

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

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

April 10, 2008

Mr. Peter Blackwell  
Lee County Division of Planning  
P.O. Box 398  
Fort Myers, FL 33902

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

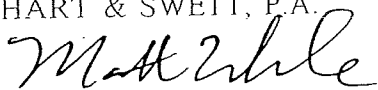
Dear Mr. Blackwell:

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

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

Sincerely,

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



Matthew D. Uhle, Esq.

MDU/ams  
Attachment

cc: Duane Swanson  
Tom Lehnert  
Kim Schlachta

## PART 4 ENVIRONMENTAL ISSUES

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

*A topo survey is included with the submittal.*

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

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

*Cabbage Palm, Gopher Tortoise,*

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

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

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

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

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

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

Not Applicable.

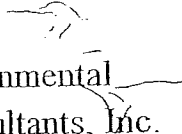


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**Raymond Lumber**

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**Indigenous Preserve Calculations**

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

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

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

May 23, 2007

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## Indigenous Preserve Calculations Table:

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

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

INDIGENOUS VEGETATION CREDIT		
Credit provided	Minimum size	Minimum width
10%	1/2 acre	50 feet
25%	1 acre	75 feet
50%	3 acres	150 feet

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

1. Rare and unique uplands as defined by the Lee Plan.
2. Connection to offsite public or private environmental conservation or preserve areas.
3. Upland buffers to natural waterbodies
- 4.

Total Site Acreage:     **36.82**

Open Space Percentage Requirement:     **0.20**

Open Space Requirement:     **7.36**

Indigenous Requirement:     **3.68**

**Northern Preserve Area**

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

**Southern Preserve Area**

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

Total Preserve Acreage: 3.63

Total Preserve Acreage with Credits: 4.15

Minimum Indigenous Preserve Acreage Required: 3.68 acres

Indigenous Provided = 4.15

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

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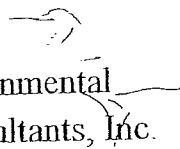
## RAYMOND LUMBER

Lee County, Florida

Sections 20; Township 43 South; Range 25 East

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### Protected Species Survey

Boylan   
Environmental  
Consultants, Inc.

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

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

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

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## INTRODUCTION

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

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

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

## SURVEY METHODOLOGY

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

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

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

## SITE CONDITIONS

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

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

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

This community includes the existing buildings and lumberyard.

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

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

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

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

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

This community includes the eastern lake.

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

This community includes Bahia grass adjacent to Raymond Lumber.

**Table 1: FLUCCS COMMUNITIES BY PERCENTAGE**

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

\*Total Upland

4.62 95 %

\*Total OSW

0.31 5 %

## SPECIES PRESENCE

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

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

$$\begin{aligned}\text{Abundance} &= \text{sum of } n_i \\ \text{Density} &= (\text{sum of } n_i)/A\end{aligned}$$

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

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

Table 2: Abundance and Density

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

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

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

## DISCUSSION

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

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

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

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



$$\begin{aligned} &= \{22\text{GT}/[6752 \text{ ft. (20ft. + 20ft.)}]\} (43,560 \text{ ft.}^2/\text{ac.}) (0.4) \\ &= [8.14 \times 10^{-5} \text{ GT}/\text{ft.}^2] (43,560 \text{ ft.}^2/\text{ac.}) (0.4) \\ &= (3.54 \text{ GT}/\text{ac.}) (0.4) \\ &= 1.42 \text{ GT}/\text{ac.} \end{aligned}$$

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**RAYMOND LUMBER**  
**GOPHER TORTOISE MANAGEMENT PLAN**  
Boylan Environmental Consultants, Inc.  
May 22, 2007

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

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

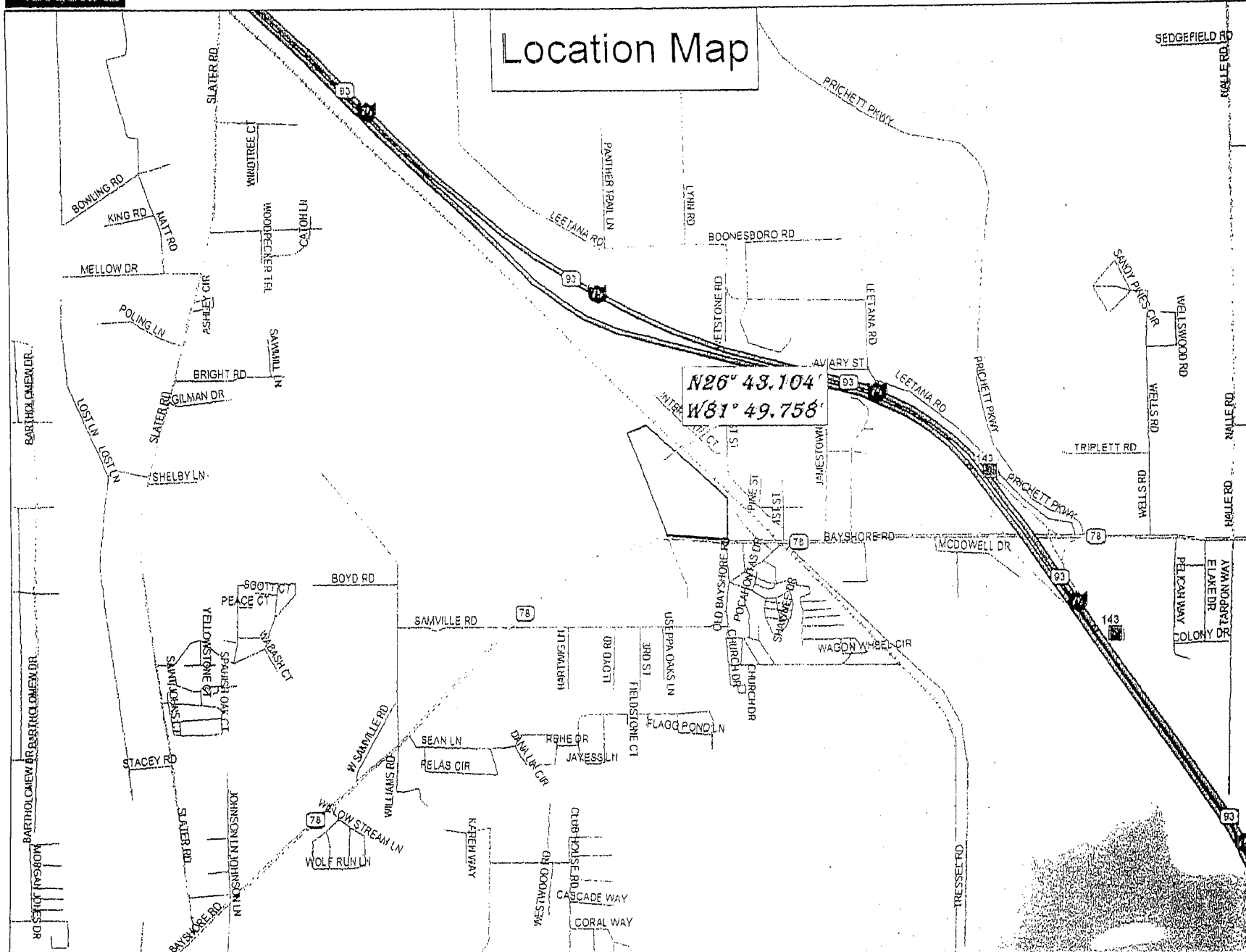
Following is a sequence of activities as it relates to the management of tortoises prior to construction, followed by a description of the manner in which burrows are to be excavated.

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

*Excavation & Relocation*

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

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



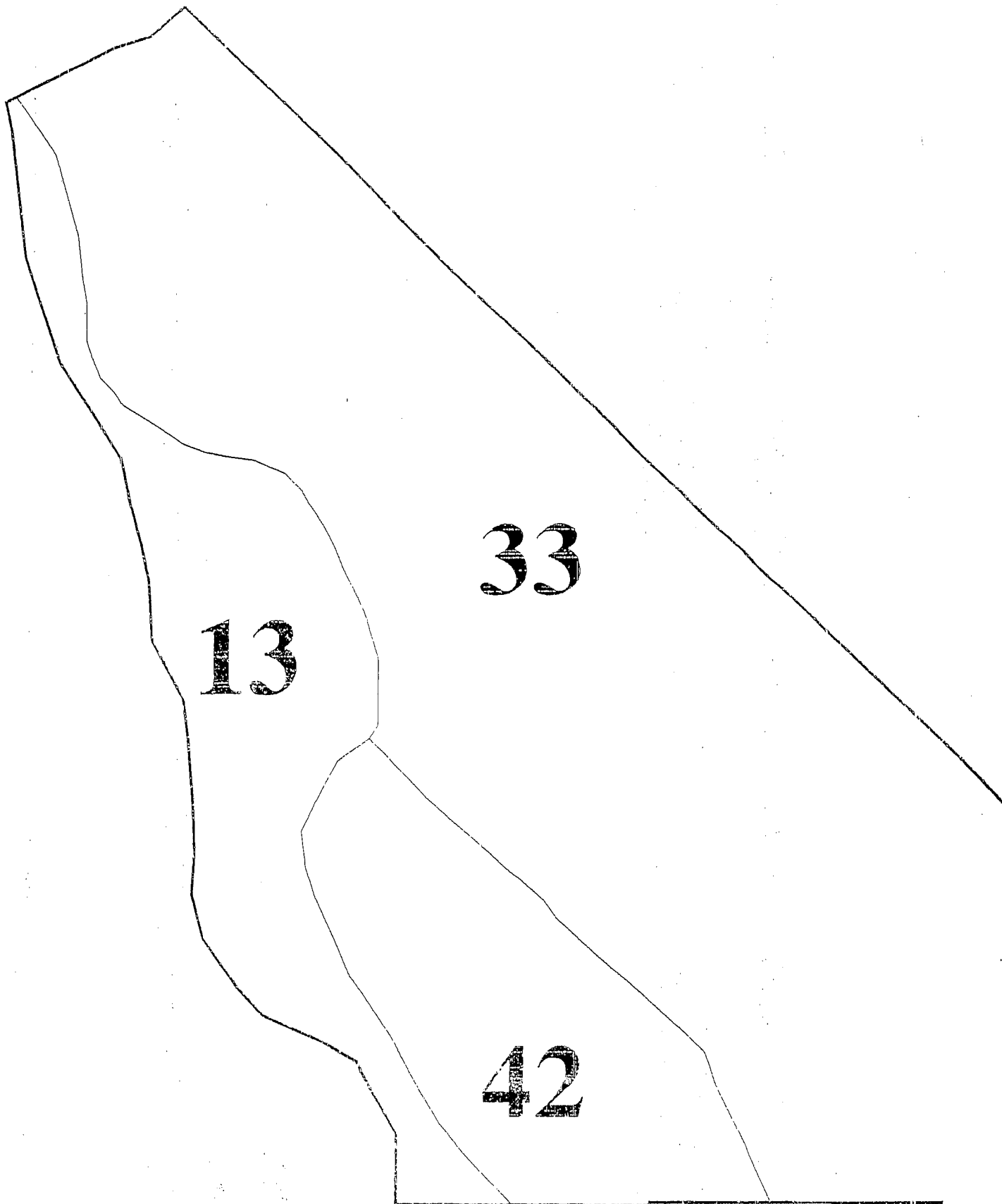


Scale: 1" = 200'

## SOILS LEGEND

ID	Description	Hydric
13	Boca fine sand	*N
33	Oldsmar sand	--
42	Wabasso sand, limestone substratum	--

\*N = National List for Hydric Soils



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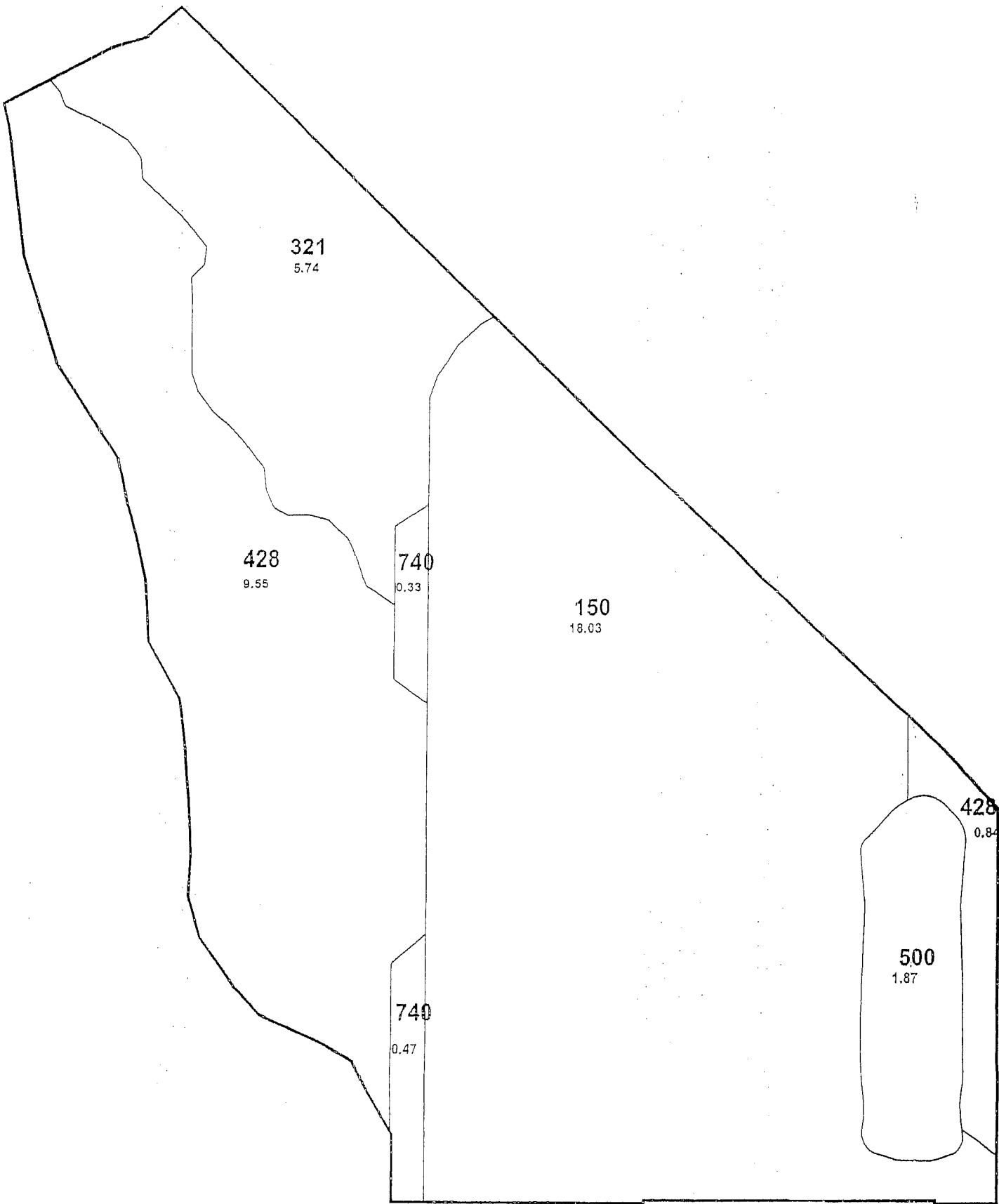




Scale: 1" = 200'

**FLUCFCS LEGEND**

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



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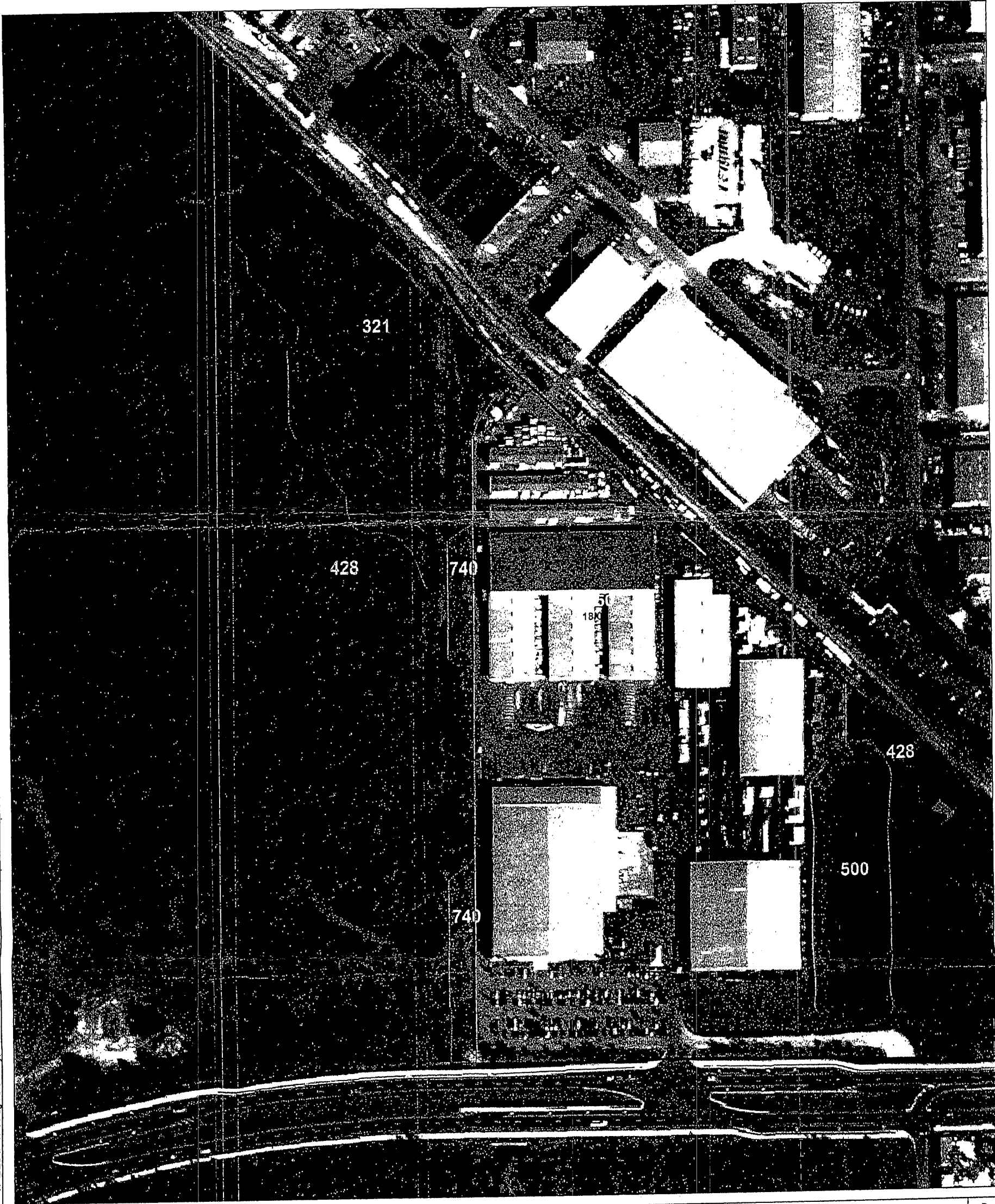


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**Boylan**  
**Environmental**  
**Consultants, Inc.**



Wetland & Wildlife Surveys, Environmental Permitting,  
Impact Assessments

11000 Metro Parkway, Suite 4, Ft. Myers, FL 33906 (239) 418-0671

Drawn By:	Date:	Category
KAS	5/16/07	FLUCFCS
Job Number		Scale:
2006-48		1" = 200'
S/T/R		County
20/43S/25E		Lee

**RAYMOND LUMBER**

FLUCFCS Aerial Map

Page

Exhibit






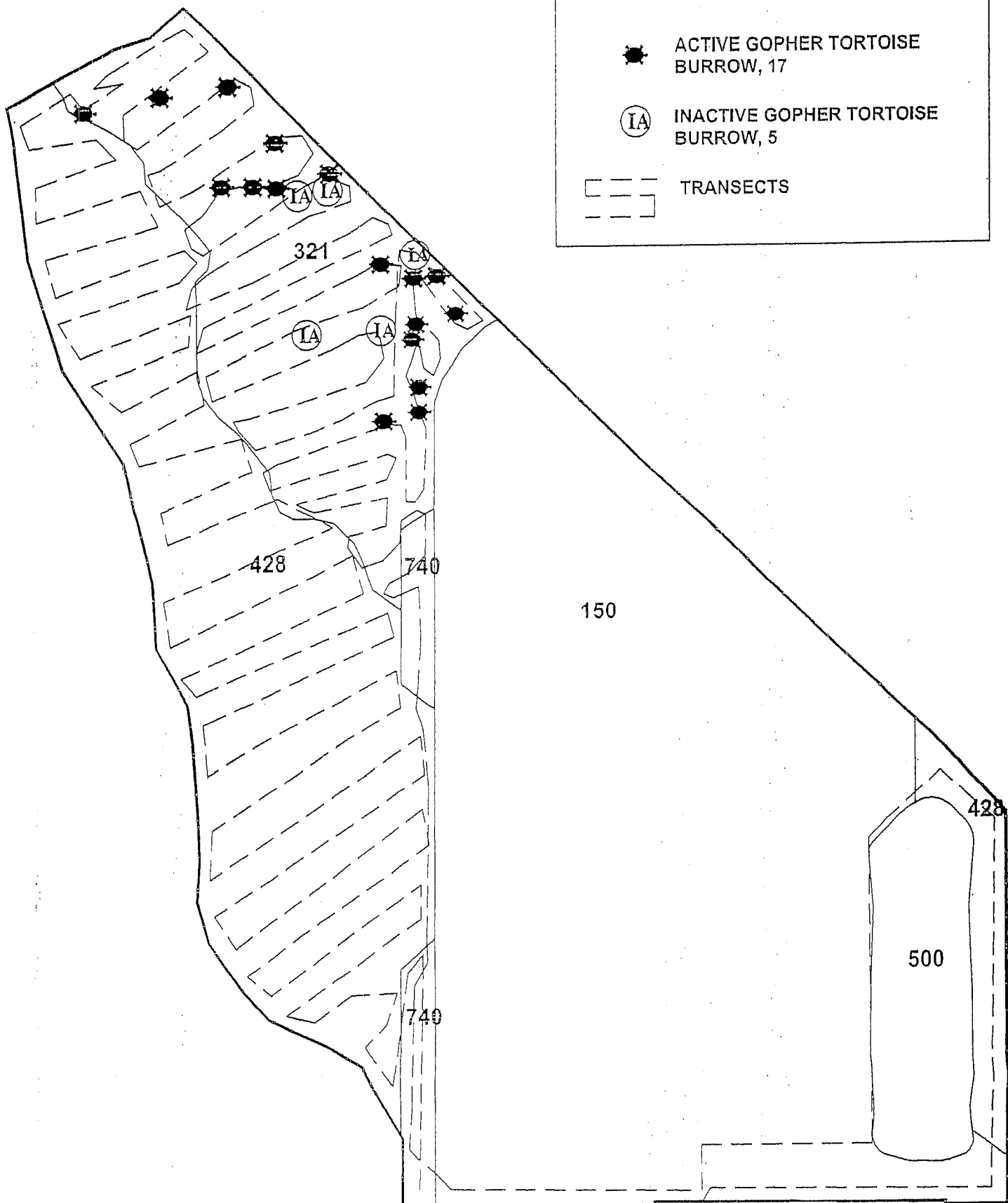
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### SPECIES SURVEY LEGEND

-  ACTIVE GOPHER TORTOISE BURROW, 17
-  INACTIVE GOPHER TORTOISE BURROW, 5
-  TRANSECTS





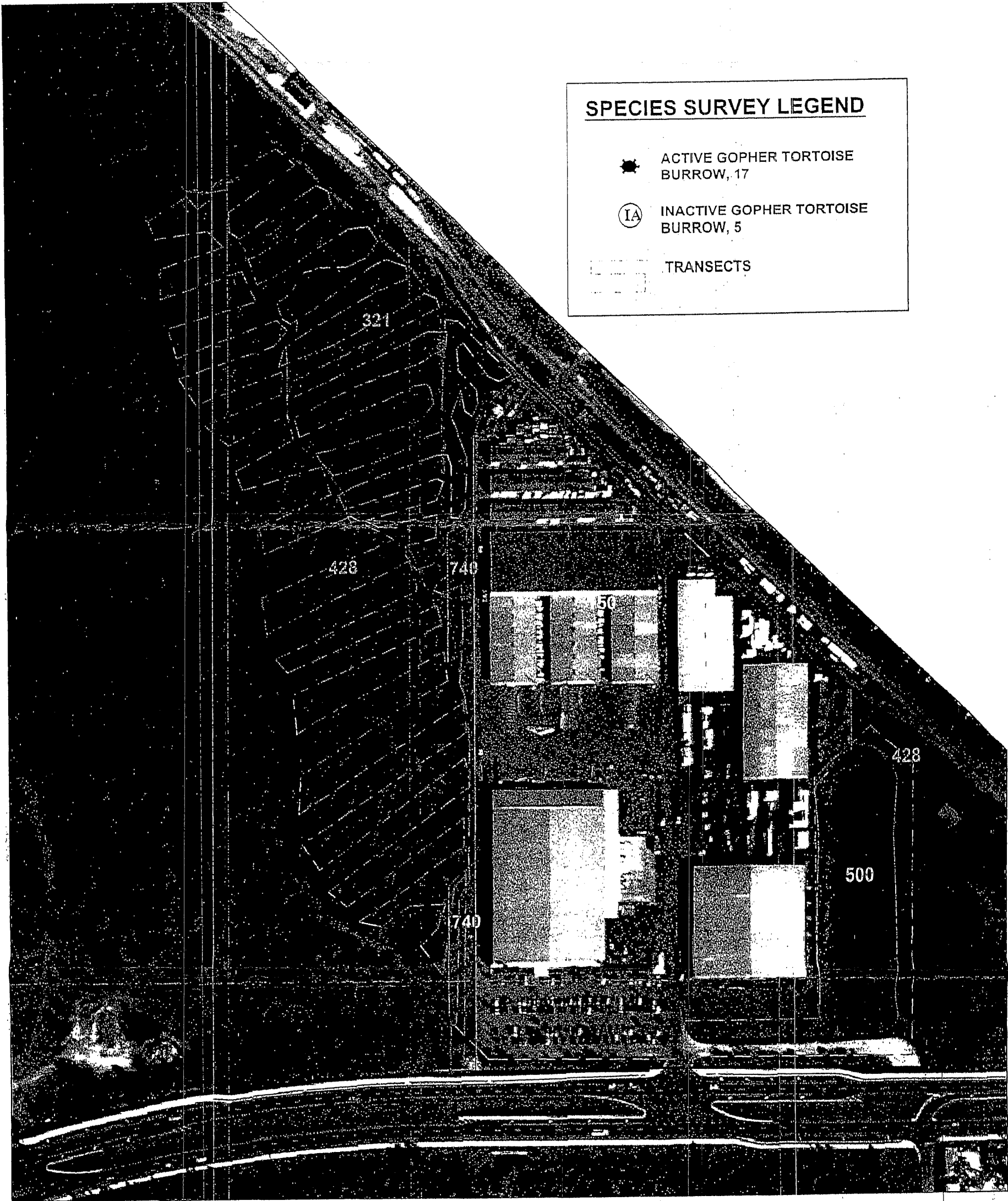
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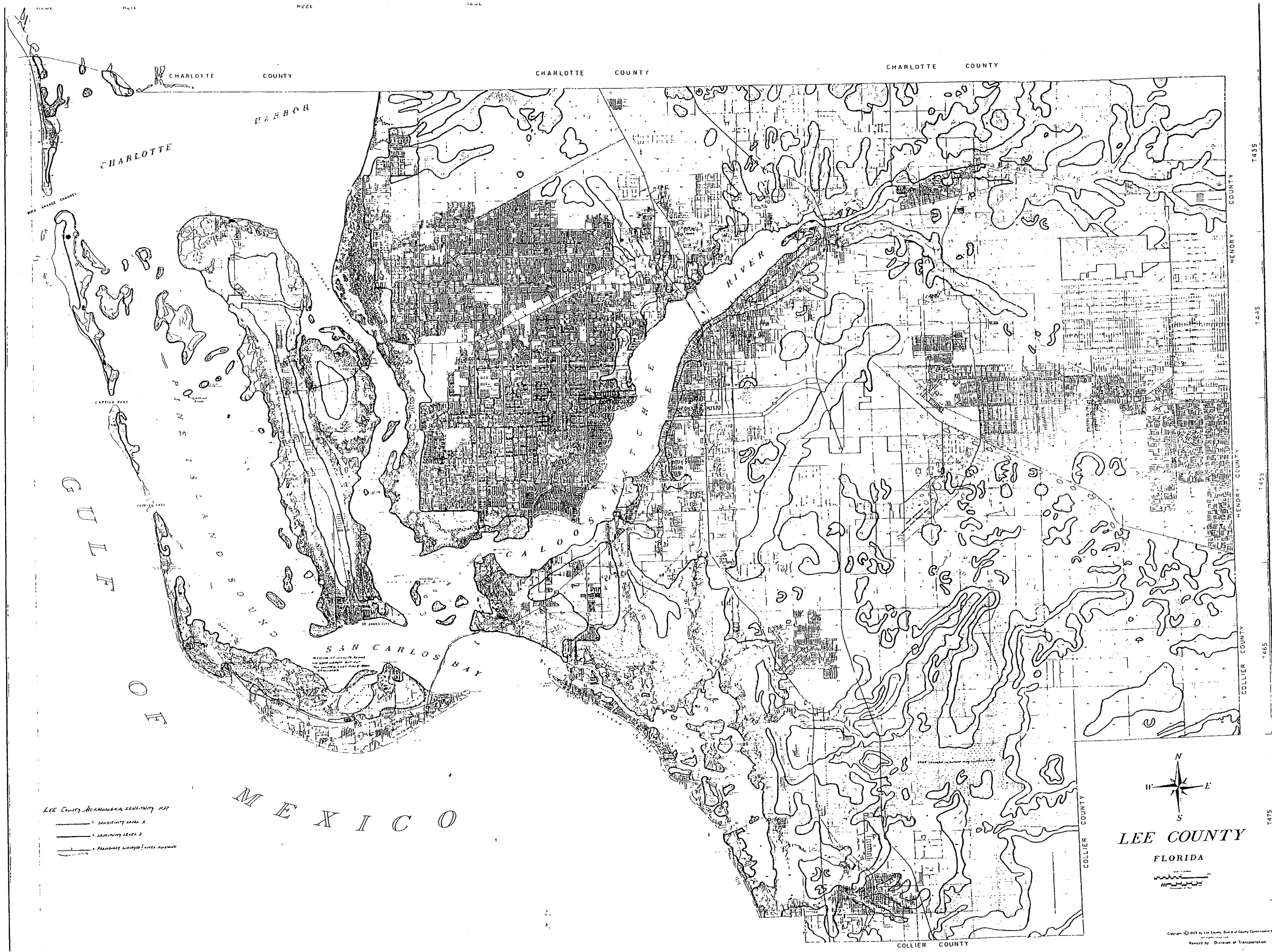
SPECIES SURVEY LEGEND

- ACTIVE GOPHER TORTOISE BURROW, 17
- INACTIVE GOPHER TORTOISE BURROW, 5
- TRANSECTS



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LEE County Hydrographic Sensitivity Map  
— Sensitivity Level 1  
— Sensitivity Level 2  
— Boundary between Lee and Collier Counties

MEXICO

N  
W E  
S

LEE COUNTY  
FLORIDA

Scale bar: 0 to 1 mile



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

September 19, 2006

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

Dear Ms. Stowe:

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

T43S, R25E, Section 20

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

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

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

Sincerely,

Celeste Ivory  
Archaeological Data Analyst, Florida Master Site File  
Division of Historical Resources  
R. A. Gray Building  
500 South Bronough Street  
Tallahassee, Florida 32399-0250

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

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

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

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

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

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

☐ Palm Beach Regional Office  
(561) 270-1475 • FAX: 270-1476

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

☐ Tampa Regional Office  
(813) 279-3843 • FAX: 279-2340

## **FLUM CAPACITY ANALYSIS**

### **EXHIBIT E.1**

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

## LEE PLAN CONSISTENCY

### EXHIBIT E.2

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

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

**Impact on Adjacent Local Governments**  
**EXHIBIT E.3**

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

## **CONSISTENCY WITH STATE PLAN**

### **EXHIBIT E.4**

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

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

## **COMPLIANCE WITH REGIONAL PLAN**

### **EXHIBIT E.4**

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

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

## **INDUSTRIAL LANDS ANALYSIS**

### **EXHIBIT F.1.a-c**

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



## **JUSTIFICATION FOR APPLICATION**

### **EXHIBIT G**

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

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

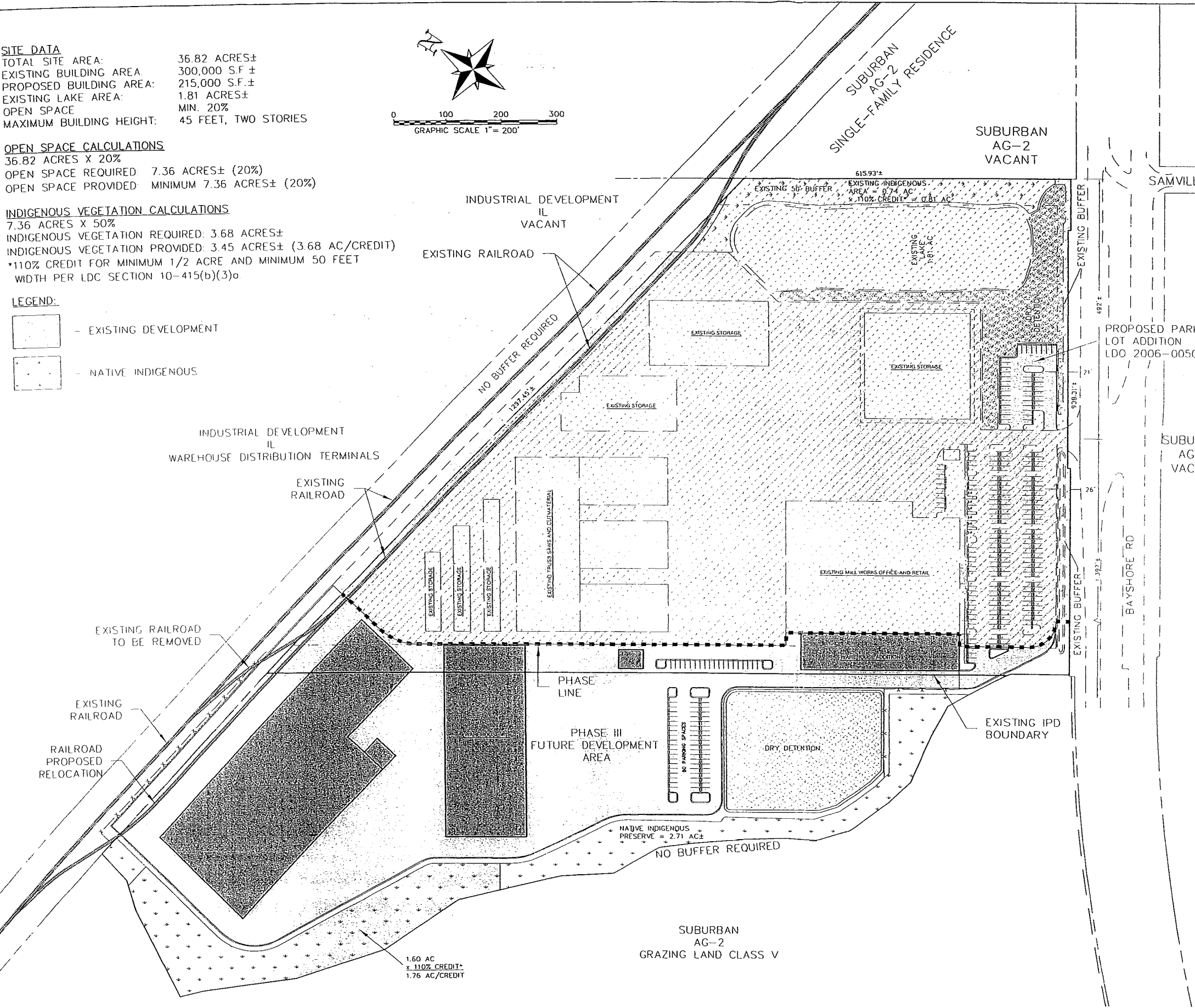
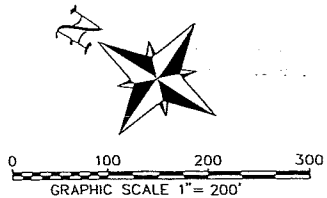
**SITE DATA**  
TOTAL SITE AREA: 36.82 ACRES±  
EXISTING BUILDING AREA: 300,000 S.F.±  
PROPOSED BUILDING AREA: 215,000 S.F.±  
EXISTING LAKE AREA: 1.81 ACRES±  
OPEN SPACE: MIN. 20%  
MAXIMUM BUILDING HEIGHT: 45 FEET, TWO STORIES

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

**INDIGENOUS VEGETATION CALCULATIONS**  
7.36 ACRES X 50%  
INDIGENOUS VEGETATION REQUIRED: 3.68 ACRES±  
INDIGENOUS VEGETATION PROVIDED: 3.45 ACRES± (3.68 AC/CREDIT)  
\*110% CREDIT FOR MINIMUM 1/2 ACRE AND MINIMUM 50 FEET WIDTH PER LDC SECTION 10-415(b)(3)0

**LEGEND:**

- EXISTING DEVELOPMENT  
NATIVE INDIGENOUS



**NOTES**

- NO INDUSTRIAL USES WILL BE CONSTRUCTED OUTSIDE THE LIMITS OF THE INDUSTRIAL LAND USE CLASSIFICATION UNTIL THE COMPREHENSIVE PLAN HAS BEEN AMENDED ACCORDINGLY.
- BUILDING ENVELOPES DEPICTED ON THE PLAN REPRESENT THE CONCEPTUAL LOCATION AND COMBINED SQUARE FOOTAGES OF THE PROPOSED USES FOR PHASE III. THEREFORE, EACH BUILDING ENVELOPE MAY ACTUALLY CONTAIN A NUMBER OF SMALLER BUILDINGS OR STRUCTURES DEVOTED TO THE PARTICULAR USE SHOWN.
- THE DEVELOPER WOULD LIKE TO RETAIN THE FLEXIBILITY TO ADJUST BUILDING AREAS FOR EACH PHASE AS LONG AS THE OVERALL BUILDING AREA DOES NOT EXCEED THE MAXIMUM TOTAL OF 515,000 SQUARE FEET ALLOCATED FOR THE ENTIRE SITE. NO BUILDING WILL INTRUDE INTO ANY OF THE BUFFER AREAS SHOWN ON THIS PLAN.
- THE OPEN SPACE REQUIREMENTS FOR THE ENTIRE DEVELOPMENT WILL BE MET THROUGH THE UTILIZATION OF PERIMETER BUFFERING AND RETENTION AREAS WHICH ALLOW THE ENTIRE FUTURE DEVELOPMENT AREA (PHASE II) TO BE IMPERVIOUS.
- PROPERTY DEVELOPMENT REGULATIONS WILL MEET THE MINIMUM REQUIREMENTS OF THE IL ZONING DISTRICT PER SECTION 34-904 OF THE LEE COUNTY LAND DEVELOPMENT CODE WITH THE EXCEPTION THAT A MAXIMUM BUILDING HEIGHT OF 45 FEET, TWO STORIES WILL BE PERMITTED.
- NO INTERNAL STREET RIGHTS-OF-WAY ARE PROPOSED WITHIN THE PROJECT. ACCESS TO PHASE III WILL BE PROVIDED THROUGH CONNECTING PAVEMENT AREAS WHICH WILL BE DEFINED BY THE LOCATION OF FUTURE DEVELOPMENT.
- ALL ENTRANCE GATES AND GATEHOUSES WILL BE CONSTRUCTED IN ACCORDANCE WITH SECTION 34-1749 OF THE LEE COUNTY LAND DEVELOPMENT CODE.
- ALL OPEN SPACE, LANDSCAPING, AND BUFFERING WILL BE IN COMPLIANCE WITH THE REQUIREMENTS ESTABLISHED IN SECTION 10, DIVISION 6 OF THE LEE COUNTY LAND DEVELOPMENT CODE.
- PARKING WILL MEET THE REQUIREMENTS OF SECTIONS 34-2014 THRU 34-2020 OF THE LEE COUNTY LAND DEVELOPMENT CODE.
- AREAS UTILIZED FOR OPEN STORAGE WILL MEET ALL APPLICABLE REQUIREMENTS OF THE LEE COUNTY LAND DEVELOPMENT CODE.
- THE EXACT LIMITS OF THE PROPOSED LAKE EXCAVATION MAY VARY SUBJECT TO SOUTH FLORIDA WATER MANAGEMENT DISTRICT APPROVAL.
- PUBLIC TRANSPORTATION IS NOT PRESENTLY AVAILABLE TO THE SITE.

**NOTES**

- PARCEL ADDRESS: 7731 & 7751 BAYSHORE ROAD NORTH FORT MYERS, FL 33917
- CURRENT ZONING: AG-2 & IPD
- PROPOSED ZONING: IPD
- FUTURE LAND USE: INDUSTRIAL DEVELOPMENT AND SUBURBAN

-7-MCP2.dwg, 5/8/2007 11:27:44 AM, Steve Johnson

PREPARED FOR:  
**RAYMOND BUILDING SUPPLY CORP.**  
7751 BAYSHORE ROAD  
NORTH FORT MYERS, FLORIDA 33917  
PHONE: (239) 731-8300

NO.	DATE	REVISION DESCRIPTION	BY

**Banks Engineering**  
Professional Engineers, Planners & Land Surveyors  
10511 SIX MILE CYPRESS PARKWAY  
FORT MYERS, FLORIDA 33966  
PHONE: (239) 939-5400 FAX: (239) 939-2523  
ENGINEERING LICENSE # EB 6459  
SURVEY LICENSE # LB 6690

MASTER CONCEPT PLAN  
**RAYMOND BUILDING SUPPLY**  
LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET	OF	FILE NO. (S-T-R)
05/02/2007	2249	_MCP	SDJ	SDJ		1"=200'	1	1	20-435-25E

**CPA2006-14  
PRIVATELY SPONSORED  
RAYMOND LUMBER  
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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**DCA Transmittal Document**

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

**October 23, 2008**

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

☐

Text Amendment

☒

Map Amendment

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

STAFF REPORT PREPARATION DATE: April 21, 2008

**PART I - BACKGROUND AND STAFF RECOMMENDATION**

**A. SUMMARY OF APPLICATION**

**1. APPLICANT/REPRESENTATIVE:**

Raymond Building Supply Corp.

Represented by Matthew Uhle of Knott, Consoer, Ebelini, Hart & Swett PA

1625 Hendry St. Suite 301

Ft. Myers, FL, 33901

**2. REQUEST:**

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

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

**1. RECOMMENDATION:**

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

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

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

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

## **C. BACKGROUND INFORMATION**

### **1. INTRODUCTION**

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

### **2. COMPREHENSIVE PLAN BACKGROUND**

The subject property has been designated Suburban on the Future Land Use Map since 1984, the year that the Lee Plan was adopted. There have been two previous small-scale plan amendments to accommodate the relocation of the Raymond Lumber operation: PAM96-

01and PAM97-04. PAM96-01 allowed the Raymond Lumber operation to move to the site by redesignating 9.98 acres of land from Suburban to Industrial development. PAM97-04 expanded the Raymond Lumber operation by redesignating 9.26 acres from Suburban to Industrial Development.

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

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

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

## PART II - STAFF ANALYSIS

### A. STAFF DISCUSSION

#### Introduction

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

#### Environmental Issues

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

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

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

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

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

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

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

#### **School Impacts**

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

#### **Coastal High Hazard Area**

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

#### **Sheriffs Office**

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

#### **Fire**

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

#### **Emergency Medical Services**

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

#### **Utilities**

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

The subject property is within the Lee County Utilities water service area. A letter from Lee County Utilities dated November 20, 2007 states that potable water lines are currently in operation in the area of the subject property but that the developer may be required to fund system enhancements such as line



extensions. Lee County Utilities presently has the capacity to provide potable water service to the subject property based on the applicants estimation of 4 industrial units with a flow demand of 1,680 gallons per day.

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

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

Industrial development must also meet the standards of Lee Plan Goal 11. Standard 11.1 requires that any new industrial development exceeding 30,000 square feet must connect to a public water system. The proposed development is estimated at 180,000 square feet on the subject property and therefore will require connection to a public water system. Standard 11.2 requires that new industrial development that generates more than 5,000 gallons of sewage per day must connect to a sanitary sewer system. With an estimated 1,680 gallons per day, the subject property does not exceed the threshold for Standard 11.2.

#### **Solid Waste**

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

#### **Parks, Recreation and Open Space**

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

#### **Historic Resources**

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

#### **Transportation Issues**

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

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

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

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

### **Industrial Compatibility**

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

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

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

- 1. The development must comply with local, state, and federal air, water, and noise pollution standards.*
- 2. When located next to residential areas, industry must not generate noise levels incompatible with the residential development.*

3. Bulk storage or production of toxic, explosive, or hazardous materials will not be permitted near residential areas.

4. Contamination of ground or surface water will not be permitted.

5. Applications for industrial development will be reviewed and evaluated as to:

- a. Air emissions (rezoning and development orders);
- b. Impact and effect on environmental and natural resources (rezoning and development orders);
- c. Effect on neighbors and surrounding land use (rezoning);
- d. Impacts on water quality and water needs (rezoning and development orders);
- e. Drainage system (development orders);
- f. Employment characteristics (rezoning);
- g. Fire and safety (rezoning and development orders);
- h. Noise and odor (rezoning and development orders);
- i. Buffering and screening (planned development rezoning and development orders);
- j. Impacts on transportation facilities and access points (rezoning and development orders);
- k. Access to rail, major thoroughfares, air, and, if applicable, water (rezoning and development orders);
- l. Utility needs (rezoning and development orders); and
- m. Sewage collection and treatment (rezoning and development orders).

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

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

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

### **Surrounding Zoning and Future Land Uses**

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

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

### **B. CONCLUSIONS**

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

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

### **C. STAFF RECOMMENDATION**

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

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

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

DATE OF PUBLIC HEARING: June 23, 2008

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

Planning staff and the applicant made presentations. One LPA member asked what economic incentive did the applicant have to set aside a portion of the subject property for gopher tortoise preservation. Staff indicated that it was not a matter of incentive but of preserving the environmental integrity of the subject property. One member asked how the size of the preserve was calculated. Staff indicated that the portion that runs along the western edge was based on the applicants own proposed buffer and preserve while the southern edge of the gopher tortoise preserve was based on where the eastern edge of the subject property intersects the right of way of the railroad. Another member asked if the gopher tortoise preserve would be able to hold additional tortoises from off site. Staff stated that the number of tortoises on the site is the maximum holding capacity. One member asked the applicant how much of the building site would be affected by the proposed gopher tortoise preserve. The applicant said only one building. One member questioned the applicants environmental consultant about the gopher tortoises. The consultant indicated the number and location of the tortoise burrows. Two LPA members discussed whether the main issue in this proposed amendment was the industrial use of the land or the preservation of the gopher tortoises. One member stated that this meeting was not the proper venue for addressing the tortoise issue and that the presence of the railroad was detrimental to the safety of the tortoises. The member stated that gopher tortoise issues should and would be addressed at a later stage in the development of the subject property. The member stated that to begin to address the issue in the LPA would create great difficulties in the plan amendment process. The other member stated that the tortoise preserve should be discussed at the LPA and that gopher tortoises in general have not been sufficiently addressed by the policies and practices of Lee County. The member stated that the Lee Plan has established a value for gopher tortoises and that this value is also important as well as economic considerations. One member asked the environmental consultant about how the endangered status of the gopher tortoise affected development of the property. The consultant stated that the incidental take procedure was difficult and that relocation of the tortoises was to be used. Another member asked the applicant how important the railroad frontage is to the economic viability of the site and the applicant stated that it is vital. Another member stated that the gopher tortoises were only one issue among many on this proposal. The member stated that other issues such as the suitability of the site for industrial uses outweighed the preserve issue. This member agreed that the LPA was not the proper venue for addressing the gopher tortoise issue.

