close proximity to I-75. The property abuts an existing industrial use and is compatible with all existing and proposed uses in the area, as noted above.
- 9. Policy 7.1.4: The County is currently studying the FLUM to address a perceived deficit of industrial land, as noted above. The applicant's plans to expand its facility, and thereby provide additional industrial employment opportunities, cannot be accomplished unless the subject parcel is added to the existing site.
- 10. Policy 7.1.9: As noted above, the proposed expansion will be accessed through the existing Raymond Lumber facility.
- 11. Standards 11.1 and 11.2: As noted above, the project will be served by public water and sewer facilities.
- 12. Policy 158.3.5: As noted above, the FLUM must be amended to provide additional industrial land to accommodate the proposed expansion.
- 13. Objective 158.4: The proposed expansion will add to the County's industrial tax base.

# Impact on Adjacent Local Governments EXHIBIT E.3

The subject site does not abut, and is not located in proximity to, other local governments. The impacts to other local governments are, therefore, de minimis.

# FLUM CAPACITY ANALYSIS EXHIBIT E.1

The proposed amendment from Suburban to Industrial Development will reduce the capacity of the FLUM by approximately 176 persons (14 acres x 6 du/a x 2.09 ppu). This reduction is de minimis. 381 acres of industrial lands are currently unallocated in the North Fort Myers Planning Community.



### DEPARTMENT OF TRANSPORTATION

# Memo

To:

Paul O'Connor, Planning Director

From:

David Loveland, Public Works Operations Manager, Planning

Date:

March 20, 2008

Subject:

CPA 2006-14 (Raymond Building)

The Department of Transportation has reviewed the above-referenced privately-initiated future land use map plan amendment, to change the land use designation of approximately 14 acres north of SR 78 (Bayshore Road) adjacent to the existing Raymond Building Supply site from "Suburban" to "Industrial Development". The applicant indicates that the proposed change would allow approximately 180,000 square feet of industrial use on the site. If this amendment is adopted, the project will generate 94 trips on a p.m. peak hour basis based on an assumption of light industrial uses. After running the 2030 Financially Feasible Plan FSUTMS travel demand model with this addition, and examining the three-mile radius around the project, the Department has determined that this land use change will not alter the future road network plans.

Please let me know if you need any additional information.

cc:

Donna Marie Collins

Matt Noble

# Knott, Consoer, Ebelini Hart & Swett, P.A.

ATTORNEYS-AT-LAW



George H. Knott \*+ George L. Consoer, Jr. \*\* Mark A. Ebelini Thomas B. Hart H. Andrew Swett

1625 Hendry Street • Third Floor (33901) P.O. Box 2449 Fort Myers, Florida 33902-2449

> Telephone (239) 334-2722 Telecopier (239) 334-1446

> > AStowe@knott-law.com

Matthew D. Uhle Aaron A. Haak Derrick S. Eihausen Natly Torres-Alvarado David A. Burt Madeline Ebelini

> Director of Zoning and Land Use Planning Michael E. Roeder, AICP

Board Certified Civil Trial Lawyer
 Board Certified Real Estate Lawyer
 Board Certified Business Litigation Lawyer

# MEMORANDUM

TO:

Pete Blackwell

FROM:

Alison M. Stowe

DATE:

April 7, 2008

RE:

Raymond Building Supply / CPA2006-00014

Attached please find 6 copies of the letter of availability from EMS for the above referenced case.

ams

Attachments





Lee County Emergency Medical Services (LCEMS) has performed a preliminary review of the project referenced herein. Based upon the limited amount of information provided, LCEMS has no initial concerns with the ability to provide service to this project.

The Comprehensive Plan Amendment for Raymond Building Supply, changing 14.11 acres from Suburban designation to Industrial Development is not anticipated to create a negative impact on our service level.

This current location is served by our Station 19, located at 17350 Nalle Rd, which is approximately 1 1/4 miles away.

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

(Signature)

EMS Operations Chief (Title)

Kim Dickerson (Printed Name) January 23, 2008 (Date)





PERMIT COUNTER

Kim Dickerson, EMT-P, RN, MBA EMS Operations Chief Lee County Emergency Medical Services 14752 Ben Pratt/Six Mile Cypress Parkway Fort Myers, FL 33912

Phone: 239-335-1661 Fax: 239-335-1671

Email: <u>kdickerson@leegov.com</u>
Website: www.lee-ems.com



Lee County Emergency Medical Services (LCEMS) has performed a preliminary review of the project referenced herein. Based upon the limited amount of information provided, LCEMS has no initial concerns with the ability to provide service to this project.

The Comprehensive Plan Amendment for Raymond Building Supply, changing 14.11 acres from Suburban designation to Industrial Development is not anticipated to create a negative impact on our service level.

This current location is served by our Station 19, located at 17350 Nalle Rd, which is approximately  $1\frac{1}{4}$  miles away.

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

(Signature)

EMS Operations Chief (Title)

Kim Dickerson (Printed Name) January 23, 2008 (Date)



Kim Dickerson, EMT-P, RN, MBA EMS Operations Chief Lee County Emergency Medical Services 14752 Ben Pratt/Six Mile Cypress Parkway Fort Myers, FL 33912

Phone: 239-335-1661 Fax: 239-335-1671

Email: kdickerson@leegov.com
Website: www.lee-ems.com



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CPA 2006-00014



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This current location is served by our Station 19, located at 17350 Nalle Rd, which is approximately 1 ¼ miles away.

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

(Signature)

EMS Operations Chief (Title)

Kim Dickerson (Printed Name)

January 23, 2008 (Date)



Kim Dickerson, EMT-P, RN, MBA EMS Operations Chief Lee County Emergency Medical Services 14752 Ben Pratt/Six Mile Cypress Parkway Fort Myers, FL 33912

Phone: 239-335-1661 Fax: 239-335-1671

Email: <a href="mailto:kdickerson@leegov.com">kdickerson@leegov.com</a>
Website: <a href="mailto:www.lee-ems.com">www.lee-ems.com</a>

EPA 2006-00014



PERMIT COUNTER



Lee County Emergency Medical Services (LCEMS) has performed a preliminary review of the project referenced herein. Based upon the limited amount of information provided, LCEMS has no initial concerns with the ability to provide service to this project.

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This current location is served by our Station 19, located at 17350 Nalle Rd, which is approximately 1 ¼ miles away.

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Signature)

EMS Operations Chief (Title)

Kim Dickerson (Printed Name) January 23, 2008 (Date)



Kim Dickerson, EMT-P, RN, MBA EMS Operations Chief Lee County Emergency Medical Services 14752 Ben Pratt/Six Mile Cypress Parkway Fort Myers, FL 33912

Phone: 239-335-1661 Fax: 239-335-1671

Email: <a href="mailto:kdickerson@leegov.com">kdickerson@leegov.com</a>
Website: <a href="mailto:www.lee-ems.com">www.lee-ems.com</a>



PERMIT COUNTER

PA 2006-0 UU 14



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The Comprehensive Plan Amendment for Raymond Building Supply, changing 14.11 acres from Suburban designation to Industrial Development is not anticipated to create a negative impact on our service level.

This current location is served by our Station 19, located at 17350 Nalle Rd, which is approximately 1 ¼ miles away.

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

(Signature)

EMS Operations Chief (Title)

Kim Dickerson (Printed Name)

<u>January 23, 2008</u> (Date)



Kim Dickerson, EMT-P, RN, MBA EMS Operations Chief Lee County Emergency Medical Services 14752 Ben Pratt/Six Mile Cypress Parkway Fort Myers, FL 33912

Phone: 239-335-1661 Fax: 239-335-1671

Email: kdickerson@leegov.com
Website: www.lee-ems.com



PERMIT COUNTER.

PA 2006-00014



#### **BOARD OF COUNTY COMMISSIONERS**

(239) 533-8312

**Bob Janes** District One April 8, 2008

A. Brian Bigelow District Two

Mr. Matthew. Uhle c/o Knott, Consoer, Ebelini, Hart & Swett PA

Ray Judah District Three 1625 Hendry Street Suite 301 Fort Myers, Florida 33901

Tammy Hall District Four

RE: CPA2006-14 Raymond Building, Lee Plan Future Land Use Amendment

Frank Mann District Five

Dear Mr. Uhle:

Donald D. Stilwell County Manager

David M. Owen County Attorney Planning staff has reviewed the application submitted for the above reference case and finds that additional information is needed to find the application sufficient for review. Please submit the following information.

Diana M. Parker County Hearing Examiner

#### **PART IV**

B. 3. b. The applicant has not submitted a letter from the Emergency Medical Service Provider. Please provide this letter.

#### **Other Concerns**

Planning Staff has concerns about the applicants plans towards the gopher tortoises on the subject property. The applicant needs to provide a letter stating what steps will be taken to address the gopher tortoises. Staff recommends that the applicant provide an onsite preserve and that this preserve be depicted in the Conservation Lands future land use category. If the applicant does not intend to follow this recommendation, please provide a statement to this effect.

Similarly, Planning staff is concerned about the applicants buffering for Chapel Creek. In the site plan provided by the applicant, the preserve areas along Chapel Creek are not designated wetland or upland. Staff recommends that these areas be proposed for inclusion in the Conservation Lands future land use category. Please provide a map showing the preserve areas along Chapel Creek in Conservation Lands or a statement that the applicant does not desire to propose this measure.

If I can be of any assistance or if you have any questions, please do not hesitate to call me at 533-8312.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT, DIVISION OF PLANNING

Peter Blackwell

Planner

cc:

Planning file: CPA2006-14

13 Carbuff

# Knott, Consoer, Ebelini Hart & Swett, P.A. A T T O R N E Y S A T A L A W

George H. Knott \*+ George L. Consoer, Jr. \*\* Mark A. Ebelini Thomas B. Hart H. Andrew Swett 1625 Hendry Street • Third Floor (33901) P.O. Box 2449 Fort Myers, Florida 33902-2449

> Telephone (239) 334-2722 Telecopier (239) 334-1446

MUhle@knott-law.com

Matthew D. Uhle Aaron A. Haak Derrick S. Eihausen Natly Torres-Alvarado David A. Burt Madeline Ebelini

Director of Zoning and Land Use Planning Michael E. Roeder, AICP

\*\* Board Certified Real Estate Lawyer + Board Certified Business Litigation Lawyer

Board Certified Civil Trial Lawyer

April 10, 2008

Mr. Peter Blackwell Lee County Division of Planning P.O. Box 398

Fort Myers, FL 33902

Re: CPA2006-14/Response to April 8 Sufficiency Letter

Dear Mr. Blackwell:

Please consider the following our responses to your latest sufficiency letter:

- 1. PART IV, Item B.3.b.: The requested EMS letter was submitted on April 7.
- 2. Gopher Tortoise Question: Attached please find the gopher tortoise management plan that was prepared for the (as yet unfiled) rezoning application. You will note that it contemplates the offsite relocation of the tortoises. While the applicant is willing to provide a substantial buffer along the west side of the property in the zoning case, as shown on the draft MCP that was submitted to you previously, we believe that the precise boundaries of this area should be identified at that time, not during the plan amendment process, so we do not intend to show any areas in the Conservation FLUM category as part of our application.
- 3. Buffering Question: See Response to #2 above.

Sincerely,

KNOTT, CONSOER, EBELINI,

HART & SWETT, P.A.

Matthew D. Uhle, Esq.

MDU/ams Attachment

cc: Duane Swanson Tom Lehnert Kim Schlachta



EA 2006-00014

# PART 4 ENVIRONMENTAL ISSUES

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

A topo survey in included with the submittal.

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

The site contains habitat occupied by Gopher Tortoise as noted in the attached Protected Species Survey. A Cabbage Palm dominated area is also located within the site boundaries.

Cabbage Palm, Gopher Tortoise,

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

A Gopher Tortoise Incidental Take Permit or Offsite Relocation Permit would be obtained from the FWC. Gopher tortoise would be relocation prior to development. A small portion of this would be preserved, and a majority of this habitat would be impacted. However, this site has designed to preserve the Cabbage palm habitat located next to adjacent preserve lands.

The proposed project exceeds indigenous preserve requirements and provides 4.15 acres with credits. See attached Indigenous Preserve Calculations

Below is a table showing the amount of preservation by FLUCFCS.

FLUCCS CODE	DESCRIPTION	EXISTING ACREAGE	PRESERVE ACREAGE	% PRESERVED
150	Industrial	18.03	н	=
321	Palmetto Prairie	5.74	0.36	6.3 %
428	Cabbage Palm	10.39	3.27	31.5 %
500	osw	1.87	1.87	100 %
740	Disturbed Areas	0.80	-	-

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

Not Applicable.



PA2006-00014

# **Raymond Lumber**

# **Indigenous Preserve Calculations**



Wetland & Wildlife Surveys, Environmental Permitting, Impact Assessments

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

May 23, 2007



MCA 2006-00014

APR 1 0 2003

# Indigenous Preserve Calculations Table:

Per <u>LDC</u> Section 10-415(b)(1), large developments, with existing indigenous native vegetation, must provide 50 percent of their open space percentage requirement through the onsite preservation of existing indigenous native vegetation.

Per <u>LDC</u> Section 10-415(b)(2), as an incentive to preserve indigenous native upland plant communities in large tracts, a scaled open space credit for single preserve areas will be granted as follows:

INDIGENOUS VEGETATION CREDIT					
Credit provided	Minimum size	Minimum width			
110%	<sup>1</sup> / <sub>2</sub> acre	50 feet			
125%	1 acre	75 feet			
150%	3 acres	150 feet			

An additional, maximum ten percent credit will be granted if any of the following indigenous vegetation areas are included:

- 1. Rare and unique uplands as defined by the Lee Plan.
- 2. Connection to offsite public or private environmental conservation or preserve areas.
- 3. Upland buffers to natural waterbodies

4.

Total Site Acreage:

36.82

Open Space Percentage Requirement:

0.20

Open Space Requirement:

7.36

3.68

Indigenous Requirement:

YTEVEL YTE



# \* CPA 2006-00014

#### Northern Preserve Area

Area #	FLUCFCS	Wetland	Acreage	*Base Multiplier	10% Credit	Reason	Total Credits	Total Acreage
1	321	N	0.08	1	1.1	Adjacent Preserve	1.10	0.09
2	321	N	0.28	1.1	1.1	> 0.50 ac/ Adjacent Preserve	1.20	0.34
	428	N	1.32	1.1	1.1	> 0.50 ac/ Adjacent Preserve	1.20	1.58
3	428	N	1.21	1	1.1	Adjacent Preserve	1.10	1.33

#### Southern Preserve Area

Area #	FLUCFCS	Wetland	Acreage	*Base Multiplier	10% Credit	Reason	Total Credits	Total Acreage
4	428	N	0.74	1.1	1	> 0.50 Ac.	1.10	0.81

Total Preserve Acreage:

3.63

**Total Preserve Acreage with Credits:** 

4.15

Minimum Indigenous Preserve Acreage Required: 3.68 acres

Indigenous Provided = 4.15

\*Given per Lee County Indigenous Plant Community & Native Tree Preservation Area Credits LDC Sec.10-415 No Credits Were Given for Wetland Preserve Areas



# RAYMOND LUMBER

Lee County, Florida Sections 20; Township 43 South; Range 25 East

**Protected Species Survey** 

Boylan Environmental Consultants, Inc. Wetland & Wildlife Surveys, Environmental Permitting, Impact Assessments

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

February 7, 2006 August 4, 2006 (updated fieldwork) Revised May 17, 2007



#### INTRODUCTION

The site is located in portions of Section 20, Township 43 South, and Range 25 East, Lee County. The eastern portion of the site includes the existing Raymond Lumber with the western portion being undeveloped lands that are proposed for expansion. The site is located west of Interstate 75 and just to the north of Bayshore Road (SR-78). See attached Location Map.

Two environmental scientists from Boylan Environmental Consultants, Inc conducted a field investigation on the 36.83± acre property on July 28<sup>th</sup> and 29<sup>th</sup>, 2005 from approximately 8:30 am to 4:00 pm and on August 3, 2006 from approximately 9:00 am to 11:00 am. The temperature ranged from the lower 80°'s to lower 90°'s with partly cloudy to full sun in 2005 and in the lower 90°'s with full sun in 2006.

The purposes of the field investigations were to identify the potential of listed (endangered, threatened, etc.) species inhabiting the site that are regulated by the US Fish & Wildlife Service (FWS) and the Florida Fish & Wildlife Conservation Commission.

#### SURVEY METHODOLOGY

The property was surveyed for the presence of listed species in accordance with the Lee County Ordinance No. 89-34. The methodology used for this survey was overlapping belt transects. Lee County has approved this method as outlined by Kevin L. Erwin, Consulting Ecologists Inc., as an alternative species survey method. This method is comprised of a several step process. First, vegetation communities or land-uses on the property or study area are delineated on an aerial photograph based on nomenclature of the Florida Land Use, Cover and Forms Classification System (FLUCFCS). Next, the FLUCFCS codes or land-use types found on the property are cross-referenced with the Lee County Protected Species List. This protected species list names the species that have a probability of occurring in any particular FLUCFCS community. Then, each community is searched in the field for the species listed for that particular FLUCCS type.

An intensive pedestrian survey is conducted using parallel belt transects as a means of searching for plants and animals. In addition, periodic "stop-look-listen" and quiet stalking methods are conducted for animals. Signs or sightings of these species are then recorded and are marked in the field with flagging tape. The table at end of this report lists the FLUCFCS communities found on the property and the corresponding species that have the potential of occurring in them. Transects were walked approximately as shown on the attached aerial photograph.

Particular attention was placed upon locating potential gopher tortoise burrows on this site.

#### SITE CONDITIONS

In general, the property includes undeveloped uplands in the western portion of the site with the existing Raymond Lumber in the eastern. The site is bordered on the north by railroad tracks, undeveloped lands to the east, Bayshore road to the south, and Chapel Creek to the west.



Listed below are the vegetation communities or land-uses identified on the site as shown on the attached protected species survey map. See Florida Land Use, Cover and Forms Classification System (Department of Transportation 1999) for definitions.

# 150 INDUSTRIAL Raymond Lumber (18.03+/- ac)

This community includes the existing buildings and lumberyard.

## 321 PALMETTO PRAIRIE (5.74+/- acres)

This upland community contains widely scattered Florida slash pine in the canopy. The sub-canopy contains saw palmetto, downy rose myrtle, rusty lyonia, and beautyberry. Ground cover species includes species grapevine, saw palmetto, Caesar weed, poison ivy, smilax, pennyroyal, and chocolate weed.

# 428 CABBAGE PALM – (Palmetto) (10.39+/- acres)

This upland forested community is dominated by cabbage palm with scattered live oak, slash pine, and melaleuca found in the canopy. The sub-canopy is dominated by cabbage palm with scattered saw palmetto. Ground cover species includes Caesar weed, poison ivy, smilax, pennyroyal, and chocolate weed.

## 500 WATER - (Water Management Lake) (1.87+/- acres)

This community includes the eastern lake.

# 740 DISTURBED AREA (Bahia Grass) (0.80+/- acres)

This community includes Bahia grass adjacent to Raymond Lumber.

Table 1: FLUCCS COMMUNITIES BY PERCENTAGE

FLUCCS	DESCRIPTION	ACRES	PERCENT
150	Industrial	18.03	48.9%
321	Palmetto Prairie	5.74	15.6%
428	Cabbage Palm	10.39	28.3%
500	Water – (Water Management Lake)	1.87	5.0%
740	Disturbed	0.80	2.2%
Total		36.83	100%

*Total Upland	4.62	95 %
*Total OSW	0.31	5 %



#### SPECIES PRESENCE

During our field survey for protected species on the property, we identified approximately 22 gopher tortoise burrows onsite. There were 17 active burrows and 5 inactive burrows, indicating approximately 9 gopher tortoise (22 \* 0.40 = 8.8 rounded to 9 gopher tortoise). These burrows were flagged in the field and their approximate locations were marked with a GPS, we also identified several abandoned burrows onsite as well, they were marked with a small flag and not marked with a GPS. We also observed burrows belonging to armadillos, which were not marked in the field either.

In order to determine the density of species observed onsite species presence was calculated using method 1 under step four of the overlapping belt transect guidelines as established and outlined by Kevin L. Erwin, Consulting Ecologists Inc.. In this method abundance and density are mathematically calculated using the following formula

Abundance = sum of ni Density = (sum of ni)/A

In which m is the number of individuals observed in belt transect i, and A is the acreage of the FLUCCS habitat that the species were observed in. These calculations are calculated individually for each species found within each FLUCCS description.

The only signs of protected species observed were Gopher Tortoise burrows located in the palmetto area (FLUCCS 321). Below is the calculated abundance and density of Gopher Tortoise on site.

Table 2: Abundance and Density

FLUCCS	Species present	Date observed	Abundance	Density
321	Gopher Tortoise	7-28-2005	22 Burrows	1.42
	3000 Can X 1000 S	7-29-2005		
		8-3-2006		

<sup>\*</sup> The calculations for the density and abundance are shown at the end of this report.

The various listed species that may occur in the vegetation communities or land-use types found on the property have been tabulated on the attached table.

#### **DISCUSSION**

The various listed species that may occur in the FLUCFCS communities have been tabulated on the attached table. During our field survey for protected species on the property, we identified approximately 22 gopher tortoise burrows onsite. There were 17 active burrows and 5 inactive burrows, indicating approximately 9 gopher tortoises (22 \* 0.40 = 8.8 rounded to 9 gopher tortoises). These burrows were flagged in the field and their approximate locations were marked

2006-00014

with a GPS, we also identified several abandoned burrows onsite as well, they were marked with a small flag and not marked with a GPS. We also observed burrows belonging to armadillos, which were not marked in the field either.

**Table 3** Protected species list according to FLUCFCS category obtained from Lee County with corresponding field survey results.

FLUCFCS	Potential	%	Species	Species	Density	Visibility
Code/Area	Protected Species	Surveyed	Present	Absent	(Acre)	(Feet)
140	None			-	-	-
321	Audubon's Crested Caracara	. 90		X	1 .	20
321	Beautiful Pawpaw	90		X		20
	Burrowing Owl	90		X		20
	Curtis Milkweed	90		Χ.		20
Fakahatchee Burmannia Florida Black Bear Florida Coontie Florida Sandhill Crane Gopher Frog		90		X		20
	90		X		20	
	90		X		20	
	90		X		20	
	90		X		20	
	Gopher Tortoise	90	X		1.42	20
	Indigo Snake			X		20
	Southeastern American Kestrel	90 90	+	X		20
428	Audubon's Crested Carcara	90	+	X		20
420	Eastern Indigo Snake			X		20
	Florida Black Bear	90	-	X		20
	Florida Panther	90		X		20
	Simpson's Stopper	90	-	X		20
500	Gopher Tortoise	90		X	-	20
	•	90		X	-	100
	American Alligator	90		X		100
	Everglades Mink	90		X	-	100
	Limpkin	90		X	-	100
	Little Blue Heron	90		X		100
	Reddish Egret	90		X		100
	Roseate Spoonbill	90		X		100
	Snowy Egret	90		X		100
	Tricolored Heron	90				100
	American Alligator	90		X		100
740	Gopher Tortoise	90		X		100



# Table 3. Lee County Protected Species Abundance Calculations

Protected Species Density:

 ${n/[L(w_1+w_2)]}$  (43,560 ft.<sup>2</sup>/ac.) (C)

number of individuals observed or active plus inactive n=

gopher tortoise burrows

length of transect

distance of visibility to the right of transect  $w_1 =$ distance of visibility to the left of transect  $W_2 =$ gopher tortoise conversion factor (0.3 or 0.4)\*

\*Used for gopher tortoise calculation only

Gopher Tortoise (Gopherus polyphemus)

FLUCFCS Code 321

 $\{22GT/[6752 \text{ ft. } (20\text{ft.} + 20\text{ft.})]\} (43,560 \text{ ft.}^2/\text{ac.}) (0.4)$  $[8.14 \times 10^{-5} \text{ GT/ft.}^2] (43,560 \text{ ft.}^2/\text{ac.}) (0.4)$ Density

(3.54 GT/ac.) (0.4)

1.42 GT/ac.



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#### RAYMOND LUMBER

#### **GOPHER TORTOISE MANAGEMENT PLAN**

Boylan Environmental Consultants, Inc. May 22, 2007

Because gopher tortoises were identified on the property and per protection requirements of Lee County, a tortoise relocation plan was developed for tortoises found within the proposed development areas.

Gopher Tortoises will be relocated offsite to be done in accordance with Florida Fish and Wildlife Conservation Commission regulations. An appropriate tortoise relocation permit will be acquired at time of local development order approval. Relocation will proceed in accordance with the permit conditions.

Following is a sequence of activities as it relates to the management of tortoises prior to construction, followed by a description of the manner in which burrows are to be excavated.

- 1. No more than 6 weeks prior to land clearing, the development area will be resurveyed for tortoises to determine the estimated number of tortoise.
- Following issuance of an appropriate gopher tortoise relocation permit, all active and inactive burrows on the property will be excavated by a biologist.

#### Excavation & Relocation

The excavation will occur as follows: flexible PVC hose will be gently snaked into the burrow. A backhoe will remove soil material until just before the PVC hose is visible. Excavation will then occur manually to ensure no injury to the tortoise. The flexible hose will be moved deeper into the burrow and the process will continue until the tortoise and other commensal species can be manually removed from the burrow, or the burrow is found unoccupied. The tortoises will be transported in shaded buckets (1.5' high by 2.0' diameter) or bins (1.5'x2.5'x1') and moved to the recipient site.

- 3. Prior to release, each relocated adult tortoise will be sexed, measured, and permanently marked by scute-notching.
- 4. Where possible, tortoises will be relocated to "old" or "inactive" burrows with access to shade nearby. If no other burrows are present, a "starter" burrow will be excavated to provide temporary shelter for the tortoise.



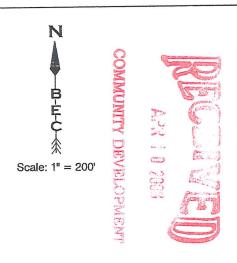
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1" = 2,083.3 ft

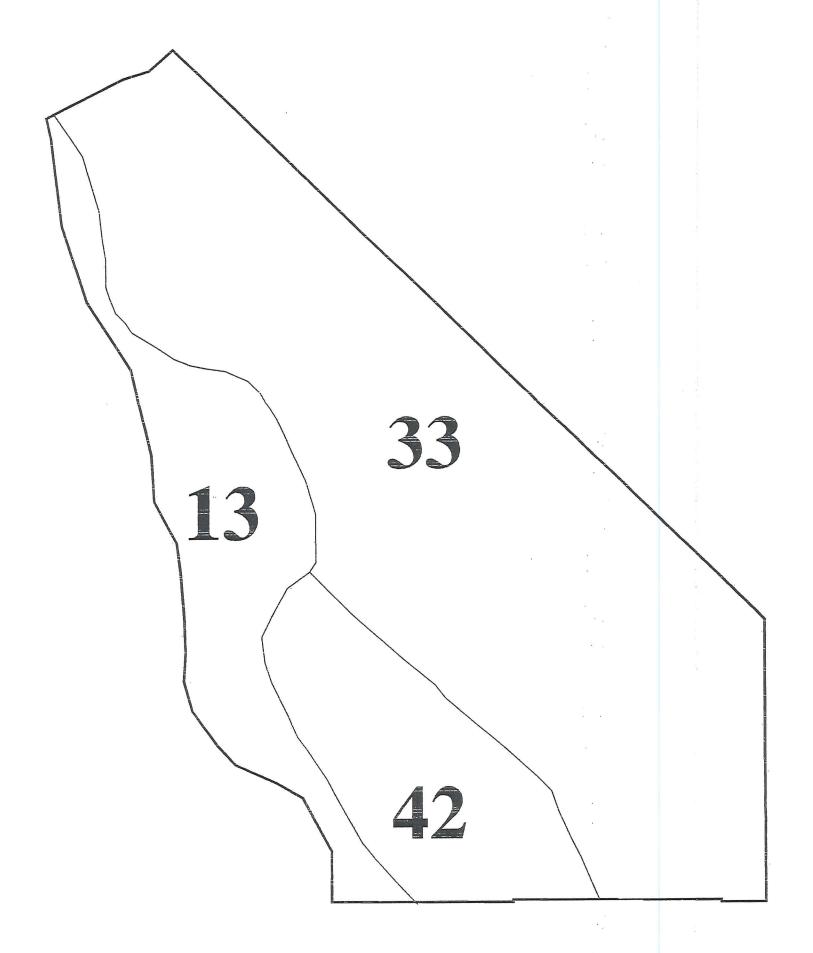
Data Zoom 13-0

COMMUNITY DEVELOPMENT

www.delorme.com



# SOILS LEGEND ID Description Hydric 13 Boca fine sand \*N 33 Oldsmar sand -42 Wabasso sand, limestone subtratum - \*N = National List for Hydric Soils



CPA 2006-00014

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

XNBECNO-R Projects/Raymond Lumber(2006-48)/Rezoning/SOILS.dwg Tabi Model May 17, 2007 - 1142am Plotted byi Kim

Drawn By:	Date:	Category
KAS	5/16/07	FLUCFCS
Job Nur	nber	Scale:
2006-48		1" = 200'
S/T/	R	County
20/426	IDEE	1.00

RAYMOND LUMBER

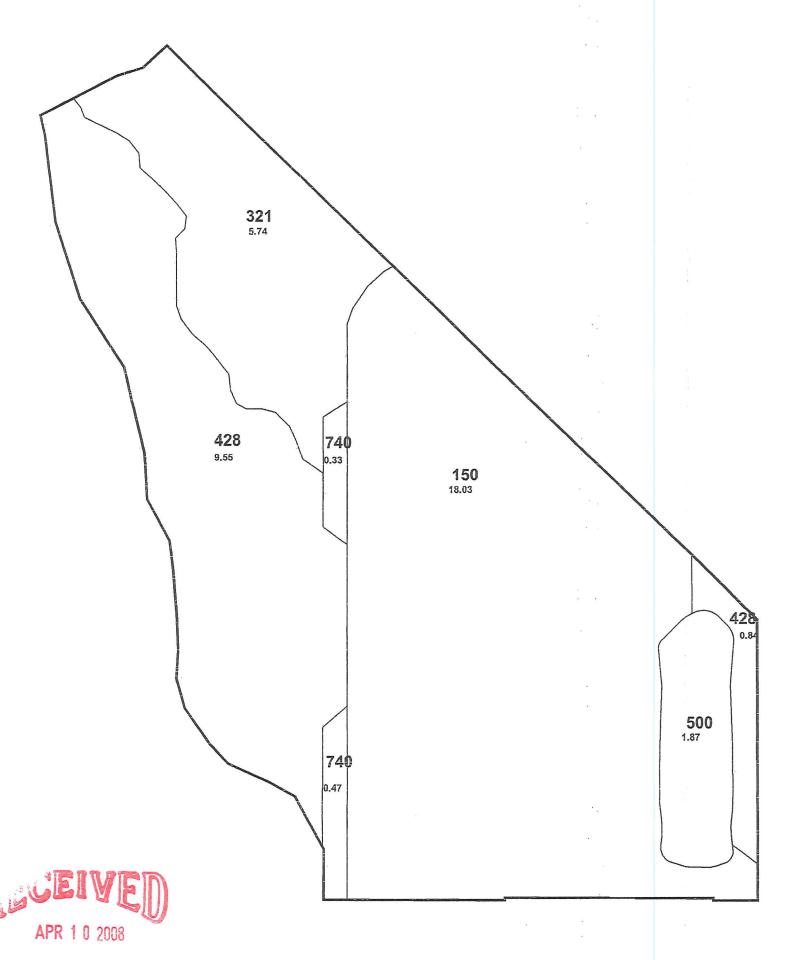
SOILS Map

Page

Exhibit



Code	Description	Acreage
150	INDUSTRIAL - (Raymond Lumber)	18.03
321	SAW PALMETTO	5.74
428	CABBAGE PALM - (Palmetto)	10.39
500	WATER -(Water Management Lake)	1.87
740	DISTURBED AREA - (Bahia Grass)	0.80
	• 1	
	Total Site	36.83 ac



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

XNBECNR-R Projects/Raymond Lumber(2006-48)/Rezoning/FLUCFCS.dwg Tabi Model May 17, 2007 - 12:06pm Plotted byi Klm

ı	Drawn By:	Date:	Category	
	KAS	5/16/07	FLUCFCS	
	Job Nui	mber	Scale:	
2006		-48	1" = 200'	3
	S/T/	R	County	
1	20/438	/25E	Lee	

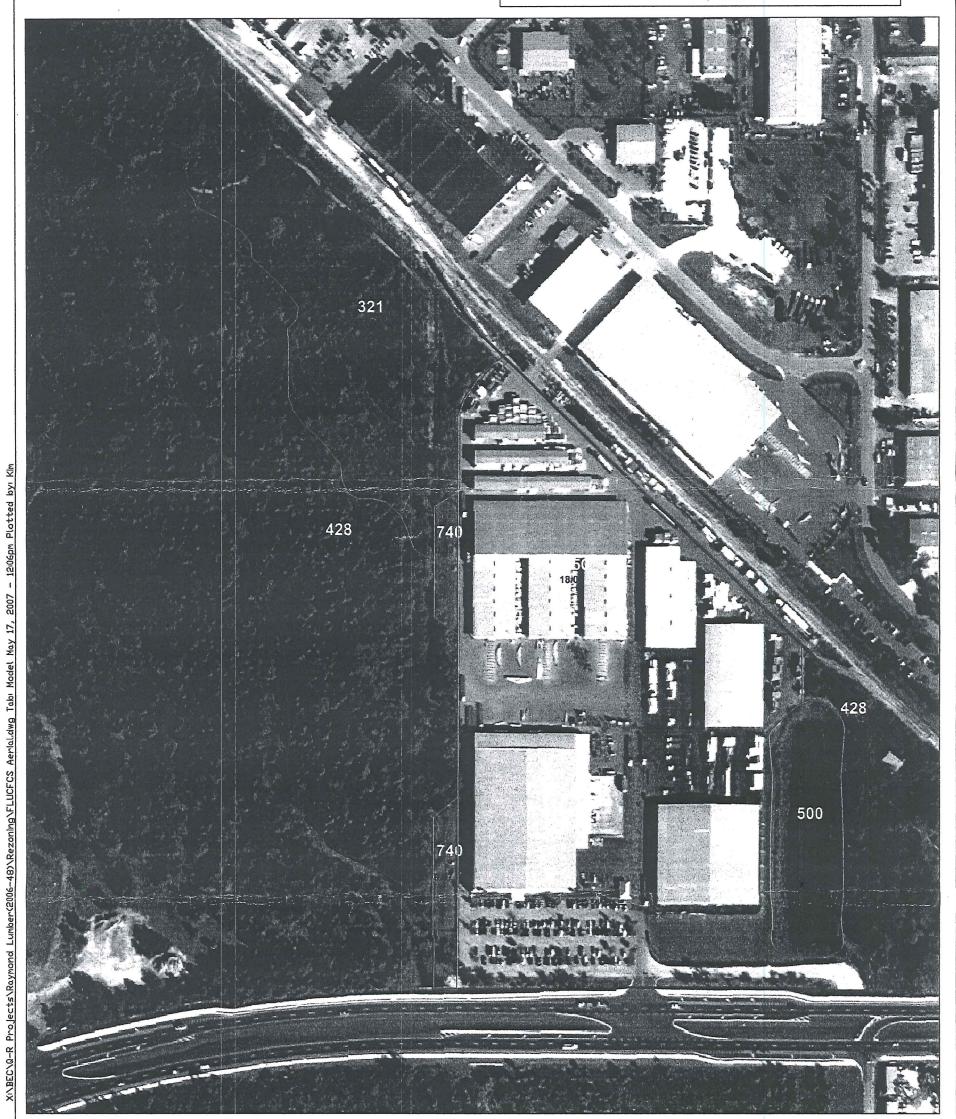
RAYMOND LUMBER

FLUCFCS Map

Exhibit



Code	Description	Acreage
150	INDUSTRIAL - (Raymond Lumber)	18.03
321	SAW PALMETTO	5.74
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	Total Site	36.83 ac



Boylan
Environmental
Consultants, Inc.
Welland & Widlife Surveys, Environmental Permitting,
Impact Assessments
11000 Metro Parkway, Shite 4, Fr. Myers, Fl. 129664 239, 418-0671

Drawn By: Date	Category		
KAS 5/16/0	7 FLUCECS	RAYMOND LUMBER	
Job Number	Scale:		
2006-48	1" = 200'	FULCECS Assist Man	
S/T/R	County	PR 1 0 2008 FLUCFCS Aerial Map	
20/43S/25E	Lee		

