# LEE COUNTY BOARD OF COUNTY COMMISSIONERS ZONING HEARING AGENDA And COMPREHENSIVE PLAN

Wednesday, October 8, 2014

9:30AM

DCI2013-00024 & REZ2013-00016

Z-14-020

**ESTERO APARTMENTS** 

CPA2011-00020

FIDDLESTICKS BOULEVARD PARCEL - TRANSMITTAL

#### NOTICE OF PUBLIC HEARING

The Lee County Board of County Commissioners will hold public hearings on Wednesday, October 8, 2014 in the Board Chambers at 2120 Main Street, Ft. Myers, FL. Beginning at 9:30 am, the Board will consider a zoning application and proposed amendment to the Lee County Comprehensive Plan (Lee Plan) for the following cases.

#### **Zoning Case**

DCI2013-00024 & REZ2013-00016

#### **ESTERO APARTMENTS**

- 1) Amend existing Commercial Planned Development (CPD) zoning for Estero Interstate Commerce Park CPD to add the option to develop up to 136 dwelling units on Lots 2, 3, and 4 (totaling 8.57± acres), amend the Schedule of Uses to include Townhouse and Multiple-Family dwelling units, and add deviations.
- 2) Approve a request to increase density, utilizing Transferable Development Rights (TDR) concurrent with a proposed CPD amendment pursuant to Lee County Land Development Code Chapter 2, Article IV, §2-141, et seq., for the use of 17 TDR units.

Located at 10471 Corkscrew Commons Dr, Estero Planning Community, Lee County, FL.

Copies of the Hearing Examiner's recommendation may be obtained or the file reviewed at the Zoning Division, 1500 Monroe St., Ft. Myers, FL. Telephone 533-8585 for additional information.

If you did not appear before the Hearing Examiner or otherwise become a participant for that case in which you wish to testify, the law does not permit you to address the Board of County Commissioners.

Statements before the Board of County Commissioners regarding the zoning case will be strictly limited to testimony presented to the Hearing Examiner, testimony concerning the correctness of the findings of fact or conclusions of law contained in the record, or to allege the discovery of new, relevant information which was not available at the time of the hearing before the Hearing Examiner.

#### Lee County Comprehensive Plan (Lee Plan) Amendment

Interested parties may appear at the meeting and be heard with respect to the proposed plan amendments. Contact Janet Miller of the Lee County Division of Planning at 239-533-8585 for further information on obtaining a record.

CPA2011-00020

#### FIDDLESTICKS BOULEVARD PARCEL

Request to amend Map 1 of the Future Land Use Map Series to change the Future land use category of a 394-acre property on Fiddlesticks Boulevard from Rural and Wetlands to Outlying Suburban and Wetlands. Located east of the south end of Fiddlesticks Boulevard and West of I-75 in the Daniels Parkway Planning Community.

If a participant decides to appeal a decision made by the Board of County Commissioners with respect to any matter considered at this hearing, a verbatim record of the proceeding will be necessary to appeal a decision made at this hearing.

Persons with disabilities who need an accommodation to participate in the hearing should contact Jamie Princing at 1500 Monroe St., Ft. Myers, FL 33901 (239-533-8585 or at jprincing@leegov.com). To ensure availability of services, please request accommodation as soon as possible, but preferably five or more business days prior to event. Persons using a TDD may contact Jamie Princing through the Florida Relay Services, 711.

# CPA2011-20 FIDDLESTICKS BOULEVARD PARCEL PRIVATELY SPONSORED AMENDMENT TO THE

#### LEE COUNTY COMPREHENSIVE PLAN

# THE LEE PLAN

## BoCC Staff Report For the October 8, 2014 Transmittal Hearing

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

**September 24, 2014** 

# LEE COUNTY DIVISION OF PLANNING STAFF REPORT FOR COMPREHENSIVE PLAN AMENDMENT CPA2011-20

	Text Amendment		/	<b>Map Amendment</b>
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	This Document Contains the Following Reviews
1	Staff Review
1	Local Planning Agency Review and Recommendation
	<b>Board of County Commissioners Hearing for Transmittal</b>
	Staff Response to Review Agencies' Comments
	<b>Board of County Commissioners Hearing for Adoption</b>

STAFF REPORT PREPARATION DATE: September 24, 2014

#### PART I - BACKGROUND AND STAFF RECOMMENDATION

#### A. SUMMARY OF APPLICATION

#### 1. APPLICANT/REPRESENTATIVES:

The Jeffrey B. Freeman Trust FSM of Fort Myers, LLC, represented by Alexis Crespo, AICP/Waldrop Engineering

#### 2. REQUEST:

Amend Lee Plan Map 1, the Future Land Use Map, for a 394 acre parcel from Rural and Wetlands future land use categories to Outlying Suburban and Wetlands future land use categories.

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

**1. RECOMMENDATION:** Staff recommends that the Board of County Commissioners **not transmit** the proposed amendment.

The Local Planning Agency, in a 4 to 2 vote, disagreed with the staff recommendation. See Part III of this report for the LPA recommendation and their findings of fact.

Staff Report for CPA2011-20

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

- The applicant submitted an application to amend the Future Land Use Map on September 30, 2011.
- The upland portions of the subject property have been designated in the Rural future land use category since the Lee Plan was first adopted in 1984.
- The property consists of 393.68 acres. Of these, 143.85 are designated Rural (37% of the site) and 249.83 (63% of the site) are designated Wetlands by the current Future Land Use Map.
- No wetlands jurisdictional determination has been provided by the applicant.
- The plan amendment would result in isolated pockets of Outlying Suburban, an urban designation, within a wetland flowway system.
- Increasing the development potential within and adjacent to a flowway system can create additional impacts to that system.
- The subject parcel has only one point of access, located off of Fiddlesticks Boulevard near the Fiddlesticks Country Club gatehouse.
- The extension of Three Oaks Parkway is expected to cross the subject parcel. No right of way has yet been acquired on the subject property for the extension. No funds are programmed for the roadway within the 5-year timeframe of the Capital Improvement Plan (CIP). Right of Way acquisition funds have been programmed for the 6-10 year CIP planning horizon.
- Offsite improvements would be necessary to connect Three Oaks Parkway to the south which would require bridging of the airport drainage canal.
- The subject property abuts the Fiddlesticks Country Club, Old Hickory Golf and Country Club, and the Legends Golf and Country Club residential communities. The property is bordered by I-75 on the eastern side.
- The property is part of a larger Rural designated area that extends from I-75 to Michael G. Rippe Parkway. This area includes several residential communities such as Fiddlesticks Country Club, Blackhawk subdivision, Briarcliff Ridge subdivision and other rural residential communities along Briarcliff Road.
- The two nearest Lee Tran routes are approximately one mile and one and a half miles away, respectively.
- The proposed amendment does not conform to the intent of the Lee Plan Evaluation and Appraisal Report in regards to the preservation of rural communities.
- The Board of County Commissioners has previously recommended to not transmit a Plan amendment request, PAM96-07, for the subject property that would have changed the future land use designation from Rural to Suburban.

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#### C. BACKGROUND INFORMATION

#### 1. EXISTING CONDITIONS:

#### **SIZE OF PROPERTY:**

394 acres

#### **PROPERTY LOCATION:**

The property is located at the end of Fiddlesticks Boulevard, west of I-75, one and a half miles south of Daniels Parkway, and one and a quarter miles north of Alico Road.

#### **EXISTING USE OF LAND:**

The land is currently used for cattle grazing.

#### **CURRENT ZONING:**

The entire subject property is zoned AG-2 (Agricultural).

#### **CURRENT FUTURE LAND USE CATEGORY:**

The subject property is currently depicted on the Lee County Future Land Use Map as 249.85 acres of Wetlands and 143.85 acres of Rural.

#### 2. COMPREHENSIVE PLAN BACKGROUND:

The upland portions of the subject parcel are in the Rural future land use category. The wetland portions are in the Wetland future land use category. This area was designated with these categories by the 1984 adoption of the original Lee Plan.

# 3. SURROUNDING ZONING, LAND USES, AND FUTURE LAND USE DESIGNATIONS:

Abutting the east side of the subject property is I-75. East of I-75 is vacant land zoned AG-2 located in the Tradeport future land use category. Along the west side of the subject property is the Fiddlesticks Country Club which was zoned as a Planned Unit Development by Resolution Z-79-212 for 774 units on 704 acres. This results in an overall density of 1.1 dwelling units per acre. The community is designated with the Rural future land use category. To the north is the Old Hickory Golf and Country Club, and to the northwest is the Legends Golf and Country Club. Both of these residential communities are in the Outlying Suburban and Wetlands future land use categories. Old Hickory was zoned as Residential Planned Development by Resolution Z-87-237 for 858 single family dwelling units on 313 acres for an overall density of 2.74 dwelling units per acre. The Legends was zoned as a Residential Planned Development by Resolution Z-95-051 for 1,573 dwelling units of multiple types on 657.4 acres for an overall density of 2.39 dwelling units per acre. The subject property is abutted on the south by a canal. Across the canal is vacant land that is zoned AG-2, a Mixed Use Planned Development (MPD) called 37 Acre Planned Development, and an Industrial Planned Development called Three Oaks Commerce Park. The MPD was zoned by Resolution Z-11-10 for 520,000 square feet of commercial uses and 100-unit motel/hotel. The IPD was zoned by Resolution Z-06-95 for 30,000 square feet of commercial retail and 750,000 square feet of industrial uses. Both of the planned developments and the AG-2 parcel are in the Wetlands and Industrial Development future land use categories. The completed portion

Staff Report for September 24, 2014 CPA2011-20 Page3 of 16 of Three Oaks Parkway currently ends south of the canal which abuts the southern property boundary.

#### **PART II - STAFF ANALYSIS**

#### A. STAFF DISCUSSION

The character of the subject property is predominated by a wetland flowway system and is being used as grazing lands for cattle. The current and proposed Future Land Use Map identifies approximately 250 acres of the site, or 63 percent of the site as Wetlands. The remaining 144 acres of the subject property is being asked to be redesignated to Outlying Suburban, an urban category. The uplands are located in four non-contiguous areas. The largest upland areas are located near the northeast and southwest corners of the property. The current Rural future land use category allows up to 1 dwelling unit per acre. The proposed future land use category would allow up to 3 dwelling units per acres.

The subject property is within a relatively large area of rural land between I-75 on the east and Michael G. Rippe Parkway to the west (Attachment 1). This area contains low density rural residential uses. This rural area is situated between the more intense residential development to the north and the Industrial-designated areas south of the airport canal extending south to Alico Road. This rural strip acts as a buffer between industrial uses and the more intensely populated areas to the north. An increase in residential density on the subject property would be incompatible with the existing rural community character.

Currently the property, including both the Rural and Wetlands future land use categories, would allow up to 156 dwelling units. In non-urban areas of Lee County density for the Wetlands future land use category is calculated at 1 unit per 20 acres. In urban areas wetland density, as an incentive to preserve them, is calculated at the same rate as the surrounding urban uplands. For the subject property, the redesignation from Rural (a non-urban category) to Outlying Suburban (an urban category), would result in the potential to develop up to 1,182 dwelling units if all wetlands are preserved. This is an increase of more than 750 percent. If the residential density was clustered onto the 144 acres of uplands on the subject site to avoid impacts to the Wetlands and flowway system the resulting density of the upland areas would be approximately 8.2 units per upland acre.

Staff has concerns that the requested future land use amendment would allow up to 1,182 residential dwelling units as well as the potential for commercial uses. It should be noted that the staff proposed amendments to the future land use element as part of the EAR based amendments would eliminate commercial site location standards in the County's urban future land use designations. This would increase the potential for intense commercial development on the site if the Future Land Use Map is amended as proposed by the applicant. Staff does not recommend such a significant intensification of a site that is 63 percent wetlands, part of an identified flowway, and currently has only one means of access along Fiddlesticks Boulevard, a two lane road. Staff concerns are discussed in more detail below.

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#### TRANSPORTATION/TRAFFIC CIRCULATION IMPACTS

The subject property currently only has one means of access, from Fiddlesticks Boulevard in the northwest corner of the property. There is a sixty-foot access easement between Fiddlesticks Boulevard and the northwest corner of the subject property recorded in OR Book 1715, Page 2756. This access easement is just north of the Fiddlesticks Country Club gated entrance. Currently this access is a dirt road used for agricultural purposes.

Lee County Development Services staff have reviewed the application for the proposed amendment and provided comments in a memo dated September 10, 2013. Development Services staff have stated concern with the intensity of the development with respect to the access that is provided to the parcel. The Development Services memo states:

"The Applicant has proposed a single access point to Fiddlesticks Boulevard. Lee County Land Development Code (LDC) §10-291 governs the required access to developments. According to the LDC, any residential development of greater than 5 acres or any commercial development of greater than 10 acres is required to provide two (2) or more means of ingress/egress. Approving a comprehensive plan amendment that would significantly intensify the development potential on the subject parcel without a commitment to provide more than one (1) means of ingress/egress does not seem appropriate."

The applicant proposes to access the Three Oaks Parkway extension once it has been built on the property. However, the construction of the extension is not within the current 5-year Capital Improvement Program (CIP). The property may not be able to achieve codecompliant access for many years with or without the proposed amendment. Therefore, adopting a more intense land use category on the subject property without a second access is not appropriate.

Staff from the Lee County Department of Transportation has reviewed the amendment request and in a memo dated August 30, 2013 stated:

The short term analysis provided by the applicant indicates all the study area roadway segments (3 miles radius) are anticipated to operate at or better than the adopted LOS standard in 2016. The analysis indicates that three road segments will operate below the adopted LOS by 2035. The segments are Daniels Pkwy from I-75 to Chamberlin Pkwy, I-75 from Corkscrew Road to Alico Road and from Daniels Pkwy to Colonial Blvd. All three will be at LOS "F" with and without the proposed CPA in the year 2035.

At this time the proposed development would worsen the known level of service issues on the three road segments identified by the applicant's analysis. Staff does not recommend intensifying land use categories when there are known roadway deficiencies.

The future alignment of Three Oaks Parkway runs through the eastern portion of the subject parcel. The applicant has created an easement for access and utilities across the subject property, recorded in OR Book 2271, Page 1755. The easement provided by the applicant does not follow the intended alignment of the future Three Oaks Parkway extension but instead connects at its northern end to the access point for Fiddlesticks Boulevard.

Staff Report for September 24, 2014 CPA2011-20 Page5 of 16 There are no immediate plans for the County to purchase the necessary rights of way within the five-year horizon of the Capital Improvement Plan. Such purchases are slated for the 6-10 year horizon as funding has not been identified. The section of Three Oaks Parkway to the immediate south of the subject property was constructed using funds from adjacent developers. Lee County DOT is currently acquiring rights of way on sections of Three Oaks Parkway north of the subject property just south of Daniels Parkway. Lee Plan Policy 36.1.6 encourages voluntary dedication of land and construction of road segments on Lee Plan Map 3A, the 2020 Financially Feasible Plan map.

#### NATURAL RESOURCES

Lee County Natural Resources staff state in a September 10, 2013 email:

According to the Lee County data base, the historical flowway runs through the site from southeast to northwest. Also, the I-75 drainage structures drain off-site flows from east onto the property. Therefore, during the PD rezoning process, the applicant shall provide a detailed analysis for (1) preserving the existing flowway and (2) mitigating any drainage impacts (on both off- and on-sites).

Historically water on this property has flowed to the north, towards the Six Mile Slough. Water flows onto the property from the east underneath Interstate 75. The land owner has altered the subject property, which has redirected water flow into the large canal running along the south edge of the property. This has functionally removed the subject property and properties to the east that drain into the site from the Six Mile Cypress watershed basin.

Policy 5.1.2 of the Lee Plan provides guidance as to where residential development should be prohibited. Policy 5.1.2 is provided below:

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.

The subject site has approximately 394 acres. About 63 percent or 250 acres are within the Wetlands future land use category and the applicant has agreed that these areas would be reviewed as wetlands in the absence of a verified wetland jurisdictional determination from the State of Florida. These wetlands are part of a historical flowway that the South Florida Water Management District required that the applicant restore. The SFWMD has indicated that the applicant has made the required improvements and is currently monitoring the restoration areas. The subject site has physical constraints as described in Lee Plan Policy 5.1.2. Staff is not suggesting that all residential development should be prohibited on the subject site, however the policy does identify that sites with physical constraints could have their density adjusted accordingly. Staff would not recommend increasing the allowable density on the subject site which could lead to future situations where the county would have to limit or deny development during the rezoning phase based on these physical constraints.

Staff Report for September 24, 2014 CPA2011-20 Page6 of 16 Lee Plan Goal 60 addresses surface water management and land use planning on a watershed basis. Policy 60.1.2 urges the incorporation, utilization, and restoration of natural surface water flows. Objective 60.4 identifies the Six Mile Cypress Basin as a critical area for surface water management. The Objective states that "The County will maintain existing regulations to protect the unique environmental and water resource values of these areas." Allowing for increased development potential in this area would be counter to Objective 60.4 because it would not protect the site's unique environmental and water resources. Maintaining the subject property's current future land use category would help to lessen potential impacts to the historical flowway that is on the property.

Objective 60.5 addresses the design of stormwater management systems and the incorporation of green infrastructure. Policy 60.5.1 encourages new development to use best management practices in the design of their surface water systems. Objective 61.2 and its' policies address the design of water management features to mimic natural systems. The applicant has informed staff in meetings that they are willing to re-establish water flows to the northern boundary as part of their overall surface storm water management plan. Staff has no way of knowing if the applicants' measures will be sufficient to address the storm water and flowway issues consistent with the Lee Plan. The applicant has stated that such work would be done during the rezoning and Water District permitting processes. Staff does not recommend increasing development potential within an historical flowway that is part of the Six Mile Cypress Basin.

#### **ENVIRONMENTAL CONSIDERATIONS**

The site is zoned AG-2 and is currently being used for agricultural purposes. The site was vegetated in 2002; however, clearing for agricultural purposes has occurred on the site since 2002. Reviewing aerial photographs, each year more clearing and land alterations have occurred on the property. The original application requested to remove the wetlands from the Wetlands future land use category (approximately 250 acres). However, the applicant did not provide a verified wetland jurisdictional determination from the State of Florida as referenced in Chapter XIII of the Lee Plan to confirm the amount of wetlands on site. In lieu of the determination, the applicant agreed to amend the proposal to use the wetland lines as currently depicted on Lee Plan Map 1, page 1 of 8, The Future Land Use Map (Attachment 2). The subject parcel is approximately 63% designated in the Wetland future land use category as currently depicted on The Future Land Use Map. These wetland areas are part of a large flowway system. The upland portions consist of several non-contiguous areas within or adjacent to this flowway.

A vegetative community assessment from 2011 and 2012 as well as a protected species survey was conducted by Passarella and Associates, Inc. in September 2011. The 2012 assessment and Florida Land Use, Cover and Classification System (FLUCCS) map provided by the applicant indicate the site is predominately improved pasture and forested areas. However, upon reviewing the 2013 Lee County aerial photography, the site appears to have undergone more clearing activities and alterations, presumably for agriculture; therefore, the current acreage of Land Use Cover and Classification System is unclear. The Lee Plan Future Land Use Map shows four non-contiguous uplands areas which are proposed for Outlying

Staff Report for September 24, 2014 CPA2011-20 Page7 of 16 Suburban. These four upland areas are approximately 4.3 acres, 14 acres, 54.4 acres, and 71.2 acres. These uplands are separated by the large historic flowway running from the southeast to the northwest.

Lee Plan Objective 114.1 addresses the conservation and protection of wetland and wetland systems through regulations and the goals, objectives and policies of the Lee Plan. Development of the scattered uplands will incur impacts to the wetlands, either directly or indirectly. The applicant will have to impact the existing wetlands to gain access to the uplands on the property. The applicant has not addressed how this access will be provided or how they will avoid impacts to the wetlands in order to be consistent with Lee Plan Objective 114.1.

The property had been significantly altered over the past decade for agricultural purposes. On September 9, 2013, the applicant entered into a Consent Final Judgment with the South Florida Water Management District (District). This was a settlement resolution between the Jeffery B. Freeman, as successor Trustee, and the South Florida Water Management District for purposes of settling all of the outstanding issues with the District; such as dredging, filling, and installation of culverts on the subject property. As part of the Judgment, the property owner agreed to eliminate fill, restore certain areas, and remove culverts. Upon recent discussion with the District, the applicant has made the improvements per the Consent Final Judgment and is currently monitoring the restoration areas. It is unclear if the future project will incorporate these improvements in the restoration areas, or if the future development will be consistent with Lee Plan Goal 60 for a Coordinated Surface Water Management Plan to correct the surface water flows or Lee Plan Goal 61 for Protection of Water Resources to redirect the water back to the Six Mile Cypress Basin.

#### COMPATIBILITY WITH SURROUNDING USES

The subject property is adjacent to existing residential developments to the west and north, and vacant Industrial/Tradeport lands to the south and east. Abutting the east side of the subject property is I-75, beyond which is vacant land zoned AG-2 located in the Tradeport future land use category. The subject property is abutted on the south by a canal. Across the canal is vacant land that is zoned AG-2, a Mixed Use Planned Development (MPD), and an Industrial Planned Development. These parcels are in the Industrial Development and Wetlands future land use categories. Along the west side of the subject property, also designated Rural, is the Fiddlesticks Country Club. This development was zoned as a Planned Unit Development with an overall density of 1.1 dwelling units per acre. However, the platted area contains less units than the zoning approval allowed, leaving it with a actual density of 0.84 units per acre, which is below the maximum Rural density of 1 dwelling unit per acre. To the north and northwest are Old Hickory Golf and Country Club and the Legends Golf and Country Club communities, both in the Outlying Suburban and Wetlands future land use categories. These residential developments have densities between 2 and 3 units per acre.

The natural features of the subject property, such as the wetlands and flowway, and existing requirements of the Lee Plan, such as Goals 59, 60, and 61 which deal with surface water

Staff Report for September 24, 2014 CPA2011-20 Page8 of 16 management will require that a majority of any development on the site will occur within the uplands areas.

One of these areas of uplands is in the northeastern corner, adjacent to I-75 and the closest area to Southwest Florida International Airport. Another large upland area is in the southwest corner of the property, adjacent to the Fiddlesticks Country Club which is developed at 1.1 units an acre in the Rural future land use category. If all of the allowable density from the subject site were to be concentrated on the approximate 144 acres of uplands the resulting gross density of the upland areas would be greater than 8 dwelling units an acre. Concentrating all of the residential units onto the limited uplands could cause relatively high density residential development near the Fiddlesticks County Club, which has the potential to negatively impact the character of the existing adjacent residential development. Therefore, the proposed amendment is not consistent with Lee Plan Policy 5.1.5, which states that Lee County is to "Protect existing and future residential areas from any encroachments of uses that are potentially destructive to the character and integrity of the residential environment." The subject site is currently in the Rural future land use category, and has the ability to develop at a level that is consistent with the neighboring residential development.

#### ALTERNATIVE TRANSPORTATION

The subject property is not served by any Lee Tran route. The closest existing transit facilities are Lee Tran Routes 50 and 60. Route 50 runs along Daniels Parkway, approximately one and a half miles to the north of the subject property. Route 60 runs along Alico Road approximately one mile south of the subject property.

There currently are no pedestrian or bicycle facilities serving the subject property. The nearest of these facilities are located in the Daniels Parkway right of way. A multiuse path along Fiddlesticks Boulevard is funded for design in 2014 with construction scheduled in 2015. This facility will provide pedestrian and bicycle access to the facilities on Daniels Parkway and also allow access to the Daniels' Lee Tran route. The Lee County Bikeways/Walkways Facility Plan (Lee Plan Map 3D) shows a future sidewalk, shared use path, and undesignated bike lane on the future Three Oaks Parkway extension. There are currently no funds programmed for the Three Oaks Parkway alignment within the five year horizon of the CIP.

#### **EMERGENCY MEDICAL SERVICES (EMS)**

The nearest ambulance service for the subject property is LCEMS Station 23 at 9700 Treeline Avenue. In a letter dated December 6, 2011, EMS staff expressed concern about their ability to provide timely service to the subject property. The closest ambulance serving this location is 7.5 miles away and does not meet the 9-minute or less response time standard. The next closest station is also approximately 7.5 miles away.

#### POLICE

The property is located within the jurisdiction of the Lee County Sheriff's Office. It is served by the Echo District station located at 12995 South Cleveland Avenue. In a letter dated December 15, 2011 Sheriff's Office staff stated that the proposed amendment would not affect the Sheriff's office ability to provide core levels of service.

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#### FIRE

The property is located in the South Trail Fire District. The property is served by Fire Station 62 at 13500 Sophomore Lane off Daniels Parkway. In a letter dated October 4, 2011, South Trail Fire District staff stated that current facilities, staffing and equipment are sufficient to meet the needs of the estimated maximum buildout under the proposed amendment.

#### **SOILS**

The applicant has provided a description of the soils that are found on site. For a detailed description please see the application materials. The depressional, or hydric, soils run roughly from southeast to northwest across the property, following the historic surface water flowways.

#### AIRPORT NOISE ZONES

Lee County Port Authority staff have reviewed the application for the proposed amendment and provided comments in a memo dated September 11, 2013. Port Authority Staff have identified that Airport Noise Zones overlay a portion of the subject property. The Port Authority memo states:

Please be advised that a portion of this property is located within Airport Noise Zone C as outlined in Lee Plan Policy1.7.1 which requires formal notification that the property may be subject to varying levels of aircraft noise and over flights. Noise Zone C is equivalent to the 55DNL contour as determined by the 2006 14 CFR Part 150 Noise and Land Use Compatibility Study. Airport Noise Zones were established by Lee County in the late 1980's as zoning overlays to provide certain development standards within aircraft noise areas and overflight corridors. A portion of this property has fallen within a noise zone since the zones were developed.

The Lee County Port Authority is in the process of finalizing an update to the Part 150 Noise and Land Use Study. The study has been reviewed and approved by the Lee County Board of Port Commissioners and is currently under review by the Federal Aviation Administration (FAA). After the FAA approves the noise study it is the intent of the Port Authority to file a comprehensive plan amendment to update the noise zones in the Lee Plan to reflect the most recent noise contours developed as part of the Part 150 Study. Based on the most recent study, a portion of this property will remain in Noise Zone C along with an additional smaller portion (approximately 20,000 sq.ft.) which will fall within Noise Zone B, the 60DNL contour which does not allow residential units, places of worship, libraries, schools, hospitals, correctional institutions or nursing homes.

As stated in the memo, portions of the property are currently within or anticipated to be within the Airport Noise Zones.

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#### HISTORIC RESOURCES

The subject property is within Archeological Sensitivity Zones 1 and 2. The Florida Master Site File lists no previously recorded cultural resources with Section 34, Township 45S, Range 25E. Properties within the Sensitivity Zone 2 are required to obtain a Certificate to Dig from Lee County Division of Planning as part of the Development Order process.

#### SCHOOL IMPACTS

An estimated 353 school-aged children would be generated by the maximum possible development under the proposed amendment. In a letter dated October 20, 2011, submitted as part of the application, the School District staff stated that there are currently sufficient seats within the district to serve the maximum potential students generated by the proposed amendment.

#### SOLID WASTE

The property is served by the Lee County Resource Recovery Facility and the Lee-Hendry Regional Landfill. In a letter dated November 29, 2011, Lee County Solid Waste Division staff stated that solid waste collection service is available for the subject property through franchised hauling contractors. Plans have been made to allow for growth to maintain long-term disposal capacity at these facilities.

#### **UTILITIES**

Water and sewer service lines are currently installed along Fiddlestick Boulevard to the northwest of the subject property. In a letter dated December 2, 2011, Lee County Utilities staff stated that there is currently sufficient capacity to serve the estimated maximum buildout possible under the proposed amendment. In order to provide service to the subject property, enhancements such as line extensions and off-site improvements would be necessary.

#### LEE PLAN TABLE 1(B)

Lee Plan Table 1(b) lists the 2030 residential allocations for each planning community. Although there is sufficient acreage available for the Daniels Parkway Planning Community in this table, the applicant has not demonstrated a need for increased residential density within Lee County.

#### PREVIOUS PLAN AMENDMENT

For informational purposes, a prior plan amendment, PAM 96-07, was proposed for the subject property but was not adopted. It proposed to remove the subject property from the Airport Noise Zone 3 Overlay, to reallocate residential acreage from Outlying Suburban to Suburban on the Year 2010 Overlay and to redesignate the subject parcel from Rural and Wetlands categories to the Suburban and Wetlands categories. It was not transmitted by the Board of County Commissioners based on two issues. At that time, the Board agreed with staff on the need to maintain the Airport Noise Zone 3, which was prohibited from having residential development by Lee Plan Policy 1.7.1. The Noise Zones are based on a federal noise study and are defined by recorded sound levels. The Board found that the request by the applicant for removing the property from Zone 3 was arbitrary and the applicant provided no evidence to support it. The Board also found that the applicant had not sufficiently

Staff Report for September 24, 2014 CPA2011-20 Page11 of 16 demonstrated the need for additional residential density on the subject property. New airport noise zones have been adopted since PAM96-07 was heard by the Board.

#### **B. CONCLUSIONS**

Due to the extensive wetlands on the subject property, the proposed amendment would create pockets of increased density within an existing flowway system. The subject property is approximately 63% designated Wetland with much of the upland area in the form of isolated pockets within the wetlands. The applicant has proposed a total number of residential units based on the preservation of all the wetland upon the property. But because of the scattered nature of some of the upland pockets, the property cannot be developed without impacts to the wetland flowway system. Therefore, increasing potential residential units within these isolated pockets is incompatible with a functioning wetland system. Policy 5.1.2 prohibits residential development where physical constraints exist.

The proposed increased density would also be incompatible with the rural nature of the surrounding communities. The subject property is part of an existing Rural designated area, approximately 4 square miles in size, between I-75 and Michael G. Rippe Parkway. Increasing residential density on this subject parcel would be incompatible with this rural community. Densities concentrated on the subject site's uplands could be greater than 8 units an acre. Staff is concerned that the increased density would impact the character of adjacent residential communities.

The rural corridor situated between I-75 and Michael G. Rippe Parkway serves as a buffer between the higher-density residential development to its north and the Industrial Development designated area to the south. Increasing the density and intensity within this area would bring additional residential dwelling units in close proximity to Lee County's industrial areas. This could create additional impediments to the future development of the nearby vacant industrial parcels which requires compatibility with neighboring uses.

The currently limited access to the subject property is incompatible with increasing the potential residential density. The Lee County Land Development Code specifically requires multiple access points for large developments. Although the Three Oaks Parkway alignment across the property is intended to be completed in the future, it would be premature to adopt higher residential densities before the additional access to the property has been created. Even after Three Oaks Parkway has been constructed, the onsite wetlands and flowways will make access to accommodate the increased density a challenge.

In addition, staff has concerns with several issues regarding the subject property that the applicant has not sufficiently addressed. The flow of water onto and off of the property, the preservation of wetlands, access to each of the upland areas will requires crossing the wetlands, and the future alignment of Three Oaks Parkway are all important Lee Plan issues. The applicant has stated that they will address these issues at later stages in the development process. However, these issues are relevant to specific Lee Plan policies and need to be considered during this plan amendment process. Further, increasing the density on the subject site will exacerbate these issues. When viewed as a whole, increasing the density of

Staff Report for September 24, 2014 CPA2011-20 Page12 of 16 the subject site by changing the future land use category is not consistent with the Lee Plan, as it will not "further the goals, objectives and policies of the plan."

For the reasons outlined above, staff recommends that the Board of County Commissioners **not** transmit the proposed amendment.

Staff Report for September 24, 2014 CPA2011-20 Page 13 of 16

# PART III - LOCAL PLANNING AGENCY REVIEW AND RECOMMENDATION

DATE OF PUBLIC HEARING: August 25, 2014

#### A. LOCAL PLANNING AGENCY REVIEW

Planning staff gave a brief presentation. The applicant followed with an extensive presentation. The applicants' main representative stated that the issues raised by staff were best addressed through the zoning and development order processes and not during a plan amendment. The applicant then mentioned that they provided a draft development agreement that staff had requested and described the proposed measures in the agreement. He stated that the measures proposed in the agreement would occur in conjunction with a future planned development rezoning.

The applicants' presentation included testimony from a hydrologist, an environmental planner, a transportation professional, and a land use planner.

The applicants' main representative then provided a set of their Findings of Fact. These findings are listed under section III.B.1.below. The applicant summarized the presentation by stating that staff issues would be addressed through the rezoning, development order and permitting processes. He then asked the LPA to consider whether the subject property is more appropriate in a rural character or at a higher density.

The LPA asked staff to clarify the status of Three Oaks Parkway. LCDOT staff stated that the roadway has not been given any kind of Limited Access designation by the Board other than a section in Bonita Springs. They further stated that projects in the 6-10 year CIP range did not have identified funding.

Several members of the public then addressed the LPA. The issues raised were an objection to the possibility of the subject property having an entrance onto Fiddlesticks Boulevard and how many dwelling units might be constructed on the subject property.

Another member of the public then spoke on the amendment. He described some of the development history of the area of the subject property. He stated that the issues raised by staff do not preclude a plan amendment. He stated that the subject property is not rural in character and is infill because it is surrounded by non-rural uses.

The applicant then spoke to the LPA and stated that the County FLUM is not a jurisdictional determination and that the final number of units will be determined through the rezoning

process. He then disagreed with staff about the definition of rural and future-urban levels of density.

The LPA then expressed their view and issues regarding the amendment. See attached minutes of the LPA Meeting.

An LPA member moved to recommend that the Board transmit the proposed amendment with the Findings of Fact provided by the applicant. The motion was seconded, discussed, and passed with a 4-2 vote.

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

**1. RECOMMENDATION:** The LPA voted to recommend that the Board transmit the proposed amendment with the following findings of fact provided by the applicant.

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

The LPA accepted the findings of fact as presented by the applicant below:

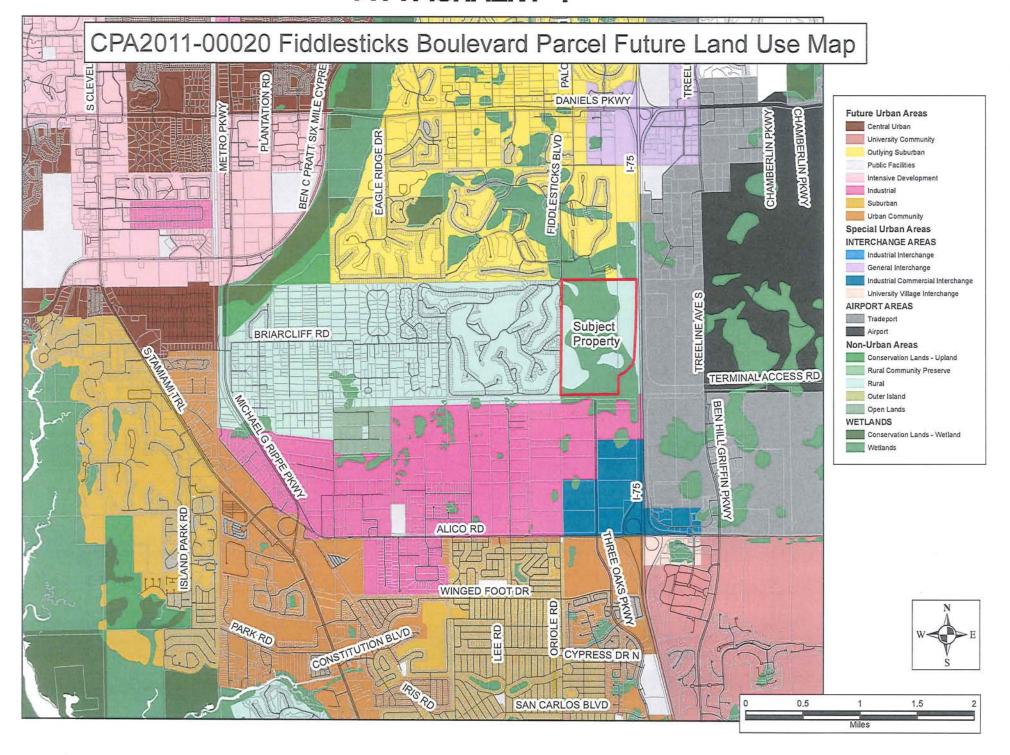
- The subject property consists of 393.68 acres. The current Lee Plan future land use map designation is Rural (143.85 ac.) and Wetlands (249.83 ac.).
- The applicant proposes to amend the lands designated Rural to Outlying Suburban, which will increase the maximum allowable density from one d-u. per acre to 3 d.u. per acre.
- The subject property is bordered on three sides by urban development and urban land use classifications (Outlying Suburban, Tradeport, and Industrial). On the fourth side, the subject property is bordered by the Rural land use classification, but the development of the property to the west exceeds the density permitted by the Rural land use classification and is considered an urban density under the Lee Plan.
- The subject property is located within the central sewer and water service areas of Lee Plan Maps 6 and 7, and sewer and water service is available and adequate to serve the property, as amended.
- The plan amendment is not projected to create any additional deficiencies in the 2035 transportation network.
- The subject property currently has access to Fiddlesticks Boulevard (a local road) and can access Three Oaks Parkway (a 4-laned arterial) by bridging the airport drainage canal.
- The extension of Three Oaks Parkway as a 4-laned arterial through the subject property north to Daniels Parkway is designed and permitted by Lee County. Right-of-way acquisition is underway and construction funding is programmed for the 6-10 year CIP planning horizon.
- A bike-ped facility in Fiddlesticks Boulevard is presently programmed for construction in FY2014-15 that will provide alternative transportation access to the

- subject property. This bike-ped facility will also provide access to the existing Lee Tran stop at Daniels and Fiddlesticks.
- The plan amendment will facilitate development under the planned development zoning process, which will require the developer to address restoration of historic drainage patterns, protection of wetland systems, accommodation of the right-of-way for Three Oaks Parkway Extension, compatibility with adjacent uses, access, and other matters.
- *Table l(b) of the Lee Plan will accommodate the plan amendment.*

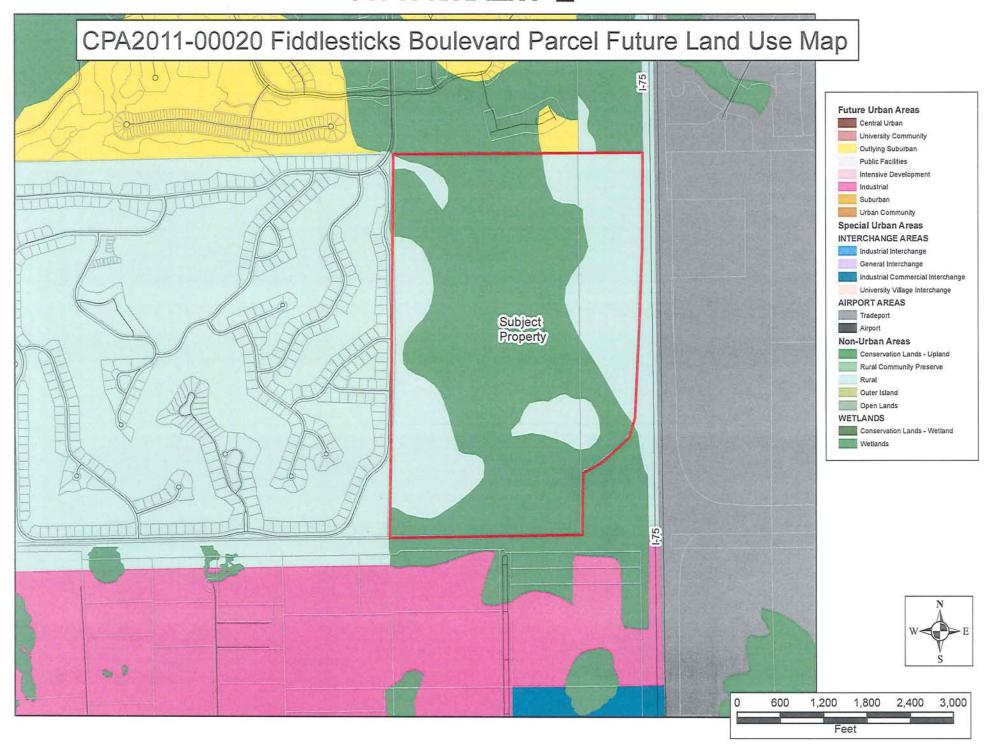
#### C. VOTE:

NOEL ANDRESS	NAY
DENNIS CHURCH	AYE
JIM GREEN	NAY
MITCH HUTCHCRAFT	ABSENT
JAMES INK	AYE
RICK JOYCE	AYE
DAVID MULICKA	AYE

## **ATTACHMENT 1**



# **ATTACHMENT 2**



#### FROM THE APPROVED 8/25/14 LOCAL PLANNING AGENCY MEETING MINUTES

#### MINUTES REPORT LOCAL PLANNING AGENCY August 25, 2014

#### **MEMBERS PRESENT:**

Noel Andress (Chair) Jim Ink

Dennis Church Rick Joyce (Vice Chair)

Jim Green David Mulicka

#### **MEMBERS ABSENT:**

Mitch Hutchcraft

#### **STAFF PRESENT:**

Brandon Dunn, Planning Janet Miller, Recording Secretary Andy Getch, DOT Paul O'Connor, Planning Director

Michael Jacob, Asst. Cty. Atty. Becky Sweigert, Environmental Sciences

#### Agenda Item 5 – Lee Plan Amendments: CPA2011-00020 Fiddlesticks Boulevard Parcel

Mr. O'Connor gave a brief overview of this item.

A PowerPoint presentation was provided by Russell Schropp (Henderson Franklin Law Firm), Alexis Crespo (Project Planner from Waldrop Engineering), David Willems (Project Engineer from Waldrop Engineering), Andy Woodruff (Project Ecologist from Passarella and Associates), and Ron Talone (Transportation Planner from Plummer and Associates). All parties were the applicant's representatives.

It was explained that Mr. Willems would discuss drainage issues and some of the offsite impacts that occurred that influence how this property needs to be developed. Mr. Woodruff would discuss wetland and species issues. Mr. Talone would discuss traffic and traffic circulation. After Mr. Willems' presentation, the LPA had some questions.

Due to a question by Mr. Andress, Mr. Willems reviewed how they would convey the water to the north through the site.

Mr. Andress asked if there was connectivity on the property to the north to Six Mile Cypress. Mr. Willems stated there was connectivity if the water gets high enough through the wetland system. Although it is not ideal, that is where the water has historically gone.

Mr. Andress expressed concern that Six Mile Cypress is not currently getting the water it needs because of so many different developments that have occurred in that area. He also noted that this particular site is on the FDEP map and is shown as one of the impaired areas of water in Lee County. He asked how they would address the impairment that currently exists in the waterbodies in that area.

Mr. Willems stated they typically have a nutrient loading calculation that would be required by the Water Management District in order to get their permit. This will be analyzed to make sure the proposed project would improve the existing conditions.

Mr. Andress asked if they hoped to convey some of the water to the Airport canal.

Mr. Willems stated he would not propose that. He felt it important to note that there are two control structures that currently drain a small portion of the southern part of the project into the canal. It is not meant as a main outfall. He believed it was put there in case there are localized areas that happen to be draining into the south so that it does not build up on the back side of that berm.

Due to a question by Mr. Andress, Mr. Willems confirmed that central water and sewer services will be available to the site through Lee County Utilities.

Mr. Church asked if it currently and naturally outfalls to the north and if it is bermed on all sides.

Mr. Willems stated the water historically outfalls to the north. Regarding the second question, it is not a noticeable berm on the north side. It may be a bit higher, but it is not noticeable.

Mr. Church felt it sounded as if a lot of water is headed south without a true water management system and that they could basically send it all north.

Mr. Willems stated he did not believe it was a lot of water. He explained there are small culverts to the south and the site is flat so it has to build up in order to flow. There is a lot of grass out there, so it is not flowing very fast. However, there is more water going to the south.

Mr. Church asked if we would be creating issues for downstream people if we get the system designed to take most of the water north to Six Mile Cypress since there might not be proper conveyances.

Mr. Willems stated the historic wetlands are there to drain it to the north. This is something they will work on in more detail with the Division of Natural Resources and the South Florida Water Management District. He also believed the County had plans to make some improvements in this area.

Mr. Andy Woodruff presented his portion of the presentation regarding wetland and species issues.

Mr. Andress referred to comments made by Mr. Woodruff that they anticipate some of the developed areas would impact wetlands. Due to a question by Mr. Andress, Mr. Woodruff reviewed some avenues available to the applicant to help mitigate those impacts to the wetlands.

Mr. Church asked about the Consent Order.

Mr. Woodruff stated he was not involved with that issue. His understanding is that there was approximately less than 5 acres of habitat restoration that had to occur as a result of some culverts and berming that had been put in place and some cow ponds that had been dug. According to the District, this has been resolved. Mr. Woodruff did not believe there were any outstanding issues with that Consent Order.

Mr. Church stated this site has clearly been cleared and converted to pasture including wetland areas. He asked if the District viewed the rest of the site to see what has occurred.

Mr. Woodruff did not believe there was any illegality or violation with the clearing that occurred for the agricultural conversion. He also did not believe this was part of that Consent Order. His understanding was that the Consent Order dealt with structures that were put in place that had to be removed.

Mr. Church stated that in looking at the aerial it reminded him of The Brooks project as far as how it looked 15 years ago. The Agricultural operations wiped out a lot of wetlands and there were also Consent Orders involved. When the developer came in, they created flowways, put some plantings back, and created a very viable wetland system. Even though we are only at the Comprehensive Plan level, a commitment is about doing something nice as described above. There is the potential for this to be a good project but there is uncertainty as to whether any of that is going to happen (as described above).

Mr. Woodruff stated he anticipated that through the environmental resources permitting and the Army Corp permitting for the project that many issues are going to be evaluated. Mr. Willems would be involved in basically reengineering the hydrology and making sure we have adequate water levels maintained in those existing preserved areas. As Mr. Willems indicated, a lot of this area is cut off from its historic surface water flow.

Mr. Ron Talone, Traffic Consultant for the project, from David Plummer and Associates, provided his portion of the presentation. He discussed traffic issues and traffic circulation. Mr. Andress asked for clarification that until we get the Three Oaks Parkway improvements, the only access to and from the property will be from Fiddlesticks Boulevard (two lanes).

Mr. Talone stated that initially the access would be the existing easement to Fiddlesticks Boulevard. However, in the proposed development agreement mentioned by Mr. Schropp, it states that after a certain number of units early in the project, the applicant would be willing to construct a bridge across the canal to provide another access.

Mr. Ink noticed it said that in 2035 I75 needs 6 lanes plus 4 lanes. He asked if this would help mitigate this process from Daniels past Alico.

Mr. Talone stated those improvements would certainly help relieve main line I75 between Daniels and Alico. He did not reference those improvements because the two segments that were identified were north of Daniels and south of Alico. The Needs Plan shows 10 lanes (6 lanes plus 4 lanes). This is a highly debated issue as to how that is to be done. However, it would provide substantial relief to the north of Daniels and to the south of Alico similar to what direct connect will do to help the I75 main line between Alico and Daniels.

Mr. Church referred to the offer of constructing a bridge across the Airport canal and asked if it would be a 2 lane cross section.

Mr. Talone stated this would need to be determined. It is anticipated that those types of details will be worked out during the zoning approval process. Ideally, it would be done in a way that would be incorporated into the eventual construction of Three Oaks Parkway.

Due to a question by Mr. Church, Mr. Talone confirmed it was his understanding that in the draft developer agreement there was an offer to build that bridge in exchange for impact fee credits.

Mr. Church referred to Three Oaks Parkway and asked if the land owner signed all the authorizations. He asked if they were a part of the permitting for that road.

Mr. Talone only knew the land owner was aware of the County's efforts. He did not know to what extent there was coordination between the County and the applicant.

Mr. Andress asked if there was a guarantee that if this project were to move forward that they could have an access to Three Oaks Parkway since it is a limited access road.

Mr. Talone stated he assumed there would be an effort not to have an excessive number of access points; however, he would expect there to be a couple of access points serving this property.

Mr. Andress asked if Three Oaks Parkway had been extended almost to their property boundary currently. If so, how many lanes is it?

Mr. Talone stated the answer was "yes." From the south, it goes from Alico Road right up to the canal. It is 4 lanes.

Mr. Church asked if an agreement would be made during the zoning process about limiting the number of units until such time as Three Oaks Parkway is connected.

Mr. Talone stated the answer is "yes." In the draft agreement there was discussion about limiting it to a certain number of units where you have access only to Fiddlesticks Boulevard and then to go beyond that number of units there would need to be a connection to the south.

Due to a request by Mr. Mulicka, Mr. Talone reviewed a PowerPoint slide to help provide a visual pattern on what the project might look like if it was connected (yellow and blue areas of the slide). It showed that it would only increase the load on Fiddlesticks Boulevard in the beginning.

Mr. Mulicka noted it seemed as if the applicant was bearing most of the burden of the property being given over to this roadway as part of their current land. He asked if this road was part of the applicant's current ownership.

Mr. Talone confirmed that the portions on the applicant's property are under his ownership.

Mr. Andress asked if the northern portion utilizes the current alignment of Fiddlesticks Boulevard.

Mr. Talone stated it does when it gets to the very northern end. It would intersect at the current intersection but they do anticipate improvements to and through Daniels Parkway.

Mr. Andress asked if the County currently had approvals from the residents of Fiddlesticks to utilize their road for the northern portion of the Three Oaks extension.

Mr. Talone stated he did not know the details of those agreements. The alignment was selected after much consideration and public workshops. All parties are aware of the alignment. His understanding is that the alignment immediately adjacent to the interstate was done in part because of concerns not to have a major road immediately adjacent to Fiddlesticks and other properties in the area.

Due to a question by Mr. Andress, Mr. O'Connor confirmed that Fiddlesticks Boulevard is currently a County road.

Mr. Schropp continued the presentation. He explained more about the draft development agreement based on questions from the LPA.

Mr. Green noted that 290 units were mentioned during the presentation. He asked if they were proposing that number in their agreement as a cap on density.

Mr. Schropp stated the answer was "no." That was the amount of development that would be allowed to use the access point on Fiddlesticks Boulevard before the second access point would be required to be developed.

Mr. Green noted it was mentioned in the presentation that this number was close to the current allowed density within the Rural land use category. However; staff lists a number of 156.

Mr. Schropp stated they may have calculated it differently from staff. They calculated it in the spring when they were working on the development agreement. Mr. Schropp noted he did not see staff's calculation until last week when he received the staff report. There might be a discrepancy between how the density was calculated.

Ms. Crespo finished the presentation. Her presentation covered: 1) the land use planning components of the request; 2) the surrounding land use pattern and why that directly supports the change to outlining suburban for the subject property; 3) the staff report; and, 4) the findings of fact.

Mr. Church referred to the discrepancy between the land use map for the wetlands and the FLUCCS mapping. According to Mr. Woodruff, when the jurisdictional determination is made, there will be some wet pastures that are claimed. He asked if the math occurs in terms of how many acres of uplands there will be and how many potential units of density will be allowed after the jurisdictional line is determined.

Ms. Crespo stated that is correct and she explained it in detail to the LPA.

Mr. Andress stated that once the jurisdictional determination is determined it appears that most of the center of the property is going to be jurisdictional wetlands. What is the connectivity there and how much impact are you going to have? What type of structures are you going to utilize in order to not disturb that flowway in terms of these crossovers that will be needed?

Ms. Crespo referred to a particular slide in the PowerPoint presentation and stated they felt the blue line is fairly representative of those wetlands. There are opportunities to get from the east to the west without impacting a wetland based on what is known today. The white area is not wetlands so roadways could occur. They have not done any site planning at this point, but there are opportunities to avoid impacts.

Mr. Church stated the LPA had not heard from any residents of Fiddlesticks speaking for or against the project. He asked if the applicant met with the community to gage their sense of this.

Ms. Crespo stated the owner's representative had been in regular contact with residents of Fiddlesticks and they provided information regarding the application.

Mr. Church stated that during the presentation it was mentioned that the Land Development Code did not allow development with only one access point if it is more than 5 acres. However, this project proposes 290 units. They would get a deviation so in reality, you would end up with a project that is bigger than 5 acres with more than one access point.

Ms. Crespo stated this was a common deviation to seek. Her initial point was that, by right, they cannot develop this property with one access point based upon the acreage and the number of units. It would trigger a second access point. They would have to propose something through staff such as a certain number meaning a trigger or something similar to support the deviation. For a project this size, she did not believe the County would support a deviation with a single access point.

Mr. Mulicka stated it sounded like the County would be building this road one way or the other over the next 6-10 years. Therefore, this connection is going to happen. This being the case, it seems there would be some impact on existing wetlands that are on the property one way or another.

Ms. Crespo stated this was correct. The total length of the roadway has 25 acres of wetlands within the boundary of the roadway project and all are being impacted with mitigation offsite.

Mr. Mulicka noted this is not just an issue of what the owner wants to do. It is going to happen one way or the other as the road gets built.

Mr. Schropp made some final comments and concluded the presentation.

The meeting convened at 10:40 a.m. for a 10 minute break and reconvened at 10:50 a.m.

The LPA asked some general questions of staff (including Andy Getch and Paul O'Connor).

Mr. Andress opened this item for public comment. Public input was received from Michael Roeder (on behalf of the Fiddlesticks Country Club), Ryan Shaw (General Manager and Executive Vice President for Fiddlesticks Country Club), Peter (last name was illegible) (representing Old Hickory), Alan Freeman (speaking based on his knowledge of the area), and Ed Harrington (Royal Tee).

Per Mr. O'Connor's request, Ms. Becky Sweigert from Environmental Sciences, reviewed the wetland issues.

General questions and answers ensued and some rebuttals were made by Mr. Schropp.

The Chairman concluded public comment and brought the item back to the LPA for discussion.

Mr. Green stated we are already entitled for densities in our County that make us similar to Fort Lauderdale. He did not believe that is where we wanted to go. If we increase densities, we are going above what Fort Lauderdale currently is. It is not just a matter of going from 1 unit per acre to 3 units per acre, but rather that we are going from 150 units to over 1,000 units. It has to do with how wetlands are treated which changes as you go from Rural to another category. To him, this proposal is over the top. He stated that Lee County is a wonderful place to live partially because of its diversity. We have a Rural enclave in the middle of Lee County which he feels is not only good but that we need it there. We will be going 750% over Rural density if we allow this. Mr. Green stated he was not against this area being developed but that it should be along with what is in the area which is rural densities plus or minus 10%. He felt this plan should be rejected as it is not good for Lee County and it is not needed.

Mr. Joyce referred to the Hawks Haven project, which he was against because he felt it should stay Rural. It was a large project that was transitioning to Rural areas. However, this proposal is different because it is more of an outparcel of Rural in a pretty significant urban area both to the south and the Interstate to the east. He wished there was a jurisdictional determination at this point and felt the County should require that as part of the Comprehensive Plan Amendment process because we cannot nail down the density at this point. He agreed with comments made earlier by Mr. Freeman that this is not a Rural area anymore even though it was initially Rural in 1984. So much development has happened around it. In addition, improvements are planned for Three Oaks Parkway. He was supportive of the proposed amendment.

