



CPA2004-04
FITZGERALD TRACT
PRIVATELY INITIATED
AMENDMENT
TO THE

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

**Privately Sponsored Application
and Staff Analysis**

**BoCC Public Hearing Document
for the
June 1st, 2005 Transmittal Hearing**

*Lee County Planning Division
1500 Monroe Street
P.O. Box 398
Fort Myers, FL 33902-0398
(941) 479-8585*

May 26, 2005

PART III - LOCAL PLANNING AGENCY REVIEW AND RECOMMENDATION

DATE OF PUBLIC HEARING: May 23, 2005

A. LOCAL PLANNING AGENCY REVIEW

Planning staff gave a presentation outlining concerns with the proposed amendment. The applicant then gave a presentation. The applicant said that staff concerns about wetland and flow way issues can be addressed through the zoning and development order processes. He also said that the "finger" of Rural designated land on the property was surrounded by Outlying Suburban and Tradeport future land use categories. The subject property abuts Old Hickory, a residential neighborhood. The applicant then stated that the land is currently devoid of use. The Rural category does not allow commercial uses and the airport noise zone prohibits residential development. The applicant stated that the southern upland would not be developed but left as conservation land. One LPA member asked staff if staff's concerns about development on the subject property could be addressed through site plan review and development order process. Staff said that this was possible. Two LPA members expressed concern over the impact that this amendment might have upon the wetlands and flow way on the property. The LPA asked DOT staff to clarify the alignment of the proposed Three Oaks Parkway extension.

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION:

The LPA recommends that the Board of County Commissioners transmit this amendment.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

The LPA found that staffs' concerns could be addressed in the zoning and site planning phases when and if the property were developed.

C. VOTE:

NOEL ANDRESS	AYE
MATT BIXLER	NAY
DEREK BURR	NAY
RONALD INGE	AYE
CARLTON RYFFEL	AYE
FRED SCHILFFARTH	AYE
RAYMOND SCHUMANN	AYE

PART IV - BOARD OF COUNTY COMMISSIONERS

CPA2004-04
FITZGERALD TRACT
PRIVATELY INITIATED
AMENDMENT
TO THE

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

Privately Sponsored Application
and Staff Analysis

LPA Public Hearing Document
For The
May 23, 2005 Public Hearing

*Lee County Planning Division
1500 Monroe Street
P.O. Box 398
Fort Myers, FL 33902-0398
(941) 479-8585*

May 18, 2005

LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA2004-04

Text Amendment Map Amendment

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

STAFF REPORT PREPARATION DATE: May 18, 2005

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. APPLICANT/REPRESENTATIVE:

William Fitzgerald, Trustee
Represented by Greg Stuart of Stuart and Associates
5828 cape Harbor Drive Suite 102
Cape Coral, FL 33914

2. REQUEST:

Amend the Lee Plan Map series, Map 1, Future Land Use from Rural to Outlying Suburban for a 55 acre parcel of land in Section 27 Township 45 Range 25.

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION:

Staff recommends that the Board of Commissioners **not** transmit the amendment as proposed by the applicant.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- The property is approximately 88 percent wetland and contains a potential flow way.
- According to the application, the upland portions are fragmented into two small areas at opposite ends of the property.
- Access to the property may be enhanced by the extension of Fiddlesticks Boulevard and Three Oaks Boulevard.
- The property is part of a finger of Rural land contained by I-75 to the east and suburban-style residential housing to the west.
- The property is currently in Airport Noise Zone 3 which does not permit residential units, schools, churches, libraries, hospitals, correctional facilities, or nursing homes. The Airport Noise zone is proposed to be removed.

C. BACKGROUND INFORMATION

1. EXISTING CONDITIONS

SIZE OF PROPERTY:

Approximately 55 acres.

PROPERTY LOCATION:

The property is located one mile due south of Daniels Parkway. It abuts I-75 on the east and the Old Hickory subdivision on the west. The property address is currently undetermined.

EXISTING USE OF LAND:

Vacant.

CURRENT ZONING:

AG-2.

CURRENT FUTURE LAND USE CLASSIFICATIONS:

Rural (6.6 ac) and Wetlands (47.94 ac)

2. INFRASTRUCTURE AND SERVICES

WATER & SEWER:

Water: The property is located in the Lee County Utilities Water service area.

Sewer: The property is located in the Lee County Utilities Wastewater service area.

FIRE: The property is located in the South Trail Fire Protection and Rescue Service District.

TRANSPORTATION:

The property is currently not directly accessible by road. Lee County DOT is proposing to place the ROW for the Three Oaks Extension across the eastern edge of the property but this proposal has not yet been approved by the Board.

SOLID WASTE FRANCHISE:

Florida Recycling Services

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

INTRODUCTION

The applicant requests to amend the future land use category on the upland portions of a 55 acre parcel from Rural to Outlying Suburban. The proposed amendment was originally for 108 acres on two parcels. The northern 54 acres was proposed to be amended from Outlying Suburban to Urban Community. The applicant subsequently removed the northern half of the subject property from the proposed amendment. The remaining southern half is the subject of this amendment.

COMPREHENSIVE PLAN BACKGROUND

In 1984, Lee County adopted its first official Future Land Use Map (FLUM) as an integral part of its comprehensive plan. On that map, the subject property was part of the Rural land use category. The wetland jurisdictional determination submitted by the applicant shows that there are only 6.6 acres of upland on the property. Therefore, only 6.6 acres are in the Rural Future Land Use category. Maximum standard density for the Rural category was established by the 1984 plan with a standard density range of 1 du/acre. The Rural land use category was described as areas that "are to remain predominately rural, that is, low density residential use and minimal non-residential land uses that are needed to serve the rural community."

The applicant's wetland jurisdictional determination shows that there are 47.94 acres of wetland in this parcel. Therefore, the jurisdictional determination takes precedence for determining the official acreage of wetlands, there are 47.94 acres designated Wetland on the Future Land Use Map. The standard density range of the Wetland category is 1 du/20 acres. The category permits residential and recreational uses that do not adversely affect the ecological functioning of these areas.

ADJACENT ZONING AND USES

The property is currently zoned AG-2. This zoning classification is consistent with the permitted residential density in the Rural Future Land Use Category and commercial uses directly supporting agricultural activities. Development of the type permitted in the Outlying Suburban category would necessitate rezoning of the property. The property to the west is the Old Hickory Country Club subdivision and is zoned as a residential planned development. To the north is a vacant parcel with a lake that is zoned commercial planned development with a vacated master concept plan. The northern parcel is owned by

the owner of the subject parcel. To the east across I-75 is an industrial planned development in the Airport Commerce Future Land Use Category. To the south is vacant rural land with AG-2 zoning.

MAP 16 - PLANNING COMMUNITIES AND TABLE 1(b)

The subject property is within the Daniels Parkway Planning Community. In this community there are 398 acres allocated for commercial uses and 10 acres allocated for industrial uses.

Within the Daniels Parkway community there are 1,255 acres allocated for residential uses in the Rural Future Land Use Category of which 1223.71 are occupied by residential units. This leaves 31.29 acres available. There are 1,352 acres allocated for residential use in the Outlying Suburban category of which 873.67 are occupied, leaving 478.33 acres available. Amending 6.6 acres of land within the Rural category to Outlying Suburban will increase the available acreage in the Rural category to 37.89 acres and reduce the available Outlying Suburban acreage to 471.73 acres.

TRANSPORTATION ISSUES

The property is currently not accessible by a paved road. Access is available from the abutting parcel to the north which is accessed by Indian Pony Drive. Both parcels are under unified ownership. Lee County DOT is proposing to locate the right of way for the Three Oaks extension at the eastern edge of the property. This proposal has not yet been approved by the Board of Commissioners. It is possible that the Fiddlesticks Boulevard extension will also affect the property. However, the future alignment of Fiddlesticks Boulevard has not yet been determined.

The proposed amendment would allow approximately 66,000 square feet of commercial development. Lee County DOT Staff indicated that adding 66,000 square feet of commercial development to the property will not alter DOT future road network plans. Any residential development in lieu of commercial development would have even less impact than commercial and therefore would not affect DOT future road network plans.

Lee County Transit does not provide service to the property. Service is provided on Daniels Road one mile to the north of the subject property on Bus Route 50. The nearest stop on this route is at Daniels Road and Danport Boulevard, approximately 1.5 miles away.

AIRPORT NOISE ZONE ISSUES

On May 9, 2004, the amended Airport Noise Zones were accepted by the Board of Port Commissioners as part of the updated South West Florida International Airport Federal Aviation Regulation Noise Compatibility Study and Port Authority staff were authorized to submit the accepted zones to the FAA for review and approval. The property identified by the STRAP # 27-45-25-00-00005.0010 will no longer be in a noise zone that prohibits noise sensitive uses once the Lee Plan and the LDC are amended to accommodate the recommendations of this recent study.

PUBLIC SAFETY ISSUES

Emergency Management - Hurricane Shelter Impacts

The subject property is located in Storm Surge categories 4 and 5. The Lee County Land Development Code does not require hurricane mitigation or hurricane shelter space within the Category 4 and 5 zones. The proposed amendment has no effect upon hurricane shelter space.

Sheriff's Office

In a letter dated October 9, 2003, Lee County Sheriff's Office (LCSO) staff stated that the property is within the service area of the LCSO. The office anticipates reasonable and necessary funding to support growth of demand and that the LCSO will be able to serve the subject area as it builds out.

Fire Service Impact

In a letter dated March 17, 2005, South Trail Fire Protection and Rescue Service District staff stated that the District can provide service to the property, provided the developer complies with all land uses and building/fire codes and adheres to the fire impact fee ordinance as adopted by Lee County.

Emergency Medical Services (EMS) Impact

In a letter dated October 2, 2003, Lee County Emergency Medical Services staff stated that current and planned budgetary projections for additional EMS resources should adequately address the increased demand for service from persons occupying the property.

Public Safety Conclusion

The property is adequately served by emergency services and sufficient future capacity is anticipated to provide future service.

SCHOOL IMPACTS

According to the Lee County School Board, the portions of the property in the Rural Future Land Use category generate 3 students whether the residential units are single family or multifamily. Under the proposed amendment, those same areas generate 3 students if the units are multifamily but increases to 8 students if the units are single family.

SOILS

According to the soil maps submitted by the applicant, there are 7 soil types within the property. This includes Hallandale Fine Sand, Valkaria Fine Sand, Pineda Fine Sand, Pompano Fine Sand Depressional, Immokalee Sand, and Pineda Fine Sand Depressional. The upland area in the northeast corner of the parcel is contained within an area of Immokalee Sand while the upland in the southwest corner lies across three soil types: Hallandale Fine Sand, Valkaria Fine Sand, and Pineda Fine Sand. All of the soil types are found within the wetland areas. The soil data submitted by the applicant derived from US Department of Agriculture Soil Conservation Service's Soil Survey of Lee County Florida.

VEGETATION & WILDLIFE

The applicant submitted a Protected Species Assessment on the parcel performed by W. Dexter Bender & Associates in January 2000. The assessment reports that there are no species listed as protected present on the parcel. The upland portions of the subject parcel are described as Pine Flatwood-Melaleuca Invaded and are located at the northeast and southwest corners of the parcel. The wetland areas in between are a mix of Hydric Pine Flatwoods, Hydric Melaleuca, Cypress-Pin-Cabbage Palm, and Inland Ponds and Sloughs-Melaleuca Invaded.

COMMUNITY PARKS IMPACT

The property is in District #4. In a communication dated May 12, 2005, Department of Public Works staff stated, "It is our determination that existing and proposed support facilities provided by Lee County Parks and Recreation will not be impacted by the proposed amendment. Please note that this determination is based on the fact that the parcel proposed for the land use change (southern parcel) is located in Airport Noise Zone 3, which prohibits residential uses. Consequently, the proposed change will not result in an increase of the current population in this area of Lee County."

DRAINAGE/SURFACE WATER MANAGEMENT

According to the wetland jurisdictional determination submitted by the applicant, More than 88 percent of the parcel consists of wetland. A flow way runs east to west across the parcel dividing the two small upland areas. This flow way is fed by lands east of I-75 through two box culverts running underneath the I-75 right of way. Impacts to the drainage and surface water management will require permitting by Lee County and the South Florida Water Management District. These impacts would be addressed through the rezoning and development order processes when the property is developed.

POPULATION ACCOMMODATION ANALYSIS

According to the SFWMD wetland determination provided by the applicant, there are 6.6 ac of upland on this property and 47.6 acres wetland. With the upland areas designated Rural, this creates 6.6 du (1 du/ac) on the upland portions of the property. The Wetland areas generate 2.38 du (1 du/20 ac). Adding both categories gives 8.98 rounding down to 8 units total under the current Future Land Use Categories. Under the proposed amendment, the 6.6 ac upland would become Outlying Suburban at 3 du/ac. This creates 19.8 units. Added to the 2.38 du from wetland, this gives a total of 22.18, rounding down to 22 du total. No residential units may currently be constructed within the property because it is located in Airport Noise Zone 3. However, the Noise zone is due to be moved off of the property because of the new Midfield Terminal at South West Florida International Airport.

APPROPRIATENESS ANALYSIS

The current Rural designation on the property admittedly does not conform to the pattern of land use that has evolved in the area south of Daniels parkway and west of Southwest Florida International Airport. This is partially due to its location in Airport Noise Zone 3 which prohibits residential development. The noise zone will be removed from the subject property which will remove this issue. The property sits between I-75 on the east and large residential developments to the west such as Fiddlesticks and Old Hickory. Low-intensity commercial office uses permitted in Outlying Suburban would provide a buffer between residential uses and I-75. The applicant has stated an intent to develop the parcel with commercial office uses under unified ownership with the parcel to the north although residential uses will be possible after the removal of the Airport Noise Zone. Although access to the property is currently possible only across the parcel to the north, Lee County DOT is proposing to locate the ROW for the planned Three Oaks Parkway Extension near the eastern edge of the property. However, the property is more than 88 percent wetland and is situated on a flow way that drains areas east of I-75 through two box culverts. The limited amount (6.6 acres) of upland area is fragmented into two parts located at opposing corners of the parcel. This would exacerbate the adverse impact of commercial and residential uses upon the flow way. With such limited upland, the property is unsuitable for increased levels of development. The proposed amendment is not appropriate to the subject property.

B. CONCLUSIONS

Despite the geographic suitability of the parcel for development, the physical characteristics of the land are not compatible with the increased commercial intensity that would result from adopting the proposed plan amendment. The limited upland acreage on the property is not suitable for increased levels of development.

C. STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners not transmit the amendment proposed by the applicant.

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

DATE OF PUBLIC HEARING: May 23rd, 2005

- A. LOCAL PLANNING AGENCY REVIEW**
- B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY**
- 1. RECOMMENDATION:**
- 2. BASIS AND RECOMMENDED FINDINGS OF FACT:**

C. VOTE:

NOEL ANDRESS	_____
MATT BIXLER	_____
DEREK BURR	_____
RONALD INGE	_____
CARLTON RYFFEL	_____
FRED SCHILFFARTH	_____
RAYMOND SCHUMANN	_____

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

DATE OF TRANSMITTAL HEARING: _____

A. BOARD REVIEW:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:.

C. VOTE:

JOHN ALBION	_____
TAMMY HALL	_____
RAY JUDAH	_____
BOB JANES	_____
DOUG ST. CERNY	_____

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

DATE OF ORC REPORT: _____

A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS:

B. STAFF RESPONSE

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

DATE OF ADOPTION HEARING: _____

A. BOARD REVIEW:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

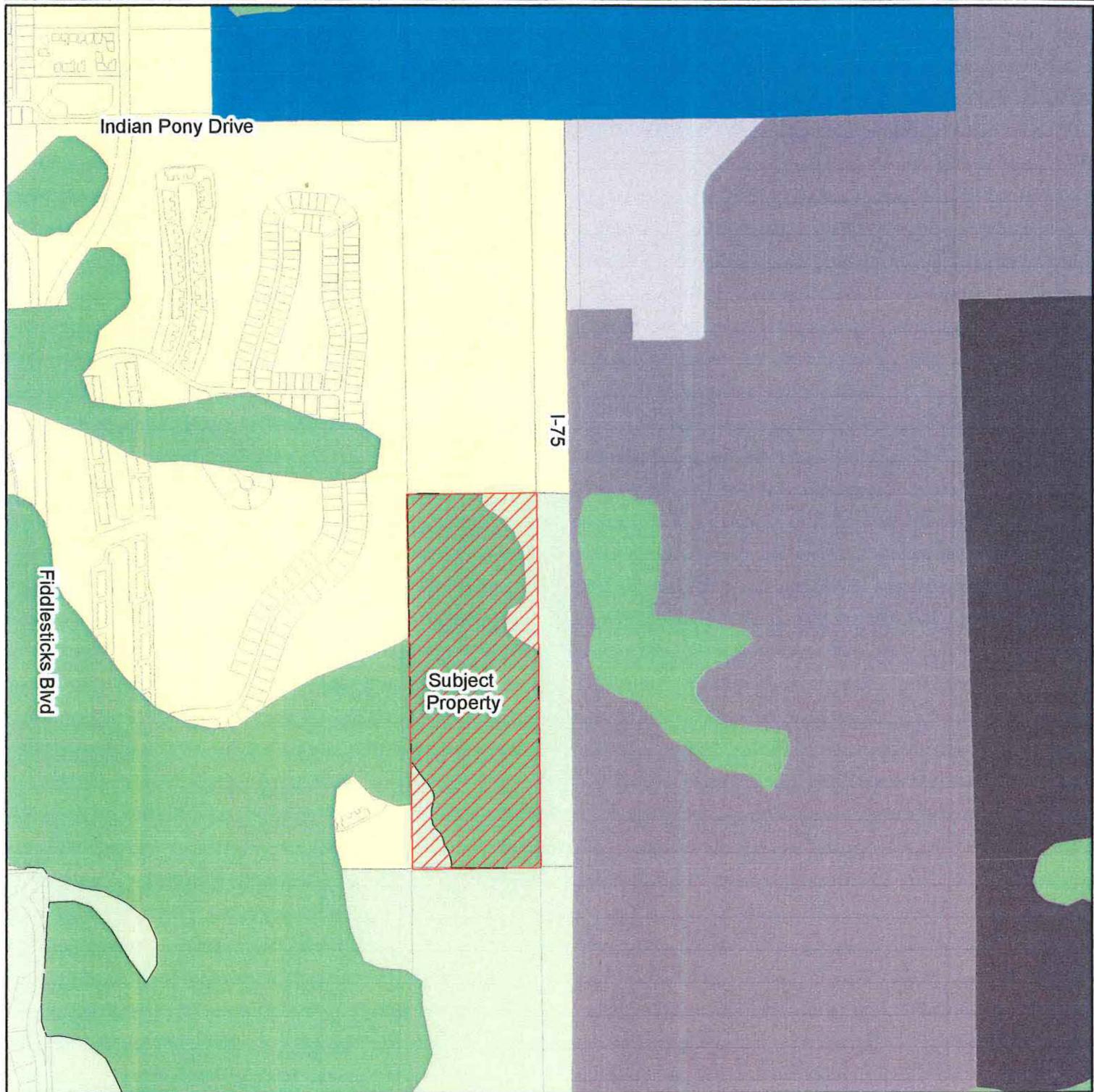
1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

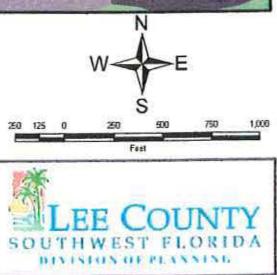
JOHN ALBION	_____
TAMMY HALL	_____
RAY JUDAH	_____
BOB JANES	_____
DOUG ST. CERNY	_____

