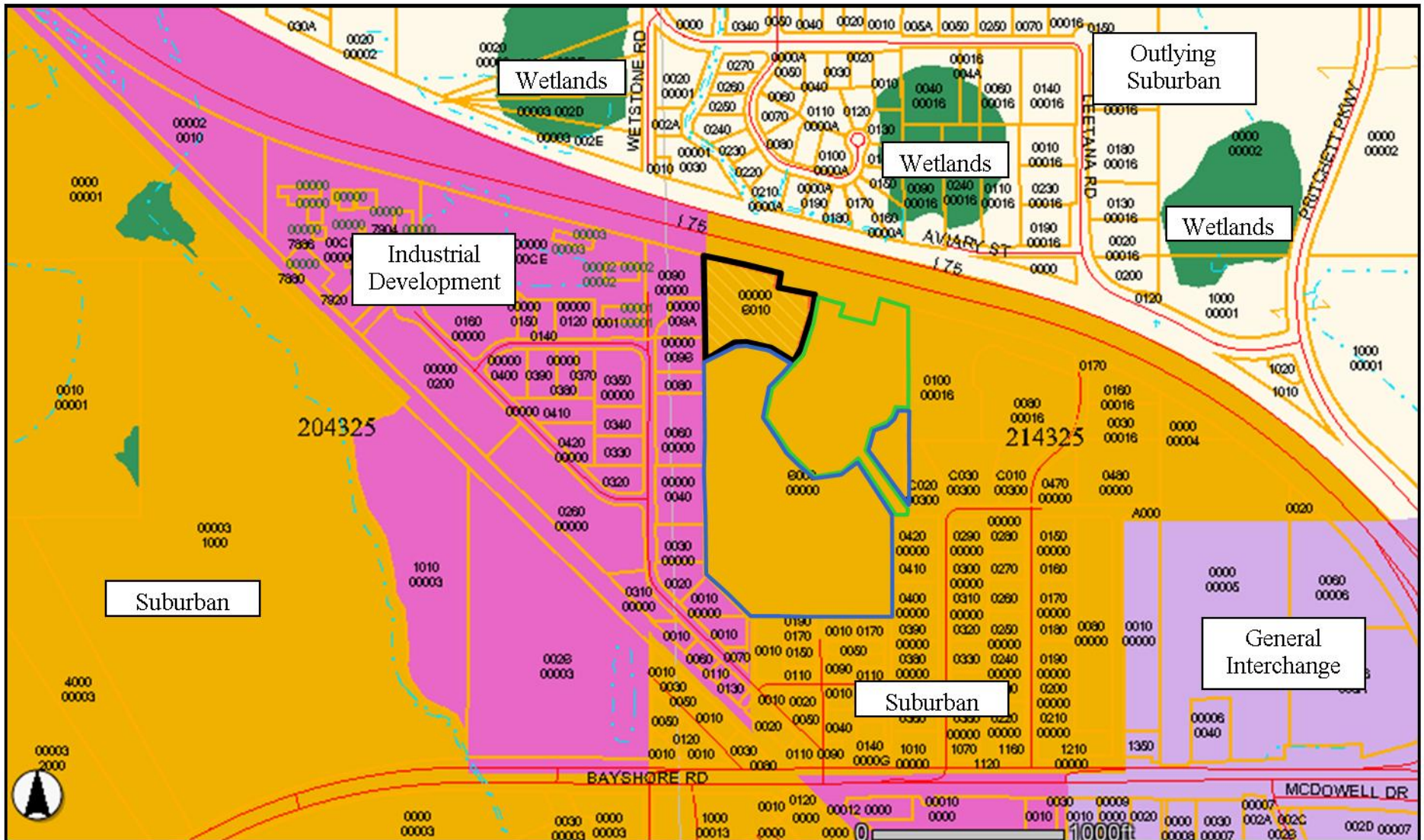


Current Future Land Use Map Showing Designations of Subject Property and Surrounding Properties

17650 & 17600 East Street, North Fort Myers, FL 33917

CPA 2010-00007



Proposed Future Land Use Map Showing Designations of Subject Property and Surrounding Properties

17650 & 17600 East Street, North Fort Myers, FL 33917

CPA 2010-00007

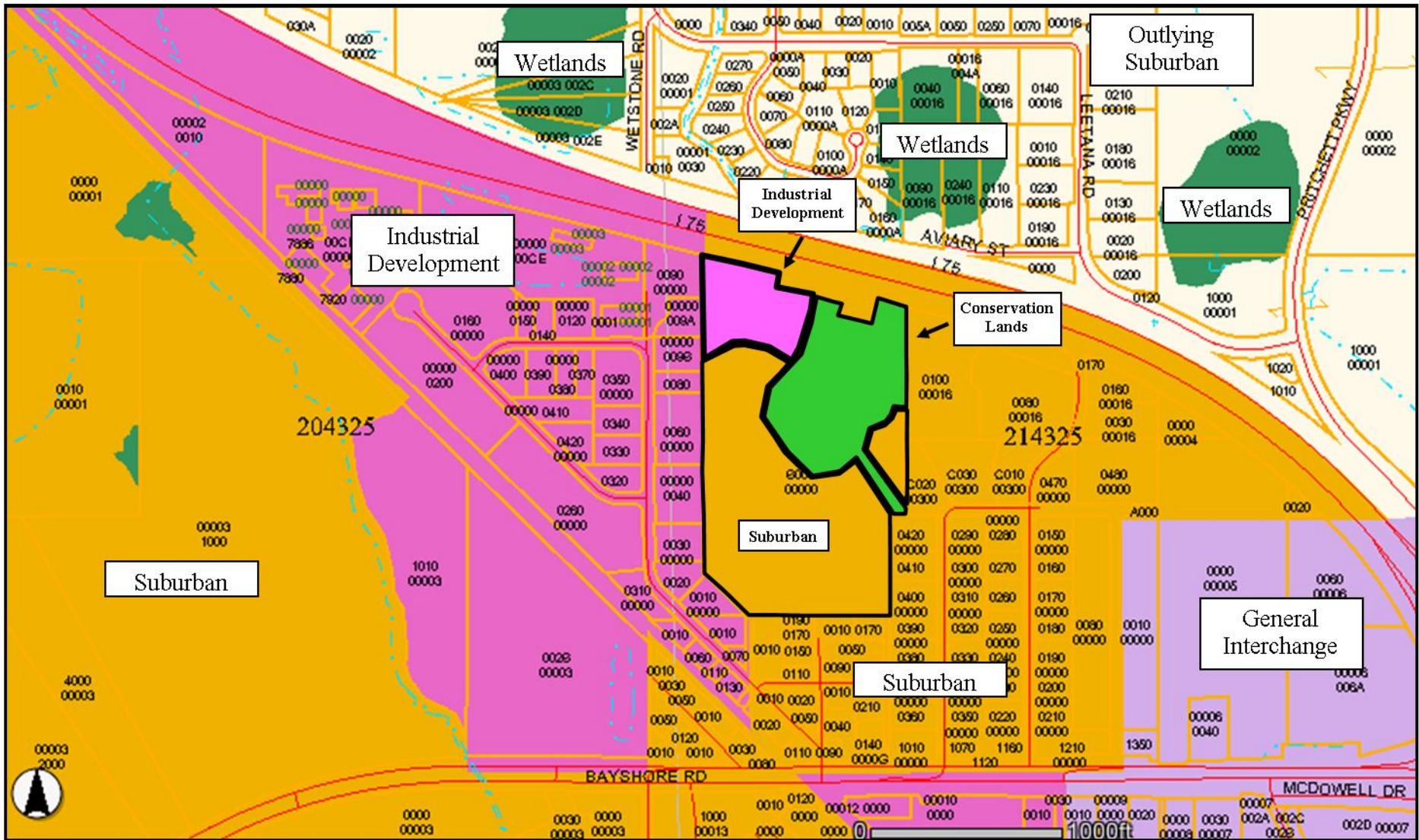


EXHIBIT A.3

Memo

To: Paul O'Connor, Planning Director

From: David Loveland, Public Works Operations Manager, Planning DML

Date: May 12, 2011

Subject: **CPA 2010-07 (Minus Forty Technology Corps)**

The Department of Transportation has reviewed the above-referenced privately-initiated comprehensive plan amendment request, to change the land use designation of approximately 4.9 acres within a larger 36-acre parcel in North Fort Myers north of Bayshore Road adjacent to I-75 from "Suburban" to "Industrial Development", and to change another approximately 10.62 acres of wetlands (including Bayshore Creek) from "Suburban" to "Conservation Lands". Access is off of East Street through an existing industrial park, and East Street connects to Bayshore Road at a full median opening. The applicant's traffic analysis indicates that the change would result in 50,000 square feet of mixed light industrial uses at buildout.

Based on the applicant's short-range analysis using growth rates, all of study area roadway segments are anticipated to operate at or better than their adopted level of service standard in 2015. For the long range analysis, DOT staff added the 95 industrial employees that would be associated with 50,000 square feet of industrial uses into the ZDATA2 file for TAZ 1224, and ran the 2030 FSUTMS model on the MPO's Financially Feasible Plan network. In examining the results of the analysis for a three mile radius, a section of Bayshore Road from Samville Road to I-75 (which is the part that East Road connects to) is projected to fail in 2030 both without the additional development from this plan amendment request.

While the projected roadway failure in 2030 both with and without the CPA would normally be a cause for concern and could lead to a recommendation of non-transmittal absent a financial commitment to make the necessary improvements, DOT staff recognizes that this is a relatively small-scale amendment with minimal traffic impact, and that it provides some public benefit in the form of expanding our limited industrial lands in an area that is appropriate for it, and by designating 10+ acres of conservation lands. DOT staff would also note that despite the projected failure using the 2030 model, in comparing to the MPO's new 2035 plan the projected conditions don't appear so bad because there is no improvement to this section of Bayshore Road called for in either the 2035 Needs Plan or Financially Feasible Plan. Finally, this development will be subject to the County's concurrency regulations as it moves forward. For these reasons, DOT staff recommends transmitting this amendment.

Please let me know if you need any additional information.

cc: Donna Marie Collins, Chief Assistant County Attorney
Brandon Dunn, Senior Planner, LCDCD

**MEMORANDUM
FROM
DEPARTMENT OF COMMUNITY DEVELOPMENT
DIVISION OF ENVIRONMENTAL SCIENCES**

Date: May 13, 2011

To: Brandon Dunn, Senior Planner

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

Project: Minus Forty CPA
Case: CPA2010-00007
Strap # 21-43-25-04-00000.B000, .B010

REQUEST:

The applicant is requesting to amend the future land use map for a ±4.9 acre parcel, part of a ±38-acre tract, from Suburban to Industrial Development to permit light industrial uses. The property is located north of Bayshore Road on East Street in North Fort Myers. Adjacent land uses include an industrial park to the west, Interstate I-75 to the north, mixed wetland hardwoods to the east and a recreation/stormwater lake to the south. Access to the subject property is from East Street.

The subject property is part of the plat for I-75/Bayshore Road Industrial Park and is located in the North Fort Myers Planning Community. The ±38-acre tract consists of a ±13.5 acre recreation/stormwater lake, a ±10.36 acre wetland and associated Bayshore Creek, and ±14.74 acres of previously cleared and disturbed lands. In addition, to the request to amend the ±4.9 acres to Industrial, Staff requested and the applicant has agreed to place ±10.62 acres of the ±38-acre tract into Conservation Lands. The remaining ±22.5 acres of the ±38-acre tract will remain suburban.

The applicant lists current uses on the property as storage of heavy equipment and light industrial uses. The applicant also has an application (DCI2010-00031) to rezone the ±4.9 acre portion of the property from AG-2 to Industrial Planned Development (IPD) to abate a violation for storage of equipment on the AG-2 zoned property and making improvements to the property without permits.

PROJECT HISTORY:

On June 19, 2007 an application (CPA2007-00003) was submitted to amend the future land use map from Suburban to Light Industrial for a ±7.5 acre parcel. The current request (CPA2010-00007) is for ±4.9-acre portion of the same ±7.5 acre parcel. During the site inspection for CPA2007-00003, ES Staff noted that the site had been cleared of vegetation and partially filled.

Staff also noted an indigenous wetland adjacent to and under same ownership as the subject parcel. Upon inspection of the wetland, staff noted that the southern portion had been cleared along both sides of a natural creek. To protect the wetland and creek from additional impacts, ES Staff requested that the applicant include this wetland in the application and place it into Conservation Lands. The wetland is associated with Bayshore Creek a natural waterbody. The creek receives heavy runoff during rainy season and the wetland assists in water retention and filtration for downstream residents. In addition, the wetland is heavily vegetated with Red maple (*Acer rubrum*), laurel oak (*Quercus laurifolia*), swamp red bay (*Persea palustris*), bald cypress (*Taxodium distichum*), and pop ash (*Fraxinus caroliniana*). Preservation for this indigenous wetland is consistent with **Goal 107**: To manage the county's wetlands and upland ecosystems so as to maintain and enhance native habitats, floral and faunal species diversity, water quality, and natural surface water characteristics.

The applicant did not agree with placing of the wetland system into conservation lands and application CPA 2007-00003 was withdrawn.

On September 30, 2010 an application (CPA2010-00007) was submitted to amend the future land use map from Suburban to Light Industrial for a ±4.9 acre parcel to permit light industrial uses. Again, Staff was concerned with the adjacent wetlands and the potential for additional impacts caused by continued clearing. Research into property history revealed a 1979 zoning Resolution # 79-2-14 that approved an industrial development, Bayshore 41 (Bayshore Industrial Park). Residents from the adjacent subdivision, Colonial Acres, expressed concerns with the project which resulted in a condition to require a buffer zone of 233 feet east of the centerline of Whetstone Road (East Street) to buffer the adjacent residents from the industrial park. A letter in the file addressed to the Board of County Commissioners (BOCC) stated that from 233 feet east of the centerline of Whetstone Road to the western boundary of Colonial Acres would remain a buffer zone to separate the industrial development from the subdivision. The Resolution also stated, "The buffer zone shall be conveyed to the County by warranty deed for a park upon completion of the Charlie Toppino and Sons Excavation Contract which shall terminate upon completion of the widening of Bayshore Road." The buffer zone was never conveyed to Lee County.

ENVIRONMENTAL ASSESSMENT:

A vegetative community assessment and protected species survey for Lee County listed species was performed by Environmental Restoration Consultants on October 8, 2010 for the ±4.9 acre portion of the project. The property was field verified by ES Staff on March 30, 2011. The assessment and a Florida Land Use, Cover and Classification System (FLUCCS) map was submitted by the applicant:

The ±4.9 acre portion of the property has been cleared and is devoid of vegetation, and the Florida Land Use, Cover and Classification is FLUCCS 740, Disturbed Lands and Disturbed Lands Wet Prairie 740/643.

A FLUCCS map and a table of plant communities by FLUCCS with the potential to contain species (plant and animal) listed by federal, state and local agencies as endangered, threatened or species of special concern was submitted for the ±38-acre tract in 2004.

ES Staff conducted a site inspection of the 38-acre parcel on March 30, 2011 and again on May 2, 2011 and noted the following:

The ±38-acre property contains ±14.74 acres of disturbed uplands, ±13.5 acres of reservoir and ±10.36 acres of mixed wetland hardwoods including:

FLUCCS 533 Reservoirs (±13.5 acres)

FLUCCS 617 Mixed Wetland Hardwoods (±10.36 acres)

FLUCCS 740 Disturbed Lands (±14.74 acres)

FLUCCS 740/643 Disturbed Lands Wet Prairie (±0.23 acres)

FLUCCS 533 (Reservoirs) There is a recreation/storm water management lake that is adjacent to the property that was originally part of the project.

FLUCCS 617 (Mixed Wetland Hardwoods) the wetlands adjacent to the storage area proposed for industrial rezoning is heavily vegetated with little to no exotic coverage (less than 25%). The indigenous and exotic vegetation noted by ES Staff included: Red maple (*Acer rubrum*), laurel oak (*Quercus laurifolia*), swamp red bay (*Persea palustris*), sabal palm (*Sabal palmetto*), bald cypress (*Taxodium distichum*), pop ash (*Fraxinus caroliniana*), and strangler fig (*Ficus aurea*) in the canopy. The midstory contains Carolina willow (*Salix caroliniana*) along the perimeter, sabal palm, Brazilian pepper (*Schinus terebinthifolius*), and java plum (*Syzygium cuminii*), with duck potato (*Sagittaria lancifolia*), tropical soda apple (*Solanum viarum*), southern wood fern (*Dryopteris ludoviciana*), greenbrier (*Smilax sp.*) and swamp fern (*Blechnum serrulatum*) in the understory.

FLUCCS 740 (Disturbed Uplands) contains various grasses and remnant exotics, dog fennel (*Eupatorium capillifolium*), Brazilian pepper, greenbrier, and tropical soda apple with scattered laurel oak, strangler fig and sabal palm.

FLUCCS 740/643 (Disturbed Lands Wet Prairie) no canopy or midstory is present. Ground cover consists of; primrose willow (*Ludwigia sp.*), yellow nut grass (*Cyperus esculentus*), spike rush (*Eleocharis sp.*), blue maiden cane (*Amphicarpum muhlenbergianum*) and (*Cyperus spp.*),

ENVIRONMENTAL CONCERNS:

The proposed Comprehensive Plan Amendment is to amend the Future Land Use Map from Suburban to Industrial Development to permit light industrial uses within the northern portion of an area that zoning resolution #79-2-14 depicted as a buffer zone and park that was to be conveyed to Lee County. The buffer zone was to buffer Colonial Acres Subdivision from the Light Industrial Development (Bayshore Industrial Park) located northwest of the subdivision.

Aerial photography over the last five years depicts a gradual clearing and filling of the ±38-acre property, causing impacts to Bayshore Creek, adjacent wetlands and surrounding pine uplands (FLUCCS 411). The ±4.9 acres proposed for industrial use has been cleared; fill brought in and is being used for commercial vehicle storage. A ditch was constructed on the southern portion of the cleared area that conveys stormwater from the storage facility away from the storm water lake and directly towards Bayshore Creek with the potential of pollution or turbidity impacting the creek and downstream residence. In the southeastern portion of the 38-acre tract the wetland and a portion of uplands has been cleared and a portion of Bayshore Creek has been channelized causing impacts and potential flooding to downstream users.

Staff has concerns with additional clearing of the wetland and indigenous vegetative communities. Lee County GIS depicts the creek and wetland area as a FEMA Floodway. The creek receives heavy runoff during rainy season and the wetland assists in water retention and filtration for downstream residents. Additional impacts to the wetland and associated creek has the potential to increase velocity during major storm events causing downstream flooding. Compaction of the flowway can also increase sediment and turbidity causing water quality concerns for downstream property-owners. Preservation of flowways and wetlands may assist with groundwater recharge and water quality.

The applicant proposes changes only for the ±4.9 acre portion of the property to allow intense uses while offering nothing to offset these uses or mitigate for the ongoing impacts not only to the portion of the property proposed in this amendment but also to the adjacent wetlands and associated creek. To be consistent with Objective 107.1: ES Staff again requested that the applicant include the adjacent wetland and associated creek into the application and amend the future land use map for the wetland area to Conservation Lands. Placing the wetland into Conservation Lands will assist in protecting the area from further encroachment and is consistent with Lee Plan Policy 60.5.3: the County encourages the preservation of existing natural flowways and the restoration of historic natural flow-ways.

At Staff's request a map depicting Conservation Lands was submitted by the applicant. Staff did not agree with the applicant's proposal, and insisted additional lands be proposed for conservation. Staff requested the applicant to place into Conservation Lands a 50-foot wide natural waterway buffer on the impacted and cleared portion of Bayshore Creek. The southeastern portion of the creek has been impacted due to previous clearing of the property and placing the 50-foot wide natural waterway buffer along the creek will assist in water quality, flooding and as a buffer to the adjacent residential uses. ES Staff has prepared a map depicting the area proposed for Conservation Lands land use category (attached as ES Staff Exhibit I).

A zoning application (DCI2010-00031) is running concurrent with the comprehensive plan amendment however; the rezoning application is only to rezone the ±4.9 acre portion of the property from AG-2 to Industrial Planned Development (IPD). ES Staff's concern is that protection measures for the wetlands and associated creek started with this amendment will not be continued with the zoning of the property. According to the 1979 zoning Resolution # 79-2-14, the entire 38-acre parcel was proposed for a park and buffer zone to buffer the adjacent subdivision, Colonial Acres. In subsequent years portion of the buffer zone have been cleared,

filled and excavated with impacts to wetlands, uplands and indigenous vegetation. Including the ±10.62 acre area depicted as Conservation Lands on ES Staff Exhibit I in the IPD rezoning request would ensure protection for the Conservation Lands and buffering for Colonial Acres meeting the requirements of Lee Plan 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.

As proposed, placing the wetlands, surrounding uplands and the flowway into Conservation Lands is consistent with the following Lee Plan Objective and Policies:

Lee Plan Policy 1.4.6: The Conservation Lands include uplands and wetlands that are owned and used for long-range conservation purposes. Upland and wetland conservation lands will be shown as separate categories on the FLUM.

Objective 1.5: Wetlands: Designate on the Future Land Use Map those lands that are identified as Wetlands in accordance with F.S. 373.019(17) through the use of the unified state delineation methodology described in FAC Chapter 17-340, as ratified and amended in F.S. 373.4211.

Lee Plan Policy 1.5.3: Wetlands that are conservation lands will be subject to the provisions of Policy 1.4.6 as well as the provisions of Objective 1.5. The most stringent provisions of either category will apply. Conservation wetlands will be identified on the FLUM to distinguish them from non-conservation wetlands.

Lee Plan 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

Lee Plan Goal 59: Protection of Life and Property: To reduce the hazards to life, health, and property created by flooding due to rainfall in a manner consistent with the community's criteria for the preservation of environmental values and the conservation of natural resources.

Lee Plan Policy 60.1.2: Incorporate, utilize, and where practicable restore natural surface water flow-ways and associated habitats.

Lee Plan Policy 60.5.3: the County encourages the preservation of existing natural flow-ways and the restoration of historic natural flow-ways.

Lee Plan Goal 107: Resource Protection: To manage the county's wetland and upland ecosystems so as to maintain and enhance native habitats, floral and faunal species diversity, water quality, and natural surface water characteristics.

Lee Plan Goal 114: To maintain and enforce a regulatory program for development in wetlands that is cost effective, complements federal and state permitting processes, and protects the fragile ecological characteristics of wetland systems.

Lee Plan Objective 114.1: The natural functions of wetlands and wetland systems will be protected and conserved through the enforcement of the county's wetland protection regulations and the goals, objectives, and policies in this plan. "Wetlands" include all of those lands, whether shown on the Future Land Use Map or not, that are identified as wetlands in accordance with F.S. 373.019(17) through the use of the unified state delineation methodology described in FAC Chapter 17-340, as ratified and amended by F.S. 373.4211.

Lee Plan Policy 114.1.3: The Future Land Use Map shows the approximate boundaries of wetlands in Lee County. The map will be updated as needed based on the definitions in this plan and new information.

CONCLUSION:

Allowing the applicant to amend the ±4.9 acre parcel without offering to offset the increased intensity of uses or mitigate for the ongoing impacts would not be consistent with the Goals Objectives and Policies of this plan. However, incorporating ±10.62 acres of wetlands, surrounding uplands and associated creek into Conservation Lands land use category in addition to the proposed amendment to Industrial Development is consistent with the Goals, Objectives and Policies of the Lee Plan. Furthermore, including the ±10.62 acres in the rezoning request would ensure protection for the Conservation Lands depicted in Exhibit I and buffering for the adjacent subdivision Colonial Acres.

Therefore, placing the wetlands, associated creek and surrounding uplands into a Conservation Lands, land use category and including the ±10.62 acres of Conservation Lands with the zoning request, will provide assurances that the remaining wetland and indigenous vegetative communities will be preserved, increasing water quality for Bayshore Creek and reducing potential flooding for downstream residences. This meets the requirements of Lee Plan Objective 114.1 and other Lee Plan Goals, Objectives, and Policies as described above. With the addition of Conservation Lands to the amendment request ES Staff is recommending approval and transmittal of CPA2010-00007.

ES STAFF EXHIBIT I CPA2010-00007 Minus 40 Technologies

Applicant Proposed
Conservation Lands
±10.62 Acres



Wetland Buffer to be
measured from JD Line

Natural Waterway Buffer
to be measured from top
of Bank

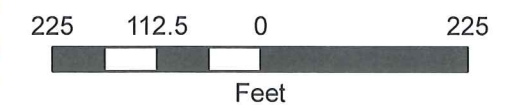


MAP CREATION DATE: May 12, 2011

This map is intended for visual representation only.
Our goal is to provide the most accurate data available.
No warranties, expressed or implied, are provided
with this data, its use, or interpretation.

All information subject to change.

AERIAL PHOTOGRAPHY
JANUARY 2010



**LEE COUNTY COMPREHENSIVE
PLAN AMENDMENT
LARGE SCALE
CPA2010-00007**

Minus Forty Technology Corps

**17600 & 17650 East Street
North Fort Myers**

PREPARED BY:

RECEIVED
MAY 25 2011
C.F.K.
COMMUNITY DEVELOPMENT



**43 Barkley Circle, Suite 200
Fort Myers, FL 33907
Phone 239-433-4231 Fax 239-433-9632
www.tdmcivilengineering.com**

September 30, 2010

Revised November 22, 2010

Revised May 5, 2011

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COMPREHENSIVE PLAN AMENDMENT APPLICATION, INCLUDING

- A. ADDITIONAL AGENTS FORM
- B. MAP AND LIST OF SURROUNDING PROPERTY OWNERS WITHIN 500 FT PLUS TWO (2) SETS OF MAILING LABELS
- C. REVIEW FEE
- D. CD CONTAINING SUBMITTAL APPLICATION, MAPS, EXHIBITS AND SUPPORTING DOCUMENTATION

SUPPORTING DOCUMENTS

A. GENERAL INFORMATION AND MAPS

1. PROPOSED TEXT CHANGES – NONE PROPOSED
2. CURRENT FUTURE LAND USE MAP, EXHIBIT A-2
3. PROPOSED FUTURE LAND USE MAP, EXHIBIT A-3
4. EXISTING LAND “USES” MAP WITH DESCRIPTIONS, EXHIBIT A-4
5. EXISTING ZONING MAP, EXHIBIT A-5
6. CERTIFIED SKETCH AND LEGAL DESCRIPTION OF SUBJECT PARCEL
7. PLAT BOOK 34, PAGES 42-45
8. WARRANTY DEED
9. AERIAL MAP OF SUBJECT PROPERTY AND SURROUNDING PROPERTIES, EXHIBIT A-8
10. LETTER OF 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, EXHIBIT B-2.a
 - b. POTABLE WATER, INCLUDING LETTER OF AVAILABILITY, EXHIBIT B-2.b
 - c. SURFACE WATER/DRAINAGE BASINS, EXHIBIT B-2.c
 - d. PARKS, RECREATION, AND OPEN SPACE, EXHIBIT B-2.d
 - e. PUBLIC SCHOOLS, EXHIBIT B-2.e
3. LETTERS OF ADEQUACY/PROVISION FROM:
 - a. BAYSHORE FIRE & RESCUE SERVICE - FIRE PROTECTION
 - b. LEE COUNTY EMERGENCY MEDICAL SERVICE (EMS)
 - c. LEE COUNTY SHERIFF'S OFFICE
 - d. LEE COUNTY SOLID WASTE DIVISION
 - e. LEE COUNTY MASS TRANSIT
 - f. LEE COUNTY SCHOOL DISTRICT

C. ENVIRONMENTAL IMPACTS:

1. FLORIDA LAND USE COVER AND CLASSIFICATION SYSTEMS MAP (FLUCCS)
2. SOILS MAP
3. TOPOGRAPHIC MAP, INCLUDING 100-YEAR FLOOD PRONE AREAS AS IDENTIFIED BY FEMA
4. SUBJECT PROPERTY AS SHOWN ON FLOOD INSURANCE RATE MAP EFFECTIVE AUGUST 2008
5. RARE & UNIQUE UPLAND HABITAT AND WETLANDS MAP
6. ENDANGERED SPECIES LIST

D. IMPACTS ON HISTORIC RESOURCES:

1. LETTER FROM THE FLORIDA MASTER SITE FILE, INCLUDING MAP AND CULTURAL RESOURCES REPORT, EXHIBIT D-1
2. PROPERTY LOCATION ON ARCHAEOLOGICAL SENSITIVITY MAP, EXHIBIT D-2

E. INTERNAL CONSISTENCY WITH LEE PLAN

1. LEE COUNTY POPULATION PROJECTIONS NARRATIVE, EXHIBIT E-1
2. CONSISTENCY WITH GOALS AND OBJECTIVES OF THE LEE PLAN, EXHIBIT E-2
3. CONSISTENCY WITH LOCAL GOVERNMENTS AND THEIR COMPREHENSIVE PLANS, EXHIBIT E-3
4. CONSISTENCY WITH STATE POLICY PLAN AND REGIONAL POLICY PLAN, EXHIBIT E-4

F. ADDITIONAL REQUIREMENTS FOR SPECIFIC FUTURE LAND USE AMENDMENTS - INDUSTRIAL DEVELOPMENT, EXHIBIT F-1

G. JUSTIFICATION FOR PROPOSED AMENDMENT, EXHIBIT G-1



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: 105

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.

