

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 		<div style="text-align: right; font-size: 0.8em;"> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee </div>	
<p>Department of Community Affairs Division of Community Planning 2555 Shumard Oak Boulevard Tallahassee, FL 32399 Attn: Ray Eubanks, Plan Processing Administrator</p>		<div style="border: 1px solid black; padding: 5px;"> <p>RECEIVED JUN 29 2010 DIVISION OF COMMUNITY PLANNING</p> </div>	
<p>2. Article Number (Transfer from service label)</p>		<p>3. Service Type</p> <div style="display: flex; justify-content: space-between;"> <div> <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Registered <input type="checkbox"/> Insured Mail </div> <div> <input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> C.O.D. </div> </div>	
<p>7007 0710 0005 1078 9381</p>		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
PS Form 3811, February 2004		Domestic Return Receipt	
		102595-02-M-1540	

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 		<div style="text-align: right; font-size: 0.8em;"> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee </div>	
<p>South Florida Water Management District 3301 Gun Club Road West Palm Beach, FL 33406 Attn: Jim Jackson, A.I.C.P., Senior Supervisor Planner</p>		<div style="border: 1px solid black; padding: 5px;"> <p>RECEIVED JUN 29 2010 DIVISION OF COMMUNITY PLANNING</p> </div>	
<p>2. Article Number (Transfer from service label)</p>		<p>3. Service Type</p> <div style="display: flex; justify-content: space-between;"> <div> <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Registered <input type="checkbox"/> Insured Mail </div> <div> <input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> C.O.D. </div> </div>	
<p>7007 0710 0005 1078 9459</p>		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
PS Form 3811, February 2004		Domestic Return Receipt	
		102595-02-M-1540	

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

Department of State
Bureau of Historic Preservation
500 South Bronough Street
Tallahassee, FL 32399-0250
Attn: Susan Harp, Historic Preservation Planner

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If different, delivery address below: ☐ No

DEPT. OF STATE
JUN 2 1 1000

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
(Transfer from service label)

7007 0710 0005 1078 9411

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

Department of Agriculture and Consumer Services
Bureau of Planning and Budgeting
CA8, The Capitol
Tallahassee, FL 32399-0810
Attn: Wendy Evans, Administrative Asst. II

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Wendy Evans

☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If different, delivery address below: ☐ No

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
(Transfer from service label)

7007 0710 0005 1078 9374

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Southwest Florida Regional Planning Council
1926 Victoria Avenue
Fort Myers, FL 33901
Attn: Mr. Ken Heatherington, Exec. Director

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Deb Kooi

☐ Agent☐ Addressee

B. Received by (Printed Name)

Deb Kooi

C. Date of Delivery

4/28/00

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7007 0710 0005 1078 9442

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Department of Education and
SMART Schools Clearinghouse
Office of Educational Facilities
325 West Gaines Street, Suite 1014
Tallahassee, FL 32399-0400
Attn: Tracy D. Suber

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Department Of Education
Mail Room B1-34
325 West Gaines Street
Tallahassee, FL 32399-0400☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

3. Service Type

☐ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7007 0710 0005 1078 9398

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

Department of Environmental Protection
Office of Intergovernmental Programs
3900 Commonwealth Boulevard, Mail Station 47
Tallahassee, FL 32399-3000
Attn: Jim Quinn, Environmental Manager

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
or delivery address below: ☐ No

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
(Transfer from service label)

7007 0710 0005 1078 9404

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1 Office of Tourism, Trade, and Economic Dev.
Suite 2001, The Capitol
Tallahassee, FL 32399-0001
Attn: Mary Helen Blakeslee, Chief Analyst

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☒ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
(Transfer from service label)

7007 0710 0005 1078 9466

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

Department of Transportation, District One
Southwest Area Urban Office
2295 Victoria Avenue, Suite 292
Fort Myers, FL 33902
Attn: Lawrence Massey, Growth Management
Coordinator

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

B. Received by (Printed Name)

C. Date of Delivery

☐ Agent
☐ Addressee

Delivery address different from item 1? ☐ Yes
Enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
(Transfer from service label)

7007 0710 0005 1078 9435

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

Florida Fish and Wildlife
Conservation Commission
Office of Policy and Stakeholder Coordination
620 South Meridian Street, Farris Bryant Building
Tallahassee, FL 32399-1600
Attn: Mary Ann Poole, Director

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

B. Received by (Printed Name)

C. Date of Delivery

☐ Agent
☐ Addressee

Delivery address different from item 1? ☐ Yes
Enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
(Transfer from service label)

7007 0710 0005 1078 9428

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540



LEE COUNTY
S O U T H W E S T F L O R I D A

BOARD OF COUNTY COMMISSIONERS

Bob Janes
District One

June 23, 2010

A. Brian Bigelow
District Two

Ray Judah
District Three

Tammy Hall
District Four

Frank Mann
District Five

Ray Eubanks, Plan Processing Administrator
Florida Department of Community Affairs
Division of Community Planning
2555 Shumard Oak Boulevard
Tallahassee, FL. 32399-2100

Karen B. Hawes
County Manager

Re: Small Scale Development Related
Amendments to the Lee Plan
Adoption Submission Package

David M. Owen
County Attorney

Diana M. Parker
County Hearing
Examiner

Dear Mr. Eubanks:

In accordance with the provisions of F.S. Chapter 163.3187(1)(c), this submission package constitutes an adopted Small Scale Amendment to the Lee Plan. The Lee County Board of County Commissioners held the adoption hearing for this amendment on June 16, 2010 starting at 9:30 am.

The effect of the Small Scale Amendment is outlined below:

CPA2010-00003 / Ordinance 10-27 Amends the Future Land Use Map Series for an approximate 0.9 acre site from the Suburban future land use category to the General Commercial Interchange future land use category. The Suburban future land use category is intended predominantly for residential uses, while the General Commercial Interchange future land use category is intended primarily for commercial uses. The site is located on the south side of Orange River Boulevard, just west of I-75.

The adopting ordinance for the above mentioned Small Scale Amendment is included with this transmittal package. Also included is the form entitled "RPM-BSP-Exempt Review" and, per F.S. 163.3187, the required notice for the Adoption hearing. The name of the local newspaper in which the notice was published is The News-Press, Fort Myers, Florida.

The name, title, address, telephone number, facsimile number, and email address of the person for the local government who is most familiar with the proposed amendments is as follows:

Mr. Paul O'Connor, AICP
Lee County Planning Division Director
P.O. Box 398
Fort Myers, Florida 33902-0398
(239) 533-8585
Fax (239) 485-8319
Email: oonconnops@leegov.com

Included with this package, per 9J-11.006, is one paper copy and two CD ROM copies, in PDF format, of the proposed amendments and supporting data and analysis. One paper copy and one CD ROM copy is being sent to the Southwest Florida Regional Planning Council and the South Florida Water Management District. The following agencies will be receiving a CD ROM only: the Florida Department of Transportation (FDOT); the Florida Department of Environmental Protection; Florida Department of State; the Florida Fish and Wildlife Conservation Commission; and the Department of Agriculture and Consumer Services.

Sincerely,

DEPT. OF COMMUNITY DEVELOPMENT
Division of Planning

A handwritten signature in black ink, appearing to read "Paul O'Connor", is written over a horizontal line.

Paul O'Connor, AICP
Director

Amendments Exempt from State and Regional Review in accordance with Rule 9J-11.015, FAC.

1. Name of Local Government Lee County

Person completing this form Paul O'Connor

Phone Number (239) 533-8583

Name of Newspaper in which notice of amendment was published The News-Press

Date Publication Noticed June 8, 2010

(Please attach copy of notice)

2. Please indicate type of amendment being submitted:

X a. a map amendment directly related to proposed small scale development activities that meet the criteria of Section 163.3187(1)(c), F.S.;

_____ b. a map amendment solely to property within an urban service boundary that meets the criteria of Section 163.3184(17), F.S.;

_____ c. a map amendment solely to property within a designated urban infill and redevelopment area pursuant to Section 163.3184(18), F.S.;

_____ d. a plan amendment associated with an area certified pursuant to Section 163.3246, F.S.

Please complete the following information if amendment is submitted under 2(a):

3. If amendment contains a residential land use category indicate:

density allowed prior to change: six dwelling unit(s) per acre.

density allowed after change: zero dwelling unit(s) per acre.

4. Number of acres of small scale development amendments contained in package: 0.9

a. Within Urban Infill, Urban Redevelopment or Downtown Revitalization as defined by Section 163.3164, FS _____

b. Within Transportation Concurrency Exception Area pursuant to Section 163.3180(5), FS _____

c. Within Regional Activity Centers or Urban Central Business Districts pursuant to Section 380.06(2)(e), FS _____

d. Within Urban Infill and Redevelopment areas as defined by Section 163.2517, FS _____

e. Within a Rural Area of Critical Economic Concern pursuant to Section 163.3187(1)(c)4, FS _____

(Please attach certifying letter to OTTED)

f. Involving the construction of affordable housing units meeting the criteria of Section 420.0004(3), FS, _____

g. Outside categories a., b, c, and d. _____

5. Cumulative total number of acres of small scale development amendments for the calendar year:

a. Categories listed in Item 4 a, b, c, and d above 0.9

b. Categories listed in Item 4 e, f, and g above 0

6. Total number of acres of small scale development amendments in this package that are located within the coastal high hazard area as identified in the comprehensive plan 0

7. Total number of acres of small scale development within area of critical state concern designated by Section 380.0552, FS 0

Pursuant to Rule 9J-11.015(1)(b)5, Florida Administrative Code, this form must be mailed with all amendments as defined by Section 9J-11.015(1)(a) Florida Administrative Code to:

DEPARTMENT OF COMMUNITY AFFAIRS
PLAN PROCESSING SECTION
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100
(850) 488-4925

NEWS-PRESS
*Published every morning – Daily and
Sunday*
Fort Myers, Florida
Affidavit of Publication

STATE OF FLORIDA
COUNTY OF LEE

Before the undersigned authority, personally appeared
Kathy Allebach
who on oath says that he/she is the
Legal Assistant of the News-Press, a
daily newspaper, published at Fort Myers, in Lee County,
Florida; that the attached copy of advertisement, being a
Display
In the matter of
Notice of Proposed Amendment
In the court was published in said newspaper in the
issues of
June 8 2010

Affiant further says that the said News-Press is a paper of
general circulation daily in Lee, Charlotte, Collier, Glades
and Hendry Counties and published at Fort Myers, in said Lee
County, Florida and that said newspaper has heretofore been
continuously published in said Lee County, Florida, each day,
and has been entered as a second class mail matter at the post
office in Fort Myers in said Lee County, Florida, for a period of
one year next preceding the first publication of the attached copy
of the advertisement; and affiant further says that he/she has
neither paid nor promised any person, firm or corporation any
discount, rebate, commission or refund for the purpose of
securing this advertisement for publication in the said
newspaper.

Kathy Allebach

Sworn to and subscribed before me this

14th day of June 2010 by

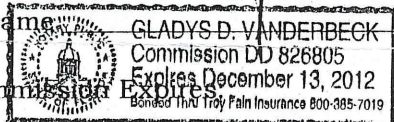
Kathy Allebach
personally known to me or who has produced

as identification, and who did or did not take an
oath.

Notary Public

Print Name

My commission Expires



**NOTICE OF PROPOSED AMENDMENT TO THE
LEE COUNTY COMPREHENSIVE LAND USE PLAN**

In compliance with the Florida Statutes, notice is hereby given that the Lee County Board of County Commissioners will hold a public hearing to consider proposed amendments to the Lee County Comprehensive Land Use Plan on Wednesday, June 16, 2010. The hearing will commence at 9:30 a.m. in the Board of County Commissioners' Hearing Chambers in the renovated Courthouse at 2120 Main Street in Downtown Fort Myers. At this hearing, the Board will consider the proposed amendments for transmittal to the Florida Department of Community Affairs. The Board will also consider the adoption of the Small Scale amendment.

This meeting is open to the public. Interested parties may appear and be heard on all proposed amendments. Persons participating in the Comprehensive Plan Amendment process, who provide their name and address on the record, will receive a courtesy informational statement from the Department of Community Affairs prior to the publication of the Notice of Intent to find a plan amendment in compliance.

If a person decides to appeal a decision made at this hearing, a verbatim record of the proceeding will be necessary. Contact the Lee County Division of Planning at 239-533-8585 for further information on obtaining a record.

In accordance with the Americans with Disabilities Act, reasonable accommodations will be made upon request. If you are in need of an accommodation, contact Janet Miller at 239-533-8583.

**JUNE 16, 2010
9:30 A.M.**

Items Proposed for Transmittal:

- A. CPA2009-00005 - Commercial Future Land Use Category: Amend Lee Plan Policy 1.1.10 (Commercial Future Land Use Category) to include reduced maximum permitted Floor Area Ratio (FAR) within portions of the North Fort Myers and Fort Myers Shores planning communities. Add a new FAR policy specific to a portion of North Fort Myers.
- B. CPA2009-00008 - Conservation Lands Update: Amend the Future Land Use Map Series, Map 1, by updating the Conservation Lands land use categories.
- C. CPA2009-00009 - Destination Resort Mixed Use Water Dependent Overlay: Amend Goal 12 and Map 2, to correct inconsistency with Map 1.
- D. CPA2009-00010 - Six Mile Cypress LOS: Amend Policies 37.1.1 and 95.1.3 to modify the level of service (LOS) standard for a segment of Six Mile Cypress Parkway to adhere to the statewide minimum LOS.
- E. CPA2008-00018 - Wetlands Density Calculation: Amend the Lee Plan to clarify the methodology for calculating Wetland densities and Wetland density transfers.
- F. CPA2009-00001 - Alico West: Amend the Future Land Use Map Series, Map 1, to change a 919.5-acre parcel from Density Reduction Groundwater Resource to University Community.
- G. CPA2009-00002 - North Olga Community Plan: Amend the Lee Plan to incorporate new goals, policies, and objectives specific to the North Olga Community.

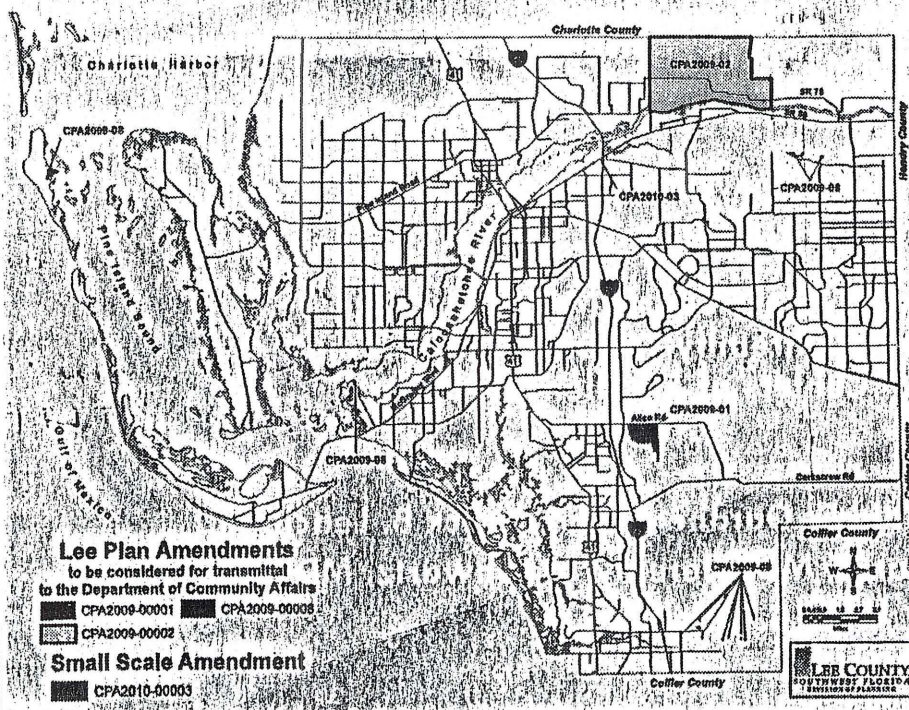
Item Proposed for Adoption:

- A. CPA2010-00003 - 5236 Orange River Boulevard: Amend Lee Plan Map 1, The Future Land Use Map for a 0.9-acre parcel from Suburban to General Commercial Interchange. (Small Scale Amendment) Sponsor: Gulf Shore Investments, LLC

At the conclusion of the hearing, the Board will vote to adopt, adopt with specific modifications, or not adopt the proposed small scale amendment through the adoption of:

**AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE
PLAN SO AS TO ADOPT SMALL SCALE AMENDMENT CPA2010-00003
(CHANGING THE DESIGNATION OF A 0.9-ACRE PARCEL FROM THE
"SUBURBAN" TO THE "GENERAL COMMERCIAL INTERCHANGE" FUTURE
LAND USE CATEGORY)**

The proposed ordinance may be inspected by the public at the Office of the County Attorney, Courthouse Administration Building, 2115 Second Street, 6th Floor, Fort Myers, Florida.



LEE COUNTY ORDINANCE NO. 10-27

5236 Orange River Boulevard
Small Scale Amendment 0.9±-Acre Parcel from
Suburban to General Commercial Interchange
Sponsored by Gulf Shore Investments, LLC

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN TO ADOPT A SMALL SCALE AMENDMENT (CPA2010-00003) PERTAINING TO THE DESIGNATION OF A 0.9-ACRE PARCEL FROM SUBURBAN TO THE GENERAL COMMERCIAL INTERCHANGE FUTURE LAND USE CATEGORY; PROVIDING FOR PURPOSE, INTENT AND SHORT TITLE; ADOPTION OF SMALL SCALE AMENDMENT TO LEE PLAN FUTURE LAND USE MAP SERIES, MAP 1; LEGAL EFFECT OF THE "LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY; INCLUSION IN CODE, CODIFICATION AND SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

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

WHEREAS, the Board, in accordance with Section 163.3181, Florida Statutes, and Lee County Administrative Code AC-13-6, provide an opportunity for private individuals to request amendment to the Future Land Use Map through a small scale amendment public hearing process; and

WHEREAS, the Local Planning Agency ("*LPA*") held a public hearing on the adoption of the proposed amendment on May 24, 2010. At that hearing the LPA found the proposed amendment to be consistent with the Lee Plan and recommended that the Board adopt the amendment; and

WHEREAS, the Board held a public hearing for the adoption the proposed amendment on June 16, 2010. At that hearing, the Board approved a motion to adopt proposed amendment CPA2010-00003 pertaining to the re-designation of a 0.9±acre parcel from Suburban to General Commercial Interchange on the Future Land Use Map Series, Map 1. The subject parcel is located at 5236 Orange River Boulevard (on the south side of Orange River Boulevard) in Section 03, Township 44 South, Range 25 East, Lee County, Florida.

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

SECTION ONE: PURPOSE, INTENT AND SHORT TITLE

The Board of County Commissioners of Lee County, Florida, in compliance with Chapter 163, Part II, Florida Statutes, and with Lee County Administrative Code AC-13-6, conducted a public hearing to review a proposed amendment to the Future Land Use Map Series of the Lee Plan. The purpose of this ordinance is to adopt the amendment to the Lee Plan discussed at that meeting and later approved by a majority of the Board of County Commissioners. The short title and proper reference for the Lee County Comprehensive Land Use Plan, as hereby amended, will continue to be the "Lee Plan." This amending ordinance may be referred to as the "2010 Small Scale Amendment Cycle CPA2010-00003, re-designation of 0.9±-acre parcel located at 5236 Orange River Boulevard (on the south side of Orange River Boulevard) in Section 03, Township 44 South, Range 25 East, Lee County, Florida."

SECTION TWO: ADOPTION OF SMALL SCALE AMENDMENT TO LEE PLAN FUTURE LAND USE MAPS SERIES, MAP 1

The Lee County Board of County Commissioners hereby amends the existing Lee Plan, adopted by Ordinance Number 89-02, as amended, by adopting an amendment to the Future Land Use Map Series, Map 1, by changing the designation of a 0.9-acre parcel from the Suburban to General Commercial Interchange Future Land Use category as depicted on attached Exhibit "A." The subject parcel is located at 5236 Orange River Boulevard (on the south side of Orange River Boulevard) in Section 03, Township 44 South, Range 25 East, Lee County, Florida. The corresponding staff report and analysis, along with all attachments for this amendment, are adopted as "support documentation" for the Lee Plan.

SECTION THREE: LEGAL EFFECT OF THE "LEE PLAN"

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

SECTION FOUR: GEOGRAPHIC APPLICABILITY

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

SECTION FIVE: SEVERABILITY

The provisions of this ordinance are severable and it is the intention of the Board of County Commissioners of Lee County, Florida, to confer the whole or any part of the powers herein provided. If any of the provisions of this ordinance are held unconstitutional by a court of competent jurisdiction, the decision of that court will not affect or impair the remaining provisions of this ordinance. It is hereby declared to be the legislative intent of the Board of County Commissioners that this ordinance would have been adopted had the unconstitutional provisions not been included therein.

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

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

SECTION SEVEN: EFFECTIVE DATE

The small scale Lee Plan amendment adopted by this ordinance will be effective 31 days after adoption unless challenged within 30 days after adoption. If challenged within 30 days after adoption, the small scale amendment to the Lee Plan will not be effective until the Florida Department of Community Affairs or the Administrative Commission issues a final order determining the small scale amendment is in compliance with Florida Statutes, Section 163.3184. No development orders, development permits or land uses dependent on this amendment may be issued or commence before the amendment has become effective.

Commissioner Ray Judah made a motion to adopt the foregoing ordinance, seconded by Commissioner Frank Mann. The vote was as follows:

District 1	Vacant
Brian Bigelow	Aye
Ray Judah	Aye
Tammara Hall	Aye
Frank Mann	Aye

DONE AND ADOPTED this 16th day of June, 2010.

