



Whitcomb  
Associates Inc.

REAL ESTATE BROKERAGE • PROJECT MANAGEMENT • DEVELOPMENT • CONSULTANTS

3461 Bonita Bay Boulevard

Suite 101

Bonita Springs, Florida 34134

239-949-9720 • fax: 239-949-9721

LICENSED REAL ESTATE BROKER

RECEIVED  
DEC 10 2007  
COMMUNITY DEVELOPMENT

December 6, 2007

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

**Re: Caloosa 80 Comprehensive Plan Amendment – CPA2006-10  
(MDA# 07030.P3)**

Dear Ms. Gonzalez:

In response to your letter dated November 30, 2007, please accept this letter as a request to place the above-referenced comprehensive plan application on hold until such time as the rezoning application for this property has been approved.

I have retained several consultants to move forward with this action, and there have been several conversations and meetings with Staff regarding this application. At this time, our hydrogeologist is working on water modeling data and parameters to sufficiently address the concerns of the Natural Resources staff. Upon completion of this task, the zoning application will be submitted for consideration.

If you have any questions or concerns please contact me.

Sincerely,

Stanley Whitcomb

cc: Mr. Charles Basinait, Esq.



LEE COUNTY  
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Bob Janes  
District One

(239) 533-8805

A. Brian Bigelow  
District Two

Ray Judah  
District Three

November 30, 2007

Tammy Hall  
District Four

Frank Mann  
District Five

Donald D. Stilwell  
County Manager

Stan Whitcomb  
8891 Brighton Lane, Suite 126  
Bonita Springs, FL 34135

David M. Owen  
County Attorney

RE: CPA2006-00010 (Caloosa 80)

Diana M. Parker  
County Hearing  
Examiner

Dear Mr. Whitcomb:

On September 27<sup>th</sup>, 2006 an application was submitted for the above referenced comprehensive plan amendment. Through previous conversations with Matt Noble of Planning staff it was indicated that you would like to place the application on hold until a rezoning request was made for the property. Staff is aware that a rezoning application has not been filed for the property and to date staff has not been notified to proceed with the sufficiency review for the plan amendment application.

Please confirm whether or not you would like to continue with the process for the comprehensive plan amendment. If Planning staff does not receive a response within 30 days, this application will be deemed withdrawn.

Sincerely,

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

cc: Planning file: CPA 2006-10

Please update your records.  
Thank You.



**Stanley P. Whitcomb, Jr. is pleased to  
announce the relocation  
of his Bonita Springs office.**

As of **May 1, 2007**  
Our **new** address is:

3461 Bonita Bay Boulevard  
Suite 101  
Bonita Springs, Florida 34134

And our **new** phone numbers are:

239.949.9720 Phone  
239.949.9721 Fax

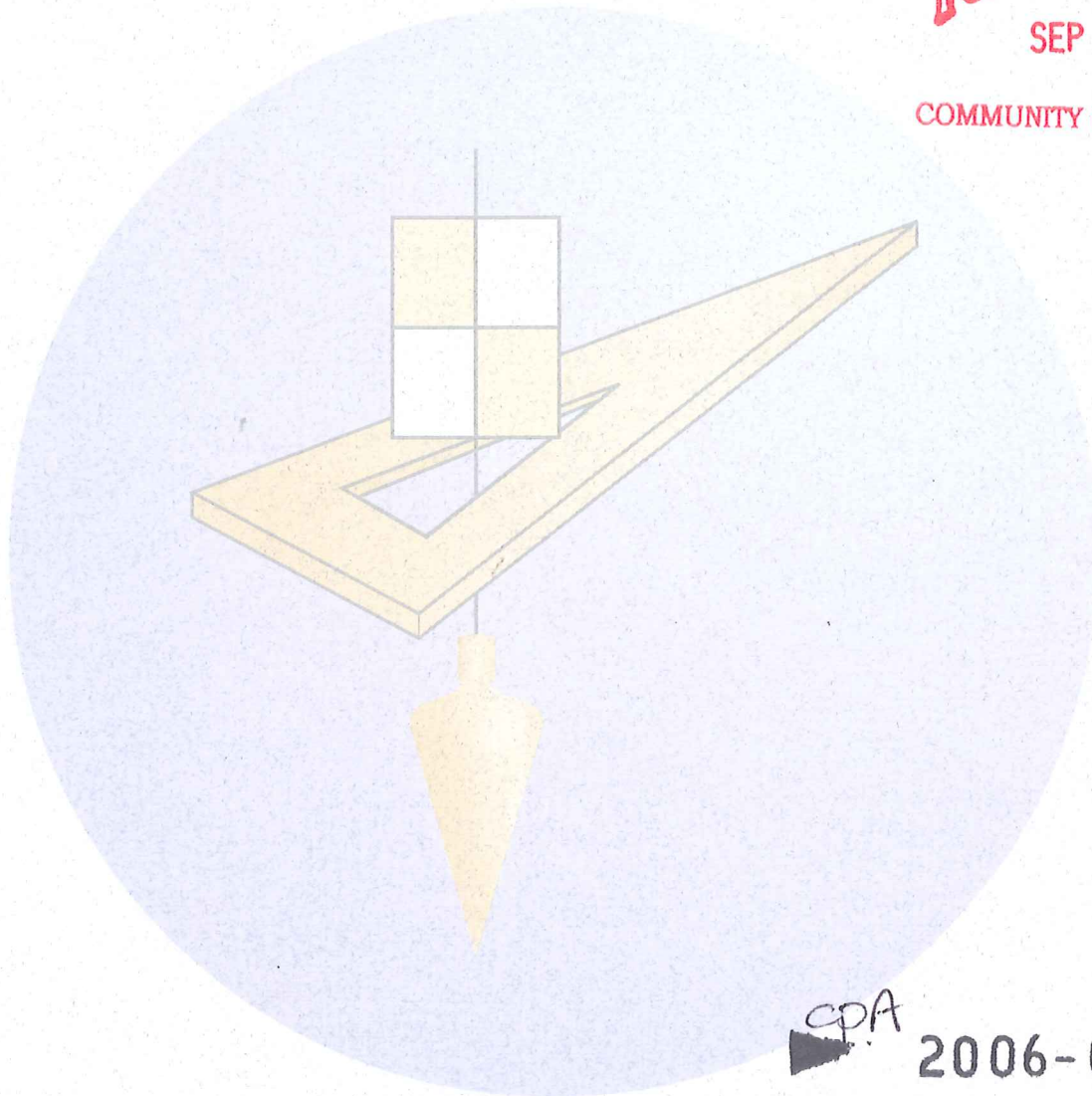
StanW@Whitgroup.net  
*MariaH*@Whitgroup.net  
LindaG@Whitgroup.net  
RickW@Whitgroup.net

Real Estate Brokerage • Project Management • Development • Consultants

***CALOOSA 80  
Future Land Use Map Amendment  
Application***

**RECEIVED**  
SEP 27 2006

COMMUNITY DEVELOPMENT



CPA

2006-00010

***September, 2006  
By: Walter Fluegel, AICP, Heidt & Associates, Inc.***

***For: Caloosa 80, LLC & Morgan Halle***

**HEIDT & ASSOCIATES, INC.**  
Fort Myers ♦ Tampa ♦ Sarasota ♦ Manatee

3800 Colonial Blvd., #200  
Fort Myers, FL 33966-1075  
Phone: 239.482.7275  
Fax: 239.482.2103





LEE COUNTY  
SOUTHWEST FLORIDA

RECEIVED

SEP 27 2006

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 9/27/06

REC'D BY: CWM

APPLICATION FEE 2380.00

TIDEMARK NO: CPA 2006-00010

### THE FOLLOWING VERIFIED:

Zoning

☐

AG-2

Commissioner District

5

Designation on FLUM

☐

Rural 99.27%

URB. COMM 0.73%

(To be completed by Planning Staff)

Plan Amendment Cycle:

☒

Normal

☐

Small Scale

☐

DRI

☐

Emergency

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

### APPLICANT PLEASE NOTE:

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

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

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

DATE

SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

CPA

2006-00010

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

**Stan Whitcomb**

APPLICANT

**8891 Brighton Lane, Suite 126**

ADDRESS

**Bonita Springs, FL 34135**

CITY

STATE

ZIP

**239-390-3164**

**239-390-3165**

TELEPHONE NUMBER

FAX NUMBER

**Walter G. Fluegel, AICP-Heidt & Associates, Inc.**

AGENT\*

**3800 Colonial Blvd, Suite 200**

ADDRESS

**Ft. Myers, FL 33966**

CITY

STATE

ZIP

**239-429-7275**

**239-470-3965**

TELEPHONE NUMBER

FAX NUMBER

**Rae Ann Boylan, Boylan Environmental Consultants, Inc.**

AGENT

**110000 Metro Parkway, Suite 4**

ADDRESS

**Ft. Myers, FL 33966**

CITY

STATE

ZIP

**239-418-0671**

**239-418-0672**

TELEPHONE NUMBER

**Ted B. Treesh, TR Transportation Consultants**

AGENT

**13881 Plantation Road, Suite 11**

ADDRESS

**Ft. Myers, FL 33912**

CITY

STATE

ZIP

**239-278-3090**

**239-278-1906**

TELEPHONE NUMBER

**Charles Basinait, Attorney, Henderson Franklin Law**

AGENT

**1715 Monroe Street**

ADDRESS

**Ft. Myers, FL 33902**

CITY

STATE

ZIP

**239-344-1204**

**239-344-1200**

TELEPHONE NUMBER

**Caloosa 80 LLP**

OWNER(s) OF RECORD

**8891 Brighton Lane, Suite 126**

ADDRESS

**Bonita Springs, FL 34135**

CITY

STATE

ZIP

**239-390-3164****239-390-3165**

TELEPHONE NUMBER

FAX NUMBER

**Morgan J. Halle**

OWNER(s) OF RECORD

**15804 Brother Court, Suite 7**

ADDRESS

**Fort Myers, FL 33912**

CITY

STATE

ZIP

**239-940-6734**

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

B. SUMMARY OF REQUEST (Brief explanation):

The applicant is requesting a Future Land Use Plan Map amendment from Rural and Urban Community to Suburban with a density cap of 4.5 dwelling units per acre to allow a maximum of 865 dwelling units on the subject property. In addition to the requested residential units, this request would allow a neighborhood commercial center on State Road 80. The subject property is generally located approximate to the southeast corner of State Road 80 and Bateman Road.

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

A. Property Location:

1. Site Address: 18910 & 19190 Palm Beach Blvd. & 19160 #1
2. STRAP(s): 29-43-27-00-00005.0000, 30-43-27-00-00001.0190 & 29-43-27-00-00012.0060

B. Property Information

Total Acreage of Property: 192.32 +/-

Total Acreage included in Request: 192.32 +/-

Area of each Existing Future Land Use Category:

Urban Community-99.6 acres & Rural-92.72 acres

Total Uplands: 183.34 acres

Total Wetlands: 8.98 acres

Current Zoning: RM-2 (99.6 acres) & AG-2 (92.72 acres)

Current Future Land Use Designation: Urban Community & Rural

Existing Land Use: Grazing land Class II, IV & V



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

*Lehigh Acres Commercial Overlay:* N/A

*Airport Noise Zone 2 or 3:* N/A

*Acquisition Area:* N/A

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

*Community Redevelopment Area:* N/A

- D. Proposed change for the Subject Property:

**Urban Community and Rural to Suburban with a density cap of 4.5 dwelling units per acre.**

- E. Potential development of the subject property:

1. Calculation of maximum allowable development under existing FLUM:

Residential Units/Density      **Urban Community= 99.6 ac X 10 du/ac = 996 units**

**Rural= 92.72 ac X 1 du/ac= 92 units**

**Total Units= 1,088**

Commercial intensity      **Neighborhood Commercial**

Industrial intensity      **N/A**

2. Calculation of maximum allowable development under proposed FLUM:

Residential Units/Density      **4.5 du/ac X 192.32 ac= 865 units**

Commercial intensity      **Neighborhood Commercial**

Industrial intensity      **N/A**

#### IV. AMENDMENT SUPPORT DOCUMENTATION

At a minimum, the application shall include the following support data and analysis. These items are based on comprehensive plan amendment submittal requirements of the State of Florida, Department of Community Affairs, and policies contained in

the Lee County Comprehensive Plan. Support documentation provided by the applicant will be used by staff as a basis for evaluating this request. To assist in the preparation of amendment packets, the applicant is encouraged to provide all data and analysis electronically. (Please contact the Division of Planning for currently accepted formats)

A. General Information and Maps

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

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

1. Provide any proposed text changes.

**N/A**

2. Provide a Future Land Use Map showing the boundaries of the subject property, surrounding street network, surrounding designated future land uses, and natural resources.

**Please see the attached FLUM (Exhibit 1) and Zoning (Exhibit 2).**

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.

**The attached aerial photo (Exhibit 5) depicts the subject property in the context of surrounding uses. The subject property is 192.32+/- acres and lies within the Alva Planning Community. The parcel is located on the south side of Palm Beach Blvd. (SR 80), east of Bateman Road. The property is currently utilized for cattle grazing.**

**WEST**

**Immediately west of the subject property (on the west side of Bateman Road) is Lee County's Hickey Creek Mitigation Park. The 1,115 acre park is classified as a Regional Park (the largest in Lee County) and provides habitat for the Florida Scrub Jay and Gopher Tortoises. In general terms, the park provides more passive recreational opportunities, due to its sensitive role of providing critical habitat for the previously mentioned protected species.**

**The park is one of the primary justifications supporting the proposed amendment, in as much as, the existing Urban Community Future Land Use designation and RM-2 on the western 99.6 acres of the subject property are less compatible with the Park's primary function of**

providing critical habitat. The existing land use and zoning on the western 99.6 acres could potentially yield 996 units, which the present land use designation would not allow this density to be spread over the eastern 92.72 acres. Further, this is complicated by the fact that the current RM-2 zoning would not require sufficient buffering along Bateman Road and/or internal buffering during the development order process. The amendment to Suburban would facilitate a Residential Planned Development (RPD) or Mixed Planned Development (MPD) rezoning over the entire 192.32 acres, thus allowing the density from the western 99.6 to be spread over the eastern 92.72, ensuring greater buffering along Bateman Road, less reliance on higher density multi-family type products and greater internal buffering/environmental integration on the western 99.6 (where most of the environmentally sensitive features of the property are located).

#### **NORTH**

The lands north of the subject property, across State Road 80, are predominantly vacant, agricultural (cattle grazing) and/or large tract residential.

The proposed amendment would substantially reduce the degree of potential incompatibility presented by the current RM-2 zoning on the western 99.6 acres of the subject property, in that the bulk of the density that is currently permissible on the western 99.6 acres could be spread out over the entire 172.32 acre site, allowing for greater buffering and a lower overall impact on the surrounding area. Under the current Urban Community designation on the western 99.6 acres, there is the potential, that with bonus density, it could yield 10 units per acre, which based upon site considerations that we analyzed during our conceptual site planning efforts would require predominantly 5 story condo structures across the western 99.6 acres.

#### **EAST**

The lands to the east of the subject property are a FDOT drainage retention facility for State Road 80, vacant, agricultural (cattle grazing) and/or large tract residential.

Although the properties to the east of the subject property are buffered by the eastern 92.32 acres of Rural designated lands on the subject property, the proposed amendment would reduce the potential for incompatible uses, primarily from the potential height of structures on the western 99.6 acres.

#### **SOUTH**

The lands south of the subject property are predominantly a mix of agricultural (cattle grazing) and large tract residential.

As mentioned for uses North of the subject property and for the same reasons, the proposed amendment would substantially reduce the degree of potential incompatibility. Further, the uses on the south side of the subject property do not enjoy the buffering that State Road 80 provides to those uses on the north side of the subject property.

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

**Please see the attached zoning map (Exhibit 2).**

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

**Please see the attached Legal Description (Exhibit 3).**

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

**Please see the attached deeds for the subject property (Exhibit 4).**

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

**Please see the attached aerial map (Exhibit 5).**

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

**The application has been signed by both property owners.**

**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.

**See attached Traffic Study in Exhibit 7.**

**2. Provide an existing and future conditions analysis for:**

a. Sanitary Sewer

The western 99.6 acres currently lies in FGUA's service area and the eastern 92.32 lies outside the Lee County Utilities Future Sewer Service Area. Per the attached letter (Exhibit 8) the Florida Governmental Utility Authority (FGUA) is committed to providing sewer service to the project through a new wastewater treatment plant to be constructed within reasonable proximity to the project.

b. Potable Water

According to the attached letter (Exhibit 8) from the Florida Governmental Utility Authority, they are currently negotiating with Lee County Utilities for a bulk water sales agreement that will enable FGUA to provide water to the project.

c. Surface Water/Drainage Basins

The project is located in the Hickey Creek drainage basin, a tributary to the Caloosahatchee River. The project will require an Environmental Resource Permit (ERP) from the South Florida Water Management District and will be subject to the Districts proposed special basin rule which will require additional stormwater treatment measures not currently required by the District. This rule is expected to be approved by the summer of 2007. The project will also require approval from the Lee County Development Services Department.

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.

**See attached Composite Exhibit 8, for all required letters.**

*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).

**Please see the attached FLUCCS map, in Exhibit 9 -Environmental Report.**

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

**Please see the attached Hydric Soils in Exhibit 9 -Environmental Report.**

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

**Please see the attached FEMA Flood Zones map, Exhibit 9-Environmental Report.**

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

**Please see the attached Wetland map in Exhibit 9-Environmental Report.**

5. A table of plant communities by FLUCCS with the potential to contain species (plant and animal) listed by federal, state or local agencies as endangered,

threatened or species of special concern. The table must include the listed species by FLUCCS and the species status (same as FLUCCS map).

**Please see the attached table of listed species in Exhibit 9-Environmental Report.**

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.

**Exhibit 9, provides a letter from the State Division of Historic Resources indicating that there are no known historic or archeologically sensitive sites on the subject property.**

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

**Exhibit 9, provides Lee County's Archeological Sensitivity Map, which doesn't identify any potential sites on the subject property.**

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.

**The proposed amendment would be a net reduction of 223 dwelling units.**

2. List all goals and objectives of the Lee Plan that are affected by the proposed amendment. This analysis should include an evaluation of all relevant policies under each goal and objective.

*Policy 1.1.4: The Urban Community areas are areas outside of Fort Myers and Cape coral that are characterized by a mixture of relatively intense commercial and residential uses. Included among them, for example, are parts of Lehigh Acres, San Carlos Park, Fort Myers Beach, South Fort Myers, the city of Bonita Springs, Pine Island, and Gasparilla Island. Although the Urban Communities have a distinctly urban character, they should be developed at*



*slightly lower densities. As the vacant portions of these communities are urbanized, they will need to maintain their existing bases of urban services and expand and strengthen them accordingly. As in the Central Urban area, predominant land uses in the Urban Communities will be residential, commercial, public and quasi-public, and limited light industry.*

**The applicant is requesting a Future Land Use Map amendment from Rural and Urban Community to the Suburban designation. The subject site is located on the south side of Palm Beach Blvd. (SR 80) east of Bateman Road. The proposed amendment would be more contextually appropriate and compatible with the surrounding area and would be a more appropriate transition from more urbanized areas of western Lee County to the more rural character of eastern Lee County.**

*POLICY 1.1.5: The suburban areas are or will be predominantly residential areas that are either on the fringe of the Central Urban or the Urban Community areas or in areas where it is appropriate to protect existing or emerging residential neighborhoods. These areas provide housing near the more urban areas but do not provide the full mix of land uses typical of urban areas. Then standard residential densities are the same as the Urban Community category. Higher densities, commercial development greater than neighborhood centers, and industrial land uses are not permitted. Bonus densities are not allowed. (Amended by Ordinance No. 94-30)*

**The proposed Suburban designation allows a density up to 6 dwelling units per acre. However, we are proposing a cap of 4.5 dwelling units per acre on the subject property would provide for a range of housing types that is more compatible with the established character of the area, while allowing the majority (80%) of the currently permissible density on the western 99.6 acres, to be more effectively spread over the entire site.**

*POLICY 1.4.1: The Rural areas are to remain predominantly rural-that is, low density residential, agricultural uses, and minimal non-residential land uses that are needed to serve the rural community. These areas are not to be programmed to receive urban-type capital improvements, and they can anticipate a continued level of public services below that of the urban areas. Maximum density in*

*the Rural area is one dwelling unit per acre (1 du/acre).*

**Amending the Rural area of the subject property to Suburban will allow for densities from the western Urban Communities designated lands of the subject property to be more effectively spread over the balance of the property. Further, amending the Rural provides a greater degree of assurance that the parcels will be developed pursuant to a unified development plan and reduces the likelihood of incompatibilities between the western 99.6 acres and the eastern 92.72 acres, in as much as, if the respective properties were developed pursuant to their existing land use and zoning, it would likely yield 4 story residential adjacent to estate single-family homes.**

*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. Wetlands 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 bank; 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)*

**Hickey Creek Mitigation Park, located adjacent to the western side of the subject property is currently designated as Conservation lands and the proposed amendment to Suburban on the subject property would be more compatible than the existing Urban Community designation.**

*POLICY 1.7.8: The Agricultural overlay (Map 20) shows existing active and passive agricultural operations in excess of 100 acres located outside of the Future Urban Areas. Since these areas play a vital role in Lee County's economy, they should be protected from the impacts of new developments, and the county should not attempt to alter or curtail agricultural operations on them merely to satisfy the lifestyle expectations of non-urban residents. (Added by Ordinance No. 94-30)*

**Only the western 92.32 acres of the subject property is currently designated as Rural on the Future Land Use Map and as such does not rise to the 100 acre threshold of this policy. The 92.32 acres is currently not under common ownership (72.32 acres is owned by Caloosa 80 and 20 acres is owned by Hale Morgan), as such it would appear that these lands were mapped in error. Further, the proposed amendment would render higher degree of compatibility of the subject property to the surrounding agricultural areas and provide a more appropriate transition.**

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

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

*POLICY 2-1.1: Most residential, commercial, industrial, and public development is expected to occur within the designated Future Urban Areas on the Future Land Use Map through the assignment of very low densities to the non-urban categories.*

**As previously mentioned, designating the subject property as Suburban would provide for a more effective transition from Urban to Rural uses.**

*POLICY 2.1.2: New land uses will be permitted only if they are consistent with the Future Land Use Map and the goals, objectives, policies, and standards of this plan. (Amended by Ordinance No.*

00-22)

**As previously mentioned, designating the subject property as Suburban would provide for a more effective transition from Urban to Rural uses.**

*OBJECTIVE 2.2: DEVELOPMENT TIMING. Direct new growth to those portions of the Future Urban Areas where adequate public facilities exist or are assured and where compact and contiguous development patterns can be created. Development orders and permits (as defined in F.S. 163.3164(7)) will be granted only when consistent with the provisions of Sections 163.3202(2)(g) and 163.3180, Florida Statutes and the county's Concurrency Management Ordinance. (Amended by Ordinance No. 94-30, 00-22)*

*POLICY 2.2.2: Map 1 of the Future Land Use Map series indicates the uses and density ranges that will ultimately be permitted on a given parcel. However, it is not a guarantee that such densities or uses are immediately appropriate, as the map provides for the county's growth over the coming 26 years. During the rezoning process the Board of County Commissioners will balance the overall standards and policies of this plan with three additional factors:*

- 1. Whether a given proposal would further burden already overwhelmed existing and committed public facilities such that the approval should be delayed until the facilities can be constructed; and*
- 2. Whether a given proposal is for land so far beyond existing development or adequate public facilities that approval should be delayed in an effort to encourage compact and efficient growth patterns; and*
- 3. Whether a given proposal would result in unreasonable development expectations which may not be achievable because of acreage limitations contained in the Acreage Allocation Table (see Policy 1.7.6, Map and Table 1(b)).*

**As demonstrated in the Level of Service analysis sections of this application, the proposed amendment would not constitute a burden on any public facilities.**

*OBJECTIVE 2.4: FUTURE LAND USE MAP AMENDMENTS. Regularly examine the Future Land Use Map in the light of new information and changed conditions, and make necessary*



*modifications.*

**The proposed amendment eliminates the future potential for incompatibility and thus this application is a proactive privately initiated effort in context of this Objective.**

*GOAL 5: RESIDENTIAL LAND USES. To provide sufficient land in appropriate locations on the Future Land Use Map to accommodate the projected population of Lee County in the year 2020 in attractive and safe neighborhoods with a variety of price ranges and housing types. (Amended by Ordinance No. 94-30)*

*OBJECTIVE 5.1: All development approvals for residential, commercial, and industrial land uses must be consistent with the following policies, the general standards under Goal 11, and other provisions of this plan. (Amended by Ordinance No. 94-30, 00-22)*

*POLICY 5.1.1: Residential developments requiring rezoning and meeting Development of County Impact (DCI) thresholds must be developed as planned residential developments. (Amended by Ordinance No. 00-22)*

**In order for the subject property to be developed under a unified master plan, the proposed development would rise to the level of a DCI, thus requiring a Residential Planned Development (RPD) rezoning, thereby eliminating the potential incompatibilities created by the RM-2 zoning on the western 99.6 acres of the subject property.**

*POLICY 5.1.2: Prohibit residential development where physical constraints or hazards exist, or require the density and design to be adjusted accordingly. Such constraints or hazards include but are not limited to flood, storm, or hurricane hazards; unstable soil or geologic conditions; environmental limitations; aircraft noise; or other characteristics that may endanger the residential community.*

**There are no physical site constraints on the subject property that would preclude residential development on the subject property. Any wetlands on the subject property, requiring jurisdictional permitting can be incorporated into the site design through a RPD rezoning.**

*POLICY 5.1.5: Protect existing and future residential areas from any encroachment of uses that are potentially destructive to the character and integrity of the residential environment. Requests for conventional rezonings will be denied in the event that the buffers*

*provided in Chapter 10 of the Land Development Code are not adequate to address potentially incompatible uses in a satisfactory manner. If such uses are proposed in the form of a planned development or special exception and generally applicable development regulations are deemed to be inadequate, conditions will be attached to minimize or eliminate the potential impacts or, where no adequate conditions can be devised, the application will be denied altogether. The Land Development Code will continue to require appropriate buffers for new developments. (Amended by Ordinance No. 94-30, 99-15, 00-22)*

**The proposed amendment would ultimately eliminate the RM-2 zoning on the subject property, in favor of a more environmentally compatible RPD master planned community.**

*POLICY 5.1.6: Maintain development regulations that require high-density, multi-family, cluster, and mixed use developments to have an open space, buffering, landscaping, and recreation areas appropriate to their density and design. (Amended by Ordinance No. 94-30)*

**The proposed amendment would ultimately eliminate the RM-2 zoning on the subject property, in favor of a more environmentally compatible RPD master planned community.**

*POLICY 5.1.11: In those instances where land under single ownership is divided into two or more land use categories by the adoption or revision of the Future Land Use Map, the allowable density under this Plan will be the sum of the allowable densities for each land use category for each portion of the land. This density can be allocated across the property provided that: (Amended by Ordinance No. 92-35, 00-22)*

1. *The Planned Development zoning is utilized; and*
2. *No density is allocated to lands designated as Non-Urban or Environmentally Critical that would cause the density to exceed that allowed on such areas; and*
3. *The land was under single ownership at the time this policy was adopted and is contiguous; in situations where land under single ownership is divided by roadways, railroads, streams (including secondary riparian systems and streams but not excluding primary riparian systems and major flow ways, such as the Caloosahatchee River and Six Mile Cypress Slough), or other similar barriers, the land will be deemed contiguous for purposes of this policy; and*

4. *The resultant Planned Development affords further protection to environmentally sensitive lands if they exist on the property.*

**This policy is the genesis of this application, in as much as the most effective way to design any master planned community is to spread the density of the western 99.6 acres over the entire subject property.**

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

**2. Neighborhood Commercial**

- a. *Major function-Provide for the sale of convenience goods and personal services such as food, drugs, sundries, and hardware items.*
- b. *Typical leading tenants-Supermarket and drug store.*
- c. *Location-Must be located as follows (except where this plan provides specific exceptions):*

*At the intersection of an arterial and collector or two arterials so that the direct access is provided to both intersecting roads. Such direct access may be provided via an internal access road to either intersection road. On Lee County's islands where there is no intersecting network of collectors and arterials, neighborhood commercial centers may be located using the standards for minor commercial centers.*

- d. *Site Area- 2 to 10 acres*
- e. *Range of Gross Floor Area- 30,000 to 100,000 square feet*
- f. *In that portion of North Fort Myers lying between the Cape Coral city limits and the old S.A.L. railroad grade and north of the junction of the 41s, an exception to the strict adherence to the location standards in subsection (c) may be granted upon the approval of an application for Commercial Planned Development rezoning if the Board of County Commissioners makes a formal finding that the proposed project:*
  - 1) *is located on an existing arterial road;*
  - 2) *is located at the intersection of that arterial with a future collector or arterial that is indicated on the Official Trafficways Map; and*
  - 3) *will provide (or at least not interfere with) an acceptable alignment for the future roadway which is the justification for the approval, relative to both extensions from the point of*

*intersection with the existing road.*

**The proposed amendment would also allow for Neighborhood Commercial along State Road 80, which given the lack of commercial shopping opportunities between LaBelle and Buckingham Road, would reduce trip lengths in the State Road 80 corridor. Further, locating commercial as a component of a master planned community on the subject property would reduce the potential for needed commercial attempting to locate elsewhere in this corridor within the Alva Planning Community, where it may be less compatible.**

*GOAL 9: AGRICULTURAL LAND USES. To protect existing and potential agricultural lands from the encroachment of incompatible land uses and discourage the introduction or expansion of agricultural uses in the Future Urban Areas. (Amended by Ordinance No. 00-22)*

*OBJECTIVE 9.1: Place existing active and passive agricultural uses, that are zoned AG, have an agricultural exemption from the property appraiser's office, and are located outside of the areas anticipated for urban use during the life of the plan on an agricultural overlay. Non-Contiguous parcels less than 100 acres in size will not be included on this Overlay. A bi-annual review of this map will be conducted to track changes in the inventory of agriculturally used land in the non-urban areas of Lee County. (Amended by Ordinance No. 94-30, 03-04)*

*POLICY 9.1.1: In accordance with F.S. 187.201(23)(b)1, nothing in this plan will construed to permanently prohibit the conversion of agricultural uses to other land uses (Added by Ordinance No. 94-30, Amended by Ordinance No. 00-22).*

**In contrast to Policy 1.7.8, this policy more clearly supports the proposed amendment.**

*Policy 9.1.4: Protect agricultural activities on lands designated as Agricultural on the agricultural overlay from the impacts of new natural resource extraction operations, recreational uses, and residential developments. (Amended by Ordinance No. 94-30, 02-02)*

**As previously stated, it is our belief that this policy is not applicable, in as much as the property appears to have been mapped on the agricultural overlay in error.**

#### **STANDARD 11.1 WATER**

1. Any new residential development that exceeds 2.5 dwelling per gross acre, and any new single commercial or industrial development in excess of 30,000 square feet of gross leasable (floor) area per parcel, must connect to a public water system (or a "community" water system as that is defined by Chapter 17-22, F.A.C.).
2. If the proposed development lies within the boundaries of a water utility's certificated or franchised service area, or Lee County Utilities' future potable water service area (see Map 6), then the development must be connected to that utility.
3. The developer must provide proof that the prior commitments of the water utility, plus the projected need of the developer, do not exceed the supply and facility capacity of the utility.
4. All waterline extensions to new development will be designated to provide minimum fire flows, as well as adequate domestic services required by Chapter 10D-4, F.A.C.
5. If a new development is located in a certificated or franchised service area, or Lee County Utilities' future potable water service area (see Map 6), and the utility cannot provide the service or cannot provide the service except at a clearly unreasonable cost to the developer, the developer is encouraged to petition the appropriate regulatory agency to contact the service area so that the development may establish its own community water system or invite another adjacent utility to expand its service area in order to provide the required service.
6. If a development lies outside any service area as described above, the developer may:

*Request that the service area of an adjacent water utility be extended to incorporate the property;*

*Establish a community water system for the development; or*

*Develop at an intensity that does not require a community water system. (Amended by Ordinance No. 94-30, 00-22)*

**It is the intention of the proposed development to be served by potable water from FGUA, per the attached letter from FGUA.**

#### **STANDARD 11.2: SEWER**

1. Any new residential development that exceeds 2.5 units per gross acre, and any new single commercial or industrial

development that generates more than 5,000 gallons of sewage per day, must connect to a sanitary sewer system.