Mr. Ink stated he preferred to keep Comprehensive Plan Amendments separate from the Zoning process. The LPA heard a lot of comments today from both sides that would almost be zoning testimony. The map that the County has in place currently shows all of the Outlying Suburban areas around this property. Outlying Suburban is 1-3 units per acre. He referred to comments made earlier that we could end up having 1,100 units out there. However, we do not know that at this point since it still has to go through a rezoning process. It is true that going to Outlying Suburban would allow you to treat wetlands differently. They could end up being allowed 350 or 400 units. In his opinion, this property should be Outlying Suburban and we need to rely on the zoning process to sort out the details as it moves forward.

Mr. Church generally agreed with Mr. Ink's comments. He felt the applicant made a strong case for what they are proposing. He noted that staff did not really come back and rebut the case made by the applicant's representatives. Regarding how many units they will be allowed, he noted that at this point all we are doing is changing the designation. The actual units will become a function of the jurisdictional determination and the various codes and processes. Mr. Church stated he was in favor of the applicant.

Mr. Mulicka agreed we need to separate the Comprehensive Plan Amendment from a Zoning and Planned Development process. He felt the applicant made a compelling and thorough argument. They seem to want to be compliant and work out the details. It is true that we do not

have a site plan, which can be unnerving, but he felt we have a lot of processes in place that allow for a lot of discussion and there are multiple agencies involved. What this project will look like at the end versus how it looks today is not the LPA's charge. He referred to the Olga Community Plan and noted how easy it was to come to a consensus at that time to support that area as Rural. However, this project is the opposite of that. It is next to a highway that is going to have 10 lanes with another 4 lanes next to it. This means it will have 14 lanes of traffic next to a development that is surrounded by other developments. All those developments currently in place would have had to make their own compelling cases for their subdivisions relating to traffic and roads. He preferred to honor that process and move this amendment forward.

Mr. Andress felt there were too many unanswered questions at this point. If this proposal is approved, the applicant can go through the zoning process and get 290 units on this property which exceeds what this property is allowed today. It is a major wetland area that is currently deemed to be impaired. He noted that, according to the Division of Natural Resources, it will cost Lee County over 60 million dollars to meet the TMDL requirements that FDEP has imposed on Lee County to remove nitrogen and phosphate from our waterbodies. This project might be allowed 1,182 potential units in an area that is already impaired with water. Mr. Andress stated he was not opposed to this area being developed but this proposal is going from 1-3 units per acre to 1,182 units which equates to over 8 units per acre on the upland areas. He also referred to comments about it being near I75, but noted this did not mean anything because you are not going to access I75 from this property or from the direct link. Having infrastructure in place and being near I75 does not have relevance to the future development potential of this property. Mr. Andress stated he could not support his amendment.

Mr. Church made a motion to support the applicant's request including their basis and recommended findings of fact, seconded by Mr. Mulicka. The motion was called and passed 4-2. Mr. Andress and Mr. Green were opposed.



### THE SCHOOL DISTRICT OF LEE COUNTY

2855 COLONIAL BLVD. ♦ FORT MYERS, FLORIDA 33966 ♦ WWW.LEESCHOOLS.NET

Dawn M. Huff Community Development Planner Planning, Growth & School Capacity 3308 Canal Street Fort Myers, FL 33916 Phone: (239) 479-5661 FAX: (239) 479-5667

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CHAIRMAN, DISTRICT 5

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VICE CHAIRMAN, DISTRICT 1

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DISTRICT 2

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Don H. Armstrong District 4

Dr. Joseph Burke Superintendent of Schools

COMMUNITY DEVELOPMENT KEITH B. MARTIN, ESQ.
BOARD ATTORNEY

October 20, 2011

Brandon Dunn, Senior Planner Lee County Division of Planning 1500 Monroe Street Fort Myers, Florida 33902-0398

RE:

Fiddlesticks Blvd

Case # CPA2011-00020

Dear Mr. Dunn:

This letter is in response to your request dated October 7, 2011 for the Fiddlesticks Blvd for sufficiency comments in reference to the educational impact. This proposed structure is located in the South Choice Zone, Sub Zone S2.

The Developers request states there is a possibility of 1182 single family units. With regard to the inter-local agreement for school concurrency the generation rates are created from the type of dwelling unit and further broken down by grade level.

For single family the generation rate is .299 and further broken down into the following, .150 for elementary, .072 for middle and .077 for high. A total of 353 school-aged children would be generated and utilized for the purpose of determining sufficient capacity to serve the development. Currently within the School District there are sufficient seats available to serve this need.

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

Sincerely,

Dawn Huff, Community Development Planner

Planning Department

#### LEE COUNTY SCHOOL DISTRICT'S SCHOOL CONCURRENCY ANALYSIS

REVIEWING AUTHORITY

NAME/CASE NUMBER

OWNER/AGENT

Lee School District

Fiddlesticks Blvd/CPA2011-00020

Jeffrey B Freeman TR EST

ITEM DESCRIPTION

LOCATION

Fiddlesticks Blvd 394.00

Wetlands/Rural

**ACRES** 

CURRENT FLU
CURRENT ZONING

AG2

CPA

PROPOSED DWELLING UNITS BY

TYPE

Single Family	Multi Family	Mobile Home
1182		0

STUDENT GENERATION

Elementary School Middle School High School

Student Generation Rates					
SF	MF	IMH	Projected Students		
0.15			177.30		
0.072			85.10		
0.077			91.01		

Source: Lee County School District, October 20, 2011 letter

CSA SCHOOL NAME 2016/17 South CSA, Elementary South CSA, Middle

CSA Capacity (1)	CSA Projected Enrollment (2)	CSA Available Capacity	Projected Impact of Project	Available Capacity W/Impact	LOS is 100% Perm FISH	Adjacent CSA Available Capacity w/Impact
13,136	12,451	685	177	508	96%	
5,560	4,873	687	85	602	89%	
7,161	12.000	638	91	547	92%	

(1) Permanent Capacity as defined in the Interlocal Agreement and adopted in the first three (5) years of the School District's Five Year Plan

(2) Projected Enrollment per the first three (5) years of the School District's Five Year Plan plus any reserved capacity (development has a valid finding of capacity)

(3) Available Adjacent CSA capacity is subject to adjacency criteria as outlined in the Interlocal Agreement and the School District's School Concurrency Manual

Prepared by:

South CSA, High

Dawn Huff, Community Development Planner



# DEPARTMENT OF TRANSPORTATION

# Memo

To: Paul O'Connor,

Division of Planning

From: Andy Getch, P.E.

Manager, Transportation Planning I

Date: May 2, 2012

Subject: CPA2011-20, Fiddlesticks Boulevard

The Department of Transportation has reviewed the above-referenced privately-initiated future land use map plan amendment to change the land use designation of approximately 394 acres from "Rural" and "Wetlands" to "Outlying Suburban". The applicant indicates there will be 1,122 single family units and 20,000 square feet of commercial uses at build-out. Of the total, approximately 20% (220 single family units) is anticipated within the first 5 years. A new TAZ (TAZ 1545) was assigned by the applicant to represent the proposed CPA in the travel model for the study of year 2016 and year 2035. The level of service (LOS) analysis of short range (5 years) provided by the applicant indicates all the study area roadway segments (3 miles radius) are anticipated to operate at or better than the adopted LOS standard in 2016. The LOS analysis of year 2035 indicates that Daniels Pkwy from I-75 to Chamberlin Pkwy, I-75 from Corkscrew Road to Alico Road and from Daniels Pkwy to Colonial Blvd will be LOS "F" with and without the proposed CPA in the year 2035. The analysis indicates that with the project shows a general increase in traffic volumes on area road segments. The increase could be offset by a project that has greater internal capture of motor vehicle trips and fosters transit, bicycle and pedestrian modes of travel. This could be accomplished by site design, intensity, mix and variety in the type of project uses as a compliment to existing land uses in the area to encourage transit, bicycle and pedestrian travel and reduce automobile trip length.

This project will access a planned Three Oaks Pkwy Extension. Three Oaks Pkwy Extension is not an existing facility in the vicinity of the proposed amendment. Private development is building Three Oaks Parkway extension north of Alico Road. However, the extension dead ends south of the Fiddlesticks Canal a few hundred feet south of the proposed map amendment. A northern extension of Three Oaks Parkway to Daniels Parkway is on Lee Plan Map 3A, the Financially Feasible Highway Plan. Funding for construction is currently in years 6-10 of the Capital Improvement Plan, or fiscal years 2017 to 2022. The applicant, at their option, could build a portion of Three Oaks Parkway to achieve access to the proposed map amendment area.

The Lee Tran Transit Development Plan and Vision Plan do not identify public transit routes (existing and future) serving the project. The closest public transit facility is the existing Lee Tran Route 50 on Daniels Pkwy. There are no existing bicycle/pedestrian facilities connecting to the area of the proposed map amendment. The nearest pedestrian and bicycle facilities are a sidewalk and the paved shoulder on Daniels Pkwy. Lee Plan Map 3D, the Lee County Bikeways/Walkways Facility Plan, shows a future sidewalk, shared use path and undesignated bike lane on the future Three Oaks Pkwy Extension in front of the project in the future. The 90 percent design plans for Three Oaks Parkway include sidewalks and bike lanes.

Please let me know if you have any further questions.

AJG/LW/db

cc: David Loveland - Director



# DEPARTMENT OF TRANSPORTATION

# Memo

To: Paul O'Connor,

Division of Planning

From: Andy Getch, P.E.

Manager, Transportation Planning I

Date: August 30, 2013

Subject: CPA2011-20, Fiddlesticks Boulevard

The Department of Transportation has reviewed the above-referenced privately-initiated future land use map plan amendment to change the land use designation of approximately 394 acres from "Rural" and "Wetlands" to "Outlying Suburban". The applicant indicates there will be 1,122 single family units and 20,000 square feet of commercial uses at build-out. The applicant indicates that 220 single family units are anticipated within the first 5 years. This exceeds the estimated level of development in the amendment area traffic analysis zone in the long range transportation plan. Analysis of future transportation demands uses the Florida Standard Urban Transportation Modeling Structure, a state travel model of daily trips. The applicant assigned a traffic analysis zone (number 1545) to represent the proposed CPA in the travel model for the study of year 2016 and year 2035.

There is a requirement for a short term (5 years) and longer term analysis (20+ years) of level of service (LOS). The short term analysis provided by the applicant indicates all the study area roadway segments (3 miles radius) are anticipated to operate at or better than the adopted LOS standard in 2016. The analysis indicates that three road segments will operate below the adopted LOS by 2035. The segments are Daniels Pkwy from I-75 to Chamberlin Pkwy, I-75 from Corkscrew Road to Alico Road and from Daniels Pkwy to Colonial Blvd. All three will be at LOS "F" with and without the proposed CPA in the year 2035.

The analysis with the project shows a general increase in traffic volumes on area road segments. While this is typical for suburban development, it is generally a result of providing more primarily single-use, single-family development in a fashion that is dependent on travel by automobile for daily needs. The increase in motor vehicle traffic with the project could be offset by a more balanced and integrated mix of residential, office and commercial development that has greater internal capture of motor vehicle trips and fosters transit, bicycle and pedestrian modes of travel. A mix and variety in the

type of project could compliment existing land uses in the area to encourage transit, bicycle and pedestrian travel and reduce automobile trip length.

The application indicates that the project will access Three Oaks Pkwy Extension, a future planned road in the vicinity of the proposed amendment. Private developers are building a portion of the Three Oaks Parkway extension from Alico Road to just south of the Fiddlesticks Canal subject to DOS2003-00047, which ends south of the canal.

A northern extension of Three Oaks Parkway to Daniels Parkway is on Lee Plan Map 3A, the Financially Feasible Highway Plan. The Financially Feasible Highway Plan is based on the Lee County Metropolitan Transportation Planning Organization Long Range Transportation Plan (MPO). The current 2035 MPO Plan anticipates funding for construction in the 2026-2030 timeframe. An update of the plan is due in 2015.

The Lee County Capital Improvement Plan includes partial funding for the four-lane extension of Three Oaks Parkway from Alico Road to Daniels Parkway. Design plans for Three Oaks Parkway include sidewalks and bike lanes. The extension is identified to cross the proposed map amendment area. There is \$5.6 million funded for right-of-way acquisition in the current fiscal year. The current effort concentrates on acquiring parcels at the north end of the corridor, north of this property. Funding for the balance of right-of-way acquisition and construction is currently shown in years 6-10 of the Capital Improvement Plan, beyond fiscal year 2017. The applicant has indicated they may build a portion of Three Oaks Parkway extension to achieve access to the proposed map amendment area.

The Lee County Transit Development Plan does not identify public transit routes (existing and future) serving the project. The closest public transit facilities are the existing Lee Tran Routes 50 and 60. Route 50 is along Daniels Pkwy over two miles to the north boundary. Route 60 along Alico Road is over 1 mile to the south and is part of this year's budget discussions. There are no existing bicycle/pedestrian facilities connecting to the area of the proposed map amendment. Sidewalks and bike lanes are included on the portion of Three Oaks Parkway under construction a few hundred feet south of the subject property. A multiuse path along Fiddlesticks Boulevard is funded for design and construction in fiscal years 2014 and 2015, respectively. Lee Plan Map 3D, the Lee County Bikeways/Walkways Facility Plan, shows a future sidewalk, shared use path and undesignated bike lane on the future Three Oaks Pkwy Extension.

AJG/LW/ag

cc: David Loveland - Director

#### MEMORANDUM FROM THE

# DEPARTMENT OF COMMUNITY DEVELOPMENT

**DEVELOPMENT SERVICES DIVISION** 

		DATE: Coptombor 10, 2010	
Го:	Peter Blackwell, AICP	FROM: MM	>
	Planner	Robert L. Price, P.E. Senior Engineer	ı

DATE: Sentember 10, 2013

RE: Fiddlesticks Boulevard Parcel Case No. CPA2011-00020

The property that is subject to the proposed Comprehensive Plan Amendment is located between the Fiddlesticks community and I-75 between its intersections with Alico Road and Daniels Parkway. The Applicant wishes to amend the future land use map (FLUM) designation on the 394 acre subject parcel from Rural and Wetlands to Outlying Suburban. The Applicant has indicated that the change would allow the site to be developed with 1,122 single family dwelling units and 20,000 square feet of commercial uses at project buildout.

Development Services Staff has concerns regarding the intensity of the development with respect to the access that is provided to the parcel. The Applicant has proposed a single access point to Fiddlesticks Boulevard. Lee County Land Development Code (LDC) §10-291 governs the required access to developments. According to the LDC, any residential development of greater than 5 acres or any commercial development of greater than 10 acres is required to provide two (2) or more means of ingress/egress. Approving a comprehensive plan amendment that would significantly intensify the development potential on the subject parcel without a commitment to provide more than one (1) means of ingress/egress does not seem appropriate.

As is detailed in the Lee County Department of Transportation (LCDOT) memorandum, the future alignment of the Three Oaks Parkway North Extension traverses the subject site. If the Three Oaks Parkway North Extension were funded for construction within the next five (5) years, it would provide the ability for the site to obtain a significant additional access point to the County roadway network. However, there is no funding programmed for the construction of the extension, and there is not even funding available to purchase the necessary right-of-way that traverses the subject property within the next five (5) years. In light of this fact, it seems premature to amend the Comprehensive Plan as requested.

#### Blackwell, Peter

From:

Lee, Samuel

Sent:

Tuesday, September 10, 2013 8:33 AM

To:

Blackwell, Peter

Cc:

Noble, Matthew; Karuna-Muni, Anura

Subject:

RE: Substantive comments for CPA2011-20

#### Peter,

Per your request, please see the DNR's substantive comments below.

According to the Lee County data base, the historical flowway runs through the site from southeast to northwest. Also, the I-75 drainage structures drain off-site flows from east onto the property. Therefore, during the PD rezoning process, the applicant shall provide a detailed analysis for (1) preserving the existing flowway and (2) mitigating any drainage impacts (on both off- and on-sites).

#### Thanks,

Sam Lee, PhD, PE Engineering Manager Lee County Natural Resources Division 1500 Monroe Street Fort Myers, FL 33901

Ph. 239/533-8132 Fax 239/485-8408 E-mail: slee@leegov.com

From: Blackwell, Peter

Sent: Thursday, September 05, 2013 2:55 PM

To: Lee, Samuel Cc: Noble, Matthew

Subject: Substantive comments for CPA2011-20

Sam,

We are writing up our staff report for the Fiddlesticks Blvd Parcel amendment (CPA2011-20) and really need to get some substantive comments from you regarding the flowway and surface water issues. We need to get this out very soon, like in a few days. Please note that the applicant has still not provided any real information about their intents with this property.

#### Thanks!

Here's a link to the submittals:

http://www.leegov.com/gov/dept/dcd/Planning/Amendments/Pages/amendment.aspx?aid=579

Planner, Planning Division,

Peter Blackwell, AICP

Lee County DCD (239) 533-8312

### STAFF REPORT FROM

## DEPARTMENT OF COMMUNITY DEVELOPMENT DIVISION OF ENVIRONMENTAL SCIENCES

Date:

August 8, 2014

To:

Peter Blackwell, Planner

From:

Becky Sweigert, Principal Environmental Planner

e-mail: rsweigert@leegov.com

Project:

Fiddlesticks Blvd Parcel

Case:

CPA2011-00020

#### PROJECT:

The applicant is requesting to amend the Future Land Use Map (FLUM) from Rural and Wetlands to Outlying Suburban and Wetlands to allow for the development of residential uses, a neighborhood commercial component and wetland preserve areas.

#### PROJECT SITE:

The site is approximately 394 acres in size and is located between I-75 and the Fiddlestick Residential Planned Development Community. The site is zoned AG-2 and is currently being used for agricultural purposes. The site was vegetated in 2002; however, clearing for agricultural purposes have occurred on the site since 2002. Reviewing the aerial photograph, each year more clearing and land alterations has occurred on the property. The original application requested to remove the wetlands from the Wetlands Future Land Use Category (approximately 250 acres). However, the applicant did not supply a verified jurisdictional determination from the State of Florida as referenced in Chapter XIII of the Lee Plan to confirm the amount of wetlands on site. In lieu of the determination, the applicant agreed to amend the proposal to use the wetland lines as currently depicted on Lee Plan Map 1, The Future Land Use Map.

#### ENVIRONMENTAL ASSESSMENT:

A vegetative community assessment from 2011 and 2012 as well as a protected species survey was conducted by Passarella and Associates, Inc. in September 2011. The 2012 assessment and Florida Land Use, Cover and Classification System (FLUCCS) map provided by the applicant indicate the site is predominately improved pasture and forested areas. However, upon reviewing the 2013 Lee County aerial photography, the site appears to have undergone more clearing activities and alterations, presumably for agricultural; therefore, the current acreage of Land Use Cover and Classification System is unclear. There are four non-contiguous uplands areas which are proposed for Outlying Suburban. They are separated by a large historic flow way running from the southeast to the northwest.

According to the 2012 FLUCCS, the site is comprised of 243 acres of pasture lands, 11 acres of palmetto prairie, 13 acres of Pine Flatwoods, 13 acres of hydric pine, 52 acres of cypress, 1.6 acres of marsh and 23 acres of wetland shrubs. The remaining 280 acres consists of 243 acres of

pasture and 37 acres of monocultures of exotics such as Brazilian pepper and Melaleuca. Again, most of the property has been disturbed or altered by the agricultural activities on the site.

The applicant provided information of protected species which may be found on the property. Listed species identified on site during species survey work included Big Cypress Fox Squirrel, tricolored heron, little blue heron, snowy egret, white ibis, wood stork, and Florida sandhill crane.

#### **WETLANDS:**

The current FLUM indicates approximately 250 acres of wetlands on the property. The current Wetlands identified on the FLUM are consistent with the Depressional wetland soils identified on the property. The applicant's proposed FLUM demonstrates the same Wetland Land Use Category as delineated on the current FLUM. The applicant has not provided a jurisdictional wetland determination to verify the amount of wetlands on the property as indicated in the FLUCCS map. The state defines wetlands as the following: "Wetlands, as defined in subsection 373.019(25), F.S., means those areas that are inundated or saturated by surface water or ground water at a frequency and a duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soils. Soils present in wetlands generally are classified as hydric or alluvial, or possess characteristics that are associated with reducing soil conditions. The prevalent vegetation in wetlands generally consists of facultative or obligate hydrophytic macrophytes that are typically adapted to areas having soil conditions described above. These species, due to morphological, physiological, or reproductive adaptations, have the ability to grow, reproduce or persist in aquatic environments or anaerobic soil conditions. Florida wetlands generally include swamps, marshes, bayheads, bogs, cypress domes and strands, sloughs, wet prairies, riverine swamps and marshes, hydric seepage slopes, tidal marshes, mangrove swamps and other similar areas. Florida wetlands generally do not include longleaf or slash pine flatwoods with an understory dominated by saw palmetto." Per Chapter 62-340, F.A.C. Lee Plan Objective 114.1 states "The natural functions of wetlands and wetland systems will be protected and conserved through the enforcement of the county's wetland protection regulations and the goals, objectives, and policies in this plan. "Wetlands" include all of those lands, whether shown on the Future Land Use Map or not, that are identified as wetlands in accordance with F.S. 373.019(17) through the use of the unified state delineation methodology described in FAC Chapter 17-340, as ratified and amended by F.S. 373.4211." Consequently, the wetlands on this site have become degraded over time due to ongoing agricultural activities and changes in hydrologic connections. Because of the agricultural disturbance, the surface water flow in this area has been rerouted and directed from the northern direction to the southern property line into the drainage canal, severely impacting the function of the wetlands on site and allowing for increased exotic infestation.

On September 9, 2013, the applicant entered into a Consent Final Judgment with the South Florida Water Management District (District). This was a settlement resolution between the Jeffery B. Freeman, as successor Trustee, and the South Florida Water Management District for purposes of settling of all the outstanding issues with the District; such as dredging, filling, and installation of culverts on the subject property. As part of the Judgment, the property owner, agreed to eliminate fill, restore areas and remove culverts. Upon recent discussion with the District, the applicant has made the improvements per the Consent Final Judgment and is

currently monitoring the restoration areas.

Lee Plan Goal 60, Coordinated Surface Water Management and Land Use Planning on Watershed Basis, states "To protect or improve the quality of receiving waters and surrounding natural areas and the functions of natural groundwater aquifer recharge areas while also providing flood protection for existing and future development". Goal 61, Protection of Water Resources, states "To protect the County's water resources through the application of innovative and sound methods of surface water management and by ensuring that the public and private construction, operation, and maintenance of surface water management systems are consistent with the need to protect receiving waters"

#### **CONCLUSION:**

Development of the scattered uplands, will incur impacts to the wetlands, either directly or indirectly. The applicant will have to impact the existing wetlands to gain access to the remaining uplands on the property. The applicant has not addressed how this access will be provided or how they will avoid impacts to the wetlands in order to be consistent with Lee Plan Objective 114.1. The applicant has stated that the drainage will be improved and surface water flows will be redirected north back to the previous basin but it is unclear if the future project will incorporate these improvements in the restoration areas, or if the future development will be consistent with Lee Plan Goal 60 for a Coordinated Surface Water Management Plan to correct the surface water flows or Lee Plan Goal 61 for Protection of Water Resources to redirect the water back to the Six Mile Cypress Basin.

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

SOUTH FLORIDA WATER MANAGEMENT DISTRICT,

Plaintiff,

٧.

Case No.: 06-CA-5375

BRIAN S. FREEMAN, as Successor Trustee, F.S.M. of FORT MYERS, LLC, a Limited Liability Company, and BJ HOLDINGS OF FORT MYERS, LLC, a Limited Liability Company,

Defendants.

#### **CONSENT FINAL JUDGMENT**

Plaintiff, South Florida Water Management District ("District"), and the Defendants, Brian S. Freeman, as Successor Trustee of the Fiddlesticks Land Trust, F.S.M of Fort Myers, LLC, and BJ Holdings of Fort Myers, LLC (collectively, "Defendants"), in order to resolve the matters at issue without the necessity of further litigation, have consented to the entry of this Consent Final Judgment ("Judgment").

The District and the Defendants hereby stipulate and agree to Paragraphs 1 through 5. Paragraphs 6 and 7 contain the District's allegations, which the Defendants neither admit nor deny.

1. This Court has jurisdiction over the subject matter pursuant to Article V, Section 5, of the Constitution of the State of Florida, and Sections 26.012, 120.69 and 373.129, Florida Statutes ("Fla. Stat.").

- 2. This Judgment shall constitute the complete settlement between the District and Defendants of all issues raised in the District's Second Amended Complaint, and all allegations contained therein. This Judgment does not constitute a settlement of any matters that are not contained in the Second Amended Complaint or this Judgment, nor does it constitute settlement of any violations that may arise in the future.
- 3. The District is a government entity authorized to sue and be sued under Chapter 373, Fla. Stat., also existing by virtue of Chapter 25270, Laws of Florida, 1949, and operating pursuant to Chapter 373, Fla. Stat., and Title 40E of the Florida Administrative Code ("Fla. Admin. Code"), as a multi-purpose water management district with its principal office at 3301 Gun Club Road, West Palm Beach, Florida 33406. All of the property described herein, lies within the geographic boundaries of the District's jurisdiction.
- 4. Jeffrey B. Freeman, as Successor Trustee of the Fiddlesticks Land Trust, owned the property located in Fort Myers, Parcel ID No. 34-45-25-00-00001.0000, Lee County, Florida, the legal description for which is attached hereto and incorporated herein as Exhibit A, at the time the alleged violations occurred. Upon Jeffery B. Freeman's death on January 17, 2011, title to this parcel was transferred to Defendant Brian S. Freeman, as the personal representative of the estate of Jeffery B. Freeman, deceased, and as Successor Trustee of the Fiddlesticks Land Trust. On or about December 27, 2012, this parcel was then transferred to Defendant BJ Holdings of Fort Myers, LLC then transferred this parcel to Brian S. Freeman, as the personal representative of Jeffrey B. Freeman, deceased, on or about August 2, 2013, who now asserts that he is the owner of this parcel. Defendant F.S.M of Fort Myers, LLC, is the owner of the property located in Fort Myers, Parcel ID No. 34-45-25-00-00002.0000, Lee County Florida, the legal description for which is attached hereto and

incorporated herein as Exhibit B. The two parcels of land are hereinafter collectively referred to as the "Property."

- 5. Defendants are "persons" within the meaning of Section 373.019(15), Fla. Stat., and are subject to the provisions of the Florida Water Resources Act in Chapter 373, Fla. Stat., and the rules promulgated thereunder in Title 40E, Fla. Admin. Code.
- 6. Beginning in 2004, District staff began observing that vegetation was being cleared on the Property and that the vegetation was being removed with the roots. In addition, District staff later observed the placement and spreading of fill material and the dredging of a small pond in areas on the Property that, in the opinion of the District staff, constitute wetlands. In February 2005, the District observed ditching and diking along the northern and western boundaries of the Property, as well as the installation of culverts. The District also observed that additional fill material was placed on the Property in areas that, in the opinion of District staff, constitute wetlands. The District also observed water flowing through the culvert underneath the access road in the northwest corner of the Property on September 29, 2009. The District later observed on February 6, 2013, that additional culverts were installed under the road along the northern boundary of the Property.
- 7. The District alleges that the dredging, filling, and installation of culverts on the Property constitute "works" as defined in Section 373.403(5), Fla. Stat. Furthermore, the District alleges that the Property contains wetlands as those are defined in Section 373.019(27), Fla. Stat., and Chapter 62-340, Fla. Admin. Code, and that the Defendants constructed and are maintaining and operating works on the Property without an environmental resource permit, as required by Sections 373.413, 373.414 and 373.416, Fla. Stat., and Rule 40E-4.041, Fla. Admin. Code.

8. The Defendants dispute the District's factual and legal allegations raised in this action on the basis that a significant portion of the works described existed on the Property prior to the Defendants' acquisition of the Property and that any activities conducted by the Defendants which constitute alleged violations of Chapter 373, Fla. Stat., are otherwise exempt agricultural undertakings as provided by said Chapter. Nonetheless, the Defendants, without any admission of liability therein, hereby consent to entering in of this Judgment for purposes of settling of all outstanding issues with the District in the above-styled case.

Based upon the foregoing, it is hereby **ORDERED AND ADJUDGED** as follows:

9. Within 120 days of entry of this Judgment, the Defendants shall remove the unauthorized fill material, and any other deleterious materials that were placed in, on or above the wetlands in the northwest corner of the Property, as shown on Exhibit D, which is attached hereto and incorporated herein, to the surrounding elevation of 18.3' NGVD  $\pm$  0.1'. Also within 120 days of entry of this Judgment, the Defendants shall re-grade the road located along the northern boundary of the Property, as shown on Exhibit D, attached hereto and incorporated herein, to the elevation of 19.1' NGVD ± 0.1'. Any fill material removed from the road or from the northwest corner of the Property, as shown on Exhibit D, attached hereto and incorporated herein, shall be used to create ditch blocks that the Defendants shall install in the ditches located along the northern boundary of the Property and in the northwestern corner of the Property in the location shown on Exhibit D. Within 120 days of entry of this Judgment, the Defendants shall install ditch blocks in the ditches located along the northern boundary of the Property and in the northwestern corner of the Property, as shown on Exhibit D, attached hereto and incorporated herein. In the event additional fill material is necessary to complete the required ditch blocks, Defendants may utilize clean offsite fill material. However, nothing herein shall be construed to

limit Defendants' access to the Property. In the event that the northwestern ditch block has the effect of preventing access to the Property, the Defendants may contact the District to modify the terms of this paragraph.

- 10. Within 120 days of entry of this Judgment and prior to re-grading the road, the Defendants shall remove or fill, seal, or obstruct the three culverts located under the road along the northern boundary of the Property, as shown on Exhibit C, attached hereto and incorporated herein, to prevent the flow of water under the road.
- 11. Within 120 days of entry of this Judgment, the Defendants shall fill the large cow pond located in the northern portion of the Property, as shown on Exhibit D, attached hereto and incorporated herein, to the surrounding elevation of 18.2' NGVD, using the fill material that currently exists on the Property. Defendants shall place any remaining fill material removed in a self-contained, upland location in order to prevent any adverse water quality impacts to adjacent offsite properties, receiving waters, and wetlands, and to prevent any violations of State Water Quality Standards contained in Chapter 62-302, Fla. Admin Code. In the event additional fill material is necessary to fill the large cow pond Defendants may utilize clean offsite fill material.
- 12. Within 135 days of entry of this Judgment and upon completion of the corrective actions described above, the Defendants shall re-grade any rutting of soil in wetlands in the northern portion of the Property caused by the prior clearing of trees by the roots or heavy machinery operation. And in the restoration area depicted in Exhibit D.
- 13. Prior to initiating any of the corrective actions described in this Judgment, Defendants shall implement Best Management Practices ("BMPs") on the Property, such as the installation of turbidity or erosion control measures (i.e. silt fences), around the adjacent wetlands in order to prevent any adverse water quality impacts to adjacent offsite properties,

receiving waters, and wetlands, and to prevent any violations of State Water Quality Standards contained in Chapter 62-302, Fla. Admin. Code. The Defendants shall ensure that the erosion and turbidity control measures are properly installed and remain in place until the Corrective Actions have been completed and approved by the District.

- 14. Within 135 days of entry of this Judgment and prior to any planting, the Defendants shall contact Melissa Roberts, P.E., Section Leader, Lower West Coast Service Center, 2301 McGregor Blvd, Fort Myers, FL 33901, (239) 338-2929 ext. 7795, to schedule an inspection of the corrective actions described above. If the District identifies any deficiencies with the corrective actions described herein, the Defendants shall have 30 days in which to correct any deficiencies identified by the District.
- Within 135 days of entry of this Judgment, and upon completion of the re-grading work described herein, Defendants shall seed the fill removal areas in the northwest corner of the Property shown on Exhibit D, attached hereto and incorporated herein with either winter ryegrass (if prior to the start of the wet season) or brown top millet (if after the start of the wet season) at a rate of 25 pounds per acre. The seeding is intended to reduce the potential for wind and rain erosion in the wetlands. After two years of entry of this Judgment, the fill removal areas in the northwest corner of the Property shown on Exhibit D shall be planted as follows if these areas have not achieved 80% coverage of native wetland plant vegetation and in the manner further described in Paragraphs 17 through 20 of this Judgment.:

SPECIES	SIZE	DBH	HEIGHT	CANOPY	DENSITY
St. Johns wort  Hypericum fascicul.	liner	NA	1.5'	NA	3' o.c.
Yellow-Eyed Grass <i>Xyris spp</i> .	liner	NA	1.5'	NA	3' o.c.

Smooth Cordgrass Spartina bakerii	liner	NA	1.5'	NA	3' o.c.
Soft Rush Juncus effuses	Bare Root	NA	1.5'	NA	3' o.c.
Beakrush <i>Rhynchospora spp</i> .	Bare Root	NA	1.5'	NA	3' o.c.
Maidencane Panicum hemitomon	Bare Root	NA	1.0'	NA	3' o.c.
Fakahatchee Grass Tripsachum dactyloides liner		NA	1.5'	NA	3' o.c.

16. Within 180 days of entry of this Judgment, and after District approval of the corrective actions described above, the Defendants shall complete the planting of the areas shown as "to be restored" on Exhibit D, attached hereto and incorporated herein, utilizing the following planting specifications:

#### **SCRUB-SHRUB WETLAND**

The scrub-shrub wetland areas labeled as "to be restored" on Exhibit D shall be planted with the following vegetation as follows:

SPECIES	SIZE	CALIPER	HEIGHT	CANOPY	DENSITY
Bald Cypress Taxodium distichum	3 Gal.	0.5" min.	4.5-6' min.	18-24" min	10' o.c.
Pond Cypress Taxodium ascendens	3 Gal.	0.5" min.	4.5-6' min.	18-24" min	10' o.c
Slash Pine Pinus elliottii	3 Gal.	0.5" min.	4.5-6' min.	18-24" min	10' o.c.
Wax Myrtle Myrica cerifera	3 Gal.	multi-stem	4.5-6' min.	24" min.	10' o.c.

The scrub-shrub wetland areas labeled "to be restored" on Exhibit D shall be planted with the following vegetation that is consistent within the understory of the forested cypress habitat as follows:

Swamp Fern Bare root/ Blechnum serrulatum liner		NA	NA	NA	3' o.c.
Leather Fern Achrostichum danaei	Bare root/ f. liner	NA	NA	NA	3'o.c
Smooth Cordgrass Spartina bakerii	Bare root/ liner	NA	NA	NA	3'o.c.
Soft Rush Juncus effuses	Bare root/ liner	NA	NA	NA	3' o.c.

- 17. Within 180 days of entry of this Judgment, the Defendants shall contact Melissa Roberts, P.E., Section Leader, Lower West Coast Service Center, 2301 McGregor Blvd, Fort Myers, FL 33901, (239) 338-2929 ext. 7795, to schedule an inspection of the planted areas. If the District identifies any deficiencies in the planted areas, the Defendants shall have 30 days in which to correct any deficiencies identified by the District.
- 18. Upon completion of the Corrective Actions described herein, the Defendants shall perform maintenance and monitoring of the re-planted wetlands shown on Exhibit D, and shall submit maintenance and monitoring reports for a period of five years, which shall be submitted to the District at the following intervals: 1) semi-annually for the first two years, and 2) annually for the third, fourth and fifth years. The Defendants shall submit all maintenance and monitoring reports to Melissa Roberts, P.E., Section Leader, Lower West Coast Service Center, 2301 McGregor Blvd, Fort Myers, FL 33901, (239) 338-2929 ext. 7795. The Defendants shall submit the baseline monitoring report to the District within 180 days of entry of this Judgment, which shall include the following information: 1) written notification that the fill removal, re-

grading work, seeding, and planting has been completed and the date(s) of completion; 2) Defendants' names, addresses, and the Case Number; and 3) Color photographs taken from fixed reference points throughout the restoration areas shown on Exhibit D, attached hereto and incorporated herein, and shown on a plan-view drawing. The purpose of the monitoring shall be to determine the "success of the restoration" as described in Paragraph 19 below. The Defendants shall also include the following information in each subsequent maintenance and monitoring report:

- 1) Defendants' names and addresses;
- 2) Date of each maintenance and monitoring inspection;
- 3) Color photographs taken from the fixed reference points throughout the restoration areas shown on Exhibit D, attached hereto and incorporated herein. The photo locations shall be identified on a plan-view drawing, which shall accurately depict site conditions;
- 4) An approximation of the total percent coverage and survivorship of obligate and facultative wetland plant species in the restoration areas shown on Exhibit D, attached hereto and incorporated herein;
- 5) An approximation of the total percent plant coverage of nuisance and exotic plant species within the restoration areas shown on Exhibit D, attached hereto and incorporated herein;
- 6) A written summary describing the success of the restoration, including steps needed and/or taken to meet the above-described native wetland coverage criteria, as described herein, such as replanting and/or nuisance or exotic species removal;
  - 7) Observations of any wildlife use; and

- 8) Hydrological information, such as water level elevations and any evidence of hydrologic stress observed within the restoration areas shown on Exhibit D, attached hereto and incorporated herein as Exhibit D.
- 19. During the monitoring and maintenance period, the Defendants shall perform any necessary maintenance of the restoration areas shown on Exhibit D, including but not limited to, replanting any planted vegetation that has not survived, and exotic and nuisance vegetation removal. The Defendants shall provide care as necessary for the newly planted vegetation including, but not limited to supplemental watering; staking and stabilization of tree and shrub species to prevent root damage during establishment; and mulching the area with a natural lightweight breathable material such as pine straw to preclude the growth of undesirable vegetation and retain moisture, and control of exotic and nuisance plant species. There shall be 0% of exotic and nuisance plant coverage in the restoration areas immediately after a maintenance activity, and exotic and nuisance plant coverage shall not exceed 5% of the total vegetation coverage in the restoration areas between maintenance and monitoring events.
- 20. All tree, shrub and groundcover species shall maintain an 80% survival rate for the duration of the maintenance and monitoring period. If survivorship in the seeded and planted areas falls below 80%, Defendants shall conduct supplemental planting of the wetland vegetation listed in Paragraphs 15 and 16 above in order to meet the success criteria. "Success of the restoration" means that at the end of the monitoring schedule, the District has determined that the following success criteria has been continuously met for a period of at least two consecutive years, without intervention in the form of irrigation, removal of undesirable vegetation, or replanting of desirable vegetation:

- 1) A minimum of 80% of the total vegetation coverage of desirable obligate and facultative wet vegetation in the restoration areas shown on Exhibit D;
- 2) The coverage of exotic and nuisance species in the restoration areas is 5% of the total vegetation coverage or less; and
- 3) The District has inspected the restoration areas and has informed the Defendants in writing that these areas have achieved the required success criteria.
- 21. If it is determined by the District, based on visual inspection and/or review of the monitoring reports, that the restoration areas shown on Exhibit D, attached hereto and incorporated herein are not meeting the above specified success criteria, the Defendants shall submit an alternative restoration plan to the District, which shall meet the following requirements:
- 1) Defendants shall submit the alternative restoration plan to the District for its approval within 30 days of notification by the District of the failure to meet the success criteria;
- 2) Defendants shall complete the alternative restoration plan within 30 days of receiving District approval of the alternative restoration plan; and
- 3) Defendants shall restart the maintenance and monitoring period and continue until the District determines that the success criteria have been achieved.
- 22. In the event that the Defendants anticipate that dewatering may be necessary to perform the restoration described in this Judgment, the Defendants shall contact John Randall, Scientist 3, Lower West Coast Service Center, 2301 McGregor Blvd, Fort Myers, FL 33901, (239) 338-2929 ext. 7711, to obtain all necessary permits, as determined necessary by the District prior to the commencement of the dewatering activities.

- 23. The Defendants shall not utilize any unauthorized pumps, construct or operate any works, or execute any other mechanisms to discharge untreated runoff offsite. Unless otherwise authorized through a District issued permit, the Defendants agree to maintain passage of surface water originating from offsite properties that historically drain through the Property.
- 24. Defendants have paid the District \$15,600.00 in civil penalties, \$9,677.38 in District costs, \$3,561.05 in court costs, and \$7,847.85 in attorney's fees, for a total of \$36,686.28.
- 25. Immediately upon entry of this Judgment, with the exception of the activities described in the Corrective Actions above, Defendants shall not construct or operate any works on the Property, including in wetlands or surface waters, without first obtaining a valid District permit, or written notification from the District that the activities appear to be exempt as proposed from District permitting requirements. Nothing herein prohibits the Defendants from applying for an Environmental Resource Permit that addresses any wetland impacts on the Property. In the event that an Environmental Resource Permit is issued and the permitted activities are constructed and/or performed in conformance with the permit, the parties agree to modify the terms of this Judgment or enter a satisfaction of this Judgment.
- 26. Defendants agree to pay the District stipulated penalties in the amount of \$500.00 per day for each and every day Defendants fail to timely comply with the requirements of this Judgment upon written notice from the District. However, Defendants shall have 30 days of the date of written notice from the District of Defendants' non-compliance with this Judgment to correct the non-compliance before stipulated penalties shall become due. A separate stipulated penalty shall be assessed for each violation of this Judgment. Within 30 days of written demand from the District, Defendants shall make payment of the appropriate stipulated penalties. The

instrument shall be made payable to the "South Florida Water Management District" and shall be delivered via U.S. Mail or hand delivery at the following address: South Florida Water Management District, MSC 4230, Attention: Virg Cruz, Environmental Resource Compliance Division, 3301 Gun Club Road, Post Office Box 24680, West Palm Beach, Florida 33416-4680. Any stipulated penalties assessed under this Paragraph shall be in addition to the settlement sums agreed to in Paragraph 24 above.

- 27. If any event occurs which causes delay, or the reasonable likelihood of delay, in complying with the requirements or deadlines of this Judgment, the Defendants shall have the burden of proving that the delay was caused by circumstances beyond Defendants' reasonable control and could not have been overcome by the Defendants' due diligence. Economic circumstances shall not be considered circumstances beyond the control of the Defendants.
- 28. If all of the requirements of this Judgment have not been fully satisfied, Defendants agree that the Property shall not be sold or conveyed without: 1) notifying the District of such sale or conveyance no later than 30 days after ownership has been transferred, and 2) providing a copy of this Judgment to the new owner 14 days prior to such sale or conveyance.
- 29. Defendants shall allow all authorized representatives of the District access to the Property, with 24 hours advance notice, to verify compliance with the terms of this Judgment.
- 30. In the event that the Property is sold or conveyed, Defendants shall obtain a Site Access Agreement from the new owner(s) allowing Defendants to access the Property to continue to meet the obligations imposed by this Judgment. The sale or conveyance of the Property shall not relieve the Defendants of the obligations imposed in this Judgment, unless the

successors to the Property agreed to be bound by the remaining obligations as evidenced by an instrument acceptable to the District and in conformance with Paragraph 34 herein.

- 31. Entry of this Judgment does not relieve the Defendants of the need to comply with all applicable federal, state, or local laws, regulations, or ordinances.
- 32. This Judgment is a settlement of the District's civil and administrative authority arising under Florida law to resolve the matters addressed herein. This Judgment is not a settlement of any criminal liabilities which may arise under Florida law.
- 33. The provisions of this Judgment are only binding upon the District and the Defendants, and should not be construed to affect any rights the District may have against any other responsible parties for the violations addressed herein.
- 34. No modifications of the terms of this Judgment shall be effective until reduced to writing, executed by both the District and the Defendants, and approved by the Court.
- 35. All exhibits identified herein and attached hereto are hereby incorporated by reference.
- 36. The District hereby expressly reserves the right to initiate appropriate legal action to prevent or prohibit the future violation of applicable statutes, or the rules promulgated thereunder, that are not specifically addressed by the terms of this Judgment.
- 37. If the Defendants fail to comply with any paragraph of this Judgment, the District may seek any and all judicial remedies available.
- 38. This Judgment does not foreclose the District from taking enforcement action on any violations that occur after the date of this Judgment.

- 39. The petitioning for relief under the federal bankruptcy code by the Defendants, or the transfer of the Property, by any means or for any reason, shall not affect or be construed to affect Defendants' obligations under this Judgment.
- 40. Except as provided in Paragraph 24 above, the District and Defendants shall bear their own costs, expenses, and attorneys' fees in this matter.
- 41. This Court shall retain jurisdiction to enforce the terms of this Judgment by contempt or other appropriate sanctions and issue such other and future orders as may be appropriate until completion of all Corrective Actions contained herein.
- 42. Upon the completion of the Defendants' obligations contained herein the District shall execute a release and satisfaction of this judgment.

ORDERED AND ADJUDGED in Chambers in Lee County, Florida this \_\_\_\_\_ day of \_\_\_\_\_\_ \$\sqrt{\chi\_1}\_{\text{\chi}\_1}\$, 2013.

HONORABLE MICHAEL T. MCHUGH Circuit Judge

P51\_

Copies to:

Alison Kelly

Douglas MacLaughlin

Attorneys for South Florida Water Management District

3301 Gun Club Road Mail Station 1410

West Palm Beach, Florida 33406

Derek Rooney
Carl J. Coleman
William M. Dillon
Attorneys for Defendants Brian S. Freeman, Successor Trustee and
F.S.M. of Fort Myers, LLC
Fowler, White & Boggs, P.A.
2235 First Street
Fort Myers, Florida 33901

Brian S. Freeman Attorney for Defendant BJ Holdings of Fort Myers, LLC The Freeman Law Firm, P.A. 4245 Fowler Street Fort Myers, Florida 33901

# CONSENT TO ENTRY WITHOUT FURTHER NOTICE OR HEARING AND TO BE BOUND BY TERMS AND CONDITIONS

The undersigned hereby agree and consent to the Court's entry of the above Consent Final Judgment without further notice or hearing, and stipulate to the terms and conditions thereof. In the event that the Court does not enter the above, Defendants nevertheless agree to perform as set forth above. Without limitation, this Consent Final Judgment shall be in full force and effect and binding upon the Defendants notwithstanding the delay or failure of the Court to enter the above.

FOR THE DEFENDANTS:
Print Name: Brian Freeman Title: Successor Trustee Address: 4247 Fowler Strut, Fort Myers,  DATE
F.S.M. OF FORT MYERS, LLC
Print Name: Drian Framan

**DATE** 

FL 3190

Title: Manuser
Address: 4247 Fowler Street, Fort Myerr TC 33101

BJ HOLDINGS OF FORT MYERS, LLC
Print Name: Brien French Title: Manyer Address: 4245 Fowler Street, Fort Myers Fe 35%
9/7/13 DATE

Parcel I.D. No. 34-45-25-00-00001.0000

#### Legal Description:

THE EAST ONE-HALF (E 1/2) OF THE WEST ONE-HALF (W 1/2) OF SECTION 34, TOWNSHIP 45 SOUTH, RANGE 25 EAST, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA CONSISTING OF 160 ACRES MORE OR LESS, TOGETHER WITH A 60 FOOT WIDE EASEMENT LYING IN SECTIONS 28 AND 33, TOWNSHIP 45 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA FOR ROAD RIGHT-OF-WAY.

#### AND

THE WEST ONE-HALF (W 1/2) OF THE WEST ONE-HALF (W 1/2) OF SECTION 34, TOWNSHIP 45 SOUTH, RANGE 25 EAST, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, CONSISTING OF 160 ACRES MORE OR LESS, TOGETHER WITH A 60 FOOT WIDE EASEMENT LYING IN SECTIONS 28 AND 33, TOWNSHIP 45 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, FOR ROAD RIGHT-OF-WAY.

Parcel I.D. No. 34-45-25-00-00002.0000

#### Legal Description:

THE WEST HALF OF THE EAST HALF OF SECTION 34, TOWNSHIP 45 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, LYING WEST OF THE RIGHT-OF-WAY FOR STATE ROAD 93 (I-75), EXCEPT THAT PART OF THE WEST HALF OF THE EAST HALF OF SECTION 34, TOWNSHIP 45 SOUTH, RANGE 25 EAST, LYING WITHIN 162 FEET OF THE SURVEY LINE OF STATE ROAD 93 (I-75), SECTION 12075, SAID SURVEY LINE BEING DESCRIBED AS FOLLOWS: BEGIN ON THE SOUTHERLY BOUNDARY OF SECTION 34, TOWNSHIP 45 SOUTH, RANGE 25 EAST, AT A POINT 1562.91 FEET WESTERLY OF THE SOUTHEAST CORNER OF SAID SECTION 34, RUN THENCE NORTH 0°38′70″ WEST 5292.96 FEET TO THE NORTHERLY BOUNDARY OF SAID SECTION 34, AT A POINT 1525.70 FEET WESTERLY OF THE NORTHEAST CORNER OF SAID SECTION 34.

# FREEMAN PARCEL



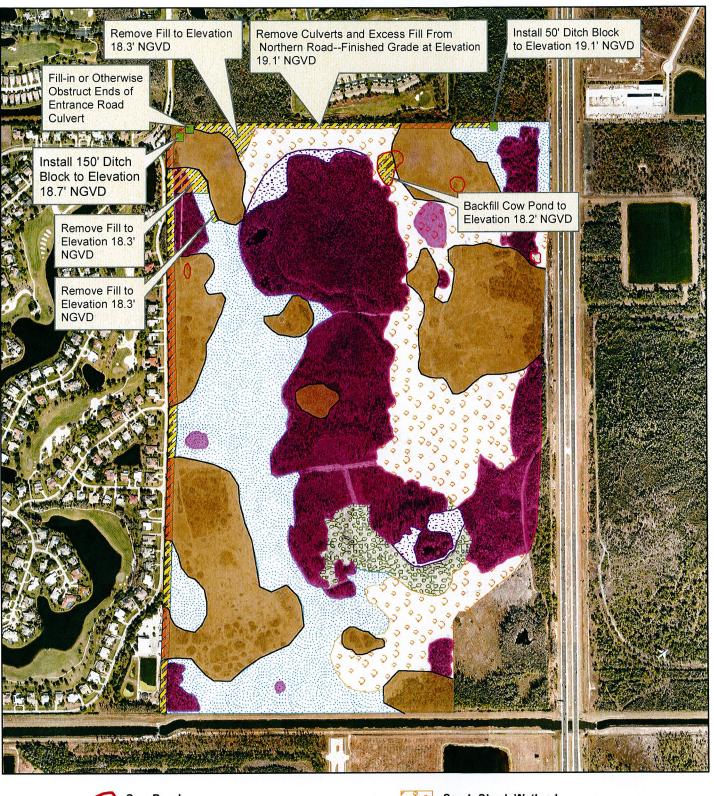
2012 Aerial Photo

500 250 0 500 Feet



Sec. 34, Twp. 45, Rng 25 Lee County, FL

# FREEMAN RESTORATION PLAN





W E

Scrub-Shrub Wetland

Scrub-Shrub Wetland (to be restored)

Fight Forested Cypress

Works in Wetlands

1,100 550 0 1,100 Feet

# FIDDLESTICKS BOULEVARD PARCEL

Comprehensive Plan Amendment Application

Local Planning Agency Package
August 25, 2014



# Prepared For:

Jeffrey B. Freeman Trust FSM of Fort Myers, LLC

#### Submitted To:

Lee County Community Development Department
Planning Division
1500 Monroe Street
Fort Myers, FL 33901



# **Table of Contents**

# Comprehensive Plan Amendment Application & Affidavit

# **Additional Agents**

#### **EXHIBITS**

II.A.1 – Variance Report & Mailing Labels

IV.A.2 – Current Future Land Use Map

IV.A.3 – Proposed Future Land Use Map

IV.A.4 – Existing Land Use Map

IV.A.5 – Existing Zoning Map

IV.A.6 – Boundary Survey, Legal Description & Sketch of Description

IV.A.7 – Warranty Deeds

IV.A.8 – Aerial Location Map

IV. B.1 – Traffic Circulation Analysis

IV.B.2 – Infrastructure Analysis

IV. B.3 – Agency Letters

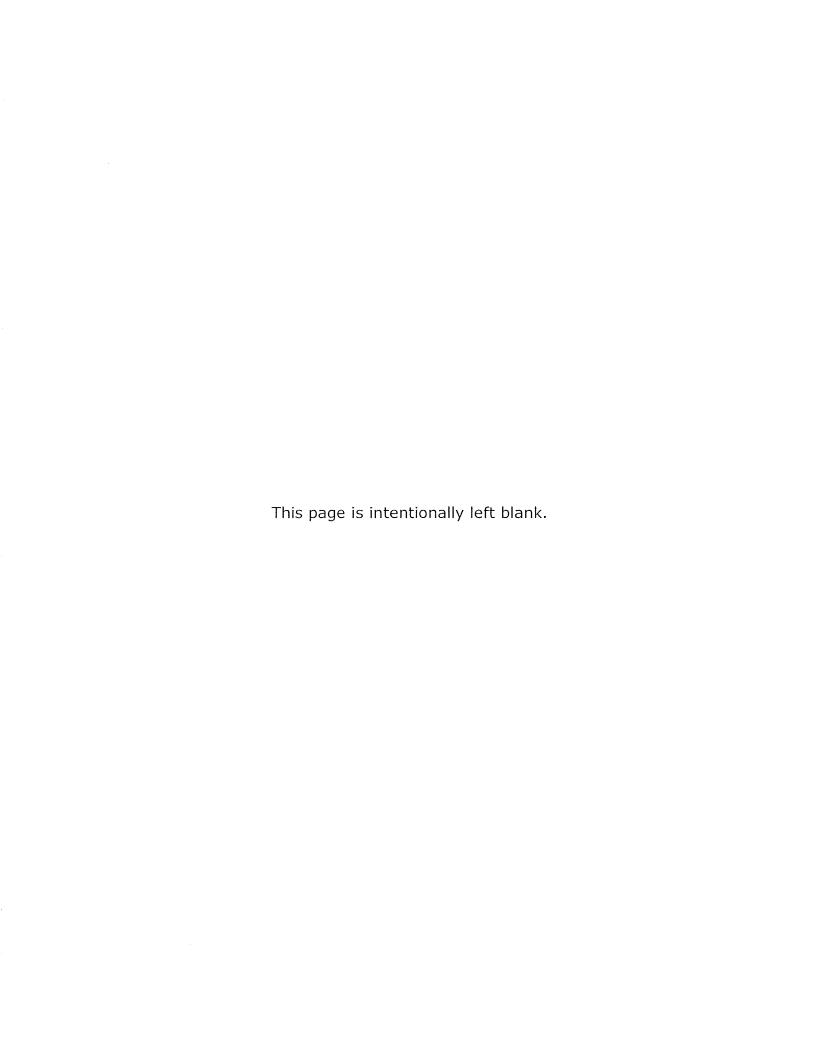
IV.C .1– IV.C.6 Environmental Impact Report & Supportive Maps

IV.C.4 – Flood Insurance Rate Map

IV.D.1 – Master Site File Letter

IV.D.2 – Archaeological Sensitivity Map

IV.E.4 – Lee Plan Consistency Narrative





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

# APPLICATION FOR A COMPREHENSIVE PLAN AMENDMENT

	(To be d	completed at time of intake)
DATE REC'D:		REC'D BY:
APPLICATION FE	E:	TIDEMARK NO:
THE FOLLOWING Zoning  Designation on FL		Commissioner District
Print Mode have seems here, there plant was seems and	(To be co	ompleted by Planning Staff)
Plan Amendment (	Oycle: Norma	al Small Scale DRI Emergency
Request No:		
sheets in your apples of submit 6 copies of including maps, to be required for Local	ons completely as needed, number lication is:  of the complete as the Lee County Example Community Affair	nd accurately. Please print or type responses. If and attach additional sheets. The total number of oplication and amendment support documentation, Division of Planning. Up to 90 additional copies will not be bearings and so packages. Staff will notify the applicant prior to
and the attached a	unenament suppo	zed representative, hereby submit this application rt documentation. The information and documents to the best of my knowledge.
DATE \	SIGNATURE C	F OWNER OR AUTHORIZED REPRESENTATIVE

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

JEFFREY B. FREEMAN TRUST & FSM of FT MYERS, LLC C/O BRIAN FREEMAN	
APPLICANT	
4245 FOWLER STREET	
ADDRESS	
FORT MYERS, FL 33901	
CITY, STATE, ZIP	
(239) 226-4236	
TELEPHONE NUMBER	FAX NUMBER
WALDROP ENGINEERING, P.A. C/O ALEXIS CRESPO, AICP	
AGENT*	
28100 BONITA GRANDE DR. SUITE 305	
ADDRESS	
BONITA SPRINGS, FL 34135	
CITY, STATE, ZIP	
(239) 405-7777	(239) 405-7899
TELEPHONE NUMBER	FAX NUMBER
JEFFREY B. FREEMAN TRUST & FSM of FT MYERS, LLC	
OWNER(s) OF RECORD	
4245 FOWLER STREET	
ADDRESS	
FORT MYERS, FL 33901	
CITY, STATE, ZIP	
(239) 226-4236	
TELEPHONE NUMBER	FAX NUMBER

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

<sup>\*</sup> This will be the person contacted for all business relative to the application.