5-5-11 Veronica Martin, IDM Consulting, Inc.
 DATE SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

I. APPLICANT/AGENT/OWNER INFORMATION

Julian Attree, Minus Forty Technologies Corp. USA
APPLICANT
757 SE 17th Street, Suite 565
ADDRESS
Fort Lauderdale, FL 33316
CITY, STATE, ZIP
905-702-1441 905-702-1442
TELEPHONE NUMBER FAX NUMBER

Veronica Martin, TDM Consulting, Inc.
AGENT*
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CITY, STATE, ZIP
239-433-4231 239-433-9632
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Minus Forty Technologies Corp. USA
OWNER(s) OF RECORD
757 SE 17th Street, Suite 565
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Fort Lauderdale, FL 33316
CITY, STATE, ZIP
905-702-1441 905-702-1442
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 24)

List Number(s) of Map(s) to be amended
Lee Plan Map 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):

Amend the Future Land Use Map (Lee Plan Map 1) to change the Future Land Use of the 4.94± acre parcel from Suburban to Industrial Development and change a portion of the 33.83± acre parcel (approximately 10.62± acres of wetlands, including Bayshore Creek) from Suburban to Conservation Lands.

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

A. Property Location:

1. Site Address: 17650 and 17600 East Street, North Fort Myers, FL 33917
2. STRAP(s): 21-43-25-04-00000.B010 and 21-43-25-04-00000.B000

B. Property Information

Total Acreage of Property: 38.78±

Total Acreage included in Request: 15.56±

Total Uplands: 4.94±

Total Wetlands: 10.62±

Current Zoning: AG-2

Current Future Land Use Designation: Suburban

Area of each Existing Future Land Use Category: 100% Suburban

Existing Land Use: Storage of Heavy Equipment/Light Industrial Uses & Vacant

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

Lehigh Acres Commercial Overlay: No

Airport Noise Zone 2 or 3: No

Acquisition Area: No

Joint Planning Agreement Area (adjoining other jurisdictional lands): No

Community Redevelopment Area: No

D. Proposed change for the subject property:

Change from Suburban to Industrial Development and Conservation

Lands Future Land Use categories.

E. Potential development of the subject property:

1. Calculation of maximum allowable development under existing FLUM:

Residential Units/Density 6 du/acre, no bonus density permitted

Commercial intensity Not greater than Neighborhood Center

Industrial intensity Not Permitted

2. Calculation of maximum allowable development under proposed FLUM:

Residential Units/Density Not Permitted

Commercial intensity Offices permitted with Industrial Use only

Industrial intensity Regulated by Zoning Resolution

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. **NA**
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. **EXHIBIT A-2**
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. **EXHIBIT A-3**
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. **EXHIBIT A-4**
5. Map and describe existing zoning of the subject property and surrounding properties. **EXHIBIT A-5**
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. **EXHIBIT A-6**

7. A copy of the deed(s) for the property subject to the requested change. **EXHIBIT A-7**
8. An aerial map showing the subject property and surrounding properties. **EXHIBIT A-8**
9. If applicant is not the owner, a letter from the owner of the property authorizing the applicant to represent the owner. **EXHIBIT A-9**

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 EXHIBIT B-1

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 immeditated 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 **EXHIBIT B-2.A**
 - b. Potable Water **EXHIBIT B-2.B**
 - c. Surface Water/Drainage Basins **EXHIBIT B-2.C**
 - d. Parks, Recreation, and Open Space **EXHIBIT B-2.D**
 - e. Public Schools. **EXHIBIT B-2.E**

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; **Exhibit B-3.a**
 - b. Emergency medical service (EMS) provisions; **Exhibit B-3.b**
 - c. Law enforcement; **Exhibit B-3.c**
 - d. Solid Waste; **Exhibit B-3.d**
 - e. Mass Transit; and **Exhibit B-3.e**
 - f. Schools. **Exhibit B-3.f**

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 EXHIBIT C

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. **EXHIBIT D.1**
2. A map showing the subject property location on the archeological sensitivity map for Lee County. **EXHIBIT D.2**

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. **EXHIBIT E.1**
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. **EXHIBIT E.2**
3. Describe how the proposal affects adjacent local governments and their comprehensive plans. **EXHIBIT E.3**
4. List State Policy Plan and Regional Policy Plan goals and policies which are relevant to this plan amendment. **EXHIBIT E.4**

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) **EXHIBIT F.1**
 - 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 **NA**
 - 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. NA
 4. Requests moving lands from Density Reduction/Groundwater Resource must fully address Policy 2.4.3 of the Lee Plan Future Land Use Element. NA
- G. Justify the proposed amendment based upon sound planning principles. Be sure to support all conclusions made in this justification with adequate data and analysis. EXHIBIT G.1

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, Veronica Martin, 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.

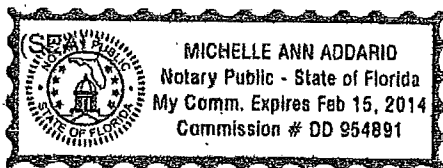
Veronica Martin
Signature of owner or owner-authorized agent

9-27-10
Date

Veronica Martin, TDM Consulting, Inc.
Typed or printed name

STATE OF FLORIDA)
COUNTY OF LEE)

The foregoing instrument was certified and subscribed before me Sept 27, 2010 (date), by Veronica Martin, who is personally known to me or who has produced _____ as identification.



Michelle Ann Addario
Signature of notary public

Michelle Ann Addario
Printed name of notary public

ADDITIONAL AGENTS

Company Name: Harris-Jorgensen, Inc.
Contact Person: John Harris
Address: Street: 2706 SE Santa Barbara Place
City, State, Zip: Cape Coral, FL 33904
Phone: 239-772-9939 **Fax:** 239-772-1315
E-mail: hjinc@comcast.net

Company Name: Environmental Restoration Consultants, Inc.
Contact Person: Jeff Adair
Address: Street: 24571 Redfish Street
City, State, Zip: Bonita Springs, FL 34134
Phone: 239-992-0086 **Fax:** 239-287-2706
E-mail: ERCinc@comcast.net

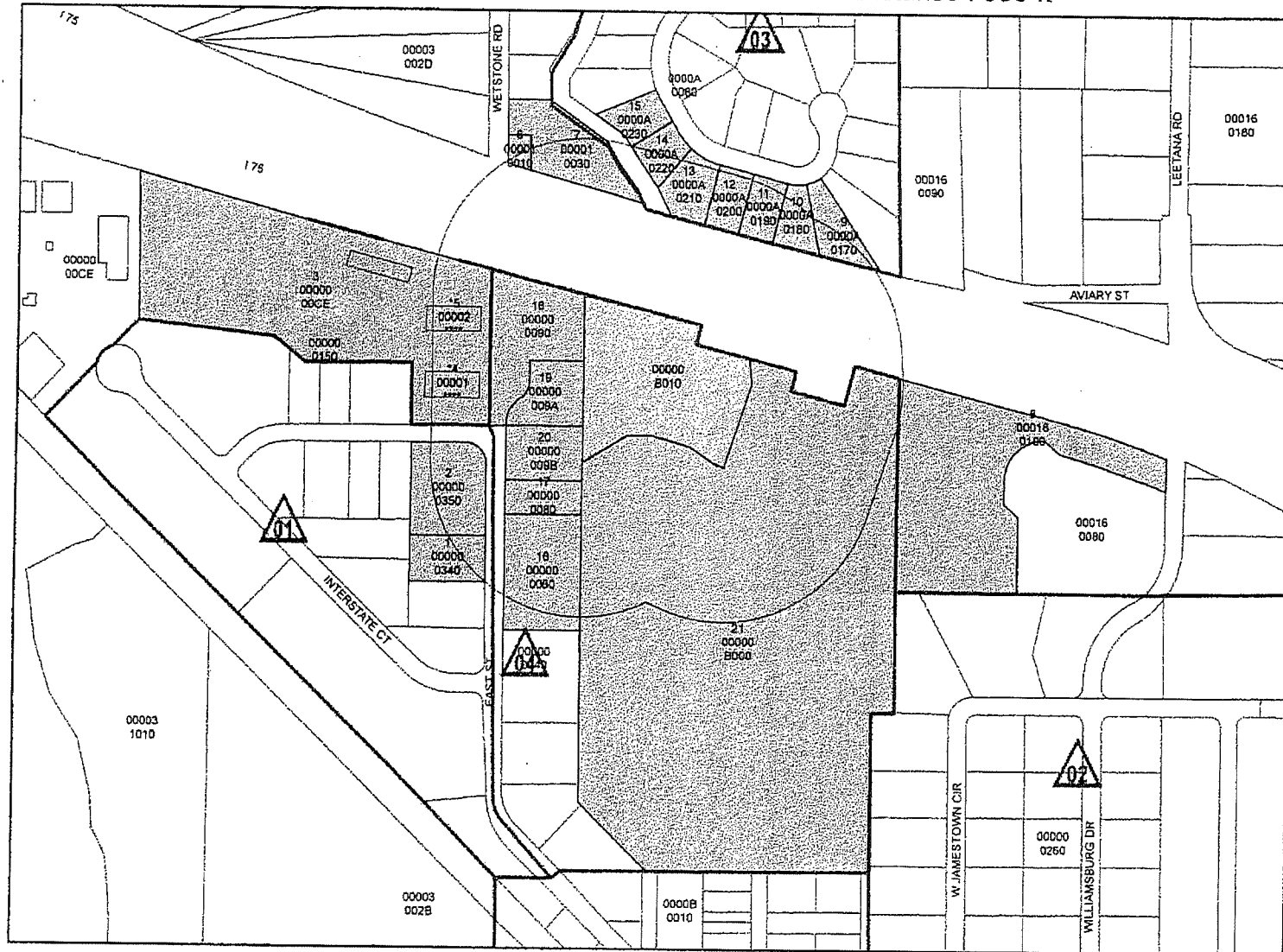
Company Name: JMB Transportation Engineering, Inc.
Contact Person: Jim Banks
Address: Street: 761 21st Street NW
City, State, Zip: Naples, FL 34120
Phone: 239-919-2767 **Fax:** 239-919-2767
E-mail: jmbswte@msn.com

Company Name: TDM Consulting, Inc.
Contact Person: Dean Martin, P.E.
Address: Street: 6810 Porto Fino Circle
City, State, Zip: Fort Myers, FL 33912
Phone: 239-433-4231 **Fax:** 239-433-9632
E-mail: dean@tdmconsulting.com

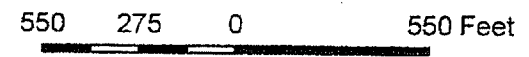
VARIANCE REPORT

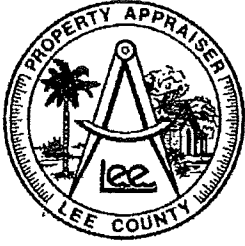
9/14/2010

Subject Parcels : 1 Affected Parcels : 31 Buffer Distance : 500 ft



21-43-25-04-00000.B010





Lee County Property Appraiser

Kenneth M. Wilkinson, C.F.A.

GIS Department / Map Room

Phone: (239) 533-6159 • Fax: (239) 533-6139 • eMail: MapRoom@LeePA.org

VARIANCE REPORT

Date of Report: September 14, 2010
Buffer Distance: 500 ft
Parcels Affected: 31
Subject Parcel: 21-43-25-04-00000.8010

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
RAYMOND BUILDING SUPPLY CORP 7751 BAYSHORE RD NORTH FORT MYERS FL 33917	20-43-25-01-00000.0340 17581 EAST ST NORTH FORT MYERS FL 33917	I-75 BAYSHORE RD INDUST PK PB 34 PG 44 LOT 34	1
B I P PARTNERS LLC 17611 EAST ST NORTH FORT MYERS FL 33917	20-43-25-01-00000.0350 17611 EAST ST NORTH FORT MYERS FL 33917	I-75 BAYSHORE RD INDUST PK PB 34 PG 44 LOTS 35 + 36	2
MERCANTILE COMMERCIAL PARK 8001 MERCANTILE ST NORTH FORT MYERS FL 33917	20-43-25-03-00000.00CE 8001 MERCANTILE ST NORTH FORT MYERS FL 33917	REPLAT OF I-75 BAYSHORE RD INDUST PK PB 34 PG 45 TRACT A + LOTS 10 + 11 ASE DESC IN OR 4639 PG 4070 COMMON ELEMENTS	3
MCCARTHY JOHN + DEBORAH 3417 SW 8TH ST CAPE CORAL FL 33991	20-43-25-03-00001.0001 7995 MERCANTILE ST #1 NORTH FORT MYERS FL 33917	MERCANTILE COMMERCIAL PARK OR 4639 PG 4070 BLDG 1 UNIT 1	*4
GREULING EUGENE G + ELINORE TR 6371 P G A DR FORT MYERS FL 33917	20-43-25-03-00001.0002 7995 MERCANTILE ST #2 NORTH FORT MYERS FL 33917	MERCANTILE COMMERCIAL PARK OR 4639 PG 4070 BLDG 1 UNIT 2	*4
GREULING EUGENE G + ELINORE TR 6371 P G A DR FORT MYERS FL 33917	20-43-25-03-00001.0003 7995 MERCANTILE ST #3 NORTH FORT MYERS FL 33917	MERCANTILE COMMERCIAL PARK OR 4639 PG 4070 BLDG 1 UNIT 3	*4
GREULING EUGENE G TR + 6371 P G A DR FORT MYERS FL 33917	20-43-25-03-00001.0004 7995 MERCANTILE ST #4 NORTH FORT MYERS FL 33917	MERCANTILE COMMERCIAL PARK OR 4639 PG 4070 BLDG 1 UNIT 4	*4
SIMMONS GARY R + JANET A 9751 ST PAUL RD FORT MYERS FL 33917	20-43-25-03-00001.0005 7995 MERCANTILE ST #5 NORTH FORT MYERS FL 33917	MERCANTILE COMMERCIAL PARK OR 4639 PG 4070 BLDG 1 UNIT 5	*4
GREULING EUGENE G TR + 6371 P G A DR NORTH FORT MYERS FL 33917	20-43-25-03-00001.0006 7995 MERCANTILE ST #6 NORTH FORT MYERS FL 33917	MERCANTILE COMMERCIAL PARK OR 4639 PG 4070 BLDG 1 UNIT 6	*4
HI-TEE CONCRETE INC 7997 MERCANTILE ST UNIT 7 NORTH FORT MYERS FL 33917	20-43-25-03-00002.0007 7997 MERCANTILE ST #7 NORTH FORT MYERS FL 33917	MERCANTILE COMMERCIAL PARK OR 4639 PG 4070 BLDG 2 UNIT 7	*5
SEA AIR OF LEE COUNTY INC 7997 MERCANTILE ST UNIT 8 NORTH FORT MYERS FL 33917	20-43-25-03-00002.0008 7997 MERCANTILE ST #8 NORTH FORT MYERS FL 33917	MERCANTILE COMMERCIAL PARK OR 4639 PG 4070 BLDG 2 UNIT 8	*5
ACCENT FIREPLACES +ACCESSORIES 7997 MERCANTILE ST UNIT 9 NORTH FORT MYERS FL 33917	20-43-25-03-00002.0009 7997 MERCANTILE ST #9 NORTH FORT MYERS FL 33917	MERCANTILE COMMERCIAL PARK OR 4639 PG 4070 BLDG 2 UNIT 9	*5
ARTHUR WALKER CONSTRUCTION INC 7997 MERCANTILE ST #10 NORTH FORT MYERS FL 33917	20-43-25-03-00002.0010 7997 MERCANTILE ST #10 NORTH FORT MYERS FL 33917	MERCANTILE COMMERCIAL PARK OR 4639 PG 4070 BLDG 2 UNIT 10	*5

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
WILLOUGHBY INVESTMENTS LLC 9970 FORD VALLEY LN ZIONSVILLE IN 46077	20-43-25-03-00002.0011 7997 MERCANTILE ST #11 NORTH FORT MYERS FL 33917	MERCANTILE COMMERCIAL PARK OR 4639 PG 4070 BLDG 2 UNIT 11	*5
JOHN KREMSKI LLP 411 WALNUT ST # 4300 GREEN COVE SPRINGS FL 32043	20-43-25-03-00002.0012 7997 MERCANTILE ST #12 NORTH FORT MYERS FL 33917	MERCANTILE COMMERCIAL PARK OR 4639 PG 4070 BLDG 2 UNIT 12	*5
PRI-CAR PO BOX 2148 FORT MYERS FL 33902	21-43-25-00-00001.0010 17840 WETSTONE RD NORTH FORT MYERS FL 33917	PARL IN NW1/4 COMM AT INT W LINE SEC21+N ROW I-75 TH ALG ARC35'TO PT ON E LINE	6
JENNINGS STUART L + CAROLYN J 17850 WETSTONE RD NORTH FORT MYERS FL 33917	21-43-25-00-00001.0030 17850 WETSTONE RD NORTH FORT MYERS FL 33917	PARL IN NW1/4 OF NW1/4 AS DESC IN OR 1897 PG2262	7
ROSER SHARON R 630 SPARTON RD YORK PA 17403	21-43-25-00-00016.0100 WILLIAMSBURG DR NORTH FORT MYERS FL 33917	PARL IN SE 1/4 OF NW 1/4 SWLY OF I-75 AS DESC IN INST#20080003030975	8
BRINK KATHERINE A 17845 CHESTERFIELD RD NORTH FORT MYERS FL 33917	21-43-25-03-0000A.0170 17845 CHESTERFIELD RD NORTH FORT MYERS FL 33917	COLONIAL PINES S/D BLK A PB 36 PG 28 LOT 17	9
CHOUINARD NATHAN R + 17855 CHESTERFIELD RD NORTH FORT MYERS FL 33917	21-43-25-03-0000A.0180 17855 CHESTERFIELD RD NORTH FORT MYERS FL 33917	COLONIAL PINES S/D BLK A PB 36 PG 28 LOT 18	10
GARLICK WILLIAM + LORRI M 9371 NW 36TH PL SUNRISE FL 33351	21-43-25-03-0000A.0190 17865 CHESTERFIELD RD NORTH FORT MYERS FL 33917	COLONIAL PINES S/D BLK A PB 36 PG 28 LOT 19	11
NOBLE ROBERT T + STACEY L 17875 CHESTERFIELD RD NORTH FORT MYERS FL 33917	21-43-25-03-0000A.0200 17875 CHESTERFIELD RD NORTH FORT MYERS FL 33917	COLONIAL PINES S/D BLK A PB 36 PG 28 LOT 20	12
SMITH CHARLES H + KATHIE A 17885 CHESTERFIELD RD NORTH FORT MYERS FL 33917	21-43-25-03-0000A.0210 17885 CHESTERFIELD RD NORTH FORT MYERS FL 33917	COLONIAL PINES S/D BLK A PB 36 PG 28 LOT 21	13
HANSEN KRISTEN M + 17895 CHESTERFIELD RD NORTH FORT MYERS FL 33917	21-43-25-03-0000A.0220 17895 CHESTERFIELD RD NORTH FORT MYERS FL 33917	COLONIAL PINES S/D BLK A PB 36 PG 28 LOT 22	14
CUTLER DARLA R 17923 CHESTERFIELD RD N FT MYERS FL 33917	21-43-25-03-0000A.0230 17905 CHESTERFIELD RD NORTH FORT MYERS FL 33917	COLONIAL PINES S/D BLK A PB 36 PG 28 LOT 23	15
17550 EAST STREET LLC DORAGH LAW FIRM PL 6700 WINKLER RD STE 4 FORT MYERS FL 33919	21-43-25-04-00000.0060 17550 EAST ST NORTH FORT MYERS FL 33917	I-75 BAYSHORE RD INDUST PK PB 34 PG 44 LOTS 6 THRU 8 LESS PT 8 DESC 4252/1162	16
SOUTHERN BOARDER LLC 17330 W CARNEGIE CIR SUITE 204B FORT MYERS FL 33967	21-43-25-04-00000.0080 17590 EAST ST NORTH FORT MYERS FL 33917	I-75 BAYSHORE RD INDUST PK PB 34 PG 44 PT LOT 8 DESC OR 4252 PG 1162	17
PAINTINGS + COATINGS INC 17660 EAST ST NORTH FORT MYERS FL 33917	21-43-25-04-00000.0090 17660 EAST ST NORTH FORT MYERS FL 33917	I-75 BAYSHORE RD INDUST PK PB 34 PG 45 LOT 9 LESS OR 3646/374	18
WHITE ELEPHANT DEVELOPMENT COR 9911 ROSE COMMONS DR STE E-14 HUNTERSVILLE NC 28078	21-43-25-04-00000.009A 17610 EAST ST NORTH FORT MYERS FL 33917	I-75 BAYSHORE RD INDUST PK PB 34 PG 45 PT LOT 9 DESC OR 4776/3483	19
SUNTRUST BANK MAIL CODE 4104 401 EAST JACKSON ST 10TH FL TAMPA FL 33602	21-43-25-04-00000.009B 17600 EAST ST NORTH FORT MYERS FL 33917	I-75 BAYSHORE RD INDUST PK PB 34 PG 45 POR LOT 9 DESC IN OR 3646/0374 LESS POR DESC IN OR 4776/3483	20
CAPITAL INVESTMENT CORP OF PO BOX 159 LAKE PLACID FL 33862	21-43-25-04-00000.B000 17600 EAST ST NORTH FORT MYERS FL 33917	I-75 BAYSHORE RD INDUST PK PB 34 PG 46 PORT OF TRACT B + TRACT C LESS INST#2008000303971	21

31 RECORDS PRINTED



30 ARMSTRONG AVENUE
GEORGETOWN, ON L7G 4R9
CANADA

BANK OF AMERICA

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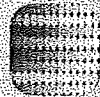
PAY *****One Thousand Five Hundred and 00/100

\$ ** 1,500.00

U.S. FUNDS

TO THE
ORDER
OF

TDM Consulting Inc.
6810 Porto Fino Circle
Fort Myers, FL
33912



MINUS FORTY TECHNOLOGIES CORP. U.S.A.

PER

MEMO

⑈000092⑈ ⑆063100277⑆ 229004377976⑈

Current Future Land Use Map Showing Designations of Subject Property and Surrounding Properties

17650 & 17600 East Street, North Fort Myers, FL 33917
CPA 2010-00007

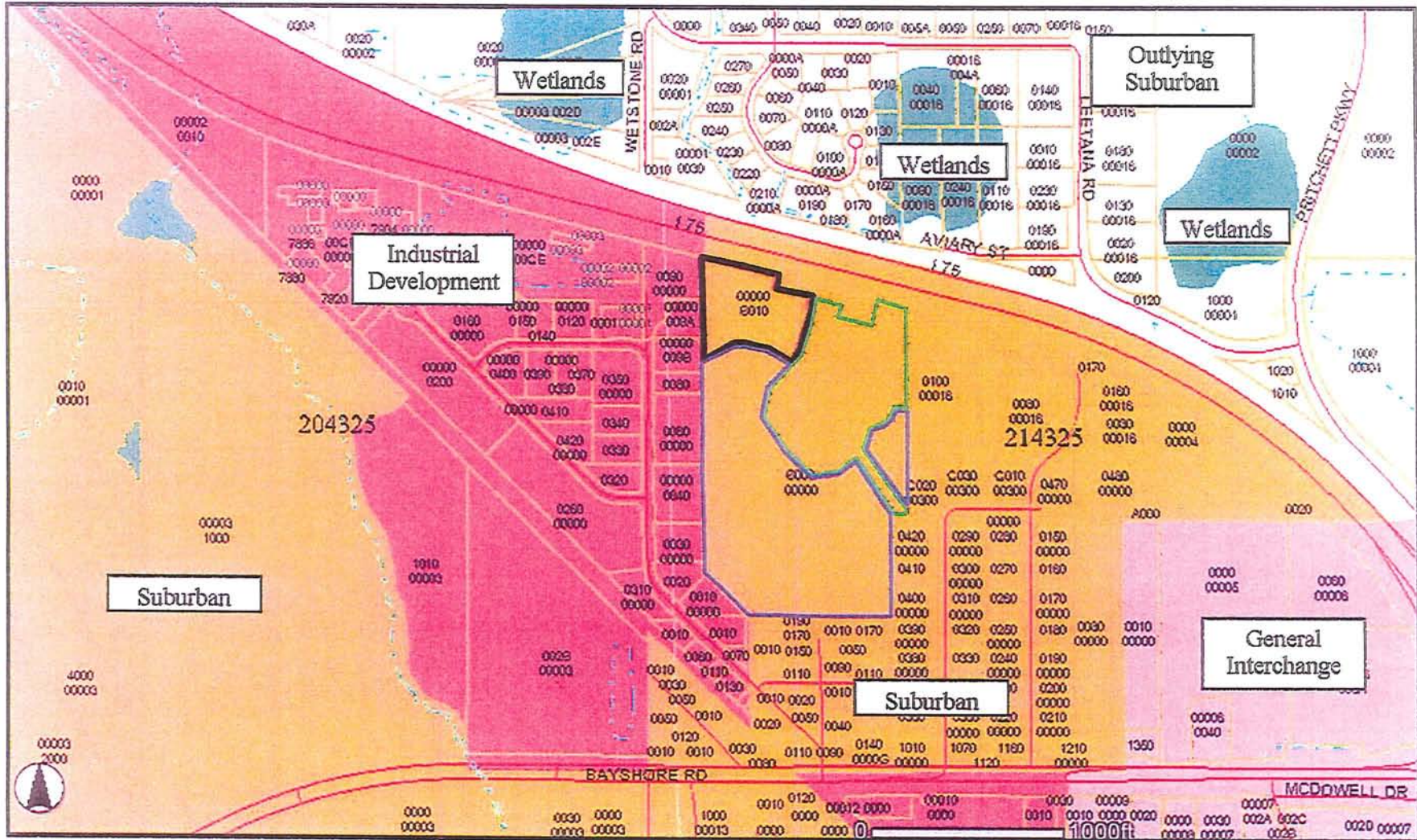


EXHIBIT A.2

Proposed Future Land Use Map Showing Designations of Subject Property and Surrounding Properties

17650 & 17600 East Street, North Fort Myers, FL 33917
CPA 2010-00007

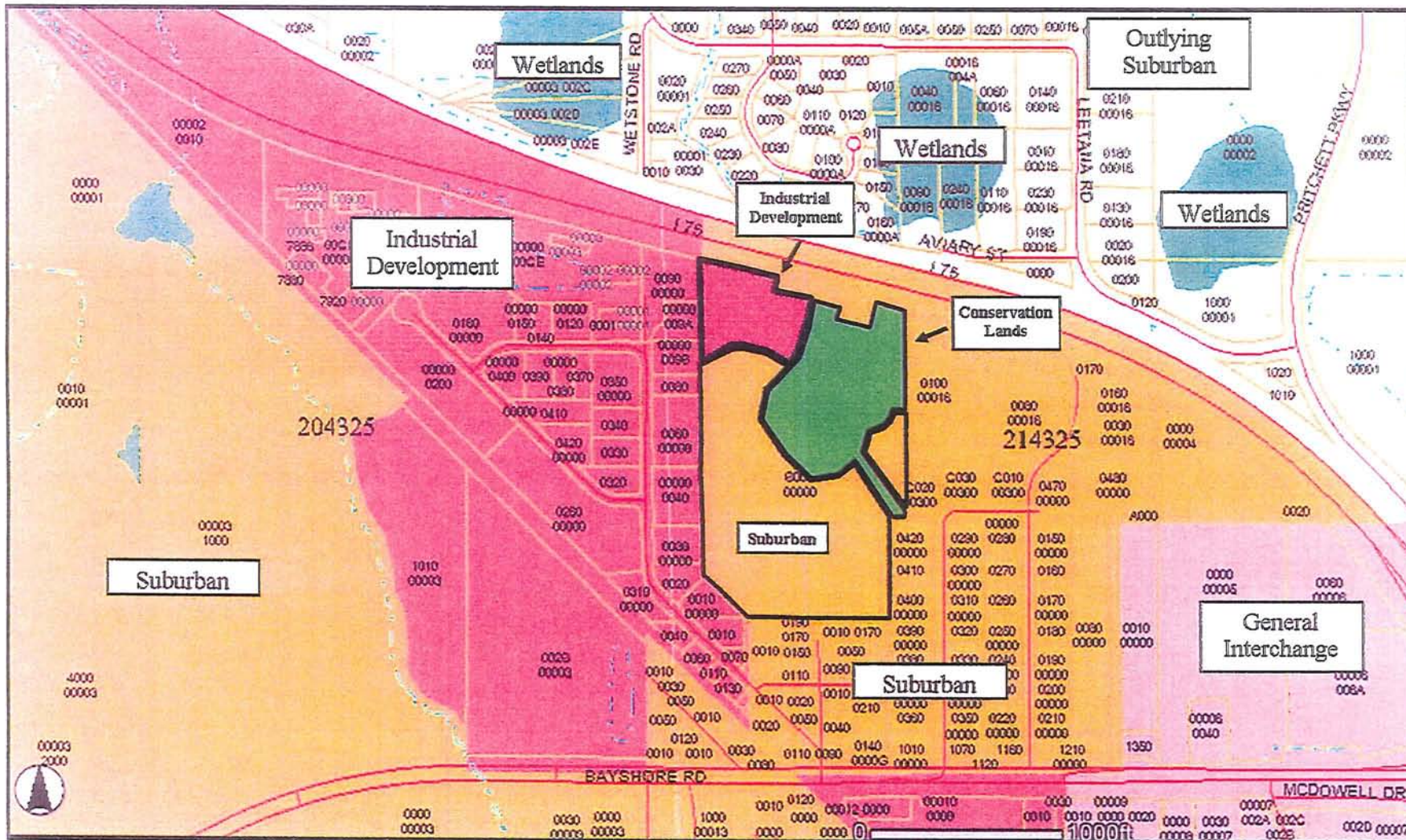


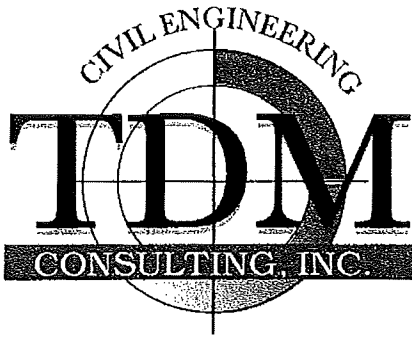
EXHIBIT A.3

Existing "Use" Map of Subject Property and Surrounding Properties

17650 & 17600 East Street, North Fort Myers, FL 33917
CPA 2010-00007



EXHIBIT A.4



**43 Barkley Circle, Suite 200
Fort Myers, FL 33907
Phone 239-433-4231 Fax 239-433-9632
www.tdmcivilengineering.com**

**LARGE SCALE COMPREHENSIVE PLAN AMENDMENT
CPA2010-00007**

**Narrative of Surrounding Land Uses
Exhibit A-4**

The subject properties are bordered on the north by Interstate 75. Across the I-75 right-of-way is Colonial Pines, a single-family residential subdivision. The considerable width of the I-75 right-of-way (300± feet) buffers the single-family residential subdivision from any impacts associated with the future land use change(s). The properties to the west are light industrial and part of the I-75/Bayshore Road Industrial Park. As such, they are compatible with the proposed future land use change to Industrial Development. The lake to the south is currently used for recreation – as a cable-ski water park. A Special Exception (SEZ2004-00035) was approved to permit the water park in AG-2 zoning and a Development Order (DOS2006-00075) was approved for parking, restroom facilities, and an office. Access to the recreation area is via East Street and the parking area/office is located solely within the Industrial Park. The developer of the water park knowingly and without reservation developed in an industrial area. The parcels south of the lake are currently single-family residential and part of the Howells Subdivision Plat. The lake, with a future land use of Suburban, will act as a buffer between the proposed industrial use and the residential use. The land directly to the east is vacant, followed by single-family residential lots. The wetlands, with a future land use change to Conservation Lands, will act as a buffer between the industrial use and the residential use to the east and also as a natural buffer to the lake.