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

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

The LPA recommends that the Board of County Commissioners transmit the amendment as proposed by the applicant.

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

The LPA accepted the findings of fact as presented by the applicant. The LPA stated that the subject property was suitable for industrial development. The LPA also stated that the

economic importance of the applicants business in the county and the importance of the proposed amendment to the applicants economic well-being outweighed the need to preserve the Gopher tortoise habitat as recommended by Planning Staff.

**C. VOTE:**

<b>NOEL ANDRESS</b>	<b>AYE</b>
<b>LES COCHRAN</b>	<b>ABSENT</b>
<b>RONALD INGE</b>	<b>ABSENT</b>
<b>JACQUE RIPPE</b>	<b>AYE</b>
<b>CARLETON RYFFEL</b>	<b>AYE</b>
<b>LELAND M. TAYLOR</b>	<b>ABSENT</b>
<b>RAE ANN WESSEL</b>	<b>AYE</b>

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

DATE OF TRANSMITTAL HEARING: October 23, 2008

**A. BOARD REVIEW:**

Planning and Environmental Sciences Staff made presentations. One Board member asked Environmental staff about the current state of the Gopher Tortoise burrows. Another member asked what would happen to the tortoises if it was not possible to preserve them onsite. Environmental staff replied that the County and the Fish and Wildlife Service have regulations in place for relocating the tortoises. The Board member asked the applicant's environmental consultant if there was going to be an incidental take on this case. The consultant stated that the applicant intended to only use offsite relocation. Another Board member asked if only specific sites must be used for relocation and the consultant stated that only approved sites were allowed. The Board member asked if the main point of the applicants case was that the environmental concerns were premature for the plan amendment process. The consultant replied yes it was. Putting land into the Conservation future land use category would remove the applicants flexibility regarding later environmental concerns.

Board members stated that there is community support for the proposed amendment. The members stated that the Lee Plan is flexible to allow for this kind of situation and that industrial diversity is needed in Lee County. One member asked if there was any guarantee that the gopher tortoises would be relocated. The Assistant County Attorney answered that such measures are in place in the Land Development Code.

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

**1. BOARD ACTION:**

The Board of Commissioners voted to transmit the amendment as proposed by the applicant.

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

The Board stated that although Staffs concerns were valid, the Lee Plan is flexible enough to allow for the applicant to address the gopher tortoise issue without adopting staffs recommendations.

**C. VOTE:**

**A. BRIAN BIGELOW**

AYE

**TAMMARA HALL**

AYE

**ROBERT P. JANES**

AYE

**RAY JUDAH**

AYE

**FRANKLIN B. MANN**

AYE



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

DATE OF ORC REPORT: \_\_\_\_\_

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

**B. STAFF RESPONSE**

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

DATE OF ADOPTION HEARING: \_\_\_\_\_

**A. BOARD REVIEW:**

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

**1. BOARD ACTION:**

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

**C. VOTE:**

**A. BRIAN BIGELOW**

**TAMMARA HALL**

**ROBERT P. JANES**

**RAY JUDAH**

**FRANKLIN B. MANN**

_____
_____
_____
_____
_____
_____

CPA2006-14 Raymond Lumber  
Existing Future Land Use

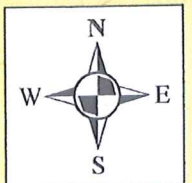
Subject  
Property

BAYSHORE RD

Industrial Development  
Suburban

0 200 400 600 800 1,000  
Feet

EXHIBIT 1





# CPA2006-14 Raymond Lumber Proposed Future Land Use

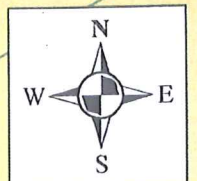
Subject  
Property

BAYSHORE RD

Industrial Development  
Suburban

0 200 400 600 800 1,000  
Feet

EXHIBIT 2





CPA2006-14 Raymond Lumber  
Staff Proposed Future Land Use Map

Subject  
Parcel

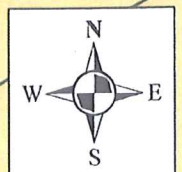
BAYSHORE RD

**Future Land Use Category**

-  Industrial Development
-  Suburban
-  Conservation Land

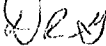
0 200 400 600 800  
Feet

**EXHIBIT 3**



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

**Date:** April 15, 2008  
**To:** Pete Blackwell, Senior Planner

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

**Project:** Raymond Lumber  
**Case:** CPA2006-00014  
**STRAP:** 20-43-25-00-00003.1000

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

**PROJECT SITE:**

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

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

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

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

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

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

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

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

- Sustain native plant and animal populations;
- Help protect people and property from flooding;
- Help replenish our underground drinking water supply;
- Help to improve or sustain the water quality of our coastal bays, inlets;
- Provide ecotourism opportunities, and
- Provide local environmentally oriented recreational and educational opportunities.

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

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

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

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

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

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

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

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

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

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

- **Objective 77.3:** *New developments must use innovative open space design to preserve existing native vegetation and buffer adjacent uses. Policy 77.3.3: The County*



*encourages new developments to incorporate large contiguous open space areas in their development design.*

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

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

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

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

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

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

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

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

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

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

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

**RECEIVED**  
OCT 07 2008  
COMMUNITY DEVELOPMENT

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

2006-00014

## APPLICATION FOR A COMPREHENSIVE PLAN AMENDMENT

(To be completed at time of intake)

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

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

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

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

THE FOLLOWING VERIFIED:

Zoning ☐ \_\_\_\_\_ Commissioner District ☐

Designation on FLUM ☐

-----  
(To be completed by Planning Staff)

Plan Amendment Cycle: ☐ Normal ☐ Small Scale ☐ DRI ☐ Emergency

Request No: \_\_\_\_\_

### APPLICANT PLEASE NOTE:

Answer all questions completely and accurately. Please print or type responses. If additional space is needed, number and attach additional sheets. The total number of sheets in your application is: \_\_\_\_\_

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

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

1/23/08  
DATE

*Matthew R. White*  
SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

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

Raymond Building Supply Corp.

APPLICANT

7751 Bayshore Road

ADDRESS

North Fort Myers

FL

33917

CITY

STATE

ZIP

(239) 731-8300

(239) 731-3299

TELEPHONE NUMBER

FAX NUMBER

Matthew D. Uhle, Esq. for Knott, Consoer, Ebelini, Hart & Swett, P.A.

AGENT\*

1625 Hendry Street, Suite 301

ADDRESS

Fort Myers

FL

33901

CITY

STATE

ZIP

(239) 334-2722

(239) 334-1446

TELEPHONE NUMBER

FAX NUMBER

Raymond Building Supply Corp.

OWNER(s) OF RECORD

7751 Bayshore Road

ADDRESS

North Fort Myers

FL

33917

CITY

STATE

ZIP

(239) 731-8300

(239) 731-3299

TELEPHONE NUMBER

FAX NUMBER

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

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

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

**A. TYPE: (Check appropriate type)**

Text Amendment

✓

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

List Number(s) of Map(s) to be amended  
Map 1 - FLUM

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

Map amendment from Suburban to Industrial Development

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

**A. Property Location:**

1. Site Address: 7731 Bayshore Road, North Fort Myers, FL 33917

2. STRAP(s): 20-43-25-00-00003.1010

**B. Property Information**

Total Acreage of Property: 14± Acres

Total Acreage included in Request: 14± Acres

Area of each Existing Future Land Use Category: All property in Suburban

Total Uplands: 14± Acres

Total Wetlands: None

Current Zoning: AG-2

Current Future Land Use Designation: Suburban

Existing Land Use: Vacant

C. 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:* NA

*Acquisition Area:* NA

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

*Community Redevelopment Area:* NA

D. Proposed change for the Subject Property:

Industrial Development

E. Potential development of the subject property:

1. Calculation of maximum allowable development under existing FLUM:

Residential Units/Density      6 d.u./acre (84 total units)

Commercial intensity      NA

Industrial intensity      NA

2. Calculation of maximum allowable development under proposed FLUM:

Residential Units/Density      NA

Commercial intensity      NA

Industrial intensity      180,000 square feet

#### IV. AMENDMENT SUPPORT DOCUMENTATION

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

##### A. General Information and Maps

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

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

1. Provide any proposed text changes.
2. Provide a Future Land Use Map showing the boundaries of the subject property, surrounding street network, surrounding designated future land uses, and natural resources.
3. Map and describe existing land uses (not designations) of the subject property and surrounding properties. Description should discuss consistency of current uses with the proposed changes.
4. Map and describe existing zoning of the subject property and surrounding properties.
5. The legal description(s) for the property subject to the requested change.
6. A copy of the deed(s) for the property subject to the requested change.
7. An aerial map showing the subject property and surrounding properties.
8. If applicant is not the owner, a letter from the owner of the property authorizing the applicant to represent the owner.

**B. Public Facilities Impacts**

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

**1. Traffic Circulation Analysis**

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

**Long Range – 20-year Horizon:**

- a. Working with Planning Division staff, identify the traffic analysis zone (TAZ) or zones that the subject property is in and the socio-economic data forecasts for that zone or zones;
- b. Determine whether the requested change requires a modification to the socio-economic data forecasts for the host zone or zones. The land uses for the proposed change should be expressed in the same format as the socio-economic forecasts (number of units by type/number of employees by type/etc.);

- c. If no modification of the forecasts is required, then no further analysis for the long range horizon is necessary. If modification is required, make the change and provide to Planning Division staff, for forwarding to DOT staff. DOT staff will rerun the FSUTMS model on the current adopted Financially Feasible Plan network and determine whether network modifications are necessary, based on a review of projected roadway conditions within a 3-mile radius of the site;
- d. If no modifications to the network are required, then no further analysis for the long range horizon is necessary. If modifications are necessary, DOT staff will determine the scope and cost of those modifications and the effect on the financial feasibility of the plan;
- e. An inability to accommodate the necessary modifications within the financially feasible limits of the plan will be a basis for denial of the requested land use change;
- f. If the proposal is based on a specific development plan, then the site plan should indicate how facilities from the current adopted Financially Feasible Plan and/or the Official Trafficways Map will be accommodated.

Short Range – 5-year CIP horizon:

- a. Besides the 20-year analysis, for those plan amendment proposals that include a specific and immediated development plan, identify the existing roadways serving the site and within a 3-mile radius (indicate laneage, functional classification, current LOS, and LOS standard);
  - b. Identify the major road improvements within the 3-mile study area funded through the construction phase in adopted CIP's (County or Cities) and the State's adopted Five-Year Work Program;
- Projected 2020 LOS under proposed designation (calculate anticipated number of trips and distribution on roadway network, and identify resulting changes to the projected LOS);
- c. For the five-year horizon, identify the projected roadway conditions (volumes and levels of service) on the roads within the 3-mile study area with the programmed improvements in place, with and without the proposed development project. A methodology meeting with DOT staff prior to submittal is required to reach agreement on the projection methodology;
  - d. Identify the additional improvements needed on the network beyond those programmed in the five-year horizon due to the development proposal.
2. Provide an existing and future conditions analysis for:
- a. Sanitary Sewer
  - b. Potable Water
  - c. Surface Water/Drainage Basins
  - d. Parks, Recreation, and Open Space.



Analysis should include (but is not limited to) the following:

- Franchise Area, Basin, or District in which the property is located;
- Current LOS, and LOS standard of facilities serving the site;
- Projected 2020 LOS under existing designation;
- Projected 2020 LOS under proposed designation;
- Improvements/expansions currently programmed in 5 year CIP, 6-10 year CIP, and long range improvements; and
- Anticipated revisions to the Community Facilities and Services Element and/or Capital Improvements Element (state if these revisions are included in this amendment).

3. Provide a letter from the appropriate agency determining the adequacy/provision of existing/proposed support facilities, including:
  - a. Fire protection with adequate response times;
  - b. Emergency medical service (EMS) provisions;
  - c. Law enforcement;
  - c. Solid Waste;
  - d. Mass Transit; and
  - e. Schools.

*In reference to above, the applicant should supply the responding agency with the information from Section's II and III for their evaluation. This application should include the applicant's correspondence to the responding agency.*

C. Environmental Impacts

Provide an overall analysis of the character of the subject property and surrounding properties, and assess the site's suitability for the proposed use upon the following:

1. A map of the Plant Communities as defined by the Florida Land Use Cover and Classification system (FLUCCS).
2. A map and description of the soils found on the property (identify the source of the information).
3. A topographic map with property boundaries and 100-year flood prone areas indicated (as identified by FEMA).
4. A map delineating wetlands, aquifer recharge areas, and rare & unique uplands.
5. A table of plant communities by FLUCCS with the potential to contain species (plant and animal) listed by federal, state or local agencies as endangered, threatened or species of special concern. The table must include the listed species by FLUCCS and the species status (same as FLUCCS map).

D. Impacts on Historic Resources

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

1. A map of any historic districts and/or sites, listed on the Florida Master Site File, which are located on the subject property or adjacent properties.
2. A map showing the subject property location on the archeological sensitivity map for Lee County.

E. Internal Consistency with the Lee Plan

1. Discuss how the proposal affects established Lee County population projections, Table 1(b) (Planning Community Year 2020 Allocations), and the total population capacity of the Lee Plan Future Land Use Map.
2. List all goals and objectives of the Lee Plan that are affected by the proposed amendment. This analysis should include an evaluation of all relevant policies under each goal and objective.
3. Describe how the proposal affects adjacent local governments and their comprehensive plans.
4. List State Policy Plan and Regional Policy Plan goals and policies which are relevant to this plan amendment.

F. Additional Requirements for Specific Future Land Use Amendments

1. Requests involving Industrial and/or categories targeted by the Lee Plan as employment centers (to or from)
  - a. State whether the site is accessible to arterial roadways, rail lines, and cargo airport terminals,
  - b. Provide data and analysis required by Policy 2.4.4,
  - c. The affect of the proposed change on county's industrial employment goal specifically policy 7.1.4.
2. Requests moving lands from a Non-Urban Area to a Future Urban Area
  - a. Demonstrate why the proposed change does not constitute Urban Sprawl. Indicators of sprawl may include, but are not limited to: low-intensity, low-density, or single-use development; 'leap-frog' type development; radial, strip, isolated or ribbon pattern type development; a failure to protect or conserve natural resources or agricultural land; limited accessibility; the loss of large amounts of functional open space; and the installation of costly and duplicative infrastructure when opportunities for infill and redevelopment exist.

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

Item 1: Fee Schedule

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

## AFFIDAVIT

I, Duane Swanson as Director of Raymond Building Supply Corporation, a Florida Corporation, 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.

Duane Swanson, V.P., Director  
Signature of owner or owner-authorized agent

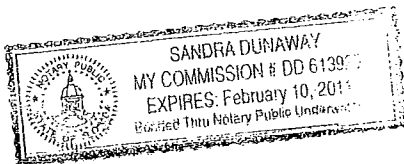
11/2/07  
Date

Duane Swanson  
Typed or printed name

STATE OF FLORIDA )  
COUNTY OF LEE )

The foregoing instrument was certified and subscribed before me this 2 day of Nov 2007, by Duane Swanson as Director of Raymond Building Supply Corporation, a Florida Corporation, who is personally known to me or who has produced \_\_\_\_\_ as identification.

(SEAL)



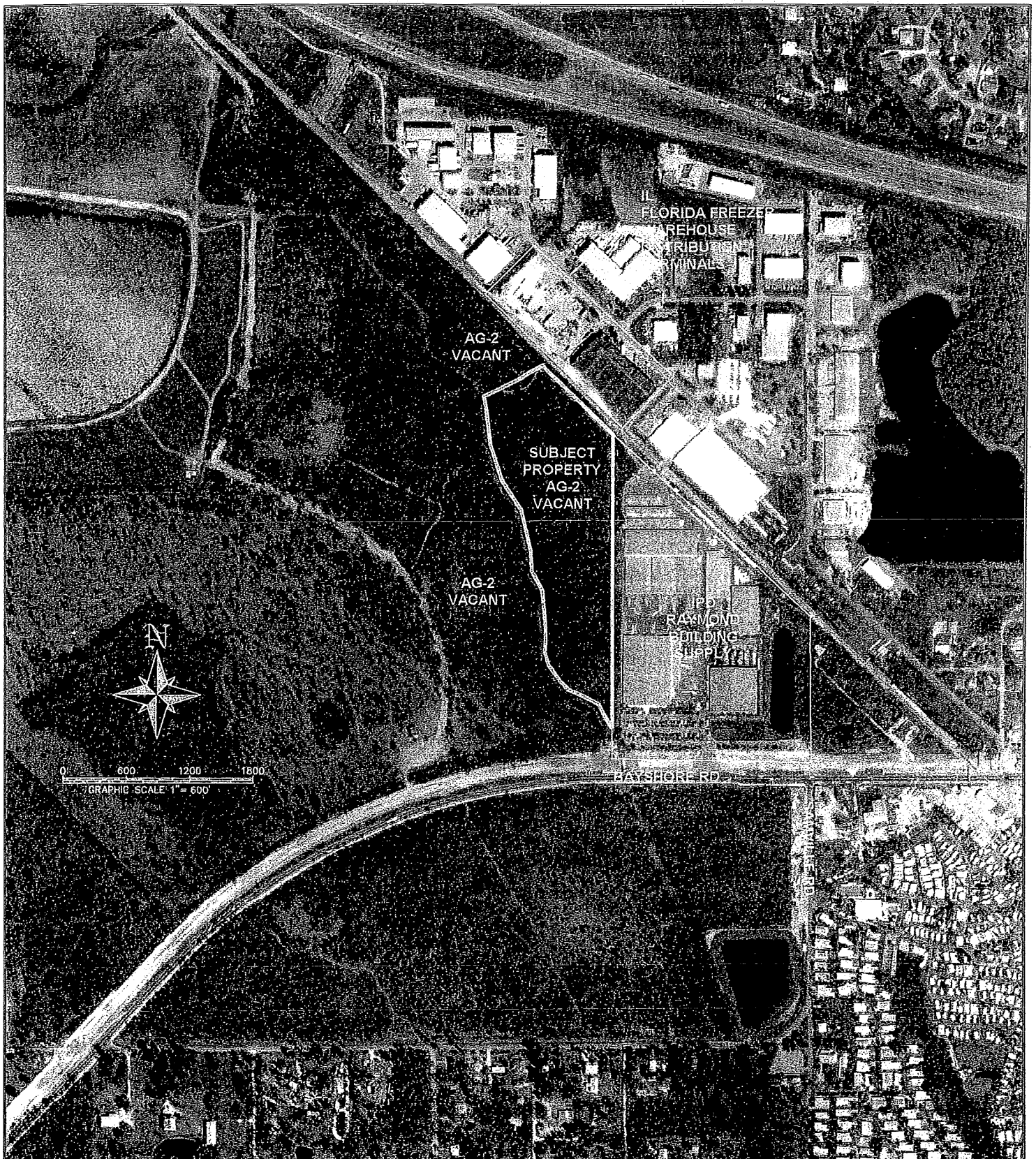
[Signature]  
Signature of notary public

\_\_\_\_\_  
Printed name of notary public









# **Banks Engineering**

Professional Engineers, Planners & Land Surveyors

10511 SIX MILE CYPRESS PARKWAY, SUITE 101  
FORT MYERS, FLORIDA 33966  
PHONE: (239) 939-5430 FAX: (239) 939-2523  
ENGINEERING LICENSE # EB 6459  
SURVEY LICENSE # LB 6690

EXISTING LAND USE, ZONING AND AERIAL

## **RAYMOND BUILDING SUPPLY - PHASE 2**

LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET	OF	FILE NO. (S-T-R)
8/25/2006	2249	_AER	SDJ	SDJ		1"=600'	1	1	(20-43-25)

**EXHIBITS  
A.3 & A.4**

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

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



**Legal Description**  
**EXHIBIT A.5**

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

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

EXHIBIT A.6



2

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

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

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

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

**WARRANTY DEED** (STATUTORY FORM - SECTION 689.02, F.S.)

This Indenture, made this 11th day of FEBRUARY, 2005, Between, **JOHN B. FASSETT, Individually and as Trustee of the Ann B. Fassett Trust dated June 5, 1986,** whose post office address is 4560 Via Royale, Fort Myers, Florida 33919, grantor\*, and **S.W. FLORIDA LAND 163, L.L.C., a Florida limited liability company,** whose post office address is 6250 Diamond Centre Court, Bldg. 1300, Fort Myers, Florida 33912, grantee\*,

**Witnesseth** that said grantor, for and in consideration of the sum of **TEN AND NO/100 DOLLARS**, and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Lee County, Florida, to-wit:

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

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

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

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

**In Witness Whereof**, grantor has hereunto set grantor's hand and seal the day and year first above written.

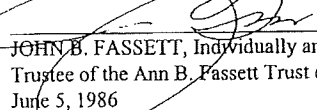
Signed, sealed and delivered in our presence:

Witness #1

Printed name of Witness #1

Witness #2

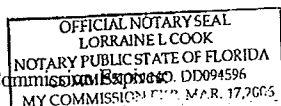
Printed name of Witness #2

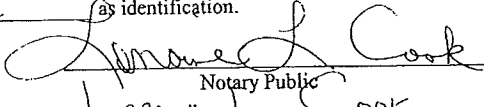
 (Seal)  
JOHN B. FASSETT, Individually and as  
Trustee of the Ann B. Fassett Trust dated  
June 5, 1986

STATE OF FLORIDA  
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 11th day of February, 2005, by JOHN B. FASSETT, Individually and as Trustee, who is personally known to me or who produced DRIVER'S LICENSE as identification.

My Commission Expires



  
Notary Public  
Printed name of Notary Public

## EXHIBIT "A"

### PARCEL 1:

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

Commence at the west quarter corner of said Section 20 and run N 89° 43' 21" E along the north line of the SW 1/4 of said Section 20 for 2,016.85 feet to the Point of Beginning; thence continue N 89° 43' 21" E for 617.49 feet to the center of said Section 20; thence run N 00° 09' 22" W for 1,334.98 feet to the NW corner of the SW 1/4 of the NE 1/4 of said Section 20; thence run N 89° 42' 16" E for 540.65 feet to the southwesterly right-of-way line of the Seaboard Coast Line Railroad; thence run S 46° 40' 52" E along said right-of-way line for 1,611.27 feet; thence run S 00° 22' 45" W for 1,497.21 feet to a point on the northerly right-of-way line of County Road C-78 (Bayshore Road), said point being the point of curvature of a curve concave to the southeast, having a radius of 2,914.79 feet; thence run southwesterly along said right-of-way along the arc of said curve through a central angle of 29° 11' 41" for an arc distance of 1,485.22 feet; thence run N 28° 48' 56" W for 1,852.02 feet to the Point of Beginning.

## **Sanitary Sewer / Potable Water**

### **EXHIBITS B.2.a & B.2.b**

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

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

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

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

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

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

## **Parks, Recreation and Open Space**

### **EXHIBIT B.2.d**

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

Regional Park Required LOS--1.05 acres

Regional Park Desired LOS--1.4 acres

Community Park Required LOS--.14 acres

Community Park Desired LOS--.35 acres

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

EXHIBIT B.3.a



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

9/20/06

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

Dear Alison

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

Thank you for your time in this matter,

Sincerely,

Terry Pye  
Fire Chief

Letter will follow via USPS



## Lee County Southwest Florida

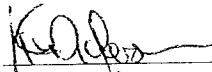
### Statement of Initial Review

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

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

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

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

  
(Signature)

EMS Operations Chief  
(Title)

Kim Dickerson  
(Printed Name)

January 23, 2008  
(Date)



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



**Mike Scott**  
Sheriff



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

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

September 25, 2006

Dear Ms. Stowe:

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Scott".

Mike Scott  
Sheriff, Lee County Florida



**Mike Scott**  
Office of the Sheriff



State of Florida  
County of Lee

October 31, 2007

Matthew Uhle  
Knott, Consoer, Ebelini, Hart & Swett, P.A.  
1625 Hendry St  
PO Box 2449  
Ft Myers, Fl 33902-2449  
Reference to Project: Raymond Lumber

Dear Mr. Uhle

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

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

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

Mike Scott  
Sheriff

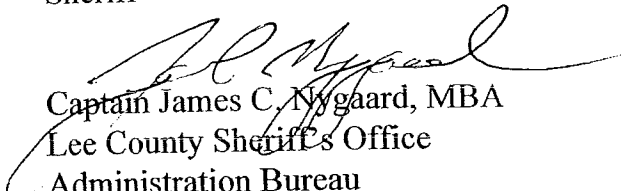
  
Captain James C. Nygaard, MBA  
Lee County Sheriff's Office  
Administration Bureau  
14750 Six Mile Cypress Pkwy  
Fort Myers, Fl 33912  
239-477-1424 (Office)



EXHIBIT B.3.c



**LEE COUNTY**  
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: (239) 338-3302

Bob Janes  
District One

Douglas R. St. Cerny  
District Two

Ray Judah  
District Three

Tammy Hall  
District Four

John E. Albion  
District Five

Donald D. Stilwell  
County Manager

David M. Owen  
County Attorney

Diana M. Parker  
County Hearing  
Examiner

September 27, 2006

Ms. Alison M. Stowe  
Knott, Consoer, Ebelini  
Hart & Swett, P.A.  
1625 Hendry Street  
P.O. Box 2449  
Fort Myers, FL 33902-2449

**SUBJECT: Comprehensive Plan Amendment for Raymond Building Supply**

Dear Ms. Stowe:

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

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

Sincerely,

William T. Newman  
Operations Manager  
Solid Waste Division

cc: Wayne Gaither

EXHIBIT B.3.d



LEE COUNTY  
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

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

Bob Janes  
District One

Douglas R. St. Cerny  
District Two

Ray Judah  
District Three

Tammy Hall  
District Four

John E. Albion  
District Five

Donald D. Stilwell  
County Manager

David M. Owen  
County Attorney

Diana M. Parker  
County Hearing  
Examiner

September 25, 2006

Ms. Alison M. Stowe  
Knott, Consoer, Ebelini, Hart & Swett, P.A.  
P.O. Box 2449  
Fort Myers, FL 33902-2449

Re: Raymond Building Supply

Mr. Stowe:

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

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

Sincerely,

Michael Horsting, AICP  
Planner  
Lee County Transit



# THE SCHOOL DISTRICT OF LEE COUNTY

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

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

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

ROBERT D. CHILMONIK  
DISTRICT 1

JEANNE S. DOZIER  
DISTRICT 2

JANE E. KUCKEL, Ph.D.  
DISTRICT 3

JAMES W. BROWDER, Ed.D.  
SUPERINTENDENT

KEITH B. MARTIN  
BOARD ATTORNEY

September 29, 2006

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

Re: Comprehensive Plan Amendment for Raymond Building Supply

Dear Ms. Stowe:

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

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

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

Sincerely,

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



LEE COUNTY  
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

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

Bob Jones  
District One

November 20, 2007

Erin Bigelow  
District Two

Stacy Ellis Hewitt  
Banks Engineering  
10511 Six Mile Cypress Pkwy  
Fort Myers, FL 33966

James Hill  
District Three

RE: POTABLE Water AVAILABILITY  
Raymond Building Supply - Phase 2  
STRAP #: 20-43-25-00-00003.1010

Frank Martin  
District Four

Donald D. Silvestri  
County Administrator

Dear Ms. Hewitt:

David M. Owen  
County Auditor

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

Diana M. Parker  
County Hearing Examiner

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

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

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

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

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

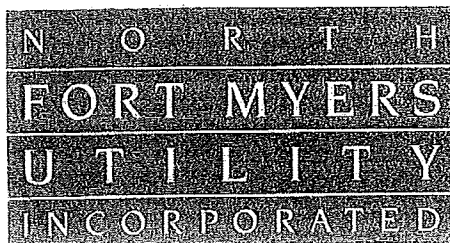
Sincerely,

LEE COUNTY UTILITIES

Melissa Bibeau  
Engineering Tech., I  
UTILITIES ENGINEERING

VIA FACSIMILE  
Original Mailed

ZONING - 00AAA MASTER



5660 Bayshore Road, Suite 36 • North Fort Myers, Florida 33917

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

(239) 543-1005

Fax (239) 543-2226

November 15, 2007

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

RE: Wastewater Service - Phase 2

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

ADDRESS: 7701 Bayshore Road

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

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

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

Yours truly,  
North Fort Myers Utility, Inc.

A.A. "Tony" Reeves  
Utility Director

**Stacy Hewitt**

**From:** Velez, Sergio I. [VELEZSI@leegov.com]  
**Sent:** Tuesday, November 13, 2007 2:28 PM  
**To:** Stacy Hewitt  
**Subject:** RE: North Lee County WTP

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

S. Ivan Velez, P.E.  
Deputy Director  
Lee County Utilities  
1500 Monroe Street  
Fort Myers, FL 33901  
Ph: 239-533-8166  
Fax: 239-533-8176  
cell: 239-357-1867

---

**From:** Stacy Hewitt [mailto:SHewitt@BanksEng.com]  
**Sent:** Tuesday, November 13, 2007 1:35 PM  
**To:** Velez, Sergio I.  
**Subject:** North Lee County WTP

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

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

Stacy Ellis Hewitt  
Director of Planning  
**Banks Engineering**  
10511 Six Mile Cypress Parkway - Suite 101  
Fort Myers, FL 33966  
Email: [shewitt@bankseng.com](mailto:shewitt@bankseng.com)  
Phone: 239-939-5490  
Cell: 239-770-2527  
Fax: 239-939-2523



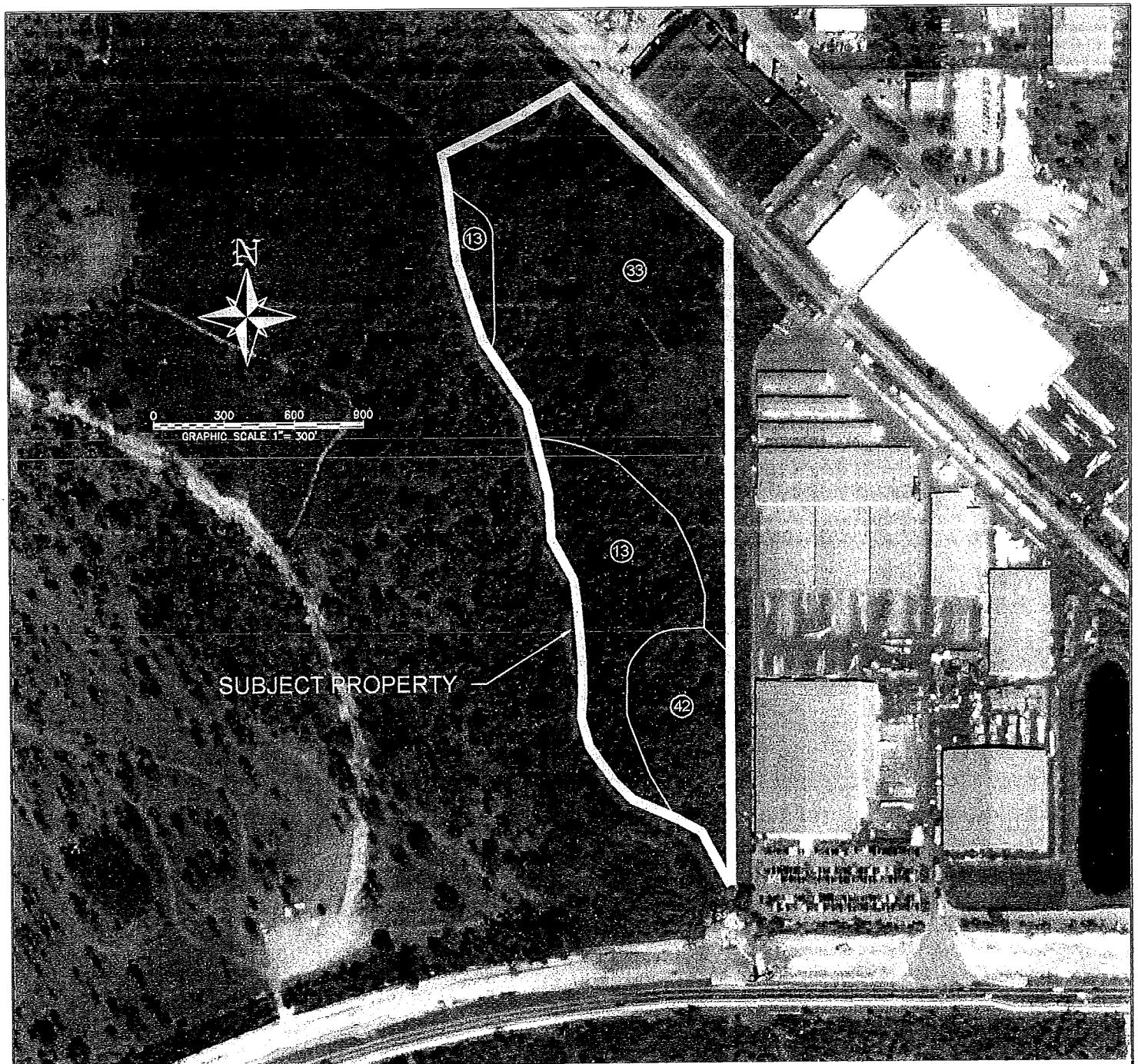
**Stacy Hewitt**

**From:** OLDBRIDGE9@aol.com  
**Sent:** Monday, November 19, 2007 9:38 AM  
**To:** Stacy Hewitt  
**Subject:** Re: Request for Letter of Availability and 2030 Projected Plant Capacity

We figure it should be about 8.5 Million a day

Tony

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



**SOILS LEGEND:**

- 13 - BOCA FINE SAND
- 33 - OLDSMAR SAND
- 42 - WABASSO SAND, LIMESTONE SUBSTRATUM

**Banka Engineering**

Professional Engineers, Planners & Land Surveyors

10511 SIX MILE CYPRESS PARKWAY - SUITE 101  
FORT MYERS, FLORIDA 33966  
PHONE: (239) 939-5490 FAX: (239) 939-2523  
ENGINEERING LICENSE # EB 6469  
SURVEY LICENSE # LB 6890

**SOILS MAP**

**RAYMOND BUILDING SUPPLY - PHASE 2**

LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET	OF	FILE NO. (S-T-R)
8/25/2006	2249	_SOIL	SDJ	SDJ		1"=300'	1	1	(20-43-25)

**EXHIBIT C.2**

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

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

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Naty Torres-Alvarado  
David A. Burt  
Madeline Ebelini

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

April 10, 2008

Mr. Peter Blackwell  
Lee County Division of Planning  
P.O. Box 398  
Fort Myers, FL 33902

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

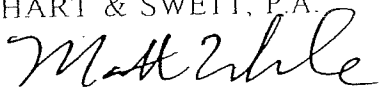
Dear Mr. Blackwell:

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

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

Sincerely,

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



Matthew D. Uhle, Esq.

MDU/ams  
Attachment

cc: Duane Swanson  
Tom Lehnert  
Kim Schlachta

## PART 4 ENVIRONMENTAL ISSUES

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

*A topo survey is included with the submittal.*

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

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

*Cabbage Palm, Gopher Tortoise,*

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

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

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

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

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

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

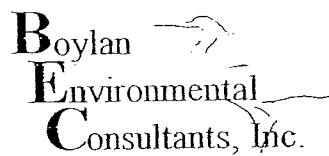
Not Applicable.

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## Raymond Lumber

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### Indigenous Preserve Calculations



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

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

May 23, 2007

---

## Indigenous Preserve Calculations Table:

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

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

INDIGENOUS VEGETATION CREDIT		
Credit provided	Minimum size	Minimum width
10%	1/2 acre	50 feet
25%	1 acre	75 feet
50%	3 acres	150 feet

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

1. Rare and unique uplands as defined by the Lee Plan.
2. Connection to offsite public or private environmental conservation or preserve areas.
3. Upland buffers to natural waterbodies
- 4.

Total Site Acreage:      **36.82**

Open Space Percentage Requirement:      0.20

Open Space Requirement:      7.36

Indigenous Requirement:      3.68

**Northern Preserve Area**

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

**Southern Preserve Area**

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

Total Preserve Acreage: 3.63

Total Preserve Acreage with Credits: 4.15

Minimum Indigenous Preserve Acreage Required: 3.68 acres

Indigenous Provided = 4.15

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

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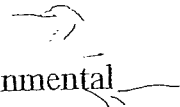
## RAYMOND LUMBER

Lee County, Florida

Sections 20; Township 43 South; Range 25 East

---

### Protected Species Survey

Boylan   
Environmental  
Consultants, Inc.

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

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

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

---



## INTRODUCTION

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

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

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

## SURVEY METHODOLOGY

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

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

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

## SITE CONDITIONS

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

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

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

This community includes the existing buildings and lumberyard.

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

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

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

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

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

This community includes the eastern lake.

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

This community includes Bahia grass adjacent to Raymond Lumber.

**Table 1: FLUCCS COMMUNITIES BY PERCENTAGE**

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

\*Total Upland

4.62 95 %

\*Total OSW

0.31 5 %

### SPECIES PRESENCE

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

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

$$\begin{aligned}\text{Abundance} &= \text{sum of } n_i \\ \text{Density} &= (\text{sum of } n_i)/A\end{aligned}$$

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

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

Table 2: Abundance and Density

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

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

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

### DISCUSSION

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

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

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

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

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

Protected Species Density:

$$= \{n/[L (w_1 + w_2)]\} (43,560 \text{ ft.}^2/\text{ac.}) \text{ (C)}$$

Where

n=	number of individuals observed or active plus inactive gopher tortoise burrows
L=	length of transect
w <sub>1</sub> =	distance of visibility to the right of transect
w <sub>2</sub> =	distance of visibility to the left of transect
C=	gopher tortoise conversion factor (0.3 or 0.4)*

\*Used for gopher tortoise calculation only

Gopher Tortoise (*Gopherus polyphemus*)

FLUCFCS Code 321

$$\begin{aligned} \text{Density} &= \{22\text{GT}/[6752 \text{ ft. } (20\text{ft.} + 20\text{ft.})]\} (43,560 \text{ ft.}^2/\text{ac.}) (0.4) \\ &= [8.14 \times 10^{-5} \text{ GT}/\text{ft.}^2] (43,560 \text{ ft.}^2/\text{ac.}) (0.4) \\ &= (3.54 \text{ GT}/\text{ac.}) (0.4) \\ &= 1.42 \text{ GT}/\text{ac.} \end{aligned}$$

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**RAYMOND LUMBER**  
**GOPHER TORTOISE MANAGEMENT PLAN**  
Boylan Environmental Consultants, Inc.  
May 22, 2007

---

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

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

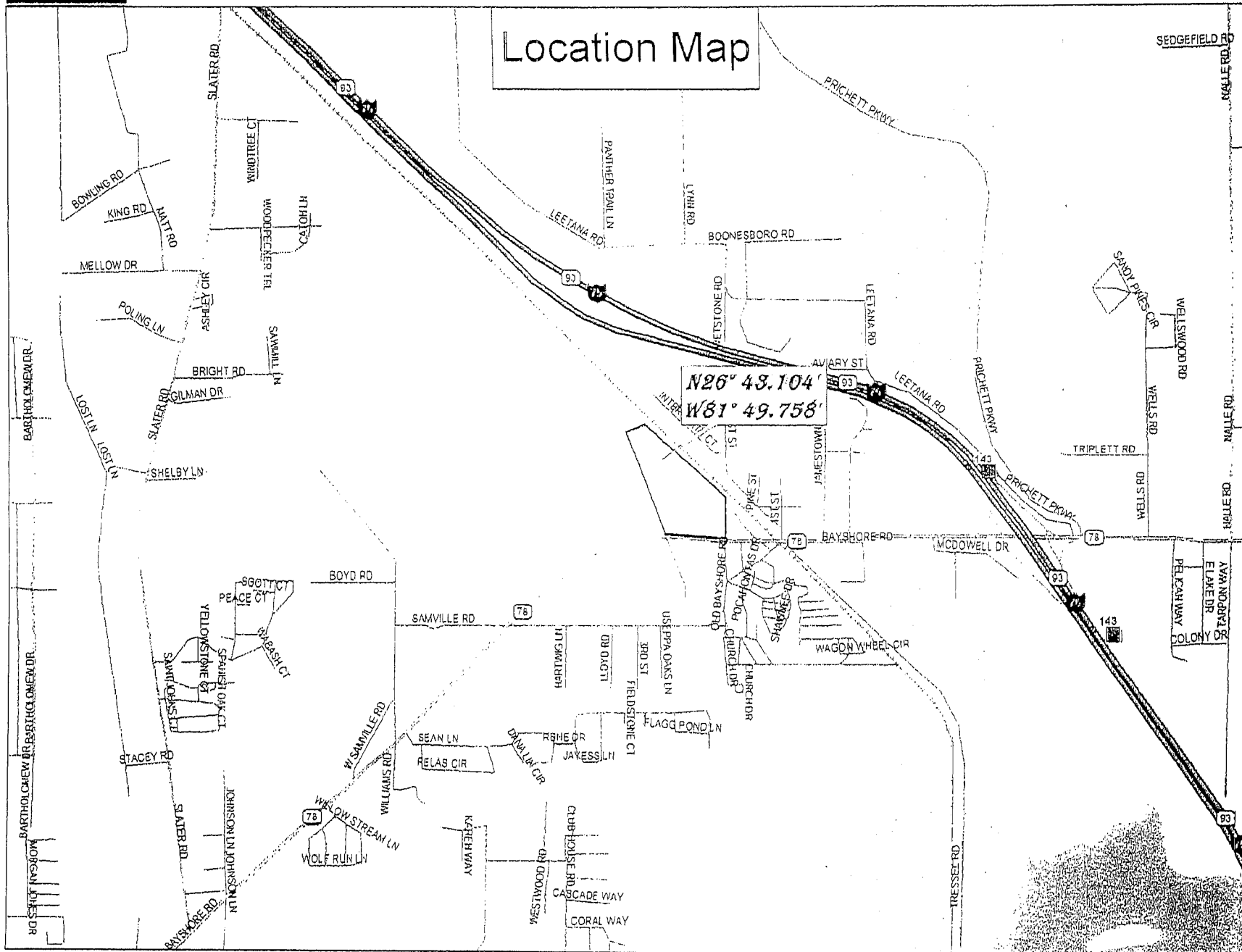
Following is a sequence of activities as it relates to the management of tortoises prior to construction, followed by a description of the manner in which burrows are to be excavated.

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

*Excavation & Relocation*

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

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



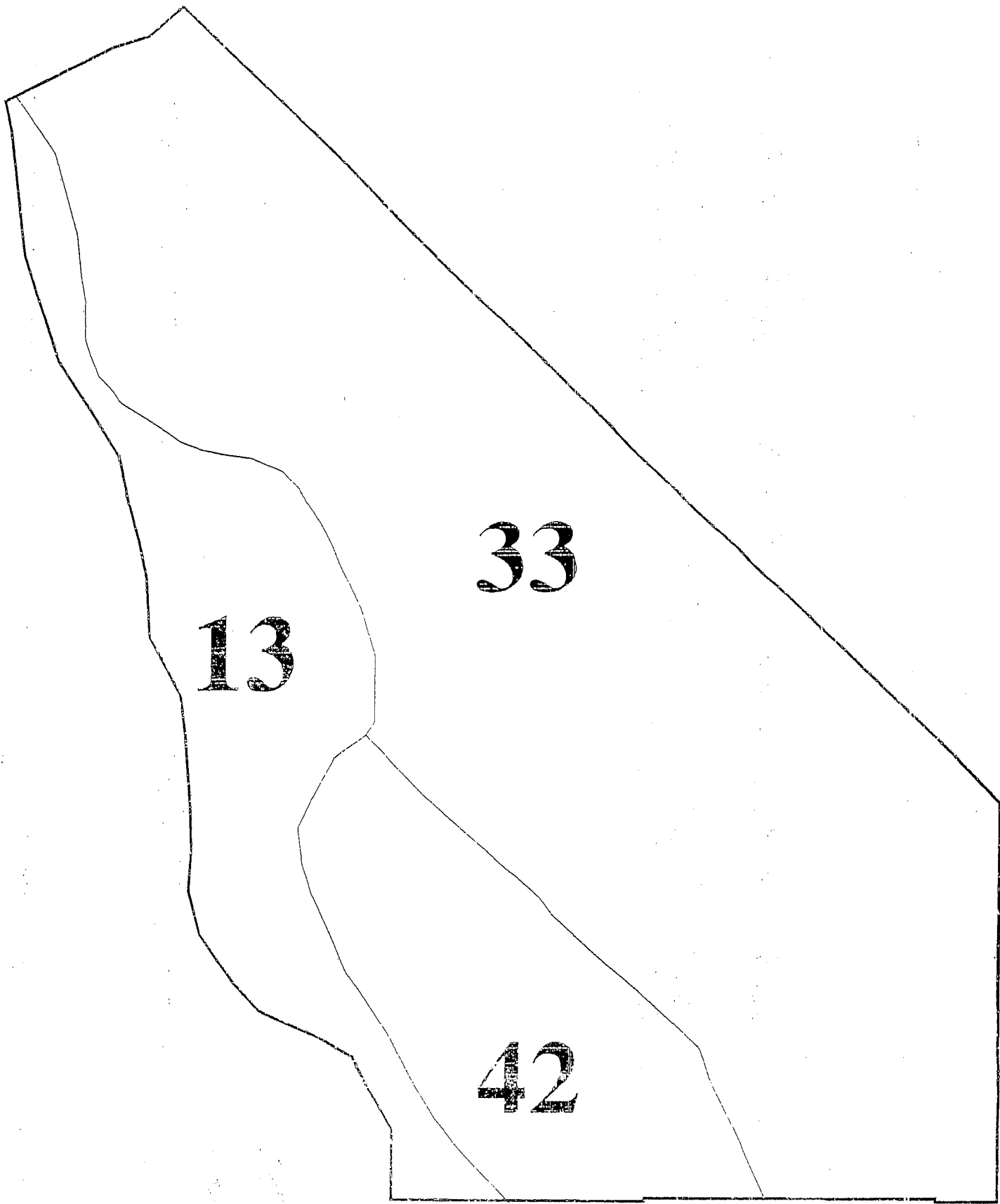


Scale: 1" = 200'

SOILS LEGEND

ID	Description	Hydric
13	Boca fine sand	*N
33	Oldsmar sand	--
42	Wabasso sand, limestone substratum	--

\*N = National List for Hydric Soils



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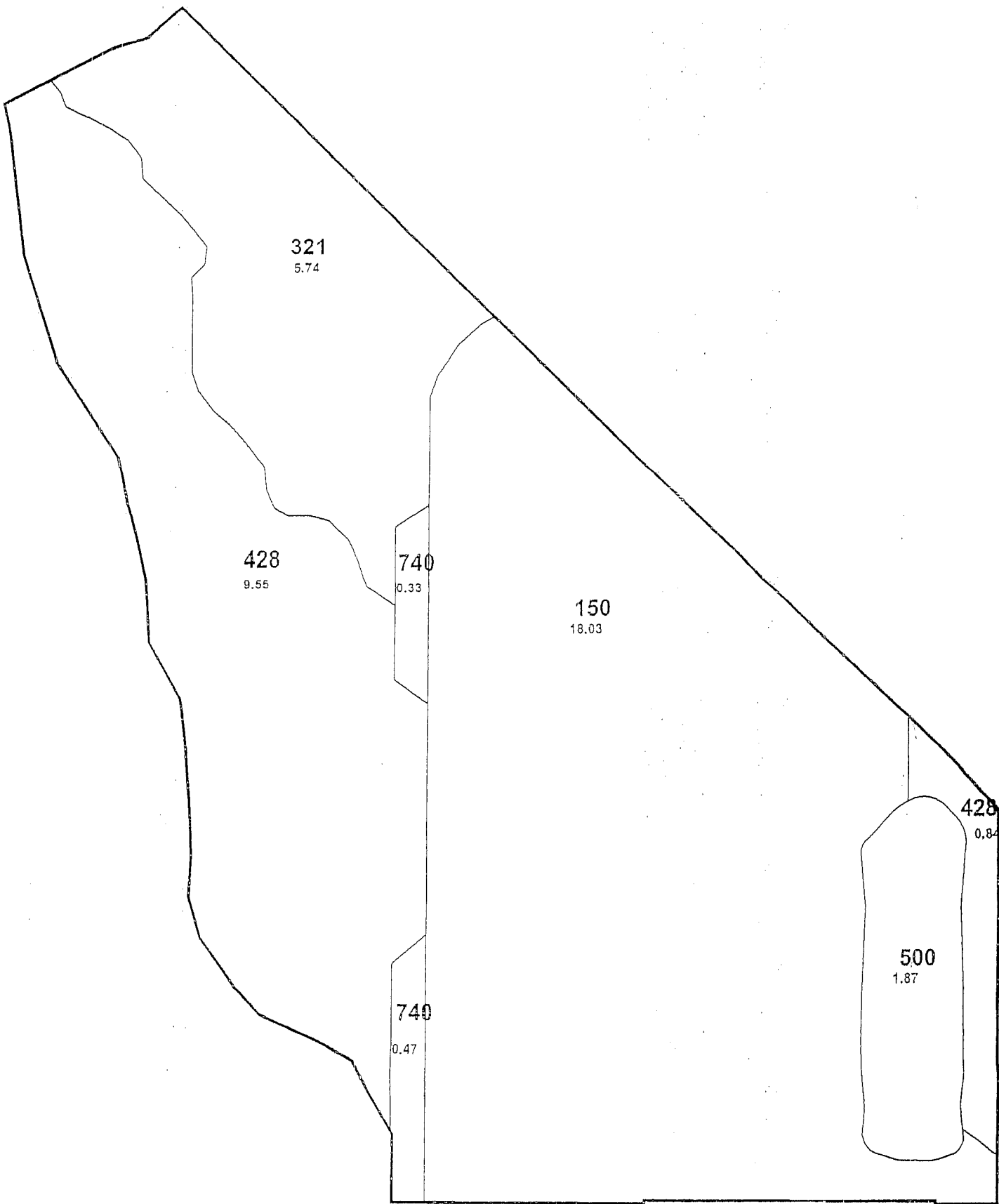




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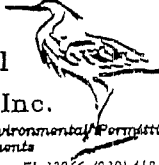
**FLUCFCS LEGEND**

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



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Boylan  
Environmental  
Consultants, Inc.



