



DIVISION OF PLANNING



LEE COUNTY

MEMORANDUM

SOUTHWEST FLORIDA

to: Board of County Commissioners
from: Paul O'Connor, AICP, Director
subject: Evaluation and Appraisal Report and Smart Growth Comprehensive Plan Amendments
date: Friday, December 1, 2006

Attached is your packet for the December 13th Comprehensive Plan Amendment Transmittal Hearing. This packet contains the amendments that were: recommended by the 2004 Evaluation and Appraisal Report (EAR); recommended by the Smart Growth Committee; initiated by the Board of County Commissioners; and, privately initiated. The agenda has been divided into a Consent Agenda and an Administrative Agenda.

The Consent Agenda contains those amendments which have both Staff and Local Planning Agency recommendations for transmittal to the Department of Community Affairs (DCA). These proposed amendments are minor, technical, or non-controversial in nature. There was little or no public participation on most of these items. Staff will follow this memorandum with a memorandum explaining the nature and intent of each of the Consent Agenda items.

The Administrative Agenda contains those amendments that have different recommendations between Staff and the Local Planning agency, contain unresolved issues, may receive additional public comment, or are privately initiated.

In addition to blocking out your calendars for Wednesday, December 13th, staff has reserved all day Thursday, December 14th as a backup day should the additional time be needed.

If you would like a briefing on the packet, I am more than happy to meet with you at your convenience.

cc: without attachments

Donald Stilwell, County Manager

David Owen, County Attorney

Mary Gibbs, Director, Department of Community Development

**2005/2006 EVALUATION AND APPRAISAL REPORT AND SMART GROWTH
INITIATIVE LEE PLAN AMENDMENTS
TRANSMITTAL HEARING**

**COMMISSION CHAMBERS, 2120 MAIN STREET
DECEMBER 13, 2006
9:30 A.M.**

AGENDA

- 1. Call to order; Certification of Affidavit of Publication**
- 2. Consent Agenda**
 - A. CPA2005-08 - Caloosahatchee Shores Community Plan**

Adopt a new Policy 21.1.4 directing the Caloosahatchee Shores Community to draft enhanced code enforcement standards for possible inclusion in the Land Development Code.
Sponsor: Board of County Commissioners/The East Lee County Council.
 - B. CPA2005-10 – Airport Noise Boundaries and Number of Gas Pumps**

Amend the Future Land Use Element Policies 1.2.2, 1.7.1, and 5.1.4 and the Community Facilities and Services Element Policy 66.3.11, and the Future Land Use Map Series, Map 1, Page 5 of 5, to reflect the revised FAR Part 150 Noise Study for the Southwest Florida International Airport. In addition, amend Table 5, Southwest Florida International Airport Proposed Development Schedule, to increase the number of gas pumps allowed from twelve (12) to twenty-four (24).
Sponsor: Board of County Commissioners/Port Board.
 - C. CPA2005-12 – Captiva Community Plan**

Amend Goal 13, Policy 6.1.2, Chapter XIII Single-Family Residence Provision and the definition of Density specific to the Captiva Community to incorporate the recommendations of the Captiva Island Community Planning effort.
Sponsor: Board of County Commissioners/Captiva Community Planning Panel.
 - D. CPA2005-13 – Community Planning**

Amend the Future Land Use Element to evaluate incorporating community planning policies into the Lee Plan.
Sponsor: Board of County Commissioners/Smart Growth Committee
 - E. CPA2005-16 – San Carlos/Estero Community Boundary**

Amend the Future Land Use Map Series, Map 16, Lee County Planning Communities, to adjust the boundary between the Estero and San Carlos Planning Communities west of U.S. 41.
Sponsor: Board of County Commissioners.

- F. CPA2005-17 – Long Range Transportation Plan**
Amend the Transportation Element to update Policy 36.1.1 and the Transportation Map series, Map 3, to reflect the new 2030 MPO Long Range Transportation Plan.
Sponsor: Board of County Commissioners
- G. CPA2005-18 – LOS Standards For SIS/FIHS/TRIP Funded Roads**
Amend the Transportation Element to update Policy 37.1.1 to reflect new State LOS standards for SIS/FIHS/TRIP-funded roads.
Sponsor: Board of County Commissioners.
- H. CPA2005-19 – FDOT Quality LOS Handbook**
Amend the Transportation Element to update Policy 37.1.4 to refer to the 2002 FDOT Quality LOS Handbook.
Sponsor: Board of County Commissioners.
- I. CPA2005-20 – Deletion of Policy 38.2.3**
Amend the Transportation Element to delete Policy 38.2.3.
Sponsor: Board of County Commissioners.
- J. CPA2005-21 – Update Reference to the LeeScape Master Plan**
Amend the Transportation Element to update Objective 40.3 to refer to the latest version of the LeeScape (Lee County Roadway Landscape) Master Plan.
Sponsor: Board of County Commissioners.
- K. CPA2005-22 – Mass Transit Update**
Amend the Transportation Element Mass Transit Sub-Element's Goals, Objectives and Policies as identified in the most recent Evaluation and Appraisal Report.
Sponsor: Board of County Commissioners.
- L. CPA2005-23 – Ports, Aviation and Related Facilities Update**
Amend the Transportation Element Ports, Aviation and Related Facilities Sub-Element's Goals, Objectives and Policies as identified in the most recent Evaluation and Appraisal Report.
Sponsor: Board of County Commissioners.
- M. CPA2005-25 – Change Lee Plan Horizon to the year 2030**
Amend the Lee Plan to change the references from the year 2020 to the year 2030 and update the Vision Statements to the year 2030.
Sponsor: Board of County Commissioners.
- N. CPA2005-27 – Update CIE Tables 3 and 4**
Amend the Capital Improvements Element (Tables 3 & 4) to reflect the latest adopted Capital Improvement Program.
Sponsor: Board of County Commissioners.

- O. CPA2005-28 – Conservation Lands Update**
Amend the Future Land Use Map Series, Map 1, by updating the Conservation Lands land use categories.
Sponsor: Board of County Commissioners.
- P. CPA2005-29 – Public Facilities Update**
Amend the Future Land Use Map Series, Map 1, the Future Land Use Map, to update the mapped Public Facilities future land use category by adding and/or removing lands to more accurately identify publicly owned lands.
Sponsor: Board of County Commissioners.
- Q. CPA2005-33 – Police and Justice Sub-Element Update**
Amend the Community Facilities and Services Element Police and Justice Sub-Element Objective 69.1 to delete the referenced date and to acknowledge the ongoing nature of the objective. In addition amend Policies 69.2.2 and 69.2.3. to reflect the existing status of substation facilities.
Sponsor: Board of County Commissioners.
- R. CPA2005-35 – New Urbanism Definitions**
Amend the Lee Plan Glossary to incorporate new and amend existing definitions to incorporate the principles of New Urbanism.
Sponsor: Board of County Commissioners.
- S. CPA2005-39 – Commercial FLUM Category**
Amend Goal 1 of the Future Land Use Element, the Future Land Use Map Series, Map 1, and Table1(a), by adding a new “commercial only” future land use category.
Sponsor: Board of County Commissioners.
- T. CPA2005-40 – Sub-Outlying Suburban FLUM Category**
Amend Goal 1 of the Future Land Use Element, the Future Land Use Map series, Map 1, and Table 1(a) and Table1(b), Summary of Residential Densities, by adding a new future land use category having a maximum density of 2 dwelling units per acre.
Sponsor: Board of County Commissioners.
- U. CPA2005-41 – Manatee Protection Plan**
Amend the Conservation and Coastal Management Element and the Future Land Use Element to incorporate the "boating facility siting element" of the Manatee Protection Plan required by F.S. 370.12.(2)(t)(3).
Sponsor: Board of County Commissioners.
- V. CPA2005-42 – Economic Element Update**
Amend the Lee Plan, Economic Element, for general updates as the element has not been updated since its creation in 1993.
Sponsor: Board of County Commissioners.

- W. CPA2005-43 – Single Family Residence Provision Update**
Amend the Procedures and Administration Element by updating the Single-Family Residence Provision.
Sponsor: Board of County Commissioners.
- X. CPA2005-45 – Beach and Dune Management Plans**
Amend Policy 113.3.1 in order to update the list of critical erosion areas under Beach and Dune Management Plans.
Sponsor: Board of County Commissioners.
- Y. CPA2005-47 – Housing Element Update**
Amend the Lee Plan to update the Housing Element reflecting the findings of the most current Housing Needs Assessment.
Sponsor: Board of County Commissioners.

3. Administrative Agenda

- A. CPA2005-02 – Webb/Buckingham**
Amend the Future Land Use Map Series, Map 1, to change +/-95 acres from the Rural Future Land Use Designation to the Urban Community Future Land Use Designation and to change the boundaries in the Future Land Use Map series, Map 16, to place the property in the Lehigh Acres Planning Community.
Sponsor: Carlton Land Holdings LLC.
- B. CPA2005-05 – Three Oaks North**
Amend the Future Land Use Map Series, Map 1, for 83± acres in the northwest quadrant of I-75 and Alico Road, Section 3, Township 46 South, Range 25 East, Lee County, Florida, lying west of I-75 from "Industrial Development" to "Industrial Commercial Interchange."
Sponsor: Paul H. Freeman, Trustee
- C. CPA2005-07 – River Hall (FKA Hawk's Haven)**
Amend the Future Land Use Map Series for a specified parcel (approximately 1,727 acres) located in Sections 25, 26, 27, 34, 35, and 36, Township 43 South, Range 26 East to change the Future Land Use classification shown on Map 1 from "Rural" and "Suburban" to "Outlying Suburban" and "Public Facilities." Amend Table 1(a), Footnote 6 to limit development in the plan amendment area to 2 units per acre and place a specific cap on residential development of 2,800 dwelling units on the specified property.
Sponsor: Hawks Haven Investment LLC
- D. CPA2005-09 - Palm Beach Community Plan**
Amend the Future Land Use Element to add a Goal, Objectives, and Policies that are specific to the Palm Beach Community.
Sponsor: Board of County Commissioners/The East Lee County Council.

- E. CPA2005-11 – Greenways Recreational Trails Master Plan**
Incorporate the Lee County Multi-Purpose Recreational Trails and Greenways Master Plan into the Lee Plan. Revise Goal 85, Objective 85.1, Policy 85.1.2, Policy 85.1.3, Policy 85.1.4, Policy 85.1.5, and Policy 107.1.1(4.)(d.). Incorporate proposed new Policy 40.4.6, Policy 40.4.7, Policy 40.4.8, Policy 77.3.6, Policy 77.3.7, new Objective 85.4, Policy 85.4.1, Policy 85.4.2, new Goal 80, new Objective 80.1, Policy 80.1.1, Policy 80.1.2, new Objective 125.3, and Policy 125.3.1. Incorporate proposed new Map 22 (Lee County Greenways Multi-Purpose Recreational Trails Master Plan Map) into the Lee Plan.
Sponsor: Board of County Commissioners.
- F. CPA2005-24– Update Transportation Concurrency Policies**
Amend the Transportation Element to update transportation concurrency related Objectives and Policies to reflect current County policy and recent changes in state law.
Sponsor: Board of County Commissioners.
- G. CPA2005-26 – Update BEBR Population Projections**
Amend the Lee Plan text and tables to reflect the latest BEBR population projections. Also, amend Map 16 to reflect current city boundaries.
Sponsor: Board of County Commissioners.
- H. CPA2005-37 – New Urbanism**
Amend the Future Land Use Element to include and revise Goals, Objectives, and Policies to incorporate the concepts and principles of New Urbanism, Traditional Neighborhood Design, and Transit Oriented Development. Amend the Future Land Use Map Series to include an overlay depicting areas where mixed use development will be allowed to calculate residential density from commercial property when smart growth principles are applied.
Sponsor: Board of County Commissioners.
- I. CPA2005-46 – Smart Growth Recommendations**
Amend the Lee Plan to incorporate the recommendations from the County's Smart Growth Initiative into the Lee Plan.
Sponsor: Board of County Commissioners.
- J. CPA2005-49 – Update Goal 10 Natural Resource Extraction**
Amend the Lee Plan to address the further impacts of mining and steps needed for adequate mitigation or prevention of adverse impacts. Further, recommendations are made to prevent future land use conflicts between mining and other uses in rural areas. Goal 10, Natural Resource Extraction, is proposed to be expanded to include measures for rock mining, and for mitigation of rock mining impacts with adjacent land uses.
Sponsor: Board of County Commissioners.

8. Adjourn

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Administrative Agenda Items

CPA2005-05
Three Oaks North

**CPA2005-05
THREE OAKS NORTH
PRIVATELY INITIATED
AMENDMENT
TO THE**

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

**Privately Initiated Application
and Lee County Staff Analysis**

**BoCC Public Hearing Document
For the
December 13th, 2006 Public Hearing**

**Lee County Planning Division
1500 Monroe Street
P.O. Box 398
Fort Myers, FL 33902-0398
(239) 479-8585**

December 1, 2006

**LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA2005-05**

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: November 14, 2006

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. APPLICANT/REPRESENTATIVE:

Paul H. Freeman, Trustee represented by Quattrone and Associates, Inc.

2. REQUEST: Amend the Lee Plan's Future Land Use Map series for 169.2± acres in northwest quadrant of I-75 and Alico Road. Section 3, Township 46 South, Range 25 East, Lee County, Florida, lying west of I-75 from Industrial Development and Wetlands to Industrial Commercial Interchange and Wetlands.

3. REVISED REQUEST: Amend the Lee Plan's Future Land Use Map series for 82.86± acres in northwest quadrant of I-75 and Alico Road. Section 3, Township 46 South, Range 25 East, Lee County, Florida, lying west of I-75 from Industrial Development and Wetlands to Industrial Commercial Interchange and Wetlands.

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION: Planning staff recommends that the Board of County Commissioners **not** transmit the proposed amendment to the Lee Plan to the Department of Community Affairs.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- Alico Road from US 41 to I-75 is projected to fail by 2030, based on the network contained in the Financially Feasible Plan.
- The change is not a "spot" redesignation of the Industrial Commercial Interchange category and does not create an isolated island of the Industrial Development category.
- The change will improve on the ability to maintain a diverse economy.
- The change may help to facilitate a working partnership with the Florida Gulf Coast University.
- The change will not impact the population accommodation of the adopted Lee Plan Future Land Use Map.

C. BACKGROUND INFORMATION

1. EXISTING CONDITIONS:

SIZE OF PROPERTY: 82.86 acres (4.522 wetland acres)

PROPERTY LOCATION: The property is generally located north of Alico Road, West of Interstate 75, east of the proposed Three Oaks Parkway extension.

EXISTING USE OF LAND: The applicant has provided information that the subject property is currently use is "vacant/agriculture".

CURRENT ZONING: The property is currently zoned AG-2.

CURRENT FUTURE LAND USE CATEGORY: The subject property is designated Industrial Development and Wetlands.

2. BACKGROUND DISCUSSION:

The applicant is requesting a change in the property's future land use category from Industrial Development to Industrial Commercial Interchange to allow the creation of "a commercial office, retail and recreation center, a dedication to FGCU to anchor a proposed research park and to expand off campus functions, and a light industrial park that is sensitive to and compatible with the abutting areas with a sensitivity to this highly visible Interstate Corridor Location."

The application states: "The change would allow the property to increase the permitted commercial and office building uses for a comprehensive business park and increase the usefulness for FGCU, to anchor a proposed research park and to expand off campus functions onto land the applicant intends to donate."

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

INTRODUCTION

The proposed amendment is the result of a desire to expand the allowable uses of the property from the limited commercial and office uses allowed in the Industrial Development future land use category to allow greater flexibility of those uses. The property fronts on Interstate - 75 and has a high visibility.

COMPREHENSIVE PLAN BACKGROUND

In 1984 the property was designated as Industrial Development. The property to the north was designated Rural. In 1996 staff proposed changing the property to the north from Rural to Industrial Development. That change was approved by the Board of County Commissioners. The adjacent properties to the south were also designated Industrial Development. During the 1994 Evaluation and Appraisal amendments the Industrial Commercial Interchange located along Alico Road was expanded to the north and now is contiguous to the subject property. The request would therefore be a further expansion to the north of the interchange use.

SURROUNDING ZONING, LAND USES, AND FUTURE LAND USE DESIGNATION

The application states:

- North of subject parcel is zoned AG-2
- South of subject parcel is zoned CPD
- East of subject parcel is zoned MPD
- West of subject parcel is zoned AG-2 and pending IPD

TRANSPORTATION/TRAFFIC CIRCULATION IMPACTS

The Lee County Department of Transportation has review this proposal and sent a memorandum to the Director of Planning. The text of that October 25, 2006 memo follows:

"The Department of Transportation has reviewed the above-referenced privately-initiated future land use map plan amendment, to change 169.2 acres north of Alico Road

and west of I-75 from the "Industrial" to "Industrial Commercial Interchange" land use category. As indicated in an October 11th e-mail from your staff, the new designation would allow a maximum of 1,692,000 square feet of commercial retail use as a worst case scenario assuming development of the full 169.2 acres, and about 1,152,000 square feet of commercial retail use based on only 93 developable acres on the site. We have run the 2030 Financially Feasible Plan FSUTMS travel demand model for three scenarios: (1) no project; (2) with the project (1,152,000 square feet of commercial); and (3) with the maximum allowable (1,692,000 square feet of commercial).

Under all three scenarios, the six lane section of Alico Road from US 41 to I-75 is projected to fail by 2030, based on the network contained in the Financially Feasible Plan. There is an improvement contemplated in the 2030 Needs Plan network that would relieve Alico Road, the four lane Alico Expressway from Summerlin Road to SR 82, but a definitive source of funding for that improvement has not yet been identified. The potential alignment of the Alico Expressway could affect the property subject to this proposed Three Oaks North comprehensive plan amendment, but no right-of-way has been reserved through the site. The MPO plan suggests the Alico Expressway should be evaluated as a toll facility. Nevertheless, the projected condition of Alico Road based on the Financially Feasible Plan (without the Alico Expressway) begs the question of whether we should be approving any intensity increases in the area that could make a bad situation worse.

Beyond the Alico Road issue, the second scenario with 1,152,000 square feet of commercial also results in the failure of the four lane Three Oaks Parkway from Alico Road up to the project entrance by 2030. Without the project that segment is at Level of Service "B", so the addition of the project clearly has a detrimental effect. The third scenario with 1,692,00 square feet of commercial makes the situation worse, extending the failure on Three Oaks Parkway the entire length between Alico Road and Daniels Parkway. The six laning of this segment is not currently part of the financially feasible plan.

The County's plan amendment package states "(a)n 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." An applicant in this scenario has two options to avoid a staff recommendation of denial: (1) make the financial commitment to cover the full cost of the needed improvement (in this case six laning Three Oaks Parkway) so it can be added to the financially feasible plan; or (2) reduce the level of development so that the impacts don't cause the need for an additional improvement."