Existing Zoning Map of Subject Property and Surrounding Properties

17650 & 17600 East Street, North Fort Myers, FL 33917

CPA 2010-00007

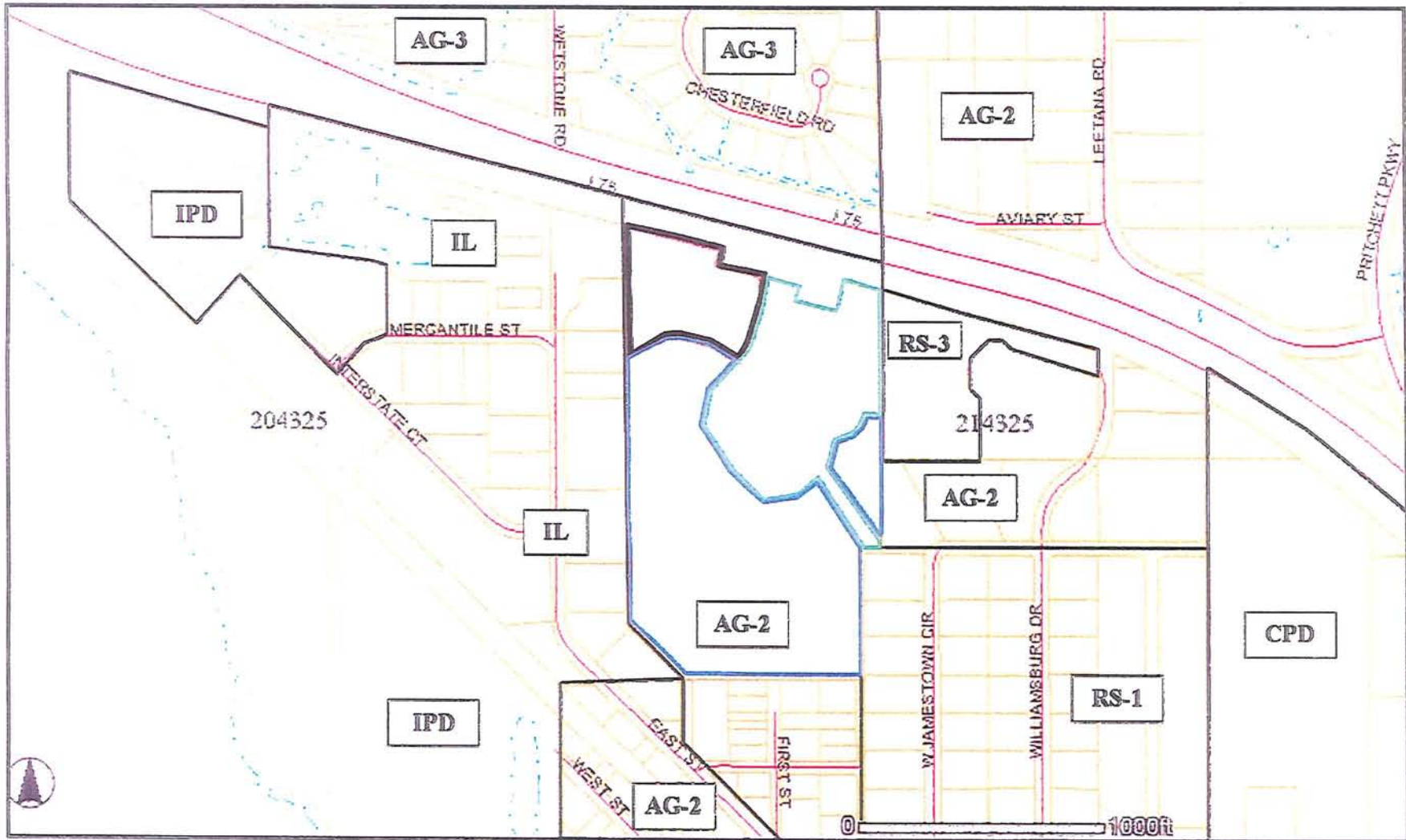
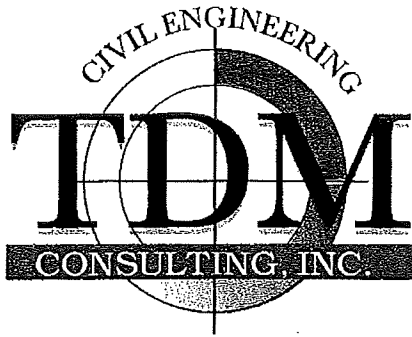


EXHIBIT A.5



43 Barkley Circle, Suite 200
Fort Myers, FL 33907
Phone 239-433-4231 Fax 239-433-9632
www.tdmcivilengineering.com

**LARGE SCALE COMPREHENSIVE PLAN AMENDMENT
CPA2010-00007**

**Narrative of Surrounding Zoning
Exhibit A-5**

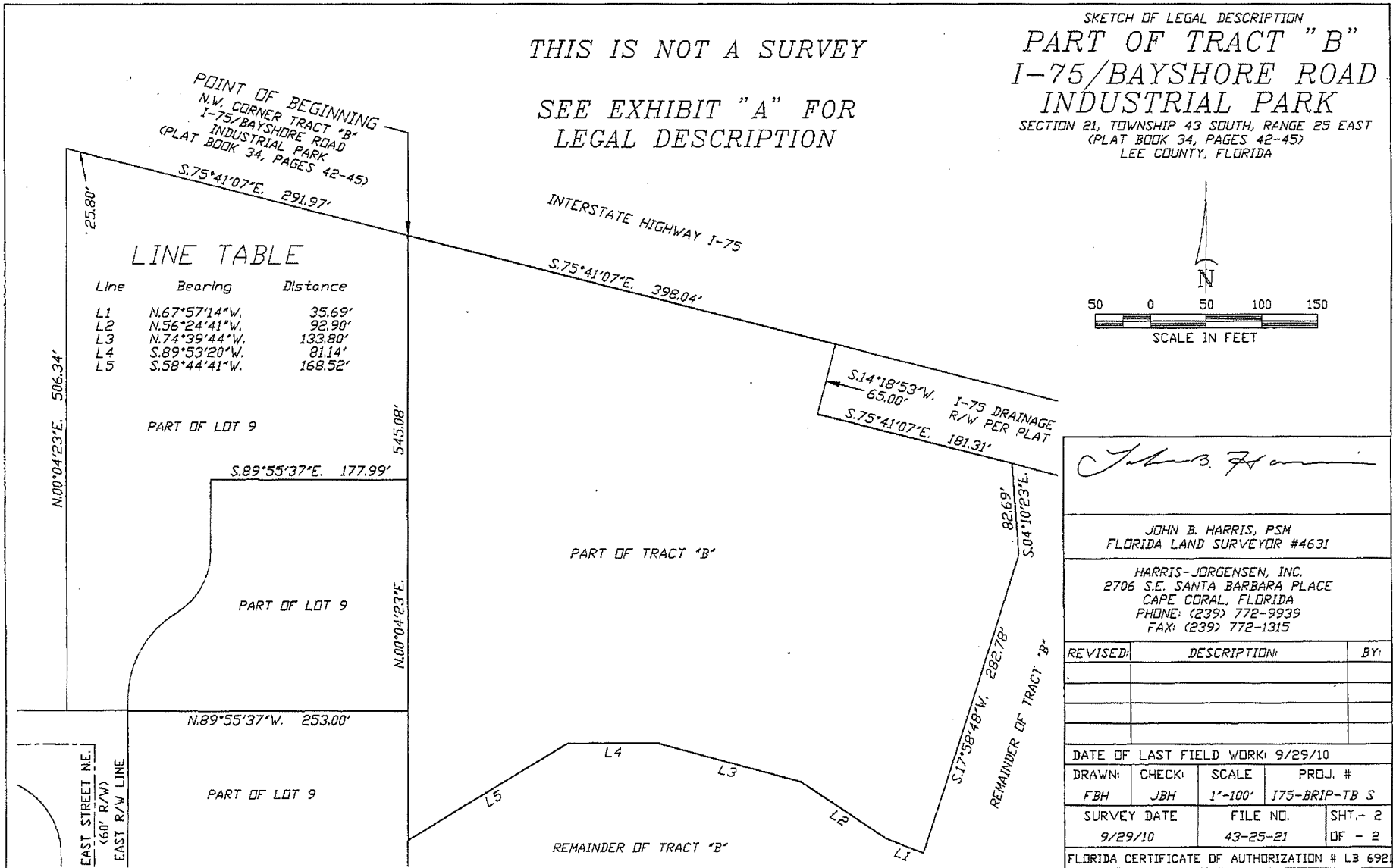
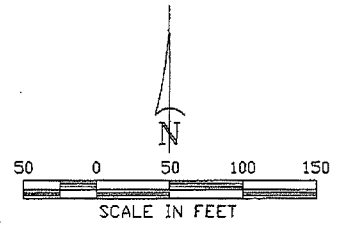
The subject properties are currently zoned Agricultural (AG-2). A rezoning application has been submitted concurrently with this application to rezone the 4.9 acre parcel from AG-2 to Industrial Planned Development (IPD). The wetland parcel will remain Agricultural. Interstate 75 borders the subject parcels to the North, followed by a single-family residential subdivision with a zoning designation of AG-3. The 300± foot width of the I-75 right-of-way buffers the single-family subdivision from any impacts associated with the future land use change and subsequent zoning change. The properties to the west are part of the I-75/Bayshore Road Industrial Park and zoned Light Industrial (IL). As such, they are compatible with the proposed future land use change to Industrial Development and rezoning to IPD. The lake to the south/southwest of the subject parcels is zoned AG-2 and currently used for recreation – as a cable-ski water park. The parcels south of the lake are also zoned AG-2 and are currently used as single-family residential. The lake will act as a buffer between the proposed industrial development and the residential use. The parcels to the east are zoned RS-3 and AG-2 and are currently vacant or used as single-family residential. The wetlands, with a future land use change to Conservation Lands, will act as a buffer between the industrial use and the residential use. The proposed changes are consistent with the current zoning of the surrounding properties.

THIS IS NOT A SURVEY
SEE EXHIBIT "A" FOR
LEGAL DESCRIPTION

SKETCH OF LEGAL DESCRIPTION
PART OF TRACT "B"
I-75/BAYSHORE ROAD
INDUSTRIAL PARK
SECTION 21, TOWNSHIP 43 SOUTH, RANGE 25 EAST
(PLAT BOOK 34, PAGES 42-45)
LEE COUNTY, FLORIDA

LINE TABLE

Line	Bearing	Distance
L1	N.67°57'14"W.	35.69'
L2	N.56°24'41"W.	92.90'
L3	N.74°39'44"W.	133.80'
L4	S.89°53'20"W.	81.14'
L5	S.58°44'41"W.	168.52'



John B. Harris

JOHN B. HARRIS, PSM
FLORIDA LAND SURVEYOR #4631

HARRIS-JORGENSEN, INC.
2706 S.E. SANTA BARBARA PLACE
CAPE CORAL, FLORIDA
PHONE: (239) 772-9939
FAX: (239) 772-1315

REVISED:	DESCRIPTION:	BY:

DATE OF LAST FIELD WORK: 9/29/10

DRAWN:	CHECK:	SCALE	PROJ. #
FBH	JBH	1"=100'	175-BRIP-TB S

SURVEY DATE	FILE NO.	SHT. -
9/29/10	43-25-21	2
		DF - 2

FLORIDA CERTIFICATE OF AUTHORIZATION # LB 692

EXHIBIT "A"

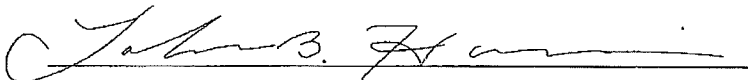
DESCRIPTION:

A TRACT OR PARCEL OF LAND LYING IN THE STATE OF FLORIDA, COUNTY OF LEE, SITUATED IN SECTION 21, TOWNSHIP 43 SOUTH, RANGE 25 EAST, BEING A PORTION OF TRACT "B" AND LOT 9, I-75/BAYSHORE ROAD INDUSTRIAL PARK, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 34, PAGES 42 THROUGH 45 IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID TRACT "B", SAID POINT LYING ON THE SOUTHERLY RIGHT-OF-WAY OF INTERSTATE HIGHWAY 75 (I-75); THENCE S.75°41'07"E. ALONG SAID SOUTHERLY RIGHT-OF-WAY, A DISTANCE OF 398.04 FEET; THENCE S.14°18'53"W. LEAVING SAID SOUTHERLY RIGHT-OF-WAY A DISTANCE OF 65.00 FEET; THENCE S.75°41'07"E. A DISTANCE OF 181.31 FEET; THENCE S.04°10'23"E. A DISTANCE OF 82.69 FEET; THENCE S.17°58'48"W. A DISTANCE OF 282.78 FEET; THENCE N.67°57'14"W. A DISTANCE OF 35.69 FEET; THENCE N.56°24'41"W. A DISTANCE OF 92.90 FEET; THENCE N.74°39'44"W. A DISTANCE OF 133.80 FEET; THENCE S.89°53'20"W. A DISTANCE OF 81.14 FEET; THENCE S.58°44'41"W. A DISTANCE OF 168.52 FEET TO A POINT ON THE WEST LINE OF THE AFORESAID TRACT "B"; THENCE N.00°04'23"E. ALONG THE WEST LINE OF SAID TRACT "B", A DISTANCE OF 545.08 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 4.938 ACRES, MORE OR LESS

BEARINGS ARE BASED ON THE RECORD PLAT OF THE AFORESAID I-75/BAYSHORE ROAD INDUSTRIAL PARK.



JOHN B. HARRIS

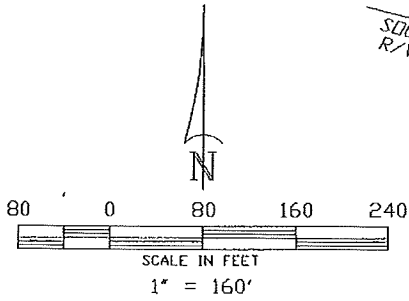
PLS #4631

SEPTEMBER 30, 2010

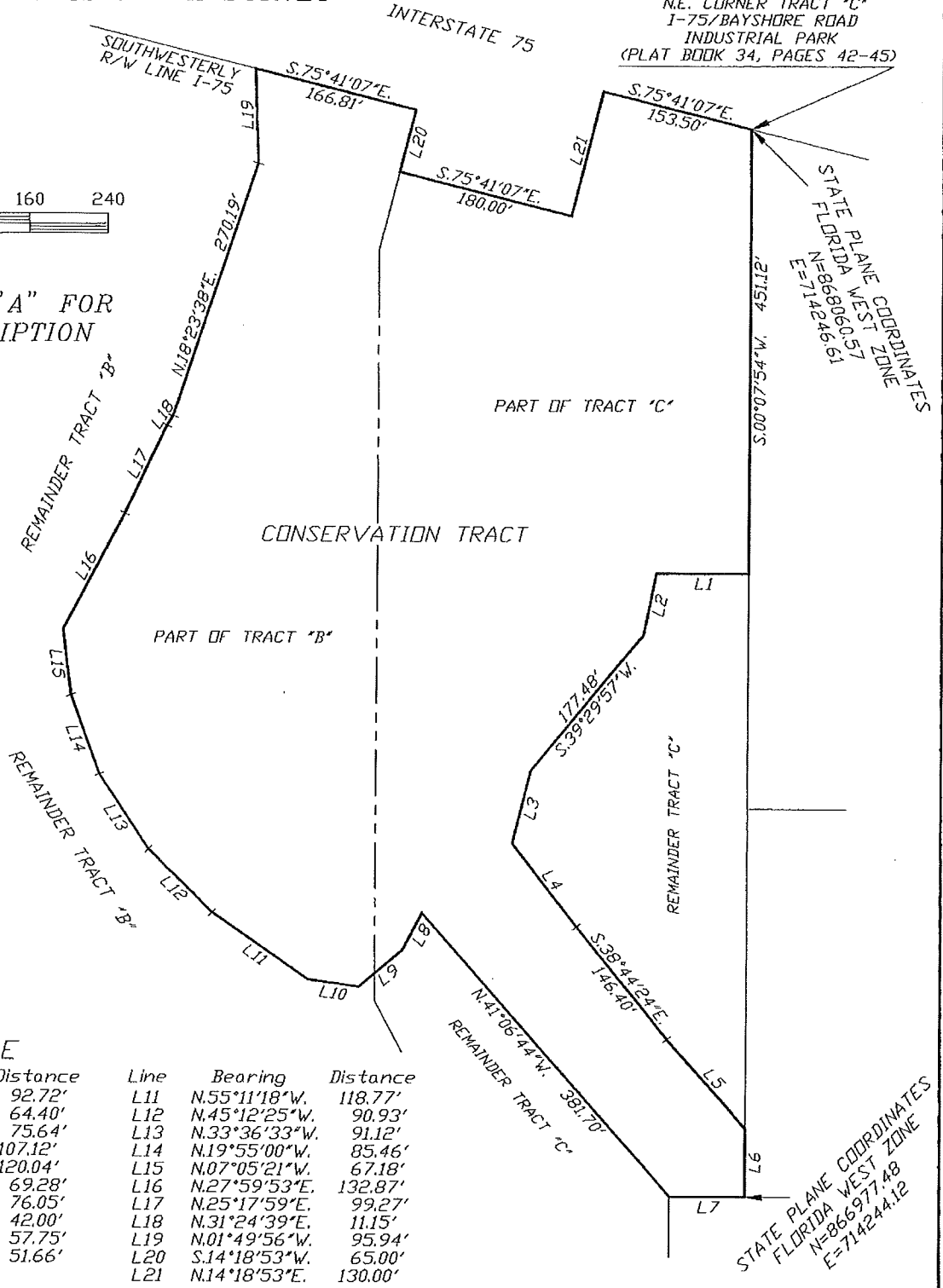
I-75-BRIP LD

THIS IS NOT A SURVEY

POINT OF BEGINNING
N.E. CORNER TRACT 'C'
I-75/BAYSHORE ROAD
INDUSTRIAL PARK
(PLAT BOOK 34, PAGES 42-45)



SEE EXHIBIT "A" FOR
LEGAL DESCRIPTION



LINE TABLE

Line	Bearing	Distance	Line	Bearing	Distance
L1	N.89°53'33"W.	92.72'	L11	N.55°11'18"W.	118.77'
L2	S.11°56'07"W.	64.40'	L12	N.45°12'25"W.	90.93'
L3	S.13°57'16"W.	75.64'	L13	N.33°36'33"W.	91.12'
L4	S.37°25'22"E.	107.12'	L14	N.19°55'00"W.	85.46'
L5	S.41°15'37"E.	120.04'	L15	N.07°05'21"W.	67.18'
L6	S.00°07'54"W.	69.28'	L16	N.27°59'53"E.	132.87'
L7	N.89°42'29"W.	76.05'	L17	N.25°17'59"E.	99.27'
L8	S.27°20'56"W.	42.00'	L18	N.31°24'39"E.	11.15'
L9	S.49°18'13"W.	57.75'	L19	N.01°49'56"W.	95.94'
L10	N.82°02'28"W.	51.66'	L20	S.14°18'53"W.	65.00'
			L21	N.14°18'53"E.	130.00'

HARRIS - JORGENSEN, INC.
2706 S.E. SANTA BARBARA PLACE
CAPE CORAL, FLORIDA
PHONE: (239) 772-9939
FAX: (239) 772-1315

SKETCH DATE: 5/17/11

John B. Harris

MAY 17, 2011

JOHN B. HARRIS, PSM
FLORIDA LAND SURVEYOR #4631

SKETCH OF LEGAL DESCRIPTION

CONSERVATION TRACT
LYING IN PART OF TRACTS
"B & C" I-75/BAYSHORE
ROAD INDUSTRIAL PARK

SECTION 21, TOWNSHIP 43 SOUTH, RANGE 25 EAST
(PLAT BOOK 34, PAGES 42-45)
LEE COUNTY, FLORIDA

EXHIBIT "A"

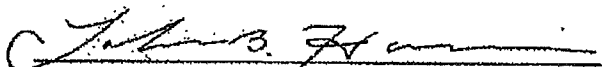
DESCRIPTION: (CONSERVATION TRACT)

A TRACT OR PARCEL OF LAND BEING A CONSERVATION TRACT, LYING IN PART OF TRACTS "B AND C", I-75/BAYSHORE ROAD INDUSTRIAL PARK, AS RECORDED IN PLAT BOOK 34, PAGES 42 THROUGH 45, PUBLIC RECORDS OF LEE COUNTY, FLORIDA AND LYING IN SECTION 21, TOWNSHIP 43 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE AFORESAID TRACT "C"; THENCE RUN S.00°07'54"W. ALONG THE EAST LINE OF SAID TRACT "C" FOR 451.12 FEET; THENCE RUN N.89°53'33"W. FOR 92.72 FEET; THENCE RUN S.11°56'07"W. FOR 64.40 FEET; THENCE RUN S.39°29'57"W. FOR 177.48 FEET; THENCE RUN S.13°57'16"W. FOR 75.64 FEET; THENCE RUN S.37°25'22"E. FOR 107.12 FEET; THENCE RUN S.38°44'24"E. FOR 146.40 FEET; THENCE RUN S.41°15'37"E. FOR 120.04 FEET TO A POINT ON THE EAST LINE OF THE AFORESAID TRACT "C"; THENCE RUN S.00°07'54"W. ALONG SAID EAST LINE FOR 69.28 FEET; THENCE RUN N.89°42'29"W. ALONG THE BOUNDARY OF SAID TRACT "C" FOR 76.05 FEET; THENCE RUN N.41°06'44"W. FOR 381.70 FEET; THENCE RUN S.27°20'56"W. FOR 42.00 FEET; THENCE RUN S.49°18'13"W. FOR 57.75 FEET; THENCE RUN N.82°02'28"W. FOR 51.66 FEET; THENCE RUN N.55°11'18"W. FOR 118.77 FEET; THENCE RUN N.45°12'25"W. FOR 90.93 FEET; THENCE RUN N.33°36'33"W. FOR 91.12 FEET; THENCE RUN N.19°55'00"W. FOR 85.46 FEET; THENCE RUN N.07°05'21"W. FOR 67.18 FEET; THENCE RUN N.27°59'53"E. FOR 132.87 FEET; THENCE RUN N.25°17'59"E. FOR 99.27 FEET; THENCE RUN N.31°24'39"E. FOR 11.15 FEET; THENCE RUN N.18°23'38"E. FOR 270.19 FEET; THENCE RUN N.01°49'56"W. FOR 95.94 FEET TO THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY No.75; THENCE RUN S.75°41'07"E. ALONG SAID RIGHT-OF-WAY LINE FOR 166.81 FEET; THENCE RUN S.14°18'53"W. ALONG SAID RIGHT-OF-WAY LINE FOR 65.00 FEET; THENCE RUN S.75°41'07"E. ALONG SAID RIGHT-OF-WAY LINE FOR 180.00 FEET; THENCE RUN N.14°18'53"E. ALONG SAID RIGHT-OF-WAY LINE FOR 130.00 FEET; THENCE RUN S.75°41'07"E. ALONG SAID RIGHT-OF-WAY LINE FOR 153.50 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 462,516.910 SQUARE FEET OR 10.617 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE EAST LINE OF THE AFORESAID TRACT "C" AS BEING S.00°07'54"W. AS PER THE PLAT OF THE AFORESAID I-75/BAYSHORE ROAD INDUSTRIAL PARK.



JOHN B. HARRIS

PLS #4631

MAY 17, 2011

I-75 BRIP CT

This Instrument Prepared by
And return to after recording:
Eric P Feichthaler, Esq.
Burandt, Adamski, Grossman and Powell, P.L.
1714 Cape Coral Parkway, East
Cape Coral, FL 33904

INSTR # 2011000007110, Pages 3
Doc Type EAS, Recorded 01/10/2011 at 12:26 PM,
Charlie Green, Lee County Clerk of Circuit Court
Deed Doc. \$0.70 Rec. Fee \$27.00
Deputy Clerk CFELTMAN
#1

ACCESS EASEMENT AGREEMENT

This Agreement made this 21st day of December, 2010, by and between White Elephant Development Corp, A North Carolina Corporation (hereinafter referred to as "Grantor"), and Minus Forty Technologies Corp, USA, a Florida Corporation, whose address is PO Box 159, Lake Placid, Florida, 33862 (hereinafter referred to as "Grantee"). As used herein, the term "Grantor" shall include any and all heirs, successors, or assigns of the Grantor and all subsequent owners of the "Property" and the term "Grantee" shall include any successors and assigns of Grantee.

WHEREAS Grantor is the fee simple owner of certain real property, more particularly described on Exhibit "B", attached hereto and by this reference incorporated herein (hereinafter referred to as "Property"); and,

WHEREAS, Grantor is desirous of granting a non-exclusive access easement on the Property for Grantee to access Grantee's property, more particularly described as **I-75 Bayshore Road Industrial Park, PB 34, PG 46, Part of Tract B and Tract C, Less Instrument #2008000303971**, the parcel ID for this property being **21-43-25-04-00000.B000**; and,

WHEREAS, Grantee is desirous of obtaining said easement; and,

WHEREAS the parties hereto are desirous of memorializing the terms of this agreement.

NOW, THEREFORE, in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration, which the Grantor has received, the parties agree as follows:

1. The above recitals are true and correct and are incorporated herein by reference.
2. Grantor grants to Grantee a non-exclusive perpetual easement in favor of Grantee over the lands described in Exhibit "A". The Easement granted herein shall run with the land and be binding upon Grantor, its successors, and assigns forever. Grantor hereby covenants that it is lawfully seized of said Property in fee simple; that the property is free and clear of all encumbrances; that Grantor has good

right and lawful authority to convey this Easement, and Grantor fully warrants and defends the title to the Easement hereby conveyed against the lawful claims of all persons whomever. Regardless of the foregoing, the parties recognize the Easement is non-exclusive.

- 3. This Agreement shall be construed in accordance with the laws of the State of Florida. Should any dispute arise from this Agreement, venue shall lie in Lee County, Florida
- 4. This Agreement is binding upon the parties hereto, their heirs, successors and assigns.
- 5. This Agreement shall not be construed against the party who drafted the same as all parties to this Agreement have participated in the drafting of this Agreement
- 6. Nothing herein shall relieve the fee simple of all obligations as the fee simple titleholder to the property.

IN WITNESS WHEREOF, Grantor and Grantee have hereunto set their authorized hands and seals this 21st Day of December, 2010.

WITNESSES:

[Signature]
Signature

WALTER SOPINKA

Print
[Signature]
Signature

WALTER SOPINKA
Print

Province
STATE OF ONTARIO
COUNTY OF HALTON

GRANTOR:

BY: [Signature]

Russell Attree, President
White Elephant Development Corp

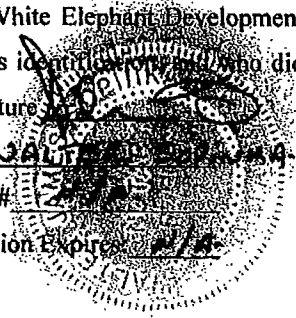
GRANTEE:

BY: [Signature]
Julian Attree, President

Minus Forty Technologies Corp USA

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgements appeared RUSSELL ATTREE, as President of White Elephant Development Corp, A North Carolina Corporation, as Grantor who produced their driver's license as identification who did not take an oath.

Notary Signature
Print name: WALTER SOPINKA
Commission # 123456789
My Commission Expires 12/31/11



Province
STATE OF ONTARIO
COUNTY OF HALTON

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgements appeared JULIAN ATTREE, as President of Minus Forty Technologies Corp, USA A Florida Corporation, as Grantee who produced their driver's license as identification, and who did not take an oath.


