

OCTOBER 22, 2008

A Meeting of the Board of Lee County Commissioners was held this date to conduct a Public Hearing to consider the transmittal of the 2007/2008 Regular Lee Plan Amendments to the Lee County Comprehensive Plan with the following Commissioners present:

Ray Judah, Chairman  
 Frank Mann, Vice Chairman  
 Tammara Hall  
 Robert P. Janes  
 A. Brian Bigelow

ON FILE IN THE MINUTES OFFICE:

THE LEE PLAN AMENDMENTS; CPA REPORTS, INCLUDING MAPS AND RECOMMENDATIONS FROM THE LOCAL PLANNING AGENCY (LPA) AND STAFF, COMMUNITY DEVELOPMENT PLANNING DIRECTOR, PAUL O'CONNOR'S SUMMARY MEMORANDUM, DATED OCTOBER 9, 2008; AND ALL HANDOUTS PRESENTED DURING THE MEETING.

### Small Scale Adoption Hearing

#### 1. Call to order

The Chairman called the meeting to order at 9:30 a.m., and requested a two-hour break in these proceedings from 11:30 a.m. to 1:30 p.m., to conduct other business. Commissioner Mann requested he be excused from 2:00 p.m. to 2:15 p.m., due to another commitment; and the Board agreed.

#### 2. Certification of Affidavit of Publication by County Attorney

Assistant County Attorney Donna Marie Collins approved as to legal form and sufficiency, the Affidavit of Publication regarding the Small Scale Adoption Hearing, and advised those present of a sign-up sheet at the rear of the Chambers that would insure receipt of a courtesy Notice of Intent from the Department of Community Affairs (DCA).

##### A. CPA2007-61 — Formosa

Amend the Future Land Use Map Series for an approximate 9.91 ± acre site located in Section 04, Township 46 South, Range 25 East, to change the classification shown on Map 1, the Future Land Use Map, from Industrial Development to Commercial. The site is generally located at the northeast corner of Alico Road and Lee Road.

#### RECOMMENDATIONS:

Planning staff recommends that Map 1, the Future Land Use Map, not be amended to re-designate the subject area from "Industrial Development" to "Commercial."

The Local Planning Agency (LPA) did not accept the findings of fact, and recommends that the Board adopt the proposed amendment without the change to floor area.

Planning Department Planner Brandy Gonzalez reviewed the proposal; noted that Staff recommended this amendment not be adopted; and, at the request of Commissioner Judah, reviewed the Future Land Use Map. Following response to Board questions by Community Development Planning Director Paul O'Connor, the following individuals spoke on behalf of the applicant:

Attorney Neale Montgomery of the Pavese Law Firm  
 Ted Treesh of TR Transportation Consultants  
 Shellie Johnson of DBS Consulting, Inc.

Following input by DOT Transportation Planning Manager Dave Loveland, the Chairman called for public input; however, no one came forward. Commissioner Hall moved approval of Staff's recommendation not to adopt the proposed land use change, seconded by Commissioner Mann. The motion was called and carried.

### 2007/2008 Regular Lee Plan Amendments Transmittal Hearing

#### 1. Call to order

# **APPLICATION**



November 15, 2007



Lee County Department of Community Development  
Division of Planning  
P.O. Box 398  
Fort Myers, Florida 33902

Re: Formosa Small Scale Comprehensive Plan Amendment

Dear Department:

RECEIVED  
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COMMUNITY DEVELOPMENT  
CPA 2007-00061

Attached please find application for a Small Scale Comprehensive Plan Amendment for the project known as Formosa. The application proposes a Land Use changed from Industrial to Commercial, for approximately 9.9 acres of the previously approved Formosa Industrial Planned Development. The project site is located at the intersection of Alico Road and Lee Road.

If you should have any questions, please do not hesitate to contact me at 239-226-0024.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Shellie Johnson', written over a horizontal line.

Shellie Johnson, AICP  
Planning Manager  
DBS Consulting, Inc.

enclosure

4450 Camino Real Way  
Fort Myers, FL 33966  
P (239) 226-0024  
F (239) 226-0094

# FORMOSA IPD

## SMALL SCALE COMPREHENSIVE PLAN AMENDMENT

NOVEMBER 2007

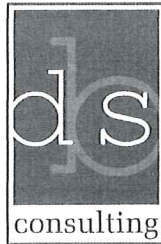
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COMMUNITY DEVELOPMENT

Prepared for:  
ALICO LAND INVESTMENT, LLC

CPA 2007-00061

Submitted to:  
Lee County Board of County Commissioners  
Department of Community Development  
Division of Planning



DBS Consulting, Inc.  
4450 Camino Real Way  
Fort Myers, FL 33966  
P (239) 226-0024  
F (239) 226-0094

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<b>E1-4, F1 and G</b>	Internal Consistency Report

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NOV 19 2007



LEE COUNTY  
SOUTHWEST FLORIDA

COMMUNITY DEVELOPMENT

CPA 2007-00061

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: 97

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

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

11.5.07

DATE

SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

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

**Alico Land Investment, LLC**

APPLICANT

**2503 Main Street**

ADDRESS

**Fort Myers Beach**

**FL**

**33931**

CITY

STATE

ZIP

**(239) 765-0016**

**(239) 463-1938**

TELEPHONE NUMBER

FAX NUMBER

**DBS Consulting, Inc. c/o Shellie Johnson**

AGENT\*

**4450 Camino Real Way**

ADDRESS

**Fort Myers**

**FL**

**33966**

CITY

STATE

ZIP

**(239) 226-0024**

**(239) 226-0094**

TELEPHONE NUMBER

FAX NUMBER

**Alico Land Investment, LLC**

OWNER(s) OF RECORD

**2503 Main Street**

ADDRESS

**Fort Myers Beach**

**FL**

**33931**

CITY

STATE

ZIP

**(239) 765-0016**

**(239) 463-1938**

TELEPHONE NUMBER

FAX NUMBER

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

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

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

A. TYPE: (Check appropriate type)

☐ Text Amendment

☒ Future Land Use Map Series Amendment  
(Maps 1 thru 21)

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

**Map #1, FLUM**

B. SUMMARY OF REQUEST (Brief explanation):

**Request a small scale map amendment from Industrial to Commercial to  
allow for commercial development along the Alico Road corridor.**

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

A. Property Location:

1. Site Address: **Northeast Corner of Alico Road and Lee Road**

2. STRAP(s): **Portion of 04-46-25-00-00001.0080**

B. Property Information

Total Acreage of Property: **±60.43**

Total Acreage included in Request: **±9.91**

Acres of each Existing Future Land Use Category: **±9.91 acres to Commercial;  
±50.53 acres to remain Industrial FLU**

Total Uplands: **±9.91**

Total Wetlands: **0**

Current Zoning: **IPD**

Current Future Land Use Designation: **Industrial**



Existing Land Use: **Vacant**

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

*Lehigh Acres Commercial Overlay:* **NA**

*Airport Noise Zone 2 or 3:* **Noise Zone C**

*Acquisition Area:* **NA**

*Joint Planning Agreement Area (adjoining other jurisdictional lands):* **NA**

*Community Redevelopment Area:* **NA**

- D. Proposed change for the Subject Property: **Future Land Use Designation change from Industrial to Commercial**
- 

- E. Potential development of the subject property:

1. Calculation of maximum allowable development under existing FLUM:

Residential Units/Density	<b><u>NA</u></b>
Commercial intensity	<b><u>30,000</u></b>
Industrial intensity	<b><u>60,000</u></b>

2. Calculation of maximum allowable development under proposed FLUM:

Residential Units/Density	<b><u>N/A</u></b>
Commercial intensity	<b><u>175,000 s.f.</u></b>
Industrial intensity	<b><u>0</u></b>

#### **IV. AMENDMENT SUPPORT DOCUMENTATION**

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

A. General Information and Maps

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

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

1. Provide any proposed text changes. **N/A**
2. Provide a Future Land Use Map showing the boundaries of the subject property, surrounding street network, surrounding designated future land uses, and natural resources. **Provided as Maps A2a and A2b**
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 **Provided as Map A3**
4. Map and describe existing zoning of the subject property and surrounding properties. **Provided as Map A4**
5. The legal description(s) for the property subject to the requested change. **Provided as Exhibit I**
6. A copy of the deed(s) for the property subject to the requested change. **Provided as Exhibit II**
7. An aerial map showing the subject property and surrounding properties. **Provided as Maps A7a and A7b**
8. If applicant is not the owner, a letter from the owner of the property authorizing the applicant to represent the owner. **Provided as Exhibit V**

B. Public Facilities Impacts

*NOTE: The applicant must calculate public facilities impacts based on a maximum development scenario (see Part II.H.). **Provided as Exhibit B1***

1. Traffic Circulation Analysis

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

Long Range – 20-year Horizon:

- a. Working with Planning Division staff, identify the traffic analysis zone

(TAZ) or zones that the subject property is in and the socio-economic data forecasts for that zone or zones;

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

Short Range – 5-year CIP horizon:

- a. Besides the 20-year analysis, for those plan amendment proposals that include a specific and immediate development plan, identify the existing roadways serving the site and within a 3-mile radius (indicate laneage, functional classification, current LOS, and LOS standard);
- 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 **Provided as Exhibit B2a and B2b**
  - b. Potable Water **Provided as Exhibit B2a and B2b**
  - c. Surface Water/Drainage Basins **Provided as Exhibit B2c**
  - d. Parks, Recreation, and Open Space. **N/A**

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:

**Provided as Exhibit B3a**

- 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. **N/A**

*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. **Provided as Exhibit C***

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:

**Provided as Map D1 and D2**

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   **Provided as Exhibit E1-4, F1 and G****

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**

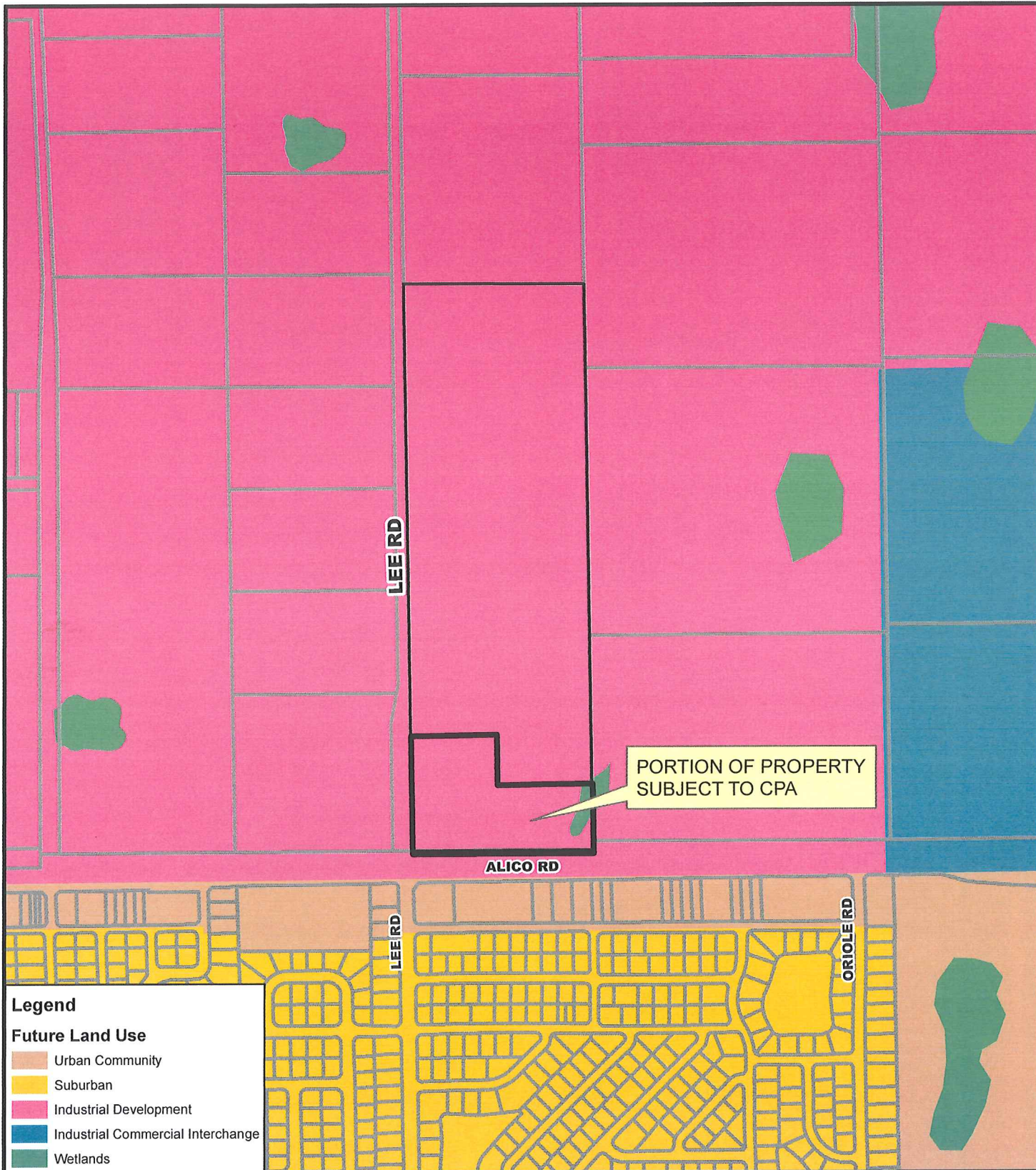
1. Requests involving Industrial and/or categories targeted by the Lee Plan as employment centers (to or from) **Provided as Exhibit E1-4, F1 and G**
  - a. State whether the site is accessible to arterial roadways, rail lines, and cargo airport terminals,
  - b. Provide data and analysis required by 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 **N/A**

- a. Demonstrate why the proposed change does not constitute Urban Sprawl. Indicators of sprawl may include, but are not limited to: low-intensity, low-density, or single-use development; 'leap-frog' type development; radial, strip, isolated or ribbon pattern type development; a failure to protect or conserve natural resources or agricultural land; limited accessibility; the loss of large amounts of functional open space; and the installation of costly and duplicative infrastructure when opportunities for infill and redevelopment exist.
3. Requests involving lands in critical areas for future water supply must be evaluated based on policy 2.4.2. **N/A**
4. Requests moving lands from Density Reduction/Groundwater Resource must fully address Policy 2.4.3 of the Lee Plan Future Land Use Element. **N/A**
- 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. **Provided as Exhibit E1-4, F1 and G**

**Item 1: Fee Schedule**

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





# Existing Future Land Use Map MAP A2a

Formosa Parcel  
Alico Land Investment, LLC. 2503 Main Street  
Fort Myers Beach, FL 33931

Source: Lee County Property Appraisers Office

It is the end user's responsibility to verify the data contained hereon.

FORMOSA SMALL  
SCALE CPA

700 350 0 700  
Feet



Date: 10-31-07

Map Number:  
1054-11-CPA-EX2A

Project Number:  
1054-11

COMMUNITY DEVELOPMENT

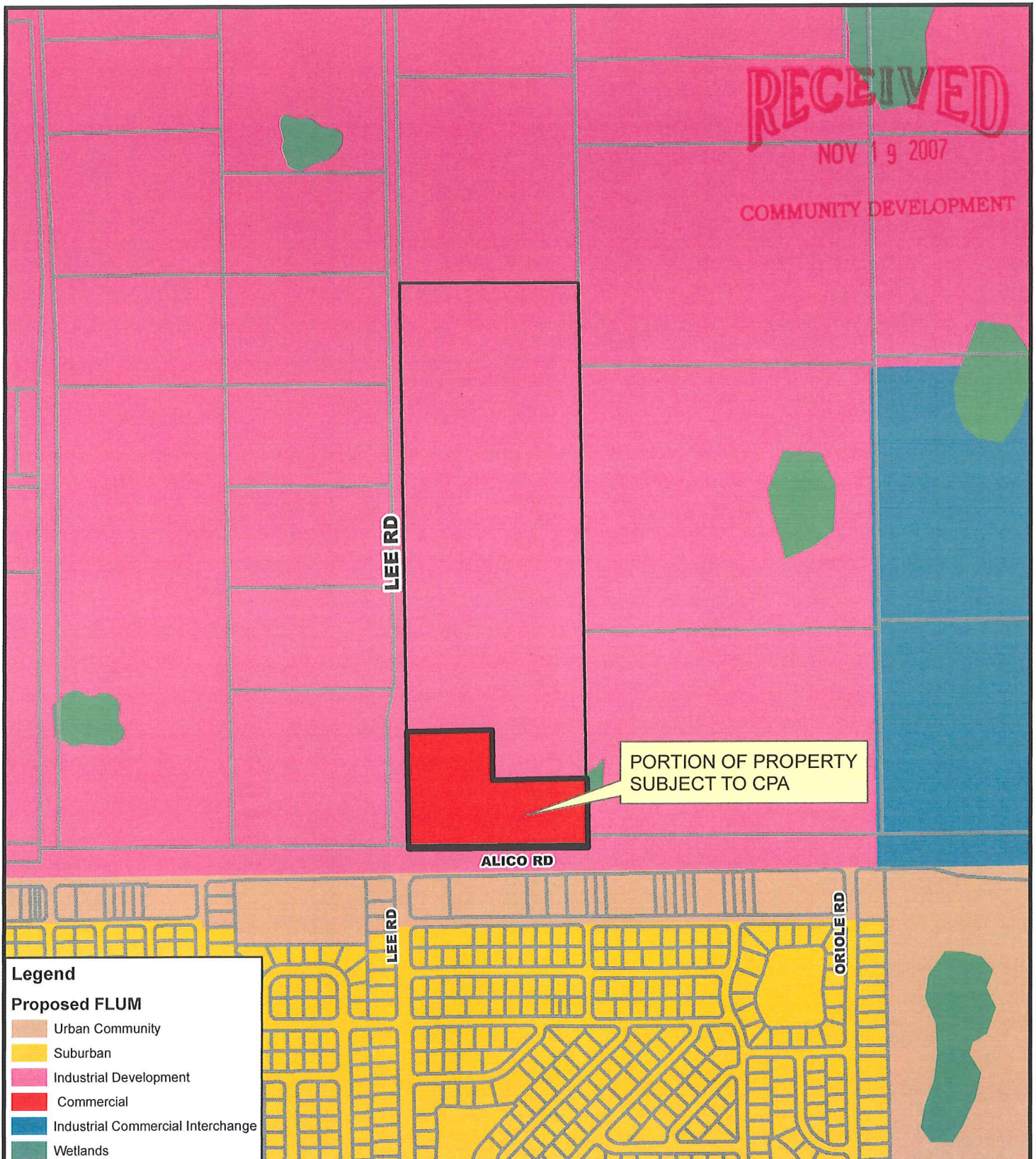
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## Legend

## Proposed FLUM

- Urban Community
- Suburban
- Industrial Development
- Commercial
- Industrial Commercial Interchange
- Wetlands



## Proposed Future Land Use Map

MAP A2b

Formosa Parcel  
Alico Land Investment, LLC. 2503 Main Street  
Fort Myers Beach, FL 33931

Source: Lee County Property Appraisers Office

## FORMOSA SMALL SCALE CPA

700 350 0 700  
Feet



Date: 10-31-07

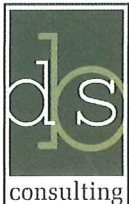
Map Number:  
1054-11-CPA-EX2B

Project Number:  
1054-11



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CPA 2007-00061



## Existing Landuse Map

MAP A3

Formosa Parcel  
Alico Land Investment, LLC. 2503 Main Street  
Fort Myers Beach, FL 33931

Source: Lee County Property Appraisers Office

## FORMOSA SMALL SCALE CPA

500 250 0 500  
Feet



Date: 10-31-07

Map Number:  
1054-11-CPA-EX3

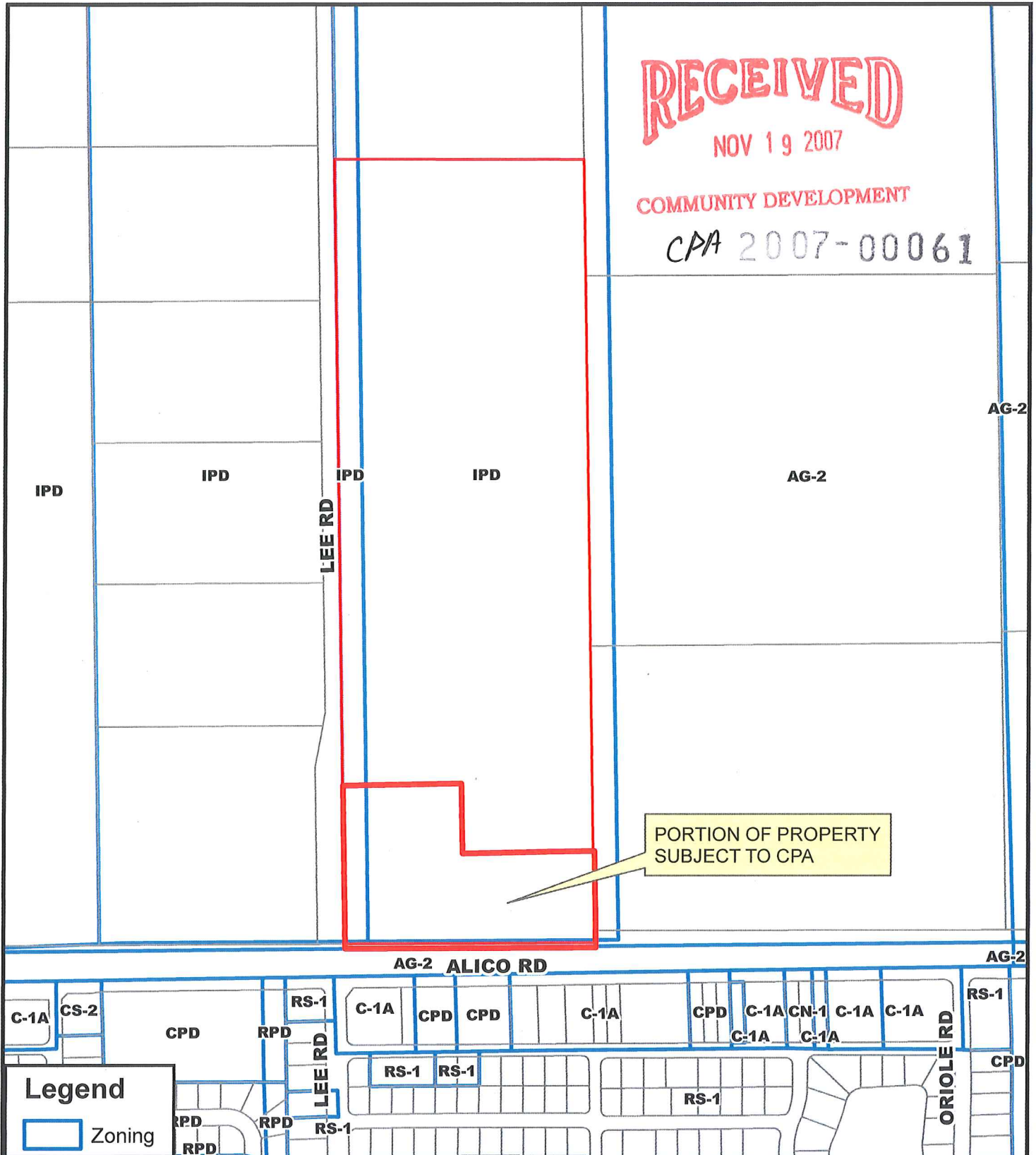
Project Number:  
1054-11



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CPA 2007-00061



Legend

Zoning



ZONING MAP

MAP A4

Formosa Parcel  
Alico Land Investment, LLC. 2503 Main Street  
Fort Myers Beach, FL 33931

Source: Lee County Property Appraisers Office

FORMOSA SMALL  
SCALE CPA

500 250 0 500  
Feet



Date: 10-31-07

Map Number:  
1054-11-CPA-Zone

Project Number:  
1054-11

**DESCRIPTION**

Parcel in  
Section 4, Township 46 South, Range 25 East  
Lee County, Florida

A tract or parcel of land lying in Section 4, Township 46 South, Range 25 East, Lee County, Florida, said tract or parcel of land being more particularly described as follows:

Commencing at the South Quarter Corner of said Section 4 run  $N00^{\circ}58'54''W$  along the North-South Quarter Section line for 100.01 feet to an intersection with the Northerly right of way line of Alico Road, as described in an Order of Taking, recorded in Official Record Book 3208, Page 357, Lee County Records; thence run the following two courses along said Northerly right of way line:  $N89^{\circ}39'13''E$  for 1.19 feet and  $N89^{\circ}44'42''E$  for 226.21 feet to the POINT OF BEGINNING.

From said Point of Beginning run  $N00^{\circ}58'54''W$  parallel to said North-South Quarter Section line for 600.65 feet; thence run  $N89^{\circ}01'06''E$  for 434.30 feet; thence run  $S00^{\circ}58'54''E$  parallel to said North-South Quarter Section line for 257.35 feet; thence run  $N89^{\circ}01'06''E$  for 482.20 feet to an intersection with the West line of the East 1,506.33 feet of Section 4; thence run  $S00^{\circ}58'56''E$  along said line for 354.93 feet to a point on the Northerly right of way line of Alico Road; thence run  $S89^{\circ}44'42''W$  along said Northerly right of way line for 916.58 feet to the POINT OF BEGINNING.

Containing 9.91 acres, more or less.

Bearings hereinabove mentioned are State Plane for the Florida West Zone (1983/99 adjustment) and are based on the South line of the Southeast Quarter (SE 1/4) of said Section 4 to bear  $S89^{\circ}44'42''W$ .

**RECEIVED**

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ICPA 2007-00061

 10/4/07

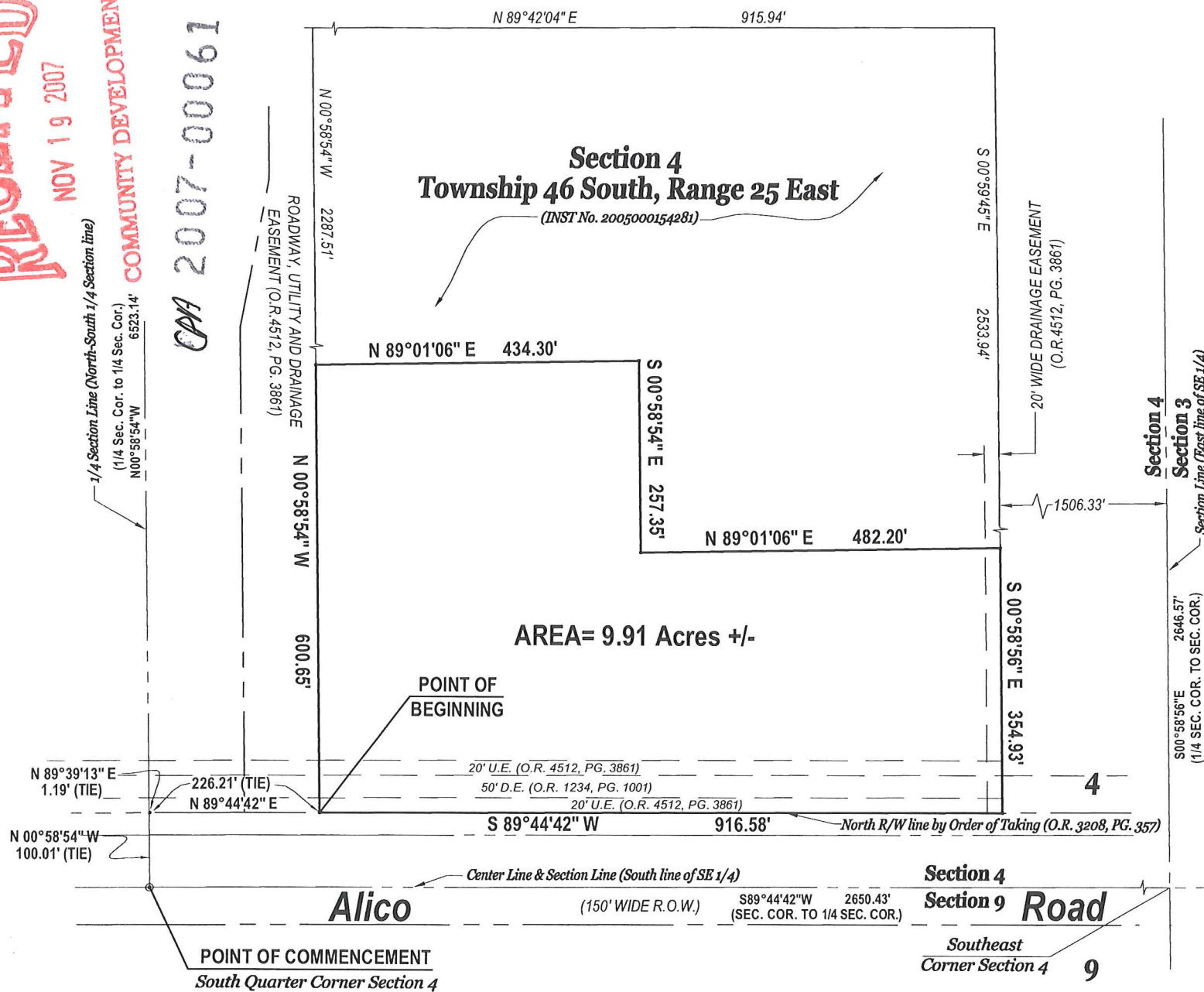
Scott A. Wheeler (For The Firm)  
Professional Surveyor and Mapper  
Florida Certificate No. 5949

L:\22374 - Formosa 60\Description\22374SK05DESC.DOC



COMMUNITY DEVELOPMENT

CPA 2007-00061



# THIS IS NOT A SURVEY

NOTES:

1. ALL DISTANCES SHOWN ARE IN FEET AND DECIMALS THEREOF.
2. INST. No. - DENOTES INSTRUMENT No.
3. P.B. - DENOTES PLAT BOOK, LEE COUNTY PUBLIC RECORDS.
4. PG. - DENOTES PAGE.
5. R/W - DENOTES RIGHT OF WAY.
6. SEC. COR. - DENOTES SECTION CORNER.
7. BEARINGS HEREON ARE STATE PLANE FOR THE FLORIDA WEST ZONE (1983/99 ADJUSTMENT) AND ARE BASED ON THE SOUTH LINE OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 4 TO BEAR S 89°44'42" W.
8. DESCRIPTION IS ATTACHED.



A horizontal number line is shown with tick marks at 0, 100, 200, and 400. The segment between 100 and 200 is shaded gray. Below the number line, the text "SCALE IN FEET" is written.

10

**10** Scott A. Wheeler  
SCOTT A. WHEELER (FOR THE FIRM - LB-6940)  
PROFESSIONAL SURVEYOR AND MAPPER  
FLORIDA CERTIFICATE NO. 5949

DATE SIGNED:

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

**Barraco**  
and Associates, Inc.  
CIVIL ENGINEERING • LAND SURVEYING  
LAND PLANNING • LANDSCAPE DESIGN

---

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2271 MCGREGOR BOULEVARD  
POST OFFICE DRAWER 2000  
FORT MYERS, FLORIDA 33902-2800  
PHONE (239) 481-3170  
FAX (239) 481-3109

---

FLORIDA CERTIFICATE OF AUTHORIZATION  
ENGINEERING 7095 • SURVEYING LB-0640

**DBS  
Consulting,  
Inc.**

**A Parcel of Land in  
Section 4  
Township 46 South  
Range 25 East,  
Lee County, Florida**

PROJECT SURVEYOR

SCOTT A. WHEELER  
CERTIFICATE  
NO. 6949  
STATE OF  
FLORIDA  
REGISTERED SURVEYOR & MAPPER

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

FILE NAME	223745405.DWG
LAYOUT	LAYOUT1
LOCATION	J:\22374.DWG\SURVEYING\SKE1CH
PLOT DATE	FRI 9/28/2007 - 1:31 PM
PLOT BY	MAIT WEBB
<b>DRAWING DATA</b>	
SURVEY DATE	09-29-2007
DRAWN BY	MW
CHECKED BY	SAW
SCALE	1"=200'
FIELD BOOK	

[illegible]

<div style="text-align: center;"> <b>STRAßENVERSICHERUNG</b> </div>	
Empty space for drawing	

SKETCH TO ACCOMPANY DESCRIPTION	
PROJECT / FILE NO.	SHEET NUMBER
22374	2 OF 2



RECEIVED  
NOV 19 2007

Prepared by and return to:  
Joseph M. Madden, Jr., Attorney at Law  
LAW OFFICE OF JOSEPH M. MADDEN, JR., LLC  
2222 Second Street  
Fort Myers, FL 33901-3026  
239-332-2100  
File Number: 1303.003  
Will Call No.: 941

COMMUNITY DEVELOPMENT

CPA 2007-00061

[Space Above This Line For Recording Data]

## Warranty Deed

**This Warranty Deed** made this 5th day of October, 2006 between Formosa Commerce Center, LLC, a Florida Limited Liability Company whose post office address is 14975 TECHNOLOGY CT., Fort Myers, FL 33912, grantor, and ALICO LAND INVESTMENT, LLC, a Florida Limited Liability Company whose post office address is 712 Fisherman's Wharf, Fort Myers Beach, FL 33931, grantee:

(Whenever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

**Witnesseth**, that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) 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:

See Exhibit "A" attached hereto and made a part hereof as if fully set forth herein.

Parcel Identification Number: 04-46-25-00-00001.0080

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

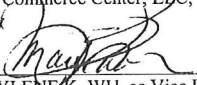
**Subject to** covenants, conditions, restrictions, easements, reservations and limitations of record, if any, and taxes accruing subsequent to December 31, 2005.


**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; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2005.

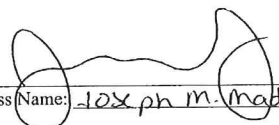
**In Witness Whereof**, grantor has hereunto set grantor's hand and seal the day and year first above written.  
Signed, sealed and delivered in our presence:

Formosa Commerce Center, LLC, a Florida Limited Liability Company

By:   
MAYLENE K. WU, as Vice President of Pacific Peak Inc, its Manager

  
Witness Name: LOUISE S. BROWN

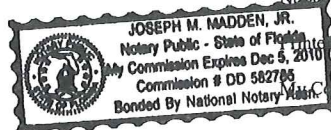
(Corporate Seal)

  
Witness Name: JOSEPH M. MADDEN, JR.

State of Florida  
County of Lee

The foregoing instrument was acknowledged before me this 5th day of October, 2006 by MAYLENE K. WU of Formosa Commerce Center, LLC, a Florida Limited Liability Company, as Vice President of Pacific Peak, Inc., its Manager on behalf of the corporation. He/she ☐ is personally known to me or ☒ has produced a driver's license as identification.

[Notary Seal]



Notary Public

Name: \_\_\_\_\_

Commission Expires: \_\_\_\_\_

DoubleTime®

EXHIBIT A6a

## EXHIBIT "A"

A parcel of land being the same lands described in Official Records Book 3883, Page 2464 and 2483 of the Public Records of Lee County, Florida, Section 4, Township 46 South, Range 25 East, Lee County, Florida, described as follows:

Commence at the South  $\frac{1}{4}$  corner of said Section 4; thence North  $00^{\circ}59'17''$  West along the North-South  $\frac{1}{4}$  Section line, a distance of 100.01 feet to a point on the North right of way line of Alico Road as described in the Order of Taking recorded in Official Records Book 3208, Page 357 of the Public Records of Lee County, Florida; thence North  $89^{\circ}38'46''$  East along said North line, a distance of 1.19 feet to an angle point; thence North  $89^{\circ}44'24''$  East along said North line, a distance of 226.21 feet to the point of beginning; thence North  $00^{\circ}59'17''$  West along a line that is parallel to said North-South  $\frac{1}{4}$  section line, a distance of 6175.65 feet to a point on the South drainage right of way line recorded in Official Records Book 3442, Page 3231 of the Public Records of Lee County, Florida; thence North  $89^{\circ}06'32''$  East along said South line, a distance of 910.22 feet to a point on a line that is 1506.33 feet West of and parallel to the East line of the Northeast  $\frac{1}{4}$  of said Section 4; thence South  $01^{\circ}05'06''$  East along said parallel line, a distance of 3659.51 feet to an angle point; thence South  $00^{\circ}59'09''$  East along a line that is 1506.33 feet West of and parallel to the East line of the Southeast  $\frac{1}{4}$  of said Section 4, a distance of 2526.25 feet to a point on said North right of way line of Alico Road; thence South  $89^{\circ}44'24''$  West along said North line, a distance of 916.38 feet to the point of beginning. Less and Except property described in that certain Warranty Deed recorded in Instrument #2005000154281, Public Records of Lee County, Florida.

The bearings are based on the South line of said Southeast  $\frac{1}{4}$  of Section 4, being North  $89^{\circ}44'24''$  East as assumed meridian.

Parcel Identification Number: 04-46-25-00-00001.0080

**EXHIBIT A6b  
ADDITIONAL AGENTS**

<b>Company Name:</b>	Dexter Bender Associates, Inc.					
<b>Contact Person:</b>	Paul Owen					
<b>Address:</b>	<b>Street :</b>	2052 Virginia Ave				
	<b>City:</b>	Fort Myers	<b>State:</b>	FL	<b>Zip:</b>	33901
<b>Phone:</b>	<b>Area Code:</b>	239	<b>Number:</b>	334-3680	<b>Ext:</b>	
<b>Fax:</b>	<b>Area Code:</b>	239	<b>Number:</b>	334-8714		
<b>E-mail address:</b>	powen@dexbender.com					

<b>Company Name:</b>	TR Transportation					
<b>Contact Person:</b>	Ted Treesh					
<b>Address:</b>	<b>Street :</b>	13881 Plantation Road, Suite 11				
	<b>City:</b>	Fort Myers	<b>State:</b>	FL	<b>Zip:</b>	33912
<b>Phone:</b>	<b>Area Code:</b>	239	<b>Number:</b>	278-3090	<b>Ext:</b>	
<b>Fax:</b>	<b>Area Code:</b>	239	<b>Number:</b>	278-1906		
<b>E-mail address:</b>	tbt@trtrans.net					

<b>Company Name:</b>	Community Engineering Services					
<b>Contact Person:</b>	Randy Hendra, surveyor					
<b>Address:</b>	<b>Street :</b>	8991 Daniels Center Drive # 103				
	<b>City:</b>	Fort Myers	<b>State:</b>	FL	<b>Zip:</b>	33912
<b>Phone:</b>	<b>Area Code:</b>	239	<b>Number:</b>	936-9777	<b>Ext:</b>	
<b>Fax:</b>	<b>Area Code:</b>	239	<b>Number:</b>	936-0064		
<b>E-mail address:</b>	rhendra@communityengineeringonline.com					

<b>Company Name:</b>						
<b>Contact Person:</b>						
<b>Address:</b>	<b>Street :</b>					
	<b>City:</b>				<b>Zip:</b>	
<b>Phone:</b>	<b>Area Code:</b>		<b>Number:</b>		<b>Ext:</b>	
<b>Fax:</b>	<b>Area Code:</b>		<b>Number:</b>			
<b>E-mail address:</b>						

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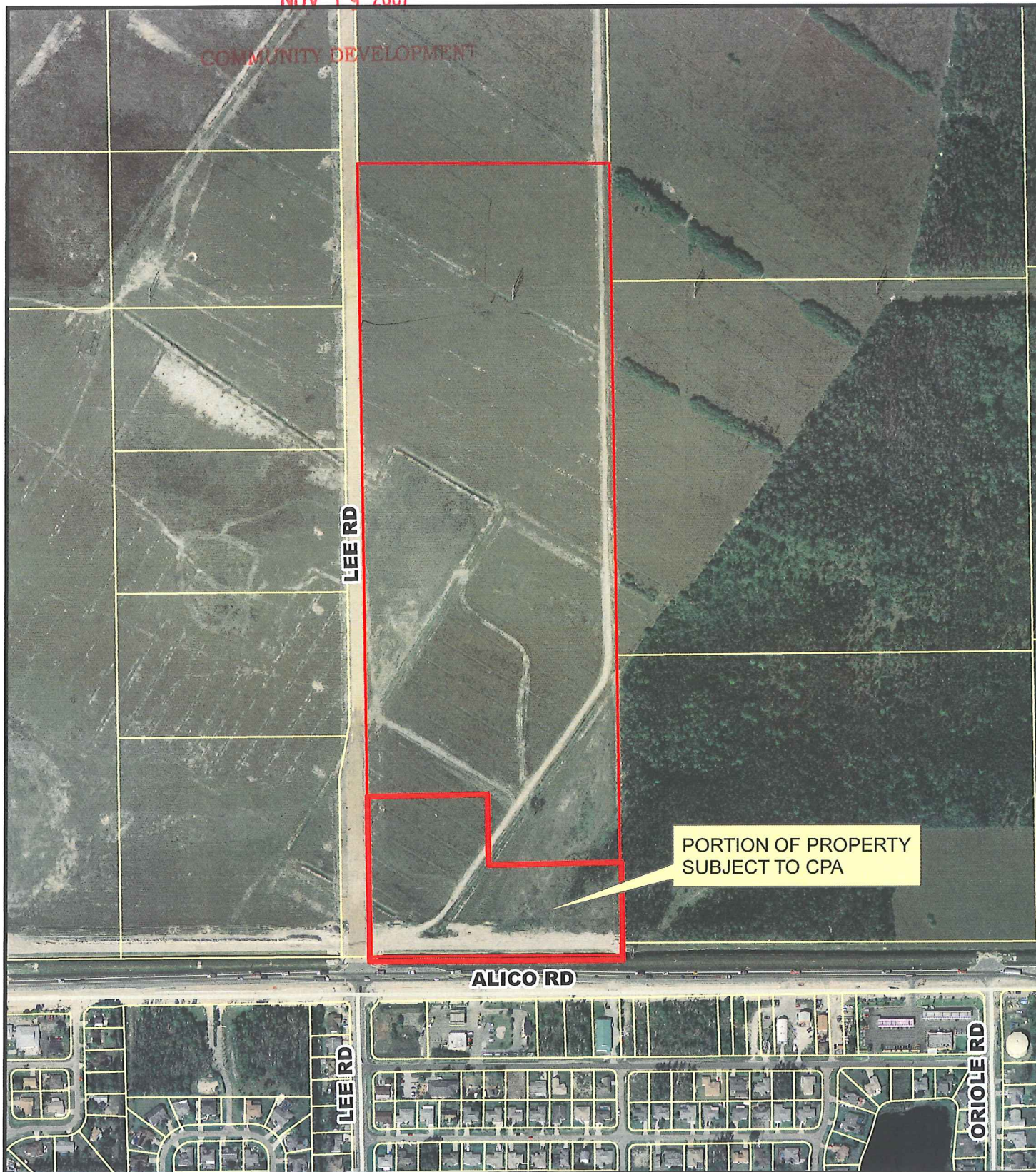


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PORTION OF PROPERTY  
SUBJECT TO CPA

ALICO RD

LEE RD

LEE RD

ORIOLE RD



## AERIAL PHOTOGRAPH

MAP A7a

Formosa Parcel  
Allico Land Investment, LLC. 2503 Main Street  
Fort Myers Beach, FL 33931

Source: Lee County Property Appraisers Office

## FORMOSA SMALL SCALE CPA

500 250 0 500  
Feet



Date: 10-31-07

Map Number:  
1054-11-CPA-Aer

Project Number:  
1054-11



AFFIDAVIT

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

[Signature]  
Signature of owner or owner-authorized agent

10/15/07  
Date

Kenneth V. Poore, Jr.  
Typed or printed name

STATE OF FLORIDA )  
COUNTY OF LEE )

The foregoing instrument was certified and subscribed before me this 15 day of Oct, 2007,  
by \_\_\_\_\_, who is personally known to me or who has produced  
\_\_\_\_\_ as identification.

(SEAL)



[Signature]  
Signature of notary public

Mark J. Gangiano  
Printed name of notary public

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NOV 19 2007

COMMUNITY DEVELOPMENT

CPA 2007-00061

EXHIBIT A8a

## LETTER OF AUTHORIZATION

The undersigned does hereby swear that it is the fee simple title holder and owner of record of property commonly known as Formosa CPA and legally described in Exhibit A attached hereto.

The property described herein is the subject of an application for a Small Scale Comprehensive Plan Amendment. We hereby designate DBS Consulting, Inc. as the legal representatives of the property and as such, these groups are authorized to legally bind all owners of the property in the course of seeking the necessary approvals. This authority includes but is not limited to hiring and authorizing of agents to assist in the preparation of applications, plans, surveys, and studies necessary to obtain approval. These representatives will remain the only entities to authorize development activity on the property until such time as a new or amended authorization is delivered to Lee County.

Alico Land Investment, LLC

Owner



Owner Signature

Kenneth V. Poole, Jr.

Printed Name and Title

STATE OF FLORIDA

COUNTY OF LEE

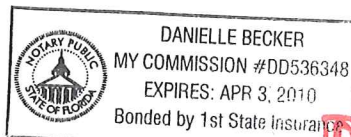
Sworn to (or affirmed) and subscribed before me this 17<sup>th</sup> day of October, 2007, by Kenneth Poole, who is personally known to me or who has produced DL as identification. He/she has acknowledged to me and before me that he/she executed this instrument for the purposes therein expressed.

Danielle Becker

Notary Public

Danielle Becker

Print Notary Name



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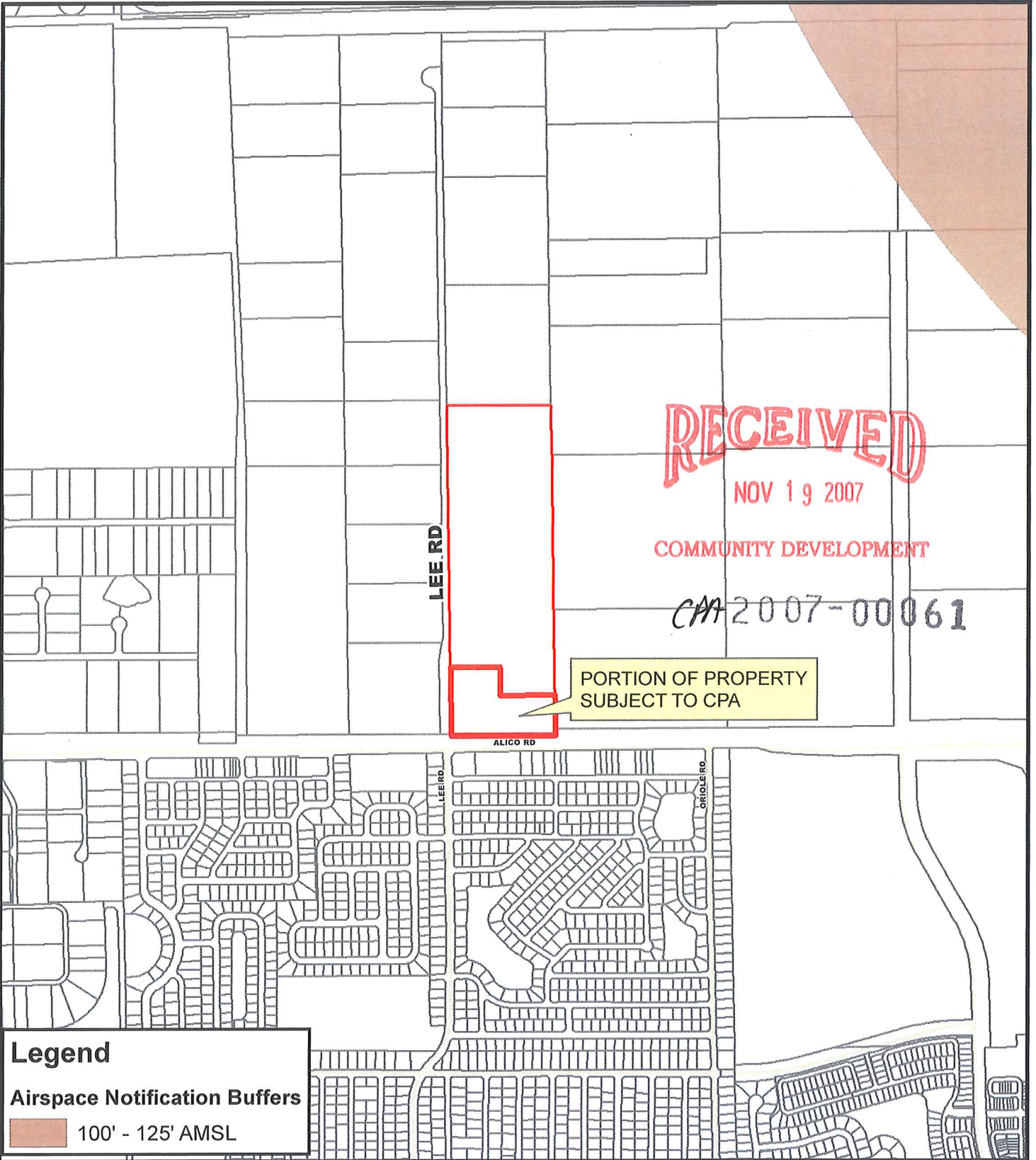
NOV 19 2007

CPA 2007-00061

COMMUNITY DEVELOPMENT

EXHIBIT A8b





## Legend

### Airspace Notification Buffers

100' - 125' AMSL



## AVIATION HAZARD ZONES MAP A9

Formosa Parcel  
Alico Land Investment, LLC. 2503 Main Street  
Fort Myers Beach, FL 33931

Source: Lee County Property Appraisers Office

## FORMOSA SMALL SCALE CPA

1,200 600 0 1,200  
Feet



Date: 10-31-07

Map Number:  
1054-11-CPA-AIRHAZ

Project Number:  
1054-11



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COMMUNITY DEVELOPMENT

CPA 2007-00061

LEE RD

PORTION OF PROPERTY  
SUBJECT TO CPA

ALICO RD

ORIOLE RD



## AVIATION NOISE ZONES MAP A10

Formosa Parcel  
Alico Land Investment, LLC. 2503 Main Street  
Fort Myers Beach, FL 33931

Source: Lee County Property Appraisers Office

It is the end user's responsibility to verify the data contained hereon.

## FORMOSA SMALL SCALE CPA

1,200 600 0 1,200  
Feet



Date: 10-31-07

Map Number:  
1054-11-CPA-AIRNOISE

Project Number:  
1054-11

# TRAFFIC CIRCULATION ANALYSIS

PREPARED FOR A

## COMPREHENSIVE PLAN AMENDMENT

FOR

**FORMOSA**

PROJECT NO. F0711.02

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COMMUNITY DEVELOPMENT

*CPA* 2007-00061

PREPARED BY:

**TR Transportation Consultants, Inc.**  
13881 Plantation Road, Suite 11  
Fort Myers, Florida 33912-4339  
(239) 278-3090

November 15, 2007

## **CONTENTS**

- I. INTRODUCTION
- II. EXISTING CONDITIONS
- III. PROPOSED PLAN AMENDMENT
- IV. IMPACTS OF PROPOSED PLAN AMENDMENT
- V. CONCLUSION

## **I. INTRODUCTION**

TR Transportation Consultants, Inc. has conducted a traffic circulation analysis pursuant to the requirements outlined in the application document for Comprehensive Plan Amendment requests. The analysis will examine the impact of the requested land use change from Industrial Planned Development (IPD) to Commercial Future Land Use Category. The subject site is located along the north side of Alico Road just east of its intersection with Lee Road in Lee County, Florida.

The following report will examine the impacts of changing the future land use category from the existing land use, Industrial Planned Development, to the proposed Commercial Future Land Use Category.

## **II. EXISTING CONDITIONS**

The subject site is currently vacant. Alico Road borders the subject site to the south and the Lee Road extension borders the subject site to the west. To the north and east of the subject site is vacant land currently zoned for industrial uses.

**Alico Road** is an east/west six-lane divided arterial roadway that borders the subject site to the south. The full access intersection of Alico Road and Lee Road currently operates under the control of a traffic signal. Alico Road has a posted speed limit of 45 mph adjacent to the subject site and is under the jurisdiction of the Lee County Department of Transportation.

**Lee Road** is a north/south two-lane undivided collector roadway that borders the subject site to the west. The proposed application would extend Lee Road to the northern boundary of the subject site. Lee Road has a posted speed limit of 30 mph and is under the jurisdiction of the Lee County Department of Transportation.

### III. PROPOSED PLAN AMENDMENT

The proposed Comprehensive Plan Amendment would change the future land use designation on the subject site from Industrial Planned Development (IPD) to Commercial Future Land Use Category. Based on the permitted uses within the Lee Plan for these land use designations, the proposed land use designation change would result in an increase in the allowable square footage of commercial uses permitted and a decrease in the allowable square footage of industrial uses permitted. **Table 1** highlights the intensity of uses that could be constructed under the existing land use designation and the intensity of uses under the proposed land use designation.

**Table 1**  
**Formosa**  
**Land Uses**

Existing/Proposed	Land Use Category	Intensity
Existing	Industrial Planned Development	60,000 sq. ft. of industrial
		30,000 sq. ft. commercial
Proposed	Commercial Future Land Use Category	0 sq. ft. of industrial
		175,000 sq. ft. commercial

### IV. IMPACTS OF PROPOSED PLAN AMENDMENT

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

**Long Range Impacts (20-year horizon)**

The Lee County Metropolitan Planning Organization's (MPO) recently updated 2030 long range transportation travel model was reviewed to determine the impacts the amendment would have on the surrounding area. The subject site lies within Traffic Analysis Zone (TAZ) 1426. The model has both productions and attractions included in this zone. The only production currently included in TAZ 1426 is single-family housing, there is currently no multi-family housing or hotel uses included in TAZ 1426. The only attraction currently included in TAZ 1426 is industrial employment. **Table 3** identifies the land uses currently contained in the long range travel model utilized by the MPO and Lee County for the Long Range Transportation Analysis.

**Table 3  
TAZ 1426  
Land Uses in Existing 2030 Travel Model**

<b>Land Use Category</b>	<b>Intensity</b>
Single Family Homes	19 residential units
Multi-Family Homes	0 residential units
Hotel Units	0 rooms
Industrial Employment	4 employees
Commercial Employment	0 employees
Service Employment	0 employees

Based on the data for TAZ 1426, indicated in Table 3, the current Lee County MPO 2030 Long Range Transportation Plan (LRTP) does not account for all of the development permitted within TAZ 1426 based on the current land use designations. The majority of the land within TAZ 1426 is zoned as Industrial Planned Development and there are currently only four (4) industrial employees accounted for within the TAZ.

From the approved Zoning on the subject site, up to approximately 60,000 square feet of industrial uses and up to approximately 30,000 square feet of retail uses could be developed on the subject site. Therefore, 113 industrial employees and 75 commercial employees were added to TAZ 1426 in order to account for the development currently

permitted on the subject site. The number of industrial employees was calculated assuming a rate of 1.89 employees per 1,000 square feet of industrial uses and the number of commercial employees was calculated assuming a rate of 2.50 employees per 1,000 square feet of commercial uses. **Table 4** indicates the modified TAZ data utilized for the purposes of the background traffic analysis.

**Table 4  
TAZ 1426**

**Land Uses in Modified 2030 Travel Model**

<b>Land Use Category</b>	<b>Intensity</b>
Single Family Homes	19 residential units
Multi-Family Homes	0 residential units
Hotel Units	0 rooms
Industrial Employment	117 employees
Commercial Employment	75 employees
Service Employment	0 employees

The proposed Comprehensive Plan Amendment is anticipated to add approximately 175,000 square feet of commercial land uses to TAZ 1426 of the existing 2030 Financially Feasible FSUTMS Model. The additional commercial square footages converts to an increase in the commercial employment within TAZ 1426 of approximately 438 employees based upon an employment conversion factor of 2.5 employees per 1,000 square feet of retail commercial uses. **Table 5** indicates the revised TAZ data for Zone 1426 with the proposed density requested with this Comprehensive Plan Amendment.

