

BOOK 1

CPA2006-14

LEE COUNTY ORDINANCE NO.09-12

(Raymond Building)

(CPA2006-14)

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN," ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT CPA2006-14 (PERTAINING TO RAYMOND BUILDING SUPPLY) APPROVED DURING THE COUNTY'S 2007/2008 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT AND MAPS; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

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

WHEREAS, the Board, in accordance with Section 163.3181, Florida Statutes, and Lee County Administrative Code AC-13-6 provide an opportunity for the public to participate in the plan amendment public hearing process; and,

WHEREAS, the Lee County Local Planning Agency ("LPA") held a public hearing on the proposed amendment in accordance with Florida Statutes and the Lee County Administrative Code on June 23, 2008; and,

WHEREAS, the Board held a public hearing for the transmittal of the proposed amendment on October 23, 2008. At that hearing, the Board approved a motion to send, and did later send, proposed amendment CPA2006-14 pertaining to Raymond Building Supply to the Department of Community Affairs ("DCA") for review and comment; and,

WHEREAS, at the October 23, 2008 meeting, the Board announced its intention to

hold a public hearing after the receipt of DCA's written comments commonly referred to as the "ORC Report." DCA issued their ORC report on January 16, 2009; and,

WHEREAS, on February 25, 2009, the Board held a public hearing and adopted the proposed amendment to the Lee Plan set forth herein.

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

SECTION ONE: PURPOSE, INTENT AND SHORT TITLE

The Board of County Commissioners of Lee County, Florida, in compliance with Chapter 163, Part II, Florida Statutes, and with Lee County Administrative Code AC-13-6, conducted public hearings to review proposed amendments to the Lee Plan. The purpose of this ordinance is to adopt the amendments to the Lee Plan discussed at those meetings and approved by a majority of the Board of County Commissioners. The short title and proper reference for the Lee County Comprehensive Land Use Plan, as hereby amended, will continue to be the "Lee Plan." **This amending ordinance may be referred to as the "2007/2008 Regular Comprehensive Plan Amendment Cycle CPA2006-14 Raymond Building Supply Ordinance."**

SECTION TWO: ADOPTION OF LEE COUNTY'S 2007/2008 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE

The Lee County Board of County Commissioners amends the existing Lee Plan, adopted by Ordinance Number 89-02, as amended, by adopting an amendment, as revised by the Board on February 25, 2009, known as CPA2006-14. CPA2006-14 amends the Future Land Use Map Series, Map 1, for a 14.1± acre parcel from the "Suburban" future land use category to the "Industrial Development" future land use category. See Exhibits

1 and 2 attached hereto. CPA2006-14 also amends the text of Policy 1.1.7 to add the language to the end of the paragraph limiting the maximum floor area ratio for the property that is the subject of this amendment to 0.3. as follows:

POLICY 1.1.7: The Industrial Development areas play an important role in strengthening the county's economic base and will become increasingly important as the county grows in size and urban complexity. To a great extent these are the areas to which Lee County must look for expanded job opportunities, investments and production opportunities, and a balanced and sufficient tax base. These areas have special locational requirements that are more stringent than those for residential areas, including transportation needs (e.g., air, rail, highway); industrial levels of water, sewer, fire protection, and other urban services; and locations that are convenient for employees to reach. Whereas the other Future Urban Areas will include a broad combination of residential, commercial, public, and limited industrial land uses, the Industrial Development area is to be reserved mainly for industrial activities per se, as well as for selective land use mixtures such as the combined uses of industrial, manufacturing, research, properly buffered recreational uses (except where precluded by airport hazard zone regulations), and office complexes (if specifically related to adjoining industrial uses) that constitute a growing part of Florida's economic development sector. New natural resource extraction (mining) activities and fill dirt operations must be approved through the Industrial Planned Development rezoning process. Retail or wholesale of products manufactured or processed upon the premises may be allowed at a ratio of 1 square foot of commercial uses to 10 square feet of industrial use in association with a Planned

Development. Ancillary minor retail commercial uses intended to support the surrounding industrial land uses may not exceed 30,000 square feet per development; and, at buildout, may not exceed more than ten percent (10%) of the total acreage of the lands designated as Industrial Development areas in each community outlined in Map 16. Residential uses, other than bona fide caretaker residences, are not permitted in this category except to the extent provided in Chapter XIII of the Plan. The 14± acre parcel redesignated by CPA2006-14 from the Suburban to the Industrial Development future land use category, located north of Bayshore road and south of ACL Railroad right of way in Section 20, Township 43 South, Range 25 East will have a maximum Floor Area Ratio of 0.3.

The corresponding Staff Reports and Analysis, along with all attachments for this amendment are adopted as "Support Documentation" for the Lee Plan.

SECTION THREE: LEGAL EFFECT OF THE "LEE PLAN"

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

SECTION FOUR: GEOGRAPHIC APPLICABILITY

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

SECTION FIVE: SEVERABILITY

The provisions of this ordinance are severable and it is the intention of the Board of County Commissioners of Lee County, Florida, to confer the whole or any part of the

powers herein provided. If any of the provisions of this ordinance are held unconstitutional by a court of competent jurisdiction, the decision of that court will not affect or impair the remaining provisions of this ordinance. It is hereby declared to be the legislative intent of the Board that this ordinance would have been adopted had the unconstitutional provisions not been included therein.

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

It is the intention of the Board of County Commissioners that the provisions of this ordinance will become and be made a part of the Lee County Code. Sections of this ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or other appropriate word or phrase in order to accomplish this intention; and regardless of whether inclusion in the code is accomplished, sections of this ordinance may be renumbered or relettered. The correction of typographical errors that do not affect the intent, may be authorized by the County Manager, or his or her designee, without need of public hearing, by filing a corrected or recodified copy with the Clerk of the Circuit Court.

SECTION SEVEN: EFFECTIVE DATE

The plan amendments adopted herein are not effective until a final order is issued by the DCA or Administrative Commission finding the amendment in compliance with Section 163.3184(9), Florida Statutes, or until the Administrative Commission issues a final order determining the adopted amendment to be in compliance in accordance with 163.3184(10), Florida Statutes, whichever occurs earlier. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before the amendment has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made

effective by adoption of a resolution affirming its effective status. A copy of such resolution will be sent to the DCA, Bureau of Local Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

THE FOREGOING ORDINANCE was offered by Commissioner Hall, who moved its adoption. The motion was seconded by Commissioner Mann. The vote was as follows:

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

DONE AND ADOPTED this 25th day of February 2009

ATTEST:
CHARLIE GREEN, CLERK

LEE COUNTY
BOARD OF COUNTY COMMISSIONERS

BY: Marcia Wilson
Deputy Clerk

BY: Ray Judah
Ray Judah
Chair

DATE: 2/25/09

Approved as to form by:

Donna Marie Collins
Donna Marie Collins
County Attorney's Office

- Exhibit 1: Map reflecting existing Future Land Use Map Classification of Suburban
- Exhibit 2: Map reflecting change to Future Land Use Map Classification of Industrial Development

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Deputy Clerk

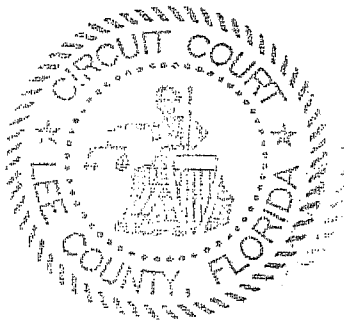
BY: Ray Judah
Ray Judah
Chair

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Approved as to form by:
Donna Marie Collins
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County Attorney's Office



- Exhibit 1: Map reflecting existing Future Land Use Map Classification of Suburban
- Exhibit 2: Map reflecting change to Future Land Use Map Classification of Industrial Development



State of Florida
County of Lee

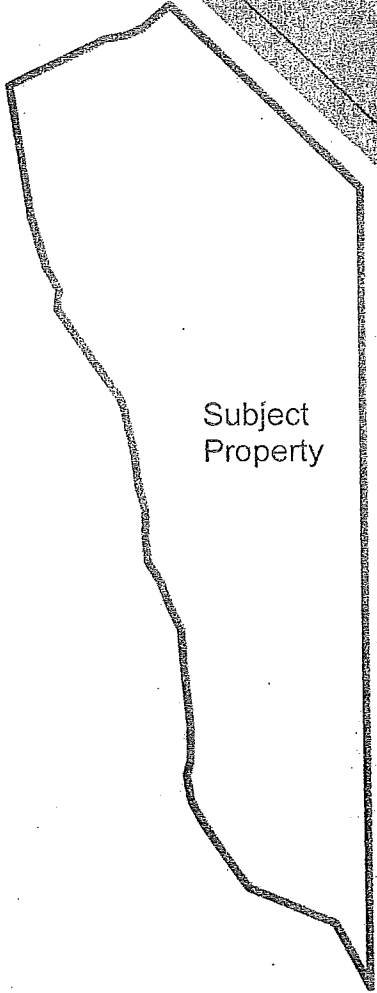
I Charlie Green, Clerk of the Circuit Court for Lee County, Florida, do hereby certify this document to be a true and correct copy of the original document filed in the Minutes Department.

Given under my hand and official seal at Fort Myers, Florida, this 6th day of March, A.D. 2009

CHARLIE GREEN, CLERK

By: Marcia Wilson
Deputy Clerk

CPA2006-14 Raymond Lumber
Existing Future Land Use



Subject
Property

BAYSHORE RD

Industrial Development
Suburban

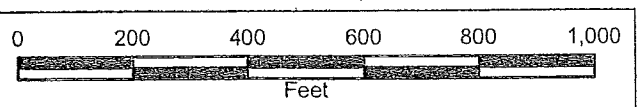
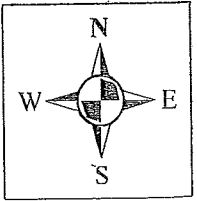




EXHIBIT 1



CPA2006-14 Raymond Lumber Proposed Future Land Use

Subject
Property

BAYSHORE RD

 Industrial Development
 Suburban

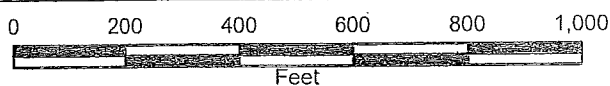
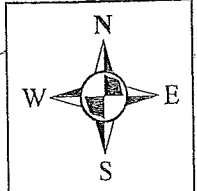


EXHIBIT 2



**CPA2006-14
PRIVATELY SPONSORED
RAYMOND LUMBER
AMENDMENT TO THE**

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

**Privately Sponsored Application
and Staff Analysis**

BoCC Adoption Document

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

February 25, 2009

**LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA2006-14**

Text Amendment Map Amendment

This Document Contains the Following Reviews:	
✓	Staff Review
✓	Local Planning Agency Review and Recommendation
✓	Board of County Commissioners Hearing for Transmittal
✓	Staff Response to the DCA Objections, Recommendations, and Comments (ORC) Report
✓	Board of County Commissioners Hearing for Adoption

STAFF REPORT PREPARATION DATE: April 21, 2008

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. APPLICANT/REPRESENTATIVE:

Raymond Building Supply Corp.
Represented by Matthew Uhle of Knott, Consoer, Ebelini, Hart & Swett PA
1625 Hendry St. Suite 301
Ft. Myers, FL, 33901

2. REQUEST:

Amend the Lee Plan Map 1, Future Land Use Map for a 14 acre parcel from the Suburban to the Industrial Development Future Land Use Category. This parcel is on the north side of Bayshore Road approximately 1 mile west of I-75.

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION:

Planning staff recommend that the Board of Commissioners not transmit the proposed amendment as proposed.
As an alternative, Planning Staff recommends that the amendment be transmitted with the Conservation Lands future land use category as depicted on the map attached as Exhibit 3.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- Chapel Creek defines the western border of the subject property.
- There are several active Gopher Tortoise burrows on the north side of the subject property.
- No Gopher Tortoise preserve has been depicted on the site plan proposed by the applicant.
- The applicant has proposed to relocate the onsite Gopher Tortoises off site.
- There is no capacity to relocate Gopher Tortoises within Lee County. The applicant would have to export them out of the County.
- The applicant has not obtained any permits to relocate the Gopher Tortoises.
- Master concept plan issues are not typically addressed in the Lee Plan amendment process.
- All of the necessary infrastructure is in place or can be provided to the subject parcel. The proposed land use change will not cause future road network plan changes. The requested land use change will have a minimal impact on public safety service providers.
- The proposed amendment will cause the population accommodation capacity of the Future Land Use Map to decrease in the Suburban designated portions of the North Fort Myers planning community
- The proposed development is consistent with Lee Plan Policy 1.1.7, the Industrial Development future land use descriptor policy of the Lee Plan and Lee Plan Goal 7: Industrial Land Uses.

C. BACKGROUND INFORMATION

1. INTRODUCTION

The subject property is a 14 acre parcel in North Fort Myers. The parcel is currently zoned AG-2 and is in the Suburban future land use category on Lee Plan Map 1, the Future Land Use Map. The applicant is proposing to change the future land use category from Suburban to Industrial Development. The subject property is a currently vacant parcel of land abutting the Raymond Lumber Yard on the east side and a large vacant parcel on the west and south. Chapel Creek forms the western border of the subject parcel. On the north side of the parcel is a railroad right of way operated by the Seminole Gulf Railroad Company. The land to the west and south is in the Suburban future land use category while the land on the north and east is designated Industrial Development. The parcel abutting to the east is currently an active commercial lumber supply facility operated by the applicant. There are no wetlands shown on the subject property.

2. COMPREHENSIVE PLAN BACKGROUND

The subject property has been designated Suburban on the Future Land Use Map since 1984, the year that the Lee Plan was adopted. There have been two previous small-scale plan amendments to accommodate the relocation of the Raymond Lumber operation: PAM96-

01and PAM97-04. PAM96-01 allowed the Raymond Lumber operation to move to the site by redesignating 9.98 acres of land from Suburban to Industrial development. PAM97-04 expanded the Raymond Lumber operation by redesignating 9.26 acres from Suburban to Industrial Development.

As an important industrial operation, Raymond Lumber is a significant employer in Lee County. Expansion of the operation may have a large impact on both the North Fort Myers planning community and Lee County in general. The economic benefits of increased industrial development need to be compared to the potential negative impacts on such areas as the provision of utility services, the transportation network, and the natural environment. The Lee Plan provides regulations and standards to address these concerns.

In addition to the industrial and environmental Goals, Objectives, and Polices in the Lee Plan, any proposed industrial development needs to meet the basic definition of the Industrial Development future land use category found in the Future Land Use chapter of the Lee Plan:

POLICY 1.1.7: *The Industrial Development areas play an important role in strengthening the county's economic base and will become increasingly important as the county grows in size and urban complexity. To a great extent these are the areas to which Lee County must look for expanded job opportunities, investments and production opportunities, and a balanced and sufficient tax base. These areas have special locational requirements that are more stringent than those for residential areas, including transportation needs (e.g., air rail, highway); industrial levels of water, sewer, fire protection, and other urban services; and locations that are convenient for employees to reach. Whereas the other future urban areas will include a broad combination of residential, commercial, public, and limited industrial land uses, the Industrial Development area is to be reserved mainly for industrial activities per se, as well as for selective land use mixtures such as the combined uses of industrial, manufacturing, research, properly buffered recreational uses (except where precluded by airport hazard zone regulations), and office complexes, (if specifically related to adjoining industrial uses) that constitute a growing part of Florida's economic development sector. New natural resource extraction (mining) activities and fill dirt operations must be approved through the Industrial Planned Development rezoning process. Retail or wholesale of products manufactured or processed upon the premises may be allowed at a ratio of 1 square foot of commercial uses to 10 square feet of industrial use in association with a Planned Development. Ancillary minor retail commercial uses intended to support the surrounding industrial land uses may not exceed 30,000 square feet per development; And, at buildout, may not exceed more than ten percent (10%) of the total acreage of the lands designated as Industrial Development areas in each community outlined in map 16. Residential uses, other than bona fide caretaker residences, are not permitted in this category except to the extent provided in Chapter XIII of the Plan.*

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

Introduction

The proposed amendment is intended to accommodate a future expansion to an existing industrial operation. Although many of the locational factors conform to the Lee Plan, there are environmental considerations on the subject property. If the applicant were to take proper steps *within this proposed amendment* to properly address these environmental constraints, the proposal as a whole would be in greater conformance with the Lee Plan.

Environmental Issues

County staff are concerned about the environmental impacts of the proposed amendment. Chapel Creek runs along the entire western and southern boundaries of the subject parcel. In addition, approximately 22 Gopher Tortoises occupies a portion of the northern end of the parcel. Any industrial development on this site must address both of these issues.

The applicants' Protected Species Survey (PSS) shows 5.74 acres of Palmetto Prairie (FLUCCS 321) on the subject site. This is prime Gopher Tortoise habitat and the PSS lists 17 active and 5 inactive Gopher Tortoise burrows on the site. Lee Plan Policy 107.8.1 states the County's intent to protect Gopher Tortoises wherever they are found. If on-site protection is unfeasible, off-site mitigation may be performed in accordance with Florida Game and Fresh Water Fish Commission requirements. The applicant has not obtained a permit to relocate the Gopher Tortoises. In addition, Lee Plan Policy 107.4.4 Restricts the use of protected plant and wildlife species habitat to that which is compatible with the requirements of endangered and threatened species and species of special concern. New developments must protect remnants of viable habitats when listed vegetative and wildlife species inhabit a tract slated for development, except where equivalent mitigation is provided. On-site preservation is the method recommended by Staff as this also conforms to Lee Plan Policies 107.3.1 and 107.4.2. Policy 107.3.1 encourages upland preservation in and around wetlands to provide habitat diversity and promote and enhance wildlife conservation. Policy 107.4.2 mandates conservation of critical habitats of rare and endangered species through development review.

The applicant has provided a site plan showing a 3.45 acre native indigenous preserve along the western boundary of the subject site. However, this site plan would not be adopted as part of the proposed plan amendment. The amendment as proposed would only change the future land use category to Industrial Development and would place no conditions on the development site plan. The plan amendment as proposed contains no provisions to address the impacts of an industrial development on Chapel Creek. Redesignating the 3.45 acre preserve area to the Conservation Lands future land use category would better conform to the Lee Plan. A staff report by Lee County Environmental Sciences Staff states that utilizing the Conservation Lands future land use category as depicted in Exhibit 3 would provide:

- A natural transitional zone between residential and industrial uses;
- An indigenous high quality upland habitat for the threatened Gopher Tortoise;
- A contiguous indigenous preserve with the adjacent proposed Chapel Creek RPD;
- A wildlife connection and corridor through the wetlands allowing connectivity from Chapel Creek to the Caloosahatchee River for water dependent wildlife; and
- Connectivity from Chapel Creek RPD indigenous preserve to the adjacent palmetto prairie being utilized by the Gopher Tortoises allowing interaction to a larger percentage of tortoises ensuring a more viable population.

The full Environmental Sciences staff report is attached as Exhibit 4.

Population Accommodation and Lee Plan Table 1(b)

The subject property is located in the North Fort Myers planning community. At 14 acres, the subject property would allow a total of 84 units which equals 179 residents. The Industrial Development Future Land Use category does not permit residential development. Therefore, redesignating the property to the Industrial Development category would cause a reduction of 179 residents. There is sufficient acreage allocated to the Industrial Development future land use category to accommodate the 14 acre subject parcel and still leave 367 acres.

School Impacts

The proposed amendment will reduce potential future residential density by 84 dwelling units. At a rate of .316 students for every single family residence, eliminating the residential uses from this property will result in a reduction of 26.544 students in the Lee County School District. This is an insignificant impact on the School District. A letter from the Lee County School District dated September 29, 2006 states that the proposed development will have no impact on the Districts' classroom needs.

Coastal High Hazard Area

The subject property is located in the Category 3 Hurricane storm surge zones as depicted on Plate 7 of the 1991 Hurricane Storm Tide Atlas for Lee County. The property is therefore not within the Coastal High Hazard Area (CHHA). The Coastal High Hazard Area (CHHA) only includes those areas within the Tropical Storm and Category 1 storm surge zones.

Sheriffs Office

A letter dated September 25, 2006 from the Office of the Sheriff states that the proposed amendment would not affect the ability of the Lee County Sheriffs Office to provide core services to the subject property.

Fire

The subject property is served by the North Fort Myers Fire Control District. A letter from the Fire Chief for North Fort Myers dated September 20, 2006 states that the proposed amendment would not negatively affect the Fire District's ability to provide fire and emergency services to the subject property.

Emergency Medical Services

A letter dated January 23, 2008 from the Lee County Emergency Medical Services office states that the subject property is served by Station 19 which is approximately 1.25 miles away. The letter states that the proposed amendment is not anticipated to create a negative impact on the EMS level of service.

Utilities

Lee Plan Policy 7.1.5 states that the timing and location of industrial development will be permitted only with the availability and adequacy of existing or planned services and facilities.

The subject property is within the Lee County Utilities water service area. A letter from Lee County Utilities dated November 20, 2007 states that potable water lines are currently in operation in the area of the subject property but that the developer may be required to fund system enhancements such as line

extensions. Lee County Utilities presently has the capacity to provide potable water service to the subject property based on the applicants estimation of 4 industrial units with a flow demand of 1,680 gallons per day.