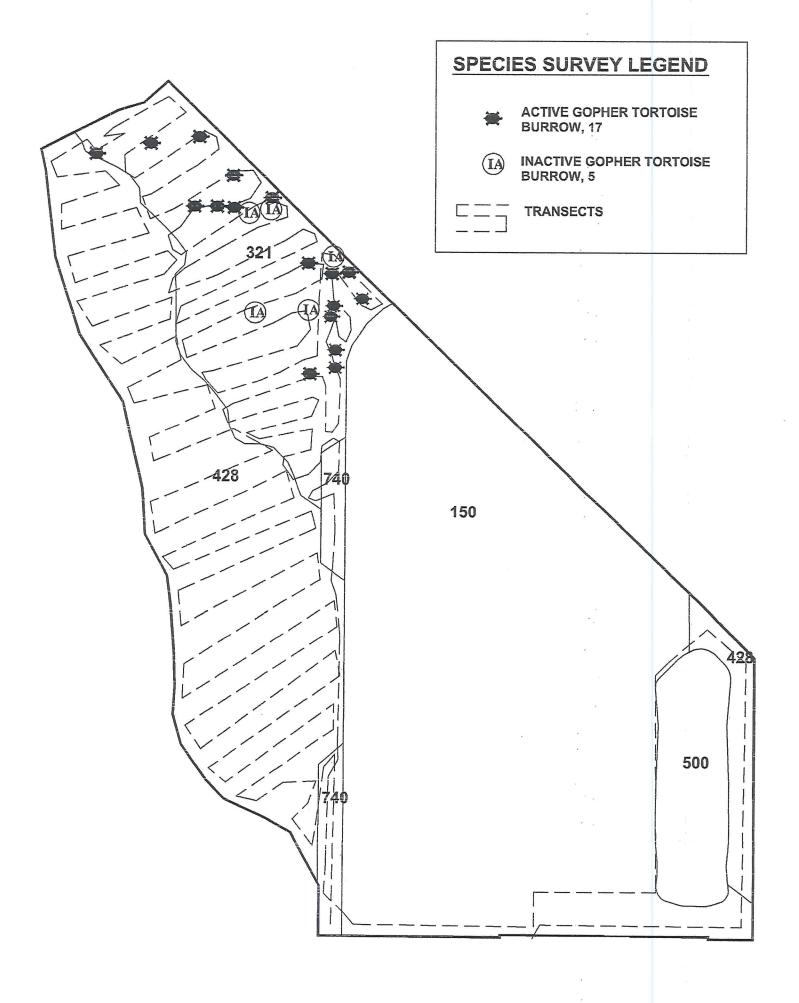
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Exhibit

COMMUNITY DEVELOPMENT



Code	e Description	Acreage
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740	DISTURBED AREA - (Bahia Grass)	0.80
	Total Site	36.83 ac





XN.BECNQ-R ProjectsNRaymond Lumber(2006-48)NRezoningNPSS.dwg Tabi Model May 17, 2007 - 1212pm Plotted byi Kim

100000000000000000000000000000000000000	Drawn By:	Date:	Category	
	KAS	5/16/07	FLUCFO	3
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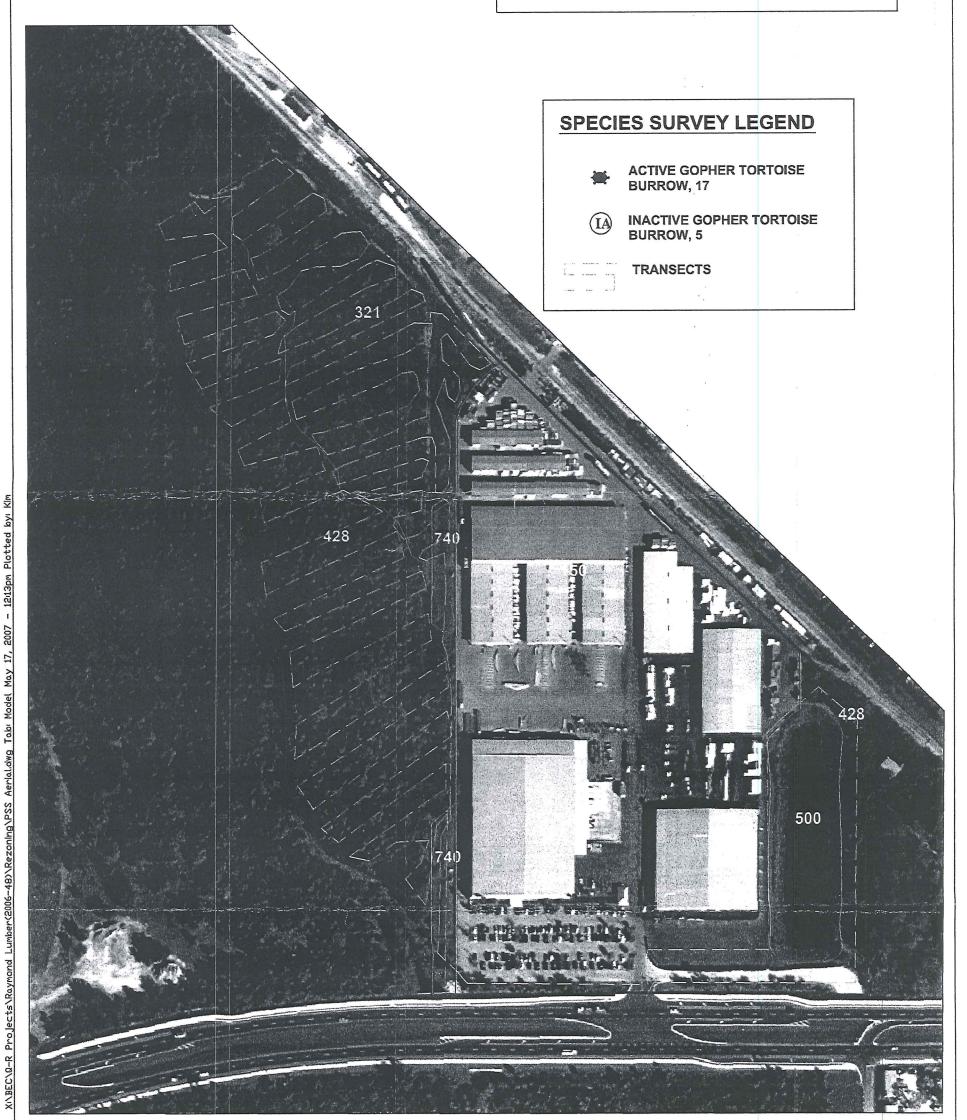
Species Survey Map

Page

Exhibit



Code	Description	Acreage
150	INDUSTRIAL - (Raymond Lumber)	18.03
321	SAW PALMETTO	5.74
428	CABBAGE PALM - (Palmetto)	10.39
500	WATER -(Water Management Lake)	1.87
740	DISTURBED AREA - (Bahia Grass)	0.80
	Total Site	36.83 ac





rawn By:	Date:	Category
(AS	5/16/07	FLUCECS
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20/435	3/25E	Lee

AFR 1 0 2003

RAYMOND LUMBER

Species Survey Map

Page

Exhibit

2006-00014

#### Miller, Janet M.

From: O Connor, Paul S.

**Sent:** Thursday, April 24, 2008 9:40 AM

To: Miller, Janet M.

Subject: FW: Raymond Lumber Plan Amendment

For the file

From: Collins, Donna Marie

Sent: Thursday, April 24, 2008 9:18 AM

To: O Connor, Paul S.

Subject: FW: Raymond Lumber Plan Amendment

#### Paul

Here is written confirmation for the file.

Donna Marie Collins Assistant County Attorney Lee County Attorney's Office Phone: 239-533-2236

Fax: 239-485-2106 collinsd@leegov.com

Please note that Florida has a broad public records law. Most written communications to or from County Employees and Officials regarding County business are public records subject to review by the public and media upon request. Your email communication may be subject to public disclosure.

"Patience is the companion of wisdom" - Saint Augustine

**From:** Matthew Uhle [mailto:MUhle@knott-law.com]

Sent: Thursday, April 24, 2008 7:46 AM

To: Collins, Donna Marie; Noble, Matthew A.; Blackwell, Peter C.

Cc: ds@rbsc.net; Stacy Hewitt; Tom Lehnert; Rae Ann Boylan; Kim Schlachta; Zsuzsanna Weigel

**Subject:** Raymond Lumber Plan Amendment

I was advised by Donna Marie yesterday that the case should not be heard on Monday because the County had not mailed the notices and the signs had not been posted. I subsequently advised my client and our consultants that the hearing was off. I was then told by my paralegal, who had just picked up the staff report, that further discussions were taking place between Planning and the County Attorney's office about the hearing and that we should post the signs. I told her that we would not do so unless and until we were definitively told that the hearing was back on.

At this point, I believe it is appropriate to defer the case until June, for the following reasons:

- 1. It doesn't appear to be very prudent to go forward when the mailed and posted notice did not comply with the administrative code:
- 2. We didn't receive notice, either--I only happened to know about it because I looked at the LPA agenda on the DCD web site a few days ago; and
- 3. The staff recommendation, which I have obviously only received in the last 18 hours, is much worse than I expected. The map that reflects the staff position shows the property abutting the railroad frontage as Upland Conservation, which completely destroys our site plan. We will need a reasonable amount of time to fully prepare our case on this point.

Matthew D. Uhle Attorney At Law Knott, Consoer, Ebelini, Hart & Swett, P.A. 239-334-2722 MUhle@knott-law.com

## Knott, Consoer, Ebelini Hart & Swett, P.A. ATTORNEYSAATALAW

George H. Knott \*+ George L. Consoer, Jr. \*\* Mark A. Ebelini Thomas B. Hart H. Andrew Swett

\* Board Certified Civil Trial Lawyer \*\* Board Certified Real Estate Lawyer + Board Certified Business Litigation Lawyer 1625 Hendry Street • Third Floor (33901) P.O. Box 2449 Fort Myers, Florida 33902-2449

> Telephone (239) 334-2722 Telecopier (239) 334-1446

AStowe@knott-law.com

Matthew D. Uhle Aaron A. Haak Derrick S. Eihausen Natly Torres-Alvarado David A. Burt Madeline Ebelini

Director of Zoning and Land Use Planning Michael E. Roeder, AICP

#### MEMORANDUM

TO:

Pete Blackwell

FROM:

Alison M. Stowe

DATE:

April 25, 2008

RE:

Raymond Building Supply / CPA2006-14

Attached please find the variance report from the Property Appraiser's Office for the above referenced project.

ams Attachments



COMMUNITY DEVELOPMENT



#### **Lee County Property Appraiser**

#### Kenneth M. Wilkinson, C.F.A.

#### **GIS Department / Map Room**

Phone: (239) 533-6159 • Fax: (239) 533-6139 • eMail: MapRoom@LeePA.org

#### **VARIANCE REPORT**

Date of Report:

April 23, 2008

**Buffer Distance:** 

750 ft

Parcels Affected:

24

Subject Parcel:

20-43-25-00-00003.1010

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION Map In	ıdex
ZUBERBUHLER HARRY RICHARD 672 ACHORTOWN RD BEAVER FALLS PA 15010	<b>20-43-25-00-00003.0000</b> 7700 BAYSHORE RD NORTH FORT MYERS FL 33917	ALL THAT PT OF E 3450FT OF 1 SEC S OF SR 78 LESS PAR 4.00 + LESS RD R/W AS DESC IN OR 3870 PG 3643	
RAYMOND BUILDING SUPPLY CORP 7751 BAYSHORE RD N FT MYERS FL 33917	<b>20-43-25-00-00003.002B</b> 7751 BAYSHORE RD NORTH FORT MYERS FL 33917	PARL IN NE1/4 OF SE1/4 2 AS DESC IN OR 1906 PG3333 LESS OR 3797 PG 4506 FOR RD R/W	
ZUBERBUHLER HARRY RICHARD + 672 ACHORTOWN RD BEAVER FALLS PA 15010	<b>20-43-25-00-00003.0030</b> RIGHT OF WAY FL	PARCEL SOUTH OF SR 78 AS DESC IN OR 3870 PG 3643 ROAD R/W	
S W FLORIDA LAND 163 LLC 6150 DIAMOND CENTRE CT BLDG 1300 FORT MYERS FL 33912	<b>20-43-25-00-00003.1000</b> 7701 BAYSHORE RD NORTH FORT MYERS FL 33917	PARL DESC IN SEC 20 4 AS DESC IN OR 1381 PG 210 LESS INST#2006-417839	
BROOKS DAVID W TR 50% INT +	<b>20-43-25-01-00000.0140</b>	I-75 BAYSHORE RD INDUST PK 5	
7987 MERCANTILE ST	7961 MERCANTILE ST	PB 34 PG 45	
NORTH FORT MYERS FL 33917	NORTH FORT MYERS FL 33917	LOT 14	
SMITH STEVEN L TR	<b>20-43-25-01-00000.0150</b>	I-75 BAYSHORE RD INDUST PK 6	
PO BOX 3321	7951 MERCANTILE ST	PB 34 PG 45	
FORT MYERS FL 33918	NORTH FORT MYERS FL 33917	LOT 15	
L S S INC NOR-TECH HI-PERFORMANCE 7941 MERCANTILE ST NORTH FORT MYERS FL 33917	<b>20-43-25-01-00000.0160</b> 7941 MERCANTILE ST NORTH FORT MYERS FL 33917	I-75 BAYSHORE RD INDUST PK 7 PB 34 PG 45 LOTS 16 THRU 19	
FLORIDA FREEZER LTD PRTNRSHP GORDON FAY 7952 INTERSTATE CT NE N FT MYERS FL 33917	<b>20-43-25-01-00000.0200</b> 7952 INTERSTATE CT NORTH FORT MYERS FL 33917	I-75 BAYSHORE RD INDUST PK 8 PB 34 PG 45 LOTS 20 THRU 25	
RAYMOND BUILDING SUPPLY	<b>20-43-25-01-00000.0260</b>	I-75 BAYSHORE RD INDUST PK 9	
7751 BAYSHORE RD	7976 INTERSTATE CT	PB 34 PG 44	
N FT MYERS FL 33917	NORTH FORT MYERS FL 33917	LOTS 26 THRU 30	
RAYMOND BUILDING SUPPLY CORP	<b>20-43-25-01-00000.0310</b>	I-75 BAYSHORE RD INDUST PK 10	0
7751 BAYSHORE RD	17421 EAST ST	PB 34 PG 44	
N FT MYERS FL 33917	NORTH FORT MYERS FL 33917	LOT 31	
RAYMOND BUILDING SUPPLY CORP	<b>20-43-25-01-00000.0320</b>	I-75 BAYSHORE RD INDUST PK 1 I	1
7751 BAYSHORE RD	17521 EAST ST	PB 34 PG 44	
NORTH FORT MYERS FL 33917	NORTH FORT MYERS FL 33917	LOT 32	
RAYMOND BUILDING SUPPLY CORP	<b>20-43-25-01-00000.0330</b>	I-75 BAYSHORE RD INDUST PK 12	2
7751 BAYSHORE RD	17551 EAST ST	PB 34 PG 44	
NORTH FORT MYERS FL 33917	NORTH FORT MYERS FL 33917	LOT 33	
RAYMOND BUILDING SUPPLY CORP	<b>20-43-25-01-00000.0340</b>	I-75 BAYSHORE RD INDUST PK 13	3
7751 BAYSHORE RD	17581 EAST ST	PB 34 PG 44	
NORTH FORT MYERS FL 33917	NORTH FORT MYERS FL 33917	LOT 34	
B I P PARTNERS LLC	<b>20-43-25-01-00000.0350</b>	I-75 BAYSHORE RD INDUST PK 1/	4
17611 EAST ST	17611 EAST ST	PB 34 PG 44	
NORTH FORT MYERS FL 33917	NORTH FORT MYERS FL 33917	LOTS 35 + 36	

OWNER NAME AND ADDRESS  MEJIAS NICOLAS + MINERVA 724 E 31ST ST HIALEAH FL 33013	STRAP AND LOCATION  20-43-25-01-00000.0370  7980 MERCANTILE ST  NORTH FORT MYERS FL 33917	LEGAL DESCRIPTION Map Index I-75 BAYSHORE RD INDUST PK 15 PB 34 PG 45 LOT 37
MEJIAS FELIX A + DANAE F	<b>20-43-25-01-00000.0380</b>	I-75 BAYSHORE RD 16
17219 CASTLEVIEW DR	7970 MERCANTILE ST	INDUST PK PB 34 PG 45
N FT MYERS FL 33917	NORTH FORT MYERS FL 33917	LOT 38
RAYMOND BUILDING SUPPLY CORP	<b>20-43-25-01-00000.0390</b>	I-75 BAYSHORE RD INDUST PK 17
7751 BAYSHORE RD	7960 MERCANTILE ST	PB 34 PG 45
NORTH FORT MYERS FL 33917	NORTH FORT MYERS FL 33917	LOT 39
RAYMOND BUILDING SUPPLY CORP	<b>20-43-25-01-00000.0400</b>	I-75 BAYSHORE RD IND PK 18
7751 BAYSHORE RD	7940 MERCANTILE ST	PB 34 PG 45
NORTH FORT MYERS FL 33917	NORTH FORT MYERS FL 33917	LOT 40
RAYMOND BUILDING SUPPLY CORP	<b>20-43-25-01-00000.0410</b>	I-75 BAYSHORE RD INDUST PK 19
7751 BAYSHORE RD	7967 INTERSTATE CT	PB 34 PG 44
NORTH FORT MYERS FL 33917	NORTH FORT MYERS FL 33917	LOT 41
RAYMOND BUILDING SUPPLY CORP	<b>20-43-25-01-00000.0420</b>	I-75 BAYSHORE RD INDUST PK 20
7751 BAYSHORE RD	7985 INTERSTATE CT	PB 34 PG 44
NORTH FORT MYERS FL 33917	NORTH FORT MYERS FL 33917	LOT 42
INTERSTATE COURT INDUSTRIAL	<b>20-43-25-02-00000.00CE</b> COMMON ELEMENT FL	PARL IN NE 1/4 OF SEC 20 21 AS DESC IN OR 4120 PG 1706 COMMON ELEMENTS
CARDINAL BAYSHORE LLC 5051 PELICAN COLONY BLVD #304 BONITA SPRINGS FL 34134	<b>20-43-25-02-00000.7880</b> 7880 INTERSTATE CT NORTH FORT MYERS FL 33917	INTERSTATE COURT 22 INDUSTRIAL CONDOMINIUM COMPLEX OR 4120/1706 UNIT 7880
IAD CAPITAL CORP 2165 US 27 S LAKE PLACID FL 33852	<b>20-43-25-02-00000.7920</b> 7920 INTERSTATE CT NORTH FORT MYERS FL 33917	INTERSTATE COURT 23 INDUSTRIAL CONDOMINIUM COMPLEX OR4120/1706 UNIT 7920
MERCANTILE COMMERCIAL PARK	<b>20-43-25-03-00000.00CE</b> 8001 MERCANTILE ST NORTH FORT MYERS FL 33917	REPLAT OF 1-75 BAYSHORE RD 24 INDUST PK PB 34 PG 45 TRACT A + LOTS 10 + 11 ASE DESC IN OR 4639 PG 4070 COMMON ELEMENTS

#### 24 RECORDS PRINTED



#### **BOARD OF COUNTY COMMISSIONERS**

Bob Janes District One

A. Brian Bigelow District Two

Ray Judah **District Three**  Hearing Date:

June 23, 2008

Tammy Hall District Four Case Number:

CPA2006-00014

Frank Mann District Five Case Name:

Raymond Lumber Comprehensive Plan Amendment

Donald D. Stilwell Request: County Manager

Amend the Future Land Use Map Series, Map 1 to change

14 acres of land designated Suburban to Industrial

Development.

David M. Owen County Attorney

Diana M. Parker County Hearing Examiner

Location:

The property is located in Section 20 of Township 43 South

Range 25 East. The property is located off of Bayshore

Road. It is approximately 1.1 miles west of I-75.

PROPERTY OWNER'S

REPRESENTATIVE:

Matthew Uhle

1625 Hendry Street, Suite 301

Fort Myers, FL 33901

Lee County Planner:

Peter Blackwell

(239) 533-8312

The file may be reviewed Monday through Friday between the hours of 8:00 am and 4:30 pm at the Lee County, Planning Division, 1500 Monroe St., Fort Myers, FL 33901. Call (239) 533-8585 for additional information.

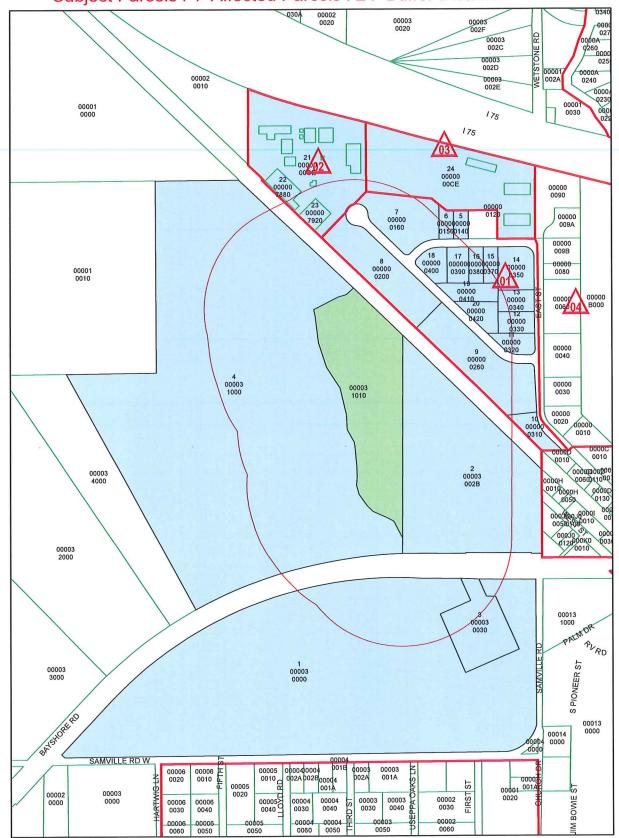
This is a courtesy notice. Please review the New-Press for Local Planning Agency meeting notices.

This case is anticipated to be reviewed by the Local Planning Agency on: 1:00 PM, June 23, 2008

#### **VARIANCE REPORT**

4/23/2008

Subject Parcels: 1 Affected Parcels: 24 Buffer Distance: 750 ft





0

20-43-25-00-00003.0000 ZUBERBUHLER HARRY RICHARD 672 ACHORTOWN RD BEAVER FALLS, PA 15010

20-43-25-00-00003.0030 ZUBERBUHLER HARRY RICHARD + 672 ACHORTOWN RD BEAVER FALLS, PA 15010

20-43-25-01-00000.0140 BROOKS DAVID W TR 50% INT + 7987 MERCANTILE ST NORTH FORT MYERS, FL 33917

20-43-25-01-00000.0160 L S S INC NOR-TECH HI-PERFORMANCE 7941 MERCANTILE ST NORTH FORT MYERS, FL 33917

20-43-25-01-00000.0260 RAYMOND BUILDING SUPPLY 7751 BAYSHORE RD N FT MYERS, FL 33917

20-43-25-01-00000.0320 RAYMOND BUILDING SUPPLY CORP 7751 BAYSHORE RD NORTH FORT MYERS, FL 33917

20-43-25-01-00000.0340 RAYMOND BUILDING SUPPLY CORP 7751 BAYSHORE RD NORTH FORT MYERS, FL 33917

20-43-25-01-00000.0370 МЕЛАS NICOLAS + MINERVA 724 Е 31ST ST НІАLEAH, FL 33013

20-43-25-01-00000.0390 RAYMOND BUILDING SUPPLY CORP 7751 BAYSHORE RD NORTH FORT MYERS, FL 33917

20-43-25-01-00000.0410 RAYMOND BUILDING SUPPLY CORP 7751 BAYSHORE RD NORTH FORT MYERS, FL 33917 20-43-25-00-00003.002B RAYMOND BUILDING SUPPLY CORP 7751 BAYSHORE RD N FT MYERS, FL 33917

20-43-25-00-00003.1000 S W FLORIDA LAND 163 LLC 6150 DIAMOND CENTRE CT BLDG 1300 FORT MYERS, FL 33912

20-43-25-01-00000.0150 SMITH STEVEN L TR PO BOX 3321 FORT MYERS, FL 33918

20-43-25-01-00000.0200 FLORIDA FREEZER LTD PRTNRSHP GORDON FAY 7952 INTERSTATE CT NE N FT MYERS, FL 33917

20-43-25-01-00000.0310 RAYMOND BUILDING SUPPLY CORP 7751 BAYSHORE RD N FT MYERS, FL 33917

20-43-25-01-00000.0330 RAYMOND BUILDING SUPPLY CORP 7751 BAYSHORE RD NORTH FORT MYERS, FL 33917

20-43-25-01-00000.0350 B I P PARTNERS LLC 17611 EAST ST NORTH FORT MYERS, FL 33917

20-43-25-01-00000.0380 MEJIAS FELIX A + DANAE F 17219 CASTLEVIEW DR N FT MYERS, FL 33917

20-43-25-01-00000.0400 RAYMOND BUILDING SUPPLY CORP 7751 BAYSHORE RD NORTH FORT MYERS, FL 33917

20-43-25-01-00000.0420 RAYMOND BUILDING SUPPLY CORP 7751 BAYSHORE RD NORTH FORT MYERS, FL 33917 20-43-25-02-00000.00CE INTERSTATE COURT INDUSTRIAL 20-43-25-02-00000.7880 CARDINAL BAYSHORE LLC 5051 PELICAN COLONY BLVD #304 BONITA SPRINGS, FL 34134

20-43-25-03-00000.00CE MERCANTILE COMMERCIAL PARK

MEKCYNLIFE COMMEKCIYF BYKK 50-43-52-03-00000.00CE

20-43-25-02-00000.7920 IAD CAPITAL CORP 2165 US 27 S LAKE PLACID, FL 33852

INTERSTATE COURT INDUSTRIAL 20-43-25-02-00000.00CE

#### Post by April 14, 2008

## PLANNING SIGN PICKUP SHEET LEE COUNTY LOCAL PLANNING AGENCY MEETING

#### April 28th 2008

DATE	SIGNATURE	PLANNER	CASE NUMBER	CASE NAME
04-23	alexall Stone	Peter Blackwell	CPA2006-14	Raymond Lumber Amendment

Please return to Internal Services Secretary: Janet Miller

#### 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 #CPA2006-14 must be posted by June 8, 2008.

- 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.
- 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.
- 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.
- 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 DOCTING NOTICE

	AFFIDAVIT OF POS	STING NOTICE	
STATE OF FLORIDA COUNTY OF LEE		A. b	nat ?
BEFORE THE UNDERSIGNED AUTHO WHO ON OATH SAYS THAT HE/SHE I LEE COUNTY LAND DEVELOPMENT (	RITY, PERSONALLY A HAS POSTED PROPER CODE ON THE PARCEI	PPEARED NOTICE AS REQUIRED E L COVERED IN THE ZONII	BY SECTION 34-236(b) OF THE NG APPLICATION
REFERENCED BELOW:    DECEM    JUN 0	1VED 9 2008	SIGNATURE OF APPLICAN Mike Nation SINAME (TYPED OR PRINTE)	TORAGENT Day
	COUNTER	ST. OR POBOX  CAR COST FL.  CITY, STATE & ZIP  CPA 2006-00014	33904 - Raymond
STATE OF FLORIDA COUNTY OF LEE		1th A	
The foregoing instrument was sworn to			ne,
2008 by Mike Nation	,personally known to me	e or who produced	
as identification and who did/did not take an	oath.		
ALISON M. STOWE MY COMMISSION # DD 406447 EXPIRES: March 13, 2009 Bonded Thru Notary Public Underwriters	Signature of Notary Publi	stowe	
My Commission Expires:			

(Stamp with serial number)

#### Post by June 8th, 2008

#### PLANNING SIGN PICKUP SHEET

#### LEE COUNTY LOCAL PLANNING AGENCY MEETING

#### June 23rd 2008

DATE	SIGNATURE	PLANNER	CASE NUMBER	CASE NAME
DIOPES	Vallen Metone	Peter Blackwell	CPA2006-14	Raymond Lumber Amendment
		·		

Please return to Internal Services Secretary: Janet Miller

## CPA 2006-14 PRIVATELY SPONSORED RAYMOND LUMBER AMENDMENT TO THE

#### LEE COUNTY COMPREHENSIVE PLAN

#### THE LEE PLAN

Privately Sponsored Application and Staff Analysis

LPA Public Hearing Document for the April 28th, 2008 Public Hearing

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

**April 21, 2008** 

## LEE COUNTY DIVISION OF PLANNING STAFF REPORT FOR COMPREHENSIVE PLAN AMENDMENT CPA2006-14

Text Amendment	1	Map Amendment
		•

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

STAFF REPORT PREPARATION DATE: April 21, 2008

#### PART I - BACKGROUND AND STAFF RECOMMENDATION

#### A. SUMMARY OF APPLICATION

#### 1. APPLICANT/REPRESENTATIVE:

Raymond Building Supply Corp.
Represented by Matthew Uhle of Knott, Consoer, Ebelini, Hart & Swett PA 1625 Hendry St. Suite 301
Ft. Myers, FL, 33901

#### 2. REQUEST:

Amend the Lee Plan Map 1, Future Land Use Map for a 14 acre parcel from the Suburban to the Industrial Development Future Land Use Category. This parcel is on the north side of Bayshore Road approximately 1 mile west of I-75.

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

#### 1. **RECOMMENDATION:**

Planning staff recommend that the Board of Commissioners not transmit the proposed amendment as proposed.

As an alternative, Planning Staff recommends that the amendment be transmitted with the Conservation Lands future land use category as depicted on the map attached as Exhibit 3.

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

- Chapel Creek defines the western border of the subject property.
- There are several active Gopher Tortoise burrows on the north side of the subject property.
- No Gopher Tortoise preserve has been depicted on the site plan proposed by the applicant.
- The applicant has proposed to relocate the onsite Gopher Tortoises off site.
- There is no capacity to relocate Gopher Tortoises within Lee County. The applicant would have to export them out of the County.
- The applicant has not obtained any permits to relocate the Gopher Tortoises.
- Master concept plan issues are not typically addressed in the Lee Plan amendment process.
- All of the necessary infrastructure is in place or can be provided to the subject parcel. The proposed land use change will not cause future road network plan changes. The requested land use change will have a minimal impact on public safety service providers.
- The proposed amendment will cause the population accommodation capacity of the Future Land Use Map to decrease in the Suburban designated portions of the North Fort Myers planning community
- The proposed development is consistent with Lee Plan Policy 1.1.7, the Industrial Development future land use descriptor policy of the Lee Plan and Lee Plan Goal 7: Industrial Land Uses.

#### C. BACKGROUND INFORMATION

#### 1. INTRODUCTION

The subject property is a 14 acre parcel in North Fort Myers. The parcel is currently zoned AG-2 and is in the Suburban future land use category on Lee Plan Map 1, the Future Land Use Map. The applicant is proposing to change the future land use category from Suburban to Industrial Development. The subject property is a currently vacant parcel of land abutting the Raymond Lumber Yard on the east side and a large vacant parcel on the west and south. Chapel Creek forms the western border of the subject parcel. On the north side of the parcel is a railroad right of way operated by the Seminole Gulf Railroad Company. The land to the west and south is in the Suburban future land use category while the land on the north and east is designated Industrial Development. The parcel abutting to the east is currently an active commercial lumber supply facility operated by the applicant. There are no wetlands shown on the subject property.

#### 2. COMPREHENSIVE PLAN BACKGROUND

The subject property has been designated Suburban on the Future Land Use Map since 1984, the year that the Lee Plan was adopted. There have been two previous small-scale plan amendments to accommodate the relocation of the Raymond Lumber operation: PAM96-01 and PAM97-04. PAM96-01 allowed the Raymond Lumber operation to move to the site by redesignating 9.98 acres of land

from Suburban to Industrial development. PAM97-04 expanded the Raymond Lumber operation by redesignating 9.26 acres from Suburban to Industrial Development.

As an important industrial operation, Raymond Lumber is a significant employer in Lee County. Expansion of the operation may have a large impact on both the North Fort Myers planning community and Lee County in general. The economic benefits of increased industrial development need to be compared to the potential negative impacts on such areas as the provision of utility services, the transportation network, and the natural environment. The Lee Plan provides regulations and standards to address these concerns.

In addition to the industrial and environmental Goals, Objectives, and Polices in the Lee Plan, any proposed industrial development needs to meet the basic definition of the Industrial Development future land use category found in the Future Land Use chapter of the Lee Plan:

POLICY 1.1.7: The Industrial Development areas play an important role in strengthening the county's economic base and will become increasingly important as the county grows in size and urban complexity. To a great extent these are the areas to which Lee County must look for expanded job opportunities, investments and production opportunities, and a balanced and sufficient tax base. These areas have special locational requirements that are more stringent than those for residential areas, including transportation needs (e.g., air rail, highway); industrial levels of water, sewer, fire protection, and other urban services; and locations that are convenient for employees to reach. Whereas the other future urban areas will include a broad combination of residential, commercial, public, and limited industrial land uses, the Industrial Development area is to be reserved mainly for industrial activities per se, as well as for selective land use mixtures such as the combined uses of industrial, manufacturing, research, properly buffered recreational uses (except where precluded by airport hazard zone regulations), and office complexes, (if specifically related to adjoining industrial uses) that constitute a growing part of Florida's economic development sector. New natural resource extraction (mining) activities and fill dirt operations must be approved through the Industrial Planned Development rezoning process. Retail or wholesale of products manufactured or processed upon the premises may be allowed at a ratio of 1 square foot of commercial uses to 10 square feet of industrial use in association with a Planned Development. Ancillary minor retail commercial uses intended to support the surrounding industrial land uses may not exceed 30,000 square feet per development; And, at buildout, may not exceed more than ten percent (10%) of the total acreage of the lands designated as Industrial Development areas in each community outlined in map 16. Residential uses, other than bona fide caretaker residences, are not permitted in this category except to the extent provided in Chapter XIII of the Plan.

#### PART II - STAFF ANALYSIS

#### A. STAFF DISCUSSION

#### Introduction

The proposed amendment is intended to accommodate a future expansion to an existing industrial operation. Although many of the locational factors conform to the Lee Plan, there are environmental considerations on the subject property. If the applicant were to take proper steps within this proposed amendment to properly address these environmental constraints, the proposal as a whole would be in greater conformance with the Lee Plan.

#### **Environmental Issues**

County staff are concerned about the environmental impacts of the proposed amendment. Chapel Creek runs along the entire western and southern boundaries of the subject parcel. In addition, approximately 22 Gopher Tortoises occupies a portion of the northern end of the parcel. Any industrial development on this site must address both of these issues.

The applicants' Protected Species Survey (PSS) shows 5.74 acres of Palmetto Prairie (FLUCCS 321) on the subject site. This is prime Gopher Tortoise habitat and the PSS lists 17 active and 5 inactive Gopher Tortoise burrows on the site. Lee Plan Policy 107.8.1 states the County's intent to protect Gopher Tortoises wherever they are found. If on-site protection is unfeasible, off-site mitigation may be performed in accordance with Florida Game and Fresh Water Fish Commission requirements. The applicant has not obtained a permit to relocate the Gopher Tortoises. In addition, Lee Plan Policy 107.4.4 Restricts the use of protected plant and wildlife species habitat to that which is compatible with the requirements of endangered and threatened species and species of special concern. New developments must protect remnants of viable habitats when listed vegetative and wildlife species inhabit a tract slated for development, except where equivalent mitigation is provided. On-site preservation is the method recommended by Staff as this also conforms to Lee Plan Policies 107.3.1 and 107.4.2. Policy 107.3.1 encourages upland preservation in and around wetlands to provide habitat diversity and promote and enhance wildlife conservation. Policy 107.4.2 mandates conservation of critical habitats of rare and endangered species through development review.

The applicant has provided a site plan showing a 3.45 acre native indigenous preserve along the western boundary of the subject site. However, this site plan would not be adopted as part of the proposed plan amendment. The amendment as proposed would only change the future land use category to Industrial Development and would place no conditions on the development site plan. The plan amendment as proposed contains no provisions to address the impacts of an industrial development on Chapel Creek. Redesignating the 3.45 acre preserve area to the Conservation Lands future land use category would better conform to the Lee Plan. A staff report by Lee County Environmental Sciences Staff states that utilizing the Conservation Lands future land use category as depicted in Exhibit 3 would provide:

- A natural transitional zone between residential and industrial uses;
- An indigenous high quality upland habitat for the threatened Gopher Tortoise;
- A contiguous indigenous preserve with the adjacent proposed Chapel Creek RPD;
- A wildlife connection and corridor through the wetlands allowing connectivity from Chapel Creek to the Caloosahatchee River for water dependent wildlife; and
- Connectivity from Chapel Creek RPD indigenous preserve to the adjacent palmetto prairie being utilized by the Gopher Tortoises allowing interaction to a larger percentage of tortoises ensuring a more viable population.

The full Environmental Sciences staff report is attached as Exhibit 4.

#### Population Accommodation and Lee Plan Table 1(b)

The subject property is located in the North Fort Myers planning community. At 14 acres, the subject property would allow a total of 84 units which equals 179 residents. The Industrial Development Future Land Use category does not permit residential development. Therefore, redesignating the property to the Industrial Development category would cause a reduction of 179 residents. There is sufficient acreage allocated to the Industrial Development future land use category to accommodate the 14 acre subject parcel and still leave 367 acres.

**School Impacts** 

The proposed amendment will reduce potential future residential density by 84 dwelling units. At a rate of .316 students for every single family residence, eliminating the residential uses from this property will result in a reduction of 26.544 students in the Lee County School District. This is an insignificant impact on the School District. A letter from the Lee County School District dated September 29, 2006 states that the proposed development will have no impact on the Districts' classroom needs.

