



EXHIBITS

from HEX hearing

CASE #: DRI 2005-00003

CASE NAME: Cypress Park FKA
Central Park

Attach a copy of this form to the top of packet of the exhibits & place exhibits in case file.

ARE THERE ANY BOARD EXHIBITS? ☒ YES ☐ NO

LOCATION OF BOARDS:

Diana's

If there are any board exhibits, attach another copy of this form to boards for identification purposes.

Vanasse
Daylor



CYPRESS LAKE CENTER NOPC TRANSPORTATION IMPACT ASSESSMENT

MARCH 30, 2005

**US 41 & Cypress Lake Drive
Lee County, Florida**

Prepared For:
Central Park Development of
Southwest Florida, LLC
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CYPRESS LAKE CENTER

NOPC Transportation Impact Assessment

Purpose

Vanasse & Daylor LLP was commissioned by the applicant to prepare this Cypress Lake Center Land Development Transportation Assessment. This Traffic Assessment was prepared in order to address projected transportation conditions resulting from extending the buildout of the Cypress Lake Center Development of Regional Impact (DRI) by four years. According to Chapter 380.06(19)(c), (e)5.a and (e)5.c., the proposed change is presumed to be a substantial deviation; however, the presumption can be rebutted by clear and convincing evidence.

In order to provide the evidence needed to rebut the presumption, the Lee County Department of Transportation recommended to the applicant that they submit a traffic impact study. This assessment was prepared in accordance with the requirements set forth by the Southwest Florida Regional Planning Council and Lee County, as outlined in the Memorandum of Understanding dated March 24th, 2005 following a meeting between representatives from the Southwest Florida Regional Planning Council (SWFRPC), Lee County Department of Transportation (LeeCo DOT) and Department of Community Development (LeeCo DCD), and the applicant.

Background

On February 28, 1985, the SWFRPC recommended conditional approval of the Cypress Lake Center DRI located in central Lee County on the southeast corner of Cypress Lake Drive and Daniel's Parkway intersection at U.S. 41. The general project location is shown on **Exhibit 1**.

The 1985 Application for Development Approval (ADA) consisted of a total of 336,340 sq ft of commercial uses, 310,000 sq ft of office uses, and a 275-room hotel/motel with conference room and internal restaurant facilities. The Lee County Board of County Commissioners approved the project on May 20, 1985, consistent with Comprehensive Plan, for a total of 300,000 sq ft of commercial shopping and 306,340 sq ft of office park uses. The reduction in development levels

from what was submitted in the ADA to what was approved by the County was based on consistency with the Comprehensive Plan (ZAB-85-45).

The overall Cypress Lake project is nearly built out, with all site accesses to the arterial roadway network constructed and with all traffic associated with the existing development composing part of the background traffic volumes. Additionally, the transportation improvements that were committed for construction and/or funding as part of the Cypress Lake DRI have already been constructed.

Previous Changes

The development order was amended on September 22, 1986 to amend the legal description to add 7.9 acres to the CT parcel (ZAB-85-45(a)).

On June 8, 1987, the development order was amended a second time to reflect the development levels originally proposed in the ADA. Subsequently, the Lee County Comprehensive Plan was amended to allow for a total of 336,340 sq ft of commercial uses, 310,000 sq ft of office uses, and a 275-room hotel/motel with conference room and internal restaurant facilities (Z-87-089).

On November 9, 1987, the development order was amended a third time to allow refund of traffic mitigation funds under certain circumstances (Z-87-220).

On November 29, 1993, the development order was amended a fourth time to extend the DRI termination date until June 19, 2000 (Z-93-060).

The development order was amended a fifth time on March 29, 1999 to adopt a new Master Development Plan, a revised Map H, and revised use thresholds to accommodate the addition of 210 multi-family residential units, decrease business office park to 165,000 sq ft; add a business corporate office area of 40,000 sq ft; maintain 336,340 sq ft of commercial uses; maintain the 275 room hotel, 200 seat restaurant, 100 seat conference center uses; and extend the buildout date to June 19, 2000 (Z-98-034).

On June 19, 2000, the development order was amended a sixth time to adopt a new Map H, to revised the threshold for 210 multi-family residential units to Mixed Use Development and to extend the buildout and termination date to June 19, 2003 (00-020).

The development order was amended a seventh time on March 9, 2002 to amend the MDP Map H to redesignate a 0.67-acre parcel from office to retail commercial uses (02-04).

The development, as amended, describes a mixed use project including, a shopping center (336,340 square feet on 40 acres); business corporate office area (40,000 square feet); an executive business office park (165,000 square feet); hotel complex (275 room hotel, 200 seat restaurant, 100 seat conference center); and 210 multi-family residential units on approximately 68.5 acres.

The previously revised Cypress Lake Center Master Plan is attached as **Exhibit 2**.

Proposed Changes

The applicant (Central Park Development of Southwest Florida LLC) is proposing minor revisions to the Cypress Lake Center Master Plan to reflect changes in the previously approved land uses. To accommodate market conditions, refine the plan, and mitigate any additional regional impacts the following changes are proposed:

- The applicant, Central Park Development of Southwest Florida LLC, Owner, is proposing to:
 - extend the build out date to June 19, 2009; and
 - revise the DRI thresholds.

Below are the permitted and proposed uses along with their respective intensities:

Land Use	Permitted	Proposed	Change
Shopping Center	336,340 sq ft	336,340 sq ft	No Change
Business Corporate Office	40,000 sq ft	30,000 sq ft	-10,000 sq ft
Executive Business Office Park	165,000 sq ft	102,200 sq ft	-62,800 sq ft
Hotel complex (including 200 seat restaurant and 100 seat conference center)	275 rooms	104 rooms	-171 rooms
Multi-family Residential	210 du	168 du	-42 du

Character, Magnitude, Location

The location of the DRI is unaffected by the proposed changes.

The proposed change does not alter the shopping center component of the project.

With the extended build out, considered cumulatively with the previous NOPC, the Cypress Lake Center DRI has been reduced by 177,800 square feet (gfa) of office-related uses, 171 hotel room uses, and 42 residential dwelling units since the 1985 DO was issued. These changes are considered positive and will reduce the magnitude of the DRI and thus the regional impacts.

Regional Resources and Facilities

No additional land is being added to the Cypress Lake Center; however, there is a proposed change to the phasing of development or buildout.

Study Area

The SWFRPC report presented a preliminary study area that was later found to be considerably greater than that needed to determine the significance of the transportation impacts. This preliminary study area was consistent with that contained in the ADA submittal; however, several of the regionally significant roadway segments have been substantially improved since the 1985 Development Order approval, which would allow a reduced study area to be used for this study. The preliminary study area was therefore reduced to reflect the improved facilities now in place. The study area is shown in **Exhibit 3**. The following roadways or facilities bound the preliminary study area:

North: Boy Scout Drive
South: Six Mile Cypress Parkway
East: Six Mile Cypress Parkway
West: McGregor Boulevard

US 41 between Cypress Lake Drive and North Airport Road, and Daniels Parkway between Metro Parkway and I-75, have been designated “constrained facilities” by Lee County, and are recorded as such in The Lee Plan. According to Policy 22.2.2 of The Lee Plan, a maximum

volume-to-capacity (v/c) ratio of 1.85 has been established for constrained roads in unincorporated Lee County. As long as the maximum v/c ratio is not exceeded, building permits may be issued on property impacting these facilities. Operational Improvement Programs have been established for these facilities (See the Appendix).

Committed Improvements

Only those roadways that are programmed for construction within the first three years of the Florida Department of Transportation Adopted Work Program – District I, FY 2004/2005 – 2008/2009 or the Lee County Capital Improvement Plan (CIP) are considered to be committed improvements. The most notable improvements considered to be committed for this study include:

- Summerlin Rd from San Carlos Blvd to Gladiolus Dr (FY 04/05) 6 lanes;
- Summerlin Rd from Cypress Lake Dr to Boy Scout Dr (FY 05/06) 6 lanes;
- Alico Rd from US 41 to Three Oaks Pkwy (UC 02/03) 6 lanes;
- Alico Rd Three Oaks Pkwy to Ben Hill Griffin Blvd (FY 04/05) 6 lanes;
- Metro Pkwy Extension from Six Mile Cypress Pkwy to US 41 (FY 04/05) 6 lanes;
- Treeline Avenue extension from Daniels Pkwy to Alico Rd (UC 04) 4 lanes;
- Three Oaks Pkwy from Corkscrew Rd to Alico Rd (FY 04/05) 4 lanes;
- Three Oaks Pkwy extension from Daniels Pkwy to Alico Road 4 lanes.

Some of these improvements, such as the Summerlin Road widening and the Metro Parkway Extension, will create additional link capacity that may divert some of the background traffic volumes from the constrained segments of US 41.

Trip Generation

The vehicle trips anticipated to be generated by the Cypress Lake DRI were calculated based on information contained in the Institute of Transportation Engineers (ITE) publication Trip Generation 7th Edition. Internal Capture deductions associated with the mixed-use nature of the development and pass-by deductions associated with the retail uses were estimated using data and procedures contained in the ITE Trip Generation Handbook 2nd Edition. Site-generated trip estimates were made for the Permitted Uses, Existing Uses, and the Uses Proposed in the Amendment. The Weekday Daily and PM Peak Hour trip estimates associated with this development are summarized in Table 1A.

TABLE 1A**Site-generated Trip Estimates****Permitted Thresholds**

(ITE Trip Generation 7th Edition equations)

<u>Land Use</u>		PM PK HR Trip Ends				
		<u>Trip Ends</u>	<u>Rate</u>	<u>Total</u>	<u>Enter</u>	<u>Exit</u>
Shopping Center (LU 820)	336,340 SF	14,940		1,394	669	725
Internal Capture Deduction		4%	(671)	4%	(61)	(34)
Net External Trips		96%	14,269	96%	1,333	691
Pass-by Deduction $\ln(T) = -2.09\ln(X) + 5.00$	27 %	(4,103)		(365)	(183)	(183)
Net External Primary Trips		10,166		968	460	508
Business Corporate (Medical) Office (LU 720)	40,000 SF	1,422		134	36	98
Executive Office Center (LU 710)	165,000 SF	678		121	21	100
Internal Capture Deduction (All Office Uses)		19%	(389)	13%	(32)	(18)
Net External Trips		1,711	87%	223	39	184
Hotel/Motel Complex (Incl Ancillary Uses) (LU 320)	275 Rooms	2,318		108	18	90
Multi-family Residential (LU 230)	210 DU	792		78	51	27
Internal Capture Deduction		37%	(294)	40%	(31)	(14)
Net External Trips		498	60%	47	34	13
Net New Total Trips		14,693		1,346	551	795

The Applicant proposes to reduce the threshold values of the site to correspond with the available developable land remaining in Cypress Lake Center (Tract B and Lot 6 of Phase II). The proposed reductions would reflect the reduced scale of development on the tract and lot. The resulting trip end estimates are presented in **Table 1B**.

TABLE 1B**Proposed Thresholds**

(ITE Trip Generation 7th Edition equations)

<u>Land Use</u>		WKDY	PM PK HR Trip Ends			
			<u>Trip Ends</u>	<u>Total</u>	<u>Enter</u>	<u>Exit</u>
Shopping Center (LU 820)	336,340 SF		14,940	1,394	669	725
Internal Capture Deduction			(518)	(52)	(25)	(27)
Net External Trips			14,422	1,342	644	698
Pass-by Deduction $\ln(T) = -2.09\ln(X) + 5.00$	27 %		(4,103)	(368)	(184)	(184)
Net External Primary Trips			10,319	974	460	514
Business Corporate (Medical) Office (LU 720)	30,000 SF		1,013	103	28	75
Executive Office Center (LU 710)	102,200 SF		453	98	17	81
Internal Capture Deduction (All Office Uses)			(281)	(28)	(14)	(14)
Net External Trips			1,185	173	30	143
Hotel/Motel Complex (Incl Ancillary Uses) (LU 320)	104 Rooms		902	44	7	37
Multi-family Residential (LU 230)	168 DU		696	65	43	22
Internal Capture Deduction			(257)	(26)	(14)	(12)
Net External Trips			439	39	29	10
Net New Total Trips			12,845	1,230	527	703

The site under study is partially built out. In order to avoid double counting, it was necessary to estimate the number of site-generated trips for the current development. These trips were estimated as a proportionate amount of the total DRI Net External Primary Trips (See Table 1C).

TABLE 1C

Existing DRI Development as of 2004

(Proportionate share of Net External Primary Site-generated Trip Estimates)				WKDY Daily	PM PK HR	Trip Ends	
<u>Land Use</u>				<u>Trip Ends</u>	<u>Total</u>	<u>Enter</u>	<u>Exit</u>
Shopping Center (LU 820)	314,494 SF	94%		9,506	905	430	475
Business Corporate (Medical) Office (LU 720)	0 SF	0%		-	-	-	-
Executive Office Center (LU 710)	107,375 SF	65%		442	79	14	65
Hotel/Motel Complex (Incl Ancillary Uses) (LU 320)	104 Rooms	38%		878	41	7	34
Multi-family Residential (LU 230)	0 DU	0%		-	-	-	-
Existing Uses Total Trips				10,826	1,025	451	574

Trip Generation Comparison

The daily trip generation associated with the current notification for a time extension was compared to the trip generation associated with the 2000 NOPC and the originally approved DRI (See Table 2). As noted above, the previous development order change of June 2000 describes the mix of land use and project trip generation as proposed by this notification. Based on this comparison of the approved trips and revised development parameters, a reduction of 17 percent in net new external trips can be expected as a result of the proposed change in land use mix.