ATTEST:
CHARLIE GREEN, CLERK

LEE COUNTY
BOARD OF COUNTY COMMISSIONERS

BY: Marcia Wilson
Deputy Clerk

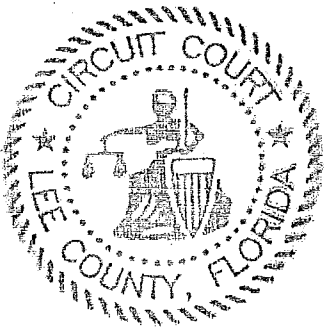
BY: Tammara Hall
Tammara Hall, Chair

DATE: 6/16/10

Approved as to form by:

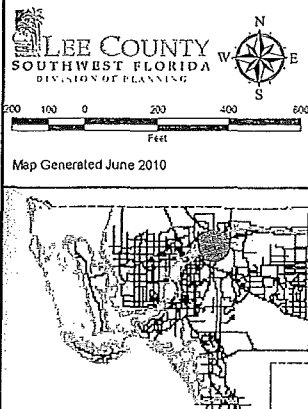
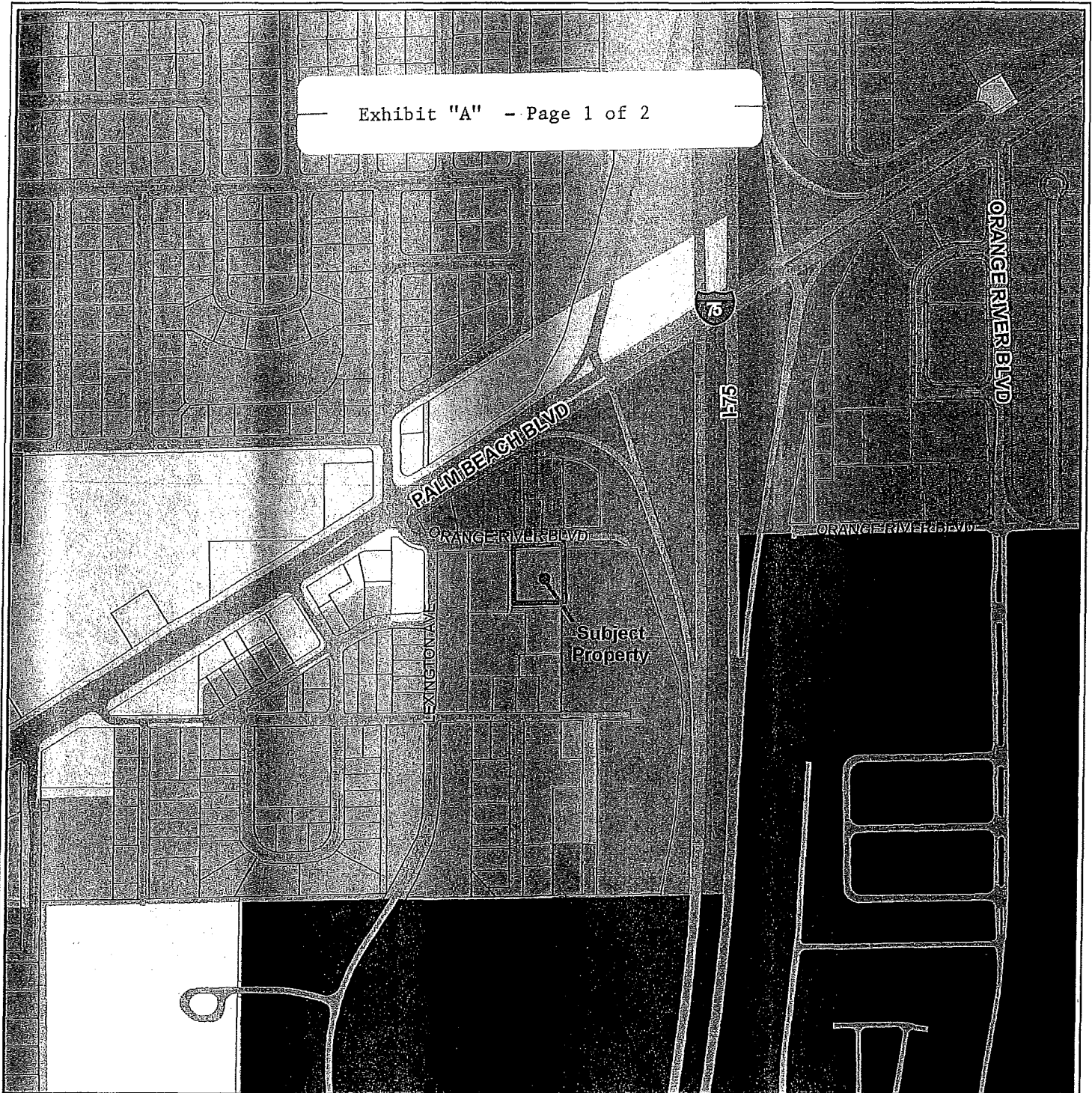
John J. Fredyma

John J. Fredyma
Assistant County Attorney
Lee County Attorney's Office



I CERTIFY THIS DOCUMENT TO BE A
TRUE AND CORRECT COPY OF THE
ORIGINAL ON FILE IN MY OFFICE
CHARLIE GREEN, CLERK CIRCUIT COURT
LEE COUNTY, FLORIDA
DATED: 6-22-10

BY: Marcia Wilson
Deputy Clerk



FUTURE URBAN AREAS

- Intensive Development
- Central Urban
- Urban Community
- Suburban
- Outlying Suburban
- Sub-Outlying Suburban
- Commercial
- Industrial Development
- Public Facilities
- University Community
- Burnt Store Marina Village
- Destination Resort Mixed Use Water Dependent

INTERCHANGE AREAS

- Industrial Interchange
- General Interchange
- General Commercial Interchange
- Industrial/Commercial Interchange
- University Village Interchange

NEW COMMUNITY

- New Community

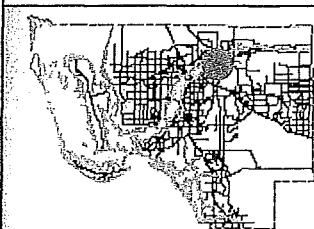
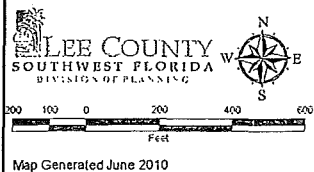
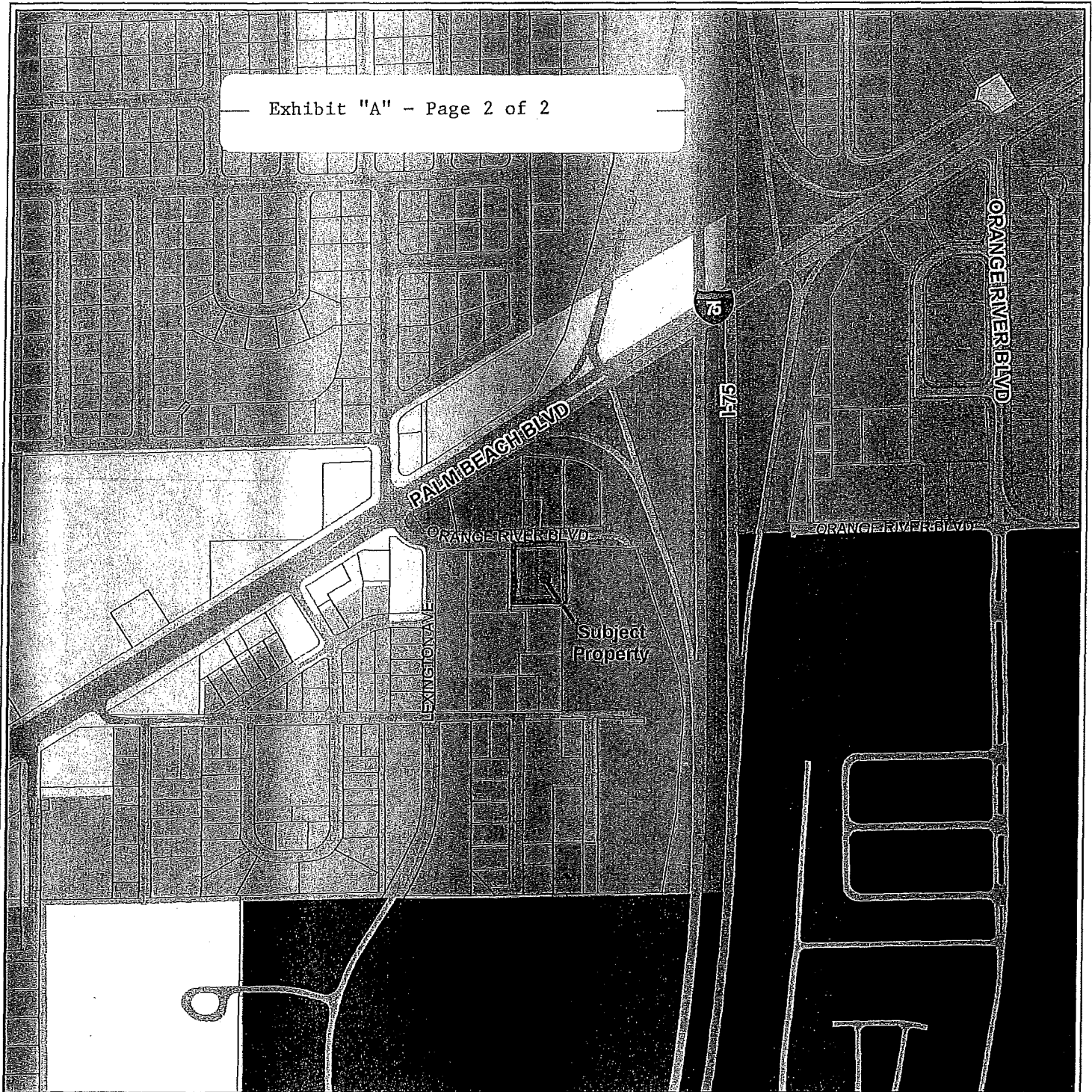
AIRPORT AREAS

- Tradeport
- Airport

NON-URBAN AREAS

- Rural
- Rural Community Preserve
- Coastal Rural
- Outer Island
- Open Lands
- Density Reduction / Groundwater Resource
- Conservation Lands Upland
- ENVIRONMENTALLY CRITICAL AREAS (WETLANDS)
- Wetlands
- Conservation Lands Wetland

CPA2010-00003 - 5236 Orange River
Existing Future Landuse Map



FUTURE URBAN AREAS

- Intensive Development
- Central Urban
- Urban Community
- Suburban
- Outlying Suburban
- Sub-Outlying Suburban
- Commercial
- Industrial Development
- Public Facilities
- University Community
- Burnt Store Marina Village
- Destination Resort Mixed Use Water Dependent

INTERCHANGE AREAS

- Industrial Interchange
- General Interchange
- General Commercial Interchange
- Industrial/Commercial Interchange
- University Village Interchange

NEW COMMUNITY

- New Community

AIRPORT AREAS

- Tradeport
- Airport

NON-URBAN AREAS

- Rural
- Rural Community Preserve
- Coastal Rural
- Outer Island
- Open Lands
- Density Reduction / Groundwater Resource
- Conservation Lands Upland

ENVIRONMENTALLY CRITICAL AREAS (WETLANDS)

- Wetlands
- Conservation Lands Wetland

**CPA2010-00003 - 5236 Orange River
Proposed Future Landuse Map**

CPA2010-03
GULF SHORE INVESTMENTS
PRIVATELY SPONSORED
SMALL-SCALE AMENDMENT
TO THE

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

BoCC Adoption Document

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

June 16, 2010

**LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA2010-03**

☐

Text Amendment

☒

Map Amendment

	This Document Contains the Following Reviews:
✓	Staff Review
✓	Local Planning Agency Review and Recommendation
✓	Board of County Commissioners Hearing for Adoption

STAFF REPORT PREPARATION DATE: May 14, 2010

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. APPLICANT/REPRESENTATIVE:

Gulf Shore Investments, LLC
Represented by Patrick C. Hunt

2. REQUEST:

Amend the Future Land Use Map Series for an approximate 0.9 acre site from the Suburban Future land Use Category to the General Commercial Interchange Future Land Use Category. The site is generally located on the south side of Orange River Boulevard, just west of I-75.

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION:

Planning staff recommends that the Board of County Commissioners adopt the proposed amendment.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- The properties to the north and east of the subject property are within the General Commercial Interchange Future Land Use Category.
- The subject property is a part of the Palm Beach Boulevard Corridor, which includes the southwestern quadrant of the Interstate 75 and Palm Beach Boulevard intersection.

- The property accesses a dead end portion of Orange River Boulevard that also provides access to other commercial uses within the General Commercial Interchange Future land Use Category.
- The property is located approximately 400 feet from Palm Beach Boulevard, an arterial road, with a signalized intersection.
- The applicant has also requested approval of a Commercial Planned Development (CPD) that is seeking to operate a small RV sales center on the subject site. This use is compatible with the existing commercial uses in the area.
- There will be no increase in the population accommodation capacity of the FLUM. The proposed amendment will result in a population capacity reduction of 5 persons as the General Commercial Interchange does not allow residential uses other than caretakers.
- The subject site is within the Fort Myers Shores planning community, which has sufficient commercial acreage allocated on Table 1(b) of the Lee Plan to accommodate the proposed amendment..
- The area currently has interchange-type uses that are mixed with established residential uses.
- The proposal will result in minimal impacts to public infrastructure and services.

C. BACKGROUND INFORMATION

Project Summary

The 0.9 acre site has access to a dead end portion of Orange River Boulevard on the west side of Interstate 75. This dead end was caused by the construction of Interstate 75. The applicant is requesting to amend the Future Land Use Map, Map 1 of the Lee Plan, to change the future land use designation from Suburban to General Commercial Interchange. The applicant is also seeking approval of a Commercial Planned Development on the subject site to allow RV sales. Properties to the north and east are currently permitted for and contain a larger scale RV sales center.

Comprehensive Plan Background

In 1984, Lee County adopted its first official Future Land Use Map (FLUM) as part of its comprehensive plan. On that map, the subject property was part of the "General Commercial Interchange" land use category. The Future Land Use category was changed in 1990 to "Suburban" Future Land Use Category. The change from General Commercial Interchange to Suburban was a requirement of the 1990 Stipulated Settlement Agreement (Volume 3), which required Lee County to more closely match the municipalities' future land use categories in the municipal boundaries and areas within the urban reserve. The Suburban Future Land Use Category remains the future land use designation for the parcel today. The Suburban areas are described by Policy 1.1.5, reproduced below:

POLICY 1.1.5: The Suburban areas are or will be predominantly residential areas that are either on the fringe of the Central Urban or Urban Community areas or in areas where it is appropriate

to protect existing or emerging residential neighborhoods. These areas provide housing near the more urban areas but do not provide the full mix of land uses typical of urban areas. The standard residential densities are the same as the Urban Community category. Higher densities, commercial development greater than neighborhood centers, and industrial land uses are not permitted. Bonus densities are not allowed.

It is important to note that this parcel had originally been designated as General Commercial Interchange by Lee County at the time the Lee Plan was originally adopted. Lee County did not necessarily desire to change the future land use designation of this parcel. The 1990 Stipulated Settlement Agreement was an agreement between Lee County and the Florida Department of Community Affairs (DCA) that provided a compromise to make the 1989 EAR-based amendments in compliance. As part of the agreement Lee County had to amend the Future Land Use Map so that the future land use categories more closely matched the future land use categories of the municipalities within the County.

Parcel Description and History

The subject property is a portion of Block 3, Lot 33 of the Terry - Tice- and Vanderwalkers subdivision. This subdivision was platted in Plat Book 1, Page 46. The property is in the Suburban Future Land Use Category on the Future Land Use Map, Map 1 of the Lee Plan. The parcel was purchased by the applicant in 2008. The subject site currently has an approximately 1,300 square foot vacant residential structure on it. The property immediately to the south has a single-family residential dwelling unit, to the west is a vacant residential property and to the north and east is a substantial area with RV sales and service commercial use.

The General Commercial Interchange

During previous comprehensive plan amendments Planning staff has evaluated the southwest quadrant of this interchange area for designation to General Commercial Interchange future land use category. At the November 1, 2000 Lee Plan Amendment adoption hearing the Board of County Commissioners voted to revisit this amendment in a future amendment cycle. At that hearing, it was recommended that the analysis be broadened to include all four quadrants of the I-75 and S.R. 80 interchange.

In 2005, as part of Lee Plan amendment CPA2004-13, the Board of County Commissioners initiated an amendment to the Lee Plan that included an evaluation of the future land use designations of the Interstate 75 and State Road 80 interchange quadrants. During this evaluation, only one alternative was discussed for the southwest quadrant placing the existing RV Sales Center into the General Commercial Interchange category and leaving the residential properties in the Suburban future land use category.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

INTRODUCTION

The applicant is proposing to amend the Future Land Use Map for an approximately 0.9 acre site from the Suburban Future land Use Category to the Commercial Interchange Future Land Use Category. The site is generally located on the south side of Orange River Boulevard, west of I-75.

The subject site currently has a vacant residential structure on it. The applicant has requested an interchange/regional use of the property in a separate request for a Commercial Planned Development for RV sales with a 1,200 square foot sales office.

CONSISTENCY WITH THE GENERAL COMMERCIAL INTERCHANGE FLUC

Lee County Division of Planning staff has reviewed the proposed Lee Plan amendment for consistency with the General Commercial Interchange future land use category. Policy 1.3.3, the descriptor policy for the General Commercial Interchange future land use category is identified below:

POLICY 1.3.3: The General Commercial Interchange areas are intended primarily for general community commercial land uses: retail, planned commercial districts, shopping, office, financial, and business.

In addition to the proposed comprehensive plan amendment, the applicant has also applied for a Commercial Planned Development (CPD) for an RV sales center. The use proposed in the CPD is consistent with the General Commercial Interchange future land use category as defined by Policy 1.3.3 of the Lee Plan.

It should be noted that the proposed map amendment will change the existing vacant single-family home on the subject site to a non-conforming structure. Due to the concurrently running Commercial Planned Development it is anticipated that this structure will not remain on the site. The Land Development Code does not allow the non-conforming uses to be expanded. Planning staff believe the vacant single-family structure will not cause any Lee Plan consistency issues.

Planning staff finds that the proposed Future Land Use Category is consistent with the proposed commercial uses for the subject site and adjacent areas.

OTHER LEE PLAN CONSISTENCY ISSUES:

Planning staff have reviewed the proposed comprehensive plan amendment for consistency with the following provisions of the Lee Plan:

***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, prevent development patterns where large tracts of land are bypassed in favor of development more distant from services and existing communities.*

The property is adjacent to a 10 acre commercial development (North Trail RV) which abuts I-75 in the southwest quadrant of the intersection of Palm Beach Blvd and I-75. It is located approximately 0.1 mile from a signalized intersection with Palm Beach Blvd providing convenient access to existing road networks. This proposal will serve to contain urban sprawl, minimize energy costs and conserve land by redeveloping an underutilized property near a major urban intersection. The proposed Lee Plan amendment is consistent with Objective 2.1 of the Lee Plan.

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...*

The traffic analysis provided by the applicant indicates that Palm Beach Boulevard will continue to operate at an adequate Level of Service (LOS) with the approval of this proposed amendment. Public water and sewer are available, and have adequate capacity to serve the subject site under the worst case scenario. The proposed amendment will not require any expansion of Lee County's water, sewer, or road networks. Planning staff believes this proposed development to be in-fill development. The scale of the development will only minimally affect the existing infrastructure and require no new facilities. The proposed amendment is consistent with Objective 2.2 of the Lee Plan.

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

The applicant has also submitted a Commercial Planned Development (CPD) rezoning application for the subject site for the intended commercial use. This type of review will allow public input. Staff will also be able to draft a set of conditions to adequately buffer the surrounding residents from the proposed commercial use. The proposed project abuts a more intense commercial use to the north and west, and will provide some level of transition from the more intense commercial uses to the adjacent residential areas. It should also be noted that the applicant has provided signed letters from the neighbors in support of the proposed future land use change. The proposed amendment to the Future Land Use Map is consistent with Policy 5.1.5.

In addition to the above mentioned objectives and policies Lee County staff have reviewed this application and find that it is consistent with Standards 11.1 and 11.2 of the Lee Plan. The site is presently served by public water and sewer and the utility has provided letter of availability to serve this proposed development.

Lee County Division of Planning finds the proposed comprehensive plan amendment to be consistent with the Lee Plan.

CURRENT FLUM DESIGNATION FOR SUBJECT SITE:

The Future Land Use category for the subject site is Suburban.

POLICY 1.1.5: *The Suburban areas are or will be predominantly residential areas that are either on the fringe of the Central Urban or Urban Community areas or in areas where it is appropriate to protect existing or emerging residential neighborhoods. These areas provide housing near the more urban areas but do not provide the full mix of land uses typical of urban areas. The standard residential densities are the same as the Urban Community category. Higher densities, commercial development greater than neighborhood centers, and industrial land uses are not permitted. Bonus densities are not allowed.*

Staff has estimated, as a worst case, that the area being amended would qualify for the following based on the existing and proposed land use categories. Although the parcel is already developed, staff estimates the following if redevelopment were to occur. All density calculations include bonus density in order to provide the maximum scenario for evaluation.

	Southwest Quadrant
Existing Land Use Category	Suburban
Possible dwelling units or commercial development	5 residential dwelling units
Proposed Land Use Category	General Commercial Interchange
Possible dwelling units or commercial development	9,000 s.f. commercial 0 dwelling units

POPULATION ACCOMMODATION ANALYSIS

The request is to change the Future Land Use Map (FLUM) category of approximately 0.9 acres from the Suburban future land use category to the General Commercial Interchange future land use category. Currently, the Lee Plan does not permit residential development in General Commercial Interchange areas.

The Suburban category standard density permits up to 6 du/acre. There are approximately 0.9 acres designated Suburban. A maximum of 5 dwelling units could be constructed on the property under the Suburban designation. This equates to a population accommodation capacity of 10 persons (5 du's X 2.09 persons per unit).

As mentioned above the Lee Plan does not permit residential development in General Commercial Interchange designations and therefore the proposal will not be increasing the population accommodation capacity of the FLUM. In fact, the amendment would result in a population capacity reduction of 10 persons.

LEE PLAN PLANNING COMMUNITIES MAP AND TABLE 1(b)

The subject area is located within the Fort Myers Shores planning community. Table 1(b) allocates a total of 400 acres for commercial use in this Planning Community. Recent planning division research indicates that 236 acres of commercial development in the Fort Myers Shores planning community have been developed. This research indicates that 164 additional acres can be developed for commercial use in the planning community before the year 2030. The proposed amendment consists of approximately 0.9 acres. There is sufficient allocation for commercial uses within the Fort Myers Shores planning community. Staff finds the proposed amendment to the Future Land Use Map is consistent with Table 1(b) of the Lee Plan.

TRANSPORTATION

Lee County Department of Transportation (DOT) staff have reviewed the proposal and provided written comments dated April 28, 2010.

POTABLE WATER AND SANITARY SEWER SERVICE

Lee County Utilities staff have reviewed the proposal and provided written comments dated April 28, 2010. Lee County Utilities offers no objection to the proposed change. Lee County Utilities has the capacity to service the development that could occur with the worst case scenario.

Potable Water Service: The subject site is located within the Lee County Water Service area as identified on Map 6 of the Lee Plan. The site will be served by the Olga Water Treatment Plant which has adequate capacity. Lee County Utilities noted that developer funded improvements to the water system may be required.

Sanitary Sewer Service: The subject site is located within the Lee County Sewer Service area as identified on Map 7 of the Lee Plan. The site will be served by the City of Fort Myers North Waste Water Plant which has adequate capacity. Lee County Utilities noted that developer funded improvements to the water system may be required.