Subsequent to these comments the applicant has amended the application to exclude 86.6 acres of the northern half of the proposal. The new impacts from the reduced proposal

assume 783,380 square feet of commercial. DOT staff reran the proposal with the new reduced impacts. The new reduced impacts do affect the level of service for Three Oaks Parkway. Under the new scenario Three Oaks Parkway maintains a level of service of C and is therefore not a problem. Unfortunately, as indicated above in the first scenario with no impacts from this project Alico Road fails. The recommendation not to increase intensity in the area that could make the failing of this roadway facility worse remains.

POPULATION ACCOMMODATION

The request is to change from Industrial Development to Industrial Commercial Interchange. Neither of these categories allows residential uses. Therefore the population accommodation of the Future Land Use Map (FLUM) is not affected.

ENVIRONMENTAL CONSIDERATIONS

Environmental Sciences staff is currently reviewing an application to the South Florida Water Management (SFWMD) district for an Environmental Resource Permit (ERP) for the Three Oaks Parkway and Oriole Road extension. This permit encompasses some 56.86 acres. Associated with this permit application is a request for conceptual approval of the surface water management system serving an additional 538.48 acres, known as the Three Oaks Commerce Park. The subject property is included in that acreage. The SFWMD staff is recommending approval of the ERP application. No objection is expected from Environmental staff.

SOILS

A map of the soils for the property is included in the application as Exhibit C-1 and C-2.

HISTORIC RESOURCES

According to the application, there are not any historical resources located on the property and the subject parcel is not located in one of the two levels of the archeological sensitivity areas.

SCHOOL IMPACTS

With no increase in population the proposed amendment will not impact the school district. No additional classrooms will be required.

PARKS, RECREATION, AND OPEN SPACE

With no increase in population the proposed amendment will not impact Community or Regional Park needs.

POLICE

The subject property is located within the service area of Lee County Sheriff's Office. A letter confirming the availability of service has been submitted.

FIRE

The subject property is located within the service area of the San Carlos Fire District. To date no letter confirming the availability of service has been submitted. Staff understands that the services will be available.

EMERGENCY MEDICAL SERVICES (EMS)

The subject property is located within the service area of Lee County Emergency Medical Services. To date no letter confirming the availability of service has been submitted. Staff understands that the services will be available.

SOLID WASTE

The subject property is served by Lee County Solid Waste. To date no letter confirming the availability of service has been submitted. Staff understands that the services will be available.

MASS TRANSIT

Lee Tran Rout 60 runs along Alico Road from Oriole Road to Three Oaks Parkway. The opening of the Three Oaks Parkway and the Oriole Road extensions and the establishment of an employment center on the subject property mass transit could be revised to serve this area.

UTILITIES

The subject property is located within the future service area of Lee County Utilities. To date no letter confirming the availability of service has been submitted. Staff understands that the services will be available.

B. CONCLUSIONS

Most of the urban services necessary to support the proposed change of use are in place or can be made available. The proposed changes to the allowable uses for the subject property have merit. Development of a wider range of uses, including research and development facilities, on property with such a high visibility from Interstate-75 has a certain appeal. However, with or without the proposed Lee Plan amendment, Alico Road is projected to fail by the year 2030. This fact makes recommending approval of an increase in intensity for the subject property unfeasible.

C. STAFF RECOMMENDATION

Staff recommends that the proposed amendment not be transmitted. Staff further recommends that the county through the Office of Economic Development, the Department of Transportation, and the Department of Community Development work with the property owner to try to address the transportation issues on Alico Road. If a

solution to the roadway problems can be identified this amendment should be brought back for additional consideration.

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

PUBLIC HEARING DATE: November 27, 2006

A. LOCAL PLANNING AGENCY REVIEW

Staff made a brief presentation to the LPA to introduce the amendment and state the recommendation. This was followed by the applicant's presentation which emphasized the working partnership with Florida Gulf Coast University including the donation of land for a 50,000sf office building for research and development activities. The applicant explained the intended development would include office uses not necessarily related to the industrial uses within the development. Per the Lee Plan Industrial Development category, office uses must be specifically related to adjoining industrial uses. The commercial retail uses envisioned for the site will serve the workers not only of this site, but also the employees of the over 6 million square feet of industrial uses already approved in the Industrial Development lands to the west of the project. The applicant also stated the projects proximity along I-75 (a corridor approximately 1,900 feet in length) and closeness to the entrance of The Southwest Florida International Airport establishes this project as a gateway to Lee County. This amendment will allow some flexibility in producing an attractive commercial corridor at this location. The applicant explained how the proposal was "scaled back" to address the impacts on the future Three Oaks Parkway extension from Alico Road to Daniels Parkway. The property included in the request was reduced from over 169 acres to less than 83 acres. The applicant realizes that this reduction in the request does not eliminate the concerns raised by Lee County DOT regarding Alico Road. The applicant stated they understand that the issues with Alico Road will need to be addressed prior to any development occurring on the site. It was also stated that, since Alico Road is projected to fail regardless of how the subject property is developed. Therefore, the problem is not isolated to this site but needs to be addressed for the entire Alico Road corridor.

No public comment was received on this amendment.

The LPA discussed the fact that this proposal was an appropriate change on the Future Land Use Map to allow a public/private partnership with the university and related uses that are not possible with the existing Future Land Use Designation. One LPA member inquired about the service providers specifically utilities. When the report for the LPA was printed, this information was not available, since that time staff has received the letters from the applicant from the San Carlos Fire Department, State of Florida Division of Historical Resources, Lee County Utilities, Lee County Solid Waste, Lee County School District, Lee County Sheriff's Department, and the Southwest Florida International Airport. These letters are now included in the attached application

package. The discussion then focused primarily on the issue which was the basis for staff's recommendation, the fact that Alico road is projected to fail by the Year 2030. The LPA was informed that Alico Road will fail regardless of the development on the subject site and the Level of Service situation requires a solution with or without this amendment being approved. The proposed site is less than 4% of the entire area north of Alico Road designated Industrial Development and Industrial Commercial Interchange. The LPA continued the discussion on the most appropriate designation for the site in terms of furthering the goals of the County. The LPA concluded that the county needed to be "forward thinking" regarding Future Land Use decisions. One LPA member stated "Don't hold the property from good planning based on a technical issue that will need to be resolved prior to permitting". The motion was made and seconded to recommend transmittal of this amendment.

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. **RECOMMENDATION:** The LPA recommends that the Board of County Commissioners transmit the proposed amendment.
2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The LPA advances the findings of fact presented by staff and additionally finds that the Alico Road LOS issue should be address by Lee County and the applicant prior to development occurring on the site.

C. VOTE:

NOEL ANDRESS	<u>Aye</u>
DEREK BURR	<u>Aye</u>
RONALD INGE	<u>Aye</u>
CARLETON RYFFEL	<u>Absent</u>
RAYMOND SCHUMANN, ESQ	<u>Aye</u>
RAE ANN WESSEL	<u>Aye</u>
VACANT	<u></u>

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

DATE OF TRANSMITTAL HEARING: December 13, 2006

A. BOARD REVIEW:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

BRIAN BIGELOW

TAMMARA HALL

BOB JANES

RAY JUDAH

FRANK MANN

**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:

BRIAN BIGELOW

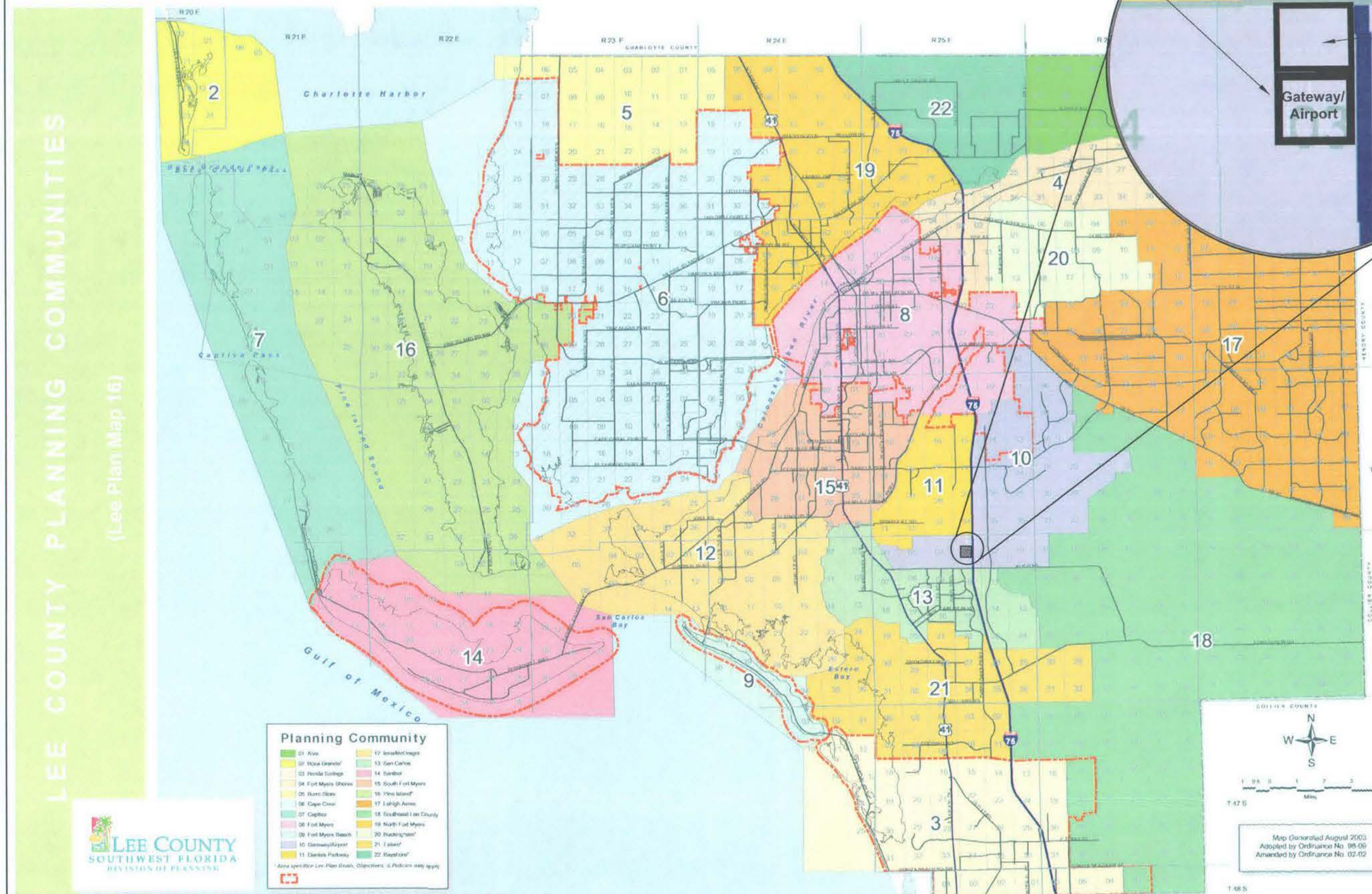
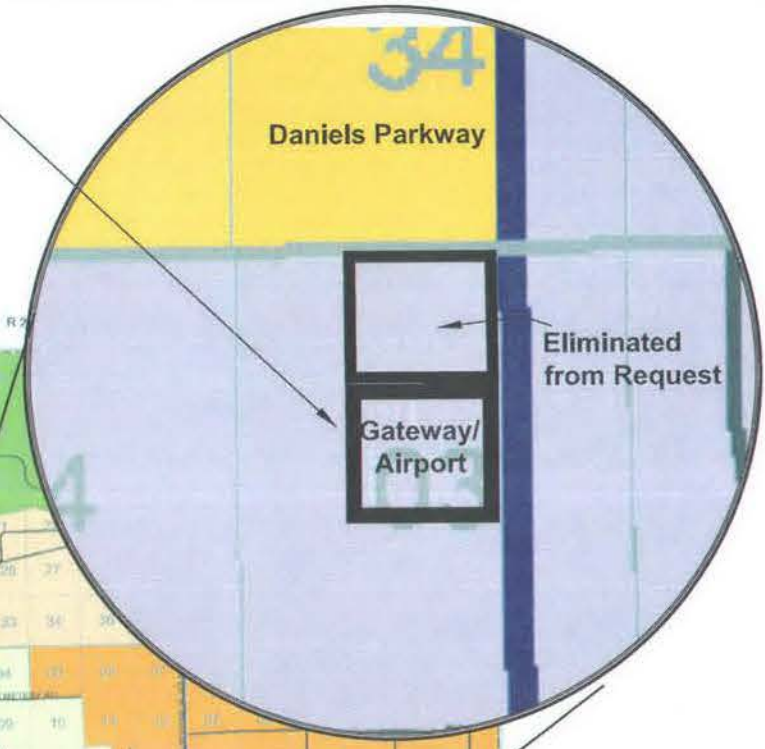
TAMMARA HALL

BOB JANES

RAY JUDAH

FRANK MANN

SUBJECT PARCELS
 STRAP #03-46-25-00-00001.1050, 03-46-25-00-00001.1020
 82.86 ACRES
 (Revised from 169 acres)
GATEWAY/AIRPORT



Planning Community

01 Alva	12 Bradenton
02 Boca Grande	13 San Carlos
03 Bonita Springs	14 Sanibel
04 Fort Myers Shores	15 South Fort Myers
05 Burnt Store	16 Pine Island
06 Cape Coral	17 Lehigh Acres
07 Captiva	18 Southeast Lee County
08 Fort Myers	19 North Fort Myers
09 Fort Myers Beach	20 Buckinghorse
10 Gateway/Airport	21 Island
11 Daniels Parkway	22 Bayshore

*Area specific Lee Plan Goals, Objectives, & Policies may apply

Map Generated August 2003
 Adopted by Ordinance No. 98-09
 Amended by Ordinance No. 02-02

Scale: 1" = 1 Mile

Map Generated August 2003
 Adopted by Ordinance No. 98-09
 Amended by Ordinance No. 02-02

LEE COUNTY PLANNING COMMUNITIES
 (Lee Plan Map 16)

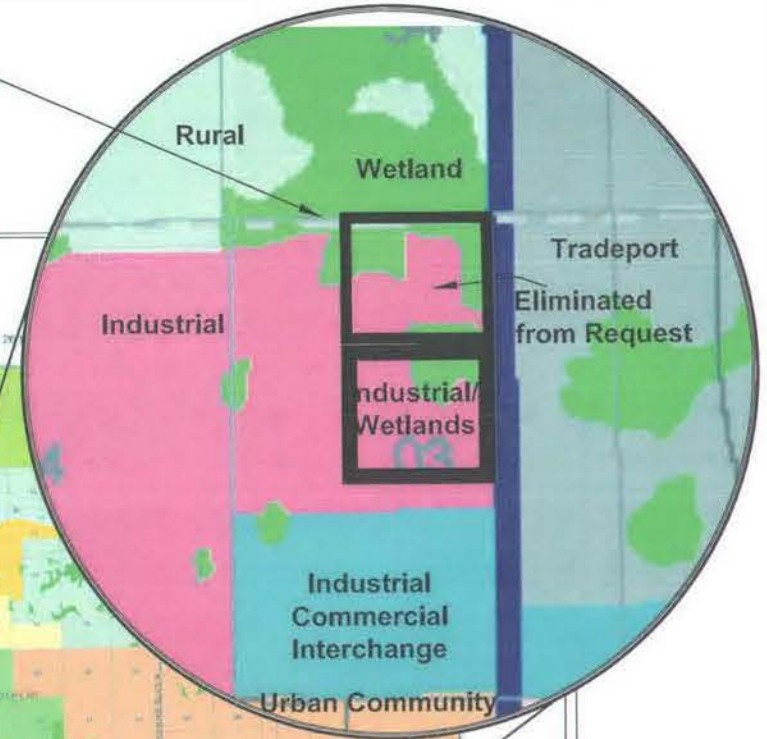


THREE OAKS NORTH CPA
 EXHIBIT A-2a: EXISTING PLANNING COMMUNITIES
 LEE COUNTY, FLORIDA

Quatrone & Associates, Inc.
 Engineers, Planners, & Development Consultants
 11000 Metro Parkway, Suite 30 - Fort Myers, Florida 33913 - 239-936-5222
 Certificate of Authorization Number: 9465

A-2a

SUBJECT PARCELS
 STRAP #03-46-25-00-00001.1050, 03-46-25-00-00001.1020
 82.86 ACRES
 (Revised from 169 acres)
CURRENT: INDUSTRIAL



FUTURE LAND USE MAP
 (Lee Plan Map 1 Page 1 of 5)

This map generally represents the future land use map of Lee County, Florida, as of the date of the map. The map is subject to the provisions of the applicable zoning ordinances and other applicable laws and regulations. The map is not intended to be used as a legal document and should not be relied upon for legal purposes.