TABLE 2

Trip Generation Comparison

Two-way Daily

		Threshold Changes from			
		Approved DRI		2000 NOPC	
<u>Trip Generation</u>	<u>Net New Trips</u>	<u>Trips</u>	<u>PCT</u>	<u>Trips</u>	<u>PCT</u>
Approved DRI	21,405				
2000 NOPC	15,570	(5,835)	-27%		
Proposed	12,845	(8,560)	-40%	(2,725)	-17%

Trip Distribution and Assignment

The Project trip distribution percentages contained in the NOPC Land Development Transportation Assessment prepared by SWFLRPC dated December 28, 1999, used to assign the site-generated trips to the roadway links. These distribution proportions were derived by using the Florida Standard Urban Transportation Model Structure (FSUTMS) HASSIGN module. These distribution percentages were used for assigning Permitted and Existing DRI trips to the roadway network. These assignments were used in the computations shown in **Tables 3A, 3B, and 3C**.

Future Background Traffic

Due to the short (four-year) timeframe associated with the NOPC, historical growth patterns established in the area were considered the most accurate method of determining future background traffic volumes, although simply using historical growth rates will not account for background traffic volumes that will be diverted to the improved or new facilities. Information contained in the Lee County Traffic Count Report 2004 was used to determine historical growth rates and background traffic volumes on each roadway link with the study area.

These estimates were rounded to the nearest hundred vehicles in accordance with Section 1.12 of the FDOT Traffic Forecasting Handbook. Since the existing site-generated trips were assumed to be part of the background traffic, they were assigned to the roadway network and were subtracted from the historical 2004 traffic volumes to derive 2004 traffic volumes without the DRI.

The reported annual average daily traffic (AADT) was adjusted to Peak Season Peak Hour volumes using 2004 K_{100} factors contained in the Traffic Count Report. The **Appendix** contains copies of the data used in developing the projected background traffic used in these analyses.

Future traffic volumes were estimated by combining the background traffic and project traffic at the anticipated build-out. Transportation network impacts were analyzed to determine the effect of any proposed change upon the external trips generated by the project.

Roadway Segment Analysis

To determine the operational characteristics of the roadway segments, an analysis was performed to measure the project's significant impact. Significant impact is measured as the project traffic volumes representing 5% or more of the existing plus committed (E+C) roadway level of service (LOS) volume. A roadway segment is adversely impacted if it operates below the adopted level of service. Lee County has adopted LOS E as the performance standard on roadways within the county, and has identified segments of US 41 and Daniels Parkway within the study area as constrained facilities, which will allow development to be approved provided the v/c ratio does not exceed 1.85.

Tables 3A, 3B, and 3C show the project's significance on the surrounding network. **Tables 4A and 4B** show the roadway segment levels of service for the permitted and proposed thresholds. Although the US 41 segments from Cypress Lake Drive to Boy Scout Drive are projected to operate at LOS F, the v/c ratios do not exceed the 1.85 limitation adopted by Lee County for constrained facilities. As depicted in Tables 4A and 4B, the project does not significantly and adversely impact any of the segments within the study area.

Conclusions

The previous change in land use and the currently proposed build out extension do not create a likelihood of additional transportation impacts. The revised development parameters have resulted in 17 percent fewer net new external trips than the approved DRI; therefore, the revised development does not, from a traffic standpoint, result in a substantial deviation. Further, as depicted in Tables 4A and 4B, the Cypress Lake Center is not projected to significantly and adversely impact any of the roadway segments within the study area. Subsequently, no additional mitigation is necessary to accommodate the change in land use referenced above; the Notice of Proposed Change (NOPC) does not create a substantial deviation.

Table 3A

Study Area Determination (Total DRI)

WKDY Daily Net New Trips (ITE Estimates) 14,693

PM Peak Hour Net New Trips (ITE Estimates) 1,346

Route	Link	Segment	Trip Pct	DRI Trips		E + C # Lanes	# Signals per mile	LOS STD	2-way Maximum Service Flowrates (SF _{max})					LOS STD	PCT of Impact	Significant? >5%
				Daily	PM PK				LOS A	LOS B	LOS C	LOS D	LOS E			
US 41	N of South Rd	N of South Rd	7%	1,029	94	6	2.7	E	-	-	-	2,400	5,220	5,220	1.80%	N
		N of College Pkwy	20%	2,939	269	6	2.7	E	-	-	-	2,400	5,220	5,220	5.15%	Y
		N of Cypress Lake Dr	21%	3,086	283	6	2.7	E	-	-	-	2,400	5,220	5,220	5.42%	Y
		Project to Cypress Lake	39%	5,730	525	6	2.7	E	-	-	-	2,400	5,220	5,220	10.06%	Y
		Six Mile Cypress to Project	20%	2,939	269	6	1.1	E	-	3,350	5,170	5,480	5,480	5,480	4.91%	N
		N of Jamaica Bay West	14%	2,057	188	6	1.1	E	-	3,350	5,170	5,480	5,480	5,480	3.43%	N
Cypress Lake Dr	W of South Pointe Blvd	W of South Pointe Blvd	8%	1,175	108	4	3.3	E	-	-	1,670	3,210	3,650	3,650	2.96%	N
		W of Summerlin Rd	17%	2,498	229	4	3.3	E	-	-	1,670	3,210	3,650	3,650	6.27%	Y
		Summerlin Rd to Project	35%	5,143	471	4	3.3	E	1,180	4,360	4,990	5,120	5,120	5,120	9.20%	Y
		Project to US 41	4%	588	54	6	3.3	E	-	-	-	3,400	5,190	5,190	1.04%	N
Daniels Pkwy	W of Metro Pkwy	W of Metro Pkwy	22%	3,233	296	6	2.9	E	-	-	-	3,400	5,190	5,190	5.70%	Y
		W of Six Mile Cypress Pkwy	16%	2,351	215	6	1.5	E	-	2,490	5,460	5,860	5,960	5,960	3.61%	N
Summerlin Rd	N of Gladiolus Dr	N of Gladiolus Dr	7%	1,029	94	4	1.1	E	1,180	4,360	4,990	5,120	5,120	5,120	1.84%	N
		N of Cypress Lake Dr	12%	1,763	162	4	1.1	E	1,180	4,360	4,990	5,120	5,120	5,120	3.16%	N

Table 3B

Existing DRI Trips

WKDY Daily Net New Trips (ITE Estimates) 10,826

PM Peak Hour Net New Trips (ITE Estimates) 1,025

Route	Link	Segment	Trip Pct	DRI Trips		E + C # Lanes	# Signals per mile	LOS STD	2-way Maximum Service Flowrates (SF _{max})					LOS STD	PCT of Impact	Significant? >5%
				Daily	PM PK				LOS A	LOS B	LOS C	LOS D	LOS E			
US 41	N of South Rd	N of South Rd	7%	758	72	6	2.7	E	-	-	-	2,400	5,220	5,220	1.38%	N
		N of College Pkwy	20%	2,165	205	6	2.7	E	-	-	-	2,400	5,220	5,220	3.93%	N
		N of Cypress Lake Dr	21%	2,273	215	6	2.7	E	-	-	-	2,400	5,220	5,220	4.12%	N
		Project to Cypress Lake	39%	4,222	400	6	2.7	E	-	-	-	2,400	5,220	5,220	7.66%	Y
		Six Mile Cypress to Project	20%	2,165	205	6	1.1	E	-	3,350	5,170	5,480	5,480	5,480	3.74%	N
		N of Jamaica Bay West	14%	1,516	144	6	1.1	E	-	3,350	5,170	5,480	5,480	5,480	2.63%	N
Cypress Lake Dr	W of South Pointe Blvd	W of South Pointe Blvd	8%	866	82	4	3.3	E	-	-	1,670	3,210	3,650	3,650	2.25%	N
		W of Summerlin Rd	17%	1,840	174	4	3.3	E	-	-	1,670	3,210	3,650	3,650	4.77%	N
		Summerlin Rd to Project	35%	3,789	359	4	3.3	E	1,180	4,360	4,990	5,120	5,120	5,120	7.01%	Y
		Project to US 41	4%	433	41	6	3.3	E	-	-	-	3,400	5,190	5,190	0.79%	N
Daniels Pkwy	W of Metro Pkwy	W of Metro Pkwy	22%	2,382	226	6	2.9	E	-	-	-	3,400	5,190	5,190	4.35%	N
		W of Six Mile Cypress Pkwy	16%	1,732	164	6	1.5	E	-	2,490	5,460	5,860	5,960	5,960	2.75%	N
Summerlin Rd	N of Gladiolus Dr	N of Gladiolus Dr	7%	758	94	4	1.1	E	1,180	4,360	4,990	5,120	5,120	5,120	1.84%	N
		N of Cypress Lake Dr	12%	1,299	162	4	1.1	E	1,180	4,360	4,990	5,120	5,120	5,120	3.16%	N

Table 3C

Proposed DRI Assignments

WKDY Daily Net New Trips (ITE Estimates) 12,845

PM Peak Hour Net New Trips (ITE Estimates) 1,230

Route	Link	Segment	Trip Pct	DRI Trips		E + C # Lanes	# Signals per mile	LOS STD	2-way Maximum Service Flowrates (SF _{max})					LOS STD	PCT of Impact	Significant? >5%
				Daily	PM PK				LOS A	LOS B	LOS C	LOS D	LOS E			
US 41	N of South Rd	N of South Rd	7%	899	86	6	2.7	E	-	-	-	2,400	5,220	5,220	1.65%	N
		N of College Pkwy	20%	2,569	246	6	2.7	E	-	-	-	2,400	5,220	5,220	4.71%	N
		N of Cypress Lake Dr	21%	2,698	258	6	2.7	E	-	-	-	2,400	5,220	5,220	4.94%	N
		Project to Cypress Lake	39%	5,010	480	6	2.7	E	-	-	-	2,400	5,220	5,220	9.20%	Y
		Six Mile Cypress to Project	20%	2,569	246	6	1.1	E	-	3,350	5,170	5,480	5,480	5,480	4.49%	N
		N of Jamaica Bay West	14%	1,798	172	6	1.1	E	-	3,350	5,170	5,480	5,480	5,480	3.14%	N
Cypress Lake Dr	W of South Pointe Blvd	W of South Pointe Blvd	8%	1,028	98	4	3.3	E	-	-	1,670	3,210	3,650	3,650	2.68%	N
		W of Summerlin Rd	17%	2,184	209	4	3.3	E	-	-	1,670	3,210	3,650	3,650	5.73%	Y
		Summerlin Rd to Project	35%	4,496	431	4	3.3	E	1,180	4,360	4,990	5,120	5,120	5,120	8.42%	Y
		Project to US 41	4%	514	49	6	3.3	E	-	-	-	3,400	5,190	5,190	0.94%	N
Daniels Pkwy	W of Metro Pkwy	W of Metro Pkwy	22%	2,826	271	6	2.9	E	-	-	-	3,400	5,190	5,190	5.22%	Y
		W of Six Mile Cypress Pkwy	16%	2,055	197	6	1.5	E	-	2,490	5,460	5,860	5,960	5,960	3.31%	N
Summerlin Rd	N of Gladiolus Dr	N of Gladiolus Dr	7%	899	86	4	1.1	E	1,180	4,360	4,990	5,120	5,120	5,120	1.68%	N
		N of Cypress Lake Dr	12%	1,541	148	4	1.1	E	1,180	4,360	4,990	5,120	5,120	5,120	2.89%	N

Table 4A

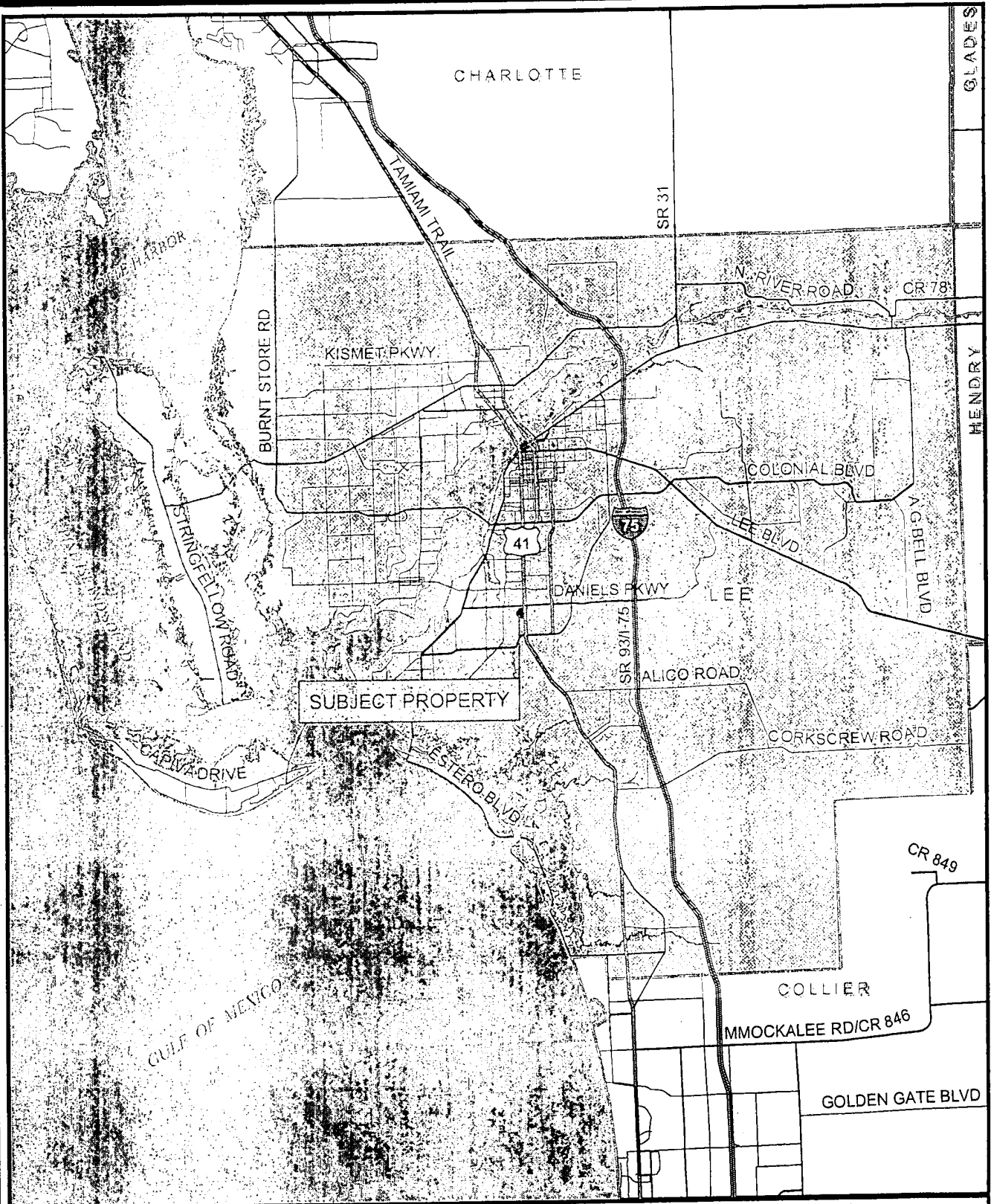
Significance and Adversity Test for 2009
Permitted DRI