Wetland & Wildlife Surveys, Environmental Permitting,  
Impact Assessments  
11000 Meira Parkway, Suite 4, Ft. Myers, FL 33906 (239) 418-0671

Drawn By:	Date:	Category
KAS	5/16/07	FLUCFCS
Job Number	Scale:	
2006-48	1" = 200'	
S/T/R	County	
20/43S/25E	Lee	

RAYMOND LUMBER  
FLUCFCS Map

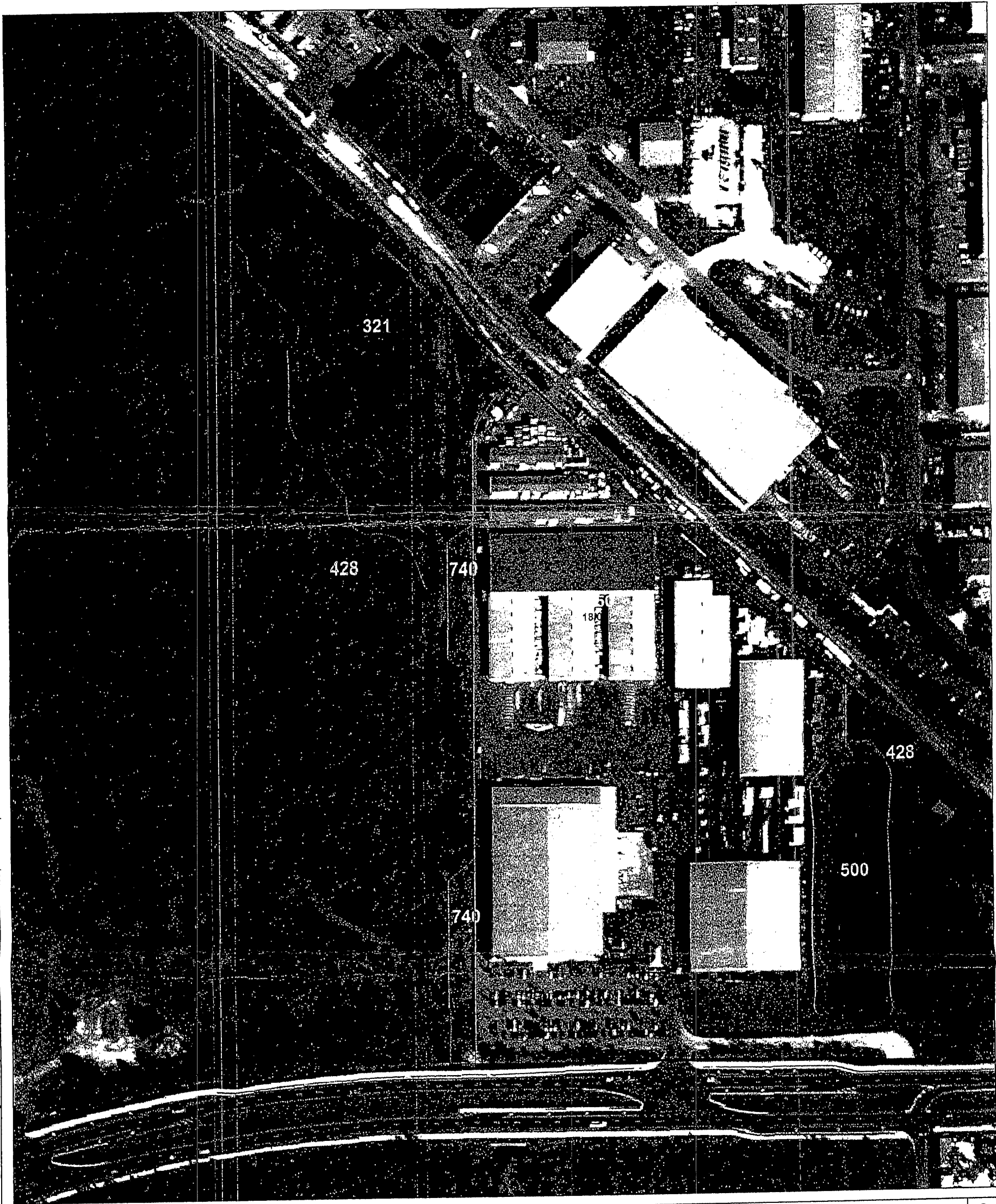
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Exhibit



Scale: 1" = 200'

FLUCFCS LEGEND

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Boylan  
Environmental  
Consultants, Inc.



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

Drawn By:	Date:	Category
KAS	5/16/07	FLUCFCS
Job Number		Scale:
2006-48		1" = 200'
S/T/R		County
20/43S/25E		Lee

RAYMOND LUMBER

FLUCFCS Aerial Map

Page

Exhibit



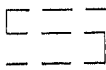


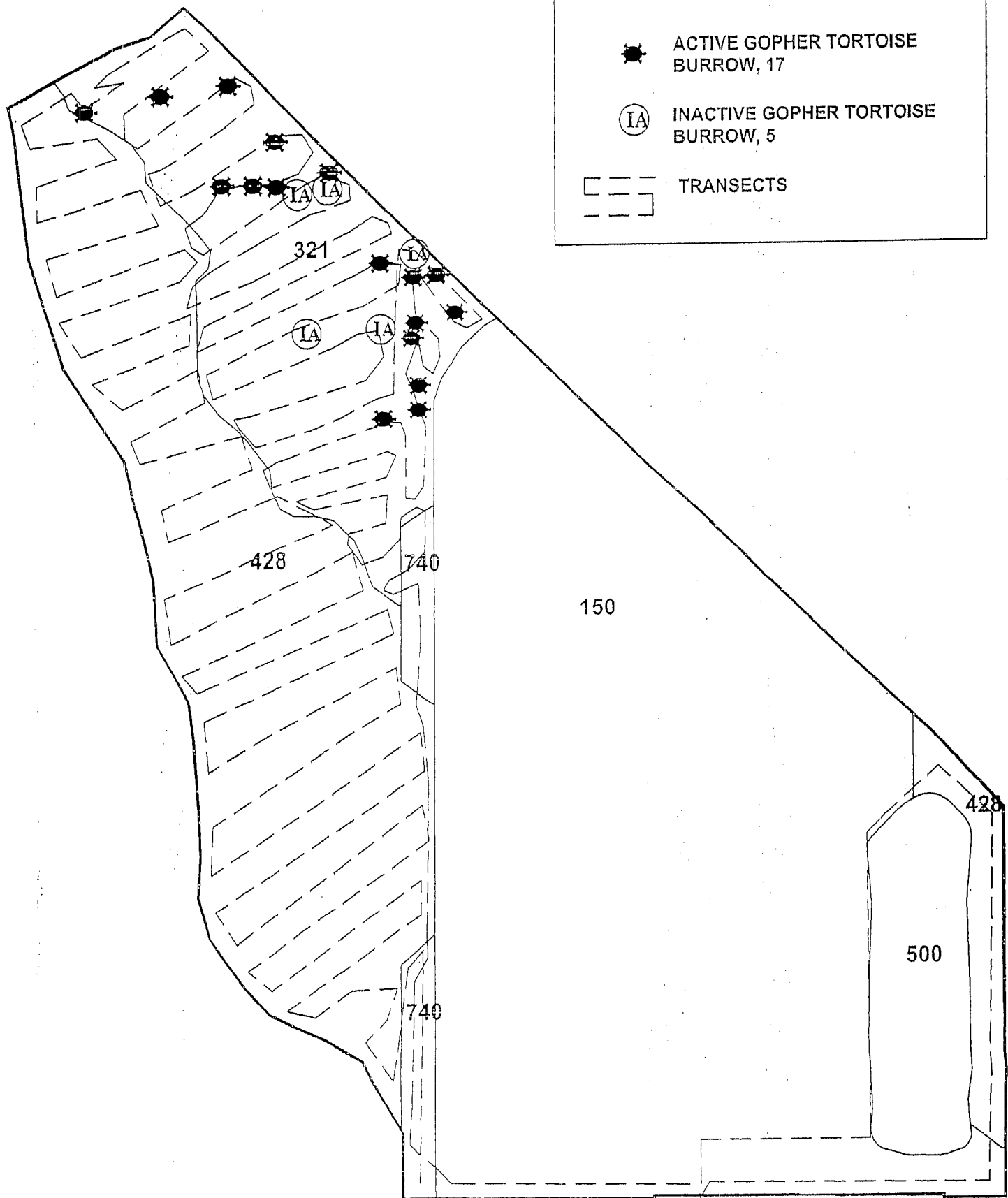
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FLUCFCS LEGEND

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Total Site		36.83 ac

SPECIES SURVEY LEGEND

-  ACTIVE GOPHER TORTOISE BURROW, 17
-  INACTIVE GOPHER TORTOISE BURROW, 5
-  TRANSECTS



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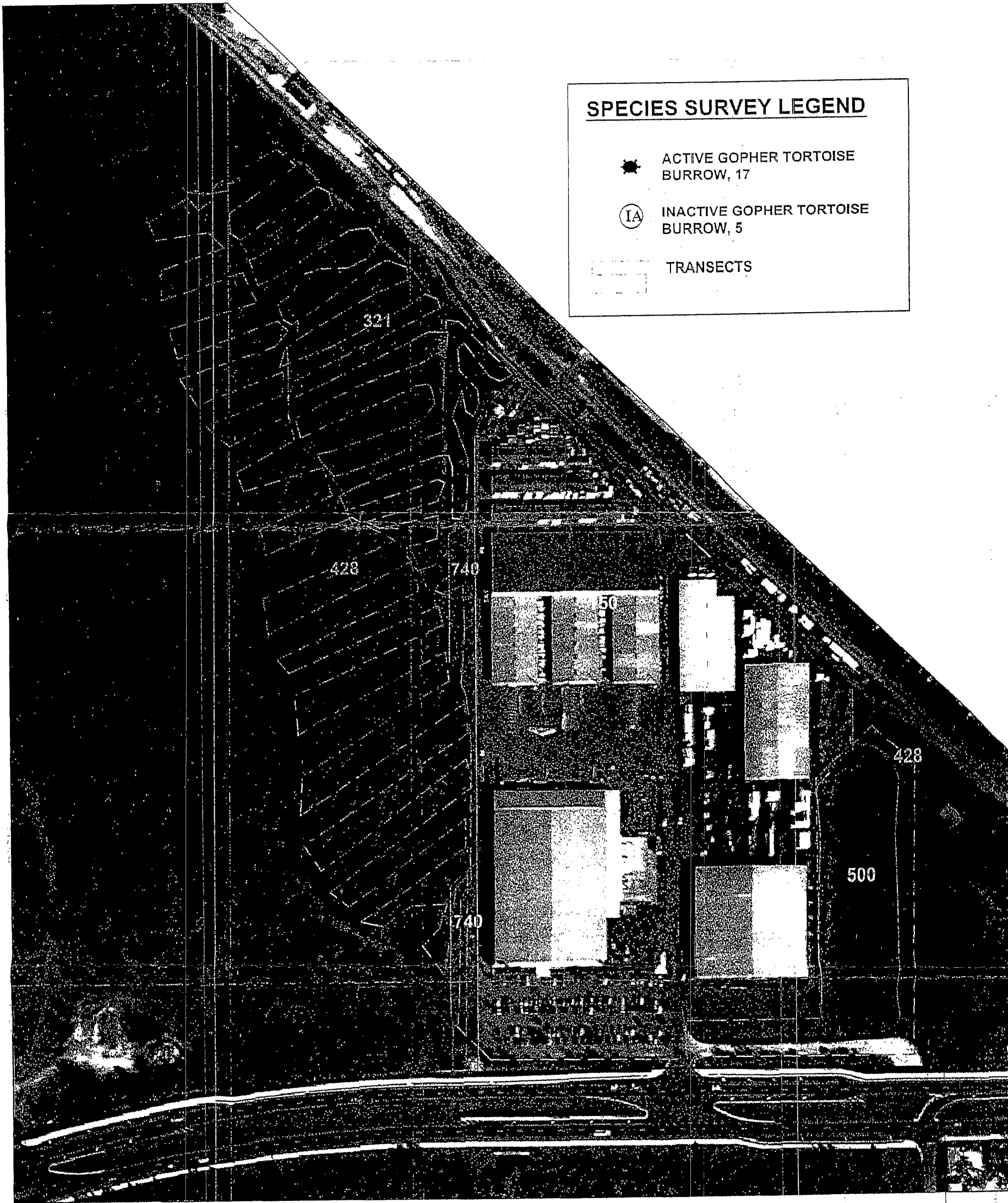
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### FLUCFCS LEGEND

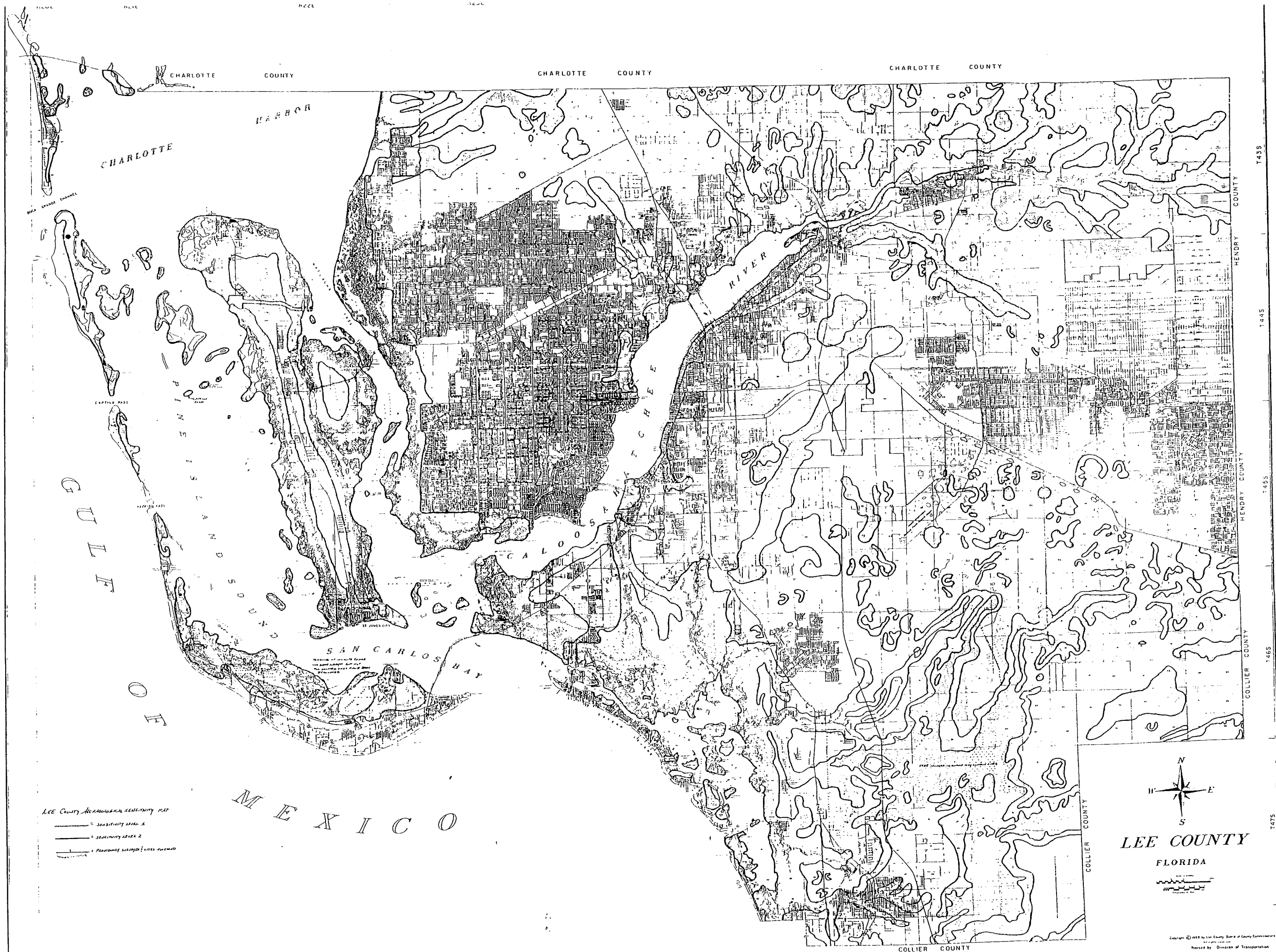
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Total Site		36.83 ac

### SPECIES SURVEY LEGEND

-  ACTIVE GOPHER TORTOISE BURROW, 17
-  INACTIVE GOPHER TORTOISE BURROW, 5
-  TRANSECTS



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LEE COUNTY AERIAL PHOTOGRAPH SENSITIVITY MAP

— SENSITIVITY LEVEL 1

— SENSITIVITY LEVEL 2

— PROPOSED DEVELOPMENT

N  
W E  
S

LEE COUNTY  
FLORIDA

Scale bar



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

September 19, 2006

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

Dear Ms. Stowe:

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

T43S, R25E, Section 20

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

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

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

Sincerely,

A handwritten signature in black ink that reads "Celeste Ivory". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Celeste Ivory  
Archaeological Data Analyst, Florida Master Site File  
Division of Historical Resources  
R. A. Gray Building  
500 South Bronough Street  
Tallahassee, Florida 32399-0250

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

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

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

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

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

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

☐ Palm Beach Regional Office

☐ St. Augustine Regional Office

☐ Tampa Regional Office

## **FLUM CAPACITY ANALYSIS**

### **EXHIBIT E.1**

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

## LEE PLAN CONSISTENCY

### EXHIBIT E.2

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

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



**Impact on Adjacent Local Governments**  
**EXHIBIT E.3**

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

## **CONSISTENCY WITH STATE PLAN**

### **EXHIBIT E.4**

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

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

## **COMPLIANCE WITH REGIONAL PLAN**

### **EXHIBIT E.4**

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

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

## **INDUSTRIAL LANDS ANALYSIS**

### **EXHIBIT F.1.a-c**

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

## **JUSTIFICATION FOR APPLICATION**

### **EXHIBIT G**

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

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

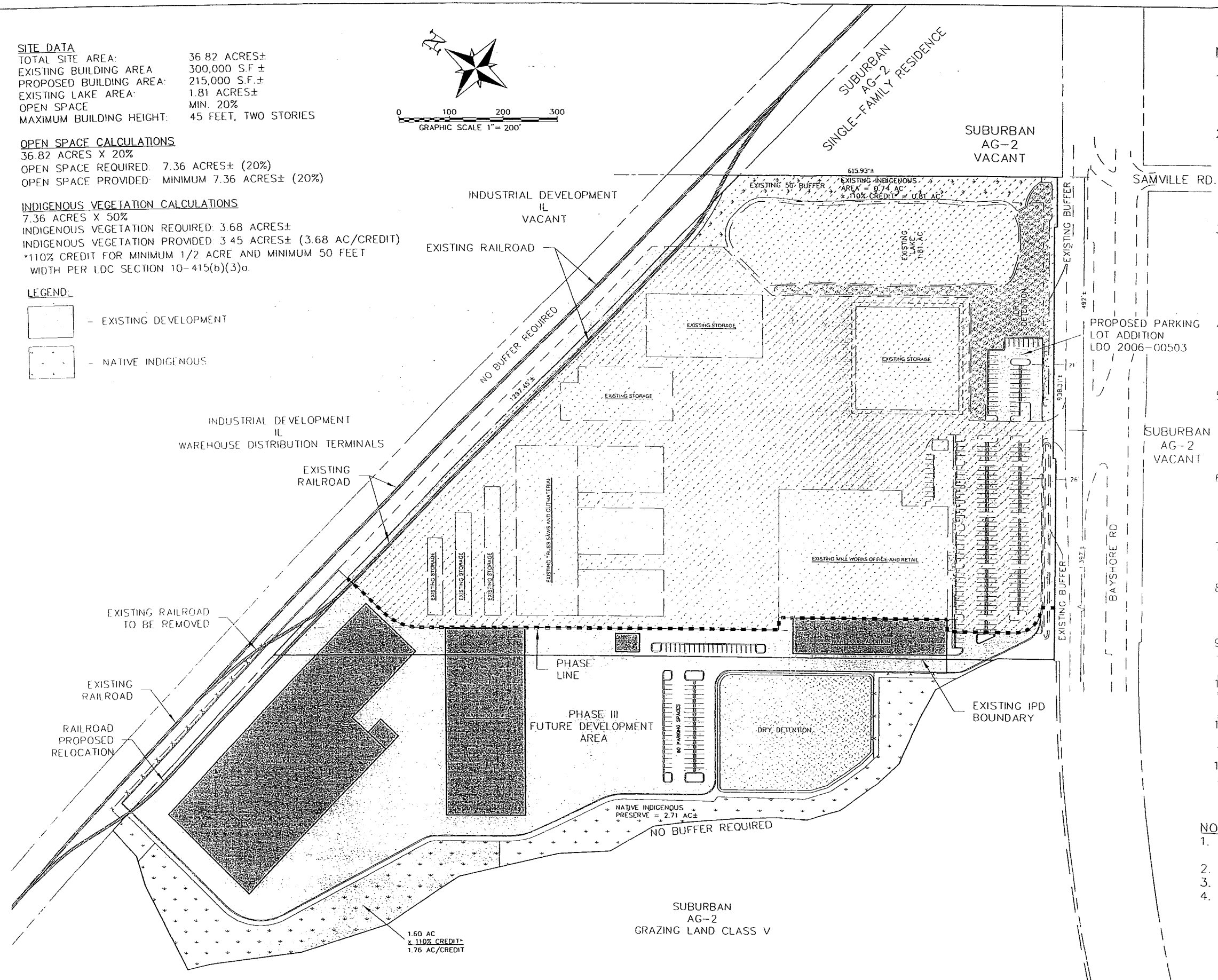
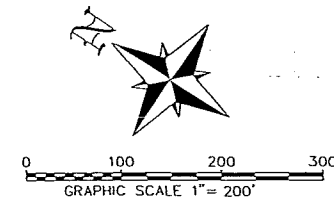
**SITE DATA**  
TOTAL SITE AREA: 36.82 ACRES±  
EXISTING BUILDING AREA: 300,000 S.F.±  
PROPOSED BUILDING AREA: 215,000 S.F.±  
EXISTING LAKE AREA: 1.81 ACRES±  
OPEN SPACE: MIN. 20%  
MAXIMUM BUILDING HEIGHT: 45 FEET, TWO STORIES

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

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

**LEGEND:**

- EXISTING DEVELOPMENT  
NATIVE INDIGENOUS



**NOTES**

- NO INDUSTRIAL USES WILL BE CONSTRUCTED OUTSIDE THE LIMITS OF THE INDUSTRIAL LAND USE CLASSIFICATION UNTIL THE COMPREHENSIVE PLAN HAS BEEN AMENDED ACCORDINGLY.
- BUILDING ENVELOPES DEPICTED ON THE PLAN REPRESENT THE CONCEPTUAL LOCATION AND COMBINED SQUARE FOOTAGES OF THE PROPOSED USES FOR PHASE III. THEREFORE, EACH BUILDING ENVELOPE MAY ACTUALLY CONTAIN A NUMBER OF SMALLER BUILDINGS OR STRUCTURES DEVOTED TO THE PARTICULAR USE SHOWN.
- THE DEVELOPER WOULD LIKE TO RETAIN THE FLEXIBILITY TO ADJUST BUILDING AREAS FOR EACH PHASE AS LONG AS THE OVERALL BUILDING AREA DOES NOT EXCEED THE MAXIMUM TOTAL OF 515,000 SQUARE FEET ALLOCATED FOR THE ENTIRE SITE. NO BUILDING WILL INTRUDE INTO ANY OF THE BUFFER AREAS SHOWN ON THIS PLAN.
- THE OPEN SPACE REQUIREMENTS FOR THE ENTIRE DEVELOPMENT WILL BE MET THROUGH THE UTILIZATION OF PERIMETER BUFFERING AND RETENTION AREAS WHICH ALLOW THE ENTIRE FUTURE DEVELOPMENT AREA (PHASE II) TO BE IMPERVIOUS.
- PROPERTY DEVELOPMENT REGULATIONS WILL MEET THE MINIMUM REQUIREMENTS OF THE IL ZONING DISTRICT PER SECTION 34-904 OF THE LEE COUNTY LAND DEVELOPMENT CODE WITH THE EXCEPTION THAT A MAXIMUM BUILDING HEIGHT OF 45 FEET, TWO STORIES WILL BE PERMITTED.
- NO INTERNAL STREET RIGHTS-OF-WAY ARE PROPOSED WITHIN THE PROJECT. ACCESS TO PHASE III WILL BE PROVIDED THROUGH CONNECTING PAVEMENT AREAS WHICH WILL BE DEFINED BY THE LOCATION OF FUTURE DEVELOPMENT.
- ALL ENTRANCE GATES AND GATEHOUSES WILL BE CONSTRUCTED IN ACCORDANCE WITH SECTION 34-1749 OF THE LEE COUNTY LAND DEVELOPMENT CODE.
- ALL OPEN SPACE, LANDSCAPING, AND BUFFERING WILL BE IN COMPLIANCE WITH THE REQUIREMENTS ESTABLISHED IN SECTION 10, DIVISION 6 OF THE LEE COUNTY LAND DEVELOPMENT CODE.
- PARKING WILL MEET THE REQUIREMENTS OF SECTIONS 34-2014 THRU 34-2020 OF THE LEE COUNTY LAND DEVELOPMENT CODE.
- AREAS UTILIZED FOR OPEN STORAGE WILL MEET ALL APPLICABLE REQUIREMENTS OF THE LEE COUNTY LAND DEVELOPMENT CODE.
- THE EXACT LIMITS OF THE PROPOSED LAKE EXCAVATION MAY VARY SUBJECT TO SOUTH FLORIDA WATER MANAGEMENT DISTRICT APPROVAL.
- PUBLIC TRANSPORTATION IS NOT PRESENTLY AVAILABLE TO THE SITE.

**NOTES**

- PARCEL ADDRESS: 7731 & 7751 BAYSHORE ROAD  
NORTH FORT MYERS, FL 33917
- CURRENT ZONING: AG-2 & IPD
- PROPOSED ZONING: IPD
- FUTURE LAND USE: INDUSTRIAL DEVELOPMENT  
AND SUBURBAN

PREPARED FOR:  
**RAYMOND BUILDING SUPPLY CORP.**  
7751 BAYSHORE ROAD  
NORTH FORT MYERS, FLORIDA 33917  
PHONE: (239)731-8300

NO.	DATE	REVISION DESCRIPTION	BY

**Banks Engineering**  
Professional Engineers, Planners & Land Surveyors  
10511 SIX MILE CYPRESS PARKWAY  
FORT MYERS, FLORIDA 33966  
PHONE: (239) 939-5490 FAX: (239) 939-2523  
ENGINEERING LICENSE # EB 6469  
SURVEY LICENSE # LB 6690

MASTER CONCEPT PLAN  
**RAYMOND BUILDING SUPPLY**  
LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET	OF	FILE NO. (S-T-R)
05/02/2007	2249	_MCP	SDJ	SDJ		1"=200'	1	1	20-435-25E

**MANAGEMENT & PLANNING COMMITTEE  
AGENDA REQUEST FORM  
COMMISSION DISTRICT # ALL**

**PRESENTED BY:** David Loveland, Planning Manager  
Lee County DOT

**REQUESTED BY:** Commissioner Tammy Hall

**TITLE OF ITEM FOR THE AGENDA: ROADWAY CONCURRENCY ISSUES/CIP PROGRAMMING**

**1. DESCRIPTION AND OBJECTIVE OF THE ISSUE**

At the October 28, 2008 BOCC meeting, the Board approved the 2008 Concurrency Report. There was a question about what the identified roadway conditions meant in terms of development permitting and CIP programming, and the motion approving the report asked for some time at a Management & Planning Committee meeting to discuss the issue.

The County's annual Concurrency Report identifies the roadway conditions, segment-by-segment, under three different scenarios. First is the "existing" traffic condition, which is converted from our most recent year of traffic counts and reported as the 100<sup>th</sup> highest hour of the year. The 2008 report is based on the calendar-year 2007 traffic counts. The 100<sup>th</sup> highest hour of the year is an estimation of peak season, peak hour conditions, and is also reported in the peak direction, since this is the basis for the County's adopted level of service standards and represents sort of a worst-case condition. This "existing" traffic condition is the basis for regulatory restrictions under the County's codes – if a roadway segment is exceeding its adopted level of service standard under this scenario, then a transportation concurrency certificate cannot be issued as part of a local development order, unless an improvement that will add capacity to the segment is programmed for construction within the next three years.

Next is the "one-year projected" condition, which builds on the "existing" condition by adding traffic to the segment from adjacent development that has already pulled a building permit. Third is a "forecast" condition, which further builds on the "one-year projected" condition by adding traffic to the segment from adjacent development that has already received a local development order. The latter two conditions are used as a planning tool, to identify upcoming problem areas with the intention of trying to program improvements in the CIP to address them. The County's ability to do so, of course, is limited by available revenues. It is also important to note that there is a category of roads that may be failing under any of the three scenarios, but which are designated in the County's comprehensive plan as "constrained", meaning the County does not plan to widen them for various reasons. These roads are allowed to have a higher level of congestion on them. Examples of constrained roads include Estero Boulevard in the Town of Fort Myers Beach, Pine Island Road through Matlacha, and McGregor Boulevard from College Parkway north.

Back in August, DOT staff provided a table to the Board that identified the road segments exceeding adopted standards under the three traffic scenarios, and the programming status for those segments. Attached is an update of that table, with expanded status descriptions and the addition of the programming status based on FDOT's new tentative work program for FY's 09/10 through 13/14 (subject to change based on the State's revenue forecasts). The status information in *italics* highlights where programming is lacking to address the problem.

Under the "existing" traffic conditions, the biggest unaddressed needs in terms of not having a construction phase programmed within three years are on Bonita Beach Road from Old 41 to Imperial Street, and on SR 82 (Immokalee Road) from Colonial Boulevard to the Hendry County line. In the case of Bonita Beach Road, the segment is in the City of Bonita Springs, so they would be faced with denying permits along that segment, but the Board recently executed an agreement with the City that identifies the six-lane construction phase of that segment as the top priority for joint funding. Staff will be working with the City and within available revenues to try and get that construction phase programmed. In the case of SR 82, the County put up funds to complete the first step toward widening, for the PD&E Study that is underway, and FDOT has proposed funding the design phase for the first segment in its new tentative work program, but that funding isn't until FY 13/14 and the right-of-way and construction phases are not programmed. This condition will be problematic for future permitting along this segment, unless development is somehow exempted from concurrency (which is the case for certain commercial parcels and for single-family lots). Looking to the future problem areas, the biggest unmet needs are on the two-lane section of Six Mile Cypress Parkway from north of Daniels Parkway to south of Winkler Road, and on Buckingham Road from Orange River Boulevard to Palm Beach Boulevard. The section of Daniels Parkway from Chamberlin Parkway to Gateway Boulevard has a six-lane widening programmed for construction, but its in the fifth year of the CIP, which means there will be permitting limitations until that improvement is within the first three years of the CIP.

At the October 28<sup>th</sup> BOCC meeting, a question was raised about the condition of Colonial Boulevard, which was the subject of a previous corridor study that called for a mix of express lanes and standard arterial lanes and is currently going through a PD&E Study and toll-feasibility analysis. The County's adopted concurrency report only identifies the "existing" condition based on 2007 traffic counts for Colonial Boulevard, because any development approvals for yet-to-be built development are through the City of Fort Myers. Based on the report, the only segment that is currently failing is the segment between Six Mile Cypress Parkway and I-75. However, as DOT staff noted

at the October 28<sup>th</sup> meeting, we know there are particular peak hour problems at key intersections such as Colonial Boulevard/Summerlin Road and Colonial Boulevard/Metro Parkway. The concurrency report only identifies conditions on a segment basis, and is based on a straight volume-to-capacity comparison, which doesn't necessarily highlight intersection problems, but we know those problems exist. Even if traffic decreases as expected based on 2008 counts, those intersections are still going to be problematic in the future. The roadway capacities are also updated every few years, and changes in the capacities could identify more problem segments.

The County will be drafting its CIP update in the Spring, and staff will work within projected available revenues to try and address the problem areas highlighted in the concurrency report. The Board will see the draft CIP in a workshop next Summer, and will be asked to consider adoption of the CIP next September.

**2. PROPOSED POLICY, PROCEDURE OR PLAN OF ACTION**

Information item.

**3. OPTIONS (List advantages/Disadvantages of Each Option Listed)**

N/A

**4. FINANCIAL IMPACTS/FUNDING SOURCE**

N/A

**5. STAFF RECOMMENDATIONS, AND JUSTIFICATION FOR RECOMMENDATIONS**

N/A

**6. Mandated:    Y    N (x)    BY WHAT AUTHORITY?**

<u>DEPARTMENT DIRECTOR SIGNATURE</u>	<u>COUNTY MANAGER SIGNATURE</u>	<u>MEETING DATE</u>	<u>TIME REQUIRED</u>
		January 5, 2009	5 Min.





STATE OF FLORIDA

## DEPARTMENT OF COMMUNITY AFFAIRS

*"Dedicated to making Florida a better place to call home"*

CHARLIE CRIST  
Governor

THOMAS G. PELHAM  
Secretary

January 16, 2009

The Honorable Ray Judah, Chairman  
Lee County Board of County Commissioners  
Post Office Box 398  
Fort Myers, Florida 33902-0398

Dear Chairman Judah:

The Department has completed its review of the proposed Comprehensive Plan Amendment for Lee County (DCA 09-1), which was received on November 18, 2008. Based on Chapter 163, Florida Statutes, we have prepared the attached report, which outlines our findings concerning the amendment. It is particularly important that the County address the objections set forth in our review report so that these issues can be successfully resolved prior to adoption. We have also included a copy of local, regional and state agency comments for your consideration. Within the next 60 days, the County should act by choosing to adopt, adopt with changes or not adopt the proposed amendment. For your assistance, our report outlines procedures for final adoption and transmittal.

The County is proposing 19 separate amendments, including the Water Supply Facilities Work Plan, annual update to the Capital Improvements Element, amendments to address Coastal High Hazard Area requirements, incorporation of the Page Field Airport Master Plan into the Comprehensive Plan, amendments regarding 6 Community Plan areas, and text amendments to further encourage mixed use land uses. There are seven Future Land Use Map amendments to change land use designations. The Department has identified issues with the amendments, particularly regarding: (1) transportation planning for several FLUM amendments; (2) Coastal High Hazard Area planning; (3) lack of demonstrated financial feasibility of the Capital Improvements Element update; (4) and lack of meaningful and predictable guidelines for some of the proposed plan policies. These and all of the issues identified in the attached report should be addressed before adoption of the plan amendments.

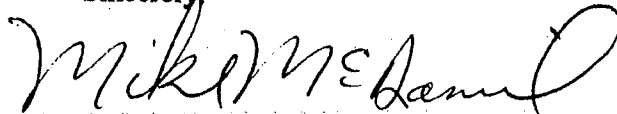
2555 SHUMARD OAK BOULEVARD ♦ TALLAHASSEE, FL 32399-2100  
850-488-8466 (p) ♦ 850-921-0781 (f) ♦ Website: [www.dca.state.fl.us](http://www.dca.state.fl.us)

♦ COMMUNITY PLANNING 850-488-2356 (p) 850-488-3309 (f) ♦ FLORIDA COMMUNITIES TRUST 850-922-2207 (p) 850-921-1747 (f) ♦  
♦ HOUSING AND COMMUNITY DEVELOPMENT 850-488-7956 (p) 850-922-5623 (f) ♦

The Honorable Ray Judah, Chairman  
January 16, 2009  
Page 2

If you, or your staff, have any questions or if we may be of further assistance as you formulate your response to this Report, please contact Scott Rogers, Principal Planner, at (850) 922-1758, or Brenda Winningham, Regional Planning Administrator, at (850) 487-4545.

Sincerely,

A handwritten signature in black ink that reads "Mike McDaniel". The signature is fluid and cursive, with the first name "Mike" and last name "McDaniel" clearly legible.

Mike McDaniel, Chief  
Office of Comprehensive Planning

MM/sr

Enclosures: Objections, Recommendations and Comments Report  
Review Agency Comments

cc: Ken Heatherington, Executive Director, Southwest Florida Regional Planning  
Council  
Paul O'Connor, AICP, Lee County Planning Director

## TRANSMITTAL PROCEDURES

The process for adoption of local comprehensive plan amendments is outlined in Section 163.3184, Florida Statutes (F.S.), and Rule 9J-11.011, Florida Administrative Code (F.A.C.).

Within ten working days of the date of adoption, the County must submit the following to the Department:

- Three copies of the adopted comprehensive plan amendment;
- A copy of the adoption ordinance;
- A listing of additional changes not previously reviewed;
- A listing of findings by the local governing body, if any, which were not included in the ordinance; and
- A statement indicating the relationship of the additional changes to the Department's Objections, Recommendations and Comments Report.

The above amendment and documentation are required for the Department to conduct a compliance review, make a compliance determination and issue the appropriate notice of intent.

In order to expedite the regional planning council's review of the amendment, and pursuant to Rule 9J-11.011(5), F.A.C., please provide a copy of the adopted amendment directly to Mr. Ken Heatherington, Executive Director of the Southwest Florida Regional Planning Council.

Please be advised that the Florida legislature amended Section 163.3184(8)(b), F.S., requiring the Department to provide a courtesy information statement regarding the Department's Notice of Intent to citizens who furnish their names and addresses at the local government's plan amendment transmittal (proposed) or adoption hearings. In order to provide this courtesy information statement, local governments are required by the law to furnish to the Department the names and addresses of the citizens requesting this information. This list is to be submitted at the time of transmittal of the adopted plan amendment (a sample Information Sheet is attached for your use).

**DEPARTMENT OF COMMUNITY AFFAIRS**  
**OBJECTIONS, RECOMMENDATIONS AND COMMENTS**  
**FOR**  
**LEE COUNTY**  
**AMENDMENT 09-1**

January 16, 2009  
Division of Community Planning  
Bureau of Local Planning

This report is prepared pursuant to Rule 9J-11.010, F.A.C.

**OBJECTIONS, RECOMMENDATIONS AND COMMENTS  
FOR  
LEE COUNTY  
AMENDMENT 09-1**

**I. CONSISTENCY WITH CHAPTER 163, PART II, F.S., AND RULE 9J-5, F.A.C.**

The proposed Amendment 09-1 consists of nineteen amendments to the Comprehensive Plan. 2nd 7/11

**A. Amendment 2006-03:** A proposed amendment to the Future Land Use Element to establish a new goal, objective, and policies for the Olga Community Plan within the Caloosahatchee Shores area of the Fort Myers Shores Planning Community. In addition, a Future Land Use Map (FLUM) amendment to change 48.7 acres from Suburban and Rural to Commercial and Conservation Lands located along State Road 80 in the Olga Community area. The Department raises the following objection and comment to the proposed Amendment 2006-03:

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

Rules 9J-5.005(2) and (5), 9J-5.019(3)(f, g, h, and i); 9J-5.019(5)(a and b); 9J-5.016(1)(a); 9J-5.016(2)(b, c, and f); 9J-5.016(4), F.A.C.; and Sections 163.3175; 163.3177(2), (3), (8), and (10); 163.3177(6)(a and j); 163.3177(6)(h)1 and 2, F.S.

**Recommendation:** Revise the amendment to include the data and analysis necessary to support the FLUM amendment and demonstrate coordination of land use with the planning for transportation facilities as well as coordination with the Transportation Element and Capital Improvements Element. Revise the Transportation Element, Capital Improvements Element, and Future Land Use Element, as necessary, to be consistent with and supported by the data and analysis and to achieve internal consistency with the FLUM. The Five-Year Schedule of Capital

Improvements should be revised to include any needed improvements to maintain the adopted level of service within the five-year planning timeframe. Include data and analysis demonstrating coordination of the amendment with the plans of the Florida Department of Transportation and the Metropolitan Planning Organization. Revise the amendment, as necessary, to be consistent with and supported by the data and analysis. The plan should be revised to include strategies to address any deficiencies projected for the long-range planning timeframe.

2. **Comments:** The proposed Policy 26.14 contains a typographical error which states the intensity standard is FAR 025 rather than 0.25. In addition, the proposed Policy 26.14 should be clarified to state the land uses to which the intensity standard applies. For example, it is not clear whether the intensity standard is intended to apply to residential uses. The policies should be revised to address these comments.

The proposed Policy 26.12 states that "The Olga Community discourages automobile oriented uses." The proposed Policy 26.12 does not establish meaningful and predictable guidelines addressing whether automobile oriented uses are prohibited or allowed. The proposed Policy 26.12 should be revised to establish the guidelines.

**B. Amendment 2006-09:** A proposed amendment to the Vision Plan and Future Land Use Element to revise the Vision Statement, add a new goal, objectives, and policies to establish the Alva Community Plan. The amendment also amends Map 1, page 2 of 6, Special Treatment Areas to identify the area subject to the new goal. The Department raises the following objection to the proposed Amendment 2006-09:

3. **Objection:** The proposed text amendments refer to the "Rural Village Mixed Use Overlay area of Alva," various subareas, and the Historic Core. However, the proposed adopted portion of the plan amendment does not establish meaningful and predictable guidelines that identify the geographic boundaries of the "Rural Village Mixed Use Overlay area of Alva" and the boundaries of the subareas and Historic Core. The proposed Policy 26.1.2 does not establish meaningful and predictable guidelines and standards to implement the "Rural Village Mixed Use Overlay, Subarea 1," regarding permissible land use types and density/intensity of use in relation to criteria items 1, 2, 6, 12, 14, and 15 of the policy. The proposed Policy 26.1.6 does not establish meaningful and predictable guidelines and standards regarding permissible land use types and density/intensity of use in relation to criteria items 1, 2, 3, and 7 of the policy. The proposed amendment narrative states that the proposed amendment changes Map 1, page 2 of 6, Special Treatment Areas, to show the Alva Community Planning Area. However, the transmittal material does not include a proposed Map 1 showing the proposed amendment.

Rules 9J-5.005(6); and 9J-5.006(3 and 4), F.A.C.; and Sections 163.3177(6)(a), F.S.

**Recommendation:** Revise the amendments to establish meaningful and predictable guidelines that identify the geographic boundaries of the "Rural Village Mixed Use Overlay area of Alva" and the boundaries of the subareas and Historic Core. Revise proposed Policy 26.1.2 to establish meaningful and predictable guidelines and standards to implement the "Rural Village

Mixed Use Overlay, Subarea 1," regarding permissible land use types and density/intensity of use in relation to criteria items 1, 2, 6, 12, 14, and 15 of the policy. Revise Policy 26.1.6 to establish meaningful and predictable guidelines and standards regarding permissible land use types and density/intensity of use in relation to criteria items 1, 2, 3, and 7 of the policy. Revise the amendment to include Map 1, page 2 of 6, Special Treatment Areas, to show the Alva Community Planning Area.

**Amendment 2006-11:** A proposed amendment to establish the Page Park Community Plan. The amendment revises the Future Land Use Element to add a vision statement, goal, objectives, and policies and to amend Map 1, page 2 of 6, Special Treatment Areas to identify the Page Park Community Plan area and to add an overlay map. The Department raises the following comment to the proposed Amendment 2006-11:

4. **Comment:** The proposed Mixed Use Overlay map and proposed Policy 27.4.1 are internally inconsistent regarding the location of "stand-alone commercial" use because the policy does not allow stand-alone commercial in most of the general eastern quarter of the Page Park Community where the Mixed Use Overlay map shows that stand-alone commercial is allowed. The proposed Policy 27.4.1 allows "stand-alone commercial" use along Danley Drive and within the Commercial/Mixed Use areas shown on the Mixed Use Overlay map. The proposed Mixed Use Overlay map allows "Stand Alone Commercial" along Danley Drive and generally within the area designated as Industrial Development on the FLUM. Revise the amendment to resolve the internal inconsistency regarding where "stand-alone commercial" use is allowed.

