



OPA 2010-00003
Lee County Board of County Commissioners
Department of Community Development
Division of Planning
Post Office Box 398
Fort Myers, FL 33902-0398
Telephone: (239) 533-8585
FAX: (239) 485-8319

APPLICATION FOR A
COMPREHENSIVE PLAN AMENDMENT

(To be completed at time of intake)

DATE REC'D _____ REC'D BY: _____

APPLICATION FEE _____ TIDEMARK NO: _____

THE FOLLOWING VERIFIED:

Zoning ☐ Commissioner District ☐

Designation on FLUM ☐

(To be completed by Planning Staff)

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

Request No: _____

APPLICANT PLEASE NOTE:

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

Submit **6** copies of the complete application and amendment support documentation, including maps, to the Lee County Division of Planning. Up to 90 additional copies will be required for Local Planning Agency, Board of County Commissioners hearings and the Department of Community Affairs' packages. Staff will notify the applicant prior to each hearing or mail out.

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.

3/16/2010
DATE

SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

I. APPLICANT/AGENT/OWNER INFORMATION

Gulf Shore Investments LLC (Attn: Everett E. Henkel, III, MGR.)

APPLICANT

PO Box 50340

ADDRESS

Fort Myers, FL 33994

CITY

STATE

ZIP

239-656-6226

TELEPHONE NUMBER

FAX NUMBER

Patrick C. Hunt

AGENT*

8363 Caloosa Road

ADDRESS

Fort Myers, FL 33967

CITY

STATE

ZIP

239-8787-8702

TELEPHONE NUMBER

FAX NUMBER

Gulf Shore Investments LLC (Attn: Everett E. Henkel, III, MGR.)

OWNER(s) OF RECORD

PO Box 50340

ADDRESS

Fort Myers, FL 33994

CITY

STATE

ZIP

239-656-6226

TELEPHONE NUMBER

FAX NUMBER

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

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

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

A. TYPE: (Check appropriate type)

☐ Text Amendment

☒ Future Land Use Map Series Amendment
(Maps 1 thru 22)

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

1

1. Future Land Use Map amendments require the submittal of a complete list, map, and two sets of mailing labels of all property owners and their mailing addresses, for all property within 500 feet of the perimeter of the subject parcel. The list and mailing labels may be obtained from the Property Appraisers office. The map must reference by number or other symbol the names of the surrounding property owners list. The applicant is responsible for the accuracy of the list and map.

At least 15 days before the Local Planning Agency (LPA) hearing, the applicant will be responsible for posting signs on the subject property, supplied by the Division of Planning, indicating the action requested, the date of the LPA hearing, and the case number. An affidavit of compliance with the posting requirements must be submitted to the Division of Planning prior to the LPA hearing. The signs must be maintained until after the final Board adoption hearing when a final decision is rendered.

B. SUMMARY OF REQUEST (Brief explanation):

Small scale map amendment to change land use on a parcel of 0.9 acres
from Suburban land use category to General Commercial Interchange to allow
the development of a large vehicle sale lot (RV's and/or Boats).

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

A. Property Location:

1. Site Address: 5236 ORANGE RIVER BLVD., Fort Myers, FL 33905
2. STRAP(s): #03-44-25-01-00061.0010

B. Property Information

Total Acreage of Property: 0.9

Total Acreage included in Request: 0.9

Total Uplands: 0.9

Total Wetlands: 0.9

Current Zoning: 0.9

Current Future Land Use Designation: Suburban

Area of each Existing Future Land Use Category: 0.9

Existing Land Use: Residential Single Family (Vacant House)

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

Lehigh Acres Commercial Overlay: N/A

Airport Noise Zone 2 or 3: N/A

Acquisition Area: N/A

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

Community Redevelopment Area: N/A

D. Proposed change for the subject property:

General Commercial Interchange

E. Potential development of the subject property:

1. Calculation of maximum allowable development under existing FLUM:

Residential Units/Density 6.33

Commercial intensity N/A

Industrial intensity N/A

2. Calculation of maximum allowable development under proposed FLUM:

Residential Units/Density N/A

Commercial intensity 9,000 sf

Industrial intensity N/A

IV. AMENDMENT SUPPORT DOCUMENTATION

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

A. General Information and Maps

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

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

1. Provide any proposed text changes.
2. Provide a current Future Land Use Map at an appropriate scale showing the boundaries of the subject property, surrounding street network, surrounding designated future land uses, and natural resources.
3. Provide a proposed Future Land Use Map at an appropriate scale showing the boundaries of the subject property, surrounding street network, surrounding designated future land uses, and natural resources.
4. 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.
5. Map and describe existing zoning of the subject property and surrounding properties.
6. The certified legal description(s) and certified sketch of the description for the property subject to the requested change. A metes and bounds legal description must be submitted specifically describing the entire perimeter boundary of the property with accurate bearings and distances for every line. The sketch must be tied to the state plane coordinate system for the Florida West Zone (North America Datum of 1983/1990 Adjustment) with two coordinates, one coordinate being the point of beginning and the other an opposing corner. If the subject property contains wetlands or the proposed amendment includes more than one land use category a metes and bounds legal description, as described above, must be submitted in addition to the perimeter boundary of the property for each wetland or future land use category.

7. A copy of the deed(s) for the property subject to the requested change.
8. An aerial map showing the subject property and surrounding properties.
9. 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 2030 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 (see Policy 95.1.3):
- a. Sanitary Sewer
 - b. Potable Water
 - c. Surface Water/Drainage Basins
 - d. Parks, Recreation, and Open Space
 - e. Public Schools.

Analysis should include (but is not limited to) the following (see the Lee County Concurrency Management Report):

- Franchise Area, Basin, or District in which the property is located;
- Current LOS, and LOS standard of facilities serving the site;
- Projected 2030 LOS under existing designation;
- Projected 2030 LOS under proposed designation;
- Existing infrastructure, if any, in the immediate area with the potential to serve the subject property.
- 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).
- Provide a letter of service availability from the appropriate utility for sanitary sewer and potable water.

In addition to the above analysis for Potable Water:

- Determine the availability of water supply within the franchise area using the current water use allocation (Consumptive Use Permit) based on the annual average daily withdrawal rate.
- Include the current demand and the projected demand under the existing designation, and the projected demand under the proposed designation.

- Include the availability of treatment facilities and transmission lines for reclaimed water for irrigation.
 - Include any other water conservation measures that will be applied to the site (see Goal 54).
3. Provide a letter from the appropriate agency determining the adequacy/provision of existing/proposed support facilities, including:
 - a. Fire protection with adequate response times;
 - b. Emergency medical service (EMS) provisions;
 - c. Law enforcement;
 - d. Solid Waste;
 - e. Mass Transit; and
 - f. 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 depicting the property boundaries and 100-year flood prone areas indicated (as identified by FEMA).
4. A map delineating the property boundaries on the Flood Insurance Rate Map effective August 2008.
5. A map delineating wetlands, aquifer recharge areas, and rare & unique uplands.
6. 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 2030 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.
3. Requests involving lands in critical areas for future water supply must be evaluated based on policy 2.4.2.
4. Requests moving lands from Density Reduction/Groundwater Resource must fully address Policy 2.4.3 of the Lee Plan Future Land Use Element.

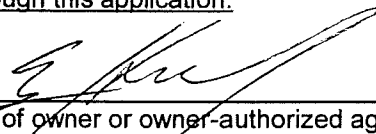
G. Justify the proposed amendment based upon sound planning principles. Be sure to support all conclusions made in this justification with adequate data and analysis.

Item 1: Fee Schedule

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

AFFIDAVIT

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


Signature of owner or owner-authorized agent

3-11-10

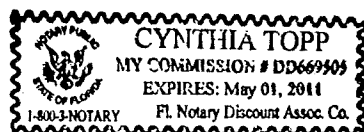
Date

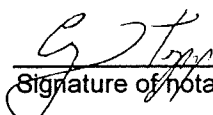
Everett E Henkel, III, MGR. of Gulf Shore Investments LLC
Typed or printed name

STATE OF FLORIDA)
COUNTY OF LEE)

The foregoing instrument was certified and subscribed before me this 11 day of March 2010, by Everett E Henkel, III, MGR. of Gulf Shore Investments LLC, who is personally known to me or who has produced DL FL H524-205-80-331-0 as identification.

(SEAL)




Signature of notary public

Cynthia Topp
Printed name of notary public

LETTER OF AUTHORIZATION

TO LEE COUNTY COMMUNITY DEVELOPMENT

The undersigned do hereby swear or affirm that they are the fee simple title holders and owners of record of property commonly known as Gulf Shore Investments LLC and legally described in exhibit A attached hereto.

The property described herein is the subject of an application for zoning or development. We hereby designate Patrick C. Hunt as the legal representative of the property and as such, this individual is authorized to legally bind all owners of the property in the course of seeking the necessary approvals to develop. This authority includes but is not limited to the hiring and authorizing of agents to assist in the preparation of applications, plans, surveys, and studies necessary to obtain zoning and development approval on the site. This representative will remain the only entity to authorize development activity on the property until such time as a new or amended authorization is delivered to Lee County.

Everett E. Henkel, III
Owner*(signature)

Everett E Henkel, III, MGR.

Printed Name

Owner*(signature)

Printed Name

Owner*(signature)

Printed Name

Owner*(signature)

Printed Name

Owner*(signature)

Printed Name

Owner*(signature)

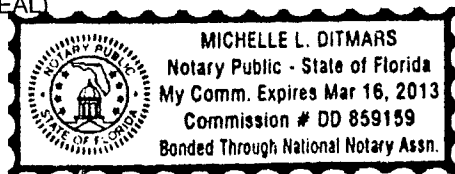
Printed Name

STATE OF FLORIDA
COUNTY OF LEE

Sworn to (or affirmed) and subscribed before me this 25 day of Nov, 2009, by
Everett E Henkel, III, MGR.

Michelle L. Ditmars as identification and who did (did not) take an oath.

(SEAL)



Michelle L. Ditmars
Notary Public

Michelle L. Ditmars
(Name typed, printed or stamped)

**SMALL SCALE COMPREHENSIVE
PLAN AMENDMENT**

5236 ORANGE RIVER

MARCH 10, 2010

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COVER SHEET

APPLICATION FORM

SUPPORTING DOCUMENTS:

A. GENERAL INFORMATION AND MAPS:

1. PROPOSED TEXT CHANGES – (NONE PROPOSED)
2. CURRENT FUTURE LAND USE MAP
3. PROPOSED FUTURE LAND USE MAP
4. MAP OF EXISTING LAND USES
5. MAP AND DESCRIBE EXISTING ZONING
6. LEGAL DESCRIPTION AND SKETCH
7. DEED(S)
8. AERIAL MAP OF SUBJECT AND SURROUNDING PROPERTIES.
9. LETTER AUTHORIZATION

B. PUBLIC FACILITIES IMPACT:

1. TRAFFIC CIRCULATION ANALYSIS
 - a. LONG RANGE – 20-YEAR HORIZON:
 - b. SHORT RANGE – 5-YEAR CIP HORIZON:
2. EXISTING AND FUTURE CONDITIONS ANALYSIS FOR:
 - a. SANITARY SEWER
 - b. POTABLE WATER
 - c. SURFACE WATER/DRAINAGE BASINS
 - d. PARKS, RECREATION, AND OPEN SPACE
 - e. PUBLIC SCHOOLS.
3. LETTERS OF ADEQUACY FROM:
 - a. LEE COUNTY FIRE PROTECTION
 - b. LEE COUNTY EMERGENCY MEDICAL SERVICE (EMS)
 - c. LEE COUNTY SHERIFF'S OFFICE
 - d. LEE COUNTY SOLID WASTE
 - e. LEE COUNTY TRANSIT
 - f. LEE COUNTY SCHOOL DISTRICT
 - LETTER OF SERVICE AVAILABILITY LEE COUNTY UTILITIES FOR SANITARY SEWER AND POTABLE WATER.

C. ENVIRONMENTAL IMPACTS:

1. MAP FLORIDA LAND USE COVER AND CLASSIFICATION SYSTEM (FLUCCS).
2. SOILS MAP AND DESCRIPTION
3. TOPOGRAPHIC MAP
4. FLOOD INSURANCE RATE MAP EFFECTIVE AUGUST 2008.
5. MAP RARE & UNIQUE UPLANDS.
6. FLUCCS table

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- D. IMPACTS ON HISTORIC RESOURCES:
 - 1. LETTER OF CLEARANCE FROM FLORIDA DIVISION OF HISTORICAL RESOURCES
 - 2. ARCHEOLOGICAL SENSITIVITY MAP
- E. INTERNAL CONSISTENCY WITH LEE PLAN
- F. ADDITIONAL REQUIREMENTS FOR SPECIFIC FUTURE LAND USE AMENDMENTS
(INTENTIONALLY OMITTED - NOT APPLICABLE TO THIS REQUEST)
- G. JUSTIFICATION FOR PROPOSED AMENDMENT

RECORDING FEE - \$10.00
DOCUMENTARY STAMP TAX - \$770.00
This Instrument Prepared By/Return to:
Betsy L. Wilkinson of:
Wilkinson Title Agency, Inc.
11595 Kelly Road, Suite 217
Fort Myers, Florida 33908
Grantee(s) S.S. #:
Strap Number: 03-44-25-01-00061.0010
File Number: 52263

INSTR # 6663551
OR BK 04604 Pg 1540; (1pg)
RECORDED 02/24/2005 11:14:28 AM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY, FLORIDA
RECORDING FEE 10.00
DEED DOC 770.00
DEPUTY CLERK P Haywood

WARRANTY DEED

This Indenture made this 11th day of February, 2005, BETWEEN

Federal Mortgage Services, Inc., a Florida Corporation
of P.O. Box 50488, Fort Myers, FL 33905 as GRANTOR*, and

Gulf Shore Investments, LLC, a Florida Limited Liability Company
of P.O. Box 50340, Fort Myers, FL 33994 as GRANTEE*

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

WITNESSETH, That the 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 whereof is hereby acknowledged, has agreed, has granted, bargained and sold unto the Grantee and Grantee's heirs, or successors; and assigns forever the following described land located in the County of Lee, State of Florida, to-wit:

EASTERLY ONE HUNDRED SIXTY-FIVE FEET (165') OF THE NORTHERLY TWO HUNDRED TWENTY-SEVEN AND ONE-HALF FEET (227 1/2') OF LOT THIRTY-THREE (33), BLOCK THREE (3) OF THAT CERTAIN SUBDIVISION KNOWN AS TERRY, TICE AND VANDAWALKER'S SUBDIVISION, A SUBDIVISION ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, AT PAGE 46, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

SUBJECT TO AN EASEMENT OR RIGHT-OF-WAY OVER AND ACROSS THE WESTERLY TEN FEET (10') OF SAID PROPERTY, FOR PURPOSES OF EGRESS AND INGRESS TO THE SOUTHERLY PORTION OF SAID LOT. ALSO LESS AND EXCEPT THE NORTHERLY ROAD RIGHT-OF-WAY OF ORANGE RIVER BLVD.