Notary Signature 
Print name: WALTER SOPINKA
Commission # N/A
My Commission Expires: N/A

EXHIBIT "A"

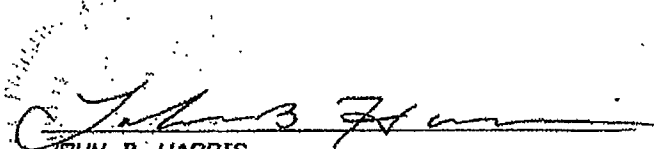
DESCRIPTION:

A 40.00 FEET WIDE INGRESS-EGRESS EASEMENT LYING IN LOT 9, I-75/BAY-SHORE ROAD INDUSTRIAL PARK, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 34, PAGES 42 THROUGH 45 IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, ALSO LYING IN SECTION 21, TOWNSHIP 43 SOUTH, RANGE 25 EAST, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE AFORESAID LOT 9, SAID POINT LYING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY 75 (I-75); THENCE RUN S.00°04'23"W. ALONG THE EAST LINE OF SAID LOT 9, A DISTANCE OF 245.01 FEET TO THE CENTERLINE OF THE AFORESAID 40.00 FEET WIDE INGRESS-EGRESS EASEMENT AND THE POINT OF BEGINNING; THENCE RUN N.89°55'37"W. ALONG THE CENTERLINE OF SAID 40.00 FEET WIDE INGRESS-EGRESS EASEMENT FOR 177.99 FEET TO THE POINT OF TERMINUS.

SAID TRACT CONTAINS 7,119.6 SQUARE FEET, MORE OR LESS.

BEARINGS ARE BASED ON THE RECORD PLAT OF THE AFORESAID I-75/BAY-SHORE ROAD INDUSTRIAL PARK.

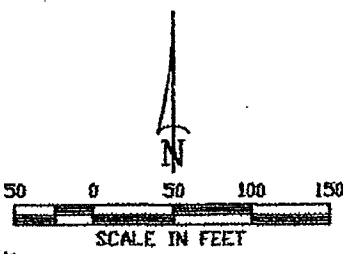
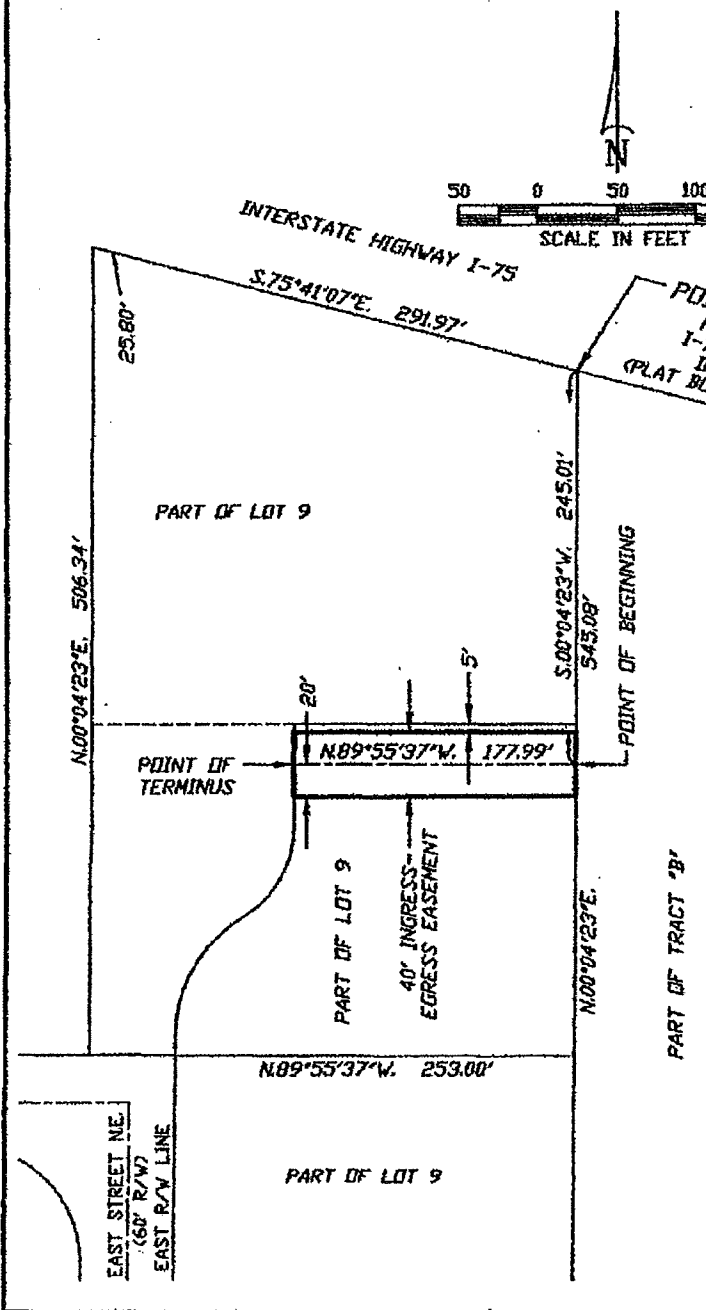

JOHN B. HARRIS

PLS #4631

NOVEMBER 22, 2010

I-75-BRIP IEELD

SKETCH OF LEGAL DESCRIPTION
**40.00 FEET WIDE INGRESS-EGRESS
 EASEMENT LYING IN PART OF
 LOT 9, I-75/BAYSHORE
 ROAD INDUSTRIAL PARK**
 SECTION 21, TOWNSHIP 43 SOUTH, RANGE 25 EAST
 (PLAT BOOK 34, PAGES 42-45)
 LEE COUNTY, FLORIDA



**THIS IS NOT A SURVEY
 SEE EXHIBIT "A" FOR
 LEGAL DESCRIPTION**

John B. Harris
 NOVEMBER 22, 2010

JOHN B. HARRIS, PSN
 FLORIDA LAND SURVEYOR #4631

HARRIS-JORGENSEN, INC.
 2706 S.E. SANTA BARBARA PLACE
 CAPE CORAL, FLORIDA
 PHONE: (239) 772-9939
 FAX: (239) 772-1315

REVISED	DESCRIPTION	BY

DATE OF LAST FIELD WORK: 9/29/10

DRAWN	CHECKED	SCALE	PROJ. #
FBH	JBH	1"=100'	175-BRIP-TB 5
SURVEY DATE		FILE NO.	SHT. - 1
9/29/10		43-25-21	OF - 1

FLORIDA CERTIFICATE OF AUTHORIZATION # LB 692

EXHIBIT "B"

A tract or parcel of land situated in the State of Florida, County of Lee, being part of Section 21, Township 43 South, Range 25 East and being a part of Lot 9 of I-75/Bayshore Road Industrial Park according to the map or plat thereof as recorded in Plat Book 34 at Pages 41 through 45 of the Public Records of said Lee County being more particularly described as follows:

Commencing at the southwesterly most corner of said Lot 9 of I-75/Bayshore Road Industrial Park; thence $N00^{\circ}04'23''E$ along the east line of an ingress/egress easement being the east right-of-way line of East Street N.E. (60.00 feet wide) for 176.00 feet to the point of beginning; thence continue $N00^{\circ}04'23''E$ along the east line of said East Street N.E. for 0.68 feet to the intersection of the north right-of-way line of Mercantile Street N.E. (60.00 feet); thence continue $N00^{\circ}04'23''E$ along the east line of said ingress/egress easement for 10.41 feet to the beginning of a curve concave to the southeast having a radius of 90.00 feet; thence northerly and northeasterly along said curve and along the east line of said ingress/egress easement for 92.56 feet through a central angle of $58^{\circ}55'37''$ said curve having a chord bearing of $N29^{\circ}32'12''E$ and a chord distance of 88.55 feet to the beginning of a reverse curve concave to the northwest having a radius of 65.00 feet; thence northeasterly and northerly along said curve and along the easterly line of said ingress/egress easement for 56.85 feet through a central angle of $58^{\circ}55'37''$ said curve having a chord bearing of $N29^{\circ}32'12''E$ and a chord distance of 63.94 feet; thence $N00^{\circ}04'23''E$ for 65.00 feet; thence $S89^{\circ}55'37''E$ for 178.00 feet to the east line of Lot 9; thence $S00^{\circ}04'23''W$ along said east line of Lot 9, for 208.85 feet; thence $N89^{\circ}55'37''W$, departing said east line of Lot 9 for 253.00 feet to the point of beginning.

Public Utility Easement Plat Book 34 page 42
Approved 08/07/07 9:30 PM1 Resolution No.
07-08-34 CCMB/Page 2007R/S21
Instr#2007000270848

I-75/BAYSHORE ROAD INDUSTRIAL PARK

PLAT BOOK 34 PAGE 42

SHEET 1 OF 4

Petition to Vacate
Petition No: 92-05
Description: 10ft utility & drainage
Easement See CCMB
Date of Approval: 05/06/92
Resolution No: 92-05-03
CCMB: 1992R Page: 363
Recorded on: 6/12/92 OR Book: 2306
Page: 1737-1739

A SUBDIVISION OF PORTIONS OF SECTIONS 20 & 21,
TOWNSHIP 43 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA

100 20 0 100 200 300
DE LOZIER ENGINEERING COMPANY, INC.
FORT MYERS FLORIDA

DESCRIPTION

A parcel of land lying in Sections 20 and 21, Township 43 South, Range 25 East, Lee County, Florida, more particularly described as follows:

Commence at the southeast corner of said Section 20 and run N 0° 04' 21" E along the East line of said Section 20 for 2162.08 feet to the intersection with the Northeastly right-of-way line of the Seaboard Coast Line Railroad for the Point of Beginning; thence run N 83° 43' 03" E along the North boundary of R. H. HOWELL'S DIVISION, according to the plat thereof recorded in Plat Book 3, Page 1, of the Public Records of Lee County, Florida, for 1293.56 feet to the West boundary of COLONIAL ACRES, UNIT TWO, according to the plat thereof recorded in Plat Book 23, Page 1, of the Public Records of Lee County, Florida; thence run N 0° 07' 41" E along said West boundary for 516.99 feet to the South line of the West half of the Northwest quarter of said Section 21; thence run S 03° 42' 25" E for 76.05 feet to the Southeast corner of the said West half; thence run N 0° 05' 18" E for 1081.10 feet to the Southwestly right-of-way line of Interstate Highway I-75; thence run N 75° 41' 07" W along said Interstate right-of-way line for 153.30 feet; thence run S 14° 18' 53" W for 130.00 feet; thence run N 75° 41' 07" W for 180.00 feet; thence run N 16° 18' 33" E for 65.00 feet; thence run N 75° 41' 07" W for 360.00 feet; thence run N 14° 18' 53" E for 65.00 feet to the intersection with the said Interstate right-of-way line; thence run N 75° 41' 07" W along said Interstate right-of-way line for 1912.13 feet; thence run S 0° 02' 29" E for 480.00 feet; thence run S 44° 19' 10" W for 110.26 feet to a point on a curve concave to the Southeast, having a radius of 7500 feet; thence run along the arc of said curve through a central angle of 90° for an arc distance of 78.57 feet; thence run S 64° 13' 10" W for 242.50 feet to the intersection with the Northeastly right-of-way line of the aforesaid railroad; thence run S 45° 40' 50" E along said railroad right-of-way line for 2076.75 feet to the Point of Beginning.

DEDICATION

KNOW ALL MEN BY THESE PRESENTS: That Richard H. Pritchett, Jr., Trustee, owner of the lands described hereon has caused this plat of I-75/BAYSHORE ROAD INDUSTRIAL PARK to be made and does hereby dedicate all road rights-of-way, park, and easements shown hereon to the perpetual use of the public for the purposes indicated.

IN WITNESS WHEREOF: Richard H. Pritchett, Jr., Trustee, has executed these presents this 11th day of September, 1981.

Ronnie M. Tomlin
WITNESS
William D. ...
WITNESS

Richard H. Pritchett, Jr. 14719nd
Richard H. Pritchett, Jr., Trustee

STATE OF FLORIDA I HEREBY CERTIFY: That on this day personally appeared before me Richard H. Pritchett, Jr., known to me to be the person described in and who executed the foregoing dedication and he acknowledged the execution thereof to be his free act and deed for the purposes therein expressed.

WITNESS my hand and official seal of Lee County, Florida this 11th day of September, 1981.

My Commission expires 10-10-32

Donnelly A. ...
Notary Public

APPROVALS

This plat was approved this 16th day of September, 1981 in an open meeting of the Board of County Commissioners of Lee County, Florida.

Edward ... Chairman
Sal ... Clerk
James ... County Attorney
Michael ... County Engineer

I HEREBY CERTIFY: That this plat of I-75/BAYSHORE ROAD INDUSTRIAL PARK has been examined by me and from my examination I find that said plat complies in form with the requirements of Chapter 177, Florida Statutes. I further certify that said plat was filed for record at 2:36 p.m. this 16th day of September, 1981, and was duly recorded in Plat Book 34 at Pages 42 through 44 of the Public Records of Lee County, Florida.

Sal ...
Clerk of the Circuit Court in and for Lee County, Florida

CERTIFICATION

I HEREBY CERTIFY: That the attached plat of I-75/BAYSHORE ROAD INDUSTRIAL PARK is a true and correct representation of the heretofore described land according to a recent survey made and plotted under my direction and supervision and that the survey data complies with all the requirements of Chapter 177, Florida Statutes.

DE LOZIER ENGINEERING COMPANY, INC.

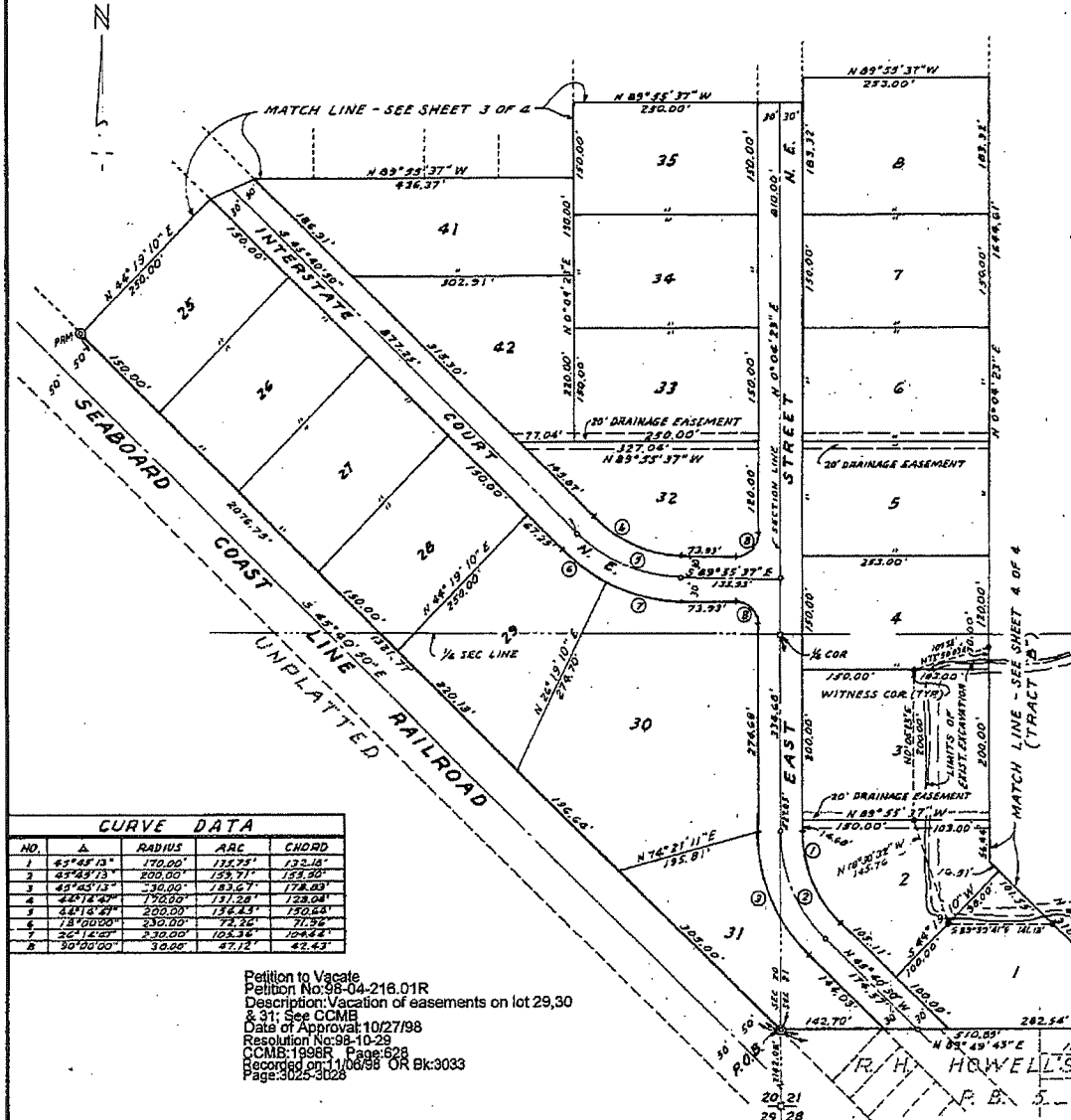
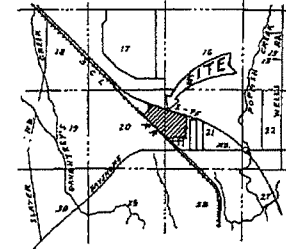
BY Walter A. Poston, Jr.
Walter A. Poston, Jr.
Registered Land Surveyor No. 2634
State of Florida
Date August 31, 1981



I-75/BAYSHORE ROAD INDUSTRIAL PARK

A SUBDIVISION OF PORTIONS OF SECTIONS 20 & 21,
TOWNSHIP 43 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA

DE LOZIER ENGINEERING COMPANY, INC.
FORT MYERS, FLORIDA



SURVEYOR'S NOTES

- ⊙ Denotes Permanent Reference Monument
- Denotes Permanent Control Point

Bearings shown are based on the Florida Department of Transportation plans for Bayshore Road.

Unless shown otherwise, a 6 foot wide easement along each side lot line and a 10 foot wide easement along the front and rear lines of each lot are hereby reserved for the installation and maintenance of public utilities and drainage facilities.

Petition to Vacate
Petition No:87-26
Description:Vacation of 12' drainage & utility easement (btwn lots 4&5)
Resolution No:88-1-31
Date of Approval:1/12/88
CCMB:187 Page:103

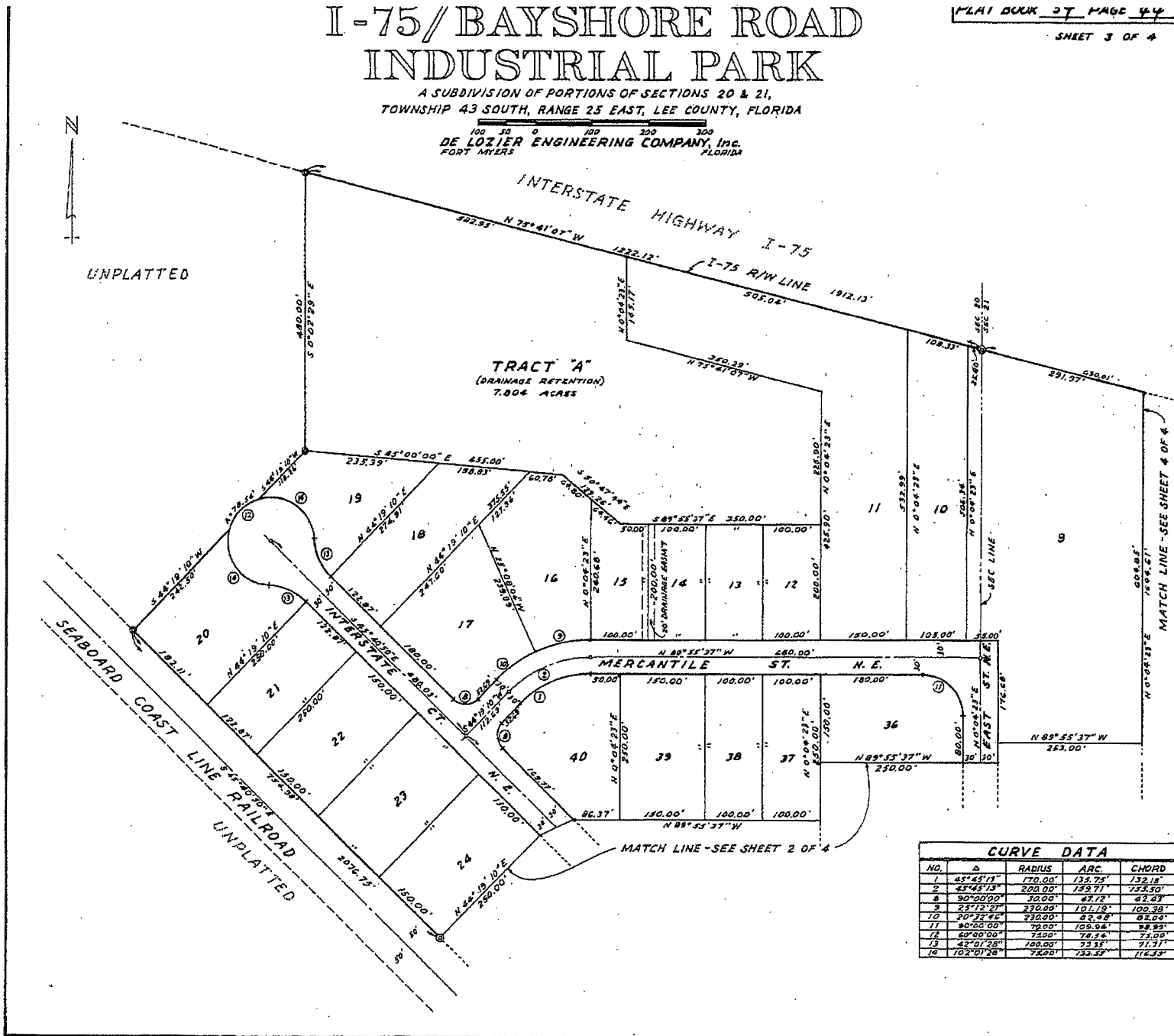
CURVE DATA				
NO.	Δ	RADIUS	AAC	CHORD
1	63°48'13"	170.00'	132.75'	132.16'
2	63°23'13"	200.00'	155.71'	153.50'
3	45°40'13"	30.00'	18.67'	17.80'
4	44°14'00"	150.00'	111.24'	123.04'
5	44°18'21"	200.00'	152.43'	150.64'
6	18°00'00"	230.00'	72.26'	71.96'
7	26°11'20"	230.00'	105.36'	104.48'
8	30°00'00"	30.00'	8.72'	8.43'

Petition to Vacate
Petition No:98-04-216.01R
Description:Vacation of easements on lot 29,30 & 31. See CCMB
Date of Approval:10/27/98
Resolution No:98-10-28
CCMB:1998R Page:528
Recorded on 11/04/98 OR Bk:3033
Page:3025-3028

I-75/BAYSHORE ROAD INDUSTRIAL PARK

A SUBDIVISION OF PORTIONS OF SECTIONS 20 & 21,
TOWNSHIP 43 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA

DE LOZIER ENGINEERING COMPANY, INC.
FORT MYERS, FLORIDA



CURVE DATA				
NO.	Δ	RADIUS	ARC	CHORD
1	45°45'11"	170.00'	135.75'	132.18'
2	43°45'13"	200.00'	159.71'	153.50'
3	30°20'20"	300.00'	231.75'	223.29'
4	23°12'27"	270.00'	201.19'	190.38'
10	20°32'46"	230.00'	182.48'	172.04'
11	20°55'00"	200.00'	158.66'	149.89'
12	20°00'00"	150.00'	118.18'	112.00'
13	42°01'28"	100.00'	75.35'	71.71'
14	102°01'28"	250.00'	153.35'	146.33'

Prepared by:
Scott R. LeConey
Swaine & Harris, P. A.
401 Dal Hall Boulevard
Lake Placid, FL 33852
863-465-2811
File Number: P5594-021
Will Call No.:

[Space Above This Line For Recording Data]

Quit Claim Deed

This Quit Claim Deed made this 24th day of July, 2010 between A&A TRUCK BROKERS INC., a Florida corporation whose post office address is 5278 Golden Gate Parkway, Suite 1, Naples, FL 34116, grantor, and MINUS FORTY TECHNOLOGIES CORP. USA, a Florida corporation whose post office address is 757 S. E. 17th Street, Suite 565, Fort Lauderdale, FL 33316, grantee:

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

Witnesseth, that said grantor, for and in consideration of the sum TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, does hereby remise, release, and quitclaim to the said grantee, and grantee's heirs and assigns forever, all the right, title, interest, claim and demand which grantor has in and to the following described land, situate, lying and being in Lee County, Florida to-wit:

A tract or parcel of land lying in the State of Florida, County of Lee, situated in Section 21, Township 43 South, Range 25 East, being a portion of Tract "B", I-75/Bayshore Road Industrial Park, according to the map or plat thereof, as recorded in Plat Book 34, at Pages 42 through 45 in the Public Records of Lee County, Florida, and being more particularly described as follows:

Beginning at the northwest corner of said Tract "B", said point lying on the southerly right-of-way of Interstate Highway 75 (I-75); thence S.75°41'07"E. along said southerly right-of-way, a distance of 398.84 feet; thence S.14°18'53"W. leaving said southerly right-of-way, a distance of 65.00 feet; thence S.75°41'07"E., a distance of 181.31 feet; thence S.04°10'23"E., a distance of 82.69 feet; thence S.17°58'48"W., a distance of 282.78 feet; thence N.67°57'14"W., a distance of 35.69 feet; thence N.56°24'41"W., a distance of 92.90 feet; thence N.74°39'44"W., a distance of 133.80 feet; thence S. 89°53'20"W., a distance of 81.14 feet; thence S.58°44'41"W., a distance of 168.52 feet; thence N.00°04'23"E. along the west line of said Tract "B", a distance of 545.07 feet to the northwest corner of said Tract "B" and the Point of Beginning.

THE PREPARER OF THIS INSTRUMENT WAS NEITHER FURNISHED WITH, NOR REQUESTED TO REVIEW, AN ABSTRACT ON THE DESCRIBED PROPERTY AND THEREFORE EXPRESSES NO OPINION AS TO CONDITION OF TITLE.

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 grantors, either in law or equity, for the use, benefit and profit of the said grantee forever.

Quit Claim Deed, Page Two
Grantor: A&A Truck Brokers, Inc.
Grantee: Minus Forty Technologies Corp. USA

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:

A&A TRUCK BROKERS INC., a Florida corporation

By: [Signature]
KEN COURTS, President

[Signature]
Witness Name: Jenni S. Carigan
[Signature]
Witness Name: Shannon Andrews



(Corporate Seal)

State of Michigan
County of LEE TOWNSHIP

The foregoing instrument was acknowledged before me this 24 day of July, 2010 by KEN COURTS, President of A&A TRUCK BROKERS INC., a Florida corporation, on behalf of said firm. He is personally known or has produced _____ as identification.

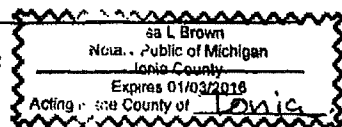
[Notary Seal]



[Signature]
Notary Public

Printed Name: _____

My Commission Expires: _____



Prepared without opinion of title by
Robert B. Burandt
1714 Cape Coral Parkway E.
Cape Coral, FL 33904

When Recorded return to:
Robert B. Burandt
1714 Cape Coral Parkway E.
Cape Coral, FL 33904

(Space above this line reserved for recording office use only)

Parcel Identification Number 21-43-25-00-00016.008A

WARRANTY DEED IN LIEU OF FORECLOSURE

This Warranty Deed in Lieu of Foreclosure is made this _____ day of _____, 2010, by Capital Investment Corp. of S.W. Florida with full power and authority to protect, conserve, sell, mortgage, transfer, lease, encumber, convey or otherwise manage and dispose of said real property as provided in Section 689.071, Florida Statutes, whose post office address is P.O. 159, Lake Placid, Florida 33862 (the "Grantor"), to Minus Forty Technologies Corp, USA, whose post office address is P.O. Box 159, Lake Placid, Florida 33862:

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

Witnesseth, that the Grantor, for and in consideration of the sum of TEN AND NO/00 DOLLARS (\$10.00) and other good and valuable considerations, receipt of which is hereby acknowledged, hereby grants, bargains sells, aliens, remises, releases, conveys and confirms unto the Grantee, all that certain land situate, lying and being in Lee County, Florida, to wit (the "Property):

SEE EXHIBIT ONE ATTACHED HERETO AND MADE A PART HEREOF

Grantor represents and warrants to Grantee that the Property is commercial property and is not the homestead property of Grantor or Grantor's immediate family nor is it contiguous to the same

Together with all tenements, hereditaments and appurtenances thereto belonging or in anyway 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 for the year 2010 and subsequent years, zoning, building code and

other use restrictions imposed by governmental authority, restrictions, reservations and easements common to the subdivision, and all outstanding oil, gas and mineral instruments of record if any.