**D. Amendment 2006-14:** A FLUM amendment to change 14 acres from Suburban (6 DU per acre) to Industrial (no intensity standard) located on the north side of Bayshore Road approximately one mile west of Interstate-75. The Department raises the following objection to the proposed Amendment 2006-14:

5. **Objection (Transportation Planning):** The proposed amendment includes a transportation analysis based on 180,000 square feet of industrial use. Because the Comprehensive Plan does not establish an intensity of use standard for the Industrial Development future land use category, the amendment could potential allow more than 180,000 square feet of industrial use. The proposed amendment is not appropriately supported by data and analysis demonstrating the availability of road facilities to meet the adopted level of service standards for the five-year and long-term planning timeframes based on an intensity of use standard established in the Comprehensive Plan. The amendment should be revised to establish an intensity of use standard for the subject amendment parcel, and then based on the intensity of use standard, support the amendment with a transportation analysis that demonstrates the availability of road facilities to meet the adopted level of service standards for the five-year and long-term planning timeframes. Thus, the proposed FLUM Amendment 2006-14 is not supported by a road segment transportation analysis (including assumptions, data sources, and description of methodologies used) for the five-year and long-term planning timeframes addressing the following: (1) the number of peak hour vehicle trips generated by the maximum development potential allowed by the FLUM amendment; (2) the impact of the peak hour vehicle trips on the projected operating

level of service of potentially impacted roadways; (3) the need for road improvements (scope, timing and cost of improvements) or other planning alternatives to maintain the adopted level of service standards for roadways; (4) coordination of the road improvements or other planning alternatives with the Future Land Use Element, Transportation Element (including Future Transportation Map), and Capital Improvements Element, and implementation through the Five-Year Schedule of Capital Improvements; and (5) coordination of the road improvements with the plans of the Florida Department of Transportation and the Metropolitan Planning Organization.

Rules 9J-5.005(2) and (5), 9J-5.019(3)(f, g, h, and i); 9J-5.019(5)(a and b); 9J-5.016(1)(a); 9J-5.016(2)(b, c, and f); 9J-5.016(4), F.A.C.; and Sections 163.3175; 163.3177(2), (3), (8), and (10); 163.3177(6)(a and j); 163.3177(6)(h)1 and 2, F.S.

**Recommendation:** Do not adopt the FLUM amendment if it creates additional vehicle trips on roadways that currently operate below the adopted level of service standard or are projected to operate below the adopted level of service standard and for which there are no appropriately planned transportation improvements included in the Comprehensive Plan (Transportation Element and Capital Improvements Element). Alternatively, revise the amendment to include the data and analysis necessary to support the FLUM amendment and demonstrate coordination of land use with the planning for transportation facilities as well as coordination with the Transportation Element and Capital Improvements Element. Revise the Transportation Element, Capital Improvements Element, and Future Land Use Element, as necessary, to be consistent with and supported by the data and analysis and to achieve internal consistency with the FLUM. The Five-Year Schedule of Capital Improvements should be revised to include any needed improvements to maintain the adopted level of service within the five-year planning timeframe. Include data and analysis demonstrating coordination of the amendment with the plans of the Florida Department of Transportation and the Metropolitan Planning Organization. Revise the amendment, as necessary, to be consistent with and supported by the data and analysis. The plan should be revised to include strategies to address any deficiencies projected for the long-range planning timeframe.

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**F. Amendment 2006-20:** A proposed amendment to address the Ten-Year Water Supply Facilities Work Plan amendment requirements. The Department raises the following objections to the proposed Amendment 2006-20:

6. **Objection:** The proposed new Policies 53.1.11 and 117.1.9 adopt by reference Table 6 "Capital Improvement Projects" which is a list of water supply projects that the data and analysis recommends the County implement. The proposed Five-Year Schedule of Capital Improvements (Amendment 2008-11) does not include financially feasible projects consistent with the list of projects contained in Table 6 for projects that need to be completed within the time period of the Five-Year Schedule. Thus, the Water Supply Facilities Work Plan is not coordinated with the Capital Improvements Element.

The proposed new Policy 53.2.1 addresses concurrency management for water supply; however, Policy 53.2.1 does not ensure that prior to issuance of a building permit or its functional equivalent, the County will consult with the applicable water supplier to determine



whether adequate water supplies to serve the new development will be available no later than the anticipated date of issuance by the County of a certificate of occupancy or its functional equivalent as required by Section 163.3180(2)(a), F.S. The proposed new Policy 151.5.1 addresses coordination of the County's Water Supply Facilities Work Plan with the South Florida Water Management District; however, Policy 151.5.1 does not specifically require the County to amend the Comprehensive Plan to update the Ten-Year Water Supply Facilities Work Plan within 18 months after the governing board of the South Florida Water Management District approves an updated regional water supply plan.

The Water Supply Facilities Work Plan includes several different population projections, and the Work Plan is not clear as to which population projections are the official projections that are to be used as the basis for projecting future demand for water. The population projections should be consistent with the population projections that are used for the other plan elements. The Water Supply Facilities Work Plan is not clear as to the number of people per Equivalent Residential Connection and how this was determined. The Water Supply Facilities Work Plan does not demonstrate that the County, City of Fort Myers, and the franchised utilities have consistent population and demand projections for those unincorporated areas not served by the County, or for those portions of municipalities that are served by the County. The Water Supply Facilities Work Plan does not: (1) identify areas of predominant current and future self supply by private individual single family wells and the total projected withdrawal amounts; and (2) address the water supply needs for irrigation.

Policy 151.5 does not establish meaningful and predictable guidelines to address coordination between the County, the water suppliers, and local governments in Lee County that provide water to areas within unincorporated Lee County. The policy does not identify the specific programs for the regular sharing of information regarding changes in land-use, population projections, and level of service.

Rules 9J-5.005(2, 5, and 6); 9J-5.006(1 and 2); 9J-5.011(1 and 2); 9J-5.013(1); and 9J-5.016(1, 2, and 4), F.A.C.; and Sections 163.3167(13); 163.3177(1, 2, 3, 4, and 8); 163.3177(6)(a, c and d); and 163.3177(6)(h)1 and 2, F.S.

**Recommendation:** Revise the Capital Improvements Element Five-Year Schedule of Capital Improvements, to include financially feasible projects that have been identified by the Water Supply Facilities Work Plan as needed over the five-year planning period. Support the Five-Year Schedule of Capital Improvements with data and analysis of projected yearly revenues demonstrating the financial feasibility of the projects. Revise Policy 53.2.1 to ensure that prior to issuance of a building permit or its functional equivalent, the County will consult with the applicable water supplier to determine whether adequate water supplies to serve the new development will be available no later than the anticipated date of issuance by the County of a certificate of occupancy or its functional equivalent as required by Section 163.3180(2)(a), F.S. Revise Policy 151.5.1 to require the County to amend the Comprehensive Plan to update the Ten-Year Water Supply Facilities Work Plan within 18 months after the governing board of the South Florida Water Management District approves an updated regional water supply plan.

Revise the Water Supply Facilities Work Plan to: (1) identify the population projections that are the basis for the projection of water demand; (2) clarify the number of people per Equivalent Residential Connection and how this was determined; (3) demonstrate that the County, City of Fort Myers, and the franchised utilities have consistent population and demand projections for those unincorporated areas not served by the County, or for those portions of municipalities that are served by the County; (4) identify areas of predominant current and future self supply by private individual single family wells and the total projected withdrawal amounts; and (5) address the water supply needs for irrigation.

**G. Amendment 2006-21(2008-11):** A proposed amendment to update (annual update) the Capital Improvements Element and clarify school concurrency related policies. The Department raises the following objection to proposed Amendment 2006-21(2008-11):

**7. Objection:** The proposed amendment to update the Five-Year Schedule of Capital Improvements is not supported by data and analysis of the current and projected operating level of service of public facilities in order to determine the public facilities that are needed to achieve and maintain the adopted level of service standards and that need to be included in a financially feasible schedule of capital improvements. The proposed amendment to update the Five-Year Schedule of Capital Improvements is not supported by data and analysis of the projected yearly revenues for each year of the five years to demonstrate that each year of the proposed Five-Year Schedule is financially feasible. The proposed Five-Year Schedule of Capital Improvements includes projects for which no timing or funding is scheduled for the five years; and thus, these projects are not financially feasible.

Rules 9J-5.005(2, 3, 5, and 6); 9J-5.0055; 9J-5.016(1, 2, 3, and 4); 9J-5.019; and 9J-5.025, F.A.C.; and Sections 163.3164(32); 163.3177(2, 3, 8, 10, and 12); 163.3180(2); 163.3180(13); and 163.3191, F.S.

**Recommendation:** Revise the Capital Improvements Element update to be supported by data and analysis addressing the five-year (through to fiscal years 2012/2013) projected operating level of service of public facilities and identifying the public facility improvements (scope, timing, and cost) that are needed to maintain the adopted level of service standards. Revise the Five-Year Schedule of Capital Improvements to include financially feasible capital improvements projects that are needed to maintain the adopted level of service standards. Include data and analysis of the yearly projected revenues that are available to fund capital improvements for the five-year period. Revise the supporting data and analysis to demonstrate that the Five-Year Schedule is financially feasible. Remove projects from the Five-Year Schedule that are not financially feasible.

**I. Amendments 2006-27 and 2007-53:** The amendments propose changes to Future Land Use Element Policy 1.8.2 regarding access management. The Department raises the following comment to proposed Amendments 2006-27 and 2007-53:

8. **Comment:** Amendment 2006-27 proposes to change Future Land Use Element Policy 1.8.2 to reflect the status of the adopted Corridor Access Management Plans for State Road 82 and Gunnery Road. The proposed amendment clarifies that the access management plans have been adopted and are in effect and that access must be by the reverse frontage roads. Substantively, the wording proposed by Amendment 2006-27 is appropriate to Policy 1.8.2. However, the County also proposes to amend Future Land Use Element Policy 1.8.2 through Amendment 2007-53, and the two proposed amendments include different language for the same Policy 1.8.2. The proposed Amendment 2006-26 and Amendment 2007-53 include different and inconsistent changes to Future Land Use Element Policy 1.8.2. Thus, the proposed Amendments 2006-26 and 2007-53 create internal inconsistencies that do not establish meaningful and predictable guidelines for access management. In addition, the proposed Amendment 2007-53 to Future Land Use Element Policy 1.8.2 has not been demonstrated to be consistent with the Gunnery Road Access Management Plan, which does not show the direct access onto Gunnery Road that would result from the amendment to Policy 1.8.2. Revise the amendments to resolve the internal inconsistency. Revise the amendments to be supported by data and analysis demonstrating consistency with the Gunnery Road Access Management Plan.

**J. Amendment 2007-01:** A proposed amendment to add a new Future Land Use Element Policy 21.1.5 to Goal 21 (Caloosahatchee Shores Community Plan). The Department raises the following comment to proposed Amendment 2007-01:

9. **Comment:** The amendment support material states that the proposed amendment is to establish a new Policy 21.1.5; however, the transmitted proposed text of the amendment is to establish Policy 21.1.4. The Comprehensive Plan currently includes a Policy 21.1.4, and it does not appear as though that policy is intended to be revised but rather a new Policy 21.1.5 it to be added. Therefore, renumber the proposed amendment to utilize Policy 21.1.5.

**K. Amendment 2007-48:** A proposed amendment intended to exempt the Page Field Airport from development of regional impact (DRI) review under the provisions of Section 163.3177(6)(k), F.S. The Department raises the following objections to proposed Amendment 2007-48:

10. **Objection (Amendment Authority):** In regard to future expansion of Page Field General Aviation Airport boundaries, the proposed Future Land Use Element Policy 1.9.3 states that "the Port Authority will amend Map 3G, Table 5(b) and the Future Land Use Map to reflect the land added to Page Field General Aviation Airport." Policy 1.9.3 authorizes the Port Authority to amend the Comprehensive Plan and this is not consistent with Chapter 163, Part II, F.S. The proposed Amendment 2007-48 does not establish comprehensive plan policies addressing the following: (1) consistency of development at the Page Field Airport with the Lee County Metropolitan Planning Organization Long-Range Transportation Plan; (2) the provision of regional transportation facilities for the efficient use and operation of the transportation system and airport.

Rules 9J-5.006(3), F.A.C.; and Sections 163.3167; 163.3177(6)(a and k); 163.3184; and 163.3189, F.S.

**Recommendation:** Revise Future Land Use Element Policy 1.9.3 to allow Lee County (Board of County Commissioners) to amend the Comprehensive Plan. Revise the amendment to establish comprehensive plan policies addressing the following: (1) consistency of development at the Page Field Airport with the Lee County Metropolitan Planning Organization Long-Range Transportation Plan; (2) the provision of regional transportation facilities for the efficient use and operation of the transportation system and airport.

11. **Objection (Transportation Planning):** The results of a traffic study (prepared by Reynolds, Smith and Hills, Inc., August 2007) were transmitted with the proposed amendment as supporting data and analysis. The traffic study does not analyze the projected operating roadway level of service for the five-year and long-term planning timeframes based on the maximum development potential of land uses allowed by the proposed Table 5(b) and growth in background traffic. The traffic study does not identify assumptions regarding trip generation and trip distribution based on the maximum development potential of land uses allowed by the proposed Table 5(b) and demonstrate that these assumptions are professionally acceptable. Thus, the proposed amendment is not appropriately supported by a professionally acceptable traffic analysis that demonstrates the adopted level of service standards will be achieved and maintained for the five-year and long-term planning timeframes and that any roadway improvements that are needed to maintain level of service are coordinated with the Transportation Element and Capital Improvements Element, including a financially feasible five-year schedule of capital improvements. The amendment is not appropriately supported by data and analysis demonstrating that the amendment is consistent with the requirements of Section 163.3177(6)(k), F.S., regarding: (1) the provision of regional transportation facilities for the efficient use and operation of the transportation system and airport; and (2) consistency with the local government transportation circulation element and applicable metropolitan planning organization long-range transportation plans.

Rules 9J-5.005(2) and (5); 9J-5.019(3)(f, g, h, and i); 9J-5.019(5)(a and b); 9J-5.016(1)(a); 9J-5.016(2)(b, c, and f); 9J-5.016(4), F.A.C.; and Sections 163.3175; 163.3177(2), (3), (8), and (10); 163.3177(6)(a, j and k); 163.3177(6)(h)1 and 2, F.S.

**Recommendation:** Revise the traffic study to analyze the projected operating roadway level of service for the five-year and long-term planning timeframes based on the maximum development potential of the land uses allowed by the proposed Table 5(b) and growth in background traffic. Demonstrate coordination of land use with the planning for transportation facilities as well as coordination with the Transportation Element and Capital Improvements Element. Revise the Transportation Element, Capital Improvements Element, and Future Land Use Element, as necessary, to be consistent with and supported by the data and analysis and to achieve internal consistency with the Airport Master Plan. The Five-Year Schedule of Capital Improvements should be revised to include any needed improvements to maintain the adopted level of service within the five-year planning timeframe. Include data and analysis demonstrating coordination of the amendment with the plans of the Florida Department of Transportation and the Metropolitan Planning Organization. Revise the amendments, as

necessary, to be consistent with and supported by the data and analysis. The plan should be revised to include strategies to address any deficiencies projected for the long-range planning timeframe.

12. Comment: The proposed Amendment 2007-48 is intended to exempt the Page Field Airport from development of regional impact (DRI) review under the provisions of Section 163.3177(6)(k), F.S. Although most of Page Field Airport is located within unincorporated Lee County, a small portion of Page Field Airport is located in the City of Fort Myers. The County does not have planning jurisdiction in Fort Myers. The County should be aware that the portion of Page Field that is not within the unincorporated area of Lee County does not qualify for the DRI exemption through the Lee County Comprehensive Plan Amendment 2007-48. The City of Fort Myers Comprehensive Plan would need to be amended pursuant to Section 163.3177(6)(K), F.S., for the portion of Page Field that is within Fort Myers to be exempted from DRI review. Alternatively, a joint planning agreement could be executed between the County and Fort Myers authorizing the County and Fort Myers to jointly exercise comprehensive planning power for the incorporated area, and then the County could amend the County Comprehensive Plan to establish the DRI exemption for the incorporated area.

L. Amendment 2007-50: A proposed amendment to the Future Land Use Element to establish the North Captiva Community Plan by adding a vision statement, new goal, 7 objectives, and associated policies, and amend Map 1, page 2 of 6 (Special Treatment Areas) to identify the plan area. The amendment also revises Future Land Use Element Policy 1.4.2, which is the description of the currently adopted "Outer Islands" FLUM designation that already encompasses most of subject area. The Department raises the following objection to proposed Amendment 2007-50:

13. Objection: The supporting material states that the amendment establishes a new Vision Statement for the North Captiva Community; however, the proposed amendment does not include the proposed text of the Vision Statement.

Rules 9J-5.006(3), F.A.C.; and Section 163.3177(6)(a), F.S.

Recommendation: Revise the amendment to include a vision statement for the North Captiva Community.

- M. Amendment 2007-51: A proposed amendment to the Future Land Use Element to:
- (1) Establish a new future land use category of "Destination Resort Mixed-Use Water-Dependent" (DRMUWD);
  - (2) Establish new goal, objectives (11 objectives) and associated policies to guide and implement the new DRMUWD category;
  - (3) Amend 28.97 acres on San Carlos Island from Suburban (17.13 acres), Urban Community (5.12 acres), and Industrial Development (5.92 acres) to Destination Resort Mixed-Use Water-Dependent;
  - (4) Amend 7.09 acres on San Carlos Island from Wetland to Conservation Lands; and
- new map  
long map?*

- (5) Amend Tables 1(a) and 1(b) to add the new future land use category reallocate acres to accommodate the amendment.

The Department raises the following objections to Amendment 2007-51:

14. Objection (Coastal High Hazard Area): The 28.97 acre amendment parcel is located entirely within the Coastal High Hazard Area (CHHA). The proposed Amendment increases the potential number of residential dwelling units in the Coastal High Hazard Area by 238. Therefore, the proposed Amendment 2007-51 does not direct population concentrations away from the Coastal High Hazard Area. The Amendment 2007-51 is not appropriately supported by data and analysis demonstrating that the Amendment 2007-51 is consistent with the Rule 9J-5.012, F.A.C., requirements to: (1) direct population concentrations away from the Coastal High Hazard Area; (2) maintain or reduce hurricane evacuation clearance times; and (3) utilize general hazard mitigation for land use to reduce the exposure of human life and private property to natural hazards.

The subject amendment parcel is located within the CHHA. The amendment includes proposed Objective XX.11 and Policy XX.11.1, which requires that DRMUWD development projects must construct on-site shelter to withstand Category 5 hurricane force winds and storm surge to accommodate residents and hotel guests in compliance with criteria stated in the policy. The Objective and Policy intend that residents and hotel guests be given on-site shelter within the Coastal High Hazard Area rather than evacuate to a location outside of the Category 5 evacuation area or evacuate out-of County. The amendment is not supported by data and analysis regarding in-county and out-of-county evacuation times and demonstrating that those times can be maintained with Amendment 2007-51. The amendment is not consistent with Section 163.3178(9), F.S., because the amendment requires evacuation shelters to be provided within the CHHA and this is inconsistent with the intent of Section 163.3178(9), F.S., to plan for the safe evacuation of persons from within the area to be evacuated for a Category 1 through Category 5 storm event. Section 163.3178, F.S., intends that persons evacuate to locations outside of the area that needs to be evacuated for a Category 5 storm event. The proposed amendment allows the placement of and reliance upon shelter space within the area that is to be planned for evacuation, and this is inconsistent with Section 163.3178(9), F.S.

Rules 9J-5.006(3); and 9J-5.012(3), F.A.C.; and Sections 163.3177(6)(a); 163.3178, F.S.

Recommendation: Do not increase residential in the CHHA. Alternatively, support the amendment with data and analysis demonstrating that Amendment 2007-51 is consistent with requirements of Section 163.3178(9), F.S., and Rule 9J-5.012, F.A.C. Revise the amendment objective and policy to not require on-site shelter. Shelter space should be provided outside of the area that is to be evacuated for the Category 1 through Category 5 storm events. Revise the objective and policy and then support the amendment with data and analysis demonstrating that the in-county and out-of-county evacuation times can be maintained consistent with Section 163.3178(9), F.S.

15. Objection (Land Use Category Policy Guidelines): The amendment support material states that there is a proposed amendment to Future Land Use Element Table 1(a) and 1(b) to add the

new category "Destination Resort Mixed Use Water Dependent;" however, the proposed amendment does not include a proposed Future Land Use Element Table 1(a) and 1(b) showing the proposed amendments. The amendment does not establish intensity of use standards for the nonresidential land uses that are allowed within the Destination Resort Mixed Use Water Dependent future land use category. As a point of clarification, this objection also applies to transitory lodging uses. The amendment allows for a mix of land uses within the Destination Resort Mixed Use Water Dependent future land use category; however, the amendment does not establish the percentage distribution among the mix of land uses to ensure a mix of land uses is developed within the Destination Resort Mixed Use Water Dependent future land use category.

Rules 9J-5.006(3 and 4), F.A.C.; and Section 163.3177(6)(a), F.S.

**Recommendation:** Revise the amendment to include Table 1(a) and 1(b) addressing the Destination Resort Mixed Use Water Dependent category. Revise the amendment to establish intensity of use standards for the nonresidential land uses that are allowed within the Destination Resort Mixed Use Water Dependent future land use category. Revise the amendment to establish the percentage distribution among the mix of land uses to ensure a mix of land uses is developed within the Destination Resort Mixed Use Water Dependent future land use category.

**16. Objection (Potable Water, Sanitary Sewer, Water Supply):** The proposed FLUM amendment is not appropriately supported by data and analysis, based on the maximum development potential of the FLUM amendment parcel, demonstrating the availability (or planned availability) of potable water and sanitary sewer facilities to meet the adopted level of service standards and adequate potable water supply for the five-year and long-term planning timeframes based on the maximum development potential allowed by the DRMUWD future land use category and growth in background demand on water and sewer facilities and water supply, including coordination of any needed capital facility improvements with the Capital Improvements Element. The amount of potential water and sewer demand from the nonresidential uses (including transitory lodging, commercial, etc.) allowed by the new DRMUWD future land use designation has not been adequately analyzed with all assumptions clearly stated. Also, the DRMUWD category lacks intensity standards for the nonresidential uses. Thus, the DRMUWD category needs to be revised to include intensity standards and then the water and sewer analysis appropriately revised based on the intensity standards.

Rules 9J-5.002(8); 9J-5.005(2 and 5); 9J-5.011(1)(a through f); 9J-5.013(1); 9J-5.016(1)(a); 9J-5.016(2)(b, c, and f); 9J-5.016(4)(a), F.A.C.; and Sections 163.3167(13); 163.3177(1, 2, 3, 4, and 8); 163.3177(6)(a, c and d); and 163.3177(6)(h)1 and 2, F.S.

**Recommendation:** The County should revise the plan amendment to include intensity standards for the nonresidential uses allowed within the DRMUWD future land use category as indicated in the objections in this Report. Then, based on the density and intensity standards of the DRMUWD category, revise the amendment data and analysis to demonstrate the availability (or planned availability) of potable water and sanitary sewer facilities to meet the adopted level of service standards and adequate potable water supply for the five-year and long-term planning timeframes based on the maximum development potential allowed by the DRMUWD future land use category and growth in background demand on water and sewer facilities and water supply.

If capital facility improvements are needed to maintain the adopted level of service standards, the capital facility improvements needed within five years should be coordinated with the Five-Year Schedule of Capital Improvements and the long-term improvements addressed through plan policy strategies.

17. Objection (School Planning): The proposed Amendment 2007-51 increases the potential number of residential dwelling units and the potential number of school students. Lee County has adopted its Public School Facilities Element; therefore, the County is required to assess the facility impacts on its public school facilities. The amendments are not supported by data and analysis demonstrating that the adopted level of service standards for schools will be met over the five-year short-term planning timeframe. Absent this data and analysis and any related changes, the proposed amendments have not been demonstrated to be consistent with the Public School Facilities Element and Capital Improvements Element.

Rules 9J-5.005(2 and 5); 9J-5.006(1 and 2); and 9J-5.025(2), F.A.C.; and Sections 163.3177(2, 3, 8, 10, and 12); 163.3177(6)(a); and 163.3180(13), F.S.

Recommendation: Support the FLUM amendment with data and analysis for the five-year planning timeframe addressing: (1) identification of the cumulative impact of the amendments transmitted in Amendment 09-1 on the projected enrollment of students (elementary, middle, and high school students) for the applicable school concurrency service area; (2) the impact of additional students on the level of service standards for the school concurrency service area; (3) the need for any school facility capacity improvements (scope, cost, and timing) that are needed to achieve and maintain the adopted level of service standards; and (4) coordination of any needed school facility improvements with the Public School Facilities Element and Capital Improvements Element. If there are any identified school facility deficiencies in the first five years and there are no planned school facilities to address these deficiencies, then the school facility improvements needed to maintain and achieve the adopted level of service standards must be included in the Five-Year Schedule of Capital Improvements. Revise the amendment to be supported by and consistent with the data and analysis.

18. Objection (Transportation Planning): The proposed FLUM Amendment 2007-51 is not supported by a road segment transportation analysis (including assumptions, data sources, and description of methodologies used) for the five-year and long-term planning timeframes addressing the following: (1) the number of peak hour vehicle trips generated by the maximum development potential allowed by the FLUM amendment; (2) the impact of the peak hour vehicle trips on the projected operating level of service of potentially impacted roadways; (3) the need for road improvements (scope, timing and cost of improvements) or other planning alternatives to maintain the adopted level of service standards for roadways; (4) coordination of the road improvements or other planning alternatives with the Future Land Use Element, Transportation Element (including Future Transportation Map), and Capital Improvements Element, and implementation through the Five-Year Schedule of Capital Improvements; and (5) coordination of the road improvements with the plans of the Florida Department of Transportation and the Metropolitan Planning Organization.



Rules 9J-5.005(2) and (5), 9J-5.019(3)(f, g, h, and i); 9J-5.019(5)(a and b); 9J-5.016(1)(a); 9J-5.016(2)(b, c, and f); 9J-5.016(4), F.A.C.; and Sections 163.3175; 163.3177(2), (3), (8), and (10); 163.3177(6)(a and j); 163.3177(6)(h)1 and 2, F.S.

**Recommendation:** Do not adopt the FLUM amendment if it creates additional vehicle trips on roadways that currently operate below the adopted level of service standard or are projected to operate below the adopted level of service standard and for which there are no appropriately planned transportation improvements included in the Comprehensive Plan (Transportation Element and Capital Improvements Element). Alternatively, revise the amendment to include the data and analysis necessary to support the FLUM amendment and demonstrate coordination of land use with the planning for transportation facilities as well as coordination with the Transportation Element and Capital Improvements Element. Revise the Transportation Element, Capital Improvements Element, and Future Land Use Element, as necessary, to be consistent with and supported by the data and analysis and to achieve internal consistency with the FLUM. The Five-Year Schedule of Capital Improvements should be revised to include any needed improvements to maintain the adopted level of service within the five-year planning timeframe. Include data and analysis demonstrating coordination of the amendment with the plans of the Florida Department of Transportation and the Metropolitan Planning Organization. Revise the amendment, as necessary, to be consistent with and supported by the data and analysis. The plan should be revised to include strategies to address any deficiencies projected for the long-range planning timeframe.

**O. Amendment 2007-54:** A proposed amendment to the Future Land Use Element to:

- (1) Establish a new future land use category titled "Burnt Store Marina Village" by adding new Policy 1.2.10, Goal, Objective 25.1, and Policies 25.1.1, 25.1.2, 25.1.3, 25.1.4, and 25.1.5;
- (2) Amend Table 1(a) and 1(b) to add the new category "Burnt Store Marina Village and to reallocate commercial (7 acres), industrial (6 acres), residential (4 acres), and public (1 acre) for the Burnt Store Marina Planning Community; and
- (3) Amend the FLUM to change 18.25 acres from Rural (1 DU per acre) to "Burnt Store Marina Village" located to the west of Burnt Store Road and just south of the Charlotte County line.

The Department raises the following objections and comment to propose Amendment 2007-54:

19. **Objection:** The proposed Amendment would allow an additional 160 residential dwelling units on the subject 18.25 acre parcel. A portion of the 18.25 acres is located within the Coastal High Hazard Area (as defined by proposed Amendment 2007-59), and proposed Policy 25.1.5 is intended to locate the additional residential uses outside of the Coastal High Hazard Area. However, the proposed Policy 25.1.5 requires the residential use to be located outside of the Tropical Storm Surge Zone and not outside of the Coastal High Hazard Area. Therefore, the proposed Amendment 2007-54 does not direct population concentrations away from the Coastal High Hazard Area. The Amendment 2007-54 is not appropriately supported by data and analysis

demonstrating that the Amendment 2007-54 is consistent with the Rule 9J-5.012, F.A.C., requirements to: (1) direct population concentrations away from the Coastal High Hazard Area; (2) maintain or reduce hurricane evacuation clearance times; and (3) utilize general hazard mitigation for land use to reduce the exposure of human life and private property to natural hazards. Similarly, the proposed amendment is not appropriately supported by data and analysis demonstrating that the Amendment 2007-54 is consistent with the requirements of Section 163.3178(9), F.S.

Rules 9J-5.005(5); 9J-5.006(3); and 9J-5.012(3), F.A.C.; and Sections 163.3177(2); 163.3177(6)(a); and 163.3178, F.S.

**Recommendation:** Revise Policy 25.1.5 to require the residential uses to be located outside of the Coastal High Hazard Area.

20. **Objection (School Facilities):** The proposed Amendment 2007-54 increases the potential number of residential dwelling units and the potential number of school students. Lee County has adopted its Public School Facilities Element; therefore, the County is required to assess the facility impacts on its public school facilities. The amendment is not supported by data and analysis demonstrating that the adopted level of service standards for schools will be met over the five-year short-term planning timeframe. Absent this data and analysis and any related changes, the proposed amendment has not been demonstrated to be consistent with the Public School Facilities Element and Capital Improvements Element.

Rules 9J-5.005(2 and 5); 9J-5.006(1 and 2); and 9J-5.025(2), F.A.C.; and Sections 163.3177(2, 3, 8, 10, and 12); 163.3177(6)(a); and 163.3180(13), F.S.

**Recommendation:** Support the FLUM amendment with data and analysis for the five-year planning timeframe addressing: (1) identification of the cumulative impact of the amendments transmitted in Amendment 09-1 on the projected enrollment of students (elementary, middle, and high school students) for the applicable school concurrency service area; (2) the impact of additional students on the level of service standards for the school concurrency service area; (3) the need for any school facility capacity improvements (scope, cost, and timing) that are needed to achieve and maintain the adopted level of service standards; and (4) coordination of any needed school facility improvements with the Public School Facilities Element and Capital Improvements Element. If there are any identified school facility deficiencies in the first five years and there are no planned school facilities to address these deficiencies, then the school facility improvements needed to maintain and achieve the adopted level of service standards must be included in the Five-Year Schedule of Capital Improvements. Revise the amendment to be supported by and consistent with the data and analysis.

21. **Comment (Land Use Category Policy Guidelines):** There is an internal inconsistency among the proposed text amendments regarding the type of industrial use. The proposed Goal and Policy 1.2.10 allow "limited industrial" and the proposed Objective 25.1 allows "light industrial marine uses." Therefore, the Goal, Policy 1.2.10, and Objective 25.1 do not establish meaningful and predictable guidelines describing the type of industrial use that is allowed. In addition, the amendment support material states that there is a proposed amendment to Future

Land Use Element Table 1(a) and 1(b) to add the new category "Burnt Store Marina Village and to reallocate commercial (7 acres), industrial (6 acres), residential (4 acres), and public (1 acre) for the Burnt Store Marina Planning Community; however, the proposed amendment does not include a proposed Future Land Use Element Table 1(a) and 1(b) showing the proposed amendments. Revise the Goal, Policy 1.2.10, and Objective 25.1 to resolve the internal inconsistency regarding the terminology of "limited industrial" and "light industrial" with meaningful and predictable guidelines. Revise the amendment to include the Future Land Use Element Table 1(a) and 1(b) to add the new category "Burnt Store Marina Village and to reallocate commercial (7 acres), industrial (6 acres), residential (4 acres), and public (1 acre) for the Burnt Store Marina Planning Community.

**Q. Amendment 2007-56:** A proposed amendment to the Future Land Use Element to:

- (1) Establish the North Fort Myers Community Plan by revising the vision statement, adding a new goal, 7 objectives, and associated policies, and amend Map 1, page 2 of 6 (Special Treatment Areas) to indicate that a revised goal specific to the North Fort Myers Planning Community has been adopted; and
- (2) Amend the FLUM to change 85.3 acres from Suburban, Central Urban, and Sub-Outlying Suburban to Commercial and Conservation Lands located along Pine Island Road.

The Department raises the following objections to proposed Amendment 2007-56:

22. **Objection (Objective/Policy Guidelines):** The proposed Policy 28.2.4 pertains to increasing the development potential for projects located within areas designated as Town Centers. The proposed Policy 28.2.4 directs the County to "adopt provisions allowing for greater minimum, maximum, maximum based, and maximum total densities and building heights than are currently allowed under the Lee Plan" that would be "applicable to projects in areas designated as Town Centers, addressed in an adopted sector plan, and regulated by the Town Center Overlay District." The proposed Policy 28.2.4 essentially authorizes the County to adopt an open-ended amount of increase in density and intensity of land use and does not establish meaningful and predictable guidelines and standards as to the amount of the increase in densities and intensities, and the policy is not appropriately supported by data and analysis demonstrating the availability of public facilities to serve the increased densities/intensities and maintain the adopted level of service standards.

The proposed Objective 28.3 does not establish meaningful and predictable guidelines defining the terminology "neighborhood, corridors, and community interface improvements." In addition, the proposed Objectives 28.3, 28.4, and 28.5 allow until year 2012 the identification of public facilities improvements within the North Fort Myers Community, and this deferral to 2012 is inconsistent with the public facility and capital improvements planning requirements of Section 163.3177, F.S., and Rule 9J-5, F.A.C., to annually update the Capital Improvements Element to address public facilities that are needed to correct existing deficiencies, address future needs, and maintain the adopted level of service standards. The assessment and identification of public facility needs must be done annually to support the annual update amendment to the Capital Improvements Element.

The proposed amendment transmittal documents state that Amendment 2007-56 includes an amendment to Map 1, page 2 of 6 (Special Treatment Areas) to indicate that a revised goal specific to the North Fort Myers Planning Community has been adopted. However, the transmitted proposed amendment material does not include the subject proposed Map 1.

Rules 9J-5.005(2 and 6); 9J-5.006(3); 9J-5.006(4); 9J-5.016, F.A.C.; and Sections 163.3177(2 and 3); and 163.3177(6)(a), F.S.

**Recommendation:** Revise Policy 28.2.4 to establish meaningful and predictable guidelines and standards as to the amount of the increase in densities and intensities, and supported the policy with data and analysis demonstrating the availability of public facilities to serve the increased densities/intensities and maintain the adopted level of service standards.

Revise Objective 28.3 to establish meaningful and predictable guidelines defining the terminology "neighborhood, corridors, and community interface improvements." Revise Objectives 28.3, 28.4, and 28.5 to eliminate the deferral until year 2012 of the identification of public facilities improvements within the North Fort Myers Community. The assessment and identification of public facility needs must be done annually to support the annual update amendment to the Capital Improvements Element.

Revise the amendment to include Map 1, page 2 of 6 (Special Treatment Areas) showing that a revised goal specific to the North Fort Myers Planning Community has been adopted.

**23. Objection (FLUM Amendment 2007-56):** The proposed FLUM Amendment 2007-56 (85.3 acre parcel south of Pine Island Road) is not supported by a road segment transportation analysis (including assumptions, data sources, and description of methodologies used) for the five-year and long-term planning timeframes addressing the following: (1) the number of peak hour vehicle trips generated by the maximum development potential allowed by the FLUM amendment; (2) the impact of the peak hour vehicle trips on the projected operating level of service of potentially impacted roadways; (3) the need for road improvements (scope, timing and cost of improvements) or other planning alternatives to maintain the adopted level of service standards for roadways; (4) coordination of the road improvements or other planning alternatives with the Future Land Use Element, Transportation Element (including Future Transportation Map), and Capital Improvements Element, and implementation through the Five-Year Schedule of Capital Improvements; and (5) coordination of the road improvements with the plans of the Florida Department of Transportation and the Metropolitan Planning Organization.

Rules 9J-5.005(2) and (5), 9J-5.019(3)(f, g, h, and i); 9J-5.019(5)(a and b); 9J-5.016(1)(a); 9J-5.016(2)(b, c, and f); 9J-5.016(4), F.A.C.; and Sections 163.3175; 163.3177(2), (3), (8), and (10); 163.3177(6)(a and j); 163.3177(6)(h)1 and 2, F.S.

**Recommendation:** Revise the amendment to include the data and analysis necessary to support the FLUM amendment and demonstrate coordination of land use with the planning for transportation facilities as well as coordination with the Transportation Element and Capital Improvements Element. Revise the Transportation Element, Capital Improvements Element, and

Future Land Use Element, as necessary, to be consistent with and supported by the data and analysis and to achieve internal consistency with the FLUM. The Five-Year Schedule of Capital Improvements should be revised to include any needed improvements to maintain the adopted level of service within the five-year planning timeframe. Include data and analysis demonstrating coordination of the amendment with the plans of the Florida Department of Transportation and the Metropolitan Planning Organization. Revise the amendment, as necessary, to be consistent with and supported by the data and analysis. The plan should be revised to include strategies to address any deficiencies projected for the long-range planning timeframe.

**R. Amendment 2007-59:** A proposed amendment regarding hurricane evacuation and the Coastal High Hazard Area (CHHA) to address the requirements of Section 163.3178, F.S. The Department raises the following objections to proposed Amendment 2007-59:

24 **Objection:** The proposed Future Land Use Map series Map 5 shows the revised CHHA as based on the SLOSH Model, and the proposed Glossary definition of the CHHA states: "*The category 1 storm surge line as delineated by Map 5 of the Future Land Use Map Series.*" The proposed Glossary definition does not establish a meaningful and predictable guideline to define the CHHA consistent with Section 163.3178, F.S., because the Glossary defines the CHHA (which is an area) as a line rather than as the area below the elevation of the category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model consistent with Section 163.3178, F.S.

Section 163.3178(9), F.S., establishes a 16 hour level of service standard for out of county hurricane for a Category 5 storm event. The proposed amendment revises Objective 109.1 to establish an 18 hour level of service standard for out of county hurricane evacuation for a Category 5 storm event and this is not consistent with the 16 hour standard of Section 163.3178(9), F.S. The proposed amendment adds new Policy 109.1.5, which establishes requirements for proposed comprehensive plan amendments that increase density in the Coastal High Hazard Area. Policy 109.1.5 is not consistent with Section 163.3178(9), F.S., because Policy 10.5.1.5(1 and 3) references Objective 109.1, which has the 18 hour standard which is not consistent with Section 163.3178(9), F.S. In addition, Policy 109.1.5(1) includes language ("The proposed amendment will not impede ...") that does not establish meaningful and predictable guidelines and standards to ensure that the adopted level of service for out-of-county hurricane evacuation is maintained for a category 5 storm event as measured on the Saffir-Simpson scale consistent with Section 163.3178(9), F.S. The proposed Policy 109.1.5(2) tracks Section 163.3178(9), F.S. The proposed Policy 109.1.5(3) is not consistent with Section 163.3178(9), F.S., because the policy does not ensure that the mitigation agreement is executed by the time of the plan amendment that increases density in the CHHA.

Rules 9J-5.005(2, 5, and 6); 9J-5.006(4); 9J-5.012(3), F.A.C.; and Sections 163.3177(2); 163.3177(6)(a); and 163.3178, F.S.

**Recommendation:** Revise the Glossary to define the CHHA consistent with the requirements of Section 163.3178, F.S. Revise Objective 109.1 to utilize a 16 hour standard for

out of county evacuation. Revise Policy 109.1.5(1) to establish meaningful and predictable guidelines and standards to ensure that the adopted level of service for out-of-county hurricane evacuation is maintained for a category 5 storm event as measured on the Saffir-Simpson scale consistent with Section 163.3178(9), F.S. Revise Policy 109.1.5(3) to ensure that the mitigation agreement is executed by the time of the plan amendment that increases density in the CHHA.

## **II. CONSISTENCY WITH STATE COMPREHENSIVE PLAN**


**Objection:** The proposed Comprehensive Plan amendments related to the objections raised above are not consistent with and do not further the following provisions of the State Comprehensive Plan (Chapter 187, Florida Statutes) for the reasons noted in the objections raised above in Section I:

- (a) Goal 6.a (Public Safety); Policies 6.b.22 and 6.b.23 (the amendments related to Objections 14, 19, and 24);
- (b) Goal 7.a (Water Resources); Policies 7.b.5 (the amendments related to Objections 6 and 16);
- (c) Goal 12.a (Hazardous and Nonhazardous Materials and Waste); Policy 12.b.11; (the amendments related to Objection 6 and 16);
- (d) Goal 15.a (Land Use); Policies 15.b.1, 15.b.3, and 15.b.6; (the amendments related to Objections 1, 3, 5, 6, 11, 13, 15, 16, 17, 18, 20, 22, and 23 );
- (e) Goal 16.a (Urban and Downtown Revitalization); Policies 16.b.8 and 16.b.12; (the amendments related to Objections 17 and 20);
- (f) Goal 17.a (Public Facilities); Policies 17.b.5, 17.b.6, and 17.b.7; (the amendments related to Objections 1, 5, 6, 7, 11, 16, 17, 18, 20, and 23);
- (g) Goal 19.a (Transportation); Policies 19.b.2, 19.b.3, 19.b.9, and 19.b.13; (the amendments related to Objection 1, 5, 11, 18, and 23); and
- (h) Goal 25.a (Plan Implementation); Policy 25.b.7; (the amendments related to Objections 1 through 24).

**Recommendation:** Revise the plan amendments as recommended for the objections raised above.

## Memo

To: Paul O'Connor, Planning Director

From: David Loveland, Public Works Operations Manager, Planning 

Date: March 20, 2008

Subject: **CPA 2006-14 (Raymond Building)**

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

Please let me know if you need any additional information.

cc: Donna Marie Collins  
Matt Noble

**LEE COUNTY ORDINANCE NO.09-12**  
(Raymond Building)  
(CPA2006-14)

**AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN," ADOPTED BY ORDINANCE NO.89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT CPA2006-14 (PERTAINING TO RAYMOND BUILDING SUPPLY) APPROVED DURING THE COUNTY'S 2007/2008 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT AND MAPS; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.**

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

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

WHEREAS, the Lee County Local Planning Agency ("LPA") held a public hearing on the proposed amendment in accordance with Florida Statutes and the Lee County Administrative Code on June 23, 2008; and,

WHEREAS, the Board held a public hearing for the transmittal of the proposed amendment on October 23, 2008. At that hearing, the Board approved a motion to send, and did later send, proposed amendment CPA2006-14 pertaining to Raymond Building Supply to the Department of Community Affairs ("DCA") for review and comment; and,

WHEREAS, at the October 23, 2008 meeting, the Board announced its intention to



hold a public hearing after the receipt of DCA's written comments commonly referred to as the "ORC Report." DCA issued their ORC report on January 16, 2009; and,

WHEREAS, on February 25, 2009, the Board held a public hearing and adopted the proposed amendment to the Lee Plan set forth herein.

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

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

The Board of County Commissioners of Lee County, Florida, in compliance with Chapter 163, Part II, Florida Statutes, and with Lee County Administrative Code AC-13-6, conducted public hearings to review proposed amendments to the Lee Plan. The purpose of this ordinance is to adopt the amendments to the Lee Plan discussed at those meetings and approved by a majority of the Board of County Commissioners. The short title and proper reference for the Lee County Comprehensive Land Use Plan, as hereby amended, will continue to be the "Lee Plan." **This amending ordinance may be referred to as the "2007/2008 Regular Comprehensive Plan Amendment Cycle CPA2006-14 Raymond Building Supply Ordinance."**

**SECTION TWO: ADOPTION OF LEE COUNTY'S 2007/2008 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE**

The Lee County Board of County Commissioners amends the existing Lee Plan, adopted by Ordinance Number 89-02, as amended, by adopting an amendment, as revised by the Board on February 25, 2009, known as CPA2006-14. CPA2006-14 amends the Future Land Use Map Series, Map 1, for a 14.1± acre parcel from the "Suburban" future land use category to the "Industrial Development" future land use category. See Exhibits

1 and 2 attached hereto. CPA2006-14 also amends the text of Policy 1.1.7 to add the language to the end of the paragraph limiting the maximum floor area ratio for the property that is the subject of this amendment to 0.3. as follows:

**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. The 14± acre parcel redesignated by CPA2006-14 from the Suburban to the Industrial Development future land use category, located north of Bayshore road and south of ACL Railroad right of way in Section 20, Township 43 South, Range 25 East will have a maximum Floor Area Ratio of 0.3.

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

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

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

### SECTION FOUR: GEOGRAPHIC APPLICABILITY

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

### SECTION FIVE: SEVERABILITY

The provisions of this ordinance are severable and it is the intention of the Board of County Commissioners of Lee County, Florida, to confer the whole or any part of the

powers herein provided. If any of the provisions of this ordinance are held unconstitutional by a court of competent jurisdiction, the decision of that court will not affect or impair the remaining provisions of this ordinance. It is hereby declared to be the legislative intent of the Board that this ordinance would have been adopted had the unconstitutional provisions not been included therein.

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

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

#### SECTION SEVEN: EFFECTIVE DATE

The plan amendments adopted herein are not effective until a final order is issued by the DCA or Administrative Commission finding the amendment in compliance with Section 163.3184(9), Florida Statutes, or until the Administrative Commission issues a final order determining the adopted amendment to be in compliance in accordance with 163.3184(10), Florida Statutes, whichever occurs earlier. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before the amendment has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made

effective by adoption of a resolution affirming its effective status. A copy of such resolution will be sent to the DCA, Bureau of Local Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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

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

DONE AND ADOPTED this 25th day of February 2009

ATTEST:  
CHARLIE GREEN, CLERK

LEE COUNTY  
BOARD OF COUNTY COMMISSIONERS

BY: Marcia Wilson  
Deputy Clerk

BY: Ray Judah  
Chair

DATE: 2/25/09

Approved as to form by:

Donna Marie Collins  
Donna Marie Collins  
County Attorney's Office

Exhibit 1: Map reflecting existing Future Land Use Map Classification of Suburban  
Exhibit 2: Map reflecting change to Future Land Use Map Classification of Industrial Development

effective by adoption of a resolution affirming its effective status. A copy of such resolution will be sent to the DCA, Bureau of Local Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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

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

DONE AND ADOPTED this 25th day of February 2009

ATTEST:  
CHARLIE GREEN, CLERK

LEE COUNTY  
BOARD OF COUNTY COMMISSIONERS

BY: Marcia Wilson  
Deputy Clerk

BY: Ray Judah  
Ray Judah  
Chair

DATE: 2/25/09



CPA2006-14 Raymond Lumber  
Existing Future Land Use

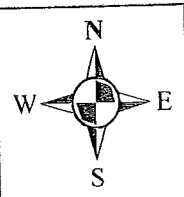
Subject  
Property

BAYSHORE RD

Industrial Development  
Suburban

0 200 400 600 800 1,000  
Feet

EXHIBIT 1



CPA2006-14 Raymond Lumber  
Proposed Future Land Use

Subject  
Property

BAYSHORE RD

Industrial Development

Suburban

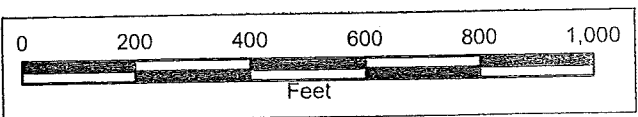
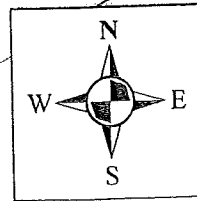


EXHIBIT 2





**CPA2006-14  
PRIVATELY SPONSORED  
RAYMOND LUMBER  
AMENDMENT TO THE**

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**LEE COUNTY COMPREHENSIVE PLAN**

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**THE LEE PLAN**

**Privately Sponsored Application  
and Staff Analysis**

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**BoCC Public Hearing Document  
for the  
February 25<sup>th</sup>, 2009 Adoption Hearing**

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

**January 16, 2009**

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

☐

Text Amendment

☒

Map Amendment

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

STAFF REPORT PREPARATION DATE: April 21, 2008

**PART I - BACKGROUND AND STAFF RECOMMENDATION**

**A. SUMMARY OF APPLICATION**

**1. APPLICANT/REPRESENTATIVE:**

Raymond Building Supply Corp.