CPA 2004-04 Fitzgerald Tract
Existing Future Land Use



Generated: May 2005
Source: Lee County DCI/Planning

Attachment 1



CPA 2004-04 Fitzgerald Tract
Proposed Future Land Use

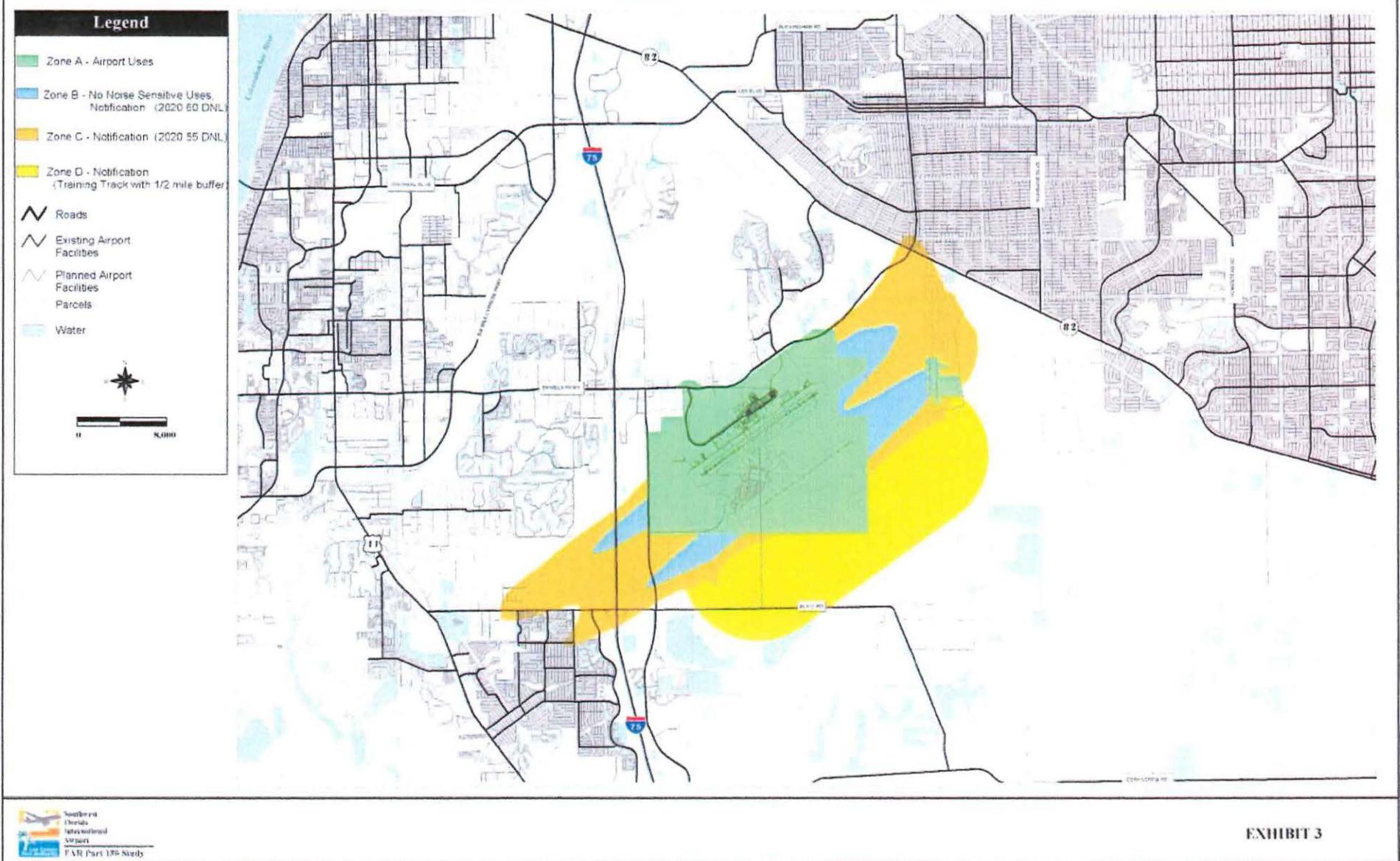


Generated: May 2005
Source: Lee County DCD/Planning

Attachment 2



Proposed Overlay Zones - Option 2



Memo

To: Paul O'Connor, Planning Director

From: David Loveland, Manager, Transportation Planning *DML*

Date: May 17, 2005

Subject: **CPA 2004-00004 (Fitzgerald Tract)**

The Department of Transportation has reviewed the above-referenced application, which proposes changing the land use designation of approximately 54.2 acres from "Rural" to "Outlying Suburban". Your staff indicated that there are 6.6 acres of uplands on this property and 47.6 acres of wetlands and no residential units may be constructed within the property because it is within Airport Noise Zone 3. Your staff indicated that the available uplands would allow the development of 66,000 square feet of commercial use. We added the 66,000 square feet of commercial to the growth forecasts and reran the FSUTMS travel demand model for 2020 conditions, and determined that the land use change will not alter our future road network plans.

The limited information we were provided does not identify the planned Three Oaks North Extension through this site, although the applicant's traffic analysis indicates that the alignment is under study and an alignment option may put it adjacent to the subject site. In fact, the property owner agreed in 2001 to donate the needed right-of-way for the Three Oaks North Extension if the alignment through the site is in fact permitted (see attached agreement), and we are proceeding with our design and permitting process on that alignment. At this point we are at the 60% design stage and believe we have agreement from the permit agencies for that alignment, although some tweaking of the alignment to accommodate the Airport Connector Road interchange to the south is still possible.

Thank you for this opportunity to comment. Please let me know if you have any questions.

DML/mlb

cc: Matt Noble
Peter Blackwell
Donna Marie Collins
Greg Stuart
Ted Treesh

MEMORANDUM
from the
TRANSIT DIVISION



DATE: April 7, 2004

TO: Peter Blackwell

FROM: Steve Myers

Am

RE: LEE PLAN PRIVATE AMENDMENT
2004-04

Lee County Transit staff has reviewed the above referenced Lee Plan Amendment application and has determined the information submitted with the application is sufficient to allow a complete and proper staff and agency review.

If you have any further questions regarding this request, please call me at 277-5012, ext. 2222.



STUART AND ASSOCIATES
Planning & Design Services

Memorandum

Date: March 21, 2005

To: Pete Blackwell
Lee County Dept. of Community Development

From: Greg Stuart

RE: CPA2004-04 Lee Plan Use Map Amendment

Dear Peter:

The intent of this memorandum is to follow up regarding our meeting last week. I informed you that, for procedural and administrative reasons, we have not yet revised the application seeking Land Use Map Amendments for the north 54-acre tract and the south 55-acre tract. This correspondence is to reaffirm my comments to you not to process the north 54-acre Outlying Suburban to Urban Community amendment proposal. Rather, all we seek is to continue with the 55-acre Rural to Outlying Suburban amendment. To that end attached is a letter from the South Trail Fire District with regard to service availability. In addition I am attaching a copy of the south 55-acre legal description. I hope that by the end of next week to revise the application. When I do so I will e-mail it to you so as to facilitate your amendment findings and recommendations. Please do not hesitate to call if you have any questions regarding this matter.

GS/ch/04.001/21March05PeterBlackwellMemo.doc



SOUTH TRAIL FIRE PROTECTION & RESCUE SERVICE DISTRICT

Business (239) 433-0080

FAX (239) 433-1941

Prevention Division (239) 482-8030

FAX (239) 433-2185

BOARD OF COMMISSIONERS

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Clifford H. Paxson
ChiefWilliam G. Proce
Assistant Chief
Support ServicesRichard J. Intartaglio
Assistant Chief
Operations

March 17, 2005

Greg Stuart, A.I.C.P.
Stuart and Associates
5828 Cape Harbour Drive, Suite 102
Cape Coral, FL 33914

Re: Service Availability Request for Lee County Land Use Amendment

Dear Mr. Stuart:

I have recently been forwarded a letter written by you and sent to our Assistant Chief of Operations, Richard Intartaglio. In this letter you have requested a letter of service ability for a project situated on approximately 108 acres South of Daniels Parkway and West of Interstate 75. You have indicated that this project contemplates the construction of 400 adult living dwelling units.

The South Trail Fire Protection and Rescue Service District currently has an existing fire station located within 1 1/2 miles of the proposed development. This proposed development would also receive backup response from our stations located within the Gateway community and our Central Fire Station located off of Six Mile Cypress Parkway.

The District would opine, from the conceptual information provided, that it can service the proposed development given the developer's compliance with all other land use, adopted building/fire codes and offsets created by the development with adherence to the fire impact fee ordinance as adopted by Lee County.

Should you have any questions with regards to this letter, or require any further information, please do not hesitate to contact my office directly.

Respectfully,

Clifford H. Paxson
Chief



BOARD OF COUNTY COMMISSIONERS

Bob Janes
District One

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Andrew W. Coy
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
*County Hearing
Examiner*

October 2, 2003

239-335-1604
Writer's Direct Dial Number: chrish@leegov.com

Mr. Greg Stuart, A.I.C.P.

Stuart and Associates
2180 West First Street, Suite #503
Fort Myers, FL 33901

**Re: Service Availability Request for Lee County Land Use Map
Amendment**

Dear Mr. Stuart:

Lee County Emergency Medical Services has reviewed your letter dated September 26, 2003, reference to subject property immediately west of I-75, and south of Daniels Road consisting of approximately 108 acres. Your request consists of a development of 400 adult living dwelling units.

The current and planned budgetary projections for additional EMS resources should adequately address any increased demand for service from persons occupying this parcel or any support facilities.

If you would like to discuss this further, please call me at the above referenced number.

Sincerely,

DIVISION OF PUBLIC SAFETY/EMS

Chief H.C. "Chris" Hansen
EMS Manager
Lee County Emergency Medical Services

HCH/GDW



LEE COUNTY SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

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Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
*County Hearing
Examiner*

Mr. Greg Stuart, AICP
Stuart and Associates
2180 West First Street
Suite #503
Fort Myers, FL 33901

RE: SERVICE AVAILABILITY REQUEST

Dear Mr. Stuart:

Thank you for your correspondence with Lee County Transit in regards to your service availability request for a Lee County Land Use Amendment. While we will not be able to provide direct service to the subject property located immediately west of I-75, and South of Daniels Road, we do currently provide service on Daniels Road in both directions. The closest bus stop to the subject property is located on Daniels Road at Danport Boulevard on route 50. This is approximately a $\frac{3}{4}$ mile walk from the property in question. Lee Tran has no plans at this time to extend service directly to the subject property.

If you have any further questions or comments, please call me or e-mail me at mhorsting@leegov.com.

Sincerely,

TRANSIT DIVISION

Michael Horsting
Transit Planner

*Office of the Sheriff
Rodney Shoap*



*County of Lee
State of Florida*

October 9, 2003.

Stewart and Associates
Planning & Design Services
Mr. Greg Stuart, A.I.C.P.
2180 West First Street, Suite 503
Fort Myers, Florida 33901

RE: Property immediately West of I-75 and
South of Daniels Road @ 108 Acres
Supporting 400 Adult Living Dwelling Units

Dear Mr. Stewart:

The proposed development for property immediately west of I-75 and south of Daniels Road, supporting 400 adult living dwelling units, in Lee County Florida, is within the service area for the Lee County Sheriff's Office. It is policy of the Lee County Sheriff's Office to support community growth and we will do everything possible to accommodate the law enforcement needs.

We anticipate that we will receive the reasonable and necessary funding to support growth in demand. We therefore believe that the Lee County Sheriff's Office will be able to serve your project as it builds out.

Sincerely,


Major Dan Johnson
Planning and Research

Copy: File



14750 Six Mile Cypress Parkway Fort Myers, Florida 33912-4406



LEE COUNTY
SOUTHWEST FLORIDA
BOARD OF COUNTY COMMISSIONERS

(941)479-8181

Writer's Direct Dial Number: _____

Bob Jones
District One

Douglas R. St. Cerny
District Two

November 12, 2003

Ray Judah
District Three

Andrew W. Coy
District Four

John E. Albion
District Five

Greg Stuart
Stuart and Associates

2180 West First Street, Suite 503
Fort Myers, Fl. 33901

Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing
Examiner

**RE: POTABLE WATER AND WASTEWATER SERVICE AVAILABILITY
108 ACRES APPROXIMATELY 1 MILE SOUTH OF DANIELS PARKWAY
ON THE WEST SIDE OF I-75, IN SECTION 27, TOWNSHIP 45, RANGE 25**

Dear Mr. Stuart:

Department of Lee County Utilities has Potable water and/or wastewater lines are in operation in the vicinity of the above-mentioned parcel. However, in order to provide service to the subject parcels, developer funded system enhancements such as line extensions will be required.

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.

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

**FURTHER, THIS LETTER OF AVAILABILITY OF POTABLE WATER AND/OR
WASTEWATER SERVICE IS TO BE UTILIZED FOR GENERAL PURPOSES ONLY.
INDIVIDUAL LETTERS OF AVAILABILITY WILL BE REQUIRED FOR THE
PURPOSE OF OBTAINING BUILDING PERMITS.**

Sincerely,

LEE COUNTY UTILITIES

Mary McCormic
Engineering Tech., Senior
UTILITIES ENGINEERING

VIA FACSIMILE
Original Mailed



THE SCHOOL BOARD OF LEE COUNTY

2055 CENTRAL AVENUE • FORT MYERS, FLORIDA 33901-3916 • (239) 337-8303 • FAX (239) 337-8649 • TTD/TTY (239) 335-1512

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CHAIRMAN • DISTRICT 2

ELINOR C. SCRICCA, PH.D.
VICE CHAIRMAN • DISTRICT 5

ROBERT D. CHILMONIK
DISTRICT 1

JANE E. KUCKEL, PH.D.
DISTRICT 3

STEVEN K. TEUBER
DISTRICT 4

JAMES W. BROWDER, ED.D.
SUPERINTENDENT

KEITH B. MARTIN
BOARD ATTORNEY

February 18, 2004

Mr. Greg Stuart
Stuart and Associates
2180 West First Street
Fort Myers, FL 33901

Re: Property West of I-75 & South of Daniels Road (108 Acres)
South Fort Myers
CORRECTED STUDENT GENERATION RATES

Dear Mr. Stuart:

The purpose of this letter is to correct the student generation rates provided in our response to your request for substantive comments on the above-referenced project. Our correspondence to you was dated December 5, 2003.

Although your correspondence did not specify unit type, based on the correct student generation rates and the proposed maximum total of 400 residential dwelling units, the School District of Lee County is estimating that this project could generate up to 141 additional school-aged children using a generation rate of 0.352 students per unit generated in the South region of Lee County for single family units, or the project could generate up to 44 additional school-aged children, using a generation rate of 0.109 students per unit generated in the South region of Lee County for multifamily units. This would create the need for 6 new classrooms in the system at approximately 22 students per classroom if the units are single family units or 2 new classrooms if the units are multifamily units, as well as additional staff and core facilities. Using the new small classroom legislative guidelines, additional classrooms may be generated.

The Lee County Board of County Commissioners adopted a School Impact Fee Ordinance on November 27, 2001, effective at this time. As such, the project's developers will be expected to pay the impact fee at the appropriate time.

Thank you for your attention to this issue. If I may be of further assistance, please give me a call at (239) 479-4205. *defunty*

Sincerely, *335-1415*

Kathy Babcock

Kathy Babcock, Long Range Planner
Department of Construction and Planning

Cc: William G. Moore, Jr.
Executive Director, School Support

Keith Martin **DISTRICT VISION**
Lee County School District Attorney **TO PREPARE EVERY STUDENT FOR SUCCESS**
DISTRICT MISSION

TO PROVIDE A QUALITY EDUCATION IN A SAFE AND WELL-MANAGED ENVIRONMENT

AFFIDAVIT

I, William Fitzgerald, Trustee, 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.

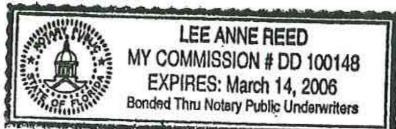
~~Signature of owner or owner-authorized agent
Date~~

William Fitzgerald, Trustee
Typed or printed name

STATE OF FLORIDA)
COUNTY OF COLLIER)

The foregoing instrument was certified and subscribed before me this 18th day of February 2004 by William E. Fitzgerald, who is personally known to me or who has produced

as identification.



(SEAL)

Signature of notary public

Lee Anne Reed

Printed name of notary



LEE COUNTY
SOUTHWEST FLORIDA

RECEIVED
FEB 26 2004
CPA 2004-00004
PERMIT COUNTER

Lee County Board of County Commissioners
Department of Community Development
Division of Planning
Post Office Box 398
Fort Myers, FL 33902-0398
Telephone: (941) 479-8585
FAX: (941) 479-8519

APPLICATION FOR A COMPREHENSIVE PLAN AMENDMENT

(To be completed at time of intake)

DATE REC'D 2-26-04

REC'D BY: DXO

APPLICATION FEE \$ 2,255 -

TIDEMARK NO: CPA 2004-00004

THE FOLLOWING VERIFIED:

Zoning

Commissioner District

Designation on FLUM

(To be completed by Planning Staff)

Plan Amendment Cycle: Normal Small Scale DRI Emergency

Request No: _____

APPLICANT PLEASE NOTE:

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

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

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

DATE

SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

I. APPLICANT/AGENT/OWNER INFORMATION

William Fitzgerald, Trustee

APPLICANT

4099 Tamiami Trail North Suite 305

ADDRESS

Naples FL 34103

CITY

STATE

ZIP

239-262-3034

239-262-8307

TELEPHONE NUMBER

FAX NUMBER

Greg Stuart

AGENT*

Stuart and Associates 2180 West First Street Suite 503

ADDRESS

Fort Myers, FL 33901

CITY

STATE

ZIP

239 337-7176

239 337-2496

TELEPHONE NUMBER

FAX NUMBER

William Fitzgerald, Trustee

OWNER(s) OF RECORD

4099 Tamiami Trail North Suite 305

ADDRESS

Naples FL 34103

CITY

STATE

ZIP

239-262-3034

239-262-8307

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 20)
List Number(s) of Map(s) to be amended
Future Land Use Map (#1)

B. SUMMARY OF REQUEST (Brief explanation):

The request is to amend the 54-acre North Tract from Outlying Suburban to Urban Community and to amend the 55-acre South Tract from Rural to Outlying Suburban. The intent of the two interrelated amendments is to reorient the subject property for adult living residential uses and turn away from commercial office uses by granting reasonable residential development densities and allowing offsite density transfers.

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

A. Property Location:

1. Site Address: North Tract 14301 Indian Paint Ln; South Tract Undetermined
2. STRAP(s): North Tract 27-45-25-00-00004.0010; South Tract 27-45-25-00-00005.0010

B. Property Information

Total Acreage of Property: 110.32-ac.—North Tract @ 54.51-ac.; South Tract @ 55.81-ac.

Total Acreage included in Request: 110.32-ac.

Area of each Existing Future Land Use Category: North Tract Outlying Suburban @ 54.51-ac.; South Tract Est. Wetland @ 17-ac. +/- & Rural @ 38.81-ac. +/-

Total Uplands: North Tract @ 18.1-ac. with 23.9-ac. burrow pit lake; South Tract @ 6.9-ac.

Total Wetlands: North Tract @ 13.8-ac.; South Tract @ 47.6-ac.

Current Zoning: North Tract -- Vacant CPD ; South Tract -- AG-2 (forested & vacant)

Current Future Land Use Designation: North Tract -- Outlying Suburban; South Tract Rural & Wetland

Existing Land Use: North Tract – vacant and cleared/disturbed with lake; South Tract – vacant and wooded

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: _____

Airport Noise Zone 2 or 3: South Tract Noise Zone 3

Acquisition Area: _____

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

Community Redevelopment Area: _____

D. Proposed change for the Subject Property: North Tract From Outlying Suburban to Urban Community; South Tract From Rural and Wetland to Outlying Suburban and Wetland

E. Potential development of the subject property:

1. Calculation of maximum allowable development under existing FLUM:

Existing FLUM Development Table:

	North Tract	South Tract ⁽¹⁾	Total
Residential Units:	126	8	134
Commercial Intensity:	220,000 SF	--	220,000 SF
Industrial Intensity:	NA	NA	NA

1. Noise Zone 3 Residential Prohibition; assume units to be transferred to north tract.

2. Calculation of maximum allowable development under proposed FLUM:

Proposed FLUM Development Table:

	North Tract	South Tract ⁽¹⁾	Total
Residential Units:	334	27	361
Commercial Intensity:	220,000 SF	70,000 SF	290,000 SF
Industrial Intensity:	NA	NA	NA

1. Noise Zone 3 Residential Prohibition; assume units to be transferred to north tract.
2. Alternative Commercial Development Intensity Scenario assumes 100% commercial uses with no residential.

IV. AMENDMENT SUPPORT DOCUMENTATION

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

A. General Information and Maps

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

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

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

B. Public Facilities Impacts

NOTE: The applicant must calculate public facilities impacts based on a

maximum development scenario (see Part II.H.).

1. Traffic Circulation Analysis

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

Long Range – 20-year Horizon:

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

Short Range – 5-year CIP horizon:

- a. Besides the 20-year analysis, for those plan amendment proposals that include a specific and immediate development plan, identify the existing roadways serving the site and within a 3-mile radius (indicate laneage, functional classification, current LOS, and LOS standard);
- b. Identify the major road improvements within the 3-mile study area funded through the construction phase in adopted CIP's (County or Cities) and the State's adopted Five-Year Work Program;

Projected 2020 LOS under proposed designation (calculate anticipated number of trips and distribution on roadway network, and identify resulting

changes to the projected LOS);

- c. For the five-year horizon, identify the projected roadway conditions (volumes and levels of service) on the roads within the 3-mile study area with the programmed improvements in place, with and without the proposed development project. A methodology meeting with DOT staff prior to submittal is required to reach agreement on the projection methodology;
- d. Identify the additional improvements needed on the network beyond those programmed in the five-year horizon due to the development proposal.

2. Provide an existing and future conditions analysis for:

- a. Sanitary Sewer
- b. Potable Water
- c. Surface Water/Drainage Basins
- d. Parks, Recreation, and Open Space.

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

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

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

- a. Fire protection with adequate response times;
- b. Emergency medical service (EMS) provisions;
- c. Law enforcement;
- 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 with property boundaries and 100-year flood prone areas indicated (as identified by FEMA).
4. A map delineating wetlands, aquifer recharge areas, and rare & unique uplands.
5. A table of plant communities by FLUCCS with the potential to contain species (plant and animal) listed by federal, state or local agencies as endangered, threatened or species of special concern. The table must include the listed species by FLUCCS and the species status (same as FLUCCS map).