Wastewater service to the subject property is provided by North Fort Myers Utilities (NFMU). A letter from NFMU states that they currently have the capacity to treat 1,680 gallons per day from its wastewater treatment plant.

The adequate capacity of both potable water and wastewater puts the proposed development of the subject property in conformance with Lee Plan Policy 7.1.5.

Industrial development must also meet the standards of Lee Plan Goal 11. Standard 11.1 requires that any new industrial development exceeding 30,000 square feet must connect to a public water system. The proposed development is estimated at 180,000 square feet on the subject property and therefore will require connection to a public water system. Standard 11.2 requires that new industrial development that generates more than 5,000 gallons of sewage per day must connect to a sanitary sewer system. With an estimated 1,680 gallons per day, the subject property does not exceed the threshold for Standard 11.2.

Solid Waste

The applicant submitted a letter from Operations Manager of Lee County Solid Waste Division dated September 27, 2006. The letter states that the division is capable of providing service to the subject property and that plans have been made to allow for growth to maintain long-term disposal capacity.

Parks, Recreation and Open Space

Parks and Recreation is one of the areas that are covered by minimum required levels of service. The Lee Plan standard for minimum level of service for regional parks is 6 acres per 1,000 residents. The mandatory level of service for community parks is .8 acres per 1,000 residents. Redesignating the property to the Industrial Development category would cause a reduction of 84 residents. This would cause a reduction in mandatory regional park acreage by .504 acres. The required community park acreage would be reduced by .0672 acres.

Historic Resources

The applicant submitted an archeological inquiry about the subject property to the Division of Historical Resources of the Florida Department of State. The Master Site file lists no previously recorded cultural resources on the subject property.

Transportation Issues

Industrial development can have significant impacts on the transportation network. The subject property is located just off of Bayshore Road approximately one mile west of the interchange with I-75. The segment of Bayshore road from Slater Road to I-75 has a projected future level of service "B."

In a letter dated March 20, 2008, Lee County Department of Transportation staff state that the proposed amendment would allow approximately 180,000 square feet of industrial uses on the subject property. Such development would generate 94 trips on a p.m. peak hour basis based on an assumption of light industrial uses. Transportation Staff have determined that this land use change will not alter the future road network plans.

A letter from Lee County Transit Planning staff dated September 25, 2006 states that the County currently does not provide transit service to the subject property or the surrounding area. Planning studies have not identified the need to extend service to the site within the Lee County Transit Development Plan or the Lee County Long Range Transportation Plan. Transit Staff do not anticipate this to change with the proposed amendment.

In addition, the Lee Plan policy 7.1.9 does not permit industrial development if it allows industrial traffic to travel through predominantly residential areas. The proposed development will be accessed through the existing industrial operation which has access directly onto Bayshore Road.

Industrial Compatibility

Lee Plan Policy 7.1.6 states that land that is located outside of the Industrial Development, Tradeport and Industrial Interchange areas but within the designated Future Urban Areas may be developed for light industrial purposes so long as adequate services and facilities are available, the use will not adversely impact surrounding land uses, and natural resources are protected if it is adjacent to other existing or designated industrial lands. The subject property abuts on the east an area that is already an active industrial operation. That operation is already designated Industrial Development on the Future Land Use Map of the Lee Plan. In addition, the land to the north of the property is also designated Industrial Development. Therefore, the subject property conforms to Lee Plan Policy 7.1.6a. If this property is designated Industrial Development, it will not create an outlier of industrial land intruding into the Suburban area. It will result in a relatively compact form for the industrial land uses. Lee Plan Policy 7.1.3 states that industrial land uses have special considerations for these locations. These considerations include such factors as topography; choice and flexibility in site selection; access by truck, and rail; commuter access from home-to-work trips; and utilities; greenbelt and other amenities; air and water quality considerations; proximity to supportive and related land uses; and compatibility with neighboring uses. The property abuts an arterial roadway and is approximately one mile from the I-75 interchange. In addition, the northern boundary of the property abuts the railroad right of way for the Seminole Gulf Railroad company. Industrial land uses are more compatible along railroads than the residential uses currently permitted by the Suburban future land use category. The Raymond Lumber operation actively utilizes the railroad access as part of its' operations. The location of the subject property therefore conforms to Lee Plan Policy 7.1.3. The subject property is within the future urban area which puts it in conformance with Lee Plan policy 2.1.1. This policy states that most residential, commercial, industrial, and public development is expected to occur within the designated future urban areas on the Future Land Use Map.

Any future development on the property must utilize the planned development process in order to address the needs and constraints listed in Lee Plan Policies 7.1.1 and 7.1.2:

***POLICY 7.1.1:** In addition to the standards required herein, the following factors apply to industrial rezoning and development order applications:*

- 1. The development must comply with local, state, and federal air, water, and noise pollution standards.*
- 2. When located next to residential areas, industry must not generate noise levels incompatible with the residential development.*

3. Bulk storage or production of toxic, explosive, or hazardous materials will not be permitted near residential areas.

4. Contamination of ground or surface water will not be permitted.

5. Applications for industrial development will be reviewed and evaluated as to:

- a. Air emissions (rezoning and development orders);
- b. Impact and effect on environmental and natural resources (rezoning and development orders);
- c. Effect on neighbors and surrounding land use (rezoning);
- d. Impacts on water quality and water needs (rezoning and development orders);
- e. Drainage system (development orders);
- f. Employment characteristics (rezoning);
- g. Fire and safety (rezoning and development orders);
- h. Noise and odor (rezoning and development orders);
- i. Buffering and screening (planned development rezoning and development orders);
- j. Impacts on transportation facilities and access points (rezoning and development orders);
- k. Access to rail, major thoroughfares, air, and, if applicable, water (rezoning and development orders);
- l. Utility needs (rezoning and development orders); and
- m. Sewage collection and treatment (rezoning and development orders).

POLICY 7.1.2: Industrial developments requiring rezoning and meeting development of County impact (DCI) thresholds must be developed as planned developments designed to arrange uses as an integrated and cohesive unit in order to:

- Promote compatibility and screening;
- Reduce dependence on the automobile;
- Promote pedestrian movement within the development;
- Utilize joint parking, access and loading facilities;
- avoid negative impacts on surrounding land uses and traffic circulation;
- protect natural resources; and
- provide necessary facilities and services where they are inadequate to serve the proposed use.

There are environmental constraints present on the subject property. A number of Gopher Tortoise burrows occupy the north end of the site and Chapel Creek runs along the western border. The requirement in Policy 7.1.2 to “protect natural resources” is particularly relevant to the proposed amendment. The applicant has submitted a site plan showing a native indigenous preserve along Chapel Creek. Although this addresses buffering and environmental concerns, it is less compatible with potential industrial development than if the land within the buffer were designated as Conservation Lands future land use category.

Surrounding Zoning and Future Land Uses

The eastern edge of the subject parcel abuts the current Raymond Lumber operation. That operation is zoned as an IPD and is in the Industrial Development future land use category. To the north is the railroad right of way and more industrial uses. That northern parcel is zoned IL and is also in the Industrial Development category. Industrial development on the subject property would be compatible with the land on the north and east.

Chapel Creek is the southern and western boundaries of the subject parcel. The parcel across this creek is currently vacant. It is zoned AG-2 and is designated as Suburban future land use category. However, this parcel is currently in the process of being rezoned as a Residential Planned Development called Chapel Creek. Both of the two optional site plans for the proposed residential subdivision show a natural preserve along Chapel Creek. This preserve area runs along the entire boundary with the subject parcel. West of this preserve, the site plan shows single family residential units. An optional site plan shows multifamily residential units. Both Lee Plan Policies 7.1.1 and 7.1.2 list screening and buffering as criteria in the approval of industrial development. In addition, Lee Plan Policy 7.1.8 states that land development regulations will require that industrial uses be adequately buffered and screened from adjacent existing or proposed residential areas so as to prevent visual blight and noise pollution. The amendment as proposed would have the Industrial Development future land use category abutting the Chapel Creek residential subdivision. The amendment would be in much greater conformance with these Lee Plan policies if the preserve areas of the subject parcel were placed in the Conservation Lands future land use category. This would also assure that this area would be in a natural state, which would help to buffer the residential units of the proposed Chapel Creek residential subdivision.

B. CONCLUSIONS

The proposed development has the potential to negatively impact Chapel Creek and an area inhabited by Gopher Tortoises. Although the applicant has provided a site plan to show preserve areas that will be proposed during the rezoning process, there are no measures in the proposed amendment to conform with the environmental regulations of the Lee Plan.

The creation of 14 additional acres of Industrial Development land will not significantly impact the 2030 allocations on Table 1(b). Similarly, the reduction of 14 acres of Suburban land will have no substantial effect on the population capacity of the North Fort Myers planning community. The decrease in potential residential development will decrease the potential impact on the Lee County School District. Potable water, wastewater and solid waste service providers will be able to maintain their levels of service to the subject property under the applicants' estimated service needs. The proposed amendment will not adversely affect fire, EMS, or law enforcement services. The applicants' intended use of the subject property will not adversely affect the local road network. The subject property's location is compatible with industrial uses and will not adversely affect abutting land uses. The close proximity of a rail road, an arterial roadway and I-75 puts the subject property in conformance with Lee Plan Policies 1.1.7, 7.1.1, and 7.1.3. Development of the subject parcel will not impact historic or archeological resources.

C. STAFF RECOMMENDATION

In light of the applicants' insufficient measures to address the environmental impact of the proposed amendment on the subject property, Planning staff recommend that the Board of Commissioners not transmit the amendment as proposed.

As an alternative, Planning Staff recommends that the amendment be transmitted with the Conservation Lands future land use category as depicted on the map attached as Exhibit 3.

PART III - LOCAL PLANNING AGENCY REVIEW AND RECOMMENDATION

DATE OF PUBLIC HEARING: June 23, 2008

A. LOCAL PLANNING AGENCY REVIEW

Planning staff and the applicant made presentations. One LPA member asked what economic incentive did the applicant have to set aside a portion of the subject property for gopher tortoise preservation. Staff indicated that it was not a matter of incentive but of preserving the environmental integrity of the subject property. One member asked how the size of the preserve was calculated. Staff indicated that the portion that runs along the western edge was based on the applicants own proposed buffer and preserve while the southern edge of the gopher tortoise preserve was based on where the eastern edge of the subject property intersects the right of way of the railroad. Another member asked if the gopher tortoise preserve would be able to hold additional tortoises from off site. Staff stated that the number of tortoises on the site is the maximum holding capacity. One member asked the applicant how much of the building site would be affected by the proposed gopher tortoise preserve. The applicant said only one building. One member questioned the applicants environmental consultant about the gopher tortoises. The consultant indicated the number and location of the tortoise burrows. Two LPA members discussed whether the main issue in this proposed amendment was the industrial use of the land or the preservation of the gopher tortoises. One member stated that this meeting was not the proper venue for addressing the tortoise issue and that the presence of the railroad was detrimental to the safety of the tortoises. The member stated that gopher tortoise issues should and would be addressed at a later stage in the development of the subject property. The member stated that to begin to address the issue in the LPA would create great difficulties in the plan amendment process. The other member stated that the tortoise preserve should be discussed at the LPA and that gopher tortoises in general have not been sufficiently addressed by the policies and practices of Lee County. The member stated that the Lee Plan has established a value for gopher tortoises and that this value is also important as well as economic considerations. One member asked the environmental consultant about how the endangered status of the gopher tortoise affected development of the property. The consultant stated that the incidental take procedure was difficult and that relocation of the tortoises was to be used. Another member asked the applicant how important the railroad frontage is to the economic viability of the site and the applicant stated that it is vital. Another member stated that the gopher tortoises were only one issue among many on this proposal. The member stated that other issues such as the suitability of the site for industrial uses outweighed the preserve issue. This member agreed that the LPA was not the proper venue for addressing the gopher tortoise issue.

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION:

The LPA recommends that the Board of County Commissioners transmit the amendment as proposed by the applicant.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

The LPA accepted the findings of fact as presented by the applicant. The LPA stated that the subject property was suitable for industrial development. The LPA also stated that the

economic importance of the applicants business in the county and the importance of the proposed amendment to the applicants economic well-being outweighed the need to preserve the Gopher tortoise habitat as recommended by Planning Staff.

C. VOTE:

NOEL ANDRESS	AYE
LES COCHRAN	ABSENT
RONALD INGE	ABSENT
JACQUE RIPPE	AYE
CARLETON RYFFEL	AYE
LELAND M. TAYLOR	ABSENT
RAE ANN WESSEL	AYE

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

DATE OF TRANSMITTAL HEARING: October 23, 2008

A. BOARD REVIEW:

Planning and Environmental Sciences Staff made presentations. One Board member asked Environmental staff about the current state of the Gopher Tortoise burrows. Another member asked what would happen to the tortoises if it was not possible to preserve them onsite. Environmental staff replied that the County and the Fish and Wildlife Service have regulations in place for relocating the tortoises. The Board member asked the applicant's environmental consultant if there was going to be an incidental take on this case. The consultant stated that the applicant intended to only use offsite relocation. Another Board member asked if only specific sites must be used for relocation and the consultant stated that only approved sites were allowed. The Board member asked if the main point of the applicants case was that the environmental concerns were premature for the plan amendment process. The consultant replied yes it was. Putting land into the Conservation future land use category would remove the applicants flexibility regarding later environmental concerns.

Board members stated that there is community support for the proposed amendment. The members stated that the Lee Plan is flexible to allow for this kind of situation and that industrial diversity is needed in Lee County. One member asked if there was any guarantee that the gopher tortoises would be relocated. The Assistant County Attorney answered that such measures are in place in the Land Development Code.

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

The Board of Commissioners voted to transmit the amendment as proposed by the applicant.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

The Board stated that although Staffs concerns were valid, the Lee Plan is flexible enough to allow for the applicant to address the gopher tortoise issue without adopting staffs recommendations.

C. VOTE:

A. BRIAN BIGELOW

AYE

TAMMARA HALL

AYE

ROBERT P. JANES

AYE

RAY JUDAH

AYE

FRANKLIN B. MANN

AYE

**PART V - DEPARTMENT OF COMMUNITY AFFAIRS OBJECTIONS,
RECOMMENDATIONS, AND COMMENTS (ORC) REPORT**

DATE OF ORC REPORT: January 16, 2009

A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS

The Department of Community Affairs provided the following objection to the proposed amendment:

Objection (Transportation Planning): The proposed amendment includes a transportation analysis based on 180,000 square feet of industrial use. Because the Comprehensive Plan does not establish an intensity of use standard for the Industrial Development future land use category, the amendment could potentially allow more than 180,000 square feet of industrial use. The proposed amendment is not appropriately supported by data and analysis demonstrating the availability of road facilities to meet the adopted level of service standards for the Five-Year and long-term planning timeframes based on an intensity of use standard established in the Comprehensive Plan. The amendment should be revised to establish an intensity of use standard for the subject amendment parcel, and then based on the intensity of use standard, support the amendment with a transportation analysis that demonstrates the availability of road facilities to meet the adopted level of service standards for the five-year and long-term planning timeframes. Thus, the proposed FLUM amendment 2006-14 is not supported by a road segment transportation analysis (including assumptions, data sources, and description of methodologies used) for the five-year and long-term planning timeframes addressing the following: (1) the number of peak-hour vehicle trips generated by the maximum development potential allowed by the FLUM amendment; (2) the impact of the peak hour vehicle trips on the projected operating level of service of potentially impacted roadways; (3) the need for road improvements (scope, timing and cost of improvements) or other planning alternatives to maintain the adopted level of service standards for future roadways; (4) coordination of the road improvements or other planning alternatives with the Future Land Use Element, Transportation Element (including Future Transportation Map), and Capital Improvements Elements, and implementation through the Five-Year Schedule of Capital Improvements; and (5) coordination of the road improvements with the plans of the Florida Department of Transportation and the Metropolitan Planning Organization.

Rules 9J-5.005(2) and (5), 9J-5.019(3)(f, g, h, and i); 9J-5.019(5)(a and b); 9J-5.016(1)(a); 9J-5.016(2)(b, c, and f); 9J-5.016(4) F.A.C.; and sections 163.3175; 163.3177(2), (3), (8), and (10); 163.3177(6)(a and j); 163.3177(6)(h)1 and 2, F.S.

Recommendation: Don not adopt the FLUM amendment if it creates additional vehicle trips on roadways that currently operate below the adopted level of service standard or are projected to operate below the adopted level of service standard and for which there are no appropriately planned transportation improvements included in the Comprehensive Plan (Transportation Element and Capital Improvements Element). Alternatively, revise the amendment to include the data and analysis necessary to support the FLUM amendment and demonstrate coordination of land use with the planning for transportation facilities as well as coordination with the Transportation Element and Capital Improvements Element. Revise the Transportation element,

and Future Land Use Element, as necessary, to be consistent with, and supported by, the data and analysis and to achieve internal consistency with the FLUM. The Five-Year Schedule of Capital Improvements should be revised to include any needed improvements to maintain the adopted level of service within the five-year planning timeframe. Include data and analysis demonstrating coordination of the amendment with the plans of the Florida Department of Transportation and the Metropolitan Planning Organization. Revise the amendment, as necessary, to be consistent with and supported by the data and analysis. The plan should be revised to include strategies to address any deficiencies projected for the long-range planning timeframe.

B. STAFF RESPONSE

The applicant's representative has prepared a response to the DCAs Objections, Recommendations, and Comments (ORC) Report. The applicant has agreed to limit development of the subject parcel to approximately 183,000 square feet of industrial use by limiting onsite development to a Floor Area Ratio (FAR) of 0.3. The proposed level of development is consistent with a FAR of 0.3. The applicant has provided a traffic impact study based upon a 0.3 FAR. Bayshore Road is shown to operate at an acceptable Level of Service in the short-term five-year timeframe. Therefore, the Capital Improvement Plan will not require any modifications due to this proposed amendment. The study concludes that the existing roadway network is sufficient to accommodate the trips anticipated to be generated by the proposed development. A memo from Lee County Department of Transportation Staff dated March 20, 2008, states that the proposed amendment will not alter future road network plans. This determination is based on the results of the 2030 Financially Feasible FSUTMS travel demand model.

The applicant has proposed to amend Lee Plan Policy 1.1.7. to limit the industrial intensity for the subject parcel through a FAR of 0.3. The following language is proposed to be added to the end of Lee Plan Policy 1.1.7:

The 14± acre parcel redesignated by CPA2006-14 from the Suburban to the Industrial Development future land use category, located north of Bayshore Road and south of ACL Railroad right of way in Section 20 Township 43 South Range 25 East will have a maximum Floor Area Ratio of 0.3.

This FAR limitation would apply solely to the property subject to this amendment.

C. RECOMMENDATION

Planning staff recommends that the Board of County Commissioners adopt the proposed amendment with the changes to Lee Plan Policy 1.1.7 as described above.

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

DATE OF ADOPTION HEARING: February 25, 2009

A. BOARD REVIEW:

Both planning staff and the applicant made short presentations. One commissioner asked about the steps the applicant was taking to address the Gopher Tortoise issue. Staff stated that the gopher tortoise issue would be addressed through the normal permitting process.

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

The Board of County Commissioners adopted the proposed amendment with the changes recommended by planning staff.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

The Board accepted the findings of fact as advanced by staff and the LPA.