ADOPTING ORDINANCE	DATE OF ADOPTION	EFFECTIVE DATE
1962	11/17/62	11/17/62
1963	11/17/63	11/17/63
1964	11/17/64	11/17/64
1965	11/17/65	11/17/65
1966	11/17/66	11/17/66
1967	11/17/67	11/17/67
1968	11/17/68	11/17/68
1969	11/17/69	11/17/69
1970	11/17/70	11/17/70
1971	11/17/71	11/17/71
1972	11/17/72	11/17/72
1973	11/17/73	11/17/73
1974	11/17/74	11/17/74
1975	11/17/75	11/17/75
1976	11/17/76	11/17/76
1977	11/17/77	11/17/77
1978	11/17/78	11/17/78
1979	11/17/79	11/17/79
1980	11/17/80	11/17/80
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1989	11/17/89	11/17/89
1990	11/17/90	11/17/90
1991	11/17/91	11/17/91
1992	11/17/92	11/17/92
1993	11/17/93	11/17/93
1994	11/17/94	11/17/94
1995	11/17/95	11/17/95
1996	11/17/96	11/17/96
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2009	11/17/09	11/17/09
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2012	11/17/12	11/17/12
2013	11/17/13	11/17/13
2014	11/17/14	11/17/14
2015	11/17/15	11/17/15
2016	11/17/16	11/17/16
2017	11/17/17	11/17/17
2018	11/17/18	11/17/18
2019	11/17/19	11/17/19
2020	11/17/20	11/17/20

FUTURE URBAN AREAS Interchange Development Central Urban Urban Community Suburban Outlying Suburban Industrial Development Public Facilities University Community	INTERCHANGE AREAS Industrial Interchange General Interchange General Commercial Interchange Industrial Commercial Interchange University Village Interchange	NEW COMMUNITY New Community AIRPORT AREAS Tradeport Airport	NON-URBAN AREAS Rural Rural Community Preserve Coastal Rural Outer Suburb Open Lands Density Reduction/Groundwater Resource Conservation Lands - Uplands ENVIRONMENTALLY CRITICAL AREAS (WETLANDS) Wetlands Conservation Lands - Wetlands
--	--	---	---



Map Generated June 2005

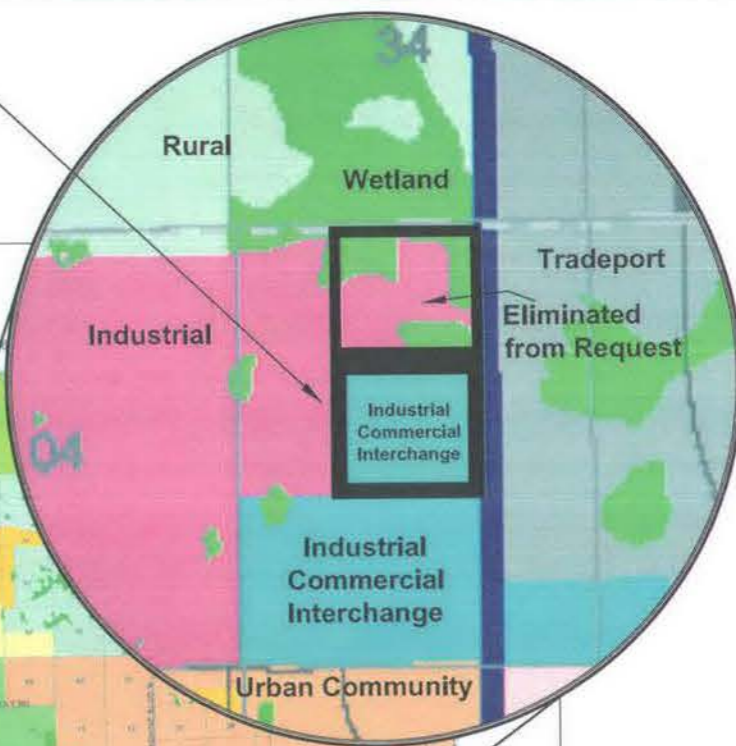
THREE OAKS NORTH CPA
 EXHIBIT A-2 CURRENT FLUM
 LEE COUNTY, FLORIDA

Quatrone & Associates, Inc.
 Engineers, Planners, & Development Consultants
 11000 Metro Parkway, Suite 30 - Fort Myers, Florida 33912 - 239-936-3222
 Certificate of Authorization Number 9465



SUBJECT PARCELS
 STRAP #03-46-25-00-00001.1050, 03-46-25-00-00001.1020
 82.86 ACRES
 (Revised from 169 acres)

PROPOSED: **INDUSTRIAL COMMERCIAL INTERCHANGE**



FUTURE LAND USE MAP
 (Lee Plan Map 1 Page 1 of 5)

This map generally represents the future land use plan of the Lee County, Florida, as adopted by the Board of County Commissioners on 12/15/05. The specific parcels and areas shown are subject to the jurisdiction of the respective municipalities.

Revised by:

ADOPTING ORDINANCE	DATE OF ADOPTION	EFFECTIVE DATE
0002	01/21/1988	01/21/1988
0003	01/21/1988	01/21/1988
0004	01/21/1988	01/21/1988
0005	01/21/1988	01/21/1988
0006	01/21/1988	01/21/1988
0007	01/21/1988	01/21/1988
0008	01/21/1988	01/21/1988
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0022	01/21/1988	01/21/1988
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0031	01/21/1988	01/21/1988
0032	01/21/1988	01/21/1988
0033	01/21/1988	01/21/1988
0034	01/21/1988	01/21/1988
0035	01/21/1988	01/21/1988
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0038	01/21/1988	01/21/1988
0039	01/21/1988	01/21/1988
0040	01/21/1988	01/21/1988
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0042	01/21/1988	01/21/1988
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0045	01/21/1988	01/21/1988
0046	01/21/1988	01/21/1988
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0048	01/21/1988	01/21/1988
0049	01/21/1988	01/21/1988
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0052	01/21/1988	01/21/1988
0053	01/21/1988	01/21/1988
0054	01/21/1988	01/21/1988
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0056	01/21/1988	01/21/1988
0057	01/21/1988	01/21/1988
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0096	01/21/1988	01/21/1988
0097	01/21/1988	01/21/1988
0098	01/21/1988	01/21/1988
0099	01/21/1988	01/21/1988
0100	01/21/1988	01/21/1988

FUTURE URBAN AREAS	INTERCHANGE AREAS	NEW COMMUNITY	NON-URBAN AREAS
Intensive Development	Industrial Interchange	New Community	Rural
Central Urban	General Interchange	AIRPORT AREAS	Rural Community Preserve
Urban Community	General Commercial Interchange	Tradeport	Coastal Rural
Suburban	Industrial Commercial Interchange	Airport	Outer Island
Outlying Suburban	University Village Interchange		Open Lands
Industrial Development			Density Reduction/Growthcenter Residence
Public Facilities			Conservation Lands - Uplands
University Community			ENVIRONMENTALLY CRITICAL AREAS (WETLANDS)
			Wetlands
			Conservation Lands - Wetlands

REVISIONS	DATE	DESCRIPTION

THREE OAKS NORTH CPA
 EXHIBIT A-2 PROPOSED FLUM
 LEE COUNTY, FLORIDA

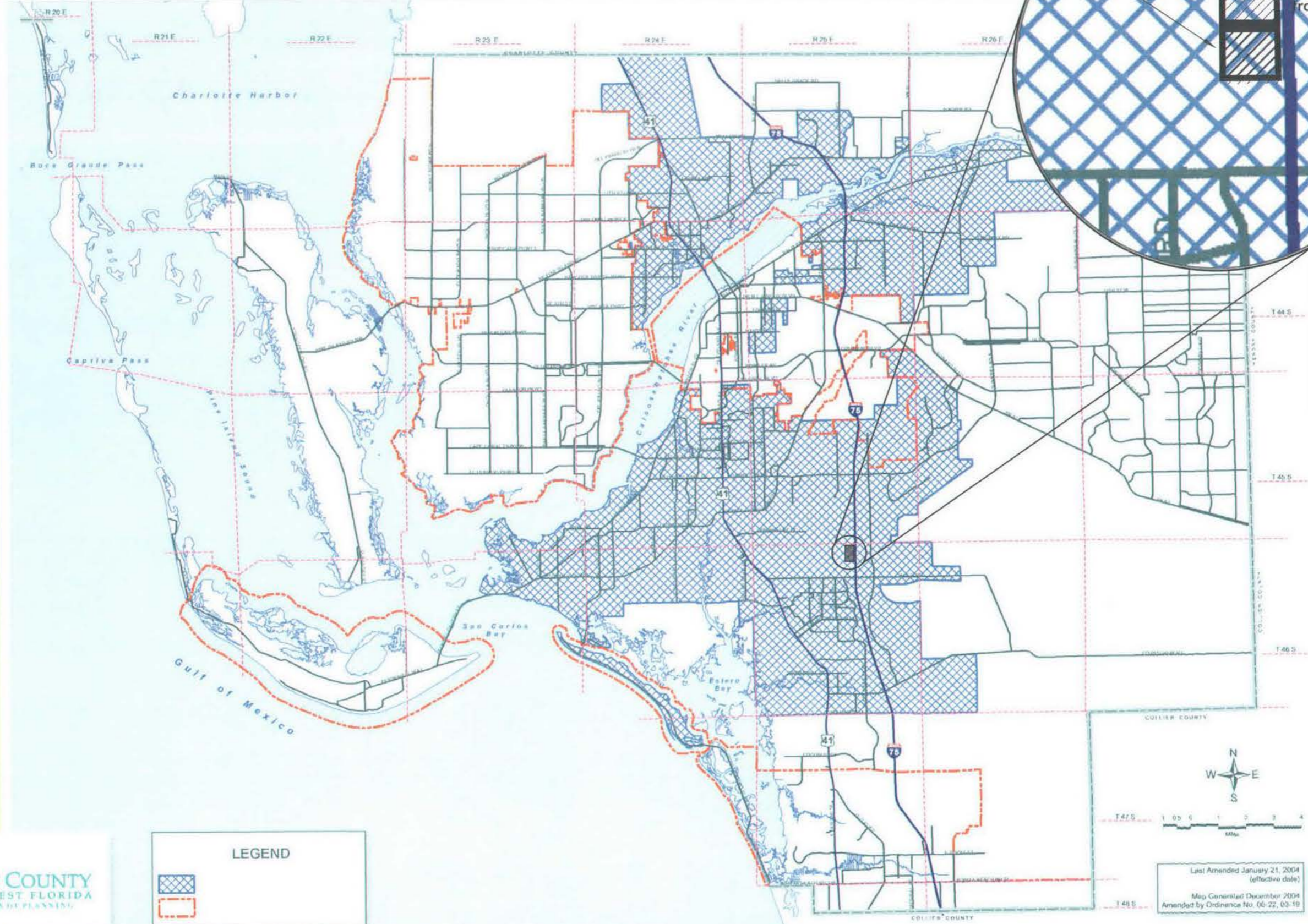
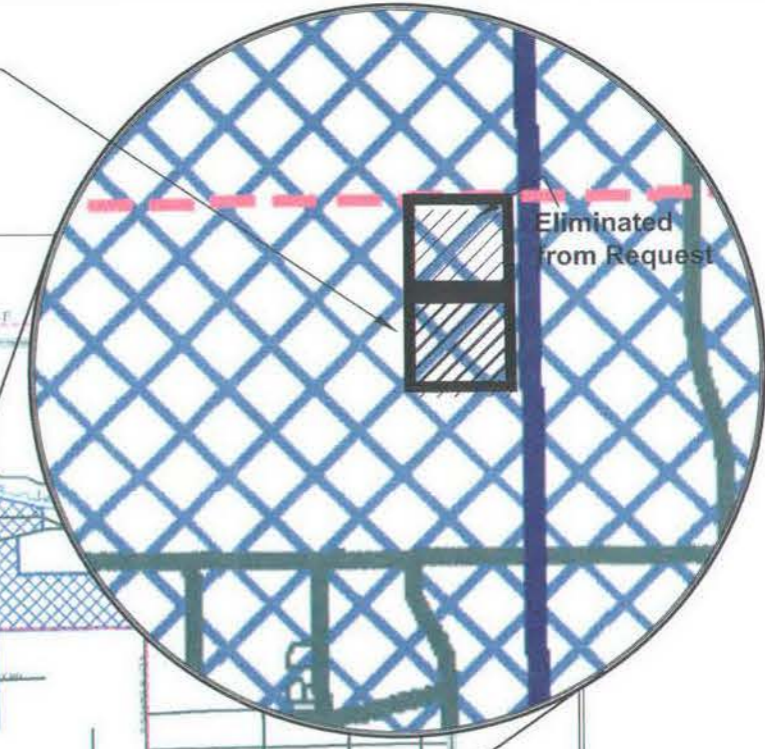
Quattrone & Associates, Inc.
 Engineers, Planners, & Development Consultants
 11000 Metro Parkway, Suite 30 - Fort Myers, Florida 33913 - 239/936-5222
 Certificate of Authorization Number: 9463

CPA EXHIBIT A-2 PROPOSED FLUM
 PLOTTED BY: hml
 THU 11:30:00AM 2/17/05

A-2
 2 OF 2

LEE COUNTY UTILITIES
 FUTURE WATER SERVICE AREAS
 (Lee Plan Map 6)

SUBJECT PARCELS
 STRAP #03-46-25-00-00001.1050, 03-46-25-00-00001.1020
 82.86 ACRES
 (Revised from 169 acres)



LEGEND

W
N
S
E

1 0 5 0 3 4
Miles

Last Amended January 21, 2004
 (effective date)
 Map Generated December 2004
 Amended by Ordinance No. 00-22, 03-19



REVISIONS	DATE

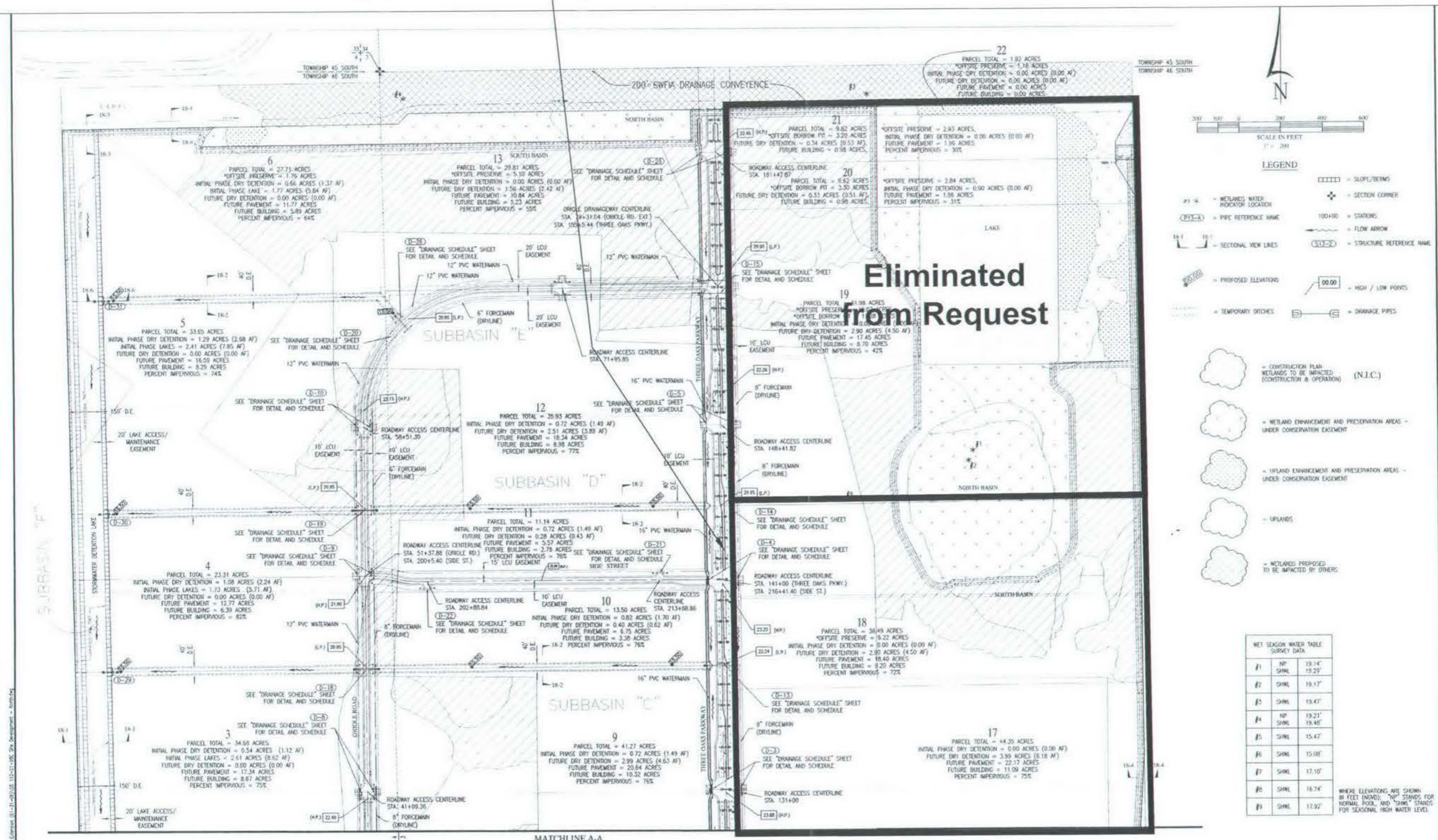
THREE OAKS NORTH CPA
 EXHIBIT - FUTURE WATER SERVICE
 LEE COUNTY, FLORIDA

Q Quattrone & Associates, Inc.
 Engineers, Planners, & Development Consultants
 11000 Metro Parkway, Suite 30 - Fort Myers, Florida 33912 - 239-936-5222
 Certificate of Authorization Number 9465

CPA EXHIBITS \LEEDS\ANNADES.DWG
 PLOTTED BY: hml
 THU: 11-30-2006 1:46 PM

1 of 1

SUBJECT PARCELS
STRAP #03-46-25-00-00001.1050, 03-46-25-00-00001.1020
82.86 ACRES
 (Revised from 169 acres)



LEGEND

- ▭ = SLOPE/BREAK
- ⊕ = SECTION CORNER
- ⊙ = WETLANDS WATER INDICATOR LOCATION
- 100+00 = STATIONS
- = FLOW ARROW
- = SECTIONAL VIEW LINES
- = STRUCTURE REFERENCE NAME
- 25.00 = PROPOSED ELEVATIONS
- 00.00 = HIGH / LOW POINTS
- = TEMPORARY DITCHES
- = DRAINAGE PIPES
- ☁ = CONSTRUCTION PLAN WETLANDS TO BE IMPACTED (CONSTRUCTION & OPERATION) (N.I.C.)
- ☁ = WETLAND ENHANCEMENT AND PRESERVATION AREAS - UNDER CONSERVATION EASEMENT
- ☁ = UPLAND ENHANCEMENT AND PRESERVATION AREAS - UNDER CONSERVATION EASEMENT
- ☁ = UPLANDS
- ☁ = WETLANDS PROPOSED TO BE IMPACTED BY OTHERS

WET SEASON WATER TABLE SURVEY DATA

#	HP	SHWL
#1	HP	19.14'
	SHWL	19.29'
#2	SHWL	19.17'
#3	SHWL	19.47'
#4	HP	19.21'
	SHWL	19.48'
#5	SHWL	15.47'
#6	SHWL	15.08'
#7	SHWL	17.10'
#8	SHWL	16.74'
#9	SHWL	17.92'

WHERE ELEVATIONS ARE SHOWN IN FEET (NOV). "HP" STANDS FOR NORMAL POOL, AND "SHWL" STANDS FOR SEASONAL HIGH WATER LEVEL.