Represented by Matthew Uhle of Knott, Consoer, Ebelini, Hart & Swett PA

1625 Hendry St. Suite 301

Ft. Myers, FL, 33901

**2. REQUEST:**

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

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

**1. RECOMMENDATION:**

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

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

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

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

## **C. BACKGROUND INFORMATION**

### **1. INTRODUCTION**

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

### **2. COMPREHENSIVE PLAN BACKGROUND**

The subject property has been designated Suburban on the Future Land Use Map since 1984, the year that the Lee Plan was adopted. There have been two previous small-scale plan amendments to accommodate the relocation of the Raymond Lumber operation: PAM96-

01and PAM97-04. PAM96-01 allowed the Raymond Lumber operation to move to the site by redesignating 9.98 acres of land from Suburban to Industrial development. PAM97-04 expanded the Raymond Lumber operation by redesignating 9.26 acres from Suburban to Industrial Development.

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

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

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

## PART II - STAFF ANALYSIS

### A. STAFF DISCUSSION

#### Introduction

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

#### Environmental Issues

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

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

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

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

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

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

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

### **School Impacts**

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

### **Coastal High Hazard Area**

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

### **Sheriffs Office**

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

### **Fire**

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

### **Emergency Medical Services**

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

### **Utilities**

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

The subject property is within the Lee County Utilities water service area. A letter from Lee County Utilities dated November 20, 2007 states that potable water lines are currently in operation in the area of the subject property but that the developer may be required to fund system enhancements such as line

extensions. Lee County Utilities presently has the capacity to provide potable water service to the subject property based on the applicants estimation of 4 industrial units with a flow demand of 1,680 gallons per day.

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

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

Industrial development must also meet the standards of Lee Plan Goal 11. Standard 11.1 requires that any new industrial development exceeding 30,000 square feet must connect to a public water system. The proposed development is estimated at 180,000 square feet on the subject property and therefore will require connection to a public water system. Standard 11.2 requires that new industrial development that generates more than 5,000 gallons of sewage per day must connect to a sanitary sewer system. With an estimated 1,680 gallons per day, the subject property does not exceed the threshold for Standard 11.2.

#### **Solid Waste**

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

#### **Parks, Recreation and Open Space**

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

#### **Historic Resources**

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

#### **Transportation Issues**

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

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

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

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

### **Industrial Compatibility**

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

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

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

- 1. The development must comply with local, state, and federal air, water, and noise pollution standards.*
- 2. When located next to residential areas, industry must not generate noise levels incompatible with the residential development.*



3. Bulk storage or production of toxic, explosive, or hazardous materials will not be permitted near residential areas.

4. Contamination of ground or surface water will not be permitted.

5. Applications for industrial development will be reviewed and evaluated as to:

- a. Air emissions (rezoning and development orders);
- b. Impact and effect on environmental and natural resources (rezoning and development orders);
- c. Effect on neighbors and surrounding land use (rezoning);
- d. Impacts on water quality and water needs (rezoning and development orders);
- e. Drainage system (development orders);
- f. Employment characteristics (rezoning);
- g. Fire and safety (rezoning and development orders);
- h. Noise and odor (rezoning and development orders);
- i. Buffering and screening (planned development rezoning and development orders);
- j. Impacts on transportation facilities and access points (rezoning and development orders);
- k. Access to rail, major thoroughfares, air, and, if applicable, water (rezoning and development orders);
- l. Utility needs (rezoning and development orders); and
- m. Sewage collection and treatment (rezoning and development orders).

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

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

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

## **Surrounding Zoning and Future Land Uses**

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

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

## **B. CONCLUSIONS**

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

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

## **C. STAFF RECOMMENDATION**

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

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

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

DATE OF PUBLIC HEARING: June 23, 2008

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

Planning staff and the applicant made presentations. One LPA member asked what economic incentive did the applicant have to set aside a portion of the subject property for gopher tortoise preservation. Staff indicated that it was not a matter of incentive but of preserving the environmental integrity of the subject property. One member asked how the size of the preserve was calculated. Staff indicated that the portion that runs along the western edge was based on the applicants own proposed buffer and preserve while the southern edge of the gopher tortoise preserve was based on where the eastern edge of the subject property intersects the right of way of the railroad. Another member asked if the gopher tortoise preserve would be able to hold additional tortoises from off site. Staff stated that the number of tortoises on the site is the maximum holding capacity. One member asked the applicant how much of the building site would be affected by the proposed gopher tortoise preserve. The applicant said only one building. One member questioned the applicants environmental consultant about the gopher tortoises. The consultant indicated the number and location of the tortoise burrows. Two LPA members discussed whether the main issue in this proposed amendment was the industrial use of the land or the preservation of the gopher tortoises. One member stated that this meeting was not the proper venue for addressing the tortoise issue and that the presence of the railroad was detrimental to the safety of the tortoises. The member stated that gopher tortoise issues should and would be addressed at a later stage in the development of the subject property. The member stated that to begin to address the issue in the LPA would create great difficulties in the plan amendment process. The other member stated that the tortoise preserve should be discussed at the LPA and that gopher tortoises in general have not been sufficiently addressed by the policies and practices of Lee County. The member stated that the Lee Plan has established a value for gopher tortoises and that this value is also important as well as economic considerations. One member asked the environmental consultant about how the endangered status of the gopher tortoise affected development of the property. The consultant stated that the incidental take procedure was difficult and that relocation of the tortoises was to be used. Another member asked the applicant how important the railroad frontage is to the economic viability of the site and the applicant stated that it is vital. Another member stated that the gopher tortoises were only one issue among many on this proposal. The member stated that other issues such as the suitability of the site for industrial uses outweighed the preserve issue. This member agreed that the LPA was not the proper venue for addressing the gopher tortoise issue.

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

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

The LPA recommends that the Board of County Commissioners transmit the amendment as proposed by the applicant.

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

The LPA accepted the findings of fact as presented by the applicant. The LPA stated that the subject property was suitable for industrial development. The LPA also stated that the

economic importance of the applicants business in the county and the importance of the proposed amendment to the applicants economic well-being outweighed the need to preserve the Gopher tortoise habitat as recommended by Planning Staff.

**C. VOTE:**

<b>NOEL ANDRESS</b>	<b>AYE</b>
<b>LES COCHRAN</b>	<b>ABSENT</b>
<b>RONALD INGE</b>	<b>ABSENT</b>
<b>JACQUE RIPPE</b>	<b>AYE</b>
<b>CARLETON RYFFEL</b>	<b>AYE</b>
<b>LELAND M. TAYLOR</b>	<b>ABSENT</b>
<b>RAE ANN WESSEL</b>	<b>AYE</b>

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

DATE OF TRANSMITTAL HEARING: October 23, 2008

**A. BOARD REVIEW:**

Planning and Environmental Sciences Staff made presentations. One Board member asked Environmental staff about the current state of the Gopher Tortoise burrows. Another member asked what would happen to the tortoises if it was not possible to preserve them onsite. Environmental staff replied that the County and the Fish and Wildlife Service have regulations in place for relocating the tortoises. The Board member asked the applicant's environmental consultant if there was going to be an incidental take on this case. The consultant stated that the applicant intended to only use offsite relocation. Another Board member asked if only specific sites must be used for relocation and the consultant stated that only approved sites were allowed. The Board member asked if the main point of the applicants case was that the environmental concerns were premature for the plan amendment process. The consultant replied yes it was. Putting land into the Conservation future land use category would remove the applicants flexibility regarding later environmental concerns.

Board members stated that there is community support for the proposed amendment. The members stated that the Lee Plan is flexible to allow for this kind of situation and that industrial diversity is needed in Lee County. One member asked if there was any guarantee that the gopher tortoises would be relocated. The Assistant County Attorney answered that such measures are in place in the Land Development Code.

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

**1. BOARD ACTION:**

The Board of Commissioners voted to transmit the amendment as proposed by the applicant.

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

The Board stated that although Staffs concerns were valid, the Lee Plan is flexible enough to allow for the applicant to address the gopher tortoise issue without adopting staffs recommendations.

**C. VOTE:**

**A. BRIAN BIGELOW**

**AYE**

**TAMMARA HALL**

**AYE**

**ROBERT P. JANES**

**AYE**

**RAY JUDAH**

**AYE**

**FRANKLIN B. MANN**

**AYE**

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

DATE OF ORC REPORT: January 16, 2009

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

The Department of Community Affairs provided the following objection to the proposed amendment:

Objection (Transportation Planning): The proposed amendment includes a transportation analysis based on 180,000 square feet of industrial use. Because the Comprehensive Plan does not establish an intensity of use standard for the Industrial Development future land use category, the amendment could potentially allow more than 180,000 square feet of industrial use. The proposed amendment is not appropriately supported by data and analysis demonstrating the availability of road facilities to meet the adopted level of service standards for the Five-Year and long-term planning timeframes based on an intensity of use standard established in the Comprehensive Plan. The amendment should be revised to establish an intensity of use standard for the subject amendment parcel, and then based on the intensity of use standard, support the amendment with a transportation analysis that demonstrates the availability of road facilities to meet the adopted level of service standards for the five-year and long-term planning timeframes. Thus, the proposed FLUM amendment 2006-14 is not supported by a road segment transportation analysis (including assumptions, data sources, and description of methodologies used) for the five-year and long-term planning timeframes addressing the following: (1) the number of peak-hour vehicle trips generated by the maximum development potential allowed by the FLUM amendment; (2) the impact of the peak hour vehicle trips on the projected operating level of service of potentially impacted roadways; (3) the need for road improvements (scope, timing and cost of improvements) or other planning alternatives to maintain the adopted level of service standards for future roadways; (4) coordination of the road improvements or other planning alternatives with the Future Land Use Element, Transportation Element (including Future Transportation Map), and Capital Improvements Elements, and implementation through the Five-Year Schedule of Capital Improvements; and (5) coordination of the road improvements with the plans of the Florida Department of Transportation and the Metropolitan Planning Organization.

*Rules 9J-5.005(2) and (5), 9J-5.019(3)(f, g, h, and i); 9J-5.019(5)(a and b); 9J-5.016(1)(a); 9J-5.016(2)(b, c, and f); 9J-5.016(4) F.A.C.; and sections 163.3175; 163.3177(2), (3), (8), and (10); 163.3177(6)(a and j); 163.3177(6)(h)1 and 2, F.S.*

Recommendation: Don not adopt the FLUM amendment if it creates additional vehicle trips on roadways that currently operate below the adopted level of service standard or are projected to operate below the adopted level of service standard and for which there are no appropriately planned transportation improvements included in the Comprehensive Plan (Transportation Element and Capital Improvements Element). Alternatively, revise the amendment to include the data and analysis necessary to support the FLUM amendment and demonstrate coordination of land use with the planning for transportation facilities as well as coordination with the Transportation Element and Capital Improvements Element. Revise the Transportation element,

*and Future Land Use Element, as necessary, to be consistent with, and supported by, the data and analysis and to achieve internal consistency with the FLUM. The Five-Year Schedule of Capital Improvements should be revised to include any needed improvements to maintain the adopted level of service within the five-year planning timeframe. Include data and analysis demonstrating coordination of the amendment with the plans of the Florida Department of Transportation and the Metropolitan Planning Organization. Revise the amendment, as necessary, to be consistent with and supported by the data and analysis. The plan should be revised to include strategies to address any deficiencies projected for the long-range planning timeframe.*

## **B. STAFF RESPONSE**

The applicant's representative has prepared a response to the DCAs Objections, Recommendations, and Comments (ORC) Report. The applicant has agreed to limit development of the subject parcel to approximately 183,000 square feet of industrial use by limiting onsite development to a Floor Area Ratio (FAR) of 0.3. The proposed level of development is consistent with a FAR of 0.3. The applicant has provided a traffic impact study based upon a 0.3 FAR. Bayshore Road is shown to operate at an acceptable Level of Service in the short-term five-year timeframe. Therefore, the Capital Improvement Plan will not require any modifications due to this proposed amendment. The study concludes that the existing roadway network is sufficient to accommodate the trips anticipated to be generated by the proposed development. A memo from Lee County Department of Transportation Staff dated March 20, 2008, states that the proposed amendment will not alter future road network plans. This determination is based on the results of the 2030 Financially Feasible FSUTMS travel demand model.

The applicant has proposed to amend Lee Plan Policy 1.1.7. to limit the industrial intensity for the subject parcel through a FAR of 0.3. The following language is proposed to be added to the end of Lee Plan Policy 1.1.7:

The 14± acre parcel redesignated by CPA2006-14 from the Suburban to the Industrial Development future land use category, located north of Bayshore Road and south of ACL Railroad right of way in Section 20 Township 43 South Range 25 East will have a maximum Floor Area Ratio of 0.3.

This FAR limitation would apply solely to the property subject to this amendment.

## **C. RECOMMENDATION**

Planning staff recommends that the Board of County Commissioners adopt the proposed amendment with the changes to Lee Plan Policy 1.1.7 as described above.



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

DATE OF ADOPTION HEARING: February 25, 2009

**A. BOARD REVIEW:**

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

**1. BOARD ACTION:**

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

**C. VOTE:**

**A. BRIAN BIGELOW**

**TAMMARA HALL**

**ROBERT P. JANES**

**RAY JUDAH**

**FRANKLIN B. MANN**

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CPA2006-14 Raymond Lumber  
Existing Future Land Use

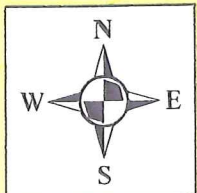
Subject  
Property

BAYSHORE RD

Industrial Development  
Suburban

0 200 400 600 800 1,000  
Feet

EXHIBIT 1





# CPA2006-14 Raymond Lumber Proposed Future Land Use

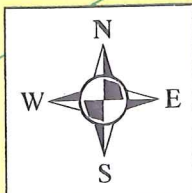
Subject  
Property

BAYSHORE RD

Industrial Development  
Suburban

0 200 400 600 800 1,000  
Feet

EXHIBIT 2








CPA2006-14 Raymond Lumber  
Staff Proposed Future Land Use Map

Subject  
Parcel

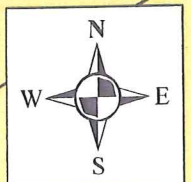
BAYSHORE RD

**Future Land Use Category**

-  Industrial Development
-  Suburban
-  Conservation Land

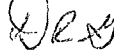
0 200 400 600 800  
Feet

**EXHIBIT 3**



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

**Date:** April 15, 2008  
**To:** Pete Blackwell, Senior Planner

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

**Project:** Raymond Lumber  
**Case:** CPA2006-00014  
**STRAP:** 20-43-25-00-00003.1000

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

**PROJECT SITE:**

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

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

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

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

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

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

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

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

- Sustain native plant and animal populations;
- Help protect people and property from flooding;
- Help replenish our underground drinking water supply;
- Help to improve or sustain the water quality of our coastal bays, inlets;
- Provide ecotourism opportunities, and
- Provide local environmentally oriented recreational and educational opportunities.

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

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



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

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

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

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

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

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

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

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

- **Objective 77.3:** *New developments must use innovative open space design to preserve existing native vegetation and buffer adjacent uses. Policy 77.3.3: The County*

*encourages new developments to incorporate large contiguous open space areas in their development design.*

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

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

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

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

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

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

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

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

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

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



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

MEMORANDUM

TO: Mr. Matt Uhle  
Knott, Consoer, Ebelini, Hart, & Swett, P.A.

FROM: David L. Wheeler  
Project Consultant

Ted B. Treesh  
President

DATE: February 9, 2009

RE: Raymond Lumber CPA  
Amendment 2006-14  
Supplemental Analysis

TR Transportation Consultants, Inc. has completed a supplemental analysis in order to address the impacts of the proposed Comprehensive Plan Amendment in the short term five-year planning horizon. The subject site is located on the north side of Bayshore Road (S.R. 78) approximately one (1) mile west of its intersection with I-75 in the North Fort Myers area of Lee County, Florida.

The proposed Comprehensive Plan Amendment would allow the 14-acre site to be developed with industrial uses. In order to address the concerns of DCA regarding the lack of a density standard within the industrial land use category, the Developer is proposing to limit the maximum development on the subject site to a Floor Area Ratio (FAR) = 0.3. The proposed maximum FAR of 0.3 would limit the property to approximately 182,952 square feet of industrial uses. Access to the subject site will be provided via the existing access drive currently serving the adjacent site operated by Raymond Lumber.

**PROPOSED DEVELOPMENT**

The trip generation for the proposed development was determined by referencing the Institute of Transportation Engineer's (ITE) report, titled *Trip Generation*, 8th Edition. Land Use Code 110 (General Light Industrial) was utilized for the trip generation

purposes of the industrial uses proposed on the subject site. **Table 1** outlines the trips anticipated to be generated by the Raymond Lumber CPA based upon build-out of the maximum floor area permitted under the maximum FAR of 0.3 proposed.

**Table 1  
Trip Generation  
Raymond Lumber CPA**

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
General Light Industrial (182,952 square feet)	112	15	127	12	92	104	1,265

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

A link Level of Service analysis was conducted for the short term five-year planning horizon. Table 1A, attached to the end of this memorandum, indicates the project traffic distribution utilized for the purposes of this analysis. The Lee County Generalized Directional Peak Hour Level of Service Thresholds were utilized, due to the analysis year (2014). The growth rate utilized to adjust the current traffic volumes on Bayshore Road was calculated based upon the past ten (10) years of historical traffic count data obtained from the 2007 Lee County Traffic Count Report. The current 2007 peak hour peak direction peak season directional traffic volume on Bayshore Road was obtained from the 2008 Lee County Concurrency Management Report.

Table 2A indicates the methodology utilized to conduct the link Level of Service analysis. Based on the results of the analysis, Bayshore Road is shown to operate at an acceptable Level of Service condition in 2014 both with and without the traffic associated with the proposed development. Therefore, no modifications to the short range five-year Capital Improvement Plan will be warranted as a result of this analysis.

### **CONCLUSION**

Based on the supplemental analysis conducted for the Raymond Lumber CPA, Bayshore Road is shown to operate at an acceptable Level of Service condition in the short term five-year planning timeframe. The existing roadway network is sufficient to accommodate the trips anticipated to be generated by the proposed development. Therefore, no modifications to the short range five-year Capital Improvement Plan will be warranted as a result of this analysis.

Attachments

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

TOTAL AM PEAK HOUR PROJECT TRAFFIC = 127    VPH    IN =    112    OUT=    15  
TOTAL PM PEAK HOUR PROJECT TRAFFIC = 104    VPH    IN=    12    OUT=    92

<u>ROADWAY</u>	<u>SEGMENT</u>	ROADWAY <u>CLASS</u>	LOS A <u>VOLUME</u>	LOS B <u>VOLUME</u>	LOS C <u>VOLUME</u>	LOS D <u>VOLUME</u>	LOS E <u>VOLUME</u>	PERCENT	PROJECT <u>TRAFFIC</u>	PROJECT <u>TRAFFIC</u>	PROJ/ <u>LOS C*</u>
Bayshore Rd.	W. of I-75	4LD	450	1,630	1,900	1,950	1,950	60%	67		3.5%
	W. of Site Access	4LD	450	1,630	1,900	1,950	1,950	40%	45		2.4%

\* The Lee County Generalized Level of Service thresholds were utilized for Bayshore Rd

**TABLE 2A  
LEE COUNTY TRAFFIC COUNTS AND CALCULATIONS  
RAYMOND LUMBER CPA**

TOTAL PROJECT TRAFFIC AM = 127 VPH IN = 112 OUT= 15  
 TOTAL PROJECT TRAFFIC PM = 104 VPH IN= 12 OUT= 92

<u>ROADWAY</u>	<u>SEGMENT</u>	<u>PCS</u>	<u>ADT</u>	<u>ADT</u>	<u>GROWTH</u>	<u>RATE</u>	2007	2014		<u>PROJECT</u>	<u>AM PROJ</u>	<u>PM PROJ</u>	2014		2014	
							PK HR	PK HR	PK SEASON PERCENT				BCKGRND		BCKGRND	
							ANNUAL	PK SEASON	PK DIRECTION				+ AM PROJ		+ PM PROJ	
							PEAK DIR. <sup>1</sup>	VOLUME	LOS	TRAFFIC	TRAFFIC	TRAFFIC	VOLUME	LOS	VOLUME	LOS
Bayshore Rd.	W. of I-75	4	16,400	26,700	9	5.56%	1,280	1,870	C	60%	67	55	1,937	D	1,925	D
	W. of Site Access	4	16,400	26,700	9	5.56%	1,280	1,870	C	40%	45	37	1,915	D	1,907	D

<sup>1</sup> The current peak hour peak season traffic volume for Bayshore Road was obtained from the 2008 Lee County Concurrency Management Report and represents a 2007 traffic volume.

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

Sept., 2005

c:\input2

<b>Uninterrupted Flow Highway</b>						
<b>Level of Service</b>						
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
<b>Arterials</b>						
<b>Class I (&gt;0.00 to 1.99 signalized intersections per mile)</b>						
<b>Level of Service</b>						
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
<b>Class II (&gt;2.00 to 4.50 signalized intersections per mile)</b>						
<b>Level of Service</b>						
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
<b>Class III (more than 4.50 signalized intersections per mile)</b>						
<b>Level of Service</b>						
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
<b>Controlled Access Facilities</b>						
<b>Level of Service</b>						
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
<b>Collectors</b>						
<b>Level of Service</b>						
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.

# PERIODIC COUNT STATION DATA

STREET	LOCATION	Sta- tion #	M A P	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	NOTE	PERM- ANENT STATION
A & W BULB RD	N OF GLADIOLUS DR	215	G	3000	4000	3700	3300	3800	4300	4700	5700	5800	6100		37
ALABAMA RD	N OF IMMOKALEE RD	201	F	3700	2800	2600	3200	4200	4200	5100	5300	6300	4700		21
	S OF HOMESTEAD RD	200	F	5900	5800	4900	5600	6400	7100	8100	8800	9500	9900		6
BELL BLVD	N OF IMMOKALEE RD	202	F	1000	1000	1000	1100	1400	1300	2100	2600	3200	2800		21
	S OF LEELAND HEIGHTS BV	203	F	2600	3000	2700	3200	3700	4000	4900	6100	8500	9100		6
ALICO RD	E OF US 41	204	G	12800	15100	15700	17800	19100	17700	19800		18900	21200		25
	E OF LEE RD	207	H	12000	13900	14200	16000	17400	18000	20000		22600	22900		25
	W OF I - 75	10	H	14900	16300	15700	17200	18000	19000	U/C	U/C	U/C	U/C		
	E OF BEN HILL GRIFFIN PKWA	205	H	5200	5500	5800	6500	9800	U/C	14700	13100	12600	9400		25
	E OF I - 75	53	H					10100	11300	14500	12500	11700	U/C		
	N OF CORKSCREW RD	206		900	1000	1000	N/A	800	2000	2100	1600	2800	2400		25
ARROYAL ST	N OF BONITA BEACH RD	496	H	3600	4000	4000	5900	4300	5000	6200	6500	6400	5300		16
BABCOCK RD	E OF US 41	461	H	1300	1500	1600	N/A	1500	1600	1700		900	700		25
BALLARD RD	W OF ORTIZ AV	504	E	4800	4900	3500	N/A	5200	5100	5800	5300	6400	4900		22
BARRETT RD	S OF PINE ISLAND RD	509	C	2700	2900	2500	2800	3300	3100	3300	3200	3100	3200		49
BASS RD	N OF SUMMERLIN RD	216	G	5700	6800	6200	5700	6000	7600	7400	9200	5900	10900		39
BAYSHORE RD	E OF BUSINESS 41	218	C	27500	31300	31800	32300	34000	31000	35700	37800	33400	34000		34
(SR 78)	E OF HART RD	219	C	24600	26800	26000	24900	27800	25700	27300	28700	28500	27700		34
	→ W OF WILLIAMSBURG DR	4	D	16400	17000	18400	19500	20000	20600	22000	22300	U/C	26700		
	E OF NALLE RD	217	D	8400	8900	9300	10000	9300	10100	11900	11900	13700	11600		34
BEN HILL GRIFFIN PKWY	S OF MIDFIELD TERMINAL	60	E								19000	20900	23700		
	S OF ALICO RD	514	H	2400	2800	5300	N/A	6500	7100	8200		20300	26800		25
	N OF CORKSCREW RD	517	H	1000	2800	3000	4500	5000	7800	10200	17200	20500	26200		25
BETH STACEY RD	S OF HOMESTEAD RD	220	F	4600	4100	4000	4600	5200	5200	6500	6900	7300	7400		6

ROAD LINK VOLUMES													
Peak Direction of Flow													
ROADWAY LINK NAME	FROM	TO	ROAD TYPE	PERFORMANCE STANDARD		2007 100th HIGHEST HR		EST 2008 100th HIGHEST HR		FORECAST FUTURE VOL		NOTES*	LINK NO.
				LOS	CAPACITY	LOS	VOLUME	LOS	VOLUME	LOS	VOLUME		
A & W BULB RD	GLADIOLUS DR	McGREGOR BL	2LU	E	860	C	281	C	284	C	321		00100
ALABAMA RD	IMMOKALEE RD (SR 82)	MILWAUKEE BL	2LN	E	990	C	254	C	268	C	268		00200
ALABAMA RD	MILWAUKEE BL	HOMESTEAD RD	2LN	E	990	D	462	D	470	D	470		00300
ALEX BELL BL	IMMOKALEE RD (SR 82)	MILWAUKEE BL	2LN	E	990	B	152	B	188	D	391		00400
ALEX BELL BL	MILWAUKEE BL	JOEL BL	2LN	E	990	D	424	D	447	D	578		00500
ALICO RD	US 41	LEE RD	6LD	E	2,920	B	1,123	B	1,199	B	1,486		00600
ALICO RD	LEE RD	THREE OAKS PKWY	6LD	E	2,920	B	1,213	B	1,410	B	1,698		00700
ALICO RD	THREE OAKS PKWY	I-75	6LD	E	2,920	N/A	N/A	N/A	N/A	N/A	N/A		00800
ALICO RD	I-75	BEN HILL GRIFFIN PKWY	6LD	E	2,920	N/A	N/A	N/A	N/A	N/A	N/A		00900
ALICO RD	BEN HILL GRIFFIN BL	GREEN MEADOW DR	2LN	E	920	C	398	C	398	C	433		01000
ALICO RD	GREEN MEADOW DR	CORKSCREW RD (CR 850)	2LN	E	920	B	127	B	127	B	127		01050
ARROYAL ST	BONITA BCH RD	PENNSYLVANIA AVE	2LN	E	860	C	293	C	299	C	321		01100
BABCOCK RD	US 41	ROCKEFELLER CIR	2LN	E	860	B	36	B	37	B	38		01200
BALLARD RD	MARSH AVE	ORTIZ AVE	2LN	E	860	C	231	C	231	C	231		01300
BARRETT RD	PONDELLA RD	PINE ISLAND RD	2LN	E	860	C	129	C	129	C	129		01400
BASS RD	SUMMERLIN RD	GLADIOLUS DR	4LD	E	1,800	C	413	C	504	C	845	Part 4 Ln, remainder part of Gladiolus project underway.	01500
BAYSHORE RD (SR78)	BUSINESS 41	HART RD	4LD	E	1,990	D	1,642	D	1,645	D	1,708		01600
BAYSHORE RD (SR78)	HART RD	SLATER RD	4LD	E	1,990	D	1,338	D	1,396	D	1,589		01700
BAYSHORE RD (SR78)	SLATER RD	I-75	4LD	E	1,950	B	1,280	B	1,360	B	1,498		01800
BAYSHORE RD (SR78)	I-75	NALLE RD	2LN	E	1,080	D	560	D	567	D	573		01900

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**TRIP GENERATION EQUATIONS**  
**RAYMOND LUMBER CPA**  
**ITE TRIP GENERATION REPORT, 8<sup>th</sup> EDITION**

Land Use	Weekday AM Peak Hour	Weekday PM Peak Hour	Daily (2-way)
General Light Industrial (LUC 110)	$T = 1.18 (X) - 89.28$ (88% In/12% Out)	$T = 1.43 (X) - 157.36$ (12% In/88% Out)	$T = 7.47 (X) - 101.92$
T = Number of Trips, X = 1,000's of square feet of Gross Floor Area (GFA)			

**Blackwell, Peter**

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**From:** Matthew Uhle [MUhle@knott-law.com]  
**Sent:** Monday, February 09, 2009 2:45 PM  
**To:** Blackwell, Peter  
**Cc:** Zsuzsanna Weigel  
**Subject:** Raymond Lumber FAR

I think the best way to handle the issue is to add a note to Table 1(a) which reads something like this: The maximum floor/area ratio for the property included in CPA2006-00014 is .3.

I asked Dave Wheeler to prepare the traffic analysis based on this number, which equates to approximately 183,000 sf.

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

2/11/2009

**CPA2006-14  
PRIVATELY SPONSORED  
RAYMOND LUMBER  
AMENDMENT TO THE**

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**LEE COUNTY COMPREHENSIVE PLAN**

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**THE LEE PLAN**

**Privately Sponsored Application  
and Staff Analysis**

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**BoCC Adoption Document**

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

**February 25, 2009**

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

☐

Text Amendment

☒

Map Amendment

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

STAFF REPORT PREPARATION DATE: April 21, 2008

**PART I - BACKGROUND AND STAFF RECOMMENDATION**

**A. SUMMARY OF APPLICATION**

**1. APPLICANT/REPRESENTATIVE:**

Raymond Building Supply Corp.

Represented by Matthew Uhle of Knott, Consoer, Ebelini, Hart & Swett PA

1625 Hendry St. Suite 301

Ft. Myers, FL, 33901

**2. REQUEST:**

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

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

**1. RECOMMENDATION:**

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

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

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

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

## **C. BACKGROUND INFORMATION**

### **1. INTRODUCTION**

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

### **2. COMPREHENSIVE PLAN BACKGROUND**

The subject property has been designated Suburban on the Future Land Use Map since 1984, the year that the Lee Plan was adopted. There have been two previous small-scale plan amendments to accommodate the relocation of the Raymond Lumber operation: PAM96-

01and PAM97-04. PAM96-01 allowed the Raymond Lumber operation to move to the site by redesignating 9.98 acres of land from Suburban to Industrial development. PAM97-04 expanded the Raymond Lumber operation by redesignating 9.26 acres from Suburban to Industrial Development.

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

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

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

## PART II - STAFF ANALYSIS

### A. STAFF DISCUSSION

#### Introduction

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

#### Environmental Issues

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

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

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

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

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

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

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

### **School Impacts**

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

### **Coastal High Hazard Area**

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

### **Sheriffs Office**

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

### **Fire**

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

### **Emergency Medical Services**

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

### **Utilities**

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

The subject property is within the Lee County Utilities water service area. A letter from Lee County Utilities dated November 20, 2007 states that potable water lines are currently in operation in the area of the subject property but that the developer may be required to fund system enhancements such as line



extensions. Lee County Utilities presently has the capacity to provide potable water service to the subject property based on the applicants estimation of 4 industrial units with a flow demand of 1,680 gallons per day.

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

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

Industrial development must also meet the standards of Lee Plan Goal 11. Standard 11.1 requires that any new industrial development exceeding 30,000 square feet must connect to a public water system. The proposed development is estimated at 180,000 square feet on the subject property and therefore will require connection to a public water system. Standard 11.2 requires that new industrial development that generates more than 5,000 gallons of sewage per day must connect to a sanitary sewer system. With an estimated 1,680 gallons per day, the subject property does not exceed the threshold for Standard 11.2.

#### **Solid Waste**

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

#### **Parks, Recreation and Open Space**

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

#### **Historic Resources**

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

#### **Transportation Issues**

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

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

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

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

### **Industrial Compatibility**

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

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

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

- 1. The development must comply with local, state, and federal air, water, and noise pollution standards.*
- 2. When located next to residential areas, industry must not generate noise levels incompatible with the residential development.*

3. Bulk storage or production of toxic, explosive, or hazardous materials will not be permitted near residential areas.

4. Contamination of ground or surface water will not be permitted.

5. Applications for industrial development will be reviewed and evaluated as to:

- a. Air emissions (rezoning and development orders);
- b. Impact and effect on environmental and natural resources (rezoning and development orders);
- c. Effect on neighbors and surrounding land use (rezoning);
- d. Impacts on water quality and water needs (rezoning and development orders);
- e. Drainage system (development orders);
- f. Employment characteristics (rezoning);
- g. Fire and safety (rezoning and development orders);
- h. Noise and odor (rezoning and development orders);
- i. Buffering and screening (planned development rezoning and development orders);
- j. Impacts on transportation facilities and access points (rezoning and development orders);
- k. Access to rail, major thoroughfares, air, and, if applicable, water (rezoning and development orders);
- l. Utility needs (rezoning and development orders); and
- m. Sewage collection and treatment (rezoning and development orders).

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

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

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

### **Surrounding Zoning and Future Land Uses**

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

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

### **B. CONCLUSIONS**

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

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

### **C. STAFF RECOMMENDATION**

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

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

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

DATE OF PUBLIC HEARING: June 23, 2008

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

Planning staff and the applicant made presentations. One LPA member asked what economic incentive did the applicant have to set aside a portion of the subject property for gopher tortoise preservation. Staff indicated that it was not a matter of incentive but of preserving the environmental integrity of the subject property. One member asked how the size of the preserve was calculated. Staff indicated that the portion that runs along the western edge was based on the applicants own proposed buffer and preserve while the southern edge of the gopher tortoise preserve was based on where the eastern edge of the subject property intersects the right of way of the railroad. Another member asked if the gopher tortoise preserve would be able to hold additional tortoises from off site. Staff stated that the number of tortoises on the site is the maximum holding capacity. One member asked the applicant how much of the building site would be affected by the proposed gopher tortoise preserve. The applicant said only one building. One member questioned the applicants environmental consultant about the gopher tortoises. The consultant indicated the number and location of the tortoise burrows. Two LPA members discussed whether the main issue in this proposed amendment was the industrial use of the land or the preservation of the gopher tortoises. One member stated that this meeting was not the proper venue for addressing the tortoise issue and that the presence of the railroad was detrimental to the safety of the tortoises. The member stated that gopher tortoise issues should and would be addressed at a later stage in the development of the subject property. The member stated that to begin to address the issue in the LPA would create great difficulties in the plan amendment process. The other member stated that the tortoise preserve should be discussed at the LPA and that gopher tortoises in general have not been sufficiently addressed by the policies and practices of Lee County. The member stated that the Lee Plan has established a value for gopher tortoises and that this value is also important as well as economic considerations. One member asked the environmental consultant about how the endangered status of the gopher tortoise affected development of the property. The consultant stated that the incidental take procedure was difficult and that relocation of the tortoises was to be used. Another member asked the applicant how important the railroad frontage is to the economic viability of the site and the applicant stated that it is vital. Another member stated that the gopher tortoises were only one issue among many on this proposal. The member stated that other issues such as the suitability of the site for industrial uses outweighed the preserve issue. This member agreed that the LPA was not the proper venue for addressing the gopher tortoise issue.

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

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

The LPA recommends that the Board of County Commissioners transmit the amendment as proposed by the applicant.

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

The LPA accepted the findings of fact as presented by the applicant. The LPA stated that the subject property was suitable for industrial development. The LPA also stated that the

economic importance of the applicants business in the county and the importance of the proposed amendment to the applicants economic well-being outweighed the need to preserve the Gopher tortoise habitat as recommended by Planning Staff.

**C. VOTE:**

<b>NOEL ANDRESS</b>	<b>AYE</b>
<b>LES COCHRAN</b>	<b>ABSENT</b>
<b>RONALD INGE</b>	<b>ABSENT</b>
<b>JACQUE RIPPE</b>	<b>AYE</b>
<b>CARLETON RYFFEL</b>	<b>AYE</b>
<b>LELAND M. TAYLOR</b>	<b>ABSENT</b>
<b>RAE ANN WESSEL</b>	<b>AYE</b>

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

DATE OF TRANSMITTAL HEARING: October 23, 2008

**A. BOARD REVIEW:**

Planning and Environmental Sciences Staff made presentations. One Board member asked Environmental staff about the current state of the Gopher Tortoise burrows. Another member asked what would happen to the tortoises if it was not possible to preserve them onsite. Environmental staff replied that the County and the Fish and Wildlife Service have regulations in place for relocating the tortoises. The Board member asked the applicant's environmental consultant if there was going to be an incidental take on this case. The consultant stated that the applicant intended to only use offsite relocation. Another Board member asked if only specific sites must be used for relocation and the consultant stated that only approved sites were allowed. The Board member asked if the main point of the applicants case was that the environmental concerns were premature for the plan amendment process. The consultant replied yes it was. Putting land into the Conservation future land use category would remove the applicants flexibility regarding later environmental concerns.

Board members stated that there is community support for the proposed amendment. The members stated that the Lee Plan is flexible to allow for this kind of situation and that industrial diversity is needed in Lee County. One member asked if there was any guarantee that the gopher tortoises would be relocated. The Assistant County Attorney answered that such measures are in place in the Land Development Code.

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

**1. BOARD ACTION:**

The Board of Commissioners voted to transmit the amendment as proposed by the applicant.

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

The Board stated that although Staffs concerns were valid, the Lee Plan is flexible enough to allow for the applicant to address the gopher tortoise issue without adopting staffs recommendations.

**C. VOTE:**

**A. BRIAN BIGELOW**

AYE

**TAMMARA HALL**

AYE

**ROBERT P. JANES**

AYE

**RAY JUDAH**

AYE

**FRANKLIN B. MANN**

AYE



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

DATE OF ORC REPORT: January 16, 2009

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

The Department of Community Affairs provided the following objection to the proposed amendment:

Objection (Transportation Planning): *The proposed amendment includes a transportation analysis based on 180,000 square feet of industrial use. Because the Comprehensive Plan does not establish an intensity of use standard for the Industrial Development future land use category, the amendment could potentially allow more than 180,000 square feet of industrial use. The proposed amendment is not appropriately supported by data and analysis demonstrating the availability of road facilities to meet the adopted level of service standards for the Five-Year and long-term planning timeframes based on an intensity of use standard established in the Comprehensive Plan. The amendment should be revised to establish an intensity of use standard for the subject amendment parcel, and then based on the intensity of use standard, support the amendment with a transportation analysis that demonstrates the availability of road facilities to meet the adopted level of service standards for the five-year and long-term planning timeframes. Thus, the proposed FLUM amendment 2006-14 is not supported by a road segment transportation analysis (including assumptions, data sources, and description of methodologies used) for the five-year and long-term planning timeframes addressing the following: (1) the number of peak-hour vehicle trips generated by the maximum development potential allowed by the FLUM amendment; (2) the impact of the peak hour vehicle trips on the projected operating level of service of potentially impacted roadways; (3) the need for road improvements (scope, timing and cost of improvements) or other planning alternatives to maintain the adopted level of service standards for future roadways; (4) coordination of the road improvements or other planning alternatives with the Future Land Use Element, Transportation Element (including Future Transportation Map), and Capital Improvements Elements, and implementation through the Five-Year Schedule of Capital Improvements; and (5) coordination of the road improvements with the plans of the Florida Department of Transportation and the Metropolitan Planning Organization.*

*Rules 9J-5.005(2) and (5), 9J-5.019(3)(f, g, h, and i); 9J-5.019(5)(a and b); 9J-5.016(1)(a); 9J-5.016(2)(b, c, and f); 9J-5.016(4) F.A.C.; and sections 163.3175; 163.3177(2), (3), (8), and (10); 163.3177(6)(a and j); 163.3177(6)(h)1 and 2, F.S.*

Recommendation: *Don not adopt the FLUM amendment if it creates additional vehicle trips on roadways that currently operate below the adopted level of service standard or are projected to operate below the adopted level of service standard and for which there are no appropriately planned transportation improvements included in the Comprehensive Plan (Transportation Element and Capital Improvements Element). Alternatively, revise the amendment to include the data and analysis necessary to support the FLUM amendment and demonstrate coordination of land use with the planning for transportation facilities as well as coordination with the Transportation Element and Capital Improvements Element. Revise the Transportation element,*

*and Future Land Use Element, as necessary, to be consistent with, and supported by, the data and analysis and to achieve internal consistency with the FLUM. The Five-Year Schedule of Capital Improvements should be revised to include any needed improvements to maintain the adopted level of service within the five-year planning timeframe. Include data and analysis demonstrating coordination of the amendment with the plans of the Florida Department of Transportation and the Metropolitan Planning Organization. Revise the amendment, as necessary, to be consistent with and supported by the data and analysis. The plan should be revised to include strategies to address any deficiencies projected for the long-range planning timeframe.*

## **B. STAFF RESPONSE**

The applicant's representative has prepared a response to the DCAs Objections, Recommendations, and Comments (ORC) Report. The applicant has agreed to limit development of the subject parcel to approximately 183,000 square feet of industrial use by limiting onsite development to a Floor Area Ratio (FAR) of 0.3. The proposed level of development is consistent with a FAR of 0.3. The applicant has provided a traffic impact study based upon a 0.3 FAR. Bayshore Road is shown to operate at an acceptable Level of Service in the short-term five-year timeframe. Therefore, the Capital Improvement Plan will not require any modifications due to this proposed amendment. The study concludes that the existing roadway network is sufficient to accommodate the trips anticipated to be generated by the proposed development. A memo from Lee County Department of Transportation Staff dated March 20, 2008, states that the proposed amendment will not alter future road network plans. This determination is based on the results of the 2030 Financially Feasible FSUTMS travel demand model.

The applicant has proposed to amend Lee Plan Policy 1.1.7. to limit the industrial intensity for the subject parcel through a FAR of 0.3. The following language is proposed to be added to the end of Lee Plan Policy 1.1.7:

The 14± acre parcel redesignated by CPA2006-14 from the Suburban to the Industrial Development future land use category, located north of Bayshore Road and south of ACL Railroad right of way in Section 20 Township 43 South Range 25 East will have a maximum Floor Area Ratio of 0.3.

This FAR limitation would apply solely to the property subject to this amendment.

## **C. RECOMMENDATION**

Planning staff recommends that the Board of County Commissioners adopt the proposed amendment with the changes to Lee Plan Policy 1.1.7 as described above.

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

DATE OF ADOPTION HEARING: February 25, 2009

**A. BOARD REVIEW:**

Both planning staff and the applicant made short presentations. One commissioner asked about the steps the applicant was taking to address the Gopher Tortoise issue. Staff stated that the gopher tortoise issue would be addressed through the normal permitting process.

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

**1. BOARD ACTION:**

The Board of County Commissioners adopted the proposed amendment with the changes recommended by planning staff.

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

The Board accepted the findings of fact as advanced by staff and the LPA.

**C. VOTE:**

<b>A. BRIAN BIGELOW</b>	<hr/> <b>AYE</b> <hr/>
<b>TAMMARA HALL</b>	<hr/> <b>AYE</b> <hr/>
<b>ROBERT P. JANES</b>	<hr/> <b>AYE</b> <hr/>
<b>RAY JUDAH</b>	<hr/> <b>AYE</b> <hr/>
<b>FRANKLIN B. MANN</b>	<hr/> <b>AYE</b> <hr/>

CPA2006-14 Raymond Lumber  
Existing Future Land Use

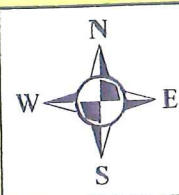
Subject  
Property

BAYSHORE RD

Industrial Development  
Suburban

0 200 400 600 800 1,000  
Feet

EXHIBIT 1





CPA2006-14 Raymond Lumber  
Proposed Future Land Use

Subject  
Property

BAYSHORE RD

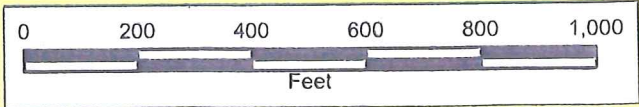
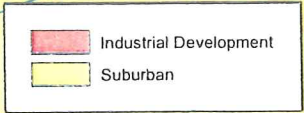
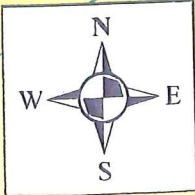


EXHIBIT 2





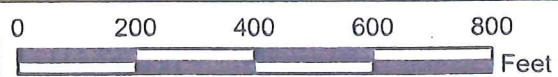
CPA2006-14 Raymond Lumber  
Staff Proposed Future Land Use Map

Subject  
Parcel

BAYSHORE RD

**Future Land Use Category**

-  Industrial Development
-  Suburban
-  Conservation Land

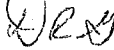


**EXHIBIT 3**



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

**Date:** April 15, 2008  
**To:** Pete Blackwell, Senior Planner

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

**Project:** Raymond Lumber  
**Case:** CPA2006-00014  
**STRAP:** 20-43-25-00-00003.1000

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

**PROJECT SITE:**

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

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

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

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

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

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

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

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

- Sustain native plant and animal populations;
- Help protect people and property from flooding;
- Help replenish our underground drinking water supply;
- Help to improve or sustain the water quality of our coastal bays, inlets;
- Provide ecotourism opportunities, and
- Provide local environmentally oriented recreational and educational opportunities.

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

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



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

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

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

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

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

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

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

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

- **Objective 77.3:** *New developments must use innovative open space design to preserve existing native vegetation and buffer adjacent uses. Policy 77.3.3: The County*

*encourages new developments to incorporate large contiguous open space areas in their development design.*

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

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

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

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

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

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

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

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

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

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

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

MEMORANDUM

TO: Mr. Matt Uhle  
Knott, Consoer, Ebelini, Hart, & Swett, P.A.

FROM: David L. Wheeler  
Project Consultant

Ted B. Treesh  
President

DATE: February 9, 2009

RE: Raymond Lumber CPA  
Amendment 2006-14  
Supplemental Analysis

TR Transportation Consultants, Inc. has completed a supplemental analysis in order to address the impacts of the proposed Comprehensive Plan Amendment in the short term five-year planning horizon. The subject site is located on the north side of Bayshore Road (S.R. 78) approximately one (1) mile west of its intersection with I-75 in the North Fort Myers area of Lee County, Florida.

The proposed Comprehensive Plan Amendment would allow the 14-acre site to be developed with industrial uses. In order to address the concerns of DCA regarding the lack of a density standard within the industrial land use category, the Developer is proposing to limit the maximum development on the subject site to a Floor Area Ratio (FAR) = 0.3. The proposed maximum FAR of 0.3 would limit the property to approximately 182,952 square feet of industrial uses. Access to the subject site will be provided via the existing access drive currently serving the adjacent site operated by Raymond Lumber.

**PROPOSED DEVELOPMENT**

The trip generation for the proposed development was determined by referencing the Institute of Transportation Engineer's (ITE) report, titled *Trip Generation*, 8th Edition. Land Use Code 110 (General Light Industrial) was utilized for the trip generation

purposes of the industrial uses proposed on the subject site. **Table 1** outlines the trips anticipated to be generated by the Raymond Lumber CPA based upon build-out of the maximum floor area permitted under the maximum FAR of 0.3 proposed.

**Table 1  
Trip Generation  
Raymond Lumber CPA**

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
General Light Industrial (182,952 square feet)	112	15	127	12	92	104	1,265

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

A link Level of Service analysis was conducted for the short term five-year planning horizon. Table 1A, attached to the end of this memorandum, indicates the project traffic distribution utilized for the purposes of this analysis. The Lee County Generalized Directional Peak Hour Level of Service Thresholds were utilized, due to the analysis year (2014). The growth rate utilized to adjust the current traffic volumes on Bayshore Road was calculated based upon the past ten (10) years of historical traffic count data obtained from the 2007 Lee County Traffic Count Report. The current 2007 peak hour peak direction peak season directional traffic volume on Bayshore Road was obtained from the 2008 Lee County Concurrency Management Report.