2. If the proposed development exceeds thresholds listed above and lies within the boundaries of a sewer utility's certificated or franchised service area, or Lee County Utilities' future sanitary sewer service area (see Map 7), and that utility has sufficient capacity to provide minimum service to the development, then the development must connect to that sewer utility if there is existing infrastructure adequate to accept the effluents of the development within ¼ mile from any part of the development.

3. If there is not sufficient capacity nor adequate infrastructure within ¼ mile of the development, the developer must provide proof in the form of a clearly stated rejection of service.

4. If a new development is located in a certificated or franchised service area, or Lee County Utilities' future sanitary sewer service area (see Map 7), and the utility cannot provide the service, or cannot provide the service except at a clearly unreasonable cost to the developer, the developer may establish on a temporary basis a self-provided sanitary sewer facility for the development, to be abated when the utility extends service to the site. The developer may also petition the appropriate regulatory agency to contract the service area of the utility in order that another utility may be invited to provide the service.

5. If a developer lies outside any service area as described above, the developer may:

*Request that the service area of an adjacent sewer utility be expanded to incorporate the property;*

*Establish a self-provided sanitary sewer system for the development;*

*Develop at an intensity that does not require sanitary sewer service; or*

*If no more than 5,000 gallons of effluent per day per parcel is produced, an individual sewage disposal system per Chapter 10D-6 may be utilized, contingent on approval by all relevant authorities. (Amended by Ordinance No. 94-30, 00-22)*

**It is the intention of the proposed development to ultimately be served by sanitary sewer from FGUA, per the attached letter from FGUA.**

*OBJECTIVE 52.1: Development regulations will continue to require that new residential developments provide sufficient open space to meet the needs of their residents. (Amended by Ordinance No. 94-30, 00-22)*

**The proposed amendment will ensure compliance with this policy by necessitating a RPD rezoning on the subject property.**

*OBJECTIVE 58.1: STANDARD COMMUNITY PARK STANDARD. Lee County will provide for the active recreational needs of unincorporated Lee County in standard community parks by providing 0.8 acres of developed Standard Community Parks open for public use per 1,000 population (minimum acceptable level of service, see Policy 70.1.3). By 1996 this standard will be increased to 1.75 acres per 1,000 population (desired future level of service, see Policy 70.1.4). By 1998 the county will provide 2 acres per 1,000 population (desired future level of service, see Policy 70.1.4), unincorporated county only. The population used for calculating these standards is the unincorporated Lee County permanent population. The acres used in calculating these standards is the improved Standard Community parks acres that are open for public use. The 1996 and 1998 standards are non-regulatory, desired level of service standards and are not required for concurrency purposes. (Amended by Ordinance No. 93-25, 94-30, 98-09, 00-22)*

**The Alva Community Park Standard has already been met through year 2020, in as much as the 2020 population requires 4 acres of Community Parks and the Alva Community Park is 5 acres. Since the proposed development is a net reduction in total permissible units, the Parks Level of Service Standard is essentially enhanced.**

*OBJECTIVE 59.1: Lee County must provide 6 acres per 1,000 population (minimum acceptable level of service, see Policy 70.1.3). By 1998 this standard will be increased to 8 acres per 1,000 population (non-regulatory, desired future level of service, see policy 70.1.4). The population used for calculating this standard is the total seasonal population for all of Lee County. The acres used in this standard are improved Regional Park acres that are open for public use. Federal and state facilities in Lee County are to be counted in meeting this standard. (Amended by Ordinance No. 94-30, 98-09, 00-22)*

**Hickey Creek Mitigation Park Caloosahatchee Regional Park are both located in the Alva Planning Community and comprise over 1,880 acres. The Regional Parks requirement for the Alva Planning Community through year 2020 is only 30 acres. Since the proposed development is a net reduction in total permissible units, the Parks Level of Service Standard is essentially enhanced.**

*POLICY 77.2.10: Development adjacent to aquatic and other nature preserves, wildlife refuges, and recreation areas must protect the natural character and public benefit of these areas including, but not limited to, scenic values for the benefit of future generations. (Amended by Ordinance No. 00-22)*

**As previously mentioned, the proposed amendment protects the integrity of Hickey Creek Mitigation Park, which is supported by this policy.**

*POLICY 84.1.1: Development in wetlands is limited to very low density residential uses and uses of a recreational, open space, or conservation nature that are compatible with wetland functions. The maximum density in the Wetlands category is one unit per 20 acres, except that one single family residence will be permitted on lots meeting the standards in Chapter XIII of this plan, and except that owners of wetlands adjacent to Intensive Development, Central Urban, Community, Suburban, and Outlying Suburban areas may transfer densities to developable contiguous uplands under common ownership on accordance with Footnotes 9b and 9c of Table 1(a), Summary of Residential Densities. (Amended by Ordinance No 94-30, 00-22)*

**The proposed amendment is supported by this policy in that it would allow densities to be transferred around the site to more adequately protect the integrity of wetlands/environmental features on the subject property.**

*POLICY 84.1.2: The county's wetlands protection regulations will be amended by 1995 to be consistent with the following:*

- 1. In accordance with F.S. 163.3184(6)(c), the county will not undertake an independent review of the impacts to wetlands resulting from development in wetlands that is specifically authorized by a DEP or SWWMD dredge and fill permit or exemption.*
- 2. No development in wetlands regulated by the State of Florida*



*will be permitted by Lee County without the appropriate state agency permit or authorization.*

*3. Lee County will incorporate the terms and conditions of state permits into county permits and will prosecute violations of state regulations and permit conditions through its code enforcement procedures.*

*4. Every reasonable effort will be required to avoid or minimize adverse impacts on wetlands through the clustering of development and other site planning techniques. On- or off-site mitigation will only be permitted in accordance with applicable state standards.*

*5. Mitigation banks and the issuance and use of mitigation bank credits will be permitted to the extent authorized by applicable state agencies. (Amended by Ordinance 94-30, 00-22)*

**The proposed amendment would allow for more meaningful clustering of densities on the subject property away from wetlands on the site.**

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

**The subject site is within unincorporated Lee County and does not impact any other jurisdictions.**

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

**We have reviewed State and Regional Policy Plans and the proposed amendment is consistent with those plans.**

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)

N/A

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

N/A

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

N/A

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

N/A

2. Requests moving lands from a Non-Urban Area to a Future Urban Area

- a. Demonstrate why the proposed change does not constitute Urban Sprawl. Indicators of sprawl may include, but are not limited to: low-intensity, low-density, or single-use development; 'leap-frog' type development; radial, strip, isolated or ribbon pattern type development; a failure to protect or conserve natural resources or agricultural land; limited accessibility; the loss of large amounts of functional open space; and the installation of costly and duplicative infrastructure when opportunities for infill and redevelopment exist.

**The proposed land use amendment is appropriate in that the subject site is located on a major arterial road, State Road 80. Further, the proposed amendment provides a more reasonable transition from the more urbanized areas to the west of the subject property on State Road 80 to the more rural areas to the east of the subject property.**

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

N/A

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

N/A

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

**Per attached Exhibit 6, the RM-2 zoning on the western 99.6 acres of the subject property has been deemed vested by Lee County for Concurrency as well as essentially vested for the effectiveness of the RM-2 zoning. Accordingly, that action assured that under the current RM-2 zoning the eastern 99.6 acres could be site planned and approved by development order for 598 residential units, with bonus density that could potentially be**

increased to 996 units. Further, the Rural designation on the eastern 92.72 acres precludes density from being spread over the entire subject property pursuant to Lee Plan Policy 5.1.11..

Given the foregoing land use considerations, prior to this application we conducted a conceptual site planning effort to design the site for 690 residential units, a combination of single-family and multi-family products. However, given the land use considerations it meant that the eastern 92.72 acres could only be sited for acre estate home lots, which meant the balance of the units had to be accomplished on the western 99.6 acres. Given site considerations on the western 99.6 acres, it meant that the majority of the multi-family dwelling units would have to be 4 and/or 5 story condominium product. The outcome of this exercise was that the unit yield could be accomplished between the AG-2 and RM-2 zoning, but the product mix was less than desirable given the location of the property. Essentially, the only way to design the site under current zoning and land use limitations would be develop the site with 90+/- estate sized lots on the eastern 92 acres and 598 condominium units on the western 99.6 acres. Further, the exercise made it clear that buffering would be minimal around the entire perimeter of the subject property due to the impacts of the AG-2 zoning and the internal arrangement of uses around onsite environmental features would not be an optimal environmentally integrated design.

The only viable solution is a land use amendment to allow the spreading of density over the entire site, which would allow less intensive residential products to be utilized, provide for more environmentally integrated design, allow for more buffering internally and along the perimeter, allow for the provision of more open space and reduce building heights.

When all of these site considerations are viewed in the context of the sites location on the western fringe of the Alva Planning Community, the concept of spreading the density over the entire site allows for a smoother transition from urban to rural.

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

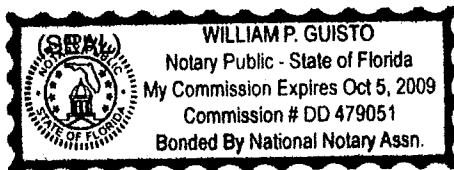
[Signature]  
Signature of owner or owner-authorized agent

9-21-06  
Date

Stanley Whitcomb Jr  
Typed or printed name

STATE OF FLORIDA )  
COUNTY OF LEE )

The foregoing instrument was certified and subscribed before me this 21 day of September, 2006  
by Stanley Whitcomb Jr, who is personally known to me or who has produced  
FDDL W32579540-2710 as identification.



William P Guisto  
Signature of notary public

William P Guisto  
Printed name of notary public

AFFIDAVIT

I, Morgan Halle, 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.

Morgan Halle  
Signature of owner or owner-authorized agent

9/22/06  
Date

Morgan Halle  
Typed or printed name

STATE OF FLORIDA )  
COUNTY OF LEE )

The foregoing instrument was certified and subscribed before me this 22 day of Sept, 2006,  
by Morgan Halle, who is personally known to me or who has produced  
\_\_\_\_\_ as identification.

(SEAL)



Jodi L. Adams  
My Commission DD365465  
Expires October 24, 2008


Jodi L. Adams  
Signature of notary public

Jodi L. Adams  
Printed name of notary public

**Legal Description of Property**

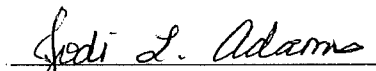
**That particular parcel of land situated in Lee County, Florida, known by the Lee County Tax Collector as Parcel 29-43-27-00-00012.0060.**

**South ½ of NW ¼ of Section 29**

 9/22/06  
Morgan Halle

State of Florida  
County Of Lee

Before me, Jodi L. Adams, personally appeared, Morgan Halle, who is personally known to me and who did not take an oath.

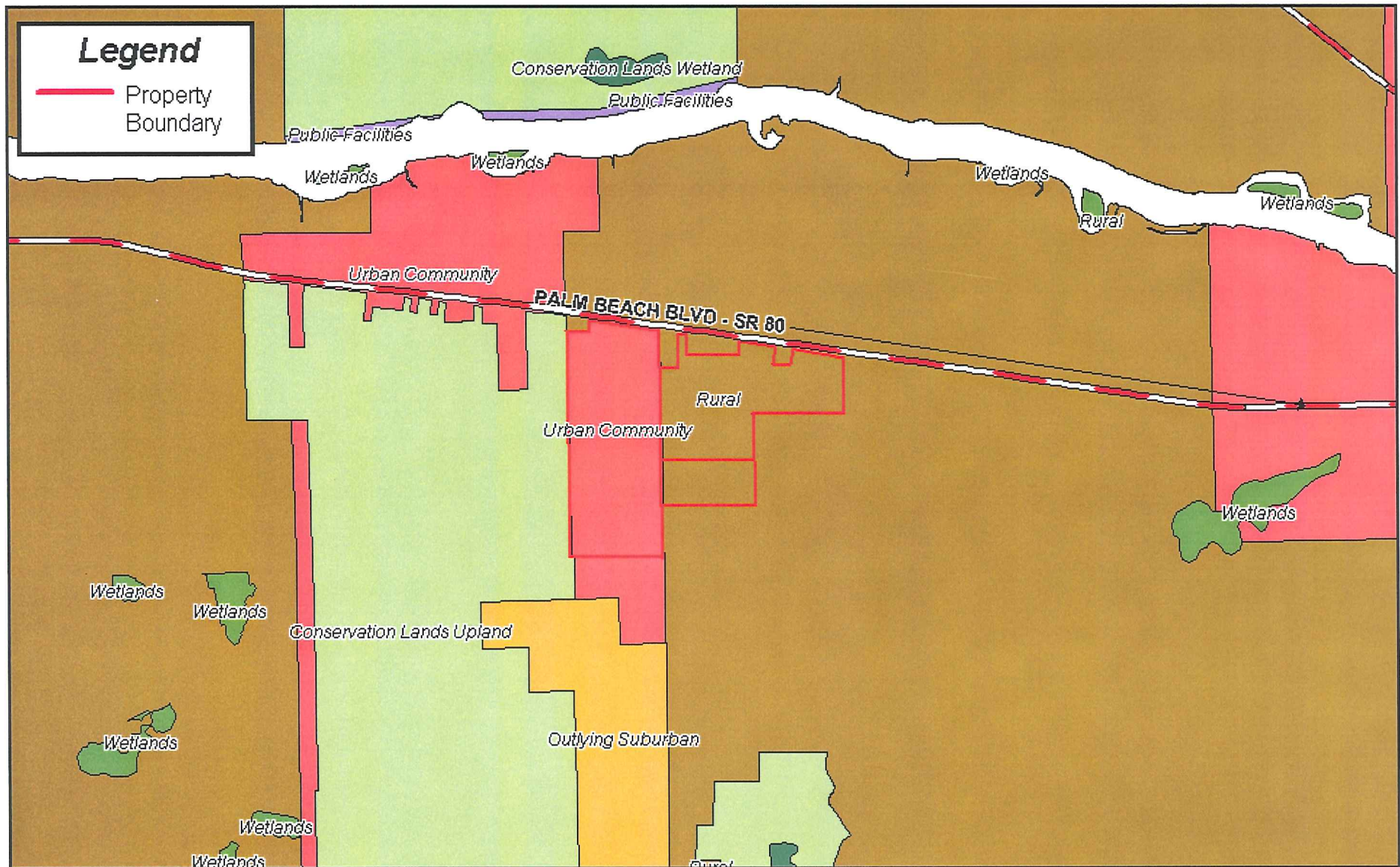
  
Notary Public



Jodi L. Adams  
My Commission DD365465  
Expires October 24, 2008

**EXHIBIT 1**  
**FLUM / Spatial District**  
**Query Report**





Scale: 1" = 2000'

Future Land Use Map



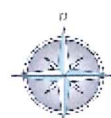
**HEIDT & ASSOCIATES, INC.**

3800 Colonial Boulevard  
Suite 200  
Ft. Myers, FL 33966  
239.482.7275

## Caloosa 80 Lee County, Florida

Caloosa 80

Owner(s) Name:  
Caloosa 80 LLP  
STRAP # (s):  
29-43-27-00-00005.0000  
30-43-27-00-00001.0790  
S-T-R:  
S29-T43S-R27 E  
S30-T43S-R27 E



Source: GIS Data compiled by Heidt & Associates, Inc. from data obtained from The Florida Geographic Data Library V. 3.0, and other sources. This data reflects only the accuracy of its source.



RECEIVED

SEP 27 2006

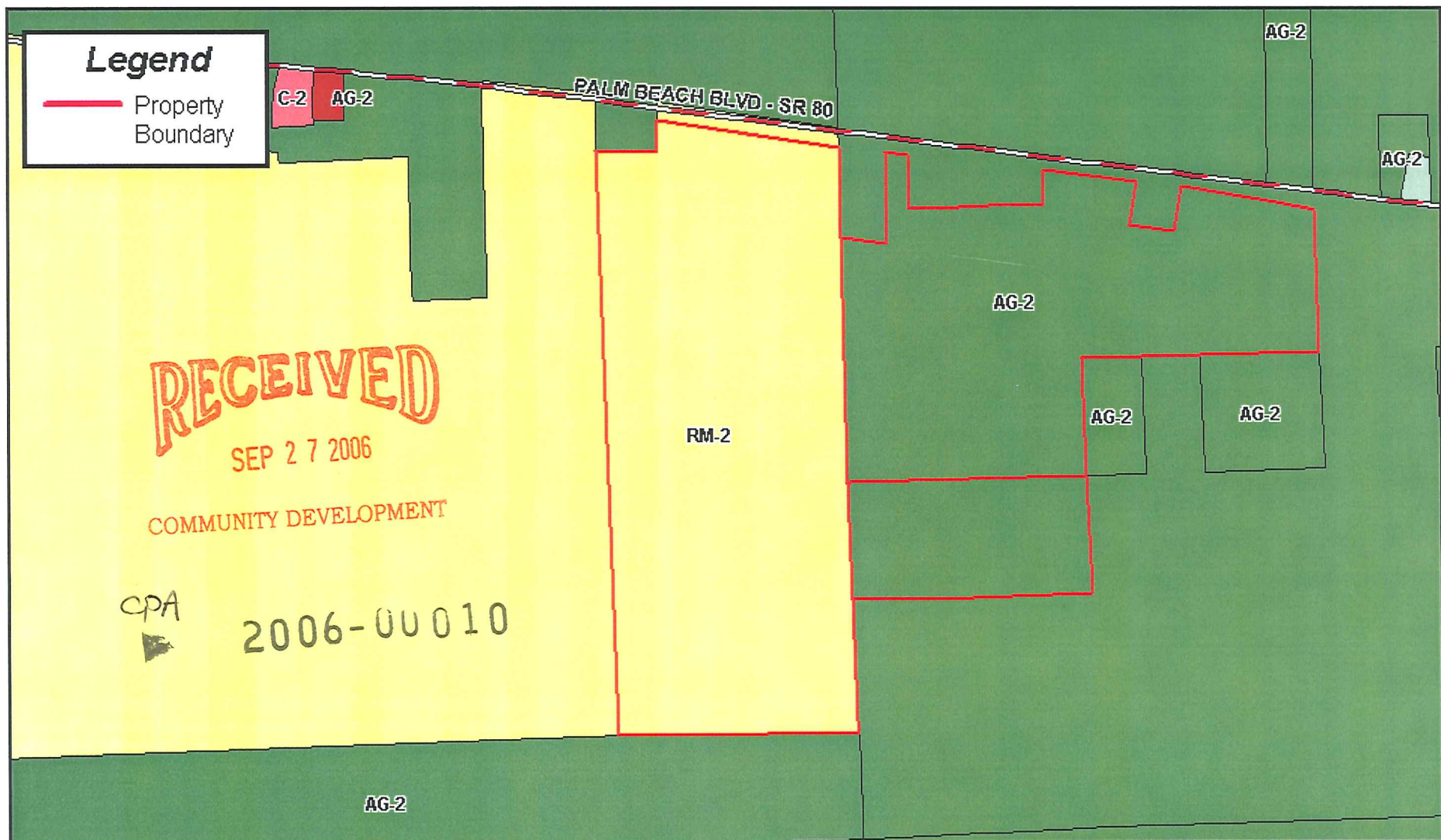
COMMUNITY DEVELOPMENT

CPA

2006-00010

# EXHIBIT 2

## Zoning Map



Scale: 1"=800'

Zoning Map



**HEIDT & ASSOCIATES, INC.**

3800 Colonial Boulevard  
Suite 200  
Ft. Myers, FL 33966  
239.182.7275

## **Caloosa 80 Lee County, Florida**

Caloosa 80

Owner(s) Name:  
Caloosa 80 LLP  
STRAP #s:  
29-43-27-00-00005.0000  
30-43-27-00-00001.0190  
S-T-R:  
S29-T43S-R27E  
S30-T43S-R27E



Source: GIS Data compiled by Heidt & Associates, Inc., from data obtained from The Florida Geographic Data Library V. 3.0. and other sources. This data reflects only the accuracy of its source. Metadata is available upon request.

RECEIVED

SEP 27 2006

COMMUNITY DEVELOPMENT

CPA

2006-00010

# EXHIBIT 3

## Legal Description



RECEIVED

SEP. 27 2006

**WEST PARCEL**

**(WARRANTY DEED OFFICIAL RECORDS BOOK 3572 PAGE 1234)**

COMMUNITY DEVELOPMENT

A TRACT OF LAND IN THE EAST HALF OF SECTION 30, TOWNSHIP 43 SOUTH, RANGE 27 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 30, TOWNSHIP 43 SOUTH, RANGE 27 EAST, LEE COUNTY, FLORIDA; THENCE NORTH 00°17'18" WEST ALONG THE EAST SECTION LINE OF SAID SECTION 30, A DISTANCE OF 574.13 FEET TO THE CENTERLINE OF THE FLORIDA POWER AND LIGHT EASEMENT AND THE POINT OF BEGINNING OF A TRACT OF LAND HEREIN DESCRIBED; THENCE RUN NORTH 00°17'18" WEST ALONG THE EAST SECTION LINE OF SAID SECTION 30 A DISTANCE OF 2,069.55 FEET TO THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 30; THENCE NORTH 00°53' 41" WEST ALONG THE EAST SECTION LINE OF SAID SECTION 30, A DISTANCE OF 1,211.84 FEET, TO THE SOUTHERLY RIGHT OF WAY LINE OF STATE ROAD 80; THENCE NORTH SR53°08" WEST, ALONG SOUTHERLY RIGHT OF WAY LINE OF STATE ROAD 80, A DISTANCE OF 1,003.30 FEET; THENCE SOUTH 01°09'48" EAST, A DISTANCE OF 175.44 FEET; THENCE SOUTH 89°32'57" WEST, A DISTANCE OF 312.00 FEET, TO THE EASTERLY R/W OF BATEMAN ROAD, (50 FOOT WIDE) AS DESCRIBED IN COUNTY COMMISSIONER'S MINUTE BOOK 5, AT PAGE 592, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE SOUTH 01°07'53" EAST (SOUTH 01°08'50" EAST ON JOHNSON ENGINEERING SURVEY, DATED JUNE 9, 1994), ALONG THE CENTERLINE OF BATEMAN ROAD, A DISTANCE OF 3267.33 FEET, TO THE CENTERLINE OF A 150 FOOT FLORIDA POWER AND LIGHT ELECTRICAL EASEMENT; THENCE NORTH 89°01'22" EAST, ALONG THE CENTERLINE OF AFORESAID ELECTRICAL EASEMENT, A DISTANCE OF 1,302.51 FEET, TO THE EAST SECTION LINE OF SAID SECTION 30, AND THE POINT OF BEGINNING. LESS AND EXCEPT ANY ROAD RIGHT-OF-WAY.

PARCEL IDENTIFICATION NUMBER: 30-43-27-00-00001.0190

**EAST PARCEL**

**(WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 3718 PAGE 2381)**

THE NORTH ONE-HALF (N-L/2) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF THE SOUTHWEST ONE-QUARTER (SW-1/4) OF SECTION 29, TOWNSHIP 43 SOUTH, RANGE 27 EAST, LEE COUNTY, FLORIDA,

AND

THE SOUTH ONE-HALF (S-1/2) OF THE NORTHWEST ONE-QUARTER (NW-L/4) OF SECTION 29, TOWNSHIP 43 SOUTH, RANGE 27 EAST, LEE COUNTY, FLORIDA, LYING SOUTH OF THE SOUTHERLY RIGHT-OF-WAY LINE OF PALM BEACH BOULEVARD (STATE ROAD 80),

**LESS THE FOLLOWING SEVEN (7) PARCELS**

THREE (3) PARCELS DESCRIBED IN STIPULATED ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 2879, AT PAGES 3553 THROUGH 3558, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS:

**PARCEL 1**

THAT PORTION OF THE NORTHWEST (1/4) OF SECTION 29, TOWNSHIP 43 SOUTH, RANGE 27 EAST, LEE COUNTY, FLORIDA;

BEING DESCRIBED AS FOLLOWS:

CPA

2006-00010

COMMENCE AT THE SOUTHWEST CORNER OF SAID NORTHWEST 1/4 OF SECTION 29; THENCE ALONG THE WEST BOUNDARY OF SAID SECTION 29, NORTH 00°53'13" WEST, 1,211.99 FEET TO THE SOUTHERLY EXISTING RIGHT OF WAY LINE OF STATE ROAD 80 (PALM BEACH BOULEVARD [PER SECTION 1202-108]) FOR A POINT OF BEGINNING; THENCE ALONG SAID SOUTHERLY EXISTING RIGHT OF WAY LINE SOUTH 81°52'20" EAST, 260.00 FEET, THENCE SOUTH 00°53'13" EAST, 510.00 FEET; THENCE NORTH 81°52'20" WEST, 260 FEET TO SAID WEST BOUNDARY OF SECTION 29; THENCE ALONG SAID WEST BOUNDARY NORTH 00°53'13" WEST, 510.00 FEET TO THE POINT OF BEGINNING,

PARCEL 2

THAT PORTION OF THE NORTHWEST 1/4 OF SECTION 29, TOWNSHIP 43 SOUTH, RANGE 27 EAST, LEE COUNTY, FLORIDA;

BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID NORTHWEST 1/4 OF SECTION 29; THENCE ALONG THE EAST LINE OF SAID NORTHWEST 1/4, NORTH 01°11'04" WEST, 876.48 FEET TO THE SURVEY BASE LINE OF STATE ROAD 80 (PALM BEACH BOULEVARD); THENCE ALONG SAID SURVEY BASE LINE NORTH 81°52'20" WEST, 1,022.32 FEET; THENCE SOUTH 08°07'40" WEST, 75 FEET TO THE SOUTHERLY EXISTING RIGHT OF WAY LINE OF SAID STATE ROAD 80 (PER SECTION 1202-108) FOR A POINT OF BEGINNING; THENCE ALONG SAID SOUTHERLY EXISTING RIGHT OF WAY LINE SOUTH 81°52'20" EAST, 250.00 FEET; THENCE SOUTH 08°07'40" WEST, 250.00 FEET; THENCE NORTH 81°52'20" WEST, 250.00 FEET; THENCE NORTH 08°07'40" EAST, 250.00 FEET TO THE POINT OF BEGINNING,

PARCEL 3

THAT PORTION OF THE NORTHWEST 1/4 OF SECTION 29, TOWNSHIP 43 SOUTH, RANGE 27 EAST, LEE COUNTY, FLORIDA,

BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID NORTHWEST 1/4 OF SECTION 29; THENCE ALONG THE EAST LINE OF SAID NORTHWEST 1/4, NORTH 01°11'04" WEST, 800.48 FEET TO THE SOUTHERLY EXISTING RIGHT OF WAY LINE OF STATE ROAD 80 (PALM BEACH BOULEVARD [PER SECTION 1202-108]) FOR A POINT OF BEGINNING; THENCE ALONG SAID EAST LINE SOUTH 01°11'04" EAST, 36.10 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHERLY; THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 17,159.98 FEET, A CENTRAL ANGLE OF 00°06'33.9", AN ARC LENGTH OF 32.77 FEET, THE CHORD FOR WHICH BEARS NORTH 78°29'32" WEST TO THE END OF SAID CURVE; THENCE NORTH 78°26'15" WEST, 183.47 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHERLY; THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 17,087.13 FEET, A CENTRAL ANGLE OF 01°40'53.3", AN ARC LENGTH OF 501.46 FEET, THE CHORD FOR WHICH BEARS NORTH 7°16'41" WEST TO SAID SOUTHERLY EXISTING RIGHT OF WAY LINE AND THE END OF SAID CURVE; THENCE ALONG SAID SOUTHERLY EXISTING RIGHT OF WAY LINE SOUTH 81°52'20" EAST, 710.95 FEET TO THE POINT OF BEGINNING,

PARCEL DESCRIBED IN DEED RECORDED IN OFFICIAL RECORD BOOK 2655, AT PAGES 3059 THROUGH 3060, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS:

PARCEL 4

BEGINNING AT A POINT 385 FEET EAST AND 1150.17 FEET NORTH OF THE SOUTHWEST CORNER OF THE NORTHWEST 1/4, SECTION 29, TOWNSHIP 43 SOUTH, RANGE 27 EAST, SAID POINT OF BEGINNING BEING ON THE SOUTH RIGHT-OF-WAY LINE OF STATE ROAD 80; THENCE SOUTH 260.17 FEET; THENCE EAST 100 FEET; THENCE NORTH 243.73 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF STATE ROAD 80; THENCE WESTERLY 101.34 FEET ALONG SAID SOUTH RIGHT-OF-WAY LINE OF STATE ROAD 80 TO THE POINT OF BEGINNING.