This Warranty Deed in Lieu of Foreclosure is made, executed and delivered in lieu of foreclosure of that certain Mortgage and Security Agreement by and between Grantor, as "Mortgagor", and Grantee, as "Mortgagee" dated November 30, 2008 and recorded under Instrument Number 2007000364543, of the Public Records of Lee County, Florida (the "Mortgage"). It is expressly acknowledged and agreed between Grantor and Grantee that the lien of the Mortgage and the fee title to the Property shall not be merged by virtue of the execution and delivery of this Warranty Deed, that the lien of the Mortgage is preserved in favor of Grantee and that Grantee preserves its rights as the Mortgagee under the Mortgage to foreclose any and all junior liens and/or encumbrances. Grantor hereby represents, indemnifies and warrants to Grantee that there exist no liens or encumbrances which affect the Property. Grantor further represents, warrants, acknowledges and agrees that (i) it is in default of the Mortgage (and the Promissory Note secured thereby) for failure to pay principal and interest due thereunder when due; (ii) this Warranty Deed is made, executed, delivered and given by Grantor to Grantee in full consideration of the waiver of any deficiency of the payment of sums due under the Mortgage and the Promissory Note; (iii) Grantor waives any and all rights of redemption in and to the Property; (iv) Grantor makes, executes and delivers this Warranty Deed to Grantee freely, knowingly, voluntarily and without any duress of any kind whatsoever, acknowledging and agreeing that (a) the consideration paid by Grantee for this Warranty Deed is fair, and (b) Grantor fully understands the terms, conditions, acts, and consequences of this delivery of this Warranty Deed, and (c) Grantor's execution of this Warranty Deed constitutes an absolute conveyance of all of Grantor's right, title and interest in and to the Property and is not intended to be additional security.

Capital Investment Corp. of S.W. Florida

By: [Signature]

Its: President

[Signature]
witness
Debra McLoughlin
printed name of witness

[Signature]
witness
Tricia McLean
printed name of witness

STATE OF Florida
COUNTY OF Lee

The foregoing instrument was acknowledged before me this 5th day of November, 2010 by Russell Attree, as President of Capital Investment Corp. of S.W. Florida.

X personally known
Identification produced
type of identification



Kim L. Harpster
Notary Public

SEAL

INSTR # 2008000303972 Page Number: 2 of 3

EXHIBIT 'A'

METRON
SURVEYING & MAPPING, LLC
LAND SURVEYORS • PLANNERS

DESCRIPTION
OF A PARCEL OF LAND LYING IN
SECTION 21, TOWNSHIP 43 SOUTH, RANGE 25 EAST,
LEE COUNTY, FLORIDA
(PARCEL "B")

(PORTION OF TRACT "B" & ALL OF TRACT "C", I-75/BAYSHORE ROAD INDUSTRIAL PARK)

A TRACT OR PARCEL OF LAND LYING IN THE STATE OF FLORIDA, COUNTY OF LEE, SITUATED IN SECTION 21, TOWNSHIP 43 SOUTH, RANGE 25 EAST, BEING A PORTION OF TRACT "B" AND ALL OF TRACT "C", I-75/BAYSHORE ROAD INDUSTRIAL PARK, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 34, AT PAGES 42 THROUGH 48 IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:


COMMENCING AT THE NORTHWEST CORNER OF SAID TRACT "B", SAID POINT LYING ON THE SOUTHERLY RIGHT-OF-WAY OF INTERSTATE HIGHWAY 75 (I-75); THENCE S.78°41'07"E, ALONG SAID SOUTHERLY RIGHT-OF-WAY, A DISTANCE OF 388.04 FEET; THENCE S.14°18'03"W, LEAVING SAID SOUTHERLY RIGHT-OF-WAY, A DISTANCE OF 85.00 FEET; THENCE S.78°41'07"E, A DISTANCE OF 181.31 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S.78°41'07"E, A DISTANCE OF 188.00 FEET; THENCE S.14°18'03"W, A DISTANCE OF 65.00 FEET; THENCE S.78°41'07"E, A DISTANCE OF 183.00 FEET TO THE NORTHEAST CORNER OF SAID TRACT "C"; THENCE S.00°07'41"W, ALONG THE EAST LINE OF SAID TRACT "C", A DISTANCE OF 1093.10 FEET; THENCE N.88°44'41"E, A DISTANCE OF 76.05 FEET; THENCE S.00°07'41"W, ALONG SAID EAST LINE OF SAID TRACT "C", A DISTANCE OF 518.89 FEET TO THE SOUTHEAST CORNER OF SAID TRACT "C"; THENCE N.88°44'41"E, ALONG THE SOUTH LINE OF SAID TRACTS "B" AND "C", A DISTANCE OF 733.11 FEET; THENCE N.48°40'59"W, ALONG THE SOUTHWESTERLY LINE OF SAID TRACT "B", A DISTANCE OF 318.06 FEET; THENCE N.88°44'41"E, ALONG THE WEST LINE OF SAID TRACT "B", A DISTANCE OF 1098.63 FEET; THENCE N.88°44'41"E, A DISTANCE OF 188.02 FEET; THENCE N.89°32'28"E, A DISTANCE OF 81.14 FEET; THENCE S.74°38'46"E, A DISTANCE OF 131.60 FEET; THENCE S.85°34'41"E, A DISTANCE OF 82.99 FEET; THENCE S.97°57'14"E, A DISTANCE OF 36.89 FEET; THENCE N.17°08'48"E, A DISTANCE OF 282.78 FEET; THENCE N.04°10'23"W, A DISTANCE OF 82.89 FEET TO THE POINT OF BEGINNING.

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

SUBJECT PARCEL CONTAINS 33.83 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE SOUTH LINE OF TRACTS "B" AND "C" AS BEARING S.89°49'45"W, ACCORDING TO SAID PLAT.

Certification for Description
Surveyor and Mapper in Responsible Charge:
Dante J. O'Connell, Jr., LS 88490
Metron Surveying & Mapping, LLC, LS 87071
10870 S. Cleveland Ave., Suite 8006
Fort Myers, FL 33907

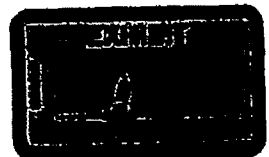
Signed: 
Date: 11/19/15

SHEET 1 OF 2

2002 3/19 0682.dwg

10870 S. CLEVELAND AVENUE, SUITE 8006 • FORT MYERS, FLORIDA 33907 • PHONE (238) 276-8876 • FAX (238) 276-8487
www.m64nll.com

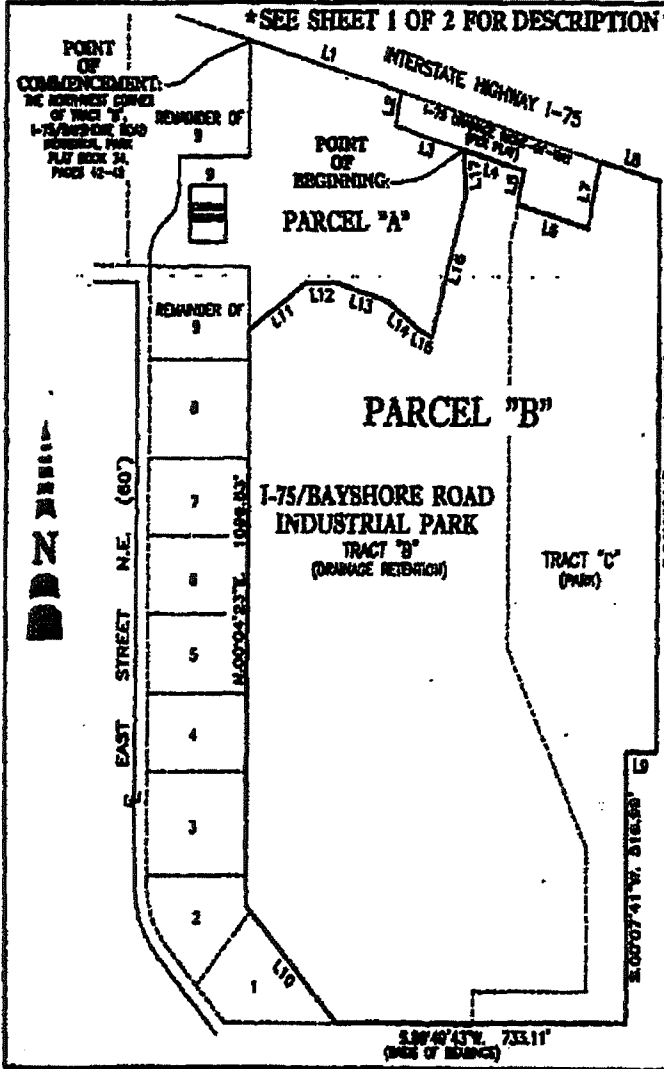
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REVISIONS

INSTR # 2005000033972 Page Number: 2 of 2

EXHIBIT "A"



SKETCH TO ACCOMPANY DESCRIPTION
 OF A PARCEL OF LAND LYING IN
 SECTION 21, TOWNSHIP 43 SOUTH, RANGE 25 EAST,
 LEE COUNTY, FLORIDA

LINE TABLE:

Line	Bearing	Distance
L1	S.79°41'07"E	364.00'
L2	S.1°18'53"W	85.00'
L3	S.79°41'07"E	81.31'
L4	S.79°41'07"E	158.80'
L5	S.1°18'53"W	85.00'
L6	S.79°41'07"E	180.00'
L7	S.1°18'53"W	180.00'
L8	S.79°41'07"E	151.50'
L9	S.89°42'20"W	78.05'
L10	N.05°40'50"W	348.00'
L11	N.59°44'51"E	183.50'
L12	N.89°37'20"E	61.44'
L13	S.7°28'44"E	131.80'
L14	S.89°34'41"E	82.80'
L15	S.87°57'14"E	35.80'
L16	N.17°58'48"E	262.75'
L17	N.0°30'25"W	52.80'

THIS IS NOT A SURVEY

 PROFESSIONAL SURVEYOR AND MAPPING
 FLORIDA LICENSE NO. 13 4643
 DATE: 4/14/03

NOT VALID WITHOUT THE SIGNATURE AND THE CORRESPONDING SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPING.

PARCEL "B"
 PORTION OF TRACT "B" AND ALL OF TRACT "C"
 I-75 / BAYSHORE ROAD INDUSTRIAL PARK

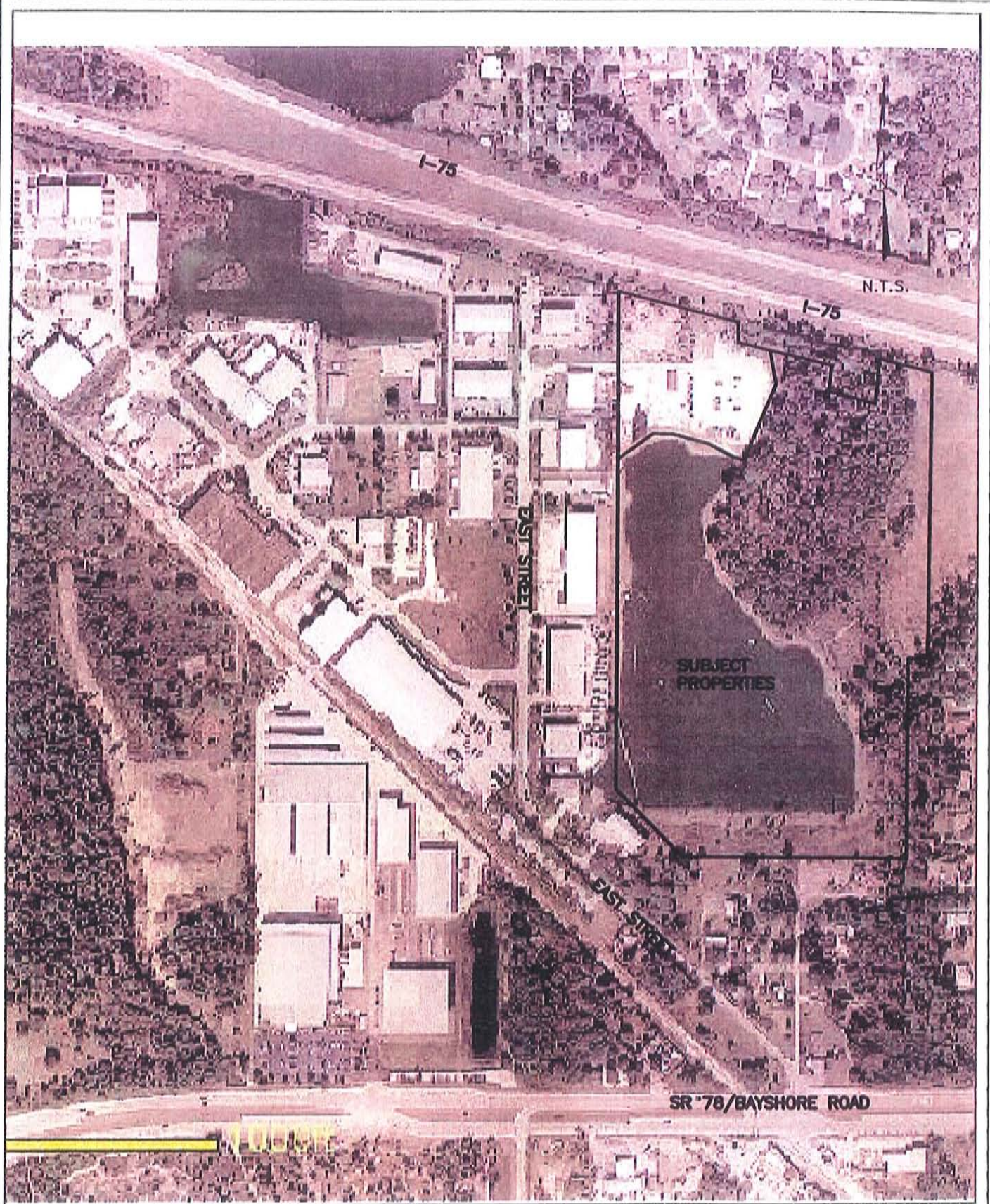
SKETCH OF DESCRIPTION

METRON
 SURVEYING & MAPPING, LLC
 LAND SURVEYORS-PLANNERS
 L.S. 0108

11-14-2003 2003/001 2"=100' 819 21-45-03

6/20

1008460



AERIAL MAP, EXHIBIT A-8

STRAP 21-43-25-04-00000.B010 & 21-43-25-04-00000.B000
17650 & 17600 EAST STREET
NORTH FORT MYERS, FL 33917

SOURCE: TDM, 2011

DATE: 05/11

FILE: DRAWINGS



43 Barkley Circle, Suite 200
Fort Myers, FL 33907
Phone: (239) 433-4231
Fax: (239) 433-6632
Email: dean@tdmconsulting.com

September 17, 2010

To Whom It May Concern:

Reference: 4.9± acres at 17650 East Street, North Fort Myers, FL 33917
Lee County 21-43-25-04-00000.B010

I authorize TDM Consulting, Inc. to pursue all permits and documents necessary to proceed with future development of the above-referenced property. This includes, but is not limited to: Lee County Comprehensive Plan Amendment, rezoning to Industrial Planned Development, Environmental Resource Permit, Development Order, and representation at the Code Violation Hearings. This includes permits as required by Lee County Development Services, South Florida Water Management District (SFWMD), Lee County Department of Health (DOH), and Florida Department of Environmental Protection (FDEP).

If you have any questions, please feel free to contact the offices of Minus Forty Technologies Corp. USA at 905-702-1441.

Sincerely,



Julian Attree
President

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

TRAFFIC IMPACT STATEMENT

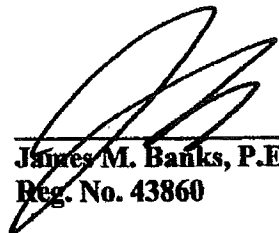
FOR

**17650 East Street
Small-Scale Comprehensive Land Use Amendment**

**(Project No. 100913)
September 30, 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

9-30-2010
Date

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CONCLUSIONS

Road Impact Mitigation Requirements

Based upon the findings and conclusions of this report, it was determined that 17560 East Street will not have a significant impact upon the surrounding road network. It was verified that all roadways, within the project's area of influence, currently have a surplus of capacity and can accommodate the additional traffic associated with the proposed land use change, and the network will continue to operate at acceptable levels of service for 2015 thru 2030 project build-out conditions. Furthermore, the project will not affect or require modifications to Lee County's 5-year Capital Improvement Program or the 2030 Long-Term Financially Feasible Plan. The report concludes that the project will not create any transportation deficiencies that need to be mitigated.

Concurrency Review

Bayshore Road(a/k/a State Road 80) is classified as a four-lane divided arterial with an adopted minimum performance standard of LOS "E". As defined by the Lee County Concurrency Management Report, Bayshore Road has a maximum service capacity of 1,950 vph for the 100th highest hour peak direction. As determined, Bayshore Road will have a project build-out demand of 1,214 vphpd and a v/c ratio of 0.62. As such, this project will be compliant with Lee County's Concurrency Management Policy.

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 project's seeking approval of 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 proposed land use change and ultimate development of 17650 East Street.

SCOPE OF PROJECT

The project (referred to 17650 East Street) is a proposed small-scale land use amendment, which will result in a change in land use from Suburban to Industrial use. The 5.0 +/- acre site is located at 17650 East Street, and is approximately one-half mile north of State Road 78 (a/k/a Bayshore Road) within North Fort Myers. If approved, the project will have the ability to develop approximately 50,000 square feet of mixed light industrial use. The site will have one access along East Street which provides the project full access to State Road 78. The development is expected to be completed by 2015.

PROJECT GENERATED TRAFFIC

Traffic which can be expected to be generated by the project was estimated based upon the guidelines established by the Institute of Transportation Engineers, Trip Generation Manual, 8th Edition. That is, traffic data collected at similar developments was relied

upon in estimating the project's traffic. In referencing the Trip Generation Manual, it was concluded that Land Use Code "Industrial Park" (LUC 130) was most appropriate use in order to estimate the project traffic.

Table 1 of this report provides a detail of the calculations that were performed in estimating the trip generations, which has been summarized below.

Land Use	Build-out	New Trips Daily (ADT)	New Trips AM Peak (VPH)	New Trips PM Peak (VPH)
LUC 130	50,000 s.f. positions	995 ADT	60 VPH	81 VPH

The Report finds that the project will generate less than 100 trip ends during the highest peak hour. As such, the Report will investigate 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

East Street is a two-lane commercial local road with a posted speed limit of 30 MPH. The project will have one full access on East Street. East Street provides full access to Bayshore Road.

Bayshore Road(a/k/a State Road 80) is classified as a four-lane divided arterial with an adopted minimum performance standard of LOS "E". As defined by the Lee County Concurrency Management Report, Bayshore Road has a maximum service capacity of 1,950 vph for the 100th highest hour peak direction. The posted speed limit on Bayshore road is 50 MPH, within proximity of its intersection with East Street.

PROJECT GENERATED TRAFFIC DISTRIBUTION

The project's traffic was distributed to the surrounding roadway network based upon logical means of ingress/egress; current and future traffic patterns in the area; demographics; business opportunities and competing markets; as well as, growth trends for the surrounding areas. Table 2A provides a detail of the traffic distributions.

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.

2015 & 2030 PROJECT BUILD-OUT CONDITIONS

In order to establish 2015 & 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 & 2030 Background Traffic. Table 2C and Table 3C provide a detail of 2015 and 2030 traffic conditions, respectively.

As determined, all roadway links with the project's are of impact will operate at acceptable levels of service for 2015 and 2030 traffic conditions.

CONCURRENCY REVIEW

Bayshore Road(a/k/a State Road 80) is classified as a four-lane divided arterial with an adopted minimum performance standard of LOS "E". As defined by the Lee County Concurrency Management Report, Bayshore Road has a maximum service capacity of 1,950 vph for the 100th highest hour peak direction. As determined, Bayshore Road will have a project build-out demand of 1,214 vphpd and a v/c ratio of 0.62. As such, this project will be compliant with Lee County's Concurrency Management Policy.

APPENDIX

TABLES 1 thru 3C

SUPPORT DOCUMENTS

TABLE 1
17650 East Street
Trip Generation Computations

Land Use Code	Description	Build-out Schedule
LUC 130	Industrial Park	50,000 Square Feet

DAILY TRAFFIC (ADT)

LUC 130

Daily Traffic = $T = 4.96(X) + 747.75 = 4.96(50) + 747.75 =$ **995 ADT**

AM PEAK HOUR TRAFFIC (VPH)

LUC 130

AM Peak Hour = $Ln(T) = 0.77 Ln(X) + 1.09 = 0.77 Ln(50) + 1.09 =$ **60 vph**
 82%Enter/18%Exit = **49/11 vph**

PM PEAK HOUR TRAFFIC (VPH)

LUC 130

PM Peak Hour = $T = 0.77(X) + 42.11 = 0.77(50) + 42.11 =$ **81 vph**
 21%Enter/79%Exit = **17/64 vph**

**TABLE 2A
PROJECT'S AREA OF IMPACT**

Project Traffic Peak Direction (vph) =

64

		<u>Road Class</u>	<u>Project Traffic % Distribution</u>	<u>Project Traffic PK Direction Volume (vph)</u>	<u>LOS "C" Service Volume Pk Direction (vphpd)</u>	<u>Project's Percentage Impact</u>	<u>Significant Impact</u>	<u>Service Volume LOS Standard</u>	<u>LOS Standard PK Direction Volume (vphpd)</u>
State Road 78	W. of East Street	4LD	40%	26	1950	1.31%	NO	E	1950
	W. of I-75	4LD	60%	38	1950	1.97%	NO	E	1950

**TABLE 2B
ROADWAY LINK VOLUMES**

Station	P.C.S. 34	1st Year Traffic Count (ADT)	2009 Traffic Count (ADT)	Years of Growth	Growth Rate	K100 Factor	Directional Factor	2008	2010	2015
								Peak Hour PK Direction (VPH)	Peak Hour PK Direction (VPH)	Peak Hour PK Direction (VPH)
State Road 78	W. of East Street	34	18400	9	2.00%	0.092	62%	1044	1065	1178
		34	18400	9	2.00%	0.092	62%	1044	1065	1178
	W. of I-75	34	18400	9	2.00%	0.092	62%	1044	1065	1178

**TABLE 2C
ROADWAY LINK VOLUME & CAPACITY ANALYSIS**

		2010	2010	2015	2015	Project	2015	Service Vol.	<u>v/c Ratio</u>	2015
		Peak Hour PK Direction <u>(vphpd)</u>	Peak Hour PK Direction <u>LOS</u>	Peak Hour PK Direction Background <u>(vphpd)</u>	Peak Hour PK Direction Background <u>LOS</u>	Peak Hour PK Direction <u>(vphpd)</u>	Build-Out Peak Hour PK Direction <u>(vphpd)</u>	Peak Hour PK Direction <u>(vphpd)</u>		Build-Out Peak Hour PK Direction <u>LOS</u>
State Road 78	W. of East Street	1065	C	1176	C	26	1201	1950	0.62	C
	W. of I-75	1065	C	1176	C	38	1214	1950	0.62	C

**TABLE 3B
ROADWAY LINK VOLUMES**

P.C.S. 34	Station	1st Year Traffic Count (ADT)	2009 Traffic Count (ADT)	Years of Growth	Growth Rate	K100 Factor	Directional Factor	2009	2010	2030
								Peak Hour PK Direction (VPH)	Peak Hour PK Direction (VPH)	Peak Hour PK Direction (VPH)
	W. of East Street	34	18400	9	2.00%	0.092	62%	1044	1065	1582
	W. of I-75	34	18400	9	2.00%	0.092	62%	1044	1065	1582

**TABLE 3C
ROADWAY LINK VOLUME & CAPACITY ANALYSIS**

		2010		2030		Project Peak Hour PK Direction	2030		Service Vol. Peak Hour PK Direction	v/c Ratio	2030	
		Peak Hour PK Direction (vphpd)	Peak Hour PK Direction LOS	Peak Hour PK Direction Background (vphpd)	Peak Hour PK Direction Background LOS		Build-Out Peak Hour PK Direction (vphpd)	Build-Out Peak Hour PK Direction LOS				
State Road 78	W. of East Street	1085	C	1582	C	26	1608	1950	0.82	C		
	W. of I-75	1085	C	1582	C	38	1621	1950	0.83	C		

ROAD LINK VOLUMES
Peak Direction of Flow

ROADWAY LINK NAME	FROM	TO	ROAD TYPE	PERFORMANCE STANDARD		2009 100th HIGHEST HR		EST 2010 100th HIGHEST HR		FORECAST FUTURE VOL		NOTES*	LINK NO.
				LOS	CAPACITY	LOS	VOLUME	LOS	VOLUME	LOS	VOLUME		
A & W BULB RD	GLADIOLUS DR	McGREGOR BL	2LU	E	880	N/A	N/A	N/A	N/A	N/A	N/A	Under construction	00100
ALABAMA RD	IMMOKALEE RD (SR 82)	MILWAUKEE BL	2LN	E	1,060	B	246	B	251	B	251		00200
ALABAMA RD	MILWAUKEE BL	HOMESTEAD RD	2LN	E	1,060	C	389	C	390	C	390		00300
ALEX BELL BL	IMMOKALEE RD (SR 82)	MILWAUKEE BL	2LN	E	1,180	A	82	A	84	B	280		00400
ALEX BELL BL	MILWAUKEE BL	JOEL BL	2LN	E	1,180	B	311	B	312	C	457		00500
ALICO RD	US 41	DUSTY RD	4LD	E	1,960	B	900	B	900	B	900		00590
ALICO RD	DUSTY RD	LEE RD	6LD	E	2,960	B	900	B	909	B	1,307		00600
ALICO RD	LEE RD	THREE OAKS PKWY	6LD	E	2,960	B	918	B	918	B	1,242		00700
ALICO RD	THREE OAKS PKWY	I-75	6LD	E	2,960	B	1,314	B	1,314	B	1,314		00800
ALICO RD	I-75	BEN HILL GRIFFIN PKWY	6LD	E	2,960	B	889	B	833	B	1,183		00900
ALICO RD	BEN HILL GRIFFIN PKWY	GREEN MEADOW DR	2LN	E	970	B	154	B	154	C	411	4 Ln design scheduled in 2012/13	01000
ALICO RD	GREEN MEADOW DR	CORKSCREW RD (CR 850)	2LN	E	970	A	60	A	60	A	60		01050
BABCOCK RD	US 41	ROCKEFELLER CIR	2LN	E	880	B	60	B	60	C	166		01200
BARRETT RD	PONDELLA RD	PINE ISLAND RD	2LN	E	880	B	106	B	106	B	106		01400
BASS RD	SUMMERLIN RD	GLADIOLUS DR	4LD	E	1,830	B	598	B	588	C	957		01500
BAYSHORE RD (SR78)	BUSINESS 41	HART RD	4LD	E	1,950	C	1,786	C	1,786	C	1,868		01600
BAYSHORE RD (SR78)	HART RD	SLATER RD	4LD	E	1,950	B	1,452	B	1,453	C	1,804		01700
BAYSHORE RD (SR78)	SLATER RD	I-75	4LD	E	1,950	B	877	B	893	B	1,050		01800
BAYSHORE RD (SR78)	I-75	NALLE RD	2LN	E	1,060	D	655	D	657	D	657		01900
BAYSHORE RD (SR78)	NALLE RD	SR 31	2LN	E	1,060	D	655	D	655	D	724		02000
BEN HILL GRIFFIN PKWY	CORKSCREW RD	FGCU ENTRANCE	4LD	E	1,960	B	929	B	929	B	968		02100
BEN HILL GRIFFIN PKWY	FGCU ENTRANCE	COLLEGE CLUB DR	4LD	E	1,960	B	929	B	934	B	1,192		02200
BEN HILL GRIFFIN PKWY	COLLEGE CLUB DR	ALICO RD	6LD	E	2,960	B	756	B	756	B	922		02250
BEN HILL GRIFFIN PKWY	ALICO RD	TERMINAL ACCESS RD	4LD	E	2,080	B	1,270	B	1,305	B	1,305		26950
BETH STACEY BL	23rd ST	HOMESTEAD RD	2LU	E	880	C	272	C	275	C	603		02300
BONITA BEACH RD	HICKORY BL	VANDERBILT RD	4LD	E	1,910	C	529	C	529	C	529		02400
BONITA BEACH RD	VANDERBILT RD	US 41	4LD	E	1,910	D	1,404	D	1,404	D	1,404		02500
BONITA BEACH RD	US 41	OLD 41	4LD	E	1,890	D	1,155	D	1,155	D	1,155	6 Ln design underway	02600
BONITA BEACH RD	OLD 41	IMPERIAL ST	4LD	E	1,890	D	1,478	D	1,478	D	1,478	6 Ln design, ROW acquisition underway; construction funded in 2012/13.	02700
BONITA BEACH RD	IMPERIAL ST	I-75	6LD	E	2,850	D	1,372	D	1,372	D	1,372		02800
BONITA BEACH RD	I-75	BONITA GRANDE DR	4LD	E	2,010	B	646	B	646	C	646		02900

-60-

PERIODIC COUNT STATION DATA

BAYSHORE RD (SR 78)	E OF BUSINESS 41	218	C	31800	32300	34000	31000	35700	37800	33400	34000	29500	28900	34	2
	W OF WILLIAMSBURG DR	4	D	18400	19500	20000	20600	22000	22300	U/C	26700				
	E OF NALLE RD	217	D	9300	10000	9300	10100	11900	11900	13700	11600	8700	10600	34	2
BEN HILL GRIFFIN PKWY	S OF MIDFIELD TERMINAL	60	E						19000	20900	23700	24000	24100		4
	N OF CORKSCREW RD	517	H	3000	4500	5000	7800	10200	17200	20500	26200	20300	18800	60	4
BETH STACEY RD	S OF HOMESTEAD RD	220	F	4000	4600	5200	5200	6500	6900	7300	7400	7000	6300	6	5
BONITA BEACH RD	E OF VANDERBILT RD	7	H	25300	26400	25800	25600	23900		U/C	U/C	23400	24800		6
	E OF OLD 41 RD	226	H	26000	24100	28800	26400	30900	28000	31100	33300	31400	29300	42	6
	E OF I-75	235	H	10200	9900	11600	12400	15300	16500	18800	16300	15400	12800	42	6
BONITA GRANDE DR	S OF BONITA BEACH RD	493	H	3400	3400	3000	3000	3400	3500	2900	3600	3000	3200	42	6