Permitted DRI	Route	Link	Segment	AADT			Growth Rate	Exist		Peak Season Peak Hour					2-way Maximum Service Flowrates (SF max)										Signifi- cant >5%	PCT of Impact	Constrained v/c ratios		Remarks																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																					
				1995	2004	AADT		Build Daily	AADT W/o DRI	Exist	K _{max}	2004	BKGD	DRI	Total	LOS	A	B	C	D	E	STD	Exist	BKGD			Total	LOS		BKGD	Total	v/c ratios	BKGD	Total																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																

Table 4B

Proposed DRI

Proposed DRI	Route	Link	Segment	Exist			Growth			AADT			AADT W/o DRI			Peak Season Peak Hour			2-way Maximum Service Flowrates (SF max)										Signifi- cant >5%	PCT of Impact	Constrained v/c ratios		Remarks																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																													
				Daily	Build	Rate	2004	2004	Rate	2004	2004	2004	K _{max}	2004	BKGD	DRI	Total	LOS	A	B	C	D	E	STD	Exist	BKGD	Total	LOS			BKGD	Total		v/c ratios																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																												



Central Park General Location Map

Date: 03-31-05

Basic Development
720 Goodlette Rd

6 0 6 Miles



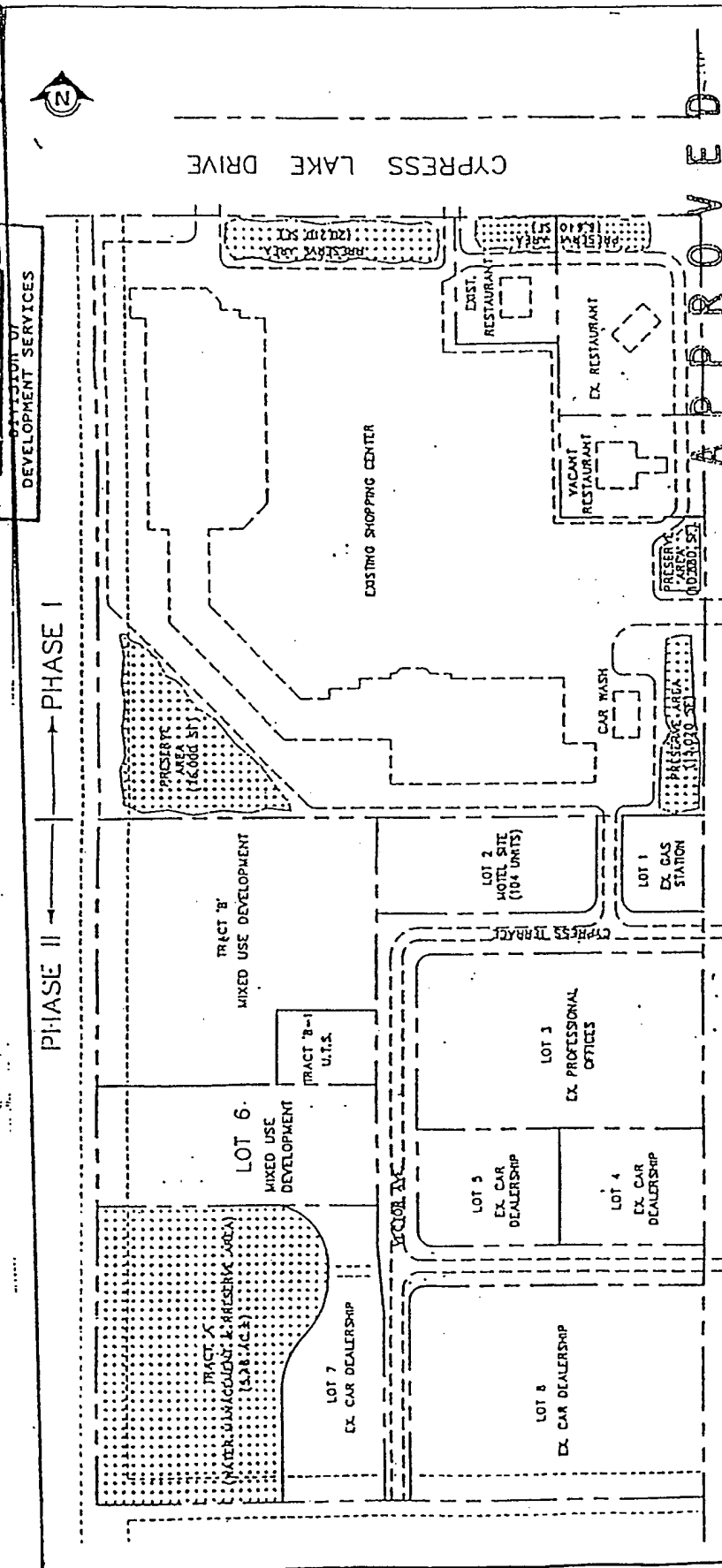
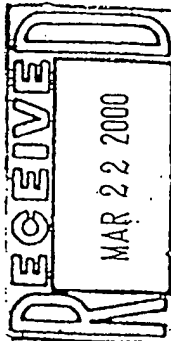
Suite 305
Naples, FL 34102

Vanasse Daylor



Urban Planning
Landscape Architecture
Civil Engineering
Traffic Engineering
Environmental Science
FL 336

Sources: FGDL and Lee County Property Appraiser
It is the end user's responsibility to verify the data contained hereon.



U.S. 41 (TAMiami TRAIL)

PREPARED BY

Banks Engineering, Inc.

Professional Engineers, Planners & Land Surveyors.
10001 SW WALK CYPRESS PARKWAY - SUITE 104 FORT MYERS, FLORIDA 33912
PHONE: (813) 938-5190 FAX: (813) 938-2323

CYPRESS LAKE CENTER

REVISED: MARCH 21, 2000

Amendment to

Master Concept Plan

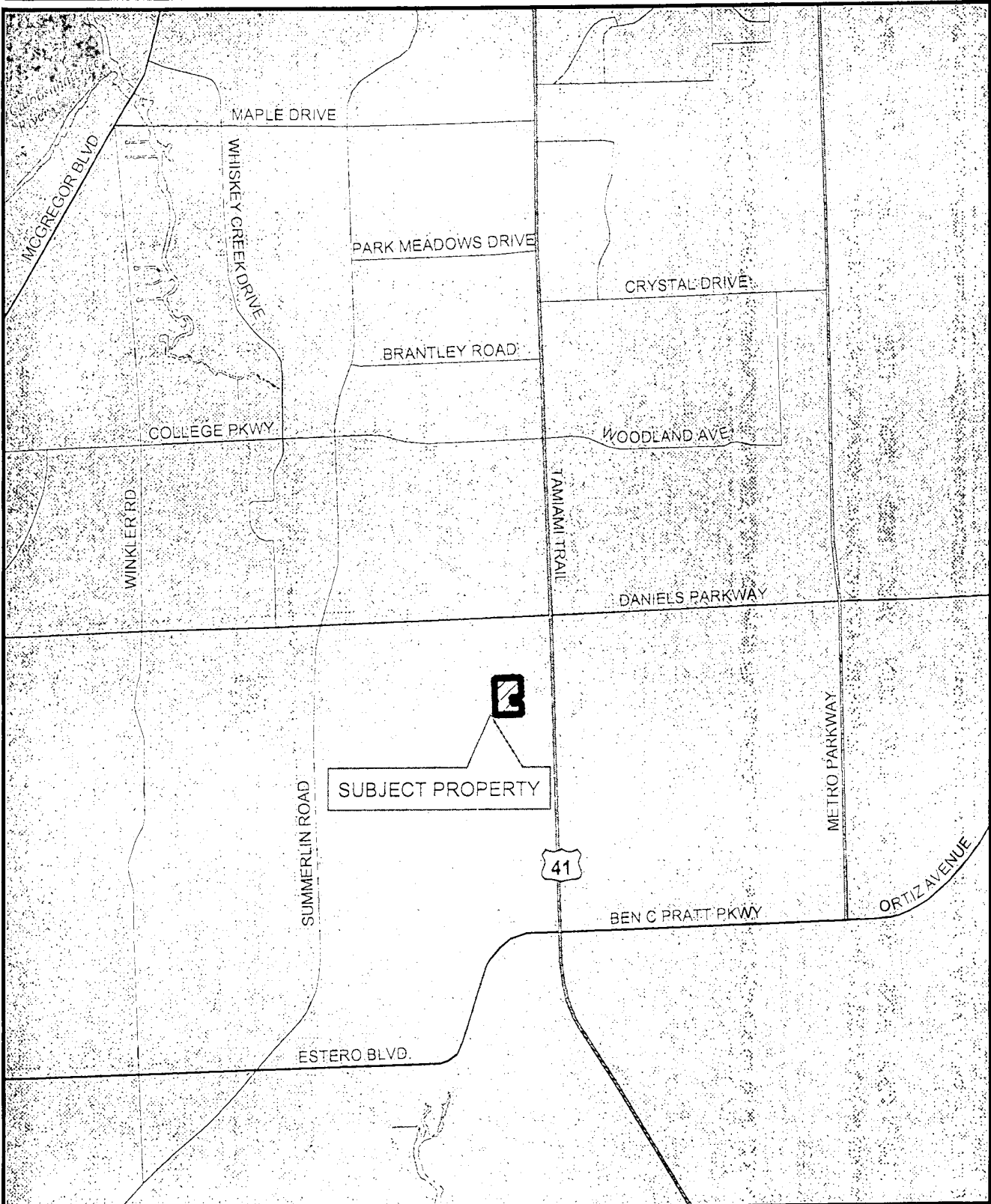
Subject to conditions in Resolution Z-00-020

Zoning Case # DEI 1999-00019

Date May 15, 2000

MASTER DEVELOPMENT PLAN

MAP "H"



Central Park Study Area

Date: 03-31-05

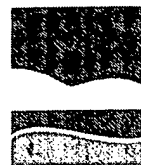
Basik Development
720 Goodlette Rd

3,000 0 3,000 Feet



Suite 305
Naples, FL 34102

Vanasse Daylor

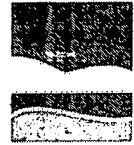


Urban Planning
Landscape Architecture
Civil Engineering
Traffic Engineering
Environmental Science
FL 336

Sources: FGDL and Lee County Property Appraiser
It is the end user's responsibility to verify the data contained hereon.

APPENDIX

- *Study Methodology Memorandum of Understanding & Follow-up Correspondence*
- *The Lee Plan Excerpts*
- *Lee County Generalized and Link-specific Service Volume Tables*
- *Lee County Traffic Count Data*
- *Internal Capture Deduction Computations*



Project no. 80817.01

MEMORANDUM

To: PARTICIPANTS
From: E. Randy Spradling, P.E.
Date: March 24, 2005
Re: Central Park MPD/Cypress Lake Center
NOPC Traffic Methodology Memorandum of Understanding

A meeting was held today at Lee County DCD to discuss the proposed traffic study methodology for the subject project, with the following attendees:

Keith Basik
 Robert G. Rentz, P.E., Lee County Department of Community Development
 Andy Getch, P.E., Lee County Department of Transportation
 Ken Heatherington, Southwest Florida Regional Planning Council
 Randy Spradling, P.E., Vanasse & Daylor LLP

Project information:

Project is located on approximately 68.5 acres on the southwest quadrant of the US 41 (SR 45) & Cypress Lake Drive intersection in unincorporated Lee County south of Fort Myers. The purpose of the proposed sixth amendment is to adopt a new Map H to reflect the change in Tract B and Lot 6 of Phase II, to reduce the office square footage and number of hotel rooms, and to eliminate the ALF uses, and to extend the buildout and termination dates to June 19, 2009.

Below are the permitted and proposed uses along with their respective intensities:

Land Use	Permitted	Proposed	Change
Shopping Center	336,340 sq ft	336,340 sq ft	No Change
Business Corporate Office	40,000 sq ft	30,000 sq ft	-10,000 sq ft
Executive Business Office Park	165,000 sq ft	102,200 sq ft	-62,800 sq ft
Hotel complex (including 200 seat restaurant and 100 seat conference center)	275 rooms	104 rooms	-171 rooms
Multi-family Residential	210 du	168 du	-42 du

The overall Cypress Lake project is nearly built out, with all site accesses to the arterial roadway network constructed and with all traffic associated with the existing development composing part of the background traffic volumes. Additionally, the transportation improvements that were committed for construction and/or funding as part of the Cypress Lake DRI have already been constructed.