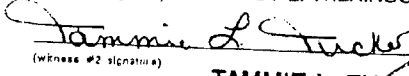
SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND LIMITATIONS OF RECORD, IF ANY, AND TAXES FOR THE CURRENT AND SUBSEQUENT YEARS.

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

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

AND the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in FEE SIMPLE; that the grantor has good right and lawful authority to sell and convey said land; 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 for the current and subsequent years.

IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal this day and year first above written.

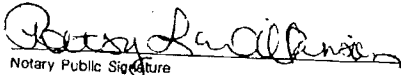

(Witness #1 signature) BETSY L. WILKINSON

(Witness #2 signature) TAMMIE L. TUCKER

Federal Mortgage Services, Inc. (seal)

John G. Seplelli, Jr., President

COUNTY OF LEE, STATE OF FLORIDA

The foregoing instrument was acknowledged before me this 11th day of February, 2005 by John G. Seplelli, Jr., President of Federal Mortgage Services, Inc., a Florida Corporation, on behalf of the corporation who is personally known.


Notary Public Signature
BETSY L. WILKINSON

Notary's Name Typed, Printed or Stamped

Expiration Date:
Serial Number
Seal



Betsy L. Wilkinson
Commission # DD346948
Expires: AUG. 25, 2008
Bonded Through
Atlantic Bonding Co., Inc.

Doc Stps 709
Int Tax _____
Rec Fee 35.50
Total 316.20

This Instrument Prepared By:
Gordon R. Duncan
P.O. Drawer 249
Ft. Myers, FL 33902

QUIT CLAIM DEED

THIS INDENTURE, made this 7th day of August, 2008, between Joseph W. Vickers, joined by his wife, Rosella Vickers, whose post office address is 5228 Orange River Boulevard, Fort Myers, FL 33905 and Carl H. Vickers, a single man, whose post office address is 5222 Orange River Boulevard, Fort Myers, FL 33905, party of the first part, and Gulf Shore Investments, LLC, a Florida limited liability company, whose post office address is P.O. Box 50340, Fort Myers, FL 33994, party of the second part,

WITNESSETH, that the said party of the first part in consideration of the sum of TEN DOLLARS and other good and valuable considerations, in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has remised, released and quitclaimed, and by these presents does remise, release and quitclaim unto the said party of the second part all the right, title, interest claim and demand which the said party of the first part has in and to the following described lot, piece or parcel of land, situate lying and being in the County of Lee, State of Florida, to wit:

See Attached Exhibit A

TO HAVE AND TO HOLD the same, together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest and claim whatsoever of the said party of the said party of the first part, either in law or equity, to the only proper use, benefit and behoof of said party of the second part.

IN WITNESS WHEREOF, the said party of the first part has set his hand and seal the day and year first above written.

Witness 1
sign Laramie E. Keller
Print Laramie E. Keller

Witness 2
sign [Signature]
Print Everett H. Harkel

Witness 1
sign Laramie E. Keller
Print Laramie E. Keller

Witness 2
sign [Signature]
Print Everett H. Harkel

Joseph W. Vickers
Joseph W. Vickers

Rosella Vickers
Rosella Vickers

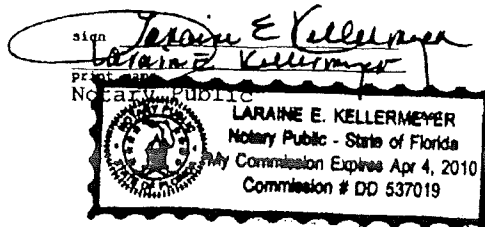
witness
sign Laraine E. Kellermeyer
print Laraine E. Kellermeyer
witness 2
sign Everett Heibel
print Everett Heibel

Carl H. Vickers
Carl H. Vickers

STATE OF Florida
COUNTY OF Lee

The foregoing instrument was acknowledged before me this 7th day of August, 2008, by Joseph W. Vickers, who is personally known to me or who produced drivers license as identification and who did take an oath.

My Commission Expires:



STATE OF Florida
COUNTY OF Lee

The foregoing instrument was acknowledged before me this 7th day of August, 2008, by Rosella Vickers, who is personally known to me or who produced drivers license as identification and who did take an oath.

My Commission Expires:

sign Laraine E. Kellermeyer
print name Laraine E. Kellermeyer
Notary Public

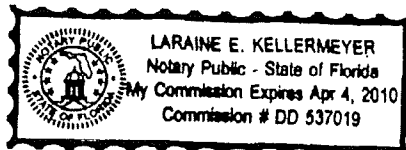


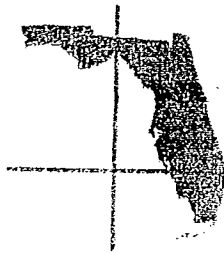
STATE OF Florida
COUNTY OF Lee

The foregoing instrument was acknowledged before me this 7th day of August, 2008, by Carl H. Vickers, who is personally known to me or who produced drivers license as identification and who did take an oath.

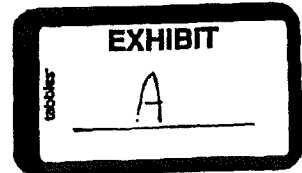
sign Laraine E. Kellermeyer
print name Laraine E. Kellermeyer
Notary Public

My Commission Expires:





METRON
SURVEYING & MAPPING, LLC
LAND SURVEYORS • PLANNERS



LEGAL DESCRIPTION
OF A PARCEL LYING IN
SECTION 3, TOWNSHIP 44 SOUTH, RANGE 25 EAST,
LEE COUNTY, FLORIDA

(SUBJECT PARCEL)

A TRACT OF LAND LYING IN THE STATE OF FLORIDA, COUNTY OF LEE, IN SECTION 3, TOWNSHIP 44 SOUTH, RANGE 25 EAST, BEING A PART OF LOT 33, BLOCK 3, TERRY TICE & VANDAWALKERS SUBDIVISION AS RECORDED IN PLAT BOOK 1 PAGE 46 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:


COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 33; THENCE N.89°07'50"E. ALONG THE SOUTH LINE OF SAID LOT 33 AND THE NORTH RIGHT-OF-WAY LINE OF RICHMOND AVENUE FOR A DISTANCE OF 354.74 FEET TO THE SOUTHEAST CORNER OF SAID LOT 33; THENCE N.01°10'31"W. LEAVING SAID NORTH RIGHT-OF-WAY LINE AND ALONG THE EAST LINE OF SAID LOT 33 FOR A DISTANCE OF 601.66 FEET TO AN INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF ORANGE RIVER BOULEVARD AS SHOWN ON THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP, SECTION NUMBER 12075-2404 AND THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE S.01°10'31"E. LEAVING SAID SOUTH RIGHT-OF-WAY LINE AND ALONG THE EAST LINE OF SAID LOT 33 FOR A DISTANCE OF 212.96 FEET; THENCE S.89°02'40"W. LEAVING SAID EAST LINE FOR A DISTANCE OF 187.14 FEET TO AN INTERSECTION WITH AN EASTERLY LINE OF A PARCEL AS DESCRIBED IN OFFICIAL RECORDS BOOK 3096 AT PAGE 289 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE N.00°38'20"W. ALONG SAID EASTERLY LINE FOR A DISTANCE OF 212.15 FEET TO AN INTERSECTION WITH SAID SOUTH RIGHT-OF-WAY LINE OF ORANGE RIVER BOULEVARD; THENCE N.88°47'39"E. ALONG SAID SOUTH RIGHT-OF-WAY LINE FOR A DISTANCE OF 185.15 FEET TO AN INTERSECTION WITH THE EAST LINE OF SAID LOT 33 AND POINT OF BEGINNING.

PARCEL CONTAINS 39,565 SQUARE FEET, MORE OR LESS.

PARCEL SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY (RECORDED AND UNRECORDED, WRITTEN AND UNWRITTEN)

BEARINGS ARE BASED ON THE EAST LINE OF LOT 33, BLOCK 3, TERRY TICE & VANDAWALKERS SUBDIVISION AS BEARING N.01°10'31"W.

METRON SURVEYING & MAPPING, LLC
FLORIDA CERTIFICATE OF AUTHORIZATION LB# 7071


TIMOTHY LEE MANN
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5838

SHEET 1 OF 2

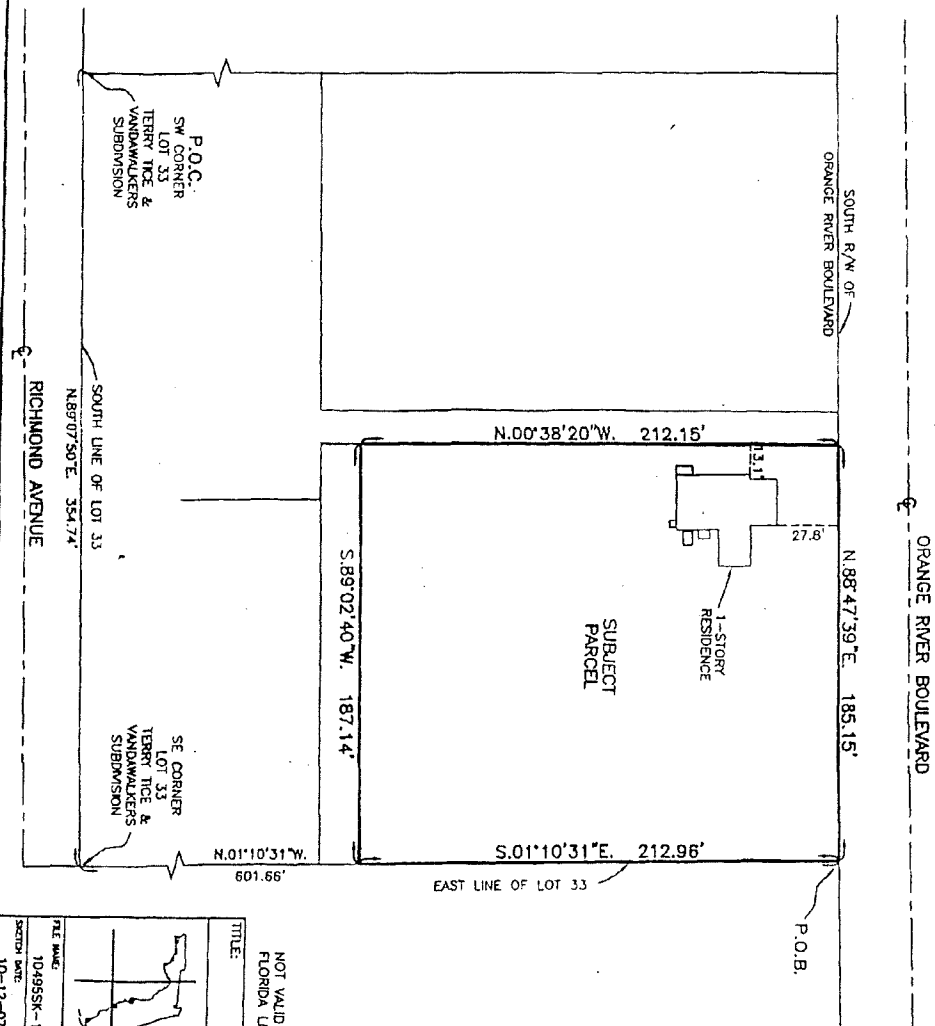
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* SEE SHEET 1 OF 2 FOR LEGAL DESCRIPTION *

EXHIBIT

tabbies

A



LEGEND:

P.O.B. = POINT OF BEGINNING
P.O.C. = POINT OF COMMENCEMENT
R/W = RIGHT-OF-WAY

* THIS IS NOT A SURVEY *

BY: ~~_____~~
TIMOTHY LEE MARRIN
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 154 5638

DATE SIGNED: Oct 12, 07

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

SKETCH OF DESCRIPTION



METRON
SURVEYING & MAPPING
LAND SURVEYORS • PLANNERS

L.B.# 7071

www.elsevier.com/locate/bsc

FIELD NAME	RD. ROCK/INCL.	POLYED. NO.	SHEET
10495SK-1.dwg	N/A	10495	2 OF 2
SECTION DATE	DRAWN BY	SCALE	
10-12-07	RY	1" = 60'	(S-1-4)
			3-44-25

PUBLIC FACILITIES IMPACT

EXISTING AND FUTURE CONDITIONS ANALYSIS

A. SANITARY SEWER

Existing Available Service:

The proposed development is located within the City of Fort Myers North Wastewater Treatment Plant (a.k.a.: RALEIGH STREET WWTP) service area. Utility service lines presently serve this site which is being converted from residential use to commercial uses. Connection to the franchise utility will continue with the proposed commercial uses.

Forecast Demand:

The proposed development assumes a 9,000 sf of gross floor area. As per F.A.C. 64E-6, the following calculations apply:

$$17 \text{ GPD per } 100 \text{ GFA}(9,000 \text{ SF}) = 1,530 \text{ GPD}$$

Concurrency report indicates the current capacity of City of Fort Myers North Wastewater Treatment Plant to be 11.0 MGD. The usage for Estimated 2009 was 9.5 MGD and Projected 2010 of 9.6 MGD. This indicates more than adequate reserve capacity to serve this proposed development. The concurrency report for 2009 did not indicate any plans for expansion at that time.

Lee County Utilities has provided a Letter of Availability to serve the proposed commercial uses.

B. POTABLE WATER

Existing Available Service:

The proposed development is located within the Lee County Utilities Olga Water Treatment Plant service area. Utility service lines presently serve this site which is being converted from residential use to commercial uses. Connection to the franchise utility will continue with the proposed commercial uses.

Forecast Demand:

The proposed development assumes a 9,000 sf of gross floor area. As per F.A.C. 64E-6, the following calculations apply:

$$17 \text{ GPD per } 100 \text{ GFA}(9,000 \text{ SF}) = 1,530 \text{ GPD}$$

Concurrency report indicates the current capacity of Lee County Utilities Olga Water Treatment Plant to be 6.0 MGD. The usage for Estimated 2009 was 3.0 MGD and Projected 2010 of 3.1 MGD. This indicates more than adequate reserve capacity to serve this proposed development. The concurrency report for 2009 did not indicate any plans for expansion at that time.

Lee County Utilities has provided a Letter of Availability to serve the proposed commercial uses.

PUBLIC FACILITIES IMPACT

EXISTING AND FUTURE CONDITIONS ANALYSIS

C. SURFACE WATER/DRAINAGE BASINS

Existing Available Service:

The applicant will provide a control structure at the time of Development Order application which will mimic the historic drainage patterns and discharge pre-treated stormwater runoff to the north into the street right of way. Historically the project area appears to drain as same. The master concept plan shows adequate area and volume to provide pretreatment of stormwater prior to discharge. A SFWMD permit is not required due to the small footprint of the site, less than 2 acres of impervious area.

Forecast Demand:

The total detention required is calculated to determine the greater of either: one-inch (1") rainfall over the entire site, or two and one-half inches (2.5") over the impervious area. The site is 39,565 sf but assuming 30% green area to remain due to the small footprint of the site and preservation of large oak trees along the southern portion of the property. Therefore the maximum impervious area would not exceed 27,759 sf. The greatest demand would be 5,783 c.f. of storage which can be provided on the site.