LEE COUNTY SCHOOL DISTRICT EVALUATION

The Lee County School District evaluated the proposed redesignation and determined the adequacy of existing and future facilities to provide services to the subject area. Staff of the School District of Lee County have provided a letter to Planning staff indicating that the proposed change "has no impact on classroom needs."

PUBLIC SAFETY ISSUES

The applicant has provided letters from the public safety and service providers. The purpose of these letters is to determine the adequacy of existing or proposed support facilities. Planning staff has also provided some additional analysis.

Coastal Issues

The parcel is located in the Category 4/5 Evacuation Zone and the Category 4/5 Storm Surge. The parcel is not part of the County's defined Coastal High Hazard Area.

Sheriff's Office Impact

The Lee County Office of the Sheriff provided a memo dated January 19, 2010 that states the proposed amendment "would not affect the ability of the Lee County Sheriff's Office to provide core services at this time."

Fire Service Impact

The Tice Fire & Rescue District has provided a letter to the applicant dated March 9, 2010 stating that they do not see any issues or raise any objections to the proposed change.

Emergency Medical Services (EMS) Impact

EMS staff has provided a letter to the applicant indicating that they have "no initial concerns with the ability to provide services to this project."

MASS TRANSIT

Lee County Transit Division staff provided the applicant a letter dated January 15, 2010. The letter states that there is transit service at this location with current capacity to meet the needs of the proposed land use changes.

SOLID WASTE

Lee County Solid Waste Division provided a letter to the applicant on January 19, 2010 stating that they are "capable of providing commercial solid waste collection service for the subject property" Solid Waste Service will be provided by the Lee County Resource Recovery Facility and the Hendry Regional Landfill.

PARKS, RECREATION AND OPEN SPACE

The proposed Lee Plan amendment will result in a population capacity reduction of 10 persons. Staff finds that the proposed comprehensive plan amendment will not create any additional need for community or regional parks within Lee County.

SOILS

The 1984 U.S. Department of Agriculture Soil Survey of Lee County identifies one soil type as being present on the subject parcel - 11 Myakka fine sand. The Soil Survey provides the following:

11 - Myakka fine sand. This is a nearly level, poorly drained soil on broad flatwoods areas. Slopes are smooth to slightly concave and range from 0 to 2 percent.

HISTORIC RESOURCES

There are no known historical or archeological areas on the site.

B. CONCLUSIONS

The proposed amendment is consistent with relevant Lee Plan Goals, Objectives, and Policies. The proposed future use of the site, RV sales, is consistent with surrounding commercial uses and is being requested through the Commercial Planned Development Process. This process will allow enhanced protection of the neighboring residential parcels which is consistent with Policy 5.1.5.

Staff concludes that the proposal will result in minimal impacts to public infrastructure and services. If the amendment is approved, allowable density would decrease given that the General Commercial Interchange future land use category does not allocate for residential units. The proposal will, in fact, lower potential future demands on public infrastructure and services because the General Commercial Interchange areas do not allow residential uses, creating a reduction of 10 residential dwelling units. There will be no increase in the population accommodation capacity of the FLUM.

C. STAFF RECOMMENDATION

Planning staff recommends that the Board of County Commissioners amend the Future Land Use Map, Map 1 of the Lee Plan, to redesignate the subject property as being within General Commercial Interchange future land use category.

**PART III - LOCAL PLANNING AGENCY
REVIEW AND RECOMMENDATION**

DATE OF PUBLIC HEARING: May 24, 2010

A. LOCAL PLANNING AGENCY REVIEW

Staff provided a brief summary of the proposed amendment. One Member of the Local Planning Agency asked for some clarification concerning the posting of the proposed future land use category change. No members of the public appeared to address the proposed Lee Plan amendment.

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. **RECOMMENDATION:** The LPA recommends that the Board of County Commissioners adopt the proposed amendment.

2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The LPA accepted the findings of fact as advanced by staff.

C. VOTE:

NOEL ANDRESS	AYE
CINDY BUTLER	AYE
CARIE CALL	AYE
WAYNE DALTRY	AYE
JIM GREEN	AYE
MITCH HUTCHCRAFT	AYE
RONALD INGE	AYE

**PART IV - BOARD OF COUNTY COMMISSIONERS
HEARING FOR ADOPTION OF SMALL SCALE PROPOSED AMENDMENT**

DATE OF ADOPTION HEARING: June 16, 2010

A. BOARD REVIEW:

Staff provided a brief summary of the proposed amendment. No questions or comments were provided by the Board of County Commissioners. No members of the public appeared to address the proposed Lee Plan amendment.

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. **BOARD ACTION:** The Board of County Commissioners voted to adopt the proposed amendment to the Future Land Use Map.
2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The LPA accepted the findings of fact as advanced by staff and the LPA.

C. VOTE:

A. BRIAN BIGELOW	<hr/> AYE <hr/>
TAMMARA HALL	<hr/> AYE <hr/>
VACANT	<hr/> <hr/>
RAY JUDAH	<hr/> AYE <hr/>
FRANKLIN B. MANN	<hr/> AYE <hr/>



LEE COUNTY
SOUTHWEST FLORIDA

RECEIVED
JUN 04 2010

CPA2010-00003
Lee County Board of County Commissioners
Department of Community Development
Division of Planning
Post Office Box 398
Fort Myers, FL 33902-0398
Telephone: (239) 533-8585
FAX: (239) 485-8319

COMMUNITY DEVELOPMENT

APPLICATION FOR A
☒ COMPREHENSIVE PLAN AMENDMENT

(To be completed at time of intake)

DATE REC'D _____

REC'D BY: _____

APPLICATION FEE _____

TIDEMARK NO: _____

THE FOLLOWING VERIFIED:

Zoning ☐

Commissioner District ☐

Designation on FLUM ☐

(To be completed by Planning Staff)

Plan Amendment Cycle: ☐ Normal ☒ Small Scale ☐ DRI ☐ Emergency

Request No: _____

APPLICANT PLEASE NOTE:

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

Submit **6** copies of the complete application and amendment support documentation, including maps, to the Lee County Division of Planning. Up to 90 additional copies will be required for Local Planning Agency, Board of County Commissioners hearings and the Department of Community Affairs' packages. Staff will notify the applicant prior to each hearing or mail out.

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

3/16/2010
DATE


SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

I. APPLICANT/AGENT/OWNER INFORMATION

Gulf Shore Investments LLC (Attn: Everett E. Henkel, III, MGR.)

APPLICANT

PO Box 50340

ADDRESS

Fort Myers, FL 33994

CITY

STATE

ZIP

239-656-6226

TELEPHONE NUMBER

FAX NUMBER

Patrick C. Hunt

AGENT*

8363 Caloosa Road

ADDRESS

Fort Myers, FL 33967

CITY

STATE

ZIP

239-8787-8702

TELEPHONE NUMBER

FAX NUMBER

Gulf Shore Investments LLC (Attn: Everett E. Henkel, III, MGR.)

OWNER(s) OF RECORD

PO Box 50340

ADDRESS

Fort Myers, FL 33994

CITY

STATE

ZIP

239-656-6226

TELEPHONE NUMBER

FAX NUMBER

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

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

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

A. TYPE: (Check appropriate type)

☐

Text Amendment

☒

Future Land Use Map Series Amendment
(Maps 1 thru 22)

List Number(s) of Map(s) to be amended

1

1. Future Land Use Map amendments require the submittal of a complete list, map, and two sets of mailing labels of all property owners and their mailing addresses, for all property within 500 feet of the perimeter of the subject parcel. The list and mailing labels may be obtained from the Property Appraisers office. The map must reference by number or other symbol the names of the surrounding property owners list. The applicant is responsible for the accuracy of the list and map.

At least 15 days before the Local Planning Agency (LPA) hearing, the applicant will be responsible for posting signs on the subject property, supplied by the Division of Planning, indicating the action requested, the date of the LPA hearing, and the case number. An affidavit of compliance with the posting requirements must be submitted to the Division of Planning prior to the LPA hearing. The signs must be maintained until after the final Board adoption hearing when a final decision is rendered.

B. SUMMARY OF REQUEST (Brief explanation):

Small scale map amendment to change land use on a parcel of 0.9 acres
from Suburban land use category to General Commercial Interchange to allow
the development of a large vehicle sale lot (RV's and/or Boats).

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

A. Property Location:

1. Site Address: 5236 ORANGE RIVER BLVD., Fort Myers, FL 33905
2. STRAP(s): #03-44-25-01-00061.0010

B. Property Information

Total Acreage of Property: 0.9

Total Acreage included in Request: 0.9

Total Uplands: 0.9

Total Wetlands: 0.9

Current Zoning: 0.9

Current Future Land Use Designation: Suburban

Area of each Existing Future Land Use Category: 0.9

Existing Land Use: Residential Single Family (Vacant House)

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

Lehigh Acres Commercial Overlay: N/A

Airport Noise Zone 2 or 3: N/A

Acquisition Area: N/A

Joint Planning Agreement Area (adjoining other jurisdictional lands): N/A

Community Redevelopment Area: N/A

D. Proposed change for the subject property:

General Commercial Interchange

E. Potential development of the subject property:

1. Calculation of maximum allowable development under existing FLUM:

Residential Units/Density 6.33

Commercial intensity N/A

Industrial intensity N/A

2. Calculation of maximum allowable development under proposed FLUM:

Residential Units/Density N/A

Commercial intensity 9,000 sf

Industrial intensity N/A

IV. AMENDMENT SUPPORT DOCUMENTATION

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

A. General Information and Maps

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

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

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

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

B. Public Facilities Impacts

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

1. Traffic Circulation Analysis

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

Long Range – 20-year Horizon:

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

Short Range – 5-year CIP horizon:

- a. Besides the 20-year analysis, for those plan amendment proposals that include a specific and immediated development plan, identify the existing

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

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

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

In addition to the above analysis for Potable Water:

- Determine the availability of water supply within the franchise area using the current water use allocation (Consumptive Use Permit) based on the annual average daily withdrawal rate.
- Include the current demand and the projected demand under the existing designation, and the projected demand under the proposed designation.

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

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

C. Environmental Impacts

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

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

D. Impacts on Historic Resources

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

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

E. Internal Consistency with the Lee Plan

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

F. Additional Requirements for Specific Future Land Use Amendments

1. Requests involving Industrial and/or categories targeted by the Lee Plan as employment centers (to or from)
 - a. State whether the site is accessible to arterial roadways, rail lines, and cargo airport terminals,
 - b. Provide data and analysis required by Policy 2.4.4,
 - c. The affect of the proposed change on county's industrial employment goal specifically policy 7.1.4.
2. Requests moving lands from a Non-Urban Area to a Future Urban Area
 - a. Demonstrate why the proposed change does not constitute Urban Sprawl. Indicators of sprawl may include, but are not limited to: low-intensity, low-density, or single-use development; 'leap-frog' type development; radial, strip, isolated or ribbon pattern type development; a failure to protect or conserve natural resources or agricultural land; limited accessibility; the loss of large amounts of functional open space; and the installation of costly and duplicative infrastructure when opportunities for infill and redevelopment exist.
3. Requests involving lands in critical areas for future water supply must be evaluated based on policy 2.4.2.
4. Requests moving lands from Density Reduction/Groundwater Resource must fully address Policy 2.4.3 of the Lee Plan Future Land Use Element.

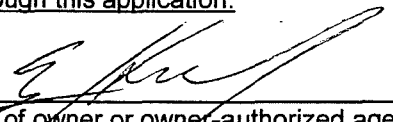
G. Justify the proposed amendment based upon sound planning principles. Be sure to support all conclusions made in this justification with adequate data and analysis.

Item 1: Fee Schedule

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

AFFIDAVIT

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


Signature of owner or owner-authorized agent

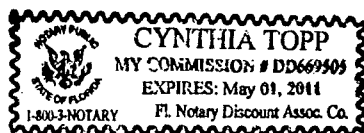
3-11-10
Date

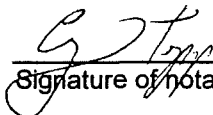
Everett E Henkel, III, MGR. of Gulf Shore Investments LLC
Typed or printed name

STATE OF FLORIDA)
COUNTY OF LEE)

The foregoing instrument was certified and subscribed before me this 11 day of March 2010, by Everett E Henkel, III, MGR. of Gulf Shore Investments LLC, who is personally known to me or who has produced DL FL H524-205-80-331-0 as identification.

(SEAL)




Signature of notary public
Cynthia Topp
Printed name of notary public

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 Gulf Shore Investments LLC 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 Patrick C. Hunt 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.

Everett E Henkel, III, MGR.
Owner*(signature)

Everett E Henkel, III, MGR.

Printed Name

Owner*(signature)

Printed Name

Owner*(signature)

Printed Name

Owner*(signature)

Printed Name

Owner*(signature)

Printed Name

Owner*(signature)

Printed Name

STATE OF FLORIDA
COUNTY OF LEE

Sworn to (or affirmed) and subscribed before me this 25 day of Nov, 2009, by
Everett E Henkel, III, MGR.

Michelle L. Ditmars who is personally known to me or who has produced
as identification and who did (did not) take an oath.

(SEAL)



Michelle L. Ditmars
Notary Public
Michelle L. Ditmars
(Name typed, printed or stamped)

**SMALL SCALE COMPREHENSIVE
PLAN AMENDMENT**

5236 ORANGE RIVER

MARCH 10, 2010

TABLE OF CONTENTS

COVER SHEET

APPLICATION FORM

SUPPRTORTING DOCUMENTS:

A. GENERAL INFORMATION AND MAPS:

1. PROPOSED TEXT CHANGES – (NONE PROPOSED)
2. CURRENT FUTURE LAND USE MAP
3. PROPOSED FUTURE LAND USE MAP
4. MAP OF EXISTING LAND USES
5. MAP AND DESCRIBE EXISTING ZONING
6. LEGAL DESCRIPTION AND SKETCH
7. DEED(S)
8. AERIAL MAP OF SUBJECT AND SURROUNDING PROPERTIES.
9. LETTER AUTHORIZATION

B. PUBLIC FACILITIES IMPACT:

1. TRAFFIC CIRCULATION ANALYSIS
 - a. LONG RANGE – 20-YEAR HORIZON:
 - b. SHORT RANGE – 5-YEAR CIP HORIZON:
2. EXISTING AND FUTURE CONDITIONS ANALYSIS FOR:
 - a. SANITARY SEWER
 - b. POTABLE WATER
 - c. SURFACE WATER/DRAINAGE BASINS
 - d. PARKS, RECREATION, AND OPEN SPACE
 - e. PUBLIC SCHOOLS.
3. LETTERS OF ADEQUACY FROM:
 - a. LEE COUNTY FIRE PROTECTION
 - b. LEE COUNTY EMERGENCY MEDICAL SERVICE (EMS)
 - c. LEE COUNTY SHERIFF'S OFFICE
 - d. LEE COUNTY SOLID WASTE
 - e. LEE COUNTY TRANSIT
 - f. LEE COUNTY SCHOOL DISTRICT
 - LETTER OF SERVICE AVAILABILITY LEE COUNTY UTILITIES FOR SANITARY SEWER AND POTABLE WATER.

C. ENVIRONMENTAL IMPACTS:

1. MAP FLORIDA LAND USE COVER AND CLASSIFICATION SYSTEM (FLUCCS).
2. SOILS MAP AND DESCRIPTION
3. TOPOGRAPHIC MAP
4. FLOOD INSURANCE RATE MAP EFFECTIVE AUGUST 2008.
5. MAP RARE & UNIQUE UPLANDS.
6. FLUCCS table

TABLE OF CONTENTS

D. IMPACTS ON HISTORIC RESOURCES:

1. LETTER OF CLEARANCE FROM FLORIDA DIVISION OF HISTORICAL RESOURCES
2. ARCHEOLOGICAL SENSITIVITY MAP

E. INTERNAL CONSISTENCY WITH LEE PLAN

F. ADDITIONAL REQUIREMENTS FOR SPECIFIC FUTURE LAND USE AMENDMENTS
(INTENTIONALLY OMITTED - NOT APPLICABLE TO THIS REQUEST)

G. JUSTIFICATION FOR PROPOSED AMENDMENT

RECORDING FEE - \$10.00
DOCUMENTARY STAMP TAX - \$770.00
This Instrument Prepared By/Return to:
Betsy L. Wilkinson of:
Wilkinson Title Agency, Inc.
11595 Kelly Road, Suite 217
Fort Myers, Florida 33908
Grantee(s) S.S. #:
Strap Number: 03-44-25-01-00061.0010
File Number: 52263

INSTR # 6663551
OR BK 04604 Pg 1540; (1pg)
RECORDED 02/24/2005 11:14:28 AM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY, FLORIDA
RECORDING FEE 10.00
DEED DOC 770.00
DEPUTY CLERK P Haywood

WARRANTY DEED

This Indenture made this 11th day of February, 2005, BETWEEN

Federal Mortgage Services, Inc., a Florida Corporation
of P.O. Box 50488, Fort Myers, FL 33905 as GRANTOR*, and

Gulf Shore Investments, LLC, a Florida Limited Liability Company
of P.O. Box 50340, Fort Myers, FL 33994 as GRANTEE*

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

WITNESSETH, That the said Grantor, for and in consideration of the sum of TEN Dollars (\$10.00) and other good and valuable considerations to said Grantor in hand paid by said Grantee, the receipt whereof is hereby acknowledged, has agreed, has granted, bargained and sold unto the Grantee and Grantee's heirs, or successors; and assigns forever the following described land located in the County of Lee, State of Florida, to-wit:

EASTERLY ONE HUNDRED SIXTY-FIVE FEET (165') OF THE NORTHERLY TWO HUNDRED TWENTY-SEVEN AND ONE-HALF FEET (227 1/2') OF LOT THIRTY-THREE (33), BLOCK THREE (3) OF THAT CERTAIN SUBDIVISION KNOWN AS TERRY, TICE AND VANDAWALKER'S SUBDIVISION, A SUBDIVISION ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, AT PAGE 46, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

SUBJECT TO AN EASEMENT OR RIGHT-OF-WAY OVER AND ACROSS THE WESTERLY TEN FEET (10') OF SAID PROPERTY, FOR PURPOSES OF EGRESS AND INGRESS TO THE SOUTHERLY PORTION OF SAID LOT. ALSO LESS AND EXCEPT THE NORTHERLY ROAD RIGHT-OF-WAY OF ORANGE RIVER BLVD.


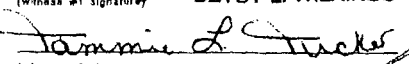
SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND LIMITATIONS OF RECORD, IF ANY, AND TAXES FOR THE CURRENT AND SUBSEQUENT YEARS.

TOGETHER with all the tenements, hereditaments and appurtenances thereof belonging or in anywise appertaining.

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

AND the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in FEE SIMPLE; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing for the current and subsequent years.

IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal this day and year first above written.

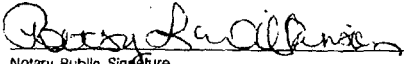

(Witness #1 signature) BETSY L. WILKINSON

(Witness #2 signature) TAMMIE L. TUCKER

Federal Mortgage Services, Inc. (seal)


John G. Septelli, Jr., President

COUNTY OF LEE, STATE OF FLORIDA

The foregoing instrument was acknowledged before me this 11th day of February, 2005 by John G. Septelli, Jr., President of Federal Mortgage Services, Inc., a Florida Corporation, on behalf of the corporation who is personally known.


Notary Public Signature

BETSY L. WILKINSON

Notary's Name Typed, Printed or Stamped

Expiration Date:
Serial Number
Seal



Betsy L. Wilkinson
Commission # 00348948
Expires: AUG. 25, 2008
Bonded To:
Atlantic Bonding Co., Inc.

Doc Stps 709
Int Tax
Rec Fee 35.50
Total 316.20

This Instrument Prepared By:
Gordon R. Duncan
P.O. Drawer 249
Ft. Myers, FL 33902

QUIT CLAIM DEED

THIS INDENTURE, made this 7th day of August, 2008, between Joseph W. Vickers, joined by his wife, Rosella Vickers, whose post office address is 5228 Orange River Boulevard, Fort Myers, FL 33905 and Carl H. Vickers, a single man, whose post office address is 5222 Orange River Boulevard, Fort Myers, FL 33905, party of the first part, and Gulf Shore Investments, LLC, a Florida limited liability company, whose post office address is P.O. Box 50340, Fort Myers, FL 33994, party of the second part,

WITNESSETH, that the said party of the first part in consideration of the sum of TEN DOLLARS and other good and valuable considerations, in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has remised, released and quitclaimed, and by these presents does remise, release and quitclaim unto the said party of the second part all the right, title, interest claim and demand which the said party of the first part has in and to the following described lot, piece or parcel of land, situate lying and being in the County of Lee, State of Florida, to wit:

See Attached Exhibit A

TO HAVE AND TO HOLD the same, together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest and claim whatsoever of the said party of the said party of the first part, either in law or equity, to the only proper use, benefit and behoof of said party of the second part.

IN WITNESS WHEREOF, the said party of the first part has set his hand and seal the day and year first above written.

Witness 1
sign James E. Keller
print James E. Keller

witness 2
sign Carl H. Vickers
print Carl H. Vickers

Joseph W. Vickers
Joseph W. Vickers

Witness 1
sign James E. Keller
print James E. Keller

witness 2
sign Carl H. Vickers
print Carl H. Vickers

Rosella Vickers
Rosella Vickers

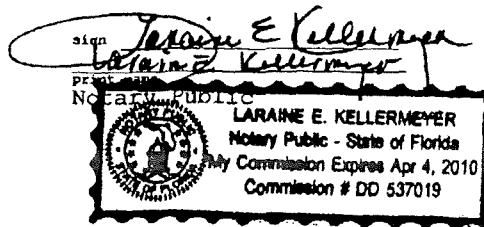
witness
sign [Signature]
Print Laraine E. Kellermeier
witness 2
sign [Signature]
Print Everett Heasel

Carl H Vickers
Carl H. Vickers

STATE OF Florida
COUNTY OF Lee

The foregoing instrument was acknowledged before me this 7th day of AUGUST, 2008, by Joseph W. Vickers, who is personally known to me or who produced drivers license as identification and who did take an oath.

My Commission Expires:

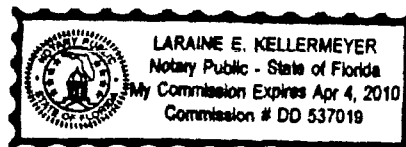


STATE OF Florida
COUNTY OF Lee

The foregoing instrument was acknowledged before me this 7th day of AUGUST, 2008, by Rosella Vickers, who is personally known to me or who produced drivers license as identification and who did take an oath.