**PERMANENT COUNT STATION 34
PONDELLA RD E OF BETMAR**

2009 AADT = 18200

K100 Factor - 0.1046

Monthly ADT as a % of Annual ADT

January	99%
February	105%
March	105%
April	103%
May	99%
June	100%
July	97%
August	98%
September	98%
October	101%
November	97%
December	99%

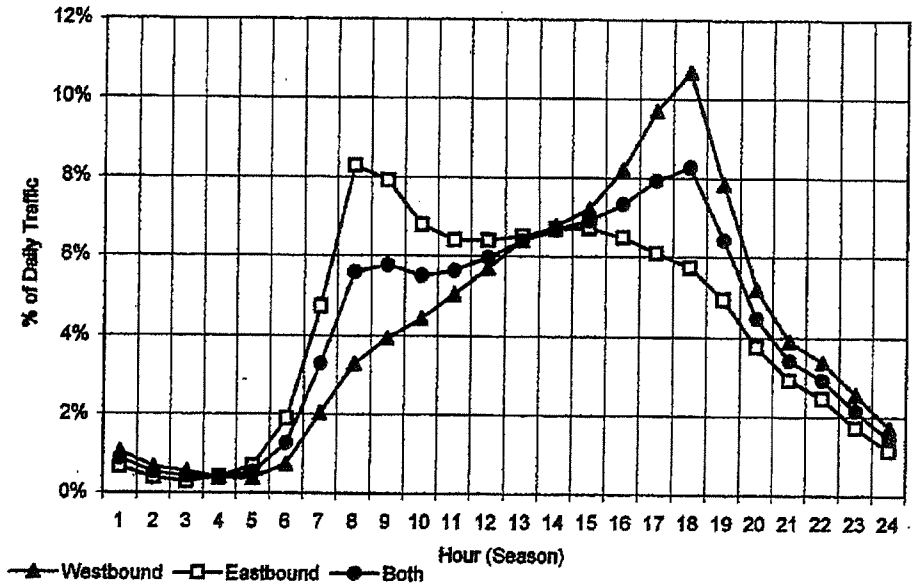
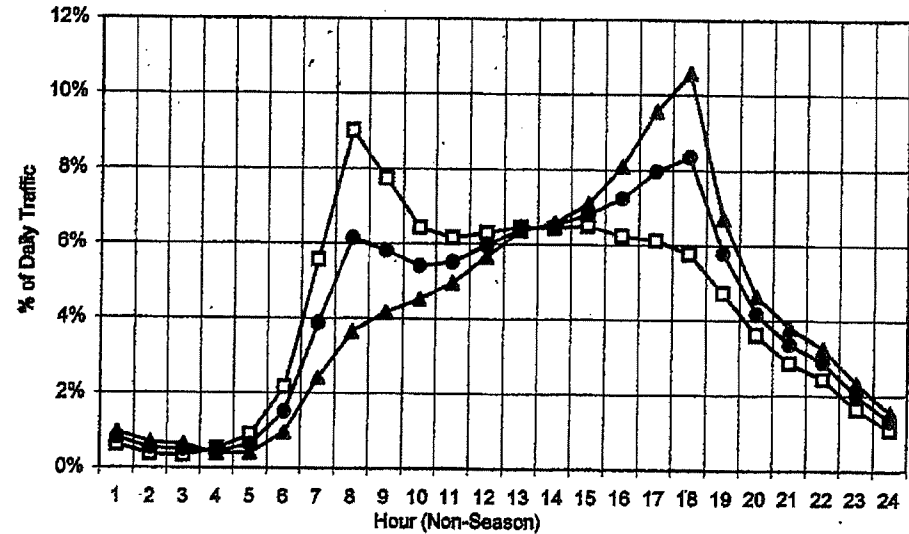
Day of Week as a % of Annual ADT

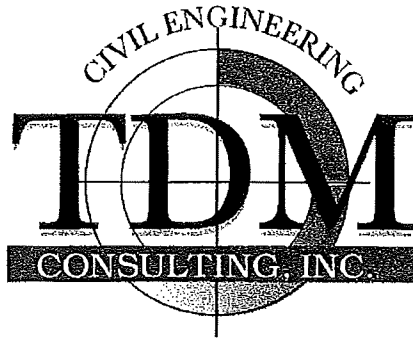
Monday	105%
Tuesday	110%
Wednesday	111%
Thursday	109%
Friday	114%
Saturday	84%
Sunday	65%

Weekday Peak Flow Characteristics

	Non-Season	Season
Peak Flow between 7 a.m. and 9 a.m.		
1) as a % of weekday traffic	6.0%	5.7%
2) directional Split (peak direction)	68%	69%
	Eastbound	Eastbound
Peak Flow between 4 p.m. and 6 p.m.		
1) as a % of weekday traffic	8.2%	8.1%
2) directional Split (peak direction)	63%	63%
	Westbound	Westbound

**PERMANENT COUNT STATION 34
PONDELLA RD E OF BETMAR**





43 Barkley Circle, Suite 200
Fort Myers, FL 33907
Phone 239-433-4231 Fax 239-433-9632
www.tdmcivilengineering.com

**LARGE SCALE COMPREHENSIVE PLAN AMENDMENT
CPA2010-00007**

**Public Facilities Impact
Existing and Future Conditions Analysis
Exhibits B-2.a thru B-2.e**

- a. **Sanitary Sewer** – The parcel falls within the service area of Florida Governmental Utility Authority (FGUA), formerly North Fort Myers Utilities. However, the nearest public sanitary sewer facilities (a 12” force main) are more than 3,500 feet to the south of the subject property. In addition, all nearby properties in the I-75/Bayshore Road Industrial Park provide on-site sanitary sewer disposal in the form of septic systems. Therefore, the proposed development would construct an on-site septic system meeting all current codes and regulations governing such systems. Permitting for said system will be through the Lee County Department of Health.

The proposed development assumes 50,000 square feet of gross floor area. Per Florida Administrative Code 64E-6, the following calculation applies for commercial/industrial office buildings: $15 \text{ GPD} \times 50,000/100 = 7,500$ gallons per day.

Per Mr. Pradeep Sethi, Project Engineer, FGUA currently has no plans or funding to expand service into Bayshore Industrial Park. Until that time, it remains economically unfeasible for the proposed development to construct private infrastructure to connect to FGUA’s facilities.

A letter from U.S. Water/Wade Trim, plant operations and customer service contract operator for FGUA has provided a letter indicating sanitary sewer service is currently not provided in the subject parcels area.

- b. **Potable Water** – The parcel falls within the Lee County Utilities (LCU) Olga Water Treatment Plant service area. Potable water lines are currently in operation, serving the I-75/Bayshore Road Industrial Park, and will be extended into the proposed development for potable water and fire protection services.

The proposed development assumes 50,000 square feet of gross floor area. Per Florida Administrative Code 64E-6, the following calculation applies for commercial/industrial office buildings: $15 \text{ GPD per } 100 \text{ square feet} \times 50,000 \text{ square feet} = 7,500$ gallons per day.

The 2010 Lee County Concurrency Report indicates the current capacity of the LCU Olga Water Treatment Plant to be five (5) million GPD. The estimated usage for 2010 was 3.014 million GPD while the projected usage for 2011 is 2.712 million GPD with no indicated plans for expansion. This indicates more than adequate reserve capacity to serve the proposed development.

It is anticipated that irrigation water for the landscaping for the proposed development will be provided by an irrigation well, not potable water. Permitting for said irrigation well will be through South Florida Water Management District.

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

- c. **Surface Water/Drainage Basins** – The parcel falls within the Bayshore Creek watershed. The storm water runoff from the parcel currently drains into the wetlands to the East and into the lake to the South. The proposed development will be required to apply for and obtain an Environmental Resource Permit (ERP) from South Florida Water Management District (SFWMD) because of the amount of impervious surfaces (greater than two acres). This not only limits the proposed development's storm water discharge to pre-determined rates, but also mandates that the proposed development meet stringent water quality and water quantity criteria prior to controlled discharge.

Per the aforementioned SFWMD ERP requirements, the proposed development will provide water quality for the "first flush" storm event of 2.5" over the impervious areas, attenuation for the 25-year, 3-day storm event, and building flood protection from the 100-year, 3-day, 0-discharge storm event. In addition, the proposed parking lots will be designed above the peak stage of the 5-year, 1-day storm event per District criteria.

- d. **Parks, Recreation, and Open Space** – The proposed amendment will change the Future Land Use of the 4.9 acre parcel from Suburban to Industrial Development and the zoning designation from Agricultural to Light Industrial. The wetland parcel will be put into Conservation Lands Future Land Use. The 2010 Concurrency Report states that Parks and Recreation for North Fort Myers District #42 currently meets the Regulatory and Desired Standard Level-of-Service for 2009 and those standards will be met in 2015. No residential development is proposed or will be permitted on the subject parcels with the land use changes. There will be minimal impacts on the current and/or projected LOS for Parks and Recreation for the proposed industrial development.

Per the LDC, industrial developments are required to provide 10% open space for small projects and 20% for large projects. The proposed Industrial Planned Development will comply to the open space requirements of the Land Development Code.

- e. **Public Schools** – With no residential development proposed or permitted on the subject parcels, there will be no impacts on the Public School system.



LEE COUNTY

SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

John E. Manning
District One

Brian Bigelow
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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

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

October 25, 2010

Michelle Addario
TDM Consulting, Inc.
6810 Porto Fino Circle
Fort Myers, FL. 33912

RE: Potable Water Availability
17650 East Street, Bayshore Industrial Park
STRAP #: 21-43-25-04-00000.B010

Dear Ms. Addario:

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

Your firm has indicated that this project will consist of one industrial unit with an estimated flow demand of approximately 7,500 gallons per day. Lee County Utilities presently has sufficient capacity to provide potable water service as estimated above.

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

Availability of potable water service is contingent upon final acceptance of the infrastructure constructed by the developer.

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

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

Further, this letter of availability of Water service to be utilized for request for an amendment to the Lee County Comp for this project Only. Individual letters of availability will be required to obtaining building permits.

Sincerely,

LEE COUNTY UTILITIES

Mary McCormic
Technician Senior
UTILITIES ENGINEERING

VIA EMAIL
Original Mailed



LEE COUNTY
SOUTHWEST FLORIDA

LEE COUNTY UTILITIES
REQUEST FOR LETTERS OF AVAILABILITY

DATE: SEPTEMBER 24, 2010

TO: Mary McCormic
Utilities' Senior Engineering Technician

FROM: MICHELLE ADDARIO

FIRM: TDM CONSULTING, INC.

ADDRESS: 6810 PORTO FINO CIR

ADDRESS: FT MYERS, FL 33912 -

PHONE#: (239)433-4231 FAX: (239)433-9632

E-MAIL ADDRESS: MADDARIO@TDMCONSULTI

PROJECT NAME: 17650 EAST STREET REZONING

PROJECT ID (IF APPLICABLE):

STRAP #: 21-43-25-04-00000.B010

LOCATION/SITE ADDRESS: 17650 EAST STREET, N. FT. MYERS, FL 33917

PURPOSE OF LETTER:

- DEVELOPMENT ORDER SUBMITTAL FINANCING EFFLUENT REUSE
 PERMITTING OF SURFACE WATER MANAGEMENT (SOUTH FLORIDA WATER MANAGEMENT DISTRICT)
 OTHER: (PLEASE SPECIFY) REZONING & COMP PLAN AMENDMENT

PLANNED USE:

- COMMERCIAL INDUSTRIAL RESIDENTIAL - (SINGLE-FAMILY MULTI-FAMILY)
 OTHER: (PLEASE SPECIFY) _____

PLANNED # OF UNITS/BUILDINGS: 1

TOTAL SQUARE FOOTAGE (COMMERCIAL/INDUSTRIAL) 50000

AVERAGE ESTIMATED DAILY FLOW (GPD): 7,500 (WATER WASTE-WATER REUSE)

PLEASE SHOW CALCULATION USED TO DETERMINE AVERAGE ESTIMATED DAILY FLOW (GPD) PER CRITERIA SET FORTH IN LEE COUNTY UTILITIES OPERATIONS MANUAL, SECTION 5.2: _____

1 Industrial Building = 15 X 500 Gpd = 7,500 Gpd Of Water

Please e-mail the completed form at mccormmm@leegov.com . If you are unable to e-mail the completed form, please fax to (239) 485-8311. If you should have any questions or require assistance, please feel free to call our office at (239) 533-8532.

U.S. Water/Wade Trim



Sept. 29, 2010

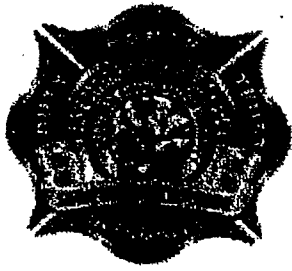
Dear Veronica,

We received your request for sewer availability at 17650 East St. in N Ft Myers. Our drawings indicate service along the North side of Bayshore Rd. Sewer service is not available in the area requested.

**Thank You,
Jeremy Fisher**

4939 Cross Bayou Blvd. ≈ New Port Richey ≈ Florida 34652

Ph: 727-848-8292 ≈ Fx: 727-848-7701 ≈ Toll Free: 866-753-8292



**BAYSHORE FIRE PROTECTION AND RESCUE
SERVICE DISTRICT**

17350 Nalle Road, North Fort Myers, Florida 33917

Business: 239-543-3443 Fax: 239-543-7075

September 28, 2010

Veronica Martin
TDM Consulting, Inc
6810 Porto Fino Circle
Fort Myers, Fl

Reference:
Small Scale Comprehensive Plan Amendment
17650 East Street, North Fort Myers, Fl 33917
STRAP # 21-43-25-04-00000.B010

Dear Veronica,

On behalf of the Bayshore Fire Protection and Rescue Services Dist and my conversation with Chief Nisbet, the proposed Comprehensive Plan Amendment change will have no further impact to the response and fire services within the proposed area. The proposed development shall be consistent with the surrounding area, have improved infrastructure with fire department access, and meet the applicable fire and life safety codes.

If you have questions regarding this amendment feel free to contact myself or Chief Nisbet.

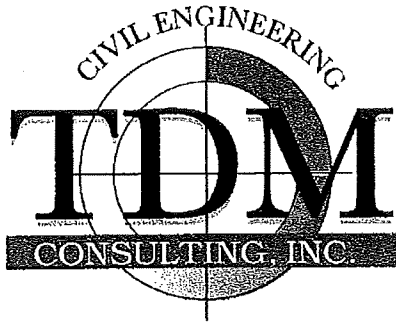
Sincerely,

A handwritten signature in black ink, appearing to read "Doug Underwood", written over a horizontal line.

Doug Underwood

Captain/Fire Investigator

Bayshore fire protection and Rescue Dist



6810 Porto Fino Circle
Fort Myers, FL 33912
Phone 239-433-4231 Fax 239-433-9632
www.tdmcivilengineering.com

September 20, 2010

Chad Jorgensen
Bayshore Fire & Rescue Service District
17350 Nalle Road
North Fort Myers, FL 33917

**Reference: Small Scale Comprehensive Plan Amendment
17650 East Street, North Fort Myers
STRAP # 21-43-25-04-00000.B010**

Dear Mr. Jorgensen,

As the authorized agents for Minus Forty Technologies Corporation, TDM Consulting is applying to Lee County Development Services for a Comprehensive Plan Amendment for the above-referenced parcel. The 4.9± acre parcel is located at 17650 East Street, within the I-75/ Bayshore Road Industrial Park. The proposed amendment will change the Future Land Use from Suburban to Industrial Development to permit light industrial uses. One of the requirements of the submittal application is a Letter of Available Services from the local Fire District. Enclosed is a location map of the subject property. Thank you in advance for your courtesy of response.

If you have any questions, please feel free to contact this office.

Sincerely,

TDM CONSULTING, INC.

A handwritten signature in cursive script that reads 'Veronica Martin'.

Veronica Martin
Planner/Project Manager



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 Comprehensive Plan Amendment is for 17650 East Street, North Fort Myers, Strap # 21-43-25-04-00000.B010, changing from Suburban to Industrial Development to permit light industrial uses.

This current location is served by LCEMS Station 19, located at 17350 Nalle Road, which is approximately 1.94 miles away, and LCEMS Station 26, located at 9351 Workman Way, which is approximately 4.54 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)

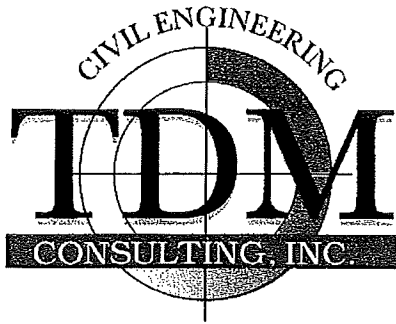
EMS Chief / Deputy Director of Public Safety
(Title)

Kim Dickerson
(Printed Name)

September 27, 2010
(Date)



Kim Dickerson, EMT-P, RN, MBA
Deputy Director, Lee County Public Safety
Chief, Lee County Emergency Medical Services
14752 Ben Pratt/Six Mile Cypress Parkway
Fort Myers, FL 33912
Phone: 239-533-3911
Fax: 239-485-2605
Email: kdickerson@leegov.com
Website: www.lee-ems.com



6810 Porto Fino Circle
Fort Myers, FL 33912
Phone 239-433-4231 Fax 239-433-9632
www.tdmcivilengineering.com

September 20, 2010

Kim Dickerson
EMS Operations Chief
Lee County Emergency Medical Services
14752 Six Mile Cypress Parkway
Fort Myers, FL 33912

**Reference: Small Scale Comprehensive Plan Amendment
17650 East Street, North Fort Myers
STRAP # 21-43-25-04-00000.B010**

Dear Ms. Dickerson,

As the authorized agents for Minus Forty Technologies Corporation, TDM Consulting is applying to Lee County Development Services for a Comprehensive Plan Amendment for the above-referenced parcel. The 4.9± acre parcel is located at 17650 East Street, within the I-75/Bayshore Road Industrial Park. The proposed amendment will change the Future Land Use from Suburban to Industrial Development to permit light industrial uses. One of the requirements of the submittal application is a Letter of Available Services from Lee County Emergency Medical Services. Enclosed is a location map of the subject property. Thank you in advance for your courtesy of response.

If you have any questions, please feel free to contact this office.

Sincerely,

TDM CONSULTING, INC.

A handwritten signature in cursive script that reads 'Veronica Martin'.

Veronica Martin
Planner/Project Manager

Mike Scott
Office of the Sheriff



State of Florida
County of Lee

October 5, 2010

Veronica Martin
TDM Consulting, Inc.
6810 Porto Fino Circle
Fort Myers, FL 33912

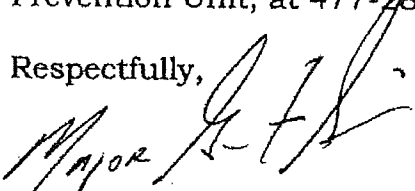
Ms. Martin,

The proposed change in future land use from suburban to industrial development for the 4.9 acre parcel located at 17650 East St. in North Fort Myers (STRAP #21-43-25-04-00000.B010) would not affect the ability of the Lee County Sheriff's Office to provide core services at this time. Law enforcement services will be provided from our district office in North Fort Myers.

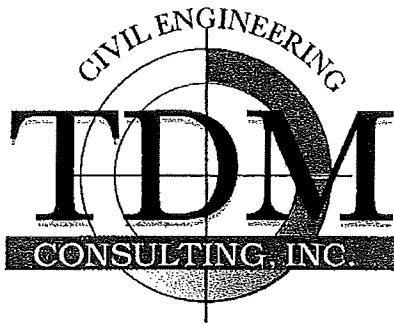
At the time of application for a development order or building permit, the applicant shall provide a Crime Prevention Through Environmental Design (CPTED) report done by the applicant and given to the Lee County Sheriff's Office for review and comments.

Please address further correspondence to me at the address listed below. Please contact Kevin Farrell, Community Program Coordinator of the Crime Prevention Unit, at 477-2821 with any questions.

Respectfully,


Major Gene Sims
Special Operations Bureau
Lee County Sheriff's Office
14750 Six Mile Cypress Parkway
Fort Myers, FL 33912
(239) 477-1005





6810 Porto Fino Circle
Fort Myers, FL 33912
Phone 239-433-4231 Fax 239-433-9632
www.tdmcivilengineering.com

September 20, 2010

Captain Bradley Gossman
Lee County Sheriff's Department
121 Pondella Road
North Fort Myers, FL 33903

**Reference: Small Scale Comprehensive Plan Amendment
17650 East Street, North Fort Myers
STRAP # 21-43-25-04-00000.B010**

Dear Captain Gossman,

As the authorized agents for Minus Forty Technologies Corporation, TDM Consulting is applying to Lee County Development Services for a Comprehensive Plan Amendment for the above-referenced parcel. The 4.9± acre parcel is located at 17650 East Street, within the I-75/Bayshore Road Industrial Park. The proposed amendment will change the Future Land Use from Suburban to Industrial Development to permit light industrial uses. One of the requirements of the submittal application is a Letter of Available Services from Lee County Sheriff's Department. Enclosed is a location map of the subject property. Thank you in advance for your courtesy of response.

If you have any questions, please feel free to contact this office.

Sincerely,

TDM CONSULTING, INC.

A handwritten signature in cursive script that reads 'Veronica Martin'.

Veronica Martin
Planner/Project Manager



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

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Karen B. Hawes
County Manager

David M. Owen
County Attorney

Diana M. Parker
County Hearing
Examiner

November 4, 2010

Ms. Veronica Martin
TDM Consulting, Inc.
6810 Porto Fino Circle
Ft. Myers, FL 33912

SUBJECT: Small Scale Comprehensive Plan Amendment
17650 East Street, North Fort Myers
STRAP # 21-43-25-04-00000.B010

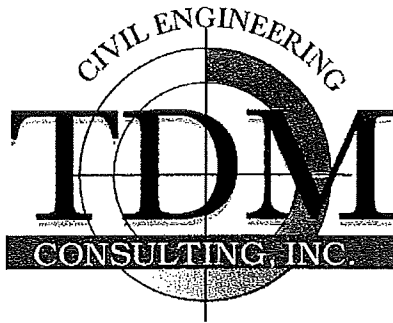
Dear Ms. Martin:

The Lee County Solid Waste Division is capable of providing solid waste collection service for the 4.9+ acre parcel located at 17650 East Street. Disposal of the solid waste from this 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



6810 Porto Fino Circle
Fort Myers, FL 33912
Phone 239-433-4231 Fax 239-433-9632
www.tdmcivilengineering.com

November 1, 2010

Bill Newman
Operations Manager
Lee County Solid Waste Division
10550 Buckingham Road
Fort Myers, FL 33905

**Reference: Small Scale Comprehensive Plan Amendment
17650 East Street, North Fort Myers
STRAP # 21-43-25-04-00000.B010**

Dear Mr. Newman,

As the authorized agents for Minus Forty Technologies Corporation, TDM Consulting is applying to Lee County Development Services for a Comprehensive Plan Amendment for the above-referenced parcel. The 4.9± acre parcel is located at 17650 East Street, within the I-75/Bayshore Road Industrial Park. The proposed amendment will change the Future Land Use from Suburban to Industrial Development to permit light industrial uses. One of the requirements of the submittal application is a Letter of Available Services from the Solid Waste provider servicing the development. Enclosed is a location map of the subject property. Thank you in advance for your courtesy of response.

If you have any questions, please feel free to contact this office.

Sincerely,

TDM CONSULTING, INC.

A handwritten signature in cursive script that reads 'Veronica Martin'.

Veronica Martin
Planner/Project Manager



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

John E. Manning
District One

A. Brian Bigelow
District Two

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District Three

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District Four

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County Manager

David M. Owen
County Attorney

Diana M. Parker
County Hearing
Examiner

September 28, 2010

Ms. Veronica Martin
TDM Consulting, Inc.
6810 Porto Fino Circle
Fort Myers, FL 33912

**Re: Small Scale CPA Letter of Availability
17650 East Street – North Fort Myers
STRAP No.: 21-43-25-04-00000.B010**

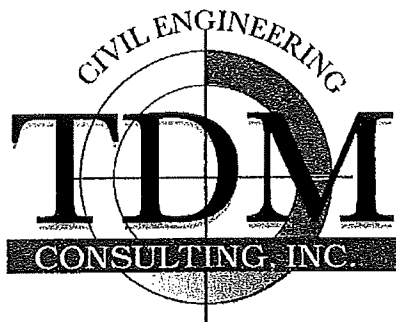
Ms. Martin:

Lee County Transit received your letter dated September 20, 2010 in reference to the Comprehensive Plan Amendment Application for the subject property. Lee County does not currently provide public transportation services to the subject property. The nearest existing services are over two miles southwest on Bayshore Road at Slater Road. Planning studies have not identified the need to extend local bus service to the subject site anytime within the existing Lee County Transit Development Plan, which goes through 2015 or in the Lee County Long Range Transportation Plan, which has a planning horizon through 2030. Any increase in demand for public transit services as a result of the proposed change to the Future Land Use Map will not be met.

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



6810 Porto Fino Circle
Fort Myers, FL 33912
Phone 239-433-4231 Fax 239-433-9632
www.tdmcivilengineering.com

September 20, 2010

Michael Horsting
Lee County Transit Division
PO Box 398
Fort Myers, FL 33902

**Reference: Small Scale Comprehensive Plan Amendment
17650 East Street, North Fort Myers
STRAP # 21-43-25-04-00000.B010**

Dear Mr. Horsting,

As the authorized agents for Minus Forty Technologies Corporation, TDM Consulting is applying to Lee County Development Services for a Comprehensive Plan Amendment for the above-referenced parcel. The 4.9± acre parcel is located at 17650 East Street, within the I-75/ Bayshore Road Industrial Park. The proposed amendment will change the Future Land Use from Suburban to Industrial Development to permit light industrial uses. One of the requirements of the submittal application is a Letter of Available Services from Lee County Transit Division. Enclosed is a location map of the subject property. Thank you in advance for your courtesy of response.

If you have any questions, please feel free to contact this office.

Sincerely,

TDM CONSULTING, INC.

A handwritten signature in cursive script that reads 'Veronica Martin'.

Veronica Martin
Planner/Project Manager



THE SCHOOL DISTRICT OF LEE COUNTY

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

STEVEN K. TEUBER, J.D.
CHAIRMAN, DISTRICT 4
ELINOR C. SCRICCA, PH.D.
VICE CHAIRMAN, DISTRICT 5

DISTRICT 1

JEANNE S. DOZIER
DISTRICT 2

JANE E. KUCKEL, PH.D.
DISTRICT 3

JAMES W. BROWDER, Ed.D.
SUPERINTENDENT

KEITH B. MARTIN, ESQ.
BOARD ATTORNEY

September 23, 2010

TDM Consulting, Inc.
Veronica Martin-Planner/Project Manager
6810 Porto Fino Circle
Fort Myers, FL 33912

RE: Minus Forty Technologies Corp. Small Scale CPA

Dear Ms. Martin:

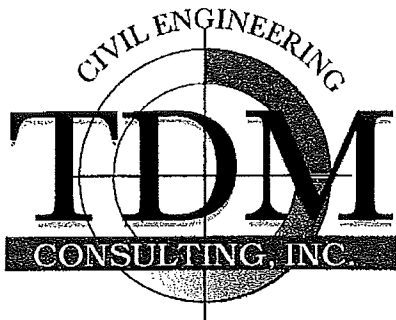
This letter is in response to your request for comments dated September 20, 2010 on the Minus Forty Technologies Corp. Small Scale CPA in regard to educational impact. This project is located in the East Choice Zone, Sub Zone E-1.

This project should have no impact on classroom needs based on the applicant's indication that this is only to change the future land use from Suburban to Industrial Development.

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

Sincerely,

Dawn Huff, Community Development Planner
Planning Department



6810 Porto Fino Circle
Fort Myers, FL 33912
Phone 239-433-4231 Fax 239-433-9632
www.tdmcivilengineering.com

September 20, 2010

Dawn Huff
Lee County Public Schools
3308 Canal Street
Fort Myers, FL 33916

**Reference: Small Scale Comprehensive Plan Amendment
17650 East Street, North Fort Myers
STRAP # 21-43-25-04-00000.B010**

Dear Ms. Huff,

As the authorized agents for Minus Forty Technologies Corporation, TDM Consulting is applying to Lee County Development Services for a Comprehensive Plan Amendment for the above-referenced parcel. The 4.9± acre parcel is located at 17650 East Street, within the I-75/Bayshore Road Industrial Park. The proposed amendment will change the Future Land Use from Suburban to Industrial Development to permit light industrial uses. One of the requirements of the submittal application is a Letter of Available Services from Lee County Public Schools. Enclosed is a location map of the subject property. Thank you in advance for your courtesy of response.

If you have any questions, please feel free to contact this office.

Sincerely,

TDM CONSULTING, INC.

A handwritten signature in cursive script that reads 'Veronica Martin'.

Veronica Martin
Planner/Project Manager

Environmental Assessment

Prepared For:

Minus Forty Technologies Corporation
30 Armstrong Ave.
Georgetown, ON
Canada L7G 4R9

Site Location:

4.94 Acre Parcel
Section 21, Twp. 43 S., Rng. 25 E.
Lee County, Florida

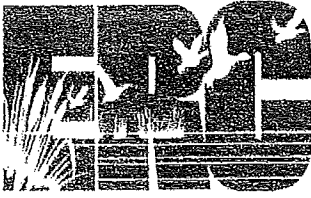
Prepared By:

Mr. Jeffrey Adair
Environmental Restoration Consultants, Inc.
24571 Redfish Street
Bonita Springs, FL 34134
Phone: (239) 992-0086

November 17, 2010



Environmental Restoration Consultants, Inc.