D. PARKS, RECREATION AND OPEN SPACE:

Existing Available Service:

The site is converting from residential to proposed commercial. A single family house is on the 0.9 acre lot. The population for a single family residence is estimated at 2.04 and is inconsequential for this analysis.

The 2009 Concurrency Report indicates that the regional and community parks have sufficient present capacity.

Forecast Demand:

For Regional and Community Parks the conversion from residential use to commercial uses will result in a net demand that is a positive impact and will result in a net surplus.

Open space is required to be a minimum of 30% of site for a new residential project, but the site is an existing developed residential lot with single family house. The small commercial open space minimum required is 20%, but due to the existing area along the south property line of large oak trees the open space on this site will be more than 30% so no net change.

PUBLIC FACILITIES IMPACT
EXISTING AND FUTURE CONDITIONS ANALYSIS

E. PUBLIC SCHOOLS:

Existing Available Service:

The site is converting from residential to proposed commercial. A single family house is on the 0.9 acre lot. The population for a single family residence is inconsequential for this analysis.

Forecast Demand:

The conversion from residential use to commercial uses will result in a net demand that is a positive impact and will result in a net surplus

TICE FIRE & RESCUE DISTRICT

FIRE PREVENTION & INSPECTIONS BUREAU

Ted Ross Jr.
Fire Marshal
(239) 694-2380

9351 Workmen Way
Ft. Myers, FL 33905
Fax (239) 694-7399
www.ticefire.com

March 9, 2010

Site Concepts
8363 Caloosa Road
Fort Myers, FL 33967

RE: 5236 Orange River Blvd.
Ft. Myers, FL 33905

To whom it may concern,

At the request of Patrick Hunt, the Tice Fire District reviewed the request for a land use amendment. The property is located at 5236 Orange River Blvd, Fort Myers, in Section 3, Township 44 South, Range 25 East, Lee County, Florida (District # 2). The Parcel I.D. # 03-44-25-01-00061.0010. The Tice Fire District does not object to the request for the change from residential to General Commercial Interchange. If you have any further questions , please contact me at (239) 694-2380.

Respectfully,

Ted Ross Jr.

Ted Ross, Jr.
Fire Marshal



Lee County Southwest Florida

Statement of Initial Review

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

The Small Scale Land Use Map Amendment is requested for 5236 Orange River Blvd, Fort Myers, in Section 3, Township 44 South, Range 25 East, Lee County, Florida (District #2), Parcel ID #03-44-25-01-00061.0010.

This current location is served by LCEMS Station 11, located at 10941 Palm Beach Blvd., which is approximately 3.23 miles away, and LCEMS Station 3, located at 1035 Terry St, which is approximately 3.26 miles away.

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

(Signature)

EMS Operations Chief

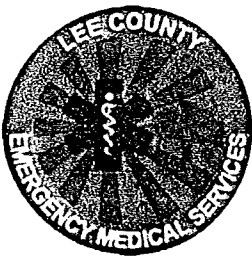
(Title)

Kim Dickerson

(Printed Name)

February 9, 2010

(Date)



Kim Dickerson, EMT-P, RN, MBA
EMS Operations Chief
Lee County Emergency Medical Services
14752 Ben Pratt/Six Mile Cypress Parkway
Fort Myers, FL 33912
Phone: 239-533-3911
Fax: 239-485-2607
Email: kdickerson@leegov.com
Website: www.lee-ems.com

Mike Scott
Office of the Sheriff



State of Florida
County of Lee

Jan. 19, 2010

Patrick C. Hunt
Site Concepts
8363 Caloosa Road
Fort Myers, FL 33967

Mr. Hunt,

The rezoning of property at 5236 Orange River Blvd., Parcel I.D. #03-44-25-01-00061.0010, would not affect the ability of the Lee County Sheriff's Office to provide core services at this time.

At the time of application for a development order or building permit, the applicant shall provide a Crime Prevention Through Environmental Design (CPTED) report done by the applicant and given to the Lee County Sheriff's Office for review and comments.

If you have any questions or need further information, please contact me.

Respectfully,

A handwritten signature in cursive script that reads "Stan Nelson".

Stan Nelson,
Manager, Planning and Research
Lee County Sheriff's Office
(239) 477-1066
Snelson@sheriffleefl.org





LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Bob Janes
District One

A. Brian Bigelow
District Two

Ray Judah
District Three

Tammy Hall
District Four

Frank Mann
District Five

Karen B. Hawes
County Manager

David M. Owen
County Attorney

Diana M. Parker
County Hearing Examiner

January 19, 2010

Mr. Patrick C. Hunt
8363 Caloosa Rd.
Ft. Myers, FL 33967

**SUBJECT: West Orange River CPD
Small Scale Land Use Map Amendment**

Dear Mr.Hunt:

The Lee County Solid Waste Division is capable of providing commercial solid waste collection service for the subject property located at 5236 Orange River Blvd., Ft. Myers, FL through our franchised hauling contractors. Disposal of the solid waste from this commercial property will be accomplished at the Lee County Resource Recovery Facility and the Lee-Hendry Regional Landfill. Plans have been made, allowing for growth, to maintain long-term disposal capacity at these facilities.

The Solid Waste Ordinance (08-10, Section 21) and the Lee County Land Development Code, Chapter 10, Section 10-261 have requirements for providing on-site space for placement and servicing of commercial solid waste containers. Please review these requirements when planning the project. If you have any questions, please call me at (239) 533-8000.

Sincerely,

William T. Newman
Operations Manager
Solid Waste Division



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

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District One

A. Brian Bigelow
District Two

Ray Judah
District Three

Tammy Hall
District Four

Frank Mann
District Five

Karen B. Hawes
County Manager

David M. Owen
County Attorney

Diana M. Parker
County Hearing Examiner

January 15, 2010

Mr. Patrick C. Hunt
Site Concepts
8363 Caloosa Rd
Fort Myers, FL 33967

**Re: Letter of Service Availability
West Orange River CPD – Small Scale Land Use Map Amendment**

Mr. Hunt:

Lee County Transit received your letter dated January 8, 2010 in reference to the Small Scale Land Use Map Amendment application for the parcel related to the subject site located at 5236 Orange River Boulevard. This location is within the established Palm Beach Blvd transit corridor and Lee County currently provides public transportation services through this corridor. We consider the subject property related to this Land Use Map Amendment Application to be within our existing service area. Our long range planning activities maintain this transit corridor and document the need for additional, enhanced services on the route providing service to this area. We anticipate the current capacity on this route to be sufficient to meet the needs of the proposed land use changes the applicant wishes to make.

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

Sincerely,

Michael Horsting, AICP
Principal Planner
Lee County Transit



THE SCHOOL DISTRICT OF LEE COUNTY

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

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

March 1, 2010

Mr. Patrick C. Hunt
8363 Caloosa Rd
Fort Myers, FL 33967

RE: Land Use Map Amendment request

Dear Mr. Hunt:

This letter is in response to your email dated March 1, 2010 for a land use map amendment request. This is located in the East Choice Zone, Sub Zone E-1.

This is an amendment to change from Suburban Land Use to General Commercial Interchange. After reviewing your request, the project has no impact on classroom needs.

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

Sincerely,

Dawn Gordon, Community Development Planner
Planning Department



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: (239) 533-8532

Bob Janes
District One

March 3, 2010

A. Brian Bigelow
District Two

Patrick Hunt
8363 Caloosa Road
Fort Myers, Fl. 33967

Ray Judah
District Three

Tammy Hall
District Four

RE: POTABLE Water and Wastewater AVAILABILITY
5236 ORANGE RIVER BLVD.
STRAP #: 03-44-25-01-00061.0010

Frank Mann
District Five

Dear Mr. Hunt:

Karen B. Hawes
County Manager

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

David M. Owen
County Attorney

Your firm has indicated that this project will consist of 1 commercial unit with an estimated flow demand of approximately 1,530 gallons per day. Lee County Utilities presently has sufficient capacity to provide potable water and sanitary sewer service as estimated above.

Diana M. Parker
County Hearing Examiner

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

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

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

With regard to effluent reuse service; there are currently no reuse facilities available in the vicinity of the project site therefore, Lee County does not have the capability of providing service at this time.

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

Further, this letter of availability of Water and Wastewater service to be utilized for small scale land use amendment for this project only. Individual letters of availability will be required for the purpose of obtaining building permits.

Sincerely,

LEE COUNTY UTILITIES

Mary McCormic
Engineering Tech, Sr.
UTILITIES ENGINEERING

VIA FACSIMILE
Original Mailed

5236 ORANGE RIVER - 03442501000610010.doc



FLORIDA DEPARTMENT OF STATE
Kurt S. Browning
Secretary of State
DIVISION OF HISTORICAL RESOURCES

Mr. Patrick C. Hunt
Site Concepts
8363 Caloosa Road
Fort Myers, Florida 33967

February 22, 2010

Re: DHR No.: 2010-645/ Received by DHR: February 18, 2010
West Orange River CPD- Rezoning of 0.91 Acre Parcel
5236 Orange River Boulevard
Parcel ID: 03-44-25-01-00061.0010
Fort Myers, Lee County

Dear Mr. Hunt:

In accordance with the procedures contained in the Lee County local requirements, we reviewed the referenced parcel for possible impact to cultural resources (any prehistoric or historic district, site, building, structure, or object) listed, or eligible for listing, in the *National Register of Historic Places*, or otherwise of historical, archaeological, or architectural value.

Based on the information provided, it is the opinion of this office that the building at the address listed above does not meet the criteria for listing in the *National Register*. In addition, a review of the Florida Master Site File indicates that no significant archaeological or historical resources are recorded within the project area. Therefore, the proposed undertaking will have no effect on historic properties.

If there are any questions concerning our comments or recommendations, please contact Katherine Peterson, Historic Sites Specialist, by phone at 850.245.6333, or by electronic mail at kdpeterson@dos.state.fl.us. We appreciate your continued interest in protecting Florida's historic properties.

Sincerely,

Laura A. Kammerer
Historic Preservationist Supervisor
Compliance Review Section
Bureau of Historic Preservation

JUSTIFICATION OF PROPOSED AMENDMENT
EXHIBIT "G"

The proposed map amendment from Suburban to General Commercial Interchange is appropriate for the following reasons:

1. The subject property is part of what amounts to an enclave of residential property abutting more intense commercial uses.
2. The area is a part of the Palm Beach Boulevard Corridor which includes the southwesterly quadrant of the I-75 interchange and extends south beyond the limits of this property.
3. The property abuts a local deadend street which connects directly to signalized arterial intersection, Palm Beach Blvd.
4. The proposed commercial uses are compatible with the existing and projected uses in the area.

Internal Consistency with the Lee Plan

EXHIBIT "E"

1. FLUM CAPACITY ANALYSIS

This proposal has de minimus effects to Lee County population projections by reducing population by 2.09 as a result of eliminating one existing single family residence.

"Table 1(b) Year 2030 Allocations" to be modified by 0.9 acre or approximately one acre addition to the General Commercial Interchange and subtracted from Suburban. The proposal is a de minimus impact.

2. LEE PLAN ANALYSIS

POLICY 1.3.3: *"The General Commercial Interchange areas are intended primarily for general community commercial land uses: retail, planned commercial districts, shopping, office, financial, and business."* The request is consistent with this policy for the proposed commercial uses.

OBJECTIVE 2.1: "DEVELOPMENT LOCATION. *Contiguous and compact growth patterns will be promoted through the rezoning process to contain urban sprawl, minimize energy costs"* Property is adjacent to a 10 acre commercial development (North Trail RV) which is abutting I-75 in southwest quadrant of intersection with Palm Beach Blvd. It is located approximately 0.1 mile from a signalized intersection with Palm Beach Blvd providing convenient access to I-75. This proposal will serve to contain urban sprawl, minimize energy costs and conserve land by redevelopment near a major urban intersection.

OBJECTIVE 2.2: "DEVELOPMENT TIMING. *Direct new growth to those portions of the Future Urban Areas where adequate public facilities exist or are assured and where compact and contiguous development patterns can be created."* The traffic analysis submitted with this application indicates that Palm Beach Blvd. will continue to operate at an adequate LOS with the approval of this proposed amendment. Public water and sewer are available, installed and adequate to serve.

OBJECTIVE 2.4: "FUTURE LAND USE MAP AMENDMENTS. *Regularly examine the Future Land Use Map in light of new information and changed conditions, and make necessary modifications."* Proposed amendment is adjacent to existing like category General Commercial Interchange and is the highest and best use of the property to amend to same category.

POLICY 5.1.5: *"Protect existing and future residential areas from any encroachment of uses that are potentially destructive to the character and integrity of the residential environment."* The proposed development will be reviewed as a CPD with all required buffers, shielded lighting and other measures which improve compatibility. Project abuts a more intense commercial use and will provide some level of shielding the more intense commercial uses from the residential area remaining.

Policy 6.1.2.9: *"The location standards in this policy are not applicable in the Interchange land use category"*.

Standards 11.1 and 11.2: The site is presently served by public water and sewer and the utility has provided letter of availability to serve this proposed development.

Internal Consistency with the Lee Plan

EXHIBIT "E"

3. EFFECTS TO ADJACENT LOCAL GOVERNMENTS

The proposal is in the unincorporated area of Lee County and is not adjacent to the City of Fort Myers and has no effect on its comprehensive plan.

4. CONSISTENCY WITH STATE AND REGIONAL PLANS

This is a small scale amendment of only 0.9 acres and has de minimus effect on those plans.

jmb transportation engineering, inc.
traffic/transportation engineering & planning

TRAFFIC IMPACT STATEMENT


FOR

5236 ORANGE RIVER CPD

**(Project No. 091211)
March 17, 2010**

Prepared By:

**JMB TRANSPORTATION ENGINEERING, INC.
761 21ST Street NW
Naples, Florida 34120
239-919-2767**


**James M. Banks, P.E.
Reg. No. 43860**

3-17-2010

Date

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PROJECT GENERATED TRAFFIC	3
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2015 & 2030 PROJECT BUILD-OUT CONDITIONS	4
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CONCLUSIONS

Off-Site Road Impact Mitigation Requirements

Based upon the analyses conducted by this Report, it has been concluded that the 5236 Orange River CPD will not have any negative impact upon the surrounding roadway infrastructure that warrant special mitigation needs. This conclusion is based upon the finding that the project does not significantly or negatively impact the surrounding roadways, and those roadways that will provide access to the project will operate at acceptable levels of service for 2015 and 2030 project build-out conditions. Furthermore, the project will not affect or require modifications to Lee County's 5-year Capital Improvement Program or 2030 Long-Term Financially Feasible Plan.

Concurrency Review – State Road 80 is classified as a six lane divided arterial having a performance standard of LOS E. A maximum service capacity of 2,920 vph during the 100th highest peak hour peak direction has been established for this road by the Lee County Concurrency Management Report. As determined, State Road 80 will have a 2015 and 2030 project build-out traffic volume of 1,159 vph and 1,589, respectively, which is a v/c ratio of 0.40 and 0.48, respectively. As such, this project is in conformance with the Lee County Government's Concurrency Management System.

PURPOSE OF REPORT

The following Report has been prepared pursuant to the criteria set forth by the Traffic Impact Statement Guidelines as adopted by the Lee County Government for projects requesting a small-scale comprehensive land use amendment. More specifically, this Report examines the potential transportation related impacts that may occur as a result of the completion of this project.

