# Vintage Commerce Center Map Amendment, CPA2018-10013

# Application and Supporting Documents



May 20, 2019 LPA Hearing

CPA2018-10013

E1001-810SAW

DECENTED APR 3 0 2009

COMMUNITY DEVELOPMENT: 95490



### Civil Engineers • Land Surveyors • Planners • Landscape Architects

November 28, 2018

Ms. Mikki Rozdolski Manager, Community Development Operations Lee County Community Development 1500 Monroe Street Fort Myers, FL 33901

RE: Alico/I-75 Comprehensive Plan Amendment (Vintage Commerce Center)

Dear Ms. Rozdolski:

Enclosed please find an application for a Comprehensive Plan Amendment. The subject 34+/acre property is located on the northeast quadrant of Alico Road and Three Oaks Parkway. The property lies within in the Industrial Commercial Interchange Future Land Use Category on the Lee County Future Land Use Map and is currently zoned CPD.

The application proposes to amend the Future Land Use Map of the Lee Plan to re-designate approximately 34+/- acres from the Industrial Commercial Interchange Future Land Use Category to the General Interchange Future Land Use Category. The property owner desires to amend the existing CPD zoning to enable the property owner to pursue a mixed-use alternative that incorporates up to 400 multi-family dwelling units. The General Interchange Future Land Use Category permits multi-family residential development at a density range of 8 to 14 dwelling units per acre, with up to 22 dwelling units per acre allowed with use of bonus density. The companion CPD will demonstrate compliance with the density standards for the General Interchange Future Land Use Category. The balance of the site would be utilized for a variety of non-residential uses including general commercial and hotel uses consistent with the uses permitted in the General Interchange Future Land Use Category.

Please feel free to contact me if you have any questions.

Sincerely,

D. Wayne Arnold, AICP

Cc:

**Brian Intihar** 

Neale Montgomery, Esq.

GradyMinor File

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CPA2018-10013

Ph. 239-947-1144 Fax. 239-947-0375 EB 0005151 LB 0005151 LC 26000266

www.gradyminor.com



### APPLICATION FOR A COMPREHENSIVE PLAN AMENDMENT - MAP

Proj	ect Name: Vintage Commerce Center
Proj	ect Description: Amend the Future Land Use Map designation on 33.95+/- acres from Industrial Commercial Interchange
to Ge	eneral Interchange.
Map	(s) to Be Amended: Lee Map 1, Page 1 of 8
Stat	e Review Process: Small-Scale Review State Coordinated Review X Expedited State Review
1.	Name of Applicant: CLE FL RE Investment I LLC
	Address: 1100 Euclid Ave., Suite 300
	City, State, Zip: Cleveland, OH 44115
	Phone Number: 216.696.5442 x 444 E-mail: brintihar@crminc.us
2.	Name of Contact: D. Wayne Arnold, AICP, Q. Grady Minor & Associates, P.A.
	Address: 3800 Via Del Rey
	City, State, Zip: Bonita Springs, FL 34134
	Phone Number: 239-947-1144 Email: warnold@gradyminor.com
3.	Owner(s) of Record: CLE FL RE Investment I LLC  Address: 1100 Euclid Ave., Suite 300  City, State, Zip: Cleveland, OH 44115  Phone Number: 216.696.5442 x 444  E-mail: brintihar@crminc.us
	THORE THIRD AT THE TOTAL CONTINUE OF THE TOT
4.	Property Location:  1. Site Address: Access Undetermined and 9401 Alico Road  2. STRAP(s): 03-46-25-00-00001.1090 and 03-46-25-00-00001.1100
5.	Property Information:
	Total Acreage of Property: 33.95 Total Uplands: 33.95 Total Uplands: 33.95 Total Uplands: 23.95 Current Future Land Use Category(ies): Industrial Commercial Interchange Area in Each Future Land Use Category: 33.95 Existing Land Use: Undeveloped Commercial
6.	Calculation of maximum allowable development under current Lee Plan:
	Residential Units/Density: 0 Commercial Intensity: 33.95 Acres x 10,000 S.F. = 339,500 S.F.
	Industrial Intensity: 33.95 Acres x 11,500 S.F. = 390,425 S.F.
7.	Calculation of maximum allowable development with proposed amendments:
/•	Residential Units/Density: 400* (density beyond 14 units per acre will utilize Pine Island TDU's
	* The overall intensity of the development will not exceed that of commercial intensity (350k SF retail and 300 Hotel rooms Should a residential option be developed on the subject property, the square footage of the commercial component will be reduced.

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### **Public Facilities Impacts**

NOTE: The applicant must calculate public facilities impacts based on the maximum development.

- 1. Traffic Circulation Analysis: The analysis is intended to determine the affect of the land use change on the Financially Feasible Highway Plan Map 3A (20-year plus horizon) and on the Capital Improvements Element (5-year horizon). Toward that end, an applicant must submit a Traffic Impact Statement (TIS) consistent with Lee County Administrative Code (AC)13-17.
  - a. Proposals affecting less than 10 acres, where development parameters are contained within the Traffic Analysis Zone (TAZ) or zones planned population and employment, or where there is no change in allowable density/intensity, may be eligible for a TIS requirement waiver as outlined in the Lee County TIS Guidelines and AC-13-17. Identification of allowable density/intensity in order to determine socio-economic data for affected TAZ(s) must be coordinated with Lee County Planning staff. Otherwise a calculation of trip generation is required consistent with AC-13-17 and the Lee County TIS Guidelines to determine required components of analysis for:
    - i. Total peak hour trip generation less than 50 total trip ends trip generation.
    - ii. Total peak hour trip generation from 50 to 300 total trip ends trip generation, trip distribution and trip assignment (manual or Florida Standard Urban Transportation Modeling Structure (FSUTMS) analysis consistent with AC-13-17 and TIS Guidelines), short-term (5 year) and long-range (to current Lee Plan horizon year) segment LOS analysis of the nearest or abutting arterial and major collector segment(s) identified in the Transportation Inventory based on the trip generation and roadway segment LOS analysis criteria in AC-13-17. A methodology meeting is recommended prior to submittal of the application to discuss use of FSUTMS, any changes to analysis requirements, or a combined CPA and Zoning TIS short term analysis.
    - iii. Total peak hour trip generation is over 300 total trip ends trip generation, mode split, trip distribution and trip assignment (manual or FSUTMS analysis consistent with AC-13-17 and TIS Guidelines), short-term (five-year) and long-range (to current Lee Plan horizon year) segment LOS analysis of arterial and collector segments listed in the Transportation Inventory. LOS analysis will include any portion of roadway segments within an area three miles offset from the boundary of the application legal description metes and bounds survey. LOS analysis will also include any additional segments in the study area based on the roadway segment LOS analysis criteria in AC-13-17. A methodology meeting is required prior to submittal of the application.
  - b. Map amendment greater than 10 acres -Allowable density/intensity will be determined by Lee County Planning staff.
- 2. Provide an existing and future conditions analysis for the following (see Policy 95.1.3):
  - a. Sanitary Sewer
  - b. Potable Water
  - c. Surface Water/Drainage Basins
  - d. Parks, Recreation, and Open Space
  - e. Public Schools

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

- a Franchise Area, Basin, or District in which the property is located
- b. Current LOS, and LOS standard of facilities serving the site
- c. Projected 2030 LOS under existing designation
- d Projected 2030 LOS under proposed designation
- e. Existing infrastructure, if any, in the immediate area with the potential to serve the subject property f. Improvements/expansions currently programmed in 5 year CIP, 6-10 year CIP, and long range improvements ELOPMENT
- g Provide a letter of service availability from the appropriate utility for sanitary sewer and potable water

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### In addition to the above analysis, provide the following for potable water:

- a. Determine the availability of water supply within the franchise area using the current water use allocation (Consumptive Use Permit) based on the annual average daily withdrawal rate.
- b. Include the current demand and the projected demand under the existing designation, and the projected demand under the proposed designation.
- c. Include the availability of treatment facilities and transmission lines for reclaimed water for irrigation.
- d. Include any other water conservation measures that will be applied to the site (see Goal 54).

## 3. Provide a letter from the appropriate agency determining the adequacy/provision of existing/proposed support facilities, including:

- a. Fire protection with adequate response times
- b. Emergency medical service (EMS) provisions
- c. Law enforcement
- d. Solid Waste
- e. Mass Transit
- f. Schools

In reference to above, the applicant must supply the responding agency with the information from application items 5, 6, and 7 for their evaluation. This application must include the applicant's correspondence/request to the responding agency.

### **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 change based upon the following:

- A map of the Plant Communities as defined by the Florida Land Use Cover and Classification system (FLUCCS).
- 2. A map and description of the soils found on the property (identify the source of the information).
- 3. A topographic map depicting the property boundaries and 100-year flood prone areas indicated (as identified by FEMA).
- 4. A map delineating the property boundaries on the most recent Flood Insurance Rate Map.
- 5. A map delineating wetlands, aquifer recharge areas, and rare & unique uplands.
- 6. A table of plant communities by FLUCCS with the potential to contain species (plant and animal) listed by federal, stateor 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).

### **Impacts on Historic Resources**

List all historic resources (including structure, districts, and/or archaeologically 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 archaeological sensitivity map for Lee County.

### **Internal Consistency with the Lee Plan**

- 1. Discuss how the proposal affects established Lee County population projections, Lee Plan Table 1(b) 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 or that affect the subject property. 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.

### State Policy Plan and Regional Policy Plan

List State Policy Plan and Regional Policy Plan goals, strategies and actions, and policies which are relevant to this plan amendment.

### Justify the proposed amendment based upon sound planning principles

Support all conclusions made in this justification with adequate data and analysis.

### Planning Communities/Community Plan Area Requirements

If located within a planning community/community plan area, provide a meeting summary document of the required public informational session [Lee Plan Goal 17]

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### **Sketch and Legal Description**

The certified legal description(s) and certified sketch of the description for the property subject to the requested change. A metes and bounds legal description must be submitted specifically describing the entire perimeter boundary of the property with accurate bearings and distances for every line. The sketch must be tied to the state plane coordinate system for the Florida West Zone (North America Datum of 1983/1990 Adjustment) with two coordinates, one coordinate being the point of beginning and the other an opposing corner. If the subject property contains wetlands or the proposed amendment includes more than one land use category a metes and bounds legal description, as described above, must be submitted in addition to the perimeter boundary of the property for each wetland or future land use category.

### SUBMITTAL REQUIREMENTS

Clearly label all submittal documents with the exhibit name indicated below.

For each map submitted, the applicant will be required to submit a 24"x36" version and 8.5"x11" reduced map for inclusion in public hearing packets.

### **MINIMUM SUBMITTAL ITEMS (3 Copies)**

minument desired in the control of t									
Completed Application (Exhibit – M1)									
Filing Fee (Exhibit – M2)									
Disclosure of Interest (Exhibit – M3)									
Surrounding Property Owners List, Mailing Labels, and Map For All Parcels Within 500 Feet of the Subject Property (Exhibit – M3)									
Future Land Use Map - Existing and Proposed (Exhibit – M4)									
Map and Description of Existing Land Uses (Not Designations) of the Subject Property and Surrounding Properties (Exhibit – M5)									
Map and Description of Existing Zoning of the Subject Property and Surrounding Properties (Exhibit – M6)									
Signed/Sealed Legal Description and Sketch of the Description for Each FLUC Proposed (Exhibit – M7)									
Copy of the Deed(s) of the Subject Property (Exhibit – M8)									
Aerial Map Showing the Subject Property and Surrounding Properties (Exhibit – M9)									
Authorization Letter From the Property Owner(s) Authorizing the Applicant to Represent the Owner (Exhibit – M10)									
Lee Plan Analysis (Exhibit – M11)									
Environmental Impacts Analysis (Exhibit – M12)									
Historic Resources Impact Analysis (Exhibit – M13)									
Public Facilities Impacts Analysis (Exhibit – M14)									
Traffic Circulation Analysis (Exhibit – M15)									
Existing and Future Conditions Analysis - Sanitary Sewer, Potable Water, Surface Water/Drainage Basins, Parks and Rec, Open Space, Public Schools (Exhibit – M16)									
Letter of Determination For the Adequacy/Provision of Existing/Proposed Support Facilities - Fire Protection, Emergency Medical Service, Law Enforcement, Solid Waste, Mass Transit, Schools (Exhibit – M17)									
State Policy Plan and Regional Policy Plan (Exhibit – M18)									
Justification of Proposed Amendment (Exhibit – M19)									
Planning Communities/Community Plan Area Requirements (Exhibit – M20)									
APR 3 0 2019									

### **APPLICANT - PLEASE NOTE:**

### COMMUNITY DEVELOPMENT

Once staff has determined the application is sufficient for review, 15 complete copies will be required to be submitted to staff. These copies will be used for Local Planning Agency hearings, Board of County Commissioners hearings, and State Reviewing Agencies. Staff will notify the applicant prior to each hearing or mail out to obtain the required copies.

If you have any questions regarding this application, please contact the Planning Section at (239)533-8585.

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### **AFFIDAVIT**

I, <u>Brian M. Intihar as Authorized Agent for CLE FL RE Investment I, LLC</u>, 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 do hereby authorize the staff of Lee County Community Development, with notice to the landowner, to enter upon the property during normal working hours for the limited purpose of evaluating this application.

Signature of Applicant

Nov 26, 2018

Brian M. Intihar as Authorized Agent for CLE FL RE Investment I, LLC

Printed Name of Applicant

STATE OF FLORIDA COUNTY OF LEE Cay who go

The foregoing instrument was sworn to (or affirmed) and subscribed before me on M. Intihar as Authorized Agent for CLE FL RE Investment I, LLC (name of person providing oath or affirmation), who is personally known to me or who has produced \_\_\_\_\_ (type of identification) as identification.

Signature of Notary Public

Rita K. Albridge
Notary Public, State of Ohio

Notary Public, State of Ohio My Commission Expires July 21, 2021

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## AFFIDAVIT OF AUTHORIZATION Exhibit M10

# APPLICATION IS SIGNED BY INDIVIDUAL OWNER, APPLICANT, CORPORATION, LIMITED LIABILITY COMPANY (L.L.C.), LIMITED COMPANY (L.C.), PARTNERSHIP, LIMITED PARTNERSHIP, OR TRUSTEE

I, <u>Brian M Intihar</u> (name), as <u>Authorized Agent</u> (owner/title) for <u>CLE FL RE Investment I, LLC</u> (company/property), swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

- 1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the County in accordance with this application and the Land Development Code;
- 2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
- 3. I do hereby authorize the staff of Lee County Community Development, with notice to the landowner, to enter upon the property during normal working hours for the limited purpose of evaluating this application; and that
- 4. The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

### \*Notes:

- If the applicant is a corporation, then it is usually executed by the corp. pres. or v. pres.
- If the applicant is a Limited Liability Company (L.L.C.) or Limited Company (L.C.)., then the documents should typically be signed by the Company's "Managing Member."
- If the applicant is a partnership, then typically a partner can sign on behalf of the partnership.
- If the applicant is a limited partnership, then the general partner must sign and be identified as the "general partner" of the named partnership.
- If the applicant is a trustee, then they must include their title of "trustee."
- In each instance, first determine the applicant's status, e.g., individual, corporate, trust, partnership, estate, etc., and then use the appropriate format for that ownership.

and their use the appropriate formation that ownership.	
Under penalties of perjury, I declare that I have read	the foregoing Affidavit of Authorization and that
the facts stated in it are true.	
	4)-19
Signature	Date
THE PERSON NAMED AND ADDRESS OF THE PERSON NAMED AND ADDRESS O	SEE ADMINISTRATIVE A STORY OF THE SECOND SEC
	FOR ADMINISTRATIVE APPROVALS************************************
ALL OTHER APPLICATION TYP	ES MUST BE NOTARIZED APR 3 0 2019
STATE OF ELODIDA ALIA	
STATE OF FLORIDA Ohio COUNTY OF LEE-Crychoga	COMMUNITY DEVELOPMENT
COUNTY OF LEE Cay and	OMMODITI PLAFFO MELL
The foregoing instrument was sworn to (or affirmed) and s	subscribed before me on F-/ / 3-(date) by
Brian M. Intihar as Authorized Agent for CLE FL RE Inv	
affirmation), who is personally known to me or who has pr	roduced
(type of identification) as identification.	12/1/11.0
	Nota / Hellingto
STAMP/SEAL	Signature of Notary Public

(Updated 05/2013 - thru Ord. 13-05) P:\WEBPage\...\AffidavitofAuthorization.doc

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# DISCLOSURE OF INTEREST AFFIDAVIT Exhibit M3

BEFORE ME this day appeared Brian M Intihar as Authorized Agent for CLE FL RE Investment I, LLC, who, being first duly sworn and deposed says:

- 1. That I am the record owner, or a legal representative of the record owner, of the property that is located at <u>9401 Alico Road</u> and is the subject of an Application for zoning action (hereinafter the "Property").
- 2. That I am familiar with the legal ownership of the Property and have full knowledge of the names of all individuals that have an ownership interest in the Property or a legal entity owning an interest in the Property.

[OPTIONAL PROVISION IF APPLICANT IS CONTRACT PURCHASER: In addition, I am familiar with the individuals that have an ownership interest in the legal entity that is under contract to purchase the Property.]

- 3. That, unless otherwise specified in paragraph 6 below, no Lee County Employee, County Commissioner, or Hearing Examiner has an Ownership Interest in the Property or any legal entity (Corporation, Company, Partnership, Limited Partnership, Trust, etc.) that has an Ownership Interest in the Property or that has contracted to purchase the Property.
- 4. That the disclosure identified herein does not include any beneficial Ownership Interest that a Lee County Employee, County Commissioner, or Hearing Examiner may have in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, whose interest is for sale to the general public.
- 5. That, if the Ownership Interest in the Property changes and results in this affidavit no longer being accurate, the undersigned will file a supplemental Affidavit that identifies the name of any Lee County Employee, County Commissioner, or Hearing Examiner that subsequently acquires an interest in the Property.
- 6. Disclosure of Interest held by a Lee County Employee, County Commissioner, or Hearing Examiner.

N.A.	Name and Address	Percentage of Ownership
Macs		

Web/Discolsure of interest (07/2017)

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Under penalty of perjury, I declare that I have read the foregoing and the facts alleged are true to the best of my knowledge and belief.

Property Owner

Print Name

COUNTY OF LEE Cayahoga

(type of identification) as identification.

STAMP/SEAL

Signature of Notary Public

Rita K. Albridge

Notary Public, State of Ohio My Commission Expires July 21, 2021

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Web/DiscolsureofInterest (07/2017)

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### **EXHIBIT M10** LETTER OF AUTHORIZATION

### TO LEE COUNTY COMMUNITY DEVELOPMENT

The undersigned do hereby swear or affirm that they are the fee simple title holders and owners of record of property commonly known as STRAP Numbers 03-46-25-00-00001.1090 and 03-46-25-00-00001.1100 and legally described in exhibit A attached hereto.

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

Owner\*(signature)

Brian M. Intihar as Authorized Agent for CLE FL RE Investment I, LLC

STATE OF

Sworn to (or affirmed) and subscribed before me this

2019.

by Brian M. Intihar as Authorized Agent for CLE FL RE Investment I, LLC, who is personally known to me

or who has produced as identification and who did (did not) take an oath.

Notary Public

Rita K. Albridge

Notary Public, State of Ohio My Commission Expires July 21, 2021

(SEAL)

Date of Report:

October 10, 2018

Buffer Distance:

750 feet

Right-click the page to print this page or download the map and information by <u>clicking here</u>.