Environmental Restoration Consultants, Inc.

November 17, 2010

Mr. Julian Attree
Minus Forty Technologies Corporation
30 Armstrong Ave.
Georgetown, ON
Canada L7G 4R9

Re: Environmental Assessment – 4.94 Acres Total
Strap No. 21-43-25-04-00000.B010, Lee County, Florida

Dear Mr. Attree:

On your behalf, Environmental Restoration Consultants, Inc. (ERC) performed a site inspection of the above referenced property on October 8, 2010. The purpose of the field investigation and this report is to address the environmental items listed in the Lee County "Application for a Comprehensive Plan Amendment". As such, this report is a compilation of information from field observations and existing sources. The report includes a characterization of existing plant communities (FLUCFCS categories) and potentially associated protected species, available soil information, topographic quadrangle information, and professional opinion of the of state jurisdictional wetlands delineation performed in 2006 by ERC, Inc., and other relevant information.

Site Location

The 4.94-acre project area is in Section 21, Twp. 43 S., Rng. 25 E., un-incorporated Lee County, Florida (ref. Site Location Map). Adjacent land uses include an industrial park along the west perimeter; Interstate I-75 immediately to the north; mixed wetland hardwoods to the east; and stormwater reservoir/recreational water boarding facility to the south. Access to the property is currently from East Street. The entire property is fenced, internally subdivided, and currently utilized as outdoor storage. The vast majority of the parcel may be inspected by vehicular means.

Vegetation

In accordance with the Florida Land Use, Cover and Forms Classification System (FLUCFCS; FDOT, 1999), we have characterized the parcel as two (2) community types and land use categories. The location, and approximate extent and acreage of each category was determined by field observation and visual interpretation of aerial photography (Lee County, 2010), and is depicted on the attached FLUCFCS Map. A general description and representative vegetation for each category is provided in the table below.

The site is generally described as cleared as devoid of canopy and midstory vegetation. Percent coverage by herbaceous ground cover species is dependent upon vehicular use and storage and,

24571 Redfish Street, Bonita Springs, Florida 34134
Office: (239) 992-0086 e-mail: ERCinc@comcast.net

therefore, varies from zero (barren) in areas of heavy traffic to dense along some perimeter areas. Vegetation is typical of disturbed lands where present. At the northwest corner of the parcel a wet prairie condition seems to have been "created", apparently the result of uneven grading and soil compaction. This hydric condition was not observed during our 2006 field inspections, nor is it within a mapped SCS/USDA hydric soil type.

Vegetation Communities

FLUCCS Community (Code)	Percent Coverage	Location/Comments
Disturbed Lands (740); 4.73 acres	95.75%	Site historically cleared and rough graded; portions appeared filled; site generally appears compacted by vehicular use. Canopy and midstory absent. Herbaceous ground cover generally absent to sparse with exception of east and north perimeter, and northwest quadrant where vehicular traffic is less intense. Ground cover is typical of disturbed lands, and includes Johnsongrass (<i>Sorghum halepense</i>), smutgrass (<i>Sporobolus indicus</i>), air yam (<i>Dioscorea bulbifera</i>), Caesar weed (<i>Urena lobata</i>), Spanish needles (<i>Bidens</i> sp.), dogfennel (<i>Eupatorium capillifolium</i>), crowfootgrass (<i>Dactyloctenium aegyptium</i>), whitehead broom (<i>Spermacoce verticillata</i>), sandbur (<i>Cenchrus</i> sp.), pepper grass (<i>Lepidium virginicum</i>), and broomgrass (<i>Andropogon glomeratus</i>). Brazilian pepper (<i>Schinus terebinthifolius</i>) and saltbush (<i>Baccharis glomerulifolia</i>) saplings were noted along the extreme east perimeter. No standing water at time of site inspection.
Disturbed Lands/Wet Prairies (740/643); 0.21 acre	4.25%	Area historically cleared and rough graded, and generally appears compacted by vehicular use. Canopy and midstory absent. Percent ground coverage dependent on vehicular traffic, including such species as primrose willow (<i>Ludwigia</i> sp.), yellow nut-grass (<i>Cyperus esculentus</i>), spike rush (<i>Eleocharis</i> sp.), blue maidencane (<i>Amphicarpum muhlenbergianum</i>), sedges (<i>Cyperus</i> spp.), and algal matting. No standing water at time of site inspection.

Soil Types

Review of the Soil Survey of Lee County, Florida (USDA-SCS, 1984; ref. Soil Map) indicates the majority of the project area is underlain by Oldsmar sand (33), with the southeast corner underlain by and Copeland sandy loam, depressional (45). Oldsmar sand is designated as a non-hydric soil type by the Natural Resource Conservation Service (NRCS; a.k.a. SCS), and Copeland sandy loam, depressional is classified as hydric.

Relevant environmental and hydrologic exerts for each soil type selected from the Soil Survey are provided below:

Oldsmar sand (33)

- "This is a nearly level, poorly drained soil on low, broad flatwoods areas."
- "In most years, under natural condition, the water table is at a depth of less than 10 inches for 1 to 3 months. It is a depth of 10 to 40 inches for more than 6 months, and it recedes to depth of more than 40 inches during extended dry periods"
- Natural vegetation consists of saw palmetto, South Florida slash pine, pineland threawn, and meadowbeauty."

Copeland sandy loam, depressional (45)

- "This is a low, nearly level, poorly drained soil in depressions."
- "Under natural condition, the water table is above the surface for 3 to 6 months. It is 10 to 40 inches below the surface for about 3 to 6 months".
- Natural vegetation is cypress, wax myrtle, cabbage palm, fern, redroot, and other water-tolerant plants."

Topography and Flood Zoning

General topography information is provided on the U.S.G.S. Quadrangle Map exhibit. Review of elevation contours and spot elevations on the map appear to indicate the parcel historically had an elevation of approximately 15 ft. NGVD.

Review of the FIRM Map indicates the western and central project area is located in Zone X, which is determined by FEMA to be outside the 500-year flood-plain. The eastern portion of the parcel is located in Zone AE that is designated as "Special Flood Hazard Areas", and the northeast property corner "may" encroach into a floodway zone. Please reference the enclosed FIRM Map exhibit, and the FEMA web site).

Wetland Assessment

ERC performed the initial wetland assessment on the subject parcel in September 2004 in accordance with the state jurisdiction determination guidelines (Chapter 62-340, F.A.C) as part of an environmental evaluation encompassing a 45 acre project. The South Florida Water Management District (SFWMD) field verified the wetland delineation with ERC during a site visit on April 7, 2005. A copy of the state wetland certification (letter dated 10/7/05; exhibit signed 10/5/05) is enclosed. The 2005 wetland line was survey located and is depicted on FLUCCS Map. No jurisdictional wetlands were located on the subject parcel at the time of the 2004-2005 assessment. The disturbed lands/wet prairie community observed during our October 8, 2010 inspection is the result of site activities subsequent to the earlier investigation, and are therefore man induced, and should not be deemed jurisdictional wetlands. None-the-less, this area should be field verified by the SFWMD during the permit review process.

Wildlife

The preliminary field investigation was performed to identify potential critical habitat and/or note any direct observations or signs of protected wildlife species as required by the Lee County Comprehensive Plan Amendment application, and designated by the Lee County Land Development Code (LDC), Appendix H – Protected Species List. Designation of a particular habitat type on-site relative to the associated species listed in the LDC indicates the potential for such species to reside and/or forage on-site and is used as a review “tool” by Lee County environmental staff, but by no means indicates that such species utilize the site. The table below lists habitat types existing on-site and potential species affiliated with the respective community. In addition, species not associated with a generalized FLUCFCS category, but frequently affiliated with particular site conditions (i.e. gopher tortoises with berms), are also listed based on existing landscape features observed during such inspection(s). Based on the information provided herein, or otherwise known or deemed necessary, the County may also require species specific surveys during review of any proposed project.

Potential Protected Species

FLUCCS	Fauna/Flora	Status			Observed		Comments
		Lee	FWC	FWS	Yes	No	
Disturbed Lands (740)							This FLUCFCS category is not recognized as critical habitat for protected species.
Disturbed Lands/Wet Prairies (740/643)	American alligator	L	SSC	T	x		Potential low; limited shelter: vehicular activity
	Limpkin	L	SSC	-	x		Limited foraging habitat present
	Little blue heron	L	SSC	-	x		Limited foraging habitat present
	Reddish egret	L	SSC	-	x		Limited foraging habitat present
	Snowy egret	L	SSC	-	x		Limited foraging habitat present
	Tricolor heron	L	SSC	-	x		Limited foraging habitat present
	White ibis	-	SSC	?	x		Limited foraging habitat present
	Wood stork	L	E	E	x		Limited foraging habitat present
	Snail kite	L	E	E	x		Not known in this area
	Everglades mink	L	T	-	x		Not known in this area
							FLUCFCS category 740 is not recognized as critical habitat for protected species.


L = Listed in the Lee County, Protected Species List (Appendix H)
 E = Endangered (as designated by the FFWCC and/or USFWS)
 T = Threatened (as designated by the FFWCC and/or USFWS)
 SSC = Species of Special Concern (as designated by the FFWCC)

The site has been historically cleared of vegetation and is currently as outdoor storage for utility trucks, trailers, vehicles, boats, dumpsters, and miscellaneous equipment. Recruitment of herbaceous weedy vegetation has occurred in areas of low vehicular traffic. As such, no unique upland or wetland

communities exist on-site, and no observations or signs of protected species were noted during the site inspection.

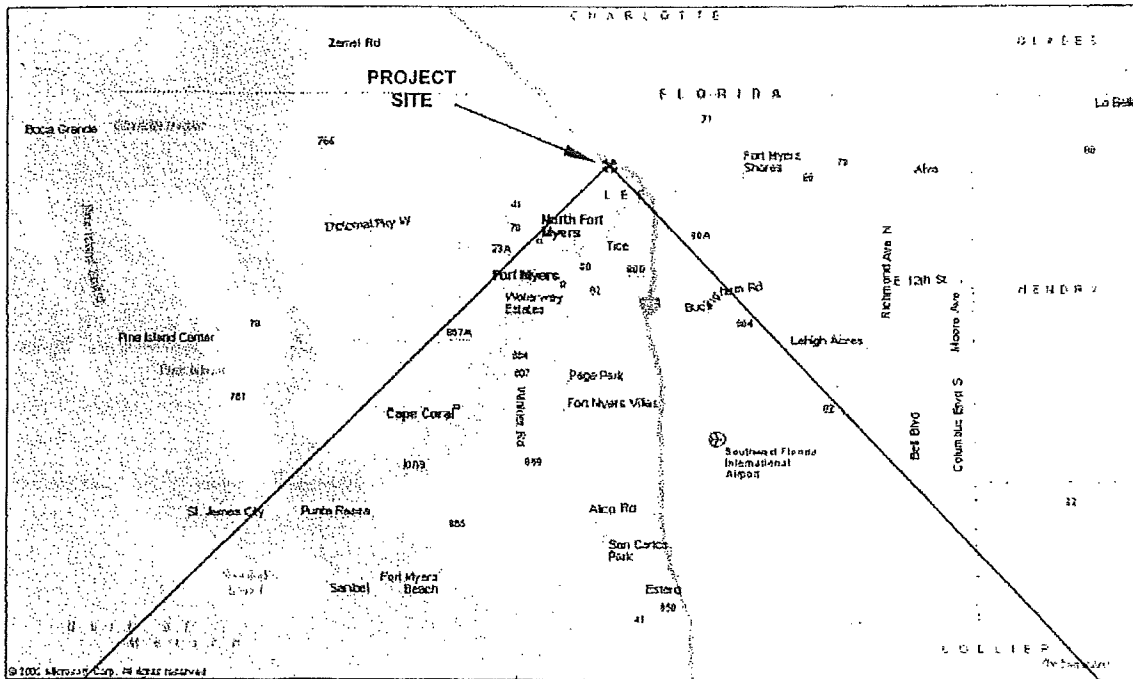
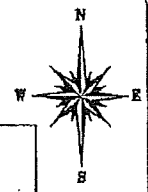
Should you have any questions regarding the site inspections or this report, please do not hesitate to contact me at 287-2706.

Sincerely,

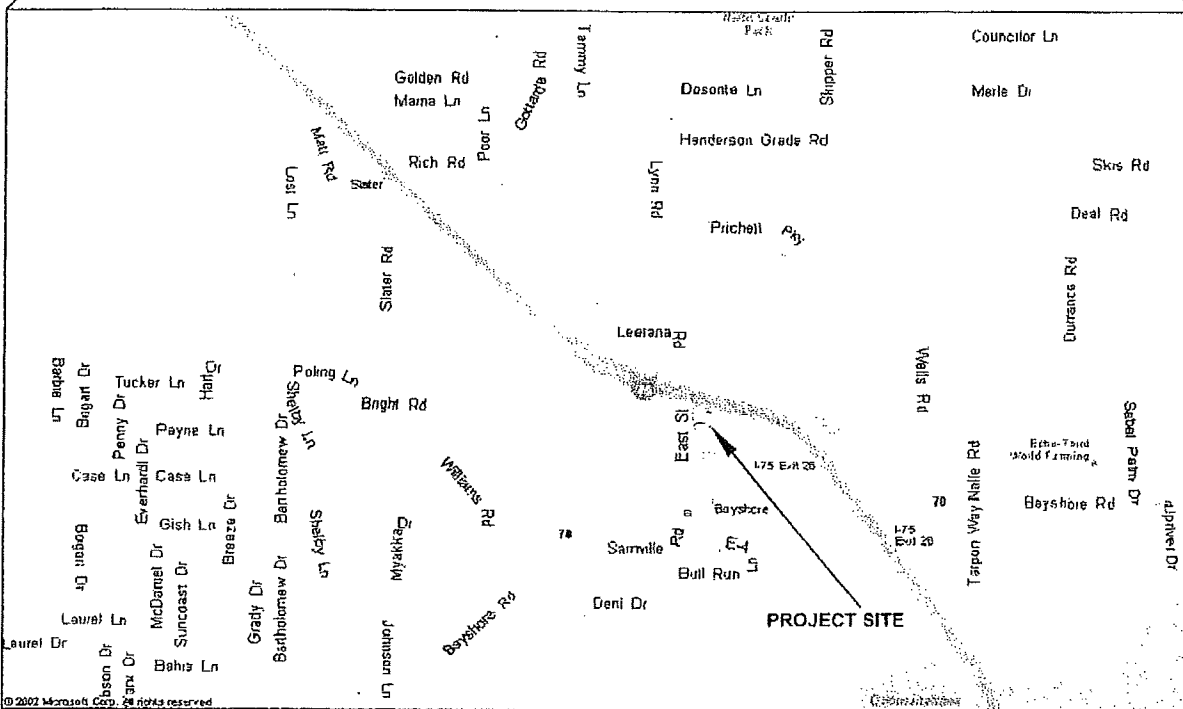

Jeffrey A. Adair
President

Enclosures: 24" x 36" Exhibits (3 Sheets)
SFWMD Jurisdictional Letter (2005)

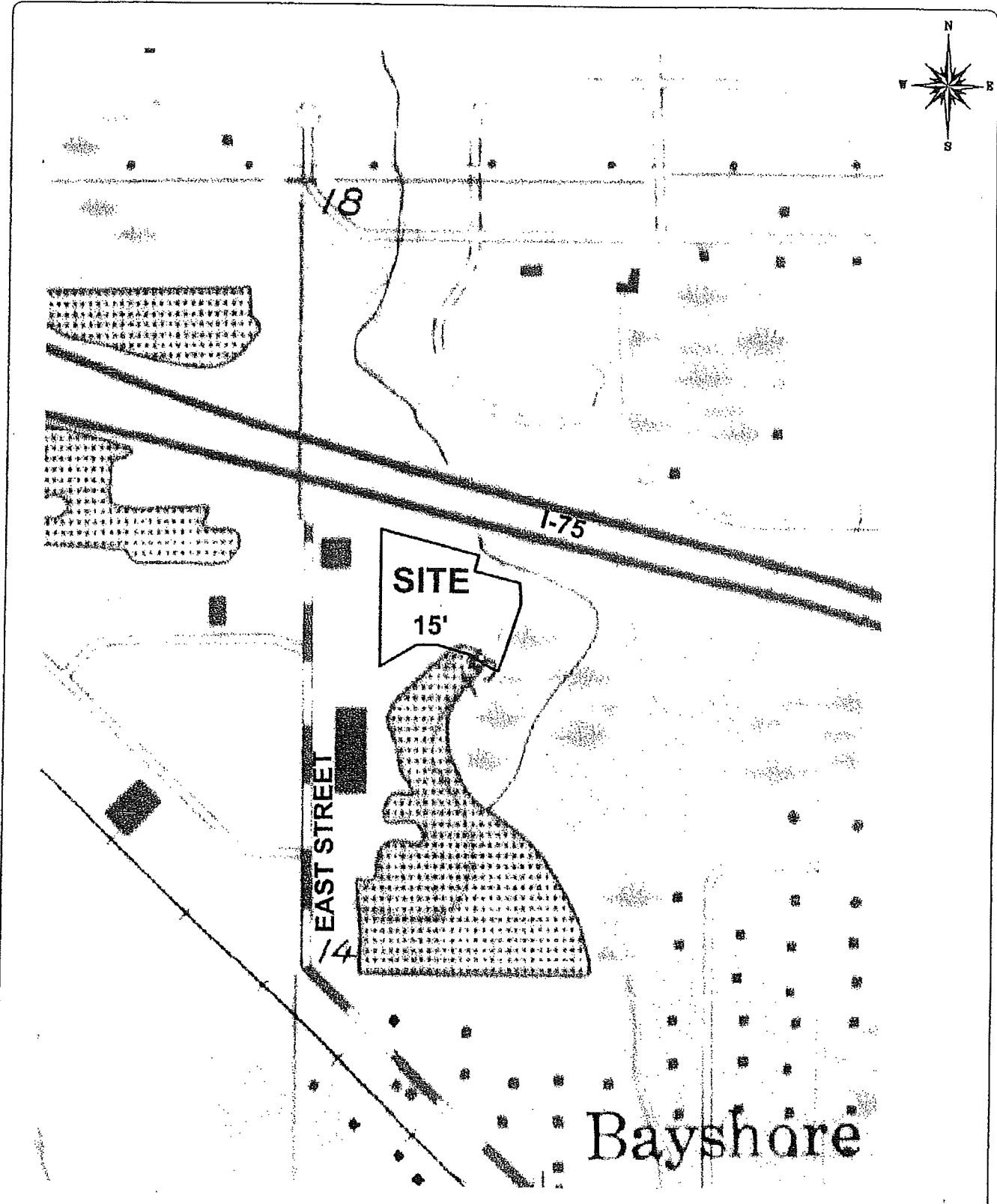
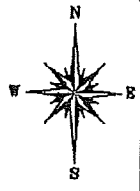
LOCATION MAP:




VICINITY MAP:



SCALE: N.T.S.	DESIGN BY: JAA DRAWN BY: JAA CHECKED BY: JAA DATE: 10/02/01	<p>ENVIRONMENTAL RESTORATION CONSULTANTS, INC. ERINC@COUGAST.NET</p>	<p>CLIENT: Minus Forty Technologies Corporation 20 Armstrong Ave. Georgetown, ON Canada L7C 4R9</p>	<p>17650 EAST STREET LEE COUNTY, FLORIDA SECTION 21 TOWNSHIP 43 S., RANGE 25 E. SITE LOCATION MAP</p>	<p>DATE REVISIONS</p> <table border="1"> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> </table>												
<p>CAD FILE: EAST STREET</p> <p>DRAWING: MAPS</p> <p>SHEET: 1 of 6</p>	<p>Jeffrey A. Adair</p>	<p>34575 REDFISH STREET BOYD A SPRINGS, FL 34134 Telephone: 238.699.0030 Cell: 238.287.2704 EMAIL: ERINC@COUGAST.NET</p>															



SCALE 1"=100'	DESIGN BY: JAA DRAWN BY: GO CHECKED BY: JAA DATE: 12/06/10	 ENVIRONMENTAL RESTORATION CONSULTANTS, INC. <small>2411 REDFISH STREET, BONITA SPRINGS, FL 34134 Telephone: 239.293.0050 Fax: 239.297.3705 Email: ERIC@COMCAST.NET</small>	CLIENT: Minus Forty Technologies Corporation 30 Armstrong Ave. Georgetown, ON Canada L7G 4R9	17650 EAST STREET LEE COUNTY, FLORIDA SECTION 21 TOWNSHIP 43 S., RANGE 25 E.	<table border="1"> <thead> <tr> <th>DATE</th> <th>REVISIONS</th> </tr> </thead> <tbody> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> </tbody> </table>	DATE	REVISIONS														
DATE	REVISIONS																				
OWNER: MAPS	PROJECT: 2 of 6	<small>ERIC, its logo and the ERIC logo, ERIC and ERIC CONSULTANTS, INC. are registered trademarks of ERIC CONSULTANTS, INC. All other trademarks are the property of their respective owners. ERIC CONSULTANTS, INC. is not responsible for the accuracy of the information provided in this document. ERIC CONSULTANTS, INC. is not responsible for the accuracy of the information provided in this document. ERIC CONSULTANTS, INC. is not responsible for the accuracy of the information provided in this document.</small>	QUAD MAP																		



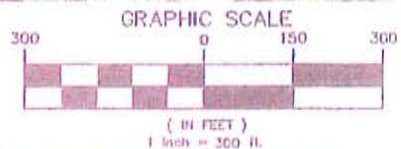
SOILS LEGEND:

- 33 - Oldsmar sand (upland)
- 45 - Copeland sandy loam, depressional (hydric)
- 99 - Water

Project Boundary

SOURCE OF INFORMATION:

This map is based on the "Soil Survey of Lee County, Florida"; prepared jointly by the U.S. Department of Agriculture & the Soil Conservation Service (issued on December 1984)



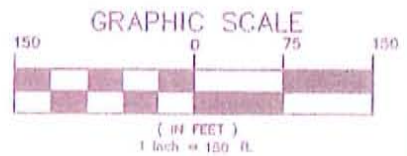
DATE: 11-1-88 PROJECT: EAST STREET DRAWN BY: MAMS SHEET: 3 of 6	DESIGNER: J.A. ADAM CHECKED BY: J.A. ADAM DATE: 11-1-88	<p>ENVIRONMENTAL RESTORATION CONSULTANTS, INC. 2071 17650 EAST STREET FORTA SPRING, FL 34433 Telephone: 734.282.0986 FAX: 734.282.2074 E-MAIL: ERCONS@COMCAST.NET</p>	<p>CLIENT: Minus Forty Technologies Corporation 30 Armstrong Ave. Georgetown, OH Canada L7G 1H6</p>	<p>17650 EAST STREET LEE COUNTY, FLORIDA SECTION 21 TOWNSHIP 11 S., RANGE 15 E. SOILS MAP</p>	NORTH ARROW SCALE 1 inch = 300 feet
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LEGEND

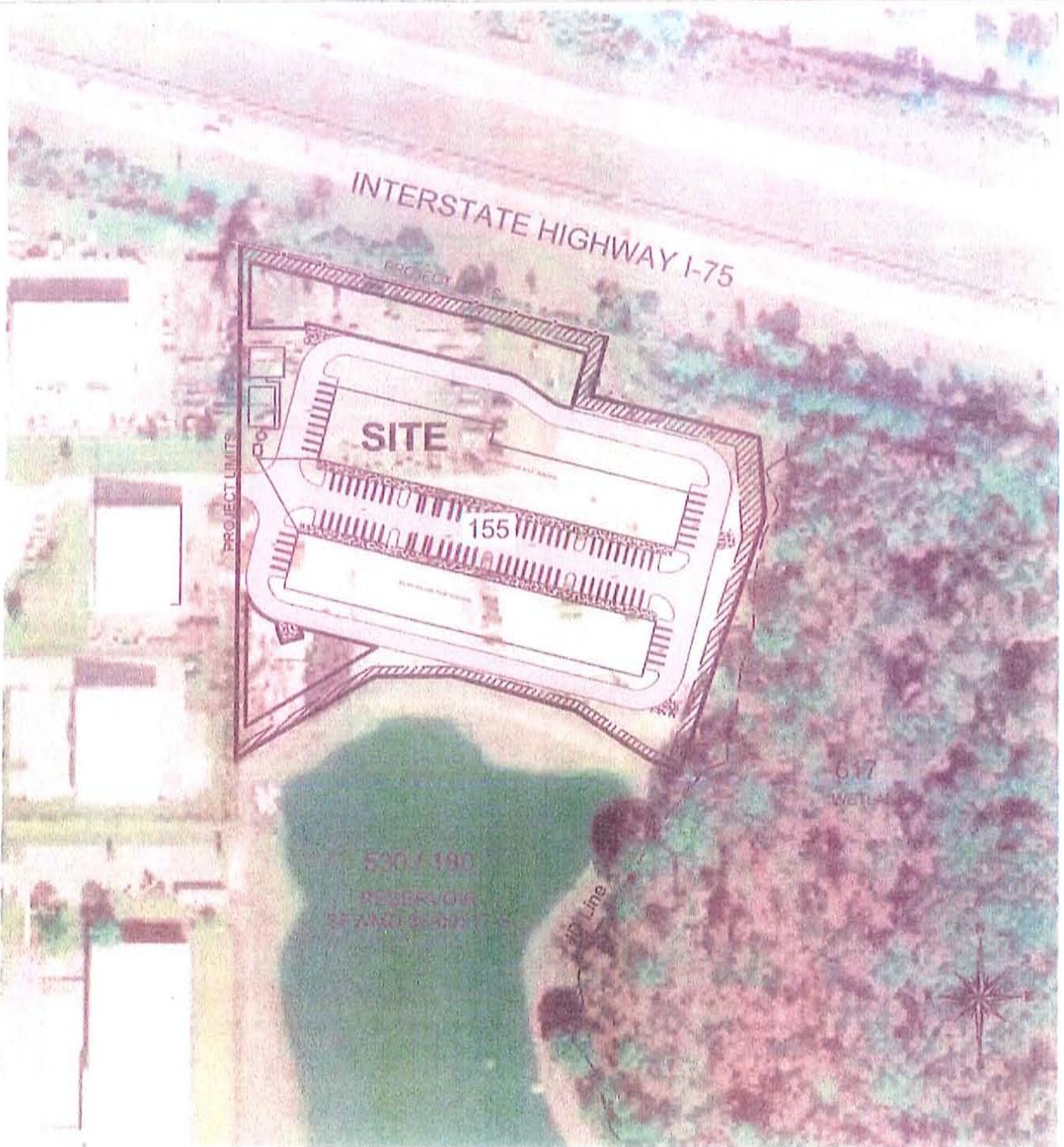
740 - DISTURBED LANDS: 4.73 acres
 740/643 - DISTURBED LANDS/WET PRAIRIES (artificial): 0.21 acre
 TOTAL SITE = 4.94ACRES

530/180 - RESERVOIRS / RECREATIONAL
 617 - MIXED WETLAND HARDWOODS



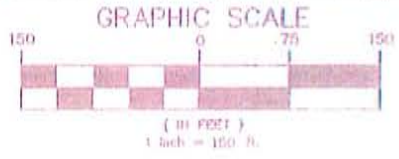
--- JD Line
 ——— SITE BOUNDARY

DATE: 1/15/03 PROJECT: EAST STREET MAPS: 4 of 6 DRAWN BY: Andrew A. Adams	<p>ENVIRONMENTAL RESTORATION CONSULTANTS, INC. 30 ARMSTRONG AVE GASTROTON, ONTARIO CANADA L7S 4R2</p>	<p>CLIENT: Ninety Forty Technologies Corporation 30 Armstrong Ave Georgetown, ON Canada L7S 4R2</p>	17650 EAST STREET 5th, COUNTY TOWNSHIP SECTION 31 TOWNSHIP 43 S. RANGE 20 E. EX. FLUGFCS
--	--	--	---



LEGEND

155 - OTHER LIGHT INDUSTRIAL: 4.94 acres
 TOTAL SITE = 4.9 ACRES
 530/100 - RESERVOIRS / RECREATIONAL
 617 - MIXED WETLAND HARDWOODS



--- 40 Line
 ——— SITE BOUNDARY

Note: Master Concept Plan provided by TDM Consultants, Inc. for FLUCFCS designation only.

NO.:	15-130
OWNER:	EAST STREET
MAP:	MMS
SHEET:	5 of 6

TDM CONSULTANTS, INC.
 ENVIRONMENTAL RESTORATION CONSULTANTS, INC.
 10000 WOODBURN AVENUE
 SUITE 1000
 CLEVELAND, OHIO 44130
 PHONE: (216) 231-2100
 FAX: (216) 231-2101
 EMAIL: INFO@TDMCONSULTANTS.COM

CLIENT:
 Fluoro-Poly Technologies Corporation
 30 Manning Way
 Columbus, OH
 43217-0000

17650 EAST STREET
 THE COMMONS (SUNDBY)
 SECTION 22, TOWNSHIP 43 S., RANGE 75 E.
 (MUNICIPALITY OF COLUMBUS)

DATE:	10/15/15
BY:	AMANDA L. ALLEN



SOUTH FLORIDA WATER MANAGEMENT DISTRICT

LOWER WEST COAST REGIONAL SERVICE CENTER 2301 McGregor Boulevard, Fort Myers, FL 33901
(239) 338-2929 • FL WATS 1-800-248-1201 • Suncom 748-2929 • Fax (239) 338-2936 • www.sfwmd.gov/org/exo/ftmyers/

October 7, 2005

Mr. Jeffery Adair
Environmental Restoration Consultants, Inc.
P.O. Box 110994
Naples, Florida, FL 34108

**Subject: RV Park, 45 Acre Parcel – Section 21, Township 43 South, Range 25
East, Lee County**

Dear Mr. Adair:

The District offers the following in response to your request for a determination of wetland boundaries and other surface waters located within the subject property. A site visit was conducted on April 7, 2005. The site is comprised mainly of a borrow pit/reservoir with some land surrounding it. Based on the site visit and other site information, the approximately 19 acre site contains wetlands as defined by Chapter 62-340 Florida Administrative Code (FAC). On the attached aerial photograph the bold black line defines the site boundary and the areas considered wetlands are shown with a solid blue line and labeled 'Wetland' and 'JD Line'.