SCOPE OF PROJECT

The project (referred to as 5236 Orange River CPD) is a proposed mixed use commercial development that will have a maximum of 9,000 square feet of leasable floor space. The project site is located on the south side of West Orange River Boulevard and to the east of the Lexington Avenue/West Orange River Road intersection (refer to Figure 1 for a depiction of the site location).

The project will have one full access on West Orange River Boulevard. Project build-out is anticipated to occur by the year 2014.

PROJECT GENERATED TRAFFIC

Traffic which can be expected to be generated West Orange River CPD has been estimated based upon the guidelines established by the Institute of Transportation Engineers, Trip Generation Manual, 8th Edition. That is, historical traffic data collected at similar type developments was relied upon in estimating the project's traffic. In referencing the historical data provided by the ITE Trip Generation Manual, it was concluded that Land Use Code "Shopping Center" (LUC 820) was most appropriate in estimating the anticipated traffic. *At this time, the project is proposing a wide range of commercial land uses. As such, the Report based its findings on the most intense development potential.*

Table 1 provides a detail of the calculations that were performed in estimating the project's anticipated traffic, which has been summarized below.

Land Use	Build-out	New Trips Daily (ADT)	New Trips AM Peak (VPH)	New Trips PM Peak (VPH)
LUC 820	9,000 S.F.	994 ADT	26 VPH	89 VPH

Based upon these results, the Report concludes that the project will generate less than 100 trip ends during the highest peak hour. As such, the Report investigated the traffic impacts based upon the criteria set forth by the Lee County Traffic Impact Statement Guidelines for developments generating "Less Than 100 Trips".

EXISTING ROADWAY CONDITIONS

West Orange River Boulevard is two lane commercial grade local road.

State Road 80 is classified by the Lee County Government as a six lane divided arterial having a performance standard of LOS E. A maximum service capacity of 2,920 vph during the 100th highest peak hour peak direction has been established for this road by the Lee County Concurrency Management Report.

AREA OF SIGNIFICANT IMPACT

The area of significant impact was determined based upon Lee County's 10% criteria (i.e., if the project's traffic is 10% or more of a roadway's adopted level of service LOS "C" capacity, then the project has a significant impact upon that link). Table 2A describes the project traffic distributions and the level of impact on the surrounding roadways. As shown, no roadways were found to be impacted by 10% or greater than its adopted level of service volume. As such, only State Road 80 is considered to be impacted by the project.

2015 & 2030 PROJECT BUILD-OUT CONDITIONS

In order to establish 2015 and 2030 project build-out traffic conditions, traffic count data was adjusted for peak season conditions, peak hour conditions, peak direction, and an annual growth rate was then applied. The peak season/peak hour/peak direction factors as shown on Table 2B were derived from the 2009 Lee County Traffic Count Report. The annual growth rate was derived from historical traffic counts also described in the Traffic Count Report. After the correct adjustments were computed, the project generated traffic was then added to the 2015 and 2030 Background Traffic. Table 2C provides a detail of the 2015 and 2030 background plus project traffic conditions. As shown, State Road 80 will operate at an acceptable level of service for 2015 and 2030 project build-out conditions.

CONCURRENCY REVIEW

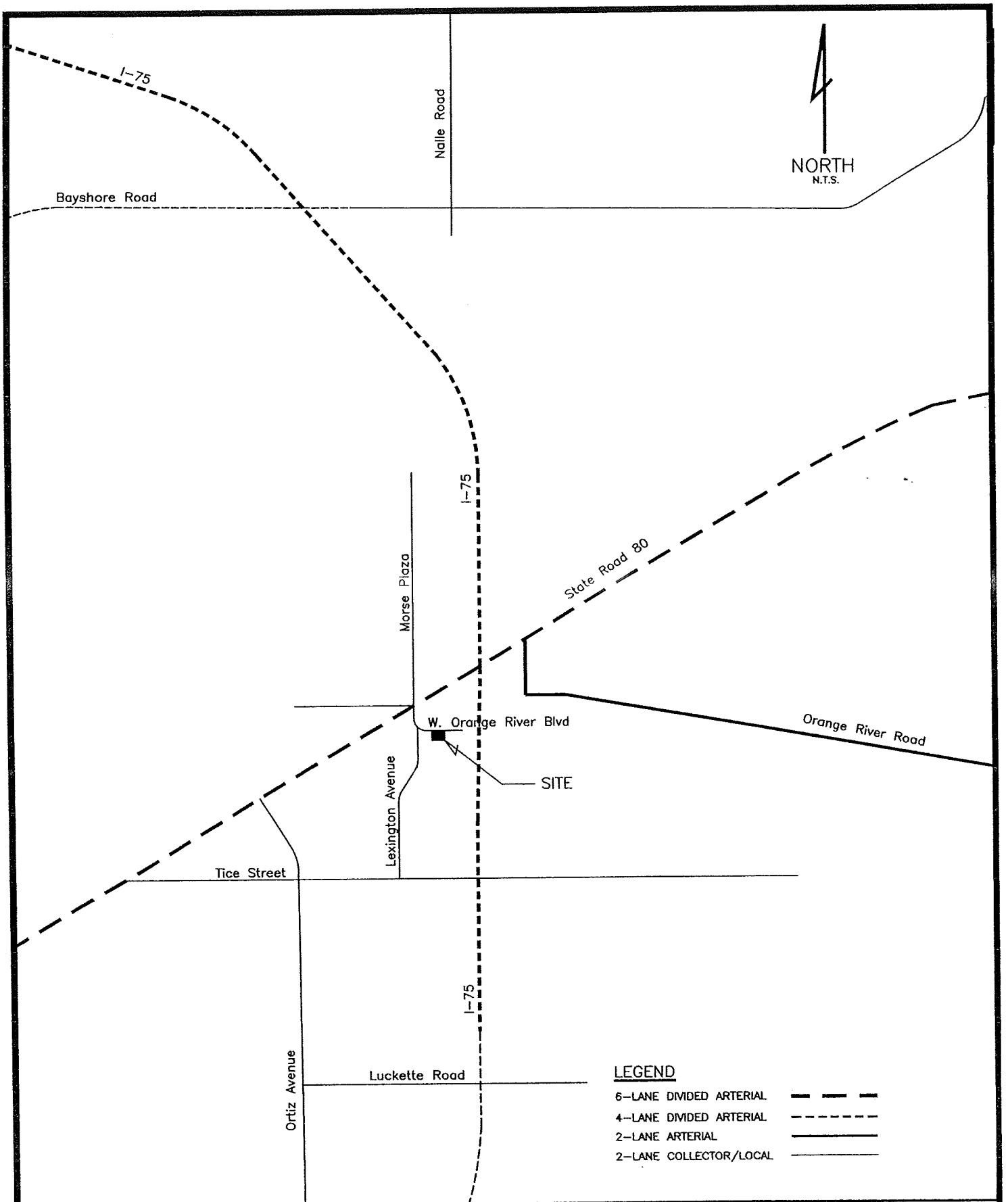
State Road 80 is classified as a six lane divided arterial having a performance standard of LOS E. A maximum service capacity of 2,920 vph during the 100th highest peak hour peak direction has been established for this road by the Lee County Concurrency Management Report. As determined, State Road 80 will have a 2015 and 2030 project build-out traffic volume of 1,159 vph and 1,589, respectively, which is a v/c ratio of 0.40 and 0.48, respectively. As such, this project is in conformance with the Lee County Government's Concurrency Management System.

APPENDIX

FIGURE 1

TABLES 1 thru 2C

SUPPORT DOCUMENTS

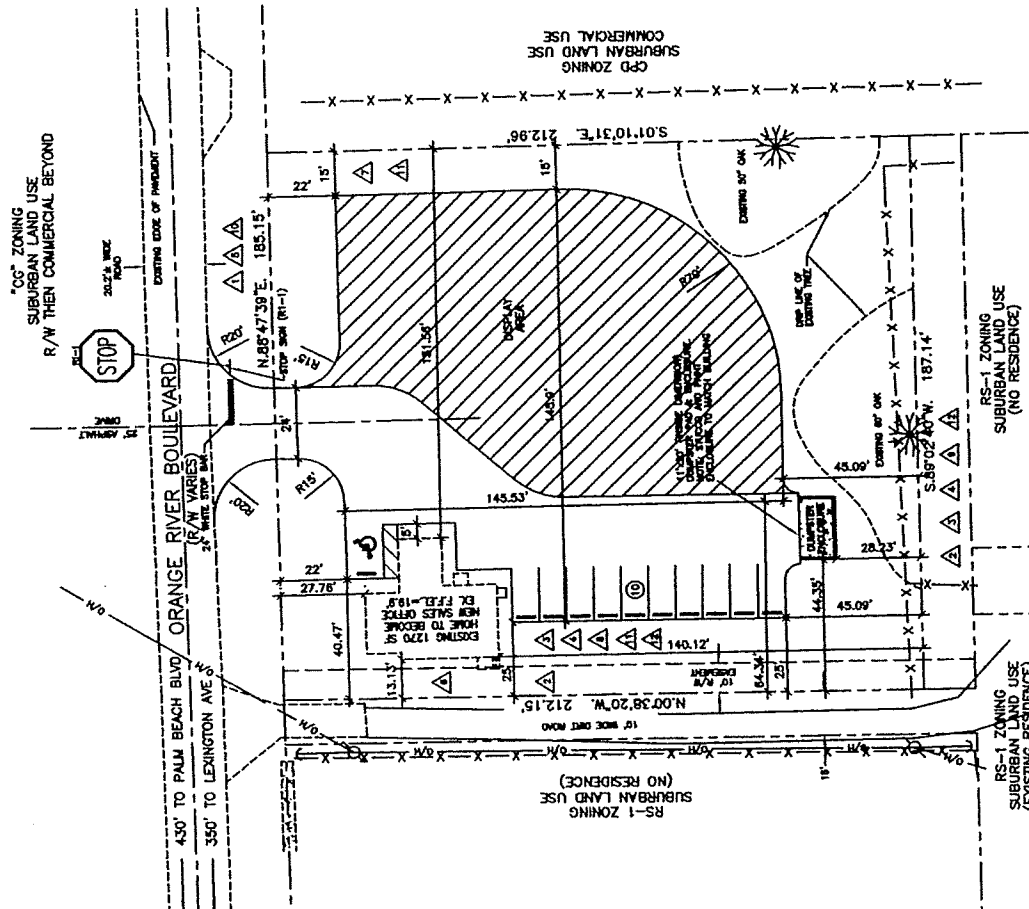


W. Orange River CPD

February 18, 2010

PROJECT LOCATION
& ROADWAY CLASS.

FIGURE 1

BUFFERS:

NORTH: COMMERCIAL TO ROW (LDC 34-1354) = 25' BUFFER REQUIRED
SEPARATION REQUESTED TO PROVIDE REDUCED WIDTH OF 22'

WEST:
COMMERCIAL TO RESIDENTIAL - TYPE "C/F" BUFFER REQUIRED
DEVIATION REQUESTED TO PROVIDE TYPE "B" 15' AND TO WAVE

**FAST:
COMMERCIAL TO COMMERCIAL - NO BUFFER REQUIRED
DEVIATION REQUESTED TO WAVE PERIMETER WALL**

SOUTH:
COMMERCIAL TO RESIDENTIAL - TYPE "F" BUFFER REQUIRED
DEVIATION REQUESTED TO PROVIDE TYPE "B" 15' AND TO WAIVE PERIMETER WALL

General Notes:

1. COASTAL SETBACK LINES DO NOT APPLY TO THIS PARCEL.
2. HABITAT FOR ENDANGERED SPECIES ON THIS PARCEL.
3. WETLANDS, FLOODPLAINS OR RIVERINE AREAS OR KNOWN ARCHAEOLOGICAL SITE EXPECTED BY THE DEVELOPMENT OF THIS SITE.
4. THERE IS NO EXISTING REGULATION WELL ON THIS PARCEL, AN EXISTING REGULATION WELL IS LOCATED ON THE ADJACENT PARCEL.
5. ALL ELEVATIONS ARE BASED UPON NAVD 1983, TO CONVERT TO NAVD 1983, SUBTRACT 1.13 FEET.
6. 500 ALL SHALES, BEDROCK, AND SLURRIES WITH LIMITS OF DISTRIBUTION.
7. SEWER SERVICE WILL BE PROVIDED BY LEE COUNTY UTILITIES.
8. SEWER SERVICE WILL BE PROVIDED BY LEE COUNTY UTILITIES.
9. THIS PARCEL IS ZONED "RS-1".
10. THIS PROJECT LIES IN THE FIRE CONTROL DISTRICT.
11. THE EXISTING VEGETATIVE COVER INCLUDES GRASS LOT WITH HERITAGE TREE CANOPY AREA ENDOUGHING ONTO SITE.
12. THE PARCEL IS NOT SUBJECT TO PRESERVATION PONDING OR SALINITY INUNDATION.
13. THIS PROJECT WILL BE CONSTRUCTED IN ONE PHASE AS SHOWN ON THE PLAN.
14. THE ENGINEER CERTIFIES THAT THE SITE CAN BE USED SAFELY FOR BUILDING DEVELOPMENT AND THAT THE PROPOSED DEVELOPMENT IS IN ACCORDANCE WITH THE ZONING ORDINANCE. PROVIDED ALL APPROPRIATE BUILDING CODES ARE FOLLOWED.
15. THE CURRENT FLOODPLAIN LAND USE AND COVER CLASSIFICATION FOR THIS SITE IS 110 (NONFLOODPLAIN - 0.14 ACRES) AND 740 (DISTURBED LANDS-4377 ACRES).
16. LOT DATA:

1. Proposed Building Area	30,585 SF
2. Existing Building Area	1,270 SF
3. Proposed Parking Area	0 SF
4. Proposed Driveway Area	0 SF
5. Proposed Concrete/Asphalt Area	19,150 SF
6. Existing Impervious Area	11,570 SF
7. Proposed Impervious Area	10,580 SF
8. Total Impervious Area	22,420 SF
9. Open Space Area	18,143 SF

(405)
17. ANY PROJECT IDENTIFICATION SIGNS INSTALLED ON THE PROPERTY WILL BE IN ACCORDANCE WITH THE LEE COUNTY SIGNAGE ORDINANCE. THE SIGNAGE SHALL BE DESIGNED IN ACCORDANCE WITH THE LEE COUNTY SIGNAGE DESIGN CRITERIA AND INFORMATION WILL BE SUPPLIED AT THE TIME OF SIGN PERMIT APPLICATION.
18. ACCORDING TO THE LEE COUNTY LAND USE PLAN MAP, THIS SITE IS CLASSIFIED AS "SUBURGANT".
19. DEVELOPMENT REGULATIONS:

SETBACKS:	
FROM NORTH PROPERTY LINE (STREET):	27.74 FT
FROM SOUTH PROPERTY LINE (NEAR):	140.12 FT
FROM WEST PROPERTY LINE (ROAD):	12.13 FT
FROM EAST PROPERTY LINE (SUBST.):	11.04 FT
STRUCTURE HEIGHT:	20 FT. (LUFF), 35 MAX. PER CODE
20. IF THE PARKING LOT IS TO BE ADJUT, ADEQUATE LIGHTING SHALL BE PROVIDED FOR THE DRIVEWAYS, WALKWAYS & EGRESS POINTS, AND PARKING AREAS. SUCH LIGHTING SHALL BE ARRANGED AND DIRECTED AS TO ELIMINATE GLEAM ON ANY OTHER USE.
21. A MIN. OF ONE HUNDRED TWENTY (120) SQ. FT. OF GARBAGE COLLECTION AND (NO) SQ. FT. OF RECYCLABLE COLLECTION SHALL BE PROVIDED ON SITE PER B.O.C.C. ORDINANCE NO. 08-10.
22. INVASIVE EXOTICS EXIST ON SITE AT THIS TIME - AS PER ORDINANCE 20-08 THE SITE OWNER SHALL REMOVE ALL INVASIVE EXOTICS FROM THE SITE. ALL INVASIVE EXOTICS SHALL BE REMOVED AND KNOTS OFF-SITE IN PERPETUITY. METHOD OF REMOVAL SHALL BE 80% BY HAND TOOLS OR MECHANICAL EQUIP.
23. SOIL CLASSIFICATION FOR THIS PARCEL IS REMOVAL IS 80% BY HAND TOOLS OR MECHANICAL EQUIP.
24. STRAP NO. 03-44-25-01-000810010
25. SEE FINAL RESOLUTION FOR SCHEDULE OF USES.