Coastal High Hazard Area

The subject property is located in the Category 3 Hurricane storm surge zones as depicted on Plate 7 of the 1991 Hurricane Storm Tide Atlas for Lee County. The property is therefore not within the Coastal High Hazard Area (CHHA). The Coastal High Hazard Area (CHHA) only includes those areas within the Tropical Storm and Category 1 storm surge zones.

#### **Sheriffs Office**

A letter dated September 25, 2006 from the Office of the Sheriff states that the proposed amendment would not affect the ability of the Lee County Sheriffs Office to provide core services to the subject property.

#### Fire

The subject property is served by the North Fort Myers Fire Control District. A letter from the Fire Chief for North Fort Myers dated September 20, 2006 states that the proposed amendment would not negatively affect the Fire District's ability to provide fire and emergency services to the subject property.

#### **Emergency Medical Services**

A letter dated January 23, 2008 from the Lee County Emergency Medical Services office states that the subject property is served by Station 19 which is approximately 1.25 miles away. The letter states that the proposed amendment is not anticipated to create a negative impact on the EMS level of service.

#### Utilities

Lee Plan Policy 7.1.5 states that the timing and location of industrial development will be permitted only with the availability and adequacy of existing or planned services and facilities.

The subject property is within the Lee County Utilities water service area. A letter from Lee County Utilities dated November 20, 2007 states that potable water lines are currently in operation in the area of the subject property but that the developer may be required to fund system enhancements such as line extensions. Lee County Utilities presently has the capacity to provide potable water service to the subject property based on the applicants estimation of 4 industrial units with a flow demand of 1,680 gallons per day.

Wastewater service to the subject property is provided by North Fort Myers Utilities (NFMU). A letter from NFMU states that they currently have the capacity to treat 1,680 gallons per day from its wastewater treatment plant.

The adequate capacity of both potable water and wastewater puts the proposed development of the subject property in conformance with Lee Plan Policy 7.1.5.

Industrial development must also meet the standards of Lee Plan Goal 11. Standard 11.1 requires that any new industrial development exceeding 30,000 square feet must connect to a public water system. The proposed

development is estimated at 180,000 square feet on the subject property and therefore will require connection to a public water system. Standard 11.2 requires that new industrial development that generates more than 5,000 gallons of sewage per day must connect to a sanitary sewer system. With an estimated 1,680 gallons per day, the subject property does not exceed the threshold for Standard 11.2.

#### Solid Waste

The applicant submitted a letter from Operations Manager of Lee County Solid Waste Division dated September 27, 2006. The letter states that the division is capable of providing service to the subject property and that plans have been made to allow for growth to maintain long-term disposal capacity.

Parks, Recreation and Open Space

Parks and Recreation is one of the areas that are covered by minimum required levels of service. The Lee Plan standard for minimum level of service for regional parks is 6 acres per 1,000 residents. The mandatory level of service for community parks is .8 acres per 1,000 residents. Redesignating the property to the Industrial Development category would cause a reduction of 84 residents. This would cause a reduction in mandatory regional park acreage by .504 acres. The required community park acreage would be reduced by .0672 acres.

#### Historic Resources

The applicant submitted an archeological inquiry about the subject property to the Division of Historical Resources of the Florida Department of State. The Master Site file lists no previously recorded cultural resources on the subject property.

**Transportation Issues** 

Industrial development can have significant impacts on the transportation network. The subject property is located just off of Bayshore Road approximately one mile west of the interchange with I-75. The segment of Bayshore road from Slater Road to I-75 has a projected future level of service "B."

In a letter dated March 20, 2008, Lee County Department of Transportation staff state that the proposed amendment would allow approximately 180,000 square feet of industrial uses on the subject property. Such development would generate 94 trips on a p.m. peak hour basis based on an assumption of light industrial uses. Transportation Staff have determined that this land use change will not alter the future road network plans.

A letter from Lee County Transit Planning staff dated September 25, 2006 states that the County currently does not provide transit service to the subject property or the surrounding area. Planning studies have not identified the need to extend service to the site within the Lee County Transit Development Plan or the Lee County Long Range Transportation Plan. Transit Staff do not anticipate this to change with the proposed amendment.

In addition, the Lee Plan policy 7.1.9 does not permit industrial development if it allows industrial traffic to travel through predominantly residential areas. The proposed development will be accessed through the existing industrial operation which has access directly onto Bayshore Road.

**Industrial Compatibility** 

Lee Plan Policy 7.1.6 states that land that is located outside of the Industrial Development, Tradeport and Industrial Interchange areas but within the designated Future Urban Areas may be developed for light industrial purposes so long as adequate services and facilities are available, the use will not adversely impact surrounding land uses, and natural resources are protected if it is adjacent to other existing or designated industrial lands. The subject property abuts on the east an area that is already an active industrial operation. That operation is already designated Industrial Development on the Future Land Use Map of the Lee Plan. In addition, the land to the north of the property is also designated Industrial Development. Therefore, the subject property conforms to Lee Plan Policy 7.1.6a. If this property is designated Industrial Development, it will not create an outlier of industrial land intruding into the Suburban area. It will result in a relatively compact form for the industrial land uses. Lee Plan Policy 7.1.3 states that industrial land uses have special considerations for there locations. These considerations include such factors as topography; choice and flexibility in site selection; access by truck, and rail; commuter access from home-to-work trips; and utilities; greenbelt and other amenities; air and water quality considerations; proximity to supportive and related land uses; and compatibility with neighboring uses. The property abuts an arterial roadway and is approximately one mile from the I-75 interchange. In addition, the northern boundary of the property abuts the railroad right of way for the Seminole Gulf Railroad company. Industrial land uses are more compatible along railroads than the residential uses currently permitted by the Suburban future land use category. The Raymond Lumber operation actively utilizes the railroad access as part of its' operations. The location of the subject property therefore conforms to Lee Plan Policy 7.1.3. The subject property is within the future urban area which puts it in conformance with Lee Plan policy 2.1.1. This policy states that most residential, commercial, industrial, and public development is expected to occur within the designated future urban areas on the Future Land Use Map.

Any future development on the property must utilize the planned development process in order to address the needs and constraints listed in Lee Plan Policies 7.1.1 and 7.1.2:

- **POLICY 7.1.1:** In addition to the standards required herein, the following factors apply to industrial rezoning and development order applications:
- 1. The development must comply with local, state, and federal air, water, and noise pollution standards.
- 2. When located next to residential areas, industry must not generate noise levels incompatible with the residential development.
- 3. Bulk storage or production of toxic, explosive, or hazardous materials will not be permitted near residential areas.
- 4. Contamination of ground or surface water will not be permitted.
- 5. Applications for industrial development will be reviewed and evaluated as to:
  - a. Air emissions (rezoning and development orders);
  - b. Impact and effect on environmental and natural resources (rezoning and development orders);
  - c. Effect on neighbors and surrounding land use (rezoning);
  - d. Impacts on water quality and water needs (rezoning and development orders);
  - e. Drainage system (development orders);
  - f. Employment characteristics (rezoning);
  - g. Fire and safety (rezoning and development orders);
  - h. Noise and odor (rezoning and development orders);

- i. Buffering and screening (planned development rezoning and development orders);
- j. Impacts on transportation facilities and access points (rezoning and development orders):
- k. Access to rail, major thoroughfares, air, and, if applicable, water (rezoning and development orders);
- l. Utility needs (rezoning and development orders); and
- m. Sewage collection and treatment (rezoning and development orders).

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

- Promote compatibility and screening;
- Reduce dependence on the automobile;
- Promote pedestrian movement within the development;
- Utilize joint parking, access and loading facilities;
- avoid negative impacts on surrounding land uses and traffic circulation;
- protect natural resources; and
- provide necessary facilities and services where they are inadequate to serve the proposed use.

There are environmental constraints present on the subject property. A number of Gopher Tortoise burrows occupy the north end of the site and Chapel Creek runs along the western border. The requirement in Policy 7.1.2 to "protect natural resources" is particularly relevant to the proposed amendment. The applicant has submitted a site plan showing a native indigenous preserve along Chapel Creek. Although this addresses buffering and environmental concerns, it is less compatible with potential industrial development than if the land within the buffer were designated as Conservation Lands future land use category.

#### Surrounding Zoning and Future Land Uses

The eastern edge of the subject parcel abuts the current Raymond Lumber operation. That operation is zoned as an IPD and is in the Industrial Development future land use category. To the north is the railroad right of way and more industrial uses. That northern parcel is zoned IL and is also in the Industrial Development category. Industrial development on the subject property would be compatible with the land on the north and east.

Chapel Creek is the southern and western boundaries of the subject parcel. The parcel across this creek is currently vacant. It is zoned AG-2 and is designated as Suburban future land use category. However, this parcel is currently in the process of being rezoned as a Residential Planned Development called Chapel Creek. Both of the two optional site plans for the proposed residential subdivision show a natural preserve along Chapel Creek. This preserve area runs along the entire boundary with the subject parcel. West of this preserve, the site plan shows single family residential units. An optional site plan shows multifamily residential units. Both Lee Plan Policies 7.1.1 and 7.1.2 list screening and buffering as criteria in the approval of industrial development. In addition, Lee Plan Policy 7.1.8 states that land development regulations will require that industrial uses be adequately buffered and screened from adjacent existing or proposed residential areas so as to prevent visual blight and noise pollution. The amendment as proposed would have the Industrial Development future land use category abutting the Chapel Creek residential subdivision. The amendment would be in much greater conformance with these Lee Plan policies if the preserve areas of the subject parcel were placed in the Conservation Lands future land use category. This would also assure that this area would be in a natural state, which would help to buffer

the residential units of the proposed Chapel Creek residential subdivision.

#### **B. CONCLUSIONS**

The proposed development has the potential to negatively impact Chapel Creek and an area inhabited by Gopher Tortoises. Although the applicant has provided a site plan to show preserve areas that will be proposed during the rezoning process, there are no measures in the proposed amendment to conform with the environmental regulations of the Lee Plan.

The creation of 14 additional acres of Industrial Development land will not significantly impact the 2030 allocations on Table 1(b). Similarly, the reduction of 14 acres of Suburban land will have no substantial effect on the population capacity of the North Fort Myers planning community. The decrease in potential residential development will decrease the potential impact on the Lee County School District. Potable water, wastewater and solid waste service providers will be able to maintain their levels of service to the subject property under the applicants' estimated service needs. The proposed amendment will not adversely affect fire, EMS, or law enforcement services. The applicants' intended use of the subject property will not adversely affect the local road network. The subject property's location is compatible with industrial uses and will not adversely affect abutting land uses. The close proximity of a rail road, an arterial roadway and I-75 puts the subject property in conformance with Lee Plan Policies 1.1.7, 7.1.1, and 7.1.3. Development of the subject parcel will not impact historic or archeological resources.

#### C. STAFF RECOMMENDATION

In light of the applicants' insufficient measures to address the environmental impact of the proposed amendment on the subject property, Planning staff recommend that the Board of Commissioners not transmit the amendment as proposed.

As an alternative, Planning Staff recommends that the amendment be transmitted with the Conservation Lands future land use category as depicted on the map attached as Exhibit 3.

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

DATE OF PUBLIC HEARING: April 28, 2008

RAE ANN WESSEL

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A.	LOC	AL PLANNING AGENCY REVIEW	
B. LO	OCAL 1	PLANNING AGENCY RECOMMEN	DATION AND FINDINGS OF FACT SUMMARY
	1.	RECOMMENDATION:	
	2.	BASIS AND RECOMMENDED FI	NDINGS OF FACT:
C.	VOT	E:	
		NOEL ANDRESS	
		LES COCHRAN	
		RONALD INGE	
		JACQUE RIPPE	
		CARLETON RYFFEL	
		LELAND M. TAYLOR	

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

	DATE OF TRANSMITTAL HEARING:
A.	BOARD REVIEW:
В.	BOARD ACTION AND FINDINGS OF FACT SUMMARY:
	BOARD ACTION:
	2. BASIS AND RECOMMENDED FINDINGS OF FACT:
C.	VOTE:
	A. BRIAN BIGELOW
	TAMMARA HALL
	ROBERT P. JANES
	RAY JUDAH
	FRANKLIN B. MANN

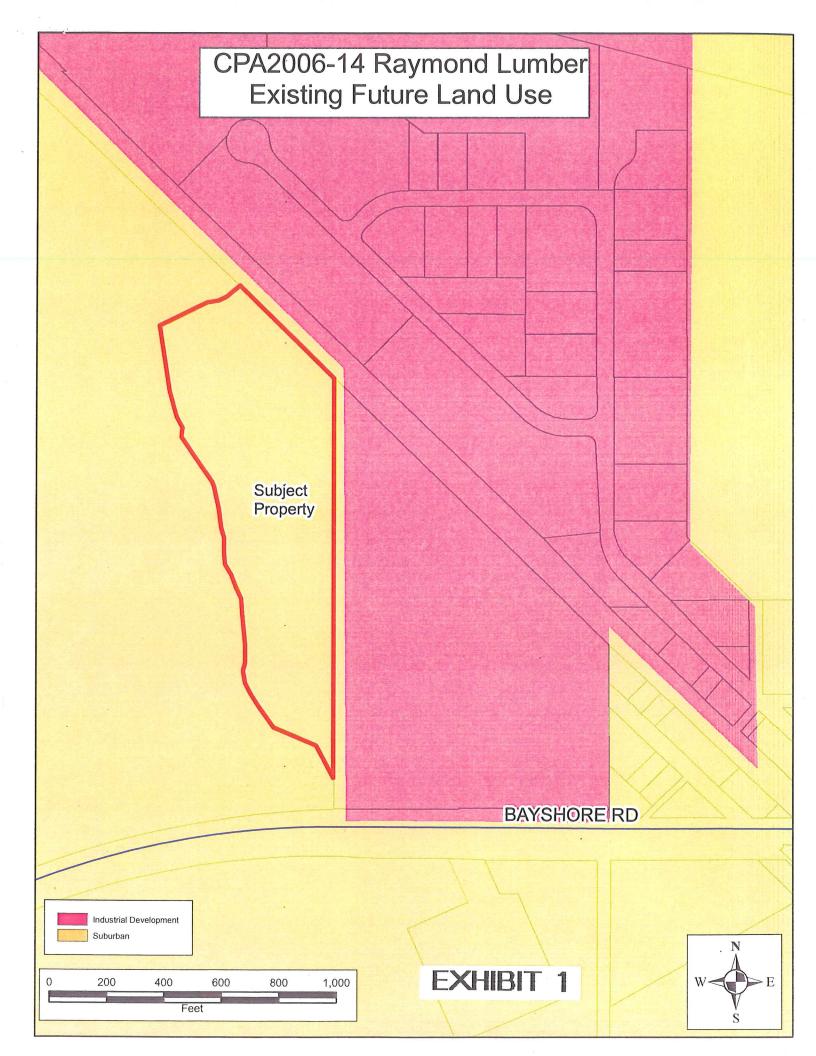
## PART V - DEPARTMENT OF COMMUNITY AFFAIRS OBJECTIONS, RECOMMENDATIONS, AND COMMENTS (ORC) REPORT

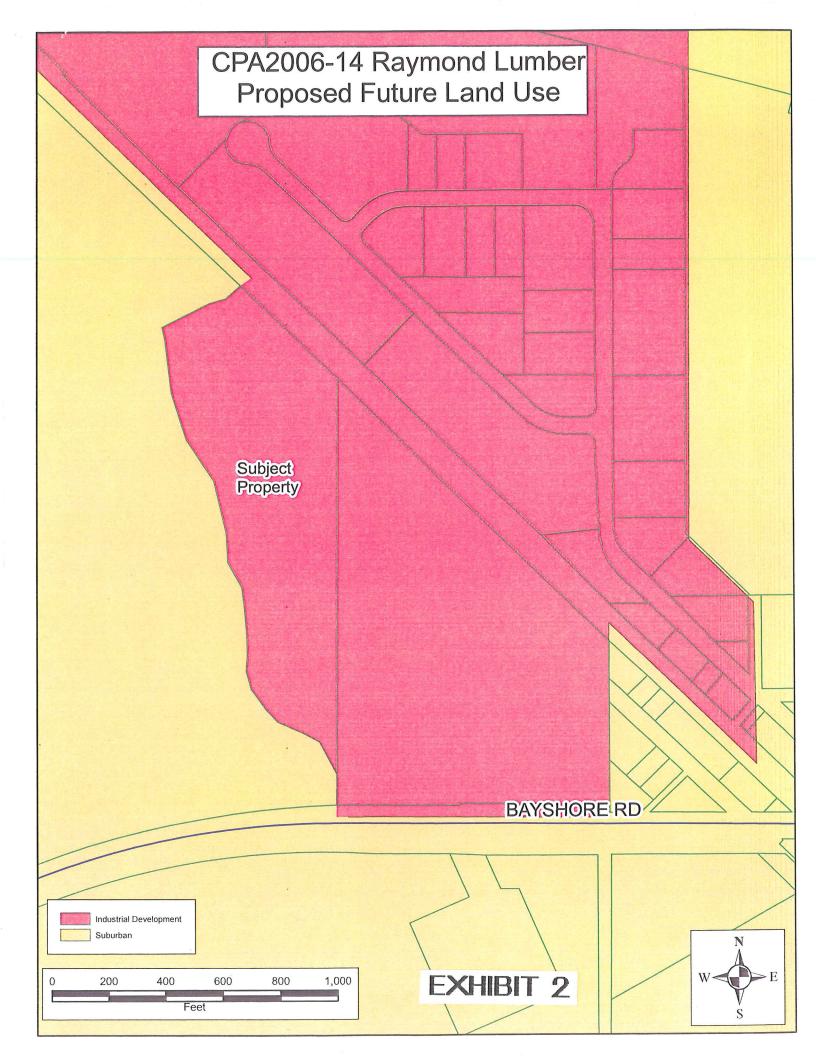
DATE	OF	ORC	REP	ORT:	
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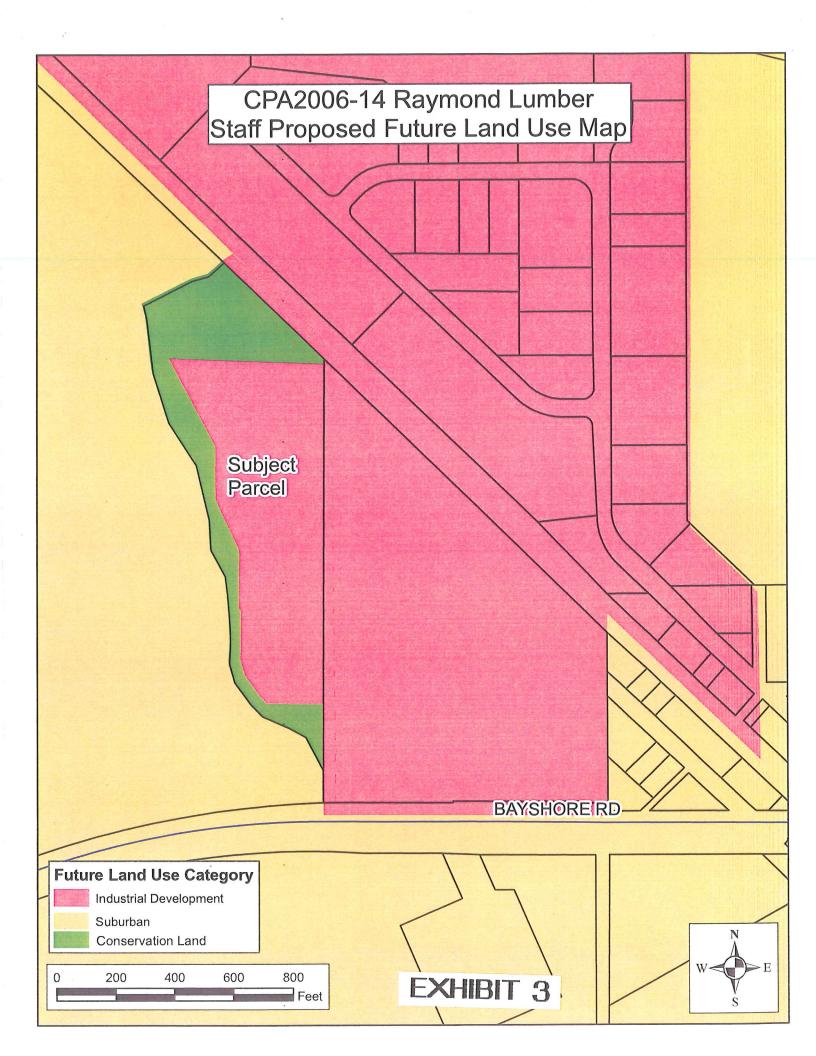
- A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS
- **B. STAFF RESPONSE**

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

	DA	TE OF	ADOP	TION HEARIN	IG:		
A.	во	ARD F	REVIE	W:			
В.	во	ARD A	CTIO	N AND FINDI	NGS OF F	ACT S	UMMARY:
	1.	BOA	RD AC	TION:			
	2.	BASI	S AND	RECOMME	NDED FIN	DINGS	OF FACT:
C.	VO	TE:					
				A. BRIAN B	IGELOW		
				TAMMARA	HALL		
				ROBERT P.	JANES		
				RAY JUDAI	H .		
				FRANKLIN	B. MANN		







#### STAFF REPORT FROM

#### DEPARTMENT OF COMMUNITY DEVELOPMENT DIVISION OF ENVIRONMENTAL SCIENCES

Date:

April 15, 2008

To:

Pete Blackwell, Senior Planner

From:

Doug Griffith, Environmental Planner (2)

Phone: (239) 533-8323

e-mail:dgriffith@leegov.com

Project: Case:

Raymond Lumber CPA2006-00014

STRAP:

20-43-25-00-00003.1000

The Division of Environmental Sciences (ES) staff has reviewed the proposed Raymond Lumber Industrial Comprehensive Plan Amendment and offer the following analysis and recommended conditions:

#### PROJECT SITE:

The  $\pm$  14.1 acre project is located on the north side of Bayshore Road approximately 1 mile west of Interstate 75. Raymond Lumber abuts the project to the east, and Chapel Creek abuts the project to the west. The applicant's request is to change the Future Land Use Map from Suburban to Industrial Development to allow for the expansion of the adjacent Raymond Lumber Company. The subject property has two distinct vegetative communities. Florida Land Use Cover and Forms Classification System (FLUCCS) 428 contains  $\pm$  9 acres of cabbage palm (Sabal palmetto) with scattered slash pine (Pinus elliotti) and live oak (Quercus virginiana). This indigenous vegetative community abuts Chapel Creek and is less than 25% exotics. The northeastern portion of the parcel consists of palmetto prairie FLUCCS 321. This  $\pm$  5 acre area is high quality plant communities, containing scattered slash pine and live oak in the canopy with predominately saw palmetto (Serenoa repens) in the understory. The palmetto prairie is 95% indigenous and includes grape vine (Vitus rotundifolia), greenbrier (Smilax spp.) and beautyberry (Callicarpa americana).

ES Staff conducted a site inspection on October 23, 2007. During the site inspection, ES Staff (Doug Griffith) discovered evidence of gopher tortoises: burrows with aprons, tracks and scat. ES Staff requested a Protected Species Survey (PSS) from the applicant. The applicant submitted a PSS dated August 4, 2006 performed by Boylan Environmental Consultants. Boylan documented 22 gopher tortoise burrows found in the palmetto prairie (FLUCCS 321).

Gopher tortoises are considered a threatened species by Florida Fish and Wildlife Conservation Conservancy (FWC) and as such must be protected. FWC lists the current cause of imperilment, as identified by the Biological Status Report (Enge *et al.* 2006a), as the rate of population decline

primarily due to loss of habitat. The conservation goal of the FWC Gopher Tortoise Management Plan is to restore and maintain secure, viable populations of gopher tortoises throughout the species' current range in Florida by addressing habitat loss (FWC Gopher Tortoise Management Plan September 2007).

The palmetto prairie is prime gopher tortoise habitat and as such should be protected from development and placed into conservation lands future land use category (FLUM). This would provide connectivity to the proposed indigenous preserve on Chapel Creek RPD and a viable gopher tortoise habitat.

Chapel Creek, a natural waterway, delineates the property's western boundary and abuts the proposed Chapel Creek RPD. Utilizing the conservation lands use category over the fifty foot natural water-way buffer and the palmetto prairie habitat would provide a transitional buffer between the proposed residential and proposed industrial area. The use of the conservation land use category would also serve to protect the indigenous habitat while providing a wildlife corridor between the two properties.

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 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, flowways, 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 support ES Staff's recommendation for the conservation land use category for this project:

• **Policy 7.1.3:** *Industrial land uses must be located in areas appropriate to their special needs and constraints, including, but not limited to compatibility with neighboring uses.* 

Utilizing the conservation land use category over the fifty foot natural waterway buffer and the palmetto prairie habitat would provide a transition between the proposed residential and proposed industrial uses. The Board of County Commissioner's policy guidance urges staff to seek preservation of fifty foot buffers along all natural waterways.

• 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 Board of County Commissioner's policy guidance to staff is for the preservation of gopher tortoise habitat in Lee County. The site contains high quality gopher tortoise habitat which will help to retain gopher tortoises. Connectivity between the proposed Chapel Creek RPD and proposed Raymond Lumber IPD preserves will enhance the habitat for the numerous threatened gopher tortoises that inhabit the palmetto prairie. ES Staff recommends the use of conservation lands category to preserve this environmentally sensitive habitat.

• 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.

Chapel 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.

Chapel 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 palmetto prairie and fifty foot waterway buffer along Chapel Creek into conservation land use category will provide interconnectivity between the Chapel Creek preserve and the palmetto prairie as well as providing a transitioning buffer between the residential and industrial uses along the creek. This will provide for a large open space, which will 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.

Chapel Creek is an important wildlife link between rural lands to the north and the Caloosahatchee River. The proposed land use change has the opportunity to provide a large contiguous palmetto prairie preserve that is habitat to threatened gopher tortoises with an adjacent contiguous preserve on the proposed Chapel Creek RPD allowing for a large open space, which will be utilized as a contiguous wildlife corridor.

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

The palmetto prairie is home to approximately  $\pm$  11 gopher tortoises. Gopher tortoises are listed as threatened by FWC and must be protected.

• Objective 107.4: Endangered and Threatened Species in General: Lee County will continue to protect habitats of threatened and endangered species and species of special concern in order to maintain or enhance existing population numbers and distribution of listed species.

Placing the palmetto prairie in conservation land use category will ensure the protection of the gopher tortoise habitat as well as connectivity and a wildlife corridor with the indigenous preserve on the adjacent site.

• Policy 107.8.1: The County's policy is to protect gopher tortoise burrows wherever they are found.

There are 22 gopher tortoise burrows on the property. Placing the palmetto prairie into conservation land use category will ensure the protection of a majority of these burrows.

Utilizing the conservation lands future land use category for the palmetto prairie and the fifty-foot natural water-way buffer to Chapel Creek will provide:

- A natural transitional zone between residential and industrial use;
- An indigenous high quality upland habitat for the threatened gopher tortoise;
- A contiguous indigenous preserve with the adjacent property the proposed Chapel Creek RPD;
- A wildlife connection and corridor through the wetlands allowing connectivity from Chapel Creek to the Caloosahatchee River for water dependent wildlife, and
- Connectivity from Chapel Creek RPD indigenous preserve to the adjacent palmetto prairie being utilized by the gopher tortoises allowing interaction to a larger percentage of tortoises ensuring a more viable population.

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: CPA 2006-00019
THE FOLLOWING VE Zoning	
Designation on FLUM	
	(To be completed by Planning Staff)
Plan Amendment Cyc	le: Normal Small Scale DRI Emergency
Request No:	
APPLICANT PLEASE Answer all questions additional space is no sheets in your applica	completely and accurately. Please print or type responses. If eded, number and attach additional sheets. The total number of
including maps, to the required for Local Plan	ne complete application and amendment support documentation, ne Lee County Division of Planning. Additional copies may be nning Agency, Board of County Commissioners hearings and the unity Affairs' packages.
and the attached ame provided are complete	vner or authorized representative, hereby submit this application endment support documentation. The information and documents and accurate to the best of my knowledge.
9/25/06 DATE	Mattle O. Whe SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

## I. APPLICANT/AGENT/OWNER INFORMATION

Raymond Building Supply Corp.		
APPLICANT	<del> </del>	
7751 Bayshore Road		
ADDRESS	<b></b> 1	33917
North Fort Myers	FL	
CITY	STATE	ZIP
(239) 731-8300		(239) 731-3299
TELEPHONE NUMBER	•	FAX NUMBER
Matthew D. Uhle, Esq. for Knott, Coagent* 1625 Hendry Street, Suite 301	onsoer, Ebelini, Hart & S	Swett, P.A.
ADDRESS		
Fort Myers	FL	33901
CITY	STATE	ZIP
(239) 334-2722		(239) 334-1446
TELEPHONE NUMBER		FAX NUMBER
SW Florida Land 163 LLC		
OWNER(s) OF RECORD	1000	
6150 Diamond Centre Ct., BLDG.	1300	
ADDRESS		00047
Fort Myers	FL	33917
CITY	STATE	ZIP
TELEPHONE NUMBER		FAX NUMBER

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

<sup>\*</sup> This will be the person contacted for all business relative to the application.

11.	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 - FLUM				
	B. SUMMARY OF REQUEST (Brief explanation):	•			
	Map amendment from Suburban to Industrial Development				
	PROPERTY SIZE AND LOCATION OF AFFECTED PROPERTY (for amendments affecting development potential of property)				
	A. Property Location:				
	1. Site Address: 7701 Bayshore Road, North Fort Myers, FL 33917				
	2. STRAP(s): 20-43-25-00-00003.1000				
	B. Property Information	_			
	Total Acreage of Property: 14± Acres				
	Total Acreage included in Request: 14± Acres	_			
	Area of each Existing Future Land Use Category: All property in Suburban	_			
	Total Uplands: 14± Acres	_			
	Total Wetlands: None	_			
	Current Zoning: AG-2	_			
	O LE Lord Has Designation: Suburban				
	Current Future Land Use Designation: Suburban				

C. State if the subject property is located in one of the following areas and if so does the proposed change effect the area:				
	Lehigh Acres Commercial Overlay:	NA		
	Airport Noise Zone 2 or 3:	NA		
	Acquisition Area:	NA		
	Joint Planning Agreement Area (adj	ioining other jurisdictional lands): NA		
	Community Redevelopment Area:	NA		
D.	Proposed change for the Subject P	Property:		
	Industrial Development			
E.	Potential development of the subject property:			
	1. Calculation of maximum allowable development under existing FLUM:			
	Residential Units/Density	6 d.u./acre (84 total units)		
	Commercial intensity	NA		
	Industrial intensity	NA		
	2. Calculation of maximum allowa	ble development under proposed FLUM:		
	Residential Units/Density	NA		
	Commercial intensity	NA		
	Industrial intensity	180,000 square feet		
-	MENDMENT SUPPORT DOCUMEN  a minimum, the application shall in	NTATION  Include the following support data and analysis		

#### IV

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  $\overline{(8.5" \times 11")}$  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;
- 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);
- 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.

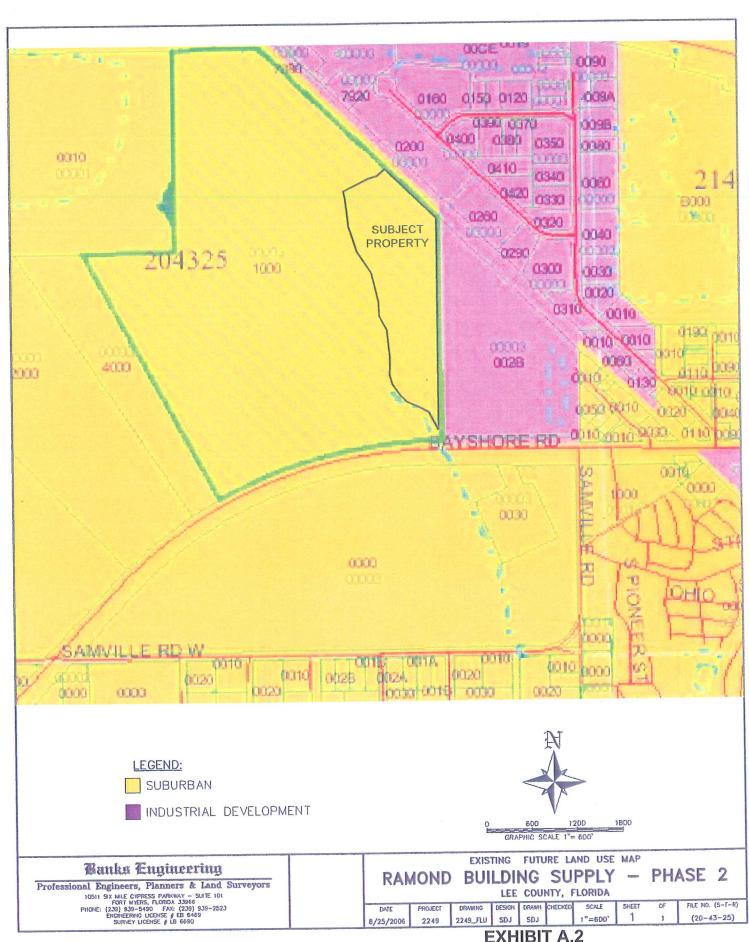
- 1. Requests involving lands in critical areas for future water supply must be evaluated based on policy 2.4.2.
- 2. Requests moving lands from Density Reduction/Groundwater Resource must fully address Policy 2.4.3 of the Lee Plan Future Land Use Element.
- G. Justify the proposed amendment based upon sound planning principles. Be sure to support all conclusions made in this justification with adequate data and analysis.

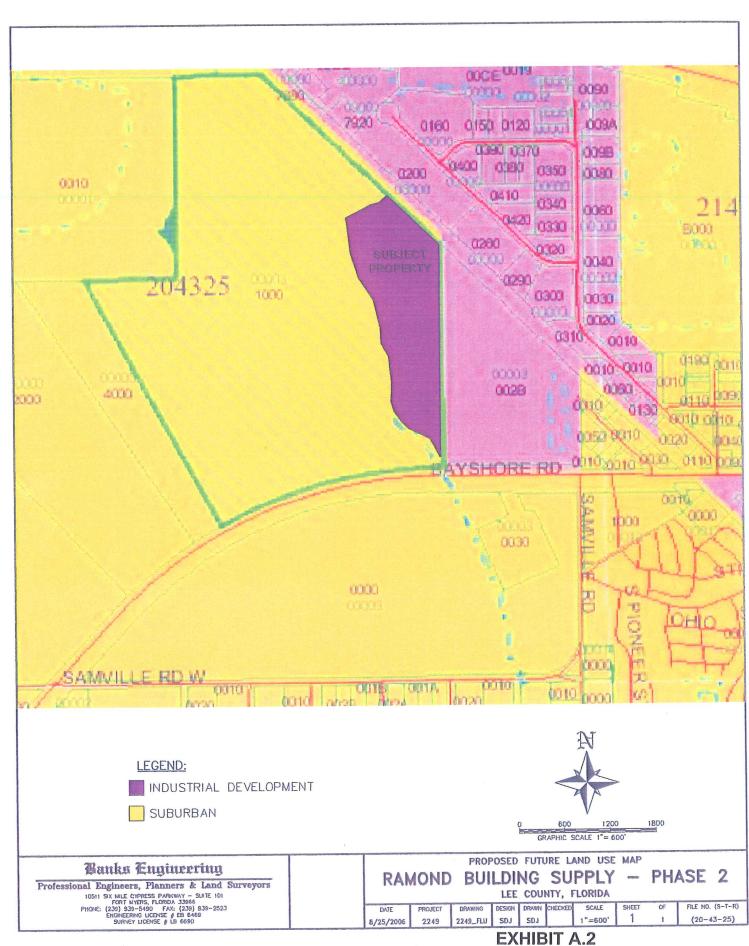
Item 1: Fee Schedule

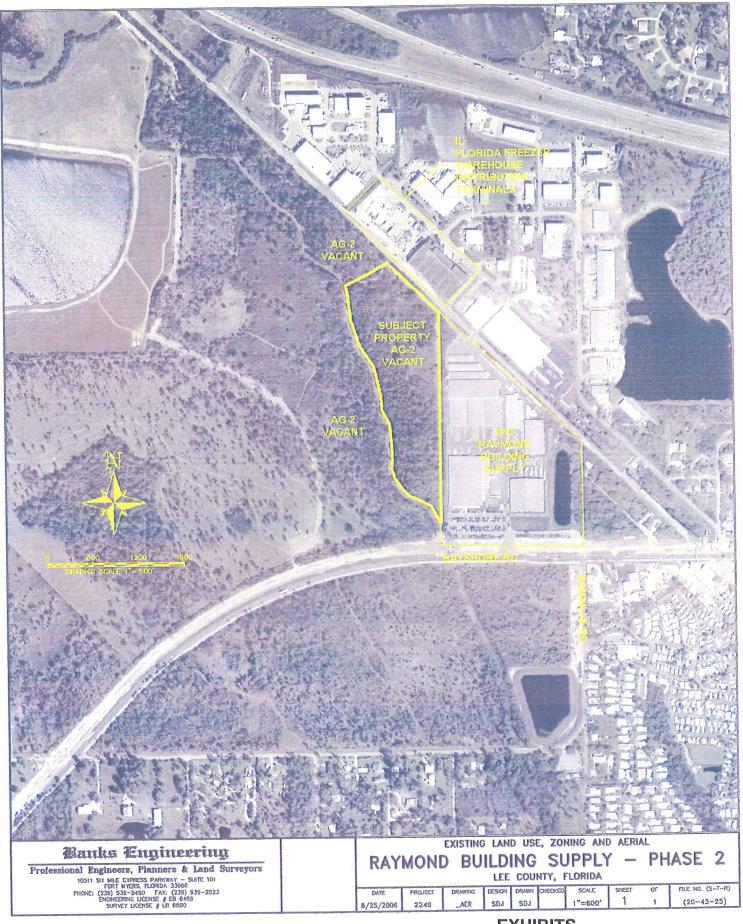
item i. ree Schedule	
Map Amendment Flat Fee	\$2,000.00 each
Map Amendment > 20 Acres Small Scale Amendment (10 acres or	\$2,000.00 and \$20.00 per 10 acres \$1,500.00 each
less)	\$2,500.00 each
Text Amendment Flat Fee	\$2,000.00 Gacii

### **AFFIDAVIT**

I, Janet E. Allison as Vice-President of SW Florida Land 163, LLC, a Florida Limited Liability Company, 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.				
Set & allum	9 2 06 Date			
Signature of owner or owner-authorized agent	Date			
Janet E. Allison, Vice President				
Typed or printed name				
STATE OF FLORIDA ) COUNTY OF LEE )				
The foregoing instrument was certified and se				
day of 20, by _Janet E. Allison as				
163, LLC, a Florida Limited Liability Company	, who is personally known to me or			
who has produced				
	Signature of notary public			
(SEAL)	_			
DEBRA S. LASALLE Notary Public, State of Florida My comm. exp. Jun. 25, 2010 Comm. No. DD 567644	Debra 5 LaSalle Printed name of notary public			







EXHIBITS A.3 & A.4

# Legal Description EXHIBIT A.5

A parcel or tract of land lying in Section 20, Township 43 South, Range 25 East, Lee County, Florida, more particularly described as follows:

Commence at the west quarter corner of said Section 20 and run N 89°43'21" E along the north line of the SW ¼ of said Section 20 for 2,016.85 feet to the Point of Beginning; thence continue N 89°43'21" E for 617.49 feet to the center of said Section 20; thence run N 00°09'22" W for 1,334.98 feet to the NW corner of the SW ¼ of the NE ¼ of said Section 20; thence run N 89°42'16" E for 540.65 feet to the southwesterly right-of-way line of the Seaboard Coast Line Railroad; thence run S 46°40'52" E along said right-of-way line for 1,611.27 feet; thence run S 00°22'45" W for 1,497.21 feet to a point on the northerly right-of-way line of County Road C-78 (Bayshore Road), said point being the point of curvature of a curve concave to the southeast, having a radius of 2,914.79 feet; thence run southwesterly along said right-of-way along the arc of said curve through a central angle of 29°11'41" for an arc distance of 1,485.22 feet; thence run N 28°48'56" W for 1,852.02 feet to the Point of Beginning.