My Commission Expires:

sign Laraine E Kellermeier
print name Laraine E Kellermeier
Notary Public

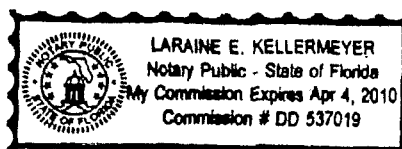


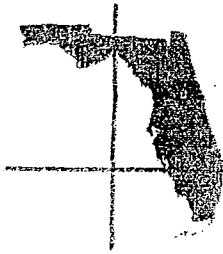
STATE OF Florida
COUNTY OF Lee

The foregoing instrument was acknowledged before me this 7th day of AUGUST, 2008, by Carl H. Vickers, who is personally known to me or who produced drivers license as identification and who did take an oath.

sign Laraine E Kellermeier
print name Laraine E Kellermeier
Notary Public

My Commission Expires:

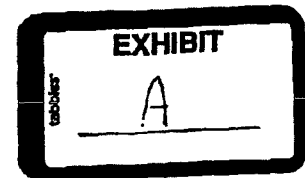




METRON

SURVEYING & MAPPING, LLC

LAND SURVEYORS • PLANNERS



LEGAL DESCRIPTION
OF A PARCEL LYING IN
SECTION 3, TOWNSHIP 44 SOUTH, RANGE 25 EAST,
LEE COUNTY, FLORIDA

(SUBJECT PARCEL)

A TRACT OF LAND LYING IN THE STATE OF FLORIDA, COUNTY OF LEE, IN SECTION 3, TOWNSHIP 44 SOUTH, RANGE 25 EAST, BEING A PART OF LOT 33, BLOCK 3, TERRY TICE & VANDAWALKERS SUBDIVISION AS RECORDED IN PLAT BOOK 1 PAGE 46 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:


COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 33; THENCE N.89°07'50"E. ALONG THE SOUTH LINE OF SAID LOT 33 AND THE NORTH RIGHT-OF-WAY LINE OF RICHMOND AVENUE FOR A DISTANCE OF 354.74 FEET TO THE SOUTHEAST CORNER OF SAID LOT 33; THENCE N.01°10'31"W. LEAVING SAID NORTH RIGHT-OF-WAY LINE AND ALONG THE EAST LINE OF SAID LOT 33 FOR A DISTANCE OF 601.66 FEET TO AN INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF ORANGE RIVER BOULEVARD AS SHOWN ON THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP, SECTION NUMBER 12075-2404 AND THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE S.01°10'31"E. LEAVING SAID SOUTH RIGHT-OF-WAY LINE AND ALONG THE EAST LINE OF SAID LOT 33 FOR A DISTANCE OF 212.96 FEET; THENCE S.89°02'40"W. LEAVING SAID EAST LINE FOR A DISTANCE OF 187.14 FEET TO AN INTERSECTION WITH AN EASTERLY LINE OF A PARCEL AS DESCRIBED IN OFFICIAL RECORDS BOOK 3096 AT PAGE 289 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE N.00°38'20"W. ALONG SAID EASTERLY LINE FOR A DISTANCE OF 212.15 FEET TO AN INTERSECTION WITH SAID SOUTH RIGHT-OF-WAY LINE OF ORANGE RIVER BOULEVARD; THENCE N.88°47'39"E. ALONG SAID SOUTH RIGHT-OF-WAY LINE FOR A DISTANCE OF 185.15 FEET TO AN INTERSECTION WITH THE EAST LINE OF SAID LOT 33 AND POINT OF BEGINNING.

PARCEL CONTAINS 39,565 SQUARE FEET, MORE OR LESS.

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

* BEARINGS ARE BASED ON THE EAST LINE OF LOT 33, BLOCK 3, TERRY TICE & VANDAWALKERS SUBDIVISION AS BEARING N.01°10'31"W.

METRON SURVEYING & MAPPING, LLC
FLORIDA CERTIFICATE OF AUTHORIZATION LB# 7071


TIMOTHY LEE MANN
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5838

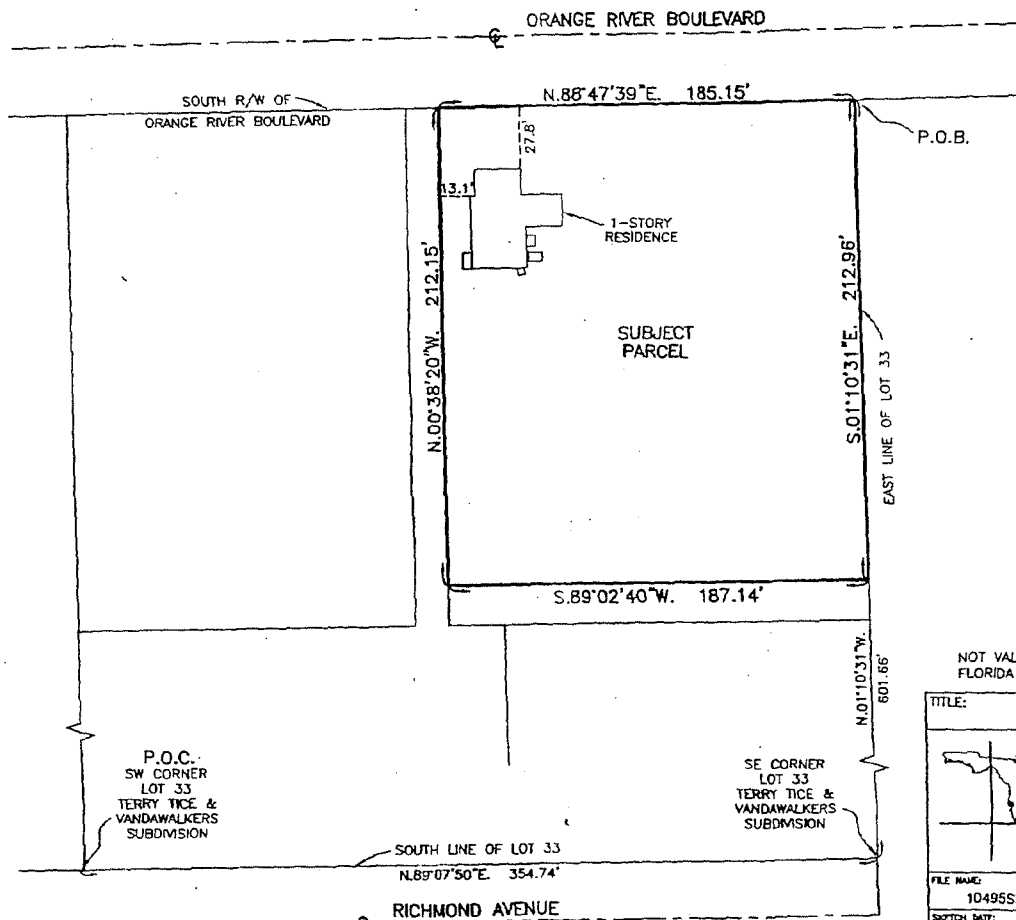
SHEET 1 OF 2

10495SK-1.doc

SKETCH TO ACCOMPANY DESCRIPTION

* SEE SHEET 1 OF 2 FOR LEGAL DESCRIPTION *

EXHIBIT



LEGEND:

P.O.B. = POINT OF BEGINNING
P.O.C. = POINT OF COMMENCEMENT
R/W = RIGHT-OF-WAY

* THIS IS NOT A SURVEY *

BY: *[Signature]*
TIMOTHY LEE MARR
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. LS# 5838

DATE SIGNED: *Oct 12, 07*

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

TITLE: SKETCH OF DESCRIPTION			
		10970 S. CLEVELAND AVENUE UNIT #805 FORT MYERS, FLORIDA 33907 PHONE: (239) 275-8575 FAX: (239) 275-8457 www.metronfl.com	
FILE NAME: 10495SK-1.dwg	FIELD BOOK/PRICE N/A	PROJECT NO.: 10495	SHEET: 2 OF 2
SKETCH DATE: 10-12-07	DRAWN BY: RY	SCALE: 1" = 60'	CHECKED BY: TLW

PUBLIC FACILITIES IMPACT

EXISTING AND FUTURE CONDITIONS ANALYSIS

A. SANITARY SEWER

Existing Available Service:

The proposed development is located within the City of Fort Myers North Wastewater Treatment Plant (a.k.a.: RALEIGH STREET WWTP) service area. Utility service lines presently serve this site which is being converted from residential use to commercial uses. Connection to the franchise utility will continue with the proposed commercial uses.

Forecast Demand:

The proposed development assumes a 9,000 sf of gross floor area. As per F.A.C. 64E-6, the following calculations apply:

$$17 \text{ GPD per } 100 \text{ GFA}(9,000 \text{ SF}) = 1,530 \text{ GPD}$$

Concurrency report indicates the current capacity of City of Fort Myers North Wastewater Treatment Plant to be 11.0 MGD. The usage for Estimated 2009 was 9.5 MGD and Projected 2010 of 9.6 MGD. This indicates more than adequate reserve capacity to serve this proposed development. The concurrency report for 2009 did not indicate any plans for expansion at that time.

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

B. POTABLE WATER

Existing Available Service:

The proposed development is located within the Lee County Utilities Olga Water Treatment Plant service area. Utility service lines presently serve this site which is being converted from residential use to commercial uses. Connection to the franchise utility will continue with the proposed commercial uses.

Forecast Demand:

The proposed development assumes a 9,000 sf of gross floor area. As per F.A.C. 64E-6, the following calculations apply:

$$17 \text{ GPD per } 100 \text{ GFA}(9,000 \text{ SF}) = 1,530 \text{ GPD}$$

Concurrency report indicates the current capacity of Lee County Utilities Olga Water Treatment Plant to be 6.0 MGD. The usage for Estimated 2009 was 3.0 MGD and Projected 2010 of 3.1 MGD. This indicates more than adequate reserve capacity to serve this proposed development. The concurrency report for 2009 did not indicate any plans for expansion at that time.

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

PUBLIC FACILITIES IMPACT

EXISTING AND FUTURE CONDITIONS ANALYSIS

C. SURFACE WATER/DRAINAGE BASINS

Existing Available Service:

The applicant will provide a control structure at the time of Development Order application which will mimic the historic drainage patterns and discharge pre-treated stormwater runoff to the north into the street right of way. Historically the project area appears to drain as same. The master concept plan shows adequate area and volume to provide pretreatment of stormwater prior to discharge. A SFWMD permit is not required due to the small footprint of the site, less than 2 acres of impervious area.

Forecast Demand:

The total detention required is calculated to determine the greater of either: one-inch (1") rainfall over the entire site, or two and one-half inches (2.5") over the impervious area. The site is 39,565 sf but assuming 30% green area to remain due to the small footprint of the site and preservation of large oak trees along the southern portion of the property. Therefore the maximum impervious area would not exceed 27,759 sf. The greatest demand would be 5,783 c.f. of storage which can be provided on the site.

D. PARKS, RECREATION AND OPEN SPACE:

Existing Available Service:

The site is converting from residential to proposed commercial. A single family house is on the 0.9 acre lot. The population for a single family residence is estimated at 2.04 and is inconsequential for this analysis.

The 2009 Concurrency Report indicates that the regional and community parks have sufficient present capacity.

Forecast Demand:

For Regional and Community Parks the conversion from residential use to commercial uses will result in a net demand that is a positive impact and will result in a net surplus.

Open space is required to be a minimum of 30% of site for a new residential project, but the site is an existing developed residential lot with single family house. The small commercial open space minimum required is 20%, but due to the existing area along the south property line of large oak trees the open space on this site will be more than 30% so no net change.

PUBLIC FACILITIES IMPACT

EXISTING AND FUTURE CONDITIONS ANALYSIS

E. PUBLIC SCHOOLS:

Existing Available Service:

The site is converting from residential to proposed commercial. A single family house is on the 0.9 acre lot. The population for a single family residence is inconsequential for this analysis.

Forecast Demand:

The conversion from residential use to commercial uses will result in a net demand that is a positive impact and will result in a net surplus

TICE FIRE & RESCUE DISTRICT

FIRE PREVENTION & INSPECTIONS BUREAU

Ted Ross Jr.
Fire Marshal
(239) 694-2380

9351 Workmen Way
Ft. Myers, Fl. 33905
Fax (239) 694-7399
www.ticefire.com

March 9, 2010

Site Concepts
8363 Caloosa Road
Fort Myers, FL 33967

RE: 5236 Orange River Blvd.
Ft. Myers, FL 33905

To whom it may concern,

At the request of Patrick Hunt, the Tice Fire District reviewed the request for a land use amendment. The property is located at 5236 Orange River Blvd, Fort Myers, in Section 3, Township 44 South, Range 25 East, Lee County, Florida (District # 2). The Parcel I.D. # 03-44-25-01-00061.0010. The Tice Fire District does not object to the request for the change from residential to General Commercial Interchange. If you have any further questions , please contact me at (239) 694-2380.

Respectfully,

Ted Ross Jr.

Ted Ross, Jr.
Fire Marshal



Lee County Southwest Florida

Statement of Initial Review

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

The Small Scale Land Use Map Amendment is requested for 5236 Orange River Blvd, Fort Myers, in Section 3, Township 44 South, Range 25 East, Lee County, Florida (District #2), Parcel ID #03-44-25-01-00061.0010.

This current location is served by LCEMS Station 11, located at 10941 Palm Beach Blvd., which is approximately 3.23 miles away, and LCEMS Station 3, located at 1035 Terry St, which is approximately 3.26 miles away.

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

(Signature)

EMS Operations Chief

(Title)

Kim Dickerson

(Printed Name)

February 9, 2010

(Date)



Kim Dickerson, EMT-P, RN, MBA
EMS Operations Chief
Lee County Emergency Medical Services
14752 Ben Pratt/Six Mile Cypress Parkway
Fort Myers, FL 33912
Phone: 239-533-3911
Fax: 239-485-2607
Email: kdickerson@leegov.com
Website: www.lee-ems.com

Mike Scott
Office of the Sheriff



State of Florida
County of Lee

Jan. 19, 2010

Patrick C. Hunt
Site Concepts
8363 Caloosa Road
Fort Myers, FL 33967

Mr. Hunt,

The rezoning of property at 5236 Orange River Blvd., Parcel I.D. #03-44-25-01-00061.0010, would not affect the ability of the Lee County Sheriff's Office to provide core services at this time.

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

If you have any questions or need further information, please contact me.

Respectfully,

A handwritten signature in cursive script that reads "Stan Nelson".

Stan Nelson,
Manager, Planning and Research
Lee County Sheriff's Office
(239) 477-1066
Snelson@sheriffleefl.org





LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Bob Janes
District One

A. Brian Bigelow
District Two

Ray Judah
District Three

Tammy Hall
District Four

Frank Mann
District Five

Karen B. Hawes
County Manager

David M. Owen
County Attorney

Diana M. Parker
County Hearing Examiner

January 19, 2010

Mr. Patrick C. Hunt
8363 Caloosa Rd.
Ft. Myers, FL 33967

**SUBJECT: West Orange River CPD
Small Scale Land Use Map Amendment**

Dear Mr.Hunt:

The Lee County Solid Waste Division is capable of providing commercial solid waste collection service for the subject property located at 5236 Orange River Blvd., Ft. Myers, FL through our franchised hauling contractors. Disposal of the solid waste from this commercial property will be accomplished at the Lee County Resource Recovery Facility and the Lee-Hendry Regional Landfill. Plans have been made, allowing for growth, to maintain long-term disposal capacity at these facilities.

The Solid Waste Ordinance (08-10, Section 21) and the Lee County Land Development Code, Chapter 10, Section 10-261 have requirements for providing on-site space for placement and servicing of commercial solid waste containers. Please review these requirements when planning the project. If you have any questions, please call me at (239) 533-8000.

Sincerely,

William T. Newman
Operations Manager
Solid Waste Division



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Bob Janes
District One

A. Brian Bigelow
District Two

Ray Judah
District Three

Tammy Hall
District Four

Frank Mann
District Five

Karen B. Hawes
County Manager

David M. Owen
County Attorney

Diana M. Parker
County Hearing Examiner

January 15, 2010

Mr. Patrick C. Hunt
Site Concepts
8363 Caloosa Rd
Fort Myers, FL 33967

**Re: Letter of Service Availability
West Orange River CPD – Small Scale Land Use Map Amendment**

Mr. Hunt:

Lee County Transit received your letter dated January 8, 2010 in reference to the Small Scale Land Use Map Amendment application for the parcel related to the subject site located at 5236 Orange River Boulevard. This location is within the established Palm Beach Blvd transit corridor and Lee County currently provides public transportation services through this corridor. We consider the subject property related to this Land Use Map Amendment Application to be within our existing service area. Our long range planning activities maintain this transit corridor and document the need for additional, enhanced services on the route providing service to this area. We anticipate the current capacity on this route to be sufficient to meet the needs of the proposed land use changes the applicant wishes to make.

If you have any questions please contact me at (239) 533-0333 or you can send an e-mail to mhorsting@leegov.com.

Sincerely,

Michael Horsting, AICP
Principal Planner
Lee County Transit



THE SCHOOL DISTRICT OF LEE COUNTY

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

JEANNE S. DOZIER
CHAIRMAN, DISTRICT 2
JANE E. KUCKEL, PH.D.
VICE CHAIRMAN, DISTRICT 3
ROBERT D. CHILMONIK
DISTRICT 1
STEVEN K. TEUBER, J.D.
DISTRICT 4
ELINOR C. SCRICCA, PH.D.
DISTRICT 5
JAMES W. BROWDER, ED.D.
SUPERINTENDENT
KEITH B. MARTIN, ESQ.
BOARD ATTORNEY

March 1, 2010

Mr. Patrick C. Hunt
8363 Caloosa Rd
Fort Myers, FL 33967

RE: Land Use Map Amendment request

Dear Mr. Hunt:

This letter is in response to your email dated March 1, 2010 for a land use map amendment request. This is located in the East Choice Zone, Sub Zone E-1.

This is an amendment to change from Suburban Land Use to General Commercial Interchange. After reviewing your request, the project has no impact on classroom needs.

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

Sincerely,

Dawn Gordon, Community Development Planner
Planning Department



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

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

Bob Janes
District One

March 3, 2010

A. Brian Bigelow
District Two

Patrick Hunt
8363 Caloosa Road
Fort Myers, Fl. 33967

Ray Judah
District Three

Tammy Hall
District Four

RE: POTABLE Water and Wastewater AVAILABILITY
5236 ORANGE RIVER BLVD.
STRAP #: 03-44-25-01-00061.0010

Frank Mann
District Five

Dear Mr. Hunt:

Karen B. Hawes
County Manager

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

David M. Owen
County Attorney

Your firm has indicated that this project will consist of 1 commercial unit with an estimated flow demand of approximately 1,530 gallons per day. Lee County Utilities presently has sufficient capacity to provide potable water and sanitary sewer service as estimated above.

Diana M. Parker
County Hearing Examiner

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

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

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

With regard to effluent reuse service; there are currently no reuse facilities available in the vicinity of the project site therefore, Lee County does not have the capability of providing service at this time.

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

Further, this letter of availability of Water and Wastewater service to be utilized for small scale land use amendment for this project only. Individual letters of availability will be required for the purpose of obtaining building permits.

Sincerely,

LEE COUNTY UTILITIES

Mary McCormic
Engineering Tech, Sr.
UTILITIES ENGINEERING

VIA FACSIMILE
Original Mailed

5236 ORANGE RIVER - 03442501000610010.doc



FLORIDA DEPARTMENT OF STATE
Kurt S. Browning
Secretary of State
DIVISION OF HISTORICAL RESOURCES

Mr. Patrick C. Hunt
Site Concepts
8363 Caloosa Road
Fort Myers, Florida 33967

February 22, 2010

Re: DHR No.: 2010-645/ Received by DHR: February 18, 2010
West Orange River CPD- Rezoning of 0.91 Acre Parcel
5236 Orange River Boulevard
Parcel ID: 03-44-25-01-00061.0010
Fort Myers, Lee County

Dear Mr. Hunt:

In accordance with the procedures contained in the Lee County local requirements, we reviewed the referenced parcel for possible impact to cultural resources (any prehistoric or historic district, site, building, structure, or object) listed, or eligible for listing, in the *National Register of Historic Places*, or otherwise of historical, archaeological, or architectural value.

Based on the information provided, it is the opinion of this office that the building at the address listed above does not meet the criteria for listing in the *National Register*. In addition, a review of the Florida Master Site File indicates that no significant archaeological or historical resources are recorded within the project area. Therefore, the proposed undertaking will have no effect on historic properties.

If there are any questions concerning our comments or recommendations, please contact Katherine Peterson, Historic Sites Specialist, by phone at 850.245.6333, or by electronic mail at kdpeterson@dos.state.fl.us. We appreciate your continued interest in protecting Florida's historic properties.

Sincerely,

Laura A. Kammerer
Historic Preservationist Supervisor
Compliance Review Section
Bureau of Historic Preservation

500 S. Bronough Street • Tallahassee, FL 32399-0250 • <http://www.flheritage.com>

☐ Director's Office
850.245.6300 • FAX: 245.6436

☐ Archaeological Research
850.245.6444 • FAX: 245.6452

☒ Historic Preservation
850.245.6333 • FAX: 245.6437

JUSTIFICATION OF PROPOSED AMENDMENT
EXHIBIT "G"

The proposed map amendment from Suburban to General Commercial Interchange is appropriate for the following reasons:

1. The subject property is part of what amounts to an enclave of residential property abutting more intense commercial uses.
2. The area is a part of the Palm Beach Boulevard Corridor which includes the southwesterly quadrant of the I-75 interchange and extends south beyond the limits of this property.
3. The property abuts a local deadend street which connects directly to signalized arterial intersection, Palm Beach Blvd.
4. The proposed commercial uses are compatible with the existing and projected uses in the area.

Internal Consistency with the Lee Plan

EXHIBIT "E"

1. FLUM CAPACITY ANALYSIS

This proposal has de minimus effects to Lee County population projections by reducing population by 2.09 as a result of eliminating one existing single family residence.

"Table 1(b) Year 2030 Allocations" to be modified by 0.9 acre or approximately one acre addition to the General Commercial Interchange and subtracted from Suburban. The proposal is a de minimus impact.

2. LEE PLAN ANALYSIS

POLICY 1.3.3: *"The General Commercial Interchange areas are intended primarily for general community commercial land uses: retail, planned commercial districts, shopping, office, financial, and business."* The request is consistent with this policy for the proposed commercial uses.

OBJECTIVE 2.1: "DEVELOPMENT LOCATION. *Contiguous and compact growth patterns will be promoted through the rezoning process to contain urban sprawl, minimize energy costs"* Property is adjacent to a 10 acre commercial development (North Trail RV) which is abutting I-75 in southwest quadrant of intersection with Palm Beach Blvd. It is located approximately 0.1 mile from a signalized intersection with Palm Beach Blvd providing convenient access to I-75. This proposal will serve to contain urban sprawl, minimize energy costs and conserve land by redevelopment near a major urban intersection.

