

# **STAFF REPORTS**

**CPA2006-02**

**CAPE ROYAL  
SMALL-SCALE  
AMENDMENT  
TO THE**

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LEE COUNTY COMPREHENSIVE PLAN

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**THE LEE PLAN**

**Privately Sponsored Application  
and Staff Analysis**

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LPA Public Hearing Document  
for the  
February 25<sup>th</sup> Public Hearing

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

*February 21, 2008*



**LEE COUNTY  
DIVISION OF PLANNING  
STAFF REPORT FOR  
COMPREHENSIVE PLAN AMENDMENT  
CPA2006-02**

☐

Text Amendment

☒

Map Amendment

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

STAFF REPORT PREPARATION DATE: February 21, 2008

**PART I - BACKGROUND**

**A. SUMMARY OF APPLICATION**

**1. APPLICANT/REPRESENTATIVE:**

Realmark Cape Royal, LLC & Scott Dunlap

**2. REQUEST:**

Amend the Future Land Use Map Series for an approximate 7.7 +/- acre site located in Section 20, Township 44 South, Range 23 East, to change the classification shown on Map 1, the Future Land Use Map, from Rural to Suburban and Commercial. Amend Map 7, the Lee County Utilities Future Sewer Service Areas Map, to add the subject site to the future service area. The site is generally located south of Pine Island Road and east of Veterans Parkway.

**3. SUMMARY DISCUSSION:**

The applicant, Realmark Cape Royal, LLC & Scott Dunlap, is requesting a small scale change of land use designation on the Future Land Use Map from "Rural" to "Suburban" and "Commercial" for an approximate 7.7 acre area of land. The site is located to the east of Veterans Parkway/Burnt Store Road on the south side of Pine Island Road in Section 20, Township 44 South, Range 23 East. The site is located within the Pine Island Planning community. If the amendment is approved the allowable density for 6.6 acres of the site would increase from 1 du/acre to 6 du/acre, a maximum of 39 permissible units. If the amendment is approved the allowable commercial intensity for 1.1 acres of the site would increase from approximately 10,000 square feet of floor area to a Floor Area Ratio (FAR) measure of 1,

allowing a maximum of 47,916 square feet of floor area. If the amendment is approved the subject area will be added to Map 7 of the Lee Plan, the Future Sewer Service Areas Map.

A Current and Proposed Future Land Use Map are attached as Attachments 1 and 2. Map 7 of the Lee Plan, the Future Sewer Service Areas Map, depicting the area proposed to be added to the service area is attached as Attachment 3.

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

1. **RECOMMENDATION:** Planning staff recommends that Map 1, the Future Land Use Map, be amended to change the future land use designation of the subject area from the "Rural" land use category to the "Suburban" land use category for 6.6 acres of the subject area and from "Rural" to the "Commercial" land use category for 1.1 acres of the subject area. Planning staff also recommends that Map 7 of the Lee Plan, the Future Sewer Service Areas Map be amended to add the subject area to the Lee County Utilities service area.

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

- The proposed development is consistent with Policy 1.1.5, the Suburban future land use descriptor policy of the Lee Plan.
- The proposed development is consistent with Policy 1.1.10, the Commercial future land use descriptor policy of the Lee Plan.
- The subject parcels are surrounded by properties developed with similar uses.
- The increase in the population accommodation capacity of the FLUM is insignificant when viewed in the context of the county wide accommodation capacity.
- All of the necessary infrastructure is in place or can be provided to the subject parcel. The proposed land use change will not cause future road network plan changes. The requested land use change will have a minimal impact on public safety service providers.
- There are no known endangered species present on the subject parcel.

## **C. BACKGROUND INFORMATION**

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

**SIZE OF PROPERTY:** 7.7 ACRES

**PROPERTY LOCATION:** The subject property is located east of Veterans Parkway/Burnt Store Road on Pine Island Road.

**STRAP#:** 20-44-23-01-00000.0DCE, 20-44-23-00-00003.0000, 20-44-23-00-00003.0010, 20-44-23-00-00003.0020

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

**CURRENT ZONING:** AG-2, C-1, RS-2

**CURRENT FUTURE LAND USE CLASSIFICATION:** Rural

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

**WATER & SEWER:** The subject property is located in the Greater Pine Island Water Association franchise area for potable water. The subject property is not located within a service area for sanitary sewer. The proposed amendment includes adding the property into the Lee County Utilities sewer service area.

**FIRE:** The property is located in the Matlacha/Pine Island Fire District.

**TRANSPORTATION:** Access to the property is from Pine Island Road.

**SOLID WASTE:** Waste Pro Franchise Area.

## **PART II - STAFF ANALYSIS**

### **A. STAFF DISCUSSION**

#### **INTRODUCTION**

The applicant is requesting a small scale change of land use designation on the Future Land Use Map from "Rural" to "Suburban" and "Commercial" for an approximate 7.7 acres of land. The site is located to the east of the intersection of Veterans Parkway/Burnt Store Road and Pine Island Road in Section 20, Township 44 South, Range 23 East. The subject area is a portion of an enclave of unincorporated Lee County within the City of Cape Coral along Pine Island Road. If the amendment is approved the allowable density for 6.6 acres of the site would increase from 1 du/acre to 6 du/acre, a maximum of 39 permissible units. If the amendment is approved the allowable commercial intensity for 1.1 acres of the site would increase from approximately 10,000 square feet of floor area to a Floor Area Ratio (FAR) measure of 1, a maximum of 47,916 square feet of floor area. If the amendment is approved the subject area will be added to Map 7 of the Lee Plan, the Future Sewer Service Areas Map.

The original Comprehensive Plan Amendment Application, Staff Insufficiency Letters, and Applicant Supplementary Information are attached.

#### **PROJECT SUMMARY**

The 7.7 acre area is composed of four parcels. Two of the parcels front the south side of Pine Island Road and the other two extend to the south and are adjacent to the Royal Tee subdivision. The subject

area is currently vacant and is located between two single family residences and a gas station to the west and the entryway to the Royal Tee subdivision to the east. The site is located across Pine Island Road from Publix. At this time the parcels fronting Pine Island Road are zoned AG-2 and C-1 and the parcels to the south are zoned AG-2 and RS-2. The application states that it is contemplated that minor commercial use will be constructed on the westernmost parcel, abutting the gas station and a residential project will be built on the remainder of the property.

### **COMPREHENSIVE PLAN BACKGROUND**

In 1984, Lee County adopted its first official Future Land Use Map (FLUM) as an integral part of its comprehensive plan. On that map, the subject property was part of the "Rural" land use category and this remains the future land use designation for the parcel today.

The subject property is also identified on Map 1, page 4 of 5, as part of an Urban Reserve Overlay. Policy 1.7.3 describes the Urban Reserve Overlay and is reproduced below:

***POLICY 1.7.3:** The Urban Reserve overlay indicates areas that are suitable for annexation into the adjoining municipality. Urban Reserve areas are initially established by interlocal agreement pursuant to Section 163.3171(1), F.S.*

Planning staff has asked the applicant to provide discussion as to whether or not the applicant has considered this issue, as it has always been the County's policy to encourage annexation for the enclave parcels along Pine Island Road. The applicant has provided that the possibility of annexing has been discussed, yet annexation is difficult as long as the property remains within the Greater Pine Island Water Association franchise area. In the case of sewer service availability, the applicant has provided that it is not possible to obtain a letter of sewer availability from the City of Cape Coral, as the City has declined to provide service to parcels outside of the city boundaries.

It is Planning staff's understanding that the impediment to annexations in this area is the fact that the area is located in the Greater Pine Island Water Association franchise area and involves the release of water rights to the City of Cape Coral. In addition, the City Utility Plan does not show the area receiving water/sewer services until sometime between the year 2010 and 2012.

A map depicting the amendment area and the city limits of Cape Coral is attached as Attachment 4.

### **ADJACENT ZONING AND USES**

The site is zoned AG-2, C-1, and RS-2. The surrounding properties are zoned Village (Cape Coral zoning district) to the north across Pine Island Road, RS-2, AG-2, CN-1, and IG to the east, C-3 (Cape Coral zoning district) and AG-2 to the west, and RS-2 zoning to the south. The subject area is surrounded by a mix of uses. To the north, across Pine Island Road, is the Publix Shopping Center; to the east is the entryway to the Royal Tee subdivision, vacant parcels, and a concrete batch plant; to the south is Royal Tee subdivision; and to the west are five one acre lots, two lots having existing single family residences, a gas station, and vacant land.

### **POPULATION ACCOMMODATION CAPACITY DISCUSSION**

The request is to change the Future Land Use Map (FLUM) category of approximately 6.6 acres from Rural to Suburban and 1.1 acres from Rural to Commercial. Residential uses are not permitted in the Commercial land use category. The Rural category standard density permits 1 du/acre. The Suburban

category standard density permits up to 6 du/acre. This means that a maximum of 39 dwelling units could be constructed on the property under the Suburban designation and result in an increase in the population accommodation capacity of the map by 83 persons (39 du's X 2.14 persons per unit). The Commercial land use category for 1.1 acres would decrease 1 dwelling unit, or 2 persons in the population accommodation capacity of the map, therefore the net increase for the proposed plan amendment would equal 81 persons. Staff concludes that this increase in the population accommodation capacity of the FLUM is insignificant when viewed in the context of the county wide accommodation capacity.

## **CONSISTENCY WITH THE "SUBURBAN" AND "COMMERCIAL" LAND USE CATEGORIES**

The applicant is proposing that the subject parcels land use designation be amended to Suburban and Commercial. The Suburban areas are described by Policy 1.1.5. Policy 1.1.5 is reproduced below:

***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 Urban Community areas or in areas where it is appropriate to protect existing or emerging residential neighborhoods. These areas provide housing near the more urban areas but do not provide the full mix of land uses typical of urban areas. The standard residential 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.*

The 6.6 acre area of the proposed amendment is consistent with the Suburban designation for the following reasons: it is located adjacent to the designated future urban area of Cape Coral; the urban services, as noted, have adequate capacity to provide the necessary services to accommodate the proposed small scale amendment; residential development is listed as the predominant land use in the Suburban category, and the proposal is consistent with the land use category due to the fact that it is adjacent to residential uses to the south and west .

The subject area is part of an enclave of Rural designated land along Pine Island Road. The surrounding properties are designated Intensive Development to the north along Pine Island Road, the Rural designation is in place to the south and includes the Royal Tee subdivision, Intensive Development to the east of the enclave area, and Intensive Development and Rural to the west. The proposed use, residential, is permissible in the "Suburban" land use category. The subject parcel is also consistent with the Lee Plan's Residential Land Use requirements of Goal 5.

The Commercial areas are described by Policy 1.1.10. Policy 1.1.10 is reproduced below:

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

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

The 1.1 acre area of the proposed amendment is consistent with the Commercial designation for the following reasons: it is located adjacent to the designated future urban area of Cape Coral and will serve the residential needs of the area; the urban services, as noted, have adequate capacity to provide the necessary services to accommodate the proposed small scale amendment; the site is located along Pine Island Road (S.R. 78), a major travel corridor, the site will require planned development zoning to ensure appropriate site development regulations are applied relative to the surrounding area.

The proposed commercial use is permissible in the "Commercial" land use category. The subject parcel is also consistent with the Lee Plan's Commercial Land Uses requirements of Goal 6.

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

The subject area is located within the Pine Island Planning Community. In this community there are 675 acres allocated for residential uses in the Suburban land use category. Recent Planning Division data indicates that 566 acres of Suburban land within this community is currently developed with residential uses, leaving a surplus of 109 acres that could be developed with residential uses in the Suburban portions of this community before the year 2030. There are 226 acres allocated for commercial uses in the Pine Island Planning Community. Recent data indicates that 154 of these acres are currently developed with commercial uses, leaving a surplus of 72 acres that could be developed with commercial uses in the Pine Island Planning Community before the year 2030.

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

#### **TRANSPORTATION ISSUES**

The Lee County Department of Transportation (DOT) has reviewed the request and indicated that based upon the FSUTMS travel demand model the proposed land use change on this property will not alter the future road network plans.

Planning staff notes that a traffic analysis is required as part of the County's local development approval process. This analysis will determine the need for any site-related traffic improvements such as turn lanes on the adjacent roadways.

## **PUBLIC SAFETY ISSUES**

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

### Community Rating System

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

### Sheriff's Office Impact

The Cape Coral Police Department has reviewed the proposal and indicated that they will be able to maintain police services for the additional citizens that would reside on the subject property

### Fire Service Impact

The subject parcel is within the Matlacha/Pine Island Fire District. The District Chief has reviewed the proposal and indicated it will not impact current and projected services. The District is currently planning for a new fire station in the eastern boundaries of the district to enhance fire and rescue service.

### Emergency Medical Services (EMS) Impact

EMS staff has reviewed the proposal and indicated it will not impact current and projected resources for this area. Current and planned budgetary projections for additional EMS resources should adequately address any increased demand for service from persons occupying this parcel.

## **SCHOOL IMPACTS**

Lee County School District staff has reviewed the proposal and indicated the potential that 39 multi family units could generate 5 additional school aged children in the West Choice Zone based upon 0.125 students per each multi family residential unit built. District staff notes that the Lee County Board of County Commissioners adopted a School Impact Fee Ordinance in 2001 which was updated in 2005.

## **SOILS**

The 1984 U.S. Department of Agriculture Soil Survey of Lee County classified one soil type present on the subject parcel - 13 Boca fine sand.

Boca fine sand is a nearly level, poorly drained soil on flatwoods. Slopes are smooth and range from 0 to 2 percent.

## **ENDANGERED SPECIES**

Lee County Division of Environmental Sciences staff have reviewed the request and conducted a site review on December 14, 2007. Environmental Sciences staff indicated that although there are native trees present, there are no indigenous native vegetative communities on the site. There is an inactive bald eagle's nest located approximately 1100 hundred feet from the site. No other listed species were observed and none are likely to occur.

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

Lee County Department of Public Works staff has reviewed the request and indicated that the 2007 Lee County Concurrency report identifies an existing inventory of 17 acres of community parks within the Pine Island/Matlacha Community Park Benefit District. The regulatory acreage standard was met in 2006 and will continue to be met through 2010. The desired acreage standard was not met in 2006 and will not be met through 2010 unless the proposed Pine Island community park (40 acres) is developed. The proposed amendment would create the need for an additional .06 acres of Community Park space. The regulatory acreage inventory within this district is sufficient to support the proposed increase in density.

## **DRAINAGE/SURFACE WATER MANAGEMENT**

The application provides the following concerning this issue:

*"The project will be developed in accordance with SFWMD regulations. No amendments to the Lee Plan are necessary."*

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

## **MASS TRANSIT**

Lee County Transit Division staff have reviewed the request and indicated the proposed amendment would not result in the need for additional transit services. Fixed route bus service is not currently provided to this rural section of Cape Coral and with the proposed designation the densities will continue to remain too low to require fixed route bus service. Currently demand response service is provided to this area one day per week and is not expected to be expanded to five days per week until the year 2014.

## **UTILITIES**

The subject property is located in the Greater Pine Island Water Association franchise area for potable water. The application provided that the Greater Pine Island Reverse Osmosis Treatment Plant has a maximum capacity of 2.23 MGD and produces an average annual daily flow of 1.25MGD. A 12" water main exists on the north side of Pine Island Road and a 10" water main runs north and south along the eastern property line. The application provides that the addition of the proposed uses would generate approximately a total of 11,250 GPD and will be adequately served by the existing plant capacity.

The subject property is not located within a service area for sanitary sewer. The proposed amendment includes adding the property into the Lee County Utilities future sewer service area by amending Map 7 of the Lee Plan, the Future Sewer Service Areas Map. Lee County Utilities staff has indicated that Lee County could provide central sewer service to the subject project through the Pine Island Waste Water Treatment Plant, however the area is not included in the future service area. Utilities staff have noted that although the treatment plant has excess treatment capacity, the permitted capacity of the treatment plant is limited by FDEP to the amount of reclaimed water permitted for use. Because there is not excess disposal capacity the developer will need to arrange for the use and disbursement of an amount of reclaimed water equal to or greater than the amount of wastewater generated by the development. The water does not have to be utilized onsite.



In addition, Utilities staff have indicated that the developer will need to provide assurances that the collection system the proposed development will be tying into has the capacity to receive the wastewater generated. If the system does not have sufficient capacity then the developer will be responsible for the costs of the off site improvements necessary to upgrade the collection system.

The applicant asserts that it is possible to obtain permission from a Pine island property owner to dispose of the effluent on an existing tree farm. The applicant has provided an example of an agreement that has been made with the Pine Island property owner for another site as part of the application resubmittal dated February 8, 2008.

## **HISTORIC RESOURCES**

The application includes a letter, dated January 31, 2006 from the Division of Historical Resources, Florida Department of State providing that the Florida Master Site File lists no previously recorded cultural resources.

## **RE-DESIGNATING LANDS FROM A NON-URBAN AREA TO A FUTURE URBAN AREA**

The applicant is proposing to change 7.7 acres of land designated Rural to the Suburban and the Commercial future land use category. The applicant proposes a minor commercial development on the westernmost parcel abutting the existing gas station and fronting Pine Island Road, and a residential project on the remainder of the site. The site is part of an enclave of unincorporated Lee County designated Rural that is surrounded by the city limits of Cape Coral. The enclave is located between lands designated Intensive Development to the north, east and west and Rural to the south. The proposed amendment will not result in leapfrog development, the property is located in a commercial corridor and the residential component will abut an existing subdivision. The proposal would allow urban infill in lieu of an enclave of rural uses. Given the location of the site, staff finds the proposed amendment consistent with the concept of small scale development amendments.

## **B. CONCLUSIONS**

The proposed amendment is consistent with Policy 1.1.5, the Outlying Suburban future land use descriptor policy and Policy 1.1.10, the Commercial future land use descriptor policy. The applicant's intent is to develop residential uses on the majority of the site along with minor commercial development on the westernmost parcel abutting an existing gas station. As proposed the development will be compatible with the surrounding uses. The western parcel does meet the requirements of the Lee Plan's commercial site location standards for minor commercial development and is eligible for retail commercial uses. Adequate infrastructure is in place to provide the necessary services to accommodate the requested land use change. The proposed residential use and density is allowed in the "Suburban" land use category. If the amendment is approved the allowable density would increase from 1 du/acre to 6 du/acre, an increase of 39 permissible units. The increase in the population accommodation capacity of the FLUM is insignificant. The property will be served by public water and sewer facilities and abuts an arterial road. As noted above, the site abuts a residential subdivision to the south, a gas station and vacant land adjacent to the intersection of Veterans Parkway/Burnt Store Road to the west, and a commercial shopping center to the north. Staff finds the proposed amendment consistent with the surrounding uses and surrounding land use designations as an infill parcel located between lower density development to the south and higher density/intensity development to the north.

### **C. STAFF RECOMMENDATION**

Planning staff recommends that Map 1, the Future Land Use Map, be amended to re-designate the subject area from "Rural" to "Suburban." and "Commercial." Planning staff also recommends that Map 7, the Lee County Utilities Future Sewer Service Areas Map, be amended to add the subject site to the future service area. This recommendation is based upon the previously discussed issues and conclusions set forth above.

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

**DATE OF PUBLIC HEARING: February 25, 2008**

**A. LOCAL PLANNING AGENCY REVIEW:**

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

**1. RECOMMENDATION:**

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

**C. VOTE:**

**NOEL ANDRESS**

\_\_\_\_\_

**LES COCHRAN**

\_\_\_\_\_

**RONALD INGE**

\_\_\_\_\_

**JACQUE RIPPE**

\_\_\_\_\_

**CARLETON RYFFEL**

\_\_\_\_\_

**LELAND TAYLOR**

\_\_\_\_\_

**RAE ANN WESSEL**

\_\_\_\_\_

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

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

**A. BOARD REVIEW:**

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

**1. BOARD ACTION:**

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

**C. VOTE:**

**A. BRIAN BIGELOW**

\_\_\_\_\_

**TAMMARA HALL**

\_\_\_\_\_

**ROBERT P. JANES**

\_\_\_\_\_

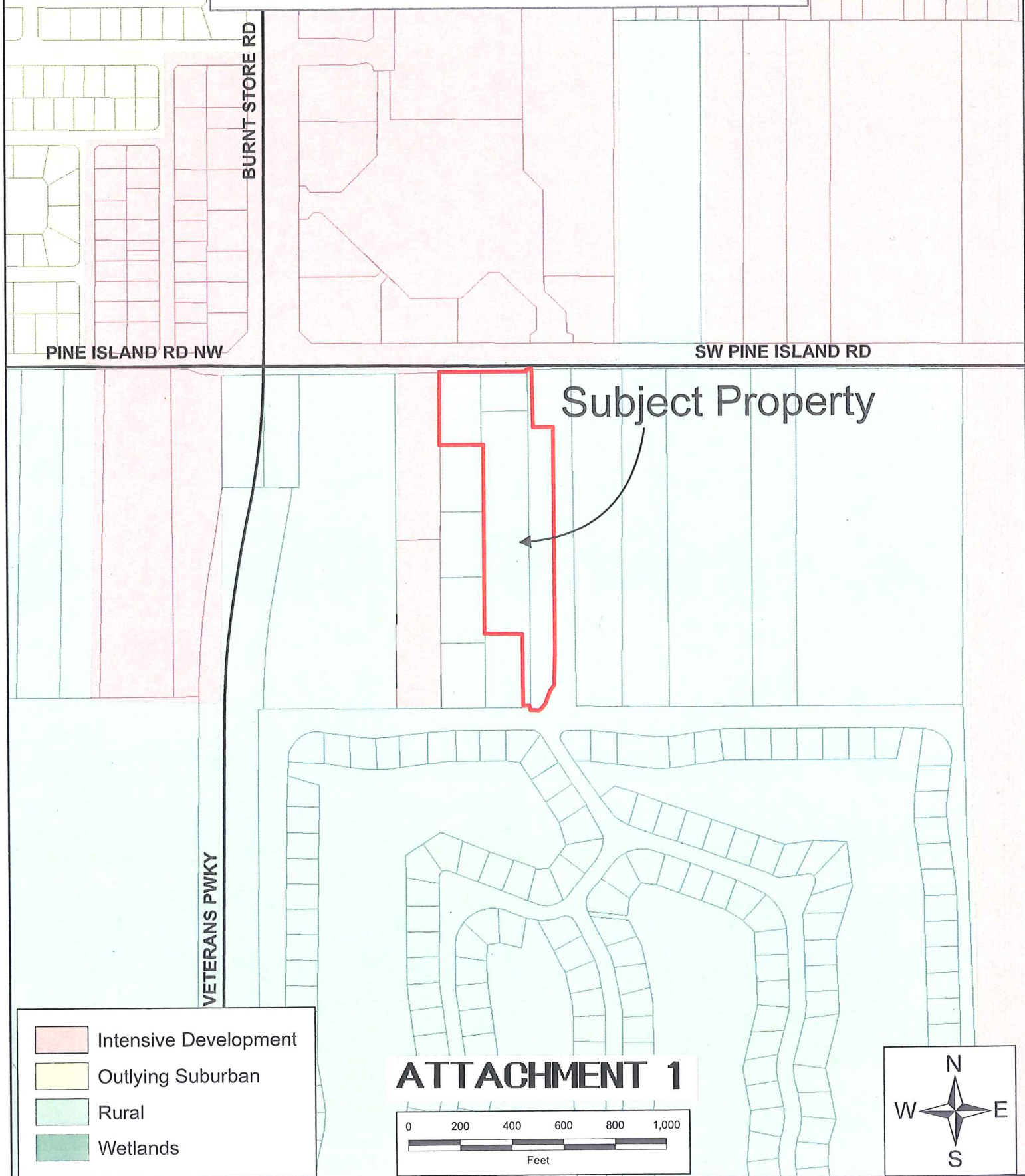
**RAY JUDAH**

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**FRANKLIN B. MANN**

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# CPA2006-02 Cape Royal Lee Plan Amendment Current Future Land Use Map





# CPA2006-02 Cape Royal Lee Plan Amendment Proposed Future Land Use Map

BURNT STORE RD

PINE ISLAND RD NW

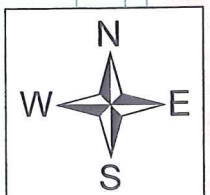
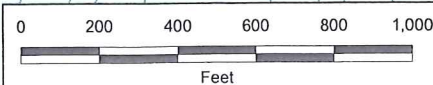
SW PINE ISLAND RD

Subject Property

ANS PWKY

- Commercial
- Intensive Development
- Suburban
- Outlying Suburban
- Rural
- Wetlands

## ATTACHMENT 2



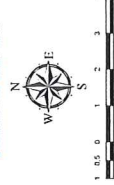


# LEE COUNTY UTILITIES

## FUTURE SEWER SERVICE AREAS

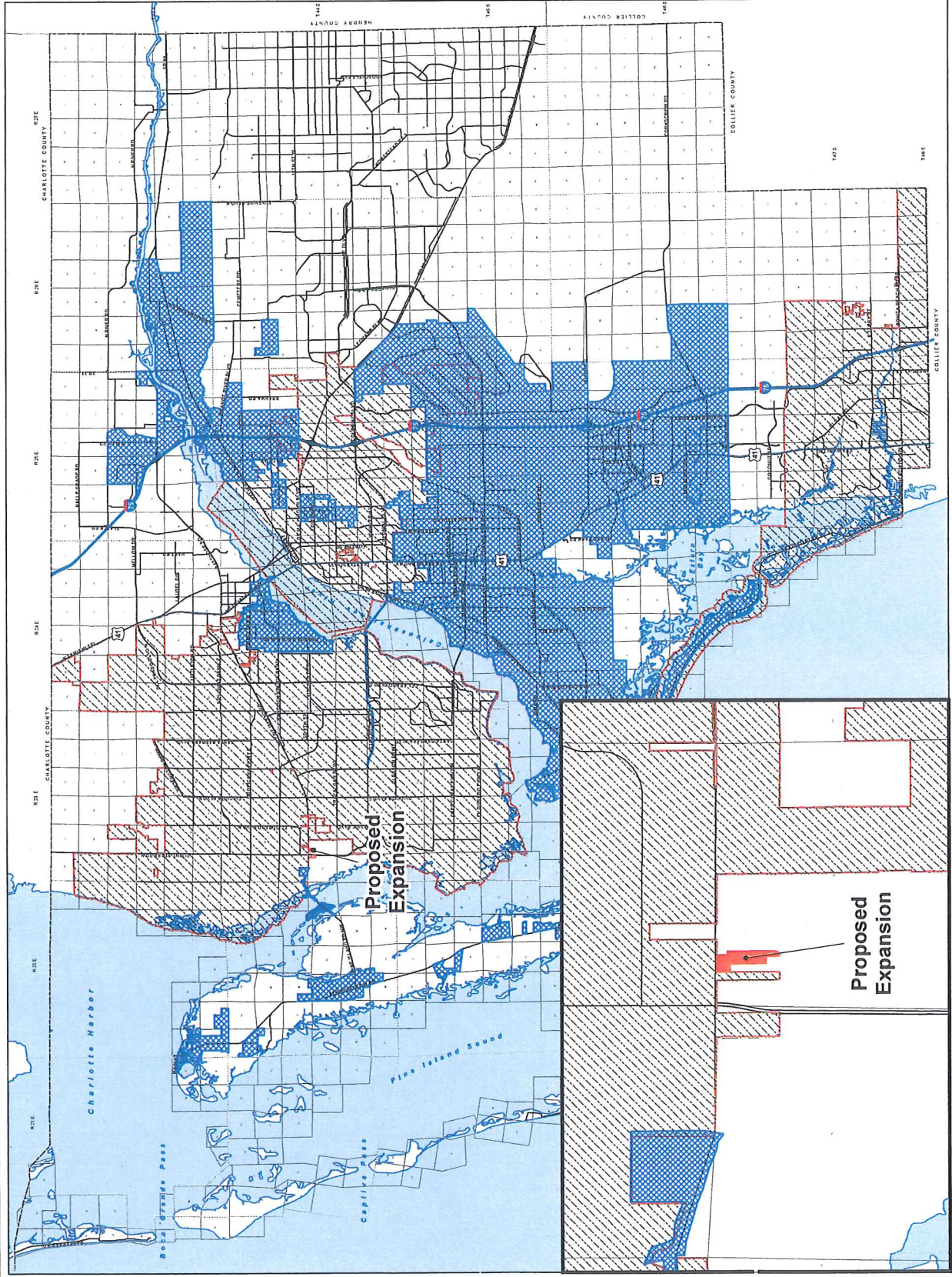
### Legend

- Proposed Expansion
- Future Sewer Service Areas
- City Limits



Map Generated: January 2008  
 City Limits current to date of map generation  
 Effective Date of Last Amendment: January 21, 2004  
 Amended by Ordinance Nos. 00-22, 03-19

Lee Plan Map 7





PLANNING DIVISION  
M E M O R A N D U M



**To:** Board of County Commissioners  
**From:** Paul O'Connor, AICP, Director, Division of Planning  
**Subject:** <sup>POC</sup> Lee Plan Adoption/Transmittal Hearing  
**Date:** February 29, 2008

Attached is the Agenda for the upcoming Lee Plan Small Scale Adoption and School District Amendment Transmittal Hearing. The Adoption/Transmittal hearing involves four comprehensive plan amendments. Two of the amendments are small scale amendments and two encompass a proposed Special Amendment Cycle. The hearing will be held on March 11, 2008 in the chambers starting at 5:05 p.m.

The first two plan amendments on the agenda are small scale amendments, CPA2006-02, Cape Royal, and CPA2007-02, Conover. CPA2006-02, Cape Royal, is a privately initiated request to amend the Future Land Use Map for 7.7 acres near the intersection of Pine Island Road and Veterans Parkway from Rural to Suburban and Commercial. CPA2007-02, Conover, is a privately initiated request to amend Map 12, the Water Dependent Overlay Zones, to add a 21,600 square foot site to the Water Dependent Overlay for a site located on the east side of Stringfellow Road south of York Road. Staff is recommending adoption of the two amendments.

The remainder of the agenda involves a proposed Special Amendment Cycle to address revised Florida Statutes. The first amendment in this cycle is CPA 2006-16, the School Facilities Element. In 2005, the Florida Legislature amended section 163.3180 F.S., and mandated the implementation of public school concurrency. That legislation requires that each local government adopt a Public School Facilities Element as part of its Comprehensive Plan and amend its Capital Improvement Element. CPA 2006-16 amends the Community Facilities Element and the Capital Improvements Element of the Lee Plan to add a new Public Schools Facility Element. The amendment also incorporates schools as required public facilities for concurrency purposes and provides for proportionate fair share mitigation options in accordance with the statute. Two new maps, Map 22 School Concurrency Service Areas, and Map 23, Educational and School District Facilities in Lee County, have also been included to address the new school concurrency requirements. Staff is recommending transmittal of the amendment.

The second amendment is CPA 2006-18, the School District Capital Improvement Program. Section 163.3177 [12] [c] F.S. requires that the Lee Plan Capital Improvement Element include the Lee County School District CIP. This amendment proposes to incorporate the School CIP as Table 3A of the Lee Plan. Staff is recommending transmittal of the amendment.

If you have any questions regarding any of these amendments, please feel free to call me directly at 533-8309.

cc: Mary Gibbs, AICP, Director of Community Development  
Donna Marie Collins, Assistant County Attorney



**BOARD OF COUNTY COMMISSIONERS  
PLAN AMENDMENT HEARING  
MARCH 11, 2008  
COMMISSION CHAMBERS  
5:05 P.M.**

**AGENDA**

1. Call to order
2. Certification of Affidavit of Publication for Small Scale Amendment by County Attorney
3.
  - A. CPA 2006-02 - Amend the Future Land Use Map Series for an approximate 7.7 +/- acre site located in Section 20, Township 44 South, Range 23 East, to change the classification shown on Map 1, the Future Land Use Map, from Rural to Suburban and Commercial. Amend Map 7, the Lee County Utilities' Future Sewer Service Areas Map, to add the subject site to the future service area. The site is generally located south of Pine Island Road and east of Veterans Parkway.
  - B. Public Comment
  - C. Consider adopting the following ordinance which adopts CPA 2006-02:

**AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN" AS ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT SMALL SCALE AMENDMENT CPA2006-02 (PERTAINING TO THE DESIGNATION OF A 7.7-ACRE CAPE ROYAL PARCEL FROM RURAL TO SUBURBAN AND COMMERCIAL FUTURE LAND USE CATEGORY) APPROVED DURING A SMALL SCALE COMPREHENSIVE PLAN AMENDMENT EFFORT; PROVIDING FOR AMENDMENT TO THE FUTURE LAND USE MAP SERIES, MAP 1 AND MAP 7; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.**

4.
  - A. CPA 2007-02 - Amend the Future Land Use Map Series for an approximate .495-acre site located in Section 35, Township 45 South, Range 22 East, to add the site to Map 12, the Water-Dependent Overlay Zones. The site is generally located on the east side of Stringfellow Road just south of York Road.
  - B. Public Comment
  - C. Consider adopting the following ordinance which adopts CPA 2007-02:

**AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN" AS ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT SMALL SCALE AMENDMENT CPA2007-02 (PERTAINING TO THE DESIGNATION OF A .495-ACRE PINE ISLAND PARCEL AS PART OF THE WATER DEPENDENT OVERLAY ZONE) APPROVED**

**DURING A SMALL SCALE COMPREHENSIVE PLAN AMENDMENT EFFORT;  
PROVIDING FOR AMENDMENT TO THE FUTURE LAND USE MAP SERIES,  
MAP 12; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF “THE LEE PLAN”;  
GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION,  
SCRIVENER’S ERRORS, AND AN EFFECTIVE DATE.**

5. Certification of Affidavit of Publication for Special Amendment Cycle by County Attorney
6.
  - A. Staff discussion concerning the Special Amendment Cycle
  - B. Consider a motion to initiate the Special Amendment Cycle
7.
  - A. CPA 2006-16 - Amend the Community Facilities Element and the Capital Improvements Element to add a new Public Schools Facility Element. Incorporate schools as required public facilities for concurrency purposes and to provide for proportionate fair share mitigation options in accordance with Senate Bill 360. Incorporate two new maps, Map 22 School Concurrency Service Areas and Map 23 Educational and School District Facilities in Lee County to address the new school concurrency requirements.
  - B. Public Comment
  - C. Motion to transmit or not transmit CPA 2006-16
8.
  - A. CPA2006-18 - Amend the Lee Plan by incorporating the Lee County School District School CIP into the Capital Improvements Element as Table 3A.
  - B. Public Comment
  - C. Motion to transmit or not transmit CPA 2006-16
9. Adjourn

**CPA2006-02**

**CAPE ROYAL  
SMALL-SCALE  
AMENDMENT  
TO THE**

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LEE COUNTY COMPREHENSIVE PLAN

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**THE LEE PLAN**

Privately Sponsored Application  
and Staff Analysis

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BoCC Adoption Document  
for the  
March 11<sup>th</sup> Public Hearing

---

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

*February 25, 2008*

LEE COUNTY  
DIVISION OF PLANNING  
STAFF REPORT FOR  
COMPREHENSIVE PLAN AMENDMENT  
CPA2006-02

☐

Text Amendment

☒

Map Amendment

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

STAFF REPORT PREPARATION DATE: February 21, 2008

## PART I - BACKGROUND

### A. SUMMARY OF APPLICATION

#### 1. APPLICANT/REPRESENTATIVE:

Realmark Cape Royal, LLC & Scott Dunlap

#### 2. REQUEST:

Amend the Future Land Use Map Series for an approximate 7.7 +/- acre site located in Section 20, Township 44 South, Range 23 East, to change the classification shown on Map 1, the Future Land Use Map, from Rural to Suburban and Commercial. Amend Map 7, the Lee County Utilities Future Sewer Service Areas Map, to add the subject site to the future service area. The site is generally located south of Pine Island Road and east of Veterans Parkway.

#### 3. SUMMARY DISCUSSION:

The applicant, Realmark Cape Royal, LLC & Scott Dunlap, is requesting a small scale change of land use designation on the Future Land Use Map from "Rural" to "Suburban" and "Commercial" for an approximate 7.7 acre area of land. The site is located to the east of Veterans Parkway/Burnt Store Road on the south side of Pine Island Road in Section 20, Township 44 South, Range 23 East. The site is located within the Pine Island Planning community. If the amendment is approved the allowable density for 6.6 acres of the site would increase from 1 du/acre to 6 du/acre, a maximum of 39 permissible units. If the amendment is approved the allowable commercial intensity for 1.1 acres of the site would increase from approximately 10,000 square feet of floor area to a Floor Area Ratio (FAR) measure of 1,

allowing a maximum of 47,916 square feet of floor area. If the amendment is approved the subject area will be added to Map 7 of the Lee Plan, the Future Sewer Service Areas Map.

A Current and Proposed Future Land Use Map are attached as Attachments 1 and 2. Map 7 of the Lee Plan, the Future Sewer Service Areas Map, depicting the area proposed to be added to the service area is attached as Attachment 3.

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

**1. RECOMMENDATION:** Planning staff recommends that Map 1, the Future Land Use Map, be amended to change the future land use designation of the subject area from the "Rural" land use category to the "Suburban" land use category for 6.6 acres of the subject area and from "Rural" to the "Commercial" land use category for 1.1 acres of the subject area. Planning staff also recommends that Map 7 of the Lee Plan, the Future Sewer Service Areas Map be amended to add the subject area to the Lee County Utilities service area.

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

- The proposed development is consistent with Policy 1.1.5, the Suburban future land use descriptor policy of the Lee Plan.
- The proposed development is consistent with Policy 1.1.10, the Commercial future land use descriptor policy of the Lee Plan.
- The subject parcels are surrounded by properties developed with similar uses.
- The increase in the population accommodation capacity of the FLUM is insignificant when viewed in the context of the county wide accommodation capacity.
- All of the necessary infrastructure is in place or can be provided to the subject parcel. The proposed land use change will not cause future road network plan changes. The requested land use change will have a minimal impact on public safety service providers.
- There are no known endangered species present on the subject parcel.

## **C. BACKGROUND INFORMATION**

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

**SIZE OF PROPERTY:** 7.7 ACRES

**PROPERTY LOCATION:** The subject property is located east of Veterans Parkway/Burnt Store Road on Pine Island Road.

**STRAP#:** 20-44-23-01-00000.0DCE, 20-44-23-00-00003.0000, 20-44-23-00-00003.0010, 20-44-23-00-00003.0020

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

**CURRENT ZONING:** AG-2, C-1, RS-2

**CURRENT FUTURE LAND USE CLASSIFICATION:** Rural

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

**WATER & SEWER:** The subject property is located in the Greater Pine Island Water Association franchise area for potable water. The subject property is not located within a service area for sanitary sewer. The proposed amendment includes adding the property into the Lee County Utilities sewer service area.

**FIRE:** The property is located in the Matlacha/Pine Island Fire District.

**TRANSPORTATION:** Access to the property is from Pine Island Road.

**SOLID WASTE:** Waste Pro Franchise Area.

## **PART II - STAFF ANALYSIS**

### **A. STAFF DISCUSSION**

#### **INTRODUCTION**

The applicant is requesting a small scale change of land use designation on the Future Land Use Map from "Rural" to "Suburban" and "Commercial" for an approximate 7.7 acres of land. The site is located to the east of the intersection of Veterans Parkway/Burnt Store Road and Pine Island Road in Section 20, Township 44 South, Range 23 East. The subject area is a portion of an enclave of unincorporated Lee County within the City of Cape Coral along Pine Island Road. If the amendment is approved the allowable density for 6.6 acres of the site would increase from 1 du/acre to 6 du/acre, a maximum of 39 permissible units. If the amendment is approved the allowable commercial intensity for 1.1 acres of the site would increase from approximately 10,000 square feet of floor area to a Floor Area Ratio (FAR) measure of 1, a maximum of 47,916 square feet of floor area. If the amendment is approved the subject area will be added to Map 7 of the Lee Plan, the Future Sewer Service Areas Map.

The original Comprehensive Plan Amendment Application, Staff Insufficiency Letters, and Applicant Supplementary Information are attached.

#### **PROJECT SUMMARY**

The 7.7 acre area is composed of four parcels. Two of the parcels front the south side of Pine Island Road and the other two extend to the south and are adjacent to the Royal Tee subdivision. The subject area is currently vacant and is located between two single family residences and a gas station to the

west and the entryway to the Royal Tee subdivision to the east. The site is located across Pine Island Road from Publix. At this time the parcels fronting Pine Island Road are zoned AG-2 and C-1 and the parcels to the south are zoned AG-2 and RS-2. The application states that it is contemplated that minor commercial use will be constructed on the westernmost parcel, abutting the gas station and a residential project will be built on the remainder of the property.

### **COMPREHENSIVE PLAN BACKGROUND**

In 1984, Lee County adopted its first official Future Land Use Map (FLUM) as an integral part of its comprehensive plan. On that map, the subject property was part of the "Rural" land use category and this remains the future land use designation for the parcel today.

The subject property is also identified on Map 1, page 4 of 5, as part of an Urban Reserve Overlay. Policy 1.7.3 describes the Urban Reserve Overlay and is reproduced below:

***POLICY 1.7.3:** The Urban Reserve overlay indicates areas that are suitable for annexation into the adjoining municipality. Urban Reserve areas are initially established by interlocal agreement pursuant to Section 163.3171(1), F.S.*

Planning staff has asked the applicant to provide discussion as to whether or not the applicant has considered this issue, as it has always been the County's policy to encourage annexation for the enclave parcels along Pine Island Road. The applicant has provided that the possibility of annexing has been discussed, yet annexation is difficult as long as the property remains within the Greater Pine Island Water Association franchise area. In the case of sewer service availability, the applicant has provided that it is not possible to obtain a letter of sewer availability from the City of Cape Coral, as the City has declined to provide service to parcels outside of the city boundaries.

It is Planning staff's understanding that the impediment to annexations in this area is the fact that the area is located in the Greater Pine Island Water Association franchise area and involves the release of water rights to the City of Cape Coral. In addition, the City Utility Plan does not show the area receiving water/sewer services until sometime between the year 2010 and 2012.

A map depicting the amendment area and the city limits of Cape Coral is attached as Attachment 4.

### **ADJACENT ZONING AND USES**

The site is zoned AG-2, C-1, and RS-2. The surrounding properties are zoned Village (Cape Coral zoning district) to the north across Pine Island Road, RS-2, AG-2, CN-1, and IG to the east, C-3 (Cape Coral zoning district) and AG-2 to the west, and RS-2 zoning to the south. The subject area is surrounded by a mix of uses. To the north, across Pine Island Road, is the Publix Shopping Center; to the east is the entryway to the Royal Tee subdivision, vacant parcels, and a concrete batch plant; to the south is Royal Tee subdivision; and to the west are five one acre lots, two lots having existing single family residences, a gas station, and vacant land.

### **POPULATION ACCOMMODATION CAPACITY DISCUSSION**

The request is to change the Future Land Use Map (FLUM) category of approximately 6.6 acres from Rural to Suburban and 1.1 acres from Rural to Commercial. Residential uses are not permitted in the Commercial land use category. The Rural category standard density permits 1 du/acre. The Suburban category standard density permits up to 6 du/acre. This means that a maximum of 39 dwelling units

could be constructed on the property under the Suburban designation and result in an increase in the population accommodation capacity of the map by 83 persons (39 du's X 2.14 persons per unit). The Commercial land use category for 1.1 acres would decrease 1 dwelling unit, or 2 persons in the population accommodation capacity of the map, therefore the net increase for the proposed plan amendment would equal 81 persons. Staff concludes that this increase in the population accommodation capacity of the FLUM is insignificant when viewed in the context of the county wide accommodation capacity.

### **CONSISTENCY WITH THE "SUBURBAN" AND "COMMERCIAL" LAND USE CATEGORIES**

The applicant is proposing that the subject parcels land use designation be amended to Suburban and Commercial. The Suburban areas are described by Policy 1.1.5. Policy 1.1.5 is reproduced below:

***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 Urban Community areas or in areas where it is appropriate to protect existing or emerging residential neighborhoods. These areas provide housing near the more urban areas but do not provide the full mix of land uses typical of urban areas. The standard residential 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.*

The 6.6 acre area of the proposed amendment is consistent with the Suburban designation for the following reasons: it is located adjacent to the designated future urban area of Cape Coral; the urban services, as noted, have adequate capacity to provide the necessary services to accommodate the proposed small scale amendment; residential development is listed as the predominant land use in the Suburban category, and the proposal is consistent with the land use category due to the fact that it is adjacent to residential uses to the south and west .

The subject area is part of an enclave of Rural designated land along Pine Island Road. The surrounding properties are designated Intensive Development to the north along Pine Island Road, the Rural designation is in place to the south and includes the Royal Tee subdivision, Intensive Development to the east of the enclave area, and Intensive Development and Rural to the west. The proposed use, residential, is permissible in the "Suburban" land use category. The subject parcel is also consistent with the Lee Plan's Residential Land Use requirements of Goal 5.

The Commercial areas are described by Policy 1.1.10. Policy 1.1.10 is reproduced below:

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



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

The 1.1 acre area of the proposed amendment is consistent with the Commercial designation for the following reasons: it is located adjacent to the designated future urban area of Cape Coral and will serve the residential needs of the area; the urban services, as noted, have adequate capacity to provide the necessary services to accommodate the proposed small scale amendment; the site is located along Pine Island Road (S.R. 78), a major travel corridor, the site will require planned development zoning to ensure appropriate site development regulations are applied relative to the surrounding area.

The proposed commercial use is permissible in the "Commercial" land use category. The subject parcel is also consistent with the Lee Plan's Commercial Land Uses requirements of Goal 6.

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

The subject area is located within the Pine Island Planning Community. In this community there are 675 acres allocated for residential uses in the Suburban land use category. Recent Planning Division data indicates that 566 acres of Suburban land within this community is currently developed with residential uses, leaving a surplus of 109 acres that could be developed with residential uses in the Suburban portions of this community before the year 2030. There are 226 acres allocated for commercial uses in the Pine Island Planning Community. Recent data indicates that 154 of these acres are currently developed with commercial uses, leaving a surplus of 72 acres that could be developed with commercial uses in the Pine Island Planning Community before the year 2030.

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

#### **TRANSPORTATION ISSUES**

The Lee County Department of Transportation (DOT) has reviewed the request and indicated that based upon the FSUTMS travel demand model the proposed land use change on this property will not alter the future road network plans.

Planning staff notes that a traffic analysis is required as part of the County's local development approval process. This analysis will determine the need for any site-related traffic improvements such as turn lanes on the adjacent roadways.

## **PUBLIC SAFETY ISSUES**

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

### Community Rating System

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

### Sheriff's Office Impact

The Cape Coral Police Department has reviewed the proposal and indicated that they will be able to maintain police services for the additional citizens that would reside on the subject property.

### Fire Service Impact

The subject parcel is within the Matlacha/Pine Island Fire District. The District Chief has reviewed the proposal and indicated it will not impact current and projected services. The District is currently planning for a new fire station in the eastern boundaries of the district to enhance fire and rescue service.

### Emergency Medical Services (EMS) Impact

EMS staff has reviewed the proposal and indicated it will not impact current and projected resources for this area. Current and planned budgetary projections for additional EMS resources should adequately address any increased demand for service from persons occupying this parcel.

## **SCHOOL IMPACTS**

Lee County School District staff has reviewed the proposal and indicated the potential that 39 multi family units could generate 5 additional school aged children in the West Choice Zone based upon 0.125 students per each multi family residential unit built. District staff notes that the Lee County Board of County Commissioners adopted a School Impact Fee Ordinance in 2001 which was updated in 2005.

## **SOILS**

The 1984 U.S. Department of Agriculture Soil Survey of Lee County classified one soil type present on the subject parcel - 13 Boca fine sand.

Boca fine sand is a nearly level, poorly drained soil on flatwoods. Slopes are smooth and range from 0 to 2 percent.

## **ENDANGERED SPECIES**

Lee County Division of Environmental Sciences staff have reviewed the request and conducted a site review on December 14, 2007. Environmental Sciences staff indicated that although there are native trees present, there are no indigenous native vegetative communities on the site. There is an inactive bald eagle's nest located approximately 1100 hundred feet from the site. No other listed species were observed and none are likely to occur.

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

Lee County Department of Public Works staff has reviewed the request and indicated that the 2007 Lee County Concurrency report identifies an existing inventory of 17 acres of community parks within the Pine Island/Matlacha Community Park Benefit District. The regulatory acreage standard was met in 2006 and will continue to be met through 2010. The desired acreage standard was not met in 2006 and will not be met through 2010 unless the proposed Pine Island community park (40 acres) is developed. The proposed amendment would create the need for an additional .06 acres of Community Park space. The regulatory acreage inventory within this district is sufficient to support the proposed increase in density.

## **DRAINAGE/SURFACE WATER MANAGEMENT**

The application provides the following concerning this issue:

*"The project will be developed in accordance with SFWMD regulations. No amendments to the Lee Plan are necessary."*

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

## **MASS TRANSIT**

Lee County Transit Division staff have reviewed the request and indicated the proposed amendment would not result in the need for additional transit services. Fixed route bus service is not currently provided to this rural section of Cape Coral and with the proposed designation the densities will continue to remain too low to require fixed route bus service. Currently demand response service is provided to this area one day per week and is not expected to be expanded to five days per week until the year 2014.

## **UTILITIES**

The subject property is located in the Greater Pine Island Water Association franchise area for potable water. The application provided that the Greater Pine Island Reverse Osmosis Treatment Plant has a maximum capacity of 2.23 MGD and produces an average annual daily flow of 1.25MGD. A 12" water main exists on the north side of Pine Island Road and a 10" water main runs north and south along the eastern property line. The application provides that the addition of the proposed uses would generate approximately a total of 11,250 GPD and will be adequately served by the existing plant capacity.

The subject property is not located within a service area for sanitary sewer. The proposed amendment includes adding the property into the Lee County Utilities future sewer service area by amending Map 7 of the Lee Plan, the Future Sewer Service Areas Map. Lee County Utilities staff has indicated that Lee County could provide central sewer service to the subject project through the Pine Island Waste Water Treatment Plant, however the area is not included in the future service area. Utilities staff have noted that although the treatment plant has excess treatment capacity, the permitted capacity of the treatment plant is limited by FDEP to the amount of reclaimed water permitted for use. Because there is not excess disposal capacity the developer will need to arrange for the use and disbursement of an amount of reclaimed water equal to or greater than the amount of wastewater generated by the development. The water does not have to be utilized onsite.

In addition, Utilities staff have indicated that the developer will need to provide assurances that the collection system the proposed development will be tying into has the capacity to receive the wastewater generated. If the system does not have sufficient capacity then the developer will be responsible for the costs of the off site improvements necessary to upgrade the collection system.

The applicant asserts that it is possible to obtain permission from a Pine island property owner to dispose of the effluent on an existing tree farm. The applicant has provided an example of an agreement that has been made with the Pine Island property owner for another site as part of the application resubmittal dated February 8, 2008.

### **HISTORIC RESOURCES**

The application includes a letter, dated January 31, 2006 from the Division of Historical Resources, Florida Department of State providing that the Florida Master Site File lists no previously recorded cultural resources.

### **RE-DESIGNATING LANDS FROM A NON-URBAN AREA TO A FUTURE URBAN AREA**

The applicant is proposing to change 7.7 acres of land designated Rural to the Suburban and the Commercial future land use category. The applicant proposes a minor commercial development on the westernmost parcel abutting the existing gas station and fronting Pine Island Road, and a residential project on the remainder of the site. The site is part of an enclave of unincorporated Lee County designated Rural that is surrounded by the city limits of Cape Coral. The enclave is located between lands designated Intensive Development to the north, east and west and Rural to the south. The proposed amendment will not result in leapfrog development, the property is located in a commercial corridor and the residential component will abut an existing subdivision. The proposal would allow urban infill in lieu of an enclave of rural uses. Given the location of the site, staff finds the proposed amendment consistent with the concept of small scale development amendments.

### **B. CONCLUSIONS**

The proposed amendment is consistent with Policy 1.1.5, the Outlying Suburban future land use descriptor policy and Policy 1.1.10, the Commercial future land use descriptor policy. The applicant's intent is to develop residential uses on the majority of the site along with minor commercial development on the westernmost parcel abutting an existing gas station. As proposed the development will be compatible with the surrounding uses. The western parcel does meet the requirements of the Lee Plan's commercial site location standards for minor commercial development and is eligible for retail commercial uses. Adequate infrastructure is in place to provide the necessary services to accommodate the requested land use change. The proposed residential use and density is allowed in the "Suburban" land use category. If the amendment is approved the allowable density would increase from 1 du/acre to 6 du/acre, an increase of 39 permissible units. The increase in the population accommodation capacity of the FLUM is insignificant. The property will be served by public water and sewer facilities and abuts an arterial road. As noted above, the site abuts a residential subdivision to the south, a gas station and vacant land adjacent to the intersection of Veterans Parkway/Burnt Store Road to the west, and a commercial shopping center to the north. Staff finds the proposed amendment consistent with the surrounding uses and surrounding land use designations as an infill parcel located between lower density development to the south and higher density/intensity development to the north.

### **C. STAFF RECOMMENDATION**

Planning staff recommends that Map 1, the Future Land Use Map, be amended to re-designate the subject area from "Rural" to "Suburban." and "Commercial." Planning staff also recommends that Map 7, the Lee County Utilities Future Sewer Service Areas Map, be amended to add the subject site to the future service area. This recommendation is based upon the previously discussed issues and conclusions set forth above.

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

**DATE OF PUBLIC HEARING:** February 25, 2008

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

Planning staff gave a brief presentation concerning the proposed amendment. Staff added for the record, that although annexation is not the subject of this amendment a representative of the Royal Tee Subdivision to the south of the subject area requested that it be noted that although the area is located in the Urban Reserve Overlay, the Royal Tee community would not support being annexed into the City of Cape Coral. One member of the LPA expressed their concern with the fact that the intersection of Veterans Road/Burnt Store Road and Pine Island Road is not signalized. This member asked if the LPA could request that the developer not be able to develop the site until the intersection is signalized and County Attorney staff indicated that the LPA could include that in their recommendation if they wish.

The applicant's representative addressed the LPA and indicated that the property is under two separate ownerships and that the subject area is an interface of the Intensive Development and the Rural future land use category. The representative explained that because of the intensity of uses in this area on Pine Island Road, such as the Publix shopping center located across the street and the construction of Veterans Parkway, that the property will not be a rural area in the future.

The property owner directly to the south of the parcel proposed for Commercial addressed the LPA expressing his concern with access to the property when the area is developed. Staff assured the member of the public that access to their property must be maintained. Another member of the public addressed the LPA stating that the plan amendment area would be accessed from Pine Island Road through the entryway of the Royal Tee development. They stated that at this time the turn lane situation into the development is unacceptable, explaining that the subject property has common use rights. Staff explained that access is not being determined through this action today. All access issues will be addressed at the time of a rezoning review and also at the time of development order review. One member of the LPA stated that the Royal Tee subdivision was approved before current regulations and now that units could be added it may be making a bad situation worse. Staff noted that the turn lane has been bonded and that a turn lane must be put in place.

The applicant addressed the LPA explaining that at some point the area will have to accommodate the expansion of Pine Island Road. The alignment has been delayed and it is not certain where the alignment will go. The applicant explained that Royal Tee was broken into three sections for development and the subject area is the last expansion.

One member of the LPA stated that the enclave area needed to be taken care of and should be a part of the City of Cape Coral. Their concern was that if this amendment is approved, it would never be annexed into the City also noting that there is issue with the City of Cape Coral utilities vs. the Greater Pine Island Water Association franchise area. This member stated that there has been a lawsuit over the water rights in this area.

The applicant's representative stated that they believe that there has been more than one lawsuit with regard to the utility issue and that they prefer not to have to wait until this area may be annexed. The

fact that the entire enclave should be annexed, unfortunately is not in their control. There are other properties in the enclave area. The applicant's representative stated that leaving the subject area in the Rural category would not serve as a solution.

One LPA member noted that the staff report shows that the City Utilities Plan does not show utilities for this area until 2012. The applicant stated that the units in Royal Tee are currently on septic but multi-family development would be required to tie into wastewater lines. Staff explained that there is a Lee County connection to the Pine Island Waste Water Treatment Plant east of the subject area, almost to Matlacha Isles. As explained in the staff report arrangements would have to be made for the use and disbursement of an amount of reclaimed water.

One member of the LPA stated that this proposal is a legitimate proposal and approval of the proposed amendment goes towards solving the problem of the parcel being in limbo. Another member stated that they have no problem with the amendment with the assurances of the turn lane. One member had questions regarding access to the commercial parcel and the transfer of reuse water to the tree farm discussed in the report. Staff explained that discussion took place with the applicant's representative about adding the Commercial designation to the westernmost parcel because the parcel is next to a commercial area today and the Commercial designation limits the population accommodation of the proposed amendment. Staff also explained that any connection to the Pine Island Waste Water Treatment Plant would require the development to arrange for the use of an amount of reclaimed water equal to or greater than the amount of wastewater generated by the development. The water does not have to be utilized onsite. This member of the LPA also asked staff to explain the difference of the required LOS and the desired LOS for parks. Another member of the LPA stated that they have no issue with the proposed amendment and found that it makes sense. They had no objection and stated the only issue is the need to get rid of such enclaves and the confusion amongst service providers for these enclave areas.

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

**C.**

- 1. RECOMMENDATION:** The LPA recommends that the Board of County Commissioners adopt the proposed amendment.
- 2. BASIS AND RECOMMENDED FINDINGS OF FACT:** The LPA accepted the findings of fact as advanced by the staff.

**C. VOTE:**

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



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

**DATE OF ADOPTION HEARING: March 11, 2008**

- A. BOARD REVIEW:**
- B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:**
  - 1. BOARD ACTION:**
  - 2. BASIS AND RECOMMENDED FINDINGS OF FACT:**
- C. VOTE:**

**A. BRIAN BIGELOW**  
**TAMMARA HALL**  
**ROBERT P. JANES**  
**RAY JUDAH**  
**FRANKLIN B. MANN**

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# **DCA ADOPTION PACKET**



BOARD OF COUNTY COMMISSIONERS

Bob Janes  
District One

March 20, 2008

A. Brian Bigelow  
District Two

Ray Judah  
District Three

Tammy Hall  
District Four

Frank Mann  
District Five

Donald D. Stilwell  
County Manager

David M. Owen  
County Attorney

Diana M. Parker  
County Hearing  
Examiner

Ray Eubanks, Administrator, Plan Processing  
Florida Department of Community Affairs  
Division of Community Planning  
2555 Shumard Oak Boulevard  
Tallahassee, FL. 32399-2100

Re: Amendments to the Lee Plan  
Adoption Submission Package for CPA2006-02 and CPA2007-02

Dear Mr. Eubanks:

In accordance with the provisions of Section 163.3187(1)(c), F.S. and of 9J-11.015, this submission package constitutes two adopted small scale amendment to the Lee Plan, known as CPA2006-02 and CPA2007-02. The adoption hearing for the plan amendments was held on March 11, 2008. CPA2006-02 amends a total of 7.7 acres. The allowable density for 6.6 acres of the site would increase from 1 du/acre to 6 du/acre and the allowable density for 1.1 acres of the site is reduced from 1 du/acre to a future land use category that does not permit residential uses. CPA2007-02 amends a total of 0.5 acres without any changes to the existing residential density of the site. Per 9J-11.015(1), the two small scale amendments are the first small scale amendments adopted in the 2008 calendar year, making the "cumulative total number of acres" for small scale amendments adopted in the 2008 calendar year approximately  $8.2 \pm$  acres.

The adopted amendments do not involve property that has been granted a change within the prior 12 months, do not involve the same owner's property within 200 feet, no text changes are being made, and the amendments are not applicable to an area of critical state concern. The name, title, address, telephone number, facsimile number, and email address of the person for the local government who is most familiar with the proposed amendments is as follows:

Mr. Paul O'Connor, AICP  
Lee County Planning Division Director  
P.O. Box 398  
Fort Myers, Florida 33902-0398  
(239) 533-8585  
Fax (239) 485-8319  
Email: [connops@leegov.com](mailto:connops@leegov.com)

Included with this package, Per 9J-11.015, is one copy of each adopted amendment, supporting data and analysis, and adopting ordinances No. 08-04 and No. 08-05. By copy of this letter and its attachments, I certify that these amendments have been sent to the Regional Planning Council, the Department of Agriculture and Consumer Services, the Florida Department of Transportation, the Department of Education, the Department of Environmental Protection, the Department of State, the Florida Fish and Wildlife Conservation Commission, and the South Florida Water Management District.