C. VOTE:

A. BRIAN BIGELOW

AYE

TAMMARA HALL

AYE

ROBERT P. JANES

AYE

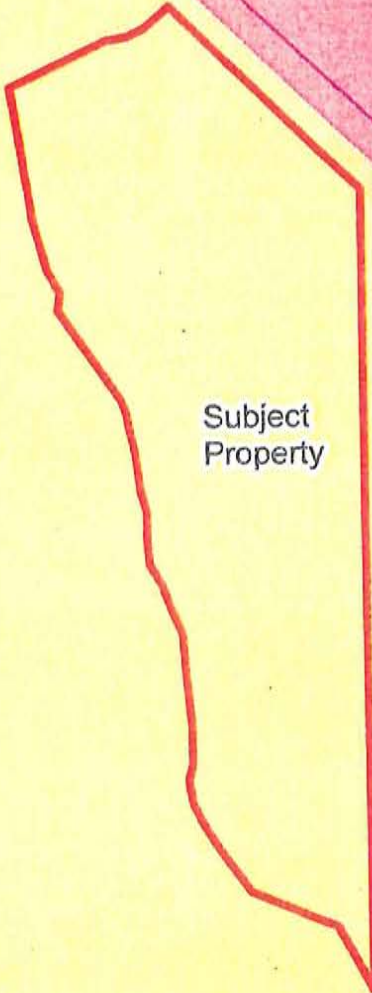
RAY JUDAH

AYE

FRANKLIN B. MANN

AYE

CPA2006-14 Raymond Lumber
Existing Future Land Use



Subject
Property

BAYSHORE RD

Industrial Development
Suburban

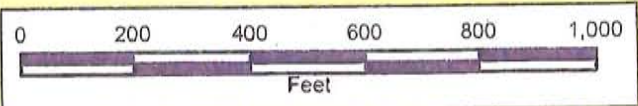
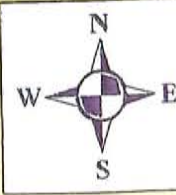


EXHIBIT 1



CPA2006-14 Raymond Lumber
Proposed Future Land Use

Subject
Property

BAYSHORE RD

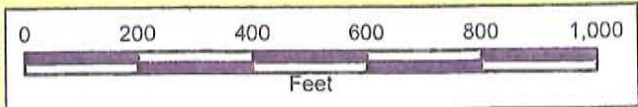
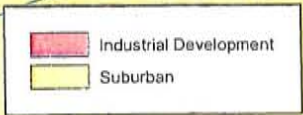
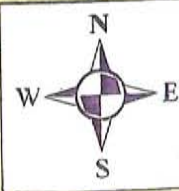


EXHIBIT 2



CPA2006-14 Raymond Lumber
Staff Proposed Future Land Use Map

Subject
Parcel

BAYSHORE RD

Future Land Use Category

- Industrial Development
- Suburban
- Conservation Land

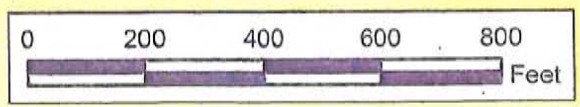
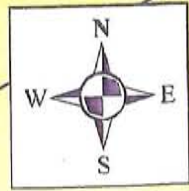


EXHIBIT 3



**STAFF REPORT
FROM
DEPARTMENT OF COMMUNITY DEVELOPMENT
DIVISION OF ENVIRONMENTAL SCIENCES**

Date: April 15, 2008
To: Pete Blackwell, Senior Planner

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

Project: Raymond Lumber
Case: CPA2006-00014
STRAP: 20-43-25-00-00003.1000

The Division of Environmental Sciences (ES) staff has reviewed the proposed Raymond Lumber Industrial Comprehensive Plan Amendment and offer the following analysis and recommended conditions:

PROJECT SITE:

The ± 14.1 acre project is located on the north side of Bayshore Road approximately 1 mile west of Interstate 75. Raymond Lumber abuts the project to the east, and Chapel Creek abuts the project to the west. The applicant's request is to change the Future Land Use Map from Suburban to Industrial Development to allow for the expansion of the adjacent Raymond Lumber Company. The subject property has two distinct vegetative communities. Florida Land Use Cover and Forms Classification System (FLUCCS) 428 contains ± 9 acres of cabbage palm (*Sabal palmetto*) with scattered slash pine (*Pinus elliotti*) and live oak (*Quercus virginiana*). This indigenous vegetative community abuts Chapel Creek and is less than 25% exotics. The northeastern portion of the parcel consists of palmetto prairie FLUCCS 321. This ± 5 acre area is high quality plant communities, containing scattered slash pine and live oak in the canopy with predominately saw palmetto (*Serenoa repens*) in the understory. The palmetto prairie is 95% indigenous and includes grape vine (*Vitis rotundifolia*), greenbrier (*Smilax spp.*) and beautyberry (*Callicarpa americana*).

ES Staff conducted a site inspection on October 23, 2007. During the site inspection, ES Staff (Doug Griffith) discovered evidence of gopher tortoises: burrows with aprons, tracks and scat. ES Staff requested a Protected Species Survey (PSS) from the applicant. The applicant submitted a PSS dated August 4, 2006 performed by Boylan Environmental Consultants. Boylan documented 22 gopher tortoise burrows found in the palmetto prairie (FLUCCS 321).

Gopher tortoises are considered a threatened species by Florida Fish and Wildlife Conservation Conservancy (FWC) and as such must be protected. FWC lists the current cause of imperilment, as identified by the Biological Status Report (Enge *et al.* 2006a), as the rate of population decline

primarily due to loss of habitat. The conservation goal of the FWC Gopher Tortoise Management Plan is to restore and maintain secure, viable populations of gopher tortoises throughout the species' current range in Florida by addressing habitat loss (*FWC Gopher Tortoise Management Plan September 2007*).

The palmetto prairie is prime gopher tortoise habitat and as such should be protected from development and placed into conservation lands future land use category (FLUM). This would provide connectivity to the proposed indigenous preserve on Chapel Creek RPD and a viable gopher tortoise habitat.

Chapel Creek, a natural waterway, delineates the property's western boundary and abuts the proposed Chapel Creek RPD. Utilizing the conservation lands use category over the fifty foot natural water-way buffer and the palmetto prairie habitat would provide a transitional buffer between the proposed residential and proposed industrial area. The use of the conservation land use category would also serve to protect the indigenous habitat while providing a wildlife corridor between the two properties.

The Conservation Lands land use categories were created to accurately depict the use of lands for conservation purposes. Conservation Lands include uplands and wetlands that are owned and used for long range conservation purposes. The Conservation Lands FLUM category is for lands that are primarily used to conserve important natural resources, environmentally sensitive areas, significant archeological or historical resources, or other conservation uses. Conservation Lands typically include such uses as wildlife preserves; large wetland and upland mitigation areas; natural resource based parks; and water conservation lands such as aquifer recharge areas, flow-ways, flood prone areas and well fields.

The Conservation Lands objective is to put into the public domain private lands that provide the following public benefits:

- Sustain native plant and animal populations;
- Help protect people and property from flooding;
- Help replenish our underground drinking water supply;
- Help to improve or sustain the water quality of our coastal bays, inlets;
- Provide ecotourism opportunities, and
- Provide local environmentally oriented recreational and educational opportunities.

The Board of County Commissioners has provided policy guidance to staff to maintain wildlife corridors and green space connections to ensure the preservation of indigenous plant and animal habitat throughout the County.

The following Comprehensive Plan Goals, Objectives and Policies support ES Staff's recommendation for the conservation land use category for this project:

- **Policy 7.1.3:** *Industrial land uses must be located in areas appropriate to their special needs and constraints, including, but not limited to compatibility with neighboring uses.*

Utilizing the conservation land use category over the fifty foot natural waterway buffer and the palmetto prairie habitat would provide a transition between the proposed residential and proposed industrial uses. The Board of County Commissioner's policy guidance urges staff to seek preservation of fifty foot buffers along all natural waterways.

- **Standard 11.4: Environmental Review Factors.** *In any case where there exists or there is the probability of environmentally sensitive areas the developer must propose means to protect, conserve, or preserve the environmental and natural resources.*

The Board of County Commissioner's policy guidance to staff is for the preservation of gopher tortoise habitat in Lee County. The site contains high quality gopher tortoise habitat which will help to retain gopher tortoises. Connectivity between the proposed Chapel Creek RPD and proposed Raymond Lumber IPD preserves will enhance the habitat for the numerous threatened gopher tortoises that inhabit the palmetto prairie. ES Staff recommends the use of conservation lands category to preserve this environmentally sensitive habitat.

- **Objective 60.5:** *Incorporation of Green Infrastructure into the Surface Water Management Plan. The long-term benefits of green infrastructure as part of the surface water management system includes improved water quality, improved infiltration, wild life habitat and recreational opportunities. Policy 60.5.3: states that the County encourages the preservation of existing natural flow-ways and restoration of historic natural flow-ways.*

Chapel Creek is a natural flow-way and as such should be placed in the conservation lands future land use category to provide a wildlife corridor and protect drainage flow in the area.

- **Objective 61.2: Mimicking the function of natural systems.** *Support a surface water management strategy that relies on natural features (flow-ways, sloughs, creeks, etc.) to help manage storm and surface water. Objective 61.3: Lee County will continue to provide design standards for development protective of the function of natural drainage systems.*

Chapel Creek, a natural waterway, should be incorporated into the surface water management system to help maintain the historic flow-way.

- **Objective 77.3:** *New developments must use innovative open space design to preserve existing native vegetation and buffer adjacent uses. Policy 77.3.3: The County*

encourages new developments to incorporate large contiguous open space areas in their development design.

Placing the palmetto prairie and fifty foot waterway buffer along Chapel Creek into conservation land use category will provide interconnectivity between the Chapel Creek preserve and the palmetto prairie as well as providing a transitioning buffer between the residential and industrial uses along the creek. This will provide for a large open space, which will be utilized as a contiguous wildlife corridor.

- **Goal 107: Resource Management Plan.** *The county will continue to implement a resource management program that ensures the long-term protection and enhancement of the natural upland and wetland habitats through the retention of interconnected, functioning, and maintainable hydro ecological systems where the remaining wetlands and uplands function as a productive unit resembling the original landscape.*

Chapel Creek is an important wildlife link between rural lands to the north and the Caloosahatchee River. The proposed land use change has the opportunity to provide a large contiguous palmetto prairie preserve that is habitat to threatened gopher tortoises with an adjacent contiguous preserve on the proposed Chapel Creek RPD allowing for a large open space, which will be utilized as a contiguous wildlife corridor.

- **Policy 107.3.1:** *Encourage upland preservation in and around preserved wetlands to provide habitat diversity, enhance edge effect, and promote wildlife conservation.*

The palmetto prairie is home to approximately ± 11 gopher tortoises. Gopher tortoises are listed as threatened by FWC and must be protected.

- **Objective 107.4: Endangered and Threatened Species in General:** *Lee County will continue to protect habitats of threatened and endangered species and species of special concern in order to maintain or enhance existing population numbers and distribution of listed species.*

Placing the palmetto prairie in conservation land use category will ensure the protection of the gopher tortoise habitat as well as connectivity and a wildlife corridor with the indigenous preserve on the adjacent site.

- **Policy 107.8.1:** *The County's policy is to protect gopher tortoise burrows wherever they are found.*

There are 22 gopher tortoise burrows on the property. Placing the palmetto prairie into conservation land use category will ensure the protection of a majority of these burrows.

Utilizing the conservation lands future land use category for the palmetto prairie and the fifty-foot natural water-way buffer to Chapel Creek will provide:

- A natural transitional zone between residential and industrial use;
- An indigenous high quality upland habitat for the threatened gopher tortoise;
- A contiguous indigenous preserve with the adjacent property the proposed Chapel Creek RPD;
- A wildlife connection and corridor through the wetlands allowing connectivity from Chapel Creek to the Caloosahatchee River for water dependent wildlife, and
- Connectivity from Chapel Creek RPD indigenous preserve to the adjacent palmetto prairie being utilized by the gopher tortoises allowing interaction to a larger percentage of tortoises ensuring a more viable population.

MEMORANDUM

TO: Mr. Matt Uhle
Knott, Consoer, Ebelini, Hart, & Swett, P.A.

FROM: David L. Wheeler
Project Consultant

Ted B. Treesh
President

DATE: February 9, 2009

RE: Raymond Lumber CPA
Amendment 2006-14
Supplemental Analysis

TR Transportation Consultants, Inc. has completed a supplemental analysis in order to address the impacts of the proposed Comprehensive Plan Amendment in the short term five-year planning horizon. The subject site is located on the north side of Bayshore Road (S.R. 78) approximately one (1) mile west of its intersection with I-75 in the North Fort Myers area of Lee County, Florida.

The proposed Comprehensive Plan Amendment would allow the 14-acre site to be developed with industrial uses. In order to address the concerns of DCA regarding the lack of a density standard within the industrial land use category, the Developer is proposing to limit the maximum development on the subject site to a Floor Area Ratio (FAR) = 0.3. The proposed maximum FAR of 0.3 would limit the property to approximately 182,952 square feet of industrial uses. Access to the subject site will be provided via the existing access drive currently serving the adjacent site operated by Raymond Lumber.

PROPOSED DEVELOPMENT

The trip generation for the proposed development was determined by referencing the Institute of Transportation Engineer's (ITE) report, titled *Trip Generation*, 8th Edition. Land Use Code 110 (General Light Industrial) was utilized for the trip generation

purposes of the industrial uses proposed on the subject site. Table 1 outlines the trips anticipated to be generated by the Raymond Lumber CPA based upon build-out of the maximum floor area permitted under the maximum FAR of 0.3 proposed.

**Table 1
Trip Generation
Raymond Lumber CPA**

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
General Light Industrial (182,952 square feet)	112	15	127	12	92	104	1,265

100th HIGHEST HOUR LEVEL OF SERVICE ANALYSIS

A link Level of Service analysis was conducted for the short term five-year planning horizon. Table 1A, attached to the end of this memorandum, indicates the project traffic distribution utilized for the purposes of this analysis. The Lee County Generalized Directional Peak Hour Level of Service Thresholds were utilized, due to the analysis year (2014). The growth rate utilized to adjust the current traffic volumes on Bayshore Road was calculated based upon the past ten (10) years of historical traffic count data obtained from the 2007 Lee County Traffic Count Report. The current 2007 peak hour peak direction peak season directional traffic volume on Bayshore Road was obtained from the 2008 Lee County Concurrency Management Report.

Table 2A indicates the methodology utilized to conduct the link Level of Service analysis. Based on the results of the analysis, Bayshore Road is shown to operate at an acceptable Level of Service condition in 2014 both with and without the traffic associated with the proposed development. Therefore, no modifications to the short range five-year Capital Improvement Plan will be warranted as a result of this analysis.

CONCLUSION

Based on the supplemental analysis conducted for the Raymond Lumber CPA, Bayshore Road is shown to operate at an acceptable Level of Service condition in the short term five-year planning timeframe. The existing roadway network is sufficient to accommodate the trips anticipated to be generated by the proposed development. Therefore, no modifications to the short range five-year Capital Improvement Plan will be warranted as a result of this analysis.

Attachments

TABLE 1A
PEAK DIRECTION PROJECT TRAFFIC VS. 10% LOS C LINK VOLUMES
RAYMOND LUMBER CPA

TOTAL AM PEAK HOUR PROJECT TRAFFIC = 127 VPH IN = 112 OUT = 15
 TOTAL PM PEAK HOUR PROJECT TRAFFIC = 104 VPH IN = 12 OUT = 92

<u>ROADWAY</u>	<u>SEGMENT</u>	<u>ROADWAY CLASS</u>	<u>LOS A VOLUME</u>	<u>LOS B VOLUME</u>	<u>LOS C VOLUME</u>	<u>LOS D VOLUME</u>	<u>LOS E VOLUME</u>	<u>PERCENT</u>		
								<u>PROJECT TRAFFIC</u>	<u>PROJECT TRAFFIC</u>	<u>PROJ/ LOS C*</u>
Bayshore Rd.	W. of I-75	4LD	450	1,630	1,900	1,950	1,950	60%	67	3.5%
	W. of Site Access	4LD	450	1,630	1,900	1,950	1,950	40%	45	2.4%

* The Lee County Generalized Level of Service thresholds were utilized for Bayshore Rd

**TABLE 2A
LEE COUNTY TRAFFIC COUNTS AND CALCULATIONS
RAYMOND LUMBER CPA**

TOTAL PROJECT TRAFFIC AM = 127 VPH IN = 112 OUT= 15
 TOTAL PROJECT TRAFFIC PM = 104 VPH IN= 12 OUT= 92

<u>ROADWAY</u>	<u>SEGMENT</u>	<u>PCS</u>	<u>ADT</u>	<u>ADT</u>	<u>GROWTH</u>	<u>RATE</u>	2007	2014		2014			2014				
							<u>PK HR</u>	<u>PK HR</u>	<u>PK SEASON PERCENT</u>	<u>BCKGRND</u>	<u>BCKGRND</u>	<u>+ AM PROJ</u>	<u>+ PM PROJ</u>				
							<u>ANNUAL PK SEASON</u>	<u>PK DIRECTION</u>	<u>PROJECT</u>	<u>AM PROJ</u>	<u>PM PROJ</u>	<u>+ AM PROJ</u>	<u>+ PM PROJ</u>	<u>VOLUME</u>	<u>LOS</u>	<u>VOLUME</u>	<u>LOS</u>
Bayshore Rd.	W. of I-75	4	16,400	26,700	9	5.56%	1,280	1,870	C	60%	67	55	1,937	D	1,925	D	
	W. of Site Access	4	16,400	26,700	9	5.56%	1,280	1,870	C	40%	45	37	1,915	D	1,907	D	

¹ The current peak hour peak season traffic volume for Bayshore Road was obtained from the 2008 Lee County Concurrency Management Report and represents a 2007 traffic volume.

**Lee County
Generalized Peak Hour Directional Service Volumes
Urbanized Areas**

Sept., 2005

c:\input2

Uninterrupted Flow Highway						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	100	360	710	1,000	1,270
2	Divided	1,060	1,720	2,480	3,210	3,650
3	Divided	1,590	2,580	3,720	4,820	5,480
Arterials						
Class I (>0.00 to 1.99 signalized intersections per mile)						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	*	290	760	900	920
2	Divided	450	1,630	1,900	1,950	1,950
3	Divided	670	2,490	2,850	2,920	2,920
4	Divided	890	3,220	3,610	3,700	3,700
Class II (>2.00 to 4.50 signalized intersections per mile)						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	*	210	660	850	900
2	Divided	*	490	1,460	1,790	1,890
3	Divided	*	760	2,240	2,700	2,830
4	Divided	*	1,000	2,970	3,500	3,670
Class III (more than 4.50 signalized intersections per mile)						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	*	*	370	720	850
2	Divided	*	*	870	1,640	1,790
3	Divided	*	*	1,340	2,510	2,690
4	Divided	*	*	1,770	3,270	3,480
Controlled Access Facilities						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	120	740	930	960	960
2	Divided	270	1,620	1,970	2,030	2,030
3	Divided	410	2,490	2,960	3,040	3,040
Collectors						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	*	*	530	800	850
1	Divided	*	*	560	840	900
2	Undivided	*	*	1,180	1,620	1,720
2	Divided	*	*	1,240	1,710	1,800

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

PERIODIC COUNT STATION DATA

STREET	LOCATION	Sta- tion #	M A P	PERIODIC COUNT DATA										PERM- ANENT STATION
				1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	
A & W BULB RD	N OF GLADIOLUS DR	215	G	3000	4000	3700	3300	3800	4300	4700	5700	5800	6400	37
ALABAMA RD	N OF IMMOKALEE RD	201	F	3700	2800	2600	3200	4200	4200	5100	5300	6300	4700	21
	S OF HOMESTEAD RD	200	F	5900	5800	4900	5600	6400	7100	8100	8800	9500	9900	6
BELL BLVD	N OF IMMOKALEE RD	202	F	1000	1000	1000	1100	1400	1300	2100	2600	3200	2800	21
	S OF LEELAND HEIGHTS BV	203	F	2600	3000	2700	3200	3700	4000	4900	6100	8500	9100	6
ALICO RD	E OF US 41	204	G	12800	15100	15700	17800	19100	17700	19800		18900	21200	25
	E OF LEE RD	207	H	12000	13900	14200	16000	17400	18000	20000		22600	22900	25
	W OF I - 75	10	H	14900	16300	15700	17200	18000	19000	U/C	U/C	U/C		
	E OF BEN HILL GRIFFIN PKWA	205	H	5200	5500	5800	6500	9800	U/C	14700	13100	12600	9400	25
	E OF I - 75	53	H					10100	11300	14500	12500	11700	U/C	
	N OF CORKSCREW RD	206		900	1000	1000	N/A	800	2000	2100	1600	2800	2400	25
ARROYAL ST	N OF BONITA BEACH RD	496	H	3600	4000	4000	5900	4300	5000	6200	6500	6400	5300	16
BABCOCK RD	E OF US 41	461	H	1300	1500	1600	N/A	1500	1600	1700		900	700	25
BALLARD RD	W OF ORTIZ AV	504	E	4800	4900	3500	N/A	5200	5100	5800	5300	6400	4900	22
BARRETT RD	S OF PINE ISLAND RD	509	C	2700	2900	2500	2800	3300	3100	3300	3200	3100	3200	49
BASS RD	N OF SUMMERLIN RD	216	G	5700	6800	6200	5700	6000	7600	7400	9200	5900	10900	39
BAYSHORE RD (SR 78)	E OF BUSINESS 41	218	C	27500	31300	31800	32300	34000	31000	35700	37800	33400	34000	34
	E OF HART RD	219	C	24600	26800	26000	24900	27800	25700	27300	28700	28500	27700	34
	→ W OF WILLIAMSBURG DR	4	D	16400	17000	18400	19500	20000	20600	22000	22300	U/C	26700	←
	E OF NALLE RD	217	D	8400	8900	9300	10000	9300	10100	11900	11900	13700	11600	34
BEN HILL GRIFFIN PKWY	S OF MIDFIELD TERMINAL	60	E								19000	20900	23700	
	S OF ALICO RD	514	H	2400	2800	5300	N/A	6500	7100	8200		20300	26800	25
	N OF CORKSCREW RD	517	H	1000	2800	3000	4500	5000	7800	10200	17200	20500	26200	25
BETH STACEY RD	S OF HOMESTEAD RD	220	F	4600	4100	4000	4600	5200	5200	6500	6900	7300	7400	6