PARCEL DESCRIBED IN DEED RECORDED IN OFFICIAL RECORD BOOK 1440, AT PAGES 1744 THROUGH 1745, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS:

PARCEL 5

A TRACT OF PARCEL OF LAND LYING IN THE S.W. 1/2 OF THE N.W. 1/4 OF SECTION 29, TOWNSHIP 43 SOUTH, RANGE 27 EAST, LEE COUNTY, FLORIDA, SAID TRACT OR PARCEL IS FURTHER DESCRIBED AS:

COMMENCE AT THE N.W. CORNER OF THE S. 1/2 OF THE N. 1/2 OF THE S.W. 1/4 OF THE N.W. 1/4 OF SAID SEC. 29; THENCE RUN S. 89°59'08" E., ALONG THE NORTH LINE OF SAID FRACTION, FOR 496.50 FEET TO THE P.O.B. OF THE PARCEL HEREIN DESCRIBED: FROM SAID P.O.B. RUN S. 00°08'42" E., PARALLEL TO THE WEST LINE OF SAID SEC. 29, FOR 100.00 FEET; THENCE RUN S 89°59'08" E., 'PARALLEL TO THE NORTH LINE OF SAID FRACTION, FOR 310.00 FEET; THENCE RUN N. 00°08'42" W., FOR 100.00 FEET TO A POINT ON SAID NORTH LINE OF FRACTION; THENCE CONTINUE N. 00°08'42" W., FOR 100.22 FEET, MORE OR LESS, TO A POINT ON THE S'LY R/W LINE OF S.R. #80, "PALM BEACH BLVD."; THENCE RUN N. 81008' 00" W., ALONG SAID R/W LINE, FOR 313.88 FEET, MORE OR LESS TO A POINT WHICH LIES N. 00°08'42" W., FROM P.O.B.: THENCE RUN S. 00°08'42" E., FOR 148.52 FEET TO THE P.O.B.

PARCEL DESCRIBED IN DEED RECORDED IN OFFICIAL RECORD BOOK 2983, AT PAGE 1220 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS:

PARCEL 6

THE EAST 500 FEET OF THE NORTH HALF (N 1/2) OF THE NORTH HALF (N 1/2) OF THE SOUTHWEST QUARTER (SW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 29, TOWNSHIP 43 SOUTH, RANGE 27 EAST, LYING SOUTH OF STATE ROAD NO. 80, EXCEPTING THERE FROM THE EASTERLY 390 FEET THEREOF.

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTH HALF (N 1/2) OF THE NORTH HALF (N 1/2) OF THE SOUTHWEST QUARTER (SW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 29, TOWNSHIP 43 SOUTH, RANGE 27 EAST, THENCE RUN EAST 820 FEET TO THE POINT OF BEGINNING; THENCE RUN SOUTH 100 FEET; THENCE EAST 100 FEET; THENCE NORTH 100 FEET; THENCE WEST 110 FEET TO THE POINT OF BEGINNING.

PARCEL DESCRIBED IN DEED RECORDED IN OFFICIAL RECORD BOOK 2246, AT PAGE 2979 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS:

PARCEL 7

FROM NW CORNER S 1/2 OF THE N 1/2 OF THE SW 1/4 OF THE NW 1/4, THENCE EAST 930 FEET TO POB THENCE S 100 FEET, THENCE EAST 190 FEET; NORTH TO S R/W LINE STATE ROAD 80

NORTHWESTERLY ALONG S.R. R/W TO A POINT FROM NW CORNER S 1/2 OF THE N 1/2 OF THE SW 1/4 OF THE NW 1/4, THENCE EAST 930 FEET TO POB THENCE S 100 FEET, THENCE EAST 190 FEET; NORTH TO S R/W LINE STATE ROAD 80 NORTHWESTERLY ALONG S.R. R/W TO A POINT NORTH OF POB, THENCE SOUTH TO POB, BEING IN SECTION 29, TOWNSHIP 43 SOUTH, RANGE 27 EAST.

**SOUTH PARCEL**

**(WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 0535 PAGE 2081)**

S 1/2 of NW 1/4 of SW 1/4 of SECTION 29, TOWNSHIP 43 SOUTH, RANGE 27 EAST, LEE COUNTY, FLORIDA.

RECEIVED

SEP 27 2006

COMMUNITY DEVELOPMENT

CPA

2006-00010

# EXHIBIT 4

Deeds



RECEIVED

SEP 27 2006

COMMUNITY DEVELOPMENT

Return to: (enclose self-addressed stamped envelope)  
Name: Stacy H. Krumin, Esquire  
201 N. Franklin St, Suite 2100  
Address: Tampa, FL 33602  
This Instrument Prepared by: Don R. Livingstone, Esq.  
Address: Don R. Livingstone, P.A.  
7711 S. W. 62 Avenue, #101  
South Miami, FL 33143  
Property Appraisers Parcel Identification (Folio) Number(s):

29-43-27-00-00005.0000

SPACE ABOVE THIS LINE FOR PROCESSING DATA

SPACE ABOVE THIS LINE FOR RECORDING DATA

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

This Indenture, made this 11th day of August, 2005, Between BONITA GLADE, L.C., A FLORIDA LIMITED LIABILITY COMPANY, of the County of Miami-Dade, State of FL., grantor\*, and CALOOSA 80, LLP, A FLORIDA LIMITED LIABILITY PARTNERSHIP whose post office address is 8891 Brighton Lane Suite126, Bonita Springs, Florida 34135, Grantee\*,

Witnesseth that said grantor, for and in consideration of the sum of Ten ..... Dollars, and other good and valuable consideration to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted 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:

A tract of Land in Section 29, Township 43 South, Range 27 East, Lee County, Florida, being more particularly described as follows: SEE ATTACHED EXHIBIT "A"

SUBJECT TO: Zoning, restrictions, prohibitions and other requirements imposed by governmental authority; restrictions and matters appearing on the Plat or otherwise common to the subdivision; public utility easements of record, restrictions, reservations, conditions, easements, dedications and limitations of record and taxes for the year 2005 and 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:

BONITA GLADE, L.C., A FLA. LTD.  
LIABILITY COMPANY

*Melinda Osborne*  
Witness Signature

MELINDA OSBORNE

Printed name

*Douglas J. Smith*  
Witness Signature

Douglas J. Smith  
Printed Name

STATE OF FLORIDA  
COUNTY OF MIAMI-DADE

By:

*Roy F. Custer, Jr.*  
Grantor Signature

ROY F. CUSTER, JR., MANAGER

Printed name

6924 Willow Lane, Miami Lakes, FL 33014  
Post Office Address

CPA

2006-00010

The foregoing instrument was acknowledged before me this 11th day of August, 2005, by ROY F. CUSTER, JR., as Manager of BONITA GLADE, L.C., A FLORIDA LIMITED LIABILITY COMPANY, who is personally known to me or who has produced a n/a as identification and did take an oath.

NOTARY PUBLIC:

*Melinda Osborne*  
Print Name: MELINDA OSBORNE

My Commission Expires:

State of Florida at Large (Seal)

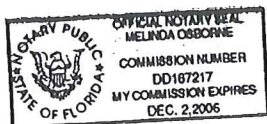


EXHIBIT "A"

THE NORTH ONE-HALF (N-1/2) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF THE SOUTHWEST ONE-QUARTER (SW-1/4) OF SECTION 29, TOWNSHIP 43 SOUTH, RANGE 27 EAST, LEE COUNTY, FLORIDA,

AND

THE SOUTH ONE-HALF (S-1/2) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF SECTION 29, TOWNSHIP 43 SOUTH, RANGE 27 EAST, LEE COUNTY, FLORIDA, LYING SOUTH OF THE SOUTHERLY RIGHT-OF-WAY LINE OF PALM BEACH BOULEVARD (STATE ROAD 80),

LESS THE FOLLOWING SEVEN (7) PARCELS:

THREE (3) PARCELS DESCRIBED IN STIPULATED ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 2879, AT PAGES 3553 THROUGH 3558, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS:

PARCEL 1:

THAT PORTION OF THE NORTHWEST (1/4) OF SECTION 29, TOWNSHIP 43 SOUTH, RANGE 27 EAST, LEE COUNTY, FLORIDA;

BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID NORTHWEST 1/4 OF SECTION 29; THENCE ALONG THE WEST BOUNDARY OF SAID SECTION 29, NORTH 00°53'13" WEST, 1,211.99 FEET TO THE SOUTHERLY EXISTING RIGHT OF WAY LINE OF STATE ROAD 80 (PALM BEACH BOULEVARD (PER SECTION 1202-108)) FOR A POINT OF BEGINNING; THENCE ALONG SAID SOUTHERLY EXISTING RIGHT OF WAY LINE SOUTH 81°52'20" EAST, 260.00 FEET; THENCE SOUTH 00°53'13" EAST, 510.00 FEET; THENCE NORTH 81°52'20" WEST, 260 FEET TO SAID WEST BOUNDARY OF SECTION 29; THENCE ALONG SAID WEST BOUNDARY NORTH 00°53'13" WEST, 510.00 FEET TO THE POINT OF BEGINNING,

PARCEL 2:

THAT PORTION OF THE NORTHWEST 1/4 OF SECTION 29, TOWNSHIP 43 SOUTH, RANGE 27 EAST, LEE COUNTY, FLORIDA;

BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID NORTHWEST 1/4 OF SECTION 29; THENCE ALONG THE EAST LINE OF SAID NORTHWEST 1/4, NORTH 01°11'04" WEST, 876.48 FEET TO THE SURVEY BASE LINE OF STATE ROAD 80 (PALM BEACH BOULEVARD); THENCE ALONG SAID SURVEY BASE LINE NORTH 81°52'20" WEST, 1,022.32 FEET; THENCE SOUTH 08°07'40" WEST, 75 FEET TO THE SOUTHERLY EXISTING RIGHT OF WAY LINE OF SAID STATE ROAD 80 (PER SECTION 1202-108) FOR A POINT OF BEGINNING; THENCE ALONG SAID SOUTHERLY EXISTING RIGHT OF WAY LINE SOUTH 81°52'20" EAST, 250.00 FEET; THENCE SOUTH 08°07'40" WEST, 250.00 FEET; THENCE NORTH 81°52'20" WEST, 250.00 FEET; THENCE NORTH 08°07'40" EAST, 250.00 FEET TO THE POINT OF BEGINNING,

OR BOOK 03718 PAGE 2391

EXHIBIT "A" CONTINUED

PARCEL 3:

THAT PORTION OF THE NORTHWEST 1/4 OF SECTION 29, TOWNSHIP 43 SOUTH, RANGE 27 EAST, LEE COUNTY, FLORIDA,

BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID NORTHWEST 1/4 OF SECTION 29; THENCE ALONG THE EAST LINE OF SAID NORTHWEST 1/4, NORTH  $01^{\circ}11'04''$  WEST, 800.48 FEET TO THE SOUTHERLY EXISTING RIGHT OF WAY LINE OF STATE ROAD 80 (PALM BEACH BOULEVARD [PER SECTION 1202-108]) FOR A POINT OF BEGINNING; THENCE ALONG SAID EAST LINE SOUTH  $01^{\circ}11'04''$  EAST, 36.10 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHERLY; THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 17,159.98 FEET, A CENTRAL ANGLE OF  $00^{\circ}06'33.9''$ , AN ARC LENGTH OF 32.77 FEET, THE CHORD FOR WHICH BEARS NORTH  $78^{\circ}29'32''$  WEST TO THE END OF SAID CURVE; THENCE NORTH  $78^{\circ}26'15''$  WEST, 183.47 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHERLY; THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 17,087.13 FEET, A CENTRAL ANGLE OF  $01^{\circ}40'53.3''$ , AN ARC LENGTH OF 501.46 FEET, THE CHORD FOR WHICH BEARS NORTH  $79^{\circ}16'41''$  WEST TO SAID SOUTHERLY EXISTING RIGHT OF WAY LINE AND THE END OF SAID CURVE; THENCE ALONG SAID SOUTHERLY EXISTING RIGHT OF WAY LINE SOUTH  $81^{\circ}52'20''$  EAST, 710.95 FEET TO THE POINT OF BEGINNING,

PARCEL DESCRIBED IN DEED RECORDED IN OFFICIAL RECORD BOOK 2655, AT PAGES 3059 THROUGH 3060, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS:

PARCEL 4:

BEGINNING AT A POINT 385 FEET EAST AND 1150.17 FEET NORTH OF THE SOUTHWEST CORNER OF THE NORTHWEST 1/4, SECTION 29, TOWNSHIP 43 SOUTH, RANGE 27 EAST, SAID POINT OF BEGINNING BEING ON THE SOUTH RIGHT-OF-WAY LINE OF STATE ROAD 80; THENCE SOUTH 260.17 FEET; THENCE EAST 100 FEET; THENCE NORTH 243.73 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF STATE ROAD 80; THENCE WESTERLY 101.34 FEET ALONG SAID SOUTH RIGHT-OF-WAY LINE OF STATE ROAD 80 TO THE POINT OF BEGINNING.

OR BOOK 03718 PAGE 2392

# EXHIBIT "A" CONTINUED

PARCEL DESCRIBED IN DEED RECORDED IN OFFICIAL RECORD BOOK 1440, AT PAGES 1744 THROUGH 1745, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS:

## PARCEL 5:

A TRACT OF PARCEL OF LAND LYING IN THE S.W. 1/2 OF THE N.W. 1/4 OF SECTION 29, TOWNSHIP 43 SOUTH, RANGE 27 EAST, LEE COUNTY, FLORIDA, SAID TRACT OR PARCEL IS FURTHER DESCRIBED AS:

COMMENCE AT THE N.W. CORNER OF THE S. 1/2 OF THE N. 1/2 OF THE S.W. 1/4 OF THE N.W. 1/4 OF SAID SEC. 29; THENCE RUN S. 89°59'08" E., ALONG THE NORTH LINE OF SAID FRACTION, FOR 496.50 FEET TO THE P.O.B. OF THE PARCEL HEREIN DESCRIBED: FROM SAID P.O.B. RUN S. 00°08'42" E., PARALLEL TO THE WEST LINE OF SAID SEC. 29, FOR 100.00 FEET; THENCE RUN S 89°59'08" E., PARALLEL TO THE NORTH LINE OF SAID FRACTION, FOR 310.00 FEET; THENCE RUN N. 00°08'42" W., FOR 100.00 FEET TO A POINT ON SAID NORTH LINE OF FRACTION; THENCE CONTINUE N. 00°08'42" W., FOR 100.22 FEET, MORE OR LESS, TO A POINT ON THE S'LY R/W LINE OF S.R. #80, "PALM BEACH BLVD."; THENCE RUN N. 81°08'00" W., ALONG SAID R/W LINE, FOR 313.88 FEET, MORE OR LESS TO A POINT WHICH LIES N. 00°08'42" W., FROM P.O.B.: THENCE RUN S. 00°08'42" E., FOR 148.52 FEET TO THE P.O.B.

PARCEL DESCRIBED IN DEED RECORDED IN OFFICIAL RECORD BOOK 2983, AT PAGE 1220 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS:

## PARCEL 6:

THE EAST 500 FEET OF THE NORTH HALF (N 1/2) OF THE NORTH HALF (N 1/2) OF THE SOUTHWEST QUARTER (SW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 29, TOWNSHIP 43 SOUTH, RANGE 27 EAST, LYING SOUTH OF STATE ROAD NO. 80, EXCEPTING THERE FROM THE EASTERLY 390 FEET THEREOF.

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTH HALF (N 1/2) OF THE NORTH HALF (N 1/2) OF THE SOUTHWEST QUARTER (SW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 29, TOWNSHIP 43 SOUTH, RANGE 27 EAST, THENCE RUN EAST 820 FEET TO THE POINT OF BEGINNING; THENCE RUN SOUTH 100 FEET; THENCE EAST 100 FEET; THENCE NORTH 100 FEET; THENCE WEST 110 FEET TO THE POINT OF BEGINNING.

PARCEL DESCRIBED IN DEED RECORDED IN OFFICIAL RECORD BOOK 2246, AT PAGE 2979 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS:

## PARCEL 7:

FROM NW CORNER S 1/2 OF THE N 1/2 OF THE SW 1/4 OF THE NW 1/4, THENCE EAST 930 FEET TO POB THENCE S 100 FEET, THENCE EAST 190 FEET; NORTH TO S R/W LINE STATE ROAD 80 NORTHWESTERLY ALONG S.R. R/W TO A POINT NORTH OF POB, THENCE SOUTH TO POB, BEING IN SECTION 29, TOWNSHIP 43 SOUTH, RANGE 27 EAST.

Return to: (enclose self-addressed stamped envelope)  
Name: Stacy H. Krumin, Esquire  
201 North Franklin St., Suite 2100  
Address: Tampa, Florida 33602  
This Instrument Prepared by: Don R. Livingstone, Esq.  
Address: Don R. Livingstone, P.A.  
7711 S.W. 62 Avenue, #101  
South Miami, Fl. 33143  
Property Appraisers Parcel Identification (Folio) Number(s):

30-43-27-00-00001.0190

SPACE ABOVE THIS LINE FOR PROCESSING DATA

SPACE ABOVE THIS LINE FOR RECORDING DATA

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

This Indenture, made this 11th day of August, 2005, Between ROY F. CUSTER and PEGGY M. CUSTER, HUSBAND AND WIFE of the County of Miami-Dade, State of FL., grantor\*, and CALOOSA 80, LLP, A FLORIDA LIMITED LIABILITY PARTNERSHIP whose post office address is 8891 Brighton Lane Suite 126, Bonita Springs, Florida 34135 Grantee\*,

Witnesseth that said grantor, for and in consideration of the sum of Ten ..... Dollars, and other good and valuable consideration to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted 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:

A tract of Land in the East half of Section 30, Township 43 South, Range 27 East, Lee County, Florida, being more particularly described as follows:

Commencing at the Southeast corner of Section 30, Township 43 South, Range 27 East, Lee County, Florida; thence North 00 degrees 17 minutes and 18 seconds West along the East section line of said Section 30, a distance of 574.13 feet to the centerline of the Florida Power and Light Easement and the point of beginning of a tract of land herein described; thence run North 00 degrees 17 minutes 18 seconds West along the East section line of said Section 30 a distance of 2,069.55 feet to the North line of the Southeast Quarter of said Section 30; thence North 00 degrees 53 minutes 41 seconds West along the East Section line of said Section 30, a distance of 1,211.84 feet, to the Southerly right of way line of State Road 80; thence North 81 degrees 53 minutes 8 seconds West, along Southerly right of way line of State Road 80, a distance of 1,003.30 feet; thence South 1 degree 9 minutes 48 seconds East, a distance of 175.44 feet; thence South 89 degrees 32 minutes 57 seconds West, a distance of 312.00 feet, to the Easterly R/W of Bateman Road, (50 foot wide) as described in County Commissioner's Minute Book 5, at Page 592, of the Public Records of Lee County, Florida; thence South 1 degree 7 minutes 53 seconds East (South 1 degree 8 minutes 50 seconds East on Johnson Engineering Survey, dated June 9, 1994), along the centerline of Bateman Road, a distance of 3267.33 feet, to the centerline of a 150 foot Florida Power and Light Electrical Easement; thence North 89 degrees 1 minute 22 seconds East, along the centerline of aforesaid electrical easement, a distance of 1,302.81 feet, to the East section line of said Section 30, and the point of beginning. Less and Except any road right-of-way.

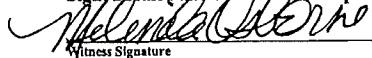
SUBJECT TO: Zoning, restrictions, prohibitions and other requirements imposed by governmental authority; restrictions and matters appearing on the Plat or otherwise common to the subdivision; public utility easements of record, restrictions, reservations, conditions, easements, dedications and limitations of record and taxes for the year 2005 and 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.

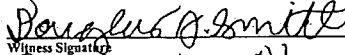
In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed sealed and delivered in our presence:

  
Witness Signature

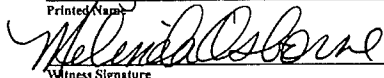
MELINDA OSBORNE

Printed name

  
Witness Signature

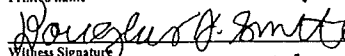
Douglas J. Smith

Printed Name

  
Witness Signature

MELINDA OSBORNE

Printed name

  
Witness Signature

Douglas J. Smith

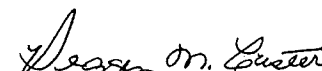
Printed Name

  
Grantor Signature

ROY F. CUSTER

Printed name

6924 Willow Lane, Miami Lakes, FL. 33014  
Post Office Address

  
Grantor Signature

PEGGY M. CUSTER

Printed name

6924 Willow Lane, Miami Lakes, FL. 33014  
Post Office Address

STATE OF FLORIDA  
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this 11th day of August, 2005, by ROY F. CUSTER and PEGGY M. CUSTER, HUSBAND AND WIFE, who are personally known to me or who have produced a n/a as identification and did take an oath.

NOTARY PUBLIC:

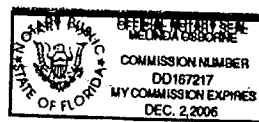
*Melinda Osborne*

Print Name:

**MELINDA OSBORNE**

My Commission Expires:

State of Florida at Large (Seal)



\_\_\_\_\_

This Instrument Prepared by and Return to:  
**Richard T. Cotter, P.A.**  
ACCENT TITLE INSURANCE AGENCY, INC.  
6100 Estero Blvd.  
Ft. Myers Beach, FL 33931

Property Appraisers Parcel Identification (Folio) Numbers:  
**29-43-27-00-0012.0060**

Grantee SS #: \_\_\_\_\_

SPACE ABOVE THIS LINE FOR RECORDING DATA

INSTR # 5302352  
OR BK 03535 PG 2081

RECORDED 12/06/01 06:38 PM  
CHARLIE GREEN CLERK OF COURT  
LEE COUNTY  
RECORDING FEE 10.50  
DOC TAX PD(F.S.201.02) 591.50  
DEPUTY CLERK C Keller

Fee 10.50  
Ds 591.50  
602.00

THIS WARRANTY DEED, made the 2nd day of November, A.D. 2001 by

MACK SPARKS herein called the grantor, to

MORGAN HALLE whose post office address is: 8521 Cypress Dr. S., Ft Myers, FL 33912, hereinafter called the Grantee:

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

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

See Exhibit "A" attached hereto and made a part hereof.

Subject to all reservations, restrictions and easements of record and taxes for the year 2001.

This property does not constitute the homestead of the Grantors.

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

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

AND, the grantor hereby covenants with said grantee that the grantor is/are lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land, and hereby warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2000.

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

Signed, sealed and delivered in the presence of:

Richard T. Cotter  
Witness 1 Signature as to MACK SPARKS

Deborah S. Justice  
Type/Print Name of Witness 1

Karen D. Tyner  
Witness 2 Signature as to MACK SPARKS

KAREN D. Tyner  
Type/Print Name of Witness 2

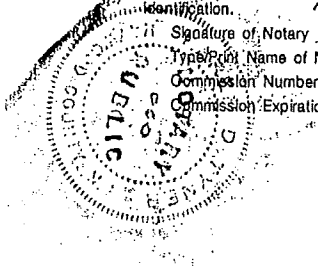
MACK SPARKS  
P.O. Box 827, Waynesville, NC 28786

L.S.

STATE OF NORTH CAROLINA  
COUNTY OF Haywood

The foregoing instrument was acknowledged before me this 2nd day of November, 2001 by MACK SPARKS who ☒ is/are personally known to me or ( ) has produced \_\_\_\_\_ as

Identification.  
Signature of Notary Karen D. Tyner  
Type/Print Name of Notary KAREN D. Tyner  
Commission Number none  
Commission Expiration Date 02-21-2005



**EXHIBIT "A"**

The following described parcel lying in Section 29, Township 43 South, Range 27 East, Lee County, Florida, described as follows: the south 1/2 of the northwest 1/4 of the southwest 1/4, together with an easement for road right of way purposes over and across the following described property: the west 60 feet of the east 1/2 of the southeast 1/4 of the northeast 1/4, lying south of SR-80; and the west 60 feet of the northeast 1/4 of the northeast 1/4 of the southeast 1/4 and the south 60 feet of the northwest 1/4 of the northeast 1/4 of the southeast 1/4 and the south 60 feet of the north 1/2 of the northwest 1/4 of the southeast 1/4 and the south 60 feet of the north 1/2 of the northeast 1/4 of the Southwest 1/4 and the north 60 feet of the west 60 feet of the southwest 1/4 of the northeast 1/4 of the southwest 1/4, Lee County, Florida.

The above mentioned road easement is a non-exclusive roadway easement.



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SEP 27 2006

COMMUNITY DEVELOPMENT

CPA



2006-00010

# EXHIBIT 5

Aerial Map



# Legend

Property  
Boundary



300'

Aerial Photography - February 2006



**HEIDT & ASSOCIATES, INC.**

3800 Colonial Boulevard  
Suite 200  
Ft. Myers, FL 33966  
239.482.7275

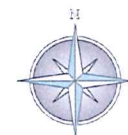
2006-00010

**Caloosa 80**  
**Lee County, Florida**

**RECEIVED**  
SEP 27 2006

**Caloosa 80**

Owner(s) Name:  
Caloosa 80 LLP  
STRAP #(s):  
29-43-27-00-00005 0000  
29-43-27-00-00001 0190  
S-T-R:  
S30-T43S-R27E  
S29-T43S-R27E



Source: GIS Data compiled by Heidt & Associates, Inc. from data obtained from The Florida Geographic Data Library V.3.0. and other sources. This data reflects only the accuracy of its source. Metadata is available upon request.



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COMMUNITY DEVELOPMENT

CDA

2006-00010

**EXHIBIT 6**  
**Zoning Letter**



LEE COUNTY  
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: 479-8995

Bob Janes  
District One

January 14, 2005

Douglas R. St. Cerny  
District Two

Mr. Roy Custer  
6924 Willow Lane  
Miami Lakes, FL 33014

Ray Judah  
District Three

Andrew W. Coy  
District Four

RE: 19000 Palm Beach Blvd.  
STRAP # 30-43-27-00-00001.0190  
Case No. ZVL2004-00072 (Correction)

John E. Albion  
District Five

Donald D. Stillwell  
County Manager

James G. Yaeger  
County Attorney

Diana M. Parker  
County Hearing  
Examiner

Dear Mr. Custer:

Upon thorough review of the information provided by Steve Hartsell with respect to the above referenced property, we have determined the property is zoned Residential Multiple Family (RM-2) by Lee County Zoning Resolution Z-70-198 and is located in the Urban Community category according to the Future Land Use Map of Lee County.

Both the County Attorney's office and I have reviewed the agreements entered between Lee County and Lehigh Corporation both in 1988 and 1992.

In 1992, the County entered into another stipulation and settlement agreement with Lehigh Corporation. This agreement vested certain Lehigh properties as to concurrency. Included in this agreement is the subject property of this ZVL. On page two of the agreement this property is mentioned specifically as being a part of a 400 acre tract zoned RM-2. This agreement refers back to the 1988 agreement and states that the density and intensity of use (of the 1988 agreement) is not superseded.

It is my opinion, and based upon the review and legal opinion of the County Attorney's Office, attached, that the County determines that this property is zoned RM-2 and that the conditions of Zoning Resolution Z-70-198 are void and of no effect. Based on the principle of equitable estoppel, the property owner could rely upon the two agreements and statements by the County ratifying the urban land use classification of the property and RM-2 zoning.

Should you have further questions, please do not hesitate to contact our office.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT  
Zoning Division

*Pam Houck*

Pam Houck  
Zoning Director

PEH/dxc

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SEP 27 2006

COMMUNITY DEVELOPMENT

CPA

2006-00010

From: Joan Henry [jhenry@leegov.com]  
Sent: Wednesday, January 12, 2005 9:35 AM  
To: Pam Houck  
Subject: Custer ZVL2004-00072

Pam,

Following up on our discussion yesterday, our office received new information with respect to this property and RM-2 zoning. A settlement agreement between Lee County and Lehigh Corporation was entered into in 1988. This agreement vested certain properties owned by Lehigh as to densities for urban development. The property that is the subject of the ZVL was included in this agreement. (The property is currently shown on the Urban Community category of the Future Land Use Map.)

In 1992, the County entered into another stipulation and settlement agreement with Lehigh Corporation. This agreement vested certain Lehigh properties as to concurrency. Included in this agreement is the subject property of this ZVL. On page two of the agreement this property is mentioned specifically as being a part of a 400 acre tract zoned RM-2. This agreement refers back to the 1988 agreement and states that the density and intensity of use (of the 1988 agreement) is not superseded.