#### **EXHIBIT A.6**

# 

3

Prepared by and return to: Peter J. Gravina, Esq.

Name Address PAVESE LAW FIRM 1833 Hendry Street Post Office Drawer 1507 FORT MYERS, FLORIDA 33902 INSTR # 6651886
OR BK 04595 Pgs 1267 - 1268; (2pgs)
RECORDED 02/16/2005 04:32:23 PM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY, FLORIDA
RECORDING FEE 18.50
DEED DUC 683.90
DEPUTY CLERK D Schaefer

Property Appraiser's
Parcel Identification No.: 20-43-25-00-00003.1000

WARRANTY DEED (STATUTORY FORM - SECTION 689.02, F.S.)
This Indenture, made this IIII day of FERNARY, 2005, Between, JOHN B. FASSETT, Individually and as Trustee of the Ann B. Fassett Trust dated June 5, 1986, whose post office address is 4560 Via Royale, Fort Myers, Florida 33919, grantor\*, and S.W.
FLORIDA LAND 163, L.L.C., a Florida limited liability company, whose post office address is 6250 Diamond Centre Court, Bldg. 1300, Fort Myers, Florida 33912, grantee\*,

Witnesseth that said grantor, for and in consideration of the sum of TEN AND NO/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:

An undivided 2 1/2% % interest in and to the property described on attached Exhibit "A".

Subject to easements, reservations and restrictions of record and taxes for the current and all subsequent years.

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

Witness #1

Witness #1

Witness #2

Printed name of Witness #2

Printed name of Witness #2

Printed name of Witness #2

STATE OF LURIDA COUNTY OF LEE

The foregoing instrument was acknowledged before me this //////// day of February, 2005, by JOHN B. FASSETT, Individually and as Trustee, who is personally known to me or who

produced DRIVER'S LICENSE (a) identification.

Notary Public

ORRAINE

Printed name of Notary Public

OFFICIAL NOTARYSEAL LORRAINE L COOK LORRAINE L COOK NOTARY PUBLIC STATE OF FLORIDA MY COMMISSION FUR MAR. 17,9665

001

#### **EXHIBIT "A"**

PARCEL 1:

A parcel or tract of land lying in Section 20, Township 43 South, Range 25 East, Lee County, Florida, more particularly described as follows:

Commence at the west quarter corner of said Section 20 and run N 89 o 43'21" E along the north line of the SW 1/4 of said Section 20 for 2,016.85 feet to the Point of Beginning; thence continue N 89 o 43' 21" E for 617.49 feet to the center of said Section 20; thence run N 0 o 09' 22" W for 1,334.98 feet to the NW corner of the SW 1/4 of the NE 1/4 of said Section 20; thence run N 89 o 42' 16" E for 540.65 feet to the southwesterly right-of-way line of the Seaboard Coast Line Railroad; thence run S 46 o 40' 52" E along said right-of-way line for 1,611.27 feet; thence run S 0 o 22' 45" W for 1,497.21 feet to a point on the northerly right-of-way line of County Road C-78 (Bayshore Road), said point being the point of curviture of a curve concave to the southwesterly along said right-of-way along the arc of said curve through a central angle of 29 o 11' 41" for an arc distance of 1,485.22 feet: thence run N 28 o 48' 56" W for 1,852.02 feet to the Point of Beginning.

# Sanitary Sewer / Potable Water EXHIBITS B.2.a & B.2.b

The Average Daily Flow of water and sewer for 84 multi-family units is 148,480 GPD; 220 GPD per unit. The maximum assumption for the Average Daily Flow for 180,000 square feet of warehouse is 1,050 GDP; 15 GPD per employee per 8 hour shift for 70 employees.

# Surface Water / Drainage Basins EXHIBIT B.2.c

The subject property is located in the Chapel Branch and Daughtrey Creek East Watersheds as indicated in the Lee County Surface Water Management Master Plan. Any development will be in compliance with South Florida Water Management District and the Lee County Development Code with regard to surface water management.

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

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

The June 2006 Concurrency Report states on page 3 that "All new developments that receive approval from the South Florida Water Management District and which comply with standards in Chapters 17-3, 17-40, and 17-302 of the Florida Statutes, and Rule 40E-4 of the Florida Administrative Code are deemed Concurrent with the Level of Service standards set forth in THE LEE PLAN."

# Parks, Recreation and Open Space EXHIBIT B.2.d

The proposed amendment from Suburban to Industrial Development will reduce the demand for developed park acreage in Lee County. The reductions, based on the applicable Lee Plan levels of service, are as follows:

Regional Park Required LOS--1.05 acres

Regional Park Desired LOS--1.4 acres

Community Park Required LOS--.14 acres

Community Park Desired LOS--.35 acres

No revisions to the CIE will be required as a result of this amendment.



P.O. Box 3507 N. Ft. Myers, FL 33918-3507 (239) 997-8654 (239) 995-3757 fax www.northfortmyersfire.com

9/20/06

Alison Stowe Knott, Consoer, Ebelini, Hart & Sweet, P.A. P.O. Box 2449 Ft. Myers, FL 33902-2449

#### Dear Alison

The Comprehensive Plan Amendment for 14.11 acres identified by your firm would not negatively affect our district's ability to provide fire and emergency services for the proposed change. If we can be of any more assistance to you concerning this change or the future projects on this property, feel free to contact us.

Thank you for your time in this matter,

Sincerely,

Terry Pye Fire Chief

Letter will follow via USPS





# State of Florida County of Lee

Ms. Alison Stowe Knott, Consoer, Ebelini, Hart & Swett, P.A. 1625 Hendry Street P.O. Box 2449 Fort Myers, Florida 33901

September 25, 2006

Dear Ms. Stowe:

The Sheriff's Office has reviewed your fax letter dated September 19, 2006 outlining your intention to request a comprehensive plan amendment from Lee County for the project referenced as "Raymond Building Supply" located south of I-75 between West Street and Bayshore Roads in North Lee County, Florida. It is my understanding that the purpose of the amendment, if approved, would be to change the land use designation of approximately 14.11 acres from Suburban to Industrial Development allowing for the expansion of light industry and the reduction of residential development in that parcel.

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

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

Sincerely,

Mike Scott

Sheriff, Lee County Florida



### **EXHIBIT B.3.c**



# **BOARD OF COUNTY COMMISSIONERS**

Writer's Direct Dial Number:

(239) 338-3302

Bob Janes District One

Douglas R. St. Cerry District Two

Ray Judah District Three

September 27, 2006

Tammy Hall District Four John E. Albion

Ms. Alison M. Stowe Knott, Consoer, Ebelini

District Five

Donald D. Stilwell

County Manager

Hart & Swett, P.A. 1625 Hendry Street

David M. Owen County Altorney P.O. Box 2449 Fort Myers, FL 33902-2449

Diana M. Parker County Hearing Examiner

SUBJECT: Comprehensive Plan Amendment for Raymond Building Supply

Dear Ms. Stowe:

The Lee County Solid Waste Division is capable of providing solid waste collection service for the proposed expansion of light industrial uses at the property located in North Ft. Myers through our franchised hauling contractors. Disposal of the solid waste from this project will be accomplished at the Lee County Resource Recovery Facility and the Lee-Hendry Regional Landfill. Plans have been made, allowing for growth, to maintain long-term disposal capacity at these facilities.

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

Sincerely,

William T. Newman Operations Manager Solid Waste Division

cc: Wayne Gaither

#### **EXHIBIT B.3.d**



#### **BOARD OF COUNTY COMMISSIONERS**

(239) 533-0333 Writer's Direct Dial Number:

**Bob Janes** District One

Douglas R. St. Cerny District Two

Ray Judah District Three

Tammy Hall District Four

September 25, 2006

John E. Albion District Five

Donald D. Stilwell County Manager

David M, Owen County Attorney

Diana M. Parker County Hearing Examiner

Ms. Alison M. Stowe

Knott, Consoer, Ebelini, Hart & Swett, P.A.

P.O. Box 2449

Fort Myers, FL 33902-2449

Re:

Raymond Building Supply

Mr. Stowe:

Lee County Transit received your letter on September 21, 2006 in reference to the Comprehensive Plan Amendment Application for the subject property located south of I-75 with access from West Street and Bayshore Road. Lee County does not currently provide public transportation services to the subject property or to the surrounding area. Planning studies have not identified the need to extend service to the site anytime within the existing Lee County Transit Development Plan, which goes through 2015 and the Lee County Long Range Transportation Plan, which goes through 2030. We do not anticipate this to change with the proposed comprehensive plan amendment changing the designated land use.

If you have any questions please contact me at the telephone number listed above or you can send an e-mail to mhorsting@leegov.com.

Sincerely

Michael Horsting, AICP

Planner

Lee County Transit

# **EXHIBITS C.1, C.3** & C.5

### IV. AMENDMENT SUPPORT DOCUMENTATION

#### 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 Forms Classification System (FLUCFCS).

See attached FLUCFCS map for community locations in Parcel. The vegetation communities were mapped according to the Florida Land Use, Cover and Forms Classification System (FLUCFCS) (Florida Department of Transportation, 1999). The mapping utilized Level III FLUCFCS. The site was inspected and the mapping superimposed on a 2006 digital aerial photographs. Acreages were approximated using AutoCAD.

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.

Palmetto Prairie (approximately 5.03 acres)

This upland community contains widely scattered Florida slash pine in the canopy. The sub-canopy contains saw palmetto, downy rose myrtle, rusty lyonia, and beautyberry. Ground cover species includes grapevine, saw palmetto, caesarweed, poison ivy, smilax, pennyroyal, and chocolate weed.

428 Cabbage Palm (approximately 9.07 acres)

This upland forested community is dominated by cabbage palm with scattered live oak, slash pine, and melaleuca found in the canopy. The sub-canopy is dominated by cabbage palm with scattered saw palmetto. Ground cover species includes Caesarweed, poison ivy, smilax, pennyroyal, and chocolate weed.

EL LICEC	S Description	Acreage	Percent of Total
321	Palmetto Prairie	5.03	35.7%
428	Cabbage Palm	9.07	64.3%
	Total	+/- 14.10	100%

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

See attached map for soil mappings based on NRCS soil survey for Lee County. The NRCS mapped the property as being underlain by Boca Fine Sand, Oldsmar Sand, and Wabasso Sand Limestone Substratum

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

See attached USGS Topography and FEMA Flood Zone Maps. The parcel is located in the 100 year – flood prone zone.

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

See attached FLUCFCS map. The parcel does not contain wetlands, aquifer recharge areas, or rare and unique uplands.

5. A table of plant communities by FLUCFCS 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 FLUCFCS and the species status.

#### **ANIMALS**

Listed wildlife species that have the potential to occur on the project site are listed in the following table. These potential occurrences were determined by referencing the Field Guide to Rare Animals of Florida (Florida Natural Areas Inventory 2000), Florida Atlas of Breeding Sites for Herons and Their Allies (Runde et. al. 1991), Lee County Eagle Technical Advisory Committee (ETAC) Active 2000-2001 Season map. The Florida Endangered Species, Threatened Species and Species of Special Concern; Official Lists, dated August 1997 was used to identify the status of the potentially occurring species.

There is a known eagle's nest (LE068) located approximately 1360' west of the parcel on adjacent lands. This nest is located outside of the 660' buffer zone outlined in the USFWS management guidelines currently in use the USFWS.

<u>Name</u>	Scientific Name	Habitat	State & Fed Status	
			FWC	FWS
Big Cypress Fox Squirrel	Sciurus niger avicennia	411	T	No listing
Eastern Indigo Snake	Drymarchon corais	411, 428	Т	Т
Florida Black Bear	Ursus americanus floridanus	411, 428	Т	No listing
Gopher Frog	Rana areolata	411	SSC	No listing
Gopher Tortoise	Gopherus polpyhemus	411	SSC	No listing
Red-cockaded Woodpecker	Picoides borealis	411	T	E
Southeastern American Kestrel	Falco sparverius paulus	411	T	No listing
Audubon's Crested Caracara	Caracara plancus audubonii	428	T	<u> T</u>

 $FWC\text{-}Florida\ Fish\ and\ Wildlife\ Conservation\ Commission\ FWS\text{-}U.S.\ Fish\ and\ Wildlife\ Service\ SSC\text{-}Species\ of\ Special\ Concern/T\text{-}Threatened/E\text{-}Endangered\ }T(S/A)\text{-}Threatened\ due\ to\ similarity\ of\ appearance$ 

#### **PLANTS**

Listed plant species that have the potential to occur on the project site are listed in the following table. These potential occurrences were determined by referencing the Field Guide to Rare Plants of Florida (Florida Natural Areas Inventory 2000). The Florida Endangered Species, Threatened Species and Species of Special Concern; Official Lists, dated August 1997 was used to identify the status of the potentially occurring species.

Name	Scientific Name	Habitat	Status	
			FDA	FWS
Beautiful paw-paw	Deeringothamnus pulchellus	411	Е	Е
Fakahatchee Burmannia	Burmannia flava	411	E	
Florida coontie	Zamia Floridana	411	C	
Satinleaf	Chrysophyllum oliviforme	411	E	
Twisted Air Plant	Tillandsia flexuosa	411	Е	
Simpson' Stopper	Myrcianthes fragrans	428	Т	

FWC-Florida Fish and Wildlife Conservation Commission

FWS-U.S. Fish and Wildlife Service

SSC-Species of Special Concern

T-Threatened

E-Endangered

C-Commercially Exploited

### D. Impacts on Historic Resources

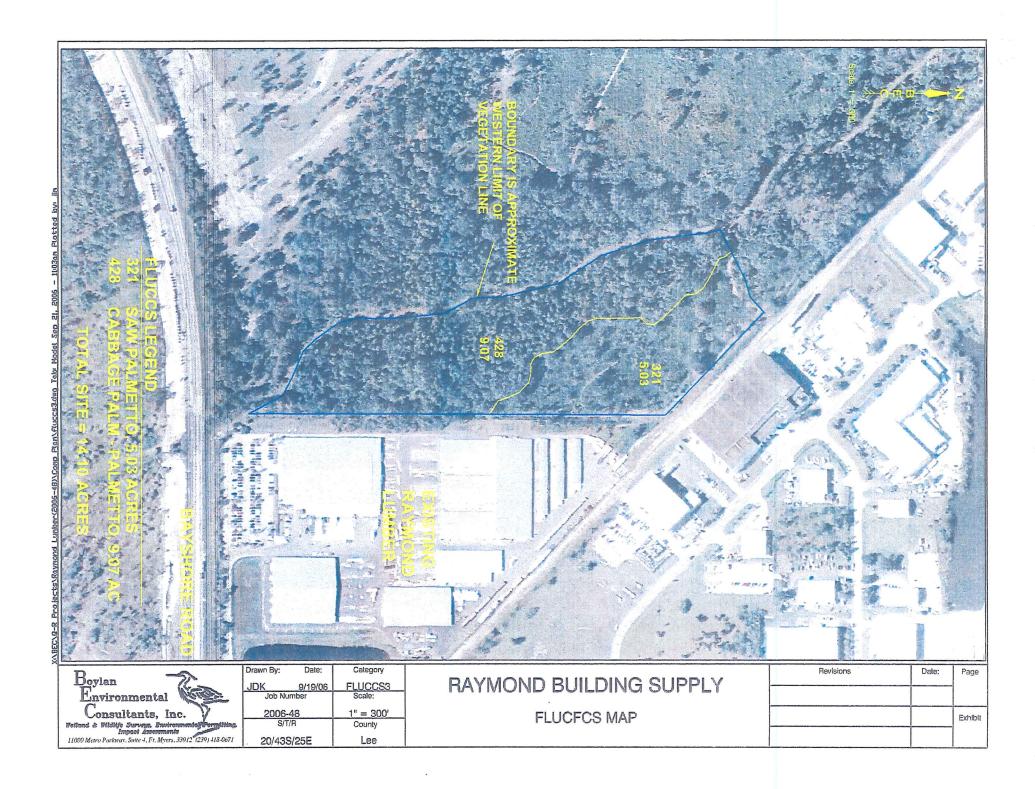
List all historic resources (including structure, districts, and/or archaeologically sensitive areas) and provide an analysis of the proposed change's impact on these resources. The following should be included with the analysis:

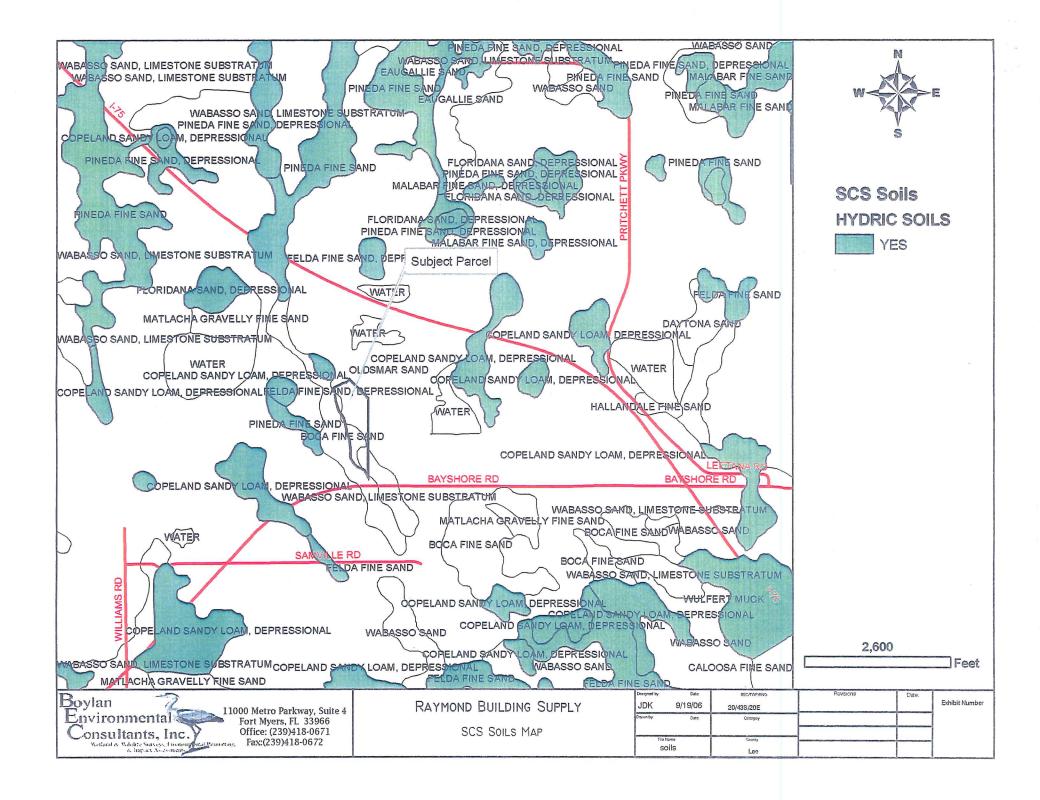
1. A map of any historic districts and/or sites, listed on the Florida Master Site File, which are located on the subject property or adjacent properties.

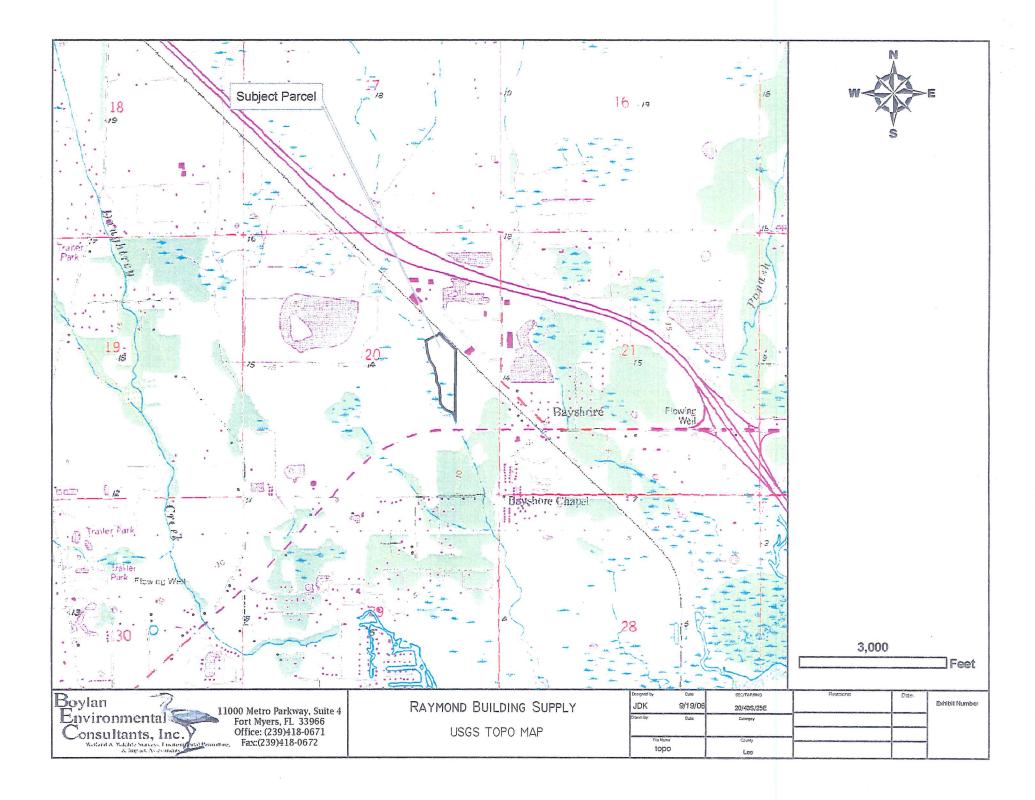
Attached are the results of the Florida Master Site File. The Master Site File lists no previously recorded cultural resources in the parcels vicinity.

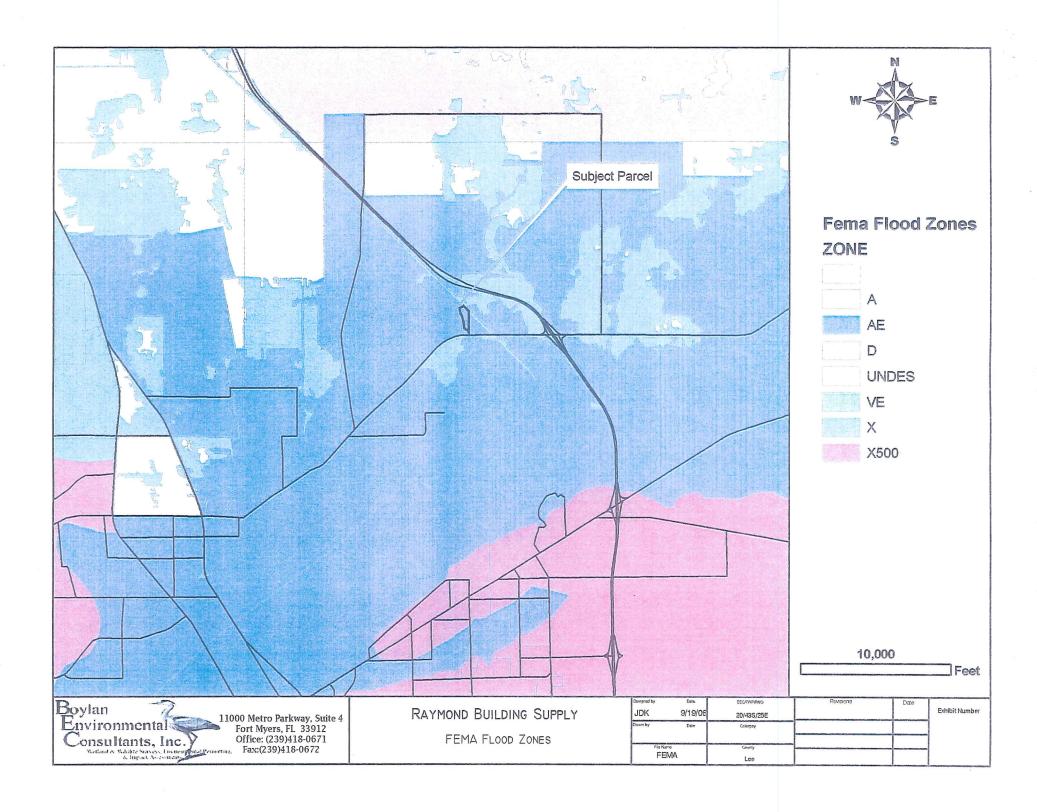
2. A map showing the subject property location on the archaeological sensitivity map for Lee County.

See attached sensitivity map that shows the property in relationship to the limits of the archaeologically sensitive areas.











#### FI.ORIDA DEPARTMENT OF STATE Sue M. Cubb Secretary of State DIVISION OF HISTORICAL RESOURCES

Soptember 19, 2006

Jim Koltner Doylan Environmental Consultants, Inc. 11000 Metro Parkway, Suite 4 Fort Myers, Florida 33966 Fax: 239-418-0672

Dear Mr. Koltner:

In response to your inquiry of September 19, 2006, the Florida Master Site File lists no previously recorded outtural resources in the following parcels:

T43S, R25E, Section 20

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

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

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

Sincerely,

Celeste Ivory

Archaeological Dava Analyst, Fluida Master Site File

Division of Historical Resources

R. A. Gray Building

500 South Dronough Street Tallahossee, Florida 32399-0250 Phone: 850-245-6440, Fax: 850-245-6439

State Sui/Com: 205-64/10

Email: fmsfile@ dos.state fl.us

Web: http://www.dus.state.fl.us/dhr/msf/

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

□ Director's Office (850) 245-6300 • FAX: 245-6495

🗇 Archaeological Research (850) 245-6144 - TAX; 246 6136

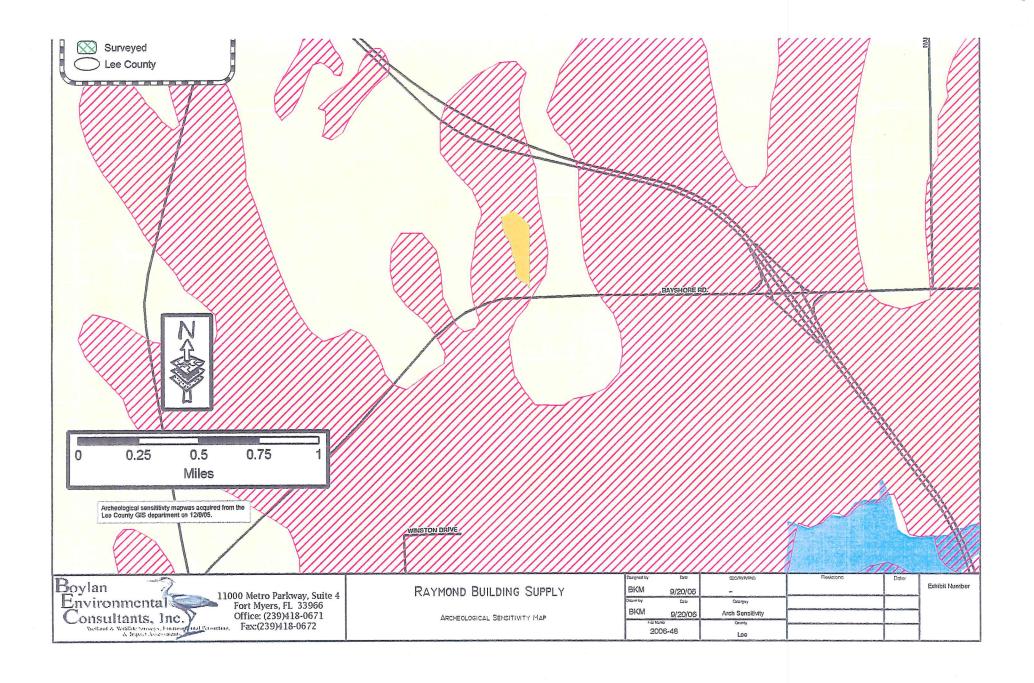
II Historic Preservation (#50) 245-6333 • PAX: 245-6437

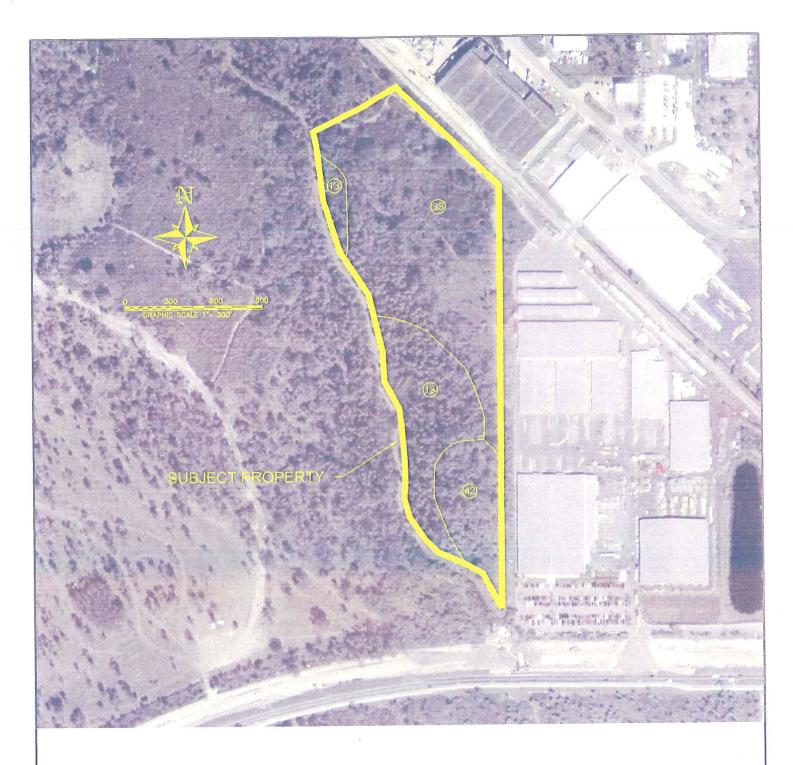
I Historical Museums (850) 245-6400 \* FAX. 245-6433

🗇 Palm Beach Regional Office (561) 279-1475 - FAX: 270-1476

□ 54, Augustine Regional Office (904) 825-5945 • FAX: 825 5044

□ Tampa Rzelonai Office (613) 272-3845 - FAX: 272-2940





### SOILS LEGEND:

13 - BOCA FINE SAND

33 - OLDSMAR SAND 42 - WABASSO SAND, LIMESTONE SUBSTRATUM

### Banks Engineering

Professional Engineers, Planners & Land Surveyors

10511 SX MLE CYPRESS PARKWAY - SUITE 101
FORT MYERS, FLORIDA 33966
PHONE: (239) 939-5490 FAX: (239) 939-2523
ENGINEERING LICENSE # EB 6469
SURVEY LICENSE # LB 6690

#### SOILS MAP

#### RAYMOND BUILDING SUPPLY PHASE 2

LEE COUNTY, FLORIDA

(20-43-25) 8/25/2006



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

September 19, 2006

Alison M. Stowe Knott, Consoer, Ebelini, Hart & Swett, P.A. 1625 Hendry Street Fort Myers, Florida 33901 Fax: 239-334-1446

Dear Ms. Stowe:

In response to your inquiry of September 19, 2006, the Florida Master Site File lists no previously recorded cultural resources in the following parcels:

T43S, R25E, Section 20

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

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

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

Sincerely

Celeste Ivory

Archaeological Data Analyst, Florida Master Site File

Division of Historical Resources

R. A. Gray Building

500 South Bronough Street Tallahassee, Florida 32399-0250 Phone: 850-245-6440, Fax: 850-245-6439

State SunCom: 205-6440 Email: fmsfile@dos.state.fl.us

Web: http://www.dos.state.fl.us/dhr/msf/

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

# FLUM CAPACITY ANALYSIS EXHIBIT E.1

The proposed amendment from Suburban to Industrial Development will reduce the capacity of the FLUM by approximately 176 persons (14 acres x 6 du/a x 2.09 ppu). This reduction is de minimis. 193 acres of industrial lands are currently unallocated in the North Fort Myers Planning Community.

### LEE PLAN CONSISTENCY EXHIBIT E.2

The requested amendment from Suburban to Industrial Development is consistent with the Lee Plan in general and the following objectives and policies in particular:

- 1. Policy 1.1.7: The proposed expansion of the existing Raymond Lumber facility would be consistent with the Industrial Development FLUM category.
- 2. Policy 1.7.6: 193 industrial acres are still available for use in the North Fort Myers Planning Community.
- 3. Objective 2.1: The subject parcel is already in a Future Urban land use category. The applicant intends to use the parcel for the expansion of an existing industrial use. The proposal will not, therefore, encourage urban sprawl.
- 4. Objective 2.2: The property will be served by public water and sewer facilities. FDOT is currently widening Bayshore Road at this location. Bayshore will operate at LOS \_\_\_ with the project at buildout.
- 5. Objective 2.4 and Policy 2.4.4: The County has entered into a contract with a consultant to address an ongoing problem with the conversion of industrial land to other uses and to identify additional land which can be used for industrial purposes. The absence of adequate industrial property due to demands for other uses is a changed condition which supports the proposed amendment.
- 6. Policy 5.1.5: The parcel does not abut any existing residential uses. The applicant has reached agreements with the owner of the property to the west, which is currently being rezoned for residential development, on issues involving lighting, buffers, hours of operation, and setbacks. The request will not, therefore, be incompatible with the neighborhood.
- 7. Policy 7.1.2: The applicant intends to request an amendment to an existing IPD to encompass the subject parcel. Access to the property will be provided through the current Raymond Lumber facility.
- 8. Policy 7.1.3: The parcel has direct access by rail and by an arterial road (Bayshore Road) and is located in close proximity to I-75. The property abuts an existing industrial use and is compatible with all existing and proposed uses in the area, as noted above.
- 9. Policy 7.1.4: The County is currently studying the FLUM to address a perceived deficit of industrial land, as noted above. The applicant's plans to expand its facility, and thereby provide additional industrial employment opportunities, cannot be accomplished unless the subject parcel is added to the existing site.
- 10. Policy 7.1.9: As noted above, the proposed expansion will be accessed through the existing Raymond Lumber facility.
- 11. Standards 11.1 and 11.2: As noted above, the project will be served by public water and sewer facilities.\
- 12. Policy 158.3.5: As noted above, the FLUM must be amended to provide additional industrial land to accommodate the proposed expansion.
- 13. Objective 158.4: The proposed expansion will add to the County's industrial tax base.