—PARKING CALCULATIONS—

GENERAL CATEGORY: VERY LARGE PRODUCTS & COMMODITIES
1 SPACE PER 500 S.F. OF TOTAL FLOOR AREA
SUBTOTAL SPACES REQUIRED = 1,272 S.F. / 500 = 2.5 SPACES
1 SPACE PER 1,500 S.F. OF TOTAL DISPLAY AREA
SUBTOTAL SPACES REQUIRED = 12,448 S.F. / 1,500 = 8.4 SPACES
TOTAL SPACES REQUIRED = 11 SPACES
TOTAL SPACES PROVIDED = 11 SPACES (INCLUDES 1 HANDICAP)

DEVIATIONS REQUESTED: SEE FINAL RESOLUTION

TABLE 2A
PROJECT'S AREA OF IMPACT

Project Traffic Peak Direction (vph) =		45									
State Road 80	Road Class	Project Traffic % Distribution	Project Traffic		LOS "C"	Project's Percentage Impact	Significant Impact	Service Volume		LOS Standard	LOS Standard PK Direction Volume (vph)
			PK Direction	Volume (vph)							
	Tice Ave to Ortiz Ave	50%		23	2730	0.82%	NO	E	E		2920
	Ortiz Ave to I-75	65%		29	2730	1.07%	NO	E	E		2920
	I-75 to State Road 31	35%		16	3080	0.51%	NO	D	D		3080

TABLE 2B
ROADWAY LINK VOLUME & CAPACITY ANALYSIS

	P.C.S. 11	Station	1st Year		2008	Years of	Growth	Rate	K100	Directional	2009		2015		2030	
			Traffic Count	<u>(ADT)</u>	Traffic Count						Peak Hour	PK Direction	Peak Hour	PK Direction	Peak Hour	PK Direction
		<u>Adjustment</u>					<u>Growth</u>	<u>Rate</u>	<u>Factor</u>	<u>Factor</u>	<u>(VPH)</u>	<u>(VPH)</u>	<u>(VPH)</u>	<u>(VPH)</u>	<u>(VPH)</u>	<u>(VPH)</u>
		11	26400	17900		9	2.00%	2.00%	0.0996	53%	945	1064	1064	1432	1432	1560
		11	27000	19500		9	2.00%	2.00%	0.0996	53%	1029	1159	1159	1560	1560	2072
		11	24900	25900		9	2.00%	2.00%	0.0996	53%	1367	1540	1540	2072	2072	2072

State Road 80
Tice Ave to Ortiz Ave
Ortiz Ave to I-75
I-75 to State Road 31

TABLE 2C
ROADWAY LINK VOLUME & CAPACITY ANALYSIS

State Road	2015		2015		2030		2030		2030		v/c Ratio	2030
	Peak Hour PK Direction (VPH)	PK Direction LOS	Peak Hour PK Direction (VPH)	Background (VPH)	Peak Hour PK Direction LOS	Background (VPH)	Peak Hour PK Direction (VPH)	Project PK Direction (VPH)	Build-Out Peak Hour PK Direction (VPH)	LOS Standard PK Direction Volume (vph)		
State Road 80	1064	C	1432		C		1455	23	1455	2920	0.50	C
	1159	C	1560		C		1589	29	1589	2920	0.54	C
	1540	C	2072		C		2088	16	2088	3080	0.68	C

ROADWAY LINK NAME	FROM	TO	ROAD TYPE	PERFORMANCE STANDARD		2008 100th HIGHEST HR		EST 2009 100th HIGHEST HR		FORECAST FUTURE VOL		NOTES*	LINK NO.
				LOS	CAPACITY	LOS	VOLUME	LOS	VOLUME	LOS	VOLUME		
ORTIZ AVE	DR ML KING BL (SR 82)	LUCKETT RD	2LN	E	950	C	850	C	850	C	853	4 Ln design & ROW acquisition underway.	19700
ORTIZ AVE	LUCKETT RD	PALM BEACH BL (SR 80)	2LN	E	950	B	427	B	427	B	446	4 Ln design & ROW acquisition underway.	19800
PALM BEACH BL (SR 80)	PROSPECT AVE	ORTIZ AVE	4LD	E	1,940	C	928	C	928	C	929		19900
PALM BEACH BL (SR 80)	ORTIZ AVE	I-75	6LD	E	2,920	C	1,009	C	1,009	C	1,009		20000
PALM BEACH BL (SR 80)	I-75	SR 31	6LD	D	2,970	A	1,307	A	1,312	B	1,651		20100
PALM BEACH BL (SR 80)	SR 31	BUCKINGHAM RD	4LD	D	1,970	B	1,541	B	1,544	B	1,717		20200
PALM BEACH BL (SR 80)	BUCKINGHAM RD	WERNER DR	4LD	D	2,660	A	739	A	741	C	1,595		20300
PALM BEACH BL (SR 80)	WERNER DR	JOEL BL	4LD	C	2,050	A	721	A	721	A	769		20330
PALM BEACH BL (SR 80)	JOEL BLVD	HENDRY COUNTY LINE	4LD	C	2,050	A	721	A	721	A	858		20400
PALOMINO RD	DANIELS PKWY	PENZANCE BL	2LU	E	860	C	177	C	177	C	197		20500
PARK MEADOW DR	SUMMERLIN RD	US 41	2LU	E	860	C	143	C	147	C	152		20600
PENZANCE BL	RANCHETTE RD	SIX MILE CYPRESS PKWY	2LU	E	860	N/A	N/A	N/A	N/A	N/A	N/A		20800
PINE ISLAND RD	STRINGFELLOW BL	BURNT STORE RD	2LN	E	950	D	583	D	589	D	655	Constrained in part v/c = 0.61.	20900
PINE ISLAND RD (SR 78)	BURNT STORE RD	CHIKUITA BL	2LN	C	910	B	589	B	592	B	594	4 Ln design & ROW underway by FDOT.	21000
PINE ISLAND RD (SR 78)	CHIKUITA BL	SANTA BARBARA BL	4LD	C	2,010	B	1,459	B	1,459	B	1,459		21100
PINE ISLAND RD (SR 78)	SANTA BARBARA BL	DEL PRADO BL	4LD	C	2,010	C	1,528	C	1,528	C	1,537		21200
PINE ISLAND RD (SR 78)	DEL PRADO BL	BARRETT RD	4LD	E	2,010	B	1,135	B	1,136	B	1,136		21300
PINE ISLAND RD (SR 78)	BARRETT RD	US 41	4LD	E	2,010	B	1,135	B	1,135	B	1,234		21400
PINE ISLAND RD (SR 78)	US 41	BUSINESS 41	4LD	E	1,950	B	1,101	B	1,101	B	1,101		21500
PINE RIDGE RD	SAN CARLOS BL	SUMMERLIN RD	2LU	E	860	D	511	D	511	D	621		21600
PINE RIDGE RD	SUMMERLIN RD	GLADIOLUS BL	2LU	E	860	C	231	C	264	D	479		21700
PINE RIDGE RD	GLADIOLUS DR	MCGREGOR BL	2LU	E	860	C	266	C	266	C	266		21800
PLANTATION RD	SIX MILE CYPRESS PKWY	DANIELS PKWY	2LU	E	860	C	199	C	202	E	694	Metro 6 Ln by FDOT underway.	21900
PLANTATION RD	DANIELS PKWY	IDLEWILD ST	2LU	E	860	D	525	D	539	E	800		22000
PONDELLA RD	PINE ISLAND RD (SR 78)	ORANGE GROVE BL	4LD	E	2,010	C	701	C	701	C	703		22100
PONDELLA RD	ORANGE GROVE BL	US 41	4LD	E	2,010	C	1,053	C	1,053	C	1,130		22200

PERIODIC COUNT STATION DATA

STREET	LOCATION	Sta- tion #	M A P	Daily Traffic Volume (AADT)												Area
				2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010		
OLGA RD	N OF PALM BEACH BLVD	484	D	3900	3500	4100	4200	2900	1600	4200	1700	2100	1700	11	5	
ORANGE GROVE BLVD	S OF HANCOCK BR. PKWY	351	C	7600	8700	11600	9300	9700	9700	9400	8700	7700	7600	34	2	
	S OF PONDELLA RD	350	C	7700	9400	9800	10500	10700	10900	11100	10700	9500	9600	34	2	
ORANGE RIVER BLVD	S OF PALM BEACH BLVD	353	D	6900	7000	7800	7800	7400	8100	8900	8700	7800	7300	11	5	
	E OF STALEY RD	352	D	4500	4400	5600	5800	5900	7100	8300	7800	7700	6400	11	5	
ORIOLE RD	S OF ALICO RD	462	H	2500	2900	2600	2600	2300	2400	2800	2500	2500	2600	25	4	
ORTIZ AVE	N OF COLONIAL BLVD	354	E	9900	12800	13500	13700	18100	18300	17600	16000	12600	14200	18	3	
	N OF M.L.K. BLVD (SR 82)	355	A	11700	13300	13700	U/C	15100	17000	17900	16800	17700	11900	18	3	
	N OF TICE ST	356	A	8400	8800	9200	8400	9200	9500	10100	8600	8900	6200	18		
PALM BEACH BLVD (SR 80)	W OF TICE STREET	452	A	26400	27100	28700	28700	27800	29100	30100	31400	20600	17900	11	3	
	E OF ORTIZ BLVD	359	A	27000	25800	27400	29200	27000	26000	28400	26800	22400	19500	11	3	
	W OF SR 31	5	D	24900	25300	25000	22800	25800	23900	28100	U/C	27100	25900		3	
	E OF SR 31	360	D	25200	27000	27900	27900	29400	31700	35200	34400	34200	30400	11	5	
	E OF BUCKINGHAM RD	362	D	14900	15800	16800	18100	18900	21900	25700	22900	16400	20900	11	5	
	W OF HENDRY CO LINE	358	D	9300	9000	11200	12100		15700	17500	15100	16000	12300	11	5	

PERMANENT COUNT STATION 11 BUCKINGHAM RD S OF PALM BEACH BLVD

2009 AADT = 8200

K100 Factor - 0.0981

Monthly ADT as a % of Annual ADT

January	102%
February	109%
March	108%
April	103%
May	105%
June	97%
July	86%
August	91%
September	101%
October	106%
November	98%
December	97%

Day of Week as a % of Annual ADT

Monday	99%
Tuesday	103%
Wednesday	106%
Thursday	106%
Friday	113%
Saturday	94%
Sunday	78%

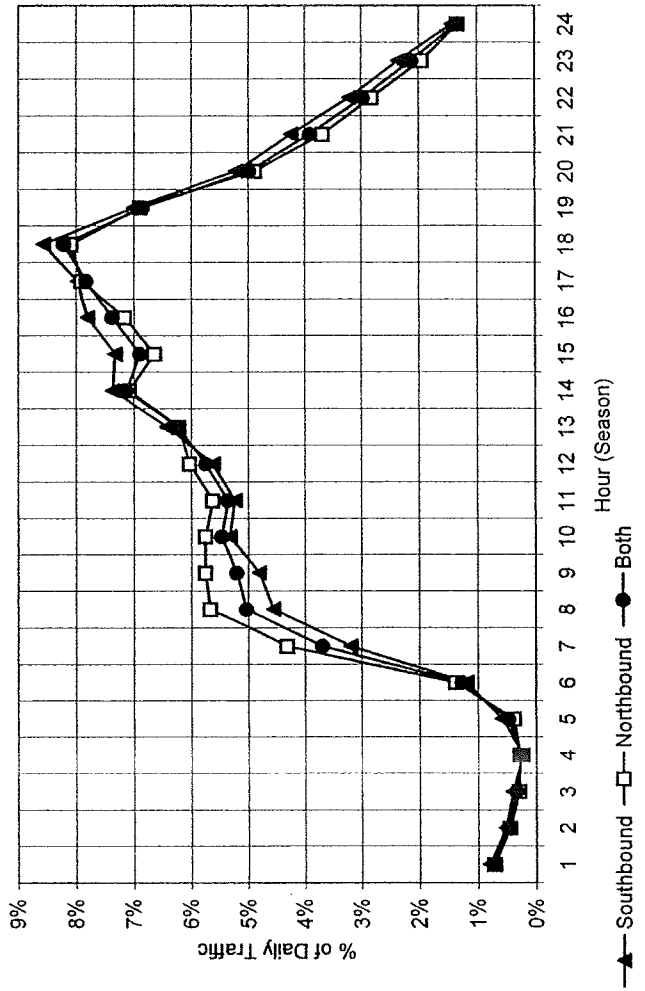
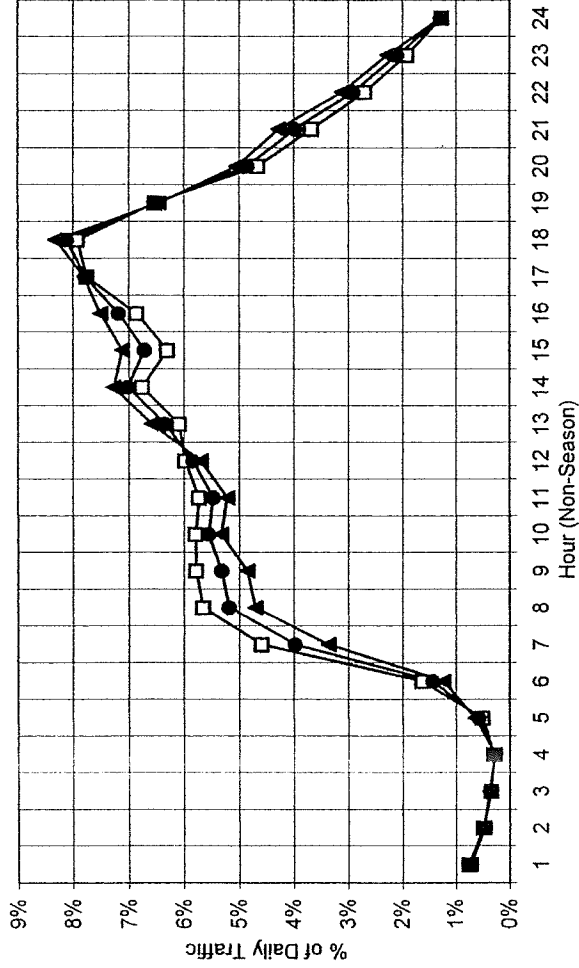
Weekday Peak Flow Characteristics

Peak Flow between 7 a.m. and 9 a.m.	Non-Season	Season
1) as a % of weekday traffic	5.2%	5.1%
2) directional Split (peak direction)	54%	55%
	Northbound	Northbound

Peak Flow between 4 p.m. and 6 p.m.