D. Impacts on Historic Resources

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

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

E. Internal Consistency with the Lee Plan

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

F. Additional Requirements for Specific Future Land Use Amendments

1. Requests involving Industrial and/or categories targeted by the Lee Plan as employment centers (to or from)

- a. State whether the site is accessible to arterial roadways, rail lines, and cargo airport terminals,
- b. Provide data and analysis required by Policy 2.4.4,
- c. The affect of the proposed change on county's industrial employment goal specifically policy 7.1.4.

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

- a. Demonstrate why the proposed change does not constitute Urban Sprawl. Indicators of sprawl may include, but are not limited to: low-intensity, low-density, or single-use development; 'leap-frog' type development; radial, strip, isolated or ribbon pattern type development; a failure to protect or conserve natural resources or agricultural land; limited accessibility; the loss of large amounts of functional open space; and the installation of costly and duplicative infrastructure when opportunities for infill and redevelopment exist.

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 up to a maximum of \$2,255.00
Small Scale Amendment (10 acres or less)	\$1,500.00 each
Text Amendment Flat Fee	\$2,500.00 each

- B. PUBLIC FACILITIES IMPACTS
- 2. Existing and Future Conditions Analysis:
 - 2.a Sanitary Sewer Facility Impact Analysis:

An 8" force main is located within the Fiddlesticks Boulevard right-of-way. This water main services the Old Hickory Country Club, Fiddlesticks Country Club and the Legend County Club residential developments. Currently sufficient capacity is available at this location. Wastewater from this area is treated at the City of Fort Myers South Drive Wastewater treatment facility. It appears that the approval and development of the subject property can be carried out with no degradation of the current level of service standards. The expectation of additional development in the area brought about by the Three Oaks Parkway extension may require and expansion of wastewater collection line facilities. Though the 8" facility is likely to be large enough to service the proposed residential development of the subject property, it may not be large enough for the added demand which would be generated from development of the area around the subject property. It is anticipated that additional sewer force main capital improvement may either be included in construction for the Three Oaks Parkway extension or provided by outside parties in order to service additional development in the vicinity. The current regulatory level of service standard (residential ERC) is 200 GPD. Under a maximum development scenario the projects facility case service demand will be met and that there is adequate surplus capacity. No modifications of the City and County CIP are anticipated in response to the map amendments.

EXISTING CONDITIONS	North Tract	South Tract ⁽¹⁾	Total
Residential Units:	126 @ 25,200 GPD	8 @ 1600 GPD	26,800 GPD
Commercial Intensity:	220,000 SF @ 22,000 GPD	--	20,000 GPD

- 1. Noise Zone 3 Residential Prohibition; assume facility impacts to be transferred to north tract.

PROPOSED FUTURE CONDITION	North Tract	South Tract ⁽¹⁾	Total
Residential Units:	334 @ 66,800 GPD	27 @ 5400 GPD	72,200 GPD
Commercial Intensity:	220,000 SF @ 22,000 GPD	70,000 SF @ 7,000 GPD	29,000 GPD

- 1. Noise Zone 3 Residential Prohibition; assume facility impacts to be transferred to north tract.
- 2. Alternative Commercial Development Intensity Scenario assumes 100% commercial uses with no residential.

LEVELS OF SERVICE ASSESSMENT:

	Design Capacity	04 Projection	Maximum Case Demand Scenario	Projected Surplus ⁽¹⁾
Fort Myers STP	12,000,000	10,900,000	72,200	1,027,800 GPD

1. Finding -- Adequate surplus capacity to service the project

2.b Potable Water Facility Impact Analysis:

Located within the Fiddlesticks Boulevard right-of-way is a 16" diameter Potable Water line. This line is connected to a 30" diameter line located along Daniels Parkway. Potable Water provided to this area is treated and distributed from the Corkscrew Water Treatment Plant. The approval of the requested land use map amendment and subsequent residential development of subject property may be carried out with no degradation of current potable water level of service. The expectation of additional development in the area, however, may require that the expansion of potable water transmission lines may be necessary. The nearest facility to service the subject property is a 16" main located north and west of the site, connecting to the 30" main located on Daniels Parkway. The 30" facility is likely to be large enough to service the entire scope of industrial development in the area, and the existing 16" main appears adequate to provide for the added demand, which would be generated from development of the subject property. It is anticipated that additional water mains will be included in the Three Oaks Parkway extension project. The current regulatory level of service standard (residential ERC) is 250 GPD. Under a maximum case development scenario the projects facility service demand will be met and that there is adequate surplus capacity. No modifications of the County CIP are anticipated in response to the map amendments.

EXISTING CONDITIONS	North Tract	South Tract ⁽¹⁾	Total
Residential Units:	126 @ 31,500 GPD	8 @ 2,000 GPD	33,500 GPD
Commercial Intensity:	220,000 SF @ 22,000 GPD	--	20,000 GPD

1. Noise Zone 3 Residential Prohibition; assume facility impacts to be transferred to north tract.

PROPOSED FUTURE CONDITION	North Tract	South Tract ⁽¹⁾	Total
Residential Units:	334 @ 83,500 GPD	27 @ 6,750 GPD	90,250 GPD
Commercial Intensity:	220,000 SF @ 22,000 GPD	70,000 SF @ 7,000 GPD	29,000 GPD

1. Noise Zone 3 Residential Prohibition; assume facility impacts to be transferred to north tract.
2. Alternative Commercial Development Intensity Scenario assumes 100% commercial uses with no residential.

LEVELS OF SERVICE ASSESSMENT:

	Design Capacity	04 Projection	Maximum Case Demand Scenario	Projected Surplus ⁽¹⁾
Corkscrew WP	10,000,000	9,250,000	90,250	659,750 GPD

1. Finding -- Adequate surplus capacity to service the project

2.c Surface Water and Drainage Facility Impact Analysis:

The subject 108-acre property is located in the Six Mile Cypress watershed basin. Generally speaking the subject property slopes from northeast to southwest. The construction of I-75 served to severely disrupt the historic surface water sheet flow drainage patterns from the east and as such has changed the surface water regime. Surface water management will be accomplished through on-site retention/detention facilities that will be constructed according to South Florida Water Management District requirements. Water quality and quantity leaving the site in the post development condition will replicate the quantity and quality of waters leaving the site in the pre-development condition. Levels of service in the Lee Plan will not be exceeded as a result of the request, nor will any amendments. These requirements include the subsequent drainage design to comply with South Florida Water Management District rules FS Chapters 62-3, 62-40 and 62-302 and FAC Rule 40E-5 and 17-40. By Lee County Code, the project will be deemed concurrent based upon the issuance of the District Operations and Construction Permit in conformance with the above-identified rules. Finally, the development plans drainage design will comply with the Lee Plan Policy 40.3.1.B. . No modifications of the County CIP are anticipated in response to the map amendments.

2.d Parks, Recreation, and Open Space Facility Impact Analysis:

This site is located in District #4. The regulatory standard for community parks is 0.8 acres per 1000 permanent residents. The map amendments are projected to increase the permitted residential units and population from 134 units/277 persons to 361 units/747 persons. Thus the amendments may increase the population by 470 persons. With regard to community park level of service, the map amendments will generate a need for 0.38-acres of community parks. Any resulting residential project's park impact fees will meet this very slight increase demand.

According to Lee County calculations, the amount of developed community park acreage in District 4 is 130 acres (without the S. FM Community Park) and 190 acres (with the S. FM Community Park). According to the Lee County Concurrency Report 02/03 –03/04 there are no plans for additional community parks and no changes within Park District 4's

facility list. The regulatory standard will be meet (2003 @ 119-acres) though the year 2005. The new South Fort Myers Community Park needs to be opened by the end of 2005 in order for the district to meet its regulatory level of service. The list of the relevant District 4 Community Parks is identified below. For the Daniels Road Planning Communities projected 2020 accommodated population (8,272 persons), the projected park demand at .8-acre per 1000 persons is equal to 6.6-acres. Hence it appears that the district will be found concurrent for the projected future. Finally, there are no current plans for adding new parks or amending the CIP to facilitate new park expansion for the subject planning area.

With regard to Regional Park facilities and concurrency assessments, the Regional Park LOS Standard is 7-acres per 1,000 total persons. With total regional park acreage of 3,195, according to the Lee County Concurrency Report 02/03 –03/04, there are no plans for additional regional parks to service the subject planning area and that adequate regional park capacity exists through 2006.

Community Parks Impact Fee District #4

PARK NAME	LOCATION	ACRES
EXISTING PARKS FY 02/03-		
• Cypress Lake Community Pool	S. Ft. Myers	2
• Jerry Brooks Park	S. Ft. Myers	10
• Kelly road Community Park	S. Ft. Myers	42
• Rutenberg Park	S. Ft. Myers	40
• Stadium and Recreation Complex	S. Ft. Myers	30
• Tanglewood Elementary School	S. Ft. Myers	3
• Villas Elementary School	S. Ft. Myers	<u>3</u>
Sub Total		130
FUTURE PARKS -		
• S. Ft. Myers Community Park	S. Ft. Myers	<u>60</u>
Cumulative Total		190

B. PUBLIC FACILITIES IMPACTS

3. Service Letters (see enclosed):

C. ENVIRONMENTAL IMPACTS

See attached W. Dex Bender and Associates Reports

D. HISTORIC RESOURCE IMPACTS

The subject 108-Acre property does not contain any historic sites, resources or archeologically sensitive areas. From a Florida Master Site file research, there are no sites in the immediate surrounding area. Consequently the Land Use Map Amendment does not impact these types of resources and that no additional mapping is necessary.

E. INTERNAL CONSISTENCY WITH THE LEE PLAN

E.1 Population Projections:

The requested Land Use Map Amendments will effectively add approximately 227 dwelling units equal to approximately 475 persons, based upon 2.07 persons per household Lee County Comprehensive Plan assumption. Based upon the Daniels Parkway Planning Community 2020 population projection, the Land Use Map Amendments are expected to increase the total population of the planning community from 8272 to 8772. For the North Tract the Map Amendment will reduce the Outlying Suburban available area inventory from 478 to 423 acres. It will add a new Urban Community Future Land Use Map category to the Daniels Parkway Planning Community equal to approximately 55 Acres. The South Tract Land Use Map Amendment will effectively not alter the Wetland allocation and will reduce the planning communities overall available Rural acreage allocation from 31 acres to 24 acres. Correspondingly the South Tract Map Amendment will add 6.9 acres to the available Outlying Suburban inventory. When examining both the North and South Tract Outlying Suburban available inventory, the Map Amendments will lead to a 10% reduction in the category, from 478.33 acres to 429.42 acres.

The South Tracts Rural to Outlying Suburban Amendment and the North Tracts Outlying Suburban to Urban Community Amendment may add statistically insignificant 227-residential units to the planning community. The reorientation of the property from a commercial office development to a lower intensity and more compatible urban infill development is supported by the nominal increase in accommodated population. Given the highly centralized urban location, the amendments will have a negligible impact on the County's overall accommodated population.

E.2 Lee Plan Goals and Objectives:

The two land use map amendments have as their underlining goals the ability to use the north property for Multi Family Adult Living Residential development uses by transferring limited densities from the south tract and potentially some offsite to onsite density transfers through the bonus density program. Commercial uses have proven to be unfeasible for the subject location. In seeking to achieve that goal it is important to note that the current North Tract 220,000 sq.ft. vacant CPD (Resolution Z-92-049) has not and

is not relevant in today's marketplace. This has been demonstrated by the fact that the CPD has remained unfulfilled for the past 12 years. At the location there is no market demand for office. Furthermore, the South Tracts Rural designation (with Wetlands) does not permit any type of residential development due to the FAA Noise Zone 3 Overlay prohibition. The properties location does not facilitate any realistic office commercial use (as demonstrated by the lack of demand on the north tract). As noted in PAM 96-10 industrial uses are not suitable due to west adjoining compatibility issues. Consequently under the current Lee Plan the South Tract is devoid of all reasonable uses. The north tract CPD uses are problematic due to a lack of demand and potential compatibility problems to the west. The only suitable uses left are medium density residential uses facilitated by upgrading the land use categories to allow for internal and external density transfers.

In order to facilitate the residential use of the subject North Tract and the ability to transfer densities from the South Tract, the Land Use Map Amendment to Urban Community is required. The Land Use Map Amendment will permit moderate Outlying Suburban densities from the South Tract to be transferred onto the North Tract to facilitate a medium density Adult Living Facility Residential Planned Development. With regard to the North Tract, the Urban Community land use designation is required because the current Outlying Suburban category does not permit realistic densities to support a project at an urbanized interstate interchange location. Six units per acre and the ability to achieve additional densities through a TDR or other density program characterize the Urban Community category. Currently the Suburban Land Use category does not allow bonus densities or transfer densities. Within the geographic context of bordering an interchange area and bound to the east by I-75 and possibly the new Three Oaks Parkway, the Urban Community land use is more appropriate than the current Outlying Suburban or Suburban category.

The North Tract amendment from Outlying Suburban to Urban Community is consistence with a number of Lee Plan Goals, Objectives and Policies. First it is important to note that the current Outlying Suburban is not internally consistent with its location and the Lee Plan Policy 1.1.6. This is so in that these areas are characterized by their "*peripheral location in relation to established urban areas*". In this particular case the property is located immediately South of Daniels Parkway West of Interstate I-75 and is surrounded to the East by Fiddlesticks, The Legends and Old Hickory residential country clubs. The east side of I-75 is dominated by businesses and airport commercial related uses. The property is best characterized as a central urban location rather than an outlying suburban setting. Thus the North Tract amendment is warranted due to the fact that the existing land use is not consistent with it's own policy. With regard to the South Tract's rural designation, as noted earlier the property is devoid of all uses and expectations. This is so in that in farming west of the Interstate is obsolete, all residential onsite uses are prohibited, and there is no market for Rural or non-rural commercial uses goods and services. Consequently the Outlying Suburban category is warranted because it allows for the only reasonable use of the property; i.e., the ability to transfer residential densities to it's north adjoining tract as part of a unified planned residential development. Or it may allow for very limited professional office uses. Furthermore, the Outlying

Suburban category is warranted because in fact it is peripheral and that it abuts a larger rural tract to the South that is also restricted due to Noise Zone 3.

The Land Use Map Amendment is consistent with Goal 2 Growth Management and Objective 2.1 Development location. The North Tract Land Use Amendment will advance compact and contiguous growth patterns so as to contain urban sprawl. As previously noted it's direct proximity to the Interstate Interchange area south of Daniels Road and surrounded by residential country clubs to the West the Interstate Highway to the East and the proposed Three Oaks Parkway North Extension Arterial Highway, a Land Use Map change is warranted due to the fact that it advances compact urban growth patterns. With regard to the South Tract, the change from Rural to a Outlying Suburban use is consistent with Policy 2.1.1 in that it will facilitate urban development to the North by transferring it's residential densities to residential plan development while providing a step-down peripheral land use to the rural lands to the south.

The North Tract Amendment to Urban Community and the South Tract Amendment to Outlying Suburban is consistent with Objective 2.2 Development Timing. This is so in that Lee County currently is in design and permitting for the Three Oaks Parkway Extension. If approved the two tracts will be directly served by regionally significant arterial highway. Supporting infrastructure improvements will be made both the county and by the applicant or his successor developers. Thus the Map Amendments will be consistent with Policy 2.2.1 in that there will be available and proximate road network and supporting infrastructure. The Urban Community and Outlying Suburban land use categories are consistent with Objective 2.3 in that due to ongoing county aerial road planning and permitting efforts the areas will be supported by urban service and facilities.

E.3 Local Government Impacts:

The project does not adjoin or is approximate to other Lee County local municipal governments. Consequently other local governments are not directly affected by the proposed amendments.

E.4 Regional and State Planning:

The two map amendments are consistent with the needs and goal identified within the Regional Policy Plan Affordable Housing Element by promoting centrally located residential development with appropriate densities (Livable Communities Goal 2). The map amendments are consistent with the Regional Policy Plan Economic Development Element by promoting livable communities (Goal 3). The map amendments are consistent with the Regional Policy Plan Natural Resources Element by promoting the conservation of recharge areas and wetland project (Goal 3). Finally, the map amendments are consistent with the Regional Policy Plan Regional Transportation

Element by locating within an interconnection regionally based road network (Strategy One).

F Additional Requirements:
F.2 Rural to Urban Land Use Issues

The rural to urban conversion land issue with regard to urban sprawl is not particularly germane to the application. This is so for a number of reasons. First, that the South Tract is located west of I-75 and not within identified environmentally sensitive areas, DRGR areas or functionally viable agricultural areas. Second, it has been noted that the South Tract Rural land use currently is completely devoid of all reasonable land uses and expectations. Residential Development is prohibited due to the Noise Zone 3 Overlay. Commercial development is severely restricted and limited to serve the rural residents and area, of which there are no rural residential surrounding areas. Agriculture uses are none viable due to the size and location of the South Tract. Urban Sprawl relates to discontinuous properties being developed, usually in a "leap-frog" fashion. It is not the case for the South Tract given it being surrounded by residential development, interstate interchange commercial and other development, and an interstate highway. It is important to emphasize the lack of all reasonable land use expectations on the southern tract. It is inherently an urban land use due to it being bounded to the East by arterial roads, to the west by residential country clubs and to the north by Interstate interchange and commercial areas. Due to the fact that the South Tract will be a component of a unified planned development "leap-frog" type development and urban sprawl and unrelated strip development will not be created. With regard to the onsite-wet lands within the South Tract, these areas will still remain under the Wetland Future Land Use category and will be conserved as part of the SFWMD and Lee County Planned Development approval process. Consequently the conversion from rural to urban effectively does not change the pattern of land use and create urban sprawl. What it does permit is the transfer of a limited amount of residential densities from the South property to the North property. Consequently the rural to urban conversion does not create a loss of functional open space areas. Finally due to the density transfer concept brought by the Noise Zone Three Overlay, the installation of duplicative of infrastructure does not exits in this particular case.

G Land Use Planning Principles

The requested Land Use Map Amendments is based upon promoting a unified medium density of residential development on the north tract. Given the residential development patterns to the west, a residential development on the north tract serves to reduce any type of compatibility problems, which may occur if the properties were used for commercial purposes. Recognizing the previous Staff denial for a map amendment to Industrial Land Uses for the South Tract, with in the context of no demonstrated market demand for the

The Fitzgerald 108
2/25/2004

North Tract CPD, a residential project makes sense for the subject property. A medium density residential development will also serve as a transitional and more compatible land use from I-75 to the residential areas to the west. It will also serve as a step down use from the interstate interchange to the north. As documented by the applications level of service analysis and corresponding service provider correspondence, there is adequate capacity for service a medium dense 350 to 400 unit adult living residential development. With regard to the population accommodation assessment, the Outlying Suburban to Urban Community amendment will allow for the potential transfer of densities from outlying areas into a more centrally located area. This approach will serve to minimize urban sprawl in outlying areas. Finally, the South Tract Rural to Outlying Suburban amendment is based upon the fact that the property is currently is devoid of all reasonable uses. The amendment will serve to augment densities in the north property by allowing for moderate Outlying Suburban densities to be transferred to the north-adjoining tract as a unified RPD.

**Check List –
APPLICATION FOR A
COMPREHENSIVE PLAN AMENDMENT**

Application Type		Normal (large Scale) Comprehensive Plan Map Amendment
Strap Numbers		North Tract 27-45-25-00-00004.0010 ✓ South Tract 27-45-25-00-00005.0010
Owner		William Fitzgerald, Trustee
Application		6 copies
Affidavit		6 copies
Land Use Map & Existing Land Use Map		6 copies
Zoning Map		6 copies
Legal Description		6 copies
Deeds		6 copies
Aerial Map		See Land Use Map & Existing Land Use Map
Public Facility Service Letters		6 copies
Environmental Impacts Analysis & Maps		6 copies
Traffic Impacts Analysis & Maps		6 copies

INSTR # 4754680

OR BK 03188 PG 4334

PREPARED BY AND RETURN TO:
 THOMAS G. ECKERTY, ESQUIRE
 12734 Kenwood Lane, Suite 89
 Fort Myers, FL 33907-5638

Strap No.: 27-46-25-00-0004.0010

Recording: \$ 10.50

Documentary Stamps: \$ 30305.10

RECORDED 11/17/99 09:18 AM
 CHARLIE GREEN CLERK OF COURT
 LEE COUNTY
 RECORDING FEE 10.50
 DOC TAX PD(F.S.201.02) 30,305.10
 DEPUTY CLERK K Cartwright

THIS WARRANTY DEED made this 15th day of November, 1999, by

JAMES R. COLOSIMO, Trustee of an unrecorded land trust dated July 20, 1993, with full power and authority to protect, conserve, sell, lease, encumber or to otherwise manage and dispose of the real property described herein, as provided in F. S. 689.071,

whose post office address is 4099 Tamiami Trail, N, Naples, Florida 34103, hereinafter called the Grantor, to

WILLIAM E. FITZGERALD, Trustee under unrecorded land trust agreement dated August 1, 1999, with full power and authority to protect, conserve, sell, lease, encumber or to otherwise manage and dispose of the real property described herein, as provided in F. S. 689.071,

whose post office address is 4099 Tamiami Trail, N, Naples, Florida 34103, hereinafter called the Grantee;

WITNESSETH: That the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee all that certain land, situate in Lee County, State of Florida, viz:

All of that property West of I-75 right-of-way in the Northeast one-quarter of Section 27, Township 45 South, Range 25 East, lying and being in Lee County, Florida

SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

THIS PROPERTY IS NOT NOW NOR HAS IT EVER BEEN THE HOMESTEAD OF GRANTOR.