THREE OAKS PARKWAY EXTENSION
SECTIONS 3 & 4, TOWNSHIP 46S, RANGE 25E
LEE COUNTY, FLORIDA

SOURCE, INC.
 ENGINEERS - PLANNERS
 Engineering Business #2627
 1324 LAFAYETTE STREET • CAPE CORAL, FL 33904
 TELEPHONE (239)549-2545 FAX (239)549-6779

SITE DEVELOPMENT NORTH

ENGINEER: THOMAS J. PUGH, P.E.
 DATE: _____

CERTIFICATE NUMBER: 48221
 JOB NO.: 110-01-08
 DRAWN BY: L.G.
 FILE NAME: 05-110

DATE: 11-04-03
 SHEET NO.: 5 OF 24

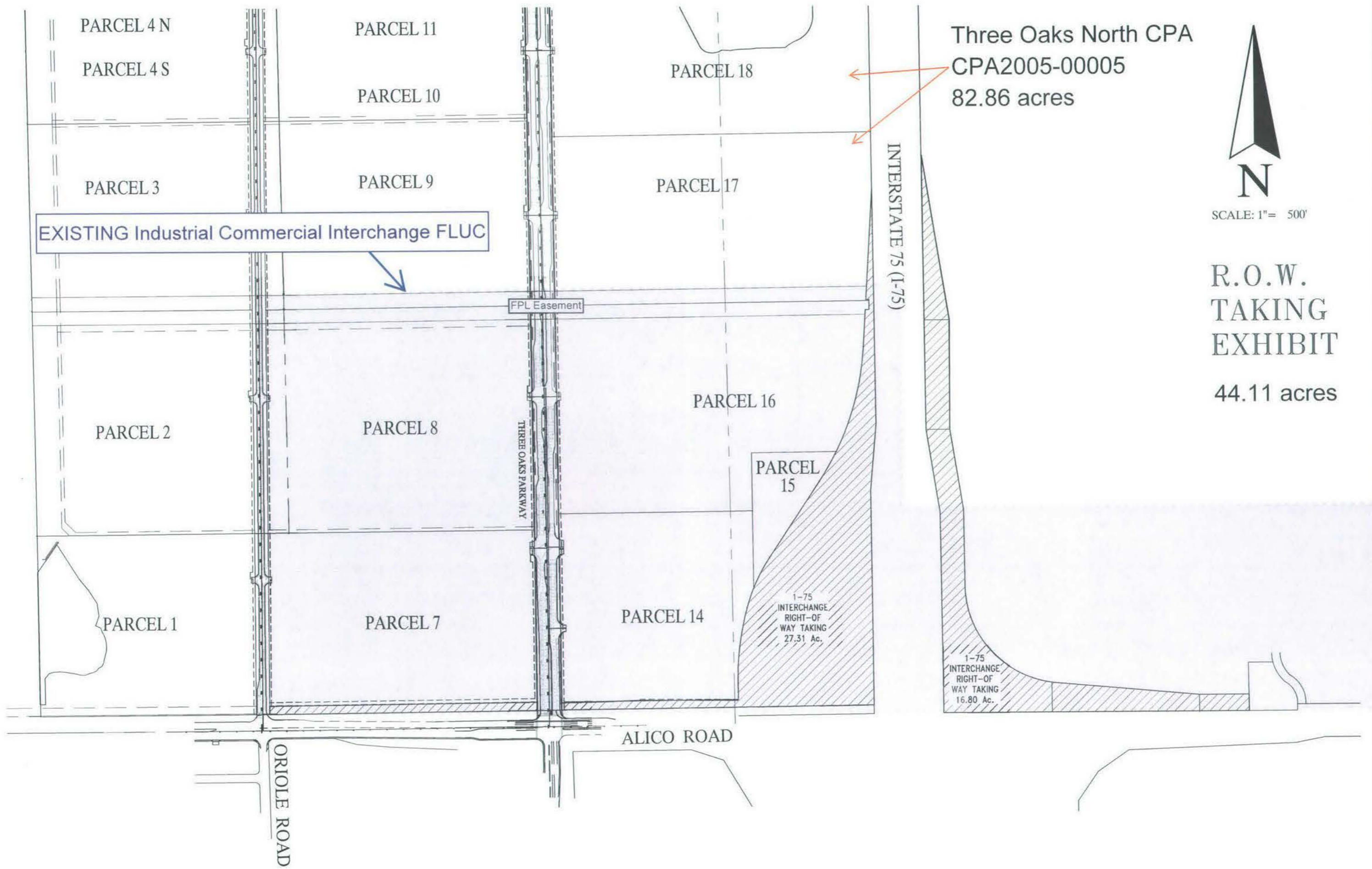
DEVELOPER: NORTH ALCO PROPERTY OWNERS ASSOCIATION, INC.
 1000 SOUTH TAMMAMORE TRAIL, SE
 FT. MYERS, FLORIDA 33909

PLOTTED BY: HML
 THU 11-30-2008 12:07 PM

1 of 1

THREE OAKS NORTH CPA
EXHIBIT - Three Oaks Parkway Dev. Parameters
 LEE COUNTY, FLORIDA

Quatrone & Associates, Inc.
 Engineers, Planners, & Development Consultants
 11000 Metro Parkway, Suite 30 • Fort Myers, Florida 33912 • 239-936-5222
 Certificate of Authorization Number 9465



Three Oaks North CPA
 CPA2005-00005
 82.86 acres



R.O.W.
 TAKING
 EXHIBIT
 44.11 acres

EXISTING Industrial Commercial Interchange FLUC

FPL Easement

THREE OAKS PARKWAY

INTERSTATE 75 (I-75)

PARCEL 15

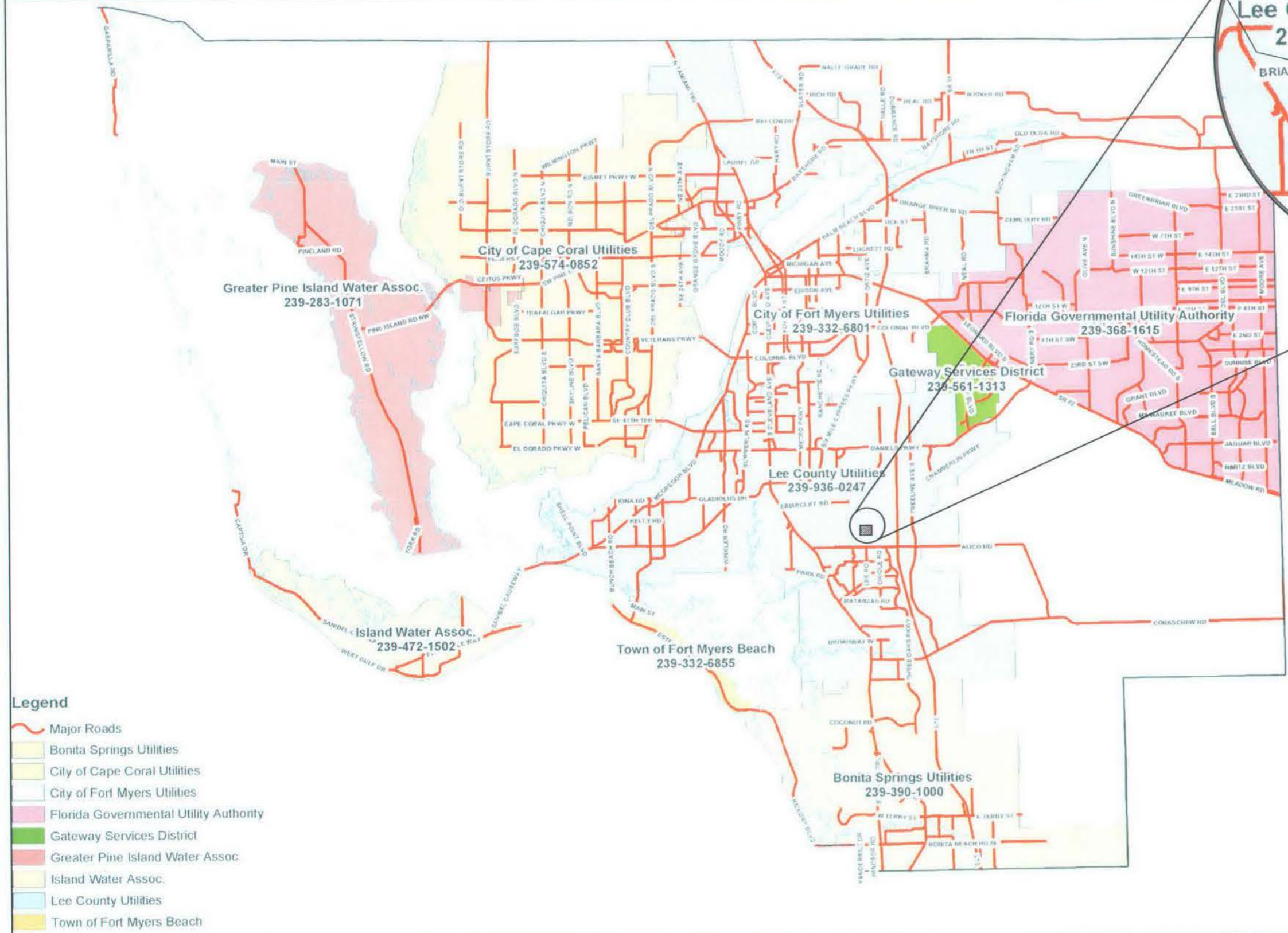
1-75
 INTERCHANGE
 RIGHT-OF
 WAY TAKING
 27.31 Ac.

1-75
 INTERCHANGE
 RIGHT-OF
 WAY TAKING
 16.80 Ac.

ALICO ROAD

ORIOLE ROAD

SUBJECT PARCELS
 STRAP #03-46-25-00-00001.1050, 03-46-25-00-00001.1020
 82.86 ACRES
 (Revised from 169 acres)
LEE COUNTY UTILITIES



- Legend**
- Major Roads
 - Bonita Springs Utilities
 - City of Cape Coral Utilities
 - City of Fort Myers Utilities
 - Florida Governmental Utility Authority
 - Gateway Services District
 - Greater Pine Island Water Assoc.
 - Island Water Assoc.
 - Lee County Utilities
 - Town of Fort Myers Beach

Scale: 1" = 1/4" (Horizontal)
 Date: 03/28/06
 Drawn By: JLD
 Designed By: JLD
 Checked By: JLD
 Approved By: JLD

LEE COUNTY
 SOUTHWEST FLORIDA

Public Works
Utilities Division
 1500 Highway 30 - Fort Myers, Florida 33902
 Phone: 239-475-2917 Fax: 239-475-5176

Lee County Utilities
 Water Franchise Areas
 Lee County, Florida

REVISIONS	DATE

THREE OAKS NORTH CPA
UTILITY FRANCHISE MAP

Quatrone & Associates, Inc.
 Engineers, Planners, & Development Consultants
 11000 Metro Parkway, Suite 30 - Fort Myers, Florida 33912 - 239-936-5222
 Certificate of Authorization Number: 9485

UTILITY

**THREE OAKS NORTH CPA
CPA2005-00005**

**APPLICATION FOR A
LARGE-SCALE COMPREHENSIVE
PLAN AMENDMENT**

LEE COUNTY, FLORIDA



THREE OAKS NORTH (CPA2005-00005)

SUFFICIENCY RESPONSE
Revised Application and
Supplemental Data
CPA2005-00005 (11-15-2006)



LEE COUNTY
SOUTHWEST FLORIDA

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

APPLICATION FOR A
COMPREHENSIVE PLAN AMENDMENT

(To be completed at time of intake)

DATE REC'D _____ REC'D BY: _____

APPLICATION FEE _____ TIDEMARK NO: _____

THE FOLLOWING VERIFIED:

Zoning Commissioner District

Designation on FLUM

(To be completed by Planning Staff)

Plan Amendment Cycle: Normal Small Scale DRI Emergency

Request No: _____

APPLICANT PLEASE NOTE:

Answer all questions completely and accurately. Please print or type responses. If additional space is needed, number and attach additional sheets. The total number of sheets in your application is: 19

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.

11/15/06

DATE

SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

I. APPLICANT/AGENT/OWNER INFORMATION

Paul H. Freeman, Trustee

APPLICANT

19091 Tamiami Trail, SE

ADDRESS

Fort Myers

FLORIDA

33908

CITY

STATE

ZIP

239.267.3999

239.267.7622

TELEPHONE NUMBER

FAX NUMBER

AL QUATTRONE – QUATTRONE AND ASSOCIATES, INC.

AGENT*

11000 METRO PARKWAY, SUITE 30

ADDRESS

FORT MYERS

FLORIDA

33912

CITY

STATE

ZIP

239.936.5222

239.936.7228

TELEPHONE NUMBER

FAX NUMBER

Paul H. Freeman, Trustee

OWNER(S) OF RECORD

1940 West 49th Street, Suite #410

ADDRESS

Hialeah

FLORIDA

33012

CITY

STATE

ZIP

305.827.3331

305.826.2092

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
Map 1

B. SUMMARY OF REQUEST (Brief explanation):

1. Amend the Future Land Use designation (Map 1) from Industrial to Industrial Commercial Interchange for 82.86 acres, less 4.522 acres of jurisdictional wetlands which are to remain in the Wetland FLUM, contained in TWO parcels lying in Section 3, Township 46 South, Range 25 East, Lee County, Florida, lying west of I-75, in the Gateway/Airport Planning Community on the west side of I-75 south of the SWFIA Drainage Conveyance, north of Alico Road and east of the planned Three Oaks Parkway North Extension.

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

A. Property Location: **Subject parcels are located west of I-75, east of Three Oaks Parkway Extension North, south of Daniels Parkway and north of Alico Road.**

1. Site Address: **Access undetermined (will be Three Oaks Parkway North)**

2. STRAP(s): **03-46-25-00-00001.1020, 03-46-25-00-00001.1050**

B. Property Information

Total Acreage of Property: **78.338 acres**

Total Acreage included in Request: **78.338 acres**

Area of each Existing Future Land Use Category:

82.860 acres Industrial Development

Total Uplands: **78.338 acres**

Total Wetlands: **4.522 acres(excluded from legal description for inclusion
in land use change – to remain in wetland FLUC)**

Current Zoning: **AG-2**

Current Future Land Use Designation:

INDUSTRIAL DEVELOPMENT (and some WETLANDS)

Existing Land Use: **Vacant Agricultural Land**

- 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: **No**

Airport Noise Zone 2 or 3: **No, small portion in DNL 60 contour**

Acquisition Area: **No**

Joint Planning Agreement Area (adjoining other jurisdictional lands): **No**

Community Redevelopment Area: **No**

- D. Proposed change for the Subject Property: **Amend the Future Land Use Map (1) designation to Industrial Commercial Interchange for a commercial office, retail and recreation center, a dedication to FGCU to anchor a proposed research park and to expand off campus functions, and a light industrial park that is sensitive to and compatible with the abutting areas with a sensitivity to this highly visible Interstate Corridor Location.**

- E. Potential development of the subject property:

1. Calculation of maximum allowable development under existing FLUM:

Residential Units/Density: **0.0 SF not permitted in the Industrial FLUM.**

Commercial intensity: **30,000 SF retail 760,000 SF industrial with an approximate 25% commercial office mix.**

Industrial intensity: **790,000 SF calculating 79 acres developable (pavement and building areas) at an intensity of approximately 10,000 SF of building per acre (no commercial).**

2. Calculation of maximum allowable development under proposed FLUM:

Residential Units/Density: **0.0 - not permitted in land use category existing or requested.**

Commercial intensity: **790,000 SF calculating 79 acres at an intensity of approximately 10,000 SF of building per acre (no industrial).**

Industrial intensity: **790,000 SF calculating 79 acres at an intensity of approximately 10,000 SF of building per acre (no commercial).**

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.
See attached document – Exhibit A-1.
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.
See Attached Map - Exhibit A-2.
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.

See Attached Map - Exhibit A-3 and A-4.

Proposal Overview

The subject property is located within the Gateway/Airport Planning Community with a Future Land Use designation of Industrial and is zoned AG-2. The subject property is currently vacant and is being used for cattle grazing. The site is in close proximity to the SWFIA and FGCU between Alico Road and Daniels Parkway. The property will have approximately 1,900 linear feet of frontage on Three Oaks Parkway North Extension and a similar amount of frontage on I-75.

The Gateway/Airport Planning Community has allocated 3,096 acres of land for industrial of which 262 acres are used leaving 2,834 available.

Most of this land is to the west of the subject property across the Three Oaks right-of-way north of Alico Road. The great majority of this land is accessed by service roads that connect the industrial land to Alico Road and do not connect to other roads. Appropriately these Industrial designated properties with the potential for heavy industrial development are isolated helping to reduce the potential impacts such as visual, noise, odor, dust, truck traffic, etc from other less intense uses.

In contrast, the subject property dominates a significant amount of Three Oaks Parkway and I-75 road frontage between Daniels Parkway and Alico Road. It is not unreasonable to argue that this corridor will be highly traveled by commuters, shoppers, tourists and other local traffic that is non-commercial and non-industrial based.

The Industrial future land use category limits the amount of office, retail and other non-industrial land uses understandably so the county can retain land for industrial uses that are necessary for balanced growth. We agree this is important and are not proposing to eliminate industrial uses from the land, hence the Industrial Commercial Interchange request. We feel that the highest and best use of the subject property is industrial park development mixed with office, retail and business park and for FGCU off-campus research park development along Three Oaks Parkway. The aforementioned uses are unable to be pursued under the Industrial FLUC since commercial, retail and office uses would need to exceed the Industrial FLUC limitation of 10% of potential development within the planned development.

The proposed land use change would allow:

- 1. FGCU to expand off-campus activities by increasing the permitted commercial and office building uses necessary for a comprehensive business park and enabling FGCU to anchor a proposed research park onto land the applicant intends to donate;**
- 2. A recapturing of developable Industrial Commercial Interchange land lost to the Alico Road/I-75 Interchange improvements that has resulted in moving nearly 60 acres of Industrial Commercial Interchange land into the I-75 right-of-way. The recent expansion of the I-75 interchange at the northwest corner of Alico Road and the interstate reduced the developable acreage by approximately 30 acres. The expansion on the northeast corner of Alico Road and I-75 reduced the developable acreage by approximately 15 acres. The requirements of detention ponds along I-75 is causing a decrease developable acreage in the southwest quadrant of Alico Road and I-75 by another 15 acres;**
- 3. An improvement of visual impacts upon Three Oaks Parkway and I-75 by diversifying the development potential with a greater**

percentage of commercial, retail, and office uses as opposed to domination by an industrial park;

4. An improvement of services to county residents, FGCU students and personnel, and tourists by providing retail, office and other professional employment centers along an easily accessible, and highly visible major arterials; and
5. A diversification of the employment center beyond industrial and warehouse jobs to professional office, research park, retail and business services.

As statistics show less than 10% of the industrial land in the Gateway/Airport Planning Community have been utilized. The planning community has been allocated 824 acres of land for commercial of which 178 acres are used, therefore, 646 acres remain available for use. Neither category are in short supply so we had to look at the highest and most appropriate use of the property with the greatest long term benefits to the county given its location and characteristics.

Surrounding Land Uses

EAST: The property to the east is I-75. Across I-75 is a large tract of land that is part of a 275 acre mixed-use planned development. The property is currently vacant, zoned MPD (Airport Interstate Commerce Park, Z-05-029) approved for up to 1.4 million SF industrial and 309,000 SF retail and office commercial located within the Tradeport FLUC.