1) as a % of weekday traffic	8.0%	8.0%
2) directional Split (peak direction)	51%	51%
	Southbound	Southbound

PERMANENT COUNT STATION 11 BUCKINGHAM RD S OF PALM BEACH BLVD



Legend

 Orange River Parcel

Archaeological Sensitive Areas

 1

 2

 Surveyed

CALOOSAHATCHEE RIVER

ORANGE RIVER

ORANGE RIVER RD

ORANGE RIVER BLVD

PALM BEACH BLVD

TICE STREET



0 500 1,000 1,500 2,000
Feet

Note:

Archaeological Sensitive Areas Layer was acquired from Lee County and was last updated 12/31/05.

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

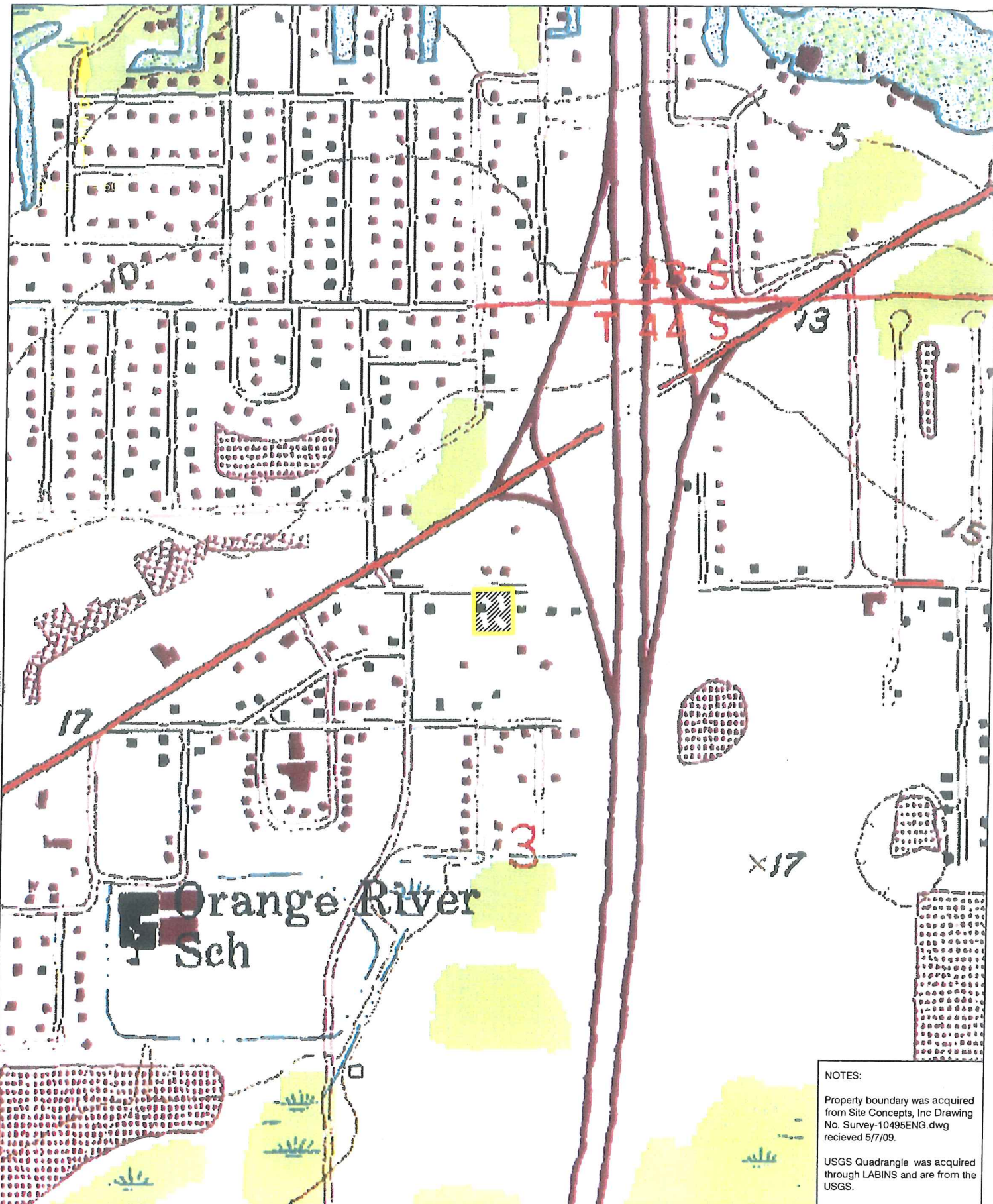
11000 METRO PARKWAY, SUITE 4 FORT MYERS, FL 33966
OFFICE: (239)418-0671 FAX:(239)418-0672

5236 ORANGE RIVER

ARCHAEOLOGICAL SENSITIVE AREAS

CREATED BY	DATE	CATEGORY	EXHIBIT No.
BKM	3/9/10	ARCH	
PROJECT No.		COUNTY	
2009-24		LEE	
SEC/TWP/RNG \ LOCATION			
3/44S/25E			

X:\BEC\2008\2008-24 Orange River Boulevard Parcel\2008\Bass Maps.dwg Tab: QUAD Mar 09, 2010 - 8:25am Plotted by: brianm



NOTES:

Property boundary was acquired from Site Concepts, Inc Drawing No. Survey-10495ENG.dwg recieved 5/7/09.

USGS Quadrangle was acquired through LABINS and are from the USGS.

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

11000 Metro Parkway, Suite 4, Ft. Myers, FL 33966 (239) 418-0671

5236 ORANGE RIVER

USGS QUAD MAP

DRAWN BY:	DATE:	CATEGORY	PAGE
BKM	5/19/09	AERIAL	
JOB NUMBER		SCALE:	
2009-24		1" = 600'	
S/T/R		COUNTY	EXHIBIT
3/44S/25E		LEE	

Legend

 Orange River Parcel

Flood Zone

 0.2 PCT ANNUAL CHANCE FLOOD HAZARD

 A

 AE

 OPEN WATER

 VE

 X

CALOOSAHATCHEE RIVER

ORANGE RIVER

ORANGE RIVER RD

ORANGE RIVER BLVD

PALM BEACH BLVD

TICE STREET



0 510 1,020 1,530 2,040
Feet

Note:

FEMA FIRM Layer was acquired from Lee County and was last updated 8/26/08.

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

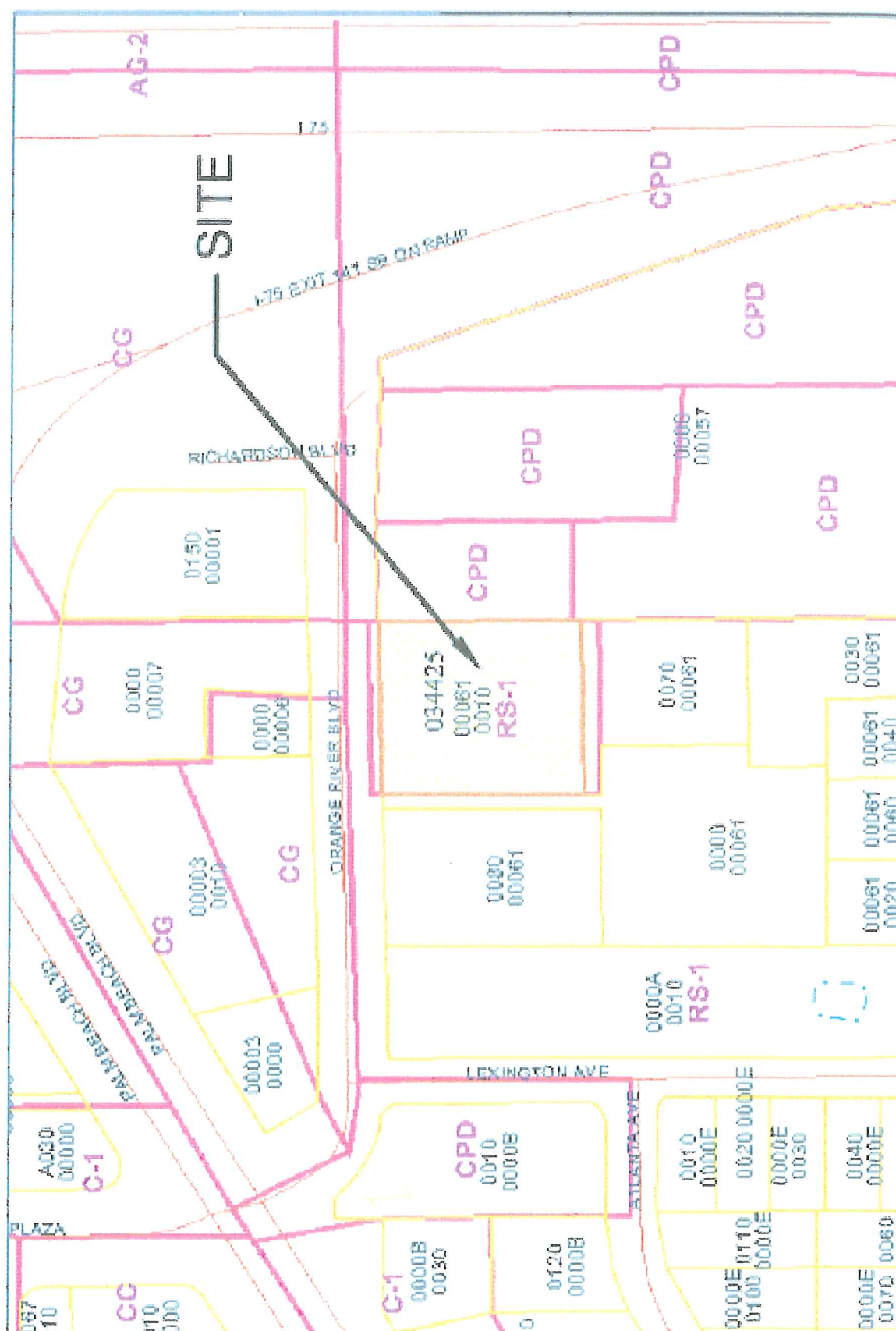
11000 METRO PARKWAY, SUITE 4 FORT MYERS, FL 33966
OFFICE: (239)418-0671 FAX:(239)418-0672

5236 ORANGE RIVER

FEMA FLOOD ZONE MAP

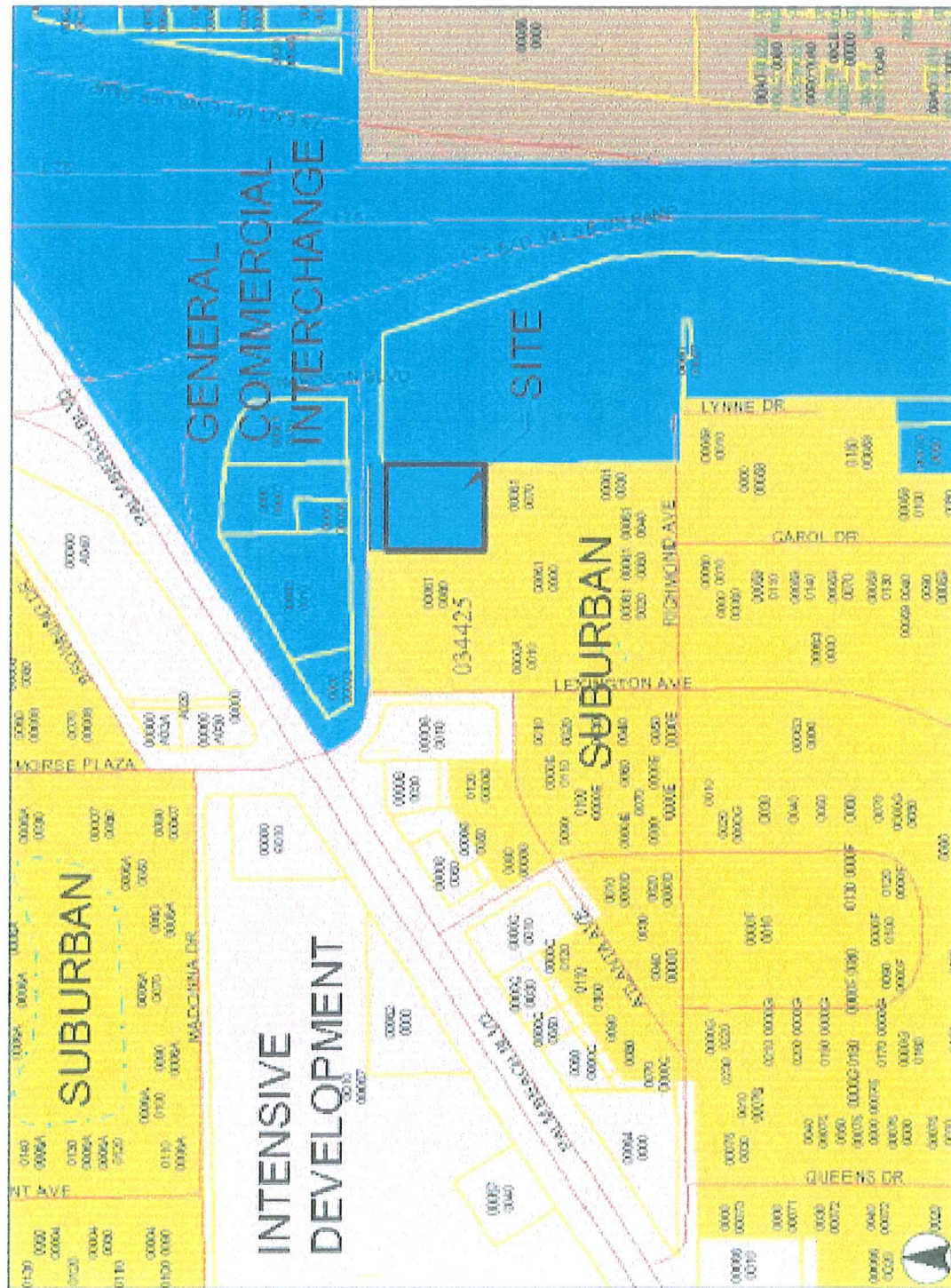
CREATED BY	DATE	CATEGORY	EXHIBIT NO.
BKM	3/9/10	FEMA	
PROJECT NO		COUNTY	
2009-24		LEE	
SEC/TWP/RNG \ LOCATION			
3/44S/25E			