TIS Methodology:

Background traffic volume projections will be made using the 2004 Lee County traffic count data as a basis and using a 2009 Planning Horizon.

Trip Generation estimates will be based on the following assumptions:

Develop a comparative trip generation analysis using the assumptions outlined in the original ADA Submittal, estimating the site-generated trips for the permitted, existing, and proposed land use programs using the current ITE *Trip Generation*, 7th Edition under the following land use codes:

Retail commercial uses will be aggregated into Shopping Center (ITE LUC 820)
Business Corporate Office trips using Medical-Dental Office Building (LUC 720)
Executive Business Office Park trips using General Office Building (LUC 710)
Hotel Complex trips using the Motel (LUC 320)
Multi-family Residential trips using Residential Condominium/Townhouse (LUC 230)

These land use program assumptions are consistent with those used in the 1985 ADA submittal Question 31 response authored by Barr, Dunlop & Associates, Inc., and the fourth codified amendment that added the multi-family residential component to the DRI.

Use the data and methodologies contained in the ITE *Trip Generation Handbook*, 2nd Edition, to estimate Internal Capture and Pass-by deductions.

Since the existing development in Cypress Lake Center is already part of the Background traffic, a proportionate share of the permitted trips representing the existing development will be computed and will be subtracted from the permitted use and proposed use trips. These remaining trips will be used in the Link LOS analyses once they are distributed on the roadway network.

Site-generated Trip Distribution and Assignment will be consistent with the distributions and assignments contained in the SWFRPC NOPC Land Development Transportation Assessment dated December 28, 1999.

Link LOS and Significance analyses will be conducted to determine significance (5 percent of the Performance Standard Maximum Service Flowrate for each specific link) and to verify whether adverse regional impacts are projected to occur because of the proposed change. No intersection analyses will be provided. Lee County has established LOS E as the performance standard. The Lee County Link-specific service flowrates will be used in this analysis, except for those links that have been improved since 2002: those links will use the Generalized LOS tables.

A *Report* will be prepared documenting the assumptions, findings, conclusions, and recommendations.

If your recollection differs from this, please contact me by 1200 Noon, Monday, March 28, 2005.

End of Memorandum

Randy Spradling

From: Randy Spradling
Sent: Monday, March 28, 2005 2:34 PM
To: 'Andrew Getch'
Cc: kbasik@aol.com; john.czerepak@dot.state.fl.us; Robert Rentz; kheatherington@swfrpc.org;
Ron Nino
Subject: RE: Central Park/Cypress Lake Center DRI

Andy -

THX for getting these reports to me. While it may be simpler to use monitoring report data for subtracting the existing site trips from the background volumes, I'm uncertain whether the land use mix in 1999 is the same as it was in 2004? Absent a monitoring report that is more recent than 1999, I would be hesitant about following this procedure. Further, in order to be consistent, the TMR material should be used to develop an overall site trip generation rate, although that would require more effort than using the procedure that SWFRPC appears to have used in developing the 1999 report.

The SWFRPC report left a few steps out of the narrative that would have explained how they reached their conclusions. I have been "reverse engineering" the spreadsheets and have concluded that both the existing and proposed trip end rates were developed using ITE Trip generation rates. Tables 3 and 3A allude to it.

On closer examination of the SWFRPC report, it appears that the "existing DRI trips" that were subtracted from the background traffic were also estimated using ITE Trip Generation rates (See Table 3A). These trips were then subtracted from the 1998 AADT volumes in Table 4, after which the 2002 projected peak hour volumes were estimated. The total DRI trip assignments were added back into the projections for use in determining significance and adversity.

We have the general land use data for the in place development; it isn't that much effort to determine a proportionate share of the trips based on the site-generated trip estimates for the buildout program. This will allow some procedural consistency in development of the estimated trips.

E. Randy Spradling, P.E.
Director of Transportation
VanasseDaylor
12730 New Brittany Blvd., Ste. 600
Fort Myers, Florida 33907
PH: 239-437-4601
FX: 239-437-4636
www.vanday.com

-----Original Message-----

From: Andrew Getch [mailto:GETCHAJ@leegov.com]
Sent: Monday, March 28, 2005 2:19 PM
To: Randy Spradling
Cc: kbasik@aol.com; john.czerepak@dot.state.fl.us; Robert Rentz;
kheatherington@swfrpc.org; Ron Nino
Subject: RE: Central Park/Cypress Lake Center DRI

Unless I missed it, we don't appear to have a copy of the 1999 report in our scanned files. Attached are the 1996 and 1997 reports which are the most recent in our file. The 1996 report would appear to have the highest P.M. peak hour trip generation at 1,270 total driveway trips. The 1997 report shows 952 P.M. peak hour. If I remember correctly, 1996 was the last report when Wal-Mart was still in Cypress Lake Center.

Andy Getch, P.E.
Senior Engineer

Lee County Department of Transportation
getchaj@leegov.com
PHONE (239) 479-8510
FAX (239) 479-8520

>>> "Randy Spradling" <RSpradling@VANDAY.com> 03/28/05 11:36AM >>>
Thank you for your clarification; Do you have a traffic monitoring
report that is later than the 1999 report provided by FTE?

-----Original Message-----

From: Andrew Getch [mailto:GETCHAJ@leegov.com]
Sent: Monday, March 28, 2005 11:34 AM
To: Randy Spradling
Cc: kbasik@aol.com; john.czerepak@dot.state.fl.us; Robert Rentz;
kheatherington@swfrpc.org; Ron Nino
Subject: Re: Central Park/Cypress Lake Center DRI

Randy,
Here are my comments on the revised methodology. You had called me
after the meeting about how to estimate the amount of existing site
traffic to "remove" from the background traffic, To keep it simple, I
would recommend using the last available monitoring report to estimate
the existing site trip generation to "remove" from total AADT in the
2004 traffic count report. As a clarification, a recalculation of the
trip generation for the permitted uses is probably not necessary. Only a
calculation of the trip generation for the proposed uses.
I would add that the significance and adversity tests are based on
F.A.C. 9J-2.045. The purpose is to determine if the NOPC has
additional
regional impacts. A demonstration that the NOPC has equal or fewer
significant and adverse roadway segments than the ADA will allow staff
to determine that the NOPC is unlikely to have additional
transportation
regional impacts.
The proposed development parameters are the choice of the developer.

Andy Getch, P.E.
Senior Engineer
Lee County Department of Transportation
getchaj@leegov.com
PHONE (239) 479-8510
FAX (239) 479-8520

>>> "Randy Spradling" <RSpradling@VANDAY.com> 03/28/05 08:53AM >>>
Attached is the revised Traffic MOU for the subject project. PLS let
me know by Noon Tuesday, March 29th, 2005 if your recollections differ
from what is outlined in the MOU.

E. Randy Spradling, P.E.
Director of Transportation
VanasseDaylor
12730 New Brittany Blvd., Ste. 600
Fort Myers, Florida 33907
PH: 239-437-4601
FX: 239-437-4636
www.vanday.com
<<80817MOU1rev.doc>>

POLICY 22.1.4: Lee County will continue to use the 2000 Highway Capacity Manual and the 1998 Florida Department of Transportation Level of Service Manual to calculate levels of service, service volumes, and volume-to-capacity ratios. (Amended by Ordinance No. 98-09, Relocated by Ordinance No. 99-15)

OBJECTIVE 22.2: CONSTRAINED ROADS. Due to scenic, historic, environmental, aesthetic, and right-of-way characteristics and considerations, Lee County has determined that certain roadway segments will be deemed "constrained" and therefore will not be widened. Reduced peak hour levels of service will be accepted on those constrained roads as a trade-off for the preservation of the scenic, historic, environmental, and aesthetic character of the community. (Amended by Ordinance No. 99-15, 00-08)

POLICY 22.2.1: Constrained roads are identified in Table 2(a). (Added by Ordinance No. 99-15, Amended by Ordinance No. 00-08)

POLICY 22.2.2: A maximum volume-to-capacity (v/c) ratio of 1.85 is established for the constrained roads identified in Table 2(a) that lie in the unincorporated area. No permits will be issued by Lee County that cause the maximum volume-to-capacity ratio to be exceeded or that affect the maximum volume-to-capacity ratio once exceeded. Permits will only be issued when capacity enhancements and operational improvements are identified and committed for implementation that will maintain the volume-to-capacity ratio on the constrained segment at or below 1.85. (Amended and Relocated by Ordinance No. 99-15, Amended by Ordinance No. 00-08)

POLICY 22.2.3: For each constrained road identified in Table 2(a), an Operational Improvement Program is hereby established. This program identifies operational and capacity-enhancing improvements that can be implemented within the context of that constrained system. The Operational Improvement Program for constrained roads is identified in Table 2(b). (Amended and Relocated by Ordinance No. 99-15, Amended by Ordinance No. 00-08)

OBJECTIVE 22.3: TRANSPORTATION CONCURRENCY MANAGEMENT SYSTEM. Lee County will utilize a transportation concurrency management system consistent with the requirements of Chapter 163.3180, F.S., and Rule 9J-5.0055, F.A.C. (Added by Ordinance No. 99-15, Amended by Ordinance No. 00-08)

POLICY 22.3.1: Lee County will measure concurrency on all roads on a roadway segment-by-segment basis, except for constrained roads and where alternatives are established pursuant to Chapter 163.3180, F.S., and Rule 9J-5.0055, F.A.C. (Amended by Ordinance No. 98-09, Amended and Relocated by Ordinance No. 99-15, Amended by Ordinance No. 00-08)

POLICY 22.3.2: Lee County will continue to annually identify roadway conditions and available capacity as part of its concurrency management report. The report will identify both existing traffic conditions and forecast traffic conditions. The available capacity for existing conditions will include the added capacity of roadway improvements programmed in the first three years of an adopted County Capital Improvement Program or State Five-Year Work Program. (Added by Ordinance No. 00-08)

POLICY 22.3.3: All proposed development activity (local development order requests), except that which affects constrained roads and roads subject to concurrency alternatives, will be reviewed against the available capacity identified in the annual concurrency report based on

TABLE 2(a)
CONSTRAINED ROADS
STATE AND COUNTY ROADS

ROADWAY	SEGMENT	MAINTENANCE RESPONSIBILITY	CONSTRAINED CONDITIONS
Captiva Road	Blind Pass/South Seas Plantation	County	ROW, Scenic, Aesthetic, Environmental
Daniels Parkway	Metro Parkway/I-75	County	ROW
Estero Boulevard	Center Street/Big Carlos Pass	County	ROW, Scenic, Aesthetic
Hickory Boulevard	Big Carlos Pass/Bonita Beach Road	County	Scenic, Aesthetic, Environmental
McGregor Boulevard (SR 867)	Colonial Boulevard/ College Parkway	State	ROW, Scenic, Aesthetic, Historic, Environmental
Pine Island Road (Matlacha)	Shoreview Drive/Little Pine Island	County	ROW, Scenic, Aesthetic, Environmental
San Carlos Boulevard (SR 865) (Matanzas Pass Bridge)	Center Street/Main Street	State	ROW, Scenic, Aesthetic, Environmental
US 41	South of Daniels Road/North Airport Road	State	ROW
Old 41	Bonita Beach Road/ Terry Street	County	ROW, Scenic, Aesthetic, Historic
Gulf Boulevard	Boca Grande	County	Scenic, Aesthetic, Historic, Environmental

TABLE 2(b)
RECOMMENDED OPERATIONAL IMPROVEMENTS ON CONSTRAINED ROADS

ROADWAY	SEGMENT (or INTERSECTION)	AUXILIARY LANES	GEOMETRICS	SIGNAL TIMING PROGRESSION	MISC.
Captiva Road	Blind Pass/South Seas Plantation	(1)	(1)	(1)	
Daniels Parkway	Metro Parkway/I-75	Provide frontage road connections	Potential removal of direct left turns @ Brookshire/International ⁽²⁾ ; Close median openings at minor side street approaches ⁽²⁾ ; Potentially eliminate EB left turn and NB/SB left turns at Danport Blvd. signal ⁽²⁾	Continue monitoring/updating of signal system.	Access management.
Estero Boulevard	Center Street/Big Carlos Pass	(1)	(1)	(1)	
Hickory Boulevard	Big Carlos Pass/Bonita Beach Rd	Left turn lane at new park entrance on Lovers Key.	(1)	(1)	
McGregor Boulevard (SR 867)	Colonial Boulevard/Winkler Road	Provide a NB right-turn lane from Davis Dr. to Colonial Blvd. ⁽²⁾	(1)	(1)	
Pine Island Road (Madacha)	Shoreview Drive/Little Pine Island	Construct left turn lanes at inter-sections with local roads, where feasible.	(1)	(1)	
San Carlos Boulevard (SR 865) (Matanzas Pass Bridge)	Center Street/Main Street	(1)	(1)	Consider alternating signal for southbound approach lanes and signal/ lane controls to create a preferential transit lane.	Encourage transit ridership.
US 41	S. of Daniels Parkway/North Airport Road	(1)	(1)	Continue monitoring/updating of signal system.	Maintain access control. Pursue installation of bike paths through MPO process.
Gulf Boulevard	Boca Grande	(1)	(1)	(1)	

Footnotes:

⁽¹⁾ No specific operational improvement identified at this time, but operational improvements may still be possible and warranted in relation to development approval requests.