It is my opinion, based on this information, that the County determined that this property is zoned RM-2. Based on the principle of equitable estoppel, the property owner could rely upon the two agreements and statements by the County ratifying the urban land use classification of the property and RM-2 zoning.

Please let me know if you have any questions or if I may be of any additional assistance.

Joan C. Henry  
Assistant County Attorney  
Lee County Attorney's Office  
jhenry@leegov.com  
Phone: (239) 335-2236  
FAX: (239) 335-2606

*Tanya*

2/15

*6<sup>th</sup> Hon*

RESOLUTION NO. Z-70-198

The following Resolution was offered by Commissioner Julian Hudson, seconded by Commissioner P.A. Geraci, and upon poll of members present, the vote was as follows:

Kenneth Daniels	<u>Aye</u>
Julian Hudson	<u>Aye</u>
Jim Sweeney	<u>Aye</u>
P. A. Geraci	<u>Aye</u>
Bruce J. Scott	<u>absent</u>

WHEREAS, LEHIGH ACRES DEVELOPMENT, INC., a Florida corporation, has applied for a zoning change from AU to a Mobile Home Subdivision, later amended before the BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA to a request for a zoning classification of RU-1 with a lot variance to 4,000 square feet for modular-type housing, and at a public hearing held before the BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA on January 28, 1970, the said LEHIGH ACRES DEVELOPMENT, INC. announced publicly to the BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA that it would accept, if the BOARD so desired to rule, a zoning classification of RU-3 under Section 9 of the Lee County Zoning Regulations, Paragraph 5, "Multiple Family Housing Projects". The said LEHIGH ACRES DEVELOPMENT, INC. announced that it would also accept the Community Unit Plan for said zoning classification as recommended by Adley Associates, Consultants, said recommendation having been made to the Lee County Building and Zoning Department in July of 1967 by said Adley Associates, Consultants.

VED & ALCIA  
owners at Lee  
McGregor Blvd.  
MYERS, FLORIDA

Post-It® Fax Note	7671	Date	# of pages <u>3</u>
To <u>Mon</u>		From <u>Lee County Zoning</u>	
Co./Dept.		Ca.	
Phone #		Phone #	
Fax # <u>390-3165</u>		Fax #	

The property to be zoned RU-3 for Multiple Family Housing Projects, as set forth under Section 9, Paragraph 5 on page 22 of the Lee County Zoning Regulations adopted June 27, 1962, is described in that certain legal description attached hereto and made a part hereof, and marked "EXHIBIT A".

WHEREAS, a public hearing of the Lee County Zoning Board was advertised, as required by law, and after hearing all interested parties and considering adjacent areas, the Lee County Zoning Board recommended that the initial request be denied.

WHEREAS, This BOARD, after reviewing the records of the recommendations of the Lee County Zoning Board, and having given an opportunity for interested persons to be heard, after being duly sworn according to law, and upon due and proper consideration having been given to this matter, for the purpose of clarification, does hereby amend the Lee County Zoning Board's recommendation;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, that the recommendation of the Lee County Zoning Board to deny a zoning change from AU to Mobile Home Subdivision be affirmed; however, after due and proper consideration and public hearings held thereon, the BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, do hereby grant a change of zoning on the area requested from AU to that of RU-3, being Multiple Family Housing Project, as authorized in Section 9, Paragraph 5 on page 22 of the Lee County Zoning Regulations adopted on June 27, 1962, be granted, subject to the following restrictions:

1. That the recommended Community Unit Plan recommended to the Lee County Building & Zoning Department in July of 1967 by Adley Associates, Consultants, be made a part of this Resolution by attachment hereto and marked "EXHIBIT "B", and that the Multiple Family Housing Project must be built according to the recommended Community Unit Plan, except that the average lot area, exclusive of streets, shall be 4,000 square feet or larger.

The Zoning Director is hereby directed to make the necessary notation upon the maps and records of the Lee County Building & Zoning Department.

PASSED AND ADOPTED this 18th day of February, A. D., 1970.

THE BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

By Kenneth R. Davis  
Chairman

This Resolution passed by voice vote and entered into the Minutes of the Board of County Commissioners of Lee County, Florida, this \_\_\_\_ day of \_\_\_\_\_, A. D. 1970.

CLERK OF THE CIRCUIT COURT OF  
LEE COUNTY, FLORIDA

By \_\_\_\_\_  
Deputy Clerk



IN THE CIRCUIT COURT OF THE  
TWENTIETH JUDICIAL CIRCUIT, IN  
AND FOR LEE COUNTY, FLORIDA

LEHIGH CORPORATION,

Plaintiff,

vs.

LEE COUNTY, a political subdivision  
of the State of Florida,

Defendant.

Case No. 85-5843 CA-EOF

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STIPULATION AND SETTLEMENT AGREEMENT

Plaintiff, Lehigh Corporation ("Lehigh"), and Defendant, Lee County, hereby enter into this Stipulation and Settlement Agreement in the above-referenced cause and in support thereof state:

WHEREAS, Lehigh is a corporation organized and existing under the laws of the State of Florida and the owner and developer of the planned community of Lehigh Acres, which is located in unincorporated Lee County, Florida; and

WHEREAS, Lee County is the local government with jurisdiction over Lehigh Acres; and

WHEREAS, the East County Water Control District oversees surface water management of Lehigh Acres, Lehigh Acres Utilities, Inc. provides water and sewer services to Lehigh Acres, Lehigh Acres Fire District provides fire protection and inspection services for Lehigh Acres, and various lighting districts provide street lights in portions of Lehigh Acres; and

WHEREAS, on November 16, 1984, the Lee County Board of County Commissioners adopted, pursuant to the requirements of Section 163.3161, et. seq., Florida Statutes (1983), the Lee County Comprehensive Land Use Plan ("Lee Plan") as Lee County Ordinance No. 84-28; and

WHEREAS, the Lee Plan provides that all development and all actions taken in regard to development must be consistent with the Lee Plan unless a landowner or developer has previously obtained vested rights to develop his lands; and

WHEREAS, pursuant to the Lee Plan, Lehigh timely filed an application for administrative interpretation of vested rights, claiming that it had vested rights to develop the remaining undeveloped parts of Lehigh Acres in accordance with its Master Land Use Plan Maps; and

WHEREAS, by Administrative Interpretation of Vested Rights dated August 19, 1985, the Administrative Designee of Lee County determined that Lehigh had a vested right to develop all of those portions of Lehigh Acres for which a plat had been prepared

by Lehigh and approved and recorded by Lee County. The administrative designee further concluded, however, that all remaining undeveloped and unplatted lands in Lehigh Acres were not vested under the Lee Plan; and

WHEREAS, Lehigh timely requested an appeal of the Administrative Designee's Administrative Interpretation of Vested Rights to the Lee County Board of County Commissioners; and

WHEREAS, the Lee County Board of County Commissioners, by a 2-2 tie voice vote denied Lehigh's Administrative Appeal on October 2, 1985; and

WHEREAS, on October 31, 1985, Lehigh filed the subject action for a declaratory judgment for a declaration of its rights under the Lee Plan so that it would have judicially determined whether it has vested rights to develop the remaining unplatted and undeveloped portions of Lehigh Acres; and

WHEREAS, Lehigh and Lee County desire to amicably resolve this dispute without the need for further legal proceedings; and

WHEREAS, Lehigh and Lee County hereby ratify and affirm that the settlement of this suit is in the public interest and in the interests of the parties hereto.

WHEREFORE, in light of the foregoing declarations, Lehigh and Lee County hereby agree and stipulate as follows:

1. The lands within Lehigh Acres which are the subject of this Stipulation and Settlement Agreement are approximately described as follows:

- (1) NE $\frac{1}{4}$  of NE $\frac{1}{4}$  of NE $\frac{1}{4}$  of Sec. 25, Township 43S, Range 26E.
- (2) SE $\frac{1}{4}$  of NE $\frac{1}{4}$  of NE $\frac{1}{4}$  of Sec. 25, Township 43S, Range 26E.
- (3) NE $\frac{1}{4}$  of SE $\frac{1}{4}$  of NE $\frac{1}{4}$  of Sec. 25, Township 43S, Range 26E.
- (4) W $\frac{1}{2}$  of SE $\frac{1}{4}$  of SW $\frac{1}{4}$  S. of Caloosahatchee River, Sec. 19, Township 43S, Range 27E.
- (5) All of the NW $\frac{1}{4}$  lying N. of S.R. 80 of Sec. 30, Township 43S, Range 27E.
- (6) All of the NW $\frac{1}{4}$  of NE $\frac{1}{4}$ , lying N. of S.R. 80 of Sec. 30, Township 43S, Range 27E.
- (7) All of Sec. 30, Township 43S, Range 27E, lying S. of S.R. 80, less out parcels.
- (8) W $\frac{1}{2}$  of Sec. 31, Township 43S, Range 27E.
- (9) W $\frac{1}{2}$  of SE $\frac{1}{4}$  of Sec. 31, Township 43S, Range 27E.
- (10) SE $\frac{1}{4}$  of SE $\frac{1}{4}$  of Sec. 31, Township 43S, Range 27E.
- (11) SW $\frac{1}{4}$  of NE $\frac{1}{4}$  of Sec. 31, Township 43S, Range 27E.
- (12) SW $\frac{1}{4}$  of NW $\frac{1}{4}$  of NE $\frac{1}{4}$  Sec. 31, Township 43S, Range 27E.
- (13) NE $\frac{1}{4}$  of NE $\frac{1}{4}$  of NE $\frac{1}{4}$  Sec. 31, Township 43S, Range 27E.
- (14) S $\frac{1}{2}$  of NE $\frac{1}{4}$  of Sec. 36, Township 43S, Range 27E.

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- (15) NE $\frac{1}{4}$  of NE $\frac{1}{4}$  of Sec. 36, Township 43S, Range 27E.
- (16) All of Sec. 10, Township 44S, Range 27E.
- (17) All of Sec. 30, Township 44S, Range 27E, lying N. of Able Canal, less County Park.
- (18) Northerly part of W $\frac{1}{2}$ , S. of Able Canal of Sec. 30, Township 44S, Range 27E.
- (19) W $\frac{1}{2}$  of NE $\frac{1}{4}$  of Sec. 5, Township 45S, Range 27E.
- (20) SE $\frac{1}{4}$  of SW $\frac{1}{4}$  of Sec. 5, Township 45S, Range 27E.
- (21) SW $\frac{1}{4}$  of SE $\frac{1}{4}$  of Sec. 5, Township 45S, Range 27E.
- (22) S $\frac{1}{2}$  of SW $\frac{1}{4}$  of Sec. 4, Township 45S, Range 27E.
- (23) SW $\frac{1}{4}$  of SE $\frac{1}{4}$  of Sec. 4, Township 45S, Range 27E.
- (24) W $\frac{1}{2}$  of NE $\frac{1}{4}$  of Sec. 9, Township 45S, Range 27E.
- (25) W $\frac{1}{2}$  of SE $\frac{1}{4}$  less the W. 125' of Sec. 15, Township 45S, Range 27E.
- (26) Block "B" of Lehigh Park, Secs. 21 & 22, Township 44S, Range 26E.
- (27) Block "A" of Lehigh Park, Sec. 23, Township 44S, Range 26E.
- (28) Block 20 of Lehigh Park, Sec. 23, Township 44S, Range 26E.
- (29) W $\frac{1}{2}$  of SE $\frac{1}{4}$ , East of Beth Stacey Blvd., of Sec. 6, Township 45S, Range 27E.
- (30) S $\frac{1}{2}$  of N $\frac{1}{2}$  of NW $\frac{1}{4}$  of NE $\frac{1}{4}$  of Sec. 6, Township 45S, Range 27E.
- (31) N $\frac{1}{2}$  of S $\frac{1}{2}$  of NW $\frac{1}{4}$  of NE $\frac{1}{4}$  of Sec. 6, Township 45S, Range 27E.
- (32) N $\frac{1}{2}$  of NE $\frac{1}{4}$  of SW $\frac{1}{4}$  of NE $\frac{1}{4}$  of Sec. 6, Township 45S, Range 27E.
- (33) S $\frac{1}{2}$  of NW $\frac{1}{4}$  of SW $\frac{1}{4}$  of NE $\frac{1}{4}$  of Sec. 6, Township 45S, Range 27E.
- (34) S $\frac{1}{2}$  of SW $\frac{1}{4}$  of NE $\frac{1}{4}$  of Sec. 6, Township 45S, Range 27E.
- (35) N $\frac{1}{2}$  of NE $\frac{1}{4}$  of NE $\frac{1}{4}$  of SE $\frac{1}{4}$  of Sec. 4, Township 45S, Range 27E.
- (36) W $\frac{1}{2}$  of SW $\frac{1}{4}$  of NW $\frac{1}{4}$  of Sec. 3, Township 45S, Range 27E.
- (37) NE $\frac{1}{4}$  of SW $\frac{1}{4}$  of NW $\frac{1}{4}$  of Sec. 3, Township 45S, Range 27E.
- (38) S $\frac{1}{2}$  of NW $\frac{1}{4}$  of NW $\frac{1}{4}$  of Sec. 3, Township 45S, Range 27E.
- (39) Blocks 5 & 6 of Carlton Park, Sec. 32, Township 44S, Range 27E.
- (40) Blocks 10, 11, 12, 16 & 17 of Carlton Park, Sec. 33, Township 44S, Range 27E.
- (41) Blocks 1 & 2, of Country Club Estates, Sec. 34, Township 44S, Range 27E.
- (42) All of the undeveloped portions of Blocks 1, 2, 3, 4, 5, 8, 9, 10 and 11 of the unrecorded plat of Sunshine Shopping Plaza, Section 31, Township 44S, Range 27E.

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- (43) All of the undeveloped portions of Section 34, Township 44S, Range 27E lying NW of Joel Boulevard.
  - (44) The westerly half of Block 27A, Country Club Estates, Section 34, Township 44S, Range 27E.
  - (45) The undeveloped portion of Block 19, Country Club Estates, Section 34, Township 44S, Range 27E.
  - (46) The vacated portion of Blocks 25, 26 and 27, Country Club Estates, Section 34, Township 44S, Range 27E.
  - (47) That vacated portion of Sections 32 and 33, Township 44S, Range 26E, for the condo Beau Rivage.
  - (48) That vacated portion of Blocks 4 and 5, Unit 1, Lehigh Estates, Section 30, Township 44S, Range 26E.
  - (49) The Easterly portion of Block 7, Unit 1, Lehigh Estates, Section 30, Township 44S, Range 26E.

A map depicting these approximate areas, which are indicated by number in yellow on the map, is attached hereto and incorporated herein as Exhibit A.

2. The intent of this Agreement is to provide Lehigh with urban densities and intensities of use for development that will be independent of Lee County subsidized infrastructure for the lands which are the subject of this Agreement.

3. Lee County, therefore, affirms and ratifies that Lehigh will be allowed densities and intensities of use, commensurate with its existing development in Lehigh Acres, for the lands which are the subject of this Agreement. Lee County further affirms and ratifies that these densities and intensities of use are consistent with and vested under the Lee Plan and any subsequent plans adopted pursuant to Chapter 163, Florida Statutes. Lehigh agrees that all such new development, however, will be independent of Lee County subsidized infrastructure (i.e., streets and roads, potable water, sewer, and storm water facilities).

4. The costs for providing such essential infrastructure shall be borne as follows:

(a) Lehigh shall provide the streets and roads for the subject lands and construct these streets and roads in accordance with the Lee County regulations in force at the time plats for said lands are approved by Lee County. Such streets and roads shall be accepted by Lee County in accordance with the provisions of the subdivision platting assurance agreement between Lee County and Lehigh;

(b) Lehigh Utilities, Inc. shall provide water and sewer services in accordance with provisions and terms of Lehigh's agreement with the Lee County Health Department dated April 8, 1970, as affirmed January 20, 1983, and as further reaffirmed January 27, 1987, the contents of which are attached hereto and incorporated herein as Composite Exhibit B;

(c) Stormwater facilities shall be constructed by Lehigh in conformance with the overall drainage plans of the East County Water Control District.

5. Lee County agrees that it will grant plat approval and development orders for said lands on the condition that all essential infrastructure set forth in the preceding paragraph has been or will be provided in accordance with this Agreement and Composite Exhibit B.

6. The parties further agree that the principles, rights, duties, and responsibilities set forth herein shall be incorporated into any subsequent comprehensive plan adopted by Lee County pursuant to Chapter 163, Florida Statutes.

DONE and ENTERED this 27<sup>th</sup> day of December, 1988.

William L. Hyde  
WILLIAM L. HYDE  
ROBERTS, BAGGETT, LaFACE & RICHARD  
Post Office Drawer 1838  
Tallahassee, Florida 32302  
(904) 222-6891  
ATTORNEYS FOR LEHIGH CORPORATION

Robert Gray  
ROBERT GRAY  
Assistant County Attorney  
Lee County  
Post Office Box 398  
Fort Myers, Florida 33902-0398  
ATTORNEYS FOR LEE COUNTY

WLLH/LehiSetAgr/gdw

OR2042

PG0018

OR 2319/1490

2332/0151

2385/0860

2332/148

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT, IN AND FOR  
LEE COUNTY, FLORIDA CIVIL ACTION

LEHIGH CORPORATION,

Plaintiff,

s.

Case No. 91-2482 CA

LEE COUNTY, A POLITICAL  
SUBDIVISION OF THE  
STATE OF FLORIDA,

C920557

Defendant.

FLU EAR Exhibit E Page 1 of 6

STIPULATION AND SETTLEMENT AGREEMENT

This Agreement made as of 9<sup>th</sup> day of June, 1992 between  
Lehigh Corporation, a Florida corporation, ("Lehigh") and Lee County,  
political subdivision of the State of Florida (the "County").

RECITALS

A. Lehigh is a corporation organized and existing under the  
laws of the State of Florida and the developer of Lehigh Acres,  
located in unincorporated Lee County, Florida; and

B. The County is the local government with jurisdiction over  
Lehigh Acres.

C. On September 27, 1990, Lehigh filed three Applications for  
termination of Concurrency Vesting with the County, to wit:

Application File No. C-90-4882, (hereinafter "Application #1")

Application File No. C-90-4883, (hereinafter "Application #2")

Application File No. C-90-4884, (hereinafter "Application #3")

SEP 10 1992

ADMINISTRATION

340/F)

D. By letter dated February 18, 1991, the County notified Lehigh that the property covered by Application #1 was ineligible for vesting from the Lee County concurrency management regulations. No final determination was made with regard to Orange Villas, Section 26/44/27, Plat Book 1356, Pages 1147-1176 or Beacon Square, Section 5/45/27, recorded September, 1983 in Plat Book 1689, Pages 3846-3870.

E. On May 16, 1991, Lehigh filed a Request for Appeal of an Administrative Interpretation with respect to Application #1 (the "Administrative Appeal"). The Administrative Appeal is pending before the Lee County Hearing Examiner as of the date hereof (Case Number ADM-91-10).

F. By letter dated November 3, 1990, the County notified Lehigh that Lehigh and its successors in interest may complete development of property covered by Application #2 without compliance with the Lee County Concurrency Management Regulations. By letter dated January 1, 1992, the County issued a Certificate of Concurrency Exemption with respect to property included in Application #2.

G. Pursuant to letters dated November 9, November 14 and December 17, 1990, the County notified Lehigh that certain property included in Application #3 was vested for the purposes of concurrency. Other property included in Application #3 was found ineligible for concurrency vesting. On November 7, 1991, the County issued a Certificate of Concurrency Exemption with respect to the property included in Application #3. Both Certificates of Exemption are valid for three years from the date of issuance.

H. The property included in Application #3 which was deemed exempt from the Lee County Concurrency Management Regulations included all of Section 30, Township 43, South, Range 27 East, lying north of State Road 80, less out parcels ("Section 30"). Section 30 consists of 458 acres. Approximately 400 of those acres are zoned R-2, which allows the construction of up to 14 residential units per acre or a maximum of 5,600 units.

I. On November 28, 1990 Lehigh filed a Request for Appeal of an Administrative Interpretation with respect to the property denied vesting pursuant to Application #3. The matter was heard before the Lee County Hearing Examiner on January 28, 1991. The Hearing Examiner denied the Appeal in a decision rendered in February, 1991. April 2, 1991, Lehigh filed a Petition for Writ of Certiorari and/or Complaint for Declaratory Relief and/or Complaint to Enforce Judgment against the County in the Circuit Court of the Eleventh Judicial Circuit in and For Lee County, Florida, thereby challenging the denial of concurrency vesting with respect to such property (the "Judicial Appeal"). The Judicial Appeal is pending as of the date of this Agreement.

J. Lehigh and the County desire to amicably resolve the Administrative Proceeding and the Judicial Proceeding.

FLU EAR Exhibit E Page 2 of 6

NOW THEREFORE, In consideration of the foregoing recitals, Lehigh and the County hereby agree and stipulate as follows:

1. Lehigh and its successors in interest may complete development of the property described in Exhibit "A" attached hereto and depicted in white (uncolored) on Exhibit "E" (the "Exempt Property") without compliance with the Lee County Concurrency Management Regulations. Such property shall remain subject to all other local land development regulations adopted pursuant to the Lee County Comprehensive Plan as may be amended from time to time, however, such regulations shall not effect the densities or intensities of use previously established in the Stipulation and Settlement Agreement dated December 27, 1988. The Certificate of Concurrency Exemption ("Certificate of Exemption") excuses the exempt property from compliance with the level of service standards set forth in the Lee County Concurrency Management Ordinance No. 89-33, as amended, and as may be further amended from time to time (the "Concurrency Ordinance"). Pursuant to Section 8.K. of the Concurrency Ordinance, the Certificate of Exemption is valid for three (3) years from the date of this Agreement. Three (3) years from the date of this Agreement, Lehigh or its successors in interest shall renew the Certificate of Exemption, thereby extending the right to develop the exempt property as property exempt from the Lee County Concurrency Management Regulations.

2. The property described in Exhibit "B" attached hereto and depicted in red on Exhibit "E", is ineligible for concurrency vesting and shall be subject to all Lee County Land Development Regulations including concurrency. However, the County shall issue permits for the construction of single family residential units on the property described in Exhibit "B" which has been platted prior to 1971, notwithstanding the level of service standards set forth in the County Comprehensive Land Use Plan.

3. Lehigh will consent to a reclassification of the status of Section 30 as follows: the section shall no longer be deemed vested and exempt from Lee County Concurrency Management Regulations.

In conjunction with the reclassification of Section 30, the County will establish a transferable credit based upon eight (8) residential units per acre or 3,200 residential units (the "transferable credit") which may be developed on certain property, as hereinafter described, previously denied concurrency vesting but located closer to existing infrastructure improvements than Section 30. In exchange, Lehigh will waive all claims of vesting with respect to the remaining 2,400 residential units previously found to be exempt from Lee County Concurrency Management Regulations.

With respect to residential lots that were determined to be ineligible for vesting pursuant to Application #1, the County shall continue its current policy of issuing permits for construction

FLU EAR Exhibit E Page 3 of 6

O/F)



of single family residential dwelling units notwithstanding the level of service standards set forth in the Lee County Comprehensive Land Use Plan.

4. In consideration of the former exempt status of Section 30, which shall hereafter be subject to all Lee County land development regulations including concurrency, Lehigh and its successors in interest are and shall be entitled to develop certain property exempt from the Concurrency Management Regulations to the extent of the Transfer Credit, subject to the following:

a) The Transfer Credit shall not exceed a total of 3,200 residential units or the equivalent thereof, as provided under subparagraph b.) below, and Lehigh hereby waives any further rights in connection with the previous status of Section 30.

b) Lehigh or its successors in interest may convert all or any portion of the Transfer Credit from residential units to other uses ("Residential Unit Equivalents"), based upon the conversion table attached hereto as Exhibit "C".

c) Lehigh and its successors in interest may from time to time assign the Transfer Credit or any portion thereof to any property described on Exhibit "D" attached hereto and depicted in Figure on Exhibit "F" (the "Eligible Property"), subject to the procedures provided for in subparagraph d.) below.

d) Whenever the Transfer Credit or any portion hereof is assigned to a specific parcel, Lehigh or its successor in interest shall provide written notice to the County of its intention to assign the Transfer Credit. The Notice shall include: (i) a legal description of the Eligible Property to which the Transfer Credit is being assigned (the "Receiving Parcel"); (ii) the number of residential units or Residential Unit Equivalents assigned from the Transfer Credit; (iii) a copy of a recorded instrument restricting the Receiving Parcel to the density of uses assigned; and (iv) an accounting which reflects all assignments of the Transfer Credit and which sets forth the remaining balance of the Transfer Credit, i.e., a number of remaining residential units or Residential Unit Equivalents eligible for assignment. Upon the County's receipt of this Notice, the Receiving Parcel shall be exempt from compliance with the level of service standards set forth in the Lee County Comprehensive Land Use Plan.

e) The assignment of the Transfer Credit in accordance with this paragraph shall not confer rights upon the Receiving Parcel beyond those permitted by existing zoning and other, shall not exempt the property from compliance with the Lee County Comprehensive Land Use Plan and other Lee County Land Development Regulations with the exception of concurrency.

5. The Certificate of Concurrency Exemption issued pursuant to this Agreement shall not be affected by platting,

replatting or rezoning of the Exempt Property, provided the density and/or intensity of land use is not increased thereby. The density and/or intensity of land uses of Receiving Parcels shall be limited as set forth in Paragraph 4.e. of this Agreement.

6. In the event the County hereafter undertakes a Sector Plan for Lehigh Acres or any portion thereof, Lehigh shall cooperate with the County by providing any information and staff support that it is reasonably capable of providing, using its existing in-house capacity. In addition, Lehigh shall contribute money to the County to defray the cost of professional services necessary to develop the Sector Plan, in an amount equal to fifty percent (50%) of the amount expended by the County, up to a maximum reimbursement by Lehigh of \$20,000. The scope and contents of such Sector Plan shall be at the sole discretion of the County. Alternately, at the County's sole discretion and upon notice to Lehigh, the service, support and reimbursement that Lehigh has committed to in this Section may be redirected to such other study or project that relates to the planning, traffic conditions or general aesthetics at Lehigh Acres.

7. This Stipulation and Settlement Agreement supersedes all previous certifications, determinations and agreements with respect to concurrent status for the property described in Exhibits "A", "B" and "D" and depicted in Exhibits "E" and "F" attached hereto. However, the Stipulation and Settlement Agreement entered into by the parties on December 27, 1988, as it pertains to density intensity of use is not superseded hereby and is hereby ratified shall remain in full force and effect.

8. Lehigh and the County hereby ratify and affirm that the settlement of the Administrative Proceeding and the Judicial Proceeding is in the public interest and the interests of the parties hereto.

9. This Agreement shall be deemed incorporated in any subsequent Concurrency Ordinance or Comprehensive Plan hereafter adopted and/or amended by the County.

AGREED ON this 9<sup>th</sup> day of June, 1992.

Allen Wyskocik  
WYSS

John E. Allen  
WYSS

LEHIGH CORPORATION

By: William Livingston  
William Livingston, President  
Address: 201 E. Joel Boulevard  
Lehigh Acres, FL 33936

FLU EAR Exhibit E Page 5 of 6

STATE OF FLORIDA

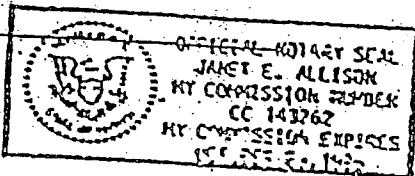
COUNTY OF LEE

SS..