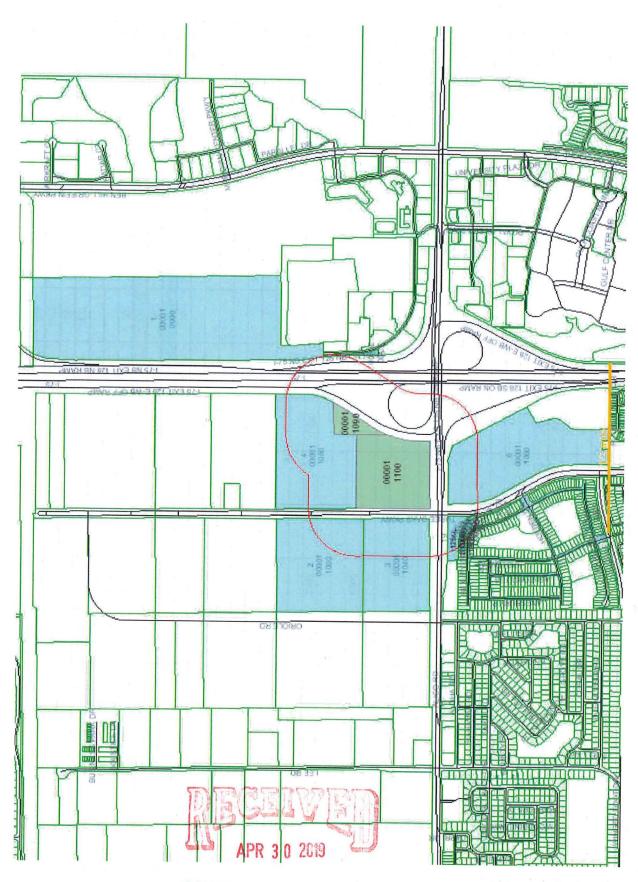
Parcels Affected: Subject Parcels:

20

03-46-25-00-00001.1090, 03-46-25-00-00001.1100

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	MAP INDEX
YBFH REAL ESTATE LLC 15533 PINE RIDGE RD FORT MYERS FL 33908	<b>03-46-25-00-00001.0000</b> 9830 INTERSTATE COMMERCE DR FORT MYERS FL 33912	SEC 3 E OF I-75 DESC IN OR 3990 PG 3411 LESS ROW DESC IN OR 4355/2364 LESS INST #2008000156882	1
WEISS BRADLEY S TR 1840 WEST 49TH ST STE #410 HIALEAH FL 33012	03-46-25-00-00001.1000 ACCESS UNDETERMINED FORT MYERS FL	PARL W OF I-75 DESC IN OR 1754 PG 2803 LESS 1.101 THRU 1.1100 + RD R/W OR3273/3184	2
HOROWITZ SANDFORD I TR + 13891 JETPORT LOOP RD STE 9 FORT MYERS FL 33913		PARL IN SW 1/4 AS DESC OR 2025 PG 3772 LES R/W + 2909/2305 + RD R/W OR3273/3195	3
THREE OAKS LAND COMPANY LLC STOCK INVESTMENTS 1200 CENTENNIAL BLVD #400 HOBART WI 54155	<b>03-46-25-00-00001.1080</b> 16541 THREE OAKS PKWY FORT MYERS FL 33912	PARL W OF I-75 N OF ALICO DESC OR 3127 PG 2808 LES RD R/W OR3273/3187 + INST# 2008000104801	4
ALICO LAKES VILLAGE 1427 W SAGINAW ST STE 200 EAST LANSING MI 48823	<b>03-46-25-01-0000E.00CE</b> RIGHT OF WAY FORT MYERS FL 33913	ALICO LAKES VILLAGE AS DESC IN INST# 2008000077995 TRACT E	5
FREEMAN PAUL H TR 13691 PONDVIEW CIR NAPLES FL 34119	10-46-25-00-00001.1000 ACCESS UNDETERMINED FORT MYERS FL 33967 APR 3 0 2019	THAT PT N 1/2 SEC 10 LYING W OF I-75 LESS N 50 FT + R R/W LESS OR 3760/3452 LESS R/W OR 3975 PG 3124 + OR 4376/4012 + INST#2007-128717	6
	COMMUNITY DEVELOPMEN	LESS ROW OR 4695/3868 + LESS INST 2005-125244	
REYES ABEL ORTIZ 9264 BEXLEY DR FORT MYERS FL 33967	10-46-25-L1-1100A.0270 9264 BEXLEY DR FORT MYERS FL 33967	WESTBROOK DESC IN INST#2017000170196 BLK A LOT 27	7
PULTE HOME CORPORATION 24311 WALDEN CENTER DR STE 300 BONITA SPRINGS FL 34134	<b>10-46-25-L1-1100A.0280</b> 9274 BEXLEY DR FORT MYERS FL 33967	WESTBROOK DESC IN INST#2017000170196 BLK A LOT 28	8
WESTBROOK HOMEOWNERS ASSN INC	10-46-25-L1-110O3.00CE ACCESS UNDETERMINED	WESTBROOK DESC IN CPA 2018 - 1001	9

24311 WALDEN CENTER DR	FORT MYERS FL 33967	INST#2017000170196	
STE 300 BONITA SPRINGS FL 34134		TRACT O-3	
WESTBROOK HOMEOWNERS ASSN INC 24311 WALDEN CENTER DR STE 300 BONITA SPRINGS FL 34134	10-46-25-L1-110R1.00CE RIGHT OF WAY FORT MYERS FL 33967	WESTBROOK DESC IN INST#2017000170196 TRACT R-1	10
PULTE HOME CORPORATION 24311 WALDEN CENTER DR STE 300 BONITA SPRINGS FL 34134	<b>10-46-25-L1-1200A.0190</b> 9184 BEXLEY DR FORT MYERS FL 33967	WESTBROOK PHASE 2 BLK A LOT 19 AS DESC IN INST# 2018- 66313	11
PULTE HOME CORPORATION 24311 WALDEN CENTER DR STE 300 BONITA SPRINGS FL 34134	<b>10-46-25-L1-1200A.0200</b> 9194 BEXLEY DR FORT MYERS FL 33967	WESTBROOK PHASE 2 BLK A LOT 20 AS DESC IN INST# 2018- 66313	12
PULTE HOME CORPORATION 24311 WALDEN CENTER DR STE 300 BONITA SPRINGS FL 34134	10-46-25-L1-1200A.0210 9204 BEXLEY DR FORT MYERS FL 33967	WESTBROOK PHASE 2 BLK A LOT 21 AS DESC IN INST# 2018- 66313	13
PULTE HOME CORPORATION 24311 WALDEN CENTER DR STE 300 BONITA SPRINGS FL 34134	<b>10-46-25-L1-1200A.0220</b> 9214 BEXLEY DR FORT MYERS FL 33967	WESTBROOK PHASE 2 BLK A LOT 22 AS DESC IN INST# 2018- 66313	14
PULTE HOME CORPORATION 24311 WALDEN CENTER DR STE 300 BONITA SPRINGS FL 34134	<b>10-46-25-L1-1200A.0230</b> 9224 BEXLEY DR FORT MYERS FL 33967	WESTBROOK PHASE 2 BLK A LOT 23 AS DESC IN INST# 2018- 66313	15
HIGGINS JENNIFER S 9234 BEXLEY DR FORT MYERS FL 33967	10-46-25-L1-1200A.0240 9234 BEXLEY DR FORT MYERS FL 33967	WESTBROOK PHASE 2 BLK A LOT 24 AS DESC IN INST# 2018- 66313	16
PULTE HOME CORPORATION 24311 WALDEN CENTER DR STE 300 BONITA SPRINGS FL 34134	<b>10-46-25-L1-1200A.0250</b> 9244 BEXLEY DR FORT MYERS FL 33967	WESTBROOK PHASE 2 BLK A LOT 25 AS DESC IN INST# 2018- 66313	17
PULTE HOME CORPORATION 24311 WALDEN CENTER DR STE 300 BONITA SPRINGS FL 34134	10-46-25-L1-1200A.0260 9254 BEXLEY DR FORT MYERS FL 33967	WESTBROOK PHASE 2 BLK A LOT 26 AS DESC IN INST# 2018- 66313	18
WESTBROOK HOMEOWNERS ASSOCIATI 24311 WALDEN CENTER DR SUITE 300 BONITA SPRINGS FL 34134	10-46-25-L1-1200L.00CE SUBMERGED FORT MYERS FL 33967	WESTBROOK PHASE 2 TRACT L AS DESC IN INST# 2018- 66313	19
WESTBROOK HOMEOWNERS ASSOCIATI 24311 WALDEN CENTER DR SUITE 300 BONITA SPRINGS FL 34134	10-46-25-L1-120R1.00CE RIGHT OF WAY FORT MYERS FL 33967	WESTBROOK PHASE 2 TRACT R-1 AS DESC IN INST# 2018- 66313	20



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### TABLE 1(b) Year 2030 Allocation

1	Future Land Use Category	Lee County Totals	Northeast Lee County	Boca Grande	Bonita Springs	Fort Myers Shores	Burnt Store	Cape Coral	Captiva	Fort Myers	Fort Myers Beach	Gateway/ Airport	Daniels Parkway
(	Intensive Development	1,361				5		27		250			
9	Central Urban	14,766				225				230			
	Urban Community	17,021	520	485		637						250	
	Suburban	16,623				1,810				85			
	Outlying Suburban	3,843	30			40	20	2	500				1,438
1	Sub-Outlying Suburban	1,955				547						227	
0	Commercial												
ry	Industrial	79								39		20	
380	Public Facilities	1				-			1				
Category	University Community	850											
)	Destination Resort Mixed Use Water Dependent	8											
asn	Burnt Store Marina Village	4					4						
a	Industrial Interchange												
Lana	General Interchange	<del>151</del> 185										<u>1145</u>	58
7 2	General Commercial Interchange												
Future	Industrial Commercial Interchange												
111	University Village Interchange												
yr	Mixed Use Interchange												
Q	New Community	2,100	1,200									900	
101	Airport												
m	Tradeport	9										9	
101	Rural	8,313	1,948			1,400	636						1,500
kesiaentiai by	Rural Community Preserve	3,100											
4	Coastal Rural	1,300											
	Outer Island	202	5			1			150				
	Open Lands	2,805	250				590						120
	Density Reduction/ Groundwater Resource	6,905	711									94	
	Conservation Lands Upland												
	Wetlands												
	Conservation Lands Wetland												
Uni	incorporated County Total Residential	81,396	4,664	485		4,665	1,250	29	651	604		1,511	3,116
Cor	nmercial	12,793	177	52		400	50	17	125	150		1,100	440
Ind	ustrial	13,801	26	3		400	5	26		300		3,100	10
on	Regulatory Allocations			1000	W. Labour		a lide sam						Section 1
	olic	82,565	7,100	421		2,000	7,000	20	1,961	350		7,752	2,477
Act	ive AG	17,027	5,100			550	150						20
Pas	sive AG	43,786	12,229			2,500	109					1,241	20
Cor	nservation	81,933	2,214	611		1,142	3,236	133	1,603	748		2,947	1,733
Vac	ant	23,874	1,953			61	931	34		45		300	151
Tot	al	357,176	33,463	1,572		11,718	12,731	259	4,340	2,197		17,9 <u>8</u> 5 <del>1</del>	7,967
Por	pulation Distribution (unincorporated Lee County)	495,000	9,266	1,531		30,861	3,270	225	530	5,744		18,333	16,375

Vintage Commerce Center CPD Comprehensive Plan Amendment

General Interchange - 34+/- acres

Existing Future Land Use Map







Industrial Interchange Rural General Interchange Rural Community Preserve General Commercial Interchange Coastal Rural Industrial Commercial Interchange Outer Island University Village Interchange Open Lands NEW COMMUNITY Density Reduction/Groundwater Resource Conservation Lands - Upland New Community ENVIRONMENTALLY CRITICAL AREAS (WETLANDS) AIRPORT AREAS Tradeport Wetlands Conservation Lands - Wetland

NON-URBAN AREAS

Chapter XIII of this plan contains an administrative process to precisely define the boundaries of a wetland. A Jurisdictional Determination, approved by SFWMD or Florida DEP, must be submitted prior to the issuance of such an interpretation.

INTERCHANGE AREAS

General Interchange - 34+/- acres

Vintage Commerce Center CPD Comprehensive Plan Amendment Proposed Future Land Use Map

# Vintage Commerce Center CPD Existing III.A.3 and 4 - Exisiting Uses and Zoning Map

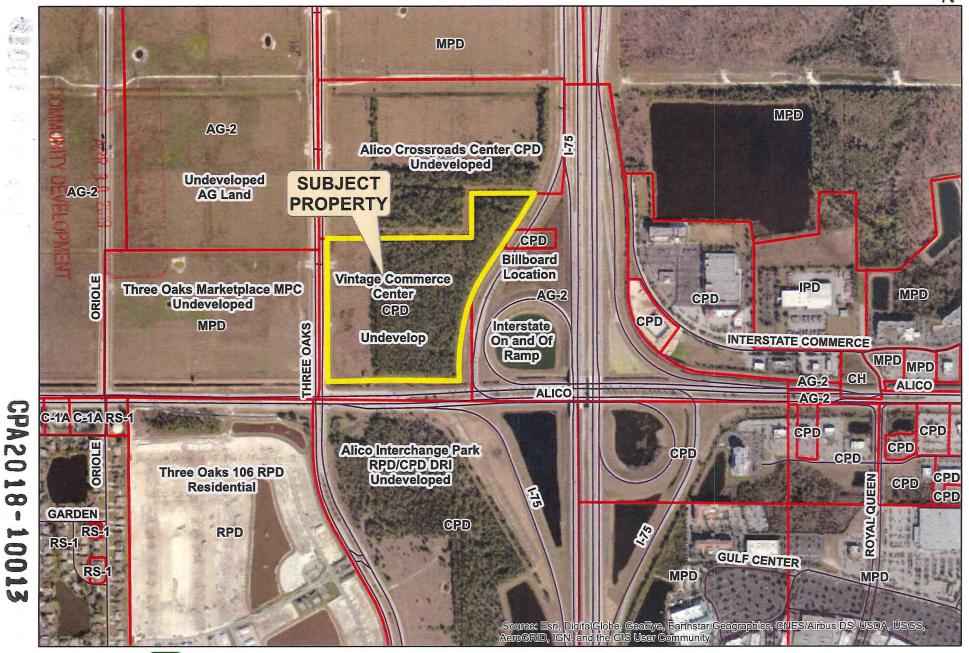


1,200 Feet

0

1,200

600



INSTR # 2018000101719, Doc Type D, Pages 7, Recorded 04/27/2018 at 03:29 PM, Linda Doggett, Lee County Clerk of Circuit Court, Deed Doc. D \$38150.00 Rec. Fee \$61.00 Deputy Clerk ERECORD

### Prepared by (and return to):

Kathleen Altier O'Rourke, Hogan, Fowler & Dwyer, LLC 10 South LaSalle, Suite 3700 Chicago, Illinois 60603

Parcel Identification Number(s): 03-46-25-00-00001.1090; 03-46-25-00-00001.1100

### SPECIAL WARRANTY DEED

THIS INDENTURE is made and entered into as of the 25th day of April, 2018, by and between ALICO LAND, L.L.C., a Delaware limited liability company ("Grantor"), whose mailing address is 10350 Bren Road West, Minnetonka, MN 55343, and CLE FL RE INVESTMENT I, LLC, an Ohio limited liability company ("Grantee"), whose mailing address is 1100 Euclid Avenue, Suite 300, Cleveland, Ohio 44115. WITNESSETH, that Grantor, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration in hand paid, the receipt and sufficiency whereof is hereby acknowledged, has granted, bargained, sold, alienated, remised, released, conveyed and confirmed, and by these presents does hereby grant, bargain, sell, alienate, remise, release, convey and confirm unto Grantee, and Grantee's heirs, successors and assigns forever, the following described real property in the County of Lee, State of Florida, to-wit:

### SEE EXHIBIT A ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE THERETO,

TOGETHER with all the tenements, hereditaments and appurtenances, and every privilege, right, title, interest and estate, reversion, remainder and easement thereto belonging or in anywise appertaining (collectively, the "Property").

SUBJECT TO the encumbrances and exceptions described on Exhibit B attached hereto and incorporated herein by reference thereto (collectively, "Permitted Exceptions"); provided, however, that neither Grantor nor Grantee intend to reimpose any Permitted Exceptions nor shall this conveyance operate to reimpose or extend any Permitted Exceptions.

### THIS PROPERTY IS NOT THE HOMESTEAD OF GRANTOR.

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

And Grantor does hereby warrant that, except for the Permitted Exceptions, Grantor will defend the title to the Property against the lawful claims and demands of all persons and entities claiming by, through, or under Grantor, but against none other.

[SIGNATURES CONTAINED ON FOLLOWING PAGE]



When Recorded Return To:
First American Title Insurance Company
National Commercial Services
121 S. 8th Street, Suite 1250
Minneapolis, MN 55402
File No: NCS



### SIGNATURE PAGE TO SPECIAL WARRANTY DEED BY ALICO LAND, L.L.C. TO AND IN FAVOR OF CLE FL RE INVESTMENT I, LLC

IN WITNESS WHEREOF, Grantor has caused these presents to be signed and sealed the day and year above written.

Signed, sealed and delivered in the presence of:

(Witness Signature)

Print Witness Name: Kimberly Hofstede

(Witness Signature)
Print Witness Name: Sort Haucen

ALICO LAND, L.L.C.

a Delaware limited liability company

Name: Keith Bednarowski

STATE OF MINNESOTA COUNTY OF HENNEPIN

The foregoing instrument was acknowledged before me this 18 day of April, 2018, by Keith Bednarowski, as President of ALICO LAND, L.L.C., a Delaware limited

<u>liability company</u>, on behalf of said entity. He/She is [select one]: ( )\_personally known to me; or ( ) produced a valid driver's license as identification.

Cheryl A. Westman

Notary Public - (Signature) Print Name: Chery I A. Westman

My Commission Expires: 01.31.21

CHERYL ANN WESTMAN
Notary Public
Minnesota
My Comm. Expires
Jan 31, 2021



**COMMUNITY DEVELOPMENT** 

### Exhibit A

### PARCEL 1:

DESCRIPTION OF A PARCEL OF LAND LYING IN SECTION 3, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA (PHASE 18)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 3, TOWNSHIP 46 SOUTH RANGE 25 EAST AND BEING FURTHER BOUND AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 3, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE N 01° 03′ 27″ W. ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER FOR 50.00 FEET TO THE NORTH RIGHT-OF-WAY LINE OF ALICO ROAD (100 FEET WIDE); THENCE N.89°23′05″E. ALONG SAID NORTH RIGHT-OF-WAY LINE FOR 122.95 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL OF LAND; THENCE CONTINUE N.89°23′05″E. ALONG SAID NORTH RIGHT-OF-WAY FOR 710.95 FEET TO THE WEST RIGHT- OF-WAY LINE OF 1-75 (INTERSTATE 75 - STATE ROAD NO. 93); THENCE N.00°38′02″W. ALONG SAID WEST RIGHT-OF-WAY LINE FOR 1353.32 FEET; THENCE N.04°48′48″E. ALONG SAID WEST RIGHT-OF-WAY LINE FOR 239.06 FEET; THENCE S.89°23′05″W. FOR 733.03 FEET; THENCE S.00°36′43″E. FOR 1591.31 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT:

(OR. 4272 PG. 1135)

F.P. NO. 2009661

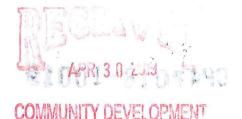
SECTION 12075-000

PARCEL 101

THAT POTION OF THE SOUTHEAST 1/4 OF SECTION 3, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA.

BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF SAID SECTION 3, ALSO BEING THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF SECTION 10; THENCE ALONG THE WEST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 10, SOUTH 01°21'16" EAST A DISTANCE OF 18.86 FEET TO THE SURVEY BASE LINE OF ALICO ROAD; THENCE ALONG SAID SURVEY BASE LINE NORTH 89°17'23" EAST A DISTANCE OF 122.71 FEET; THENCE NORTH 00°38'30" WEST A DISTANCE OF 68.72 FEET TO THE NORTH EXISTING LIMITED ACCESS RIGHT OF WAY LINE OF SAID ALICO ROAD (PER SECTION 12075-2402) FOR A POINT OF BEGINNING; THENCE CONTINUE NORTH 00°38'30" WEST A DISTANCE OF 773.87 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 1,048.93 FEET; THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT A DISTANCE OF 206.75 FEET THROUGH A CENTRAL ANGLE OF 11°17'36" WITH A CHORD BEARING NORTH 27°30'50" EAST TO THE END OF SAID CURVE; THENCE NORTH 33°09'38" EAST A DISTANCE OF 550.05 FEET TO THE BEGINNING OF A CURVE CONCAVE



NORTHWESTERLY AND HAVING A RADIUS OF 1,668.95 FEET; THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT A DISTANCE OF 206.67 FEET THROUGH A CENTRAL ANGLE OF 07°05'42" WITH A CHORD BEARING NORTH 29°36'47" EAST TO THE END OF SAID CURVE; THENCE NORTH 89°21'19" EAST A DISTANCE OF 225.51 FEET TO THE WEST EXISTING LIMITED ACCESS RIGHT OF WAY LINE OF STATE ROAD 83 (1-75) PER FOOT SECTION 12075-2402; THENCE ALONG SAID WEST EXISTING LIMITED ACCESS RIGHT OF WAY LINE SOUTH 04°46'58" WEST A DISTANCE OF 239.14 FEET; THENCE CONTINUE ALONG SAID WEST EXISTING LIMITED ACCESS RIGHT OF WAY LINE OF SOUTH 00°38'39" EAST A DISTANCE OF 1,353.24 FEET TO SAID NORTH EXISTING LIMITED ACCESS RIGHT OF WAY LINE OF ALICO ROAD; THENCE ALONG SAID NORTH EXISTING LIMITED ACCESS RIGHT OF WAY LINE SOUTH 89°21'19" WEST A DISTANCE OF 710.44 FEET TO THE POINT OF BEGINNING.

### PARCEL 2

DESCRIPTION OF A PARCEL OF LAND LYING IN SECTION 3, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY FLORIDA (PHASE 1A)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 3, TOWNSHIP 46 SOUTH, RANGE 25 EAST AND BEING FURTHER BOUND AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 3, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE N. 01° 03' 27" W. ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER FOR 50.00 FEET TO THE NORTH RIGHT-OF-WAY LINE OF ALICO ROAD (100 FEET WIDE) AND THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL OF LAND; THENCE N. 89° 23' 05" E. ALONG SAID NORTH RIGHT-OF-WAY LINE FOR 122.85 FEET; THENCE N. 00° 36' 43" W. FOR 1240.00 FEET; THENCE S. 89° 23' 15" W. FOR 1235.00 FEET; THENCE S. 00° 36'43" E. FOR 1240.00 FEET TO SAID NORTH RIGHT-OF-WAY LINE; THENCE N. 89° 23' 17" E. ALONG SAID NORTH RIGHT-OF-WAY LINE; THENCE N. 89° 23' 17" E. ALONG SAID NORTH RIGHT-OF-WAY LINE FOR 1112.05 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT

(OR. 4164 PG. 547)

F.P. NO. 2009661

SECTION 12075-000

PARCEL 100

THAT PORTION OF THE SOUTHWEST 1/4 OF SECTION 3 AND THAT PORTION OF THE SOUTHEAST 1/4 OF SECTION 3, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA. BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF SAID SECTION 3, ALSO BEING THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF SECTION 10; THENCE ALONG THE WEST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 10, SOUTH 01°21'16" EAST A DISTANCE OF 18:86 FEET TO THE SURVEY BASE LINE OF ALICO ROAD; THENCE

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CPA2018-10013

R1001-8105490

COMMUNITY DEVELOPMENT

ALONG SAID SURVEY BASE LINE NORTH 89°17'23" EAST A DISTANCE OF 122.71 FEET; THENCE NORTH 00°38'30" WEST A DISTANCE OF 68.72 FEET TO THE NORTH EXISTING LIMITED ACCESS RIGHT OF WAY LINE OF SAID ALICO ROAD (PER SECTION 12075-2402) FOR A POINT OF BEGINNING; THENCE ALONG SAID NORTH EXISTING LIMITED ACCESS RIGHT OF WAY LINE SOUTH 89°21'19" WEST A DISTANCE OF 122.95 FEET TO THE WEST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 3, ALSO BEING THE EAST LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 3; THENCE CONTINUE ALONG SAID NORTH EXISTING LIMITED ACCESS RIGHT OF WAY LINE SOUTH 89°21'30" WEST A DISTANCE OF 1,037.17 FEET TO THE EAST EXISTING RIGHT OF WAY LINE OF FUTURE THREE OAKS PARKWAY (PER OFFICIAL RECORDS BOOK 3273, PAGE 3192, PUBLIC RECORDS OF LEE COUNTY, FLORIDA); THENCE ALONG SAID EAST EXISTING RIGHT OF WAY LINE NORTH 00°38'30" WEST A DISTANCE OF 93.21 FEET; THENCE NORTH 88°59'50" EAST A DISTANCE OF 94.91 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHERLY AND HAVING A RADIUS OF 11,317.00 FEET; THENCE ALONG THE ARC OR SAID CURVE TO THE LEFT A DISTANCE OF 375.24 FEET THROUGH A CENTRAL ANGLE OF 01°53'59" WITH A CHORD BEARING NORTH 88°02'51" EAST TO THE END OF SAID CURVE; THENCE SOUTH 89°41'58" EAST A DISTANCE OF 588.16 FEET TO THE BEGINNING OF A CURVE CONCAVE EASTERLY AND HAVING A RADIUS OF 1,731.09 FEET; THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT A DISTANCE OF 565.61 FEET THROUGH A CENTRAL ANGLE OF 18°43'39" WITH A CHORD BEARING NORTH 05°30'09" EAST TO THE END OF SAID CURVE AND TO THE BEGINNING OF A CURVE CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 1,048.93 FEET; THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT A DISTANCE OF 128.17 FEET THROUGH A CENTRAL ANGLE OF 07°00'03' WITH A CHORD BEARING NORTH 18°22'01" EAST TO END OF SAID CURVE; THENCE SOUTH 00°38'30" EAST A DISTANCE OF 773.87 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT

(OR. 3273 PG, 3192)

DESCRIPTION OF A PARCEL OF LAND LYING IN SECTION 3, TOWNSHIP 46 SOUTH, RANGE 25 EAST LEE COUNTY, FLORIDA (ALICO DEVELOPMENT CORP.)