⁽²⁾ Indicates that the recommended improvement should increase the estimated service volume of the facility.

Lee County
Generalized Peak Hour Two-Way Service Volumes
Urbanized Areas

d:\los02\input1

Uninterrupted Flow Highway
Level of Service

Lane	Divided	A	B	C	D	E
2	Undivided	170	590	1200	1700	2,280
4	Divided	1,740	2,820	4,080	5,280	6,000
6	Divided	2,610	4,230	6,120	7,920	9,000

Arterials

Class I (>0.00 to 1.99 signalized intersections per mile)

Level of Service

Lane	Divided	A	B	C	D	E
2	Undivided	*	500	1,330	1,570	1,620
4	Divided	790	2,860	3,330	3,410	**
6	Divided	1,180	4,360	4,990	5,120	**
8	Divided	1,550	5,640	6,340	6,480	**

Class II (>2.00 to 4.50 signalized intersections per mile)

Level of Service

Lane	Divided	A	B	C	D	E
2	Undivided	*	370	1,160	1,480	1,570
4	Divided	*	850	2,570	3,150	3,310
6	Divided	*	1,330	3,930	4,740	4,970
8	Divided	*	1,750	5,210	6,130	6,430

Class III (more than 4.50 signalized intersections per mile)

Level of Service

Lane	Divided	A	B	C	D	E
2	Undivided	*	*	640	1,270	1,490
4	Divided	*	*	1,520	2,870	3,140
6	Divided	*	*	2,360	4,400	4,720
8	Divided	*	*	3,100	5,740	6,100

Controlled Access Facilities

Level of Service

Lane	Divided	A	B	C	D	E
2	Undivided	220	1,300	1,640	1,690	**
4	Divided	480	2,840	3,460	3,560	**
6	Divided	720	4,370	5,190	5,340	**

Collectors

Level of Service

Lane	Divided	A	B	C	D	E
2	Undivided	*	*	930	1,400	1,500
2	Divided	*	*	980	1,470	1,580
4	Undivided	*	*	2,070	2,850	3,010
4	Divided	*	*	2,170	3,000	3,160

Note: the service volumes for I-75 (freeway) should be from FDOT's most current version of LOS Handbook.

PERIODIC COUNT STATION DATA

Daily Traffic Volume (AADT)														
STATION	LOCATION	Station #	Map	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	PERM. STATION
256	W OF SOUTH POINTE BLVD	256	G	30000	31600	14300	13900	13800	12800	14600	16800	17200	19000	30
257	E OF SOUTH POINTE BLVD	257	G	18700	17800	18700	19900	20400	19000	18500	22900	22100	23800	30
258	W OF SUMMER LN RD	258	G	22400	22300	25600	26400	25400	23400	25500	28400	25700	30900	30
258	W OF US 41	258	G	30500	30900	29500	31100	29100	28000	33400	31400	31900	32200	30
30	W OF METRO PKWY	30	G	31600	32800	34500	32800	33800	34400	35500	38100	36700	39900	
263	W OF PLANTATION RD	263	G									49700	New	30
31	E OF SIX MILE PKWY	31	G	33100	35100	39100	42800	43900	43700	45500	48400	54100	60700	
264	W OF 175	264	E	29400	28700	32700	37100	38400	39300	43300	46400	48800	53400	31
52	E OF 1-75	52	E								42300	44700	53500	
32	E OF REEF LINE DR	32	E	18500	22000	24500	26500	28100	28900	35200	36400	39500	Removed	
48	E OF CHAMBERLIN PKWY	48	E	8100	9700	11400	12400	13100	18000	21200	23900	25600		
524	S OF IMMOKOLEE RD	524	E							9200	12800	14100	16800	48
518	W OF METRO PKWY	518	B							5800	4900	5500	6000	45
265	N OF MCGREGOR BLVD	265	G	22300	21400	2000	1800	2100	2200	2200	2100	2200	1900	36
266	S OF SE 46TH LN	266	G	25800	26800	25100	21200	23900	26800	26700	27800	28400	30700	2
268	S OF CORONADO PKWY	268	C	27500	29600	28600	25200	27800	26200	27800	29300	29500	33100	2
2	S OF CORNWALLIS PKWY	2	C	39400	39600	40400	37000	38600	37800	40300	41600	42000	43700	
515	S OF EVEREST PKWY	515	C				44400	41000	48200	45500	47700	51100	53900	40
516	N OF VETERANS PKWY	516	C				42800	49100	51300	51700	53800	53900	57700	40
	S OF CORAL POINT DR		C	44500	44100	41900	46000	48300	50700	48700				
40	AT FOUR MILE COVE RD	40	C						44800	46100	49800	53700	58300	40
270	S OF HANCOCK PKWY	270	C	33500	31200	31500	30200	34000	32700	33500	35100	37400	40500	40
267	S OF PINE ISLAND RD	267	C	16700	17200	17400	19300	20100	21800	20400	20600	22300	25000	2
24	N OF PINE ISLAND RD	24	C	6900	8400	9300	10100	11000	12000	12800	13900	14200	16500	24
443	E OF US 41	443	C						2200	3300	4400	5500	4900	24
267	S OF PINE ISLAND RD	267	C	16700	17200	17400	19300	20100	21800	20400	20600	22300	25000	2
24	N OF PINE ISLAND RD	24	C	6900	8400	9300	10100	11000	12000	12800	13900	14200	16500	24
475	E OF JOEL BLVD	475	D							300	500	3400	4400	44
632	W OF SHOEMAKER BLVD	632	F									1600	1600	5

U/C - Area under construction
NEW - New count this year

PERIODIC COUNT STATION DATA

STREET	LOCATION	Station #	Daily Traffic Volume (AADT)											PERM- ANENT STATION
			Map	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	
SOLOMAN AVE	N OF COLONIAL BLVD	623	B					7400	8100	8100	8100	8200	10400	28
	N OF WINKLER AVE	627										4600	7000	28
SR 31	N OF PALM BEACH BLVD	391	D	6600	6300	7100	7200	7200	6600	8600	8500	9500	10100	5
	S OF CHARLOTTE CO LINE	392	D	3600	3500	3300	4000	4100	4300	4500	5300	5800	7200	4
STALEY RD	S OF ORANGE RIVER BLVD	398	D	2200	2100	2200	2400	2400	2400	2300	2500	2600	2600	5
SR 78	SEE BAYSHORE RD OR PINE ISLAND RD													
SR 80	PALM BEACH BLVD													
SR 82	SEE DR. MARTIN LUTHER KING, JR. BLVD OR IMMOKALEE RD													
SR 739	SEE BUS 41 FOWLER ST. HANSON ST. OR METRO PKWY													
SR 865	SEE SAN CARLOS BLVD													
SR 86	SEE MCCREY COR BLVD													
SR 884	SEE COLONIAL BLVD, LEE BLVD, LEE LAND HEIGHTS BLVD, OR JOEL BLVD													
STRINGFELLOW BLVD	N OF CASTLE RD	27	L	4100	4200	4300	4400	4600	4400	4500	4800	4700	5700	
	S OF PINE ISLAND RD	400	I	8700	8700	9400	9500	9100	8600	9000	9400	9400	9900	27
	N OF AVENUE C	399	I	8000	8100	8600	8700	8400	7800	8000	9200	8900	9000	27
	N OF HOWARD RD	401	I	3400	3400	3600	3500	3300	3300	3400	3600	3200	3600	27
SUMMERLIN RD	E OF JOHN MORRIS RD	36	G	17800	18400	18300	19100	19800	19200	19300	18900	17900	15300	
	W OF SAN CARLOS BLVD	402	G	19200	20000	20400	21000	21300	21300	21300	20700	21200	20800	36
	E OF SAN CARLOS BLVD	408	G	21300	22700	22400	20700	21100	20200	19400	20400	20400	24500	19
	E OF PINE RIDGE RD	410	G	27600	28900	28900	28400	30800	30100	31000	30200	31700	26800	19
	W OF WINKLER RD	19	G	30300	32000	33000	32500	34000	33800	34400	34000	34500	37600	
	N OF GLADIOLUS DR	409	G	25000	23400	20600	25700	26300	24200	21100	23300	26500	26700	19
	N OF CYPRESS LAKE DR	407	G	27300	28500	27500	28400	28200	29600	26900	27500	27400	31200	35
	SHOEPARK MEADOWS	35	B	29600	30400	32400	32200	32600	33200	33200	34600	34600	36300	
	N OF MAPLE DR	405	B	28800	28700	31100	30100	31700	33200	28100	32500	36100	39900	35
	N OF BOYS SCOUT DR	403	B	21100	19200	18300	19100	20700	22100	21800	24800	22100	25400	35
	S OF COLONIAL BLVD	411	B	19400	19700	15100	17100	20300	21200	20900	21000	22100	25400	35

U/C - Area under construction
NEW - New count this year

PERIODIC COUNT STATION DATA

Daily Traffic Volume (AADT)														
STREET	LOCATION	Station#	Map	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	PERM. ANEN. STATION
SUNRISE BLVD	E OF BELL BLVD	480	F			200	200	300	200	300	300	300	300	6
SUNSHINE BLVD	N OF IMMOKALEE RD	413	F	500	700	1000	1300	1100	1200	1300	1000	1800	2800	22
	N OF LEE BLVD (CR 884)	412	F	1300	1600	2300	3000	2800	3100	3400	5000	4600	5600	22
	N OF W 12TH ST	479	F	1500	1500	1700	2400	2500	2300	N/A	2900	3400	4000	22
TAMPA RAIL (SEE US FOR BUSINESS)														
THREE OAKS PKWY	S OF CORKSCREW RD	525	H								8400	10700	12500	15
	N OF CORKSCREW RD	415	H	3100	3000	4000	4500	5600	5900	7200	8500	11100	12700	15
	S OF ALICO RD	414	H	1500	1400	5000	5100	5700	5600	5700	6400	6300	7800	10
TIGER ST	N OF ORTIZ AV	417	A	3300	3400	3400	3000	4000	3700	4100	4000	3300	3700	5
	W OF I 75	416	E	2600	2500	2400	2200	2300	2400	2500	2100	2600	2400	5
TREELINE AVE	S OF DANIELS PKWY	502	E		900	900	2200	2600	2900	2700	2200	2700	3000	32
12 ST W	E OF GUNNERY RD	472	F		1800	3000	2100		1800	2500	2700	3000	22	
23RD ST SW	E OF GUNNERY RD	469	F		4300	5100	2900	3400	4600	4900	5100	7800	22	
US 41 (SR 45)	N OF COLLIER CO LINE	23	H	24900	24200	28000	27400	28800	30700	31300	34000	35300	U/C	
	N OF BONITA BEACH RD	437	H	30900	31700	33400	34500	36400	35700	39900	43900	42100	U/C	23
	N OF WEST TERRY ST	433	H	25100	27500	29000	29200	30200	32500	35500	38200	38000	U/C	25
	N OF OLD 41	436	H	28800	30600	30700	30100	32900	31600	30800	43100	N/A	U/C	25
	S OF HICKORY DR	25	H	27700	29400	29400	27100	29000	31500	35100	N/A	37700	40800	
	N OF SANIBEL BLVD	424	H	228400	289800	288000	25700	27700	30400	34400	34700	40400	42500	25
	N OF ALICO RD	470	G	41300	40300	41200	39400	41300	41100	48500	47800	52500	58700	25
	N OF ISLAND PARK RD	434	G	45600	44200	44800	42500	41700	48800	44600	54700	55900	25	
	N OF JAMAICA BAY WEST	435	G	53100	51100	52700	49000	48400	59900	52700	63700	66800	25	
	N OF SIX MILE CYPRESS PKWY	418	G	40600	43200	39900	35700	38300	44100	43500	47400	47400	9	

U/C - Area under construction
NEW - New count this year

PERIODIC COUNT STATION DATA

		Daily Traffic Volume (AADT)												PERM. ANNUAL STATION
STREET	LOCATION	Station #	Map	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	PERM. ANNUAL STATION
US 41 (SR 46)	N OF CYPRESS LAKE DR	426	G	46200	45600	47200	43600	43600	50600	47700	55400	54400	60100	9
	N OF BRANTLEY RD	9	B	53300	54200	51400	49000	49500	52800	54400	55700	57100	62100	9
	N OF SOUTHERN RD	422	B	53100	53500	47500	46800	51200	42700	53700	56900	58400	61200	9
	N OF BOY SCOUT DR	430	B	53900	57100	40700	38400	40900	39600	39900	42000	42700	45900	9
	N OF N AIRPORT RD	427	B	42800	44500	37000	37000	42000	44200	43800	43900	44800	52900	9
	N OF COLONIAL BLVD	432	B	49100	49200	40600	42800	46800	48600	44600	51000	48200	49200	9
	N OF WINKLER AVE	429	B	44700	45800	38900	40000	41300	41900	43700	45300	44500	48200	9
	N OF HANSON ST	428	B	43500	43500	39700	38800	39700	40700	45700	43900	43800	47400	9
	N OF NORTH KEY DR	411	C	50000	48300	47800	40600	38500	39700	41700	43500	45600	49900	2
	N OF HANCOCK BR PWY	421	C	31100	30700	30100	27000	28000	28500	29500	29700	31600	31600	1
	N OF RONDENIA RD	431	C	24000	21800	21700	22400	21900	21000	23800	25000	25900	28900	1
	N OF PINE ISLAND RD	419	C	20000	16800	17000	18000	19700	20000	22500	22900	24300	24700	1
	N OF LITTLETON RD	425	C	19100	15500	15400	16000	15500	15600	17100	17400	18200	20000	1
	S OF CHARLOTTE CO.	449	I	14100	11800	11700	11500	13100	12800	14600	14800	15400	18000	1
VANDERBILT RD	S OF BONITA BEACH RD	491	H		5400	6600	7200	8500	N/A	7300	9300	9000	9000	23
VETERANS PKWY	S OF PINE ISLAND RD	527	I							6100	8200	10600	50	50
	E OF SURFSIDE BLVD	526	I							9100	12000	15900	13800	50
	E OF CHIQUITA BLVD	523	C							15900	19200	19200	23900	50
	E OF SKYLINE BLVD	522	C							15900	19200	23400	26700	50
	E OF SANTA BARBARA BLVD	50	C		13100	27600	26800	31400	33800	40300	44300	44300	48000	50
	E OF COUNTRY CLUB BLVD	513	C			27800	34500	36800	38700	444800	45900	50800	50800	50
	AT TOLL PLAZA	101	C			26900	32000	37500	37700	41800	44500	47600	47600	50
WEST TERRY ST	E OF US 41	440	H	7600	8600	9500	9200	10400	10800	11100	13300	13300	12000	42
WESTGATE BLVD	S OF LEE BLVD	470	F									7300	7200	22
WHISKEY CREEK DR	N OF COLLEGE PKWY	441	B	7000	7200	6900	6500	7500	6400	6500	6600	6900	7800	35
	E OF MCGREGOR BLVD	442	B	3400	3200	3000	2900	3600	3200	3100	3400	3100	3100	35
WILLIAMS AVE	N OF LEE BLVD	471	F			5600	5900	7500	7200	7400	8400	9300	10000	22
WILLIAMS RD	E OF US 41	468	H			2100	2600	2700	3100	3500	3700	3900	3900	22