SUBJECT TO THAT CERTAIN MORTGAGE RECORDED IN O. R. BOOK 2446, PAGE 47, PUBLIC RECORDS OF LEE COUNTY, FLORIDA

TOGETHER with all the tenements, hereditaments and appurtenances thereto 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, and hereby 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 subsequent to December 31, 1998.

IN WITNESS WHEREOF, the said Grantor has signed and sealed these presents the day and year first above written.

in any litigation, condemnation, estate or bankruptcy proceedings, including reasonable attorneys' fees. The cost thereof, with interest thereon from the date of payment at the maximum lawful rate per annum, shall also be secured by this Mortgage.

6) If any payment provided for in the Note is not paid within thirty (30) days after it becomes due or if any agreement in this Mortgage other than the agreement to make the payments is breached for a period of thirty (30) days after written notice to Mortgagor of the breach, the entire unpaid principal balance of the Note, and accrued interest thereon, shall immediately become due and payable at the option of the Mortgagee, and the Mortgagee may foreclose this Mortgage in the manner provided by law, and have the mortgaged property sold to satisfy or apply to the indebtedness hereby secured.

7) The lien hereby created shall cease and become null and void upon payment in full of the indebtedness secured by this Mortgage and upon the full and complete performance of all the covenants, stipulations and agreements contained in both this Mortgage and the Note it secures.

8) Wherever the context requires, all words used in the singular will be construed to have been used in the plural, and vice versa, and each gender will include any other gender. Time is of the essence in the performance of this Mortgage and that Note given by Mortgagor to Mortgagee.

9) This Mortgage shall secure any and all renewals, or extensions of the whole or any part of the indebtedness hereby secured however evidenced, with interest at such lawful rate as may be agreed upon and any such renewals or extensions or any change in the terms or rate of interest shall not impair in any manner the validity of or priority of this Mortgage.

10) No conveyance of the subject property, or any part thereof, shall be made by Mortgagor without the written consent of the Mortgagee. Should the property covered by this mortgage be conveyed by the Mortgagor, its successors or assigns, to any third person or entity, without the written consent of the Mortgagee, then at the option of the Mortgagee, the whole sum of principal and interest payable under the note or notes secured hereby shall become immediately due and payable.

IN WITNESS WHEREOF, the said Mortgagor has executed and signed this Mortgage the day and year first above written.

Witnesses:

Susan E. Myers
Print name: Susan E. Myers

MORTGAGOR:

William E. Fitzgerald
WILLIAM E. FITZGERALD, Trustee under unrecorded land trust agreement dated August 1, 1999, with full power and authority to protect, conserve, sell, lease, encumber or to otherwise manage and dispose of the real property described herein, as provided in F. S. 689.071

John M. Foran
Print name: John M. Foran

STATE OF FLORIDA
COUNTY OF COLLIER

The foregoing instrument was acknowledged before me this 15 day of November, 1999, by William E. Fitzgerald, Trustee, who is personally known to me, or who produced _____ as identification, and who did/did not take an oath.

NOTARY STAMP OR SEAL



Susan E. Myers
Commission # CO 363961
Expires Aug. 23, 2003
Bonded thru
Atlantic Notary Co., Inc.

Susan E. Myers
NOTARY PUBLIC

Print Name: Susan E. Myers

WARRANTY DEEDMade this 26 day of September, 2000.

BETWEEN NAPLES FINANCE COMPANY, INC., a Florida corporation, party of the first part, Grantor, whose post office address is 4099 Tamiami Trail North, #305, Naples, FL 34103, and WILLIAM E. FITZGERALD, Trustee under an unrecorded land trust agreement dated August 1, 1999, with full power and authority to protect, conserve, sell, lease, encumber or otherwise manage and dispose of the real property described herein, party of second part, Grantee, whose post office address is 4099 Tamiami Trail North, #305, Naples, FL 34103, and whose Social Security Number/FEIN is _____.

WITNESSETH: That the said party of the first part for and in consideration of the sum of **TEN DOLLARS AND NO/100**, plus other good and valuable consideration, as it is in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said party of the second part, its successors and assigns forever, the following described land situate, lying and being in the County of LEE and the State of Florida, to-wit:

That portion of the Southeast 1/4 of Section 27, Township 45 South, Range 25 East, in Lee County, Florida, lying West of I-75 Right-of-Way

SUBJECT TO that certain mortgage in the original principal amount of \$500,000.00 executed by James R. Colosimo, Trustee under an Unrecorded Land Trust Agreement to Helene Rasmussen, f/k/a Helene A. Freeman, a married woman, as to an undivided 1/2 interest and Helene Rasmussen, f/k/a Helene A. Freeman, Trustee under an unrecorded trust agreement dated 2/26/90, known as Trust No. One, said mortgage dated 5/13/98, recorded 5/20/98 in O.R. Book 2962, Page 1374, Public Records of Lee County, Florida.

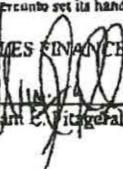
This is a conveyance to a Trustee which is not pursuant to a sale. This property does not constitute all or substantially all of the assets of Grantee.

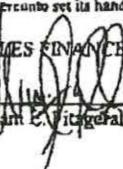
Subject to easements, restrictions, reservations of record common to the subdivision and taxes for the current year and subsequent years.

Property Appraisers Parcel Identification Number: 27-45-25-00-00005.0000

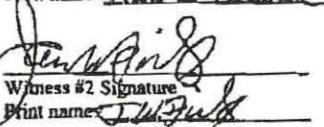
And the said party of the first part does hereby fully warrant title to said land, and will defend the same against the lawful claim of all persons whomsoever except for taxes for 1999 and restrictions, reservations and easements of record.

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


NAPLES FINANCE COMPANY, INC.

BY: 
William E. Fitzgerald, President

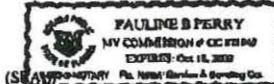

Witness #1 Signature
Print name: James R. Colosimo

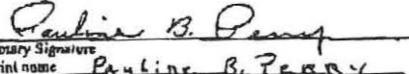

Witness #2 Signature
Print name: Pauline B. Perry

STATE OF FLORIDA
COUNTY OF COLLIER

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared William E. Fitzgerald, as President of Naples Finance Company, Inc., a Florida corporation, and who acknowledged before me that he executed the same, and known to me to be the person who as such officer acknowledged the execution of the foregoing instrument for and on behalf of and as the act and deed of said corporation for the purposes therein expressed; that the seal thereto attached is the corporate seal by him in like capacity affixed; all under authority in him duly vested by the Board of Directors of said corporation.

WITNESS my hand and official seal in the County and State last aforesaid this 26 day of September, 2000.




Notary Signature
Print name: Pauline B. Perry
My Commission Expires: 10-18-03

Prepared Without Opinion By:
JAMES A. PILON, ESC
1000 N. Tamiami Trail N., Suite 201
Naples, FL 34102
(941) 263-8282
FAX: (941) 263-8282 SWAFFORD

• 13591 McGregor Blvd.
• Suite 19
• Fort Myers, FL 33919
• SandHLandSurvey@aol.com

S & H Land Survey Company, Inc.

AIRPORT I-75 LAND TRUST LEGAL DESCRIPTIONS **Restated from Fractional to Metes & Bounds Terms 7/21/03**

12657-A Metes & Bounds Description:

Beginning at the Northeast corner of the Northwest Quarter (NW 1/4) of Section 27, Township 45 South, Range 25 East, Lee County, Florida; thence with the North line of said Section N89°33'38"E, 916.98 feet to the West Right of Way line of Interstate Highway 75 (a 324 foot Right of Way) thence along said Right of Way S00°39'07"E, 2644.70 feet to the South line of the North Half (N 1/2) of said Section; thence along said South line S89°33'38"W 905.10 feet to the West line of the East Half (E 1/2) of said section; thence with said West line N00°54'36"W 2644.77 feet to the Northwest corner of said East half (E 1/2) and the Point of Beginning, containing 55.81 acres more or less.

12657-B Metes & Bounds Description:

Beginning at the Northwest corner of the Southeast Quarter (SE 1/4) of Section 27, Township 45 South, Range 25 East, Lee County, Florida; thence with the North line of the South Half (S 1/2) of said Section N 89°34'08"E, 904.35 feet to the West Right of Way line of Interstate Highway 75, thence, along said Right of Way, S0°39'07"E, 2644.68 feet to the South line of said section; thence along said South line S89°40'05"W, 893.20 feet to the West line of said section; thence along said West line N0°54'36"W, 2643.21 feet to the Point of Beginning, Containing 54.518 acres more or less.

12657 A & B Combined Metes & Bounds Description:

Beginning at the Northeast corner of the Northwest Quarter (NW 1/4) of Section 27, Township 45 South, Range 25 East, Lee County, Florida; thence with the North line of said Section N89°33'38"E, 916.98 feet to the West Right of Way line of Interstate Highway 75 (a 324 foot Right of Way) thence along said S00°39'07"E, 5289.38 feet to the South line of said Section; thence along said South line S89°40'05"W, 893.20 feet to the West line of the East Half of said Section; thence along said West line N00°54'36"W, 5287.98 feet to the Northeast corner of the Northwest corner of said East half (E 1/2) and the Point of Beginning, containing 110.328 acres more or less.

S & H Job # 12657
Revised Legal Descriptions

(239) 481-2366 Ft. Myers
(239) 597-6936 Naples
(239) 481-2437 Fax


Ronald L. Schumann, RLS
Reg. FL # 2239

Date Signed: 7/24/03



LEE COUNTY
SOUTHWEST FLORIDA
BOARD OF COUNTY COMMISSIONERS

239-335-1604

Writer's Direct Dial Number: chrish@leegov.com

Bob Janes
District One

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Andrew W. Coy
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
*County Hearing
Examiner*

October 2, 2003

Mr. Greg Stuart, A.I.C.P.
Stuart and Associates
2180 West First Street, Suite #503
Fort Myers, FL 33901

**Re: Service Availability Request for Lee County Land Use Map
Amendment**

Dear Mr. Stuart:

Lee County Emergency Medical Services has reviewed your letter dated September 26, 2003, reference to subject property immediately west of I-75, and south of Daniels Road consisting of approximately 108 acres. Your request consists of a development of 400 adult living dwelling units.

The current and planned budgetary projections for additional EMS resources should adequately address any increased demand for service from persons occupying this parcel or any support facilities.

If you would like to discuss this further, please call me at the above referenced number.

Sincerely,

DIVISION OF PUBLIC SAFETY/EMS

Chief H.C. "Chris" Hansen
EMS Manager
Lee County Emergency Medical Services

HCH/GDW



LEE COUNTY

SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

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District Five

Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
*County Hearing
Examiner*

Mr. Greg Stuart, AICP
Stuart and Associates
2180 West First Street
Suite #503
Fort Myers, FL 33901

RE: SERVICE AVAILABILITY REQUEST

Dear Mr. Stuart:

Thank you for your correspondence with Lee County Transit in regards to your service availability request for a Lee County Land Use Amendment. While we will not be able to provide direct service to the subject property located immediately west of I-75, and South of Daniels Road, we do currently provide service on Daniels Road in both directions. The closest bus stop to the subject property is located on Daniels Road at Danport Boulevard on route 50. This is approximately a $\frac{1}{4}$ mile walk from the property in question. Lee Tran has no plans at this time to extend service directly to the subject property.

If you have any further questions or comments, please call me or e-mail me at mhorsting@leegov.com.

Sincerely,

TRANSIT DIVISION

Michael Horsting
Transit Planner

October 8, 2003

99024

Office of the Sheriff
Rodney Shoap



County of Lee
State of Florida

October 9, 2003

Stewart and Associates
Planning & Design Services
Mr. Greg Stuart, A.I.C.P.
2180 West First Street, Suite 503
Fort Myers, Florida 33901

RE: Property immediately West of I-75 and
South of Daniels Road @ 108 Acres
Supporting 400 Adult Living Dwelling Units

Dear Mr. Stewart:

The proposed development for property immediately west of I-75 and south of Daniels Road, supporting 400 adult living dwelling units, in Lee County Florida, is within the service area for the Lee County Sheriff's Office. It is policy of the Lee County Sheriff's Office to support community growth and we will do everything possible to accommodate the law enforcement needs.

We anticipate that we will receive the reasonable and necessary funding to support growth in demand. We therefore believe that the Lee County Sheriff's Office will be able to serve your project as it builds out.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Johnson".
Major Dan Johnson
Planning and Research

Copy: File



14750 Six Mile Cypress Parkway Fort Myers, Florida 33912-4406



LEE COUNTY
SOUTHWEST FLORIDA
BOARD OF COUNTY COMMISSIONERS

(941)479-8181

Writer's Direct Dial Number: _____

Bob Janes
District One

Douglas R. St. Cerny
District Two

November 12, 2003

Ray Judah
District Three

Andrew W. Coy
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing
Examiner

Greg Stuart
Stuart and Associates
2180 West First Street, Suite 503
Fort Myers, Fl. 33901

RE: POTABLE WATER AND WASTEWATER SERVICE AVAILABILITY
108 ACRES APPROXIMATELY 1 MILE SOUTH OF DANIELS PARKWAY
ON THE WEST SIDE OF I-75. IN SECTION 27, TOWNSHIP 45, RANGE 25

Dear Mr. Stuart:

Department of Lee County Utilities has Potable water and/or wastewater lines are in operation in the vicinity of the above-mentioned parcel. However, in order to provide service to the subject parcels, developer funded system enhancements such as line extensions will be required.

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.

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

FURTHER, THIS LETTER OF AVAILABILITY OF POTABLE WATER AND/OR WASTEWATER SERVICE IS TO BE UTILIZED FOR GENERAL PURPOSES ONLY. INDIVIDUAL LETTERS OF AVAILABILITY WILL BE REQUIRED FOR THE PURPOSE OF OBTAINING BUILDING PERMITS.

Sincerely,

LEE COUNTY UTILITIES



Mary McCormic
Engineering Tech., Senior
UTILITIES ENGINEERING

VIA FACSIMILE
Original Mailed



THE SCHOOL BOARD OF LEE COUNTY

2055 CENTRAL AVENUE • FORT MYERS, FLORIDA 33901-3916 • (239) 337-8303 • FAX (239) 337-8649 • TTD/TTY (239) 335-1512

JEANNE S. DOZIER
CHAIRMAN • DISTRICT 2

ELINOR C. SCRICCA, PH.D.
VICE CHAIRMAN • DISTRICT 5

ROBERT D. CHILMONIK
DISTRICT 1

JANE E. KUCKEL, PH.D.
DISTRICT 3

STEVEN K. TEUBER
DISTRICT 4

JAMES W. BROWDER, ED.D.
SUPERINTENDENT

KEITH B. MARTIN
BOARD ATTORNEY

February 18, 2004

Mr. Greg Stuart
Stuart and Associates
2180 West First Street
Fort Myers, FL 33901

Re: Property West of I-75 & South of Daniels Road (108 Acres)
South Fort Myers
CORRECTED STUDENT GENERATION RATES

Dear Mr. Stuart:

The purpose of this letter is to correct the student generation rates provided in our response to your request for substantive comments on the above-referenced project. Our correspondence to you was dated December 5, 2003.

Although your correspondence did not specify unit type, based on the correct student generation rates and the proposed maximum total of 400 residential dwelling units, the School District of Lee County is estimating that this project could generate up to 141 additional school-aged children using a generation rate of 0.352 students per unit generated in the South region of Lee County for single family units, or the project could generate up to 44 additional school-aged children, using a generation rate of 0.109 students per unit generated in the South region of Lee County for multifamily units. This would create the need for 6 new classrooms in the system at approximately 22 students per classroom if the units are single family units or 2 new classrooms if the units are multifamily units, as well as additional staff and core facilities. Using the new small classroom legislative guidelines, additional classrooms may be generated.

The Lee County Board of County Commissioners adopted a School Impact Fee Ordinance on November 27, 2001, effective at this time. As such, the project's developers will be expected to pay the impact fee at the appropriate time.

Thank you for your attention to this issue. If I may be of further assistance, please give me a call at (239) 479-4205.

Sincerely,

Kathy Babcock, Long Range Planner
Department of Construction and Planning

Cc: William G. Moore, Jr.
Executive Director, School Support

Keith Martin

Lee County School District Attorney

DISTRICT VISION

TO PREPARE EVERY STUDENT FOR SUCCESS

DISTRICT MISSION

TO PROVIDE A QUALITY EDUCATION IN A SAFE AND WELL-MANAGED ENVIRONMENT

AFFIDAVIT

I, William Fitzgerald, Trustee, 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.

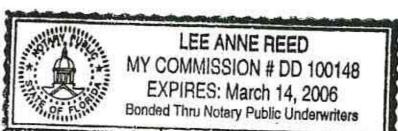
Signature of owner or owner-authorized agent
Date

William Fitzgerald, Trustee
Typed or printed name

STATE OF FLORIDA)
COUNTY OF COLLIER)

The foregoing instrument was certified and subscribed before me this 18¹ day of February 2004 by William E. Fitzgerald, who is personally known to me or who has produced

as identification



(SEAL)

Leanne Reed

Signature of notary public

Lee Anne Reed

Printed name of notary



SOUTH FLORIDA WATER MANAGEMENT DISTRICT

FORT MYERS SERVICE CENTER 2301 McGregor Boulevard, Fort Myers, FL 33901
(941) 338-2929 • FL WATS 1-800-248-1201 • Suncom 748-2929 • Fax (941) 338-2936 • www.sfwmd.gov/org/exo/ftmyers/

W. DEX RECEIVED
BENDER & ASSOC.

FEB 21 2000

February 18, 2000

Mr. Parke Lewis
W. Dexter Bender and Associates, Inc.
2052 Virginia Avenue
Ft. Myers, Florida 33901

W. DEX RECEIVED
BENDER & ASSOC.
FEB 12 2000

Subject: Jetport Leisure Commerce Center; Informal Jurisdictional Wetland Inspection;
Lee County, S-27 / T-45-S / R-25-E

Dear Mr. Lewis:

The District offers the following in response to your request for a determination of the jurisdictional wetland boundaries and other surface waters located within the subject property. Craig Schmittler, Environmental Analyst, of the Natural Resource Management Division, conducted a site inspection on January 13, 2000.

The project boundaries shown on the attached aerial identify the approximate limits of the property inspected. Based on the information provided and the results of the site inspection, the jurisdictional wetlands, as defined in Chapter 62-340 F.A.C., are shown on the attached aerial photographs. The non-jurisdictional areas on the property are hatched; the remaining habitat is jurisdictional.

This correspondence is an informal pre-application jurisdictional determination pursuant to Section 373.421(6) and F.A.C. 62-312.040(7). It does not bind the District, its agents or employees, nor does it convey any legal rights, expressed or implied. Persons obtaining this informal pre-application jurisdictional determination are not entitled to rely upon it for purposes of compliance with provision of law or District rules. A binding jurisdictional determination may be obtained by submitting an application to the South Florida Water Management District Ft. Myers office for a formal determination pursuant to Chapter 40E-4.042 F.A.C. or by applying for a permit.

GOVERNING BOARD

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James E. Blount, *Chief of Staff*

SERVICE CENTER

Chip Merriam, *Director*

Mr. Lewis
Jetport Leisure Commerce Center
Page 2

A file has been set up at the Ft. Myers Service Center office with pre-application materials. If you have any further questions please contact Craig Schmittler at (941) 338-2929 ext. 7739.