THE WESTERLY 75 FEET, AS MEASURED ON A PERPENDICULAR OF THE FOLLOWING DESCRIBED PARCEL OF LAND:

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 3, TOWNSHIP 46 SOUTH, RANGE 25 EAST AND BEING FURTHER BOUND AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 3, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE N. 01° 03° 27" W. ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER FOR 50.00 FEET TO THE NORTH RIGHT-OF-WAY LINE OF ALICO ROAD (100 FEET WIDE) AND THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL OF LAND; THENCE N. 89° 23° 05" E. ALONG SAID NORTH RIGHT-OF-WAY LINE FOR 122.95 FEET; THENCE N. 00° 36′ 43" W. FOR 1240.00 FEET; THENCE S. 89° 23° 15" W. FOR 1235.00 FEET; THENCE S. 00° 36′43" W. FOR 1240.00 FEET TO SAID NORTH RIGHT-OF-WAY LINE; THENCE N. 89° 23' 17" E. ALONG SAID NORTH RIGHT-OF-WAY LINE; THENCE N. 89° 23' 17" E. ALONG SAID NORTH RIGHT-OF-WAY LINE FOR 1112.05 FEET TO THE POINT OF BEGINNING.



### ALSO KNOWN AS:

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 3, TOWNSHIP 46 SOUTH, RANGE 25 EAST, BEING A PART OF THE PARCEL AS DESCRIBED IN OFFICIAL RECORDS BOOK 3136, PAGE 1614, LEE COUNTY PUBLIC RECORDS AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 3; THENCE N.01°03'27"W., ALONG THE NORTH-SOUTH QUARTER SECTION LINE OF SAID SECTION 3, FOR 50.00 FEET TO THE NORTH RIGHT OF WAY LINE OF ALICO ROAD; THENCE S.89°23'15"W., ALONG SAID NORTH RIGHT OF WAY LINE, FOR 1037.05 FEET TO THE EAST LINE OF THREE OAKS PARKWAY (150 FEET WIDE), AS DESCRIBED IN OFFICIAL RECORDS BOOK 3273, PAGE 3192, SAID PUBLIC RECORDS; THENCE N.00°36'43"W., ALONG SAID EAST LINE, FOR 93.20 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N.00°36'43"W., ALONG SAID EAST LINE, FOR 1146.79 FEET; THENCE N.89°23'15"E., FOR 1160.00 FEET; THENCE S.00°36'43"E., FOR 466.11, TO THE WESTERLY BOUNDARY OF FLORIDA DEPARTMENT OF TRANSPORTATION TAKING RECORDED IN OFFICIAL RECORDS BOOK 4164, PAGE 547, SAID LEE COUNTY PUBLIC RECORDS, SAID POINT ALSO BEING ON A CURVE TO THE LEFT, HAVING A RADIUS OF 1048.93 FEET, A CENTRAL ANGLE OF 07°00'06", A CHORD BEARING OF S.18°23'50"W. AND A CHORD LENGTH OF 128.10 FEET; THENCE ALONG SAID BOUNDARY AND THE ARC OF SAID CURVE, AN ARC LENGTH OF 128.18 FEET TO THE POINT OF COMPOUND CURVATURE OF A CURVE TO THE LEFT, HAVING; A RADIUS OF 1731.09 FEET, A CENTRAL ANGLE OF 18°43'39", A CHORD BEARING OF S.05°31'56"W. AND A CHORD LENGTH OF 563.30 FEET; THENCE ALONG SAID BOUNDARY AND THE ARC OF SAID CURVE, AN ARC LENGTH OF 565.82 FEET TO THE END OF SAID CURVE; THENCE N.89°40'11'W., ALONG SAID BOUNDARY, FOR 588.16 FEET TO A POINT ON A CURVE TO THE RIGHT, HAVING A RADIUS OF 11317.00 FEET, A CENTRAL ANGLE OF 01°53'59", A CHORD BEARING OF S.88°04'38"W. AND A CHORD LENGTH OF 375.21 FEET; THENCE ALONG SAID BOUNDARY AND THE ARC OF SAID CURVE, AN ARC LENGTH OF 375.23 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE S.89°01'37"W., ALONG SAID BOUNDARY, FOR 94.79 FEET TO THE POINT OF BEGINNING.



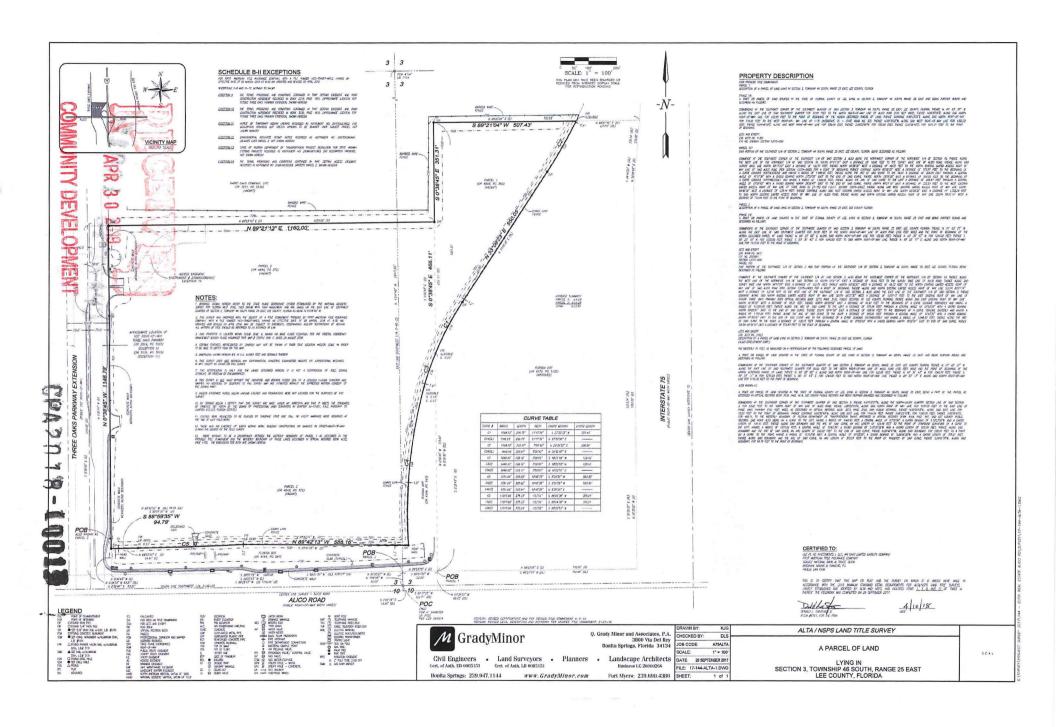
**COMMUNITY DEVELOPMENT** 

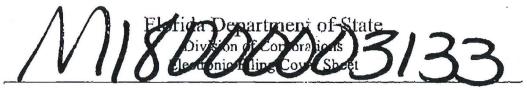
### Exhibit B

### Permitted Exceptions

- 1. Any encroachment, encumbrance, violation, variation or adverse circumstance affecting the land that would be disclosed by an accurate and complete land survey of the land.
- The lien of the taxes for the year 2018 and all subsequent years, which are not yet due and payable.
- The terms, provisions and conditions contained in that certain Easement and Road Construction Agreement recorded in Book 2019, Page 1681.
- 4. The terms, provisions and conditions contained in that certain Easement and Road Construction Agreement recorded in Book 3136, Page 1619.
- The terms, provisions and conditions contained in that Agreement dated in June, 2000, by and among by ADC and Alan C. Freeman, among others, regarding the construction of an extension of Three Oaks Parkway.
- 6. Notice of Temporary Median Opening recorded as Instrument No. 2007000339852.
- 7. Environmental Resource Permit Notice recorded as Instrument No. 2007000360401.
- State of Florida Department of Transportation Project Resolution for State Highway Systems Projects recorded as Instrument No. 2008000012483.
- The terms, provisions and conditions contained in that certain Access Easement recorded in Instrument No. 2008000082083.
- Rights of Cater-Pritchett Advertising, Inc., as Lessee, under unrecorded Lease Agreement dated October 4, 2002.
- 11. Utility lines located on or under the land without the benefit of an easement.







Note: Please print this page and use it as a cover sheet. Type the fax audit number (shown below) on the top and bottom of all pages of the document,

(((H18000103733 3)))



H180001037333ABC-

Note: DO NOT hit the REFRESH/RELOAD button on your browser from this page.

Doing so will generate another cover sheet.

To:

Division of Corporations

Fax Number

: (850)617-6383

From:

Account Name : PAVESE LAW FIRM ; 'Account Number : 120130000057

Account Number : Phone :

: 120130000057 : (239)334-2195

Fax Number

: (239)334-2195 : (239)332-2243

\*\*Enter the email address for this business entity to be used for future annual report mailings. Enter only one email address please.\*\*

100	and the same of the same of	
Limat 1	Address:	

### Foreign Limited Liability Company CLE FL RE Investment I, LLC

Certificate of Status	0
Certified Copy	0
Page Count	07
Estimated Charge	\$125.00

FILED

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CPA2018-100

O SIMMONS
APR 0 3 2018

APR 3 U 2013

### APPLICATION BY FOREIGN LIMITED LIABILITY COMPANY FOR AUTHORIZATION TO TRANSACT BUSINESS IN FLORIDA

IN COMPLIANCE IVITY SECTION (03.0902, FLORIDA STATUTES, THE FOLLOWING IS SUBMITTED TO REGISTER A FOREIGN LIMITED LIABILITY COMPANY TO TRANSACT BUSINESS IN THE STATE OF FLORIDA: L CLE FL RE Investment I, LLC (Name of Foreign Limited Limbility Company; must Include "Umited Liability Company," L.L.C., or "LLC.") (If some unavorable, enter afternate name adopted for the purpose of intrastring business in Floride. The alternate name must include "Litutiva Liebility Company," "L.L.C." or "LLC.") [haritaletion under the law of which foreign firmited limiting company is organized) (FE) comber, if applicable) (Date first immunicated business in Florida, if prior to registration.) (See seculous 605,0804 & 605,0905, § 5. to determine penalty liability) 5. 1110 Euclid Avenue #300 6. 1110 Enclid Avenue #300 (Street Address of Frindpol Office) (Mailles Address) Cleveland, OH 44115-1605 Cleveland, OH 44115-1603 7. Name and street address of Florida registered agent: (P.O. Box NOT accomtable) P.L.F. Registered Agent, L.L.C. Name: Office Address: 1833 Hendry Street Florida 33901 Fon Myers (City) (Zip tufe) Registered agent's acceptance: Having been named as registered agent and to accept service of process for the above stated limited liability company at the place designated in this application, I heraby accept the appointment as registered agent and agree to act in this capacity. I further agree to comply with the provisions of all statutes relative of the proper and complete performance of my dutics, and I am familiar with and accept the obligations of my position as registered agent. 8. The name, title or capacity and address of the person(s) who has/have authority to manage is/are: Title or Capacity: Name and Address; Title or Capacity: Name and Address: Brien Intihar Authorized Agent 1110 Euclid Avenue #300 Cleveland, OH 44115-1603 (Use attachments if necessary) 9. Attached is a certificate of existence, no more than 90 days old, duly authenticated by the official having custody of records in the jurisdiction under the law of which it is organized. If the certificate is in a foreign language, a translation of the certificate under oath of the translator must be submitted) 10. This document is executed in accordance with section 605.0203 (1) (b), Florida Statutes. I am aware that any false information submitted in a document to the Department of State constitutes a third degree felony as provided for in \$.817.155, F.S. 

COMMUNITY DEVELOPMENT

Brisn Intihar, Authorized Agent

# UNITED STATES OF AMERICA STATE OF OHIO OFFICE OF THE SECRETARY OF STATE

I, Jon Husted, do hereby certify that I am the duly elected, qualified and present acting Secretary of State for the State of Ohio, and as such have custody of the records of Ohio and Foreign business entities; that said records show CLE FL RE INVESTMENT I, LLC, an Ohio For Profit Limited Liability Company, Registration Number 4044934, was organized within the State of Ohio on June 29, 2017, is currently in FULL FORCE AND EFFECT upon the records of this office.



Witness my hand and the seal of the Secretary of State at Columbus, Ohio this 21st day of March, A.D. 2018.

Jan Hastel

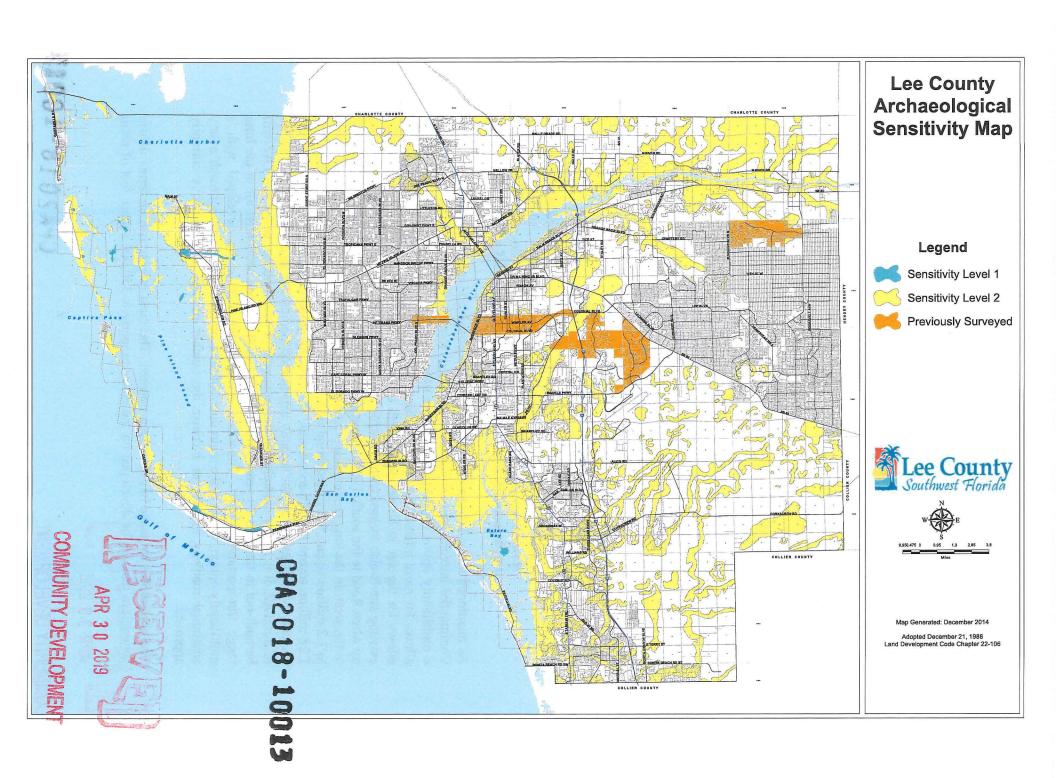
... Ohio Secretary of State

Validation Number: 201808004374

APR 3 0 2019

COMMUNITY DEVELOPMENT.

CPA2018-10013





2726 OAK RIDGE COURT, SUITE 503 FORT MYERS, FL 33901-9356 OFFICE 239.278.3090

> TRAFFIC ENGINEERING TRANSPORTATION PLANNING SIGNAL SYSTEMS/DESIGN

March 8, 2019

Mr. Wayne Arnold, AICP Q. Grady Minor & Associates, P.A. 3800 Via Del Rey Bonita Springs, FL 34134

RE:

Vintage Commerce Center Map Amendment

CPA2018-10013

Dear Mr. Arnold

TR Transportation Consultants, Inc. has reviewed the Traffic Impact Statement (TIS) comments issued by the Lee County Department of Community Development for the above referenced project. The comments and TR Transportation's response to those comments are listed below for reference.

### T.I.S. Application Sufficiency Checklist

1) The application indicates this project includes 400 multi-family residential units, 350,000 square feet commercial uses and 300 hotel rooms. However, only 350,000 square feet of commercial uses are included in the traffic analysis. Please modify the application or TIS accordingly.

As mentioned in the TIS report, the purpose of proposed land use change from Industrial Commercial Interchange to General Interchange is to allow the site to be developed with a multifamily option (400 MF units). The existing future land use designation already allows for more intense uses such as commercial and office uses. The existing zoning allows for the site to be developed with up to 300,000 square feet of retail uses. The existing site is also located within Traffic Analysis Zone (TAZ) 3005, which is bounded by Alico Road to the south, I-75 to the east, Fiddlesticks Canal to the north and Lee Road to the west. In the long range transportation model, TAZ 3005 has been accounted for up to 1.2 million square feet of industrial uses, 112,000 square feet of commercial uses, and 1.28 million square feet of service uses. The existing properties within the TAZ 3005 are currently vacant apart from the recently constructed medical center at the northeast corner of this TAZ. It is highly unlikely that the remainder of the properties within the TAZ will be built-out in the next 20 years with the uses that have been accounted for in the long range transportation model. Therefore, allowing the site to be developed with a multifamily option, which is the main intent of the land use change, will not result in any additional roadway impacts or increase the number of trips from what is currently approved.

> The application language has also been updated. The most intense use, in terms of trip generation, that can be developed on the entire property is 350,000 square feet of retail

APR 3 0 2019



Mr. Wayne Arnold, AICP Vintage Commerce Center CPA2018-10013 March 8, 2019 Page 2

and a hotel. Should other residential options be developed on the site, the square footage of the commercial component will be reduced.

2) Please update the TIS to provide the required level of service (LOS) analysis in Table 2A and Table 4A "with" the project.

As previously mentioned in response to Comment No. 1, allowing the site to be developed with a multifamily option, which is the main intent of the request, will not result in any additional roadway impacts from what is currently approved and accounted for in TAZ 3005. However, as requested and for informational purposes only, attached Tables 2A and 4A have been revised to include "project" traffic (350,000 square feet of retail and 300 hotel rooms). The trip generation for these uses is attached for reference.

3) The K and D factors are required to be derived from the Lee County's nearest permanent count stations. Please update the TIS accordingly.

Attached Tables 2A and 4A have been revised to satisfy this comment. Note, for FDOT maintained roadways, the K and D factors were obtained from FDOT Florida Traffic Online resource. The K and D factors for County maintained roadways were based on County's traffic data.

4) The year 2040 FSUTMS volumes for I-75 (from Corkscrew Rd to Alico Rd) in Table 2A is incorrect (85,420). It should be 121,226 (60,710+60,516). Please update the TIS accordingly.

Acknowledged. Attached Table 2A has been revised to satisfy this comment.

If you have any additional questions, please do not hesitate to contact us.

Trust

Sincerely,

Ted B. Treesh, PTP

President

Yury Bykau, E.I.

Transportation Consultant

Attachments

K: 2018 09 September 01 Vintage Commerce Center CPD Sufficiency CPA Sufficiency 3-8-2019 Sufficiency.doc

CPA2018-10013

COMMUNITY DEVELOPMENT

\$1001-8105 AWY

### TABLE 1A LEVEL OF SERVICE THRESHOLDS

### 2040 LONG RANGE TRANSPORTATION ANALYSIS - VINTAGE COMMERCE CENTER CPD

#### **GENERALIZED SERVICE VOLUMES**

E P (A)	ROADWAY	SEGMENT	2040 E + 0	C NETWORK LANES	LOS A	LOS B	LOS C	LOS D	LOS E
ROADWAY	FROM	<u>TO</u>	# Lanes	Roadway Designation	VOLUME	VOLUME	VOLUME	VOLUME	VOLUME
Three Oaks Pkwy	Daniels Pkwy	Alico Rd	4LD	Class I - Arterial	0	250	1,840	1,960	1,960
S 2	Alico Rd.	San Carlos Blvd	4LD	Class I - Arterial	0	250	1,840	1,960	1,960
	San Carlos Blvd	Estero Pkwy	4LD	Class I - Arterial	0	250	1,840	1,960	1,960
Alico Rd	US 41	Gator Rd	6LD	Class I - Arterial	0	400	2,840	2,940	2,940
The second second	Gator Rd	Lee Blvd	6LD	Class I - Arterial	0	400	2,840	2,940	2,940
	Lee Blvd	Oriole Rd	6LD	Class I - Arterial	0	400	2,840	2,940	2,940
<b>K</b> -1	Oriole Rd	Three Oaks Pkwy	6LD	Class I - Arterial	0	400	2,840	2,940	2,940
	Three Oaks Pkwy	I-75	6LD	Class I - Arterial	0	400	2,840	2,940	2,940
	1-75	Ben Hill Griffin Pkwy	6LD	Class I - Arterial	0	400	2,840	2,940	2,940
"Selection	Ben Hill Griffin Pkwy	Airport Haul Rd	4LD	Class I - Arterial	0	250	1,840	1,960	1,960
Ben Hill Griffin Pkwy	Terminal Access Rd.	Alico Rd.	4LD	Class I - Arterial	0	250	1,840	1,960	1,960
	Alico Rd.	College Club Dr.	6LD	Class I - Arterial	0	400	2,840	2,940	2,940
I-75	Corkscrew Rd	Alico Rd	6LF	Freeway	0	3,360	5,030	6,240	6,500
	Alico Road	Daniels Parkway	6LF	Freeway	0	3,360	5,030	6,240	6,500
Oriole Rd.	Alico Rd	San Carlos Blvd	2LU	Major Collector	0	0	310	660	740
Lee Rd	Alico Rd	San Carlos Blvd	2LU	Major Collector	0	0	310	660	740
San Carlos Blvd	Three Oaks Pkwy	Oriole Rd	2LU	Major Collector	0	0	310	660	740
Michael G. Rippe Pkwy	Six Mile Cypress Pkwy	Alico Rd.	6LD	Class I - Arterial	0	400	2,840	2,940	2,940
US 41	Six Mile Cypress Pkwy	Alico Rd.	6LD	Class I - Arterial	0	400	2,840	2,940	2,940
	Alico Rd.	San Carlos Blvd	6LD	Class I - Arterial	0	400	2,840	2,940	2,940
N.								100	

- Denotes the LOS Standard for each roadway segment

<sup>\*</sup> Level of Service Thresholds for Lee County arterials/collectors taken from the Generalized Peak Hour Directional Service Volume tables for Urbanized Areas (dated April 2016)

<sup>\*</sup> Level of Service Thresholds for I-75 were taken from FDOT's Generalized Peak Hour Directional Volumes for Florida's Urbanized Areas Table 7.