U/C - Area under construction
NEW - New count this year

K₃₀ and K₁₀₀ Factors at Permanent Count Stations

STATION

#	K ₃₀	K ₁₀₀
1	0.095	0.092
2	0.097	0.094
3	0.104	0.094
4	0.101	0.096
5	0.100	0.093
6	0.106	0.097
7	0.105	0.099
8	0.082	0.072
9	0.083	0.080
10	Under Construction	
11	0.109	0.102
12	0.102	0.083
13	0.094	0.090
14	0.087	0.085
15	0.109	0.102
16	0.098	0.093
17	0.108	0.094
18	0.110	0.102
19	0.093	0.087
20	0.104	0.096
21	0.110	0.101
22	0.107	0.101
23	Under Construction	
24	0.085	0.077
25	0.105	0.095
27	0.103	0.088
28	0.099	0.093
29	0.102	0.099

STATION

#	K ₃₀	K ₁₀₀
30	0.100	0.091
31	0.093	0.089
33	0.128	0.112
34	0.099	0.095
36	0.124	0.115
37	0.097	0.091
38	0.118	0.109
39	0.089	0.082
40	0.096	0.088
42	Under Construction	
43	0.109	0.103
44	0.086	0.082
45	0.114	0.107
46	0.108	0.101
47	0.096	0.090
48	0.126	0.119
49	0.092	0.087
50	0.098	0.093
51	0.132	0.112
52	0.100	0.091
53	0.107	0.095
54	0.094	0.087
55	0.087	0.082
56	0.093	0.088
57	0.102	0.095
58	0.096	0.091

Analyst ERS
Date 23 Mar 05

MULTI-USE DEVELOPMENT TRIP GENERATION AND INTERNAL CAPTURE SUMMARY

Central Park /
Name of Dvlpt Cypress Lake Ctr
Time Period WKDY DAILY
PERMITTED LAND USE
THRESHOLDS

LAND USE A <u>Retail</u>			
ITE LU Code	820		
Size	336,340		
Enter	3470	Internal	382
Exit	2470	Internal	289
Total	14,940	671	14,269
%	100%	4%	96%

11% 822 Demand	9% 693 Demand	3% 224 Demand	4% 289 Demand
131 Balanced	151 Balanced	158 Balanced	231 Balanced
33% 131 Demand	38% 151 Demand	15% 158 Demand	22% 231 Demand

LAND USE B Residential

ITE LU Code	230		
Size	210 D.U.		
Enter	396	Internal	143
Exit	396	Internal	151
Total	792	294	498
%	100%	37%	63%

Exit to External	
Enter from External	

LAND USE C Office

ITE LU Code	710/720		
Size	205,000		
Enter	1,050	Internal	158
Exit	1,050	Internal	231
Total	2,100	389	1711
%	100%	19%	81%

Enter from External	
Exit to External	

Net External Trips for Multi-Use Development

	LAND USE A	LAND USE B	LAND USE C	TOTAL
Enter				
Exit				
Total				
Single-Use Trip Gen. Est.				
				INTERNAL CAPTURE

Source: Kaku Associates, Inc.

Analyst ERS
Date 28 Mar 05

MULTI-USE DEVELOPMENT TRIP GENERATION AND INTERNAL CAPTURE SUMMARY

Central Park /
Name of Dvlpt Cypress Lake Ctr
Time Period WKDY PMPK
PERMITTED LAND USE
THRESHOLDS

ITE LU Code 820
Size 336,340 #

	Total	Internal	External
Enter	669	27	642
Exit	725	34	691
Total	1394	61	1333
%	100%	4%	96%

Exit to External 691
Enter from External 642

12% 87 Demand	9% 60 Demand	3% 22 Demand	2% 13 Demand
16 Balanced	14 Balanced	18 Balanced	13 Balanced
31% 16 Demand	53% 14 Demand	31% 18 Demand	23% 46 Demand

LAND USE B Residential

ITE LU Code 230
Size 210 D.U.

	Total	Internal	External
Enter	51	17	34
Exit	27	14	13
Total	78	31	47
%	100%	40%	60%

Exit to External 34
Enter from External 47

LAND USE C Office

ITE LU Code 710/720
Size 205,000 #

	Total	Internal	External
Enter	57	18	39
Exit	198	14	184
Total	255	32	223
%	100%	13%	87%

Enter from External 39
Exit to External 184

Net External Trips for Multi-Use Development

	LAND USE A	LAND USE B	LAND USE C	TOTAL
Enter				
Exit				
Total				
Single-Use Trip Gen. Est.				
INTERNAL CAPTURE				

Source: Kaku Associates, Inc.

Analyst ERS

Date 29 Mar 05

MULTI-USE DEVELOPMENT TRIP GENERATION AND INTERNAL CAPTURE SUMMARY

LAND USE A Retail

ITE LU Code	820	Size	336340	ft ²
Enter	7470	Internal	293	
Exit	7470	External	225	
Total	14940		518	
%	100%			

Exit to External
5,160
Enter from External
5,157

11% 822 Demand	115 Balanced	3% 115 Demand
4% 672 Demand	132 Balanced	38% 132 Demand
3% 229 Demand	110 Balanced	15% 110 Demand
1% 209 Demand	18 Balanced	22% 16 Demand

LAND USE B Residential

ITE LU Code	830	Size	16800	ft ²
Enter	348	Internal	125	
Exit	348	External	132	
Total	696		257	
%	100%			

Exit to External
220
Enter from External
219

LAND USE C Office

ITE LU Code	710/720	Size	132,200	ft ²
Enter	733	Internal	110	
Exit	733	External	171	
Total	1466		281	
%	100%			

Enter from External
593
Exit to External
592

Net External Trips for Multi-Use Development

	LAND USE A	LAND USE B	LAND USE C	TOTAL
Enter				
Exit				
Total				
Single-Use Trip Gen. Est.				
INTERNAL CAPTURE				

Source: Kaku Associates, Inc.

Analyst ERS
 Date 29 Mar 05

MULTI-USE DEVELOPMENT TRIP GENERATION AND INTERNAL CAPTURE SUMMARY

Central Park/
 Cypress Lake Ctr
 Time Period PM PK HR
 Proposed Land Use
 Thresholds

LAND USE A Retail

ITE LU Code <u>820</u>		Size <u>336340</u> <u>sq ft</u>	
Enter	669	Internal	25
Exit	725	Internal	27
Total	1394	Internal	52
%	100%		

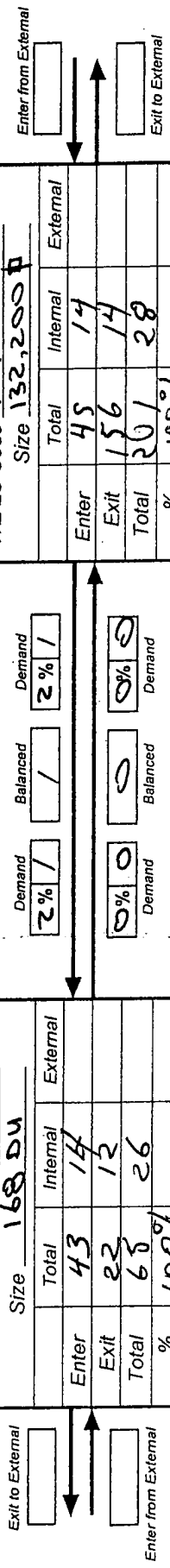
12% 87	Demand	13	Balanced	31% 13	Demand
9% 60	Demand	12	Balanced	3% 22	Demand
53% 12	Demand	14	Balanced	2% 13	Demand
23% 36	Demand				

LAND USE B Residential

ITE LU Code <u>830</u>		Size <u>168 DU</u>	
Enter	43	Internal	14
Exit	22	Internal	12
Total	65	Internal	26
%	100%		

LAND USE C Office

ITE LU Code <u>710/720</u>		Size <u>132,200</u> <u>sq ft</u>	
Enter	45	Internal	14
Exit	156	Internal	14
Total	201	Internal	28
%	100%		



Net External Trips for Multi-Use Development

	LAND USE A	LAND USE B	LAND USE C	TOTAL
Enter				
Exit				
Total				
Single-Use Trip Gen. Est.				

Source: Kaku Associates, Inc.

Ronald F. Nino, AICP

Senior Planner

Mr. Nino has a broad professional background in land use planning and related activities that include representing private clients in the approval of land development plans and associated regulations. This experience includes serving both public and private clients spanning more than forty (40) years of continuous planning practice in all aspects of community planning and development. Prior to his position at Vanasse & Daylor, Mr. Nino was employed by Collier County for 13 years at various levels of planning responsibility. On both the public and private sector side he has been involved in the preparation of comprehensive plans, the development of land use regulations, plan amendments and the approval process attendant to various types of land use applications to government.

Positions Held:

Senior Planner, Vanasse & Daylor, Ft. Myers, Florida: Project Planner/Manager for Clients seeking Comprehensive Plan amendments and zoning changes to local government Growth Management Plans and Land Development Codes. He serves as project analyst and coordinator for several Due Diligence Studies of both large and small parcels of land in a multi-county area of SW Florida.

Planning Manager, Collier County, Naples, Florida: Responsible for expediting the functions of the current planning section of the Planning Services Department with responsibility over the approval of all zoning related applications and the administration of the county's zoning regulations.

Chief Planner/Principal Planner, Collier County, Naples, Florida: Responsible for project coordination and principal planner for the approval of major land use development applications including all Collier County DRI projects during that time period.

Ronald F. Nino & Associates, Grand Blanc, Michigan: Operated Community Planning consulting firm and personally conducted a wide range of community development plans and feasibility studies inclusive of comprehensive plans and land development regulations.

Tomblinson, Harburn & Yurk, Flint, Michigan: Served as planning director for this architectural and multi-disciplined consulting firm directing the provision of planning services to client communities throughout Michigan resulting in the preparation of a wide range of development plans and special studies.

Representative Projects:

Buckley Property, Naples, FL

Site planning, transportation and engineering analysis for 22-acre mixed use development

Education:

Diploma; Architecture, Ryerson Polytechnical Institute (now Ryerson University) Toronto, Canada

Bachelor of Science, Urban Planning
Michigan State University

MUP Master of Urban Planning
Michigan State University

Master of Science, Resource Development, Major Land Use Law
Michigan State University

Continuing Academic Credits
Univ of Wisconsin - Real Estate
Feasibility and Market
Analysis

Univ. of Wisconsin - Environmental
Impact Statements

Mass. Institute of Technology -
Program for Urban Executives
University of Michigan - Doctoral
Studies in Public
Administration (20 semester
hours)

Lincoln Institute of Land Policy -
Mediating Land Use Disputes

Professional Memberships

American Institute of Certified
Planners (AICP)
American Planning Association

February 3, 2005

Mr. Fred G. Drovdic, AICP
Senior Planner
P.O. Box 398
Fort Myers, Florida 33902-0398

Re: Central Park
DCI2004-00085- PDL Application (Major PD)

Dear Mr. Drovdic

As the project manager for the above referenced application, we are taking this opportunity to supplement our sufficiency response dated January 27, 2005 with certain environmental information requested by Ms. Kim Trebatoski.

On January 27, 2005 we met with Ms. Trebatoski and Ray to discuss certain information that was requested in the December 31, 2004 sufficiency review report, specifically with respect to open space and indigenous vegetation preserve requirements as they applied to the original Cypress Lakes Center DRI of which Central Park is a subcomponent. We believe it was agreed that any consideration of open space and indigenous preserve requirements would be based on the entire area of the DRI and that we would furnish staff computations and an aerial map showing the spatial location of indigenous preserves and computation of area by our CADD staff.