The foregoing instrument was acknowledged before me this 20 day of June, 1992, by William Livingston, who is personally known to me or who has produced identification and who did not take an oath. 26

My Commission Expires:

Janet E. Allison  
Notary Public



BOARD OF COUNTY COMMISSIONERS  
LEE COUNTY, FLORIDA

By: Doug St. Certy  
Doug St. Certy, Chairman

ATTEST:  
CHARLIE GREEN, CLERK  
By: Charlie Green  
Deputy Clerk

Approved as to form:

By: Lee County Attorney  
Lee County Attorney

FLU EAR Exhibit E Page 6 of 6

## EXHIBIT "A"

## "VESTED PROPERTY"

NOT COLORED ON EXHIBIT "E"

REMARKS	SEC.	TWP.	RGE.	PLAT BOOK	PAGE	
	1	44 S	27 E	15	3-4	4/61
	11	44 S	27 E	15	13	4/61
	12	44 S	27 E	15	14	4/61
	13	44 S	27 E	15	15	4/61
	14	44 S	27 E	15	16	4/61
	17	44 S	27 E	15	20-21	4/61
	19	44 S	27 E	15	26-27	4/61
	24	44 S	27 E	15	35	4/61
	25	44 S	27 E	15	36-37	4/61
	26	44 S	27 E	15	38-39	4/61
	27	44 S	27 E	15	40-41	4/61
	28	44 S	27 E	15	42-43	4/61
	29	44 S	27 E	15	44-45	4/61
	32	44 S	27 E	15	46	4/61
	36	44 S	27 E	15	54-55	4/61
MEADOWBROOK EST.	22&27	44 S	27 E	18	163-167	5/64
LAKEWOOD TERRACE	26	44 S	27 E	15	116-122	4/62
CARLTON PARK	32&33	44 S	27 E	20	1-4	3/61
UNITS 1&3 GLF. VW.E.	34	44 S	27 E	20	13-14	7/69
GOLFVIEW PARK	34	44 S	27 E	20	5-6	3/64
COUNTRY CLUB EST.	34	44 S	27 E	15	104-115	4/62
	1	44 S	26 E	15	58	4/61
	2	44 S	26 E	15	59	4/61
	11	44 S	26 E	15	60	4/61
	12	44 S	26 E	15	61	4/61
	13	44 S	26 E	15	62	4/61
EAST 1/2	14	44 S	26 E	15	63	4/61
	16	44 S	26 E	18	152-154	4/64
LEHIGH PARK	21	44 S	26 E	15	66	4/61
LEHIGH PARK	22	44 S	26 E	15	64-65	4/61
EAST 1/2	23	44 S	26 E	15	67	4/61
WEST 1/2 LEHIGH PK.	23	44 S	26 E	15	64	4/61
	24	44 S	26 E	15	68	4/61
	25	44 S	26 E	15	69-73	4/61
	26	44 S	26 E	15	75	4/61
NW 1/4	26	44 S	26 E	15	74	4/61
SOUTH 1/2	27	44 S	26 E	15	77	4/61
NORTH 1/2	27	44 S	26 E	15	76	4/61
SOUTH 1/2	28	44 S	26 E	15	78	4/61
EAST 1/2 OF NE 1/4	28	44 S	26 E	15	79	4/61

REMARKS	SEC.	TWP.	RGE.	PLAT BOOK	PAGE	D. C. D.
SOUTH 1/2	29	44 S	26 E	15	80	4/61
SOUTH 1/2	30	44 S	26 E	15	81	4/61
LEHIGH ESTATES	31	44 S	26 E	15	82-83	4/61
LEHIGH ESTATES	32	44 S	26 E	15	83-88-89	4/61
LEHIGH ESTATES	33	44 S	26 E	15	85-87-88	4/61
	35	44 S	26 E	15	91	4/61
	41	45 S	26 E	15	93	4/61
	2	45 S	26 E	15	94	4/61
	3	45 S	26 E	15	95	4/61
LEHIGH ESTATES	4	45 S	26 E	15	84-85-86	4/61
LEHIGH ESTATES	5	45 S	26 E	15	83-84-86	4/61
LEHIGH ESTATES	9	45 S	26 E	15	85	4/61
	10	45 S	26 E	15	96	4/61
	11	45 S	26 E	15	97	4/61
	12	45 S	26 E	15	98	4/61
	13	45 S	26 E	15	99	4/61
	14	45 S	26 E	15	100	4/61
	1	45 S	27 E	15	169-185	12/62
	2	45 S	27 E	15	186-205	12/62
TWIN LAKES EST.	3	45 S	27 E	15	206-221	12/62
WILLOW LAKE ADD. 1	4	45 S	27 E	18	155-162	5/64
	10	45 S	27 E	18	1-17	9/63
	11	45 S	27 E	15	148-168	12/62
	12	45 S	27 E	15	222-241	6/63
	13	45 S	27 E	18	18-35	9/63
	14	45 S	27 E	15	128-147	12/62
SOUTHEAST 1/4	36	43 S	27 E	15	101	4/61
	4	45 S	26 E	15	100	4/61
	9	45 S	26 E	15	100	4/61
	15	45 S	27 E	18	36-52	1/64
	21	45 S	27 E	18	53-69	1/64
	22	45 S	27 E	18	70-86	1/64
	23	45 S	27 E	20	20-36	7/69
	24	45 S	27 E	18	87-105	1/64
	25	45 S	27 E	18	106-122	1/64
	26	45 S	27 E	20	37-53	7/69
NORTH OF S.R. 82	27	45 S	27 E	18	123-137	1/64
NORTH OF S.R. 82	28	45 S	27 E	20	54-63	7/69
NORTH OF S.R. 82	29	45 S	27 E	20	64-66	7/69
NORTH OF S.R. 82	35	45 S	27 E	20	67-71	7/69
NORTH OF S.R. 82	36	45 S	27 E	18	138-147	1/64
SOUTHWEST 1/4	2	44 S	27 E	20	15-19	7/69
ADDITION 2	5	45 S	27 E	18	148-151	1/64
ADDITION 2	6	45 S	27 E	18	148-151	1/64

EXHIBIT "B"

"NON-VESTED PROPERTY"

COLORED RED ON EXHIBIT "E"

1. NE 1/4 OF THE NE 1/4 OF THE NE 1/4 OF SECTION 25, TOWNSHIP 43 SOUTH, RANGE 26 EAST.
2. SE 1/4 OF THE NE 1/4 OF THE NE 1/4 OF SECTION 25, TOWNSHIP 43 SOUTH, RANGE 26 EAST.
3. NE 1/4 OF THE SE 1/4 OF THE NE 1/4 OF SECTION 25, TOWNSHIP 43 SOUTH, RANGE 26 EAST.
4. W 1/2 OF THE SE 1/4 OF THE SW 1/4, SOUTH OF THE CALOOSA HATCHEE RIVER, IN SECTION 19, TOWNSHIP 43 SOUTH, RANGE 27 EAST.
5. ALL OF THE NW 1/4 LYING NORTH OF S.R. 80, OF SECTION 30, TOWNSHIP 43 SOUTH, RANGE 27 EAST.
6. ALL OF THE NW 1/4 OF THE NE 1/4, LYING NORTH OF S.R. 80, OF SECTION 30, TOWNSHIP 43 SOUTH, RANGE 27 EAST.
7. W 1/2 OF SECTION 31, TOWNSHIP 43 SOUTH, RANGE 27 EAST.
8. W 1/2 OF THE SE 1/4 OF SECTION 31, TOWNSHIP 43 SOUTH, RANGE 27 EAST.
9. SE 1/4 OF THE SE 1/4 OF SECTION 31, TOWNSHIP 43 SOUTH, RANGE 27 EAST.
10. SW 1/4 OF THE NE 1/4 OF SECTION 31, TOWNSHIP 43 SOUTH, RANGE 27 EAST.
11. SW 1/4 OF THE NW 1/4 OF THE NE 1/4 OF SECTION 31, TOWNSHIP 43 SOUTH, RANGE 27 EAST.
12. NE 1/4 OF THE NE 1/4 OF THE NE 1/4 OF SECTION 31, TOWNSHIP 43 SOUTH, RANGE 27 EAST.
13. S 1/2 OF THE NE 1/4 OF SECTION 36, TOWNSHIP 43 SOUTH, RANGE 27 EAST.
14. NE 1/4 OF THE NE 1/4 OF SECTION 36, TOWNSHIP 43 SOUTH, RANGE 27 EAST.
15. ALL OF SECTION 10, TOWNSHIP 44 SOUTH, RANGE 27 EAST.
16. ALL OF SECTION 30, TOWNSHIP 44 SOUTH, RANGE 27 EAST, LYING NORTH OF ABLE CANAL, LESS COUNTY PARK.

17. NORTHERLY PART OF THE W-1/2 OF SECTION 30, TOWNSHIP 44 SOUTH, RANGE 27 EAST, LYING SOUTH OF ABLE CANAL.
18. W 1/2 OF THE NE 1/4 OF SECTION 5, TOWNSHIP 45 SOUTH, RANGE 27 EAST.
19. SE 1/4 OF THE SW 1/4 OF SECTION 5, TOWNSHIP 45 SOUTH, RANGE 27 EAST.
20. SW 1/4 OF THE SE 1/4 OF SECTION 5, TOWNSHIP 45 SOUTH, RANGE 27 EAST.
21. S 1/2 OF THE SW 1/4 OF SECTION 4, TOWNSHIP 45 SOUTH, RANGE 27 EAST.
22. SW 1/4 OF THE SE 1/4 OF SECTION 4, TOWNSHIP 45 SOUTH, RANGE 27 EAST.
23. W 1/2 OF THE NE 1/4 OF SECTION 9, TOWNSHIP 45 SOUTH, RANGE 27 EAST.
24. W 1/2 OF THE SE 1/4, LESS THE WEST 125 FEET, OF SECTION 15, TOWNSHIP 45 SOUTH, RANGE 27 EAST.
25. W 1/2 OF THE SE 1/4, EAST OF BETH STACEY BOULEVARD, OF SECTION 6, TOWNSHIP 45 SOUTH, RANGE 27 EAST.
26. S 1/2 OF THE N 1/2 OF THE NW 1/4 OF THE NE 1/4 OF SECTION 6, TOWNSHIP 45 SOUTH, RANGE 27 EAST.
27. N 1/2 OF THE S 1/2 OF THE NW 1/4 OF THE NE 1/4 OF SECTION 6, TOWNSHIP 45 SOUTH, RANGE 27 EAST.
28. N 1/2 OF THE NE 1/4 OF THE SW 1/4 OF THE NE 1/4 OF SECTION 6, TOWNSHIP 45 SOUTH, RANGE 27 EAST.
29. S 1/2 OF THE NW 1/4 OF THE SW 1/4 OF THE NE 1/4 OF SECTION 6, TOWNSHIP 45 SOUTH, RANGE 27 EAST.
30. S 1/2 OF THE SW 1/4 OF THE NE 1/4 OF SECTION 6, TOWNSHIP 45 SOUTH, RANGE 27 EAST.
31. N 1/2 OF THE NE 1/4 OF THE NE 1/4 OF THE SE 1/4 OF SECTION 4, TOWNSHIP 45 SOUTH, RANGE 27 EAST.
32. W 1/2 OF THE SW 1/4 OF THE NW 1/4 OF SECTION 3, TOWNSHIP 45 SOUTH, RANGE 27 EAST.
33. NE 1/4 OF THE SW 1/4 OF THE NW 1/4 OF SECTION 3, TOWNSHIP 45 SOUTH, RANGE 27 EAST.
34. S 1/2 OF THE NW 1/4 OF THE NW 1/4 OF SECTION 3, TOWNSHIP 45 SOUTH, RANGE 27 EAST.

EXHIBIT "C"

"CONVERSION TABLE"

THE FOLLOWING TABLE CONVERTS SINGLE FAMILY UNITS TO MULTI-FAMILY, OFFICE SPACE, OR COMMERCIAL SPACE. THESE CONVERSIONS ARE BASED ON AVERAGE WEEKDAY TRIP END GENERATION RATES FOR EACH USE BASED ON TRIP GENERATION, 3RD. EDITION, PUBLISHED BY THE INSTITUTE OF TRANSPORTATION ENGINEERS.

LAND USE CONVERSIONS:

- 1 SINGLE FAMILY UNIT = 1.48 MULTI-FAMILY UNITS
- 1 SINGLE FAMILY UNIT = 576.0 GROSS SQUARE FEET OF OFFICE SPACE
- 1 SINGLE FAMILY UNIT = 186.0 GROSS LEASABLE SQUARE FEET OF COMMERCIAL SPACE

THESE CONVERSIONS ASSUME THAT THE OFFICE SPACE OR COMMERCIAL SPACE IS DEVELOPED IN PROJECTS WHICH HAVE AN AVERAGE OF 50,000 TOTAL SQUARE FEET OF SPACE. THE CONVERSION TO COMMERCIAL SPACE HAS BEEN ADJUSTED TO ACCOUNT FOR 44 PERCENT PASS-BY TRIPS, IN ACCORDANCE WITH PROCEDURES OUTLINED IN TRIP GENERATION.

CR2385 PG0871



EXHIBIT "D"  
"ELIGIBLE PROPERTY"

COLORED ORANGE ON EXHIBIT "F"

1. ALL OF SECTION 10, TOWNSHIP 44 SOUTH, RANGE 27 EAST.
2. BLOCKS 11, 14, 35, AND 38, OF SECTION 15, TOWNSHIP 44 SOUTH, RANGE 27 EAST.
3. BLOCKS 1, 24, 25, AND 48, OF SECTION 23, TOWNSHIP 44 SOUTH, RANGE 27 EAST.
4. ALL OF SECTION 30, TOWNSHIP 44 SOUTH, RANGE 27 EAST, LYING NORTH OF ABLE CANAL, LESS COUNTY PARK.
5. NORTHERLY PART OF THE WEST HALF OF SECTION 30, TOWNSHIP 44 SOUTH, RANGE 27 EAST, LYING SOUTH OF ABLE CANAL.
6. LOTS 1 AND 21, BLOCK 7, UNIT 2, SECTION 33, TOWNSHIP 44 SOUTH, RANGE 27 EAST.
7. LOTS 1 AND 22, BLOCK 2, UNIT 1, SECTION 33, TOWNSHIP 44 SOUTH, RANGE 27 EAST.
8. BLOCKS 1 AND 2, UNIT 12, LEELAND HEIGHTS SUBDIVISION, SECTION 32, TOWNSHIP 44 SOUTH, RANGE 27 EAST.
9. BLOCK 57, UNIT 10, LEELAND HEIGHTS SUBDIVISION, SECTION 32, TOWNSHIP 44 SOUTH, RANGE 27 EAST.
10. LOTS 15 AND 16, BLOCK 15, UNIT 3, LEELAND HEIGHTS SUBDIVISION, SECTION 32, TOWNSHIP 44 SOUTH, RANGE 27 EAST.
11. BLOCK 22, UNIT 3, LEELAND HEIGHTS SUBDIVISION, SECTION 32, TOWNSHIP 44 SOUTH, RANGE 27 EAST.
12. BLOCK 3, UNIT 1, LEELAND HEIGHTS SUBDIVISION, SECTION 32, TOWNSHIP 44 SOUTH, RANGE 27 EAST.
13. BLOCKS 88, 91, 92, 93, AND 100, UNIT 11, SECTION 25, TOWNSHIP 44 SOUTH, RANGE 26 EAST.
14. W 1/2 OF THE SW 1/4 OF THE NW 1/4, OF SECTION 3, TOWNSHIP 45 SOUTH, RANGE 27 EAST.
15. NE 1/4 OF THE SW 1/4 OF THE NW 1/4, OF SECTION 3, TOWNSHIP 45 SOUTH, RANGE 27 EAST.
- S 1/2 OF THE NW 1/4 OF THE NW 1/4, OF SECTION 3, TOWNSHIP 45 SOUTH, RANGE 27 EAST.

17. N 1/2 OF THE NE 1/4 OF THE NE 1/4 OF THE SE 1/4, OF SECTION 4, TOWNSHIP 45 SOUTH, RANGE 27 EAST.
18. S 1/2 OF THE SW 1/4, SECTION 4, TOWNSHIP 45 SOUTH, RANGE 27 EAST.
19. SW 1/4 OF THE SE 1/4, SECTION 4, TOWNSHIP 45 SOUTH, RANGE 27 EAST.
20. W 1/2 OF THE NE 1/4, SECTION 5, TOWNSHIP 45 SOUTH, RANGE 27 EAST.
21. SW 1/4 OF THE SE 1/4, SECTION 5, TOWNSHIP 45 SOUTH, RANGE 27 EAST.
22. SE 1/4 OF THE SW 1/4, SECTION 5, TOWNSHIP 45 SOUTH, RANGE 27 EAST.
23. THE UNDEVELOPED TRACT IN THE NW 1/4, SECTION 5, TOWNSHIP 45 SOUTH, RANGE 27 EAST.
24. W 1/2 OF THE SE 1/4, EAST OF BETH STACEY BOULEVARD, SECTION 6, TOWNSHIP 45 SOUTH, RANGE 27 EAST.
25. S 1/2 OF THE N 1/2 OF THE NE 1/4 OF THE NE 1/4, SECTION 6, TOWNSHIP 45 SOUTH, RANGE 27 EAST.
26. N 1/2 OF THE S 1/2 OF THE NW 1/4 OF THE NE 1/4, SECTION 6, TOWNSHIP 45 SOUTH, RANGE 27 EAST.
27. N 1/2 OF THE NE 1/4 OF THE SW 1/4 OF THE NE 1/4, SECTION 6, TOWNSHIP 45 SOUTH, RANGE 27 EAST.
28. S 1/2 OF THE NW 1/4 OF THE SW 1/4 OF THE NE 1/4, SECTION 6, TOWNSHIP 45 SOUTH, RANGE 27 EAST.
29. S 1/2 OF THE SW 1/4 OF THE NE 1/4, SECTION 6, TOWNSHIP 45 SOUTH, RANGE 27 EAST.
30. W 1/2 OF THE SE 1/4, SECTION 15, TOWNSHIP 45 SOUTH, RANGE 27 EAST.
31. TRACTS "A" AND "B", AND BLOCKS 1, 2, AND 3, MIRROR LAKES ESTATES, SECTION 15, TOWNSHIP 45 SOUTH, RANGE 27 EAST.

002385 PG0873

93 MAY -6 PM 3:27

CLERK CHIEF LEE CRYL

RECEIVED  
SEP 27 2006

COMMUNITY DEVELOPMENT

CPA  
2006-00010

# EXHIBIT 7

## Traffic Study

**TRAFFIC CIRCULATION ANALYSIS**  
**PREPARED FOR A**  
**COMPREHENSIVE PLAN AMENDMENT**  
**FOR**  
**CALOOSA 80**

**PROJECT NO. F0608.39**

**RECEIVED**  
SEP 27 2006

COMMUNITY DEVELOPMENT

cpA  
2006-00010

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

September 26, 2006

## **CONTENTS**

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

## **I. INTRODUCTION**

TR Transportation Consultants, Inc. has conducted a traffic circulation analysis pursuant to the requirements outlined in the application document for Comprehensive Plan Amendment requests. The analysis will examine the impact of the requested land use change from Urban Community and Rural to Suburban. The approximately 192.3-acre property is located on the south side of Palm Beach Boulevard (State Route 80) just east of its intersection with Bateman Road in Lee County, Florida. The existing land use designation on the property is Urban Community (approximately 99.6 acres) and Rural (approximately 92.7 acres).

The following report will examine the impacts of changing the future land use category from the two existing land uses (Urban Community and Rural) to Suburban.

## **II. EXISTING CONDITIONS**

The subject site is currently vacant. Palm Beach Boulevard (S.R. 80) borders the subject site to the north and Bateman Road borders the subject site to the west. Surrounding the subject site to the south and east are existing residential uses and vacant land.

**Palm Beach Boulevard (S.R. 80)** is a four-lane divided arterial roadway that extends through central Lee County on the south side of the Caloosahatchee River. Palm Beach Boulevard has a posted speed limit of 55 mph adjacent to the subject site and is under the jurisdiction of the Florida Department of Transportation (FDOT). Palm Beach Boulevard has been designated by FDOT as a Strategic Intermodal System (SIS) route. Due to this designation, the adopted Level of Service for this roadway is higher pursuant to Florida Administrative Code. This is also adopted in the Lee County Comprehensive Plan (Lee Plan). Currently, the adopted Level of Service standard on Palm Beach Boulevard between Buckingham Road and Joel Boulevard is LOS “C”, as this area is currently classified by FDOT as an area transitioning into an urbanized area. The adopted Level of

Service standard on Palm Beach Boulevard east of Joel Boulevard is LOS “B” as this is currently classified by FDOT as a rural area.

### **III. PROPOSED PLAN AMENDMENT**

The proposed Comprehensive Plan Amendment would change the future land use designation on the subject site from the existing Urban Community and Rural designations to the proposed Suburban designation. Based on the permitted uses within the Lee Plan for these land use designations, the change would result in the subject site being permitted to be developed with approximately 168 fewer residential dwelling units than would be permitted under the existing land use designation.

With the proposed land use change, the overall intensity of the residential uses permitted on the subject site would be decreased. Although the maximum permitted density permitted under the Suburban land use designation is 6.0 units per acre, the Owner of the Caloosa 80 site will include text amendment in the proposed Comprehensive Plan Amendment that will limit the maximum density to 4.5 units per acre. On the portion of the project currently designated Urban Community (approximately 99.6 acres), the permitted residential density would be decreased from the existing 10.0 units per acre to the proposed 4.5 units per acre. On the portion of the subject site currently designated Rural (approximately 92.7 acres), the permitted residential density would be increased from the existing 1.0 unit per acre to the proposed 4.5 units per acre. **Table 1** highlights the intensity of uses that could be constructed under the existing land use designation and the intensity of uses under the proposed land use designation.

**Table 1  
Caloosa 80  
Land Uses**

Existing/Proposed	Land Use Category	Intensity
Existing	Urban Community	960 residential units (10.0 units per acre)
		30,000 sq. ft. commercial (Neighborhood Commercial)
	Rural	73 residential units (1.0 unit per acre)
Proposed	Suburban	865 residential units (4.5 units per acre)
		30,000 sq. ft. commercial (Neighborhood Commercial)

#### IV. IMPACTS OF PROPOSED PLAN AMENDMENT

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

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

The Lee County Metropolitan Planning Organization's (MPO) recently updated 2030 long range transportation travel model was reviewed to determine the impacts the amendment would have on the surrounding area. The subject site lies within Traffic Analysis Zone (TAZ) 1314. The model has both productions and attractions included in this zone. The productions include both single-family and multi-family housing. The attractions include industrial, commercial, and service employees. **Table 3** identifies the land uses currently contained in the long range travel model utilized by the MPO and Lee County for the Long Range Transportation Analysis.



**Table 3**  
**TAZ 1314**  
**Land Uses in Existing 2030 Travel Model**

Land Use Category	Intensity
Single Family Homes	145 residential units
Multi-Family Homes	19 residential units
Industrial Employment	37 employees
Commercial Employment	54 employees
Service Employment	123 employees

Based on the data for TAZ 1314, indicated in Table 3, the current Lee County MPO 2030 Long Range Transportation Plan (LRTP) does not account for all of the development permitted within TAZ 1314 based on the current land use designations. For example, the portion of the proposed development currently designated as Urban Community is zoned RM-2, which would permit the construction of approximately 598 dwelling units. This is far greater than the 164 residential dwelling units currently accounted for in TAZ 1314.

The proposed Comprehensive Plan Amendment will add an additional 865 residential units and 75 commercial employees to the existing 2030 Financially Feasible FSUTMS Model. The number of commercial employees was calculated based on the FSUTMS conversion ratio of 2.5 employees per 1,000 square feet of commercial uses. **Table 4** indicates the revised TAZ data for Zone 1314 with the proposed density requested with this Comprehensive Plan Amendment.

**Table 4**  
**Based on Proposed Map Amendment within TAZ 1314**  
**Land Uses in Modified 2030 Travel Model**

Land Use Category	Intensity
Single Family Homes	1,010 residential units
Multi-Family Homes	19 residential units
Industrial Employment	37 employees
Commercial Employment	129 employees
Service Employment	123 employees

The modifications made to the TAZ data, including ZDATA1 and ZDATA2 files, are attached to the Appendix for reference. The 2030 Long Range Transportation model (FSUTMS) was run with the existing data shown in Table 3 then compared to runs with the modified data from Table 4 to indicate what additional improvements above and beyond those indicated in the 2030 Financially Feasible Plan Highway Element. The 2030 Financially Feasible Plan Highway Element improvements were included in the FSUTMS runs. Based on the 2030 MPO Financially Feasible plan, the only roadway improvement planned within the vicinity of the subject site is the Sunshine Boulevard extension from 75<sup>th</sup> Street W to Palm Beach Boulevard (S.R. 80).

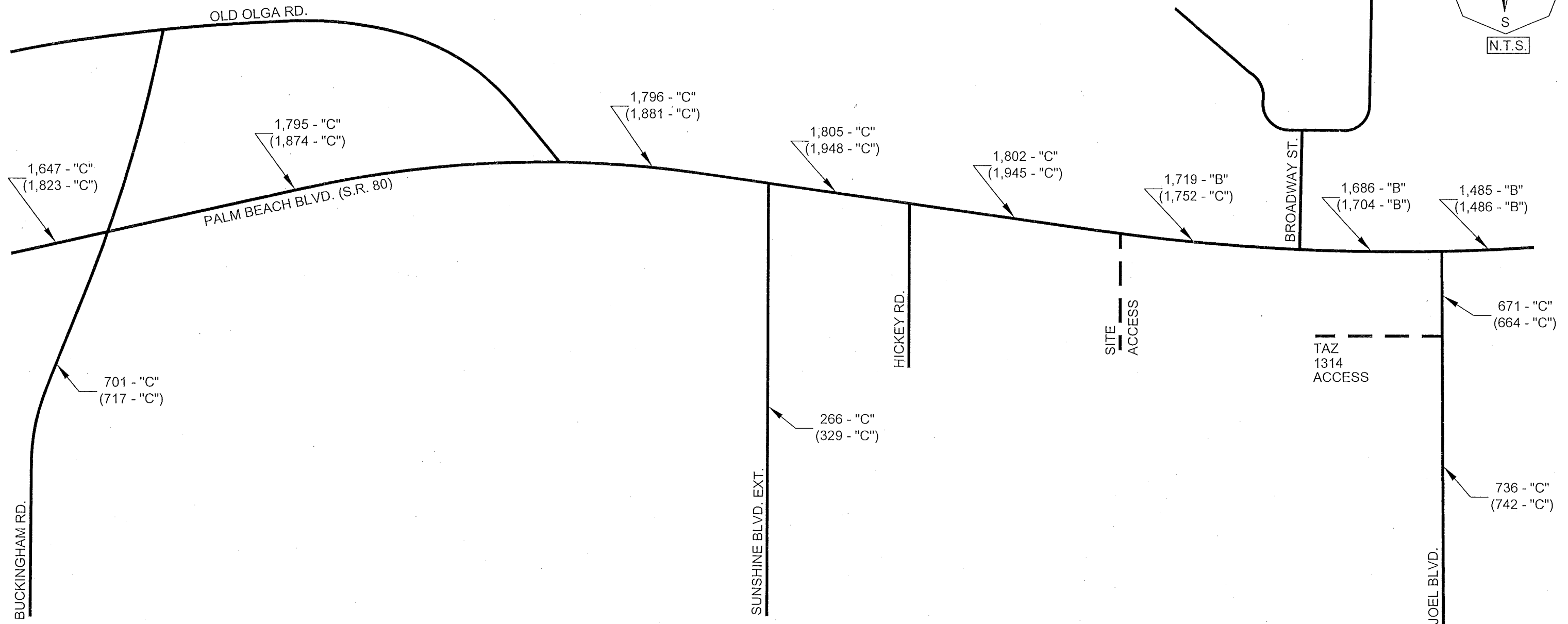
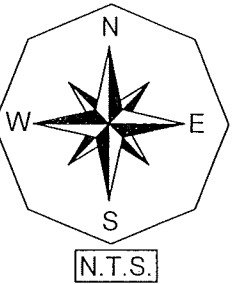
Based on this analysis, none of the roadway segments analyzed are shown to operate below the adopted Level of Service standard in the year 2030. **Figure 1** illustrates the projected 2030 traffic conditions on the surrounding roadway network both with and without the proposed Comprehensive Plan Amendment. No changes to the Lee County MPO Long Range Transportation Plan will be warranted as a result of this analysis.

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

The Lee County Capital Improvement Program (CIP) for Fiscal Year 2006/2007 to 2010/2011 was reviewed, as well as the FDOT Work Program for Fiscal Year 2006/2007 to 2010/2011 in order to determine the short term impacts the proposed land use change would have on the surrounding roadways.

The tentative Lee County 2005/2006-2010/2011 CIP includes design for the widening of Joel Boulevard from two to four lanes between S.R. 80 and 17<sup>th</sup> Street and the widening of Buckingham Road from two to four lanes between S.R. 80 and Orange River Boulevard. These improvements are funded for design within the next five years and construction within the next ten years. However, as these improvements were recently added to the Lee County CIP, neither improvement was accounted for in the Long Range

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#### LEGEND

XXX - "C" 2020 PROJECTED PEAK SEASON PEAK HOUR  
PEAK DIRECTION TRAFFIC VOLUME  
AND LEVEL OF SERVICE DESIGNATION  
WITHOUT THE PROPOSED LAND USE CHANGE

( XXX - "C" ) 2020 PROJECTED PEAK SEASON PEAK HOUR  
PEAK DIRECTION TRAFFIC VOLUME  
AND LEVEL OF SERVICE DESIGNATION  
WITH THE PROPOSED LAND USE CHANGE

Transportation Plan. There are currently no roadway improvements in the FDOT work program that will provide additional capacity within the next five years in the vicinity of the subject site.

### **Recommendations to the Long Range Transportation Plan**

Based on this analysis, none of the roadway segments analyzed are shown to operate below the adopted Level of Service standard in the year 2030. Therefore no changes to the Lee County MPO Long Range Transportation Plan will be warranted as a result of this analysis.

## **V. CONCLUSION**

The proposed Comprehensive Plan Amendment is to modify the future land use from the existing Urban Community and Rural designations to the proposed Suburban designation on approximately 192.3 acres located on the south side of Palm Beach Boulevard (State Route 80) just east of its intersection with Bateman Road in Lee County, Florida. An analysis of the 2030 Recommended Long Range Transportation Plan indicates that none of the roadway segments analyzed are anticipated to operate below the adopted Level of Service standard. Therefore no changes to the Lee County MPO Long Range Transportation Plan will be warranted as a result of this analysis.