# IMPACT ON ADJACENT LOCAL GOVERNMENTS EXHIBIT E.3

The subject parcel is not located in clos	e proximity to any other	counties or municipalities.
---	--------------------------	-----------------------------

## CONSISTENCY WITH STATE PLAN EXHIBIT E.4

The requested amendment is consistent with the State Plan in general and the following goal and policy in particular:

- 1. Goal 21 (Economy): The amendment will facilitate the expansion of the existing Raymond Lumber facility, thereby maximizing job opportunities and increasing the per capita income of Lee County residents.
- 2. Policy 17(b) (Public Facilities): The applicant intends to develop additional property on an arterial road which is currently being widened to four lanes.

### COMPLIANCE WITH REGIONAL PLAN EXHIBIT E.4

The requested amendment is consistent with the Regional Plan in general, and the following strategies and actions in particular:

- 1. Economic Development Goal 1, Strategy 4: The amendment to the FLUM will assist the County in providing an adequate amount of land for industrial centers.
- 2. Economic Development Goal 3, Strategy 5: The amendment will encourage the retention and expansion of a successful local business.
- 3. Regional Transportation Goal 1, Strategy 6, Action 2: The amendment creates an additional interface between rail service and an industrial land use.

## INDUSTRIAL LANDS ANALYSIS EXHIBIT F.1.a-c

- a. The subject parcel abuts a rail line and an arterial and is located approximately one mile from an I-75 interchange.
- b. Policy 2.4.4 was adopted in 1997. The County has recently determined that, due to the heavy demand for residential and commercial uses on lands which could be used for industrial purposes, there may be a shortage of industrial property on the FLUM. A consultant has been hired to study this issue. The proposed FLUM change is consistent with the intent of the study.
- c. The proposed amendment will permit an expansion of the existing Raymond Lumber facility. The applicant estimates that 100-150 jobs will be added if the expansion is approved.

## JUSTIFICATION FOR APPLICATION EXHIBIT G

The requested amendment from Suburban to Industrial Development should be approved, for the following reasons:

- 1. The property is well-suited for industrial development. It abuts a rail line, has access to Bayshore Road, and is located in close proximity to I-75. There are no existing residential uses on the adjoining parcels. Finally, the project will be served by public facilities operating at an adequate LOS.
- 2. The applicant's plan to expand the existing Raymond Lumber facility will add to the County's industrial tax base and create additional employment opportunities, which is consistent with the Economic Element of the Lee Plan. The proposed expansion cannot be accomplished on the current site.
- 3. It is appropriate to use a geographic feature (Chapel Creek) as the boundary between two different kinds of uses on the FLUM.

### Knott, Consoer, Ebelini Hart & Swett, P.A. ATTORNEYS - AT - LAW

George H. Knott \*+ George L. Consoer, Jr. \*\* Mark A. Ebelini Thomas B. Hart H. Andrew Swett

Board Certified Civil Trial Lawyer

\*\* Board Certified Real Estate Lawyer + Board Certified Business Litigation Lawyer

1625 Hendry Street • Third Floor (33901) P.O. Box 2449 Fort Myers, Florida 33902-2449

> Telephone (239) 334-2722 Telecopier (239) 334-1446

MUhle@knott-law.com

Matthew D. Uhle Aaron A. Haak Derrick S. Eihausen Natly Torres-Alvarado David A. Burt

Director of Zoning and Land Use Planning Michael E. Roeder, AICP

January 23, 2008

Mr. Peter Blackwell, Planner Department of Community Development P.O. Box 398 Fort Myers, FL 33902

Re: Raymond Building Supply / CPA2006-00014

Dear Peter:

We are in receipt of your letter dated October 25, 2007 and would offer the following comments and additional information:

\*

#### Part I

Property Appraiser information shows the subject property was transferred to Raymond Building Supply on November 2, 2006. The application submitted on September 28, 2006 lists the owner of record as SW Florida 163 LLC, the grantor to Raymond Building Supply. Please update the application to reflect the change in ownership.

> RESPONSE: The application has been updated to reflect the ownership change and is included in this resubmittal package.

\*

#### Part II

The application indicates that there is a text component to the proposed amendment. No such text has been found. Please revise the application to either include the proposed text change or to remove the check mark in the relevant check box.

> RESPONSE: There is no text amendment in the application. The application form has been revised to reflect your comment and is included in this resubmittal package.

\*



### PERMIT COUNTER

#### Part III

A1. The application lists a different site address than the Property Appraiser. Please revise the application to provide the proper site address or clarify.

> RESPONSE: The application has been revised to reflect this change and is included in this resubmittal package.

A2. The application lists a different STRAP number than the Property Appraiser. Please revise the application to provide the proper STRAP number.

> RESPONSE: The application has been revised to reflect this change and is included in this resubmittal package.

A3. Please revise the application to provide the required map and description of existing land uses on the subject property and surrounding land.

> RESPONSE: An exhibit in the form of an aerial was previously submitted; copies of this exhibit are included in this resubmittal package for your convenience, along with a description in narrative form.

A4. Please revise the application to provide the required complete map and description of existing zoning on the subject property and surrounding land.

> RESPONSE: An exhibit in the form of an aerial was previously submitted; copies of this exhibit are included in this resubmittal package for your convenience, along with a description in narrative form.

A8. The affidavit supplied by the applicant is signed by a representative of SW Florida Land 163 LLC. Since the owner of record is listed as Raymond Building Supply Corp., please revise the application to provide the required affidavit and authorization signed by an authorized representative of that organization.

> RESPONSE: The affidavit has been signed by the Director of Raymond Building Supply and is included in this resubmittal package.

B2a. The applicant has not submitted data and analysis regarding the availability of potable water service. The applicant has not submitted a letter of availability of service from the





January 23, 2008 Raymond Building Supply / CPA2006-00014

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potable water services provider. There is insufficient data and analysis regarding the level of service for potable water required by, or available to, the subject property. The data should include current and projected future potable water plant capacity.

RESPONSE: Please see the attached letter regarding the projected plant capacity in 2030.

**B2b.** The applicant has not submitted data and analysis regarding the availability of sanitary sewer service. The applicant has not submitted a letter of availability of service from the sanitary sewer services provider. There is insufficient data and analysis regarding the level of service for sanitary sewer required by, or available to, the subject property. The data should include current and projected future sanitary sewer plant capacity.

RESPONSE: Please see the attached letter regarding the projected plant capacity in 2030.

**B2d.** Please revise the application to describe the current Level of Service for parks, recreation and open space that serve the site as well as the projected 2020 Level of Service under the current designation. Also describe the effect of the proposed amendment upon parks, recreation and open space on the year 2020 Level of Service.

RESPONSE: The most recent concurrency inventory indicated that the North Fort Myers Community Park District has a minimum required LOS of approximately 50 acres and an inventory of 166 acres. The FLUM will remain approximately the same through 2010. No projection is available for the time horizon of the plan; however, the requested amendment will reduce the demand for park acreage, so this analysis is unnecessary. The same is true for regional parks, wherein the current inventory is 6,771 acres.

**B3b.** The applicant has not submitted a letter from the Emergency Medical Services provider. Please provide this letter.

RESPONSE: The letter has been requested; it will be submitted under separate cover.

**B3e.** The applicant has not submitted a letter from the Lee County School District. Please provide this letter.

RESPONSE: Please see the attached letter. CPA 3006-00014

January 23, 2008 Raymond Building Supply / CPA2006-00014



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C5. The applicant's property contains Gopher Tortoise habitat and a site inspection by Lee County Staff confirmed the presence of Gopher Tortoise. Please revise the application to include a Protected Species Survey to determine the status of listed species.

RESPONSE: The Protected Species Survey has been revised by Boylan Environmental Consultants and is included in this resubmittal package.

**D2.** The map submitted by the applicant is unclear. Please provide an archaeological sensitivity map depicting the subject parcel with a legend designating the various archaeological sensitivity categories.

RESPONSE: Please see the attached archaeological sensitivity map exhibit.

E2. The applicant has filled in the numerical figure for Item #4 on this page. Please revise the application to provide the corrected copy of this page.

RESPONSE: The application exhibit has been revised and is included in this resubmittal package.

E3. Please revise the application to describe what impact the proposed amendment has upon adjacent local governments.

RESPONSE: There are no adjacent local governments; please see the attached exhibit.

The applicant has not supplied sufficient data and analysis of the effect of the proposed amendment on Table 1(b) of the Lee Plan and the total population capacity of the Lee Plan Future Land Use Map. The analysis needs to show the existing population capacity as well as the capacity under the proposed amendment. The application needs to show the allocation of acreage for the Industrial Development future land use category as well as the allocation under the proposed amendment.

RESPONSE: The de minimus impact to the population capacity of the FLUM was addressed in the application. The 2030 acreage allocation for Industrial use in the North Fort Myers Planning Community is 554 acres, of which 381 acres remain available for use for this project.

The project's western boundary abuts a pending and residential planned development. Chapel Branch Creek also abuts the applicant's property on the western boundary. Chapel Branch Creek in a natural waterway. Please depict the type of buffer proposed along the western

January 23, 2008 Raymond Building Supply / CPA2006-00014



### PERMIT COUNTER

boundary abutting the creek and pending residential development. ES staff recommends 50' natural waterway buffers along Chapel Branch Creek.

RESPONSE: The applicant will provide an appropriate waterway buffer during the IPD zoning process. Please see the attached Master Concept Plan.

Sincerely,

KNOTT, CONSOER, EBELINI, HART & SWETT, P.A.

Matthew D. Uhle, Esq.

max who

MDU/ams

Attachments



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

Telephone: (239) 479-8585 FAX: (239) 479-8519

## PERMIT COUNTER

# 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.
123/08 Madde 1 Lile DATE SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

Lee County Comprehensive Plan Amendment

Application Form (06/06)

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Page of 11



### I. APPLICANT/AGENT/OWNER INFORMATION

Raymond Building Supply Corp.		Permit Counte
APPLICANT		
7751 Bayshore Road		
ADDRESS	10.14.10	
North Fort Myers	FL	33917
CITY	STATE	ZIP
(239) 731-8300		(239) 731-3299
TELEPHONE NUMBER		FAX NUMBER
Matthew D. Uhle, Esq. for Knott, Co	onsoer, Ebelini, Hart & S	wett, P.A.
AGENT*		
1625 Hendry Street, Suite 301		
ADDRESS		00004
Fort Myers .	<u>FL</u>	33901
CITY	STATE	ZIP (220) 224 1446
(239) 334-2722		(239) 334-1446 FAX NUMBER
TELEPHONE NUMBER		TAX NOMBER
Raymond Building Supply Corp.		
OWNER(s) OF RECORD		
7751 Bayshore Road		
ADDRESS		
North Fort Myers	FL	33917
CITY (220) 724 8200	STATE	ZIP (220) 731 3200
(239) 731-8300		(239) 731-3299 FAX NUMBER
TELEPHONE NUMBER		FAX NUMBER

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



<sup>\*</sup> This will be the person contacted for all business relative to the application.



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

Α.	TYPE: (Check appropriate type)	Permit Country
	Text Amendment ✓	Future Land Use Map Series Amendment (Maps 1 thru 21) List Number(s) of Map(s) to be amended Map 1 - FLUM
В.	SUMMARY OF REQUEST (Brief	explanation):
	Map amendment from Suburba	n to Industrial Development
	ROPERTY SIZE AND LOCATION or amendments affecting develo	
Α.	Property Location:	
	1. Site Address: 7731 Bayshore	Road, North Fort Myers, FL 33917
	2. STRAP(s): 20-43-25-00-00	003.1010
В.	Property Information	
	Total Acreage of Property: 14± A	cres
	Total Acreage included in Reque	st: 14± Acres
	Area of each Existing Future	Land Use Category: All property in Suburban
	Total Uplands: 14± Acres	
	Total Wetlands: None	
	Current Zoning: AG-2	
	Current Future Land Use Design	ation: Suburban
	Existing Land Use: Vacant	

C.		ate if the subject property is locat ses the proposed change effect th	ated in one of the following areas and if so how the area:	
	Le	high Acres Commercial Overlay:	NA DECLIVE	
	Ai	rport Noise Zone 2 or 3:	NA 14 1 2 2 2000	
	Ac	equisition Area:	NA JAN 2 3 2008	
	Jo	int Planning Agreement Area (adj	oining other jurisdictional lands):PRAMIT COUNTER	
	Co	ommunity Redevelopment Area: _	NA	
D.	Pr	oposed change for the Subject P	roperty:	
		Industrial Development		
Ε.	Pc	tential development of the subjec	et property:	
	1.	1. Calculation of maximum allowable development under existing FLUM:		
		Residential Units/Density	6 d.u./acre (84 total units)	
		Commercial intensity	NA	
		Industrial intensity	NA	
	2.	Calculation of maximum allowab	le development under proposed FLUM:	
		Residential Units/Density	NA	
		Commercial intensity	NA	
		Industrial intensity	180,000 square feet	
		IDMENT SUPPORT DOCUMENT		
Δt	a m	ninimum, the application shall inc	lude the following support data and analysis	

### IV.

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:

<u> Long Range – 20-year Horizon:</u>

- 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.);

Page of 11 mpPlantendmANAp2.3p2008

Lee County Comprehensive Plan Amendment
Application Form (06/06) G:\AMS\RaymondBuildin

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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.



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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.

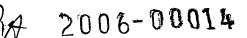
### C. Environmental Impacts

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).

Lee County Comprehensive Plan Amendment
Page of 11
Application Form (06/06) G:\AMS\RaymondBuildingSupply\CompPlanAmend\Resubmittal\CompPlanAmendmentApp.wpd





- 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 3mile 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.



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D. Impacts on Historic Resources

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

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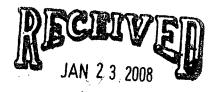
Lee County Comprehensive Plan Amendment Application Form (06/06) G:\AMS\Raymon

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- 1. Requests involving lands in critical areas for future water supply must be evaluated based on policy 2.4.2.
- 2. 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.

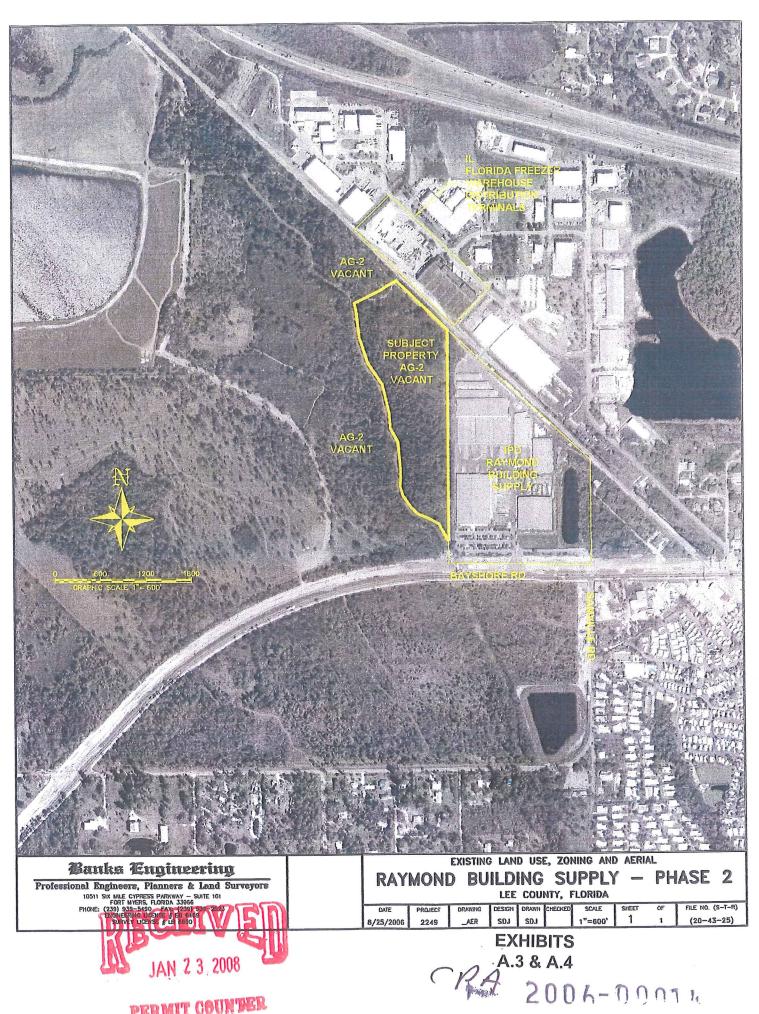
Item 1: Fee Schedule

item 1.1 ee ocheddie	
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	\$1,500.00 each
less)	
Text Amendment Flat Fee	\$2,500.00 each



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### Existing Zoning and Land Uses Narrative EXHIBITS A.3 & A.4

The subject parcel is vacant and designated Suburban on the County's land use map. The property located to the west of the subject parcel is vacant and zoned AG-2. Bayshore Road is located directly south and to the east of the subject parcel is where the Raymond Building Supply lumber yard is located, which is zoned IPD. To the north is the Florida Freezer Warehouse Distribution Terminals, zoned IL. The proposed land use change on the subject parcel will be consistent with the uses on the surrounding properties.



PERMIT COUNTER

### **AFFIDAVIT**

I, <u>Duane Swanson</u> as <u>Director</u> of <u>Raymond Bucorporation</u> , certify that I am the owner or authorized represent, and that all answers to the questions in this applications applicated by the supplementary matter attached to and made a part of this application of my knowledge and belief. <u>I also authorize the staff of least</u> of the property during normal working hours for evaluating the request made through this application.	on and any sketches, data, or other oplication, are honest and true to the
Signature of owner or owner-authorized agent	1) / 2/07 Date
Duane Swanson Typed or printed name	RECEIVED JAN 2 3 2008
STATE OF FLORIDA) COUNTY OF LEE )	PERMIT COUNTER
The foregoing instrument was certified and subscribed befo 2000, by <u>Duane Swanson as Director of Raymond Bu</u>	liging Supply Corporation, a Florida
Corporation, who is personally known to me or who has proas identification.	•

Lee County Comprehensive Plan Amendment
Application Form (06/06) G:\AMS\RaymondBuildingSupply\CompPlanAmend\Resubmittal\CompPlanAmendmentApp.wpd



### BOARD OF COUNTY COMMISSIONERS

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

Bob Janes Oistrict One November 20, 2007

Brian Rigeros Distingi Tea Stacy Ellis Hewitt Banks Engineering

(Ray Judat) District Page: 10511 Six Mile Cypress Pkwy Fort Myers, FL 33966

Tammy Hall District Four

RE: POTABLE

Frank Monn District Five POTABLE Water AVAILABILITY Raymond Building Supply - Phase 2 STRAP#: 20-43-25-00-00003.1010

Donald D. Stilwell County Manager

Dear Ms. Hewitt:

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

Diana M. Parker County Hearing Examiner

Your firm has indicated that this project will consist of 4 industrial units with an estimated flow demand of approximately 1,680 gallons per day. Lee County Utilities presently has sufficient capacity to provide potable water service as estimated above.

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

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

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

Further, This Letter Of Availability Of Water Service Is To Be Utilized For Re-Zoning For This Project Only. Individual Letters Of Availability Will Be Required For The Purpose Of Obtaining Building Permits.

Sincerely,

LEE COUNTY UTILITIES

elissa Bileau

Melissa Bibeau Engineering Tech., I

UTILITIES ENGINEERING

VIA FACSIMILE Original Mailed RECUIVED JAN 2 3 2008

PERMIT COUNTER

ZONING - 00AAA MASTER



Mailing address, Station 2011 of at March Penul 8900

(239) 543 1006

Fax (239) 543-2226

November 15, 2007

LEE COUNTY BUILDING DEPARTMENT P. O. BOX 398 1820 HENDRY STREET FT. MYERS, FL 33901

RE: Wastewater Service - Phase 2

STRAP#: 20-43-25-00-00003.1010

ADDRESS: 7701 Bayshore Road

Please be advised that **Raymond Building Supply**, has requested wastewater service for the referred site. The onsite collection system and force main will be constructed by the developer for this project under the terms of a Developer's Agreement.

North Fort Myers Utility, Inc. has the capacity to provide 1,680 gallons per day from its wastewater treatment plant.

This letter should not be construed as a commitment to service, but only to the availability of wastewater service. The company will commit to serve only upon receipt of a signed request for service, executed Developer's Agreement, appropriate fees and charges and approval of all federal, state and local regulatory agencies. This wastewater service availability letter will expire should this project not be under contract within 12 months from the above date.

Yours truly,

North Fort Myers Utility, Inc.

A.A. "Tony" Reeves

Utility Director



PERMIT COUNTER

### Stacy Hewitt

From:

Velez, Sergio I. [VELEZSI@leegov.com]

Sent:

Tuesday, November 13, 2007 2:28 PM

To:

Stacy Hewitt

Subject: RE: North Lee County WTP

The NLCWTP present capacity is 5 MGD and it was designed to be expanded to 10 MGD. We are in the process of planning the plant expansion at the present time. I hope that this information answer your question, and if you have any further questions, please let me know.

S. Ivan Velez, P.E., Deputy Director Lee County Utilities 1500 Monroe Street Fort Myers, FL 33901 Ph: 239-533-8166

Fax: 239-533-8176 cell: 239-357-1867

**From:** Stacy Hewitt [mailto:SHewitt@BanksEng.com]

Sent: Tuesday, November 13, 2007 1:35 PM

To: Velez, Sergio I.

Subject: North Lee County WTP

Good afternoon. We are interested in obtaining any information available on projected plant capacity for 2030 for the North Lee County WTP.

Please do not hesitate to contact me if you have any questions or require further information. Thank you.

Stacy Ellis Hewitt
Director of Planning
Banks Engineering
10511 Six Mile Cypress Parkway - Suite 101
Fort Myers, FL 33966

Email: shewitt@bankseng.com

Phone: 239-939-5490 Cell: 239-770-2527 Fax: 239-939-2523



PERMIT COUNTER

### Stacy Hewitt

From: OLDBRIDGE9@aol.com

Sent: Monday. November 19, 2007 9:38 AM

To: Stacy Hewitt

Subject: Re: Request for Letter of Availability and 2030 Projected Plant Capacity

We figure it should be about 8.5 Million a day

Tony

See what's new at AOL.com and Make AOL. Your Homepage.



PERMIT COUNTER





### THE SCHOOL DISTRICT OF LEE COUNTY

2055 Central Avenue • Fort Myers, Florida 33901 • (239) 334-1102 • TTD/TTY (239) 335-1512

STEVEN K. TEUBER, J.D. CHAIRMAN · DIBTRIGT 4

ELINDR C. SCRIDGA, PH.D. Vice Chairman - District 5

ROBERT D. CHILMONIK

JEANNE S. DOZIER DISTRICT 2

JANE E. KUCKEL, PH.D. **Фістаіст З** 

JAMES W. BROWDER, ED.D. SUPERINTENDENT

> KEITH B. MARTIN BOARD ATTORNEY

September 29, 2006

Alison Stowe Knott, Consoer, Ebelini, Hart & Swett, P.A. 1625 Hendry Street, Third Floor Fort Myers, FL 33902

Comprehensive Plan Amendment for Raymond Building Supply

Dear Ms. Stowe:

Thank you for the opportunity to review the proposed Corradi Palm Beach project for sufficiency comments with regard to educational impacts. This proposed development is in the East Choice Zone of the District. This letter is in response to your request dated September 19, 2006.

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

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

Sincerely, Ellen Judlicht

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

PERMIT COUNTER

CPA 2006-00014

DISTRICT VISION

TO BE A WORLD-CLASS SCHOOL SYSTEM

# Mike Scott Office of the Sheriff

State of Florida County of Lee

October 25, 2007

Matthew Uhle Knott, Consoer, Ebelini, Hart & Swett, P.A. 1625 Hendry St PO Box 2449 Ft Myers, Fl 33902-2449

Reference to Project: Raymond Lumber

Dear Mr. Uhle

The Lee County Sheriff's Office has reviewed the proposed Raymond Lumber Project located at By I75 No Info. In order to provide core law enforcement services to this site, a Crime Prevention through Environmental Design (CPTED) study must be conducted. This study involves a survey of the physical, mechanical and organizational structure of the development to identify features which may contribute to unwanted behaviors such as criminal acts.

Upon application to Lee County for a development order or building permit, please contact Kevin Farrell, Crime Prevention Practitioner, at (239)477-2821 or (239)851-2258 to have this study conducted. Thank you in advance for your cooperation in this matter.

Sincerely,

Mike Scott Sheriff

Captain James C/Nygaard, MBA

Lee County Sheriff's Office

Administration Bureau

14750 Six Mile Cypress Pkwy

Fort Myers, Fl 33912 239-477-1424 (Office) RECEIVED JAN 2 3 2008

PERMIT COUNTER



# Mike Scott Office of the Sheriff



State of Florida County of Lee

October 31, 2007

Matthew Uhle Knott, Consoer, Ebelini, Hart & Swett, P.A. 1625 Hendry St PO Box 2449 Ft Myers, Fl 33902-2449

Reference to Project: Raymond Lumber

Dear Mr. Uhle

The Lee Plan Ammendment for Approximately 14 acres identified by your firm as "Raymond Building" would not affect the Lee County Sheriff's Office ability to provided core services for the proposed change.

When you make application for a Development Order for this property, please provide the Lee County Sheriff's Office with a set of plans and uses for the project. A Crime Prevention Through Environmental Design (CPTED) survey and report will be done at that time with recommedations to you and the county staff.

Please contact Kevin Farrell, Coordinator of the Crime Prevention Unit at 477-2821 with copies of your plans.

Mike Scott Sheriff

Captain James C. Aygaard, MBA

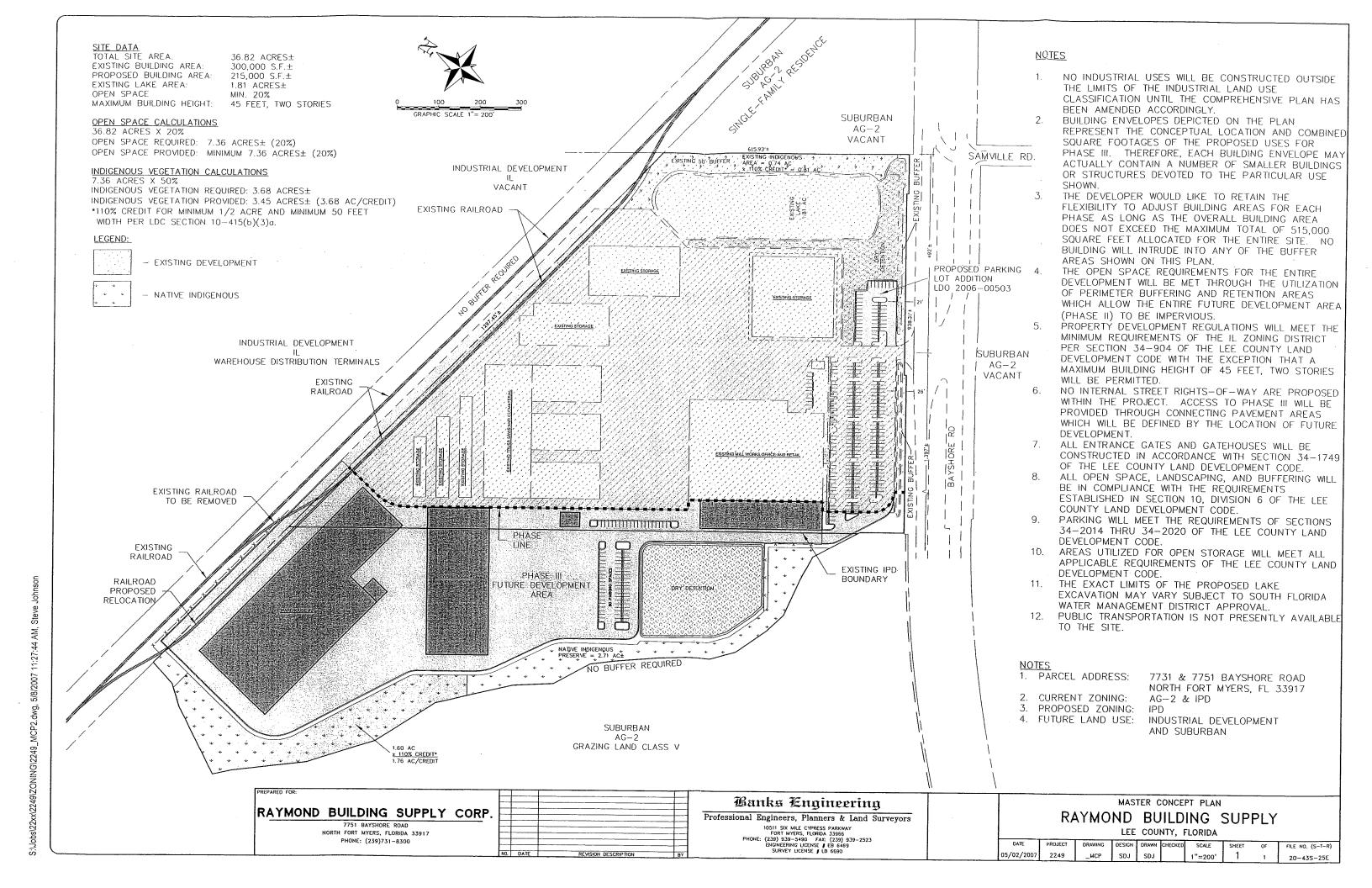
Lee County Sheriff's Office Administration Bureau

14750 Six Mile Cypress Pkwy

Fort Myers, Fl 33912 239-477-1424 (Office) RECEIVED
JAN 2 3 2008

PERMIT COUNTER





### RAYMOND LUMBER

Lee County, Florida Sections 20; Township 43 South; Range 25 East

**Protected Species Survey** 

Boylan
Environmental
Consultants, Inc.
Wetland & Wildlife Surveys' Environmental Permitting,
Impact Assessments

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

February 7, 2006 August 4, 2006 (updated fieldwork) Revised May 17, 2007



PERMIT COUNTER

#### Introduction

The site is located in portions of Section 20, Township 43 South, and Range 25 East, Lee County. The eastern portion of the site includes the existing Raymond Lumber with the western portion being undeveloped lands that are proposed for expansion. The site is located west of Interstate 75 and just to the north of Bayshore Road (SR-78). See attached Location Map.

Two environmental scientists from Boylan Environmental Consultants, Inc conducted a field investigation on the 36.83± acre property on July 28<sup>th</sup> and 29<sup>th</sup>, 2005 from approximately 8:30 am to 4:00 pm and on August 3, 2006 from approximately 9:00 am to 11:00 am. The temperature ranged from the lower 80°'s to lower 90°'s with partly cloudy to full sun in 2005 and in the lower 90°'s with full sun in 2006.

The purposes of the field investigations were to identify the potential of listed (endangered, threatened, etc.) species inhabiting the site that are regulated by the US Fish & Wildlife Service (FWS) and the Florida Fish & Wildlife Conservation Commission.

### SURVEY METHODOLOGY

The property was surveyed for the presence of listed species in accordance with the Lee County Ordinance No. 89-34. The methodology used for this survey was overlapping belt transects. Lee County has approved this method as outlined by Kevin L. Erwin, Consulting Ecologists Inc., as an alternative species survey method. This method is comprised of a several step process. First, vegetation communities or land-uses on the property or study area are delineated on an aerial photograph based on nomenclature of the Florida Land Use, Cover and Forms Classification System (FLUCFCS). Next, the FLUCFCS codes or land-use types found on the property are cross-referenced with the Lee County Protected Species List. This protected species list names the species that have a probability of occurring in any particular FLUCFCS community. Then, each community is searched in the field for the species listed for that particular FLUCCS type.

An intensive pedestrian survey is conducted using parallel belt transects as a means of searching for plants and animals. In addition, periodic "stop-look-listen" and quiet stalking methods are conducted for animals. Signs or sightings of these species are then recorded and are marked in the field with flagging tape. The table at end of this report lists the FLUCFCS communities found on the property and the corresponding species that have the potential of occurring in them. Transects were walked approximately as shown on the attached aerial photograph.

Particular attention was placed upon locating potential gopher tortoise burrows on this site.

**SITE CONDITIONS** 

In general, the property includes undeveloped uplands in the western portion of the site with the existing Raymond Lumber in the eastern. The site is bordered on the north by railroad tracks, undeveloped lands to the east, Bayshore road to the south, and Chapel Creek to the west.



Listed below are the vegetation communities or land-uses identified on the site as shown on the attached protected species survey map. See Florida Land Use, Cover and Forms Classification System (Department of Transportation 1999) for definitions.

# 150 INDUSTRIAL Raymond Lumber (18.03+/- ac)

This community includes the existing buildings and lumberyard.

# 321 PALMETTO PRAIRIE (5.74+/- acres)

This upland community contains widely scattered Florida slash pine in the canopy. The sub-canopy contains saw palmetto, downy rose myrtle, rusty lyonia, and beautyberry. Ground cover species includes species grapevine, saw palmetto, Caesar weed, poison ivy, smilax, pennyroyal, and chocolate weed.

# 428 CABBAGE PALM – (Palmetto) (10.39+/- acres)

This upland forested community is dominated by cabbage palm with scattered live oak, slash pine, and melaleuca found in the canopy. The sub-canopy is dominated by cabbage palm with scattered saw palmetto. Ground cover species includes Caesar weed, poison ivy, smilax, pennyroyal, and chocolate weed.

# 500 WATER – (Water Management Lake) (1.87+/- acres)

This community includes the eastern lake.

# 740 DISTURBED AREA (Bahia Grass) (0.80+/- acres)

This community includes Bahia grass adjacent to Raymond Lumber.

Table 1: FLUCCS COMMUNITIES BY PERCENTAGE

FLUCCS	DESCRIPTION	ACRES	PERCENT
150.	Industrial	18.03	48.9%
321	Palmetto Prairie	5.74	15.6%
428	Cabbage Palm	10.39	28.3%
500	Water – (Water Management Lake)	1.87	5.0%
740	Disturbed	0.80	2.2%
Total		36.83	100%

\*Total Upland 4.62 95 % \*Total OSW 0.31 5 %





## SPECIES PRESENCE

During our field survey for protected species on the property, we identified approximately 22 gopher tortoise burrows onsite. There were 17 active burrows and 5 inactive burrows, indicating approximately 9 gopher tortoise (22 \* 0.40 = 8.8 rounded to 9 gopher tortoise). These burrows were flagged in the field and their approximate locations were marked with a GPS, we also identified several abandoned burrows onsite as well, they were marked with a small flag and not marked with a GPS. We also observed burrows belonging to armadillos, which were not marked in the field either.

In order to determine the density of species observed onsite species presence was calculated using method 1 under step four of the overlapping belt transect guidelines as established and outlined by Kevin L. Erwin, Consulting Ecologists Inc.. In this method abundance and density are mathematically calculated using the following formula

Abundance = sum of ni Density = (sum of ni)/A

In which m is the number of individuals observed in belt transect i, and A is the acreage of the FLUCCS habitat that the species were observed in. These calculations are calculated individually for each species found within each FLUCCS description.

The only signs of protected species observed were Gopher Tortoise burrows located in palmetto area (FLUCCS 321). Below is the calculated abundance and density of Gorff Tortoise on site.

Table 2: Abundance and Density

FLUCCS	Species present	Date observed	Abundance	Density	ermit counte
321	Gopher Tortoise	7-28-2005 7-29-2005 8-3-2006	22 Burrows	1.42	

<sup>\*</sup> The calculations for the density and abundance are shown at the end of this report.

The various listed species that may occur in the vegetation communities or land-use types found on the property have been tabulated on the attached table.

# **DISCUSSION**

The various listed species that may occur in the FLUCFCS communities have been tabulated on the attached table. During our field survey for protected species on the property, we identified approximately 22 gopher tortoise burrows onsite. There were 17 active burrows and 5 inactive burrows, indicating approximately 9 gopher tortoises (22 \* 0.40 = 8.8 rounded to 9 gopher tortoises). These burrows were flagged in the field and their approximate locations were marked

with a GPS, we also identified several abandoned burrows onsite as well, they were marked with a small flag and not marked with a GPS. We also observed burrows belonging to armadillos, which were not marked in the field either.

 Table 3
 Protected species list according to FLUCFCS category obtained from Lee County with corresponding field survey results.