ROAD LINK VOLUMES

Peak Direction of Flow

ROADWAY LINK NAME	FROM	TO	ROAD TYPE	PERFORMANCE STANDARD		2007 100th HIGHEST HR		EST 2008 100th HIGHEST HR		FORECAST FUTURE VOL		NOTES*	LINK NO.
				LOS	CAPACITY	LOS	VOLUME	LOS	VOLUME	LOS	VOLUME		
				A & W BULB RD	GLADIOLUS DR	McGREGOR BL	2LU	E	860	C	281		
ALABAMA RD	IMMOKALEE RD (SR 82)	MILWAUKEE BL	2LN	E	990	C	254	C	268	C	268		00200
ALABAMA RD	MILWAUKEE BL	HOMESTEAD RD	2LN	E	990	D	462	D	470	D	470		00300
ALEX BELL BL	IMMOKALEE RD (SR 82)	MILWAUKEE BL	2LN	E	990	B	152	B	188	D	391		00400
ALEX BELL BL	MILWAUKEE BL	JOEL BL	2LN	E	990	D	424	D	447	D	578		00500
ALICO RD	US 41	LEE RD	6LD	E	2,920	B	1,123	B	1,199	B	1,486		00600
ALICO RD	LEE RD	THREE OAKS PKWY	6LD	E	2,920	B	1,213	B	1,410	B	1,698		00700
ALICO RD	THREE OAKS PKWY	I-75	6LD	E	2,920	N/A	N/A	N/A	N/A	N/A	N/A		00800
ALICO RD	I-75	BEN HILL GRIFFIN PKWY	6LD	E	2,920	N/A	N/A	N/A	N/A	N/A	N/A		00900
ALICO RD	BEN HILL GRIFFIN BL	GREEN MEADOW DR	2LN	E	920	C	398	C	398	C	433		01000
ALICO RD	GREEN MEADOW DR	CORKSCREW RD (CR 850)	2LN	E	920	B	127	B	127	B	127		01050
ARROYAL ST	BONITA BCH RD	PENNSYLVANIA AVE	2LN	E	860	C	293	C	299	C	321		01100
BABCOCK RD	US 41	ROCKEFELLER CIR	2LN	E	860	B	36	B	37	B	38		01200
BALLARD RD	WASH AVE	ORTIZ AVE	2LN	E	860	C	231	C	231	C	231		01300
BARRETT RD	PONDELLA RD	PINE ISLAND RD	2LN	E	860	C	129	C	129	C	129		01400
BASS RD	SUMMERLIN RD	GLADIOLUS DR	4LD	E	1,800	C	413	C	504	C	845	Part 4 Ln, remainder part of Gladiolus project underway.	01500
BAYSHORE RD (SR78)	BUSINESS 41	HART RD	4LD	E	1,990	D	1,642	D	1,645	D	1,708		01600
BAYSHORE RD (SR78)	HART RD	SLATER RD	4LD	E	1,990	D	1,338	D	1,396	D	1,589		01700
BAYSHORE RD (SR78)	SLATER RD	I-75	4LD	E	1,950	B	1,280	B	1,360	B	1,498		01800
BAYSHORE RD (SR78)	I-75	NALLE RD	2LN	E	1,080	D	560	D	567	D	573		01900

-63-



**TRIP GENERATION EQUATIONS
 RAYMOND LUMBER CPA
 ITE TRIP GENERATION REPORT, 8th EDITION**

Land Use	Weekday AM Peak Hour	Weekday PM Peak Hour	Daily (2-way)
General Light Industrial (LUC 110)	$T = 1.18 (X) - 89.28$ (88% In/12% Out)	$T = 1.43 (X) - 157.36$ (12% In/88% Out)	$T = 7.47 (X) - 101.92$
T = Number of Trips, X = 1,000's of square feet of Gross Floor Area (GFA)			

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

APPLICATION FOR A COMPREHENSIVE PLAN AMENDMENT

(To be completed at time of intake)

DATE REC'D _____ REC'D BY: _____

APPLICATION FEE _____ TIDEMARK NO: _____

THE FOLLOWING VERIFIED:

Zoning _____ Commissioner District

Designation on FLUM

(To be completed by Planning Staff)

Plan Amendment Cycle: Normal Small Scale DRI Emergency

Request No: _____

APPLICANT PLEASE NOTE:

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

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

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

1/23/06
DATE

Matthew White
SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

I. APPLICANT/AGENT/OWNER INFORMATION

Raymond Building Supply Corp.

APPLICANT
7751 Bayshore Road
ADDRESS
North Fort Myers FL 33917
CITY STATE ZIP
(239) 731-8300 (239) 731-3299
TELEPHONE NUMBER FAX NUMBER

Matthew D. Uhle, Esq. for Knott, Consoer, Ebelini, Hart & Swett, P.A.

AGENT*
1625 Hendry Street, Suite 301
ADDRESS
Fort Myers FL 33901
CITY STATE ZIP
(239) 334-2722 (239) 334-1446
TELEPHONE NUMBER FAX NUMBER

Raymond Building Supply Corp.

OWNER(S) OF RECORD
7751 Bayshore Road
ADDRESS
North Fort Myers FL 33917
CITY STATE ZIP
(239) 731-8300 (239) 731-3299
TELEPHONE NUMBER FAX NUMBER

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

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

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

A. TYPE: (Check appropriate type)

Text Amendment Future Land Use Map Series Amendment
(Maps 1 thru 21)
List Number(s) of Map(s) to be amended
Map 1 - FLUM

B. SUMMARY OF REQUEST (Brief explanation):

Map amendment from Suburban to Industrial Development

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

A. Property Location:

1. Site Address: 7731 Bayshore Road, North Fort Myers, FL 33917
2. STRAP(s): 20-43-25-00-00003.1010

B. Property Information

Total Acreage of Property: 14± Acres

Total Acreage included in Request: 14± Acres

Area of each Existing Future Land Use Category: All property in Suburban

Total Uplands: 14± Acres

Total Wetlands: None

Current Zoning: AG-2

Current Future Land Use Designation: Suburban

Existing Land Use: Vacant

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

Lehigh Acres Commercial Overlay: NA

Airport Noise Zone 2 or 3: NA

Acquisition Area: NA

Joint Planning Agreement Area (adjoining other jurisdictional lands): NA

Community Redevelopment Area: NA

D. Proposed change for the Subject Property:

Industrial Development

E. Potential development of the subject property:

1. Calculation of maximum allowable development under existing FLUM:

Residential Units/Density 6 d.u./acre (84 total units)

Commercial intensity NA

Industrial intensity NA

2. Calculation of maximum allowable development under proposed FLUM:

Residential Units/Density NA

Commercial intensity NA

Industrial intensity 180,000 square feet

IV. AMENDMENT SUPPORT DOCUMENTATION

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

A. General Information and Maps

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

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

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

B. Public Facilities Impacts

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

1. Traffic Circulation Analysis

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

Long Range – 20-year Horizon:

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

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

Short Range – 5-year CIP horizon:

- a. Besides the 20-year analysis, for those plan amendment proposals that include a specific and immediated development plan, identify the existing roadways serving the site and within a 3-mile radius (indicate laneage, functional classification, current LOS, and LOS standard);
- b. Identify the major road improvements within the 3-mile study area funded through the construction phase in adopted CIP's (County or Cities) and the State's adopted Five-Year Work Program;
Projected 2020 LOS under proposed designation (calculate anticipated number of trips and distribution on roadway network, and identify resulting changes to the projected LOS);
- c. For the five-year horizon, identify the projected roadway conditions (volumes and levels of service) on the roads within the 3-mile study area with the programmed improvements in place, with and without the proposed development project. A methodology meeting with DOT staff prior to submittal is required to reach agreement on the projection methodology;
- d. Identify the additional improvements needed on the network beyond those programmed in the five-year horizon due to the development proposal.

- 2. Provide an existing and future conditions analysis for:
 - a. Sanitary Sewer
 - b. Potable Water
 - c. Surface Water/Drainage Basins
 - d. Parks, Recreation, and Open Space.

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

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

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

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

C. Environmental Impacts

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

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

D. Impacts on Historic Resources

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

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

E. Internal Consistency with the Lee Plan

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

F. Additional Requirements for Specific Future Land Use Amendments

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

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

Item 1: Fee Schedule

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

AFFIDAVIT

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

Duane Swanson, V.P., Director
Signature of owner or owner-authorized agent

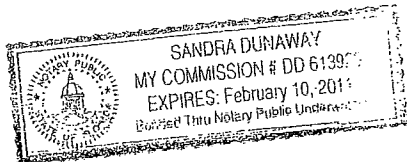
11/2/07
Date

Duane Swanson
Typed or printed name

STATE OF FLORIDA)
COUNTY OF LEE)

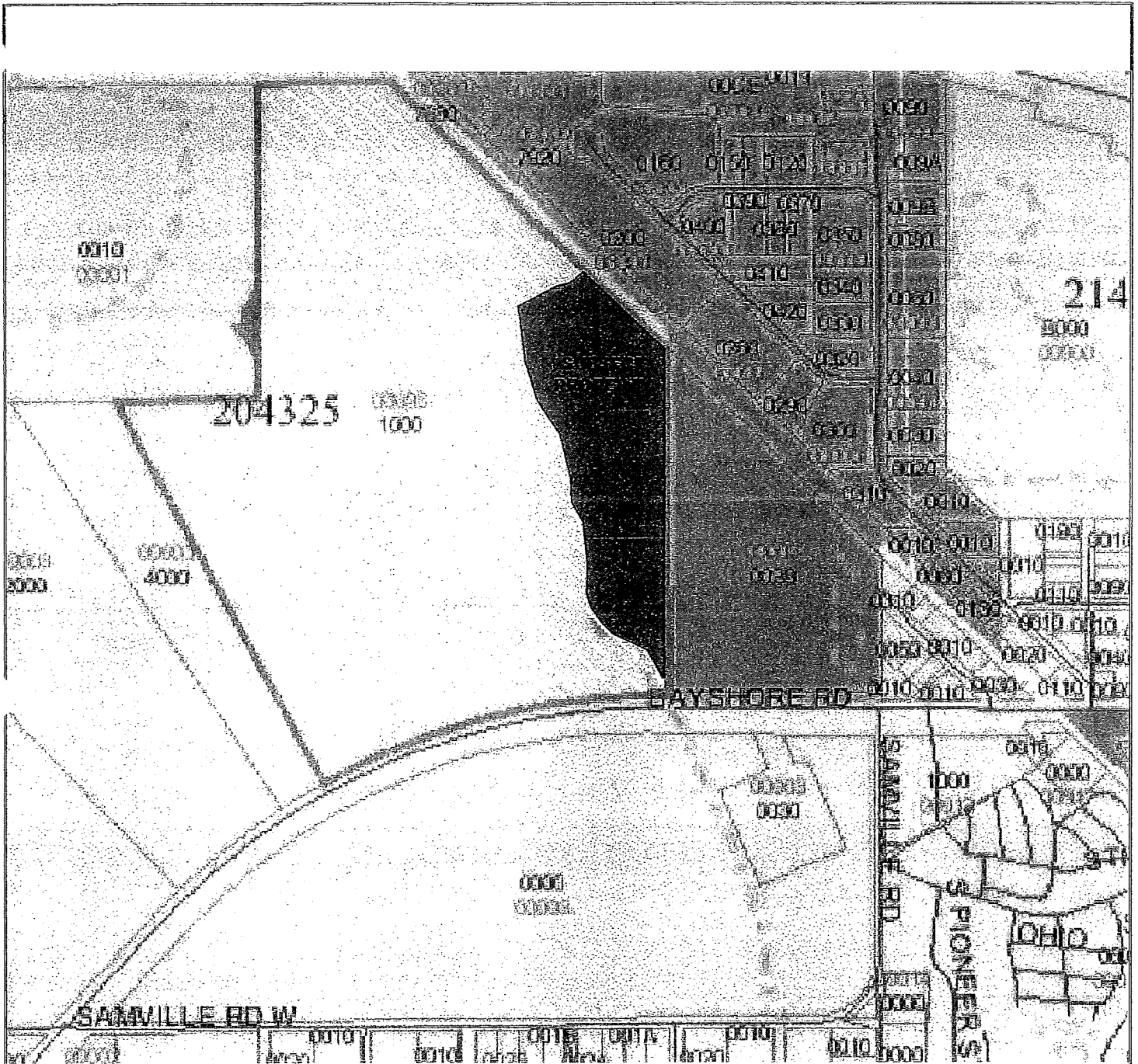
The foregoing instrument was certified and subscribed before me this 2 day of Nov 2007, by Duane Swanson as Director of Raymond Building Supply Corporation, a Florida Corporation, who is personally known to me or who has produced _____ as identification.

(SEAL)





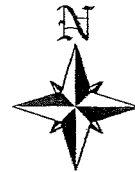
[Signature]
Signature of notary public

Printed name of notary public



LEGEND:

-  INDUSTRIAL DEVELOPMENT
-  SUBURBAN



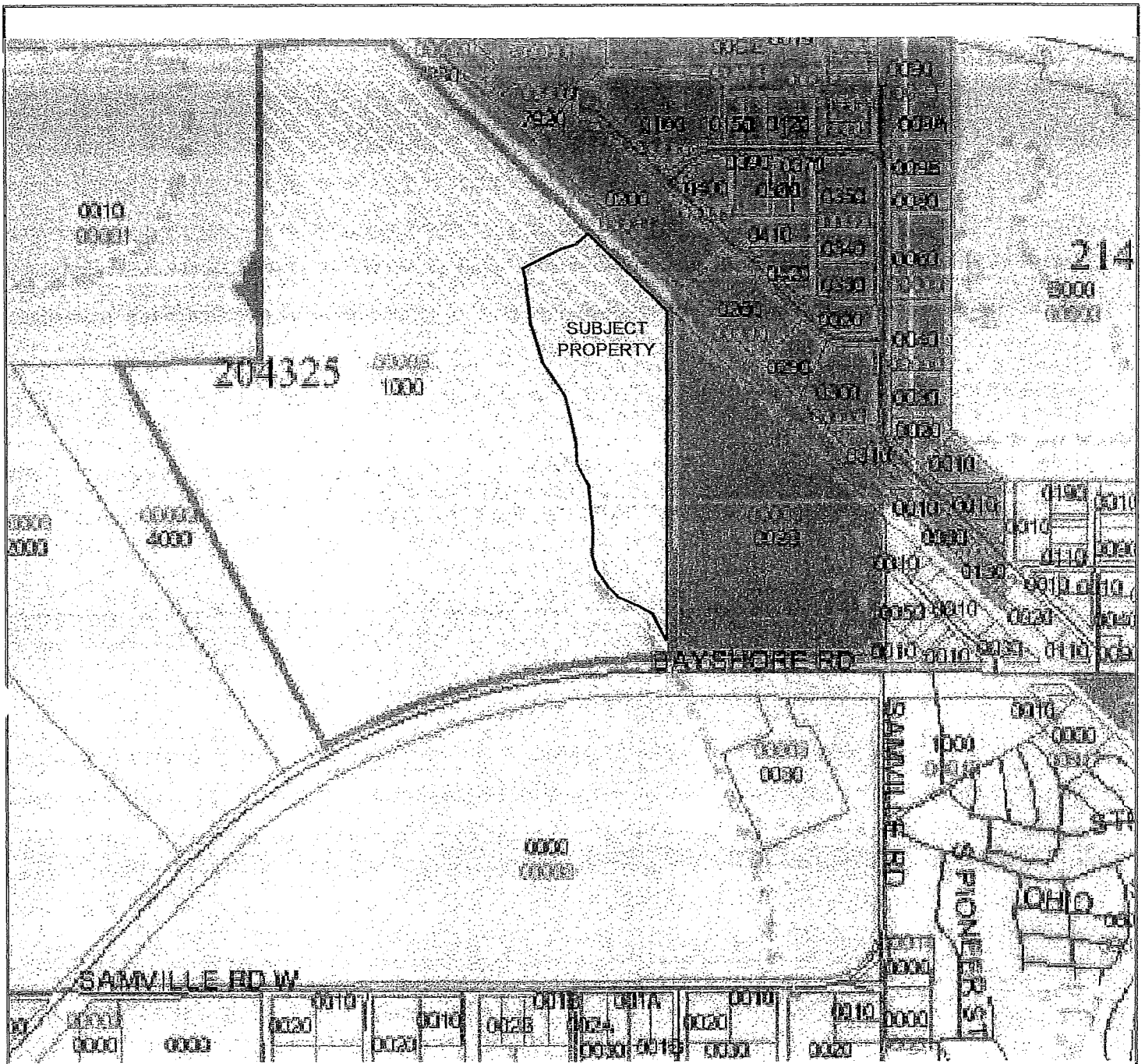
Banks Engineering

Professional Engineers, Planners & Land Surveyors

10511 SIX MILE CYPRESS PARKWAY - SUITE 101
 FORT MYERS, FLORIDA 33966
 PHONE: (239) 939-5490 FAX: (239) 939-2523
 ENGINEERING LICENSE # EB 6469
 SURVEY LICENSE # LB 6690

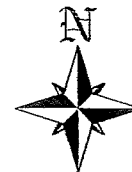
PROPOSED FUTURE LAND USE MAP
RAMOND BUILDING SUPPLY - PHASE 2
 LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET	OF	FILE NO. (S-T-R)
8/25/2006	2249	2249_FLU	SDJ	SDJ		1"=600'	1	1	(20-43-25)



LEGEND:

- SUBURBAN
- INDUSTRIAL DEVELOPMENT



0 600 1200 1800
GRAPHIC SCALE 1"=600'

Banks Engineering

Professional Engineers, Planners & Land Surveyors
10511 SIX MILE CYPRESS PARKWAY - SUITE 101
FORT MYERS, FLORIDA 33966
PHONE: (239) 939-5490 FAX: (239) 939-2523
ENGINEERING LICENSE # EB 6469
SURVEY LICENSE # LB 6690

EXISTING FUTURE LAND USE MAP

RAMOND BUILDING SUPPLY - PHASE 2

LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET	OF	FILE NO. (S-T-R)
8/25/2006	2249	2249_FLU	SDJ	SDJ		1"=600'	1	1	(20-43-25)

EXHIBIT A.2

Blackwell, Peter

From: Matthew Uhle [MUhle@knott-law.com]
Sent: Monday, February 09, 2009 2:45 PM
To: Blackwell, Peter
Cc: Zsuzsanna Weigel
Subject: Raymond Lumber FAR

I think the best way to handle the issue is to add a note to Table 1(a) which reads something like this: The maximum floor/area ratio for the property included in CPA2006-00014 is .3.

I asked Dave Wheeler to prepare the traffic analysis based on this number, which equates to approximately 183,000 sf.

Matthew D. Uhle
Attorney At Law
Knott, Consoer, Ebelini, Hart & Swett, P.A.
239-334-2722
MUhle@knott-law.com



Banks Engineering

Professional Engineers, Planners & Land Surveyors

10511 SIX MILE CYPRESS PARKWAY - SUITE 101
 FORT MYERS, FLORIDA 33966
 PHONE: (239) 939-5490 FAX: (239) 939-2523
 ENGINEERING LICENSE # EB 6469
 SURVEY LICENSE # LB 6690

EXISTING LAND USE, ZONING AND AERIAL

RAYMOND BUILDING SUPPLY - PHASE 2
 LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET	OF	FILE NO. (S-T-R)
8/25/2006	2249	_AER	SDJ	SDJ		1"=600'	1	1	(20-43-25)

EXHIBITS
A.3 & A.4

Existing Zoning and Land Uses Narrative
EXHIBITS A.3 & A.4

The subject parcel is vacant and designated Suburban on the County's land use map. The property located to the west of the subject parcel is vacant and zoned AG-2. Bayshore Road is located directly south and to the east of the subject parcel is where the Raymond Building Supply lumber yard is located, which is zoned IPD. To the north is the Florida Freezer Warehouse Distribution Terminals, zoned IL. The proposed land use change on the subject parcel will be consistent with the uses on the surrounding properties.

Legal Description
EXHIBIT A.5

A parcel or tract of land lying in Section 20, Township 43 South, Range 25 East, Lee County, Florida, more particularly described as follows:

Commence at the west quarter corner of said Section 20 and run N 89°43'21" E along the north line of the SW ¼ of said Section 20 for 2,016.85 feet to the Point of Beginning; thence continue N 89°43'21" E for 617.49 feet to the center of said Section 20; thence run N 00°09'22" W for 1,334.98 feet to the NW corner of the SW ¼ of the NE ¼ of said Section 20; thence run N 89°42'16" E for 540.65 feet to the southwesterly right-of-way line of the Seaboard Coast Line Railroad; thence run S 46°40'52" E along said right-of-way line for 1,611.27 feet; thence run S 00°22'45" W for 1,497.21 feet to a point on the northerly right-of-way line of County Road C-78 (Bayshore Road), said point being the point of curvature of a curve concave to the southeast, having a radius of 2,914.79 feet; thence run southwesterly along said right-of-way along the arc of said curve through a central angle of 29°11'41" for an arc distance of 1,485.22 feet; thence run N 28°48'56" W for 1,852.02 feet to the Point of Beginning.

EXHIBIT A.6



INSTR # 6651886
DR BK 04595 Pgs 1267 - 1268; (2pgs)
RECORDED 02/16/2005 04:32:23 PM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY, FLORIDA
RECORDING FEE 18.50
DEED DOC 683.90
DEPUTY CLERK D Schaefer

Prepared by and return to: Peter J. Gravina, Esq.
Name PAVESE LAW FIRM
Address 1833 Hendry Street
Post Office Drawer 1507
FORT MYERS, FLORIDA 33902

Property Appraiser's
Parcel Identification No.: 20-43-25-00-00003.1000

WARRANTY DEED (STATUTORY FORM - SECTION 689.02, F.S.)