SOUTH: The property to the south is currently vacant but with an approved commercial planned development. The Alico Crossroads Center CPD (Z-03-017) is approved for 300,000 SF retail and 51,000 SF office. The CPD extends from the southern most property boundary of the subject property to Alico Road/Three Oaks Parkway North/I-75 interchange.

WEST: Directly west of the site is the future Three Oaks Parkway North Extension right-of-way. Then, west at the Three Oaks Parkway right-of-way just south of the SWFIA Conveyence, is a pending rezoning for Three Oaks Commerce Park to an industrial planned development. The property is currently zoned AG-2 in the Industrial FLUC. Next, is the planned extension of Oriole Road and vacant lands zoned AG-2 in the Industrial FLUC.

NORTH: North of the property are three parcels that are vacant and contain a borrow pit, wetland and a lot of designated preserve areas. Further north is the 200' SWFIA Conveyence canal, buffering the property from the vacant Rural category land to the north.

4. Map and describe existing zoning of the subject property and surrounding properties.

See Attached Map - Exhibit A-3 and A-4.

**Subject parcel is zoned AG-2
North of subject parcel is zoned AG-2
South of subject parcel is zoned CPD
East of subject parcel is zoned MPD
West of subject parcel is zoned AG-2 and pending IPD**

5. The legal description(s) for the property subject to the requested change.
A tract or parcel of land lying in Section 3, Township 46 South, Range 25 East, Lee County, Florida, described as follows:

Commencing at the Northwest corner of the aforesaid Section 3; thence run N.89°24'36"E. along the North line of said Section 3 for 1508.74 feet; thence run S.00°36'43"E. for 2097.19 feet to a point on the centerline of Three Oaks Parkway (150.00 feet wide); thence run N.89°23'17"E. for 75.00 feet to the point of beginning; thence continue N.89°23'17"E. for 1908.17 feet to the Westerly right-of-way line of Interstate Highway No. 75; thence run S.00°37'07"E. along said Westerly right-of-way line for 1222.63 feet; thence run S.03°23'08"W. along said Westerly right-of-way line for 672.48 feet; thence run N.89°23'08"E. along said Westerly right-of-way line for 18.08 feet; thence run S.00°36'52"E. along said Westerly right-of-way line for 6.32 feet; thence run S.89°23'17"W. for 1879.51 feet to the East right-of-way line of the aforesaid Three Oaks Parkway; thence run N.00°36'43"W. along said East right-of-way line for 1899.80 feet to the point of beginning.

Said tract contains 82.860 acres, more or less. Bearings are based on the North line of the aforesaid Section 3 as being N.89°24'36"E.

LESS AND EXCEPT:

DESCRIPTION: (Wetlands Tract)

A tract or parcel of land lying in Section 3, Township 46 South, Range 25 East, Lee County, Florida, described as follows:

Commencing at the Northwest corner of the aforesaid Section 3; thence run N.89°24'36"E. along the North line of said Section 3 for 1580.74 feet; thence run S.00°36'43"E. for 2097.19 feet; thence run N.89°23'17"E. for 825.20 feet to the point of beginning; thence run N.89°23'17"E. for 720.28 feet; thence run S.11°00'37"W. for 34.26 feet; thence run S.24°37'07"W. for 36.35 feet; thence run S.12°11'29"W. for 34.25 feet; thence run S.39°52'32"W. for 31.31 feet; thence run S.57°48'11"W. for 44.14 feet; thence run S.75°46'55"W. for 30.68 feet; thence run S.05°00'27"W. for 12.23 feet; thence run S.36°54'53"W. for 47.21 feet; thence run S.57°31'16"W. for 38.73 feet; thence run S.69°12'52"W. for 33.49 feet; thence run

S.34°25'01"W. for 54.39 feet; thence run S.67°31'56"W. for 40.02 feet; thence run S.53°50'19"W. for 33.26 feet; thence run S.77°23'35"W. for 54.51 feet; thence run S.60°28'16"W. for 44.67 feet; thence run S.36°38'58"W. for 20.09 feet; thence run S.79°45'22"W. for 33.60 feet; thence run S.63°58'04"W. for 26.69 feet; thence run N.87°00'47"W. for 54.82 feet; thence run N.54°09'32"W. for 83.78 feet; thence run N.37°17'40"W. for 24.61 feet; thence run N.03°30'58"E. for 29.57 feet; thence run N.62°49'03"W. for 31.54 feet; thence run N.11°21'38"W. for 13.32 feet; thence run N.33°07'40"W. for 33.80 feet; thence run N.11°54'15"E. for 82.92 feet; thence run N.61°53'42"W. for 37.48 feet; thence run N.26°19'11"W. for 16.34 feet; thence run N.75°59'12"W. for 23.99 feet; thence run N.35°10'35"W. for 25.24 feet; thence run N.28°35'00"W. for 40.25 feet; thence run N.12°05'22"E. for 46.56 feet; thence run N.00°51'37"E. for 19.06 feet to the point of beginning.

Said tract contains 4.522 acres, more or less. Bearings are based on the North line of the aforesaid Section 3 as being N.89°24'36"E.

6. A copy of the deed(s) for the property subject to the requested change.
See Attached.
7. An aerial map showing the subject property and surrounding properties.
See Attached Map – Exhibit A-7.
8. If applicant is not the owner, a letter from the owner of the property authorizing the applicant to represent the owner.
Applicant is agent for the owners. Affidavits are attached from all owners authorizing agent to proceed with CPA.

B. Public Facilities Impacts

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

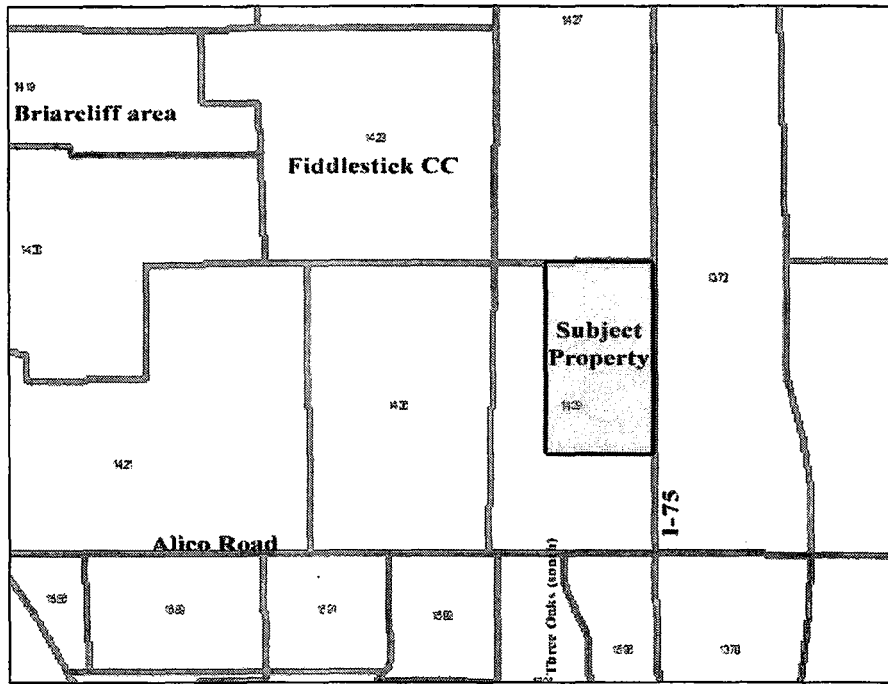
1. Traffic Circulation Analysis

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;
See Attached Document – Exhibit B-1a.

The subject parcel is located in TAZ 1429 encompassing the area



south of
the
SWFIA

Conveyence, west of I-75, east of Three Oaks North Extension and north of Alico Road as shown below. It is anticipated that the socio-economic data will require updates since the intended use after the future land use category change will permit the same industrial uses, but expand the commercial possibilities. The updating will be done per Lee DOT running the FSUTMS model on the 2020 or 2030 Financially Feasible Plan network.

See graphic below:

- 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.);

It is likely given the density and intensity possibilities for this parcel that the data will need to be updated. A change to Industrial Commercial Interchange on 78.338 acres makes provisions for:

- **0 residential units (NO CHANGE); or**
- **Up to 790,000 square feet of commercial office, retail and recreational uses (+760,000 SF but in exchange of 790,000 SF industrial); or**
- **Up to 790,000 square feet of light industrial development (NO CHANGE).**

In a meeting with Lee DOT and planning we were advised to provide development parameters for this analysis to be conducted by Lee DOT.

- 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;

We anticipate that the modifications are going to be minor given the TAZ includes intense development areas near Alico Road, I-75 and Three Oaks Parkway. Additionally, the 2020 Financially Feasible Network includes 6-laning I-75, improving the I-75 interchange, an Airport Entrance Road, and extending Three Oaks Parkway north to Daniels Parkway. Alico Road was recently improved to six lanes and the I-75 interchange is currently undergoing improvements to provide a full cloverleaf. Within the three-mile radius I-75 is to be 6 lanes by 2010 and Three Oaks Parkway will connect from Alico and continue north to Daniels Parkway. Further a corridor study is taking place involving an Airport entrance road that will provide additional traffic relief connecting the Airport, Treeline Boulevard, I-75 and US 41 across Three Oaks Parkway (see 2020 FFN graphic).

Given the road expansions underway, the road network for 2020 and the newly proposed 2030 FFN, the overall minor traffic impact changes from the full development potential of the parcel should be able to be adequately absorbed by the roadway network.

In a meeting with Lee DOT and Planning we were advised that Lee DOT would run the FSUTMS to determine if, given our development parameters, an improvement to the road network would be necessary.

- 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;

It is not anticipated that improvements to the road network beyond the 2020 FFN will be required. It is our understanding that the road impact fees being contributed from the proposed development would more than offset the cost of the improvements necessary for the road network to absorb the traffic impacts created by the development.

- 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;
Understood.
- 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.
See Attached Three Oaks Development Parameters Exhibit.

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);

It is anticipated that the subject parcel will have a development plan prepared upon approval of the Future Land Use Amendment and rezoning to follow by the various respective owners. The major roads within a 3-mile radius are as follows:

<i>Road Name</i>	<i>Laneage</i>	<i>Funct Class</i>	<i>LOS Crnt</i>	<i>LOS Stnd</i>
<i>Three Oaks Parkway</i>	<i>2 Lane</i>	<i>Art</i>	<i>C</i>	<i>C</i>
<i>Alico Road</i>	<i>6 Lane</i>	<i>Art</i>	<i>B</i>	<i>C</i>
<i>Interstate 75 N. of Alico</i>	<i>4 Lane</i>	<i>Art</i>	<i>E</i>	<i>C</i>
<i>Interstate 75 S. of Alico</i>	<i>4 Lane</i>	<i>Art</i>	<i>E</i>	<i>C</i>
<i>Treeline Boulevard</i>	<i>4 Lane</i>	<i>Art</i>	<i>B</i>	<i>C</i>
<i>US 41</i>	<i>6 Lane</i>	<i>Art</i>	<i>D</i>	<i>D</i>

- 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;

Alico Road Widening to 6 lanes (4030), Three Oaks Parkway North Extension 4 lane (4053), Three Oaks Parkway South Extension 4 lane (4043), Three Oaks Parkway Widening 4 lane from Corkscrew Road to Alico Road (4081), Alico Road/US 41/Old US 41 intersection improvements and Metro Parkway extension south of Six Mile Cypress.

- c. Projected 2020 LOS under proposed designation (calculate anticipated number of trips and distribution on roadway network, and identify resulting changes to the projected LOS);

In a meeting with Lee DOT and Planning, we were advised that Lee DOT would run the FSUTMS and determine the resulting number of trips, distribution and impact on LOS for impacted roadways projected to 2020.

- d. 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;

In a meeting with Lee DOT and Planning, we were advised that Lee DOT would run the FSUTMS and determine the resulting number of trips, distribution and impact on LOS for impacted roadways projected to 2020.

- e. Identify the additional improvements needed on the network beyond those programmed in the five-year horizon due to the development proposal.

In a meeting with Lee DOT and Planning, we were advised that Lee DOT would run the FSUTMS and determine the improvements necessary, if any, to accommodate the project on the road network

within a 3-mile radius. We do not anticipate improvements will need to be made beyond those deemed financially feasible in the 2020 FFN map.

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.

-
- a. Sanitary Sewer
 - b. Potable Water

The site is located within the Lee County Utilities service area. We understand LCU has the capacity to serve the project. Currently the subject parcel is located within the future water or sewer franchise areas as depicted on Lee Plan Maps 6 and 7. Utilities infrastructure is planned as part of the Three Oaks Parkway construction.

We anticipate that the plan amendment will intensify the development potential of the property by increasing the permissible amount of commercial but overall, will not result in an increase in total permissible square footage of development. Currently the FLUM is Industrial which allows the following development density/intensity:

Residential Units/Density: 0.0 not permitted in Industrial FLUC

Commercial intensity: 30,000 SF retail and approximately 25% commercial, or (760,000*.25) 190,000 SF for 220,000 total commercial. (570,00 SF industrial remaining)

Industrial intensity: 790,000 SF

The maximum allowable development under proposed FLUM based on the proposed site plan enclosed and/or maximum development potential:

Residential Units/Density: 0 Units
• NO CHANGE

Commercial intensity: 790,000 SF
• AN INCREASE OF 760,000 SF, but in substitution of 760,000 SF of currently permitted industrial and 30,000 retail.

or

Industrial intensity: **790,000 SF**
• **NO CHANGE**

Based on these calculations the total expected water and wastewater treatment volumes will be approximately 110,088 GPD.

- Franchise Area, Basin, or District in which the property is located;

The property falls into the Lee County Utilities potable water and sanitary sewer future service areas (Maps provided in submittal package). LCU will have capacity to service the project according to the 2005-2007 Concurrency Report. Lee County Utilities has begun construction of a 3.0 MGD expansion of the Three Oaks STP which will bring the capacity of the plant to 6.0 MGD to serve rapidly growing areas of Estero and San Carlos Park. It is our understanding that this plant will serve the project and we are waiting for confirmation from LCU from a letter sent October 4, 2006.

- c. Surface Water/Drainage Basins

Drainage has been determined and established by the Three Oaks Parkway Extension North and Oriole Road Extension North permitting completed by Source Engineering for the SFWMD. See attached Three Oaks Development Parameters exhibit or contact Source Engineering and LCDOT for more details.

- Basin in which the property is located;

Coastal Ecosystems Watershed of the South Florida Water Management District in the Six Mile Slough drainage basin.

- d. Parks, Recreation, and Open Space.

Three Oaks Community Park is located approximately 2 miles south of the site. On-site open space will be provided as required. Recreational amenities may be incorporated into the site as provided by employers or as auxiliary commercial development in the form of health and exercise clubs and by day care providers.

- Anticipated revisions to the Community Facilities and Services Element and/or Capital Improvements Element (state if these revisions are included in this amendment).

We do not anticipate the need for parks or recreation to increase in

the area due to the proposed possible development. The overall development parameters actually change very little. The major change is substituting commercial for industrial but overall intensity of square footage will not increase.

- District in which the property is located;

South Fort Myers Unincorporated Benefit District.

- Improvements/expansions currently programmed in 5 year CIP, 6-10 year CIP, and long range improvements; and

The required (Regulatory) Level of Service standard for community parks is currently eight tenths (0.8) acres of developed standard community parks per 1,000 permanent residents in the unincorporated area of each district. The "Desired Future Level of Service Standard" is two acres per 1,000 permanent residents which has been in effect since September 30, 1998. The South Fort Myers Unincorporated District has a total of 145 acres. The regulatory standard (66 acres in 2005) and the "Desired" standard (165 acres in 2005) were met in 2005 and will continue to be met through 2009. The South Fort Myers Community Park is planned for the district in 2006/2007 and will occupy 30 acres.

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

Letters were sent September 21, 2006 and have been attached to the submittal file. Letters from the above listed agencies are attached or pending arrival.

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).
See Attached Map – Exhibit C-1 and C-2.
2. A map and description of the soils found on the property (identify the source of the information).
See Attached Map – Exhibit C-1 and C-2.
3. A topographic map with property boundaries and 100-year flood prone areas indicated (as identified by FEMA).
See Attached Map – Exhibit C-3.
4. A map delineating wetlands, aquifers recharge areas, and rare & unique uplands.
See Attached Map – Exhibit C-4.
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).
See Attached Map – Exhibit C-5.

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.

There are not any historical resources located on the property. A letter has been provided from the State of Florida.

2. A map showing the subject property location on the archeological sensitivity map for Lee County.
See Attached Exhibit D-1.

The subject parcel is NOT located in one of the two sensitivity areas.

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.
See Attached Exhibit E, Section 1.

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.

See Attached Exhibit E, Section 2.

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

See Attached Exhibit E, Section 3.

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

See Attached Exhibit E, Section 4.

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.

The subject parcel will be located with over 3,000 linear feet of road frontage and access onto Three Oak Parkway North Extension, a 4 lane arterial which will connect to Alico Road, a 6 lane arterial and Daniels Parkway, a 6 lane arterial. Both Alico and Daniels connect directly to I-75 interchanges.

- b. Provide data and analysis required by Policy 2.4.4.

The land use category change will not alter the current industrial employment opportunities but will serve to expand the mix of employment possibilities by permitting more retail and office uses in direct support of this policy.

- c. The affect of the proposed change on county's industrial employment goal specifically policy 7.1.4.

The proposed land use amendment will not impact the goal of policy 7.1.4. since the current and proposed land use categories both support industrial development.

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.

The lands are currently in the Future Urban Areas and the request is compatible with uses allowed in the future urban areas.

3. Requests involving lands in critical areas for future water supply must be evaluated based on policy 2.4.2.

The lands are not in critical areas for future water supply.

4. Requests moving lands from Density Reduction/Groundwater Resource must fully address Policy 2.4.3 of the Lee Plan Future Land Use Element.

The lands are not in the DR/GR.

- 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.

See Attached Exhibit E (Introduction to the Project).

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

EXHIBIT "A"

DESCRIPTION:

A tract or parcel of land lying in Section 3, Township 46 South, Range 25 East, Lee County, Florida, described as follows:

Commencing at the Northwest corner of the aforesaid Section 3; thence run N.89°24'36"E. along the North line of said Section 3 for 1508.74 feet; thence run S.00°36'43"E. for 2097.19 feet to a point on the centerline of Three Oaks Parkway (150.00 feet wide); thence run N.89°23'17"E. for 75.00 feet to the point of beginning; thence continue N.89°23'17"E. for 1908.17 feet to the West-erly right-of-way line of Interstate Highway No. 75; thence run S.00°37'07"E. along said West-erly right-of-way line for 1222.63 feet; thence run S.03°23'08"W. along said West-erly right-of-way line for 672.48 feet; thence run N.89°23'08"E. along said West-erly right-of-way line for 18.08 feet; thence run S.00°36'52"E. along said West-erly right-of-way line for 6.32 feet; thence run S.89°23'17"W. for 1879.51 feet to the East right-of-way line of the aforesaid Three Oaks Parkway; thence run N.00°36'43"W. along said East right-of-way line for 1899.80 feet to the point of beginning.