FLUCFCS Code/Area	Potential Protected Species	% Surveyed	Species Present	Species Absent	Density (Acre)	Visibility (Feet)
140	None	_	-	-	-	-
321	Audubon's Crested Caracara	90		X		20
	Beautiful Pawpaw	90		X		20
	Burrowing Owl	90		X		20
	Curtis Milkweed	90		X		20
	Fakahatchee Burmannia	90		X		20
	Florida Black Bear	90		X		20
	Florida Coontie	90		X		20
	Florida Sandhill Crane	90		X		20
	Gopher Frog	90		X		20
	Gopher Tortoise	90	X		1.42	20
	Indigo Snake	90		X		20
	Southeastern American Kestrel	90		X		20
428	Audubon's Crested Carcara	90		X		20
	Eastern Indigo Snake	90		X		20
	Florida Black Bear	90		X		20
	Florida Panther	90		X		20
	Simpson's Stopper	90		X		20
	Gopher Tortoise	90		X		20
500	American Alligator	90		X		100
	Everglades Mink	90		X		100
	Limpkin	90		Х		100
	Little Blue Heron	90		X		100
	Reddish Egret	90		X		100
	Roseate Spoonbill	90		X		100
	Snowy Egret	90		X		100
	Tricolored Heron	90		Х		100
	American Alligator	90		X		100
740	Gopher Tortoise	90		X		100

CPA 2006-00014



# **Table 3. Lee County Protected Species Abundance Calculations**

Protected Species Density:

 ${n/[L(w_1+w_2)]}$  (43,560 ft.<sup>2</sup>/ac.) (C)

number of individuals observed or active plus inactive Where n=

gopher tortoise burrows

length of transect L=

distance of visibility to the right of transect  $w_1 =$ distance of visibility to the left of transect  $w_2 =$ gopher tortoise conversion factor (0.3 or 0.4)\* C=

\*Used for gopher tortoise calculation only

# Gopher Tortoise (Gopherus polyphemus)

FLUCFCS Code 321

 $\{22GT/[6752 \text{ ft. } (20\text{ft.} + 20\text{ft.})]\}\ (43,560 \text{ ft.}^2/\text{ac.})\ (0.4)\ [8.14 \times 10^{-5} \text{ GT/ft.}^2]\ (43,560 \text{ ft.}^2/\text{ac.})\ (0.4)$ Density

(3.54 GT/ac.) (0.4)

1.42 GT/ac.

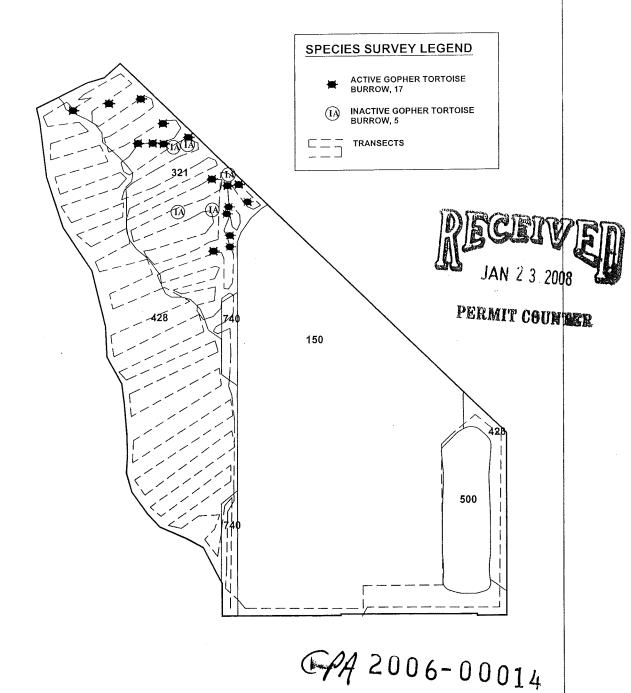


PERMIT COUNTER

CPA 2006-00014



Code	e Description	Acreage
150	INDUSTRIAL - (Raymond Lumber)	18.03
321	SAW PALMETTO	5.74
428	CABBAGE PALM - (Palmetto)	10.39
500	WATER -(Water Management Lake)	1.87
740	DISTURBED AREA - (Bahia Grass)	0.80
	Total Site	36.83 ac



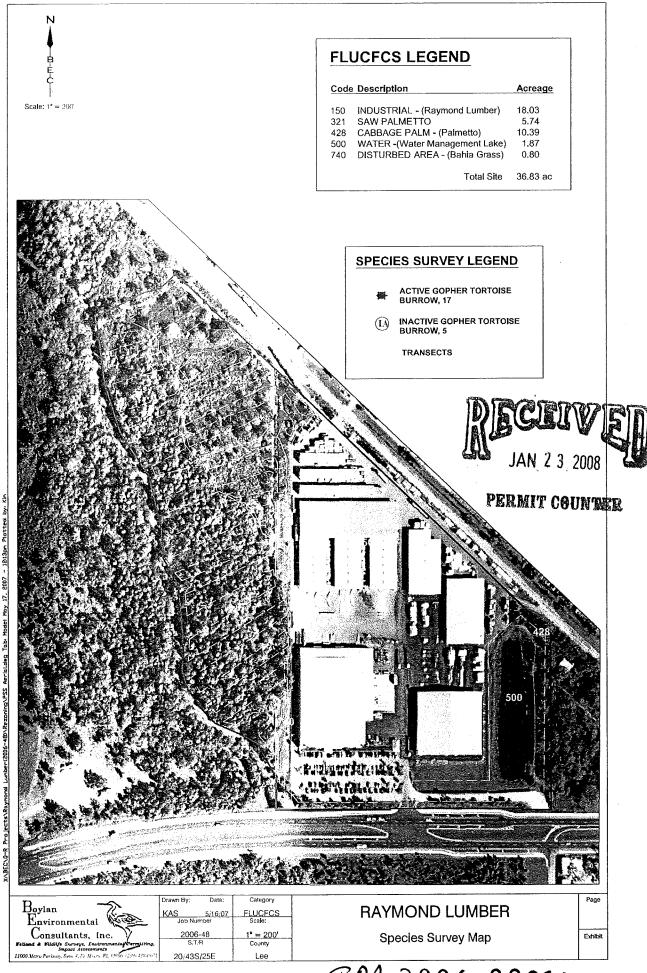
Boylan	L
Environmental Consultants, Inc.	
Vettand & Vidige Surveys, Environmental Permitting, Impact Assessments	ľ
LINES Marca Parkings Spite 4 Ft Mysex Ft. 11966 (219) 418-4671	l

	Drawn By:	Date:	Category
	KAS	5/16/07	FLUCFCS
	Job Nu	mber	Scale:
	2006	-48	1" = 200'
.	S/T	/R	County
71	20/435	/25E	Lee

RAYMOND LUMBER

Species Survey Map

Exhibit



# LEE PLAN CONSISTENCY

#### **EXHIBIT E.2**

The requested amendment from Suburban to Industrial Development is consistent with the Lee Plan in general and the following objectives and policies in particular:

- 1. Policy 1.1.7: The proposed expansion of the existing Raymond Lumber facility would be consistent with the Industrial Development FLUM category.
- 2. Policy 1.7.6: 381 industrial acres are still available for use in the North Fort Myers Planning Community.
- 3. Objective 2.1: The subject parcel is already in a Future Urban land use category. The applicant intends to use the parcel for the expansion of an existing industrial use. The proposal will not, therefore, encourage urban sprawl.
- 4. Objective 2.2: The property will be served by public water and sewer facilities. Bayshore Road was recently widened to four lanes at this location. The project will, therefore, be served by adequate public facilities.
- 5. Objective 2.4 and Policy 2.4.4: The County has entered into a contract with a consultant to address an ongoing problem with the conversion of industrial land to other uses and to identify additional land which can be used for industrial purposes. The absence of adequate industrial property due to demands for other uses is a changed condition which supports the proposed amendment.
- 6. Policy 5.1.5: The parcel does not abut any existing residential uses. The applicant has reached agreements with the owner of the property to the west, which is currently being rezoned for residential development, on issues involving lighting, buffers, hours of operation, and setbacks. The request will not, therefore, be incompatible with the neighborhood.
- 7. Policy 7.1.2: The applicant intends to request an amendment to an existing IPD to encompass the subject parcel. Access to the property will be provided through the current Raymond Lumber facility.
- 8. Policy 7.1.3: The parcel has direct access by rail and by an arterial road (Bayshore Road) and is located in close proximity to I-75. The property abuts an existing industrial use and is compatible with all existing and proposed uses in the area, as noted above.
- 9. Policy 7.1.4: The County is currently studying the FLUM to address a perceived deficit of industrial land, as noted above. The applicant's plans to expand its facility, and thereby provide additional industrial employment opportunities, cannot be accomplished unless the subject parcel is added to the existing site.
- 10. Policy 7.1.9: As noted above, the proposed expansion will be accessed through the existing Raymond Lumber facility.
- 11. Standards 11.1 and 11.2: As noted above, the project will be served by public water and sewer facilities.
- 12. Policy 158.3.5: As noted above, the FLUM must be amended to provide additional industrial land to accommodate the proposed expansion.
- 13. Objective 158.4: The proposed expansion will add to the County's industrial tax base.

# Impact on Adjacent Local Governments EXHIBIT E.3

The subject site does not abut, and is	not located in proximity to	, other local governments. The
impacts to other local governments are	therefore, de minimis.	

# FLUM CAPACITY ANALYSIS EXHIBIT E.1

The proposed amendment from Suburban to Industrial Development will reduce the capacity of the FLUM by approximately 176 persons (14 acres x 6 du/a x 2.09 ppu). This reduction is de minimis. 381 acres of industrial lands are currently unallocated in the North Fort Myers Planning Community.

# Knott, Consoer, Ebelini Hart & Swett, P.A. A T T O R N E Y S A T A L A W

A. APR 0 7 2008

George H. Knott \*+ George L. Consoer, Jr. \*\* Mark A. Ebelini Thomas B. Hart H. Andrew Swett

\* Board Certified Civil Trial Lawyer \*\* Board Certified Real Estate Lawyer + Board Certified Business Litigation Lawyer 1625 Hendry Street • Third Floor (33901) P.O. Box 2449 Fort Myers, Florida 33902-2449

> Telephone (239) 334-2722 Telecopier (239) 334-1446

AStowe@knott-law.com

PRRMIT COUNTER
Matthew D. Uhle
Aaron A. Haak
Derrick S. Eihausen
Natly Torres-Alvarado
David A. Burt
Madeline Ebelini

Director of Zoning and Land Use Planning Michael E. Roeder, AICP

# MEMORANDUM

TO:

Pete Blackwell

FROM:

Alison M. Stowe

DATE:

April 7, 2008

RE:

Raymond Building Supply / CPA2006-00014

Attached please find 6 copies of the letter of availability from EMS for the above referenced case.

ams

Attachments



# Lee County Southwest Florida



2006-09914

# **Statement of Initial Review**

Lee County Emergency Medical Services (LCEMS) has performed a preliminary review of the project referenced herein. Based upon the limited amount of information provided, LCEMS has no initial concerns with the ability to provide service to this project.

The Comprehensive Plan Amendment for Raymond Building Supply, changing 14.11 acres from Suburban designation to Industrial Development is not anticipated to create a negative impact on our service level.

This current location is served by our Station 19, located at 17350 Nalle Rd, which is approximately 1 ¼ miles away.

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

(Signature)

EMS Operations Chief (Title)

Kim Dickerson (Printed Name) January 23, 2008 (Date)



PERMIT COUNTER

Kim Dickerson, EMT-P, RN, MBA EMS Operations Chief Lee County Emergency Medical Services 14752 Ben Pratt/Six Mile Cypress Parkway Fort Myers, FL 33912

Phone: 239-335-1661 Fax: 239-335-1671

Email: <a href="mailto:kdickerson@leegov.com">kdickerson@leegov.com</a>
Website: <a href="mailto:www.lee-ems.com">www.lee-ems.com</a>

# Knott, Consoer, Ebelini Hart & Swett, P.A. ATTORNEYS - AT - LAW

1625 Hendry Street • Third Floor (33901)

P.O. Box 2449 Fort Myers, Florida 33902-2449

Telephone (239) 334-2722 Telecopier (239) 334-1446

MUhle@knott-law.com

Matthew D. Uhle Aaron A. Haak Derrick S. Eihausen Natly Torres-Alvarado David A. Burt Madeline Ebelini

Director of Zoning and Land Use Planning Michael E. Roeder, AICP

George H. Knott \*+ George L. Consoer, Jr. \*\* Mark A. Ebelini Thomas B. Hart H. Andrew Swett

Board Certified Civil Trial Lawyer
 Board Certified Real Estate Lawyer
 Board Certified Business Litigation Lawyer

April 10, 2008

Mr. Peter Blackwell

Lee County Division of Planning

P.O. Box 398

Fort Myers, FL 33902

Re: CPA2006-14/Response to April 8 Sufficiency Letter

Dear Mr. Blackwell:

Please consider the following our responses to your latest sufficiency letter:

- 1. PART IV, Item B.3.b.: The requested EMS letter was submitted on April 7.
- 2. Gopher Tortoise Question: Attached please find the gopher tortoise management plan that was prepared for the (as yet unfiled) rezoning application. You will note that it contemplates the offsite relocation of the tortoises. While the applicant is willing to provide a substantial buffer along the west side of the property in the zoning case, as shown on the draft MCP that was submitted to you previously, we believe that the precise boundaries of this area should be identified at that time, not during the plan amendment process, so we do not intend to show any areas in the Conservation FLUM category as part of our application.
- 3. Buffering Question: See Response to #2 above.

Sincerely,

KNOTT, CONSOER, EBELINI,

HART & SWETT, P.A.

Matthew D. Uhle, Esq.

MDU/ams Attachment

cc: Duane Swanson Tom Lehnert Kim Schlachta

COMMUNITY DEVELOPMENT

CA 2006-00014

# PART 4 ENVIRONMENTAL ISSUES

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

A topo survey in included with the submittal.

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

The site contains habitat occupied by Gopher Tortoise as noted in the attached Protected Species Survey. A Cabbage Palm dominated area is also located within the site boundaries. Cabbage Palm, Gopher Tortoise,

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

A Gopher Tortoise Incidental Take Permit or Offsite Relocation Permit would be obtained from the FWC. Gopher tortoise would be relocation prior to development. A small portion of this would be preserved, and a majority of this habitat would be impacted. However, this site has designed to preserve the Cabbage palm habitat located next to adjacent preserve lands.

The proposed project exceeds indigenous preserve requirements and provides 4.15 acres with credits. See attached Indigenous Preserve Calculations

Below is a table showing the amount of preservation by FLUCFCS.

FLUCCS CODE	DESCRIPTION	EXISTING ACREAGE	PRESERVE ACREAGE	% PRESERVED
150	Industrial	18.03		-
321	Palmetto Prairie	5.74	0.36	6.3 %
428	Cabbage Palm	10.39	3.27	31.5 %
500	osw	1.87	1.87	100 %
740	Disturbed Areas	0.80		-

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

Not Applicable.



PA 2006 - 00014

# Raymond Lumber

**Indigenous Preserve Calculations** 

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

May 23, 2007

PECELVED

APR 1 0 2923

MA 2006-00014

# **Indigenous Preserve Calculations Table:**

Per <u>LDC</u> Section 10-415(b)(1), large developments, with existing indigenous native vegetation, must provide 50 percent of their open space percentage requirement through the onsite preservation of existing indigenous native vegetation.

Per <u>LDC</u> Section 10-415(b)(2), as an incentive to preserve indigenous native upland plant communities in large tracts, a scaled open space credit for single preserve areas will be granted as follows:

INDIGENOUS VEGETATION CREDIT					
Credit provided	Minimum size	Minimum width			
1110%	/₂acre	50 feet			
125%	1-acre	75 feet			
150%	3 acres	150 feet			

An additional, maximum ten percent credit will be granted if any of the following indigenous vegetation areas are included:

- 1. Rare and unique uplands as defined by the Lee Plan.
- Connection to offsite public or private environmental conservation or preserve areas.
- Upland buffers to natural waterbodies

4.

36.82 **Total Site Acreage:** 

0.20 Open Space Percentage Requirement:

> **Open Space Requirement:** 7.36

Indigenous Requirement: 3,68



# \* QPA 2006-00014

# Northern Preserve Area

Area #	FLUCFCS	Wetland	Acreage	*Base Multiplier	10% Credit	Reason	Total Credits	Total Acreage
1 .	321	N	80,0	1	1.1	Adjacent Preserve	1.10	0.09
2	321	N	0.28	1.1	1.1	> 0.50 ac/ Adjacent Preserve	1.20	0.34
	428	Ν	1.32	1.1	1.1	> 0.50 ac/ Adjacent Preserve	1.20	1.58
3	428	N	1.21	1	1.1	Adjacent Preserve	1.10	1.33

**Southern Preserve Area** 

Area #	FLUCFCS	Wetland		*Base Multiplier	10% Credit	Reason	Total Credits	Total Acreage
4	428	N	0.74	1.1	1	> 0.50 Ac.	1.10	0.81

**Total Preserve Acreage:** 

3.63

**Total Preserve Acreage with Credits:** 

4.15

Minimum Indigenous Preserve Acreage Required: 3.68 acres

Indigenous Provided = 4.15

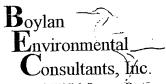
\*Given per Lee County Indigenous Plant Community & Native Tree Preservation Area Credits LDC Sec.10-415
No Credits Were Given for Wetland Preserve Areas



# RAYMOND LUMBER

Lee County, Florida Sections 20; Township 43 South; Range 25 East

**Protected Species Survey** 



Wetland & Wildlife Surveys, Environmental Permitting, Impact Assessments

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

February 7, 2006 August 4, 2006 (updated fieldwork) Revised May 17, 2007



# INTRODUCTION

The site is located in portions of Section 20, Township 43 South, and Range 25 East, Lee County. The eastern portion of the site includes the existing Raymond Lumber with the western portion being undeveloped lands that are proposed for expansion. The site is located west of Interstate 75 and just to the north of Bayshore Road (SR-78). See attached Location Map.

Two environmental scientists from Boylan Environmental Consultants, Inc conducted a field investigation on the 36.83± acre property on July 28<sup>th</sup> and 29<sup>th</sup>, 2005 from approximately 8:30 am to 4:00 pm and on August 3, 2006 from approximately 9:00 am to 11:00 am. The temperature ranged from the lower 80°'s to lower 90°'s with partly cloudy to full sun in 2005 and in the lower 90°'s with full sun in 2006.

The purposes of the field investigations were to identify the potential of listed (endangered, threatened, etc.) species inhabiting the site that are regulated by the US Fish & Wildlife Service (FWS) and the Florida Fish & Wildlife Conservation Commission.

# SURVEY METHODOLOGY

The property was surveyed for the presence of listed species in accordance with the Lee County Ordinance No. 89-34. The methodology used for this survey was overlapping belt transects. Lee County has approved this method as outlined by Kevin L. Erwin, Consulting Ecologists Inc., as an alternative species survey method. This method is comprised of a several step process. First, vegetation communities or land-uses on the property or study area are delineated on an aerial photograph based on nomenclature of the Florida Land Use, Cover and Forms Classification System (FLUCFCS). Next, the FLUCFCS codes or land-use types found on the property are cross-referenced with the Lee County Protected Species List. This protected species list names the species that have a probability of occurring in any particular FLUCFCS community. Then, each community is searched in the field for the species listed for that particular FLUCCS type.

An intensive pedestrian survey is conducted using parallel belt transects as a means of searching for plants and animals. In addition, periodic "stop-look-listen" and quiet stalking methods are conducted for animals. Signs or sightings of these species are then recorded and are marked in the field with flagging tape. The table at end of this report lists the FLUCFCS communities found on the property and the corresponding species that have the potential of occurring in them. Transects were walked approximately as shown on the attached aerial photograph.

Particular attention was placed upon locating potential gopher tortoise burrows on this site.

# SITE CONDITIONS

In general, the property includes undeveloped uplands in the western portion of the site with the existing Raymond Lumber in the eastern. The site is bordered on the north by railroad tracks, undeveloped lands to the east, Bayshore road to the south, and Chapel Creek to the west.

APR 1 0 2003

2006-00014

Listed below are the vegetation communities or land-uses identified on the site as shown on the attached protected species survey map. See Florida Land Use, Cover and Forms Classification System (Department of Transportation 1999) for definitions.

# 150 INDUSTRIAL Raymond Lumber (18.03+/- ac)

This community includes the existing buildings and lumberyard.

# 321 PALMETTO PRAIRIE (5.74+/- acres)

This upland community contains widely scattered Florida slash pine in the canopy. The sub-canopy contains saw palmetto, downy rose myrtle, rusty lyonia, and beautyberry. Ground cover species includes species grapevine, saw palmetto, Caesar weed, poison ivy, smilax, pennyroyal, and chocolate weed.

# 428 CABBAGE PALM – (Palmetto) (10.39+/- acres)

This upland forested community is dominated by cabbage palm with scattered live oak, slash pine, and melaleuca found in the canopy. The sub-canopy is dominated by cabbage palm with scattered saw palmetto. Ground cover species includes Caesar weed, poison ivy, smilax, pennyroyal, and chocolate weed.

# 500 WATER - (Water Management Lake) (1.87+/- acres)

This community includes the eastern lake.

# 740 DISTURBED AREA (Bahia Grass) (0.80+/- acres)

This community includes Bahia grass adjacent to Raymond Lumber.

Table 1: FLUCCS COMMUNITIES BY PERCENTAGE

FLUCCS	DESCRIPTION	ACRES	PERCENT
150	Industrial	18.03	48.9%
321	Palmetto Prairie	5.74	15.6%
428	Cabbage Palm	10.39	28.3%
500	Water – (Water Management Lake)	1.87	5.0%
740	Disturbed	0.80	2.2%
Total		36.83	100%

*Total Upland	4.62	95 %
*Total OSW	0.31	5 %



# SPECIES PRESENCE

During our field survey for protected species on the property, we identified approximately 22 gopher tortoise burrows onsite. There were 17 active burrows and 5 inactive burrows, indicating approximately 9 gopher tortoise (22 \* 0.40 = 8.8 rounded to 9 gopher tortoise). These burrows were flagged in the field and their approximate locations were marked with a GPS, we also identified several abandoned burrows onsite as well, they were marked with a small flag and not marked with a GPS. We also observed burrows belonging to armadillos, which were not marked in the field either.

In order to determine the density of species observed onsite species presence was calculated using method 1 under step four of the overlapping belt transect guidelines as established and outlined by Kevin L. Erwin, Consulting Ecologists Inc.. In this method abundance and density are mathematically calculated using the following formula

Abundance = sum of ni Density = (sum of ni)/A

In which m is the number of individuals observed in belt transect i, and A is the acreage of the FLUCCS habitat that the species were observed in. These calculations are calculated individually for each species found within each FLUCCS description.

The only signs of protected species observed were Gopher Tortoise burrows located in the palmetto area (FLUCCS 321). Below is the calculated abundance and density of Gopher Tortoise on site.

Table 2: Abundance and Density

FLUCCS	Species present	Date observed	Abundance	Density
321	Gopher Tortoise	7-28-2005	22 Burrows	1.42
3 <b>-</b> 1		7-29-2005		
		8-3-2006		

<sup>\*</sup> The calculations for the density and abundance are shown at the end of this report.

The various listed species that may occur in the vegetation communities or land-use types found on the property have been tabulated on the attached table.

# **DISCUSSION**

The various listed species that may occur in the FLUCFCS communities have been tabulated on the attached table. During our field survey for protected species on the property, we identified approximately 22 gopher tortoise burrows onsite. There were 17 active burrows and 5 inactive burrows, indicating approximately 9 gopher tortoises (22 \* 0.40 = 8.8 rounded to 9 gopher tortoises). These burrows were flagged in the field and their approximate locations were marked



with a GPS, we also identified several abandoned burrows onsite as well, they were marked with a small flag and not marked with a GPS. We also observed burrows belonging to armadillos, which were not marked in the field either.

Table 3 Protected species list according to FLUCFCS category obtained from Lee County with corresponding field survey results.

FLUCFCS Code/Area	Potential Protected Species	% Surveyed	Species Present	Species Absent	Density (Acre)	Visibility (Feet)
140	None	-		-	-	-
321	Audubon's Crested Caracara	. 90		X		20
	Beautiful Pawpaw	90		X		20
	Burrowing Owl	90		X		20
	Curtis Milkweed	90		X		20
	Fakahatchee Burmannia	90		X		20
	Florida Black Bear	90		X		. 20
	Florida Coontie	90		X		20
	Florida Sandhill Crane	90		X		20
	Gopher Frog	90		X		20
	Gopher Tortoise	90	X		1.42	20
	Indigo Snake	90		X		20
	Southeastern American Kestrel	90		X		20
428	Audubon's Crested Carcara	90		X		20
	Eastern Indigo Snake	90		X		20
	Florida Black Bear	90		X		20
	Florida Panther	90		X		20
	Simpson's Stopper	90	-	X		20
	Gopher Tortoise	90		X		20
500	American Alligator	90		X		100
	Everglades Mink	90		X		100
•	Limpkin	90		X		100
	Little Blue Heron	90		X		100
	Reddish Egret	90		X		100
	Roseate Spoonbill	90		X		100
	Snowy Egret	90		X		100
	Tricolored Heron	90		X		100
	American Alligator	90		X		100
740	Gopher Tortoise	90		X	<u> </u>	100
					<u> </u>	



# Table 3. Lee County Protected Species Abundance Calculations

Protected Species Density:

 ${n/[L(w_1+w_2)]}$  (43,560 ft.<sup>2</sup>/ac.) (C)

number of individuals observed or active plus inactive Where n=

gopher tortoise burrows

length of transect L=

distance of visibility to the right of transect  $w_1 =$ distance of visibility to the left of transect  $w_2 =$ 

gopher tortoise conversion factor (0.3 or 0.4)\* C=

\*Used for gopher tortoise calculation only

# Gopher Tortoise (Gopherus polyphemus)

FLUCFCS Code 321

 $\{22GT/[6752 \text{ ft. } (20\text{ft.} + 20\text{ft.})]\} (43,560 \text{ ft.}^2/\text{ac.}) (0.4)$  $[8.14 \times 10^{-5} \text{ GT/ft.}^2] (43,560 \text{ ft.}^2/\text{ac.}) (0.4)$ Density

(3.54 GT/ac.) (0.4)

1.42 GT/ac.



PG 2006-00014

# RAYMOND LUMBER

# **GOPHER TORTOISE MANAGEMENT PLAN**

Boylan Environmental Consultants, Inc. May 22, 2007

Beçause gopher tortoises were identified on the property and per protection requirements of Lee County, a tortoise relocation plan was developed for tortoises found within the proposed development areas.

Gopher Tortoises will be relocated offsite to be done in accordance with Florida Fish and Wildlife Conservation Commission regulations. An appropriate tortoise relocation permit will be acquired at time of local development order approval. Relocation will proceed in accordance with the permit conditions.

Following is a sequence of activities as it relates to the management of tortoises prior to construction, followed by a description of the manner in which burrows are to be excavated.

- No more than 6 weeks prior to land clearing, the development area will be resurveyed for tortoises to determine the estimated number of tortoise.
- Following issuance of an appropriate gopher tortoise relocation permit, all active and inactive burrows on the property will be excavated by a biologist.

# Excavation & Relocation

The excavation will occur as follows: flexible PVC hose will be gently snaked into the burrow. A backhoe will remove soil material until just before the PVC hose is visible. Excavation will then occur manually to ensure no injury to the tortoise. The flexible hose will be moved deeper into the burrow and the process will continue until the tortoise and other commensal species can be manually removed from the burrow, or the burrow is found unoccupied. The tortoises will be transported in shaded buckets (1.5' high by 2.0' diameter) or bins (1.5'x2.5'x1') and moved to the recipient site.

- Prior to release, each relocated adult tortoise will be sexed, measured, and permanently marked by scute-notching.
- 4. Where possible, tortoises will be relocated to "old" or "inactive" burrows with access to shade nearby. If no other burrows are present, a "starter" burrow will be excavated to provide temporary shelter for the tortoise.

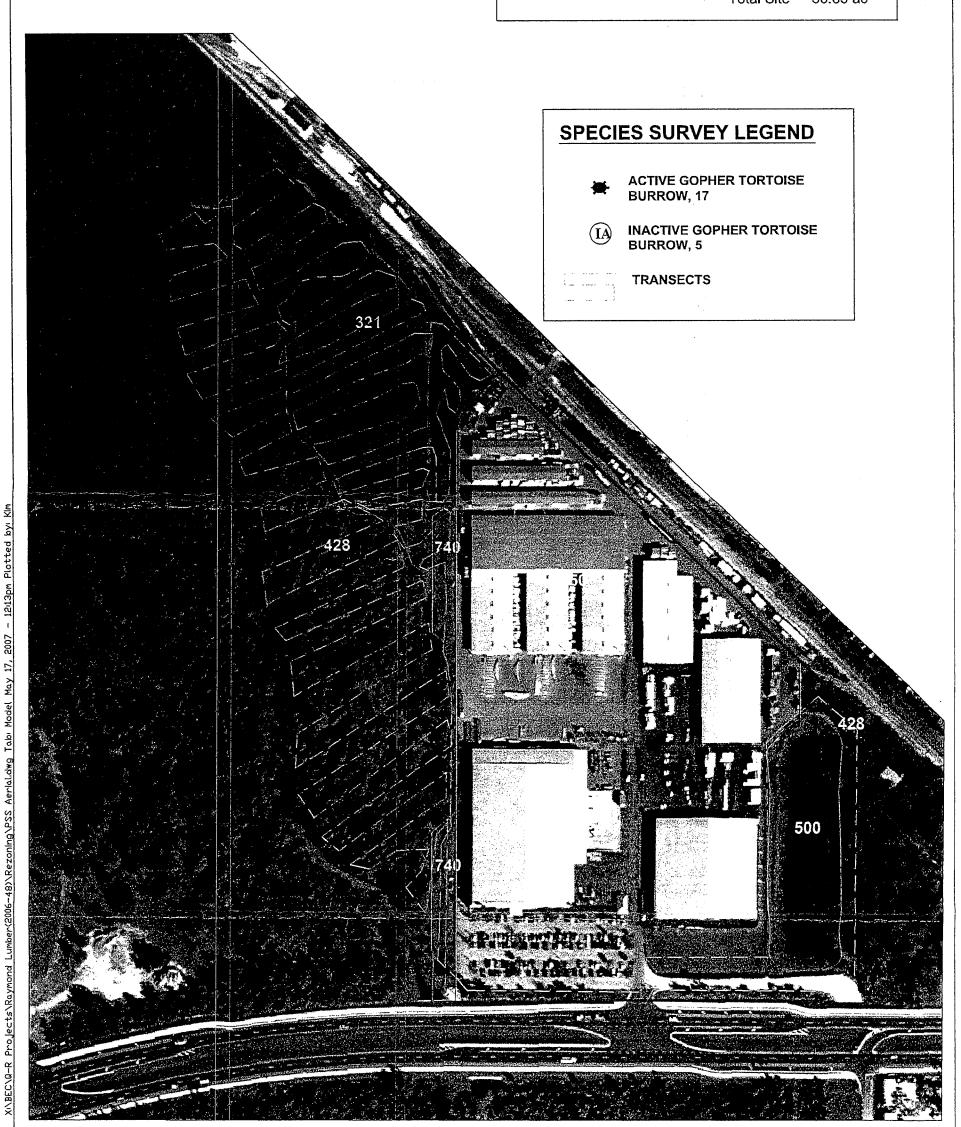


PCM 2006-00014

Street Atlas USA® 2006



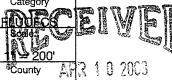
Code	Acreage	
150	INDUSTRIAL - (Raymond Lumber)	18.03
321	SAW PALMETTO	5.74
428	CABBAGE PALM - (Palmetto)	10.39
500	WATER -(Water Management Lake)	1.87
740	DISTURBED AREA - (Bahia Grass)	0.80
	Total Site	36.83.ac





Drawn By:	Date:	
KAS	5/16/07	F
Job Nu	mber	
2006	-48	
S/T/	/R	

20/43S/25E



Lee

RAYMOND LUMBER

Species Survey Map

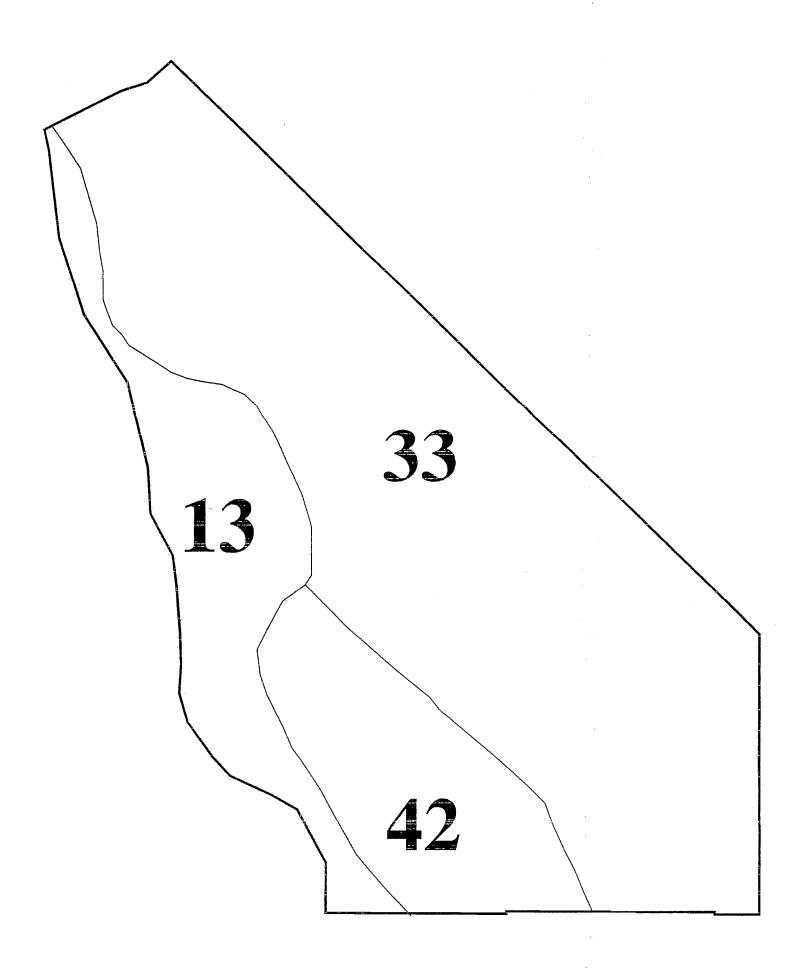
Page Exhibit

2006-00014



# SOILS LEGEND

<u>ID</u>	Description	Hydric
13	Boca fine sand	* <b>N</b>
33	Oldsmar sand	
42	Wabasso sand, limestone subtratum	



CPA 2006-00014

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

	Drawn By:	Date:	Category
	KAS	5/16/07	FLUCFCS
	Job Nu	mber	Scale:
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	S/T/	'n	County
71	20/438	/25E	Lee

# RAYMOND LUMBER

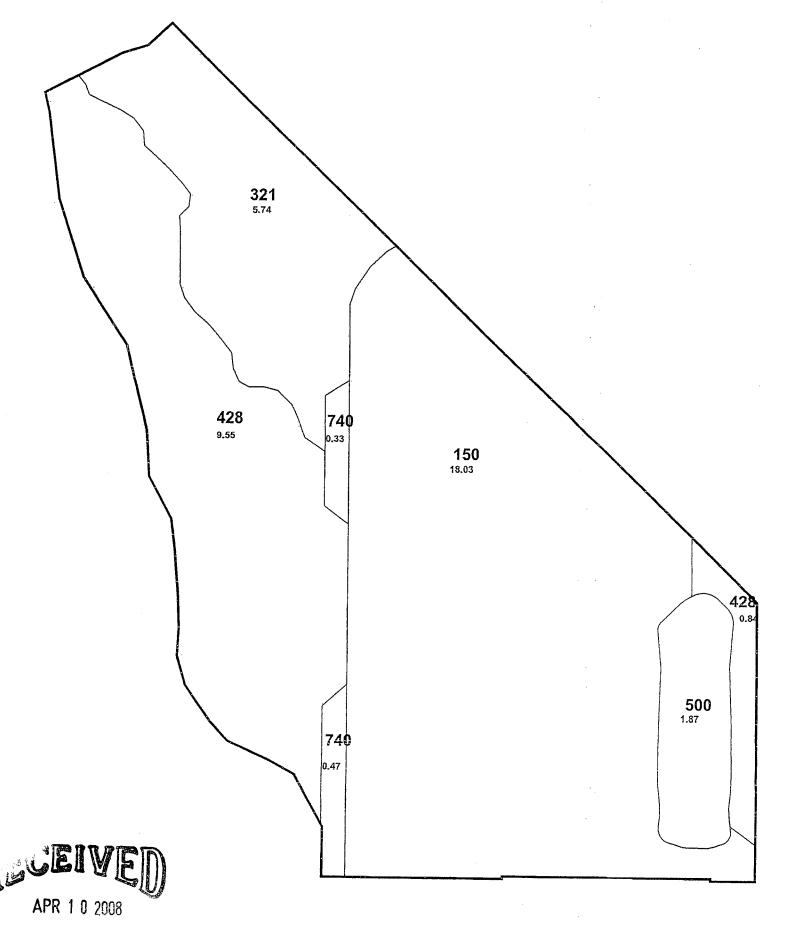
**SOILS Map** 

Page

Exhibit



Code	Acreage	
150	INDUSTRIAL - (Raymond Lumber)	18.03
321 428	SAW PALMETTO CABBAGE PALM - (Palmetto)	5.74 10.39
500 740	WATER -(Water Management Lake) DISTURBED AREA - (Bahia Grass)	1.87 0.80
	Total Site	36.83 ac



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

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	KAŞ	5/16/07	FLUCFCS
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RAYMOND LUMBER

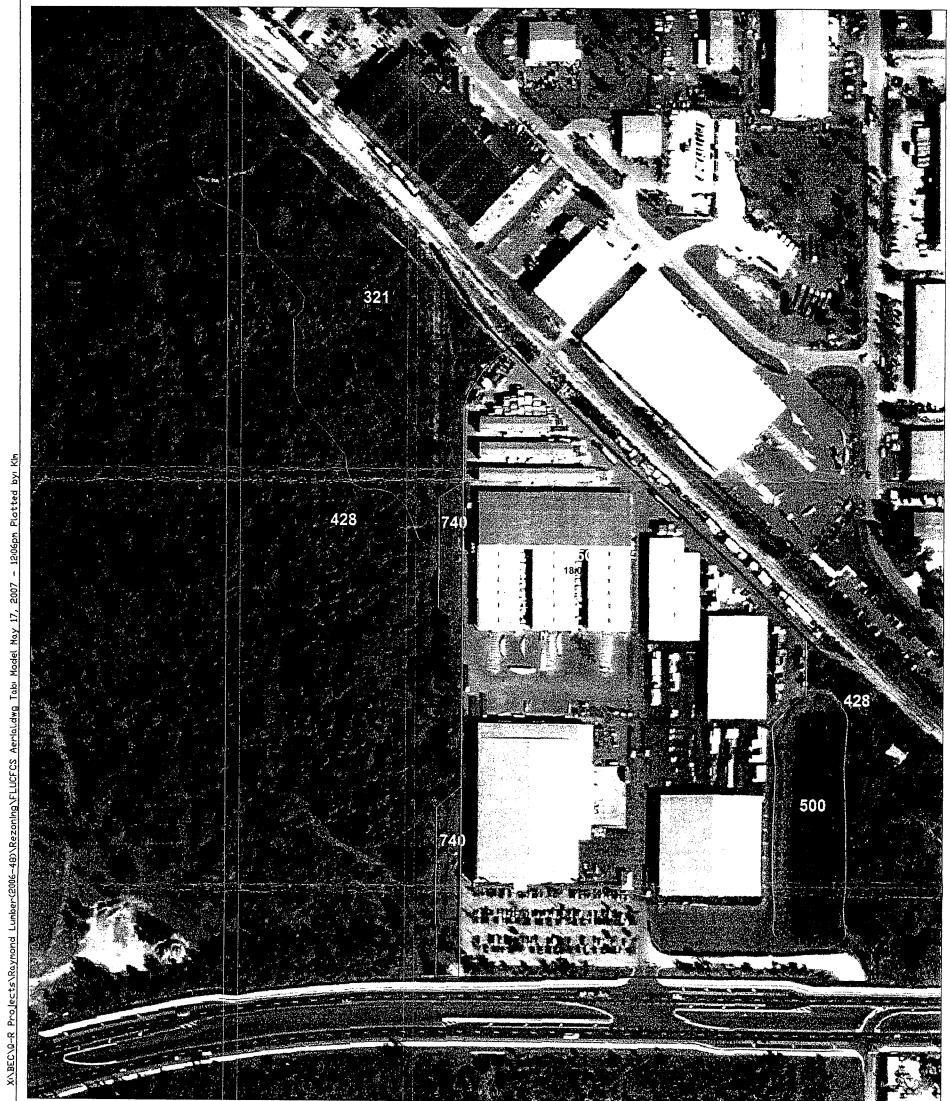
FLUCFCS Map

Page

Exhibit



Code	Description	Acreage
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Consultants, Inc.