This Indenture, made this 11th day of FEBRUARY, 2005, Between, **JOHN B. FASSETT, Individually and as Trustee of the Ann B. Fassett Trust dated June 5, 1986,** whose post office address is 4560 Via Royale, Fort Myers, Florida 33919, grantor*, and **S.W. FLORIDA LAND 163, L.L.C., a Florida limited liability company,** whose post office address is 6250 Diamond Centre Court, Bldg. 1300, Fort Myers, Florida 33912, grantee*,

Witnesseth that said grantor, for and in consideration of the sum of **TEN AND NO/100 DOLLARS,** and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Lee County, Florida, to-wit:

An undivided 2 1/2% % interest in and to the property described on attached Exhibit "A".

Subject to easements, reservations and restrictions of record and taxes for the current and all subsequent years.

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

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

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

[Signature]
Witness #1

Jennifer L. Derby
Printed name of Witness #1

[Signature]
Witness #2

LORRAINE L. COOK
Printed name of Witness #2

[Signature] (Seal)
JOHN B. FASSETT, Individually and as
Trustee of the Ann B. Fassett Trust dated
June 5, 1986

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 11th day of February, 2005, by JOHN B. FASSETT, Individually and as Trustee, who is personally known to me or who produced DRIVERS LICENSE as identification.

[Signature]
Notary Public
LORRAINE L. COOK
Printed name of Notary Public

My Commission Expires
OFFICIAL NOTARY SEAL
LORRAINE L. COOK
NOTARY PUBLIC STATE OF FLORIDA
COMMISSION NO. DD094596
MY COMMISSION EXPIRES MAR. 17, 2005

EXHIBIT "A"

PARCEL 1:

A parcel or tract of land lying in Section 20, Township 43 South, Range 25 East, Lee County, Florida, more particularly described as follows:

Commence at the west quarter corner of said Section 20 and run N 89° 43' 21" E along the north line of the SW 1/4 of said Section 20 for 2,016.85 feet to the Point of Beginning; thence continue N 89° 43' 21" E for 617.49 feet to the center of said Section 20; thence run N 0° 09' 22" W for 1,334.98 feet to the NW corner of the SW 1/4 of the NE 1/4 of said Section 20; thence run N 89° 42' 16" E for 540.65 feet to the southwesterly right-of-way line of the Seaboard Coast Line Railroad; thence run S 46° 40' 52" E along said right-of-way line for 1,611.27 feet; thence run S 0° 22' 45" W for 1,497.21 feet to a point on the northerly right-of-way line of County Road C-78 (Bayshore Road), said point being the point of curvature of a curve concave to the southeast, having a radius of 2,914.79 feet; thence run southwesterly along said right-of-way along the arc of said curve through a central angle of 29° 11' 41" for an arc distance of 1,485.22 feet; thence run N 28° 48' 56" W for 1,852.02 feet to the Point of Beginning.

Sanitary Sewer / Potable Water

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

The Average Daily Flow of water and sewer for 84 multi-family units is 148,480 GPD; 220 GPD per unit. The maximum assumption for the Average Daily Flow for 180,000 square feet of warehouse is 1,050 GDP; 15 GPD per employee per 8 hour shift for 70 employees.

Surface Water / Drainage Basins
EXHIBIT B.2.c

The subject property is located in the Chapel Branch and Daughtrey Creek East Watersheds as indicated in the Lee County Surface Water Management Master Plan. Any development will be in compliance with South Florida Water Management District and the Lee County Development Code with regard to surface water management.

Lee County Policy 60.3.1-D of the Lee Plan has established level-of-service standards for the private and public development as follows:

Surface water management systems in new private and public developments (excluding widening of existing roads) must be designed to SFWMD standards (to detain or retain excess stormwater to match the predevelopment discharge rate for the 25-year, 3-day storm event [rainfall]). Stormwater discharges from development must meet relevant water quality and surface water management standards as set forth in Chapters 17-3, 17-40, and 17-302, and rule 40E-4, F.A.C. New developments must be designed to avoid increased flooding of surrounding areas. Development must be designed to minimize increases of discharge to public water management infrastructure (or to evapotranspiration) that exceed historic rates, to approximate the natural surface water systems in terms of rate, hydroperiod, basin and quality, and to eliminate the disruption of wetlands and flow-ways, whose preservation is deemed in the public interest. (Amended by Ordinance No. 92-35, 94-29, 00-22)

The June 2006 Concurrency Report states on page 3 that "All new developments that receive approval from the South Florida Water Management District and which comply with standards in Chapters 17-3, 17-40, and 17-302 of the Florida Statutes, and Rule 40E-4 of the Florida Administrative Code are deemed Concurrent with the Level of Service standards set forth in THE LEE PLAN."

Parks, Recreation and Open Space

EXHIBIT B.2.d

The proposed amendment from Suburban to Industrial Development will reduce the demand for developed park acreage in Lee County. The reductions, based on the applicable Lee Plan levels of service, are as follows:

Regional Park Required LOS--1.05 acres

Regional Park Desired LOS--1.4 acres

Community Park Required LOS--.14 acres

Community Park Desired LOS--.35 acres

No revisions to the CIE will be required as a result of this amendment.

EXHIBIT B.3.a



P.O. Box 3507
N. Ft. Myers, FL 33918-3507
(239) 997-8654
(239) 995-3757 fax
www.northfortmyersfire.com

9/20/06

Alison Stowe
Knott, Consoer, Ebelini,
Hart & Sweet, P.A.
P.O. Box 2449
Ft. Myers, FL 33902-2449

Dear Alison

The Comprehensive Plan Amendment for 14.11 acres identified by your firm would not negatively affect our district's ability to provide fire and emergency services for the proposed change. If we can be of any more assistance to you concerning this change or the future projects on this property, feel free to contact us.

Thank you for your time in this matter,

Sincerely,

Terry Pye
Fire Chief

Letter will follow via USPS



Lee County Southwest Florida

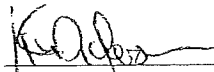
Statement of Initial Review

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

The Comprehensive Plan Amendment for Raymond Building Supply, changing 14.11 acres from Suburban designation to Industrial Development is not anticipated to create a negative impact on our service level.

This current location is served by our Station 19, located at 17350 Nalle Rd, which is approximately 1 ¼ miles away.

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



(Signature)

EMS Operations Chief
(Title)

Kim Dickerson
(Printed Name)

January 23, 2008
(Date)



Kim Dickerson, EMT-P, RN, MBA
EMS Operations Chief
Lee County Emergency Medical Services
14752 Ben Pratt/Six Mile Cypress Parkway
Fort Myers, FL 33912
Phone: 239-335-1661
Fax: 239-335-1671
Email: kdickerson@leegov.com
Website: www.lee-ems.com

Mike Scott
Sheriff



State of Florida
County of Lee

Ms. Alison Stowe
Knott, Consoer, Ebelini, Hart & Swett, P.A.
1625 Hendry Street
P.O. Box 2449
Fort Myers, Florida 33901

September 25, 2006

Dear Ms. Stowe:

The Sheriff's Office has reviewed your fax letter dated September 19, 2006 outlining your intention to request a comprehensive plan amendment from Lee County for the project referenced as "*Raymond Building Supply*" located south of I-75 between West Street and Bayshore Roads in North Lee County, Florida. It is my understanding that the purpose of the amendment, if approved, would be to change the land use designation of approximately 14.11 acres from *Suburban* to *Industrial Development* allowing for the expansion of light industry and the reduction of residential development in that parcel.

If the proposed development follows that which you have discussed with my staff then the Sheriff's Office has no objection to this project and depending on the start and completion date of the project I am confident that we can provide an adequate "core" level of law enforcement services to the area. As is our policy, we evaluate from year to year the demand for law enforcement services based on a formula derived from our calls for service, size of the service population and optimal response times. As this project builds out we will factor its impact into our annual manpower review and make adjustments accordingly.

We look forward to further discussions on this matter as the development progresses. Please let us know if there are any significant changes in the proposed use or density of the project.

Sincerely,

Mike Scott
Sheriff, Lee County Florida



Mike Scott
Office of the Sheriff



State of Florida
County of Lee

October 31, 2007

Matthew Uhle
Knott, Consoer, Ebelini, Hart & Swett, P.A.
1625 Hendry St
PO Box 2449
Ft Myers, Fl 33902-2449
Reference to Project: Raymond Lumber

Dear Mr. Uhle

The Lee Plan Ammendment for Approximately 14 acres identified by your firm as "Raymond Building" would not affect the Lee County Sheriff's Office ability to provided core services for the proposed change.

When you make application for a Development Order for this property, please provide the Lee County Sheriff's Office with a set of plans and uses for the project. A Crime Prevention Through Environmental Design (CPTED) survey and report will be done at that time with recommedations to you and the county staff.

Please contact Kevin Farrell, Coordinator of the Crime Prevention Unit at 477-2821 with copies of your plans.

Mike Scott
Sheriff

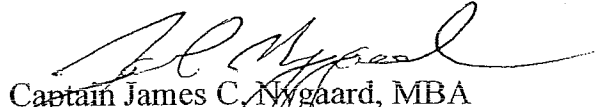

Captain James C. Nygaard, MBA
Lee County Sheriff's Office
Administration Bureau
14750 Six Mile Cypress Pkwy
Fort Myers, Fl 33912
239-477-1424 (Office)



EXHIBIT B.3.c



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: (239) 338-3302

Bob Janes
District One

Douglas R. St. Cery
District Two

Ray Judah
District Three

Tammy Hall
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

David M. Owen
County Attorney

Diana M. Parker
County Hearing Examiner

September 27, 2006

Ms. Alison M. Stowe
Knott, Consoer, Ebelini
Hart & Swett, P.A.
1625 Hendry Street
P.O. Box 2449
Fort Myers, FL 33902-2449

SUBJECT: Comprehensive Plan Amendment for Raymond Building Supply

Dear Ms. Stowe:

The Lee County Solid Waste Division is capable of providing solid waste collection service for the proposed expansion of light industrial uses at the property located in North Ft. Myers through our franchised hauling contractors. Disposal of the solid waste from this project 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 (05-13, Section 21) and the Lee County Land Development Code, Chapter 10, Section 10-261 have requirements for providing on-site space for placement and servicing of commercial solid waste containers. Please review these requirements when planning the project. If you have any questions, please call me at (239) 338-3302.

Sincerely,

William T. Newman
Operations Manager
Solid Waste Division

cc: Wayne Gaither

EXHIBIT B.3.d



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

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

Bob Janes
District One

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Tammy Hall
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

David M. Owen
County Attorney

Diana M. Parker
County Hearing
Examiner

September 25, 2006

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

Re: Raymond Building Supply

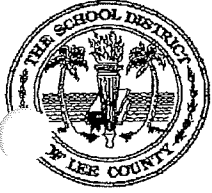
Mr. Stowe:

Lee County Transit received your letter on September 21, 2006 in reference to the Comprehensive Plan Amendment Application for the subject property located south of I-75 with access from West Street and Bayshore Road. Lee County does not currently provide public transportation services to the subject property or to the surrounding area. Planning studies have not identified the need to extend service to the site anytime within the existing Lee County Transit Development Plan, which goes through 2015 and the Lee County Long Range Transportation Plan, which goes through 2030. We do not anticipate this to change with the proposed comprehensive plan amendment changing the designated land use.

If you have any questions please contact me at the telephone number listed above or you can send an e-mail to mhorsting@leegov.com.

Sincerely,

Michael Horsting, AICP
Planner
Lee County Transit



THE SCHOOL DISTRICT OF LEE COUNTY

2055 CENTRAL AVENUE • FORT MYERS, FLORIDA 33901 • (239) 334-1102 • TTD/TTY (239) 335-1512

STEVEN K. TEUBER, J.D.
CHAIRMAN • DISTRICT 4

ELINOR C. SCRIPCA, Ph.D.
VICE CHAIRMAN • DISTRICT 5

ROBERT D. CHILMONIK
DISTRICT 1

JEANNE S. DOZIER
DISTRICT 2

JANE E. KUCKEL, Ph.D.
DISTRICT 3

JAMES W. BROWDER, Ed.D.
SUPERINTENDENT

KEITH B. MARTIN
BOARD ATTORNEY

September 29, 2006

Alison Stowe
Knott, Consoer, Ebelini, Hart & Swett, P.A.
1625 Hendry Street, Third Floor
Fort Myers, FL 33902

Re: Comprehensive Plan Amendment for Raymond Building Supply

Dear Ms. Stowe:

Thank you for the opportunity to review the proposed Corradi Palm Beach project for sufficiency comments with regard to educational impacts. This proposed development is in the East Choice Zone of the District. This letter is in response to your request dated September 19, 2006.

This development should have no impact on classroom needs based on the applicant's indication that this is commercial project only and will not have any residential units.

Thank you for your attention to this issue. If I may be of further assistance, please give me a call at (239) 337-8678.

Sincerely,

Ellen Lindblad, Long Range Planner
Planning, Growth & School Capacity

DISTRICT VISION

TO BE A WORLD-CLASS SCHOOL SYSTEM



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: (239) 533-8525

Bob Jones
District One

November 20, 2007

Edna Bigelow
District Two

Stacy Ellis Hewitt
Banks Engineering
10511 Six Mile Cypress Pkwy
Fort Myers, FL 33966

Roy Jones
District Three

Jimmy Hill
District Four

RE: **POTABLE Water AVAILABILITY**
Raymond Building Supply - Phase 2
STRAP #: 20-43-25-00-00003.1010

Frank Moran
District Five

Donald D. Sulwell
County Administrator

Dear Ms. Hewitt:

David M. Owen
County Attorney

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

Diana M. Parker
County Hearing Examiner

Your firm has indicated that this project will consist of 4 industrial units with an estimated flow demand of approximately 1,680 gallons per day. Lee County Utilities presently has sufficient capacity to provide potable water service as estimated above.

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

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

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

Further, This Letter Of Availability Of Water Service Is To Be Utilized For Re-Zoning For This Project Only. Individual Letters Of Availability Will Be Required For The Purpose Of Obtaining Building Permits.

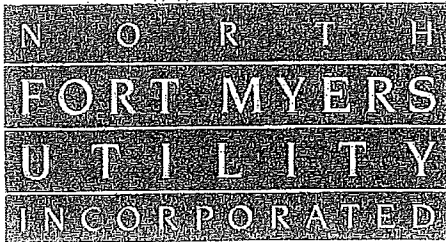
Sincerely,

LEE COUNTY UTILITIES

Melissa Bibeau
Engineering Tech., I
UTILITIES ENGINEERING

VIA FACSIMILE
Original Mailed

ZONING - 00AAA MASTER



5660 Bayshore Road, Suite 36 • North Fort Myers, Florida 33917

Mailing Address: P.O. Box 2547 • Fort Myers, Florida 33902

(239) 543-1005

Fax (239) 543-2226

November 15, 2007

LEE COUNTY BUILDING DEPARTMENT
P. O. BOX 398
1820 HENDRY STREET
FT. MYERS, FL 33901

RE: Wastewater Service - Phase 2

STRAP #: 20-43-25-00-00003.1010

ADDRESS: 7701 Bayshore Road

Please be advised that **Raymond Building Supply**, has requested wastewater service for the referred site. The onsite collection system and force main will be constructed by the developer for this project under the terms of a Developer's Agreement.

North Fort Myers Utility, Inc. has the capacity to provide 1,680 gallons per day from its wastewater treatment plant.

This letter should not be construed as a commitment to service, but only to the availability of wastewater service. The company will commit to serve only upon receipt of a signed request for service, executed Developer's Agreement, appropriate fees and charges and approval of all federal, state and local regulatory agencies. This wastewater service availability letter will expire should this project not be under contract within 12 months from the above date.

Yours truly,
North Fort Myers Utility, Inc.

A.A. "Tony" Reeves
Utility Director

Stacy Hewitt

From: Velez, Sergio I. [VELEZSI@leegov.com]
Sent: Tuesday, November 13, 2007 2:28 PM
To: Stacy Hewitt
Subject: RE: North Lee County WTP

The NLCWTP present capacity is 5 MGD and it was designed to be expanded to 10 MGD. We are in the process of planning the plant expansion at the present time. I hope that this information answer your question, and if you have any further questions, please let me know.

Sr Ivan Velez, P.E.
Deputy Director
Lee County Utilities
1500 Monroe Street
Fort Myers, FL 33901
Ph: 239-533-8166
Fax: 239-533-8176
cell: 239-357-1867

From: Stacy Hewitt [mailto:SHewitt@BanksEng.com]
Sent: Tuesday, November 13, 2007 1:35 PM
To: Velez, Sergio I.
Subject: North Lee County WTP

Good afternoon. We are interested in obtaining any information available on projected plant capacity for 2030 for the North Lee County WTP.

Please do not hesitate to contact me if you have any questions or require further information. Thank you.

Stacy Ellis Hewitt
Director of Planning
Banks Engineering
10511 Six Mile Cypress Parkway - Suite 101
Fort Myers, FL 33966
Email: shewitt@bankseng.com
Phone: 239-939-5490
Cell: 239-770-2527
Fax: 239-939-2523

Stacy Hewitt

From: OLDBRIDGE9@aol.com

Sent: Monday, November 19, 2007 9:38 AM

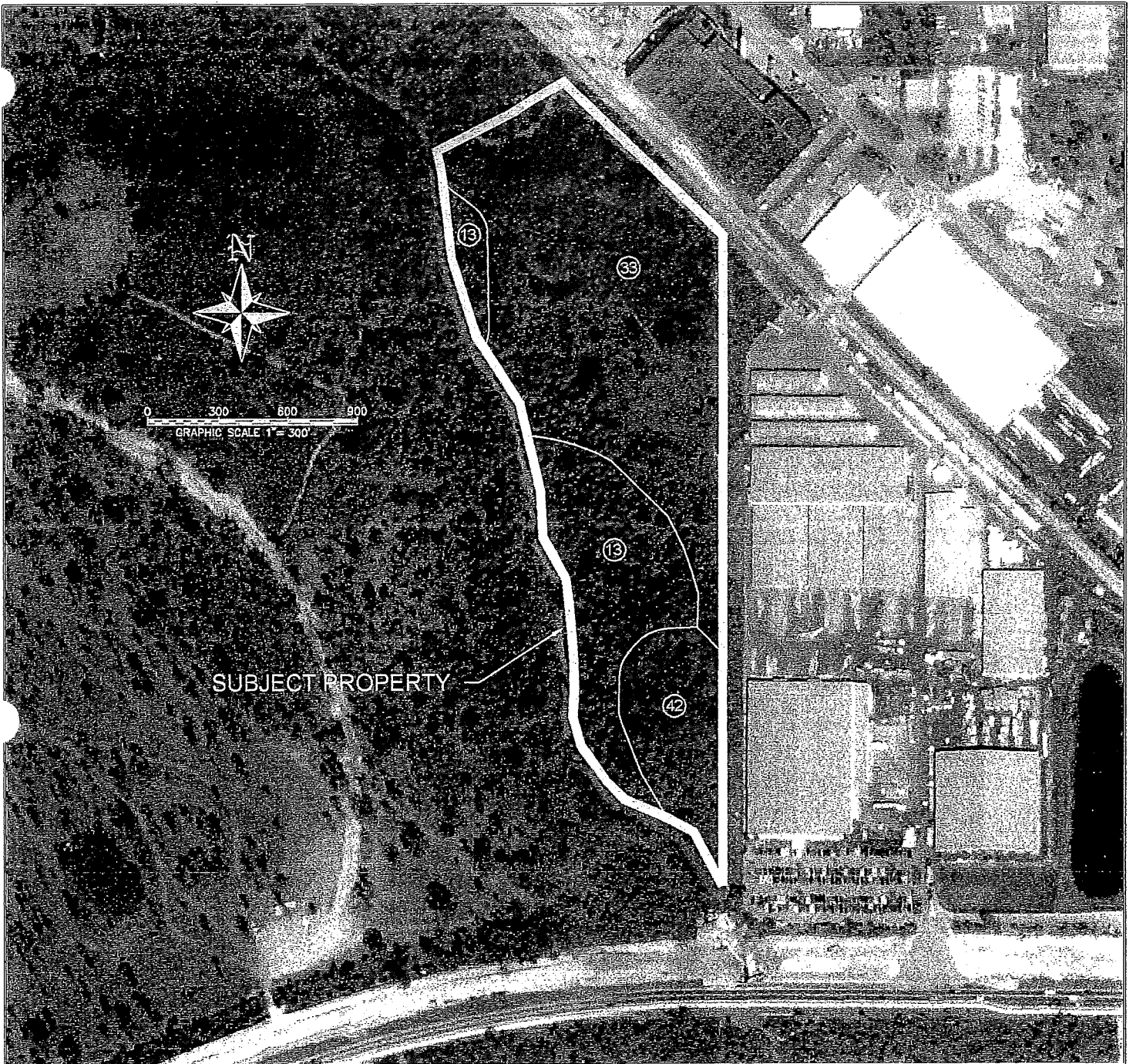
To: Stacy Hewitt

Subject: Re: Request for Letter of Availability and 2030 Projected Plant Capacity

We figure it should be about 8.5 Million a day

Tony

See what's new at AOL.com and Make AOL Your Homepage.