II.	RE	EQUESTED CHANGE (Please see Item 1 for Fee Schedule)
	Α.	TYPE: (Check appropriate type)
		Text Amendment  x Future Land Use Map Series Amendment (Maps 1 thru 24) List Number(s) of Map(s) to be amended  MAP 1 OF 8
		1. Future Land Use Map amendments require the submittal of a complete list map, and two sets of mailing labels of all property owners and their mailing addresses, for all property within 500 feet of the perimeter of the subject parcel. The list and mailing labels may be obtained from the Property Appraisers office. The map must reference by number or other symbol the names of the surrounding property owners list. The applicant is responsible for the accuracy of the list and map.
		At least 15 days before the Local Planning Agency (LPA) hearing, the applicant will be responsible for posting signs on the subject property supplied by the Division of Planning, indicating the action requested, the date of the LPA hearing, and the case number. An affidavit of compliance with the posting requirements must be submitted to the Division of Planning prior to the LPA hearing. The signs must be maintained until after the final Board adoption hearing when a final decision is rendered.
	В.	SUMMARY OF REQUEST (Brief explanation):
		AMEND MAP 1 OF THE FUTURE LAND USE MAP SERIES TO CHANGE THE FUTURE LAND USE CATEGORY OF A 394-ACRE PROPERTY ON FIDDLESTICKS BLVD. FROM RURAL AND WETLANDS TO OUTLYING SUBURBAN AND WETLANDS. THE PROPERTY IS LOCATED EAST OF FIDDLESTICKS BLVD. AND WEST OF I-75 IN THE DANIELS PARKWAY PLANNING COMMUNITY. THE APPLICANT IS REQUESTING THE AMENDMENT TO ACCOMODATE A MAXIMUM OF 1,182 RESIDENTIAL UNITS AND NEIGHBORHOOD COMMERCIAL USES.
Production of the Control of the Con		ROPERTY SIZE AND LOCATION OF AFFECTED PROPERTY or amendments affecting development potential of property)
	Α.	Property Location:
		1. Site Address: ACCESS UNDETERMINED, FORT MYERS, FL 33912
		2. STRAP(s): 34-45-25-00-00001.0000 AND 34-45-25-00-00002.0000

В.	Pr	operty Information				
	То	Total Acreage of Property: 394+/- acres				
	То	tal Acreage included in Request:	394+/- acres			
		Total Uplands: 285 +/-acres				
		Total Wetlands: 109+/- acres				
	Cu	ırrent Zoning: <u>AGRICULTURE (AG-2)</u>				
	Are	urrent Future Land Use Designation ea of each Existing Future Land Use: AGRICULTURE	on: RURAL; WETLANDS  Jse Category: 285+/- acres; 109+/- acres			
C.	State if the subject property is located in one of the following areas and if so how does the proposed change affect the area:					
	Lehigh Acres Commercial Overlay: NO					
	Airport Noise Zone 2 or 3: YES (Approximately 100 acres)					
	Acquisition Area: NO					
	Joint Planning Agreement Area (adjoining other jurisdictional lands): NO					
	Сс	ommunity Redevelopment Area: №	0			
D.		oposed change for the subject pro MEND THE FUTURE LAND USE MAP T	operty: O OUTLYING SUBURBAN AND WETLANDS.			
E.	Ро	otential development of the subjec	t property:			
	Calculation of maximum allowable development under existing FLUM:					
		Residential Units/Density	1 DU/ACRE @ 394 acres = 394 du			
		Commercial intensity	0			
		Industrial intensity	0			
	2.	Calculation of maximum allowab	le development under proposed FLUM:			
		Residential Units/Density	3 DU/ACRE @ 394 acres = 1,182 d.u.*			
		Commercial intensity	20,000 S.F.			
		Industrial intensity	Subject to compliance with Table 1(a) of the Lee Plan.			

#### IV. AMENDMENT SUPPORT DOCUMENTATION

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

#### A. General Information and Maps

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

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

- 1. Provide any proposed text changes.
- 2. Provide a current Future Land Use Map at an appropriate scale showing the boundaries of the subject property, surrounding street network, surrounding designated future land uses, and natural resources.
- 3. Provide a proposed Future Land Use Map at an appropriate scale showing the boundaries of the subject property, surrounding street network, surrounding designated future land uses, and natural resources.
- 4. Map and describe existing land *uses* (not designations) of the subject property and surrounding properties. Description should discuss consistency of current uses with the proposed changes.
- 5. Map and describe existing zoning of the subject property and surrounding properties.
- 6. The certified legal description(s) and certified sketch of the description for the property subject to the requested change. A metes and bounds legal description must be submitted specifically describing the entire perimeter boundary of the property with accurate bearings and distances for every line. The sketch must be tied to the state plane coordinate system for the Florida West Zone (North America Datum of 1983/1990 Adjustment) with two coordinates, one coordinate being the point of beginning and the other an opposing corner. If the subject property contains wetlands or the proposed amendment includes more than one land use category a metes and bounds legal description, as described above, must be submitted in addition to the perimeter boundary of the property for each wetland or future land use category.

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

#### B. Public Facilities Impacts

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

#### 1. Traffic Circulation Analysis

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

#### <u>Long Range – 20-year Horizon:</u>

- a. Working with Planning Division staff, identify the traffic analysis zone (TAZ) or zones that the subject property is in and the socio-economic data forecasts for that zone or zones;
- b. Determine whether the requested change requires a modification to the socio-economic data forecasts for the host zone or zones. The land uses for the proposed change should be expressed in the same format as the socio-economic forecasts (number of units by type/number of employees by type/etc.);
- c. If no modification of the forecasts is required, then no further analysis for the long range horizon is necessary. If modification is required, make the change and provide to Planning Division staff, for forwarding to DOT staff. DOT staff will rerun the FSUTMS model on the current adopted Financially Feasible Plan network and determine whether network modifications are necessary, based on a review of projected roadway conditions within a 3mile radius of the site:
- d. If no modifications to the network are required, then no further analysis for the long range horizon is necessary. If modifications are necessary, DOT staff will determine the scope and cost of those modifications and the effect on the financial feasibility of the plan;
- e. An inability to accommodate the necessary modifications within the financially feasible limits of the plan will be a basis for denial of the requested land use change;
- f. If the proposal is based on a specific development plan, then the site plan should indicate how facilities from the current adopted Financially Feasible Plan and/or the Official Trafficways Map will be accommodated.

#### Short Range – 5-year CIP horizon:

- a. Besides the 20-year analysis, for those plan amendment proposals that include a specific and immediated development plan, identify the existing roadways serving the site and within a 3-mile radius (indicate laneage, functional classification, current LOS, and LOS standard);
- b. Identify the major road improvements within the 3-mile study area funded through the construction phase in adopted CIP's (County or Cities) and the State's adopted Five-Year Work Program; Projected 2030 LOS under proposed designation (calculate anticipated number of trips and distribution on roadway network, and identify resulting changes to the projected LOS);
- c. For the five-year horizon, identify the projected roadway conditions (volumes and levels of service) on the roads within the 3-mile study area with the programmed improvements in place, with and without the proposed development project. A methodology meeting with DOT staff prior to submittal is required to reach agreement on the projection methodology;
- d. Identify the additional improvements needed on the network beyond those programmed in the five-year horizon due to the development proposal.
- 2. Provide an existing and future conditions analysis for (see Policy 95.1.3):
  - a. Sanitary Sewer
  - b. Potable Water
  - c. Surface Water/Drainage Basins
  - d. Parks, Recreation, and Open Space
  - e. Public Schools.

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

- Franchise Area, Basin, or District in which the property is located;
- Current LOS, and LOS standard of facilities serving the site;
- Projected 2030 LOS under existing designation;
- Projected 2030 LOS under proposed designation;
- Existing infrastructure, if any, in the immediate area with the potential to serve the subject property.
- Improvements/expansions currently programmed in 5 year CIP, 6-10 year CIP, and long range improvements; and
- Anticipated revisions to the Community Facilities and Services Element and/or Capital Improvements Element (state if these revisions are included in this amendment).
- Provide a letter of service availability from the appropriate utility for sanitary sewer and potable water.

In addition to the above analysis for Potable Water:

• Determine the availability of water supply within the franchise area using the current water use allocation (Consumptive Use Permit) based on the annual average daily withdrawal rate.

- Include the current demand and the projected demand under the existing designation, and the projected demand under the proposed designation.
- Include the availability of treatment facilities and transmission lines for reclaimed water for irrigation.
- Include any other water conservation measures that will be applied to the site (see Goal 54).
- 3. Provide a letter from the appropriate agency determining the adequacy/provision of existing/proposed support facilities, including:
  - a. Fire protection with adequate response times;
  - b. Emergency medical service (EMS) provisions;
  - c. Law enforcement;
  - d. Solid Waste:
  - e. Mass Transit; and
  - f. Schools.

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

#### C. Environmental Impacts

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

- 1. A map of the Plant Communities as defined by the Florida Land Use Cover and Classification system (FLUCCS).
- 2. A map and description of the soils found on the property (identify the source of the information).
- 3. A topographic map depicting the property boundaries and 100-year flood prone areas indicated (as identified by FEMA).
- 4. A map delineating the property boundaries on the Flood Insurance Rate Map effective August 2008.
- 5. A map delineating wetlands, aquifer recharge areas, and rare & unique uplands.
- 6. A table of plant communities by FLUCCS with the potential to contain species (plant and animal) listed by federal, state or local agencies as endangered, threatened or species of special concern. The table must include the listed species by FLUCCS and the species status (same as FLUCCS map).

#### D. Impacts on Historic Resources

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

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

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

- 1. Discuss how the proposal affects established Lee County population projections, Table 1(b) (Planning Community Year 2030 Allocations), and the total population capacity of the Lee Plan Future Land Use Map.
- 2. List all goals and objectives of the Lee Plan that are affected by the proposed amendment. This analysis should include an evaluation of all relevant policies under each goal and objective.
- 3. Describe how the proposal affects adjacent local governments and their comprehensive plans.
- 4. List State Policy Plan and Regional Policy Plan goals and policies which are relevant to this plan amendment.

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

- 1. Requests involving Industrial and/or categories targeted by the Lee Plan as employment centers (to or from)
  - a. State whether the site is accessible to arterial roadways, rail lines, and cargo airport terminals,
  - b. Provide data and analysis required by Policy 2.4.4,
  - c. The affect of the proposed change on county's industrial employment goal specifically policy 7.1.4.

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

- a. Demonstrate why the proposed change does not constitute Urban Sprawl. Indicators of sprawl may include, but are not limited to: low-intensity, low-density, or single-use development; 'leap-frog' type development; radial, strip, isolated or ribbon pattern type development; a failure to protect or conserve natural resources or agricultural land; limited accessibility; the loss of large amounts of functional open space; and the installation of costly and duplicative infrastructure when opportunities for infill and redevelopment exist.
- 3. Requests involving lands in critical areas for future water supply must be evaluated based on policy 2.4.2.

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

Item 1: Fee Schedule

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

#### AFFIDAVIT

AFFIDAVII	
I, Brian Freeman, certify that I am the property described herein, and that all answers to the quata, or other supplementary matter attached to and made to the best of my knowledge and belief. I also authorize the to enter upon the property during normal working hours for the request made through this application.  Signature of owner or owner-authorized agent	e a part of this application, are honest and true
BRIAN FREEMAN	
Typed or printed name	Male and the second sec
STATE OF FLORIDA ) COUNTY OF LEE )	
The foregoing instrument was certified and subscribed befo	re me $\underline{Scpt}$ , $\underline{26}$ , $\underline{2011}$ (date), by
Brian Freeman, who is per	sonally known to me or who has produced
	as identification.
(SEAL)	Signature of notary public
EX ME A STATE OF THE STATE OF T	Printed name of notary public



# WALDROP ENGINEERING

IVIL ENGINEERING & LAND DEVELOPMENT CONSULTANTS

28100 BONITA GRANDE DR. #305 BONITA SPRINGS, FL 34135 P: 239-405-7777 F: 239-405-7899

#### **ADDITIONAL AGENTS**

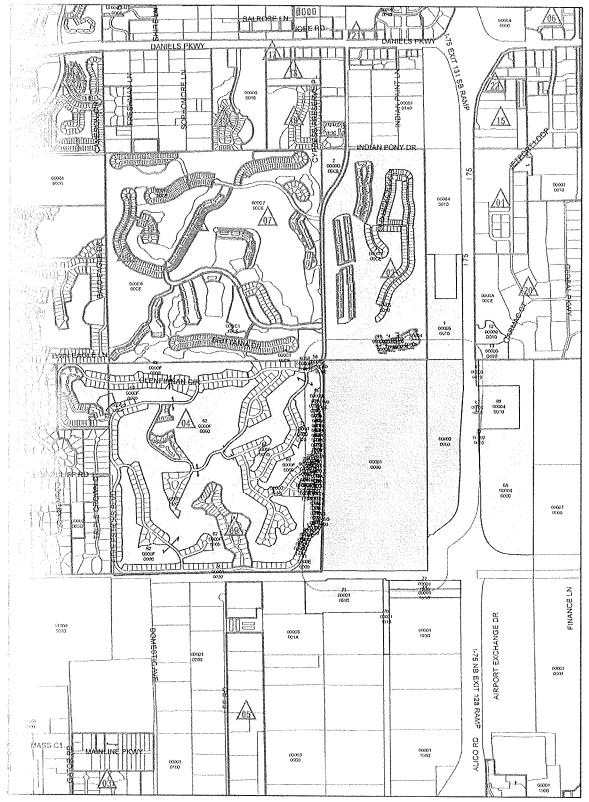
Contact: Russell Schropp	
Company: Henderson, Franklin, Starnes & Holt, P.A.	
Street: 1715 Monroe Street City: Fort Myers State: FL Zip Code: 33901	
Phone: (239) 344-1280	
Contact: Ron Waldrop, P.E.	
Company: Waldrop Engineering, P.A.	
Street: 28100 Bonita Grande Dr., Suite 305 City: Bonita Springs State: FL Zip Code:	34135
Phone: (239) 405-7777	ing.com
Contact: Ken Passarella	
Company: Passarella & Associates, Inc.	
Street: 13620 Metropolis Ave., Suite 200 City: Fort Myers State: FL Zip Code: 33912	<u>)</u>
Phone: (239) 274-0067	
Contact: Suresh Karre, PTOE	
Company: David Plummer & Associates	
Street: 2149 McGregor Blvd. City: Fort Myers State: FL Zip Code: 33901	
Phone: (239) 332-2617	r.com
Contact: Scott Rhodes, PSM	
Company: Rhodes & Rhodes Surveying	
Street: 28100 Bonita Grande Dr., Suite 107 City: Bonita Springs State: FL Zip Code	: <u>34135</u>
Phone: (239) 405-8166	odes.net



## **VARIANCE REPORT**

9/20/2011

Subject Parcels: 2 Affected Parcels: 114 Buffer Distance: 500 ft



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## Lee County Property Appraiser

## Kenneth M. Wilkinson, C.F.A.

### GIS Department / Map Room

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

#### **VARIANCE REPORT**

Date of Report:

September 20, 2011

**Buffer Distance:** 

500 ft

Parcels Affected:

114

Subject Parcel:

34-45-25-00-00001.0000, 34-45-25-00-00002.0000

OWNER NAME AND ADDRESS FITZGERALD WILLIAM E TR 4099 TAMIAMI TRAIL N STE 305 NAPLES FL 34103	STRAP AND LOCATION 27-45-25-00-00005.0010 ACCESS UNDETERMINED FORT MYERS FL 33908	#ED PT OF SE 1/4 LYING W OF 1/75 DESC OP 2003 PG 1373 LYES	
OLDE HICKORY GOLF + COUNTRY 14670 OLD HICKORY BLVD FORT MYERS FL 33912	XORY GOLF + COUNTRY         27-45-25-02-0000D,00CE         OLDE HICKORY GOLF + C C           HICKORY BLVD         PB 48 PG 89 TRS A B C D E		2
OLDE HICKORY VILLAS I P + M PROPERTY MGMT 14360 S TAMIAMI TRL STE B FORT MYERS FL 33912	<b>27-45-25-03-00000.00CE</b> COMMON ELEMENT FORT MYERS FL 33912	OLDE HICKORY VILLAS DESC OR 2272 PG 4621 C/E-POOL	3
TOYNE MARY ARLENE + PHILIP A	<b>27-45-25-03-00001.0110</b>	OLDE HICKORY VILLAS I	*4
2942 W TEMPERANCE RD	14931 HICKORY GREENS CT	OR 2272 PG 4621	
TEMPERANCE MI 48182	FORT MYERS FL 33912	BLDG 1 UNIT 11	
KAISLER SANROE J JR + HELEN TR	<b>27-45-25-03-00001.0120</b>	OLDE HICKORY VILLAS I	*4
14933 HICKORY GREENS CT	14933 HICKORY GREENS CT	OR 2272 PG 4621	
FORT MYERS FL 33912	FORT MYERS FL 33912	BLDG 1 UNIT 12	
NERO WILLIAM T TR	<b>27-45-25-03-00001.0130</b>	OLDE HICKORY VILLAS	*4
14935 HICKORY GREENS CT	14935 HICKORY GREENS CT	OR 2272 PG 4621	
FORT MYERS FL 33912	FORT MYERS FL 33912	BLDG 1 UNIT 13	
YOUNG PETER A + LORETTA S	<b>27-45-25-03-00001.0140</b>	OLDE HICKORY VILLAS I	*4
14937 HICKORY GREENS CT	14937 HICKORY GREENS CT	OR 2272 PG 4621	
FORT MYERS FL 33912	FORT MYERS FL 33912	BLDG 1 UNIT 14	
ABRAMOFF PETER +	<b>27-45-25-03-00001.0150</b>	OLDE HICKORY VILLAS I	*4
14939 HICKORY GREENS CT	14939 HICKORY GREENS CT	OR 2272 PG 4621	
FORT MYERS FL 33912	FORT MYERS FL 33912	BLDG 1 UNIT 15	
WITZEL MICHAEL + BARBARA PILARTZSTRASSE 14 B3549 EISELFLING GERMANY	<b>27-45-25-03-00001.0160</b> 14941 HICKORY GREENS CT FORT MYERS FL 33912	OLDE HICKORY VILLAS I OR 2272 PG 4621 BLDG 1 UNIT 16	*4
CASEY PETER J + MARCIA M TR	<b>27-45-25-03-00002.0210</b>	OLDE HICKORY VILLAS I	*5
14018 NEWGATE CT	14945 HICKORY GREENS CT	OR 2272 PG 4621	
ORLAND PARK IL 60462	FORT MYERS FL 33912	BLDG 2 UNIT 21	
EFFINGER EDWARD + ANNE	<b>27-45-25-03-00002.0220</b>	OLDE HICKORY VILLAS I	*5
7115 PADDLE GATE CT	14947 HICKORY GREENS CT	OR 2272 PG 4621	
FORT WAYNE IN 46804	FORT MYERS FL 33 <b>9</b> 12	BLOG 2 UNIT 22	
MARTIN RICHARD F + HELEN L TR	<b>27-45-25-03-00002.0230</b>	OLDE HICKORY VILLAS I	*5
14949 HICKORY GREENS CT	14949 HICKORY GREENS CT	OR 2272 PG 4621	
FORT MYERS FL 33912	FORT MYERS FL 33912	BLDG 2 UNIT 23	
GRIGSBY R SCOTT + SHAWN M	<b>27-45-25-03-00002.0240</b>	OLDE HICKORY VILLAS I	*5
59 MAYFAIR DR	14951 HICKORY GREENS CT	OR 2272 PG 4621	
BELLA VISTA AR 72715	FORT MYERS FL 33912	BLDG 2 UNIT 24	
SCULLY JOANN TR 14953 HICKORY GREENS CT FORT MYERS FL 33912	3 HICKORY GREENS CT 14953 HICKORY GREENS CT OR 2272 PG 4621		*5

OWNER NAME AND ADDRESS BOUW ALBERT + MARY E 14955 HICKORY GREENS CT FORT MYERS FL 33912	STRAP AND LOCATION  27-45-25-03-00002.0260  14955 HICKORY GREENS CT FORT MYERS FL 33912	LEGAL DESCRIPTION OLDE HICKORY VILLAS I OR 2272 PG 4621 BLDG 2 UNIT 26	Map Index *5
SIMPSON JAMES C + BARBARA L	<b>27-45-25-03-00004.0410</b>	OLDE HICKORY VILLAS I	*6
14998 HICKORY GREENS CT	14998 HICKORY GREENS CT	OR 2272 PG 4621	
FORT MYERS FL 33912	FORT MYERS FL 33912	BLDG 4 UNIT 41	
LARSEN NORMAN S + NANCY J	<b>27-45-25-03-00004.0420</b>	OLDE HICKORY VILLAS I	*6
PO BOX 154	14996 HICKORY GREENS CT	OR 2272 PG 4621	
INTERNATIONAL FALLS MN 56649	FORT MYERS FL 33912	BLDG 4 UNIT 42	
KELLY JOHN C	<b>27-45-25-03-00004.0430</b>	OLDE HICKORY VILLAS I	*6
14994 HICKORY GREENS CT	14994 HICKORY GREENS CT	OR 2272 PG 4621	
FORT MYERS FL 33912	FORT MYERS FL 33912	BLDG 4 UNIT 43	
KENEIPP GEORGE W UNIT 44 14992 HICKORY GREENS CT FORT MYERS FL 33912	<b>27-45-25-03-00004.0440</b> 14992 HICKORY GREENS CT FORT MYERS FL 33912	OLDE HICKORY VILLAS I OR 2272 PG 4621 BLDG 4 UNIT 44	*6
HANSON HAROLD C	<b>27-45-25-03-00004.0450</b>	OLDE HICKORY VILLAS I	*6
367 HUNTS BEND RD	14990 HICKORY GREENS CT	OR 2272 PG 4621	
BOWLING GREEN KY 42103	FORT MYERS FL 33912	BLDG 4 UNIT 45	
DUFFY DONNA + DENNIS J	<b>27-45-25-03-00004.0460</b>	OLDE HICKORY VILLAS I	*6
7026 PROSPERITY CIR	14988 HICKORY GREENS CT	OR 2272 PG 4621	
SARASOTA FL 34238	FORT MYERS FL 33912	BLDG 4 UNIT 46	
LAYFIELD HARRY D + BARBARA L	<b>27-45-25-03-00005.0510</b>	OLDE HICKORY VILLAS I	*7
14980 HICKORY GREENS CT	14980 HICKORY GREENS CT	OR 2272 PG 4621	
FORT MYERS FL 33912	FORT MYERS FL 33912	BLDG 5 UNIT 51	
WILLWERTH THOMAS R + JEAN TR	<b>27-45-25-03-00005.0520</b>	OLDE HICKORY VILLAS I	*7
14978 HICKORY GREENS CT	14978 HICKORY GREENS CT	OR 2272 PG 4621	
FORT MYERS FL 33912	FORT MYERS FL 33912	BLDG 5 UNIT 52	
AUSTIN O G + BETTY J UNIT 53 14976 HICKORY GREENS CT FORT MYERS FI. 33912	<b>27-45-25-03-00005.0530</b> 14976 HICKORY GREENS CT FORT MYERS FL 33912	OLDE HICKORY VILLAS I OR 2272 PG 4621 BLDG 5 UNIT 53	*7
LEE BILL B + MARGOT C TR	<b>27-45-25-03-00005.0540</b>	OLDE HICKORY VILLAS I	*7
1015 ARCADIA LN	14974 HICKORY GREENS CT	OR 2272 PG 4621	
JOPLIN MO 64801	FORT MYERS FL 33912	BLDG 5 UNIT 54	
BOCKBRADER ROBERT H + BARBARA	<b>27-45-25-03-00005.0550</b>	OLDE HICKORY VILLAS I	*7
268 HUNTER PKWY	14972 HICKORY GREENS CT	OR 2272 PG 4621	
CUYAHOGA FALLS OH 44223	FORT MYERS FL 33912	BLDG 5 UNIT 55	
ENOCH GENE + BARBARA	<b>27-45-25-03-00005.0560</b>	OLDE HICKORY VILLAS I	*7
14970 HICKORY GREENS CT	14970 HICKORY GREENS CT	OR 2272 PG 4621	
FORT MYERS FL 33912	FORT MYERS FL 33912	BLDG 5 UNIT 56	
MEALEY JOHN JR + NANCY L	<b>27-45-25-03-00006.0610</b>	OLDE HICKORY VILLAS I	*8
14960 HICKORY GREENS CT	14960 HICKORY GREENS CT	OR 2272 PG 4621	
FORT MYERS FL 33912	FORT MYERS FL 33912	BLDG 6 UNIT 61	
LANGER GLENN E+BERNADYNE J TR	<b>27-45-25-03-00006.0620</b>	OLDE HICKORY VILLAS I	*8
1735 WEDGEWOOD W	14958 HICKORY GREENS CT	OR 2272 PG 4621	
ELM GROVE WI53122	FORT MYERS FL 33912	BLDG 6 UNIT 62	
YAREMA RAYMOND + SHERRY	<b>27-45-25-03-00006.0630</b>	OLDE HICKORY VILLAS I	*8
301 N MONTCLAIR AVE	14956 HICKORY GREENS CT	OR 2272 PG 4621	
GLEN ELLYN IL 60137	FORT MYERS FL 33912	BLDG 6 UNIT 63	
PASH JOSEPH A + MARGARET A TR	<b>27-45-25-03-0006.0640</b>	OLDE HICKORY VILLAS I	*8
5944 MCKINGES CIR	14954 HICKORY GREENS CT	OR 2272 PG 4621	
CARMEL IN 46033	FORT MYERS FL 33912	BLDG 6 UNIT 64	
MYERS WILLIAM J + PEGGY E 14952 HICKORY GREENS CT FORT MYERS FL 33912	EENS CT 14952 HICKORY GREENS CT OR 2272 PG 4621		*8
MORGAN ALVERA T TR	<b>27-45-25-03-00006.0660</b>	OLDE HICKORY VILLAS I	*8
43018 N JANETTE ST	14950 HICKORY GREENS CT	OR 2272 PG 4621	
ANTIOCH IL 60002	FORT MYERS FL 33912	BLDG 6 UNIT 66	

OWNER NAME AND ADDRESS DUFF COURTNEY JR + MARY LEE	STRAP AND LOCATION 27-45-25-03-00007,0710	LEGAL DESCRIPTION OLDE HICKORY VILLAS I	Map Index
4700 DEER CREEK	14944 HICKORY GREENS CT	OR 2272 PG 4621	
MIDDLETOWN OH 45042	FORT MYERS FL 33912	BLDG 7 UNIT 71	
CHAIMO REALTY INC	<b>27-45-25-03-00007.0720</b>	OLDE HICKORY VILLAS I	*9
575 PIERCE ST STE 400	14942 HICKORY GREENS CT	OR 2272 PG 4621	
KINGSTON PA 18704	FORT MYERS FL 33912	BLDG 7 UNIT 72	
ISHLER KENNETH H	<b>27-45-25-03-00007.0730</b>	OLDE HICKORY VILLAS I	*9
14940 HICKORY GREENS CT	14940 HICKORY GREENS CT	OR 2272 PG 4621	
FORT MYERS FL 33912	FORT MYERS FL 33912	BLDG 7 UNIT 73	
DAMORE MARION H JR + ELSIE J	<b>27-45-25-03-00007.0740</b>	OLDE HICKORY VILLAS I	*0
7587 SIKA DEER WAY	14938 HICKORY GREENS CT	OR 2272 PG 462 1	
FORT MYERS FL 33966	FORT MYERS FL 33912	BLDG 7 UNIT 74	
PALOIAN AVEDIS + ELAINE G	<b>27-45-25-03-00007.0750</b>	OLDE HICKORY VILLAS I	*9
2285 LONG ACRES LN	14936 HICKORY GREENS CT	OR 2272 PG 4621	
PALATINE IL 60067	FORT MYERS FL 33912	BLDG 7 UNIT 75	
CAMPBELL KATHERINE TR	<b>27-45-25-03-00007.0760</b>	OLDE HICKORY VILLAS I	*9
6120 S GRANT ST	14934 HICKORY GREENS CT	OR 2272 PG 4621	
BURR RIDGE IL 60527	FORT MYERS FL 33912	BLDG 7 UNIT 76	
CLARKE ROBERT D + APRIL A	<b>27-45-25-03-00008.0810</b>	OLDE HICKORY VILLAS I	*10
207 HOCKENBURY RD	14930 HICKORY GREENS CT	OR 2272 PG 4621	
HILLSBOROUGH NJ 08844	FORT MYERS FL 33912	BLDG 8 UNIT 81	
LEARN WAYNE + LINDA 28 SPINNAKER DR RIDGEWAY ON LOS 1NO CANADA	<b>27-45-25-03-00008.0820</b> 14928 HICKORY GREENS CT FORT MYERS FL 33912	OLDE HICKORY VILLAS I OR 2272 PG 4621 BLDG 8 UNIT 82	*10
DOUCET JOHN D + MARILEE F 14833 NIAGARA PARKWAY RD RR 1 NIAGARA ON THE LAKE ON LOS 1J0 CANADA	<b>27-45-25-03-0008.0830</b> 14926 HICKORY GREENS CT FORT MYERS FL 33912	OLDE HICKORY VILLAS I OR 2272 PG 4621 BLDG 8 UNIT 83	*10
825668 ONTARIO LIMITED 8 JACOBS LANDING GRIMSBY ON L3M 5S7 CANADA	<b>27-45-25-03-00008.0840</b> 14924 HICKORY GREENS CT FORT MYERS FL 33912	OLDE HICKORY VILLAS I OR 2272 PG 4621 BLDG 8 UNIT 84	*10
OSHEROW ILENE J TR	<b>27-45-25-03-00008.0850</b>	OLDE HICKORY VILLAS I	*10
901 S SKINKER BLVD APT B	14922 HICKORY GREENS CT	OR 2272 PG 4621	
SAINT LOUIS MO 63105	FORT MYERS FL 33912	BLDG 8 UNIT 85	
RYAN JAMES E + ELAINE M	<b>27-45-25-03-00008.0860</b>	OLDE HICKORY VILLAS I	*10
14920 HICKORY GREENS CT	14920 HICKORY GREENS CT	OR 2272 PG 4621	
FORT MYERS FL 33912	FORT MYERS FL 33912	BLDG 8 UNIT 86	
KNUTSON EVELYN L + ROGER B	<b>27-45-25-03-00009.0910</b>	OLDE HICKORY VILLAS I	>\$c
14910 HICKORY GREENS CT	14910 HICKORY GREENS CT	OR 2272 PG 4621	
FORT MYERS FL 33912	FORT MYERS FL 33912	BLDG 9 UNIT 91	
BENNARDI RUDOLPH A +MARY ELLEN	<b>27-45-25-03-00009.0920</b>	OLDE HICKORY VILLAS I	# <b>   </b>
42 S MAIN ST	14908 HICKORY GREENS CT	OR 2272 PG 4621	
MUNCY PA 17756	FORT MYERS FL 33912	BLDG 9 UNIT 92	
JACOBS ALLEN R + DEBORAH J	<b>27-45-25-03-00009.0930</b>	OLDE HICKORY VILLAS I	*
14906 HICKORY GREENS CT	14906 HICKORY GREENS CT	OR 2272 PG 4621	
FORT MYERS FL 33912	FORT MYERS FL 33912	BLDG 9 UNIT 93	
SCHULTZ JOHN G + KATHRYN D	<b>27-45-25-03-0009.0940</b>	OLDE HICKORY VILLAS I	* 1 1
1539 CRABAPPLE DR	14904 HICKORY GREENS CT	OR 2272 PG 4621	
RACINE WI 53405	FORT MYERS FL 33912	BLDG 9 UNIT 94	
COREY PHILLIP + EARLA NOREEN RR3 50 WEEKS LN CONSECON ON K0K 1T0 CANADA	<b>27-45-25-03-00009.0950</b> 14902 HICKORY GREENS CT FORT MYERS FL 33912	OLDE HICKORY VILLAS I OR 2272 PG 4621 BLDG 9 UNIT 95	* [ ]
SEGEL PETER + RUTH G TR	<b>27-45-25-03-00009.0960</b>	OLDE HICKORY VILLAS I	*11
75 GROVE ST UNIT 429	14900 HICKORY GREENS CT	OR 2272 PG 4621	
WELLESLEY MA 02482	FORT MYERS FL 33912	BLDG 9 UNIT 96	
SW FL INVESTMENT LLC 17 PARK PL STE 100 APPLETON WI 54914	<b>27-45-25-20-00000.Q010</b> 14700 TARMAC CT FORT MYERS FL 33913	SOUTHWEST INTERNATIONA COMMERCE PK AS DESC IN INST#2006-47239 LOT Q1	12

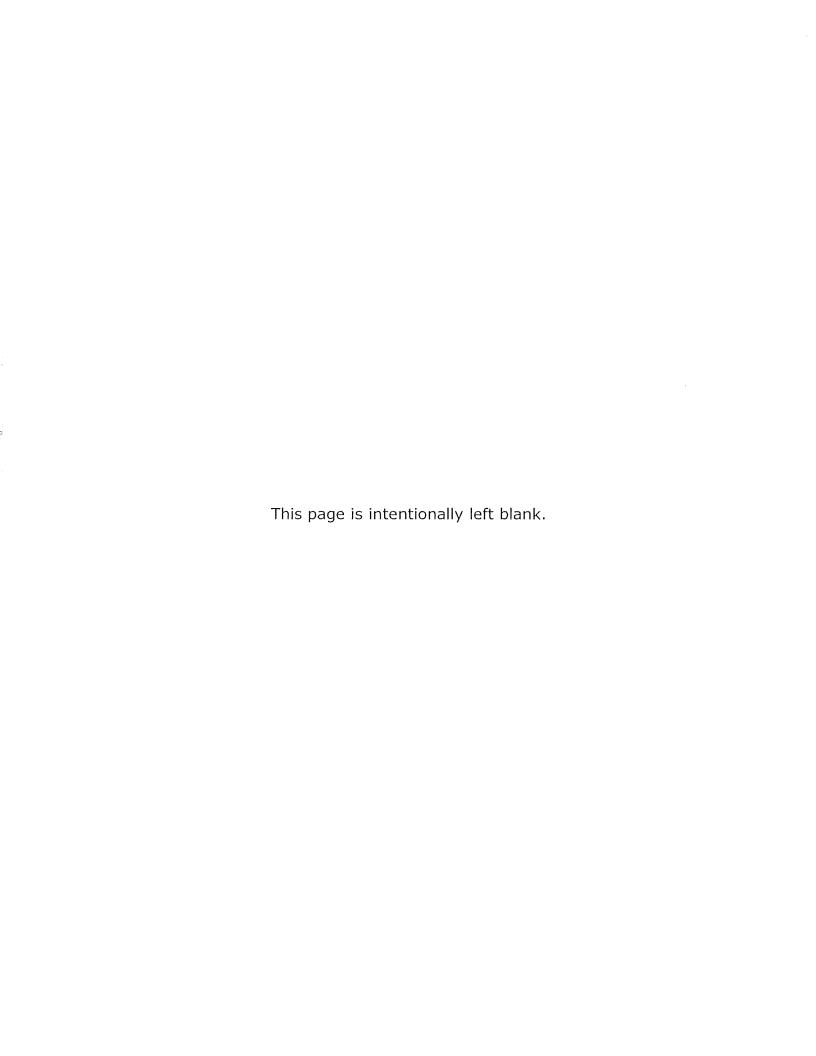
OWNER NAME AND ADDRESS TREASURE CHEST STORAGE PO BOX 5846 DAYTON OH 45405	<b>STRAP AND LOCATION 27-45-25-20-00000,0020</b> 14702 TARMAC CT FORT MYERS FL 33913	LEGAL DESCRIPTION Map Index SOUTHWEST INTERNATIONAL 13 COMMERCE PK AS DESC IN INST#2006-472395 LOT Q2
LEGENDS GOLF + COUNTRY CLUB 8600 LEGENDS BLVD FORT MYERS FL 33912	<b>28-45-25-07-000C1.00CE</b> HDR: LEDGENDS CC  FORT MYERS FL 33912	LEGENDS GOLF+COUNTRY 14 CLUB UN 4 PB 65 PGS 34-44 TRACTS C-1 + C-2
DIBENEDETTO THOMAS + LINDA M	<b>33-45-25-04-00000.0010</b>	FIDDLESTICKS COUNTRY CLUB 15
15140 FIDDLESTICKS BLVD	15140 FIDDLESTICKS BLVD	PB 34 PG 144
FORT MYERS FL 33912	FORT MYERS FL 33912	LOTS 1 + 2 + 3
TROY JEFFREY D + BONNIE L	<b>33-45-25-04-0000.0040</b>	FIDDLESTICKS COUNTRY CLUB 16
15152 FIDDLESTICKS BLVD	15152 FIDDLESTICKS BLVD	PB 34 PG 144
FORT MYERS FL 33912	FORT MYERS FL 33912	LOT 4
SCHRIDER MICHAEL F + KOLLEEN K	<b>33-45-25-04-00000.0050</b>	FIDDLESTICKS COUNTRY CLUB 17
15156 FIDDLESTICKS BLVD	15156 FIDDLESTICKS BLVD	PB 34 PG 144
FORT MYERS FL 33912	FORT MYERS FL 33912	LOT 5
ABRAHAM PAMELA LYNN TR	<b>33-45-25-04-00000.0060</b>	FIDDLESTICKS COUNTRY CLUB 18
15181 KILBIRNIE DR	15160 FIDDLESTICKS BLVD	PB 34 PG 144
FORT MYERS FL 33912	FORT MYERS FL 33912	LOT 6
DESIMONE CHARLES A	<b>33-45-25-04-00000.0070</b>	FIDDLESTICKS COUNTRY CLUB 19
1773 IVY POINTE CIR	15164 FIDDLESTICKS BLVD	PB 34 PG 144
NAPLES FL 34109	FORT MYERS FL 33912	LOT 7
TOMSON ANTS +	<b>33-45-25-04-00000.0080</b>	FIDDLESTICKS COUNTRY CLUB 20
15168 FIDDLESTICKS BLVD	15168 FIDDLESTICKS BLVD	PB 34 PG 144
FORT MYERS FL 33912	FORT MYERS FL 33912	LOT 8
CLARK ARTHUR B + PATRICIA A	<b>33-45-25-04-00000.0090</b>	FIDDLESTICKS COUNTRY CLUB 21
15172 FIDDLESTICKS BLVD	15172 FIDDLESTICKS BLVD	PB 34 PG 144
FORT MYERS FL 33912	FORT MYERS FL 33912	LOT 9
PLUMLEY DONALD TR	<b>33-45-25-04-0000.0100</b>	FIDDLESTICKS COUNTRY CLUB 22
15176 FIDDLESTICKS BLVD	15176 FIDDLESTICKS BLVD	PB 34 PG 144
FORT MYERS FL 33912	FORT MYERS FL 33912	LOT 10
MATTER STEWART	<b>33-45-25-04-0000.0110</b>	FIDDLESTICKS COUNTRY CLUB 23
15180 FIDDLESTICKS BLVD	15180 FIDDLESTICKS BLVD	PB 34 PG 144
FORT MYERS FL 33912	FORT MYERS FL 33912	LOT 11
DWYER JOHN A + LISA L	<b>33-45-25-04-00000.0120</b>	FIDDLESTICKS COUNTRY CLUB 24
15184 FIDDLESTICKS BLVD	15184 FIDDLESTICKS BLVD	PB 34 PG 144
FORT MYERS FL 33912	FORT MYERS FL 33912	LOT 12
MILES BEVERLY A TR	<b>33-45-25-04-00000.0130</b>	FIDDLESTICKS COUNTRY CLUB 25
15188 FIDDLESTICKS BLVD	15188 FIDDLESTICKS BLVD	PB 34 PG 144
FORT MYERS FL 33912	FORT MYERS FL 33912	LOT 13
GLENNON JAMES J + LINDA L	<b>33-45-25-04-00000.0140</b>	FIDDLESTICKS COUNTRY CLUB 26
15192 FIDDLESTICKS BLVD	15192 FIDDLESTICKS BLVD	PB 34 PG 144
FORT MYERS FL 33912	FORT MYERS FL 33912	LOT 14
CURIA PETER G +	<b>33-45-25-04-00000,0150</b>	FIDDLESTICKS COUNTRY CLUB 27
15420 GREENOCK LN	15420 GREENOCK LN	PB 34 PG 144
FORT MYERS FL 33912	FORT MYERS FL 33912	LOT 15
MEYERS THOMAS R	<b>33-45-25-04-00000,0160</b>	FIDDLESTICKS COUNTRY CLUB 28
15440 GREENOCK LN	15440 GREENOCK LN	PB 34 PG 144
FORT MYERS FL 33912	FORT MYERS FL 33912	LOT 16
CROWTHER KAREN J	<b>33-45-25-04-00000.0170</b>	FIDDLESTICKS COUNTRY CLUB 29
15460 GREENOCK LN	15460 GREENOCK LN	PB 34 PG 144
FORT MYERS FL 33912	FORT MYERS FL 33912	LOT 17
KAAS ROBERTA E TR +	<b>33-45-25-04-00000.0420</b>	FIDDLESTICKS COUNTRY CLUB 30
15301 KILBIRNIE DR	15301 KILBIRNIE DR	PB 34 PG 144
FORT MYERS FL 33912	FORT MYERS FL 33912	LOT 42
HAGER SALLY P + HENRY G	<b>33-45-25-04-0000.0430</b>	FIDDLESTICKS COUNTRY CLUB 31
15281 KILBIRNIE DR	15281 KILBIRNIE DR	PB 34 PG 144
FORT MYERS FL 33912	FORT MYERS FL 33912	LOT 43

WNER NAME AND ADDRESS OHENBRINK RONALD H + CHERYL L 5491 GREENOCK LN ORT MYERS FL 33912  STRAP AND LOCATION 33-45-25-04-0000.1150 15491 GREENOCK LN FORT MYERS FL 33912		LEGAL DESCRIPTION Map Index FIDDLESTICKS COUNTRY CLUB 32 PB 34 PG 144 LOT 115
BLOEMKER ROB + SHANNON 62% +	<b>33-45-25-04-00000.1160</b>	FIDDLESTICKS COUNTRY CLUB 33
15471 GREENOCK LN	15471 GREENOCK LN	PB 34 PG 144
FORT MYERS FL 33912	FORT MYERS FL 33912	LOT 116
PALUCK VICTOR TR	<b>33-45-25-04-00000.1170</b>	FIDDLESTICKS COUNTRY CLUB 34
15451 GRENNOCK LN	15451 GREENOCK LN	PB 34 PG 144
FORT MYERS FL 33912	FORT MYERS FL 33912	LOT 117
BENDER ROBERT W + LINDA J	<b>33-45-25-04-00000.1180</b>	FIDDLESTICKS COUNTRY CLUB 35
4231 SUNFISH COVE	15431 GREENOCK LN	PB 34 PG 144
AVON OH 44011	FORT MYERS FL 33912	LOT 118
WARREN OWEN CUSTOM HOMES LLC	<b>33-45-25-04-00000.1190</b>	FIDDLESTICKS COUNTRY CLUB 36
4000 REFLECTION CT	15200 FIDDLESTICKS BLVD	PB 34 PG 144
NAPLES FL 34109	FORT MYERS FL 33912	LOT 119
WEINSTEIN PAUL	<b>33-45-25-04-00000.1200</b>	FIDDLESTICKS COUNTRY CLUB 37
15204 FIDDLESTICKS BLVD	15204 FIDDLESTICKS BLVD	PB 34 PG 144
FORT MYERS FL 33912	FORT MYERS FL 33912	LOT 120
HEGEL PAUL T+	<b>33-45-25-04-00000.1210</b>	FIDDLESTICKS COUNTRY CLUB 38
15208 FIDDLESTICKS BLVD	15208 FIDDLESTICKS BLVD	PB 34 PG 144
FORT MYERS FL 33912	FORT MYERS FL 33912	LOT 121
CURRIER THOMAS S +	<b>33-45-25-04-00000.1220</b>	FIDDLESTICKS COUNTRY CLUB 39
15212 FIDDLESTICKS BLVD	15212 FIDDLESTICKS BLVD	PB 34 PG 144
FORT MYERS FL 33912	FORT MYERS FL 33912	LOT 122
CAMPBELL JOSEPH R + PATRICIA	<b>33-45-25-04-00000.1230</b>	FIDDLESTICKS COUNTRY CLUB 40
8951 ABBOTSFORD TER	8951 ABBOTSFORD TER	PB 34 PG 144
FORT MYERS FL 33912	FORT MYERS FL 33912	LOT 123
PASSANTINO ROSARIO J + ANITA L	<b>33-45-25-04-00000.1240</b>	FIDDLESTICKS COUNTRY CLUB 4
12112 ALHAMBRA ST	8931 ABBOTSFORD TER	PB 34 PG 144
LEAWOOD KS 66209	FORT MYERS FL 33912	LOT 124
BARNES WILLIAM R + BEATRICE	<b>33-45-25-04-00000.1250</b>	FIDDLESTICKS COUNTRY CLUB 42
8911 ABBOTSFORD TER	8911 ABBOTSFORD TER	PB 34 PG 144
FORT MYERS FL 33912	FORT MYERS FL 33912	LOT 125
ZEMPEL DALE H + CAROLE A	<b>33-45-25-04-00000.1300</b>	FIDDLESTICKS COUNTRY CLUB 43
8930 ABBOTSFORD TER	8930 ABBOTSFORD TER	PB 34 PG 144
FORT MYERS FL 33912	FORT MYERS FL 33912	LOT 130
MURRAY ROBERT K + FRANCES TR	<b>33-45-25-04-00000.1310</b>	FIDDLESTICKS COUNTRY CLUB 44
8950 ABBOTSFORD TER	8950 ABBOTSFORD TER	PB 34 PG 144
FORT MYERS FL 33912	FORT MYERS FL 33912	LOT 131
JONES ALAN G +	<b>33-45-25-04-00000.1320</b>	FIDDLESTICKS COUNTRY CLUB 45
8970 ABBOTSFORD TER	8970 ABBOTSFORD TER	PB 34 PG 144
FORT MYERS FL 33912	FORT MYERS FL 33912	LOT 132
ANDERSON DAVID E + KATHLEEN C	<b>33-45-25-04-00000.1330</b>	FIDDLESTICKS COUNTRY CLUB 46
15220 FIDDLESTICKS BLVD	15220 FIDDLESTICKS BLVD	PB 34 PG 144
FORT MYERS FL 33912	FORT MYERS FL 33912	LOT 133
KOCH PETER A + MARY T	<b>33-45-25-04-00000.1340</b>	FIDDLESTICKS COUNTRY CLUB 47
45 VERDANT LN	15224 FIDDLESTICKS BLVD	PB 34 PG 144
WARWICK RI 02886	FORT MYERS FL 33912	LOT 134
LEONARD BRUNA ANN	<b>33-45-25-04-00000.1350</b>	FIDDLESTICKS COUNTRY CLUB 48
7140 PIONEER TRL	15228 FIDDLESTIČKS BLVD	PB 34 PG 144
LORETTO MN 55357	FORT MYERS FL 33912	LOT 135
ADKINS ROBERT C + MARILYN H	<b>33-45-25-04-00000.1360</b>	FIDDLESTICKS COUNTRY CLUB 49
15232 FIDDLESTICKS BLVD	15232 FIDDLESTICKS BLVD	PB 34 PG 144
FORT MYERS FL 33912	FORT MYERS FL 33912	LOT 136
WELSH ALBERT D + KATHERINE Z	<b>33-45-25-04-00000.1370</b>	FIDDLESTICKS COUNTRY CLUB 50
15236 FIDDLESTICKS BLVD	15236 FIDDLESTICKS BLVD	PB 34 PG 144
FORT MYERS FL 33912	FORT MYERS FL 33912	LOT 137

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION Map Index
GARRETT SONIA M TR	<b>33-45-25-04-00000.1380</b>	FIDDLESTICKS COUNTRY CLUB 51
15240 FIDDLESTICKS BLVD	15240 FIDDLESTICKS BLVD	PB 34 PG 144
FORT MYERS FL 33912	FORT MYERS FL 33912	LOT 138
DAOUD MAZEN +	<b>33-45-25-04-00000.1390</b>	FIDDLESTICKS COUNTRY CLUB 52
15244 FIDDLESTICKS BLVD	15244 FIDDLESTICKS BLVD	PB 34 PG 144
FORT MYERS FL 33912	FORT MYERS FL 33912	LOT 139
RATHJE DAVID J + DEBRA C	<b>33-45-25-04-00000,1400</b>	FIDDLESTICKS COUNTRY CLUB 53
15248 FIDDLESTICKS BLVD	15248 FIDDLESTICKS BLVD	PB 34 PG 144
FORT MYERS FL 33912	FORT MYERS FL 33912	LOT 140
BREWER CHRISTINE C	<b>33-45-25-04-00000,1410</b>	FIDDLESTICKS COUNTRY CLUB 54
15252 FIDDLESTICKS BLVD	15252 FIDDLESTICKS BLVD	PB 34 PG 144
FORT MYERS FL 33912	FORT MYERS FL 33912	LOT 141
CALABRESE LAWRENCE C + SUSAN W	<b>33-45-25-04-00000.1420</b>	FIDDLESTICKS COUNTRY CLUB 55
8394 PRESTWICK DR	15256 FIDDLESTICKS BLVD	PB 34 PG 144
MANLIUS NY 13104	FORT MYERS FL 33912	LOT 142
GENTLEMAN THAD M + CYNTHIA H	<b>33-45-25-04-00000.1430</b>	FIDDLESTICKS COUNTRY CLUB 56
15260 FIDDLESTICKS BLVD	15260 FIDDLESTICKS BLVD	PB 34 PG 144
FORT MYERS FL 33912	FORT MYERS FL 33912	LOT 143
SMEDLEY VERNON C JR + MARIANNE	<b>33-45-25-04-00000.1440</b>	FIDDLESTICKS COUNTRY CLUB 57
15264 FIDDLESTICKS BLVD	15264 FIDDLESTICKS BLVD	PB 34 PG 144
FORT MYERS FL 33912	FORT MYERS FL 33912	LOT 144
DUNCAN CALVIN +	<b>33-45-25-04-00000.3120</b>	FIDDLESTICKS COUNTRY CLUB 58
15697 FIDDLESTICKS BLVD	15697 FIDDLESTICKS BLVD	PB 34 PG 144
FORT MYERS FL 33912	FORT MYERS FL 33912	LOT 312
RAYBORN KENNETH H	<b>33-45-25-04-00000.3130</b>	FIDDLESTICKS COUNTRY CLUB 59
15693 FIDDLESTICKS BLVD	15693 FIDDLESTICKS BLVD	PB 34 PG 144
FORT MYERS FL 33912	FORT MYERS FL 33912	LOT 313
SCOTT FRANK J SR + NINA C TR	<b>33-45-25-04-00000.3140</b>	FIDDLESTICKS COUNTRY CLUB 60
15689 FIDDLESTICKS BLVD	15689 FIDDLESTICKS BLVD	PB 34 PG 144
FORT MYERS FL 33912	FORT MYERS FL 33912	LOT 314
FIDDLESTICKS COUNTRY CLUB INC 15391 CANNONGATE DR FORT MYERS FL 33912	<b>33-45-25-04-0000E,0000</b> FIDDLESTICKS BLVD FORT MYERS FL 33912	FIDDLESTICKS COUNTRY CLUB 61 PB 34 PG 144 TRACT E
FIDDLESTICKS COUNTRY CLUB INC	<b>33-45-25-04-0000F.0000</b>	FIDDLESTICKS COUNTRY CLUB 62
15391 CANNONGATE DR	15391 CANONGATE DR	PB 34 PG 144 TRS F F-I F-2
FORT MYERS FL 33912	FORT MYERS FL 33912	+ TRS J THRU P GOLF COURSE
FIDDLESTICKS COUNTRY CLUB INC	<b>33-45-25-04-0000G,0000</b>	FIDDLESTICKS COUNTRY CLUB 63
15391 CANNONGATE DR	RIGHT OF WAY	PB 34 PG 144
FORT MYERS FL 33912	FORT MYERS FL 33912	TRACT G
FIDDLESTICKS COUNTRY CLUB INC FIDDLESTICKS OWNERS ASSN 15391 CANNONGATE DR FORT MYERS FL 33912	<b>33-45-25-04-000W0.00CE</b> COMMON ELEMENT FORT MYERS FL 33912	FIDDLESTICKS COUNTRY CLUB 64 PB 34 PG 144 TRACT W
FIDDLESTICKS COUNTRY CLUB INC FIDDLESTICKS OWNERS ASSN 15391 CANNONGATE DR FORT MYERS FL 33912	<b>33-45-25-04-000X0,00CE</b> COMMON ELEMENT  FORT MYERS FL 33912	FIDDLESTICKS COUNTRY CLUB 65 PB 34 PG 144 TRACT X
FIDDLESTICKS COUNTRY CLUB INC FIDDLESTICKS OWNERS ASSN 15391 CANNONGATE DR FORT MYERS FL 33912	<b>33-45-25-04-000Z0.00CE</b> COMMON ELEMENT FORT MYERS FL 33912	FIDDLESTICKS COUNTRY CLUB 66 PB 34 PG 144 TRACT Z
PRIT-CAR 6601 BAYSHORE RD NORTH FORT MYERS FL 33917	<b>34-45-25-00-00002.0010</b> ACCESS UNDETERMINED FORT MYERS FL 33913	W 1/2 OF E 1/2 LY E OF 67 ELY RW OF 1-75 LESS ROW TAKING IN INST#2006-388384 + 2009000111018
RODRIGUEZ SARA M TR 15562 SW 9TH LN MIAMI FL 33194	<b>34-45-25-00-00004.0000</b> ACCESS UNDETERMINED FORT MYERS FL 33913	E 1/2 OF E 1/2 68 LESS INST#2007-68711 LESS RD R/W AS DESC IN INST #2008000288879
STATE OF FL DOT PO BOX 1249 BARTOW FL 33831	<b>34-45-25-00-0004.0010</b> ACCESS UNDETERMINED FORT MYERS FL 33913	E 1/2 OF E 1/2 69 DESC IN INST#2007-68711