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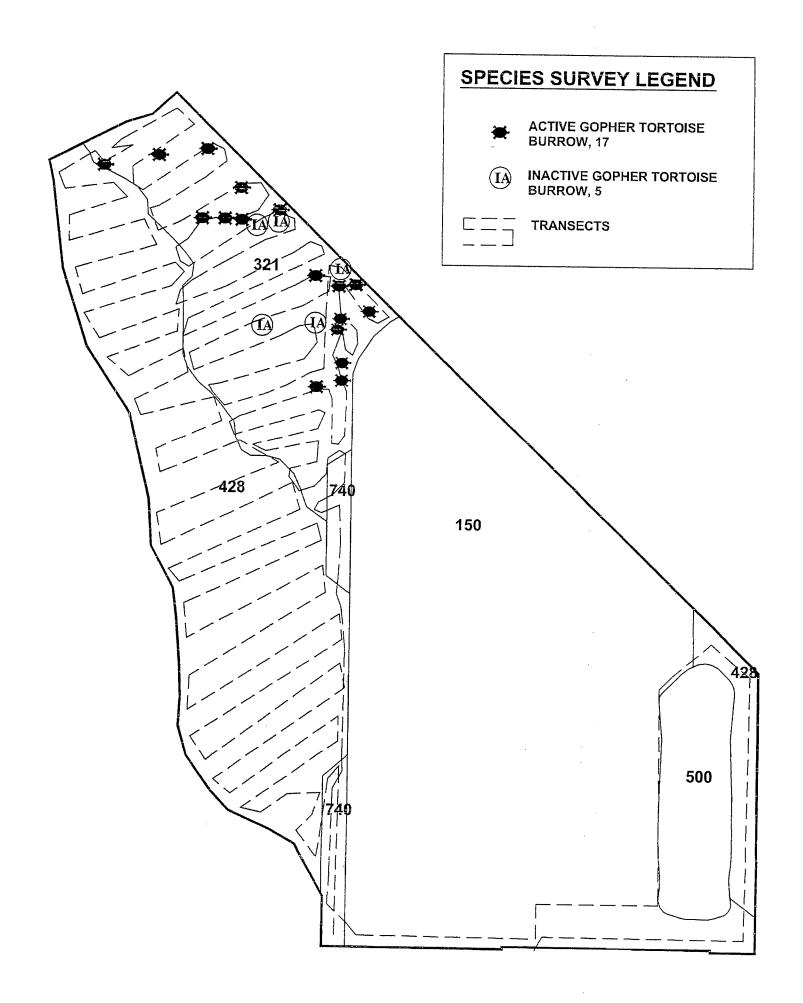
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Code	Description	Acreage
150	INDUSTRIAL - (Raymond Lumber)	18.03
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11000 Metro Parkway, Suite 4, Ft. Myers, FL 33966 (239) 418-0671	1

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7]	20/438	/25E	Lee		

CEIVEN MOND LUMBER

APR 1 0 2003 Species Survey Map

# CPA 2006-14 PRIVATELY SPONSORED RAYMOND LUMBER AMENDMENT TO THE

# LEE COUNTY COMPREHENSIVE PLAN

# THE LEE PLAN

Privately Sponsored Application and Staff Analysis

BoCC Public Hearing Document for the October 22<sup>nd</sup>, 2008 Public Hearing

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

> > October 8, 2008

# LEE COUNTY DIVISION OF PLANNING STAFF REPORT FOR COMPREHENSIVE PLAN AMENDMENT CPA2006-14

	Text Amendment	1	Map Amendment
1		<u> </u>	

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

STAFF REPORT PREPARATION DATE: April 21, 2008

# PART I - BACKGROUND AND STAFF RECOMMENDATION

# A. SUMMARY OF APPLICATION

# 1. APPLICANT/REPRESENTATIVE:

Raymond Building Supply Corp.
Represented by Matthew Uhle of Knott, Consoer, Ebelini, Hart & Swett PA 1625 Hendry St. Suite 301
Ft. Myers, FL, 33901

# 2. REQUEST:

Amend the Lee Plan Map 1, Future Land Use Map for a 14 acre parcel from the Suburban to the Industrial Development Future Land Use Category. This parcel is on the north side of Bayshore Road approximately 1 mile west of I-75.

# B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

#### 1. **RECOMMENDATION:**

Planning staff recommend that the Board of Commissioners not transmit the proposed amendment as proposed.

As an alternative, Planning Staff recommends that the amendment be transmitted with the Conservation Lands future land use category as depicted on the map attached as Exhibit 3.

# 2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- Chapel Creek defines the western border of the subject property.
- There are several active Gopher Tortoise burrows on the north side of the subject property.
- No Gopher Tortoise preserve has been depicted on the site plan proposed by the applicant.
- The applicant has proposed to relocate the onsite Gopher Tortoises off site.
- There is no capacity to relocate Gopher Tortoises within Lee County. The applicant would have to export them out of the County.
- The applicant has not obtained any permits to relocate the Gopher Tortoises.
- Master concept plan issues are not typically addressed in the Lee Plan amendment process.
- All of the necessary infrastructure is in place or can be provided to the subject parcel. The proposed land use change will not cause future road network plan changes. The requested land use change will have a minimal impact on public safety service providers.
- The proposed amendment will cause the population accommodation capacity of the Future Land Use Map to decrease in the Suburban designated portions of the North Fort Myers planning community
- The proposed development is consistent with Lee Plan Policy 1.1.7, the Industrial Development future land use descriptor policy of the Lee Plan and Lee Plan Goal 7: Industrial Land Uses.

## C. BACKGROUND INFORMATION

#### 1. INTRODUCTION

The subject property is a 14 acre parcel in North Fort Myers. The parcel is currently zoned AG-2 and is in the Suburban future land use category on Lee Plan Map 1, the Future Land Use Map. The applicant is proposing to change the future land use category from Suburban to Industrial Development. The subject property is a currently vacant parcel of land abutting the Raymond Lumber Yard on the east side and a large vacant parcel on the west and south. Chapel Creek forms the western border of the subject parcel. On the north side of the parcel is a railroad right of way operated by the Seminole Gulf Railroad Company. The land to the west and south is in the Suburban future land use category while the land on the north and east is designated Industrial Development. The parcel abutting to the east is currently an active commercial lumber supply facility operated by the applicant. There are no wetlands shown on the subject property.

# 2. COMPREHENSIVE PLAN BACKGROUND

The subject property has been designated Suburban on the Future Land Use Map since 1984, the year that the Lee Plan was adopted. There have been two previous small-scale plan amendments to accommodate the relocation of the Raymond Lumber operation: PAM96-01 and PAM97-04. PAM96-01 allowed the Raymond Lumber operation to move to the site by redesignating 9.98 acres of land

from Suburban to Industrial development. PAM97-04 expanded the Raymond Lumber operation by redesignating 9.26 acres from Suburban to Industrial Development.

As an important industrial operation, Raymond Lumber is a significant employer in Lee County. Expansion of the operation may have a large impact on both the North Fort Myers planning community and Lee County in general. The economic benefits of increased industrial development need to be compared to the potential negative impacts on such areas as the provision of utility services, the transportation network, and the natural environment. The Lee Plan provides regulations and standards to address these concerns.

In addition to the industrial and environmental Goals, Objectives, and Polices in the Lee Plan, any proposed industrial development needs to meet the basic definition of the Industrial Development future land use category found in the Future Land Use chapter of the Lee Plan:

POLICY 1.1.7: The Industrial Development areas play an important role in strengthening the county's economic base and will become increasingly important as the county grows in size and urban complexity. To a great extent these are the areas to which Lee County must look for expanded job opportunities, investments and production opportunities, and a balanced and sufficient tax base. These areas have special locational requirements that are more stringent than those for residential areas, including transportation needs (e.g., air rail, highway); industrial levels of water, sewer, fire protection, and other urban services; and locations that are convenient for employees to reach. Whereas the other future urban areas will include a broad combination of residential, commercial, public, and limited industrial land uses, the Industrial Development area is to be reserved mainly for industrial activities per se, as well as for selective land use mixtures such as the combined uses of industrial, manufacturing, research, properly buffered recreational uses (except where precluded by airport hazard zone regulations), and office complexes, (if specifically related to adjoining industrial uses) that constitute a growing part of Florida's economic development sector. New natural resource extraction (mining) activities and fill dirt operations must be approved through the Industrial Planned Development rezoning process. Retail or wholesale of products manufactured or processed upon the premises may be allowed at a ratio of 1 square foot of commercial uses to 10 square feet of industrial use in association with a Planned Development. Ancillary minor retail commercial uses intended to support the surrounding industrial land uses may not exceed 30,000 square feet per development; And, at buildout, may not exceed more than ten percent (10%) of the total acreage of the lands designated as Industrial Development areas in each community outlined in map 16. Residential uses, other than bona fide caretaker residences, are not permitted in this category except to the extent provided in Chapter XIII of the Plan.

# **PART II - STAFF ANALYSIS**

#### A. STAFF DISCUSSION

#### Introduction

The proposed amendment is intended to accommodate a future expansion to an existing industrial operation. Although many of the locational factors conform to the Lee Plan, there are environmental considerations on the subject property. If the applicant were to take proper steps within this proposed amendment to properly address these environmental constraints, the proposal as a whole would be in greater conformance with the Lee Plan.

#### **Environmental Issues**

County staff are concerned about the environmental impacts of the proposed amendment. Chapel Creek runs along the entire western and southern boundaries of the subject parcel. In addition, approximately 22 Gopher Tortoises occupies a portion of the northern end of the parcel. Any industrial development on this site must address both of these issues.

The applicants' Protected Species Survey (PSS) shows 5.74 acres of Palmetto Prairie (FLUCCS 321) on the subject site. This is prime Gopher Tortoise habitat and the PSS lists 17 active and 5 inactive Gopher Tortoise burrows on the site. Lee Plan Policy 107.8.1 states the County's intent to protect Gopher Tortoises wherever they are found. If on-site protection is unfeasible, off-site mitigation may be performed in accordance with Florida Game and Fresh Water Fish Commission requirements. The applicant has not obtained a permit to relocate the Gopher Tortoises. In addition, Lee Plan Policy 107.4.4 Restricts the use of protected plant and wildlife species habitat to that which is compatible with the requirements of endangered and threatened species and species of special concern. New developments must protect remnants of viable habitats when listed vegetative and wildlife species inhabit a tract slated for development, except where equivalent mitigation is provided. On-site preservation is the method recommended by Staff as this also conforms to Lee Plan Policies 107.3.1 and 107.4.2. Policy 107.3.1 encourages upland preservation in and around wetlands to provide habitat diversity and promote and enhance wildlife conservation. Policy 107.4.2 mandates conservation of critical habitats of rare and endangered species through development review.

The applicant has provided a site plan showing a 3.45 acre native indigenous preserve along the western boundary of the subject site. However, this site plan would not be adopted as part of the proposed plan amendment. The amendment as proposed would only change the future land use category to Industrial Development and would place no conditions on the development site plan. The plan amendment as proposed contains no provisions to address the impacts of an industrial development on Chapel Creek. Redesignating the 3.45 acre preserve area to the Conservation Lands future land use category would better conform to the Lee Plan. A staff report by Lee County Environmental Sciences Staff states that utilizing the Conservation Lands future land use category as depicted in Exhibit 3 would provide:

- A natural transitional zone between residential and industrial uses;
- An indigenous high quality upland habitat for the threatened Gopher Tortoise;
- A contiguous indigenous preserve with the adjacent proposed Chapel Creek RPD;
- A wildlife connection and corridor through the wetlands allowing connectivity from Chapel Creek to the Caloosahatchee River for water dependent wildlife; and
- Connectivity from Chapel Creek RPD indigenous preserve to the adjacent palmetto prairie being utilized by the Gopher Tortoises allowing interaction to a larger percentage of tortoises ensuring a more viable population.

The full Environmental Sciences staff report is attached as Exhibit 4.

# Population Accommodation and Lee Plan Table 1(b)

The subject property is located in the North Fort Myers planning community. At 14 acres, the subject property would allow a total of 84 units which equals 179 residents. The Industrial Development Future Land Use category does not permit residential development. Therefore, redesignating the property to the Industrial Development category would cause a reduction of 179 residents. There is sufficient acreage allocated to the Industrial Development future land use category to accommodate the 14 acre subject parcel and still leave 367 acres.

**School Impacts** 

The proposed amendment will reduce potential future residential density by 84 dwelling units. At a rate of .316 students for every single family residence, eliminating the residential uses from this property will result in a reduction of 26.544 students in the Lee County School District. This is an insignificant impact on the School District. A letter from the Lee County School District dated September 29, 2006 states that the proposed development will have no impact on the Districts' classroom needs.

Coastal High Hazard Area

The subject property is located in the Category 3 Hurricane storm surge zones as depicted on Plate 7 of the 1991 Hurricane Storm Tide Atlas for Lee County. The property is therefore not within the Coastal High Hazard Area (CHHA). The Coastal High Hazard Area (CHHA) only includes those areas within the Tropical Storm and Category 1 storm surge zones.

# **Sheriffs Office**

A letter dated September 25, 2006 from the Office of the Sheriff states that the proposed amendment would not affect the ability of the Lee County Sheriffs Office to provide core services to the subject property.

#### Fire

The subject property is served by the North Fort Myers Fire Control District. A letter from the Fire Chief for North Fort Myers dated September 20, 2006 states that the proposed amendment would not negatively affect the Fire District's ability to provide fire and emergency services to the subject property.

**Emergency Medical Services** 

A letter dated January 23, 2008 from the Lee County Emergency Medical Services office states that the subject property is served by Station 19 which is approximately 1.25 miles away. The letter states that the proposed amendment is not anticipated to create a negative impact on the EMS level of service.

# Utilities

Lee Plan Policy 7.1.5 states that the timing and location of industrial development will be permitted only with the availability and adequacy of existing or planned services and facilities.

The subject property is within the Lee County Utilities water service area. A letter from Lee County Utilities dated November 20, 2007 states that potable water lines are currently in operation in the area of the subject property but that the developer may be required to fund system enhancements such as line extensions. Lee County Utilities presently has the capacity to provide potable water service to the subject property based on the applicants estimation of 4 industrial units with a flow demand of 1,680 gallons per day.

Wastewater service to the subject property is provided by North Fort Myers Utilities (NFMU). A letter from NFMU states that they currently have the capacity to treat 1,680 gallons per day from its wastewater treatment plant.

The adequate capacity of both potable water and wastewater puts the proposed development of the subject property in conformance with Lee Plan Policy 7.1.5.

Industrial development must also meet the standards of Lee Plan Goal 11. Standard 11.1 requires that any new industrial development exceeding 30,000 square feet must connect to a public water system. The proposed development is estimated at 180,000 square feet on the subject property and therefore will require connection to a public water system. Standard 11.2 requires that new industrial development that generates more than 5,000 gallons of sewage per day must connect to a sanitary sewer system. With an estimated 1,680 gallons per day, the subject property does not exceed the threshold for Standard 11.2.

#### Solid Waste

The applicant submitted a letter from Operations Manager of Lee County Solid Waste Division dated September 27, 2006. The letter states that the division is capable of providing service to the subject property and that plans have been made to allow for growth to maintain long-term disposal capacity.

# Parks, Recreation and Open Space

Parks and Recreation is one of the areas that are covered by minimum required levels of service. The Lee Plan standard for minimum level of service for regional parks is 6 acres per 1,000 residents. The mandatory level of service for community parks is .8 acres per 1,000 residents. Redesignating the property to the Industrial Development category would cause a reduction of 84 residents. This would cause a reduction in mandatory regional park acreage by .504 acres. The required community park acreage would be reduced by .0672 acres.

## **Historic Resources**

The applicant submitted an archeological inquiry about the subject property to the Division of Historical Resources of the Florida Department of State. The Master Site file lists no previously recorded cultural resources on the subject property.

# **Transportation Issues**

Industrial development can have significant impacts on the transportation network. The subject property is located just off of Bayshore Road approximately one mile west of the interchange with I-75. The segment of Bayshore road from Slater Road to I-75 has a projected future level of service "B."

In a letter dated March 20, 2008, Lee County Department of Transportation staff state that the proposed amendment would allow approximately 180,000 square feet of industrial uses on the subject property. Such development would generate 94 trips on a p.m. peak hour basis based on an assumption of light industrial uses. Transportation Staff have determined that this land use change will not alter the future road network plans.

A letter from Lee County Transit Planning staff dated September 25, 2006 states that the County currently does not provide transit service to the subject property or the surrounding area. Planning studies have not identified the need to extend service to the site within the Lee County Transit Development Plan or the Lee County Long Range Transportation Plan. Transit Staff do not anticipate this to change with the proposed amendment.

In addition, the Lee Plan policy 7.1.9 does not permit industrial development if it allows industrial traffic to travel through predominantly residential areas. The proposed development will be accessed through the existing industrial operation which has access directly onto Bayshore Road.

# **Industrial Compatibility**

Lee Plan Policy 7.1.6 states that land that is located outside of the Industrial Development, Tradeport and Industrial Interchange areas but within the designated Future Urban Areas may be developed for light industrial purposes so long as adequate services and facilities are available, the use will not adversely impact surrounding land uses, and natural resources are protected if it is adjacent to other existing or designated industrial lands. The subject property abuts on the east an area that is already an active industrial operation. That operation is already designated Industrial Development on the Future Land Use Map of the Lee Plan. In addition, the land to the north of the property is also designated Industrial Development. Therefore, the subject property conforms to Lee Plan Policy 7.1.6a. If this property is designated Industrial Development, it will not create an outlier of industrial land intruding into the Suburban area. It will result in a relatively compact form for the industrial land uses. Lee Plan Policy 7.1.3 states that industrial land uses have special considerations for there locations. These considerations include such factors as topography; choice and flexibility in site selection; access by truck, and rail; commuter access from home-to-work trips; and utilities; greenbelt and other amenities; air and water quality considerations; proximity to supportive and related land uses; and compatibility with neighboring uses. The property abuts an arterial roadway and is approximately one mile from the I-75 interchange. In addition, the northern boundary of the property abuts the railroad right of way for the Seminole Gulf Railroad company. Industrial land uses are more compatible along railroads than the residential uses currently permitted by the Suburban future land use category. The Raymond Lumber operation actively utilizes the railroad access as part of its' operations. The location of the subject property therefore conforms to Lee Plan Policy 7.1.3. The subject property is within the future urban area which puts it in conformance with Lee Plan policy 2.1.1. This policy states that most residential, commercial, industrial, and public development is expected to occur within the designated future urban areas on the Future Land Use Map.

Any future development on the property must utilize the planned development process in order to address the needs and constraints listed in Lee Plan Policies 7.1.1 and 7.1.2:

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

- 1. The development must comply with local, state, and federal air, water, and noise pollution standards.
- 2. When located next to residential areas, industry must not generate noise levels incompatible with the residential development.
- 3. Bulk storage or production of toxic, explosive, or hazardous materials will not be permitted near residential areas.
- 4. Contamination of ground or surface water will not be permitted.
- 5. Applications for industrial development will be reviewed and evaluated as to:
  - a. Air emissions (rezoning and development orders);
  - b. Impact and effect on environmental and natural resources (rezoning and development orders);
  - c. Effect on neighbors and surrounding land use (rezoning);
  - d. Impacts on water quality and water needs (rezoning and development orders);
  - e. Drainage system (development orders);
  - f. Employment characteristics (rezoning);
  - g. Fire and safety (rezoning and development orders);
  - h. Noise and odor (rezoning and development orders);

- i. Buffering and screening (planned development rezoning and development orders);
- j. Impacts on transportation facilities and access points (rezoning and development orders);
- k. Access to rail, major thoroughfares, air, and, if applicable, water (rezoning and development orders);
- 1. Utility needs (rezoning and development orders); and
- m. Sewage collection and treatment (rezoning and development orders).

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

- Promote compatibility and screening;
- Reduce dependence on the automobile;
- Promote pedestrian movement within the development;
- Utilize joint parking, access and loading facilities;
- avoid negative impacts on surrounding land uses and traffic circulation;
- protect natural resources; and
- provide necessary facilities and services where they are inadequate to serve the proposed use.

There are environmental constraints present on the subject property. A number of Gopher Tortoise burrows occupy the north end of the site and Chapel Creek runs along the western border. The requirement in Policy 7.1.2 to "protect natural resources" is particularly relevant to the proposed amendment. The applicant has submitted a site plan showing a native indigenous preserve along Chapel Creek. Although this addresses buffering and environmental concerns, it is less compatible with potential industrial development than if the land within the buffer were designated as Conservation Lands future land use category.

### Surrounding Zoning and Future Land Uses

The eastern edge of the subject parcel abuts the current Raymond Lumber operation. That operation is zoned as an IPD and is in the Industrial Development future land use category. To the north is the railroad right of way and more industrial uses. That northern parcel is zoned IL and is also in the Industrial Development category. Industrial development on the subject property would be compatible with the land on the north and east.

Chapel Creek is the southern and western boundaries of the subject parcel. The parcel across this creek is currently vacant. It is zoned AG-2 and is designated as Suburban future land use category. However, this parcel is currently in the process of being rezoned as a Residential Planned Development called Chapel Creek. Both of the two optional site plans for the proposed residential subdivision show a natural preserve along Chapel Creek. This preserve area runs along the entire boundary with the subject parcel. West of this preserve, the site plan shows single family residential units. An optional site plan shows multifamily residential units. Both Lee Plan Policies 7.1.1 and 7.1.2 list screening and buffering as criteria in the approval of industrial development. In addition, Lee Plan Policy 7.1.8 states that land development regulations will require that industrial uses be adequately buffered and screened from adjacent existing or proposed residential areas so as to prevent visual blight and noise pollution. The amendment as proposed would have the Industrial Development future land use category abutting the Chapel Creek residential subdivision. The amendment would be in much greater conformance with these Lee Plan policies if the preserve areas of the subject parcel were placed in the Conservation Lands future land use category. This would also assure that this area would be in a natural state, which would help to buffer

the residential units of the proposed Chapel Creek residential subdivision.

### **B. CONCLUSIONS**

The proposed development has the potential to negatively impact Chapel Creek and an area inhabited by Gopher Tortoises. Although the applicant has provided a site plan to show preserve areas that will be proposed during the rezoning process, there are no measures in the proposed amendment to conform with the environmental regulations of the Lee Plan.

The creation of 14 additional acres of Industrial Development land will not significantly impact the 2030 allocations on Table 1(b). Similarly, the reduction of 14 acres of Suburban land will have no substantial effect on the population capacity of the North Fort Myers planning community. The decrease in potential residential development will decrease the potential impact on the Lee County School District. Potable water, wastewater and solid waste service providers will be able to maintain their levels of service to the subject property under the applicants' estimated service needs. The proposed amendment will not adversely affect fire, EMS, or law enforcement services. The applicants' intended use of the subject property will not adversely affect the local road network. The subject property's location is compatible with industrial uses and will not adversely affect abutting land uses. The close proximity of a rail road, an arterial roadway and I-75 puts the subject property in conformance with Lee Plan Policies 1.1.7, 7.1.1, and 7.1.3. Development of the subject parcel will not impact historic or archeological resources.

### C. STAFF RECOMMENDATION

In light of the applicants' insufficient measures to address the environmental impact of the proposed amendment on the subject property, Planning staff recommend that the Board of Commissioners not transmit the amendment as proposed.

As an alternative, Planning Staff recommends that the amendment be transmitted with the Conservation Lands future land use category as depicted on the map attached as Exhibit 3.

# PART III - LOCAL PLANNING AGENCY REVIEW AND RECOMMENDATION

DATE OF PUBLIC HEARING: June 23, 2008

### A. LOCAL PLANNING AGENCY REVIEW

Planning staff and the applicant made presentations. One LPA member asked what economic incentive did the applicant have to set aside a portion of the subject property for gopher tortoise preservation. Staff indicated that it was not a matter of incentive but of preserving the environmental integrity of the subject property. One member asked how the size of the preserve was calculated. Staff indicated that the portion that runs along the western edge was based on the applicants own proposed buffer and preserve while the southern edge of the gopher tortoise preserve was based on where the eastern edge of the subject property intersects the right of way of the railroad. Another member asked if the gopher tortoise preserve would be able to hold additional tortoises from off site. Staff stated that the number of tortoises on the site is the maximum holding capacity. One member asked the applicant how much of the building site would be affected by the proposed gopher tortoise preserve. The applicant said only one building. One member questioned the applicants environmental consultant about the gopher tortoises. The consultant indicated the number and location of the tortoise burrows. Two LPA members discussed whether the main issue in this proposed amendment was the industrial use of the land or the preservation of the gopher tortoises. One member stated that this meeting was not the proper venue for addressing the tortoise issue and that the presence of the railroad was detrimental to the safety of the tortoises. The member stated that gopher tortoise issues should and would be addressed at a later stage in the development of the subject property. The member stated that to begin to address the issue in the LPA would create great difficulties in the plan amendment process. The other member stated that the tortoise preserve should be discussed at the LPA and that gopher tortoises in general have not been sufficiently addressed by the policies and practices of Lee County. The member stated that the Lee Plan has established a value for gopher tortoises and that this value is also important as well as economic considerations. One member asked the environmental consultant about how the endangered status of the gopher tortoise affected development of the property. The consultant stated that the incidental take procedure was difficult and that relocation of the tortoises was to be used. Another member asked the applicant how important the railroad frontage is to the economic viability of the site and the applicant stated that it is vital. Another member stated that the gopher tortoises were only one issue among many on this proposal. The member stated that other issues such as the suitability of the site for industrial uses outweighed the preserve issue. This member agreed that the LPA was not the proper venue for addressing the gopher tortoise issue.

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

### 1. RECOMMENDATION:

The LPA recommends that the Board of County Commissioners transmit the amendment as proposed by the applicant.

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

The LPA accepted the findings of fact as presented by the applicant. The LPA stated that the subject property was suitable for industrial development. The LPA also stated that the economic importance of the applicants business in the county and the importance of the proposed amendment

to the applicants economic well-being outweighed the need to preserve the Gopher tortoise habitat as recommended by Planning Staff.

### C. VOTE:

NOEL ANDRESS	AYE
LES COCHRAN	ABSENT
RONALD INGE	ABSENT
JACQUE RIPPE	AYE
CARLETON RYFFEL	AYE
LELAND M. TAYLOR	ABSENT
RAE ANN WESSEL	AYE

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

DATE OF TRANSMITTAL HEARING: October 22, 2008

A. BOARD REVIEW:

- B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:
  - 1. BOARD ACTION:
  - 2. BASIS AND RECOMMENDED FINDINGS OF FACT:
- C. VOTE:

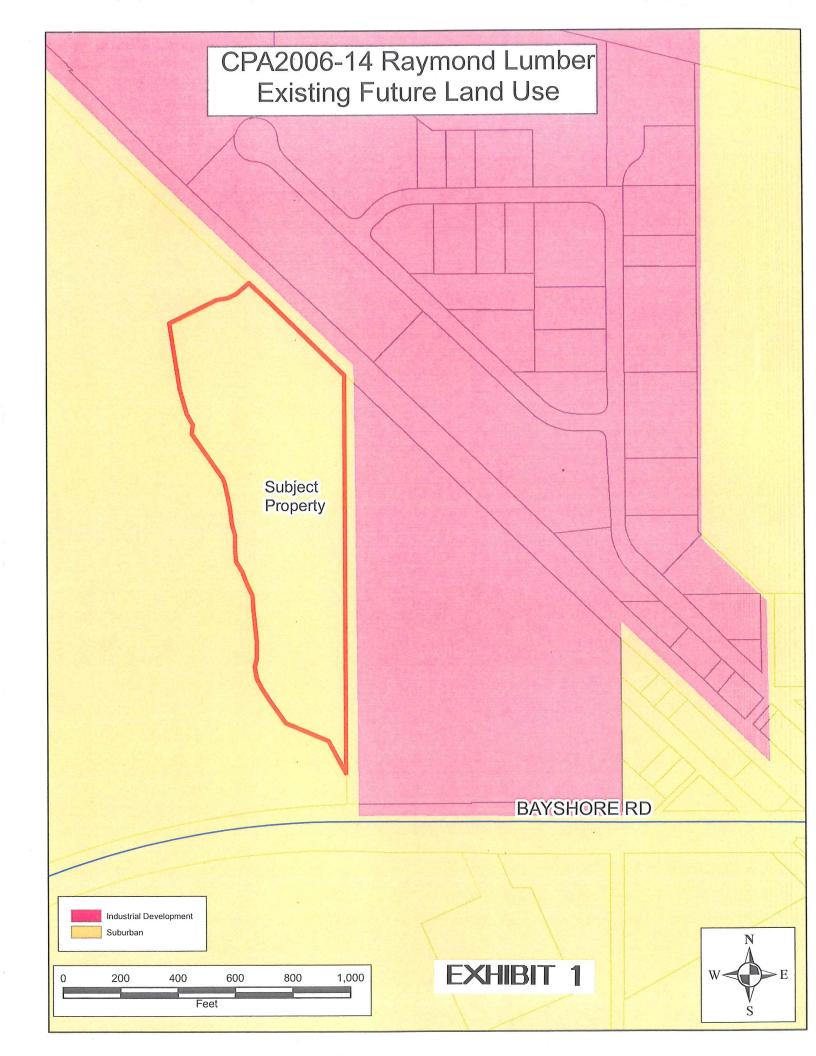
A. BRIAN BIGELOW	
TAMMARA HALL	
ROBERT P. JANES	
RAY JUDAH	
FRANKLIN B. MANN	

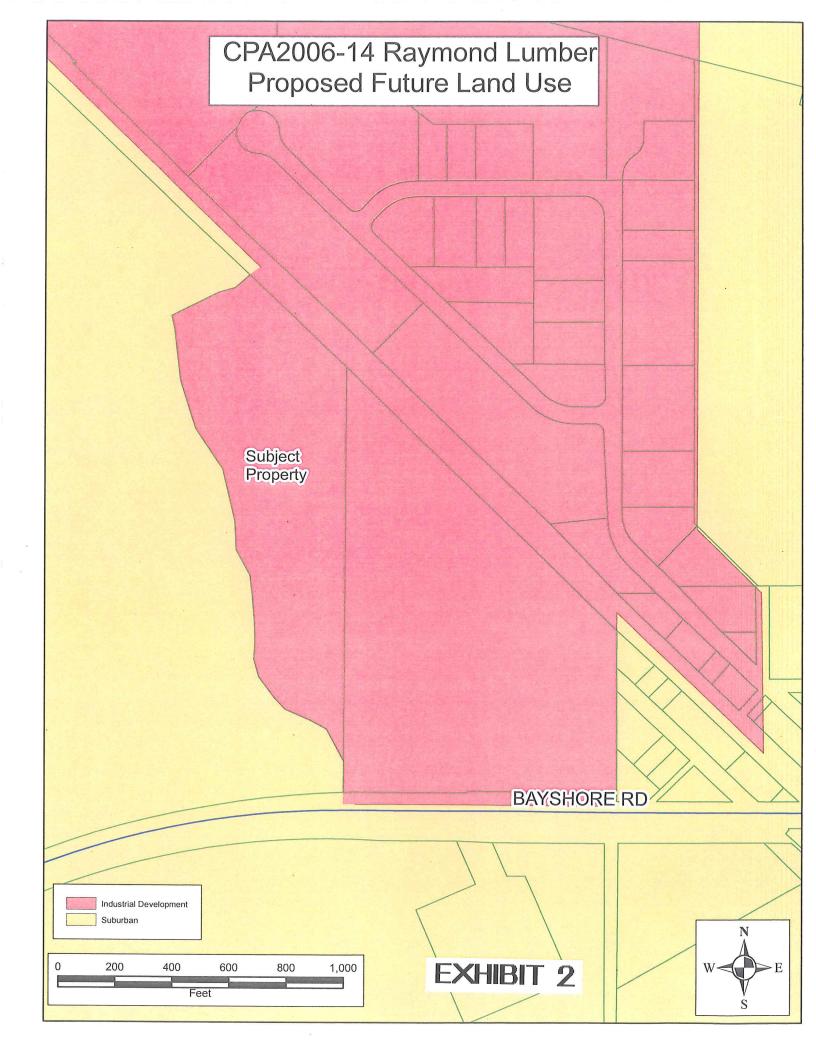
# PART V - DEPARTMENT OF COMMUNITY AFFAIRS OBJECTIONS, RECOMMENDATIONS, AND COMMENTS (ORC) REPORT

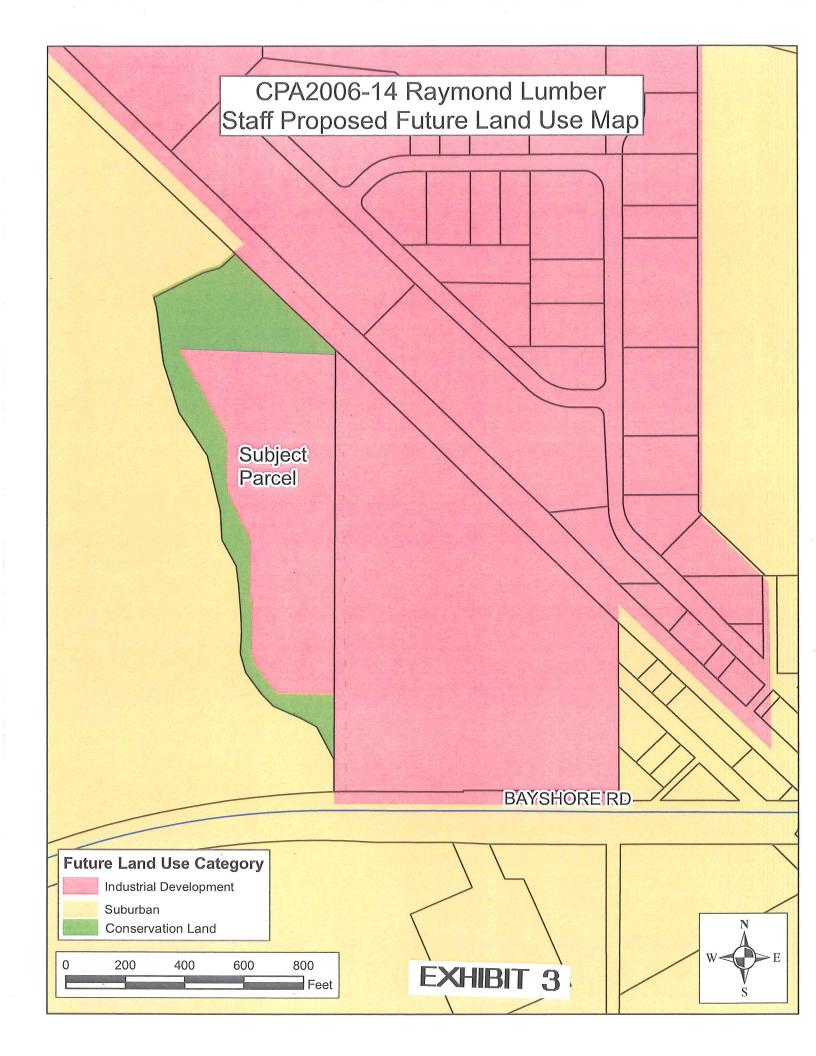
DATE OF ORC REPORT:	
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- A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS
- **B. STAFF RESPONSE**

# PART VI - BOARD OF COUNTY COMMISSIONERS HEARING FOR ADOPTION OF PROPOSED AMENDMENT DATE OF ADOPTION HEARING: A. BOARD REVIEW: B. BOARD ACTION AND FINDINGS OF FACT SUMMARY: 1. BOARD ACTION: 2. BASIS AND RECOMMENDED FINDINGS OF FACT: C. VOTE: A. BRIAN BIGELOW TAMMARA HALL ROBERT P. JANES RAY JUDAH FRANKLIN B. MANN







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

Date:

April 15, 2008

To:

Pete Blackwell, Senior Planner

From:

Doug Griffith, Environmental Planner &

Phone: (239) 533-8323

e-mail:dgriffith@leegov.com

Project:

Raymond Lumber CPA2006-00014

Case: STRAP:

20-43-25-00-00003.1000

The Division of Environmental Sciences (ES) staff has reviewed the proposed Raymond Lumber Industrial Comprehensive Plan Amendment and offer the following analysis and recommended conditions:

### PROJECT SITE:

The  $\pm$  14.1 acre project is located on the north side of Bayshore Road approximately 1 mile west of Interstate 75. Raymond Lumber abuts the project to the east, and Chapel Creek abuts the project to the west. The applicant's request is to change the Future Land Use Map from Suburban to Industrial Development to allow for the expansion of the adjacent Raymond Lumber Company. The subject property has two distinct vegetative communities. Florida Land Use Cover and Forms Classification System (FLUCCS) 428 contains  $\pm$  9 acres of cabbage palm (Sabal palmetto) with scattered slash pine (Pinus elliotti) and live oak (Quercus virginiana). This indigenous vegetative community abuts Chapel Creek and is less than 25% exotics. The northeastern portion of the parcel consists of palmetto prairie FLUCCS 321. This  $\pm$  5 acre area is high quality plant communities, containing scattered slash pine and live oak in the canopy with predominately saw palmetto (Serenoa repens) in the understory. The palmetto prairie is 95% indigenous and includes grape vine (Vitus rotundifolia), greenbrier (Smilax spp.) and beautyberry (Callicarpa americana).