# APPENDIX

2030 TRAFFIC CONDITIONS  
WITH/WITHOUT THE PROPOSED  
LAND USE CHANGE

**2030 TRAFFIC CONDITIONS WITH EXISTING DENSITY  
EXISTING PLUS PROGRAMMED ROAD NETWORK  
CALOOSA 80**

ROADWAY	SEGMENT	# OF	LOS	RAW FSUTMS	PSWDT/AADT		2030	K-100	D	TOTAL TRAFFIC	LOS SERVICE	LOS
		LANES	STANDARD	PSWDT	P.C.S. #	FACTOR <sup>1</sup>	AADT	FACTOR <sup>2</sup>	FACTOR <sup>2</sup>	PK DIRECTION	VOLUME <sup>3</sup>	
Palm Beach Blvd. (S.R. 80)	W. of Buckingham Rd.	4LN	C	31,320	5	1.060	29,547	0.1030	0.5411	1,647	1,900	C
	W. of Old Olga Rd.	4LN	C	34,148	5	1.060	32,215	0.1030	0.5411	1,795	2,480	C
	W. of Sunshine Blvd. Ext.	4LN	C	34,158	5	1.060	32,225	0.1030	0.5411	1,796	2,480	C
	W. of Hickey Creek Rd.	4LN	C	34,329	5	1.060	32,386	0.1030	0.5411	1,805	2,480	C
	W. of Site	4LN	C	34,272	5	1.060	32,332	0.1030	0.5411	1,802	2,480	C
	W. of Broadway St.	4LN	C	32,696	5	1.060	30,845	0.1030	0.5411	1,719	2,480	B
	W. of Joel Blvd.	4LN	C	32,060	5	1.060	30,245	0.1030	0.5411	1,686	2,480	B
	E. of Joel Blvd.	4LN	B	28,242	5	1.060	26,643	0.1030	0.5411	1,485	1,720	B
Joel Blvd	S. of S.R. 80	2LN	E	12,941	11	1.053	12,290	0.103	0.53	671	920	C
	N. of Greenbriar Blvd.	2LN	E	14,191	11	1.053	13,477	0.103	0.53	736	920	C
Buckingham Rd.	S. of S.R. 80	2LN	E	13,513	11	1.053	12,833	0.103	0.53	701	920	C
Sunshine Blvd. Ext.	S. of S.R. 80	2LN	E	5,138	11	1.053	4,879	0.103	0.53	266	920	C

<sup>1</sup> Factor for Palm Beach Boulevard (S.R. 80) was calculated based on data obtained from the 2005 Florida Traffic Information CD and the factors for all other roadway segments analyzed were calculated based on data obtained from the 2005 Lee County Traffic Count Report

<sup>2</sup> Obtained from the 2005 Florida Traffic Information CD for Palm Beach Boulevard (S.R. 80) and obtained from the 2005 Lee County Traffic Count Report for all other roadways analyzed

<sup>3</sup> Obtained from the Lee County Generalized Service Volumes Table

**2030 TRAFFIC CONDITIONS WITH PROPOSED DENSITY  
EXISTING PLUS PROGRAMMED ROAD NETWORK  
CALOOSA 80**

<u>ROADWAY</u>	<u>SEGMENT</u>	# OF	LOS	RAW FSUTMS	PSWDT/AADT		2030	K-100	D	TOTAL TRAFFIC	LOS SERVICE	LOS
		LANES	STANDARD	PSWDT	P.C.S. #	FACTOR <sup>1</sup>	AADT	FACTOR <sup>2</sup>	FACTOR <sup>2</sup>	PK DIRECTION	VOLUME <sup>3</sup>	
Palm Beach Blvd. (S.R. 80)	W. of Buckingham Rd.	4LN	C	34,678	5	1.060	32,715	0.1030	0.5411	1,823	1,900	C
	W. of Old Olga Rd.	4LN	C	35,642	5	1.060	33,625	0.1030	0.5411	1,874	2,480	C
	W. of Sunshine Blvd. Ext.	4LN	C	35,780	5	1.060	33,755	0.1030	0.5411	1,881	2,480	C
	W. of Hickey Creek Rd.	4LN	C	37,040	5	1.060	34,943	0.1030	0.5411	1,948	2,480	C
	W. of Site	4LN	C	36,984	5	1.060	34,891	0.1030	0.5411	1,945	2,480	C
	W. of Broadway St.	4LN	C	33,315	5	1.060	31,429	0.1030	0.5411	1,752	2,480	C
	W. of Joel Blvd.	4LN	C	32,406	5	1.060	30,572	0.1030	0.5411	1,704	2,480	B
	E. of Joel Blvd.	4LN	C	28,264	5	1.060	26,664	0.1030	0.5411	1,486	1,720	B
Joel Blvd	S. of S.R. 80	2LN	E	12,806	11	1.053	12,161	0.103	0.53	664	920	C
	N. of Greenbriar Blvd.	2LN	E	14,308	11	1.053	13,588	0.103	0.53	742	920	C
Buckingham Rd.	S. of S.R. 80	2LN	E	13,831	11	1.053	13,135	0.103	0.53	717	920	C
Sunshine Blvd. Ext.	S. of S.R. 80	2LN	E	6,343	11	1.053	6,024	0.103	0.53	329	920	C

<sup>1</sup> Factor for Palm Beach Boulevard (S.R. 80) was calculated based on data obtained from the 2005 Florida Traffic Information CD and the factors for all other roadway segments analyzed were calculated based on data obtained from the 2005 Lee County Traffic Count Report

<sup>2</sup> Obtained from the 2005 Florida Traffic Information CD for Palm Beach Boulevard (S.R. 80) and obtained from the 2005 Lee County Traffic Count Report for all other roadways analyzed

<sup>3</sup> Obtained from the Lee County Generalized Service Volumes Table



FSUTMS DATA PLOTS BOTH  
WITH/WITHOUT THE PROPOSED  
LAND USE CHANGE



2303 FF Highway Plan  
NO TAZ MODIFICATIONS



# ZDATA FILE INFORMATION

# EXISTING 2030 FINANCIALLY FEASIBLE PLAN

## Z-DATA 1 File

	TAZ	Single Family Data								Multi-Family Data								Hotel		
1 0	1314	145	4	4	340	0	19	81	19	0	0	27	0	0	100	0	99	0		

Population:

TAZ 1314

Single Family: 2.3 persons/unit

Multi Family: 1.4 persons/unit

## Z\_DATA 2 file

	TAZ	Indust. Emp.	Comm. Emp.	Serv. Emp.	Tot Emp	School Enr.
2	1314	37	54	123	214	0 0 0

MODIFIED 2030 FINANCIALLY FEASIBLE PLAN  
WITH PROPOSED COMP PLAN CHANGE

Z-DATA 1 File

TAZ		Single Family Data								Multi-Family Data								Hotel	
1	0	1314	1,010	4	4	2,368	0	19	81	19	0	0	27	0	0	100	0	99	0

Population:

TAZ 1314

Single Family: 2.3 persons/unit

Multi Family: 1.4 persons/unit

Z\_DATA 2 file

	TAZ	Indust. Emp.	Comm. Emp.	Serv. Emp.	Tot Emp	School Enr.
2	1314	37	129	123	289	0 0 0

FDOT ADOPTED 2030 HIGHWAY  
ELEMENT



**Adopted Year 2030 HIGHWAY ELEMENT**  
**Adopted December 7th, 2005 with Amendments on January 20th, & March 17th, 2006**

ROAD SEGMENT: Name of new road or road to be improved FROM: Start of segment to be added or improved TO: End of segment to be added or improved			E = C: EXISTING roadway network plus COMMITTED roadway projects to be built by FY 04/05 IMPROVEMENT: Description of facility following proposed improvement			FINANCIAL FEASIBILITY STATUS Contingent: Projects whose feasibility is contingent upon additional funding Feasible: Projects that public agencies have determined to be cost feasible based upon their projected revenues				
FDOT										
1190	Alico Rd	U.S. 41	Dusty Rd	2L	6L	0.48	Last two years of SIS payoff	\$2,442,699	\$2,442,699	Feasible
	Arterial roads & expressways	Lee & Collier Counties			Travel speed surveillance capability		Half of capital cost of expanding the bicounty system to monitor travel speed in real time by using vehicles equipped with toll transponders as probes	\$3,450,000	-	Contingent
	Caloosahatchee bridges	Cape Coral, Mid Point, U.S. 41, & Edison Bridges & their approaches			Incident management system		Stage II Implementation	\$5,800,000	\$5,800,000	Feasible
	Computerized traffic signal system	Countywide			Upgrade to ATMS			\$27,600,000	\$27,600,000	Feasible
	Drawbridges	On S.R. 31 (Ardadia Rd) & Broadway (C.R. 78A) @ Caloosahatchee River, Pine Island Rd @ Matlacha Pass, & C.R. 865 @ Big Carlos Pass			Security system		Motion & object sensors, video & audio surveillance to monitor for potential threats from terrorist attacks, acts of God, or other incidents	\$600,000	-	Contingent
	Intermodal freight terminal	State Farmers Market, S.R. 78, or Alico Rd			Rail truck terminal		TOFC/COFC terminal and team track	\$6,505,333	-	Contingent
1192	I-75 approach roads	Collier County line	Charlotte County line		Dynamic message signs		SIS	\$3,290,000	-	Contingent
1193	I-75 detour routes	Collier County line	Charlotte County line		Traillblazer signs		SIS; dynamic and/or static trailblazer signs	\$5,810,000	-	Contingent
1194	I-75	Collier County line	Bonita Beach Rd	6L	10L	1.05	SIS	\$13,322,400	-	Contingent
1195	I-75		@ Bonita Beach Rd		Interchange modification	0.50	SIS	\$68,029,000	-	Contingent
1195	I-75		@ Coconut Rd		New interchange		Allocation is from \$10,000,000 federal earmark. See NOTE #1 b	-	-	Feasible
1197	I-75	Bonita Beach Rd	Alico Rd	6L	12L	11.65	12 lanes; SIS and/or toll; 4 lanes may be toll express lanes	\$221,722,800	-	Contingent
1197	I-75		@ Corkscrew Rd		Interchange modification	0.50	SIS; construction only	\$23,461,000	\$23,461,000	Feasible
1198	I-75	Bonita Beach Rd	Daniels Pkwy		Ramp metering			\$2,630,000	-	Contingent
1198	I-75	Alico Rd	S.R. 82 (Dr Martin Luther King Jr Blvd)	6L	10L	9.90	10 lanes; SIS and/or toll; 4 lanes may be toll express lanes	\$204,019,200	-	Contingent
1199	I-75 collector-distributor roads	Alico Rd	North of airport interchange	None	2: each side; + new airport interchange	3.16	SIS Connector; construction only	\$101,000,000	\$101,000,000	Feasible
1199	I-75 collector-distributor roads	Alico Rd	Alico Expwy	2L	8B each side	0.34	Second stage, if / when Alico Expwy is built; SIS connector	\$2,157,137	-	Contingent
1199	I-75		@ Colonial Blvd		Interchange modification	0.50	SIS; construction only	\$42,324,000	\$42,324,000	Feasible
1199	I-75		@ S.R. 82 (Dr Martin Luther King Jr Blvd)		Interchange modification	0.50	SIS	\$57,396,000	\$57,396,000	Feasible
1199	I-75		@ Luckett Rd		Interchange modification	0.50	SIS	\$3,770,000	-	Contingent
1199	I-75	S.R. 82 (Dr Martin Luther King Jr Blvd)	S.R. 80 (Palm Beach Blvd)	6L	8L	3.47	SIS	\$19,885,000	-	Contingent
1199	I-75	S.R. 80 (Palm Beach Blvd)	S.R. 78 (Bayshore Rd)	4L	8L	2.69	SIS; construction only	\$80,342,000	\$80,342,000	Feasible
1199	I-75		@ S.R. 78 (Bayshore Rd)		Interchange modification	0.50	SIS	\$16,531,000	\$16,531,000	Feasible
1199	I-75				Interchange modification	0.50	SIS; 6L	\$4,235,000	-	Contingent
1199	I-75	S.R. 78 (Bayshore Rd)	Charlotte County line	4L	6L	5.77	SIS	\$33,089,000	\$33,089,000	Feasible
1199	I-75		@ Del Prado Blvd Ext		New interchange		SIS	\$64,026,920	-	Contingent
1199	Kennesaw connector	Fowler St	Evans Ave	None	3B	0.22		\$9,000,000	-	Contingent
1199	LeeTran route 140				Bus replacements		\$1,500,000 each in FYs 2010/11 & 2011/12 \$2,000,000 in FY 2012/13	\$3,511,960	\$3,511,960	Feasible
	Regional traveler information system	Lee, Collier & Charlotte Counties			Traveler information broadcast capability		One third of the capital cost to disseminate real time traveller & traffic information for various modes from the 511 system, probe vehicle monitoring, and the SunGuide traffic management system to incident responders, other traveler information services, and the public	\$1,000,000	\$1,000,000	Feasible
1199	S.R. 739 (Metro Pkwy)	U.S. 41	Six Mile Cypress Pkwy	2L	6L	1.26	CST only; includes interchange with Alico Road & railroad overpass. Dropped from FDOT's draft tentative work program	\$48,000,000	\$48,000,000	Feasible
1199	S.R. 739 (Metro Pkwy)		@ Six Mile Cypress Pkwy		Grade separation	0.50	Includes \$1,700,000 for open road tolling of 4L overpass	-	-	Contingent
1199	S.R. 739 (Metro Pkwy)	Six Mile Cypress Pkwy	Daniels Pkwy	2L	6L	1.26	CST only. Dropped from FDOT's draft tentative work program	\$10,336,637	\$10,336,637	Feasible
1199	S.R. 739 (Metro Pkwy)	Daniels Pkwy	1800' North of Winkler Ave	4L	6L	4.56		\$45,852,463	\$45,852,463	Feasible
1199	S.R. 739 (Metro-Fowler connector)	Metro Pkwy 1800' North of Winkler Ave	Fowler St & Evans Ave	None	6L	1.06	Includes overpass over railroad	\$18,056,663	\$18,056,663	Feasible
1199	S.R. 739 (Fowler St)	Metro-Fowler Connector	S.R. 82 (Dr Martin Luther King Jr Blvd)	4B2-way	6B2-way	1.39		\$22,357,038	\$22,357,038	Feasible
1199	S.R. 78 (Pine Island Rd)	Burnt Store Rd	West of Chiquita Blvd	2L	4L	2.05	Remainder of right of way & construction	\$23,156,645	\$23,156,645	Feasible
1199	S.R. 78 (Pine Island Rd)	Skyline Blvd	300' West of Santa Barbara Blvd	4B2-way	6B2-way	1.40		\$5,790,132	-	Contingent
1199	S.R. 78 (Pine Island Rd)	300' West of Santa Barbara Blvd	Cultural Park Blvd	4B2-way	6B2-way	2.40		\$5,092,599	-	Contingent
1199	S.R. 78 (Pine Island Rd)	Cultural Park Blvd	Del Prado Blvd	4B2-way	6B2-way	1.35		\$5,547,628	-	Contingent
1199	S.R. 78 (Pine Island Rd)		@ Del Prado Blvd		Urban interchange	0.31	Includes \$1,700,000 for open road tolling on 4L overpass	-	-	Contingent
1199	S.R. 78 (Pine Island Rd)	Del Prado Blvd	Pondella Rd	4B2-way	6B2-way	0.31		\$1,503,529	-	Contingent
1199	S.R. 80 (Palm Beach Blvd)	S.R. 31 (Arcadia Rd)	Buckingham Rd	4B2-way	6B2-way	2.49	SIS	\$18,056,122	-	Contingent
1199	S.R. 82 (Dr Martin Luther King Jr Blvd)	Michigan Link	Park 82 Dr	4B2-way	6B2-way	1.11	Emerging SIS connector	\$347,102	-	Contingent
1199	S.R. 82 (Dr Martin Luther King Jr Blvd)	Park 82 Dr	Teter Rd	4B2-way	6B2-way	0.60	Included in I-75 interchange modification project	-	-	Contingent
1199	S.R. 82 (Dr Martin Luther King Jr Blvd)	Teter Rd	Wallace Ave	2L	6L	2.99	Emerging SIS	\$25,628,100	-	Contingent
1199	S.R. 82 (Immolalee Rd)	Wallace Ave	Hendry County line	2L	6L	13.91	Emerging SIS	\$87,175,286	-	Contingent
1199	S.R. 855 (San Carlos Blvd)	Summerlin Rd	Gladiolus Dr	2L	4L	1.50		\$7,590,880	-	Contingent
1199	S.R. 867 (McGregor Blvd)	A & W Bulb Rd	Cypress Lake Dr	4B2-way	6B2-way	0.67		\$9,912,593	-	Contingent
1199	S.R. 867 (McGregor Blvd)	500' South of Davis Dr	1750' North of Colonial Blvd	2L	3B		Add 1 NB Lane	\$900,000	\$900,000	Feasible

**Adopted Year 2030 HIGHWAY ELEMENT**  
**Adopted December 7th, 2005 with Amendments on January 20th, & March 17th, 2006**

ROAD SEGMENT: Name of new road or road to be improved FROM: Start of segment to be added or improved TO: End of segment to be added or improved			E = C: EXISTING roadway network plus COMMITTED roadway projects to be built by FY 04/05 IMPROVEMENT: Description of facility following proposed improvement			FINANCIAL FEASIBILITY STATUS				
						Feasible: Projects that public agencies have determined to be cost-effective based upon the project's revenue.				
LEE COUNTY										
1	19th St W	Tena Ave N	Ann Ave @ 9th St W	2L	4L	1.75	Connect across canals	\$23,769,743	\$23,769,743	Feasible
3	40th St SW Ext	Current terminus	Alabama Rd	None	2L	0.10		\$1,878,049	\$1,878,049	Feasible
4	61st St W	Cemetery Rd at Stratton Rd	Sunshine Blvd	2B	2L	2.11	Connect across canals	\$18,385,011	-	Contingent
5	9th St W	Ann Ave at 19th St W	Richmond Ave	2L	4L	2.34		\$30,761,430	\$30,761,430	Feasible
6	9th St E	@ Thompson Ave and Dayton Ave		2L	2L	0.20	Realign doglegs	\$2,058,818	\$2,058,818	Feasible
9	Alabama Rd	40th St SW Ext	Sunrise Blvd Ext	2L	4L	1.05		\$12,174,215	\$12,174,215	Feasible
10	Alico Expwy	Summerlin Rd	S.R. 82 (Immokalee Rd)	None	4L Expwy	18.35	Potential Sanibel Causeway surplus toll project; includes 4 toll collection gantries & 2 equipment buildings			Contingent
13	Andrea Ln	Hemingway Dr	Metro Pkwy	None	2L	0.26		\$7,983,693	\$7,983,693	Feasible
14	Arborwood Pkwy Ext	Fort Myers city limits	Gateway Blvd	None	4L	1.32		\$19,884,209	\$19,884,209	Feasible
16	Bass Rd Ext	Gladiolus Dr	A & W Bulb Rd	None	2L	0.98		\$10,962,780	-	Contingent
18	Ben Hill Griffin Pkwy	FGCU Blvd	1 mile South of Alico Rd	4L	6L	3.16	Not needed by 2030 if CR 951 Ext is included	\$15,409,879	-	Contingent
19	Beth Stacey Blvd Ext	SW 23rd St	Milwaukee Blvd	None	2L	1.09	County share (53%) only. Developer has agreed to absorb the other 47%.	\$5,946,896	\$5,946,896	Feasible
20a	Bonita Beach Rd	Vanderbilt Dr	Old U.S. 41 Rd (C.R. 887)	4L	6L	2.36		\$25,783,783	\$25,783,783	Feasible
20b	Bonita Beach Rd	Old U.S. 41 Rd (C.R. 887)	Imperial St	4L	6L	1.03		\$11,097,000	\$11,097,000	Feasible
24	Boy Scout Dr	Summerlin Rd	U.S. 41 (Cleveland Ave)	6L	8L	0.50		\$5,881,215	-	Contingent
26	Buckingham Rd Ext	S.R. 82 (MLK Blvd) @ Hanson St Ext	800' North of current S.R. 82 intersection	None	2L	0.56		\$8,536,558	\$8,536,558	Feasible
25a	Buckingham Rd	Orange River Blvd	S.R. 80 (Palm Beach Blvd)	2L	4L	2.55		\$28,760,000	-	Contingent
25b	Buckingham Rd	Gunnery Rd	Orange River Blvd	2L	4L	2.95		\$29,595,847	-	Contingent
23a	Burnt Store Rd / Veterans Expwy	@ S.R. 78 (Pine Island Rd)		Atgrade	Grade separation	0.50	Surplus toll revenue project, county share			Contingent
27	Burnt Store Rd	S.R. 78 (Pine Island Rd)	Van Buren Pkwy	2L	4L	3.10	Surplus toll revenue project, county share			Feasible
28	Burnt Store Rd	Kismet Pkwy	Charlotte County line	2L	4L	6.00	Surplus toll revenue project, county share			Contingent
199	Cape Coral Bridge	@ Toll Plaza		Toll plaza	Open road tolling		Convert existing toll facilities to open road tolling			Feasible
30a	C.R. 951 Ext	Collier County line	Bonita Beach Rd	None	4L	1.00	Limited access expressway			Contingent
30b	C.R. 951 Ext	Bonita Beach Rd	Alico Expwy	None	4L	14.24	Limited access expressway; includes 3 toll collection gantries & 2 equipment buildings			Contingent
31a	C.R. 951 Ext	@ Alico Expwy		New interchange			Cost estimate assumes a trumpet interchange			Contingent
32a	Cedartree Ave & Ext	Buckingham Rd	Centennial Blvd	Half 2L	4L	0.35		\$5,072,309	\$5,072,309	Feasible
32	Centennial Blvd	Cedartree Ave	Gunnery Road	2L	4L	0.42		\$7,184,482	\$7,184,482	Feasible
33	Centennial Blvd Ext	Gunnery Rd	Sunset Rd	None	4L	0.18		\$3,144,438	\$3,144,438	Feasible
37a	Coastal area IHS expansion	On Bonita Beach Rd, Estero Blvd, S.R. 885 & Pine Island Rd			Incident management			\$4,820,000	\$4,820,000	Feasible
37b	Coconut Rd Ext	Old Lighthouse Rd	I-75	None	4L	0.50		\$11,800,000	-	Contingent
37c	Coconut Rd Ext	I-75	C.R. 951 Ext	None	2L	1.07		\$25,200,000	-	Contingent
38	Coconut Rd Ext	@ C.R. 951 Ext		New interchange			Not needed if C.R. 951 Ext is not included			Contingent
39	Colonial Blvd (S.R. 884)	Midpoint Bridge	East of Summerlin Rd	6L	4L 4-express lanes	0.45				Contingent
40	Colonial Blvd (S.R. 884)	East of Summerlin Rd	U.S. 41 (Cleveland Ave)	6L	4L 4-express lanes	0.50				Contingent
41	Colonial Blvd (S.R. 884)	U.S. 41 (Cleveland Ave)	East of U.S. 41 (Cleveland Ave)	6L	4L 4-express lanes	0.18				Contingent
42	Colonial Blvd express lanes	Midpoint Bridge	East of U.S. 41 (Cleveland Ave)	6L	4L 4-express lanes		Includes 2 toll collection gantries & 1 equipment building			Contingent
43	Colonial Blvd (S.R. 884)	East of U.S. 41 (Cleveland Ave)	East of Fowler St	6L	4L 4-express lanes	0.54				Contingent
44	Colonial Blvd (S.R. 884)	East of Fowler St	S.R. 739 (Metro Pkwy)	6L	4L 4-express lanes	0.61				Contingent
47	Colonial Blvd (S.R. 884)	@ S.R. 739 (Metro Pkwy)		2L	4L 4-express lanes		Toll funding, but contingent upon supplemental discretionary funding; cost includes open road tolling			Contingent
43	Colonial Blvd (S.R. 884)	S.R. 739 (Metro Pkwy)	East of S.R. 739 (Metro Pkwy)	6L	4L 4-express lanes	0.27				Contingent
44	Colonial Blvd (S.R. 884)	East of U.S. 41 (Cleveland Ave)	East of S.R. 739 (Metro Pkwy)	6L	4L 4-express lanes		Includes 2 toll collection gantries & 1 equipment building			Contingent
43	Colonial Blvd (S.R. 884)	East of S.R. 739 (Metro Pkwy)	West of Winkler Ave	6L	4L 4-express lanes	1.56				Contingent
44	Colonial Blvd (S.R. 884)	West of Winkler Ave	I-75 West side ramps	6L	4L 4-express lanes	1.38				Contingent
44	Colonial Blvd (S.R. 884)	I-75 West side ramps	East of Forum Blvd	6L	4L 4-express lanes	0.69				Contingent
45	Colonial Blvd (S.R. 884)	East of S.R. 739 (Metro Pkwy)	East of Forum Blvd	6L	4L 4-express lanes		Includes 3 toll collection gantries & 1 equipment building			Contingent
45a	Colonial Blvd (S.R. 884)	East of Forum Blvd	West of S.R. 82 (MLK Blvd-Immokalee Rd)	4L	4L 4-express lanes	1.47				Contingent
45a	Colonial Blvd (S.R. 884)	West of S.R. 82 (MLK Blvd-Immokalee Rd)	East of S.R. 82 (MLK Blvd-Immokalee Rd)	4L	4L 4-express lanes	0.40	Powerline must be raised			Contingent
45b	Colonial Blvd (S.R. 884)	East of Forum Blvd	East of S.R. 82 (MLK Blvd-Immokalee Rd)	4L	4L 4-express lanes		Includes 2 toll collection gantries & 1 equipment building			Contingent
48	Corkscrew Rd	Three Oaks Pkwy	Ben Hill Griffin Pkwy	4L	6L	0.63	Not needed once Estero Parkway Ext is completed	\$5,184,267	-	Contingent

**Adopted Year 2030 HIGHWAY ELEMENT**  
**Adopted December 7th, 2005 with Amendments on January 20th, & March 17th, 2006**

ROAD SEGMENT: Name of new road or road to be improved FROM: Start of segment to be added or improved TO: End of segment to be added or improved			E = C: EXISTING roadway network plus COMMITTED roadway projects to be built by FY 04/05 IMPROVEMENT: Description of facility following proposed improvement			FINANCIAL FEASIBILITY STATUS Feasible: Projects that public agencies have determined to be local feasible based upon the projected revenues				
Countywide				Master bridge project Bike/pedestrian program Environmental mitigation Project planning ROW opportunity study Resurfacing/paving Traffic signals Intersections		\$7,725,000/year, adjusted for inflation	\$154,500,000	\$154,500,000	Feasible	
49	Crystal Dr	U.S. 41 (South Tamiami Trl)	Plantation Rd	2L	4L	1.53				
50	Crystal Dr Ext	Plantation Rd	Six Mile Cypress Pkwy	None	2L	1.00		\$15,948,726	\$15,948,726	Feasible
52	Daniels Pkwy	West of Metro Pkwy	East of Chamberlin Pkwy	8L	4L	5.60	Includes 11 overpasses, counting I-75 & the SGRR, 5 toll collection gantries & 2 equipment buildings	\$11,911,635	\$11,911,635	Feasible
51	Daniels Pkwy	East of Chamberlin Pkwy	Gateway Blvd	4L	6L	1.70				Contingent
59	Del Prado Blvd	@ Cape Coral Pkwy	S.R. 78 (Pine Island Rd)	Arterial	Arterial	0.28	For left turn from southbound Del Prado Blvd toward bridge	\$11,530,000	\$11,530,000	Feasible
56	Del Prado Blvd	Cape Coral Pkwy	Mellow Dr	2L	2L	2.52	Unspecified needed improvements	\$319,066	\$319,066	Contingent
50	Del Prado Blvd	U.S. 41 (North Tamiami Trl)	Nalle Grade Rd	None	4L	2.23	Not needed if extension to I-75 is not included	\$40,839,938	-	Contingent
81	Durden Pkwy Ext	Garden Blvd	U.S. 41	None	4L	0.50	Interchange with I-75 not included; includes 2 toll collection gantries & 1 equipment building			Contingent
87	Forum Blvd-Country Lakes Dr connector	S.R. 82 (MLK Blvd)	Luckett Rd	None	2L	1.97		\$6,109,375	\$6,109,375	Feasible
47	Gateway Blvd	Arborwood Pkwy Ext	S.R. 82 (Immokalee Rd)	2L	4L	0.75		\$29,903,836	-	Contingent
73	Grant Blvd Ext	Homestead Rd	Caywood Ave	None	2L	0.26		\$3,414,190	\$3,414,190	Feasible
74	Gunnery Rd	Lee Blvd	Centennial Blvd	2L	4L	1.20		\$2,676,464	\$2,676,464	Feasible
74	Gunnery Rd	Centennial Blvd	Buckingham Rd	2L	4L	0.55		\$12,233,652	\$12,233,652	Feasible
82	Hancock Bridge Pkwy Ext	U.S. 41 (North Cleveland Ave)	Business U.S. 41 (North Tamiami Trl)	None	4L	0.61		\$5,613,825	-	Contingent
82	Homestead Rd	Sunrise Blvd	Alabama Rd	2L	4L	1.47		\$54,007,568	-	Contingent
89	Imperial Pkwy	Bonita Beach Rd	Collier County line	4L	6L	0.98		\$13,900,000	\$13,900,000	Feasible
91	Joel Blvd	East 17th St	S.R. 80 (Palm Beach Blvd)	2L	4L	3.24		\$3,241,056	\$3,241,056	Feasible
93	Keri Rd Ext - 9th St connection	Hines Ave	Hendry County line	None	2L	0.53	Across canal	\$28,940,000	-	Contingent
Lee County roads			Lee County TMC, U.S. 41, S.R. 78, S.R. 82 & S.R. 857				Upgrade & expand Lee County traffic management center Deploy video cameras & motorist information field devices	\$4,161,973	\$4,161,973	Feasible
96	Littleton Rd	NE 24th Ave @ Kismet Pkwy	U.S. 41 (North Cleveland Ave)	2L	4L	1.50	Realign with Kismet Pkwy	\$530,000	\$530,000	Feasible
96	Littleton Rd	U.S. 41 (North Cleveland Ave)	Business U.S. 41 (North Tamiami Trl)	2L	4L	0.68		\$15,684,781	\$15,684,781	Feasible
97	Littleton Rd Ext	Business U.S. 41 (North Tamiami Trl)	Slater Rd	None	2L	2.35		\$6,988,104	\$6,988,104	Feasible
100	Luckett Rd	Ortiz Ave	Enterprise Pkwy	2L	4L	0.50		\$24,394,237	\$24,394,237	Feasible
101	Luckett Rd	Enterprise Pkwy	I-75 Northbound ramps	4L	6L	0.55		\$7,870,000	\$7,870,000	Feasible
99	Luckett Rd	I-75 Northbound ramps	Holstein Dr	2L	4L	0.59		\$2,429,563	\$2,429,563	Feasible
102	Luckett Rd Ext	Holstein Dr	Staley Rd	None	2L	0.87		\$8,771,849	\$8,771,849	Feasible
99	Luckett Rd	Greenbriar Farms Rd	Pangola Dr	Unpaved	2L	0.25		\$7,868,694	\$7,868,694	Feasible
103	Luckett Rd Ext	Pangola Dr	Buckingham Rd	None	2L	2.40		\$1,312,923	\$1,312,923	Feasible
95	Mento Ct Ext	Sunshine Blvd @ 61st W	Cul de sac	None	2L	0.10	Across canal	\$32,745,817	\$32,745,817	Feasible
108	Mid Point Bridge	@ Toll Plaza	Toll plaza	Open road tolling			Convert existing toll facilities to open road tolling	\$1,087,220	-	Contingent
108	Mid Point Bridge & approaches	SE 17th Pl	East of McGregor Blvd	4L	6L	3.33	Surplus toll revenue project, county share			Feasible
109	Nalle Grade Rd Ext	Nalle Rd	S.R. 31 (Arcadia Rd)	None	2L	2.50		\$17,567,837	-	Contingent
109	NE 24th Ave Ext	Garden Blvd	Cape Coral city limits	None	4L	0.25		\$2,913,088	-	Contingent
11	New beach bridge	Estero Blvd	Main St	None	2L	0.86	Completion assumed in 2015; includes toll collection gantries on both new & existing S.R. 865 bridges & 1 equipment building			Feasible
112	North Airport Rd Ext	Current terminus	Plantation Rd	None	2L	0.62		\$24,882,436	-	Contingent
116	Orange River Blvd	Neal Rd	Buckingham Rd	2L	4L	1.35		\$13,227,602	-	Contingent
102	Orlolo Rd Ext	Alico Rd	Three Oaks Pkwy Ext	None	2L	1.08		\$14,372,911	-	Contingent
138	Ortiz Ave	Colonial Blvd	S.R. 82 (Dr Martin Luther King Jr Blvd)	2L	4L	1.73		\$13,900,000	\$13,900,000	Feasible
119	Palomino Ln	Daniels Pkwy	Penzance Blvd	2L	4L	1.48		\$17,876,367	\$17,876,367	Feasible
120	Pine Island Rd	Matlacha Blvd	Burnt Store Rd-Veterans Pkwy	2L	4L	0.53		\$4,024,462	-	Contingent
121a	Plantation Rd	Six Mile Cypress Pkwy	Daniels Pkwy	2L	4L	1.17	Needed for concurrency	\$11,270,000	\$11,270,000	Feasible
121b	Plantation Rd	Daniels Pkwy	Idlewild St	2L	4L	2.53		\$26,652,021	\$26,652,021	Feasible
121	Sanibel Causeway	@ Toll Plaza	Toll plaza	Open road tolling			Convert to open road tolling. Assumed toll surplus funding			Feasible
135	Sandy Lane Ext (North)	Corkscrew Rd	Matanzas Rd at Oriole Rd	None	2L	2.25		\$18,420,000	\$18,420,000	Feasible
172	Six Mile Cypress Pkwy	U.S. 41 (South Tamiami Trl)	Metro Pkwy	4L	6L	1.14		\$7,547,696	-	Contingent
172	S.R. 739 (Business U.S. 41)	Littleton Rd	U.S. 41	2L	4L	2.54		\$21,480,000	-	Contingent
148	Stringfellow Rd	Jamerson Pkwy	Genessee Blvd	2L	4L	1.63		\$21,840,789	-	Contingent
148	Summerlin Rd	Gladiolus Dr	Cypress Lake Dr	4L	6L	1.83	Sanibel Causeway toll surplus project			Contingent
150	Sunrise Blvd Ext	Alabama Rd	Homestead Rd	None	2L	1.19		\$13,070,379	\$13,070,379	Feasible