OWNER NAME AND ADDRESS LEE COUNTY PO BOX 398 FORT MYERS FL 33902	STRAP AND LOCATION 03-46-25-00-00001.101B RIGHT OF WAY FORT MYERS FL 33912	LEGAL DESCRIPTION Map In STRIP OF LAND LYING IN NW 7( 1/4 AS DESC IN INST#2007000322747 + 2007000322747 + 2007000364684 + 2008000231923 + 2008000213925	
THREE OAKS ALICO 59 LLC 1949 SE 37TH ST CAPE CORAL FL 33904	03-46-25-00-00001.101C ACCESS UNDETERMINED FORT MYERS FL 33912	PARL IN NW 1/4 7 AS DESC INST #2008000223082	Y
KAGAN JOHN C + ELIZABETH P 6981 LAKE DEVONWOOD DR FORT MYERS FL 33908	<b>03-46-25-00-00001.1030</b> 9651 ALICO RD FORT MYERS FL 33912	PARL IN N 1/2 77 AS DESC OR 2027 PG 681 LES 1.103A THRU .103C LESS RD FW DESC IN INST# 2007000374552 LESS W 75 FT DESC IN INST# 2008000213925	2
KAGAN ABBÖTT K III + SHEILA TR 1874 I S RIVER RD ALVA FL 33920	<b>03-46-25-00-00001.103C</b> ACCESS UNDETERMINED FORT MYERS FL 33912	PAR DECS OR 2600/1704 7: LESS RD R/W DESC IN INST# 2007000374553 LESS W 75 FT DESC IN INST# 2008000213923	3
FIDDLESTICKS LTD 15391 CANONGATE DR FORT MYERS FL 33912	<b>04-46-25-00-00001.0020</b> ACCESS UNDETERMINED FORT MYERS FL 33912	NLY 30 FT OF SEC + 7: NLWY 50 FT OF WLRY 200 FT	4

### 114 RECORDS PRINTED



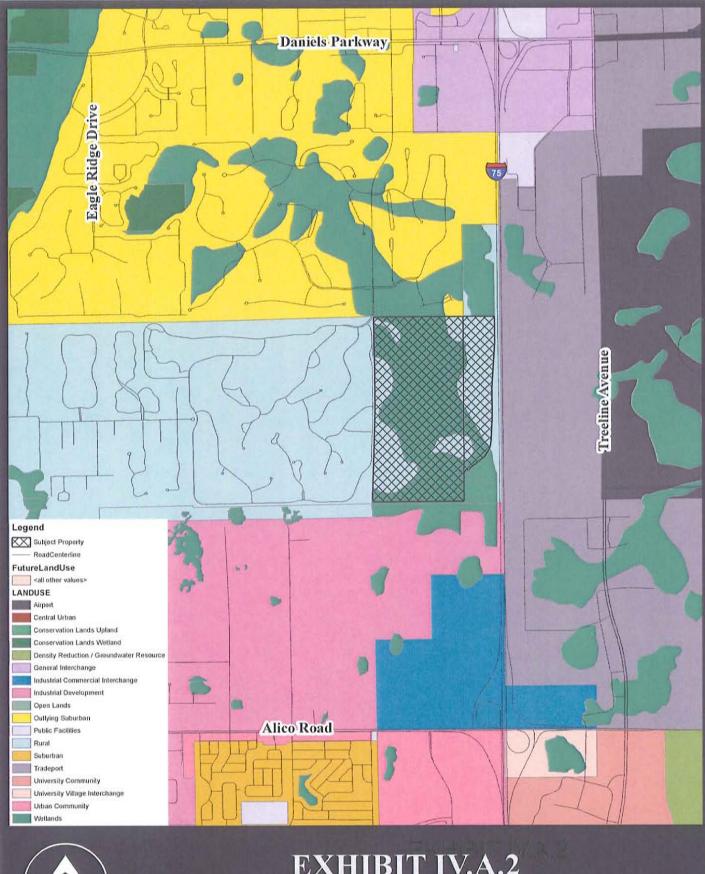




EXHIBIT IV.A.2
CURRENT FUTURE LAND USE MAP

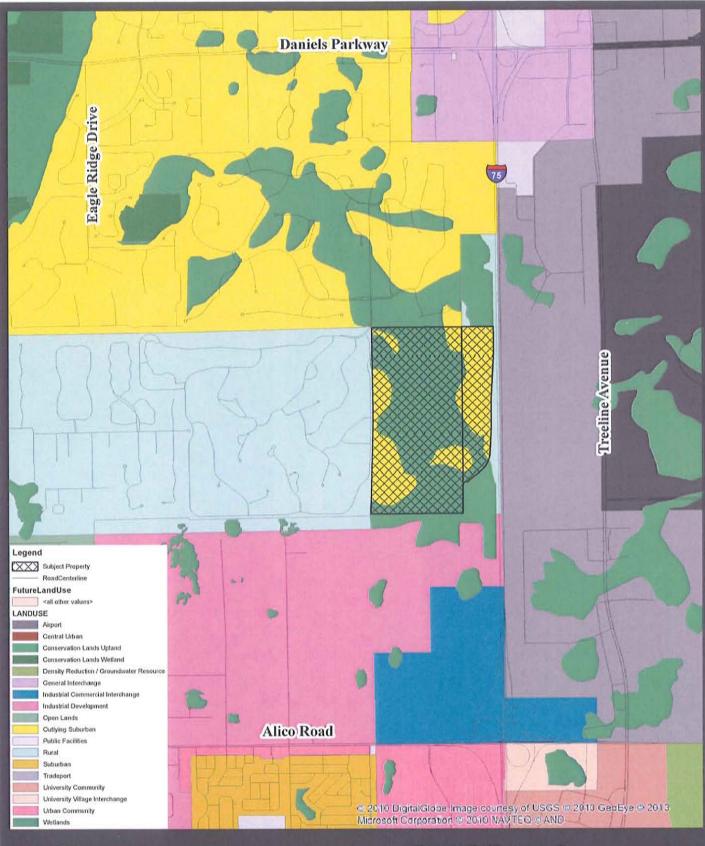




EXHIBIT IV.A.3
PROPOSED FUTURE LAND USE MAP

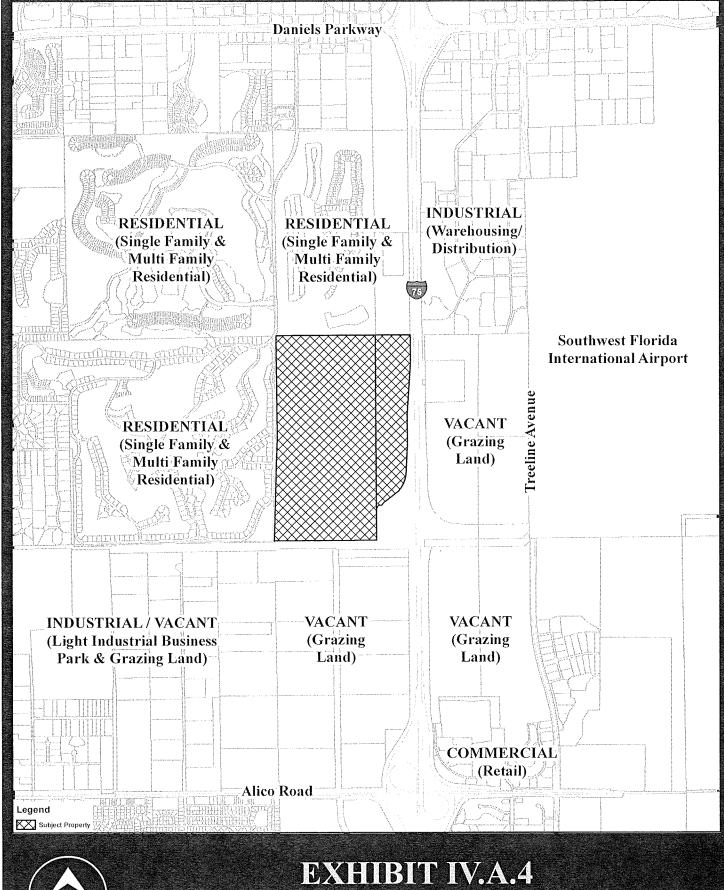
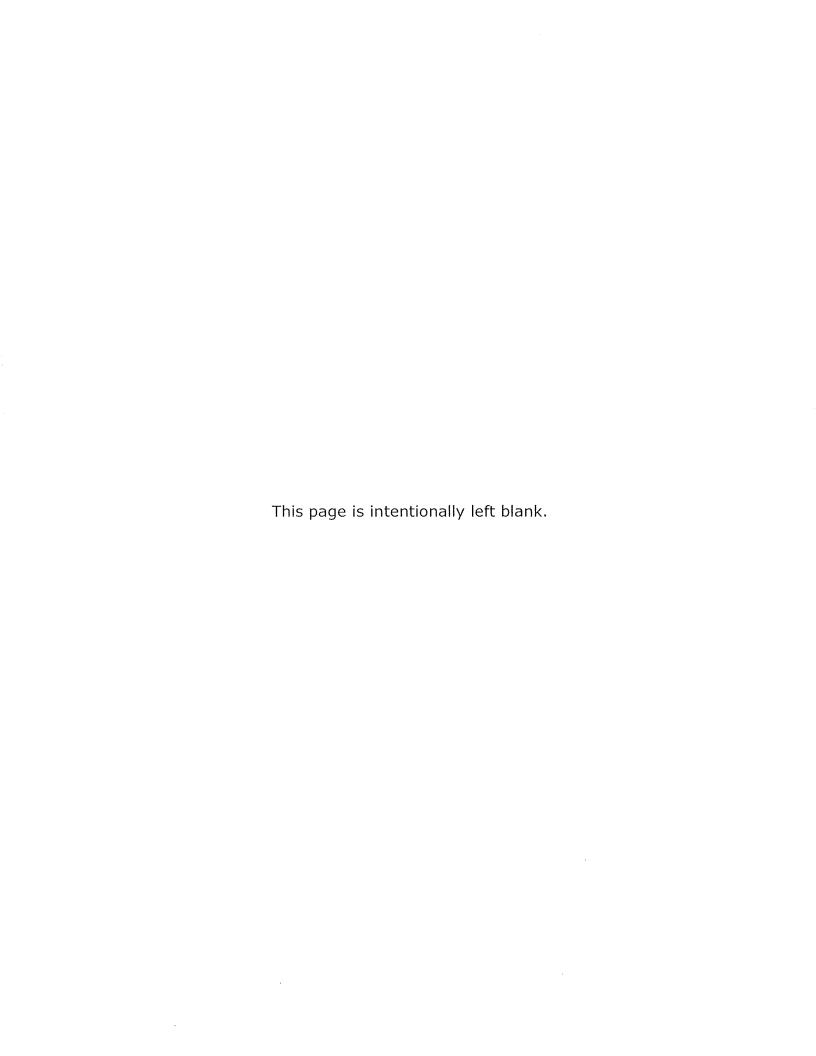
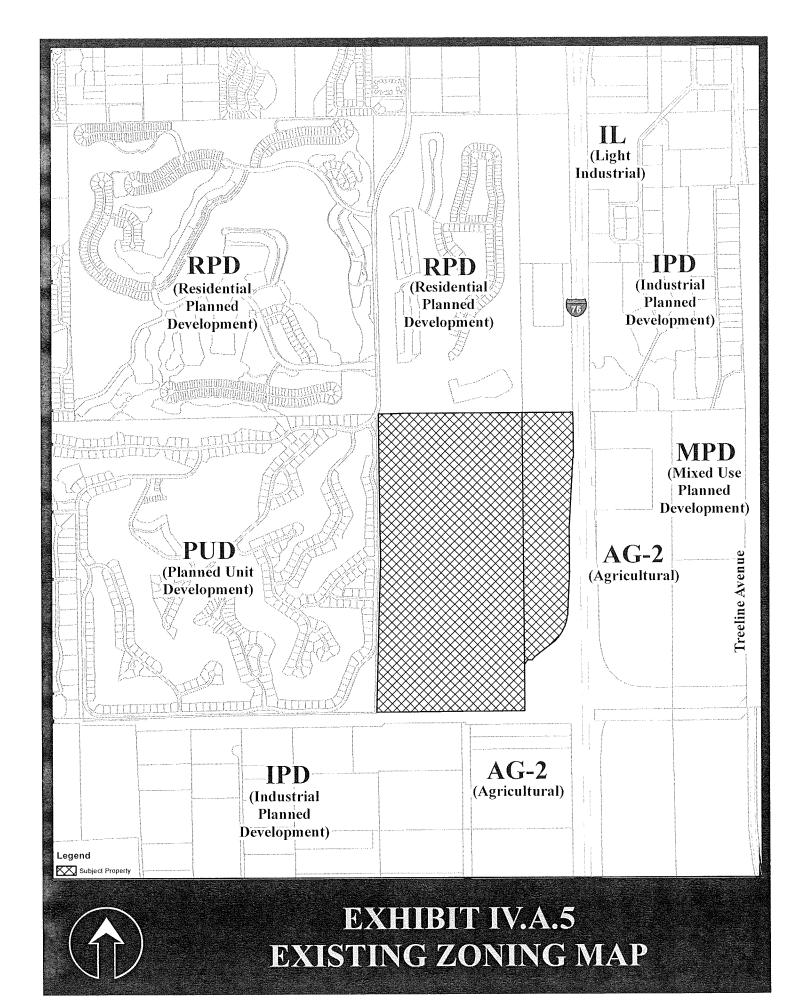
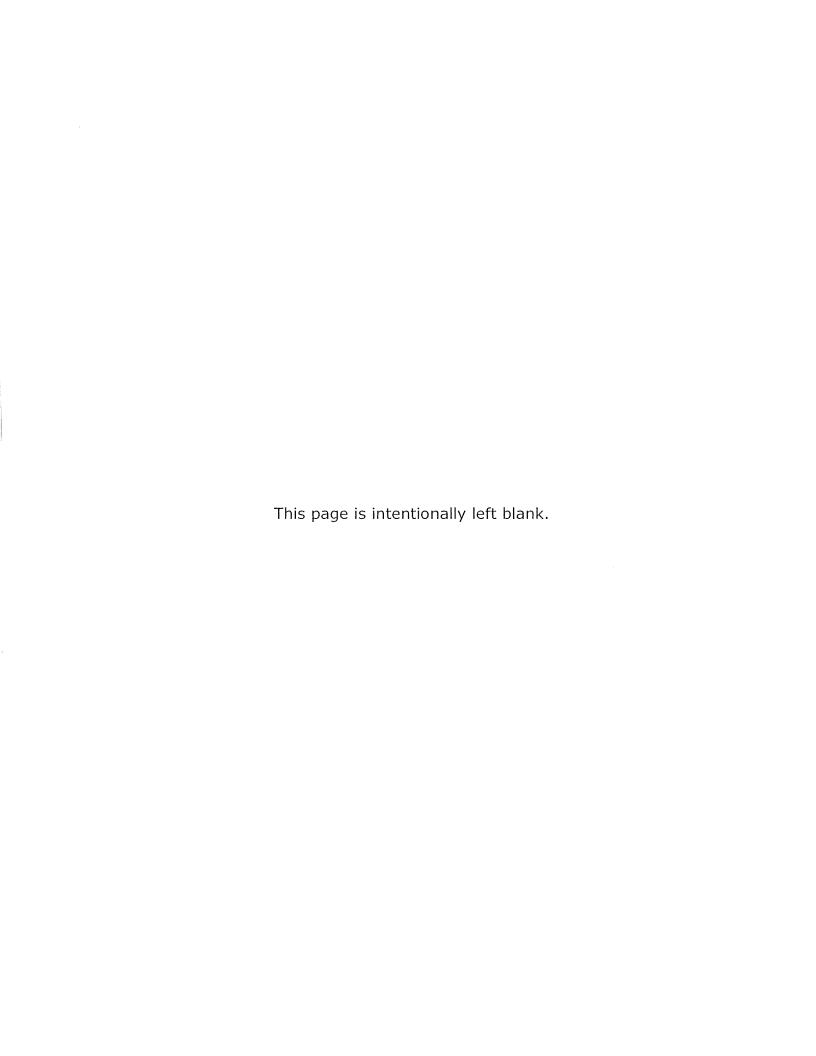


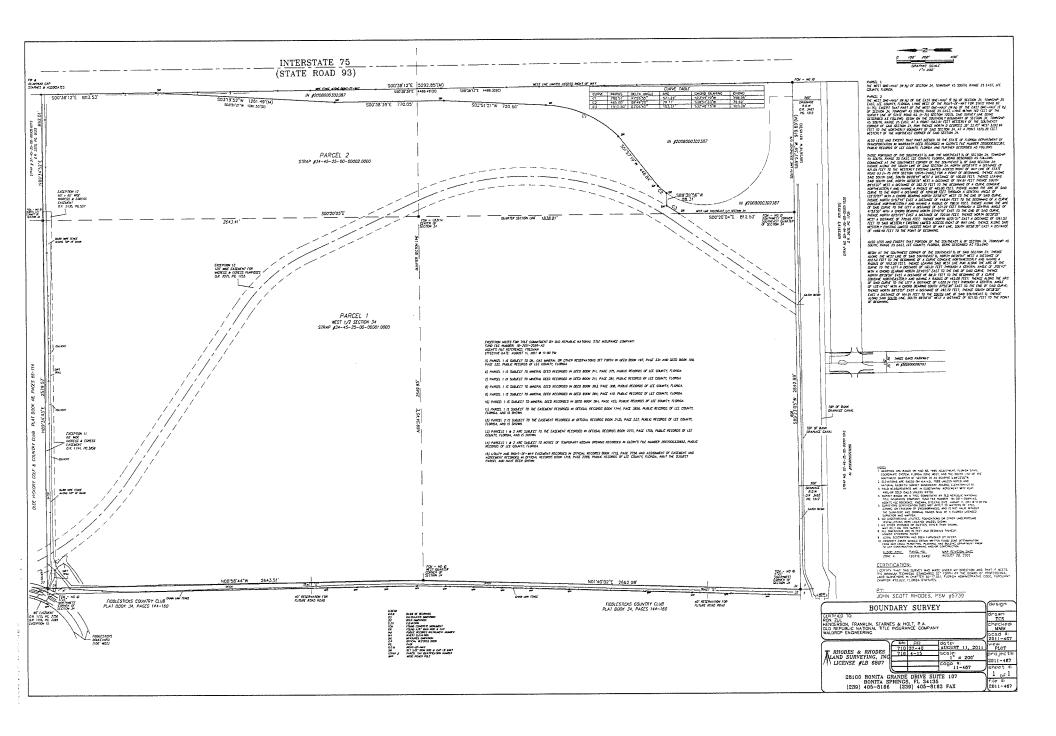


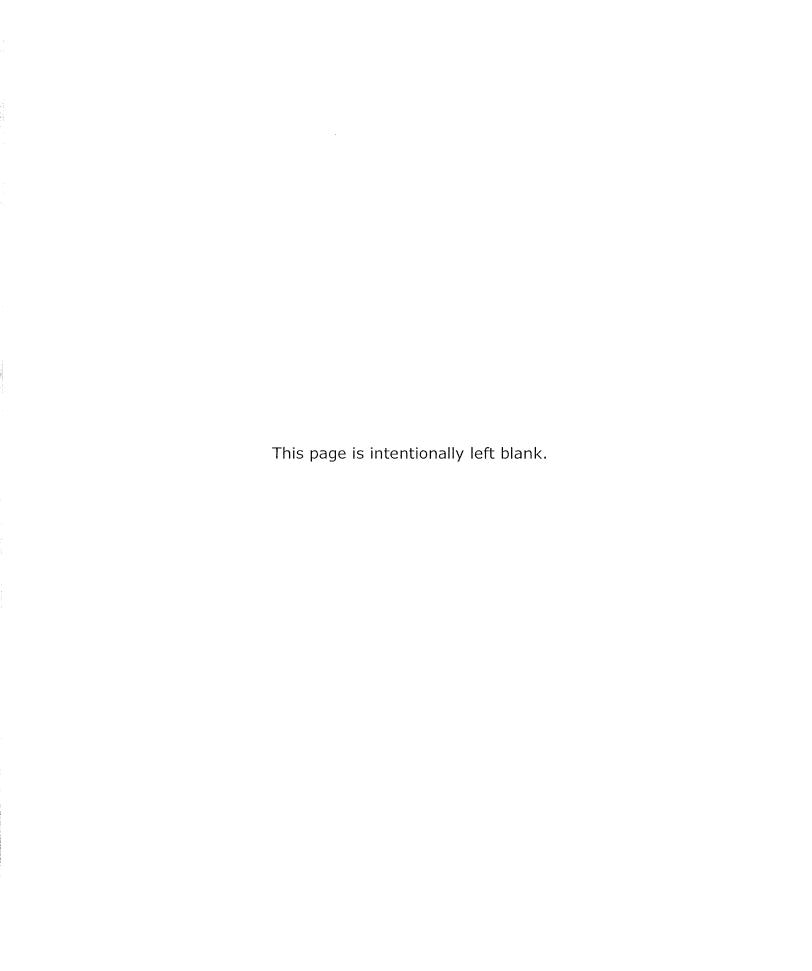
EXHIBIT IV.A.4 EXISTING LAND USE MAP











### Rhodes & Rhodes Land Surveying, Inc.

28100 Bonita Grande Drive, Suite 107, Bonita Springs, Florida 34135 Phone (239) 405-8166 Fax (239) 405-8163

DESCRIPTION OF A PARCEL OF LAND LYING IN SECTION 34, TOWNSHIP 45 SOUTH, RANGE 25 EAST LEE COUNTY, FLORIDA

A PORTION OF SECTION 34, TOWNSHIP 45 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

#### PARCEL 1

THE WEST ONE-HALF (W 1/2) OF SECTION 34, TOWNSHIP 45 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA.

#### PARCEL 2

THE WEST ONE-HALF (W 1/2) OF THE EAST ONE-HALF (E 1/2) OF SECTION 34, TOWNSHIP 25 EAST, LEE COUNTY, FLORIDA, LYING WEST OF THE RIGHT-OF-WAY FOR STATE ROAD 93 (I-75), EXCEPT THAT PART OF THE WEST ONE-HALF (W 1/2) OF THE EAST ONE-HALF (E 1/2) OF SECTION 34, TOWNSHIP 45 SOUTH, RANGE 25 EAST, LYING WITHIN 162 FEET OF THE SURVEY LINE OF STATE ROAD 93, (I-75) SECTION 12075, SAID SURVEY LINE BEING DESCRIBED AS FOLLOWS: BEGIN ON THE SOUTHERLY BOUNDARY OF SECTION 34, TOWNSHIP 45 SOUTH, RANGE 25 EAST, AT A POINT 1562.91 FEET WESTERLY OF THE SOUTHEAST CORNER OF SAID SECTION 34, RUN THENCE NORTH 0 DEGREES 38' 33.70" WEST 5292.96 FEET TO THE NORTHERLY BOUNDARY OF SAID SECTION 34, AT A POINT 1525.70 FEET WESTERLY OF THE NORTHEAST CORNER OF SAID SECTION 34.

ALSO LESS AND EXCEPT THAT PART DEEDED TO THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION IN WARRANTY DEED RECORDED IN CLERK'S FILE NUMBER 2008000302387, PUBLIC RECORDS OF LEE COUNTY, FLORIDA AND FURTHER DESCRIBED AS FOLLOWS:

THOSE PORTIONS OF THE SOUTHEAST 1/4 AND THE NORTHEAST 1/4 OF SECTION 34, TOWNSHIP 45 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF SAID SECTION 34; THENCE ALONG THE SOUTH LINE OF SAID SECTION 34, NORTH 89°28'19"E A DISTANCE OF 921.05 FEET TO THE WESTERLY EXISTING LIMITED ACCESS RIGHT OF WAY LINE OF STATE ROAD 93 [1-75 (PER SECTION 12075-2402)] FOR A POINT OF BEGINNING; THENCE ALONG SAID SOUTH LINE, SOUTH 89°28'19" WEST A DISTANCE OF 100.00 FEET; THENCE LEAVING SAID SOUTH LINE, NORTH 00°38'39" WEST A DISTANCE OF 164.81 FEET THENCE SOUTH 89°15'07" WEST A DISTANCE OF 292.72 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 465.00 FEET; THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT A DISTANCE OF 1099,98 FEET THROUGH A CENTRAL ANGLE OF 135°32'07" WITH A CHORD BEARING NORTH 22°58'47" WEST TO THE END OF SAID CURVE; THENCE NORTH 51°57'19" EAST A DISTANCE OF 448.84 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 780.51 FEET; THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT A DISTANCE OF 571.22 FEET THROUGH A CENTRAL ANGLE OF 41°55'55" WITH A CHORD BEARING NORTH 23°49'19" EAST TO THE END OF SAID CURVE; THENCE NORTH 02°51'21" EAST A DISTANCE OF 720.56 FEET; THENCE NORTH 00°38'39" WEST A DISTANCE OF 770.05 FEET, THENCE NORTH 03°21'21" EAST A DISTANCE OF 1261.53 FEET TO SAID WESTERLY EXISTING LIMITED ACCESS RIGHT OF WAY LINE: THENCE ALONG SAID WESTERLY EXISTING LIMITED ACCESS RIGHT OF WAY LINE, SOUTH 00°38'39" EAST A DISTANCE OF 4489.49 FEET TO THE POINT OF BEGINNING.

ALSO LESS AND EXCEPT THAT PORTION OF THE SOUTHEAST 1/4 OF SECTION 34, TOWNSHIP 45 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF SAID SECTION 34; THENCE ALONG THE WEST LINE OF SAID SOUTHEAST 1/4, NORTH 00°20′04″ WEST A DISTANCE OF 812.53 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 1912.50 FEET; THENCE LEAVING SAID WEST LINE RUN ALONG THE ARC OF THE CURVE TO THE LEFT A DISTANCE OF 103.31 FEET THROUGH A CENTRAL ANGLE OF 3°05′42″ WITH A CHORD BEARING NORTH 32°40′15″ EAST TO THE END OF SAID CURVE; THENCE NORTH 89°39′56″ EAST A DISTANCE OF 88.31 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 465.00 FEET; THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT A DISTANCE OF 1,020.24 FEET THROUGH A CENTRAL ANGLE OF 125°42′40″ WITH A CHORD BEARING SOUTH 27°53′30″ EAST TO THE END OF SAID CURVE; THENCE NORTH 89°15′07″ EAST A DISTANCE OF 292.72 FEET; THENCE SOUTH 00°38′39″ EAST A DISTANCE OF 164.81 FEET TO THE SOUTH LINE OF SAID SOUTHEAST 1/4; THENCE ALONG SAID SOUTH LINE, SOUTH 89°28′19″ WEST A DISTANCE OF 821.05 FEET TO THE POINT OF BEGINNING.

#### ALSO BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SECTION 34, TOWNSHIP 45 SOUTH, RANGE 25 EAST, ALSO BEING THE SOUTHEAST CORNER OF FIDDLESTICKS COUNTRY CLUB, A SUBDIVISION RECORDED IN PLAT BOOK 34 AT PAGES 144 THROUGH 160, INCLUSIVE, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, THENCE N.01°40'02"E., ALONG THE WEST LINE OF SAID SECTION 34 AND ALONG THE EAST LINE OF SAID FIDDLESTICKS COUNTRY CLUB, A DISTANCE OF 2662.08 FEET TO THE WEST QUARTER CORNER OF SAID SECTION 34, THENCE N.00°58'44"W., ALONG THE

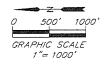
Rhodes & Rhodes Land Surveying, Inc. 28100 Bonita Grande Drive, Suite 107, Bonita Springs, Florida 34135 Phone (239) 405-8166 Fax (239) 405-8163

WEST LINE OF SAID SECTION 34 AND ALONG THE EAST LINE OF SAID FIDDLESTICKS COUNTRY CLUB, A DISTANCE OF 2643.51 FEET TO THE NORTHWEST CORNER OF SAID SECTION 34, BEING THE NORTHEAST CORNER OF SAID FIDDLESTICKS COUNTRY CLUB, ALSO BEING THE SOUTHWEST CORNER OF OLDE HICKORY GOLF AND COUNTRY CLUB, A SUBDIVISION RECORDED IN PLAT BOOK 48 AT PAGES 86 THROUGH 114, INCLUSIVE, OF SAID PUBLIC RECORDS; THENCE N.89°34'43"E., ALONG THE NORTH LINE OF SAID SECTION 34 AND ALONG THE SOUTH LINE OF SAID OLDE HICKORY GOLF AND COUNTRY CLUB, A DISTANCE OF 2579.57 FEET TO THE NORTH QUARTER CORNER OF SAID SECTION 34, BEING THE SOUTHEAST CORNER OF SAID OLDE HICKORY GOLF AND COUNTRY CLUB; THENCE N.89°34'52"E., ALONG THE NORTH LINE OF SAID SECTION 34, A DISTANCE OF 892.01 FEET TO THE WEST RIGHT-OF-WAY LINE OF INTERSTATE 75 (STATE ROAD 93); THENCE S.00°38'12"E., ALONG SAID WEST RIGHT-OF-WAY, A DISTANCE OF 803.53 FEET TO AN INTERSECTION WITH THE WESTERLY LINE OF A PARCEL OF LAND DESCRIBED IN INSTRUMENT NUMBER 2008000302387 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; ALONG THE WESTERLY LINE OF SAID PARCEL THE FOLLOWING NINE (9) COURSES (1)S.03°19'52"W., A DISTANCE OF 1261.49 FEET: (2)THENCE S.00°38'39"E., A DISTANCE OF 770.05 FEET; (3)THENCE S.02°51'21"W., A DISTANCE OF 720.56 FEET TO THE BEGINNING OF A TANGENTIAL CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 780.51 FEET; (4)THENCE SOUTHWESTERLY 571.22 FEET, ALONG THE ARC OF THE CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 41°55'55", BEING SUBTENDED BY A CHORD THAT BEARS S.23°49'19"W. AT 558.56 FEET: (5)THENCE S.51°57'19"W., A DISTANCE OF 448.84 FEET TO A POINT ON A NON-TANGENTIAL CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 465.00 FEET; (6)THENCE SOUTHWESTERLY 79.71 FEET, ALONG THE ARC OF THE CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 9°49'20", BEING SUBTENDED BY A CHORD THAT BEARS S.39°52'33"W. AT 79.62 FEET; (7)THENCE S.89°39'56"W., A DISTANCE OF 88.31 FEET TO A POINT ON A NON-TANGENTIAL CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 1912.50 FEET; (8)THENCE SOUTHWESTERLY 103.31 FEET, ALONG THE ARC OF THE CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 3°05'42", BEING SUBTENDED BY A CHORD THAT BEARS S.32°40'15"W. AT 103.30 FEET TO THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 34; (9)THENCE S.00°20'04"E., ALONG THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 34, A DISTANCE OF \$12.53 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 34; THENCE S.89°23'05"W., ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 34, A DISTANCE OF 2642.89 FEET TO THE POINT OF BEGINNING.

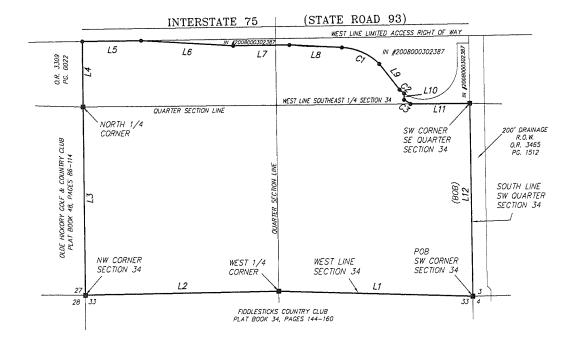
THE DESCRIBED PARCEL CONTAINS 17,153,644 SQUARE FEET OR 393,793 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON NAD 83, 1999 ADJUSTMENT AND THE FLORIDA STATE PLANE COORDINATE SYSTEM, FLORIDA ZONE WEST.

SUBJECT TO COVENANTS, RESTRICTIONS, RESERVATIONS, EASEMENTS AND RIGHTS-OF-WAY OF RECORD



			CURVE TABLE		
CURVE	RADIUS	DELTA ANGLE	ARC	CHORD BEARING	CHORD
C1	780.51	41.55.55"	571.22'	S23'49'19"W	558.56'
C2	465.00'	09'49'20"	79.71'	N39'52'33"E	79.62'
C3	1912.50'	03'05'42"	103.31	S32°40'15"W	103.30'



į.	LINE TABLE		
LINE	BEARING	DISTANCE	
L1	N01*40'02"E	2662.08"	
L2	N00*58'44"W	2643.51	
L3	N89*34'43"E	2579.57	
L4	N89*34'52"E	892.01	
L5	S00°38'12"E	803.53	
L6	S03°19'52"W	1261.49	
L7	S00°38'39"E	770.05	
L8	S02*51'21"W	720.56	
L9	S51*57'19"W	448.84	
L10	S89'39'56"W	88.31	
L11	S00°20'04"E	812.53'	
L12	S89*23'05"W	2642.89	

NOTES: SEE SHEETS 2 & 3 OF 3 FOR COMPLETE LEGAL DESCRIPTION

BEARINGS ARE BASED ON NAD 83, 1999 ADJUSTMENT AND THE FLORIDA STATE PLANE COORDINATE SYSTEM, FLORIDA ZONE WEST AND THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SECTION 34 AS BEARING S.89"23"05"W.

LEGEND

BASIS OF BEARINGS

BOB IN# 0.R. PUBLIC RECORDS INSTRUMENT NUMBER

OFFICIAL RECORDS BOOK PG.

PAGE

P.O.B. POINT OF BEGINNING

\*\*\* THIS IS NOT A SURVEY \*\*\*

JOHN SCOTT RHODES, PSM #5739

SKETCH TO ACCOMPANY DESCRIPTION				
JOB # 2011-467	ACAD FILE SKETCH.DWG			
RHODES & RHODES LAND SURVEYING, INC.		TEXT FILE BNDRY-DESC.DOC		
			DATE SEPT. 27, 2011	
28100 BONITA GRANDE DRIVE SUITE 107				checked: MMM
BONITA SPRINGS, FL 34135 PHONE: (239) 405-8166 FAX: (239) 405-8163		sheet #:	1 of 3	

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Q.E.K.

RECORD VERIFIED

but is a Trustee-to-Trustee he Rules of the Department of re affixed hereto.

201 of the Florida Statutes, bu to Chapter 12 B-4.14(2) of the minimum documentary stamps are

f Chapter 2 pursuant to only the m

ð

the meaning of and is exempt plan. Therefore, o

ed is not a sale within the without consideration an of the State of Florida.

This deed i transfer wi Revenue of

## This Quit-Claim Deed, Executed this 25th day of September

, A. D. 1984 . by

WALTER S. PESETSKY, Individually and as Trustee

mention S. FERMAN, as Successor Trustee, with power and authority to protect and to conserve, and to sell or lease or to encumber or otherwise to manage and dispose of the real property described in this instrument, as more specifically set forth in Florida Statute 689.071,

bhose posicific address is conserved. Brian Scott Realty, Inc.

5757 N.W. Blue Lagoon Drive, Suite 330

Miami, Florida 33126

1863226

(Wherever used herein the terms "first party" and "second party" shall include singular and plural, heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, wherever the context of admits or required.

Witnesself, That the said first purty, for and in consideration of the sum of \$ 10.00 in hand paid by the said second party, the receipt whereof is hereby acknowledged, does hereby remise, release and quit-claim unto the said second party forever, all the right, title, interest, claim and demand which the said first party has in and to the following described lot, piece or parcel of land, situate, lying and being in the County of Lee State of Florida

> The East one-half (E4) of the West one-half (W4) of Section 34, Township 45 South, Range 25 East, of the Public Records of Lee County, Florida, consisting of 160 acres more or less, together with a 60-foot easement lying in Sections 28 and 33, Township 45 South, Range 25 East, Lee County, Florida, for road rightof-way, and together with all oil and mineral rights of owned by grantor.

ONDED IN OFFICIAL RECORDS COUNTY, FLORIDA, EGOAN YERIFIED 局, 料 10 6

Shi v. Kus Clark ad interim

Documentary Tax Pd. \$ intengitio tax Pd. CLERK, LEE COUNTY by B. A. Rosine Dopus Ank

This is not the homestead of the grantor, as the grantor resides in Dade County, Florida.

To Have and to Hold the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim what-soever of the said first party, either in law or equity, to the only proper use, benefit and behoof of the said second party forever.

In Witness Whereof, The said first party has signed and scaled these presents the day and year

first above written. Signed, sealed and delivered in presence of:

WALTER S. PESETSKY, Individually and

as Trustee

0170

STATE OF FLORIDA, COUNTY OF DADE

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, personally appeared

WALTER S. PESETSKY, Individually and as Trustee

to me known to be the person described in and who executed the foregoing instrument and e known to be the person described in and who executed the foregoing instrument and stage are that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this speember A. D. 19 84.

Notary Public, State of Florida. before me that he executed the same.

September

at Large

This Instrument prepared by: Address

This Instrument Was Prepared By Commission Expires:
EUWARD E. LEVINSON Notary Public, State of Florida at Large My Commission Expires August 13, 1969
Brickal Resource Tower 1428 Packet Avenue Mismi, Florida 33131

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15.008

This Instrument prepared by: FLEETWOOD TITLE CORPORATION BY PAT REGAS 904 LEE BLVD., SUITE 106, LEHIGH ACRES, FLORIDA 33936 FTC# 38707-PR

4560460

PARCEL # 34-45-25-00-00002.0000

PAGE 1 OF 2

REC \$ 15.00 RPTT \$ .70 TOTAL \$ 15.70

This Quit-Claim Deed,

Documentary Tax Pd. \$ 70

S Intangible Tax Pd.

CHARLIE GREEN, CLERK, LEE COUNTY

By Paul Chandles Deputy Clerk

Executed this 8TH day of JANUARY, A.D., 1999 by EMILY M. SKOLNICK AND ARVID A. BLOOMBURG, JR. acquiring title through instrument as recorded in O. R. Book 2917, Page 1785 in the public records of LEE County, Florida. first party,

to F.S.M. OF FORT MYERS, LIMITED LIABILITY COMPANY

whose post office address is: 25435 LOBLOLLY BAY ROAD, SE

RECORDED BY PAUL CHANDLER, D.C.

LABELLE, FL 33935

second party:

(Wherever used herein the terms "first party" and "second

party" shall include singular and plural, heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, wherever the context so admits or requires.)

Witnesseth, That the said first party, for and in consideration of the sum of \$10.00, in hand paid by the said second party, the receipt whereof is acknowledged, does hereby remise, release and quit-claim unto the said second party forever, all the right, title, interest, claim and demand which the said first party has in and to the following described lot, pieces or parcel of land, situate, lying and being in the County of LEE, State of Florida, to wit:

THE WEST HALF OF THE EAST HALF OF SECTION 34, TOWNSHIP 45 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, LYING WEST OF THE RIGHT-OF-WAY FOR STATE ROAD 93 (1-75), EXCEPT THAT PART OF THE WEST HALF OF THE EAST HALF OF SECTION 34, TOWNSHIP 45 SOUTH, RANGE 25 EAST, LYING WITHIN 162 FEET OF THE SURVEY LINE OF STATE ROAD 93 (1-75), SECTION 12075, SAID SURVEY LINE BEING DESCRIBED AS FOLLOWS: BEGIN ON THE SOUTHERLY BOUNDARY OF SECTION 34, TOWNSHIP 45 SOUTH, RANGE 25 EAST, AT A POINT 1562.91 FEET WESTERLY OF THE SOUTHEAST CORNER OF SAID SECTION 34, RUN THENCE NORTH 0°38'33.70" WEST 5292.96 FEET TO THE NORTHERLY BOUNDARY OF SAID SECTION 34, AT A POINT 1525.70 FEET WESTERLY OF THE NORTHEAST CORNER OF SAID SECTION 34.

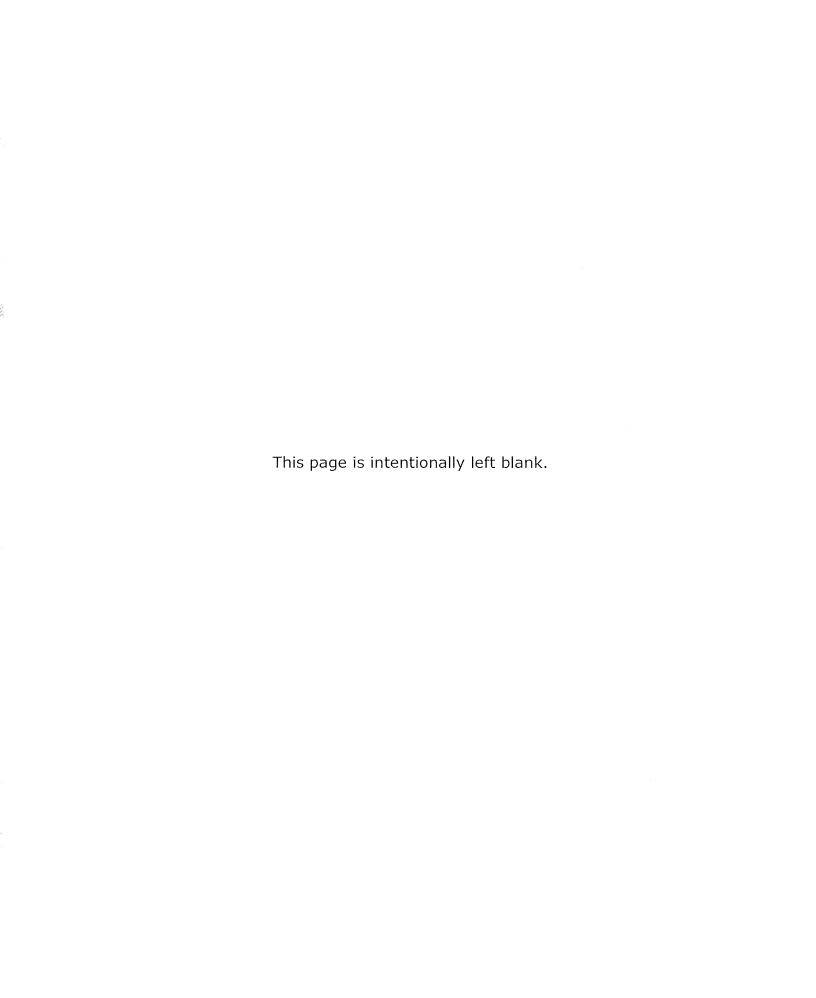
SUBJECT property is not now, nor has it ever been the homestead property of the grantor. It also is not contiguous to the present homestead of the grantor.

To Have and To Hold the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said first party, either in law or equity, to the only proper use, benefit and behalf of the said second party forever.

In Witness Whereof, The said first party has signed and sealed these presents the day and year first above written,

Signed, sealed and delivered in presence of:
WITNESS EMILY M. SKOLNICK L.S.
SECAI NIUSERE PRINTED NAME OF WITNESS
Liliteth Revillog
LILIBETH REVILLOZA PRINTED NAME OF WITNESS
STATE OF CAMPOPNIA
COUNTY OF SAN MAYED
The foregoing instrument was acknowledged before me this 180 day of the control o
WITNESS my hand and official seal in the County and State last aforesaid this XTH Oay of Savivary, A.D. 1999.
Notary Public (Notary Seal)
My Commission Expires (10.6.100)
PRINTED NAME OF NOTARY PUBLIC  SAN MATERIAL COUNTY
My Comm. Exp. Oct. 6, 2000

In Witness Whereof, The said first party has signed and sealed these presents the day and year first above written, Signed, sealed and delivered in presence of: WITNESS PRINTED NAME OF WITNESS WITNESS PRINTED NAME OF WITNESS COUNTY OF POIK The foregoing instrument was acknowledged before me this day of day of lower to me () or did produce acceptable identification being in the form of Drivers luense ! Social Security land WITNESS my hand and official seal in the County and State last aforesaid this get day of January, A.D. 1999. (Notary Seal) Notary Public My Commission Expires: 11-23-01 MY COMMISSION EXPIRES Frances M. Carenza PRINTED NAME OF NOTARY PUBLIC



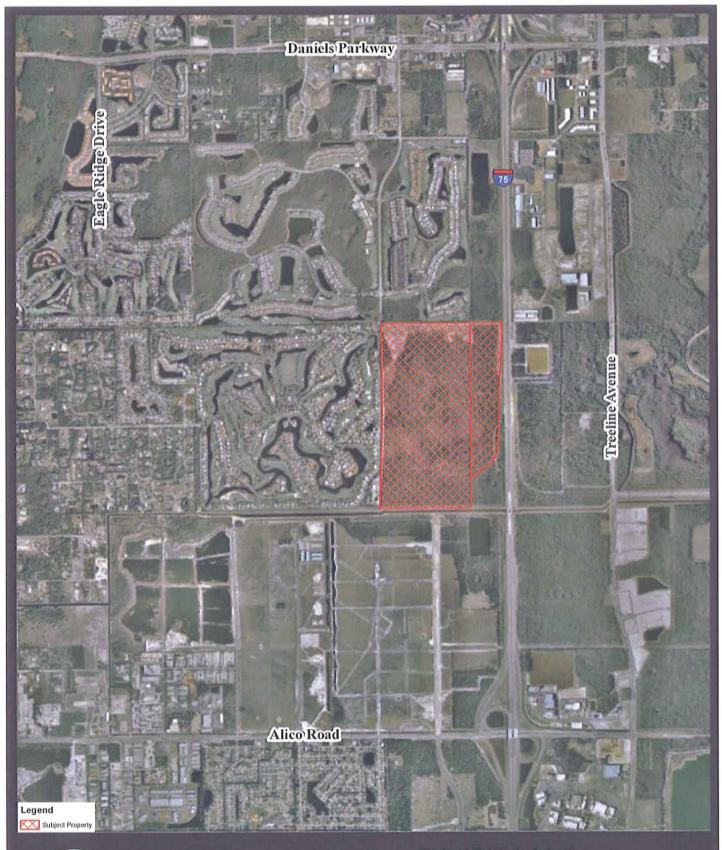




EXHIBIT IV.A.8
AERIAL LOCATION MAP

### FIDDLESTICKS PROPERTY COMPREHENSIVE PLAN AMENDMENT TRAFFIC STUDY

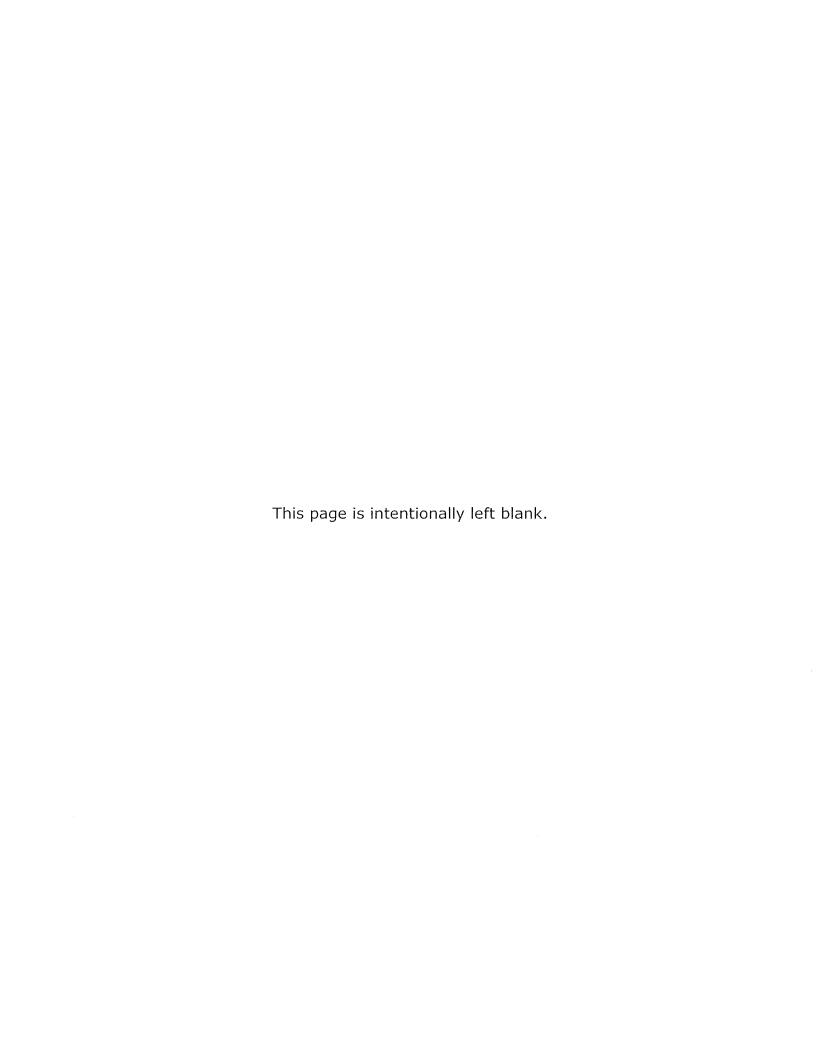
**Project #11533** 

Prepared by: DAVID PLUMMER & ASSOCIATES, INC.

2149 McGregor Boulevard Fort Myers, Florida 33901

September 29, 2011





### FIDDLESTICKS PROPERTY COMPREHENSIVE PLAN AMENDMENT TRAFFIC STUDY

### **Introduction**

The Fiddlesticks Property, hereafter referred to as the Project, is a proposed residential development located within unincorporated Lee County. The Project site is located just west of I-75, approximately half way between Daniels Parkway to the north and Alico Road to the south, Exhibit 1.

The subject property is currently zoned agricultural (AG-2) and is identified as Rural and Wetlands on Lee County's Future Land Use map. As part of the comprehensive plan amendment (CPA) process, the applicant desires to change the land use designation of the property to Outlying Suburban.

The purpose of this report, therefore, is to provide a traffic analysis in support of the proposed Comprehensive Plan Amendment (CPA) application to change the land use designation of the Project from Rural and Wetlands to Outlying Suburban.

### **Methodology Meeting**

A meeting was held with the Lee County DOT staff on September 1, 2011 to discuss the methodology to be used in preparing the traffic study in support of the Comprehensive Plan Amendment. A draft methodology outline report titled <u>Fiddlesticks Property Comprehensive Plan Amendment Traffic Study Methodology Outline</u> and dated August 31, 2011 (Appendix 1) was prepared and provided to the Staff at the meeting on September 1, 2011.

As presented in the draft methodology report, it was discussed and agreed during the methodology meeting that the potential traffic impacts of the proposed Comprehensive Plan Amendment would be evaluated based on comparative 2035 travel model assignments, both with and without the proposed Plan Amendment, using the adopted Lee County MPO 2035 CUBE travel model, the MPO's 2035 zonal data projections, and the road network from the adopted MPO 2035 Cost Feasible Plan. This is standard, accepted practice for traffic studies undertaken in support of the proposed comprehensive plan amendment traffic studies in Lee County. It was also agreed that the short-term (5-year) analysis would also use the MPO's CUBE travel model under the E+C (existing plus committed) roadway network and the interpolated zonal data (for the year 2016).

As suggested by the County Staff at the methodology meeting, the development parameters have been updated to include some commercial uses.



### **Existing Roadway Network**

The existing roadway network in the vicinity of the Project is depicted in Exhibit 1. As shown in Exhibit 1, there are several major roadways in the vicinity of the Project including Daniels Parkway, Three Oaks Parkway, Alico Road, and I-75.

Daniels Parkway is a County-maintained, six-lane, east-west arterial connecting several north-south roadways including Metro Parkway, Six Mile Cypress Parkway and Treeline Avenue, which serves the Southwest Florida International Airport. Daniels Parkway is a controlled access facility from US 41 to SR 82. It is also a constrained roadway facility from Metro Parkway to I-75.

Three Oaks Parkway is a County maintained, four-lane, divided arterial from Alico Road to the south. The future Three Oaks Parkway Extension will connect Alico Road to Daniels Parkway, as a four-lane divided roadway.

Alico Road is a County-maintained, six-lane, east-west arterial connecting US 41 to I-75 and Ben Hill Griffin Parkway. It becomes a two-lane collector east of Ben Hill Griffin Parkway to Corkscrew Road, which connects to SR 82 in Collier County.

I-75 is a State-maintained freeway along the west coast of Florida, which has recently been widened to six-lanes from Golden Gate Parkway in Collier County to SR 82. The sections north of SR 82 are currently being widened to six-lanes.

### **Scheduled Roadway Improvements**

Scheduled road improvements in the Lee County Capital Improvement Program are shown on a map produced by the Lee County DOT and titled <u>Major Road Improvements Tentatively Programmed Through Construction Phase</u>, F.Y. 2010/11 – 2014/15, (included as part of Appendix 1).

Some of the more important roadway improvements in the general vicinity of the Project include the following.

- Six-lane widening of Daniels Parkway, from Chamberlin Parkway to Gateway Boulevard Under Construction.
- New six-lane Metro Parkway Extension, from Six Mile Cypress Parkway to Alico Road Under Construction.
- Four-lane widening of Six Mile Cypress Parkway, from north of Daniels Parkway to Winkler Road Under Construction.

In addition to the above, the following major roadway improvements have been included into the recently adopted FDOT Five Year Program.



- I-75 Airport Access at SWFIA CD System Fiscal Year 2012
- Six-lane widening of I-75 from North of SR 80 to South of SR 78 Fiscal Year 2014

### Planned Roadway Improvements

The Lee County Metropolitan Planning Organization (MPO) recently adopted the Lee County 2035 Long Range Transportation Plan (LRTP). The 2035 LRTP Highway Cost Feasible Plan (also included as part of Appendix 1) identifies improvements that are considered Financially Feasible.

It is noted that the Lee County Financial Feasible Plan/Map 3A from The Lee Plan has not been updated yet to reflect the recently adopted Lee County MPO 2035 Long Range Transportation Plan (LRTP), Lee County Highway Cost Feasible Plan. Lee Plan Map 3A will essentially be the cost feasible component of the MPO 2035 LRTP Highway Element. As indicated in the current version of The Lee Plan, Chapter III. Transportation, a. Traffic Circulation, Policy 36.1.1:

"The Lee County Metropolitan Planning Organization's 2030 Financially Feasible Plan Map series is hereby incorporated as part of the Transportation Map series for this Lee Plan comprehensive plan element. The MPO 2030 Financially Feasible Highway Plan Map, as adopted December 7, 2005 and as amended through March 17, 2006, is incorporated as Map 3A of the Transportation Map series."

Therefore, as agreed during the methodology meeting, the traffic analysis reflected the adopted MPO 2035 LRTP, Cost Feasible Plan. In addition, it is noted that using the MPO 2035 LRTP in the traffic analysis is appropriate to reflect the long-term analysis. It is also understood that all the references to the MPO 2035 LRTP Cost Feasible Plan refer to the Map 3A from The Lee Plan, which is yet to be updated reflective of the MPO 2035 LRTP Cost Feasible Plan.

The Cost Feasible projects include those improvements that are considered affordable, given revenue projections through 2035. The Cost Feasible projects in the general vicinity of the Project include the following.

• Four-lane Three Oaks Parkway Extension from north of Alico Road to Daniels Parkway.

The Project has frontage onto and is anticipated to have access to the future Three Oaks Parkway Extension.

### **Land Use Assumptions**

The proposed CPA will amend <u>The Lee Plan</u> to change the Project's land use designation from Rural and Wetlands to Outlying Suburban.



Based on conservative assumptions as to the types, intensities and densities that could be developed under the proposed land use designation, the potential future land uses for the Project were developed. These numbers have been prepared for analysis purposes.