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."* The traffic analysis submitted with this application indicates that Palm Beach Blvd. will continue to operate at an adequate LOS with the approval of this proposed amendment. Public water and sewer are available, installed and adequate to serve.

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."* Proposed amendment is adjacent to existing like category General Commercial Interchange and is the highest and best use of the property to amend to same category.

POLICY 5.1.5: *"Protect existing and future residential areas from any encroachment of uses that are potentially destructive to the character and integrity of the residential environment."* The proposed development will be reviewed as a CPD with all required buffers, shielded lighting and other measures which improve compatibility. Project abuts a more intense commercial use and will provide some level of shielding the more intense commercial uses from the residential area remaining.

Policy 6.1.2.9: *"The location standards in this policy are not applicable in the Interchange land use category"*.

Standards 11.1 and 11.2: The site is presently served by public water and sewer and the utility has provided letter of availability to serve this proposed development.

Internal Consistency with the Lee Plan
EXHIBIT "E"

3. **EFFECTS TO ADJACENT LOCAL GOVERNMENTS**

The proposal is in the unincorporated area of Lee County and is not adjacent to the City of Fort Myers and has no effect on its comprehensive plan.

4. **CONSISTENCY WITH STATE AND REGIONAL PLANS**

This is a small scale amendment of only 0.9 acres and has de minimus effect on those plans.

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

TRAFFIC IMPACT STATEMENT


FOR

5236 ORANGE RIVER CPD

**(Project No. 091211)
March 17, 2010**

Prepared By:

**JMB TRANSPORTATION ENGINEERING, INC.
761 21ST Street NW
Naples, Florida 34120
239-919-2767**



**James M. Banks, P.E.
Reg. No. 43860**

3-17-2010

Date

TABLE OF CONTENTS

CONCLUSIONS	2
PURPOSE OF REPORT	2
SCOPE OF PROJECT	2
PROJECT GENERATED TRAFFIC	3
EXISTING ROADWAY CONDITIONS	3
AREA OF SIGNIFICANT IMPACT	3
2015 & 2030 PROJECT BUILD-OUT CONDITIONS	4
CONCURRENCY REVIEW	4
APPENDIX	5

CONCLUSIONS

Off-Site Road Impact Mitigation Requirements

Based upon the analyses conducted by this Report, it has been concluded that the 5236 Orange River CPD will not have any negative impact upon the surrounding roadway infrastructure that warrant special mitigation needs. This conclusion is based upon the finding that the project does not significantly or negatively impact the surrounding roadways, and those roadways that will provide access to the project will operate at acceptable levels of service for 2015 and 2030 project build-out conditions. Furthermore, the project will not affect or require modifications to Lee County's 5-year Capital Improvement Program or 2030 Long-Term Financially Feasible Plan.

Concurrency Review – State Road 80 is classified as a six lane divided arterial having a performance standard of LOS E. A maximum service capacity of 2,920 vph during the 100th highest peak hour peak direction has been established for this road by the Lee County Concurrency Management Report. As determined, State Road 80 will have a 2015 and 2030 project build-out traffic volume of 1,159 vph and 1,589, respectively, which is a v/c ratio of 0.40 and 0.48, respectively. As such, this project is in conformance with the Lee County Government's Concurrency Management System.

PURPOSE OF REPORT

The following Report has been prepared pursuant to the criteria set forth by the Traffic Impact Statement Guidelines as adopted by the Lee County Government for projects requesting a small-scale comprehensive land use amendment. More specifically, this Report examines the potential transportation related impacts that may occur as a result of the completion of this project.

SCOPE OF PROJECT

The project (referred to as 5236 Orange River CPD) is a proposed mixed use commercial development that will have a maximum of 9,000 square feet of leasable floor space. The project site is located on the south side of West Orange River Boulevard and to the east of the Lexington Avenue/West Orange River Road intersection (refer to Figure 1 for a depiction of the site location).

The project will have one full access on West Orange River Boulevard. Project build-out is anticipated to occur by the year 2014.

PROJECT GENERATED TRAFFIC

Traffic which can be expected to be generated West Orange River CPD has been estimated based upon the guidelines established by the Institute of Transportation Engineers, Trip Generation Manual, 8th Edition. That is, historical traffic data collected at similar type developments was relied upon in estimating the project's traffic. In referencing the historical data provided by the ITE Trip Generation Manual, it was concluded that Land Use Code "Shopping Center" (LUC 820) was most appropriate in estimating the anticipated traffic. *At this time, the project is proposing a wide range of commercial land uses. As such, the Report based its findings on the most intense development potential.*

Table 1 provides a detail of the calculations that were performed in estimating the project's anticipated traffic, which has been summarized below.

Land Use	Build-out	New Trips Daily (ADT)	New Trips AM Peak (VPH)	New Trips PM Peak (VPH)
LUC 820	9,000 S.F.	994 ADT	26 VPH	89 VPH

Based upon these results, the Report concludes that the project will generate less than 100 trip ends during the highest peak hour. As such, the Report investigated the traffic impacts based upon the criteria set forth by the Lee County Traffic Impact Statement Guidelines for developments generating "Less Than 100 Trips".

EXISTING ROADWAY CONDITIONS

West Orange River Boulevard is two lane commercial grade local road.

State Road 80 is classified by the Lee County Government as a six lane divided arterial having a performance standard of LOS E. A maximum service capacity of 2,920 vph during the 100th highest peak hour peak direction has been established for this road by the Lee County Concurrency Management Report.

AREA OF SIGNIFICANT IMPACT

The area of significant impact was determined based upon Lee County's 10% criteria (i.e., if the project's traffic is 10% or more of a roadway's adopted level of service LOS "C" capacity, then the project has a significant impact upon that link). Table 2A describes the project traffic distributions and the level of impact on the surrounding roadways. As shown, no roadways were found to be impacted by 10% or greater than its adopted level of service volume. As such, only State Road 80 is considered to be impacted by the project.

2015 & 2030 PROJECT BUILD-OUT CONDITIONS

In order to establish 2015 and 2030 project build-out traffic conditions, traffic count data was adjusted for peak season conditions, peak hour conditions, peak direction, and an annual growth rate was then applied. The peak season/peak hour/peak direction factors as shown on Table 2B were derived from the 2009 Lee County Traffic Count Report. The annual growth rate was derived from historical traffic counts also described in the Traffic Count Report. After the correct adjustments were computed, the project generated traffic was then added to the 2015 and 2030 Background Traffic. Table 2C provides a detail of the 2015 and 2030 background plus project traffic conditions. As shown, State Road 80 will operate at an acceptable level of service for 2015 and 2030 project build-out conditions.

CONCURRENCY REVIEW

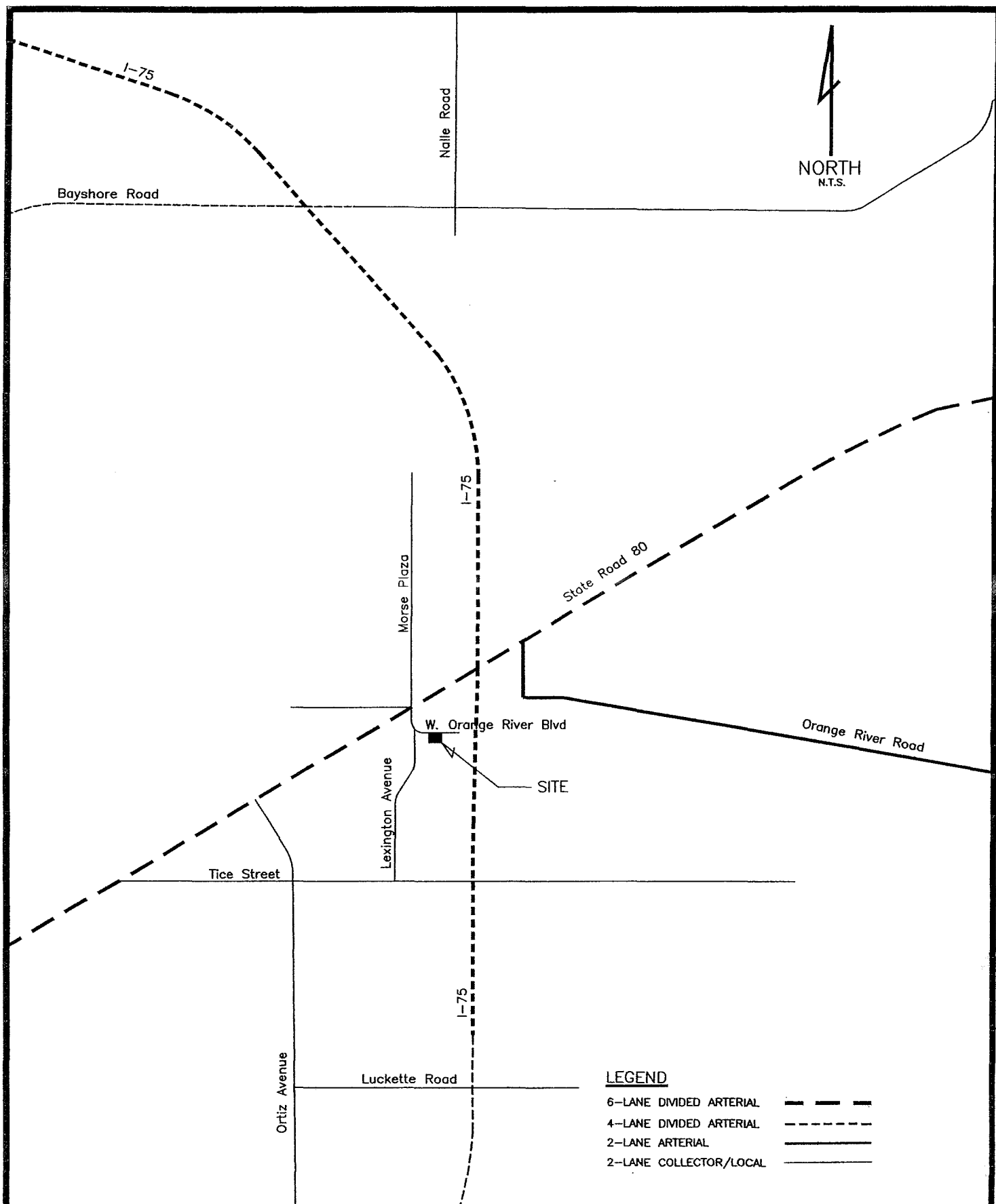
State Road 80 is classified as a six lane divided arterial having a performance standard of LOS E. A maximum service capacity of 2,920 vph during the 100th highest peak hour peak direction has been established for this road by the Lee County Concurrency Management Report. As determined, State Road 80 will have a 2015 and 2030 project build-out traffic volume of 1,159 vph and 1,589, respectively, which is a v/c ratio of 0.40 and 0.48, respectively. As such, this project is in conformance with the Lee County Government's Concurrency Management System.

APPENDIX

FIGURE 1

TABLES 1 thru 2C

SUPPORT DOCUMENTS



W. Orange River CPD

February 18, 2010

PROJECT LOCATION
& ROADWAY CLASS.

FIGURE 1

TABLE 2A
PROJECT'S AREA OF IMPACT

Project Traffic Peak Direction (vph) = **45**

		<u>Road Class</u>	<u>Project Traffic % Distribution</u>	<u>Project Traffic PK Direction Volume (vph)</u>	<u>LOS "C" Service Volume</u>	<u>Project's Percentage Impact</u>	<u>Significant Impact</u>	<u>Service Volume LOS Standard</u>	<u>LOS Standard PK Direction Volume (vph)</u>
State Road 80	Tice Ave to Ortiz Ave	6LD	50%	23	2730	0.82%	NO	E	2920
	Ortiz Ave to I-75	6LD	65%	29	2730	1.07%	NO	E	2920
	I-75 to State Road 31	6LD	35%	16	3080	0.51%	NO	D	3080

TABLE 2B
ROADWAY LINK VOLUME & CAPACITY ANALYSIS

		Directional									
		<u>K100 Factor</u>	<u>Factor</u>								
P.C.S. 11		0.0996	53%								
		1st Year	2008								
		Traffic Count	Traffic Count	Years of	Growth	K100	Directional	2009	2015	2030	
		Peak Hour	Peak Hour	Peak Hour	Peak Hour	Peak Hour	Peak Hour	Peak Hour	Peak Hour	Peak Hour	
		PK Direction	PK Direction	PK Direction	PK Direction	PK Direction	PK Direction	PK Direction	PK Direction	PK Direction	
		(VPH)	(VPH)	(VPH)	(VPH)	(VPH)	(VPH)	(VPH)	(VPH)	(VPH)	
State Road 80	Tice Ave to Ortiz Ave	11	26400	17900	9	2.00%	0.0996	53%	945	1064	1432
	Ortiz Ave to I-75	11	27000	19500	9	2.00%	0.0996	53%	1029	1159	1560
	I-75 to State Road 31	11	24900	25900	9	2.00%	0.0996	53%	1367	1540	2072

TABLE 2C
ROADWAY LINK VOLUME & CAPACITY ANALYSIS

		2015	2015	2030	2030	Project	2030	LOS Standard	<u>v/c Ratio</u>	2030
		Peak Hour	Peak Hour	Peak Hour	Peak Hour	Peak Hour	Build-Out	PK Direction		Build-Out
		PK Direction	PK Direction	PK Direction	PK Direction	PK Direction	PK Direction	PK Direction		PK Direction
		<u>(VPH)</u>	<u>LOS</u>	<u>(VPH)</u>	<u>LOS</u>	<u>(VPH)</u>	<u>(VPH)</u>	<u>Volume (vph)</u>		<u>LOS</u>
State Road 80	Tice Ave to Ortiz Ave	1064	C	1432	C	23	1455	2920	0.50	C
	Ortiz Ave to I-75	1159	C	1560	C	29	1589	2920	0.54	C
	I-75 to State Road 31	1540	C	2072	C	16	2088	3080	0.68	C

ROADWAY LINK NAME	FROM	TO	ROAD TYPE	PERFORMANCE STANDARD		2008 100th HIGHEST HR		EST 2009 100th HIGHEST HR		FORECAST FUTURE VOL		NOTES*	LINK NO.
				LOS	CAPACITY	LOS	VOLUME	LOS	VOLUME	LOS	VOLUME		
ORTIZ AVE	DR ML KING BL (SR 82)	LUCKETT RD	2LN	E	950	C	850	C	850	C	853	4 Ln design & ROW acquisition underway.	19700
ORTIZ AVE	LUCKETT RD	PALM BEACH BL (SR 80)	2LN	E	950	B	427	B	427	B	446	4 Ln design & ROW acquisition underway.	19800
PALM BEACH BL (SR 80)	PROSPECT AVE	ORTIZ AVE	4LD	E	1,940	C	928	C	929	C	929		19900
PALM BEACH BL (SR 80)	ORTIZ AVE	I-75	6LD	E	2,920	C	1,009	C	1,009	C	1,009		20000
PALM BEACH BL (SR 80)	I-75	SR 31	6LD	D	2,970	A	1,307	A	1,312	B	1,651		20100
PALM BEACH BL (SR 80)	SR 31	BUCKINGHAM RD	4LD	D	1,970	B	1,541	B	1,544	B	1,717		20200
PALM BEACH BL (SR 80)	BUCKINGHAM RD	WERNER DR	4LD	D	2,660	A	739	A	741	C	1,595		20300
PALM BEACH BL (SR 80)	WERNER DR	JOEL BL	4LD	C	2,050	A	721	A	721	A	769		20330
PALM BEACH BL (SR 80)	JOEL BLVD	HENDRY COUNTY LINE	4LD	C	2,050	A	721	A	721	A	858		20400
PALOMINO RD	DANIELS PKWY	PENZANCE BL	2LU	E	860	C	177	C	177	C	197		20500
PARK MEADOW DR	SUMMERLIN RD	US 41	2LU	E	860	C	143	C	147	C	152		20600
PENZANCE BL	RANCHETTE RD	SIX MILE CYPRESS PKWY	2LU	E	860	N/A	N/A	N/A	N/A	N/A	N/A		20800
PINE ISLAND RD	STRINGFELLOW BL	BURNT STORE RD	2LN	E	950	D	583	D	589	D	655	Constrained in part w/c = 0.61.	20900
PINE ISLAND RD (SR 78)	BURNT STORE RD	CHIQUITA BL	2LN	C	910	B	589	B	592	B	594	4 Ln design & ROW underway by FDOT.	21000
PINE ISLAND RD (SR 78)	CHIQUITA BL	SANTA BARBARA BL	4LD	C	2,010	B	1,459	B	1,459	B	1,459		21100
PINE ISLAND RD (SR 78)	SANTA BARBARA BL	DEL PRADO BL	4LD	C	2,010	C	1,528	C	1,528	C	1,537		21200
PINE ISLAND RD (SR 78)	DEL PRADO BL	BARRETT RD	4LD	E	2,010	B	1,135	B	1,136	B	1,136		21300
PINE ISLAND RD (SR 78)	BARRETT RD	US 41	4LD	E	2,010	B	1,135	B	1,135	B	1,234		21400
PINE ISLAND RD (SR 78)	US 41	BUSINESS 41	4LD	E	1,950	B	1,101	B	1,101	B	1,101		21500
PINE RIDGE RD	SAN CARLOS BL	SUMMERLIN RD	2LU	E	860	D	511	D	511	D	621		21600
PINE RIDGE RD	SUMMERLIN RD	GLADIOLUS BL	2LU	E	860	C	231	C	264	D	479		21700
PINE RIDGE RD	GLADIOLUS DR	MCGREGOR BL	2LU	E	860	C	266	C	266	C	266		21800
PLANTATION RD	SIX MILE CYPRESS PKWY	DANIELS PKWY	2LU	E	860	C	199	C	202	E	694	Metro 6 Ln by FDOT underway.	21900
PLANTATION RD	DANIELS PKWY	IDLEWILD ST	2LU	E	860	D	525	D	539	E	800		22000
PONDELLA RD	PINE ISLAND RD (SR 78)	ORANGE GROVE BL	4LD	E	2,010	C	701	C	701	C	703		22100
PONDELLA RD	ORANGE GROVE BL	US 41	4LD	E	2,010	C	1,053	C	1,053	C	1,130		22200

PERIODIC COUNT STATION DATA

STREET	LOCATION	Sta- tion #	M A P	Daily Traffic Volume (AADT)											Area
				2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	
OLGA RD	N OF PALM BEACH BLVD	484	D	3900	3500	4100	4200	2900	1600	4200	1700	2100	1700	11	5
ORANGE GROVE BLVD	S OF HANCOCK BR. PKWY	351	C	7600	8700	11600	9300	9700	9700	9400	8700	7700	7600	34	2
	S OF PONDELLA RD	350	C	7700	9400	9800	10500	10700	10900	11100	10700	9500	9600	34	2
ORANGE RIVER BLVD	S OF PALM BEACH BLVD	353	D	6900	7000	7800	7800	7400	8100	8900	8700	7800	7300	11	5
	E OF STALEY RD	352	D	4500	4400	5600	5800	5900	7100	8300	7800	7700	6400	11	5
ORIOLE RD	S OF ALICO RD	462	H	2500	2900	2600	2600	2300	2400	2800	2500	2500	2600	25	4
ORTIZ AVE	N OF COLONIAL BLVD	354	E	9900	12800	13500	13700	18100	18300	17600	16000	12600	14200	18	3
	N OF M.L.K. BLVD (SR 82)	355	A	11700	13300	13700	U/C	15100	17000	17900	16800	17700	11900	18	3
	N OF TICE ST	356	A	8400	8800	9200	8400	9200	9500	10100	8600	8900	6200	18	
PALM BEACH BLVD (SR 80)	W OF TICE STREET	452	A	26400	27100	28700	28700	27800	29100	30100	31400	20600	17900	11	3
	E OF ORTIZ BLVD	359	A	27000	25800	27400	29200	27000	26000	28400	26800	22400	19500	11	3
	W OF SR 31	5	D	24900	25300	25000	22800	25800	23900	28100	U/C	27100	25900		3
	E OF SR 31	360	D	25200	27000	27900	27900	29400	31700	35200	34400	34200	30400	11	5
	E OF BUCKINGHAM RD	362	D	14900	15800	16800	18100	18900	21900	25700	22900	16400	20900	11	5
	W OF HENDRY CO LINE	358	D	9300	9000	11200	12100		15700	17500	15100	16000	12300	11	5

**PERMANENT COUNT STATION 11
BUCKINGHAM RD S OF PALM BEACH BLVD**

2009 AADT = 8200

K100 Factor - 0.0981

Monthly ADT as a % of Annual ADT

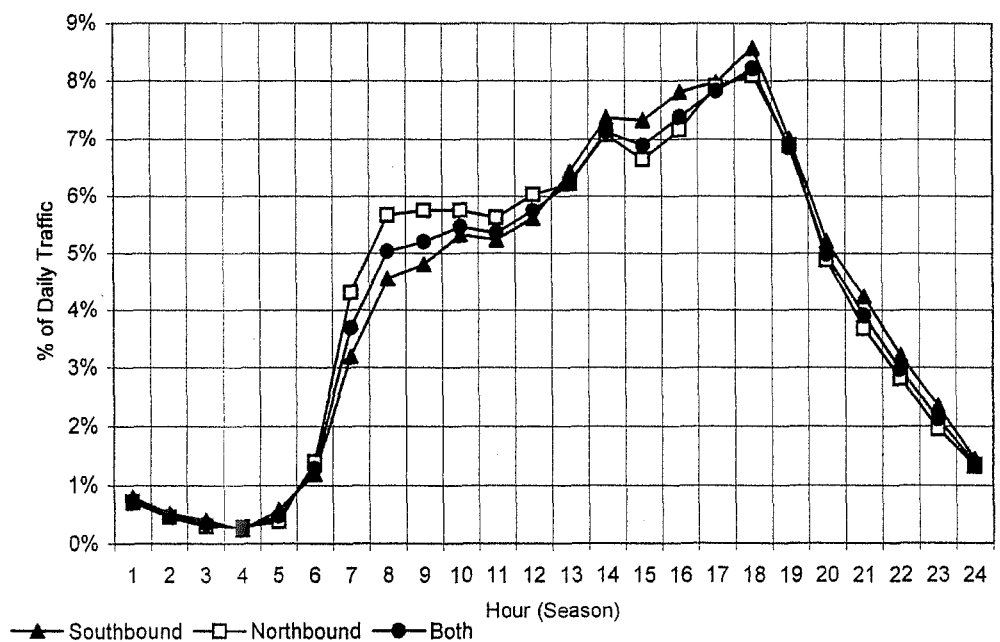
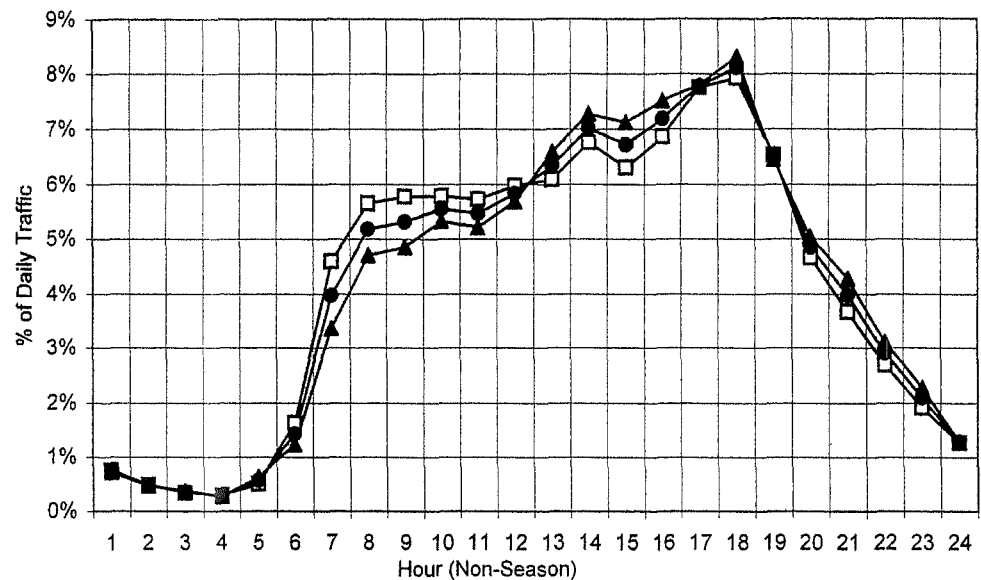
January	102%
February	109%
March	108%
April	103%
May	105%
June	97%
July	86%
August	91%
September	101%
October	106%
November	98%
December	97%