SOILS LEGEND:

- 13 - BOCA FINE SAND
- 33 - OLDSMAR SAND
- 42 - WABASSO SAND, LIMESTONE SUBSTRATUM

Banks Engineering

Professional Engineers, Planners & Land Surveyors

10511 SIX MILE CYPRESS PARKWAY - SUITE 101
 FORT MYERS, FLORIDA 33966
 PHONE: (239) 939-5490 - FAX: (239) 939-2523
 ENGINEERING LICENSE # EB 6463
 SURVEY LICENSE # LB 6690

SOILS MAP

RAYMOND BUILDING SUPPLY - PHASE 2
 LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET	OF	FILE NO. (S-T-R)
8/25/2006	2249	_SOIL	SDJ	SDJ		1"=300'	1	1	(20-43-25)

EXHIBIT C.2

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

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

1625 Hendry Street • Third Floor (33901)
P.O. Box 2449
Fort Myers, Florida 33902-2449

Telephone (239) 334-2722
Telecopier (239) 334-1446

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

MUhle@knon-law.com

Matthew D. Uhle
Aaron A. Haak
Derrick S. Eihausen
Nady Torres-Alvarado
David A. Burt
Madeline Ebelini

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

April 10, 2008

Mr. Peter Blackwell
Lee County Division of Planning
P.O. Box 398
Fort Myers, FL 33902

Re: CPA2006-14/Response to April 8 Sufficiency Letter

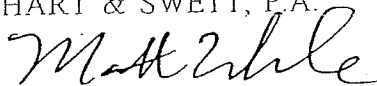
Dear Mr. Blackwell:

Please consider the following our responses to your latest sufficiency letter:

1. PART IV, Item B.3.b.: The requested EMS letter was submitted on April 7.
2. Gopher Tortoise Question: Attached please find the gopher tortoise management plan that was prepared for the (as yet unfiled) rezoning application. You will note that it contemplates the offsite relocation of the tortoises. While the applicant is willing to provide a substantial buffer along the west side of the property in the zoning case, as shown on the draft MCP that was submitted to you previously, we believe that the precise boundaries of this area should be identified at that time, not during the plan amendment process, so we do not intend to show any areas in the Conservation FLUM category as part of our application.
3. Buffering Question: See Response to #2 above.

Sincerely,

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



Matthew D. Uhle, Esq.

MDU/ams
Attachment

cc: Duane Swanson
Tom Lehnert
Kim Schlachta

PART 4 ENVIRONMENTAL ISSUES

A. **Topography:** Describe the range of surface elevations of the property:

A topo survey is included with the submittal.

B. **Sensitive Lands:** Identify any environmentally sensitive lands, including, but not limited to, wetlands (as defined in Lee Plan), flowways, creek beds, sand dunes, other unique land forms [see Lee Plan Policy 77.1.1 (2)] or listed species occupied habitat (see Sec. 10-4730 of the Land Development Code.

The site contains habitat occupied by Gopher Tortoise as noted in the attached Protected Species Survey. A Cabbage Palm dominated area is also located within the site boundaries.

Cabbage Palm, Gopher Tortoise,

C. **Preservation/Conservation of Natural Features:** Describe how the lands listed in B. above will be protected by the completed project:

A Gopher Tortoise Incidental Take Permit or Offsite Relocation Permit would be obtained from the FWC. Gopher tortoise would be relocation prior to development. A small portion of this would be preserved, and a majority of this habitat would be impacted. However, this site has designed to preserve the Cabbage palm habitat located next to adjacent preserve lands.

The proposed project exceeds indigenous preserve requirements and provides 4.15 acres with credits. See attached Indigenous Preserve Calculations

Below is a table showing the amount of preservation by FLUCFCS.



FLUCCS CODE	DESCRIPTION	EXISTING ACREAGE	PRESERVE ACREAGE	% PRESERVED
150	Industrial	18.03	-	-
321	Palmetto Prairie	5.74	0.36	6.3 %
428	Cabbage Palm	10.39	3.27	31.5 %
500	OSW	1.87	1.87	100 %
740	Disturbed Areas	0.80	-	-

D. **Shoreline Stabilization:** If the project is located adjacent to navigable natural waters, describe the method of shoreline stabilization, if any, being proposed:

Not Applicable.

Raymond Lumber

Indigenous Preserve Calculations

Boylan 
Environmental 
Consultants, Inc.

*Wetland & Wildlife Surveys, Environmental Permitting,
Impact Assessments*

11000 Metro Parkway, Suite 4
Fort Myers, Florida, 33966
Phone:(239) 418-0671 Fax:(239) 418-0672

May 23, 2007

Indigenous Preserve Calculations Table:

Per LDC Section 10-415(b)(1), large developments, with existing Indigenous native vegetation, must provide 50 percent of their open space percentage requirement through the onsite preservation of existing indigenous native vegetation.

Per LDC Section 10-415(b)(2), as an incentive to preserve Indigenous native upland plant communities in large tracts, a scaled open space credit for single preserve areas will be granted as follows:

INDIGENOUS VEGETATION CREDIT		
Credit provided	Minimum size	Minimum width
10%	1/2 acre	50 feet
25%	1 acre	75 feet
50%	3 acres	150 feet

An additional, maximum ten percent credit will be granted if any of the following indigenous vegetation areas are included:

1. Rare and unique uplands as defined by the Lee Plan.
2. Connection to offsite public or private environmental conservation or preserve areas.
3. Upland buffers to natural waterbodies
- 4.

Total Site Acreage: **36.82**

Open Space Percentage Requirement: **0.20**

Open Space Requirement: **7.36**

Indigenous Requirement: **3.68**

Northern Preserve Area

Area #	FLUCFCS	Wetland	Acreage	*Base Multiplier	10% Credit	Reason	Total Credits	Total Acreage
1	321	N	0.08	1	1.1	Adjacent Preserve	1.10	0.09
2	321	N	0.28	1.1	1.1	> 0.50 ac/ Adjacent Preserve	1.20	0.34
	428	N	1.32	1.1	1.1	> 0.50 ac/ Adjacent Preserve	1.20	1.58
3	428	N	1.21	1	1.1	Adjacent Preserve	1.10	1.33

Southern Preserve Area

Area #	FLUCFCS	Wetland	Acreage	*Base Multiplier	10% Credit	Reason	Total Credits	Total Acreage
4	428	N	0.74	1.1	1	> 0.50 Ac.	1.10	0.81

Total Preserve Acreage: 3.63

Total Preserve Acreage with Credits: 4.15

Minimum Indigenous Preserve Acreage Required: 3.68 acres


Indigenous Provided = 4.15

*Given per Lee County Indigenous Plant Community & Native Tree Preservation Area Credits LDC Sec.10-415
No Credits Were Given for Wetland Preserve Areas

RAYMOND LUMBER

Lee County, Florida
Sections 20; Township 43 South; Range 25 East

Protected Species Survey

Boylan 
Environmental
Consultants, Inc.

*Wetland & Wildlife Surveys, Environmental Permitting,
Impact Assessments*

11000 Metro Parkway, Suite 4
Fort Myers, Florida, 33966
Phone: (239) 418-0671 Fax: (239) 418-0672

February 7, 2006
August 4, 2006 (updated fieldwork)
Revised May 17, 2007

INTRODUCTION

The site is located in portions of Section 20, Township 43 South, and Range 25 East, Lee County. The eastern portion of the site includes the existing Raymond Lumber with the western portion being undeveloped lands that are proposed for expansion. The site is located west of Interstate 75 and just to the north of Bayshore Road (SR-78). See attached Location Map.

Two environmental scientists from Boylan Environmental Consultants, Inc conducted a field investigation on the 36.83± acre property on July 28th and 29th, 2005 from approximately 8:30 am to 4:00 pm and on August 3, 2006 from approximately 9:00 am to 11:00 am. The temperature ranged from the lower 80°'s to lower 90°'s with partly cloudy to full sun in 2005 and in the lower 90°'s with full sun in 2006.

The purposes of the field investigations were to identify the potential of listed (endangered, threatened, etc.) species inhabiting the site that are regulated by the US Fish & Wildlife Service (FWS) and the Florida Fish & Wildlife Conservation Commission.

SURVEY METHODOLOGY

The property was surveyed for the presence of listed species in accordance with the Lee County Ordinance No. 89-34. The methodology used for this survey was overlapping belt transects. Lee County has approved this method as outlined by Kevin L. Erwin, Consulting Ecologists Inc., as an alternative species survey method. This method is comprised of a several step process. First, vegetation communities or land-uses on the property or study area are delineated on an aerial photograph based on nomenclature of the Florida Land Use, Cover and Forms Classification System (FLUCFCS). Next, the FLUCFCS codes or land-use types found on the property are cross-referenced with the Lee County Protected Species List. This protected species list names the species that have a probability of occurring in any particular FLUCFCS community. Then, each community is searched in the field for the species listed for that particular FLUCCS type.

An intensive pedestrian survey is conducted using parallel belt transects as a means of searching for plants and animals. In addition, periodic "stop-look-listen" and quiet stalking methods are conducted for animals. Signs or sightings of these species are then recorded and are marked in the field with flagging tape. The table at end of this report lists the FLUCFCS communities found on the property and the corresponding species that have the potential of occurring in them. Transects were walked approximately as shown on the attached aerial photograph.

Particular attention was placed upon locating potential gopher tortoise burrows on this site.

SITE CONDITIONS

In general, the property includes undeveloped uplands in the western portion of the site with the existing Raymond Lumber in the eastern. The site is bordered on the north by railroad tracks, undeveloped lands to the east, Bayshore road to the south, and Chapel Creek to the west.

Listed below are the vegetation communities or land-uses identified on the site as shown on the attached protected species survey map. See Florida Land Use, Cover and Forms Classification System (Department of Transportation 1999) for definitions.

150 INDUSTRIAL Raymond Lumber (18.03+/- ac)

This community includes the existing buildings and lumberyard.

321 PALMETTO PRAIRIE (5.74+/- acres)

This upland community contains widely scattered Florida slash pine in the canopy. The sub-canopy contains saw palmetto, downy rose myrtle, rusty lyonia, and beautyberry. Ground cover species includes species grapevine, saw palmetto, Caesar weed, poison ivy, smilax, pennyroyal, and chocolate weed.

428 CABBAGE PALM – (Palmetto) (10.39+/- acres)

This upland forested community is dominated by cabbage palm with scattered live oak, slash pine, and melaleuca found in the canopy. The sub-canopy is dominated by cabbage palm with scattered saw palmetto. Ground cover species includes Caesar weed, poison ivy, smilax, pennyroyal, and chocolate weed.

500 WATER – (Water Management Lake) (1.87+/- acres)

This community includes the eastern lake.

740 DISTURBED AREA (Bahia Grass) (0.80+/- acres)

This community includes Bahia grass adjacent to Raymond Lumber.

Table 1: FLUCCS COMMUNITIES BY PERCENTAGE

FLUCCS	DESCRIPTION	ACRES	PERCENT
150	Industrial	18.03	48.9%
321	Palmetto Prairie	5.74	15.6%
428	Cabbage Palm	10.39	28.3%
500	Water – (Water Management Lake)	1.87	5.0%
740	Disturbed	0.80	2.2%
Total		36.83	100%

*Total Upland

4.62

95 %

*Total OSW

0.31

5 %

SPECIES PRESENCE

During our field survey for protected species on the property, we identified approximately 22 gopher tortoise burrows onsite. There were 17 active burrows and 5 inactive burrows, indicating approximately 9 gopher tortoise ($22 * 0.40 = 8.8$ rounded to 9 gopher tortoise). These burrows were flagged in the field and their approximate locations were marked with a GPS, we also identified several abandoned burrows onsite as well, they were marked with a small flag and not marked with a GPS. We also observed burrows belonging to armadillos, which were not marked in the field either.

In order to determine the density of species observed onsite species presence was calculated using method I under step four of the overlapping belt transect guidelines as established and outlined by Kevin L. Erwin, Consulting Ecologists Inc.. In this method abundance and density are mathematically calculated using the following formula

$$\begin{aligned} \text{Abundance} &= \text{sum of } n_i \\ \text{Density} &= (\text{sum of } n_i)/A \end{aligned}$$

In which n_i is the number of individuals observed in belt transect i , and A is the acreage of the FLUCCS habitat that the species were observed in. These calculations are calculated individually for each species found within each FLUCCS description.

The only signs of protected species observed were Gopher Tortoise burrows located in the palmetto area (FLUCCS 321). Below is the calculated abundance and density of Gopher Tortoise on site.

Table 2: Abundance and Density

FLUCCS	Species present	Date observed	Abundance	Density
321	Gopher Tortoise	7-28-2005	22 Burrows	1.42
		7-29-2005		
		8-3-2006		

* The calculations for the density and abundance are shown at the end of this report.

The various listed species that may occur in the vegetation communities or land-use types found on the property have been tabulated on the attached table.

DISCUSSION

The various listed species that may occur in the FLUCFCS communities have been tabulated on the attached table. During our field survey for protected species on the property, we identified approximately 22 gopher tortoise burrows onsite. There were 17 active burrows and 5 inactive burrows, indicating approximately 9 gopher tortoises ($22 * 0.40 = 8.8$ rounded to 9 gopher tortoises). These burrows were flagged in the field and their approximate locations were marked

with a GPS, we also identified several abandoned burrows onsite as well, they were marked with a small flag and not marked with a GPS. We also observed burrows belonging to armadillos, which were not marked in the field either.

Table 3 Protected species list according to FLUCFCS category obtained from Lee County with corresponding field survey results.

FLUCFCS Code/Area	Potential Protected Species	% Surveyed	Species Present	Species Absent	Density (Acre)	Visibility (Feet)
140	None	-	-	-	-	-
321	Audubon's Crested Caracara	90		X		20
	Beautiful Pawpaw	90		X		20
	Burrowing Owl	90		X		20
	Curtis Milkweed	90		X		20
	Fakahatchee Burmannia	90		X		20
	Florida Black Bear	90		X		20
	Florida Coontie	90		X		20
	Florida Sandhill Crane	90		X		20
	Gopher Frog	90		X		20
	Gopher Tortoise	90	X		1.42	20
	Indigo Snake	90		X		20
	Southeastern American Kestrel	90		X		20
428	Audubon's Crested Caracara	90		X		20
	Eastern Indigo Snake	90		X		20
	Florida Black Bear	90		X		20
	Florida Panther	90		X		20
	Simpson's Stopper	90		X		20
	Gopher Tortoise	90		X		20
500	American Alligator	90		X		100
	Everglades Mink	90		X		100
	Limpkin	90		X		100
	Little Blue Heron	90		X		100
	Reddish Egret	90		X		100
	Roseate Spoonbill	90		X		100
	Snowy Egret	90		X		100
	Tricolored Heron	90		X		100
	American Alligator	90		X		100
740	Gopher Tortoise	90		X		100

Table 3. Lee County Protected Species Abundance Calculations

Protected Species Density:

$$= \{n/[L (w_1+w_2)]\} (43,560 \text{ ft.}^2/\text{ac.}) (C)$$

Where

- n= number of individuals observed or active plus inactive gopher tortoise burrows
- L= length of transect
- w₁= distance of visibility to the right of transect
- w₂= distance of visibility to the left of transect
- C= gopher tortoise conversion factor (0.3 or 0.4)*

*Used for gopher tortoise calculation only

Gopher Tortoise (*Gopherus polyphemus*)

FLUCFCS Code 321

Density

$$\begin{aligned} &= \{22\text{GT}/[6752 \text{ ft. } (20\text{ft.} + 20\text{ft.})]\} (43,560 \text{ ft.}^2/\text{ac.}) (0.4) \\ &= [8.14 \times 10^{-5} \text{ GT}/\text{ft.}^2] (43,560 \text{ ft.}^2/\text{ac.}) (0.4) \\ &= (3.54 \text{ GT}/\text{ac.}) (0.4) \\ &= 1.42 \text{ GT}/\text{ac.} \end{aligned}$$

RAYMOND LUMBER
GOPHER TORTOISE MANAGEMENT PLAN
Boylan Environmental Consultants, Inc.
May 22, 2007

Because gopher tortoises were identified on the property and per protection requirements of Lee County, a tortoise relocation plan was developed for tortoises found within the proposed development areas.

Gopher Tortoises will be relocated offsite to be done in accordance with Florida Fish and Wildlife Conservation Commission regulations. An appropriate tortoise relocation permit will be acquired at time of local development order approval. Relocation will proceed in accordance with the permit conditions.

Following is a sequence of activities as it relates to the management of tortoises prior to construction, followed by a description of the manner in which burrows are to be excavated.

1. No more than 6 weeks prior to land clearing, the development area will be resurveyed for tortoises to determine the estimated number of tortoise.
2. Following issuance of an appropriate gopher tortoise relocation permit, all active and inactive burrows on the property will be excavated by a biologist.

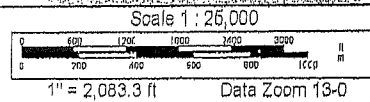
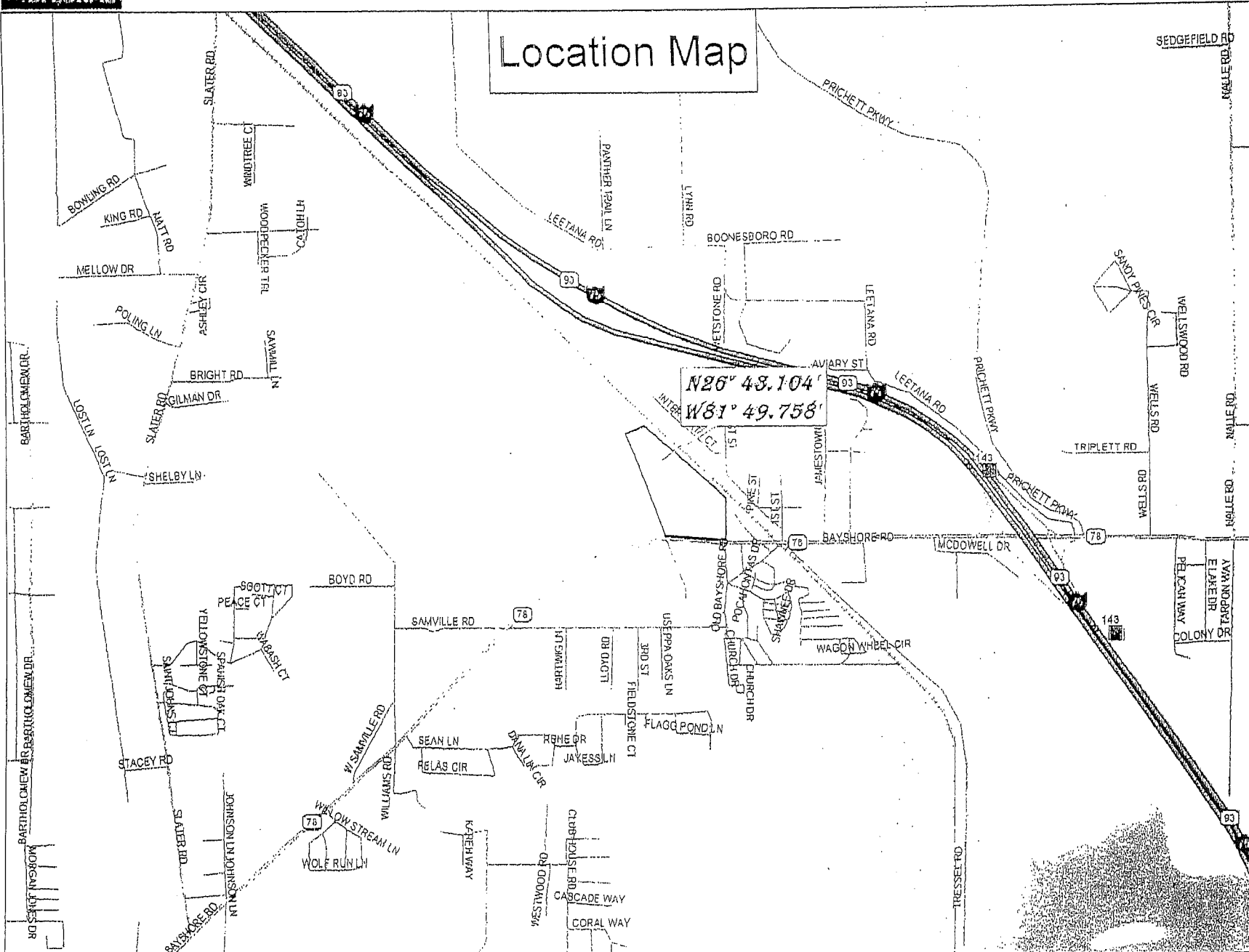
Excavation & Relocation

The excavation will occur as follows: flexible PVC hose will be gently snaked into the burrow. A backhoe will remove soil material until just before the PVC hose is visible. Excavation will then occur manually to ensure no injury to the tortoise. The flexible hose will be moved deeper into the burrow and the process will continue until the tortoise and other commensal species can be manually removed from the burrow, or the burrow is found unoccupied. The tortoises will be transported in shaded buckets (1.5' high by 2.0' diameter) or bins (1.5'x2.5'x1') and moved to the recipient site.