**Table 5**

**Based on Proposed Map Amendment within TAZ 1426  
Land Uses in Modified 2030 Travel Model**

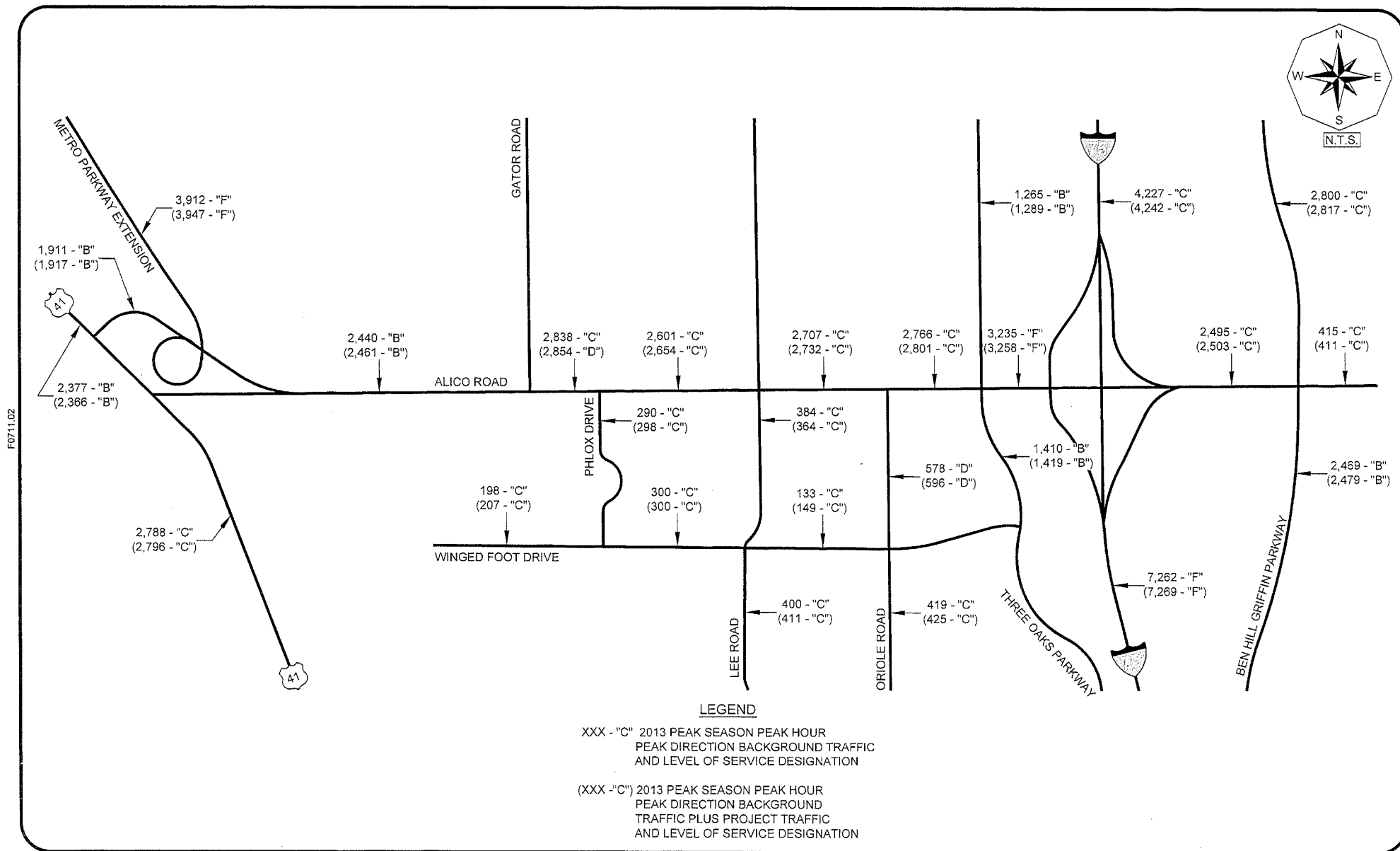
<b>Land Use Category</b>	<b>Intensity</b>
Single Family Homes	19 residential units
Multi-Family Homes	0 residential units
Hotel Units	0 rooms
Industrial Employment	4 employees
Commercial Employment	438 employees
Service Employment	0 employees



The modifications made to the TAZ data, including ZDATA1 and ZDATA2 files, are attached to the Appendix for reference. The 2030 Long Range Transportation model (FSUTMS) was run with the existing data shown in Table 4 then compared to runs with the modified data from Table 5 to indicate what additional improvements above and beyond those indicated in the 2030 Financially Feasible Plan Highway Element. The 2030 Financially Feasible Plan Highway Element improvements were included in the FSUTMS runs.

Based on the 2030 MPO Financially Feasible plan, there are several roadway improvements programmed within the vicinity of the subject site. The Metro Parkway extension will be constructed from the current southern terminus of Metro Parkway to Alico Road as a six-lane facility. The Three Oaks Parkway extension is programmed as a four-lane facility from Alico Road north to Daniels Parkway. The Airport Connector will add an interchange to I-75 that will directly connect I-75 and the Airport Terminal Road. I-75 is programmed to be constructed as a six-lane facility from the southern Lee County Line north to Palm Beach Boulevard (S.R. 80).

Based on the results of the analysis, the only roadway segment shown to be adversely impacted is Alico Road from Gator Road to Phlox Drive. Adverse impact is defined as a degradation in the Level of Service on a roadway link beyond that which the roadway link is anticipated to operate without the proposed development. However, Alico Road from Gator Road to Phlox Drive was shown to operate at an acceptable Level of Service in 2030 both with and without the proposed development. **Figure 1** illustrates the projected 2030 traffic conditions on the surrounding roadway network both with and without the proposed Comprehensive Plan Amendment.



PROJECTED 2013 TRAFFIC CONDITIONS  
FORMOSA - SMALL SCALE COMP PLAN AMENDMENT

Figure 1

From Figure 1, there are three (3) roadway segments that are anticipated to operate below acceptable Level of Service conditions in 2030 both with and without the proposed change in land use designation. The Metro Parkway extension north of Alico Road, I-75 south of Alico Road, and Alico Road between Three Oaks Parkway and I-75 were all shown to operate below their respective acceptable Level of Service Standards based upon the projected 2030 background traffic conditions. However, the proposed land use change will not have a significant impact on the failing segments of Metro Parkway, Alico Road, and I-75 as the project is only anticipated to increase the traffic volumes by less than one percent (1%).

#### **Short Range Impacts (5-year horizon)**

The Lee County Capital Improvement Program (CIP) for Fiscal Year 2007/2008 to 2011/2012 was reviewed, as well as the FDOT Work Program for Fiscal Year 2007/2008 to 2011/2012 in order to determine the short term impacts the proposed land use change would have on the surrounding roadways. Based on the review of the Lee County 5-year CIP, there are two roadway improvements programmed in the vicinity of the subject site within the next 5-years. Improvements are programmed for the I-75/Alico Road interchange and are currently under construction. In addition, Three Oaks Parkway from Corkscrew Road to Alico Road is programmed to be widened to four-lanes and is also currently under construction. Based on the review of the FDOT 5-year Work Program, the only improvement programmed in the vicinity of the subject site is the widening of I-75 to six-lanes from the southern Lee County Line to Colonial Boulevard.

The proposed Comprehensive Plan Amendment would allow the subject site to be developed with up to approximately 175,000 square feet of retail uses. The trip generation for the site as currently proposed was determined by referencing the Institute of Transportation Engineer's (ITE) report, titled *Trip Generation*, 7th Edition. Land Use Code 820 (Shopping Center) was utilized for the trip generation purposes of

the proposed development. **Table 6** indicates the potential trip generation of the Formosa development based on the proposed Comprehensive Plan Amendment.

**Table 6  
Trip Generation  
Proposed Land Use Designation  
Formosa**

Land Use	A.M. Peak Hour			P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Shopping Center (175,000 square feet)	135	85	220	435	470	905	9,770

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

$$\begin{aligned} \ln(T) &= -0.29 \ln(X) + 5.00 \\ T &= \text{Percent pass-by traffic} \\ X &= 1,000\text{'s of square feet GLA of the retail portion of the development} \end{aligned}$$

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

$$\begin{aligned} \ln(T) &= -0.29 \ln(175) + 5.00 \\ T &= 33\% \end{aligned}$$

However, Lee County will only permit a maximum of thirty percent (30%) pass-by for Land Use Code 820 (Shopping Center). Therefore, thirty percent (30%) pass-by reduction was utilized for Land Use Code 820 (Shopping Center).

For this analysis, the “pass-by” traffic was accounted for to determine the number of “new” trips the development will add to the surrounding roadways. **Table 3** summarizes the development traffic and the breakdown between the new trips the development is anticipated to generate and the “pass-by” trips the development is anticipated to attract. It should be noted that the driveway volumes are not reduced as a result of the “pass-by” reduction, only the traffic added to the surrounding streets and intersections.

**Table 3**  
**Trip Generation – New Trips**  
**Proposed Land Use Designation**  
**Formosa**

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Total Trips	135	85	220	435	470	905	9,770
Less 30% Retail Pass-by	-40	-25	-65	-130	-140	-270	-2,930
<b>New Trips</b>	<b>95</b>	<b>60</b>	<b>155</b>	<b>305</b>	<b>330</b>	<b>635</b>	<b>6,840</b>

**Table 1A** and **Table 2A** attached to this report indicate the projected 5-year planning Level of Service on Alico Road and Lee Road based on the uses that would be permitted under the proposed land use designation. From Table 2A, Alico Road both east and west of Lee Road is shown to operate at a Level of Service “B” in 2013 both with and without the trips from the proposed Comprehensive Plan Amendment. In addition, Lee Road south of Alico Road was also shown to operate at a Level of Service “B” in 2013 both with and without the proposed Comprehensive Plan Amendment. Therefore, based on this analysis no modifications will be required to the Lee County or FDOT short term capital improvement program in order to support the proposed Comprehensive Plan Amendment.

**Recommendations to the Long Range Transportation Plan**

Based on the results of this analysis, all roadway segments shown to be adversely impacted by the proposed change in land use designation on the Formosa site are shown to operate at an acceptable Level of Service condition in the year 2030. Therefore no changes to the Lee County MPO Long Range Transportation Plan will be warranted as a result of the proposed land use change.

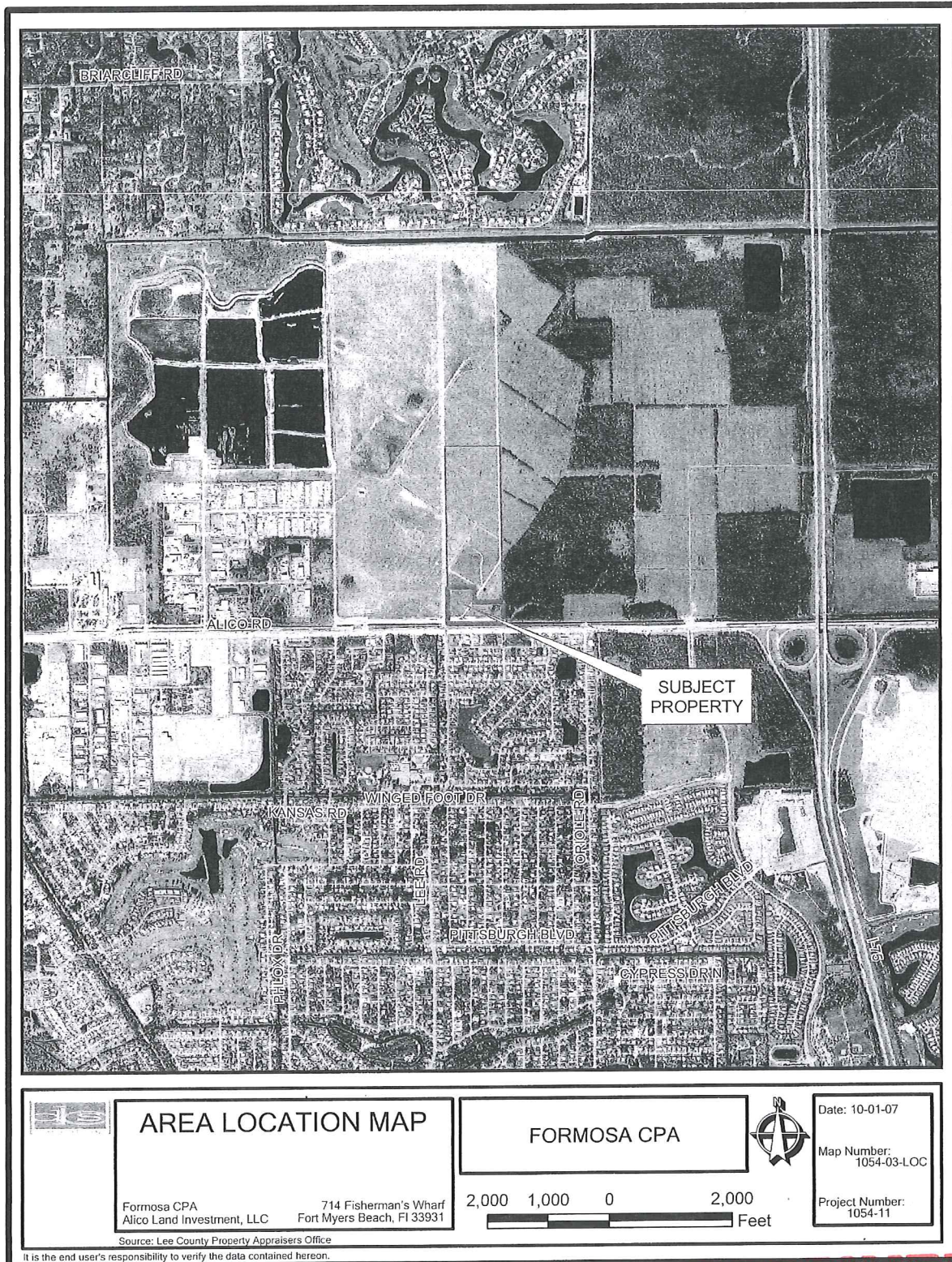
**V. CONCLUSION**

The proposed Comprehensive Plan Amendment is to modify the future land use designation on the subject site from Industrial Planned Development (IPD) to Commercial Future Land Use Category. The subject site is located along the north side of Alico Road just east of its intersection with Lee Road in Lee County, Florida. An analysis of the 2030 Recommended Long Range Transportation Plan indicates that all of the roadway segments shown to be adversely impacted by the proposed change in land use designation on the Formosa site are shown to operate at an acceptable Level of Service condition in the year 2030. Therefore no changes to the Lee County MPO Long Range Transportation Plan will be warranted as a result of the proposed land use change.

# APPENDIX

# PROJECT LOCATION MAP





CPA 2007-00061

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2030 TRAFFIC CONDITIONS  
WITH/WITHOUT THE PROPOSED  
LAND USE CHANGE

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COMMUNITY DEVELOPMENT

CPA 2007-00061



**2030 TRAFFIC CONDITIONS WITH EXISTING DENSITY  
EXISTING PLUS PROGRAMMED ROAD NETWORK  
FORMOSA COMPREHENSIVE PLAN AMENDMENT**

<u>ROADWAY</u>	<u>SEGMENT</u>	# OF LANES	LOS STANDARD	RAW FSUTMS PSWDT	P.C.S. # <sup>1</sup>	PSWDT/AADT FACTOR <sup>2</sup>	2030 AADT	K-100 FACTOR <sup>3</sup>	D FACTOR <sup>3</sup>	TOTAL TRAFFIC PK DIRECTION	LOS SERVICE THRESHOLD <sup>4</sup>	LOS
Alico Rd.	E. of U.S. 41	6LN	E	43,433	25	1.117	38,884	0.091	0.54	1,911	2,920	B
	E. of Metro Pkwy. Ext.	6LN	E	55,459	25	1.117	49,650	0.091	0.54	2,440	2,920	B
	E. of Gator Rd.	6LN	E	64,515	25	1.117	57,757	0.091	0.54	2,838	2,920	C
	E. of Phlox Dr.	6LN	E	59,112	25	1.117	52,920	0.091	0.54	2,601	2,920	C
	E. of Lee Rd.	6LN	E	61,530	25	1.117	55,085	0.091	0.54	2,707	2,920	C
	E. of Oriole Rd.	6LN	E	62,874	25	1.117	56,288	0.091	0.54	2,766	2,920	C
	E. of Three Oaks Pkwy.	6LN	E	73,539	25	1.117	65,836	0.091	0.54	3,235	2,920	F
	E. of I-75	6LN	E	56,724	25	1.117	50,782	0.091	0.54	2,495	2,920	C
	E. of Ben Hill Griffin Pkwy.	2LN	E	9,431	25	1.117	8,443	0.091	0.54	415	920	C
Winged Foot Dr.	W. of Phlox Dr.	2LN	E	4,504	25	1.117	4,032	0.091	0.54	198	850	C
	E. of Phlox Dr.	2LN	E	6,812	25	1.117	6,098	0.091	0.54	300	850	C
	E. of Lee Rd.	2LN	E	3,033	25	1.117	2,715	0.091	0.54	133	850	C
U.S. 41	N. of Alico Rd.	6LN	E	54,027	25	1.117	48,368	0.091	0.54	2,377	2,920	B
	S. of Alico Rd.	6LN	E	63,375	25	1.117	56,737	0.091	0.54	2,788	2,920	C
Metro Pkwy. Ext.	N. of Alico Rd.	6LN	E	72,733	45	1.043	69,734	0.110	0.51	3,912	2,920	F
Phlox Dr.	S. of Alico Rd.	2LN	E	6,587	25	1.117	5,897	0.091	0.54	290	850	C
Lee Rd.	S. of Alico Rd.	2LN	E	8,735	25	1.117	7,820	0.091	0.54	384	850	C
	S. of Winged Foot Dr.	2LN	E	9,100	25	1.117	8,147	0.091	0.54	400	850	C
Oriole Rd.	S. of Alico Rd.	2LN	E	13,149	25	1.117	11,772	0.091	0.54	578	850	D
	S. of Winged Foot Dr.	2LN	E	9,520	25	1.117	8,523	0.091	0.54	419	850	C
Three Oaks Pkwy.	N. of Alico Rd.	4LN	E	28,745	25	1.117	25,734	0.091	0.54	1,265	1,950	B
	S. of Alico Rd.	4LN	E	32,056	25	1.117	28,698	0.091	0.54	1,410	1,950	B
I-75	N. of Alico Rd.	6LN	D	96,087	25	1.117	86,022	0.091	0.54	4,227	5,530	C
	S. of Alico Rd.	6LN	D	165,071	25	1.117	147,781	0.091	0.54	7,262	5,530	F
Ben Hill Griffin Pkwy.	N. of Alico Rd.	6LN	E	66,802	60	1.253	53,314	0.101	0.52	2,800	2,920	C
	S. of Alico Rd.	6LN	E	56,121	25	1.117	50,243	0.091	0.54	2,469	2,920	B

<sup>1</sup> Lee County does not perform traffic counts on Winged Foot Drive, Phlox Drive, or I-75, therefore for the purposes of this analysis the data from PCS #25 was utilized to adjust the FSUTMS model output data.

<sup>2</sup> Calculated based upon data from the 2006 Lee County Traffic Count Report.

<sup>3</sup> Obtained from the 2006 Lee County Traffic Count Report

<sup>4</sup> LOS Thresholds for I-75 were obtained from the Table 4-7 of the FDOT Generalized LOS Thresholds and the LOS Thresholds for all other roadway segments analyzed were obtained from the Lee County Generalized Service Volumes Table



**2030 TRAFFIC CONDITIONS WITH PROPOSED DENSITY  
EXISTING PLUS PROGRAMMED ROAD NETWORK  
FORMOSA COMPREHENSIVE PLAN AMENDMENT**

ROADWAY	SEGMENT	# OF	LOS	RAW FSUTMS		PSWDT/AADT		2030	K-100	D	TOTAL TRAFFIC LOS SERVICE	
		LANES	STANDARD	PSWDT	P.C.S. # <sup>1</sup>	FACTOR <sup>2</sup>	AADT	FACTOR <sup>3</sup>	FACTOR <sup>3</sup>	PK DIRECTION	THRESHOLD <sup>4</sup>	LOS
Alico Rd.	E. of U.S. 41	6LN	E	43,571	25	1.117	39,007	0.091	0.54	1,917	2,920	B
	E. of Metro Pkwy. Ext.	6LN	E	55,951	25	1.117	50,090	0.091	0.54	2,461	2,920	B
	E. of Gator Rd.	6LN	E	64,881	25	1.117	58,085	0.091	0.54	2,854	2,920	D
	E. of Phlox Dr.	6LN	E	60,333	25	1.117	54,013	0.091	0.54	2,654	2,920	C
	E. of Lee Rd.	6LN	E	62,098	25	1.117	55,594	0.091	0.54	2,732	2,920	C
	E. of Oriole Rd.	6LN	E	63,673	25	1.117	57,004	0.091	0.54	2,801	2,920	C
	E. of Three Oaks Pkwy.	6LN	E	74,050	25	1.117	66,294	0.091	0.54	3,258	2,920	F
	E. of I-75	6LN	E	56,906	25	1.117	50,945	0.091	0.54	2,503	2,920	C
	E. of Ben Hill Griffin Pkwy.	2LN	E	9,351	25	1.117	8,372	0.091	0.54	411	920	C
Winged Foot Dr.	W. of Phlox Dr.	2LN	E	4,698	25	1.117	4,206	0.091	0.54	207	850	C
	E. of Phlox Dr.	2LN	E	6,821	25	1.117	6,107	0.091	0.54	300	850	C
	E. of Lee Rd.	2LN	E	3,382	25	1.117	3,028	0.091	0.54	149	850	C
U.S. 41	N. of Alico Rd.	6LN	E	53,786	25	1.117	48,152	0.091	0.54	2,366	2,920	B
	S. of Alico Rd.	6LN	E	63,567	25	1.117	56,909	0.091	0.54	2,796	2,920	C
Metro Pkwy. Ext.	N. of Alico Rd.	6LN	E	73,391	45	1.043	70,365	0.110	0.51	3,947	2,920	F
Phlox Dr.	S. of Alico Rd.	2LN	E	6,783	25	1.117	6,073	0.091	0.54	298	850	C
Lee Rd.	S. of Alico Rd.	2LN	E	8,263	25	1.117	7,397	0.091	0.54	364	850	C
	S. of Winged Foot Dr.	2LN	E	9,348	25	1.117	8,369	0.091	0.54	411	850	C
Oriole Rd.	S. of Alico Rd.	2LN	E	13,548	25	1.117	12,129	0.091	0.54	596	850	D
	S. of Winged Foot Dr.	2LN	E	9,658	25	1.117	8,646	0.091	0.54	425	850	C
Three Oaks Pkwy.	N. of Alico Rd.	4LN	E	29,295	25	1.117	26,226	0.091	0.54	1,289	1,950	B
	S. of Alico Rd.	4LN	E	32,255	25	1.117	28,876	0.091	0.54	1,419	1,950	B
I-75	N. of Alico Rd.	6LN	D	96,430	25	1.117	86,329	0.091	0.54	4,242	5,530	C
	S. of Alico Rd.	6LN	D	165,222	25	1.117	147,916	0.091	0.54	7,269	5,530	F
Ben Hill Griffin Pkwy.	N. of Alico Rd.	6LN	E	67,211	60	1.253	53,640	0.101	0.52	2,817	2,920	C
	S. of Alico Rd.	6LN	E	56,345	25	1.117	50,443	0.091	0.54	2,479	2,920	B

<sup>1</sup> Lee County does not perform traffic counts on Winged Foot Drive, Phlox Drive, or I-75, therefore for the purposes of this analysis the data from PCS #25 was utilized to adjust the FSUTMS model output data.

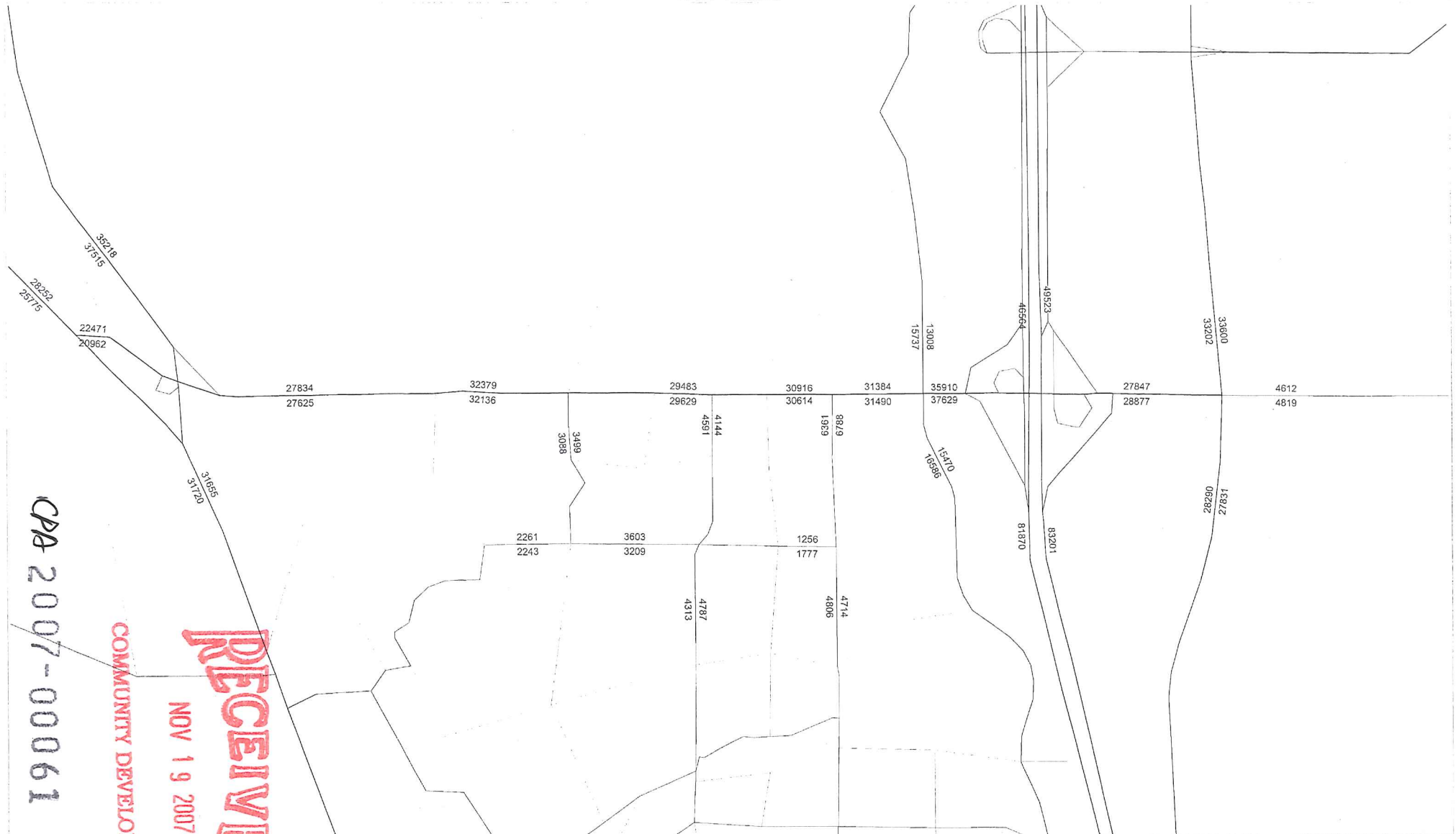
<sup>2</sup> Calculated based upon data from the 2006 Lee County Traffic Count Report.

<sup>3</sup> Obtained from the 2006 Lee County Traffic Count Report

<sup>4</sup> LOS Thresholds for I-75 were obtained from the Table 4-7 of the FDOT Generalized LOS Thresholds and the LOS Thresholds for all other roadway segments analyzed were obtained from the Lee County Generalized Service Volumes Table

FSUTMS DATA PLOT WITHOUT  
THE PROPOSED LAND USE  
CHANGE

2030 FFP Constrained-Adopted  
AADT Volumes



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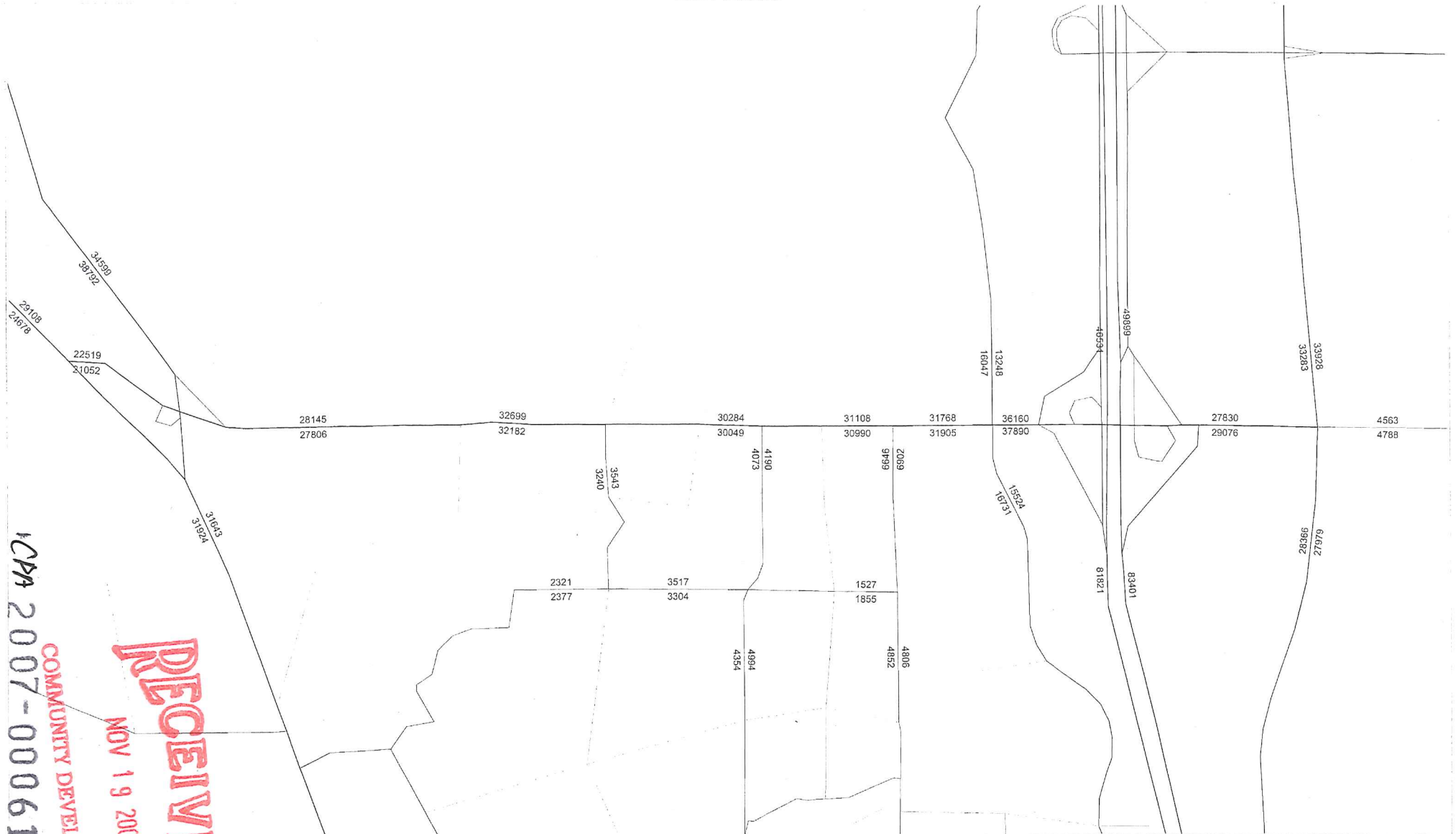
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# FSUTMS DATA PLOT WITH THE PROPOSED LAND USE CHANGE

2030 FFP Constrained-Adopted  
AADT Volumes



2030 Financially Feasible Plan  
With Proposed Land Use Change  
Formosa - Small Scale Comprehensive Plan Amendment

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FSUTMS DATA PLOT INDICATING  
THE NUMBER OF LANES FOR  
EACH ROADWAY ANALYZED

2030 Financially Feasible Plan  
Number of Lanes  
Formosa - Small Scale Comprehensive Plan Amendment

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# ZDATA FILE INFORMATION

# EXISTING 2030 FINANCIALLY FEASIBLE PLAN

## Z-DATA 1 File

	TAZ	Single Family Data						Multi-Family Data						Hotel		
1 0	1426	19	0	0	25	0	0100	0	0	0	0	0	0100	0	99	0

Population:

	TAZ 1426
Single Family:	1.3 persons/unit
Multi Family:	0.0 persons/unit
Hotel:	0.0 persons/unit

## Z\_DATA 2 file

	TAZ	Indust. Emp.	Comm. Emp.	Serv. Emp.	Tot Emp	School Enr.		
2	1426	4	0	0	4	0	0	0

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**MODIFIED 2030 FINANCIALLY FEASIBLE PLAN  
WITH PROPOSED COMP PLAN CHANGE**

**Z-DATA 1 File**

	TAZ	Single Family Data						Multi-Family Data						Hotel		
1 0	1426	19	0	0	25	0	0100	0	0	0	0	0	0100	0	99	0

Population:

	TAZ 1426
Single Family:	1.3 persons/unit
Multi Family:	0.0 persons/unit
Hotel:	0.0 persons/unit

**Z\_DATA 2 file**

	TAZ	Indust. Emp.	Comm. Emp.	Serv. Emp.	Tot Emp	School Enr.		
2	1426	4	438	0	442	0	0	0

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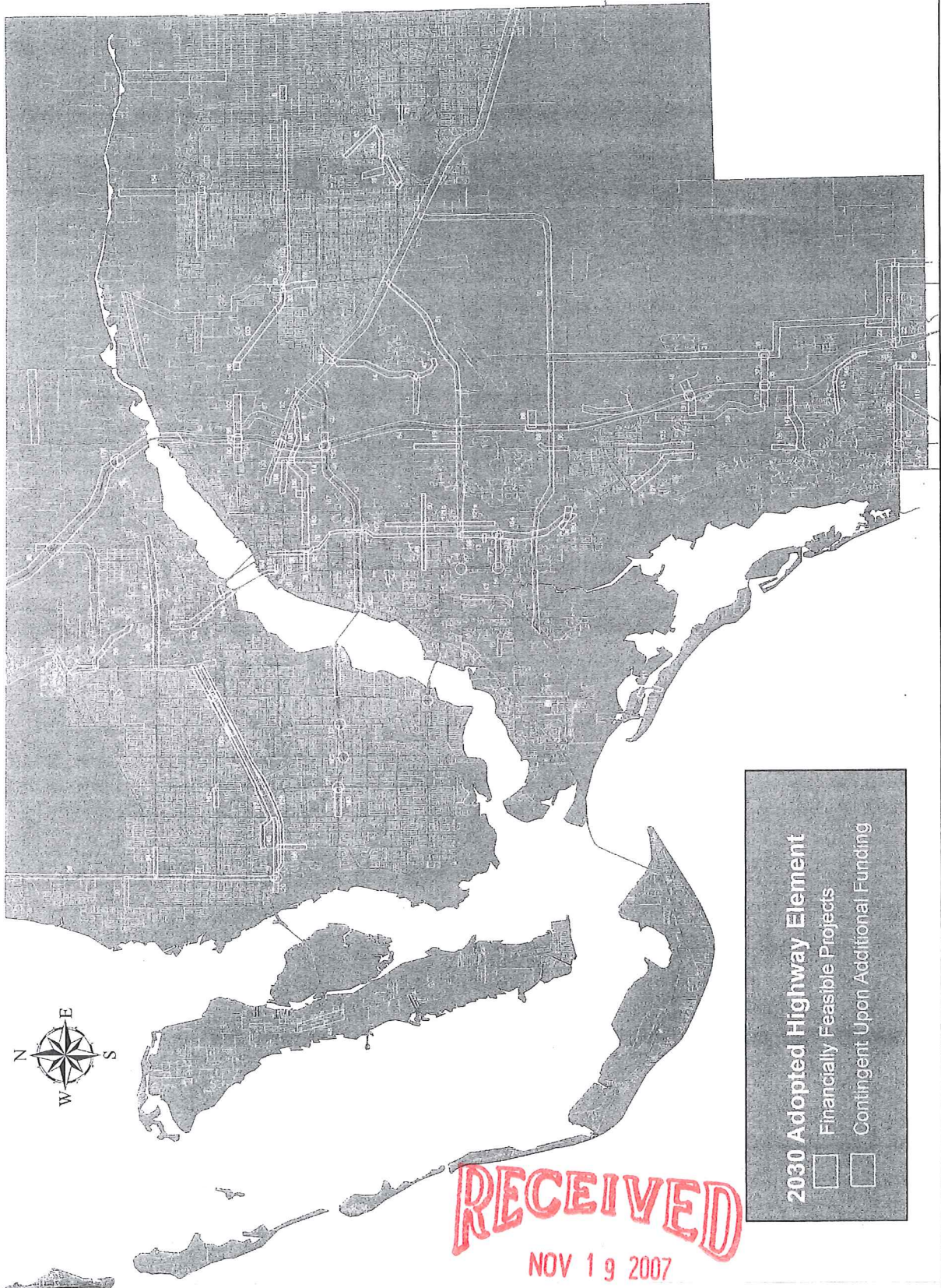
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ADOPTED 2030 HIGHWAY  
ELEMENT





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# SHORT TERM 5-YEAR PLANNING ANALYSIS

**TABLE 1A**  
**PEAK DIRECTION PROJECT TRAFFIC VS. 10% LOS C LINK VOLUMES**  
**FORMOSA - SMALL SCALE COMPREHENSIVE PLAN AMENDMENT**

TOTAL AM PEAK HOUR PROJECT TRAFFIC = 155 VPH

IN=

95

OUT=

60

TOTAL PM PEAK HOUR PROJECT TRAFFIC = 635 VPH

IN=

305

OUT=

330

<u>ROADWAY</u>	<u>SEGMENT</u>	<u>ROADWAY</u> <u>CLASS</u>	<u>LOS A</u> <u>VOLUME</u>	<u>LOS B</u> <u>VOLUME</u>	<u>LOS C</u> <u>VOLUME</u>	<u>LOS D</u> <u>VOLUME</u>	<u>LOS E</u> <u>VOLUME</u>	<u>PERCENT</u>		
								<u>PROJECT</u> <u>TRAFFIC</u>	<u>PROJECT</u> <u>TRAFFIC</u>	<u>PROJ/</u> <u>LOS C</u>
Alico Road	W. of Lee Rd.	6LD	670	2,490	2,850	2,920	2,920	40%	132	4.6%
	E. of Lee Rd.	6LD	670	2,490	2,850	2,920	2,920	55%	182	6.4%
Lee Rd.	S. of Alico Rd.	2LN	0	0	530	800	850	5%	17	3.1%

\* The Level of Service threshold volumes were obtained from the Lee County Generalized Level of Service Table.

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**TABLE 2A**  
**LEE COUNTY TRAFFIC COUNTS AND CALCULATIONS**  
**FORMOSA - SMALL SCALE COMPREHENSIVE PLAN AMENDMENT**

TOTAL PROJECT TRAFFIC AM = 155      VPH IN = 95      OUT = 60  
TOTAL PROJECT TRAFFIC PM = 635      VPH IN = 305      OUT = 330

ROADWAY	SEGMENT	PCS	ADT	ADT	GROWTH	RATE <sup>1</sup>	2007	2013	PERCENT	PROJECT AM PROJ	PM PROJ	2013	2013
							PK HR	PK HR				BCKGRND	BCKGRND
							BASE YR 2006	YRS OF ANNUAL		PK SEASON	PK SEASON	PROJECT AM PROJ	PM PROJ
										TRAFFIC	TRAFFIC	TRAFFIC	TRAFFIC
Alico Road	W. of Lee Rd.	25	14,700	18,900	9	2.83%		1,124	1,329	40%	38	132	1,367
	E. of Lee Rd.	25	11,600	22,600	9	7.69%		1,222	1,906	55%	52	182	1,958
Lee Rd.	S. of Alico Rd.	25	6,300	5,900	9	2.00%		327	368	5%	5	17	373

<sup>1</sup> A two percent (2%) growth rate was assumed for Lee Road due to the negative historical growth rate over the past ten (10) years.

<sup>2</sup> Obtained from the 2006/2007-2007/2008 Lee County Concurrency Management Report, dated June 2007

**100th HIGHEST HOUR LEVEL OF SERVICE**

		2013	2013	2013
		PK SEASON	BCKGRND	BCKGRND
		BCKGRND + AM PROJ	PM PROJ	
		TRAFFIC	TRAFFIC	TRAFFIC
Alico Road	W. of Lee Rd.	B	B	B
	E. of Lee Rd.	B	B	B
Lee Rd.	S. of Alico Rd.	B	B	B



LEE COUNTY GENERALIZED  
LEVEL OF SERVICE THRESHOLDS

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

Sept., 2005

c:\input2

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

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

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

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

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

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

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

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TABLE 4-7 FROM THE FDOT  
GENERALIZED LOS THRESHOLDS

**TABLE 4 - 7**  
**GENERALIZED PEAK HOUR DIRECTIONAL VOLUMES FOR FLORIDA'S**  
**URBANIZED AREAS\***

UNINTERRUPTED FLOW HIGHWAYS					
		Level of Service			
Lanes Divided		A	B	C	D E
1	Undivided	100	340	670	950 1,300
2	Divided	1,060	1,720	2,500	3,230 3,670
3	Divided	1,600	2,590	3,740	4,840 5,500
STATE TWO-WAY ARTERIALS					
Class I (>0.00 to 1.99 signalized intersections per mile)					
		Level of Service			
Lanes Divided		A	B	C	D E
1	Undivided	**	220	720	860 890
2	Divided	250	1,530	1,810	1,860 ***
3	Divided	380	2,330	2,720	2,790 ***
4	Divided	490	3,030	3,460	3,540 ***
Class II (2.00 to 4.50 signalized intersections per mile)					
		Level of Service			
Lanes Divided		A	B	C	D E
1	Undivided	**	100	590	810 850
2	Divided	**	220	1,360	1,710 1,800
3	Divided	**	340	2,110	2,570 2,710
4	Divided	**	440	2,790	3,330 3,500
Class III (more than 4.5 signalized intersections per mile and not within primary city central business district of an urbanized area over 750,000)					
		Level of Service			
Lanes Divided		A	B	C	D E
1	Undivided	**	**	280	660 810
2	Divided	**	**	650	1,510 1,720
3	Divided	**	**	1,020	2,330 2,580
4	Divided	**	**	1,350	3,070 3,330
Class IV (more than 4.5 signalized intersections per mile and within primary city central business district of an urbanized area over 750,000)					
		Level of Service			
Lanes Divided		A	B	C	D E
1	Undivided	**	**	270	720 780
2	Divided	**	**	650	1,580 1,660
3	Divided	**	**	1,000	2,390 2,490
4	Divided	**	**	1,350	3,130 3,250
NON-STATE ROADWAYS					
Major City/County Roadways					
		Level of Service			
Lanes Divided		A	B	C	D E
1	Undivided	**	**	480	760 810
2	Divided	**	**	1,120	1,620 1,720
3	Divided	**	**	1,740	2,450 2,580
Other Signalized Roadways (signalized intersection analysis)					
		Level of Service			
Lanes Divided		A	B	C	D E
1	Undivided	**	**	250	530 660
2	Divided	**	**	580	1,140 1,320
Source:		Florida Department of Transportation 02/22/02			
		Systems Planning Office			
		605 Suwannee Street, MS 19			
		Tallahassee, FL 32399-0450			
		<a href="http://www11.myflorida.com/planning/systems/sm/los/default.htm">http://www11.myflorida.com/planning/systems/sm/los/default.htm</a>			

FREEWAYS					
Interchange spacing ≥ 2 mi. apart					
		Level of Service			
Lanes		A	B	C	D E
2		1,270	2,110	2,940	3,580 3,980
3		1,970	3,260	4,550	5,530 6,150
4		2,660	4,410	6,150	7,480 8,320
5		3,360	5,560	7,760	9,440 10,480
6		4,050	6,710	9,360	11,390 12,650
Interchange spacing < 2 mi. apart					
		Level of Service			
Lanes		A	B	C	D E
2		1,130	1,840	2,660	3,440 3,910
3		1,780	2,890	4,180	5,410 6,150
4		2,340	3,940	5,700	7,380 8,380
5		3,080	4,990	7,220	9,340 10,620
6		3,730	6,040	8,740	11,310 12,850
BICYCLE MODE					
(Note: Level of service for the bicycle mode in this table is based on roadway geometrics at 40 mph posted speed and traffic conditions, not number of bicyclists using the facility.) (Multiply motorized vehicle volumes shown below by number of directional roadway lanes to determine maximum service volumes.)					
Paved Shoulder/ Bicycle Lane		Level of Service			
Coverage		A	B	C	D E
0-49%	**	**	170	720	>720 ***
50-84%	**	130	210	>210	***
85-100%	160	380	>380	***	***
PEDESTRIAN MODE					
(Note: Level of service for the pedestrian mode in this table is based on roadway geometrics at 40 mph posted speed and traffic conditions, not the number of pedestrians using the facility.) (Multiply motorized vehicle volumes shown below by number of directional roadway lanes to determine maximum service volumes.)					
Sidewalk Coverage		Level of Service			
		A	B	C	D E
0-49%	**	**	330	810	
50-84%	**	**	520	990	
85-100%	**	120	590	>590	***
BUS MODE (Scheduled Fixed Route)					
(Buses per hour)					
Sidewalk Coverage		Level of Service			
		A	B	C	D E
0-84%	**	>5	≥4	≥3	≥2
85-100%	>6	>4	≥3	≥2	≥1
ARTERIAL/NON-STATE ROADWAY ADJUSTMENTS					
DIVIDED/UNDIVIDED					
(alter corresponding volumes by the indicated percent)					
Lanes	Median	Left Turns	Lanes	Adjustment Factors	
1	Divided	Yes		+5%	
1	Undivided	No		-20%	
Multi	Undivided	Yes		-5%	
Multi	Undivided	No		-25%	
ONE WAY FACILITIES					
Increase corresponding volume 20%					

\*This table does not constitute a standard and should be used only for general planning applications. The computer models from which this table is derived should be used for more specific planning applications. The table and deriving computer models should not be used for corridor or intersection design, where more refined techniques exist. Values shown are hourly directional volumes for levels of service and are for the automobile/truck modes unless specifically stated. Level of service letter grade thresholds are probably not comparable across modes and, therefore, cross modal comparisons should be made with caution. Furthermore, combining levels of service of different modes into one overall roadway level of service is not recommended. To convert to annual average daily traffic volumes, these volumes must be divided by appropriate D and K factors. The table's input value defaults and level of service criteria appear on the following page. Calculations are based on planning applications of the Highway Capacity Manual, Bicycle LOS Model, Pedestrian LOS Model and Transit Capacity and Quality of Service Manual, respectively for the automobile/truck, bicycle, pedestrian and bus modes.

\*\*Cannot be achieved using table input value defaults.

\*\*\*Not applicable for that level of service letter grade. For automobile/truck modes, volumes greater than level of service D become F because intersection capacities have been reached. For bicycle and pedestrian modes, the level of service letter grade (including F) is not achievable, because there is no maximum vehicle volume threshold using table input value defaults.

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LEE COUNTY PEAK SEASON DATA  
FROM THE 2006 LEE COUNTY  
TRAFFIC COUNT REPORT

CA 2007-00061

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

2006 AADT = 43300

K100 Factor - 0.091

Monthly ADT as a % of Annual ADT

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

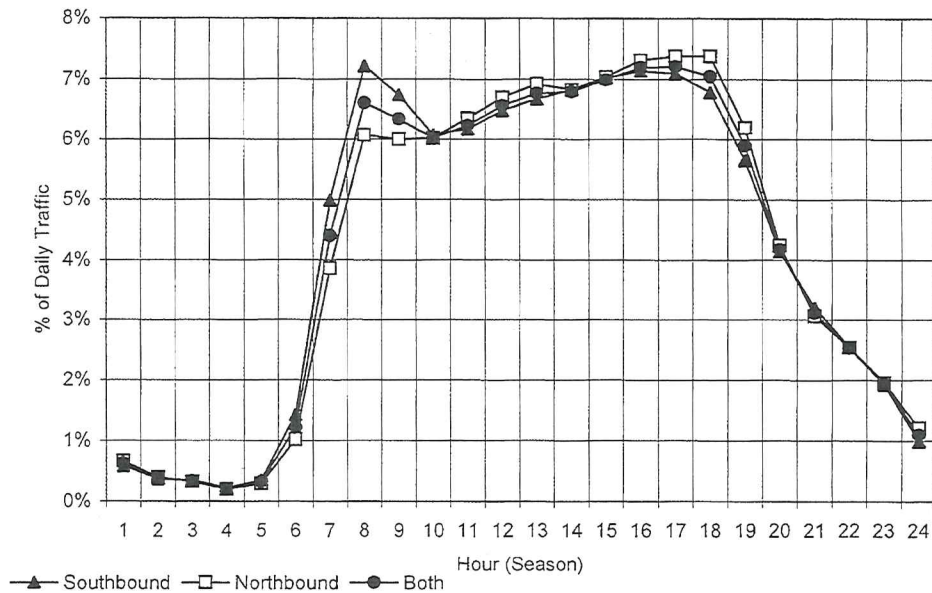
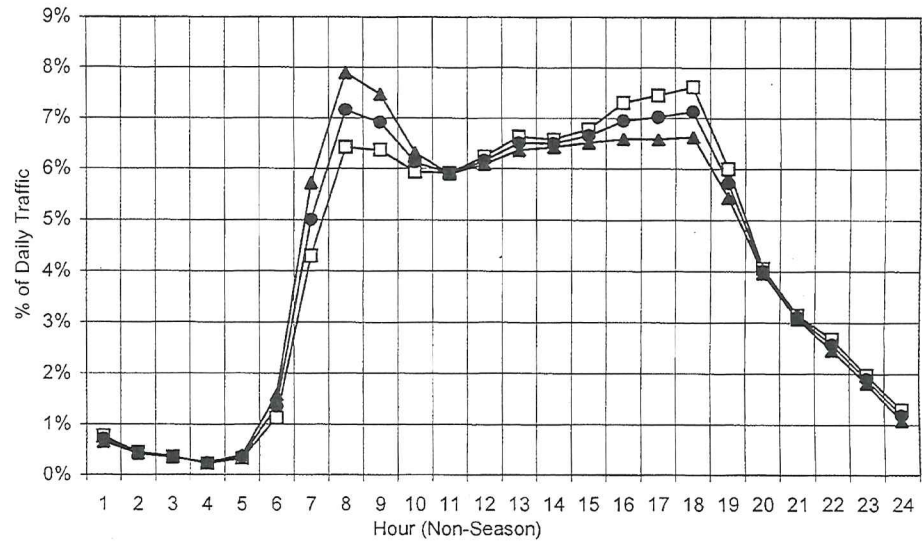
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Day of Week as a % of Annual ADT

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

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

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



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**PERMANENT COUNT STATION 45  
METRO PKWY N OF ARC WAY**

2006 AADT = 21600

K100 Factor - 0.11

Monthly ADT as a % of Annual ADT

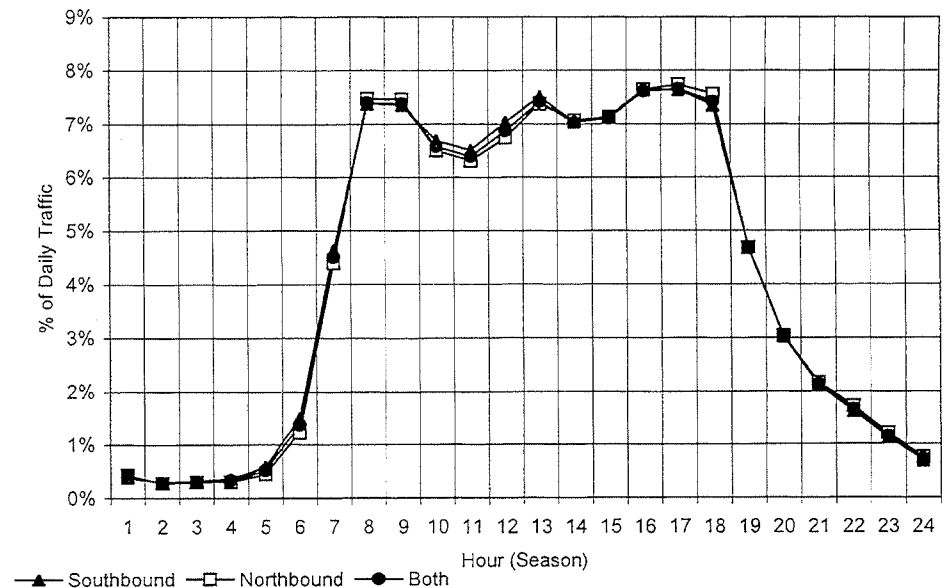
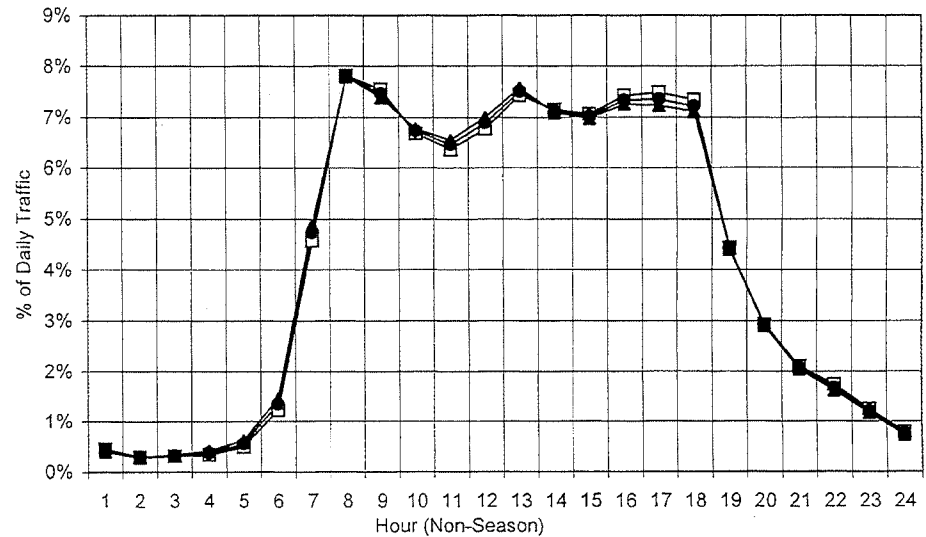
January	101%
February	104%
March	108%
April	100%
May	98%
June	99%
July	86%
August	
September	
October	
November	
December	101%

Day of Week as a % of Annual ADT

Monday	109%
Tuesday	118%
Wednesday	119%
Thursday	121%
Friday	123%
Saturday	62%
Sunday	43%

Weekday Peak Flow Characteristics	Non-Season	Season
Peak Flow between 7 a.m. and 9 a.m.		
1) as a % of weekday traffic	7.6%	7.4%
2) directional Split (peak direction)	50%	50%
	Northbound	Northbound
Peak Flow between 4 p.m. and 6 p.m.		
1) as a % of weekday traffic	7.3%	7.5%
2) directional Split (peak direction)	51%	51%
	Northbound	Northbound

**PERMANENT COUNT STATION 45  
METRO PKWY N OF ARC WAY**



**PERMANENT COUNT STATION 60  
BEN HILL GRIFFIN PKWY S OF TERMINAL RD**

**2006 AADT = 20900**

K100 Factor - 0.101

Monthly ADT as a % of Annual ADT

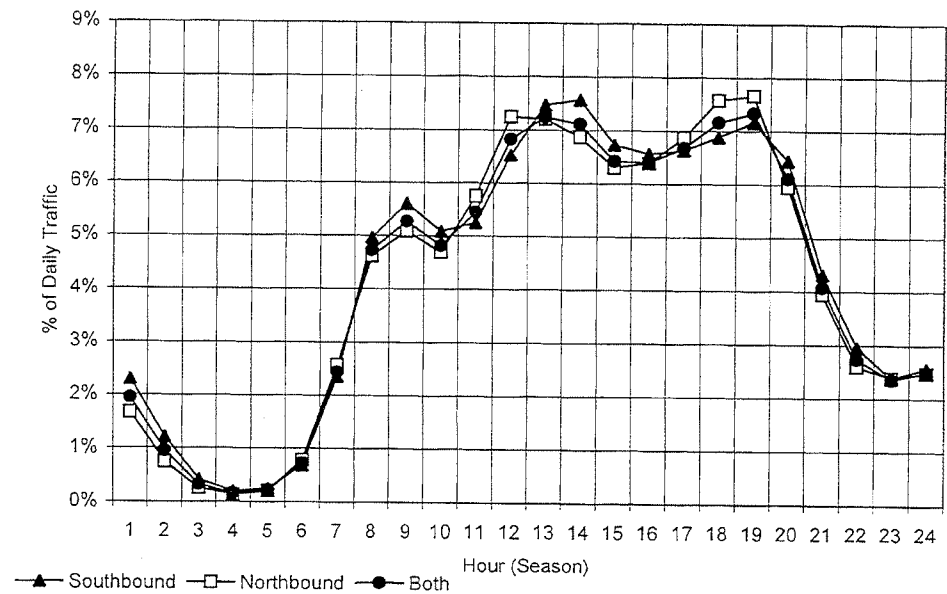
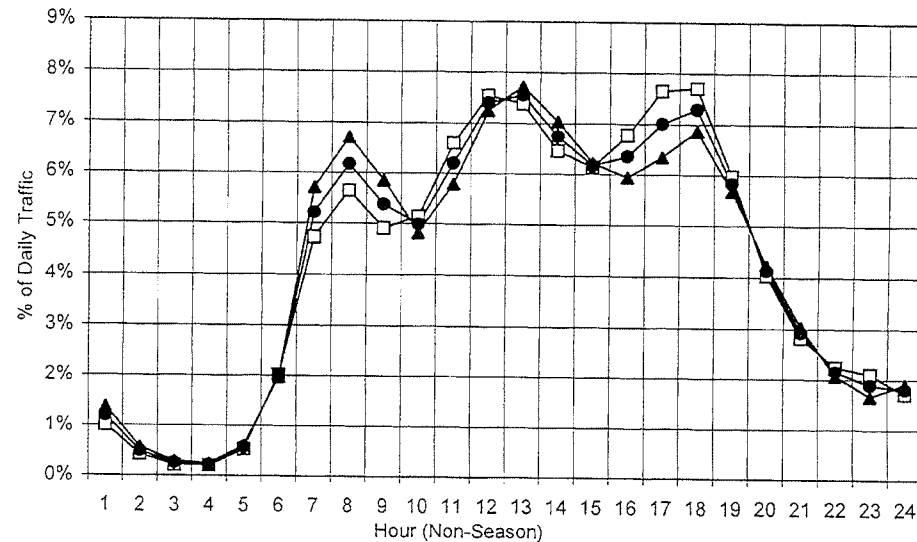
January	108%
February	124%
March	133%
April	119%
May	91%
June	86%
July	77%
August	79%
September	80%
October	97%
November	115%
December	102%

Day of Week as a % of Annual ADT

Monday	107%
Tuesday	110%
Wednesday	110%
Thursday	111%
Friday	111%
Saturday	79%
Sunday	75%

Weekday Peak Flow Characteristics	Non-Season	Season
Peak Flow between 7 a.m. and 9 a.m.		
1) as a % of weekday traffic	5.8%	5.0%
2) directional Split (peak direction)	54%	52%
	Southbound	Southbound
Peak Flow between 4 p.m. and 6 p.m.		
1) as a % of weekday traffic	7.2%	6.9%
2) directional Split (peak direction)	54%	52%
	Northbound	Northbound

**PERMANENT COUNT STATION 60  
BEN HILL GRIFFIN PKWY S OF TERMINAL RD**



TRIP GENERATION EQUATIONS  
FORMOSA SMALL SCALE CPA  
ITE TRIP GENERATION REPORT, 7th EDITION

Land Use	Weekday AM Peak Hour	Weekday PM Peak Hour	Daily (2-way)
Shopping Center (LUC 820)	$\ln(T) = 0.60 \ln(X) + 2.29$ (61% In/39% Out)	$\ln(T) = 0.66 \ln(X) + 3.40$ (48% In/52% Out)	$\ln(T) = 0.65 \ln(X) + 5.83$
T = Trips, X = 1,000's of square feet of Gross Leasable Area (GLA)			



## EXHIBIT B-2a and b UTILITY ANALYSIS

### FORMOSA



The subject property is located on the northeast corner of the intersection between Alico Road & Lee Road, west of Interstate 75. Lee County owned and maintained water and wastewater infrastructure facilities exist along both Alico Road and Lee Road. Utility connection points have been master planned along the Lee Road corridor which we anticipate utilizing with the development of this parcel.