Table 2A indicates the methodology utilized to conduct the link Level of Service analysis. Based on the results of the analysis, Bayshore Road is shown to operate at an acceptable Level of Service condition in 2014 both with and without the traffic associated with the proposed development. Therefore, no modifications to the short range five-year Capital Improvement Plan will be warranted as a result of this analysis.

### CONCLUSION

Based on the supplemental analysis conducted for the Raymond Lumber CPA, Bayshore Road is shown to operate at an acceptable Level of Service condition in the short term five-year planning timeframe. The existing roadway network is sufficient to accommodate the trips anticipated to be generated by the proposed development. Therefore, no modifications to the short range five-year Capital Improvement Plan will be warranted as a result of this analysis.

Attachments

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

TOTAL AM PEAK HOUR PROJECT TRAFFIC = 127    VPH    IN =    112    OUT=    15  
TOTAL PM PEAK HOUR PROJECT TRAFFIC = 104    VPH    IN=    12    OUT=    92

<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>
Bayshore Rd.	W. of I-75	4LD	450	1,630	1,900	1,950	1,950	60%	67	3.5%
	W. of Site Access	4LD	450	1,630	1,900	1,950	1,950	40%	45	2.4%

\* The Lee County Generalized Level of Service thresholds were utilized for Bayshore Rd

**TABLE 2A**  
**LEE COUNTY TRAFFIC COUNTS AND CALCULATIONS**  
**RAYMOND LUMBER CPA**

TOTAL PROJECT TRAFFIC AM = 127    VPH IN = 112    OUT= 15  
 TOTAL PROJECT TRAFFIC PM = 104    VPH IN= 12    OUT= 92

										2007		2014			2014		2014																
										PK HR		PK HR PK SEASON PERCENT			BCKGRND		BCKGRND																
										BASE YR		2007		YRS OF		ANNUAL PK SEASON		PK DIRECTION		PROJECT		AM PROJ		PM PROJ		+ AM PROJ		+ PM PROJ					
ROADWAY		SEGMENT		PCS		ADT		ADT		GROWTH		RATE		PEAK DIR. <sup>1</sup>		VOLUME		LOS		TRAFFIC		TRAFFIC		TRAFFIC		VOLUME		LOS		VOLUME		LOS	
Bayshore Rd.		W. of I-75		4		16,400		26,700		9		5.56%		1,280		1,870		C		60%		67		55		1,937		D		1,925		D	
		W. of Site Access		4		16,400		26,700		9		5.56%		1,280		1,870		C		40%		45		37		1,915		D		1,907		D	

<sup>1</sup> The current peak hour peak season traffic volume for Bayshore Road was obtained from the 2008 Lee County Concurrency Management Report and represents a 2007 traffic volume.

**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.

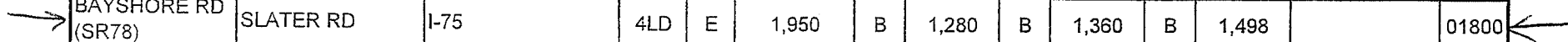


# PERIODIC COUNT STATION DATA

STREET	LOCATION	Station #	M A P	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	NOTE	PERMANENT STATION
A & W BULB RD	N OF GLADIOLUS DR	215	G	3000	4000	3700	3300	3800	4300	4700	5700	5800	6100		37
ALABAMA RD	N OF IMMOKALEE RD	201	F	3700	2800	2600	3200	4200	4200	5100	5300	6300	4700		21
	S OF HOMESTEAD RD	200	F	5900	5800	4900	5600	6400	7100	8100	8800	9500	9900		6
BELL BLVD	N OF IMMOKALEE RD	202	F	1000	1000	1000	1100	1400	1300	2100	2600	3200	2800		21
	S OF LEELAND HEIGHTS BV	203	F	2600	3000	2700	3200	3700	4000	4900	6100	8500	9100		6
ALICO RD	E OF US 41	204	G	12800	15100	15700	17800	19100	17700	19800		18900	21200		25
	E OF LEE RD	207	H	12000	13900	14200	16000	17400	18000	20000		22600	22900		25
	W OF I - 75	10	H	14900	16300	15700	17200	18000	19000	U/C	U/C	U/C	U/C		
	E OF BEN HILL GRIFFIN PKWA	205	H	5200	5500	5800	6500	9800	U/C	14700	13100	12600	9400		25
	E OF I - 75	53	H					10100	11300	14500	12500	11700	U/C		
	N OF CORKSCREW RD	206		900	1000	1000	N/A	800	2000	2100	1600	2800	2400		25
ARROYAL ST	N OF BONITA BEACH RD	496	H	3600	4000	4000	5900	4300	5000	6200	6500	6400	5300		16
BABCOCK RD	E OF US 41	461	H	1300	1500	1600	N/A	1500	1600	1700		900	700		25
BALLARD RD	W OF ORTIZ AV	504	E	4800	4900	3500	N/A	5200	5100	5800	5300	6400	4900		22
BARRETT RD	S OF PINE ISLAND RD	509	C	2700	2900	2500	2800	3300	3100	3300	3200	3100	3200		49
BASS RD	N OF SUMMERLIN RD	216	G	5700	6800	6200	5700	6000	7600	7400	9200	5900	10900		39
BAYSHORE RD	E OF BUSINESS 41	218	C	27500	31300	31800	32300	34000	31000	35700	37800	33400	34000		34
(SR 78)	E OF HART RD	219	C	24600	26800	26000	24900	27800	25700	27300	28700	28500	27700		34
	→ W OF WILLIAMSBURG DR	4	D	16400	17000	18400	19500	20000	20600	22000	22300	U/C	26700		
	E OF NALLE RD	217	D	8400	8900	9300	10000	9300	10100	11900	11900	13700	11600		34
BEN HILL GRIFFIN PKWY	S OF MIDFIELD TERMINAL	60	E								19000	20900	23700		
	S OF ALICO RD	514	H	2400	2800	5300	N/A	6500	7100	8200		20300	26800		25
	N OF CORKSCREW RD	517	H	1000	2800	3000	4500	5000	7800	10200	17200	20500	26200		25
BETH STACEY RD	S OF HOMESTEAD RD	220	F	4600	4100	4000	4600	5200	5200	6500	6900	7300	7400		6

ROAD LINK VOLUMES													
Peak Direction of Flow													
ROADWAY LINK NAME	FROM	TO	ROAD TYPE	PERFORMANCE STANDARD		2007 100th HIGHEST HR		EST 2008 100th HIGHEST HR		FORECAST FUTURE VOL		NOTES*	LINK NO.
				LOS	CAPACITY	LOS	VOLUME	LOS	VOLUME	LOS	VOLUME		
A & W BULB RD	GLADIOLUS DR	McGREGOR BL	2LU	E	860	C	281	C	284	C	321		00100
ALABAMA RD	IMMOKALEE RD (SR 82)	MILWAUKEE BL	2LN	E	990	C	254	C	268	C	268		00200
ALABAMA RD	MILWAUKEE BL	HOMESTEAD RD	2LN	E	990	D	462	D	470	D	470		00300
ALEX BELL BL	IMMOKALEE RD (SR 82)	MILWAUKEE BL	2LN	E	990	B	152	B	188	D	391		00400
ALEX BELL BL	MILWAUKEE BL	JOEL BL	2LN	E	990	D	424	D	447	D	578		00500
ALICO RD	US 41	LEE RD	6LD	E	2,920	B	1,123	B	1,199	B	1,486		00600
ALICO RD	LEE RD	THREE OAKS PKWY	6LD	E	2,920	B	1,213	B	1,410	B	1,698		00700
ALICO RD	THREE OAKS PKWY	I-75	6LD	E	2,920	N/A	N/A	N/A	N/A	N/A	N/A		00800
ALICO RD	I-75	BEN HILL GRIFFIN PKWY	6LD	E	2,920	N/A	N/A	N/A	N/A	N/A	N/A		00900
ALICO RD	BEN HILL GRIFFIN BL	GREEN MEADOW DR	2LN	E	920	C	398	C	398	C	433		01000
ALICO RD	GREEN MEADOW DR	CORKSCREW RD (CR 850)	2LN	E	920	B	127	B	127	B	127		01050
ARROYAL ST	BONITA BCH RD	PENNSYLVANIA AVE	2LN	E	860	C	293	C	299	C	321		01100
BABCOCK RD	US 41	ROCKEFELLER CIR	2LN	E	860	B	36	B	37	B	38		01200
BALLARD RD	MARSH AVE	ORTIZ AVE	2LN	E	860	C	281	C	281	C	281		01300
BARRETT RD	PONDELLA RD	PINE ISLAND RD	2LN	E	860	C	129	C	129	C	129		01400
BASS RD	SUMMERLIN RD	GLADIOLUS DR	4LD	E	1,800	C	413	C	504	C	845	Part 4 Ln, remainder part of Gladiolus project underway.	01500
BAYSHORE RD (SR78)	BUSINESS 41	HART RD	4LD	E	1,990	D	1,642	D	1,645	D	1,708		01600
BAYSHORE RD (SR78)	HART RD	SLATER RD	4LD	E	1,990	D	1,338	D	1,396	D	1,589		01700
BAYSHORE RD (SR78)	SLATER RD	I-75	4LD	E	1,950	B	1,280	B	1,360	B	1,498		01800
BAYSHORE RD (SR78)	I-75	NALLE RD	2LN	E	1,080	D	560	D	567	D	573		01900

-63-



**TRIP GENERATION EQUATIONS  
RAYMOND LUMBER CPA  
ITE TRIP GENERATION REPORT, 8<sup>th</sup> EDITION**

Land Use	Weekday AM Peak Hour	Weekday PM Peak Hour	Daily (2-way)
General Light Industrial (LUC 110)	$T = 1.18 (X) - 89.28$ (88% In/12% Out)	$T = 1.43 (X) - 157.36$ (12% In/88% Out)	$T = 7.47 (X) - 101.92$
T = Number of Trips, X = 1,000's of square feet of Gross Floor Area (GFA)			

**Blackwell, Peter**

---

**From:** Matthew Uhle [MUhle@knott-law.com]  
**Sent:** Monday, February 09, 2009 2:45 PM  
**To:** Blackwell, Peter  
**Cc:** Zsuzsanna Weigel  
**Subject:** Raymond Lumber FAR

I think the best way to handle the issue is to add a note to Table 1(a) which reads something like this: The maximum floor/area ratio for the property included in CPA2006-00014 is .3.

I asked Dave Wheeler to prepare the traffic analysis based on this number, which equates to approximately 183,000 sf.

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

2/11/2009

2006 00014

RECEIVED  
OCT 07 2008

COMMUNITY DEVELOPMENT

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

## APPLICATION FOR A COMPREHENSIVE PLAN AMENDMENT

(To be completed at time of intake)

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

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

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

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

THE FOLLOWING VERIFIED:

Zoning ☐ \_\_\_\_\_ Commissioner District ☐Designation on FLUM ☐

(To be completed by Planning Staff)

Plan Amendment Cycle: ☐ Normal ☐ Small Scale ☐ DRI ☐ Emergency

Request No: \_\_\_\_\_

**APPLICANT PLEASE NOTE:**

Answer all questions completely and accurately. Please print or type responses. If additional space is needed, number and attach additional sheets. The total number of sheets in your application is: \_\_\_\_\_

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

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

11/23/08

DATE



SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

I. APPLICANT/AGENT/OWNER INFORMATION

Raymond Building Supply Corp.

APPLICANT

7751 Bayshore Road

ADDRESS

North Fort Myers

FL

33917

CITY

STATE

ZIP

(239) 731-8300

(239) 731-3299

TELEPHONE NUMBER

FAX NUMBER

Matthew D. Uhle, Esq. for Knott, Consoer, Ebelini, Hart & Swett, P.A.

AGENT\*

1625 Hendry Street, Suite 301

ADDRESS

Fort Myers

FL

33901

CITY

STATE

ZIP

(239) 334-2722

(239) 334-1446

TELEPHONE NUMBER

FAX NUMBER

Raymond Building Supply Corp.

OWNER(s) OF RECORD

7751 Bayshore Road

ADDRESS

North Fort Myers

FL

33917

CITY

STATE

ZIP

(239) 731-8300

(239) 731-3299

TELEPHONE NUMBER

FAX NUMBER

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

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

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

**A. TYPE: (Check appropriate type)**

Text Amendment

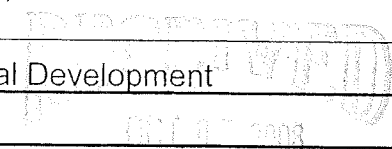
✓

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

List Number(s) of Map(s) to be amended  
Map 1 - FLUM

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

Map amendment from Suburban to Industrial Development



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

**A. Property Location:**

1. Site Address: 7731 Bayshore Road, North Fort Myers, FL 33917

2. STRAP(s): 20-43-25-00-00003.1010

**B. Property Information**

Total Acreage of Property: 14± Acres

Total Acreage included in Request: 14± Acres

Area of each Existing Future Land Use Category: All property in Suburban

Total Uplands: 14± Acres

Total Wetlands: None

Current Zoning: AG-2

Current Future Land Use Designation: Suburban

Existing Land Use: Vacant

C. 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:* NA

*Acquisition Area:* NA

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

*Community Redevelopment Area:* NA

D. Proposed change for the Subject Property:

Industrial Development

E. Potential development of the subject property:

1. Calculation of maximum allowable development under existing FLUM:

Residential Units/Density 6 d.u./acre (84 total units)

Commercial intensity NA

Industrial intensity NA

2. Calculation of maximum allowable development under proposed FLUM:

Residential Units/Density NA

Commercial intensity NA

Industrial intensity 180,000 square feet

#### IV. AMENDMENT SUPPORT DOCUMENTATION

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

##### A. General Information and Maps

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



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

1. Provide any proposed text changes.
2. Provide a Future Land Use Map showing the boundaries of the subject property, surrounding street network, surrounding designated future land uses, and natural resources.
3. Map and describe existing land uses (not designations) of the subject property and surrounding properties. Description should discuss consistency of current uses with the proposed changes.
4. Map and describe existing zoning of the subject property and surrounding properties.
5. The legal description(s) for the property subject to the requested change.
6. A copy of the deed(s) for the property subject to the requested change.
7. An aerial map showing the subject property and surrounding properties.
8. If applicant is not the owner, a letter from the owner of the property authorizing the applicant to represent the owner.

B. Public Facilities Impacts

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

1. Traffic Circulation Analysis

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

Long Range – 20-year Horizon:

- a. Working with Planning Division staff, identify the traffic analysis zone (TAZ) or zones that the subject property is in and the socio-economic data forecasts for that zone or zones;
- b. Determine whether the requested change requires a modification to the socio-economic data forecasts for the host zone or zones. The land uses for the proposed change should be expressed in the same format as the socio-economic forecasts (number of units by type/number of employees by type/etc.)

2006-00014

- c. If no modification of the forecasts is required, then no further analysis for the long range horizon is necessary. If modification is required, make the change and provide to Planning Division staff, for forwarding to DOT staff. DOT staff will rerun the FSUTMS model on the current adopted Financially Feasible Plan network and determine whether network modifications are necessary, based on a review of projected roadway conditions within a 3-mile radius of the site;
- d. If no modifications to the network are required, then no further analysis for the long range horizon is necessary. If modifications are necessary, DOT staff will determine the scope and cost of those modifications and the effect on the financial feasibility of the plan;
- e. An inability to accommodate the necessary modifications within the financially feasible limits of the plan will be a basis for denial of the requested land use change;
- f. If the proposal is based on a specific development plan, then the site plan should indicate how facilities from the current adopted Financially Feasible Plan and/or the Official Trafficways Map will be accommodated.

Short Range – 5-year CIP horizon:

- a. Besides the 20-year analysis, for those plan amendment proposals that include a specific and immediated development plan, identify the existing roadways serving the site and within a 3-mile radius (indicate laneage, functional classification, current LOS, and LOS standard);
  - b. Identify the major road improvements within the 3-mile study area funded through the construction phase in adopted CIP's (County or Cities) and the State's adopted Five-Year Work Program;
- Projected 2020 LOS under proposed designation (calculate anticipated number of trips and distribution on roadway network, and identify resulting changes to the projected LOS);
- c. For the five-year horizon, identify the projected roadway conditions (volumes and levels of service) on the roads within the 3-mile study area with the programmed improvements in place, with and without the proposed development project. A methodology meeting with DOT staff prior to submittal is required to reach agreement on the projection methodology;
  - d. Identify the additional improvements needed on the network beyond those programmed in the five-year horizon due to the development proposal.
2. Provide an existing and future conditions analysis for:
- a. Sanitary Sewer
  - b. Potable Water
  - c. Surface Water/Drainage Basins
  - d. Parks, Recreation, and Open Space.

Analysis should include (but is not limited to) the following:

- Franchise Area, Basin, or District in which the property is located;
- Current LOS, and LOS standard of facilities serving the site;
- Projected 2020 LOS under existing designation;
- Projected 2020 LOS under proposed designation;
- Improvements/expansions currently programmed in 5 year CIP, 6-10 year CIP, and long range improvements; and
- Anticipated revisions to the Community Facilities and Services Element and/or Capital Improvements Element (state if these revisions are included in this amendment).

3. Provide a letter from the appropriate agency determining the adequacy/provision of existing/proposed support facilities, including:
  - a. Fire protection with adequate response times;
  - b. Emergency medical service (EMS) provisions;
  - c. Law enforcement;
  - c. Solid Waste;
  - d. Mass Transit; and
  - e. Schools.

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*In reference to above, the applicant should supply the responding agency with the information from Section's II and III for their evaluation. This application should include the applicant's correspondence to the responding agency.*

C. Environmental Impacts

Provide an overall analysis of the character of the subject property and surrounding properties, and assess the site's suitability for the proposed use upon the following:

1. A map of the Plant Communities as defined by the Florida Land Use Cover and Classification system (FLUCCS).
2. A map and description of the soils found on the property (identify the source of the information).
3. A topographic map with property boundaries and 100-year flood prone areas indicated (as identified by FEMA).
4. A map delineating wetlands, aquifer recharge areas, and rare & unique uplands.
5. A table of plant communities by FLUCCS with the potential to contain species (plant and animal) listed by federal, state or local agencies as endangered, threatened or species of special concern. The table must include the listed species by FLUCCS and the species status (same as FLUCCS map).

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D. Impacts on Historic Resources

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

1. A map of any historic districts and/or sites, listed on the Florida Master Site File, which are located on the subject property or adjacent properties.
2. A map showing the subject property location on the archeological sensitivity map for Lee County.

E. Internal Consistency with the Lee Plan

1. Discuss how the proposal affects established Lee County population projections, Table 1(b) (Planning Community Year 2020 Allocations), and the total population capacity of the Lee Plan Future Land Use Map.
2. List all goals and objectives of the Lee Plan that are affected by the proposed amendment. This analysis should include an evaluation of all relevant policies under each goal and objective.
3. Describe how the proposal affects adjacent local governments and their comprehensive plans.
4. List State Policy Plan and Regional Policy Plan goals and policies which are relevant to this plan amendment.

F. Additional Requirements for Specific Future Land Use Amendments

1. Requests involving Industrial and/or categories targeted by the Lee Plan as employment centers (to or from)
  - a. State whether the site is accessible to arterial roadways, rail lines, and cargo airport terminals,
  - b. Provide data and analysis required by Policy 2.4.4,
  - c. The affect of the proposed change on county's industrial employment goal specifically policy 7.1.4.

2. Requests moving lands from a Non-Urban Area to a Future Urban Area

- a. Demonstrate why the proposed change does not constitute Urban Sprawl. Indicators of sprawl may include, but are not limited to: low-intensity, low-density, or single-use development; 'leap-frog' type development; radial, strip, isolated or ribbon pattern type development; a failure to protect or conserve natural resources or agricultural land; limited accessibility; the loss of large amounts of functional open space; and the installation of costly and duplicative infrastructure when opportunities for infill and redevelopment exist.

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

Item 1: Fee Schedule

Map Amendment Flat Fee	\$2,000.00 each
Map Amendment > 20 Acres	\$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

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## AFFIDAVIT

I, Duane Swanson as Director of Raymond Building Supply Corporation, a Florida Corporation, 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.

Duane Swanson, V.P., Director  
Signature of owner or owner-authorized agent

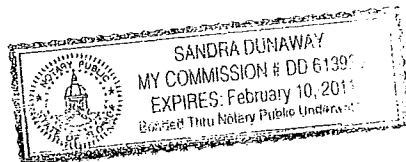
11/2/07  
Date

Duane Swanson  
Typed or printed name

STATE OF FLORIDA )  
COUNTY OF LEE )

The foregoing instrument was certified and subscribed before me this 2 day of Nov 2007, by Duane Swanson as Director of Raymond Building Supply Corporation, a Florida Corporation, who is personally known to me or who has produced \_\_\_\_\_ as identification.

(SEAL)



[Signature]  
Signature of notary public

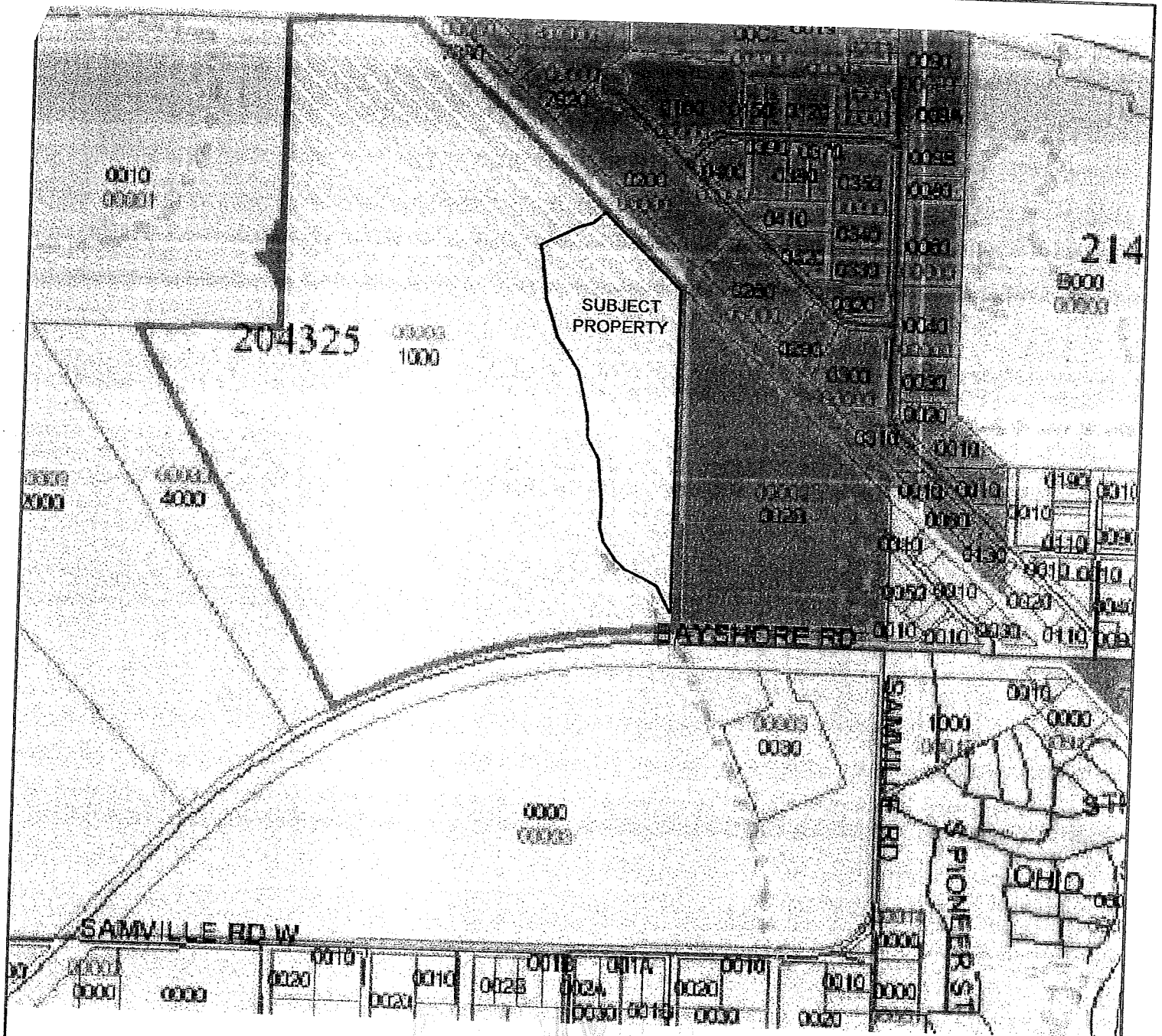
\_\_\_\_\_  
Printed name of notary public

ACB  
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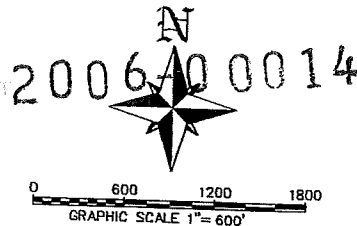


**LEGEND:**

□ SUBURBAN

■ INDUSTRIAL DEVELOPMENT

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**Banks Engineering**

Professional Engineers, Planners & Land Surveyors

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

EXISTING FUTURE LAND USE MAP

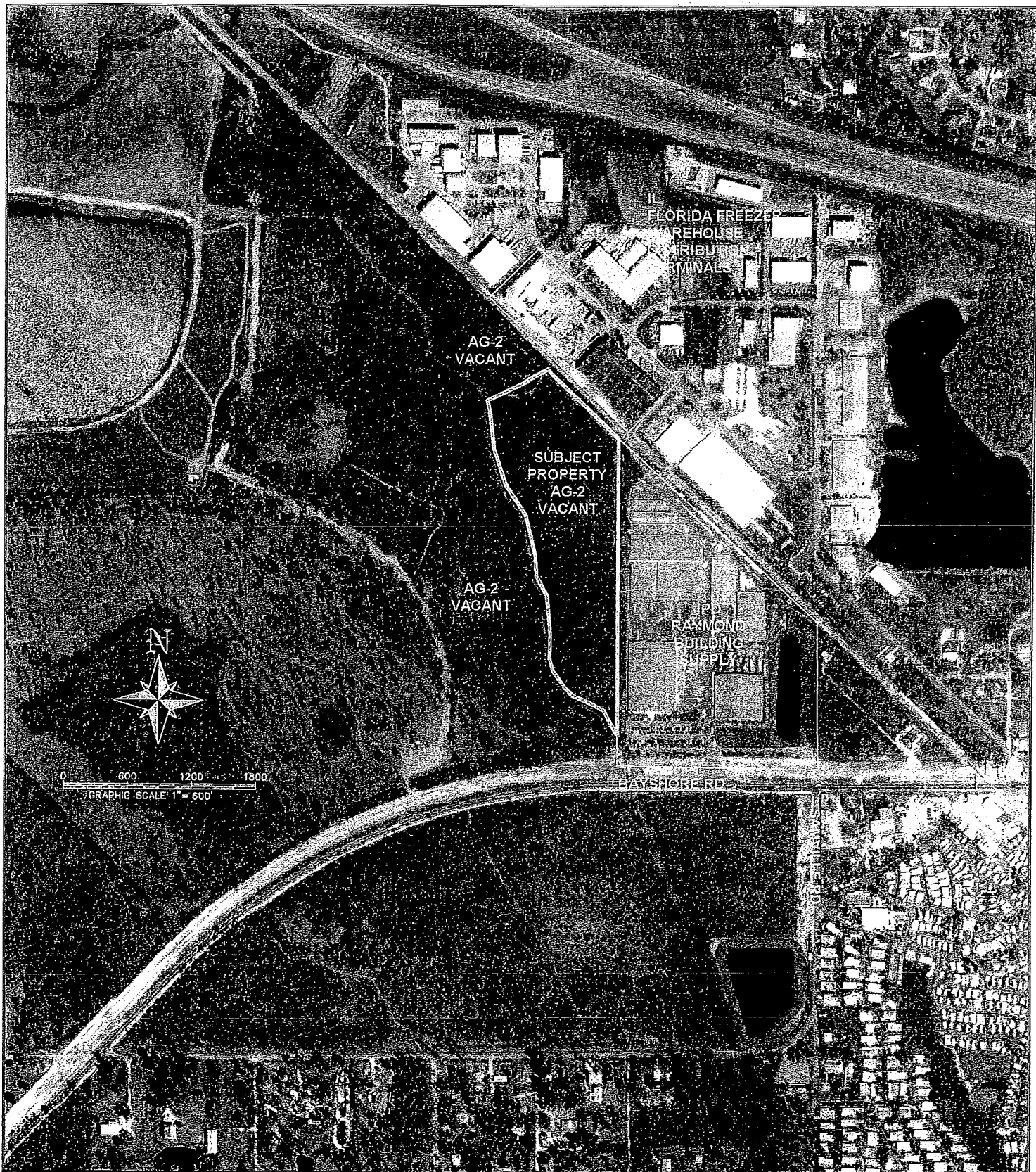
**RAMOND BUILDING SUPPLY - PHASE 2**

LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET	OF	FILE NO. (S-T-R)
8/25/2006	2249	2249_FLU	SDJ	SDJ		1"=600'	1	1	(20-43-25)

**EXHIBIT A.2**





# **Banks Engineering**

Professional Engineers, Planners & Land Surveyors

10511 SIX MILE CYPRESS PARKWAY - SUITE 101  
FORT MYERS, FLORIDA 33906  
PHONE: (239) 939-5430 FAX: (239) 939-2523  
ENGINEERING LICENSE # EB 6469  
SURVEY LICENSE # LB 6690

EXISTING LAND USE, ZONING AND AERIAL

## **RAYMOND BUILDING SUPPLY - PHASE 2** LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET	OF	FILE NO. (S-T-R)
8/25/2006	2249	AER	SDJ	SDJ		1"=600'	1	1	(20-43-25)

EXHIBITS

2006-300414

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

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

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**Legal Description**  
**EXHIBIT A.5**

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

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

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# EXHIBIT A.6



9

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

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

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

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

## WARRANTY DEED (STATUTORY FORM - SECTION 689.02, F.S.)

This Indenture, made this 11th day of FEBRUARY, 2005, Between, **JOHN B. FASSETT, Individually and as Trustee of the Ann B. Fassett Trust dated June 5, 1986,** whose post office address is 4560 Via Royale, Fort Myers, Florida 33919, grantor\*, and **S.W. FLORIDA LAND 163, L.L.C., a Florida limited liability company,** whose post office address is 6250 Diamond Centre Court, Bldg. 1300, Fort Myers, Florida 33912, grantee\*,

**Witnesseth** that said grantor, for and in consideration of the sum of **TEN AND NO/100 DOLLARS**, and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Lee County, Florida, to-wit:

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

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

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

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

**In Witness Whereof**, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

[Signature]  
Witness #1  
Jennifer L. Derby  
Printed name of Witness #1  
[Signature]  
Witness #2  
LORRAINE L COOK  
Printed name of Witness #2

[Signature] (Seal)  
JOHN B. FASSETT, Individually and as  
Trustee of the Ann B. Fassett Trust dated  
June 5, 1986

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STATE OF FLORIDA  
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 11th day of February, 2005, by JOHN B. FASSETT, Individually and as Trustee, who is personally known to me or who produced DRIVER'S LICENSE as identification.

[Signature]  
Notary Public  
LORRAINE L COOK  
Printed name of Notary Public

My Comm. Expires 03/17/2005  
OFFICIAL NOTARY SEAL  
LORRAINE L. COOK  
NOTARY PUBLIC STATE OF FLORIDA  
MY COMMISSION # DD094596  
MAR. 17, 2005

2006-00014

EXHIBIT "A"

PARCEL 1:

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

Commence at the west quarter corner of said Section 20 and run N 89° 43' 21" E along the north line of the SW 1/4 of said Section 20 for 2,016.85 feet to the Point of Beginning; thence continue N 89° 43' 21" E for 617.49 feet to the center of said Section 20; thence run N 00° 09' 22" W for 1,334.98 feet to the NW corner of the SW 1/4 of the NE 1/4 of said Section 20; thence run N 89° 42' 16" E for 540.65 feet to the southwesterly right-of-way line of the Seaboard Coast Line Railroad; thence run S 46° 40' 52" E along said right-of-way line for 1,611.27 feet; thence run S 00° 22' 45" W for 1,497.21 feet to a point on the northerly right-of-way line of County Road C-78 (Bayshore Road), said point being the point of curvature of a curve concave to the southeast, having a radius of 2,914.79 feet; thence run southwesterly along said right-of-way along the arc of said curve through a central angle of 29° 11' 41" for an arc distance of 1,485.22 feet; thence run N 28° 48' 56" W for 1,852.02 feet to the Point of Beginning.

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**Sanitary Sewer / Potable Water**

**EXHIBITS B.2.a & B.2.b**

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

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

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

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

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

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

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## **Parks, Recreation and Open Space**

### **EXHIBIT B.2.d**

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

Regional Park Required LOS--1.05 acres

Regional Park Desired LOS--1.4 acres

Community Park Required LOS--.14 acres

Community Park Desired LOS--.35 acres

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

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EXHIBIT B.3.a



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

9/20/06

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

Dear Alison

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

Thank you for your time in this matter,

Sincerely,

Terry Pye  
Fire Chief

Letter will follow via USPS

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

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

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

  
(Signature)

EMS Operations Chief  
(Title)

Kim Dickerson  
(Printed Name)

January 23, 2008  
(Date)



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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)

2006-00014

**Mike Scott**  
Sheriff



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

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

September 25, 2006

Dear Ms. Stowe:

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

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

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

Sincerely,

Mike Scott  
Sheriff, Lee County Florida

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**Mike Scott**  
Office of the Sheriff



State of Florida  
County of Lee

October 31, 2007

Matthew Uhle  
Knott, Consoer, Ebelini, Hart & Swett, P.A.  
1625 Hendry St  
PO Box 2449  
Ft Myers, FL 33902-2449  
Reference to Project: Raymond Lumber

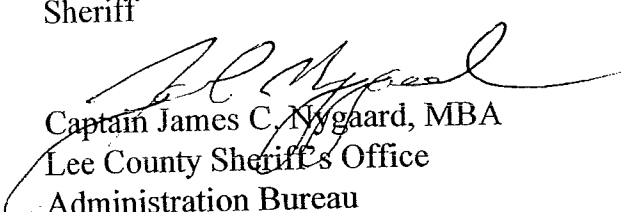
Dear Mr. Uhle

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

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

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

Mike Scott  
Sheriff

  
Captain James C. Nygaard, MBA  
Lee County Sheriff's Office  
Administration Bureau  
14750 Six Mile Cypress Pkwy  
Fort Myers, FL 33912  
239-477-1424 (Office)

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COMMUNITY DEVELOPMENT

2006-00014



EXHIBIT B.3.c



LEE COUNTY  
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: (239) 338-3302

Bob Janes  
District One

Douglas R. St. Cery  
District Two

Ray Judah  
District Three

Tammy Hall  
District Four

John E. Albion  
District Five

Donald D. Stilwell  
County Manager

David M. Owen  
County Attorney

Diana M. Parker  
County Hearing  
Examiner

September 27, 2006

Ms. Alison M. Stowe  
Knott, Consoer, Ebelini  
Hart & Swett, P.A.  
1625 Hendry Street  
P.O. Box 2449  
Fort Myers, FL 33902-2449

**SUBJECT: Comprehensive Plan Amendment for Raymond Building Supply**

Dear Ms. Stowe:

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

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

Sincerely,

William T. Newman  
Operations Manager  
Solid Waste Division

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cc: Wayne Gaither

2006-00014

EXHIBIT B.3.d



LEE COUNTY  
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

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

Bob Janes  
District One

Douglas R. St. Cerny  
District Two

Ray Judah  
District Three

Tammy Hall  
District Four

John E. Albion  
District Five

Donald D. Stilwell  
County Manager

David M. Owen  
County Attorney

Diana M. Parker  
County Hearing  
Examiner

September 25, 2006

Ms. Alison M. Stowe  
Knott, Consoer, Ebelini, Hart & Swett, P.A.  
P.O. Box 2449  
Fort Myers, FL 33902-2449

Re: Raymond Building Supply

Mr. Stowe:

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Horsting".

Michael Horsting, AICP  
Planner  
Lee County Transit

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# THE SCHOOL DISTRICT OF LEE COUNTY

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

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

ELINOR C. SCRIPCA, Ph.D.  
VICE CHAIRMAN • DISTRICT 5

ROBERT D. CHILMONIK  
DISTRICT 1

JEANNE S. DOZIER  
DISTRICT 2

JANE E. KUCKEL, Ph.D.  
DISTRICT 3

JAMES W. BROWDER, Ed.D.  
SUPERINTENDENT

KEITH B. MARTIN  
BOARD ATTORNEY

September 29, 2006

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

Re: Comprehensive Plan Amendment for Raymond Building Supply

Dear Ms. Stowe:

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

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

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

Sincerely,

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



COMMUNITY DEVELOPMENT

2006-00014



LEE COUNTY  
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

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

Bob Jones  
District One November 20, 2007

Chad Bigelow  
District Two Stacy Ellis Hewitt  
Banks Engineering  
10511 Six Mile Cypress Pkwy  
Ray Jettat  
District Three Fort Myers, FL 33966

Johnny Hall  
District Four  
Frank Martin  
District Five  
RE: POTABLE Water AVAILABILITY  
Raymond Building Supply - Phase 2  
STRAP #: 20-43-25-00-00003.1010

Donald G. Stillwell  
County Manager

Dear Ms. Hewitt:

David M. Owen  
County Attorney

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

Diana M. Parker  
County Hearing Examiner

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

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

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

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

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

Sincerely,

LEE COUNTY UTILITIES

*Melissa Bibeau*

Melissa Bibeau  
Engineering Tech., I  
UTILITIES ENGINEERING

VIA FACSIMILE  
Original Mailed

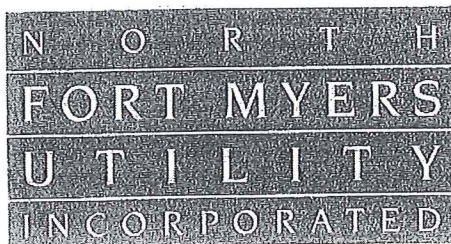
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ZONING - 00AAA MASTER





5660 Bayshore Road, Suite 36 • North Fort Myers, Florida 33917

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

(239) 543-1005

Fax (239) 543-2226

November 15, 2007

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

RE: Wastewater Service Phase 2

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

ADDRESS: 7701 Bayshore Road

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

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

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

Yours truly,  
North Fort Myers Utility, Inc.

A handwritten signature in dark ink, appearing to read "A.A. Reeves", is written over a light-colored background.

A.A. "Tony" Reeves  
Utility Director

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**Stacy Hewitt**

**From:** Velez, Sergio I. [VELEZSI@leegov.com]  
**Sent:** Tuesday, November 13, 2007 2:28 PM  
**To:** Stacy Hewitt  
**Subject:** RE: North Lee County WTP

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

S. Ivan Velez, P.E.  
Deputy Director  
Lee County Utilities  
1500 Monroe Street  
Fort Myers, FL 33901  
Ph: 239-533-8166  
Fax: 239-533-8176  
cell: 239-357-1867

**From:** Stacy Hewitt [mailto:SHewitt@BanksEng.com]  
**Sent:** Tuesday, November 13, 2007 1:35 PM  
**To:** Velez, Sergio I.  
**Subject:** North Lee County WTP

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

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

Stacy Ellis Hewitt  
Director of Planning  
**Banks Engineering**  
10511 Six Mile Cypress Parkway - Suite 101  
Fort Myers, FL 33966  
Email: shewitt@bankseng.com  
Phone: 239-939-5490  
Cell: 239-770-2527  
Fax: 239-939-2523

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COMMUNITY DEVELOPMENT

2006-00014

**Stacy Hewitt**

From: OLDBRIDGE9@aol.com  
Sent: Monday, November 19, 2007 9:38 AM  
To: Stacy Hewitt  
Subject: Re: Request for Letter of Availability and 2030 Projected Plant Capacity

We figure it should be about 8.5 Million a day

Tony

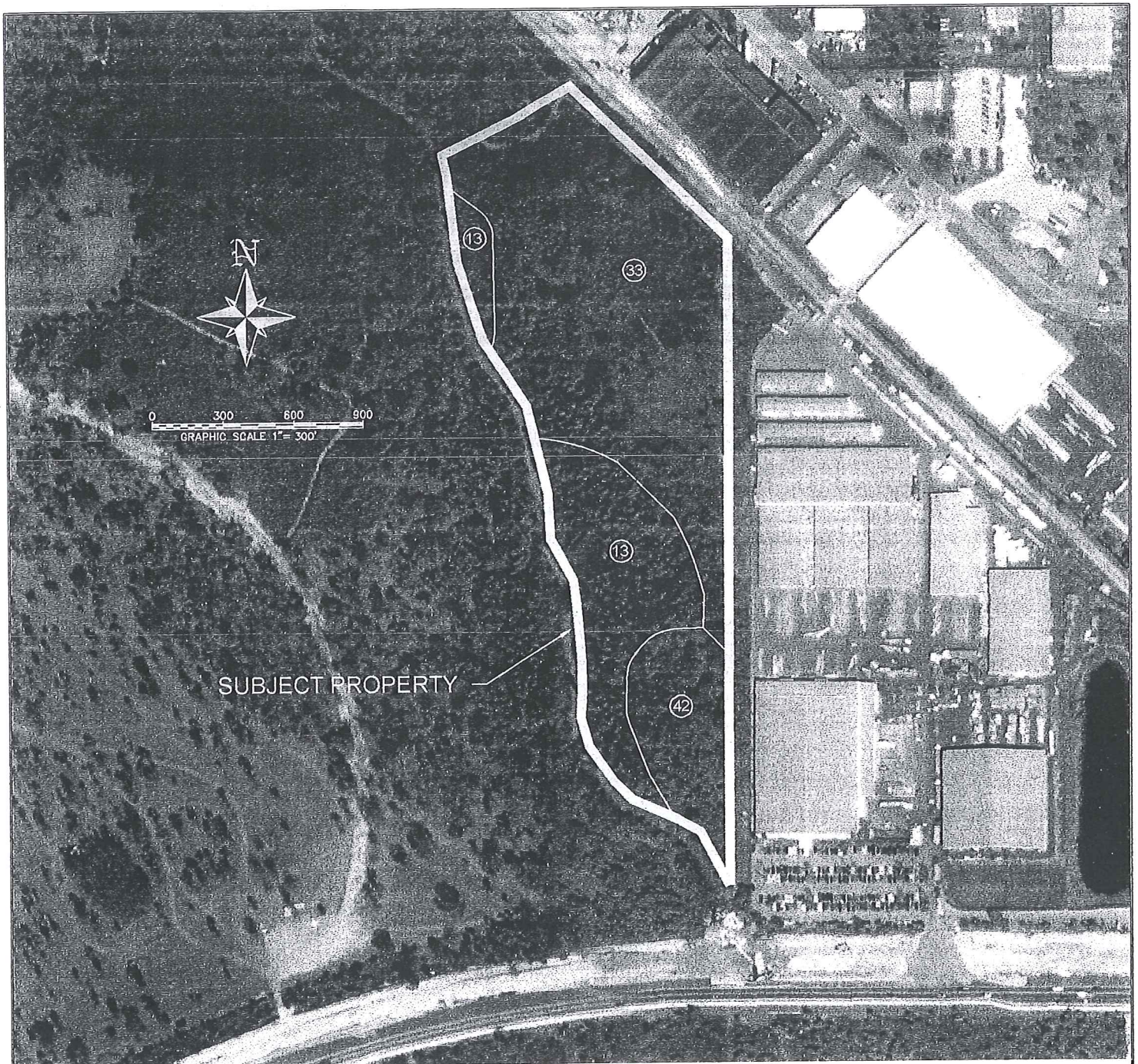
See what's new at AOL.com and Make AOL Your Homepage.

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**SOILS LEGEND:**

- 13 - BOCA FINE SAND
- 33 - OLDSMAR SAND
- 42 - WABASSO SAND, LIMESTONE SUBSTRATUM

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**Banka Engineering**

Professional Engineers, Planners & Land Surveyors

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

**SOILS MAP**

**RAYMOND BUILDING SUPPLY - PHASE 2**

LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET	OF	FILE NO. (S-T-R)
8/25/2006	2249	_SOIL	SDJ	SDJ		1"=300'	1	1	(20-43-25)

**EXHIBIT C.2**



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

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

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

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

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

MUhle@knon-law.com

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

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

April 10, 2008

Mr. Peter Blackwell  
Lee County Division of Planning  
P.O. Box 398  
Fort Myers, FL 33902

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

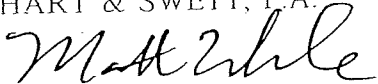
Dear Mr. Blackwell:

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

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

Sincerely,

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



Matthew D. Uhle, Esq.

MDU/ams  
Attachment

cc: Duane Swanson  
Tom Lehnert  
Kim Schlachta

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## PART 4 ENVIRONMENTAL ISSUES

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

*A topo survey is included with the submittal.*

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

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

*Cabbage Palm, Gopher Tortoise,*

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

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

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

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

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

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

Not Applicable.


APPROVED  
JUL 7 2008  
2006-00014

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## Raymond Lumber

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### Indigenous Preserve Calculations

Boylan   
Environmental  
Consultants, Inc.

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

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

May 23, 2007

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## Indigenous Preserve Calculations Table:

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

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

INDIGENOUS VEGETATION CREDIT		
Credit provided	Minimum size	Minimum width
10%	1/2 acre	50 feet
25%	1 acre	75 feet
50%	3 acres	150 feet

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

1. Rare and unique uplands as defined by the Lee Plan.
2. Connection to offsite public or private environmental conservation or preserve areas.
3. Upland buffers to natural waterbodies
- 4.

Total Site Acreage: 36.82

Open Space Percentage Requirement: 0.20

Open Space Requirement: 7.36

Indigenous Requirement: 3.68

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07/17/06

07/17/06



**Northern Preserve Area**

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

**Southern Preserve Area**

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

Total Preserve Acreage: 3.63

Total Preserve Acreage with Credits: 4.15

Minimum Indigenous Preserve Acreage Required: 3.68 acres

Indigenous Provided = 4.15

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

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**2006-00014**

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## RAYMOND LUMBER

Lee County, Florida


Sections 20; Township 43 South; Range 25 East

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### Protected Species Survey


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Boylan   
Environmental  
Consultants, Inc.

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

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

 2006-00014

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

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RAYMOND LUMBER  
Protected Species Survey

## INTRODUCTION

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

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

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

## SURVEY METHODOLOGY

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

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

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

## SITE CONDITIONS

2006-00014

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

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

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

This community includes the existing buildings and lumberyard.

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

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

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

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

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

This community includes the eastern lake.

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

This community includes Bahia grass adjacent to Raymond Lumber.