This correspondence is an informal pre-application wetland determination pursuant to Chapter 373, Florida Statutes. It does not bind the District, its agents or employees, nor does it convey any legal rights, expressed or implied. Persons obtaining this informal pre-application wetland determination are not entitled to rely upon it for purposes of compliance with provision of law or District rules. A binding wetland determination may be obtained by petitioning the South Florida Water Management District for a wetland declaratory statement pursuant to FAC Rule 62-340 or by applying for an Environmental Resource permit.

GOVERNING BOARD

Kevin McCarty, *Chair*
Irela M. Bague, *Vice-Chair*
Pamela Brooks-Thomas

Alice J. Carlson
Michael Collins
Nicolás J. Gutiérrez, Jr., Esq.

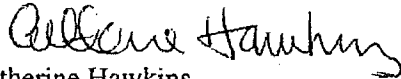
Lennart E. Lindahl, P.E.
Harkley R. Thornton
Malcolm S. Wade, Jr.

EXECUTIVE OFFICE

Carol Ann Wehle, *Executive Director*

A file has been set up at the Lower West Coast Service Centre with pre-application materials. If you have any further questions, please contact me at (239) 338-2929 Ext. 7772.

Sincerely,



Catherine Hawkins
Environmental Analyst
Lower West Coast Service Center

Attachment (aerial, location map)

C: USACOE- Ft. Myers , aerial, location map, land detail exhibit
Lee County , aerial , location map, land detail exhibit
File

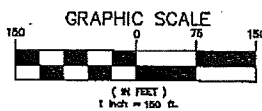


LEGEND

- 411 - PINE FLATWOODS (UPLAND)
- 422 - BRAZILIAN PEPPER (UPLAND)
- 510 - STREAMS AND WATERWAYS (SURFACE WATER)
- 533 - RESERVOIRS LARGER THAN 10 ACRES BUT LESS THAN 100 ACRES (SURFACE WATER)

- 534 - RED SANDHILLS (UPLAND)
- 617 - MISC. UPLAND HARDWOODS (UPLAND)
- 740 - DIVERSE SANDHILLS (UPLAND)

Steve Hawkins 10/5/05
Staff Date



— SITE BOUNDARY

Scale: 1"=150' Drawn by: Russell, Albee, Ehr, SL 45 Date: 8/5/05	Checked by: JAA Approved by: LJA Date: 8/5/05	 ENVIRONMENTAL RESTORATION CONSULTANTS, INC. P.O. BOX 110984 NAPLES, FL 34109 Telephone: 239.592.1005 Cell: 239.227.2708 EMAIL: ERCONS@comcast.net	CLIENT: Capital Investment Corp. of SW Florida 6401 WINKLER ROAD FORT MYERS, FL 33919	RV PARK LEE COUNTY, FLORIDA SECTION 21 TOWNSHIP 43 S., RANGE 25 E. SFWM JD LINE	DATE REVISION: _____ _____ _____ _____ _____
MAPS 1 of 1	JEFFREY A. ADAR	<small> This map was prepared by Environmental Restoration Consultants, Inc. (ERC) for the use of the client. It is not to be used for any other purpose without the written consent of ERC. The client is responsible for the accuracy of the information provided to ERC. ERC does not warrant the accuracy or completeness of the information provided to ERC. ERC is not responsible for any errors or omissions in this map. </small>			



This record search is for informational purposes only and does NOT constitute a project review. This search only identifies resources recorded at the Florida Master Site File and does NOT provide project approval from the Division of Historical Resources. Contact the Compliance and Review Section of the Division of Historical Resources at 850.245.6333 for project review information.

September 29, 2010



Veronica Martin
TDM Consulting
6810 Porto Fino Circle
Ft. Myers, FL 33912
Email: vmartin@tdmconsulting.com

In response to your inquiry of September 29, 2010, the Florida Master Site File lists no previously recorded archaeological sites, one resource group, and three standing structures in the following parcel(s) of Lee County:

T43S R25E Section(s) 21.

When interpreting the results of this search, please consider the following information:

- This search area may contain *unrecorded* archaeological sites, historical structures or other resources even if previously surveyed for cultural resources.
- Federal, state and local laws require formal environmental review for most projects. This search **DOES NOT** constitute such a review. If your project falls under these laws, you should contact the Compliance and Review Section of the Division of Historical Resources at 850.245.6333.

Please do not hesitate to contact us if you have any questions regarding the results of this search.

Sincerely,

Erin Michelle Bailey
Archaeological Data Analyst
Florida Master Site File

CULTURAL RESOURCES REPORT

SITEID	FORMNO	T-R-S	CR	SITENAME	NRLIST SURVEY	LOCATION	OTHER
LL01166	198612	43S/25E/21	SS	574 OLD BAYSHORE RD		574 OLD BAYSHORE RD, N FORT MY	Uses: HSEW
LL01190	198612	43S/25E/21	SS	EAST ST		EAST ST, N FORT MYERS	Uses: RESI, RESI Built: 7777
LL01461	199107	43S/25E/21	SS	8520 BAYSHORE RD	3056	8520 BAYSHORE RD, FT MYERS	Uses: RESI, RESI Built: C1925
LL02445	200704	44S/24E/13	RG	SEMINOLE GULF RAILWAY	16018	City: FORT MYERS	RG Type: LINE, # Cntrib Resources: 1

4 site(s) evaluated; 4 form(s) evaluated. (1 RG, 3 SS)
 Print date: 9/29/2010 3:45:26 PM

Historic & Archaeological Districts Map
Florida Master Site File

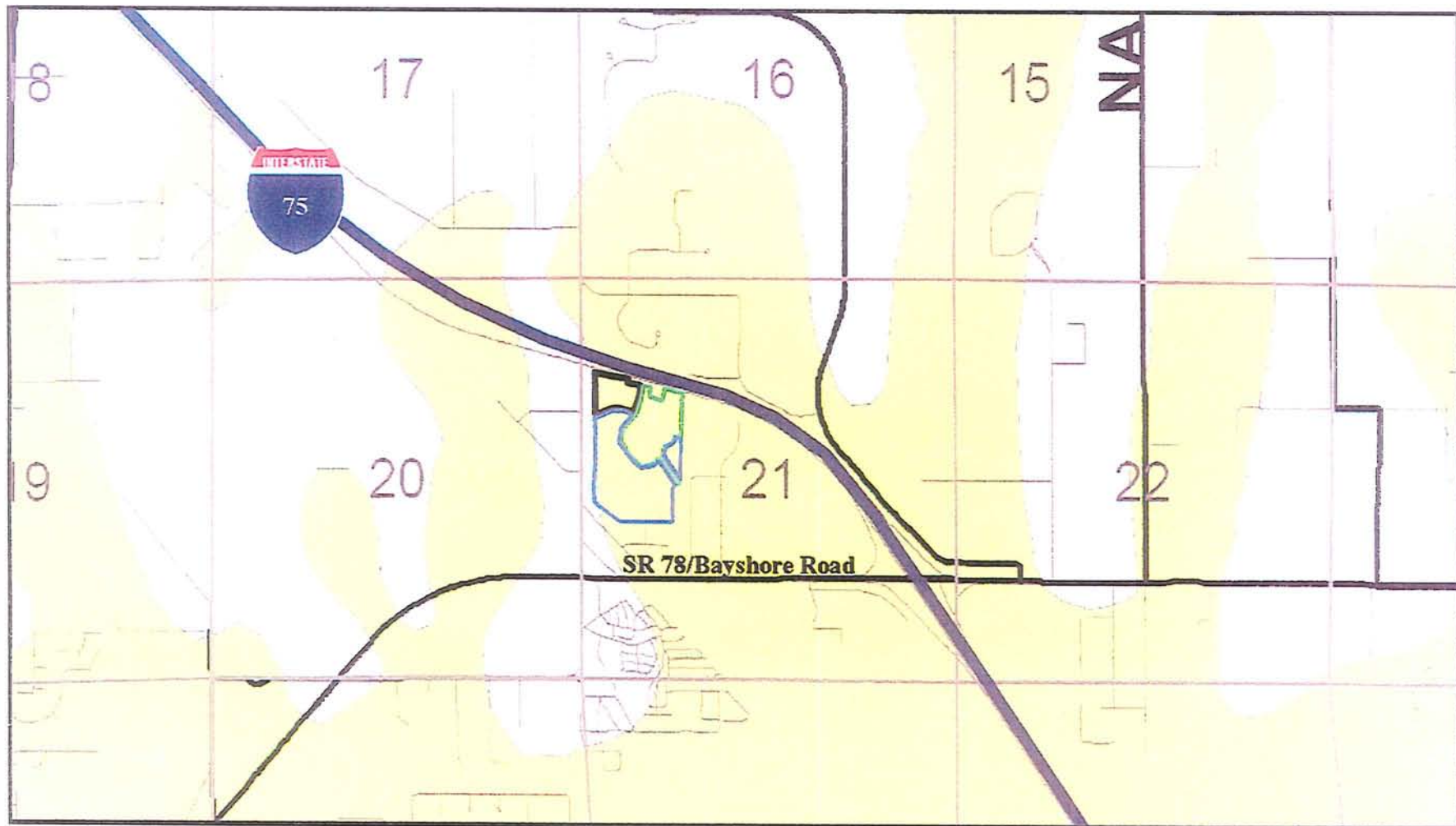
17650 & 17600 East Street, North Fort Myers, FL 33917
CPA 2010-00007



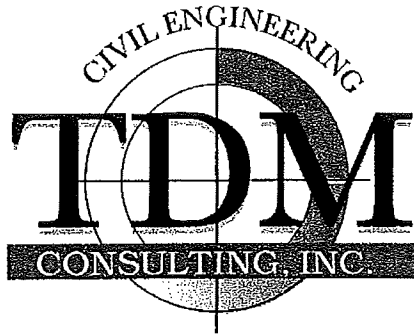
EXHIBIT D-1

Archaeological Sensitivity Map

17650 & 17600 East Street, North Fort Myers, FL 33917
CPA 2010-00007



Sensitivity Level 2



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LARGE SCALE COMPREHENSIVE PLAN AMENDMENT CPA2010-00007

Internal Consistency with Lee Plan Exhibits E-1 thru E-4

Exhibit E-1

The proposed amendment changes the Future Land Use of the 4.9± acre parcel from Suburban to Industrial Development to permit Light Industrial uses and places the 8.0± acre wetland parcel in Conservation Lands Future Land Use. Table 1(b) Planning Community Year 2030 Allocations of the Lee Pan allocates 554 acres for Industrial use in the North Fort Myers Planning Community, with 381 acres remaining. The cumulative total for Lee County allocates 6,620 acres for Industrial Development, with 4,991 acres remaining. The allocations for both North Fort Myers and Lee County are adequate to support the proposed amendment.

Exhibit E-2

Located in the North Fort Myers Planning Community, the subject parcel is part of the existing plat for the I-75/Bayshore Road Industrial Park. The majority of the Industrial Park is built out with a mixture of industrial uses, including a building supply company, light manufacturing, HVAC companies, and various warehousing and distribution centers. The proposed Industrial Development is accessed via SR 78/Bayshore Road, with I-75 less than ¾ miles away.

The Lee Plan states that no development will be approved which would exceed the Planning Community's acreage totals established in Table 1(b). As stated above, the North Fort Myers Planning Community has 381 acres remaining for Industrial use. Therefore, this request is compliant with **Policy 1.1.1**.

Per **Policy 1.1.7**, Industrial Development areas are to be reserved mainly for industrial activities, as well as for selective land use mixtures such as combined uses of industrial, manufacturing, research, properly buffered recreational uses and office complexes. Industrial Developments also have special locational requirements, including transportation needs. As stated above, SR 78/Bayshore Road provides access to the site, with I-75 within ¾ miles. Seaboard Coast Line Railroad (also known as Seminole Gulf Railway) bisects the western edge of the Industrial Park. The proposed development will incorporate Light Industrial uses, compatible with the surrounding Industrial Park.

Objective 2.1: Development Location of the Lee Plan promotes contiguous and compact growth patterns in an effort to contain urban sprawl, minimize energy costs, and conserve land, water, and natural resources. **Objective 2.2: Development Timing** directs 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 proposed amendment is consistent with both Growth Management objectives. The subject parcel is located within a designated Future Urban Area and maintains a contiguous and compact pattern of Industrial Development. Urban services, including an existing road network, central water lines, and community facilities such as EMS, fire and police protection, are available and adequate to service the site. The only exception is the availability of nearby sanitary sewer lines.

The proposed amendment is consistent with **Policy 2.2.2**. Supporting documentation indicates that the Industrial Development will (1) not place undue burdens on existing public facilities, (2) encourages compact and efficient growth patterns, and (3) will not exceed the acreage limitations contained in the Acreage Allocation Table 1 (b).

The Lee Plan promotes opportunities for well-planned industrial development at suitable locations within the county through **Goal 7: Industrial Land Uses**. The policies for Industrial Development as set forth in **Objective 7.1** of the Lee Plan will be complied with as required for rezoning and development order applications. The rezoning will be a Planned Development, which includes a Master Concept Plan detailing the project's development parameters. Every effort will be made to minimize any impacts to the environment, surrounding land use, or any other item detailed in **Policy 7.1.1** during the rezoning process. The future rezoning and development are intended to be an asset to the community and not detrimental to the general health, safety or welfare of the general public or surrounding neighborhood.

Development of the subject parcel for Industrial use is consistent with **Policy 7.1.3**, locational standards and compatibility with neighboring uses, consistent with **Policy 7.1.4**, industrial acres as available per Table 1(b) Planning Community Year 2030 Allocations, and consistent with **Policy 7.1.5**, availability of services and facilities. **Policy 7.1.8** requires adequate buffers and screening from adjacent residential areas. The wetlands will act as a natural buffer to the residential uses to the east and the lake will act as a natural buffer to the residential uses to the south.

The proposed industrial development will consist of approximately 50,000 square feet of gross leasable floor area and will connect to potable water, as required by **Standard 11.1: Water**. As illustrated in the Existing and Future Conditions Analysis in this submittal, the adjacent Industrial Park utilizes on-site septic systems. The Raymond Building Supply Company, at 7751 Bayshore Road, was issued a Limited Review Development Order (LDO2008-00306) to (1) extend sanitary sewer lines to the existing lift station on Bayshore Road, (2) construct an on-site lift station, and (3) abandon the existing septic system. At the time of this application, the Building Supply Company is still utilizing a septic system and the connections to nearby sanitary sewer force main and lift station have not been constructed. Adequate infrastructure is over ¼ mile from the proposed development. Therefore, per **Standard 11.2: Sewer (2)**, the site will not be required to connect to sanitary sewer and will choose the option of utilizing an on-site septic system, same as the adjacent industrial properties.

A Traffic Circulation Analysis for Long Range (20-year Horizon) and Short Range (5-yr CIP) is included with this submittal, as required by **Standard 11.3: Traffic**. There will be minimal impacts to the existing roadway system with the addition of the proposed industrial development.

The wetlands are to be placed in Conservation Lands Future Land Use category, protecting them from future development. The rezoning and development order applications will further address existing environmental conditions and present appropriate methods to protect, conserve, or preserve environmental and natural resources associated with the industrial development as required by **Standard 11.4: Environmental Review Factors**.

The North Fort Myers Planning Community seeks to improve the community's livability and economic vitality by promoting compact, mixed use development. The proposed development meets the criteria of providing compact, contiguous growth within an existing Industrial Park. Per **Policy 28.6.1: Notice of Land Development Code and Lee Plan Amendments**, the North Fort Myers Planning Community desires notification of pending review of Lee Plan amendments. Accordingly, this office will have an open door policy regarding this application and submittal documents. A presentation will be made to the North Fort Myers Design Review Committee and Planning Panel as part of the rezoning process.

Changing the Future Land Use of the 4.9± acre parcel from Suburban to Industrial Development with 50,000 sf of proposed light industrial uses will have minimal impact on the existing transportation system. No changes will be necessary to the Official Trafficways Map, **Objective 36.2**, of the Lee Plan. Impacts to the current Level of Service Standards (**Goal 37**) will also be minimal.

Goal 39: Development Regulations will be met through the rezoning and development order process. Potential off-site improvements such as roadways and extension of water lines and on-site improvements including parking, buffering, stormwater management and environmental preservation as set forth in the Lee Plan and Land Development Code will be complied with during the application and review process.

A letter of availability from Lee County Utilities is included with this submittal indicating adequate Levels of Service to the proposed development, per **Policy 53.1.5** and **Policy 53.2.1** of the Lee Plan.

Policy 56.1.5 of the Lee Plan states that industrial developments that generate more than 5,000 gallons of sewage per day must connect to sanitary sewer service if it's available anywhere within ¼ mile of the development. Per FGUA, formerly North Fort Myers Utilities, the nearest 12" force main is located on the north side of Bayshore Road, near First Street, which is over ¼ mile from the development. Due to the distance and provisions set forth in the Lee Plan and the Land Development Code, septic systems will be utilized on site.

A stormwater management plan will be designed during the rezoning and development order process to comply with **Goal 59: Protection of Life and Property**. An Environmental Resource Permit modification will also be required by the South Florida Water Management District (SFWMD). The plan will meet the requirements of the Land Development Code and SFWMD.

This application proposes to change the future land use classification of the wetlands from Suburban to Conservation Lands. Therefore, the section of Bayshore Creek which runs through the wetlands will not be impacted by the adjacent development. During any future development of the uplands, current code requirements will apply, including a 50' natural waterway buffer. In addition, future development of the adjacent industrial parcel will include indigenous restoration in an effort to mitigate some of the previous removal of plant communities. Please note that this removal was done under an active Agricultural Use exemption. This is consistent with **Goal 60** of the Lee Plan, specifically **Policy 60.1.2** which requires developments to incorporate, utilize, and where practicable restore natural surface water flowways and habitats.

There is an existing Environmental Resource Permit (#36-00217-S) for the I-75/Bayshore Road Industrial Park. An ERP modification (#36-00217-S-08) was issued May 25, 2006 when the cable-ski park was developed. The existing ERP requires pre-treatment of stormwater before discharging into the lake. Any development of the subject properties will also require a modification to the ERP. All applicable requirements of the South Florida Water Management District, the Division of Natural Resources and Environmental Sciences will be complied with at the time of development.

There are several systems in place meeting the goals of **Objective 60.5** and subsequent policies. Placing the wetlands in Conservation Lands future land use will preserve the wildlife habitat and prevent development and encroachment into an existing wetland, complying with **Policy 60.5.3**. In addition, a cable-ski water park is currently operating on the lake. The water park utilizes a cable system run by electricity only. Operation of the cables infuses 5 tons of oxygen into the lake each year. The circulating current also helps destratify the lake. More information can be found on the benefits of the cable ski park through the Special Exception (SEZ2004-00035) on file with Lee County Development Services. Any future development will be required to comply with the same goals and objectives of the Lee Plan, the Lee County Land Development Code, requirements of the South Florida Water Management District and any other applicable codes.

As stated above, an Environmental Resource Permit modification will be required by the SFWMD during the development process. The existing (protected) wetland, creek, lake, and surrounding environment will be analyzed and evaluated during the permitting process to implement sound engineering and planning practices to comply with current codes of the applicable agencies. **Goal 61** of the Lee Plan and subsequent policies encourage the protection of water resources through sound methods of surface water management. An existing system is in place utilizing the lake for stormwater management. Future development will improve upon that system while at the same time minimizing any impacts to the wetlands with the new Conservation Lands designation. Development of the industrial parcel will require a control structure that will mimic historic drainage patterns and provide pre-treatment of stormwater runoff. This is consistent with **Objective 61.2** of the Lee Plan.

The proposed development is consistent with **Policy 95.1.3: Minimum Acceptable Level-of-Service Standards** and **Policy 95.1.4: Desired Future Level-of-Service Standards** for Transportation, Potable Water, Stormwater Management, Parks, Recreation, and Open Space, and Community Facilities such as Fire and Rescue, EMS, Lee County Sheriff's Office, Solid Waste, and LeeTran. According to the 2010 Concurrency Report, North Fort Myers District #42

met the Regulatory and the Desired Level-of-Service standards for 2009 and both standards will be met through 2015. The rezoning application will be conditioned that the development must meet concurrency standards at time of local Development Order. This is consistent with *Policy 95.2.1* of the Lee Plan regarding Concurrency Management.

The subject parcel lies entirely within Sensitivity Zone 2 of Lee County's Archaeological Sensitivity Map. However, no historic or archaeological resources have been located on the subject property, per Florida's Master Site File, complying with *Goal 141* of the Lee Plan, which requires identification and evaluation of historic resources in Lee County.

Exhibit E-3

The subject properties are within the unincorporated area of Lee County and not adjacent to the City of Fort Myers. Therefore, there are no effects on the local government's comprehensive plans.

Exhibit E-4

There will be minimal, if any, impacts to Transportation, Potable Water, and other Urban Services due to the change in Future Land Use(s). The change, if approved, will not be detrimental to the health, safety, or welfare of the general public or surrounding neighborhood. The proposed amendment will have minimal impact to the area and will have little to no effect to the Comprehensive Plans of the State of Florida or the Southwest Florida Regional Planning Council. However, there are several Goals in place that are of significance:

Economic Development, Goal 1, Strategy 4: Ensure the adequacy of lands for commercial and industrial centers, with suitable services provided.

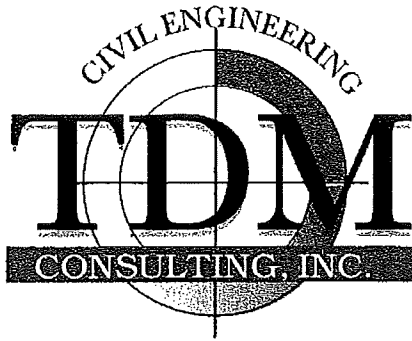
The subject parcels are part of the I-75/Bayshore Road Industrial Park and adjacent to existing industrial uses and developments. They are also located with a transportation corridor, bordered by I-75, State Road 78, and the Seminole Gulf Railroad. As such the proposed 4.9± acre industrial parcel has the natural capacity and accessibility suitable for a land use change to Industrial Development.

Natural Resources Element, Goal 2 – Natural Resources Protection

This application proposes a future land use change of approximately 8.0± acres of wetlands from Suburban to Conservation Lands. This will protect the wetlands and portions of Bayshore Creek from future development and act as a natural buffer between the industrial uses and the lake and residential areas.

Natural Resources Element, Goal 3 – Water Resource Management

A modification to the Environmental Resource Permit issued by the South Florida Water Management District will be required for development of the proposed industrial parcel in order to meet their guidelines.



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**LARGE SCALE COMPREHENSIVE PLAN AMENDMENT
 CPA2010-00007**

**Additional Requirements for Industrial Developments
 Exhibits F-1.a thru F-1.c**

The subject property is part of the existing plat for the I-75/Bayshore Road Industrial Park. The Industrial Park is accessed via SR 78/Bayshore Road, an arterial road, and is within ¼ miles of I-75. Seaboard Coast Line Railroad runs along the western edge of the Industrial Park. However, the proposed development will not require service from the rail line. A 40' wide access easement will provide access to the proposed industrial development through the adjacent parcel on East Street.

The most recent Commercial/Industrial Land Use Analysis for Lee County was conducted in 2007-2009 by Basile Baumann Prost & Associates, Inc.¹ The report analyzes the demand for commercial/industrial land projected to Year 2025. Although Table 1(b) of the Lee Plan establishes Year 2030 Planning Community allocations, the report is still relevant in 2011. Per that report "More than 3,400 acres in the industrial zoning category are used for other purposes that make them unlikely to be converted to industrial uses. This leaves 2,343 acres in the industrial zoning category not yet developed." (Please see Table 7) The deficit in industrial acreage available and industrial acreage that's potentially viable for industrial use is significant.

Table 7 –

Lee County, Florida			
Comparison: Industrial and Commercial Office Zoning and Land Use			
	Industrial		Commercial
Currently Zoned Acres	5,972	Currently Zoned Acres	11,150
Less Res., Comm., Public Use	2,510	Less Res., Comm., Public Use	3,136
Remaining Zoned Acres	3,462	Remaining Zoned Acres	8,014
Zoned and Used Industrial	1,119	Zoned and Used Commercial	3,147
Remaining Zoned Acres	2,343	Remaining Zoned Acres	4,867
Current Industrial Use	1,614	Current Commercial Use	4,640

Source: Lee County Planning Division

The report utilized several different methods to make their analyses and summaries to forecast demand of Commercial/Industrial lands. "By linking supply with demand, Table 13 allows for

an analysis of how much available and undeveloped land would be used to meet anticipated employment growth through Year 2025. The table shows that with the current Lee County worker to acreage ratios, **an additional 988 industrial acres would need to be developed by Year 2025.**"

Table 13 –

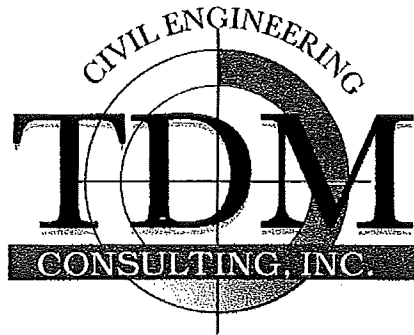
Future Land Needs: Industrial and Commercial Office					
Analysis of Needs	2005	2015	2025		
Commercial office employees per acre	15	15	15		
Industrial employees per acre	28	28	28		
				Difference	
	2006*	2015**	2025**	2006-15	2006-25
Commercial Office Acres	4,640	6,587	9,482	1,947	4,842
Industrial Acres	1,614	2,049	2,602	435	988
Total Industrial/Commercial Office	6,254	8,636	12,084	2,382	5,830
*Acreage represents utilized acreage.					
**Projected based on current ratios					
Note: Ratios on first two lines under "Analysis of Needs" are derived from dividing workers (Tables 11, 12) by acres.					
Sources: Lee County Planning Division, BBP Associates					

"During the analysis, additional factors were considered, such as deductions for undevelopable or support areas within zoned acreage and wetlands percentages different from recorded percentages. Several parcels that were shown to be zoned for industrial use had actually been re-zoned for residential and other uses and were therefore not available for future industrial use. After these deductions, developable land for industrial and commercial use dropped. **Industrial acreage dropped to 836 acres from 2,343 acres.** In all, 518 acres of industrially zoned parcels were discovered to be unusable because of zoning issues involving subsequent re-zoning or because of existing use that precludes future industrial use."

"Over the past 17 years, annexation has reduced unincorporated Lee County by approximately 28,000 acres. The most significant recent example was the annexation by the City of Ft. Myers of the Arborwood property north of Daniels Parkway and east of I-75. This large land parcel, approximately 2,500 acres, was designated Tradeport under the Comprehensive Plan which was designed to accommodate light industrial, warehousing, distribution and office uses that would benefit from close proximity to the International Airport, but no residential uses. The DRI that was approved for Arborwood in 2004 permitted a significant residential and retail development, but no office and no industrial."

The 4.9 acre subject parcel is part of the I-75/Bayshore Road Industrial Park Plat. However, the Future Land Use of said parcel is Suburban. Changing the Future Land Use to Industrial Development will encourage a compact and contiguous growth pattern of compatible uses. It has been demonstrated throughout this application that the requested change is supported and warranted.

¹ Basile Baumann Prost & Associates, Inc., "Commercial/Industrial Land Use Analysis" prepared for Lee County, Florida, September 2007



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**LARGE SCALE COMPREHENSIVE PLAN AMENDMENT
CPA2010-00007**

**Justification for Proposed Amendment
Exhibit G-1**

As stated previously, the subject property is part of the existing plat for the I-75/Bayshore Road Industrial Park. The majority of the Industrial Park has an appropriate Future Land Use of Industrial Development. The subject parcel and the lake to the south of the subject parcel lie within the Suburban Future Land Use designation. The lake is currently the site of a recreational facility – a cable water-ski park. The land to the immediate east is a wetland. Development of the subject parcel with uses compatible to the adjacent properties is not possible.

Changing the Future Land Use to Industrial Development will achieve many goals. The property owner will be able to utilize the property as it was originally intended – for light industrial use. An Industrial Planned Development rezoning will be possible, limiting the Schedule of Uses, providing appropriate buffers to the wetland and the recreation facility/lake, and providing water quality through a stormwater management plan. Any wetlands that exist on site will be preserved, as required by the Land Development Code. The proposed development promotes a compact, contiguous and compatible growth pattern – Goal 2 of the Lee Plan.

Approval of this Small Scale Comprehensive Plan Amendment application will be the first step in addressing many of the detrimental issues facing the site. The property owner is making every effort to bring the subject parcel into compliance with the Lee Plan, the Land Development Code, and requirements of the South Florida Water Management District. The exhibits included with this submittal, “Internal Consistency with the Lee Plan” and “Existing and Future Conditions Analysis” clearly demonstrate that approval of this proposed amendment is justified.

It is the opinion of the applicant that the amendment, if approved, will benefit all involved. The final development will meet County standards and be an asset to the community. The proposed development will not be detrimental to the safety, health, or well-being of the general public and surrounding neighborhood.