**Adopted Year 2030 HIGHWAY ELEMENT**  
 Adopted December 7th, 2005 with Amendments on January 20th, & March 17th, 2006

ROAD SEGMENT: Name of new road or road to be improved FROM: Start of segment to be added or improved TO: End of segment to be added or improved		E + C: EXISTING roadway network plus COMMITTED roadway projects to be built by FY 04/05 IMPROVEMENT: Description of facility following proposed improvement				FINANCIAL FEASIBILITY STATUS	
						Contingent: Projects whose feasibility is contingent upon additional funding Feasible: Projects that public agencies have determined to be cost-justifiable based upon their projected revenue	
151	Sunrise Blvd Ext	Richmond Ave	Victoria Ave S	None	2L	0.31	
152	Sunset Rd Ext	Sunniland Blvd	Tena Ave N	None	4L	0.15	Across canal
153	Sunset Rd	Centennial Blvd Ext	Sunniland Blvd	2L	4L	1.28	
154	Sunshine Blvd Ext	75th St W	S.R. 80 (Palm Beach Blvd)	None	2L	1.95	
158	Three Oaks Pkwy	Coconut Rd	Estero Pkwy	4L	6L	3.84	Not needed, at least so long as C.R. 951 Ext is included
159	Todd Ave Ext	S.R. 82 (Immokalee Rd)	Westgate Blvd	None	2L	0.66	
169	Vanderbilt Drive	Woods Edge Pkwy	Bonita Beach Rd	2L	4L	1.00	Lee County share of cost (half)
183	Veterans Pkwy	Chiquita Blvd	Skyline Blvd	4L	6L	1.00	Surplus toll revenue project, county share
174	Veterans Pkwy		@ Skyline Blvd	4L	6L	0.45	Surplus toll revenue project, county share
172	Veterans Pkwy		@ Santa Barbara Blvd	6L	Grade separation	0.45	Surplus toll revenue project, county share
173	Veterans Pkwy		@ County Club Blvd	6L	Grade separation	0.45	Surplus toll revenue project, county share
	Veterans Pkwy-Mid Point Bridge-Colonial Blvd	West of Skyline Blvd	East of S.R. 82 (Dr Martin Luther King Jr Blvd-Immokalee Rd)		Highway management system	15.20	Surplus toll revenue project, county share
							Other projects: \$2,164,508,023 \$706,552,350
							PROJECT COSTS Subtotal: \$3,605,874,780 \$870,836,159
							6 Cent LOGT Plus 5 Cent LOGT 50%: \$226,762,734 \$226,762,734
							9th Cent Motor Fuel Tax: \$45,713,426 \$45,713,426
							Transportation Impact Fees: \$373,756,615 \$373,756,615
							FINANCIAL RESOURCES (2011-2030) Total: \$872,677,871 \$872,677,871
							Cape Coral & Mid Point toll surplus balance / (deficit): (\$698,660,147) (\$32,326,121)
							Sanibel Causeway toll surplus balance / (deficit): (\$601,251,096) \$9,497,836
							Other projects balance / (deficit): (\$1,433,285,676) \$24,669,997
							BALANCE / (DEFICIT): (\$2,733,196,919) \$1,841,712

This table does not imply a commitment on the part of this jurisdiction to complete the projects listed for it.

LEE COUNTY GENERALIZED  
LEVEL OF SERVICE THRESHOLDS

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.

LEE COUNTY PEAK SEASON DATA  
FOR P.C.S. 5 AND P.C.S. 11



**PERMANENT COUNT STATION 5  
PALM BEACH BLVD (SR 80) W OF SR 31**

**2005 AADT = 23900**

K100 Factor = 0.102

Monthly ADT as a % of Annual ADT

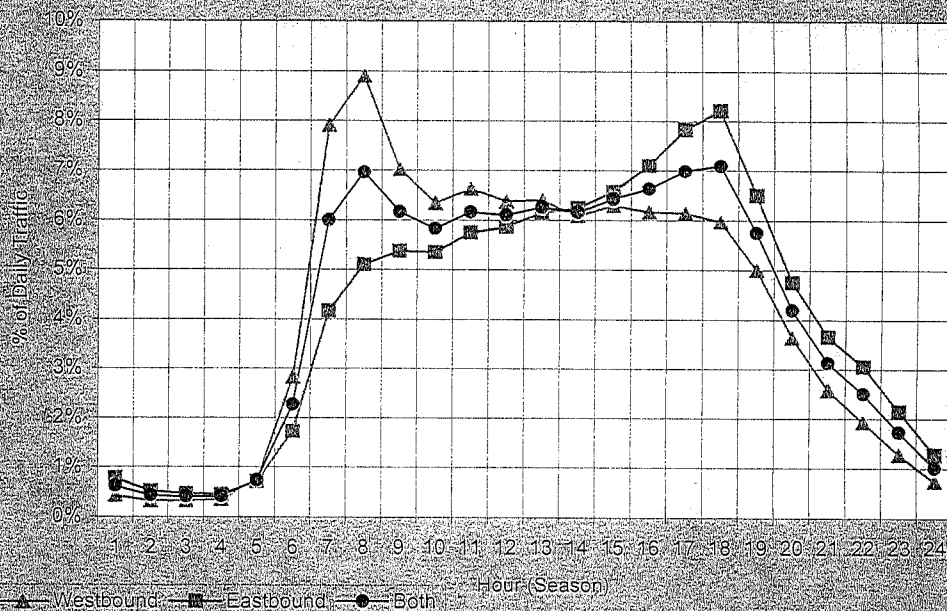
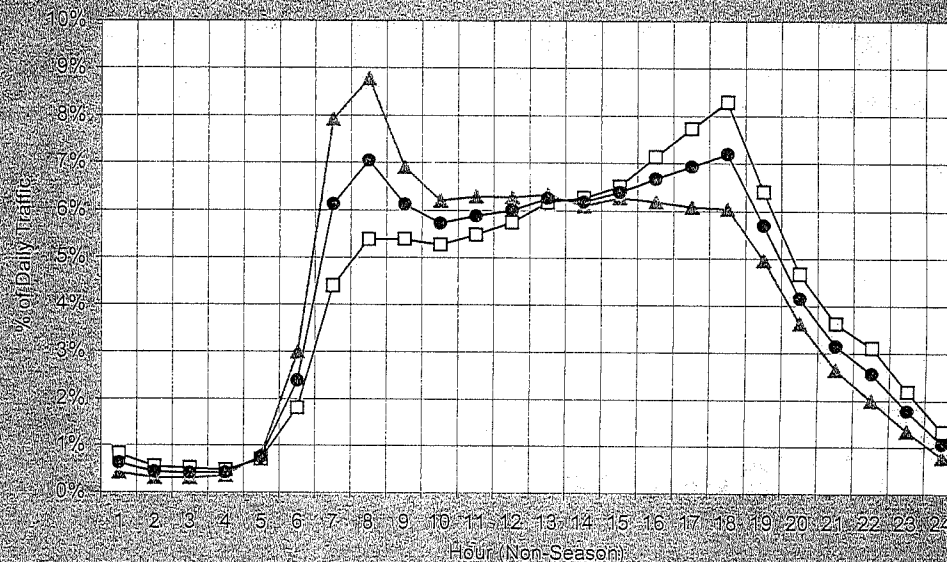
January	102%
February	106%
March	108%
April	104%
May	102%
June	93%
July	91%
August	99%
September	96%
October	93%
November	104%
December	104%

Day of Week as a % of Annual ADT

Monday	101%
Tuesday	105%
Wednesday	107%
Thursday	107%
Friday	115%
Saturday	91%
Sunday	76%

Weekday Peak Flow Characteristics	Non-Season	Season
Peak Flow between 7 a.m. and 9 a.m.		
1) as a % of weekday traffic	66%	66%
2) directional split (peak direction)	59%	60%
	Westbound	Westbound
Peak Flow between 4 p.m. and 6 p.m.		
1) as a % of weekday traffic	71%	70%
2) directional split (peak direction)	57%	57%
	Eastbound	Eastbound

**PERMANENT COUNT STATION 5  
PALM BEACH BLVD (SR 80) W OF SR 31**



**PERMANENT COUNT STATION 11  
BUCKINGHAM RD S OF PALM BEACH BLVD**

2005 AADT = 8700

K100 Factor = 0.103

Monthly ADT as a % of Annual ADT

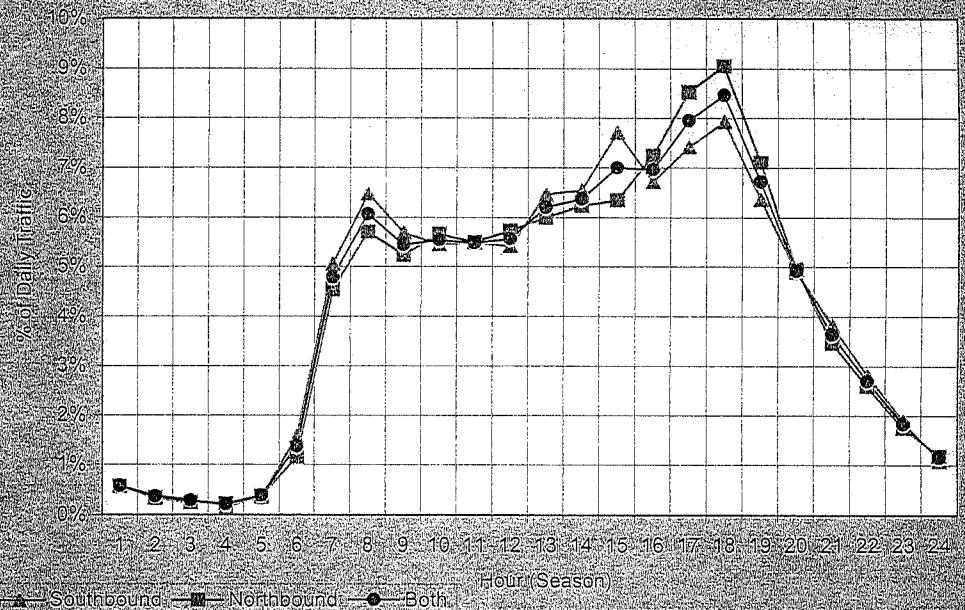
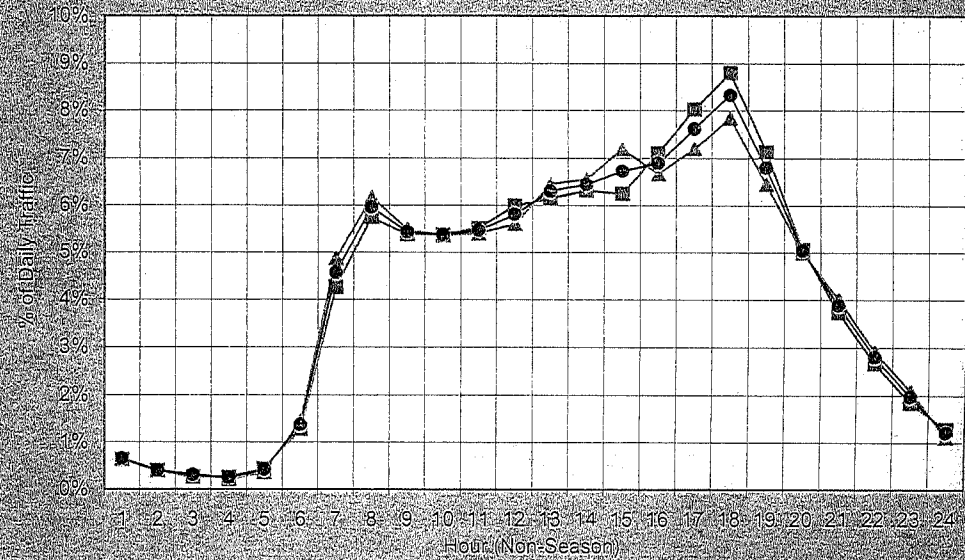
January	99%
February	104%
March	104%
April	106%
May	103%
June	90%
July	87%
August	102%
September	102%
October	98%
November	106%
December	102%

Day of Week as a % of Annual ADT

Monday	100%
Tuesday	106%
Wednesday	108%
Thursday	108%
Friday	112%
Saturday	91%
Sunday	76%

Weekday Peak Flow Characteristics	Non-Season	Season
Peak Flow between 7 a.m. and 9 a.m.		
1) as a % of weekday traffic	5.7%	5.8%
2) directional Split (peak direction)	51%	53%
	Southbound	Southbound
Peak Flow between 4 p.m. and 6 p.m.		
1) as a % of weekday traffic	8.0%	8.2%
2) directional Split (peak direction)	53%	53%
	Northbound	Northbound

**PERMANENT COUNT STATION 11  
BUCKINGHAM RD S OF PALM BEACH BLVD**





RECEIVED

SEP 27 2006

COMMUNITY DEVELOPMENT

CPA

2006-00010

## EXHIBIT 8

### Service Provider Letter

*Fire, Emergency Medical Service,  
Water, Sewer, Law Enforcement,  
Solid Waste, Mass Transit & Schools*



## Lehigh Acres Fire Control and Rescue District

1000 Joel Blvd.  
Phone: (239) 344-1600

Lehigh Acres, FL 33972  
Fax: (239) 369-2436

August 16, 2006

BOARD OF COMMISSIONERS

D. Bruce Boyd, Jr.  
Seat #4

Steven Haas  
Seat #2

Barry Ashman  
Seat #5

Joel Guzman  
Seat #3

Jeffrey Berndt  
Seat #1

Keisha A. Biggs  
Heidt & Associates, Inc.  
3800 Colonial Blvd. Suite 200  
Fort Myers, Florida 33966

Re: Caloosa 80 Comprehensive Plan Amendment

Thank you for your recent request to review the proposed Caloosa 80 Comprehensive Plan Amendment located off Palm Beach Boulevard (State Route 80) East of Bateman Road. After reviewing the plans submitted I have determined the following:

This subject site is within the Alva Fire District  
19190 Palm Beach Blvd; Alva, Florida 33920  
STRAP# 29-43-27-00-00005.000

This subject site is now within the Lehigh Acres Fire Control and Rescue District after the correction was made to the STRAP number; the corrected STRAP number is: 30-43-27-00-00001.0190  
18910 Palm Beach Blvd; Alva, Florida 33920

If you would like us to review that proposed project plan please forward your request with the new project documents.

If you have any question please call me at (239) 344-1608.

Yours in Fire Safety,

A handwritten signature in cursive script that reads "Henry MacArty".

Henry MacArty  
Assistant Chief  
Fire Marshal

A rectangular stamp with the letters "CPA" in a stylized font.

2006-00010

RECEIVED

SEP 27 2006

COMMUNITY DEVELOPMENT



September 6, 2006

Keisha A. Biggs  
Heidt & Associates, Inc.  
3800 Colonial Blvd. Suite 200  
Fort Myers, Florida 33966

Re: Caloosa 80 Comprehensive Plane Amendment

The subject site 19190 is located within the Alva Fire District. We would be more than happy to review the proposed project plane. Please forward the plane documents to the address below. If you have any questions please feel free to call.

Sincerely,

Joey Tiner  
Fire Chief

---

**2660 Styles Road Alva, Florida 33920**  
Office: (239) 728-2223 Fax: (239) 728-2231



**LEE COUNTY**  
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number 239-335-1661

Bob Janes  
District One

September 11, 2006

Douglas R. St. Cerny  
District Two

Ray Judah  
District Three

Tammy Hall  
District Four

John E. Albion  
District Five

Donald D. Stillwell  
County Manager

David M. Owen  
County Attorney

Diana M. Parker  
County Hearing  
Examiner

Keisha Biggs, Project Planner  
Heidt & Associates, Inc  
3800 Colonial Blvd. #200  
Fort Myers, FL 33966-1075

**RE: Caloosa 80 Comprehensive Amendment Plans**  
**Strap#29-43-27-00-00005.000**  
**Strap#30-43-27-00-0001.0790**

Dear Ms. Biggs:

Lee County Emergency Medical Services has reviewed your letter dated August 14, 2006 in regards to the above listed project. The proposed project location (Palm Beach Boulevard and east of Bateman Road) will result in response times in excess of the County's core level of service.

The average response time of our two (2) closest ambulances is twelve (12) minutes. This does not meet our core service level response standards of 8:59 minutes or less in 90% of the total emergency responses. It is important to note that we do have an advanced life support non-transport unit located at 2660 Styles Road, however, they are a first response unit only.

If you are interested, we would be happy to entertain a discussion with your representatives and other public safety agencies to seek ways to strategically locate a public safety station to improve response times to your proposed project.

Please feel free to contact me if you have any additional questions.

Sincerely,

Kim Dickerson, EMT-P, RN  
Operations Chief  
Lee County Emergency Medical Services  
[kdickerson@leegov.com](mailto:kdickerson@leegov.com)

**Mike Scott**  
Sheriff



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

Ms. Keisha Biggs  
Heidt and Associates  
3800 Colonial Boulevard  
Suite 200  
Fort Myers, Florida 33912

August 30, 2006

Dear Ms. Biggs:

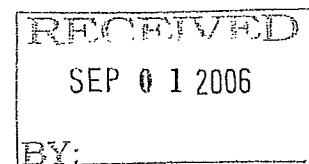
The Sheriff's Office has reviewed your fax dated August 16, 2006 outlining your intention to request Lee County to consider a comprehensive plan amendment for the area of Palm Beach Boulevard (State road 80) east of Batemen Road in east Lee County, Florida. According to my staff, this project is scheduled to begin construction in 2008 or 2009 with a tentative build out date of 2011 or 2012. It is my understanding that the amendment, if approved, will impact approximately 173 acres and will result in the construction of 778 single and multi-family residences.

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 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







**LEE COUNTY**  
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

(239) 338-3302

Writer's Direct Dial Number: \_\_\_\_\_

Bob Janes  
District One

Douglas R. St. Cerny  
District Two

Ray Judah  
District Three

Tammy Hall  
District Four

John E. Alblon  
District Five

Donald D. Stilwell  
County Manager

David M. Owen  
County Attorney

Diana M. Parker  
County Hearing  
Examiner

January 6, 2006

Keisha Biggs  
Project Planner  
Heidt & Associates, Inc.  
3800 Colonial Blvd. #200  
Ft. Myers, FL 33966

**SUBJECT: Caloosa 80 Comprehensive Plan Amendment**

Dear Ms. Biggs:

The Lee County Solid Waste Division is capable of providing solid waste collection service for the residential single family and multi-family units proposed for the 173 acre site located off Palm Beach Boulevard and East of Bateman Road through our franchised hauling contractors. Disposal of the solid waste from this project will be accomplished at the Lee County Resource Recovery Facility and the Lee-Hendry Regional Landfill. Plans have been made, allowing for growth, to maintain long-term disposal capacity at these facilities.

The Solid Waste Ordinance (05-13, Section 21) has requirements for providing on-site space for placement and servicing of certain multi-family 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



**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. Alblon  
*District Five*

Donald D. Stilwell  
*County Manager*

David M. Owen  
*County Attorney*

Diana M. Parker  
*County Hearing Examiner*

August 17, 2006

Ms. Keisha Biggs  
Heidt and Associates, Inc.  
3800 Colonial Blvd #200  
Fort Myers, FL 33966-1075

**Re: Caloosa 80 Comprehensive Plan Amendment**

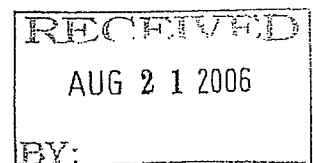
Ms. Biggs:

Lee County Transit received your letter on August 14, 2006 in reference to the Comprehensive Plan Amendment Application for the subject property located off of Palm Beach Boulevard (SR 80) and east of Bateman Road. Lee County does not currently provide public transportation services to the subject property and does not plan to extend service to the site anytime within the existing Lee County Transit Development Plan, which goes through 2013. The only type of transit service to this site identified in the transit element of the Lee County Long Range Transportation Plan, which goes through 2030, is commuter express service into Fort Myers from La Belle.

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

Sincerely,

Michael Horsting, Planner  
Lee County Transit





# THE SCHOOL DISTRICT OF LEE COUNTY

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

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

ELINDA C. 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

August 17, 2006

Ms. Keisha A. Biggs  
Heidt & Associates  
3800 Colonial Blvd. #200  
Fort Myers, FL 33966

Re: Caloosa 80 Comprehensive Plan Amendment

Dear Ms. Biggs:

Thank you for the opportunity to review the proposed Caloosa 80 Comprehensive Plan Amendment 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 August 14, 2006.

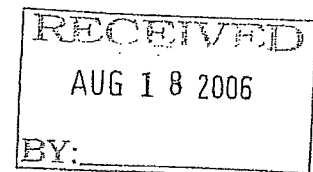
In reviewing the information it has been determined that a development with 778 single family units could generate 246 additional school aged children in the East Choice Zone of the District. Because you don't have the breakdown of single family and multi-family residences I have estimated the whole project as single family which would generate the highest number of students. This can be adjusted when you get the actual breakdown (the generation rate for single family units is 0.316 students per each single family unit and 0.125 for each multi-family unit).

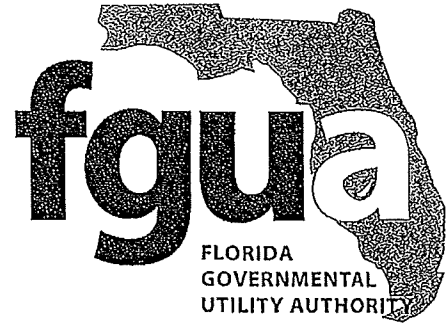
The Lee County Board of County Commissioners adopted a School Impact Fee Ordinance on November 27, 2001, which was updated in November, 2005. This letter reflects the updated generation rate.

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  
Dept. of Planning & School Capacity





June 6, 2006

Mr. John Campbell  
Area VP of Community Development  
Kimball Hill Homes  
13130 Westlinks Terrace #4  
Fort Myers, FL 33913

RE: Caloosa 80 Project – Letter of Intent

Dear Mr. Campbell:

This letter provides you Florida Governmental Utility Authority's ("FGUA") intent to serve the Caloosa 80 Project (the "Project").

The Project is located at the intersection of Palm Beach Boulevard (State Route 80) and Bateman Road, and is comprised of 100 acres inside FGUA's current service area and 73 acres outside FGUA's current service area, plus possible additional acreage to be acquired by the developer.

Your firm, in connection with Whitcomb Associates, Inc., wishes to develop the Project, and to do so it is necessary that the Project be provided with water and wastewater services.

As discussed previously, FGUA is committed to providing you with water and wastewater services for the Project. The FGUA will be negotiating with Lee County for a bulk water sales agreement that will enable FGUA to provide water to the Project.

Wastewater service, I believe will be best provided by a new treatment plant located on lands contiguous to the project. The Orenco system could be a possibility. However, at this time there is a great deal of information that needs to be provided to the permitting agencies before we could be assured of approval for the Orenco system use. The FGUA's existing Wastewater Treatment Plant is in the process of being expanded. The expansion is to be completed by year's end. It would be a considerable cost for the developer to construct a pump station and forcemain to the existing plant, but it could be done. With any option, please be assured that FGUA will take all reasonable measures necessary to ensure that the Project is provided with both wastewater and water service.

LEA ANN THOMAS, CHAIR  
Polk County

BRIAN WHEELER  
Osceola County

JIM LAVENDER  
Lee County

THOMAS H. DICK  
Citrus County

**FGUA OPERATIONS OFFICE**

Government Services Group, Inc.  
Protegrity Plaza, Suite 203  
280 Wekiva Springs Road  
Longwood FL 32779

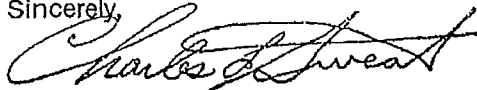
877/552-3482 Toll Free  
407/629-6900 Tel  
407/629-6963 Fax

John Campbell  
June 12, 2006  
Page 2 of 2

I trust this letter provides you with the assurances you need to reach a satisfactory level of confidence in FGUA's commitment to work with you on the Project. If you have any questions or comments, please do not hesitate to contact me.

FGUA looks forward to partnering with Kimball Hill to make the Caloosa 80 Project a success.

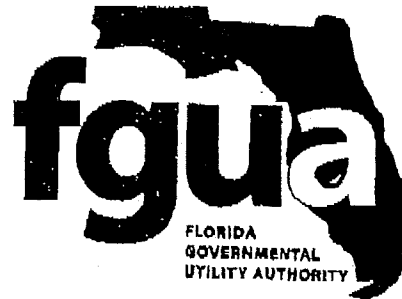
Sincerely,

A handwritten signature in black ink, appearing to read "Charles L. Sweat". The signature is fluid and cursive, with a large initial "C" and "S".

Charles L. Sweat  
Director of Operations

CLS/bf

CC: Stan Whitcomb  
Lyn Welch  
Jim Lavender  
Robert Sheets



March 14, 2006

Lin Welch  
Stan Whitcomb  
8891 Brighton Ln, Suite 126  
Bonita Springs, FL 34135  
Via fax 239-390-3165

**RE: Caloosa 80, Bulk Water & Wastewater**

Dear Ms. Welch:

The purpose of this letter is to confirm the FGUA's willingness to negotiate a bulk water / wastewater purchase agreement between the FGUA and Lee County Utilities.

The purpose of the agreement is to accommodate the 173 acres known as Caloosa 80 located at the intersection of Palm Beach Boulevard (State Road 80) and Bateman Road, outside of the FGUA service area.

If the County has capacity and is willing to negotiate an agreement with the FGUA, we should be able to conclude the agreement(s), if we fast track, it by July 2006.

Please feel free to contact me, or Clara Dozier, at any time with any questions or concerns you may have.

Sincerely,

Charles L. Sweat  
Director of Operations  
[csweat@govmserv.com](mailto:csweat@govmserv.com)

cc: Clara Dozier

LEA ANN THOMAS, CHAIR  
Polk County

RICHARD W. WESCH  
Citrus County

BRIAN WHEELER  
Osceola County

JIM LAVENDER  
Lee County

**FGUA OPERATIONS OFFICE**

Government Services Group, Inc.  
Protegrity Plaza, Suite 203  
280 Wekiva Springs Road  
Longwood FL 32779

877/552-3482 Toll Free  
407/629-6900 Tel  
407/629-6963 Fax

RECEIVED

SEP 27 2006

COMMUNITY DEVELOPMENT

cpA



2006-00010

# EXHIBIT 9 ENVIRONMENTAL REPORT

RECEIVED

SEP 27 2006

#### IV. AMENDMENT SUPPORT DOCUMENTATION

COMMUNITY DEVELOPMENT

##### C. Environmental Impacts

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

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

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

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

**211 Improved Pasture (approximately 101.69 acres)**

This community has been historically cleared, tilled and reseeded with Bahia grass. At one time portions of this area was used as crop land, but now is being utilized as grazing lands for cattle. Cow trails and a cow pond are evident within the pasture areas. Some swales and furrows are also still present. The remaining areas are mowed, or tilled and maintained on regular bases. Vegetation present includes Bahia grass, flat sedge, beak rush, black root, frog-fruit, open sandy areas, sparsely scattered pines, cabbage palms and live oaks.