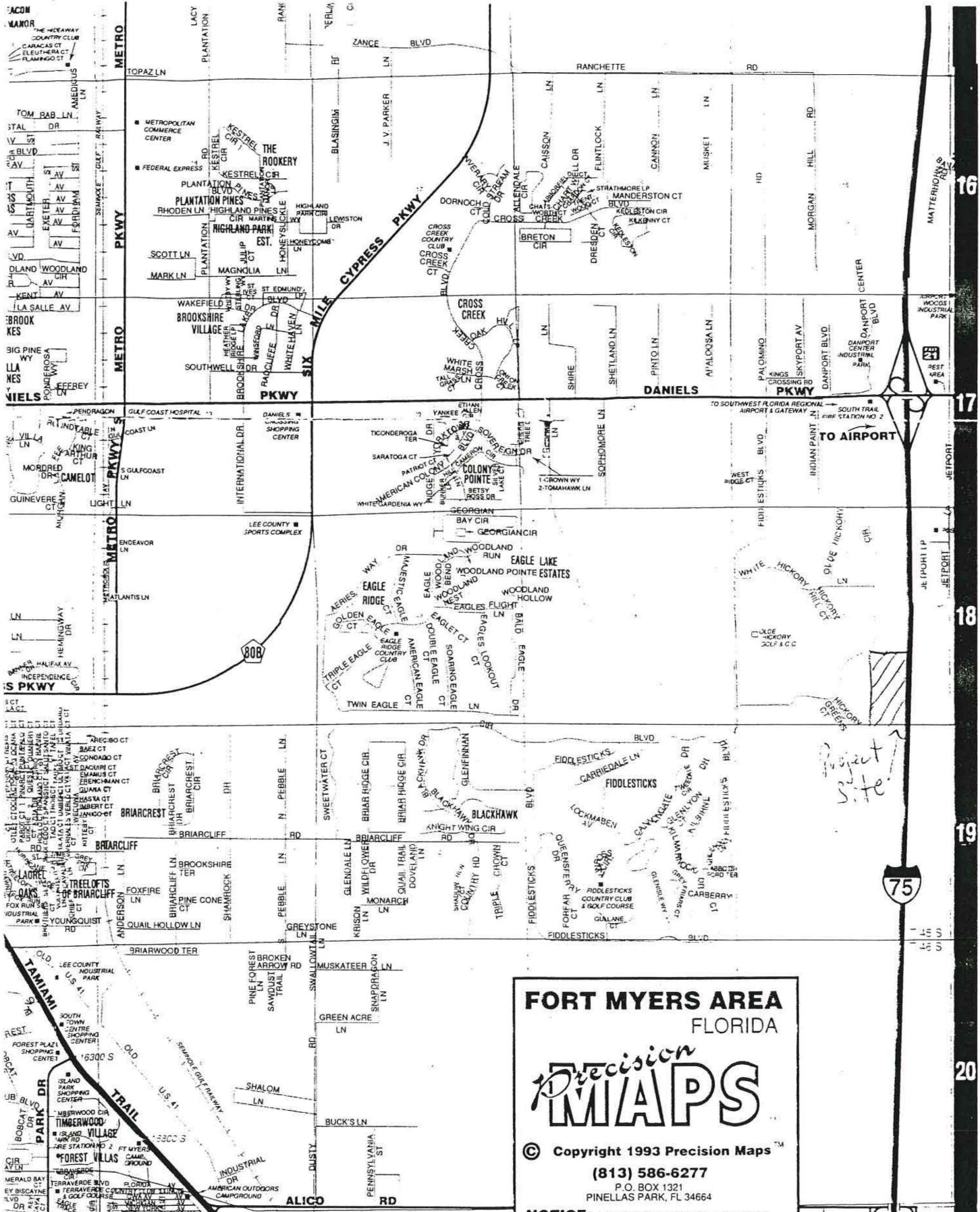
Sincerely,



Karen M. Johnson
Supervising Professional
Ft. Myers Service Center

KMJ/cds - Attachment (Memo, Location Map, and Aerials)

c: USACOE - Ft. Myers w/ memo, location map, and aerial
DEP- w/ memo, location map



FORT MYERS AREA FLORIDA

Precision
MAPS

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(813) 586-6277

P.O. BOX 1321

PINELANDS PARK, FL 34664

NOTICE: NO PORTION OF THIS MAP MAY BE
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SIONS IN THE MAP, INDEX AND DIRECTORIES.

**SAN
CARLOS
PARK**

41

THREE OAKS PKWY

TONAPLES & MIAMI

21

20

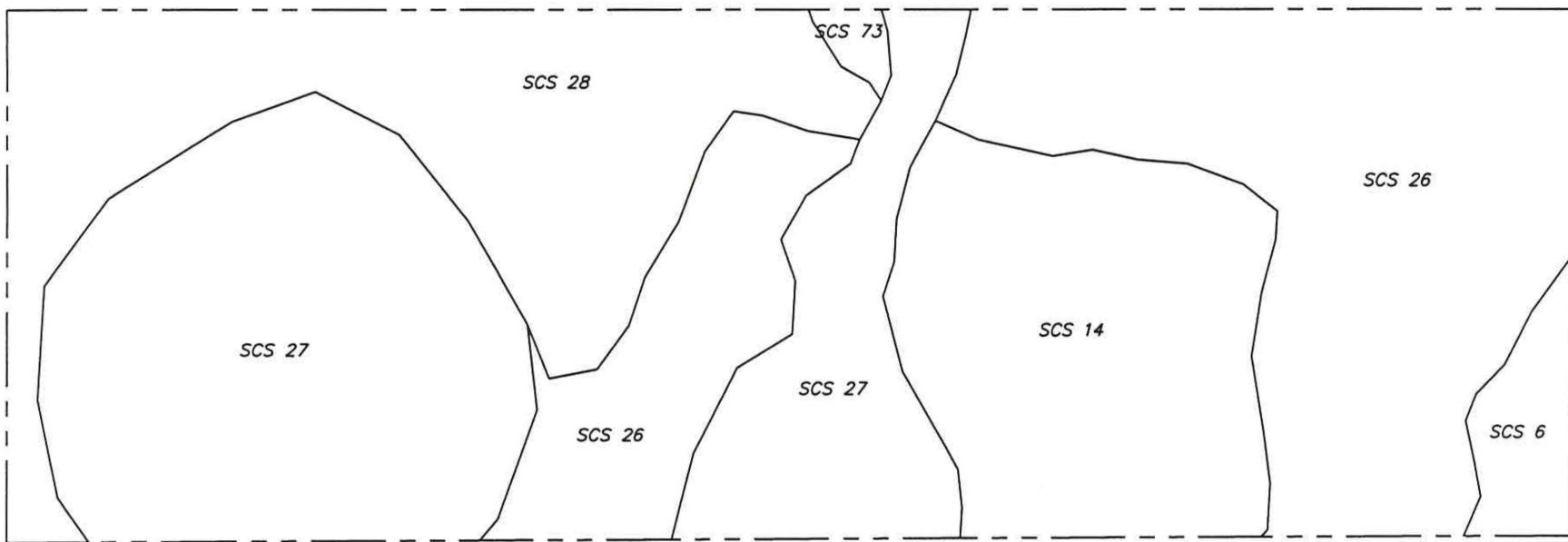
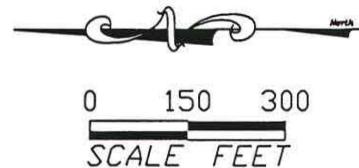
18

17

16

SECTION: X
TOWNSHIP: X
RANGE: X

SOIL MAP



Soil Legend

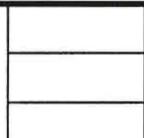
- SCS 06 - Hallandale fine sand
- SCS 14 - Valkaria fine sand
- SCS 26 - Pineda fine sand
- SCS 27 - Pompano fine sand, depressional
- SCS 28 - Immokalee sand
- SCS 73 - Pineda fine sand, depressional

**PERMIT USE ONLY,
NOT FOR CONSTRUCTION**

February 26, 2004 12:56:39 p.m.
Drawing: STUA11SOIL.DWG (DCS)



**W. DEXTER BENDER
AND ASSOCIATES**
ENVIRONMENTAL & MARINE CONSULTING
FORT MYERS 239/334-3680
PORT CHARLOTTE 941/255-1462



South 54 Acre Parecel

SHEET



**TRAFFIC CIRCULATION ANALYSIS
PREPARED FOR A
COMPREHENSIVE PLAN AMENDMENT
FOR THE
FITZGERALD 108 TRUST**

PROJECT NO. 0306.06

**PREPARED BY:
Metro Transportation Group, Inc.
12651 McGregor Boulevard, Suite 4-403
Fort Myers, Florida 33919-4489
239-278-3090**

February 24, 2004



CONTENTS

I. INTRODUCTION

II. EXISTING CONDITIONS

III. PROPOSED PLAN AMENDMENT

IV. TRIP GENERATION

V. TRIP DISTRIBUTION

VI. IMPACTS OF PROPOSED PLAN AMENDMENT

VII. CONCLUSION



I. INTRODUCTION

Metro Transportation Group, Inc. (Metro) has conducted a traffic circulation analysis pursuant to the requirements outlined in the application document for Comprehensive Plan Amendment requests. The analysis will examine the impact of the requested land use change from Outlying Suburban to Urban Community on the north 55-acres and from Rural to Outlying Suburban on the south 54-acres. The property is located on the south side of Daniels Parkway, along the west side of Interstate 75 in Lee County, Florida. The site location is illustrated on **Figure 1**.

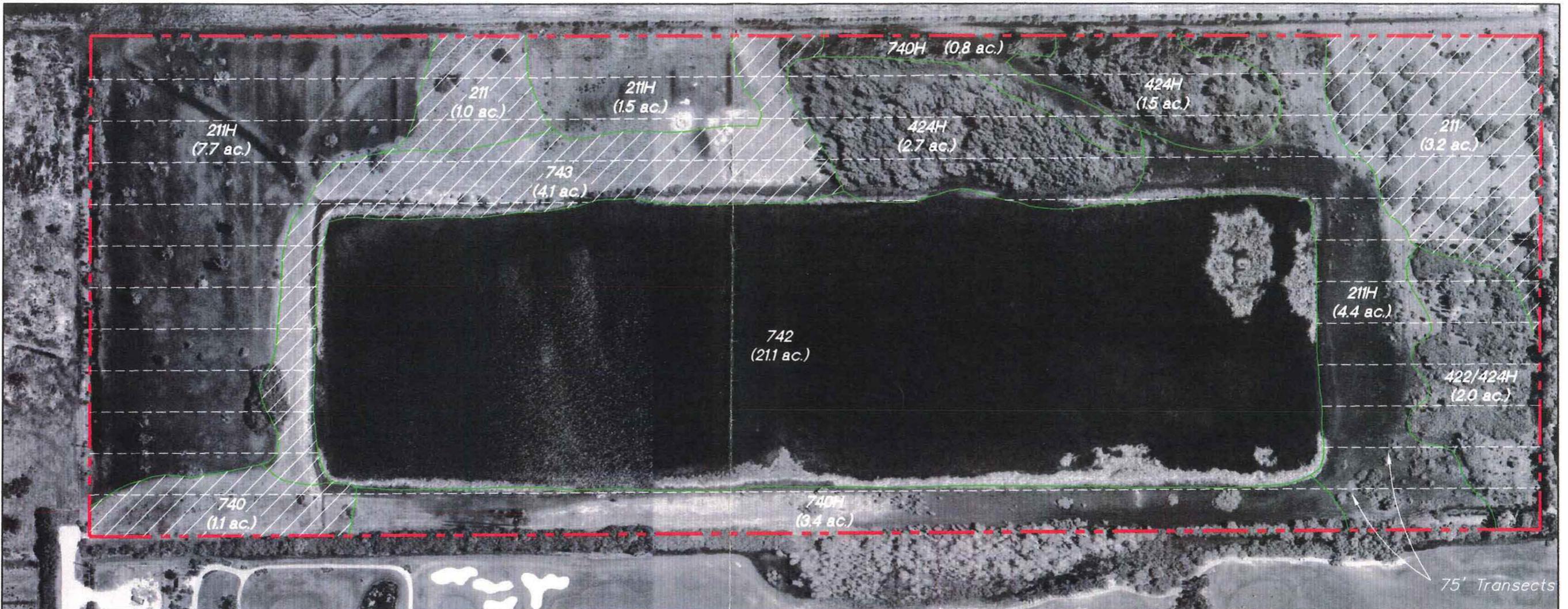
The following report will examine the impacts of changing the future land use category from Outlying Suburban and Rural to Urban Community and Outlying Suburban.

II. EXISTING CONDITIONS

The subject site is currently vacant. The site is bordered to the north by vacant property, to the east by the right-of-way for I-75, to the west by the Olde Hickory Golf and Country Club and to the south by vacant land.

Daniels Parkway is a six-lane divided arterial roadway that extends through central Lee County. Daniels Parkway, from Metro Parkway to I-75, has been designated a ***“Constrained Corridor”*** according to the Lee County Comprehensive Plan. Daniels Parkway has a posted speed limit of 50 mph in the vicinity of the subject site and is under the jurisdiction of the Lee County Department of Transportation (FDOT).

Fiddlesticks Boulevard is currently a two-lane roadway extending south from Daniels Parkway and is located approximately 1,900 feet west of the subject parcel. Access to Fiddlesticks Boulevard to the site would be provided via Indian Pony Drive, a public roadway extending east from Fiddlesticks Boulevard to the subject site. Lee County is in the process of determining the alignment of the Three Oaks Parkway extension from Alico Road to Daniels Parkway. One option is to widen the existing Fiddlesticks Boulevard in its present location to a four-lane divide roadway, which would be come



FLUCCS Legend

- 211 Improved Pastures (4.2 ac.)
- 211H Improved Pastures - hydric (13.6 ac.)
- 422/424H Brazilian Pepper/Melaleuca - hydric (2.0 ac.)
- 424H Melaleuca - hydric (4.2 ac.)
- 740 Disturbed Land (1.1 ac.)
- 740H Disturbed Land - hydric (4.2 ac.)
- 742 Borrow Areas (21.1 ac.)
- 743 Spoil Areas (4.1 ac.)

Indicates Uplands

0 100 200
SCALE FEET

SECTION: 27
TOWNSHIP: 45 S
RANGE: 25 E

February 12, 2003 8:36:25 a.m.
Drawing: STUA11PLN.DWG (DCS)

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SHEET

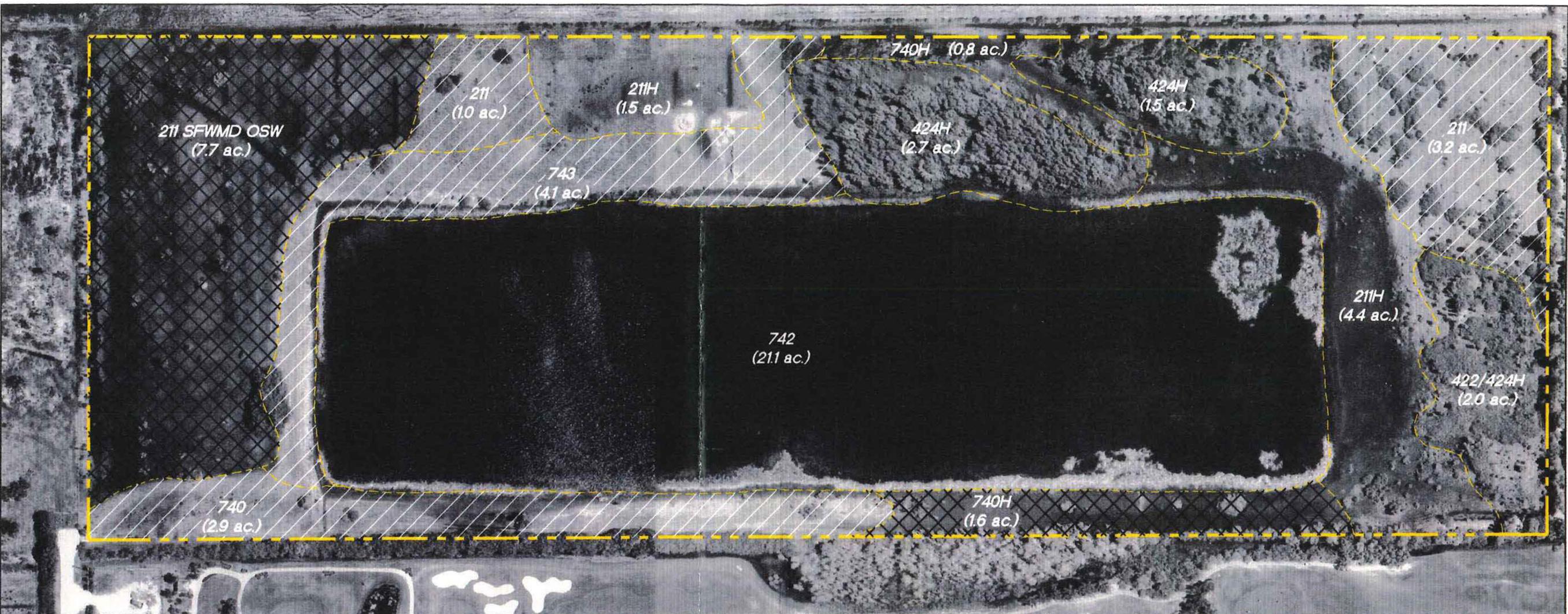
North 54 Acre Parcel

**PROTECTED SPECIES
ASSESSMENT**

REVISED:

**W. DEXTER BENDER
AND ASSOCIATES
ENVIRONMENTAL & MARINE CONSULTING
FORT MYERS, FL (941) 334-3680**





FLUCCS Legend

- 211 SFWMD OSW Improved Pastures (7.7 ac.)
- 211H Improved Pastures - hydric (13.6 ac.)
- 422/424H Brazilian Pepper/Melaleuca - hydric (2.0 ac.)
- 424H Melaleuca - hydric (4.2 ac.)
- 740 Disturbed Land (1.1 ac.)
- 740H Disturbed Land - hydric (2.6 ac.)
- 742 Borrow Areas (21.1 ac.)
- 743 Spill Areas (4.1 ac.)

Indicates Uplands

Indicates "Other Surface Waters"

Note:

Draft vegetation and wetland map
verified by the SFWMD 3/5/03. Flagged lines
are approximate and have not been surveyed.

0 100 200
SCALE FEET

WETLAND JURISDICTIONAL DETERMINATION
SOUTH FL WATER MANAGEMENT DISTRICT
LOWER WEST COAST SERVICE CENTER

Laura Montes de Oca 7/1/03
Staff Date

SECTION: 27
TOWNSHIP: 45 S
RANGE: 25 E

March 11, 2003 3:06:01 p.m.
Drawing: STUA11PLN.DWG (DCS)

PERMIT USE ONLY, NOT FOR CONSTRUCTION

SHEET

North 54 Acre Parcel

VEGETATION
MAP

REVISED:

W. DEXTER BENDER
AND ASSOCIATES
ENVIRONMENTAL & MARINE CONSULTING
FORT MYERS, FL (941) 334-3680





SOUTH FLORIDA WATER MANAGEMENT DISTRICT

3301 Gun Club Road, West Palm Beach, Florida 33406 • (561) 686-8800 • FL WATS 1-800-432-2045 • TDD (561) 697-2574
Mailing Address: P.O. Box 24680, West Palm Beach, FL 33416-4680 • www.sfwmd.gov

Regulation Department

RECEIVED
W. DEX BENDER

July 1, 2003

JUL 3 2003

Mr. Parke Lewis
W. Dexter Bender and Associates, Inc.
2052 Virginia Avenue
Fort Myers, FL 33901

Subject: North 54-Acre Parcel; Informal Jurisdictional Wetland Determination
Lee County, S27/ T45S/ R25E

Dear Mr. Lewis:

The District offers the following in response to your request for a determination of the jurisdictional wetland and other surface water (OSW) boundaries located within the subject property. Laura Montes de Oca, Environmental Analyst, of the Natural Resource Management Division, conducted a site inspection on March 7, 2003.

The project boundaries shown on the attached aerial define the area that was inspected. Based on the information provided and the results of the site inspection, jurisdictional wetlands and other surface waters (OSW) as defined in Chapter 62-340 F.A.C. have been identified within the limits of the original property inspected. The jurisdictional wetlands are identified by FLUCCS code with a hydric notation and the OSW boundaries are cross-hatched on the attached aerial photograph. These boundaries have not been surveyed and are therefore approximate.

This correspondence is an informal pre-application jurisdictional determination pursuant to Section 373.421 (6) and F.A.C. 62-312.040 (7). It does not bind the District, its agents or employees, nor does it convey any legal rights, expressed or implied. Persons obtaining this informal pre-application jurisdictional determination are not entitled to rely upon it for purposes of compliance with provision of law or District rules. A binding jurisdictional determination may be obtained by submitting an application to the South Florida Water Management District Ft. Myers office for a formal determination pursuant to Chapter 40E-4.042 F.A.C. or by applying for a permit.

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Trudi K. Williams, P.E.

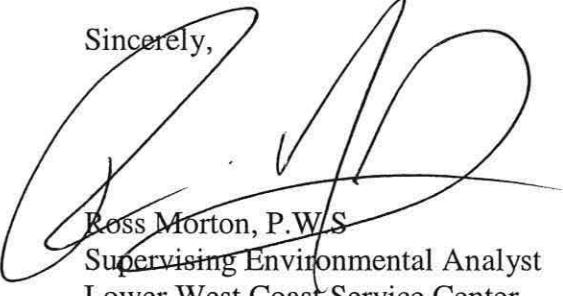
EXECUTIVE OFFICE

Henry Dean, *Executive Director*

Mr. Parke Lewis
North 54-Acre Parcel
Page 2

A file has been set up at the Lower West Coast Service Center with pre-application materials. If you have any further questions please contact Laura Montes de Oca at (239) 338-2929 ext. 7786.