We have determined that the following open space and indigenous preserve requirements would be applicable:

Area of Cypress Lakes Center @68.5 acres

Land Use	Required Open Space	Required Indigenous
All commercial @68.5 AC	68.5 AC X 30%=20.55 AC	20.55 AC X 50%=10.275
Mixed use same bldg @68.5 AC	Same as above	Same as above
Stand alone M.F on 4AC or less and balance commercial/mixed	64.5 AC X 30%=19.35 AC 4.0 AC X 40%= 1.6 AC Total =20.95	20.95Ac X 50%=10.47 AC

We have delineated indigenous preserve areas on an aerial map depicting the boundaries of the Cypress Lakes Center DRI as shown on Map H Cypress Lakes Center DRI Master Plan including two areas not shown on said Master Plan but which were established as part of a prior zoning action as this relates to Central Park. Our CADD staff has measured

the area of the indigenous preserve areas so delineated on the aerial map and said area is determined to comprise some 11.10 acres of land. We can only note that this acreage is higher than a scenario that provides for 4 acres of Central Park developed purely for residential purposes. With respect to open space, it is more difficult for us to measure every pervious surface area without reviewing all prior Development Orders, which would be a very daunting task to say the least. A cursory review of what is most certainly pervious areas on the aerial would appear to support the conclusion that there is at least as much landscaped space as there is indigenous preserve area. Just as importantly, however is the fact that when you review the aerial you cannot miss the fact that the combined areas of indigenous and other green space is concentrated primarily in and adjacent to the Central Park component of the DRI. Clearly, one should note that Central Park is surrounded on three sides with open/green space.

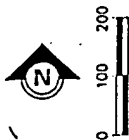
We would ask you based on this submission to declare our application is consistent with the requirements of the LDC for open space and indigenous reservation.

Sincerely
Vanasse Daylor LLP

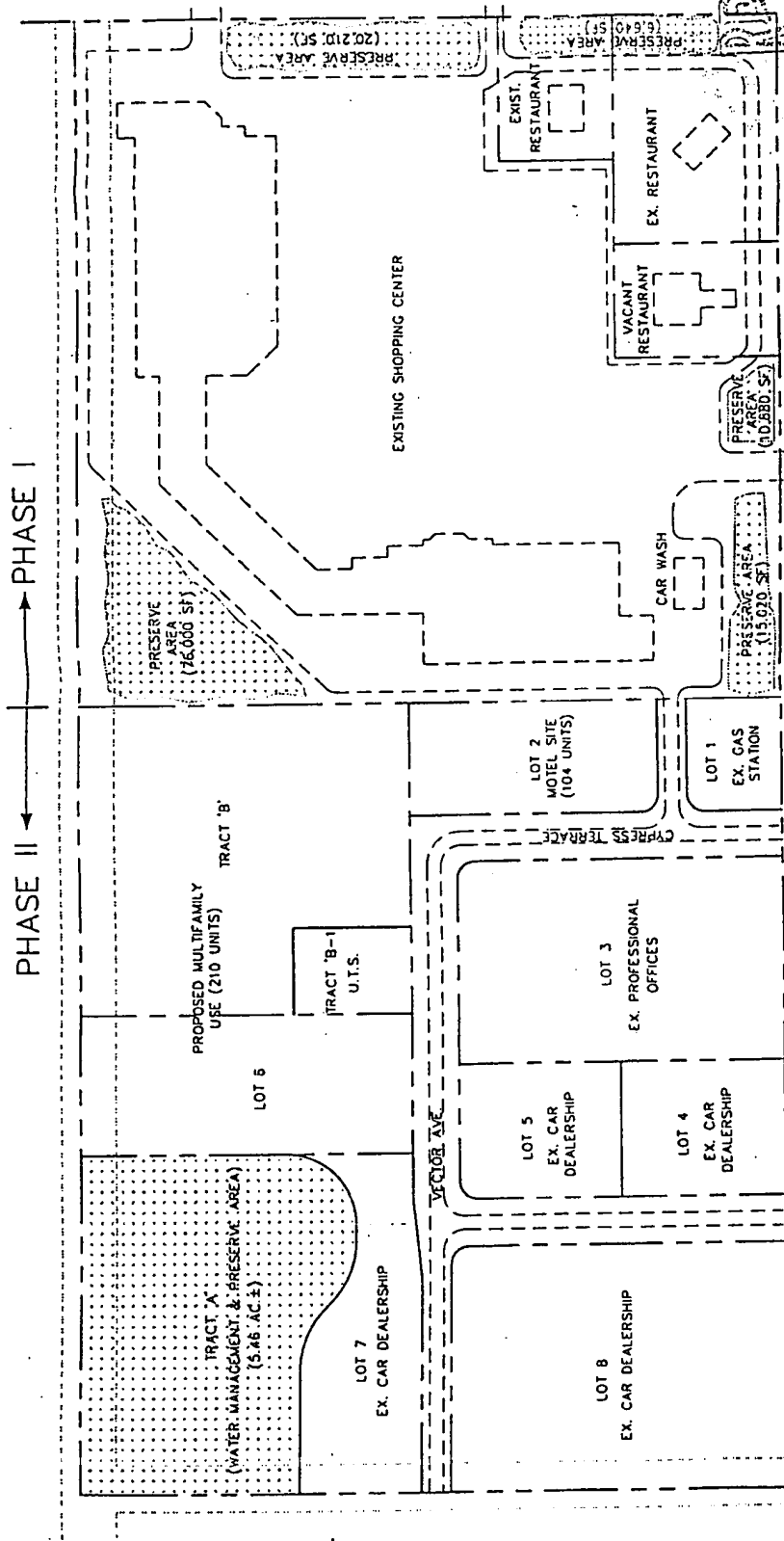

Ronald Nino, AICP

cc. Keith Basik

PHASE II ← PHASE I



CYPRESS LAKE DRIVE



EXISTING SHOPPING CENTER

EXIST. RESTAURANT

EXIST. RESTAURANT

VACANT RESTAURANT

EXIST. RESTAURANT

EXIST. RESTAURANT

EXIST. RESTAURANT

EXIST. RESTAURANT

EXIST. RESTAURANT

EXIST. RESTAURANT

EXIST. RESTAURANT

PRESERVE AREA (16,000 SF)

PRESERVE AREA (115,070 SF)

PRESERVE AREA (20,210 SF)

PRESERVE AREA (6,640 SF)

PRESERVE AREA (115,070 SF)

PRESERVE AREA (115,070 SF)

FEB 23 1993

PERMIT COUNTY

PROJECT # 9609 098 0420341
PROJECT TYPE 16

U.S. 41 (TAMIAMI TRAIL)

CYPRESS LAKE CENTER

MASTER DEVELOPMENT PLAN
MAP "H"
(REV. - 2/18/98)

AVALON ENGINEERING, INC.
1620 CAPE CORAL PARKWAY E. CAPE CORAL, FLORIDA 33904
(813) 549-8559

EXHIBIT "A"

SEE Pg 69-70:
LEE PLAN LAND USES
HEIGHT LIMITS

ORDINANCE NO. 05-

ORDINANCE AMENDING THE LEE COUNTY LAND DEVELOPMENT CODE, AMENDING CHAPTER 2, ADMINISTRATION, PERTAINING TO TRANSFER OF DEVELOPMENT RIGHTS (§2-147); AND

AMENDING CHAPTER 6, BUILDINGS AND BUILDING REGULATIONS, AMENDING DEFINITIONS OF "BEACH OR SHORE" AND "DUNE" (§6-333); AND

AMENDING CHAPTER 10, DEVELOPMENT STANDARDS, CREATING DEFINITION OF "DEWATER" (§10-1); AMENDING APPLICABILITY OF REQUIREMENTS FOR DEVELOPMENT ORDERS (§10-101); ADDITIONAL REQUIRED SUBMITTALS (§10-154); TYPES OF DEVELOPMENT ENTITLED TO LIMITED REVIEW (§10-174); PROVIDING FOR SITE GRADING IN CONJUNCTION WITH SURFACE WATER MANAGEMENT (§10-321); EXCAVATION REQUIREMENTS WITH RESPECT TO SPOIL REMOVAL AND APPROVAL TO DEWATER (§10-329); AMENDING SUBMITTAL REQUIREMENTS FOR LANDSCAPE PLANS (§10-414); OPEN SPACE (§10-415); LANDSCAPE STANDARDS (§10-416); SURFACE WATER MANAGEMENT SYSTEMS (§10-418); ALTERNATE LANDSCAPE BETTERMENT PLAN (§10-419); PLANT MATERIAL STANDARDS (§10-420); PLANT INSTALLATION AND MAINTENANCE STANDARDS (§10-421); ESTABLISHING LANDSCAPE REQUIREMENTS FOR SPECIFIC USES (§10-424); PROVIDING FOR DESIGN STANDARD APPLICABILITY TO ABOVE GRADE PARKING GARAGES (§10-602); AND

AMENDING CHAPTER 14, ENVIRONMENT AND NATURAL RESOURCES, AMENDING DEFINITIONS OF "BEACH", "DUNE", "FWC", "MECHANICAL BEACH CLEANING", "NEST", AND "NEW DEVELOPMENT" (§14-72); PROVIDING FOR ADMINISTRATIVE EXEMPTIONS FROM THE SEA TURTLE REQUIREMENTS (§14-74); AMENDING STANDARDS APPLICABLE TO LIGHTING FOR EXISTING DEVELOPMENT (§14-75); LIGHTING FOR NEW DEVELOPMENT (§14-76); PROVIDING FOR ADDITIONAL

REGULATIONS AFFECTING SEA TURTLE NESTING HABITAT (§14-78); GUIDELINES FOR MITIGATION AND ABATEMENT OF PROHIBITED ARTIFICIAL LIGHTING (§14-79); CREATING DIVISION 5, BEACH AND DUNE MANAGEMENT, PROVIDING FOR DEFINITIONS (§14-170); PURPOSE AND INTENT (§14-171); DESTRUCTION OR DIMINISHMENT OF DUNE OR BEACH SYSTEM (§14-172); BEACH FURNITURE AND EQUIPMENT (§14-173); BEACH RAKING AND WRACK LINE POLICY (§14-174); PROHIBITION OF VEHICULAR TRAFFIC ON THE BEACH (§14-175); SPECIAL EVENTS ON THE BEACH (§14-176); ENFORCEMENT (§14-177); RESTORATION STANDARDS FOR DUNE VEGETATION ALTERATION VIOLATIONS (§14-178); AMENDING DEFINITIONS APPLICABLE TO WELLFIELD PROTECTION, SPECIFICALLY "DEWATER" (§14-203); PROVIDING FOR A CEASE TO DEWATER NOTICE (§14-218); AND

AMENDING CHAPTER 30, SIGNS, AMENDING NONCONFORMING SIGNS (§30-55); PERMANENT SIGNS IN COMMERCIAL AND INDUSTRIAL DISTRICTS (§30-153); BILLBOARDS (§30-183); AND

AMENDING CHAPTER 34, ZONING, PROVIDING FOR DEFINITIONS OF "CABANA", "DEWATER", "FUEL PUMP", "FULL SERVICE FUEL PUMP", "SUFFICIENCY", AND "TACTICAL TRAINING FACILITY", AND AMENDING DEFINITIONS OF "CONVENIENCE FOOD AND BEVERAGE STORE", "FUEL PUMP STATION", "SELF SERVICE FUEL PUMPS", AND "STABLE, BOARDING" (§34-2); PROVIDING FOR FUNCTIONS AND AUTHORITY FOR REMAND BY THE BOARD OF COUNTY COMMISSIONERS (§34-83); AMENDING GENERAL SUBMITTAL REQUIREMENTS FOR APPLICATIONS REQUIRING PUBLIC HEARING (§34-202); ADDITIONAL REQUIREMENTS FOR APPLICATIONS REQUIRING PUBLIC HEARING (§34-203); DEFERRAL OR CONTINUANCE OF PUBLIC HEARING (§34-235); AMENDING THE APPLICATION REQUIREMENTS APPLICABLE TO PLANNED DEVELOPMENTS (§34-373); PUBLIC HEARING (§34-377); AMENDING USE ACTIVITY GROUPS (§34-622); USE REGULATIONS TABLE FOR AGRICULTURAL DISTRICTS (§34-653); USE REGULATIONS TABLE FOR MULTIPLE-FAMILY RESIDENTIAL DISTRICTS (§34-714); USE REGULATIONS TABLE FOR MOBILE HOME

DISTRICTS (§34-735); AMENDING REGULATIONS APPLICABLE TO ADDITIONS TO RECREATIONAL VEHICLES (§34-788); AMENDING USE REGULATIONS TABLE FOR RECREATIONAL VEHICLE DISTRICTS (§34-791); USE REGULATIONS TABLE FOR COMMUNITY FACILITIES DISTRICTS (§34-813); USE REGULATIONS TABLE FOR CONVENTIONAL COMMERCIAL DISTRICTS (§34-843); USE REGULATIONS TABLE FOR INDUSTRIAL DISTRICTS (§34-903); USE REGULATIONS TABLE FOR PLANNED DEVELOPMENT DISTRICTS (§34-934); AMENDING PROPERTY DEVELOPMENT REGULATIONS (§34-935); MIXED USE PLANNED DEVELOPMENTS (§34-940); CREATING SUPPLEMENTARY DISTRICT REGULATIONS APPLICABLE TO CABANAS (§34-1182); AMENDING SALE OR SERVICE FOR ON-PREMISES CONSUMPTION (§34-1264); COASTAL ZONE PROVISIONS (§34-1575); PROVIDING DEWATERING APPLICATION REQUIREMENTS FOR GENERAL MINING PERMIT AND ISSUANCE OF PERMIT (§34-1675); AMENDING PROVISIONS APPLICABLE TO RESIDENTIAL PROJECT WALLS (§34-1743); REQUIRED PARKING SPACES (§34-2020); HEIGHT LIMITATIONS FOR SPECIAL AREAS AND LEE PLAN LAND USE CATEGORIES (§34-2175); AMENDING CLEARING, GRADING, AND FILLING OF LAND PROVISIONS TO PROVIDE FOR SITE GRADING AND LOT GRADING PLANS (§34-3104); PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION AND SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

WHEREAS, Goal ____ of the Lee County Comprehensive Land Use Plan (Lee Plan) mandates that the county maintain clear, concise, and enforceable development regulations that fully address on-site and off-site development impacts, yet function in a streamlined manner; and

WHEREAS, Lee Plan Policies 14.5.3, 77.1.1 and 158.6 require county staff and private citizen committees to review existing development regulations to determine whether the regulations can be further fine-tuned and streamlined in order meet the goals, objectives and policies of the Lee Plan; and

WHEREAS, the Land Development Code Advisory Committee was created by the Board of County Commissioners to explore amendments to the Land Development Code; and

other entertainment.