## TABLE 2A 2040 ROADWAY LINK LEVEL OF SERVICE CALCULATIONS VINTAGE COMMERCE CENTER CPD

TOTAL PM PEAK HOUR PROJECT TRAFFIC = 1160 VPH IN= 554 OUT= 606

ROADWAY Three Oaks Pkwy	ROADWAY FROM Daniels Pkwy Alico Rd. San Carlos Blvd	SEGMENT TO Alico Rd San Carlos Blvd Estero Pkwy	2040 FSUTMS PSWDT 14,316 29,569 32,355	COUNTY PCS / FDOT SITE # 72 72 72 72	MOCF FACTOR 1 0.91 0.91 0.91	AADT BACKGROUND TRAFFIC 13,028 26,908 29,443	K-100	100TH HIGHEST HOUR PK DIR 2-WAY VOLUME 1,472 3,041 3,327	D FACTOR 0.59 0.59 0.59	PM PK HR PEAK DIRECTION NORTH SOUTH	PEAK D	040 IRECTION LUMES & LOS C C C	PROJECT TRAFFIC DIST. 10% 25% 15%	PK DIR PM PROJ TRAFFIC 61 152 91	PEAK D	DUND PLUS PROJ IRECTION LUMES & LOS LOS C C
Alico Rd	US 41 Gator Rd Lee Blvd Oriole Rd Three Oaks Pkwy I-75 Ben Hill Griffin Pkwy	Gator Rd Lee Blvd Oriole Rd Three Oaks Pkwy I-75 Ben Hill Griffin Pkwy Airport Haul Rd	51,436 54,154 58,978 68,239 70,963 32,599 30,369	10 10 10 10 10 53 53	0.91 0.91 0.91 0.91 0.91 0.91	46,807 49,280 53,670 62,097 64,595 29,665 27,636	0.100 0.100 0.100 0.100 0.100 0.092 0.092	4,681 4,928 5,367 6,210 6,459 2,729 2,542	0.51 0.51 0.51 0.51 0.51 0.51	WEST WEST WEST WEST WEST WEST	2,294 2,415 2,630 3,043 3,165 1,337 1,246	0 0 0 F F 0 0	25% 25% 30% 35% 30% 15%	152 152 182 212 182 91 6	2,446 2,567 2,812 3,255 3,347 1,428 1,252	C C C F F C C
Ben Hill Griffin Pkwy	Terminal Access Rd. Alico Rd.	Alico Rd. College Club Dr.	18,172 38,593	71 71	0.91 0.91	16,537 35,120	0.105 0.105	1,736 3,688	0.53 0.53	NORTH NORTH	920 1.955	C C	5% 10%	30 61	950 2,016	C C
I-75 Oriole Rd.	Corkscrew Rd Alico Road Alico Rd	Alico Rd Daniels Parkway San Carlos Blvd	121,226 85,420 11,318	120055 120184 25	0.91 0.91 0.91	110.316 77,732 10,299	0.090 0.090 0.097	9,928 6,996 999	0.581 0.598 0.56	NORTH NORTH SOUTH	5,768 4,184 440	D C D	5% 10% 5%	30 61 30	5.798 4,245 470	C D
Lee Rd San Carlos Blvd	Alico Rd Three Oaks Pkwy	San Carlos Blvd Oriole Rd	11,874 7,627	25 15	0.91	10,805 6,941	0.097	1,048	0.56	SOUTH	461 313	D D	5% 10%	30 61	491 374	D D
Michael G. Rippe Pkwy US 41	Six Mile Cypress Pkwy	Alico Rd.	43,590 69,016	125036 120067	0.91	39,667 65,565	0.090	3,570 5,901	0.532	NORTH	1,899	C	5% 10%	30 61	1,929	C
	Alico Rd.	San Carlos Blvd	60,819	120066	0.95	57,778	0.090	5,200	0.532	NORTH	2,766	c	10%	61	2,827	c

<sup>1</sup> Model Output Conversion Factor was utilized to obtain the AADT Volumes for all roadways.

<sup>\*</sup> The K-100 and D factors for currently unconstructed segment of Three Oaks Pkwy from Alico Rd to Daniels Pkwy were obtained from County PCS #72, which represents Three Oaks Pkwy, south of Estero Pkwy.

<sup>\*</sup> The K-100 and D factors for County mantained roadways were obtained from Lee County Traffic Count Report.

<sup>\*</sup> The K-100 and D factors for FDOT mantained roadways were obtained from Florida Traffic Online resource.



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### TABLE 3A LEVEL OF SERVICE THRESHOLDS VINTAGE COMMERCE CENTER CPD

		ROADWAY	LOS A	LOS B	LOSC	LOS D	LOS E
ROADWAY	SEGMENT	CLASS	<b>VOLUME</b>	VOLUME	VOLUME	VOLUME	VOLUME
Three Oaks Pkwy	S. of Alico Rd	4LD	0	250	1,840	1,960	1,960
	S. of San Carlos Blvd	4LD	0	250	1,840	1,960	1,960
Alico Rd	E. of US 41	6LD	0	400	2,840	2,940	2,940
	E. Gator Rd.	6LD	0	400	2,840	2,940	2,940
	E. of Lee Blvd.	6LD	0	400	2,840	2,940	2,940
	E. of Oriole Rd.	6LD	0	400	2,840	2,940	2,940
	E. of Three Oaks Pkwy.	6LD	0	400	2,840	2,940	2,940
	E. of I-75	6LD	0	400	2,840	2,940	2,940
	E. of Ben Hill Griffin Pkwy	2LU	130	420	850	1,210	1,640
Ben Hill Griffin Pkwy	N. of Alico Rd.	4LD	0	250	1,840	1,960	1,960
	S. of Alico Rd.	6LD	0	400	2,840	2,940	2,940
1-75	N. of Alico Rd.	6LF	0	3,360	5,030	6,240	6,500
	S. of Alico Rd.	6LF	0	3,360	5,030	6,240	6,500
Oriole Rd.	S. of Alico Rd.	2LU	0	0	310	660	740
		*					
Lee Rd	S. of Alico Rd.	2LU	0	0	310	660	740
San Carlos Blvd	W. of Three Oaks Pkwy	2LU	0	0	310	660	740
Michael G. Rippe Pkwy	N. of Alico Rd.	6LD	0	400	2,840	2,940	2,940
US 41	N. of Alico Rd.	6LD	0	400	2,840	2,940	2,940
	S. of Alico Rd.	6LD	0	400	2,840	2,940	2,940

The Level of Service thresholds were for all roadways were obtained from the Lee County Generalized Service Volume Table.

The Level of Service thresholds for I-75 were obtained from FDOT's Generalized Peak Hour Directional Volumes for Florida's Urbanized Areas Table 7.

# TABLE 4A LEE COUNTY TRAFFIC COUNTS AND CALCULATIONS VINTAGE COMMERCE CENTER CPD

. B		700				VIIVIAC	COMIN	LICL	CLIVILIC	CFD											
TOTAL PROJECT	TRAFFIC AM	374	VPH	IN =	240	OUT=	134														
TOTAL PROJECT	V 34		VPH	IN=	554	OUT=	606						FDOT Sta. #	<u>K</u>	D						
C. Carrier		1,100	VI 11		554	001-	000						120184	0.090	0.598						
7	3	y 48											120055	0.090	0.581						
	ယ	(ang											125036	0.090	0.532						
m	0												120067	0.090	0.532						
m	N												120066	0.090	0.532						
	28												120000	0.000	0.002						
ITY DEVELOPMENT	9	7 (44.)							2016/2017	2024						2024	e e		2024		
	-613	at id								PK HR PK S			PERCENT			BCKGR			BCKGR		
1			LCD	OT PCS OR	BASE YR	2017	YRS OF	ANNUAL	PK SEASON	PEAK DIRE		V/C	PROJECT	AM PROJ	PM PROJ	+ AM PF		V/C	+ PM PF		V/C
ROAD		SEGMENT	FD	OOT SITE #	ADT	ADT	GROWTH. 1	RATE	PEAK DIR.2	VOLUME	LOS	Ratio	TRAFFIC	TRAFFIC	TRAFFIC	VOLUME	LOS	Ratio	VOLUME		Ratio
Three Oaks Pkwy		S. of Alico Rd		414	9,500	14,100	7	5.80%	715	1,061	C	0.54	30%	72	182	1,133	C	0.58	1,243	C	0.63
		S. of San Carlos Blvd		414	9.500	14,100	7	5.80%	715	1,061	С	0.54	20%	48	121	1,109	C	0.57	1,182	С	0.60
المعقوب																					
Alico Rd		E. of US 41		204	19,500	22,100	8	2.00%	1,035	1,189	С	0.40	20%	48	121	1,237	С	0.42	1,310	С	0.45
		E. Gator Rd.		204	19,500	22,100	8	2.00%	1,035	1,189	С	0.40	20%	48	121	1,237	C	0.42	1,310	С	0.45
		E. of Lee Blvd.		204	19,500	22,100	8	2.00%	1,035	1,189	C	0.40	30%	72	182	1,261	C	0.43	1,371	C	0.47
		E. of Oriole Rd.		204	19,500	22,100	8	2.00%	1,035	1,189	C	0.40	40%	96	242	1,285	C	0.44	1,431	С	0.49
		E. of Three Oaks Pkwy.		10	26,600	44,800	8	6.73%	2,285	3,606	F	1.23	30%	72	182	3,678	F	1.25	3,787	F	1.29
		E. of I-75		53	20,800	24,600	8	2.12%	1,154	1,336	C	0.45	15%	36	91	1,372	C	0.47	1,427	C	0.49
		E. of Ben Hill Griffin Pkwy	у	205	7,500	8,500	2	6.46%	366	567	C	0.35	1%	2	6	570	C	0.35	573	C	0.35
Ben Hill Griffin Pkwy		N. of Alico Rd.		126060	23,769	19,700	8	2.00%	1,033	1,187	С	0.61	5%	12	30	1,199	C	0.61	1,217	C	0.62
		S. of Alico Rd.		124514	29,000	23,000	8	2.00%	1,101	1,265	C	0.43	10%	24	61	1,289	C	0.44	1,325	C	0.45
1-75		N. of Alico Rd.		120184	54,500	102,014	8	8.15%	5,490	10,277	F	1.65	10%	24	61	10,301	F	1.58	10,338	F	1.59
		S. of Alico Rd.		120055	70,000	101,500	8	4.75%	5,307	7,696	F	1.23	5%	12	30	7,708	F	1.19	7,726	F	1.19
	0													1000							
Oriole Rd.	75	S. of Alico Rd.		120181	3,100	2,900	2	2.00%	139	160	С	0.22	10%	24	61	184	C	0.25	220	C	0.30
	PA			101010	~ 100	7.400		0.000/		205		0.04	100/	0.4	04	0.40	-	0.00	225	_	0.00
Lee Rd	N	S. of Alico Rd.		121219	7,100	7,100	2	2.00%	544	625	D	0.84	10%	24	61	649	D	0.88	685	Е	0.93
		W. of Three Oaks Pkwy		124617	5,300	8,800	6	8.82%	421	761	F	1.03	10%	24	61	785	F	1.06	821	F	1.11
Sali Carlos bivo	(ma)	vv. of Three Oaks Pkwy		124017	5,300	0,000	0	0.0276	421	761		1.03	10 76	24	01	765	r	1.00	021	-	1.11
Michael G. Rippe Pky		N. of Alico Rd.		125036	16,800	24,000	4	9.33%	1,149	2,145	С	0.73	5%	12	30	2,157	С	0.73	2,175	С	0.74
wichael G. Rippe PK		N. OI AIICO Na.		123030	10,000	24,000	7	3.3370	1,143	2,140	C	0.13	370	12	30	2,107		0.15	2,110	U	5.74
US 41		N. of Alico Rd.		120067	56,500	52,000	8	2.00%	2,490	2,860	D	0.97	5%	12	30	2,872	D	0.98	2,890	D	0.98
	6	S. of Alico Rd.		120066	42,500	49,500	8	2.00%	2,370	2,722	C	0.93	10%	24	61	2,746	С	0.93	2,783	С	0.95
						.0,000		2.00.0	~,~.~	-1,				-			-	-1	-,		

<sup>1</sup> AGR for all roadways was calculated based the historical traffic data obtained from Lee County Traffic Count Report and Florida Traffic Online webpage.

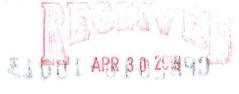
<sup>2</sup> Current peak hour peak season peak direction traffic volumes for all County roadways were obtained from the 2018 Lee County Public Facilities Level of Service and Concurrency Report.

<sup>2</sup> Current peak hour peak season peak direction traffic volumes for all FDOT roadways were obtained by adjusting the 2017 AADT by the appropriate K and D factors.

#### Year 2017 K-100 Factors, D-Factors and Peak Season Factors

Station #	K-100	D-Factors	P.S Factors
1	0.094	0.61	1.073
2*	0.092	0.53	1.167
3	0.102	0.52	1.200
5	0.094	0.61	1.103
6	0.106	0.55	1.043
7	0.113	0.53	1.317
8	0.084	0.55	1.117
9	0.087	0.51	1.060
10	0.100	0.51	1.107
11	0.098	0.53	1.070
12	0.096	0.59	1.167
13*	0.091	0.59	1.090
14	0.087	0.59	1.057
15*	0.098	0.54	1.163
16	0.107	0.62	1.143
17	0.106	0.61	1.083
18	0.095	0.59	1.093
19	0.098	0.55	1.217
20	0.098	0.58	1.050
21*	0.083	0.61	1.037
22	0.089	0.62	1.033
23*	0.103	0.57	1.183
25*	0.097	0.56	1.123
27	0.126	0.53	1.347
28	0.091	0.54	1.053
29	0.107	0.51	1.297
30	0.094	0.51	1.123
31*	0.095	0.54	1.087
33*	0.132	0.66	0.223
34	0.099	0.61	1.050
35	0.099	0.55	1.063
36	0.100	0.57	1.187
37	0.090	0.60	1.163
38	0.101	0.60	1.207
39	0.098	0.53	1.137
40	0.083	0.52	1.030
42	0.091	0.56	1.050
43*	0.092	0.59	1.097

44*			P.S Factors
	0.085	0.51	1.083
45*	0.109	0.57	1.070
46	0.090	0.53	1.133
47	0.099	0.56	1.060
48*	0.103	0.60	1.107
49*	0.086	0.54	1.073
50	0.093	0.60	1.103
51*	0.082	0.71	1.107
52*	0.106	0.58	1.130
53	0.092	0.51	1.160
54	0.091	0.54	1.113
55	0.088	0.53	1.073
57	0.095	0.53	1.117
58*	0.102	0.52	1.053
60*	0.132	0.57	1.543
61*	0.097	0.60	1.303
62	0.113	0.57	1.140
63	0.119	0.53	1.180
64*	0.105	0.52	1.147
66*	0.101	0.52	1.110
68	0.098	0.61	1.047
69	0.088	0.54	1.047
70*	0.093	0.55	1.143
71*	0.105	0.53	1.150
72*	0.113	0.59	1.197
73*	0.097	0.56	1.143
74*	0.105	0.58	1.103
76	0.097	0.55	1.130
81*	0.100	0.56	1.133
82	0.094	0.53	1.087
84	0.090	0.51	1.023
96	0.106	0.53	1.017
97	0.086	0.52	1.030
98	0.088	0.58	1.117
103	0.092	0.52	1.177
120	0.098	0.64	1,193
121*	0.095	0.63	1.063
122	0.095	0.67	1.037



<sup>\*</sup> Previous Year Data

## TRIP GENERATION

## VINTAGE COMMERCE CENTER CPD COMPREHENSIVE PLAN AMENDMENT ITE TRIP GENERATION REPORT, 10th EDITION

## COMMERCIAL INTENSITY 350,000 SQ. FT. OF RETAIL 300 HOTEL ROOMS

Trip Generation – Total Trips Vintage Commerce Center

	Weekd	ay AM Pe	ak Hour	Weekd	Daily			
Land Use	In	Out	Total	In	Out	Total	(2-way)	
Shopping Center (350,000 Sq. Ft.)	203	124	327	659	714	1,373	14,092	
Hotel (300 rooms)	86	59	145	101	98	199	2,960	
Total Trips	289	183	472	760	812	1,572	17,052	

Trip Generation – New Trips Vintage Commerce Center

	Weekda	y A.M. Pe	ak Hour	Weekda	Daily			
Land Use	In	Out	Total	In	Out	Total	(2-way)	
Total Trips	289	183	472	760	812	1,572	17,052	
Less Retail Pass-By Trips	-49	-49	-98	-206	-206	-412	-4,228	
New Trips	240	134	374	554	606	1,160	12,824	



COMMUNITY DEVELOPMENT



## **Shopping Center**

(820)

Vehicle Trip Ends vs: 1000 Sq. Ft. GLA

On a: Weekday

Setting/Location: General Urban/Suburban

Number of Studies: 147 1000 Sq. Ft. GLA: 453

Directional Distribution: 50% entering, 50% exiting

#### Vehicle Trip Generation per 1000 Sq. Ft. GLA

Average Rate

Range of Rates

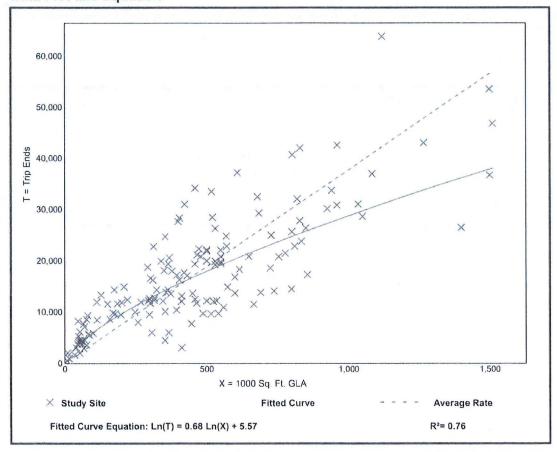
Standard Deviation

37.75

7.42 - 207.98

16.41

### **Data Plot and Equation**

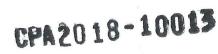




Trip Generation Manual 10th Edition • Volume 2: Data • Retail (Land Uses 800–899)

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# Shopping Center (820)

Vehicle Trip Ends vs: 1000 Sq. Ft. GLA

On a: Weekday,

Peak Hour of Adjacent Street Traffic, One Hour Between 7 and 9 a.m.

Setting/Location: General Urban/Suburban

Number of Studies: 84 1000 Sq. Ft. GLA: 351

Directional Distribution: 62% entering, 38% exiting

#### Vehicle Trip Generation per 1000 Sq. Ft. GLA

Average Rate

Range of Rates

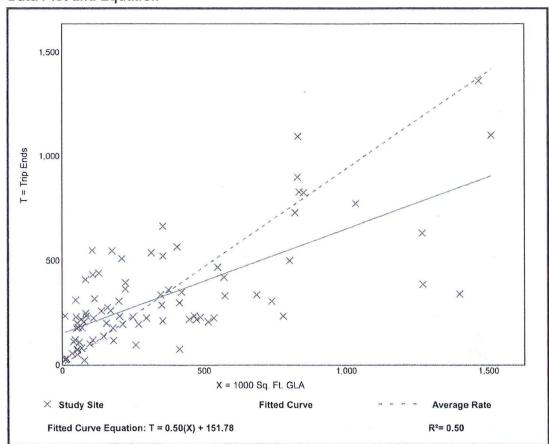
Standard Deviation

0.94

0.18 - 23.74

0.87

### **Data Plot and Equation**





Trip Generation Manual 10th Edition • Volume 2: Data • Retail (Land Uses 800-899)

# Shopping Center (820)

Vehicle Trip Ends vs: 1000 Sq. Ft. GLA

On a: Weekday,

Peak Hour of Adjacent Street Traffic,

One Hour Between 4 and 6 p.m.