Sincerely,  
**DEPT. OF COMMUNITY DEVELOPMENT**  
**Division of Planning**



Paul O'Connor, AICP  
Director

All documents and reports attendant to this adoption are being sent, by copy of this cover, to:

Ken Heatherington  
Southwest Florida Regional Planning Council

Wendy Evans  
Department of Agriculture and Consumer Services

Florida Department of Transportation

Tracy D. Suber  
Department of Education

Jim Quinn  
Department of Environmental Protection

Susan Harp  
Department of State

Mary Ann Poole  
Florida Fish and Wildlife Conservation Commission

P.K. Sharma  
South Florida Water Management District

**AMENDMENTS EXEMPT FROM STATE AND REGIONAL REVIEW**

1. Name of Local Government Lee County

Person completing this form Paul O'Connor, AICP

Phone Number 239-533-8585

Name of Newspaper in which notice of amendment was published The News Press - Fort Myers, Florida

Date Publication Noticed March 3, 2008

**(Please attach copy of notice)**

2. Please indicate type of amendment being submitted:

X a). a map amendment directly related to proposed small scale development activities that meet the criteria of Section 163.3187(1)(c), F.S.;

\_\_\_\_\_ b). a map amendment solely to property within an urban service boundary that meets the criteria of Section 163.3184(17), F.S.;

\_\_\_\_\_ c). a map amendment solely to property within a designated urban infill and redevelopment area pursuant to Section 163.3184(18), F.S.;

\_\_\_\_\_ d). a plan amendment associated with an area certified pursuant to Section 163.3246, F.S.

**Please complete the following information if amendment is submitted under 2(a):**

3. If amendment contains a residential land use category indicate:

density allowed prior to change 1 dwelling unit(s) per acre.

density allowed after change 6 dwelling unit(s) per acre.

4. Number of acres of small scale development amendments contained in package:

a. Within Urban Infill, Urban Redevelopment or Downtown Revitalization as defined by Section 163.3164, FS N/A

b. Within Transportation Concurrency Exception Area pursuant to Section 163.3180(5), FS N/A

c. Within Regional Activity Centers or Urban Central Business Districts pursuant to Section 380.06(2)(e), FS N/A

d. Within a Rural Area of Critical Economic Concern pursuant to Section 163.3187(1)(c)4, FS N/A

**(Please attach certifying letter to OTTED)**

e. Outside categories a., b, c. and d. 7.7

5. Cumulative total number of acres of small scale development amendments for the calendar year:

a. Categories listed in Item 4 a, b, c and d. above N/A

b. Categories listed in Item 4 e above 7.7

6. Total number of acres of small scale development amendments in this package that are located within the coastal high hazard area as identified in the comprehensive plan 0

Pursuant to Rule 9J-11.015(1)(b)5, Florida Administrative Code, this form must be mailed with all amendments as defined by Section 9J-11.015(1)(a) Florida Administrative Code to:

DEPARTMENT OF COMMUNITY AFFAIRS

PLAN PROCESSING SECTION

2555 Shumard Oak Boulevard

Tallahassee, Florida 32399-2100

(850) 488-4925



## NEWS-PRESS

Published every morning - Daily and  
Sunday

Fort Myers, Florida

### Affidavit of Publication

STATE OF FLORIDA  
COUNTY OF LEE

Before the undersigned authority, personally appeared

**Kathy Allebach**

who on oath says that he/she is the

**Legal Assistant**

of the News-Press, a  
daily newspaper, published at Fort Myers, in Lee County,  
Florida; that the attached copy of advertisement, being a

**Display**

In the matter of

**Notice of Proposed Amendment to The Lee  
County Comprehensive Land Use Plan**

In the court was published in said newspaper in the  
issues of

**March 3, 2008**

Affiant further says that the said News-Press is a paper of  
general circulation daily in Lee, Charlotte, Collier, Glades  
and Hendry Counties and published at Fort Myers, in said Lee  
County, Florida and that said newspaper has heretofore been  
continuously published in said Lee County, Florida, each day,  
and has been entered as a second class mail matter at the post  
office in Fort Myers in said Lee County, Florida, for a period of  
one year next preceding the first publication of the attached copy  
of the advertisement; and affiant further says that he/she has  
neither paid nor promised any person, firm or corporation any  
discount, rebate, commission or refund for the purpose of  
securing this advertisement for publication in the said  
newspaper.

*Kathy Allebach*

Sworn to and subscribed before me this

3rd day of March 2008 by

**Kathy Allebach**

personally known to me or who has produced

as identification, and who did or did not take an  
oath.

Notary Public *Gladys D. Vanderbeck*  
**Gladys D. Vanderbeck**

Print Name **Commission # DD378967**  
**Expires December 13, 2008**

My commission Expires:

**RECEIVED**  
MAR 14 2008

COMMUNITY DEVELOPMENT

LEE COUNTY  
SOUTHWEST FLORIDA

## NOTICE OF PROPOSED AMENDMENT TO THE LEE COUNTY COMPREHENSIVE LAND USE PLAN (Small Scale)

On Tuesday, March 11, 2008, the Lee County Board of Commissioners will hold a public hearing to consider two small scale amendments to the Lee County Comprehensive Land Use Plan (Lee Plan). The hearing will be held in the Board of County Commissioners Hearing Chambers in the renovated Courthouse at 2120 Main Street in downtown Fort Myers. The hearing will commence at 5:05 p.m. or as soon thereafter as may be heard. The nature of the proposed Lee Plan amendments is to amend the Future Land Use Map Series, Map 1, Map 7 and Map 12, to change the Future Land Use classification of two specific parcels of land described below:

1. Amend the Future Land Use Map Series for an approximate 7.7 +/- acre site located in Section 20, Township 44 South, Range 23 East, to change the classification shown on Map 1, the Future Land Use Map, from Rural to Suburban and Commercial. Amend Map 7, the Lee County Utilities Future Sewer Service Areas Map, to add the subject site to the future service area. The site is generally located south of Pine Island Road and east of Veterans Parkway.

Sponsor: Realmark Cape Royal, LLC

At the conclusion of the hearing, the Board will vote to adopt, adopt with specific modifications, or not adopt the proposed small scale amendment through the adoption of the following ordinance:

**AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN" AS ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT SMALL SCALE AMENDMENT CPA2006-02 (PERTAINING TO THE DESIGNATION OF A 7.7-ACRE CAPE ROYAL PARCEL FROM RURAL TO SUBURBAN AND COMMERCIAL FUTURE LAND USE CATEGORY) APPROVED DURING A SMALL SCALE COMPREHENSIVE PLAN AMENDMENT EFFORT; PROVIDING FOR AMENDMENT TO THE FUTURE LAND USE MAP SERIES, MAP 1 AND MAP 7; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN" GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.**

2. Amend the Future Land Use Map Series for an approximate .495-acre site located in Section 35, Township 45 South, Range 22 East, to add the site to Map 12, the Water-Dependent Overlay Zones. The site is generally located on the east side of Stringfellow Road just south of York Road.

Sponsor: Chris Conover

At the conclusion of the hearing, the Board will vote to adopt, adopt with specific modifications, or not adopt the proposed small scale amendment through the adoption of the following ordinance:

**AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN" AS ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT SMALL SCALE AMENDMENT CPA2007-02 (PERTAINING TO THE DESIGNATION OF A .495-ACRE PINE ISLAND PARCEL AS PART OF THE WATER DEPENDENT OVERLAY ZONE) APPROVED DURING A SMALL SCALE COMPREHENSIVE PLAN AMENDMENT EFFORT; PROVIDING FOR AMENDMENT TO THE FUTURE LAND USE MAP SERIES, MAP 12; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN" GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.**

The proposed ordinance may be inspected by the public at the Office of the County Attorney, Courthouse Administration Building, 2115 Second Street, 6th Floor, Fort Myers, Florida.

This meeting is open to the public and all interested parties are encouraged to attend. Interested parties may appear and be heard with respect to the proposed amendment to the Lee Plan. Pursuant to Florida Statutes, persons participating in the Comprehensive Plan Amendment process, who provide their name and address on the Citizen Courtesy Information List available during the hearing, will receive a courtesy information statement from DCA prior to the publication of the Notice of Intent to find the plan amendment in compliance. If a person decides to appeal the Board's decision, he or she will need a record of the proceedings, and, for such purpose, he or she may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. Further information may be obtained by contacting the Lee County Division of Planning at 239-533-8585.

In accordance with the Americans with Disabilities Act, reasonable accommodations will be made upon request. If you are in need of a reasonable accommodation, please contact Janet Miller at 239-533-8583.

March 11, 2008

5:05 p.m.

AGENDA

### 1. Call to order; certification of Affidavit of Publication by County Attorney.

### 2. Lee Plan Amendment proposed for adoption by Board of County Commissioners:

CPA2006-02 - Amend the Future Land Use Map Series for an approximate 7.7 +/- acre site located in Section 20, Township 44 South, Range 23 East, to change the classification shown on Map 1, the Future Land Use Map, from Rural to Suburban and Commercial. Amend Map 7, the Lee County Utilities Future Sewer Service Areas Map, to add the subject site to the future service area. The site is generally located south of Pine Island Road and east of Veterans Parkway.

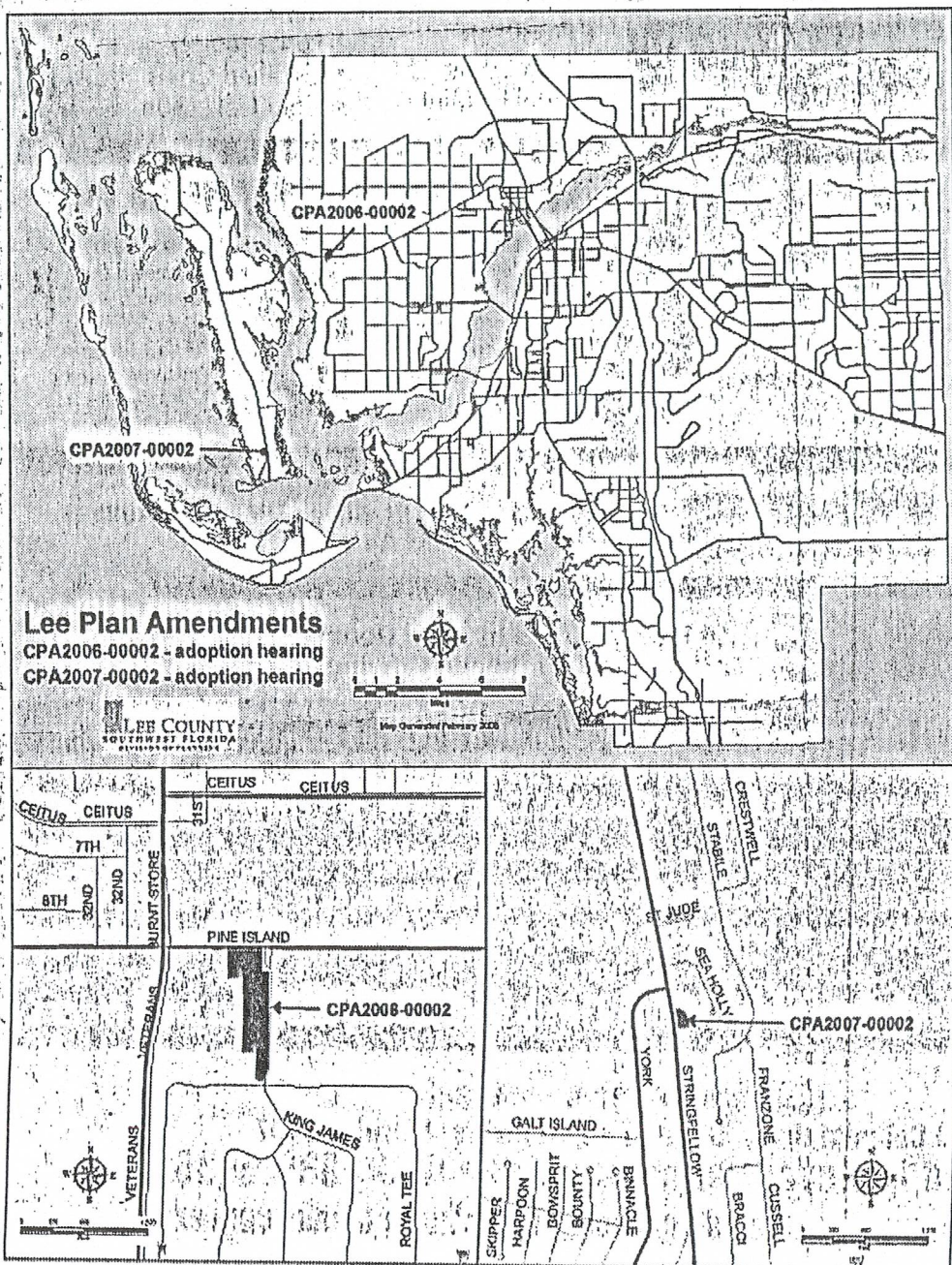
Sponsor: Realmark Cape Royal, LLC

### 3. Lee Plan Amendment proposed for adoption by Board of County Commissioners:

CPA2007-02 - Amend the Future Land Use Map Series for an approximate .495-acre site located in Section 35, Township 45 South, Range 22 East, to add the site to Map 12, the Water-Dependent Overlay Zones. The site is generally located on the east side of Stringfellow Road just south of York Road.

Sponsor: Chris Conover

### 4. Adjourn





LEE COUNTY ORDINANCE NO. 08-04  
(Small Scale Amendment 7.7 acres from Rural to Suburban and Commercial)

**AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN" AS ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT SMALL SCALE AMENDMENT CPA2006-02 (PERTAINING TO THE DESIGNATION OF A 7.7-ACRE CAPE ROYAL PARCEL FROM RURAL TO SUBURBAN AND COMMERCIAL FUTURE LAND USE CATEGORY) APPROVED DURING A SMALL SCALE COMPREHENSIVE PLAN AMENDMENT EFFORT; PROVIDING FOR AMENDMENT TO THE FUTURE LAND USE MAP SERIES, MAP 1 AND MAP 7; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.**

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

WHEREAS, the Board, in accordance with §163.3181, Florida Statutes, and Lee County Administrative Code 13-6 provide an opportunity for private individuals to request amendment to the Future Land Use Map through a small scale amendment public hearing process; and,

WHEREAS, on February 25, 2008, the Local Planning Agency held a public hearing regarding adoption of the proposed small scale amendment to the Lee Plan and recommended that the Board adopt proposed small scale amendment CPA2006-02; and,

WHEREAS, on March 11, 2008, the Board of County Commissioners held a public hearing regarding the proposed small scale amendment and approved a motion to adopt small scale amendment CPA2006-02 pertaining to the designation of a 7.7-acre parcel located South of Pine Island Road and east of Veteran's Parkway in Section 20, Township 44 South, Range 23 East, from Rural to Suburban and Commercial on the Future Land Use Map Series, Map 1; and to amend Lee Plan Map 7 to add the subject property to the Lee County Utilities Future Sewer Service Map.

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

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

The Board of County Commissioners of Lee County, Florida, in compliance with Chapter 163, Part II, Florida Statutes, and Lee County Administrative Code 13-6, conducted a public hearing to review a proposed amendment to the Lee Plan Future Land Use Map Series. The purpose of this ordinance is to adopt the amendment to the Lee Plan discussed at that meeting and approved by a majority of the Board of County

Commissioners. The short title and proper reference for the Lee County Comprehensive Land Use Plan, as hereby amended, will continue to be the "Lee Plan." This amending ordinance may be referred to as the "2008 Small Scale Amendment CPA 2006-02, designation of the 7.7-acre parcel located South of Pine Island Road and east of Veteran's Parkway Ordinance."

## SECTION TWO: ADOPTION OF SMALL SCALE AMENDMENT TO LEE PLAN FUTURE LAND USE MAPS SERIES, MAP 1

The Lee County Board of County Commissioners hereby amends the existing Lee Plan, adopted by Ordinance Number 89-02, as amended, by adopting an amendment to the Future Land Use Map Series, Map 1, that changes the designation of a 7.7-acre parcel located south of Pine Island Road and east of Veteran's Parkway in Section 20, Township 44 South, Range 23 East from the Rural to the Suburban and Commercial Future Land Use categories.

The corresponding staff report and analysis, along with all attachments for this amendment, are adopted as "support documentation" for the Lee Plan.

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

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

## SECTION FOUR: GEOGRAPHIC APPLICABILITY

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

## SECTION FIVE: SEVERABILITY

The provisions of this ordinance are severable and it is the intention of the Board of County Commissioners of Lee County, Florida, to confer the whole or any part of the powers herein provided. If any of the provisions of this ordinance are held unconstitutional by a court of competent jurisdiction, the decision of that court will not affect or impair the remaining provisions of this ordinance. It is hereby declared to be the legislative intent of the Board of County Commissioners that this ordinance would have been adopted had the unconstitutional provisions not been included therein.

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

It is the intention of the Board of County Commissioners that the provisions of this ordinance will become and be made a part of the Lee County Code. Sections of this ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or other appropriate word or phrase in order to accomplish this intention; and regardless of whether inclusion in the code is accomplished, sections of this ordinance may be renumbered or relettered. The correction of typographical errors that do not affect



the intent, may be authorized by the County Manager, or his or her designee, without need of public hearing, by filing a corrected or recodified copy with the Clerk of the Circuit Court.

#### SECTION SEVEN: EFFECTIVE DATE

The small scale Lee Plan amendment adopted by this ordinance will be effective 31 days after adoption unless challenged within 30 days after adoption. If challenged within 30 days after adoption, the small scale amendment to the Lee Plan will not be effective until the Florida Department of Community Affairs or the Administrative Commission issues a final order determining the small scale amendment is in compliance with Florida Statutes, §163.3184. No development orders, development permits, or land uses dependent on this amendment may be issued or commenced before the amendment has become effective.

Commissioner Hall made a motion to adopt the foregoing ordinance, seconded by Commissioners Janes. The vote was as follows:

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

DONE AND ADOPTED this 11<sup>th</sup> day of March, 2008.

ATTEST:  
CHARLIE GREEN, CLERK

LEE COUNTY  
BOARD OF COUNTY COMMISSIONERS

BY: Marcia Wilson  
Deputy Clerk .

BY: Ray Judah  
Ray Judah, Chairman

DATE: 3/11/08

Approved as to form by:

Dawn E. Perry-Lehnert  
Dawn E. Perry-Lehnert  
County Attorney's Office

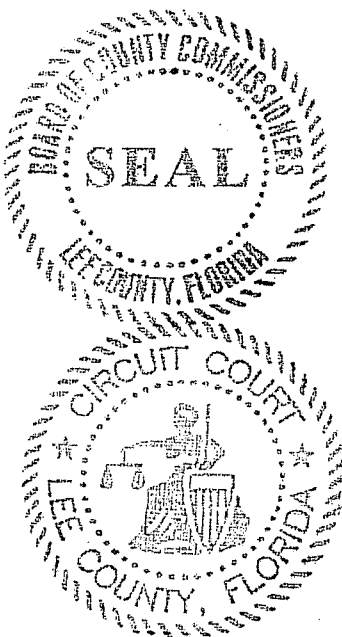
State of Florida  
County of Lee

I Charlie Green, Clerk of the Circuit Court for Lee County, Florida, do hereby certify this document to be a true and correct copy of the original document filed in the Minutes Department.

Given under my hand and official seal at Fort Myers, Florida, this 18<sup>th</sup> day of March, A.D. 2008

CHARLIE GREEN, CLERK

By Marcia Wilson  
Deputy Clerk



**CPA2006-02**

**CAPE ROYAL  
SMALL-SCALE  
AMENDMENT  
TO THE**

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**LEE COUNTY COMPREHENSIVE PLAN**

---

**THE LEE PLAN**

**Privately Sponsored Application  
and Staff Analysis**

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**BoCC Adoption Document**

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

*March 11, 2008*

**LEE COUNTY  
DIVISION OF PLANNING  
STAFF REPORT FOR  
COMPREHENSIVE PLAN AMENDMENT  
CPA2006-02**

☐

Text Amendment

☒

Map Amendment

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

STAFF REPORT PREPARATION DATE: February 21, 2008

## **PART I - BACKGROUND**

### **A. SUMMARY OF APPLICATION**

#### **1. APPLICANT/REPRESENTATIVE:**

Realmark Cape Royal, LLC & Scott Dunlap

#### **2. REQUEST:**

Amend the Future Land Use Map Series for an approximate 7.7 +/- acre site located in Section 20, Township 44 South, Range 23 East, to change the classification shown on Map 1, the Future Land Use Map, from Rural to Suburban and Commercial. Amend Map 7, the Lee County Utilities Future Sewer Service Areas Map, to add the subject site to the future service area. The site is generally located south of Pine Island Road and east of Veterans Parkway.

#### **3. SUMMARY DISCUSSION:**

The applicant, Realmark Cape Royal, LLC & Scott Dunlap, is requesting a small scale change of land use designation on the Future Land Use Map from "Rural" to "Suburban" and "Commercial" for an approximate 7.7 acre area of land. The site is located to the east of Veterans Parkway/Burnt Store Road on the south side of Pine Island Road in Section 20, Township 44 South, Range 23 East. The site is located within the Pine Island Planning community. If the amendment is approved the allowable density for 6.6 acres of the site would increase from 1 du/acre to 6 du/acre, a maximum of 39 permissible units. If the amendment is approved the allowable commercial intensity for 1.1 acres of the site would increase from approximately 10,000 square feet of floor area to a Floor Area Ratio (FAR) measure of 1,

allowing a maximum of 47,916 square feet of floor area. If the amendment is approved the subject area will be added to Map 7 of the Lee Plan, the Future Sewer Service Areas Map.

A Current and Proposed Future Land Use Map are attached as Attachments 1 and 2. Map 7 of the Lee Plan, the Future Sewer Service Areas Map, depicting the area proposed to be added to the service area is attached as Attachment 3.

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

**1. RECOMMENDATION:** Planning staff recommends that Map 1, the Future Land Use Map, be amended to change the future land use designation of the subject area from the "Rural" land use category to the "Suburban" land use category for 6.6 acres of the subject area and from "Rural" to the "Commercial" land use category for 1.1 acres of the subject area. Planning staff also recommends that Map 7 of the Lee Plan, the Future Sewer Service Areas Map be amended to add the subject area to the Lee County Utilities service area.

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

- The proposed development is consistent with Policy 1.1.5, the Suburban future land use descriptor policy of the Lee Plan.
- The proposed development is consistent with Policy 1.1.10, the Commercial future land use descriptor policy of the Lee Plan.
- The subject parcels are surrounded by properties developed with similar uses.
- The increase in the population accommodation capacity of the FLUM is insignificant when viewed in the context of the county wide accommodation capacity.
- All of the necessary infrastructure is in place or can be provided to the subject parcel. The proposed land use change will not cause future road network plan changes. The requested land use change will have a minimal impact on public safety service providers.
- There are no known endangered species present on the subject parcel.

## **C. BACKGROUND INFORMATION**

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

**SIZE OF PROPERTY:** 7.7 ACRES

**PROPERTY LOCATION:** The subject property is located east of Veterans Parkway/Burnt Store Road on Pine Island Road.

**STRAP#:** 20-44-23-01-00000.0DCE, 20-44-23-00-00003.0000, 20-44-23-00-00003.0010, 20-44-23-00-00003.0020

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

**CURRENT ZONING:** AG-2, C-1, RS-2

**CURRENT FUTURE LAND USE CLASSIFICATION:** Rural

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

**WATER & SEWER:** The subject property is located in the Greater Pine Island Water Association franchise area for potable water. The subject property is not located within a service area for sanitary sewer. The proposed amendment includes adding the property into the Lee County Utilities sewer service area.

**FIRE:** The property is located in the Matlacha/Pine Island Fire District.

**TRANSPORTATION:** Access to the property is from Pine Island Road.

**SOLID WASTE:** Waste Pro Franchise Area.

## **PART II - STAFF ANALYSIS**

### **A. STAFF DISCUSSION**

#### **INTRODUCTION**

The applicant is requesting a small scale change of land use designation on the Future Land Use Map from "Rural" to "Suburban" and "Commercial" for an approximate 7.7 acres of land. The site is located to the east of the intersection of Veterans Parkway/Burnt Store Road and Pine Island Road in Section 20, Township 44 South, Range 23 East. The subject area is a portion of an enclave of unincorporated Lee County within the City of Cape Coral along Pine Island Road. If the amendment is approved the allowable density for 6.6 acres of the site would increase from 1 du/acre to 6 du/acre, a maximum of 39 permissible units. If the amendment is approved the allowable commercial intensity for 1.1 acres of the site would increase from approximately 10,000 square feet of floor area to a Floor Area Ratio (FAR) measure of 1, a maximum of 47,916 square feet of floor area. If the amendment is approved the subject area will be added to Map 7 of the Lee Plan, the Future Sewer Service Areas Map.

The original Comprehensive Plan Amendment Application, Staff Insufficiency Letters, and Applicant Supplementary Information are attached.

#### **PROJECT SUMMARY**

The 7.7 acre area is composed of four parcels. Two of the parcels front the south side of Pine Island Road and the other two extend to the south and are adjacent to the Royal Tee subdivision. The subject area is currently vacant and is located between two single family residences and a gas station to the

west and the entryway to the Royal Tee subdivision to the east. The site is located across Pine Island Road from Publix. At this time the parcels fronting Pine Island Road are zoned AG-2 and C-1 and the parcels to the south are zoned AG-2 and RS-2. The application states that it is contemplated that minor commercial use will be constructed on the westernmost parcel, abutting the gas station and a residential project will be built on the remainder of the property.

## **COMPREHENSIVE PLAN BACKGROUND**

In 1984, Lee County adopted its first official Future Land Use Map (FLUM) as an integral part of its comprehensive plan. On that map, the subject property was part of the "Rural" land use category and this remains the future land use designation for the parcel today.

The subject property is also identified on Map 1, page 4 of 5, as part of an Urban Reserve Overlay. Policy 1.7.3 describes the Urban Reserve Overlay and is reproduced below:

***POLICY 1.7.3:** The Urban Reserve overlay indicates areas that are suitable for annexation into the adjoining municipality. Urban Reserve areas are initially established by interlocal agreement pursuant to Section 163.3171(1), F.S.*

Planning staff has asked the applicant to provide discussion as to whether or not the applicant has considered this issue, as it has always been the County's policy to encourage annexation for the enclave parcels along Pine Island Road. The applicant has provided that the possibility of annexing has been discussed, yet annexation is difficult as long as the property remains within the Greater Pine Island Water Association franchise area. In the case of sewer service availability, the applicant has provided that it is not possible to obtain a letter of sewer availability from the City of Cape Coral, as the City has declined to provide service to parcels outside of the city boundaries.

It is Planning staff's understanding that the impediment to annexations in this area is the fact that the area is located in the Greater Pine Island Water Association franchise area and involves the release of water rights to the City of Cape Coral. In addition, the City Utility Plan does not show the area receiving water/sewer services until sometime between the year 2010 and 2012.

A map depicting the amendment area and the city limits of Cape Coral is attached as Attachment 4.

## **ADJACENT ZONING AND USES**

The site is zoned AG-2, C-1, and RS-2. The surrounding properties are zoned Village (Cape Coral zoning district) to the north across Pine Island Road, RS-2, AG-2, CN-1, and IG to the east, C-3 (Cape Coral zoning district) and AG-2 to the west, and RS-2 zoning to the south. The subject area is surrounded by a mix of uses. To the north, across Pine Island Road, is the Publix Shopping Center; to the east is the entryway to the Royal Tee subdivision, vacant parcels, and a concrete batch plant; to the south is Royal Tee subdivision; and to the west are five one acre lots, two lots having existing single family residences, a gas station, and vacant land.

## **POPULATION ACCOMMODATION CAPACITY DISCUSSION**

The request is to change the Future Land Use Map (FLUM) category of approximately 6.6 acres from Rural to Suburban and 1.1 acres from Rural to Commercial. Residential uses are not permitted in the Commercial land use category. The Rural category standard density permits 1 du/acre. The Suburban category standard density permits up to 6 du/acre. This means that a maximum of 39 dwelling units

could be constructed on the property under the Suburban designation and result in an increase in the population accommodation capacity of the map by 83 persons (39 du's X 2.14 persons per unit). The Commercial land use category for 1.1 acres would decrease 1 dwelling unit, or 2 persons in the population accommodation capacity of the map, therefore the net increase for the proposed plan amendment would equal 81 persons. Staff concludes that this increase in the population accommodation capacity of the FLUM is insignificant when viewed in the context of the county wide accommodation capacity.

## **CONSISTENCY WITH THE "SUBURBAN" AND "COMMERCIAL" LAND USE CATEGORIES**

The applicant is proposing that the subject parcels land use designation be amended to Suburban and Commercial. The Suburban areas are described by Policy 1.1.5. Policy 1.1.5 is reproduced below:

***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 Urban Community areas or in areas where it is appropriate to protect existing or emerging residential neighborhoods. These areas provide housing near the more urban areas but do not provide the full mix of land uses typical of urban areas. The standard residential 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.*

The 6.6 acre area of the proposed amendment is consistent with the Suburban designation for the following reasons: it is located adjacent to the designated future urban area of Cape Coral; the urban services, as noted, have adequate capacity to provide the necessary services to accommodate the proposed small scale amendment; residential development is listed as the predominant land use in the Suburban category, and the proposal is consistent with the land use category due to the fact that it is adjacent to residential uses to the south and west .

The subject area is part of an enclave of Rural designated land along Pine Island Road. The surrounding properties are designated Intensive Development to the north along Pine Island Road, the Rural designation is in place to the south and includes the Royal Tee subdivision, Intensive Development to the east of the enclave area, and Intensive Development and Rural to the west. The proposed use, residential, is permissible in the "Suburban" land use category. The subject parcel is also consistent with the Lee Plan's Residential Land Use requirements of Goal 5.

The Commercial areas are described by Policy 1.1.10. Policy 1.1.10 is reproduced below:

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

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

The 1.1 acre area of the proposed amendment is consistent with the Commercial designation for the following reasons: it is located adjacent to the designated future urban area of Cape Coral and will serve the residential needs of the area; the urban services, as noted, have adequate capacity to provide the necessary services to accommodate the proposed small scale amendment; the site is located along Pine Island Road (S.R. 78), a major travel corridor, the site will require planned development zoning to ensure appropriate site development regulations are applied relative to the surrounding area.

The proposed commercial use is permissible in the "Commercial" land use category. The subject parcel is also consistent with the Lee Plan's Commercial Land Uses requirements of Goal 6.

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

The subject area is located within the Pine Island Planning Community. In this community there are 675 acres allocated for residential uses in the Suburban land use category. Recent Planning Division data indicates that 566 acres of Suburban land within this community is currently developed with residential uses, leaving a surplus of 109 acres that could be developed with residential uses in the Suburban portions of this community before the year 2030. There are 226 acres allocated for commercial uses in the Pine Island Planning Community. Recent data indicates that 154 of these acres are currently developed with commercial uses, leaving a surplus of 72 acres that could be developed with commercial uses in the Pine Island Planning Community before the year 2030.

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

#### **TRANSPORTATION ISSUES**

The Lee County Department of Transportation (DOT) has reviewed the request and indicated that based upon the FSUTMS travel demand model the proposed land use change on this property will not alter the future road network plans.

Planning staff notes that a traffic analysis is required as part of the County's local development approval process. This analysis will determine the need for any site-related traffic improvements such as turn lanes on the adjacent roadways.



## **PUBLIC SAFETY ISSUES**

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

### Community Rating System

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

### Sheriff's Office Impact

The Cape Coral Police Department has reviewed the proposal and indicated that they will be able to maintain police services for the additional citizens that would reside on the subject property.

### Fire Service Impact

The subject parcel is within the Matlacha/Pine Island Fire District. The District Chief has reviewed the proposal and indicated it will not impact current and projected services. The District is currently planning for a new fire station in the eastern boundaries of the district to enhance fire and rescue service.

### Emergency Medical Services (EMS) Impact

EMS staff has reviewed the proposal and indicated it will not impact current and projected resources for this area. Current and planned budgetary projections for additional EMS resources should adequately address any increased demand for service from persons occupying this parcel.

## **SCHOOL IMPACTS**

Lee County School District staff has reviewed the proposal and indicated the potential that 39 multi family units could generate 5 additional school aged children in the West Choice Zone based upon 0.125 students per each multi family residential unit built. District staff notes that the Lee County Board of County Commissioners adopted a School Impact Fee Ordinance in 2001 which was updated in 2005.

## **SOILS**

The 1984 U.S. Department of Agriculture Soil Survey of Lee County classified one soil type present on the subject parcel - 13 Boca fine sand.

Boca fine sand is a nearly level, poorly drained soil on flatwoods. Slopes are smooth and range from 0 to 2 percent.

## **ENDANGERED SPECIES**

Lee County Division of Environmental Sciences staff have reviewed the request and conducted a site review on December 14, 2007. Environmental Sciences staff indicated that although there are native trees present, there are no indigenous native vegetative communities on the site. There is an inactive bald eagle's nest located approximately 1100 hundred feet from the site. No other listed species were observed and none are likely to occur.

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

Lee County Department of Public Works staff has reviewed the request and indicated that the 2007 Lee County Concurrency report identifies an existing inventory of 17 acres of community parks within the Pine Island/Matlacha Community Park Benefit District. The regulatory acreage standard was met in 2006 and will continue to be met through 2010. The desired acreage standard was not met in 2006 and will not be met through 2010 unless the proposed Pine Island community park (40 acres) is developed. The proposed amendment would create the need for an additional .06 acres of Community Park space. The regulatory acreage inventory within this district is sufficient to support the proposed increase in density.

## **DRAINAGE/SURFACE WATER MANAGEMENT**

The application provides the following concerning this issue:

*"The project will be developed in accordance with SFWMD regulations. No amendments to the Lee Plan are necessary."*

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

## **MASS TRANSIT**

Lee County Transit Division staff have reviewed the request and indicated the proposed amendment would not result in the need for additional transit services. Fixed route bus service is not currently provided to this rural section of Cape Coral and with the proposed designation the densities will continue to remain too low to require fixed route bus service. Currently demand response service is provided to this area one day per week and is not expected to be expanded to five days per week until the year 2014.

## **UTILITIES**

The subject property is located in the Greater Pine Island Water Association franchise area for potable water. The application provided that the Greater Pine Island Reverse Osmosis Treatment Plant has a maximum capacity of 2.23 MGD and produces an average annual daily flow of 1.25MGD. A 12" water main exists on the north side of Pine Island Road and a 10" water main runs north and south along the eastern property line. The application provides that the addition of the proposed uses would generate approximately a total of 11,250 GPD and will be adequately served by the existing plant capacity.

The subject property is not located within a service area for sanitary sewer. The proposed amendment includes adding the property into the Lee County Utilities future sewer service area by amending Map 7 of the Lee Plan, the Future Sewer Service Areas Map. Lee County Utilities staff has indicated that Lee County could provide central sewer service to the subject project through the Pine Island Waste Water Treatment Plant, however the area is not included in the future service area. Utilities staff have noted that although the treatment plant has excess treatment capacity, the permitted capacity of the treatment plant is limited by FDEP to the amount of reclaimed water permitted for use. Because there is not excess disposal capacity the developer will need to arrange for the use and disbursement of an amount of reclaimed water equal to or greater than the amount of wastewater generated by the development. The water does not have to be utilized onsite.

In addition, Utilities staff have indicated that the developer will need to provide assurances that the collection system the proposed development will be tying into has the capacity to receive the wastewater generated. If the system does not have sufficient capacity then the developer will be responsible for the costs of the off site improvements necessary to upgrade the collection system.

The applicant asserts that it is possible to obtain permission from a Pine island property owner to dispose of the effluent on an existing tree farm. The applicant has provided an example of an agreement that has been made with the Pine Island property owner for another site as part of the application resubmittal dated February 8, 2008.

## **HISTORIC RESOURCES**

The application includes a letter, dated January 31, 2006 from the Division of Historical Resources, Florida Department of State providing that the Florida Master Site File lists no previously recorded cultural resources.

## **RE-DESIGNATING LANDS FROM A NON-URBAN AREA TO A FUTURE URBAN AREA**

The applicant is proposing to change 7.7 acres of land designated Rural to the Suburban and the Commercial future land use category. The applicant proposes a minor commercial development on the westernmost parcel abutting the existing gas station and fronting Pine Island Road, and a residential project on the remainder of the site. The site is part of an enclave of unincorporated Lee County designated Rural that is surrounded by the city limits of Cape Coral. The enclave is located between lands designated Intensive Development to the north, east and west and Rural to the south. The proposed amendment will not result in leapfrog development, the property is located in a commercial corridor and the residential component will abut an existing subdivision. The proposal would allow urban infill in lieu of an enclave of rural uses. Given the location of the site, staff finds the proposed amendment consistent with the concept of small scale development amendments.

## **B. CONCLUSIONS**

The proposed amendment is consistent with Policy 1.1.5, the Outlying Suburban future land use descriptor policy and Policy 1.1.10, the Commercial future land use descriptor policy. The applicant's intent is to develop residential uses on the majority of the site along with minor commercial development on the westernmost parcel abutting an existing gas station. As proposed the development will be compatible with the surrounding uses. The western parcel does meet the requirements of the Lee Plan's commercial site location standards for minor commercial development and is eligible for retail commercial uses. Adequate infrastructure is in place to provide the necessary services to accommodate the requested land use change. The proposed residential use and density is allowed in the "Suburban" land use category. If the amendment is approved the allowable density would increase from 1 du/acre to 6 du/acre, an increase of 39 permissible units. The increase in the population accommodation capacity of the FLUM is insignificant. The property will be served by public water and sewer facilities and abuts an arterial road. As noted above, the site abuts a residential subdivision to the south, a gas station and vacant land adjacent to the intersection of Veterans Parkway/Burnt Store Road to the west, and a commercial shopping center to the north. Staff finds the proposed amendment consistent with the surrounding uses and surrounding land use designations as an infill parcel located between lower density development to the south and higher density/intensity development to the north.

### **C. STAFF RECOMMENDATION**

Planning staff recommends that Map 1, the Future Land Use Map, be amended to re-designate the subject area from "Rural" to "Suburban." and "Commercial." Planning staff also recommends that Map 7, the Lee County Utilities Future Sewer Service Areas Map, be amended to add the subject site to the future service area. This recommendation is based upon the previously discussed issues and conclusions set forth above.

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

**DATE OF PUBLIC HEARING:** February 25, 2008

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

Planning staff gave a brief presentation concerning the proposed amendment. Staff added for the record, that although annexation is not the subject of this amendment a representative of the Royal Tee Subdivision to the south of the subject area requested that it be noted that although the area is located in the Urban Reserve Overlay, the Royal Tee community would not support being annexed into the City of Cape Coral. One member of the LPA expressed their concern with the fact that the intersection of Veterans Road/Burnt Store Road and Pine Island Road is not signalized. This member asked if the LPA could request that the developer not be able to develop the site until the intersection is signalized and County Attorney staff indicated that the LPA could include that in their recommendation if they wish.

The applicant's representative addressed the LPA and indicated that the property is under two separate ownerships and that the subject area is an interface of the Intensive Development and the Rural future land use category. The representative explained that because of the intensity of uses in this area on Pine Island Road, such as the Publix shopping center located across the street and the construction of Veterans Parkway, that the property will not be a rural area in the future.

The property owner directly to the south of the parcel proposed for Commercial addressed the LPA expressing his concern with access to the property when the area is developed. Staff assured the member of the public that access to their property must be maintained. Another member of the public addressed the LPA stating that the plan amendment area would be accessed from Pine Island Road through the entryway of the Royal Tee development. They stated that at this time the turn lane situation into the development is unacceptable, explaining that the subject property has common use rights. Staff explained that access is not being determined through this action today. All access issues will be addressed at the time of a rezoning review and also at the time of development order review. One member of the LPA stated that the Royal Tee subdivision was approved before current regulations and now that units could be added it may be making a bad situation worse. Staff noted that the turn lane has been bonded and that a turn lane must be put in place.

The applicant addressed the LPA explaining that at some point the area will have to accommodate the expansion of Pine Island Road. The alignment has been delayed and it is not certain where the alignment will go. The applicant explained that Royal Tee was broken into three sections for development and the subject area is the last expansion.

One member of the LPA stated that the enclave area needed to be taken care of and should be a part of the City of Cape Coral. Their concern was that if this amendment is approved, it would never be annexed into the City also noting that there is issue with the City of Cape Coral utilities vs. the Greater Pine Island Water Association franchise area. This member stated that there has been a lawsuit over the water rights in this area.

The applicant's representative stated that they believe that there has been more than one lawsuit with regard to the utility issue and that they prefer not to have to wait until this area may be annexed. The

fact that the entire enclave should be annexed, unfortunately is not in their control. There are other properties in the enclave area. The applicant's representative stated that leaving the subject area in the Rural category would not serve as a solution.

One LPA member noted that the staff report shows that the City Utilities Plan does not show utilities for this area until 2012. The applicant stated that the units in Royal Tee are currently on septic but multi-family development would be required to tie into wastewater lines. Staff explained that there is a Lee County connection to the Pine Island Waste Water Treatment Plant east of the subject area, almost to Matlacha Isles. As explained in the staff report arrangements would have to be made for the use and disbursement of an amount of reclaimed water.

One member of the LPA stated that this proposal is a legitimate proposal and approval of the proposed amendment goes towards solving the problem of the parcel being in limbo. Another member stated that they have no problem with the amendment with the assurances of the turn lane. One member had questions regarding access to the commercial parcel and the transfer of reuse water to the tree farm discussed in the report. Staff explained that discussion took place with the applicant's representative about adding the Commercial designation to the westernmost parcel because the parcel is next to a commercial area today and the Commercial designation limits the population accommodation of the proposed amendment. Staff also explained that any connection to the Pine Island Waste Water Treatment Plant would require the development to arrange for the use of an amount of reclaimed water equal to or greater than the amount of wastewater generated by the development. The water does not have to be utilized onsite. This member of the LPA also asked staff to explain the difference of the required LOS and the desired LOS for parks. Another member of the LPA stated that they have no issue with the proposed amendment and found that it makes sense. They had no objection and stated the only issue is the need to get rid of such enclaves and the confusion amongst service providers for these enclave areas.

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

### **C.**

- 1. RECOMMENDATION:** The LPA recommends that the Board of County Commissioners adopt the proposed amendment.
- 2. BASIS AND RECOMMENDED FINDINGS OF FACT:** The LPA accepted the findings of fact as advanced by the staff.

**C. VOTE:**

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

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

**DATE OF ADOPTION HEARING:** March 11, 2008

**A. BOARD REVIEW:** Planning staff gave a brief presentation concerning the proposed amendment. One Board member asked if central sewer and water would be available to the site and staff indicated that it would be available. Another Board member asked if the adjacent property is similar to the proposed amendment. Staff explained that the area was a portion of an enclave of land designated Rural and surrounded by land designated Intensive Development. This Board member asked if the amendment will make the area more consistent and compatible with the surrounding area. Planning staff stated that it would. One member of the Board made a motion to adopt the proposed amendment. All Board members were in favor of the motion to adopt.

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

- 1. BOARD ACTION:** The Board of County Commissioners voted to adopt the proposed amendment.
- 2. BASIS AND RECOMMENDED FINDINGS OF FACT:** The Board accepted the findings of fact as advanced by staff and the Local Planning Agency.

**C. VOTE:**

<b>A. BRIAN BIGELOW</b>	<u><b>AYE</b></u>
<b>TAMMARA HALL</b>	<u><b>AYE</b></u>
<b>ROBERT P. JANES</b>	<u><b>AYE</b></u>
<b>RAY JUDAH</b>	<u><b>AYE</b></u>
<b>FRANKLIN B. MANN</b>	<u><b>AYE</b></u>



# CPA2006-02 Cape Royal Lee Plan Amendment Current Future Land Use Map

BURNT STORE RD

PINE ISLAND RD NW

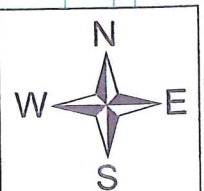
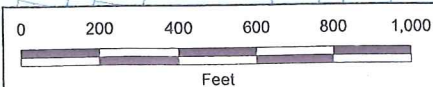
SW PINE ISLAND RD

Subject Property

VETERANS PWKY

- Intensive Development
- Outlying Suburban
- Rural
- Wetlands

## ATTACHMENT 1



# CPA2006-02 Cape Royal Lee Plan Amendment Proposed Future Land Use Map

BURNT STORE RD

PINE ISLAND RD-NW

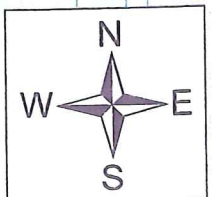
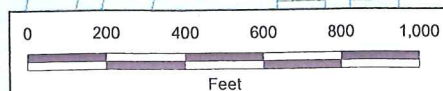
SW PINE ISLAND RD

Subject Property

ANS PWKY

- Commercial
- Intensive Development
- Suburban
- Outlying Suburban
- Rural
- Wetlands

## ATTACHMENT 2



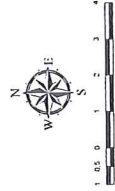


# LEE COUNTY UTILITIES

## FUTURE SEWER SERVICE AREAS

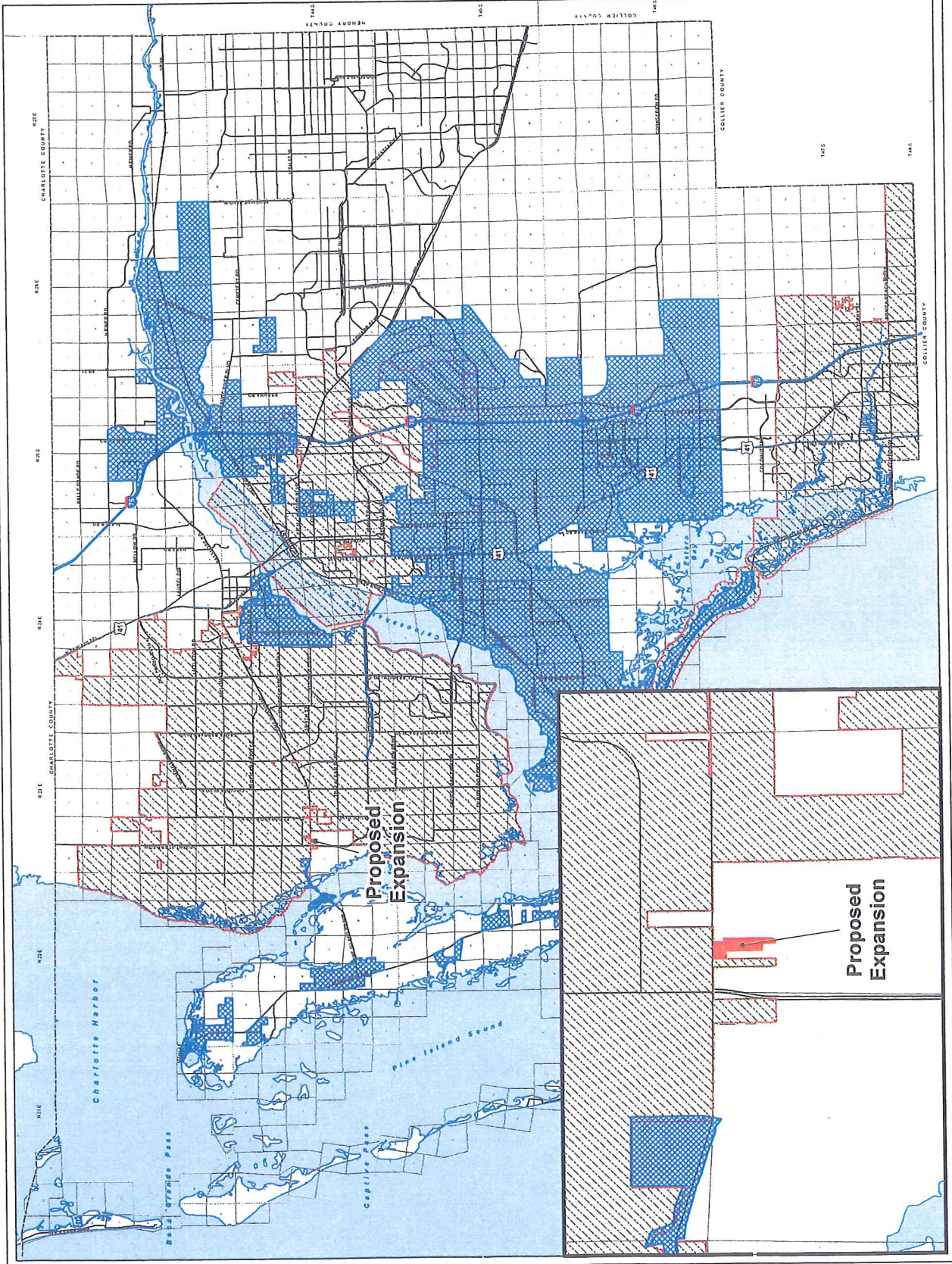
### Legend

- Proposed Expansion
- Future Sewer Service Areas
- City Limits



Map Generated January 2008  
City Limits current to date of map generation  
Effective Date of Last Amendment: January 21, 2004  
Amended by Ordinance Nos. 00-22, 03-19

Lee Plan Map 7





CPA2006-02 Cape Royal  
Lee Plan Amendment  
Cape Coral City Limits

BURNT STORE RD

PINE ISLAND RD NW

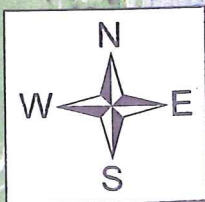
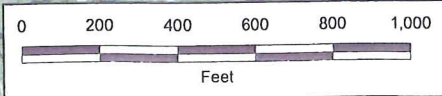
SW PINE ISLAND RD

Subject Property

VETERANS PWKY

ATTACHMENT 4

Cape Coral City Limits





# **APPLICATION**

CPA 2006-00002

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

## APPLICATION FOR A COMPREHENSIVE PLAN AMENDMENT

(To be completed at time of intake)

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

APPLICATION FEE \_\_\_\_\_ TIDEMARK NO: \_\_\_\_\_

THE FOLLOWING VERIFIED:

Zoning ☒ Commissioner District

1

ROBERT JAMES

Designation on FLUM ☒

(To be completed by Planning Staff)

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

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

### APPLICANT PLEASE NOTE:

Answer all questions completely and accurately. Please print or type responses. If additional space is needed, number and attach additional sheets. The total number of sheets in your application is: 11

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

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

3/8/06  
DATE

Mattie O. White  
SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

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

RealMark Cape Royal, LLC (Craig Dearden) & Scott Dunlap

APPLICANT

1900 Lagoon Lane

ADDRESS

Cape Coral

FL

33904

CITY

STATE

ZIP

(239) 541-1372

(239) 541-1377

TELEPHONE NUMBER

FAX NUMBER

See attached

AGENT\*

ADDRESS

CITY

STATE

ZIP

TELEPHONE NUMBER

FAX NUMBER

1. RealMark Cape Royal, LLC

2. Henry L. Albrecht, P.A.

OWNER(s) OF RECORD

1. 1900 Lagoon Lane

2. 2430 Everest Pkwy

ADDRESS

Cape Coral

FL

1. 33914

2. 33904

CITY

STATE

ZIP

(239) 541-1372

(239) 541-1377

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.

## Agent Information

- 1). Knott, Consoer, Ebelini, Hart & Swett, P.A.  
Matthew D. Uhle, Esq.  
1625 Hendry Street, Suite 301  
Fort Myers, FL 33901  
334-2722                      334-1446 (fax)
  
- 2). Avalon Engineering, Inc.  
Larry Hildreth  
2503 De Prado Blvd. South, Suite 200  
Cape Coral, FL 33904  
573-2077                      573-2076 (fax)
  
- 3). Metro Transportation Group, Inc.  
Ted B. Treesh  
12651 McGregor Blvd., Suite 4-403  
Fort Myers, FL 33919  
278-3090                      278-1906 (fax)
  
- 4). Southern Biomes, Inc.  
Geza Wass de Czege  
P.O. Box 50640  
Fort Myers, FL 33994  
334-6766                      337-2034 (fax)



## 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 20)  
List Number(s) of Map(s) to be amended  
Map 1

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

Amendment from Rural to Suburban for the subject property.

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

### A. Property Location:

1. Site Address: 1). 11951 Royal Tee Blvd. 2). 11900 Little Quail Lane  
3). 11971 Little Quail Lane 4). 3060 SW Pine Island Road
2. STRAP(s): 1). 20-44-23-01-00000.0DCE 2). 20-44-23-00-00003.0000  
3). 20-44-23-00-00003.0010 4). 20-44-23-00-00003.0020

### B. Property Information

Total Acreage of Property: 6.61 acres

Total Acreage included in Request: 6.61 acres

Area of each Existing Future Land Use Category:

Total Uplands: 6.61 acres

Total Wetlands: NA

Current Zoning: RS-2, AG-2, & C-1

Current Future Land Use Designation: Rural

Existing Land Use: Vacant

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

*Lehigh Acres Commercial Overlay:* \_\_\_\_\_

*Airport Noise Zone 2 or 3:* \_\_\_\_\_

*Acquisition Area:* \_\_\_\_\_

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

*Community Redevelopment Area:* \_\_\_\_\_

D. Proposed change for the Subject Property:

**Amendment from Rural to Suburban for the subject property.**

---

E. Potential development of the subject property:

1. Calculation of maximum allowable development under existing FLUM:

Residential Units/Density                      6 single-family units

Commercial intensity                      10,000 square feet

Industrial intensity                      \_\_\_\_\_

2. Calculation of maximum allowable development under proposed FLUM:

Residential Units/Density                      39 multi-family units

Commercial intensity                      10,000 square feet

Industrial intensity                      \_\_\_\_\_

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#### IV. AMENDMENT SUPPORT DOCUMENTATION

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

A. General Information and Maps

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

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

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

B. Public Facilities Impacts

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

1. Traffic Circulation Analysis

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

Long Range – 20-year Horizon:

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

socio-economic forecasts (number of units by type/number of employees by type/etc.);

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

Short Range – 5-year CIP horizon:

- a. Besides the 20-year analysis, for those plan amendment proposals that include a specific and immediated development plan, identify the existing roadways serving the site and within a 3-mile radius (indicate laneage, functional classification, current LOS, and LOS standard);
- b. Identify the major road improvements within the 3-mile study area funded through the construction phase in adopted CIP's (County or Cities) and the State's adopted Five-Year Work Program;

Projected 2020 LOS under proposed designation (calculate anticipated number of trips and distribution on roadway network, and identify resulting changes to the projected LOS);

- c. For the five-year horizon, identify the projected roadway conditions (volumes and levels of service) on the roads within the 3-mile study area with the programmed improvements in place, with and without the proposed development project. A methodology meeting with DOT staff prior to submittal is required to reach agreement on the projection methodology;
  - d. Identify the additional improvements needed on the network beyond those programmed in the five-year horizon due to the development proposal.
2. Provide an existing and future conditions analysis for:
- a. Sanitary Sewer
  - b. Potable Water
  - c. Surface Water/Drainage Basins
  - d. Parks, Recreation, and Open Space.

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

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

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

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

C. Environmental Impacts

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

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

**D. Impacts on Historic Resources**

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

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

**E. Internal Consistency with the Lee Plan**

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

**F. Additional Requirements for Specific Future Land Use Amendments**

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

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

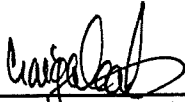
Item 1: Fee Schedule

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



## AFFIDAVIT

I, Craig A. Dearden as Vice President of Realmark Cape Royal, LLC, a Florida Limited Liability Company, certify that I am the owner or authorized representative of the property described herein, and that all answers to the questions in this application and any sketches, data, or other supplementary matter attached to and made a part of this application, are honest and true to the best of my knowledge and belief. I also authorize the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made through this application.



V.P.

Signature of owner or owner-authorized agent

2/2/2006

Date

Craig A. Dearden

Typed or printed name

STATE OF FLORIDA )  
COUNTY OF LEE )

The foregoing instrument was certified and subscribed before me this 2 day of Feb 2006 by Craig A. Dearden as Vice President of Realmark Cape Royal, LLC, a Florida Limited Liability Company, who is personally known to me or who has produced \_\_\_\_\_ as identification.



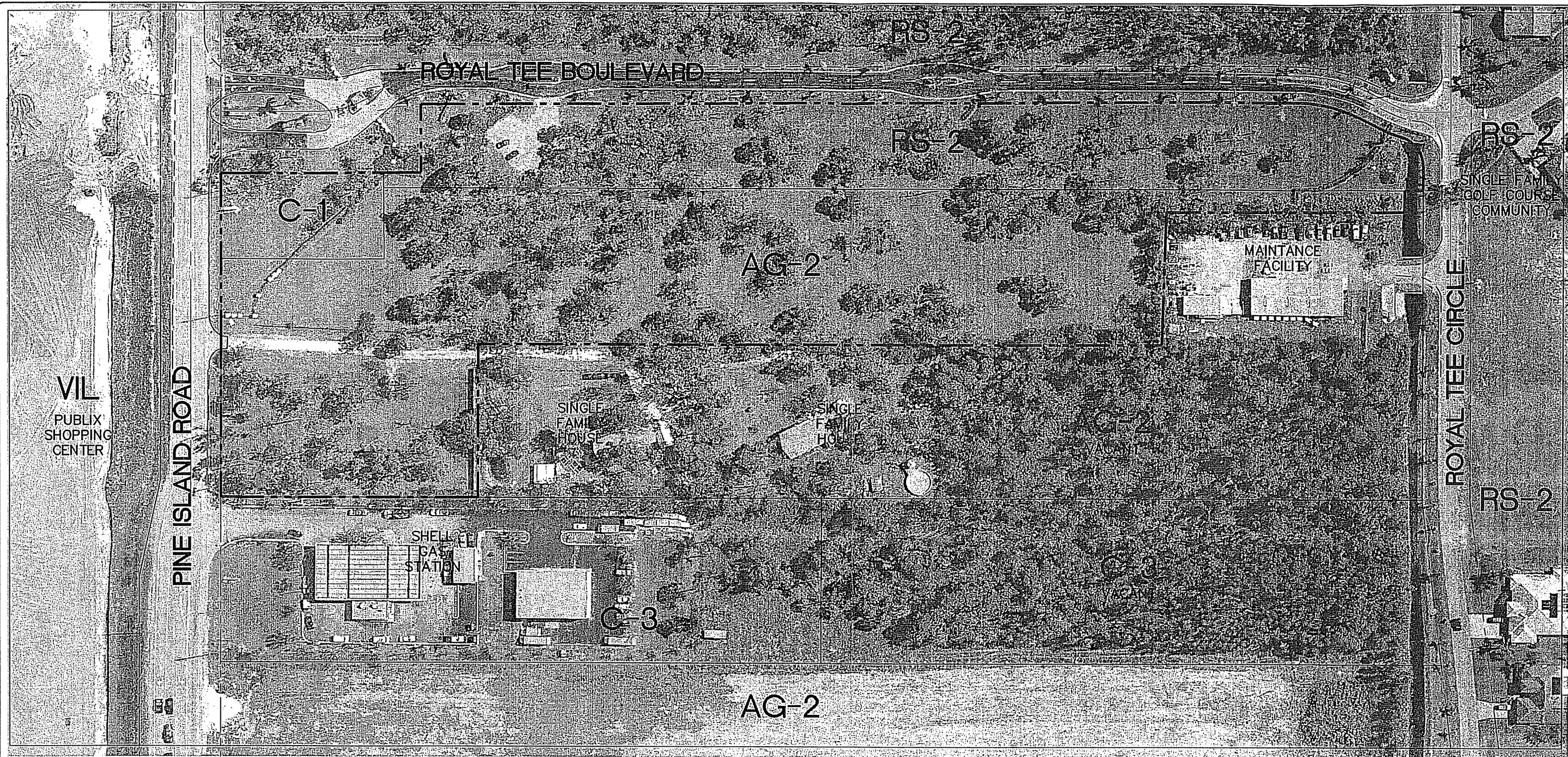
Jaime Rehmann  
Commission #DD325948  
Expires: Jun 03, 2008  
Bonded Thru  
Atlantic Bonding Co., Inc.



(Signature of notary public)

Jaime Rehmann

Printed name of notary public

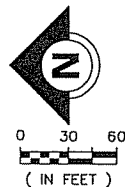


C-3 COMMERCIAL DISTRICT  
VIL VILLAGE DISTRICT

AG-2 AGRICULTURE  
C-1 COMMERCIAL  
RS-2 RESIDENTIAL SINGLE FAMILY

NORTH OF PROJECT SITE IS INTENSIVE DEVELOPMENT  
SOUTH OF PROJECT SITE IS RURAL  
EAST OF PROJECT SITE IS RURAL  
WEST OF PROJECT SITE IS RURAL AND PINE ISLAND ROAD DISTRICT  
PROJECT SITE IS RURAL

## PROJECT SITE



## Description of Existing Uses

### EXHIBIT A.3

The subject property is currently vacant. The surrounding uses consist of a gas station, a maintenance facility, a single-family residence, and the entrance road into a residential subdivision. A new Publix shopping center is located on the north side of Pine Island Road.