Day of Week as a % of Annual ADT

Monday	99%
Tuesday	103%
Wednesday	106%
Thursday	106%
Friday	113%
Saturday	94%
Sunday	78%

Weekday Peak Flow Characteristics	Non-Season	Season
Peak Flow between 7 a.m. and 9 a.m.		
1) as a % of weekday traffic	5.2%	5.1%
2) directional Split (peak direction)	54%	55%
	Northbound	Northbound
Peak Flow between 4 p.m. and 6 p.m.		
1) as a % of weekday traffic	8.0%	8.0%
2) directional Split (peak direction)	51%	51%
	Southbound	Southbound

**PERMANENT COUNT STATION 11
BUCKINGHAM RD S OF PALM BEACH BLVD**



▲ Southbound □ Northbound ● Both

Legend



Orange River Parcel

Archaeological Sensitive Areas



1



2



Surveyed

CALOOSAHATCHEE RIVER

ORANGE RIVER

ORANGE RIVER RD

ORANGE RIVER BLVD

PALM BEACH BLVD

TICE STREET



0 500 1,000 1,500 2,000
Feet

Note:

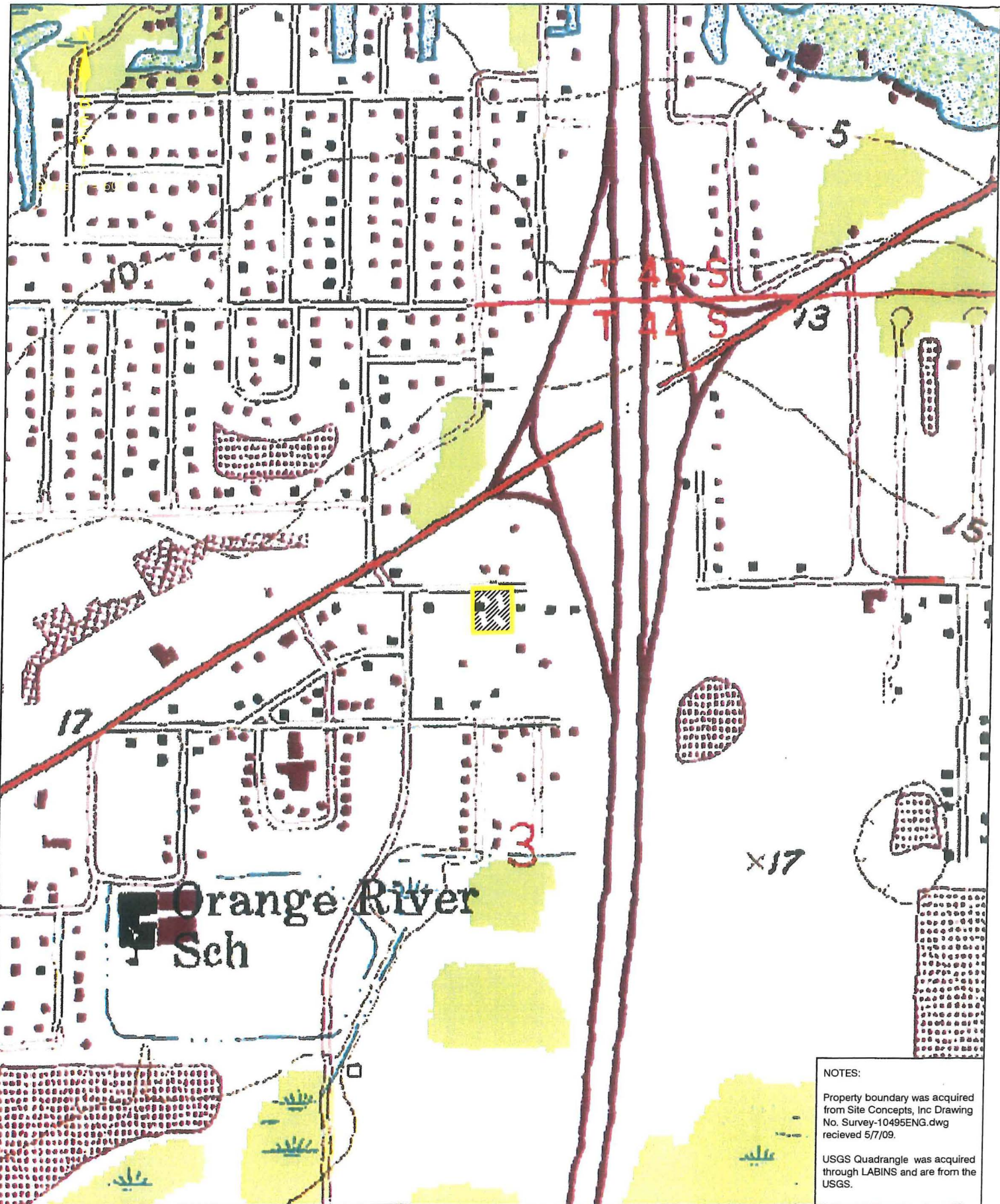
Archaeological Sensitive Areas Layer was acquired from Lee County and was last updated 12/31/05.

Boylan Environmental Consultants, Inc.
Wetland & Wildlife Surveys, Environmental Permitting,
& Impact Assessments
11000 METRO PARKWAY, SUITE 4 FORT MYERS, FL 33966
OFFICE: (239)418-0671 FAX:(239)418-0672

5236 ORANGE RIVER
ARCHAEOLOGICAL SENSITIVE AREAS

CREATED BY	DATE	CATEGORY	EXHIBIT No.
BKM	3/9/10	ARCH	
PROJECT No.		COUNTY	
2009-24		LEE	
SEC/TWP/RNG \ LOCATION			
3/44S/25E			

X:\BEC\2009\2009-24 Orange River Boulevard Parcel\2009\Bases Maps.dwg Tab: QUAD Mar 09, 2010 - 6:25am Plotted by: briann



NOTES:

Property boundary was acquired from Site Concepts, Inc Drawing No. Survey-10495ENG.dwg recieved 5/7/09.

USGS Quadrangle was acquired through LABINS and are from the USGS.

Boylan Environmental Consultants, Inc.
Wetland & Wildlife Surveys, Environmental Permitting, & Impact Assessments



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


5236 ORANGE RIVER
USGS QUAD MAP

DRAWN BY:	DATE:	CATEGORY	PAGE
BKM	5/19/09	AERIAL	
JOB NUMBER		SCALE:	
2009-24		1" = 600'	
S/T/R		COUNTY	EXHIBIT
3/44S/25E		LEE	

Legend

 Orange River Parcel

Flood Zone

 0.2 PCT ANNUAL CHANCE FLOOD HAZARD

 A

 AE

 OPEN WATER

 VE

 X

CALOOSAHATCHEE RIVER

ORANGE RIVER

ORANGE RIVER RD

ORANGE RIVER BLVD

PALM BEACH BLVD

TICE STREET



0 510 1,020 1,530 2,040
Feet

Note:
FEMA FIRM Layer was acquired from
Lee County and was last updated 8/26/08.

Boylan
Environmental
Consultants, Inc.
Wetland & Wildlife Surveys, Environmental Permitting,
& Impact Assessments
11000 METRO PARKWAY, SUITE 4 FORT MYERS, FL 33966
OFFICE: (239)418-0671 FAX:(239)418-0672

5236 ORANGE RIVER

FEMA FLOOD ZONE MAP

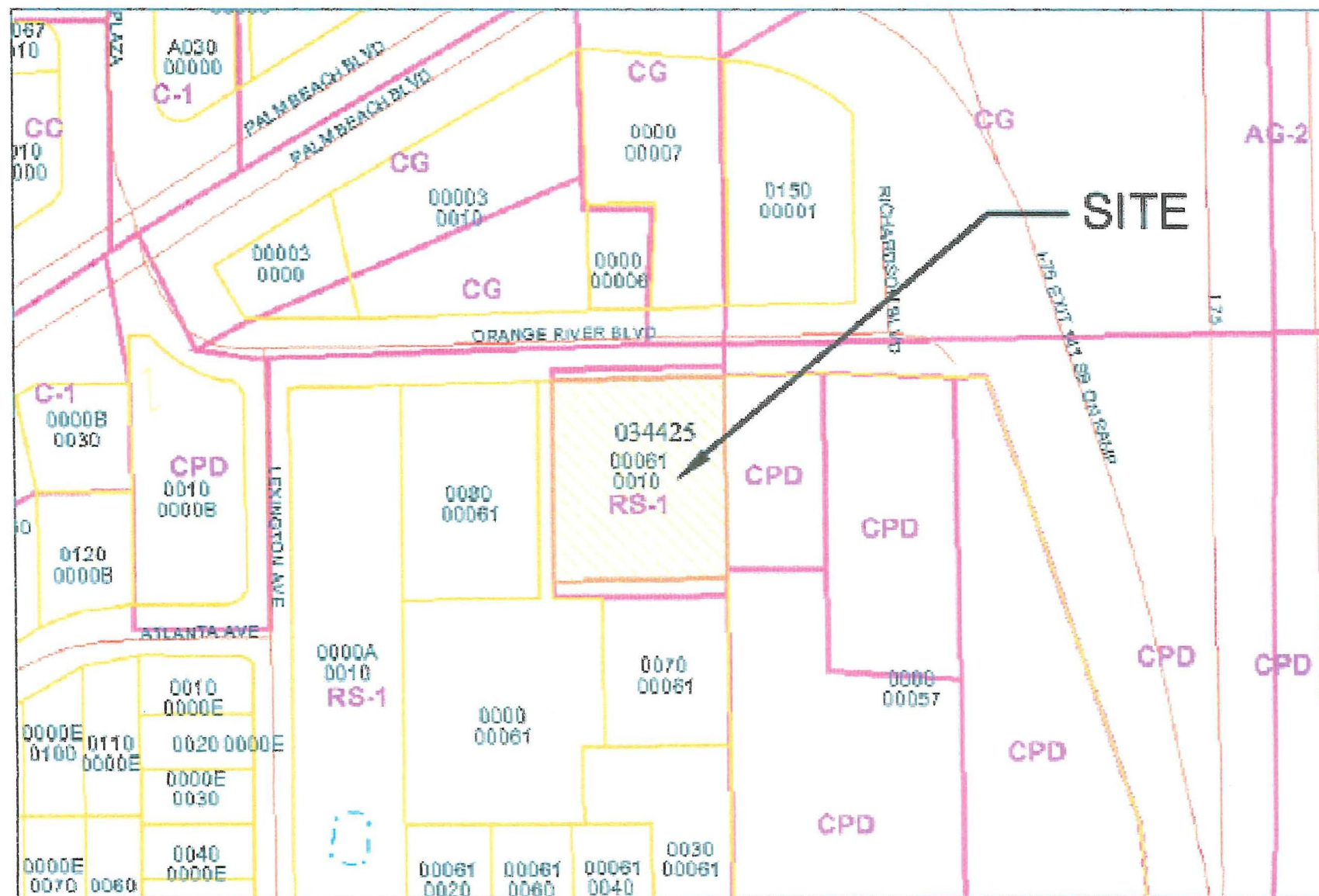
CREATED BY	DATE	CATEGORY	EXHIBIT NO.
BKM	3/9/10	FEMA	
PROJECT No		COUNTY	
2009-24		LEE	
SEC/TWP/RNG \ LOCATION			
3/44S/25E			

MAP AND DESCRIPTION OF EXISTING LAND USES OF SUBJECT PROPERTY AND SURROUNDING LANDS

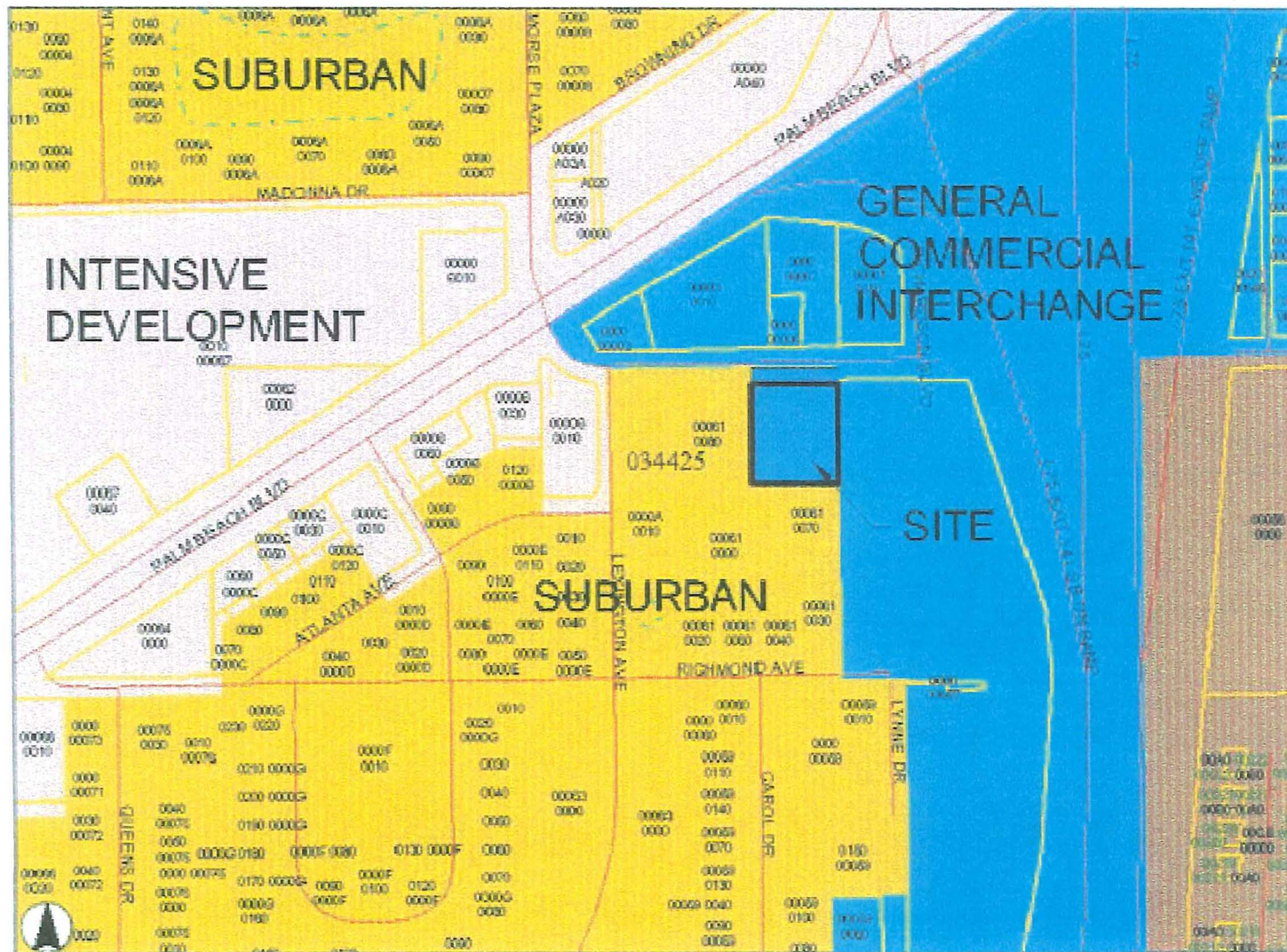
- 5236 ORANGE RIVER -
5236 ORANGE RIVER BLVD., FORT MYERS, FLORIDA 33905
STRAP 05-44-25-01-00061.0010



- 5236 ORANGE RIVER -
5236 ORANGE RIVER BLVD., FORT MYERS, FLORIDA 33905
STRAF 03-66-25-D-0006.D00

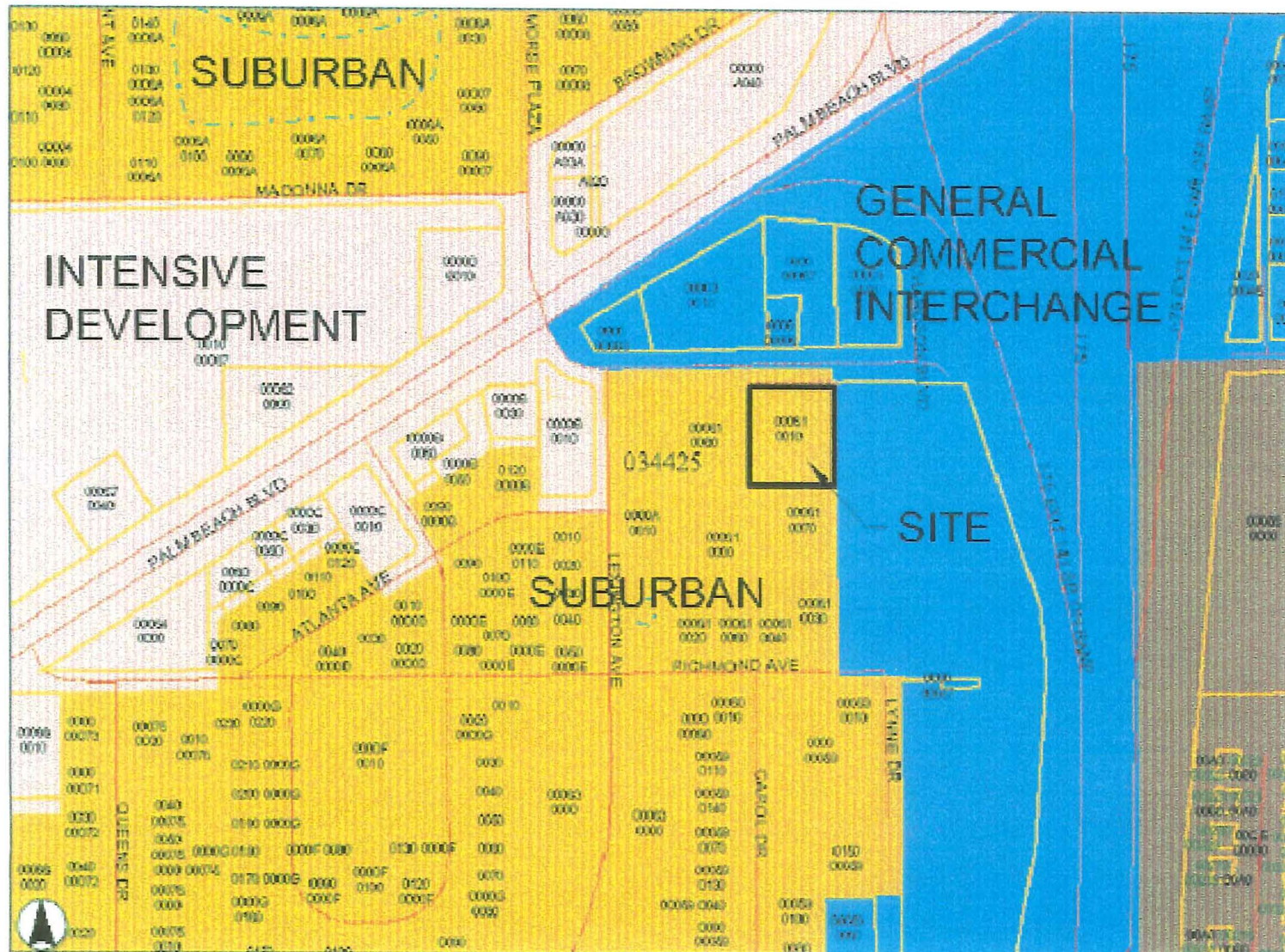


- 5236 ORANGE RIVER -
5236 ORANGE RIVER BLVD., FORT MYERS, FLORIDA 33905
STRAF 05-22-25-01-00061.0010



CURRENT FUTURE LAND USE MAP SHOWING DESIGNATIONS OF SUBJECT PROPERTY AND SURROUNDING LANDS

- 5236 ORANGE RIVER -
5236 ORANGE RIVER BLVD., FORT MYERS, FLORIDA 33905
STAP 03-44-25-DI-00061.0010





SITE



LEE COUNTY
SOUTHWEST FLORIDA



Prepared by G.I.S. Department
Lee County Property Appraiser's Office
Korrell H. Villanar, C.P.A.
Property Appraiser

0 10 20 30 40
1 inch equals 300 feet



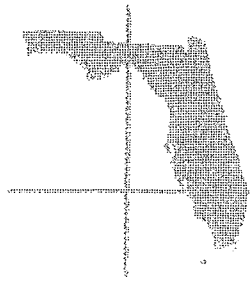
SEE FINAL REPORT OF TOWN-DRAWN SURVEY FOR LEE COUNTY FURNISHING DETAILS. THIS ORIGINAL GIS AERIAL SURVEY IS A PHOTO SCIENCE FILE AND IS ATTACHED REPORT AND NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A PERSON LICENSED SURVEYOR AND MAPPER. THESE CAN BE OBTAINED ON THE WEBSITE. THIS MAP AND REPORT ARE NOT VALID AND COMPLETE WITHOUT THE OTHER.

97% OF ALL WELL-IDENTIFIED FEATURES IN THIS MAP HAVE BEEN MEASURED TO AN ESTIMATED HORIZONTAL POSITIONAL ACCURACY OF ± 7.5 FEET.