**Table 1: FLUCCS COMMUNITIES BY PERCENTAGE**

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

\*Total Upland

\*Total OSW

4.62 95 %  
0.31 5 %

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## SPECIES PRESENCE

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

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

$$\begin{aligned}\text{Abundance} &= \text{sum of } n_i \\ \text{Density} &= (\text{sum of } n_i)/A\end{aligned}$$

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

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

Table 2: Abundance and Density

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

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

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

2006-00014

## DISCUSSION

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

RAYMOND LUMBER  
Protected Species Survey

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

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

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

OCT 07 2006

2006-00014

Table 3. Lee County Protected Species Abundance Calculations

Protected Species Density:

$$= \{n/[L (w_1+w_2)]\} (43,560 \text{ ft.}^2/\text{ac.}) (C)$$

Where      n=      number of individuals observed or active plus inactive  
                                 gopher tortoise burrows  
                         L=      length of transect  
                         w<sub>1</sub>=      distance of visibility to the right of transect  
                         w<sub>2</sub>=      distance of visibility to the left of transect  
                         C=      gopher tortoise conversion factor (0.3 or 0.4)\*

\*Used for gopher tortoise calculation only

Gopher Tortoise (*Gopherus polyphemus*)

FLUCFCS Code 321

Density

$$\begin{aligned} &= \{22\text{GT}/[6752 \text{ ft. } (20\text{ft.} + 20\text{ft.})]\} (43,560 \text{ ft.}^2/\text{ac.}) (0.4) \\ &= [8.14 \times 10^{-5} \text{ GT}/\text{ft.}^2] (43,560 \text{ ft.}^2/\text{ac.}) (0.4) \\ &= (3.54 \text{ GT}/\text{ac.}) (0.4) \\ &= 1.42 \text{ GT}/\text{ac.} \end{aligned}$$

OK

OCT 07 2006

COMMUNITY DEVELOPMENT

2006-00014



---

**RAYMOND LUMBER**  
**GOPHER TORTOISE MANAGEMENT PLAN**  
Boylan Environmental Consultants, Inc.  
May 22, 2007

---

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

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

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

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

*Excavation & Relocation*

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

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

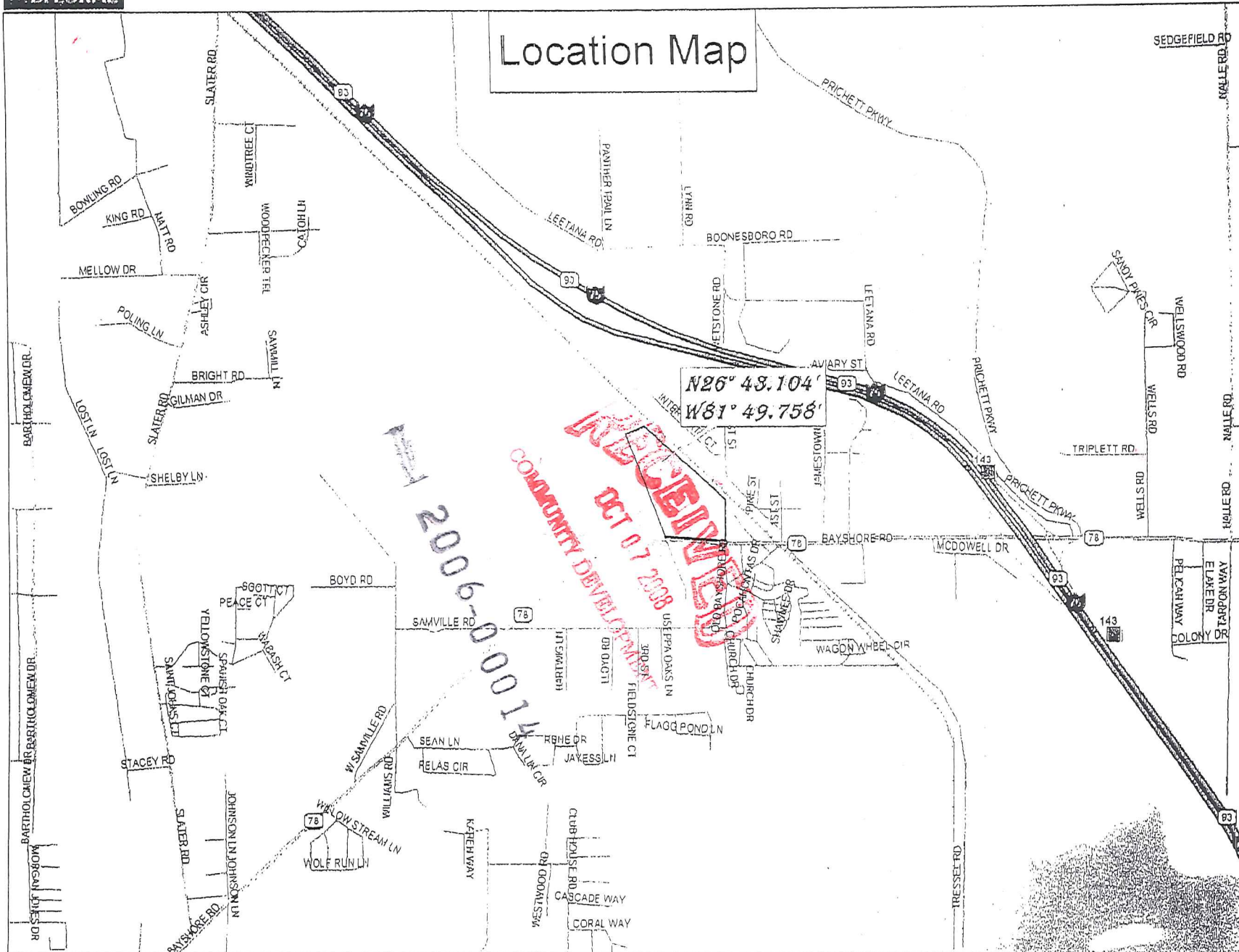
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2006-00014



## Location Map



Data use subject to license.

© 2005 DeLorme, Street Atlas USA® 2006.

www.delorme.com

N  
B  
E  
C  
2006-00014

Scale: 1" = 200'

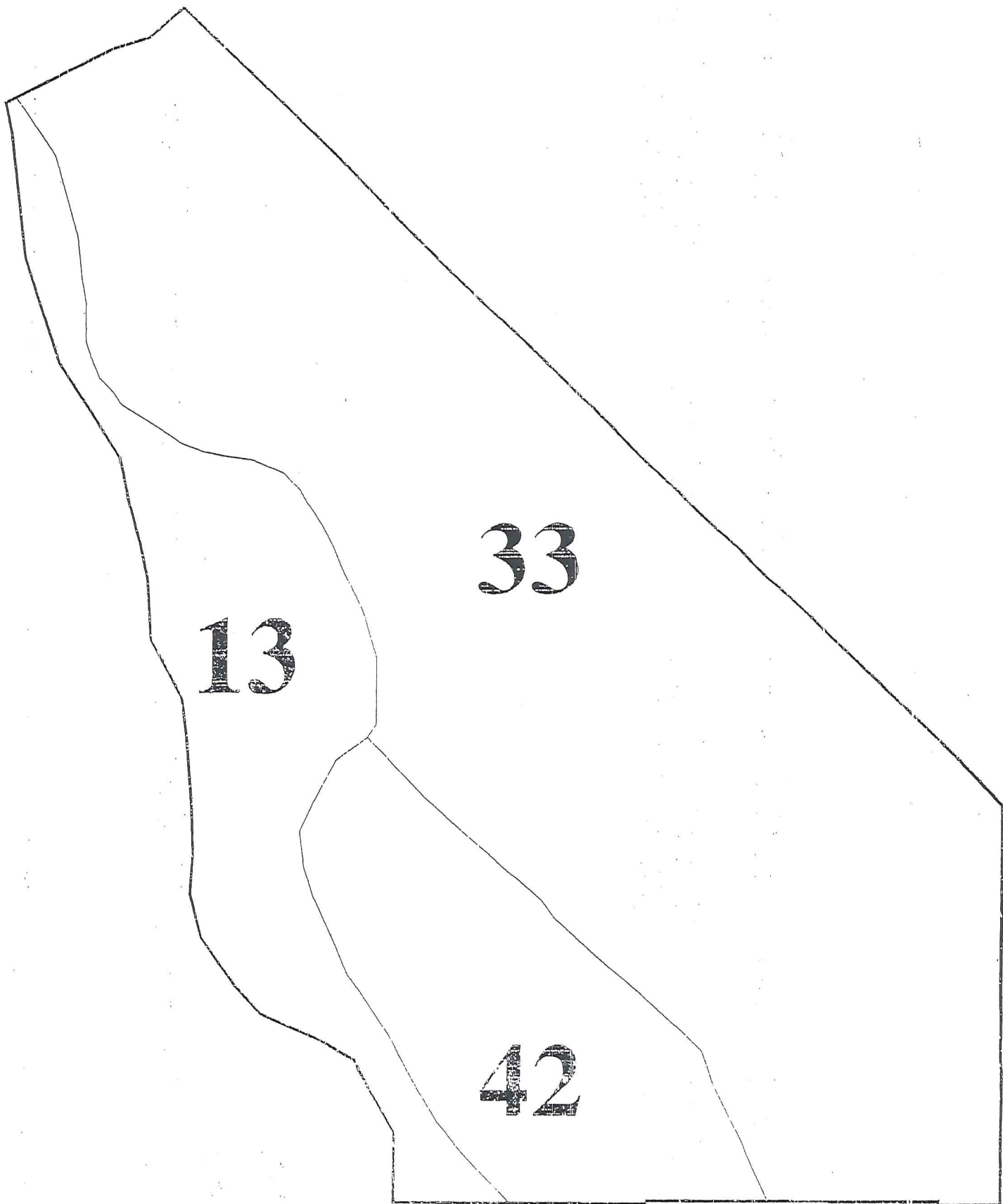
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## SOILS LEGEND

ID	Description	Hydric
13	Boca fine sand	*N
33	Oldsmar sand	--
42	Wabasso sand, limestone substratum	--

\*N = National List for Hydric Soils

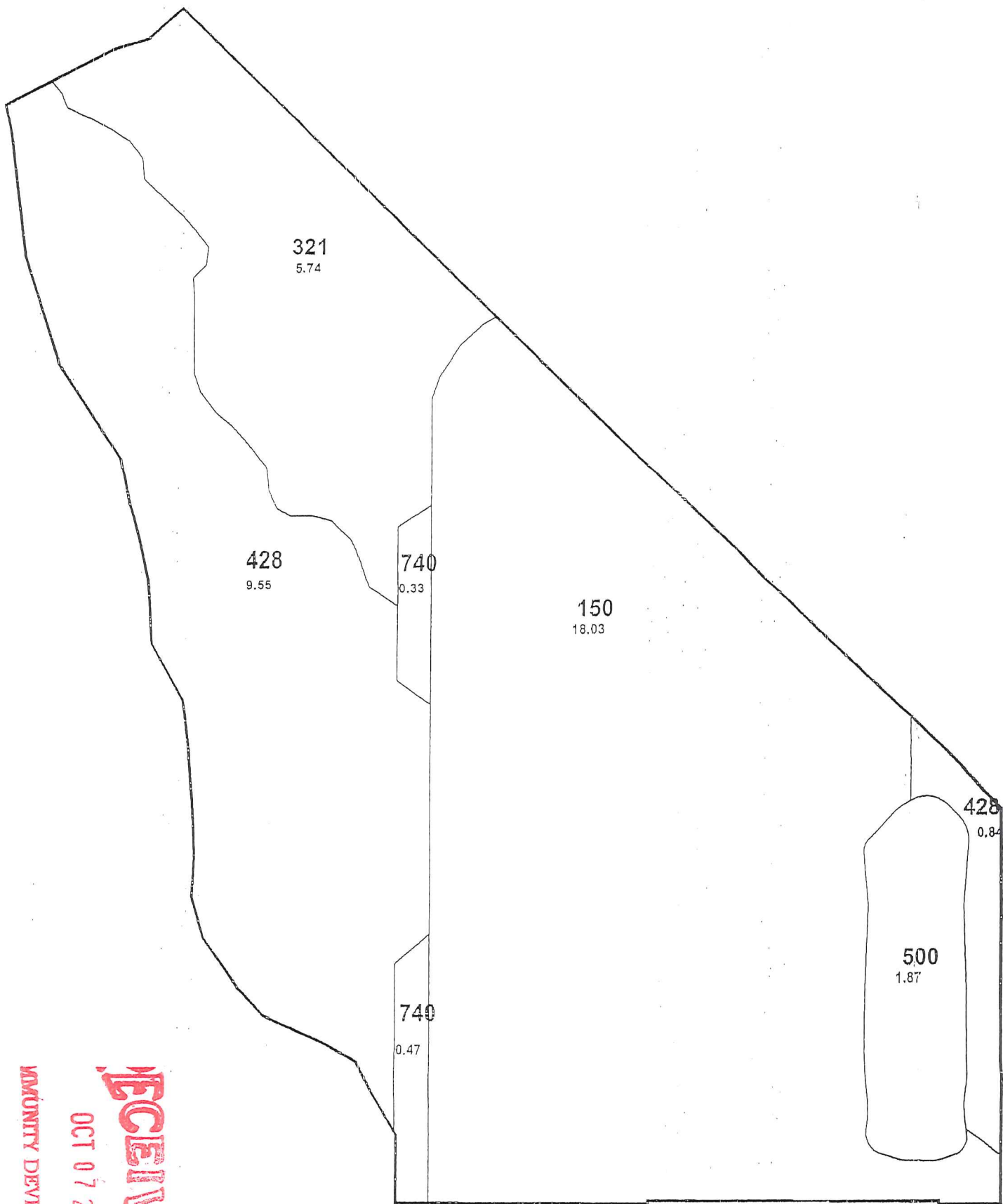




Scale: 1" = 200'

**FLUCFCS LEGEND**

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



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Boylan  
Environmental  
Consultants, Inc.



Wetland & Wildlife Surveys, Environmental Permitting,  
Impact Assessments  
11000 Metro Parkway, Suite 4, Ft. Myers, FL 33906 (239) 418-0671

Drawn By: KAS  
Date: 5/16/07  
Job Number: 2006-48  
S/T/R  
20/43S/25E

Category: FLUCFCS  
Scale: 1" = 200'  
County: Lee

RAYMOND LUMBER  
FLUCFCS Map

Page

Exhibit



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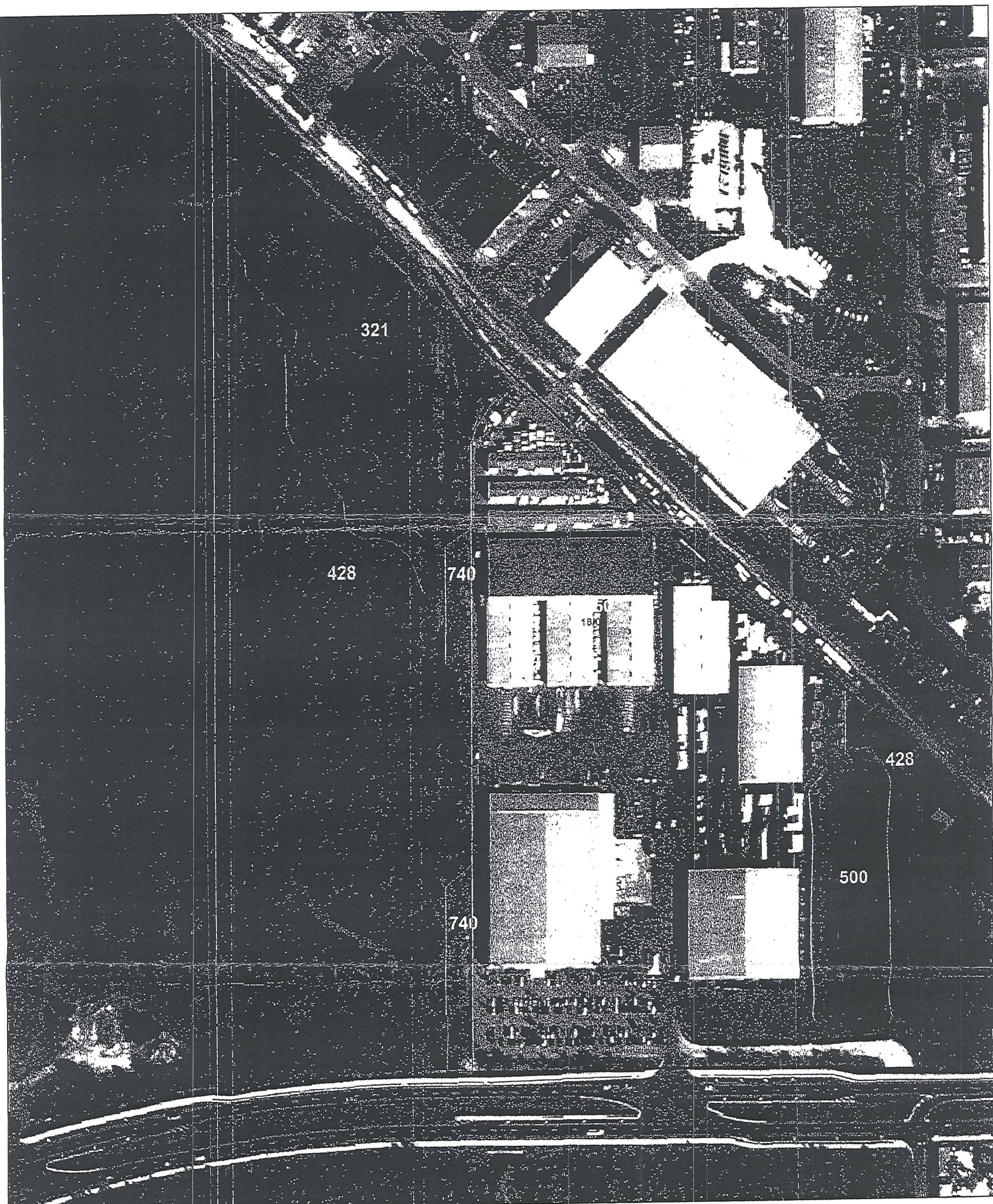


Scale: 1" = 200'

2006-00014

### FLUCFCS LEGEND

Code	Description	Acreage
150	INDUSTRIAL - (Raymond Lumber)	18.03
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Total Site		36.83 ac



X:\BEC\0-R Projects\Raymond Lumber\2006-48\Rezoning\FLUCFCS Aerial.dwg Tabi Model May 17, 2007 - 12:06pm Plotted by: Kln

Boylan  
Environmental  
Consultants, Inc.

Wetland & Wildlife Surveys, Environmental Permitting,  
Impact Assessments

11000 Metro Parkway, Suite 4, Ft. Myers, FL 33966 (239) 418-0671

Drawn By:	Date:	Category
KAS	5/16/07	FLUCFCS
Job Number		Scale:
2006-48		1" = 200'
S/T/R		County
20/43S/25E		Lee

RAYMOND LUMBER  
FLUCFCS Aerial Map

Page  
Exhibit





Scale: 1" = 200'

2006-00014




COMMUNITY DEVELOPMENT

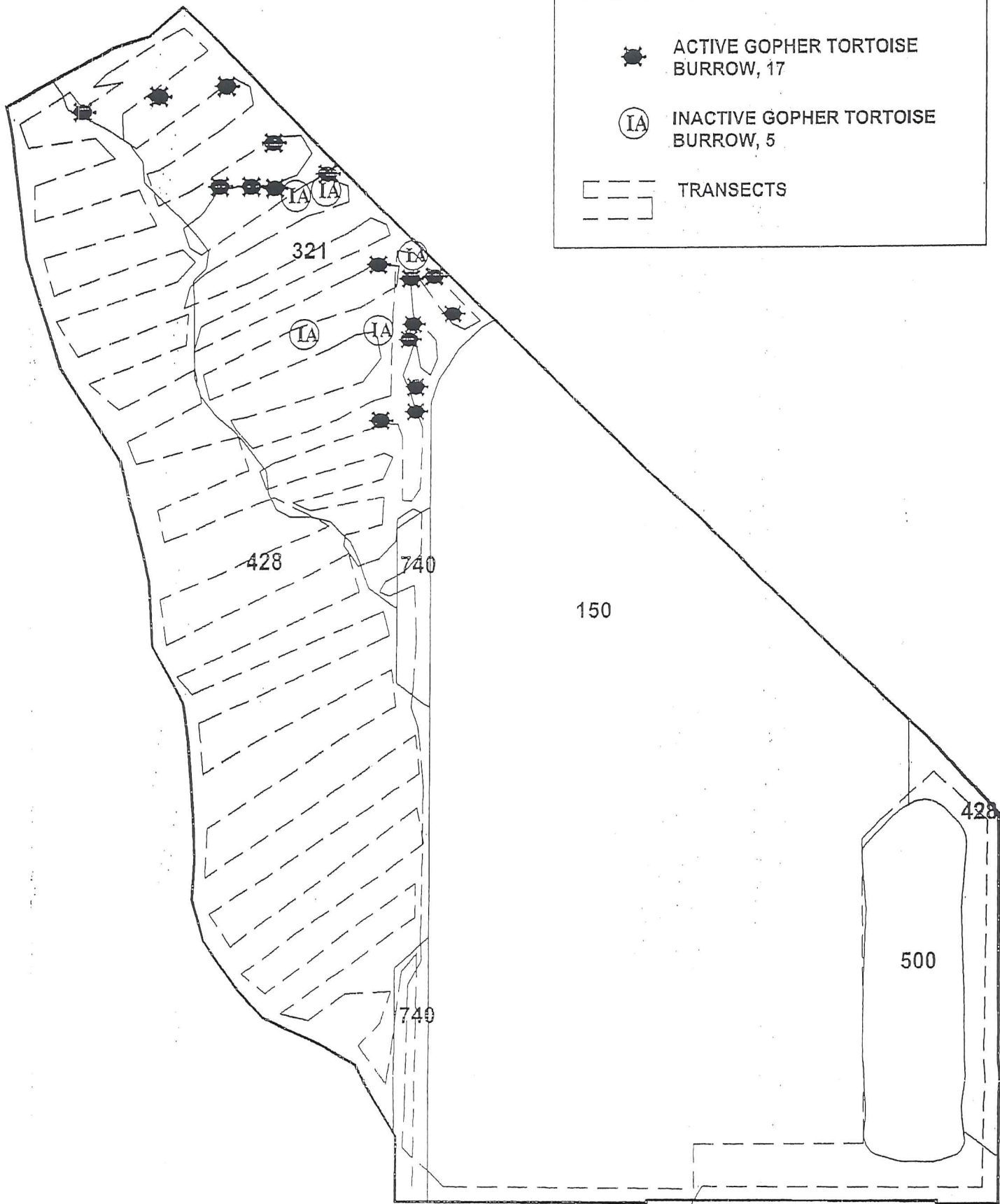
RECEIVED  
OCT 07 2008

### FLUCFCS LEGEND

Code	Description	Acreage
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### SPECIES SURVEY LEGEND

-  ACTIVE GOPHER TORTOISE BURROW, 17
-  INACTIVE GOPHER TORTOISE BURROW, 5
-  TRANSECTS



X:\BEC\0-R Projects\Raymond Lumber(2006-48)\Rezoning\APSS.dwg Tabi Model May 17, 2007 - 12:12pm Plotted by: Klm





Scale: 1" = 200'

2006-00014

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## FLUCFCS LEGEND

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

## SPECIES SURVEY LEGEND



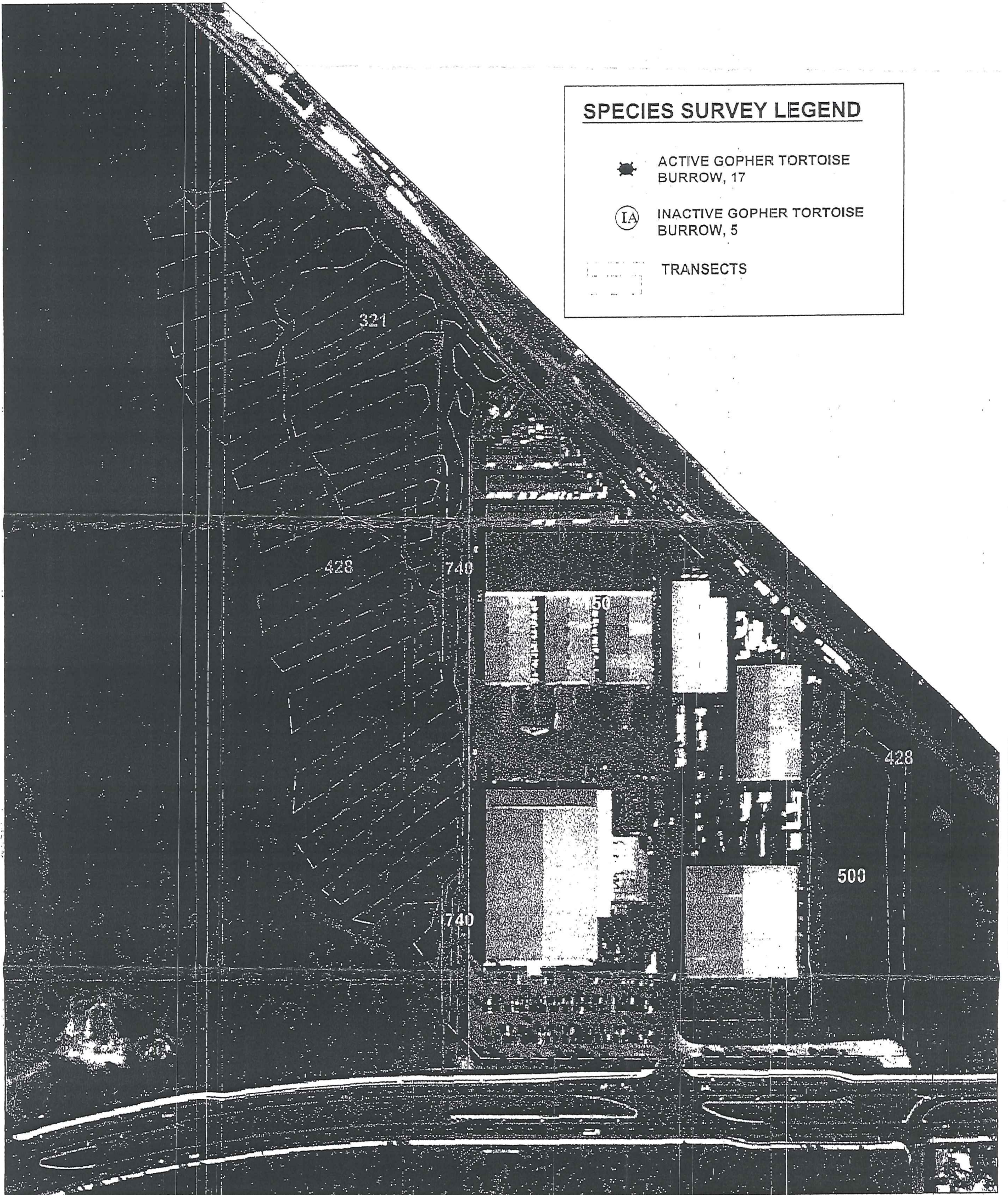
ACTIVE GOPHER TORTOISE  
BURROW, 17



INACTIVE GOPHER TORTOISE  
BURROW, 5



TRANSECTS



X:\BEC\0-R Projects\Raymond Lumber\2006-48\Rezoning\PS Aerial.dwg Tabr Model May 17, 2007 - 12:13pm Plotted by: Kim





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2006-00014  
LEE COUNTY HISTORICAL SENSITIVITY MAP

- SENSITIVITY LEVEL 1
- SENSITIVITY LEVEL 2
- PROBABLY SENSITIVE / UNDEVELOPED

MEXICO



LEE COUNTY  
FLORIDA





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

September 19, 2006

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

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Dear Ms. Stowe:

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

T43S, R25E, Section 20

2006-00014

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

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

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

Sincerely,

A handwritten signature in cursive script that reads "Celeste Ivory".

Celeste Ivory  
Archaeological Data Analyst, Florida Master Site File  
Division of Historical Resources  
R. A. Gray Building  
500 South Bronough Street  
Tallahassee, Florida 32399-0250

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

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

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

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

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

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

☐ Palm Beach Regional Office

☐ St. Augustine Regional Office

☐ Tampa Regional Office



## FLUM CAPACITY ANALYSIS

### EXHIBIT E.1

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

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## LEE PLAN CONSISTENCY

### EXHIBIT E.2

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

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

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2006-00014

COMMUNITY DEVELOPMENT

**Impact on Adjacent Local Governments**  
**EXHIBIT E.3**

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

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2006-00014

## CONSISTENCY WITH STATE PLAN

### EXHIBIT E.4

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

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

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## COMPLIANCE WITH REGIONAL PLAN

### EXHIBIT E.4

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

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

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2006-00014

## INDUSTRIAL LANDS ANALYSIS

### EXHIBIT F.1.a-c

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

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2006-00014



## JUSTIFICATION FOR APPLICATION

### EXHIBIT G

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

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

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2006-00014



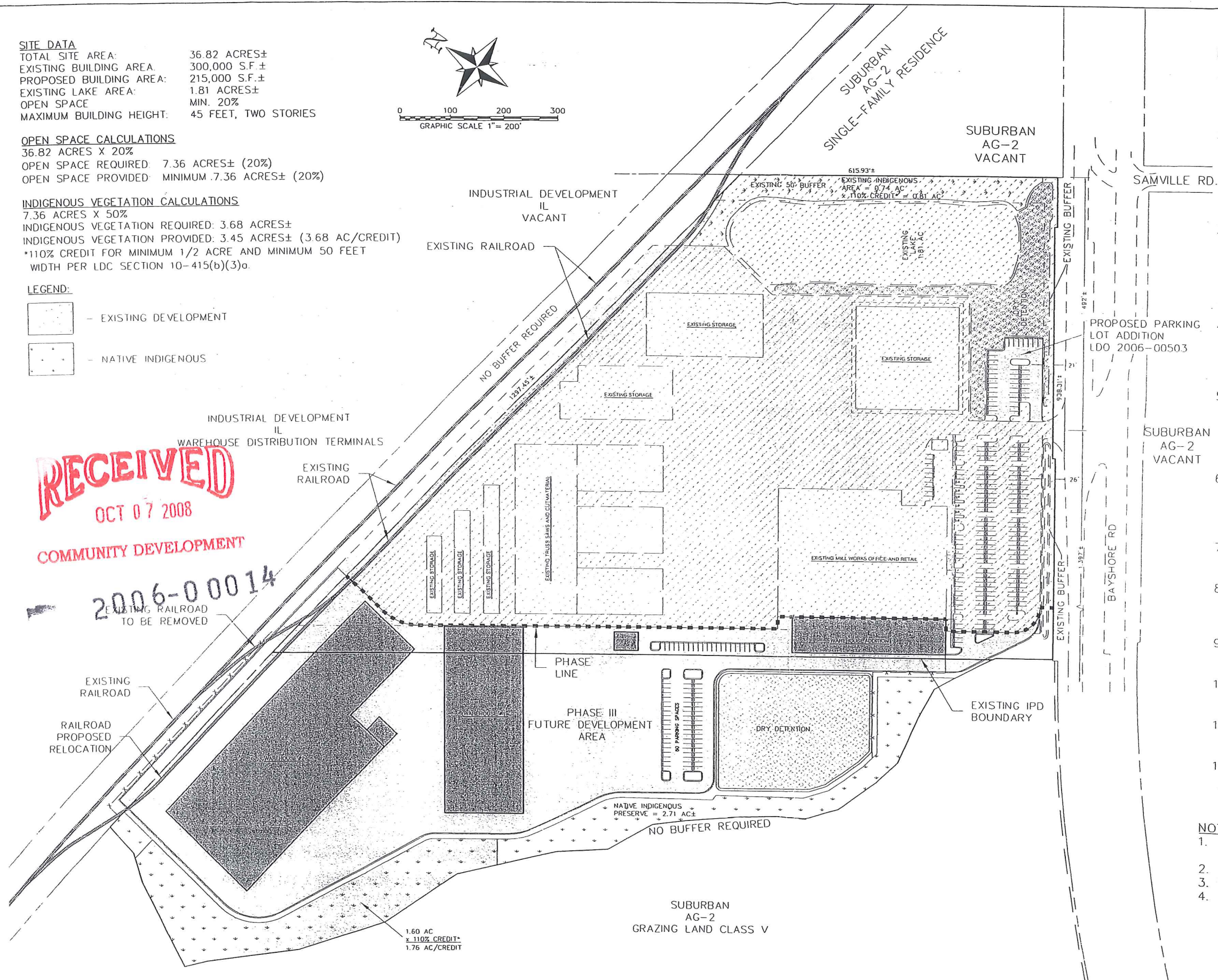
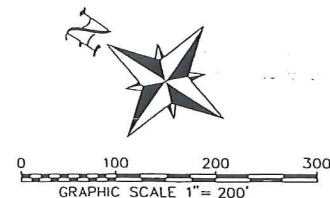
**SITE DATA**  
TOTAL SITE AREA: 36.82 ACRES±  
EXISTING BUILDING AREA: 300,000 S.F.±  
PROPOSED BUILDING AREA: 215,000 S.F.±  
EXISTING LAKE AREA: 1.81 ACRES±  
OPEN SPACE: MIN. 20%  
MAXIMUM BUILDING HEIGHT: 45 FEET, TWO STORIES

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

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

**LEGEND:**

- EXISTING DEVELOPMENT  
NATIVE INDIGENOUS



**NOTES**

- NO INDUSTRIAL USES WILL BE CONSTRUCTED OUTSIDE THE LIMITS OF THE INDUSTRIAL LAND USE CLASSIFICATION UNTIL THE COMPREHENSIVE PLAN HAS BEEN AMENDED ACCORDINGLY.
- BUILDING ENVELOPES DEPICTED ON THE PLAN REPRESENT THE CONCEPTUAL LOCATION AND COMBINED SQUARE FOOTAGES OF THE PROPOSED USES FOR PHASE III. THEREFORE, EACH BUILDING ENVELOPE MAY ACTUALLY CONTAIN A NUMBER OF SMALLER BUILDINGS OR STRUCTURES DEVOTED TO THE PARTICULAR USE SHOWN.
- THE DEVELOPER WOULD LIKE TO RETAIN THE FLEXIBILITY TO ADJUST BUILDING AREAS FOR EACH PHASE AS LONG AS THE OVERALL BUILDING AREA DOES NOT EXCEED THE MAXIMUM TOTAL OF 515,000 SQUARE FEET ALLOCATED FOR THE ENTIRE SITE. NO BUILDING WILL INTRUDE INTO ANY OF THE BUFFER AREAS SHOWN ON THIS PLAN.
- THE OPEN SPACE REQUIREMENTS FOR THE ENTIRE DEVELOPMENT WILL BE MET THROUGH THE UTILIZATION OF PERIMETER BUFFERING AND RETENTION AREAS WHICH ALLOW THE ENTIRE FUTURE DEVELOPMENT AREA (PHASE II) TO BE IMPERVIOUS.
- PROPERTY DEVELOPMENT REGULATIONS WILL MEET THE MINIMUM REQUIREMENTS OF THE IL ZONING DISTRICT PER SECTION 34-904 OF THE LEE COUNTY LAND DEVELOPMENT CODE WITH THE EXCEPTION THAT A MAXIMUM BUILDING HEIGHT OF 45 FEET, TWO STORIES WILL BE PERMITTED.
- NO INTERNAL STREET RIGHTS-OF-WAY ARE PROPOSED WITHIN THE PROJECT. ACCESS TO PHASE III WILL BE PROVIDED THROUGH CONNECTING PAVEMENT AREAS WHICH WILL BE DEFINED BY THE LOCATION OF FUTURE DEVELOPMENT.
- ALL ENTRANCE GATES AND GATEHOUSES WILL BE CONSTRUCTED IN ACCORDANCE WITH SECTION 34-1749 OF THE LEE COUNTY LAND DEVELOPMENT CODE.
- ALL OPEN SPACE, LANDSCAPING, AND BUFFERING WILL BE IN COMPLIANCE WITH THE REQUIREMENTS ESTABLISHED IN SECTION 10, DIVISION 6 OF THE LEE COUNTY LAND DEVELOPMENT CODE.
- PARKING WILL MEET THE REQUIREMENTS OF SECTIONS 34-2014 THRU 34-2020 OF THE LEE COUNTY LAND DEVELOPMENT CODE.
- AREAS UTILIZED FOR OPEN STORAGE WILL MEET ALL APPLICABLE REQUIREMENTS OF THE LEE COUNTY LAND DEVELOPMENT CODE.
- THE EXACT LIMITS OF THE PROPOSED LAKE EXCAVATION MAY VARY SUBJECT TO SOUTH FLORIDA WATER MANAGEMENT DISTRICT APPROVAL.
- PUBLIC TRANSPORTATION IS NOT PRESENTLY AVAILABLE TO THE SITE.

**NOTES**

- PARCEL ADDRESS: 7731 & 7751 BAYSHORE ROAD NORTH FORT MYERS, FL 33917
- CURRENT ZONING: AG-2 & IPD
- PROPOSED ZONING: IPD
- FUTURE LAND USE: INDUSTRIAL DEVELOPMENT AND SUBURBAN

PREPARED FOR:  
**RAYMOND BUILDING SUPPLY CORP.**  
7751 BAYSHORE ROAD  
NORTH FORT MYERS, FLORIDA 33917  
PHONE: (239) 731-8300

**Banks Engineering**  
Professional Engineers, Planners & Land Surveyors  
10511 SIX MILE CYPRESS PARKWAY  
FORT MYERS, FLORIDA 33966  
PHONE: (239) 939-5490 FAX: (239) 939-2523  
ENGINEERING LICENSE # EB 6469  
SURVEY LICENSE # LB 6690

MASTER CONCEPT PLAN  
**RAYMOND BUILDING SUPPLY**  
LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET	OF	FILE NO. (S-T-R)
05/02/2007	2249	_MCP	SDJ	SDJ		1"=200'	1	1	20-435-25E



# 2006 LIMITED LIABILITY COMPANY ANNUAL REPORT

DOCUMENT# L04000049647

FILED  
Mar 16, 2006  
Secretary of State

Entity Name: S.W. FLORIDA LAND 163, L.L.C.

**Current Principal Place of Business:**

6150 DIAMOND CENTRE COURT, BLDG. 1300  
FORT MYERS, FL 33912

**New Principal Place of Business:**

**Current Mailing Address:**

6150 DIAMOND CENTRE COURT, BLDG. 1300  
FORT MYERS, FL 33912

**New Mailing Address:**

FEI Number: 16-1703144

FEI Number Applied For ( )

FEI Number Not Applicable ( )

Certificate of Status Desired ( )

**Name and Address of Current Registered Agent:**

ALLISON, JANET E  
6150 DIAMOND CENTRE COURT, BLDG. 1300  
FORT MYERS, FL 33912 US

**Name and Address of New Registered Agent:**

The above named entity submits this statement for the purpose of changing its registered office or registered agent, or both, in the State of Florida.

SIGNATURE:

Electronic Signature of Registered Agent

Date

**MANAGING MEMBERS/MANAGERS:**

Title: MGR ( ) Delete  
Name: THIBAUT, RANDY E  
Address: 6150 DIAMOND CENTRE COURT, BLDG. 1300  
City-St-Zip: FORT MYERS, FL 33912

Title: ( ) Delete  
Name:  
Address:  
City-St-Zip:

Title: ( ) Delete  
Name:  
Address:  
City-St-Zip:

**ADDITIONS/CHANGES:**

Title: ( ) Change ( ) Addition  
Name:  
Address:  
City-St-Zip:

Title: V ( ) Change (X) Addition  
Name: ALLISON, JANET E  
Address: 6150 DIAMOND CENTRE COURT, BLDG. 1300  
City-St-Zip: FORT MYERS, FL 33912

Title: V ( ) Change (X) Addition  
Name: KERVER, W MICHAEL  
Address: 6150 DIAMOND CENTRE COURT, BLDG. 1300  
City-St-Zip: FORT MYERS, FL 33912

I hereby certify that the information supplied with this filing does not qualify for the for the exemption stated in Chapter 119, Florida Statutes. I further certify that the information indicated on this report is true and accurate and that my electronic signature shall have the same legal effect as if made under oath; that I am a managing member or manager of the limited liability company or the receiver or trustee empowered to execute this report as required by Chapter 608, Florida Statutes.

SIGNATURE: RANDY THIBAUT

MGR

03/16/2006

Electronic Signature of Signing Managing Member, Manager, or Authorized Representative / Date

## PROPERTY DATA FOR PARCEL 20-43-25-00-00003.1000

### TAX YEAR 2006

Parcel data is available for the following tax years:

[ [2001](#) | [2002](#) | [2003](#) | [2004](#) | [2005](#) | [2006](#) ]

[ [Next Lower Parcel Number](#) | [Next Higher Parcel Number](#)

| [Display Tax Bills on this Parcel](#) | **NEW! Tax Estimator** ]

OWNERSHIP, LEGAL, SALES AND DISTRICT DATA ARE FROM THE CURRENT DATABASE.  
LAND, BUILDING, VALUE AND EXEMPTION DATA ARE FROM THE 2006 ROLL.

## PROPERTY DETAILS

### OWNER OF RECORD

S W FLORIDA LAND 163 LLC  
6150 DIAMOND CENTRE CT  
BLDG 1300  
FORT MYERS FL 33912

### SITE ADDRESS

7701 BAYSHORE RD  
NORTH FORT MYERS FL 33917

### LEGAL DESCRIPTION

PARL DESC IN SEC 20  
AS DESC IN OR 1381 PG 210  
LESS INST#2006-417839

[ [VIEWER](#) ] [TAX MAP](#) [ [PRINT](#) ]



[ [PICTOMETRY](#) ]

### TAXING DISTRICT

040 - E/LY N FT MYERS/N FT MYERS FIRE 64 - GRAZING LAND CLASS V

### DOR CODE

### PROPERTY VALUES (TAX ROLL 2006)[ [NEW!](#) [HISTORY](#) [CHART](#) ]

### EXEMPTIONS

### ATTRIBUTES

JUST	1,555,630	HOMESTEAD	0	UNITS OF MEASURE	AC
ASSESSED	9,060	AGRICULTURAL	1,546,570	NUMBER OF UNITS	106.55
ASSESSED SOH	9,060	WIDOW	0	FRONTAGE	0
TAXABLE	9,060	WIDOWER	0	DEPTH	0
BUILDING	0	DISABILITY	0	BEDROOMS	

<b>LAND</b>	<b>9,060 WHOLLY</b>	<b>0 BATHROOMS</b>
<b>BUILDING FEATURES</b>	<b>0 SOH DIFFERENCE</b>	<b>0 TOTAL BUILDING SQFT</b>
<b>LAND FEATURES</b>	<b>0</b>	<b>1ST YEAR BUILDING ON TAX ROLL</b>
		<b>HISTORIC DISTRICT</b>
		<b>No</b>

## SALES/TRANSACTIONS

<b>SALE PRICE</b>	<b>DATE</b>	<b>OR NUMBER</b>	<b>TYPE</b>	<b>TRANSACTION DETAILS DESCRIPTION</b>	<b>VACANT / IMPROVED</b>
97,700	2/11/2005	<u>4595/1267</u>	04	Disqualified (Multiple STRAP # - 01,03,07) There are 1 additional parcel(s) with this document (may have been split after the transaction date)... <u>20-43-25-00-00003.1010</u>	V
97,700	2/10/2005	<u>4595/1269</u>	04	Disqualified (Multiple STRAP # - 01,03,07) There are 1 additional parcel(s) with this document (may have been split after the transaction date)... <u>20-43-25-00-00003.1010</u>	V
195,300	2/9/2005	<u>4595/1265</u>	04	Disqualified (Multiple STRAP # - 01,03,07) There are 1 additional parcel(s) with this document (may have been split after the transaction date)... <u>20-43-25-00-00003.1010</u>	V
3,514,600	1/24/2005	<u>4595/1258</u>	04	Disqualified (Multiple STRAP # - 01,03,07) There are 1 additional parcel(s) with this document (may have been split after the transaction date)... <u>20-43-25-00-00003.1010</u>	V
100	8/28/2002	<u>3718/4367</u>	04	Disqualified (Multiple STRAP # - 01,03,07) There are 2 additional parcel(s) with this document (may have been split after the transaction date)... <u>20-43-25-00-00001.0010,</u> <u>20-43-25-00-00003.1010</u>	V
91,300	5/30/2002	<u>3705/1760</u>	04	Disqualified (Multiple STRAP # - 01,03,07) There are 2 additional parcel(s) with this document (may have been split after the transaction date)... <u>20-43-25-00-00001.0010,</u> <u>20-43-25-00-00003.1010</u>	V
1,255,500	8/1/1993	<u>2418/1497</u>	04	Disqualified (Multiple STRAP # - 01,03,07) There are 2 additional parcel(s) with this document (may have been split after the transaction date)... <u>20-43-25-00-00001.0010,</u> <u>20-43-25-00-00003.1010</u>	V
747,000	9/1/1979	<u>1374/1686</u>	02	Qualified (Multiple STRAP # / 06-09I) There are 1 additional parcel(s) with this document (may have been split after the transaction date)... <u>20-43-25-00-00003.1010</u>	V

## PARCEL NUMBERING HISTORY

CREATION DATE - 1/1/1980

PRIOR STRAP	RENUMBER REASON	RENUMBER DATE
20-43-25-00-00003.1010	Split (From another Parcel)	Monday, December 11, 2006
20-43-25-00-00003.0020	Split (From another Parcel)	Unspecified

## SOLID WASTE (GARBAGE) ROLL DATA

SOLID WASTE DISTRICT	ROLL TYPE	CATEGORY	UNIT/AREA	TAX AMOUNT
005 - Service Area 5	-		0	0.00

### COLLECTION DAYS

**GARBAGE**  
Friday

**RECYCLING**  
Monday

**HORTICULTURE**  
Wednesday

## ELEVATION INFORMATION

### STORM SURGE CATEGORY

Category 3

### FLOOD INSURANCE (FIRM FAQ)

RATE CODE	COMMUNITY	PANEL	VERSION	DATE
AE:EL15	125124	0225	C	031594

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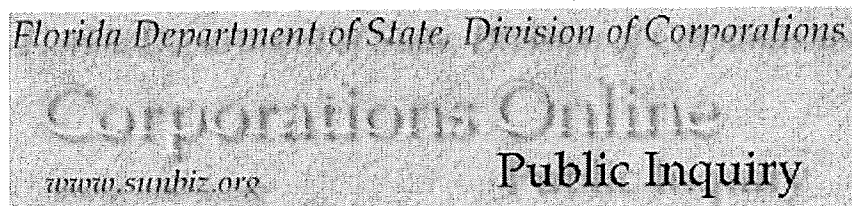
## APPRAISAL DETAILS

TRIM (*proposed* tax) Notices are available for the following tax years:  
[ [1997](#) | [1998](#) | [1999](#) | [2000](#) | [2001](#) | [2002](#) | [2003](#) | [2004](#) | [2005](#) | [2006](#) ]

[ [Next Lower Parcel Number](#) | [Next Higher Parcel Number](#) ]

[ [New Query](#) | [New Browse](#) | [Parcel Queries Page](#) | [Lee PA Home](#) ]

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Page was last modified on Wednesday, November 01, 2006 9:58:13 AM.



**Florida Limited Liability**  
**S.W. FLORIDA LAND 163, L.L.C.**

**PRINCIPAL ADDRESS**

6150 DIAMOND CENTRE COURT, BLDG. 1300  
FORT MYERS FL 33912

**MAILING ADDRESS**

6150 DIAMOND CENTRE COURT, BLDG. 1300  
FORT MYERS FL 33912

**Document Number**  
L04000049647

**FEI Number**  
161703144

**Date Filed**  
07/02/2004

**State**  
FL

**Status**  
ACTIVE

**Effective Date**  
NONE

**Total Contribution**  
0.00

**Registered Agent**

Name & Address
ALLISON, JANET E 6150 DIAMOND CENTRE COURT, BLDG. 1300 FORT MYERS FL 33912
Name Changed: 03/17/2005

**Manager/Member Detail**

Name & Address	Title
THIBAUT, RANDY E 6150 DIAMOND CENTRE COURT, BLDG. 1300 FORT MYERS FL 33912	MGR
ALLISON, JANET E 6150 DIAMOND CENTRE COURT, BLDG. 1300 FORT MYERS FL 33912	V
KERVER, W MICHAEL 6150 DIAMOND CENTRE COURT, BLDG. 1300	V

FORT MYERS FL 33912

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## Annual Reports

Report Year	Filed Date
2005	03/17/2005
2006	03/16/2006

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No Events  
No Name History Information

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## Document Images

Listed below are the images available for this filing.