It is contemplated that a minor commercial development will be constructed on the westernmost parcel, abutting the gas station. A residential project will be built on the remainder of the parcel. These uses are compatible with the existing surrounding uses.



## EXHIBIT A.5



### Bean, Whitaker, Lutz & Kareh, Inc.

13041 McGregor Boulevard  
Fort Myers, Florida 33919-5910  
email – fmooffice@bwlk.net  
(Ph) 239-481-1331 (Fax) 239-481-1073

Description of a Parcel of Land  
Lying in  
Section 20, Township 44 South, Range 23 East  
Lee County, Florida  
(Realmark-Boundary)

A parcel of land situated in the State of Florida, County of Lee, lying in the Northwest One Quarter (NW 1/4) of Section 20, Township 44 South, Range 23 East, being all of Tract "D" of Royal-Tee Country Club Estates according to the plat thereof as recorded in Plat Book 37, Pages 1 through 19, Public Records of Lee County, Florida.

And:

The East One Half (E 1/2) of the West One Half (W 1/2) of the East One Half (E 1/2) of the Northwest One Quarter (NW 1/4) of the Northwest One Quarter (NW 1/4) of Section 20, Township 44 South, Range 23 East, Lee County, Florida, lying south of Pine Island Road (S.R. 78).

Less and Except all of that parcel of land described in Official Record Book 2840 at Page 1;

Said overall parcel being further described as follows:

Commencing at the northwest corner of the Northwest One Quarter (NW 1/4) of said Section 20; thence S89°59'18"E along the north line of said fraction for 842.88 feet to the northeast corner of the West One Half (W 1/2) of the West One Half (W 1/2) of the East One Half (E 1/2) of the Northwest One Quarter (NW 1/4) of the Northwest One Quarter (NW 1/4) of said Section 20; thence S00°02'20"E along the east line of said fraction for 33.00 feet to an intersection with the south right-of-way line of Pine Island Road (S.R. 78 - 66 feet wide) and the Point of Beginning; thence continue S00°02'20"E along the east line of said fraction for 1033.66 feet to the northwest corner of a parcel described in Official Record Book 2840 at Page 1; thence S88°09'25"E along the north line of said parcel for 146.09 feet to the northeast corner of said parcel; thence S00°19'23"E along the east line of said parcel for 261.59 feet to an intersection with the south line of the East One Half (E 1/2) of the West One Half (W 1/2) of the East One Half (E 1/2) of the Northwest One Quarter (NW 1/4) of the Northwest One Quarter (NW 1/4) of said Section 20; thence S89°53'08"E along said fraction for 23.60 feet to an intersection with the west line of Tract "D" of said subdivision; thence S00°08'06"E along the west line of said Tract "D" for 20.37 feet to an intersection with the north right-of-way line of Royal-Tee Circle (60 feet wide) being the southwest corner of said Tract "D"; thence S89°57'21"E along said right-of-way line for 25.53 feet to the beginning of a tangent curve concave to the northwest having a radius of 35.00 feet; thence continue northeasterly along said curve and the westerly right-of-way line of Royal Tee Boulevard (60' wide) through a central angle of 74°40'53" for 45.62 feet to a point of reverse curve concave to the

Continued...

#### PRINCIPALS:

WILLIAM E. BEAN, PSM, CHAIRMAN  
SCOTT C. WHITAKER, PSM, PRESIDENT  
JOSEPH L. LUTZ, PSM  
AHMAD R. KAREH, PE, MSCE, VICE PRESIDENT

CONSULTING ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS



#### ASSOCIATES:

TRACY N. BEAN, AICP  
CHARLES D. KNIGHT, PSM  
W. BRITT POMEROY, JR., PSM  
STEPHEN H. SKORUPSKI, PSM  
ELWOOD FINEFIELD, PSM  
JAMES A. HESSLER, PSM  
JAMES R. COLEMAN, PSM  
RUDOLF A. NORMAN, PE

Description of a Parcel of Land  
Lying in  
Section 20, Township 44 South, Range 23 East  
Lee County, Florida  
(Realmark-Boundary)  
- Continued -

southeast having a radius of 96.40 feet, said point being on the west right-of-way line of said Royal-Tee Boulevard N.W. (60 feet wide); thence continue northeasterly along said curve and said west right-of-way line through a central angle of 09°53'38" for 16.65 feet; thence N25°15'25"E along said west right-of-way line for 40.14 feet to the beginning of a curve concave to the west having a radius of 145.00 feet; thence continue northeasterly along said curve and said west right-of-way line through a central angle of 25°31'32" for 64.60 feet to a point of tangency; thence N00°16'07"W departing said curve along said west right-of-way line for 960.54 feet; thence S89°43'53"W along said right-of-way line for 75.00 feet; thence N00°16'07"W along said west right-of-way line for 220.00 feet to an intersection with the south right-of-way line of said Pine Island Road (S.R. 78 - 66 feet wide); thence N89°59'18"W along said south right-of-way line for 187.37 feet to the Point of Beginning.

Parcel contains 6.62 acres (288,391 square feet), more or less.

Bearings are based on the north line of the Northwest one-quarter (NW ¼) of Section 20 as bearing S89°59'18"E.

Parcel subject to easements, restrictions, reservations and rights-of-way (written and unwritten, recorded and unrecorded).

Bean, Whitaker, Lutz & Kareh, Inc. (LB 4919)

32290\_DESC\_BOUNDARY1

6/15/05

  
\_\_\_\_\_  
Scott C. Whitaker, P.S.M. 4324



## EXHIBIT A.5



### Bean, Whitaker, Lutz & Kareh, Inc.

13041 McGregor Boulevard  
Fort Myers, Florida 33919-5910  
email – fmoffice@bwlk.net  
(Ph) 239-481-1331 (Fax) 239-481-1073

Description of a Parcel of Land  
Lying in  
Section 20, Township 44 South, Range 23 East  
Lee County, Florida  
(Dunlap Parcel)

A parcel of land situated in the State of Florida, County of Lee, lying in the Northwest One Quarter (NW 1/4) of Section 20, Township 44 South, Range 23 East, being that parcel as recorded in Official Record Book 4516, Page 4408, Public Records of said Lee County, Florida, and further described as follows:

Commencing at the northwest corner of the said fraction; thence S89°59'18"E along the north line of said fraction for 674.30 feet to the northwest corner of the West One Half (W 1/2) of the East One Half (E 1/2) of the Northwest One Quarter (NW 1/4) of said Section 20; thence S00°00'10"W along the west line of said fraction for 33.00 feet to an intersection with the south right-of-way line of Pine Island Road (S.R. 78) (66 feet wide) and the Point of Beginning; thence continue S00°00'10"W along the west line of said fraction for 282.55 feet to the northwest corner of a parcel described in Official Record Book 3457 at Page 1396; thence S89°53'08"E along the north line of said parcel for 168.81 feet to an intersection with the east line of the West One Half (W 1/2) of the East One Half (E 1/2) of the Northwest One Quarter (NW 1/4) of said section 20, being the northeast corner of said parcel; thence N00°02'20"W along the East line of said fraction for 282.85 feet to an intersection with the south right-of-way line of said Pine Island Road; thence N89°59'18"W along said south right-of-way line for 168.60 feet to the Point of Beginning.

Containing 1.09 acres (47,693 square feet), more or less.

Parcel subject to easements, restrictions, reservations and rights-of-way (written and unwritten, recorded and unrecorded).

Parcel subject to a 30 foot easement lying over and across the easterly 30 feet as shown in Official Record Book 4516, Page 4408, Public Records Lee County, Florida

Bearings are based on the north line of the Northwest One Quarter (NW 1/4) of Section 20 bearing S89°59'18"E.

Bean, Whitaker, Lutz & Kareh, Inc. (LB 4919)

Scott C. Whitaker, P.S.M. 4324

36045\_DESC1 6/14/05

#### PRINCIPALS:

WILLIAM E. BEAN, PSM, CHAIRMAN  
SCOTT C. WHITAKER, PSM, PRESIDENT  
JOSEPH L. LUTZ, PSM  
AHMAD R. KAREH, PE, MSCE, VICE PRESIDENT

CONSULTING ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS



#### ASSOCIATES:

TRACY N. BEAN, AICP  
CHARLES D. KNIGHT, PSM  
W. BRITT POMEROY, JR., PSM  
STEPHEN H. SKORUPSKI, PSM  
ELWOOD FINEFIELD, PSM  
JAMES A. HESSLER, PSM  
JAMES R. COLEMAN, PSM  
RUDOLF A. NORMAN, PE

## EXHIBIT A-6

Recording Fee: \$ 18.50  
Documentary Tax: \$1,050.00  
Total: \$1,068.50

This Instrument Prepared by:  
FRANK J. ALOIA, ESQUIRE  
P.O. Box 100538  
Cape Coral, FL 33910  
WITHOUT EXAMINATION OF TITLE  
Parcel ID #20-44-23-00-00003.0010

### WARRANTY DEED

THIS INDENTURE, made this 22<sup>nd</sup> day of September, 2005, between

**ANTHONY S. DUNLAP, A MARRIED PERSON**, whose post office address is 1716  
Cape Coral Parkway, Cape Coral, FL 33904, grantor\*, and

**HENRY L. ALBRECHT, P.A., a Florida Corporation**, whose post office address is  
2430 Everest Parkway, Cape Coral, FL 33904, grantee\*,

### WITNESSETH:

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

### SEE ATTACHED EXHIBIT A FOR LEGAL DESCRIPTION

THE REAL PROPERTY DESCRIBED ON EXHIBIT A DOES NOT CONSTITUTE GRANTOR'S HOMESTEAD PROPERTY, NOR IS IT CONTIGUOUS TO GRANTOR'S HOMESTEAD PROPERTY.

This deed was prepared without the benefit of a title search of the subject real property and the preparer of this document does not guarantee merchantability or marketability of title.

**SUBJECT** to reservations, restrictions and easements of record and real property taxes for the current and all subsequent years and further subject to that certain Mortgage Deed and Security Agreement recorded in O.R. Book 4516, Page 4411, Public Records of Lee County, Florida.

**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.

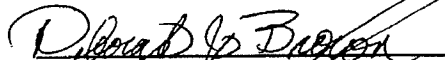
\*"grantor" and "grantee" are used for singular or plural, as context requires.

**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:

  
Frank J. Aloia, Witness

 (SEAL)  
ANTHONY S. DUNLAP

  
Deborah Jo Brown, Witness

### STATE OF FLORIDA COUNTY OF LEE

**I HEREBY CERTIFY** that on this day before me, an officer duly qualified to take acknowledgments, personally appeared **ANTHONY S. DUNLAP, A MARRIED PERSON**, who is personally known to me to be the individual described in and who executed the foregoing instrument and acknowledged before me the execution thereof.

**WITNESS** my hand and official seal in the County and State last aforesaid this 22<sup>nd</sup> day of September, 2005.



FRANK J. ALOIA  
MY COMMISSION # DD 431111  
EXPIRES: June 28, 2009  
Bonded Thru Budget Notary Services


  
Notary Public

EXHIBIT "A"

AN UNDIVIDED ONE-HALF INTEREST IN:

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, BEING A PART OF THE NORTHWEST ONE QUARTER (NW 1/4) OF SECTION 20, TOWNSHIP 44 SOUTH, RANGE 23 EAST AND FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

STARTING AT THE NORTHWEST CORNER OF SAID SECTION 20; THENCE S 89°52'10" E ALONG THE NORTH LINE OF SAID SECTION 20 A DISTANCE OF 673.87 FEET TO THE NORTHWEST CORNER OF THE WEST ONE HALF (W 1/2) OF THE WEST ONE HALF (W 1/2) OF THE EAST ONE HALF (E 1/2) OF THE NORTHWEST ONE QUARTER (NW 1/4) OF SAID SECTION 20; THENCE S 0°09'59" W A DISTANCE OF 33.00 FEET ALONG SAID FRACTIONAL LINE TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF PINE ISLAND ROAD (66.00 FEET WIDE), AND THE PRINCIPAL PLACE OF BEGINNING; THENCE CONTINUE S 0°09'59" W ALONG SAID FRACTIONAL LINE A DISTANCE OF 282.55 FEET; THENCE N 89°50'11" E PARALLEL TO THE SOUTH LINE OF THE AFORESAID FRACTION OF SECTION 20 A DISTANCE OF 159.40 FEET TO THE INTERSECTION WITH THE EAST LINE OF THE AFORESAID FRACTION OF SECTION 20; THENCE N 0°00'13" E ALONG SAID EAST LINE A DISTANCE OF 281.68 FEET TO AN INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF THE AFORESAID PINE ISLAND ROAD; THENCE N 89°52'10" W ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 168.59 FEET TO THE PRINCIPAL PLACE OF BEGINNING.

SUBJECT TO A ROADWAY EASEMENT OVER AND ACROSS THE EASTERLY 30.00 FEET.





Exhibit "A"

Those certain lots in ROYAL-TEE COUNTRY CLUB ESTATES, according to the plat recorded in Plat Book 37, pages 1 through 19, of the public records of Lee County, Florida, enumerated as follows:

BLOCK A:

Lot 1, 51, 52, 55, 66, 68, 69, 70, 71, 77, 102, 103, 104, 105, 106, 107, 108, 146, 149, 151, 152, 153, 154, 155, 158, 179, 243, 273, 274, 275, 276, 277, and

Lot 45, less that portion beginning at the northwest corner of Lot 45, Block A of Royal-Tee Country Club Estates, according to the map or plat thereof as recorded in Plat Book 37 at Pages 1 through 19 of the public records of said Lee County; thence S70°32'14"E along the northeasterly line of said Lot 45 for 115.00 feet; thence S49°52'43"W for 71.06 feet to a point on the northeasterly right-of-way line of King James Court N.W. (60.00 feet wide); thence N32°44'51"W along said right-of-way line and along the southwesterly line of said Lot 45 for 100.00 feet to the point of beginning.

BLOCK B:

Lots 13, 15, 16, 17, 18, 19, 20, 22, 23, 28, 29, 34, 35, 37, 39, 40, 41, 47, 51, 52, 58, 59, 60, 62, 63, 64, 67, 68, 72, 74, 75, 76, 77, 82, 83, 84, 86, 87, 88, 89, 90, 91, 93, 94, 98, 99, 100, 101, 103, 105, 106, 107, 108, 111, 114, 115, 116, 118, 120 and 123.

AND

ALL OF TRACT "D" OF ROYAL TEE COUNTRY CLUB ESTATES ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 37 AT PAGES 1 THROUGH 19 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

AND

THE EAST ONE HALF (E 1/2) OF THE WEST ONE HALF (W 1/2) OF THE EAST ONE HALF (E 1/2) OF THE NORTHWEST ONE QUARTER (NW 1/4) OF THE NORTHWEST ONE QUARTER (NW 1/4) OF SECTION 20, TOWNSHIP 44 SOUTH, RANGE 23 EAST LEE COUNTY, FLORIDA, LYING SOUTH OF PINE ISLAND ROAD, LESS THE FOLLOWING DESCRIBED PROPERTY:

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, BEING PART OF SECTION 20, TOWNSHIP 44 SOUTH, RANGE 23 EAST, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

STARTING AT THE PERMANENT CONTROL POINT (P.C.P.) AT THE INTERSECTION OF THE CENTERLINE OF ROYAL TEE BOULEVARD N.W. AND ROYAL TEE CIRCLE N.W. AS SHOWN ON THE PLAT OF ROYAL TEE COUNTRY CLUB ESTATES ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 37 AT PAGES 1-19 OF THE PUBLIC RECORDS OF SAID LEE COUNTY, FLORIDA; THENCE N89°57'21"W ALONG THE CENTERLINE OF SAID ROYAL TEE CIRCLE N.W. FOR 109.33 FEET; THENCE N0°19'23"W FOR 30.00 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF SAID ROAD AND THE SOUTH LINE OF TRACT H AS SHOWN ON THE AFORESAID PLAT AND THE POINT OF BEGINNING OF THE HEREON DESCRIBED PARCEL; THENCE CONTINUE N00°19'23"W FOR 281.99 FEET; THENCE N88°09'25"W FOR 140.41 FEET TO A POINT ON THE WEST LINE OF THE EAST ONE HALF (E 1/2) OF THE WEST ONE HALF (W 1/2) OF THE EAST ONE HALF (E 1/2) OF THE NORTHWEST ONE QUARTER (NW 1/4) OF THE NORTHWEST ONE QUARTER (NW 1/4) OF SAID SECTION 20; THENCE S00°02'04"E ALONG SAID FRACTION LINE FOR 286.57 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF THE AFORESAID ROYAL TEE CIRCLE N.W.; THENCE S89°57'21"E ALONG SAID RIGHT-OF-WAY LINE FOR 140.24 FEET TO THE POINT OF BEGINNING.

BEARINGS ARE BASED ON THE CENTERLINE OF ROAD OF ROYAL TEE CIRCLE N.W. AS BEARING N89°57'21"W AS SHOWN ON SAID RECORDED PLAT.

## EXHIBIT B

### EXCEPTIONS TO TITLE

- 1- Matters shown on the plat of Royal-Tee Country Club Estates, a subdivision recorded in Plat Book 37, pages 1 to 19.
- 2- Restrictions, covenants, conditions and easements as contained in the instrument recorded in Official Records Book 1807, page 501, of the public records of Lee County, Florida.
- 3- Terms, covenants, conditions, restrictions, easements, assessments and possible liens created by and set forth in the Declaration recorded in Official Records Book 2176, page 4645, Consent recorded in Official records Book 2178, page 4549 and amended in Official Records Book 2317, page 1903, of the public records of Lee County, Florida, but omitting any covenant or restriction based on race, color, religion, sex, handicap, familial status or national origin unless and only to the extent that said covenant(s): (a) is exempt under Chapter 42, Section 3607 of the United States Code; or (b) relates to handicap, but does not discriminate against handicapped persons.
- 4- Easement for Cable Television & Communications Service dated October 8, 1992, granted to Florida Cablevision Management Corp., recorded in Official Records Book, 2339, page 228 and Official Records Book 2339, page 2431, of the public records of Lee County, Florida.



**TRAFFIC CIRCULATION ANALYSIS**  
**PREPARED FOR A**  
**SMALL SCALE**  
**COMPREHENSIVE PLAN AMENDMENT**  
**FOR**  
**CAPE ROYAL**

**PROJECT NO. 0511.01**

**PREPARED BY:**  
**Metro Transportation Group, Inc.**  
**12651 McGregor Boulevard, Suite 4-403**  
**Fort Myers, Florida 33919-4489**  
**239-278-3090**

**December 27, 2005**



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## **I. INTRODUCTION**

Metro Transportation Group, Inc. (Metro) 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 small scale land use change from Rural to Suburban. The approximately 6.62 acre property is located on the south side of Pine Island Road (State Route 78), east of Burnt Store Road at the entrance to the Cape Royal (formerly known as Royal Tee) subdivision in Lee County, Florida. The existing land use designation on the property is Rural.

The following report will examine the impacts of changing the future land use category from the existing land use (Rural) to Suburban in order to develop the site with multi-family residential units.

## **II. EXISTING CONDITIONS**

The subject site is currently vacant. The site is bordered to the north by S.R. 78, to the west by residential uses, to the east by vacant land and to the south by the Cape Royal residential subdivision.

**Pine Island Road (S.R. 78)** is a two-lane arterial roadway that extends through central Lee County and the City of Cape Coral. Pine Island Road 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). Pine Island Road has been designated by FDOT as a Federal Intrastate Highway System (FIHS) route. FDOT is currently reclassifying all FIHS routes to be called Strategic Intermodal System routes, or SIS routes. 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 on Pine Island Road east of Burnt Store Road is LOS "C".





### III. PROPOSED PLAN AMENDMENT

The proposed Small Scale Comprehensive Plan Amendment would change the future land use designation on the subject site from Rural to Suburban. 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 multi-family dwelling units in addition to the already permitted single family dwelling units and commercial retail land uses.

**Table 1** highlights the intensity of uses that could be constructed under the existing land use designation and the intensity of uses under the proposed land use designation.

**Table 1  
Cape Royal  
Land Uses**

Land Use Category	Intensity
Existing Land Use	10,000 s.f. Retail 6 Single Family Homes
Proposed Land Use	10,000 s.f. Retail 39 Multi-Family Units

Note: Retail floor area limited by the Site Location Standards

### 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) 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 Zones (TAZ) 1032. The



model has both productions and attractions included in this zone. The productions include the existing single family homes that are located in the Cape Royal subdivision. The attractions include some, but very little commercial employment and service (retail) employment. **Table 2** 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 2**  
**TAZ 1032**  
**Land Uses in Existing Travel Model (2030)**

Land Use Category	Intensity
Single Family Homes	365 Units
Multi-Family Homes	6 Units
Services (Retail, Office & Indust.)	94 Employees
School Population	0 students

The proposed small scale map amendment would permit multi-family dwelling units on the property. Based on the maximum density permitted per the Lee Plan for the Suburban Land Use Category, up to 6.0 units an acre could be developed. For the approximately 6.62 acres, this would add approximately 39 multi-family units on the subject site. **Table 3** indicates the revised TAZ data with the proposed density requested with this Map Amendment.

**Table 3**  
**Based on Proposed Map Amendment within TAZ 1032**  
**Land Uses in Modified Travel Model (2030)**

Land Use Category	Intensity
Single Family Homes	365 Units
Multi-Family Homes	45 Units
Services (Retail, Office & Indust.)	94 Employees
School	0 Students

The modifications made to the TAZ data, including ZDATA1 and ZDATA2 files, are attached to the Appendix for reference.

The Long Range Transportation model (FSUTMS) was run with the data shown in Table 3 then compared to runs with the data from Table 4 to indicate what additional improvements above and beyond those needed to support the units already approved by



zoning. Based on this analysis, the small scale map amendment will have no effect on the long range transportation plan as currently adopted by the Metropolitan Planning Organization. The Long Range Transportation Plan indicates the widening of SR 78 from Burnt Store Road to Chiquita Boulevard from two lanes to four lanes in the Cost Feasible Plan. This improvement is currently in the design stages and continues to be one of the top ranked roadway priorities for the MPO.

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

The Lee County Capital Improvement Program for Fiscal Year 2005/2006 to 2009/2010 was reviewed, as well as the FDOT Work Program for Fiscal Year 2005/2006 to 2009/2010 to determine the short term impacts the proposed land use change would have on the surrounding roadways.

There are no funds programmed for construction in the FDOT Work program or the Lee County work program that provide additional capacity in the next five years in the area of the subject site. As previously indicated, FDOT is currently in the design phase for the widening S.R. 78 from Burnt Store Road to Chiquita Boulevard from a two-lane to a four-lane divided roadway. Lee County DOT has funded design and right-of-way acquisition for the widening of Burnt Store Road north of Pine Island Road from two lanes to four lanes with the construction funding in the six to ten year time frame.

#### **Recommendations to the Short Term and Long Range Transportation Plan**

Based on the analysis, no modifications are necessary to the Short Term or the Long Range Transportation plan to support the proposed Map Amendment.



## V. CONCLUSION

The proposed comprehensive plan amendment is to modify the future land use from Rural to Suburban on approximately 6.62 acres located on the south side of S.R. 78 east of Burnt Store Road. An analysis of the Long Range Transportation Plan indicates that the segment of SR 78 between Burnt Store Road and Chiquita Boulevard will operate within the adopted Level of Service standard in 2030 without modification to the Long Range Transportation Plan. No improvements are required to the short term Capital Improvement program to support the amendment. The project will proceed through the zoning and Development Order process and be subject to the Concurrency Management System requirements in effect at the time of this process.

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# APPENDIX

## **Z-DATA FILE INFO**

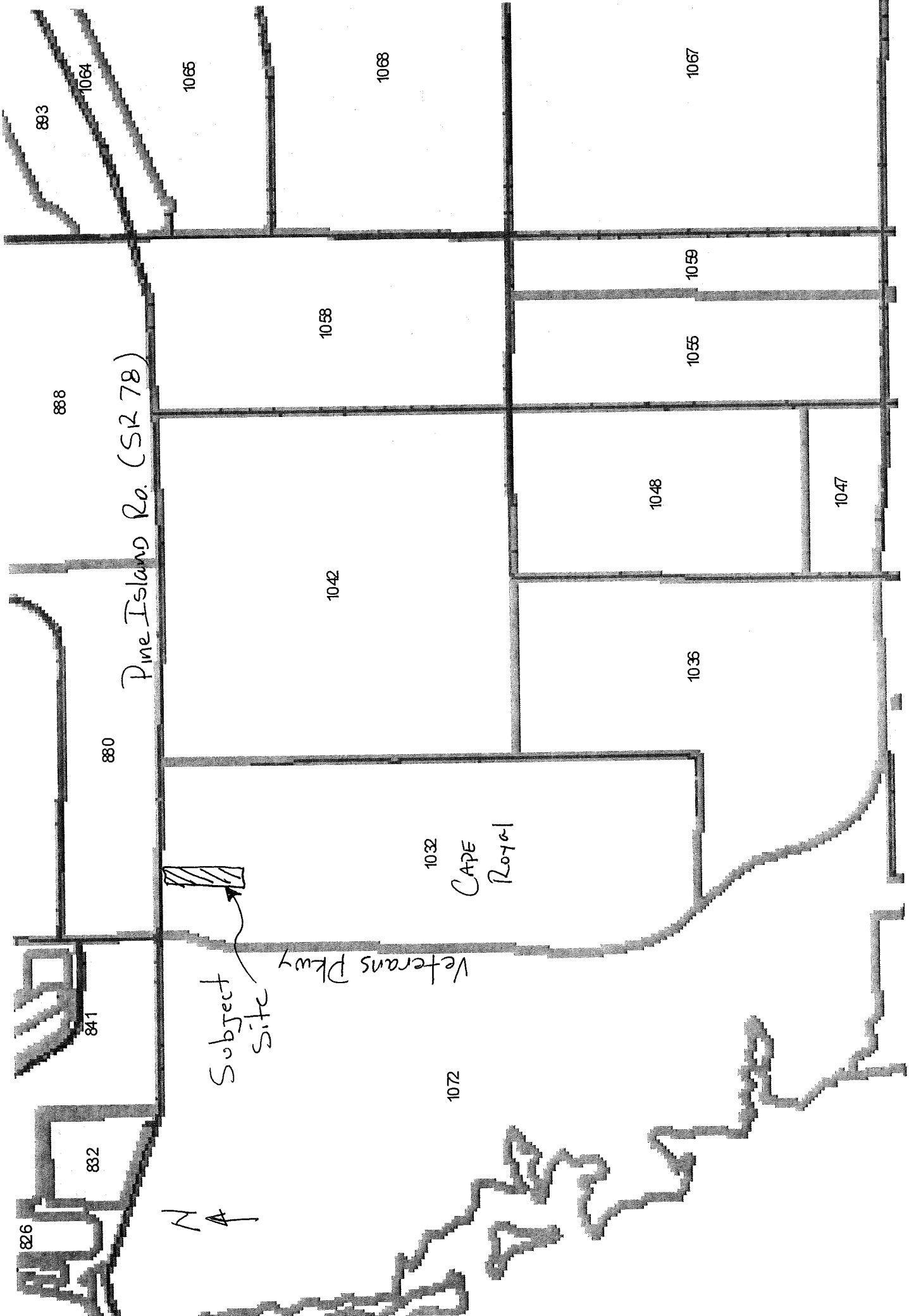
### ZDATA1 FILE

1	1032	365	10	9	779	0	30	70	6	20	20	20	22	78	0	0	99	0
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### ZDATA2 FILE

2	1032	13	17	64	94	0	0	0
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826

832

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880

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1047

1072

Pine Island Rd. (SR 78)

CAPE  
Royal

Veterans Pkwy

Subject  
Site



**LEE COUNTY 2030 FINANCIALLY  
FEASIBLE PLAN**

# RECOMMENDED YEAR 2030 HIGHWAY ELEMENT

## Lee County MPO 2005 Transportation Plan Update

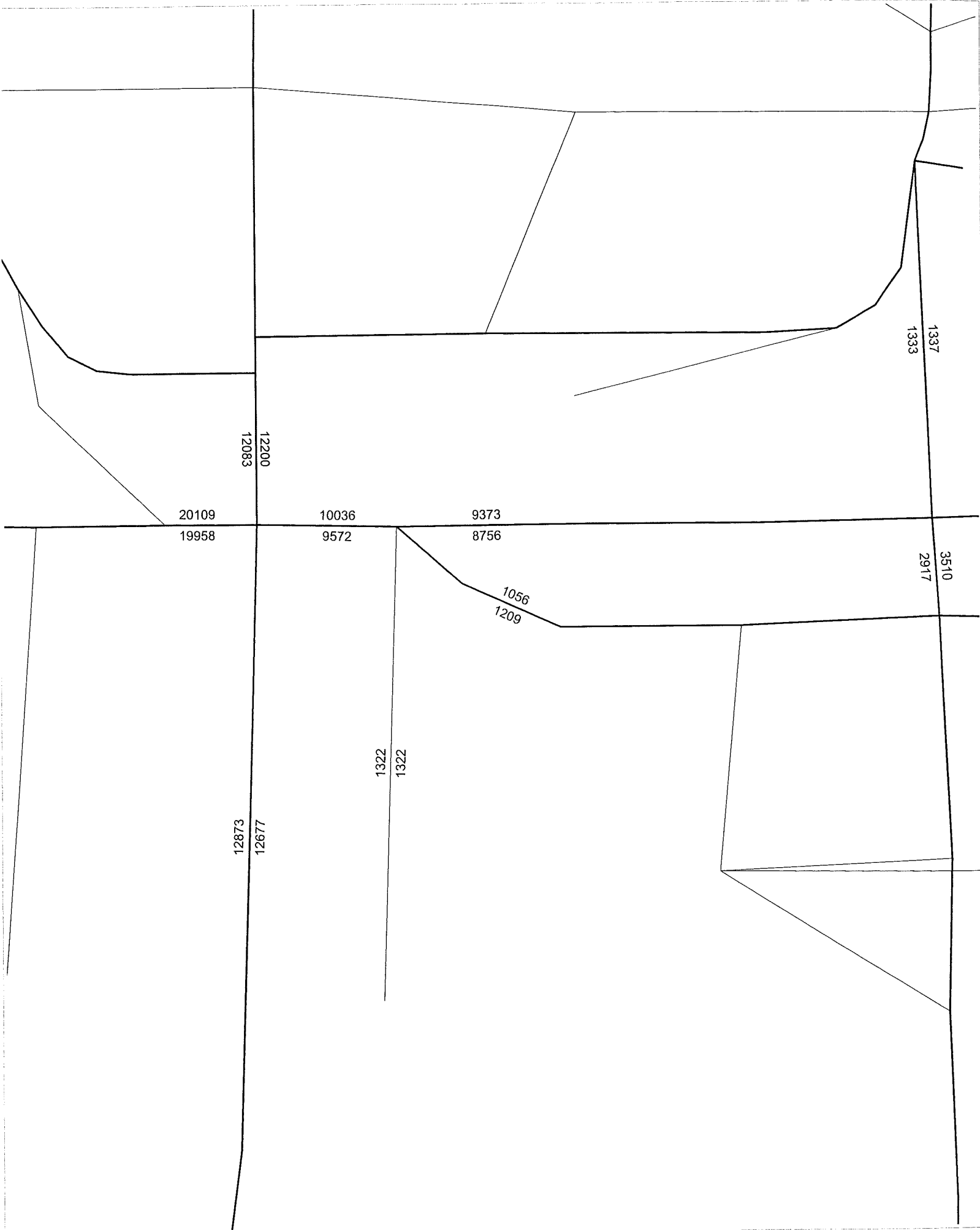
Agenda Item 2.3  
Attachment A  
MPO 12/07/05

ROAD SEGMENT: Name of new road or road to be improved	E + C: EXISTING roadway network plus COMMITTED roadway projects to be built by FY 04/05	Feasible in 2020 plan	FINANCIAL FEASIBILITY STATUS
FROM: Start of segment to be added or improved	IMPROVEMENT: Description of facility following proposed improvement	Part of project feasible in 2020 plan	Contingent: Projects whose feasibility is contingent upon discretionary funding
TO: End of segment to be added or improved		SIS Project	Feasible: Projects which can and should be funded by public agencies in the absence of opportunities for private sector funding

The TAC and CAC recommended that the struckthrough projects and notes be omitted from the adopted plan.

MAP KEY #	ROAD SEGMENT	FROM	TO	E + C	IMPROVEMENT	PROJECT LENGTH (MILES)	NOTES	NEEDS ASSESSMENT COST ESTIMATE IN 2005 DOLLARS	FINANCIALLY FEASIBLE COST ESTIMATE IN 2005 DOLLARS	STATUS	
FDOT											
190	Alico Rd	US 41	Dusty Rd	2L	6L	0.48	Last two years of SIB 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 bicoounty 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, US 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 SR 31 (Ardadia Rd) & Broadway (CR 78A) @ Caloosahatchee River, Pine Island Rd @ Matlacha Pass, & CR 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, SR 78, or Alico Rd			Rail-truck terminal		TOFC/COFC terminal and team track	\$6,505,333	-	Contingent	
	I 75 approach roads	Collier County line	Charlotte County line		Dynamic message signs		SIS	\$3,290,000	-	Contingent	
	I 75 detour routes	Collier County line	Charlotte County line		Trailblazer signing		SIS; dynamic and/or static trailblazer signs	\$5,810,000	-	Contingent	
83	I 75	Collier County line	Bonita Beach Rd	6L	10L	1.05	SIS	\$13,322,400	-	Contingent	
185	I 75	@ Bonita Beach Rd			Interchange modification	0.50	SIS	\$68,029,000	-	Contingent	
87	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	
35	I 75	@ Coconut Rd			New interchange & 4L connector		SIS; includes 4L on Coconut Rd to Three Oaks Pkwy; \$1,111,000 will remain from SAFETEA-LU authorization after IMR & design	\$48,900,000	-	Contingent	
		@ Corkscrew Rd			Interchange modification	0.50	SIS; construction only	\$23,461,000	\$23,461,000	Feasible	
191	I 75				Ramp metering			\$2,630,000	-	Contingent	
84	I 75	Bonita Beach Rd	Daniels Pkwy					\$204,019,200	-	Contingent	
84	I 75	Alico Rd	SR 82 (Dr Martin Luther King Jr Blvd)	6L	10L	9.90	10 lanes; SIS and/or toll; 4 lanes may be toll express lanes	\$101,000,000	\$101,000,000	Feasible	
86, 88	I 75 collector-distributor roads	Alico Rd	North of airport interchange	None	2L each side, + new airport interchange	3.16	SIS Connector; construction only	\$2,157,137	-	Contingent	
86	I 75 collector-distributor roads	Alico Rd	Alico Expwy	2L each	3L each side	0.34	Second stage, if / when Alico Expwy is built; SIS connector	\$42,324,000	\$42,324,000	Feasible	
192	I 75	@ Colonial Blvd			Interchange modification	0.50	SIS; construction only	\$57,396,000	\$57,396,000	Feasible	
193	I 75	@ SR 82 (Dr Martin Luther King Jr Blvd)			Interchange modification	0.50	SIS	\$3,770,000	-	Contingent	
194	I 75	@ Luckett Rd			Interchange modification	0.50	SIS	\$19,885,000	-	Contingent	
85	I 75	SR 82 (Dr Martin Luther King Jr Blvd)	SR 80 (Palm Beach Blvd)	6L	8L	3.47	SIS	\$80,342,000	\$80,342,000	Feasible	
85	I 75	SR 80 (Palm Beach Blvd)	SR 78 (Bayshore Rd)	4L	8L	2.69	SIS; construction only	\$16,531,000	\$16,531,000	Feasible	
178	I 75	@ SR 78 (Bayshore Rd)			Interchange modification	0.50	SIS 6L (?)	\$4,235,000	-	Contingent	
					Interchanges modification	0.50	SIS	\$33,089,000	\$33,089,000	Feasible	
85	I 75	SR 78 (Bayshore Rd)	Charlotte County line	4L	6L	5.77	SIS	\$64,026,920	-	Contingent	
				6L	8L	5.77	SIS	\$9,000,000	-	Contingent	
195	I 75	@ Del Prado Blvd ext			New interchange		SIS	\$3,511,960	\$3,511,960	Feasible	
92	Kennesaw connector	Fowler St	Evans Ave	None	3L	0.22		\$4,826,339	\$4,826,339	Feasible	
	LeeTran route 140				Bus replacements		\$1,500,000 each in FYs 2010/11 & 2011/12 \$2,000,000 in FY 2012/13				
	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	
184	SR 739 (Metro Pkwy)	US 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	\$36,198,752	\$36,198,752	Feasible	
122	SR 739 (Metro Pkwy)	@ Six Mile Cypress Pkwy			at grade	Grade separation	0.50	Includes \$1,700,000 for open road tolling of 4L overpass	\$43,115,200	Test with tolls	Contingent
196	SR 739 (Metro Pkwy)	Six Mile Cypress Pkwy	Daniels Pkwy	2L	6L	1.26	CST only. Dropped from FDOT's draft tentative work program	\$9,519,252	\$9,519,252	Feasible	
107	SR 739 (Metro Pkwy)	Daniels Pkwy	1800' north of Winkler Ave	4L	6L	4.56		\$45,952,463	\$45,952,463	Feasible	
70	SR 739 (Metro-Fowler connector)	Metro Pkwy 1800' north of Winkler Ave	Fowler St & Evans Ave	None	6L	1.06	Includes overpass over railroad	\$18,058,663	\$18,058,663	Feasible	
64	S.R. 739 (Evans Ave)	Metro-Fowler Connector	Edison Ave	2L-2 way	3L-1 way	0.50	Already programmed	\$3,052,500	\$3,052,500	Committed	
65	S.R. 739 (Evans Ave ext)	Edison Ave	SR 82 (Dr Martin Luther King Jr Blvd)	None	3L-1 way	0.54	Already programmed	\$4,564,266	\$4,564,266	Committed	
68	SR 739 (Fowler St)	Metro-Fowler Connector	SR 82 (Dr Martin Luther King Jr Blvd)	4L-2 way	3L-1 way	1.39		\$22,357,038	\$22,357,038	Feasible	
146	SR 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	
125	SR 78 (Pine Island Rd)	Skyline Blvd	300' west of Santa Barbara Blvd	4L	6L	1.40	Not needed with frontage roads	\$6,790,132	-	Contingent	
125	SR 78 (Pine Island Rd)	300' west of Santa Barbara Blvd	Cultural Park Blvd	4L	6L	2.40	Not needed with frontage roads	\$5,092,599	-	Contingent	
125	SR 78 (Pine Island Rd)	Cultural Park Blvd	Del Prado Blvd	4L	6L	1.35		\$6,547,628	-	Contingent	
58	SR 78 (Pine Island Rd)	@ Del Prado Blvd			at grade	Urban interchange	Includes \$1,700,000 for open road tolling on 4L overpass. Not needed if SR 78 is 6-laned	\$41,155,000	Test with tolls	Contingent	

## **FSUTMS PLOTS**



2030 Cost Feasible Plan

## Sanitary Sewer / Potable Water

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

The uses permitted by the existing FLUM would generate approximately 3,000 gpd, while the uses permitted by the Suburban category would generate approximately 11,250 gpd. No amendments to the CIE are necessary to accommodate this minimal additional demand.



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

The project will be developed in accordance with SFWMD regulations. No amendments to the Lee Plan are necessary.

**EXHIBIT B.2.d**  
**IMPACTS TO COMMUNITY AND REGIONAL PARKS**

The subject property is located in Community Park District #5. The 2005 Concurrency Inventory indicates that there are 40 acres of existing community parks in this district, with another 30 acres in the planning stage. These figures comply with the Lee Plan standards for both regulatory and desired levels of service (10 and 24 acres, respectively) by a large margin.

The Concurrency Inventory also states that the regulatory level of service for regional parks will be exceeded beyond 2007.

The impacts of this request on parks are de minimis. At an assumed PPH of 2.09, the additional 33 dwelling units will create a demand for approximately .05 acres of community parks at the minimum level of service and .14 acres at the desired LOS. The corresponding regional park impacts are .4 and .5 acres. No amendments to the CIE or the Parks and Recreation element will be necessary as a result of this map change.



# City of Cape Coral

---

February 2, 2006

Knott, Consoer, Ebelini, Hart & Swett, P.A.  
ATTN: Alison M. Stowe, Paralegal  
1625 Hendry Street  
Fort Myers, FL 33902-2449

Dear Ms. Stowe,

To the best of my knowledge, the properties in Cape Royal lie within the Pine Island Fire District. We do provide secondary response when contacted to this location.

I suggest you contact Pine Island Fire Department for compliance to your application package.

Sincerely,

William J. Van Helden  
Fire Chief

C: Craig Aberbach, Battalion Chief



Department of Fire, Rescue & Emergency Services  
OFFICE OF THE FIRE CHIEF  
P.O. Box 150027 • Cape Coral, Florida 33915-0027  
(941) 574-0505 • Fax (941) 242-3309 • [ccfire@capecoral.net](mailto:ccfire@capecoral.net)

Co-County Seat - Lee County, Florida





LEE COUNTY  
SOUTHWEST FLORIDA

239-344-5413

BOARD OF COUNTY COMMISSIONERS

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

Bob Janes  
*District One*

February 2, 2006

Douglas R. St. Cerny  
*District Two*

Ray Judah  
*District Three*

Tammy Hall  
*District Four*

John E. Albion  
*District Five*

Donald D. Stilwell  
*County Manager*

David M. Owen  
*County Attorney*

Diana M. Parker  
*County Hearing Examiner*

Ms. Alison M. Stowe  
P.O. Box 2449  
Fort Myers, FL 33902-2449

**Re: Cape Royal**

Dear Ms. Stowe:

Lee County Emergency Medical Services (EMS) has reviewed your letter dated January 30, 2006, in reference to a proposed designation of Suburban for the Cape Royal development that is south of Pine Island Road and east of Burnt Store Road.

This proposal will not significantly impact our current and projected EMS resources for this area. The current and planned budgetary projections for additional EMS resources should adequately address any increased demand for service from persons occupying this parcel or any support facilities.

If you have any additional questions or concerns, please feel free to contact me.

Sincerely,

DIVISION OF PUBLIC SAFETY/EMS

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



DANIEL C. ALEXANDER  
CHIEF OF POLICE



February 27, 2006

Alison M. Stowe, Paralegal  
Knott, Consoer, Ebelini,  
Hart & Swett, P.A.  
P.O. Box 2449  
Ft. Myers, Florida 33902-2449

Dear Ms. Stowe:

Chief Daniel C. Alexander forwarded me your letter regarding the intention of Cape Royal development to apply for the Lee Plan map amendment.

I have reviewed the site map that you submitted with your requests and feel confident that the Cape Coral Police Department would be able to maintain police services for the additional 69 citizens that would reside on the described property.

Thank you for bringing this matter to our attention, and if we can assist you further, please do not hesitate to let us know.

Sincerely,

CAPE CORAL POLICE DEPARTMENT

  
Captain Todd Everly  
North District Commander

C: Deputy Chief, Robert Petrovich  
Sergeant, Mike Torregrossa

/te



LEE COUNTY  
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

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

Bob Janes  
District One

Douglas R. St. Cerny  
District Two

Ray Judah  
District Three

Tammy Hall  
District Four

John E. Albion  
District Five

Donald D. Stilwell  
County Manager

David M. Owen  
County Attorney

Diana M. Parker  
County Hearing  
Examiner

February 2, 2006

Ms. Alison M. Stowe  
Knott, Consoer, Ebelini, Hart & Swett, P.A.  
1625 Hendry Street – 3<sup>rd</sup> Floor  
Fort Myers, FL 33901

**Re: Lee Plan Amendment Application  
Cape Royal, Cape Coral, FL**

Ms. Stowe:

Lee County Transit received your letter dated January 30, 2006 in reference to the Lee Plan Amendment Application for the subject property on Pine Island Road in Cape Coral Florida. Lee County currently provides very minimal public transportation services to the subject property with service on Thursdays only to Pine Island and Southeast Cape Coral. The closest daily fixed route bus service accessible from the proposed project is approximately 4 miles away at the intersection of Pine Island Road and Santa Barbara Boulevard. This service is not sufficient to provide a viable transportation alternative to serve the proposed increase in population.

Current long-range plans call for the need to expand this to regular fixed-route bus service every two hours, Monday through Friday, but not beginning until 2013. The long-range needs plan increases the service level to every 60 minutes in 2018.

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

ELINOR C. SCRIGGA, 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

February 8, 2006

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

Re: Lee Plan Amendment for Cape Royal

Dear Ms. Stowe:

Thank you for the opportunity to review the proposed Lee Plan Amendment for the Cape Royal development concerning the generation of new students to the area.

In reviewing the information it has been determined that 39 multi family units could generate 5 additional school aged children in the West Choice Zone of the District. This uses a generation rate of 0.125 students per each multi family residential unit built.

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.

If I may be of any further assistance, please give me a call at (239) 337-8678.

Sincerely,

Ellen Lindblad, Long Range Planner  
Planning Department

# Endangered Species Report Pine Island Road & Royal Tee Blvd. 7.7 acre Tract

Sections 20, T44S, R23E  
Pine Island Road & Royal Tee Boulevard, Lee County, Florida

January 5, 2006

Prepared for:

Avalon Engineering, Inc.  
2503 Del Prado Blvd. South  
Cape Coral, FL 33904  
TEL: (239) 573.2077  
FAX: (239) 573.2076

Prepared by:

**Southern Biomes, Inc.**  
1602 Woodford Ave., Ft. Myers, FL 33901 - mail to: P.O. Box 50640, Ft. Myers, FL 33994  
Ph. (239) 334-6766      -      Geza Wass de Czege, President      -      FAX (239) 337-2034

**Southern Biomes, Inc.**

**Division of Environmental Services**

**1602 Woodford Ave., Ft. Myers, FL 33901**

Ph.: (239) 334-6766

- Geza Wass de Czege, President

- Fax: (239) 337-5028

Endangered Species Report, Pine Island Rd. 7.7 ac, Sect. 20, T44S, R23E, Pine Island Road & Royal Tee Blvd.  
Lee County, Florida

Date: Jan. 5, 2006

**Pine Island Road & Royal Tee Boulevard**

**Endangered Species Report**

Section 20, T44S, R23E, Lee County, Florida

**I. ENVIRONMENTAL CRITERIA**

**VEGETATION INVENTORY:** A brief description of the property and the dominant canopy, midstory, and groundcover vegetation found on the subject property is discussed below.

**Site Location:** The site is located on the southeastern quadrant of the intersection of Veterans Parkway & Pine Island Road (SR 78). The property is specifically on the south side of Pine Island Road and west side of Royal Tee Boulevard. It is bound by a commercial site and golf course maintenance facility to the west and residential to the south.

**Site Description:** The parcel is made up of two tracts. The westerly tract consist of an undeveloped, previously cleared land within an urban area (FLUCCS code 191) and the easterly tract, the larger of the two, consist of an undeveloped, cleared, and regularly maintained land with an urban area (FLUCCS 193). A graded road and chain-link fence separates the two tracts. The westerly site has been previously cleared of midstory and groundcover vegetation, with portions of the canopy vegetation. There is no regularly maintenance conducted on the property, so the groundcover is dense and typically ruderal in nature. The canopy consist of slash pine, Australian pine, Queens palm, Java plum and Norfolk Island Pine and the subcanopy consist of Brazilian pepper, cabbage palm, saw palmetto, woman's tongue and bamboo palm. The ground cover consist of ruderal vegetation such as broomsedge, ragweed, bottonweed, cogon grass, frog bit, smut grass, sandbur, beggartick, goatweed, and matchweed. The easterly tract is partially cleared and is regularly mowed to keep the groundcover maintained. The canopy is slash pine, and the understory is limited to scattered saw palmetto, and primarily Floratan grass, mixed with limited ruderal vegetation. There are no wetlands on site. A habitat map, with the Florida Land Use and Cover Classification System (FLUCCS) code is provided on a printed copy of an aerial photograph.

## **Southern Biomes, Inc.**

**Division of Environmental Services**  
1602 Woodford Ave., Ft. Myers, FL 33901

Ph.: (239) 334-6766

- Geza Wass de Czege, President -

Fax: (239) 337-5028

Endangered Species Report, Pine Island Rd. 7.7 ac, Sect. 20, T44S, R23E, Pine Island Road & Royal Tee Blvd.  
Lee County, Florida

Date: Jan. 5, 2006

### **HABITAT SUMMARY**

<b><u>CODE</u></b>	<b><u>DESCRIPTION</u></b>	<b><u>ACRES</u></b>
191	Disturbed, Undeveloped, Ruderal Land	1.1
193	Disturbed, Undeveloped, Maintained Land	6.6
	<b>TOTAL</b>	<b>7.7</b>

## **II. ENVIRONMENTAL REVIEW CRITERIA -**

**Fish, Wildlife, Listed Species and their Habitats:** An endangered species survey was conducted on November 20, 2005. The days were partly sunny with temperatures in the low 80s during the survey. The following methodology was used to provide a 90% or greater coverage of the entire parcel.

### **Endangered Species Survey Methodology:**

The study area was field surveyed for endangered species using a modified transect line method established by the Florida Fish and Wildlife Conservation Commission. The modified survey (a meandering strip census) has proven to be effective in covering 90-95% of the sites surveyed. The transect survey uses meandering transect lines at 50-150" intervals. The meanders extend into adjoining transect survey areas to insure a near 100% coverage of the project site. The frequency of the meanders is determined by the ground cover and visibility. The more densely vegetated areas receive a greater frequency of meanders, thus decreasing the distance between meanders within some habitats to 12' apart. Surveying large areas require hanging flagging tape at the outer edges of the turn points of the meanders, to assist in identifying the extent of the surveyed areas. On the return transect, the flagging is typically removed and relocated to the other end of the meander turn points, until the last transect line is completed. Evidence of a specific species is also used to determine the size of the meanders. If, for example, tortoise droppings are observed, the meander frequencies may be increased to locate the burrow.

**Southern Biomes, Inc.**  
**Division of Environmental Services**  
**1602 Woodford Ave., Ft. Myers, FL 33901**

Ph.: (239) 334-6766

- Geza Wass de Czege, President

- Fax: (239) 337-5028

Endangered Species Report, Pine Island Rd. 7.7 ac, Sect. 20, T44S, R23E, Pine Island Road & Royal Tee Blvd.  
Lee County, Florida

Date: Jan. 5, 2006

Faunal species, which do not lend themselves to the typical transect line survey methodologies, which are successful in determining location and status of less mobile floral and faunal species, require an additional method of observation. These species require game stalking techniques with routine pauses for quiet observation. The frequency and duration of observations are also determined by habitat density, species being observed, and the stalking skills of the observer. The use of field glasses and the ability to blend into the surroundings are important elements for successful results.

Any species observed are noted on an aerial photograph as to location and number of species observed. Species presence and species abundance, on a given site, can not be determined for all species listed. Fauna which are mobile, transient, or deceptive are not always observed during a typical field survey. This computation problem is especially true in determining species abundance. Therefore, the status of each species will be listed as to presence and numbers of species observed, and only those species which can be reasonably surveyed for abundance will be provided with such data.

**Endangered Species Observations and Comments**

**Upland species**

<b><u>Common Name</u></b>	<b><u>Scientific Name</u></b>	<b><u>Obs.</u></b>	<b><u>Comments</u></b>
Eastern indigo snake	<i>Drymarchon corais couperi</i>	no	not observed
gopher tortoise	<i>Gopherus polyphemus</i>	no	not observed
gopher frog	<i>Rana areolata</i>	no	not observed
Se'astern American Kestrel	<i>Falco sparverius paulus</i>	no	not observed
American bald eagle	<i>Haliaeetus leucocephalus</i>	no	not observed
Burrowing owl	<i>Speotyto cunicularia</i>	no	not observed
Least tern	<i>Sterna antillarum</i>	no	not observed
Fox squirrel	<i>Sciurus niger</i>	no	not observed
Florida black bear	<i>Ursus americanus floridanus</i>	no	not observed
Florida panther	<i>Felis concolor coryi</i>	no	not observed
twisted air plant	<i>Tillandsia flexuosa</i>	no	not observed
Florida coontie	<i>Zamia Floridana</i>	no	not observed

**Southern Biomes, Inc.**

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Lee County, Florida

Date: Jan. 5, 2006

**Endangered Species Observations and Comments (cont.)**

**Discussion and Conclusion:** No endangered, threatened, or species of special concern were located on the subject property during the survey. Both tracts are isolated from any wildlife corridor or other large tracts of natural area, and therefore are not favorable to sustain any of the wildlife species in question. However, there is an inactive eagle nest tree (LE 46B) less 1,100 feet from the northeastern corner of the subject property. The nest tree is located northeast of the site, between Pine Island Road and Celtius Parkway, but has been inactive since 2001-2002 nesting season, when great horned owls used the nest. Prior to 2002-2003 nesting season the nest was completely destroyed. The eagles were seen for two seasons around LE 46A, just to the north of LE 46B, until Hurricane Charlie damaged that nest in 2004. The eagles then constructed a new nest further to the east, identified as LE 46C. However, LE 46C nest is in an Australian pine and may be vacated with the eagles possibly returning to one of the two old nest trees. Regardless of whether this occurs, the LE 46B nest tree will not be considered abandoned until five consecutive years have passed without any eagle nesting activity occurring in or around the nest tree. FWS has to make the determination as to their last activity and when the tree can be considered abandoned. Therefore, any construction within a mile from any nest tree is required to request technical assistance from the U.S. Fish and Wildlife Service (FWS) prior to any development.

In general, any development that occurs less than a half mile of the nest, but greater than 1500' will not be restricted to any type of construction limitations with the exception of high rise developments, which would be limited to specific height restrictions. Developments within 1500' to as near as 750', can not conduct any construction during the nesting season (Oct. 1<sup>st</sup> to May 15<sup>th</sup>). Construction within 750' is limited usually to retention lakes, or passive activities. The northern half of this parcel is within the 1500 ft. protection zone and will require an approved eagle nest zone protection plan approved by the FWS prior to any type of development.

# Southern Biomes, Inc.

Division of Environmental Services  
1602 Woodford Ave., Ft. Myers, FL 33901

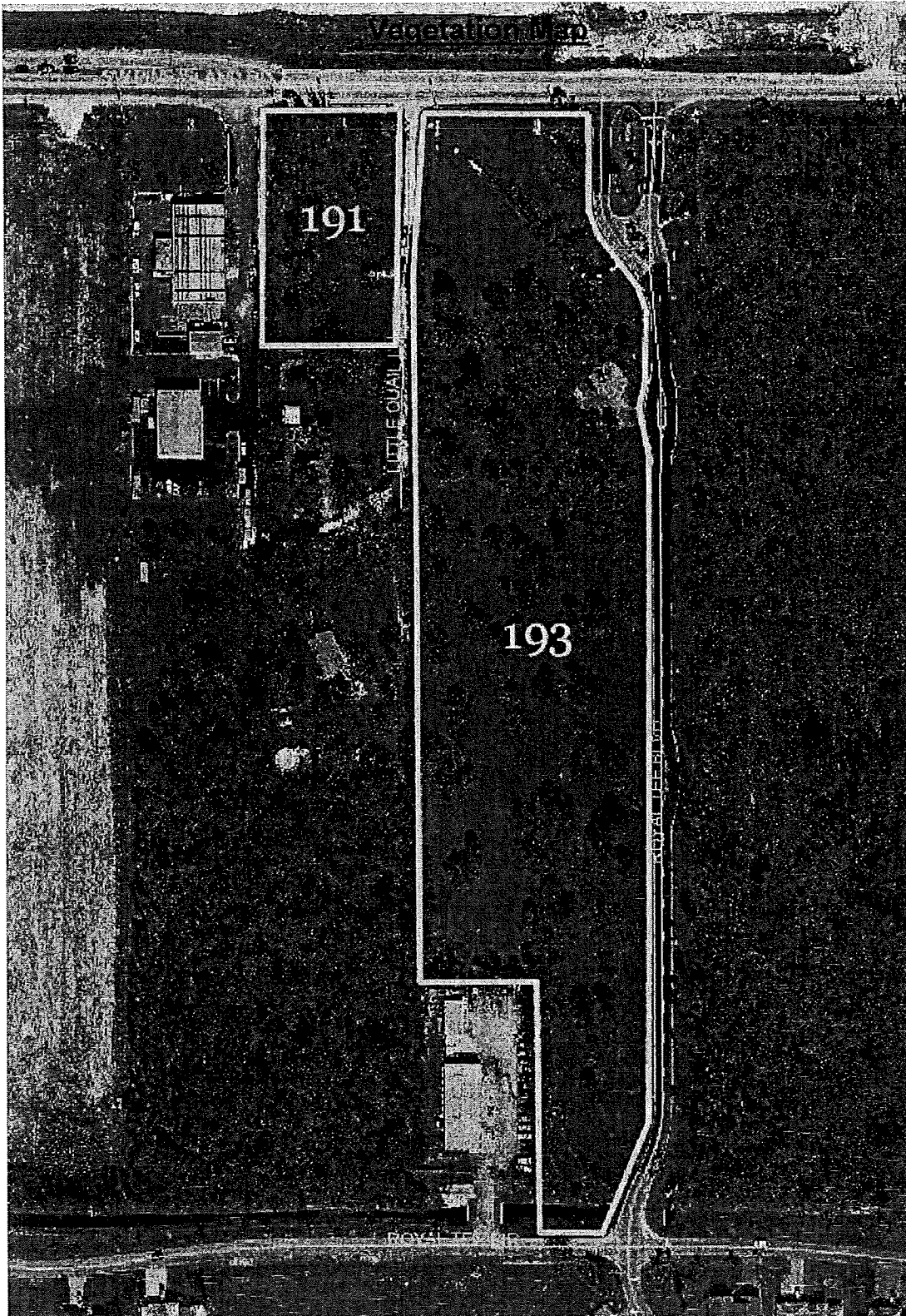
Ph.: (239) 334-6766

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Endangered Species Report, Pine Island Rd. 7.7 ac, Sect. 20, T44S, R23E, Pine Island Road & Royal Tee Blvd.  
Lee County, Florida

Date: Jan. 5, 2006





**Southern Biomes, Inc.**  
**Division of Environmental Services**  
**1602 Woodford Ave., Ft. Myers, FL 33901**

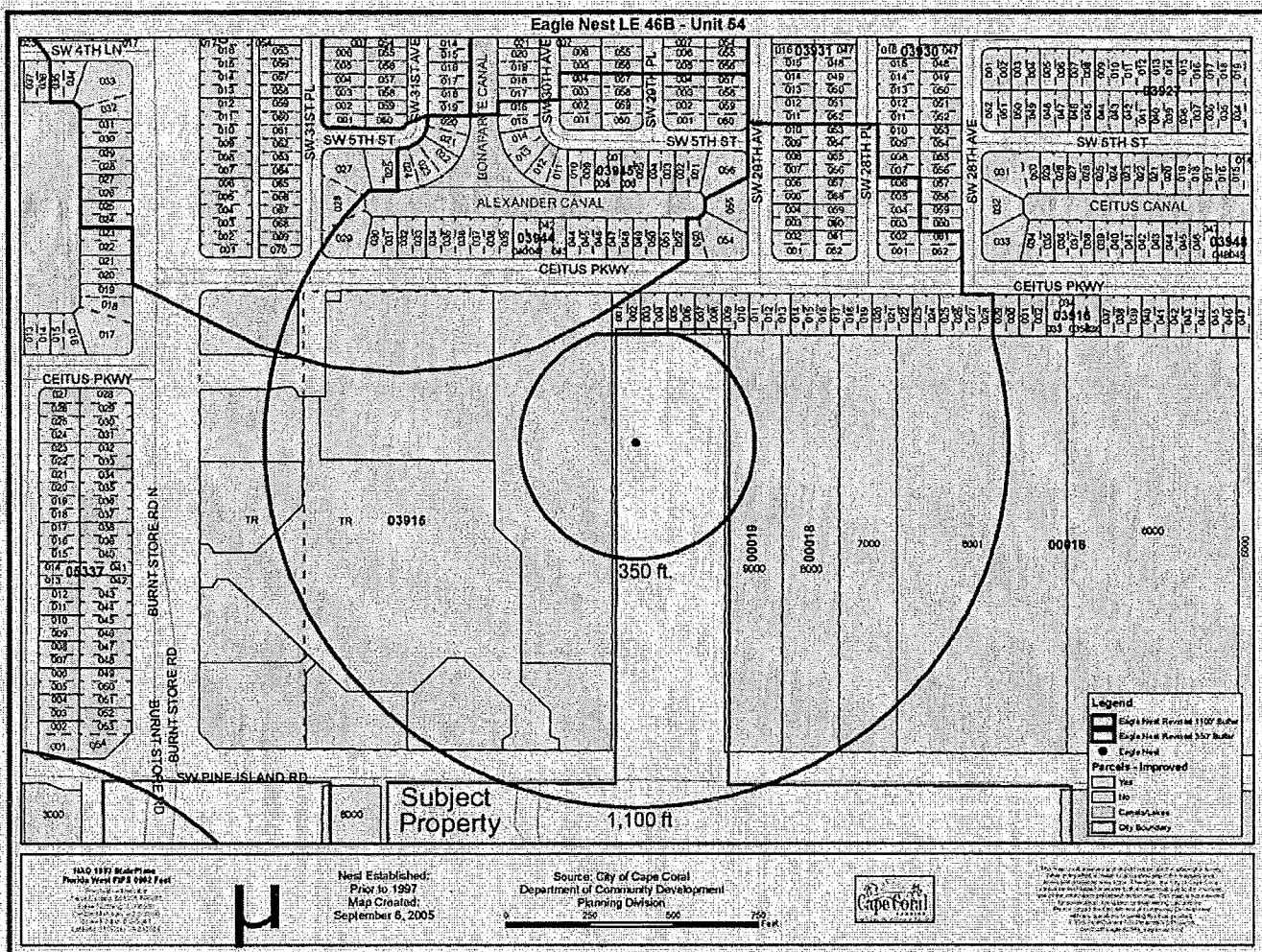
Ph.: (239) 334-6766

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Fax: (239) 337-5028

Endangered Species Report, Pine Island Rd. 7.7 ac, Sect. 20, T44S, R23E, Pine Island Road & Royal Tee Blvd.  
 Lee County, Florida

Date: Jan. 5, 2006



EXHIBITS  
D.1 & D.2

FLORIDA DEPARTMENT OF STATE  
David E. Mann  
Secretary of State  
DIVISION OF HISTORICAL RESOURCES

January 31, 2006

Alison Stowe  
Knott, Consoer, Ebelini, Hart & Swett, P.A.  
FAX: 239-334-1446

Dear Ms. Stowe:


In response to your inquiry of January 30, 2006, the Florida Master Site File lists no previously recorded cultural resources in the following parcels :

**T44S, R23E, Section 20**

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

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

Sincerely,

  
Jessica Goldfin, 850-245-6440  
Archaeological Data Analyst, Florida Master Site File  
Division of Historical Resources  
R. A. Gray Building  
500 South Bronough Street  
Tallahassee, Florida 32399-0250

State SunCom: 205-6440  
Fax line: 850-245-6439  
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) 277-3843 • FAX: 277-3340

**EXHIBIT E.1**  
**FLUM CAPACITY ANALYSIS**

The proposed amendment will add the potential for 33 dwelling units on the subject property, based on the before and after development scenarios which were discussed with and accepted by Planning staff and which appear throughout this application. At an assumed PPH of 2.09 per unit, the request would add approximately 69 persons to the capacity of the FLUM. This figure is de minimis.