Sincerely,



Ross Morton, P.W.S
Supervising Environmental Analyst
Lower West Coast Service Center

RM/lpm- Attachment (location map, aerial w/ FLUCCS, soils map)

C: USACOE- Ft. Myers w/memo, location map, aerial w/FLUCCS, soils map
Lee County w/memo, location map, aerial w/FLUCCS, soils map

TO: File

FROM: Laura Montes de Oca, Environmental Analyst, NRM Division

THROUGH: Ross Morton, P.W.S., Supervising Professional, NRM Division

DATE: July 1, 2003

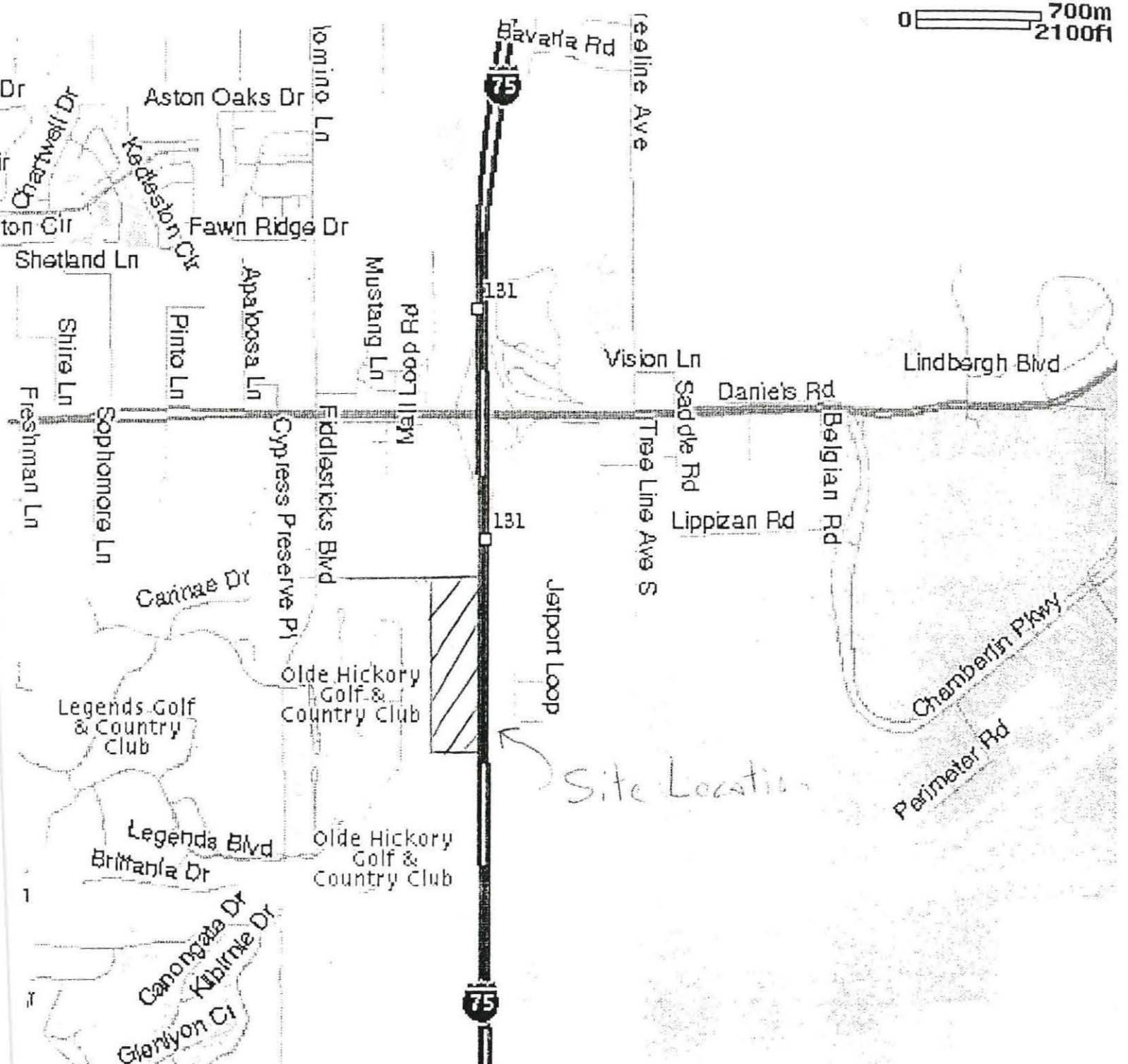
SUBJECT: North 54-Acre Parcel, Informal Wetland Jurisdictional Inspection
Lee County, S27/ T45S/ R25E

A site inspection was conducted on the above referenced property on March 7, 2003. The subject property encompasses approximately 54 acres and is located south of Daniels Road on the west side of Interstate 75. The site is bordered to the north and south by undeveloped lands and to the west by the Olde Hickory Golf and Country Club.

There are jurisdictional wetlands and Other Surface Waters (OSW), as defined by Chapter 62-340 F.A.C., that have been identified on the attached aerial photograph. The onsite wetlands consist of hydric improved pasture, hydric melaleuca and Brazilian pepper, and hydric disturbed (previously cleared) lands. Adventitious rooting and stain lines are prevalent throughout the melaleuca areas. Jurisdictional wetlands onsite total approximately 14.5 acres. The main OSW area onsite is a large 21.1-acre borrow lake in the center of the property that was used for fill for the construction of I-75. In addition, there is a scraped-down pasture area at the north end of the site that holds water during the wet season. This 7.7-acre area is also considered a man-made OSW. The 740H (hydric disturbed land) area on the western side of the borrow lake is a jurisdictional wetland area and not an OSW area as the legend indicates.

The upland portions of the site encompass approximately 11.2 acres and include previously cleared (disturbed) lands, improved pasture and spoil areas.

There were no wetland-dependent threatened or endangered species observed during this site inspection. An active eagle nest, however, is located to the north of the subject property in Section 22/Township 45S/Range 25E.



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North 54 Acre Parcel Location Map

PROTECTED SPECIES ASSESSMENT

For

“SOUTH 54 ACRE” PARCEL

Section 27, Township 45 South, Range 25 East, Lee County, Florida

January 2000

Prepared by:

**W. Dexter Bender & Associates, Inc.
2052 Virginia Avenue
Fort Myers, Florida 33901**

INTRODUCTION

The 54 acre site is located on Section 27, Township 45 South, Range 25 East, Lee County, Florida. It is bordered to the north and south by undeveloped land, to the west by Olde Hickory Golf and Country Club, and to the east by Interstate 75. The site consists primarily of melaleuca infested hydric pine flatwoods which have been partially cleared of natural vegetation for use as cattle pasture and small areas of pine flatwood uplands. There is also an extensive area of pine-cypress and slough wetlands in the northern portion of the site which have also been infested with melaleuca. The Protected Species Survey was conducted on January 13, 2000.

SITE CONDITIONS

The weather was cool and cloudy with temperatures in the low 60's during the course of the survey.

VEGETATION CLASSIFICATION

Listed below are the seven Florida Land Use Cover Classification System (FLUCCS) vegetation associations found on the subject parcel. These vegetation associations are found on the attached Vegetation Map.

FLUCCS 411M - Pine Flatwoods/Melaleuca Invaded (6.6acres)

FLUCCS 411HM - Pine Flatwoods-hydric/Melaleuca Invaded (6.8acres)

FLUCCS 411HM/740 - Pine Flatwoods-hydric/Melaleuca Invaded/Disturbed Land (24.9acres)

FLUCCS 424H/740 - Melaleuca-hydric/Disturbed Land (1.5acres)

FLUCCS 424/624 - Melaleuca/Cypress - Pine - Cabbage Palm (8.1 acres)

FLUCCS 616M - Inland Ponds and Sloughs/Melaleuca Invaded (4.4 acres)

FLUCCS 624M - Cypress - Pine - Cabbage Palm/Melaleuca Invaded (1.9 acres)

SURVEY METHOD

The Lee County Protected Species Ordinance lists several species of plants and wildlife as potentially inhabiting the vegetation associations found on the subject parcel. In order to provide at least 80% visual coverage of suitable habitat areas, a series of overlapping belt transects spaced between 50' and 75' apart were walked across the entire parcel. The attached 1" =200' scale aerial

depicts the results of the survey. Observations recorded during a Protected Species Survey would include signs such as tracks or nests as well as actual observation of a listed species.

FLUCCS	SPECIES	PRESENT	ABSENT
411M	Eastern indigo snake (<i>Drymarchon corais couperi</i>)		✓
411M	Gopher tortoise (<i>Gopherus polyphemus</i>)		✓
411M	Gopher frog (<i>Rana areolata</i>)		✓
411M	Southeastern American kestrel (<i>Falco sparverius paulus</i>)		✓
411M	Red-cockaded woodpecker (<i>Picoides borealis</i>)		✓
411M	Big Cypress fox squirrel (<i>Sciurus niger avicennia</i>)		✓
411M	Fakahatchee burmannia (<i>Burmannia flava</i>)		✓
411M	Satinleaf (<i>Chrysophyllum olivaeforme</i>)		✓
411M	Beautiful pawpaw (<i>Deeringothamnus pulchellus</i>)		✓
411M	Florida coontie (<i>Zamia floridana</i>)		✓
411M	Florida black bear (<i>Ursus americanus floridanus</i>)		✓

411M	Florida panther (<i>Felis concolor coryi</i>)		✓
616	Limpkin (<i>Aramus guarauna</i>)		✓
616	Little blue heron (<i>Egretta caerulea</i>)		✓
616	Snowy egret (<i>Egretta thula</i>)		✓
616	Tricolored heron (<i>Egretta tricolor</i>)		✓
616	Florida black bear (<i>Ursus americanus floridanus</i>)		✓
616	Florida panther (<i>Felis concolor coryi</i>)		✓
624	Florida black bear (<i>Ursus americanus floridanus</i>)		✓
624	Little blue heron (<i>Egretta caerulea</i>)		✓
624	Snowy egret (<i>Egretta thula</i>)		✓
624	Tricolored heron (<i>Egretta tricolor</i>)		✓
624	Florida panther (<i>Felis concolor coryi</i>)		✓

SPECIES DETECTED

The Protected Species Survey revealed the presence of no listed species on the subject property during the January 2000 survey.



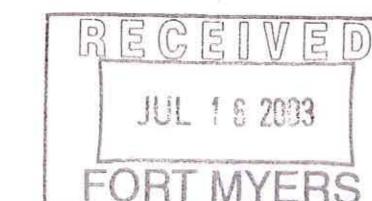
FLUCCS LEGEND

- 411M Pine Flatwoods/Melaleuca invaded (6.6 ac.)
- 411HM Pine Flatwoods - Hydric/Melaleuca invaded (6.8 ac.)
- 411HM/740 Pine Flatwoods - Hydric / Melaleuca invaded / Disturbed Land (24.9 ac.)
- 424H/740 Melaleuca - Hydric / Disturbed Land (1.5 ac.)
- 424/624 Melaleuca / Cypress - Pine - Cabbage Palm (8.1 ac.)
- 616M Inland Ponds and Sloughs / Melaleuca invaded (4.4 ac.)
- 624M Cypress - Pine - Cabbage Palm / Melaleuca invaded (1.9 ac.)

 Indicates Uplands

Crat. D. Shumatti PWS
SFwma jurisdiction

2-18-00



0 100 200
SCALE FEET

SECTION: 27
TOWNSHIP: 45 S
RANGE: 25 E

July 16, 2003 10:10:18 a.m.
Drawing: STUA11SOUTHPLN.DWG (DCS)

PERMIT USE ONLY, NOT FOR CONSTRUCTION

SHEET

JETPORT LEISURE
and COMMERCE CPD

PROTECTED SPECIES
ASSESSMENT

REVISED:

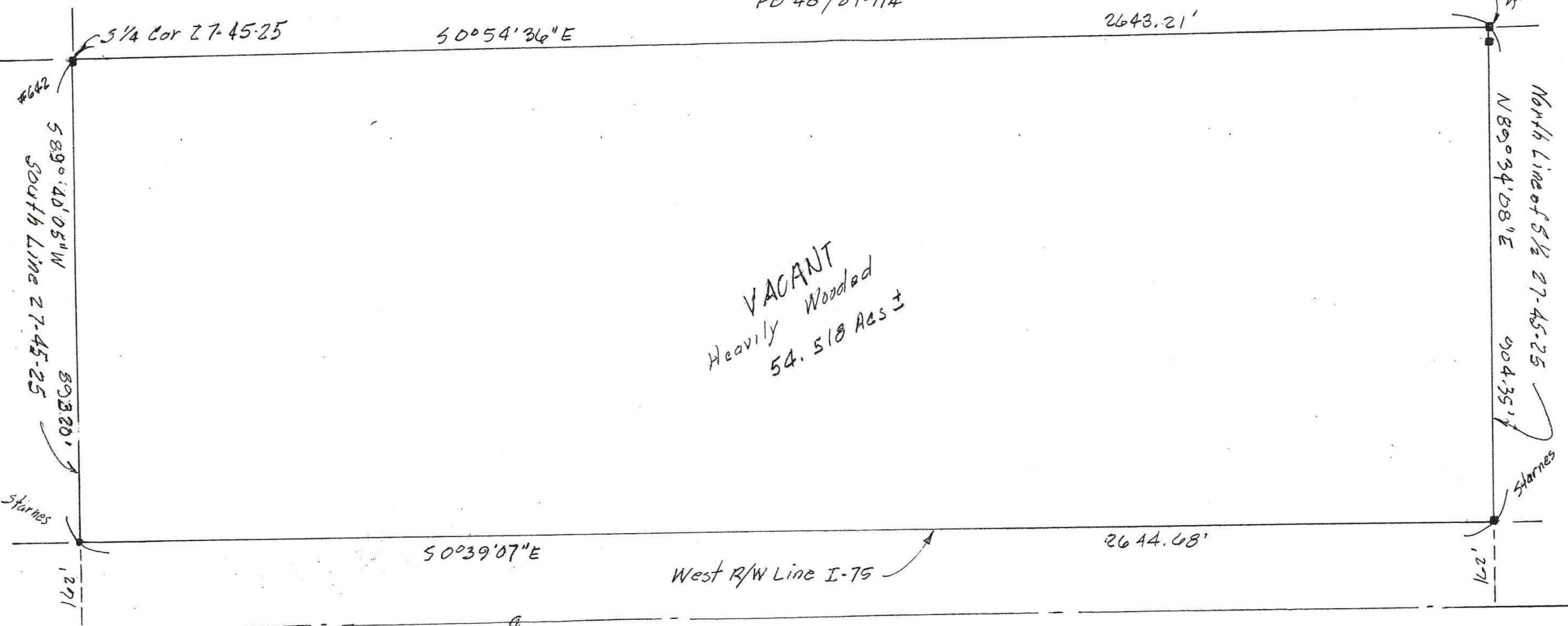
W. DEXTER BENDER
AND ASSOCIATES
ENVIRONMENTAL & MARINE CONSULTING
FORT MYERS, FL (941) 334-3680



Deed Bearing //

Old Hickory Golf & Country Club
PB 48 / 87-114

NW Cor SE 1/4 27-45-25



BOUNDARY, SOUNDINGS & WETLANDS

Legal Description: Part of the Southeast one-quarter (1/4) of Section 27, Township 45 South, Range 25 East, lying West of I-75 and being in Lee County, Florida, as stated in the Official Records 2962, Page 1372.

Certified To: Airport I-75 Land Trust
William E. Fitzgerald, Trustee

Certification: I hereby certify that this sketch of survey of the herein described property is a true and correct representation of a survey made under my direction, and that said survey is accurate and correct to the best of my knowledge and belief, and unless otherwise shown there are no visible encroachments. I further certify that the survey represented herein meets the Minimum Technical Standards for Land Surveying in the State of Florida, established pursuant to Chapter 61G17-6, Florida Administrative Code.

Date: 6/20/03
Scale: 1" = 200'
Job #: 12657-B

BY: R. L. Schumann
R. L. Schumann, RLS
Florida Rec. No. 2239

Date of Signature

LEGEND

○ = 1/2" Iron/Cap Set

● = 1/2" Iron Rod Found

■ = Concrete Monument Found

△ = PK Nail Set

▲ = PK Nail Found

P.U.E. = Public Utility Easement

N.G.V.D = National Geodetic Vertical Datum (1929)

- - - = Center Line

D = Deed

M = Measured

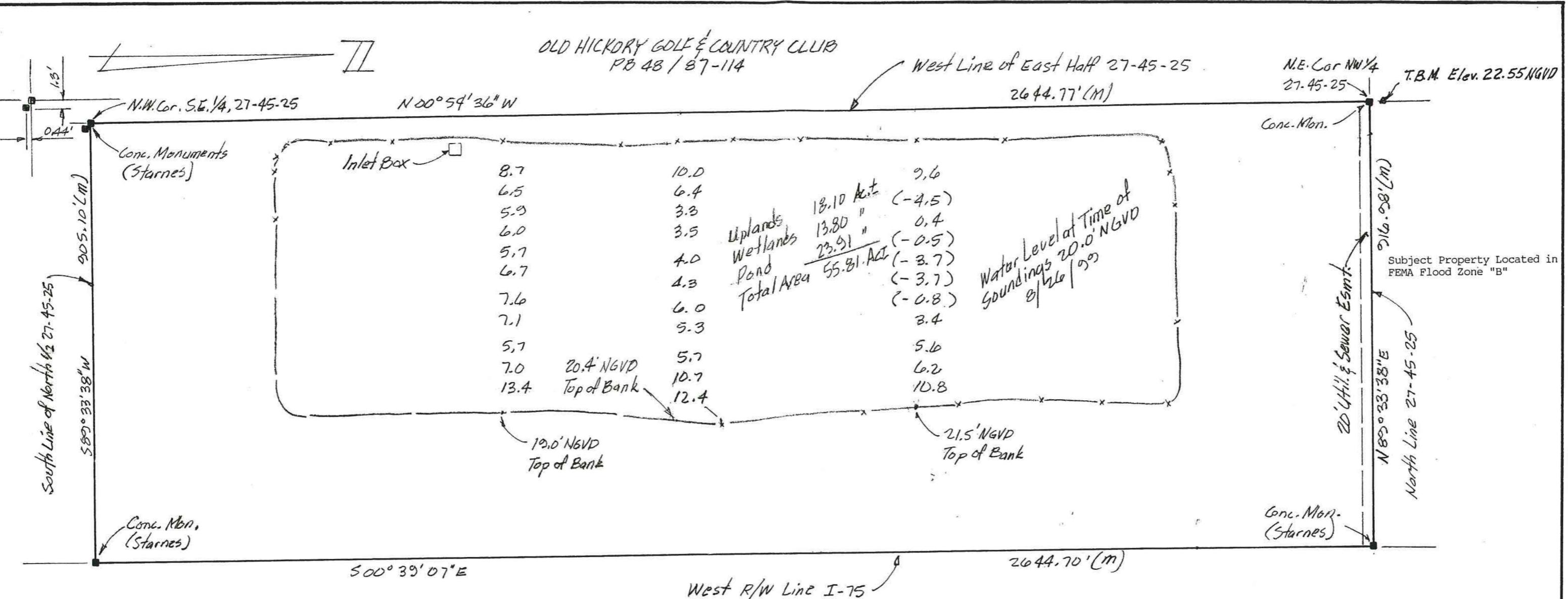
C = Calculated

R = Radius

P = Plat

NOTES:

1. Description as furnished by client. No search of the Public Records was conducted by this firm.
2. Elevations as shown are based on N.G.V.D. 1929 Datum unless otherwise stated.
3. Bearings are based on plat or deed.
4. Encroachments are based on plat.
5. There may be other easements not shown hereon recorded in the Public Records of the governing county.
6. No determination of Hazardous Waste Materials have been made by this firm.
7. Signor limits liability only up to the cost of the survey.
8. This survey is protected by copyright and All Rights Are Reserved.
9. Not valid without Signature and Raised Seal.



CERTIFICATION:
I HEREBY CERTIFY THAT THIS SKETCH OR SURVEY
OF THE HEREON DESCRIBED PROPERTY IS A TRUE
AND CORRECT REPRESENTATION OF A SURVEY MADE
UNDER MY DIRECTION, AND THAT SAID SURVEY IS
ACCURATE AND CORRECT TO THE BEST OF MY KNOW-
LEDGE AND BELIEF, AND UNLESS OTHERWISE SHOWN
THERE ARE NO VISIBLE ENCROACHMENTS. I
FURTHER CERTIFY THAT THE SURVEY REPRESENTED
HEREON MEETS THE MINIMUM TECHNICAL STANDARDS
FOR LAND SURVEYING IN THE STATE OF FLORIDA,
ESTABLISHED PURSUANT TO CHAPTER 61G17-6,
FLORIDA ADMINISTRATIVE CODE.