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## EXHIBIT B-2c: SURFACE WATER MANAGEMENT ANALYSIS

### FORMOSA



The subject property is located in the Estero Bay Watershed and located on the north side of Alico Road, west of Interstate 75. In its existing condition, the property is undeveloped and generally flat with elevations generally between elevation 14.5 and 15.5-feet NGVD (subject to field verification). Surface water run-off enters the Alico Road / Briarcliff ditch system and flows west to the 10-mile canal system which drains to Hendry Creek and ultimately discharges into Estero Bay.

In the developed condition, surface water run-off will be directed to drainage inlets and conveyed to on-site dry detention areas and/or lakes prior to discharging into the Alico Road ditch system. The proposed control elevation of the surface water management system is estimated at 14 feet NGVD based on surrounding topography and existing SFWMD permits. The project has been permitted through the South Florida Water Management District, Permit No. 36-06202-P.

According to FIRM Map 125124 0455 and 125124 0350 dated September 19, 1984, the subject property is located in Flood Zone B which is an area not considered to be within the 100 year flood zone.

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**EXHIBIT B3**

**LETTERS OF AVAILABILITY**



# San Carlos Park Fire Protection and Rescue Service District

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

Emergency 911  
Office 239.267.7525  
Fax 239.267.7505

October 22, 2007

Shellie Johnson, AICP  
Planner  
D.B.S. Consulting, Inc.  
4450 Camino Real Way  
Fort Myers, Florida 33912

Re: Formosa Comprehensive Plan

Dear Ms. Johnson,

Thank you for this opportunity to let me inform you about our fire district. The San Carlos Park Fire Protection and Rescue Service District is one of 17 Special Fire Districts in Lee County. The Insurance Service Office (ISO) currently rates our department as a Class 3 / 9. We currently have 3 fire stations and are in the process of planning a fourth station off of Three Oaks Parkway. We have 48 full-time firefighters ready to respond to any emergency, supported by an administrative staff.

The project location is approximately two miles from the fire station at 8013 Sanibel Blvd Fort Myers, FL 33967. The response time would be about 3 minutes or less. At this time, we use Lee County Emergency Medical Services for Advanced Life Support (ALS) transport and have our own Firefighter Paramedics on shift to provide non-transport ALS services.

The San Carlos Park Fire District is also responsible for all of the fire inspections related to your project from the planning stage to the time of occupancy. We currently have 4 full-time fire inspectors that work a 40 hour week to handle all the fire related inspections. The plan review and building permit process will go through Lee County Codes and Building Services.

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

Sincerely,

A handwritten signature in black ink, appearing to read "T M Beard", is written over a horizontal line.

Thomas M. Beard  
Fire Marshal

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**Mike Scott**  
**Office of the Sheriff**



**State of Florida**  
**County of Lee**

October 8, 2007

Shellie Johnson  
D.B.S Consulting  
4450 Camino Real Way

Ft Myers, Fl 33912  
Reference to Project: Formosa

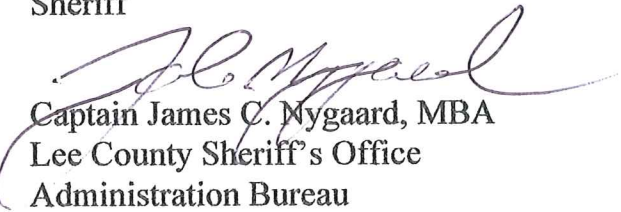
Dear Ms. Johnson

The Lee County Sheriff's Office has reviewed the proposed Formosa Project located at Off Alico Road. 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)

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





**LEE COUNTY**  
**SOUTHWEST FLORIDA**

**BOARD OF COUNTY COMMISSIONERS**

Bob Janes  
*District One*

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*

October 5, 2007

Ms. Shellie Johnson, AICP  
D.B.S. Consulting, Inc.  
4450 Camino Real Way  
Ft. Myers, FL 33966

**SUBJECT: Formosa Small Scale Comprehensive plan Amendment (CPA)  
Parcel STRAP No. A Portion of 04-46-25-00-00001.0080**

Dear Ms. Johnson:

The Lee County Solid Waste Division is capable of providing solid waste collection service for the subject parcel located at the northeast corner of Allico road and Lee Road 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

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NOV 19 2007

**COMMUNITY DEVELOPMENT**

**CPA 2007-00061**

**BOARD OF COUNTY COMMISSIONERS**

Bob Janes  
*District One*

A. Brian Bigelow  
*District Two*

Ray Judah  
*District Three*

Tammy Hall  
*District Four*

Frank Mann  
*District Five*

Donald D. Stilwell  
*County Manager*

David M. Owen  
*County Attorney*

Diana M. Parker  
*County Hearing Examiner*

October 8, 2007

Ms. Shellie Johnson, AICP  
D.B.S. Consulting, Inc.  
4450 Camino Real Way  
Fort Myers, FL 33012

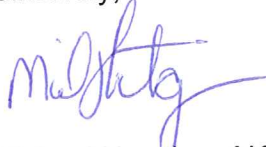
**Re: Letter of Service Availability  
Formosa Small Scale Comprehensive Plan Amendment**

Ms. Johnson:

Lee County Transit received your letter dated October 1, 2007 in reference to the Small Scale Comprehensive Plan Amendment application for the parcel related to the subject site on Alico Road at Lee Road. This location is in an established transit corridor and Lee County currently provides public transportation services through this corridor. We consider the subject property related to this Comprehensive Plan Amendment Application to be within our existing service area. Our long range planning activities maintain this transit corridor and document the need for additional, enhanced services on the route providing service to this area. We anticipate the current capacity on this route to be sufficient to meet the needs of the proposed land use changes the applicant wishes to make.

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

Sincerely,



Michael Horsting, AICP  
Principal Planner  
Lee County Transit

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CPA 2007-00061



**LEE COUNTY**  
SOUTHWEST FLORIDA

**BOARD OF COUNTY COMMISSIONERS**

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

Bob Janes  
District One

November 8, 2007

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

Shellie Johnson  
DBS Consulting  
4450 Camino Real Way  
Fort Myers, FL 33966

**RE: POTABLE Water and Wastewater AVAILABILITY**  
**Formosa Small Scale Amendment**  
**STRAP #: 04-46-25-00-00001.0080**

Dear Ms. Johnson:

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

Your firm has indicated that this project will consist of 1 commercial unit with an estimated flow demand of approximately 17,500 gallons per day. Lee County Utilities presently has sufficient capacity to provide potable water and sanitary sewer service as estimated above.

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

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

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

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

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

Sincerely,

**LEE COUNTY UTILITIES**

Melissa Bibeau  
Engineering Tech., I  
UTILITIES ENGINEERING

VIA FACSIMILE Original Mailed

DO - 00AAA MASTER

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COMMUNITY DEVELOPMENT

CPA 2007-00061

**EXHIBIT C**  
**ENVIRONMENTAL REPORT**



Table 1. Acreage summary by FLUCCS

FLUCCS CODE	DESCRIPTION	ACREAGE
211	Improved Pastures	9.4
621D	Cypress - Disturbed	0.5
Total		9.9

FLUCCS 211, Improved Pastures (9.4± ac.)

This upland association includes vegetative species such as Bahia grass (*Paspalum notatum*), fennel (*Eupatorium capillifolium*), ragweed (*Ambrosia artemisiifolia*), goatweed (*Scoparia dulcis*), scattered frog-fruit (*Phyla nodiflora*), false buttonweed (*Spermacoce* sp.) and various upland grasses and sedges.

FLUCCS 621D, Cypress – Disturbed (0.5± ac.)

This disturbed wetland community includes vegetation species such as Cypress (*Taxodium distichum*), frog fruit (*Phyla nodiflora*), dayflower (*Commelina diffusa*), hempvine (*Mikania scandens*), scattered cabbage palm (*Sabal palmetto*), melaleuca (*Melaleuca quinquinervia*), Brazilian pepper (*Schinus terebinthifolius*), primrose willow (*Ludwigia* sp.) and cattail (*Typha* sp.).

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

FLUCCS CODE	Percent Survey Coverage	Species Name	Present	Absent
211	80	Florida Sandhill Crane ( <i>Grus canadensis pratensis</i> )		√
		Florida Panther ( <i>Felis concolor coryi</i> )		√
621D	80	Gopher Frog ( <i>Rana areolata</i> )		√
		American Alligator ( <i>Alligator mississippiensis</i> )		√
		Arctic Peregrine Falcon ( <i>Falco peregrinus tundrius</i> )		√
		Limpkin ( <i>Aramus guarauna</i> )		√
		Little Blue Heron ( <i>Egretta caerulea</i> )		√
		Snowy Egret ( <i>Egretta thula</i> )		√
		Tricolored Heron ( <i>Egretta tricolor</i> )		√
		Wood Stork ( <i>Mycteria americana</i> )		√
		Big Cypress Fox Squirrel ( <i>Sciurus niger avicennia</i> )		√
		Everglades Mink ( <i>Mustela vison evergladensis</i> )		√
		Florida Black Bear ( <i>Ursus americanus floridanus</i> )		√
		Florida Panther ( <i>Felis concolor coryi</i> )		√
		Twisted Air Plant ( <i>Tillandsia flexuosa</i> )		√

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NOV 19 2007

COMMUNITY DEVELOPMENT CMA 2007-00061



SECTION: 04  
TOWNSHIP: 46  
RANGE: 25

# Vegetation Map



<u>FLUCCS</u>	<u>Description</u>	<u>Acreage</u>
211	Improved Pastures	9.4 ac.
* 621D	Cypress - Disturbed	0.5 ac.

\* SFWMD jurisdictional wetlands

## Notes:

1. Property boundary obtained from DBS Consulting, Inc.
2. Mapping based on photointerpretation of 2005 aerial photography and ground truthing in January 2007.
3. Delineation of jurisdictional wetlands has been approved by SFWMD staff in 2003.

**PERMIT USE ONLY,  
NOT FOR CONSTRUCTION**

October 17, 2007 9:52:35 a.m.  
Drawing: DBSC2FLU.DWG (SAJ)



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

**Formosa Comprehensive  
Plan Amendment**

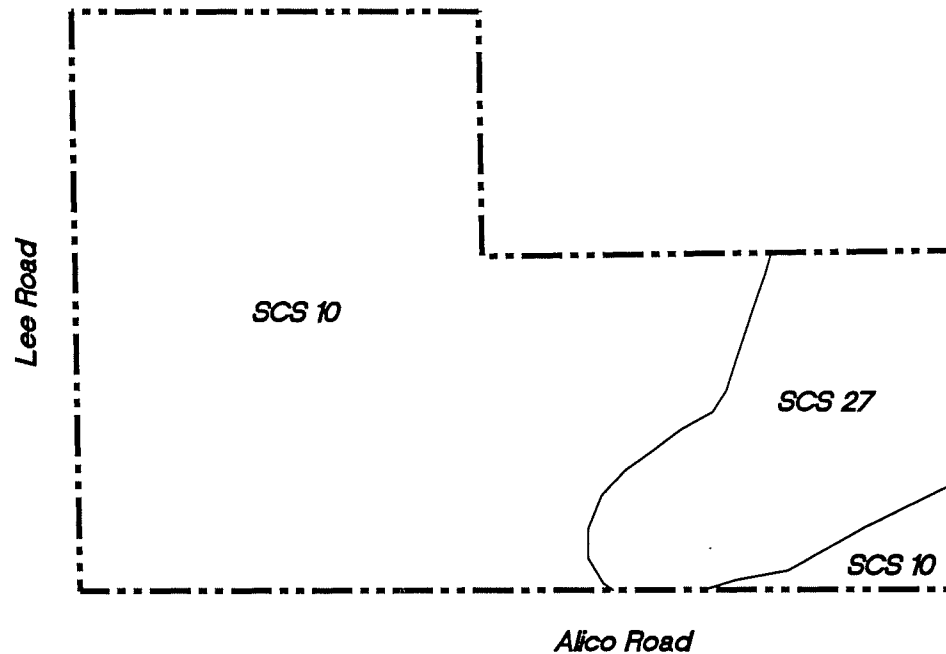
SHEET

SECTION: 04  
TOWNSHIP: 46  
RANGE: 25

## Soil Map



0 100 200  
SCALE FEET



### Soil Legend

SCS 10 - Pompano fine sand

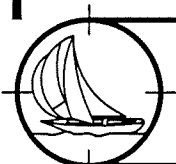
SCS 27 - Pompano fine sand, depressional

### Notes:

1. Property boundary obtained from DBS Consulting, Inc.
2. Soil mapping based on images taken from Lee County website soil information.

**PERMIT USE ONLY,  
NOT FOR CONSTRUCTION**

October 17, 2007 9:52:35 a.m.  
Drawing: DBSC2FLU.DWG (SAJ)



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

**Formosa Comprehensive  
Plan Amendment**

SHEET





**SOUTH FLORIDA WATER MANAGEMENT DISTRICT  
ENVIRONMENTAL RESOURCE PERMIT NO. 36-06202-P**

**DATE ISSUED: JUNE 14, 2007**

FORM 80145  
Rev. 08/95

**PERMITTEE:** ROBERT BROWN  
ALICO ROAD BUSINESS PARK, LP  
LEE ROAD PROJECT, LLC  
ALICO LAND INVESTMENTS LLC  
(FORMOSA INDUSTRIAL PARK)

See attached  
for address

**PROJECT DESCRIPTION** CONSTRUCTION AND OPERATION OF A SURFACE WATER MANAGEMENT SYSTEM FOR 17.99 ACRES, PART OF A 128.77 ACRE COMMERCIAL DEVELOPMENT KNOWN AS FORMOSA INDUSTRIAL PARK, AND CONCEPTUAL AUTHORIZATION SERVING 110.78 ACRES WITHIN THE OVERALL PROJECT, WITH DISCHARGE INTO ESTERO BAY VIA TEN MILE CANAL VIA ALICO ROAD ROADSIDE SWALE.

**PROJECT LOCATION:** LEE COUNTY, SECTION 4 TWP 46S RGE 25E

**PERMIT DURATION:** See Special Condition No:1. See attached Rule 40E-4.321, Florida Administrative Code.

This Permit is issued pursuant to Application No. 060731-4, dated July 26, 2006. Permittee agrees to hold and save the South Florida Water Management District and its successors harmless from any and all damages, claims or liabilities which may arise by reason of the construction, operation, maintenance or use of activities authorized by this Permit. This Permit is issued under the provisions of Chapter 373, Part IV Florida Statutes (F.S.), and the Operating Agreement Concerning Regulation Under Part IV, Chapter 373 F.S., between South Florida Water Management District and the Department of Environmental Protection. Issuance of this Permit constitutes certification of compliance with state water quality standards where necessary pursuant to Section 401, Public Law 92-500, 33 USC Section 1341, unless this Permit is issued pursuant to the net improvement provisions of Subsections 373.414(1)(b), F.S., or as otherwise stated herein.

This Permit may be transferred pursuant to the appropriate provisions of Chapter 373, F.S. and Sections 40E-1.6107(1) and (2), and 40E-4.351(1), (2), and (4), Florida Administrative Code (F.A.C.). This Permit may be revoked, suspended, or modified at any time pursuant to the appropriate provisions of Chapter 373, F.S. and Sections 40E-4.351(1), (2), and (4), F.A.C.

This Permit shall be subject to the General Conditions set forth in Rule 40E-4.381, F.A.C., unless waived or modified by the Governing Board. The Application, and the Environmental Resource Permit Staff Review Summary of the Application, including all conditions, and all plans and specifications incorporated by reference, are a part of this Permit. All activities authorized by this Permit shall be implemented as set forth in the plans, specifications, and performance criteria as set forth and incorporated in the Environmental Resource Permit Staff Review Summary. Within 30 days after completion of construction of the permitted activity, the Permittee shall submit a written statement of completion and certification by a registered professional engineer or other appropriate individual, pursuant to the appropriate provisions of Chapter 373, F.S. and Sections 40E-4.361 and 40E-4.381, F.A.C.

In the event the property is sold or otherwise conveyed, the Permittee will remain liable for compliance with this Permit until transfer is approved by the District pursuant to Rule 40E-1.6107, F.A.C.

**SPECIAL AND GENERAL CONDITIONS ARE AS FOLLOWS:**

SEE PAGES 2 - 4 OF 7 (22 SPECIAL CONDITIONS).

SEE PAGES 5 - 7 OF 7 (19 GENERAL CONDITIONS).

SOUTH FLORIDA WATER MANAGEMENT  
DISTRICT, BY ITS GOVERNING BOARD

On ORIGINAL SIGNED BY:

By ELIZABETH VEGUILLA  
DEPUTY CLERK

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NOV 19 2007

**COMMUNITY DEVELOPMENT**

**CPA 2007-00061**

PAGE 1 OF 7

**EXHIBIT C2**

PERMIT NO: 36-06202-P  
APPL NO: 060731-4

ROBERT BROWN  
(FORMOSA INDUSTRIAL PARK)  
2510-1 ROCKFILL ROAD,  
FORT MYERS , FL 33916

ALICO ROAD BUSINESS PARK, LP  
(FORMOSA INDUSTRIAL PARK)  
26811 SOUTH BAY DRIVE, STE 350,  
BONITA SPRINGS , FL 34134

LEE ROAD PROJECT, LLC  
(FORMOSA INDUSTRIAL PARK)  
2800 ISLAND BLVD, UNIT 290,  
ADVENTURA , FL 33160

ALICO LAND INVESTMENTS LLC  
(FORMOSA INDUSTRIAL PARK)  
712 FISHERMANS WHARF,  
FORT MYERS , FL 33931

### SPECIAL CONDITIONS

1. The conceptual phase of this permit shall expire on June 14, 2009.  
The construction phase of this permit shall expire on June 14, 2012.
2. Operation of the surface water management system shall be the responsibility of EAST LEE ROAD ASSOCIATION, INC. Within one year of permit issuance or concurrent with the engineering certification of construction completion, whichever comes first, the permittee shall submit a copy of the recorded deed restrictions (or declaration of condominium, if applicable), a copy of the filed articles of incorporation, and a copy of the certificate of incorporation for the association.
3. Discharge Facilities:  
  
Basin: Basin 1, Structure: CS #1  
1-1' W X 1.2' H RECTANGULAR NOTCH weir with crest at elev. 18.1' NGVD 29.  
1-1' W X .5' H RECTANGULAR ORIFICE with invert at elev. 16.6' NGVD 29.  
1-4.5' W X 3' L drop inlet with crest at elev. 19.3' NGVD 29.  
Receiving body : Lake 2 (Basin 2)  
Control elev : 16.6 feet NGVD 29.  
  
Basin: Basin 2, Structure: CS #2  
1-1' W X .5' H RECTANGULAR ORIFICE with invert at elev. 15.8' NGVD 29.  
1-4.5' W X 3' L drop inlet with crest at elev. 17.4' NGVD 29.  
Receiving body : Basin 3  
Control elev : 15.8 feet NGVD 29.  
  
Basin: Basin 3, Structure: CS #3  
1-4.5' W X 2.4' H RECTANGULAR NOTCH weir with crest at elev. 16.4' NGVD 29.  
1-1' W X .4' H RECTANGULAR ORIFICE with invert at elev. 14.8' NGVD 29.  
1-2' W X 3.08' L drop inlet with crest at elev. 18.8' NGVD 29.  
Receiving body : Alico Road roadside swale  
Control elev : 14.8 feet NGVD 29.
4. The permittee shall be responsible for the correction of any erosion, shoaling or water quality problems that result from the construction or operation of the surface water management system.
5. Measures shall be taken during construction to insure that sedimentation and/or turbidity violations do not occur in the receiving water.
6. The District reserves the right to require that additional water quality treatment methods be incorporated into the drainage system if such measures are shown to be necessary.
7. Lake side slopes shall be no steeper than 4:1 (horizontal:vertical) to a depth of two feet below the control elevation. Side slopes shall be nurtured or planted from 2 feet below to 1 foot above control elevation to insure vegetative growth, unless shown on the plans.
8. Facilities other than those stated herein shall not be constructed without an approved modification of this permit.
9. A stable, permanent and accessible elevation reference shall be established on or within one hundred (100) feet of all permitted discharge structures no later than the submission of the certification report. The location of the elevation reference must be noted on or with the certification report.
10. The permittee shall provide routine maintenance of all of the components of the surface water management system in order to remove all trapped sediments/debris. All materials shall be properly disposed of as required by law. Failure to properly maintain the system may result in adverse flooding conditions.
11. This permit is issued based on the applicant's submitted information which reasonably demonstrates that adverse water



resource related impacts will not be caused by the completed permit activity. Should any adverse impacts caused by the completed surface water management system occur, the District will require the permittee to provide appropriate mitigation to the District or other impacted party. The District will require the permittee to modify the surface water management system, if necessary, to eliminate the cause of the adverse impacts.

12. Minimum building floor elevation:  
Basin 1 - 19.60 feet NGVD.  
Basin 2 - 19.50 feet NGVD.  
Basin 3 - 19.50 feet NGVD.

13. Minimum road crown elevation:  
Basin 1 - 18.70 feet NGVD.  
Basin 2 - 17.90 feet NGVD.  
Basin 3 - 17.80 feet NGVD.

Minimum parking elevation:  
Basin 1 - 18.70 feet NGVD.  
Basin 2 - 17.90 feet NGVD.  
Basin 3 - 17.80 feet NGVD.

14. All commercial/industrial parcels shall provide a minimum dry pre-treatment volume of 1/2 inch of runoff prior to discharge into the master surface water management system. Within Basins 1 and 3 each lot is limited to a total impervious coverage of 65% (25% - Building and 40% - other impervious area) and within Basin 2 each lot is limited to 70% total impervious coverage (25% - Building and 45% - other impervious area).
15. All contractors must be provided with a copy of the staff report and permit conditions prior to the commencement of construction. The permittee is responsible for ensuring that all contractors adhere to the project construction details and methods indicated on the attached permit Exhibits and described herein.
16. Prior to the commencement of construction, the perimeter of protected wetland/buffer zones shall be staked/roped/fenced to prevent encroachment into the protected areas. Using Global Positioning System (GPS) technology, the perimeter of the preserve area(s) shall be identified for future reference. The data shall be differentially corrected and accurate to less than a meter (+/- one meter or better). Electronic copies of the GPS data shall be provided to the District's Environmental Resource Compliance staff. The permittee shall notify the District's Environmental Resource Compliance staff in writing upon completion of staking/roping/fencing and schedule an inspection of this work. The staking/roping/fencing shall be subject to District staff approval. The permittee shall modify the stakes/ropes/fences if District staff determines that it is insufficient or is not in conformance with the intent of this permit. Staking/roping/fencing shall remain in place until all adjacent construction activities are complete.
17. Prior to any future construction, the permittee shall apply for and receive a permit modification. As part of the permit application, the applicant for that phase shall provide documentation verifying that the proposed construction is consistent with the design of the master surface water management system, including the land use and site grading assumptions identified in Special Condition 14.
18. The Construction Pollution Prevention Plan (Exhibit Nos. 4.0-4.5) and the Urban Stormwater Management Program (Exhibit Nos. 5.0-5.4) shall be included as part of the (Homeowners documents/Articles of incorporation/Property Owners association documents) prior to being recorded. Prior to recording of the Home Association Documents the amended documents shall be submitted to the Enforcement and Compliance section at the Lower West Coast Service Center for approval.
19. The Permittee shall utilize the criteria contained in the Construction Pollution Prevention Plan (Exhibit Nos. 4.0-4.5) and on the applicable approved construction drawings for the duration of the projects construction activities.
20. The Permittee shall utilize the criteria contained in the Urban Stormwater Management Program (Exhibit Nos. 5.0-5.4) for post construction activities and these Exhibits will be retained in this permit file.

21. Pursuant to an Emergency Order of the Governing Board of the District, applications for water use permits for dewatering associated with the construction of the surface water management facilities proposed with this application will be considered on a case by case basis, and may or may not be issued prior to the Governing Board rescinding or modifying the Order. In addition, no irrigation with previously unallocated water may be conducted prior to the Governing Board rescinding or modifying the Order.
22. Prior to commencement of construction in wetlands and in accordance with the work schedule in Exhibit No. 3.4, the permittee shall submit documentation demonstrating that .45 freshwater mitigation credits have been deducted from the ledger for Big Cypress Mitigation Bank.

### GENERAL CONDITIONS

1. All activities authorized by this permit shall be implemented as set forth in the plans, specifications and performance criteria as approved by this permit. Any deviation from the permitted activity and the conditions for undertaking that activity shall constitute a violation of this permit and Part IV, Chapter 373, F.S.
2. This permit or a copy thereof, complete with all conditions, attachments, exhibits, and modifications shall be kept at the work site of the permitted activity. The complete permit shall be available for review at the work site upon request by District staff. The permittee shall require the contractor to review the complete permit prior to commencement of the activity authorized by this permit.
3. Activities approved by this permit shall be conducted in a manner which does not cause violations of State water quality standards. The permittee shall implement best management practices for erosion and pollution control to prevent violation of State water quality standards. Temporary erosion control shall be implemented prior to and during construction, and permanent control measures shall be completed within 7 days of any construction activity. Turbidity barriers shall be installed and maintained at all locations where the possibility of transferring suspended solids into the receiving waterbody exists due to the permitted work. Turbidity barriers shall remain in place at all locations until construction is completed and soils are stabilized and vegetation has been established. All practices shall be in accordance with the guidelines and specifications described in Chapter 6 of the Florida Land Development Manual; A Guide to Sound Land and Water Management (Department of Environmental Regulation, 1988), incorporated by reference in Rule 40E-4.091, F.A.C. unless a project-specific erosion and sediment control plan is approved as part of the permit. Thereafter the permittee shall be responsible for the removal of the barriers. The permittee shall correct any erosion or shoaling that causes adverse impacts to the water resources.
4. The permittee shall notify the District of the anticipated construction start date within 30 days of the date that this permit is issued. At least 48 hours prior to commencement of activity authorized by this permit, the permittee shall submit to the District an Environmental Resource Permit Construction Commencement Notice Form Number 0960 indicating the actual start date and the expected construction completion date.
5. When the duration of construction will exceed one year, the permittee shall submit construction status reports to the District on an annual basis utilizing an annual status report form. Status report forms shall be submitted the following June of each year.
6. Within 30 days after completion of construction of the permitted activity, the permittee shall submit a written statement of completion and certification by a professional engineer or other individual authorized by law, utilizing the supplied Environmental Resource/Surface Water Management Permit Construction Completion/Certification Form Number 0881A, or Environmental Resource/Surface Water Management Permit Construction Completion Certification - For Projects Permitted prior to October 3, 1995 Form No. 0881B, incorporated by reference in Rule 40E-1.659, F.A.C. The statement of completion and certification shall be based on onsite observation of construction or review of as-built drawings for the purpose of determining if the work was completed in compliance with permitted plans and specifications. This submittal shall serve to notify the District that the system is ready for inspection. Additionally, if deviation from the approved drawings are discovered during the certification process, the certification must be accompanied by a copy of the approved permit drawings with deviations noted. Both the original and revised specifications must be clearly shown. The plans must be clearly labeled as "as-built" or "record" drawings. All surveyed dimensions and elevations shall be certified by a registered surveyor.
7. The operation phase of this permit shall not become effective: until the permittee has complied with the requirements of condition (6) above, and submitted a request for conversion of Environmental Resource Permit from Construction Phase to Operation Phase, Form No. 0920; the District determines the system to be in compliance with the permitted plans and specifications; and the entity approved by the District in accordance with Sections 9.0 and 10.0 of the Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District, accepts responsibility for operation and maintenance of the system. The permit shall not be transferred to such approved operation and maintenance entity until the operation phase of the permit becomes effective. Following inspection and approval of the permitted system by the District, the permittee shall initiate transfer of the permit to the approved

responsible operating entity if different from the permittee. Until the permit is transferred pursuant to Section 40E-1.6107, F.A.C., the permittee shall be liable for compliance with the terms of the permit.

8. Each phase or independent portion of the permitted system must be completed in accordance with the permitted plans and permit conditions prior to the initiation of the permitted use of site infrastructure located within the area served by that portion or phase of the system. Each phase or independent portion of the system must be completed in accordance with the permitted plans and permit conditions prior to transfer of responsibility for operation and maintenance of the phase or portion of the system to a local government or other responsible entity.
9. For those systems that will be operated or maintained by an entity that will require an easement or deed restriction in order to enable that entity to operate or maintain the system in conformance with this permit, such easement or deed restriction must be recorded in the public records and submitted to the District along with any other final operation and maintenance documents required by Sections 9.0 and 10.0 of the Basis of Review for Environmental Resource Permit applications within the South Florida Water Management District, prior to lot or units sales or prior to the completion of the system, whichever comes first. Other documents concerning the establishment and authority of the operating entity must be filed with the Secretary of State, county or municipal entities. Final operation and maintenance documents must be received by the District when maintenance and operation of the system is accepted by the local government entity. Failure to submit the appropriate final documents will result in the permittee remaining liable for carrying out maintenance and operation of the permitted system and any other permit conditions.
10. Should any other regulatory agency require changes to the permitted system, the permittee shall notify the District in writing of the changes prior to implementation so that a determination can be made whether a permit modification is required.
11. This permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any activity approved by this permit. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the permit and Chapter 40E-4 or Chapter 40E-40, F.A.C..
12. The permittee is hereby advised that Section 253.77, F.S. states that a person may not commence any excavation, construction, or other activity involving the use of sovereign or other lands of the State, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required lease, license, easement, or other form of consent authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on sovereign lands or other state-owned lands.
13. The permittee must obtain a Water Use permit prior to construction dewatering, unless the work qualifies for a general permit pursuant to Subsection 40E-20.302(3), F.A.C., also known as the "No Notice" Rule.
14. The permittee shall hold and save the District harmless from any and all damages, claims, or liabilities which may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any system authorized by the permit.
15. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding, unless a specific condition of this permit or a formal determination under Section 373.421(2), F.S., provides otherwise.
16. The permittee shall notify the District in writing within 30 days of any sale, conveyance, or other transfer of ownership or control of a permitted system or the real property on which the permitted system is located. All transfers of ownership or transfers of a permit are subject to the requirements of Rules 40E-1.6105 and 40E-1.6107, F.A.C.. The permittee transferring the permit shall remain liable for corrective actions that may be required as a result of any violations prior to the sale, conveyance or other transfer of the system.
17. Upon reasonable notice to the permittee, District authorized staff with proper identification shall have permission to enter, inspect, sample and test the system to insure conformity with the plans and specifications approved by the permit.

18. If historical or archaeological artifacts are discovered at any time on the project site, the permittee shall immediately notify the appropriate District service center.
19. The permittee shall immediately notify the District in writing of any previously submitted information that is later discovered to be inaccurate.



ENVIRONMENTAL RESOURCE PERMITS CHAPTER 40E-4 (01/07)

40E-4.321 Duration of Permits.

(1) Unless revoked or otherwise modified the duration of an environmental resource permit issued under this chapter or Chapter 40E-40, F.A.C., is as follows:

(a) For a conceptual approval, two years from the date of issuance or the date specified as a condition of the permit, unless within that period an application for an individual or standard general permit is filed for any portion of the project. If an application for an environmental resource permit is filed, then the conceptual approval remains valid until final action is taken on the environmental resource permit application. If the application is granted, then the conceptual approval is valid for an additional two years from the date of issuance of the permit. Conceptual approvals which have no individual or standard general environmental resource permit applications filed for a period of two years shall expire automatically at the end of the two year period.

(b) For a conceptual approval filed concurrently with a development of regional impact (DRI) application for development approval (ADA) and a local government comprehensive plan amendment, the duration of the conceptual approval shall be two years from whichever one of the following occurs at the latest date:

1. The effective date of the local government's comprehensive plan amendment,
2. The effective date of the local government development order,
3. The date on which the District issues the conceptual approval, or 4. The date on which the District issues a final order pertaining to the resolution of any Section 120.57, F.S., administrative proceeding or other legal appeals.

(c) For an individual or standard general environmental resource permit, the construction phase authorizing construction, removal, alteration or abandonment of a system shall expire five years from the date of issuance or such amount of time as made a condition of the permit.

(d) For an individual or standard general environmental resource permit, the operational phase of the permit is perpetual for operation and maintenance.

(e) For a noticed general permit issued pursuant to Chapter 40E-400, F.A.C., five years from the date the notice of intent to use the permit is provided to the District.

(2)(a) Unless prescribed by special permit condition, permits expire automatically according to the timeframes indicated in this rule. If application for extension is made by electronic mail at the District's e-Permitting website or in writing pursuant to subsection (3), the permit shall remain in full force and effect until:

1. The Governing Board takes action on an application for extension of an individual permit, or
2. Staff takes action on an application for extension of a standard general permit.

(b) Installation of the project outfall structure shall not constitute a vesting of the permit.

(3) The permit extension shall be issued provided that a permittee files a written request with the District showing good cause prior to the expiration of the permit. For the purpose of this rule, good cause shall mean a set of extenuating circumstances outside of the control of the permittee. Requests for extensions, which shall include documentation of the extenuating circumstances and how they have delayed this project, will not be accepted more than 180 days prior to the expiration date.

(4) Substantial modifications to Conceptual Approvals will extend the duration of the Conceptual Approval for two years from the date of issuance of the modification. For the purposes of this section, the term "substantial modification" shall mean a modification which is reasonably expected to lead to substantially different water resource or environmental impacts which require a detailed review.

(5) Substantial modifications to individual or standard general environmental resource permits issued pursuant to a permit application extend the duration of the permit for three years from the date of issuance of the modification. Individual or standard general environmental resource permit modifications do not extend the duration of a conceptual approval.

(6) Permit modifications issued pursuant to paragraph 40E-4.331(2)(b), F.A.C. (letter modifications) do not extend the duration of the permit.

(7) Failure to complete construction or alteration of the surface water management system and obtain operation phase approval from the District within the permit duration shall require a new permit authorization in order to continue construction unless a permit extension is granted.

*Specific Authority 373.044, 373.113, 668.003, 668.004, 668.50 FS. Law Implemented 373.413, 373.416, 373.419, 373.426, 668.003, 668.004, 668.50 FS. History-New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-4.07(4), Amended 7-1-86, 4-20-94, 10-3-95, 5-28-00, 10-1-06.*

CPA 2007-00061

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COMMUNITY DEVELOPMENT

Receipt of Funds Received

Big Cypress Mitigation Bank received the full payment of \$20,250.00 from Ocean View Development for the purchase of .45 Mitigation Credits serving as the mitigation requirement for the Formosa project.

Lynn Zenczak

Lynn Zenczak- West Coast Marketing Manager



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NOV 19 2007

COMMUNITY DEVELOPMENT  
CPA 2007-00061

LEE RD

PORTION OF PROPERTY  
SUBJECT TO CPA

ALICO RD

LEE RD

ORIOLE RD

**Legend**  
**ELEVATION**  
— 15  
**FEMA Flood Zones**  
X500



# EXISTING TOPOGRAPHIC MAP MAP C3

Formosa Parcel  
Alico Land Investment, LLC. 2503 Main Street  
Fort Myers Beach, FL 33931

Source: Lee County Property Appraisers Office

## FORMOSA SMALL SCALE CPA

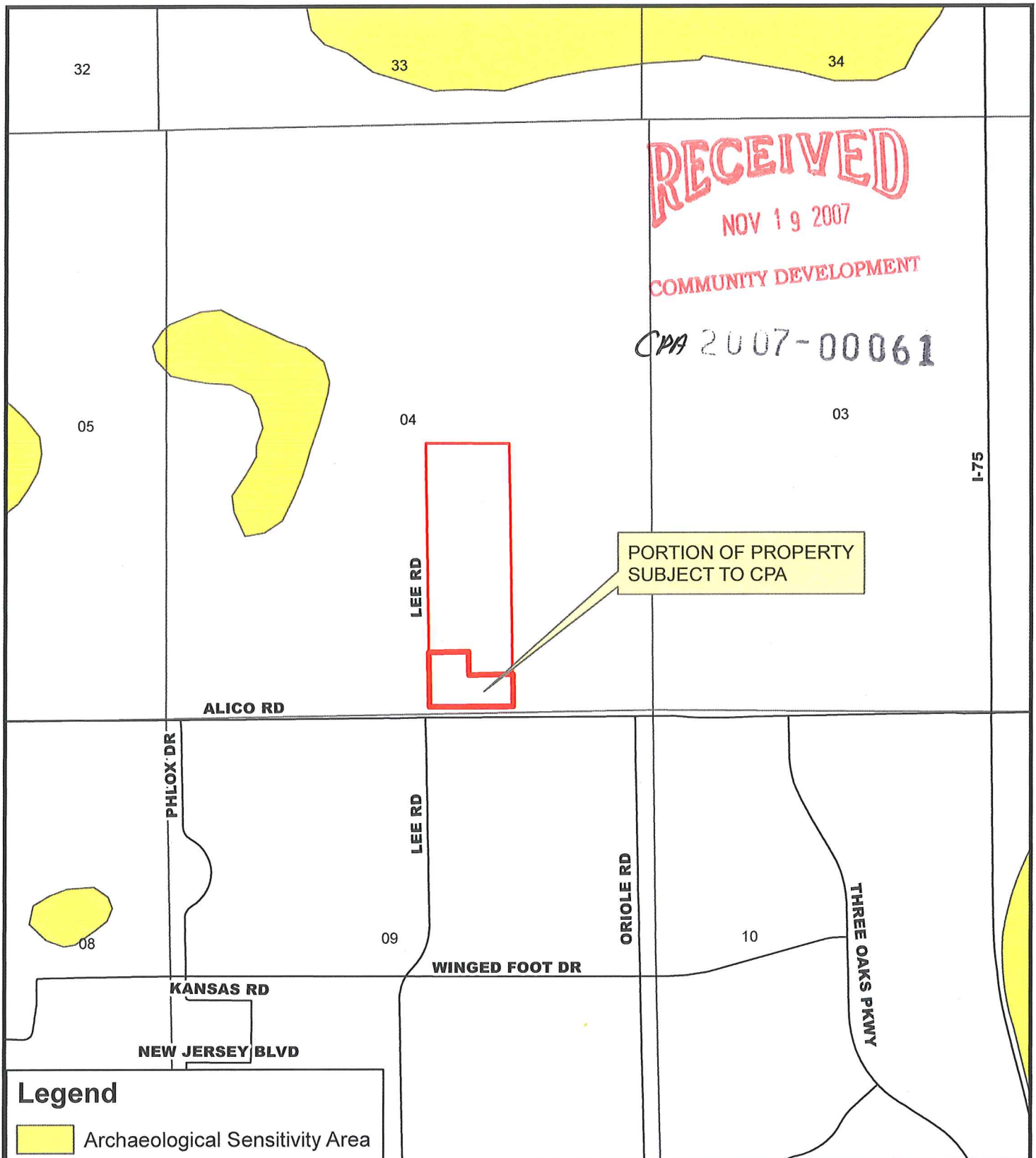
500 250 0 500  
Feet



Date: 10-31-07

Map Number:  
1054-11-CPA-Topo

Project Number:  
1054-11



## Legend

 Archaeological Sensitivity Area



## HISTORICAL & ARCHAEOLOGICAL MAP MAPS D1 and D2

Formosa Parcel  
Alico Land Investment, LLC. 2503 Main Street  
Fort Myers Beach, FL 33931

Source: Lee County Property Appraisers Office

## FORMOSA SMALL SCALE CPA

1,500 750 0 1,500  
Feet



Date: 10-31-07

Map Number:  
1054-11-CPA-EXD2

Project Number:  
1054-11



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COMMUNITY DEVELOPMENT



Exhibits E-1 through 4, F1 and G

Internal Consistency with the Lee Plan  
Formosa Small-Scale CPA

CPA 2007-00061

Exhibit E

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.

The proposed amendment will not affect the established Lee County population projections or capacity of the Lee Plan Future Land Use Map. The proposed Land Use designation of Commercial does not allow for residential uses other than caretaker residences.

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.

The Formosa Small-Scale CPA is consistent with the following applicable goals, objectives and policies of the Lee Plan.

A. Policy 1.1.10

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

*The requisite infrastructure needed for commercial development is generally planned or in place. New developments in this category must connect to a potable water and sanitary sewer system. Commercial retail developments, hotels and motels, banks, all types of office development, research and development, public, and other similar development will predominate in the*



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

The subject property is located at the northeast corner of the intersection of Lee Road and Alico Road, approximately one mile west of Interstate 75. The area contains a mix of commercial, residential and industrial land and is in near proximity to developed industrial uses to the west. The area to the south consists of a large residential area known as Three Oaks Community and has a Future Land Use designation of Urban Community. Further east, adjacent to Interstate 75, properties fall within the Industrial Commercial Interchange FLU.

Alico Road is an east/west arterial that connects U.S. 41 with Interstate 75, Southwest Florida International Airport and Florida Gulf Coast University. The property is ideally located for commercial development that can service travelers of the roadway as well as surrounding employment and residential areas. Its proximity to Interstate 75 further supports commercial services that can be quickly and conveniently accessed from this major roadway corridor or from its intersecting frontage along Lee Road. Water and wastewater service are available to the subject property.

Due to the nature of the surrounding area, further residential development is not appropriate and some expansion of the commercial nature of the Industrial Commercial Interchange area to the east will serve the needs of consumers traveling on Alico Road where the Interchange area is designed to increase convenience to those using the Interstate.

The smaller parcels across Alico from the subject property are developing a land use pattern of small commercial development. The commercial development of the frontage along Alico Road on both the north and south will serve as a transition from the industrial area to the west to the commercial area around

Interstate 75 and will provide opportunity for improved aesthetics along this roadway. As industrial development continues to expand on this corridor, commercial services will be needed to support the needs of this area.

B. Policy 1.7.1

*The Airport Noise Zones cover areas subject to varying levels of airport-related noise. By 2006 and every 5 years thereafter, the Port Authority will update the aviation forecasts and associated noise contours for the Southwest Florida International Airport and initiate an amendment to the Airport Noise Zone Overlay Map to reflect the findings of this study. In addition to meeting the requirements of the underlying Future Land Use Map categories, properties within the Noise Zone Overlay must meet the following:*

*Airport Noise Zone 3 does not permit any residential units, churches, libraries, schools, hospitals, correctional institutions, or nursing homes. However, residential units, including mobile or manufactured homes, that were lawfully existing as of June 27, 2000 will be treated as legally permitted uses and may be replaced with a new mobile or manufactured home or conventional single family construction so long as such replacement would be otherwise allowed by this code. However, an existing conventional home may not be replaced with a new mobile or manufactured home. One conventional single family home is permitted on each lot in a plat properly recorded before June 27, 2000 if such use would have been permitted on the lot prior to June 27, 2000.*

The subject property falls within the Airport Noise Zone 3. The proposed Commercial Land Use designation will prohibit the applicant's ability to develop residential units on the property. The applicant further understands that churches, libraries, schools, hospitals, correctional institutions or nursing homes are not permitted within this noise zone.

C. Objective 2.1

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

As evidenced in the previous responses, the amendment promotes contiguous and compact growth patterns and the efficient utilization of existing public infrastructure

D. Policy 6.1.7:

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

The subject property location does not encourage scattered or premature development. The adjacent properties are designated for industrial uses that will need the support of commercial services and the corner location provides for ease of access and serviceability.

As discussed previously, the Alico corridor is not an appropriate location for residential development.

Standard 11.3 Traffic

1. *A traffic impact statement must be submitted to and accepted by the county DOT for the following developments:*
  - *Developments of Regional Impact (D.R.I.'s);*
  - *Planned Developments (as specified in the Zoning Regulations); and*
  - *Developments requiring a county development order, as specified in the Land Development Code.*
2. *The form, content, and level of detail required in the traffic impact statement will be established by Lee County by ordinance, administrative code, or other regulations. Lee County will establish criteria or thresholds to determine the scope of the traffic impact statement required:*
  - *if the development meets or exceeds the established thresholds, the traffic impact statement will provide a comprehensive assessment of the development's impacts on the surrounding road system.*
  - *if the development does not meet or exceed these thresholds, the traffic impact statement will provide information regarding traffic generation and impacts at the development's access points to the adjacent street system. (Amended by Ordinance No. 94-30, 00-22)*

Please see the attached Traffic Circulation Analysis prepared by TR Transportation Consultants, Inc.

Standard 11.4: Environmental Review Factors

*In any case where there exists or there is the probability of environmentally sensitive areas (as identified by Lee County, the Corps of Engineers, Department of Environmental Protection, South Florida Water Management District, or other applicable regulatory agency), the developer/applicant must prepare an environmental assessment that examines the existing conditions, addresses the environmental problems, and proposes means and mechanisms to protect, conserve, or preserve the environmental and natural resources. (Amended by Ordinance No. 94-30, 00-22)*

#### Environmental Review Factors

There are no environmental factors limiting the development since the entire property is disturbed or has been mitigated. In support of this, please see the attached report prepared by Dexter Bender Environmental Consultants.

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

The proposed amendment is not adjacent and does not affect any other local government.

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

Relevant State Policy Plan and Regional Policy Plan goals and policies are consistent with the provisions of the Lee Plan cited herein. Specific references follow.

#### **Strategic Regional Policy Plan**

##### Economic Development Element

*Strategy: Ensure the adequacy of lands for commercial and industrial centers, with suitable services provided.*

The proposed amendment upholds this regional policy by providing for potential commercial development in an area that is primarily industrial in nature and will require supportive commercial services.

#### **State Policy Plan**

##### Land Use: Goal 15(a)

*In recognition of the importance of preserving the natural resources and enhancing the quality of life of the state, development shall be directed to those areas which have in place, or have agreements to provide, the land and water resources, fiscal abilities, and service*

*capacity to accommodate growth in an environmentally acceptable manner.*

The proposed amendment is consistent with this goal in that it will utilize existing investments in public infrastructure and can be developed in an environmentally sensitive manner since there are no wetlands, aquifer recharge areas, rare or unique uplands, or species issues found on the site.

**Exhibit F-1**

- a. *State whether the site is accessible to arterial roadways, rail lines and cargo airport terminals.*

The subject property is located on Alico Road, a major arterial, approximately one mile west of its intersection with Interstate 75.

- b. *Provide data and analysis required by Policy 2.4.4, which states:*

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

The subject property falls within the Gateway/Airport Planning Community. According to acreage allocations provided by Lee County, this Community has an allocation of 1,100 acres for commercial development. Only 168 acres has been developed as such, leaving an additional 932 acres for additional commercial development.

With only 15% of the commercially allocated acreage developed, there is clear indication of the need for additional commercial services to support the residential and industrial uses of this community planning area.

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

*The Future Land Use Map must designate a sufficient quantity of land to accommodate industrial development that will employ 3% of the county's population in manufacturing activities by the year 2010. A report will be prepared by county staff every two years to*



*monitor the county's progress towards this employment goal. (Amended by Ordinance No. 93-25, 94-30, 00-22).*

According to Lee County's online data, out of 3,100 allocated acres for industrial development within the Gateway/Airport Planning Community, approximately 2,837 remain to be developed. This is an indication that there are more than adequate quantities of land available to accommodate industrial development that will employ 3% of the county's population within the next three years. Additionally, in order to attract continued industrial development, support services will need to be made available in the industrial areas.

## **Exhibit 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.*

The proposed Small Scale Comprehensive Plan amendment is based upon sound planning principles. The proposed Commercial Land Use designation will allow for supportive services for the developing industrial area located along and in near proximity to the Alico Road corridor.

Just as with other use areas, industrial "districts" rely on sufficient infrastructure for their success and for their ability to integrate into the larger community. This infrastructure is not only limited to availability of utilities but also includes the availability of commercial services and a respectable proximity to residential areas.

The industrial areas of today include industrial-related uses such as offices, restaurants and small retail activities. The land use pattern that has been established along Alico Road provides opportunity for developing an industrial area that includes the necessary supportive uses. The proposed amendment is designed to facilitate such development.

The placement of commercial supportive uses along the Alico Road frontage is appropriate in that it provides a transition from the industrial uses to the west to the more intense commercial areas being developed near Interstate 75. These small commercial developments further serve as a transition and buffer between the surrounding industrial lands and the existing residential developments to the south.

The proposed amendment falls well within the allowable commercial land allocation for the Gateway/Airport Planning Community. The land use allocations of this community are based on county research and analysis that has established a need for a more balanced approach to development with respect to mix of uses that are beneficial in supporting planning efforts at a community scale. The proposed amendment further supports this approach.

# **CORRESPONDENCE**



# THE SCHOOL DISTRICT OF LEE COUNTY

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

RECEIVED  
JAN 29 2008  
COMMUNITY DEVELOPMENT

JEANNE S. DOZIER  
CHAIRMAN, DISTRICT 2  
JANE E. KUCKEL, PH.D.  
VICE CHAIRMAN, DISTRICT 3  
ROBERT D. CHILMONIK  
DISTRICT 1  
STEVEN K. TEUBER, J.D.  
DISTRICT 4  
ELINOR C. SCRICCA, PH.D.  
DISTRICT 5  
JAMES W. BROWDER, ED.D.  
SUPERINTENDENT  
KEITH B. MARTIN, ESQ.  
BOARD ATTORNEY

January, 28, 2008

Ms. Brandy Gonzalez  
Lee County Division of Planning  
P.O. Box 398  
Fort Myers, FL 33902-0398

RE: Privately Initiated Lee Plan Future Land Use Map Amendment  
Case #: CPA2007-00061

Dear Ms. Gonzalez:

This letter is in response to your request dated January 25, 2008 for the Privately Initiated Lee Plan Future Land use Map Amendment with regard to educational impact. This proposed structure is located in the South Choice Zone, Sub Zone S2.

After reviewing the submittal, the project should have no impact on classroom needs based on the applicant's indication that this is a commercial project only and will not have any residential units.

Thank you for your attention to this issue. If I may be of further assistance, please call me at (239) 479-5661.

Sincerely,

Dawn Gordon, Community Development Planner  
Planning Department

**Gonzalez, Brandy L.**

---

**From:** Newman, William T.  
**Sent:** Monday, January 28, 2008 9:29 AM  
**To:** Gonzalez, Brandy L.  
**Subject:** RE: CPA 2007-00061 – Privately Initiated Lee Plan Future Land Use Map Amendment

The Solid Waste Division has no objection to CPA 2007-00061.

Bill Newman  
Operations Manager  
Solid Waste Division  
(239) 338-3302

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**From:** Gonzalez, Brandy L.  
**Sent:** Friday, January 25, 2008 4:15 PM  
**To:** Cranford, Richard M.; Campbell, George G.; wbergquist@sheriffleefl.org; jnygaard@sheriffleefl.org; Ottolini, Roland E.; Loveland, David M.; Horsting, Michael S.; Wu, Lili ; Yarbrough, John H.; Sampson, Lindsey J.; Newman, William T.; Smith, Regina Y.; Lavender, James H.; Velez, Sergio I.; Houck, Pamela E.; Sweigert, Rebecca H.; Eckenrode, Peter J.; Pavese, Michael P.; Daltry, Wayne E.; Zettel, Mary S.; Roberts, Rickey G.; Collins, Donna Marie ; wbhorner@flylcpa.com; Wilson, John; Hansen, Hans C.; DawnMGo@leeschools.net; Griffith, Douglas; Lehnert, Dawn; ippolito@sancarlosfire.org  
**Subject:** CPA 2007-00061 – Privately Initiated Lee Plan Future Land Use Map Amendment

January 25, 2008

Public Service/Review Agencies  
See Distribution List

RE: CPA 2007-00061 – Privately Initiated Lee Plan Future Land Use Map Amendment

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Sincerely,

*Brandy Gonzalez  
Principal Planner  
Lee County Department of Community Development  
Division of Planning  
(239) 533-8805 phone  
(239) 485-8319*

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- John Wilson, Lee County Public Safety*
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- Dawn Gordon, Lee County School Board*
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- Natale Ippolito, San Carlos Park Fire Protection & Rescue Service*

**Gonzalez, Brandy L.**

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**Sent:** Monday, January 28, 2008 3:35 PM  
**To:** Gonzalez, Brandy L.  
**Subject:** RE: CPA 2007-00061 – Privately Initiated Lee Plan Future Land Use Map Amendment

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**NOTE NEW PHONE NUMBERS**

Wayne Daltry, FAICP  
 Director, Smart Growth  
 239-533-2240  
 fx -485-2262

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*Principal Planner*  
*Lee County Department of Community Development*  
*Division of Planning*  
*(239) 533-8805 phone*  
*(239) 485-8319*

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- Dawn Gordon, Lee County School Board*
- William Horner, Airport Authority*

*Natale Ippolito, San Carlos Park Fire Protection & Rescue Service*

**Miller, Janet M.**

**From:** Gonzalez, Brandy L.  
**Sent:** Monday, January 28, 2008 9:42 AM  
**To:** Miller, Janet M.; Hock, Donna  
**Subject:** FW: CPA 2007-00061 – Privately Initiated Lee Plan Future Land Use Map Amendment

---

**From:** Newman, William T.  
**Sent:** Monday, January 28, 2008 9:29 AM  
**To:** Gonzalez, Brandy L.  
**Subject:** RE: CPA 2007-00061 – Privately Initiated Lee Plan Future Land Use Map Amendment

The Solid Waste Division has no objection to CPA 2007-00061.