## **EXHIBIT E.2**

### **LEE PLAN ANALYSIS**

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

1. Policy 1.1.5: The property will be developed with residential and commercial uses that are consistent with the Suburban FLUM category. The proposed residential use abutting the Cape Royal subdivision will be compatible with that use. The property is served by urban levels of infrastructure and is located in close proximity to property designated Intensive Development on the FLUM.
2. Policy 1.4.1: The parcel and the surrounding neighborhood is no longer rural in character, largely as the result of the construction of Veterans Parkway. A new shopping center is currently being built at the northeast corner of the intersection of Pine Island Road and Burnt Store Road. Public water and sewer are available at the site.
3. Policy 1.7.6: The property is located within the Pine Island planning community (please note, however, that it is not within "Greater Pine Island" and is not regulated by Goal 14 of the Lee Plan). 65 acres are available for residential purposes in the Suburban FLUM category in that planning community.
4. Objective 2.1: The property abuts a large residential development (Cape Royal) and an arterial road (Pine Island Road). It is located less than .25 miles from an intersection of two arterial roads. Property within the jurisdictional limits of the City of Cape Coral in this area is all designated for urban uses. Approval of the application will not, therefore, create urban sprawl.
5. Objective 2.2: The traffic analysis submitted with this application indicates that Pine Island Road will operate at an adequate LOS with the approval of this map amendment. Public water and sewer are available at the site.
6. Objective 2.4: The proposed amendment is appropriate in light of the construction of Veterans Parkway and the rapid urbanization of the Pine Island Road corridor.
7. Objective 5.1: The amendment will provide additional land for residential purposes.
8. Policy 5.1.5: The proposed residential use abutting Cape Royal will be compatible with the existing subdivision. The projected minor commercial use fronting on Pine Island Road is also appropriate for the area.
9. Policy 6.1.2: Any commercial development of the property must comply with the site location standards for minor commercial uses.
10. Standards 11.1 and 11.2: As noted above, the property will be served by public water and sewer facilities.

### **EXHIBIT E.3**

#### **EFFECT ON ADJOINING LOCAL GOVERNMENTS**

All of the property in the City of Cape Coral which directly abuts Pine Island Road is designated for intense commercial uses. Cape Coral's FLUM also classifies property located north and south of the Pine Island Road corridor predominantly as a residential district at approximately 4 units per acre. The proposed amendment will eliminate a portion of an enclave of rural property within this overwhelmingly urban environment. The requested uses (minor commercial and residential at up to six units per acre) are consistent with the Cape's FLUM designations abutting and around Pine Island Road.

## **EXHIBIT E.4**

### **Consistency with State and Regional Plans**

The proposed amendment is consistent with the following provisions of the State and Regional plans:

#### **State Plan:**

1. Land Use Policy 3: The amendment will permit a wider range of commercial uses and additional density on the site, which will encourage an attractive and functional mix of uses in this rapidly urbanizing area.
2. Public Facilities Policy 1: The additional density and intensity will maximize the use of existing public facilities.

#### **Regional Plan:**

1. Affordable Housing Goal 1: The increased density will permit a wider range of housing types in various price ranges.
2. Affordable Housing Goal 2, Strategy 1, Action 1: The parcel abuts Cape Royal and is, therefore, an infill development.
3. Regional Transportation Goal 2, Strategy 1, Action 4: The amendment will promote higher density and a variety of housing types on the subject parcel.

## **EXHIBIT F.1 & F.2**

### **URBAN SPRAWL ANALYSIS**

The requested amendment from a non-urban to an urban category does not constitute urban sprawl because the subject property is part of an enclave of Rural property that is surrounded by urban lands at much higher densities and intensities. The property has access to an arterial road and public water and sewer systems. Impacts of the amendment to levels of service and to the capacity of the FLUM will be de minimis.

In response to the indicators in the urban sprawl rule, the applicant would additionally state the following:

1. The Suburban FLUM category is a mixed use category that permits commercial uses and residential uses at up to six units per acre. The amendment does not, therefore, mandate the construction of a low-density residential use on the site.
2. The amendment will not result in leapfrog development. The property is located in a commercial corridor. The residential component of the project will abut an existing subdivision. Property to the west has been developed for a convenience store. A shopping center is under construction at the northeast corner of the Burnt Store Road/Pine Island Road intersection.
3. The request does not constitute "strip" or "ribbon" development. A portion of the subject parcel extends over 1,000 feet south to the Cape Royal subdivision.
4. There are no valuable natural resources or agricultural uses on the site.
5. As noted throughout the application, the proposal would permit urban infill in lieu of an enclave of rural uses.



**EXHIBIT G**  
**JUSTIFICATION FOR REQUEST**

The proposed map amendment from Rural to Suburban is appropriate, for the following reasons:

1. The subject property is part of what amounts of an enclave of Rural property that is surrounded by much more intense uses.
2. The area is urbanizing rapidly, largely due to the construction of Veterans Parkway and Cape Coral's efforts to promote commercial uses in the Pine Island Road corridor.
3. The property abuts an arterial road and will be served by public water and sewer facilities.
4. The proposed residential and minor commercial uses are compatible with the existing and projected uses in the neighborhood.

**CPA2006-02**

**1<sup>ST</sup> RESUBMITTAL**

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

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

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

1625 Hendry Street • Third Floor (33901)  
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Matthew D. Uhle  
Aaron A. Haak  
Derrick S. Eihausen  
Naty Torres-Alvarado  
David A. Burt

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

April 10, 2007

Mr. H. Wayne Gaither, Planner  
Lee County Planning Division  
1500 Monroe Street  
Fort Myers, FL 33902

Re: Cape Royal / CPA2006-00002

Dear Mr. Gaither:

We are in receipt of the staff's comments dated October 25, 2006, in regard to the application for the Cape Royal Comprehensive Plan Amendment. Those comments and their responses are as follows:

\*\*\*\*\*

**The following applies to Section I of the application:**

According to the Property Appraiser's website and the application, Henry Albrecht is the owner of parcel with STRAP 20-44-23-00-00003.0010, but he is not listed as an owner. Please clarify if Mr. Albrecht is a property owner.

**RESPONSE:** Mr. Henry Albrecht owns the property identified with STRAP 20-44-23-00-00003.0010 as a tenant in common with Mr. Anthony Dunlap. The deeds reflecting this ownership are attached, as well as an affidavit signed by Mr. Albrecht.

\*\*\*\*\*

**The following applies to Section III of the application:**

**E.1 & 2**

The application does not provide Commercial Intensity for the property. Your analysis should provide information on **total build-out** (provide information for total build-out for each category independent of each other) for both the existing land use designations and your proposed comprehensive plan amendments.

This information is used to determine the impacts the proposed development will generate against the possible impacts of the existing Land Use designations. Consistency in the variables to determine the changes in potential impacts is important in our analysis. Staff's analysis of the proposed comprehensive plan amendment will center on the maximum build-out presently allowed under your proposal.

**RECEIVED**  
APR 10 2007

**PERMIT COUNTER**

CPA 2006-00002

April 10, 2007

**RESPONSE:** A revised Page 4 of the application has been provided. Please note that the applicant's legal representative and Matt Noble agreed upon the pre- and post-amendment development scenarios included in the original application at a meeting on or before September 22, 2005.

\*\*\*\*\*

**The following applies to Part IV of the application:**

**A.2**

Please provide a map showing the Future Land Use designation boundaries of the subject property, surrounding street network, and natural resources.

**RESPONSE:** A map containing this information is included in this package.

**A.3**

Please provide a map and description of the existing land uses (not designations) of the subject property and surrounding properties. Descriptions should discuss consistency of current uses with the proposed changes.

**RESPONSE:** A narrative description of the surrounding existing land uses was submitted with the original package. Another copy is being provided for your convenience. The map described in A.2 also contains the existing land uses.

**A.6**

A copy of the warranty deed provided in the application shows Henry L. Albrecht, P.A. as owner of one of the parcels. Please provide documentation that Mr. Albrecht is a part of this application or that all property is under the ownership of RealMark Cape Coral, LLC.

**RESPONSE:** Again, the property is owned by Mr. Henry Albrecht and Mr. Anthony Dunlap as tenants in common. Please see attached warranty deeds and signed affidavit.

**B.2**

Please provide methodology and calculations when determining the existing and future conditions analysis for sanitary sewer and potable water. Please provide the watershed district as it pertains to surface water / drainage basins.

**RESPONSE:** Water and sewer calculations are based on Flow Tables in FS 64E-6. The site is not identified in a specific drainage basin, but indirectly outfalls to Matlacha Pass.

April 10, 2007

The review of public services should include, but does not need to be limited to the following: franchise area, Basin, or District the property is located in, current LOS and acceptable standards for LOS, projected LOS without comprehensive plan amendment compared to projected LOS with comprehensive plan amendment, improvements programmed with the existing CIP and any deficiencies that might be generated by the approval of the comprehensive plan amendment.

**RESPONSE: Refer to the Traffic Circulation Analysis from the original submittal for traffic implications.**

**B.3(a)**

The City of Cape Coral Fire Department states that this property lies within the Pine Island Fire Control District. Please provide documentation that the Pine Island Fire Control District was contacted about this Comprehensive Plan Amendment and provide their comments.

**RESPONSE: Please see attached letter from Chief David Bradley of the Pine Island Fire Control District.**

**B.3(c)**

Please provide documentation that the Lee County Solid Waste Division was contacted concerning this Comprehensive Plan Amendment and provide their comments.

**RESPONSE: Please see attached letter from Mr. William T. Newman of the Lee County Solid Waste Division.**

**C.1**

The "Endangered Species Report", submitted as part of the application and prepared by Southern Biomes, Inc., identifies 7.7 acres within its site description. Please explain this discrepancy.

**RESPONSE: Page 3 of the application has been revised to reflect the correct size of the parcel (7.7 acres).**

**C.2**

Please provide a map and description of the soils found on the property (identify the source of the information).

**RESPONSE: A soils map is included in the package.**

April 10, 2007

C.3

Please provide a map depicting the 100 year flood prone areas, as identified by FEMA.

**RESPONSE: The requested FEMA map is included in this package.**

\*\*\*\*\*

**Comments from Lee County, Environmental Sciences Division:**

Please submit information determining how increasing the intensity of the land use category at this site will affect the existing bald eagle nest within 1,100 feet of the property.

**RESPONSE: Not expected to have any impact. This issue is discussed in the Endangered Species Report in the original submittal.**

\*\*\*\*\*

**Comments from Lee County, Department of Smart Growth:**

...many points were brought to light that would be more appropriately addressed through the Land Development review process, once a definite development proposal is filed. The guiding principle offered is that the ultimate site developer consider a greater attention to "mixed uses" more than expressed in the application.

**RESPONSE: The precise mix of uses that will ultimately be placed on the property will be determined at the zoning stage.**

Sincerely,

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



Matthew D. Uhle, Esq.

MDU/ams

AFFIDAVIT

I, Henry L. Albrecht, P.A., 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.

Henry L. Albrecht

Signature of owner or owner-authorized agent

4/5/07

Date

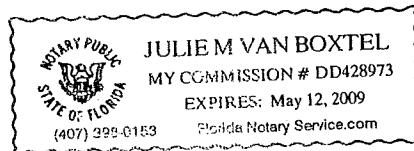
Henry L. Albrecht, P.A.

Typed or printed name

STATE OF FLORIDA )  
COUNTY OF LEE )

The foregoing instrument was certified and subscribed before me this 5<sup>th</sup> day of April 2007, by Henry L. Albrecht, P.A., who is personally known to me or who has produced \_\_\_\_\_ as identification.

(SEAL)



Julie Van Bortel

Signature of notary public

Julie Van Bortel

Printed name of notary public



Recording Fee: \$ 18.50  
Documentary Tax: \$1,050.00  
Total \$1,068.50

This Instrument Prepared by:  
FRANK J. ALOIA, ESQUIRE  
P.O. Box 100538  
Cape Coral, FL 33910  
WITHOUT EXAMINATION OF TITLE  
Parcel ID #20-44-23-00-00003.0010

### WARRANTY DEED

THIS INDENTURE, made this 9/22/05 day of September, 2005, between

**ANTHONY S. DUNLAP, A MARRIED PERSON**, whose post office address is 1716  
Cape Coral Parkway, Cape Coral, FL 33904, grantor\*, and

**HENRY L. ALBRECHT, P.A., a Florida Corporation**, whose post office address is  
2430 Everest Parkway, Cape Coral, FL 33904, grantee\*,

### WITNESSETH:

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

### SEE ATTACHED EXHIBIT A FOR LEGAL DESCRIPTION

THE REAL PROPERTY DESCRIBED ON EXHIBIT A DOES NOT CONSTITUTE GRANTOR'S  
HOMESTEAD PROPERTY, NOR IS IT CONTIGUOUS TO GRANTOR'S HOMESTEAD PROPERTY.

**This deed was prepared without the benefit of a title search of the subject real  
property and the preparer of this document does not guarantee merchantability or  
marketability of title.**

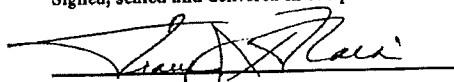
**SUBJECT** to reservations, restrictions and easements of record and real property taxes for  
the current and all subsequent years and further subject to that certain Mortgage Deed and Security Agreement  
recorded in O.R. Book 4516, Page 4411, Public Records of Lee County, Florida.

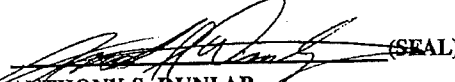
**AND** said grantor does hereby fully warrant the title to said land, and will defend the same  
against the lawful claims of all persons whomsoever.

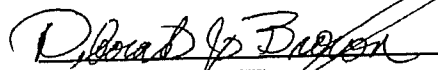
\*"grantor" and "grantee" are used for singular or plural, as context requires.

**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:

  
Frank J. Aloia, Witness

 (SEAL)  
ANTHONY S. DUNLAP

  
Deborah Jo Brown, Witness

### STATE OF FLORIDA COUNTY OF LEE

**I HEREBY CERTIFY** that on this day before me, an officer duly qualified to take  
acknowledgments, personally appeared **ANTHONY S. DUNLAP, A MARRIED PERSON**, who is personally known  
to me to be the individual described in and who executed the foregoing instrument and acknowledged before me  
the execution thereof.

**WITNESS** my hand and official seal in the County and State last aforesaid this 22<sup>nd</sup> day of  
September, 2005.



FRANK J. ALOIA  
MY COMMISSION # DD 431111  
EXPIRES: June 28, 2009  
Bonded Title Budget Notary Services

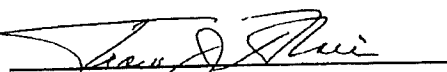
  
Notary Public

EXHIBIT "A"

AN UNDIVIDED ONE-HALF INTEREST IN:

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, BEING A PART OF THE NORTHWEST ONE QUARTER (NW 1/4) OF SECTION 20, TOWNSHIP 44 SOUTH, RANGE 23 EAST AND FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

STARTING AT THE NORTHWEST CORNER OF SAID SECTION 20; THENCE S 89°52'10" E ALONG THE NORTH LINE OF SAID SECTION 20 A DISTANCE OF 673.87 FEET TO THE NORTHWEST CORNER OF THE WEST ONE HALF (W 1/2) OF THE WEST ONE HALF (W 1/2) OF THE EAST ONE HALF (E 1/2) OF THE NORTHWEST ONE QUARTER (NW 1/4) OF THE NORTHWEST ONE QUARTER (NW 1/4) OF SAID SECTION 20; THENCE S 0°09'59" W A DISTANCE OF 33.00 FEET ALONG SAID FRACTIONAL LINE TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF PINE ISLAND ROAD (66.00 FEET WIDE), AND THE PRINCIPAL PLACE OF BEGINNING; THENCE CONTINUE S 0°09'59" W ALONG SAID FRACTIONAL LINE A DISTANCE OF 282.55 FEET; THENCE N 89°50'11" E PARALLEL TO THE SOUTH LINE OF THE AFORESAID FRACTION OF SECTION 20 A DISTANCE OF 159.40 FEET TO THE INTERSECTION WITH THE EAST LINE OF THE AFORESAID FRACTION OF SECTION 20; THENCE N 0°00'13" E ALONG SAID EAST LINE A DISTANCE OF 281.68 FEET TO AN INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF THE AFORESAID PINE ISLAND ROAD; THENCE N 89°52'10" W ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 166.59 FEET TO THE PRINCIPAL PLACE OF BEGINNING.

SUBJECT TO A ROADWAY EASEMENT OVER AND ACROSS THE EASTERLY 30.00 FEET.

R 27.00  
D 12/4/2004



Record and Return to:  
Frank J. Aloia, Esq.  
1716 Cape Coral Parkway East  
Cape Coral, FL 33904

INSTR # 6553666  
OR BK 04516 Pgs 4408 - 4410; (3pgs)  
RECORDED 12/08/2004 12:40:24 PM  
CHARLIE GREEN, CLERK OF COURT  
LEE COUNTY, FLORIDA  
RECORDING FEE 27.00  
DEED DOC 4,130.00  
DEPUTY CLERK J Miller

THIS INSTRUMENT PREPARED BY:  
Richard T. Donato, Esq.  
Law Offices of Richard T. Donato, P.A.  
7700 Davie Road Extension  
Hollywood, FL 33024

Parcel I.D. No.: 20-44-23-00-00003.0010

[Space above this line for recording data.]

## WARRANTY DEED

(STATUTORY FORM - SECTION 689.02 F.S.)

THIS INDENTURE, made this 23 day of November, 2004, BETWEEN

ITAGRE, INC., a Florida corporation,

of: 2920 East Commercial Boulevard, Fort Lauderdale, Florida 33308, Grantor\*,

and

ANTHONY S. DUNLAP, a married man and HENRY L. ALBRECHT, P.A., a  
Florida corporation, as tenants in common,

33904

whose post office address is: 1716 Cape Coral Parkway E., Cape Coral, FL, Grantee\*,

**WITNESSETH:** That said Grantor, for and in consideration of the sum of **TEN DOLLARS (\$10.00)**, and other good and valuable considerations to said grantor in hand paid by said Grantee, the receipt of which is hereby acknowledged, has granted, bargained and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in **Lee County, Florida**,  
to-wit:

**SEE EXHIBIT "A" ATTACHED HERETO AND  
MADE A PART HEREOF**

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.

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

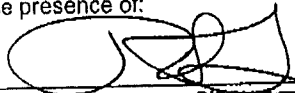
**To Have and to Hold**, the same in fee simple forever.


And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple, that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to **December 31, 2003**.

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

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

Signed, sealed and delivered  
in the presence of:

  
Printed Name: RICHARD T. DONATO

  
Printed Name: SUSAN B. DOSTER

**ITAGRE, INC.**, a Florida corporation

By:   
SAM BURAN, President

**STATE OF FLORIDA**

**COUNTY OF BROWARD**

The foregoing instrument was acknowledged before me this 23 day of November, 2004, by **SAM BURAN**, as President and on behalf of **ITAGRE, INC.**, a Florida corporation, (☒ who is personally known to me or ( ) who produced FLA DRIVERS LICENSE as identification and who did take an oath.

  
NOTARY PUBLIC

State of Florida

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

Commission # \_\_\_\_\_



RTD:Files\Busclosing\Buran\Itagre\WarrantyDeed

EXHIBIT "A"

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, BEING A PART OF THE NORTHWEST ONE QUARTER (NW 1/4) OF SECTION 20, TOWNSHIP 44 SOUTH, RANGE 23 EAST AND FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

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SUBJECT TO A ROADWAY EASEMENT OVER AND ACROSS THE EASTERLY 30.00 FEET.

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

*Lehigh Acres Commercial Overlay:* \_\_\_\_\_

*Airport Noise Zone 2 or 3:* \_\_\_\_\_

*Acquisition Area:* \_\_\_\_\_

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

*Community Redevelopment Area:* \_\_\_\_\_

- D. Proposed change for the Subject Property:

\_\_\_\_\_

- E. Potential development of the subject property: "RURAL"

1. Calculation of maximum allowable development under existing FLUM:

Residential Units/Density    6.6 Acres Ag Land @ 1 Unit/Acre = 6 Units  
   1.1 Acres C-1 Land @ 1 Unit/Acre = 1 Unit

Commercial intensity        6.6 Acres Ag = Zero Commercial Uses  
   1.1 Acres C-1 @ 20' Bldg. Area = 10,000 S.F.

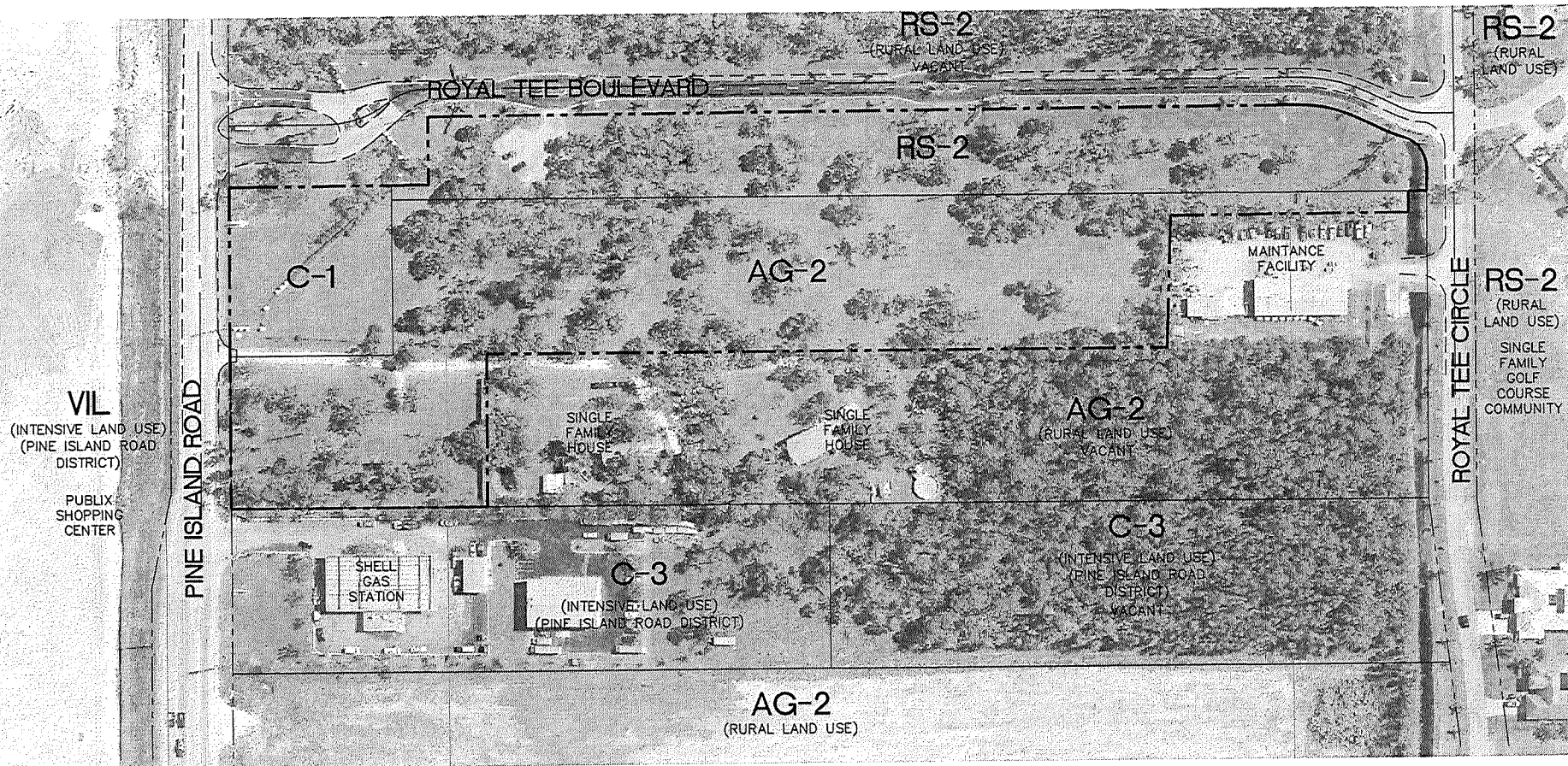
Industrial intensity            N/A

2. Calculation of maximum allowable development under proposed FLUM:

Residential Units/Density    7.7 Acres @ 6 Units/Acre = 46 Units

Commercial intensity        7.7 Acres @ 20% Bldg. Area = 67,000 S.F.

Industrial intensity            N/A



#### CITY ZONING:

C-3 COMMERCIAL DISTRICT  
VIL VILLAGE DISTRICT

#### COUNTY ZONING:

AG-2 AGRICULTURE  
C-1 COMMERCIAL  
RS-2 RESIDENTIAL SINGLE FAMILY

#### FUTURE LAND USE:

NORTH OF PROJECT SITE IS INTENSIVE (PINE ISLAND ROAD DISTRICT)  
SOUTH OF PROJECT SITE IS RURAL  
EAST OF PROJECT SITE IS RURAL  
WEST OF PROJECT SITE IS BOTH RURAL AND INTENSIVE (PINE ISLAND ROAD DISTRICT)  
PROJECT SITE IS RURAL

PROJECT SITE



*John Hildreth*  
1-24-07

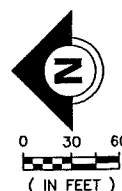


C-3 COMMERCIAL DISTRICT  
VIL VILLAGE DISTRICT

AG-2 AGRICULTURE  
C-1 COMMERCIAL  
RS-2 RESIDENTIAL SINGLE FAMILY

NORTH OF PROJECT SITE IS INTENSIVE (PINE ISLAND ROAD DISTRICT)  
SOUTH OF PROJECT SITE IS RURAL  
EAST OF PROJECT SITE IS RURAL  
WEST OF PROJECT SITE IS BOTH RURAL AND INTENSIVE (PINE ISLAND ROAD DISTRICT)  
PROJECT SITE IS RURAL

## PROJECT SITE



Description of Existing Uses  
EXHIBIT A.3

The subject property is currently vacant. The surrounding uses consist of a gas station, a maintenance facility, a single-family residence, and the entrance road into a residential subdivision. A new Publix shopping center is located on the north side of Pine Island Road.

It is contemplated that a minor commercial development will be constructed on the westernmost parcel, abutting the gas station. A residential project will be built on the remainder of the parcel. These uses are compatible with the existing surrounding uses.

MATLACHA/PINE ISLAND FIRE CONTROL DISTRICT  
5700 PINE ISLAND ROAD  
BOKEELIA, FLORIDA 33922

PHONE: 239-283-0030  
FAX: 239-283-3313

February 7, 2007

Knott, Consoer, Ebelini  
Hart & Sweet, P.A.  
Alison M. Stowe, Paralegal  
Zoning and Land Use Planning  
1625 Hendry Street  
Fort Myers, Fl 33902-2449

Re: Lee Plan Amendment for Cape Royal letter dated December 18, 2006

Dear Alison M Stowe:

Please be advised that the Matlacha/Pine Island Fire Control District provides service to the Cape Royal area and will continue to provide this service.

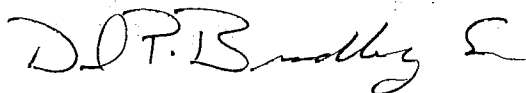
The Matlacha/Pine Fire Control District and officials from Lee County met and tentatively agreed to begin the budgeting process for a joint EMS and fire substation.

Our next step is a tentative letter of agreement between the fire district and Lee County. Under this agreement the Fire District would purchase the land and Lee County would pay for the facility.

The Matlacha/Pine Island Fire Control District still has to secure a piece of property; this property could be located anywhere from Burnt Store Road to the Pine Island Chamber of Commerce.

The new substation would decrease the time it takes fire and EMS to respond to emergencies east of Matlacha in the western part of Cape Coral. The Cape Royal community, which sits just to the east of Burnt Store Road, may be among the most to benefit.

Sincerely,



David P. Bradley, Sr.  
Fire Chief

Bob Janes  
*District One*

A. Brian Bigelow  
*District Two*

Ray Judah  
*District Three*

Tammy Hall  
*District Four*

Frank Mann  
*District Five*

Donald D. Stilwell  
*County Manager*

David M. Owen  
*County Attorney*

Diana M. Parker  
*County Hearing Examiner*

December 29, 2006

Ms. Alison Stowe  
Knott, Consoer, Ebelini  
Hart & Sweet, P.A.  
1625 Hendry St. Third Floor  
P.O. Box 2449  
Ft. Myers, FL 33902-2449

**SUBJECT: Lee Plan Amendment for Cape Royal**

Dear Ms. Stowe:

The Lee County Solid Waste Division is capable of providing solid waste collection service for the 69 additional residential units to be located at the Cape Royal development through our franchised hauling contractors. Disposal of the solid waste generated at this location 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.

If you have any questions, please call me at (239) 3383302.

Sincerely,



William T. Newman  
Operations Manager  
Solid Waste Division

**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  
Map1

B. SUMMARY OF REQUEST (Brief explanation):

\_\_\_\_\_  
\_\_\_\_\_  
Amendment from Rural to Suburban for the subject property.  
\_\_\_\_\_  
\_\_\_\_\_

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

A. Property Location:

1. Site Address: 1). 11951 Royal Tee Blvd. 2). 11900 Little Quail Lane  
3). 11971 Little Quail Lane 4). 3060 SW Pine Island Road  
2. STRAP(s): 1). 20-44-23-01-00000.0DCE 2). 20-44-23-00-00003.0000  
3). 20-44-23-00-00003.0010 4). 20-44-23-00-00003.0020

B. Property Information

Total Acreage of Property: 7.71 acres

Total Acreage included in Request: 7.71 acres

Area of each Existing Future Land Use Category: \_\_\_\_\_

Total Uplands: 7.71 acres

Total Wetlands: N/A

Current Zoning: RS-2, AG-2 and C-1

Current Future Land Use Designation: Rural

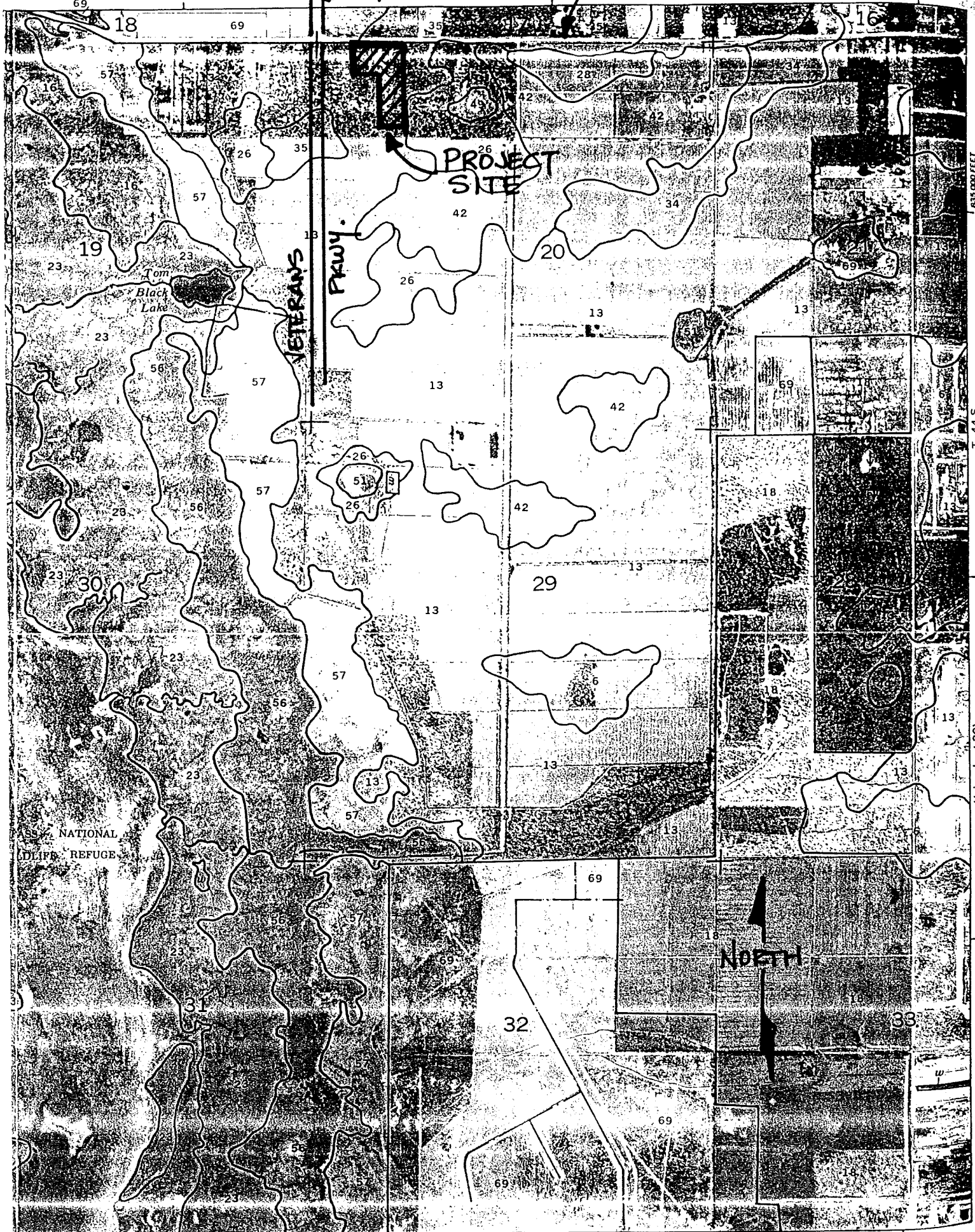
Existing Land Use: Vacant



BURNT STORE RD

PINE ISLAND ROAD

495 000 FEET



835 000 FEET

T. 44 S.

(Joins sheet 29)

**13—Boca fine sand.** This is a nearly level, poorly drained soil on flatwoods. Slopes are smooth and range from 0 to 2 percent.

Typically, the surface layer is gray fine sand about 3 inches thick. The subsurface layer is fine sand about 22 inches thick. The upper 11 inches is light gray and the lower 11 inches is very pale brown. The subsoil, about 5 inches thick, is gray fine sandy loam with brownish yellow mottles and calcareous nodules. At a depth of 30 inches is a layer of fractured limestone.

Included with this soil in mapping are small areas of Hallandale, Wabasso, and Felda soils that have a yellowish horizon between the subsurface layer and subsoil. Also included are soils with limestone at a depth of 40 to 72 inches and small areas where the soil is better drained than is typical. Included soils make up about 15 percent of any mapped area.

In most years, under natural conditions, the water table is within 10 inches of the surface for 2 to 4 months. It recedes below the limestone for about 6 months.

The available water capacity is low in the surface and subsurface layers and medium in the subsoil. Natural fertility is low. Permeability is rapid in the surface and subsurface layers and moderate in the subsoil.

Natural vegetation consists of sawpalmetto, pineland threeawn, South Florida slash pine, and waxmyrtle.

This soil is poorly suited to cultivated crops because of wetness. If a complete water control system is installed and maintained, the soils are suitable for many fruit and vegetable crops. A complete water control system removes excess surface and internal water rapidly. It also provides a means of applying subsurface irrigation. Soil-improving crops are recommended. Other important management practices are good seedbed preparation, including bedding, and fertilizer applied according to the needs of the crop.

If this soil receives proper water control, it is well suited to citrus. Water control systems that maintain good drainage to a depth of about 4 feet are needed. Bedding and planting the trees on the beds help to provide good surface drainage. A good cover of close-growing vegetation between the trees helps to protect the soil from blowing in dry weather and from washing during rains. The trees require regular applications of fertilizer, but applications of lime are not needed.

The soil is well suited to improved pasture grasses. Bahiagrass and pangolagrass grow well if well managed. Water control measures are needed to remove excess surface water after heavy rains. Regular applications of fertilizer and lime are needed. Controlling grazing helps to prevent overgrazing and weakening of the plants.

The potential productivity for pine trees on this soil is high. However, water control is needed before the potential can be attained. Seedling mortality, equipment limitations, and plant competition are the main management concerns. South Florida slash pine is the best tree to plant.

This soil has moderate potential for range plant production. The dominant forage is creeping bluestem, lopsided indiagrass, pineland threeawn, and chalky bluestem. Management practices should include deferred grazing and brush control. This Boca soil is in the South Florida Flatwoods range site.

This soil has severe limitations for sanitary facilities, building site development, and recreational uses primarily because of the high water table.

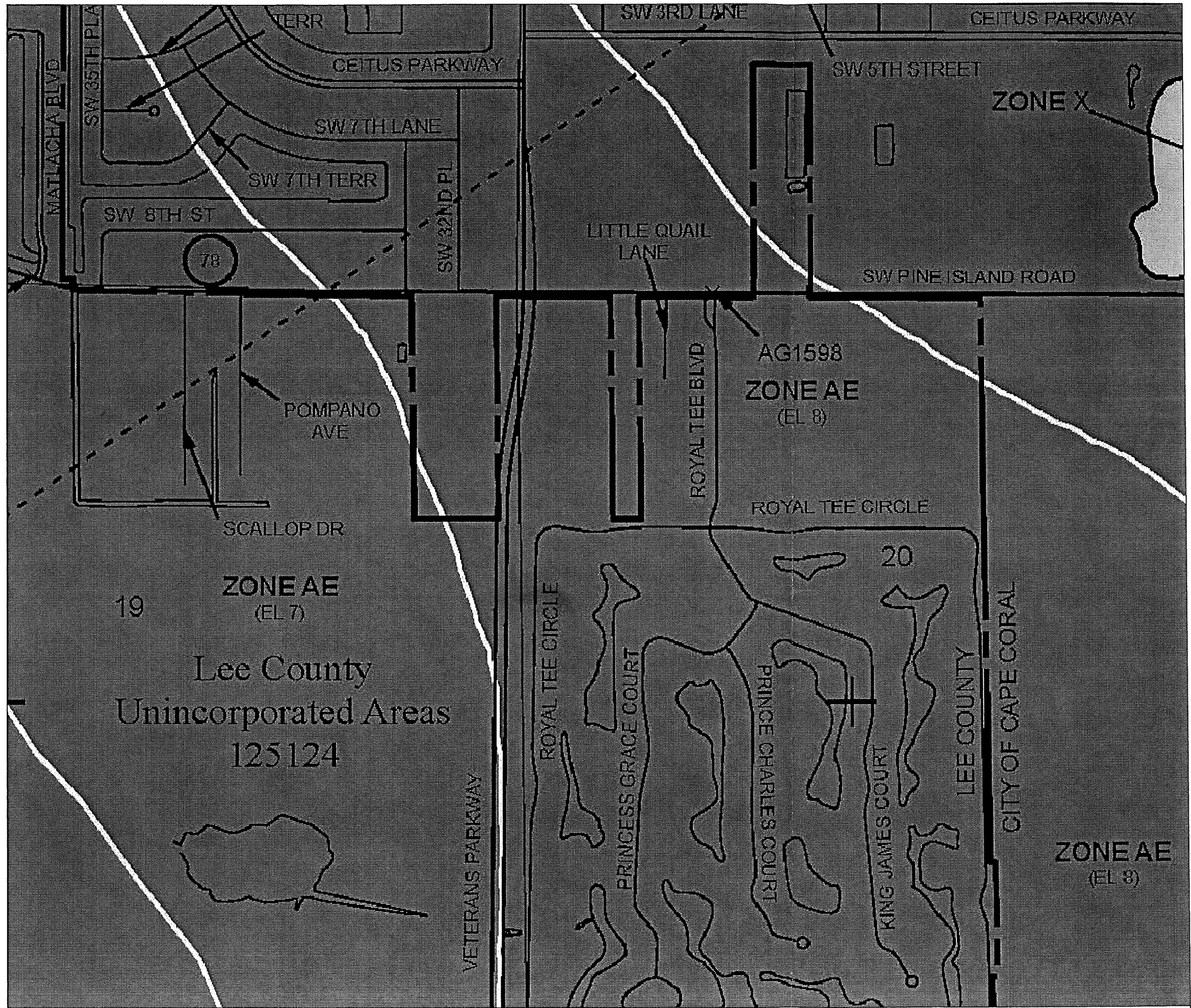
This Boca soil is in capability subclass 111w.

**Source:** USDA Soil Survey of Lee County, Florida









- LEGEND**
- SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD**
- The 1% annual flood (100-year flood), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. The Special Flood Hazard Area is the area subject to flooding by the 1% annual chance flood. Areas of Special Flood Hazard include Zones A, AE, AH, AO, AR, A99, V, and VE. The Base Flood Elevation is the water-surface elevation of the 1% annual chance flood.
- ZONE A** No Base Flood Elevations determined.
- ZONE AE** Base Flood Elevations determined.
- ZONE AH** Flood depths of 1 to 3 feet (usually areas of ponding); Base Flood Elevations determined.
- ZONE AO** Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined. For areas of alluvial fan flooding, velocities also determined.
- ZONE AR** Special Flood Hazard Area formerly protected from the 1% annual chance flood by a flood control system that was subsequently decertified. Zone AR indicates that the former flood control system is being restored to provide protection from the 1% annual chance of greater flood.
- ZONE A99** Area to be protected from 1% chance flood by a Federal flood protection system under construction; no Base Flood Elevations determined.
- ZONE V** Coastal flood zone with velocity hazard (wave action); no Base Flood Elevations determined.
- ZONE VE** Coastal flood zone with velocity hazard (wave action); Base Flood Elevations determined.
- FLOODWAY AREAS IN ZONE AE**
- The floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increases in flood heights.
- OTHER FLOOD AREAS**
- ZONE X** Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage area less than 1 square mile; and areas protected by levees from 1% annual chance flood.
- OTHER AREAS**
- ZONE X** Areas determined to be outside the 0.2% annual chance floodplain.
- ZONE D** Areas in which flood hazards are undetermined, but possible.
- COASTAL BARRIER RESOURCES SYSTEM (CBRS) AREAS**
- OTHERWISE PROTECTED AREAS (OPAs)**
- CBRS areas and OPAs are normally located within or adjacent to Special Flood Hazard Areas.
- Floodplain boundary
- Floodway boundary
- - - Zone D boundary
- ..... CBRS and OPA boundary
- Boundary dividing Special Flood Hazard Area zones and boundary dividing Special Flood Areas of different Base Flood Elevations, flood depths or flood velocities
- 513 Base Flood Elevation line and value; elevation in feet
- (EL 987) Base Flood Elevation value where uniform within zone; elevation in feet
- \* Referenced to the North American Vertical Datum of 1988
- ① — ① Cross section line
- ② - - - ② Tronsect line
- 87°07'45", 32°22'30" Geographic coordinates referenced to the North American Datum of 1983 (NAD 83), Western Hemisphere
- 2476000N 1000-meter Universal Transverse Mercator grid values, zone 17
- 600000 FT 5000-foot grid ticks: Florida State Plane coordinate system, West Zone (FIPSZONE 0902), Transverse Mercator projection
- DX5510, Bench mark (see explanation in Notes to users section of this FIRM panel)
- M1.5 River Mile



**CPA2006-02**

**2nd RESUBMITTAL**

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

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

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

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P.O. Box 2449  
Fort Myers, Florida 33902-2449

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MUhle@knott-law.com

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

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

November 14, 2007

Mr. Brent Cunningham, Senior Planner  
Lee County Division of Planning  
P.O. Box 398  
Fort Myers, Florida 33902

**RECEIVED**  
NOV 14 2007  
**COMMUNITY DEVELOPMENT**

Re: Cape Royal Small Scale Plan Amendment / CPA2006-00002

**CPA 2006-00002**

Dear Mr. Cunningham:

We are in receipt of your comments dated July 9, 2007, in regard to the application for the Cape Royal Comp Plan Amendment. Those comments and their responses are as follows:

\*\*\*\*\*

**B.2.**

As previously requested, please provide an existing and future conditions analysis for sanitary sewer and water service that includes (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 service 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, 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).

**RESPONSE: Refer to Exhibits B.2.a and B.2.b. enclosed with this resubmittal.**

Lee County Utilities provided an e-mail dated July 2, 2007 including the following comments:

*Lee County could provide central sewer service to the subject project through the Pine Island Plant; however, this area is not included in the Lee Plan Wastewater Future Service Area (Map 7). In addition, infrastructure to service this area is not in place and the developer would be required to extend lines to the site from existing infrastructure located in the general area of Matlacha Isles. The applicant may want to explore connection to the City of Cape Coral, as they may have infrastructure closer to the site.*

November 14, 2007

**RESPONSE: Refer to Exhibit B.2.b. enclosed with this resubmittal.**

\*\*\*\*\*

**E.1.**

Please address the 2030 allocations for commercial and residential uses in the Greater Pine Island Planning Community per CPA2005-00026 revised Table 1(b).

**RESPONSE: Refer to the revised Exhibit E.1 (FLUM Capacity Analysis) enclosed with this resubmittal.**

**F.1.**

Commercial uses are proposed with this amendment request and falls under the and/or category targeted by the Lee Plan as employment centers. Please provide a discussion for this category.

**RESPONSE: Refer to the revised Exhibit E.1 (FLUM Capacity Analysis) enclosed with this resubmittal.**

If you should have any questions or require additional information, please contact me.

Sincerely,

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



Matthew D. Uhle, Esq.

MDU/ams

Enclosures: Exhibit B.2.a. Existing and Future Conditions Analysis for Sanitary Sewer  
Exhibit B.2.b. Existing and Future Conditions Analysis for Potable Water w/  
Greater Pine Island Water Association Franchise Area Map  
Exhibit E.1 FLUM Capacity Analysis w/Revised Table 1(b) Planning Community  
Year 2030 Allocations  
FY03/04-07/08 Capital Improvement Program Page 16/18

**RECEIVED**  
NOV 14 2007

COMMUNITY DEVELOPMENT

**Sanitary Sewer Analysis**  
**EXHIBIT B.2.a.**

Provide existing and future conditions analysis for Sanitary Sewer:

This site has the ability to be serviced by either Lee County Utilities or the City of Cape Coral Utilities due to its location.

Lee County Utilities owns and maintains a wastewater treatment plant on Pine Island in the vicinity of this project site. The closest connection point to this system is a manhole located approximately 1 mile west on this project site in Matlacha on Pine Island Road. The Pine Island Wastewater Treatment Plant has the capacity to serve this project, however, there are currently no refuse facilities available for disposal of effluent at this time. Future plant modifications are proposed to provide service for this project, however, have not yet been finalized. This plant expansion is listed in the 5-year Capital Improvements Plan (CIP).

Sewer service could be provided by the City of Cape Coral with an extension of a line servicing the Publix shopping center on the corner of Burnt Store Road and Pine Island Road. The service would be from the SW Water Reclamation Facility located on SW 20th Avenue. The facility is operating currently at 6.6 MGD and has been approved for funding to expand to an operating level of 14.0 MGD by the end of 2008. This expansion will service the area that the property is located within.

The uses permitted by the existing FLUM (Rural Category) would generate approximately 3,000 GPD. The breakdown of the proposed uses permitted under the requested FLUM (Suburban Category) would generate approximately the following:

**Residential Use**

The maximum number of additional residential units (39) permitted by the proposed amendment will adequately be served by one of the existing wastewater treatment facilities in accordance with Section 2-46 of the Lee County Land Development Code and Chapters 64E-6 of the Florida Statutes. Using 250 GPD per unit, the total future residential demand would be 9,750 GPD.

**Commercial Use**

The maximum square footage of additional commercial units (10,000 S.F.) permitted by the proposed amendment will adequately be served by one of the existing wastewater treatment facilities in accordance with Section 2-46 of the Lee County Land Development Code and Chapters 64E-6 of the Florida Statutes. Using 0.15 GPD/SF, the total future commercial demand would be 1,500 GPD.

The addition of the proposed residential and commercial uses in the requested FLUM (Suburban Category) would generate approximately a total of 11,250 GPD and will be adequately served by either the Lee County Utilities Wastewater Treatment Plant on Pine Island or the City of Cape Coral Plant located on SW 20<sup>th</sup> Avenue.

**RECEIVED**  
NOV 14 2007

COMMUNITY DEVELOPMENT

CPA 2006-00002



**Potable Water Analysis**  
**EXHIBIT B.2.b**

Provide existing and future conditions analysis for Potable Water:

The Greater Pine Island Water Association maintains service for this area provided by the Greater Pine Island Reverse Osmosis Treatment Plant. This plant has a maximum capacity of 2.23 MGD, and produces an average annual daily flow of 1.25 MGD. There are no planned improvements in the 5 year Capital Improvements Plan (CIP) for this plant. A 12" water main exists on the north side of Pine Island Road running east and west in front of the property and a 10" water main runs north and south along our eastern property line entering the Cape Royal development. Either line is accessible from our site.

The uses permitted by the existing FLUM (Rural Category) would generate approximately 3,000 GPD. The breakdown of the proposed uses permitted under the requested FLUM (Suburban Category) would generate approximately the following:

**Residential Use**

The maximum number of additional residential units (39) permitted by the proposed amendment will adequately be served by the existing potable water facility in accordance with Section 2-46 of the Lee County Land Development Code and Chapter 64E-6 of the Florida Statutes. Using 250 GPD per unit, the total future residential demand would be 9,750 GPD.

**Commercial Use**

The maximum square footage of additional commercial units (10,000 S.F.) permitted by the proposed amendment will adequately be served by the existing potable water facility in accordance with Section 2-46 of the Lee County Land Development Code and Chapters 64E-6 of the Florida Statutes. Using 0.15 GPD/SF, the total future commercial demand would be 1,500 GPD.

The addition of the proposed residential and commercial uses in the requested FLUM (Suburban Category) would generate approximately a total of 11,250 GPD and will be adequately served by the existing plant capacity.

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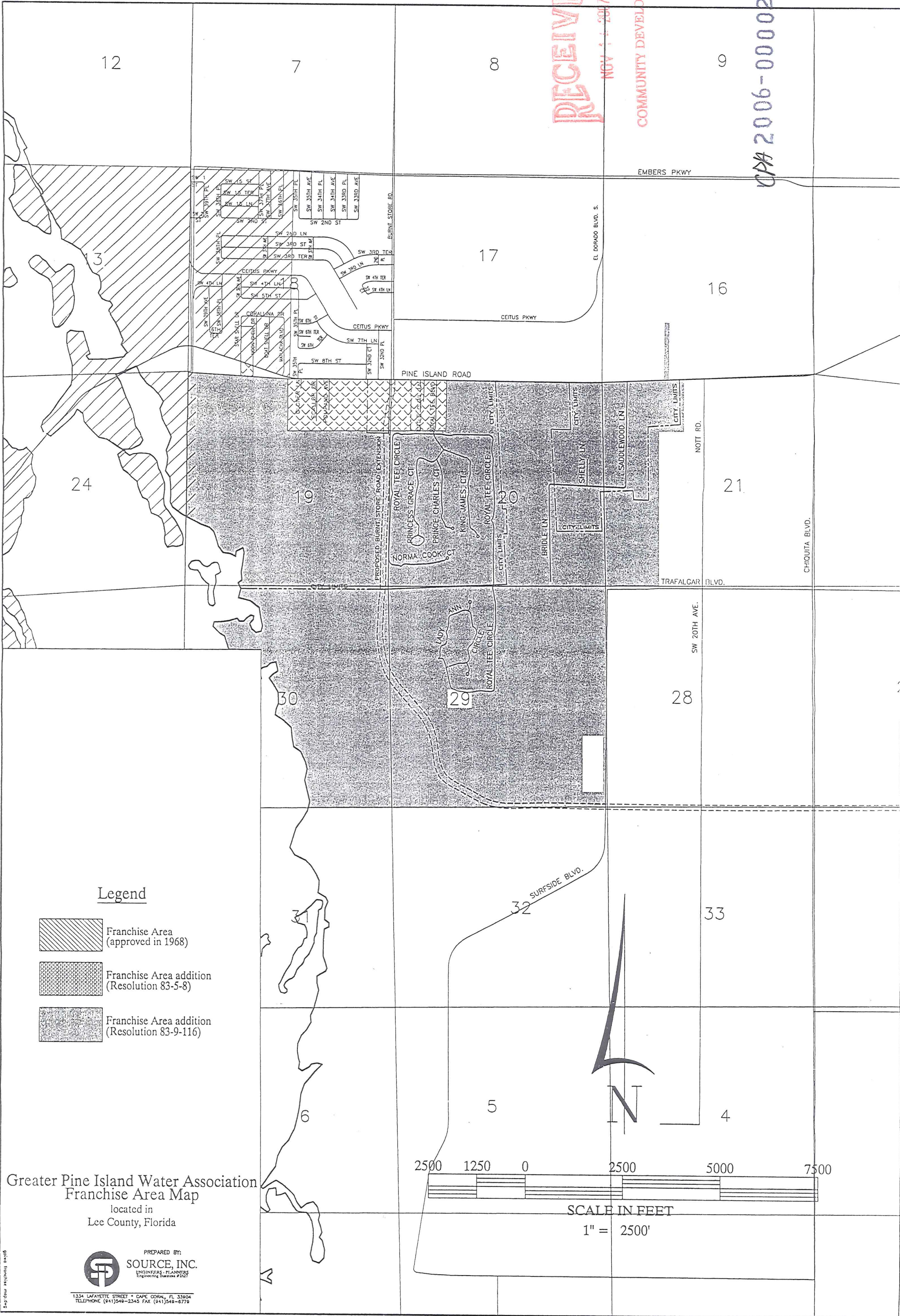
COMMUNITY DEVELOPMENT

CPA 2006-00002



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COMMUNITY DEVELOPMENT

CPA 2006-00002



Legend

- Franchise Area (approved in 1968)
- Franchise Area addition (Resolution 83-5-8)
- Franchise Area addition (Resolution 83-9-116)

Greater Pine Island Water Association  
Franchise Area Map  
located in  
Lee County, Florida

PREPARED BY:  
**SOURCE, INC.**  
ENGINEERS - PLANNERS  
Engineering Division #202  
1334 LAFAYETTE STREET • CAPE CORAL, FL 33904  
TELEPHONE (941)549-2345 FAX (941)549-6779



**FLUM Capacity Analysis  
EXHIBIT E.1**

The proposed amendment will add the potential for 39 dwelling units on the subject property, based on the before and after development scenarios which were discussed with, and accepted by, Planning staff and appear throughout this application. At an assumed PPH of 2.14 per unit, the request would add approximately 71 persons to the capacity of the FLUM. Per CPA2005-00026 revised Table 1(b), the allocated population distribution for 2030 is 13,265 people with 10,248 people already existing. This leaves a 3,017 person capacity for the remaining Greater Pine Island Planning Community. With the addition of our property, a 2,946 person capacity would still remain. The 2030 allocations for the FLUM category of Suburban are 675 acres with 566 acres already existing, leaving 109 acres for remaining projects. With our project size being 6.62 acres, the addition of our project would still leave 102.38 acres. The reductions in remaining acreage and population distribution are minimal and would not require any amendments to CPA2005-00026 revised Table 1(b).

The proposed amendment will also add the potential for 10,000 square feet of commercial area on the subject property, based on the before and after development scenarios which were discussed with, and accepted by, Planning staff and appear throughout this application. Per CPA2005-00026 revised Table 1(b), the 2030 allocations for the FLUM category of Suburban are 226 acres with 154 acres already existing, leaving 72 acres for remaining projects. The proposed project site is 6.62 acres, however, since a maximum of 10,000 square feet of commercial development is being proposed on this site, only 2 acres will be required. The addition of our project site would still leave 70 acres of allocated commercial land for development. This reduction in remaining acreage is minimal and would not require any amendments to CPA2005-00026 revised Table 1(b). Our addition of 2 acres of commercial land is also too minimal to affect Policy 2.4.4 of the Lee Plan for employment centers.