DATED: 08/27/99

SCALE: 1" = 200'

JOE: 12657

Boundary and Soundings

6/20/03 Revised to show Wetlands

BY: R. L. Schumann
R. L. SCHUMANN, RLS
FLORIDA REC. #2239

CERTIFY TO: Airport I-75 Land Trust

LEGAL DESCRIPTION:

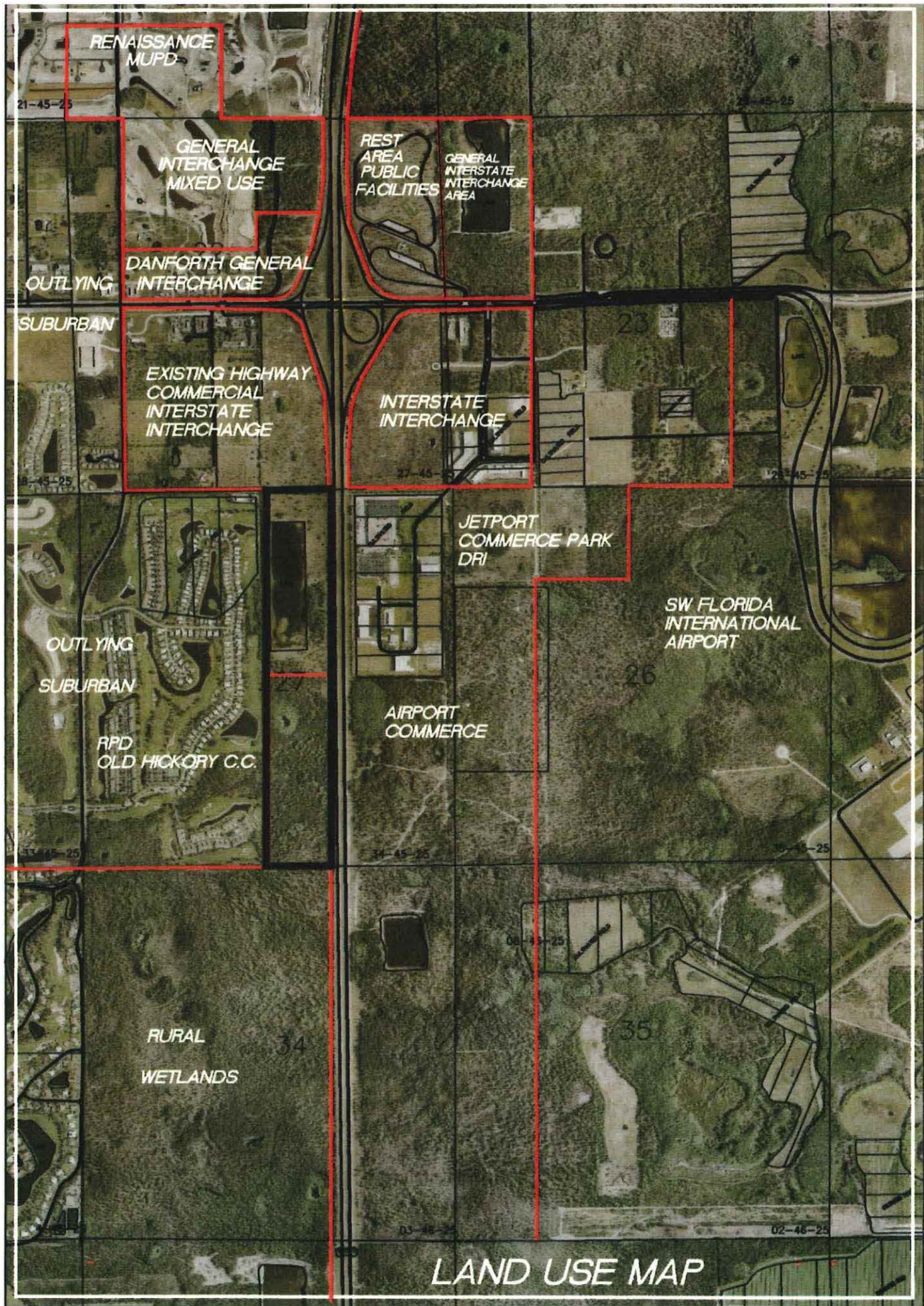
All of That property West of I-75 right of way in the East One Half of Section 27, Township 45 South, Range 25 East, lying and being in Lee County, Florida; Subject to a 20 feet easement across the North property line for utility and sewer line purposes.

NOTES

1. Description as furnished by client. No search of the Public Records was conducted by this firm.
2. Elevations as shown are based on N.G.V.D. 1929 datum unless otherwise stated.
3. Bearings are based on plat or deed.
4. Encroachments are based on plat.
5. There may be other easements not shown hereon recorded in the Public Records of governing county.
6. No Determination of Hazardous Waste Materials has been made by this firm.
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8. This survey is protected by copyright and all rights are reserved.

LEGEND

- = $\frac{1}{2}$ " Iron/Cap Set
- = $\frac{1}{2}$ " Iron Rod Found
- △ = PK Nail Set
- ▲ = PK Nail Found
- = Concrete Monument Found
- U.E. = Public Utility Easement
- D.E. = Drainage Easement
- P.C. = Point of Curve
- P.T. = Point of Tangent
- R.C. = Point of Reverse Curve
- R/W = Right of Way
- O.B. = Point of Beginning
- O.C. = Point of Commencement
- B.S. = Concrete Block Stucco
- V.D. = National Geodetic Vertical Datum (1929)
- P.P. = Power Pole
- PED. = Telephone Pedestal
- F.H. = Fire Hydrant
- C.B. = Catch Basin
- = Center Line
- D = Deed
- M = Measured
- C = Calculated
- P = Plat





PROTECTED SPECIES ASSESSMENT

“NORTH 54 ACRE” PARCEL

Section 07, Township 47 South, Range 25 East

Lee County, Florida

February 2003

Prepared By:

**W. Dexter Bender & Associates, Inc.
2052 Virginia Avenue
Fort Myers, FL 33901
(239) 334-3680**

INTRODUCTION

The 54± acre site is located on Section 27, Township 45 South, Range 25 East, in Lee County. The property is bordered to the north by open land, to the south by forested uplands and wetlands, to the west by Olde Hickory Golf and Country Club, and to the east by Interstate 75.

The site consists primarily of a 21.1 acre borrow pit located in the center of the site which is surrounded to the north and south by cattle pasture with melaleuca and Brazilian pepper infested wetlands are also present. The Protected Species Survey was conducted on February 10 and 12, 2003.

SITE CONDITIONS

The weather was cool and dry with temperatures in the 60's during the course of the survey. Ground cover on the site ranges from open cattle pasture to forested wetlands densely infested with melaleuca and Brazilian pepper.

VEGETATION CLASSIFICATIONS

The table below displays the various Florida Land Use Cover Classification System (FLUCCS) codes encountered on the subject parcel. All of these vegetation associations were surveyed for the presence of listed species.

FLUCCS	DEFINITIONS	APPROXIMATE ACREAGE	% SURVEYED
211 (SFWMD OSW)	Improved Pastures	7.7	+80
211H	Improved Pastures - Hydric	13.6	+80
422/424H	Brazilian Pepper/Melaleuca - hydric	2.0	+50
424H	Melaleuca - hydric	4.2	+50
740	Disturbed Land	1.1	+80
740H	Disturbed land - hydric	2.6	+80
742	Borrow Areas	21.1	+50
743	Spoil Areas	4.1	+80

SURVEY METHOD

The Lee County Protected Species Ordinance lists several species of plants and wildlife as potentially inhabiting the vegetation associations found on the subject parcel.

SPECIES DETECTED

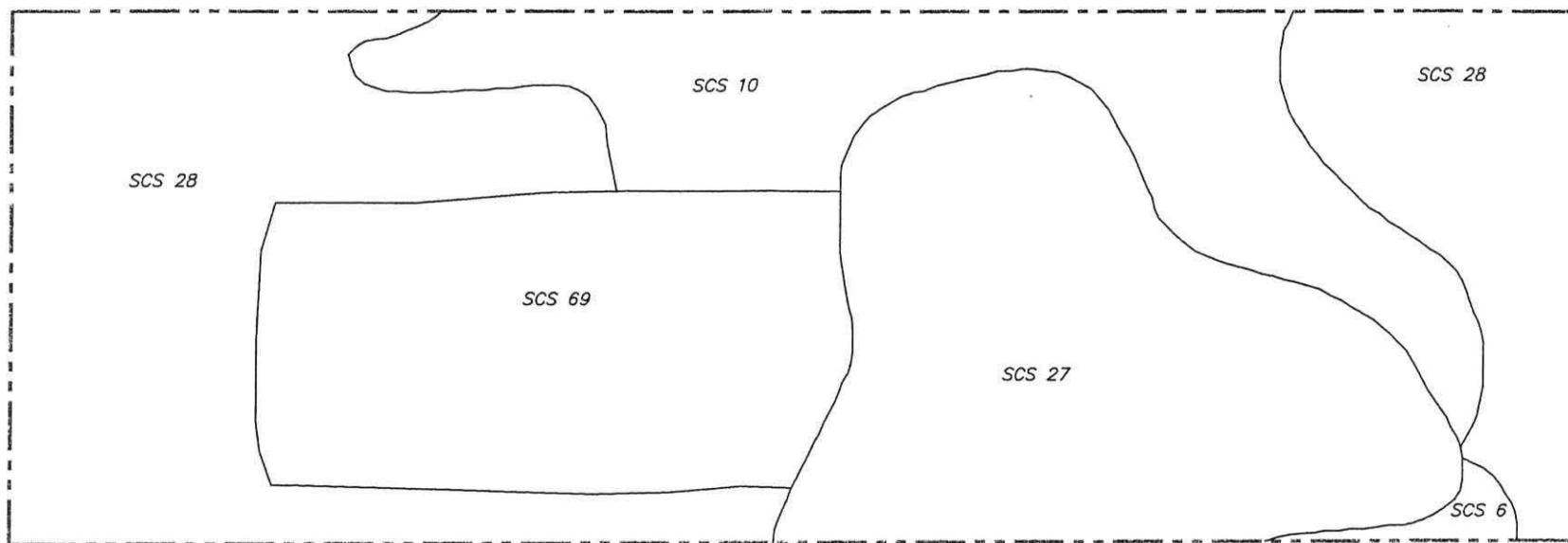
The Protected Species Survey revealed the presence of no listed species on the subject property. In order to provide at least 80% visual coverage of the required FLUCCS associations and at least 50% visual coverage of all other areas, a series of overlapping belt transects was walked across the entire parcel. If a sign or sighting were to have been observed, including signs such as tracks or nests as well as actual visual observation, then an aerial photograph would have been marked depicting the approximate location. The attached 1"=200' aerial photograph depicts the results of the survey.

Listed species which could occur on the subject property, according to the Lee County Ordinance, are as follows:

FLUCCS	SPECIES	PRESENT	ABSENT
211, 211H	Florida sandhill crane (<i>Crus canadensis pratensis</i>) Florida panther (<i>Felis concolor coryi</i>)		✓ ✓
740, 740H, 742, 743	Gopher tortoise (<i>Gopherus polyphemus</i>)		✓

RESULTS

The Protected species survey revealed the presence of no listed species on the subject property.



Soil Legend

SCS 6 - Hallandale fine sand
 SCS 10 - Pompano fine sand
 SCS 27 - Pompano fine sand, depressional
 SCS 28 - Immokalee sand
 SCS 69 - Matlacha gravelly fine sand


 0 100 200
 SCALE FEET

SECTION: 27
 TOWNSHIP: 45 S
 RANGE: 25 E

PERMIT USE ONLY, NOT FOR CONSTRUCTION

February 12, 2003 10:20:06 a.m.
 Drawing: STUA11PLN.DWG (DCS)



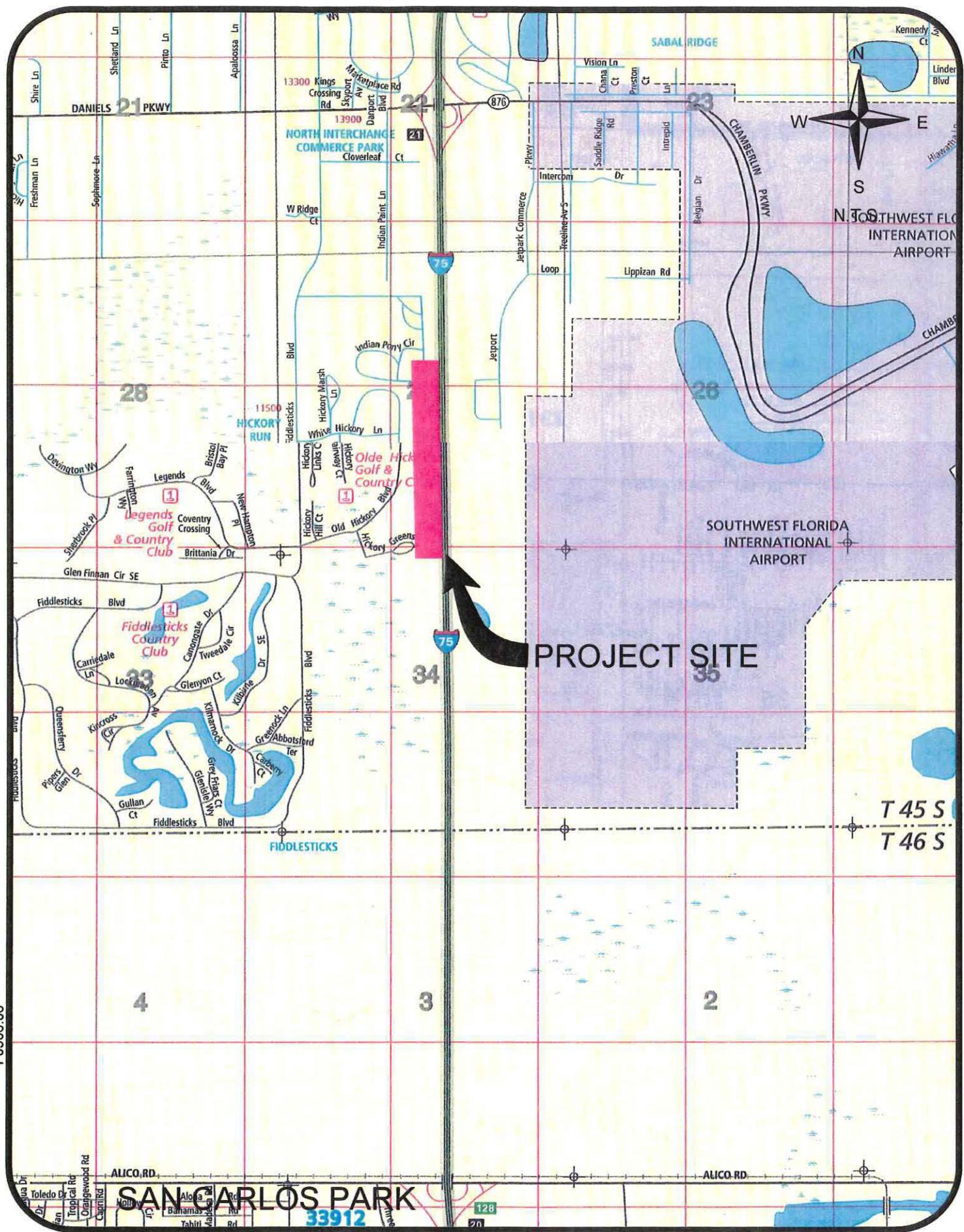
North 54 Acre Parcel

SOIL
MAP

	REVISED:

W. DEXTER BENDER
 AND ASSOCIATES
 ENVIRONMENTAL & MARINE CONSULTING
 FORT MYERS, FL (941) 334-3680







the Three Oaks Parkway extension. A second option currently under review is to curve Three Oaks Parkway along the east side of Olde Hickory Golf & County Club, adjacent or through the subject parcel, then curve back to the existing Fiddlesticks Boulevard south of Daniel Parkway. Each scenario indicates the connection to Daniels Parkway at the existing intersection of Fiddlesticks Boulevard and Daniels Parkway. Fiddlesticks Boulevard, from Daniels Parkway south to the entrance to Fiddlesticks County Club, is under the jurisdiction of the Lee County Department of Transportation.

III. PROPOSED PLAN AMENDMENT

The proposed Comprehensive Plan Amendment would change the future land use designation on the north ½ of the subject site from Outlying Suburban to Urban Community and the south ½ of the site from Rural to Outlying Suburban. The north 55 acres currently has an expired CPD that would permit up to 220,000 square feet of office uses. Therefore, for the existing uses permitted on the north ½ of the site, the 220,000 square feet of office uses was assumed to be a permitted use. Based on the permitted uses within the Lee Plan for the Urban Community for the north ½ of the parcel, the maximum intensity would not change (220,000 square feet of office uses). The site would not be eligible based on site location standards contained in the Lee Plan for any substantial amount of retail uses, even under the Urban Community Land Use designation.

For the southern parcel (approximately 54 acres), only seven (7) acres are actually uplands that would be permitted to be developed. This is based on information provided by Stuart & Associates. The remainder of the parcel is wetland areas that would not be developed based on environmental constraints. Based on the existing Rural land use designation, up to eight (8) single family homes could be built on this parcel. With the proposed land use modification and the seven (7) acres of buildable land, it was assumed that 10,000 square feet of office space could be constructed, or approximately 70,000 square feet of office space. The same site location standard issues would be present on this site, thereby limiting the amount of retail that could be developed.



Table 1 highlights the intensity of uses that could be constructed based on the proposed land use change.

Table 1
Fitzgerald 108 Trust
Future Land Uses

Land Use Category	Intensity
Urban Community	220,000 s.f. Office
Outlying Suburban	70,000 s.f. Office ¹

¹ Based on developable land of approximately 7 acres, assuming 10,000 s.f. per acre

IV. TRIP GENERATION

The trip generation for the uses was determined by referencing the Institute of Transportation Engineer's (ITE) report, titled *Trip Generation*, 7th Edition. Land Use Code 710 (General Office) was utilized for the trip generation of the proposed uses. Since the property would be contiguous, a total of 290,000 square feet of office uses was assumed for trip generation purposes. The trip generation equations for this use are located in the Appendix of this report for reference. **Table 2** indicates the number of trips anticipated to be generated by the lands uses permitted under the existing land use designation and the land uses permitted under the proposed land use designation. The only difference in the existing land use designations and the proposed land use designations is the permitted eight (8) single family homes in the Rural land use designation on the south portion of the parcel. Land Use Code 210 (Single Family Detached Homes) from the ITE Trip Generation report was utilized for this land use.



Table 2
Trip Generation Comparison
Existing Land Use Designation vs. Proposed Land Use Designation
Fitzgerald 108 Trust

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Existing Land Use (220,000 sq. ft. Office + 8 single family homes))	315	50	365	60	275	335	2,550
Proposed Land Use (220,000 sq. ft. Office)	390	50	440	70	335	405	3,030

V. TRIP DISTRIBUTION

An anticipated trip distribution onto the surrounding roadway system was then formulated based on the anticipated routes the drivers will utilize to approach the site. Based on current and projected population in the area and other existing or planned competing/complementary uses in the area, a distribution of the site traffic was formulated. The anticipated trip distribution of the development traffic is shown in **Table 1A** in the Appendix of this report.

VI. IMPACTS OF PROPOSED PLAN AMENDMENT

The transportation related impacts of the proposed comprehensive plan amendment were evaluated pursuant to the criteria in the application document. This included an evaluation of the long range impact (20-year horizon) and short range (5-year horizon) impact the proposed amendment would have on the existing and future roadway infrastructure.

Long Range Impacts (20-year horizon)

The Lee County Metropolitan Planning Organization's (MPO) long range transportation travel model was reviewed to determine the impacts the amendment would have on the



surrounding area. The subject site lies within Traffic Analysis Zone (TAZ) 690. Also included in this TAZ is the existing Olde Hickory Golf & Country Club, which contains both single family and multi-family dwelling units as well as an 18-hole golf course and related amenities. In addition, the vacant xx acres located to the north of the subject site and south of Daniels Parkway is also located in this TAZ. The model has both productions and attractions included in this zone. The productions basically include the existing homes in Olde Hickory. The attractions include commercial development that was previously approved on the northern portion of the parcel as well as trips from future commercial development that could occur on the parcel to the north of the subject site. Based on the latest conversion factors used by Lee County, the employment numbers included in the long range transportation model (FSUTMS) were converted to floor areas. Based on this conversion, the TAZ in the long range transportation model includes the land uses identified in **Table 3**.

Table 3
TAZ 690
Land Uses in Existing Travel Model (2020)

Land Use Category	Intensity
Single Family Homes	144 units
Multi-Family Homes	430 units
Hotel	240 rooms
Office	77,000 s.f.
Services (Retail)	479,000 s.f.

Comparing the trips from the proposed land use designation (multi-family units) in Table 2 to the number of trips estimated for the uses in the long range transportation model in Table 6, the trip generation would not be substantially increased with the proposed land use change.

Therefore, there are no improvements necessary to the long range transportation plan as a result of the change in land use designation from Outlying Suburban to Urban Community and Rural to Outlying Suburban. The trip generation based on ITE for the land uses under the proposed land use is not substantially more than the trip generation of the uses contained in the long range transportation model.



Short Range Impacts (5-year horizon)

The Lee County Capital Improvement Program for Fiscal Year 2003/2004 to 2007/2008 was reviewed, as well as the FDOT Draft Tentative Work Program for Fiscal Year 2004/2004 to 2008/2008 to determine the short term impacts the proposed land use change would have on the surrounding roadways.