Bill Newman  
Operations Manager  
Solid Waste Division  
(239) 338-3302

---

**From:** Gonzalez, Brandy L.  
**Sent:** Friday, January 25, 2008 4:15 PM  
**To:** Cranford, Richard M.; Campbell, George G.; wbergquist@sheriffleefl.org; jnygaard@sheriffleefl.org; Ottolini, Roland E.; Loveland, David M.; Horsting, Michael S.; Wu, Lili ; Yarbrough, John H.; Sampson, Lindsey J.; Newman, William T.; Smith, Regina Y.; Lavender, James H.; Velez, Sergio I.; Houck, Pamela E.; Sweigert, Rebecca H.; Eckenrode, Peter J.; Pavese, Michael P.; Daltry, Wayne E.; Zettel, Mary S.; Roberts, Rickey G.; Collins, Donna Marie ; wbhorner@flylcpa.com; Wilson, John; Hansen, Hans C.; DawnMGo@leeschools.net; Griffith, Douglas; Lehnert, Dawn; ippolito@sancarlosfire.org  
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# THE SCHOOL DISTRICT OF LEE COUNTY

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

**RECEIVED**  
JAN 29 2008

**COMMUNITY DEVELOPMENT**

JEANNE S. DOZIER  
CHAIRMAN, DISTRICT 2  
JANE E. KUCKEL, PH.D.  
VICE CHAIRMAN, DISTRICT 3  
ROBERT D. CHILMONIK  
DISTRICT 1  
STEVEN K. TEUBER, J.D.  
DISTRICT 4  
ELINOR C. SCRICCA, PH.D.  
DISTRICT 5  
JAMES W. BROWDER, ED.D.  
SUPERINTENDENT  
KEITH B. MARTIN, ESQ.  
BOARD ATTORNEY

January, 28, 2008

Ms. Brandy Gonzalez  
Lee County Division of Planning  
P.O. Box 398  
Fort Myers, FL 33902-0398

RE: Privately Initiated Lee Plan Future Land Use Map Amendment  
Case #: CPA2007-00061

Dear Ms. Gonzalez:

This letter is in response to your request dated January 25, 2008 for the Privately Initiated Lee Plan Future Land use Map Amendment with regard to educational impact. This proposed structure is located in the South Choice Zone, Sub Zone S2.

After reviewing the submittal, the project should have no impact on classroom needs based on the applicant's indication that this is a commercial project only and will not have any residential units.

Thank you for your attention to this issue. If I may be of further assistance, please call me at (239) 479-5661.

Sincerely,

Dawn Gordon, Community Development Planner  
Planning Department

**Miller, Janet M.**

**From:** Gonzalez, Brandy L.  
**Sent:** Tuesday, January 29, 2008 9:27 AM  
**To:** Miller, Janet M.; Hock, Donna  
**Subject:** FW: CPA 2007-00061 – Privately Initiated Lee Plan Future Land Use Map Amendment

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**Sent:** Monday, January 28, 2008 3:35 PM  
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fx -485-2262

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*Dawn Gordon, Lee County School Board*  
*William Horner, Airport Authority*  
*Natale Ippolito, San Carlos Park Fire Protection & Rescue Service*



**Gonzalez, Brandy L.**

---

**From:** Horsting, Michael S.  
**Sent:** Monday, February 04, 2008 3:45 PM  
**To:** Gonzalez, Brandy L.  
**Subject:** RE: CPA 2007-00061 – Privately Initiated Lee Plan Future Land Use Map Amendment

Brandy,

Our position on this FLUM amendment remains the same. This location is in an established transit corridor and Lee County currently provides public transportation services through this corridor. We consider the subject property related to this Comprehensive Plan Amendment Application to be within our existing service area. Our long range planning activities maintain this transit corridor and document the need for additional, enhanced services on the route providing service to this area. We anticipate the current capacity on this route to be sufficient to meet the needs of the proposed land use changes the applicant wishes to make.

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

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**To:** Cranford, Richard M.; Campbell, George G.; wbergquist@sheriffleefl.org; jnygaard@sheriffleefl.org; Ottolini, Roland E.; Loveland, David M.; Horsting, Michael S.; Wu, Lili ; Yarbrough, John H.; Sampson, Lindsey J.; Newman, William T.; Smith, Regina Y.; Lavender, James H.; Velez, Sergio I.; Houck, Pamela E.; Sweigert, Rebecca H.; Eckenrode, Peter J.; Pavese, Michael P.; Daltry, Wayne E.; Zettel, Mary S.; Roberts, Rickey G.; Collins, Donna Marie ; wbhorner@flylcpa.com; Wilson, John; Hansen, Hans C.; DawnMGo@leeschools.net; Griffith, Douglas; Lehnert, Dawn; ippolito@sancarlosfire.org  
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**MEMORANDUM  
FROM  
DEPARTMENT OF COMMUNITY DEVELOPMENT  
DIVISION OF ENVIRONMENTAL SCIENCES**

**Date:** March 10, 2008

**To:** Brandy Gonzalez, Principal Planner

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

**Project:** Formosa Small Scale Comprehensive Plan Amendment

**Case:** CPA2007-00061

**Strap:** Strap # 04-46-25-00-00001.0080

The subject property was part of a 129.77 acre Industrial Planned Development (IPD) Formosa Commerce Center IPD. The applicant proposes to change the Future Land Use designation to allow intense Commercial use. Alico road borders the subject property site to the south and Lee road borders the property to the west. North and east of the property is vacant land currently zoned for industrial uses.

The subject site is currently vacant land that has been previously cleared. Previously the site contained a 0.69 acre highly disturbed wetland which has been cleared. Therefore this site does not contain any environmental issues.

## Memo

To: Paul O'Connor, Planning Director

From: David Loveland, Public Works Operations Manager, Planning *DL*

Date: March 25, 2008

Subject: CPA 2007-61 (Formosa)

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 9.91 acres at the northeast corner of Lee Road and Alico Road from "Industrial Development" to "Commercial". Your staff indicates that the proposed change would allow approximately 431,678 square feet of commercial use on the site. The property is located within Traffic Analysis Zone (TAZ) 1426, and we converted the above square footage into the model input variables for that zone (1,079 commercial employees) and reran the Lee County MPO's 2030 Financially Feasible Plan FSUTMS travel demand model.

Examining the three-mile radius around the project, the following road segments are projected to operate at level of service "F" in the year 2030 both with and without the proposed land use change:

Alico Road from Phlox Drive to I-75 (directly adjacent to project)  
SR 739/Metro Parkway Extension, from Alico Road to Briarcliff Road  
I-75 from Corkscrew Road to Alico Road

The MPO's 2030 Needs Plan does identify two potential improvements to address the failing segments noted above, in the form of 10-laning I-75 from SR 82 south and the four-lane Alico Expressway from Summerlin Road to SR 82. Both improvements are identified as contingent upon the identification of additional funding beyond the traditional sources projected for the Financially Feasible Plan, and the MPO Plan suggests testing the improvements as toll-funded projects, to potentially make them financially feasible. The Southwest Florida Expressway Authority is currently exploring options and trying to determine the feasibility of providing additional lanes on I-75 as tolled express lanes, but has not yet reached any definitive conclusions and proceeded with project financing. No work is progressing on the Alico Expressway project, although Lee County is studying alignment options for an interim improvement in the form of an arterial extension of the existing Alico Road. Absent an identified means of paying for such improvements and their subsequent inclusion in the Financially Feasible Plan, DOT staff cannot recommend approval of a land use change that intensifies development on a road segment that is projected to fail.

Please let me know if you need any additional information.

cc: Donna Marie Collins  
Brandy Gonzalez



**2030 TRAFFIC CONDITIONS WITH EXISTING DENSITY  
EXISTING PLUS PROGRAMMED ROAD NETWORK  
FORMOSA COMPREHENSIVE PLAN AMENDMENT**

<u>ROADWAY</u>	<u>SEGMENT</u>	# OF LANES	LOS STANDARD	RAW FSUTMS PSWDT	P.C.S. # <sup>1</sup>	PSWDT/AADT FACTOR <sup>2</sup>	2030 AADT	K-100 FACTOR <sup>3</sup>	D FACTOR <sup>3</sup>	TOTAL TRAFFIC PK DIRECTION	LOS SERVICE THRESHOLD <sup>4</sup>	LOS
Alico Rd.	E. of U.S. 41	6LN	E	43,433	25	1.117	38,884	0.091	0.54	1,911	2,920	B
	E. of Metro Pkwy. Ext.	6LN	E	55,459	25	1.117	49,650	0.091	0.54	2,440	2,920	B
	E. of Gator Rd.	6LN	E	64,515	25	1.117	57,757	0.091	0.54	2,838	2,920	C
	E. of Phlox Dr.	6LN	E	59,112	25	1.117	52,920	0.091	0.54	2,601	2,920	C
	E. of Lee Rd.	6LN	E	61,530	25	1.117	55,085	0.091	0.54	2,707	2,920	C
	E. of Oriole Rd.	6LN	E	62,874	25	1.117	56,288	0.091	0.54	2,766	2,920	C
	E. of Three Oaks Pkwy.	6LN	E	73,539	25	1.117	65,836	0.091	0.54	3,235	2,920	F
	E. of I-75	6LN	E	56,724	25	1.117	50,782	0.091	0.54	2,495	2,920	C
	E. of Ben Hill Griffin Pkwy.	2LN	E	9,431	25	1.117	8,443	0.091	0.54	415	920	C
Winged Foot Dr.	W. of Phlox Dr.	2LN	E	4,504	25	1.117	4,032	0.091	0.54	198	850	C
	E. of Phlox Dr.	2LN	E	6,812	25	1.117	6,098	0.091	0.54	300	850	C
	E. of Lee Rd.	2LN	E	3,033	25	1.117	2,715	0.091	0.54	133	850	C
U.S. 41	N. of Alico Rd.	6LN	E	54,027	25	1.117	48,368	0.091	0.54	2,377	2,920	B
	S. of Alico Rd.	6LN	E	63,375	25	1.117	56,737	0.091	0.54	2,788	2,920	C
Metro Pkwy. Ext.	N. of Alico Rd.	6LN	E	72,733	45	1.043	69,734	0.110	0.51	3,912	2,920	F
Phlox Dr.	S. of Alico Rd.	2LN	E	6,587	25	1.117	5,897	0.091	0.54	290	850	C
Lee Rd.	S. of Alico Rd.	2LN	E	8,735	25	1.117	7,820	0.091	0.54	384	850	C
	S. of Winged Foot Dr.	2LN	E	9,100	25	1.117	8,147	0.091	0.54	400	850	C
Oriole Rd.	S. of Alico Rd.	2LN	E	13,149	25	1.117	11,772	0.091	0.54	578	850	D
	S. of Winged Foot Dr.	2LN	E	9,520	25	1.117	8,523	0.091	0.54	419	850	C
Three Oaks Pkwy.	N. of Alico Rd.	4LN	E	28,745	25	1.117	25,734	0.091	0.54	1,265	1,950	B
	S. of Alico Rd.	4LN	E	32,056	25	1.117	28,698	0.091	0.54	1,410	1,950	B
I-75	N. of Alico Rd.	6LN	D	96,087	25	1.117	86,022	0.091	0.54	4,227	5,530	C
	S. of Alico Rd.	6LN	D	165,071	25	1.117	147,781	0.091	0.54	7,262	5,530	F
Ben Hill Griffin Pkwy.	N. of Alico Rd.	6LN	E	66,802	60	1.253	53,314	0.101	0.52	2,800	2,920	C
	S. of Alico Rd.	6LN	E	56,121	25	1.117	50,243	0.091	0.54	2,469	2,920	B

<sup>1</sup> Lee County does not perform traffic counts on Winged Foot Drive, Phlox Drive, or I-75, therefore for the purposes of this analysis the data from PCS #25 was utilized to adjust the FSUTMS model output data.

<sup>2</sup> Calculated based upon data from the 2006 Lee County Traffic Count Report.

<sup>3</sup> Obtained from the 2006 Lee County Traffic Count Report

<sup>4</sup> LOS Thresholds for I-75 were obtained from the Table 4-7 of the FDOT Generalized LOS Thresholds and the LOS Thresholds for all other roadway segments analyzed were obtained from the Lee County Generalized Service Volumes Table

**2030 TRAFFIC CONDITIONS WITH PROPOSED DENSITY  
EXISTING PLUS PROGRAMMED ROAD NETWORK  
FORMOSA COMPREHENSIVE PLAN AMENDMENT**

<u>ROADWAY</u>	<u>SEGMENT</u>	# OF LANES	LOS STANDARD	RAW FSUTMS PSWDT	P.C.S. # <sup>1</sup>	PSWDT/AADT FACTOR <sup>2</sup>	2030 AADT	K-100 FACTOR <sup>3</sup>	D FACTOR <sup>3</sup>	TOTAL TRAFFIC PK DIRECTION	LOS SERVICE THRESHOLD <sup>4</sup>	LOS
Alico Rd.	E. of U.S. 41	6LN	E	43,571	25	1.117	39,007	0.091	0.54	1,917	2,920	B
	E. of Metro Pkwy. Ext.	6LN	E	55,951	25	1.117	50,090	0.091	0.54	2,461	2,920	B
	E. of Gator Rd.	6LN	E	64,881	25	1.117	58,085	0.091	0.54	2,854	2,920	D
	E. of Phlox Dr.	6LN	E	60,333	25	1.117	54,013	0.091	0.54	2,654	2,920	C
	E. of Lee Rd.	6LN	E	62,098	25	1.117	55,594	0.091	0.54	2,732	2,920	C
	E. of Oriole Rd.	6LN	E	63,673	25	1.117	57,004	0.091	0.54	2,801	2,920	C
	E. of Three Oaks Pkwy.	6LN	E	74,050	25	1.117	66,294	0.091	0.54	3,258	2,920	F
	E. of I-75	6LN	E	56,906	25	1.117	50,945	0.091	0.54	2,503	2,920	C
	E. of Ben Hill Griffin Pkwy.	2LN	E	9,351	25	1.117	8,372	0.091	0.54	411	920	C
Winged Foot Dr.	W. of Phlox Dr.	2LN	E	4,698	25	1.117	4,206	0.091	0.54	207	850	C
	E. of Phlox Dr.	2LN	E	6,821	25	1.117	6,107	0.091	0.54	300	850	C
	E. of Lee Rd.	2LN	E	3,382	25	1.117	3,028	0.091	0.54	149	850	C
U.S. 41	N. of Alico Rd.	6LN	E	53,786	25	1.117	48,152	0.091	0.54	2,366	2,920	B
	S. of Alico Rd.	6LN	E	63,567	25	1.117	56,909	0.091	0.54	2,796	2,920	C
Metro Pkwy. Ext.	N. of Alico Rd.	6LN	E	73,391	45	1.043	70,365	0.110	0.51	3,947	2,920	F
Phlox Dr.	S. of Alico Rd.	2LN	E	6,783	25	1.117	6,073	0.091	0.54	298	850	C
Lee Rd.	S. of Alico Rd.	2LN	E	8,263	25	1.117	7,397	0.091	0.54	364	850	C
	S. of Winged Foot Dr.	2LN	E	9,348	25	1.117	8,369	0.091	0.54	411	850	C
Oriole Rd.	S. of Alico Rd.	2LN	E	13,548	25	1.117	12,129	0.091	0.54	596	850	D
	S. of Winged Foot Dr.	2LN	E	9,658	25	1.117	8,646	0.091	0.54	425	850	C
Three Oaks Pkwy.	N. of Alico Rd.	4LN	E	29,295	25	1.117	26,226	0.091	0.54	1,289	1,950	B
	S. of Alico Rd.	4LN	E	32,255	25	1.117	28,876	0.091	0.54	1,419	1,950	B
I-75	N. of Alico Rd.	6LN	D	96,430	25	1.117	86,329	0.091	0.54	4,242	5,530	C
	S. of Alico Rd.	6LN	D	165,222	25	1.117	147,916	0.091	0.54	7,269	5,530	F
Ben Hill Griffin Pkwy.	N. of Alico Rd.	6LN	E	67,211	60	1.253	53,640	0.101	0.52	2,817	2,920	C
	S. of Alico Rd.	6LN	E	56,345	25	1.117	50,443	0.091	0.54	2,479	2,920	B

<sup>1</sup> Lee County does not perform traffic counts on Winged Foot Drive, Phlox Drive, or I-75, therefore for the purposes of this analysis the data from PCS #25 was utilized to adjust the FSUTMS model output data.

<sup>2</sup> Calculated based upon data from the 2006 Lee County Traffic Count Report.

<sup>3</sup> Obtained from the 2006 Lee County Traffic Count Report

<sup>4</sup> LOS Thresholds for I-75 were obtained from the Table 4-7 of the FDOT Generalized LOS Thresholds and the LOS Thresholds for all other roadway segments analyzed were obtained from the Lee County Generalized Service Volumes Table

## Memo

To: Paul O'Connor, Planning Director

From: David Loveland, Public Works Operations Manager, Planning *DVL*

Date: March 25, 2008

Subject: **CPA 2007-61 (Formosa)**

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 9.91 acres at the northeast corner of Lee Road and Alico Road from "Industrial Development" to "Commercial". Your staff indicates that the proposed change would allow approximately 431,678 square feet of commercial use on the site. The property is located within Traffic Analysis Zone (TAZ) 1426, and we converted the above square footage into the model input variables for that zone (1,079 commercial employees) and reran the Lee County MPO's 2030 Financially Feasible Plan FSUTMS travel demand model.

Examining the three-mile radius around the project, the following road segments are projected to operate at level of service "F" in the year 2030 both with and without the proposed land use change:

Alico Road from Phlox Drive to I-75 (directly adjacent to project)  
SR 739/Metro Parkway Extension, from Alico Road to Briarcliff Road  
I-75 from Corkscrew Road to Alico Road

The MPO's 2030 Needs Plan does identify two potential improvements to address the failing segments noted above, in the form of 10-laning I-75 from SR 82 south and the four-lane Alico Expressway from Summerlin Road to SR 82. Both improvements are identified as contingent upon the identification of additional funding beyond the traditional sources projected for the Financially Feasible Plan, and the MPO Plan suggests testing the improvements as toll-funded projects, to potentially make them financially feasible. The Southwest Florida Expressway Authority is currently exploring options and trying to determine the feasibility of providing additional lanes on I-75 as tolled express lanes, but has not yet reached any definitive conclusions and proceeded with project financing. No work is progressing on the Alico Expressway project, although Lee County is studying alignment options for an interim improvement in the form of an arterial extension of the existing Alico Road. Absent an identified means of paying for such improvements and their subsequent inclusion in the Financially Feasible Plan, DOT staff cannot recommend approval of a land use change that intensifies development on a road segment that is projected to fail.



LEE COUNTY  
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

(239) 533-8585

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District One

March 26, 2008

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District Two

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DBS Consulting, Inc.  
4450 Camino Real Way  
Fort Myers, Florida 33966

Ray Judah  
District Three

Tammy Hall  
District Four

Frank Mann  
District Five

RE: CPA2007-61 - Formosa Small Scale Comprehensive Plan Amendment

Donald D. Stilwell  
County Manager

Dear Ms. Johnson:

David M. Owen  
County Attorney

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

Diana M. Parker  
County Hearing  
Examiner

- E.2. The application provides the maximum allowable commercial intensity of the site as 175,000 square feet. Staff notes that the proposed Commercial designation has a maximum Floor Area Ratio of 1. Staff calculates the maximum commercial intensity of the site at 431,679 square feet. Please provide a discussion of the methodology used to calculate the maximum allowable commercial development under the proposed future land use category. Several aspects of the application, such as potable water and sanitary sewer, and staff's review of the amendment rely on the maximum intensity.

The following comments pertain to Part IV of the application:

- B.1. See the attached memo from the Lee County Department of Transportation.
- B.2. Please provide the current LOS for the sanitary sewer and potable water facilities serving the site as well as the projected LOS under the proposed designation for services.
- B.3.b. Staff has not received a letter for emergency medical service (EMS) provisions as part of the submitted application from the appropriate agency determining support facilities.

In addition to the above mentioned information staff finds that the application refers to exhibit A.7.b. and no exhibit A.7.b. is included in the application. Exhibit E-1 also includes Policy 1.7.1 of the Lee Plan which refers to Airport Noise Zone 3. Policy 1.7.1 has been amended and the exhibit should include the revised policy language. The application pages should be updated prior to distribution for public hearings.

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

Sincerely,

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

cc: Planning file: CPA 2007-61



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June 2, 2008

Brandy Gonzalez, Principal Planner  
Department of Community Affairs, Division of Planning  
Lee County  
P.O. Box 398  
Fort Myers, Florida 33902-0398

Re: CPA2007-61  
Formosa Small Scale Comprehensive Plan Amendment

Thank you for your letter dated March 26, 2008 which indicates that the above-referenced application has been found insufficient in its current form. Enclosed with this letter is a copy of your comments, in italics, with our responses following in bold print. In addition, the following is attached:

- Support Facilities Letter from Emergency Management
- Response Letter from TR Transportation
- Revised Exhibit E1-4, Comprehensive Plan Compliance

Please let me know if I can be of assistance.

Sincerely,

A handwritten signature in black ink, appearing to read 'Shellie Johnson', with a long horizontal flourish extending to the right.

Shellie Johnson, AICP  
Planning Manager



Comment: E.2

*The application provides the maximum allowable commercial intensity of the site as 175,000 square feet. Staff notes that the proposed Commercial designation has a maximum Floor Area Ratio of 1. Staff calculates the maximum commercial intensity of the site at 431,679 square feet. Please provide a discussion of the methodology used to calculate the maximum allowable commercial development under the proposed future land use category. Several aspects of the application, such as potable water and sanitary sewer, and staff's review of the amendment rely on the maximum intensity.*

**Response:**

To determine build-out, we have assumed 17,600 square feet of building area per acre, for a total of 175,000 square feet.

This square footage was determined based on three assumptions:

- 1) Accommodation of other site planning elements such as parking, open space, buffers, etc.
- 2) Z-05-66 already allows for 30,000 square feet of ancillary commercial square footage;
- 3) The FAR of 1 as defined in the Commercial Land Use category appears to be an "index of intensity of development in the commercial category". It is our interpretation that this applies to the cumulative amount of development for this particular land use designation.

	Commercial FLU	Industrial FLU
Existing Industrial	30,000 s.f.	1,100,000 s.f.
Proposed Commercial	175,000 s.f.	0
Net Change	145,000 s.f.	Net Change: 1,015,583 s.f. [1.1m/129ac. = 8,527 s.f./ac. x 9.9 ac. = 84,417 s.f.]

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*Comment: The following comments pertain to Part IV of the application:*

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

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**Response:**

**Please see the attached response letter from TR Transportation.** COMMUNITY DEVELOPMENT

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

**Additional Comments per April 2, 2008 Email**

1. Provide an existing and future conditions analysis for (see Policy 95.1.3):
  - a. Sanitary Sewer
  - b. Potable Water
  - c. Surface Water/Drainage Basins
  - d. Parks, Recreation and Open Space.
2. Determine the availability of water supply within the franchise area using the current water use allocation (Consumptive Use Permit) based on the annual average daily withdrawal rate.

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

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

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

**Response:**

**a. Sanitary Sewer**

**Three Oaks Wastewater Treatment Plant**

**Maximum daily operation capacity = 3.0 MGD**

**Max. average daily flow over the last 12 month period = 2.5 MGD**

**Outstanding flow commitments = .78 MGD**

**Estimated Project Consumption = .017 MGD**

**TOTAL COMMITTED/PROPOSED CAPACITY = 3.3 MGD**

**REMAINING CAPACITY = -.3 MGD**

According to Lee County Utilities, the Three Oaks Wastewater Plant is currently undergoing expansion to a 6.0 MGD plant. Completion of this project is expected in Fall 2008. Therefore, capacity for this project will be available.

**b. Potable Water**

**Pinewoods Water Treatment Plant**

Maximum daily operating capacity = 5.3 MGD

The max flow over the last 12 months = 3.8 MGD

Outstanding commitments .78 MGD

Estimated Project Consumption = .017 MGD

TOTAL COMMITTED/PROPOSED CAPACITY: 4.5 MGD

REMAINING CAPACITY: 0.8 MGD

**c. Surface Water/Drainage Basins**

This project has already received permit of a surface water management system by the South Florida Water Management District. Permit No. 36-06202-P.

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

A conditions analysis for Parks and Open Space does not apply to this project as it is a commercial project.

**Reclaimed Water for Irrigation** – This project has already received a water use permit as part of the Water Management District permit.

*B.3.b. Staff has not received a letter for emergency medical services (EMS) provisions as part of the submitted application from the appropriate agency determining support facilities.*

**Response:**

Please see the attached letter from EMS staff.

**Comment:**

*In addition to the above mentioned information, staff finds that the application refers to exhibit A.7.b and no Exhibit A.7.b is included in the application. Exhibit E-1 also includes Policy 1.7.1 of the Lee Plan which refers to Airport Noise Zone 3. Policy 1.7.1 has been amended and the exhibit should include the revised policy language. The application pages should be updated prior to distribution for public hearings.*



**Response:**

The reference to Exhibit A.7.b is an error, please disregard. Exhibit E-1 has been updated to reflect the appropriate language of Policy 1.7.1. A copy of the revised exhibit is included in this resubmittal.

*LDOT Comment via Memo dated March 25, 2008:*

*Absent an identified means of paying for such improvements (Alico Road) and their subsequent inclusion in the Financially Feasible Plan, DOT staff cannot recommend approval of a land use change that intensifies development on a road segment that is projected to fail.*

**Response:**

Please see the attached response letter from TR Transportation.

2007-00061

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## 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 STRAP # 04-46-25-00-00001.0080, changing 9.9 acres from Industrial designation to Commercial Development. The physical location is at the northeast corner of Alico Road and Lee Road with a proposed maximum of 175,000 square feet of commercial development.

This current location is served by LCEMS Station 9, located at 8013 Sanibel Blvd, which is approximately 2.04 miles away, and LCEMS Station 21, located at 21510 Three Oaks Parkway, which is approximately 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)

April 17, 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](mailto:kdickerson@leegov.com)**  
**Website: [www.lee-ems.com](http://www.lee-ems.com)**

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**2007-00061**



MEMORANDUM

TO: Mr. David Loveland  
Lee County Public Works

FROM: Ted B. Treesh  
President

David L. Wheeler  
Transportation Consultant

DATE: April 16, 2008

RE: Formosa CPA  
CPA 2007-61  
Lee County, Florida

2007-00061

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COMMUNITY DEVELOPMENT

TR Transportation Consultants, Inc. has reviewed the attached memorandum prepared by the Lee County Department of Transportation for the proposed Formosa Comprehensive Plan Amendment (CPA 2007-61). The proposed Formosa CPA would change the future land use designation on the approximately 9.91 acre property from Industrial Planned Development to the Commercial Future Land Use category.

Based upon the maximum Floor Area Ratio (FAR) of 1 allowed within the Commercial Future Land Use category, the subject site could be developed with up to approximately 431,679 square feet of commercial uses. However as it is not feasible to construct the maximum intensity of commercial uses on the subject site due to the parcel size and land development requirements, the Developer of the Formosa site is proposing to restrict the maximum commercial development on the property to approximately 175,000 square feet. Therefore, the conclusions of the original TIS are valid, as the original TIS analyzed the impacts of the proposed 175,000 square feet of commercial uses within TAZ 1426. A copy of the results of the 2030 projected long range transportation impacts from the original TIS dated November 15<sup>th</sup>, 2007 are attached to the end of this document for reference.

From the results of the analysis, Alico Road adjacent to the subject site was shown to operate at an acceptable Level of Service condition in 2030 both with and without the additional traffic anticipated to be generated by the proposed development. In addition,

all additional roadway segments that were shown to be significantly impacted by the proposed development were shown to operate at an acceptable Level of Service condition.

The only three (3) roadway segments shown to operate below acceptable Level of Service conditions were Metro Parkway north of Alico Road, I-75 from Alico Road to Corkscrew Road, and Alico Road from Three Oaks Parkway to I-75. All three roadway segments are shown to operate below acceptable Level of Service conditions in 2030 both with and without the trips from the proposed development. However, the proposed land use change will not have a significant impact on any of the roadway segments that are projected to operate below acceptable Level of Service conditions. In addition, the proposed development is anticipated to increase the traffic on each of the three failing roadway segments by less than one percent (1%). Therefore, no changes to the Lee County Metropolitan Planning Organization Long Range Transportation Plan will be warranted as a result of this proposed land use change.

2007-06081

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County Manager

David M. Owen  
County Attorney

Diana M. Parker  
County Hearing  
Examiner

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**COMMUNITY DEVELOPMENT**

RE: CPA2007-61 - Formosa Small Scale Comprehensive Plan Amendment

Dear Ms. Johnson:

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

- E.2. The application provides the maximum allowable commercial intensity of the site as 175,000 square feet. Staff notes that the proposed Commercial designation has a maximum Floor Area Ratio of 1. Staff calculates the maximum commercial intensity of the site at 431,679 square feet. Please provide a discussion of the methodology used to calculate the maximum allowable commercial development under the proposed future land use category. Several aspects of the application, such as potable water and sanitary sewer, and staff's review of the amendment rely on the maximum intensity.

The following comments pertain to Part IV of the application:

- B.1. See the attached memo from the Lee County Department of Transportation.
- B.2. Please provide the current LOS for the sanitary sewer and potable water facilities serving the site as well as the projected LOS under the proposed designation for services.
- B.3.b. Staff has not received a letter for emergency medical service (EMS) provisions as part of the submitted application from the appropriate agency determining support facilities.

In addition to the above mentioned information staff finds that the application refers to exhibit A.7.b. and no exhibit A.7.b. is included in the application. Exhibit E-1 also includes Policy 1.7.1 of the Lee Plan which refers to Airport Noise Zone 3. Policy 1.7.1 has been amended and the exhibit should include the revised policy language. The application pages should be updated prior to distribution for public hearings.

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

Sincerely,

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

cc: Planning file: CPA 2007-61





2007-00061

DEPARTMENT OF  
TRANSPORTATION

## Memo

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To: Paul O'Connor, Planning Director

From: David Loveland, Public Works Operations Manager, Planning *DL*

Date: March 25, 2008

Subject: CPA 2007-61 (Formosa)

COMMUNITY DEVELOPMENT

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 9.91 acres at the northeast corner of Lee Road and Alico Road from "Industrial Development" to "Commercial". Your staff indicates that the proposed change would allow approximately 431,678 square feet of commercial use on the site. The property is located within Traffic Analysis Zone (TAZ) 1426, and we converted the above square footage into the model input variables for that zone (1,079 commercial employees) and reran the Lee County MPO's 2030 Financially Feasible Plan FSUTMS travel demand model.

Examining the three-mile radius around the project, the following road segments are projected to operate at level of service "F" in the year 2030 both with and without the proposed land use change:

Alico Road from Phlox Drive to I-75 (directly adjacent to project)  
SR 739/Metro Parkway Extension, from Alico Road to Briarcliff Road  
I-75 from Corkscrew Road to Alico Road

The MPO's 2030 Needs Plan does identify two potential improvements to address the failing segments noted above, in the form of 10-laning I-75 from SR 82 south and the four-lane Alico Expressway from Summerlin Road to SR 82. Both improvements are identified as contingent upon the identification of additional funding beyond the traditional sources projected for the Financially Feasible Plan, and the MPO Plan suggests testing the improvements as toll-funded projects, to potentially make them financially feasible. The Southwest Florida Expressway Authority is currently exploring options and trying to determine the feasibility of providing additional lanes on I-75 as tolled express lanes, but has not yet reached any definitive conclusions and proceeded with project financing. No work is progressing on the Alico Expressway project, although Lee County is studying alignment options for an interim improvement in the form of an arterial extension of the existing Alico Road. Absent an identified means of paying for such improvements and their subsequent inclusion in the Financially Feasible Plan, DOT staff cannot recommend approval of a land use change that intensifies development on a road segment that is projected to fail.

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Please let me know if you need any additional information.

cc: Donna Marie Collins  
Brandy Gonzalez

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2030 TRAFFIC CONDITIONS WITH EXISTING DENSITY  
EXISTING PLUS PROGRAMMED ROAD NETWORK  
FORMOSA COMPREHENSIVE PLAN AMENDMENT

COMMUNITY DEVELOPMENT

ROADWAY	SEGMENT	# OF LANES	LOS STANDARD	RAW FSUTMS PSWDT	P.C.S. # <sup>1</sup>	PSWDT/AADT FACTOR <sup>2</sup>	2030 AADT	K-100 FACTOR <sup>3</sup>	D FACTOR <sup>3</sup>	TOTAL TRAFFIC PK DIRECTION	LOS SERVICE THRESHOLD <sup>4</sup>	LOS
Alico Rd.	E. of U.S. 41	6LN	E	43,433	25	1.117	38,884	0.091	0.54	1,911	2,920	B
	E. of Metro Pkwy. Ext.	6LN	E	55,459	25	1.117	49,650	0.091	0.54	2,440	2,920	B
	E. of Gator Rd.	6LN	E	64,515	25	1.117	57,757	0.091	0.54	2,838	2,920	C
	E. of Phlox Dr.	6LN	E	59,112	25	1.117	52,920	0.091	0.54	2,601	2,920	C
	E. of Lee Rd.	6LN	E	61,530	25	1.117	55,085	0.091	0.54	2,707	2,920	C
	E. of Oriole Rd.	6LN	E	62,874	25	1.117	56,288	0.091	0.54	2,766	2,920	C
	E. of Three Oaks Pkwy.	6LN	E	73,539	25	1.117	65,836	0.091	0.54	3,235	2,920	F
	E. of I-75	6LN	E	56,724	25	1.117	50,782	0.091	0.54	2,495	2,920	C
	E. of Ben Hill Griffin Pkwy.	2LN	E	9,431	25	1.117	8,443	0.091	0.54	415	920	C
Winged Foot Dr.	W. of Phlox Dr.	2LN	E	4,504	25	1.117	4,032	0.091	0.54	198	850	C
	E. of Phlox Dr.	2LN	E	6,812	25	1.117	6,098	0.091	0.54	300	850	C
	E. of Lee Rd.	2LN	E	3,033	25	1.117	2,715	0.091	0.54	133	850	C
U.S. 41	N. of Alico Rd.	6LN	E	54,027	25	1.117	48,368	0.091	0.54	2,377	2,920	B
	S. of Alico Rd.	6LN	E	63,375	25	1.117	56,737	0.091	0.54	2,788	2,920	C
Metro Pkwy. Ext.	N. of Alico Rd.	6LN	E	72,733	45	1.043	69,734	0.110	0.51	3,912	2,920	F
Phlox Dr.	S. of Alico Rd.	2LN	E	6,587	25	1.117	5,897	0.091	0.54	290	850	C
Lee Rd.	S. of Alico Rd.	2LN	E	8,735	25	1.117	7,820	0.091	0.54	384	850	C
	S. of Winged Foot Dr.	2LN	E	9,100	25	1.117	8,147	0.091	0.54	400	850	C
Oriole Rd.	S. of Alico Rd.	2LN	E	13,149	25	1.117	11,772	0.091	0.54	578	850	D
	S. of Winged Foot Dr.	2LN	E	9,520	25	1.117	8,523	0.091	0.54	419	850	C
Three Oaks Pkwy.	N. of Alico Rd.	4LN	E	28,745	25	1.117	25,734	0.091	0.54	1,265	1,950	B
	S. of Alico Rd.	4LN	E	32,056	25	1.117	28,698	0.091	0.54	1,410	1,950	B
I-75	N. of Alico Rd.	6LN	D	96,087	25	1.117	86,022	0.091	0.54	4,227	5,530	C
	S. of Alico Rd.	6LN	D	165,071	25	1.117	147,781	0.091	0.54	7,262	5,530	F
Ben Hill Griffin Pkwy.	N. of Alico Rd.	6LN	E	66,802	60	1.253	53,314	0.101	0.52	2,800	2,920	C
	S. of Alico Rd.	6LN	E	56,121	25	1.117	50,243	0.091	0.54	2,469	2,920	B

<sup>1</sup> Lee County does not perform traffic counts on Winged Foot Drive, Phlox Drive, or I-75, therefore for the purposes of this analysis the data from PCS #25 was utilized to adjust the FSUTMS model output data.

<sup>2</sup> Calculated based upon data from the 2006 Lee County Traffic Count Report.

<sup>3</sup> Obtained from the 2006 Lee County Traffic Count Report

<sup>4</sup> LOS Thresholds for I-75 were obtained from the Table 4-7 of the FDOT Generalized LOS Thresholds and the LOS Thresholds for all other roadway segments analyzed were obtained from the Lee County Generalized Service Volumes Table

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**2030 TRAFFIC CONDITIONS WITH PROPOSED DENSITY  
EXISTING PLUS PROGRAMMED ROAD NETWORK  
FORMOSA COMPREHENSIVE PLAN AMENDMENT**

ROADWAY	COMMUNITY DEVELOPMENT SEGMENT	# OF		LOS		RAW FSUTMS		PSWDT/AADT		2030 AADT	K-100 FACTOR <sup>3</sup>	D FACTOR <sup>3</sup>	TOTAL TRAFFIC PK DIRECTION	LOS SERVICE THRESHOLD <sup>4</sup>	LOS
		LANES	STANDARD	PSWDT	P.C.S. # <sup>1</sup>	PSWDT	P.C.S. # <sup>1</sup>	FACTOR <sup>2</sup>	FACTOR <sup>2</sup>						
Alico Rd.	E. of U.S. 41	6LN	E	43,571	25	1.117	25	1.117	1.117	39,007	0.091	0.54	1,917	2,920	B
	E. of Metro Pkwy. Ext.	6LN	E	55,951	25	1.117	25	1.117	1.117	50,090	0.091	0.54	2,461	2,920	B
	E. of Gator Rd.	6LN	E	64,881	25	1.117	25	1.117	1.117	58,085	0.091	0.54	2,854	2,920	D
	E. of Phlox Dr.	6LN	E	60,333	25	1.117	25	1.117	1.117	54,013	0.091	0.54	2,654	2,920	C
	E. of Lee Rd.	6LN	E	62,098	25	1.117	25	1.117	1.117	55,594	0.091	0.54	2,732	2,920	C
	E. of Oriole Rd.	6LN	E	63,673	25	1.117	25	1.117	1.117	57,004	0.091	0.54	2,801	2,920	C
	E. of Three Oaks Pkwy.	6LN	E	74,050	25	1.117	25	1.117	1.117	66,294	0.091	0.54	3,258	2,920	F
	E. of I-75	6LN	E	56,906	25	1.117	25	1.117	1.117	50,945	0.091	0.54	2,503	2,920	C
	E. of Ben Hill Griffin Pkwy.	2LN	E	9,351	25	1.117	25	1.117	1.117	8,372	0.091	0.54	411	920	C
Winged Foot Dr.	W. of Phlox Dr.	2LN	E	4,698	25	1.117	25	1.117	1.117	4,206	0.091	0.54	207	850	C
	E. of Phlox Dr.	2LN	E	6,821	25	1.117	25	1.117	1.117	6,107	0.091	0.54	300	850	C
	E. of Lee Rd.	2LN	E	3,382	25	1.117	25	1.117	1.117	3,028	0.091	0.54	149	850	C
U.S. 41	N. of Alico Rd.	6LN	E	53,786	25	1.117	25	1.117	1.117	48,152	0.091	0.54	2,366	2,920	B
	S. of Alico Rd.	6LN	E	63,567	25	1.117	25	1.117	1.117	56,909	0.091	0.54	2,796	2,920	C
Metro Pkwy. Ext.	N. of Alico Rd.	6LN	E	73,391	45	1.043	45	1.043	1.043	70,365	0.110	0.51	3,947	2,920	F
Phlox Dr.	S. of Alico Rd.	2LN	E	6,783	25	1.117	25	1.117	1.117	6,073	0.091	0.54	298	850	C
Lee Rd.	S. of Alico Rd.	2LN	E	8,263	25	1.117	25	1.117	1.117	7,397	0.091	0.54	364	850	C
	S. of Winged Foot Dr.	2LN	E	9,348	25	1.117	25	1.117	1.117	8,369	0.091	0.54	411	850	C
Oriole Rd.	S. of Alico Rd.	2LN	E	13,548	25	1.117	25	1.117	1.117	12,129	0.091	0.54	596	850	D
	S. of Winged Foot Dr.	2LN	E	9,658	25	1.117	25	1.117	1.117	8,646	0.091	0.54	425	850	C
Three Oaks Pkwy.	N. of Alico Rd.	4LN	E	29,295	25	1.117	25	1.117	1.117	26,226	0.091	0.54	1,289	1,950	B
	S. of Alico Rd.	4LN	E	32,255	25	1.117	25	1.117	1.117	28,876	0.091	0.54	1,419	1,950	B
I-75	N. of Alico Rd.	6LN	D	96,430	25	1.117	25	1.117	1.117	86,329	0.091	0.54	4,242	5,530	C
	S. of Alico Rd.	6LN	D	165,222	25	1.117	25	1.117	1.117	147,916	0.091	0.54	7,269	5,530	F
Ben Hill Griffin Pkwy.	N. of Alico Rd.	6LN	E	67,211	60	1.253	60	1.253	1.253	53,640	0.101	0.52	2,817	2,920	C
	S. of Alico Rd.	6LN	E	56,345	25	1.117	25	1.117	1.117	50,443	0.091	0.54	2,479	2,920	B

<sup>1</sup> Lee County does not perform traffic counts on Winged Foot Drive, Phlox Drive, or I-75, therefore for the purposes of this analysis the data from PCS #25 was utilized to adjust the FSUTMS model output data.

<sup>2</sup> Calculated based upon data from the 2006 Lee County Traffic Count Report.

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<sup>4</sup> LOS Thresholds for I-75 were obtained from the Table 4-7 of the FDOT Generalized LOS Thresholds and the LOS Thresholds for all other roadway segments analyzed were obtained from the Lee County Generalized Service Volumes Table



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## Exhibits E-1 through 4, F1 and G

### Internal Consistency with the Lee Plan Formosa Small-Scale CPA

#### Exhibit E

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.

The proposed amendment will not affect the established Lee County population projections or capacity of the Lee Plan Future Land Use Map. The proposed Land Use designation of Commercial does not allow for residential uses other than caretaker residences.

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.

The Formosa Small-Scale CPA is consistent with the following applicable goals, objectives and policies of the Lee Plan.

#### A. Policy 1.1.10

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



where residential uses are abundant and existing commercial areas serving the residential needs are extremely limited.

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

The subject property is located at the northeast corner of the intersection of Lee Road and Alico Road, approximately one mile west of Interstate 75. The area contains a mix of commercial, residential and industrial land and is in near proximity to developed industrial uses to the west. The area to the south consists of a large residential area known as Three Oaks Community and has a Future Land Use designation of Urban Community. Further east, adjacent to Interstate 75, properties fall within the Industrial Commercial Interchange FLU.

Alico Road is an east/west arterial that connects U.S. 41 with Interstate 75, Southwest Florida International Airport and Florida Gulf Coast University. The property is ideally located for commercial development that can service travelers of the roadway as well as surrounding employment and residential areas. Its proximity to Interstate 75 further supports commercial services that can be quickly and conveniently accessed from this major roadway corridor or from its intersecting frontage along Lee Road. Water and wastewater service are available to the subject property.

Due to the nature of the surrounding area, further residential development is not appropriate and some expansion of the commercial nature of the Industrial Commercial Interchange

area to the east will serve the needs of consumers traveling on Alico Road where the Interchange area is designed to increase convenience to those using the Interstate.

The smaller parcels across Alico from the subject property are developing a land use pattern of small commercial development. The commercial development of the frontage along Alico Road on both the north and south will serve as a transition from the industrial area to the west to the commercial area around Interstate 75 and will provide opportunity for improved aesthetics along this roadway. As industrial development continues to expand on this corridor, commercial services will be needed to support the needs of this area.

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B. Policy 1.7.1

***POLICY 1.7.1:** The Airport Noise Zones cover areas subject to varying levels of airport-related noise. By 2006 and every 5 years thereafter, the Port Authority will update the aviation forecasts and associated noise contours for the Southwest Florida International Airport and initiate an amendment to the Airport Noise Zone Overlay Map to reflect the findings of this study. In addition to meeting the requirements of the underlying Future Land Use Map categories, properties within the Noise Zone Overlay must meet the following:*

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*Airport Noise Zone C allows existing and new construction and land uses as would otherwise be permitted by the Land Development Code. However, this zone requires formal notification through recording of the Airport Noise Zone in the official county records of potential noise and over flights and applies to all development, both existing and new, within the zone.*

The subject property falls within the Airport Noise Zone C. The proposed Commercial Land Use designation will prohibit the applicant's ability to develop residential units on the property. The applicant further understands that churches, libraries, schools, hospitals, correctional institutions or nursing homes are not permitted within this noise zone.

C. Objective 2.1

*Contiguous and compact growth patterns will be promoted through the rezoning process to contain urban sprawl, minimize energy costs, conserve land, water, and natural resources, minimize the cost of services, prevent development patterns*



where large tracts of land are by-passed in favor of development more distant from services and existing communities. (Amended by Ordinance No. 94-30, 00-22)

As evidenced in the previous responses, the amendment promotes contiguous and compact growth patterns and the efficient utilization of existing public infrastructure.

D. Policy 6.1.7:

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

The subject property location does not encourage scattered or premature development. The adjacent properties are designated for industrial uses that will need the support of commercial services and the corner location provides for ease of access and serviceability.

As discussed previously, the Alico corridor is not an appropriate location for residential development.

Standard 11.3 Traffic

1. *A traffic impact statement must be submitted to and accepted by the county DOT for the following developments:*

- *Developments of Regional Impact (D.R.I.'s);*
- *Planned Developments (as specified in the Zoning Regulations); and*
- *Developments requiring a county development order, as specified in the Land Development Code.*

2. *The form, content, and level of detail required in the traffic impact statement will be established by Lee County by ordinance, administrative code, or other regulations. Lee County will establish criteria or thresholds to determine the scope of the traffic impact statement required:*

- *if the development meets or exceeds the established thresholds, the traffic impact statement will provide a comprehensive assessment of the development's impacts on the surrounding road system.*
- *if the development does not meet or exceed these thresholds, the traffic impact statement will provide information regarding traffic generation and impacts at the development's access points to the adjacent street system. (Amended by Ordinance No. 94-30, 00-22)*

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Please see the attached Traffic Circulation Analysis prepared by TR Transportation Consultants, Inc.

**Standard 11.4: Environmental Review Factors**

*In any case where there exists or there is the probability of environmentally sensitive areas (as identified by Lee County, the Corps of Engineers, Department of Environmental Protection, South Florida Water Management District, or other applicable regulatory agency), the developer/applicant must prepare an environmental assessment that examines the existing conditions, addresses the environmental problems, and proposes means and mechanisms to protect, conserve, or preserve the environmental and natural resources. (Amended by Ordinance No. 94-30, 00-22)*

Environmental Review Factors

There are no environmental factors limiting the development since the entire property is disturbed or has been mitigated. In support of this, please see the attached report prepared by Dexter Bender Environmental Consultants.

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

The proposed amendment is not adjacent and does not affect any other local government.

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

Relevant State Policy Plan and Regional Policy Plan goals and policies are consistent with the provisions of the Lee Plan cited herein. Specific references follow.

**Strategic Regional Policy Plan**

Economic Development Element

*Strategy: Ensure the adequacy of lands for commercial and industrial centers, with suitable services provided.*

The proposed amendment upholds this regional policy by providing for potential commercial development in an area that is primarily industrial in nature and will require supportive commercial services.

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## State Policy Plan

### Land Use: Goal 15(a)

*In recognition of the importance of preserving the natural resources and enhancing the quality of life of the state, development shall be directed to those areas which have in place, or have agreements to provide, the land and water resources, fiscal abilities, and service capacity to accommodate growth in an environmentally acceptable manner.*

The proposed amendment is consistent with this goal in that it will utilize existing investments in public infrastructure and can be developed in an environmentally sensitive manner since there are no wetlands, aquifer recharge areas, rare or unique uplands, or species issues found on the site.

### Exhibit F-1

- a. *State whether the site is accessible to arterial roadways, rail lines and cargo airport terminals.*

The subject property is located on Alico Road, a major arterial, approximately one mile west of its intersection with Interstate 75.

- b. *Provide data and analysis required by Policy 2.4.4, which states:*

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

The subject property falls within the Gateway/Airport Planning Community. According to acreage allocations provided by Lee County, this Community has an allocation of 1,100 acres for commercial development. Only 168 acres has been developed as such, leaving an additional 932 acres for additional commercial development.

With only 15% of the commercially allocated acreage developed, there is clear indication of the need for additional commercial services to support the residential and industrial uses of this community planning area.

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

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

According to Lee County's online data, out of 3,100 allocated acres for industrial development within the Gateway/Airport Planning Community, approximately 2,837 remain to be developed. This is an indication that there are more than adequate quantities of land available to accommodate industrial development that will employ 3% of the county's population within the next three years. Additionally, in order to attract continued industrial development, support services will need to be made available in the industrial areas.

## **Exhibit 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.*

The proposed Small Scale Comprehensive Plan amendment is based upon sound planning principles. The proposed Commercial Land Use designation will allow for supportive services for the developing industrial area located along and in near proximity to the Alico Road corridor.

Just as with other use areas, industrial "districts" rely on sufficient infrastructure for their success and for their ability to integrate into the larger community. This infrastructure is not only limited to availability of utilities but also includes the availability of commercial services and a respectable proximity to residential areas.

The industrial areas of today include industrial-related uses such as offices, restaurants and small retail activities. The land use pattern that has been established along Alico Road provides opportunity for developing an industrial area that includes the necessary supportive uses. The proposed amendment is designed to facilitate such development.

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The placement of commercial supportive uses along the Alico Road frontage is appropriate in that it provides a transition from the industrial uses to the west to the more intense commercial areas being developed near Interstate 75. These small commercial developments further serve as a transition and buffer between the surrounding industrial lands and the existing residential developments to the south.

The proposed amendment falls well within the allowable commercial land allocation for the Gateway/Airport Planning Community. The land use allocations of this community are based on county research and analysis that has established a need for a more balanced approach to development with respect to mix of uses that are beneficial in supporting planning efforts at a community scale. The proposed amendment further supports this approach.

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**Gonzalez, Brandy L.**

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**From:** Shellie Johnson [shelliej@en-site.com]  
**Sent:** Tuesday, August 05, 2008 9:53 AM  
**To:** Gonzalez, Brandy L.  
**Subject:** Formosa Comp Plan Amendment re Consumptive Use

Brandy:

I believe the only outstanding information that you needed is regarding the consumptive use. The project has received a consumptive use permit for the entire 60 acres, which includes the 9.9 acre amendment area.

The Water Use Permit allows for a monthly allocation of 2,071,000 gallons of water over the entire 60 acres.

Does this provide the information you need? Is there anything else?

Thanks.

Shellie Johnson  
**EnSite**  
4450 Camino Real Way  
Fort Myers, FL 33966  
P: (239) 226-0024  
F: (239) 226-0094  
[www.en-site.com](http://www.en-site.com)  
[ShellieJ@en-site.com](mailto:ShellieJ@en-site.com)

**DISCLAIMER:** Upon receipt of any electronic file/data from EnSite, The recipient agrees to the following conditions: This file/data is for informational purposes only. EnSite reserves the right to modify the file/data without notice. It is the responsibility of the recipient to reconcile this electronic file/data with the actual project site conditions, And agrees to indemnify and hold harmless EnSite, for any defects or errors in this file/data.

**Gonzalez, Brandy L.**

---

**From:** Shellie Johnson [shelliej@en-site.com]  
**Sent:** Wednesday, September 03, 2008 4:35 PM  
**To:** Gonzalez, Brandy L.  
**Subject:** FW: New Concurrency Report for Lee County re Formosa 10 Acres  
**Attachments:** 4.16.2008.Formosa.Sufficiency.pdf

Brandy:

I have just been exploring the road capacity issue a little bit, and based on the response below and the letter from Dave Loveland (attached), I am confused as to why there is an issue.

---

**From:** Wheeler, David [mailto:dlw@trtrans.net]  
**Sent:** Wednesday, September 03, 2008 4:11 PM  
**To:** Shellie Johnson  
**Subject:** RE: New Concurrency Report for Lee County re Formosa 10 Acres

The issue of Alico Road failing is due to the use of the 2030 FSUTMS model. Alico Road is not shown to have a LOS issue in the short term. Regardless, the traffic volumes on most segments of Alico Road increased from 2006 to 2007 so the 2008 Concurrency report will likely reflect that increase.

I would respond that based upon our analysis of the maximum of 175,000 s.f. of commercial uses we are proposing, Alico Road adjacent to the site is shown to operate at an acceptable LOS. From the analysis, the only segment of Alico Road shown to operate below acceptable Level of Service conditions is between I-75 and Three Oaks Parkway and the project is projected to have a de minimus impact on this segment.

I have attached our memo to Loveland if you want to reference it on how to word all of this.

Thanks,

**David L. Wheeler, E.I.**  
**Project Consultant**

**TR Transportation Consultants, Inc.**  
13881 Plantation Road, Suite 11  
Fort Myers, FL 33912-4339

(239) 278-3090 - Phone  
(239) 278-1906 - Fax  
[dlw@trtrans.net](mailto:dlw@trtrans.net)

*Any charges w/ new  
concurrency report?*

*9.95 acres @ .25 FAR*

*★*

*108,305 floor area*

Date: September 03, 2008

Case Number: CPA2007-00061

Case Name: Formosa Small Scale Comprehensive Plan Amendment

Request: Amend the Future Land Use Map Series for an approximate 9.91 +/- acre site located in Section 04, Township 46 South, Range 25 East, to change the classification shown on Map 1, the Future Land Use Map, from Industrial Development to Commercial.

Location: The site is generally located at the northeast corner of Alico Road and Lee Road.

PROPERTY OWNER'S  
REPRESENTATIVE: Shellie Johnson  
EnSite  
4450 Camino Real Way  
Fort Myers, FL 33966  
(239) 226-0024

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

The file may be reviewed Monday through Friday between the hours of 8:00 am and 4:30 pm at the Lee County, Planning Division, 1500 Monroe St., Fort Myers, FL 33901. Call 239/479-8583 for additional information.

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

This case is anticipated to be reviewed by the Local Planning Agency on: September 22, 2008.

CPA2007-61 Formosa  
Lee Plan Amendment

Subject Property

Lee Rd

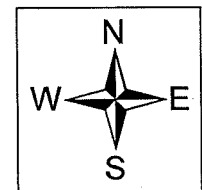
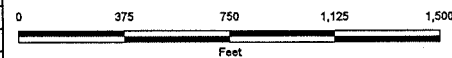
ALICO RD

ALICO RD

LEE RD

ORIOLE RD

THREE OAKS PKWY



PLANNING SIGN PICKUP SHEET

LEE COUNTY BOCC

9/3/2008

DATE	SIGNATURE	PLANNER	CASE NUMBER	CASE NAME
		Brandy Gonzalez	CPA2007-00061	Formosa

Please return to Planner: Brandy Gonzalez

PLANNING SIGN PICKUP SHEET

LEE COUNTY BoCC

September 03, 2008



## INSTRUCTIONS

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

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

- a. Sign for case # **CPA 2007-00061 must be posted by 9/08/08.**
- b. The sign must be erected in full view of the public, not more than five (5) feet from the nearest street right-of-way or easement.
- c. The sign must be securely affixed by nails, staples or other means to a wood frame or to a wood panel and then fastened securely to a post, or other structure. The sign may not be affixed to a tree or other foliage.
- d. The applicant must make a good faith effort to maintain the sign in place, and in a readable condition until the requested action has been heard and a final decision rendered.
- e. If the sign is destroyed, lost, or rendered unreadable, the applicant must report the condition to the Planning Division, and obtain duplicate copies of the sign from the Planning Division.