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COMMUNITY DEVELOPMENT

CPA2006-00002

# Community Development



E-Connect

Online Permitting

Pine Island		Allocation	Existing	Remaining
Residential Future Land Use Category	Intensive Development	3	0	3
	Central Urban	0	0	0
	Urban Community	500	383	117
	Suburban	675	566	109
	Outlying Suburban	600	304	296
	Sub-Outlying Suburban	0	0	0
	Commercial	0	0	0
	Industrial Development	0	0	0
	Public Facilities	0	0	0
	University Community	0	0	0
	Industrial Interchange	0	0	0
	General Interchange	0	0	0
	General/Commercial Interchange	0	0	0
	Industrial/Commercial Interchange	0	0	0
	University Village Interchange	0	0	0
	New Community	0	0	0
	Airport	0	0	0
	Tradeport	0	0	0
	Rural	190	927	(737)
	Rural Community Preserve	0	0	0
	Coastal Rural	1,300	0	1,300
	Outer Islands	45	41	4
	Open Lands	0	0	0
	Density Reduction/Groundwater Resource	0	0	0
	Conservation Lands Upland	0	0	0
	Wetlands	0	0	0
	Conservation Lands Wetland	0	0	0
Total Residential		3,313	2,237	1,076
Commercial		226	154	72
Industrial		64	36	28
Non Regulatory Allocations				
Public		2,100	1,617	483
Active Agriculture		2,400	2,462	(62)
Passive Agriculture		815	813	2
Conservation (wetlands)		14,767	14,834	(67)
Vacant		3,781	5,367	(1,586)
Total		27,466	27,516	(50)
Population Distribution		13,265	10,248	3,017

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COMMUNITY DEVELOPMENT

CPA 2006-00002



**FY 03/04-07/08 CAPITAL IMPROVEMENT PROGRAM**

PROJ #	PROJECT NAME	COMP PLAN CODE	FUND. SRC.	CURRENT BUDGET FY 02/03	CIP BUDGET FY 03/04	CIP BUDGET FY 04/05	CIP BUDGET FY 05/06	CIP BUDGET FY 06/07	CIP BUDGET FY 07/08	CIP BUDGET FY 03/04 - 07/08	CIP BUDGET YEARS 6-10
FUNDING SOURCE CODES: A = AD VALOREM; D = DEBT FINANCE; E = ENTERPRISE FUND; G = GRANT; GT = GAS TAX; I = IMPACT FEES; S = SPECIAL; T = TDC; M = MSBU/TU, LA=LIBRARY AD VALOREM											
207104	GREEN MEADOWS WTP IMPROVEMENTS	1	D,E	1,450,000	600,000	0	0	0	0	600,000	0
207160	LINE STOP EQUIPMENT	3	E	0	75,000	0	0	0	0	75,000	0
207252	MATANZAS PASS FORCE MAIN	4	E	1,339,279	0	0	0	0	0	0	0
207253	MATLACHA SUBAQUAEUS FORCEMAIN REPLACEMENT	3	E	183,280	0	0	0	0	0	0	0
207226	METRO PKWY FORCE MAIN RELOC/UPGRADE	5	E	799,876	0	0	0	0	0	0	0
207109	MINERS CORNER RESERVOIR REPLACEMENT	3	D	7,842	0	0	0	0	0	0	0
207147	NEW FIRE HYDRANT INSTALLATIONS	1	E	200,000	0	0	0	0	0	0	0
207084	NORTH LEE COUNTY WATER TREATMENT PLANT	5	D,E	25,087,637	0	0	0	0	0	0	0
207254	ODOR CONTROL SYSTEM FMB WWTP	3	E	63,050	0	0	0	0	0	0	700,000
207265	OLGA WTP RESERVOIR & PLANT IMPROVEMENTS	1	D,E	9,517,134	800,000	0	0	0	0	800,000	0
207161	ORTIZ AVE WATER RELOC-COLONIAL TO BALLARD	3	E	0	100,000	0	0	1,875,000	0	1,975,000	0
207127	PAGE PARK WATERLINE IMPROVEMENTS	3	E	150,000	0	0	0	0	0	0	0
207238	PINE ISLAND SEWER TRANSMISSION SYSTEM	1	E	0	0	0	1,500,000	0	0	1,500,000	0
207262	PINE ISLAND WWTP DEEP INJECTION WELLS	4	E	2,900,000	0	0	0	0	0	0	0
207220	PINE ISLAND WASTE WATER PLANT	F	E	83,053	0	0	0	0	0	0	0
207239	PINE ISLAND WWTP EXPANSION	5	E	0	0	0	0	500,000	0	500,000	0
207240	PINE ISLAND WWTP REUSE SYSTEM	NR5	E	400,000	0	0	0	0	0	0	0
207155	PINEWOODS WTP DEEP INJECTION WELL		E	4,080,000	0	0	0	0	0	0	0
207135	PORTABLE GENERATOR - PUMP STATIONS	1	E	228,303	300,000	100,000	200,000	0	0	600,000	0
207217	REUSE SYSTEM IMPROVEMENTS		E	152,753	100,000	100,000	100,000	100,000	100,000	500,000	250,000
207136	REUSE SYSTEM STORAGE FEASIBILITY STUDY	N/A	E	200,000	0	0	0	0	0	0	0
	SAN CARL.BLV.D.RELOC.SUMM/GLAD(FDOT)	3	E	0	0	0	0	0	0	0	2,500,000
207162	SAN CARLOS BLVD IMPROVEMENT	3	E	0	300,000	0	0	0	0	300,000	0
207156	SAN CARLOS WTP IMPROVEMENTS		E	5,520,002	0	0	0	0	0	0	0
207276	SAN CARLOS WWTP IMPROVEMENTS		E	2,040,000	0	0	0	0	0	0	0
207424	SCADA UPGRADES & IMPROVEMENTS	3	E	150,000	250,000	250,000	150,000	150,000	150,000	950,000	750,000
207255	SEWER EASEMENT ACQUISITION	3	E	100,000	100,000	100,000	100,000	100,000	100,000	500,000	500,000
207200	SEWER - SMALL PROJECTS	3	E	293,550	100,000	100,000	100,000	100,000	100,000	500,000	500,000
207208	SEWER TRANS SYSTEM IMPROVE.	5	E	200,000	200,000	200,000	200,000	200,000	200,000	1,000,000	1,000,000
207432	S LEE COUNTY FACILITIES SECURITY	3	E	0	100,000	0	0	0	0	100,000	0
	S LEE COUNTY WAREHOUSE	4	E	0	0	75,000	0	0	0	75,000	0
207163	S LEE COUNTY WATERMAIN RELOCATIONS	3	E	0	500,000	500,000	500,000	200,000	200,000	1,900,000	0
207100	SR 739 WATERLINE RELOCATION	3	E	450,909	0	420,000	0	0	0	420,000	105,000
207266	SR 78 WTRLINE RELOC-SLATER TO I75	3	E	80,000	2,000,000	0	0	0	0	2,000,000	0
207425	SUMMERLIN RD-BOY SCOUT TO UNIVERSITY W/S RELOC	3	E	250,000	0	0	0	0	0	0	0
207164	TICE STREET LOOP	4	E	0	150,000	0	0	0	0	150,000	0
207165	TREELINE AVE EXT WTR RELOC-DANIELS TO COLONIAL	3	E	0	50,000	0	450,000	0	0	500,000	0
	US 41 NFM WATERMAIN REPLACEMENT	3	E	0	0	0	220,000	0	0	220,000	0

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COMMUNITY DEVELOPMENT

CPA 2006-00002

**CPA2006-02**

**3<sup>rd</sup> RESUBMITTAL**

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

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George L. Consoer, Jr. \*\*  
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Thomas B. Hart  
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\* Board Certified Civil Trial Lawyer  
\*\* Board Certified Real Estate Lawyer  
+ Board Certified Business Litigation Lawyer

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Derrick S. Eihausen  
Naty Torres-Alvarado  
David A. Burt  
Madeline Ebelini

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

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FEB 08 2008

**COMMUNITY DEVELOPMENT**

February 8, 2008

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

Re: Response to Cape Royal Small Scale Amendment Sufficiency Letter / CPA2006-00002

Dear Brandy:

We have reviewed your sufficiency letter dated January 22, 2008 and would respond to the items as follows:

\*\*\*\*\*

- A.5. Item 5 requires the submittal of a legal description for the subject property. Staff has found discrepancies in the legal description provided and requests that it be revised. The description requires a valid starting point. Please provide a corrected legal description

**RESPONSE: The legal description has been revised to reflect your comment and six signed and sealed copies are included in this resubmittal package.**

- A.8. The Property Appraiser's website shows two owners of record for the property with STRAP number 20-44-23-01-00000.0DCE, Realmark Cape Royal, LLC and Meta at Cape Harbour Assn. The application includes consent from Craig Dearden on behalf of Realmark Cape Royal, LLC. Please confirm that Craig Dearden is providing consent on behalf of Meta at Cape Harbour Assn. as well.

**RESPONSE: Attached please find a copy of the deed for the property which indicates that Realmark is the sole owner.**

In addition to the items noted above, planning staff is requesting further discussion provided by the applicant in order to assist staff in the review of the proposed plan amendment.



In the past it has always been the County's policy to encourage annexations into the City of Cape Coral for the enclave parcels along Pine Island Road. Please provide discussion as to whether or not the applicant has considered this issue.

**RESPONSE:** The applicant has, in fact, discussed the possibility of annexing into the City of Cape Coral with City officials. This is difficult as long as the property remains within the GPIWA franchise area.

Regarding the sanitary sewer analysis provided in the application, the analysis states that the site could be serviced by either Lee County Utilities or the City of Cape Coral Utilities. Utility staff has indicated that the Pine Island waste water treatment plan is limited by the amount of reclaimed water permitted for use. Please indicate if the applicant has made any commitments for utilizing reclaimed water.

**RESPONSE:** It is not currently possible to obtain a letter of sewer availability from the City of Cape Coral, as the City has declined to provide service to parcels that are not within its boundaries. As noted in the response to the previous sufficiency letter, it is possible (albeit expensive) to extend the existing lines from the GPIWA facility to the subject parcel. The GPIWA facility currently lacks adequate capacity to dispose of effluent; however, it is also possible to obtain permission from a Pine Island property owner to dispose of the effluent on an existing tree farm. The location of the disposal area is identified in the attached agreement.

Sincerely,

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



Matthew D. Uhle, Esq.

MDU/ams  
Attachments

**Bolaños Truxton, P.A.**

2121 Ponce De Leon Boulevard  
Suite 950  
Coral Gables, Florida 33134  
Telephone: (305) 567-0424  
Facsimile: (305) 567-0423

12800 University Drive  
Suite 350  
Ft. Myers, Florida 33907  
Telephone: (239) 437-5421  
Facsimile: (239) 437-5797

Reply to Ft. Myers

Email: [JDrake@bolanostruxton.com](mailto:JDrake@bolanostruxton.com)

**MEMORANDUM**

To: Lynda Brooks  
From: Julie Drake, Esquire  
Re: Cape Royal  
STRAP No. 20-44-23-01-00000.0DCE  
Date: January 30, 2008

In response to your memo of like date, I attach a copy of the Warranty Deed, from B.P. Development Southwest, Inc. to Realmark Cape Royal, LLC, which was recorded on March 28, 2001 in OR Book 3384, Page 3522, Public Records of Lee County, Florida. It would appear that title vests solely in Realmark Cape Royal, LLC, a Florida limited liability company.

I hope this will be of assistance to you. If you require any additional documentation, please let me know.

  
Julie Drake

/smf  
Enclosure

Mar. 20. 2001 1:20PM GOLDSTEIN BUCKLEY ETAL.

FILED IN THE PUBLIC RECORDS OF THE STATE OF FLORIDA

INSTR # 5094534

OR BK 03384 PG 3522

RECORDED 03/20/01 05:05 PM  
 CHARLIE GREEN CLERK OF COURT  
 LEE COUNTY  
 RECORDING FEE: 15.00  
 DOC TAX (F.S. 201.02) 13,118.00  
 DEPUTY CLERK J MILLER

15<sup>00</sup>  
 13,118<sup>00</sup>  
 Recording  
 Documentary Stamp  
 \$13,133.00  
 Property Appraiser's  
 Parcel Identification No.

Prepared by:  
 J. Jeffrey Rice, Esquire  
 GOLDSTEIN, BUCKLEY, COCHMAN, RICE & PURTZ, P.A.  
 P. O. BOX 2344  
 FORT MYERS, FLORIDA 33902-2344  
 00123

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

THIS INDENTURE, made this 23 day of March, 2001, Between B.P. DEVELOPMENT SOUTHWEST, INC., a Florida corporation as GRANTOR, whose address is 3434 Cleveland Avenue, Fort Myers, Florida 33901, and REALMARK CAPE ROYAL, LLC, a Florida limited liability company, as GRANTEE, whose address is 1900 Lagoon Lane, Cape Coral, Florida 33914;

WITNESSETH that said Grantor, for and in consideration of the sum of TEN AND NO/100'S DOLLARS (\$10.00), and other good and valuable considerations to said Grantor in hand paid by said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said Grantee, and Grantee's heirs and assigns forever, the following described land, situate, lying and being in Lee County, Florida, to-wit:

SEE EXHIBIT 'A' ATTACHED HERETO.

SUBJECT to the exceptions to title attached as Exhibit "B" hereto.

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

"GRANTOR" and "GRANTEE" are used for singular or plural, as context requires.

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

Signed, sealed and delivered in our presence:

[Signature]  
 Signature of Witness  
 Print Name PETER T. McBRIDE

B. P. DEVELOPMENT SOUTHWEST, INC., a Florida corporation

GREG S. TRUXTON  
 Signature of Witness  
 Print Name GREG S. TRUXTON

By: [Signature] (Seal)  
 DEAN BALLANTINE, President

STATE OF FLORIDA COUNTY OF LEE

The foregoing instrument was acknowledged before me this 23 day of March, 2001, by Dean Ballantine, as President of B. P. DEVELOPMENT SOUTHWEST INC., a Florida corporation, on behalf of the corporation.

☒ He/she is personally known to me, or

☐ produced N/A as identification.

My commission expires:

(Seal)

NOTARY PUBLIC

OFFICIAL NOTARY SEAL  
 GREG S. TRUXTON  
 NOTARY PUBLIC STATE OF FLORIDA  
 COMMISSION NO. 00449720  
 MY COMMISSION EXPI. MAY 21, 2001

OR BK 63084 PG 2322

Exhibit "A"

Those certain lots in ROYAL-TEE COUNTRY CLUB ESTATES, according to the plat recorded in Plat Book 37, pages 1 through 19, of the public records of Lee County, Florida, onumerated as follows:

## BLOCK A:

Lot 1, 51, 52, 55, 66, 68, 69, 70, 71, 77, 102, 103, 104, 105, 106, 107, 108, 146, 149, 151, 152, 153, 154, 155, 158, 179, 243, 273, 274, 275, 276, 277. and

Lot 45, less that portion beginning at the northwest corner of Lot 45, Block A of Royal-Tee Country Club Estates, according to the map or plat thereof as recorded in Plat Book 37 at Pages 1 through 19 of the public records of said Lee County; thence S70°32'14"E along the northeasterly line of said Lot 45 for 115.00 feet; thence S49°52'43"W for 71.06 feet to a point on the northeasterly right-of-way line of King James Court N.W. (60.00 feet wide); thence N32°44'51"W along said right-of-way line and along the southwesterly line of said Lot 45 for 100.00 feet to the point of beginning.

## BLOCK B:

Lots 13, 15, 16, 17, 18, 19, 20, 22, 23, 28, 29, 34, 35, 37, 39, 40, 41, 47, 51, 52, 58, 59, 60, 62, 63, 64, 67, 68, 72, 74, 75, 76, 77, 82, 83, 84, 86, 87, 88, 89, 90, 91, 93, 94, 98, 99, 100, 101, 103, 105, 106, 107, 108, 111, 114, 115, 116, 118, 120 and 123.

## AND

ALL OF TRACT "O" OF ROYAL TEE COUNTRY CLUB ESTATES ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 37 AT PAGES 1 THROUGH 19 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

## AND

THE EAST ONE HALF (E 1/2) OF THE WEST ONE HALF (W 1/2) OF THE EAST ONE HALF (E 1/2) OF THE NORTHWEST ONE QUARTER (NW 1/4) OF THE NORTHWEST ONE QUARTER (NW 1/4) OF SECTION 20, TOWNSHIP 44 SOUTH, RANGE 23 EAST LEE COUNTY, FLORIDA, LYING SOUTH OF PINE ISLAND ROAD, LESS THE FOLLOWING DESCRIBED PROPERTY:

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, BEING PART OF SECTION 20, TOWNSHIP 44 SOUTH, RANGE 23 EAST, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

STARTING AT THE PERMANENT CONTROL POINT (P.C.P.) AT THE INTERSECTION OF THE CENTERLINE OF ROYAL TEE BOULEVARD N.W. AND ROYAL TEE CIRCLE N.W. AS SHOWN ON THE PLAT OF ROYAL TEE COUNTRY CLUB ESTATES ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 37 AT PAGES 1-19 OF THE PUBLIC RECORDS OF SAID LEE COUNTY, FLORIDA; THENCE N89°57'21"W ALONG THE CENTERLINE OF SAID ROYAL TEE CIRCLE N.W. FOR 109.33 FEET; THENCE N0°19'23"W FOR 30.00 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF SAID ROAD AND THE SOUTH LINE OF TRACT H AS SHOWN ON THE AFORESAID PLAT AND THE POINT OF BEGINNING OF THE HEREON DESCRIBED PARCEL; THENCE CONTINUE N00°19'23"W FOR 281.99 FEET; THENCE N88°09'25"W FOR 140.41 FEET TO A POINT ON THE WEST LINE OF THE EAST ONE HALF (E 1/2) OF THE WEST ONE HALF (W 1/2) OF THE EAST ONE HALF (E 1/2) OF THE NORTHWEST ONE QUARTER (NW 1/4) OF THE NORTHWEST ONE QUARTER (NW 1/4) OF SAID SECTION 20; THENCE S00°02'04"E ALONG SAID FRACTION LINE FOR 288.57 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF THE AFORESAID ROYAL TEE CIRCLE N.W.; THENCE S89°57'21"E ALONG SAID RIGHT-OF-WAY LINE FOR 140.24 FEET TO THE POINT OF BEGINNING.

BEARINGS ARE BASED ON THE CENTERLINE OF ROAD OF ROYAL TEE CIRCLE N.W. AS BEARING N89°57'21"W AS SHOWN ON SAID RECORDED PLAT.

OR 83384 PG 3524

**EXHIBIT B**  
**EXCEPTIONS TO TITLE**

- 1- Matters shown on the plat of Royal-Tee Country Club Estates, a subdivision recorded in Plat Book 37, pages 1 to 19.
- 2- Restrictions, covenants, conditions and easements as contained in the instrument recorded in Official Records Book 1807, page 501, of the public records of Lee County, Florida.
- 3- Terms, covenants, conditions, restrictions, easements, assessments and possible liens created by and set forth in the Declaration recorded in Official Records Book 2176, page 4645, Consent recorded in Official records Book 2178, page 4549 and amended in Official Records Book 2317, page 1903, of the public records of Lee County, Florida, but omitting any covenant or restriction based on race, color, religion, sex, handicap, familial status or national origin unless and only to the extent that said covenant(s): (a) is exempt under Chapter 42, Section 3607 of the United States Code; or (b) relates to handicap, but does not discriminate against handicapped persons.
- 4- Easement for Cable Television & Communications Service dated October 8, 1992, granted to Florida Cablevision Management Corp., recorded in Official Records Book, 2339, page 228 and Official Records Book 2339, page 2431, of the public records of Lee County, Florida.

OR2176 PG4641

10.80 Recording  
28,555.00 Documentary Stamps

Prepared by:  
Harvey B. Goldberg, Esquire  
GOLDBERG, GOLDSTEIN & BUCKLEY, P.A.  
P. O. BOX 2388  
FORT MYERS, FLORIDA 33902-2388

2913188

(Space above this line for recording data.)

**THIS QUIT-CLAIM DEED**, made this 25th day of September, 1990,  
Between POVA-BALLANTINE CORPORATION, a Florida corporation, GRANTOR, and  
B. P. DEVELOPMENT SOUTHWEST, INC., a Florida corporation, as GRANTEE,  
whose post office address is 3436 Cleveland Avenue, Fort Myers, Florida 33901,

**WITNESSETH** that said Grantor, for and in consideration of the sum of TEN AND NO/100'S DOLLARS (\$10.00), in hand paid by the said Grantee, the receipt whereof is hereby acknowledged, does hereby remise, release and quit-claim unto the said Grantee forever, all the right, title, interest, claim and demand which the said Grantor has in and to the following described lot, piece or parcel of land, situate, lying and being in LEE County, Florida, to-wit:

AS PER EXHIBIT 'A', ATTACHED HERETO AND MADE A PART HEREOF.

SUBJECT TO easements, restrictions and reservations of record, and property taxes for the current year.

Documentary Tax Pd. \$ 28,655.00  
\$ \_\_\_\_\_ Impreciate Tax Pd.  
CHARLIE CALIN, CLERK, LEE COUNTY  
[Signature] Deputy Clerk

TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereto belonging or in anywise appertaining, and of the estate right, title, interest, ten, equity and claim whatsoever of the said Grantor, either in law or equity, to the only proper use, benefit and behoof of the said Grantee forever.

"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]  
Witness  
[Signature]

POVA-BALLANTINE CORPORATION, a Florida corporation  
[Signature]  
BY: LAWRENCE POVA, President

STATE OF FLORIDA  
COUNTY OF LEE

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared LAWRENCE POVA, President of POVA-BALLANTINE CORPORATION, to me known to be the person described in and who executed the foregoing instrument and acknowledged before me that he executed the same, and that said instrument is the act and deed of said corporation.

WITNESS my hand and official seal in the County and State last aforesaid this 25th day of September, 1990.

My commission expires: 3-22-94

NOTARY PUBLIC

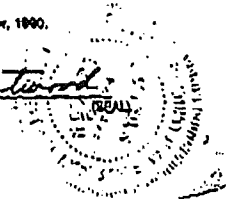




EXHIBIT "A"

A tract or parcel of land situated in the State of Florida, County of Lee, being a part of Section 20 and Section 29, Township 44 South, Range 23 East, and further described as follows:

The Southwest one-quarter (SW 1/4) of Section 20; together with the South one-half (S 1/2) of the Northwest one-quarter (NW 1/4) of said Section 20 and the West one-half (W 1/2) of the East one-half (E 1/2) of the East one-half (E 1/2) of the Northwest one-quarter (NW 1/4) of the Northwest one-quarter (NW 1/4) of said Section 20; and less the Pine Island Road right-of-way.

## ALSO:

The Northwest one-quarter (NW 1/4) of Section 29, Township 44 South, Range 23 East, Lee County, Florida.

## ALSO:

That part of the East half of the West half of the East half of the Northwest quarter of the Northwest quarter of Section 20, Township 44 South, Range 23 East, lying South of the right-of-way of Pine Island Road; LESS the North 150 feet of the above described property.

## ALSO:

The South 150.0 feet of the North 183.0 feet of the following described property: The East half of the West half of the East half of the Northwest quarter of the Northwest quarter of Section 20, Township 44 South, Range 23 East, Lee County, Florida.

LESS the following lots in ROYAL-TEE COUNTRY CLUB ESTATES SUBDIVISION, Plat Book 37, Pages 1 through 19, of the Public Records of Lee County, Florida, of which a portion of above described property is now known as:

LOTS 6, 13, 14, 41, 44, 48, 54, 56, 62, 63, 64, 72, 73, 76, 78, 79, 82, 90, 92, 93, 96, 97, 109, 110, 111, 112, 113, 122, 123, 124, 125, 133, 134, 137, 138, 139, 143, 147, 167, 168, 171, 172, 173, 175, 176, 177, 178, 182, 186, 187, 189, 199, 208, 209, 231, 233, 234, 235, 236, 266, 268, 269, ALL IN BLOCK "A".

LESS the Golf Course and Clubhouse facilities situated on and being a part of ROYAL-TEE COUNTRY CLUB ESTATES, A SUBDIVISION, lying in Section 20 and Section 29, Township 44 South, Range 23 East, and further described as certain tracts of land, being Tract "A" - Golf Course, Tract "B" - Golf Course, and Tract "C" - Golf Course, as said tracts are depicted on the plat of Royal Tee Country Club Estates, recorded in Plat Book 37, Pages 1 through 19, of the Public Records of Lee County, Florida.

The property being transferred expressly includes, together with other parcels, those certain lots in ROYAL-TEE COUNTRY CLUB ESTATES SUBDIVISION, Plat Book 37, Pages 1 through 19, of the Public Records of Lee County, Florida, now known as:

Lots 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 42, 43, 45, 46, 47, 49, 50, 51, 52, 53, 55, 57, 58, 59, 60, 61, 65, 66, 67, 69, 70, 71, 74, 75, 77, 80, 81, 83, 84, 85, 86, 87, 88, 89, 91, 94, 95, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 114, 115, 116, 117, 118, 119, 120, 121, 126, 127, 128, 129, 130, 131, 132, 135, 136, 140, 141, 142, 144, 145, 146, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 169, 170, 174, 179, 180, 181, 183, 184, 185, 188, 190, 191, 192, 193, 194, 195, 196, 197, 198, 200, 201, 202, 203, 204, 205, 206, 207, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 232, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 267, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, ALL IN BLOCK "A"; and Lots 1 through 124, ALL IN BLOCK "B".

OR2176 P04642

CHARLIE GREEN LEE CITY FL  
90SEP25 PM 3:42

LEE COUNTY PROPERTY APPRAISER

## PROPERTY DATA FOR PARCEL 20-44-23-01-00000.0DCE TAX YEAR 2007

Parcel data is available for the following tax years:

[ 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 ]

[ [Next Lower Parcel Number](#) | [Next Higher Parcel Number](#) | [Display Building Permits on this Parcel](#)  
| [Display Tax Bills on this Parcel](#) | [Tax Estimator](#) ]

OWNERSHIP, LEGAL, SALES AND DISTRICT DATA ARE FROM THE CURRENT DATABASE.  
LAND, BUILDING, VALUE AND EXEMPTION DATA ARE FROM THE 2007 ROLL.

## PROPERTY DETAILS

### OWNER OF RECORD

REALMARK CAPE ROYAL LLC  
META AT CAPE HARBOUR ASSN  
5789 CAPE HARBOUR DR STE 201  
CAPE CORAL FL 33914

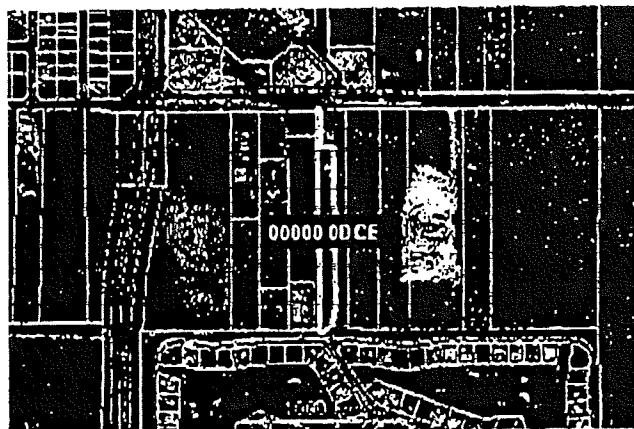
### SITE ADDRESS

11951 ROYAL TEE BLVD  
CAPE CORAL FL 33991

### LEGAL DESCRIPTION

ROYAL-TEE COUNTRY CLUB EST  
PB 37 PG 3  
TRACT D

[ [VIEWER](#) ] TAX MAP [ [PRINT](#) ]



[ [PICTOMETRY](#) ]

### TAXING DISTRICT

007 - MATLACHA-PINE ISLAND FIRE  
DISTRICT

### DOR CODE

99 - ACREAGE NOT AG CLASSIFIED

### PROPERTY VALUES (TAX ROLL 2007)

[ [HISTORY CHART](#) ]

JUST

0 HOMESTEAD

ASSESSED

0 AGRICULTURAL

ASSESSED SOH

0 WIDOW

### EXEMPTIONS

### ATTRIBUTES

0 LAND UNITS OF MEASURE AC

0 TOTAL NUMBER OF LAND  
UNITS 2.50

0 FRONTAGE 0

TAXABLE	0 WIDOWER	0 DEPTH	0
BUILDING	0 DISABILITY	0 BEDROOMS	
LAND	0 WHOLLY	0 BATHROOMS	
BUILDING FEATURES	0 SOH DIFFERENCE	0 TOTAL BUILDING SQFT	
LAND FEATURES	0	1ST YEAR BUILDING ON TAX ROLL	0
		HISTORIC DISTRICT	No

## SALES/TRANSACTIONS

SALE PRICE	DATE	OR NUMBER	TYPE	TRANSACTION DETAILS DESCRIPTION	VACANT / IMPROVED
1,874,000	3/23/2001	3384/3522	02	Qualified (Multiple STRAP # / 06-09I) There are 95 additional parcel(s) with this document (may have been split after the transaction date)... <u>20-44-23-00-00003.0000,</u> <u>20-44-23-00-00003.0020,</u> <u>20-44-23-01-0000A.0010,</u> <u>20-44-23-01-0000A.0450,</u> <u>20-44-23-01-0000A.0510,</u> <u>20-44-23-01-0000A.0520,</u> <u>20-44-23-01-0000A.0550,</u> <u>20-44-23-01-0000A.0660,</u> <u>20-44-23-01-0000A.0680,</u> <u>20-44-23-01-0000A.0690,</u> <u>20-44-23-01-0000A.0700,</u> <u>20-44-23-01-0000A.0710...</u> <i>Remaining parcels not listed.</i>	V
5,210,000	9/25/1990	2176/4641	04	Disqualified (Multiple STRAP # - 01,03,04,07) There are 360 additional parcel(s) with this document (may have been split after the transaction date)... <u>20-44-23-00-00003.0000,</u> <u>20-44-23-00-00003.0020,</u> <u>20-44-23-00-00003.0030,</u> <u>20-44-23-01-00000.00CE,</u> <u>20-44-23-01-0000A.0010,</u> <u>20-44-23-01-0000A.0030,</u> <u>20-44-23-01-0000A.0040,</u> <u>20-44-23-01-0000A.0050,</u> <u>20-44-23-01-0000A.0080,</u> <u>20-44-23-01-0000A.0090,</u> <u>20-44-23-01-0000A.0120,</u> <u>20-44-23-01-0000A.0150...</u> <i>Remaining parcels not listed.</i>	V

100 9/1/1990 2173/4259 04 Disqualified (Multiple STRAP # - V  
01,03,04,07)  
There are 207 additional parcel(s) with this  
document (may have been split after the  
transaction date)...  
20-44-23-00-00003.0000,  
20-44-23-00-00003.0020,  
20-44-23-00-00003.0030,  
20-44-23-01-00000.00A0,  
20-44-23-01-00000.00A1,  
20-44-23-01-00000.00CE,  
20-44-23-01-0000A.0010,  
20-44-23-01-0000A.0450,  
20-44-23-01-0000A.0510,  
20-44-23-01-0000A.0520,  
20-44-23-01-0000A.0530,  
20-44-23-01-0000A.0550...  
*Remaining parcels not listed.*

### PARCEL NUMBERING HISTORY

PRIOR STRAP	RENUMBER REASON	RENUMBER DATE
20-44-23-01-00000.00D0	Delete Parcel-add back to roll under new STRAP(same value)	Friday, July 23, 2004
20-44-23-01-00000.00E0	Split (From another Parcel)	Tuesday, April 24, 2001
20-44-23-00-00001.0000	Combined (With another parcel-Delete Occurs)	Unspecified

### SOLID WASTE (GARBAGE) ROLL DATA

SOLID WASTE DISTRICT	ROLL TYPE	CATEGORY	UNIT/AREA	TAX AMOUNT
005 - Service Area 5	-		0	0.00

GARBAGE	COLLECTION DAYS	RECYCLING	HORTICULTURE
Error loading the Collection Days.			

### ELEVATION INFORMATION

THIS CATEGORY MAY CHANGE IN SEPTEMBER 2008. TO VIEW THE NEW CATEGORY, CLICK [HERE](#)

STORM SURGE CATEGORY	FLOOD INSURANCE ( <a href="#">FIRM FAQ</a> )
RATE CODE	COMMUNITY PANEL VERSION DATE

Error loading the Elevation Information.

[ Show ]

## APPRAISAL DETAILS

[ [Next Lower Parcel Number](#) | [Next Higher Parcel Number](#) ]

[ [New Query](#) | [New Browse](#) | [Parcel Queries Page](#) | [Lee PA Home](#) ]

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This site is best viewed with [Microsoft Internet Explorer 5.5+](#) or [Netscape Navigator 6.0+](#).  
Page was last modified on Wednesday, January 30, 2008 2:13:55 PM.

This instrument was prepared  
by and after recording return to:  
Thomas E. Maloney, Esq.  
3050 Horseshoe Drive, #105  
Naples, FL 34104

Developer's Property Strap #s

21-44-22-00-00011.0190  
28-44-22-00-00011.0000  
28-44-22-00-00011.0030  
28-44-22-00-00012.002A  
28-44-22-00-00012.0020  
28-44-22-00-00012.002B  
28-44-22-00-00012.0000

Receiver's Property Strap #s  
04-45-22-00-00010.0000

(THIS SPACE RESERVED FOR RECORDING)

Exhibit A: Legal for Receivers' Property  
Exhibit B: Graphic for Receivers' Property  
Exhibit C: Legal for Developers' Property  
Exhibit D: Graphic for Developers' Property

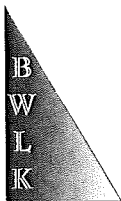
AGREEMENT TO PROVIDE PROPERTY TO RECEIVE  
EFFLUENT WATER FROM LEE COUNTY'S  
PINE ISLAND WASTEWATER TREATMENT PLANT  
FOR PURPOSE OF BENEFITING SPECIFIED PRIVATE PROPERTY

(ALLOCATION AGREEMENT)

This Agreement is made and entered into this 21 day of August,  
2007, between NORDIC INVESTMENT CORP., an Illinois corporation, and ISLAND  
FARMS 1031, LLC, a Florida Limited Liability Company, hereinafter collectively  
referred to as "Receivers", and the following Companies, all of which are hereinafter  
collectively referred to as "Developers."

LAKE JEFFERSON, LLC  
RAINTREE & PRICE, LLC  
PINE TARR, LLC  
And ISLAND PINE, LLC, all of which are Florida  
Limited Liability Companies





## Bean, Whitaker, Lutz & Kareh, Inc.

13041 McGregor Boulevard  
Fort Myers, Florida 33919-5910  
email – fmooffice@bwlk.net  
(Ph) 239-481-1331 (Fax) 239-481-1073

February 14, 2008


To Lee County, a political subdivision of the State of Florida:

I hereby certify that the co-ordinates of the Northwest corner of Section 20, Township 44 South, Range 23 East were observed to be the following values:

Northing 837414.67 (feet) and Easting 643072.21 (feet).

The aforementioned coordinates are State Plane – Florida West zone (North American Datum of 1983/1990 adjustment).

Bean, Whitaker, Lutz & Kareh, Inc. (LB4919)



Scott C. Whitaker, P.S.M. (4324)

32290\_Certification.doc

RECEIVED  
FEB 15 2008

COMMUNITY DEVELOPMENT

CPA 2006-00002

PRINCIPALS:

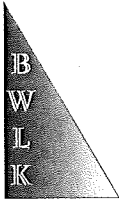
WILLIAM E. BEAN, PSM, CHAIRMAN  
SCOTT C. WHITAKER, PSM, PRESIDENT  
JOSEPH L. LUTZ, PSM  
AHMAD R. KAREH, PE, MSCE, VICE PRESIDENT

CONSULTING ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS



ASSOCIATES:

TRACY N. BEAN, AICP  
JAMES A. HESSLER, PSM  
JAMES R. COLEMAN, PSM  
RUDOLF A. NORMAN, PE



# Bean, Whitaker, Lutz & Kareh, Inc.

13041 McGregor Boulevard  
Fort Myers, Florida 33919-5910  
email – fmooffice@bwlk.net  
(Ph) 239-481-1331 (Fax) 239-481-1073

**RECEIVED**  
FEB 15 2008

Description of a Parcel of Land  
Lying in  
Section 20, Township 44 South, Range 23 East  
Lee County, Florida  
(Realmark/Dunlap Overall Boundary)

COMMUNITY DEVELOPMENT

*CA* 2006-00002

A parcel of land situated in the State of Florida, County of Lee, lying in the Northwest One Quarter (NW 1/4) of Section 20, Township 44 South, Range 23 East, being all of Tract "D" of Royal-Tee Country Club Estates according to the plat thereof as recorded in Plat Book 37, Pages 1 through 19, Public Records of Lee County, Florida, and all of a parcel described in Official Record Book 4516 at Page 4408.

And:

The East One Half (E 1/2) of the West One Half (W 1/2) of the East One Half (E 1/2) of the Northwest One Quarter (NW 1/4) of the Northwest One Quarter (NW 1/4) of Section 20, Township 44 South, Range 23 East, Lee County, Florida, lying south of Pine Island Road (S.R. 78).

Less and Except all of that parcel of land described in Official Record Book 2840 at Page 1.

Said overall parcel being further described as follows:

Commencing at the northwest corner of the said fraction; thence S89°59'18"E along the north line of said fraction for 674.30 feet to the northwest corner of the West One Half (W 1/2) of the West One Half (W 1/2) of the East One Half (E 1/2) of the Northwest One Quarter (NW 1/4) of the Northwest One Quarter (NW 1/4) of said Section 20; thence S00°00'10"W along the west line of said fraction for 33.00 feet to an intersection with the south right-of-way line of Pine Island Road (S.R. 78) (66 feet wide) and the Point of Beginning; thence continue S00°00'10"W along the west line of said fraction for 282.55 feet to the northwest corner of a parcel described in Official Record Book 3457 at Page 1396; thence S89°53'08"E along the north line of said parcel for 168.81 feet to an intersection with the east line of the West One Half (W 1/2) of the West One Half (W 1/2) of the East One Half (E 1/2) of the Northwest One Quarter (NW 1/4) of the Northwest One Quarter (NW 1/4) of said Section 20, being the northeast corner of said parcel; thence S00°02'20"E along the east line of said fraction for 750.81 feet to the northwest corner of a parcel described in Official Record Book 2840 at Page 1; thence S88°09'25"E along the north line of said parcel for 146.09 feet to the northeast corner of said parcel; thence S00°19'23"E along the east line of said parcel for 261.59 feet to an intersection with the south line of the East One Half (E 1/2) of the West One Half (W 1/2) of the East One Half (E 1/2) of the Northwest One Quarter (NW 1/4) of the Northwest One Quarter (NW 1/4) of said Section 20; thence S89°53'08"E along said fraction for 23.60 feet to an intersection with the west line of Tract "D" of

Continued ...

#### PRINCIPALS:

WILLIAM E. BEAN, PSM, CHAIRMAN  
SCOTT C. WHITAKER, PSM, PRESIDENT  
JOSEPH L. LUTZ, PSM  
AHMAD R. KAREH, PE, MSCE, VICE PRESIDENT

CONSULTING ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS



#### ASSOCIATES:

TRACY N. BEAN, AICP  
JAMES A. HESSLER, PSM  
JAMES R. COLEMAN, PSM  
RUDOLF A. NORMAN, PE

Description of a Parcel of Land  
Lying in  
Section 20, Township 44 South, Range 23 East  
Lee County, Florida  
(Realmark/Dunlap Overall Boundary)  
- Continued -

said subdivision; thence S00°08'06"E along the west line of said Tract "D" for 20.37 feet to an intersection with the north right-of-way line of Royal-Tee Circle (60 feet wide) being the southwest corner of said Tract "D"; thence S89°57'21"E along said right-of-way line for 25.53 feet to the beginning of a tangent curve concave to the northwest having a radius of 35.00 feet; thence continue northeasterly along said curve and the westerly right-of-way line of Royal Tee Boulevard (60' wide) through a central angle of 74°40'53" for 45.62 feet to a point of reverse curve concave to the southeast having a radius of 96.40 feet, said point being on the west right-of-way line of said Royal-Tee Boulevard N.W. (60 feet wide); thence continue northeasterly along said curve and said west right-of-way line through a central angle of 09°53'38" for 16.65 feet; thence N25°15'25"E along said west right-of-way line for 40.14 feet to the beginning of a curve concave to the west having a radius of 145.00 feet; thence continue northeasterly along said curve and said west right-of-way line through a central angle of 25°31'32" for 64.60 feet to a point of tangency; thence N00°16'07"W departing said curve along said west right-of-way line for 960.54 feet; thence S89°43'53"W along said right-of-way line for 75.00 feet; thence N00°16'07"W along said west right-of-way line for 220.00 feet to an intersection with the south right-of-way line of said Pine Island Road (S.R. 78 - 66 feet wide); thence N89°59'18"W along said south right-of-way line for 355.97 feet to the Point of Beginning.

Parcel contains 7.715 acres (336,084 square feet), more or less.

Bearings are based on the north line of the Northwest One Quarter (NW 1/4) of Section 20 as bearing S89°59'18"E.

Parcel subject to a 30 foot easement as shown in Official Record Book 4516, Page 4408, Public Records of Lee County, Florida.

Parcel subject to easements, restrictions, reservations and rights-of-way (written and unwritten, recorded and unrecorded).

Bean, Whitaker, Lutz & Kareh, Inc. (LB 4919)

32290\_DESC\_OVERALL

2/6/08

  
\_\_\_\_\_  
Scott C. Whitaker, P.S.M. 4324

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FEB 15 2008

COMMUNITY DEVELOPMENT

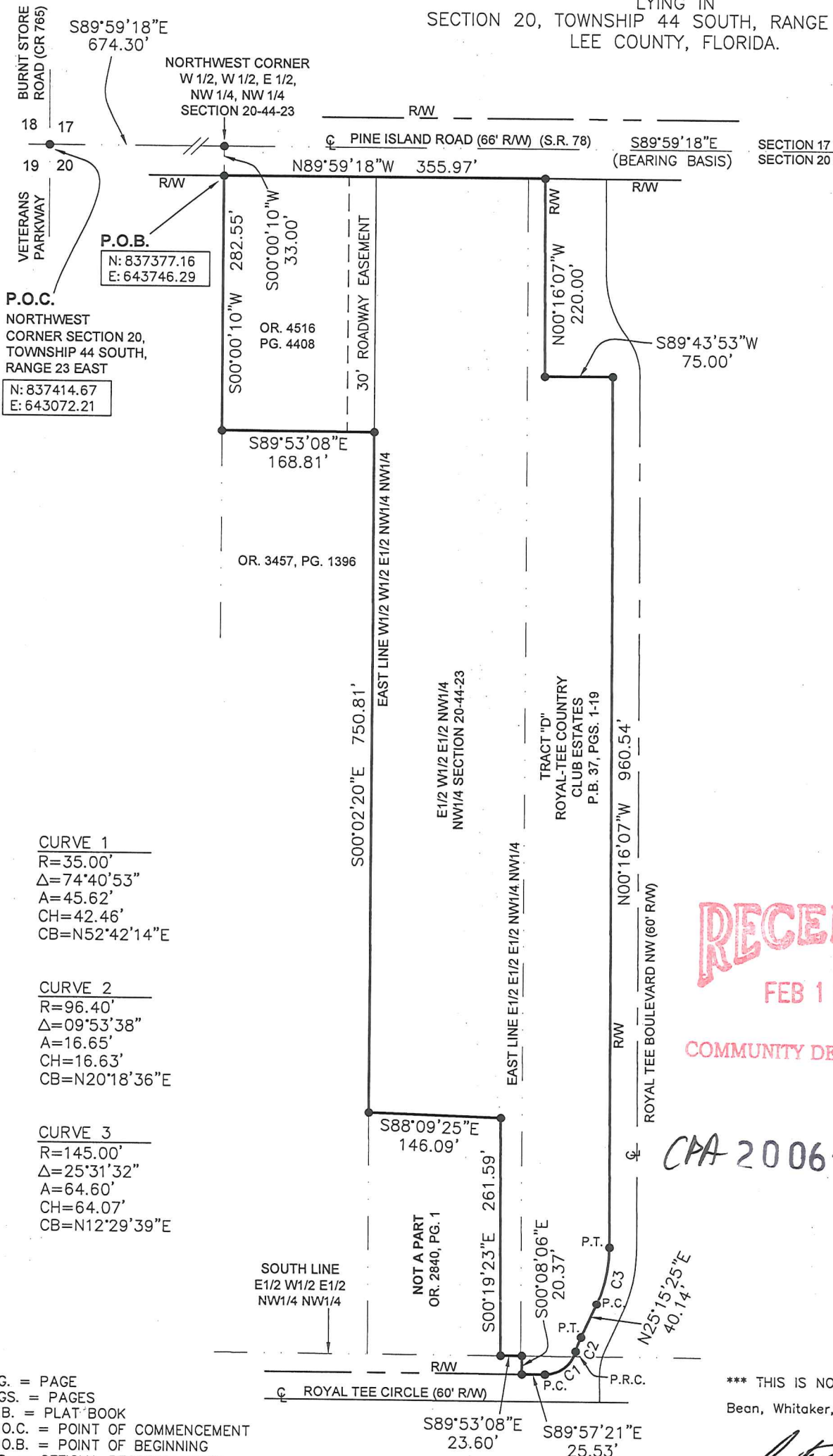
CPA 2006-00002

# SKETCH TO ACCOMPANY DESCRIPTION

OF A PARCEL OF LAND

LYING IN

SECTION 20, TOWNSHIP 44 SOUTH, RANGE 23 EAST,  
LEE COUNTY, FLORIDA.



RECEIVED  
FEB 15 2008

COMMUNITY DEVELOPMENT

CPA 2006-00002

\*\*\* THIS IS NOT A SURVEY \*\*\*

Bean, Whitaker, Lutz & Kareh, Inc.

SCOTT C. WHITAKER, P.S.M.  
Florida Certificate No. 4324

REALMARK/DUNLAP OVERALL BOUNDARY

Bean, Whitaker, Lutz & Kareh, Inc. (LB 4919)

CIVIL ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS

13041 MCGREGOR BOULEVARD, FORT MYERS, FLORIDA 33919-5910 (239) 481-1331

SK32290\_OVERALL.DWG

DATE	PROJECT NO.	DRAWN BY	SCALE	SHEET	FILE NO. (S-T-R)
2-6-08	32290	CNA	1" = 150'	1 OF 1	20-44-23

COORDINATES ARE STATE PLANE - FLORIDA  
WEST ZONE (NORTH AMERICAN DATUM OF  
1983/1990 ADJUSTMENT).

SUBJECT TO EASEMENTS, RESTRICTIONS,  
RESERVATIONS, AND RIGHTS-OF-WAY (WRITTEN  
AND UNWRITTEN, RECORDED AND UNRECORDED).

# **CORRESPONDENCE**

**Wu, Lili**

---

**From:** Matthew Noble [NOBLEMA@leegov.com]  
**Sent:** Thursday, March 30, 2006 1:39 PM  
**To:** Wu, Lili ; Lili Wu  
**Subject:** CPA2006-02

O.K, I think a safe set of assumptions are the following for existing use under the current Rural designation:

6 Dwelling Units or 10,000 square feet of retail or office uses.

For the Suburban assumptions, please consider the following"

39 Dwelling Units or 30,000 square feet of retail uses, and 30,000 square feet of office uses.

Matthew A. Noble, Principal Planner  
Lee County Department of Community Development Division of Planning  
Email: noblema@leegov.com  
(239) 479-8548  
(941) 479-8319 FAX



## Memo

To: Paul O'Connor, Director  
Planning Division

From: David Loveland, Manager *DL*  
Transportation Planning

Date: April 7, 2006

Subject: CPA2006-02

---

RECEIVED  
APR 10 2006

COMMUNITY DEVELOPMENT

We have reviewed the above application which requests that the land use designation of approximately 6.61 acres be changed from the existing "Rural" to "Suburban". As indicated by an e-mail from your staff on March 30, 2006, the proposed "Suburban" designation would allow approximately 39 dwelling units or 30,000 square feet retail uses, or 30,000 square feet of office on the property. After running the FSUTMS travel demand model for the year 2020 condition, we have determined that the land use change on this property will not alter the future road network plans.

If you have any questions or concerns, do not hesitate to contact me at 479-8509.

LW:llj

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

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

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

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MUhle@knott-law.com

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

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

April 10, 2007

Mr. H. Wayne Gaither, Planner  
Lee County Planning Division  
1500 Monroe Street  
Fort Myers, FL 33902

Re: Cape Royal / CPA2006-00002

Dear Mr. Gaither:



CPA  
2006-00002

We are in receipt of the staff's comments dated October 25, 2006, in regard to the application for the Cape Royal Comprehensive Plan Amendment. Those comments and their responses are as follows:

\*\*\*\*\*

**The following applies to Section I of the application:**

According to the Property Appraiser's website and the application, Henry Albrecht is the owner of parcel with STRAP 20-44-23-00-00003.0010, but he is not listed as an owner. Please clarify if Mr. Albrecht is a property owner.

**RESPONSE:** Mr. Henry Albrecht owns the property identified with STRAP 20-44-23-00-00003.0010 as a tenant in common with Mr. Anthony Dunlap. The deeds reflecting this ownership are attached, as well as an affidavit signed by Mr. Albrecht.

\*\*\*\*\*

**The following applies to Section III of the application:**

**E.1 & 2**

The application does not provide Commercial Intensity for the property. Your analysis should provide information on total build-out (provide information for total build-out for each category independent of each other) for both the existing land use designations and your proposed comprehensive plan amendments.

This information is used to determine the impacts the proposed development will generate against the possible impacts of the existing Land Use designations. Consistency in the variables to determine the changes in potential impacts is important in our analysis. Staff's analysis of the proposed comprehensive plan amendment will center on the maximum build-out presently allowed under your proposal.

April 10, 2007



**RESPONSE:** A revised Page 4 of the application has been provided. Please note that the applicant's legal representative and Matt Noble agreed upon the pre- and post-amendment development scenarios included in the original application at a meeting on or before September 22, 2005.

\*\*\*\*\*

The following applies to Part IV of the application:

A.2

CPA  
2006-00002

Please provide a map showing the Future Land Use designation boundaries of the subject property, surrounding street network, and natural resources.

**RESPONSE:** A map containing this information is included in this package.

A.3

Please provide a map and description of the existing land uses (not designations) of the subject property and surrounding properties. Descriptions should discuss consistency of current uses with the proposed changes.

**RESPONSE:** A narrative description of the surrounding existing land uses was submitted with the original package. Another copy is being provided for your convenience. The map described in A.2 also contains the existing land uses.

A.6

A copy of the warranty deed provided in the application shows Henry L. Albrecht, P.A. as owner of one of the parcels. Please provide documentation that Mr. Albrecht is a part of this application or that all property is under the ownership of RealMark Cape Coral, LLC.

**RESPONSE:** Again, the property is owned by Mr. Henry Albrecht and Mr. Anthony Dunlap as tenants in common. Please see attached warranty deeds and signed affidavit.

B.2

Please provide methodology and calculations when determining the existing and future conditions analysis for sanitary sewer and potable water. Please provide the watershed district as it pertains to surface water / drainage basins.

**RESPONSE:** Water and sewer calculations are based on Flow Tables in FS 64E-6. The site is not identified in a specific drainage basin, but indirectly outfalls to Matlacha Pass.

April 10, 2007

CPA 2006-00002



The review of public services should include, but does not need to be limited to the following: franchise area, Basin, or District the property is located in, current LOS and acceptable standards for LOS, projected LOS without comprehensive plan amendment compared to projected LOS with comprehensive plan amendment, improvements programmed with the existing CIP and any deficiencies that might be generated by the approval of the comprehensive plan amendment.

**RESPONSE: Refer to the Traffic Circulation Analysis from the original submittal for traffic implications.**

**B.3(a)**

The City of Cape Coral Fire Department states that this property lies within the Pine Island Fire Control District. Please provide documentation that the Pine Island Fire Control District was contacted about this Comprehensive Plan Amendment and provide their comments.

**RESPONSE: Please see attached letter from Chief David Bradley of the Pine Island Fire Control District.**

**B.3(c)**

Please provide documentation that the Lee County Solid Waste Division was contacted concerning this Comprehensive Plan Amendment and provide their comments.

**RESPONSE: Please see attached letter from Mr. William T. Newman of the Lee County Solid Waste Division.**

**C.1**

The "Endangered Species Report", submitted as part of the application and prepared by Southern Biomes, Inc., identifies 7.7 acres within its site description. Please explain this discrepancy.

**RESPONSE: Page 3 of the application has been revised to reflect the correct size of the parcel (7.7 acres).**

**C.2**

Please provide a map and description of the soils found on the property (identify the source of the information).

**RESPONSE: A soils map is included in the package.**



April 10, 2007

OPA 2006-00002



C.3

Please provide a map depicting the 100 year flood prone areas, as identified by FEMA.

**RESPONSE: The requested FEMA map is included in this package.**

\*\*\*\*\*

**Comments from Lee County, Environmental Sciences Division:**

Please submit information determining how increasing the intensity of the land use category at this site will affect the existing bald eagle nest within 1,100 feet of the property.

**RESPONSE: Not expected to have any impact. This issue is discussed in the Endangered Species Report in the original submittal.**

\*\*\*\*\*

**Comments from Lee County, Department of Smart Growth:**

...many points were brought to light that would be more appropriately addressed through the Land Development review process, once a definite development proposal is filed. The guiding principle offered is that the ultimate site developer consider a greater attention to "mixed uses" more than expressed in the application.

**RESPONSE: The precise mix of uses that will ultimately be placed on the property will be determined at the zoning stage.**

Sincerely,

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

Matthew D. Uhle, Esq.

MDU/ams

## Wayne Gaither - Re: CPA2006-02 Cape Royal Plan Amendment

---

**From:** Kim Trebatoski  
**To:** Gaither, Wayne  
**Date:** 4/11/2006 4:26 PM  
**Subject:** Re: CPA2006-02 Cape Royal Plan Amendment  
**CC:** Noble, Matthew

---

Wayne - Please have the applicant submit information on how increasing the intensity of the land use category will affect the existing bald eagle nest within 1,100 feet of the property.

Additionally, any Lee Plan text should specify measures for bald eagle management.

Please let me know if you have any questions

Kim Trebatoski  
 Principal Environmental Planner  
 Lee County DCD - Environmental Sciences  
[trebatkm@leegov.com](mailto:trebatkm@leegov.com)  
 239-479-8183  
 FAX 239-479-8144  
[www.lee-county.com](http://www.lee-county.com).

>>> Wayne Gaither 04/11/06 02:58PM >>>

Distribution List:

*John Wilson, Lee County Public Safety*  
*Chris Hansen, Lee County Public Safety, EMS*  
*W. Bergquist, Lee County Sheriff's Office*  
*Roland E. Ottolini, Lee County Natural Resources Management*  
*Steve Boutelle, Lee County Natural Resources*  
*Steven Myers, Lee Tran*  
*John Yarbrough, Lee County Parks & Recreation*  
*David Berra, Lee County Parks & Recreation*  
*Roger Clark, Lee County Parks & Recreation*  
*Ellen Lidblad, Lee County School Board*  
*Dave Loveland, Lee County Division of Transportation*  
*Lili Wu, Lee County Division of Transportation*  
*Brad Vance, Lee County, Natural Resources*  
*Mike Carroll, Lee County Development Services*  
*Rick Joyce, Lee County Division of Planning, Environmental Sciences*  
*Lindsey Sampson, Lee County Solid Waste*  
*Bill Newman, Lee County Solid Waste*  
*Bill Horner, Lee County Port Authority*  
*Regina Smith, Lee County Economic Development*  
*Kim Trebatoski, Lee County Division of Planning, Environmental Sciences*  
*Gerald Campbell, Lee County Public Safety, Emergency Management*  
*Susan Noe, Lee County, Economic Development*  
*Robert Stewart, Lee County, Building Official*  
*Jim Lavender, Lee County Public Works*  
*Howard Wegis, Lee County Utilities*  
*Ivan Velez, Lee County Utilities*  
*Pam Houck, Lee County Zoning*  
*Nettie Richardson, Lee County Zoning*  
*Pete Eckenrode, Lee County Development Services*



**Michael Pavese, Lee County Public Works**  
**Wayne Daltry, Lee County Smart Growth**  
**Mary Zettel, DCD/Code Enforcement**  
**Rick Roberts, DCD/Code Enforcement**  
**Tim Jones, Chief Assistant, County Attorney's Office**  
**Donna Marie Collins, Assistant, County Attorney's Office**  
**Chief David Bradley, Matlacha-Pine Island Fire District**

April 11, 2006

Public Service/Review Agencies

2<sup>nd</sup> e-mail

**RE: CPA2006-00002 – Cape Royal (Map Amendment)**

20-44-23-01-00000.0DCE

20-44-23-00-00003.0010

20-44-23-00-00003.0000

20-44-23-00-00003.0020

If you have responded to this information request then please disregard this e-mail, if not.....

Planning Division staff requests your agencies/departments help in reviewing the above referenced Lee Plan Amendment. The applicant is proposing a Map amendment to change the Future Land Use Map (FLUM) designation.

Planning staff requests that your agency help determine the sufficiency of the proposed plan amendment application for review. If you can identify any deficiencies in the information provided, need clarification on the subject matter, or if you find the application sufficient for review, please provide these comments to us by April 17, 2006. A letter is being drafted to submit any additional data requests to the applicant and your input concerning the potential impacts to your agency is important.

A copy of the application attached.

If you have any questions, please feel free to contact Matt Noble at:

479-8548

[noblema@leegov.com](mailto:noblema@leegov.com)

H. Wayne Gaither  
Lee County Community Development  
Planning Department  
(239) 479-8567  
[wgaither@leegov.com](mailto:wgaither@leegov.com)

**From:** Daltry, Wayne E.  
**To:** Gaither, Wayne W.  
**Date:** 4/13/06 11:15AM  
**Subject:** Cape Royal

Good Morning

I have reviewed the proposed small scale plan amendment for the Cape Royal project.

The Smart Growth Initiative has not finished the process of entering its recommendations into the LeePlan. However, the greater part of its recommendations are supportive of higher densities under particular conditions. These would be mixed use buildings or a mixed use site plan; additional transportation modes, particularly with surrounding property; the opportunity for storm water remediation; housing affordable to the likely workforce of the non-residential component.

On the face of the application, the number of units are being proposed for an increase, but no real mix of use is contemplated. The market values of the units as rental or sales are not part of the application; if the market mix was to turn out to be towards the affordable level of the dominant workforce of the area, this office would be supportive of additional unit bonuses.

The area urban character is still forming. The future need for access is apparent, but shown at this stage of the development planning. The site should be prepared to provide the non-motorized access to adjacent parcels and coordinate with adjacent landowners such connections, unless a public program already is being applied to this corridor. There should also be motorized access to adjacent parcels, to minimize the need to use Pine Island Road for local travel.

The County is expanding its stormwater management program, in conjunction with the City of Cape Coral, through NPDES plans and watershed plans. The application states it will be consistent with SFWMD criteria. I interpret that statement provides the presumption that should such criteria change, pursuant to pending BMP rules, that there is no vested limitation to current levels of stormwater management at the time of this Small Scale amendment..

These points are more appropriately addressed through the Land Development review process, once a definite development proposal is filed. The guiding principle I would offer is that the ultimate site developer consider a greater attention to "mixed uses" more than expressed in this application.

Thank you for the opportunity to provide comments.

Wayne Daltry

Director, Smart Growth

239-335-2840

fx -335-2262

**From:** Michael Horsting  
**To:** Noble, Matthew  
**Date:** 4/14/06 11:26AM  
**Subject:** Re: CPA2006-02 Cape Royal Plan Amendment

Matt,

The transit division has reviewed the above mentioned plan amendment application which would not result in the need for any additional transit services to be provided. We currently do not provide fixed route bus service to this rural section of Cape Coral and with the proposed suburban designation, the densities will continue to remain too low to require any fixed route bus service.

We currently provide demand response service one day per week to this area including Pine Island. This service is considered a life sustaining service for individuals without transportation alternatives and is not expected to be expanded five day per week service until the year 2013.

Please let me know if you have any further questions.  
Mike

Mike Horsting  
Transit Planner  
Lee County Transit  
6035 Landing View Road  
Fort Myers, FL 33907  
mhorsting@leegov.com  
(239) 533-0333 - Telephone  
(239) 277-5064 - FAX

>>> Matthew Noble 03/29/06 11:20AM >>>

Planning staff is asking your help in the review of the above mentioned, and attached, Lee Plan Future Land Use Map amendment. Planning staff is asking you to provide any sufficiency comments that you might have within the next 2 or 3 weeks. If you have questions, or if I can help, just let me know...

Matthew A. Noble, Principal Planner  
Lee County Department of Community Development  
Division of Planning  
Email: noblema@leegov.com  
(239) 479-8548  
(941) 479-8319 FAX

**CC:** Myers, Steve

CDA 2006-00002

5700 Pine Island Road, Bokeelia, Florida 33922  
239-283-0030 Fax 239-283-3313  
Email: Chief@pineislandfire.org

**Matlacha - Pine Island  
Fire Control District**



**Fax**

**To:** Matthew Nobel

**From:** Chief Bradley

**Fax:**

479 - 8319

**Pages:** 2

**Phone:**

**Date:** 4/17/06

**Re:** Cape Royal

**CC:**

☐ Urgent    ☐ For Review    ☐ Please Comment    ☐ Please Reply    ☐ Please Recycle

• **Comments:**

**Mr. Noble**

**Please call me when you receive this,**

**Thanks,**

**Chief Bradley**



**Matlacha / Pine Island  
Fire Control District**  
5700 Pine Island Road  
Bokeelia, Florida 33922  
941 - 283 - 0030 Fax 941 - 283 - 3313

April 17, 2006

Matthew A. Noble, Principal Planner  
Lee County Department of Community Development

Re: Cape Royal

Dear Mr. Noble,

Matlacha/Pine Island Fire Control District has reviewed the information provide in reference to a proposed designation of Suburban for the Cape Royal development that is south of Pine Island Road and east of Burnt Store Road.

This proposal will not significantly impact our current and projected services, Matlacha/Pine Island Fire Control District is currently in the planning stages for a new fire station in the eastern boundaries of our district, this facility will enhance the fire and rescue service we presently provide to Cape Royal.

If you have any questions please feel free to contact me.

Sincerely,



Chief David P. Bradley, Sr.  
Matlacha/Pine Island Fire Control District



**LEE COUNTY**  
SOUTHWEST FLORIDA

**BOARD OF COUNTY COMMISSIONERS**

Writer's Direct Dial Number: (239) 479-8567

Bob Janes  
District One

Douglas R. St. Cerny  
District Two

Ray Judah  
District Three

Tammy Hall  
District Four

John E. Albion  
District Five

Donald D. Stilwell  
County Manager

David M. Owen  
County Attorney

Diana M. Parker  
County Hearing  
Examiner

October 25, 2006

Craig Dearden  
RealMark Cape Royal, LLC  
1900 Lagoon Lane  
Cape Coral, FL 33904

RE: CPA2006-00002, Cape Royal

Dear Mr. Dearden:

The Planning Division has reviewed Cape Royal Comprehensive Plan Amendment (CPA2006-00002) and the application was found insufficient for review. Please provide the requested data and analysis.