3. Prior to release, each relocated adult tortoise will be sexed, measured, and permanently marked by scute-notching.
4. Where possible, tortoises will be relocated to "old" or "inactive" burrows with access to shade nearby. If no other burrows are present, a "starter" burrow will be excavated to provide temporary shelter for the tortoise.

Location Map

$N26^{\circ}48.104'$
 $W81^{\circ}49.758'$



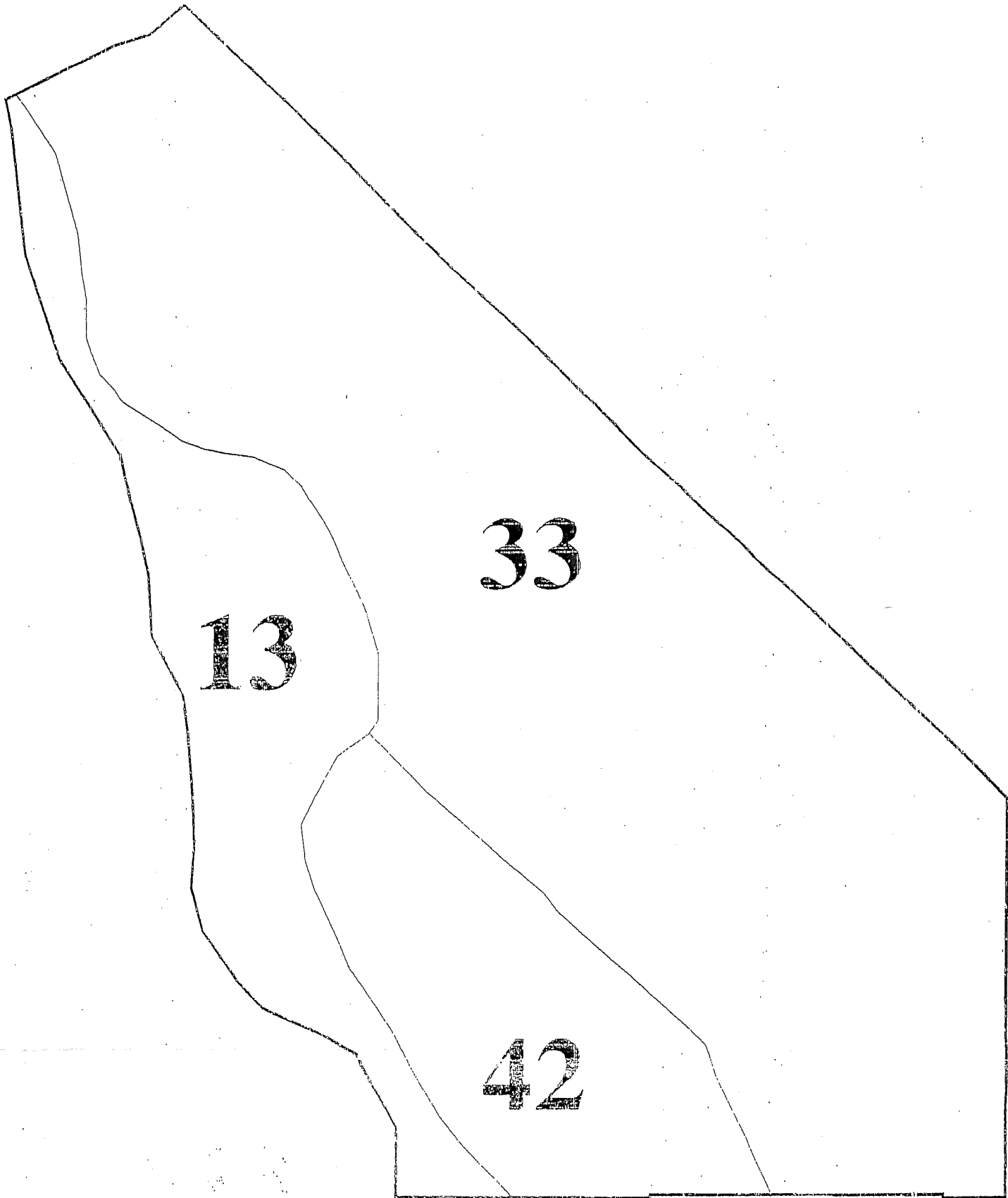


Scale: 1" = 200'

SOILS LEGEND

ID	Description	Hydric
13	<i>Boca fine sand</i>	*N
33	<i>Oldsmar sand</i>	--
42	<i>Wabasso sand, limestone substratum</i>	--

*N = National List for Hydric Soils



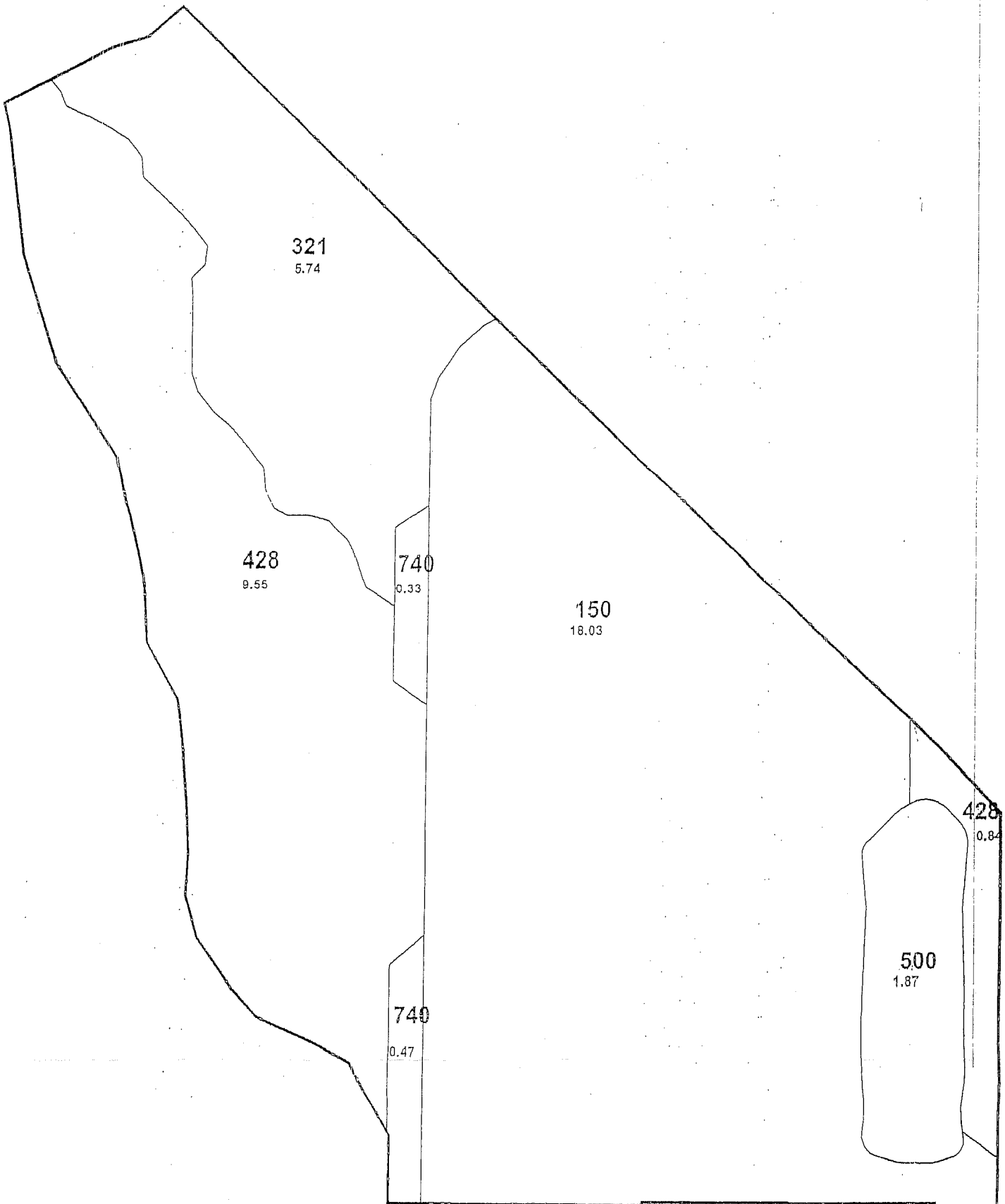
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Scale: 1" = 200'

FLUCFCS LEGEND

Code	Description	Acreage
150	INDUSTRIAL - (Raymond Lumber)	18.03
321	SAW PALMETTO	5.74
428	CABBAGE PALM - (Palmetto)	10.39
500	WATER -(Water Management Lake)	1.87
740	DISTURBED AREA - (Bahia Grass)	0.80
Total Site		36.83 ac



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Boylan Environmental Consultants, Inc.
Wetland & Wildlife Surveys, Environmental Permitting, Impact Assessments
 11000 Metro Parkway, Suite 4, Ft. Myers, FL 33906 (239) 418-0671

Drawn By:	Date:	Category
KAS	5/16/07	FLUCFCS
Job Number		Scale:
2006-48		1" = 200'
S/T/R		County
20/43S/25E		Lee

RAYMOND LUMBER

FLUCFCS Map

Page

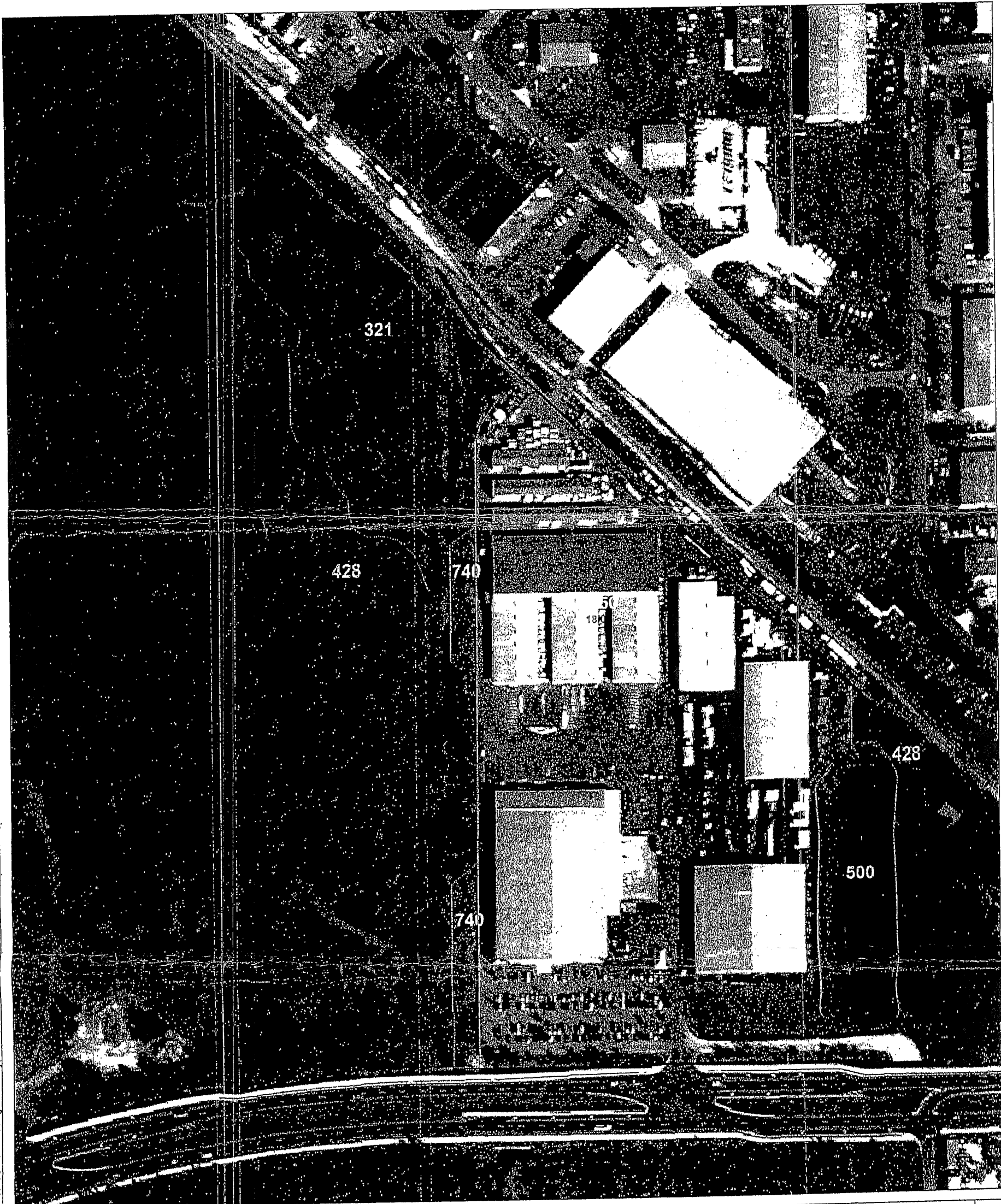
Exhibit



Scale: 1" = 200'

FLUCFCS LEGEND

Code	Description	Acreage
150	INDUSTRIAL - (Raymond Lumber)	18.03
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Total Site		36.83 ac



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

Drawn By:	Date:	Category
KAS	5/16/07	FLUCFCS
Job Number		Scale:
2006-48		1" = 200'
S/T/R		County
20/43S/25E		Lee

RAYMOND LUMBER
 FLUCFCS Aerial Map

Page
 Exhibit






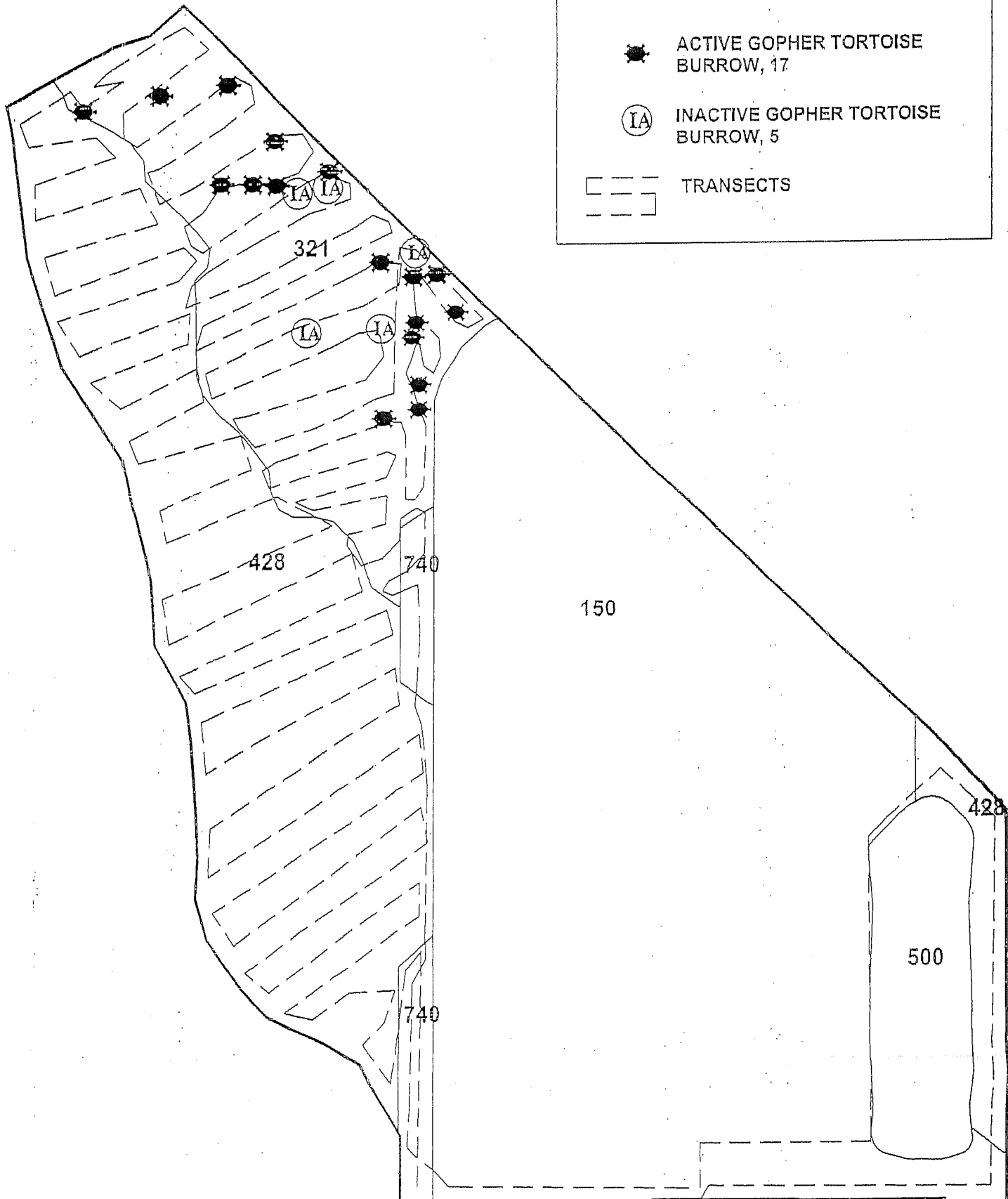
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FLUCFCS LEGEND

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Total Site		36.83 ac


SPECIES SURVEY LEGEND

-  ACTIVE GOPHER TORTOISE BURROW, 17
-  INACTIVE GOPHER TORTOISE BURROW, 5
-  TRANSECTS



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Drawn By:	Date:	Category
KAS	5/16/07	FLUCFCS
Job Number		Scale:
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S/T/R		County
20/43S/25E		Lee

RAYMOND LUMBER
Species Survey Map

Page

Exhibit






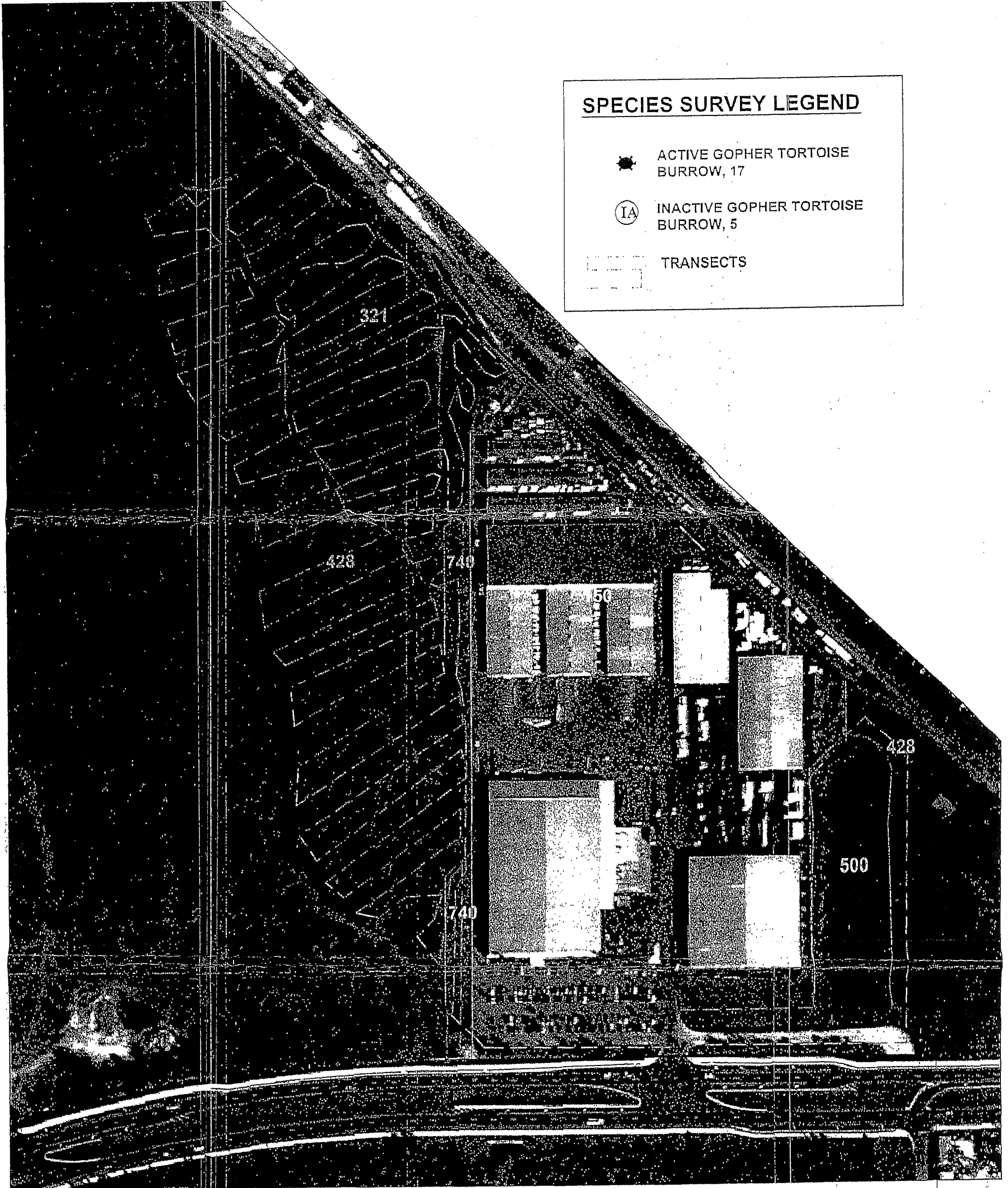
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FLUCFCS LEGEND