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

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

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

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

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

### AFFIDAVIT OF POSTING NOTICE

STATE OF FLORIDA  
COUNTY OF LEE

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

SIGNATURE OF APPLICANT OR AGENT \_\_\_\_\_

NAME (TYPED OR PRINTED) \_\_\_\_\_

ST. OR PO BOX \_\_\_\_\_

CITY, STATE & ZIP \_\_\_\_\_

CPA2007-00061    Formosa \_\_\_\_\_

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

STATE OF FLORIDA  
COUNTY OF LEE

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

Signature of Notary Public \_\_\_\_\_

Printed Name of Notary Public \_\_\_\_\_

My Commission Expires:  
(Stamp with serial number)

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

CPA2007-61 Formosa  
Lee Plan Amendment

Subject Property

Lee Rd

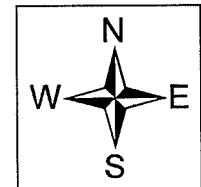
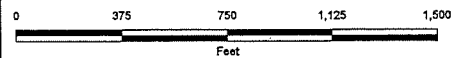
ALICO RD

ALICO RD

LEE RD

ORIOLE RD

THREE OAKS PKWY



**Gonzalez, Brandy L.**

---

**From:** Loveland, David M.  
**Sent:** Friday, September 05, 2008 2:39 PM  
**To:** Gonzalez, Brandy L.  
**Cc:** Noble, Matthew A.; O Connor, Paul S.  
**Subject:** CPA 2007-61 Formosa

Brandy-

Having discussed the issue with Wu and gone back and read Ted Treesh's April 16<sup>th</sup> memo, I don't see the point of re-running the model with the reduced land use scenario mentioned in Ted's memo. The three segments within the 3-mile radius of the project that were identified in our March 25<sup>th</sup> memo as failing in 2030 would not change based on the land use reduction, since they failed both with and without the project. This includes the segment of Alico Road from Phlox Drive to I-75, which is adjacent to the development, contrary to the conclusion in Ted's memo. Ted's memo suggests that it is o.k. to approve this development because its impact on the 3 failing segments is not "significant", being less than 1%. He doesn't explain what his significance test is a percentage of (total traffic? LOS E capacity?) but it doesn't matter – there is no significance test when it comes to comprehensive plan amendments. In examining the 3-mile radius around any land use change, the issue is whether there is sufficient planned infrastructure to accommodate the projected growth in the plan horizon year, including the growth from the land use change. When segments in the area are projected to fail even without the land use change, it begs the question as to why we would agree to intensify uses in the area and make a bad traffic situation worse. In some cases there may be some other balancing public benefit that might make the intensification appropriate, but I see no argument for that in this case. Our March 25<sup>th</sup> memo stands.

David M. Loveland, AICP  
Manager, Transportation Planning  
Lee County Dept. of Transportation  
1500 Monroe Street  
Fort Myers, FL 33901  
NOTE CHANGE: (239)533-8509  
loveladm@leegov.com



# LEE COUNTY

## SOUTHWEST FLORIDA

### BOARD OF COUNTY COMMISSIONERS

Bob Janes  
District One

A. Brian Bigelow  
District Two

Ray Judah  
District Three

Tammy Hall  
District Four

Frank Mann  
District Five

Donald D. Stilwell  
County Manager

David M. Owen  
County Attorney

Diana M. Parker  
County Hearing  
Examiner

**Date:** September 05, 2008

**Case Number:** CPA2007-00061

**Case Name:** Formosa Small Scale Comprehensive Plan Amendment

**Request:** Amend the Future Land Use Map Series for an approximate 9.91 +/- acre site located in Section 04, Township 46 South, Range 25 East, to change the classification shown on Map 1, the Future Land Use Map, from Industrial Development to Commercial.

**Location:** The site is generally located at the northeast corner of Alico Road and Lee Road.

**PROPERTY OWNER'S REPRESENTATIVE:** Shellie Johnson  
EnSite  
4450 Camino Real Way  
Fort Myers, FL 33966  
(239) 226-0024

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

The file may be reviewed Monday through Friday between the hours of 8:00 am and 4:30 pm at the Lee County, Planning Division, 1500 Monroe St., Fort Myers, FL 33901. Call 239/479-8583 for additional information.

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

This case is anticipated to be reviewed by the Local Planning Agency on: September 22, 2008.



**Gonzalez, Brandy L.**

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**From:** Shellie Johnson [shelliej@en-site.com]  
**Sent:** Wednesday, September 10, 2008 8:37 AM  
**To:** Gonzalez, Brandy L.  
**Subject:** RE: Formosa Comp Plan Justification and Exhibit  
**Attachments:** 1054-11CPA.PDF

Brandy:

Below are two Smart Growth policy justifications. I have also attached a concept plan that represents an FAR of .41/175,000 square feet. This demonstrates that in this case, the required parking is what is determining the ability to achieve the FAR. While the site plan could include additional height and parking facilities, the character of Alico Road would not support this. Additionally, parking facilities take up space and are expensive, and I think it would still be difficult to achieve a more intense FAR. This is not an area that would support such development as the purpose of this commercial corridor is to provide support services to the immediate area and to capture trips from the use of Alico Road as a means of moving traffic east to west. In other words, this is not a destination oriented location!

If you have some time today, when I drop off the books I would like to just meet with you for a couple of minutes. I have drafted two alternative text amendments that I would like to discuss with you, just to make sure we are moving in the right direction. My schedule is completely open today, so just let me know when you might be available and I will meet you.

Thanks, Brandy,

Shellie

**POLICY 4.3.2: Mixed Uses:** A balanced mixture of uses will be provided to reduce overall trip lengths, to support pedestrian, bicycle and transit opportunities and create pedestrian friendly streetscapes.

The Small Scale Comprehensive Plan Amendment provides the opportunity for development of a mix of uses that will reduce vehicular trips, and provide support for pedestrian and transit opportunities. The planned development of commercial uses in an area surrounded by industrial employment centers to the north and west and residential uses to the south will provide services that can be utilized by nearby residents and employees as well as users of the Alico Road corridor. The proposed amendment supports and is consistent with this Smart Growth policy.

**POLICY 4.3.7: Connectivity and Buffering:** Mixed use developments will be well integrated both internally and externally.

The Small Scale Comprehensive Plan Amendment will serve as a buffer and transition between the industrial uses north of the subject property and the residential uses south of Alico Road. The commercial uses that characterize this portion of Alico Road serve to protect the residential uses from the impacts associated with industrial uses and provide a less intense, adjacent use along the actual roadway corridor. This transition of intensities is the basis of good planning practices and provides a mixture of uses along the Alico Road corridor that is representative of Smart Growth development.

---

**From:** Gonzalez, Brandy L. [mailto:BGonzalez@leegov.com]  
**Sent:** Tuesday, September 09, 2008 4:37 PM  
**To:** Shellie Johnson  
**Cc:** Miller, Janet M.; Hock, Donna  
**Subject:** RE: Formosa Comp Plan Justification and Exhibit

9/10/2008

You can bring them to Janet or Donna Hock, thanks.

---

**From:** Shellie Johnson [mailto:shelliej@en-site.com]  
**Sent:** Tuesday, September 09, 2008 4:30 PM  
**To:** Gonzalez, Brandy L.  
**Subject:** RE: Formosa Comp Plan Justification and Exhibit

Brandy:

Should I bring these to Janet or drop them off downstairs?

---

**From:** Gonzalez, Brandy L. [mailto:BGonzalez@leegov.com]  
**Sent:** Tuesday, September 09, 2008 10:59 AM  
**To:** Shellie Johnson  
**Subject:** RE: Formosa Comp Plan Justification and Exhibit

Just wanted to remind you that we will need the meeting copies of your entire submittal (initial app, response, and anything else you will be dropping off for us). Thanks.

---

**From:** Shellie Johnson [mailto:shelliej@en-site.com]  
**Sent:** Tuesday, September 09, 2008 10:17 AM  
**To:** Gonzalez, Brandy L.  
**Subject:** RE: Formosa Comp Plan Justification and Exhibit

Awesome! Thanks.

---

**From:** Gonzalez, Brandy L. [mailto:BGonzalez@leegov.com]  
**Sent:** Tuesday, September 09, 2008 9:48 AM  
**To:** Shellie Johnson  
**Subject:** RE: Formosa Comp Plan Justification and Exhibit

The plan amendment was CPA2005-46 and is available on our website. I have also attached a pdf listing all of the changes to the last codification. Just be aware that many of the policy numbers in the staff report changed while codifying.....so rely on the policy numbers in the pdf.

---

**From:** Shellie Johnson [mailto:shelliej@en-site.com]  
**Sent:** Tuesday, September 09, 2008 9:07 AM  
**To:** Gonzalez, Brandy L.  
**Subject:** RE: Formosa Comp Plan Justification and Exhibit

Brandy:

I would like to cite some of the smart growth policies that have been incorporated into the Lee Plan. Is there a document that would tell me where they ended up? My understanding from talking to Wayne Daltry is that they were incorporated throughout the Plan. When I do a search for "smart growth", nothing really comes up. I was thinking maybe that at the time the ordinance was adopted, maybe there was a strikethrough/underline version or something that could be of assistance. Do you know of anything?

---

**From:** Gonzalez, Brandy L. [mailto:BGonzalez@leegov.com]  
**Sent:** Tuesday, September 09, 2008 8:54 AM

**To:** Shellie Johnson  
**Subject:** RE: Formosa Comp Plan Justification and Exhibit

Thanks.

---

**From:** Shellie Johnson [mailto:shelliej@en-site.com]  
**Sent:** Monday, September 08, 2008 3:06 PM  
**To:** Gonzalez, Brandy L.  
**Subject:** Formosa Comp Plan Justification and Exhibit

Hi Brandy:

Attached is a summary of justifications for the comp plan amendment and an exhibit that demonstrates the commercial corridor developing along this portion of the Alico corridor. We are still working on the site plan, but I will get it to you as soon as possible.

Thanks,  
Shellie

Shellie Johnson  
**EnSite**  
4450 Camino Real Way  
Fort Myers, FL 33966  
P: (239) 226-0024  
F: (239) 226-0094  
[www.en-site.com](http://www.en-site.com)  
[ShellieJ@en-site.com](mailto:ShellieJ@en-site.com)

**DISCLAIMER:** Upon receipt of any electronic file/data from EnSite, The recipient agrees to the following conditions: This file/data is for informational purposes only. EnSite reserves the right to modify the file/data without notice. It is the responsibility of the recipient to reconcile this electronic file/data with the actual project site conditions, And agrees to indemnify and hold harmless EnSite, for any defects or errors in this file/data.



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

**Date:** September 16, 2008

**To:** Brandy Gonzalez, Principal Planner

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

**Project:** Formosa Small Scale Comprehensive Plan Amendment  
**Case:** CPA2007-00061  
**Strap:** Strap # 04-46-25-00-00001.0080

**PROJECT SITE:**

The subject property was part of a 129.77 acre Industrial Planned Development (IPD) Formosa Commerce Center IPD (DCI 2004-00092). The applicant proposes to change the Future Land Use designation to allow intense Commercial use. Alico road borders the subject property site to the south and Lee Road borders the property to the west. North and east of the property is vacant land currently zoned for industrial uses.

The subject site is currently vacant land that has been previously cleared. Previously the site contained a 0.69 acre highly disturbed wetland which has been cleared. Therefore this site does not contain any environmental issues.

**OPEN SPACE:**

The open space approved per the Formosa Commerce Center IPD Resolution # Z-05-066 included less open space than required for commercial therefore, the open space issue will need to be resolved with the rezoning request.

**Gonzalez, Brandy L.**

---

**From:** Wegis, Howard S.  
**Sent:** Tuesday, September 16, 2008 9:58 AM  
**To:** Gonzalez, Brandy L.  
**Cc:** Osterhout, Thom  
**Subject:** RE: CPA2007-61 small scale Plan Amendment

Brandy,  
Sanitary Sewer:

LCU has capacity in our Three Oaks WWTP to support the increase in flow projected by the applicant. It should be noted that the applicant represented the capacity of the Three Oaks WWTP as 3.0 MGD when it is actually 6.0 MGD which increases the available capacity of the facility to serve the proposed amendment. Regarding infrastructure to serve the proposed amendment, there is an existing 12" sanitary sewer forcemain on the north side of Alico Road and an 8" forcemain on Lee Road north of Alico Road, at this location. The developer will be required to perform hydraulic calculations to determine if sufficient capacity in this infrastructure and if off-site improvements are required the developer will be responsible for these improvements.

Potable Water:

As indicated by the applicant LCU has capacity in our Pinewoods WTP to support the proposed increase in demand. Regarding infrastructure to serve the proposed amendment, there is an existing 36" water main on the north side of Alico Road and an existing 12" water main on Lee Road north of Alico Road at this location. The developer will be required to perform hydraulic calculations to determine if sufficient capacity in this infrastructure and if off-site improvements are required the developer will be responsible for these improvements.

Howard S. Wegis  
Staff Engineer  
Lee County Utilities  
P.O. Box 398  
Fort Myers, FL 33901  
Phone#: (239) 533-8163  
Fax#: (239) 485-8385

---

**From:** Gonzalez, Brandy L.  
**Sent:** Tuesday, September 16, 2008 9:14 AM  
**To:** Wegis, Howard S.  
**Subject:** CPA2007-61 small scale Plan Amendment

Hi Howard –

The following is the info for this amendment. **The applicant has based their calculations on 175,000 s.f. of commercial building area. This is not the maximum allowed by the category. As noted below, staff must base our analysis on the max allowed by the land use category 431,679 s.f.** Thanks again for help.

The applicant, Alico Land Investment, LLC, is requesting a small scale change of land use designation on the Future Land Use Map from "Industrial Development" to "Commercial" for an approximate 9.91 acre area of land. Residential uses are not permitted in the Industrial Development or Commercial future land use categories. If the amendment is approved the allowable commercial intensity for the site would increase from approximately 30,000 square feet of floor area to a Floor Area Ratio (FAR) measure of 1, allowing a maximum of 431,679 square feet of floor area.

*Brandy Gonzalez  
Principal Planner  
Lee County Department of Community Development  
Division of Planning  
(239) 533-8805 phone*

9/16/2008



(239) 485-8319 fax

# **STAFF REPORTS**

**CPA2007-61**

**FORMOSA  
SMALL-SCALE  
AMENDMENT  
TO THE**

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**LEE COUNTY COMPREHENSIVE PLAN**

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**THE LEE PLAN**

**Privately Sponsored Application  
and Staff Analysis**

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**LPA Public Hearing Document  
for the  
September 29<sup>th</sup> Public Hearing**

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

*September 24, 2008*

LEE COUNTY  
DIVISION OF PLANNING  
STAFF REPORT FOR  
COMPREHENSIVE PLAN AMENDMENT  
CPA2007-61

☐

Text Amendment

☒

Map Amendment

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

STAFF REPORT PREPARATION DATE: September 24, 2008

## PART I - BACKGROUND

### A. SUMMARY OF APPLICATION

#### 1. APPLICANT/REPRESENTATIVE:

Alico Land Investment, LLC/Shellie Johnson - Ensite

#### 2. REQUEST:

Amend the Future Land Use Map Series for an approximate 9.91 +/- acre site located in Section 04, Township 46 South, Range 25 East, to change the classification shown on Map 1, the Future Land Use Map, from Industrial Development to Commercial. The site is generally located at the northeast corner of Alico Road and Lee Road.

#### 3. SUMMARY DISCUSSION:

The applicant, Alico Land Investment, LLC, is requesting a small scale change of land use designation on the Future Land Use Map from "Industrial Development" to "Commercial" for an approximate 9.91 acre area of land. The site is located to the east of Lee Road on the north side of Alico Road in Section 04, Township 46 South, Range 25 East. The site is located within the Gateway/Airport Planning community. Residential uses are not permitted in the Industrial Development or Commercial future land use categories. If the amendment is approved the allowable commercial intensity for the site would increase from approximately 30,000 square feet of floor area to a Floor Area Ratio (FAR) measure of 1, allowing a maximum of 431,679 square feet of floor area. A Current and Proposed Future Land Use Map are shown as Map A2a and A2b of the attached application.

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

**1. RECOMMENDATION:** Planning staff recommends that Map 1, the Future Land Use Map, not be amended to re-designate the subject area from “Industrial Development” to “Commercial.”

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

- The property is located in the Industrial Development future land use category.
- The site fronts Alico Road with access from Lee Road.
- Alico Road from US 41 to I-75 is projected to fail by 2030, with or without the proposed amendment, based on the network contained in the Financially Feasible Plan (Map 3A).
- The proposed land use change will intensify development on a road segment that is projected to fail.
- The change will not impact the commercial allocations adopted in Table 1(b) of the Lee Plan for the within the Gateway/Airport Planning Community.
- The change will not impact the population accommodation of the adopted Lee Plan future land use map.
- Lee County Utilities has water and wastewater treatment capacity to support the projected increase in demand.
- Sheriff, Fire, and EMS services have provided no objections to the proposed amendment.
- There are no known endangered species present on the subject parcel.

## **C. BACKGROUND INFORMATION**

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

**SIZE OF PROPERTY:** 9.91 ACRES

**PROPERTY LOCATION:** The subject property is located east of Lee Road on Alico Road.

**STRAP#:** A portion of 04-46-25-05-00000.0010

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

**CURRENT ZONING:** IPD

**CURRENT FUTURE LAND USE CLASSIFICATION:** Industrial Development



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

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

**FIRE:** The property is located in the San Carlos Park Fire District.

**TRANSPORTATION:** Access to the property is from Lee Road.

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

## **PART II - STAFF ANALYSIS**

### **A. STAFF DISCUSSION**

#### **INTRODUCTION**

The applicant is requesting a small scale change of land use designation on the Future Land Use Map from "Industrial Development" to "Commercial" for an approximate 9.91 acres of land. The site is located in the northeast quadrant of the intersection of Alico Road and Lee Road in Section 04, Township 46 South, Range 25 East. Both the current Industrial Development future land use designation and the proposed Commercial future land use designation do not permit residential uses. If the amendment is approved the allowable commercial intensity for the site would increase from approximately 30,000 square feet of floor area to a Floor Area Ratio (FAR) measure of 1, permitting a maximum of 431,679 square feet of floor area.

The original Comprehensive Plan Amendment Application, Staff Insufficiency Letter, and Applicant Supplementary Information are attached. The applicant has recently provided additional back up discussing the Alico Road corridor and possible site specific limitations. The additional back up is attached as Attachment 1.

#### **PROJECT SUMMARY**

The 9.91 acre area fronts the north side of Alico Road and is a portion of a larger 129.77 acre parcel currently zoned Industrial Planned Development (IPD) which extends north to the Fiddlesticks subdivision. The IPD is currently approved for 1.1 million square feet of industrial uses and 30,000 square feet of commercial uses. The parent tract zoned IPD to the north is not included in this application and would remain in the Industrial Development category if the amendment is approved.

#### **COMPREHENSIVE PLAN BACKGROUND**

In 1984, Lee County adopted its first official Future Land Use Map (FLUM) as an integral part of its comprehensive plan. On that map, the subject property was part of the "Industrial Business Development Areas" land use category which was renamed to "Industrial Development" in 1986 and this remains the future land use designation for the parcel today. The Industrial Development areas are described by Policy 1.1.7. Policy 1.1.7 is reproduced below:

***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.*

It is important to note that Policy 1.1.7 is currently under review as part of CPA2007-55, implementing recommendations from the Commercial/Industrial Land Use Analysis study. This amendment is part of the current 2007/2008 regular plan amendment cycle. Recommendations made through this amendment include revised limitations to commercial uses in the industrial development future land use category. Part of the recommendation would include limiting free standing commercial uses to those that meet the definition of "Corner Store Commercial." The Lee Plan defines Corner Store Commercial as "a small store servicing a range of daily needs within a neighborhood and accessible by pedestrian friendly streets and/or plazas, having a building footprint of less than 5,000 square feet." The amendment also recommends encouraging a mixture of uses to specifically include research and development and office uses with the exception of the lands designated Industrial Development between US 41 and I-75, north of Alico Road. The amendment excludes the core area of industrial designated land in the county, reserving this area for primarily intensive industrial type uses, which characterize the area today.

#### **ADJACENT ZONING AND USES**

The site is zoned IPD. The subject area is currently vacant and is located between vacant land to the east and Lee Road and vacant land to the west. Alico Road fronts the subject area immediately to the south and the current uses on the south side of Alico Road include a gas station/car wash, a warehouse building, and vacant land. The San Carlos Park single family subdivision lies further south. Surrounding zoning includes AG-2 to the east, IPD to the west, IPD to the north, and CPD and C-1A to the south.

#### **POPULATION ACCOMMODATION CAPACITY DISCUSSION**

The request is to change the Future Land Use Map (FLUM) category of approximately 9.91 acres from Industrial Development to Commercial. Residential uses are not permitted in the Industrial Development or the Commercial land use category. Staff concludes that there will be no increase or

decrease in the population accommodation capacity of the FLUM in conjunction with the proposed amendment.

### **CONSISTENCY WITH THE “COMMERCIAL” LAND USE CATEGORY**

The applicant is proposing that the subject area be amended to the Commercial future land use category. The Commercial areas are described by Policy 1.1.10. Policy 1.1.10 is reproduced below:

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

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

The subject area of the proposed amendment is consistent with the Commercial designation for the following reasons: it is located along a corridor accommodating employment centers; it is located in an area where residential uses are not expected or compatible due to the nature of the surrounding land uses and its location along a major travel corridor; and the urban services, as noted, have adequate capacity to provide the necessary services to accommodate the proposed small scale amendment with the exception of the transportation issues discussed below.

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

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

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

## TRANSPORTATION ISSUES

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

*The Department of Transportation has reviewed the above-referenced privately-initiated future land use map plan amendment, to change the land use designation of approximately 9.91 acres at the northeast corner of Lee Road and Alico Road from "Industrial Development" to "Commercial". Your staff indicates that the proposed change would allow approximately 431,678 square feet of commercial use on the site. The property is located within Traffic Analysis Zone (TAZ) 1426, and we converted the above square footage into the model input variables for that zone (1,079 commercial employees) and reran the Lee County MPO's 2030 Financially Feasible Plan FSUTMS travel demand model.*

*Examining the three-mile radius around the project, the following road segments are projected to operate at level of service "F" in the year 2030 both with and without the proposed land use change:*

*Alico Road from Phlox Drive to I-75 (directly adjacent to project)  
SR 739/Metro Parkway Extension, from Alico Road to Briarcliff Road  
I-75 from Corkscrew Road to Alico Road*

*The MPO's 2030 Needs Plan does identify two potential improvements to address the failing segments noted above, in the form of 10-laning I-75 from SR 82 south and the four-lane Alico Expressway from Summerlin Road to SR 82. Both improvements are identified as contingent upon the identification of additional funding beyond the traditional sources projected for the Financially Feasible Plan, and the MPO Plan suggests testing the improvements as toll-funded projects, to potentially make them financially feasible. The Southwest Florida Expressway Authority is currently exploring options and trying to determine the feasibility of providing additional lanes on I-75 as tolled express lanes, but has not yet reached any definitive conclusions and proceeded with project financing. No work is progressing on the Alico Expressway project, although Lee County is studying alignment options for an interim improvement in the form of an arterial extension of the existing Alico Road. Absent an identified means of paying for such improvements and their subsequent inclusion in the Financially Feasible Plan, DOT staff cannot recommend approval of a land use change that intensifies development on a road segment that is projected to fail.*

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

## PUBLIC SAFETY ISSUES

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

### Coastal Issues

The parcel is located in the Category 2 Evacuation Zone and the Category 4/5 Storm Surge. The parcel is not part of the county's defined Coastal High Hazard Area.

### Sheriff's Office Impact

The Lee County Office of the Sheriff has provided no objections to the proposed amendment.

### Fire Service Impact

The subject parcel is within the San Carlos Park Fire District. The District has provided a letter to the applicant stating that the project location is approximately two miles from the fire station located on Sanibel Boulevard and response time would be about three minutes or less.

### Emergency Medical Services (EMS) Impact

EMS staff has reviewed the proposal and indicated the location is served by LCEMS Station 9 located on Sanibel Boulevard as well as Station 21, located on Three Oaks Parkway. EMS staff has indicated that they have no concerns with the ability to provide services to this area.

### **SCHOOL IMPACTS**

Lee County School District staff has reviewed the proposal and indicated that the project should have no impact on classroom needs. The project will have no residential units.

### **ENDANGERED SPECIES**

Lee County Division of Environmental Sciences staff have reviewed the request and provided the following written comments dated September 16, 2008.

#### ***PROJECT SITE:***

*The subject property was part of a 129.77 acre Industrial Planned Development (IPD) Formosa Commerce Center IPD (DCI 2004-00092). The applicant proposes to change the Future Land Use designation to allow intense Commercial use. Alico road borders the subject property site to the south and Lee Road borders the property to the west. North and east of the property is vacant land currently zoned for industrial uses.*

*The subject site is currently vacant land that has been previously cleared. Previously the site contained a 0.69 acre highly disturbed wetland which has been cleared. Therefore this site does not contain any environmental issues.*

#### ***OPEN SPACE:***

*The open space approved per the Formosa Commerce Center IPD Resolution # Z-05-066 included less open space than required for commercial therefore, the open space issue will need to be resolved with the rezoning request.*

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

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

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

The application provides the following concerning this issue:

*"The subject property is located in the Estero Bay Watershed and located on the north side of Alico Road, west of Interstate 75. In its existing condition, the property is undeveloped and generally flat with elevations generally between elevation 14.5 and 15.5-feet NGVD (subject to*



*field verification). Surface water run-off enters the Alico Road/Briarcliff ditch system and flows west to the 10 mile canal system which drains to Hendry Creek and ultimately discharges into Estero Bay.*

*In the developed condition, surface water run-off will be directed to drainage inlets and conveyed to on-site dry detention areas and/or lakes prior to discharging into the Alico Road ditch system. The proposed control elevation of the surface water management system is estimated at 14 feet NGVD based on surrounding topography and existing SFWMD permits. The project has been permitted through the South Florida Water Management District, Permit No. 36-06202-P."*

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

### **MASS TRANSIT**

Lee County Transit Division staff have reviewed the request and indicated that the subject property is within the existing transit service area. Long range planning activities maintain this transit corridor and document the need for additional, enhanced services on the route providing service to the area. Transit staff anticipate the current capacity on this route to be sufficient to meet the needs of the proposed land use change.

### **SOLID WASTE**

The Solid Waste Division has provided no objection to the proposed amendment.

### **UTILITIES**

The subject property is located in the Lee County Utilities sewer service area. Utilities staff have indicated that Lee County Utilities has capacity through the Three Oaks waste water treatment plant to support the increase in flow projected by the applicant. Utilities staff notes that the applicant has represented the capacity of the plant as 3.0 MGD while it is actually 6.0 MGD, an increase to the available capacity of the facility. There is an existing 12" sanitary sewer force main on the north side of Alico Road at this location. Utility staff adds that the developer will be required to perform hydraulic calculations determining if sufficient infrastructure capacity. If offsite improvements are required, the developer will be responsible for those improvements.

The subject property is located in the Lee County Utilities water service area. Utilities staff have indicated that Lee County Utilities has capacity through the Pinewood water treatment plant to support the proposed increase in demand. There is an existing 36" water main on the north side of Alico Road and an existing 12" water main on Lee Road at this location. The developer will be required to perform hydraulic calculations to determining if sufficient infrastructure capacity. If offsite improvements are required, the developer will be responsible for those improvements.

### **HISTORIC RESOURCES**

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

### **RE-DESIGNATING LANDS FROM AN INDUSTRIAL LAND USE CATEGORY**

The applicant is proposing to change 9.91 acres of Industrial Development designated land to the Commercial land use category. Planning staff generally calculates an average of 7 employees for every

acre of industrial land. Removing the subject area from the Industrial Development future land use category would calculate a loss of 70 people who could potentially be employed in the industrial work force. Staff finds, consistent with the concept of small scale development amendments, that this change is minimal.

The applicant has provided the following to address re-designating lands from an industrial land use category.

*“According to Lee County’s online data, out of 3,100 allocated acres for industrial development within the Gateway/Airport Planning Community, approximately 2,837 remain to be developed. This is an indication that there are more than adequate quantities of land available to accommodate industrial development that will employ 3% of the county’s population within the next three years. Additionally, in order to attract continued industrial development, support services will need to be made available in the industrial areas.”*

Staff believes that the request will have minimal impact on the County’s stated goal of employing 3% of the County’s population in manufacturing activities by the year 2010 (as contained in Policy 7.1.4). Staff also notes that the recommendations made through the Commercial/Industrial Lands plan amendment discussed earlier in this report propose to remove the 3% goal. The Commercial/Industrial Lands amendment recommends the policy be rewritten to use the allocations already provided in Lee Plan Table 1(b) as the targeted goal. Approximately 2,837 acres allocated for industrial development are available in the Gateway/Airport Planning Community.

## **B. CONCLUSIONS**

Staff notes that the applicant has provided a conceptual site plan exhibit demonstrating a FAR of .41 as well as an example of site specific text as a possible addition to the Lee Plan (see Attachment 1). The applicant has also provided an exhibit depicting current zoning in the area to demonstrate that a commercial corridor is developing along this portion of Alico Road. This has been incorporated into Attachment 1 as well. The exhibit shows a development of 120,000 square feet of office space and 55,000 square feet of retail space for a total of 175,000 square feet of floor area. Staff notes that the exhibit is conceptual only and adoption of a future land use amendment does not adopt the site plan. Future land use amendments are reviewed using the maximum potential development the proposed land use category could allow. The specific development parameters are evaluated and limited if necessary through the rezoning process. The applicant has based a FAR of .41 to show through the plan amendment proposal that it is not the intent to develop the property at the maximum potential of the proposed Commercial future land use category. Staff notes that the only way to limit the development potential through the plan amendment process would be to add language to the text of the Lee Plan limiting the FAR. This type of limitation cannot be achieved through a small scale amendment. Per 163.3187(1)(c)1.d.F.S., small scale plan amendments cannot include a text change to the comprehensive plan. This type of site specific limitation could only be achieved through a map and text amendment as part of the regular plan amendment in the yearly plan amendment cycle. Adding the proposed amendment to the current 2007/2008 amendment cycle would require approval from the Board of County Commissioners to incorporate the amendment into the current plan amendment cycle. The amendment would then have to be transmitted to the Department of Community Affairs for review as part of the regular amendment cycle.

While adding text to the Lee Plan limiting the FAR to this specific site would limit the intensity of the proposed amendment, this limitation would not change the conclusions made by the Lee County Department of Transportation. As discussed above, the Lee County Department of Transportation (DOT) concluded that the proposed land use change intensifies development on a road segment that is projected to fail. The road segments identified by DOT are projected to fail with or without the proposed land use change. This fact makes recommending approval of an increase in intensity for the subject property unfeasible.

Staff finds that the current IPD zoning with the allowed 30,000 square feet of retail development, along with the other existing and approved retail development in the area, provides sufficient flexibility to allow the needed services to support the emerging industrial development in this area. Therefore the requested change from Industrial Development to the Commercial future land use category is not warranted.

Staff also finds the proposed amendment inconsistent with the recommended changes identified in the proposed Commercial/Industrial Lands comprehensive plan amendment.

### **C. STAFF RECOMMENDATION**

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

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

**DATE OF PUBLIC HEARING: September 29, 2008**

**A. LOCAL PLANNING AGENCY REVIEW:**

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

**C.**

**1. RECOMMENDATION:**

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

**C. VOTE:**

**NOEL ANDRESS**

\_\_\_\_\_

**LES COCHRAN**

\_\_\_\_\_

**RONALD INGE**

\_\_\_\_\_

**JACQUE RIPPE**

\_\_\_\_\_

**CARLETON RYFFEL**

\_\_\_\_\_

**LELAND TAYLOR**

\_\_\_\_\_

**RAE ANN WESSEL**

\_\_\_\_\_

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

**DATE OF ADOPTION 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**

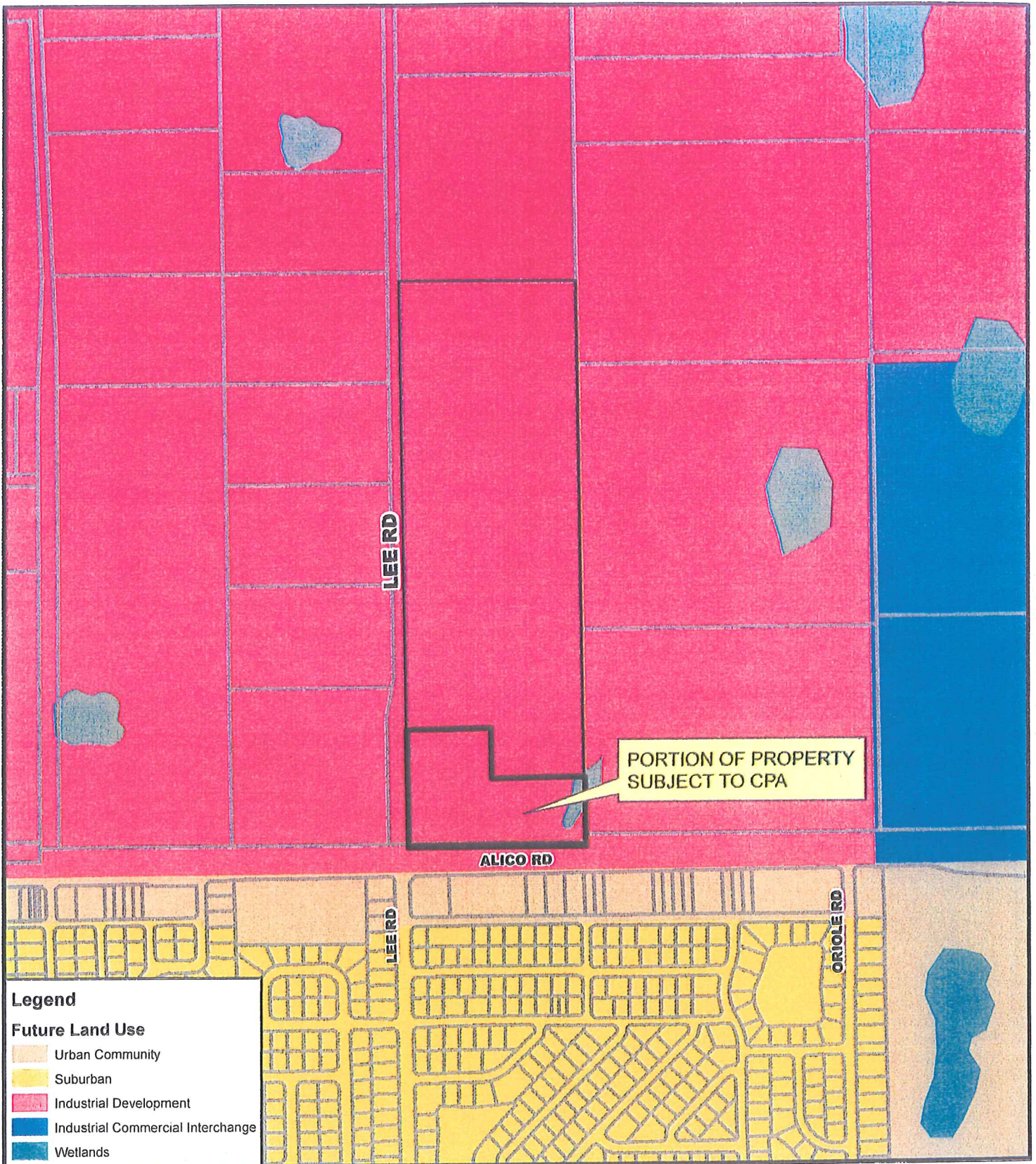
**ROBERT P. JANES**

**RAY JUDAH**

**FRANKLIN B. MANN**

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# Existing Future Land Use Map MAP A2a

Formosa Parcel 2503 Main Street  
Alico Land Investment, LLC. Fort Myers Beach, FL 33931

Source: Lee County Property Appraisers Office

It is the end user's responsibility to verify the data contained hereon.

## FORMOSA SMALL SCALE CPA

700 350 0 700  
Feet

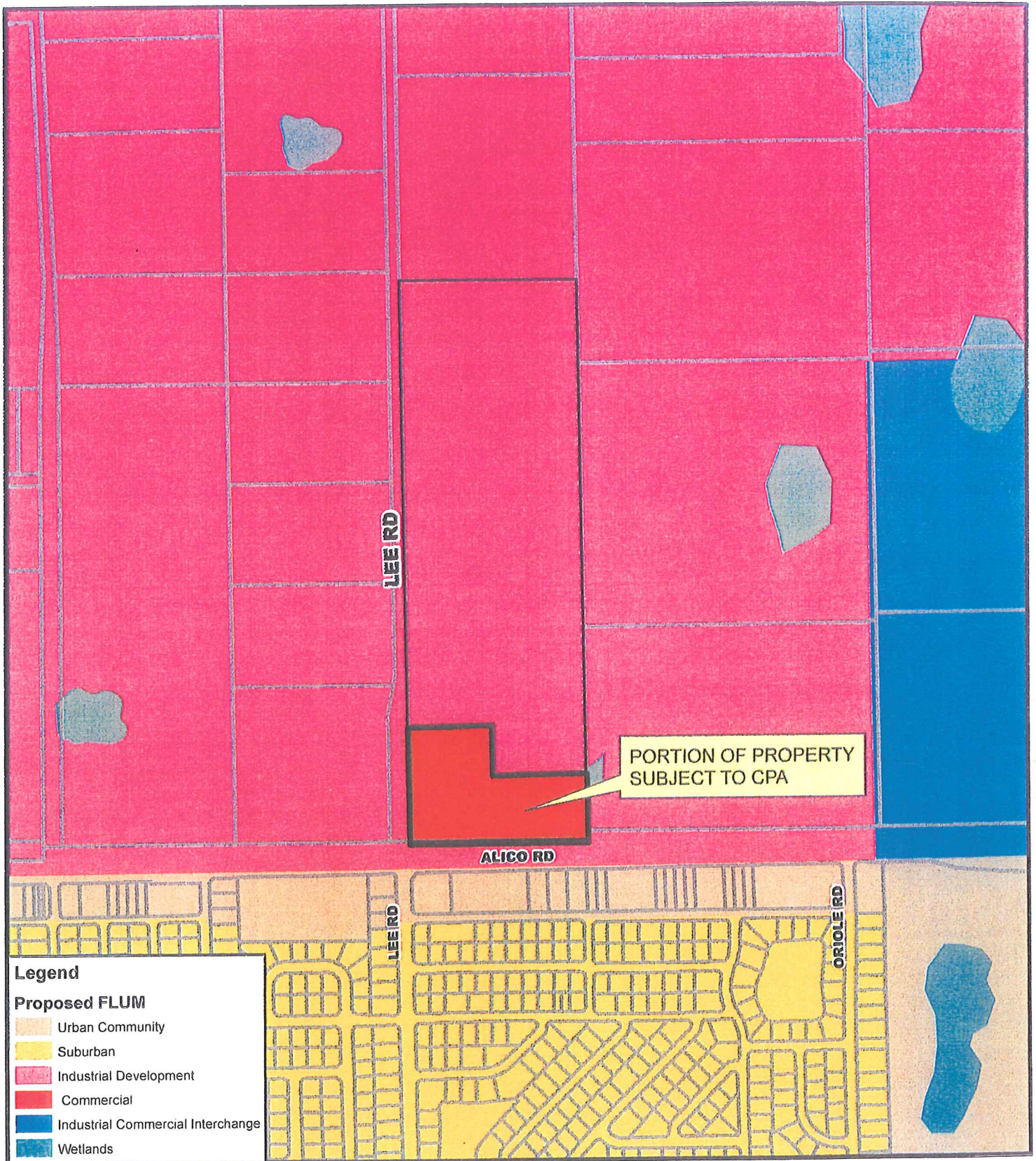


Date: 10-31-07

Map Number:  
1054-11-CPA-EX2A

Project Number:  
1054-11





- Legend**
- Proposed FLUM**
- Urban Community
  - Suburban
  - Industrial Development
  - Commercial
  - Industrial Commercial Interchange
  - Wetlands



## Proposed Future Land Use Map MAP A2b

Formosa Parcel  
Alico Land Investment, LLC. 2503 Main Street  
Fort Myers Beach, FL 33931

Source: Lee County Property Appraisers Office

## FORMOSA SMALL SCALE CPA

700 350 0 700  
Feet



Date: 10-31-07

Map Number:  
1054-11-CPA-EX2B

Project Number:  
1054-11



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

*The requisite infrastructure needed for commercial development is generally planned or in place. New developments in this category must connect to a potable water and sanitary sewer system. Commercial retail developments, hotels and motels, banks, all types of office development, research and development, public, and other similar development will predominate in the Commercial areas. Limited light industrial uses are also permitted, excluding outdoor storage type uses. Any redesignation of land to the Commercial land use category should occur along major travel corridors and at road intersections. The planned development rezoning process must be used to prevent adverse impacts to the surrounding areas and to ensure that appropriate site development regulations are incorporated into the development plans of each site. A maximum Floor Area Ratio (FAR) of 1 will be used as an index of intensity of development in the commercial category. Development in this future land use category is not required to comply with the site location criteria provided in Goal 6 when appropriate site development regulations are incorporated into the planned development. (Added by Ordinance No. 07-09)*

<sup>1</sup>Footnote: The 9.91 acre parcel to be known as Formosa IPD, located in Section 4, Township 46 South, Range 25 East and a portion of STRAP No. 04-46-25-05-00000.0010, shall be limited to a maximum commercial development Floor Area Ratio of .5.

## ATTACHMENT 1

# FORMOSA SMALL SCALE CPA

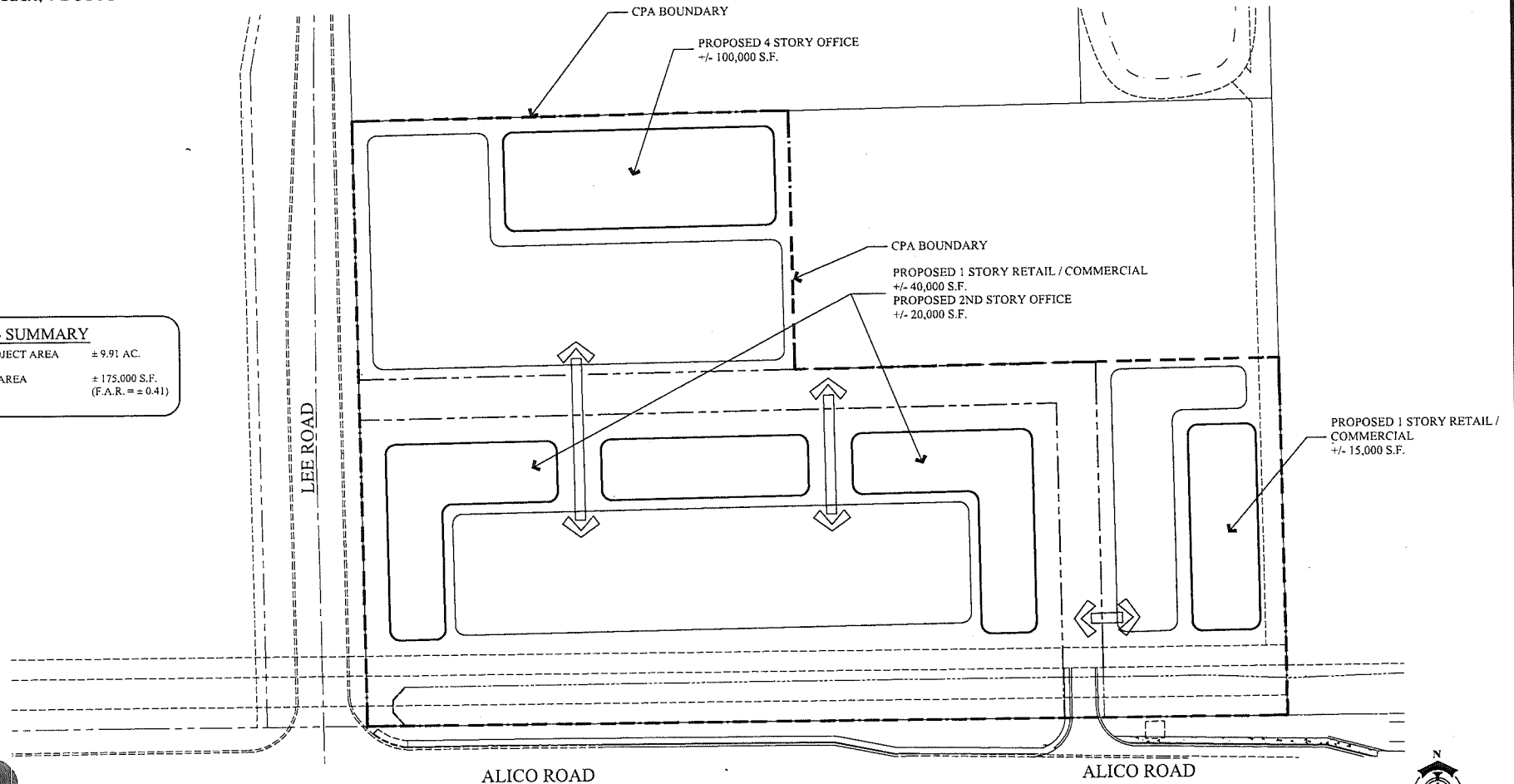
## Conceptual Master Plan

Oceanview Development, LLC  
714 Fishermans Wharf  
Fort Myers Beach, FL 33931

For Floor Area Ratio (F.A.R.) Demonstration Purposes Only

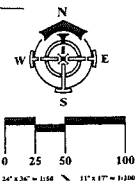
### TABLE - SUMMARY

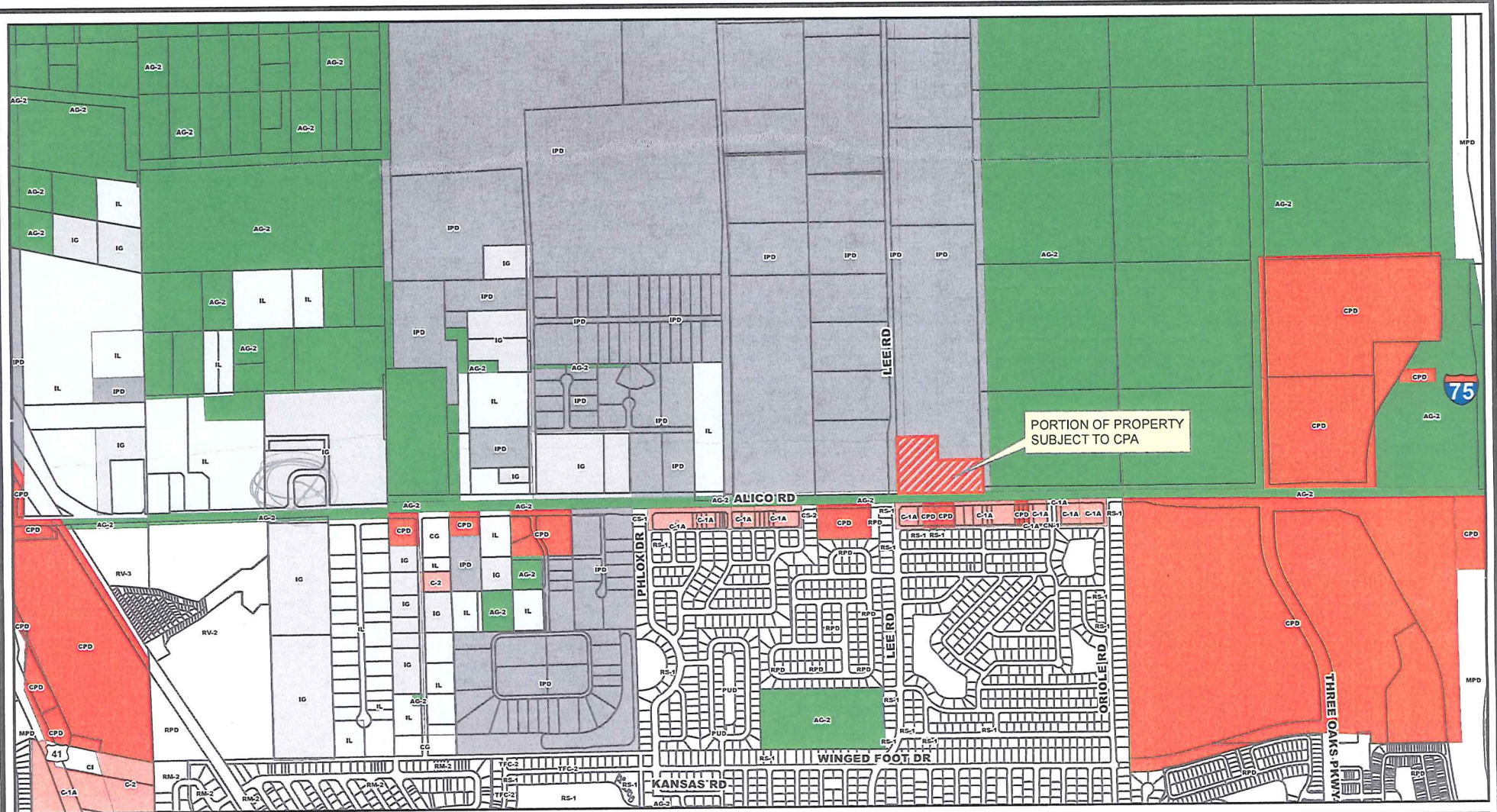
TOTAL PROJECT AREA	± 9.91 AC.
BUILDING AREA	± 175,000 S.F. (F.A.R. = ± 0.41)



**ensite**  
4450 CAMINO REAL WAY • FORT MYERS, FLORIDA 33966  
PH: (239) 226-0024 FX: (239) 226-0024  
WWW.ENSITE.COM  
PROJECT NO. 1054-11  
03-09-08

NOTES:  
1. CONCEPTUAL SITE PLAN ONLY AND MAY ALTER SIGNIFICANTLY PER FINAL SITE ENGINEERING.  
2. THE LOCATIONS, AMOUNTS, AND CONFIGURATIONS OF DEPICTED LAND USES ARE CONCEPTUALLY SHOWN AND ARE SUBJECT TO CHANGE DURING FINAL DESIGN AND PERMITTING.





## ZONING / LAND USE ANALYSIS

Formosa Parcel  
Alico Land Investment, LLC. 2503 Main Street  
Fort Myers Beach, FL 33931

Source: Lee County Property Appraisers Office

It is the end user's responsibility to verify the data contained herein. EnSite assumes no responsibility for errors or omissions contained herein.

### Legend

AG-1	AG-2	AG-3	C-1	C-1A	C-2	C-2A	CPD	IG	IL	IPD
------	------	------	-----	------	-----	------	-----	----	----	-----

### FORMOSA SMALL SCALE CPA



1,000 500 0 1,000  
Feet

Date: 09-04-08

Map Number:  
1054-11-CPA-Zone-color

Project Number:  
1054-11





## **Justifications for Formosa Small Scale Comprehensive Plan Amendment September 8, 2008**

- Project site is approximately one mile from I-75 and can service travelers, employment centers and residential areas in near proximity;
- The proposed commercial land use designation will allow for continuation of an emerging commercial development pattern along this portion of Alico. This pattern will create a commercial corridor that lines the roadway, providing a segue, as well as a transitional use buffer to the industrial uses to the north and the residential uses to the south;
- The commercial land use designation will allow development of supportive uses for the surrounding industrial and residential areas;
- The proposed Commercial Land Use designation upholds the state planning policy to ensure adequate lands for suitable commercial and industrial centers, where suitable services are provided. The commercial designation of the subject property will allow for services that are supportive to the industrial uses of the area.
- There are 3,100 acres allocated for industrial development in the Gateway/Airport Planning Area, with approximately 2,837 still remaining to be developed. The conversion of 9.91 acres from Industrial FLU to Commercial FLU will not negatively impact the industrial development potential of this planning area. Because of its location on the Alico Road corridor frontage, the amendment will aesthetically enhance this industrial area as it relates to this road corridor. Alico Road is a major east/west roadway that not only accommodates the industrial traffic of the area, but is also used by the citizens of the county as well as visitors travelling to and from U.S. 41 to Interstate 75 and beyond. Development of this

corridor with commercial uses that are more in scale and architecturally appropriate to the roadway will beautify the corridor while providing services to surrounding areas and passersby.

- The proposed amendment utilizes the concepts of Smart Growth by:
  - Encouraging a mix of uses that will reduce vehicular trips and provide supportive uses for the surrounding employment centers and residential communities;
  - Provide efficient use of public infrastructure;
  - Encourages development of disturbed lands in an area already largely developed; and
  - Does not have any environmentally sensitive land impacts.

**CPA2007-61**

**FORMOSA**  
**SMALL-SCALE**  
**AMENDMENT**  
**TO THE**

---

LEE COUNTY COMPREHENSIVE PLAN

---

**THE LEE PLAN**

Privately Sponsored Application  
and Staff Analysis

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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 9, 2008

LEE COUNTY  
DIVISION OF PLANNING  
STAFF REPORT FOR  
COMPREHENSIVE PLAN AMENDMENT  
CPA2007-61

☐

Text Amendment

☒

Map Amendment

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

STAFF REPORT PREPARATION DATE: September 24, 2008

## PART I - BACKGROUND

### A. SUMMARY OF APPLICATION

#### 1. APPLICANT/REPRESENTATIVE:

Alico Land Investment, LLC/Shellie Johnson - Ensite

#### 2. REQUEST:

Amend the Future Land Use Map Series for an approximate 9.91 +/- acre site located in Section 04, Township 46 South, Range 25 East, to change the classification shown on Map 1, the Future Land Use Map, from Industrial Development to Commercial. The site is generally located at the northeast corner of Alico Road and Lee Road.

#### 3. SUMMARY DISCUSSION:

The applicant, Alico Land Investment, LLC, is requesting a small scale change of land use designation on the Future Land Use Map from "Industrial Development" to "Commercial" for an approximate 9.91 acre area of land. The site is located to the east of Lee Road on the north side of Alico Road in Section 04, Township 46 South, Range 25 East. The site is located within the Gateway/Airport Planning community. Residential uses are not permitted in the Industrial Development or Commercial future land use categories. If the amendment is approved the allowable commercial intensity for the site would increase from approximately 30,000 square feet of floor area to a Floor Area Ratio (FAR) measure of 1, allowing a maximum of 431,679 square feet of floor area. A Current and Proposed Future Land Use Map are shown as Map A2a and A2b of the attached application.

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

**1. RECOMMENDATION:** Planning staff recommends that Map 1, the Future Land Use Map, not be amended to re-designate the subject area from “Industrial Development” to “Commercial.”

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

- The property is located in the Industrial Development future land use category.
- The site fronts Alico Road with access from Lee Road.
- Alico Road from US 41 to I-75 is projected to fail by 2030, with or without the proposed amendment, based on the network contained in the Financially Feasible Plan (Map 3A).
- The proposed land use change will intensify development on a road segment that is projected to fail.
- The change will not impact the commercial allocations adopted in Table 1(b) of the Lee Plan for the Gateway/Airport Planning Community.
- The change will not impact the population accommodation of the adopted Lee Plan future land use map.
- Lee County Utilities has water and wastewater treatment capacity to support the projected increase in demand.
- Sheriff, Fire, and EMS services have provided no objections to the proposed amendment.
- There are no known endangered species present on the subject parcel.

## **C. BACKGROUND INFORMATION**

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

**SIZE OF PROPERTY:** 9.91 ACRES

**PROPERTY LOCATION:** The subject property is located east of Lee Road on Alico Road.

**STRAP#:** A portion of 04-46-25-05-00000.0010

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

**CURRENT ZONING:** IPD

**CURRENT FUTURE LAND USE CLASSIFICATION:** Industrial Development



## 2. INFRASTRUCTURE AND SERVICES:

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

**FIRE:** The property is located in the San Carlos Park Fire District.

**TRANSPORTATION:** Access to the property is from Lee Road.

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

## PART II - STAFF ANALYSIS

### A. STAFF DISCUSSION

#### INTRODUCTION

The applicant is requesting a small scale change of land use designation on the Future Land Use Map from "Industrial Development" to "Commercial" for an approximate 9.91 acres of land. The site is located in the northeast quadrant of the intersection of Alico Road and Lee Road in Section 04, Township 46 South, Range 25 East. Both the current Industrial Development future land use designation and the proposed Commercial future land use designation do not permit residential uses. If the amendment is approved the allowable commercial intensity for the site would increase from approximately 30,000 square feet of floor area to a Floor Area Ratio (FAR) measure of 1, permitting a maximum of 431,679 square feet of floor area.