**The following applies to Section I of the application:**

According to the Property Appraisers website and the application, Henry Albrecht is the owner of parcel STRAP: 20-44-23-00-00003.0010, but he is not listed as an owner. Please clarify if Mr. Albrecht is a property owner.

**The following applies to Section III of the application:**

**E.1 & 2**

The application does not provide Commercial Intensity for the property. Your analysis should provide information on **total build-out** (provide information for total build-out for each category independent of each other) for both the existing land use designations and your proposed comprehensive plan amendments.

This information is used to determine the impacts the proposed development will generate against the possible impacts of the existing Land Use designations. Consistency in the variables to determine the changes in potential impacts is important in our analysis. Staff's analysis of the proposed comprehensive plan amendment will center on the maximum build-out presently allowed and under your proposal.

**The following applies to Part IV of the application:**

**A.2.**

Please provide a map showing the Future Land Use designation boundaries of the subject property, surrounding street network, and natural resources.

**A.3**

Please provide a map and description of the existing land uses (not designations) of the subject property and surrounding properties. Descriptions should discuss consistency of current uses with the proposed changes.

**A.6**

A copy of the Warranty Deed provided in the application shows Henry L. Albrecht, P.A. as owner of one of the parcels. Please provide documentation that Mr. Albrecht is a part of this application or that all property is under the ownership of RealMark Cape Coral, LLC.

**B.2**

Please provide methodology and calculations when determining the existing and future conditions analysis for Sanitary Sewer and Potable Water. Please provide the watershed district as it pertains to Surface Water / Drainage Basins.

The review of public services should include, but does not need to be limited to the following: franchise area, Basin, or District the property is located in, current LOS and acceptable standards for LOS, projected LOS without comprehensive plan amendment compared to projected LOS with comprehensive plan amendment, improvements programmed with the existing CIP and any deficiencies that might be generated by the approval of the comprehensive plan amendment.

**B.3(a)**

The City of Cape Coral Fire Department stated this property lies within the Pine Island Fire Control District. Please provide documentation that the Pine Island Fire Control District was contacted about this Comprehensive Plan Amendment and provide their comments.

**B.3(c)**

Please provide documentation that the Lee County, Solid Waste Division was contacted concerning this Comprehensive Plan Amendment and provide their comments.

**C.1**

The "Endangered Species Report", submitted as part of the application and prepared by Southern Biomes, Inc. identifies 7.7 acres within its site description. Please explain discrepancy.

**C.2**

Please provide a map and description of the soils found on the property (identify the source of the information).

**C.3**

Please provide a map depicting the 100 year flood prone areas, as identified by FEMA has been included in the application.

Planning staff has received comments / requests for information concerning the application.

Comments from Lee County, Environmental Sciences Division:

Please submit information determining how increasing the intensity of the land use category at this site will affect the existing bald eagle nest within 1,100 feet of the property.

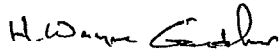
Comments from Lee County, Department of Smart Growth:

...many points were brought to light that would be more appropriately addressed through the Land Development review process, once a definite development proposals is filed. The guiding principle offered is that the ultimate site developer consider a greater attention to "mixed uses" more than expressed in this application.

This letter should not be viewed as a final dead-line for comments from reviewing agencies. Should additional comments come in regarding sufficiency questions, they will be submitted to you in as timely a manner as possible.

Should you have any questions, please feel free to contact me at your convenience.

Sincerely,



H. Wayne Gaither  
Planner  
(239) 479-8567  
[wgaither@leegov.com](mailto:wgaither@leegov.com)

HWG

Matt Noble, Principal Planner  
Matthew D. Uhle, Knott, Consoer, Ebelini, Hart & Swett, P.A.  
Larry Hildreth, Avalon Engineering, Inc.  
File

Bob Janes  
*District One*

A. Brian Bigelow  
*District Two*

Ray Judah  
*District Three*

Tammy Hall  
*District Four*

Frank Mann  
*District Five*

Donald D. Stilwell  
*County Manager*

David M. Owen  
*County Attorney*

Diana M. Parker  
*County Hearing Examiner*

December 29, 2006

Ms. Alison Stowe  
Knott, Consoer, Ebelini  
Hart & Sweet, P.A.  
1625 Hendry St. Third Floor  
P.O. Box 2449  
Ft. Myers, FL 33902-2449

**SUBJECT: Lee Plan Amendment for Cape Royal**

Dear Ms. Stowe:

The Lee County Solid Waste Division is capable of providing solid waste collection service for the 69 additional residential units to be located at the Cape Royal development through our franchised hauling contractors. Disposal of the solid waste generated at this location 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.

If you have any questions, please call me at (239) 3383302.

Sincerely,



William T. Newman  
Operations Manager  
Solid Waste Division



*CPA* 2006-00002

Bob Janes  
District One

A. Brian Bigelow  
District Two

Ray Judah  
District Three

Tammy Hall  
District Four

Frank Mann  
District Five

Donald D. Stilwell  
County Manager

David M. Owen  
County Attorney

Diana M. Parker  
County Hearing  
Examiner

**July 9, 2007**

**Craig Dearden**  
**Real Mark Cape Royal, LLC**  
**1900 Lagoon Lane**  
**Cape Coral, FL 33904**

**RE: CPA2006-00002, Cape Royal Small Scale Plan Amendment**

**Dear Mr. Dearden:**

**The Planning Division has reviewed Cape Royal Comprehensive Plan Amendment (CPA2006-00002) and the application was insufficient for review. Please provide the requested data and analysis.**

**The following comments pertain to Part IV of the application.**

**B.2.d.**

As previously requested, please provide an existing and future conditions analysis for sanitary sewer and water service that includes (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, 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).

Lee County Utilities provided an email dated July 2, 2007 including the following comments:

*Lee County could provide central sewer service to the subject project through the Pine Island Plant, however, this area is not included in the Lee Plan, Wastewater Future Service Area (Map 7). In addition, infrastructure to service this area is not in place and the developer would be required to extend lines to the site from existing infrastructure located in the general area of Matlacha Isles. The applicant may want to explore connection to the City of Cape Coral, as they may have infrastructure closer to the site.*



Please address Lee County Utility comments.

**E.1.**

Please address the 2030 allocations for commercial and residential uses in the Greater Pine Island Planning community per CPA2005-00026 revised Table 1(b).

**F.1.**

Commercial uses are proposed with this amendment request and falls under the and/or category targeted by the Lee Plan as employment centers. Please provide a discussion for this category.

If I can be of any assistance or if you have any questions, please do not hesitate to call me at 479-8316.

Sincerely,

A handwritten signature in black ink, appearing to read 'BAC', is written over a horizontal line.

Brent Cunningham, Senior Planner  
Department of Community Development, Division of Planning

Attachments: Lee County Utility email

**Cunningham, Brent**

---

**From:** Wegis, Howard S.  
**Sent:** Monday, July 02, 2007 8:09 AM  
**To:** Cunningham, Brent  
**Cc:** Velez, Sergio I.  
**Subject:** RE: CPA2006-02 Cape Royal Small Scale Plan Amendment

Lee County could provide central sewer service to the subject project through the Pine Island Plant, however, this area is not included in the Lee Plan, Wastewater Future Service Area (Map 7). In addition, infrastructure to serve this area is not in place and the developer would be required to extend lines to the site from existing infrastructure located in the general area of Matlacha Isles. The applicant may want to explore connection to the City of Cape Coral, as they may have infrastructure closer to the subject site.

Howard S. Wegis  
Staff Engineer  
Lee County Utilities  
P.O. Box 398  
Fort Myers, FL 33901  
Phone#: (239) 479-8163  
Fax#: (239) 479-8176

---

**From:** Cunningham, Brent  
**Sent:** Friday, June 29, 2007 9:50 AM  
**To:** Wegis, Howard S.  
**Cc:** Noble, Matthew A.  
**Subject:** CPA2006-02 Cape Royal Small Scale Plan Amendment

Mr. Wegis,

This proposed plan amendment is within the Pine Island Planning Community and is located in an unincorporated enclave near Cape Coral (20-44-23-00-00003.0010, 20-44-23-01-00000.0DCE, 20-44-23-00-00003.0000 & 20-44-23-00-00003.0020). The applicant is proposing to change the existing future land use designation of RURAL to SUBURBAN. In addition, the applicant is proposing commercial and residential uses with this change (<http://www.lee-county.com/dcd/PlanAmendments/SmallScale/CPA200602A1.pdf>). Would the county have the ability to provide service through the Pine Island treatment plant for this site? Please provide your thoughts on this subject matter. Thank you.

**Brent Cunningham**  
**Senior Planner**  
**Lee County DCD/ Division of Planning**  
**phone: 239-479-8567**  
**fax : 239-479-8319**  
[bcunningham@leegov.com](mailto:bcunningham@leegov.com)  
[www.lee-county.com](http://www.lee-county.com)



# LEE COUNTY

## SOUTHWEST FLORIDA

### PLANNING DIVISION:

- ♦ SHIP – STATE HOUSING INITIATIVES PARTNERSHIP AFFORDABLE HOUSING PROGRAM
- ♦ HISTORIC PRESERVATION PROGRAM

### Cover Sheet

Lee County Planning Division

P.O. Box 398

Fort Myers, FL 33902

Phone: (239) 479-8585

Fax: (239) 479 8161

For general assistance contact Antia Richards, Planning Tech I, at (239) 479-8547 or e-mail her at [Richarah@leegov.com](mailto:Richarah@leegov.com)

To: Alison	Date: 8/13/07	Page: 4, including this cover sheet.
Fax #: 334-1446		
From: Brent Cunningham,	E-mail: <a href="mailto:bcunningham@leegov.com">bcunningham@leegov.com</a>	
Phone #: (239) 533-8567		
Subject: Cape Royal CPA-2006-02		

#### COMMENTS:

OOOPS! Sorry! I faxed the wrong insufficiency memo.

\*\*\*\*\*  
\*\*\* TX REPORT \*\*\*  
\*\*\*\*\*

TRANSMISSION OK

TX/RX NO	2714	
CONNECTION TEL		93341446
SUBADDRESS		
CONNECTION ID		
ST. TIME	08/13 14:21	
USAGE T	00'53	
PGS. SENT	4	
RESULT	OK	

## Cunningham, Brent

---

**From:** System Administrator  
**To:** AStone@knott-law.com  
**Sent:** Monday, August 13, 2007 1:52 PM  
**Subject:** Undeliverable: CPA2006-02Insufficiency.wpd

Your message did not reach some or all of the intended recipients.

Subject: CPA2006-02Insufficiency.wpd  
Sent: 8/13/2007 1:51 PM

The following recipient(s) could not be reached:

AStone@knott-law.com on 8/13/2007 1:52 PM

There was a SMTP communication problem with the recipient's email server. Please contact your system administrator.  
<EXCHVS2.Lee-County-FL.gov #5.5.0 smtp;550-"The recipient cannot be verified. Please check all recipients of this">



# LEE COUNTY

## SOUTHWEST FLORIDA

### DIVISION OF PLANNING

### FACSIMILE

P.O. Box 398  
Fort Myers, FL 33902  
(239) 479-8585  
Fax: (239) 479-8319

To:	Ali'sson	Date:	8/13/07
Fax #:	334-1446	Pages:	, including this cover sheet
From:	Brent Cunningham, Senior Planner		
Subject:	CPA2006-00002 Cape Royal		

#### COMMENTS:

Ali'sson,  
I tried emailing you but the system administrator kept sending me UNDELIVERABLE messages. My email address is bcunningham@lee.gov.com.



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

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

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

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

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

MUhle@knott-law.com

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

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

November 14, 2007

Mr. Brent Cunningham, Senior Planner  
Lee County Division of Planning  
P.O. Box 398  
Fort Myers, Florida 33902

Re: Cape Royal Small Scale Plan Amendment / CPA2006-00002

Dear Mr. Cunningham:

We are in receipt of your comments dated July 9, 2007, in regard to the application for the Cape Royal Comp Plan Amendment. Those comments and their responses are as follows:

\*\*\*\*\*

**B.2.**

As previously requested, please provide an existing and future conditions analysis for sanitary sewer and water service that includes (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 service 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, 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).

**RESPONSE: Refer to Exhibits B.2.a and B.2.b. enclosed with this resubmittal.**

Lee County Utilities provided an e-mail dated July 2, 2007 including the following comments:

*Lee County could provide central sewer service to the subject project through the Pine Island Plant; however, this area is not included in the Lee Plan Wastewater Future Service Area (Map 7). In addition, infrastructure to service this area is not in place and the developer would be required to extend lines to the site from existing infrastructure located in the general area of Matlacha Isles. The applicant may want to explore connection to the City of Cape Coral, as they may have infrastructure closer to the site.*

CPA2006-00002



November 14, 2007

**RESPONSE: Refer to Exhibit B.2.b. enclosed with this resubmittal.**

\*\*\*\*\*

**E.1.**

Please address the 2030 allocations for commercial and residential uses in the Greater Pine Island Planning Community per CPA2005-00026 revised Table 1(b).

**RESPONSE: Refer to the revised Exhibit E.1 (FLUM Capacity Analysis) enclosed with this resubmittal.**

**F.1.**

Commercial uses are proposed with this amendment request and falls under the and/or category targeted by the Lee Plan as employment centers. Please provide a discussion for this category.

**RESPONSE: Refer to the revised Exhibit E.1 (FLUM Capacity Analysis) enclosed with this resubmittal.**

If you should have any questions or require additional information, please contact me.

Sincerely,

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



Matthew D. Uhle, Esq.

MDU/ams

**RECEIVED**  
NOV 14 2007

**COMMUNITY DEVELOPMENT**

Enclosures: Exhibit B.2.a. Existing and Future Conditions Analysis for Sanitary Sewer  
Exhibit B.2.b. Existing and Future Conditions Analysis for Potable Water w/  
Greater Pine Island Water Association Franchise Area Map  
Exhibit E.1 FLUM Capacity Analysis w/Revised Table 1(b) Planning Community  
Year 2030 Allocations  
FY03/04-07/08 Capital Improvement Program Page 16/18

**Sanitary Sewer Analysis**  
**EXHIBIT B.2.a.**

Provide existing and future conditions analysis for Sanitary Sewer:

This site has the ability to be serviced by either Lee County Utilities or the City of Cape Coral Utilities due to its location.

Lee County Utilities owns and maintains a wastewater treatment plant on Pine Island in the vicinity of this project site. The closest connection point to this system is a manhole located approximately 1 mile west on this project site in Matlacha on Pine Island Road. The Pine Island Wastewater Treatment Plant has the capacity to serve this project, however, there are currently no refuse facilities available for disposal of effluent at this time. Future plant modifications are proposed to provide service for this project, however, have not yet been finalized. This plant expansion is listed in the 5-year Capital Improvements Plan (CIP).

Sewer service could be provided by the City of Cape Coral with an extension of a line servicing the Publix shopping center on the corner of Burnt Store Road and Pine Island Road. The service would be from the SW Water Reclamation Facility located on SW 20th Avenue. The facility is operating currently at 6.6 MGD and has been approved for funding to expand to an operating level of 14.0 MGD by the end of 2008. This expansion will service the area that the property is located within.

The uses permitted by the existing FLUM (Rural Category) would generate approximately 3,000 GPD. The breakdown of the proposed uses permitted under the requested FLUM (Suburban Category) would generate approximately the following:

**Residential Use**

The maximum number of additional residential units (39) permitted by the proposed amendment will adequately be served by one of the existing wastewater treatment facilities in accordance with Section 2-46 of the Lee County Land Development Code and Chapters 64E-6 of the Florida Statutes. Using 250 GPD per unit, the total future residential demand would be 9,750 GPD.

**Commercial Use**

The maximum square footage of additional commercial units (10,000 S.F.) permitted by the proposed amendment will adequately be served by one of the existing wastewater treatment facilities in accordance with Section 2-46 of the Lee County Land Development Code and Chapters 64E-6 of the Florida Statutes. Using 0.15 GPD/SF, the total future commercial demand would be 1,500 GPD.

The addition of the proposed residential and commercial uses in the requested FLUM (Suburban Category) would generate approximately a total of 11,250 GPD and will be adequately served by either the Lee County Utilities Wastewater Treatment Plant on Pine Island or the City of Cape Coral Plant located on SW 20<sup>th</sup> Avenue.

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NOV 14 2007

CAA2006-00002

COMMUNITY DEVELOPMENT



**Potable Water Analysis**  
**EXHIBIT B.2.b**

Provide existing and future conditions analysis for Potable Water:

The Greater Pine Island Water Association maintains service for this area provided by the Greater Pine Island Reverse Osmosis Treatment Plant. This plant has a maximum capacity of 2.23 MGD, and produces an average annual daily flow of 1.25 MGD. There are no planned improvements in the 5 year Capital Improvements Plan (CIP) for this plant. A 12" water main exists on the north side of Pine Island Road running east and west in front of the property and a 10" water main runs north and south along our eastern property line entering the Cape Royal development. Either line is accessible from our site.

The uses permitted by the existing FLUM (Rural Category) would generate approximately 3,000 GPD. The breakdown of the proposed uses permitted under the requested FLUM (Suburban Category) would generate approximately the following:

**Residential Use**

The maximum number of additional residential units (39) permitted by the proposed amendment will adequately be served by the existing potable water facility in accordance with Section 2-46 of the Lee County Land Development Code and Chapter 64E-6 of the Florida Statutes. Using 250 GPD per unit, the total future residential demand would be 9,750 GPD.

**Commercial Use**

The maximum square footage of additional commercial units (10,000 S.F.) permitted by the proposed amendment will adequately be served by the existing potable water facility in accordance with Section 2-46 of the Lee County Land Development Code and Chapters 64E-6 of the Florida Statutes. Using 0.15 GPD/SF, the total future commercial demand would be 1,500 GPD.

The addition of the proposed residential and commercial uses in the requested FLUM (Suburban Category) would generate approximately a total of 11,250 GPD and will be adequately served by the existing plant capacity.

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COMMUNITY DEVELOPMENT

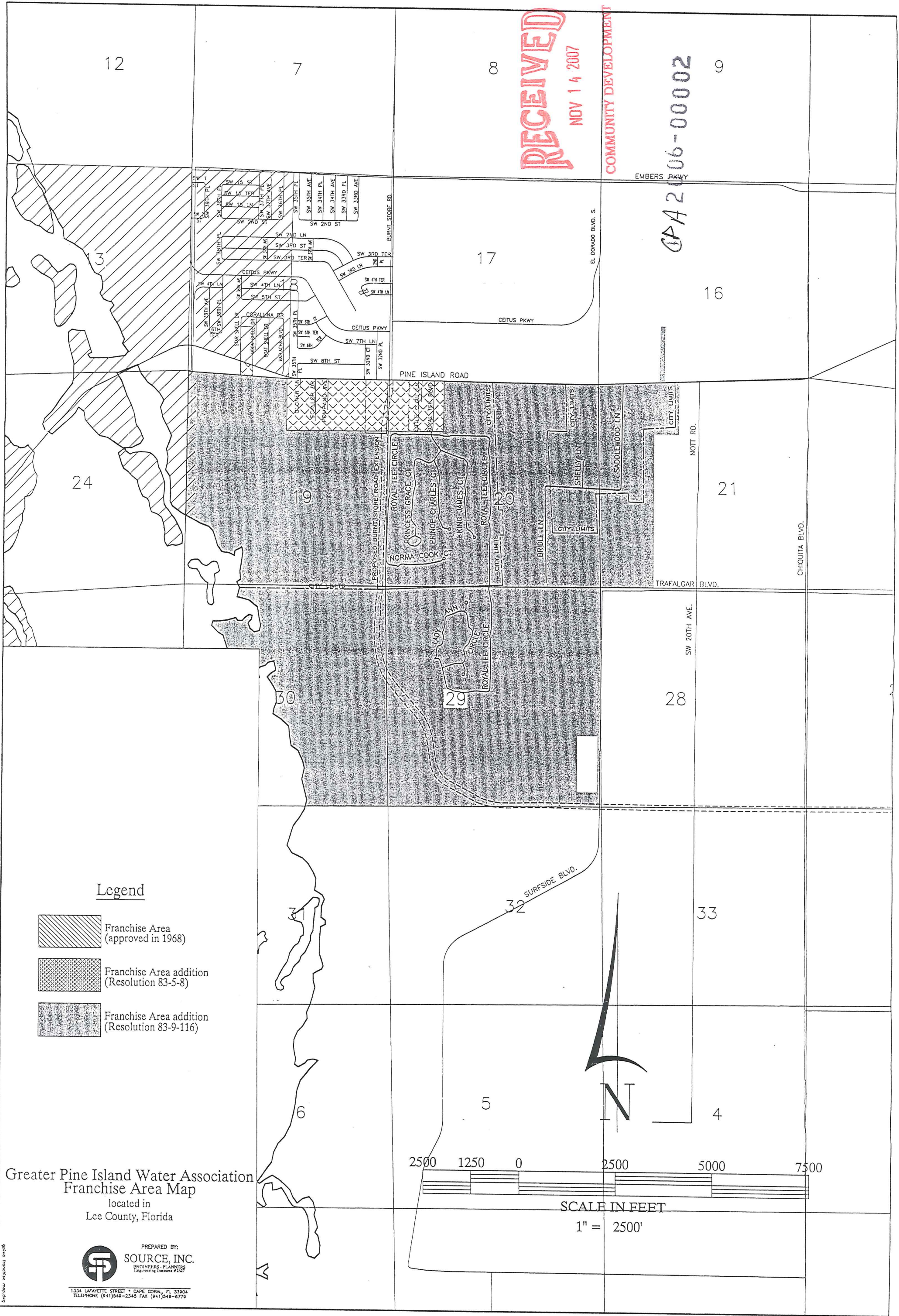
CA 2006-00002



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COMMUNITY DEVELOPMENT

CPA 2006-00002



Legend

- Franchise Area (approved in 1968)
- Franchise Area addition (Resolution 83-5-8)
- Franchise Area addition (Resolution 83-9-116)

Greater Pine Island Water Association  
Franchise Area Map  
located in  
Lee County, Florida

PREPARED BY:  
**SOURCE, INC.**  
ENGINEERS, PLANNERS  
ENGINEERING DIVISION #3027

1334 LAFAYETTE STREET • CAPE CORAL, FL 33904  
TELEPHONE (941)549-2345 FAX (941)549-6770



**FLUM Capacity Analysis**  
**EXHIBIT E.1**

The proposed amendment will add the potential for 39 dwelling units on the subject property, based on the before and after development scenarios which were discussed with, and accepted by, Planning staff and appear throughout this application. At an assumed PPH of 2.14 per unit, the request would add approximately 71 persons to the capacity of the FLUM. Per CPA2005-00026 revised Table 1(b), the allocated population distribution for 2030 is 13,265 people with 10,248 people already existing. This leaves a 3,017 person capacity for the remaining Greater Pine Island Planning Community. With the addition of our property, a 2,946 person capacity would still remain. The 2030 allocations for the FLUM category of Suburban are 675 acres with 566 acres already existing, leaving 109 acres for remaining projects. With our project size being 6.62 acres, the addition of our project would still leave 102.38 acres. The reductions in remaining acreage and population distribution are minimal and would not require any amendments to CPA2005-00026 revised Table 1(b).

The proposed amendment will also add the potential for 10,000 square feet of commercial area on the subject property, based on the before and after development scenarios which were discussed with, and accepted by, Planning staff and appear throughout this application. Per CPA2005-00026 revised Table 1(b), the 2030 allocations for the FLUM category of Suburban are 226 acres with 154 acres already existing, leaving 72 acres for remaining projects. The proposed project site is 6.62 acres, however, since a maximum of 10,000 square feet of commercial development is being proposed on this site, only 2 acres will be required. The addition of our project site would still leave 70 acres of allocated commercial land for development. This reduction in remaining acreage is minimal and would not require any amendments to CPA2005-00026 revised Table 1(b). Our addition of 2 acres of commercial land is also too minimal to affect Policy 2.4.4 of the Lee Plan for employment centers.

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NOV 14 2007

COMMUNITY DEVELOPMENT

CPA 2006-00002



# Community Development

E-Connect  
Online Permitting

Pine Island		Allocation	Existing	Remaining
Residential By Future Land Use Category	Intensive Development	3	0	3
	Central Urban	0	0	0
	Urban Community	500	383	117
	Suburban	675	566	109
	Outlying Suburban	600	304	296
	Sub-Outlying Suburban	0	0	0
	Commercial	0	0	0
	Industrial Development	0	0	0
	Public Facilities	0	0	0
	University Community	0	0	0
	Industrial Interchange	0	0	0
	General Interchange	0	0	0
	General/Commercial Interchange	0	0	0
	Industrial/Commercial Interchange	0	0	0
	University Village Interchange	0	0	0
	New Community	0	0	0
	Airport	0	0	0
	Tradeport	0	0	0
	Rural	190	927	(737)
	Rural Community Preserve	0	0	0
	Coastal Rural	1,300	0	1,300
	Outer Islands	45	41	4
	Open Lands	0	0	0
	Density Reduction/Groundwater Resource	0	0	0
	Conservation Lands Upland	0	0	0
	Wetlands	0	0	0
	Conservation Lands Wetland	0	0	0
Total Residential		3,313	2,237	1,076
Commercial		226	154	72
Industrial		64	36	28
Non Regulatory Allocations				
Public		2,100	1,617	483
Active Agriculture		2,400	2,462	(62)
Passive Agriculture		815	813	2
Conservation (wetlands)		14,767	14,834	(67)
Vacant		3,781	5,367	(1,586)
Total		27,466	27,516	(50)
Population Distribution		13,265	10,248	3,017

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CPA 2006-00002



**FY 03/04-07/08 CAPITAL IMPROVEMENT PROGRAM**

PROJ #	PROJECT NAME	COMP PLAN CODE	FUND. SRC.	CURRENT BUDGET FY 02/03	CIP BUDGET FY 03/04	CIP BUDGET FY 04/05	CIP BUDGET FY 05/06	CIP BUDGET FY 06/07	CIP BUDGET FY 07/08	CIP BUDGET FY 03/04 - 07/08	CIP BUDGET YEARS 6-10
FUNDING SOURCE CODES: A = AD VALOREM; D = DEBT FINANCE; E = ENTERPRISE FUND; G = GRANT; GT = GAS TAX; I = IMPACT FEES; S = SPECIAL; T = TDC; M = MSBU/TU, LA=LIBRARY AD VALOREM											
207104	GREEN MEADOWS WTP IMPROVEMENTS	1	D,E	1,450,000	600,000	0	0	0	0	600,000	0
207160	LINE STOP EQUIPMENT	3	E	0	75,000	0	0	0	0	75,000	0
207252	MATANZAS PASS FORCE MAIN	4	E	1,339,279	0	0	0	0	0	0	0
207253	MATLACHA SUBAQUAEUS FORCEMAIN REPLACEMENT	3	E	183,280	0	0	0	0	0	0	0
207226	METRO PKWY FORCE MAIN RELOC/UPGRADE	5	E	799,876	0	0	0	0	0	0	0
207109	MINERS CORNER RESERVOIR REPLACEMENT	3	D	7,842	0	0	0	0	0	0	0
207147	NEW FIRE HYDRANT INSTALLATIONS	1	E	200,000	0	0	0	0	0	0	0
207084	NORTH LEE COUNTY WATER TREATMENT PLANT	5	D,E	25,087,637	0	0	0	0	0	0	0
207254	ODOR CONTROL SYSTEM FMB WWTP	3	E	63,050	0	0	0	0	0	0	700,000
207265	OLGA WTP RESERVOIR & PLANT IMPROVEMENTS	1	D,E	9,517,134	800,000	0	0	0	0	800,000	0
207161	ORTIZ AVE WATER RELOC-COLONIAL TO BALLARD	3	E	0	100,000	0	0	1,875,000	0	1,975,000	0
207127	PAGE PARK WATERLINE IMPROVEMENTS	3	E	150,000	0	0	0	0	0	0	0
207238	PINE ISLAND SEWER TRANSMISSION SYSTEM	1	E	0	0	0	1,500,000	0	0	1,500,000	0
207262	PINE ISLAND WWTP DEEP INJECTION WELLS	4	E	2,900,000	0	0	0	0	0	0	0
207220	PINE ISLAND WASTE WATER PLANT	F	E	83,053	0	0	0	0	0	0	0
207239	PINE ISLAND WWTP EXPANSION	5	E	0	0	0	0	500,000	0	500,000	0
207240	PINE ISLAND WWTP REUSE SYSTEM	NR5	E	400,000	0	0	0	0	0	0	0
207155	PINEWOODS WTP DEEP INJECTION WELL		E	4,080,000	0	0	0	0	0	0	0
207135	PORTABLE GENERATOR - PUMP STATIONS	1	E	228,303	300,000	100,000	200,000	0	0	600,000	0
207217	REUSE SYSTEM IMPROVEMENTS		E	152,753	100,000	100,000	100,000	100,000	100,000	500,000	250,000
207136	REUSE SYSTEM STORAGE FEASIBILITY STUDY	N/A	E	200,000	0	0	0	0	0	0	0
	SAN CARL.BLVD.RELOC.SUMM/GLAD(FDOT)	3	E	0	0	0	0	0	0	0	2,500,000
207162	SAN CARLOS BLVD IMPROVEMENT	3	E	0	300,000	0	0	0	0	300,000	0
207156	SAN CARLOS WTP IMPROVEMENTS		E	5,520,002	0	0	0	0	0	0	0
207276	SAN CARLOS WWTP IMPROVEMENTS		E	2,040,000	0	0	0	0	0	0	0
207424	SCADA UPGRADES & IMPROVEMENTS	3	E	150,000	250,000	250,000	150,000	150,000	150,000	950,000	750,000
207255	SEWER EASEMENT ACQUISITION	3	E	100,000	100,000	100,000	100,000	100,000	100,000	500,000	500,000
207200	SEWER - SMALL PROJECTS	3	E	293,550	100,000	100,000	100,000	100,000	100,000	500,000	500,000
207208	SEWER TRANS SYSTEM IMPROVE.	5	E	200,000	200,000	200,000	200,000	200,000	200,000	1,000,000	1,000,000
207432	S LEE COUNTY FACILITIES SECURITY	3	E	0	100,000	0	0	0	0	100,000	0
	S LEE COUNTY WAREHOUSE	4	E	0	0	75,000	0	0	0	75,000	0
207163	S LEE COUNTY WATERMAIN RELOCATIONS	3	E	0	500,000	500,000	500,000	200,000	200,000	1,900,000	0
207100	SR 739 WATERLINE RELOCATION	3	E	450,909	0	420,000	0	0	0	420,000	105,000
207266	SR 78 WTRLINE RELOC-SLATER TO I75	3	E	80,000	2,000,000	0	0	0	0	2,000,000	0
207425	SUMMERLIN RD-BOY SCOUT TO UNIVERSITY W/S RELOC	3	E	250,000	0	0	0	0	0	0	0
207164	TICE STREET LOOP	4	E	0	150,000	0	0	0	0	150,000	0
207165	TREELINE AVE EXT WTR RELOC-DANIELS TO COLONIAL	3	E	0	50,000	0	450,000	0	0	500,000	0
	US 41 NFM WATERMAIN REPLACEMENT	3	E	0	0	0	220,000	0	0	220,000	0

NOV 14 2007  
CAP 2006-00002

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**MEMORANDUM  
FROM  
DEPARTMENT OF COMMUNITY DEVELOPMENT  
DIVISION OF ENVIRONMENTAL SCIENCES**

**Date:** December 17, 2007

**To:** Brandy Gonzalez, Planner

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

**Project:** Cape Royal  
**Case:** CPA2006-00002  
**Strap:** 20-43-23-01-00000.0DCE  
20-44-23-00-00003.0000, .0010, .0020

The following is Environmental Sciences (ES) staff's comments and analysis for the proposed project.

A Florida Land Use Classification Code Systems (FLUCCS) vegetative community assessment was conducted by Southern Biomes in January of 2006. Per the 2006 assessment the project site contains two land use classifications; previously cleared land within an urban area (FLUCCS 191) and undeveloped, cleared, and regularly maintained land (FLUCCS 193).

ES staff conducted a site review on December 14, 2007 and observed the following: The easterly tract was cleared and recently mowed. The canopy consisted of slash pine and queen palm along with Australian pine in the west central portion of the site. The understory was limited to the perimeter and dominated by Brazilian pepper intermixed with ear-leaf acacia. ES staff also observed other exotics including bishop wood, melaleuca, weeping fig (ficus) and woman's tongue. Ground cover consisted of herbaceous grasses. The westerly tract had also been previously cleared but was not maintained and the vegetative community consisted of: slash pine, sabal palm and java plum in the canopy. The understory contained saw palmetto, wild grape and Brazilian pepper. The ground cover was dominated by herbaceous grasses. There are no indigenous native vegetative communities; however native trees are present at the site.

There is an inactive bald eagle's nest located approximately 1100 hundred feet from the site. No other listed species were observed and none are likely to occur.

**Gonzalez, Brandy L.**

---

**From:** Wegis, Howard S.  
**Sent:** Friday, January 11, 2008 4:23 PM  
**To:** Gonzalez, Brandy L.  
**Cc:** Noble, Matthew A.; Velez, Sergio I.  
**Subject:** RE: CPA2006-02

Brandy,

If the applicant wishes to pursue connection to LCU's Pine Island WWTP service area, There are some issues that will need to be addressed.

Although the treatment plant has excess treatment capacity to serve the development, the permitted capacity of the treatment plant is limited by FDEP to the amount of reclaimed water that is permitted for use. For this reason the developer would need to arrange for utilizing an amount of reclaimed water that is equal or greater to the amount of wastewater projected to be generated by the development. The reclaimed water does not have to be utilized on the developer's site.

Regarding the existing wastewater collection system capacity to serve the development, the developer will need to provide assurances that the collection system they will be tying into has the capacity to receive the wastewater generated at the site. If the existing collection system does not have the capacity to accept the wastewater flow from the proposed development off-site improvements to upgrade the collection system would be required and the developer would bear the cost of these upgrades.

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

---

**From:** Gonzalez, Brandy L.  
**Sent:** Friday, January 11, 2008 2:14 PM  
**To:** Wegis, Howard S.  
**Subject:** CPA2006-02

Howard –

Pages 3 and 4 of the attached pdf show the applicant's water/sewer analysis.

Thanks again.

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

2/19/2008



**LEE COUNTY**  
SOUTHWEST FLORIDA

**BOARD OF COUNTY COMMISSIONERS**

(239) 533-8585

Bob Janes  
District One

January 22, 2008

A. Brian Bigelow  
District Two

Ray Judah  
District Three

Tammy Hall  
District Four

Frank Mann  
District Five

Donald D. Stilwell  
County Manager

David M. Owen  
County Attorney

Diana M. Parker  
County Hearing  
Examiner

Matthew D. Uhle, Esq.  
Knott, Consoer, Ebelini, Hart, & Swett, P.A.  
1625 Hendry Street, Suite 301  
Fort Myers, Florida 33901

RE: CPA2006-02 - Cape Royal Small Scale Comprehensive Plan Amendment

Dear Mr. Uhle:

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

- A.5. Item 5 requires the submittal of a legal description for the subject property. Staff has found discrepancies in the legal description provided and requests that it be revised. The description requires a valid starting point. Please provide a corrected legal description.
- A.8. The property appraisers website shows two owners of record for STRAP # 20-44-23-01-00000.0DCE, Realmark Cape Royal, LLC and Meta at Cape Harbour Assn. The application includes consent from Craig Dearden on behalf of Realmark Cape Royal, LLC. Please confirm that Craig Dearden is providing consent on behalf of Meta at Cape Harbour Assn. as well.

In addition to the items noted above, planning staff is requesting further discussion provided by the applicant in order to assist staff in the review of the proposed plan amendment.

In the past it has always been the County's policy to encourage annexations into the City of Cape Coral for the enclave parcels along Pine Island Road. Please provide discussion as to whether or not the applicant has considered this issue.

Regarding the sanitary sewer analysis provided in the application, the analysis states that the site could be serviced by either Lee County Utilities or the City of Cape Coral Utilities. Utility staff has indicated that the Pine Island waste water treatment plant is limited by the amount of reclaimed water permitted for use. Please indicate if the applicant has made any commitments for utilizing reclaimed water.

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

Sincerely,

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

cc: Planning file: CPA 2006-02

**BOLAÑOS TRUXTON, P.A.**  
12800 University Drive, Suite 350  
Ft. Myers, Florida 33907  
Telephone: (239) 437-5421  
Telecopier: (239) 437-5797  
E-mail: sfrancisco@bolanostruxton.com

**FACSIMILE TRANSMISSION**

**DATE:** January 30, 2008

**PLEASE DELIVER THE FOLLOWING TO:**

**NAME:** Lynda Brooks  
**COMPANY:** Avalon Engineering, Inc.

**RECIPIENT'S FACSIMILE NO.:** (239) 573-2076  
**RECIPIENT'S CONFIRMATION NO.:** (239) 573-2077

**TOTAL NUMBER OF PAGES INCLUDING THIS PAGE:** 11

**THIS FACSIMILE IS FROM:**

**NAME:** Julie Drake, Esquire  
**FILE NO.:** 828.010; **FILE NAME:** Realmark Cape Royal, LLC

.....  
**MESSAGE:** Please see attached memorandum and enclosure.

.....  
This facsimile contains privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this facsimile is not the intended recipient or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination or copying of this facsimile is strictly prohibited. If you have received this facsimile in error, please immediately notify us by telephone and return the original facsimile to us at the above address via the U.S. Postal Service. Thank you.



**Bolaños Truxton, P.A.**

2121 Ponce De Leon Boulevard  
Suite 950  
Coral Gables, Florida 33134  
Telephone: (305) 567-0424  
Facsimile: (305) 567-0423

12800 University Drive  
Suite 350  
Ft. Myers, Florida 33907  
Telephone: (239) 437-5421  
Facsimile: (239) 437-5797

Reply to Ft. Myers

Email: [JDrake@bolanostruxton.com](mailto:JDrake@bolanostruxton.com)

**MEMORANDUM**

To: Lynda Brooks  
From: Julie Drake, Esquire  
Re: Cape Royal  
STRAP No. 20-44-23-01-00000.0DCE  
Date: January 30, 2008

In response to your memo of like date, I attach a copy of the Warranty Deed, from B.P. Development Southwest, Inc. to Realmark Cape Royal, LLC, which was recorded on March 28, 2001 in OR Book 3384, Page 3522, Public Records of Lee County, Florida. It would appear that title vests solely in Realmark Cape Royal, LLC, a Florida limited liability company.

I hope this will be of assistance to you. If you require any additional documentation, please let me know.



Julie Drake

/smf  
Enclosure



Mar 20, 2001 1:20PM GOLDSTEIN BUCKLEY ETAL.

INSTR # 5094534

OR BK 03384 PG 3522

RECORDED 03/20/01 05:05 PM  
 CHANCE GREEN CLERK OF COURT  
 LEE COUNTY  
 RECORDING FEE 15.00  
 DOC TAX (F.S. 201.02) 13,118.00  
 DEPUTY CLERK J MILLER

15<sup>00</sup>  
 13,118<sup>00</sup>  
 Recording  
 Documentary Stamps  
 Property Appraiser's  
 Parcel Identification No.

Prepared by:  
 J. Jeffrey Rice, Esquire  
 GOLDSTEIN, BUCKLEY, CICHMAN, RICE & PURTZ, P.A.  
 P. O. BOX 2346  
 FORT MYERS, FLORIDA 33902-2346  
 001233

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

THIS INDENTURE, made this 23 day of March, 2001, Between B.P. DEVELOPMENT SOUTHWEST, INC., a Florida corporation as GRANTOR, whose address is 3434 Cleveland Avenue, Fort Myers, Florida 33901, and REALMARK CAPE ROYAL, LLC, a Florida limited liability company, as GRANTEE, whose address is 1900 Lagoon Lane, Cape Coral, Florida 33914,

WITNESSETH that said Grantor, for and in consideration of the sum of TEN AND NO/100'S DOLLARS (\$10.00), and other good and valuable considerations to said Grantor in hand paid by said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said Grantee, and Grantee's heirs and assigns forever, the following described land, situate, lying and being in Lee County, Florida, to-wit:

SEE EXHIBIT 'A' ATTACHED HERETO.

SUBJECT to the exceptions to title attached as Exhibit "B" hereto.

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

"GRANTOR" and "GRANTEE" are used for singular or plural, as context requires.

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

Signed, sealed and delivered in our presence:

[Signature]  
 Signature of Witness  
 Print Name Peter T. McGee

B. P. DEVELOPMENT SOUTHWEST, INC., a Florida corporation

Greg S. Truxton  
 Signature of Witness  
 Print Name Greg S. Truxton

By: [Signature] (Seal)  
 DEAN BALLANTINE, President

STATE OF FLORIDA; COUNTY OF LEE

The foregoing instrument was acknowledged before me this 23 day of March, 2001, by Dean Ballantine, as President of B. P. DEVELOPMENT SOUTHWEST INC., a Florida corporation, on behalf of the corporation.

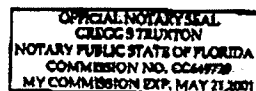
☒ He/she is personally known to me, or

☐ produced N/A as identification.

My commission expires:

(Seal)

Greg S. Truxton  
 NOTARY PUBLIC



DE BE 03084 PG 3323

Exhibit "A"

Those certain lots in ROYAL-TEE COUNTRY CLUB ESTATES, according to the plat recorded in Plat Book 37, pages 1 through 19, of the public records of Lee County, Florida, enumerated as follows:

**BLOCK A:**

Lot 1, 51, 52, 55, 66, 68, 69, 70, 71, 77, 102, 103, 104, 105, 106, 107, 108, 146, 149, 151, 152, 153, 154, 155, 158, 179, 243, 273, 274, 275, 276, 277, and

Lot 45, less that portion beginning at the northwest corner of Lot 45, Block A of Royal-Tee Country Club Estates, according to the map or plat thereof as recorded in Plat Book 37 at Pages 1 through 19 of the public records of said Lee County; thence S70°32'14"E along the northeasterly line of said Lot 45 for 115.00 feet; thence S49°52'43"W for 71.06 feet to a point on the northeasterly right-of-way line of King James Court N.W. (60.00 feet wide); thence N32°44'51"W along said right-of-way line and along the southwesterly line of said Lot 45 for 100.00 feet to the point of beginning.

**BLOCK B:**

Lots 13, 15, 16, 17, 18, 19, 20, 22, 23, 28, 29, 34, 35, 37, 39, 40, 41, 47, 51, 52, 58, 59, 60, 62, 63, 64, 67, 68, 72, 74, 75, 76, 77, 82, 83, 84, 86, 87, 88, 89, 90, 91, 93, 94, 98, 99, 100, 101, 103, 105, 106, 107, 108, 111, 114, 115, 116, 118, 120 and 123.

AND

ALL OF TRACT "D" OF ROYAL TEE COUNTRY CLUB ESTATES ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 37 AT PAGES 1 THROUGH 19 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

AND

THE EAST ONE HALF (E 1/2) OF THE WEST ONE HALF (W 1/2) OF THE EAST ONE HALF (E 1/2) OF THE NORTHWEST ONE QUARTER (NW 1/4) OF THE NORTHWEST ONE QUARTER (NW 1/4) OF SECTION 20, TOWNSHIP 44 SOUTH, RANGE 23 EAST LEE COUNTY, FLORIDA, LYING SOUTH OF PINE ISLAND ROAD, LESS THE FOLLOWING DESCRIBED PROPERTY:

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, BEING PART OF SECTION 20, TOWNSHIP 44 SOUTH, RANGE 23 EAST, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

STARTING AT THE PERMANENT CONTROL POINT (P.C.P.) AT THE INTERSECTION OF THE CENTERLINE OF ROYAL TEE BOULEVARD N.W. AND ROYAL TEE CIRCLE N.W. AS SHOWN ON THE PLAT OF ROYAL TEE COUNTRY CLUB ESTATES ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 37 AT PAGES 1-19 OF THE PUBLIC RECORDS OF SAID LEE COUNTY, FLORIDA: THENCE N89°57'21"W ALONG THE CENTERLINE OF SAID ROYAL TEE CIRCLE N.W. FOR 109.33 FEET; THENCE N0°19'23"W FOR 30.00 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF SAID ROAD AND THE SOUTH LINE OF TRACT H AS SHOWN ON THE AFORESAID PLAT AND THE POINT OF BEGINNING OF THE HEREON DESCRIBED PARCEL; THENCE CONTINUE N00°19'23"W FOR 281.99 FEET; THENCE N88°09'25"W FOR 140.41 FEET TO A POINT ON THE WEST LINE OF THE EAST ONE HALF (E 1/2) OF THE WEST ONE HALF (W 1/2) OF THE EAST ONE HALF (E 1/2) OF THE NORTHWEST ONE QUARTER (NW 1/4) OF THE NORTHWEST ONE QUARTER (NW 1/4) OF SAID SECTION 20; THENCE S00°02'04"E ALONG SAID FRACTION LINE FOR 286.57 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF THE AFORESAID ROYAL TEE CIRCLE N.W.; THENCE S89°57'21"E ALONG SAID RIGHT-OF-WAY LINE FOR 140.24 FEET TO THE POINT OF BEGINNING.

BEARINGS ARE BASED ON THE CENTERLINE OF ROAD OF ROYAL TEE CIRCLE N.W. AS BEARING N89°57'21"W AS SHOWN ON SAID RECORDED PLAT.

DR 03384 PG 3524

**EXHIBIT B****EXCEPTIONS TO TITLE**

- 1- Matters shown on the plat of Royal-Tee Country Club Estates, a subdivision recorded in Plat Book 37, pages 1 to 19.
- 2- Restrictions, covenants, conditions and easements as contained in the instrument recorded in Official Records Book 1807, page 501, of the public records of Lee County, Florida.
- 3- Terms, covenants, conditions, restrictions, easements, assessments and possible liens created by and set forth in the Declaration recorded in Official Records Book 2176, page 4645, Consent recorded in Official records Book 2178, page 4549 and amended in Official Records Book 2317, page 1903, of the public records of Lee County, Florida, but omitting any covenant or restriction based on race, color, religion, sex, handicap, familial status or national origin unless and only to the extent that said covenant(s): (a) is exempt under Chapter 42, Section 3607 of the United States Code; or (b) relates to handicap, but does not discriminate against handicapped persons.
- 4- Easement for Cable Television & Communications Service dated October 8, 1992, granted to Florida Cablevision Management Corp., recorded in Official Records Book, 2339, page 228 and Official Records Book 2339, page 2431, of the public records of Lee County, Florida.

OR2176 PG4641

10.80 Recording  
28535.00 Documentary Stamp

Prepared by:  
Harvey B. Goldberg, Esquire  
GOLDBERG, GOLDSTEIN & BUCKLEY, P.A.  
P. O. BOX 2388  
FORT MYERS, FLORIDA 33902-2388

2913188

[Space above this line for recording data.]

**THIS QUIT-CLAIM DEED**, made this 25th day of September, 1980,

Between **POVIA-BALLANTINE CORPORATION**, a Florida corporation, **GRANTOR**, and  
**B. P. DEVELOPMENT SOUTHWEST, INC.**, a Florida corporation, as **GRANTEE**,  
whose post office address is 3436 Cleveland Avenue, Fort Myers, Florida 33901,

**WITNESSETH** that said Grantor, for and in consideration of the sum of TEN AND NO/100'S DOLLARS (\$10.00), in hand  
paid by the said Grantee, the receipt whereof is hereby acknowledged, does hereby remise, release and quitclaim unto the said  
Grantee forever, all the right, title, interest, claim and demand which the said Grantor has in and to the following described lot,  
piece or parcel of land, situate, lying and being in LEE County, Florida, to-wit:

AS PER EXHIBIT 'A', ATTACHED HERETO AND MADE A PART HEREOF.

SUBJECT TO easements, restrictions and reservations of record, and property taxes for the current year.

Documentary Tax Pd. \$ 28,655.00  
\$ \_\_\_\_\_ Imposition Tax Pd.  
CHARLIE CALIN, CLERK, LEE COUNTY  
*[Signature]* Deputy Clerk

TO HAVE AND TO HOLD the same together with all and singular the appurtenances therunto belonging or in anywise  
appertaining, and all the estate right, title, interest, lien, equity and claim whatsoever of the said Grantor, either in law or equity,  
to the only proper use, benefit and behoof of the said Grantee forever.

"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  
Witness

POVIA-BALLANTINE CORPORATION a Florida corporation

BY: LAWRENCE POVIA, President

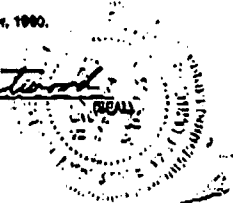
STATE OF FLORIDA  
COUNTY OF LEE

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared LAWRENCE  
POVIA, President of POVIA-BALLANTINE CORPORATION, to me known to be the person described in and who executed the  
 foregoing instrument and acknowledged before me that he executed the same, and that said instrument is the act and deed of  
 said corporation.

WITNESS my hand and official seal in the County and State last aforesaid this 25th day of September, 1980.

My commission expires: 3-22-94

NOTARY PUBLIC



● RECORD VISITED - CHARLIE CALIN, CLERK  
● BY: M. FURNISH, D.C.

EXHIBIT "A"

A tract or parcel of land situated in the State of Florida, County of Lee, being a part of Section 20 and Section 29, Township 44 South, Range 23 East, and further described as follows:

The Southwest one-quarter (SW 1/4) of Section 20; together with the South one-half (S 1/2) of the Northwest one-quarter (NW 1/4) of said Section 20 and the West one-half (W 1/2) of the East one-half (E 1/2) of the East one-half (E 1/2) of the Northwest one-quarter (NW 1/4) of the Northwest one-quarter (NW 1/4) of said Section 20; and less the Pine Island Road right-of-way.

## ALSO:

The Northwest one-quarter (NW 1/4) of Section 29, Township 44 South, Range 23 East, Lee County, Florida.

## ALSO:

That part of the East half of the West half of the East half of the Northwest quarter of the Northwest quarter of Section 20, Township 44 South, Range 23 East, lying South of the right-of-way of Pine Island Road; LESS the North 150 feet of the above described property.

## ALSO:

The South 150.0 feet of the North 183.0 feet of the following described property: The East half of the West half of the East half of the Northwest quarter of the Northwest quarter of Section 20, Township 44 South, Range 23 East, Lee County, Florida.

LESS the following lots in ROYAL-TEE COUNTRY CLUB ESTATES SUBDIVISION, Plat Book 37, Pages 1 through 19, of the Public Records of Lee County, Florida, of which a portion of above described property is now known as:

LOTS 6, 13, 14, 41, 44, 48, 54, 56, 62, 63, 64, 72, 73, 76, 78, 79, 82, 90, 92, 93, 96, 97, 109, 110, 111, 112, 113, 122, 123, 124, 125, 133, 134, 137, 138, 139, 143, 147, 167, 168, 171, 172, 173, 175, 176, 177, 178, 182, 186, 187, 189, 199, 208, 209, 231, 233, 234, 235, 236, 266, 268, 269, ALL IN BLOCK "A".

LESS the Golf Course and Clubhouse facilities situated on and being a part of ROYAL-TEE COUNTRY CLUB ESTATES, A SUBDIVISION, lying in Section 20 and Section 29, Township 44 South, Range 23 East, and further described as certain tracts of land, being Tract "A" - Golf Course, Tract "B" - Golf Course, and Tract "C" - Golf Course, as said tracts are depicted on the plat of Royal Tee Country Club Estates, recorded in Plat Book 37, Pages 1 through 19, of the Public Records of Lee County, Florida.

The property being transferred expressly includes, together with other parcels, those certain lots in ROYAL-TEE COUNTRY CLUB ESTATES SUBDIVISION, Plat Book 37, Pages 1 through 19, of the Public Records of Lee County, Florida, now known as:

Lots 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 42, 43, 45, 46, 47, 49, 50, 51, 52, 53, 55, 57, 58, 59, 60, 61, 65, 66, 67, 68, 69, 70, 71, 74, 75, 77, 80, 81, 83, 84, 85, 86, 87, 88, 89, 91, 94, 95, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 114, 115, 116, 117, 118, 119, 120, 121, 126, 127, 128, 129, 130, 131, 132, 135, 136, 140, 141, 142, 144, 145, 146, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 169, 170, 174, 179, 180, 181, 183, 184, 185, 188, 190, 191, 192, 193, 194, 195, 196, 197, 198, 200, 201, 202, 203, 204, 205, 206, 207, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 232, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 267, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, ALL IN BLOCK "A"; and Lots 1 through 124, ALL IN BLOCK "B".

OR2176 P04642

CHARIE GREENLEE CIVIL  
90SEP 25 PM 3:42

LEE COUNTY PROPERTY APPRAISER

**PROPERTY DATA FOR PARCEL 20-44-23-01-00000.0DCE**  
**TAX YEAR 2007**

Parcel data is available for the following tax years:

[ [2001](#) | [2002](#) | [2003](#) | [2004](#) | [2005](#) | [2006](#) | [2007](#) ]

[ [Next Lower Parcel Number](#) | [Next Higher Parcel Number](#) | [Display Building Permits on this Parcel](#)  
| [Display Tax Bills on this Parcel](#) | [Tax Estimator](#) ]

OWNERSHIP, LEGAL, SALES AND DISTRICT DATA ARE FROM THE CURRENT DATABASE.  
LAND, BUILDING, VALUE AND EXEMPTION DATA ARE FROM THE 2007 ROLL.

## PROPERTY DETAILS

**OWNER OF RECORD**

REALMARK CAPE ROYAL LLC  
META AT CAPE HARBOUR ASSN  
5789 CAPE HARBOUR DR STE 201  
CAPE CORAL FL 33914

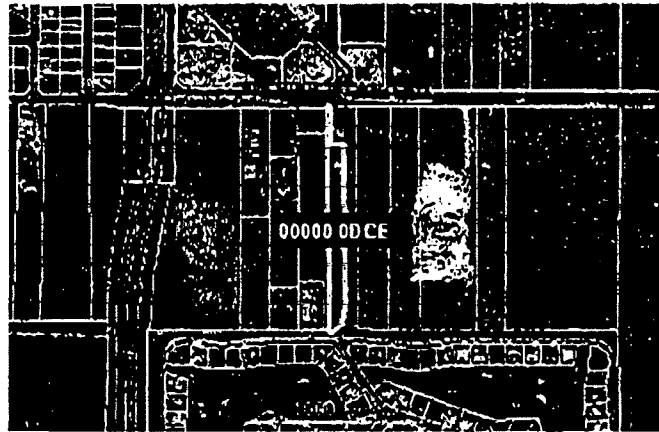
**SITE ADDRESS**

11951 ROYAL TEE BLVD  
CAPE CORAL FL 33991

**LEGAL DESCRIPTION**

ROYAL-TEE COUNTRY CLUB EST  
PB 37 PG 3  
TRACT D

[ [VIEWER](#) ] [TAX MAP](#) [ [PRINT](#) ]



[ [PICTOMETRY](#) ]

**TAXING DISTRICT**

007 - MATLACHA-PINE ISLAND FIRE  
DISTRICT

**DOR CODE**

99 - ACREAGE NOT AG CLASSIFIED

**PROPERTY VALUES (TAX  
ROLL 2007)**  
[ [HISTORY CHART](#) ]

**EXEMPTIONS**

**ATTRIBUTES**

JUST	0 HOMESTEAD	0 LAND UNITS OF MEASURE	AC
ASSESSED	0 AGRICULTURAL	0 TOTAL NUMBER OF LAND UNITS	2.50
ASSESSED SOH	0 WIDOW	0 FRONTAGE	0



TAXABLE	0 WIDOWER	0 DEPTH	0
BUILDING	0 DISABILITY	0 BEDROOMS	
LAND	0 WHOLLY	0 BATHROOMS	
BUILDING FEATURES	0 SOH DIFFERENCE	0 TOTAL BUILDING SQFT	
LAND FEATURES	0	1ST YEAR BUILDING ON TAX ROLL	0
		HISTORIC DISTRICT	No

### SALES/TRANSACTIONS

SALE PRICE	DATE	OR NUMBER	TYPE	TRANSACTION DETAILS DESCRIPTION	VACANT / IMPROVED
1,874,000	3/23/2001	3384/3522	02	<p>Qualified (Multiple STRAP # / 06-09I)</p> <p>There are 95 additional parcel(s) with this document (may have been split after the transaction date)...</p> <p><u>20-44-23-00-00003.0000,</u>  <u>20-44-23-00-00003.0020,</u>  <u>20-44-23-01-0000A.0010,</u>  <u>20-44-23-01-0000A.0450,</u>  <u>20-44-23-01-0000A.0510,</u>  <u>20-44-23-01-0000A.0520,</u>  <u>20-44-23-01-0000A.0550,</u>  <u>20-44-23-01-0000A.0660,</u>  <u>20-44-23-01-0000A.0680,</u>  <u>20-44-23-01-0000A.0690,</u>  <u>20-44-23-01-0000A.0700,</u>  <u>20-44-23-01-0000A.0710...</u></p> <p>Remaining parcels not listed.</p>	V
5,210,000	9/25/1990	2176/4641	04	<p>Disqualified (Multiple STRAP # - 01,03,04,07)</p> <p>There are 360 additional parcel(s) with this document (may have been split after the transaction date)...</p> <p><u>20-44-23-00-00003.0000,</u>  <u>20-44-23-00-00003.0020,</u>  <u>20-44-23-00-00003.0030,</u>  <u>20-44-23-01-00000.00CE,</u>  <u>20-44-23-01-0000A.0010,</u>  <u>20-44-23-01-0000A.0030,</u>  <u>20-44-23-01-0000A.0040,</u>  <u>20-44-23-01-0000A.0050,</u>  <u>20-44-23-01-0000A.0080,</u>  <u>20-44-23-01-0000A.0090,</u>  <u>20-44-23-01-0000A.0120,</u>  <u>20-44-23-01-0000A.0150...</u></p> <p>Remaining parcels not listed.</p>	V

100 9/1/1990 2173/4259 04 Disqualified (Multiple STRAP # - 01,03,04,07) V  
There are 207 additional parcel(s) with this document (may have been split after the transaction date)...  
20-44-23-00-00003.0000,  
20-44-23-00-00003.0020,  
20-44-23-00-00003.0030,  
20-44-23-01-00000.00A0,  
20-44-23-01-00000.00A1,  
20-44-23-01-00000.00CE,  
20-44-23-01-0000A.0010,  
20-44-23-01-0000A.0450,  
20-44-23-01-0000A.0510,  
20-44-23-01-0000A.0520,  
20-44-23-01-0000A.0530,  
20-44-23-01-0000A.0550...  
Remaining parcels not listed.

## PARCEL NUMBERING HISTORY

PRIOR STRAP	CREATION DATE - 1/1/1986 RENUMBER REASON	RENUMBER DATE
20-44-23-01-00000.00D0	Delete Parcel-add back to roll under new STRAP(same value)	Friday, July 23, 2004
20-44-23-01-00000.00E0	Split (From another Parcel)	Tuesday, April 24, 2001
20-44-23-00-00001.0000	Combined (With another parcel-Delete Occurs)	Unspecified

## SOLID WASTE (GARBAGE) ROLL DATA

SOLID WASTE DISTRICT	ROLL TYPE	CATEGORY	UNIT/AREA	TAX AMOUNT
005 - Service Area 5	-		0	0.00

GARBAGE	COLLECTION DAYS	RECYCLING	HORTICULTURE
Error loading the Collection Days.			

## ELEVATION INFORMATION

THIS CATEGORY MAY CHANGE IN SEPTEMBER 2008. TO VIEW THE NEW CATEGORY, CLICK HERE

STORM SURGE CATEGORY	FLOOD INSURANCE (FIRM FAQ)	RATE CODE	COMMUNITY	PANEL	VERSION	DATE
----------------------	----------------------------	-----------	-----------	-------	---------	------

Error loading the Elevation Information.

[ [Show](#) ]

## APPRAISAL DETAILS

[ [Next Lower Parcel Number](#) | [Next Higher Parcel Number](#) ]

[ [New Query](#) | [New Browse](#) | [Parcel Queries Page](#) | [Lee PA Home](#) ]

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This site is best viewed with [Microsoft Internet Explorer 5.5+](#) or [Netscape Navigator 6.0+](#).  
Page was last modified on Wednesday, January 30, 2008 2:13:58 PM.

**Gonzalez, Brandy L.**

---

**From:** Matthew Uhle [MUhle@knott-law.com]  
**Sent:** Friday, February 08, 2008 10:09 AM  
**To:** Gonzalez, Brandy L.  
**Cc:** Zsuzsanna Weigel  
**Subject:** FW: Avalon Small Scale Amendment--letter to Brandy Gonzalez

Here is the draft letter. In a few minutes, I will forward you the two documents referenced in the letter. Brendan Sloan has agreed to contact the surveyor and tell him to solve the problem ASAP.