ES Staff conducted a site inspection on October 23, 2007. During the site inspection, ES Staff (Doug Griffith) discovered evidence of gopher tortoises: burrows with aprons, tracks and scat. ES Staff requested a Protected Species Survey (PSS) from the applicant. The applicant submitted a PSS dated August 4, 2006 performed by Boylan Environmental Consultants. Boylan documented 22 gopher tortoise burrows found in the palmetto prairie (FLUCCS 321).

Gopher tortoises are considered a threatened species by Florida Fish and Wildlife Conservation Conservancy (FWC) and as such must be protected. FWC lists the current cause of imperilment, as identified by the Biological Status Report (Enge *et al.* 2006a), as the rate of population decline

primarily due to loss of habitat. The conservation goal of the FWC Gopher Tortoise Management Plan is to restore and maintain secure, viable populations of gopher tortoises throughout the species' current range in Florida by addressing habitat loss (FWC Gopher Tortoise Management Plan September 2007).

The palmetto prairie is prime gopher tortoise habitat and as such should be protected from development and placed into conservation lands future land use category (FLUM). This would provide connectivity to the proposed indigenous preserve on Chapel Creek RPD and a viable gopher tortoise habitat.

Chapel Creek, a natural waterway, delineates the property's western boundary and abuts the proposed Chapel Creek RPD. Utilizing the conservation lands use category over the fifty foot natural water-way buffer and the palmetto prairie habitat would provide a transitional buffer between the proposed residential and proposed industrial area. The use of the conservation land use category would also serve to protect the indigenous habitat while providing a wildlife corridor between the two properties.

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 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, flowways, 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 support ES Staff's recommendation for the conservation land use category for this project:

• **Policy 7.1.3:** *Industrial land uses must be located in areas appropriate to their special needs and constraints, including, but not limited to compatibility with neighboring uses.* 

Utilizing the conservation land use category over the fifty foot natural waterway buffer and the palmetto prairie habitat would provide a transition between the proposed residential and proposed industrial uses. The Board of County Commissioner's policy guidance urges staff to seek preservation of fifty foot buffers along all natural waterways.

• 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 Board of County Commissioner's policy guidance to staff is for the preservation of gopher tortoise habitat in Lee County. The site contains high quality gopher tortoise habitat which will help to retain gopher tortoises. Connectivity between the proposed Chapel Creek RPD and proposed Raymond Lumber IPD preserves will enhance the habitat for the numerous threatened gopher tortoises that inhabit the palmetto prairie. ES Staff recommends the use of conservation lands category to preserve this environmentally sensitive habitat.

• 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.

Chapel 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.

Chapel 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 palmetto prairie and fifty foot waterway buffer along Chapel Creek into conservation land use category will provide interconnectivity between the Chapel Creek preserve and the palmetto prairie as well as providing a transitioning buffer between the residential and industrial uses along the creek. This will provide for a large open space, which will 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.

Chapel Creek is an important wildlife link between rural lands to the north and the Caloosahatchee River. The proposed land use change has the opportunity to provide a large contiguous palmetto prairie preserve that is habitat to threatened gopher tortoises with an adjacent contiguous preserve on the proposed Chapel Creek RPD allowing for a large open space, which will be utilized as a contiguous wildlife corridor.

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

The palmetto prairie is home to approximately  $\pm$  11 gopher tortoises. Gopher tortoises are listed as threatened by FWC and must be protected.

• Objective 107.4: Endangered and Threatened Species in General: Lee County will continue to protect habitats of threatened and endangered species and species of special concern in order to maintain or enhance existing population numbers and distribution of listed species.

Placing the palmetto prairie in conservation land use category will ensure the protection of the gopher tortoise habitat as well as connectivity and a wildlife corridor with the indigenous preserve on the adjacent site.

• **Policy 107.8.1:** The County's policy is to protect gopher tortoise burrows wherever they are found.

There are 22 gopher tortoise burrows on the property. Placing the palmetto prairie into conservation land use category will ensure the protection of a majority of these burrows.

Utilizing the conservation lands future land use category for the palmetto prairie and the fifty-foot natural water-way buffer to Chapel Creek will provide:

- A natural transitional zone between residential and industrial use;
- An indigenous high quality upland habitat for the threatened gopher tortoise;
- A contiguous indigenous preserve with the adjacent property the proposed Chapel Creek RPD;
- A wildlife connection and corridor through the wetlands allowing connectivity from Chapel Creek to the Caloosahatchee River for water dependent wildlife, and
- Connectivity from Chapel Creek RPD indigenous preserve to the adjacent palmetto prairie being utilized by the gopher tortoises allowing interaction to a larger percentage of tortoises ensuring a more viable population.



COMMUNITY DEVELOPMENT

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

# APPHICATION FOR A 1 4 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 comple additional space is needed, no sheets in your application is:	tely and accurately. Please print or type responses. I umber and attach additional sheets. The total number o
ncluding maps, to the Lee (	lete application and amendment support documentation, County Division of Planning. Additional copies may be gency, Board of County Commissioners hearings and the airs' packages.
and the attached amendment	authorized representative, hereby submit this application support documentation. The information and documents curate to the best of my knowledge.
	TALL 1 Lile  JRE OF OWNER OR ALITHORIZED REPRESENTATIVE

### I. APPLICANT/AGENT/OWNER INFORMATION

Raymond Building Supply Corp.			
APPLICANT			
7751 Bayshore Road			
ADDRESS			
North Fort Myers	FL		33917
CITY	STATE		ZIP
(239) 731-8300			(239) 731-3299
TELEPHONE NUMBER			FAX NUMBER
Matthew D. Uhle, Esq. for Knott, Cor	nsoer, Ebelini, Ha	rt & Swett, P	P.A.
AGENT*	The state of the s		
1625 Hendry Street, Suite 301			
ADDRESS			
Fort Myers	FL		33901
CITY	STATE		ZIP
(239) 334-2722			(239) 334-1446
TELEPHONE NUMBER			FAX NUMBER
Raymond Building Supply Corp.			
OWNER(s) OF RECORD			
7751 Bayshore Road			
ADDRESS			
North Fort Myers	FL		33917
CITY	STATE	, , , , , , , , , , , , , , , , , , , ,	ZIP
(239) 731-8300		and the second	(239) 731-3299
TELEPHONE NUMBER		1	FAX NUMBER

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

<sup>\*</sup> This will be the person contacted for all business relative to the application.

11. 151	EQUESTED CHANGE (Please see	ritem i for ree Schedule)
Α.	. TYPE: (Check appropriate type)	
		Future Land Use Map Series Amendment (Maps 1 thru 21) List Number(s) of Map(s) to be amended Map 1 - FLUM
В.	. SUMMARY OF REQUEST (Brief	explanation):
	Map amendment from Suburban	to Industrial Development
	ROPERTY SIZE AND LOCATION Cor amendments affecting develop	•
Α.	Property Location:	
	1. Site Address: 7731 Bayshore F	Road, North Fort Myers, FL 33917
	2. STRAP(s): 20-43-25-00-000	03.1010
В.	Property Information	
	Total Acreage of Property: 14± Ac	res
	Total Acreage included in Request	: 14± Acres
	Area of each Existing Future La	and Use Category: All property in Suburban
	Total Uplands: 14± Acres	
	Total Wetlands: None	
	Current Zoning: AG-2	
		ion: Suburban
	Existing Land Use: <u>Vacant</u>	

C.		tate if the subject property is locate oes the proposed change effect th	ed in one of the following areas and if so hove area:
	L	ehigh Acres Commercial Overlay: .	NA
	Α	irport Noise Zone 2 or 3:	NA
	Α	cquisition Area:	NA
	Jo	oint Planning Agreement Area (adjo	oining other jurisdictional lands): NA
	С	ommunity Redevelopment Area: _	NA
D.	Р	roposed change for the Subject Pr	operty:
		Industrial Development	
Ε.	P	otential development of the subjec	t property:
	1.	Calculation of maximum allowab	le development under existing FLUM:
		Residential Units/Density	6 d.u./acre (84 total units)
		Commercial intensity	NA
		Industrial intensity	NA
	2.	Calculation of maximum allowable	e development under proposed FLUM:
		Residential Units/Density	NA
		Commercial intensity	NA
		Industrial intensity	180,000 square feet
ΑМ	E١	NDMENT SUPPORT DOCUMENT	ATION

### IV.

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:

<u>Long Range – 20-year Horizon:</u>

- 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 3mile 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 This analysis should include an evaluation of all relevant amendment. 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, lowdensity, 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.

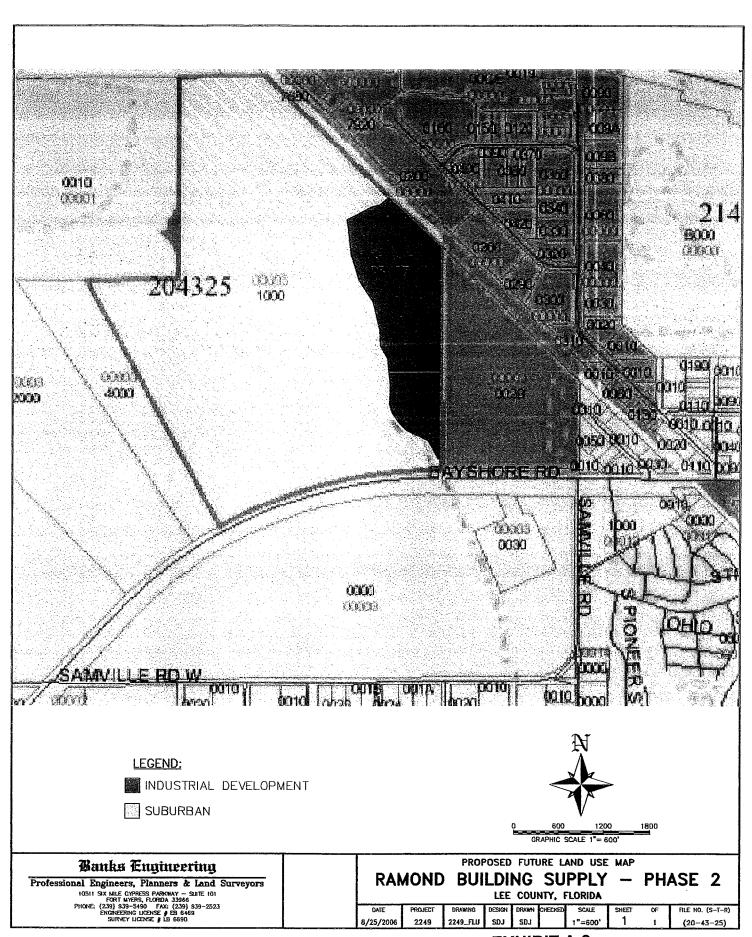
- 1. Requests involving lands in critical areas for future water supply must be evaluated based on policy 2.4.2.
- 2. Requests moving lands from Density Reduction/Groundwater Resource must fully address Policy 2.4.3 of the Lee Plan Future Land Use Element.
- G. Justify the proposed amendment based upon sound planning principles. Be sure to support all conclusions made in this justification with adequate data and analysis.

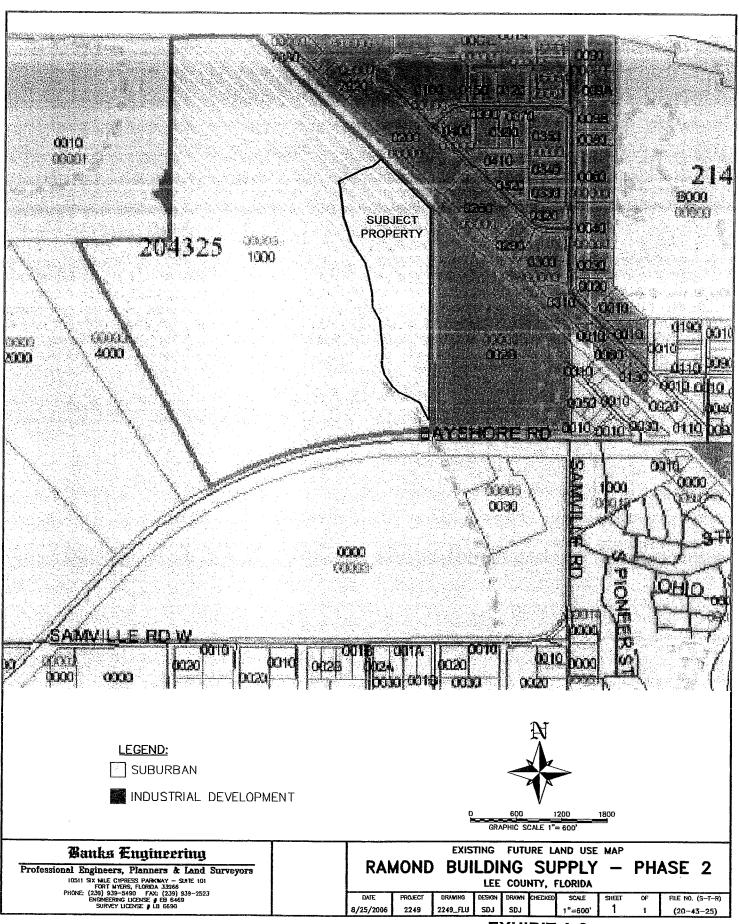
Item 1: Fee Schedule

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

### **AFFIDAVIT**

I, <u>Duane Swanson</u> as <u>Director</u> of <u>Raymond Building Supply Corporation</u> , a Florida <u>Corporation</u> , certify that I am the owner or authorized representative of the property described therein, 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. <u>I also authorize the staff of Lee County Community Development</u> to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made through this application.
Signature of owner or owner-authorized agent  Number 11/2/07  Date
Duane Swanson
Typed or printed name
STATE OF FLORIDA) COUNTY OF LEE )
The foregoing instrument was certified and subscribed before me this $2$ day of $8$ 00 and $8$ 00
Corporation , who is personally known to me or who has produced
as identification.
(SEAL)  SANDRA DUNAWAY  MY COMMISSION # DD 6139  EXPIRES: February 10, 201  EXPIRED Underson  Berified Thin Notery Public Underson  Printed name of notary public







EXHIBITS A.3 & A.4

# Existing Zoning and Land Uses Narrative EXHIBITS A.3 & A.4

The subject parcel is vacant and designated Suburban on the County's land use map. The property located to the west of the subject parcel is vacant and zoned AG-2. Bayshore Road is located directly south and to the east of the subject parcel is where the Raymond Building Supply lumber yard is located, which is zoned IPD. To the north is the Florida Freezer Warehouse Distribution Terminals, zoned IL. The proposed land use change on the subject parcel will be consistent with the uses on the surrounding properties.

# Legal Description EXHIBIT A.5

A parcel or tract of land lying in Section 20, Township 43 South, Range 25 East, Lee County, Florida, more particularly described as follows:

Commence at the west quarter corner of said Section 20 and run N 89°43'21" E along the north line of the SW ¼ of said Section 20 for 2,016.85 feet to the Point of Beginning; thence continue N 89°43'21" E for 617.49 feet to the center of said Section 20; thence run N 00°09'22" W for 1,334.98 feet to the NW corner of the SW ¼ of the NE ¼ of said Section 20; thence run N 89°42'16" E for 540.65 feet to the southwesterly right-of-way line of the Seaboard Coast Line Railroad; thence run S 46°40'52" E along said right-of-way line for 1,611.27 feet; thence run S 00°22'45" W for 1,497.21 feet to a point on the northerly right-of-way line of County Road C-78 (Bayshore Road), said point being the point of curvature of a curve concave to the southeast, having a radius of 2,914.79 feet; thence run southwesterly along said right-of-way along the arc of said curve through a central angle of 29°11'41" for an arc distance of 1,485.22 feet; thence run N 28°48'56" W for 1,852.02 feet to the Point of Beginning.

### **EXHIBIT A.6**

(3)

Prepared by and return to: Peter J. Gravina, Esq.

Name Address PAVESE LAW FIRM 1833 Hendry Street Post Office Drawer 1507 FORT MYERS, FLORIDA 33902 INSTR # 6651886

OR BK 04595 Pgs 1267 - 1268; (2pgs)
RECORDED 02/16/2005 04;32:23 PM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY, FLORIDA
RECORDING FEE 18.50
DEED DOC 683.90
DEPUTY CLERK D Schaefer

Property Appraiser's
Parcel Identification No.: 20-43-25-00-00003.1000

WARRANTY DEED (STATUTORY FORM - SECTION 689.02, F.S.)
This Indenture, made this IMP day of FERNARY, 2005, Between, JOHN B. FASSETT,
Individually and as Trustee of the Ann B. Fassett Trust dated June 5, 1986,
whose post office address is 4560 Via Royale, Fort Myers, Florida 33919, grantor\*, and S.W.
FLORIDA LAND 163, L.L.C., a Florida limited liability company, whose post
office address is 6250 Diamond Centre Court, Bldg. 1300, Fort Myers, Florida 33912, grantee\*,

Witnesseth that said grantor, for and in consideration of the sum of TEN AND NO/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:

An undivided 2 1/2% % interest in and to the property described on attached Exhibit "A".

Subject to easements, reservations and restrictions of record and taxes for the current and all subsequent years.

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: HOHN B. FASSETT, Individually and as imess#1 Trustee of the Ann B. Fassett Trust dated Vennster June 5, 1986 Brinted name of Wimess #1 Witness #2 LORRAINE Printed name of Witness #2 STATE OF COUNTY OF The foregoing instrument was acknowledged before me this // M day of February, 2005, by JOHN B. FASSETT, Individually and as Trustee, who is personally known to me or who (as identification. produced DRIVERS LICENSE Notary Public OFFICIAL NOTARY SEAL GRRAINE LORRAINE L COOK NOTARY PUBLIC STATE OF FLORIDA Printed name of Notary Public My Commission Fire MAR. 17,7605

2000 1 of 2

D 14505/D 1400

### EXHIBIT "A"

PARCEL 1: ···

A parcal or tract of land lying in Section 20, Township 43 South, Range 25 East, Lee County, Florida, more particularly described as follows:

Commence at the west quarter corner of said Section 20 and run N 89 o 43'21" E along the north line of the SW 1/4 of said Section 20 for 2,016.85 feet to the Point of Beginning; thence continue N 89 o 43' 21" E for 617.49 feet to the center of said Section 20; thence run N 0 o 09' 22" W for 1,334.98 feet to the NW corner of the SW 1/4 of the NE 1/4 of said Section 20; thence run N 89 o 42' 16" E for 540.65 feet to the southwesterly right-of-way line of the Seaboard Coast Line Railroad; thence run S 46 o 40' 52" E along said right-of-way line for 1,611.27 feet; thence run S 0 o 22' 45" W for 1,497.21 feet to a point on the northerly right-of-way line of County Road C-78 (Bayshore Road), said point being the point of curvature of a curve concave to the southwesterly along said right-of-way along the arc of said curve through a central angle of 29 o 11' 41" for an arc distance of 1,485.22 feet; thence run N 28 o 48' 56" W for 1,852.02 feet to the Point of Beginning.

# Sanitary Sewer / Potable Water EXHIBITS B.2.a & B.2.b

The Average Daily Flow of water and sewer for 84 multi-family units is 148,480 GPD; 220 GPD per unit. The maximum assumption for the Average Daily Flow for 180,000 square feet of warehouse is 1,050 GDP; 15 GPD per employee per 8 hour shift for 70 employees.

# Surface Water / Drainage Basins EXHIBIT B.2.c

The subject property is located in the Chapel Branch and Daughtrey Creek East Watersheds as indicated in the Lee County Surface Water Management Master Plan. Any development will be in compliance with South Florida Water Management District and the Lee County Development Code with regard to surface water management.

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

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

The June 2006 Concurrency Report states on page 3 that "All new developments that receive approval from the South Florida Water Management District and which comply with standards in Chapters 17-3, 17-40, and 17-302 of the Florida Statutes, and Rule 40E-4 of the Florida Administrative Code are deemed Concurrent with the Level of Service standards set forth in THE LEE PLAN."

# Parks, Recreation and Open Space EXHIBIT B.2.d

The proposed amendment from Suburban to Industrial Development will reduce the demand for developed park acreage in Lee County. The reductions, based on the applicable Lee Plan levels of service, are as follows:

Regional Park Required LOS--1.05 acres

Regional Park Desired LOS--1.4 acres

Community Park Required LOS--.14 acres

Community Park Desired LOS--.35 acres

No revisions to the CIE will be required as a result of this amendment.



P.O. Box 3507 N. Ft. Myers, FL 33918-3507 (239) 997-8654 (239) 995-3757 fax www.northfortmyersfire.com

9/20/06

Alison Stowe Knott, Consoer, Ebelini, Hart & Sweet, P.A. P.O. Box 2449 Ft. Myers, FL 33902-2449

## Dear Alison

The Comprehensive Plan Amendment for 14.11 acres identified by your firm would not negatively affect our district's ability to provide fire and emergency services for the proposed change. If we can be of any more assistance to you concerning this change or the future projects on this property, feel free to contact us.

Thank you for your time in this matter,

Sincerely,

Terry Pye Fire Chief

Letter will follow via USPS



# Lee County Southwest Florida

# Statement of Initial Review

Lee County Emergency Medical Services (LCEMS) has performed a preliminary review of the project referenced herein. Based upon the limited amount of information provided, LCEMS has no initial concerns with the ability to provide service to this project.

The Comprehensive Plan Amendment for Raymond Building Supply, changing 14.11 acres from Suburban designation to Industrial Development is not anticipated to create a negative impact on our service level.

This current location is served by our Station 19, located at 17350 Nalle Rd, which is approximately 1 ¼ miles away.

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

(Signature)

EMS Operations Chief (Title)

Kim Dickerson (Printed Name) January 23, 2008 (Date)



Kim Dickerson, EMT-P, RN, MBA EMS Operations Chief Lee County Emergency Medical Services 14752 Ben Pratt/Six Mile Cypress Parkway Fort Myers, FL 33912

Phone: 239-335-1661 Fax: 239-335-1671

Email: <u>kdickerson@leegov.com</u>
Website: www.lee-ems.com

## **EXHIBIT B.3.c**





State of Florida County of Lee

Ms. Alison Stowe Knott, Consoer, Ebelini, Hart & Swett, P.A. 1625 Hendry Street P.O. Box 2449 Fort Myers, Florida 33901

September 25, 2006

Dear Ms. Stowe:

The Sheriff's Office has reviewed your fax letter dated September 19, 2006 outlining your intention to request a comprehensive plan amendment from Lee County for the project referenced as "Raymond Building Supply" located south of I-75 between West Street and Bayshore Roads in North Lee County, Florida. It is my understanding that the purpose of the amendment, if approved, would be to change the land use designation of approximately 14.11 acres from Suburban to Industrial Development allowing for the expansion of light industry and the reduction of residential development in that parcel.

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

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

Sincerely

Mike Scott

Sheriff, Lee County Florida



# Mike Scott

# Office of the Sheriff



State of Florida County of Lee

October 31, 2007

Matthew Uhle Knott, Consoer, Ebelini, Hart & Swett, P.A. 1625 Hendry St PO Box 2449 Ft Myers, Fl 33902-2449 Reference to Project: Raymond Lumber

Dear Mr. Uhle

The Lee Plan Ammendment for Approximately 14 acres identified by your firm as "Raymond Building" would not affect the Lee County Sheriff's Office ability to provided core services for the proposed change.

When you make application for a Development Order for this property, please provide the Lee County Sheriff's Office with a set of plans and uses for the project. A Crime Prevention Through Environmental Design (CPTED) survey and report will be done at that time with recommedations to you and the county staff.

Please contact Kevin Farrell, Coordinator of the Crime Prevention Unit at 477-2821 with copies of your plans.

Mike Scott Sheriff

Captain James C. Ny gaard, MBA

Lee County Sheriff's Office

( Administration Bureau

14750 Six Mile Cypress Pkwy

Fort Myers, Fl 33912 239-477-1424 (Office)



# **EXHIBIT B.3.c**



# BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number:

(239) 338-3302

Bob Janes District One

Douglas R. St. Cerr y District Two

Ray Judah District Three

September 27, 2006

Tammy Hall District Four .

John E. Albion District Five Ms. Alison M. Stowe Knott, Consoer, Ebelini Hart & Swett, P.A.

Donald D. Stilwell County Manager

1625 Hendry Street P.O. Box 2449

David M. Owen
County Attorney

Fort Myers, FL 33902-2449

Diana M. Parker County Hearing Examiner

SUBJECT: Comprehensive Plan Amendment for Raymond Building Supply

Dear Ms. Stowe:

The Lee County Solid Waste Division is capable of providing solid waste collection service for the proposed expansion of light industrial uses at the property located in North Ft. Myers through our franchised hauling contractors. Disposal of the solid waste from this project will be accomplished at the Lee County Resource Recovery Facility and the Lee-Hendry Regional Landfill. Plans have been made, allowing for growth, to maintain long-term disposal capacity at these facilities.

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

Sincerely.

William T. Newman Operations Manager Solid Waste Division

cc: Wayne Gaither

## **EXHIBIT B.3.d**



#### **BOARD OF COUNTY COMMISSIONERS**

Writer's Direct Dial Number: (239) 533-0333

Bob Janes District One

Douglas R. St. Cerny District Two

Ray Judah District Three

Tammy Hall District Four

John E. Albion District Five

Donald D. Stilwell County Manager

David M, Owen County Attorney

Diana M. Parker County Hearing Examiner September 25, 2006

Ms. Alison M. Stowe

Knott, Consoer, Ebelini, Hart & Swett, P.A.

P.O. Box 2449

Fort Myers, FL 33902-2449

Re: Raymond Building Supply

Mr. Stowe:

Lee County Transit received your letter on September 21, 2006 in reference to the Comprehensive Plan Amendment Application for the subject property located south of I-75 with access from West Street and Bayshore Road. Lee County does not currently provide public transportation services to the subject property or to the surrounding area. Planning studies have not identified the need to extend service to the site anytime within the existing Lee County Transit Development Plan, which goes through 2015 and the Lee County Long Range Transportation Plan, which goes through 2030. We do not anticipate this to change with the proposed comprehensive plan amendment changing the designated land use.

If you have any questions please contact me at the telephone number listed above or you can send an e-mail to <a href="mailto:mhorsting@leegov.com">mhorsting@leegov.com</a>.

Sincerely

Michael Horsting, AICP

Planner

Lee County Transit





# THE SCHOOL DISTRICT OF LEE COUNTY

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

STEVEN K. TEUBER, J.D. CHAIRMAN - DISTRICT 4

ELINDA C. SCRICCA, PH.D. VICE CHAIRMAN - DISTRICT 5

ROBERT D. CHILMONIK

JEANNE S. DOZIER DISTRICT 2

JANE E. KUCKEL, PH.D.

JAMES W. BROWDER, ED.D.

KEITH B. MARTIN BOARD ATTORNEY

September 29, 2006

Alison Stowe Knott, Consoer, Ebelini, Hart & Swett, P.A. 1625 Hendry Street, Third Floor Fort Myers, FL 33902

Re: Comprehensive Plan Amendment for Raymond Building Supply

Dear Ms. Stowe:

Thank you for the opportunity to review the proposed Corradi Palm Beach project for sufficiency comments with regard to educational impacts. This proposed development is in the East Choice Zone of the District. This letter is in response to your request dated September 19, 2006.

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

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

Sincerely,

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

Ellen Frellehl



#### BOARD OF COUNTY COMMISSIONERS

RE:

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

Bob Janes District One November 20, 2007

June Bigéros Oktopi Traj Stacy Ellis Hewitt Banks Engineering

- Say Astab - Established 10511 Six Mile Cypress Pkwy

astron Durie.

Fort Myers, FL 33966

Berney Fig.

POTABLE Water AVAILABILITY

Frank Mirror Frank Mirror Raymond Building Supply - Phase 2 STRAP#: 20-43-25-00-00003.1010

Jonato D. Salveon Commo Alexanore

Dear Ms. Hewitt:

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

Jiana M. Perker County Hearing Examiner

Your firm has indicated that this project will consist of 4 industrial units with an estimated flow demand of approximately 1.680 gallons per day. Lee County Utilities presently has sufficient capacity to provide potable water service as estimated above.

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

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

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

Further, This Letter Of Availability Of Water Service Is To Be Utilized For Re-Zoning For This Project Only. Individual Letters Of Availability Will Be Required For The Purpose Of Obtaining Building Permits.

Bileau

Sincerely,

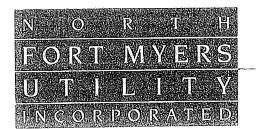
LEE COUNTY UTILITIES

Melissa Bibeau Engineering Tech., I

UTILITIES ENGINEERING

VIA FACSIMILE Original Mailed

**ZONING - 00AAA MASTER** 



(239) 543-1005

Fax (239) 543-2226

доменью 15, 2007

LEE COUNTY BUILDING DEPAR LMENT P. O. BOX 398 1820 HENDRY STREET FT. MYERS, FL. 33901

RE: Wastewater Service Phase 2

STRAP #: 20-43-25-00-00003.1010

ADDRESS: 7701 Bayshore Road

Please be advised that **Raymond Building Supply**, has requested wastewater service for the referred site. The onsite collection system and force main will be constructed by the developer for this project under the terms of a Developer's Agreement.

North Fort Myers Utility, Inc. has the capacity to provide 1,680 gallons per day from its wastewater treatment plant.

This letter should not be construed as a commitment to service, but only to the availability of wastewater service. The company will commit to serve only upon receipt of a signed request for service, executed Developer's Agreement, appropriate fees and charges and approval of all federal, state and local regulatory agencies. This wastewater service availability letter will expire should this project not be under contract within 12 months from the above date.

Yours truly,

North Fort Myers Utility, Inc.

A.A. "Tony" Reeves

**Utility Director** 

## Stacy Hewitt

From: Velez, Sergio I. [VELEZSI@leegov.com]

Sent: Tuesday, November 13, 2007 2:28 PM

To: Stacy Hewitt

Subject: RE: North Lee County WTP

The NLCWTP present capacity is 5 MGD and it was designed to be expanded to 10 MGD. We are in the process of planning the plant expansion at the present time. I hope that this information answer your question, and if you have any further questions, please let me know.

S Ivan Velez, P.E. Deputy Director Lee County Utilities 1500 Monroe Street Fort Myers, FL 33901 Ph: 239-533-8166 Fax: 239-533-8176

cell: 239-357-1867

From: Stacy Hewitt [mailto:SHewitt@BanksEng.com]

Sent: Tuesday, November 13, 2007 1:35 PM

To: Velez, Sergio I.

Subject: North Lee County WTP

Good afternoon. We are interested in obtaining any information available on projected plant capacity for 2030 for the North Lee County WTP.

Please do not hesitate to contact me if you have any questions or require further information. Thank you.

Stacy Ellis Hewitt
Director of Planning
Banks Engineering
10511 Six Mile Cypress Parkway - Suite 101
Fort Myers, FL 33966

Email: shewitt@bankseng.com

Phone: 239-939-5490 Cell: 239-770-2527 Fax: 239-939-2523

# Stacy Hewitt

From: OLDBRIDGE9@aol.com

Sent: Monday, November 19, 2007 9:38 AM

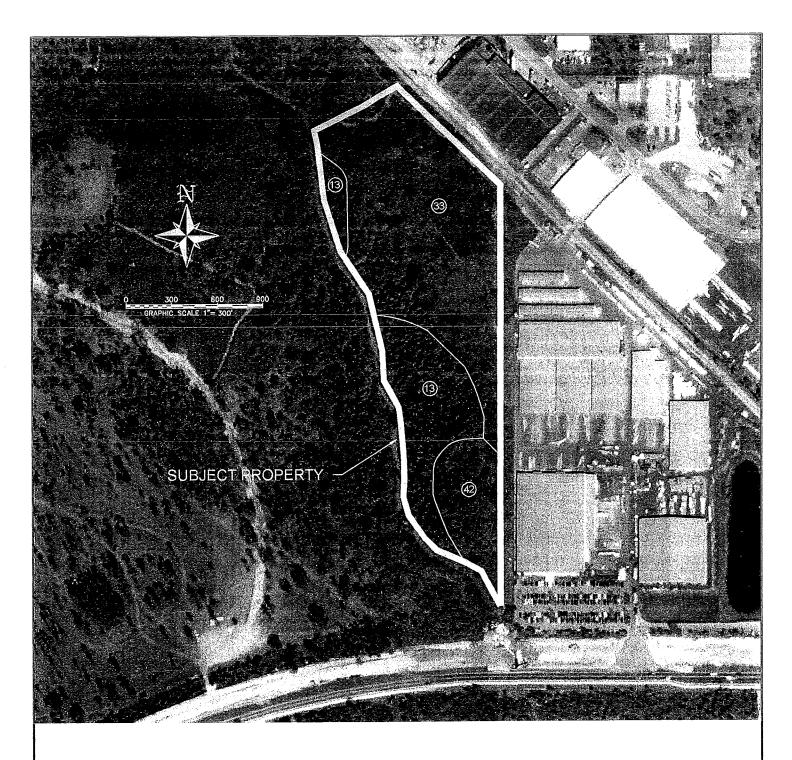
To: Stacy Hewitt

Subject: Re: Request for Letter of Availability and 2030 Projected Plant Capacity

We figure it should be about 8.5 Million a day

Tony

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## SOILS LEGEND:

- 13 BOCA FINE SAND 33 OLDSMAR SAND 42 WABASSO SAND, LIMESTONE SUBSTRATUM

## Banks Engineering

Professional Engineers, Planners & Land Surveyors

10511 SIX MILE CYPRESS PARKWAY — SURTE 101
FORT MYERS, FLORIDA 33966
PHONE: (239) 939-5490 FAX: (239) 939-2523
FINGMERERNO LICENSE # EB 6469
SURVEY LICENSE # LB 6690

## SOILS MAP

# RAYMOND BUILDING SUPPLY - PHASE 2

LEE COUNTY, FLORIDA									
DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET	OF	FILE NO. (S-T-R)
8/25/2006	2249	_soil_	รถม	รถม	l l	1"=300"	1	1	(20-43-25)