6. *International cruise ships*: one space per three people based on the ship manufacturer's specifications related to the maximum passenger and crew capacity of the ship. International cruise ships are ships that usually leave port for 24 hours or more and that provide meals, sleeping accommodations, gambling or other entertainment for customers.

7. No change.

k. through t. No change.

(5) through (7) No change.

DIVISION 30. PROPERTY DEVELOPMENT REGULATIONS

Subdivision II. Height



Sec. 34-2175. Height limitations for special areas and Lee Plan land use categories.

The following areas have special maximum height limitations applicable to all conventional and planned development districts:

(a) Special Areas

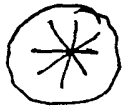
- (1) *Upper Captiva Island*. The height of a structure may not exceed 35 feet above grade (base flood elevation). The provisions of section 34-2174(a) do not apply to Upper Captiva Island. No variance or deviation from the 35-foot height restriction may be granted.

In addition to compliance with all applicable building codes (including Fire and Life Safety codes), any building with two or more stories or levels must provide an exterior stairway from the uppermost levels (including "widow's walks" or observation decks) to the ground OR a one-hour fire rated interior means of egress from the uppermost levels (including "widow's walks" or observation decks) to the ground.

- (2) *Captiva Island*. No building or structure may be erected or altered so that the peak of the roof exceeds 35 feet above the average grade of the lot in question or 42 feet above mean sea level, whichever is lower. The provisions

of section 34-2174(a) do not apply to Captiva Island. No variance or deviation from this height restriction may be granted.

- (3) *San Carlos Island.* The height of a structure may not exceed 35 feet above grade, except as provided for in section 34-2174. If seaward of the coastal construction control line, elevations may exceed the 35-foot limitation by three feet for nonconforming lots of record.
- (4) *Gasparilla Island conservation district.* No building or other structure may be erected or altered so that the peak of the roof is more than 38 feet above the average grade of the lot or parcel on which the building or structure is located, or is more than 42 feet above mean sea level, whichever is lower.
- (5) *Greater Pine Island.* No building or structure may be erected or altered so that the peak of the roof exceeds 38 feet above the average grade of the lot in question or 45 feet above mean sea level, whichever is lower. The term "building or structure," as used in this subsection, does not include a building or structure used for an industrial purpose.
- (6) *All other islands:* The height of a structure may not exceed 35 feet above grade (base flood elevation). Except as provided in subsections 34-2175 (3), (4), and (5), the provisions of section 34-2174(a) do not apply to islands. No variance or deviation from the 35-foot height restriction may be granted.
- (7) *Airport hazard zone.* Height limitations for the airport hazard zone are set forth in article VI, division 10, subdivision III, of this chapter.



- (b) Lee Plan land use categories.
 - (1) Intensive development and central urban land use categories. Buildings may be as tall as 135 feet above minimum flood elevation with no more than 12 habitable stories.
 - (2) Urban community land use category. Buildings may be as tall as 95 feet above minimum flood elevation with no more than eight habitable stories.
 - (3) Airport lands and tradeport land use categories. Buildings may be as tall as 45 feet above minimum flood elevation with no more than three habitable stories. With the consent of the Port Authority, the Board of County Commissioners may approve building heights up to 95 feet above minimum flood elevation with no more than eight habitable stories.
 - (4) Industrial interchange, industrial commercial interchange, general interchange and general commercial interchange land use categories.

Buildings may be as tall as 75 feet above minimum flood elevation with not more than six habitable stories.

- (5) Suburban, outlying suburban and rural land use categories. Buildings may be as tall as 45 feet above minimum flood elevation with no more than three habitable stories, except that such buildings may be as tall as 75 feet above minimum flood elevation with no more than six habitable stories when the applicant demonstrates that the additional height is required to increase common open space for the purposes of preserving environmentally sensitive land, securing areas of native vegetation and wildlife habitat, or preserving historical, archaeological or scenic resources.

- (6) Variances or deviations from this subsection are prohibited.

DIVISION 39. USE, OCCUPANCY AND CONSTRUCTION REGULATIONS

Sec. 34-3104. Clearing, grading or filling of land. Note: LDCAC did not approve forwarding this amendment.
Language includes revisions proposed by the Industry Group

(a) No land may be cleared, graded, excavated or filled, or otherwise altered, except in conformity with the regulations contained in this chapter and all other applicable county ordinances.

(b) Site grading and surface water management standards for single family residential and duplex lots.

- (1) Site grading during construction activities. The building site must be graded and maintained during construction to:

- a. prevent erosion of soil onto adjacent or abutting properties and street rights-of-way or improved drainage conveyances; and
- b. control surface water runoff to ensure that no surface water in excess of the preconstruction discharge flows onto developed adjacent or abutting properties; and
- c. maintain the flow capacity and function of existing drainage conveyances on or abutting the site including adjacent street rights of way/easements or improved drainage conveyances.

- (2) Final site grading. Final grading of a lot must:

- a. Control and direct surface water runoff to ensure that surface water

planning agency, if one has been designated for the area including the local government, shall prepare and submit to the local government a report and recommendations on the regional impact of the proposed development. In preparing its report and recommendations, the regional planning agency shall identify regional issues based upon the following review criteria and make recommendations to the local government on these regional issues, specifically considering whether, and the extent to which:

1. The development will have a favorable or unfavorable impact on state or regional resources or facilities identified in the applicable state or regional plans. For the purposes of this subsection, "applicable state plan" means the state comprehensive plan. For the purposes of this subsection, "applicable regional plan" means an adopted comprehensive regional policy plan until the adoption of a strategic regional policy plan pursuant to s. 186.508, and thereafter means an adopted strategic regional policy plan.

2. The development will significantly impact adjacent jurisdictions. At the request of the appropriate local government, regional planning agencies may also review and comment upon issues that affect only the requesting local government.

3. As one of the issues considered in the review in subparagraphs 1. and 2., the development will favorably or adversely affect the ability of people to find adequate housing reasonably accessible to their places of employment. The determination should take into account information on factors that are relevant to the availability of reasonably accessible adequate housing. Adequate housing means housing that is available for occupancy and that is not substandard.

(b) At the request of the regional planning agency, other appropriate agencies shall review the proposed development and shall prepare reports and recommendations on issues that are clearly within the jurisdiction of those agencies. Such agency reports shall become part of the regional planning agency report; however, the regional planning agency may attach dissenting views. When water management district and Department of Environmental Protection permits have been issued pursuant to chapter 373 or chapter 403, the regional planning council may comment on the regional implications of the permits but may not offer conflicting recommendations.

(c) The regional planning agency shall afford the developer or any substantially affected party reasonable opportunity to present evidence to the regional planning agency head relating to the proposed regional agency report and recommendations.

(d) When the location of a proposed development involves land within the boundaries of multiple regional planning councils, the state land planning agency shall designate a lead regional planning council. The lead regional planning council shall prepare the regional report.

(13) **CRITERIA IN AREAS OF CRITICAL STATE CONCERN.**—If the development is in an area of critical state concern, the local government shall approve it only if it complies with the land development regulations therefor under s. 380.05 and the provisions of this

section. The provisions of this section shall not apply to developments in areas of critical state concern which had pending applications and had been noticed or agendaed by local government after September 1, 1985, and before October 1, 1985, for development order approval. In all such cases, the state land planning agency may consider and address applicable regional issues contained in subsection (12) as part of its area-of-critical-state-concern review pursuant to ss. 380.05, 380.07, and 380.11.

(14) **CRITERIA OUTSIDE AREAS OF CRITICAL STATE CONCERN.**—If the development is not located in an area of critical state concern, in considering whether the development shall be approved, denied, or approved subject to conditions, restrictions, or limitations, the local government shall consider whether, and the extent to which:

(a) The development is consistent with the local comprehensive plan and local land development regulations;

(b) The development is consistent with the report and recommendations of the regional planning agency submitted pursuant to subsection (12); and

(c) The development is consistent with the State Comprehensive Plan. In consistency determinations the plan shall be construed and applied in accordance with s. 187.101(3).

(15) **LOCAL GOVERNMENT DEVELOPMENT ORDER.**—

(a) The appropriate local government shall render a decision on the application within 30 days after the hearing unless an extension is requested by the developer.

(b) When possible, local governments shall issue development orders concurrently with any other local permits or development approvals that may be applicable to the proposed development.

(c) The development order shall include findings of fact and conclusions of law consistent with subsections (13) and (14). The development order:

1. Shall specify the monitoring procedures and the local official responsible for assuring compliance by the developer with the development order.

2. Shall establish compliance dates for the development order, including a deadline for commencing physical development and for compliance with conditions of approval or phasing requirements, and shall include a termination date that reasonably reflects the time required to complete the development.

3. Shall establish a date until which the local government agrees that the approved development of regional impact shall not be subject to downzoning, unit density reduction, or intensity reduction, unless the local government can demonstrate that substantial changes in the conditions underlying the approval of the development order have occurred or the development order was based on substantially inaccurate information provided by the developer or that the change is clearly established by local government to be essential to the public health, safety, or welfare.

4. Shall specify the requirements for the biennial report designated under subsection (18), including the date of submission, parties to whom the report is sub-

GOAL 4: DEVELOPMENT DESIGN - GENERAL. To maintain innovative land development regulations which encourage creative site designs and mixed use developments. (Amended by Ordinance No. 94-30)

OBJECTIVE 4.1: Maintain the current planned development rezoning process which combines site planning flexibility with rigorous review. By the end of 1995, take specific steps to further promote the creation of mixed-use developments to reduce the impact on collector and arterial roads. (Amended by Ordinance No. 91-19, 94-30)

POLICY 4.1.1: Development designs will be evaluated to ensure that land uses and structures are well integrated, properly oriented, and functionally related to the topographic and natural features of the site, and that the placement of uses or structures within the development minimizes the expansion and construction of street and utility improvements. (Amended by Ordinance No. 91-19, 00-22)

POLICY 4.1.2: Development designs will be evaluated to ensure that the internal street system is designed for the efficient and safe flow of vehicles and pedestrians without having a disruptive effect on the activities and functions contained within or adjacent to the development. (Amended by Ordinance 91-19, 00-22)

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

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

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

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

POLICY 5.1.3: During the rezoning process, direct high-density residential developments to locations that are near employment and shopping centers; are close to parks and schools; and are accessible to mass transit and bicycle facilities. (Amended by Ordinance No. 94-30)

POLICY 5.1.4: Prohibit residential development in all Industrial Development areas and Airport Noise Zone 3 as indicated on the Future Land Use Map, except for residences in the Industrial Development area for a caretaker or security guard, and except as provided in Chapter XIII. (Amended by Ordinance No. 94-30)

APPLICANT'S EXHIBIT

#11
OR 1005-003
00-1000-0005

POLICY 5.1.5: Protect existing and future residential areas from any encroachment of uses that are potentially destructive to the character and integrity of the residential environment. Requests for conventional rezonings will be denied in the event that the buffers provided in Chapter 10 of the Land Development Code are not adequate to address potentially incompatible uses in a satisfactory manner. If such uses are proposed in the form of a planned development or special exception and generally applicable development regulations are deemed to be inadequate, conditions will be attached to minimize or eliminate the potential impacts or, where no adequate conditions can be devised, the application will be denied altogether. The Land Development Code will continue to require appropriate buffers for new developments. (Amended by Ordinance No. 94-30, 99-15, 00-22)

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

POLICY 5.1.7: Maintain development regulations that require that community facilities (such as park, recreational, and open space areas) in residential developments are functionally related to all dwelling units and easily accessible via pedestrian and bicycle pathways. These pathways must be interconnected with adjoining developments and public pathways whenever possible. Townhouses, condominiums, apartments, and other types of multi-family residential development must have directly accessible common open space. (Amended by Ordinance No. 94-30, 00-22)

POLICY 5.1.8: Provide for adequate locations of low- and moderate-income housing through the rezoning process, the provision of public facilities and services, and the elimination of unnecessary administrative and legal barriers.

POLICY 5.1.9: Consider by 1996 the provision of incentives and requirements for the reassembly, redesign, and replatting of vacant platted residential lots that are not suitable for timely, safe, and efficient development; and re-evaluate the effects of the single-family residence provision and the privately funded infrastructure overlay on the county's ability to provide incentives for reassembly, redesign, and replatting. (Amended by Ordinance No. 94-30)

POLICY 5.1.10: A single-family home may be constructed on a bona fide previously subdivided lot regardless of the maximum densities specified in Table 1(a) if such lot complies with the specific rules in Chapter XIII of this plan.

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

1. The Planned Development zoning is utilized; and
2. No density is allocated to lands designated as Non-Urban or Environmentally Critical that would cause the density to exceed that allowed on such areas; and
3. The land was under single ownership at the time this policy was adopted and is contiguous; in situations where land under single ownership is divided by roadways, railroads, streams (including secondary riparian systems and streams but excluding primary riparian systems

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