The original Comprehensive Plan Amendment Application, Staff Insufficiency Letter, and Applicant Supplementary Information are attached. The applicant has recently provided additional back up discussing the Alico Road corridor and possible site specific limitations. The additional back up is attached as Attachment 1.

#### PROJECT SUMMARY

The 9.91 acre area fronts the north side of Alico Road and is a portion of a larger 129.77 acre parcel currently zoned Industrial Planned Development (IPD) which extends north to the Fiddlesticks subdivision. The IPD is currently approved for 1.1 million square feet of industrial uses and 30,000 square feet of commercial uses. The parent tract zoned IPD to the north is not included in this application and would remain in the Industrial Development category if the amendment is approved.

#### COMPREHENSIVE PLAN BACKGROUND

In 1984, Lee County adopted its first official Future Land Use Map (FLUM) as an integral part of its comprehensive plan. On that map, the subject property was part of the "Industrial Business Development Areas" land use category which was renamed to "Industrial Development" in 1986 and this remains the future land use designation for the parcel today. The Industrial Development areas are described by Policy 1.1.7. Policy 1.1.7 is reproduced below:

***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.*

It is important to note that Policy 1.1.7 is currently under review as part of CPA2007-55, implementing recommendations from the Commercial/Industrial Land Use Analysis study. This amendment is part of the current 2007/2008 regular plan amendment cycle. Recommendations made through this amendment include revised limitations to commercial uses in the industrial development future land use category. Part of the recommendation would include limiting free standing commercial uses to those that meet the definition of "Corner Store Commercial." The Lee Plan defines Corner Store Commercial as *"a small store servicing a range of daily needs within a neighborhood and accessible by pedestrian friendly streets and/or plazas, having a building footprint of less than 5,000 square feet."* The amendment also recommends encouraging a mixture of uses to specifically include research and development and office uses with the exception of the lands designated Industrial Development between US 41 and I-75, north of Alico Road. The amendment excludes the core area of industrial designated land in the county, reserving this area for primarily intensive industrial type uses, which characterize the area today.

#### **ADJACENT ZONING AND USES**

The site is zoned IPD. The subject area is currently vacant and is located between vacant land to the east and Lee Road and vacant land to the west. Alico Road fronts the subject area immediately to the south and the current uses on the south side of Alico Road include a gas station/car wash, a warehouse building, and vacant land. The San Carlos Park single family subdivision lies further south. Surrounding zoning includes AG-2 to the east, IPD to the west, IPD to the north, and CPD and C-1A to the south.

#### **POPULATION ACCOMMODATION CAPACITY DISCUSSION**

The request is to change the Future Land Use Map (FLUM) category of approximately 9.91 acres from Industrial Development to Commercial. Residential uses are not permitted in the Industrial Development or the Commercial land use category. Staff concludes that there will be no increase or

## TRANSPORTATION ISSUES

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

*The Department of Transportation has reviewed the above-referenced privately-initiated future land use map plan amendment, to change the land use designation of approximately 9.91 acres at the northeast corner of Lee Road and Alico Road from "Industrial Development" to "Commercial". Your staff indicates that the proposed change would allow approximately 431,678 square feet of commercial use on the site. The property is located within Traffic Analysis Zone (TAZ) 1426, and we converted the above square footage into the model input variables for that zone (1,079 commercial employees) and reran the Lee County MPO's 2030 Financially Feasible Plan FSUTMS travel demand model.*

*Examining the three-mile radius around the project, the following road segments are projected to operate at level of service "F" in the year 2030 both with and without the proposed land use change:*

*Alico Road from Phlox Drive to I-75 (directly adjacent to project)  
SR 739/Metro Parkway Extension, from Alico Road to Briarcliff Road  
I-75 from Corkscrew Road to Alico Road*

*The MPO's 2030 Needs Plan does identify two potential improvements to address the failing segments noted above, in the form of 10-laning I-75 from SR 82 south and the four-lane Alico Expressway from Summerlin Road to SR 82. Both improvements are identified as contingent upon the identification of additional funding beyond the traditional sources projected for the Financially Feasible Plan, and the MPO Plan suggests testing the improvements as toll-funded projects, to potentially make them financially feasible. The Southwest Florida Expressway Authority is currently exploring options and trying to determine the feasibility of providing additional lanes on I-75 as tolled express lanes, but has not yet reached any definitive conclusions and proceeded with project financing. No work is progressing on the Alico Expressway project, although Lee County is studying alignment options for an interim improvement in the form of an arterial extension of the existing Alico Road. Absent an identified means of paying for such improvements and their subsequent inclusion in the Financially Feasible Plan, DOT staff cannot recommend approval of a land use change that intensifies development on a road segment that is projected to fail.*

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

## PUBLIC SAFETY ISSUES

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

### Coastal Issues

The parcel is located in the Category 2 Evacuation Zone and the Category 4/5 Storm Surge. The parcel is not part of the county's defined Coastal High Hazard Area.

*field verification). Surface water run-off enters the Alico Road/Briarcliff ditch system and flows west to the 10 mile canal system which drains to Hendry Creek and ultimately discharges into Estero Bay.*

*In the developed condition, surface water run-off will be directed to drainage inlets and conveyed to on-site dry detention areas and/or lakes prior to discharging into the Alico Road ditch system. The proposed control elevation of the surface water management system is estimated at 14 feet NGVD based on surrounding topography and existing SFWMD permits. The project has been permitted through the South Florida Water Management District, Permit No. 36-06202-P."*

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

#### **MASS TRANSIT**

Lee County Transit Division staff have reviewed the request and indicated that the subject property is within the existing transit service area. Long range planning activities maintain this transit corridor and document the need for additional, enhanced services on the route providing service to the area. Transit staff anticipate the current capacity on this route to be sufficient to meet the needs of the proposed land use change.

#### **SOLID WASTE**

The Solid Waste Division has provided no objection to the proposed amendment.

#### **UTILITIES**

The subject property is located in the Lee County Utilities sewer service area. Utilities staff have indicated that Lee County Utilities has capacity through the Three Oaks waste water treatment plant to support the increase in flow projected by the applicant. Utilities staff notes that the applicant has represented the capacity of the plant as 3.0 MGD while it is actually 6.0 MGD, an increase to the available capacity of the facility. There is an existing 12" sanitary sewer force main on the north side of Alico Road at this location. Utility staff adds that the developer will be required to perform hydraulic calculations determining if sufficient infrastructure capacity. If offsite improvements are required, the developer will be responsible for those improvements.

The subject property is located in the Lee County Utilities water service area. Utilities staff have indicated that Lee County Utilities has capacity through the Pinewood water treatment plant to support the proposed increase in demand. There is an existing 36" water main on the north side of Alico Road and an existing 12" water main on Lee Road at this location. The developer will be required to perform hydraulic calculations to determining if sufficient infrastructure capacity. If offsite improvements are required, the developer will be responsible for those improvements.

#### **HISTORIC RESOURCES**

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

#### **RE-DESIGNATING LANDS FROM AN INDUSTRIAL LAND USE CATEGORY**

The applicant is proposing to change 9.91 acres of Industrial Development designated land to the Commercial land use category. Planning staff generally calculates an average of 7 employees for every

acre of industrial land. Removing the subject area from the Industrial Development future land use category would calculate a loss of 70 people who could potentially be employed in the industrial work force. Staff finds, consistent with the concept of small scale development amendments, that this change is minimal.

The applicant has provided the following to address re-designating lands from an industrial land use category.

*"According to Lee County's online data, out of 3,100 allocated acres for industrial development within the Gateway/Airport Planning Community, approximately 2,837 remain to be developed. This is an indication that there are more than adequate quantities of land available to accommodate industrial development that will employ 3% of the county's population within the next three years. Additionally, in order to attract continued industrial development, support services will need to be made available in the industrial areas."*

Staff believes that the request will have minimal impact on the County's stated goal of employing 3% of the County's population in manufacturing activities by the year 2010 (as contained in Policy 7.1.4). Staff also notes that the recommendations made through the Commercial/Industrial Lands plan amendment discussed earlier in this report propose to remove the 3% goal. The Commercial/Industrial Lands amendment recommends the policy be rewritten to use the allocations already provided in Lee Plan Table 1(b) as the targeted goal. Approximately 2,837 acres allocated for industrial development are available in the Gateway/Airport Planning Community.

## **B. CONCLUSIONS**

Staff notes that the applicant has provided a conceptual site plan exhibit demonstrating a FAR of .41 as well as an example of site specific text as a possible addition to the Lee Plan (see Attachment 1). The applicant has also provided an exhibit depicting current zoning in the area to demonstrate that a commercial corridor is developing along this portion of Alico Road. This has been incorporated into Attachment 1 as well. The exhibit shows a development of 120,000 square feet of office space and 55,000 square feet of retail space for a total of 175,000 square feet of floor area. Staff notes that the exhibit is conceptual only and adoption of a future land use amendment does not adopt the site plan. Future land use amendments are reviewed using the maximum potential development the proposed land use category could allow. The specific development parameters are evaluated and limited if necessary through the rezoning process. The applicant has based a FAR of .41 to show through the plan amendment proposal that it is not the intent to develop the property at the maximum potential of the proposed Commercial future land use category. Staff notes that the only way to limit the development potential through the plan amendment process would be to add language to the text of the Lee Plan limiting the FAR. This type of limitation cannot be achieved through a small scale amendment. Per 163.3187(1)(c)1.d.F.S., small scale plan amendments cannot include a text change to the comprehensive plan. This type of site specific limitation could only be achieved through a map and text amendment as part of the regular plan amendment in the yearly plan amendment cycle. Adding the proposed amendment to the current 2007/2008 amendment cycle would require approval from the Board of County Commissioners to incorporate the amendment into the current plan amendment cycle. The amendment would then have to be transmitted to the Department of Community Affairs for review as part of the regular amendment cycle.



While adding text to the Lee Plan limiting the FAR to this specific site would limit the intensity of the proposed amendment, this limitation would not change the conclusions made by the Lee County Department of Transportation. As discussed above, the Lee County Department of Transportation (DOT) concluded that the proposed land use change intensifies development on a road segment that is projected to fail. The road segments identified by DOT are projected to fail with or without the proposed land use change. This fact makes recommending approval of an increase in intensity for the subject property unfeasible.

Staff finds that the current IPD zoning with the allowed 30,000 square feet of retail development, along with the other existing and approved retail development in the area, provides sufficient flexibility to allow the needed services to support the emerging industrial development in this area. Therefore the requested change from Industrial Development to the Commercial future land use category is not warranted.

Staff also finds the proposed amendment inconsistent with the recommended changes identified in the proposed Commercial/Industrial Lands comprehensive plan amendment.

### **C. STAFF RECOMMENDATION**

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

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

**DATE OF PUBLIC HEARING:** September 29, 2008

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

Planning staff gave a brief presentation concerning the proposed amendment. One of the members of the LPA asked for clarification as to whether the amendment would be consistent with the Commercial/Industrial Lands amendment in the current plan amendment cycle. Staff clarified that the proposed amendment would be consistent with the changes recommended by the LPA for the Commercial/Industrial Lands amendment but would not be consistent with Staff's recommendation made for the Commercial/Industrial Lands amendment.

The applicant's representative addressed the LPA and indicated staff's recommendation in the Commercial/Industrial Lands amendment is not consistent with this area due to the intense industrial uses in the area. The representative stated that it would be difficult for the larger trucks in the area to use the small commercial uses proposed by staff through the Commercial/Industrial Lands amendment. The representative stated that the proposed small scale amendment is consistent with the Commercial future land use category and the proposal would provide services to the area limiting the traffic that would have to drive further away for commercial services. The representative also stated that the applicant does not need a Floor Area Ratio (FAR) of 1.0 and that the applicant would have no problem limiting the FAR to 0.5 by adding a footnote to the Lee Plan and sending the amendment to the Department of Community Affairs for review as part of the regular amendment cycle.

Staff indicated that the subject small scale is schedule on track with the regular amendment cycle transmittal hearing to reserve that possibility.

The applicant's transportation representative addressed the LPA stating that the traffic analysis was not done with a FAR of 1.0. The analysis used 175,000 square feet of commercial uses. The representative stated that the even though there are failures within the three mile radius, based on FDOT definitions they are de minimis impacts. The representative stated that the short term CIP can accommodate this project as well as long term.

One member of the LPA stated they live in the area and is familiar with the community. This member stated that for the most part, people in the area would rather have a decent looking roadway frontage than industrial road frontage and there is a need for accessible areas to shop. Another member of the LPA noted that the blending of commercial and industrial uses works well on Metro Parkway and commercial frontage would make the area look better. Another member noted that this area would not be consistent with Corner Store Commercial and supported the proposed amendment.

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

##### **C.**

- 1. RECOMMENDATION:** The LPA recommends that the Board of County Commissioners adopt the proposed amendment without the change to floor area.

- 2. BASIS AND RECOMMENDED FINDINGS OF FACT:** The LPA did not accepted the findings of fact as advanced by the staff.

**C. VOTE:**

<b>NOEL ANDRESS</b>	<b>AYE</b>
<b>LES COCHRAN</b>	<b>AYE</b>
<b>RONALD INGE</b>	<b>ABSENT</b>
<b>JACQUE RIPPE</b>	<b>ABSENT</b>
<b>CARLETON RYFFEL</b>	<b>AYE</b>
<b>LELAND TAYLOR</b>	<b>AYE</b>
<b>RAE ANN WESSEL</b>	<b>ABSENT</b>

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

**DATE OF ADOPTION 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**

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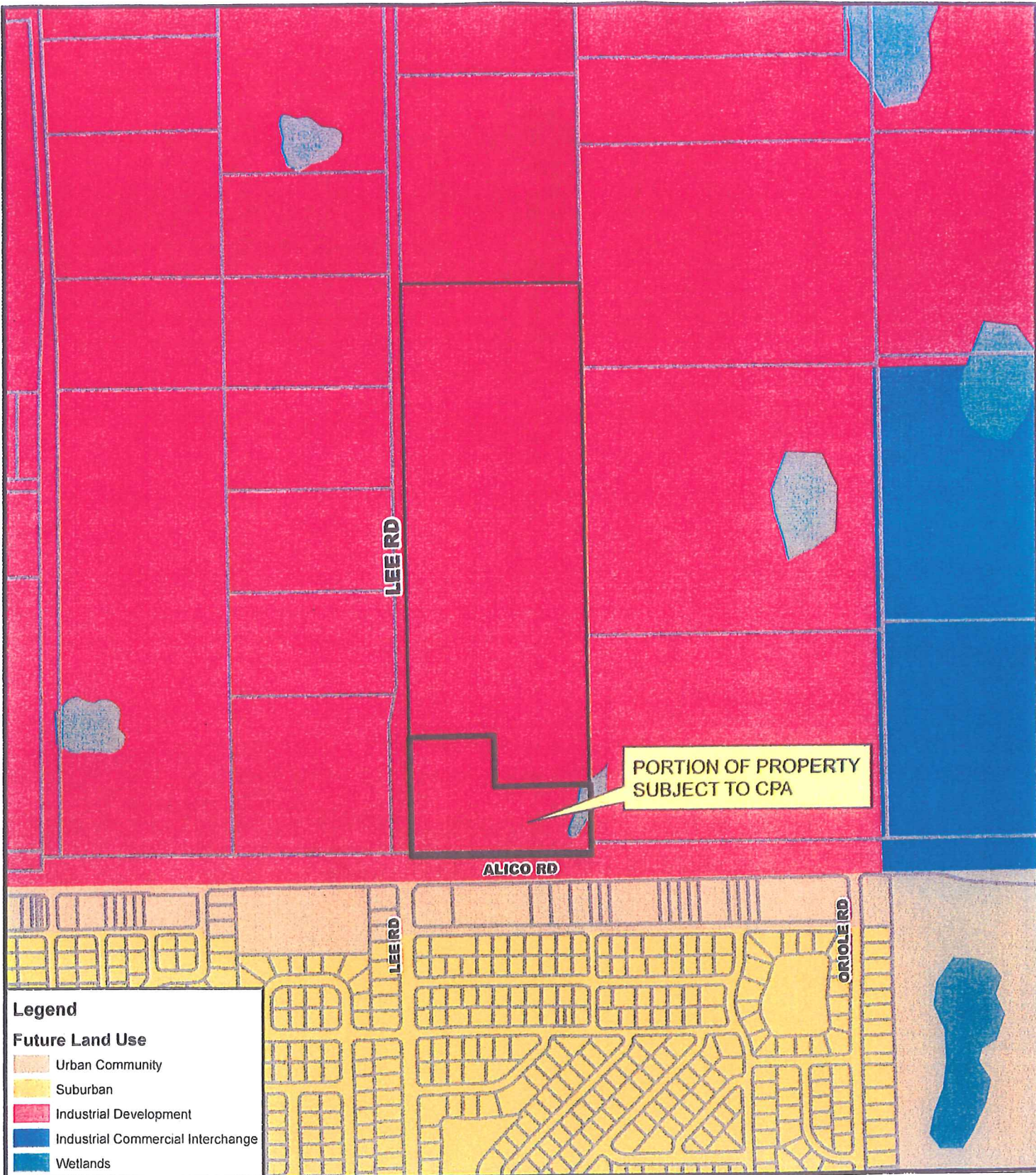
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### Legend

#### Future Land Use

- Urban Community
- Suburban
- Industrial Development
- Industrial Commercial Interchange
- Wetlands



## Existing Future Land Use Map MAP A2a

Formosa Parcel 2503 Main Street  
Alico Land Investment, LLC. Fort Myers Beach, FL 33931

Source: Lee County Property Appraisers Office

### FORMOSA SMALL SCALE CPA

700 350 0 700  
Feet

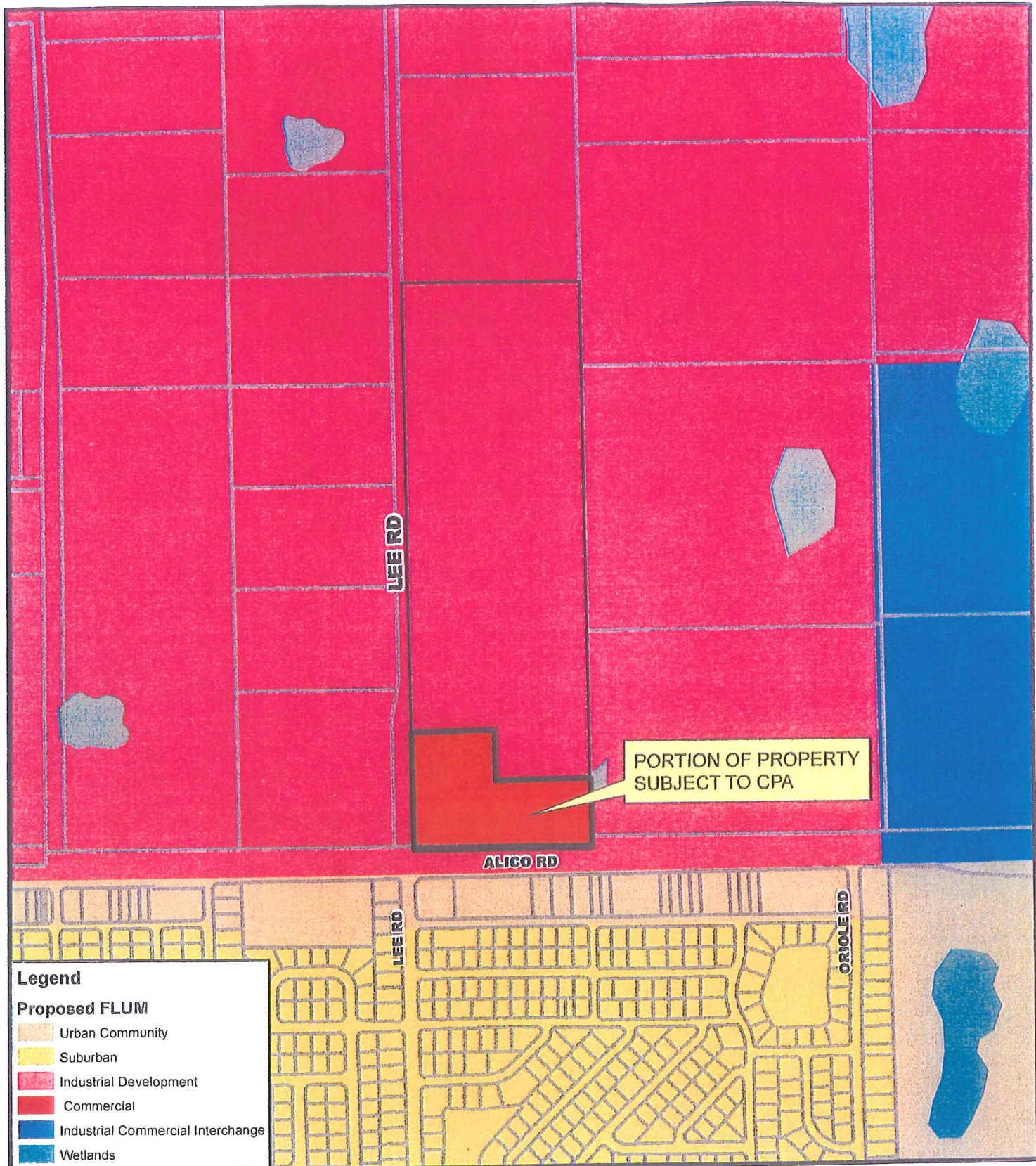


Date: 10-31-07

Map Number:  
1054-11-CPA-EX2A

Project Number:  
1054-11





### Legend

#### Proposed FLUM

- Urban Community
- Suburban
- Industrial Development
- Commercial
- Industrial Commercial Interchange
- Wetlands



## Proposed Future Land Use Map MAP A2b

Formosa Parcel  
Alico Land Investment, LLC. 2503 Main Street  
Fort Myers Beach, FL 33931

Source: Lee County Property Appraisers Office

### FORMOSA SMALL SCALE CPA

700 350 0 700  
Feet



Date: 10-31-07

Map Number:  
1054-11-CPA-EX2B

Project Number:  
1054-11



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

*The requisite infrastructure needed for commercial development is generally planned or in place. New developments in this category must connect to a potable water and sanitary sewer system. Commercial retail developments, hotels and motels, banks, all types of office development, research and development, public, and other similar development will predominate in the Commercial areas. Limited light industrial uses are also permitted, excluding outdoor storage type uses. Any redesignation of land to the Commercial land use category should occur along major travel corridors and at road intersections. The planned development rezoning process must be used to prevent adverse impacts to the surrounding areas and to ensure that appropriate site development regulations are incorporated into the development plans of each site. A maximum Floor Area Ratio (FAR) of 1 will be used as an index of intensity of development in the commercial category. Development in this future land use category is not required to comply with the site location criteria provided in Goal 6 when appropriate site development regulations are incorporated into the planned development. (Added by Ordinance No. 07-09)*

<sup>1</sup>Footnote: The 9.91 acre parcel to be known as Formosa IPD, located in Section 4, Township 46 South, Range 25 East and a portion of STRAP No. 04-46-25-05-00000.0010, shall be limited to a maximum commercial development Floor Area Ratio of .5.

## **ATTACHMENT 1**

# FORMOSA SMALL SCALE CPA

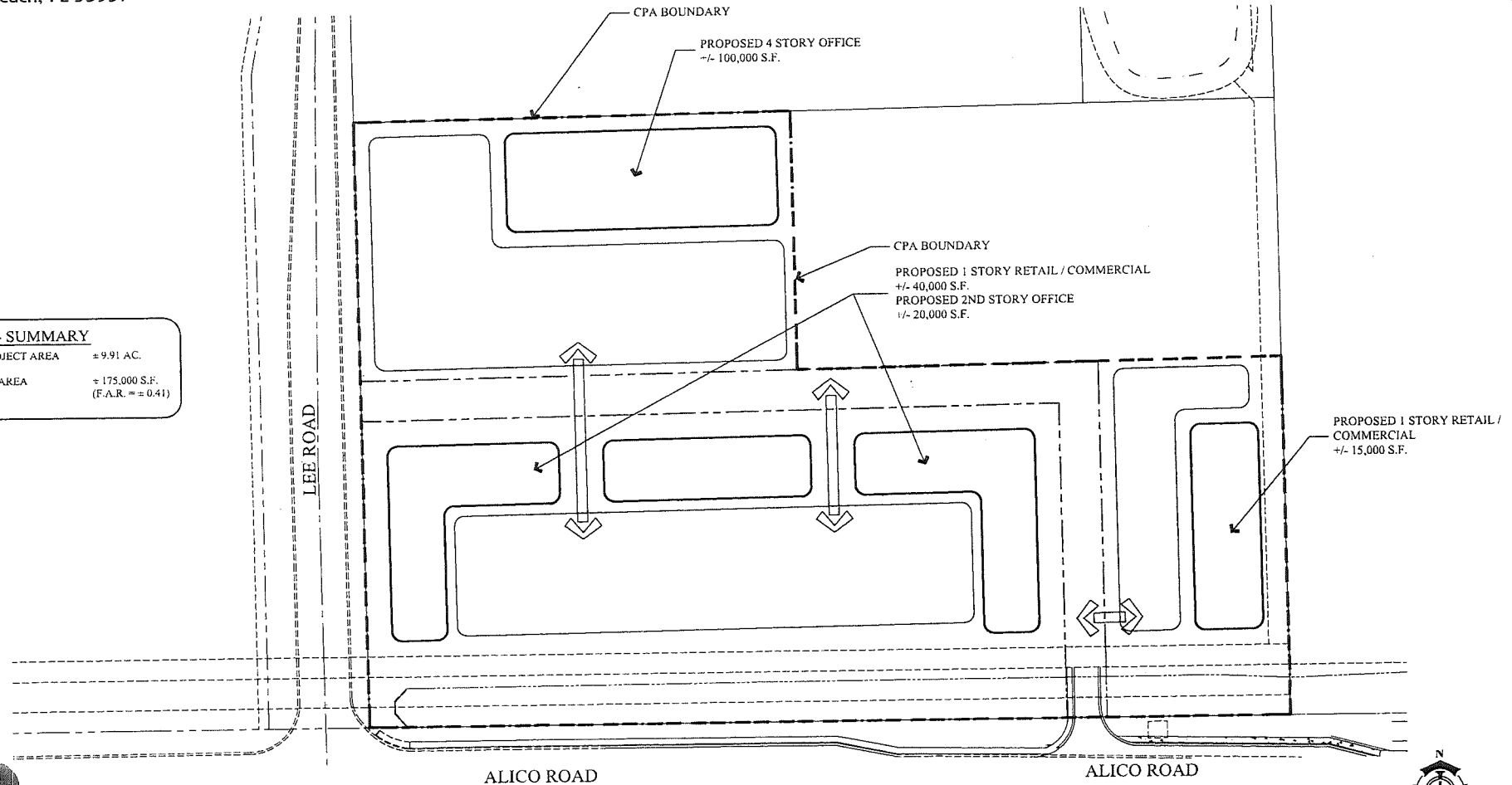
## Conceptual Master Plan

Oceanview Development, LLC  
714 Fishermans Wharf  
Fort Myers Beach, FL 33931

For Floor Area Ratio (F.A.R.) Demonstration Purposes Only

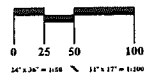
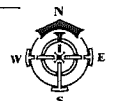
### TABLE - SUMMARY

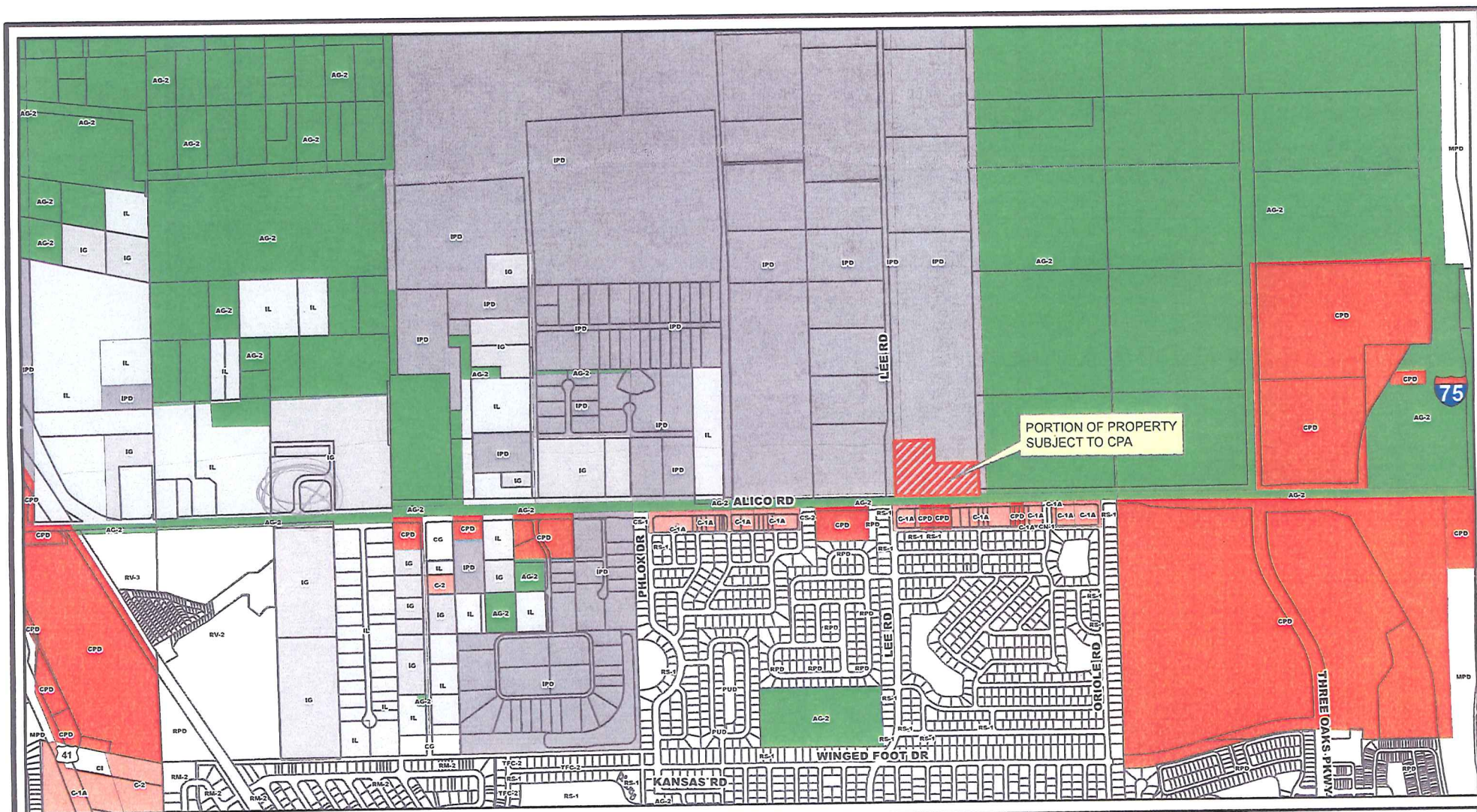
TOTAL PROJECT AREA	± 9.91 AC.
BUILDING AREA	± 175,000 S.F. (F.A.R. = ± 0.41)



4450 CAMINO REAL WAY • FORT MYERS, FLORIDA 33906  
PH: (239) 326-0024 FX: (239) 326-0034  
WWW.EN-SITE.COM  
PROJECT NO. 1054-11  
09-09-08

NOTES:  
1. CONCEPTUAL SITE PLAN ONLY AND MAY ALTER SIGNIFICANTLY PER FINAL SITE ENGINEERING.  
2. THE LOCATIONS, AMOUNTS, AND CONFIGURATIONS OF DEPICTED LAND USES ARE CONCEPTUALLY SHOWN AND ARE SUBJECT TO CHANGE DURING FINAL DESIGN AND PERMITTING.





## ZONING / LAND USE ANALYSIS

Formosa Parcel  
Alico Land Investment, LLC, 2503 Main Street  
Fort Myers Beach, FL 33931

Source: Lee County Property Appraisers Office

It is the end user's responsibility to verify the data contained herein. EnSite assumes no responsibility for errors or omissions contained herein.

### Legend

AG-1	C-1	C-2	IG
AG-2	C-1A	C-2A	IL
		CPD	IPD

FORMOSA SMALL  
SCALE CPA



1,000 500 0 1,000  
Feet

Date: 09-04-08

Map Number:  
1054-11-CPA-Zone-color

Project Number:  
1054-11







## **Justifications for Formosa Small Scale Comprehensive Plan Amendment September 8, 2008**

- Project site is approximately one mile from I-75 and can service travelers, employment centers and residential areas in near proximity;
- The proposed commercial land use designation will allow for continuation of an emerging commercial development pattern along this portion of Alico. This pattern will create a commercial corridor that lines the roadway, providing a segue, as well as a transitional use buffer to the industrial uses to the north and the residential uses to the south;
- The commercial land use designation will allow development of supportive uses for the surrounding industrial and residential areas;
- The proposed Commercial Land Use designation upholds the state planning policy to ensure adequate lands for suitable commercial and industrial centers, where suitable services are provided. The commercial designation of the subject property will allow for services that are supportive to the industrial uses of the area.
- There are 3,100 acres allocated for industrial development in the Gateway/Airport Planning Area, with approximately 2,837 still remaining to be developed. The conversion of 9.91 acres from Industrial FLU to Commercial FLU will not negatively impact the industrial development potential of this planning area. Because of its location on the Alico Road corridor frontage, the amendment will aesthetically enhance this industrial area as it relates to this road corridor. Alico Road is a major east/west roadway that not only accommodates the industrial traffic of the area, but is also used by the citizens of the county as well as visitors travelling to and from U.S. 41 to Interstate 75 and beyond. Development of this



corridor with commercial uses that are more in scale and architecturally appropriate to the roadway will beautify the corridor while providing services to surrounding areas and passersby.

- The proposed amendment utilizes the concepts of Smart Growth by:
  - Encouraging a mix of uses that will reduce vehicular trips and provide supportive uses for the surrounding employment centers and residential communities;
  - Provide efficient use of public infrastructure;
  - Encourages development of disturbed lands in an area already largely developed; and
  - Does not have any environmentally sensitive land impacts.

# **MISCELLANEOUS**

# **FORMOSA SMALL SCALE AMENDMENT**

**CPA2007-00061**

SEPTEMBER 29, 2008



## AREA LOCATION MAP

Formosa CPA  
Alico Land Investment, LLC

714 Fisherman's Wharf  
Fort Myers Beach, FL 33931

Source: Lee County Property Appraisers Office

It is the end user's responsibility to verify the data contained hereon.

FORMOSA CPA



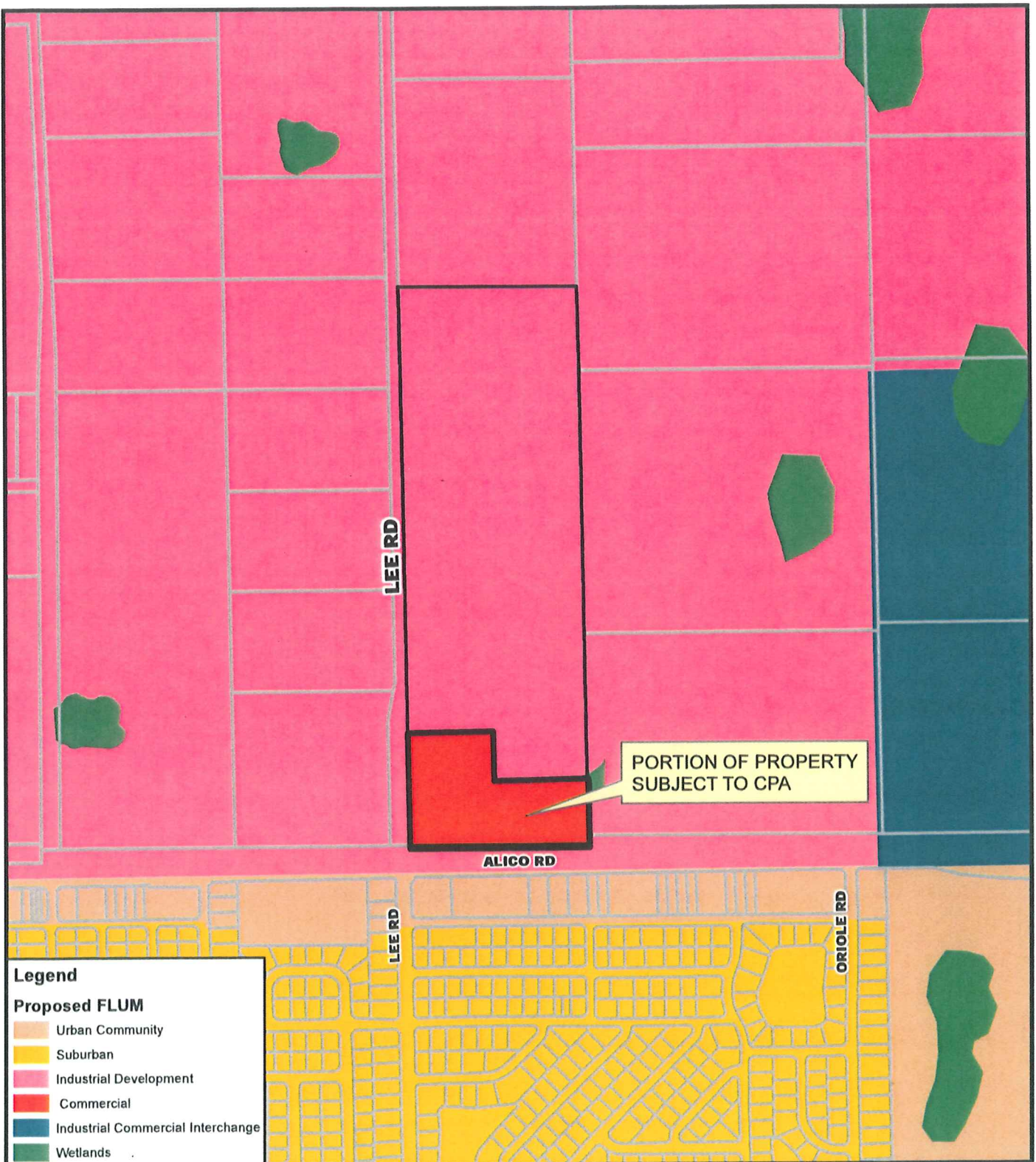
Date: 10-01-07

Map Number:  
1054-03-LOC

Project Number:  
1054-11

2,000 1,000 0 2,000  
Feet





#### Legend

##### Proposed FLUM

- Urban Community
- Suburban
- Industrial Development
- Commercial
- Industrial Commercial Interchange
- Wetlands



## Proposed Future Land Use Map MAP A2b

Formosa Parcel  
Alico Land Investment, LLC. 2503 Main Street  
Fort Myers Beach, FL 33931

Source: Lee County Property Appraisers Office

### FORMOSA SMALL SCALE CPA

700 350 0 700  
Feet

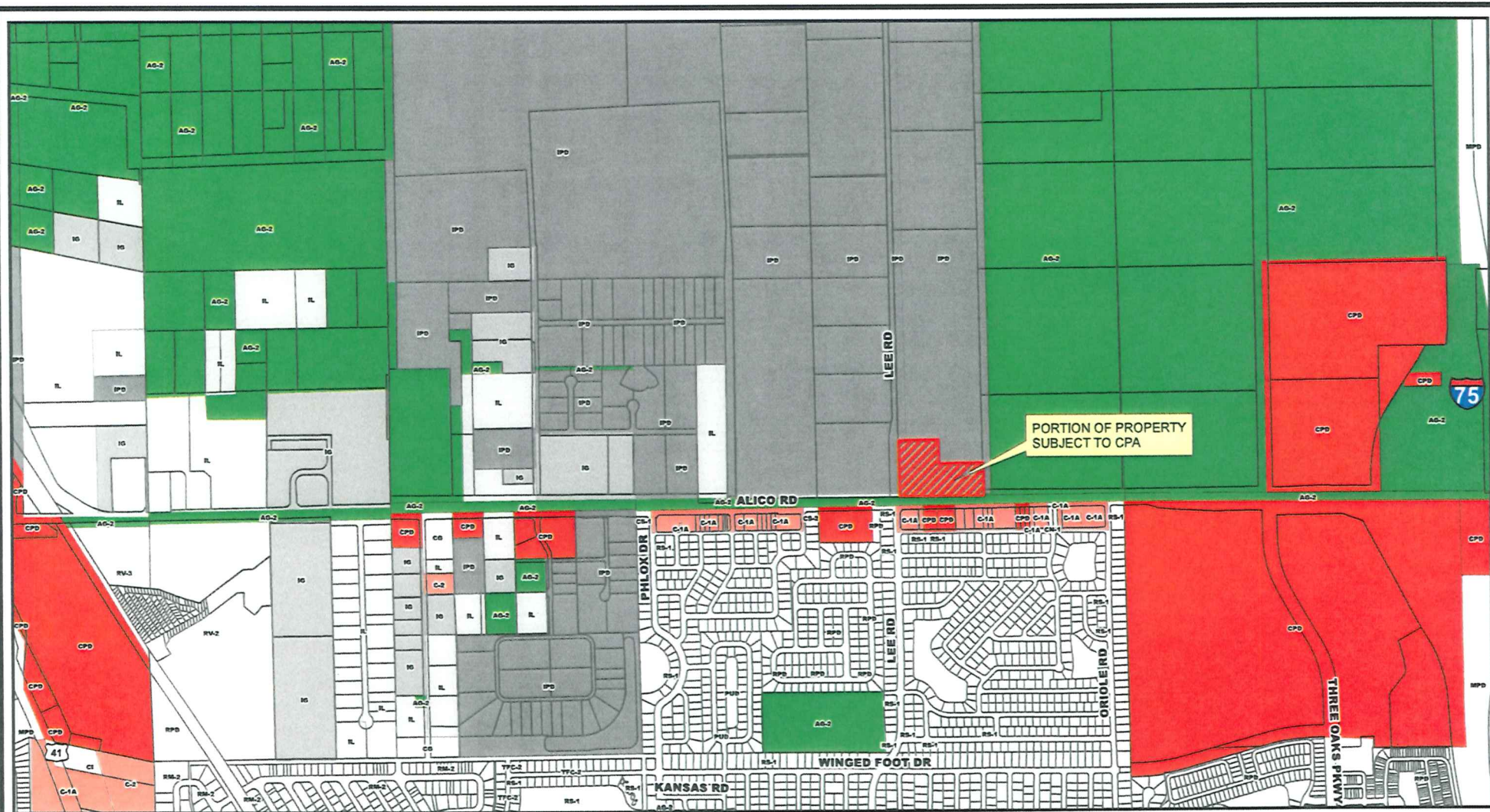


Date: 10-31-07

Map Number:  
1054-11-CPA-EX2B

Project Number:  
1054-11





## ZONING / LAND USE ANALYSIS

Formosa Parcel 2503 Main Street  
 Alico Land Investment, LLC. Fort Myers Beach, FL 33931

Source: Lee County Property Appraisers Office

It is the end user's responsibility to verify the data contained herein. EnSite assumes no responsibility for errors or omissions contained herein.

### Legend

ZONING	AG-3	C-2	IG
	AG-1	C-1	C-2A
	AG-2	C-1A	CPD
			IPD

### FORMOSA SMALL SCALE CPA



1,000 500 0 1,000  
 Feet

Date: 09-04-08

Map Number:  
1054-11-CPA-Zone-color

Project Number:  
1054-11





# AERIAL PHOTOGRAPH

FORMOSA SMALL  
SCALE CPA



Date: 09-24-08

Map Number:  
1054-11-HEARING-AER

Project Number:  
1054-11

4,000 2,000 0 4,000  
Feet

Source: Lee County Property Appraisers Office

It is the end user's responsibility to verify the data contained herein.



ensite

























Strauss  
Lighting

Golf Cars













RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

WHEREAS, an application was filed by the property owners, Formosa Commerce Center, LLC, and Lee Land Holdings, LLC, to rezone a 129.77±-acre parcel from Agricultural (AG-2) to Industrial Planned Development (IPD) in reference to a project known as Formosa Commerce Center; and,

WHEREAS, a public hearing was advertised and held on August 10, 2005, before the Lee County Zoning Hearing Examiner, Diana M. Parker. Written submissions were requested by the Hearing Examiner at the close of hearing with due dates of August 12, 2005, and August 22, 2005. The Hearing Examiner gave full consideration to the evidence in the record for Case #DCI2004-00092; and,

WHEREAS, a second public hearing was advertised and held on November 7, 2005, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS:

SECTION A. REQUEST

The applicant filed a request to rezone a 129.77±-acre parcel from AG-2 to IPD to allow 1.1 million square feet of industrial uses, and 30,000 square feet of commercial uses. Maximum building height is 65 feet (three stories). Blasting was not requested. The property is located in the Industrial Development, Wetlands, and Rural Future Land Use Categories and is legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions and deviation specified in Sections B and C below.

SECTION B. CONDITIONS:

All references to uses are as defined or listed in the Lee County Land Development Code (LDC).

1. Development must be consistent with the two-page Master Concept Plan (MCP) entitled "ZONING MASTER CONCEPT PLAN: FORMOSA COMMERCE CENTER, LLC" stamped received November 17, 2005, (attached as Exhibit B) except as modified by the conditions below.

2. The following limits apply to the project and uses:

A. Schedule of Uses

All uses, including those with an asterisk, are permitted on Lots 10-43 and Lots 48-65, as may be further limited below. All uses with an **asterisk** are permitted on Lots 1-9 and Lots 44-47.

- \*Accessory Uses and Structures
- \*Administrative Offices
- \*Agricultural Services: Office/Base operations
- \*Agricultural Uses and Agricultural Accessory Uses - See Agricultural Condition.
- \*Animals: Clinic or Kennel (No outdoor runs).
- \*ATM - Automatic Teller Machine
- Automobile Service Station
- Auto Repair and Service, Groups I and II
- \* Bait and Tackle Shop
- \* Boat Parts Store
- Boats: Boat Rental, Boat Repair and Service, Boatyard
- \* Broadcast Studio, Commercial Radio and Television
- \* Building Material Sales
- \* Business Services, Groups I and II
- Bus Station/Depot
- \* Cleaning and Maintenance Services
- Cold Storage, Pre-Cooling, Warehouse
- \* Computer and Data Processing Services
- \* Consumption on Premises, in conjunction with a Restaurant or Night Club (See LDC Sec. 34-1264)
- \* Contractors and Builders, Groups I, II and III. Lots 1-9, 44-47 limited to Groups I and II only
- \* Drive through facility for any permitted use
- \* Emergency Operations Center
- \* EMS, Fire or Sheriff's Station
- \* Entrance Gate and Gatehouse
- \* Essential Services
- \* Essential Service Facilities, Groups I & II (Lots 1-9, 44-47 limited to Group I only)
- \* Excavation, Water Retention. Excavated material may not be removed from the site.
- \* Factory Outlets, Point of Manufacture Only
- Farm Equipment, Sales, Storage, Rental or Service
- \* Fences, Walls
- Flea Market, Open
- \* Food Stores, Groups I and II / Lots 1-9, 44-47 limited to Group I only
- \* Gasoline Dispensing Systems, Special
- Government Maintenance Facility
- \* Health Care Facilities, Group III
- \* Laundry or Dry Cleaning, Groups I and II



Manufacturing of

- \* Apparel Products
- Boats
- Chemical and Allied Products: Groups I and II. Lots 1-9, 44-47 limited to Group I only.
- \* Electrical Machinery and Equipment
- Fabricated Metal Products, Groups I, II and III
- \* Food and Kindred Products, Group III
- \* Furniture and Fixtures
- \* Leather Products, Group II
- \* Lumber and Wood Products, Groups I, II, III, IV, V and VI. Lots 1-9, 44-47 limited to Group II only.
- \* Machinery, Groups I, II and III / Lots 1-9, 44-47 limited to Group I and II only
- \* Measuring, Analyzing and Controlling Instruments
- \* Novelties, Jewelry, Toys, and Signs: Groups I, II and III
- \* Paper and Allied Products, Groups II and III.
- Rubber and Plastic Products, Group II
- Stone, Clay, Glass and Concrete Products: Groups I, II, III and IV
- Textile Mill Products, Groups I, II, and III
- Transportation Equipment, Groups I, II and III
- \* Medical Office - Limited to Lots 1-9, 44-47.
- \* Motion Picture Production Studio
- \* Nightclub - Limited to Lots 1-9, 44-47. Maximum 6,000 square feet.
- \* Nonstore Retailer, Groups I, II, and III
- \* Parcel and Express Services
- \* Parking Lot, Accessory, Garage - Public Parking, Temporary
- \* Personal Services, Groups I and III
- \* Photofinishing Laboratory
- \* Post Office
- \* Printing and Publishing
- Processing and Warehousing
- \* Recreational Facilities: Personal, Private - On- Site, ~~Private Off Site.~~
- Recycling Facility
- \* Rental or Leasing Establishment, Groups, II, III and IV / Lots 1-9, 44-47 limited to Groups II and III only.
- \* Repair Shops, Groups I, II, III, IV and V / Lots 1-9, 44-47 limited to Groups I, II and III only.
- \* Research and Development Laboratories, Groups II and IV
- \* Restaurants, Group I, II, III, IV / Limited to Lots 1-9, 44-47.
- \* Restaurants, Fast Food
  - No stand-alone fast-food restaurants. Fast-food within a multi-occupancy building may be permitted on Lots 1-9, 44-47.
- \* Retail and Wholesale Sales when clearly incidental and subordinate to a permitted principal use on the same premises.
- Salvage and Disposal of Materials, limited to auto junkyards and impound yards (See LDC Sec.34-2441 et. seq.) Lots 63-65 only
- \* Schools, Commercial

~~Self-Service Fuel Pumps~~ [Disputed]

\* Signs, in accordance with Chapter 30

\* Social Services, Group II

Storage

\* Indoor Only

Open Storage

Transportation Services, Groups II, III and IV / Lots 1-9, 44-47 limited to Groups II and III only

Truck Stop, Trucking Terminal

\* Vehicle and Equipment Dealers, Groups I, II, III, and IV / Lots 1-9, 44-47 limited to Groups I and II only

\* Warehouse

\* Mini-warehouse

\* Private

\* Public

Wireless Communication Facilities - See Condition 8. Lots 14-40 only

\* Wholesale Establishments - Groups I, III and IV

\* Wrecking Yard: Auto and Other

Schedule of Uses - Lot 66

Accessory Uses and Structures

Administrative Offices

Agricultural Services: office/base operations

Agricultural Uses and Agricultural Accessory Uses - See Agricultural Condition.

ATM - Automatic Teller Machine

Bait and Tackle Shop

Broadcast Studio, Commercial Radio and Television

Business Services, Groups I and II

Cleaning and Maintenance Services

Computer and Data Processing Services

Contractors and Builders, Groups I and II

Drive-thru facility for any permitted use

Entrance Gate and Gatehouse

Essential Services

Essential Service Facilities, Group I only

Excavation, Water Retention. Excavated material may not be removed from the site.

Factory Outlets, Point of Manufacture Only

Fences, Walls

Gasoline Dispensing Systems, Special

Health Care Facilities, Group III

Laundry or Dry Cleaning, Groups I and II

Manufacturing of

Apparel Products

Chemical and Allied Products: Group I only.

Electrical Machinery and Equipment

Leather Products: Group II only

Machinery, Groups I and II / Assembly only.  
Measuring, Analyzing and Controlling Instruments  
Novelties, Jewelry, Toys, and Signs: Groups I, II and III  
Paper and Allied Products, Group II only  
Stone, Clay, Glass and Concrete Products: Group I only  
Textile Mill Products, Groups I and II only  
Motion Picture Production Studio  
Nonstore Retailer, Groups I, II, and III  
Parking Lot, Accessory, Temporary  
Personal Services, Groups I and III  
Photofinishing Laboratory  
Post Office  
Printing and Publishing  
Processing and Warehousing  
Recreational Facilities: Personal, Private - On- Site  
Rental or Leasing Establishment, Groups II and III  
Repair Shops, Groups I, II and III  
Research and Development Laboratories, Groups II and IV  
Retail and Wholesale Sales when clearly incidental and subordinate to a permitted principal use on the same premises.  
Schools, Commercial  
Signs in Accordance, with Chapter 30  
Social Services, Group II  
Storage  
    Indoor Only  
Transportation Services - Group II only  
Warehouse  
    Mini-warehouse  
    Private  
    Public  
Wholesale Establishments, Group III only

B. Site Development Regulations

Minimum Lot Area and Dimensions:

Area: 10,000 square feet  
Width: 100 feet  
Depth: 100 feet

Minimum Setbacks:

Street: In accordance with § 34-2192(a) of the LDC.  
Side: 15 feet  
Rear: 15 feet

Water Body: 25 feet

Maximum Building Height: 45 feet (three stories) - without wetland restoration as recommended by staff.

Area of Reduced Intensity(Portion of Lot 66) - three stories / 30 feet (See MCP)

Area of Reduced Intensity (Portion of Lot 66) - two stories / 24 feet. (See MCP)

Minimum Building Separation:

One-half the sum of the heights of both buildings, or 20 feet, whichever is greater.

Maximum Lot Coverage: 40 percent

Development Perimeter Building Setback: 25 feet

3. Development Parameters

- A. A maximum of 1.1 million square feet of industrial uses and 30,000 square feet of commercial office/retail will be permitted on +/-129.77 acres of land, not to exceed a total of 2,499 parking spaces.
- B. At the time of local development order, the developer must provide a cumulative land development summary table indicating the square footage of commercial, acreage of commercial and industrial uses, and the number of commercial and the number of industrial parking spaces to ensure that the project does not exceed the Development of Regional Impact (DRI) thresholds set forth in Florida Administrative Code (FAC) 28-24.014.; and
- C. The land use totals may not exceed the mixed use DRI threshold set forth in FAC 28-24.014 without the submission and approval of an Application for Development Approval in accordance with Chapter 380 FS.

4. Environmental Conditions

- a. Prior to local development order approval, the development order plans must reflect a minimum of 11.8 acres of common open space. Individual parcels within the development must also provide a minimum of 11 percent of each parcel as open space for industrial uses, and a minimum of 21 percent of each parcel as open space for commercial uses.
5. All industrial or commercial buildings and structures located on or in proximity to Alico Road (Lots 1-9 and 44-47) must comply with LDC Chapter 10, Article IV, Design Standards and Guidelines for Commercial Buildings and Development.
6. Land within the Rural Future Land Use Category (located on the northern 150 feet of Lot 66) may be used for water management, wetland preserve, buffering, open space, and accessory parking only.



7. Accessory uses must be located on the same tract, parcel or outparcel where a principal use is located. Accessory uses must be incidental and subordinate to the principal use of the tract, parcel or outparcel.
8. WIRELESS COMMUNICATION FACILITIES
  - a. Freestanding Wireless Communication Facilities (only monopole type towers) are limited to one (1) for the entire 129.77-acre site, if approved in accordance with LDC § 34-1441, et. seq.
  - b. Wireless Communication Facilities are limited to the monopole design only, and are restricted to the southern one-half of the site.
  - c. Other Wireless Communication Facilities (including wall-mounted and roof-mounted antennas) may be approved in accordance with LDC Sec. 34-1441, et. seq.
  - d. Federal Communication Commission review will be required for wireless communication facilities to ensure that signals from the wireless communication facilities do not interfere with navigation aids and radar at the Lee County Port Authority (and airport).
  - e. Wireless Communication Facilities, if approved in accordance with LDC § 34-1441, et. seq. are permitted on Lots 14-40. Wireless Communication Facilities may not exceed 90 feet in height above average grade level (AGL), without a Special Exception. Wireless Communication Facilities greater than 90.1 feet and less than 149 feet must first obtain Special Exception approval. Wireless communication facilities exceeding 149 feet in height must be in accordance with LDC § 34-1441, et. seq., including variance criteria set out in LDC Sec. 34-1453.
  - f. Before the approval of a freestanding Wireless Communication Facility, the developer must demonstrate that attempts to collocate on existing towers in the area were not successful in achieving the desired goals for coverage.
9. Development will be subject to Lee County LDC Sec. 34-1008 "Permit for Tall Structures." Depending on the height and location of the proposed structures, review and approval by the Federal Aviation Administration (FAA) and the Lee County Port Authority may be necessary to determine airspace impacts of proposed permanent buildings, wireless communication facilities, and any temporary construction equipment cranes within the site.
10. The subject property is located within the area the Southwest Florida International Airport FAR Part 150 Study has identified as noise sensitive. It is located within the 60 DNL Contour area as depicted on the 2020 Composite DNL Contours Map.