Setting/Location: General Urban/Suburban

Number of Studies:

1000 Sq. Ft. GLA: 327

Directional Distribution: 48% entering, 52% exiting

#### Vehicle Trip Generation per 1000 Sq. Ft. GLA

Average Rate

Range of Rates

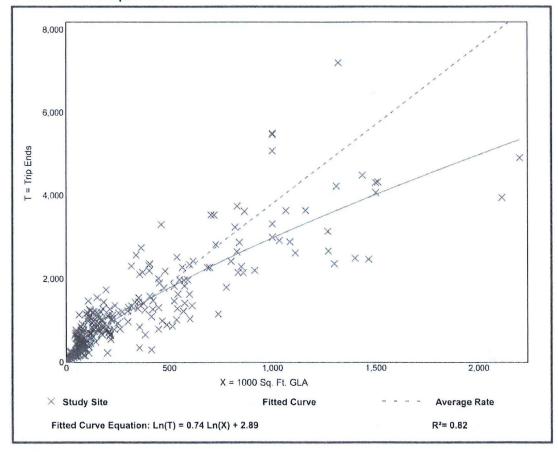
Standard Deviation

3.81

0.74 - 18.69

2.04

### **Data Plot and Equation**



ite=

Trip Generation Manual 10th Edition • Volume 2: Data • Retail (Land Uses 800-899)

## Hotel

(310)

Vehicle Trip Ends vs: Rooms

On a: Weekday

Setting/Location: General Urban/Suburban

Number of Studies: 6

Avg. Num. of Rooms: 146

Directional Distribution: 50% entering, 50% exiting

### Vehicle Trip Generation per Room

Average Rate

Range of Rates

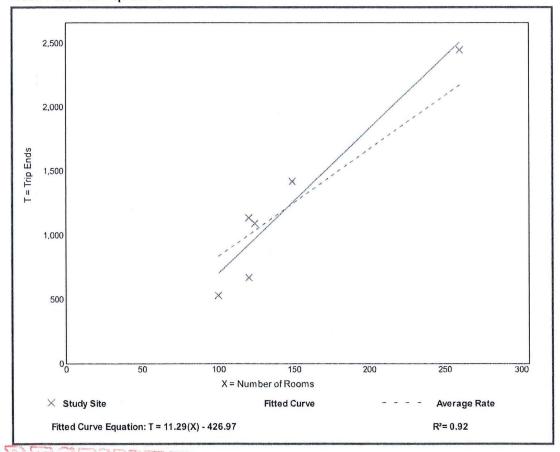
Standard Deviation

8.36

5.31 - 9.53

1.86

### **Data Plot and Equation**



Trip Generation Manual 10th Edition • Volume 2: Data • Lodging (Land Uses 300–399)

APR 3 0 2019



## Hotel

(310)

Vehicle Trip Ends vs: Rooms

On a: Weekday,

Peak Hour of Adjacent Street Traffic,

One Hour Between 7 and 9 a.m.

Setting/Location: General Urban/Suburban

Number of Studies: 25

Avg. Num. of Rooms: 178

Directional Distribution: 59% entering, 41% exiting

### Vehicle Trip Generation per Room

Average Rate

Range of Rates

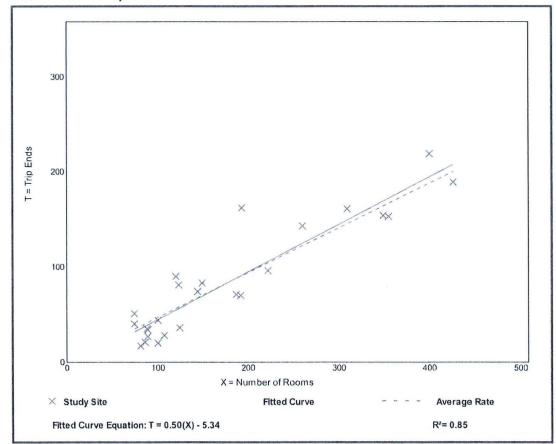
Standard Deviation

0.47

0.20 - 0.84

0.14

### **Data Plot and Equation**





Trip Generation Manual 10th Edition • Volume 2: Data • Lodging (Land Uses 300-399)

## Hotel

(310)

Vehicle Trip Ends vs: Rooms

On a: Weekday,

Peak Hour of Adjacent Street Traffic,

One Hour Between 4 and 6 p.m.

Setting/Location: General Urban/Suburban

Number of Studies: 28 Avg. Num. of Rooms: 183

Directional Distribution: 51% entering, 49% exiting

#### Vehicle Trip Generation per Room

Average Rate

Range of Rates

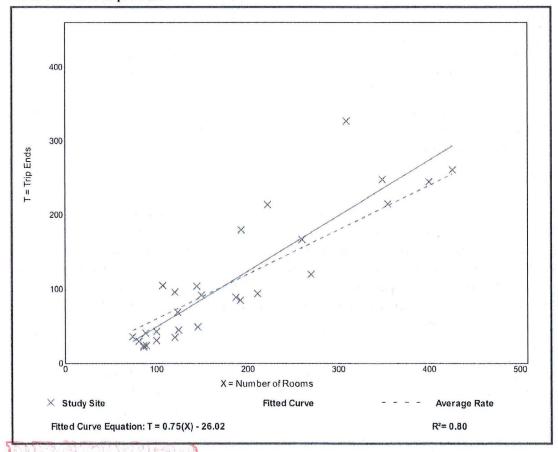
Standard Deviation

0.60

0.26 - 1.06

0.22

### **Data Plot and Equation**



Trip Generation Manual 10th Edition Volume 2: Data • Lodging (Land Uses 300–399)



# Exhibit M14 Public Facilities Impacts Analysis

#### **Sanitary Sewer**

The proposed project falls within the Lee County Utilities Sewer Service Area and service to this area is provide by the Three Oaks Wastewater Treatment plant located at the Northeast corner of Three Oaks Parkway and San Carlos Blvd. intersection. Two existing 6 inch sewer force main stub-out connections have been provided at the project property line on the East side of the Three Oaks Parkway extension on the North side of Alico Road. These existing stub-outs are planned to provide service to the project once they have been accepted and conveyed to Lee County Utilities. At this time, the sewer force main utilities are in the process of being accepted by Lee County Utilities. No capacity problems are projected for the Three Oaks Wastewater Treatment Plant. Lee County Utilities has issued a Sewer Availability letter.

Lee County Sewer Demand (flows taken from 2018 Lee County Concurrency Report):

Required to be provided 2018 27,400,000 Gallons per Day
Required to be provided 2019 27,800,000 Gallons per Day
Designed capacity 2020 43,500,000 Gallons per Day
Designed capacity 2021 49,500,000 Gallons per Day

Estimated Max. Residential Sewer Demand: 200 GPD/unit X 400 units= 80,000 GPD
Estimated Max. Commercial Sewer Demand: 0.1 GPD/S.F. X 350,000 S.F.= 35,000 GPD
Estimated Max. Hotel Sewer Demand: 100 GPD/room X 300 rooms= 30,000 GPD

#### **Potable Water**

The proposed project falls within the Lee County Utilities Water Service Area and service to this area is provided by the Corkscrew Water Treatment plant located at 16101 Alico Road. Two existing 12 inch water main stub-out connections have been provided at the project property line on the East side of the Three Oaks Parkway extension on the North side of Alico Road. These existing water main stub-outs are planned to provide service to the project once they have been accepted and conveyed to Lee County Utilities. At this time, the water main utilities are in the process of being accepted by Lee County Utilities. No capacity problems are projected for the Corkscrew Water Treatment Plant. Lee County Utilities has issued a Water Availability Letter.

Lee County Water Demand (flows taken from 2018 Lee County Concurrency Report):

Required to be provided 2018 41,000,000 Gallons per Day
Required to be provided 2019 41,700,000 Gallons per Day
Designed capacity 2020 51,900,000 Gallons per Day
Designed capacity 2021 51,900,000 Gallons per Day

Estimated Max. Residential Water Demand:

250 GPD/unit X 400 units=

100,000 GPD

January 28, 2019

CRMALPDO Exh M14 Public Facilities Impacts Analysis-rev1.docx

/M GradyMinor

CPA2018-10013

Civil Engineers • Land Surveyors • Planners • Landscape Architects
Q. Grady Minor & Associates, P.A.

3800 Via Del Rey, Bonita Springs, FL 34134 • 239-947-1144 • engineering@gradyminor.com • www.gradyminor.com

## Exhibit M14 **Public Facilities Impacts Analysis**

Estimated Max. Commercial Water Demand:

0.1 GPD/S.F. X 350,000 S.F.=

35,000 GPD

Estimated Max. Hotel Water Demand:

100 GPD/room X 300 rooms= 30,000 GPD

#### **Reclaimed (Irrigation Quality) Water**

There currently are no reclaimed water mains along Three Oaks Parkway extension in the vicinity of the proposed project. It is anticipated that a well system will be utilized to provide irrigation water for the project and will be permitted by the South Florida Water Management District and Lee County as necessary.

#### **Surface Water/Drainage Basins**

The subject property is located within the South Florida Water Management District (SFWMD). All new developments that receive approval from the SFWMD and comply with standards in Florida Administrative Code Chapter 62-330 will be deemed concurrent with the surface water management level of service standards set forth in THE LEE PLAN. Surface water management systems will be designed to SFWMD standards (to detain or retain excess storm water to match the predevelopment discharge rate for the 25-year, 3-day storm event). Storm water discharges must meet relevant water quality and surface water management standards set forth in Chapters 17-3, 17-40, and 17-302, and Rule 40E-4 of the Florida administrative Code. The proposed development is part of a master storm water management system that has been already been approved by the South Florida Water Management District. Proposed project improvements will be required to be permitted by the SFWMD as outlined above. The development is consistent with the County level of service standards.

#### Parks, Recreation, and Open Space

Based on the 2017 Lee County Concurrency Report, the 7,081 acres of existing regional parks currently operated by the local, state, and federal governments is sufficient to meet THE LEE PLAN non-regulatory level of service standard of 0.8 acres per 1,000 total permanent county population in the county. The existing park inventory meets the community park level of service standard in the county for the year 2017 and will continue to do so at least through the next five years of CIP as shown within the 2018 Public Facilities Level of Service and Concurrency Report.

The property is located within the Community Park South District #53. This community park district inventory of 259 acres provided meets THE LEE PLAN non-regulatory level of service standard.

**Public Schools** 

CFA2018-10

January 28, 2019 CRMALPDO Exh M14 Public Facilities GradyMinor

# Exhibit M14 Public Facilities Impacts Analysis

The subject project is located within the South Zone. The LOS standard was met in January 2018 for elementary and middle schools 901 and 329 available seats respectively. The LOS standard was not met in January 2018 for high schools with a deficit of 440 total seats. However, the inventory indicates that 500 seats are programmed at the new Bonita Springs High School opening in 2018-19, which results in 60 seats of available high school capacity for the south zone in the 2018-19 school year.



COMMUNITY DEVELOPMENT

anuary 28, 2019





## Exhibit M14 **Public Facilities Impacts Analysis**



**COMMUNITY DEVELOPMENT** 

CPA2018-10013

January 28, 2019 CRMALPDO Exh M14 Public Facilities Impacts Analysis-rev1.docx



Page 4 of 4



# San Carlos Park Fire District FIRE PREVENTION DIVISION

Station # 53 19591 Ben Hill Griffin Pkwy. Fort Myers, FL. 33913

www.sancarlosfire.org

(239)267-7525 fax(239)267-7505

January 25, 2019

Vintage Commerce Center 9401 Alico Rd Fort Myers, FL. 33967 866-929-4915

Re: Letter of Adequacy

Dear Mr. Feeney.

Thank you for the opportunity to inform you about our fire district. The San Carlos Park Fire Protection and Rescue District, is one of 17 Special Fire Districts in Lee County. The Insurance Services Office (ISO) currently rates our district with a Property Protection Class (PPC) of 2/2x.

We have 3 full time staffed fire stations, with 52 full time firefighters, supported by an administrative staff.

The property in question is approximately 3 miles from our Station # 51 which is located on Sanibel Blvd.

We carry 2500 gallons of water on the initial responding units and each engine is equipped with 1200 feet of supply hose. We also have a mutual aid and closest unit response agreements with our neighboring Fire Districts.

I hope this information helps. If you have any questions or concerns, please fell free to contact me at the number above.

Respectfully,

Steve Lennon

Fire Marshal R 1 0 5 A 3

APR 3 0 2019

**COMMUNITY DEVELOPMENT** 



John E. Manning District One

Cecil L Pendergrass District Two

Larry Kiker District Three

Brian Hamman District Four

Frank Mann District Five

Roger Desjarlais County Manager

Richard Wm. Wesch County Attorney

Donna Marie Collins Hearing Examiner December 6, 2018

Frank Feeney, P.E. Grady Minor 3800 Via Del Rey Bonita Springs, FL 34134

Re: Letter of Service Availability for Vintage Commerce Center

Mr. Feeney,

I am in receipt of your letter requesting a Letter of Service Availability for a land use change of a parcel located at 9401 Alico Road. The proposed plan would allow change the parcel to a FLU of "General Interchange" classification.

Lee County Emergency Medical Services is the primary EMS transport agency responsible for coverage at the address you have provided. Because we currently serve this area and have a sufficient response data sample, we evaluated response times in this vicinity to simulate the anticipated demand and response.

The primary ambulance for this location is Medic 9, located 3.1 miles west. There is a second location within five miles of the proposed development. These locations are projected to be able to meet existing service standards, as required in County Ordinance 08-16, and no additional impacts are anticipated at this time.

It is our opinion that the service availability for the proposed development of this property is adequate at this time. Should the plans change, especially the density, a new analysis of this impact would be required.

Sincerely,

Benjamin Abes

Chief

Division of Emergency Medical Services

APR 3 0 2019

UTA2018-40013

RECEIVED

DEC 1 0 2018

Q. Grady Minor

& Associates, P.A.

COMMUNITY DEVELOPMENT

P.O. Box 398, Fort Myers, Florida 33902-0398 (239) 533-2111
Internet address http://www.lee-county.com
AN EQUAL OPPORTUNITY AFFIRMATIVE ACTION EMPLOYER



3401 Metro Parkway Fort Myers, FL 33901 Phone: (239) 533-0393

November 19, 2018

Frank J. Feeney, P.E. Q. Grady Minor & Associates, P.A. 3800 Via Del Rey Bonita Springs, FL 34134

John Manning District One

Cecil L Pendergrass District Two

Larry Kiker District Three

Brian Hamman District Four

Frank Mann District Five

Roger Desjarlais County Manager

Richard Wm. Wesch County Attorney

Donna Marie Collins Hearing Examiner **RE: Vintage Commerce Center** 

**Proposed Lee County Comprehensive Plan Amendment** 

Letter of Adequacy/Provision of Existing/Proposed Support Facilities

Dear Mr. Feeney,

LeeTran has reviewed your request for service availability regarding the subject property at 9401 Alico Road in Section 3, Township 46 S, Range 25 E. After reviewing the site and comparing the location with our existing and planned route locations according to the 2016 Transit Development Plan (TDP), the following is determined:

- Currently, the site is adjacent to Route 60; the nearest stop is approximately 650 feet away.
- The site is within the ¼-mile fixed-route corridor and the ¾-mile ADA corridor.
- Currently, the headways on route 60 vary between 45 and 85 minutes, and runs Monday to Saturday.
- The 2016 TDP recommends improving frequencies to 30-60 minutes, adding Sunday service, and adding an additional morning trip (p.136-137). However, these improvements are unfunded.

I am attaching a map of our route services in relation to the site. If you have any questions or require further information, please do not hesitate to contact me at (239) 533-0393 or avaldez@leegov.com.

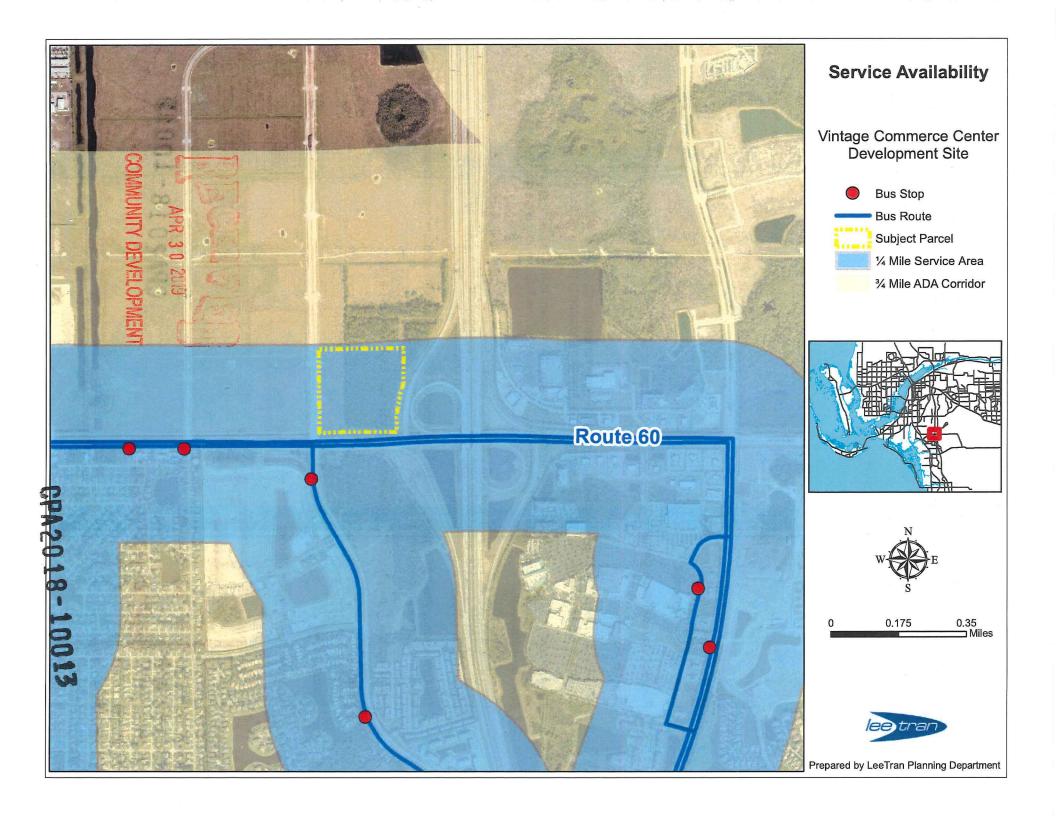
Sincerely,

Arnold Valdez Transit Planner Lee County Transit

CC: File

Levi McCollum, Sr. Planner







## THE SCHOOL DISTRICT OF LEE COUNTY

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

**DAWN HUFF** LONG RANGE PLANNER 239-337-8142 DAWNMHU@LEESCHOOLS.NET CATHLEEN O'DANIEL MORGAN CHAIRMAN, DISTRICT 7 PAMELA H. LARIVIERE VICE CHAIRMAN, DISTRICT 5 MARY FISCHER DISTRICT 1 MELISA W. GIOVANNELLI DISTRICT 2 CHRIS N. PATRICCA

DISTRICT 3 STEVEN K. TEUBER

DISTRICT 4 JANE E. KUCKEL, PHD

DISTRICT 6 GREGORY K. ADKINS, ED. D.

SUPERINTENDENT ROBERT DODIG, ESQ.

**BOARD ATTORNEY** 

November 16, 2018

Frank Feeney, P.E. Q. Grady Minor & Associates, P.A. 3800 Via Del Rey Bonita Springs, FL 34134

RE: Vintage Commerce Center

Dear Mr. Feeney:

This letter is in response to your request for comments dated November 12, 2018 for the Vintage Commerce Center in regard to educational impact. The project is located in the South Choice Zone S2.

The applicant's request is for 400 multi-family dwelling units. With regard to the interlocal agreement for school concurrency the generation rates are created from the type of dwelling unit and further broken down by grade level.

For multi-family, the generation rate is .115 and further broken down into the following, .058 for elementary, .028 for middle and .030 for high. A total of 46 school-aged children would be generated and utilized for the purpose of determining sufficient capacity to serve the development.

The Concurrency Analysis attached, displays the impact of this development and there is sufficient seats available to serve the need within the Concurrency Service Area (CSA).

Thank you and if I may be of further assistance, please call me at 239-337-8142.

Sincerely,

Dawn Huff

Dawn Huff, Long Range Planner



COMMUNITY DEVELOPMENT

CPA2018-10013

E1001-8100493

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

REVIEWING AUTHORITY NAME/CASE NUMBER

Lee County School District Vintage Commerce Center CLE RE Investment I, LLC

OWNER/AGENT
ITEM DESCRIPTION

various amendments; all impacts in South CSA, sub area S2

LOCATION

North side of Alico Rd Just west of I-75

**ACRES** 

33.00

CURRENT FLU
CURRENT ZONING

Industrial Commercial Interchange Commercial Planned Development

PROPOSED DWELLING UNITS BY

TVP

Single Family	Multi Family	Mobile Home
0	400	0

STUDENT GENERATION
Elementary School
Middle School
High School

Student Generation Rates								
SF	MF	МН	Projected Students					
	0.058		23.20					
THE REAL PROPERTY.	0.028		11.20					
	0.03		12.00					

Source: Lee County School District, November 16, 2018 letter

CSA SCHOOL NAME 2022/23
South CSA, Elementary
South CSA, Middle
South CSA, High

			CSA Available	Projected Impact of Project	Available Capacity W/Impact	LOS is 100% Perm FISH	Adjacent CSA Available Capacity w/Impact
	13,291	11,993	1,298	23	1275	90%	
	6,904	5,561	1,343	11	1332	81%	The state of the s
j	8,703	8,347	356	12	344	96%	

- (1) Permanent Capacity as defined in the Interlocal Agreement and adopted in the five (5) years of the School District's Five Year Plan
- (2) Projected Enrollment per the five (5) years of the School District's Five Year Plan plus any reserved capacity (development has a valid finding of capacity)
- (3) Available Adjacent CSA capacity is subject to adjacency criteria as outlined in the Interlocal Agreement and the School District's School Concurrency Manual

Prepared by:

Dawn Huff, Long Range Planner



COMMUNITY DEVELOPMENT

# Carmine Marceno Sheriff



State of Florida County of Lee

November 26, 2018

RECEIVED NOV 2 8 2018

Q. Grady Minor & Associates, P.A.

Frank J. Feeney, P.E. Grady Minor & Associates 3800 Via Del Rey Bonita Springs, Florida 34134

Mr. Feeney,

A proposed Amendment to the Lee County Comprehensive Plan to change the land use designation on approximately 33 +- acres at 9401 Alico Road in Section 3, Township 46 S, Range 25 E from Industrial Commercial Interchange to General Interchange does not affect the ability of the Lee County Sheriff's Office to provide core services at this time. As such, this agency does not object to the proposed change in land use designation.

We will provide law enforcement services primarily from our South District office in Bonita Springs. At the time of application for new development orders or building permits, the applicant shall provide a Crime Prevention Through Environmental Design (CPTED) report to the Lee County Sheriff's Office for review and comments. Please contact Community Relations Supervisor Beth Schell at 258-3287 with any questions regarding the CPTED study.