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

---

**From:** Matthew Uhle  
**Sent:** Monday, February 04, 2008 7:59 AM  
**To:** Alison Stowe  
**Subject:** Avalon Small Scale Amendment--letter to Brandy Gonzalez

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

Re: Response to Cape Royal Small Scale Amendment Sufficiency Letter

Dear Brandy:

We have reviewed your sufficiency letter and would respond to the items as follows:

1. Attached please find a copy of the deed for the property which indicates that Realmark is the sole owner.
2. (Please follow up with Avalon re: legal description)
3. The applicant has, in fact, discussed the possibility of annexing into the City of Cape Coral with City officials. This is difficult as long as the property remains within the GPIWA franchise area.
4. It is not currently possible to obtain a letter of sewer availability from the City of Cape Coral, as the City has declined to provide service to parcels that are not within its boundaries. As noted in the response to the previous sufficiency letter, it is possible (albeit expensive) to extend the existing lines from the GPIWA facility to the subject parcel. The GPIWA facility currently lacks adequate capacity to dispose of effluent; however, it is also possible to obtain permission from a Pine Island property owner to dispose of the effluent on an existing tree farm. The location of the disposal area is identified in the attached agreement.

Sincerely,

Matthew D. Uhle

cc: Craig Dearden  
Larry Hildreth  
Brendan Sloan

2/8/2008

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

This instrument was prepared  
by and after recording return to:  
Thomas E. Maloney, Esq.  
3050 Horseshoe Drive, #105  
Naples, FL 34104

**Developer's Property Strap #s**

21-44-22-00-00011.0190  
28-44-22-00-00011.0000  
28-44-22-00-00011.0030  
28-44-22-00-00012.002A  
28-44-22-00-00012.0020  
28-44-22-00-00012.002B  
28-44-22-00-00012.0000

**Receiver's Property Strap #s**

04-45-22-00-00010.0000

(THIS SPACE RESERVED FOR RECORDING)

Exhibit A: Legal for Receivers' Property  
Exhibit B: Graphic for Receivers' Property  
Exhibit C: Legal for Developers' Property  
Exhibit D: Graphic for Developers' Property

**AGREEMENT TO PROVIDE PROPERTY TO RECEIVE  
EFFLUENT WATER FROM LEE COUNTY'S  
PINE ISLAND WASTEWATER TREATMENT PLANT  
FOR PURPOSE OF BENEFITING SPECIFIED PRIVATE PROPERTY**

**(ALLOCATION AGREEMENT)**

This Agreement is made and entered into this 21 day of AUGUST,  
2007, between NORDIC INVESTMENT CORP., an Illinois corporation, and ISLAND  
FARMS 1031, LLC, a Florida Limited Liability Company, hereinafter collectively  
referred to as "Receivers", and the following Companies, all of which are hereinafter  
collectively referred to as "Developers."

LAKE JEFFERSON, LLC  
RAINTREE & PRICE, LLC  
PINE TARR, LLC  
And ISLAND PINE, LLC, all of which are Florida  
Limited Liability Companies



**BOLAÑOS TRUXTON, P.A.**  
12800 University Drive, Suite 350  
Ft. Myers, Florida 33907  
Telephone: (239) 437-5421  
Telecopier: (239) 437-5797  
E-mail: sfrancisco@bolanostruxton.com

**FACSIMILE TRANSMISSION**

**DATE:** January 30, 2008

**PLEASE DELIVER THE FOLLOWING TO:**

**NAME:** Lynda Brooks  
**COMPANY:** Avalon Engineering, Inc.

**RECIPIENT'S FACSIMILE NO.:** (239) 573-2076  
**RECIPIENT'S CONFIRMATION NO.:** (239) 573-2077

**TOTAL NUMBER OF PAGES INCLUDING THIS PAGE:** 11

**THIS FACSIMILE IS FROM:**

**NAME:** Julie Drake, Esquire  
**FILE NO.:** 828.010; **FILE NAME:** Realmark Cape Royal, LLC

.....  
**MESSAGE:** Please see attached memorandum and enclosure.

.....  
This facsimile contains privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this facsimile is not the intended recipient or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination or copying of this facsimile is strictly prohibited. If you have received this facsimile in error, please immediately notify us by telephone and return the original facsimile to us at the above address via the U.S. Postal Service. Thank you.

**Bolaños Truxton, P.A.**

2121 Ponce De Leon Boulevard  
Suite 950  
Coral Gables, Florida 33134  
Telephone: (305) 567-0424  
Facsimile: (305) 567-0423

12800 University Drive  
Suite 350  
Ft. Myers, Florida 33907  
Telephone: (239) 437-5421  
Facsimile: (239) 437-5797

Reply to Ft. Myers

Email: [JDrake@bolanostruxton.com](mailto:JDrake@bolanostruxton.com)

**MEMORANDUM**

To: Lynda Brooks  
From: Julie Drake, Esquire  
Re: Cape Royal  
STRAP No. 20-44-23-01-00000.0DCE  
Date: January 30, 2008

In response to your memo of like date, I attach a copy of the Warranty Deed, from B.P. Development Southwest, Inc. to Realmark Cape Royal, LLC, which was recorded on March 28, 2001 in OR Book 3384, Page 3522, Public Records of Lee County, Florida. It would appear that title vests solely in Realmark Cape Royal, LLC, a Florida limited liability company.

I hope this will be of assistance to you. If you require any additional documentation, please let me know.

  
Julie Drake

/smf  
Enclosure



OR BK 63084 PG 2522

Exhibit "A"

Those certain lots in ROYAL-TEE COUNTRY CLUB ESTATES, according to the plat recorded in Plat Book 37, pages 1 through 19, of the public records of Lee County, Florida, onumerated as follows:

## BLOCK A:

Lot 1, 51, 52, 55, 66, 68, 69, 70, 71, 77, 102, 103, 104, 105, 106, 107, 108, 146, 149, 151, 152, 153, 154, 155, 158, 179, 243, 273, 274, 275, 276, 277, and

Lot 45, less that portion beginning at the northwest corner of Lot 45, Block A of Royal-Tee Country Club Estates, according to the map or plat thereof as recorded in Plat Book 37 at Pages 1 through 19 of the public records of said Lee County; thence S70°32'14"E along the northeasterly line of said Lot 45 for 115.00 feet; thence S49°52'43"W for 71.06 feet to a point on the northeasterly right-of-way line of King James Court N.W. (60.00 feet wide); thence N32°44'51"W along said right-of-way line and along the southwesterly line of said Lot 45 for 100.00 feet to the point of beginning.

## BLOCK B:

Lots 13, 15, 16, 17, 18, 19, 20, 22, 23, 28, 29, 34, 35, 37, 39, 40, 41, 47, 51, 52, 58, 59, 60, 62, 63, 64, 67, 68, 72, 74, 75, 76, 77, 82, 83, 84, 86, 87, 88, 89, 90, 91, 93, 94, 98, 99, 100, 101, 103, 105, 106, 107, 108, 111, 114, 115, 116, 118, 120 and 123.

## AND

ALL OF TRACT "D" OF ROYAL TEE COUNTRY CLUB ESTATES ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 37 AT PAGES 1 THROUGH 19 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

## AND

THE EAST ONE HALF (E 1/2) OF THE WEST ONE HALF (W 1/2) OF THE EAST ONE HALF (E 1/2) OF THE NORTHWEST ONE QUARTER (NW 1/4) OF THE NORTHWEST ONE QUARTER (NW 1/4) OF SECTION 20, TOWNSHIP 44 SOUTH, RANGE 23 EAST LEE COUNTY, FLORIDA, LYING SOUTH OF PINE ISLAND ROAD, LESS THE FOLLOWING DESCRIBED PROPERTY:

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, BEING PART OF SECTION 20, TOWNSHIP 44 SOUTH, RANGE 23 EAST, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

STARTING AT THE PERMANENT CONTROL POINT (P.C.P.) AT THE INTERSECTION OF THE CENTERLINE OF ROYAL TEE BOULEVARD N.W. AND ROYAL TEE CIRCLE N.W. AS SHOWN ON THE PLAT OF ROYAL TEE COUNTRY CLUB ESTATES ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 37 AT PAGES 1-19 OF THE PUBLIC RECORDS OF SAID LEE COUNTY, FLORIDA; THENCE N88°57'21"W ALONG THE CENTERLINE OF SAID ROYAL TEE CIRCLE N.W. FOR 109.33 FEET; THENCE N0°19'23"W FOR 30.00 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF SAID ROAD AND THE SOUTH LINE OF TRACT H AS SHOWN ON THE AFORESAID PLAT AND THE POINT OF BEGINNING OF THE HEREON DESCRIBED PARCEL; THENCE CONTINUE N00°19'23"W FOR 281.99 FEET; THENCE N88°09'25"W FOR 140.41 FEET TO A POINT ON THE WEST LINE OF THE EAST ONE HALF (E 1/2) OF THE WEST ONE HALF (W 1/2) OF THE EAST ONE HALF (E 1/2) OF THE NORTHWEST ONE QUARTER (NW 1/4) OF THE NORTHWEST ONE QUARTER (NW 1/4) OF SAID SECTION 20; THENCE S00°02'04"E ALONG SAID FRACTION LINE FOR 288.57 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF THE AFORESAID ROYAL TEE CIRCLE N.W.; THENCE S89°57'21"E ALONG SAID RIGHT-OF-WAY LINE FOR 140.24 FEET TO THE POINT OF BEGINNING.

BEARINGS ARE BASED ON THE CENTERLINE OF ROAD OF ROYAL TEE CIRCLE N.W. AS BEARING N89°57'21"W AS SHOWN ON SAID RECORDED PLAT.

DR 63384 PG 3524

**EXHIBIT B****EXCEPTIONS TO TITLE**

- 1- Matters shown on the plat of Royal-Tee Country Club Estates, a subdivision recorded in Plat Book 37, pages 1 to 19.
- 2- Restrictions, covenants, conditions and easements as contained in the instrument recorded in Official Records Book 1807, page 501, of the public records of Lee County, Florida.
- 3- Terms, covenants, conditions, restrictions, easements, assessments and possible liens created by and set forth in the Declaration recorded in Official Records Book 2176, page 4645, Consent recorded in Official records Book 2178, page 4549 and amended in Official Records Book 2317, page 1903, of the public records of Lee County, Florida, but omitting any covenant or restriction based on race, color, religion, sex, handicap, familial status or national origin unless and only to the extent that said covenant(s): (a) is exempt under Chapter 42, Section 3607 of the United States Code; or (b) relates to handicap, but does not discriminate against handicapped persons.
- 4- Easement for Cable Television & Communications Service dated October 8, 1992, granted to Florida Cablevision Management Corp., recorded in Official Records Book, 2339, page 228 and Official Records Book 2339, page 2431, of the public records of Lee County, Florida.

OR2176 PG4641

10.50 Recording  
28,655.00 Documentary Stamps

Prepared by:  
Harvey B. Goldberg, Esquire  
GOLDBERG, GOLDSTEIN & BUCKLEY, P.A.  
P. O. BOX 2388  
FORT MYERS, FLORIDA 33902-2388

2913188

(Space above this line for recording data.)

**THIS QUIT-CLAIM DEED**, made this 25th day of September, 1990,  
Between **POVIA-BALLANTINE CORPORATION**, a Florida corporation, **GRANTOR**, and  
**B. P. DEVELOPMENT SOUTHWEST, INC.**, a Florida corporation, as **GRANTEE**,  
whose post office address is 3436 Cleveland Avenue, Fort Myers, Florida 33901,

**WITNESSETH** that said Grantor, for and in consideration of the sum of TEN AND NO/100'S DOLLARS (\$10.00), in hand paid by the said Grantee, the receipt whereof is hereby acknowledged, does hereby remise, release and quit-claim unto the said Grantee forever, all the right, title, interest, claim and demand which the said Grantor has in and to the following described lot, piece or parcel of land, situate, lying and being in LEE County, Florida, to-wit:

AS PER EXHIBIT 'A', ATTACHED HERETO AND MADE A PART HEREOF.

SUBJECT TO easements, restrictions and reservations of record, and property taxes for the current year.

Documentary Tax Pd. \$ 28,655.00  
\$ \_\_\_\_\_ Immobile Tax Pd.  
CHARLES GAIN, CLERK, LEE COUNTY  
*W. J. Matram* Deputy Clerk

TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereto belonging or in anywise appertaining, and all the estate right, title, interest, lien, equity and claim whatsoever of the said Grantor, either in law or equity, to the only proper use, benefit and behoof of the said Grantee forever.

"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]*  
Witness: *[Signature]*

POVIA-BALLANTINE CORPORATION, a Florida corporation  
*[Signature]*  
BY: LAWRENCE POVIA, President

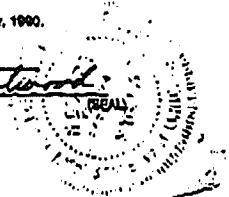
STATE OF FLORIDA  
COUNTY OF LEE

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared LAWRENCE POVIA, President of POVIA-BALLANTINE CORPORATION, to me known to be the person described in and who executed the foregoing instrument and acknowledged before me that he executed the same, and that said instrument is the act and deed of said corporation.

WITNESS my hand and official seal in the County and State last aforesaid this 25th day of September, 1990.

My commission expires: 3-22-94

*[Signature]*  
NOTARY PUBLIC



RECORDED - CHIEF CLERK, LEE COUNTY, FLORIDA  
P. M. REYNOLDS, D.C.



EXHIBIT "A"

A tract or parcel of land situated in the State of Florida, County of Lee, being a part of Section 20 and Section 29, Township 44 South, Range 23 East, and further described as follows:

The Southwest one-quarter (SW 1/4) of Section 20; together with the South one-half (S 1/2) of the Northwest one-quarter (NW 1/4) of said Section 20 and the West one-half (W 1/2) of the East one-half (E 1/2) of the East one-half (E 1/2) of the Northwest one-quarter (NW 1/4) of the Northwest one-quarter (NW 1/4) of said Section 20; and less the Pine Island Road right-of-way.

## ALSO:

The Northwest one-quarter (NW 1/4) of Section 29, Township 44 South, Range 23 East, Lee County, Florida.

## ALSO:

That part of the East half of the West half of the East half of the Northwest quarter of the Northwest quarter of Section 20, Township 44 South, Range 23 East, lying South of the right-of-way of Pine Island Road; LESS the North 150 feet of the above described property.

## ALSO:

The South 150.0 feet of the North 183.0 feet of the following described property: The East half of the West half of the East half of the Northwest quarter of the Northwest quarter of Section 20, Township 44 South, Range 23 East, Lee County, Florida.

LESS the following lots in ROYAL-TEE COUNTRY CLUB ESTATES SUBDIVISION, Plat Book 37, Pages 1 through 19, of the Public Records of Lee County, Florida, of which a portion of above described property is now known as:

LOTS 6, 13, 14, 41, 44, 48, 54, 56, 62, 63, 64, 72, 73, 76, 78, 79, 82, 90, 92, 93, 96, 97, 109, 110, 111, 112, 113, 122, 123, 124, 125, 133, 134, 137, 138, 139, 143, 147, 167, 168, 171, 172, 173, 175, 176, 177, 178, 182, 186, 187, 189, 199, 208, 209, 231, 233, 234, 235, 236, 266, 268, 269, ALL IN BLOCK "A".

LESS the Golf Course and Clubhouse facilities situated on and being a part of ROYAL-TEE COUNTRY CLUB ESTATES, A SUBDIVISION, lying in Section 20 and Section 29, Township 44 South, Range 23 East, and further described as certain tracts of land, being Tract "A" - Golf Course, Tract "B" - Golf Course, and Tract "C" - Golf Course, as said tracts are depicted on the plat of Royal Tee Country Club Estates, recorded in Plat Book 37, Pages 1 through 19, of the Public Records of Lee County, Florida.

The property being transferred expressly includes, together with other parcels, those certain lots in ROYAL-TEE COUNTRY CLUB ESTATES SUBDIVISION, Plat Book 37, Pages 1 through 19, of the Public Records of Lee County, Florida, now known as:

Lots 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 42, 43, 45, 46, 47, 49, 50, 51, 52, 53, 55, 57, 58, 59, 60, 61, 65, 66, 67, 68, 69, 70, 71, 74, 75, 77, 80, 81, 83, 84, 85, 86, 87, 88, 89, 91, 94, 95, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 114, 115, 116, 117, 118, 119, 120, 121, 126, 127, 128, 129, 130, 131, 132, 135, 136, 140, 141, 142, 144, 145, 146, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 169, 170, 174, 179, 180, 181, 183, 184, 185, 188, 190, 191, 192, 193, 194, 195, 196, 197, 198, 200, 201, 202, 203, 204, 205, 206, 207, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 232, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 267, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, ALL IN BLOCK "A"; and Lots 1 through 124, ALL IN BLOCK "B".

OR2176 P04642

CHARLIE GREEN LLC CIVIL  
90SEP 25 PM 3:42

LEE COUNTY PROPERTY APPRAISER

PROPERTY DATA FOR PARCEL 20-44-23-01-00000.0DCE  
TAX YEAR 2007

Parcel data is available for the following tax years:

[ 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 ]

[ Next Lower Parcel Number | Next Higher Parcel Number | Display Building Permits on this Parcel  
| Display Tax Bills on this Parcel | Tax Estimator ]

OWNERSHIP, LEGAL, SALES AND DISTRICT DATA ARE FROM THE CURRENT DATABASE.  
LAND, BUILDING, VALUE AND EXEMPTION DATA ARE FROM THE 2007 ROLL.

## PROPERTY DETAILS

### OWNER OF RECORD

REALMARK CAPE ROYAL LLC  
META AT CAPE HARBOUR ASSN  
5789 CAPE HARBOUR DR STE 201  
CAPE CORAL FL 33914

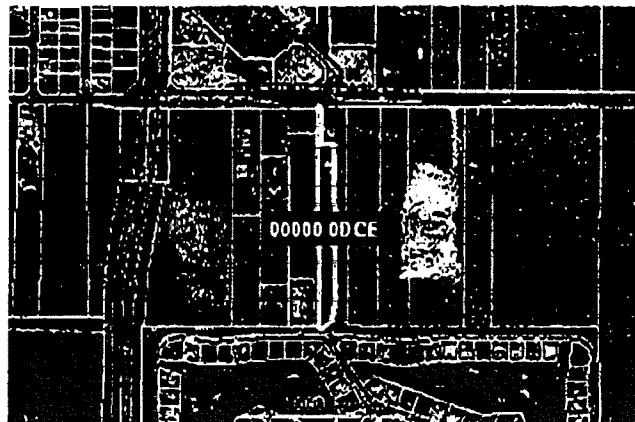
### SITE ADDRESS

11951 ROYAL TEE BLVD  
CAPE CORAL FL 33991

### LEGAL DESCRIPTION

ROYAL-TEE COUNTRY CLUB EST  
PB 37 PG 3  
TRACT D

[ [VIEWER](#) ] [TAX MAP](#) [ [PRINT](#) ]



[ [PICTOMETRY](#) ]

### TAXING DISTRICT

007 - MATLACHA-PINE ISLAND FIRE  
DISTRICT

### DOR CODE

99 - ACREAGE NOT AG CLASSIFIED

### PROPERTY VALUES (TAX ROLL 2007) [ [HISTORY CHART](#) ]

### EXEMPTIONS

### ATTRIBUTES

JUST	0 HOMESTEAD	0 LAND UNITS OF MEASURE	AC
ASSESSED	0 AGRICULTURAL	0 TOTAL NUMBER OF LAND UNITS	2.50
ASSESSED SOH	0 WIDOW	0 FRONTAGE	0

TAXABLE	0 WIDOWER	0 DEPTH	0
BUILDING	0 DISABILITY	0 BEDROOMS	
LAND	0 WHOLLY	0 BATHROOMS	
BUILDING FEATURES	0 SOH DIFFERENCE	0 TOTAL BUILDING SQFT	
LAND FEATURES	0	1ST YEAR BUILDING ON TAX ROLL	0
		HISTORIC DISTRICT	No

## SALES/TRANSACTIONS

SALE PRICE	DATE	OR NUMBER	TYPE	TRANSACTION DETAILS DESCRIPTION	VACANT / IMPROVED
1,874,000	3/23/2001	3384/3522	02	<p>Qualified (Multiple STRAP # / 06-091)</p> <p>There are 95 additional parcel(s) with this document (may have been split after the transaction date)...</p> <p>20-44-23-00-00003.0000, 20-44-23-00-00003.0020, 20-44-23-01-0000A.0010, 20-44-23-01-0000A.0450, 20-44-23-01-0000A.0510, 20-44-23-01-0000A.0520, 20-44-23-01-0000A.0550, 20-44-23-01-0000A.0660, 20-44-23-01-0000A.0680, 20-44-23-01-0000A.0690, 20-44-23-01-0000A.0700, 20-44-23-01-0000A.0710...</p> <p>Remaining parcels not listed.</p>	V
5,210,000	9/25/1990	2176/4641	04	<p>Disqualified (Multiple STRAP # - 01,03,04,07)</p> <p>There are 360 additional parcel(s) with this document (may have been split after the transaction date)...</p> <p>20-44-23-00-00003.0000, 20-44-23-00-00003.0020, 20-44-23-00-00003.0030, 20-44-23-01-00000.00CE, 20-44-23-01-0000A.0010, 20-44-23-01-0000A.0030, 20-44-23-01-0000A.0040, 20-44-23-01-0000A.0050, 20-44-23-01-0000A.0080, 20-44-23-01-0000A.0090, 20-44-23-01-0000A.0120, 20-44-23-01-0000A.0150...</p> <p>Remaining parcels not listed.</p>	V

100 9/1/1990 2173/4259 04 Disqualified (Multiple STRAP # - V  
01,03,04,07)  
There are 207 additional parcel(s) with this  
document (may have been split after the  
transaction date)...  
20-44-23-00-00003.0000,  
20-44-23-00-00003.0020,  
20-44-23-00-00003.0030,  
20-44-23-01-00000.00A0,  
20-44-23-01-00000.00A1,  
20-44-23-01-00000.00CE,  
20-44-23-01-0000A.0010,  
20-44-23-01-0000A.0450,  
20-44-23-01-0000A.0510,  
20-44-23-01-0000A.0520,  
20-44-23-01-0000A.0530,  
20-44-23-01-0000A.0550...  
*Remaining parcels not listed.*

### PARCEL NUMBERING HISTORY

PRIOR STRAP	CREATION DATE - 1/1/1986 RENUMBER REASON	RENUMBER DATE
20-44-23-01-00000.00D0	Delete Parcel-add back to roll under new STRAP(same value)	Friday, July 23, 2004
20-44-23-01-00000.00E0	Split (From another Parcel)	Tuesday, April 24, 2001
20-44-23-00-00001.0000	Combined (With another parcel-Delete Occurs)	Unspecified

### SOLID WASTE (GARBAGE) ROLL DATA

SOLID WASTE DISTRICT	ROLL TYPE	CATEGORY	UNIT/AREA	TAX AMOUNT
005 - Service Area 5	-		0	0.00

GARBAGE	COLLECTION DAYS	RECYCLING	HORTICULTURE
Error loading the Collection Days.			

### ELEVATION INFORMATION

THIS CATEGORY MAY CHANGE IN SEPTEMBER 2008. TO VIEW THE NEW CATEGORY, CLICK HERE

STORM SURGE CATEGORY

FLOOD INSURANCE (FIRM FAQ)

RATE CODE COMMUNITY PANEL VERSION DATE

Error loading the Elevation Information.

[ Show ]

## APPRAISAL DETAILS

[ [Next Lower Parcel Number](#) | [Next Higher Parcel Number](#) ]

[ [New Query](#) | [New Browse](#) | [Parcel Queries Page](#) | [Lee PA Home](#) ]

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This site is best viewed with Microsoft Internet Explorer 5.5+ or Netscape Navigator 6.0+.  
Page was last modified on Wednesday, January 30, 2008 2:13:58 PM.

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

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

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

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P.O. Box 2449  
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Telephone (239) 334-2722  
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MUhle@knott-law.com

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

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

February 8, 2008

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



Re: Response to Cape Royal Small Scale Amendment Sufficiency Letter / CPA2006-00002

Dear Brandy:

We have reviewed your sufficiency letter dated January 22, 2008 and would respond to the items as follows:

\*\*\*\*\*

- A.5. Item 5 requires the submittal of a legal description for the subject property. Staff has found discrepancies in the legal description provided and requests that it be revised. The description requires a valid starting point. Please provide a corrected legal description

**RESPONSE: The legal description has been revised to reflect your comment and six signed and sealed copies are included in this resubmittal package.**

- A.8. The Property Appraiser's website shows two owners of record for the property with STRAP number 20-44-23-01-00000.0DCE, Realmark Cape Royal, LLC and Meta at Cape Harbour Assn. The application includes consent from Craig Dearden on behalf of Realmark Cape Royal, LLC. Please confirm that Craig Dearden is providing consent on behalf of Meta at Cape Harbour Assn. as well.

**RESPONSE: Attached please find a copy of the deed for the property which indicates that Realmark is the sole owner.**

In addition to the items noted above, planning staff is requesting further discussion provided by the applicant in order to assist staff in the review of the proposed plan amendment.



In the past it has always been the County's policy to encourage annexations into the City of Cape Coral for the enclave parcels along Pine Island Road. Please provide discussion as to whether or not the applicant has considered this issue.

**RESPONSE: The applicant has, in fact, discussed the possibility of annexing into the City of Cape Coral with City officials. This is difficult as long as the property remains within the GPIWA franchise area.**

Regarding the sanitary sewer analysis provided in the application, the analysis states that the site could be serviced by either Lee County Utilities or the City of Cape Coral Utilities. Utility staff has indicated that the Pine Island waste water treatment plan is limited by the amount of reclaimed water permitted for use. Please indicate if the applicant has made any commitments for utilizing reclaimed water.

**RESPONSE: It is not currently possible to obtain a letter of sewer availability from the City of Cape Coral, as the City has declined to provide service to parcels that are not within its boundaries. As noted in the response to the previous sufficiency letter, it is possible (albeit expensive) to extend the existing lines from the GPIWA facility to the subject parcel. The GPIWA facility currently lacks adequate capacity to dispose of effluent; however, it is also possible to obtain permission from a Pine Island property owner to dispose of the effluent on an existing tree farm. The location of the disposal area is identified in the attached agreement.**

Sincerely,

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



Matthew D. Uhle, Esq.

MDU/ams  
Attachments

**RECEIVED**  
FEB 08 2008

COMMUNITY DEVELOPMENT

CPA 2006-00002

**Bolaños Truxton, P.A.**

2121 Ponce De Leon Boulevard  
Suite 950  
Coral Gables, Florida 33134  
Telephone: (305) 567-0424  
Facsimile: (305) 567-0423

12800 University Drive  
Suite 350  
Ft. Myers, Florida 33907  
Telephone: (239) 437-5421  
Facsimile: (239) 437-5797

Reply to Ft. Myers

Email: [JDrake@bolanostruxton.com](mailto:JDrake@bolanostruxton.com)

**MEMORANDUM**

To: Lynda Brooks  
From: Julie Drake, Esquire  
Re: Cape Royal  
STRAP No. 20-44-23-01-00000.0DCE  
Date: January 30, 2008

In response to your memo of like date, I attach a copy of the Warranty Deed, from B.P. Development Southwest, Inc. to Realmark Cape Royal, LLC, which was recorded on March 28, 2001 in OR Book 3384, Page 3522, Public Records of Lee County, Florida. It would appear that title vests solely in Realmark Cape Royal, LLC, a Florida limited liability company.

I hope this will be of assistance to you. If you require any additional documentation, please let me know.

  
Julie Drake

/smf  
Enclosure

P:\DOCS\Realmark Group (828)\Realmark Cape Royal, LLC (10)\Brooks memo, 01-30-08.doc

**RECEIVED**  
FEB 08 2008

COMMUNITY DEVELOPMENT

CPA 2006-00002

Mar-20-2001 1:20PM GOLDSTEIN BUCKLEY ETAL.

1 MAR 20 2001 1:20 PM

1500  
13,118.00  
Recording  
Documentary Stamps  
13,133.00  
Property Address/Parcel  
Parcel Identification No.

Prepared by:  
J. Jeffrey Niles, Esquire  
GOLDSTEIN, BUCKLEY, COCHMAN, RUCS & PURTZ, P.A.  
P.O. BOX 2166  
FORT MYERS, FLORIDA 33902-2166  
00123

INSTR # 5094534

OR BK 03384 PG 3522

RECORDED 03/28/01 05:05 PM  
CHANDLER GREEN CLERK OF COURT  
LEE COUNTY  
RECORDING FEE 13.00  
DOC TAX POLY. S. 201.02 13,118.00  
DEPUTY CLERK J. MILLER

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

THIS INDENTURE, made this 23 day of MARCH, 2001, Between B.P. DEVELOPMENT SOUTHWEST, INC., a Florida corporation as GRANTOR, whose address is 3434 Cleveland Avenue, Fort Myers, Florida 33901, and REALMARK CAPE ROYAL, LLC, a Florida limited liability company, as GRANTEE, whose address is 1900 Lagoon Lane, Cape Coral, Florida 33914;

WITNESSETH that said Grantor, for and in consideration of the sum of TEN AND NO/100'S DOLLARS (\$10.00), and other good and valuable considerations to said Grantor in hand paid by said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said Grantee, and Grantee's heirs and assigns forever, the following described land, situate, lying and being in Lee County, Florida, to-wit:

SEE EXHIBIT 'A' ATTACHED HERETO.

SUBJECT to the exceptions to title attached as Exhibit "B" hereto.

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

"GRANTOR" and "GRANTEE" are used for singular or plural, as context requires.

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

Signed, sealed and delivered in our presence:

[Signature]  
Signature of Witness  
Print Name Peter T. McGowan

B. P. DEVELOPMENT SOUTHWEST, INC., a Florida corporation

Greg S. Truett  
Signature of Witness  
Print Name GREG S. TRUETT

By: [Signature] (Seal)  
DEAN BALLANTINE, President

STATE OF FLORIDA; COUNTY OF LEE

The foregoing instrument was acknowledged before me this 23 day of MARCH, 2001, by Dean Ballantine, as President of B. P. DEVELOPMENT SOUTHWEST INC., a Florida corporation, on behalf of the corporation.

☒ He/she is personally known to me, or

☐ produced N/A as identification.

My commission expires:

(Seal)

NOTARY PUBLIC

OFFICIAL NOTARY SEAL  
GREG S. TRUETT  
NOTARY PUBLIC STATE OF FLORIDA  
COMMISSION NO. 00449728  
MY COMMISSION EXP. MAY 21, 2001

RECEIVED

FEB 08 2008

COMMUNITY DEVELOPMENT

CPA-2006-00002



OR BK 03384 PG 3323

Exhibit "A"

Those certain lots in ROYAL-TEE COUNTRY CLUB ESTATES, according to the plat recorded in Plat Book 37, pages 1 through 19, of the public records of Lee County, Florida, onumerated as follows:

## BLOCK A:

Lot 1, 51, 52, 55, 66, 68, 69, 70, 71, 77, 102, 103, 104, 105, 106, 107, 108, 146, 149, 151, 152, 153, 154, 155, 158, 179, 243, 273, 274, 275, 276, 277, and

Lot 45, less that portion beginning at the northwest corner of Lot 45, Block A of Royal-Tee Country Club Estates, according to the map or plat thereof as recorded in Plat Book 37 at Pages 1 through 19 of the public records of said Lee County; thence S70°32'14"E along the northeasterly line of said Lot 45 for 115.00 feet; thence S49°52'43"W for 71.06 feet to a point on the northeasterly right-of-way line of King James Court N.W. (60.00 feet wide); thence N32°44'51"W along said right-of-way line and along the southwesterly line of said Lot 45 for 100.00 feet to the point of beginning.

## BLOCK B:

Lots 13, 15, 16, 17, 18, 19, 20, 22, 23, 28, 29, 34, 35, 37, 39, 40, 41, 47, 51, 52, 58, 59, 60, 62, 63, 64, 67, 68, 72, 74, 75, 76, 77, 82, 83, 84, 86, 87, 88, 89, 90, 91, 93, 94, 98, 99, 100, 101, 103, 105, 106, 107, 108, 111, 114, 115, 116, 118, 120 and 123.

## AND

ALL OF TRACT "D" OF ROYAL TEE COUNTRY CLUB ESTATES ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 37 AT PAGES 1 THROUGH 19 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

## AND

THE EAST ONE HALF (E 1/2) OF THE WEST ONE HALF (W 1/2) OF THE EAST ONE HALF (E 1/2) OF THE NORTHWEST ONE QUARTER (NW 1/4) OF THE NORTHWEST ONE QUARTER (NW 1/4) OF SECTION 20, TOWNSHIP 44 SOUTH, RANGE 23 EAST LEE COUNTY, FLORIDA, LYING SOUTH OF PINE ISLAND ROAD, LESS THE FOLLOWING DESCRIBED PROPERTY:

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, BEING PART OF SECTION 20, TOWNSHIP 44 SOUTH, RANGE 23 EAST, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

STARTING AT THE PERMANENT CONTROL POINT (P.C.P.) AT THE INTERSECTION OF THE CENTERLINE OF ROYAL TEE BOULEVARD N.W. AND ROYAL TEE CIRCLE N.W. AS SHOWN ON THE PLAT OF ROYAL TEE COUNTRY CLUB ESTATES ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 37 AT PAGES 1-19 OF THE PUBLIC RECORDS OF SAID LEE COUNTY, FLORIDA; THENCE N89°57'21"W ALONG THE CENTERLINE OF SAID ROYAL TEE CIRCLE N.W. FOR 109.33 FEET; THENCE N0°19'23"W FOR 30.00 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF SAID ROAD AND THE SOUTH LINE OF TRACT H AS SHOWN ON THE AFORESAID PLAT AND THE POINT OF BEGINNING OF THE HEREON DESCRIBED PARCEL; THENCE CONTINUE N0°19'23"W FOR 281.99 FEET; THENCE N88°09'25"W FOR 140.41 FEET TO A POINT ON THE WEST LINE OF THE EAST ONE HALF (E 1/2) OF THE WEST ONE HALF (W 1/2) OF THE EAST ONE HALF (E 1/2) OF THE NORTHWEST ONE QUARTER (NW 1/4) OF THE NORTHWEST ONE QUARTER (NW 1/4) OF SAID SECTION 20; THENCE S00°02'04"E ALONG SAID FRACTION LINE FOR 286.57 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF THE AFORESAID ROYAL TEE CIRCLE N.W.; THENCE S89°57'21"E ALONG SAID RIGHT-OF-WAY LINE FOR 140.24 FEET TO THE POINT OF BEGINNING.

BEARINGS ARE BASED ON THE CENTERLINE OF ROAD OF ROYAL TEE CIRCLE N.W. AS BEARING N89°57'21"W AS SHOWN ON SAID RECORDED PLAT.

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OR 83384 PG 3524

**EXHIBIT B****EXCEPTIONS TO TITLE**

- 1- Matters shown on the plat of Royal-Tee Country Club Estates, a subdivision recorded in Plat Book 37, pages 1 to 19.
- 2- Restrictions, covenants, conditions and easements as contained in the instrument recorded in Official Records Book 1807, page 501, of the public records of Lee County, Florida.
- 3- Terms, covenants, conditions, restrictions, easements, assessments and possible liens created by and set forth in the Declaration recorded in Official Records Book 2176, page 4645, Consent recorded in Official records Book 2178, page 4549 and amended in Official Records Book 2317, page 1903, of the public records of Lee County, Florida, but omitting any covenant or restriction based on race, color, religion, sex, handicap, familial status or national origin unless and only to the extent that said covenant(s): (a) is exempt under Chapter 42, Section 3607 of the United States Code; or (b) relates to handicap, but does not discriminate against handicapped persons.
- 4- Easement for Cable Television & Communications Service dated October 8, 1992, granted to Florida Cablevision Management Corp., recorded in Official Records Book, 2339, page 228 and Official Records Book 2339, page 2431, of the public records of Lee County, Florida.

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OR2176 PG4641

10.50 Recording  
28,655.00 Documentary Stamps

Prepared by:  
Harvey B. Goldberg, Esquire  
GOLDBERG, GOLDSTEIN & BUCKLEY, P.A.  
P. O. BOX 2388  
FORT MYERS, FLORIDA 33902-2388

2913188

(Space above this line for recording data.)

THIS QUIT-CLAIM DEED, made this 25th day of September, 1990,  
Between POVIA-BALLANTINE CORPORATION, a Florida corporation, GRANTOR, and  
B. P. DEVELOPMENT SOUTHWEST, INC., a Florida corporation, as GRANTEE,  
whose post office address is 3436 Cleveland Avenue, Fort Myers, Florida 33901,

WITNESSETH that said Grantor, for and in consideration of the sum of TEN AND NO/100'S DOLLARS (\$10.00), in hand  
paid by the said Grantee, the receipt whereof is hereby acknowledged, does hereby remise, release and quit-claim unto the said  
Grantee forever, all the right, title, interest, claim and demand which the said Grantor has in and to the following described lot,  
piece or parcel of land, situate, lying and being in LEE County, Florida, to-wit:

AS PER EXHIBIT 'A', ATTACHED HERETO AND MADE A PART HEREOF.

SUBJECT TO easements, restrictions and reservations of record, and property taxes for the current year.

Documentary Tax Pd. \$ 28,655.00  
\$ \_\_\_\_\_ Intangible Tax Pd.  
CHARLIE CRAIN, CLERK, LEE COUNTY  
by Information Deputy Clerk

TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereto belonging or in anywise  
appertaining, and all the estate right, title, interest, lien, equity and claim whatsoever of the said Grantor, either in law or equity,  
to the only proper use, benefit and behoof of the said Grantee forever.

"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  
\_\_\_\_\_  
Witness  
\_\_\_\_\_

POVIA-BALLANTINE CORPORATION, a Florida corporation  
BY: Lawrence Povia, President

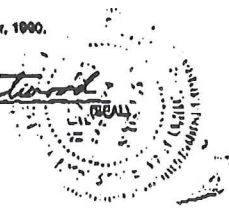
STATE OF FLORIDA  
COUNTY OF LEE

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared LAWRENCE  
POVIA, President of POVIA-BALLANTINE CORPORATION, to me known to be the person described in and who executed the  
foregoing instrument and acknowledged before me that he executed the same, and that said instrument is the act and deed of  
said corporation.

WITNESS my hand and official seal in the County and State last aforesaid this 25th day of September, 1990.

My commission expires: 3-22-94

Christina P. Cleator  
NOTARY PUBLIC



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EXHIBIT "A"

A tract or parcel of land situated in the State of Florida, County of Lee, being a part of Section 20 and Section 29, Township 44 South, Range 23 East, and further described as follows:

The Southwest one-quarter (SW 1/4) of Section 20; together with the South one-half (S 1/2) of the Northwest one-quarter (NW 1/4) of said Section 20 and the West one-half (W 1/2) of the East one-half (E 1/2) of the East one-half (E 1/2) of the Northwest one-quarter (NW 1/4) of the Northwest one-quarter (NW 1/4) of said Section 20; and less the Pine Island Road right-of-way.

## ALSO:

The Northwest one-quarter (NW 1/4) of Section 29, Township 44 South, Range 23 East, Lee County, Florida.

## ALSO:

That part of the East half of the West half of the East half of the Northwest quarter of the Northwest quarter of Section 20, Township 44 South, Range 23 East, lying South of the right-of-way of Pine Island Road; LESS the North 150 feet of the above described property.

## ALSO:

The South 150.0 feet of the North 183.0 feet of the following described property: The East half of the West half of the East half of the Northwest quarter of the Northwest quarter of Section 20, Township 44 South, Range 23 East, Lee County, Florida.

LESS the following lots in ROYAL-TEE COUNTRY CLUB ESTATES SUBDIVISION, Plat Book 37, Pages 1 through 19, of the Public Records of Lee County, Florida, of which a portion of above described property is now known as:

LOTS 6, 13, 14, 41, 44, 48, 54, 56, 62, 63, 64, 72, 73, 76, 78, 79, 82, 90, 92, 93, 96, 97, 109, 110, 111, 112, 113, 122, 123, 124, 125, 133, 134, 137, 138, 139, 143, 147, 167, 168, 171, 172, 173, 175, 176, 177, 178, 182, 186, 187, 189, 199, 208, 209, 231, 233, 234, 235, 236, 266, 268, 269, ALL IN BLOCK "A".

LESS the Golf Course and Clubhouse facilities situated on and being a part of ROYAL-TEE COUNTRY CLUB ESTATES, A SUBDIVISION, lying in Section 20 and Section 29, Township 44 South, Range 23 East, and further described as certain tracts of land, being Tract "A" - Golf Course, Tract "B" - Golf Course, and Tract "C" - Golf Course, as said tracts are depicted on the plat of Royal Tee Country Club Estates, recorded in Plat Book 37, Pages 1 through 19, of the Public Records of Lee County, Florida.

The property being transferred expressly includes, together with other parcels, those certain lots in ROYAL-TEE COUNTRY CLUB ESTATES SUBDIVISION, Plat Book 37, Pages 1 through 19, of the Public Records of Lee County, Florida, now known as:

Lots 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 42, 43, 45, 46, 47, 49, 50, 51, 52, 53, 55, 57, 58, 59, 60, 61, 65, 66, 67, 68, 69, 70, 71, 74, 75, 77, 80, 81, 83, 84, 85, 86, 87, 88, 89, 91, 94, 95, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 114, 115, 116, 117, 118, 119, 120, 121, 126, 127, 128, 129, 130, 131, 132, 133, 136, 140, 141, 142, 144, 145, 146, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 169, 170, 174, 179, 180, 181, 183, 184, 185, 188, 190, 191, 192, 193, 194, 195, 196, 197, 198, 200, 201, 202, 203, 204, 205, 206, 207, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 232, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 267, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, ALL IN BLOCK "A"; and Lots 1 through 124, ALL IN BLOCK "B".

082176 P04642

CHARLIE GREEN LIFE CITY FL  
90SEP25 PM 3:42

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LEE COUNTY PROPERTY APPRAISER

PROPERTY DATA FOR PARCEL 20-44-23-01-00000.0DCE  
TAX YEAR 2007

Parcel data is available for the following tax years:

[ 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 ]

[ [Next Lower Parcel Number](#) | [Next Higher Parcel Number](#) | [Display Building Permits on this Parcel](#)  
| [Display Tax Bills on this Parcel](#) | [Tax Estimator](#) ]

OWNERSHIP, LEGAL, SALES AND DISTRICT DATA ARE FROM THE CURRENT DATABASE.  
LAND, BUILDING, VALUE AND EXEMPTION DATA ARE FROM THE 2007 ROLL.

## PROPERTY DETAILS

### OWNER OF RECORD

REALMARK CAPE ROYAL LLC  
META AT CAPE HARBOUR ASSN  
5789 CAPE HARBOUR DR STE 201  
CAPE CORAL FL 33914

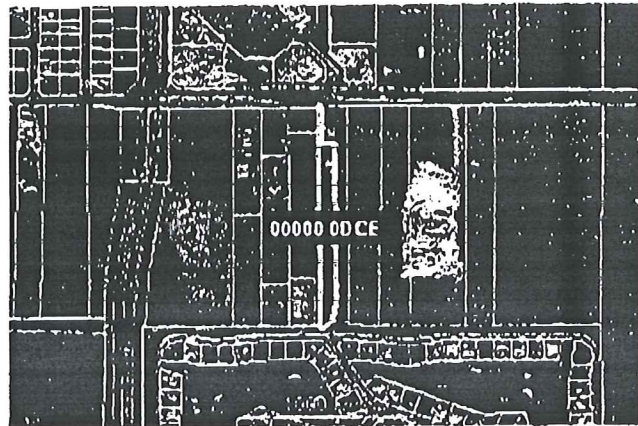
### SITE ADDRESS

11951 ROYAL TEE BLVD  
CAPE CORAL FL 33991

### LEGAL DESCRIPTION

ROYAL-TEE COUNTRY CLUB EST  
PB 37 PG 3  
TRACT D

[ [VIEWER](#) ] TAX MAP [ [PRINT](#) ]



[ [PICTOMETRY](#) ]

### TAXING DISTRICT

007 - MATLACHA-PINE ISLAND FIRE  
DISTRICT

### DOR CODE

99 - ACREAGE NOT AG CLASSIFIED

### PROPERTY VALUES (TAX ROLL 2007) [ [HISTORY CHART](#) ]

### EXEMPTIONS

### ATTRIBUTES

JUST	0 HOMESTEAD	0 LAND UNITS OF MEASURE	AC
ASSESSED	0 AGRICULTURAL	0 TOTAL NUMBER OF LAND UNITS	2.50
ASSESSED SOH	0 WIDOW	0 FRONTAGE	0

<http://www.lccpa.org/Scripts/PropertyQuery.asp?FolioID=10073450>

1/30/2008

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TAXABLE	0 WIDOWER	0 DEPTH	0
BUILDING	0 DISABILITY	0 BEDROOMS	
LAND	0 WHOLLY	0 BATHROOMS	
BUILDING FEATURES	0 SOH DIFFERENCE	0 TOTAL BUILDING SQFT	
LAND FEATURES	0	1ST YEAR BUILDING ON TAX ROLL	0
		HISTORIC DISTRICT	No

### SALES/TRANSACTIONS

SALE PRICE	DATE	OR NUMBER	TYPE	TRANSACTION DETAILS DESCRIPTION	VACANT / IMPROVED
1,874,000	3/23/2001	3384/3522	02	<p>Qualified (Multiple STRAP # / 06-091)</p> <p>There are 95 additional parcel(s) with this document (may have been split after the transaction date)...</p> <p>20-44-23-00-00003.0000, 20-44-23-00-00003.0020, 20-44-23-01-0000A.0010, 20-44-23-01-0000A.0450, 20-44-23-01-0000A.0510, 20-44-23-01-0000A.0520, 20-44-23-01-0000A.0550, 20-44-23-01-0000A.0660, 20-44-23-01-0000A.0680, 20-44-23-01-0000A.0690, 20-44-23-01-0000A.0700, 20-44-23-01-0000A.0710...</p> <p>Remaining parcels not listed.</p>	V
5,210,000	9/25/1990	2176/4641	04	<p>Disqualified (Multiple STRAP # - 01,03,04,07)</p> <p>There are 360 additional parcel(s) with this document (may have been split after the transaction date)...</p> <p>20-44-23-00-00003.0000, 20-44-23-00-00003.0020, 20-44-23-00-00003.0030, 20-44-23-01-00000.00CE, 20-44-23-01-0000A.0010, 20-44-23-01-0000A.0030, 20-44-23-01-0000A.0040, 20-44-23-01-0000A.0050, 20-44-23-01-0000A.0080, 20-44-23-01-0000A.0090, 20-44-23-01-0000A.0120, 20-44-23-01-0000A.0150...</p> <p>Remaining parcels not listed.</p>	V

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100 9/1/1990 2173/4259 04 Disqualified (Multiple STRAP # - 01,03,04,07) V  
There are 207 additional parcel(s) with this document (may have been split after the transaction date)...  
20-44-23-00-00003.0000,  
20-44-23-00-00003.0020,  
20-44-23-00-00003.0030,  
20-44-23-01-00000.00A0,  
20-44-23-01-00000.00A1,  
20-44-23-01-00000.00CE,  
20-44-23-01-0000A.0010,  
20-44-23-01-0000A.0450,  
20-44-23-01-0000A.0510,  
20-44-23-01-0000A.0520,  
20-44-23-01-0000A.0530,  
20-44-23-01-0000A.0550...  
Remaining parcels not listed.

### PARCEL NUMBERING HISTORY

PRIOR STRAP	RENUMBER REASON	RENUMBER DATE
20-44-23-01-00000.00D0	Delete Parcel-add back to roll under new STRAP(same value)	Friday, July 23, 2004
20-44-23-01-00000.00E0	Split (From another Parcel)	Tuesday, April 24, 2001
20-44-23-00-00001.0000	Combined (With another parcel-Delete Occurs)	Unspecified

### SOLID WASTE (GARBAGE) ROLL DATA

SOLID WASTE DISTRICT	ROLL TYPE	CATEGORY	UNIT/AREA	TAX AMOUNT
005 - Service Area 5	-		0	0.00

GARBAGE	COLLECTION DAYS	RECYCLING	HORTICULTURE
Error loading the Collection Days.			

### ELEVATION INFORMATION

THIS CATEGORY MAY CHANGE IN SEPTEMBER 2008. TO VIEW THE NEW CATEGORY, CLICK HERE

STORM SURGE CATEGORY	FLOOD INSURANCE (FIRM FAQ)
	RATE CODE COMMUNITY PANEL VERSION DATE

<http://www.leeepa.org/Scripts/PropertyQuery.asp?FolioID=10073450>

1/30/2008

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Error loading the Elevation Information.

[ [Show](#) ]

## APPRAISAL DETAILS

[ [Next Lower Parcel Number](#) | [Next Higher Parcel Number](#) ]

[ [New Query](#) | [New Browse](#) | [Parcel Queries Page](#) | [Lee PA Home](#) ]

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This site is best viewed with Microsoft Internet Explorer 5.5+ or Netscape Navigator 6.0+.  
Page was last modified on Wednesday, January 30, 2008 2:13:58 PM.

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COMMUNITY DEVELOPMENT

<http://www.leepa.org/Scripts/PropertyQuery.asp?FolioID=10073450>

1/30/2008  
TOTAL P.011

CPA 2006-00002

This instrument was prepared  
by and after recording return to:  
Thomas E. Maloney, Esq.  
3050 Horseshoe Drive, #105  
Naples, FL 34104

Developer's Property Strap #s

21-44-22-00-00011.0190  
28-44-22-00-00011.0000  
28-44-22-00-00011.0030  
28-44-22-00-00012.002A  
28-44-22-00-00012.0020  
28-44-22-00-00012.002B  
28-44-22-00-00012.0000

Receiver's Property Strap #s

04-45-22-00-00010.0000

(THIS SPACE RESERVED FOR RECORDING)

Exhibit A: Legal for Receivers' Property  
Exhibit B: Graphic for Receivers' Property  
Exhibit C: Legal for Developers' Property  
Exhibit D: Graphic for Developers' Property

**AGREEMENT TO PROVIDE PROPERTY TO RECEIVE  
EFFLUENT WATER FROM LEE COUNTY'S  
PINE ISLAND WASTEWATER TREATMENT PLANT  
FOR PURPOSE OF BENEFITING SPECIFIED PRIVATE PROPERTY**

(ALLOCATION AGREEMENT)

This Agreement is made and entered into this 21 day of AUGUST, 2007, between NORDIC INVESTMENT CORP., an Illinois corporation, and ISLAND FARMS 1031, LLC, a Florida Limited Liability Company, hereinafter collectively referred to as "Receivers", and the following Companies, all of which are hereinafter collectively referred to as "Developers."

LAKE JEFFERSON, LLC  
RAINTREE & PRICE, LLC  
PINE TARR, LLC  
And ISLAND PINE, LLC, all of which are Florida  
Limited Liability Companies

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FEB 06 2008

CPA 2006-00002

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

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

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

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

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

AStowe@knott-law.com

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

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

**M E M O R A N D U M**

TO: Brandy Gonzalez

FROM: Alison M. Stowe

DATE: February 11, 2008

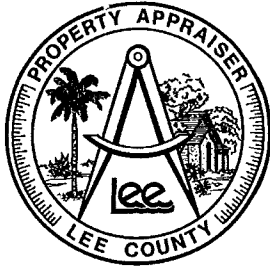
RE: Cape Royal / CPA2006-00002

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Attached please find the updated Property Appraiser's report, map and two sets of labels per your request.

ams  
Attachments





# Lee County Property Appraiser

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

GIS Department / Map Room

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

## VARIANCE REPORT

**Date of Report:** February 08, 2008  
**Buffer Distance:** 500 ft  
**Parcels Affected:** 37  
**Subject Parcel:** 20-44-23-01-00000.0DCE, 20-44-23-00-00003.0000,  
 20-44-23-00-00003.0010, 20-44-23-00-00003.0020

<b>OWNER NAME AND ADDRESS</b>	<b>STRAP AND LOCATION</b>	<b>LEGAL DESCRIPTION</b>	<b>Map Index</b>
EAGLE GREGORY W TR 3818 DEL PRADO BLVD CAPE CORAL FL 33904	<b>17-44-23-00-00020.0000</b> 2915 SW PINE ISLAND RD CAPE CORAL FL 33991	PT LOTS 23 + 24 OF W 1/2 OF W 1/2 OF S E 1/4 OF S W 1/4 LESS R/W SR78	1
CAPE INVESTMENTS OVERSEAS INC DIETHELM BAUMANN FREIGUTSTR 24 PO BOX 220 8027 ZURICH SWITZERLAND	<b>17-44-23-C4-00100.0010</b> 2925 SW PINE ISLAND RD CAPE CORAL FL 33991	CORAL SHORES DESC IN PB 80 PGS 77-78 LOT 1	2
CAPE INVESTMENTS OVERSEAS INC DIETHELM BAUMANN FREIGUTSTR 24 PO BOX 220 8027 ZURICH SWITZERLAND	<b>17-44-23-C4-00100.0020</b> 2995 SW PINE ISLAND RD CAPE CORAL FL 33991	CORAL SHORES DESC IN PB 80 PGS 77-78 LOT 2	3
CAPE INVESTMENTS OVERSEAS INC DIETHELM BAUMANN FREIGUTSTR 24 PO BOX 220 8027 ZURICH SWITZERLAND	<b>17-44-23-C4-00100.0030</b> 3005 SW PINE ISLAND RD CAPE CORAL FL 33991	CORAL SHORES DESC IN PB 80 PGS 77-78 LOT 3	4
CAPE INVESTMENTS OVERSEAS INC DIETHELM BAUMANN FREIGUTSTR 24 PO BOX 220 8027 ZURICH SWITZERLAND	<b>17-44-23-C4-00100.0040</b> 3101 SW PINE ISLAND RD CAPE CORAL FL 33991	CORAL SHORES DESC IN PB 80 PGS 77-78 LOT 4	5
CAPE INVESTMENTS OVERSEAS INC DIETHELM BAUMANN FREIGUTSTR 24 PO BOX 220 8027 ZURICH SWITZERLAND	<b>17-44-23-C4-00100.0050</b> 3111 SW PINE ISLAND RD CAPE CORAL FL 33991	CORAL SHORES DESC IN PB 80 PGS 77-78 LOT 5	6
CAPE INVESTMENTS OVERSEAS INC DIETHELM BAUMANN FREIGUTSTR 24 PO BOX 220 8027 ZURICH SWITZERLAND	<b>17-44-23-C4-0010B.00CE</b> COMMON ELEMENT FL	CORAL SHORES DESC IN PB 80 PGS 77-78 TRACT B	7
CORAL SHORES E+A LLC 1901 MAIN ST STE 900 COLUMBIA SC 29201	<b>17-44-23-C4-0010D.0000</b> 3015 SW PINE ISLAND RD CAPE CORAL FL 33991	CORAL SHORES DESC IN PB 80 PGS 77-78 TRACT D	8
3150 SW PINE ISLAND RD LLC 4353 MICHIGAN LINK FORT MYERS FL 33916	<b>20-44-23-00-00002.0000</b> 3150 SW PINE ISLAND RD CAPE CORAL FL 33991	PARL NW 1/4 OF NW 1/4 OF SECT 20 + NE 1/4 OF NE 1/4 SECT 19 DESC OR 2114/808 LES OR3173/1317	9
HAUCK JAMES + DAMITAJO 11911 LITTLE QUAIL LN CAPE CORAL FL 33991	<b>20-44-23-00-00003.001A</b> 11911 LITTLE QUAIL LN CAPE CORAL FL 33991	FM NW COR E674 S316TOPOB THEN S 257 E 170 N 257 W 169 TO POB	10
EVA RICHARD JR + 11881 LITTLE QUAIL LN CAPE CORAL FL 33991	<b>20-44-23-00-00003.001B</b> 11881 LITTLE QUAIL LN CAPE CORAL FL 33991	FM NW COR E 674 S 572 TO POB THEN S 256 E 171 N 256 W 170 TO POB	11

<b>OWNER NAME AND ADDRESS</b>	<b>STRAP AND LOCATION</b>	<b>LEGAL DESCRIPTION</b>	<b>Map Index</b>
HERNANDEZ JOSE A 1219 NW 38TH AVE CAPE CORAL FL 33993	<b>20-44-23-00-00003.001C</b> 11821 LITTLE QUAIL LN CAPE CORAL FL 33991	PARL IN W 1/2 OF W 1/2 OF E 1/2 OF NW 1/4 OF NW 1/4 DESC IN OR 1660 PG 4493	12
EVA RICHARD JR + KATHY 11881 LITTLE QUAIL LANE CAPE CORAL FL 33991	<b>20-44-23-00-00003.001D</b> 11851 LITTLE QUAIL LN CAPE CORAL FL 33991	FM NW COR E674, S828 TOPOB THEN S 254, E 172, N 254, W 171 TO POB	13
ROYAL TEE GOLF CLUB INC 11460 ROYAL TEE CIR CAPE CORAL FL 33991	<b>20-44-23-00-00003.0030</b> 11900 LITTLE QUAIL LN CAPE CORAL FL 33991	S 286.57 FT OF THE E 1/2 OF W1/2 OF E 1/2 OF NW 1/4 OF NW 1/4 DESC OR 2840/0001	14
CGDGCG PROPERTIES LLC 276 HARBOR LANE N MASSAPEQUA PARK NY 11762	<b>20-44-23-00-00004.0000</b> 3000 SW PINE ISLAND RD CAPE CORAL FL 33991	LOT PT 9 E 1/2 OF E 1/2 OF E 1/2 OF N W 1/4 OF N W 1/4	15
CGDGCG PROPERTIES LLC 276 HARBOR LANE N MASSAPEQUA PARK NY 11762	<b>20-44-23-00-00005.0000</b> 2950 SW PINE ISLAND RD CAPE CORAL FL 33991	PARL IN N E 1/4 OF N E 1/4 AS DESC IN OR 1026 PG 0198 LESS 5.001	16
KREHLING INDUSTRIES INC CEMEX CONSTRUCTION MATERIAL LP PROPERTY TAX DEPT PO BOX 1500 HOUSTON TX 77251	<b>20-44-23-00-00005.0010</b> 2900 SW PINE ISLAND RD CAPE CORAL FL 33991	PARL IN N E 1/4 OF N E 1/4 DESC IN OR 1404 PG 1593	17
ROYAL TEE GOLF CLUB INC 11460 ROYAL TEE CIR CAPE CORAL FL 33991	<b>20-44-23-01-00000.00A0</b> 3050 SW PINE ISLAND RD CAPE CORAL FL 33991	ROYAL-TEE COUNTRY CLUB EST PB 37 PGS 5-12 SEC 20/29 TRS A B C GOLF COURSE + PAR A DESC OR 2840/0001 LESS OR 4090/1755 + OR 4124/3924	18
ROYAL TEE HOMEOWNERS ASSN UNIT 6 PMB 126 211 HANCOCK BRIDGE PKWY CAPE CORAL FL 33990	<b>20-44-23-01-00000.00CE</b> RIGHT OF WAY FL	ROYAL TEE COUNTRY CLUB EST PB 37 PG 3 TRACTS E THRU I + N THRU P + PRIVATE RW/ COMMON ELEMENTS	19
SPIEGELAND BENJAMIN 50% + 77 RED VALLEY RD CREAM RIDGE NJ 08514	<b>20-44-23-01-0000A.0400</b> 11258 ROYAL TEE CIR CAPE CORAL FL 33991	ROYAL-TEE COUNTRY CLUB EST BLK A PB 37 PG 5 LOT 40	20
FORSBERG GREGORY A TR 11250 ROYAL TEE CIR CAPE CORAL FL 33991	<b>20-44-23-01-0000A.0420</b> 11250 ROYAL TEE CIR CAPE CORAL FL 33991	ROYAL-TEE COUNTRY CLUB EST BLK A PB 37 PG 5 LOTS 41 + 42	21
JUDD BRIAN + GAIL 11246 ROYAL TEE CIR CAPE CORAL FL 33991	<b>20-44-23-01-0000A.0430</b> 11246 ROYAL TEE CIR CAPE CORAL FL 33991	ROYAL-TEE COUNTRY CLUB EST BLK A PB 37 PG 5 LOT 43	22
CALHOUN RONALD T + DIANA J 11242 ROYAL TEE CIR CAPE CORAL FL 33991	<b>20-44-23-01-0000A.0440</b> 11242 ROYAL TEE CIR CAPE CORAL FL 33991	ROYAL-TEE COUNTRY CLUB EST BLK A PB 37 PG 5 LOT 44	23
QUARANTELLLO GENA + BRUCE TR 1513 SOUTH LA VENTA RD WESTLAKE VILLAGE CA 91361	<b>20-44-23-01-0000A.0450</b> 11988 PRINCESS GRACE CT CAPE CORAL FL 33991	ROYAL-TEE COUNTRY CLUB EST BLK A PB 37 PG 5 LOT 45 LESS OR 2840/0001	24
LEVINE ADAM + KAREN 11982 KING JAMES CT CAPE CORAL FL 33991	<b>20-44-23-01-0000A.0460</b> 11982 KING JAMES CT CAPE CORAL FL 33991	ROYAL-TEE COUNTRY CLUB EST BLK A PB 37 PG 5 LOT 46	25
BELLE GROVE CORP OF FLORIDA CHARLES B JONES III PO BOX 152106 CAPE CORAL FL 33915	<b>20-44-23-01-0000A.2060</b> 11985 PRINCESS GRACE CT CAPE CORAL FL 33991	ROYAL-TEE COUNTRY CLUB EST BLK A PB 37 PG 5 LOT 206	26
JACOBSEN HOWARD H 11989 PRINCESS GRACE CT CAPE CORAL FL 33991	<b>20-44-23-01-0000A.2070</b> 11989 PRINCESS GRACE CT CAPE CORAL FL 33991	ROYAL-TEE COUNTRY CLUB EST BLK A PB 37 PG 5 LOT 207	27
CIMENO PATRICIA A TR 11993 PRINCESS GRACE CT CAPE CORAL FL 33991	<b>20-44-23-01-0000A.2080</b> 11993 PRINCESS GRACE CT CAPE CORAL FL 33991	ROYAL-TEE COUNTRY CLUB EST BLK A PB 37 PG 5 LOT 208	28

<b>OWNER NAME AND ADDRESS</b>	<b>STRAP AND LOCATION</b>	<b>LEGAL DESCRIPTION</b>	<b>Map Index</b>
KAUFMANN MAUREEN A 11997 PRINCESS GRACE CT CAPE CORAL FL 33991	<b>20-44-23-01-0000A.2090</b> 11997 PRINCESS GRACE CT CAPE CORAL FL 33991	ROYAL-TEE COUNTRY CLUB EST BLK A PB 37 PT 4 LOT 209	29
MARS DALE W TR 1/2 INT + 801 ROMANO KEY CIR PUNTA GORDA FL 33955	<b>20-44-23-01-0000A.2100</b> 11998 ROYAL TEE CIR CAPE CORAL FL 33991	ROYAL-TEE COUNTRY CLUB EST BLK A PB 37 PG 4 LOT 210	30
SCHAFSTEIN FRANK 123 BAYSHORE DR CAPE CORAL FL 33904	<b>20-44-23-01-0000A.2110</b> 11994 ROYAL TEE CIR CAPE CORAL FL 33991	ROYAL-TEE COUNTRY CLUB EST BLK A PB 37 PG 4 LOT 211	31
SWAN LAKE ENTRPRISES INC 207 SWAN LAKE DR N FT MYERS FL 33917	<b>20-44-23-01-0000A.2120</b> 11990 ROYAL TEE CIR CAPE CORAL FL 33991	ROYAL-TEE COUNTRY CLUB EST BLK A PB 37 PG 4 LOT 212	32
HADI MOHAMMED FINES GALLERY 11400 S CLEVELAND AVE FORT MYERS FL 33907	<b>20-44-23-01-0000A.2130</b> 11986 ROYAL TEE CIR CAPE CORAL FL 33991	ROYAL-TEE COUNTRY CLUB EST BLK A PB 37 PG 4 LOT 213	33
MEANS RICK A + STACY JO 11982 ROYAL TEE CIR CAPE CORAL FL 33991	<b>20-44-23-01-0000A.2140</b> 11982 ROYAL TEE CIR CAPE CORAL FL 33991	ROYAL-TEE COUNTRY CLUB EST BLK A PB 37 PG 4 LOT 214	34
WELLS HAROLD P + BETTYE M 937 BOWMAN RD APT 360 MOUNT PLEASANT SC 29464	<b>20-44-23-01-0000A.2150</b> 11978 ROYAL TEE CIR CAPE CORAL FL 33991	ROYAL-TEE COUNTRY CLUB EST BLK A PB 37 PG 4 LOT 215	35
AJS OIL + FOOD CO INC 2920 E COMMERCIAL BLVD FORT LAUDERDALE FL 33308	<b>20-44-23-C1-00008.0000</b> 3130-3138 SW PINE ISLAND RD CAPE CORAL FL 33991	N 1/2 OF E 1/2 OF E 1/2 OF W 1/2 OF NW 1/4 OF NW 1/4	36
BCD HOLDINGS OF S FLORIDA INC 2920 E COMMERCIAL BLVD FORT LAUDERDALE FL 33308	<b>20-44-23-C1-00008.0010</b> ACCESS UNDETERMINED CAPE CORAL FL 33991	S 1/2 OF E 1/2 OF E 1/2 OF W 1/2 OF NW 1/4 OF NW 1/4	37

**37 RECORDS PRINTED**

2/8/2008



20-44-23-01-00000.0DCE et al.