### Development Parameters (1)

	<u>5-Ye</u>		Build	
<u>Land Use</u>	Size	<u>Units</u>	Size	<u>Units</u>
Residential – Single Family Commercial	220	d.u.	1,122 20,000	

Footnotes:

As shown above, the development plan reflects approximately 1,122 single-family residential units and 20,000 square feet of commercial uses at build-out. Of the total, approximately 20% (220 d.u.) is anticipated within the first five years. No commercial development is anticipated in the first five years.

#### **Project Access**

The Project is anticipated to have access to/from Fiddlesticks Boulevard, which connects to Daniels Parkway. In addition, the Project has frontage onto future Three Oaks Parkway Extension and is anticipated to have access onto future Three Oaks Parkway.

### **Level of Service Standards**

Roadway level of service (LOS) standards generally vary depending upon whether the road is a State or County road and whether the road is in an urban or rural area. Furthermore, State roads on the Florida Intrastate Highway System (FIHS) generally have more stringent LOS standards than other roads.

Per <u>The Lee Plan</u>, Policy 37.1.1., appropriate level of service (LOS) standards were used in the traffic analysis, which acknowledges State LOS standards on FIHS, SIS and TRIP-funded facilities.

#### **Long-Term (2035) Comparative Travel Model Assignments**

As agreed at the methodology meeting, the recently adopted Lee County MPO CUBE travel model (FSUTMS) was used to run comparative travel model assignments both without and with the proposed CPA under the adopted Lee County MPO 2035 Cost Feasible Plan. For these



<sup>(1)</sup> Preliminary land use projections. Subject to change.

assignments, the future year 2035 Cost Feasible road network and the MPO's 2035 socio-economic data projections were used.

### 2035 Traffic Conditions Without the CPA

As required by Lee County, the study area included roadway segments within a three-mile radius of the Project. Exhibit 2 provides the results of the 2035 travel model assignment without the proposed CPA. For each segment, the most representative link volumes from the CUBE travel model assignment were used in the segment analysis. As shown in Exhibit 2, the following segments are projected to be deficient in 2035 without the proposed CPA.

### Deficient Roadway Segments – 2035 Cost Feasible Plan, Without CPA

Roadway	<u>From</u>	<u>To</u>
Daniels Parkway	I-75 Treeline Avenue	Treeline Avenue Chamberlin Parkway
1-75	Corkscrew Road Daniels Parkway	Alico Road Colonial Boulevard

The segments of Daniels Parkway from I-75 to Chamberlin Parkway are identified under the "Deficient Segments, 2035 Cost Feasible Plan" in the MPO's 2035 LRTP. In addition, the 2035 LRTP Needs Plan identifies I-75 as a deficient roadway segment with a need for ten lanes (6 lanes plus 4 express lanes). Relevant excerpts from the 2035 LRTP are provided as part of Appendix B.

Since the proposed CPA was not reflected in the MPO 2035 LRTP, these improvements will be needed whether or not there is development as part of the proposed CPA.

### 2035 Traffic Conditions With the CPA

A new TAZ (TAZ 1545) was assigned to represent the proposed CPA in the travel model. The proposed CPA build-out parameters (1,122 single-family dwelling units and 20,000 commercial uses) were converted to socio-economic data. The population estimates were derived based on the same seasonal vacancy and auto ownership rates as that of the adjacent development (TAZ 1427). The employment estimates were derived by applying the standard 2.5 employees per 1,000 square feet of commercial uses. Based on the travel model, the CPA generated approximately 5,400 peak season, weekday, average daily trips (PSWADT).

Exhibit 3 provides the results of the 2035 travel model assignment with the proposed CPA. As shown in Exhibit 3, the following segments were projected to be deficient in 2035 with the



proposed CPA. These are the same roadway segments that were found to be deficient in 2035 without the CPA.

### <u>Deficient Roadway Segments – 2035 Cost Feasible Plan, With CPA</u>

Roadway	<u>From</u>	<u>To</u>
Daniels Parkway	I-75 Treeline Avenue	Treeline Avenue Chamberlin Parkway
I-75	Corkscrew Road Daniels Parkway	Alico Road Colonial Boulevard

Based on the long-term (2035) comparative travel model analysis, the following conclusions are derived.

- 1. There are two deficient roadway segments on Daniels Parkway and on I-75 in 2035, without the proposed CPA.
- 2. The deficient roadway segments and the corresponding needed improvements have already been identified in the 2035 LRTP.
- 3. The same exact roadway segments that were deficient without the CPA are anticipated to be deficient with the proposed CPA.
- 4. There are no additional roadway deficiencies as a result of the proposed CPA.
- 5. No changes to the adopted 2035 LRTP are warranted as a result of the proposed CPA.

### Five-Year (Short-Term 2016) Comparative Travel Model Assignments

As agreed in the methodology meeting, the short-term (5-tear) analysis was based on the CUBE travel model under the E+C (existing plus committed) roadway network and the interpolated socio-economic data (for the year 2016). As described in the earlier section of this report, the E+C network included the I-75 Airport Access CD System at SWFIA, along with other committed improvements.

### 2016 Traffic Conditions Without the CPA

Exhibit 4 provides the results of the 2016 travel model assignment without the proposed CPA. As shown in Exhibit 4, no deficient roadway segments were identified in 2016, without the proposed CPA.



### 2016 Traffic Conditions With the CPA

Similar to the long-term analysis, a new TAZ (TAZ 1545) was used to represent the Project in the travel model. Since the Three Oaks Parkway Extension to Daniels Parkway is not a committed improvement, the new TAZ was only connected to Fiddlesticks Boulevard.

As identified previously, a total of 220 dwelling units were used to represent the proposed CPA development within the first five years. Based on the travel model, the CPA generated approximately 950 peak season, weekday, average daily trips (PSWADT).

Exhibit 5 provides the results of the 2016 travel model assignment with the proposed CPA. As in the case of without the proposed CPA scenario, no deficient roadway segments were identified in 2016 with the proposed CPA.

Based on the five-year (short-term, 2016) comparative travel model analysis, the following conclusions are derived.

- 1. No deficient roadway segments were identified in 2016, without the proposed CPA.
- 2. No deficient roadway segments were identified in 2016, with the proposed CPA.
- 3. There are no additional roadway deficiencies as result of the proposed CPA.
- 4. No changes to the current roadway improvements identified in the County's Capital Improvement Program (CIP) are warranted, as a result of the proposed CPA.

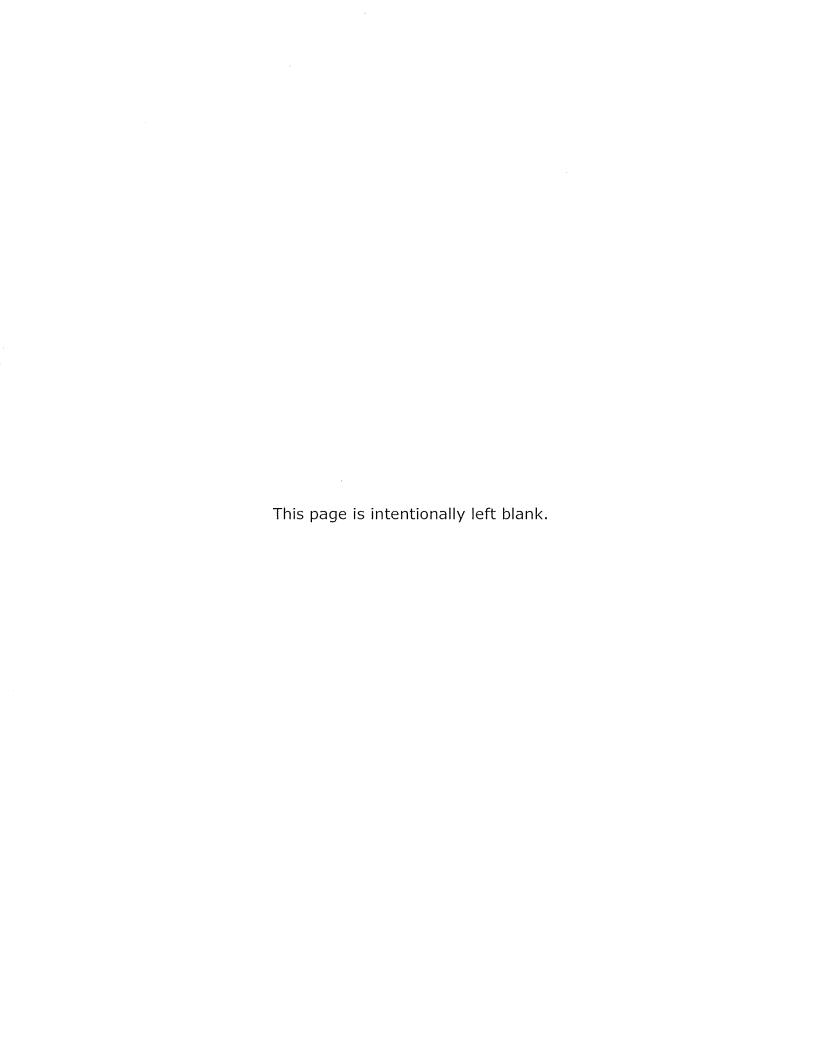
The complete CUBE travel model run for all CPA scenarios are available for download from ftp://ftpfm.dplumer.com/Public/11533\_fiddlesticks\_CPA.

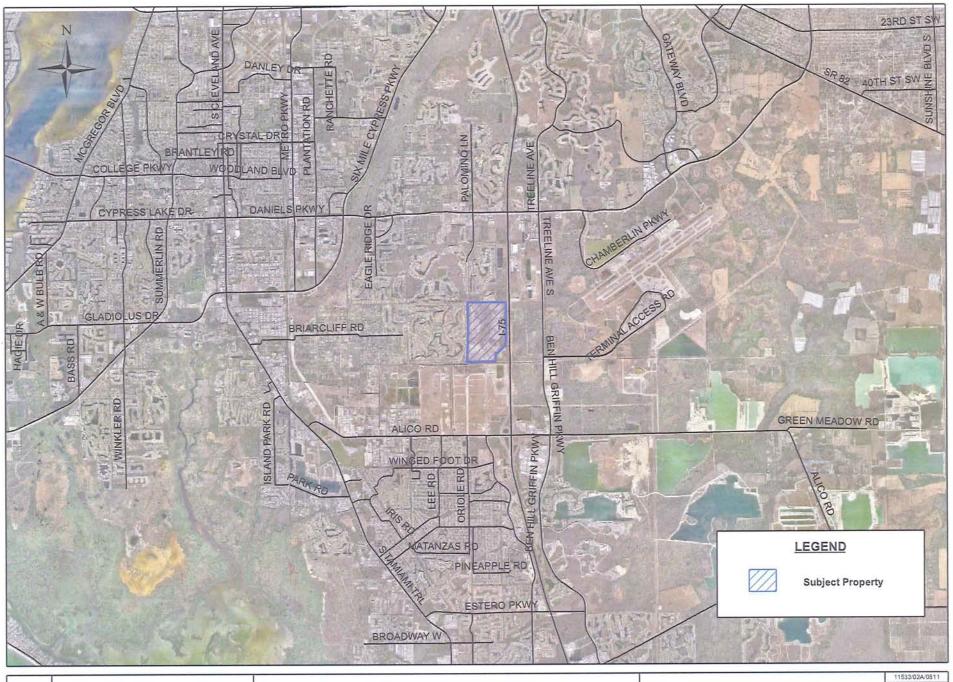
### **Traffic Mitigation**

It is anticipated that the Project will mitigate its external transportation impacts through the payment of roads impact fees. As shown in Exhibit 6a and 6b, it has been estimated that the Project will generate approximately \$1.47 and \$7.68 million in road impact fees, for the first five years and at build-out, respectively.

The roads impact fees can be used by the County to fund whatever road improvements are found to be necessary to support general growth in the area, including this Project. Of course, the Project will also generate ad valorem taxes, gas taxes, and other revenues that will be used to offset the traffic impacts.







dpa

10,000 Feet

2,500 5,000

FIDDLESTICKS PROPERTY COMPREHENSIVE PLAN AMENDMENT

**Project Location Map** 

1

EXHIBIT 2
FIDDLESTICKS PROPERTY
COMPREHENSIVE PLAN AMENDMENT TRAFFIC STUDY
FUTURE 2035 TRAFFIC CONDITIONS WITHOUT PROJECT
DIRECTIONAL PEAK HOUR (K100), PEAK SEASON

(6)**FSUTMS** (2)(7)Directional Service Volumes (3) PSWDT PSWDT (5) Two-Way (5) Directional (1) LOS # of LOS (4) Without /AADT 2035 K100 Peak Hr. D100 Peak Hr. Vol. LOS V/C N/E S/W LOS "C" LOS "D" LOS "E" Std N/E S/W N/E S/W TO Std PCS# CPA Factor AADT Factor Volume N/E S/W ROADWAY FROM Lanes 2.870 | 2.960 | 2.960 | 2.960 ß 10 59.794 1.167 51.200 0.1005 5.146 0.47 0.53 2.419 2,727 0.82 0.92 LEE RD ALICO ROAD METRO PKWY Ε 5.457 0.47 0.53 2,565 2.892 2,870 2.960 2,960 2.960 0.87 0.98 THREE OAKS PKWY 10 63,397 1.167 54,300 0,1005 LEE RD 0.97 5.407 0.47 0.53 2.866 2,870 2.960 2.960 0.86 10 62,793 1.167 53,800 0.1005 2,541 2.960 THREE OAKS PKWY 2.960 0.71 0.80 С С E 2.365 2,870 2.960 2,960 BEN HILL GRIFFIN PKWY 6 53 60.037 1.217 49,300 0.0905 4,462 0.47 0.53 2.097 1-75 Ē 2,010 2,040 2,040 4 53 13,100 0.0905 0.47 0.53 557 629 1,890 0,27 0.31 С С 15,901 1.217 1,186 BEN HILL GRIFFIN PKWY EAST Ε FGCU ENTRANCE COLLEGE CLUB DR 4 60 45,783 1.243 36,800 0.0991 3,647 0.53 0.47 1.933 1,714 1,900 1,960 1,960 0.99 BEN HILL GRIFFIN PKWY 60,328 48.500 0.0991 4.806 0.53 0.47 2.547 2,259 2.870 2,960 2,960 2.960 0.86 0.76 С COLLEGE CLUB DR ALICO ROAD 60 1.243 0.76 0.67 Ç Ε 0.53 0.47 1.549 1.374 1.890 2.010 2.040 2.040 ALICO RD TERMINAL ACCESS RD 60 36,629 1.243 29.500 0,0991 2.923 Ε 3,040 61.000 5.704 0.48 0.52 2,738 2,860 SIX MILE CYPRESS PKWY 30 71,404 1.170 0.0935 DANIELS PARKWAY METRO PKWY SIX MILE CYPRESS PKWY PALOMINO DR 6 31 86,671 1.173 73,900 0.0959 7,087 0.55 0.45 3,898 3,189 2,860 3,040 3,080 3,080 1.27 1.04 (8) Е 72,300 0.0959 6,934 0.55 3,814 3,120 2,860 3.040 3.080 PALOMINO DR 6 31 84,777 1,173 0.45 1.24 F F 3.396 2.860 3.040 3.080 3.080 1.10 52 83.048 1,110 74,800 0.0966 7,226 0.53 0.47 3,830 1-75 TREELINE AVENUE Е 6.559 0.53 0.47 3.476 3,083 2.860 3,040 3,080 3.080 1.13 1.00 TREELINE AVENUE 6 52 1.110 67.900 0.0966 CHAMBERLIN PKWY 75,322 D FDOT 7,082 6,538 4,580 5,580 6.200 5.580 1.27 1,17 167,820 1.111 151.000 0.0902 13,620 0.52 0.48 CORKSCREW RD ALICO RD I-75 5,580 6,200 5,580 0,95 0.88 D D ALICO RD TERMINAL ACCESS RD D FDOT 125,409 1,111 112,900 0,0902 10,184 0.52 0.48 5.296 4.888 4,580 5.580 D FDOT 125,409 112,900 10,180 0.52 5,294 4.886 4,580 5,580 6.200 0.95 0.88 D TERMINAL ACCESS RD DANIELS PKWY 1,111 0.0902 D FDOT 1.27 F 0.48 7.106 6.559 4.580 5.580 6.200 5,580 1.18 COLONIAL BLVD 6 168,280 1,111 151,500 0.0902 13,665 0.52 DANIELS PKWY 25 50,600 0.0933 4.721 0.53 0.47 2,502 2,219 3.920 5.080 5.760 5,760 0.43 0.39 59.013 1,167 METRO PARKWAY ALICO RD BRIARCLIFF RD Ē С 3.148 0.49 0.51 1,543 1,605 1,890 2,010 2.040 2.040 0.76 0.79 PLANTATION RD 4 46 39.504 1.163 34,000 0.0926 SIX MILE CYPRESS PKWY METRO PKWY 31,300 0,0926 2,898 0.51 1,420 1.478 1.890 2.010 2.040 2.040 0.70 0.72 DANIELS PKWY 4 E 46 36.406 1.163 0.49 PLANTATION RD 2,040 2,040 0.87 0.74 С 33,800 0.0976 0.46 1.781 1,518 1,890 2,010 NORTH 4 18 37,254 1.103 3,299 0.54 DANILES PKWY 0.69 0.61 E 25 31,978 27,400 0.0933 0.53 0.47 1.355 1,201 1,900 1,960 1,960 1.960 С С 4 1.167 2,556 THREE OAKS PARKWAY SAN CARLOS BLVD ALICO RD Ε 1.567 0.53 0.47 736 1,900 1,960 1,960 1.960 0.42 0.38 C PROJECT ENTRANCE 25 19,620 1.167 16,800 0.0933 831 ALICO RD 0.41 0.36 FIDDLESTICKS BLVD 4 E 25 19.007 1.167 16.300 0.0933 1,521 0.53 0.47 806 715 1,900 1.960 1,960 1.960 PROJECT ENTRANCE 0.70 0.62 С 1.960 1.960 1,960 2,584 0.53 0.47 1,370 1,214 1,900 FIDDLESTICKS BLVD DANIELS PKWY 32,355 1.167 27,700 0,0933

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REPORT AND ADDRESS AND ADDRESS

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1,960

1,900

2.040 2.040

1,960

1.960

0.90 0.80

0.60

#### Footnotes:

TREELINE AVENUE

- (1) 2035 cost-feasible number of lanes.
- (2) Lee County Generalized Service Volumes (March, 2011). FDOT Generalized Service Volumes for I-75,

TERMINAL ACCESS RD

DANIELS PKWY

- (3) Lee County roadway LOS standard per The Lee Plan, Policy 37.1.1. I-75 based on FDOT FiHS LOS standard.
- (4) Based on Lee County 2010 Traffic Count Report. 1-75 based on FDOT 2010 AADT traffic information.
- (5) Adjustment factors based on Lee County 2010 Traffic Count Report. I-75 based on FDOT 2010 traffic information.
- (6) Peak season traffic volumes based on FSUTMS travel model assignment.
- (7) PSADT/AADT factor based on Lee County 2010 permanent count station data. I-75 based on Lee Countywide PSF from FDOT data,

DANIELS PKWY

PLANTATION GARDENS PKWY

(8) Costrained roadway segment. Maximum v/c ratio is less than 1.85.

EXHIBIT 3
FIDDLESTICKS PROPERTY
COMPREHENSIVE PLAN AMENDMENT TRAFFIC STUDY
FUTURE 2035 TRAFFIC CONDITIONS WITH PROJECT
DIRECTIONAL PEAK HOUR (K100), PEAK SEASON

DIRECTIONAL PEAK HOUR	(K100), PEAK SEASON																				
						(6)															
						FSUTMS	(7)											(2)			
			(1)	٠.			PSWDT		. ,	Two-Way		(5)	Direct		Direc	tional Se	rvice Vol				
			# of		, ,	With	/AADT	2035		Peak Hr.	D1		Peak F					LOS		/C	
ROADWAY	FROM	ТО	Lanes		d PCS#	CPA		AADT		Volume	N/E	S/W	N/E	S/W			LOS "E'			S/W	N/
			25025	====	: ======						=====					=======		=====			===
ALICO ROAD	METRO PKWY	LEE RD	6	E	10	60,650	1.167	52.000	0.1005	5,226	0.47	0.53	2,456	2,770	2,870	2,960	2,960	2,960	0.83	0.94	С
	LEE RD	THREE OAKS PKWY	6	E	10	63,996	1.167	54,800	0.1005	5,507	0.47	0.53	2,588	2,919	2,870	2,960	2,960	2,960	0.87	0.99	C
	THREE OAKS PKWY	1-75	6	E	10	63.236	1.167	54,200	0.1005	5,447	0.47	0.53	2,560	2,887	2,870	2.960	2.960	2,960	0.86	0.98	C
	1-75	BEN HILL GRIFFIN PKWY	6	E	53	60,486	1.217	49,700	0.0905	4,498	0.47	0.53	2,114	2.384	2,870	2,960	2,960	2,960	0.71	0.81	C
	BEN HILL GRIFFIN PKWY	EAST	4	E	53	16.034	1.217	13,200	0.0905	1,195	0.47	0.53	562	633	1,890	2,010	2,040	2,040	0.28	0.31	C
BEN HILL GRIFFIN PKWY	FGCU ENTRANCE	COLLEGE CLUB DR	4	E	60	46,054	1,243	37,100	0.0991	3,677	0.53	0.47	1,949	1,728	1,900	1,960	1.960	1,960	0.99	0,88	С
	COLLEGE CLUB DR	ALICO ROAD	6	E	60	60,776	1.243	48,900	0.0991	4.846	0.53	0.47	2,568	2,278	2,870	2,960	2,960	2,960	0.87	0.77	C
	ALICO RD	TERMINAL ACCESS RD	4	E	60	36.535	1.243	29,400	0.0991	2,914	0,53	0.47	1,544	1,370	1.890	2,010	2,040	2.040	0.76	0.67	С
DANIELS PARKWAY	METRO PKWY	SIX MILE CYPRESS PKWY	6	E	30	71,923	1,170	61,500	0.0935	5,750	0,48	0,52	2,760	2,990	2,860	3,040	3,080	3,080	0.90	0.97	(8
	SIX MILE CYPRESS PKWY	PALOMINO DR	6	E	31	87.084	1.173	74,200	0.0959	7,116	0.55	0.45	3,914	3,202	2,860	3,040	3,080	3,080	1.27	1.04	(8
	PALOMINO DR	I-75	6	E	31	85,596	1.173	73,000	0.0959	7,001	0.55	0.45	3,851	3,150	2.860	3,040	3,080	3,080	1.25	1.02	(8
	1-75	TREELINE AVENUE	6	E	52	83,432	1.110	75,200	0.0966	7.264	0.53	0.47	3,850	3,414	2.860	3,040	3,080	3,080	1.25	1.11	F
	TREELINE AVENUE	CHAMBERLIN PKWY	6	E	52	75,485	1.110	68,000	0.0966	6.569	0.53	0.47	3,482	3,087	2,860	3,040	3,080	3,080	1.13	1.00	F
I-75	CORKSCREW RD	ALICO RD	6	D	FDOT	168.385	1,111	151,500	0.0902	13,665	0.52	0.48	7.106	6.559	4.580	5,580	6.200	5,580	1.27	1.18	F
	ALICO RD	TERMINAL ACCESS RD	6	D	FDOT	128,504	1.111	115,700	0.0902	10,436	0.52	0.48	5,427	5,009	4.580	5,580	6,200	5,580	0.97	0.90	C
	TERMINAL ACCESS RD	DANIELS PKWY	6	D	FDOT	128,504	1,111	115,700	0.0902	10,436	0.52	0.48	5.427	5,009	4.580	5,580	6,200	5,580	0.97	0,90	С
	DANIELS PKWY	COLONIAL BLVD	6	D	FDOT	169,137	1.111	152,200	0.0902	13,728	0.52	0.48	7,139	6,589	4.580	5,580	6.200	5,580	1.28	1.18	F
METRO PARKWAY	ALICO RD	BRIARCLIFF RD	6	E	25	61,230	1.167	52,500	0.0933	4,898	0.53	0.47	2,596	2,302	3,920	5,080	5,760	5,760	0.45	0.40	С
SIX MILE CYPRESS PKWY	METRO PKWY	PLANTATION RD	4	E	46	35,832	1.163	30,800	0.0926	2,852	0.49	0.51	1,397	1,455	1.890	2,010	2.040	2,040	0.68	0.71	С
	PLANTATION RD	DANIELS PKWY	4	E	46	36,247	1.163	31,200	0.0926	2.889	0.49	0.51	1.416	1,473	1,890	2,010	2,040	2,040	0.69	0.72	С
	DANILES PKWY	NORTH	4	E	18	37,164	1.103	33,700	0.0976	3,289	0.54	0.46	1,776	1,513	1,890	2,010	2,040	2,040	0.87	0.74	С
THREE OAKS PARKWAY	SAN CARLOS BLVD	ALICO RD	4	E	25	32.824	1.167	28,100	0.0933	2,622	0.53	0.47	1,390	1,232	1,900	1,960	1,960	1,960	0.71	0.63	С
	ALICO RD	PROJECT ENTRANCE	4	E	25	20,752	1.167	17,800	0.0933	1,661	0.53	0.47	880	781	1,900	1,960	1,960	1,960	0.45	0.40	С
	PROJECT ENTRANCE	FIDDLESTICKS BLVD	4	E	25	21.289	1.167	18,200	0.0933	1,698	0.53	0.47	900	798	1.900	1,960	1,960	1.960	0.46	0.41	С
	FIDDLESTICKS BLVD	DANIELS PKWY	4	E	25	34,440	1.167	29,500	0.0933	2,752	0.53	0.47	1,459	1,293	1,900	1,960	1.960	1,960	0.74	0.66	С
TREELINE AVENUE	TERMINAL ACCESS RD	DANIELS PKWY	4	E	61	46.562	1.183	39,400	0.0880	3,467	0.53	0.47	1,838	1,629	1,890	2,010	2,040	2,040	0.90	0.80	C
	DANIELS PKWY	PLANTATION GARDENS PKWY	4	Е	61	29.719	1,183	25,100	0.0880	2,209	0.53	0.47	1,171	1,038	1.900	1.960	1,960	1.960	0.60	0.53	С

EXHIBIT 4
FIDDLESTICKS PROPERTY
COMPREHENSIVE PLAN AMENDMENT TRAFFIC STUDY
FUTURE 2016 TRAFFIC CONDITIONS WITHOUT PROJECT
DIRECTIONAL PEAK HOUR (K100), PEAK SEASON

DIRECTIONAL TEAR TOOM (	1(100), 1 = 1111 0 = 110 0 11																			
						(6)														
						FSUTMS	(7)											(2)		
			(1)	(3)		PSWDT	PSWDT		. ,	Two-Way		(5)	Direct		Direct	ional Ser	vice Volu			
			# of	LOS	(4)	Without	/AADT	2016	K100	Peak Hr.		00	Peak F					LOS		<u>//C</u>
ROADWAY	FROM	TO	Lanes		PCS #	CPA 	Factor	AADT	Factor	Volume	N/E =====	S/W =====	N/E =====	S/W ======		LOS "D"				S/W
	T	T	ι	E	ı	48.750		41,800		4,201	0,47	0.53	1,974		T	2.960	2.960	Т		Т
ALICO ROAD	METRO PKWY	LEE RD	6	E	10	47,676	1.167 1.167		0.1005	4,110	0.47	0.53	1,932		1	2,960	2,960	2.960	0.65	
	LEE RD	THREE OAKS PKWY	6	E	10	46,464	1.167		0.1005	4,000	0.47	0.53		2.120	1	2,960	2,960	2,960	0.64	
	I-75	I-75 BEN HILL GRIFFIN PKWY	6	E	53	36,592	1.217		0.0905	2,724	0.47	0.53	1,280			2.960	2,960	2,960	0.43	
	BEN HILL GRIFFIN PKWY	EAST	2	E	53	3,874	1,217		0.0905	290	0.47	0.53	136	154	650	820	860	860	T	0.18
BEN HILL GRIFFIN PKWY	FGCU ENTRANCE	COLLEGE CLUB DR	4	E	60	24,530	1.243		0.0991	1,952	0.53	0.47		917	1,900	1,960	1,960	1.960	0.53	0.47
DENTILE GITTING KAY	COLLEGE CLUB DR	ALICO ROAD	6	E	60	33,530	1.243	27,000		2,676	0.53	0.47	1,418	1,258	2.870	2,960	2,960	2,960	0.48	0.43
	ALICO RD	TERMINAL ACCESS RD	4	E	60	21,900	1.243	17,600	0.0991	1,744	0.53	0.47	924	820	1,890	2,010	2,040	2.040	0.45	0.40
DANIELS PARKWAY	METRO PKWY	SIX MILE CYPRESS PKWY	6	E	30	55.829	1.170	47,700	0.0935	4,460	0.48	0.52	2,141	2,319	2.860	3,040	3,080	3,080	0.70	0.75
	SIX MILE CYPRESS PKWY	PALOMINO DR	6	Ε	31	66,649	1.173	56,800	0.0959	5,447	0.55	0.45	2,996	2,451	2,860	3,040	3,080	3.080	0.97	0.80
	PALOMINO DR	I-75	6	E	31	66,692	1.173	56,900	0.0959	5,457	0.55	0,45	3,001	2,456	2,860	3,040	3,080	3.080	0.97	0.80
	1-75	TREELINE AVENUE	6	E	52	63,654	1.110	57,300	0.0966	5,535	0.53	0.47	2,934	2,601	2.860	3,040	3.080	3,080	0.95	0.84
	TREELINE AVENUE	CHAMBERLIN PKWY	6	E	52	58,735	1.110	52,900	0.0966	5,110	0.53	0.47	2,708	2,402	2.860	3,040	3.080	3,080	0.88	0.78
	CHAMBERLIN PKWY	GATEWAY BLVD	6	E	52	54.047	1.110	48,700	0.0966	4,704	0.53	0.47	2,493	2,211	2,860	3.040	3,080	3,080	0.81	0.72
1-75	CORKSCREW RD	ALICO RD	6	D	FDOT	132,763	1.111	119,500	0.0902	10,779	0.52	0.48	5,605	5,174	4,580	5,580	6,200	5,580	1.00	0.93
	ALICO RD	TERMINAL ACCESS RD	6	D	FDOT	124,975	1.111	112,500	0.0902	10,148	0.52	0.48	5,277	4,871	4,580	5,580	6,200	5,580	0.95	0.87
	TERMINAL ACCESS RD	DANIELS PKWY	6	D	FDOT	124,975	1.111	112,500	0.0902	10,148	0.52	0.48	5.277	4,871	4,580	5,580	6,200	5,580	0.95	
	DANIELS PKWY	COLONIAL BLVD	6	D	FDOT	121.921	1.111	109,700	0.0902	9,895	0.52	0.48	5,145	4.750		5,580	6,200	5,580	0.92	
METRO PARKWAY	ALICO RD	BRIARCLIFF RD	6	E	25	47,393	1.167	40,600	0.0933	3,788	0.53	0.47	2,008	1,780	3,920	5,080	5.760	5,760		0.31
SIX MILE CYPRESS PKWY	METRO PKWY	PLANTATION RD	4	E	46	30,105	1.163	25,900	0.0926	2,398	0.49	0.51	1,175	1,223	T	2,010	2,040	2,040	0.58	
	PLANTATION RD	DANIELS PKWY	4	E	46	27,499	1.163	23,600	0.0926	2,185	0.49	0.51				2,010	2,040	2.040	0.53	
	DANILES PKWY	NORTH	4	E	18	26,691	1.103	24,200		2,362	0.54	0.46			1,890	2,010	2,040	2,040	0.63	
THREE OAKS PARKWAY	SAN CARLOS BLVD	ALICO RD	4	E	25	17,257	1.167	14,800		1,381	0.53		732		-	1,960	1,960	1,960	0.37	
TREELINE AVENUE	TERMINAL ACCESS RD	DANIELS PKWY	4	E	61	28,632	1.183	24,200		2,130	0.53	0.47			1,890	2,010	2,040	2,040	0.55	
	DANIELS PKWY	PLANTATION GARDENS PKWY	4	E	61	17,143	1.183	14,500	0.0880	1,276	0,53	0.47	676	600	1,900	1.960	1,960	1,960	0.34	0.31

**EXHIBIT 5** FIDDLESTICKS PROPERTY COMPREHENSIVE PLAN AMENDMENT TRAFFIC STUDY **FUTURE 2016 TRAFFIC CONDITIONS WITH PROJECT** DIRECTIONAL PEAK HOUR (K100), PEAK SEASON

THREE OAKS PARKWAY

TREELINE AVENUE

SAN CARLOS BLVD

DANIELS PKWY

TERMINAL ACCESS RD

ALICO RD

DANIELS PKWY

PLANTATION GARDENS PKWY

(6)

**FSUTMS** (7) (1) (3) PSWDT PSWDT (5) Two-Way Directional Directional Service Volumes # of LOS (4) With /AADT 2016 K100 Peak Hr. D100 Peak Hr. Vol. LOS V/C ROADWAY FROM TO Lanes Std PCS# CPA AADT Factor S/W LOS "C" LOS "D" LOS "E" Factor Volume N/E N/E S/W Std N/E S/W ALICO ROAD METRO PKWY EE RD 10 48,639 1.167 41.700 0.1005 4,191 0.47 0.53 1.970 2.221 2.870 2.960 2.960 2.960 0.67 0.75 LEE RD THREE OAKS PKWY 6 10 47,463 1.167 40,700 0.1005 4,090 0.47 0.53 1,922 2,168 2,870 2,960 2,960 2,960 0.65 0.73 THREE OAKS PKWY E 10 46,347 1,167 39.700 0.1005 0.47 1.875 2,870 3,990 0.53 2,115 2,960 2.960 2,960 0.63 0.71 BEN HILL GRIFFIN PKWY 6 53 29,900 0.0905 36,349 1.217 2.706 0.47 0.53 1,272 1.434 2,870 2,960 2,960 2,960 0.43 | 0.48 BEN HILL GRIFFIN PKWY EAST 53 3,861 1.217 3,200 0.0905 290 0.47 0.53 136 154 650 860 860 0.16 0.18 BEN HILL GRIFFIN PKWY FGCU ENTRANCE COLLEGE CLUB DR 4 Ε 60 25.104 1.243 20.200 0.0991 2.002 0.53 0.47 1,061 941 1,900 1.960 1.960 1.960 0.54 0.48 COLLEGE CLUB DR ALICO ROAD 6 33,773 1.243 27,200 2,870 60 0.0991 2,696 0.53 0.47 1,429 1,267 2,960 2,960 2,960 0.48 | 0.43 ALICO RD TERMINAL ACCESS RD E 60 22,331 1,243 18,000 1,784 0.47 838 0.0991 0.53 946 1,890 2.010 2,040 2,040 0.46 | 0.41 DANIELS PARKWAY METRO PKWY SIX MILE CYPRESS PKWY 30 57,900 1.170 49,500 0.0935 4,628 0.48 0.52 2,221 2,407 2,860 3,040 3,080 3,080 0.72 0.78 Ε SIX MILE CYPRESS PKWY PALOMINO DR 31 66.985 57.100 0.0959 5.476 0.55 0.45 2,464 2,860 3,080 1.173 3,012 3.040 3.080 0.98 0.80 PALOMINO DR 31 66.997 1.173 57,100 0.0959 5,476 0.55 3.012 2,464 2.860 3.040 3,080 0.98 0.80 TREELINE AVENUE Ε 52 63.527 5,526 0.47 1.110 57,200 0.0966 0.53 2,929 2,597 2,860 3.040 3,080 0.95 0.84 CHAMBERLIN PKWY 6 52 58.667 52,900 0.0966 TREELINE AVENUE 1.110 5,110 0.53 2,708 2,402 2.860 3.040 3,080 3,080 0.88 0.78 CHAMBERLIN PKWY GATEWAY BLVD 52 53,963 48,600 4,695 1.110 0.0966 0.53 0.47 2,488 2,207 2,860 3.040 3,080 3,080 0.81 0.72 ALICO RD D FDOT 132,222 l-75 CORKSCREW RD 1,111 119,000 0.0902 10,734 0.52 5,582 5,152 4,580 5,580 6,200 5,580 1.00 0.92 ALICO RD TERMINAL ACCESS RD 6 D FDOT 124.486 1.111 112,000 6,200 5,580 0.0902 10,102 0.52 0.48 5.253 4,849 4,580 5.580 0.94 0.87 TERMINAL ACCESS RD DANIELS PKWY 6 D FDOT 124,506 1,111 112,100 0.0902 10.111 0.52 0.48 5,258 4,853 4,580 5,580 6,200 5.580 0.94 0.87 DANIELS PKWY COLONIAL BLVD 6 D FDOT 122,299 1.111 110,100 0.0902 9.931 0.52 0.48 5.164 4,767 4,580 5,580 6,200 5,580 0.93 | 0.85 Е METRO PARKWAY ALICO RD BRIARCLIFF RD 6 25 42,924 1,167 36,800 0.0933 3,433 0.53 0.47 1.819 1,614 3,920 5,080 5,760 5,760 0.32 0.28 F SIX MILE CYPRESS PKWY METRO PKWY PLANTATION RD 46 29.552 1.163 25,400 0.0926 2,352 0.49 0.51 1,152 1,200 1,890 2.010 2.040 2,040 0.56 0.59 PLANTATION RD DANIELS PKWY 46 27,200 1.163 23,400 0.0926 2,167 1,062 1,105 1,890 2.040 2,040 0.52 0.54 0.49 0.51 2.010 DANILES PKWY NORTH 18 26,407 1.103 23,900 0.0976 2,333 0.54 0.46 1,260 1,073 1,890 2.010 2,040 2.040 0.62 0.53

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# EXHIBIT 6a FIDDLESTICKS PROPERTY COMPREHENSIVE PLAN AMENDMENT TRAFFIC STUDY ROADS IMPACT FEE CALCULATION (1)

### FIRST FIVE YEARS (2016)

		<u>Size</u>	Fee Rate /Unit	<u>Amount</u>
Residential:	Single-Family Detached	220	\$6,701 /d.u.	\$1,474,220
	Multi-Family	0	\$4,659 /d.u.	\$0
	Mobile Home/RV Park	0	\$3,499 /pad (park site)	\$0
	Elderly/Disabled Housing	0	\$2,435 /d.u.	\$0
	Adult Cong. Living Facility (ACLF)	0	\$1,512 /d.u.	\$0
Lodging:	Hotel / Motel / Timeshare	0	\$3,861 /room	\$0
Retail:	Shopping Center/General Retail	0	\$7,933 /1,000 s.f.	\$0
	Bank	0	\$17,187 /1,000 s.f.	\$0
	Car Wash, Self Service	0	\$3,800 /1,000 s.f.	\$0
	Convenience Store w/Gas Sales	0	\$29,116 /1,000 s.f.	\$0
	Golf Course (open to public)	0	\$1,907 /acre	\$0
	Movie Theater	0	\$16,769 /1,000 s.f.	\$0 \$0
	Restaurant, Standard	0	\$14,688 /1,000 s.f.	\$0
	Restaurant, Fast Food	0	\$32,028 /1,000 s.f.	\$0
Service:	Office	0	\$5,355 /1,000 s.f.	\$0
	Hospital	0	\$7,576 /1,000 s.f.	\$0
	Nursing Home	0	\$3,418 /1,000 s.f.	\$0
	Church	0	\$3,851 /1,000 s.f.	\$0
	Day Care Center	0	\$10,705 /1,000 s.f.	\$0
	Elementary / Secondary School (Private)	0	\$1,897 /1,000 s.f.	\$0
Industrial:	Industrial Park or General Industrial	0	\$4,626 /1,000 s.f.	\$0
maaaman	Warehouse	0	\$2,366 /1,000 s.f.	\$0
	Warehouse, High Cube	0	\$956 /1,000 s.f.	\$0
	Mini-Warehouse	0	\$1,125 /1,000 s.f.	\$0
	Mine or Quarry	0	\$0.026 /Cubic Yard	\$0

\$1,474,220

FOOTNOTES:

<sup>(1)</sup> Based on Lee County Roads Impact Fee Ordinance 11-06.

# EXHIBIT 6b FIDDLESTICKS PROPERTY COMPREHENSIVE PLAN AMENDMENT TRAFFIC STUDY ROADS IMPACT FEE CALCULATION (1)

**BUILD-OUT (2035)** 

		<u>Size</u>	Fee Rate /Unit	<u>Amount</u>
Residential:	Single-Family Detached	1,122	\$6,701 /d.u.	\$7,518,522
	Multi-Family	0	\$4,659 /d.u.	\$0
	Mobile Home/RV Park	0	\$3,499 /pad (park site)	\$0
	Elderly/Disabled Housing	0	\$2,435 /d.u.	\$0
	Adult Cong. Living Facility (ACLF)	0	\$1,512 /d.u.	\$0
Lodging:	Hotel / Motel / Timeshare	0	\$3,861 /room	\$0
Retail:	Shopping Center/General Retail	20,000	\$7,933 /1,000 s.f.	\$158,660
	Bank	0	\$17,187 /1,000 s.f.	\$0
	Car Wash, Self Service	0	\$3,800 /1,000 s.f.	\$0
	Convenience Store w/Gas Sales	0	\$29,116 /1,000 s.f.	\$0
	Golf Course (open to public)	0	\$1,907 /acre	\$0
	Movie Theater	0	\$16,769 /1,000 s.f.	\$0
	Restaurant, Standard	0	\$14,688 /1,000 s.f.	\$0
	Restaurant, Fast Food	0	\$32,028 /1,000 s.f.	\$0
Service:	Office	0	\$5,355 /1,000 s.f.	\$0
	Hospital	0	\$7,576 /1,000 s.f.	\$0
	Nursing Home	0	\$3,418 /1,000 s.f.	\$0
	Church	0	\$3,851 /1,000 s.f.	\$0
	Day Care Center	0	\$10,705 /1,000 s.f.	\$0
	Elementary / Secondary School (Private)	0	\$1,897 /1,000 s.f.	\$0
Industrial:	Industrial Park or General Industrial	0	\$4,626 /1,000 s.f.	\$0
	Warehouse	0	\$2,366 /1,000 s.f.	\$0
	Warehouse, High Cube	0	\$956 /1,000 s.f.	\$0
	Mini-Warehouse	0	\$1,125 /1,000 s.f.	\$0
	Mine or Quarry	0	\$0.026 /Cubic Yard	\$0

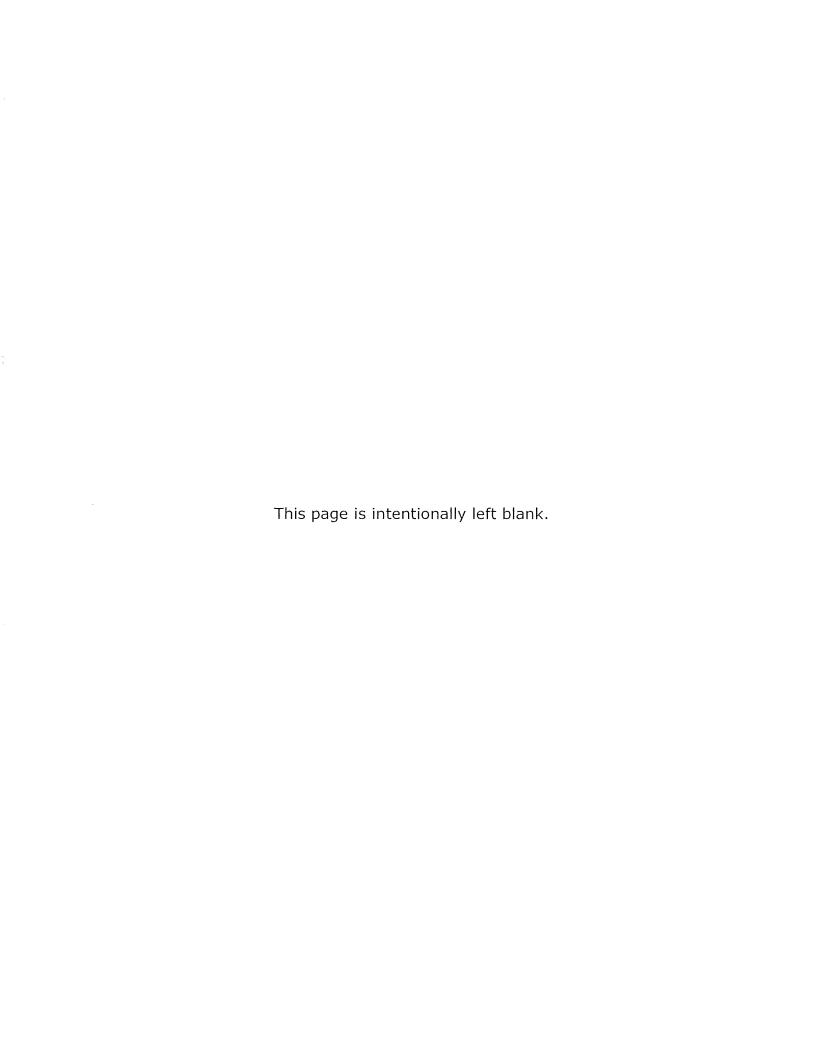
\$7,677,182

### FOOTNOTES:

RoadsImpactFee

<sup>(1)</sup> Based on Lee County Roads Impact Fee Ordinance 11-06.

## $\frac{\text{APPENDIX 1}}{\text{METHODOLOGY REPORT}}$



## FIDDLESTICKS PROPERTY COMPREHENSIVE PLAN AMENDMENT TRAFFIC STUDY METHODOLOGY OUTLINE

**Project #11533** 

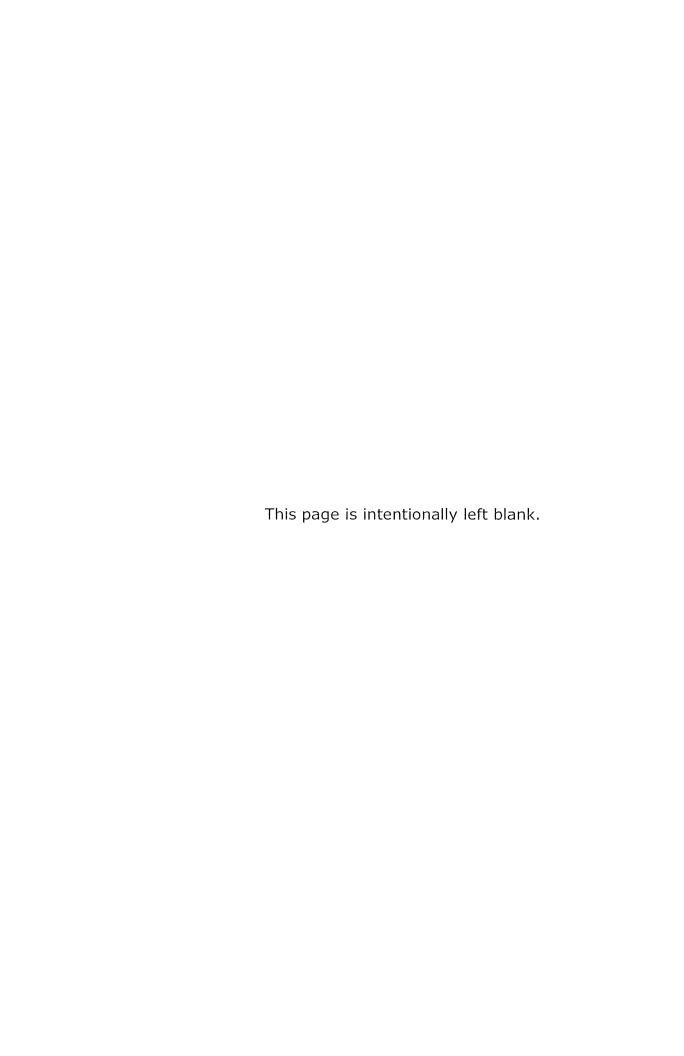
Prepared by:

DAVID PLUMMER & ASSOCIATES, INC.

2149 McGregor Boulevard

August 31, 2011

Fort Myers, Florida 33901



### FIDDLESTICKS PROPERTY COMPREHENSIVE PLAN AMENDMENT TRAFFIC STUDY METHODOLOGY OUTLINE

### Introduction

Fiddlesticks Property, hereafter referred to as the Project, is a proposed residential development located within the unincorporated Lee County. The Project site is located just west of I-75, approximately half way between Daniels Parkway to the north and Alico Road to the south, Exhibit 1.

The subject property is currently under agricultural zoning (AG-2) and identified as rural/wetlands on Lee County's Future Land Use map. As part of a Comprehensive Plan Amendment (CPA) process, the applicant desires to change the land use designation of the property to Residential.

The purpose of this report, therefore, is to provide a methodology outline for the traffic study that will be prepared in support of the Comprehensive Plan Amendment (CPA) application to change the land use designation of the subject property from AG-2 to Residential.

### Study Area

As required by the Lee County <u>Application for a Comprehensive Plan Amendment</u> (Appendix A) the study area will include the roadway segments within a 3-mile radius of the site. Based on that criterion, the study area is generally bounded by the following.

### Study Area – 3-Mile Radius

To North	Penzance Boulevard and Plantation Gardens Parkway
To South	San Carlos Boulevard
To East	Southwest Florida International Airport
To West	Metro Parkway

The study area boundary is identified in Exhibit 2.

### **Development Parameters**

The proposed land development program is summarized below.

### Preliminary Development Parameters (1)

	5-Years	Build-out					
Land Use	Size Units	Size Units					
Residential – Single Family	240 d.u.	1,182 d.u.					

Footnotes:

As shown above, the preliminary development plan reflects approximately 1,182 single-family residential units at build-out. Of which, approximately 20% (240 d.u.) of the development is anticipated within the first five years.

### **Property Access**

The subject property is anticipated to have access to/from Fiddlesticks Boulevard, which connects to Daniels Parkway. In addition, it also anticipated that the property will have access onto the future Three Oaks Parkway Extension.

### Horizon Year

Consistent with the requirements identified in Lee County <u>Application for a Comprehensive Plan Amendment</u>, B.1. Traffic Circulation Analysis, the traffic study will evaluate the effect of the proposed land use change on the Financial Feasible Transportation Plan/Map 3A (20-year horizon) and on the Capital Improvements Element (5-year horizon).

It is noted that the Financial Feasible Plan/Map 3A from The Lee Plan has not been updated yet to reflect the recently adopted Lee County MPO 2035 Long Range Transportation Plan (LRTP), Lee County Highway Cost Feasible Plan, Appendix B. Therefore, the traffic analysis will use and reflect the adopted MPO 2035 LRTP, Cost Feasible Plan. In addition, it is noted that the long-term analysis described in the Lee County CPA analysis requirements refers to a 20-year horizon, which is sooner than 2035. Therefore, it is also acknowledged that using the MPO 2035 LRTP in the traffic analysis is appropriate to reflect the long-term analysis.

The short-term (5-year) analysis will be based on the current Lee County DOT <u>Major Road Improvements Tentatively Programmed Through Construction Phase F.Y. 2010/11 - 2014/15</u> (June 2010), Appendix C, and a horizon year of 2016. Some additional major roadway improvements have been included into the recently adopted FDOT Five Year Program. Some of those improvements include the following.

- I-75 Airport Access at SWFIA CD System Fiscal Year 2012
- 6-lane widening of I-75 from North of SR 80 to South of SR 78 Fiscal Year 2014

<sup>(1)</sup> Preliminary land use projections. Subjected to some changes.

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These improvements will be included as part of the existing plus committed network that will be used in the short-term (5-year) analysis.

### **Level of Service Standards**

Per <u>The Lee Plan</u>, Policy 37.1.1., appropriate level of service (LOS) standards will be used in the traffic analysis, which acknowledges State LOS standards on FIHS, SIS and TRIP-funded facilities.

### Traffic Analysis

### <u>Long Range – 20-Year Horizon</u>

The recently adopted Lee County MPO CUBE travel model (FSUTMS) will be used to run comparative travel model assignments, both without and with the proposed CPA, under the adopted Lee County MPO 2035 Cost Feasible Plan. For these assignments, the future year 2035 Cost Feasible road network, as provided by the MPO, will be used.

The Lee County MPO's 2035 socio-economic data projections will be used for both of these travel model assignments.

For the travel model assignment without the CPA, the MPO zonal data will be used without any changes. For the travel model assignment with the proposed CPA, the land uses associated with the proposed CPA will be input into the ZONEDATA file as a new Traffic Analysis Zone (TAZ). The new TAZ representing the proposed CPA and the corresponding land use data will also be identified and documented in the report.

The roadway segment PSWADT volume projections from the comparative travel model runs will be converted to peak hour, peak season ( $K_{100}$ ) volumes using the adjustment factors from the corresponding permanent count station data identified in the Lee County 2010 Traffic Count Report and the Florida DOT 2010 Traffic Information DVD, which ever is applicable.

### Short Range – 5-Year Horizon

Similar to the long-term analysis, the short-term (5-year) analysis will be based on the CUBE travel model. However, the horizon year will be 2016, with corresponding interpolated socioeconomic data and the existing plus committed (E+C) roadway network.

For the travel model assignment without the CPA, the MPO interpolated zonal data (2016) will be used without any changes. For the travel model assignment with the proposed CPA, the land uses associated with the proposed CPA, within the first five years, will be input into the ZONEDATA file as a new Traffic Analysis Zone (TAZ). The new TAZ representing the

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proposed CPA and the corresponding land use data will also be identified and documented in the report.

The roadway segment PSWADT volume projections from the comparative travel model runs will be converted to peak hour, peak season ( $K_{100}$ ) volumes using the adjustment factors from the corresponding permanent count station data identified in the Lee County 2010 Traffic Count Report and the Florida DOT 2010 Traffic Information DVD, which ever is applicable.

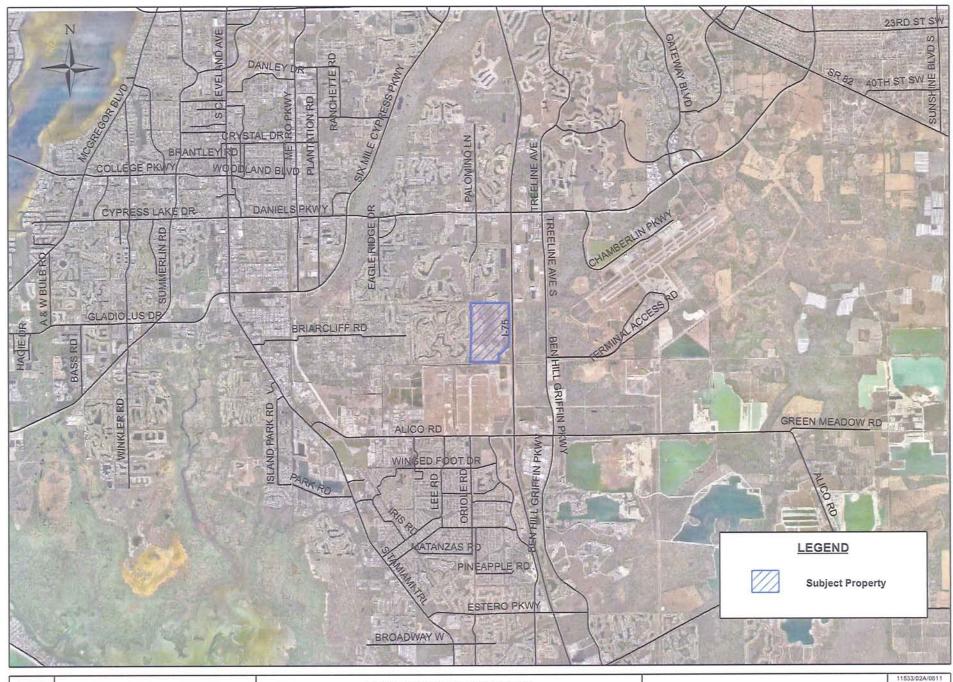
### **Traffic Mitigation**

Based on the comparative travel model analysis, the deficient roadway segments will be identified corresponding to the respective horizon years, both without and with the proposed CPA. In addition, the roadway deficiencies, if any, as a result of the proposed CPA will be clearly identified.