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John B. Harris
P.S.M. #4631 November 10, 2006

POINT OF
COMMENCEMENT

SEE EXHIBIT "A" FOR LEGAL DESCRIPTION

SKETCH OF LEGAL DESCRIPTION

A PARCEL OF LAND
LYING IN SECTION 3

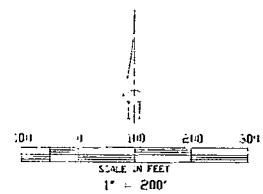
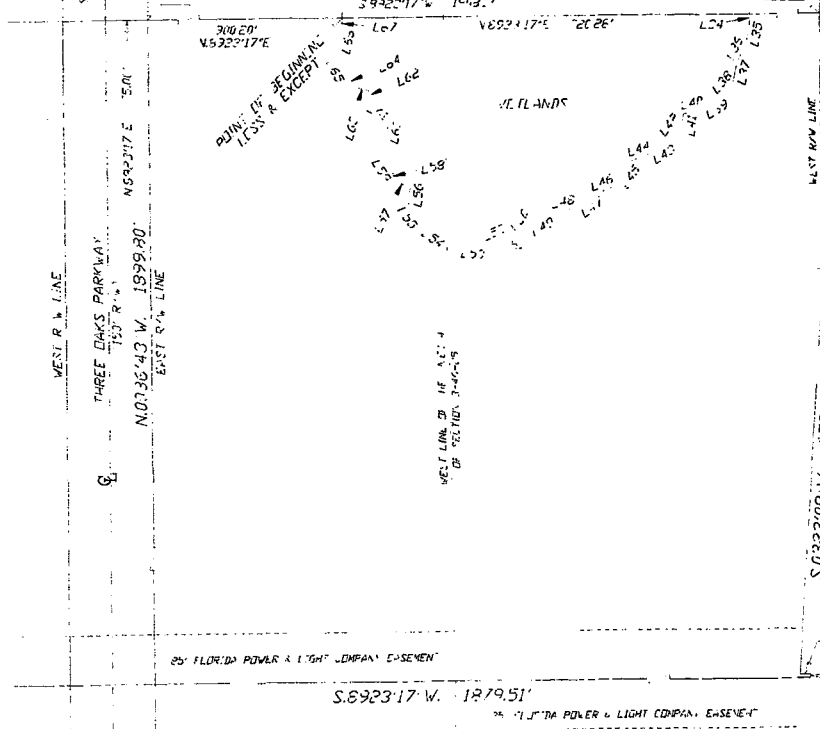
TOWNSHIP 45 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

POINT OF BEGINNING AT THE
N.W. CORNER OF SECTION 3 AC 25

N. 89° 23' 08" E
180.00'

NORTH LINE OF SECTION 3-4E-25

POINT OF BEGINNING



LINE TABLE

LINE	Bearing	Distance	LINE	Bearing	Distance
L24	S. 00° 09' 25" E	15.95'	L51	S. 7° 45' 22" W	32.69'
L25	S. 11° 00' 37" W	34.26'	L52	S. 53° 58' 04" W	26.69'
L26	S. 7° 43' 07" W	36.35'	L53	N. 87° 00' 47" W	54.82'
L27	S. 12° 11' 29" W	34.25'	L54	N. 54° 00' 32" W	82.72'
L28	S. 29° 52' 32" W	31.21'	L55	N. 31° 17' 50" W	24.11'
L29	S. 57° 48' 11" W	44.14'	L56	N. 03° 30' 58" E	20.57'
L30	S. 75° 46' 55" W	30.68'	L57	N. 52° 40' 03" W	31.54'
L31	S. 05° 00' 27" W	16.65'	L58	N. 11° 21' 39" W	13.22'
L32	S. 55° 54' 53" W	47.21'	L59	N. 33° 07' 40" W	33.80'
L33	S. 57° 31' 16" W	38.73'	L60	N. 11° 54' 15" E	82.92'
L34	S. 69° 12' 52" W	32.29'	L61	N. 61° 53' 42" W	37.48'
L35	S. 34° 25' 01" W	54.39'	L62	N. 261° 09' 11" W	16.24'
L36	S. 67° 21' 56" W	40.02'	L63	N. 35° 31' 12" W	20.29'
L37	S. 33° 09' 19" W	33.26'	L64	N. 53° 10' 05" W	25.24'
L38	S. 77° 31' 45" W	34.51'	L65	N. 23° 35' 00" W	40.25'
L39	S. 50° 28' 16" W	44.07'	L66	N. 12° 05' 22" E	40.32'
L40	S. 55° 38' 52" W	40.19'	L67	N. 00° 51' 37" E	15.06'

HARRIS - JOHNSON, INC.
2705 S.E. SANTA BARBARA PLACE
CAPE CORAL, FLORIDA
PHONE: (239) 772-9939
FAX: (239) 772-1315

JOB # T.F. NE 5
SKETCH DATE: 11/9/06

NOVEMBER 10, 2006

JOHN B. HARRIS, PSM
FLORIDA LAND SURVEYOR #4631
FLORIDA CERTIFICATE OF AUTHORIZATION LB #6961

WEST R. LINE

THREE OAKS PARKWAY

N. 07° 36' 43" W. 1999.80'

EAST R. LINE

WEST R. LINE
S. 03° 07' 07" E. 1222.63'

INTERSTATE 75

S. 03° 23' 08" W. 672.48'

N. 89° 23' 08" E
180.00'

S. 89° 23' 17" W. 1279.51'

S. 00° 36' 52" E. 6.32'

20' FLORIDA POWER & LIGHT COMPANY EASEMENT

20' FLORIDA POWER & LIGHT COMPANY EASEMENT



**EXHIBIT A-1
PROPOSED TEXT CHANGES**

**THREE OAKS NORTH CPA
Future Land Use Map Amendment**
STRAP#: 03-46-25-00-00001.1030 and 03-46-25-00-00001.103C
Three Oaks Ext North, Fort Myers, Florida 33912

**TABLE 1(b)
(Planning Community Year 2020 Allocations)**

We are requesting a change in the Planning Communities Map 16 for **82.86** acres (revised from 169.2 acres) from Industrial to Industrial Commercial Interchange.

We are **NOT** requesting a change to the 2020 allocations for the Gateway/Airport planning community Table 1(b) because the planning community has ample acreage dedicated to the industrial and commercial uses proposed within the project. The planning community has been allocated 824 acres of land for commercial of which 178 acres are used, therefore, 646 acres remain available for use. The project contains $82.86 - 4.52 = 78.34$ gross acres. The planning community has been allocated 3,096 acres of land for industrial of which 262 acres are used leaving 2,834 available.

According to development parameters determined by the Three Oaks Parkway Extension North corridor study and mapping produced by Source Engineering for the South Florida Water Management District permit, the development parameters are as follows:

LOT	Total Parcel	Preserve	Wetland	Three Oaks ROW	Pavement	Building	Dry Detention	Other (Open Space)	Percent Imperv.
18	38.49	6.22	4.52	0.00	18.40	9.20	2.90	1.77	72%
17	44.37	0.00	0.00	0.00	22.17	11.09	3.99	6.85	75%
TOT	82.86	6.22	4.52	0.00	40.57	20.29	6.89	8.62	-

table summary next page . . .



Table Summary

GROSS ACRES	82.86	(100.0%)
CONSTRAINED (Wetland, Preserve):	10.74	(13.0%)
DEVELOPABLE:	72.12	(87.0%)
PAVEMENT	40.57	(49.0%)
BUILDING	20.29	(24.5%)
TOTAL IMPERVIOUS:	60.86	(73.5%)
DRY DETENTION	6.89	(8.3%)
OPEN SPACE	8.62	10.4%)
OTHER:	15.51	(18.7%)

LEE PLAN GOALS & OBJECTIVES

LEE PLAN GOALS & OBJECTIVES

EXHIBIT E1-4
INTERNAL CONSISTENCY WITH THE LEE PLAN

THREE OAKS NORTH CPA
Future Land Use Map and Text Amendment
STRAP#: 03-46-25-00-00001.1030 and 03-46-25-00-00001.103C
Three Oaks Ext North, Fort Myers, Florida 33912

PROPOSAL OVERVIEW

The subject property is located within the Gateway/Airport Planning Community with a Future Land Use designation of Industrial and is zoned AG-2. The subject property is currently vacant and is being used for cattle grazing. The site is in close proximity to the SWFIA and FGCU between Alico Road and Daniels Parkway. The property will have 1,900 linear feet of frontage on Three Oaks Parkway North Extension and a similar amount of frontage on I-75.

The Gateway/Airport Planning Community has allocated 3,096 acres of land for industrial of which 262 acres are used leaving 2,834 available. Most of this land is to the west of the subject property across the Three Oaks right-of-way north of Alico Road. The great majority of this land is accessed by service roads that connect the industrial land to Alico Road and do not connect to other roads. Appropriately these Industrial designated properties with the potential for heavy industrial development are isolated helping to reduce the potential impacts such as visual, noise, odor, dust, truck traffic, etc from other less intense uses.

In contrast, the subject property dominates a significant amount of Three Oaks Parkway and I-75 road frontage between Daniels Parkway and Alico Road. It is not unreasonable to argue that this corridor will be highly traveled by commuters, shoppers, tourists and other local traffic that is non-commercial and non-industrial based.

As statistics show, less than 10% of the industrial land in the Gateway/Airport Planning Community have been utilized. The planning community has been allocated 824 acres of land for commercial of which 178 acres are used, therefore, 646 acres remain available for use. Neither category are in short supply so we looked at the highest and most appropriate use of the property with the greatest long term benefits to the county given its location and characteristics.

WHY A LAND USE CATEGORY CHANGE?

The basis for our request lies within the three primary limitations of the Industrial future land use category on the types and amount of commercial, office and retail uses:

1. Commercial uses limited to 10% of potential development within a PD; and
2. Commercial office must be directly related to on-site industrial businesses; and
3. Retail 30,000 square feet.

What we intend to do is build a mixed use industrial park, commercial center and supporting retail made up of approximately 50% industrial, 30% commercial/office and 20%



retail. The primary element is a 50,000 square foot FGCU off-campus research park with high visibility to I-75, a clean commercial office corridor along I-75 ROW, clean, supporting retail and additional office components along Three Oaks Parkway and an internal industrial park. (MCP EXHIBIT)

The proposed land use change would allow:

1. FGCU to expand off-campus activities by increasing the permitted commercial and office building uses necessary for a comprehensive business park and enabling FGCU to anchor a proposed research park onto land the applicant intends to donate;
2. A recapturing of developable Industrial Commercial Interchange land lost to the Alico Road/I-75 Interchange improvements that has resulted in moving nearly 60 acres of Industrial Commercial Interchange land into the I-75 right-of-way. The recent expansion of the I-75 interchange at the northwest corner of Alico Road and the interstate reduced the developable acreage by approximately 30 acres. The expansion on the northeast corner of Alico Road and I-75 reduced the developable acreage by approximately 15 acres. The requirements of detention ponds along I-75 is causing a decrease developable acreage in the southwest quadrant of Alico Road and I-75 by another 15 acres;
3. An improvement of visual impacts upon Three Oaks Parkway and I-75 by diversifying the development potential with a greater percentage of commercial, retail, and office uses as opposed to domination by an industrial park;
4. An improvement of services to county residents, FGCU students and personnel, and tourists by providing retail, office and other professional employment centers along an easily accessible, and highly visible major arterials; and
5. A diversification of the employment center beyond industrial and warehouse jobs to professional office, research park, retail and business services.

What we do NOT intend to do is build a regional shopping center.

However, the uses necessary for FGCU and a business/industrial park are unable to be pursued under the Industrial FLUC for three reasons:

1. The proposed commercial office uses will be unrelated to the industrial development on-site as required by the Industrial FLUC; and
2. The amount of commercial for the business park and FGCU research facility would need to exceed the Industrial FLUC limitation of 10% of potential development within the planned development; and
3. Demand for supporting retail along the Three Oaks corridor will exceed the 30,000 square feet limit.

BENEFITS OF A LAND USE CHANGE

- Overcome the limitations placed on commercial uses in the industrial land use category.
- Use of 44.11 acres of Industrial Commercial Interchange acreage by the I-75 ROW for the new interchange. Recouping some of the loss.
- Location: an extensive road system is in place. The site will be located on an arterial that connects directly to two major arterials one of which is at an interchange for I-75. In addition, Alico Road connects to US 41 and the future Metro Parkway north extension to the west. Three Oaks is being four-laned to the south and will connect to Naples. If this area is not appropriate for a commercial and industrial mixed development, then where in the county is?
- Reduction of local trips lengths: San Carlos Park, Three Oaks regional park, schools, etc. are nearby.
- A significant amount of industrial development is coming on-line west of this project, millions of square feet with room for millions more. Is necessary for more pure industrial to be located along to major corridors with high visibility?
- Meet demand: FGCU needs off-site room to expand. Mr. Freeman is willing to dedicate land to the University for a 50,000 square foot office, research and possibly business incubator.
- Demand does not call for a regional retail center – it is simply not the proper location.
- Likewise it is not the proper location for a purely industrial development either. The corridor and visibility is too significant to “dirty” with industrial uses. Clean corridors, well designed integrated architecture along the arterials is the intention.

DETAILS OF REQUEST

The property is located in the Gateway/Airport Planning Community on the west side of I-75 south of the SWFIA Drainage Conveyance, north of Alico Road and east of the planned Three Oaks Parkway North Extension. The property occupies **82.86** acres (revised from 169.2). The property is currently in the Industrial future land use category. The application is requesting a change from Industrial to Industrial Commercial Interchange FLUM with development plans to create a commercial office, retail and recreation center, a dedication to FGCU to anchor a proposed research park and to expand off campus functions, and a light industrial park that is sensitive to and compatible with the abutting areas with a sensitivity to this highly visible corridor location.

PROJECT ACREAGE

GROSS ACRES	82.86 (100.0%)
CONSTRAINED (Wetland, Preserve):	10.74 (13.0%)
DEVELOPABLE:	72.12 (87.0%)
PAVEMENT	40.57 (49.0%)
BUILDING	20.29 (24.5%)
TOTAL IMPERVIOUS:	60.86 (73.5%)
DRY DETENTION	6.89 (8.3%)
OPEN SPACE	8.62 10.4%)



OTHER:

15.51 (18.7%)

The projects proximity to I-75, **1,900** linear feet of frontage on Three Oaks North, access to the SWFI Airport via Treeline Avenue and location near FGCU make this a prime place for uses beyond those traditionally permitted in the Industrial FLUC. Allowing a change to Industrial Commercial Interchange retains the industrial potential base while encouraging and providing for additional employment and service opportunities.

One such opportunity is commercial and educational space to be used by FGCU as the landowners cooperate with FGCU to create a research and business park to attract new industry to the area. Without the land use change, the uses required by the University would not be permitted on the property. The particular region has a significant amount of industrial land use. Commercial and office uses would provide a much needed mix of employment opportunities. Another opportunity lies in the land use category permitting many commercial and office uses that are less intense than industrial development. These commercial uses will be along the Interstate and along Three Oaks Parkway to provide a visual buffer for the traveling public. Any more intense industrial activities will take place near the central portions of the site away from the likely lower density and possible multi-family housing development north of the SWFIA Conveyence.

CONCLUSION

It seems that all parties feel that the potential development of a FGCU research park, office and retail corridor along I-75 and Three Oaks and an internal industrial park is a good thing. Give this development a chance, let the LDC and concurrency requirements limit the project, let the zoning staff restrict the development through condition of the MPD, but do not let this development not have a chance because of a long-term resolvable issue with no solution.

SECTION II

THE LEE PLAN

This request is consistent with the goals, objectives, policies and intent of the Lee Plan in accordance with the following:

LEE PLAN VISION

Planning Community

Gateway/Airport - This Community is located South of SR 82, generally east of I-75, and north of Alico Road including those portions of the Gateway development that either have not been or are not anticipated to be annexed into the City of Fort Myers, the Southwest Florida International Airport and the properties the airport expects to use for its expansion, the lands designated as Tradeport, and the land designated as Industrial Development west of I-75 north of Alico Road. In addition to these two land use designations, properties in this community are designated New Community (the Gateway development), Airport, Density Reduction/Groundwater Resource (primarily the anticipated airport expansion areas), Rural, and General Interchange. The road network in this community is planned to change dramatically over time creating access to and from this community to the north, south, and east without relying on I-75.

There are three distinct areas within this community . . . The airport expansion and the completion of Florida Gulf Coast University are expected to energize the remaining area in this community, including the commercial and industrial components. This portion of the community is to the south and west of Gateway and the airport and extends west of I-75 along Alico Road. While this segment of the community is not expected to build out during the timeframe of this plan, the area will be much more urbanized with hi-tech/clean industry businesses. (Amended by Ordinance No. 04-16)

The "energizing" of the community in the area north of Alico and west of I-75 will occur to a greater extent if some additional commercial, office, educational and retail activities are permitted. The subject parcels have 1,900 linear feet of the I-75 and Three Oaks North road frontage. It seems like a natural fit to better use such visibility for uses beyond light manufacturing, especially uses that serve to expand the presence of FGCU and create a business and research park that will be at the Gateway to the major Lee County Airport/University Interstate Interchange.

GOAL 1: FUTURE LAND USE

OBJECTIVE 1.1: FUTURE URBAN AREAS. Designate on the Future Land Use Map (Map 1) categories of varying intensities to provide for a full range of urban activities. These designations are based upon soil conditions, historic and developing growth patterns, and existing or future availability of public facilities and services.

POLICY 1.1.1: The **Future Land Use Map** contained in this element is hereby adopted as the pattern for future development and substantial redevelopment within the unincorporated portion of Lee County. Map 16 and Table 1(b) are an integral part of the Future Land Use Map series (see Policies 1.7.6 and 2.2.2). They depict the extent of development through the year 2020. No development orders or extensions to development orders will be issued or approved by Lee County which would allow the Planning Community's acreage totals for residential, commercial or industrial uses established in Table 1(b) to be exceeded (see

Policy 1.7.6). The cities of Fort Myers, Cape Coral, and Sanibel are depicted on these maps only to indicate the approximate intensities of development permitted under the comprehensive plans of those cities. Residential densities are described in the following policies and summarized in Table 1(a). (Amended by Ordinance No. 94-29, 98-09)

The intent is to amend the Future Land Use Map to **Industrial Commercial Interchange** to allow the subject property to be developed with a light industrial, research and business park, educational center and commercial uses. The properties are currently in the Industrial FLUM, included in the future urban areas category. The change to Industrial Commercial Interchange will not overwhelmingly change the potential of the property, it simply adds commercial uses as a flexibility option and opens opportunities for FGCU.