Date of Photography: January 2008

Map prepared by G.I.S. Department, Lee County Property Appraiser's Office

SECTION TOWNSHIP RANGE
S03-T44-R25



METRON

SURVEYING & MAPPING, LLC

LAND SURVEYORS • PLANNERS

LEGAL DESCRIPTION
OF A PARCEL LYING IN
SECTION 3, TOWNSHIP 44 SOUTH, RANGE 25 EAST,
LEE COUNTY, FLORIDA

(SUBJECT PARCEL)

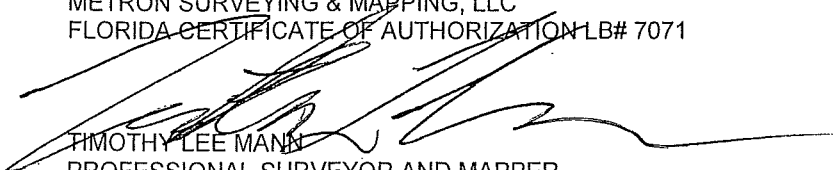
A TRACT OF LAND LYING IN THE STATE OF FLORIDA, COUNTY OF LEE, IN SECTION 3, TOWNSHIP 44 SOUTH, RANGE 25 EAST, BEING A PART OF LOT 33, BLOCK 3, TERRY TICE & VANDAWALKERS SUBDIVISION AS RECORDED IN PLAT BOOK 1 PAGE 46 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 33; THENCE N.89°07'50"E. ALONG THE SOUTH LINE OF SAID LOT 33 AND THE NORTH RIGHT-OF-WAY LINE OF RICHMOND AVENUE FOR A DISTANCE OF 354.74 FEET TO THE SOUTHEAST CORNER OF SAID LOT 33; THENCE N.01°10'31"W. LEAVING SAID NORTH RIGHT-OF-WAY LINE AND ALONG THE EAST LINE OF SAID LOT 33 FOR A DISTANCE OF 601.66 FEET TO AN INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF ORANGE RIVER BOULEVARD AS SHOWN ON THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP, SECTION NUMBER 12075-2404 AND THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE S.01°10'31"E. LEAVING SAID SOUTH RIGHT-OF-WAY LINE AND ALONG THE EAST LINE OF SAID LOT 33 FOR A DISTANCE OF 212.96 FEET; THENCE S.89°02'40"W. LEAVING SAID EAST LINE FOR A DISTANCE OF 187.14 FEET TO AN INTERSECTION WITH AN EASTERLY LINE OF A PARCEL AS DESCRIBED IN OFFICIAL RECORDS BOOK 3096 AT PAGE 289 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE N.00°38'20"W. ALONG SAID EASTERLY LINE FOR A DISTANCE OF 212.15 FEET TO AN INTERSECTION WITH SAID SOUTH RIGHT-OF-WAY LINE OF ORANGE RIVER BOULEVARD; THENCE N.88°47'39"E. ALONG SAID SOUTH RIGHT-OF-WAY LINE FOR A DISTANCE OF 185.15 FEET TO AN INTERSECTION WITH THE EAST LINE OF SAID LOT 33 AND POINT OF BEGINNING.

PARCEL CONTAINS 39,565 SQUARE FEET, MORE OR LESS.

BEARINGS ARE BASED ON THE EAST LINE OF LOT 33, BLOCK 3, TERRY TICE & VANDAWALKERS SUBDIVISION AS BEARING N.01°10'31"W.

METRON SURVEYING & MAPPING, LLC
FLORIDA CERTIFICATE OF AUTHORIZATION LB# 7071

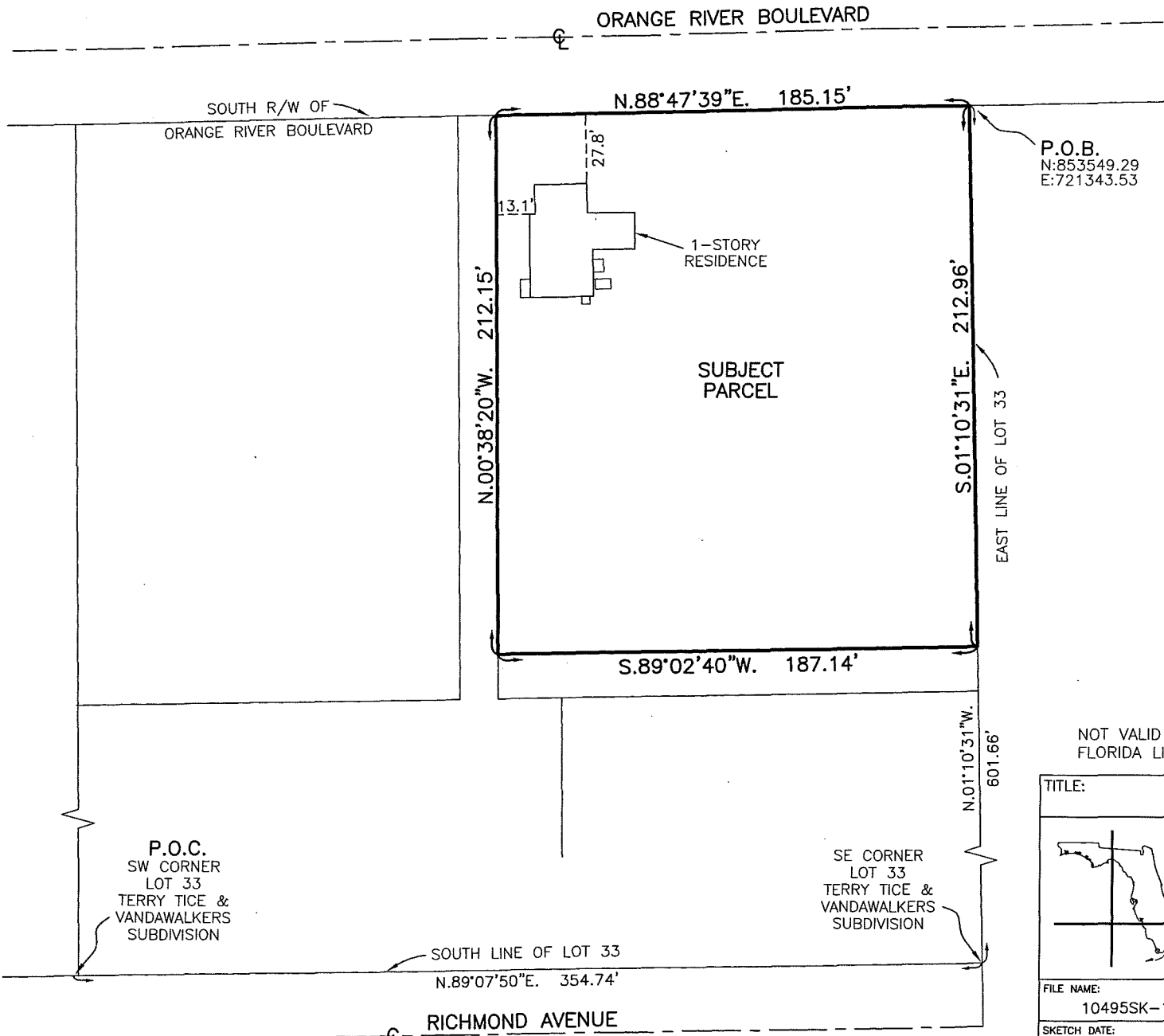

TIMOTHY LEE MANN
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5838

SHEET 1 OF 2

10495SK-1.doc

SKETCH TO ACCOMPANY DESCRIPTION

* SEE SHEET 1 OF 2 FOR LEGAL DESCRIPTION *



LEGEND:

P.O.B. = POINT OF BEGINNING
P.O.C. = POINT OF COMMENCEMENT
R/W = RIGHT-OF-WAY

* THIS IS NOT A SURVEY *

BY:
TIMOTHY LEE MANN
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. LS# 5838
DATE SIGNED: May 13, 2010

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

TITLE: SKETCH OF DESCRIPTION			
		10970 S. CLEVELAND AVENUE UNIT #605 FORT MYERS, FLORIDA 33907 PHONE: (239) 275-8575 FAX: (239) 275-8457	
LAND SURVEYORS · PLANNERS LB# 7071		www.metronfl.com	
FILE NAME: 10495SK-1.dwg	FIELD BOOK/PAGE: N/A	PROJECT NO.: 10495	SHEET: 2 OF 2
SKETCH DATE: 10-12-07	DRAWN BY: RY	SCALE: 1" = 60'	CHECKED BY: TLM (S-T-R) 3-44-25

**Boylan
Environmental
Consultants**



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



5236 Orange River
Section 3; Township 44 South; Range 25 East
Lee County, Florida

**Environmental Assessment &
Protected Species Survey**

March 2010

Project No. 2010-2

INTRODUCTION

Two environmental scientists from Boylan Environmental Consultants, Inc conducted a field investigation on the 0.86± acre property on May 19, 2009. The site is located in portions of Section 3, Township 44 South, Range 25 East, in Lee County, Florida. Specifically, it is situated west of I-75 and immediately south of Orange River Boulevard. Please see the attached Location Map Exhibit A.

The purpose of the field investigation was to identify and document the presence of any listed species and any potential listed (endangered, threatened, etc.) species inhabiting the site that are regulated by the U.S. Fish & Wildlife Service (FWS) and the Florida Fish & Wildlife Conservation Commission (FWC). The survey was conducted in the morning with temperatures in the low-mid 80's with a light breeze and mostly cloudy skies.

METHODOLOGY

The survey method consisted of overlapping belt transects performed for all FLUCFCS communities onsite in compliance with the Lee County Endangered Species Ordinance No. 89-34. The specific methodology included pedestrian surveys of parallel transects conducted according to the survey methodology previously approved by Lee County.

This survey is comprised of a several step process. First, vegetation communities or land-uses on the study area are delineated using the Florida Land Use, Cover and Forms Classification System (FLUCFCS). Please see the attached FLUCFCS map (Exhibit B) and FLUCFCS map with aerial (Exhibit C). Next, the FLUCFCS codes are cross-referenced with the Lee County Protected Species List. This protected species list names the species which have a probability of occurring in any particular FLUCFCS community.

An intensive pedestrian survey is conducted using parallel belt transects that are approximately 10-40 feet apart, depending upon both the thickness of vegetation and visibility, as a means of searching for listed species. In addition, periodic "stop-look-listen" and quiet stalking methods are conducted for animals. Signs or sightings of these species are then recorded and are marked in the field with flagging tape. The table at end of the report lists the FLUCFCS communities found on the parcel and the corresponding species which have a probability of occurring in them.

Transects were walked approximately as shown on the attached protected species survey map (Exhibit D) and protected species survey map with aerial. Specific attention was placed on locating any gopher tortoise burrows.

TABLE 1: SURVEY DATE AND WEATHER CONDITIONS

Survey Date	Survey Time	Weather Conditions
May 19, 2009	Morning	Mostly cloudy with light winds and temperatures in the low-mid 80's

EXISTING SITE CONDITIONS

Site Details – The boundary was obtained from Site Concepts Inc. and is assumed to be 0.91± acres. The site was undeveloped, but appears to have a long history of disturbance. In general, the property is composed of a residential home with a gravel parking pad and vacant land surrounding the home. The site is bordered by commercial and residential development and roadways.

Soil Type - The soils on the property have been mapped by the National Resource Conservation Service (NRCS, formerly the Soil Conservation Service). Please see the attached NRCS soils map (Exhibit E). These mappings are general in nature, but can provide a certain level of information about the site as to the possible extent of wetland area. The agencies commonly use these mappings as justification for certain wetland determinations. According to these mappings, the parcel is underlain by Myakka Fine Sand, soil number 11, non-hydric.

Vegetation Communities – Each community was mapped in the field according to the system in use by the agencies, the Florida Land Use Cover and Forms Classification System (FLUCFCS). Listed below are the vegetation communities or land-uses identified on the site. Vegetation is one parameter used in determining the presence of a wetland; the other parameters include the presence of wetland hydrology and hydric soils. These community mappings will generally reflect whether an area could be considered as wetlands. We did not identify any jurisdictional wetland communities on the site. The following descriptions correspond to the mappings on the attached FLUCFCS map. See Florida Land Use, Cover and Forms Classification System (Department of Transportation 1999) for definitions.

FLUCFCS CODES/DESCRIPTION

110 Residential (0.14± acres)

These residential areas are occupied by single-family home sites and account for 0.14± acres of the property. This community should be considered uplands by regulatory agencies.

740 Disturbed Land (0.77± acres)

This upland area occupies 0.77± acres of the property. The canopy and sub-canopy was open. The ground cover includes dog fennel (*Eupatorium capillifolium*), ragweed (*Ambrosia artemisiifolia*), caesar weed (*Urena lobata*), hairy beggar-ticks (*Bidens alba*), sandspur (*Cenchrus echinatus*), Spanish needle (*Bidens bipinnata*), and bahia grass (*Paspalum notatum*). This community would be considered uplands by the regulatory agencies.

TABLE 2: FLUCFCS COMMUNITY TABLE

FLUCFCS Code	Community Description	Upland Acres
110	Residential	0.14± ac.
740	Disturbed Land	0.77± ac.
Total:		0.91± ac.

SPECIES PRESENCE

The various listed species that may occur in the FLUCFCS communities have been tabulated on the attached table. In general, this site does not contain native, undisturbed community types in which protected species would typically inhabit. During the field survey for protected species on the property, no protected species or signs thereof were observed on-site. No nest-like structures or tree cavities were noted. No tortoise burrows were identified. There were two heritage live oak trees identified on-site, however, they are going to be preserved and incorporated into the site plan.

DISCUSSION

The lack of tortoise burrows is likely due to the disturbed nature of the site and the historic land-use of the site. It is unlikely that this site supports or would provide habitat for protected species. The nearby roads also create a barrier and a hazard to other animals. Other non-listed animal species noted were a mocking bird and black vulture.

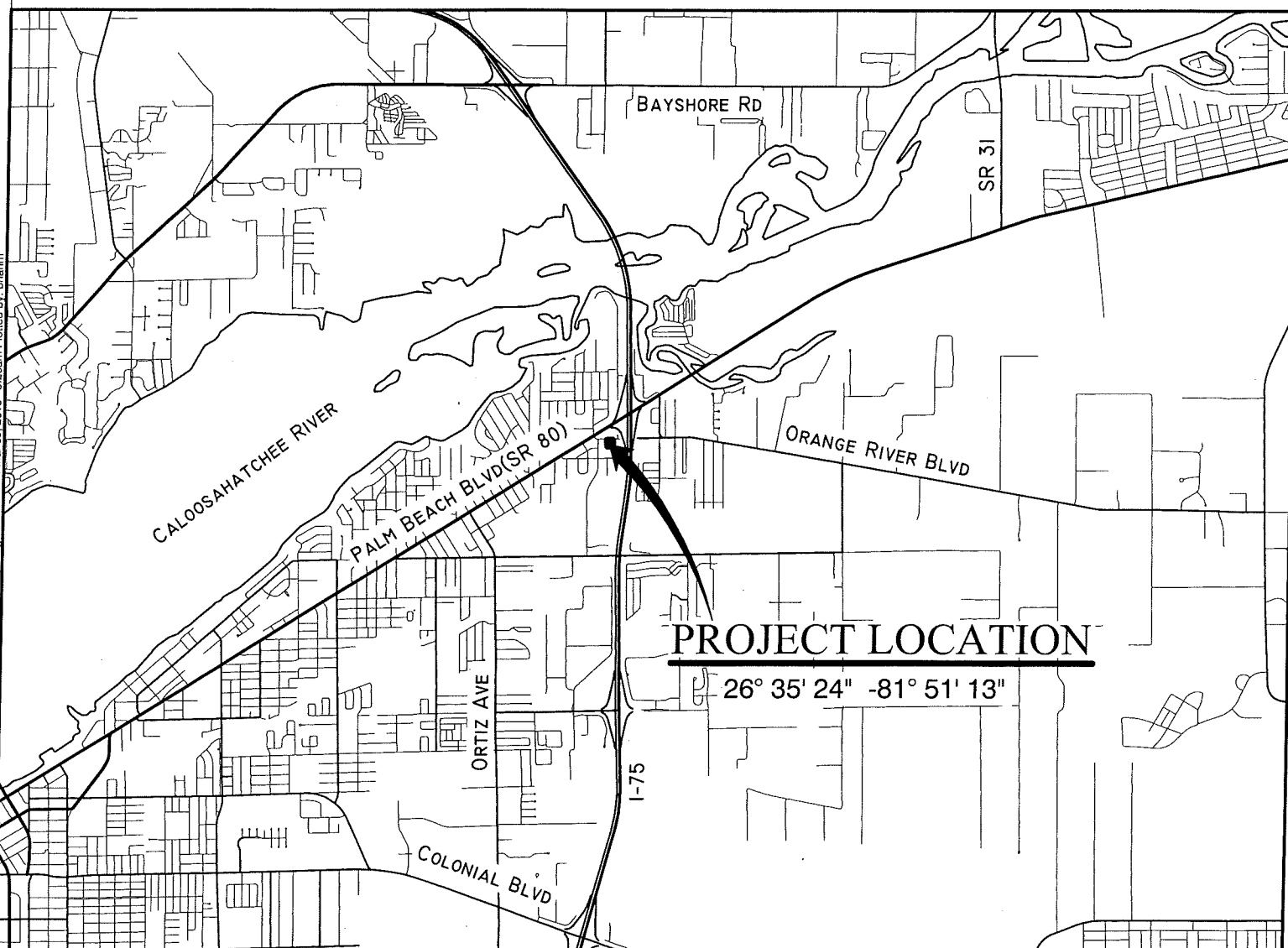
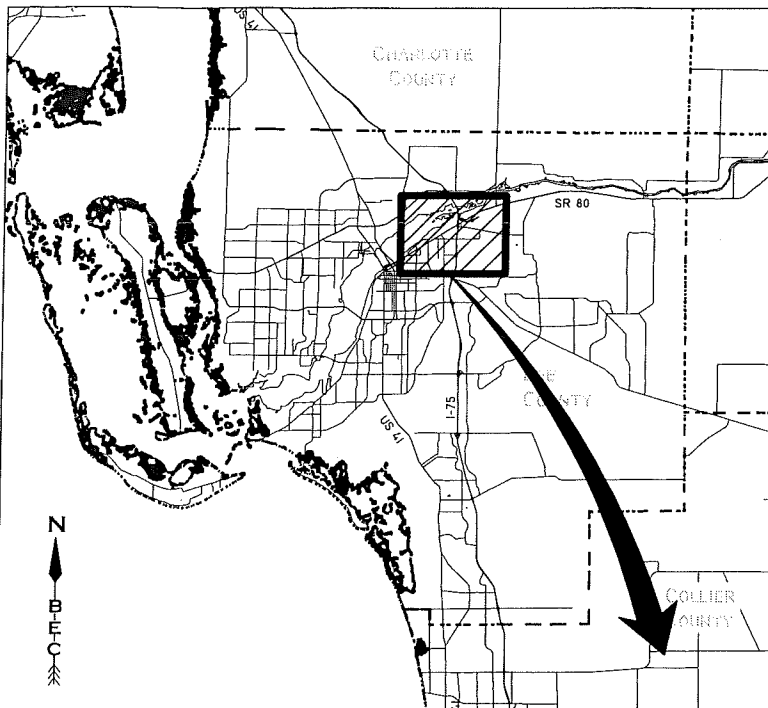
Community locations were estimated and drawn by using a non-rectified aerial with approximate property boundaries hence, their location, aerial extent, and acreage is approximate.

TABLE 3: LISTED SPECIES BY HABITAT WITH CURRENT STATUS

FLUCFCS Code	FLUCFCS Description	Common Name	Scientific Name	Percent Coverage	Observed	FDA	FWS	FWC
110	Residential	Burrowing Owl	<i>Athene cunicularia floridana</i>	--	--	--	--	SSC
		Gopher Tortoise	<i>Gopherus polyphemus</i>	--	--	--	--	T
740	Disturbed Land	N/A		--	--	--	--	--

C=Commercially Exploited
E= Endangered
T= Threatened
SSC= Species of Special Concern

Exhibit A
Location Map



X:\BEC\2009\2009-24 Orange River Boulevard Parcel\2009 Loc Map.dwg Tab: 8.5 x 11 Mar 09 2010 - 9:20am Plotted by: briann

Boylan Environmental Consultants, Inc.

Wetland & Wildlife Surveys, Environmental Permitting, & Impact Assessments

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

Drawn By:	Date:	Category
B.K.M.	5/20/09	Location Map
Job Number		Scale:
2009-24		NTS
S/T/R		County
3/44S/25E		Lee

5236 Orange River		Page
Project Location Map		Exhibit

Exhibit B

Aerial FLUCFCS Map

X:\BEC\2009\2009-24 Orange River Boulevard Parcel\2009 Base Maps.dwg Tab: Aerial FLUCFCS Mar 09, 2010 - 8:14am Plotted by: briann



FLUCFCS Legend			
FLUCFCS			
Code	Community	Acres	%
110	Residential	0.14 Ac.±	15.38%
740	Disturbed lands	0.77 Ac.±	84.62%
TOTAL		0.91 Ac.±	100.00%

NOTES:

FLUCFCS lines estimated from 1"=200' aerial photographs and locations approximated.

FLUCFCS per Florida Land Use, Cover and Forms Classification System (FLUCFCS) (FDOT 1999).

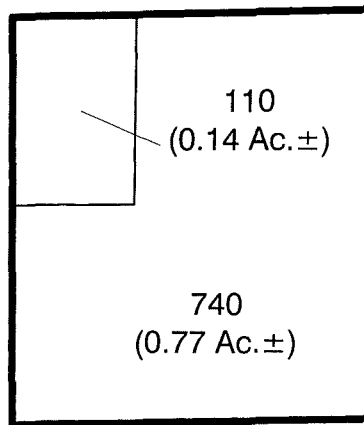
Property boundary was acquired from Site Concepts, Inc Drawing No. Survey-10495ENG.dwg recieved 5/7/09.

Aerial photographs were acquired through Lee County Property Appraiser's office with a flight date January, 2008.

Exhibit C
FLUCFCS Map



SCALE: 1" = 100'



FLUCFCS Legend			
FLUCFCS			
Code	Community	Acres	%
110	Residential	0.14 Ac.±	15.38%
740	Disturbed lands	0.77 Ac.±	84.62%
TOTAL		0.91 Ac.±	100.00%


NOTES:

FLUCFCS lines estimated from 1"=200' aerial photographs and locations approximated.

FLUCFCS per Florida Land Use, Cover and Forms Classification System (FLUCFCS) (FDOT 1999).

Property boundary was acquired from Site Concepts, Inc Drawing No. Survey-10495ENG.dwg recieved 5/7/09.