Based on the above, needed modifications to the Financial Feasible Plan/Map 3A from <u>The Lee Plan</u> (which is currently represented by the MPO LRTP, Cost Feasible Plan) and the Lee County CIP will be identified.

### **Final Report**

The results of the travel model evaluation will be summarized in the final report and submitted to the Lee County DOT. The submittal will also include the digital files of the CUBE travel model runs, including the corresponding social-economic data.



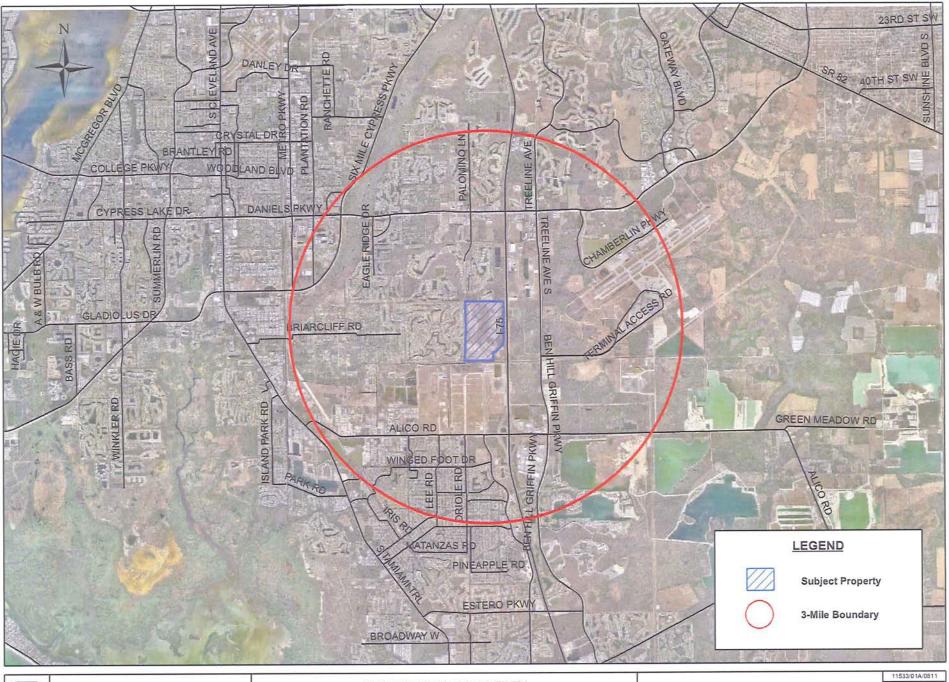
dpa

2,500 5,000

10,000 Feet FIDDLESTICKS PROPERTY
COMPREHENSIVE PLAN AMENDMENT

**Project Location Map** 

1



dpa

2,500 5,000

FIDDLESTICKS PROPERTY
COMPREHENSIVE PLAN AMENDMENT

3-Mile Radius Map

2

### APPENDIX A

### EXCERPTS FROM LEE COUNTY APPLICATION FOR A COMPREHENSIVE PLAN AMEDMENT

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

### B. Public Facilities Impacts

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

### 1. Traffic Circulation Analysis

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

### Long Range – 20-year Horizon:

- Working with Planning Division staff, identify the traffic analysis zone (TAZ) or zones that the subject property is in and the socio-economic data forecasts for that zone or zones;
- Determine whether the requested change requires a modification to the socio-economic data forecasts for the host zone or zones. The land uses for the proposed change should be expressed in the same format as the socio-economic forecasts (number of units by type/number of employees by type/etc.);
- c. If no modification of the forecasts is required, then no further analysis for the long range horizon is necessary. If modification is required, make the change and provide to Planning Division staff, for forwarding to DOT staff. DOT staff will rerun the FSUTMS model on the current adopted Financially Feasible Plan network and determine whether network modifications are necessary, based on a review of projected roadway conditions within a 3mile radius of the site:
- d. If no modifications to the network are required, then no further analysis for the long range horizon is necessary. If modifications are necessary, DOT staff will determine the scope and cost of those modifications and the effect on the financial feasibility of the plan;
- e. An inability to accommodate the necessary modifications within the financially feasible limits of the plan will be a basis for denial of the requested land use change;
- f. If the proposal is based on a specific development plan, then the site plan should indicate how facilities from the current adopted Financially Feasible Plan and/or the Official Trafficways Map will be accommodated.

### Short Range – 5-year CIP horizon:

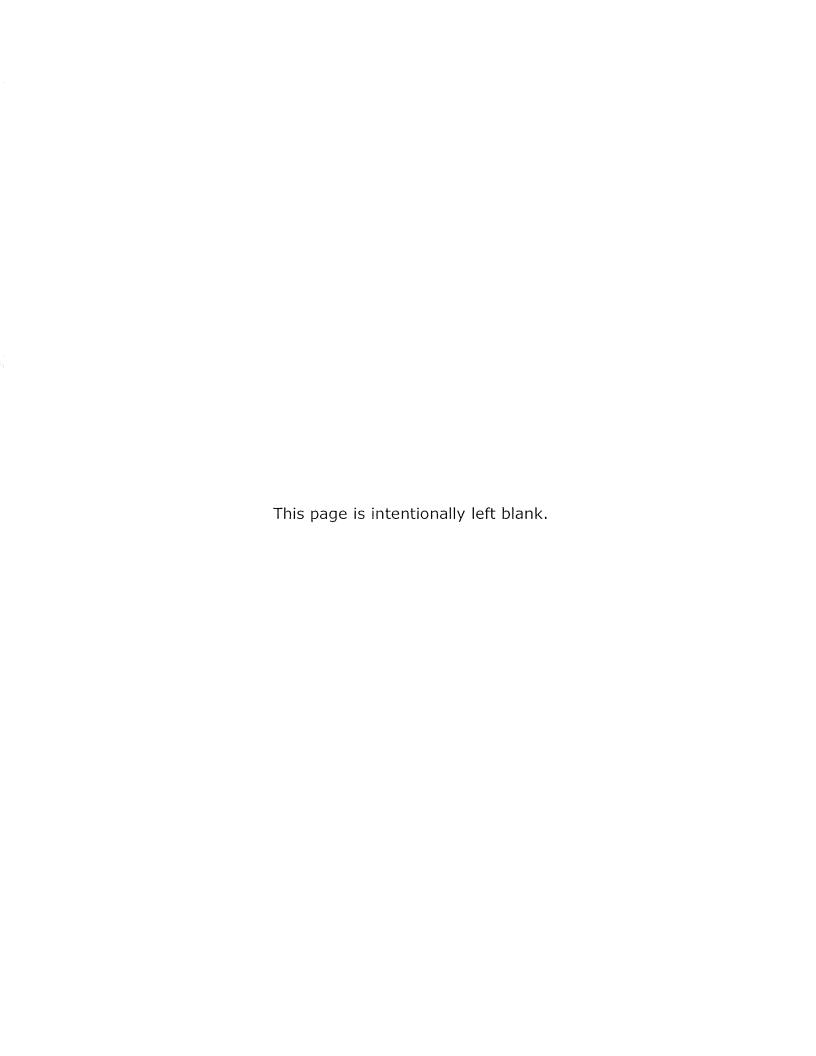
- a. Besides the 20-year analysis, for those plan amendment proposals that include a specific and immediated development plan, identify the existing roadways serving the site and within a 3-mile radius (indicate laneage, functional classification, current LOS, and LOS standard);
- b. Identify the major road improvements within the 3-mile study area funded through the construction phase in adopted CIP's (County or Cities) and the State's adopted Five-Year Work Program; Projected 2030 LOS under proposed designation (calculate anticipated number of trips and distribution on roadway network, and identify resulting changes to the projected LOS);
- c. For the five-year horizon, identify the projected roadway conditions (volumes and levels of service) on the roads within the 3-mile study area with the programmed improvements in place, with and without the proposed development project. A methodology meeting with DOT staff prior to submittal is required to reach agreement on the projection methodology;
- d. Identify the additional improvements needed on the network beyond those programmed in the five-year horizon due to the development proposal.
- 2. Provide an existing and future conditions analysis for (see Policy 95.1.3):
  - a. Sanitary Sewer
  - b. Potable Water
  - c. Surface Water/Drainage Basins
  - d. Parks, Recreation, and Open Space
  - e. Public Schools.

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

- Franchise Area, Basin, or District in which the property is located;
- Current LOS, and LOS standard of facilities serving the site;
- Projected 2030 LOS under existing designation;
- Projected 2030 LOS under proposed designation;
- Existing infrastructure, if any, in the immediate area with the potential to serve the subject property.
- Improvements/expansions currently programmed in 5 year CIP, 6-10 year CIP, and long range improvements; and
- Anticipated revisions to the Community Facilities and Services Element and/or Capital Improvements Element (state if these revisions are included in this amendment).
- Provide a letter of service availability from the appropriate utility for sanitary sewer and potable water.

In addition to the above analysis for Potable Water:

• Determine the availability of water supply within the franchise area using the current water use allocation (Consumptive Use Permit) based on the annual average daily withdrawal rate.



# APPENDIX B LEE COUNTY MPO 2035 LRTP, COST FEASIBLE PLAN

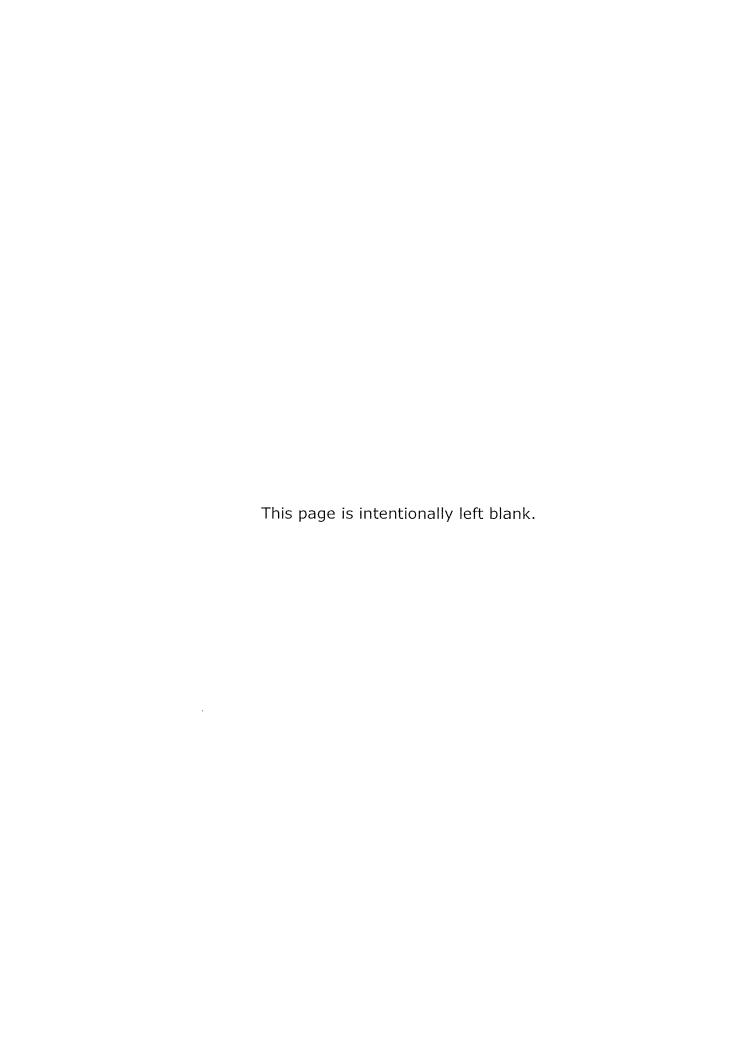
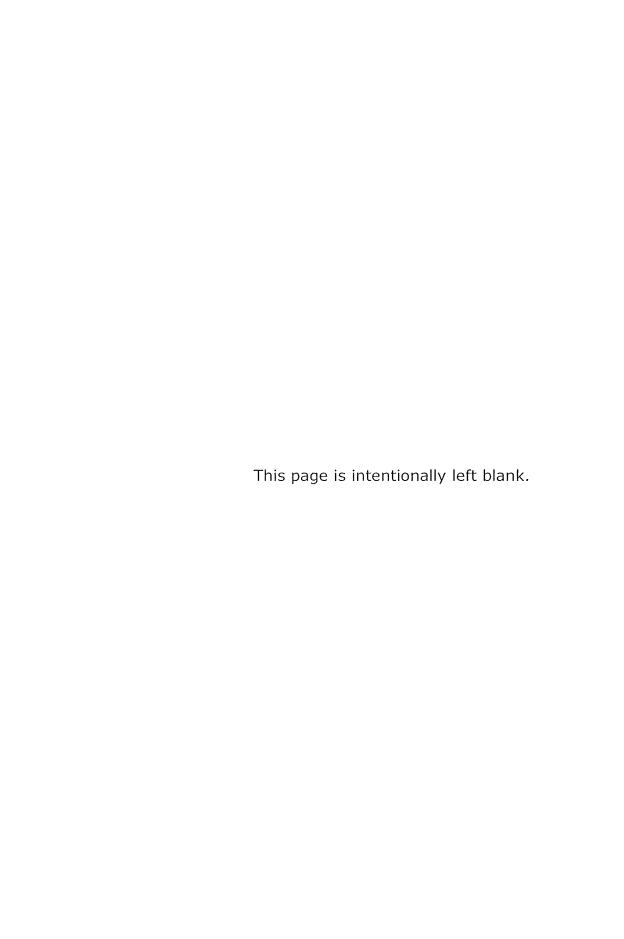


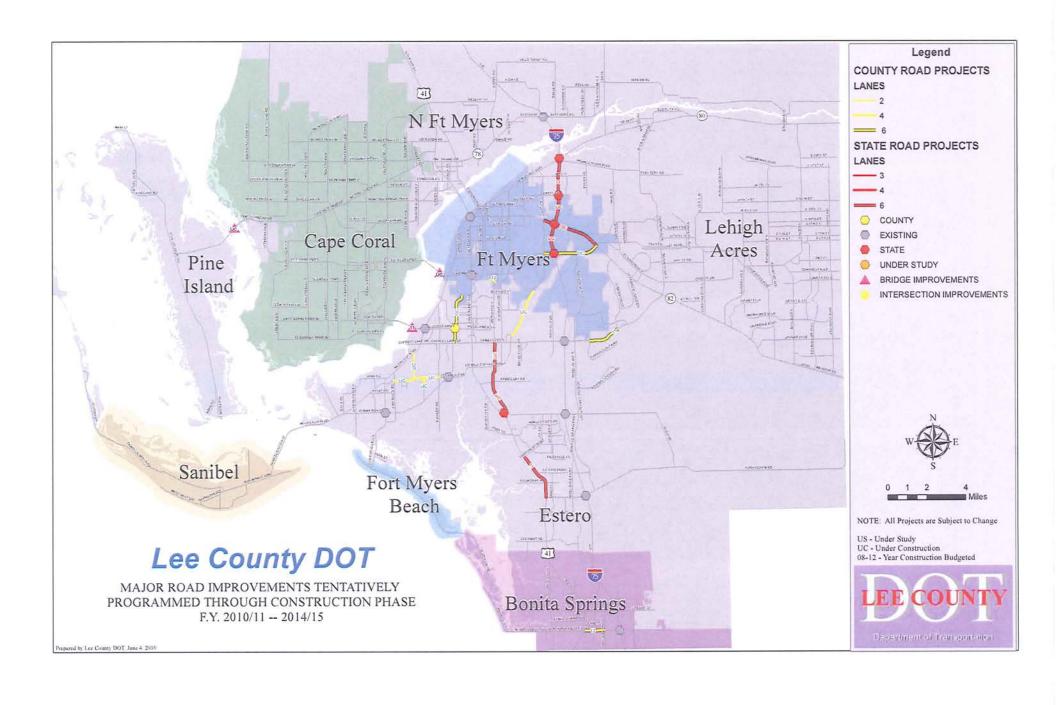


Figure 12-1



# <u>APPENDIX C</u> <u>LEE COUNTY CIP (FY 2010/11 – 2014/15)</u>





# APPENDIX 2 EXCERPTS FROM THE LEE COUNTY MPO 2035 LRTP

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# LEE COUNTY MPO 2035 LONG RANGE TRANSPORTATION PLAN



# CONGESTION MANAGEMENT PROCESS TECHNICAL MEMORANDUM

# **Prepared For:**



Prepared By:



December 2010

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Table 5.2 Deficient Segments, 2035 Cost Feasible Plan (Cont'd)

	able 3.2 Delicient 3	egments, 2000 Cost Fea	isible i lali (C	One a)			
Road	From	То	Cost Affordable	Adopted LOS	Vol.	Los	V/C
			Lanes	Threshold			
OLEVELAND AVEVIO (4/T	Broadway Ave	Corkscrew Rd	6	55,300	57,148	F	1.03
CLEVELAND AVE/US 41/ Tamiami*		Williams Rd	6	55,300	61.417	F	1.11
CLEVELAND AVE/US 41/ Tamiami*	Corkscrew Rd	Coconut Rd	6	55,300	62,032	F	1.12
CLEVELAND AVE/ US 41/ Tamiami*	Williams Rd	Winkler Rd	6	50,300	52,811	Ė	1.05
COLLEGE PKWY	W of McGregor Blvd		6	50,300	50,934	Ē	1.01
COLLEGE PKWY	Winkler Rd	Whiskey Creek	6	50,300	62,865	F	1,25
COLLEGE PKWY	Whiskey Creek Dr	Summerlin Rd	6	50,300	53,409	F	1.06
COLONIAL BLVD-EXP LANES	Sommerset Dr	US 41			62.007	F	1.23
COLONIAL BLVD-EXP LANES	Fowler St	Metro Pkwy	6	50,300			
COLONIAL BLVD-EXP LANES	Metro Pkwy	Winkler Ave	6	55,300	64.260	F	1.16
COLONIAL BLVD-EXP LANES	Winkler Ave	Ortiz Ave	6	55,300	60.911	F	1.10
COLONIAL BLVD-EXP LANES	Ortiz Ave	I-75 SB Ramps	6	50,300	95.470	F	1.90
COLONIAL BLVD-EXP LANES	I-75 SB Ramps	Tree Line Ave	6	55,300	76,216	F F	1.38
COLONIAL BLVD-EXP LANES	Tree Line Ave	SR 82	6	55,300	65,811	F	1.19
CONSTITUTION BLVD	Liberty Square Cir	Constitution Cir	2	8,580	11,203	F	1.31
CORBETT RD	Diplomat Pkwy	Pine Island R	2	8,580	12,377	F	1.44
CORKSCREW RD	US 41	Three Oaks Pk	4	36,700	37,350	F	1.02
CORKSCREW RD	Three Oaks Pkwy	I-75	4	36,700	46,043	F	1.25
CORKSCREW RD	1-75	Ben Hill Grif	4	36.700	45,671	F	1.24
COUNTRY LAKES DR	Tice St	Luckett Rd	2	8,580	8,666	F	1.01
CRYSTAL DR	W of Dartmouth	Dartmouth	2	14,208	14,396	E	1.01
CRYSTAL DR	Dartmouth	Metro Pkwy	2	19,980	21,238	E	1.06
CYPRESS LAKE DR	Winkler Rd	Summerlin Rd	4	36,700	40,490	F	1.10
DANIELS PKWY	US 41	Metro Pkwy	6	50,300	63,258	F	1.26
DANIELS PKWY	Metro Pkwy	Ben C Pratt Pkwy	6	50,300	60,314	F	1.20
DANIELS PKWY	Ben.C Pratt Pkwy	Eagle Ridge Dr	6	50,300	74,470	F	1.48
DANIELS PKWY	Eagle Ridge Dr	1-75	6	55,300	74,341	F	1,34
DANIELS PKWY	I-75	Treeline Ave	6	55,300	74.644	F	1.35
DANIELS PKWY	Treeline Ave	Chamberlin Pkwy	6	55,300	66.940	F	1.21
DANLEYDR	Page Airport Dr	Metro Pkwv	2	8.580	8.908	F	1.04
DEL PRADO BLVD N	US 41	Del Navarra P	4	61.085	69.211	F	1.13
DEL PRADO BLVD N	Viscaya Pkwy	SE 16th Ter	6	55,300	57,791	F	1.05
DEL PRADO BLVD N	SE 16th Ter	Veterans Pkwv	6	50,300	54,899	F	1.09
DEL PRADO BLVD N	Veterans Pkwy	Coronado Pkwy	6	50,300	51.366	Ē	1.02
DIPLOMAT PKWY E	Santa Barbara Blvd	Andalusia Blv	4	33.030	34,895	F	1.06
	Andalusia Blvd	Del Prado Blv	4	33,030	37.703	F	1.14
DIPLOMATPKWYE	Three Oaks Pkwv	Ben Hill Grif	4	33,030	34,363	F	1.04
ESTERO PKWY			2	8,580	12,671	F	1.48
FIDDLESTICKS BLVD	Three Oaks Pkwy Ext	Fiddlesticks Blvd	2	7,904	11,547	F	1.46
FORUM BLVD	SR 82	Colonial Blvd		36,700	39,505	F	1.08
GLADIOLUS DR	A and W Bulb Rd	Winkler Rd	4 6	55,300	63,394	F	1.08
GLADIOLUS DR	Summerlin Rd	US 41			17,762	E	1.15
GUNNERY RD N	Buckingham Rd	S of Sunset R	2	17,760			
GUNNERY RD N	centennial Blvd	12th St W	2	17,760	18,511	E	1.04
GUNNERY RD N	12th St W	Lee Blvd	2	16,500	17,079	F	1.04
HANCOCK BRIDGE PKWY	Cultural Park blvd	Del Prado Blv	4	36,700	44,866	F	1.22

37



# Table 10-1 (Page 2) Highway Needs Plan

34A	NE 24th Ave	Garden Blvd	Del Prado Blvd	New 4 Lane Rd	30.15
35	Hancock Creek Blvd / NE 24th Ave	Pondella Rd	Pine Island Rd	2 to 4 Lanes	7.08
36	Hanson St	Tamiami Trail	Veronica S Shoemaker Blvd	2 to 4 Lanes	42.98
37	Hanson St Ext	Veronica S Shoemaker Blvd	SR 82	New 4-Lane Rd	50.56
38	Homestead Rd	Sunrise Blvd.	Alabama Rd	2 to 4 Lanes	14.41
38A	Homestead Rd	Milwaukee Blvd	Sunrise Blvd.	2 to 4 lanes	22.78
38B	Homestead Rd	SR 82	Milwaukee Blvd	2 to 4 lanes	26.2
39	I-75	Collier County Line	SR 82	4-Lane (Special Use)	430.42
40	I-75	SR 82	SR 80	6 to 8 Lanes	Inc. in #45
41	1-75	SR 80	Charlotte County Line	4 to 8 Lanes	275.23
42	Imperial Pkwy	S Lee County Line	Bonita Beach Rd	4 to 6 Lanes	14.53
43	Jacaranda Pkwy	Old Burnt Store Rd	Burnt Store Rd	New 2-Lane Rd	14.79
44	Joel Blvd	N of E 17th St	SR 80	2 to 4 Lanes	41.67
45	Kismet Pkwy Ext	Burnt Store Rd	El Dorado Blvd	New 4-Lane Rd	37.95
46	Littleton Rd	NE 24th Ave	Bus US 41 / Tamiami Trail N	2 to 4 Lanes	29.08
47	Littleton Rd Ext	Bus US 41 / Tamiami Trail N	SR 78	New 2-Lane Rd	34.42
					Cost in inc. in Collier
48	Logan Blvd Ext	Immokalee Rd	Bonita Beach Rd	New 2-Lane Rd	Plan
49	Luckett Rd	Ortiz Ave	E of I-75	2 to 4 Lanes	2.9
50	Luckett Rd Ext	Forum Blvd Ext	Buckingham Rd	New 6-Lane Rd	54
51	Luckett Rd Ext	Buckingham Rd	Gunnery Rd	New 8-Lane Rd	65.46
52	Luckett Rd Ext	Gunnery Rd	Sunshine Blvd	New 6-Lane Rd	54.84
53	Luckett Rd Ext	Sunshine Blvd	12th St W	New 4-Lane Rd	25.28
54	McGregor Blvd	A & W Bulb Rd	Cypress Lake Dr	4 to 6 Lanes	11.97 Awaiting new
55 56	61st St W	Stratton Rd	Sunshine Blvd	2-Lane Connections & Bridges	estimate
	Metro Pkwy	Daniels Pkwy	Crystal Dr	4 to 6 Lanes	22.6
57	Metro Pkwy	Crystal Dr	Winkler Ave	4 to 6 Lanes	22.6
58	Metro / Fowler Connector	Winkler Ave	Fowler St	New 6-Lane Rd	23.5
59	Old US 41	S Lee County Line	Bonita Beach Rd	2 to 4 Lanes	16.39
60	Oriole Rd Ext	N of Alico Rd	Three Oaks Pkwy Ext	New 4-Lane Rd	14.69
61	Ortiz Ave	Luckett	SR 80	2 to 4 Lanes	9.7
62	Ortiz Ave	Luckett	SR 82	2 to 6 Lanes	9.25
63	Ortiz Ave	Colonial Blvd	SR 82	2 to 4 Lanes	10.3
64	Pine Island Rd	Burnt Store Rd	Chiquita Blvd	2 to 4 Lanes	50
65	Pine Island Rd	Skyline Blvd	Santa Barbara Blvd	4 to 6 Lanes	14.77
66	Pine Island Rd	Santa Barbara Blvd	Del Prado Blvd	4 to 6 Lanes	44.3



Figure 10-1 Highway Needs Plan





# WALDROP ENGINEERING

IVIL ENGINEERING & LAND DEVELOPMENT CONSULTANTS

28100 BONITA GRANDE DR. #305 BONITA SPRINGS, FL 34135 P: 239-405-7777 F: 239-405-7899

# IV.B.2 - Infrastructure Analysis - REVISED PER 2011 CONCURRENCY REPORT

## I. Sanitary Sewer

LOS Standard = 200 GPD/ERC

Existing Land Use – Rural
394 single family du @ 200 GPD = 78,800 GPD

Proposed Land Use – Outlying Suburban

1,182 single family du @ 200 GPD = 236,400 GPD

20,000 s.f. of commercial @ 0.1 GPD per s.f. = 2,000 GPD

Total Proposed Sanitary Sewer Demand = 238,400 GPD

The proposed FLUM amendment results in an increased sanitary sewer demand of 159,600 GPD.

The Fiddlesticks Blvd. Parcel ("Property") is located in the Lee County Utilities Franchise area and would be served by the Three Oaks Wastewater Treatment Plant (WWTP). The plan has a current capacity of 6.0 MGD. According to the 2011 Lee County Concurrency Report, the projected 2012 daily flows are 2,800,000 GPD. Existing lines will need to be extended and potentially upgraded, to service the Property.

#### II. Potable Water

LOS Standard = 250 GPD/ERC

Existing Land Use – Rural
394 single family du @ 250 GPD = 98,500 GPD

Proposed Land Use – Outlying Suburban

1,182 single family du @ 250 GPD = 295,500 GPD

20,000 s.f. of commercial @ 0.12 GPD per s.f. = 2,400 GPD

Total Proposed Potable Water Demand = 297,900 GPD

The proposed FLUM amendment results in an increased potable water demand of 199,400 GPD.

The Property is located in the Lee County Utilities Franchise area and would be served by the Corkscrew Water Treatment Plant (WTP). The plant has a current capacity of 15.0 MGD. According to the 2011 Lee County Concurrency Report, the projected 2012 daily flows are 8,700,000 GPD. Existing lines will need to be extended and potentially upgraded, to service the Property.

#### III. Surface Water Management

The Property is located within the Briarcliff-Fiddlesticks Ditch Receiving Body and the Six Mile Cypress Drainage Basin.

LOS Standard = 25 year, 3-day storm event of 24 hours duration.

The Applicant will obtain an Environmental Resource Permit (ERP) from the South Florida Water Management District (SFWMD) prior to Development Order approval to be deemed concurrent.

## IV. Parks, Recreation and Open Space

Current Regional Parks LOS Standard = 6 acres per 1,000 seasonal population Current Community Parks LOS Standard = 0.8 acres per 1,000 permanent population

#### Existing Land Use – Rural

394 single family du @ 2.5 persons/unit = 985 persons

Regional Parks @ 6 acres/1,000 = 5.91 acres required Community Parks @ 0.8 acres/1,000 = 0.79 acres required

# Proposed Land Use - Outlying Suburban

1,182 single family du @ 2.5 persons/unit = 2,955 persons

Regional Parks @ 6 acres/1,000 = 17.73 acres required Community Parks @ 0.8 acres/1,000 = 2.36 acres required

The amendment results in an additional 1.57 acres of Community Parks required. The site is located in the Community Park Benefit District 44, South Fort Myers. According to the 2011 Concurrency Report, there are 198 acres of Community Park within the district, and the District meets the LOS standard of 0.8 acres developed community park acreage through 2016. No additional Community Parks are required as to meet LOS requirements.

The amendment results in an additional 11.82 acres of Regional Parks required. There are currently 7,128 acres of existing Regional Parks currently operated by the County, City, State and Federal government. This acreage is sufficient to meet the "Regulatory Level of Service Standard" of six (6) acres per 1,000 total seasonal population in the County for the year 2011, and will continue to do so at least through the year 2016 as currently projected. In addition, the Regional Park acreage met the "Desired Level of Service Standard" of eight (8) acres per 1,000 total seasonal County population in 2011 and will continue to do so at least through the year 2016 as currently projected. As such, no additional Regional Parks are required as a result of this amendment.

# V. Public Schools - South Zone, S2

Current Public Schools LOS Standard = 100% of the Permanent Inventory of Public Schools (FISH) capacity.

## Existing Land Use – Rural

394 single family du @ 0.299 students per household = 118 students

# Proposed Land Use – Outlying Suburban

1,182 single family du @ 0.299 students per household = 353 students

Elementary Schools (Rayma Page, San Carlos, Three Oaks)
Projected 2011-2012 FISH Capacity = 2,603
Available Capacity = 176

Middle Schools (Lexington, Three Oaks)
Projected 2011-2012 FISH Capacity = 2,017
Available Capacity = 286

High Schools (South Fort Myers)
Projected 2010-2011 FISH Capacity = 1,909
Available Capacity = 222

The amendment results in the addition of 235 students. No breakdown is available for elementary, middle or high school ages. Capacity is available according to the Fish Capacities above.

### VI. Solid Waste -Waste to Energy (WTE) Facility

Current LOS Standard = 7 lbs./day/capita

Current Facility Capacity = 1,836 tons/day (3,672,000 lbs./day)

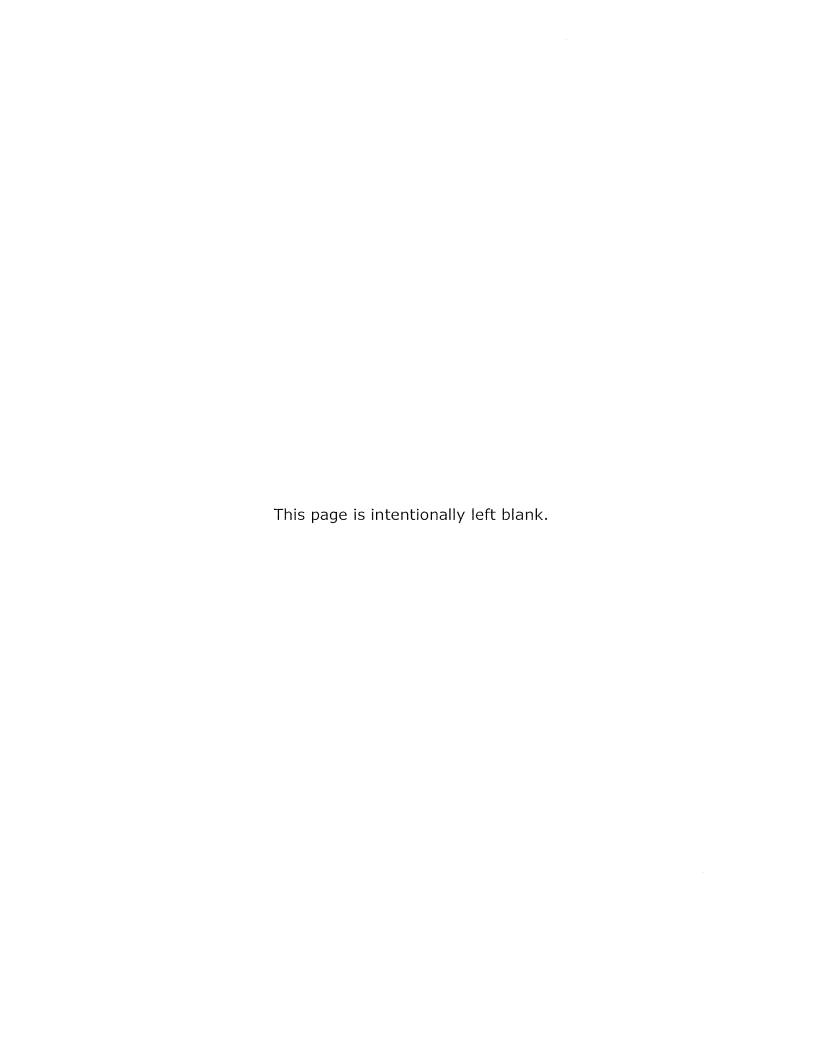
# Existing Land Use – Rural

394 single family du @ 2.5 persons/unit = 985 persons 985 persons @ 7lbs./day = 6,895 lbs./day (3.44 tons/day)

## Proposed Land Use – Outlying Suburban

1,182 single family du @ 2.5 persons/unit = 2,955 students 2,955 persons @ 7 lbs./day = 20,685 lbs./day (10.34 tons/day)

The amendment results in an increased solid waste generation of 13,790 lbs./day (6.85 tons/day).





## BOARD OF COUNTY COMMISSIONERS

John E. Manning District One

Brian Bigelow District Two

Ray Judah District Three November 29, 2011

Tammy Hall District Four

Alexis V. Crespo Principle Planner

Frank Mann District Five

Waldrop Engineering 28100 Bonita Grande Dr.

Karen B. Havves County Monager

Michael D. Hunt County Attorney

Bonita Springs, FL 34135

Diana M. Parker County Hearing Examiner

SUBJECT: Fiddlesticks Boulevard - Comprehensive Plan Amendment

Dear Ms. Crespo:

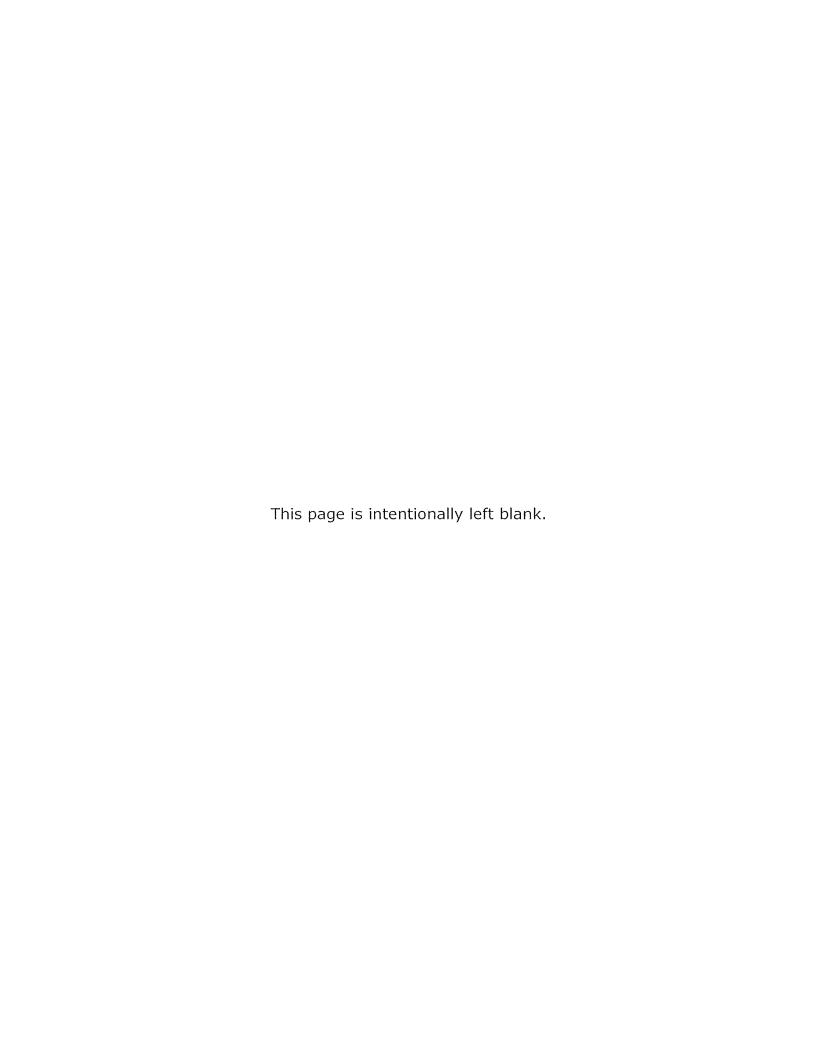
The Lee County Solid Waste Division is capable of providing solid waste collection service for the residential project located along Fiddlesticks Blvd. through our franchised hauling contractors. Disposal of the solid waste from this development will be accomplished at the Lee County Resource Recovery Facility and the Lee-Hendry Regional Landfill. Plans have been made, allowing for growth, to maintain long-term disposal capacity at these facilities.

The Solid Waste Ordinance (11-27, Section 21) and the Lee County Land Development Code, Chapter 10, Section 10-261 have requirements for providing on-site space for placement and servicing of certain multi-family and commercial solid waste containers. Please review these requirements when planning the project. Additionally, please review the Solid Waste Ordinance (11-27, Section 7) which defines those residential dwelling units that are eligible to receive curbside residential collection service. If you have any questions, please call me at (239) 533-8000.

Sincerely,

William T. Newman Operations Manager

Solid Waste Division





John E. Manning District One

November 23<sup>rd</sup> 2011

Brian Bigelow District Two

Alexis Crispo Principle Planner

Ray Judah District Three

Waldrop Engineering, P.A.

Tammy Hall District Four

RE: Fiddlesticks Boulevard Comprehensive Plan Amendment Letter of Parks Service Availability

Frank Mann District Five

Both regional and community parks have two levels of service standards as prescribed in the Lee Plan and reported by the 2011 Concurrency Report. These two sets of standards are referred to as the "level of service" (LOS) and the "desired level of service" (DLOS). The current regional park inventory is 7,128 acres and the Lee Plan prescribed service standards of 6 acres (LOS) and 8 acres (DLOS) of developed regional park open to the public per 1,000

Karen B. Hawes County Manager

total seasonal county population are currently being met through 2016. The Fiddlesticks Blvd proposed amendment is in the community park benefit district 44-South Fort Myers. South Fort Myers Community park district 44 has a current inventory of 198 acres of developed community park open to the public. District 44 meets the (LOS) of 0.8 acres of developed community park acreage per 1,000 permanent population in the district through 2016. District 44 currently does not meet the (DLOS) of 2 acres of community park per 1,000 permanent population in the district and is not projected to meet this standard through 2016. Lee County currently does not meet the desired level of service standard for Boat Ramps of one

Diana M. Parker County Héaring Examiner

Lee County currently has an adopted formula and objective based park impact fee which charges development to pay a one-time, up-front, proportionate fair share of the capital costs of new park facilities. Please refer to the currently adopted park impact fee schedule for the park impact fee calculations and payments required by new development.

boat ramp lane with adequate parking per 12,500 people based on seasonal population and

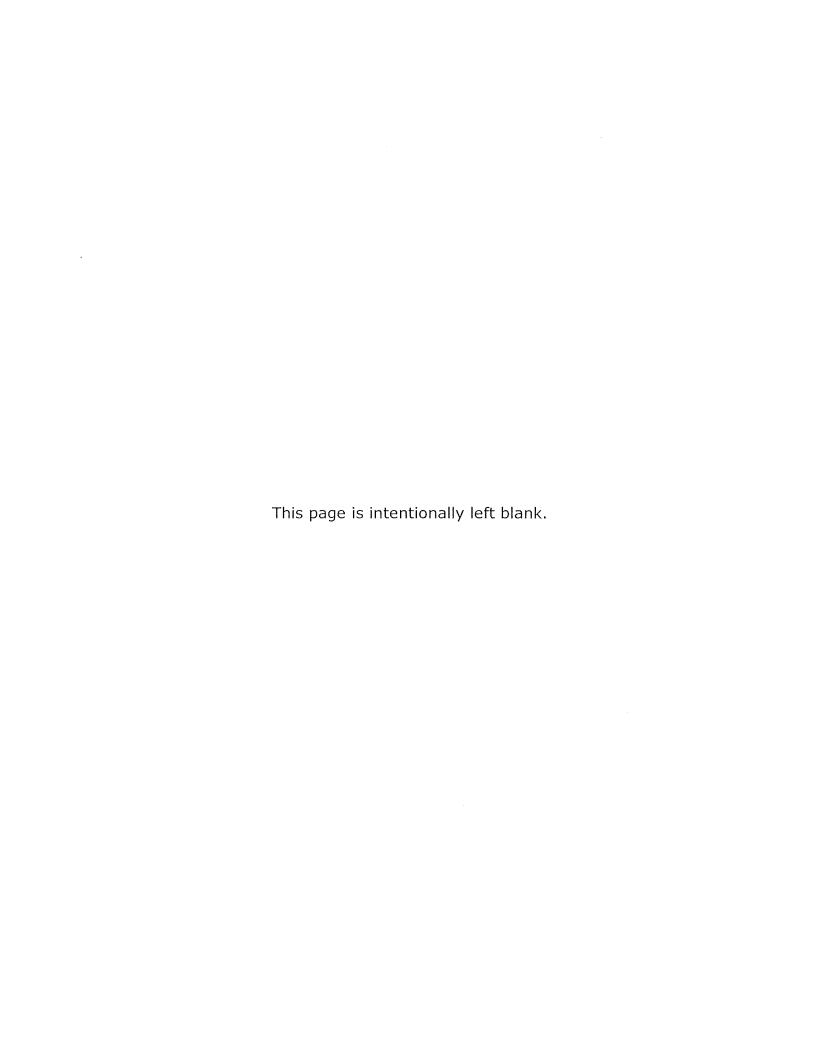
will not meet this level of service as currently projected through 2016.

Should you have any additional requests or questions please do not hesitate in contacting me.

Daniel J. Calvert

Daniel J. Calvert
Coordinator Planning
Lee County Parks & Recreation
3410 Palm Beach Blvd
Fort Myers Florida 33916
dcalvert@leegov.com

Enclosure: [2011 Lee County Concurrency Report, Parks & Recreation tables.]





### BOARD OF COUNTY COMMISSIONERS

John E. Manning District One Ms. Alexis Crespo, AfCP, LEED AP

November 23, 2011

Brian Bigetow District Two Waldrop Engineering 28100 Bonita Grande Drive #305

Bonita Springs, FL 34135

Tary Jodah Obstárt Threo

Subject: Fiddlesticks Boulevard Comprehensive Plan Amendment

Taromy Hall *District Four* 

Frank Maria District Five Dear Ms. Crespo:

Karen B.Hawes County Manager This letter is to advise you that the above referenced property is not located on or proximate to any existing or proposed LeeTran route. As such, we conclude that LeeTran is not able to provide service to this future project. Without service availability, under current Lee County Code, the project developer would not be required to construct or place any transit amenities in support of the above

Michael (**), Hunt** County Atto**rney** 

referenced property.

Diano M.Parker County Haaring //xaminer

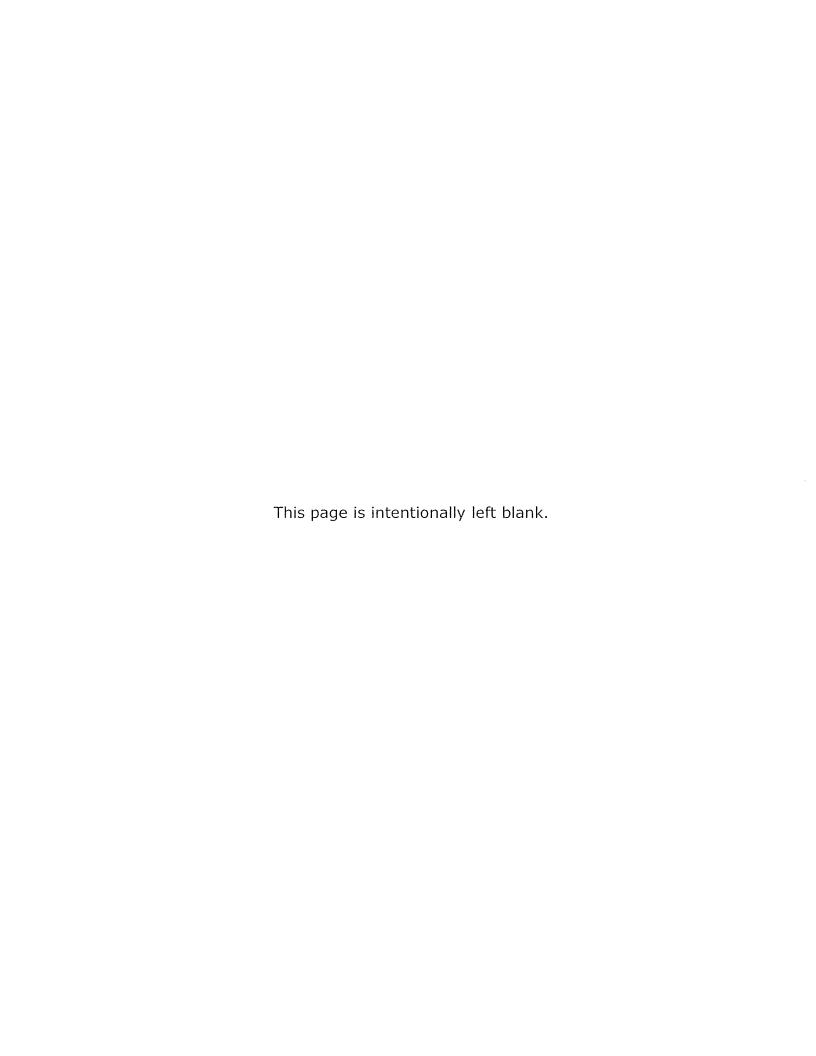
Should you have any questions, or need additional documentation, please do not hesitate to contact me at (239) 533-0333 or by e-mail at <a href="mailto:drudge@leegov.com">drudge@leegov.com</a>.

Sincerely,

Daniel Rudge

Principal Planner

CC: File





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

District One

John E. Manning December 2, 2011

Brian Bigelow District Two

Alexis Crespo

Waldrop Engineering, P.A. 28100 Bonita Grande Dr. #305 Bonita Springs, FL 34135

Ray Judah District Three Tammy Hall District Four

District Five

RE:

Potable Water and Wastewater Availability

Fiddlestick Blvd Parcels Frank Mann

Strap #: 34-45-25-00-00001.0000 and 34-45-25-00-00002,0000

Karen B. Hawes County Manager

Dear Ms. Crespo:

Diana M. Parker County Hearing Examiner

Potable water and sanitary sewer lines are in operation along Fiddlestick Blvd north of the subject properties. In order to provide service to the subject parcels, developer funded system enhancements such as line extensions and off-site improvements will be required.

Your firm has indicated that this project will consist of 1,182 single family residential units with an estimated flow demand of approximately 295,500 gallons per day and 20,000 sq. ft. commercial shopping center with an estimated flow demand of approximately 2,000 gallons per day. Lee County Utilities presently has sufficient capacity to provide potable water and sanitary sewer service as estimated above.

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

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

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

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

Further, this letter of availability of Water and Wastewater service to be utilized for request for comprehensive plan amendment for this project Only. Individual letters of availability will be required to obtaining building permits.

Sincerely,

LEE COUNTY UTILITIES

Mary McCormic Technician Senior

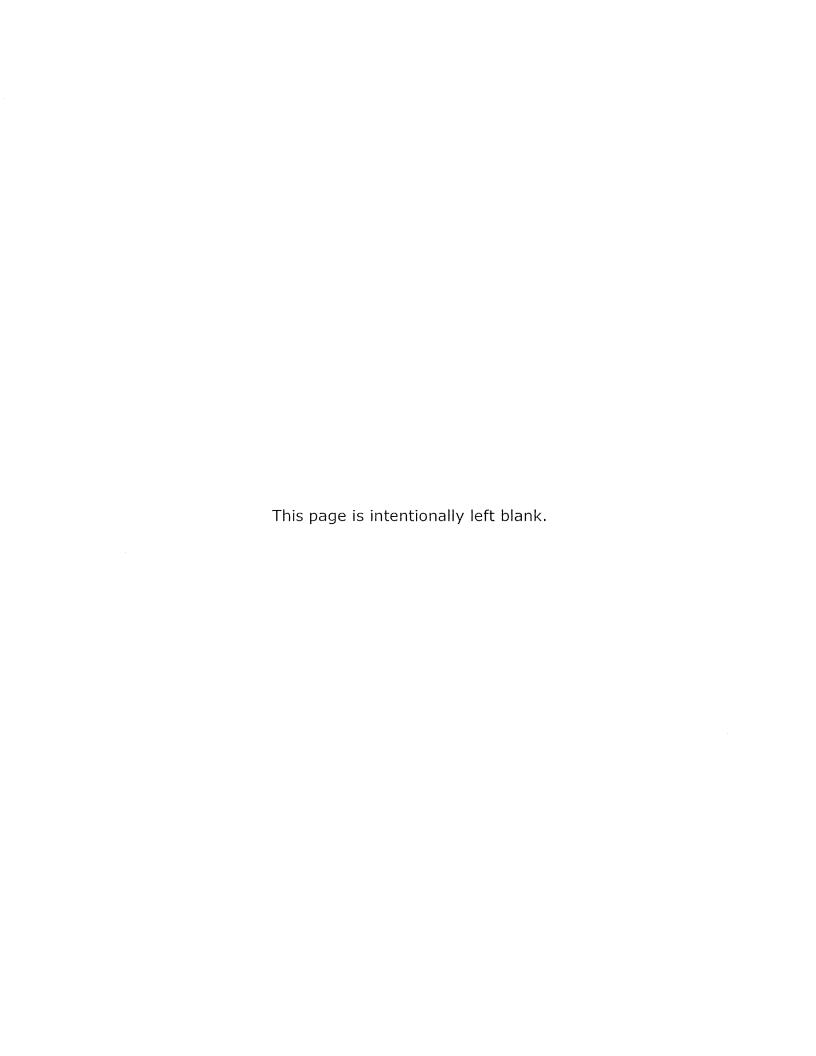
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P.O. Box 398, Fort Myers, Florida 33902-0398 (239) 533-2111

lee-county.com

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Edwin C. Sokel, Jr. Commissioner

ADMINISTRATION

William B. Lombardo Chief

Richard J. Intartaglio Assistant Chief October 4, 2011

Alexis V. Crespo, AICP, LEED AP Waldrop Engineering 28100 Bonita Grande Dr. #305 Bonita Springs, FL 34135

Re: Fiddlesticks Boulevard - Comprehensive Plan Amendment Letter of Service Availability

Dear Ms. Crespo:

I am in receipt of your letter dated September 26, 2011 regarding your application for a Comprehensive Plan Amendment for 394+/-acres of property located along Fiddlesticks Blvd. in central Lee County. In your letter, you requested a response from our agency regarding the ability of our agency to serve this future project.

According to your letter, "The proposed population build out is estimated at 2,955 (maximum of 1,182 dwelling unites X 2.5 persons per unit)", with a proposed build out date of 2021.

Below is my response to your request:

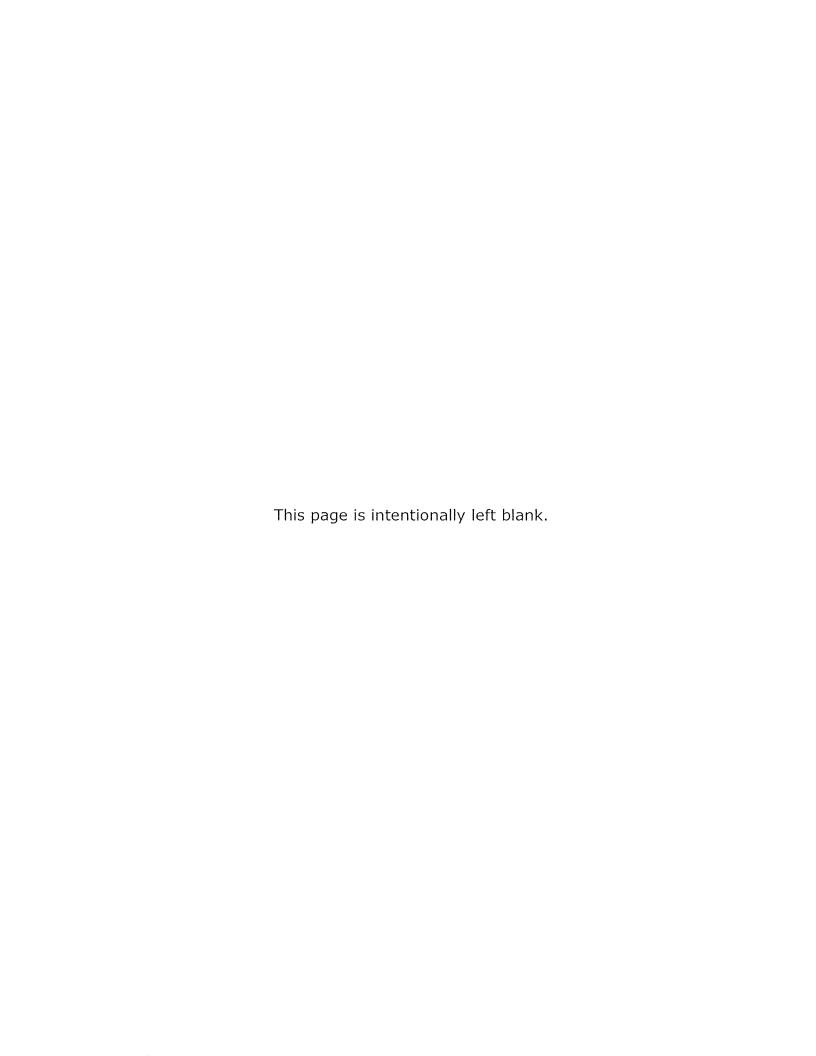
Existing facilities, staffing, and equipment: I am confident that our present facilities, staffing, and equipment will be adequate to serve this future project.

Should you require further information or clarification on anything contained herein, please do not hesitate to contact my office.

Sincerely,

William B. Lombardo

Fire Chief





# Statement of Initial Review

Lee County Emergency Medical Services (LCEMS) has performed a preliminary review of the project referenced herein. Based upon the limited amount of information provided, LCEMS has concerns with the ability to provide service to this project.