POLICY 1.3.4: *The Industrial Commercial Interchange areas are designated to permit a mixture of light industrial and/or commercial uses. This category does not permit heavy industrial uses.*

The proposed amendment will provide enhanced workplace and job opportunities beyond light and heavy industrial manufacturing and warehousing. This amendment provides the opportunity to improve visual appearance of the development along I-75. Mixing in retail, commercial and research uses will add visual diversification to a typical industrial subdivision including commercial architectural standards, additional open space requirements, and additional buffer requirements.

GOAL 2: GROWTH MANAGEMENT

OBJECTIVE 2.1: DEVELOPMENT LOCATION. *Contiguous and compact growth patterns will be promoted through the rezoning process to contain urban sprawl, minimize energy costs, conserve land, water, and natural resources, minimize the cost of services, prevent development patterns where large tracts of land are by-passed in favor of development more distant from services and existing communities. (Amended by Ordinance No. 94-30, 00-22)*

The subject parcel is going to be served by adequate roadways and infrastructure such as sewer and water is scheduled to be in place as Three Oaks Parkway North is being constructed.

OBJECTIVE 2.2: DEVELOPMENT TIMING. *Direct new growth to those portions of the Future Urban Areas where adequate public facilities exist or are assured and where compact and contiguous development patterns can be created. Development orders and permits (as defined in F.S. 163.3164(7)) will be granted only when consistent with the provisions of Sections 163.3202(2)(g) and 163.3180, Florida Statutes and the county's Concurrency Management Ordinance. (Amended by Ordinance No. 94-30, 00-22)*

Three Oaks Parkway North is on the 2005-2010 LCDOT CIP which will prompt rapid development of the corridor. Additional roadways to be completed like the I-75 Alico interchange and the 6-laning of I-75 will also prompt development whose timing should coincide with the subject property, especially considering the properties are 12-18 months

away from having zoning in place. Action is taking place on nearly all surrounding properties. To the northwest proposals are out for rezoning, to the west is a pending IPD, to the south of that parcel a rezoning will take place soon, to the south is an approved CPD and to the east is an approved MPD under construction.

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

POLICY 2.4.1: The County will accept applications from private landowners or non-profit community organizations to modify the boundaries as shown on the Future Land Use Map. Procedures, fees, and timetables for this procedure will be adopted by administrative code. (Amended by Ordinance No. 94-30).

In accordance with this policy the applicant is requesting approval to amend the Land Use Map to put in place a Land Use that is more appropriate for the subject parcel given its location, visibility and proximity to major population and future employment centers.

POLICY 2.4.4: Lee Plan amendment applications to expand the Lee Plan's employment centers, which include light industrial, commercial retail and office land uses, will be evaluated by the Board of County Commissioners in light of the locations and cumulative totals already designated for such uses, including the 1994 addition of 1,400 acres to the Tradeport category just south of the Southwest Florida International Airport. (Added by Ordinance No. 97-05, Amended by Ordinance No. 00-22. 04-16)

This application is driven by the need for a mix of industrial, commercial and office uses on the subject parcel beyond what is typically permitted in the Industrial land use category.

GOAL 6: COMMERCIAL LAND USES

Policy 6.1.1: All applications for commercial development will be reviewed and evaluated as to:

- *Traffic and access impacts are minimal given projected trip ends.*
Access points are predetermined by the Three Oaks Parkway road design.
- *Screening and buffering can be provided to meet County standards.*
The future development will be an MPD and the county can condition buffers to make the uses visually appealing and compatible with surrounding uses if the standard buffers are deemed inadequate.
- *Sewer and water facilities are available, as well as all other utilities.*
Lee County Utilities intends to add sewer and water along Three Oaks Parkway as it is constructed.
- *No residential uses adjacent to the project are impacted.*

Residential areas do not exist in close proximity to the parcels. The county can condition buffering and uses in the future mixed-use planned development.

- *Similar uses are located in the area.*
Industrial uses will be located to the west and southwest, the Interstate to the east followed by mixed commercial and industrial and commercial uses of intense nature to the south.
- *There are no environmental concerns with this property.*
The site has a moderate amount of wetlands that have been determined by the Three Oaks Parkway engineering and the SFWMD permitting. Any impacts will be mitigated both on and off site as required by the permitting agencies.

POLICY 6.1.2: *All commercial development must be consistent with the location criteria in this policy, except where specifically excepted by this policy or by Policy 6.1.7, or in Lehigh Acres by Policies 1.8.1 through 1.8.3.*

The property is located on a future 4 lane arterial with access to Daniels Parkway north, Oriole Road to the west, Alico Road to the south and the I-75 interchange to the east. Commercial retail activities will be limited by the site location standards.

POLICY 6.1.3: *Commercial developments requiring rezoning and meeting Development of County Impact (DCI) thresholds must be developed as commercial planned developments designed to arrange uses in an integrated and cohesive unit in order to:*

- *provide visual harmony and screening;*
- *reduce dependence on the automobile;*
- *promote pedestrian movement within the development;*
- *utilize joint parking, access and loading facilities;*
- *avoid negative impacts on surrounding land uses and traffic circulation;*
- *protect natural resources; and*
- *provide necessary services and facilities where they are inadequate to serve the proposed use. (Amended by Ordinance No. 94-30, 00-22)*

The project intends to provide appropriate screening and buffering along Three Oaks, and to preserve the cypress wetlands on site. Compliance with the Planned Development regulations will insure visual harmony and avoid other negative impacts.

Policy 6.1.6: *The land development regulations will require that commercial development provide adequate and appropriate landscaping, open space, and buffering. Such development is encouraged to be architecturally designed so as to enhance the appearance of structures and parking areas and blend with the character of existing or planned surrounding land uses.*

The project intends to adhere to all LDC requirements of the Lee Plan.

GOAL 7: INDUSTRIAL LAND USES

OBJECTIVE 7.1: All development approvals for industrial land uses must be consistent with the following policies, the general standards under Goal 11, and other provisions of this plan. (Amended by Ordinance No. 94-30)

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

1. The development must comply with local, state, and federal air, water, and noise pollution standards.
2. When located next to residential areas, industry must not generate noise levels incompatible with the residential development.
3. Bulk storage or production of toxic, explosive, or hazardous materials will not be permitted near residential areas.
4. Contamination of ground or surface water will not be permitted.
5. Applications for industrial development will be reviewed and evaluated as to:
 - a. air emissions (rezoning and development orders);
 - b. impact and effect on environmental and natural resources (rezoning and development orders);
 - c. effect on neighbors and surrounding land use (rezoning);
 - d. impacts on water quality and water needs (rezoning and development orders);
 - e. drainage system (development orders);
 - f. employment characteristics (rezoning);
 - g. fire and safety (rezoning and development orders);
 - h. noise and odor (rezoning and development orders);
 - i. buffering and screening (planned development rezoning and development orders);
 - j. impacts on transportation facilities and access points (rezoning and development orders);
 - k. access to rail, major thoroughfares, air, and, if applicable, water (rezoning and development orders);
 - l. Utility needs (rezoning and development orders); and
 - m. Sewage collection and treatment (rezoning and development orders). (Amended by Ordinance No. 00-22)

The property is ideally suited for complying with the above standards. The project is bordered by industrial FLUC lands to the north and north of them is a 200' SWFIA Conveyance canal to the north, I-75 to the east, Three Oaks Parkway Extension North to the west and an intense commercial CPD to the south. The property has certain required wetland preserves and an existing borrow lake on site. The mixed use potential created by the Industrial Commercial Interchange category will lessen the intensity of the project from heavy industrial to light industrial, commercial and office uses. This should create greater compatibility with possible residential uses on the north side of the SWFIA Conveyance, improve the visual impact on I-75 and Three Oaks Parkway and provide development flexibility so that lesser intense uses can be placed accordingly. Infrastructure will be available through Lee County Utilities and will be installed at the time Three Oaks Parkway North Extension is developed.

POLICY 7.1.2: *Industrial developments requiring rezoning and meeting Development of County Impact (DCI) thresholds must be developed as Planned Developments designed to arrange uses as an integrated and cohesive unit in order to:*

- *promote compatibility and screening;*
- *reduce dependence on the automobile;*
- *promote pedestrian movement within the development;*
- *utilize joint parking, access and loading facilities;*
- *avoid negative impacts on surrounding land uses and traffic circulation;*
- *protect natural resources; and*
- *provide necessary facilities and services where they are inadequate to serve the proposed use. (Amended by Ordinance No. 94-30, 98-09, 00-22)*

The project intends to adhere to all requirements of a mixed use planned development and capture trips by providing a mix of employment and employment services on the site. The site provides central access to employees living in San Carlos Park, the communities in Estero and the Corkscrew Road corridor, the communities along Daniels Parkway extending to the residents of Lehigh. The surrounding transportation network is adequate and in line to be expanded in the 2020 Financially Feasible Plan.

POLICY 7.1.3: *Industrial land uses must be located in areas appropriate to their special needs and constraints, including, but not limited to, considerations of topography; choice and flexibility in site selection; access by truck, air, deep water, and rail; commuter access from home-to-work trips; and utilities: greenbelt and other amenities; air and water quality considerations; proximity to supportive and related land uses; and compatibility with neighboring uses. (Amended by Ordinance No. 93-25, 94-30, 00-22)*

The project has excellent road access. Three Oaks North is to be a 4 lane arterial which connects to the 6-laned Daniels Parkway to the north and 6-laned Alico Road to the south. The Alico Road intersection is less than 1 mile south and abuts the redesigned (under construction) I-75 interchange which is also slated to be expanded to 6 lanes. Major residential densities are within a few miles of the property with San Carlos Park to the south on Three Oaks Parkway and to the north along or near Daniels Parkway.

POLICY 7.1.4: *The Future Land Use Map must designate a sufficient quantity of land to accommodate industrial development that will employ 3% of the county's population in manufacturing activities by the year 2010. A report will be prepared by county staff every two years to monitor the county's progress towards this employment goal. (Amended by Ordinance No. 93-25, 94-30, 00-22)*

The request maintains industrial development potential while adding a greater diversity of potential uses.

POLICY 7.1.5: *The timing and location of industrial development will be permitted only with the availability and adequacy of existing or planned services and facilities. (Amended by Ordinance No. 00-22)*



The region is growing fast and the roadway will be constructed soon. A mixed-use industrial and commercial center at this prime location will serve as an employment center.

POLICY 7.1.8: Land development regulations will require that industrial uses be adequately buffered and screened from adjacent existing or proposed residential areas so as to prevent visual blight and noise pollution. (Amended by Ordinance No. 00-22)

The property is ideally suited for complying with the above standards. The project is bordered by a 200' SWFIA Conveyance canal to the north, I-75 to the east, Three Oaks Parkway Extension North to the west and an intense commercial CPD to the south. The property has certain required wetland preserves and an existing borrow lake on site. The mixed use potential created by the Industrial Commercial Interchange category will lessen the intensity of the project from heavy industrial to light industrial, commercial and office uses. This should create greater compatibility with possible residential uses on the north side of the SWFIA Conveyance, improve the visual impact on I-75 and Three Oaks Parkway and provide development flexibility so that lesser intense uses can be placed accordingly. Infrastructure will be available through Lee County Utilities and will be installed at the time Three Oaks Parkway North Extension is developed.

POLICY 7.1.9: Industrial development will not be permitted if it allows industrial traffic to travel through predominantly residential areas. (Amended by Ordinance No. 00-22)

There are no residential areas currently located on Three Oaks Parkway Extension North nor any planned within an area that traffic from the subject property would have to travel through.

GOAL 11: WATER, SEWER, TRAFFIC, AND ENVIRONMENTAL REVIEW STANDARDS

Standard 11.1: Water
Standard 11.2: Sewer

Utility connections are available through Lee County Utilities and will be available at the time the roadway is completed.

GOAL 39: DEVELOPMENT REGULATIONS.

Maintain clear, concise, and enforceable development regulations that fully address on-site and off-site development impacts and protect and preserve public transportation facilities. (Amended by Ordinance No. 98-09, 99-15)

OBJECTIVE 39.1: DEVELOPMENT IMPACTS. *The county will maintain and enforce development regulations to ensure that impacts of development approvals occur concurrently with adequate roads, and to achieve maximum safety, efficiency, and cost effectiveness. (Amended by Ordinance No. 99-15)*

POLICY 39.1.1: *New development must:*

- *Have adequate on-site parking.*
- *Have access to the existing or planned public road system except where other public policy would prevent such access.*
- *Fund all private access and intersection work and mitigate all site-related impacts on the public road system; this mitigation is not eligible for credit against impact fees. (Amended and Relocated by Ordinance No. 99-15)*

The project intends to adhere or exceed all LDC requirements.

POLICY 39.1.4: *Main access points from new development will not be established where traffic is required to travel through areas with significantly lower densities or intensities (e.g. multifamily access through single-family areas, or commercial access through residential areas) except where adequate mitigation can be provided. (Amended and Relocated by Ordinance No. 99-15)*

Direct access to the project is to be on Three Oaks Parkway Extension North, an arterial road with direct access to Alico Road, US 41, I-75 and Treeline Avenue, all without traveling through low density areas of development.

POLICY 39.1.5: *The Land Development Code will continue to require appropriate landscaping for developments abutting arterial and collector roads. (Amended and Relocated by Ordinance No. 99-15)*

The project plans to meet buffer requirements conditioned through the rezoning process.

POLICY 39.1.6: *Through the zoning process, the county will direct high-intensity land uses to parcels which abut designated future transit corridors identified in Map 3C. (Amended by Ordinance No. 98-09, Amended and Relocated by Ordinance No. 99-15)*

While the location is appropriate for the uses requested, Lee Tran does not at this time have plans to provide services to Three Oaks North.

GOAL 53: POTABLE WATER INFRASTRUCTURE.

To ensure the public health, welfare, and safety by the provision of high-quality central potable water service throughout the future urban areas of unincorporated Lee County, and to ensure that the costs of providing facilities for the supply of potable water are borne by those who benefit from them.

OBJECTIVE 53.1: *The County will ensure the provision of acceptable levels of potable water service throughout the future urban areas of the unincorporated county, either directly by Lee County Utilities, or indirectly through franchised utility companies. (Amended by Ordinance No. 94-30, 00-22, 03-04)*

POLICY 53.1.1: *The Board of County Commissioners hereby establishes service areas for the Lee County Utilities water systems throughout which it will provide standard service as required by demand, and within which it will challenge applications by private water utilities to obtain a Certificate of Operation from the Florida Public Service Commission and reject all applications for a county franchise therein. These service areas are illustrated in Map 6. Within the Fort Myers urban reserve area, the service areas shown on the map are subject to modifications in accordance with existing and future interlocal agreements. (Amended by Ordinance No. 93-25)*

Lee County Utilities plans to provide sewer and water as Three Oaks North is constructed. The development intends to connect.

GOAL 53: SANITARY SEWER INFRASTRUCTURE.

To protect the public health and environmental quality by encouraging and ensuring the provision of sanitary sewer service and wastewater treatment and disposal throughout the future urban areas of the unincorporated county and to Fort Myers Beach. (Amended by Ordinance No. 98-09)

OBJECTIVE 56.1: *The county will ensure the provision of acceptable levels of sanitary sewer service throughout the future urban areas of the unincorporated county, either directly by Lee County Utilities or a utility authority, or indirectly through franchised utility companies. (Amended by Ordinance No. 00-22)*

POLICY 56.1.1: *The Board of County Commissioners hereby establishes service areas for the Fort Myers Beach Iona sewer system, the South Fort Myers sewer system, the East Lee County sewer system, and the Matlacha sewer system throughout which it will provide standard service as required by demand, and within which it will challenge applications by private sanitary sewer utilities to obtain a Certificate of Operation from the Florida Public Service Commission and reject all applications for a county franchise therein. These service areas are illustrated in Map 7. Within the Fort Myers urban reserve area, the service areas shown on the map are subject to modifications in accordance with existing and future interlocal agreements. (Amended by Ordinance No. 93-25) Although this property is not located in the City of Fort Myers Utility Franchise Area the City has extended potable water*



and sewer lines to the incinerator west of the property which is adequately sized to serve future development on the subject parcel.

Lee County Utilities plans to provide sewer and water as Three Oaks North is constructed. The development intends to connect.

SECTION III

**AFFECTS ON ADJACENT LOCAL GOVERNMENT
AND ITS COMPREHENSIVE PLAN**

The subject property is located within the unincorporated portion of Lee County.

SECTION IV

STATE POLICY PLAN AND REGIONAL POLICY PLAN GOALS AND POLICIES

State and Regional Policy Plans are consistent with the Lee County Comprehensive Plan and as such have been addressed.



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

September 25, 2006

Fred Drovdic, AICP
Quattrone & Associates, Inc.
11000 Metro Parkway, Suite 30
Fort Myers, FL 33912
Fax: 239-936-7228

Dear Mr. Drovdic:

In response to your inquiry of September 21, 2006, the Florida Master Site File lists no previously recorded cultural resources in the following parcels:

T:46S R:25E Section 3 (also known as parcels 03-46-25-00-00001.1020, 103C, 1050, 1030,103B)

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

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

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

Sincerely,

Ginny Jones
Senior Database Analyst, Florida Master Site File
Division of Historical Resources
R. A. Gray Building
500 South Bronough Street
Tallahassee, Florida 32399-0250

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

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

- | | | | |
|---|--|--|---|
| <input type="checkbox"/> Director's Office
(850) 245-6300 • FAX: 245-6435 | <input type="checkbox"/> Archaeological Research
(850) 245-6444 • FAX: 245-6436 | <input type="checkbox"/> Historic Preservation
(850) 245-6333 • FAX: 245-6437 | <input type="checkbox"/> Historical Museums
(850) 245-6400 • FAX: 245-6433 |
| <input type="checkbox"/> Palm Beach Regional Office
(561) 279-1475 • FAX: 279-1476 | <input type="checkbox"/> St. Augustine Regional Office
(904) 825-5045 • FAX: 825-5044 | <input type="checkbox"/> Tampa Regional Office
(813) 272-3843 • FAX: 272-2340 | |



THE SCHOOL DISTRICT OF LEE COUNTY

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

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

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

ROBERT D. CHILMONIK
DISTRICT 1

JEANNE S. DOZIER
DISTRICT 2

JANE E. KUCKEL, Ph.D.
DISTRICT 3

JAMES W. BROWDER, Ed.D.
SUPERINTENDENT

KEITH B. MARTIN
BOARD ATTORNEY

October 6, 2006

Mr. Fred Drovdlc
Quattrone & Associates, Inc.
11000 Metro Parkway, Suite 30
Fort Myers, FL 33912

Re: Three Oaks North CPA

Dear Mr.Drovdlc:

Thank you for the opportunity to review the proposed Three Oaks North CPA for comments with regard to educational impacts. This proposed development is in the South Choice Zone of the District. This letter is in response to your request dated September 21, 2006.