Noise sensitive land uses (including residential dwelling units, places of worship, libraries, schools, hospitals, correctional institutions, or nursing homes) are prohibited pursuant to LDC § 34-1006 et. seq. as amended.

11. AGRICULTURAL USES: Existing bona fide agricultural uses on this site in the form of cattle grazing are allowed only in strict compliance with the following:
- a. The bona fide agricultural uses in existence at the time the application for rezoning was filed in the area of cattle grazing was shown on Exhibit C attached hereto. Cattle grazing may continue until approval of a local development order for the area of the project containing that use.
  - b. Additional clearing of trees or other vegetation in agricultural areas is prohibited. Existing areas of bona fide agricultural use may be maintained, i.e., mowed, but not cleared or expanded. This prohibition is not intended to preclude County approved requests for the removal of invasive exotic vegetation.
  - c. Prior to issuance of a local development order, the property owner must provide written proof, subject to approval by the County Attorney's Office, of the following:
    - (1) Termination of all agricultural use on any portion of the property included in the development order application/approval. Proof must include a sworn affidavit from the person or entity holding title to the property that specifically provides:
      - a) the date the agricultural uses ceased;
      - b) the legal description of the property subject to the development order approval;
      - c) an affirmative statement that the owner acknowledges and agrees that all agricultural uses are illegal and prohibited on the property and that the owner covenants with the county that they will not allow any such uses on the property unless and until the property is rezoned to permit such uses; and,
      - d) that the affidavit constitutes a covenant between the owner and the county that is binding on the owner and their assignees and successors in interest.

The covenant must be properly recorded in the public records of the county at the owner's expense.
    - (2) Termination of the agricultural tax exemption for any portion of the property included in the development order application/approval. Proof as to termination must include of a copy of the request to terminate the tax exemption provided to the Property Appraiser.
12. Development blasting has not been requested as part of this planned development. No development blasting is permitted unless approved at a subsequent public hearing as an amendment to the IPD approvals.

13. Buildings exceeding 35 feet in height must maintain additional building separation and setbacks as regulated by LDC §§ 34-2174(a) and 34-935(e)(4).
14. If the Tracts shown on the MCP are substantially reconfigured, either subdivided or recombined, the developer must amend the IPD approvals in accordance with LDC § 34-380.
15. Approval of this IPD zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Lee County LDC may be required to obtain a local development order.
16. Approval of the IPD rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b), be reviewed for, and found consistent with, the retail commercial standards for site area, including range of gross floor area, location, tenant mix and general function, as well as all other Lee Plan provisions.
17. Development must comply with all requirements of the Lee County LDC at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.
18. Deleted during hearing.
19. Due to the proximity to the airport runways, buildings in excess of 45 feet in height, including wireless communication facilities, may only be approved if, after review by the Federal Aviation Administration and the Lee County Port Authority, they are found not to be an obstruction to air traffic.
20.
  - a. Alico Road: The developer must provide an enhanced Type "D" buffer along Alico Road. The enhanced Type D buffer must consist of 10 trees per 100 linear feet, 30 shrubs per 100 linear feet (24-inch height, 3-gallon container size at planting, & maintained at a minimum 36-inch height); and 25 shrubs per 100 linear feet (48-inch height at planting and maintained at a minimum 60-inch height). The buffer must be placed outside of any easements. The trees must be a variety of native tree such as Florida slash pines and sabal palms, and may be installed in clusters to provide a more natural looking vegetative pattern.
  - b. North Property Line: As part of the initial development order and prior to the issuance of a Certificate of Compliance for any part of the development, a 75-foot-wide buffer with a 12-foot height berm (maximum 3:1 slope) must be provided along the north property line and must be planted with 25 native trees (minimum 10-foot height, 2-inch caliper at planting) per 100 linear feet. The buffer must be designed to provide 10 trees per 100 linear feet along the top of the berm with the remaining 15 trees per 100 linear feet staggered along the north side of the berm to allow the trees to grow in a healthy natural form. A minimum of three tree species including but not limited to live oak, south Florida slash pine and wax myrtle that will provide

a varying level of mature height must be provided to create, to the greatest extent possible, a dense vegetative barrier across the top of the berm and vegetative cover on the north face of the berm (See attached Exhibit D). All other areas of the berm must be sodded or mulched, as appropriate, and properly maintained.

The berm will be connected to the adjacent berm to the west within the Alico 254 IPD project so that there is one continuous berm. The height of the berm will be measured from the existing grade elevation on the Formosa Commerce IPD site, and will extend across the full width of the property. Existing grade elevation will be established at no less than 18' ngvd. Additionally, the developer will provide an opaque screen two feet higher than 32' ngvd in the form of trees, or additional berm material. If the grade elevation on the Formosa Commerce IPD site is different than that of the Alico 254 site, the finished height of the berm on the Formosa site must be level with that of the Alico 254 berm. In no case will the top of the Formosa IPD berm be less than 32' ngvd in height.

- c. 3.2-acre Preserve: As part of the initial development order, and prior to the issuance of a Certificate of Compliance for any part of the development, the approximately 3.2-acre wetland preservation (0.49 acres) and the native upland restoration area (2.7 acres) will be restored consistent with the attached restoration plan dated August 9, 2005. The restoration plantings will include 595 3-gallon container size wax myrtles and 795 3-gallon container size south Florida slash pines to be installed in a random manner within the 2.7-acre upland restoration area. The developer must provide a structural barrier, i.e. chain link or wrought iron fence, must be provided between any lot, development area and the preserves.

- 21. All required buffers must utilize 100% native vegetation.
- 22. UNIFIED DRAINAGE PLAN. The developer must submit and receive approval of a unified drainage plan for the entire site from the Division of Development Services prior to any approval from the Department of Community Development for vertical construction activities. If the Tracts shown on the MCP are substantially reconfigured, an updated unified drainage plan must also be submitted to and approved by the Division of Development Services prior to approval of vertical construction activities from the Department of Community Development. (Also See Condition 14).

#### SECTION C. DEVIATIONS:

- 1. Deviation (1) seeks relief from the LDC §10-415(b) requirement that large developments must provide 50 percent of the required open space as indigenous preservation to allow the preservation and restoration of 3.2 acres of indigenous native vegetation. This deviation is APPROVED, SUBJECT TO Condition 20.C., above.
- 2. Deviation (2) - withdrawn during hearing.



#### SECTION D. EXHIBITS AND STRAP NUMBER:

The following exhibits are attached to this resolution and incorporated by reference:

- Exhibit A: Legal description of the property
- Exhibit B: Master Concept Plan stamped Received November 17, 2005
- Exhibit C: Bona Fide Agricultural Uses Affidavit (cattle grazing)
- Exhibit D: Planting Plan for Northern Property Line
- Exhibit E: Restoration Area Detail
- Exhibit F: Zoning Map (subject parcel identified with shading)

The applicant has indicated that the STRAP numbers for the subject property are:  
04-46-25-00-00001.0070 & 04-46-25-00-00001.0080

#### SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the IPD rezoning by demonstrating compliance with the Lee Plan, the LDC, and other applicable codes or regulations.
2. The IPD rezoning, as approved:
  - a. meets or exceeds the performance and locational standards set forth for the potential uses allowed by the request; and,
  - b. is consistent with the densities, intensities and general uses set forth in the Lee Plan; and,
  - c. is compatible with existing or planned uses in the surrounding area; and,
  - d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and,
  - e. will not adversely affect environmentally critical areas or natural resources.
3. The IPD rezoning satisfies the following criteria:
  - a. the proposed use or mix of uses is appropriate at the subject location; and
  - b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and
  - c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.
4. Urban services, as defined in the Lee Plan, will be available and adequate to serve the proposed land use.

5. The approved deviations, as conditioned, enhance achievement of the planned development objectives, and preserve and promote the general intent of LDC Chapter 34, to protect the public health, safety and welfare.

The foregoing resolution was adopted by the Lee County Board of Commissioners upon the motion of Commissioner John E. Albion, seconded by Commissioner Robert P. Janes and, upon being put to a vote, the result was as follows:

Robert P. Janes	Aye
Douglas R. St. Cerny	Absent
Ray Judah	Aye
Tammara Hall	Aye
John E. Albion	Aye

DULY PASSED AND ADOPTED this 7th day of November 2005.

ATTEST:  
CHARLIE GREEN, CLERK

BY: *Isa Pierce*  
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY: *Tammara Hall*  
Tammara Hall, Chairwoman



Approved as to form by:

*Donna Marie Collins*  
Donna Marie Collins  
County Attorney's Office

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2005 DEC -6 PM 3:10

DESCRIPTION

A PARCEL OF LAND BEING THE SAME LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3883, PAGE 2464 AND 2483 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, SECTION 4, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTH 1/4 CORNER OF SAID SECTION 4; THENCE NORTH 00°59'17"WEST ALONG THE NORTH-SOUTH 1/4 SECTION LINE, A DISTANCE OF 100.01 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF ALICO ROAD AS DESCRIBED IN THE ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 3208, PAGE 357 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE NORTH 89°38'46"EAST ALONG SAID NORTH LINE, A DISTANCE OF 1.19 FEET TO AN ANGLE POINT; THENCE NORTH 89°44'24"EAST ALONG SAID NORTH LINE, A DISTANCE OF 226.21 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00°59'17"WEST ALONG A LINE THAT IS PARALLEL TO SAID NORTH-SOUTH 1/4 SECTION LINE, A DISTANCE OF 6175.65 FEET TO A POINT ON THE SOUTH DRAINAGE RIGHT OF WAY LINE RECORDED IN OFFICIAL RECORDS BOOK 3442, PAGE 3231 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE NORTH 89°06'32"EAST ALONG SAID SOUTH LINE, A DISTANCE OF 910.22 FEET TO A POINT ON A LINE THAT IS 1506.33 FEET WEST OF AND PARALLEL TO THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 4; THENCE SOUTH 01°05'06"EAST ALONG SAID PARALLEL LINE, A DISTANCE OF 3659.51 FEET TO AN ANGLE POINT; THENCE SOUTH 00°59'09"EAST ALONG A LINE THAT IS 1506.33 FEET WEST OF AND PARALLEL TO THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 4, A DISTANCE OF 2526.25 FEET TO A POINT ON SAID NORTH RIGHT OF WAY LINE OF ALICO ROAD; THENCE SOUTH 89°44'24" WEST ALONG SAID NORTH LINE, A DISTANCE OF 916.38 FEET TO THE POINT OF BEGINNING. CONTAINING 129.77 ACRES, MORE OR LESS.

SUBJECT TO A 170 FOOT WIDE FLORIDA POWER AND LIGHT EASEMENT AS DESCRIBED IN OFFICIAL RECORDS BOOK 876, PAGE 610-613 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

THE BEARINGS ARE BASED ON THE SOUTH LINE OF SAID SOUTHEAST 1/4 OF SECTION 4, BEING NORTH 89°44'24"EAST AS ASSUMED MERIDIAN.

Applicant's Legal Checked  
by Lgm 4/28/05

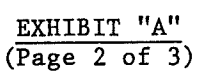
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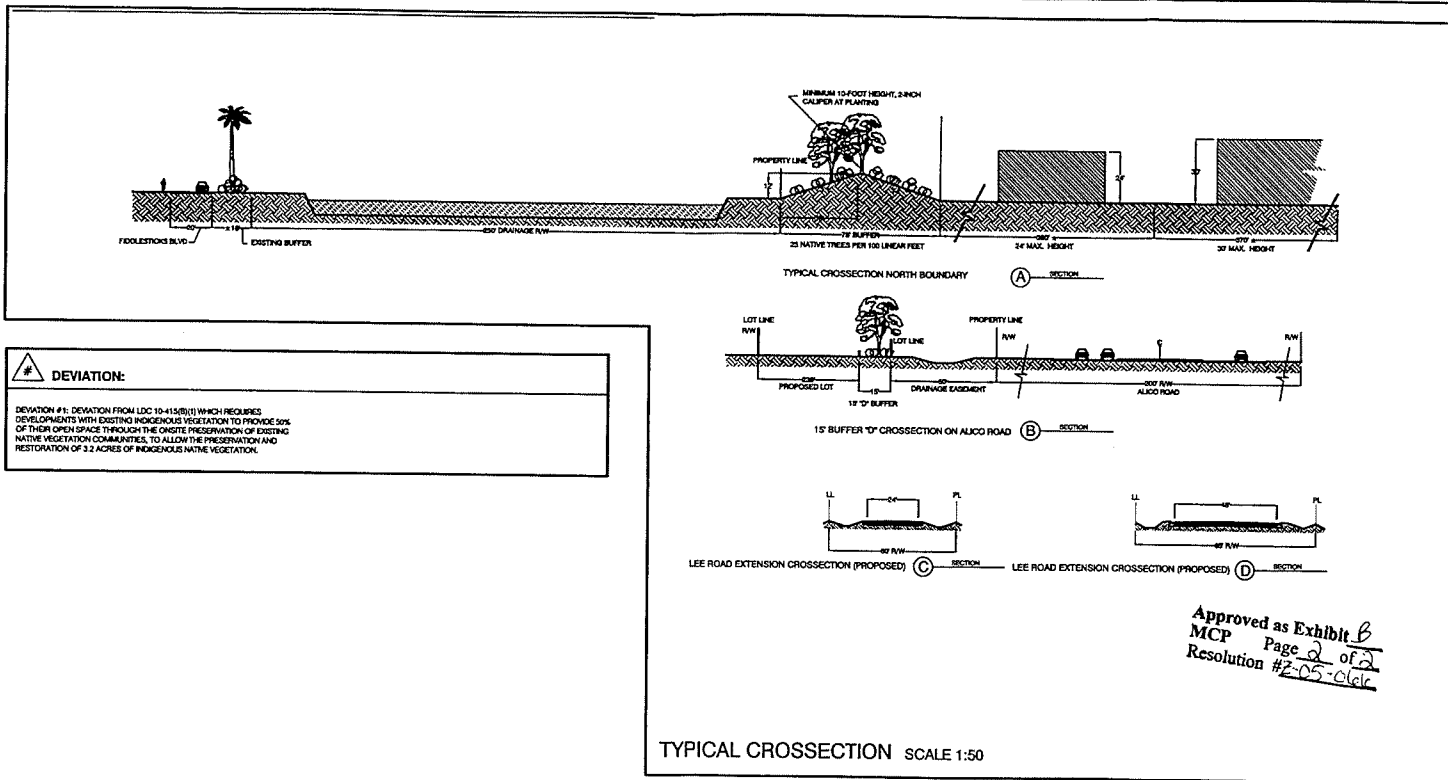
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Approved as Exhibit B  
MCP Page 2 of 2  
Resolution #2-05-0616

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DCI 2004-00092

REVIEWED  
Reviewed per 01/00/05 Sufficiency Review Letter  
Reviewed per 02/18/05 Sufficiency Review Letter  
Reviewed per 03/02/05 Sufficiency Review Letter  
Reviewed per 03/02/05 Sufficiency Review Letter  
Reviewed per 11/11/05 Lee County Administrator's Office (11/17/05)

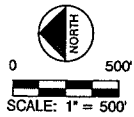
EXHIBIT B  
Page 2 of 2

ZONING MASTER CONCEPT PLAN  
FORMOSA COMMERCE CENTER, LLC  
FORMOSA COMMERCE CENTER  
2000 Lee County Parkway, Suite 200, Leesville, SC 29563

MORRIS - DEPEW ASSOCIATES, INC.  
ENGINEERS + PLANNERS + SURVEYORS + LANDSCAPE ARCHITECTS  
2000 Lee County Parkway, Suite 200, Leesville, SC 29563

MD

DATE PROJECT: 04/03/05  
DESIGNED BY: CWF  
CHECKED BY: AZ  
DATE: 4/14/05  
SHEET: 2/2



Approved as Exhibit  
MCP Page 1 of 2  
Resolution #2-05-18-b

AG-2  
VACANT  
FLUM. INDUSTRIAL  
DEVELOPMENT

AG-2  
VACANT  
FLUM. INDUSTRIAL  
DEVELOPMENT

AREA OF REDUCED INTENSITY & HEIGHT  
24' MAX. HEIGHT 30' MAX. HEIGHT  
-372' -300'

25' DRAINAGE EASEMENT

NO BUFFER REQUIRED

RESTORATION AREA  
5.8 AC ± TOTAL

75' WIDE VEGETATED BUFFER  
WITH 12' HIGH BERM

IPD  
VACANT  
FLUM. INDUSTRIAL  
DEVELOPMENT

IPD  
VACANT  
FLUM. INDUSTRIAL  
DEVELOPMENT

SITE AREA = 129.8 AC ±  
REQUIRED OPEN SPACE = 129.8 x 20% = 26 AC ±

OPEN SPACE:  
INDIGENOUS PRESERVATION = 0.5 AC ±  
INDIGENOUS RESTORATION = 2.7 AC ±  
TOTAL INDIGENOUS = 3.2 AC ±

75' BUFFER = 1.6 AC ±  
ALCO RD EASEMENT & BUFFER = 1.4 AC ±

100' DRAINAGE EASEMENT = 5.6 AC ±  
TOTAL COMMON OPEN SPACE = 11.8 AC ±

REMAINING 114.2 AC OF OPEN SPACE WILL BE PROVIDED  
ON INDIVIDUAL LOTS, WHICH EQUALS 11% PER LOT

24' MAX. HEIGHT  
30' MAX. HEIGHT  
45' MAX. HEIGHT

LOT AREAS  
1-5 = 0.75 AC ±  
6-33, 40-43 = 0.76 AC ±  
44-60 = 0.5 AC ± (LATERAL LOTS)  
34, 35 = 1.3 AC ±  
36, 37 = 1.9 AC ±  
38, 39 = 1.5 AC ±  
61 = 1.0 AC ±  
62 = 1.7 AC ±

△ DEVIATION

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PERMIT COUNTER

DCI 2004-00092

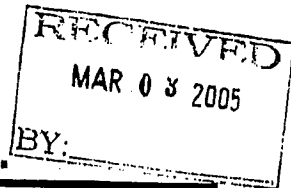
Reviewed per 01/10/05 Sufficiency Review Letter  
Reviewed per 02/18/05 Sufficiency Review Letter  
Reviewed per 05/20/05 Sufficiency Review Letter  
Reviewed per 11/14/05 Lee County Attorney's Office  
(11/17/05)

EXHIBIT B  
Page 1 of 2

ZONING MASTER CONCEPT PLAN  
FORMOSA COMMERCE CENTER, LLC  
FORMOSA COMMERCE CENTER  
Sharon Ott, 1415 S. Lee County, Texas

MORRIS - DEPEW ASSOCIATES, INC.  
040320  
CHECKED BY: DWP  
DESIGNED BY: AZ  
4/1/2005  
SHEET  
1/2

**Formosa Commerce Center L.L.C.**



February 14, 2005

Lee County Department of Community Development  
Zoning Division  
P.O. Box 398  
Fort Myers, Florida 33902-0398

**RE: Formosa Commerce Center**

To Whom it May Concern:

Please accept this statement as the notarized statement required pursuant to Section 34-202(b)(7) of the LDC. The owner is required to provide a notarized statement describing the type and intensity of the bona fide agricultural uses in existence on the date of zoning approval.

The type of agricultural use on the property is **cattle grazing**.

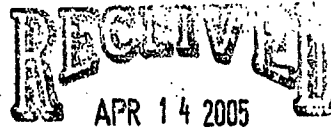
The area of the property subject to cattle grazing is the **entire parcel of 130± acres**.

The intensity of use is the number of cattle that can be adequately accommodated by the parcel; this is determined in part by the health and amount of the vegetation which can vary from time to time.

Further, the continuation of these agricultural uses is supported by the comprehensive plan, policy 9.2.2.

*Planned development rezonings within the Future Urban Areas must not establish new, or expand existing, agricultural uses. Bona fide agricultural uses that exist at the time of rezoning may be approved and the use allowed to continue until development commences. The approved existing agricultural uses must not expand beyond the boundaries that existed at the time of rezoning. Existing agricultural uses within any tract or phase must be discontinued upon local development order approval including that tract or phase.*

**DCI2004-00092**




Page 1 of 2

**COUNTER**



October 20, 2004

I have reviewed the above statements and submit that they are true and correct.

By:   
Maylene Kiang Wu, Managing Member  
Formosa Commerce Center, LLC

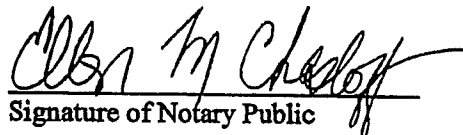
STATE OF FLORIDA  
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 27 day of February,  
2005, by \_\_\_\_\_, who is personally known to me or who has produced  
\_\_\_\_\_ as identification and who did (did not) take an oath.

(Notary Seal)

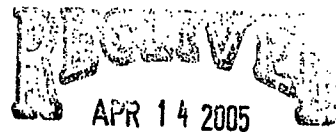


Ellen M. Chesloff  
My Commission DD245384  
Expires January 03, 2007

  
Signature of Notary Public

Ellen M Chesloff  
(Print, type or stamp commissioned  
Name of Notary Public)

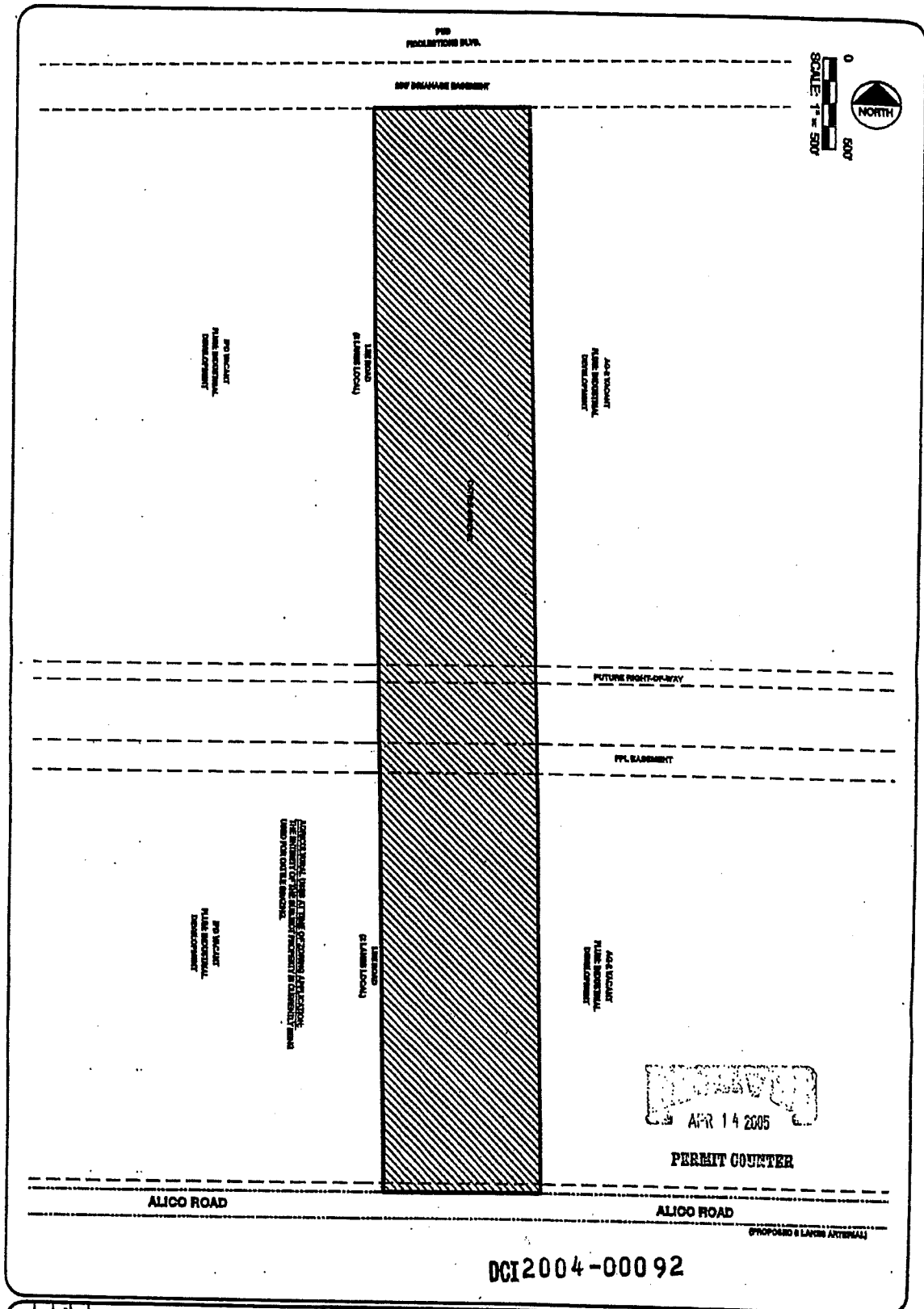
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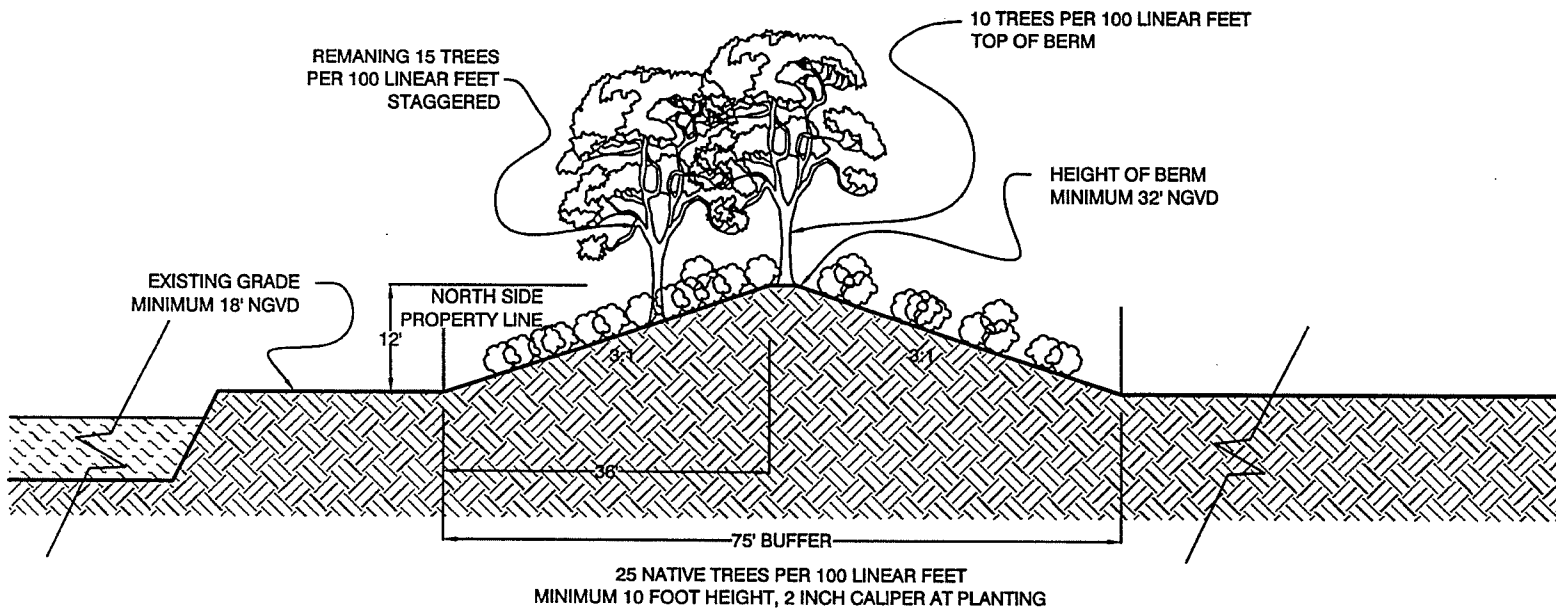
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DCI2004-00092

Page 2 of 2



MD MORRIS - DEPEW ASSOCIATES, INC. ENGINEERS • PLANNERS • ARCHITECTS & DESIGNERS 200 South Lane 100, Suite 100, P.O. Box 200, 200 S. Lane 100, P.O. Box 200	AGRICULTURAL USES AT TIME OF REZONING APPLICATION	FORMOSA COMMERCE CENTER, LLC FORMOSA COMMERCE CENTER 1000 S. Lane 100, Suite 100, P.O. Box 200
	EXHIBIT "C"	



TYPICAL CROSSECTION OF NORTH BOUNDARY BUFFER  
EXHIBIT "D"

0 20'  
SCALE: 1" = 20'

EXHIBIT

EXHIBIT "D" - BUFFER DETAIL -

FORMOSA COMMERCE CENTER, LLC  
FORMOSA COMMERCE CENTER  
Section 04, 1-16-S, R-25-E, Lee County, Florida

MORRIS - DEPEW ASSOCIATES, INC.  
ENGINEERS • PLANNERS • SURVEYORS & MAPPERS  
2001 Alameda Avenue • Fort Myers, Florida 33901 • 407-336-7700 • FAX 407-336-7701



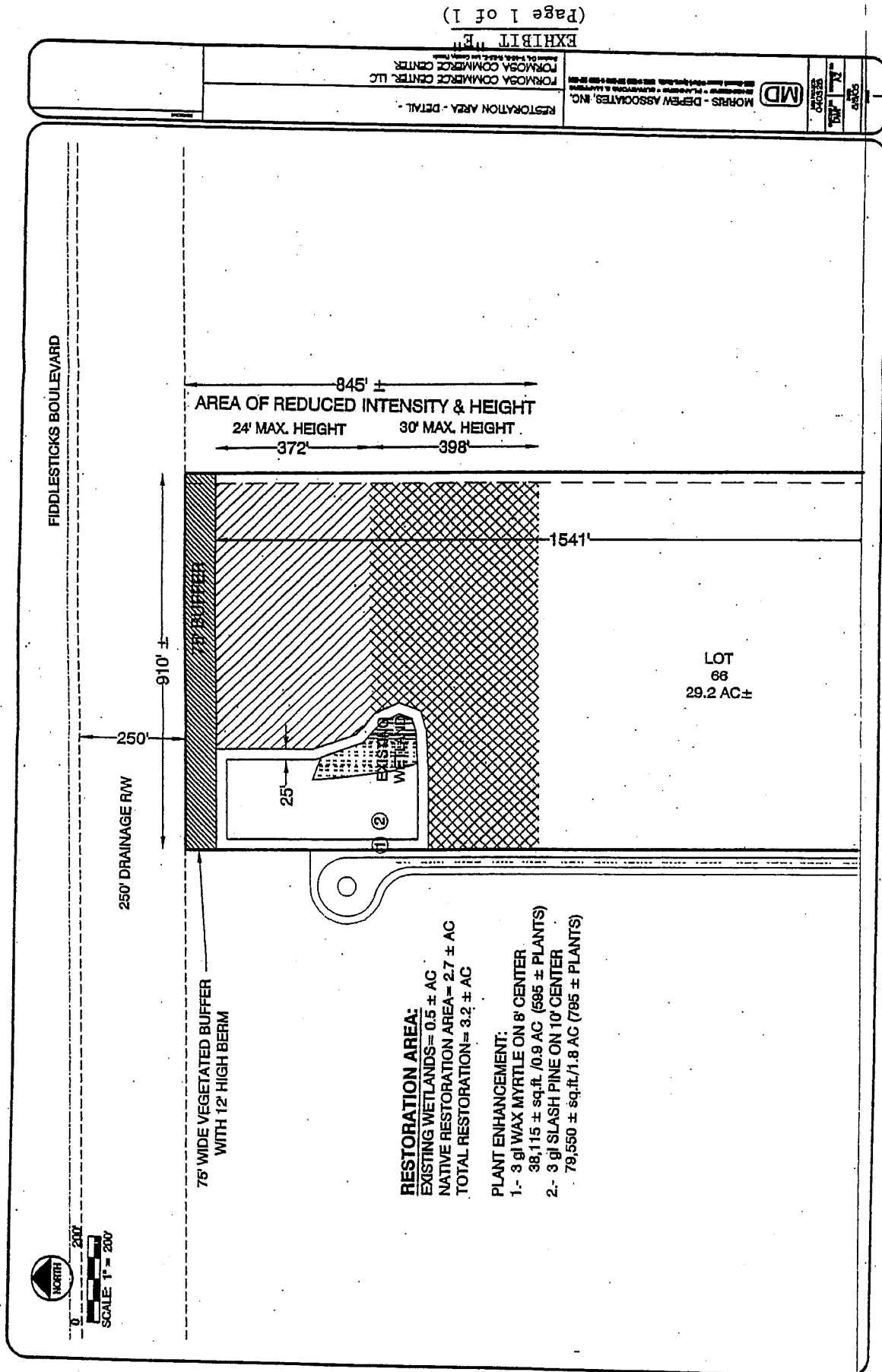
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040328

CHECKED BY: DWF DESIGNED BY: AZ

DATE:  
11/17/05

SHEET

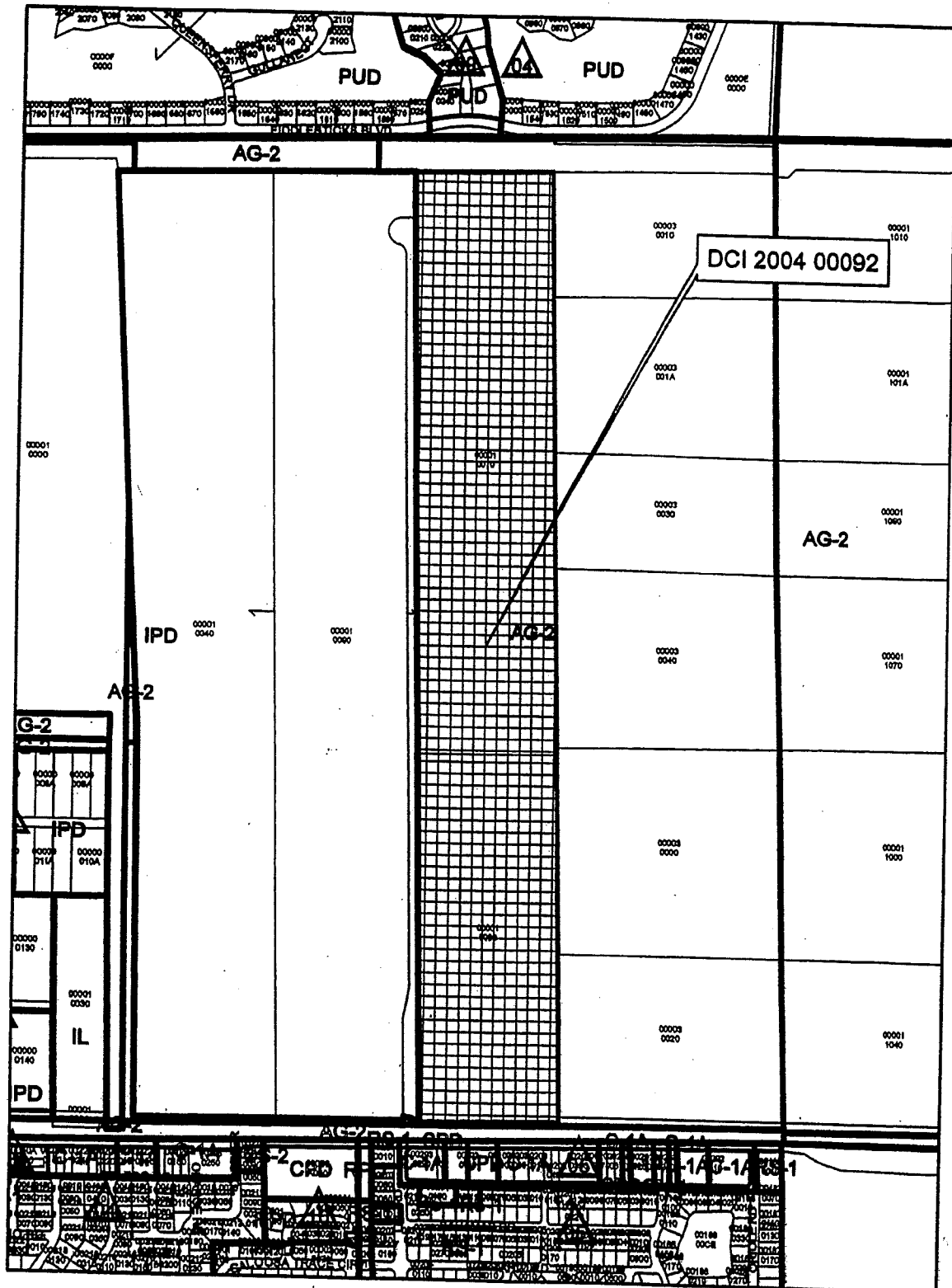
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# DCI2004-00092 FORMOSA IPD

6/24/2005



1,100 550 0 1,100 Feet

LEE COUNTY ORDINANCE NO. 08-\_\_\_\_  
(Small Scale Amendment 9.91±-Acre Parcel from  
Industrial Development to Commercial)

**AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN" AS ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT SMALL SCALE AMENDMENT CPA2007-61 (A 9.91-ACRE PARCEL FROM INDUSTRIAL DEVELOPMENT TO COMMERCIAL FUTURE LAND USE CATEGORY) APPROVED DURING A SMALL SCALE COMPREHENSIVE PLAN AMENDMENT EFFORT; PROVIDING FOR AMENDMENT TO THE FUTURE LAND USE MAP SERIES, MAP 1; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.**

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

WHEREAS, the Board, in accordance with Section 163.3181, Florida Statutes, and Lee County Administrative Code AC-13-6, provide an opportunity for private individuals to request amendment to the Future Land Use Map through a small scale amendment public hearing process; and,

WHEREAS, the Local Planning Agency (LPA) held a public hearing on the adoption of the proposed amendment on October 9, 2008. At that hearing, the LPA found the proposed amendment to be consistent with the Lee Plan and recommended that the Board adopt the amendment; and,

WHEREAS, the Board held a public hearing for the adoption the proposed amendment on October 22, 2008. At that hearing, the Board approved a motion to adopt

proposed amendment CPA2007-61 pertaining to the re-designation of a 9.91±-acre parcel from Industrial Development to Commercial on the Future Land Use Map Series, Map 1. The subject parcel is located on the northeast corner of Alico Road and Lee Road.

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

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

The Board of County Commissioners of Lee County, Florida, in compliance with Chapter 163, Part II, Florida Statutes, and with Lee County Administrative Code AC-13-6, conducted a public hearing to review a proposed amendment to the Future Land Use Map Series of the Lee Plan. The purpose of this ordinance is to adopt the amendment to the Lee Plan discussed at that meeting and later approved by a majority of the Board of County Commissioners. The short title and proper reference for the Lee County Comprehensive Land Use Plan, as hereby amended, will continue to be the "Lee Plan." This amending ordinance may be referred to as the "2008 Small Scale Amendment Cycle CPA2007-61, re-designation of 9.91±-acre parcel located on northeast corner of Alico Road and Lee Road."

**SECTION TWO: ADOPTION OF SMALL SCALE AMENDMENT TO LEE PLAN**

**FUTURE LAND USE MAPS SERIES, MAP 1**

The Lee County Board of County Commissioners hereby amends the existing Lee Plan, adopted by Ordinance Number 89-02, as amended, by adopting an amendment to the Future Land Use Map Series, Map 1, by changing the designation of a 9.91-acre parcel from the Industrial Development to Commercial Future Land Use category. The subject parcel is located on the northeast corner of Alico Road and Lee Road. The corresponding

staff report and analysis, along with all attachments for this amendment, are adopted as “support documentation” for the Lee Plan.

### SECTION THREE: LEGAL EFFECT OF THE “LEE PLAN”

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

### SECTION FOUR: GEOGRAPHIC APPLICABILITY

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

### SECTION FIVE: SEVERABILITY

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

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

It is the intention of the Board of County Commissioners that the provisions of this ordinance will become and be made a part of the Lee County Code. Sections of this ordinance may be renumbered or relettered and the word “ordinance” may be changed to “section,” “article,” or other appropriate word or phrase in order to accomplish this intention;



and regardless of whether inclusion in the code is accomplished, sections of this ordinance may be renumbered or relettered. The correction of typographical errors that do not affect the intent, may be authorized by the County Manager, or his or her designee, without need of public hearing, by filing a corrected or recodified copy with the Clerk of the Circuit Court.

SECTION SEVEN: EFFECTIVE DATE

The small scale Lee Plan amendment adopted by this ordinance will be effective 31 days after adoption unless challenged within 30 days after adoption. If challenged within 30 days after adoption, the small scale amendment to the Lee Plan will not be effective until the Florida Department of Community Affairs or the Administrative Commission issues a final order determining the small scale amendment is in compliance with Florida Statutes, Section 163.3184. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before the amendment has become effective.

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

Robert P. Janes	_____
Brian Bigelow	_____
Ray Judah	_____
Tammara Hall	_____
Frank Mann	_____

DONE AND ADOPTED this \_\_\_\_ of \_\_\_\_\_ 2008.

ATTEST:  
CHARLIE GREEN, CLERK  
COMMISSIONERS

LEE COUNTY  
BOARD OF COUNTY

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

BY: \_\_\_\_\_  
Ray Judah, Chair

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

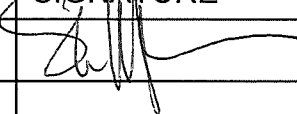
Approved as to form by:

\_\_\_\_\_  
Michael D. Jacob  
County Attorney's Office

PLANNING SIGN PICKUP SHEET

LEE COUNTY BOCC

9/3/2008

DATE	SIGNATURE	PLANNER	CASE NUMBER	CASE NAME
9/5/08		Brandy Gonzalez	CPA2007-00061	Formosa

Please return to Planner: Brandy Gonzalez

PLANNING SIGN PICKUP SHEET

LEE COUNTY BoCC

September 03, 2008

*Mike Scott*  
Office of the Sheriff

State of Florida  
County of Lee

Shellie Johnson  
D.B.S Consulting  
4450 Camino Real Way

Ft Myers, Fl 33912  
Reference to Project: Formosa

Dear Ms. Johnson

The Comprehensive Plan Amendment identified as FORMOSA on Alico Road would not affect the ability of the Lee County Sheriff's Office to provide core services at this time.

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 each building in this project. A Crime Prevention Through Environmental Design (CPTED) study will be done at that time with recommendations to you and the county staff.

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

Mike Scott  
Sheriff

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



# CPA2007-61 Formosa Lee Plan Amendment

Subject Property

Lee Rd

ALICO RD

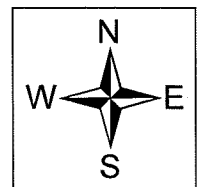
ALICO RD

LEE RD

ORIOLE RD

THREE OAKS PKWY

0 375 750 1,125 1,500  
Feet



## 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:

- Sign for case # **CPA 2007-00061 must be posted by 9/08/08.**
- 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 POSTING NOTICE

STATE OF FLORIDA  
COUNTY OF LEE

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

**RECEIVED**  
SEP 10 2008  
CWM 11:46AM  
COMMUNITY DEVELOPMENT

SIGNATURE OF APPLICANT OR AGENT

NAME (TYPED OR PRINTED)

ST. OR PO BOX

CITY, STATE & ZIP

CPA2007-00061 Formosa

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

STATE OF FLORIDA  
COUNTY OF LEE

The foregoing instrument was sworn to and subscribed before me this 10<sup>th</sup> day of Sept.,  
2008, by Shelley Johnson, personally known to me or who produced DL  
as identification and who did/did not take an oath.



My Commission Expires  
(Stamp with serial number)

Signature of Notary Public  
Danielle Becker  
Printed Name of Notary Public



Lee County Board of County  
Commissioners  
Department of Community  
Development  
Division of Planning  
Post Office Box 398  
Fort Myers, FL 33902-0398  
Telephone: (239) 533-8585  
FAX: (239) 485-8319

## APPLICATION FOR A COMPREHENSIVE PLAN AMENDMENT

CPA200 7-61 - *Formosa*

### 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 sufficiency response is:

Submit **6** copies of the sufficiency response 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 sufficiency response 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

X

The Application for a Comprehensive Plan Amendment must contain the following information:

### I. APPLICANT/AGENT/OWNER INFORMATION

### II. REQUESTED CHANGE

#### A. TYPE:

- \_\_\_\_\_ Text Amendment  
\_\_\_\_\_ Future Land Use Map Series Amendment

#### B. SUMMARY OF REQUEST

### III. PROPERTY SIZE AND LOCATION OF AFFECTED PROPERTY

#### A. Property Location:

- \_\_\_\_\_ 1. Site Address

- \_\_\_\_\_ 2. STRAP(s)
- \_\_\_\_\_ B. Property Information
- \_\_\_\_\_ Total Acreage of Property
- \_\_\_\_\_ Total Acreage included in Request
- \_\_\_\_\_ Total Uplands
- \_\_\_\_\_ Total Wetlands
- \_\_\_\_\_ Current Zoning
- \_\_\_\_\_ Current Future Land Use Designation
- \_\_\_\_\_ Area of each Existing Future Land Use Category
- \_\_\_\_\_ Existing Land Use
- \_\_\_\_\_ C. State if the subject property is located in one of the following areas and if so how does the proposed change effect the area.
- \_\_\_\_\_ Lehigh Acres Commercial Overlay
- \_\_\_\_\_ Airport Noise Zone 2 or 3
- \_\_\_\_\_ Acquisition Area
- \_\_\_\_\_ Joint Planning Agreement Area
- \_\_\_\_\_ Community Redevelopment Area
- \_\_\_\_\_ D. Proposed change for the Subject Property
- \_\_\_\_\_ E. Potential development of the Subject Property
- \_\_\_\_\_ 1. Calculation of maximum allowable development under existing FLUM
- \_\_\_\_\_ Residential Units/Density
- \_\_\_\_\_ Commercial intensity
- \_\_\_\_\_ Industrial intensity
- \_\_\_\_\_ 2. Calculation of maximum allowable development under proposed FLUM
- \_\_\_\_\_ Residential Units/Density
- \_\_\_\_\_ Commercial intensity ✓
- \_\_\_\_\_ Industrial intensity

X 1

#### IV. AMENDMENT SUPPORT DOCUMENTATION

- A. General Information and Maps



Q 7 L ?  
Shopping Dr. ?

- \_\_\_\_ 1. Provide any proposed text changes
- \_\_\_\_ 2. Future Land Use Map showing the boundaries of the subject property
- \_\_\_\_ 3. Map and describe existing land uses
- \_\_\_\_ 4. Map and describe existing zoning
- \_\_\_\_ 5. The legal description(s) for the property
- \_\_\_\_ 6. A copy of the deed(s) for the property
- \_\_\_\_ 7. An aerial map showing the subject property
- \_\_\_\_ 8. If applicant is not the owner, a letter authorizing the applicant to represent the owner

B. Public Facilities Impacts

- \_\_\_\_ 1. Traffic Circulation Analysis for:
  - \_\_\_\_ Long Range – 20-year Horizon
  - \_\_\_\_ Short Range – 5-year CIP horizon
- X 2. Provide an Existing and Future Conditions Analysis for:
  - X a. Sanitary Sewer
  - X b. Potable Water
  - \_\_\_\_ c. Surface Water/Drainage Basins
  - \_\_\_\_ d. Parks, Recreation, and Open Space
- 3. Provide a letter from the appropriate agency determining the adequacy/provision of existing/proposed support facilities, including:
  - ? \_\_\_\_ a. Fire protection with adequate response times ✓
  - \_\_\_\_ b. Emergency medical service (EMS) provisions
  - ? \_\_\_\_ c. Law enforcement ✓
  - \_\_\_\_ d. Solid Waste ✓
  - \_\_\_\_ e. Mass Transit ✓
  - X \_\_\_\_ f. Schools ✓

C. Environmental Impacts

- \_\_\_\_ 1. A map of the Plant Communities ✓
- \_\_\_\_ 2. A map and description of the soils found on the property ✓

3. A topographic map ✓

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

5. A table of plant communities by FLUCCS ✓

D. Impacts on Historic Resources

1. A map of any historic districts and/or sites ✓

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 population projections, Table 1(b), and the population capacity of the Lee Plan Future Land Use Map. ✓

2. List goals and objectives of the Lee Plan. Include an evaluation of all relevant policies under each goal and objective. *none of the C or 3*

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. *NA*

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

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

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.