The Comprehensive Plan Amendment for Fiddlesticks Boulevard proposes a population at build out estimated at 2,955 (maximum of 1,182 dwelling units x 2.5 persons per unit). In addition, it is proposed to develop approximately 20,000 s.f. of commercial within the project.

The closest ambulance servicing this location is LCEMS Station 23, located at 9700 Treeline Avenue, Fort Myers, which is approximately 7.5 miles away. Our response time to this location is 13+ minutes, which does not meet our core service level response standards of 8:59 minutes or less in 90% of the total emergency responses for life-threatening calls as required by Lee County Ordinance #08-16.

In the event that Station 23 is busy on a response, the next closest station is LCEMS Station 1, located at 2100 Crystal Drive, Fort Myers, and is approximately 7.5 miles away.

This statement does not indicate that any plans have been received, it just identifies that Lee County EMS has concerns with the ability to provide service to this area. Current resources prohibit establishing and staffing an EMS station closer to this development.

(Signature)

Chief / Deputy Director of Public Safety (Title)

Kim Dickerson
(Printed Name)

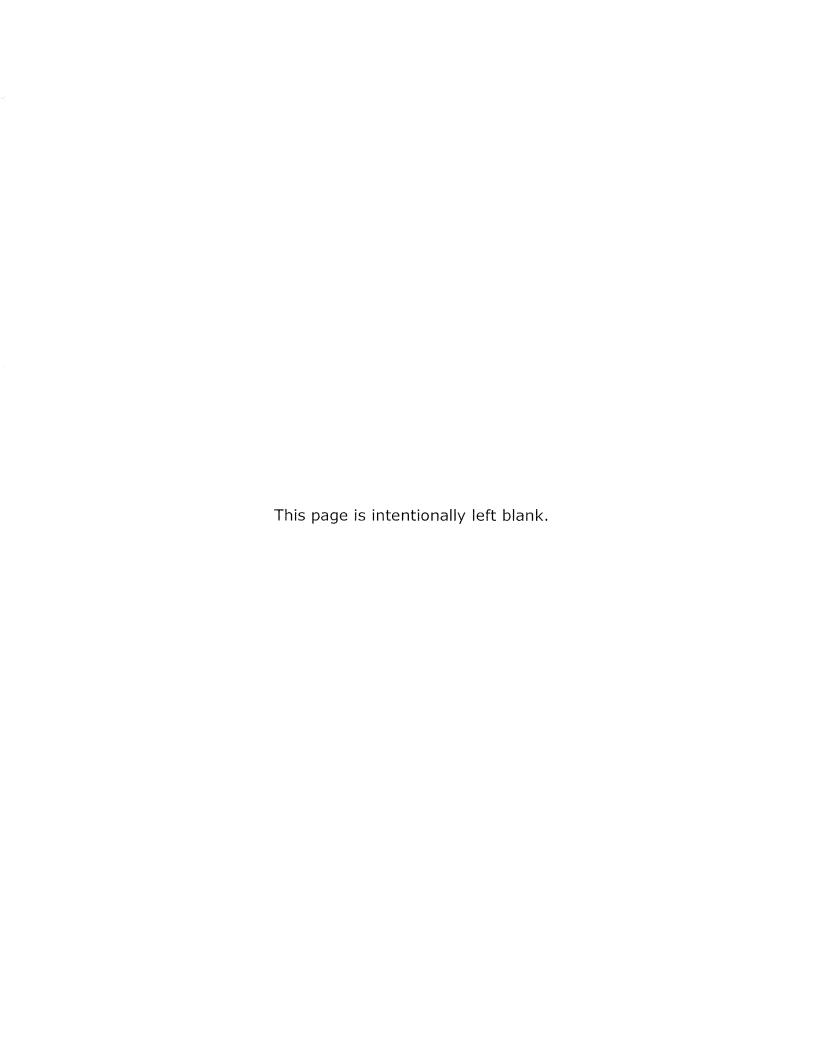
December 6, 2011 (Date)



Kim Dickerson, EMT-P, RN, MBA Deputy Director, Lee County Public Safety Chief, Lee County Emergency Medical Services 14752 Ben Pratt/Six Mile Cypress Parkway Fort Myers, FL 33912

Phone: 239-335-1661 Fax: 239-335-1671

Email: <u>kdickerson@leegov.com</u>
Website: <u>www.lee-ems.com</u>



# FIDDLESTICKS BLVD. PARCEL LEE COUNTY COMPREHENSIVE PLAN AMENDMENT ENVIRONMENTAL ASSESSMENT

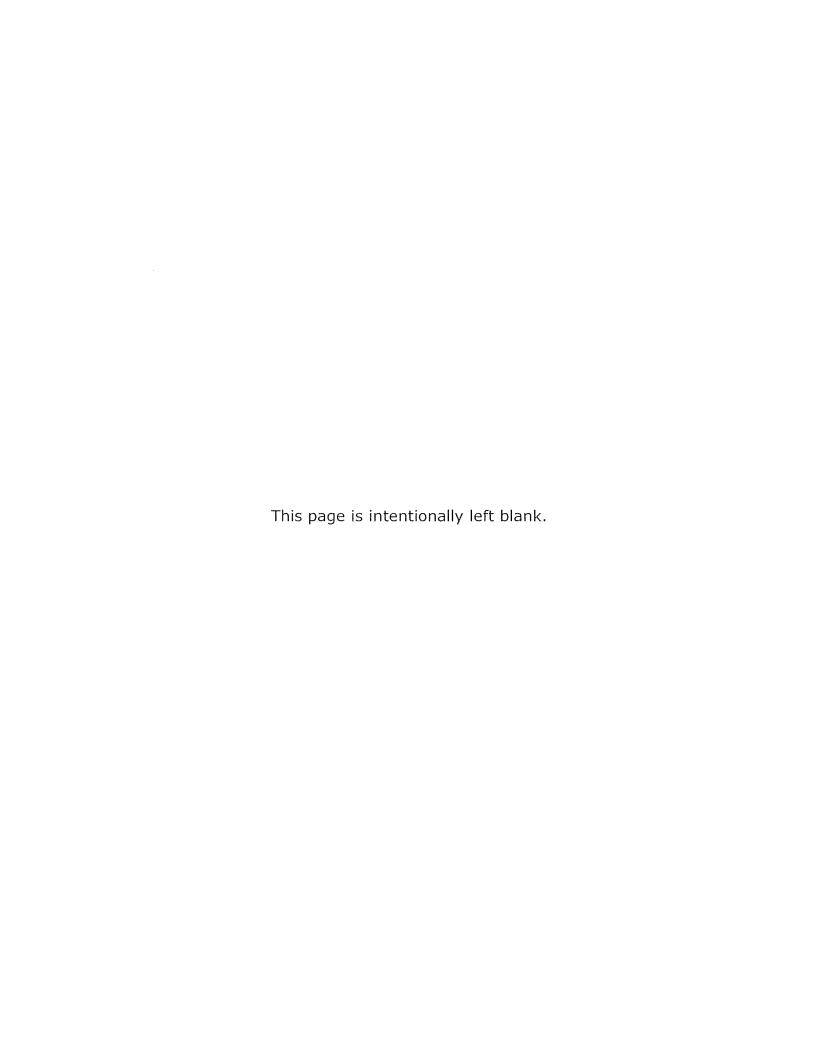
# September 2011 Revised March 2012

Prepared For:

Jeffrey B. Freeman Trust & FSM of Fort Myers, LLC 4245 Fowler Street Fort Myers, Florida 33901 (239) 226-4236

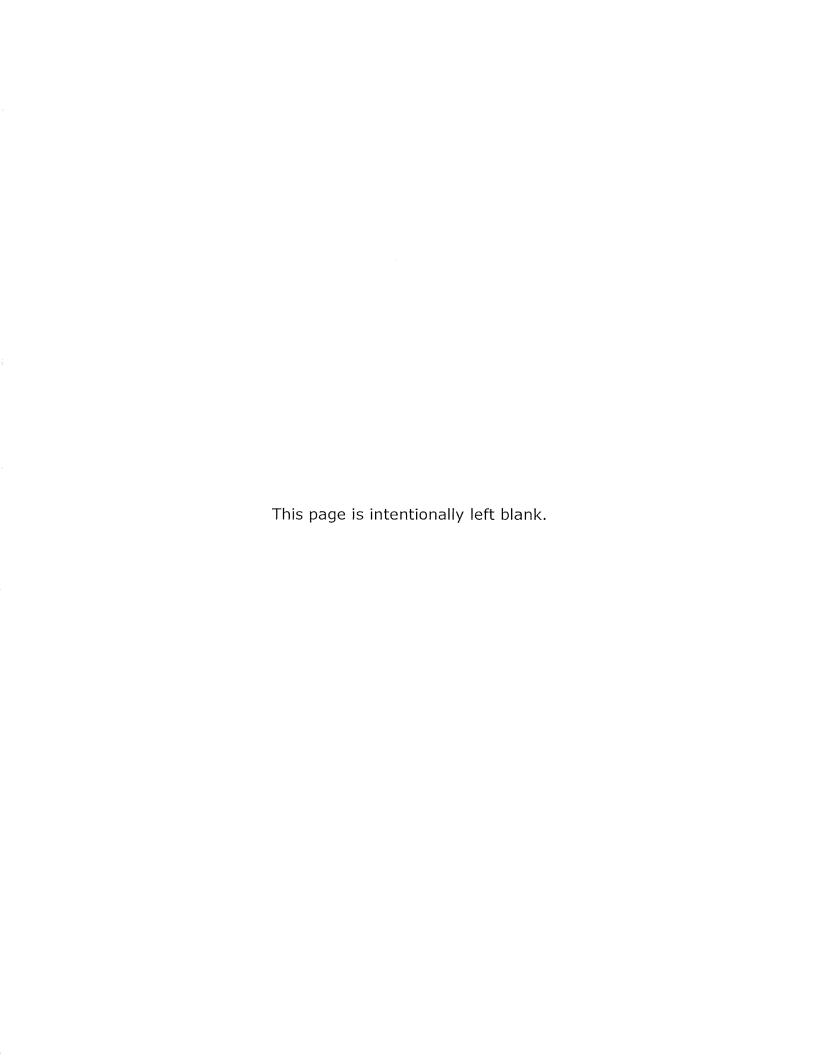
Prepared By:

Passarella & Associates, Inc. 13620 Metropolis Avenue, Suite 200 Fort Myers, Florida 33912 (239) 274-0067



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Exhibit G.	Documented Occurrences of Listed Species
Exhibit H.	Aerial with FLUCFCS, Survey Transects, and Approximate Species Locations

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#### INTRODUCTION

An environmental assessment was conducted on the Fiddlesticks Blvd. Parcel (Project) to document existing land uses and vegetative cover; research potential utilization by wildlife species listed by the Florida Fish and Wildlife Conservation Commission (FWCC) and U.S. Fish and Wildlife Service (USFWS) as Threatened, Endangered, or Species of Special Concern and for plant species listed by the Florida Department of Agriculture and Consumer Services (FDACS) and the USFWS as Threatened, Endangered, or Commercially Exploited; and survey for Lee County protected species. The assessment included field surveys to map vegetation communities and to perform a Lee County protected species survey. This report summarizes the results of the environmental assessment.

The Project totals 393.68± acres and is located in Section 34, Township 44 South, Range 25 East, Lee County (Figure 1). The property is predominantly improved pasture and forested areas. The Project's east property line directly abuts the future alignment for the Three Oaks Parkway Extension. Surrounding land uses include Interstate 75 (1-75) to the east, single-family residential and golf communities to the west and north, and the I-75 canal to the south (Exhibit A).

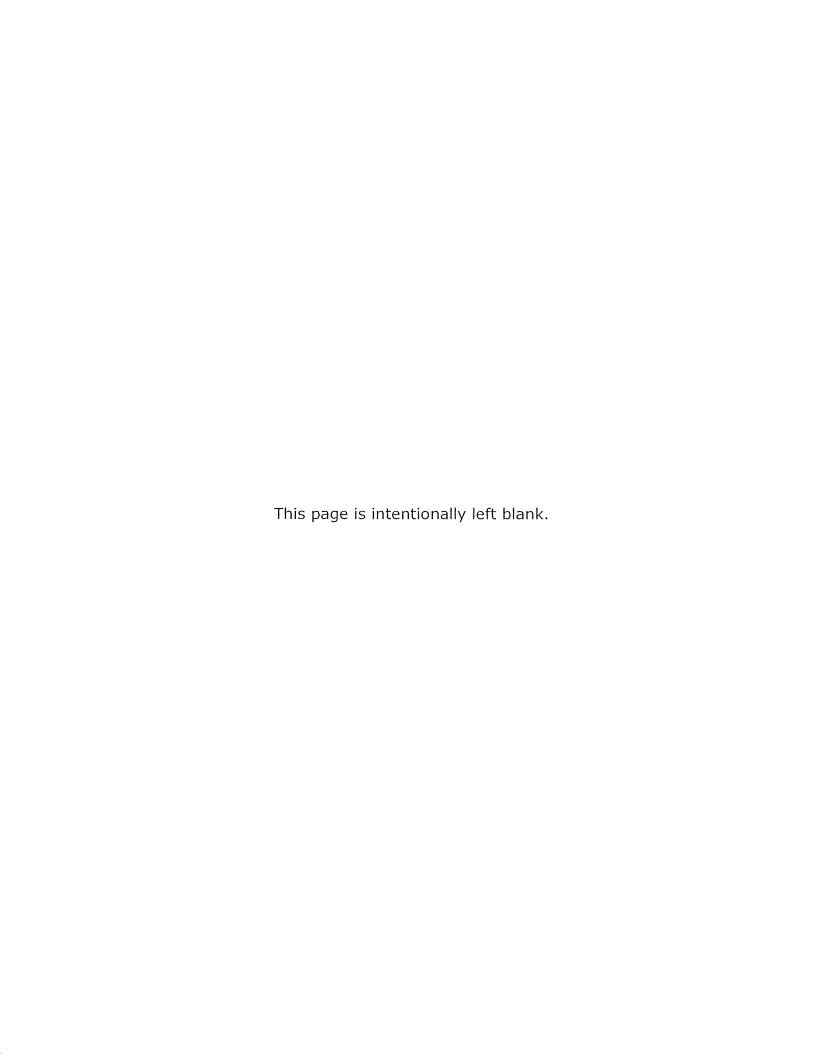
### LAND USES AND VEGETATION ASSOCIATIONS

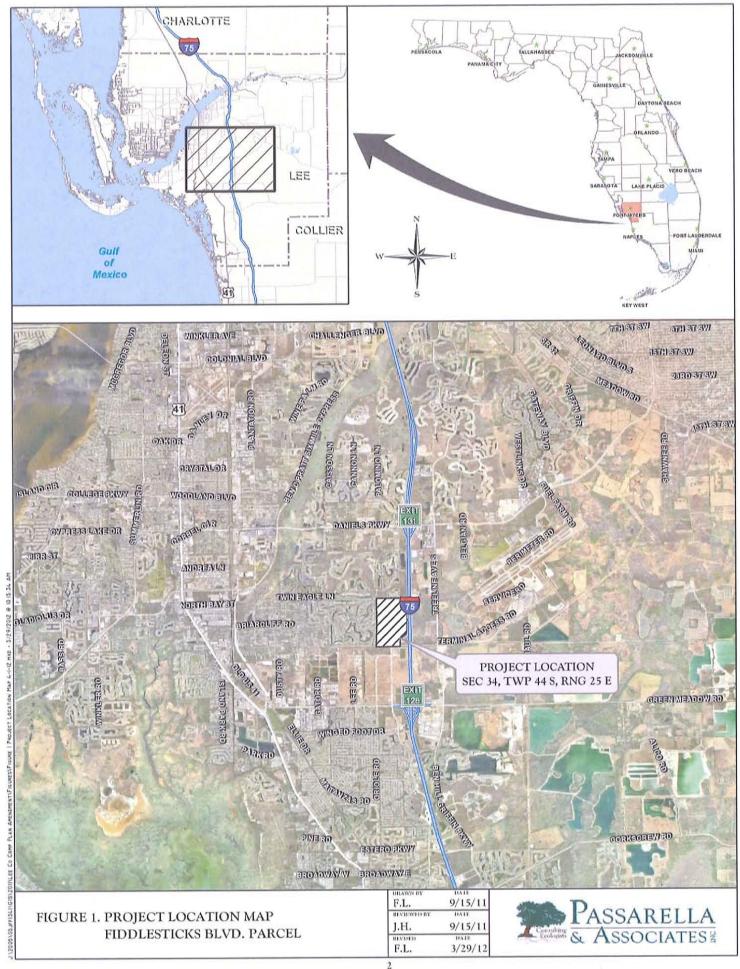
The vegetation mapping for the Project was conducted using 2010 Lee County rectified aerials. Groundtruthing to map the vegetative communities was conducted on September 20, 2011 utilizing the Florida Land Use, Cover and Forms Classification System (FLUCFCS), Levels III and IV (Florida Department of Transportation 1999). Level IV FLUCFCS was utilized to denote hydrological conditions and disturbance. "E" codes were used to identify levels of exotic infestation (i.e., Brazilian pepper (*Schinus terebinthifolius*)). AutoCAD Map 3D 2011 software was used to determine the acreage of each mapping area, produce summaries, and generate the FLUCFCS map (Exhibit B).

A total of 28 vegetative associations and land uses (i.e., FLUCFCS codes) were identified on the property. An aerial photograph of the property with an overlay of the FLUCFCS is provided as Exhibit C. A description of each FLUCFCS code is also included in Exhibit D.

# SOILS

The soils for the property, per the Natural Resource Conservation Service (formerly the Soil Conservation Service), are shown on Exhibit E and listed in Exhibit F. A brief description for each soils type per the Soil Survey of Lee County, Florida (Soil Conservation Service 1998) is included in Exhibit F.





#### LISTED SPECIES

Listed wildlife species as listed by the FWCC and the USFWS (FWCC 2011) that have the potential to occur on the Project are listed in Table 1. Listed plant species as listed by the FDACS and the USFWS (FDACS Chapter 5B-40) that have the potential to occur on the Project are listed in Table 2. Information used in assessing the potential occurrence of these species included the Lee County Land Development Code, Field Guide to the Rare Plants of Florida (Chafin 2000), Atlas of Florida Vascular Plants (Wunderlin 2004), and professional experience and knowledge of the geographic region. In addition, the FWCC records for documented listed species were reviewed for listed species records on or adjacent to the property (Exhibit G). No documented occurrences are recorded on the property.

Table 1. Listed Wildlife Species That Could Potentially Occur on the Fiddlesticks Blvd. Parcel

Common Name		Designated Status		
	Scientific Name	FWCC	USFWS	
Amphibians and Reptiles				
American Alligator	Alligator mississipiensis	FT(S/A)	T(S/A)	
Eastern Indigo Snake	Drymarchon corais couperi	FT	T	
Gopher Tortoise	Gopherus polyphemus	ST		
Gopher Frog	Rana capito	SSC	-	
	Birds			
Wood Stork	Mycteria americana	FE	E	
Florida Sandhill Crane	Grus canadensis pratensis	ST	-	
Roseate Spoonbill	Platalea ajaja	SSC		
Little Blue Heron	Egretta caerulea	SSC	-	
Limpkin	Aramus guarauna	SSC	-	
Snowy Egret	Egretta thula	SSC	-	
Tri-Colored Heron	Egretta tricolor	SSC	-	
White Ibis	Eudocimus albus	SSC	-	
Everglade Snail Kite	Rostrhamus sociabilis plumbeus	FE	Е	
Southeastern American Kestrel	Falco sparverius paulus	ST	-	
Big Cypress Fox Squirrel	Sciurus niger avicennia	ST	-	

FWCC - Florida Fish and Wildlife Conservation Commission

USFWS - U.S. Fish and Wildlife Service

E – Endangered

FE – Federal Endangered

FT - Federal Threatened

FT(S/A) - Federally Threatened due to similarity of appearance

SSC – Species of Special Concern

ST - State Threatened

T(S/A) – Threatened due to similarity of appearance

#### American Alligator (Alligator mississippiensis)

The American alligator could potentially occur within the Freshwater Marsh (FLUCFCS Code 6419), Shallow Pond (FLUCFCS Code 525), and native forested and herbaceous wetlands within the site.

#### Eastern Indigo Snake (Drymarchon corais couperi)

The Eastern indigo snake could potentially occur within the native upland and wetland habitats on the Project site. The Eastern indigo snake is typically found in association with populations of gopher tortoise (*Gopherus polyphemus*).

#### Gopher Tortoise

Habitat for gopher tortoises exists on the Project site in Palmetto Prairie (FLUCFCS Code 3219), Pine Flatwoods (FLUCFCS Code 411), Disturbed Land (FLUCFCS Code 740), Spoil Area (FLUCFCS Code 743), and Berm (FLUCFCS Code 747) areas on the Project site.

#### Gopher Frog (Rana areolata)

The gopher frog is typically found in association with populations of gopher tortoise. Preferred breeding habitat includes seasonally flooded grassy ponds and cypress ponds that lack fish populations (Moler 1992).

#### Wood Stork (*Mycteria americana*)

Potential foraging habitat for wood stork includes Drainage Canal/Ditch (FLUCFCS Code 514), Cypress (FLUCFCS Code 6219), Cypress/Pine/Cabbage Palm (FLUCFCS Code 6249), and Freshwater Marsh (FLUCFCS Code 6419) areas on the Project site. Almost any wetland depression where fish tend to become concentrated, either through local reproduction by fishes or as a consequence of area drying, may be good for foraging habitat (Rodgers *et al.* 1996).

#### Florida Sandhill Crane (Grus canadensis pratensis)

Potential foraging habitat for Florida sandhill crane may exist within the Palmetto Prairie (FLUCFCS Code 3219), Ditch (FLUCFCS Code 514), Freshwater Marsh (FLUCFCS Code 6419), Disturbed Land (FLUCFCS Code 740), and Cleared Land (FLUCFCS Code 746) areas on the Project site. Preferred sandhill crane habitat includes prairies and shallow marshes dominated by pickerelweed (*Pontederia cordata*) and maidencane (*Panicum hemitomon*).

#### Roseate Spoonbill (*Platalea ajaja*)

Potential foraging habitat for roseate spoonbill includes Drainage Canal/Ditch (FLUCFCS Code 514) and Shallow Pond (FLUCFCS Code 525) areas on the Project site. The Florida Atlas of Breeding Sites for Herons and Their Allies (Runde *et al.* 1991) list no bird rookeries on the subject parcel.

#### Little Blue Heron (Egretta caerulea)

Potential foraging habitat for little blue heron includes Drainage Canal/Ditch (FLUCFCS Code 514), Cypress (FLUCFCS Code 6219), Cypress/Pine/Cabbage Palm (FLUCFCS Code 6249), and Freshwater Marsh (FLUCFCS Code 6419) areas on the Project site.

Limpkin (Aramus guarauna)

Potential habitat for limpkin includes Drainage Canal/Ditch (FLUCFCS Code 514), Cypress (FLUCFCS Code 6219), Cypress/Pine/Cabbage Palm (FLUCFCS Code 6249), and Freshwater Marsh (FLUCFCS Code 6419) areas on the Project site.

White Ibis (Eudocimus albus)

Potential habitat for white ibis includes Drainage Canal/Ditch (FLUCFCS Code 514), Cypress (FLUCFCS Code 6219), Cypress/Pine/Cabbage Palm (FLUCFCS Code 6249), and Freshwater Marsh (FLUCFCS Code 6419) areas on the Project site.

Snowy Egret (Egretta thula)

Potential habitat for snowy egret includes Drainage Canal/Ditch (FLUCFCS Code 514), Cypress (FLUCFCS Code 6219), Cypress/Pine/Cabbage Palm (FLUCFCS Code 6249), and Freshwater Marsh (FLUCFCS Code 6419) areas on the Project site.

Tri-Colored Heron (Egretta tricolor)

Potential habitat for tri-colored heron includes Drainage Canal/Ditch (FLUCFCS Code 514), Cypress (FLUCFCS Code 6219), Cypress/Pine/Cabbage Palm (FLUCFCS Code 6249), and Freshwater Marsh (FLUCFCS Code 6419) areas on the Project site.

Bald Eagle (Haliaeetus leucocephalus)

Habitat for the bald eagle exists in Pine Flatwoods (FLUCFCS Code 4119), Hydric Pine (FLUCFCS Code 6259), and Cypress (FLUCFCS Code 6219) areas on the Project site.

Southeastern American Kestrel (Falco sparverius paulus)

Potential habitat for Southeastern American kestrel may exist within the Improved Pasture (FLUCFCS Code 211) areas on the Project site. Since 1980, observations of Southeastern American kestrel in Florida have occurred primarily in sandhill or sandpine scrub areas of north and central Florida (Rodgers *et al.* 1996).

Big Cypress Fox Squirrel (Sciurus niger avicennia)

Potential habitat for the Big Cypress fox squirrel exists on the Project site in Pine Flatwoods (FLUCFCS Code 4119), Pine (FLUCFCS Code 4159), Hydric Pine (FLUCFCS Code 6259), and Cypress (FLUCFCS Code 6219) areas on the Project site. Dense interiors of mixed cypress-hardwood strands seem to be avoided by fox squirrels (Moler 1992).

Table 2. Listed Plant Species That Could Potentially Occur on the Fiddlesticks Blvd. Parcel

		Designated Status		Potential Location	
Common Name	Scientific Name	FDACS	USFWS	(FLUCFCS Code)	
Curtis Milkweed	Asclepias curtisii	Е	-	3219 E2/3219 E3	
Beautiful Paw-Paw	Deeringothamus pulchellus	E	E	3219 E1/3219 E2/	
				4119 E1/	
				4119 E2/4119 E4	

Table 2. (Continued)

Common Name	Scientific Name	Designated Status		Potential Location	
Common Name		FDACS	USFWS	(FLUCFCS Code)	
Satinleaf	Chrysophyllum	Т	-	4119 E1/	
	olivaeforme			4119 E2/4119 E4	
Fakahatchee Burmannia	Burmannia flava	Е	-	3219 E1/3219 E2/	
				4119 E1/	
				4119 E2/4119 E4	

FDACS - Florida Department of Agriculture and Consumer Services

USFWS - U.S. Fish and Wildlife Service

E-Endangered

T – Threatened

A Lee County protected species survey was conducted within the Project site on September 21 and 22, 2011. Eight Lee County protected species were observed during the surveys. The observed species include 7 wood stork, 2 Florida sandhill crane, 4 roseate spoonbill, 3 little blue heron, 8 snowy egret, 3 tri-colored heron, 32± white ibis, and 1 Big Cypress fox squirrel. A summary of the protected species observed within the Project is provided in Table 3. The locations of the observed protected species are depicted in Exhibit H.

Table 3. Listed Wildlife Species Documented on the Fiddlesticks Blvd. Parcel

		Designated Status		Observed	
Common Name	Scientific Name	FWCC	USFWS	Location (FLUCFCS Code)	
Wood Stork	Mycteria americana	FE	Е	211	
Florida Sandhill Crane	Grus canadensis pratensis	ST	-	211	
Roseate Spoonbill	Platalea ajaja	SSC	_	211	
Little Blue Heron	Egretta caerulea	SSC		211, 6219 E2	
Snowy Egret	Egretta thula	SSC		211	
Tri-Colored Heron	Egretta tricolor	SSC	-	211	
White Ibis	Eudocimus albus	SSC	-	211	
Big Cypress Fox Squirrel	Sciurus niger avicennia	ST	-	6259 E1	

FWCC - Florida Fish and Wildlife Conservation Commission

USFWS – U.S. Fish and Wildlife Service

E – Endangered

FE – Federally Endangered

SSC - Species of Special Concern

ST - State Threatened

#### **SUMMARY**

A total of 28 vegetative associations and land uses (i.e., FLUCFCS types) have been identified on the  $393.68\pm$  acre Project. The dominant land uses on the site are improved pasture and forested areas including pine flatwoods and wetland forested habitats.

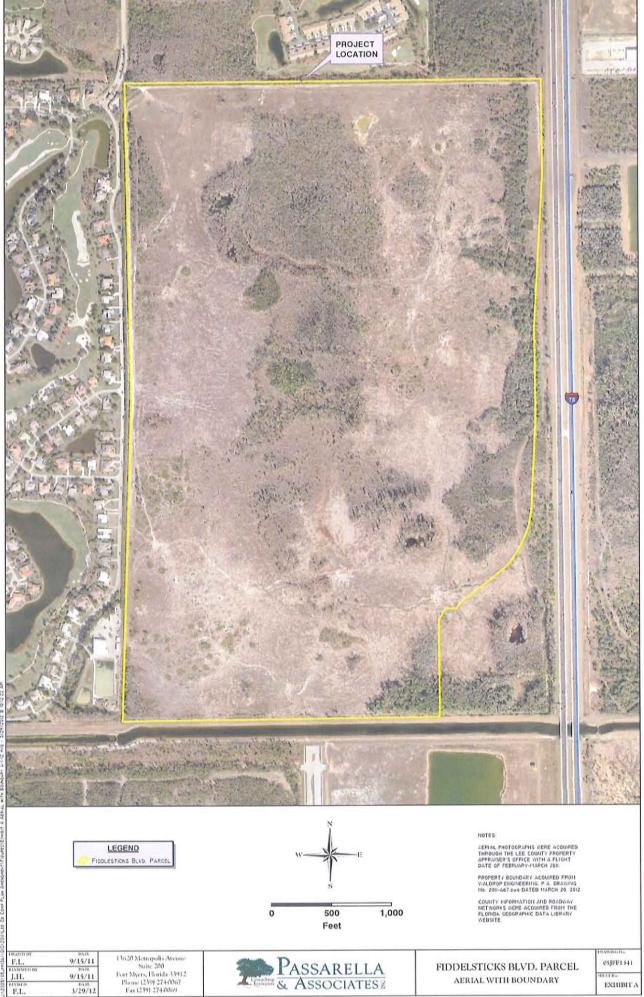
During the protected species survey conducted on the Project a total of eight protected species were identified utilizing the Project site. These species include wood stork, Florida sandhill crane, roseate spoonbill, little blue heron, snowy egret, tri-colored heron, white ibis, and a Big Cypress fox squirrel.

#### REFERENCES

- Chafin, Linda G. 2000. Field Guide to the Rare Plants of Florida. Florida Natural Areas Inventory. Tallahassee, Florida.
- Florida Department of Agriculture and Consumer Services (DOACS). Florida's Federally Listed Plant Species. Chapter 5B-40, F.A.C.
- Florida Department of Transportation. 1999. Florida Land Use, Cover and Forms Classification System. Procedure No. 550-010-001-a. Third Edition.
- Florida Fish and Wildlife Conservation Commission. 2011. Florida's Endangered Species, Threatened Species and Species of Special Concern. Official Lists. Florida Fish and Wildlife Conservation Commission. Tallahassee, Florida.
- Moler, P.E. 1992. Rare and Endangered Biota of Florida. Volume III. Amphibians and Reptiles. University Press of Florida, Gainesville, Florida.
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- Runde, D.E., J.A. Gore, J.A. Hovis, M.S. Robson, and P.D. Southall. 1991. Florida Atlas of Breeding Sites for Herons and Their Allies, Update 1986 1989. Nongame Wildlife Program Technical Report No. 10. Florida Game and Fresh Water Fish Commission, Tallahassee, Florida.
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## EXHIBIT A AERIAL WITH BOUNDARY

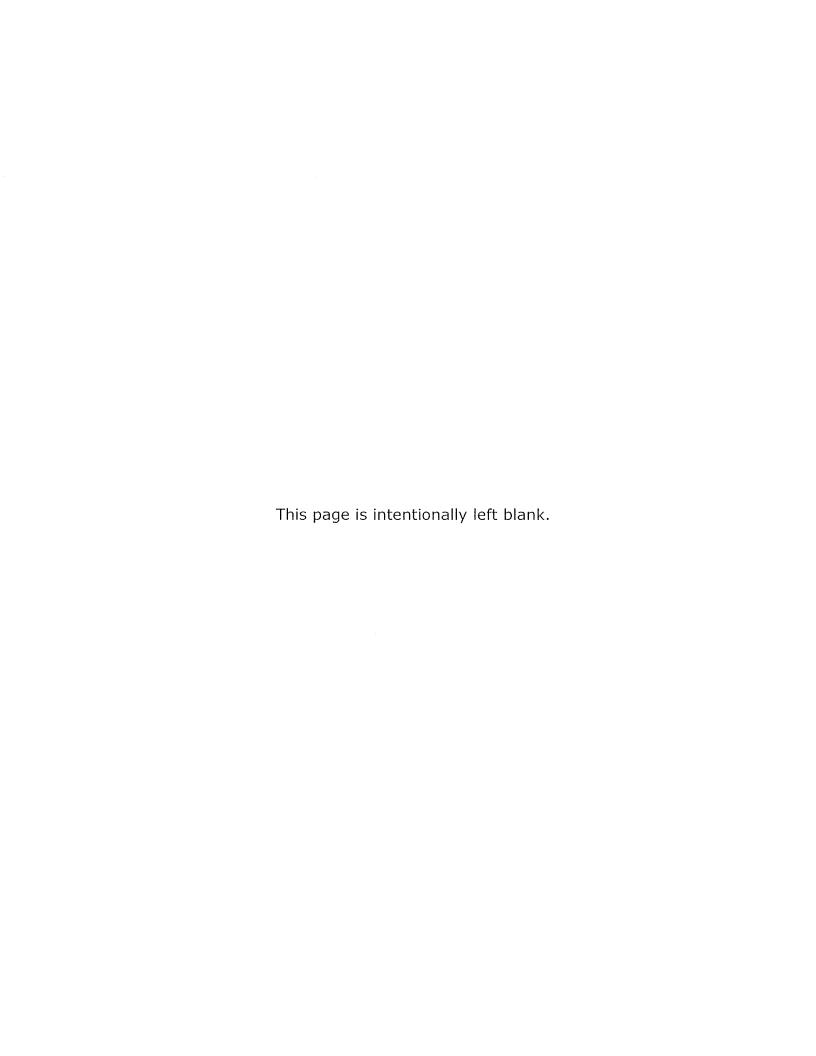
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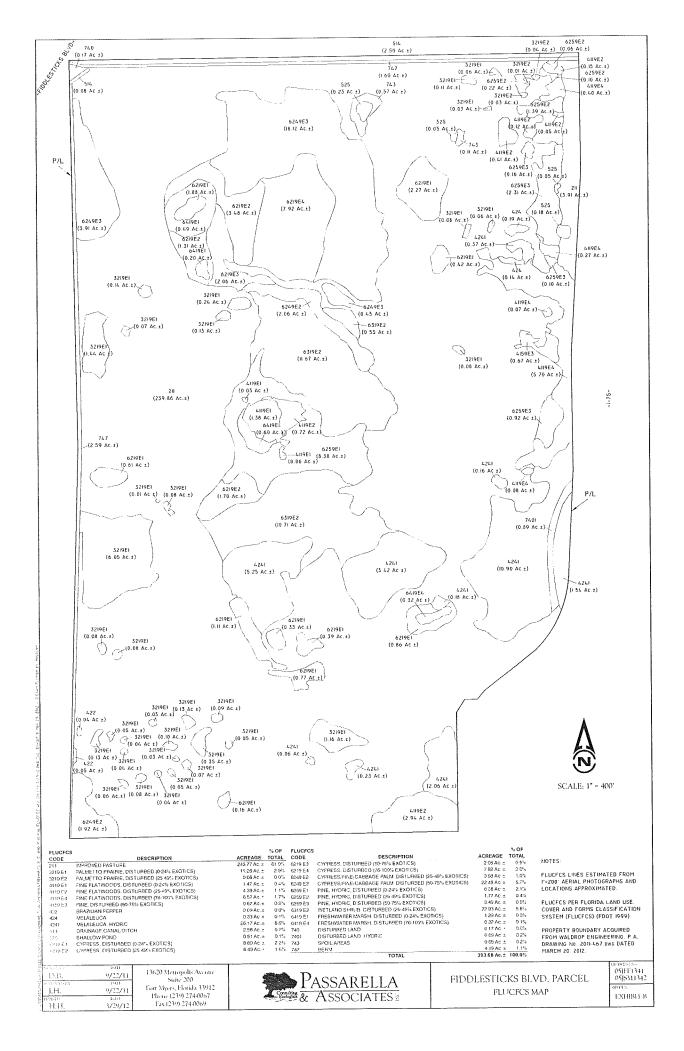


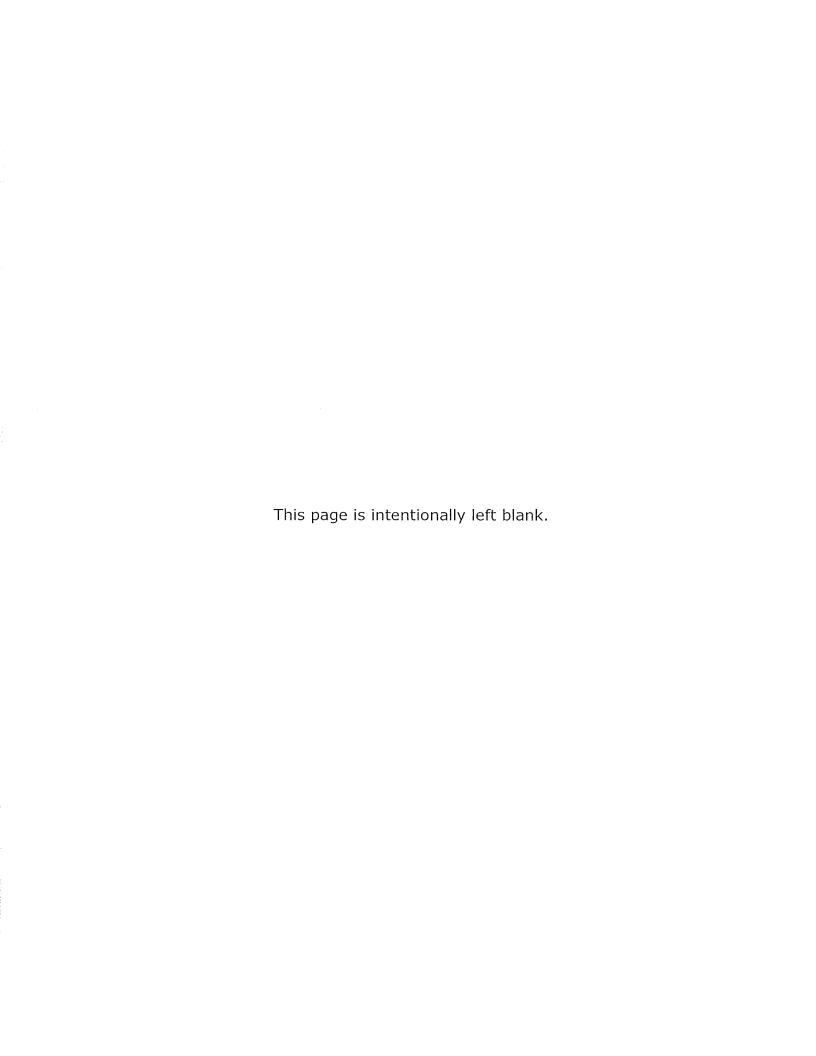
F.L. nxnwm J.H. nxnm F.L. 9/15/11 0/15/11 0/11 3/29/12



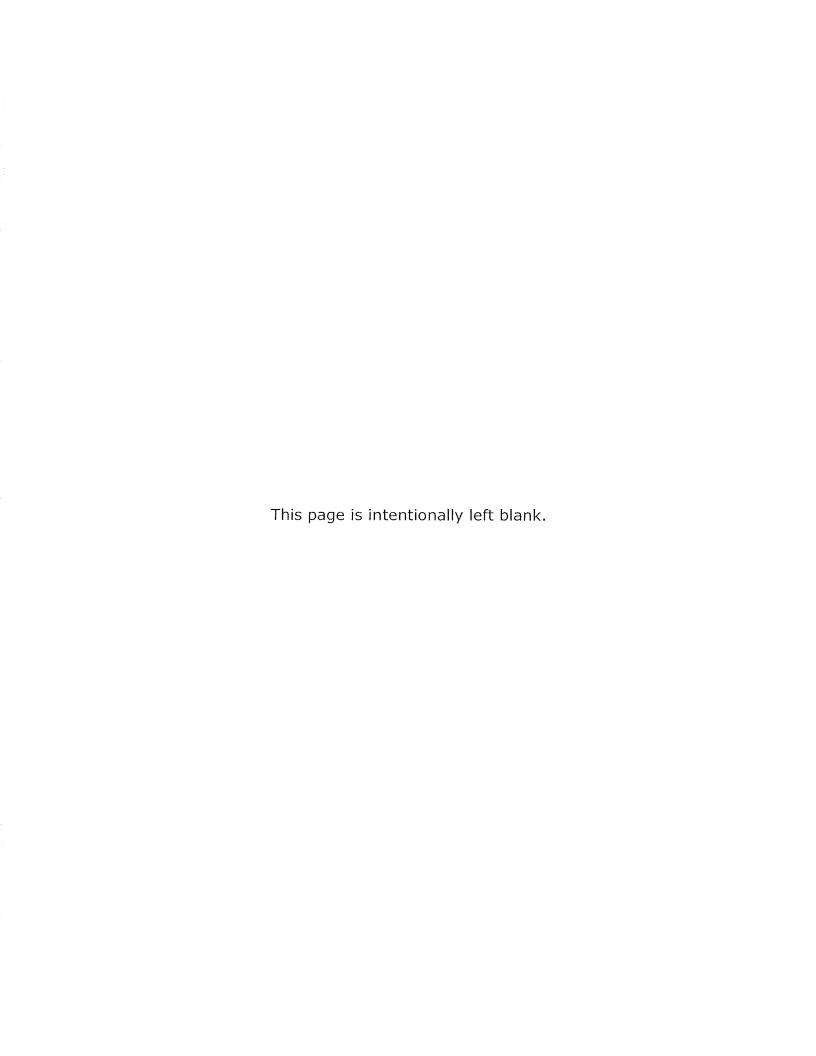
## EXHIBIT B FLUCFCS MAP







### EXHIBIT C AERIAL WITH FLUCFCS MAP





OESCRIPTION

OYFIESS, DISTURBED (%57% EXOTICS)

CYFIESS, DISTURBED (%10% EXOTICS)

CYFIESS, PARTICABLED (%10% EXOTICS)

CYFIESS, PARTICABRAGE PARA, DISTURBED (\$25.49% EXOTICS)

CYFIESS, PARTICABRAGE PARA, DISTURBED (\$25.49% EXOTICS)

PARE HYDRIC, DISTURBED (\$25.49 EXOTICS)

PARE HYDRIC, DISTURBED (\$25.49 EXOTICS)

PARE HYDRIC, DISTURBED (\$25.49% EXOTICS)

PARSHWATER MAREH, DISTURBED (\$24.5% EXOTICS)

PARSHWATER MAREH, DISTURBED (\$25.49% EXOTICS)

DISTURBED LAND

OISTURBED LAND

OISTURBED LAND

OISTURBED LAND

OISTURBED LAND

OISTURBED LAND

OISTURBED LAND \*\*OF FLUCROS
TOTAL CODE
GI VP: 62:0E1
20% 62:0E1
20% 62:0E1
20% 62:0E1
11% 70:0E1
11% 70 DESCRIPTION

IMPROVED PASTURE

PALMETTO PRANIBE DISTURBED (6-24% EXOTICS)

PALMETTO PRANIBE DISTURBED (6-24% EXOTICS)

PALMETTO PRANIBE DISTURBED (6-34% EXOTICS)

PALMETTO PRANIBE DISTURBED (6-34% EXOTICS)

PALME FALWOODS, DISTURBED (6-34% EXOTICS)

PALME FALWOODS DISTURBED (6-34% EXOTICS)

RIVALUM PEPER

METALEUCA NYDRIC

DRAINAGE CAMAJOTICH

SHALLOW POND

CYPTIESS, DISTURBED (6-44% EXOTICS)

CYPTIESS, DISTURBED (8-44% EXOTICS) 2 06 Ac ± 7.92 Ac ± 3 08 Ac ± 8 30 Ac ± 8 30 Ac ± 1 77 Ac ± 3 49 Ac ± 22 03 Ac ± 0 32 Ac ± 0 17 Ac ± 3219 E9 4119 E1 4119 E2 4110 E4 4150 E3 424 424 4241 614 625 6219 E1 6219 E2 4 10 Ao ± 1.1% 393,68 Ac ± 100.0%

AERIAL PHOTOGRAPHS WERE ACQUIRED THROUGH THE LEE COUNTY PROPERTY APPRAISER'S OFFICE WITH A FLIGHT DATE OF FEBRUARY-MARCH 2011.

FLUCFCS LINES ESTIMATED FROM 1°=200° AERIAL PHOTOGRAPHS AND LOCATIONS APPROXIMATED.

FLUCFCS PER FLORIDA LAND USE. COVER AND FORMS CLASSIFICATION SYSTEM (FLUCFCS) (FDOT 1999).

PROPERTY BOUNDARY ACQUIRED FROM WALDROP ENGINEERING, P.A. DRAWING No. 2011-467.0WG DATED MARCH 20, 2012

139.A8/314A	DAIL
D.B.	9/22/11
195305000 ·	0.00
J.H.	9/22/11
HAND TO STATE	930
H.H.	3/29/12

13620 Metropalis Avenue Suite 200 Fort Myers, Florida 33912 Phone (239) 274-0067 Tax (239) 274-0069



FIDDLESTICKS BLVD. PARCEL AERIAL WITH FLUCTCS MAP

05JFFFF341 05JSX11342 EXTHBIT C

#### EXHIBIT D

### EXISTING LAND USE AND COVER SUMMARY TABLE AND FLUCFCS DESCRIPTIONS

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### FIDDLESTICKS BLVD. PARCEL EXISTING LAND USE AND COVER SUMMARY TABLE AND FLUCFCS DESCRIPTIONS

The following table summarizes the FLUCFCS codes and provides an acreage breakdown of the habitat types found on the Fiddlesticks Blvd. Parcel property, while a description of each of the FLUCFCS classifications follows.

#### **Existing Land Use and Cover Summary**

FLUCFCS Code	Habitat	Acreage	Percent of Total
211	Improved Pasture	243.77	61.9
3219 E1	Palmetto Prairie, Disturbed (0-24% Exotics)	11.26	2.9
3219 E2	Palmetto Prairie, Disturbed (25-49% Exotics)	0.08	< 0.1
4119 E1	Pine Flatwoods, Disturbed (0-24% Exotics)	1.47	0.4
4119 E2	Pine Flatwoods, Disturbed (25-49% Exotics)	4.39	1.1
4119 E4	Pine Flatwoods, Disturbed (76-100% Exotics)	6.52	1.7
4159 E3	Pine, Disturbed (50-75% Exotics)	0.67	0.2
422	Brazilian Pepper	0.09	<0.1
424	Melaleuca	0.33	0.1
4241	Melaleuca, Hydric	26.17	6.6
514	Drainage Canal/Ditch	2.58	0.7
525	Shallow Pond	0.51	0.1
6219 E1	Cypress, Disturbed (0-24% Exotics)	8.80	2.2
6219 E2	Cypress, Disturbed (25-49% Exotics)	6.49	1.6
6219 E3	Cypress, Disturbed (50-75% Exotics)	2.06	0.5
6219 E4	Cypress, Disturbed (76-100% Exotics)	7.92	2.0
6249 E2	Cypress/Pine/Cabbage Palm, Disturbed (25-49% Exotics)	3.98	1.0
6249 E3	Cypress/Pine/Cabbage Palm, Disturbed (50-75% Exotics)	22.48	5.7
6259 E1	Pine, Hydric, Disturbed (0-24% Exotics)	8.38	2.1
6259 E2	Pine, Hydric, Disturbed (25-49% Exotics)	1.77	0.4
6259 E3	Pine, Hydric, Disturbed (50-75% Exotics)	3.49	0.9
6319 E2	Wetland Shrub, Disturbed (25-49% Exotics)	22.93	5.8
6419 E1	Freshwater Marsh, Disturbed (0-24% Exotics)	1.29	0.3
6419 E4	Freshwater Marsh, Disturbed (76-100% Exotics)	0.32	0.1
740	Disturbed Land	0.17	< 0.1
7401	Disturbed Land, Hydric	0.89	0.2
743	Spoil Areas	0.68	0.2
747	Berm	4.19	1.1
	Total	393.68	100.0

#### Improved Pasture (FLUCFCS Code 211)

This upland area occupies 243.77± acres or 61.9 percent of the property. The canopy and subcanopy is open and includes widely scattered slash pine (*Pinus elliottii*). The ground cover is mostly bare ground and includes areas of bahiagrass (*Paspalum notatum*), broomsedge bluestem (*Andropogon virginicus*), flatsedge (*Cyperis* sp.), and torpedograss (*Panicum repens*). The improved pasture throughout the area will be seeded with bahiagrass.

#### Palmetto Prairie, Disturbed (0-24% Exotics) (FLUCFCS Code 3219 E1)

This upland community type occupies 11.26± acres or 2.9 percent of the property. The canopy contains scattered slash pine and cabbage palm (Sabal palmetto). The sub-canopy contains wax myrtle (Myrica cerifera), saltbush (Baccharis halimifolia), melaleuca (Melaleuca quinquenervia), and Brazilian pepper (Schinus terebinthifolius). The ground cover contains saw palmetto (Serenoa repens), caesarweed (Urena lobota), beautyberry (Callicarpa americana), St. John Wort (Hypericum cystifolium), broomsedge bluestem, Brazilian pepper, and greenbrier (Smilax sp.).

#### Palmetto Prairie, Disturbed (25-49% Exotics) (FLUCFCS Code 3219 E2)

This upland community type occupies 0.08± acre or less than 0.1 percent of the property. The vegetation associations are similar to FLUCFCS Code 3219 E1, except with 25 to 49 percent melaleuca in the sub-canopy.

#### Pine Flatwoods, Disturbed (0-24% Exotics) (FLUCFCS Code 4119 E1)

This upland community type occupies 1.47± acres or 0.4 percent of the property. The canopy contains slash pine, scattered cabbage palm, and melaleuca. The sub-canopy contains dahoon holly (*Ilex cassine*), myrsine (*Rapanea punctata*), and wax myrtle. The ground cover contains saw palmetto, broomsedge bluestem, caesarweed, and grapevine (*Vitis rotundifolia*).

#### Pine Flatwoods, Disturbed (25-49% Exotics) (FLUCFCS Code 4119 E2)

This upland community type occupies  $4.39\pm$  acres or 1.1 percent of the property. The vegetation associations are similar to FLUCFCS Code 4119 E1, except with 25 to 49 percent melaleuca in the sub-canopy.

#### Pine Flatwoods, Disturbed (76-100% Exotics) (FLUCFCS Code 4119 E4)

This upland community type occupies 6.52± acres or 1.7 percent of the property. The vegetation associations are similar to FLUCFCS Code 4119 E2, except with 76 to 100 percent melaleuca in the sub-canopy.

#### Pine, Disturbed (50-75% Exotics) (FLUCFCS Code 4159 E3)

This upland community type occupies  $0.67\pm$  acre or 0.2 percent of the property. The canopy contains slash pine, scattered cabbage palm, and melaleuca. The sub-canopy includes wax myrtle and melaleuca. The ground cover is predominately wiregrass (*Aristida stricta*) with broomsedge bluestem, and bahiagrass.

#### Brazilian Pepper (FLUCFCS Code 422)

This upland area occupies  $0.09\pm$  acre or less than 0.1 percent of the property. The canopy is open. The sub-canopy is dominated by Brazilian pepper with scattered wax myrtle and cabbage palm. The ground cover is mostly bare ground and also includes Brazilian pepper.

#### Melaleuca (FLUCFCS Code 424)

This non-native upland habitat occupies  $0.33\pm$  acre or 0.1 percent of the property. The canopy and sub-canopy consists of melaleuca. The ground cover is mostly bare with occasional grapevine and wiregrass.

#### Melaleuca, Hydric (FLUCFCS Code 4241)

This non-native wetland habitat occupies 26.17± acres or 6.6 percent of the property. The canopy and sub-canopy consists of melaleuca and scattered cypress (*Taxodium distichum*). The ground cover includes swamp fern (*Blechnum serrulatum*), yellow-eyed grass (*Xyris* sp.), rosy camphorweed (*Pluchea rosea*), little blue maidencane (*Amphicarpum muhlenbergianum*), and climbing hempvine (*Mikania scandens*).

#### Drainage Canal/Ditch (FLUCFCS Code 514)

This open water area occupies 2.58± acres or 0.7 percent of the property. Ground cover vegetation includes cattail (*Typha* sp.) and torpedograss.

#### Shallow Pond (FLUCFCS Code 525)

This open water area occupies  $0.51\pm$  acre or 0.1 percent of the property. The canopy is open. The sub-canopy is open with scattered cattail. Ground cover includes water pennywort (*Hydrocotyle umbellata*) and torpedograss.

#### Cypress, Disturbed (0-24% Exotics) (FLUCFCS Code 6219 E1)

This wetland community type occupies 8.80± acres or 2.2 percent of the property. The canopy contains cypress, cabbage palm, and melaleuca. The sub-canopy contains cypress, cabbage palm, Carolina willow (Salix caroliniana), Brazilian pepper, and wax myrtle. The ground cover contains swamp fern, maidencane (Panicum hemitomon), musky mint (Hyptis alata), smartweed (Polyconum argyrocoleon), sawgrass (Cladium jamaicense), rosy camphorweed, yellow-eyed grass, bladderwort (Utricularia sp.), water-lily (Nymphaea sp.), climbing hempvine, and greenbrier.

#### Cypress, Disturbed (25-49% Exotics) (FLUCFCS Code 6219 E2)

This wetland community type occupies 6.49± acres or 1.6 percent of the property. The vegetation associations are similar to FLUCFCS Code 6219 E1, except with 25 to 49 percent melaleuca and/or Brazilian pepper in the sub-canopy.

#### Cypress, Disturbed (50-75% Exotics) (FLUCFCS Code 6219 E3)

This wetland community type occupies 2.06± acres or 0.5 percent of the property. The vegetation associations are similar to FLUCFCS Code 6219 E2, except with 50 to 75 percent melaleuca and/or Brazilian pepper in the sub-canopy.

#### Cypress, Disturbed (76-100% Exotics) (FLUCFCS Code 6219 E4)

This wetland community type occupies 7.92± acres or 2.0 percent of the property. The vegetation associations are similar to FLUCFCS Code 6219 E3, except with 76 to 100 percent melaleuca and/or Brazilian pepper in the sub-canopy.

#### Cypress/Pine/Cabbage Palm, Disturbed (25-49% Exotics) (FLUCFCS Code 6249 E2)

This wetland community type occupies 3.98± acres or 1.0 percent of the property. The canopy contains cypress, melaleuca and slash pine. The sub-canopy contains cypress, slash pine, cabbage palm, melaleuca, Brazilian pepper, and wax myrtle. The ground cover contains sawgrass, sand cordgrass (*Spartina bakeri*), iris (*Iris* sp.), yellow-eyed grass, swamp fern, and gulfdune paspalum (*Paspalum monostachyum*).

#### Cypress/Pine/Cabbage Palm, Disturbed (50-75% Exotics) (FLUCFCS Code 6249 E3)

This wetland community type occupies 22.48± acres or 5.7 percent of the property. The vegetation associations are similar to FLUCFCS Code 6249 E2, except with 50 to 75 percent melaleuca and/or Brazilian pepper in the sub-canopy.