Improvements in the FDOT Tentative Work program include the widening of I-75 south of Daniels Parkway to six lanes as well as the modification to the Alico Road interchange with I-75. These improvements are funded for construction in 2007/2008.

In the Lee County CIP, there are several projects that will provide additional roadway capacity in the immediate area. Alico Road is currently under construction to be widened from two lanes to six lanes between I-75 and U.S. 41. This project is scheduled to be completed in 2005. In addition, Lee County is proposing to extend Three Oaks Parkway from Alico Road to Daniels Parkway. This roadway is funded for construction in Fiscal Year 2007. The roadway is currently under study for alignment changes that would put the roadway between I-75 and the Olde Hickory Golf & County Club, adjacent to the subject site. This alignment is currently under review by the permitting agencies. Should the roadway alignment be approved, the subject site would have direct access to this multi-lane divided roadway. Should the roadway be constructed in the original alignment (between Olde Hickory G & C and Fiddlesticks G & C along the existing Fiddlesticks Boulevard), the site would have access to this roadway via Indian Pony Drive, which is an existing platted roadway that connects the site with Fiddlesticks Boulevard.

Level of Service Analysis

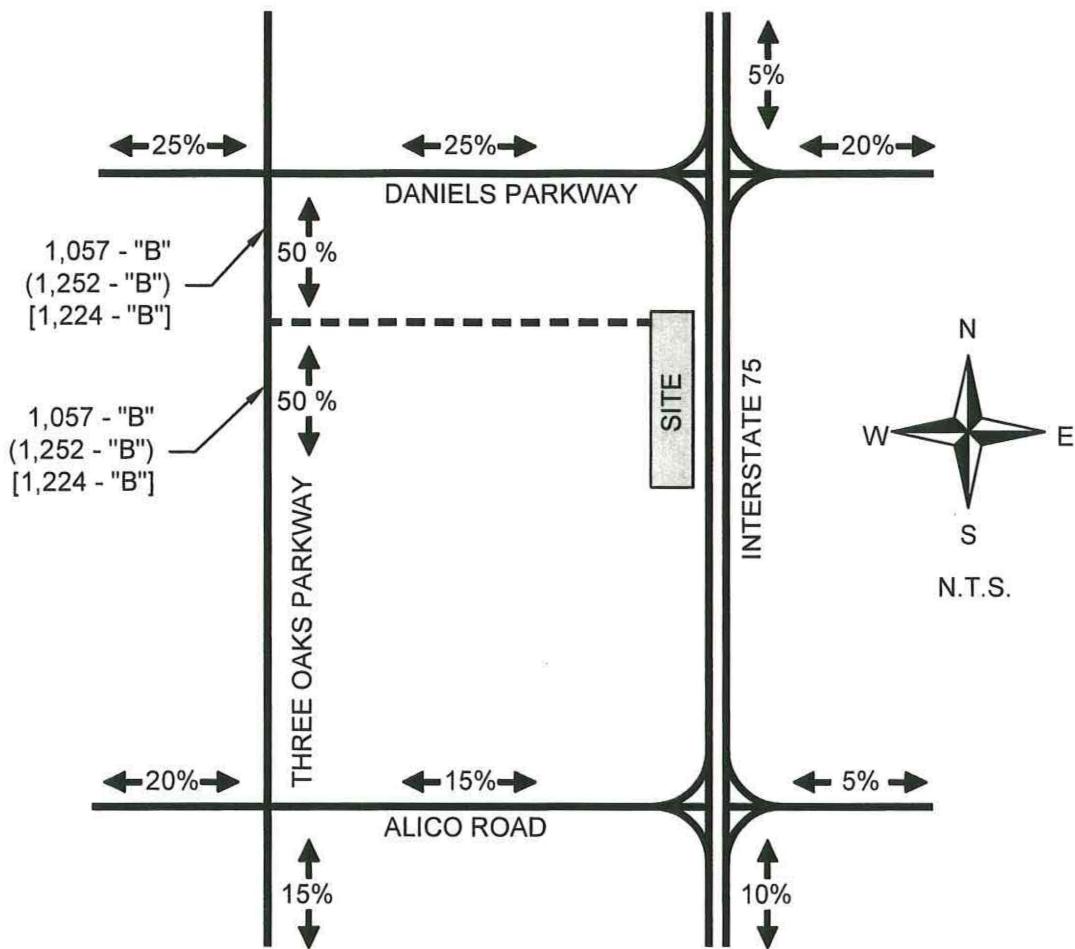
Based on the anticipated trip generation of the property under the proposed land use change, the roadway links in the vicinity of the site were analyzed based on the 100th highest hour, peak season, peak direction volume. The Link Specific Service Volumes, as developed by Lee County, were used to determine the future Level of Service on these roadways both with and without the project in the year 2009. For Three Oaks Parkway



and the six-lane Alico Road, the Generalized Level of Service Tables were utilized since the County does not have route specific service volumes for the roadways currently under construction or planned. **Table 2A**, contained in the Appendix of the report, outlines the methodology used in determining the 2009 traffic volumes as well as the growth rate utilized for each roadway segment.

Figure 2 indicates the year 2009 peak hour traffic volumes and Level of Service for the roadway links within the study area that would be significantly impacted. Noted on Figure 2 is the Peak Hour, Peak Direction volume and Level of Service of each link that is anticipated to be significantly impacted by the proposed project. Lee County defines “significant impact” as exceeding 10% of the LOS “C” volume for that particular roadway. Figure 2 indicates the Level of Service should no development occur on the subject site and the peak hour volume and Level of Service for the weekday A.M. and P.M. peak hours with the traffic from the land use modification added to the roadways. These values are also derived from **Table 2A** contained in the Appendix.

Based on the data from Table 2A, the proposed comprehensive plan amendment to modify the future land use designation on the subject site will not impact the short term roadway infrastructure or the adopted or tentative work programs for Lee County and FDOT.



LEGEND

↔20%↔ PERCENT DISTRIBUTION

XXX - "C" 2009 PEAK SEASON PEAK HOUR
PEAK DIRECTION BACKGROUND TRAFFIC
AND LEVEL OF SERVICE DESIGNATION

(XXX -"C") 2009 PEAK SEASON PEAK HOUR
PEAK DIRECTION BACKGROUND
TRAFFIC PLUS AM PROJECT TRAFFIC
AND LEVEL OF SERVICE DESIGNATION

[XXX -"C"] 2009 PEAK SEASON PEAK HOUR
PEAK DIRECTION BACKGROUND
TRAFFIC PLUS PM PROJECT TRAFFIC
AND LEVEL OF SERVICE DESIGNATION



VII. CONCLUSION

The proposed comprehensive plan amendment to modify the future land use from Outlying Suburban to Urban Community and from Rural to Outlying Suburban on just over 108 acres located south of Daniels Parkway and west of I-75 will not have an adverse impact on the long term or short term transportation network. The trip generation as a result of the land use change will not substantially increase when compared to the trips that would be generated under the existing land use designation.

\\K:\\03\\06\\06\\report.doc

APPENDIX

TABLE 1A & 2A

TABLE 1A
PEAK DIRECTION
PROJECT TRAFFIC VS. 10% LOS C LINK VOLUMES
5-YEAR HORIZON PLANNING ANALYSIS

TOTAL AM PEAK HOUR PROJECT TRAFFIC = 440 VPH IN= 390 OUT= 50
 TOTAL PM PEAK HOUR PROJECT TRAFFIC = 405 VPH IN= 70 OUT= 335

<u>ROADWAY</u>	<u>SEGMENT</u>	<u>ROADWAY</u>	PERCENT							
			<u>CLASS</u>	<u>VOLUME</u>	<u>VOLUME</u>	<u>VOLUME</u>	<u>VOLUME</u>	<u>VOLUME</u>	<u>PROJECT</u>	<u>PROJECT</u>
Alico Road	W. of Three Oaks Pkwy	6LD	0	760	2240	2700	2830	20.00%	78	3.5%
	W. of I-75	6LD	0	760	2240	2700	2830	15.00%	59	2.6%
	E. of I-75	6LD	0	760	2240	2700	2830	5.00%	20	0.9%
Daniels Pkwy	E. of Six Mile Pkwy	6LD	0	1270	2790	2990	3040	25.00%	98	3.5%
	W. of I-75	6LD	0	1270	2790	2990	3040	25.00%	98	3.5%
	E. of I-75	6LD	1880	2960	3040	3040	3040	20.00%	78	2.6%
	E. of Treeline Ave	6LD	1880	2960	3040	3040	3040	15.00%	59	1.9%
I-75	S. of Alico Road	4LF	1060	1720	2570	3310	4090	10.0%	39	1.5%
	S. of Daniels Pkwy	4LF	1060	1720	2570	3310	4090	0.0%	0	0.0%
	S. of Colonial Blvd	4LF	1060	1720	2570	3310	4090	5.0%	20	0.8%
Three Oaks Pkwy	S. of Daniels Pkwy	4LN	450	1630	1900	1950	1950	50.00%	195	10.3%
	N. of Alico Rd.	4LN	450	1630	1900	1950	1950	50.00%	195	10.3%
	S. of Alico Rd	4LN	450	1630	1900	1950	1950	15.00%	59	3.1%



- DENOTES SIGNIFICANTLY IMPACTED ROADWAY LINK

TABLE 2A
LEE COUNTY TRAFFIC COUNTS AND CALCULATIONS
5-YEAR PLANNING ANALYSIS

										<u>K-100</u>	<u>D</u>	<u>I</u>
TOTAL PROJECT TRAFFIC AM =		440	VPH	IN =	390	OUT=	50	I-75		0.10	0.58	0.934
TOTAL PROJECT TRAFFIC PM =		405	VPH	IN=	70	OUT=	335					
<u>ROADWAY</u>	<u>SEGMENT</u>	<u>PCS</u>	<u>BASE YR</u>	<u>2002</u>	<u>YRS OF</u>	<u>ANNUAL</u>	<u>PK SEASON</u>	<u>2003</u>	<u>2009</u>	<u>PERCENT</u>	<u>2009</u>	<u>2009</u>
				<u>ADT</u>	<u>ADT</u>	<u>GROWTH</u>	<u>PEAK DIR.¹</u>	<u>PK HR</u>	<u>PK HR</u>	<u>PROJECT</u>	<u>AM PROJ</u>	<u>PM PROJ</u>
Alico Road	W. of Three Oaks Pkwy	10	8500	18000	9	8.69%	1148	1893	20.00%	78	67	1971
	W. of I-75	10	8500	18000	9	8.69%	1148	1893	15.00%	59	50	1952
	E. of I-75	10	4600	9800	9	8.77%	584	967	5.00%	20	17	986
Daniels Pkwy	E. of Six Mile Pkwy	31	29400	48400	9	5.70%	2533	3532	25.00%	98	84	3629
	W. of I-75	31	29700	46400	9	5.08%	2266	3051	25.00%	98	84	3148
	E. of I-75	31	--	42300	0	5.08%	1824	2456	20.00%	78	67	2534
	E. of Treeline Ave	32	16800	35200	8	9.69%	1451	2527	15.00%	59	50	2585
I-75	S. of Alico Road	I-75	37500	60500	5	10.04%	3570	6338	10.00%	39	34	6377
	S. of Daniels Pkwy	I-75	44500	70500	5	9.64%	4145	7200	0.00%	0	0	7200
	S. of Colonial Blvd	I-75	38000	61000	5	9.93%	3596	6346	5.00%	20	17	6366
Three Oaks Parkway	S. of Daniels Pkwy	15	--	-	0	6.00%	745	1057	50.00%	195	168	1252
	N. of Alico Rd.	15	-	-	0	6.00%	745	1057	50.00%	195	168	1252
	S. of Alico Rd	10	3600	6400	9	6.60%	441	647	15.00%	59	50	706

¹ The 2003 Peak Hour, Peak Season, Peak Direction Traffic Volume was obtained from the 2002/2003-2003/2004 Lee County Concurrency Report

LOS ANALYSIS ON SIGNIFICANTLY IMPACTED LINKS

		<u>2009</u>	<u>2009</u>
		<u>BCKGRND</u>	<u>BCKGRND</u>
		<u>+ AM PROJ</u>	<u>+ PM PROJ</u>
		<u>LOS</u>	<u>LOS</u>
Three Oaks Parkway	S. of Daniels Pkwy	B	B
	N. of Alico Rd.	B	B

TAZ INFORMATION

TAZ 690

Z_DATA 1 file

TAZ	Single Family						Multi-Family Data						Hotel			
1 0 689	78	35	14	157	7	35	58	19	52	13	26	7	35	58	0 82	0
1 0 690	144	12	12	340	1	26	73	430	61	17	328	1	26	73	240 86	423
1 0 691	94	33	16	194	7	35	58	15	52	4	21	7	35	58	0 82	0

Z_DATA 2 file

TAZ	Comm.	Serv.	Tot				
	Emp.	Emp.	Emp.				
	2 689	0	0	0	0	0	0
2 690	0	248	1198	1446	0	0	0
2 691	0	0	0	0	0	0	0

TRIP GENERATION EQUATIONS

TRIP GENERATION EQUATIONS
FITZGERALD 108 TRUST
TRIP GENERATION EQUATIONS

Land Use	Weekday AM Peak Hour	Weekday PM Peak Hour	Daily (2-way)
Single-Family (LUC 210)	$T = 0.70 (X) + 9.43$	$\ln (T) = 0.90 \ln (X) + 0.53$	$\ln (T) = 0.92 \ln (X) + 2.71$
T = Trips, X = # of Units			
Office (LUC 710)	$\ln (T) = 0.80 \ln (X) + 1.55$	$T = 1.49 (X)$	$\ln (T) = 0.77 \ln (X) + 3.65$
T = Trips, X = 1,000 s.f. GLA			



STUART AND ASSOCIATES
Planning & Design Services

Memorandum

Date: May 16, 2005

To: Matt Noble

From: Greg Stuart *et al*

RE: The Fitzgerald Outlying Suburban Land Use Map Amendment

CC: Peter Blackwell; Paul O'Connor

Pete informed me this afternoon that because of the flow way mapped out on the Lee Plan, that your recommendation is not to transmit the amendment.

Please refer to the attached graphic and understand that the graphic depiction that Staff is relying on is substantially in error. Old Hickory Country Club and its golf course and drainage system abut the property to the west. The subject flow way was once a viable system but due to I-75 was cut off from its watershed. The remnant system cuts through the southern one-third of the country club and in fact, the country club was developed in a manner that preserved the flow way. The preservation of the subject flow way is clearly a planning and zoning issue along with an Environmental Resource Permitting issue (SFWMD). The pending staff recommendation to not transmit due to a zoning and site planning issue is not justified in that the properties current Rural designation is not consistent with Lee Plan policy; i.e., the geography of the site does not meet the Rural definition. Finally and as noted, the property is without any reasonable use under its existing designation.

The application calls for 60,000 SF of office on approximately 6 to 8 acres of land. If in fact there is a functionally viable flow way on the property, then the CPD process will deal with it. This is done all the time by staff and that there have been many cases where amendments have gone forward with flow ways. One example that comes to mind is the Brooks Rural to Urban Community amendment, with it containing the headwaters of Halfway Creek. Through the zoning process the headwaters were preserved.

I would very much appreciate it if we can discuss this matter before you finalize the report.

GS/mww/04.004/staff16may05.doc

Old Hickory CC

Subject Property



The Fitzgerald 55 Outlying Suburban Land Use Map Amendment



LEE COUNTY

SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Bob Janes
District One

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Andrew W. Coy
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
*County Hearing
Examiner*

December 16, 2004

Writer's Direct Dial Number: (239) 479-8585

Mr. Greg Stuart
c/o Stuart & Associates
5828 Cape Harbour Drive Suite 102
Cape Coral, Florida 33914

RE: CPA2004-04, Lee Plan Future Land Use Amendment

Dear Mr. Stuart:

Planning staff finds the above mentioned submittal is insufficient and further information is needed. The following applies to Part IV of the application:

- A. 2. Staff finds the applicant has not submitted a "Future Land Use Map" depicting the existing Future Land Use category for the subject site. Please submit map A.2.
- A. 3. Please **describe** the subject property's and surrounding properties existing land uses. If the parcels are being utilized today for agricultural uses such as unimproved pasture/grazing, please indicate so.
- A. 4. Staff finds the applicant has not submitted a map and description of zoning on the subject property and surrounding properties.
- B. 3.a. Staff finds the applicant has not submitted the required letter from the appropriate fire protection agency.
- B. 3. c. Staff finds the applicant has not submitted the required letter from the appropriate agency concerning solid waste management.
- C.2. The Soil maps submitted by the applicant do not identify the source of the soil data.
- C.3. The applicant has not provided a topographic map with 100-year flood prone areas as identified by FEMA.
- D.1 The applicant has not submitted maps showing existing and potential historic districts and/or sites listed on the Florida Master Site File on the subject property or adjacent properties.

D.2 The applicant has not submitted a map showing the location of the subject property on the Lee County Archeological Sensitivity Map.

The above comments reflect the sufficiency issues with your current application. In your letter of August 5, 2004 you state that you wish to continue the map amendment until the 2005 planning cycle, but to go forward with a Future Land Use Map amendment on the southern portion. If you proceed with this, planning staff requires that you submit a new application that reflects the new, more limited proposed amendment. This includes the legal description, maps, proposal language, and all other support documents.

Planning staff also requests a letter authorizing staff to enter the subject property, during normal business hours, to perform site inspections in conjunction with this request. If I can be of any assistance or if you have any questions, please do not hesitate to call me at 479-8312.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT, DIVISION OF PLANNING



Peter Blackwell

Planner

cc: Planning file: CPA2004-04



Fee History

Case #: CPA2004-00004

Case #: CPA2004-00004
Property Owner FITZGERALD WILLIAM E TR
Property Address 14301 INDIAN PAINT LN FT MYER
Contractor
License Number
Fax Number

LAND USE MAP AMENDMENT MAP#1

Description	Revenue Account Number	Fees	Paid	Date Paid	Due
Map Amendment > 20 Acres	LB5150715500.322000.9018	2,255.00	2,255.00	2/26/2004	0.00
Total Fees: \$2,255.00		Paid: \$2,255.00		TOTAL REMAINING DUE:	\$0.00

From: Lindsey Sampson
To: Noble, Matthew
Date: 3/24/04 6:53PM
Subject: Re: 2004 Lee Plan Private Amendments - Summaries...

Matt,

I don't have any objections to the requested amendments that are summarized below.

Lindsey

Lindsey J. Sampson
Lee County Solid Waste Division
sampsolj@leegov.com
Ph. 239-338-3302
Fax 239-461-5871

>>> Matthew Noble 03/23/04 07:50AM >>>
Good morning all,

Here is a brief summary for the Plan amendments that I email late yesterday:

1. CPA 2004-01 - Small Scale Amendment (from General Commercial Interchange to Central Urban)- Leeward Yacht Club L.L.C., Leeward Yacht Club Mixed Use Planned Development (Hansen's Marina property @ S.R. 80 & I-75).

(EAR ROUND OF AMENDMENTS PRIVATE REQUESTS:)

2. CPA 2004-02 - Text Amendment, Sue Murphy, AICP, Estero, allow outdoor storage over one acre within a portion of the General Interchange land use category at Corkscrew & I-75.

3. CPA 2004-03 - Text and FLUM Amendment, Weeks Landing L.L.C., Michele Pessin, Manager, Creation of the "Public Marine Mixed Use" category and application to Weeks Fish Camp property (23 acres).

4. CPA 2004-04 - FLUM Amendment, William Fitzgerald, Trustee, Amend from Outlying Suburban to Urban Community (54 acres) from Rural to Outlying Suburban (55 acres), located near Daniels Parkway & I-75 .

5. CPA 2004-05 - Text Amendment, Pine Island, Pine Island Agriculture & Landowners' Association, Inc., Amend Policy 14.2.2.

6. CPA 2004-06 - FLUM and Text Amendment, Florida Citrus Corporation, North East Lee County (Alva), Creation of the Rural Village land use category, Amend from Rural and Open Lands to the new Rural Village category for a 3,713 acre property.

7. CPA 2004-07 - Text Amendment, Watermen Development Group Corp., Buckingham, Amend Policy 17.1.3 to "allow lots to be clustered as part of an Agricultural Planned Development."

8. CPA 2004-08 - FLUM Amendment, Advance Homes, Inc., Mill Creek Florida Properties No. 3, L.L.C., Richard D. Fernandez, SW Florida Land 411 L.L.C., Development known as Oak Creek, Amend Rural to Suburban (10 acres), and Suburban to Rural (10 acres), North Fort Myers (near Raymond Lumber)

9. CPA 2004-09 - Text Amendment, Captiva Community Panel, Captiva, Proposing six additional policies.

10. CPA 2004-10 - FLUM Amendment, Hawks Haven Investment, L.L.C., East Lee County (off S.R. 80),

Amend approximately 1,623 acres of Rural and 79 acres of Suburban to Outlying Suburban with a density limit of 2 units per acre and Public Facilities (20 acres).

Matthew A. Noble, Principal Planner
Lee County Department of Community Development
Division of Planning
Email: noblema@bocc.co.lee.fl.us
(239) 479-8548
(941) 479-8319 FAX