Respectfully,

Stan Nelson,

Director, Planning and Research

Itun Welson

APR 3 0 2019







John E. Manning District One

Cecil L Pendergrass

Larry Kiker District Three

Brian Hamman District Four

Frank Mann District Five

Roger Desjarlais County Manager

Richard Wm. Wesch County Attorney

Donna Marie Collins Hearing Examiner Mr. Frank Feeney, P.E. Grady Minor 3800 Via Del Rey

Bonita Springs, FL 34134

**SUBJECT: Vintage Commerce Center** 

Lee County Solid Waste Division - Letter of Availability

Dear Mr. Feeney:

The Lee County Solid Waste Division is capable of providing solid waste collection service for the referenced planned development. Disposal of the any commercial and residential solid waste generated from the properties within the Vintage Commerce Center development boundaries can be performed 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.

Please ensure compliance with Solid Waste Ordinance No. 11-27 and LCLDC 10-261 for space requirements of garbage and recycling containers and accessibility of the collection vehicles. While there is no requirement in Ordinance No. 11-27 for bulk waste storage, please consider some additional space for the storage of bulk waste items that may not fit into a dumpster (mattress, appliance, furniture disposal etc.) for multi-family dwellings.

Solid Waste Ordinance (11-27) establishes that the Property Owner(s) will be responsible for all future applicable solid waste assessments and fees.

If you have any questions, please call me at (239) 533-8000.

Sincerely,

Brigitte Kantor

Brigitte Kantor

Brigitte Kantor Public Utilities Manager Solid Waste Division APR 3 0 2019

November 26, 2018

COMMUNITY DEVELOPMENT

Cc: David Helmick, Environmental Specialist, Sr.

\$4001-8105A40



John E. Manning District One

Cecil L Pendergrass

District Two

Larry Kiker District Three

Brian Hamman District Four

Frank Mann District Five

Roger Desjarlais County Manager

Richard Wm Wesch County Attorney

Donna Marie Collins County Chief Hearing Examiner November 8, 2018

Via E-Mail

Frank J. Feeney, P.E. Q. Grady Minor & Assoc., P.A. 3800 Via Del Rey Bonita Springs, FL 34134

RE:

Potable Water and Wastewater Availability Vintage Commerce Center, 9401 Alico Road

STRAP #s: 03-46-25-00-00001.1100 and 03-46-25-00-00001.1090

Dear Mr. Feeney:

The subject property is located within the Lee County Utilities Future Service Area as depicted on Maps 6 and 7 of the Lee County Comprehensive Land Use Plan. Potable water and sanitary sewer lines have been installed along Three Oaks Extension adjacent to the property mentioned above; however, those lines have not yet been conveyed to, or accepted by, Lee County Utilities. As a result, service at the subject property is unavailable. To provide service to the subject parcels, the developer constructed system enhancements, e.g., potable water and sanitary sewer lines along Three Oaks Extension, must be conveyed to, and accepted by, Lee County Utilities.

Your firm has indicated that this project will consist of 400 multi-family units, a 300-room hotel, and 350,000 sq. ft. of commercial uses, with an estimated flow demand of approximately 145,000 gallons per day. While it appears Lee County Utilities may presently have sufficient capacity to provide potable water and sanitary sewer service as estimated above; however, insofar as the necessary services lines, although constructed, have not yet been conveyed to, and accepted by, Lee County Utilities, service at the subject property will remain unavailable.

Availability of potable water and sanitary sewer service is contingent upon final acceptance of the infrastructure that has been constructed by the developer to serve the subject property. Upon completion and final acceptance of this project, potable water service will be provided through our Green Meadows Water Treatment Plant.

Sanitary sewer service may subsequently be provided by our Three Oaks Wastewater Treatment Plant. The Lee County Utilities' Design Manual requires the project engineer to perform hydraulic computations to determine what impact this project will have on our existing system.

CPA 2018 - 10013

1500 Monroe Street, Fort Myers, Florida 33901 ... (239)533-8181 ... www.leegov.com

COMMUNITY DEVELOPMENT

2018-11-08 Vintage Commerce Center Letter Of Availability .Docx November 8, 2018 Page 2

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 potable water and sanitary sewer service is to be utilized for CPD only. Individual letters of availability will be required for the purpose of obtaining building permits.

Sincerely,

Nathan Beals, PMP Senior Manager (239) 533-8157

LEE COUNTY UTILITIES



COMMUNITY DEVELOPMENT



November 12, 2018

Mr. Benjamin Abes Deputy Director Lee County Department of Public Safety P.O. Box 398 Fort Myers, FL 33901

Re: Vintage Commerce Center

Proposed Lee County Comprehensive Plan Amendment

Letter of Adequacy/Provision of Existing/Prosed Support Facilities

Dear Mr. Abes:

A proposed Amendment to the Lee County Comprehensive Plan is being requested to change the land use designation on approximately 33± acres from an existing future land use of "Industrial Commercial Interchange" to a proposed "General Interchange" classification.

The subject property is located at 9401 Alico Road in Section 3, Township 46 S, Range 25 E.

The Comprehensive Plan Amendment application requires that we provide a Letter from your agency determining the adequacy / provision of existing / proposed support facilities.

If you have any questions or need additional information, please contact our office.

Sincerely,

Frank J. Feeney, P.E. Sr. Project Manager

FJF/jj

APR 3 0 2819

COMMUNITY DEVELOPMENT



November 12, 2018

Fire Marshall Steve Lennon San Carlos Park Fire Protection & Rescue Service District 19591 Ben Hill Griffin Pkwy. Fort Myers, FL 33913

Re:

Vintage Commerce Center

Proposed Lee County Comprehensive Plan Amendment Letter of Adequacy/Provision of Existing/Prosed Support Facilities

Dear Mr. Lennon:

A proposed Amendment to the Lee County Comprehensive Plan is being requested to change the land use designation on approximately 33± acres from an existing future land use of "Industrial Commercial Interchange" to a proposed "General Interchange" classification.

The subject property is located at 9401 Alico Road in Section 3, Township 46 S, Range 25 E.

The Comprehensive Plan Amendment application requires that we provide a Letter from your agency determining the adequacy / provision of existing / proposed support facilities.

If you have any questions or need additional information, please contact our office.

Sincerely,

Frank J. Feeney, P.E.

June J. Farry

Sr. Project Manager

FJF/jj

APR 3 0 2019

COMMUNITY DEVELOPMENT

CPA2018-10013



November 12, 2018

Ms. Lorna Antoine Senior Transportation Planner Lee County Department of Transportation 1500 Monroe Street Fort Myers, FL 33901

Re: Vintage Commerce Center

Proposed Lee County Comprehensive Plan Amendment

Letter of Adequacy/Provision of Existing/Prosed Support Facilities

Dear Ms. Antoine:

A proposed Amendment to the Lee County Comprehensive Plan is being requested to change the land use designation on approximately 33± acres from an existing future land use of "Industrial Commercial Interchange" to a proposed "General Interchange" classification.

The subject property is located at 9401 Alico Road in Section 3, Township 46 S, Range 25 E.

The Comprehensive Plan Amendment application requires that we provide a Letter from your agency determining the adequacy / provision of existing / proposed support facilities.

If you have any questions or need additional information, please contact our office.

Sincerely,

Frank J. Feeney, P.E.

Sr. Project Manager

FJF/jj

APR 3 0 2019

COMMUNITY DEVELOPMENT



November 12, 2018

Mr. Steve Myers, Director LeeTran 3401 Metro Parkway Fort Myers, FL 33901

Re:

Vintage Commerce Center

Proposed Lee County Comprehensive Plan Amendment

Letter of Adequacy/Provision of Existing/Prosed Support Facilities

Dear Mr. Myers:

A proposed Amendment to the Lee County Comprehensive Plan is being requested to change the land use designation on approximately 33± acres from an existing future land use of "Industrial Commercial Interchange" to a proposed "General Interchange" classification.

The subject property is located at 9401 Alico Road in Section 3, Township 46 S, Range 25 E.

The Comprehensive Plan Amendment application requires that we provide a Letter from your agency determining the adequacy / provision of existing / proposed support facilities.

If you have any questions or need additional information, please contact our office.

Sincerely,

Frank J. Feeney, P.E.

Sr. Project Manager

FJF/jj

CPA2018-10013

APR 3 0 2019

COMMUNITY DEVELOPMENT



November 12, 2018

Ms. Dawn Huff Long Range Planner The School District of Lee County 2855 Colonial Blvd. Fort Myers, FL 33966

Re:

**Vintage Commerce Center** 

Proposed Lee County Comprehensive Plan Amendment

Letter of Adequacy/Provision of Existing/Prosed Support Facilities

Dear Ms. Huff:

A proposed Amendment to the Lee County Comprehensive Plan is being requested to change the land use designation on approximately 33± acres from an existing future land use of "Industrial Commercial Interchange" to a proposed "General Interchange" classification.

The subject property is located at 9401 Alico Road in Section 3, Township 46 S, Range 25 E.

The Comprehensive Plan Amendment application requires that we provide a Letter from your agency determining the adequacy / provision of existing / proposed support facilities.

If you have any questions or need additional information, please contact our office.

Sincerely,

Frank J. Feeney, P.E.

Sr. Project Manager

FJF/jj

APR 3 0 2019

CPA2018-10013

COMMUNITY DEVELOPMENT

#### Exhibit M11 – Lee Plan Analysis

The application proposes to amend the Future Land Use Map of the Lee Plan to re-designate approximately 34+/- acres from the Industrial Commercial Interchange Future Land Use Category to the General Interchange Future Land Use Category. A text amendment is also proposed to reallocate 18± acres for residential uses in Table 1 (b). The property owner desires to amend the existing CPD zoning to enable the property owner to pursue a mixed-use alternative that incorporates up to 400 multi-family dwelling units. The General Interchange Future Land Use Category permits multi-family residential development at a density range of 8 to 14 dwelling units per acre, with up to 22 dwelling units per acre allowed with use of bonus density. The companion CPD will demonstrate compliance with the density standards for the General Interchange Future Land Use Category. The balance of the site would be utilized for a variety of non-residential uses including general commercial and hotel uses consistent with the uses permitted in the General Interchange Future Land Use Category.

Development of multi-family residential uses on the subject property represents one of the desirable and economically viable land uses in this location due to the proximity to I-75 and Alico Road, easy and convenient access to Florida Gulf Coast University, Southwest Florida International Airport and access to other nearby employment, shopping and entertainment opportunities. This multi-family residential land use pattern is consistent with other sites having easy access to I-75 interchanges throughout Lee County. An exhibit to this application identifies the various existing and planned residential land uses at or near the I-75 interchanges. Attempts to create higher density multi-family in other locations have encountered resistance. The subject location is not adjacent to population centers that resist multi-family and the younger demographic.

The majority of the property is not located within a Southwest Florida International Airport noise zone. Under 2 acres of the property is located within noise zone area C, which does not prohibit residential development. Notice to residences would be provided in accordance with Chapter 34 of the LDC with regard to exposure to future airport noise.

A full analysis of the public capacity impacts has been completed consistent with the Lee County Comprehensive Plan Amendment Application requirements. Below, is a consistency analysis with other Goals, Objectives and Policies of the Lee Plan, as well as an identification of Regional and State Plan policies related to the proposed plan amendment.

1. Discuss how the proposal affects established Lee County population projections, Table 1(b) (Planning Community Year 2030 Allocations), and the total population capacity of the Lee Plan Future Land Use Map.



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A text amendment is proposed in addition to the map amendment. The text amendment includes an amended table 1(b) which incorporates an allocation increase of 18± acres to the General Interchange Future Land Use Category for the Gateway/Airport Planning Community for residential development.

In order to maintain the population accommodation figures adopted by the BOCC, an adjustment is necessary in another Planning Community to reflect a reduction in acreage equal to that proposed to be added to the Gateway/Airport Planning Community. Due to the large allocation of land in both the Urban and Central Urban Lehigh Acres Planning Community, it is staff's suggestion that the acreage would be reduced in the Lehigh Acres Planning Community with the corresponding increase in the General Interchange Future Land Use Category – Gateway/Airport Planning Community.

Large areas of Lehigh Acres are not serviced with potable water and sanitary services. The subject property has central water and sewer services available. It is also an urban infill parcel and letters of availability have been obtained from the various service providers. The site is consistent with Goal 5, Objective 5.1 and Policies 5.1.1 - 5.1.4. The site is not located in an area with physical constraints or hazards. The property is not located in Airport Noise Zone B therefore the site is very suitable for residential development and is located in an area convenient to public facilities, transportation services, recreation and employment opportunities.

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.

## **Future Land Use Element**

OBJECTIVE 1.3: INTERSTATE HIGHWAY INTERCHANGE AREAS. Special areas adjacent to the interchanges of Interstate 75 that maximize critical access points will be designated on the Future Land Use Map. Development in these areas must minimize adverse traffic impacts and provide appropriate buffers, visual amenities, and safety measures. Each interchange area is designated for a specific primary role: General, General Commercial, Industrial Commercial, Industrial, and University Village. Residential uses are only permitted in these categories in accordance with Policy 1.3.2. (Ordinance No. 94-30, 99-18, 00-22, 16-02, 17-13, 18-05).

**POLICY 1.3.2:** The General Interchange areas are intended primarily for land uses that serve the traveling public: service stations, hotel, motel, restaurants, and gift shops. But because of their location, market attractions, and desire for flexibility, these interchange uses permit a broad range of land uses that include tourist commercial, general commercial, light industrial 1/commercial, and multi-family dwelling units. The standard density range is from eight dwelling units per acre (8)

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du/acre) to fourteen dwelling units per acre (14 du/acre). Maximum density is twenty-two dwelling units per acre (22 du/acre). (Ordinance No. 94-30, 99-18, 16-02, 17-12)

The site is presently designated Industrial Commercial Interchange on the FLU map. The area has changed since the designation in the 80s when Alico Road was primarily industrial. The Alico/Ben Hill Griffin intersection and the Alico/I-75 interchange have become increasing more important as an area that serves the traveling public, as well as those heading south to FGCU. This application proposes to designate the property to the General Interchange FLU category. Both land use categories implement objective 1.3 of the FLU element due to the adjacency to I-75. The proposed map amendment allows this critical interchange to be maximized in accordance with objective 1.3. Policy 1.3.2. Includes residential uses as a permitted use in the proposed General Interchange FLU category, which allows for a broader range of uses and increased flexibility to maximize the critical access point.

The Development of FGCU, Southwest Florida International Airport and Florida Gulf Coast Town Center shopping provide desirable destinations for residents. Easy access to Alico Road and I-75 provide convenient and centralized accessibility to employment centers located in Lee and Collier County. The property owner intends to file for a companion CPD amendment to add MF residential as a permitted land use, in addition to a variety of general commercial land uses, also requiring convenient access to I-75 and Alico Road. The CPD will contain appropriate development standards to insure that both residential and commercial uses will be developed in a compatible manner.

**POLICY 1.3.7:** The following access control standards will apply to the interstate interchange areas of Luckett Road, Alico Road, Corkscrew Road, and Bonita Beach Road. The specified turning movements are not to be construed as conveying a property right or creating any expectation that they will be a permanent feature. The county reserves the right to modify or further restrict movements as it deems necessary to address operational and safety issues. Access control issues for Daniels Parkway west of I-75 are governed by the controlled access resolution adopted by the Board of County Commissioners on October 4, 1989, as may be amended from time to time. The other interchange areas are state roads where access is controlled by the Florida Department of Transportation under the provisions of Rule 14-97.003, FAC. The standard is a strict requirement during the rezoning and development order processes for cases after the effective date of this policy.

A potential right in only access to Alico Road has been shown on the companion CPD master concept plan. The property owner is meeting with FDOT officials to determine whether access in the limited access area of I-75 can be granted. The applicant understands that access directly to Alico Road will be determined by FDOT and the USDOT.

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**POLICY 1.7.6:** The <u>Planning Communities Map and Acreage Allocation Table</u> (see Map 16 and Table 1(b) and Policies 1.1.1 and 2.2.2) depicts the proposed distribution, extent, and location of generalized land uses for the year 2030. Acreage totals are provided for land in each Planning Community in unincorporated Lee County. No development orders or extensions to development orders will be issued or approved by Lee County that would allow the acreage totals for residential, commercial or industrial uses contained in Table 1(b) to be exceeded. This policy will be implemented as follows:

- For each Planning Community the County will maintain a parcel based database of existing land use. The database will be periodically updated at least twice every year, in September and March, for each Planning Community.
- 2. Project reviews for development orders must include a review of the capacity, in acres, that will be consumed by buildout of the development order. No development order, or extension of a development order, will be issued or approved if the project acreage, when added to the acreage contained in the updated existing land use database, exceeds the limitation established by Table 1(b), Acreage Allocation Table regardless of other project approvals in that Planning Community. For limerock mining in Planning Community #18, see special requirements in Policy 33.1.4 regarding industrial acreages in Table 1(b).
- 3. At each regularly-scheduled date for submission of the Lee Plan Evaluation and Appraisal Report, the County must conduct a comprehensive evaluation of Planning Community Map and the Acreage Allocation Table system, including but not limited to, the appropriateness of land use distribution, problems with administrative implementations, if any, and areas where the Planning Community Map and the Acreage Allocation Table system might be improved.

The acreage allocation table will need to be modified to reflect that there will be an additional  $18\pm$  acres of land added to the General Interchange Future Land Use Category in the Airport/Gateway Planning Community. This is an amendment necessary to reflect the FLU Map amendment redesignating the  $34\pm$  acres from Industrial Commercial Interchange to General Commercial Future Land Use Category.

**OBJECTIVE 2.1: DEVELOPMENT LOCATION.** Contiguous and compact growth patterns will be promoted through the rezoning process to contain urban sprawl, minimize energy costs, conserve land, water, and natural resources, minimize the cost of services, prevent development patterns where large tracts of land are by-passed in favor of development more distant from services and existing communities.

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**POLICY 2.1.1:** Most residential, commercial, industrial, and public development is expected to occur within the designated Future Urban Areas on the Future Land Use Map through the assignment of very low densities to the non-urban categories.

Objective 2.1 and implementing policy 2.1.1 encourage the use of existing urban areas where services and infrastructure exist to serve new development. The General Interchange FLU category is a future urban area and has the full range of urban services available directly at the subject property, including water, sewer and road way capacity. Development in this location provides for a compact and contiguous growth pattern.

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

**POLICY 2.2.1:** Rezonings and development-of-regional-impact proposals will be evaluated as to the availability and proximity of the road network; central sewer and water lines; community facilities and services such as schools, EMS, fire and police protection, and other public facilities; compatibility with surrounding land uses; and any other relevant facts affecting the public health, safety, and welfare.

Urban services are available at or near the project site. Schools, EMS, fire and sheriff's office services are available in the vicinity of the project consistent with objective 2.2 and policy 2.2.1 of the FLU element.

**POLICY 2.2.2:** Map 1 of the Future Land Use Map series indicates the uses and density ranges that will ultimately be permitted on a given parcel. However, it is not a guarantee that such densities or uses are immediately appropriate, as the map provides for the county's growth beyond the Lee Plan's planning horizon of 2030. During the rezoning process the Board of County Commissioners will balance the overall standards and policies of this plan with three additional factors:

- Whether a given proposal would further burden already overwhelmed existing and committed public facilities such that the approval should be delayed until the facilities can be constructed; and
- 2. Whether a given proposal is for land so far beyond existing development or adequate public facilities that approval should be delayed in an effort to encourage compact and efficient

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growth patterns; and

3. Whether a given proposal would result in unreasonable development expectations that may not be achievable because of acreage limitations contained in the Acreage Allocation Table (see Policy 1.7.6, Map 16 and Table 1(b)). Additional provisions related to mining are provided in Policy 33.1.4.

In all cases where rezoning is approved, such approval does not constitute a determination that the minimum acceptable levels of service (see Policy 95.1.3) will be available concurrent with the impacts of the proposed development. Such a determination must be made prior to the issuance of

The applicant has analyzed public service availability and confirmed that capacity is available at the present time to serve the uses permitted by the proposed General Interchange FLU map designation. Residential uses are included in the companion CPD. Development of the site with residential uses in addition to commercial uses will not further burden any public facilities. This amendment proposes to revise the table 1 (b) acreage allocation, to increase the acreage by 33.95 +/- acres to accommodate the proposed change in FLU categories, and a corresponding reduction in acreage is proposed in the Industrial Commercial FLU category community.

**OBJECTIVE 2.4: FUTURE LAND USE MAP AMENDMENTS.** Regularly examine the Future Land Use Map in light of new information and changed conditions, and make necessary modifications.

**POLICY 2.4.1:** The County will accept applications from private landowners or non-profit community organizations to modify the boundaries as shown on the Future Land Use Map. Procedures, fees, and timetables for this procedure will be adopted by administrative code.

The proposed FLU map amendment provides for an interchange category with a broader range of uses that is more consistent with the surrounding land uses. The category also permits multi-family residential development on the property. As central Lee County has evolved, the property is now ideally situated to support a mixture of general commercial and residential land uses. This pattern of development is not a typical of other Lee County I-75 interchange areas. Ease of access to I-75 for our workforce and proximity to shopping, education, entertainment and SW Florida International Airport makes the site well-suited for both residential and commercial land uses.

**OBJECTIVE 2.11: CARRYING CAPACITY.** Understand the carrying capacity of the future land use map and integrate the concept into planning strategies.

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The modification is to a FLU category which permits residential uses in addition to commercial land uses is addressing the carrying capacity of the Lee Plan FLU map. Providing for the in-demand use of more residential development central to urban services and employment and where capacity exists to accommodate this growth is consistent with good land use planning strategies.

**GOAL 4: SUSTAINABLE DEVELOPMENT DESIGN.** To pursue or maintain land development regulations which encourage creative site designs and mixed use developments. Using an overlay, locate appropriate areas for Mixed Use, Traditional Neighborhood Development, and Transit Oriented Development. (Amended by Ordinance No. 94-30, 07-15)

**OBJECTIVE 4.1:** Maintain the current planned development rezoning process which combines site planning flexibility with rigorous review. (Amended by Ordinance No. 91-19, 94-30, 07-15)

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

The subject site is currently zoned as a planned development and it is the intent of the owner to file a companion CPD amendment. The MCP demonstrates the location of proposed uses, buffers, water management and on-site preserves.