**211H Hydric Improved Pasture (approximately 1.79 acres)**

This community is similar to above however the vegetation includes blue maidencane, arrowhead, pickerelweed, and Bacopa. This area also showed signs of hydrology, including inundation. All wetland areas including the final delineation of the wetlands would be determined during the Environmental permitting with the South Florida Water Management District.

**212 Unimproved Pasture (approximately 25.29 acres)**

This community is contains similar vegetation as improved pasture but is not maintained as intensively. These pasture areas contain more scattered trees including cabbage palm, pine, and oaks. Brazilian pepper is also present. Bahia grass is the dominant cover with other grasses and sedges present.

CPA

2006-00010

2006-00010



**4119 Disturbed Pine Flatwoods (approximately 51.40 acres)**

This community contains slash in the canopy with an open understory. This area has previously burned and portions have been cleared or disturbed with the associated pasture operation. Other vegetation present includes scattered saw palmetto, cabbage palm, live oak, wax myrtle, grapevine, wire grass, black root, smilax, pennyroyal, Brazilian pepper, beauty berry, Bahia grass, and other grasses and sedges.

**420 Upland Hardwood Forest (approximately 4.96 acres)**

This community contains slash pine and live oak in the canopy, laurel oak, and cabbage palm are also present. Other vegetation includes scattered saw palmetto, wax myrtle, saltbush, poison ivy, beauty berry, grapevine, and scattered Brazilian pepper.

**618 Disturbed Willow Wetlands (approximately 0.72 acres)**

This community is a near monoculture of Carolina willow. Other vegetation associated with this wetland include star sedge, primrose willow, swamp fern, and All wetland areas including the final delineation of the wetlands would be determined during the Environmental permitting with the South Florida Water Management District.

**641 Freshwater Marsh (approximately 6.47 acres)**

These herbaceous wetlands vary somewhat in the vegetative composition. The marsh community located within the pasture along the south boundary is dominated by pickerelweed. Primrose willow, saw grass, corkwood, St. John's Wort, and willow were also present. Vegetation in the marsh areas in the northwest portion of the pasture include a variety of arrowhead, pickerelweed, primrose, willow, star sedge, swamp fern, scattered cabbage palms, and other wetland grasses and sedges. All wetland areas including the final delineation of the wetlands would be determined during the Environmental permitting with the South Florida Water Management District.

FLUCFCS	Description	Acreage	Percent of Total
211	Improved Pasture	101.69 ac	52.88 %
211H	Hydric Improved Pasture	1.79 ac	0.93 %
212	Unimproved Pasture	25.29 ac	13.15 %
4119	Disturbed Pine Flatwoods	51.40 ac	26.73 %
420	Upland Hardwood Forest	4.96 ac	2.58 %
618	Disturbed Willow	0.72 ac	0.37 %
641	Freshwater Marsh	6.47 ac	3.36 %
	<b>Total</b>	<b>+/- 192.32</b>	<b>100%</b>

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

See attached map for soil mappings based on NRCS soil survey for Lee County. The NRCS mapped the property as being underlain by Immokalee Sand, Oldsmar Sand, Boca Fine Sand, Boca Fine Sand Slough, Myakka Fine Sand, and Myakka Fine Sand Depressional.

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

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

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

See attached FLUCCS map for locations of mapped wetlands. The property has 1.79 acres of Hydric Improved Pasture, 0.72 acres of Disturbed Willow, and 6.47 acres of Freshwater Marsh wetlands; approximately 4.7% of the site is considered wetlands.

**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 FLUCFS and the species status (same as FLUCCS map).**

## **ANIMALS**

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

Name	Scientific Name	Habitat	State & Fed Status	
			FWC	FWS
Florida Sandhill Crane	<i>Grus Canadensis pratensis</i>	211, 211H, 212, 618, 641	T	No listing
Burrowing Owl	<i>Speotyto cunicularia</i>	211, 212	SSC	No listing
Big Cypress Fox Squirrel	<i>Sciurus niger avicennia</i>	411, 420	T	No listing
Eastern Indigo Snake	<i>Drymarchon corais couperi</i>	411, 420	T	T
Florida Black Bear	<i>Ursus americanus floridanus</i>	411, 420	T	No listing
Gopher Frog	<i>Rana areolata</i>	411, 420	SSC	No listing
Gopher Tortoise	<i>Gopherus polyhemus</i>	411, 420	SSC	No listing
Red Cockaded Woodpecker	<i>Picoides borealis</i>	411, 420	T	E
Southeastern American Kestrel	<i>Falco sparverius paulus</i>	411, 420	T	No listing
Everglades Mink	<i>Mustela vison evergladensis</i>	618, 641	T	No listing
Little Blue Heron	<i>Egretta caerulea</i>	618, 641	SSC	No listing
Limpkin	<i>Aramus guarauna</i>	618, 641	SSC	No listing
Reddish Egret	<i>Egretta rufescens</i>	618, 641	SSC	No listing
Snail Kite	<i>Rostrhamus sociabilis plumbeus</i>	618, 641	E	E
Snowy Egret	<i>Egretta thula</i>	618, 641	SSC	No listing
Tricolored Heron	<i>Egretta tricolor</i>	618, 641	SSC	No listing
Wood Stork	<i>Mycteria americana</i>	618, 641	E	T
Florida Panther	<i>Puma concolor coryi</i>	all	E	E

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

## PLANTS

Listed plant species that were not observed but which have the potential to occur on the project site are listed in the following table. These potential occurrences were determined by referencing the Field Guide to Rare Plants of Florida (Florida Natural Areas Inventory 2000). The Florida Endangered Species, Threatened Species and Species of Special Concern; Official Lists, dated August 1997 was used to identify the status of the potentially occurring species.

<u>Name</u>	Scientific Name	Habitat	Status	
			FDA	FWS
Beautiful paw-paw	<i>Deeringothammus pulchellus</i>	411, 420	E	E
Fakahatchee Burmannia	<i>Burmannia flava</i>	411, 420	E	--
Florida coontie	<i>Zamia Floridana</i>	411, 420	C	--
Satinleaf	<i>Chrysophyllum oliviforme</i>	411, 420	E	--
Twisted Air Plant	<i>Tillandsia flexuosa</i>	411, 420	E	--

FWC-Florida Fish and Wildlife Conservation Commission

FWS-U.S. Fish and Wildlife Service

SSC-Species of Special Concern

T-Threatened

E-Endangered

### **D. Impacts on Historic Resources**

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

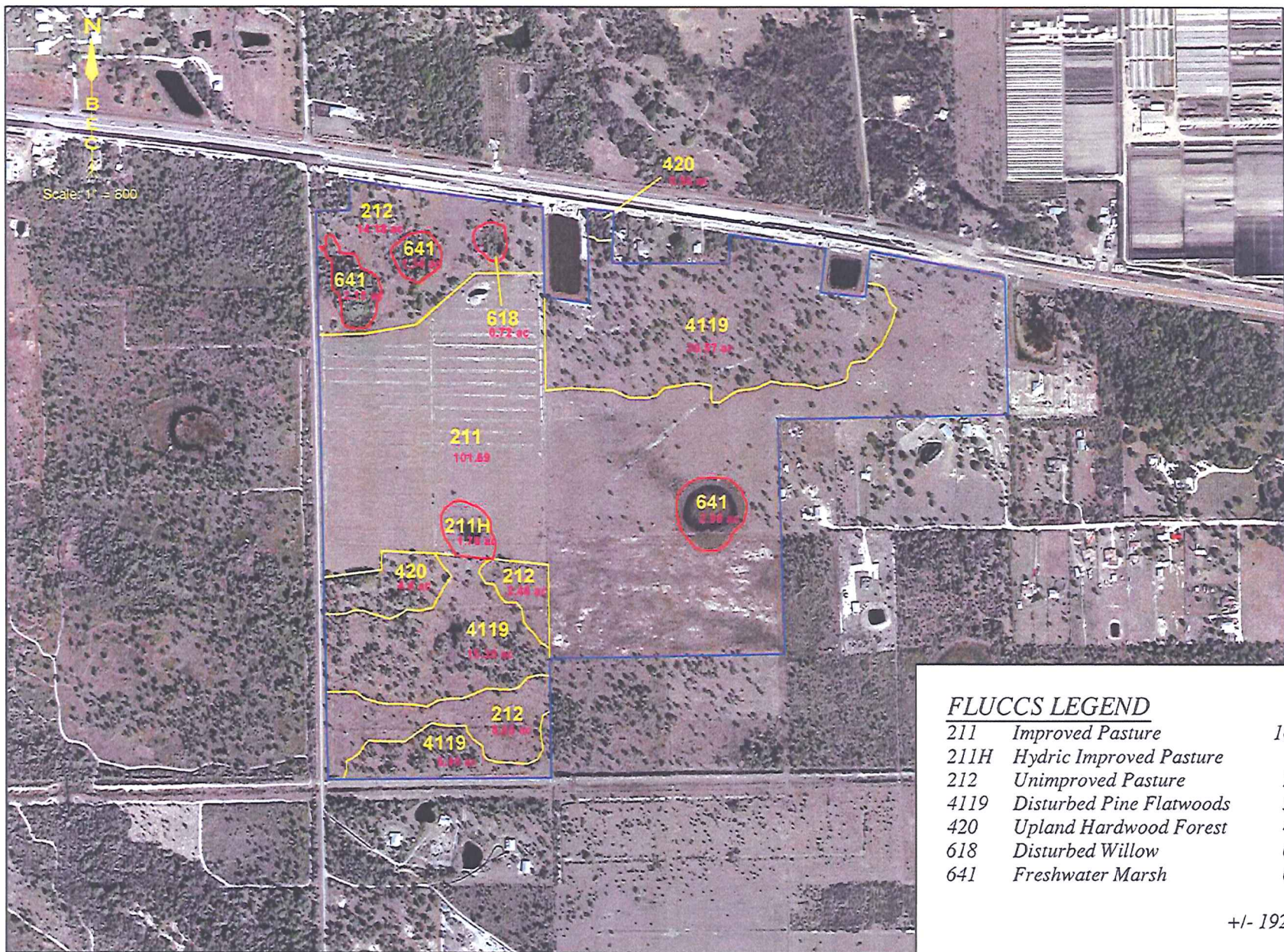
1. A map of any historic districts and/or sites, listed on the Florida Master Site File, which are located on the subject property or adjacent properties.

Attached are the results of the Florida Master Site File.

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

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



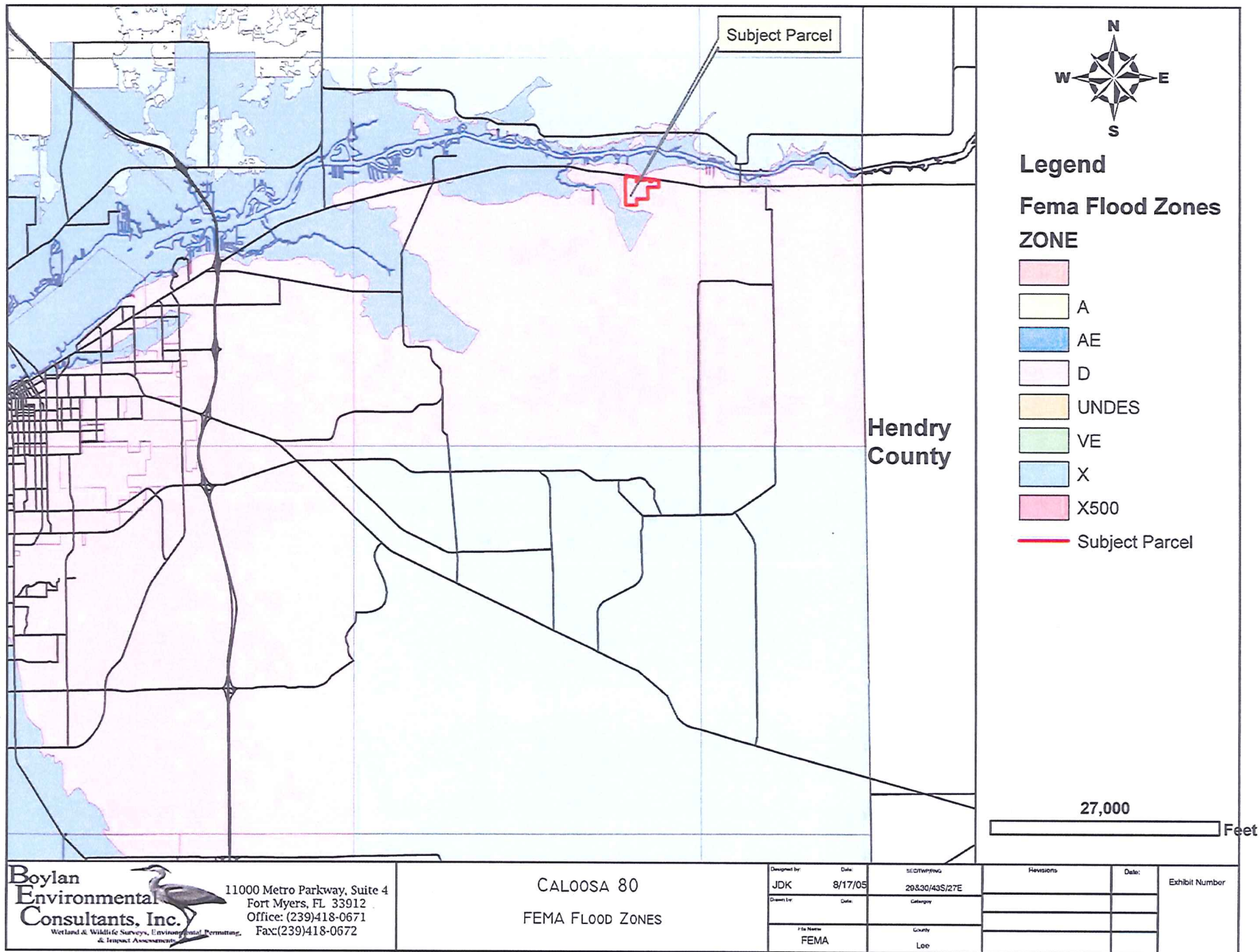


### FLUCCS LEGEND

211	Improved Pasture	101.69 ac
211H	Hydric Improved Pasture	1.79 ac
212	Unimproved Pasture	25.29 ac
4119	Disturbed Pine Flatwoods	51.4 ac
420	Upland Hardwood Forest	4.96 ac
618	Disturbed Willow	0.72 ac
641	Freshwater Marsh	6.47 ac

+/- 192.32 ac



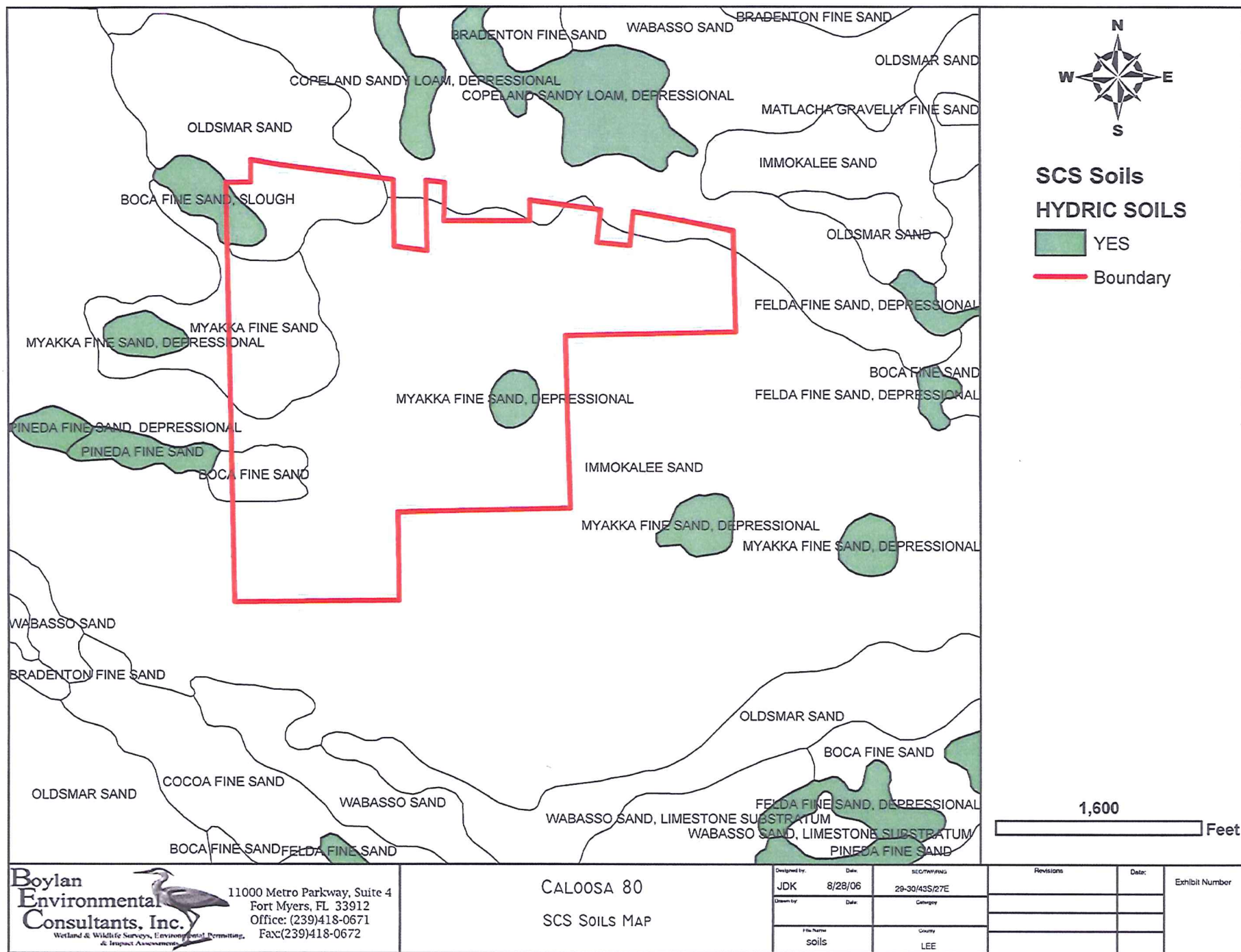


**Boylan Environmental Consultants, Inc.**  
 Wetland & Wildlife Surveys, Environmental Permitting, & Impact Assessments

11000 Metro Parkway, Suite 4  
 Fort Myers, FL 33912  
 Office: (239)418-0671  
 Fax: (239)418-0672

**CALOOSA 80**  
**FEMA FLOOD ZONES**

Designed by:	Date:	Scale/Projection:	Revisions:	Date:	Exhibit Number
JDK	8/17/05	20030/43S/27E			
Drawn by:	Date:	Category:			
File Name:		County:			
FEMA		Lee			





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

August 28, 2006

Jim Keltner  
Boylan Environmental Consultants, Inc.  
11000 Metro Parkway, Suite 4  
Fort Myers, Florida 33912  
Fax: ~~941~~ 418-0672  
237

In response to your inquiry of August 28, 2006, the Florida Master Site File lists eleven previously recorded archaeological sites and no standing structure in the following parcels of Lee County:

T43S, R27E, Sections 29 & 30

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 or historical structures.
- While many of our records relate to historically significant properties, the entry of an archaeological site or an historical structure on the Florida Master Site File does not necessarily mean that the structure is significant.
- Since vandalism is common at Florida sites, we ask that you limit the distribution of location information on archaeological sites.
- As you may know, federal and state 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. 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*  
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) 279-1475 • FAX: 279-1476

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

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

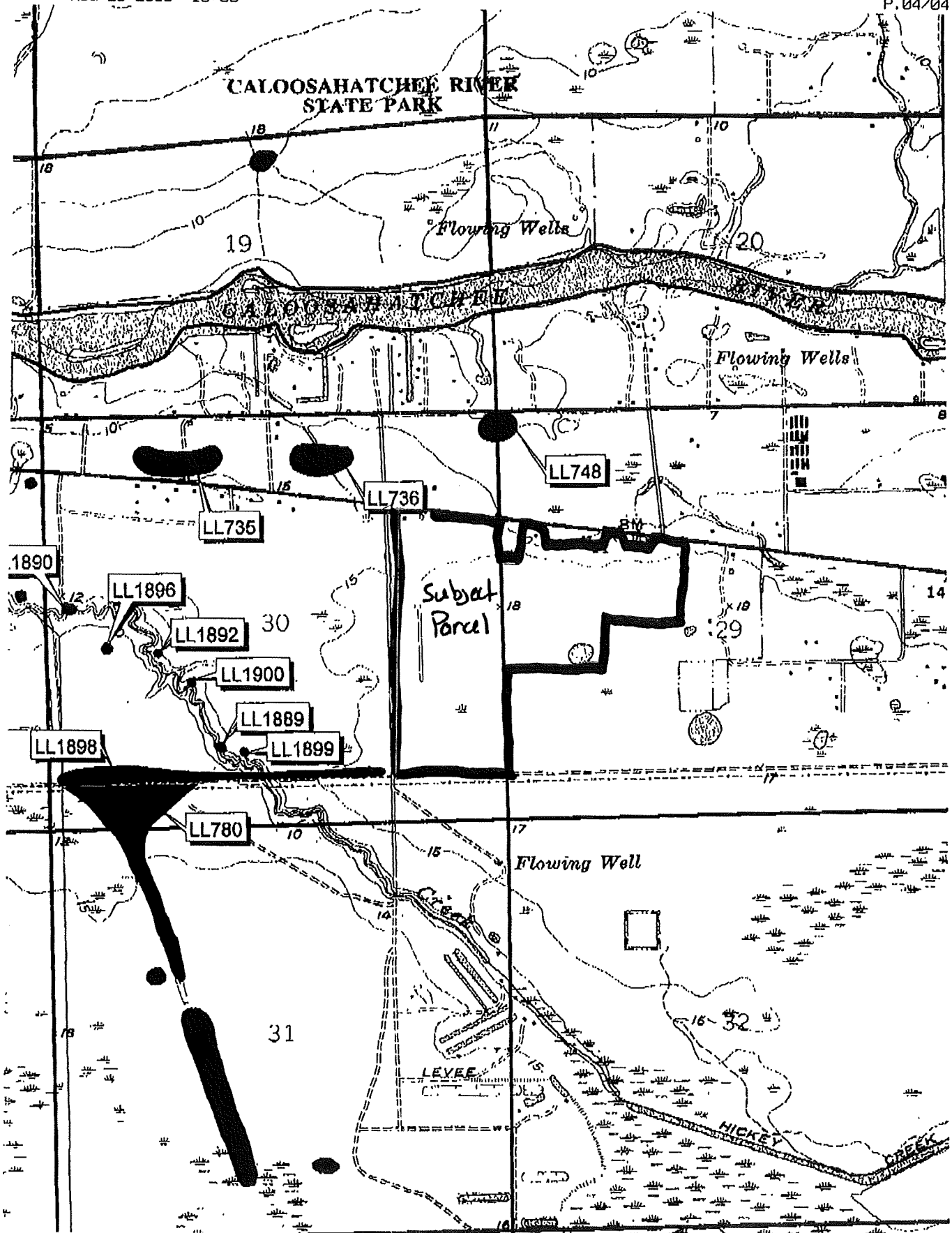


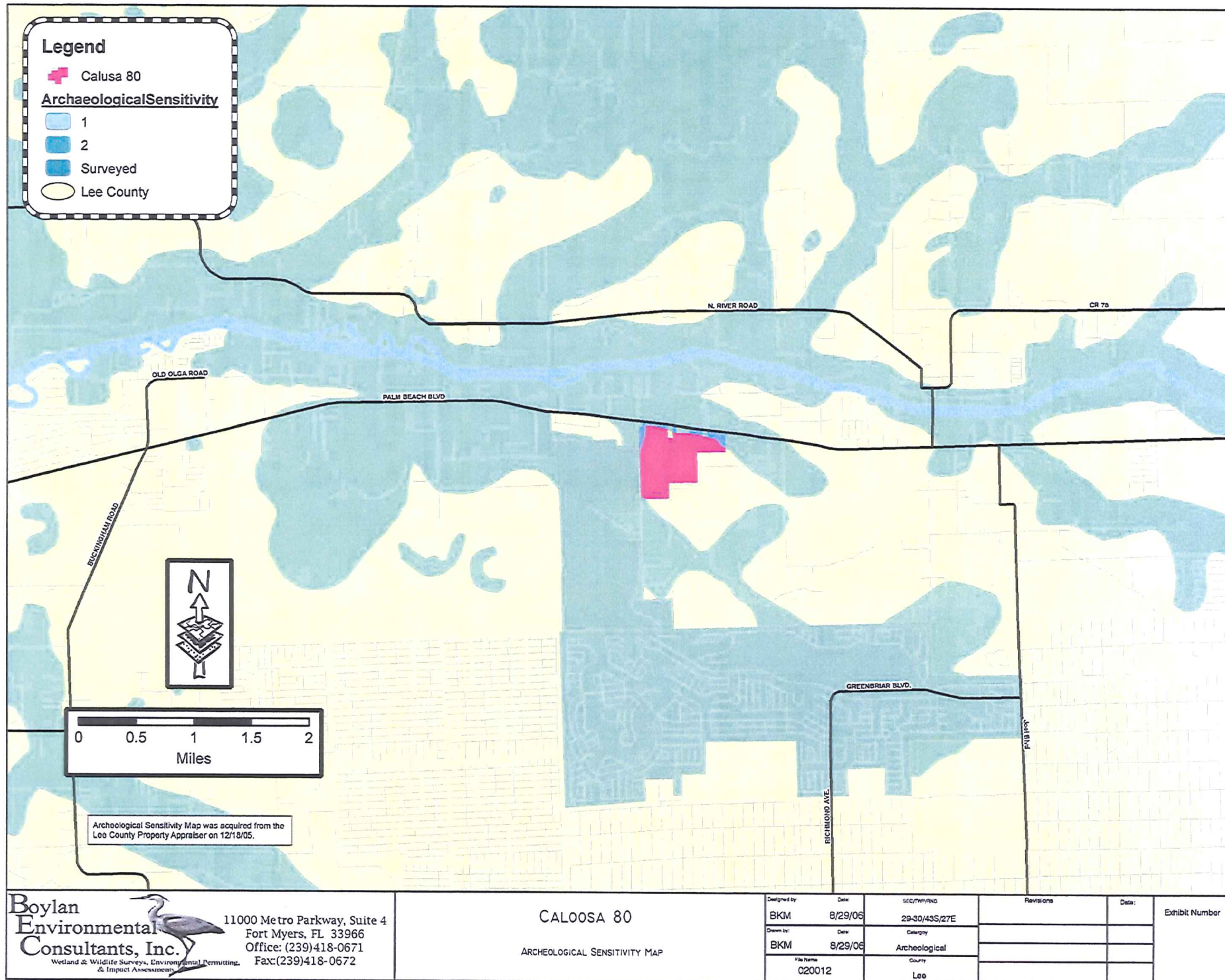
SITEID	FORMNO	T-R-S	CR	SITENAME	NRLIST	SURVEY	LOCATION	OTHER
LL00735	198710	43S/27E/30	AR	SURVEYOR'S			Map: OLGA	Culture: PREH Sitetype: MOUN
LL00736	198710	43S/27E/30	AR	FOSTER MOUND			Map: OLGA	Culture: GL Sitetype: MOUN
LL00748	198710	43S/27E/19	AR	MOUNT ALICE			Map: OLGA	Culture: GL Sitetype: MOUN
LL00780	199601	43S/27E/30	AR	HICKEY CREEK LONGLEAF LOGGING CAMP II	4586		Map: OLGA	Culture: 20TH, APAM Sitetype: CAMP, FEAT, LAND, ROAD, SCAR,
LL01889	199601	43S/27E/30	AR	HICKEY CREEK HONEY HOLE	4586		Map: OLGA	Culture: OTHR Sitetype: INUN, OTHR
LL01890	199601	43S/27E/30	AR	HICKEY CREEK BRIDGE SITE	4586		Map: OLGA	Culture: OTHR Sitetype: INUN, OTHR
LL01892	199601	43S/27E/30	AR	HICKEY CREEK PREHISTORIC CERAMIC SITE 2	4586		Map: OLGA	Culture: OTHR Sitetype: LAND, OTHR
LL01896	199601	43S/27E/30	AR	HICKEY CREEK BOTTLE DUMP	4586		Map: OLGA	Culture: 20TH Sitetype: LAND, REFU, SCDE
LL01898	199601	43S/27E/30	AR	SEABOARD AIR LINE RAILROAD GRADE	4586		Map: OLGA	Culture: 20TH, OTHR Sitetype: LAND, OTHR, ROAD, SCAR
LL01899	199601	43S/27E/30	AR	HICKEY CREEK BOY SCOUT CAMP	4586		Map: OLGA	Culture: 20TH, OTHR Sitetype: BLDG, CAMP, LAND, OTHR
LL01900	199601	43S/27E/30	AR	HICKEY CREEK HISTORIC CAMPSITE	4586		Map: OLGA	Culture: 20TH, OTHR Sitetype: BLDG, CAMP, LAND, OTHR, SCAR

11 site(s) evaluated; 11 form(s) evaluated.  
Print date: 8/28/2006 12:13:55 PM

AUG-28-2006 13:00

P.03/04





**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to: CPA2006-00010

**Stan Whitcomb**  
**8891 Brighton Lane, S. 11100**  
**Bonita Springs, FL 34135**

2. Article Number  
(Transfer from service label)

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

- ☐ Agent  
☐ Addressee

B. Received by (Printed Name)

FR36SAU

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes  
If YES, enter delivery address below: ☐ No

3. Service Type

- ☒ Certified Mail ☐ Express Mail  
☐ Registered ☐ Return Receipt for Merchandise  
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

7006 0810 0002 8335 7763