5236 ORANGE RIVER -
5236 ORANGE RIVER BLVD. E. CAT. MYERS, FLORIDA 33095
SIRAP 03-66-25-0 -0006-100 0



PROPOSED FUTURE LAND USE MAP SHOWING DESIGNATIONS OF SUBJECT PROPERTY AND SURROUNDING LANDS

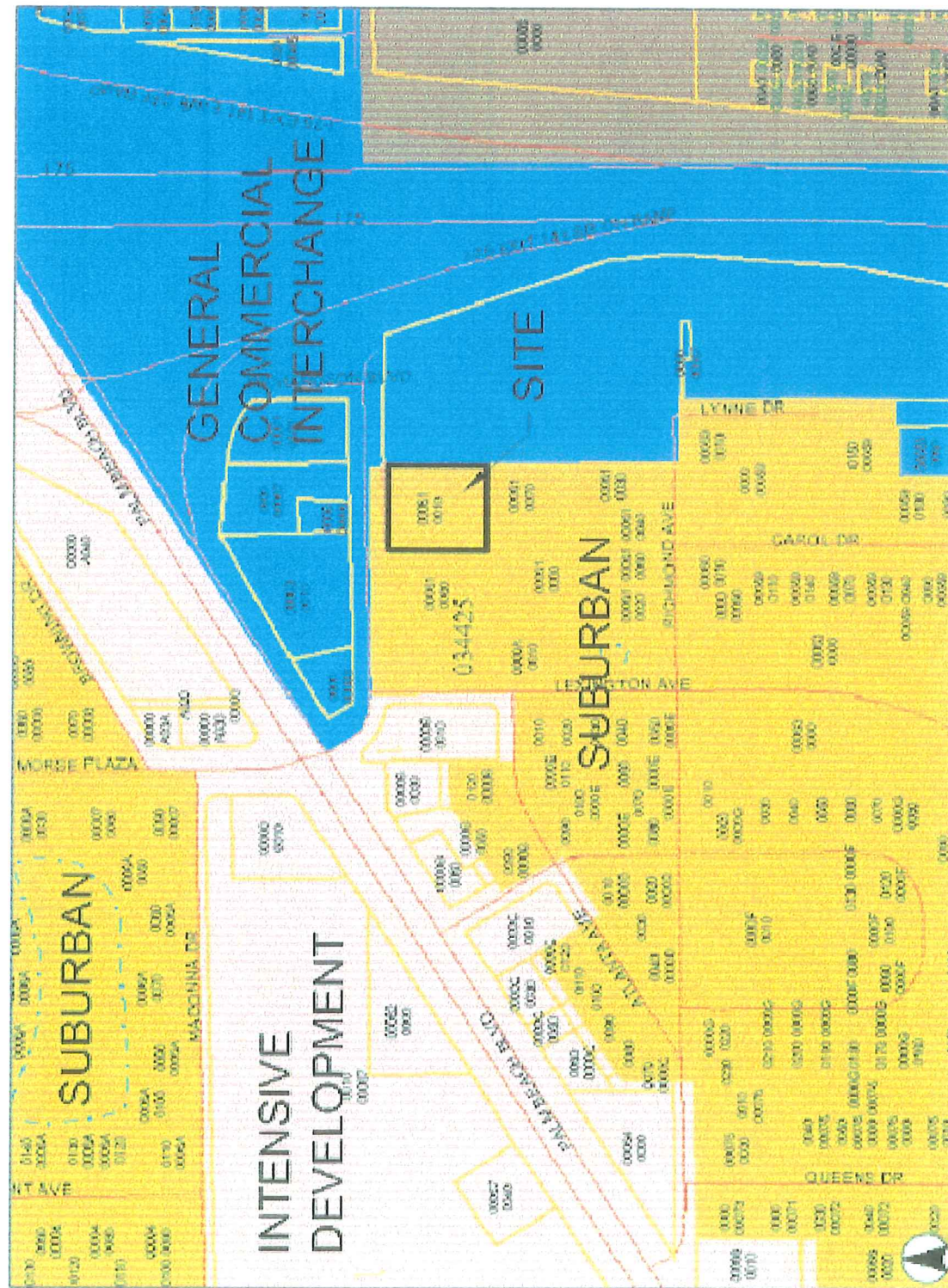
- 5256 ORANGE RIVER -
5256 ORANGE RIVER BLVD. FORT MYERS, FLORIDA 35605
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5236 ORANGE RIVER BLVD., FORT MYERS, FLORIDA 33905

STRAP 05-44-25-01-00061.0010



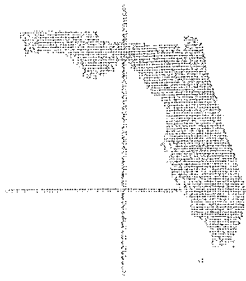


Prepared by G.I.S. Department
Lee County Property Appraiser's Office
Kerwin M. Williams, C.F.A.
Property Appraiser



THIS REPORT OF TOWNSHIP SURVEY FOR LEE COUNTY FLORIDA IS A PUBLIC RECORD. THE ORIGINAL MAPS AND SURVEY RECORDS, FIELD NOTES AND IT'S ATTACHED REPORT ARE NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL NOTARY SEAL OF A PERSON LICENSED SURVEYOR AND MAPPER. PHOTO COPY BE TAKEN BY THE REQUESTOR. THE MAP AND SURVEY ARE NOT FULL AND COMPLETE WITHOUT THE ORIGIN.
NONE OF THE WELL BE NOTED FEATURES IN THIS MAP HAVE BEEN MEASURED TO AN ESTIMATED HORIZONTAL POSITIONAL ACCURACY OF ± 7.0 FEET.
Data of Photograph, January 2008

SECTION TOWNSHIP RANGE
S03-T44-R25



METRON

SURVEYING & MAPPING, LLC
LAND SURVEYORS • PLANNERS

LEGAL DESCRIPTION
OF A PARCEL LYING IN
SECTION 3, TOWNSHIP 44 SOUTH, RANGE 25 EAST,
LEE COUNTY, FLORIDA

(SUBJECT PARCEL)

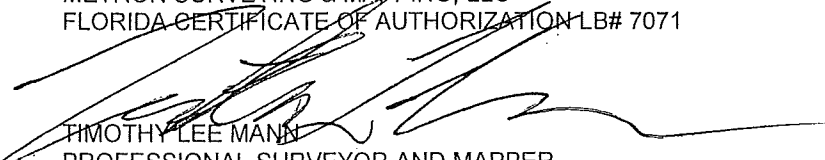
A TRACT OF LAND LYING IN THE STATE OF FLORIDA, COUNTY OF LEE, IN SECTION 3, TOWNSHIP 44 SOUTH, RANGE 25 EAST, BEING A PART OF LOT 33, BLOCK 3, TERRY TICE & VANDAWALKERS SUBDIVISION AS RECORDED IN PLAT BOOK 1 PAGE 46 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 33; THENCE N.89°07'50"E. ALONG THE SOUTH LINE OF SAID LOT 33 AND THE NORTH RIGHT-OF-WAY LINE OF RICHMOND AVENUE FOR A DISTANCE OF 354.74 FEET TO THE SOUTHEAST CORNER OF SAID LOT 33; THENCE N.01°10'31"W. LEAVING SAID NORTH RIGHT-OF-WAY LINE AND ALONG THE EAST LINE OF SAID LOT 33 FOR A DISTANCE OF 601.66 FEET TO AN INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF ORANGE RIVER BOULEVARD AS SHOWN ON THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP, SECTION NUMBER 12075-2404 AND THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE S.01°10'31"E. LEAVING SAID SOUTH RIGHT-OF-WAY LINE AND ALONG THE EAST LINE OF SAID LOT 33 FOR A DISTANCE OF 212.96 FEET; THENCE S.89°02'40"W. LEAVING SAID EAST LINE FOR A DISTANCE OF 187.14 FEET TO AN INTERSECTION WITH AN EASTERLY LINE OF A PARCEL AS DESCRIBED IN OFFICIAL RECORDS BOOK 3096 AT PAGE 289 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE N.00°38'20"W. ALONG SAID EASTERLY LINE FOR A DISTANCE OF 212.15 FEET TO AN INTERSECTION WITH SAID SOUTH RIGHT-OF-WAY LINE OF ORANGE RIVER BOULEVARD; THENCE N.88°47'39"E. ALONG SAID SOUTH RIGHT-OF-WAY LINE FOR A DISTANCE OF 185.15 FEET TO AN INTERSECTION WITH THE EAST LINE OF SAID LOT 33 AND POINT OF BEGINNING.

PARCEL CONTAINS 39,565 SQUARE FEET, MORE OR LESS.

BEARINGS ARE BASED ON THE EAST LINE OF LOT 33, BLOCK 3, TERRY TICE & VANDAWALKERS SUBDIVISION AS BEARING N.01°10'31"W.

METRON SURVEYING & MAPPING, LLC
FLORIDA CERTIFICATE OF AUTHORIZATION LB# 7071

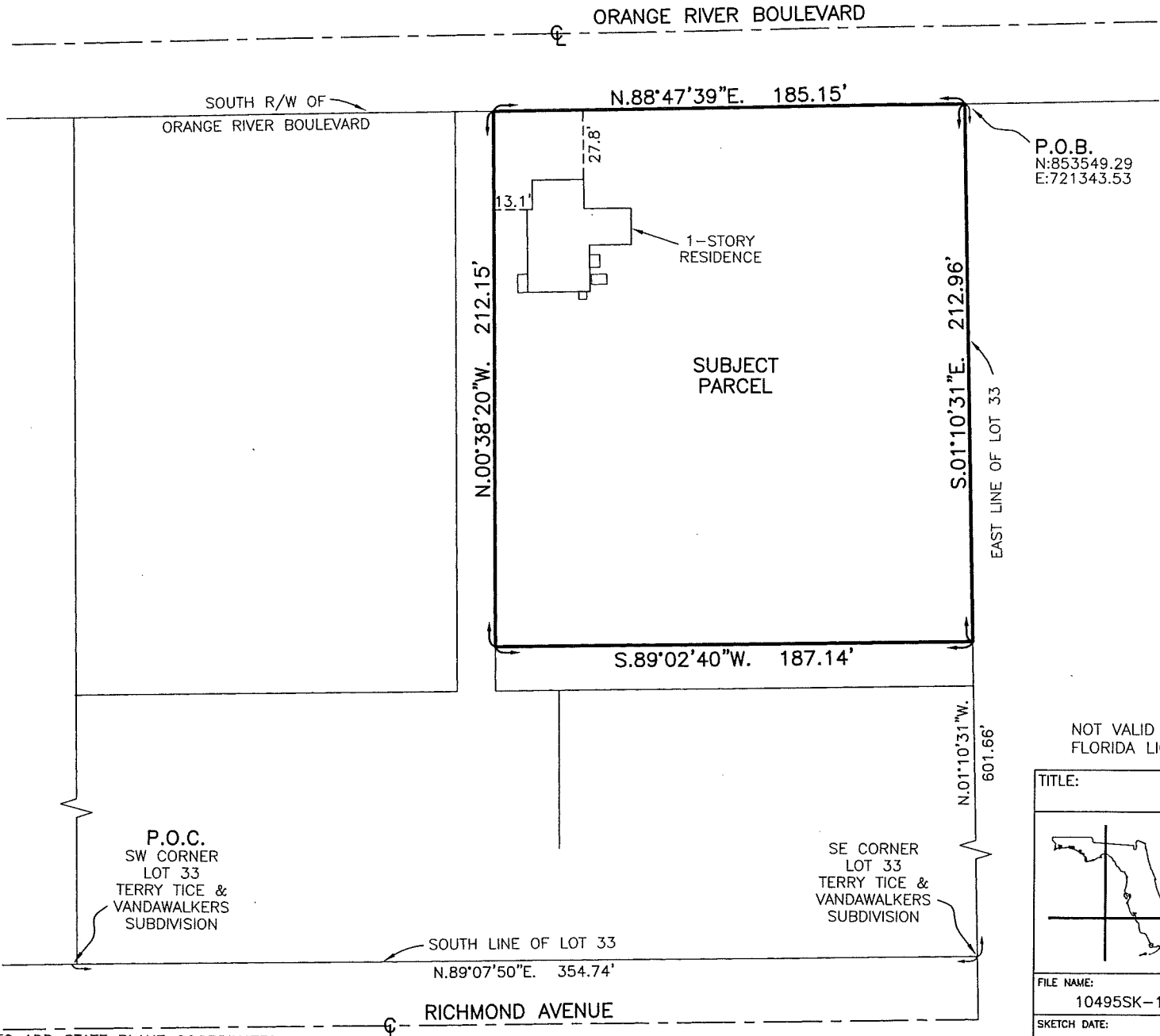

TIMOTHY LEE MANN
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5838

SHEET 1 OF 2

10495SK-1.doc

SKETCH TO ACCOMPANY DESCRIPTION

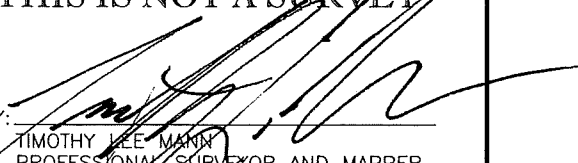
* SEE SHEET 1 OF 2 FOR LEGAL DESCRIPTION *



LEGEND:


P.O.B. = POINT OF BEGINNING
P.O.C. = POINT OF COMMENCEMENT
R/W = RIGHT-OF-WAY

* THIS IS NOT A SURVEY *

BY: 
TIMOTHY LEE MANN
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. LS# 5838

DATE SIGNED: May 13, 2010

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

TITLE: SKETCH OF DESCRIPTION			
		METRON SURVEYING & MAPPING LAND SURVEYORS-PLANNERS LB# 7071	
10970 S. CLEVELAND AVENUE UNIT #605 FORT MYERS, FLORIDA 33907 PHONE: (239) 275-8575 FAX: (239) 275-8457 www.metronfl.com			
FILE NAME: 10495SK-1.dwg	FIELD BOOK/PAGE: N/A	PROJECT NO.: 10495	SHEET: 2 OF 2
SKETCH DATE: 10-12-07	DRAWN BY: RY	SCALE: 1" = 60'	CHECKED BY: TLM (S-T-R) 3-44-25

**Boylan
Environmental
Consultants**

Wetland & Wildlife Surveys, Environmental Permitting,
Impact Assessment



5236 Orange River

Section 3; Township 44 South; Range 25 East

Lee County, Florida

**Environmental Assessment &
Protected Species Survey**

March 2010

Project No. 2010-2

INTRODUCTION

Two environmental scientists from Boylan Environmental Consultants, Inc conducted a field investigation on the 0.86± acre property on May 19, 2009. The site is located in portions of Section 3, Township 44 South, Range 25 East, in Lee County, Florida. Specifically, it is situated west of I-75 and immediately south of Orange River Boulevard. Please see the attached Location Map Exhibit A.