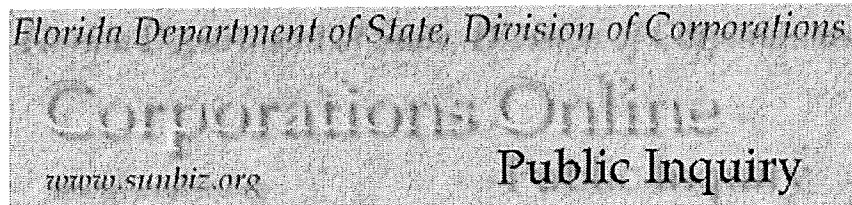
03/16/2006 -- ANNUAL REPORT
03/17/2005 -- ANN REP/UNIFORM BUS REP
07/02/2004 -- Florida Limited Liabilites

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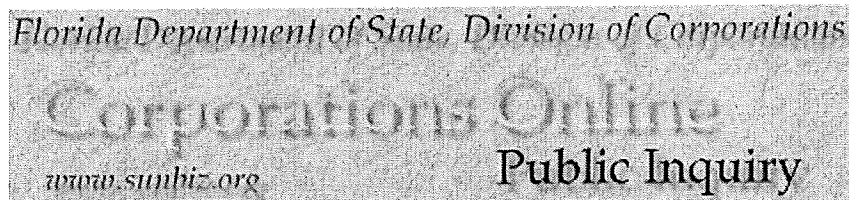
## Corporate Officer/Registered Agent Name List

Officer/RA Name	Entity Name	Document Number
<a href="#">THIBAUT, RANDY</a>	DEVELOPMENT SOLUTIONS, L.L.C.	L02000000481
<a href="#">THIBAUT, RANDY</a>	S.W. FLORIDA LAND SIX, L.L.C.	L02000002232
<a href="#">THIBAUT, RANDY</a>	S.W. FLORIDA LAND FIVE, L.L.C.	L02000002233
<a href="#">THIBAUT, RANDY</a>	S.W. FLORIDA LAND 411, L.L.C.	L02000018292
<a href="#">THIBAUT, RANDY</a>	ADVANCE SOLUTIONS, L.L.C.	L02000018295
<a href="#">THIBAUT, RANDY</a>	S.W. FLORIDA LAND SEVEN, L.L.C.	L02000018537
<a href="#">THIBAUT, RANDY</a>	S.W. FLORIDA LAND NINE, L.L.C.	L03000030180
<a href="#">THIBAUT, RANDY</a>	S.W. FLORIDA LAND EIGHT, L.L.C.	L03000048234
<a href="#">THIBAUT, RANDY</a>	S.W. FLORIDA LAND TEN, L.L.C.	L04000004469
<a href="#">THIBAUT, RANDY</a>	S.W. FLORIDA LAND ELEVEN, L.L.C.	L04000014239
<a href="#">THIBAUT, RANDY</a>	S.W. FLORIDA LAND TWELVE, L.L.C.	L04000014241
<a href="#">THIBAUT, RANDY</a>	S.W. FLORIDA LAND FOURTEEN, L.L.C.	L04000066579
<a href="#">THIBAUT, RANDY</a>	ADVANCE SOLUTIONS FOUR, L.L.C.	L04000075237
<a href="#">THIBAUT, RANDY</a>	ADVANCE SOLUTIONS TWO, L.L.C.	L04000075238
<a href="#">THIBAUT, RANDY</a>	ADVANCE SOLUTIONS THREE, L.L.C.	L04000075239
<a href="#">THIBAUT, RANDY</a>	CONSTRUCTION SOLUTIONS OF SOUTHWEST FLORIDA, L.L.C.	L04000083752
<a href="#">THIBAUT, RANDY</a>	S.W. FLORIDA LAND FIFTEEN, L.L.C.	L05000008141
<a href="#">THIBAUT, RANDY</a>	FLORIDA COLORADO, L.L.C.	L05000029355
<a href="#">THIBAUT, RANDY</a>	S.W. FLORIDA LAND SIXTEEN, L.L.C.	L05000036563
<a href="#">THIBAUT, RANDY</a>	HANCOCK 4511, L.L.C.	L05000052557
<a href="#">THIBAUT, RANDY</a>	S.W. FLORIDA LAND SEVENTEEN, L.L.C.	L05000061379
<a href="#">THIBAUT, RANDY</a>	S.W. FLORIDA LAND EIGHTEEN, L.L.C.	L05000076104
<a href="#">THIBAUT, RANDY</a>	S.W. FLORIDA LAND TWENTY, L.L.C.	L05000109863
<a href="#">THIBAUT, RANDY</a>	S.W. FLORIDA LAND NINETEEN, L.L.C.	L06000016604

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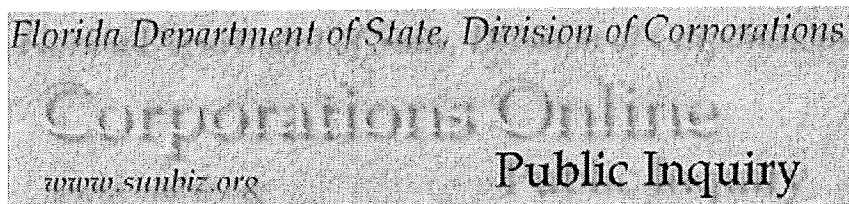
## Corporate Officer/Registered Agent Name List

Officer/RA Name	Entity Name	Document Number
<a href="#">THIBAUT, RANDY</a>	S - K JONES LOOP, LLC	L06000023182
<a href="#">THIBAUT, RANDY</a>	STOLLE - CRUMP, LLC	L06000038116
<a href="#">THIBAUT, RANDY</a>	GT 40, LLC	L06000064769
<a href="#">THIBAUT, RANDY</a>	S.W. FLORIDA LAND TWENTY-ONE, L.L.C.	L06000064772
<a href="#">THIBAUT, RANDY</a>	ECONOMIC GROWTH COALITION, INC.	N03000007152
<a href="#">THIBAUT, RANDY</a>	LAKE CADIS ESTATES HOMEOWNERS ASSOCIATION, INC.	N05000004451
<a href="#">THIBAUT, RANDY</a>	LAKE OLGETHORPE ESTATES HOMEOWNERS ASSOCIATION, INC.	N05000004880
<a href="#">THIBAUT, RANDY</a>	LAKE SHALLOWFORD ESTATES HOMEOWNERS ASSOCIATION, INC.	N05000008125
<a href="#">THIBAUT, RANDY</a>	SENTRY STORAGE, INC.	P01000091492
<a href="#">THIBAUT, RANDY E</a>	R&R RANCH, OURAY COUNTY, L.L.C.	L01000016303
<a href="#">THIBAUT, RANDY E</a>	WESTWOOD, L.L.C.	L03000010028
<a href="#">THIBAUT, RANDY E</a>	SERENA PARK, L.L.C.	L04000044512
<a href="#">THIBAUT, RANDY E</a>	S.W. FLORIDA LAND 163, L.L.C.	L04000049647
<a href="#">THIBAUT, RANDY E</a>	LAREDO LAKES, L.L.C.	L05000000925
<a href="#">THIBAUT, RANDY E</a>	T & I INVESTMENTS, LLC	L05000109864
<a href="#">THIBAUT, RANDY E</a>	LAND SOLUTIONS, INC.	P99000049377
<a href="#">THIBAUT, RANDY E</a>	T & I INVESTMENTS, LLC	L05000109864
<a href="#">THIBAUT, SOLANGE</a>	DESTINY, LLC	L06000034879
<a href="#">THIBAUT, SOLANGE</a>	PREFERENCE GROUP HOME, CORPORATION	P05000108581
<a href="#">THIBAUTT, DAVID</a>	ATLANTIS DRYWALL IV, INC.	P05000092670
<a href="#">THIBAUT, WILFRID</a>	DESTINY, LLC	L06000034879
<a href="#">THIBAUT, WILFRID</a>	PREFERENCE GROUP HOME, CORPORATION	P05000108581
<a href="#">THIBBLIN, ULF</a>	T M T ENTERPRISES, INC.	633643
<a href="#">THIBEAU, BARBARA J</a>	CAT TAILS, INC.	P95000090769

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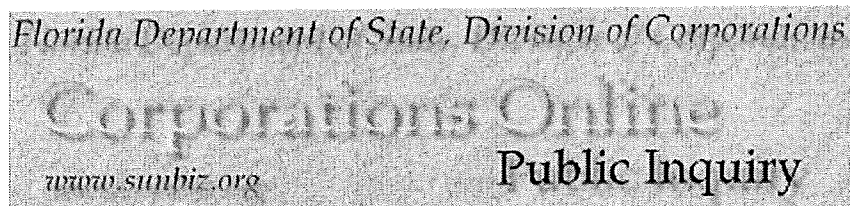
## Corporate Officer/Registered Agent Name List

Officer/RA Name	Entity Name	Document Number
<a href="#">KERVER, W MICHAEL</a>	MCK OF OCALA, INC.	663546
<a href="#">KERVER, W. MICHAEL</a>	PERSONAL ADVANCEMENT SYSTEMS, INC.	G43780
<a href="#">KERVER, W. MICHAEL</a>	S.W. FLORIDA LAND 411, L.L.C.	L02000018292
<a href="#">KERVER, W MICHAEL</a>	ADVANCE SOLUTIONS, L.L.C.	L02000018295
<a href="#">KERVER, W MICHAEL</a>	WESTWOOD, L.L.C.	L03000010028
<a href="#">KERVER, W MICHAEL</a>	SERENA PARK, L.L.C.	L04000044512
<a href="#">KERVER, W MICHAEL</a>	S.W. FLORIDA LAND 163, L.L.C.	L04000049647
<a href="#">KERVER, W MICHAEL</a>	ADVANCE SOLUTIONS FOUR, L.L.C.	L04000075237
<a href="#">KERVER, W MICHAEL</a>	ADVANCE SOLUTIONS TWO, L.L.C.	L04000075238
<a href="#">KERVER, W MICHAEL</a>	ADVANCE SOLUTIONS THREE, L.L.C.	L04000075239
<a href="#">KERVER, W MICHAEL</a>	SIX MILE CROSSING, L.L.C.	L04000082941
<a href="#">KERVER, W. MICHAEL</a>	LAREDO LAKES PROPERTY OWNERS ASSOCIATION, INC.	N06000012317
<a href="#">KERVER, W. MICHAEL</a>	MISTY OAKS REALTY, INC.	P01000110519
<a href="#">KERVER, W. MICHAEL</a>	PERSONAL ADVANCEMENT SYSTEMS, INC.	G43780
<a href="#">KERVER, W. MICHAEL</a>	GLADIOLUS PRESERVE, L.L.C.	L02000004419
<a href="#">KERVER, W. MICHAEL</a>	METRO COMMERCE CENTER, LLC	L04000023163
<a href="#">KERVER, W. MICHAEL</a>	ADVANCE FLORIDA PROPERTIES, L.L.C.	L05000001332
<a href="#">KERVER, W. MICHAEL</a>	AMC PROPERTY INVESTMENTS, L.L.C.	L05000018288
<a href="#">KERVER, W. MICHAEL</a>	ISLAND PARK INVESTMENTS, L.L.C.	L05000047722
<a href="#">KERVER, W. MICHAEL</a>	PINE RIDGE INVESTMENTS, L.L.C.	L05000073825
<a href="#">KERVER, W. MICHAEL</a>	PEACE RIVER LAND GROUP, LLC	L05000077681
<a href="#">KERVER, W. MICHAEL</a>	ADVANCE HOMES INC.	P11110
<a href="#">KERVER, W. MICHAEL</a>	MILL CREEK FLORIDA ENTERPRISES, LLC	L05000058702
<a href="#">KERVIAN, KAREN</a>	BLACK WIDOW INTERNET SERVICES OF THE KEYS INC	P00000069270

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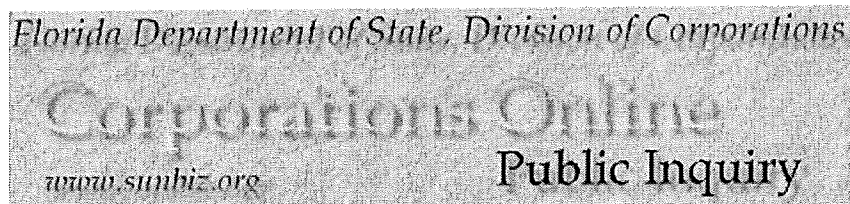
### Corporate Officer/Registered Agent Name List

Officer/RA Name	Entity Name	Document Number
<a href="#">ALLISON, JANET E</a>	S.W. FLORIDA LAND ONE, L.L.C.	L01000006699
<a href="#">ALLISON, JANET E</a>	S.W. FLORIDA LAND THREE, L.L.C.	L01000008942
<a href="#">ALLISON, JANET E</a>	S.W. FLORIDA LAND TWO, L.L.C.	L01000008943
<a href="#">ALLISON, JANET E</a>	S.W. FLORIDA LAND FOUR, L.L.C.	L01000016304
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<a href="#">ALLISON, JANET E</a>	ADVANCE SOLUTIONS, L.L.C.	L02000018295
<a href="#">ALLISON, JANET E</a>	S.W. FLORIDA LAND SEVEN, L.L.C.	L02000018537
<a href="#">ALLISON, JANET E</a>	WESTWOOD, L.L.C.	L03000010028
<a href="#">ALLISON, JANET E</a>	S.W. FLORIDA LAND NINE, L.L.C.	L03000030180
<a href="#">ALLISON, JANET E</a>	VTX, LLC	L03000044416
<a href="#">ALLISON, JANET E</a>	S.W. FLORIDA LAND EIGHT, L.L.C.	L03000048234
<a href="#">ALLISON, JANET E</a>	S.W. FLORIDA LAND TEN, L.L.C.	L04000004469
<a href="#">ALLISON, JANET E</a>	S.W. FLORIDA LAND ELEVEN, L.L.C.	L04000014239
<a href="#">ALLISON, JANET E</a>	S.W. FLORIDA LAND TWELVE, L.L.C.	L04000014241
<a href="#">ALLISON, JANET E</a>	SERENA PARK, L.L.C.	L04000044512
<a href="#">ALLISON, JANET E</a>	S.W. FLORIDA LAND 163, L.L.C.	L04000049647
<a href="#">ALLISON, JANET E</a>	S.W. FLORIDA LAND FOURTEEN, L.L.C.	L04000066579
<a href="#">ALLISON, JANET E</a>	ADVANCE SOLUTIONS FOUR, L.L.C.	L04000075237
<a href="#">ALLISON, JANET E</a>	ADVANCE SOLUTIONS TWO, L.L.C.	L04000075238
<a href="#">ALLISON, JANET E</a>	ADVANCE SOLUTIONS THREE, L.L.C.	L04000075239
<a href="#">ALLISON, JANET E</a>	SIX MILE CROSSING, L.L.C.	L04000082941
<a href="#">ALLISON, JANET E</a>	S.W. FLORIDA LAND FIFTEEN, L.L.C.	L05000008141
<a href="#">ALLISON, JANET E</a>	FLORIDA COLORADO, L.L.C.	L05000029355
<a href="#">ALLISON, JANET E</a>	S.W. FLORIDA LAND SIXTEEN, L.L.C.	L05000036563

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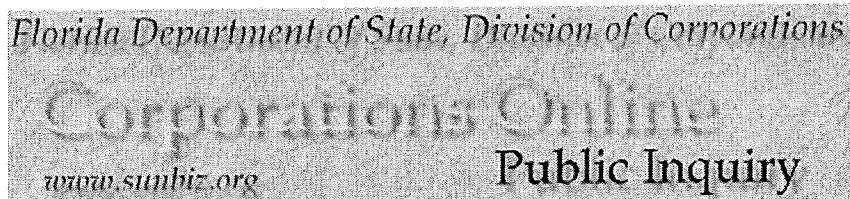
## Corporate Officer/Registered Agent Name List

Officer/RA Name	Entity Name	Document Number
<a href="#">ALLISON, JANET E</a>	HANCOCK 4511, L.L.C.	L05000052557
<a href="#">ALLISON, JANET E</a>	S.W. FLORIDA LAND SEVENTEEN, L.L.C.	L05000061379
<a href="#">ALLISON, JANET E</a>	S.W. FLORIDA LAND EIGHTEEN, L.L.C.	L05000076104
<a href="#">ALLISON, JANET E</a>	S.W. FLORIDA LAND TWENTY, L.L.C.	L05000109863
<a href="#">ALLISON, JANET E</a>	T & I INVESTMENTS, LLC	L05000109864
<a href="#">ALLISON, JANET E</a>	NDT1, LLC	L05000110607
<a href="#">ALLISON, JANET E</a>	JET1, LLC	L05000112652
<a href="#">ALLISON, JANET E</a>	JACM, LLC	L06000022167
<a href="#">ALLISON, JANET E</a>	LAKE CADIS ESTATES HOMEOWNERS ASSOCIATION, INC.	N05000004451
<a href="#">ALLISON, JANET E</a>	LAKE OLGETHORPE ESTATES HOMEOWNERS ASSOCIATION, INC.	N05000004880
<a href="#">ALLISON, JANET E</a>	LAKE SHALLOWFORD ESTATES HOMEOWNERS ASSOCIATION, INC.	N05000008125
<a href="#">ALLISON, JANET E</a>	LAREDO LAKES PROPERTY OWNERS ASSOCIATION, INC.	N06000012317
<a href="#">ALLISON, JANET E</a>	ALLISON REALTY, INC.	P06000147449
<a href="#">ALLISON, JANET E</a>	LAND SOLUTIONS, INC.	P99000049377
<a href="#">ALLISON, JANET E</a>	S.W. FLORIDA LAND ONE, L.L.C.	L01000006699
<a href="#">ALLISON, JANET E</a>	S.W. FLORIDA LAND THREE, L.L.C.	L01000008942
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<a href="#">ALLISON, JANET E</a>	S.W. FLORIDA LAND FIVE, L.L.C.	L02000002233
<a href="#">ALLISON, JANET E</a>	S.W. FLORIDA LAND 411, L.L.C.	L02000018292
<a href="#">ALLISON, JANET E</a>	ADVANCE SOLUTIONS, L.L.C.	L02000018295
<a href="#">ALLISON, JANET E</a>	S.W. FLORIDA LAND SEVEN, L.L.C.	L02000018537
<a href="#">ALLISON, JANET E</a>	WESTWOOD, L.L.C.	L03000010028

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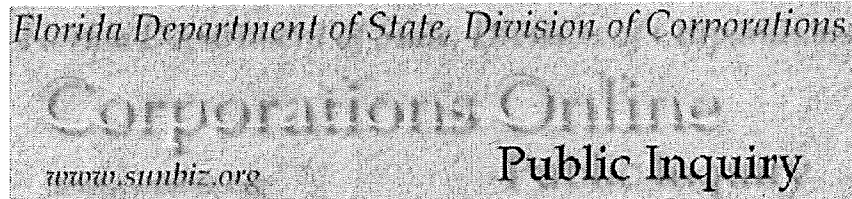
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<a href="#">ALLISON, JANET E</a>	S.W. FLORIDA LAND TEN, L.L.C.	L04000004469
<a href="#">ALLISON, JANET E</a>	S.W. FLORIDA LAND ELEVEN, L.L.C.	L04000014239
<a href="#">ALLISON, JANET E</a>	S.W. FLORIDA LAND TWELVE, L.L.C.	L04000014241
<a href="#">ALLISON, JANET E</a>	SERENA PARK, L.L.C.	L04000044512
<a href="#">ALLISON, JANET E</a>	S.W. FLORIDA LAND 163, L.L.C.	L04000049647
<a href="#">ALLISON, JANET E</a>	S.W. FLORIDA LAND FOURTEEN, L.L.C.	L04000066579
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<a href="#">ALLISON, JANET E</a>	ADVANCE SOLUTIONS TWO, L.L.C.	L04000075238
<a href="#">ALLISON, JANET E</a>	ADVANCE SOLUTIONS THREE, L.L.C.	L04000075239
<a href="#">ALLISON, JANET E</a>	SIX MILE CROSSING, L.L.C.	L04000082941
<a href="#">ALLISON, JANET E</a>	CONSTRUCTION SOLUTIONS OF SOUTHWEST FLORIDA, L.L.C.	L04000083752
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<a href="#">ALLISON, JANET E</a>	S.W. FLORIDA LAND FIFTEEN, L.L.C.	L05000008141
<a href="#">ALLISON, JANET E</a>	FLORIDA COLORADO, L.L.C.	L05000029355
<a href="#">ALLISON, JANET E</a>	S.W. FLORIDA LAND SIXTEEN, L.L.C.	L05000036563
<a href="#">ALLISON, JANET E</a>	HANCOCK 4511, L.L.C.	L05000052557
<a href="#">ALLISON, JANET E</a>	S.W. FLORIDA LAND SEVENTEEN, L.L.C.	L05000061379
<a href="#">ALLISON, JANET E</a>	S.W. FLORIDA LAND EIGHTEEN, L.L.C.	L05000076104
<a href="#">ALLISON, JANET E</a>	S.W. FLORIDA LAND TWENTY, L.L.C.	L05000109863
<a href="#">ALLISON, JANET E</a>	NDT1, LLC	L05000110607
<a href="#">ALLISON, JANET E</a>	JET1, LLC	L05000112652
<a href="#">ALLISON, JANET E</a>	S.W. FLORIDA LAND NINETEEN, L.L.C.	L06000016604

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[Corporations Inquiry](#)
[Corporations Help](#)



## Corporate Officer/Registered Agent Name List

Officer/RA Name	Entity Name	Document Number
<a href="#">ALLISON, JANET E</a>	JACM, LLC	L06000022167
<a href="#">ALLISON, JANET E</a>	S - K JONES LOOP, LLC	L06000023182
<a href="#">ALLISON, JANET E</a>	STOLLE - CRUMP, LLC	L06000038116
<a href="#">ALLISON, JANET E</a>	GT 40, LLC	L06000064769
<a href="#">ALLISON, JANET E</a>	S.W. FLORIDA LAND TWENTY-ONE, L.L.C.	L06000064772
<a href="#">ALLISON, JANET E</a>	LAKE CADIS ESTATES HOMEOWNERS ASSOCIATION, INC.	N05000004451
<a href="#">ALLISON, JANET E</a>	LAKE OLGETHORPE ESTATES HOMEOWNERS ASSOCIATION, INC.	N05000004880
<a href="#">ALLISON, JANET E</a>	LAKE SHALLOWFORD ESTATES HOMEOWNERS ASSOCIATION, INC.	N05000008125
<a href="#">ALLISON, JANET E</a>	ALLISON REALTY, INC.	P06000147449
<a href="#">ALLISON, JANET E</a>	LAND SOLUTIONS, INC.	P99000049377
<a href="#">ALLISON, JANICE</a>	FOOD SERVICE OF AMERICA, INC.	534552
<a href="#">ALLISON, JANICE</a>	GOLDEN COURIER, INC.	L18982
<a href="#">ALLISON, JASMINE J</a>	ARC CONSULTING HOME HEALTH AGENCY, INC.	P06000030662
<a href="#">ALLISON, JASMINE J</a>	ARC CONSULTING HOME HEALTH AGENCY, INC.	P06000030662
<a href="#">ALLISON, JASON</a>	ESSENCE OF LIFE - INTERNATIONAL, INC.	N03000009940
<a href="#">ALLISON, JASON M</a>	TECHNICIAN24 LLC	L05000050559
<a href="#">ALLISON, JASON W</a>	DEMACU, INC.	K58419
<a href="#">ALLISON, JAY</a>	FOUR AMIGOS 1, LLC	L05000122912
<a href="#">ALLISON, JAY</a>	FOUR AMIGOS 2, LLC	L05000122913
<a href="#">ALLISON, JAY</a>	FOUR AMIGOS 3, LLC	L06000070783
<a href="#">ALLISON, JAY</a>	BOMA-GREATER TAMPA BAY INC.	N06099
<a href="#">ALLISON, JAY</a>	FLORIDA ENGINEERED PRODUCTS, INC.	P00000111722
<a href="#">ALLISON, JAY</a>	AGC OF TAMPA BAY, INC.	P97000032259
<a href="#">ALLISON, JAY</a>	AGC OF TAMPA BAY, INC.	P97000032259

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## Title Insurance

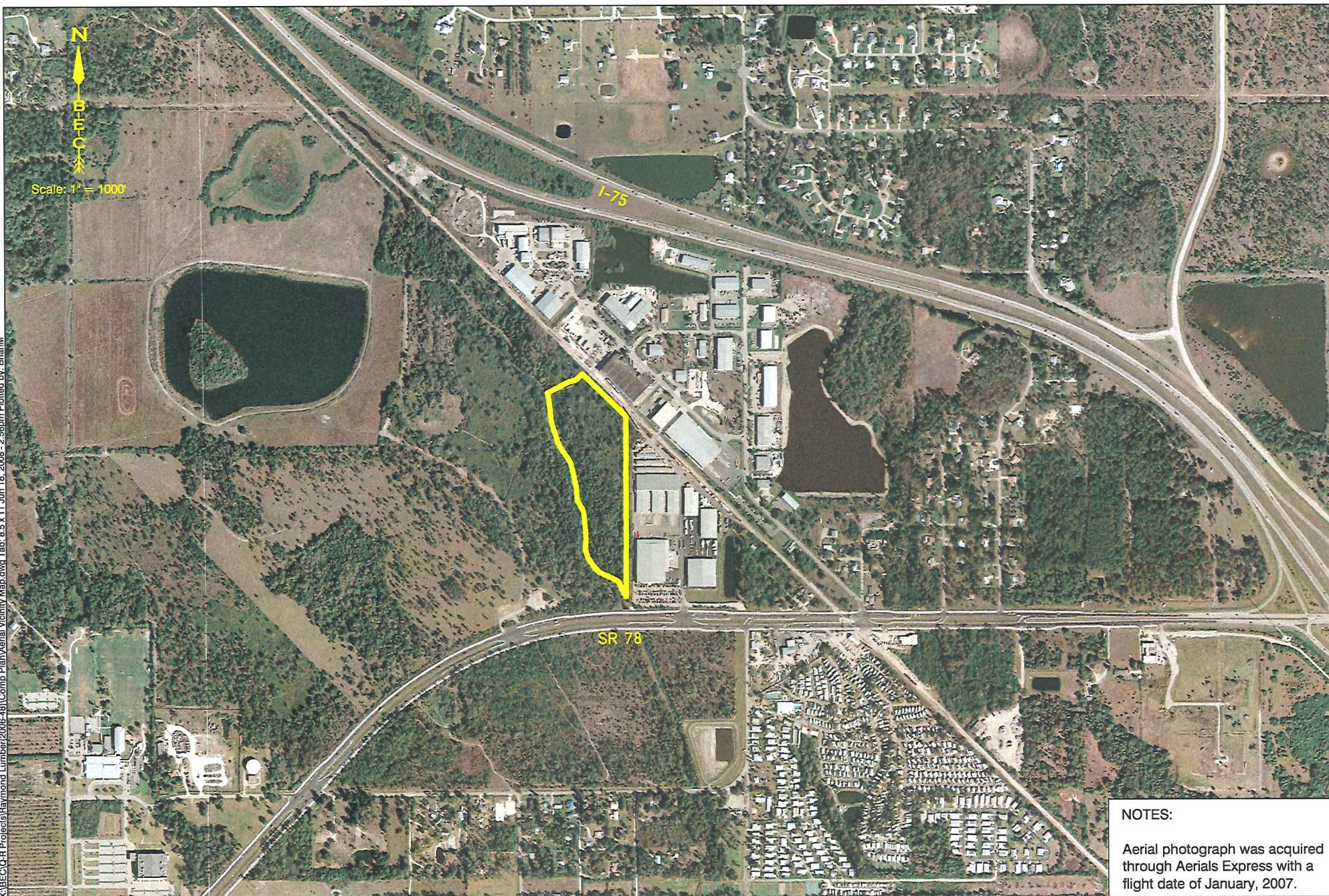
FORT MYERS, FLORIDA 33901

RANGE.....EAST

1 INCH EQUALS 10 CHAINS, 660 FEET, 40 RODS OR 220 YARDS.



X:\BEC\Q-R Projects\Raymond Lumber(2006-48)\Comp Plan\Aerial Vicinity Map.dwg Tab: 8.5 x 11 Jun 18, 2008 - 2:56pm Plotted by: BrianM



NOTES:

Aerial photograph was acquired through Aerials Express with a flight date of January, 2007.





X:\BEC\Q-R PROJECTS\RAYMOND LUMBER(2006-48)\COMP PLAN\FLUCFCS.DWG TAB: LAYOUT2 JUN 18, 2008 - 3:02PM PLOTTED BY: BRIANM

**NOTES:**  
 FLUCFCS LINES ESTIMATED FROM 1"=200' AERIAL PHOTOGRAPHS AND LOCATIONS APPROXIMATED.  
 FLUCFCS PER FLORIDA LAND USE, COVER AND FORMS CLASSIFICATION SYSTEM (FLUCFCS) (FDOT 1999).

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



Drawn By:	Date:	Category
B.K.M.	6/18/08	FLUCFCS
Job Number	Scale:	
2006-48	1" = 200'	
S/T/R	County	
20/43S/25E	Lee	

## Raymond Lumber

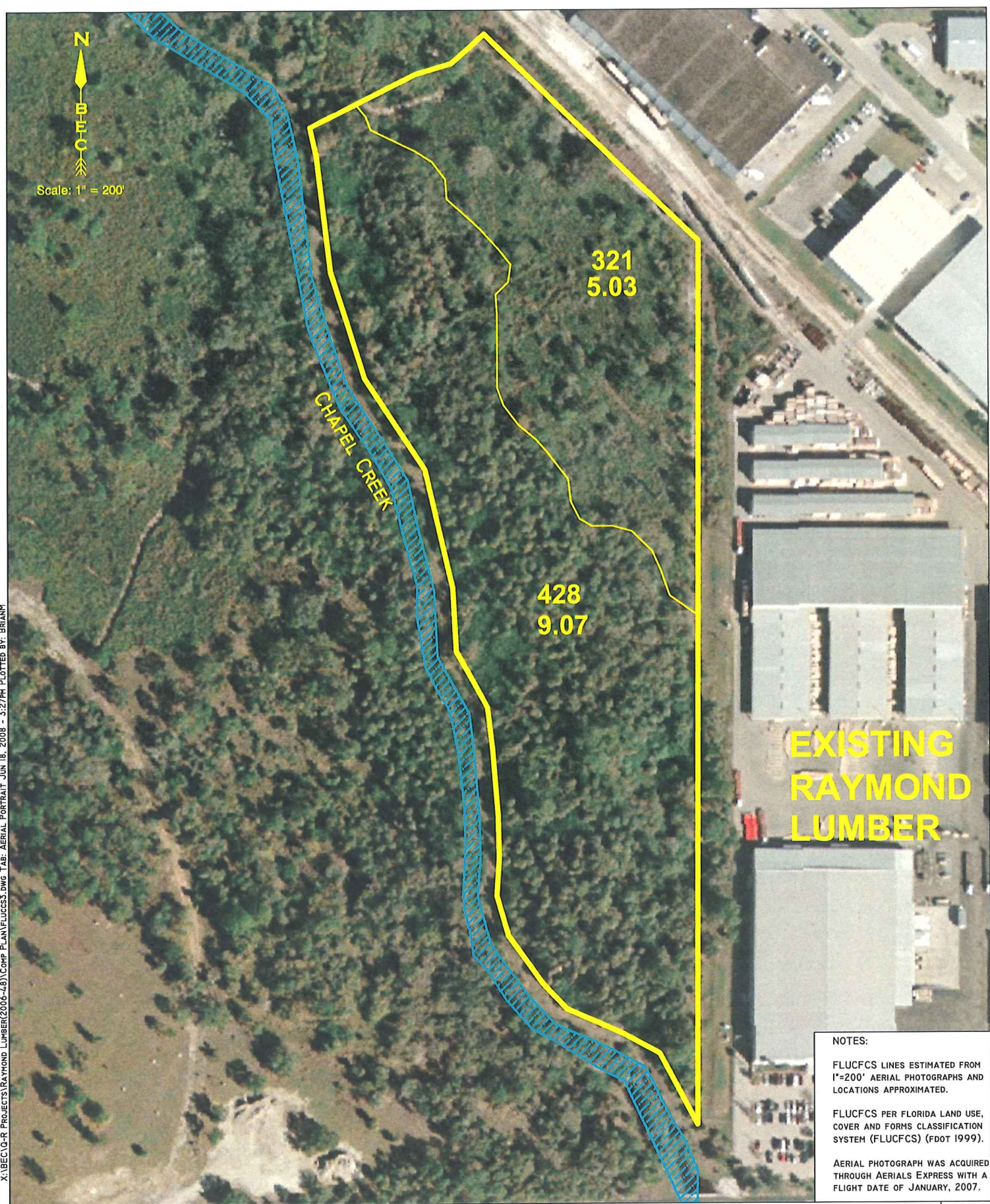
### Aerial FLUCFCS Map

Page

Exhibit



X:\BEC\Q-R PROJECTS\RAYMOND LUMBER(2006-48)\COMP PLAN\FLUCFS3.DWG TAB: AERIAL PORTRAIT JUN 18, 2008 - 3:27PM PLOTTED BY: BRIANM



NOTES:

FLUCFCS LINES ESTIMATED FROM 1"=200' AERIAL PHOTOGRAPHS AND LOCATIONS APPROXIMATED.

FLUCFCS PER FLORIDA LAND USE, COVER AND FORMS CLASSIFICATION SYSTEM (FLUCFCS) (FDOT 1999).

AERIAL PHOTOGRAPH WAS ACQUIRED THROUGH AERIALS EXPRESS WITH A FLIGHT DATE OF JANUARY, 2007.

<div>Boylan Environmental Consultants, Inc. <i>Wetland &amp; Wildlife Surveys, Environmental Permitting, Impact Assessments</i> 11000 Metro Parkway, Suite 4, Ft. Myers, FL 33966 (239) 418-0671</div>	Drawn By:	Date:	Category:	Raymond Lumber		Page
	B.K.M.	6/18/08	Aerial			
	Job Number		Scale:	Aerial Map		Exhibit
	2006-48		1" = 200'			
	S/T/R		County			
	20/43S/25E		Lee			3



# Raymond Lumber

## CPA 2006-14

**Table 2. Acceptable and Desirable Criteria Thresholds for Recipient Site Characteristics**

SITE CHARACTERISTIC	ACCEPTABLE CRITERIA	DESIRABLE CRITERIA
Size	> 40 acres	> 200 acres
Soil	> 45 cm DWT, with land cover verification for flatwoods sites >31 cm (select cases)	>130 cm DWT
Habitat	> 30% herb cover < 60% canopy cover	>50% herb cover <40% canopy cover
Enhanced Conservation Value		Adjacent to protected land, or in Strategic Habitat Conservation Area, or $\geq 75\%$ native upland community (maximum of 0.5)
Stocking Rate	Two per acre (requires all above criteria be satisfied)	0.5 for each site characteristic that is satisfied up to a maximum of two additional (four per acre maximum)

# Raymond Lumber

## CPA 2006-14

### Gopher Tortoise Management Plan – pg. xv

- **Viable population** - a stable, self-sustaining population with a high likelihood (e.g., more than 95%) of surviving for a long-term period (e.g., 100 years).

## Raymond Lumber CPA 2006-14

**RULE:**68A-27.004 Designation of Threatened Species; Prohibitions; Permits.

- (2) The gopher tortoise (*Gopherus polyphemus*) is hereby declared to be threatened, and shall be afforded the protective provisions specified in this subsection. No person shall take, attempt to take, pursue, hunt, harass, capture, possess, sell or transport any gopher tortoise or parts thereof or their eggs, or molest, damage, or destroy gopher tortoise burrows, except as authorized by Commission permit or when complying with Commission approved guidelines for specific actions which may impact gopher tortoises and their burrows. A gopher tortoise burrow is a tunnel with a cross-section that closely approximates the shape of a gopher tortoise. Permits will be issued based upon whether issuance would further management plan goals and objectives.



# Raymond Lumber CPA 2006-14

## Gopher Tortoise Management Plan – pg. 8

### Conservation Goal

The **overall goal** or vision for gopher tortoise conservation is to restore and maintain secure, viable populations of gopher tortoises throughout the species' current range in Florida.

### Biological Goal

The immediate **biological goal** is to progressively decrease the rate of decline of the gopher tortoise to allow its listing as a species of special concern and eventually as an unlisted, managed species.

## **Raymond Lumber CPA 2006-14**

### **THE LEE PLAN**

#### **OBJECTIVE 1.4: NON-URBAN AREAS.**

Designate on the Future Land Use Map categories for those areas not anticipated for urban development at this time.

# Raymond Lumber

## CPA 2006-14

### THE LEE PLAN

#### **POLICY 1.4.6: The Conservation Lands include uplands and wetlands that are owned and used for long range conservation purposes.**

Upland and wetland conservation lands will be shown as separate categories on the FLUM. Upland conservation lands will be subject to the provisions of this policy. Wetland conservation lands will be subject to the provisions of both the Wetlands category described in Objective 1.5 and the Conservation Lands category described in this policy. The most stringent provisions of either category will apply to wetland conservation lands.

Conservation lands will include all public lands required to be used for conservation purposes by some type of legal mechanism such as statutory requirements, funding and/or grant conditions, and mitigation preserve areas required for land development approvals.

Conservation Lands may include such uses as wildlife preserves; wetland and upland mitigation areas and banks; natural resource based parks; ancillary uses for environmental research and education, historic and cultural preservation, and natural resource based parks (such as signage, parking facilities, caretaker quarters, interpretive kiosks, research centers, and quarters and other associated support services); and water conservation lands such as aquifer recharge areas, flowways, flood prone areas, and well fields.

2020 lands designated as conservation are also subject to more stringent use provisions of the 2020 Program or the 2020 ordinances. (Added by Ordinance No. 98-09, Amended by Ordinance No. 02-02)



# Legend

Conservation Lands Upland

0 1 2 3 4 5  
Miles

Lee County FLUM and Conservation 20/20 were  
acquired from the Lee County GIS department's  
Website and were last updated 3/31/08.

## LEE COUNTY FUTURE LAND USE CONSERVATION LANDS UPLANDS WITHIN LEE COUNTY 20/20 PRESERVE LANDS

Designed by: BKM	Date: 4/30/08	SEC/TWP/RNG --	Revisions	Date:	Exhibit Number
Drawn by: BKM	Date: 4/30/08	Category: FLUM			
File Name: --		County: Lee County			



**LEE FLU Conservation Lands Upland Within FMLA Lands Within Lee County**

Name	Owner	FMLA Project Total Ac.	Lee FLU	CLU Acres Within Lee County FMLA
ALVA SCRUB PRESERVE	LEE COUNTY	170.56± Ac.	Conservation Lands Upland	170.56± Ac.
BABCOCK RANCH	TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND	73239.17± Ac.	Conservation Lands Upland	2.10± Ac.
BOCILLA PRESERVE	LEE COUNTY	197.00± Ac.	Conservation Lands Upland	23.25± Ac.
BOWMAN'S BEACH REGIONAL PARK	LEE COUNTY	170.00± Ac.	Conservation Lands Upland	52.66± Ac.
CALOOSAHATCHEE CREEKS PRESERVE	LEE COUNTY	1270.43± Ac.	Conservation Lands Upland	713.36± Ac.
CALOOSAHATCHEE REGIONAL PARK	TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND	768.00± Ac.	Conservation Lands Upland	582.06± Ac.
CALUSA LAND TRUST AND NATURE PRESERVE OF PINE ISLAND, INC.	CALUSA LAND TRUST	1076.38± Ac.	Conservation Lands Upland	13.81± Ac.
CALUSA NATURE CENTER AND PLANETARIUM	CITY OF FORT MYERS	105.00± Ac.	Conservation Lands Upland	22.56± Ac.
CAYO COSTA STATE PARK	TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND	2458.05± Ac.	Conservation Lands Upland	1338.43± Ac.
CHARLIE'S MARSH PRESERVE	LEE COUNTY	20.85± Ac.	Conservation Lands Upland	20.64± Ac.
CHARLOTTE HARBOR BUFFER PRESERVE	LEE COUNTY	1403.81± Ac.	Conservation Lands Upland	175.33± Ac.
CHARLOTTE HARBOR PRESERVE STATE PARK	TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND	42475.73± Ac.	Conservation Lands Upland	875.75± Ac.
CONSERVATION 2020 SITE #216	LEE COUNTY	43.45± Ac.	Conservation Lands Upland	39.40± Ac.
CORKSCREW REGIONAL ECOSYSTEM WATERSHED	SOUTH FLORIDA WATER MANAGEMENT DISTRICT	26025.00± Ac.	Conservation Lands Upland	1752.61± Ac.
CORKSCREW REGIONAL MITIGATION BANK	SOUTH FLORIDA WATER MANAGEMENT DISTRICT	632.60± Ac.	Conservation Lands Upland	10.81± Ac.
DANIEL'S PRESERVE AT SPANISH CREEK	LEE COUNTY	243.49± Ac.	Conservation Lands Upland	166.99± Ac.
DEEP LAGOON PRESERVE	LEE COUNTY	406.08± Ac.	Conservation Lands Upland	168.89± Ac.
ESTERO BAY PRESERVE STATE PARK	TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND	10456.74± Ac.	Conservation Lands Upland	977.87± Ac.
ESTERO MARSH PRESERVE	LEE COUNTY	243.35± Ac.	Conservation Lands Upland	158.83± Ac.
FLAG POND PRESERVE	LEE COUNTY	67.00± Ac.	Conservation Lands Upland	17.01± Ac.
FLINT PEN STRAND	LEE COUNTY	988.14± Ac.	Conservation Lands Upland	347.13± Ac.
FOUR MILE COVE ECOLOGICAL PRESERVE	TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND	365.00± Ac.	Conservation Lands Upland	5.71± Ac.
GALT PRESERVE	LEE COUNTY	159.77± Ac.	Conservation Lands Upland	109.40± Ac.
GASPARILLA ISLAND STATE PARK	TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND	127.24± Ac.	Conservation Lands Upland	45.34± Ac.
GATOR HOLE PRESERVE	LEE COUNTY	175.00± Ac.	Conservation Lands Upland	157.61± Ac.
GREENBRIAR SWAMP PRESERVE	LEE COUNTY	176.00± Ac.	Conservation Lands Upland	81.29± Ac.
HICKEY CREEK MITIGATION PARK WILDLIFE AND ENVIRONMENTAL AREA	LEE COUNTY	768.00± Ac.	Conservation Lands Upland	769.93± Ac.
HICKEY'S CREEK MITIGATION PARK	LEE COUNTY	283.80± Ac.	Conservation Lands Upland	216.99± Ac.
HICKEY'S CREEK/GREENBRIAR CONNECTOR	LEE COUNTY	72.89± Ac.	Conservation Lands Upland	40.98± Ac.
HICKORY SWAMP PRESERVE	LEE COUNTY	66.55± Ac.	Conservation Lands Upland	45.94± Ac.
IMPERIAL MARSH PRESERVE	LEE COUNTY	694.00± Ac.	Conservation Lands Upland	261.20± Ac.
IMPERIAL RIVER PRESERVE	LEE COUNTY	39.00± Ac.	Conservation Lands Upland	0.11± Ac.
J. N. DING DARLING NATIONAL WILDLIFE REFUGE	US FISH & WILDLIFE SERVICE	6406.79± Ac.	Conservation Lands Upland	278.45± Ac.
KORESHAN STATE HISTORIC SITE	TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND	163.58± Ac.	Conservation Lands Upland	145.22± Ac.
LAKES PARK	LEE COUNTY	279.00± Ac.	Conservation Lands Upland	4.13± Ac.
LIGHTHOUSE BEACH PARK	US DEPT. OF INTERIOR, BUREAU OF LAND MANAGEMENT	35.00± Ac.	Conservation Lands Upland	24.00± Ac.
LOVERS KEY STATE PARK	LEE COUNTY	1463.23± Ac.	Conservation Lands Upland	328.97± Ac.
MATANZAS PASS PRESERVE	LEE COUNTY	59.00± Ac.	Conservation Lands Upland	29.54± Ac.
MURDOCK POINT CAYO COSTA	LEE COUNTY	105.19± Ac.	Conservation Lands Upland	76.92± Ac.
ORANGE RIVER PARCEL	LEE COUNTY	6.38± Ac.	Conservation Lands Upland	6.36± Ac.
ORANGE RIVER PRESERVE	LEE COUNTY	62.34± Ac.	Conservation Lands Upland	32.16± Ac.
PERSIMMON RIDGE PRESERVE	LEE COUNTY	40.00± Ac.	Conservation Lands Upland	36.09± Ac.
PINE ISLAND FLATWOODS PRESERVE	LEE COUNTY	748.79± Ac.	Conservation Lands Upland	429.41± Ac.
PINE ISLAND NATIONAL WILDLIFE REFUGE	US FISH & WILDLIFE SERVICE	602.24± Ac.	Conservation Lands Upland	2.21± Ac.
PINE LAKE PRESERVE	LEE COUNTY	131.00± Ac.	Conservation Lands Upland	103.04± Ac.
POPAH CREEK PRESERVE	LEE COUNTY	307.50± Ac.	Conservation Lands Upland	302.82± Ac.
POWELL CREEK PRESERVE	LEE COUNTY	77.20± Ac.	Conservation Lands Upland	76.84± Ac.
PRAIRIE PINES WILDLIFE PRESERVE	LEE COUNTY	2709.00± Ac.	Conservation Lands Upland	2512.96± Ac.
RANDELL RESEARCH CENTER	LEE COUNTY	55.72± Ac.	Conservation Lands Upland	6.40± Ac.
SAN CARLOS BAY - BUNCHE BEACH PRESERVE	LEE COUNTY	704.00± Ac.	Conservation Lands Upland	7.01± Ac.
SANIBEL-CAPTIVA CONSERVATION FOUNDATION CONSERVATION LANDS	SANIBEL-CAPTIVA CONSERVATION FOUNDATION	1706.81± Ac.	Conservation Lands Upland	3.65± Ac.
SAVANNAH LAKES	LEE COUNTY	357.00± Ac.	Conservation Lands Upland	29.12± Ac.
SIX MILE CYPRESS II	SOUTH FLORIDA WATER MANAGEMENT DISTRICT	59.01± Ac.	Conservation Lands Upland	19.24± Ac.
SIX MILE CYPRESS SLOUGH PRESERVE	LEE COUNTY	2089.51± Ac.	Conservation Lands Upland	455.94± Ac.
ST. JAMES CREEK PRESERVE	LEE COUNTY	118.00± Ac.	Conservation Lands Upland	60.48± Ac.
WILD TURKEY STRAND PRESERVE	LEE COUNTY	2632.14± Ac.	Conservation Lands Upland	1326.26± Ac.
YELLOW FEVER CREEK PRESERVE	LEE COUNTY	339.43± Ac.	Conservation Lands Upland	337.47± Ac.
YUCCA PENS PRESERVE	LEE COUNTY	222.12± Ac.	Conservation Lands Upland	129.58± Ac.
YUCCA PENS UNIT	TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND	14577.00± Ac.	Conservation Lands Upland	6428.01± Ac.
		<b>201445.06± Ac.</b>		<b>22556.86± Ac.</b>