**GOAL 5: RESIDENTIAL LAND USES.** To provide sufficient land in appropriate locations on the Future Land Use Map to accommodate the projected population of Lee County in the year 2030 in attractive and safe neighborhoods with a variety of price ranges and housing types.

**OBJECTIVE 5.1:** All development approvals for residential, commercial, and industrial land uses must be consistent with the following policies, the general standards under Goal 11, and other provisions of this plan.

**POLICY 5.1.1:** Residential developments requiring rezoning and meeting Development of County Impact (DCI) thresholds must be developed as planned residential developments.

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

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**POLICY 5.1.4:** Prohibit residential development in all Industrial Development areas and Airport Noise Zone B as indicated on the Future Land Use Map, except for residences in the Industrial Development area for a caretaker or security guard. (Ordinance No. 94-30, 07-09, 18-05)

The companion CPD application is an amendment to an existing CPD. The intent is to modify the schedule of uses to include a larger variety of commercial uses, as well as, multi-family residential uses consistent with the proposed General Interchange future land use category.

The majority of the site is outside the noise contours for Southwest Florida International Airport. A very small portion in the northwest corner of the site is within zone C of the noise contour, requiring notice to property owners for potential impacts from noise associated with the airport. No portion of the site is within noise zone B.

**GOAL 11: MIXED USE:** Encourage mixed use developments that integrate multiple land uses, public amenities and utilities at various scales and intensities in order to provide: diversified land development; a variety of housing types; greater connectivity between housing, workplaces, retail businesses, and other destinations; reduced trip lengths; more transportation options; and pedestrian and bicycle-friendly environments.

**OBJECTIVE 11.1: MIXED USE DEVELOPMENT.** Allow and encourage mixed use development within certain future land use categories and at appropriate locations where sufficient infrastructure exists to support development.

**POLICY 11.1.1:** Developments located within the Intensive Development, Central Urban, or Urban Community future land use categories that have existing connectivity or can demonstrate that connectivity may be created to adjacent neighborhoods are strongly encouraged to be Future Land Use II-36 October 2018 developed with two or more of the following uses: residential, commercial (including office), and light industrial (including research and development use).

**POLICY 11.1.2:** Residential densities may be calculated from the entire project area when the development is consistent with the following:

- At least three uses are proposed and must include residential, commercial (including office) and light industrial (including research and development use)
- The development is located in the Intensive Development, Central Urban, or Urban Community future land use categories.



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# <u>Transportation Element</u> (Please see Traffic Impact Statement prepared by TR Transportation Consultants, Inc.)

GOAL 37: LEVEL OF SERVICE STANDARDS. Establish and maintain specified levels of service on state and county roads within unincorporated Lee County and the roads the county maintains within the municipalities, including those level of service standards adopted by Rule by the Florida Department of Transportation for Florida Intrastate Highway System (FIHS) facilities.

**POLICY 37.1.1:** LOS "E" is the minimum acceptable LOS for principal and minor arterials, and major collectors on county-maintained transportation facilities. LOS standards for the State Highway System during peak travel hours are "D" in urbanized areas and "C" outside urbanized areas.

The minimum acceptable LOS for Pine Island Road between Burnt Store Road and Stringfellow Boulevard is also subject to Objective 14.2.

For minimum acceptable levels of service determination, the peak season, peak hour and peak direction conditions will be defined as the 100th highest volume hour of the year in the predominant traffic flow direction. The 100th highest hour approximates the typical peak hour during the peak season. Peak season, peak hour and peak direction conditions will be calculated using K-100 factors and "D" factors from the nearest, most appropriate county permanent traffic count station.

#### **POLICY 39.1.1:** New development must:

- Have adequate on-site parking.
- Have access to the existing or planned public road system except where other public policy would prevent such access.
- Fund all private access and intersection work and mitigate all site-related impacts on the public road system; this mitigation is not eligible for credit against impact fees.

**POLICY 40.1.1:** The through traffic capacity of the county's expressways, arterials, and collectors will be protected by:

- Regulating accesses to collector and arterial streets to the extent permitted by state law.
- Providing sufficient distance between land access and expressway/freeway interchanges.
- Spacing signalized intersections on arterials and collectors for efficient traffic signal operation.

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- Prohibiting on-street parking on arterials and collectors except in areas designated by the Board of County Commissioners.
- Developing a system of parallel access or frontage roads along identified collectors, arterials, and limited access facilities.
- Requiring access to arterials and collectors to be designed, funded, or built to meet forecasted
  use needs, including turn lanes, acceleration and deceleration lanes, and funding for future
  signalization. (Amended and Relocated by Ordinance No. 99-15)

**POLICY 40.1.2:** The following standards are hereby established as the minimum desirable distances between connections to the county-maintained road network:

Roadway Classification	Centerline Distances (Fee	
Arterial	660	
Collector	330	
Local Street	125	
Frontage road, reverse frontage	e 60	
or accessway		

Exceptions to these standards, and any criteria that would govern these exceptions, will be specified in the county's land development code. Certain roadways in the county are designated by the board as "controlled access," to which permanent access points are restricted to locations established and set by a specific access plan adopted by the Board by resolution.



COMMUNITY DEVELOPMENT



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## **Community Facilities and Services**

**GOAL 53: POTABLE WATER INFRASTRUCTURE.** Provide high-quality central potable water service throughout Lee County. Ensure that the costs of providing facilities is borne by those who benefit from them.

The proposed project falls within the Lee County Utilities Water Service Area and will connect to the water distribution system at the two 12 inch existing water main stubout locations that enter into the project on the East side of the Three Oaks Parkway extension. The construction cost associated with the water main connection will be paid for by the parcel developer.

**OBJECTIVE 53.1:** The county will ensure the provision of acceptable levels of potable water service throughout the future urban areas of the unincorporated county, either directly by Lee County Utilities, or indirectly through franchised utility companies.

The proposed project falls within the Lee County Utilities Water Service Area. Acceptable levels of service will be maintained by LCU. The proposed project will be designed to meet the applicable requirements to meet the regulatory agency requirements.

**POLICY 53.1.2:** The minimum acceptable level of service standards for potable water connections to Lee County Utilities are established in Policy 95.1.3.

The project will provide acceptable levels of service to the end users of the property through a network of water distribution and sewer collection services that will be designed in accordance with Lee County Utilities, Florida Department of Environmental Protection, and the Department of Health standards.

**POLICY 53.1.5:** Maintain regulations that require development to connect to Lee County Utilities or other franchised/certificated potable water service provider.

Proposed utility services will be designed and constructed in accordance with the appropriate local and state standards and regulations.

**POLICY 53.1.8:** The costs of new or augmented potable water infrastructure that is developed by Lee County will be borne by those who benefit from the improved supply.

The construction costs associated with the installation of the initial water distribution and sewer collection systems that will service the proposed development will be borne by the overall developer.

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**GOAL 54: CONSERVATION.** To ensure that future populations have access to potable water supplies and services at a reasonable price by using and encouraging conservation and resource management measures to reduce consumption of potable water.

It is anticipated that the proposed project will utilize a separate irrigation water use permit to irrigate the project landscaping via onsite wells which will reduce the potential demand on the existing potable water system.

**OBJECTIVE 54.1:** Continue programs in education, technical advice, demonstration, rate revisions, and reuse to reduce potable water consumption and the consumption of large volumes of potentially potable water.

As part of the final development of each aspect of the project, internal developments will be encouraged to review water consumption as part of their designs.

**POLICY 54.1.1:** Continue to offer public information and education programs highlighting and advocating various strategies of water conservation, including:

- creating incentives for "gray water" systems or other recycling activities;
- adopting incentives for household and commercial use of appliances and ultralow volume plumbing fixtures with low water consumption rates;
- advising householders to reduce water use;
- creating a demand for low water use appliances by publishing ratings of water use efficiency
  - for appliances analogous to the energy efficiency ratings for electrical appliances;
- advocating the cost-effective use of appliances and water: i.e. run only full loads or use low water settings when appropriate;
- encouraging maintenance of water systems, i.e. timely repair of dripping faucets, leaking water closets, broken or maladjusted sprinkler heads, etc.;
- installing alternatives to spray irrigation devices for lawns and grounds management such as drip or seep systems, or at least attending to the ambient humidity and evapotranspiration rates in controlling sprinkler systems;
- promoting the installation of a "rain sensor device" or "automatic switch" on all new irrigation systems to override the irrigation cycle of the sprinkler system when adequate rainfall has occurred;
- encouraging the use of drought-tolerant ground covers and shrubbery according to the principles of "Florida Friendly Landscaping" (see glossary and Objective 117.2) and demonstrating the uses of native vegetation in landscaping; and

encouraging the thoughtful use of water.

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As part of the final development of each aspect of the project, internal developments will be encouraged to review water consumption as part of their designs.

POLICY 54.1.2: In developing and implementing local landscape regulations including the preservation, reforestation, and wetlands restoration requirements, preference will be given to native species which are adapted to the region's climatic regime.

It is anticipated that Florida Native plant and tree species will be used for any preservation, reforestation, and potential restoration requirements.

POLICY 54.1.3: Florida Friendly Landscaping, stressing the use of native vegetation, is to be emphasized through modifications to the county's development regulations and through direct action while landscaping county-owned projects.

It is anticipated that Florida Native plants and tree species will be utilized in the creation of the code required landscape plans as part of the Development Order process to meet the Lee County development regulations.

## **b.** Sanitary Sewer

GOAL 56: SANITARY SEWER INFRASTRUCTURE. In partnership with franchised/certificated utilities providers, provide sanitary sewer service and wastewater treatment and disposal throughout Lee County.

The proposed project falls within the Lee County Utilities Sewer Service Area and will connect to the sewer collection system at the two 6 inch existing sewer main stubout locations that enter into the project on the East side of the Three Oaks Parkway extension. The construction cost associated with the sewer main connection will be paid for by the parcel developer

**OBJECTIVE 56.1:** The county will ensure the provision of acceptable levels of sanitary sewer service throughout the future urban areas of the unincorporated county, either directly by Lee County Utilities or a utility authority, or indirectly through franchised utility companies.

The proposed project falls within the Lee County Utilities Sewer Service Area. Acceptable levels of service will be maintained by LCU. The proposed project will be designed to meet the applicable requirements to meet the regulatory agency standards.

POLICY 56.1.2: The minimum acceptable level of service standard for sanitary sewer connections to Lee County Utilities are established in Policy 95.1.3.

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The minimum acceptable level of service standards adopted for Lee County Utilities' sanitary sewer systems will apply in those franchised/certificated areas and will be used in enforcing concurrency regulations (see Policy 95.1.3)

Private utilities that cannot meet the level of service standards may petition for a plan amendment for a revised level of service requirement for the specific private utility system if it can be proved that the utility has sufficient plant and system capacity to service the franchised/certificated area. Proof must include flow reports, occupancy rates or related statistical information. The data must cover the last two years.

The proposed project falls within the Lee County Utilities Sewer Service Area. Acceptable levels of service will be maintained by LCU. The proposed project will be designed to meet the applicable requirements to meet the regulatory agency standards.

**POLICY 56.1.4:** Maintain regulations that require development to connect to Lee County Utilities or other franchised/certificated sanitary sewer service provider, if capacity is available within ¼ mile of the development.

The proposed project falls within the Lee County Utilities Sewer Service Area.

**OBJECTIVE 56.2:** The county will maintain and enforce such ordinances as are necessary to require the connection of commercial and larger residential establishments to such public or private central utility systems when those systems are available for service.

The project currently has sewer collection stubouts at the property line that will be utilized to provide sewer service for the project.

## c. Surface Water Management

**GOAL 59: PROTECTION OF LIFE AND PROPERTY.** To reduce the hazards to life, health, and property created by flooding due to rainfall in a manner consistent with the community's criteria for the preservation of environmental values and the conservation of natural resources.

The project falls within a master stormwater management system that has been permitted through the South Florida Water Management District (SFWMD). The proposed project has previously been permitted for construction through the SFWMD. The current proposed improvements will be required to be permitted through the SFWMD in order to ensure that all relevant stormwater and environmental requirements and criteria are met.

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**OBJECTIVE 59.1:** Lee County will continue its efforts in developing a surface water management planning process designed to produce and maintain an up-to-date body of technical information, and, based on that information, the necessary surface water management plans, regulatory mechanisms, and facility proposals that will improve the protection of present and future uses of real property from stormwater flooding, while preserving or enhancing the environmental and natural resource values of both land and water.

The proposed project is part of a master planned stormwater management system that discharges its storm water into the Alico Road drainage ditch through a concrete water control structure that controls the discharge in accordance with the South Florida Water Management Districts permit requirements. Each parcel inside the master system is required to obtain its own South Florida Water Management District permit and show how its respective stormwater discharge rate will be controlled and treated in order to meet SFWMD standards and requirements.

**OBJECTIVE 60.1: COUNTY-WIDE PROGRAM.** Lee County will continue its efforts in developing a surface water management program that is multi-objective in scope and is geographically based on basin boundaries.

As part of the Lee County DO, the proposed stormwater management system will be reviewed by Lee County Community Development Staff to ensure that not only the South Florida Water Management District requirements are met but also Lee County specific requirements are also met.

**POLICY 60.1.5:** Lee County will maintain in its land development regulations requirements that proper stormwater management systems be installed when land is being redeveloped. Appropriate exemptions will be provided to this requirement for individual residential structures and for historic districts. The regulations may also provide modified stormwater management standards for publicly sponsored projects within community redevelopment areas (as defined by Chapter 163, Part III, Florida Statutes). However, this policy will not be interpreted so as to waive any concurrency level-of-service standards.

A Lee County Development Order permit will be applied for and obtained. The proposed stormwater improvements will be designed to meet the current Lee County and SFWMD requirements at the time of permitting.

**POLICY 60.1.7:** The level of service standards identified in Policy 95.1.3 will be updated as necessary based on new basin studies or more accurate information and will guide future investments in surface water management facilities. Procedures will be maintained to: keep levels of service current; maintain capacity of existing facilities; and, identify demand for new facilities.

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The proposed improvements associated with the proposed project will be owned and maintained by the Property Owner's Association for the subject land parcel.

**OBJECTIVE 60.2: BASIN PROGRAM.** Promote water management permitting on a basin-wide basis, as opposed to the current individual-site approach used by Lee County and the South Florida Water Management District.

As part of the Lee County and South Florida Water Management District permitting, basin wide considerations are reviewed and addressed as necessary.

**OBJECTIVE 60.5: INCORPORATION OF GREEN INFRASTRUCTURE INTO THE SURFACE WATER MANAGEMENT SYSTEM.** The long-term benefits of incorporating green infrastructure as part of the surface water management system include improved water quality, improved air quality, improved water recharge/infiltration, water storage, wildlife habitat, recreational opportunities, and visual relief within the urban environment.

Green infrastructure may be considered during the permitting process with the South Florida Water Management District to address potential stormwater benefits. This type of green stormwater treatment element will be evaluated during the permitting process to determine the proper stormwater treatment process. The required native vegetation preservation requirements will be reviewed and addressed to meet Lee County standards and requirements.

**POLICY 60.5.1:** The county encourages new developments to design their surface water management systems to incorporate best management practices including, but not limited to, filtration marshes, grassed swales planted with native vegetation, retention/detention lakes with enlarged littoral zones, preserved or restored wetlands, and meandering flow-ways.

The suggested best management stormwater management practices will be evaluated during the permitting process to determine which options provide the best treatment options in conjunction with the final project configuration.

**POLICY 60.5.2:** The county encourages new developments to design their surface water management system to incorporate existing wetland systems.

There currently are not any wetland systems on the project.

**POLICY 61.1.6:** When and where available, reuse water should be the first option for meeting irrigation needs of a development. Where reuse water is not available, surface water or low quality groundwater should be utilized for irrigation. All other potential water sources must be eliminated prior to selecting potable water as the sole source for meeting the irrigation needs of a

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CPA2018-19013

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## Exhibit M11 – Lee Plan Analysis

development. New developments will coordinate with county staff regarding the source of irrigation water.

Reuse water is currently not available at the project site. At this time, a well system is being contemplated as a source of irrigation water and will be permitted as necessary thru Lee County and the South Florida Water Management District.

**OBJECTIVE 61.2: MIMICKING THE FUNCTIONS OF NATURAL SYSTEM.** Support a surface water management strategy that relies on natural features (flow ways, sloughs, strands, etc.) and natural systems to receive and otherwise manage storm and surface water.

The proposed project site is inside a permitted South Florida Water Management District master stormwater system. This system has already created a drainage ditch collection system that ultimately discharges into the Alico Road Drainage ditch on the North side of the right of way through a concrete water control structure. There are no natural flow ways, sloughs, or strands on the subject property or the surrounding area.

**POLICY 61.2.4:** Where feasible within future urban areas, surface water management plans are encouraged that mimic the functions of natural systems, notwithstanding the type or intensity of development permitted.

The design of the final stormwater management system will be in accordance with the appropriate South Florida Water Management District requirements as well as the ultimate use of the subject property. Where possible, green infrastructure associated with stormwater best management practices will be considered dependent on the ultimate use of the project.

**OBJECTIVE 61.3: GENERAL SURFACE WATER MANAGEMENT STANDARDS.** Lee County will continue to provide sufficient performance and/or design standards for development protective of the function of natural drainage systems.

The proposed project is inside a created drainage system that is permitted by the South Florida Water Management District. There are no Natural Drainage Systems inside the subject property except for the man-made drainage ditches that are part of the master stormwater collection system.

**POLICY 61.3.1:** Provide sufficient performance and design standards to require postdevelopment runoff to approximate the total characteristics of the natural flow prior to development.

A South Florida Water Management District permit will be obtained meeting the current design standards and requirements.

March 14, 2019

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## Exhibit M11 – Lee Plan Analysis

POLICY 61.3.6: Developments must have and maintain an adequate surface water management system, provision for acceptable programs for operation and maintenance, and post-development runoff conditions which reflect the natural surface water flow in terms of rate, direction, quality, hydroperiod, and drainage basin. Detailed regulations will continue to be integrated with other county development regulations.

A South Florida Water Management District permit will be obtained meeting the current design standards and requirements.

POLICY 61.3.8: The banks of wet retention and detention areas must be sloped to promote growth of vegetation and safeguard against accidents.

The proposed stormwater management improvements will be designed to meet Lee County and South Florida Water Management District requirements for slope treatment and shape.

POLICY 61.3.12: The design of shorelines of retention and detention areas and other excavations must be sinuous rather than straight.

The proposed stormwater management improvements will be designed to meet Lee County and South Florida Water Management District requirements for slope treatment and shape.

POLICY 61.3.13: Installation of erosion control devices for development activities adjacent to waterbodies, water courses, and wetlands will be required. Such control devices must be maintained to ensure operational effectiveness.

The proposed improvements will be designed to meet Lee County and South Florida Water Management District criteria associated with erosion control and the specific erosion control devises. Additionally, the project will obtain the required FDEP National Pollution Discharge Elimination System permit further defining erosion control measures.



COMMUNITY DEVELOPMENT

CPA2018-1

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Exhibit M11 – Lee Plan Analysis

# <u>Conservation and Coastal Management</u> (Please see Environmental Report prepared by DexBender)

**OBJECTIVE 107.1: 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 hydroecological systems where the remaining wetlands and uplands function as a productive unit resembling the original landscape.

**POLICY 107.2.4:** Encourage the protection of viable tracts of sensitive or high-quality natural plant communities within developments.





CPA2018-10013

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## Exhibit M11 – Lee Plan Analysis

## **Housing Element**

**POLICY 135.1.4:** Provide for housing bonus density to stimulate the construction of very-low, low and moderate income affordable housing in Lee County.

3. Describe how the proposal affects adjacent local governments and their comprehensive plans.

The location of the 34± acre plan amendment is not adjacent to any other local government jurisdiction and will have no impact to any local government.

4. List State Policy Plan and Regional Policy Plan goals and policies which are relevant to this plan amendment.

There are no relevant GOP's in the Regional Policy Plan applicable to this FLU Map amendment.

The proposed Lee Plan Amendment is not inconsistent with the State Comprehensive Plan, Chapter 187 F.S. The proposed Land Use Change affects 35 acres of property. The property has urban development immediately adjacent to the north and the site has access to arterial and collector roadway (Alico Road and Three Oaks Parkway). The site also has urban public utility services available, and Lee County Utilities has confirmed that there is available capacity to serve the proposed mix of uses permitted in this FLU category.

The proposed amendment is consistent with the State Comprehensive Plan.



**COMMUNITY DEVELOPMENT** 

CPA2018-10013

CPA2018-10013

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Section 3, Township 46 South, Range 25 East Lee County, Florida

## **Protected Species Assessment**

October 2018



COMMUNITY DEVELOPMENT

Prepared for:

CRM Real Estate Services 1110 Euclid Avenue #300 Cleveland, OH 44115

Prepared by:

DexBender 4470 Camino Real Way, Suite 101 Fort Myers, FL 33966 (239) 334-3680

#### INTRODUCTION

The  $33.95\pm$  acre project is located within a portion of Section 3, Township 46 South, Range 25 East, Lee County, Florida. The parcel is bordered to the north by undeveloped land and pasture, to the west by Three Oaks Parkway, to the south by Alico Road, and to the east by I-75.

#### SITE CONDITIONS

The majority of this site consists of exotic invaded pine flatwoods and fallow pasture.

#### **VEGETATIVE CLASSIFICATIONS**

The predominant vegetation associations were mapped in the field on 2018 digital 1" = 200' scale aerial photography. The property boundary was provided by GradyMinor and inserted into the digital aerial. The property boundary was not staked in the field at the time of our site inspection and was, therefore, estimated based on the overlay of the approximate boundary on the aerial photography. Five vegetation associations were identified using the Florida Land Use, Cover and Forms Classification System (FLUCCS). The Protected Species Assessment Map (Appendix A) depicts the approximate location and configuration of these vegetation associations and Table 1 summarizes the acreages by FLUCCS Code. A brief description of each FLUCCS Code is also provided below.