#### Pine, Hydric, Disturbed (0-24% Exotics) (FLUCFCS Code 6259 E1)

This wetland community type occupies 8.38± acres or 2.1 percent of the property. The canopy contains slash pine and melaleuca. The sub-canopy contains slash pine, melaleuca, cabbage palm, Brazilian pepper, and wax myrtle. The ground cover contains gulfdune paspalum, sawgrass, sand cordgrass, and water pennywort.

#### Pine, Hydric, Disturbed (25-49% Exotics) (FLUCFCS Code 6259 E2)

This wetland community type occupies 1.77± acres or 0.4 percent of the property. The vegetation associations are similar to FLUCFCS Code 6259 E1, except with 25 to 49 percent melaleuca and/or Brazilian pepper in the canopy and sub-canopy.

#### Pine, Hydric, Disturbed (50-75% Exotics) (FLUCFCS Code 6259 E3)

This wetland community type occupies 3.49± acres or 0.9 percent of the property. The vegetation associations are similar to FLUCFCS Code 6259 E2, except with 50 to 75 percent melaleuca and/or Brazilian pepper in the canopy and sub-canopy.

#### Wetland Shrub, Disturbed (25-49% Exotics) (FLUCFCS Code 6319 E2)

This wetland community type occupies 22.93± acres or 5.8 percent of the property. The canopy is open and contains dead melaleuca trees. The sub-canopy contains cypress, saltbush, wax myrtle, Brazilian pepper, and scattered Carolina willow. The ground cover contains swamp fern, Brazilian pepper, saltbush, sawgrass, and climbing hempvine.

#### Freshwater Marsh, Disturbed (0-24% Exotics) (FLUCFCS Code 6419 E1)

This wetland community type occupies 1.29± acres or 0.3 percent of the property. The canopy is open with scattered Carolina willow. The sub-canopy is open. The ground cover contains maidencane, pickerelweed (*Pontedaria cordata*), duck potato (*Saggitaria lancefolia*), bladderwort, and water-lily.

#### Freshwater Marsh, Disturbed (76-100% Exotics) (FLUCFCS Code 6419 E4)

This wetland community type occupies  $0.32\pm$  acre or 0.1 percent of the property. The vegetation associations are similar to FLUCFCS Code 6419 E1, except with 76 to 100 percent melaleuca and/or Brazilian pepper in the sub-canopy.

#### Disturbed Land (FLUCFCS Code 740)

This upland area occupies  $0.17\pm$  acre or less than 0.1 percent of the property. The canopy and sub-canopy are open. The ground cover contains bahiagrass, smutgrass (*Sporobolis indicus*), broomsedge bluestem, frog fruit (*Phyla nodiflora*), caesarweed, and Brazilian pepper.

#### Disturbed Land, Hydric (FLUCFCS Code 7401)

This wetland area occupies  $0.89\pm$  acre or 0.2 percent of the property. The canopy and subcanopy are open. The ground cover is predominantly open with torpedograss, rosy camphorweed, little blue maidencane, and climbing hempvine.

#### Spoil Areas (FLUCFCS Code 743)

This upland area occupies 0.68± acre or 0.2 percent of the property. It consists of spoil material that was deposited from excavation activities.

#### Berm (FLUCFCS Code 747)

This upland area occupies 4.19± acres or 1.1 percent of the property.

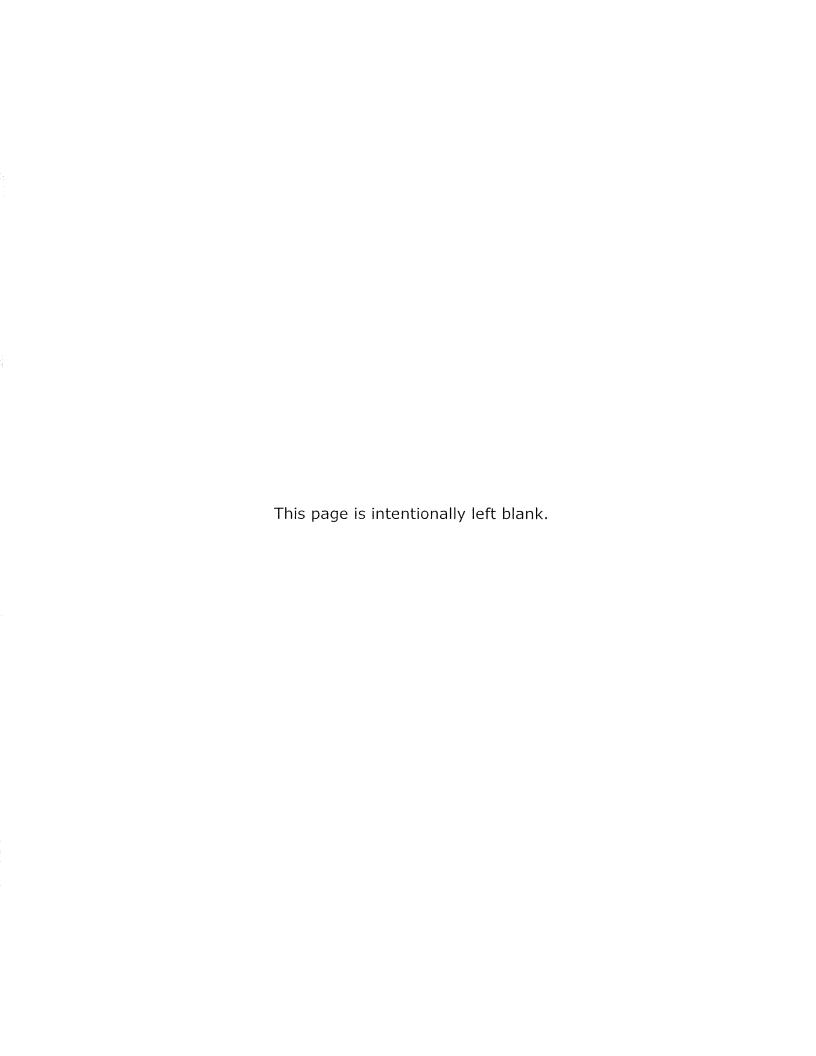
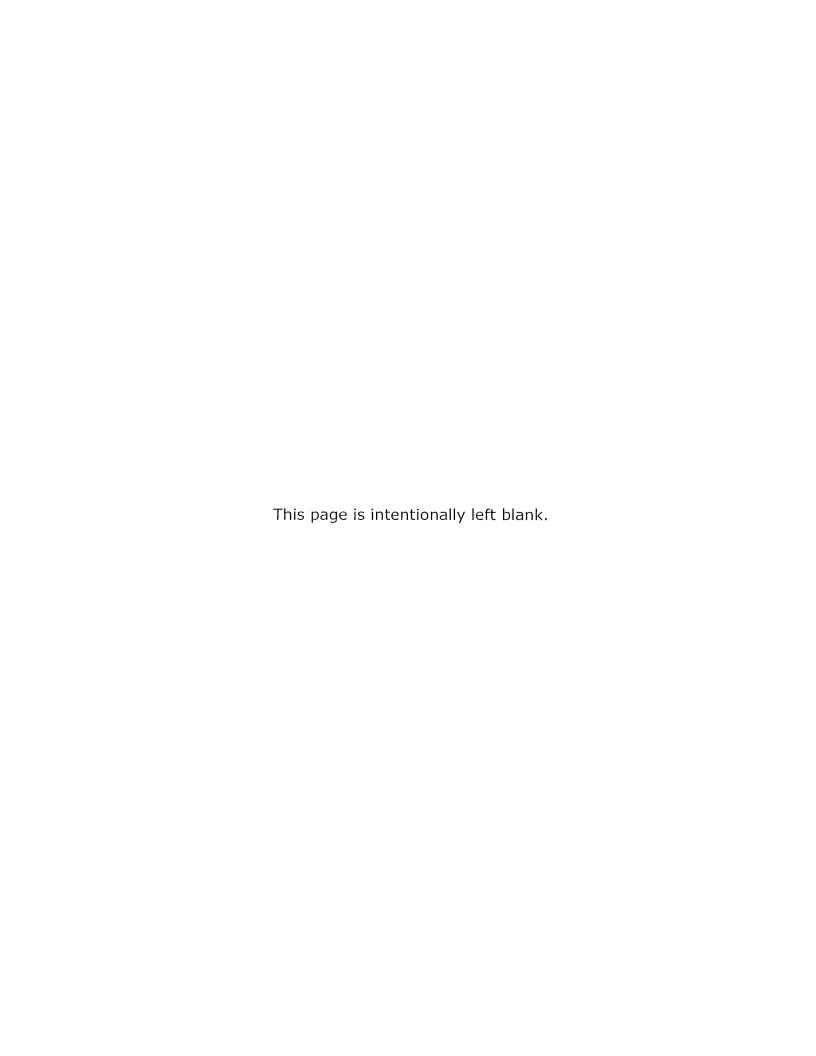


EXHIBIT E

SOILS MAP





LEGEND FIDDLESTICKS BLVD. PARCEL Soll Unit Description
HALLANDALE FINE SAND MATLACHA-URBAN LAND COMPLEX FELDA FINE SAND BOCA FINE SAND 13 14 26 27

BOCA FINE SAND
VALKARIA FINE SAND
PINEDA FINE SAND
POMPANO FINE SAND; DEPRESSIONAL
IMMOKALEE SAND
ISLES FINE SAND; DEPRESSIONAL
PINEDA FINE SAND; DEPRESSIONAL
PINEDA FINE SAND; DEPRESSIONAL

1,000 1,500 500 Feet

#### NOTES:

AERIAL PHOTOGRAPHS WERE ACQUIRED THROUGH THE LEE COUNTY PROPERTY APPRAISER'S OFFICE WITH A FLIGHT DATE OF FEBRUARY-MARCH ZOII.

ROADWAY NETWORKS WERE ACQUIRED FROM THE FLORIDA GEOGRAPHIC DATA LIBRARY WEBSITE

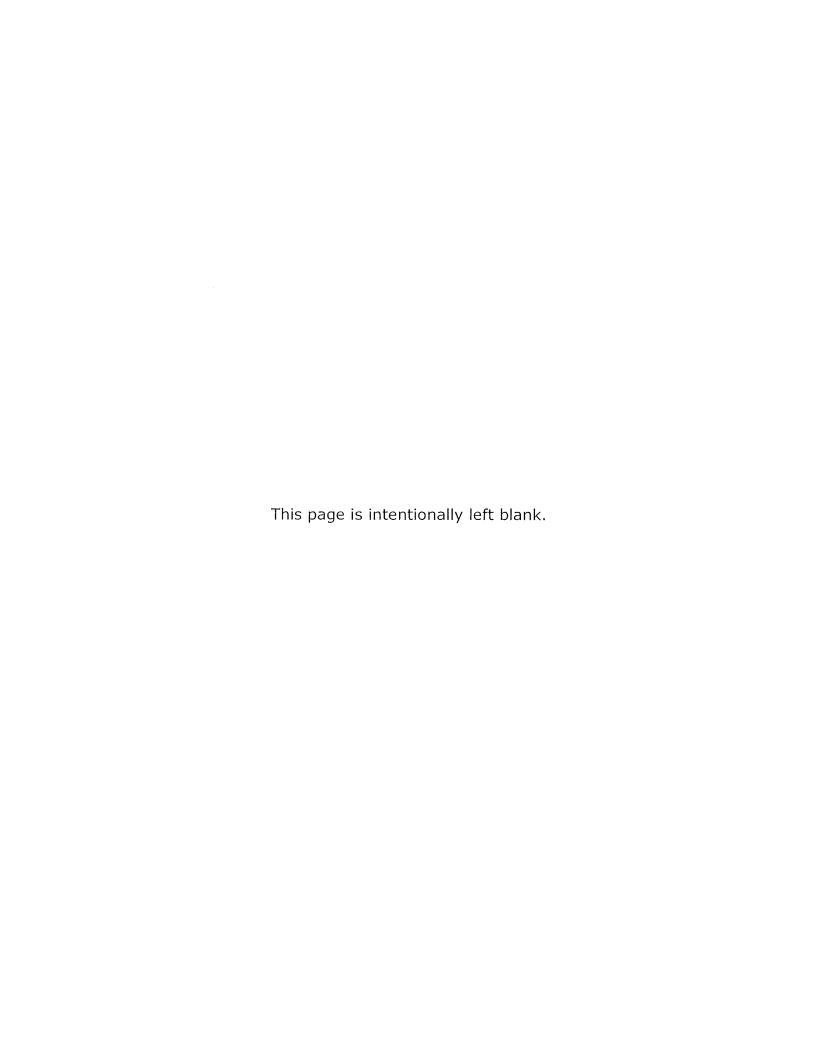
SOILS MAPPING WAS ACQUIRED FROM THE FLORIDA GEOGRAPHIC DATA LIBRARY WEBSITE OCTOBER 2007 AND CREATED BY THE NATURAL RESOURCES CONSERVATION SERVICE 1990.

EXHIBIT E. SOILS MAP FIDDELSTICKS BLVD. PARCEL

ATE:	DRAWN BY
15/11	F.L.
W.I.E.	REVIEWED BY
15/11	J.H.
DATE	REVISED
29/12	F.L.



# EXHIBIT F SOILS SUMMARY TABLE AND DESCRIPTIONS



### FIDDLESTICKS BLVD. PARCEL SOILS SUMMARY TABLE AND DESCRIPTIONS

#### Soils Listed by the NRCS on the Project

Soil Unit	Description
6	Hallandale Fine Sand
7	Matlacha-Urban Land Complex
12	Felda Fine Sand
13	Boca Fine Sand
14	Valkaria Fine Sand
26	Pineda Fine Sand
27	Pompano Fine Sand, Depressional
28	Immokalee Sand
39	Isles Fine Sand, Depressional
49	Felda Fine Sand, Depressional
73	Pineda Fine Sand, Depressional

#### 6 – Hallandale Fine Sand

This is a nearly level, poorly drained soil on low, broad flatwoods areas. Slopes are smooth and range from 0 to 2 percent. Typically, the surface layer is gray fine sand about two inches thick. The subsurface layer is light gray fine sand about 5 inches thick. The substratum is very pale brown fine sand about 5 inches thick. At a depth of 12 inches is fractured limestone bedrock that has solution holes extending to a depth of 25 inches. These solution holes contain mildly alkaline, loamy material. In most years, under natural conditions, the water table is less than 10 inches below the surface for 1 to 3 months. It recedes below the limestone for about 7 months.

#### 7 – Matlacha-Urban Land Complex

This complex consists of nearly level Matlacha gravelly fine sand and areas of Urban land. The areas of the Matlacha soil and of Urban land are so intermingled that it was not practical to map them separately at the scale used for mapping. The mapped areas range from about 20 to 640 acres. Typically, the surface layer of the Matlacha soil is about 40 inches of light gray, gray, very pale brown, grayish brown, very dark grayish brown, and dark gray mixed gravelly fine sand and sandy material. The surface layer contains lenses of loamy sand and coated sandy fragments of a former subsoil and is about 25 percent coarse fragments of limestone and shell. Below the surface layer, to a depth of 80 inches or more, there is undisturbed fine sand. The upper 6 inches is dark gray and the rest is light gray with dark grayish brown stains and streaks along old root channels.

#### 12 – Felda Fine Sand

This is a nearly level, poorly drained soil on broad, nearly level sloughs. Slopes are smooth to concave and range from 0 to 2 percent. Typically, the surface layer is dark gray fine sand about 8 inches thick. The subsurface layer is light gray and light brownish gray fine sand about 14 inches thick. The subsoil is light gray loamy fine sand about 16 inches thick and is underlain by gray and light gray fine sand that extends to a depth of 80 inches of more. In most years, under

natural conditions, this soil has a water table within 10 inches of the surface for 2 to 4 months. The water table is 10 to 40 inches below the surface for about 6 months. It is more than 40 inches below the surface for about 2 months. During periods of high rainfall, the soil is covered by a shallow layer of slowly moving water for periods of about 7 to 30 days or more.

#### 13 – Boca Fine Sand

This is a nearly level, poorly drained soil on flatwoods. Slopes are smooth and range from 0 to 2 percent. Typically, the surface layer is gray fine sand about 3 inches thick. The subsurface layer is fine sand about 22 inches thick. The upper 11 inches is light gray and the lower 11 inches is very pale brown. The subsoil, about 5 inches thick, is gray fine sandy loam with brownish yellow mottles and calcareous nodules. At a depth of 30 inches is a layer of fractured limestone. In most years, under natural conditions, the water table is within 10 inches of the surface for 2 to 4 months. It recedes below the limestone for about 6 months.

#### 14 – Valkaria Fine Sand

This is a nearly level, poorly drained soil on sloughs. Slopes are smooth to concave and range from 0 to 1 percent. Typically, the surface layer is about 2 inches of dark grayish brown fine sand. The subsurface layer is 5 inches of very pale brown fine sand. The subsoil is loose fine sand to a depth of 80 inches or more. The upper 9 inches is yellow, the next 4 inches is brownish yellow, the next 6 inches is yellowish brown, and the lowermost 54 inches is pale yellow, yellow, brown, and very pale brown. In most years, under natural conditions, the water table is at a depth of less than 10 inches for 1 to 3 months. It is at a depth of 10 to 40 inches for about 6 months and recedes to a depth of more than 40 inches for about 3 months. During periods of high rainfall, the soil is covered by slowly moving water for periods of about 7 to 30 days or more.

#### 26 – Pineda Fine Sand

This is a nearly level, poorly drained soil on sloughs. Slopes are smooth to slightly concave and range from 0 to 1 percent. Typically, the surface layer is black fine sand about 1 inch thick. The subsurface layer is very pale brown fine sand about 4 inches thick. The upper part of the subsoil is brownish yellow fine sand about 8 inches thick. The next 10 inches is strong brown fine sand. The next 6 inches is yellowish brown fine sand. The next 7 inches is light gray fine sand with brownish yellow mottles. The lower part of the subsoil is light brownish gray fine sandy loam with light gray sandy intrusions about 18 inches thick. The substratum is light gray fine sand to a depth of 80 inches or more. In most years, under natural conditions, the water table is within 10 inches of the surface for 2 to 4 months. It is 10 to 40 inches below the surface for more than 6 months, and it recedes to more than 40 inches below the surface during extended dry periods. During periods of high rainfall, the soil is covered by a shallow layer of slowly moving water for periods of about 7 to 30 days or more.

#### 27 – Pompano Fine Sand, Depressional

This is a nearly level, poorly drained soil in depressions. Slopes are concave and less than 1 percent. Typically, the surface layer is gray fine sand about 3 inches thick. The substratum is fine sand to a depth of 80 inches or more. The upper 32 inches is light brownish gray with few, fine, faint yellowish brown mottles. The lower 45 inches is light gray. In most years, under natural conditions, the water table is within 10 inches of the surface for 2 to 4 months and stands

above the surface for about 3 months. It is 10 to 40 inches below the surface for more than 5 months.

#### 28 - Immokalee Sand

This is a nearly level, poorly drained soil in flatwoods areas. Slopes are smooth to convex and range from 0 to 2 percent. Typically, the surface layer is black sand about 4 inches thick. The subsurface layer is dark gray sand in the upper 5 inches and light gray sand in the lower 27 inches. The subsoil is sand to a depth of 69 inches. The upper 14 inches is black and firm, the next 5 inches is dark reddish brown, and the lower 14 inches is dark yellowish brown. The substratum is very pale brown sand to a depth of 80 inches or more. In most years, under natural conditions, the water table is within 10 inches of the surface for 1 to 3 months and 10 to 40 inches below the surface for 2 to 6 months. It recedes to a depth of more than 40 inches during extended dry periods.

#### 39 - Isles Fine Sand, Depressional

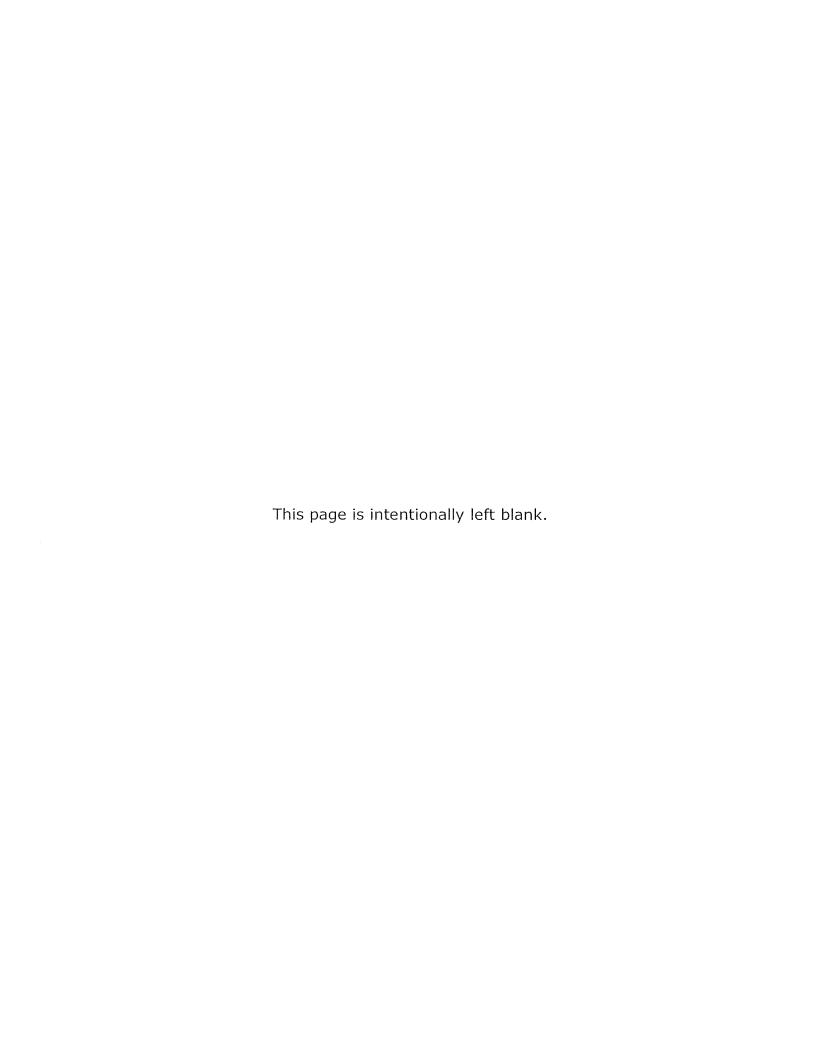
This is a nearly level, very poorly drained soil in depressions. Slopes are smooth to concave and less than 1 percent. Typically, the surface layer is very dark gray fine sand about 5 inches thick. The subsurface layer is about 5 inches of light gray fine sand. Next is 11 inches of very pale brown fine sand with yellowish brown mottles. The subsoil is 26 inches of gray fine sandy loam with brownish yellow mottles and pockets of light brownish gray loamy sand. Limestone bedrock is at a depth of 47 inches. In most years, under natural conditions, the water table is above the surface for 3 to 6 months. It is within a depth of 10 to 40 inches for 2 to 4 months. The water table recedes to a depth of more than 40 inches during extended dry periods.

#### 49 - Felda Fine Sand, Depressional

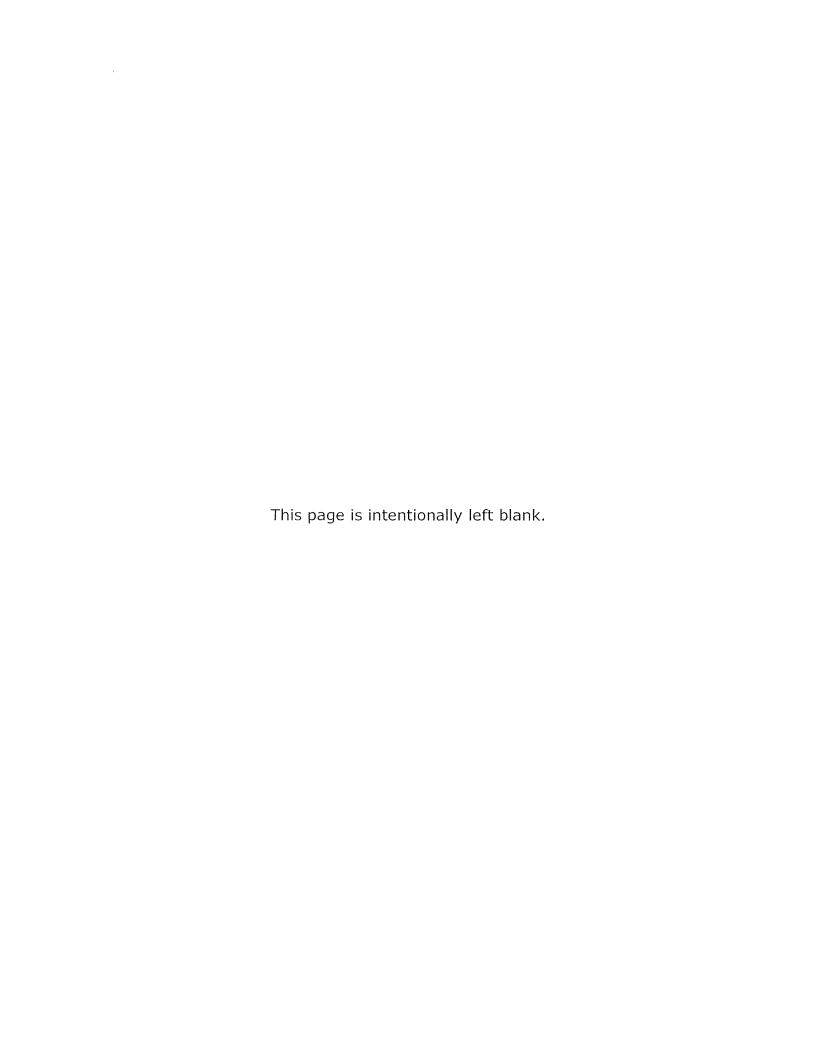
This is a nearly level, poorly drained soil in depressions. Slopes are concave and less than 1 percent. Typically, the surface layer is gray fine sand about 4 inches thick. The subsurface layers extend to a depth of 35 inches. The upper 13 inches is grayish brown fine sand and the lower 18 inches is light gray fine sand with yellowish brown mottles. The subsoil is about 17 inches thick. The upper 6 inches is gray sandy loam and the lower 11 inches is sandy clay loam with many yellowish brown and strong brown mottles. Below this is light gray fine sand to a depth of 80 inches or more. In most years, under natural conditions, the soil is ponded for about 3 to 6 months or more. The water table is within a depth of 10 to 40 inches for 4 to 6 months.

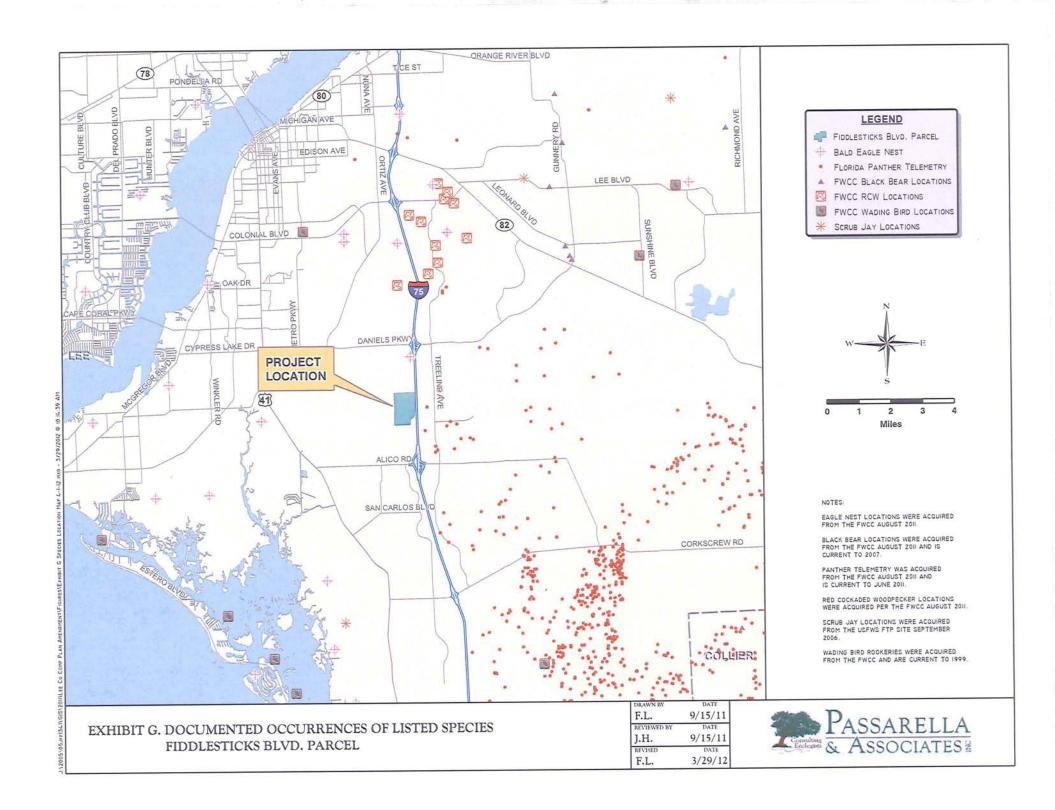
#### 73 - Pineda Fine Sand, Depressional

This is a nearly level, very poorly drained soil in depressions. Slopes are concave and less than I percent. Typically, the surface layer is dark gray fine sand about 3 inches thick. The subsurface layer is fine sand to a depth of 31 inches. The upper 9 inches is light gray, the next 7 inches is very pale brown with yellowish brown mottles, and the lower 12 inches is brownish yellow with many iron-coated sand grains. The subsoil is fine sandy loam to a depth of 55 inches. The upper 8 inches is gray with very pale brown sandy intrusions and yellowish brown mottles. The lower 16 inches is gray. Below that and extending to a depth of 80 inches is light gray loamy sand. In most years, under natural conditions, the soil is ponded for about 3 to 6 months or more. The water table is within a depth of 10 to 40 inches for 4 to 6 months.



# EXHIBIT G DOCUMENTED OCCURRENCES OF LISTED SPECIES

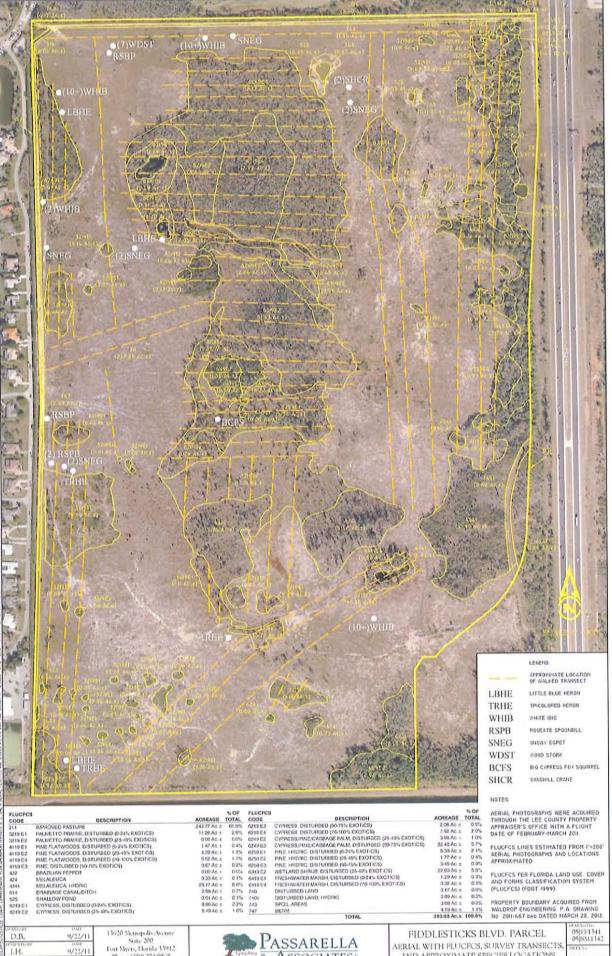




### **EXHIBIT H**

# AERIAL WITH FLUCFCS, SURVEY TRANSECTS, AND APROXIMATE SPECIES LOCATIONS





13620 Metropolis Avenue Suite 200 Fort Myers, Horida 13912 Phone (239) 274-0067 Uss (239) 274-0069 9/22/11 & ASSOCIATES 1/29/12

H.H.

AND APPROXIMATE SPECIES LOCATIONS

EXHIBIT H

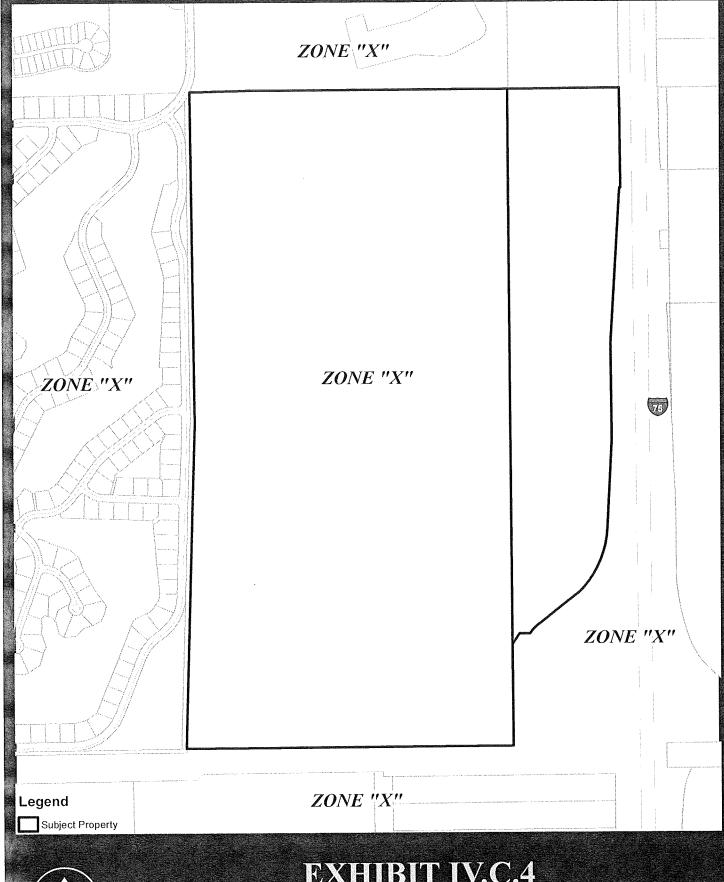
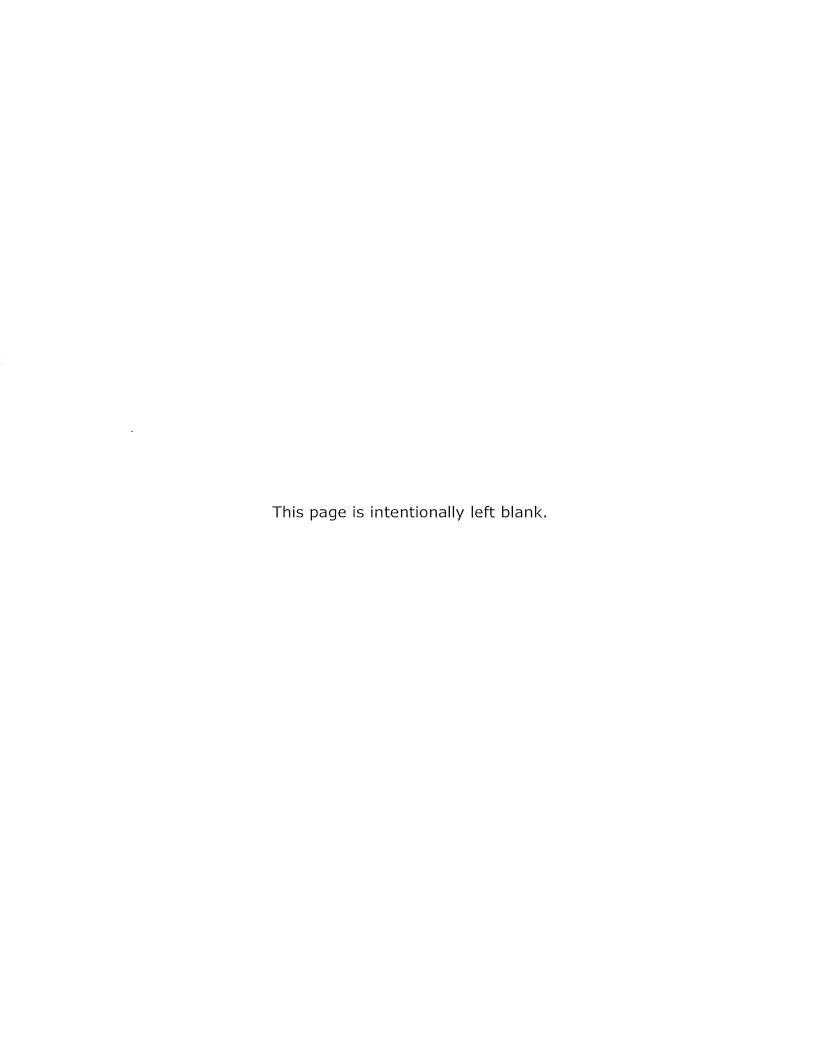




EXHIBIT IV.C.4 FLOOD INSURANCE RATE MAP





This record search is for informational purposes only and does <u>NOT</u> constitute a project review. This search only identifies resources recorded at the Florida Master Site File and does <u>NOT</u> provide project approval from the Division of Historical

Florida

Resources. Contact the Compliance and Review Section of the Division of Historical Resources at 850-245-6333 for project review information.

August 24, 2011

Ms. Alexis V. Crespo Waldrop Engineering, P.A. 28100 Bonita Grande Drive, Suite 305

Bonita Springs, FL 34135 Office: 239.405.7777

Cell: 239.850.8525

Email: AlexisC@waldropengineering.com

In response to your inquiry of August 23, 2011, the Florida Master Site File lists no previously recorded cultural resources in the following section of Lee County:

#### T45S R25E Section 34

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

- This search area may contain *unrecorded* archaeological sites, historical structures or other resources even if previously surveyed for cultural resources.
- Federal, state and local laws require formal environmental review for most projects. This search DOES NOT constitute such a review. If your project falls under these laws, you should contact the Compliance and Review Section of the Division of Historical Resources at 850-245-6333.

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

Sincerely,

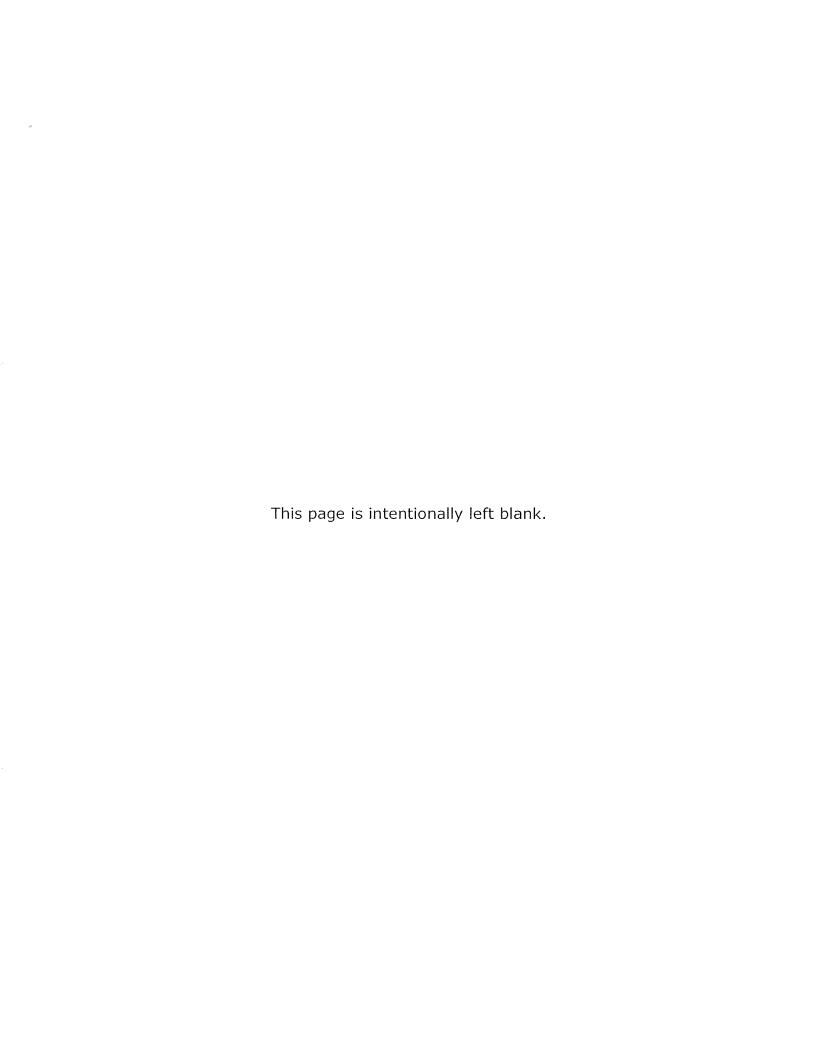
Lindsey Morrison

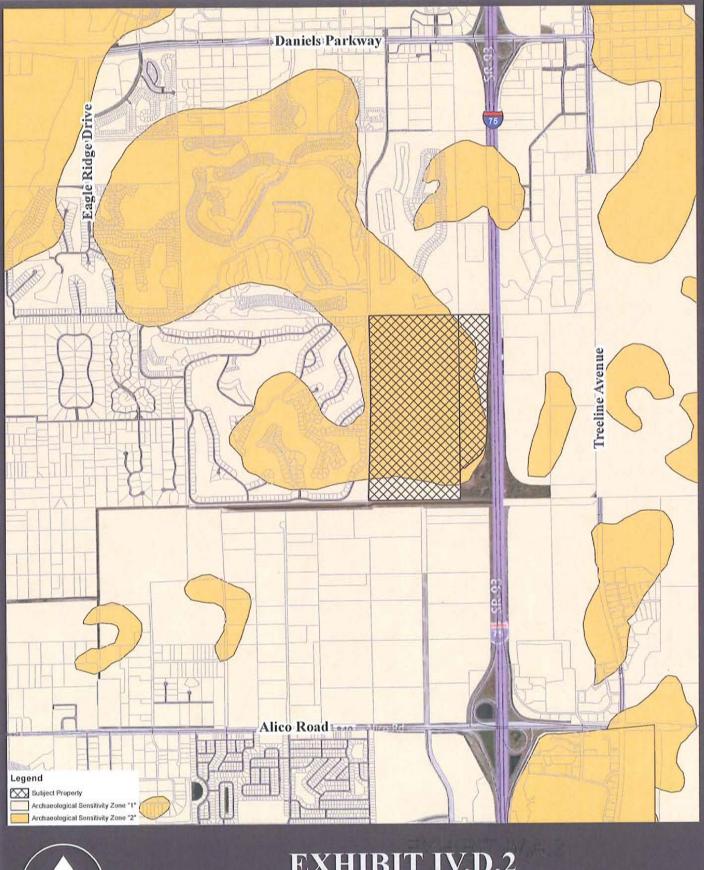
Archaeological Data Analyst

Livery Moneson

Florida Master Site File

Lindsey.Morrison@dos.myflorida.com









## WALDROP ENGINEERING

CIVIL ENGINEERING & LAND DEVELOPMENT CONSULTANTS

28100 BONITA GRANDE DR. #305 BONITA SPRINGS, FL 34135 P: 239-405-7777 F: 239-405-7899

#### IV.E.4 – Lee Plan Consistency & Amendment Justification Narrative

The Applicant is requesting approval of a Future Land Use Map (FLUM) Amendment to remove the 394+/-acre property from the Rural and Wetlands FLU Categories and re-designate the property as Outlying Suburban and Wetlands. The Outlying Suburban designation currently terminates at the northern property line and encompasses the Olde Hickory and Legends Golf and Country Clubs to the north and northwest, respectively. Approval of this request will allow for the logical extension of the existing development pattern in this urbanized portion of the County, and will permit clustered, infill development to accommodate future population growth in an area serviced by existing public infrastructure.

Per Table 1(b) "Planning Community Year 2030 Allocations", there are 1,700 acres of Outlying Suburban Future Land Use available for residential development within the Daniels Planning Community. Therefore, the proposed 394-acre FLUM amendment is in compliance with the 2030 residential allocation for this area.

As indicated in the Infrastructure Analysis, attached as Exhibit IV.B.2, the projected population of the FLUM amendment is 2,955 persons (1,182 du @ 2.5 persons/unit). Additionally, the amendment includes 20,000 s.f. of commercial uses to provide future residents with local goods and services.

The following is an analysis of how the proposed Amendment is consistent with the goals, policies and objectives of the Lee Plan, State Comprehensive Plan (SCP), and the Strategic Regional Policy Plan (SRPP).

#### I. Lee Plan Consistency

**Policy 1.1.6**: The Outlying Suburban areas are characterized by their peripheral location in relation to established urban areas. In general, these areas are rural in nature or contain existing low-density development. Some, but not all, of the requisite infrastructure needed for higher density development is generally planned or in place. It is intended that these areas will develop at lower residential densities than other Future Urban Areas. As in the Suburban areas, higher densities, commercial development greater than neighborhood centers, and industrial land uses are not permitted. The standard density range is from one dwelling unit per acre (1 du/acre) to three dwelling units per acre (3 du/acre). Bonus densities are not allowed.

In compliance with this policy, the subject property is located in a developed area of the County with available public infrastructure to support future growth. This portion of the county consists of established residential communities, industrial development, and is in close proximity to I-75 and the Southwest Florida International Airport. Therefore, the Property and its surrounds are no longer characterized as rural, and the Property is consistent with the description of an Outlying Suburban area.

Table 1.1 below further defines the surrounding Future Land Use designations, zoning districts and land uses.

Table 1.1: Inventory of Surrounding Lands

DIRECTION	FUTURE LAND USE	ZONING DISTRICT	EXISTING LAND USE
North	Outlying Suburban	Residential Planned Development (RPD)	Multi-Family Residential/Golf Course (Olde Hickory Golf & Country Club)
South	Industrial Development	Industrial Planned Development (IPD)	Industrial/Vacant
East	Tradeport	Agriculture (AG-2)	I-75/Vacant
West	Rural	Planned Unit Development (PUD)	Single-Family Residential/Golf Course (Fiddlesticks Golf & Country Club)

**Objective 2.2:** Direct new growth to those portions of the Future Urban Areas where adequate public facilities exist or are assured and where compact and contiguous development patterns can be created. Development orders and permits (as defined in F.S. 163.3164(7)) will be granted only when consistent with the provisions of Sections 163.3202(2)(g) and 163.3180, Florida Statutes and the county's Concurrency Management Ordinance.

The proposed amendment will allow for the development of a vacant property entirely surrounded by suburban and urban levels of development, with available public infrastructure in place. Additionally, development will be clustered within the uplands of the Property to the furthest extent possible, thereby creating a compact development pattern that is contiguous to similar, established communities.

**OBJECTIVE 2.7:** Historic resources will be identified and protected pursuant to the Historic Preservation element and the county's Historic Preservation Ordinance.

In compliance with this policy, the Applicant has secured a letter from the Florida Master Site File indicating that no recorded historical or archaeological resources exist on the property.

**POLICY 2.12.1:** The County encourages and promotes clustered, mixed use development within certain Future Urban Area land use categories to spur cluster development and smart growth within those areas of Lee County where sufficient infrastructure exists to support development, as well as continue to improve the economic well-being of the County; provide for diversified land development; and provide for cohesive, viable, well-integrated, and pedestrian and transit oriented projects. This is intended to encourage development to be consistent with Smart Growth principles.

As outlined in this application, the Applicant is seeking approval of this FLUM amendment to allow for the development of a residential community with a neighborhood commercial component. The diversified development program will allow for lower vehicle miles travelled (VMT) through the provision of local goods and services in close proximity to residential units.

**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.

The proposed FLUM amendment will support and protect the existing development pattern along Fiddlesticks Blvd. in direct compliance with this policy. The proposal for a residential community with a neighborhood commercial component will be similar in both character and density to the established, surrounding Planned Developments (Olde Hickory, Fiddlesticks, and The Legends). Furthermore, specific design standards and the mix of uses will be further defined through the Planned Development rezoning process to ensure the protection of surrounding communities.

**POLICY 6.1.4:** Commercial development will be approved only when compatible with adjacent existing and proposed land uses and with existing and programmed public services and facilities.

The proposed neighborhood commercial component permitted per the Outlying Suburban Future Land Use Designation is tentatively planned for the southeastern corner of the property. These non-residential uses will be strategically located near the I-75 and Three Oaks Extension frontage to buffer proposed residential uses. Additionally, locating the commercial component away from the established residential communities in the immediate area will further ensure compatibility with the existing development pattern.

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

The Applicant and consultant team are in the process of determining the extent and quality of existing wetlands on the Property. Future submittals will provide additional environmental data in compliance with this policy. Furthermore, it is understood that all future development activities and approvals will comply with the goals, objectives and policies governing wetlands, including the residential densities outlined in Table 1(a) of the Lee Plan.

**POLICY 115.1.2:** New development and additions to existing development must not degrade surface and ground water quality.

Prior to future development activities on the Property, the Applicant will obtain the requisite Environmental Resource Permit (ERP) from the South Florida Water Management District, and all other applicable state agencies. Therefore, the proposed amendment will be in compliance with this policy.

#### II. Adjacent Local Governments

The subject property is located entirely within Lee County and does not abut any other jurisdictions. Therefore, the proposed amendment will not affect other local governments.

#### III. State Comprehensive Plan

The following area goals and policies from the State Comprehensive Plan that are generally applicable to the Fiddlesticks Blvd. Parcel.

Water Resources. Florida shall assure the availability of an adequate supply of water for all competing uses deemed reasonable and beneficial and shall maintain the functions of natural systems and the overall present level of surface and ground water quality. Florida shall improve and restore the quality of waters not presently meeting water quality standards.

In compliance with this goal, this application will be reviewed by Lee County to ensure the availability of potable water for future residents, as well as the protection of surface water and groundwater in terms of both quality and quantity.

**Natural Systems & Recreational Lands.** Florida shall protect and acquire unique natural habitats and ecological systems, such as wetlands, tropical hardwood hammocks, palm hammocks, and virgin longleaf pine forests, and restore degraded natural systems to a functional condition.

Through the forthcoming rezoning and environmental resource permitting process the amendment will ensure adequate protection of natural habitats and wetlands located on the property. Furthermore, development will be clustered on uplands to the furthest extent possible to ensure preservation of environmentally sensitive areas.

**Land Use.** In recognition of the importance of preserving the natural resources and enhancing the quality of life of the state, development shall be directed to those areas which have in place, or have agreements to provide, the land and water resources, fiscal abilities, and service capacity to accommodate growth in an environmentally acceptable manner.

As indicated above, the proposed amendment will allow for the development of a vacant property entirely surrounded by suburban and urban levels of development with available public infrastructure in place. Therefore, approval of this request will direct new development to an infill location as encouraged by this goal.

**Transportation.** Florida shall direct future transportation improvements to aid in the management of growth and shall have a state transportation system that integrates highway, air, mass transit and transportation

The project will provide for a bicycle and pedestrian network internal to the site, as well as a neighborhood commercial component to reduced dependence on automobile travel and reduce overall energy demands. Additionally, the Applicant has indicated their cooperation in the extension of Three Oaks Parkway along the eastern portion of the property, which will further improve the county's transportation system.

#### IV. Regional Policy Plan Consistency

The following are goals within the Strategic Regional Policy Plan (SRPP) that are generally applicable to the Property.

#### Housing Element

Goal 2: Southwest Florida will develop (or redevelop) communities that are livable and offer residents a wide range of housing and employment opportunities.

The proposed amendment will allow for the development of a mixed-use community with a range of housing types and neighborhood commercial uses within walking distance of residential development areas. While it is anticipated that the neighborhood center will be geared towards daily goods and services rather than office uses, it will inevitably provide some employment opportunities for residents within the community and/or nearby areas.

#### **Natural Resources Element**

Goal 4: Livable communities designed to improve quality of life and provide for the sustainability of our natural resources.

The proposed amendment, and forthcoming rezoning and environmental resource permitting processes will ensure protection of the site's natural resources. Additionally, the Applicant is actively managing the property for agricultural uses and has undertaken best practice land management, including the removal of exotic vegetation.

#### **Regional Transportation**

Goal 2: Livable communities designed to affect behavior, improve quality of life and responsive to community needs.

As outlined above, the Applicant is seeking approval of this FLUM amendment to allow for the development of a residential community with a neighborhood commercial component. The diversified development program will allow for lower vehicle miles travelled (VMT) through the provision of local goods and services in close proximity to residential units. Additionally, pedestrian and bicycle infrastructure within the site will serve as an amenity for future residents.

#### V. Sprawl Analysis

The proposed amendment does not constitute urban sprawl, as the property is bound on all sides by existing and approved development, and is in proximity to available public infrastructure.

The property abuts I-75 to the east, a six-lane state freeway, as defined by Administrative Code 11-1, Exhibit 1. Further east of the interstate is the Southwest Florida International Airport. The Property's proximity to these major transportation nodes clearly indicates that the current Rural FLU designation is no longer applicable or appropriate.

Additionally, the property is bound by existing, established residential developments to the north, northwest

and west; as well as a mix of industrial uses to the south. Therefore, the proposed amendment will allow for true infill development, and does not constitute a "leap frog" development pattern where new development occurs in rural, largely undeveloped areas of a jurisdiction unserviced by public infrastructure.

In addition to the infill nature of the proposed amendment, there are existing public utilities and roadways available to service the proposed amendment. Specifically, the Property has direct access to Fiddlesticks Blvd., a 2-lane county-maintained collector roadway. The Property will also be intersected by the future Three Oaks Parkway Extension, a planned 4-lane divided arterial roadway.

Capacity is available in nearby water and wastewater treatment plants, as evidenced in the attached Infrastructure Analysis. Existing utility lines will need to be extended from adjacent properties to service future development on the Property. It is understood that these extensions and any associated upgrades to the lines will be required by the Applicant.

Therefore, based on the available public utilities, major existing and planned roadways adjacent to and/or bisecting the Property, as well as the surrounding development pattern, this amendment does not constitute urban sprawl.

#### VI. Sound Planning Principles

The proposed amendment will address several sound planning principles that are currently of interest to Lee County. In direct compliance with the New Horizon 2035 Comprehensive Plan Update, the amendment will allow for infill development within a suburban portion of the County that is currently serviced by public infrastructure. As presented above, the Property is surrounded by existing and approved developments, ranging from low and medium density residential communities to industrial developments and the Southwest Florida International Airport. Therefore, approval of this amendment will direct new development and accommodate population growth within an appropriate area of the County with the requisite level of public services.

Additionally, the future community will be clustered on the property's uplands, as determined through the Environmental Resource Permitting process, thereby incorporating environmental protection into the overall site design.

Lastly, the amendment will also include a neighborhood commercial component, which will provide local goods and services to residents and commuters along the future Three Oaks Parkway extension. By providing for a local commercial component, vehicle miles traveled (VMT) are effectively reduced which provides a positive environmental impact, as well as serves to decreases roadway congestion. New Horizon 2035 has a strong focus on mixed use development patterns and improving upon the existing single-use subdivisions inherent to Lee County.

Based on the above principles, the proposed Future Land Use Map amendment represents sounds planning and the opportunity for a mixed-use infill development in an appropriate area of the County.