# Community Development

E-Connect

Online Permitting

Gateway/Airport		Allocation	Existing	Remaining
Residential	Intensive Development	0	0	0
	Central Urban	0	0	0
	Urban Community	0	0	0
	Suburban	0	0	0
	Outlying Suburban	0	0	0
	Sub-Outlying Suburban	0	0	0
	Commercial	0	0	0
	Industrial Development	20	14	6
	Public Facilities	0	0	0
	University Community	0	0	0
	Industrial Interchange	0	0	0
	General Interchange	0	0	0
	General/Commercial Interchange	0	0	0
	Industrial/Commercial Interchange	0	0	0
	University Village Interchange	0	0	0
	New Community	900	507	393
	Airport	0	0	0
	Tradeport	9	9	0
	Rural	0	0	0
	Rural Community Preserve	0	0	0
	Coastal Rural	0	0	0
	Outer Islands	0	0	0
	Open Lands	0	0	0
Density Reduction/Groundwater Resource		94	28	66
Conservation Lands Upland		0	0	0
Wetlands		0	0	0
Conservation Lands Wetland		0	0	0
Total Residential		1,023	558	465
Commercial		1,100	168	932
Industrial		3,100	263	2,837
Non Regulatory Allocations				
Public		7,500	7,252	248
Active Agriculture		0	31	(31)
Passive Agriculture		1,491	4,694	(3,203)
Conservation (wetlands)		2,809	2,887	(78)
Vacant		300	1,822	(1,522)
Total		17,323	17,675	(352)
Population Distribution		11,582	6,528	5,054

[back to Planning Communities Map](#)

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9/4/2008

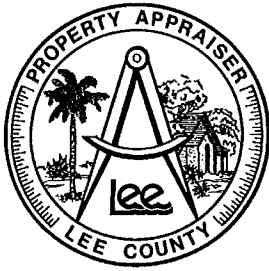
[illegible]

04-46-25-05-00000.0010

1,000      500      0

1,000 Feet





# Lee County Property Appraiser

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

**GIS Department / Map Room**

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

## **VARIANCE REPORT**

**Date of Report:** September 04, 2008  
**Buffer Distance:** 500 ft  
**Parcels Affected:** 36  
**Subject Parcel:** 04-46-25-05-00000.0010

<b>OWNER NAME AND ADDRESS</b>	<b>STRAP AND LOCATION</b>	<b>LEGAL DESCRIPTION</b>	<b>Map Index</b>
AIRPORT INDUSTRIAL HOLDINGS PO BOX 482084 KANSAS CITY MO 64148	<b>04-46-25-00-00001.0040</b> ACCESS UNDETERMINED FORT MYERS FL 33912	PARL IN SEC 4 AS DESC IN OR 4577/4860 LESS INST 2006-53600	1
ALICO INDUSTRIAL PARK LLC 4110 ENTERPRISE AVE #214 NAPLES FL 34104	<b>04-46-25-00-00001.0190</b> ACCESS UNDETERMINED FORT MYERS FL 33912	PAR IN SEC 4 AS DESC IN OR 4408 PG 3188 LESS INST#2006-359484	2
ALICO INVESTORS I LLC 1612 CAPE CORAL PKWY CAPE CORAL FL 33904	<b>04-46-25-00-00001.0250</b> 16350 LEE RD FORT MYERS FL 33912	PAR IN SEC 4 AS DESC IN INST#2006-416617	3
WEISS BRADLEY S TR 1840 WEST 49TH ST STE #410 HIALEAH FL 33012	<b>04-46-25-00-00003.0000</b> ACCESS UNDETERMINED FORT MYERS FL 33912	E 1506.33 FT DESC IN OR 1758/4702 LESS N 2091FT + LESS S 4444.54 FT	4
HOROWITZ HAROLD TR 19091 TAMiami TRL SE FORT MYERS FL 33908	<b>04-46-25-00-00003.0020</b> 8901 ALICO RD FORT MYERS FL 33912	PARL IN SE 1/4 AS DESC OR 2025 PG 3772 LESS S 100 FT AS DESC IN 2909/2305	5
ALICO LAND INVESTMENT LLC 712 FISHERMANS WHARF FORT MYERS BEACH FL 33931	<b>04-46-25-05-00000.0020</b> 16351 LEE RD FORT MYERS FL 33912	FORMOSA 129 INDUSTRIAL PARK DESC IN INST# 2008000142731 LOT 2	6
ALICO LAND INVESTMENT LLC 712 FISHERMANS WHARF FORT MYERS BEACH FL 33931	<b>04-46-25-05-0000A.00CE</b> LAKE FORT MYERS FL 33912	FORMOSA 129 INDUSTRIAL PARK DESC IN INST# 2008000142731 TRACT A	7
HAVEN STEVEN 8412 ALOHA RD FORT MYERS FL 33967	<b>09-46-25-05-00201.0090</b> 8412 ALOHA RD FORT MYERS FL 33967	SAN CARLOS PARK UNIT 16 BLK 201 OR 50 PG 377 LOTS 9 THRU 11	8
HAVEN STEVEN F 8412 ALOHA RD FORT MYERS FL 33967	<b>09-46-25-05-00201.0120</b> 8400 ALOHA RD FORT MYERS FL 33967	SAN CARLOS PK UNIT 16 BLK 201 OR 50 PG 377 LOTS 12 + 13	9
COLON LINDA E + PO BOX 51685 FORT MYERS FL 33994	<b>09-46-25-05-00201.0140</b> 8392 ALOHA RD FORT MYERS FL 33967	SAN CARLOS PARK UNIT 16 BLK 201 OR 50 PG 373 LOTS 14 + 15	10
MURDOCK JOHN E + DEBORAH L 8384 ALOHA RD FORT MYERS FL 33967	<b>09-46-25-05-00201.0160</b> 8384 ALOHA RD FORT MYERS FL 33967	SAN CARLOS PARK UNIT 16 BLK 201 OR 50 PG 373 LOTS 16 + 17	11
ALARCON PERCY EDWIN + 8368 ALOHA RD FORT MYERS FL 33967	<b>09-46-25-05-00204.0010</b> 8368 ALOHA RD FORT MYERS FL 33967	SAN CARLOS PARK UNIT 16 BLK.204 OR 50 PG 377 LOTS 1 + 2	12
BRUUN ROGER J 8360 ALOHA RD FORT MYERS FL 33967	<b>09-46-25-05-00204.0030</b> 8360 ALOHA RD FORT MYERS FL 33967	SAN CARLOS PK UNIT 16 BLK 204 OR 50 PG 377 LOTS 3 + 4	13
U S BANK NA TR 10790 RANCH BERNARDO RD SAN DIEGO CA 92127	<b>09-46-25-05-00204.0050</b> 8352 ALOHA RD FORT MYERS FL 33967	SAN CARLOS PARK UNIT 16 BLK 204 OR 50 PG 377 LOTS 5 + 6	14

<b>OWNER NAME AND ADDRESS</b>	<b>STRAP AND LOCATION</b>	<b>LEGAL DESCRIPTION</b>	<b>Map Index</b>
TROWBRIDGE JACKIE + PATRICIA 24765 PAGE STREET EXT KEWANEE IL 61443	<b>09-46-25-05-00204.0070</b> 8344 ALOHA RD FORT MYERS FL 33967	SAN CARLOS PARK UNIT 16 BLK 204 OR 50 PG 377 LOTS 7 + 8	15
AMADOR MAXIMO + ANGELICA 27501 PLAYA DEL REY LN BONITA SPRINGS FL 34135	<b>09-46-25-05-00204.0090</b> 8336 ALOHA RD FORT MYERS FL 33967	SAN CARLOS PARK UNIT 16 BLK 204 OR 50 PG 377 LOTS 9 + 10	16
FAMILY PROPERTY INVESTMENTS 505 SE 26TH TER CAPE CORAL FL 33904	<b>09-46-25-05-00204.0110</b> 8328 ALOHA RD FORT MYERS FL 33967	SAN CARLOS PARK UNIT 16 BLK 204 OR 50 PG 377 LOTS 11 + 12	17
FAMILY PROPERTY INVESTMENTS 505 SE 26TH TER CAPE CORAL FL 33904	<b>09-46-25-05-00204.0130</b> 8320 ALOHA RD FORT MYERS FL 33967	SAN CARLOS PARK UNIT 16 BLK 204 OR 50 PG 377 LOTS 13 + 14	18
FAMILY PROPERTY INVESTMENTS 505 SE 26TH TER CAPE CORAL FL 33904	<b>09-46-25-05-00204.0150</b> 8312 ALOHA RD FORT MYERS FL 33967	SAN CARLOS PARK UNIT 16 BLK 204 OR 50 PG 377 LOTS 15 THRU 20	19
MENDEZ EDGAR M + LUCILA N 8288 ALOHA RD FORT MYERS FL 33967	<b>09-46-25-05-00204.0210</b> 8288 ALOHA RD FORT MYERS FL 33967	SAN CARLOS PARK UNIT 16 BLK 204 OR 50 PG 377 LOTS 21 + 22	20
LEE COUNTY PO BOX 398 FORT MYERS FL 33902	<b>09-46-25-05-00207.0010</b> 17100 LEE RD FORT MYERS FL 33967	SAN CARLOS PARK UNIT 16 BLK 207 OR 50 PG 377 LOTS 1 + 2 + 3	21
DAVIS MAGGIE 1/3 + 17112 LEE RD FORT MYERS FL 33967	<b>09-46-25-05-00207.0040</b> 17112 LEE RD FORT MYERS FL 33967	SAN CARLOS PARK UNIT 16 BLK 207 OR 50 PG 377 LOTS 4 + 5	22
PAEZ GONZALO JR + 17120 LEE RD FORT MYERS FL 33967	<b>09-46-25-05-00207.0060</b> 17120 LEE RD FORT MYERS FL 33967	SAN CARLOS PARK UNIT 16 BLK 207 OR 50 PG 377 LOTS 6 + 7	23
BYWATER KAREN L + 17128 LEE RD FORT MYERS FL 33967	<b>09-46-25-05-00207.0080</b> 17128 LEE RD FORT MYERS FL 33967	SAN CARLOS PARK UNIT 16 BLK 207 OR 50 PG 377 LOTS 8 + 9	24
RICHDEN ALICO LLC 1410 W IRVING PARK RD CHICAGO IL 60613	<b>09-46-25-06-00202.0330</b> 8766 ALICO RD FORT MYERS FL 33912	SAN CARLOS PK UNIT 16 BLK 202 OR 50 PG 507 LOTS 33 + 34	25
RICHDEN ALICO LLC 1410 W IRVING PARK RD CHICAGO IL 60613	<b>09-46-25-06-00202.0350</b> 8762 ALICO RD FORT MYERS FL 33912	SAN CARLOS PK UNIT 16 BLK 202 OR 50 PG 507 LOTS 35 + 36	26
RICHDEN ALICO LLC 1410 W IRVING PARK RD CHICAGO IL 60613	<b>09-46-25-06-00202.0370</b> 8758 ALICO RD FORT MYERS FL 33912	SAN CARLOS PK REPLAT U 16 BLK 202 OR 50 PG 507 LOTS 37 + 38	27
HALE KENNETH PO BOX 1717 FT LAUDERDALE FL 33302	<b>09-46-25-06-00202.0390</b> 8754 ALICO RD FORT MYERS FL 33912	SAN CARLOS PK REPLAT U 16 BLK 202 OR 50 PG 507 LOTS 39 THRU 48	28
JUREK GERALD 17550 CALOOSA TRACE CIR FORT MYERS FL 33967	<b>09-46-25-06-00202.0490</b> 8734 ALICO RD FORT MYERS FL 33912	SAN CARLOS PK.U.16 REPLAT BLK 202 OR 50 PG 507 LOTS 49 + 50	29
CUNNINGHAM DAVID F TR GERALD A JUREK 17550 CALOOSA TRACE CIR FORT MYERS FL 33967	<b>09-46-25-06-00202.0510</b> 8730 ALICO RD FORT MYERS FL 33912	SAN CARLOS PK REPLAT U16 BLK 202 OR 50 PG 507 LOTS 51 + 52	30
JUREK GERALD 17550 CALOOSA TRACE CIR FORT MYERS FL 33967	<b>09-46-25-06-00203.0010</b> 8720 ALICO RD FORT MYERS FL 33912	SAN CARLOS PK.REPLAT U.16 BLK 203 OR 50 PG 507-512 LOTS 1 THRU 4	31
STIRLAND JOYCE E + 4711 PILGRIMS WAY W ESTERO FL 33928	<b>09-46-25-06-00203.0050</b> 8696 ALICO RD FORT MYERS FL 33912	SAN CARLOS PK REPLAT U 16 BLK 203 OR 50 PG 507 LOTS 5 THRU 8	32
STIRLAND JOYCE + 4711 PILGRIMS WAY W ESTERO FL 33928	<b>09-46-25-06-00203.0090</b> 8672 ALICO RD FORT MYERS FL 33912	SAN CARLOS PK REPLAT U 16 BLK 203 OR 50 PG 507 LOTS 9 THRU 12	33

<b>OWNER NAME AND ADDRESS</b>	<b>STRAP AND LOCATION</b>	<b>LEGAL DESCRIPTION</b>	<b>Map Index</b>
SITE OIL COMPANY OF MISSOURI 50 S BEMISTON AVE SAINT LOUIS MO 63105	<b>09-46-25-06-00203.0130</b> 8648 ALICO RD FORT MYERS FL 33912	SAN CARLOS PARK U 16 BLK 203 OR 50 PG 507-512 LOTS 13 THRU 28	34
HAYES PATRICK J TR 2077 FIRST ST STE 208 FORT MYERS FL 33901	<b>09-46-25-06-00203.0290</b> 8540 ALICO RD FORT MYERS FL 33912	SAN CARLOS PK.REPLAT U.16 BLK 203 OR 50 PG 507 LOTS 29 THRU 36 LESS PT LOT 36 DESC OR 3110/2148 R/W	35
CALOOSA GROUP INC 867 CYPRESS LAKE CIR FORT MYERS FL 33919	<b>09-46-25-10-00000.A000</b> 8500 ALICO RD FORT MYERS FL 33912	CALOOSA TRACE U-1 PB 44 PG 82 TRACT A FUTURE DEV	36

**36 RECORDS PRINTED**

04-46-25-00-00001.0040  
AIRPORT INDUSTRIAL HOLDINGS  
PO BOX 482084  
KANSAS CITY, MO 64148

04-46-25-00-00001.0190  
ALICO INDUSTRIAL PARK LLC  
4110 ENTERPRISE AVE #214  
NAPLES, FL 34104

04-46-25-00-00001.0250  
ALICO INVESTORS I LLC  
1612 CAPE CORAL PKWY  
CAPE CORAL, FL 33904

04-46-25-00-00003.0000  
WEISS BRADLEY S TR  
1840 WEST 49TH ST STE #410  
HIALEAH, FL 33012

04-46-25-00-00003.0020  
HOROWITZ HAROLD TR  
19091 TAMiami TRL SE  
FORT MYERS, FL 33908

04-46-25-05-00000.0020  
ALICO LAND INVESTMENT LLC  
712 FISHERMANS WHARF  
FORT MYERS BEACH, FL 33931

04-46-25-05-0000A.00CE  
ALICO LAND INVESTMENT LLC  
712 FISHERMANS WHARF  
FORT MYERS BEACH, FL 33931

09-46-25-05-00201.0090  
HAVEN STEVEN  
8412 ALOHA RD  
FORT MYERS, FL 33967

09-46-25-05-00201.0120  
HAVEN STEVEN F  
8412 ALOHA RD  
FORT MYERS, FL 33967

09-46-25-05-00201.0140  
COLON LINDA E +  
PO BOX 51685  
FORT MYERS, FL 33994

09-46-25-05-00201.0160  
MURDOCK JOHN E + DEBORAH L  
8384 ALOHA RD  
FORT MYERS, FL 33967

09-46-25-05-00204.0010  
ALARCON PERCY EDWIN +  
8368 ALOHA RD  
FORT MYERS, FL 33967

09-46-25-05-00204.0030  
BRUUN ROGER J  
8360 ALOHA RD  
FORT MYERS, FL 33967

09-46-25-05-00204.0050  
U S BANK NA TR  
10790 RANCH BERNARDO RD  
SAN DIEGO, CA 92127

09-46-25-05-00204.0070  
TROWBRIDGE JACKIE + PATRICIA  
24765 PAGE STREET EXT  
KEWANEE, IL 61443

09-46-25-05-00204.0090  
AMADOR MAXIMO + ANGELICA  
27501 PLAYA DEL REY LN  
BONITA SPRINGS, FL 34135

09-46-25-05-00204.0110  
FAMILY PROPERTY INVESTMENTS  
505 SE 26TH TER  
CAPE CORAL, FL 33904

09-46-25-05-00204.0130  
FAMILY PROPERTY INVESTMENTS  
505 SE 26TH TER  
CAPE CORAL, FL 33904

09-46-25-05-00204.0150  
FAMILY PROPERTY INVESTMENTS  
505 SE 26TH TER  
CAPE CORAL, FL 33904

09-46-25-05-00204.0210  
MENDEZ EDGAR M + LUCILA N  
8288 ALOHA RD  
FORT MYERS, FL 33967



09-46-25-05-00207.0010  
LEE COUNTY  
PO BOX 398  
FORT MYERS, FL 33902

09-46-25-05-00207.0040  
DAVIS MAGGIE 1/3 +  
17112 LEE RD  
FORT MYERS, FL 33967

09-46-25-05-00207.0060  
PAEZ GONZALO JR +  
17120 LEE RD  
FORT MYERS, FL 33967

09-46-25-05-00207.0080  
BYWATER KAREN L +  
17128 LEE RD  
FORT MYERS, FL 33967

09-46-25-06-00202.0330  
RICHDEN ALICO LLC  
1410 W IRVING PARK RD  
CHICAGO, IL 60613

09-46-25-06-00202.0350  
RICHDEN ALICO LLC  
1410 W IRVING PARK RD  
CHICAGO, IL 60613

09-46-25-06-00202.0370  
RICHDEN ALICO LLC  
1410 W IRVING PARK RD  
CHICAGO, IL 60613

09-46-25-06-00202.0390  
HALE KENNETH  
PO BOX 1717  
FT LAUDERDALE, FL 33302

09-46-25-06-00202.0490  
JUREK GERALD  
17550 CALOOSA TRACE CIR  
FORT MYERS, FL 33967

09-46-25-06-00202.0510  
CUNNINGHAM DAVID F TR  
GERALD A JUREK  
17550 CALOOSA TRACE CIR  
FORT MYERS, FL 33967

09-46-25-06-00203.0010  
JUREK GERALD  
17550 CALOOSA TRACE CIR  
FORT MYERS, FL 33967

09-46-25-06-00203.0050  
STIRLAND JOYCE E +  
4711 PILGRIMS WAY W  
ESTERO, FL 33928

09-46-25-06-00203.0090  
STIRLAND JOYCE +  
4711 PILGRIMS WAY W  
ESTERO, FL 33928

09-46-25-06-00203.0130  
SITE OIL COMPANY OF MISSOURI  
50 S BEMISTON AVE  
SAINT LOUIS, MO 63105

09-46-25-06-00203.0290  
HAYES PATRICK J TR  
2077 FIRST ST STE 208  
FORT MYERS, FL 33901

09-46-25-10-00000.A000  
CALOOSA GROUP INC  
867 CYPRESS LAKE CIR  
FORT MYERS, FL 33919



## 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 STRAP # 04-46-25-00-00001.0080, changing 9.9 acres from Industrial designation to Commercial Development. The physical location is at the northeast corner of Alico Road and Lee Road with a proposed maximum of 175,000 square feet of commercial development.

This current location is served by LCEMS Station 9, located at 8013 Sanibel Blvd, which is approximately 2.04 miles away, and LCEMS Station 21, located at 21510 Three Oaks Parkway, which is approximately 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

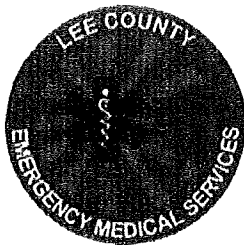
(Title)

Kim Dickerson

(Printed Name)

April 17, 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](mailto:kdickerson@leegov.com)  
Website: [www.lee-ems.com](http://www.lee-ems.com)

# Project Summary within 1 Mile of CPA2007-00061 subject site

## Pending Approvals

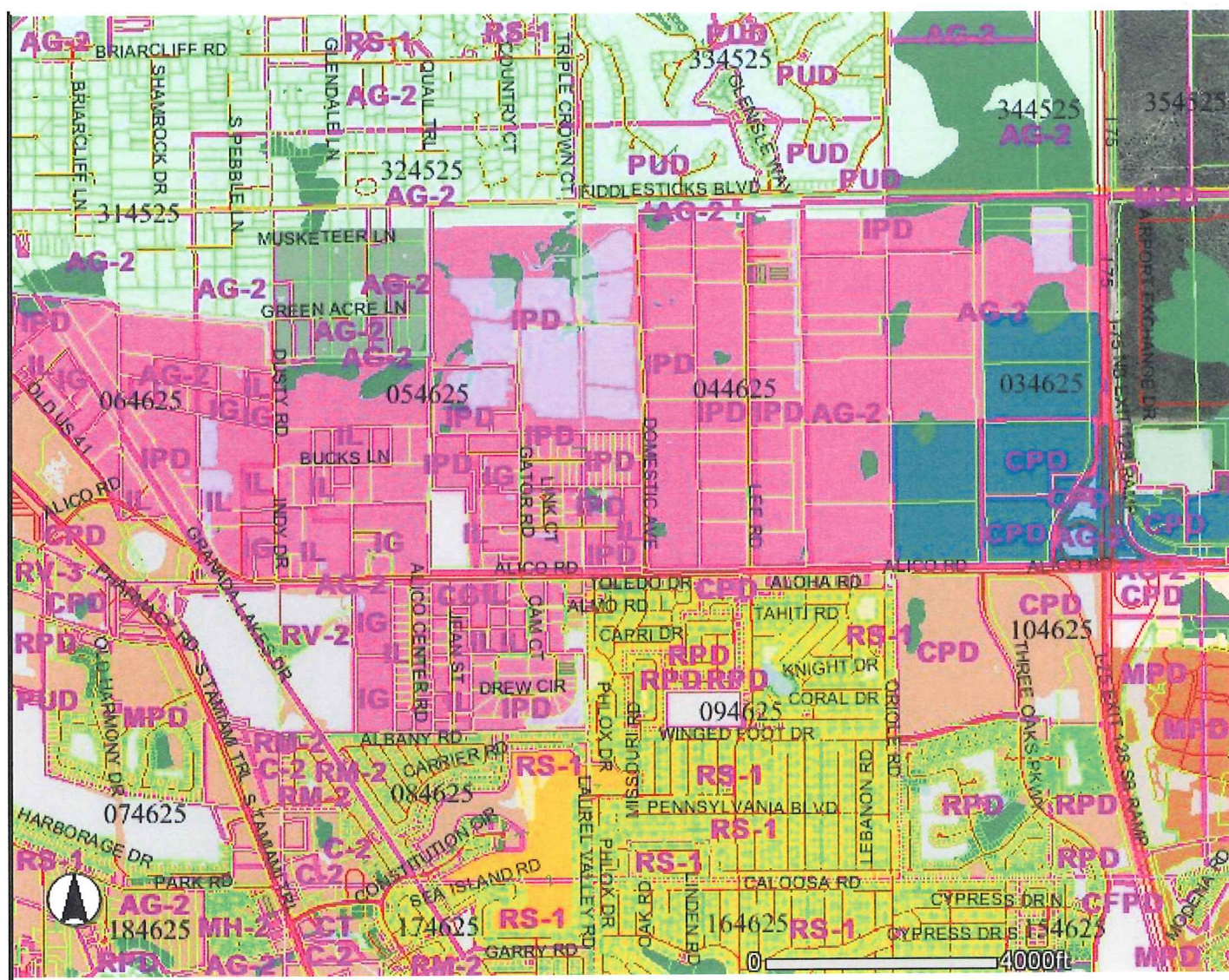
Project Name	Zoning Type	MASTER_NO	LU Category	Square Feet	LU Type
Aauto Point of Florida	CPD	DCI2008-00027	Commercial	25,000	Other Commercial
Alico - Gator Road IPD	IPD	DCI2007-00007	Industrial	145,700	Total Industrial
Alico Interchange Park RPD/CPD DRI	RPD/CPD	960106504Z	Commercial	450,000	Commercial Office
Alico Three Oaks IPD	IPD	DCI2007-00070	Commercial	100,000	Commercial Office
			Commercial	30,000	Commercial Retail
			Industrial	470,000	Total Industrial
Youngquist Gator 20	IPD		Industrial	190,000	Total Industrial
				550,000	Office
				30,000	Retail
				25,000	Other Commercial
				805,700	Industrial - Other
				1,410,700	TOTAL

## Approved

Project Name	Zoning Type	MASTER_NO	LU Category	Square Feet	LU Type
Alico Commerce Center (fka Harlequin Nature IPD)		DCI900234	Commercial	11,389	Commercial Retail
			Mixed Use		Total Development
			Industrial	216,394	Total Industrial
Alico Commercial Park CPD/IPD		DCI2000-00031	Commercial	70,000	Total Commercial
			Industrial	650,000	Total Industrial
Alico Crossroads Center CPD		DCI2002-00052	Commercial	51,000	Commercial Office
			Commercial	300,000	Commercial Retail
			Commercial	-	Hotel/Motel
			Commercial	-	Total Commercial
Alico Interchange Park RPD/CPD DRI		960106504Z	Commercial	750,000	Commercial Office
			Commercial	696,000	Commercial Retail
			Commercial		Hotel/Motel
			Commercial		Other Commercial
			Residential		Single Family
			Residential		Multi-Family
Alico Lakeside LLC		DCI2005-00017	Industrial	1,900,000	Fire/police/EMS
Alico Park IPD		DCI2003-00060	Commercial	20,000	Total Industrial
			Mixed Use	-	Total Commercial
			Industrial	180,000	Total Development
Alico Rd Car Wash CPD (aka Site Oil)		DCI954773	Commercial		Total Industrial
Alico Road 250 Industrial Subdivision		DCI2003-00070	Commercial	30,000	Commercial Service
			Industrial	2,134,440	Commercial Retail
			Industrial		Total Development
Alico Road Billboard CPD		DCI930168	Commercial		Total Industrial
Alico Road Center IPD/CPD		DCI2004-00002	Commercial	8,160	Total Commercial
			Mixed Use		Commercial Retail
			Industrial	81,600	Total Development
Caloosa Trace RPD/CPD		DCI930120	Residential		Total Industrial
Doragh Donalson IPD		DCI910193	Commercial		Single Family
Flex Industrial Space		DCI2003-00032	Industrial	96,000	Total Commercial
Formosa Commerce Center		DCI2004-00092	Public	-	Open Space
			Commercial	30,000	Total Commercial
			Industrial	1,100,000	Total Industrial
Happy Days Carwash CPD		DCI2003-00057	Commercial	3,083	Commercial Retail
Ledo Lines IPD		DCI86116	Industrial	75,000	Total Industrial
Rockett 44 IPD		DCI88719	Industrial	506,000	Total Industrial
Three Oaks Commerce Park		DCI2006-00042	Commercial	30,000	Commercial Retail
			Industrial	750,000	Industrial Service
			Mixed Use		Total Development
			Conservation		Wetlands/Conservation
			Public		Surfacewater Management
Vintage Commerce Center CPD		DCI963544	Commercial	30,000	Commercial Office
			Commercial	270,000	Commercial Retail
			Commercial		Total Commercial
Woodbriar PUD		DCI8534	Residential		Single Family
				2,299,632	Total Commercial
				7,128,834	Total Industrial
				9,428,466	TOTAL

146,063,32 retail



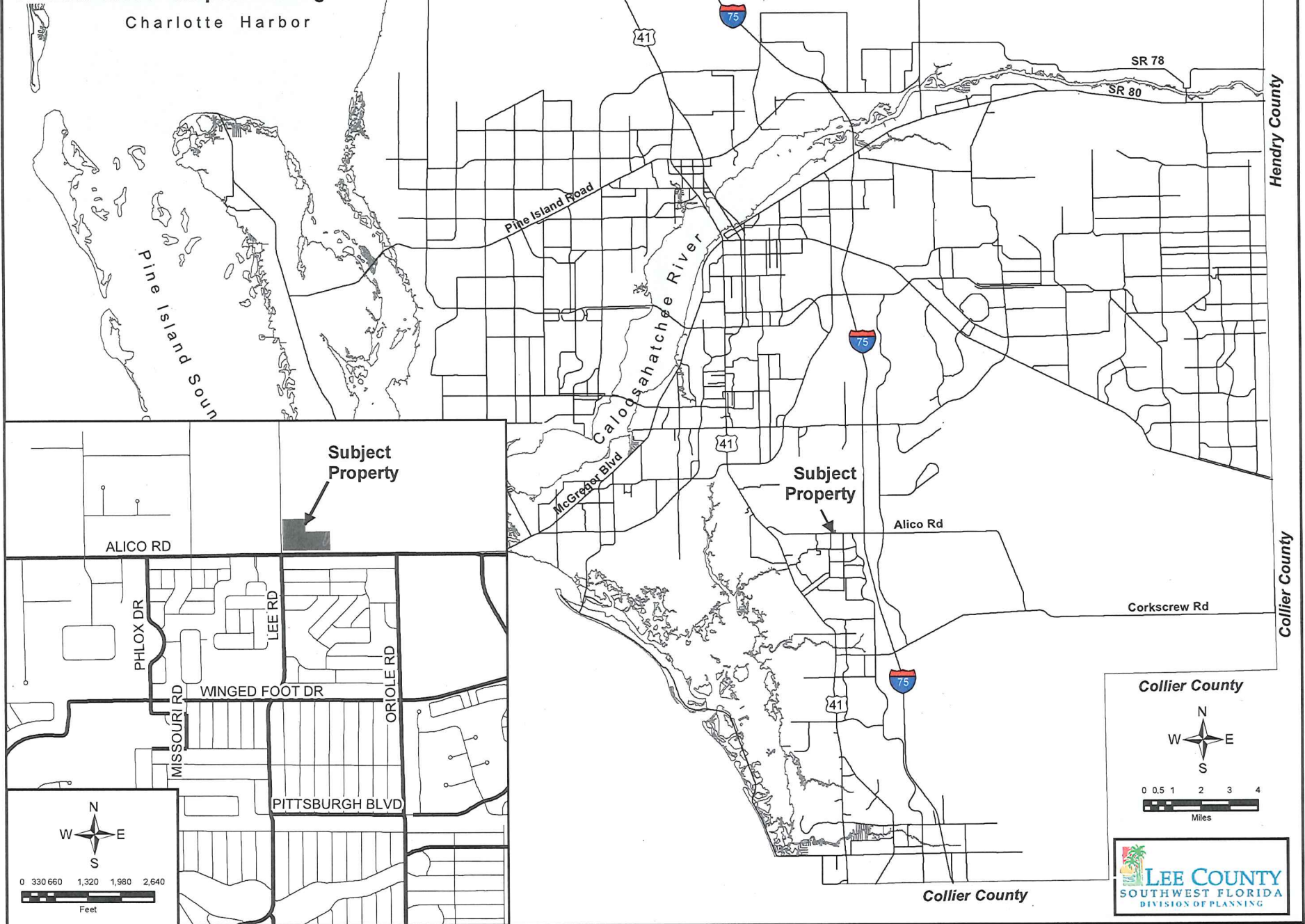




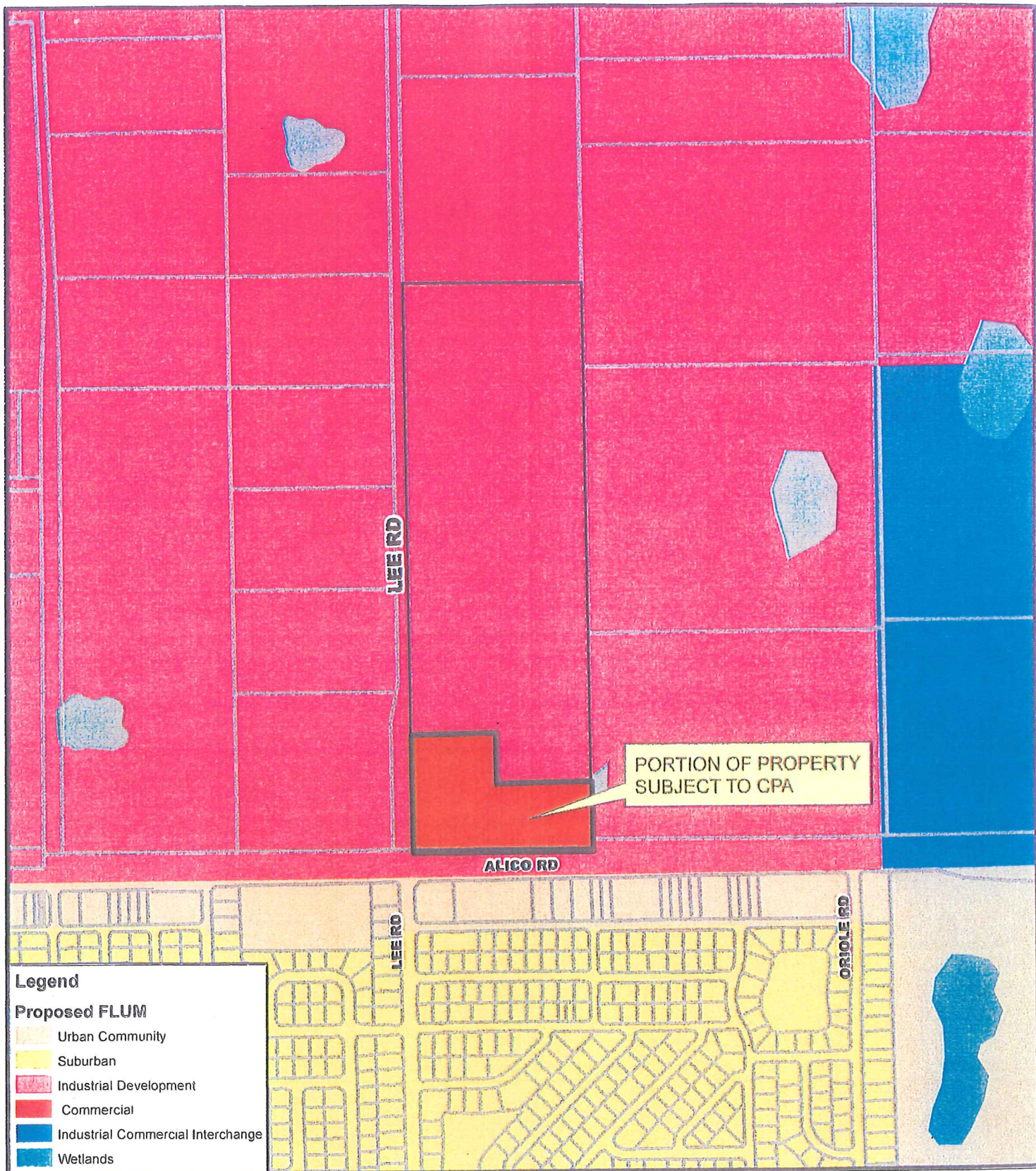
# Lee Plan Amendment

CPA2007-00061 - adoption hearing

Charlotte Harbor







### Legend

#### Proposed FLUM

- Urban Community
- Suburban
- Industrial Development
- Commercial
- Industrial Commercial Interchange
- Wetlands



## Proposed Future Land Use Map MAP A2b

Formosa Parcel 2503 Main Street  
Alico Land Investment, LLC. Fort Myers Beach, FL 33931

Source: Lee County Property Appraisers Office

### FORMOSA SMALL SCALE CPA

700 350 0 700  
Feet



Date: 10-31-07

Map Number:  
1054-11-CPA-EX2B

Project Number:  
1054-11



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

*The requisite infrastructure needed for commercial development is generally planned or in place. New developments in this category must connect to a potable water and sanitary sewer system. Commercial retail developments, hotels and motels, banks, all types of office development, research and development, public, and other similar development will predominate in the Commercial areas. Limited light industrial uses are also permitted, excluding outdoor storage type uses. Any redesignation of land to the Commercial land use category should occur along major travel corridors and at road intersections. The planned development rezoning process must be used to prevent adverse impacts to the surrounding areas and to ensure that appropriate site development regulations are incorporated into the development plans of each site. A maximum Floor Area Ratio (FAR) of 1 will be used as an index of intensity of development in the commercial category. Development in this future land use category is not required to comply with the site location criteria provided in Goal 6 when appropriate site development regulations are incorporated into the planned development. (Added by Ordinance No. 07-09)*

<sup>1</sup>Footnote: The 9.91 acre parcel to be known as Formosa IPD, located in Section 4, Township 46 South, Range 25 East and a portion of STRAP No. 04-46-25-05-00000.0010, shall be limited to a maximum commercial development Floor Area Ratio of .5.

## **ATTACHMENT 1**

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

*The requisite infrastructure needed for commercial development is generally planned or in place. New developments in this category must connect to a potable water and sanitary sewer system. Commercial retail developments, hotels and motels, banks, all types of office development, research and development, public, and other similar development will predominate in the Commercial areas. Limited light industrial uses are also permitted, excluding outdoor storage type uses. Any redesignation of land to the Commercial land use category should occur along major travel corridors and at road intersections. The planned development rezoning process must be used to prevent adverse impacts to the surrounding areas and to ensure that appropriate site development regulations are incorporated into the development plans of each site. For parcels 10 acres or less, a maximum Floor Area Ratio (FAR) of .5 will be used as an index of intensity of development, and for parcels greater than 10 acres, a maximum Floor Area Ratio (FAR) of 1.0 will be used. ~~A maximum Floor Area Ratio (FAR) of 1 will be used as an index of intensity of development in the commercial category.~~ Development in this future land use category is not required to comply with the site location criteria provided in Goal 6 when appropriate site development regulations are incorporated into the planned development. (Added by Ordinance No. 07-09)*

# FORMOSA SMALL SCALE CPA

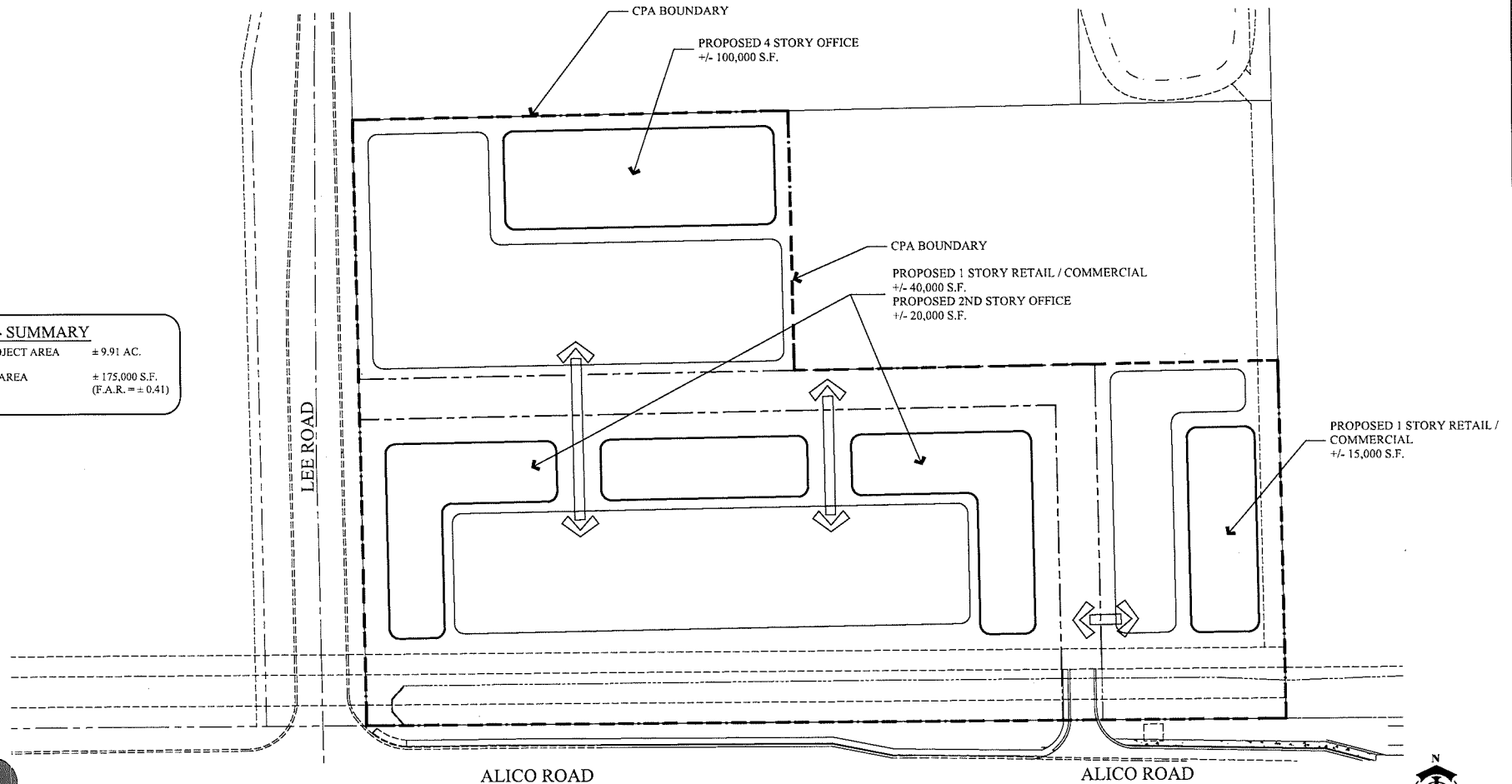
## Conceptual Master Plan

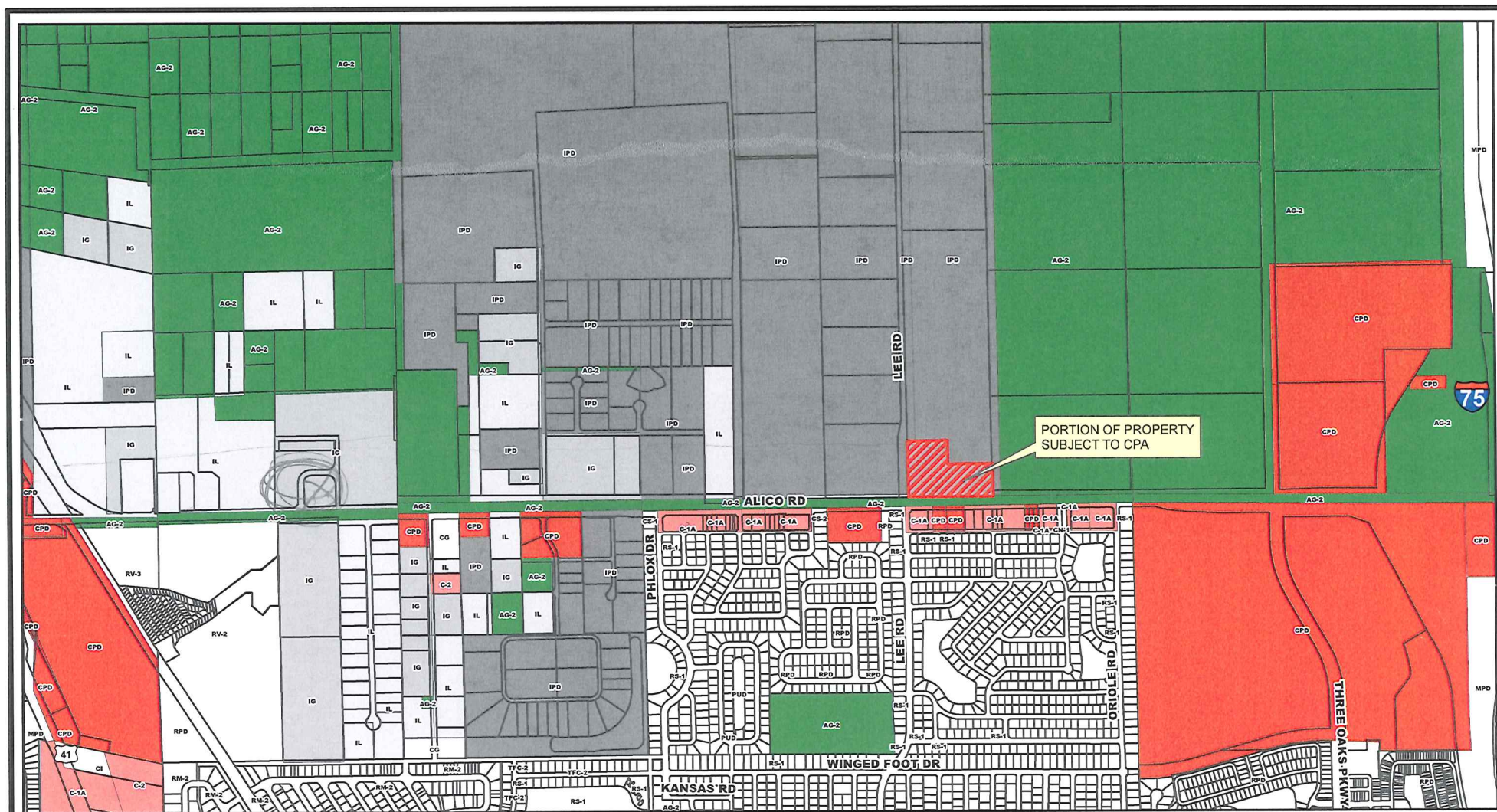
Oceanview Development, LLC  
714 Fishermans Wharf  
Fort Myers Beach, FL 33931

For Floor Area Ratio (F.A.R.) Demonstration Purposes Only

### TABLE - SUMMARY

TOTAL PROJECT AREA	± 9.91 AC.
BUILDING AREA	± 175,000 S.F. (F.A.R. = ± 0.41)





## ZONING / LAND USE ANALYSIS

Formosa Parcel  
Alico Land Investment, LLC. 2503 Main Street  
Fort Myers Beach, FL 33931

Source: Lee County Property Appraisers Office

It is the end user's responsibility to verify the data contained herein. EnSite assumes no responsibility for errors or omissions contained herein.

### Legend

ZONING	AG-3	C-2	IG
	AG-1	C-1	IL
	AG-2	C-1A	CPD
		C-2A	IPD

### FORMOSA SMALL SCALE CPA



1,000 500 0 1,000  
Feet

Date: 09-04-08

Map Number:  
1054-11-CPA-Zone-color

Project Number:  
1054-11



# Project Summary within 1 Mile of CPA2007-00061 subject site

## Pending Approvals

Project Name	FLUMC	MASTER_NO	LU Category	Square Feet	LU Type
Aauto Point of Florida - CPD	Urban Community	DCI2008-00027	Commercial	25,000	Other Commercial
Alico - Gator Road - IPD	Industrial Development	DCI2007-00007	Industrial	145,700	Total Industrial
Alico Interchange Park - RPD/CPD DRI	Urban Community	960106504Z	Commercial	450,000	Commercial Office
Alico Three Oaks - IPD	Industrial Development	DCI2007-00070	Commercial Commercial Industrial	100,000 30,000 470,000	Commercial Office Commercial Retail Total Industrial
Youngquist Gator 20 - IPD	Industrial Development		Industrial	190,000	Total Industrial

550,000	Office
30,000	Retail
25,000	Commercial - Other
805,700	Industrial - Other
1,410,700	TOTAL

## Approved

Project Name	FLUMC	MASTER_NO	LU Category	Square Feet	LU Type
Alico Commerce Center - IPD	Industrial Development/U	DCI900234	Commercial Industrial	11,389 216,394	Commercial Retail Total Industrial
Alico Commercial Park - CPD/IPD	Industrial Development	DCI2000-00031	Commercial Industrial	70,000 650,000	Total Commercial Total Industrial
Alico Crossroads Center - CPD	Industrial Commercial Interchange	DCI2002-00052	Commercial Commercial Commercial Commercial	51,000 300,000	Commercial Office Commercial Retail Hotel/Motel Total Commercial
Alico Interchange Park - RPD/CPD DRI	Urban Community	960106504Z	Commercial Commercial Commercial Residential Residential Public	750,000 696,000	Commercial Office Commercial Retail Hotel/Motel Single Family Multi-Family Fire/police/EMS
Alico Lakeside - LLC	Ind Dev	DCI2005-00017	Industrial	1,900,000	Industrial
Alico Park - IPD	Industrial Development	DCI2003-00060	Commercial Industrial	20,000 180,000	Total Commercial Total Industrial
Alico Rd Car Wash - CPD (aka Site Oil)	Urban Community	DCI954773	Commercial		Commercial Service
Alico Road 250 - Industrial Subdivision - IPD	Industrial Development	DCI2003-00070	Commercial Industrial	30,000 2,134,440	Commercial Retail Total Industrial
Alico Road Billboard - CPD	Industrial Commercial Interchange	DCI930168	Commercial		Total Commercial
Alico Road Center - IPD/CPD	Industrial Development	DCI2004-00002	Commercial Industrial	8,160 81,600	Commercial Retail Total Industrial
Caloosa Trace - RPD/CPD	Urban Comm/ Suburban	DCI930120	Residential Commercial		Single Family
Doragh Donalson - IPD	Ind Dev	DCI910193	Industrial	24,400	Total Industrial
Flex Industrial Space - IPD	Ind Dev	DCI2003-00032	Industrial	96,000	Other Industrial
Formosa Commerce Center- IPD	Industrial Development	DCI2004-00092	Public Commercial Industrial	- 30,000 1,100,000	- Open Space Total Commercial Total Industrial
Happy Days Carwash - CPD	Urban Comm	DCI2003-00057	Commercial	3,083	Commercial Retail
Ledo Lines - IPD	Ind Dev	DCI86116	Industrial	75,000	Total Industrial
Rockett 44 - IPD	Ind Dev	DCI88719	Industrial	506,000	Total Industrial
Three Oaks Commerce Park - IPD	Industrial Development	DCI2006-00042	Commercial Industrial Conservation Public	30,000 750,000	Commercial Retail Industrial Service Wetlands/Conservation Surfacewater Management
Vintage Commerce Center - CPD	Industrial Commercial Interchange	DCI963544	Commercial Commercial Commercial	30,000 270,000	Commercial Office Commercial Retail Total Commercial
Woodbriar - PUD	Suburban	DCI8534	Residential		Single Family

Industrial Planned Development (IPD)	CPA2007-00061 subject site Formosa Commerce Center	831,000	Office
Commercial Planned Development (CPD)		1,348,632	Retail
Industrial/Commercial Planned Development (IPD/CPD)		120,000	Commercial - Other
Residential/Commercial Planned Development (RPD/CPD)	Pending Approvals will Change Building Area	7,713,834	Industrial - Other
Planned Unit Development (PUD)		10,013,466	TOTAL



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Entity Name S

## Detail by Entity Name

### Florida Limited Liability Company

ALICO LAND INVESTMENT LLC

### Filing Information

**Document Number** L05000122640  
**FEI Number** 203992964  
**Date Filed** 12/27/2005  
**State** FL  
**Status** ACTIVE  
**Last Event** REINSTATEMENT  
**Event Date Filed** 09/25/2007  
**Event Effective Date** NONE

### Principal Address

2503 MAIN STREET  
FORT MYERS BEACH FL 33931

Changed 09/25/2007

### Mailing Address

2503 MAIN STREET  
FORT MYERS BEACH FL 33931

Changed 09/25/2007

### Registered Agent Name & Address

ECHOLS, LARRY  
6100 ESTERO BLVD  
FT.MYERS BEACH FL 33932 US

Name Changed: 09/25/2007

Address Changed: 09/25/2007

### Manager/Member Detail

#### Name & Address

Title MGR

POOLE, KENNETH V JR

2503 MAIN STREET  
FORT MYERS BEACH FL 33931

## Annual Reports

### Report Year Filed Date

2006 10/03/2006

2007 09/25/2007

## Document Images

[09/25/2007 -- REINSTATEMENT](#)

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[10/03/2006 -- REINSTATEMENT](#)

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[12/27/2005 -- Florida Limited Liability](#)

View image in PDF format

**Note:** This is not official record. See documents if question or conflict.

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[Events](#)

No Name History

Entity Name :

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## Spatial District Query Report

**STRAP Number: 04-46-25-00-00001.0080**

District Name	District Value		Pct of Parcel in District ( if fractional )	Notes
Airport Noise Zone	Noise Zone Zone Description	C 55-60 DNL		
Airspace Notification			NOT FOUND	
Census Tract	Tract ID	401.07		
Coastal Building Zone			NOT FOUND	
Coastal High Hazard Area			NOT FOUND	
Fire District	Fire District Taxing Authority	San Carlos 077		
Flood Insurance Zone	Flood Zone	B		
FIRM Floodway			NOT FOUND	
Flood Insurance Panel	Community Panel	125124 0455	63.2%	
	Version Date	B 091984		
	Community Panel	125124 0475	29.97%	
	Version Date	B 091984		
	Community Panel	125124 0350	6.83%	
	Version Date	B 091984		
DNR Flood Zones			NOT FOUND	
Flood Insurance Coastal Barrier			NOT FOUND	
Lighting District			NOT FOUND	
Planning Community	ID Plan Community	10 Gateway/Airport		
Planning Land Use 2010	Landuse	Industrial Development	99.21%	
	Landuse	Wetlands	0.79%	<u>1</u>
Sanibel/County Agreement			NOT FOUND	
School Board District	District School Board Member	5 Elinor Scricca, Ph.D.		
School Choice Zone	Choice Zones	South Zone 2		
	Choice Zones	South Zone		
Solid Waste District	District Area	Area 3		
Storm Surge	Category	4/5		
Subdivisions			NOT FOUND	
Traffic Analysis Zone				
Archaeological Sensitivity			NOT FOUND	
Sea Turtle Lighting Zone			NOT FOUND	
Watersheds	Shed ID	Ten Mile Canal (South)		
FLUCCS1999			100.01%	
Vegetation Permit Required			NOT FOUND	



Soil	Map Symbol	10	63.94%	<a href="#">2</a>
	Soil Name	POMPANO FINE SAND		
	Map Symbol	28	21.99%	
	Soil Name	IMMOKALEE SAND		
	Map Symbol	27	11.7%	<a href="#">2</a>
	Soil Name	POMPANO FINE SAND, DEPRESSIONAL		
	Map Symbol	13	2.37%	<a href="#">1</a>
	Soil Name	BOCA FINE SAND		
Panther Habitat			NOT FOUND	
Eagle Nesting Site Buffer			NOT FOUND	
Commissioner District	District Commissioner	5 Frank Mann		
Unincorporated Lee County Zoning	Zoning Designation	IPD	98.72%	<a href="#">Zoning Notes</a>
	Zoning Designation	AG-2	0.34%	<a href="#">1</a>
Development Orders	Development Order Status Wet Season Water Table	DOS2007-00226	99.96%	
	Development Order Status Wet Season Water Table	DOS2006-00242	98.72%	
	Development Order Status Wet Season Water Table	DOS2007-00082	98.72%	
	Development Order Status Wet Season Water Table	LDO2005-00579	8.73%	
	Development Order Status Wet Season Water Table	LDO2003-00395	6.86%	
	Development Order Status Wet Season Water Table	LDO2002-00376	0.18%	<a href="#">1</a>
	Development Order Status Wet Season Water Table			
Road Impact Fee Districts	District Tidemark ID Name	4 54 SOUTHWEST		
Water Franchise	Franchise Name	Lee County Utilities		
Water Treatment Plant Service Area	Treatment Plant	Corkscrew WTP		
Wastewater Franchise	Franchise Name	Lee County Utilities		
Wastewater Treatment Plant Service Area	Treatment Plant	Three Oaks WWTP		
Res. Garbage Collection Day	Hauling Day	Wednesday		
Res. Recycling Collection Day	Hauling Day	Wednesday		

Res. Horticulture Collection Day	Hauling Day	Tuesday
Microwave Radio Relay Path	NOT FOUND	

[\[ Modify Report Settings \]](#)

Note	Details
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## Spatial District Query Report

**STRAP Number: 04-46-25-00-00001.0080**

District Name	District Value	Pct of Parcel in District ( if fractional )	Notes
Airport Noise Zone	Noise Zone Zone Description	C 55-60 DNL	
Airspace Notification		NOT FOUND	
Census Tract	Tract ID	401.07	
Coastal Building Zone		NOT FOUND	
Coastal High Hazard Area		NOT FOUND	
Fire District	Fire District Taxing Authority	San Carlos 077	
Flood Insurance Zone	Flood Zone	B	
FIRM Floodway		NOT FOUND	
Flood Insurance Panel	Community Panel	125124 0455	58.02%
	Version	B	
	Date	091984	
	Community Panel	125124 0475	27.04%
	Version	B	
	Date	091984	
Flood Insurance Panel	Community Panel	125124 0350	14.94%
	Version	B	
	Date	091984	
DNR Flood Zones		NOT FOUND	
Flood Insurance Coastal Barrier		NOT FOUND	
Lighting District		NOT FOUND	
Planning Community	ID Plan Community	10 Gateway/Airport	
Planning Land Use 2010	Landuse	Industrial Development	99.28%
	Landuse	Wetlands	0.72% <span style="color: red;">1</span>
Sanibel/County Agreement		NOT FOUND	
School Board District	District School Board Member	5 Elinor Scricca, Ph.D.	
School Choice Zone	Choice Zones	South Zone 2	
	Choice Zones	South Zone	
Solid Waste District	District Area	Area 3	
Storm Surge	Category	4/5	
Subdivisions		NOT FOUND	
Traffic Analysis Zone		NOT FOUND	
Archaeological Sensitivity		NOT FOUND	
Sea Turtle Lighting Zone		NOT FOUND	
Watersheds	Shed ID	Ten Mile Canal (South)	
FLUCCS1999		99.99%	
Vegetation Permit Required		NOT FOUND	

Soil	Map Symbol	10	57.69%	<a href="#">2</a>
	Soil Name	POMPANO FINE SAND		
	Map Symbol	28	24.38%	
	Soil Name	IMMOKALEE SAND		
	Map Symbol	27	10.56%	<a href="#">2</a>
	Soil Name	POMPANO FINE SAND, DEPRESSIONAL		
	Map Symbol	13	7.37%	
	Soil Name	BOCA FINE SAND		
Panther Habitat			NOT FOUND	
Eagle Nesting Site Buffer			NOT FOUND	
Commissioner District	District Commissioner	5 Frank Mann		
Unincorporated Lee County Zoning	Zoning Designation	IPD	98.83%	<a href="#">Zoning Notes</a>
	Zoning Designation	AG-2	0.31%	<a href="#">1</a>
Development Orders	Development Order Status Wet Season Water Table	DOS2007-00226	99.93%	
	Development Order Status Wet Season Water Table	DOS2006-00242	98.79%	
	Development Order Status Wet Season Water Table	DOS2007-00082	98.79%	
	Development Order Status Wet Season Water Table	LDO2005-00579	9.49%	
	Development Order Status Wet Season Water Table	LDO2003-00395	7.28%	
	Development Order Status Wet Season Water Table	LDO2002-00376	0.17%	<a href="#">1</a>
	Development Order Status Wet Season Water Table			
Road Impact Fee Districts	District Tidemark ID Name	4 54 SOUTHWEST		
Water Franchise	Franchise Name	Lee County Utilities		
Water Treatment Plant Service Area	Treatment Plant	Corkscrew WTP		
Wastewater Franchise	Franchise Name	Lee County Utilities		
Wastewater Treatment Plant Service Area	Treatment Plant	Three Oaks WWTP		
Res. Garbage Collection Day	Hauling Day	Wednesday		
Res. Recycling Collection Day	Hauling Day	Wednesday		



Res. Horticulture Collection Day	Hauling Day	Tuesday
Microwave Radio Relay Path	NOT FOUND	

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# Spatial District Query Report

STRAP Number: 04-46-25-05-00000.0010

District Name	District Value		Pct of Parcel in District ( if fractional )	Notes
Airport Noise Zone	Noise Zone	C		
	Zone Description	55-60 DNL		
Airspace Notification			NOT FOUND	
Census Tract	Tract ID	401.07	100.01%	
Coastal Building Zone			NOT FOUND	
Coastal High Hazard Area			NOT FOUND	
Fire District	Fire District	San Carlos		
	Taxing Authority	077		
Flood Insurance Zone	Flood Zone	X		
Flood Insurance Zone - Old	Flood Zone	B		
FIRM Floodway	Floodway	OUTSIDE		
FIRM Floodway - Old			NOT FOUND	
Flood Insurance Panel	Community	125124 0746	78.83%	
	Panel	0581		
	Map Number	12071C0581F		
	Effective Date	8/28/2008 12:00:00 AM		
	Community	071C	21.17%	
	Panel	0577		
	Map Number	12071C0577F		
	Effective Date	8/28/2008 12:00:00 AM		
Flood Insurance Panel - Old	Community	125124	65.53%	
	Panel	0455		
	Version	B		
	Date	091984		
	Community	125124	34.47%	
	Panel	0475		
	Version	B		
	Date			
(DNR Flood Zones) Zone A BFE			NOT FOUND	
DNR Flood Zones - Old			NOT FOUND	
Flood Insurance Coastal Barrier			NOT FOUND	
Flood Insurance Coastal Barrier -Old			NOT FOUND	
Lighting District			NOT FOUND	
Planning Community	ID	10		
	Plan Community	Gateway/Airport		
Planning Land Use 2010	Landuse	Industrial Development	96.42%	
	Landuse	Wetlands	3.58%	1
Sanibel/County Agreement			NOT FOUND	
School Board District	District	5		
	School Board Member	Elinor Scricca, Ph.D.		
School Choice Zone	Choice Zones	South Zone 2		
	Choice Zones	South Zone		
Solid Waste District	District Area	Area 3		

*Not in flood zone*

*\* A Flood Zone*

*Not in flood zone*

*1*

Storm Surge	Category	4/5		
Subdivisions	Subdivision No.	04462505		
	Subdivision Name	FORMOSA 129 INDUSTRIAL PARK		
	Book Page 1			
	Book Page 2			
	Book Page 3			
Traffic Analysis Zone				
Archaeological Sensitivity			NOT FOUND	
Sea Turtle Lighting Zone			NOT FOUND	
Watersheds	Shed ID	Ten Mile Canal (South)		
FLUCCS1999			100.01%	
Vegetation Permit Required			NOT FOUND	
Soil	Map Symbol	10	78.36%	<a href="#">2</a>
	Soil Name	POMPANO FINE SAND		
	Map Symbol	27	21.64%	<a href="#">2</a>
	Soil Name	POMPANO FINE SAND, DEPRESSIONAL		
Panther Habitat			NOT FOUND	
Eagle Nesting Site Buffer			NOT FOUND	
Commissioner District	District Commissioner	5 Frank Mann		
Unincorporated Lee County Zoning	Zoning Designation	IPD	95.6%	<a href="#">Zoning Notes</a>
	Zoning Designation	AG-2	0.33%	<a href="#">1</a>
Development Orders	Development Order Status	DOS2007-00226	99.55%	
	Wet Season Water Table			
	Development Order Status	DOS2007-00082	96.92%	
	Wet Season Water Table			
	Development Order Status	DOS2006-00242	96.8%	
	Wet Season Water Table			
	Development Order Status	LDO2003-00395	8.65%	
	Wet Season Water Table			
	Development Order Status	LDO2005-00579	8.5%	
	Wet Season Water Table			
	Development Order Status	LDO2002-00376	0.7%	<a href="#">1</a>
	Wet Season Water Table			
Road Impact Fee Districts	District	4		
	Tidemark ID	54		
	Name	SOUTHWEST		
Water Franchise	Franchise Name	Lee County Utilities		
Water Treatment Plant Service Area	Treatment Plant	Corkscrew WTP		
Wastewater Franchise	Franchise Name	Lee County Utilities		
Wastewater Treatment Plant Service Area	Treatment Plant	Three Oaks WWTP		
Res. Garbage Collection Day	Hauling Day	Wednesday		

Res. Recycling Collection Day	Hauling Day	Wednesday
Res. Horticulture Collection Day	Hauling Day	Tuesday
Microwave Radio Relay Path	NOT FOUND	

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