Table 1. Acreage Summary by FLUCCS Code

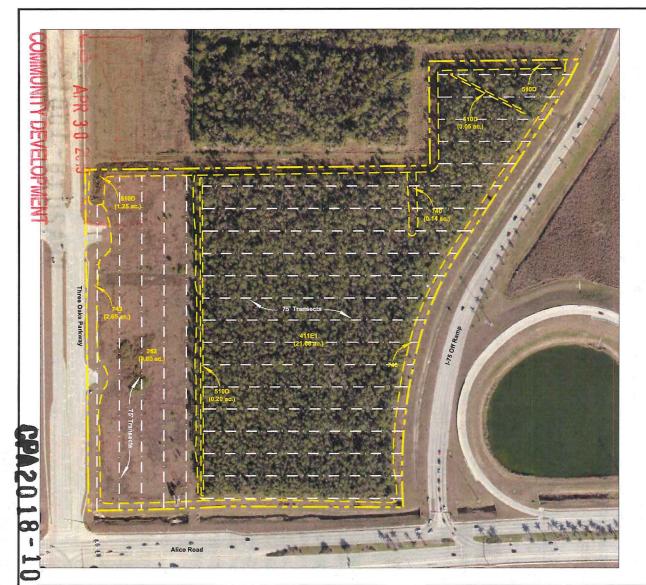
FLUCCS CODE	DESCRIPTION	ACREAGE		
262	Fallow Pasture	8.00		
411E1	E1 Pine Flatwoods Invaded by Exotics (10-25%)			
510D	Ditches			
740	Disturbed Land	0.14		
743	Spoil Areas	2.65		
	Total	33.95		

#### FLUCCS Code 262, Fallow Pasture

The western portion of the site includes remnant improved pasture which is no longer being actively grazed. Vegetation consist primarily of Bahia grass (*Paspalum notatum*) and smutgrass (*Sporobolus indicus*). Scattered Caesarweed (*Urena lobata*), ragweed (*Ambrosia artemisiifolia*), whitehead broom (*Spermacoce verticillata*), and guinea grass (*Panicum maximum*) are also present.









SCALE FEET

SECTION: 3 TOWNSHIP: 46 S RANGE: 25 E

 FLUCCS
 Description
 Acreage

 262
 Fallow Pasture
 8.00 ac.

 411E1
 Pine Flatwoods Invaded by Exotics (10-25%)
 21.66 ac.

 510D
 Ditches
 1.50 ac.

 740
 Disturbed Land
 0.14 ac.

 743
 Spoil Areas
 2.65 ac.

 Total
 33.95 ac.

PERMIT USE ONLY, NOT FOR CONSTRUCTION

ovember 13, 2018 9:14:38 a.m. Drawing: CRM1PSA.DWG

Figure 1. Protected Species Assessment Map

Vintage Commerce Center CPD Comprehensive Plan Amendment



## FLUCCS Code 411E1, Pine Flatwoods Invaded by Exotics (10-25%)

This association is characterized by a canopy dominated by slash pine (*Pinus elliottii*) and groundcover dominated by saw palmetto (*Serenoa repens*). Additional vegetative species include grapevine (*Vitis rotundifolia*), scattered dahoon holly (*Ilex cassine*), wax myrtle (*Myrica cerifera*), widely scattered cabbage palm (Sabal palmetto), and myrsine (*Rapanea punctata*). This area has been invaded by exotic vegetation including ear leaf acacia (*Acacia auriculiformes*), Brazilian pepper (*Schinus terebinthifolius*), melaleuca (*Melaleuca quinquenervia*), cogon grass (*Imperata cylindrica*), and downy rose-myrtle (*Rhodomyrtus tomentosa*).

### FLUCCS Code 510D, Ditch

These man-made drainage features are vegetated by species such as pickerelweed (*Pontedaria cordata*), willow (*Salix caroliniana*), cattail (*Typha* sp.), hempvine (*Mikania scandens*), Brazilian pepper, and alligator weed (*Alternanthera philoxeroides*),

#### FLUCCS Code 740, Disturbed Land

A small area of previously disturbed pine flatwoods is present in the northern end of the site and is vegetated by species such as Bahia grass, broomsedge (*Andropogon* sp.), widely scattered little blue maidencane (*Amphicarpum muhlenbergianum*), slash pine, and melaleuca.

#### FLUCCS Code 743, Spoil Areas

This FLUCCS Code was used to denote the filled areas around the perimeter of the site which are associated with portions of the existing stormwater management system and roads. Vegetation in these areas includes Bahia grass, ragweed, Caesarweed, whitehead broom, pusley (*Richardia* sp.), torpedo grass (*Panicum repens*), and goatweed (*Scoparia dulcis*). Two small paved portions of the Three Oaks Parkway extension are present in this association.

#### **SURVEY METHOD**

Lee County Protected Species Ordinance No. 89-34 lists several protected species of animals that could potentially occur on-site based on the general vegetative associations found on the subject parcel. Each habitat type was surveyed for the occurrence of these and any other listed species likely to occur in the specific habitat types. The survey was conducted using meandering linear pedestrian belt transects. This survey methodology is based on the Lee County administratively approved Meandering Transect Methodology. In order to provide at least 80 percent visual coverage of habitat types listed in Ordinance No. 89-34, the transects were spaced approximately 75 feet apart. The approximate locations of all direct sighting or signs (such as tracks, nests, and droppings) of a listed species were denoted on the aerial photography. The 1" = 200' scale aerial Protected Species Assessment map (Appendix A) depicts the approximate location of the survey transects and the results of the survey. The listed species survey was conducted during the morning hours of September 25, 2018. During the survey the weather was warm, sunny, and calm.



Species listed as endangered, threatened, or species of special concern by the Florida Fish and Wildlife Conservation Commission (FWC) or the United States Fish and Wildlife Service (FWS) that could potentially occur on the subject parcel according to the Lee County Protected Species Ordinance are shown in Table 2. This list from the Lee County Protected Species Ordinance is general in nature, does not necessarily reflect existing conditions within or adjacent to the 33.95± acre property, and is provided for general informational purposes only. The bald eagle (*Haliaeetus leucocephalus*) (which has been delisted by the FWC and FWS but is still protected by other regulations), burrowing Owl (*Athene cunicularia floridana*), the Florida black bear (*Ursus americanus floridanus*) (delisted in 2012 and still protected by the Florida Black Bear Management Plan), and the Florida bonneted bat (*Eumops floridanus*) (which was listed by the FWS after Ordinance No. 89-34 was adopted by Lee County) were also included in the survey.

Prior to conducting the protected species survey, a search of the FWC listed species database (updated in June 2018) was conducted to determine the known occurrence of listed species in the project area. This search revealed no known protected species occurring on or immediately adjacent to the site.

Table 2. Listed Species That Could Potentially Occur On-site

262 411E1	80 80	None Gopher Frog ( <i>Rana areolata</i> ) Eastern Indigo Snake ( <i>Drymarchon corais</i>	
411E1	80		
		couperi) Gopher Tortoise (Gopherus polyphemus) Red-cockaded Woodpecker (Picoides borealis) Southeastern American Kestrel (Falco sparverius paulus) Big Cypress Fox Squirrel (Sciurus niger avicennia) Florida Black Bear (Ursus americanus floridanus) Florida Panther (Felis concolor coryi) Beautiful Pawpaw (Deeringothamnus pulchellus) Fakahatchee Burmannia (Burmannia flava) Florida Coontie (Zamia floridana) Satinleaf (Chrysophyllum olivaeforme)	



FLUCCS	Percent Survey Coverage	Species Name	Present	Absent
510D	80	American Alligator (Alligator mississippiensis) Limpkin (Aramus guarauna) Little Blue Heron (Egretta caerulea) Reddish Egret (Egretta rufescens) Roseate Spoonbill (Ajaia ajaja) Snowy Egret (Egretta thula) Tricolored Heron (Egretta tricolor) Everglades Mink (Mustela vison evergladensis)		\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \
740	80	None		
743	80	Gopher Tortoise (Gopherus polyphemus)		1

#### **SURVEY RESULTS**

No species listed by either the FWS or the FWC were observed on the site during the protected species survey. In addition to the site inspection, a search of the FWC species database (updated in June 2018) revealed no known protected species within or immediately adjacent to the project limits. No live trees with cavities or artificial structures were observed on-site.

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**COMMUNITY DEVELOPMENT** 

OFA 2018-10013

5 CPA2018-10013

SECTION: 3 TOWNSHIP: 46 S RANGE: 25 E COMMONITY DEVE SCS 13 SCS 26 SCS 10 Soil Legend
SCS 10 - Pompano fine sand
SCS 13 - Boca fine sand
SCS 26 - Pineda fine sand
SCS 28 - Immokalee sand SCS 13 SCS 28 CPA2018-10013 Soils Map Alico Road

SECTION 3 TOWNSHIP 46 S RANGE 25 E



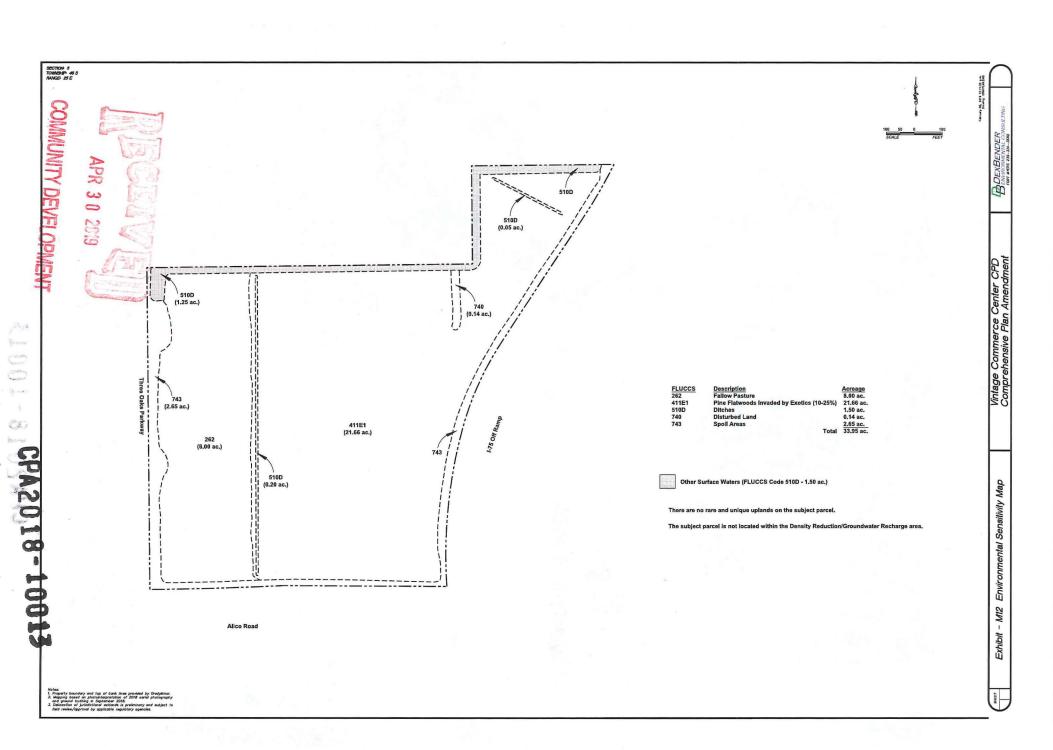
B DEXBENDER CO



COMMUNITY DEVELOPMENT

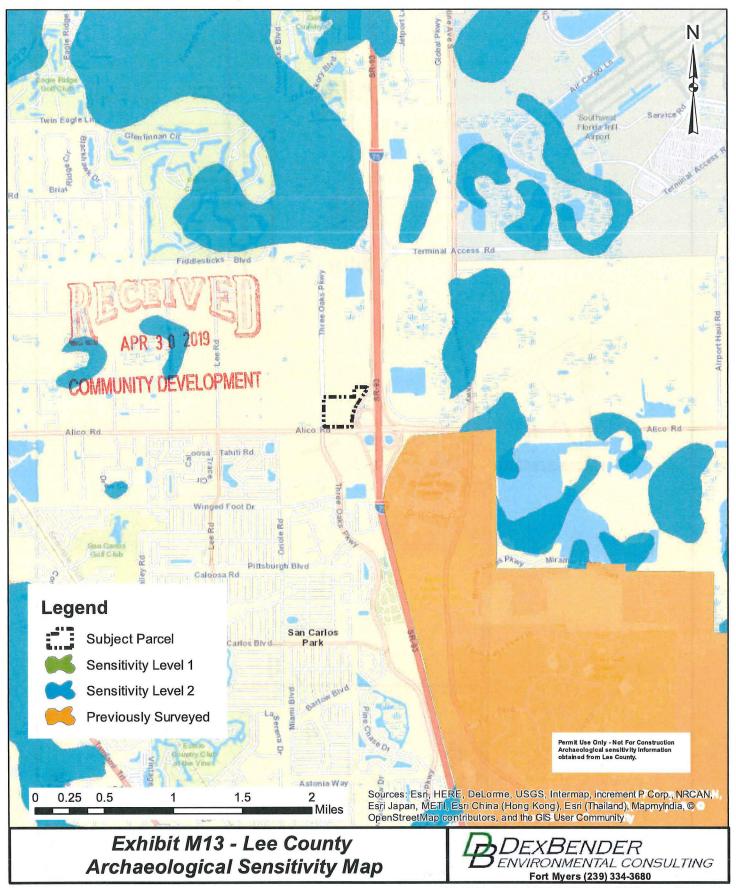
FLUCCS 262 411E1 510D 740 743 Description
Fallow Pasture
Pine Flatwoods Invaded by Exotics (10-25%)
Ditches
Disturbed Land
Spoil Areas Acreage
8.00 ac.
0-25%) 21.66 ac.
1.50 ac.
0.14 ac.
2.65 ac.
Total 33.95 ac.

Vegetation Map

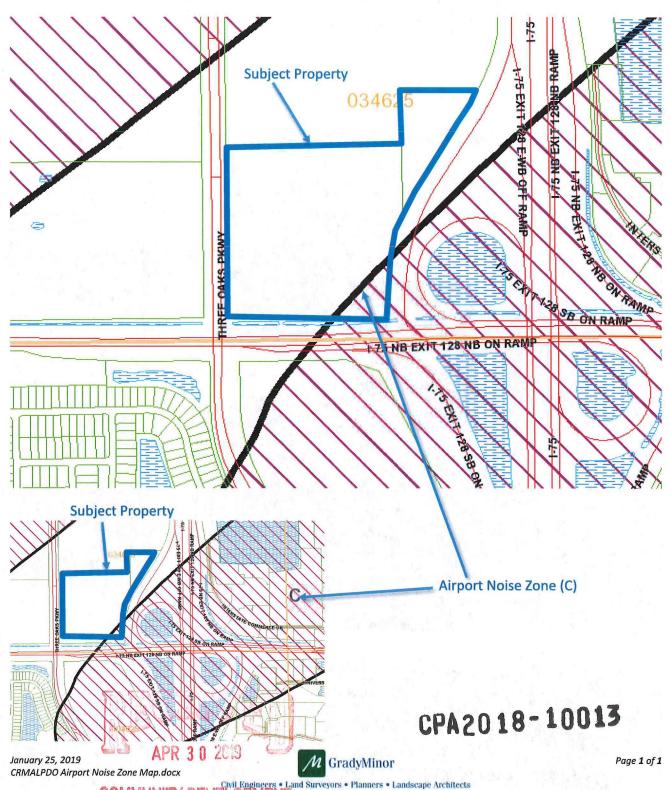


Section: 3 Township: 46 Range: 25

# Vintage Commerce Center CPD Comprehensive Plan Amendment



## Airport Noise Zone Map



## National Flood Hazard Layer FIRMette





■ Feet

2,000

250

500

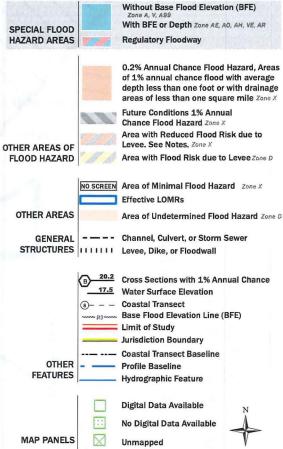
1.000

1.500

1:6,000

#### Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT



9

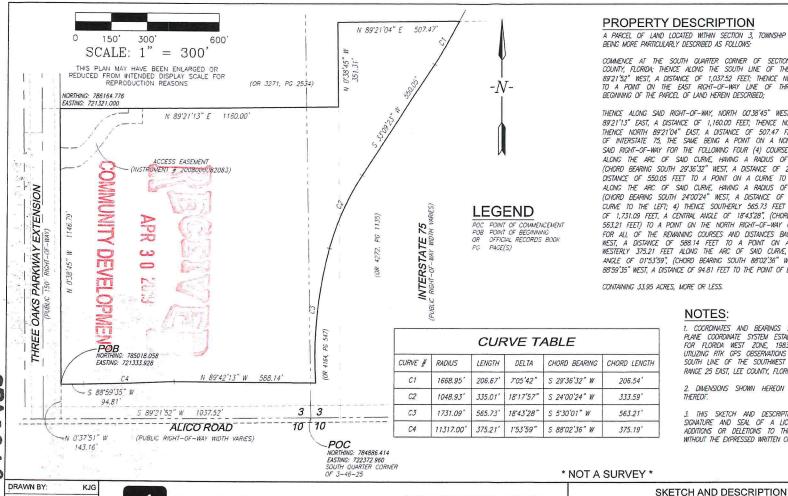
The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 1/25/2019 at 9:01:37 AM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.





#### PROPERTY DESCRIPTION

A PARCEL OF LAND LOCATED WITHIN SECTION 3, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTH QUARTER CORNER OF SECTION 3, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 3, SOUTH 89'21'52" WEST, A DISTANCE OF 1.037.52 FEET: THENCE NORTH 00'37'51" WEST, A DISTANCE OF 143.16 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF THREE CAKS PARKWAY EXTENSION AND THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED:

THENCE ALONG SAID RIGHT-OF-WAY, NORTH 00'38'45" WEST. A DISTANCE OF 1,146.79 FEET: THENCE NORTH 89'21'13" EAST, A DISTANCE OF 1,160.00 FEET; THENCE NORTH 00'38'45" WEST, A DISTANCE OF 351.31 FEET; THENCE NORTH 89'21'04" EAST, A DISTANCE OF 507.47 FEET TO A POINT ON THE WESTERLY RICHT-OF-WAY OF INTERSTATE 7.5. THE SAME BEING A POINT ON A NON TANGENTIAL CURVE TO THE RIGHT: THENCE ALONG SAID RIGHT-OF-WAY FOR THE FOLLOWING FOUR (4) COURSES AND DISTANCES, 1) SOUTHWESTERLY 206.67 FEET ALONG THE ARC OF SAID CURVE. HAVING A RADIUS OF 1,668.95 FEET, A CENTRAL ANGLE OF 07:05'42". (CHORD BEARING SOUTH 29'36'32" WEST, A DISTANCE OF 206.54 FEET); 2) THENCE SOUTH 33'09'23" WEST, A DISTANCE OF 550.05 FEET TO A POINT ON A CURVE TO THE LEFT; 3) THENCE SOUTHWESTERLY 335.01 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 1,048.93 FEET, A CENTRAL ANGLE OF 18'17'57", (CHORD BEARING SOUTH 24'00'24" WEST, A DISTANCE OF 333.59 FEET) TO A POINT ON A NON TANGENTIAL CURVE TO THE LEFT; 4) THENCE SOUTHERLY 565.73 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 1,731.09 FEET, A CENTRAL ANGLE OF 18'43'28", (CHORD BEARING SOUTH 05'30'01" WEST, A DISTANCE OF 563.21 FEET) TO A POINT ON THE NORTH RIGHT-OF-WAY OF ALICO ROAD; THENCE ALONG SAID RIGHT-OF-WAY FOR ALL OF THE REMAINING COURSES AND DISTANCES BACK TO THE POINT OF BEGINNING, NORTH 89'42'13" WEST, A DISTANCE OF 588.14 FEET TO A POINT ON A NON TANGENTIAL CURVE TO THE RIGHT; THENCE WESTERLY 375.21 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 11,317.00 FEET, A CENTRAL ANCLE OF 01'53'59". (CHORD BEARING SOUTH 88'02'36" WEST, A DISTANCE OF 375.19 FEET): THENCE SOUTH 88'59'35" WEST, A DISTANCE OF 94.81 FEET TO THE POINT OF BEGINNING.

CONTAINING 33.95 ACRES, MORE OR LESS.

#### NOTES:

1. COORDINATES AND BEARINGS SHOWN HEREON ARE BASED ON THE STATE PLANE COORDINATE SYSTEM ESTABLISHED BY THE NATIONAL GEODETIC SURVEY FOR FLORIDA WEST ZONE, 1983 DATUM WITH 1990 ADJUSTMENT OBTAINED UTILIZING RTK GPS OBSERVATIONS ON THE FDOT NETWORK AND REFER TO THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA AS BEING SOUTH 89'21'52" WEST

2. DIMENSIONS SHOWN HEREON ARE IN U.S. SURVEY FEET AND DECIMALS THEREOF

3. THIS SKETCH AND DESCRIPTION IS <u>NOT</u> VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OF A LICENSED FLORIDA SURVEYOR AND MAPPER. NO ADDITIONS OR DELETIONS TO THIS SKETCH AND DESCRIPTION ARE PERMITTED WITHOUT THE EXPRESSED WRITTEN CONSENT OF THE SIGNING PARTY.

GradyMinor

Q. Grady Minor and Associates, P.A. 3800 Via Del Rey Bonita Springs, Florida 34134

 Planners Landscape Architects Business LC 26000266

EXHIBIT M7 A PARCEL OF LAND

SECTION 3, TOWNSHIP 46 SOUTH, RANGE 25 EAST LEE COUNTY, FLORIDA

25

VALD L. SAINTENDY FL LICENSE #6761 FOR THE FIRM

SCALE: 1" = 300 DATE: 24 JANUARY 2018

FILE: 19-18-L&S

CHECKED BY

JOB CODE:

SHEET:

Cert. of Auth. EB 0005151 1 of 1

DLS

CRMALPDO

Bonita Springs: 239.947.1144

Civil Engineers

Land Surveyors

Cert. of Auth. LB 0005151

www.GradyMinor.com

Fort Myers: 239.690.4380

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