1,400 700 0 1,400 Feet





**BOARD OF COUNTY COMMISSIONERS**

Bob Janes  
*District One*

A. Brian Bigelow  
*District Two*

Ray Judah  
*District Three*

Tammy Hall  
*District Four*

Frank Mann  
*District Five*

Donald D. Stilwell  
*County Manager*

David M. Owen  
*County Attorney*

Diana M. Parker  
*County Hearing Examiner*

**Date:** February 13, 2008

**Case Number:** CPA2006-00002

**Case Name:** Cape Royal Small Scale Comprehensive Plan Amendment

**Request:** Amend the Future Land Use Map Series for an approximate 7.7 +/- acre site to change the classification shown on Map 1, the Future Land Use Map, from Rural to Suburban and/or Commercial. Amend Map 7, the Lee County Utilities Future Sewer Service Areas Map, to add the subject site to the future service area.

**Location:** The site is generally located on the south side of Pine Island Road just east of Veterans Parkway, across Pine Island Road from Publix.

**PROPERTY OWNER'S REPRESENTATIVE:** Matthew Uhle, Esq.  
Knott, Consoer, Ebelini, Hart & Swett, P.A.  
1625 Hendry Street, Suite 301  
Fort Myers, FL 33901

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

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

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

This case is anticipated to be reviewed by the Local Planning Agency on: February 25, 2008.

# CPA2006-02 Cape Royal Lee Plan Amendment

CEITUS PKWY

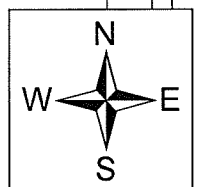
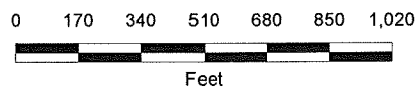
BURNT STORE RD

PINE ISLAND RD NW

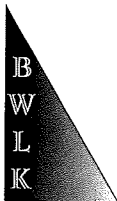
SW PINE ISLAND RD

Subject Property

VETERANS PWKY







# Bean, Whitaker, Lutz & Kareh, Inc.

13041 McGregor Boulevard  
Fort Myers, Florida 33919-5910  
email – fmoffice@bwlk.net  
(Ph) 239-481-1331 (Fax) 239-481-1073

February 14, 2008

To Lee County, a political subdivision of the State of Florida:

I hereby certify that the co-ordinates of the Northwest corner of Section 20, Township 44 South, Range 23 East were observed to be the following values:

Northing 837414.67 (feet) and Easting 643072.21 (feet).

The aforementioned coordinates are State Plane – Florida West zone (North American Datum of 1983/1990 adjustment).

Bean, Whitaker, Lutz & Kareh, Inc. (LB4919)

Scott C. Whitaker, P.S.M. (4324)

32290\_Certification.doc

**RECEIVED**  
FEB 15 2008

COMMUNITY DEVELOPMENT

CPA 2006-00002

PRINCIPALS:

WILLIAM E. BEAN, PSM, CHAIRMAN

SCOTT C. WHITAKER, PSM, PRESIDENT

JOSEPH L. LUTZ, PSM

AHMAD R. KAREH, PE, MSCE, VICE PRESIDENT

CONSULTING ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS



ASSOCIATES:

TRACY N. BEAN, AICP

JAMES A. HESSLER, PSM

JAMES R. COLEMAN, PSM

RUDOLF A. NORMAN, PE

## Gonzalez, Brandy L.

---

**From:** Brendan Sloan [Brendan@AvalonEng.com]  
**Sent:** Friday, February 15, 2008 3:17 PM  
**To:** Gonzalez, Brandy L.  
**Cc:** Larry Hildreth; Lynda Brooks; MUhle@knott-law.com  
**Subject:** Cape Royal

**Attachments:** CAPE ROYAL DUNLAP(BG-2-15-08).pdf



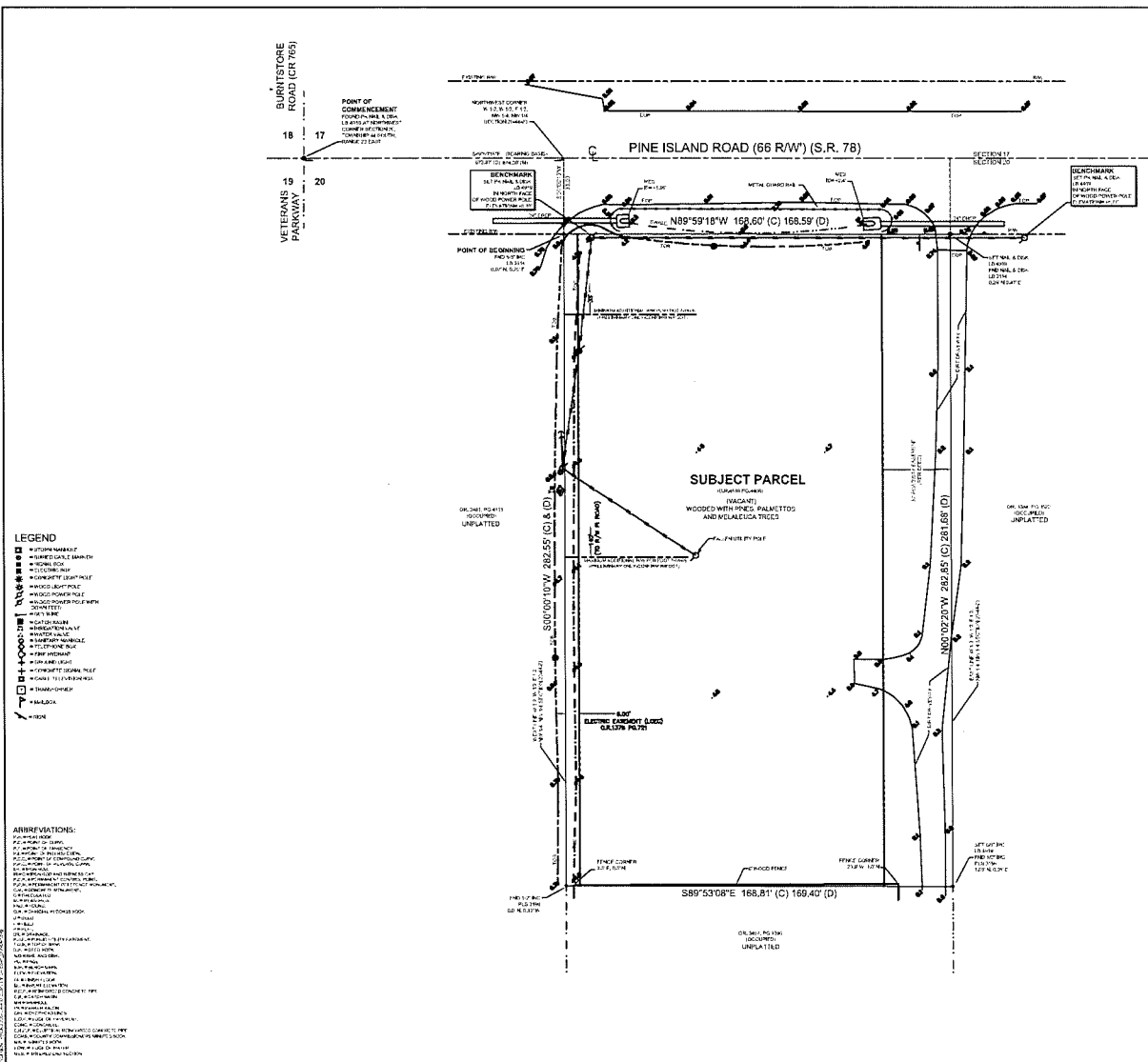
CAPE ROYAL  
DUNLAP(BG-2-15-08).

Brandy,

As requested, attached is a PDF of the survey for the western portion of Cape Royal showing that 30' access easement. It is our intent to leave that easement in-place to provide access to the existing single family home sites. We also plan to utilize the access point for our future commercial parcel. Please let me know if you have any questions.

Thanks,

Brendan Sloan, E.I.  
Avalon Engineering, Inc.  
Brendan@AvalonEng.com  
(239)-573-2077 (Office)  
(239)-573-2076 (Fax)



## SURVEY PLAT

OF  
A PARCEL OF LAND  
LYING IN  
SECTION 20, TOWNSHIP 44 SOUTH, RANGE 23 EAST,  
LEE COUNTY, FLORIDA

## LEGAL DESCRIPTION (BY SURVEYOR):

[illegible]

## LEGAL DESCRIPTION (C.B.4516 PG.4108)

[illegible]

**NOTES:**

ELECTRONIC RECORDS ARE IN EFFECT ABOUT NATIONAL, GEODETIC VERTICAL, SATURN THEORY-BASED C

MEASUREMENTS WERE TAKEN ON THE MIDDLE LINE OF THE NORTHWEST QUARTER OF EACH SECTION 20 BEING THE CENTERLINE OF PINE ISLAND ROAD FROM DRAINAGE SW/4 SW/4 E. DIMENSIONS ARE IN FEET AND DECIMAL PARTS THEREOF.

PARCELS LOTS IN FLOOD ZONE AIR RISKING A BASE FLOOD ELEVATION OF 45.7. THIS INFORMATION  
TAKEN FROM FLOOD INSURANCE RATE MAP 125124 PARCELS 0759 IS 1115 ECTIVE DATE 08/17/2010  
10, 1641 UNDER DATED 05/03/2010.

BRONZODS "M" ARE 3/8" X 1/4" BRONZE WITH PLASTIC CAP BEARING CONTOURATION NO. 1 BALLS.

PAROLE SUBJECT TO EARLY RELEASE, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY  
ARE CHARGED AND UNRECORDED, WRITTEN AND UNWRITTEN.

TRIPS AND SERVICES ARE NOT SHOWN

UNDERGROUND IMPROVEMENTS, ETC. (TIPS AND/OR FOUNDATIONS WERE NOT LOCATED UNLESS OTHERWISE NOTED).

THIS MAP PREPARED AS A BOUNDARY SURVEY AND IS NOT INTENDED TO DELINEATE THE JURISDICTION FOR CONSTITUTIONAL, FEDERAL, STATE, MUNICIPAL OR LOCAL AGENCIES, NOR TO CONSIDER OR IMPLY ANY OTHER INTEREST.

SAFETY MEETS OR EXCEEDS THE ACCURACY STANDARDS OF AN INDIAN SURVEY (1926).  
DATE OF LAST FIELD WORK: 1900.

\*NOT VALID WITHOUT THE SIGNATURE OF  
THE CHAIRMAN, NATION'S RISK OF A FLOOD  
- IDENTIFIED SURVEYOR AND NUMBER.

BEANE WHITE & CO., LTD. & WARD H. INC.

RODNEY C. WHITEHEAD, PULASKI COUNTY DEPT.  
PROFESSIONAL SURVEYOR & MAPPER

- THIS CERTIFICATION IS ONLY FOR THE 1 DESCRIBED HEREON
- IT IS NOT A CERTIFICATION ON THE 20 SETBACKS ON FREEDOM OF ENCOUNTER

\*THIS SURVEY WAS PREPARED WITHOUT  
ABSTRACT OF TITLE AND ALL MATTERS  
SHOULD BE REFERRED TO AN ATTORNEY

BOUNDARY SURVEY - GULF

**W. L. Baker, Lutz & Karch, Inc. as**  
ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS  
RECORDS BOARD, FORT MYERS, FLORIDA 33905-0015

DATE	SCALE	SHEET	OF
10/1/81	1"=30'	1 OF 1	20

.....

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

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

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

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

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

AStowe@knott-law.com

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

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

**MEMORANDUM**

TO: Ms. Brandy Gonzalez  
FROM: Alison M. Stowe  
DATE: February 15, 2008  
RE: Cape Royal / CPA2006-00002

**RECEIVED**  
FEB 15 2008

**COMMUNITY DEVELOPMENT**

---

Attached please find six signed and sealed copies of the revised sketch and legal for the above referenced project.

ams  
Attachments

CPA 2006-00002



# Bean, Whitaker, Lutz & Kareh, Inc.

13041 McGregor Boulevard  
Fort Myers, Florida 33919-5910  
email – fmoffice@bwlk.net  
(Ph) 239-481-1331 (Fax) 239-481-1073

RECEIVED  
FEB 15 2008

Description of a Parcel of Land  
Lying in  
Section 20, Township 44 South, Range 23 East  
Lee County, Florida  
(Realmark/Dunlap Overall Boundary)

COMMUNITY DEVELOPMENT

CFA 2006-00002

A parcel of land situated in the State of Florida, County of Lee, lying in the Northwest One Quarter (NW 1/4) of Section 20, Township 44 South, Range 23 East, being all of Tract "D" of Royal-Tee Country Club Estates according to the plat thereof as recorded in Plat Book 37, Pages 1 through 19, Public Records of Lee County, Florida, and all of a parcel described in Official Record Book 4516 at Page 4408.

And:

The East One Half (E 1/2) of the West One Half (W 1/2) of the East One Half (E 1/2) of the Northwest One Quarter (NW 1/4) of the Northwest One Quarter (NW 1/4) of Section 20, Township 44 South, Range 23 East, Lee County, Florida, lying south of Pine Island Road (S.R. 78).

Less and Except all of that parcel of land described in Official Record Book 2840 at Page 1.

Said overall parcel being further described as follows:

Commencing at the northwest corner of the said fraction; thence S89°59'18"E along the north line of said fraction for 674.30 feet to the northwest corner of the West One Half (W 1/2) of the West One Half (W 1/2) of the East One Half (E 1/2) of the Northwest One Quarter (NW 1/4) of the Northwest One Quarter (NW 1/4) of said Section 20; thence S00°00'10"W along the west line of said fraction for 33.00 feet to an intersection with the south right-of-way line of Pine Island Road (S.R. 78) (66 feet wide) and the Point of Beginning; thence continue S00°00'10"W along the west line of said fraction for 282.55 feet to the northwest corner of a parcel described in Official Record Book 3457 at Page 1396; thence S89°53'08"E along the north line of said parcel for 168.81 feet to an intersection with the east line of the West One Half (W 1/2) of the West One Half (W 1/2) of the East One Half (E 1/2) of the Northwest One Quarter (NW 1/4) of the Northwest One Quarter (NW 1/4) of said Section 20, being the northeast corner of said parcel; thence S00°02'20"E along the east line of said fraction for 750.81 feet to the northwest corner of a parcel described in Official Record Book 2840 at Page 1; thence S88°09'25"E along the north line of said parcel for 146.09 feet to the northeast corner of said parcel; thence S00°19'23"E along the east line of said parcel for 261.59 feet to an intersection with the south line of the East One Half (E 1/2) of the West One Half (W 1/2) of the East One Half (E 1/2) of the Northwest One Quarter (NW 1/4) of the Northwest One Quarter (NW 1/4) of said Section 20; thence S89°53'08"E along said fraction for 23.60 feet to an intersection with the west line of Tract "D" of

Continued ...

#### PRINCIPALS:

WILLIAM E. BEAN, PSM, CHAIRMAN  
SCOTT C. WHITAKER, PSM, PRESIDENT  
JOSEPH L. LUTZ, PSM  
AHMAD R. KAREH, PE, MSCE, VICE PRESIDENT

CONSULTING ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS



#### ASSOCIATES:

TRACY N. BEAN, AICP  
JAMES A. HESSLER, PSM  
JAMES R. COLEMAN, PSM  
RUDOLF A. NORMAN, PE



Description of a Parcel of Land  
Lying in  
Section 20, Township 44 South, Range 23 East  
Lee County, Florida  
(Realmark/Dunlap Overall Boundary)  
- Continued -

said subdivision; thence S00°08'06"E along the west line of said Tract "D" for 20.37 feet to an intersection with the north right-of-way line of Royal-Tee Circle (60 feet wide) being the southwest corner of said Tract "D"; thence S89°57'21"E along said right-of-way line for 25.53 feet to the beginning of a tangent curve concave to the northwest having a radius of 35.00 feet; thence continue northeasterly along said curve and the westerly right-of-way line of Royal Tee Boulevard (60' wide) through a central angle of 74°40'53" for 45.62 feet to a point of reverse curve concave to the southeast having a radius of 96.40 feet, said point being on the west right-of-way line of said Royal-Tee Boulevard N.W. (60 feet wide); thence continue northeasterly along said curve and said west right-of-way line through a central angle of 09°53'38" for 16.65 feet; thence N25°15'25"E along said west right-of-way line for 40.14 feet to the beginning of a curve concave to the west having a radius of 145.00 feet; thence continue northeasterly along said curve and said west right-of-way line through a central angle of 25°31'32" for 64.60 feet to a point of tangency; thence N00°16'07"W departing said curve along said west right-of-way line for 960.54 feet; thence S89°43'53"W along said right-of-way line for 75.00 feet; thence N00°16'07"W along said west right-of-way line for 220.00 feet to an intersection with the south right-of-way line of said Pine Island Road (S.R. 78 - 66 feet wide); thence N89°59'18"W along said south right-of-way line for 355.97 feet to the Point of Beginning.

Parcel contains 7.715 acres (336,084 square feet), more or less.

Bearings are based on the north line of the Northwest One Quarter (NW 1/4) of Section 20 as bearing S89°59'18"E.

Parcel subject to a 30 foot easement as shown in Official Record Book 4516, Page 4408, Public Records of Lee County, Florida.

Parcel subject to easements, restrictions, reservations and rights-of-way (written and unwritten, recorded and unrecorded).

Bean, Whitaker, Lutz & Kareh, Inc. (LB 4919)

32290\_DESC\_OVERALL

2/6/08

  
\_\_\_\_\_  
Scott C. Whitaker, P.S.M. 4324

RECEIVED  
FEB 15 2008

COMMUNITY DEVELOPMENT

CPA 2006-00002

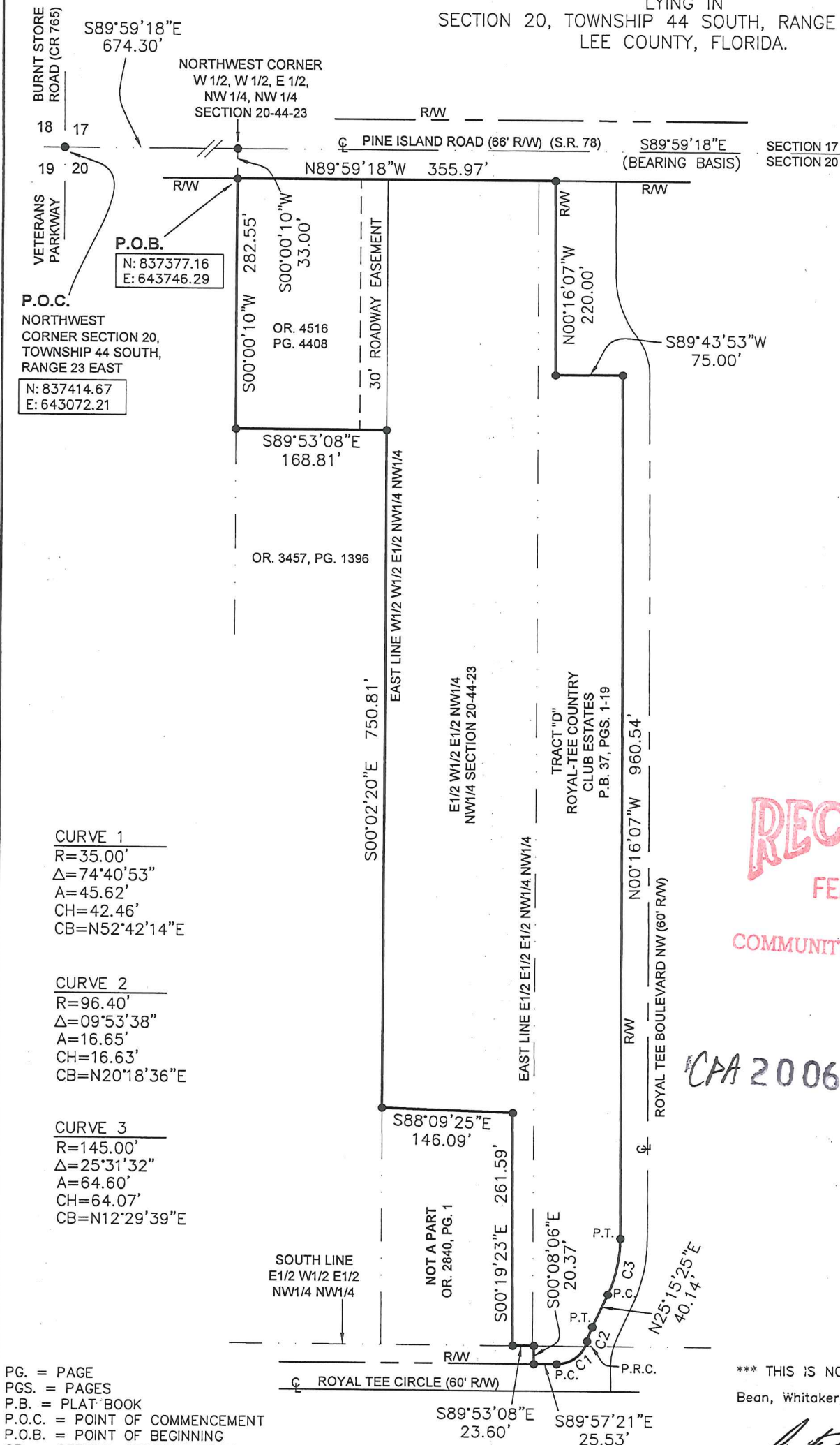


# SKETCH TO ACCOMPANY DESCRIPTION

OF A PARCEL OF LAND

LYING IN

SECTION 20, TOWNSHIP 44 SOUTH, RANGE 23 EAST,  
LEE COUNTY, FLORIDA.



CURVE 1  
R=35.00'  
Δ=74°40'53"  
A=45.62'  
CH=42.46'  
CB=N52°42'14\"E

CURVE 2  
R=96.40'  
Δ=09°53'38"  
A=16.65'  
CH=16.63'  
CB=N20°18'36\"E

CURVE 3  
R=145.00'  
Δ=25°31'32"  
A=64.60'  
CH=64.07'  
CB=N12°29'39\"E

PG. = PAGE  
PGS. = PAGES  
P.B. = PLAT BOOK  
P.O.C. = POINT OF COMMENCEMENT  
P.O.B. = POINT OF BEGINNING  
OR. = OFFICIAL RECORDS BOOK  
R/W = RIGHT-OF-WAY  
P.C. = POINT OF CURVE  
P.R.C. = POINT OF REVERSE CURVE  
P.T. = POINT OF TANGENCY

\*\*\* THIS IS NOT A SURVEY \*\*\*  
Bean, Whitaker, Lutz & Kareh, Inc.

SCOTT C. WHITAKER, P.S.M.  
Florida Certificate No. 4324

REALMARK/DUNLAP OVERALL BOUNDARY

Bean, Whitaker, Lutz & Kareh, Inc. (LB 4919)

CIVIL ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS

13041 MCGREGOR BOULEVARD, FORT MYERS, FLORIDA 33919-5910 (239) 481-1331

SK32290\_OVERALL.DWG

DATE	PROJECT NO.	DRAWN BY	SCALE	SHEET	FILE NO. (S-T-R)
2-6-08	32290	CNA	1"= 150'	1 OF 1	20-44-23

COORDINATES ARE STATE PLANE - FLORIDA  
WEST ZONE (NORTH AMERICAN DATUM OF  
1983/1990 ADJUSTMENT).

SUBJECT TO EASEMENTS, RESTRICTIONS,  
RESERVATIONS, AND RIGHTS-OF-WAY (WRITTEN  
AND UNWRITTEN, RECORDED AND UNRECORDED).

**MEMORANDUM**  
**FROM THE**  
**DEPARTMENT OF**  
**PUBLIC WORKS**

**DATE:** February 18, 2008

**To:** Brandy Gonzalez  
Principal Planner

**FROM:** Michael P. Pavese  
Principal Planner



**RE: Lee County Comprehensive Plan Amendment**  
**CPA2006-00002**

Staff has reviewed your request for comments regarding the adequacy of existing and proposed support facilities relative to the proposed plan amendment referenced above.

The subject property is located in the Pine Island/Matlacha Community Park Benefit District (#45). The 2007 Lee County Concurrency Report indicates an existing inventory of 17 acres of community parks within this District. The "Regulatory" acreage standard was met in 2006 and will continue to be met through the year 2010. The "Desired" acreage standard was not met in 2006 and will not be met through the year 2010 unless the proposed Pine Island Community Park (40 acres) is developed.

The proposed amendment from Rural to Suburban (6.6 acres residential) has the potential to result in an increase of 33 dwelling units. This increase would create the need for an additional .06 acres of Community Park space according to the Regulatory standard. Consequently, the "Regulatory" acreage inventory within this District is sufficient to support the proposed increase in density associated with this request as may be approved by the BoCC.

Should you have any questions or require any additional information, please contact me directly at 533-8360.

cc: John Yarbrough, Director, Lee County Parks and Recreation  
Jim Lavender, Director, Department of Public Works

RECEIVED  
MAR 25 2008

COMMUNITY DEVELOPMENT

Cape Royal Homeowners Association  
211 Hancock Bridge Rd  
Unit 6 PMB 126  
Cape Coral, FL 33990

March 21<sup>st</sup>, 2008

To: Jay Coughlin, Engle Homes Southwest Florida  
Don Blackburn, Lee DOT  
Peter Eckenrode, Director Lee County Dept. for Community Planning  
Matt Noble, Principle Planner Lee Co. Dept for Community Planning  
Craig Deardon, Realmark CFO  
Tammy Hall, County Commissioner  
DC: RTHOA Board

Jay,

In response to your letter of March 5, 2008 (see attachment) the RTHOA Board of Directors will not consent to a release of Engle from responsibility to complete the D.O. # 99-04 -296.12L. As you may know the Royal Tee Homeowners Association has only a minuscule amount of property that impacts the turn lanes (approximately 10 feet). The remaining 130 feet is owned by Realmark (the second developer) and you or the county would have to petition Realmark for the 130-foot easement. As to your assertion that we did not respond to the January 24<sup>th</sup>, 2008 Lee County Community Development meeting, I was in close contact with Don Blackburn and on two occasions prior to the meeting when I asked to attend the meeting I was told that it was a closed meeting between the Lee D.O.T., the F.D.O.T and Banks Engineering to determine responsibilities and a course of action and I could not attend the meeting! I also have, as a result of a conversation with Don Blackburn after the Jan. 24<sup>th</sup> meeting, a list of attendees for that meeting and it did not include an Engle employee only Banks engineering representing Engle.

The obligation for the left and right turn lanes was established by the Lee County Department of Community Development in concert with requirements of the Florida D.O.T. based on Traffic Impact Mitigation Plans and Traffic Impact Studies. It has come to our attention the T.I.M.P. and Traffic Impact Studies when last performed, did not take into consideration five serious and compelling issues effecting our community egress and



ingress that would considerably change the outcome of past T.I.M.P. and T.I.S. initiatives.

1. The Traffic Impact Study was originally completed at a time when our community was at 21% completion of build out (approximately 100 homes). We are now at 335 homes or 70% of our build out. When we have completed the final construction of homes in our community we will have 483 residences. This is the number that should be used in any future Traffic Impact Study.
2. The Traffic Impact Study did not take into consideration the seasonality of our public golf course which triples capacity during January through April.
3. The Traffic Impact Study did not take into consideration the primary egress and ingress of the Publix Shopping Center being placed not quite directly across from our only egress and ingress to our community. Due to the skewed nature of the Publix shopping center traffic entrance and exit across from us, it has produced an extremely dangerous path for our residents to navigate exiting east or west from our community, notwithstanding the thousands of additional turns being made by the general public entering and exiting Publix while crossing over our primary lines of traffic flow east and west. Our concerns on this matter can be confirmed by contacting the Lee County Sheriff's office to review the number of accidents that have occurred around this intersection.
4. The Lee County Board of Directors recently agreed to a land use change for a parcel of land which was originally know as Track D and identified as common element of the RTHOA common properties. Realmark, the second developer, retained this property and the three adjoining properties when the final sale of all the remaining properties was made to Tousa/Engle in 2004. Realmark has targeted this property for a condo development project containing 33 condo units and also may provide access to a commercial strip of stores. The traffic impact of this additional condo development and the commercial traffic has never been considered in any prior Traffic Impact Study.
5. In recent years there has been considerable commercial growth throughout the Pine Island Road corridor that has significantly increased traffic throughout our area. This will only be exacerbated when Pine Island Road is reconstructed to four lanes and significant additional commercial development is completed.

We estimate these five issues would more than triple the impact of traffic on our egress and ingress and potentially increase our rate of accidents and injuries to our residents and others exponentially as each project is completed.

The one thousand plus adult residents of our community, their children and the hundreds of children who ride the school buses into and out of our community on a daily basis are looking to Lee County and the State Government of Florida to insure all of our residents and visitors have a safe journey to and from our community. It is the expectation of our residents, visitors and the golfers who frequent our golf course that all state and local government agencies have provided nothing less than the highest level of their involvement and commitment to provide for a safe and secure egress and ingress.

We recognize that the processes to achieve the above-mentioned objectives are just now coming together and we commit the full resources of our RTHOA Board of Directors and our Strategic Planning committee to work with all state and local agencies to insure these goals are attained.

Our Strategic Planning committee is proposing five objectives that must be achieved to help move us toward the goals listed above;

- 1) The F.D.O.T. should conduct a current Traffic Impact Study that would include all of the five items listed above.
- 2) The Lee County Planning Department needs to develop a well-orchestrated plan that includes the west to east deceleration lane and west to east acceleration lane with consideration given to the forecasted reconfiguration of the current Pine Island Road conversion from two lanes to four lanes.
- 3) The Lee County Planning Department also needs to take into consideration the development of the Realmark Condo project and adjacent commercial property and must work with the F.D.O.T. to determine how these properties will be accessed.
- 4) The Lee County Planners working with the F.D.O.T. and our planning team must review the current dangerous intersection that has been created by the addition of the Publix entrance/exit off and onto Pine Island Road and

- formulate a solution to this problem including the likely addition of a light at this intersection.
- 5) The Lee County planners, F.D.O.T. and our planning team must revisit the requirement of our community to have a secondary egress and ingress.

The D.O. #99-04-296.12L has been overlooked by everyone for years and passed from the first developer Povia/Ballentine to the second developer Realmark and finally to the third developer Tousa/Engle and is still a requirement of the Lee County Department of Community Development and the F.D.O.T.

We now have the opportunity to do the task the right way that will really make a difference to the quality of life for thousands of residents, condo owners, golfers and most importantly the children of our community. All responsible parties must act now to begin this important project and we will commit all of our RTHOA resources to achieve our objectives, but we need everyone's involvement to get this done! Please join in and commit all necessary resources to this project and join with us in a meeting as soon as possible to discuss our plans, objectives and options.

Sincerely,

Tom Mitchell  
Strategic Planning Chairman  
Member RTHOA Board of Directors  
(239) 283-4882



# MISCELLANEOUS

## INSTRUCTIONS

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

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

- Sign for case # **CPA 2006-00002 must be posted by 2/10/08 CPA Post date.**
- The sign must be erected in full view of the public, not more than five (5) feet from the nearest street right-of-way or easement.
- The sign must be securely affixed by nails, staples or other means to a wood frame or to a wood panel and then fastened securely to a post, or other structure. The sign may not be affixed to a tree or other foliage.
- The applicant must make a good faith effort to maintain the sign in place, and in a readable condition until the requested action has been heard and a final decision rendered.
- If the sign is destroyed, lost, or rendered unreadable, the applicant must report the condition to the Planning Division, and obtain duplicate copies of the sign from the Planning Division.

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

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

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

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

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

### AFFIDAVIT OF POSTING NOTICE

STATE OF FLORIDA  
COUNTY OF LEE

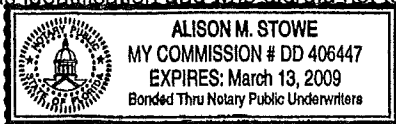
BEFORE THE UNDERSIGNED AUTHORITY, PERSONALLY APPEARED Mike Nation  
WHO ON OATH SAYS THAT HE/SHE HAS POSTED PROPER NOTICE AS REQUIRED BY SECTION 34-236(b) OF THE  
LEE COUNTY LAND DEVELOPMENT CODE ON THE PARCEL COVERED IN THE ZONING APPLICATION  
REFERENCED BELOW:

Mike Nation 2/11/08  
SIGNATURE OF APPLICANT OR AGENT  
Mike Nation / Sign In One Day Cape Coral  
NAME (TYPED OR PRINTED)  
4408 Del Prado Blvd.  
ST. OR PO BOX  
Cape Coral, FL 33904  
CITY, STATE & ZIP  
CPA2006-00002 Cape Royal

date 02-11-08 initials MM

STATE OF FLORIDA  
COUNTY OF LEE

The foregoing instrument was sworn to and subscribed before me this 11th day of February,  
2008, by Mike Nation, personally known to me or who produced  
as identification and who did/did not take an oath.



Signature of Notary Public

Alison M. Stowe  
Printed Name of Notary Public

My Commission Expires:  
(Stamp with serial number)

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature  <div style="display: flex; justify-content: space-between;"> <span><b>X</b> Department of Education Mail Room B1-34 325 West Gaines Street Tallahassee, Florida 32399-0400</span> <span><input type="checkbox"/> Agent <input type="checkbox"/> Addressee</span> </div> </p> <p>B. Received by (Printed Name)  <div style="display: flex; justify-content: space-between;"> <span></span> <span>C. Date of Delivery</span> </div> </p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes  If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p style="text-align: center;">Department of Education and SMART Schools Clearinghouse Office of Educational Facilities 325 West Gaines Street, Suite 1014 Tallahassee, FL 32399-0400 Attn: Tracy D. Suber</p> <p style="font-size: 1.2em; margin-top: 10px;">CPA 2006-02 ; CPA 2007-02</p>	<p>3. Service Type</p> <div style="display: flex; justify-content: space-between;"> <span><input checked="" type="checkbox"/> Certified Mail</span> <span><input type="checkbox"/> Express Mail</span> </div> <div style="display: flex; justify-content: space-between;"> <span><input type="checkbox"/> Registered</span> <span><input type="checkbox"/> Return Receipt for Merchandise</span> </div> <div style="display: flex; justify-content: space-between;"> <span><input type="checkbox"/> Insured Mail</span> <span><input type="checkbox"/> C.O.D.</span> </div> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number  (Transfer from service label) <span style="float: right;">7006 0810 0002 8335 9187</span></p>	
<div style="display: flex; justify-content: space-between;"> <span>PS Form 3811, February 2004</span> <span>Domestic Return Receipt</span> <span>102595-02-M-1540</span> </div>	

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature  <div style="display: flex; justify-content: space-between;"> <span><b>X</b> DEPT. OF STATE</span> <span><input type="checkbox"/> Agent <input type="checkbox"/> Addressee</span> </div> </p> <p>B. Received by (Printed Name)  <div style="display: flex; justify-content: space-between;"> <span></span> <span>C. Date of Delivery</span> </div> </p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes  If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p style="text-align: center;">Department of State Bureau of Historic Preservation 500 South Bronough Street Tallahassee, FL 32399-0250 Attn: Susan Harp</p> <p style="font-size: 1.2em; margin-top: 10px;">CPA 2006-02 ; CPA 2007-02</p>	<p>3. Service Type</p> <div style="display: flex; justify-content: space-between;"> <span><input checked="" type="checkbox"/> Certified Mail</span> <span><input type="checkbox"/> Express Mail</span> </div> <div style="display: flex; justify-content: space-between;"> <span><input type="checkbox"/> Registered</span> <span><input type="checkbox"/> Return Receipt for Merchandise</span> </div> <div style="display: flex; justify-content: space-between;"> <span><input type="checkbox"/> Insured Mail</span> <span><input type="checkbox"/> C.O.D.</span> </div> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number  (Transfer from service label) <span style="float: right;">7006 0810 0002 8335 9224</span></p>	
<div style="display: flex; justify-content: space-between;"> <span>PS Form 3811, February 2004</span> <span>Domestic Return Receipt</span> <span>102595-02-M-1540</span> </div>	

**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:

Florida Fish and Wildlife  
Conservation Commission  
Office of Policy and Stakeholder Coordination  
620 South Meridian Street, Farris Bryant Building  
Tallahassee, FL 32399-1600  
Attn: Mary Ann Poole, Director

*CPA 2006-02 i CPA 2007-02*

## 2. Article Number

(Transfer from service label)

7006 0810 0002 8335 9248

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

**COMPLETE THIS SECTION ON DELIVERY**

## A. Signature

X

*Mary Ann Poole*

- ☐ Agent  
☐ Addressee

## B. Received by (Printed Name)

*Mary Ann Poole*

## C. Date of Delivery

*3/29*

- D. Is delivery address different from item 1? ☐ Yes  
delivery address below: ☐ No

## 3. Service Type

- ☒ Certified Mail  
☐ Registered  
☐ Insured Mail

☐ Express Mail

- ☐ Return Receipt for Merchandise  
☐ C.O.D.

## 4. Restricted Delivery? (Extra Fee)

☐ Yes

**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:

Department of Transportation, District One  
Planning Department  
P.O. Box 1249  
Bartow, FL 33831-1249  
Attn: Ben Walker,

*CPA 2006-02 i CPA 2007-02*

## 2. Article Number

(Transfer from service label)

7006 0810 0002 8335 9354

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

**COMPLETE THIS SECTION ON DELIVERY**

## A. Signature

X

*Danny Hooper*

- ☐ Agent  
☐ Addressee

## B. Received by (Printed Name)

*DANNY HOOPER*

## C. Date of Delivery

*3/24/25*

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

## 3. Service Type

- ☒ Certified Mail  
☐ Registered  
☐ Insured Mail

☐ Express Mail

- ☐ Return Receipt for Merchandise  
☐ C.O.D.

## 4. Restricted Delivery? (Extra Fee)

☐ Yes

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<p>1. Article Addressed to:</p> <p style="text-align: center;">Department of Community Affairs Division of Community Planning 2555 Shumard Oak Boulevard Tallahassee, FL 32399 Attn: Ray Eubanks.</p>	<p>B. Received by (Printed Name) <span style="float: right;">C. Date of Delivery</span></p>
<p>2. Article Number (Transfer from service label)</p> <p style="font-size: 1.2em; margin-top: 10px;"><i>CPA 2006-02 ; CPA 2007-02</i></p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>7006 0810 0002 8335 9163</p>	
<p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540</p>	

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<p>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>	<p>A. Signature <b>X</b> <i>Deethra</i> <span style="float: right;"><input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</span></p>
<p>1. Article Addressed to:</p> <p style="text-align: center;">Southwest Florida Regional Planning Council 1926 Victoria Avenue Fort Myers, FL 33901 Attn: Mr. Ken Heatherington, Exec. Director</p>	<p>B. Received by (Printed Name) <span style="float: right;">C. Date of Delivery</span></p> <p style="text-align: center;"><i>Deethra</i></p>
<p>2. Article Number (Transfer from service label)</p> <p style="font-size: 1.2em; margin-top: 10px;"><i>CPA 2006-02 ; CPA 2007-02</i></p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>7006 0810 0002 8335 9279</p>	
<p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540</p>	

**SENDER: COMPLETE THIS SECTION**

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- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Southwest Florida Water Management District  
2379 Broad Street  
Brooksville, FL 34604-6899  
Attn: Roy Mazur, A.I.C.P., Planning Director

CPA 2006-02 ; CPA 2007-02

2. Article Number

(Transfer from service)

7006 0810 0002 8335 9293

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

☐ Agent☐ Addressee

B. Received by (Printed Name)

D. VALLE

C. Date of Delivery

3-21

D. Is delivery address different from item 1? ☐ 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**SENDER: COMPLETE THIS SECTION**

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1. Article Addressed to:

Department of Environmental Protection  
Office of Intergovernmental Programs  
3900 Commonwealth Boulevard, Mail Station 47  
Tallahassee, FL 32399-3000  
Attn: Jim Quinn, Environmental Manager

CPA 2006-02 ; CPA 2007-02

2. Article Number

(Transfer from service label)

7006 0810 0002 8335 9200

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes

Enter delivery address below:

☐ No

Service Type

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

4. Restricted Delivery? (Extra Fee)

☐ Yes



**SENDER: COMPLETE THIS SECTION**

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- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Department of Agriculture and Consumer Services  
Bureau of Planning and Budgeting  
CA8, The Capitol  
Tallahassee, FL 32399-0810  
Attn: Wendy Evar

2. Article Number

(Transfer from service label)

CPA 2006-02 i CPA 2007-02  
7006 0810 0002 8335 9149

PS Form 3811, February 2004

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

☐ Agent☐ Addressee

B. Received by (Printed Name)

M. CARRUTHERS

C. Date of Delivery

3/24/06

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

Domestic Return Receipt

102595-02-M-1540

**Lee County Board Of County Commissioners  
Agenda Item Summary**

**Blue Sheet No. 20080219**

**1. ACTION REQUESTED/PURPOSE:**

Adopt two ordinances that adopt two proposed Lee Plan Small Scale Amendments, CPA2006-00002 Cape Royal Small Scale Amendment and, CPA2007-00002 Conover Small Scale Amendment.

**2. FUNDING SOURCE:**

No Funding Required.

**3. WHAT ACTION ACCOMPLISHES:**

CPA2006-00002 is a Small Scale Amendment that amends the Lee Plan Future Land Use Map Series, Map 1, Future Land Use Map, to change the property from Rural to Suburban and Commercial and, Map 7, Lee County Utilities Future Sewer Service Areas Map, to add the site to the future service area..

CPA2007-00002 is a Small Scale Amendment that adds the subject property to the Lee Plan Future Land Use Map Series, Map 12, Water Dependent Overlay Zones, to add the site to the water dependent overlay zone.

**4. MANAGEMENT RECOMMENDATION:** Approve

**5. Departmental Category:** <DeptCategory>

**6. Meeting Date:** 3/11/2008

**7. Agenda:**

Public

**8. Requirement/Purpose: (specify)**

- ☒ Statute 163.3187  
☐ Ordinance  
☒ Admin Code 13-6  
☐ Other

**9. Request Initiated**

**Commissioner:**

**Department:** COMMUNITY DEVELOPMENT

**Division:** Planning

**By:** Paul OConnor, AICP

**10. Background:**

Background: Administrative Code 13-6 and Florida Statute 163.3187 provides that small-scale amendments to the County's Comprehensive Plan (the Lee Plan) may be proposed at any time during a calendar year.

CPA2006-00002 - The applicant, Realmark Cape Royal, LLC & Scott Dunlap, has requested a small-scale amendment for a site totaling 7.7 ± acres located in Section 20, Township 44 South, and Range 23 East. The property is located on the south side of Pine Island Road a short distance east of Veterans Parkway/Burnt Store Road. The applicant is seeking an amendment to the Lee Plan's Future Land Use Map series to change the Future Land Use classification shown on Map 1 from Rural to Suburban and Commercial. The amendment will also add the site to Map 7, the Lee County Utilities Sewer Service Areas Map, making the property eligible for Lee County sewer service.

The Local Planning Agency (LPA) reviewed this amendment on February 25, 2008. At that meeting, the LPA concurred with the staff recommendation and approved a motion recommending that the Board of County Commissioners adopt the proposed amendment.

CPA2007-00002 - The applicant, Chris Conover, has requested a small-scale amendment for a site totaling 21,600+/- square feet (0.495 Acres) located in Section 35, Township 45 South, and Range 22 East. The property is located on the east side of Stringfellow Road just south of York Road. The applicant is seeking an amendment to the Future Land Use Map series, Map 12, Water Dependent Overlay Zones, to add the site to the Water Dependent Overlay.

**11. Required Review:**

Mary Gibbs	<Signature>	<Signature>	<Signature>	<Signature>	<Signature>
COMMUNITY DEVELOPMENT	<Department>	<Department>	<Department>	<Department>	<Department>
<Signature>	<Signature>	<Signature>	<Signature>	<Signature>	<Signature>
<Department>	<Department>	<Department>	<Department>	<Department>	<Department>

**12. Commission Action:**

The Local Planning Agency (LPA) reviewed this amendment on February 25, 2008. At that meeting, the LPA concurred with the staff recommendation and approved a motion recommending that the Board of County Commissioners adopt the proposed amendment.

Attachments:

Staff Report CPA2006-02 Cape Royal Small Scale Amendment

Proposed Ordinance

Staff Report CPA2007-02 Conover Small Scale Amendment

Proposed Ordinance

## INSTRUCTIONS

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

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- b. The sign must be erected in full view of the public, not more than five (5) feet from the nearest street right-of-way or easement.
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- d. The applicant must make a good faith effort to maintain the sign in place, and in a readable condition until the requested action has been heard and a final decision rendered.
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(Return the completed Affidavit below to the Planning Division as indicated in previous paragraph.)

### AFFIDAVIT OF POSTING NOTICE

STATE OF FLORIDA  
COUNTY OF LEE

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

Mike Nation 2/11/08  
SIGNATURE OF APPLICANT OR AGENT

Mike Nation / Sign In One Day Cape Coral  
NAME (TYPED OR PRINTED)

4408 Del Prado Blvd.  
ST. OR PO BOX

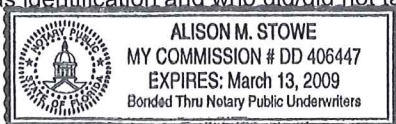
Cape Coral, FL 33904  
CITY, STATE & ZIP

CPA2006-00002 Cape Royal

date 02-11-08 initials MM

STATE OF FLORIDA  
COUNTY OF LEE

The foregoing instrument was sworn to and subscribed before me this 11th day of February,  
2008, by Mike Nation, personally known to me or who produced  
as identification and who did/did not take an oath.



Signature of Notary Public

Alison M. Stowe  
Printed Name of Notary Public

My Commission Expires:  
(Stamp with serial number)

AFFIDAVIT

I, Henry L. Albrecht, P.A., 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.

Henry L. Albrecht

Signature of owner or owner-authorized agent

4/5/07  
Date

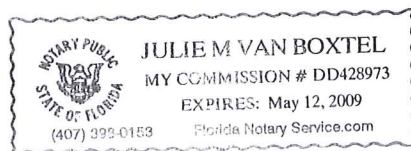
Henry L. Albrecht, P.A.

Typed or printed name

STATE OF FLORIDA )  
COUNTY OF LEE )

The foregoing instrument was certified and subscribed before me this 5<sup>th</sup> day of April 2007, by Henry L. Albrecht, P.A., who is personally known to me or who has produced \_\_\_\_\_ as identification.

(SEAL)



Julie Van Bortel  
Signature of notary public

Julie Van Bortel  
Printed name of notary public

PA 2006-00002

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APR 10 2007  
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*GPA* 2006-00002

Recording Fee: \$ 18.50  
Documentary Tax: \$1,050.00  
Total \$1,068.50

This Instrument Prepared by:  
FRANK J. ALOIA, ESQUIRE  
P.O. Box 100538  
Cape Coral, FL 33910  
WITHOUT EXAMINATION OF TITLE  
Parcel ID #20-44-23-00-00003.0010

**RECEIVED**  
APR 10 2007  
PERMIT COUNTER

**WARRANTY DEED**

THIS INDENTURE, made this 9/26/05 day of September, 2005, between

**ANTHONY S. DUNLAP, A MARRIED PERSON**, whose post office address is 1716  
Cape Coral Parkway, Cape Coral, FL 33904, grantor\*, and

**HENRY L. ALBRECHT, P.A., a Florida Corporation**, whose post office address is  
2430 Everest Parkway, Cape Coral, FL 33904, grantee\*,

**WITNESSETH:**

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

**SEE ATTACHED EXHIBIT A FOR LEGAL DESCRIPTION**

THE REAL PROPERTY DESCRIBED ON EXHIBIT A DOES NOT CONSTITUTE GRANTOR'S  
HOMESTEAD PROPERTY, NOR IS IT CONTIGUOUS TO GRANTOR'S HOMESTEAD PROPERTY.

**This deed was prepared without the benefit of a title search of the subject real  
property and the preparer of this document does not guarantee merchantability or  
marketability of title.**

**SUBJECT** to reservations, restrictions and easements of record and real property taxes for  
the current and all subsequent years and further subject to that certain Mortgage Deed and Security Agreement  
recorded in O.R. Book 4516, Page 4411, Public Records of Lee County, Florida.


**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.

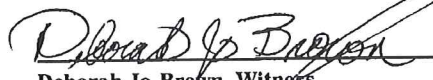
\*"grantor" and "grantee" are used for singular or plural, as context requires.

**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:

  
Frank J. Aloia, Witness

 (SEAL)  
ANTHONY S. DUNLAP

  
Deborah Jo Brown, Witness

**STATE OF FLORIDA  
COUNTY OF LEE**

**I HEREBY CERTIFY** that on this day before me, an officer duly qualified to take  
acknowledgments, personally appeared **ANTHONY S. DUNLAP, A MARRIED PERSON**, who is personally known  
to me to be the individual described in and who executed the foregoing instrument and acknowledged before me  
the execution thereof.

**WITNESS** my hand and official seal in the County and State last aforesaid this 27th day of  
September, 2005.



FRANK J. ALOIA  
MY COMMISSION # DD 431111  
EXPIRES: June 28, 2009  
Bonded Thru Budget Notary Services

  
Notary Public



EXHIBIT "A"

AN UNDIVIDED ONE-HALF INTEREST IN:

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, BEING A PART OF THE NORTHWEST ONE QUARTER (NW 1/4) OF SECTION 20, TOWNSHIP 44 SOUTH, RANGE 23 EAST AND FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

STARTING AT THE NORTHWEST CORNER OF SAID SECTION 20; THENCE S 89°52'10" E ALONG THE NORTH LINE OF SAID SECTION 20 A DISTANCE OF 673.87 FEET TO THE NORTHWEST CORNER OF THE WEST ONE HALF (W 1/2) OF THE WEST ONE HALF (W 1/2) OF THE EAST ONE HALF (E 1/2) OF THE NORTHWEST ONE QUARTER (NW 1/4) OF THE NORTHWEST ONE QUARTER (NW 1/4) OF SAID SECTION 20; THENCE S 0°09'59" W A DISTANCE OF 33.00 FEET ALONG SAID FRACTIONAL LINE TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF PINE ISLAND ROAD (66.00 FEET WIDE), AND THE PRINCIPAL PLACE OF BEGINNING; THENCE CONTINUE S 0°09'59" W ALONG SAID FRACTIONAL LINE A DISTANCE OF 282.55 FEET; THENCE N 89°50'11" E PARALLEL TO THE SOUTH LINE OF THE AFORESAID FRACTION OF SECTION 20 A DISTANCE OF 159.40 FEET TO THE INTERSECTION WITH THE EAST LINE OF THE AFORESAID FRACTION OF SECTION 20; THENCE N 0°00'13" E ALONG SAID EAST LINE A DISTANCE OF 281.68 FEET TO AN INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF THE AFORESAID PINE ISLAND ROAD; THENCE N 89°52'10" W ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 168.59 FEET TO THE PRINCIPAL PLACE OF BEGINNING.

SUBJECT TO A ROADWAY EASEMENT OVER AND ACROSS THE EASTERLY 30.00 FEET.

RPA2006-00002

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

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

☐ Text Amendment



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

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

Map1

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

Amendment from Rural to Suburban for the subject property.

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

**A. Property Location:**

1. Site Address: 1). 11951 Royal Tee Blvd. 2). 11900 Little Quail Lane

3). 11971 Little Quail Lane 4). 3060 SW Pine Island Road

2. STRAP(s): 1). 20-44-23-01-00000.0DCE 2). 20-44-23-00-00003.0000

3). 20-44-23-00-00003.0010 4). 20-44-23-00-00003.0020

**B. Property Information**

Total Acreage of Property: 7.71 acres

Total Acreage included in Request: 7.71 acres

Area of each Existing Future Land Use Category:

Total Uplands: 7.71 acres

Total Wetlands: N/A

Current Zoning: RS-2, AG-2 and C-1

Current Future Land Use Designation: Rural

Existing Land Use: Vacant



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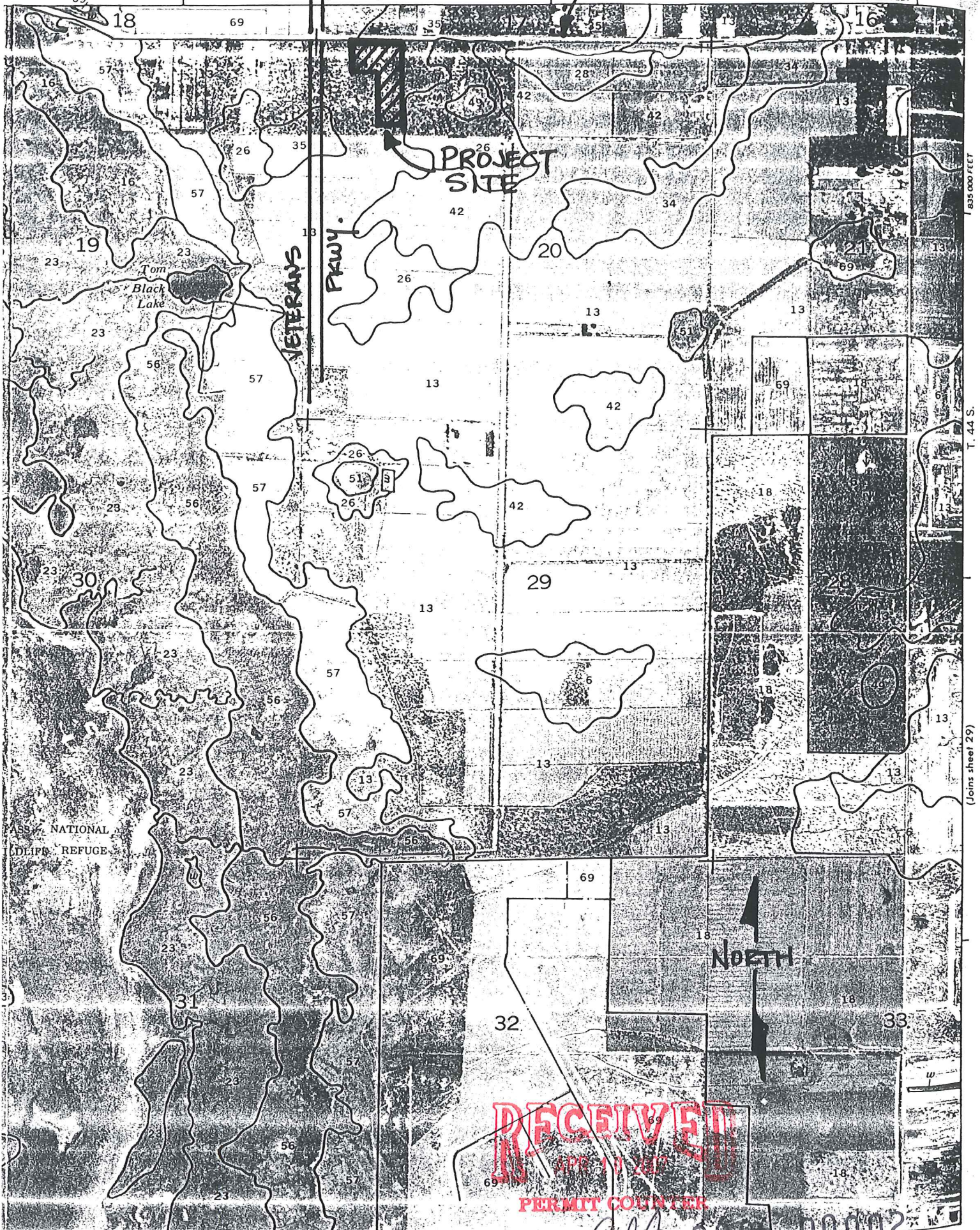
CPA 2006-00002



BURNT STORE RD

PINE ISLAND ROAD

495 000 FEET



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CFA 2000 00002