Boylan Environmental Consultants, Inc.
 Wetland & Wildlife Surveys, Environmental Permitting, & Impact Assessments



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

5236 ORANGE RIVER
FLUCFCS MAP

DRAWN BY:	DATE:	CATEGORY	PAGE
BKM	5/19/09	FLUCFCS	
JOB NUMBER		SCALE:	
2009-24		1" = 100'	
S/T/R		COUNTY	EXHIBIT
3/44S/25E		LEE	

X:\BEC\2009\2009-24 Orange River Boulevard Parcel\2009\Basc Maps.dwg Tab: FLUCFCS Mar 09, 2010 - 9:13am Plotted by: briann

Exhibit D

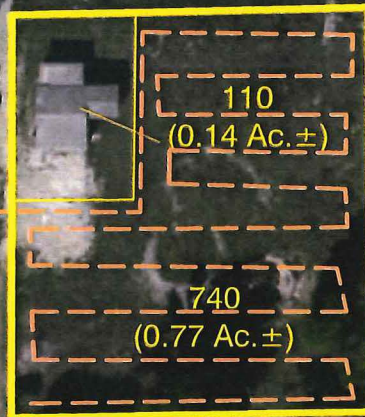
Protected Species Survey Map

N
B
E
C

SR 80

SCALE: 1" = 100'

ORANGE RIVER BOULEVARD



FLUCFCS Legend

FLUCFCS

Code	Community	Acres	%
110	Residential	0.14 Ac.±	15.38%
740	Disturbed lands	0.77 Ac.±	84.62%
TOTAL		0.91 Ac.±	100.00%

LEGEND

--- PROTECTED SPECIES
SURVEY TRANSECTS

NOTES:

FLUCFCS lines estimated from
1"=200' aerial photographs and
locations approximated.

FLUCFCS per Florida Land Use,
Cover and Forms Classification
System (FLUCFCS) (FDOT 1999).

Property boundary was acquired
from Site Concepts, Inc Drawing
No. Survey-10495ENG.dwg
received 5/7/09.

Aerial photographs were acquired
through Lee County Property
Appraiser's office with a flight
date January, 2008.

Boylan
Environmental
Consultants, Inc.
Wetland & Wildlife Surveys, Environmental Permitting,
& Impact Assessments

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

5236 ORANGE RIVER

FLUCFCS & PSS MAP

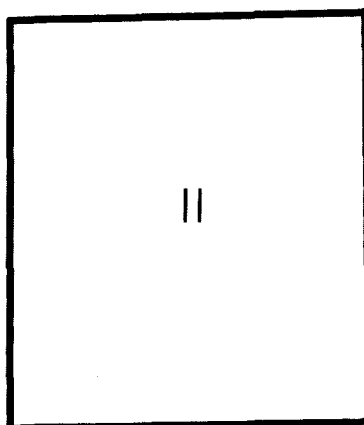
DRAWN BY:	DATE:	CATEGORY	PAGE
BKM	5/19/09	FLUCFCS	
JOB NUMBER	SCALE:		
2009-24	1" = 100'		
S/T/R	COUNTY		EXHIBIT
3/44S/25E	LEE		

X:\BEC\2009\2009-24 Orange River Boulevard Parcel\2009 Base Maps.dwg Tab: PSS Mar 09, 2010 - 8:17am Plotted by: briann

Exhibit E
NRCS Soils Map



SCALE: 1" = 100'



NRCS Soils Legend

Soil No	Description	Status
11	Myakka Fine Sand	Non-Hydric

NOTES:

Soils were acquired from the FGDL and are from the NRCS Soils Maps.

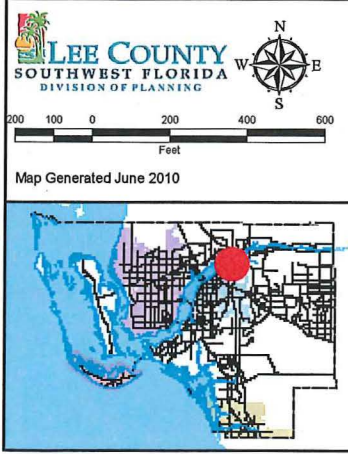
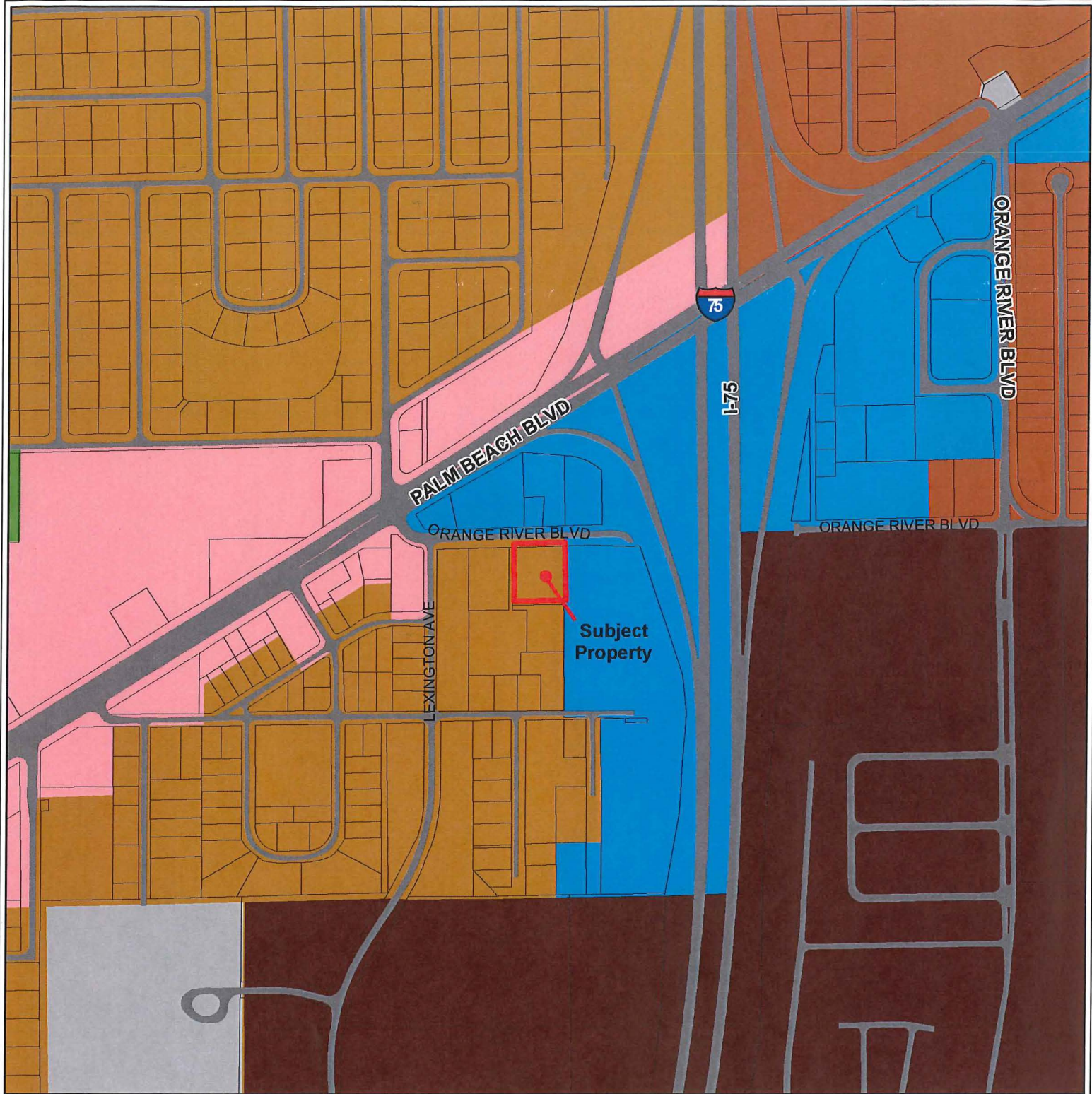
Property boundary was acquired from Site Concepts, Inc Drawing No. Survey-10495ENG.dwg recieved 5/7/09.



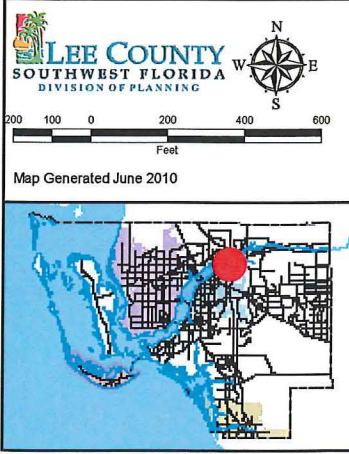
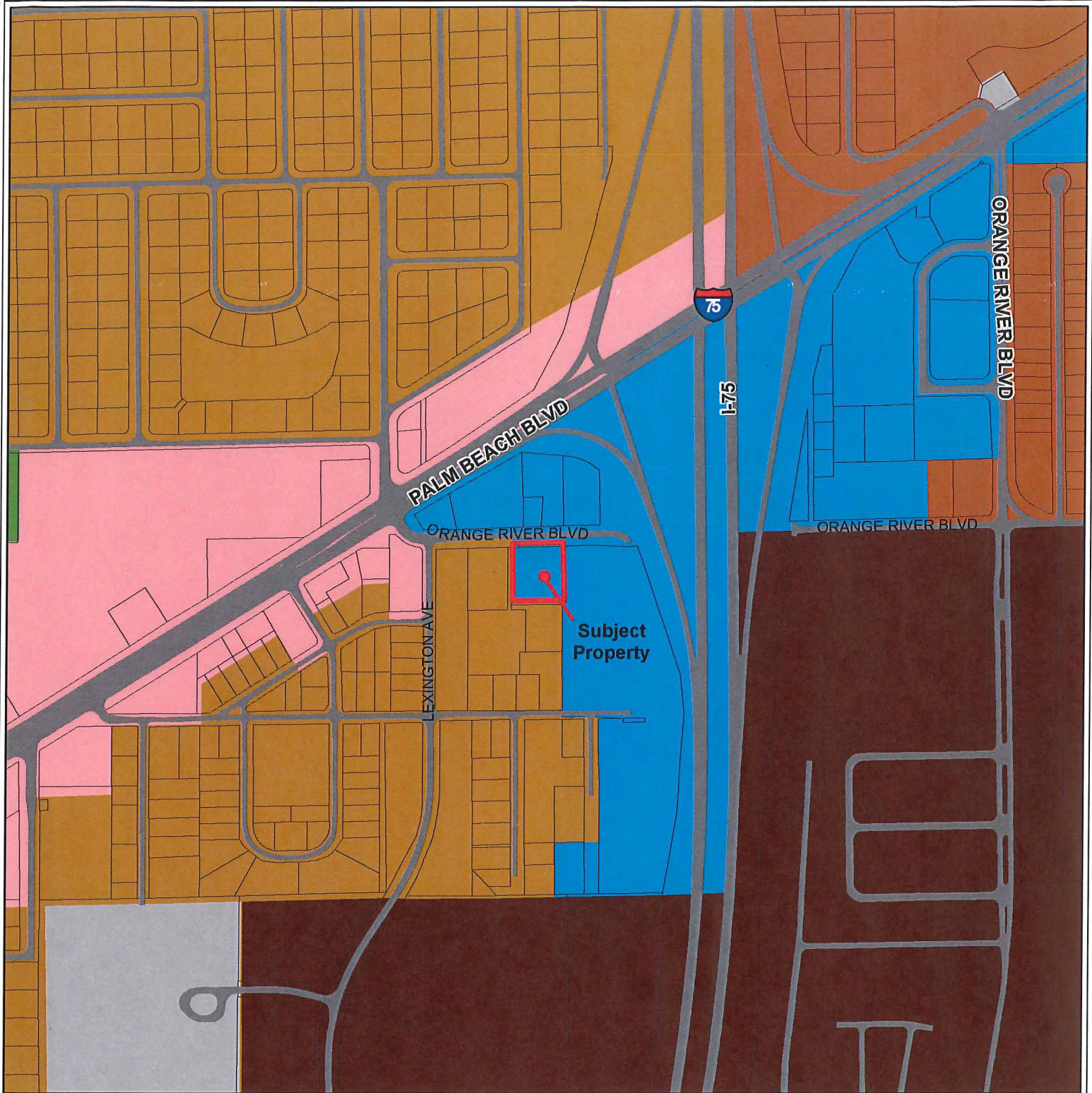
11000 Metro Parkway, Suite 4, Ft. Myers, FL 33966 (239) 418-0671

5236 ORANGE RIVER NRCS SOILS MAP

DRAWN BY:	DATE:	CATEGORY	PAGE
BKM	5/19/09	SOILS	EXHIBIT
JOB NUMBER		SCALE:	
2009-24		1" = 100'	
S/T/R		COUNTY	
3/44S/25E		LEE	



<p>FUTURE URBAN AREAS</p> <ul style="list-style-type: none"> Intensive Development Central Urban Urban Community Suburban Outlying Suburban Sub-Outlying Suburban Commercial Industrial Development Public Facilities University Community Burnt Store Marina Village Destination Resort Mixed Use Water Dependent 	<p>INTERCHANGE AREAS</p> <ul style="list-style-type: none"> Industrial Interchange General Interchange General Commercial Interchange Industrial/Commercial Interchange University Village Interchange <p>NEW COMMUNITY</p> <ul style="list-style-type: none"> New Community <p>AIRPORT AREAS</p> <ul style="list-style-type: none"> Tradeport Airport 	<p>NON-URBAN AREAS</p> <ul style="list-style-type: none"> Rural Rural Community Preserve Coastal Rural Outer Island Open Lands Density Reduction / Groundwater Resource Conservation Lands Upland <p>ENVIRONMENTALLY CRITICAL AREAS (WETLANDS)</p> <ul style="list-style-type: none"> Wetlands Conservation Lands Wetland
---	---	---



<p>FUTURE URBAN AREAS</p> <ul style="list-style-type: none"> Intensive Development Central Urban Urban Community Suburban Outlying Suburban Sub-Outlying Suburban Commercial Industrial Development Public Facilities University Community Burnt Store Marina Village Destination Resort Mixed Use Water Dependent 	<p>INTERCHANGE AREAS</p> <ul style="list-style-type: none"> Industrial Interchange General Interchange General Commercial Interchange Industrial/Commercial Interchange University Village Interchange <p>NEW COMMUNITY</p> <ul style="list-style-type: none"> New Community <p>AIRPORT AREAS</p> <ul style="list-style-type: none"> Tradeport Airport 	<p>NON-URBAN AREAS</p> <ul style="list-style-type: none"> Rural Rural Community Preserve Coastal Rural Outer Island Open Lands Density Reduction / Groundwater Resource Conservation Lands Upland <p>ENVIRONMENTALLY CRITICAL AREAS (WETLANDS)</p> <ul style="list-style-type: none"> Wetlands Conservation Lands Wetland
---	---	---

LETTERS OF SUPPORT
FOR
CPA2010-00003
GULF SHORE INVESTMENTS

TO: LEE COUNTY COMMISSIONERS

Date: AUGUST 18, 2009

RE: West Orange River CPD

As the owner of parcel: 03-44-25-01-00061.0000

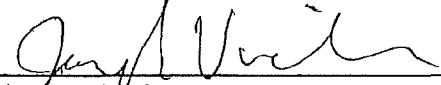
Parcel street address: 5228 Orange River Blvd, Ft Myers, FL 33905

I wish to voice my support for the proposed development. Please expedite the approval process. We need this project to be developed on this old residential parcel as part of redevelopment of the area.

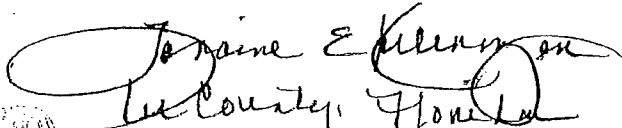
The layout, buffers and utilization of the existing structure are fine by me. I do not want any buffer walls which would reflect sound back to my property and block air movement. Nor would I like dense buffer planting strips which tend to create a visual barrier. I would prefer to see an open layout but realize that some perimeter landscape plantings will be required, just not too dense to block my sight of the horizon. The developer has shown me his plan and the request to provide planting strips on my side of his property with plantings spaced out and I find that to my liking. They are saving the large oak trees on the back of the property and keeping the area underneath in green area. That is also fine and he should get credit for that effort.

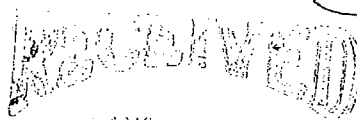
I have discussed the deviations with the developer and agree with his requests. There are many. The codes are very restrictive. The site is adjacent to an existing business and will not create a nuisance in my neighborhood as far as I can tell. It has no service or repair, no open storage area, just sales and a display area. The existing site is vacant and I realize the entire neighborhood along this block will eventually be commercial based upon the closeness to the interchange for I-75. I like the plans and endorse this request to rezone as proposed.

Please accept this letter of No Objection and expedite the approval so construction can begin.


Joseph Vickers
5228 Orange River Blvd
Fort Myers, FL 33905




Laraine E. Kellermeier
Lee County, Florida



AUG 19 2009

COMMUNITY DEVELOPMENT DCI 2009-00032

TO: LEE COUNTY COMMISSIONERS

Date: AUGUST 18, 2009

RE: West Orange River CPD

As the owner of parcel: 03-44-25-03-0000A.0010

Parcel street address: 5222 Orange River Blvd, Ft Myers, FL 33905

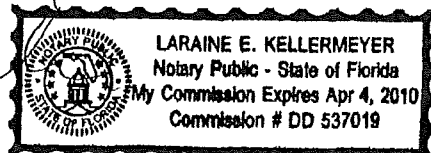
I wish to voice my support for the proposed development. Please expedite the approval process. We need this project to be developed on this old residential parcel as part of redevelopment of the area.

The layout, buffers and utilization of the existing structure are fine by me. I do not want any buffer walls which would reflect sound back to my property and block air movement. Nor would I like dense buffer planting strips which tend to create a visual barrier. I would prefer to see an open layout but realize that some perimeter landscape plantings will be required, just not too dense to block my sight of the horizon. The developer has shown me his plan and the request to provide planting strips on my side of his property with plantings spaced out and I find that to my liking. They are saving the large oak trees on the back of the property and keeping the area underneath in green area. That is also fine and he should get credit for that effort.

I have discussed the deviations with the developer and agree with his requests. There are many. The codes are very restrictive. The site is adjacent to an existing business and will not create a nuisance in my neighborhood as far as I can tell. It has no service or repair, no open storage area, just sales and a display area. The existing site is vacant and I realize the entire neighborhood along this block will eventually be commercial based upon the closeness to the interchange for I-75. I like the plans and endorse this request to rezone as proposed.

Please accept this letter of No Objection and expedite the approval so construction can begin.

Joseph Vickers for Carl Vickers
Carl H. Vickers
5222 Orange River Blvd
Fort Myers, FL 33905



Laraine E. Kellermeier
Lee County, Florida

RECEIVED
AUG 19 2009

COMMUNITY DEVELOPMENT

pr Joseph Williams Vickers
FLA D# V262-499-58-330-0

DCI 2009-00032

TO: LEE COUNTY COMMISSIONERS

Date: AUGUST 18, 2009

RE: West Orange River CPD

As the owner of parcel: 03-44-25-01-00061.0070

Parcel street address: 5231 Richmond Ave, Ft Myers, FL 33905

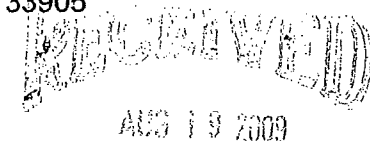
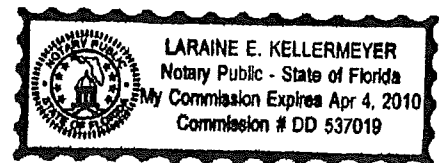
I wish to voice my support for the proposed development. Please expedite the approval process. We need this project to be developed on this old residential parcel as part of redevelopment of the area.

The layout, buffers and utilization of the existing structure are fine by me. I do not want any buffer walls which would reflect sound back to my property and block air movement. Nor would I like dense buffer planting strips which tend to create a visual barrier. I would prefer to see an open layout but realize that some perimeter landscape plantings will be required, just not too dense to block my sight of the horizon. The developer has shown me his plan and the request to provide planting strips on my side of his property with plantings spaced out and I find that to my liking. They are saving the large oak trees on the back of the property and keeping the area underneath in green area. That is also fine and he should get credit for that effort.

I have discussed the deviations with the developer and agree with his requests. There are many. The codes are very restrictive. The site is adjacent to an existing business and will not create a nuisance in my neighborhood as far as I can tell. It has no service or repair, no open storage area, just sales and a display area. The existing site is vacant and I realize the entire neighborhood along this block will eventually be commercial based upon the closeness to the interchange for I-75. I like the plans and endorse this request to rezone as proposed.

Please accept this letter of No Objection and expedite the approval so construction can begin.

Carl H. Vickers + Joseph William Vickers J/T
Carl H. Vickers + Joseph William Vickers J/T
5222 Orange River Blvd
Fort Myers, FL 33905



COMMUNITY DEVELOPMENT

Laraine E. Kellermeier
Lee County, Florida

for Joseph William Vickers
FLA DL # V262-499-58-330-C

DCI 2009-00032

TO: LEE COUNTY COMMISSIONERS

Date: AUGUST 18, 2009

RE: West Orange River CPD

As the owner of parcel: 03-44-25-01-00061.0080

Parcel street address: 5230 Orange River Blvd, Ft Myers, FL 33905

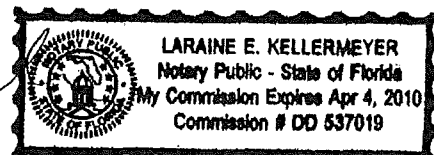
I wish to voice my support for the proposed development. Please expedite the approval process. We need this project to be developed on this old residential parcel as part of redevelopment of the area.

The layout, buffers and utilization of the existing structure are fine by me. I do not want any buffer walls which would reflect sound back to my property and block air movement. Nor would I like dense buffer planting strips which tend to create a visual barrier. I would prefer to see an open layout but realize that some perimeter landscape plantings will be required, just not too dense to block my sight of the horizon. The developer has shown me his plan and the request to provide planting strips on my side of his property with plantings spaced out and I find that to my liking. They are saving the large oak trees on the back of the property and keeping the area underneath in green area. That is also fine and he should get credit for that effort.

I have discussed the deviations with the developer and agree with his requests. There are many. The codes are very restrictive. The site is adjacent to an existing business and will not create a nuisance in my neighborhood as far as I can tell. It has no service or repair, no open storage area, just sales and a display area. The existing site is vacant and I realize the entire neighborhood along this block will eventually be commercial based upon the closeness to the interchange for I-75. I like the plans and endorse this request to rezone as proposed.

Please accept this letter of No Objection and expedite the approval so construction can begin.

Carl J. Vickers for Carl Vickers
Carl J. Vickers
5222 Orange River Blvd
Fort Myers, FL 33905



RECEIVED
AUG 19 2009

COMMUNITY DEVELOPMENT

Laraine E. Kellermeier
for
Joseph Williams Vickers
FLA DL # V262-499-58-330-0

DCI 2009-00032