The purpose of the field investigation was to identify and document the presence of any listed species and any potential listed (endangered, threatened, etc.) species inhabiting the site that are regulated by the U.S. Fish & Wildlife Service (FWS) and the Florida Fish & Wildlife Conservation Commission (FWC). The survey was conducted in the morning with temperatures in the low-mid 80's with a light breeze and mostly cloudy skies.

METHODOLOGY

The survey method consisted of overlapping belt transects performed for all FLUCFCS communities onsite in compliance with the Lee County Endangered Species Ordinance No. 89-34. The specific methodology included pedestrian surveys of parallel transects conducted according to the survey methodology previously approved by Lee County.

This survey is comprised of a several step process. First, vegetation communities or land-uses on the study area are delineated using the Florida Land Use, Cover and Forms Classification System (FLUCFCS). Please see the attached FLUCFCS map (Exhibit B) and FLUCFCS map with aerial (Exhibit C). Next, the FLUCFCS codes are cross-referenced with the Lee County Protected Species List. This protected species list names the species which have a probability of occurring in any particular FLUCFCS community.

An intensive pedestrian survey is conducted using parallel belt transects that are approximately 10-40 feet apart, depending upon both the thickness of vegetation and visibility, as a means of searching for listed species. In addition, periodic "stop-look-listen" and quiet stalking methods are conducted for animals. Signs or sightings of these species are then recorded and are marked in the field with flagging tape. The table at end of the report lists the FLUCFCS communities found on the parcel and the corresponding species which have a probability of occurring in them.

Transects were walked approximately as shown on the attached protected species survey map (Exhibit D) and protected species survey map with aerial. Specific attention was placed on locating any gopher tortoise burrows.

TABLE 1: SURVEY DATE AND WEATHER CONDITIONS

Survey Date	Survey Time	Weather Conditions
May 19, 2009	Morning	Mostly cloudy with light winds and temperatures in the low-mid 80's

EXISTING SITE CONDITIONS

Site Details – The boundary was obtained from Site Concepts Inc. and is assumed to be 0.91± acres. The site was undeveloped, but appears to have a long history of disturbance. In general, the property is composed of a residential home with a gravel parking pad and vacant land surrounding the home. The site is bordered by commercial and residential development and roadways.

Soil Type - The soils on the property have been mapped by the National Resource Conservation Service (NRCS, formerly the Soil Conservation Service). Please see the attached NRCS soils map (Exhibit E). These mappings are general in nature, but can provide a certain level of information about the site as to the possible extent of wetland area. The agencies commonly use these mappings as justification for certain wetland determinations. According to these mappings, the parcel is underlain by Myakka Fine Sand, soil number 11, non-hydric.

Vegetation Communities – Each community was mapped in the field according to the system in use by the agencies, the Florida Land Use Cover and Forms Classification System (FLUCFCS). Listed below are the vegetation communities or land-uses identified on the site. Vegetation is one parameter used in determining the presence of a wetland; the other parameters include the presence of wetland hydrology and hydric soils. These community mappings will generally reflect whether an area could be considered as wetlands. We did not identify any jurisdictional wetland communities on the site. The following descriptions correspond to the mappings on the attached FLUCFCS map. See Florida Land Use, Cover and Forms Classification System (Department of Transportation 1999) for definitions.

FLUCFCS CODES/DESCRIPTION

110 Residential (0.14± acres)

These residential areas are occupied by single-family home sites and account for 0.14± acres of the property. This community should be considered uplands by regulatory agencies.

740 Disturbed Land (0.77± acres)

This upland area occupies 0.77± acres of the property. The canopy and sub-canopy was open. The ground cover includes dog fennel (*Eupatorium capillifolium*), ragweed (*Ambrosia artemisiifolia*), caesar weed (*Urena lobata*), hairy beggar-ticks (*Bidens alba*), sandspur (*Cenchrus echinatus*), Spanish needle (*Bidens bipinnata*), and bahia grass (*Paspalum notatum*). This community would be considered uplands by the regulatory agencies.

TABLE 2: FLUCFCS COMMUNITY TABLE

FLUCFCS Code	Community Description	Upland Acres
110	Residential	0.14± ac.
740	Disturbed Land	0.77± ac.
Total:		0.91± ac.

SPECIES PRESENCE

The various listed species that may occur in the FLUCFCS communities have been tabulated on the attached table. In general, this site does not contain native, undisturbed community types in which protected species would typically inhabit. During the field survey for protected species on the property, no protected species or signs thereof were observed on-site. No nest-like structures or tree cavities were noted. No tortoise burrows were identified. There were two heritage live oak trees identified on-site, however, they are going to be preserved and incorporated into the site plan.

DISCUSSION

The lack of tortoise burrows is likely due to the disturbed nature of the site and the historic land-use of the site. It is unlikely that this site supports or would provide habitat for protected species. The nearby roads also create a barrier and a hazard to other animals. Other non-listed animal species noted were a mocking bird and black vulture.

Community locations were estimated and drawn by using a non-rectified aerial with approximate property boundaries hence, their location, aerial extent, and acreage is approximate.

5236 Orange River
Environmental Assessment & Protected Species Survey Report
March 2010

TABLE 3: LISTED SPECIES BY HABITAT WITH CURRENT STATUS

FLUCFCS Code	FLUCFCS Description	Common Name	Scientific Name	Percent Coverage	Observed	FDA	FWS	FWC
110	Residential	Burrowing Owl	<i>Athene cunicularia floridana</i>	--	--	--	--	SSC
740	Disturbed Land	Gopher Tortoise	<i>Gopherus polyphemus</i>	--	--	--	--	T
		N/A		--	--	--	--	--

C=Commercially Exploited
E= Endangered
T= Threatened
SSC= Species of Special Concern

Exhibit A
Location Map

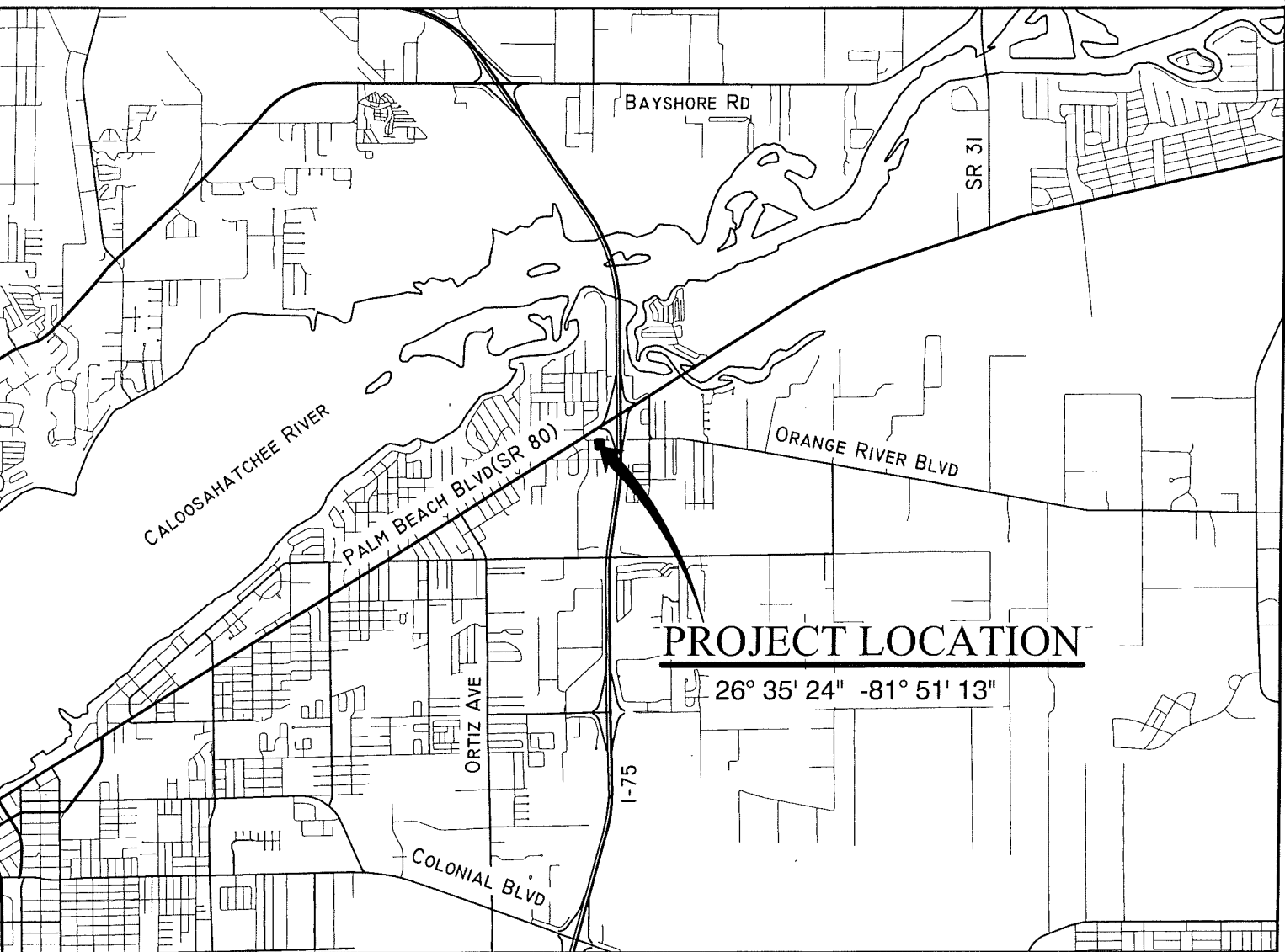
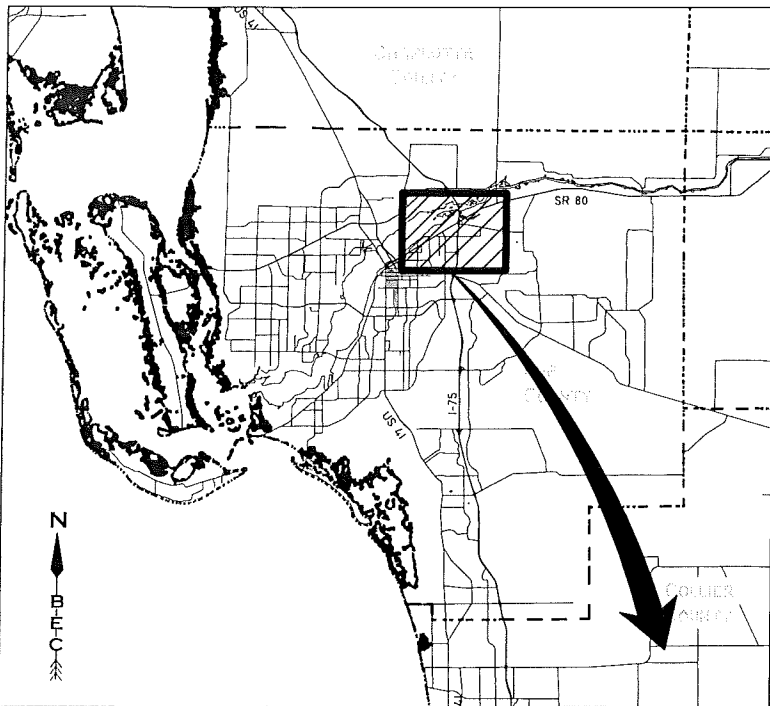


Exhibit B

Aerial FLUCFCS Map

X:\BEC\2008\2008-24 Orange River Boulevard Parcel\2008\Bases Maps.dwg Tab: Aerial FLUCFCS Mar 09, 2010 - 8:14am Plotted by: briannm



FLUCFCS Legend			
FLUCFCS			
Code	Community	Acres	%
110	Residential	0.14 Ac.±	15.38%
740	Disturbed lands	0.77 Ac.±	84.62%
TOTAL		0.91 Ac±	100.00%

NOTES:

FLUCFCS lines estimated from 1"=200' aerial photographs and locations approximated.

FLUCFCS per Florida Land Use, Cover and Forms Classification System (FLUCFCS) (FDOT 1999).

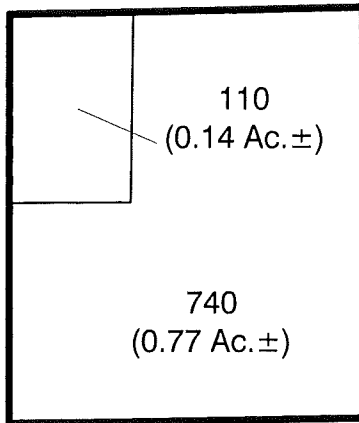
Property boundary was acquired from Site Concepts, Inc Drawing No. Survey-10495ENG.dwg recieved 5/7/09.

Aerial photographs were acquired through Lee County Property Appraiser's office with a flight date January, 2008.

Exhibit C
FLUCFCS Map



SCALE: 1" = 100'



FLUCFCS Legend			
FLUCFCS			
Code	Community	Acres	%
110	Residential	0.14 Ac.±	15.38%
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TOTAL		0.91 Ac.±	100.00%

NOTES:

FLUCFCS lines estimated from 1"=200' aerial photographs and locations approximated.

FLUCFCS per Florida Land Use, Cover and Forms Classification System (FLUCFCS) (FDOT 1999).

Property boundary was acquired from Site Concepts, Inc Drawing No. Survey-10495ENG.dwg recieved 5/7/09.

Exhibit D

Protected Species Survey Map

X:\BEC\2009\2009-24 Orange River Boulevard Parcel\2009\Bess Maps.dwg Tab: PSS Mar 09, 2010 - 8:17am Plotted by: briann



LEGEND

--- PROTECTED SPECIES SURVEY TRANSECTS

NOTES:

FLUCFCS lines estimated from 1"=200' aerial photographs and locations approximated.

FLUCFCS per Florida Land Use, Cover and Forms Classification System (FLUCFCS) (FDOT 1999).

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Boylan
Environmental
Consultants, Inc.



Wetland & Wildlife Surveys, Environmental Permitting,
& Impact Assessments

11000 Metro Parkway, Suite 4, Ft. Myers, FL 33966 (239) 418-0671

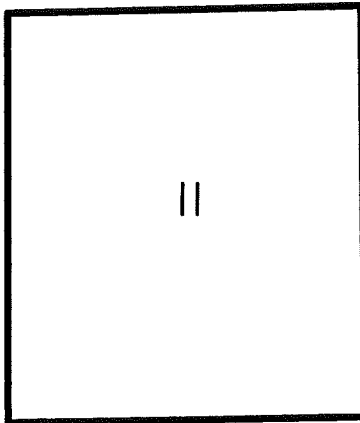
5236 ORANGE RIVER
FLUCFCS & PSS MAP

DRAWN BY:	DATE:	CATEGORY	PAGE
BKM	5/19/09	FLUCFCS	
JOB NUMBER	SCALE:		
2009-24	1" = 100'		
S/T/R	COUNTY		EXHIBIT
3/44S/25E	LEE		

Exhibit E
NRCS Soils Map



SCALE: 1" = 100'



NRCS Soils Legend

Soil No	Description	Status
11	Myakka Fine Sand	Non-Hydric

NOTES:

Soils were acquired from the FGDL and are from the NRCS Soils Maps.

Property boundary was acquired from Site Concepts, Inc Drawing No. Survey-10495ENG.dwg recieved 5/7/09.