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150	INDUSTRIAL - (Raymond Lumber)	18.03
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SPECIES SURVEY LEGEND

-  ACTIVE GOPHER TORTOISE BURROW, 17
-  INACTIVE GOPHER TORTOISE BURROW, 5
-  TRANSECTS



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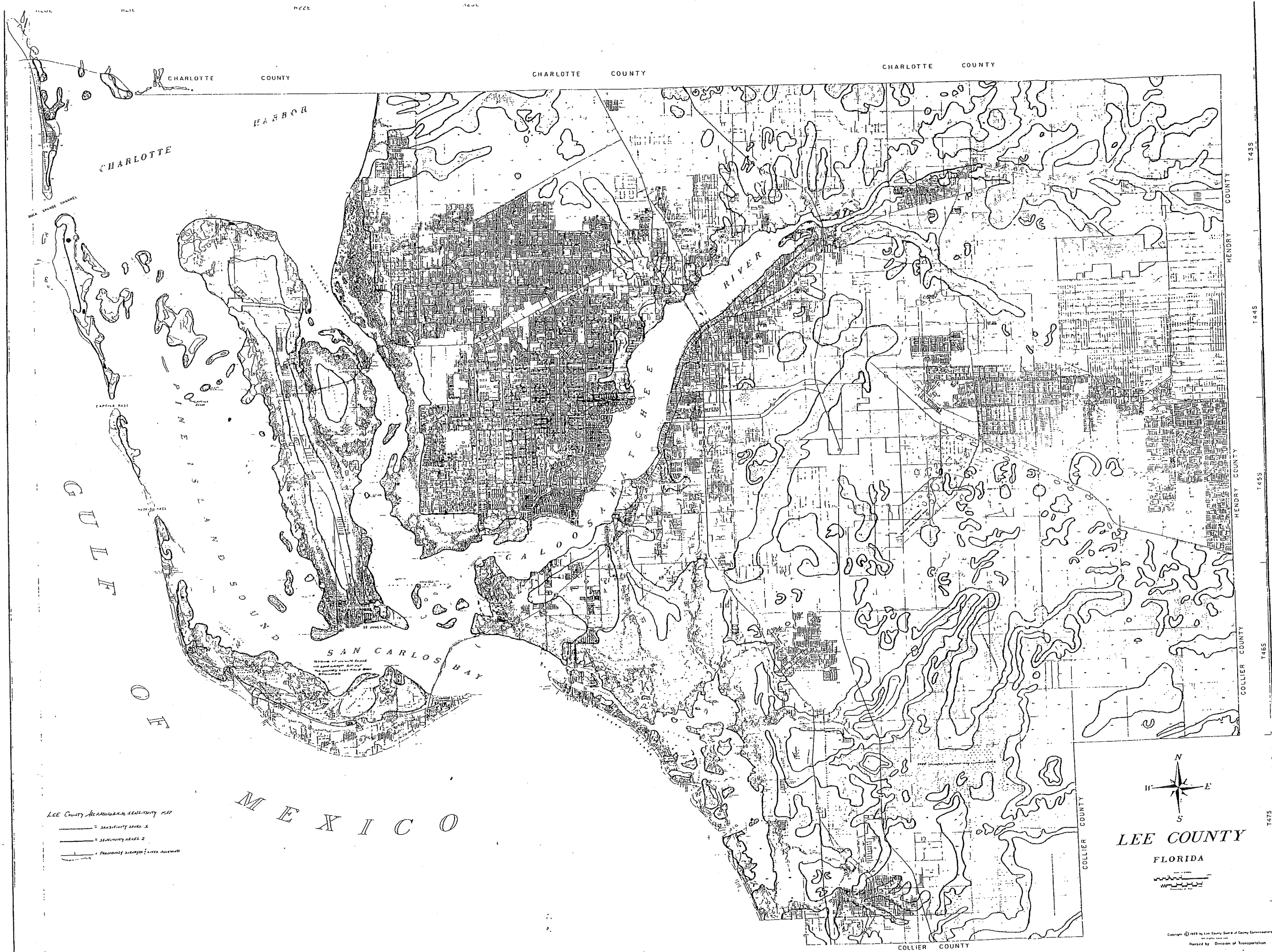
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KAS	5/16/07	FLUCFCS
Job Number		Scale:
2006-48		1" = 200'
S/T/R		County
20/43S/25E		Lee

RAYMOND LUMBER

Species Survey Map

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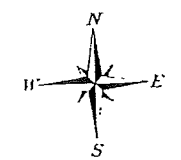
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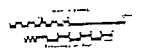
LEE COUNTY ACOUSTICAL SENSITIVITY MAP

- SENSITIVITY LEVEL 1
- SENSITIVITY LEVEL 2
- PROPOSED AIRPORT (AREA 2)

M E X I C O



LEE COUNTY
FLORIDA



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 Prepared by: Division of Transportation



FLORIDA DEPARTMENT OF STATE
Sue M. Cobb
Secretary of State
DIVISION OF HISTORICAL RESOURCES

September 19, 2006

Alison M. Stowe
Knott, Consoer, Ebelini, Hart & Swett, P.A.
1625 Hendry Street
Fort Myers, Florida 33901
Fax: 239-334-1446

Dear Ms. Stowe:

In response to your inquiry of September 19, 2006, the Florida Master Site File lists no previously recorded cultural resources in the following parcels:

T43S, R25E, Section 20

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

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

If you have any further questions concerning the Florida Master Site File, please contact us as below.

Sincerely,

Celeste Ivory
Archaeological Data Analyst, Florida Master Site File
Division of Historical Resources
R. A. Gray Building
500 South Bronough Street
Tallahassee, Florida 32399-0250

Phone: 850-245-6440, Fax: 850-245-6439
State SunCom: 205-6440
Email: fmsfile@dos.state.fl.us
Web: <http://www.dos.state.fl.us/dhr/msf/>

FLUM CAPACITY ANALYSIS

EXHIBIT E.1

The proposed amendment from Suburban to Industrial Development will reduce the capacity of the FLUM by approximately 176 persons (14 acres x 6 du/a x 2.09 ppu). This reduction is de minimis. 381 acres of industrial lands are currently unallocated in the North Fort Myers Planning Community.

LEE PLAN CONSISTENCY

EXHIBIT E.2

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

1. Policy 1.1.7: The proposed expansion of the existing Raymond Lumber facility would be consistent with the Industrial Development FLUM category.
2. Policy 1.7.6: 381 industrial acres are still available for use in the North Fort Myers Planning Community.
3. Objective 2.1: The subject parcel is already in a Future Urban land use category. The applicant intends to use the parcel for the expansion of an existing industrial use. The proposal will not, therefore, encourage urban sprawl.
4. Objective 2.2: The property will be served by public water and sewer facilities. Bayshore Road was recently widened to four lanes at this location. The project will, therefore, be served by adequate public facilities.
5. Objective 2.4 and Policy 2.4.4: The County has entered into a contract with a consultant to address an ongoing problem with the conversion of industrial land to other uses and to identify additional land which can be used for industrial purposes. The absence of adequate industrial property due to demands for other uses is a changed condition which supports the proposed amendment.
6. Policy 5.1.5: The parcel does not abut any existing residential uses. The applicant has reached agreements with the owner of the property to the west, which is currently being rezoned for residential development, on issues involving lighting, buffers, hours of operation, and setbacks. The request will not, therefore, be incompatible with the neighborhood.
7. Policy 7.1.2: The applicant intends to request an amendment to an existing IPD to encompass the subject parcel. Access to the property will be provided through the current Raymond Lumber facility.
8. Policy 7.1.3: The parcel has direct access by rail and by an arterial road (Bayshore Road) and is located in close proximity to I-75. The property abuts an existing industrial use and is compatible with all existing and proposed uses in the area, as noted above.
9. Policy 7.1.4: The County is currently studying the FLUM to address a perceived deficit of industrial land, as noted above. The applicant's plans to expand its facility, and thereby provide additional industrial employment opportunities, cannot be accomplished unless the subject parcel is added to the existing site.
10. Policy 7.1.9: As noted above, the proposed expansion will be accessed through the existing Raymond Lumber facility.
11. Standards 11.1 and 11.2: As noted above, the project will be served by public water and sewer facilities.
12. Policy 158.3.5: As noted above, the FLUM must be amended to provide additional industrial land to accommodate the proposed expansion.
13. Objective 158.4: The proposed expansion will add to the County's industrial tax base.

Impact on Adjacent Local Governments
EXHIBIT E.3

The subject site does not abut, and is not located in proximity to, other local governments. The impacts to other local governments are, therefore, de minimis.

CONSISTENCY WITH STATE PLAN

EXHIBIT E.4

The requested amendment is consistent with the State Plan in general and the following goal and policy in particular:

1. Goal 21 (Economy): The amendment will facilitate the expansion of the existing Raymond Lumber facility, thereby maximizing job opportunities and increasing the per capita income of Lee County residents.
2. Policy 17(b) (Public Facilities): The applicant intends to develop additional property on an arterial road which is currently being widened to four lanes.

COMPLIANCE WITH REGIONAL PLAN

EXHIBIT E.4

The requested amendment is consistent with the Regional Plan in general, and the following strategies and actions in particular:

1. Economic Development Goal 1, Strategy 4: The amendment to the FLUM will assist the County in providing an adequate amount of land for industrial centers.
2. Economic Development Goal 3, Strategy 5: The amendment will encourage the retention and expansion of a successful local business.
3. Regional Transportation Goal 1, Strategy 6, Action 2: The amendment creates an additional interface between rail service and an industrial land use.

INDUSTRIAL LANDS ANALYSIS

EXHIBIT F.1.a-c

a. The subject parcel abuts a rail line and an arterial and is located approximately one mile from an I-75 interchange.

b. Policy 2.4.4 was adopted in 1997. The County has recently determined that, due to the heavy demand for residential and commercial uses on lands which could be used for industrial purposes, there may be a shortage of industrial property on the FLUM. A consultant has been hired to study this issue. The proposed FLUM change is consistent with the intent of the study.

c. The proposed amendment will permit an expansion of the existing Raymond Lumber facility. The applicant estimates that 100-150 jobs will be added if the expansion is approved.

JUSTIFICATION FOR APPLICATION

EXHIBIT G

The requested amendment from Suburban to Industrial Development should be approved, for the following reasons:

1. The property is well-suited for industrial development. It abuts a rail line, has access to Bayshore Road, and is located in close proximity to I-75. There are no existing residential uses on the adjoining parcels. Finally, the project will be served by public facilities operating at an adequate LOS.
2. The applicant's plan to expand the existing Raymond Lumber facility will add to the County's industrial tax base and create additional employment opportunities, which is consistent with the Economic Element of the Lee Plan. The proposed expansion cannot be accomplished on the current site.
3. It is appropriate to use a geographic feature (Chapel Creek) as the boundary between two different kinds of uses on the FLUM.

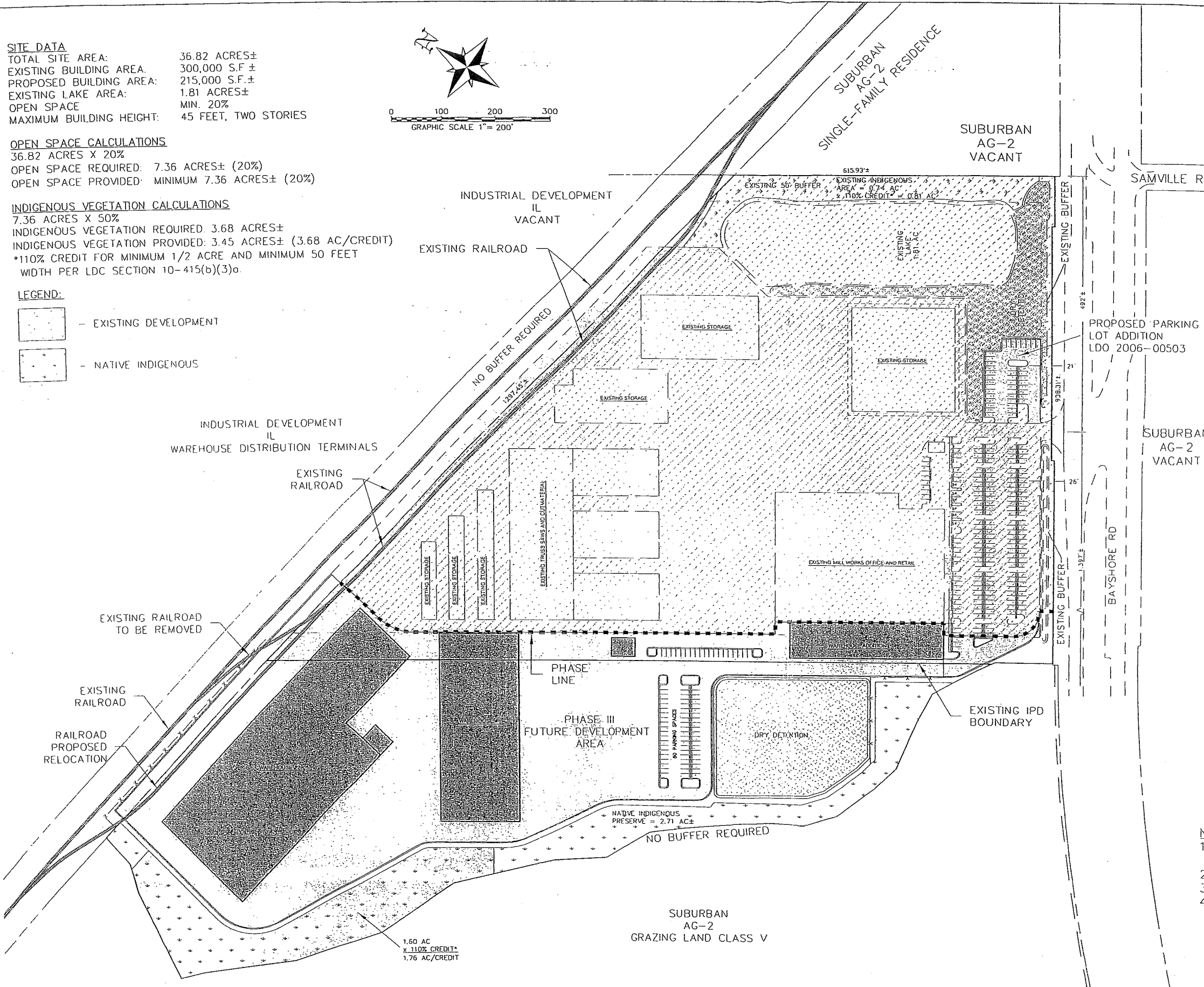
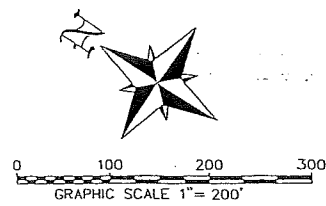
SITE DATA
 TOTAL SITE AREA: 36.82 ACRES±
 EXISTING BUILDING AREA: 300,000 S.F.±
 PROPOSED BUILDING AREA: 215,000 S.F.±
 EXISTING LAKE AREA: 1.81 ACRES±
 OPEN SPACE: MIN. 20%
 MAXIMUM BUILDING HEIGHT: 45 FEET, TWO STORIES

OPEN SPACE CALCULATIONS
 36.82 ACRES X 20%
 OPEN SPACE REQUIRED: 7.36 ACRES± (20%)
 OPEN SPACE PROVIDED: MINIMUM 7.36 ACRES± (20%)

INDIGENOUS VEGETATION CALCULATIONS
 7.36 ACRES X 50%
 INDIGENOUS VEGETATION REQUIRED: 3.68 ACRES±
 INDIGENOUS VEGETATION PROVIDED: 3.45 ACRES± (3.68 AC/CREDIT)
 *110% CREDIT FOR MINIMUM 1/2 ACRE AND MINIMUM 50 FEET WIDTH PER LDC SECTION 10-415(b)(3)a.

LEGEND:

 - EXISTING DEVELOPMENT
 - NATIVE INDIGENOUS



- NOTES**
- NO INDUSTRIAL USES WILL BE CONSTRUCTED OUTSIDE THE LIMITS OF THE INDUSTRIAL LAND USE CLASSIFICATION UNTIL THE COMPREHENSIVE PLAN HAS BEEN AMENDED ACCORDINGLY.
 - BUILDING ENVELOPES DEPICTED ON THE PLAN REPRESENT THE CONCEPTUAL LOCATION AND COMBINED SQUARE FOOTAGES OF THE PROPOSED USES FOR PHASE III. THEREFORE, EACH BUILDING ENVELOPE MAY ACTUALLY CONTAIN A NUMBER OF SMALLER BUILDINGS OR STRUCTURES DEVOTED TO THE PARTICULAR USE SHOWN.
 - THE DEVELOPER WOULD LIKE TO RETAIN THE FLEXIBILITY TO ADJUST BUILDING AREAS FOR EACH PHASE AS LONG AS THE OVERALL BUILDING AREA DOES NOT EXCEED THE MAXIMUM TOTAL OF 515,000 SQUARE FEET ALLOCATED FOR THE ENTIRE SITE. NO BUILDING WILL INTRUDE INTO ANY OF THE BUFFER AREAS SHOWN ON THIS PLAN.
 - THE OPEN SPACE REQUIREMENTS FOR THE ENTIRE DEVELOPMENT WILL BE MET THROUGH THE UTILIZATION OF PERIMETER BUFFERING AND RETENTION AREAS WHICH ALLOW THE ENTIRE FUTURE DEVELOPMENT AREA (PHASE II) TO BE IMPERVIOUS.
 - PROPERTY DEVELOPMENT REGULATIONS WILL MEET THE MINIMUM REQUIREMENTS OF THE IL ZONING DISTRICT. PER SECTION 34-904 OF THE LEE COUNTY LAND DEVELOPMENT CODE WITH THE EXCEPTION THAT A MAXIMUM BUILDING HEIGHT OF 45 FEET, TWO STORIES WILL BE PERMITTED.
 - NO INTERNAL STREET RIGHTS-OF-WAY ARE PROPOSED WITHIN THE PROJECT. ACCESS TO PHASE III WILL BE PROVIDED THROUGH CONNECTING PAVEMENT AREAS WHICH WILL BE DEFINED BY THE LOCATION OF FUTURE DEVELOPMENT.
 - ALL ENTRANCE GATES AND GATEHOUSES WILL BE CONSTRUCTED IN ACCORDANCE WITH SECTION 34-1749 OF THE LEE COUNTY LAND DEVELOPMENT CODE.
 - ALL OPEN SPACE, LANDSCAPING, AND BUFFERING WILL BE IN COMPLIANCE WITH THE REQUIREMENTS ESTABLISHED IN SECTION 10, DIVISION 6 OF THE LEE COUNTY LAND DEVELOPMENT CODE.
 - PARKING WILL MEET THE REQUIREMENTS OF SECTIONS 34-2014 THRU 34-2020 OF THE LEE COUNTY LAND DEVELOPMENT CODE.
 - AREAS UTILIZED FOR OPEN STORAGE WILL MEET ALL APPLICABLE REQUIREMENTS OF THE LEE COUNTY LAND DEVELOPMENT CODE.
 - THE EXACT LIMITS OF THE PROPOSED LAKE EXCAVATION MAY VARY SUBJECT TO SOUTH FLORIDA WATER MANAGEMENT DISTRICT APPROVAL.
 - PUBLIC TRANSPORTATION IS NOT PRESENTLY AVAILABLE TO THE SITE.

- NOTES**
- PARCEL ADDRESS: 7731 & 7751 BAYSHORE ROAD NORTH FORT MYERS, FL 33917
 - CURRENT ZONING: AG-2 & IPD
 - PROPOSED ZONING: IPD
 - FUTURE LAND USE: INDUSTRIAL DEVELOPMENT AND SUBURBAN

-rj_MCP2.dwg, 5/8/2007 11:27:44 AM, Steve Johnson

PREPARED FOR: RAYMOND BUILDING SUPPLY CORP. 7751 BAYSHORE ROAD NORTH FORT MYERS, FLORIDA 33917 PHONE: (239)731-8300		Banks Engineering Professional Engineers, Planners & Land Surveyors 10511 SIX MILE CYPRESS PARKWAY FORT MYERS, FLORIDA 33956 PHONE: (239) 939-5480 FAX: (239) 939-2523 ENGINEERING LICENSE # EB 5459 SURVEY LICENSE # LB 6680		MASTER CONCEPT PLAN RAYMOND BUILDING SUPPLY LEE COUNTY, FLORIDA																					
NO.	DATE	REVISION	DESCRIPTION	BY																					
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