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

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

Sincerely,

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

Fred Drovdlc

From: Bibeau, Melissa B. [MBibeau@leegov.com]
Sent: Friday, October 13, 2006 7:53 AM
To: Fred Drovdlc
Subject: RE: Three Oaks North CPA

Good morning Fred,

The Request for Letters of Availability form submitted does not provide sufficient information for us to prepare the requested letter.

Although the subject parcels are located within Lee County Utilities' service area and potable water and sanitary sewer facilities are currently in operation in the vicinity of these parcels, developer funded system enhancements will be required in order to provide service. Service is contingent upon Lee County Board of County Commissioners' final acceptance of these developer funded system enhancements and is subject to available capacity at the time connection to Lee County Utilities' facilities is completed. Capacity is reserved on a first come first serve basis & only upon receipt of applicable fees, a signed request for service and/or an executed service agreement, and the approval of all State and local regulatory agencies.

Lee County Utilities may provide Letters of Availability for specific purposes upon request however, in order to process we will need to know the estimated flow demands for the project. Please be aware that issuance of Letters of Availability should in no way be construed as a commitment to serve but only as to the availability of service at the time the letter is requested

If you should have any questions or require further assistance, please contact our office.

Please email or call if you need additional information.
Thanks!

Melissa Bibeau
Engineering Tech I
Lee County Utilities
1500 Monroe Street
Fort Myers, FL 33901
Ph. 239-479-8525
Fax 239-479-8709
Email: mbibeau@leegov.com

From: Fred Drovdlc [mailto:fred@qainc.net]
Sent: Tuesday, October 10, 2006 9:38 AM
To: Bibeau, Melissa B.; Wegis, Howard S.
Subject: RE: Three Oaks North CPA

Inia in our office completed it. Here is the scanned submittal. It may have not gotten to you yet. Thanks for the update.

Fred Drovdlc, AICP
239.936.5222



From: Bibeau, Melissa B. [mailto:MBibeau@leegov.com]
Sent: Tuesday, October 10, 2006 9:33 AM
To: Fred Drovdlc; Wegis, Howard S.
Subject: Three Oaks North CPA

Good morning Fred. I am just touching base with you regarding this project. We have not processed this letter of availability yet due to the fact that we are waiting for the required form to be filled out and submitted. I have again attached the required document needed for you. Thanks. Let me know if I can help with anything else.

10/13/2006

Please email or call if you need additional information.
Thanks!

Melissa Bibeau
Engineering Tech I
Lee County Utilities
1500 Monroe Street
Fort Myers, FL 33901
Ph. 239-479-8525
Fax 239-479-8709
Email: mbibeau@leegov.com

**San Carlos Park Fire Protection
And Rescue Service District**
19591 Ben Hill Griffin Parkway, Ft. Myers, FL 33913

Business: (239) 267-7525 or 267-2424

Fax: (239) 267-7505

To: Fred Drovdic

Fax # 936-7228

From: Thomas M. Beard

Date: 10-5-06

Number of pages being sent including this cover sheet: 2

Comments:

letter of availability for fire protection

CONFIDENTIALITY NOTICE

The documents accompanying this telecopy transmission contain confidential information belonging to the sender which is legally privileged. The information is intended only for the use of the individual(s) or entity named above. If you are not the intended recipient you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited. If you have received this telecopy in error, please immediately notify us by telephone at the number listed above to arrange for return of the original document to us. Thank you.



San Carlos Park Fire Protection and Rescue Service District

19591 Ben Hill Griffin Parkway • Fort Myers, Florida 33913-8989

Emergency 911
Office 239.267.7525
Fax 239.267.7505

October 5, 2006

Mr. Fred Drovdlc, AICP
Quatrone & Associates
11000 Metro Parkway, Suite 30
Fort Myers, FL 33913
Re: Three Oaks North CPA
CPA2005-00005

Dear Mr. Drovdlc

Thank you for this opportunity to let me inform you about our fire district. The San Carlos Park Fire Protection and Rescue Service District is one of 17 Special Fire Districts in Lee County. The Insurance Service Office (ISO) currently rates our department as a Class 3 / 9. Your location for this project would be classified as a 3. We currently have 3 fire stations and are in the process of planning a fourth station off of Three Oaks Parkway. We have 44 full-time firefighters ready to respond to any emergency, supported by an administrative staff.

The project location is approximately two miles or less from the fire station # 1 located at 8013 Sanibel Blvd. The response time would be about 2 minutes or less. At this time, we use Lee County Emergency Medical Services for Advanced Life Support (ALS) transport and have our own Firefighter Paramedics on shift to provide non-transport ALS services.

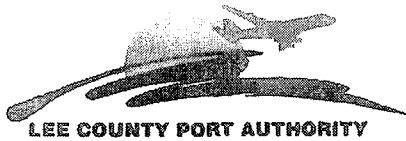
The San Carlos Park Fire District is also responsible for all of your fire-related inspections that will be needed for your project throughout the construction phase. We currently have 3 full-time fire inspectors that work a 40 hour week to handle all the fire related inspections. The plan review and building permit process will go through Lee County Codes and Building Services.

If you have any questions or concerns, please feel free to contact me at 239-267-7525.

Sincerely,

A handwritten signature in black ink, appearing to read "T. M. Beard".

Thomas M. Beard
Fire Marshal



Direct Dial: (239) 590-4624
Fax: (239) 590-4688

October 18, 2006

ROBERT M. BALL, A.A.E.
EXECUTIVE DIRECTOR

DAVID M. OWEN
PORT AUTHORITY ATTORNEY

Mr. Fred Drovdllic, AICP
Quattrone & Associates, Inc.
11000 Metro Parkway, Suite 30
Fort Myers, FL 33912

BOARD OF
PORT COMMISSIONERS

JOHN E. ALBION

TAMMY HALL

BOB JAMES

RAY JUDAH

DOUGLAS R. ST. CERRY

RE: **Preliminary Airspace Analysis**
Proposed Industrial, Retail, & Commercial Business Park Development
Three Oaks North CPA
STRAP # 03-46-25-00-00001.1020; .1050; .103B; .103C and .1030

Dear Mr. Drovdllic:

The Lee County Port Authority Department of Planning and Environmental Compliance has performed a preliminary airspace analysis for the parcels located in your September 21, 2006 letter at the proposed Three Oaks Parkway North site. Please note that this analysis does not constitute any type of approval or denial of the proposed property development. It is only designed to offer an overview of the potential federal and local airspace regulations that may apply to the subject parcels due to their close proximity to Southwest Florida International Airport (RSW).

The analysis concludes that any new buildings, antennas, signs, lighting, flag poles, or temporary construction equipment that exceed a height of 78 feet above ground level (AGL) or 105 feet above mean sea level at this site, must first obtain airspace approval from the Lee County Port Authority and the Federal Aviation Administration (FAA). However, it would appear that the controlling imaginary airport surfaces will be the conical surface and both approach surfaces for the existing runway and planned future runway, which in the area is approximately 200 feet above mean sea level. Structures that exceed this height will be considered obstructions by the FAA.

Based on the year 2020 composite noise contour map for RSW, the planned development is located within the 55 day-night average sound level (DNL) and 60 DNL noise contours. As the new proposed noise zones are currently going through the Lee Plan and Comprehensive Plan Amendment process based on the composite 2020 noise contours and should be adopted sometime in the year 2007 by the County, parcels located within these noise contours will be

subjected to the following notices:

- 55 DNL noise contour – No restrictions on development, but parcels will have notices advising of aircraft noise and over-flight exposure recorded in the official county records and tied to the title of the properties within the zones.

- 60 DNL noise contour - No new noise sensitive uses such as homes, schools or places of worship will be allowed.

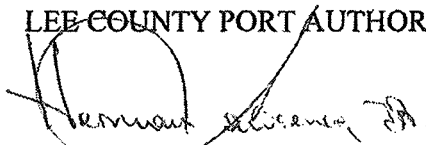
Local and federal notification criteria, existing federal obstruction standards governing height hazards near airports, and noise contours nearby are discussed on the two attached sheets. The above-referenced property is located under the Federal Aviation Administration (FAA) imaginary conical and approach surfaces for RSW. Please find enclosed the following information regarding airspace and noise issues with potential impacts:

- Airspace analysis of subject parcels;
- Lee County Land Development Code Section 34-1001/34-1008 “Airport Hazard District;”
- Lee County Tall Structure Review Application;
- Exhibit of year 2020 composite Noise Contours for Southwest Florida International Airport.

All cited FAA Advisory Circulars and other FAA documents addressing airspace review and obstruction marking and lighting can be located through the FAA website www.oaaaa.faa.gov. Your attention is also drawn to Chapter 333, “Airport Zoning”, Florida Statutes. Please call me if you have any questions. I would be happy to meet with you to discuss this information.

Sincerely,

LEE COUNTY PORT AUTHORITY



Herman Lawrence, Jr.
Project Coordinator Noise & Airspace

HL/ams

Attachments

C: Peter Eckenrode, Director, Lee County Development Services
Tom Nichols, Operations
William Horner, Planning Manager

PRELIMINARY AIRSPACE ANALYSIS
For Three Oaks North CPA Parcels Identified by
STRAP #:03-46-25-00- 00001.1020; .1050; .103B; .103C & .1030
West of I-75 & north of Alico Rd, Fort Myers, FL 33913

Lee County Airspace Notification/Review Criteria: Section 34.1001-34.1008, Lee County Land Development Code (copy enclosed) states that any proposed object (including new buildings, building alterations, antennas, signs, or temporary construction equipment) which would penetrate an imaginary surface extending outward and upward at a slope of 125 to 1 (one foot vertically for every 125 feet horizontally) from any point of Southwest Florida International Airport (RSW) will require review and approval by the Lee County Port Authority. Please complete and submit the enclosed Lee County Tall Structures Review Application to the Port Authority for any proposed object that will exceed 78 feet AGL/105 feet AMSL.

Federal Notification/Review Criteria: Federal Aviation Regulations Part 77.13 requires FAA review of any construction or alteration involving a height greater than an imaginary surface extending outward and upward at a slope of 100 to 1 (one foot vertically for every 100 feet horizontally) from the nearest point of the nearest public airport runway. The closest point of your project to RSW, the northeast corner, appears to be approximately 9,796 feet from the end of RSW Runway 6. For any permanent structure, sign, antenna tower, or temporary construction equipment that will exceed 78 feet AGL/105 feet AMSL, please request an FAA airspace review electronically through the FAA website www.oceaaa.faa.gov by completing FAA 7460-1 form, "Notice of Proposed Construction or Alteration."

A copy of the FAA airspace determination must then be submitted to the Port Authority along with the completed and signed Lee County Tall Structures Review Application.

Existing Obstruction Surfaces: Federal Aviation Regulations Part 77 also defines various imaginary approach, horizontal, and transitional surfaces necessary for the safe arrival and departure of aircraft at RSW. Any object proposed to penetrate these imaginary surfaces is considered to be an obstruction to air navigation and a potential hazard to aircraft using RSW. FAA review may determine that obstruction marking and/or lighting of the object can eliminate the hazard. These surfaces are described below:

Approach Surface -- The Runway 6 imaginary approach surface is centered along the extended runway centerline and begins sloping up and away from the runway at the end of the primary surface (where it is 1,000 feet wide at an elevation of 26.5 feet AMSL [NAVD 88]). The primary surface extends 200 feet beyond the runway end. The approach surface increases in width and rises at a slope of 50:1 (one foot vertically for every 50 feet horizontally) along the extended centerline for a horizontal distance of 10,000 feet and then at a slope of 40:1 for an additional horizontal distance of 40,000 feet. The subject parcels are located within both approach surfaces for the existing and planned future parallel south runway.

Horizontal Surface – The Horizontal Surface is centered over RSW at an elevation of 180 feet AMSL. The subjected parcels are not located inside this imaginary surface.

Conical Surface – This surface extends outward and upward at a slope of 20:1 (one foot vertically for every 20 feet horizontally) from the outer limits of the horizontal surface for a distance of 4,000 feet. This surface overlays the mentioned parcels but begins at an elevation above 180 feet AMSL.

Potential Aircraft Noise Impacts: The subjected parcels are located southwest of Runway 6 and within the extended runway centerline for aircraft landings and takeoffs. As it is sometimes difficult to gauge the impact of aircraft noise on people as their response often varies, but based on the location of the planned development, the noise impact from aircraft operations might be annoying or disturbing on occasion. These parcels will also be impacted by an additional increase in aircraft noise from operations on the planned south parallel runway to be constructed sometime after the year 2010. This new runway will be constructed based on FAA criteria to allow for simultaneous operation of aircraft landings and takeoffs. Based on the 2004 Master Plan Update Study for RSW, air traffic is expected to almost double by the year 2020 and it should also be noted that the airport has been experiencing record growth in passenger service for the past two years. Future noise contours are depicted in the attached exhibit taken from the recently FAA approved Part 150 Noise & Land Use Compatibility Study.

<http://www.municode.com/resources/gateway.asp?pid=12625&sid=9>

Sec. 34-1001. Applicability.

Through the development and implementation of this subdivision, it is hereby determined that county airports consist of the Southwest Florida International Airport, Page Field and all existing and proposed state-licensed airports and heliports, public and private, in the county.

(Ord. No. 93-24, § 7(492), 9-15-93; Ord. No. 94-24, § 28, 8-31-94)

Sec. 34-1002. Purpose and intent.

(a) The purpose and intent of this subdivision shall be as follows:

- (1) To promote the maximum safety of aircraft arriving at and departing from county airports;
- (2) To promote the maximum safety of residents and property within areas surrounding county airports;
- (3) To promote the full utility of county airports, so as to ensure the maximum prosperity, welfare and convenience to the Lee, Charlotte, Collier, Hendry and Glades County areas and their residents;
- (4) To provide building height standards for use within the approach, transitional, horizontal and conical surfaces so as to encourage and promote proper and sound development beneath such areas;
- (5) To provide development standards for land uses within prescribed noise zones associated with the normal operation of county airports; and
- (6) To provide administrative procedures for the efficient and uniform regulation of all development proposals within such zones.

(b) The regulations set out in this subdivision are adopted pursuant to the authority conferred by F.S. § 333.03. It is hereby found that an airport obstruction has the potential for being hazardous to aircraft operations as well as to persons and property on the ground in the vicinity of the obstruction. An obstruction may affect land use in its vicinity and may reduce the size of areas available for the taking-off, maneuvering and landing of aircraft, thus tending to impair or destroy the utility of county airports and the public investment therein. It is hereby found that aircraft noise may be an annoyance or may be objectionable to residents in the county. Accordingly, it is declared that:

- (1) The creation or establishment of an airport obstruction which may be hazardous to aircraft operations, or which reduces the size of the area available for such operations, or which inhibits the safe and efficient use of airspace surrounding a county airport, is a public nuisance and an injury to the county;
- (2) It is necessary in the interest of the public health, safety and general welfare that the creation of airport obstructions and the incompatible use of land within the designated airport noise zones be prevented; and
- (3) The prevention of these obstructions and incompatible land uses should be accomplished, to the extent legally possible, by the exercise of police power without compensation.

(c) It is further declared that the prevention of the creation of airport obstructions and incompatible land uses and the elimination, removal, alteration, mitigation or marking

and lighting of existing airport obstructions are public purposes for which the political subdivision may raise and expend public funds and acquire land or interests in land. (Ord. No. 93-24, § 7(492(A)), 9-15-93)

Sec. 34-1003. Definitions.

The following words, terms and phrases, when used in this subdivision, will have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Aircraft means any vehicle which is used or designed for navigation of or flight in the air.

Airport means the Southwest Florida International Airport, Page Field and any state-licensed area of the county intended to be used for the taking-off, maneuvering and landing of aircraft, including any state-licensed seaplane base, helistop or emergency landing area.

Airport elevation means the highest point of the airport's usable landing area, measured in feet above mean sea level (AMSL).

Airport obstruction means any manmade structure, object of natural growth or use of land which would exceed the federal obstruction standards as contained in Federal Aviation Administration Handbook 8260.38, United States Standards for Terminal Instrument Procedures (TERPS), Federal Aviation Regulations part 77, as revised, and aircraft manufacturer's operating manuals for turbine-powered aircraft capable of landing or taking off at a county airport, or which obstructs the airspace or may otherwise be hazardous to aircraft taking off, maneuvering or landing at an airport.

Airport surveillance radar (ASR) means approach control radar used to detect and display an aircraft's position in the terminal area. ASR provides range and azimuth information, and coverage of the ASR can extend up to 60 miles.

Airspace height means the height limits as established and set forth in this subdivision. Above mean sea level (AMSL) elevation shall be the datum unless otherwise specified.

Aviation easement means the transference by grant of a property owner's legal property rights pertaining to airspace above his property, and the waiving of all possible claims for damages resulting from the operation of aircraft above the surface of the grantor's property, to include but not be limited to noise, vibrations, fumes, dust, fuel particles and all other effects that may be caused due to present and future aircraft flights over the grantor's property.

A-weighted decibels means a logarithmic quantification designed to compress the full range of sound pressures and incorporating a filter that deemphasizes sound pressure levels of very high-pitched or low-pitched components to better correlate with subjective judgments of loudness.

Balloon means any type of dirigible, balloon or other type of hovering or floating object, tethered or untethered.

Civil airport means any county airport not operated strictly for military use.

Climb gradient means an aircraft instrument departure procedure requiring adherence to a minimum climb slope or grade expressed in feet per nautical mile.

Day-night average sound level DNL means a 24-hour average noise level incorporating a ten-decibel penalty for noise during nighttime hours between 10:00 p.m. and 7:00 a.m.

DNL noise contour means a line linking together a series of points of equal cumulative noise exposure. Such contours are developed based upon aircraft flight patterns, number of daily aircraft operations by type of aircraft, and typical runway utilization patterns in terms of percentage of use.

Decision height means the height at which a pilot must decide, during an instrument landing system (ILS) approach, to either continue the approach or to execute a missed approach.

Instrument approach procedure means a landing approach utilizing electronic guidance aids and made without visual reference to the ground.

Instrument flight rules (IFR) means rules governing the procedures for conducting instrument flight according to Federal Aviation Regulations part 91. These rules usually go into affect during bad weather conditions with low visibility minimums.

Instrument landing system (ILS) means a landing approach system that establishes a course and a descent path to align aircraft with a runway for final approach.

Minimum descent altitude (MDA) means the lowest altitude above mean sea level to which descent is authorized on final approach or during circling-to-land maneuvering in execution of a standard instrument approach procedure (SIAP) where electronic glide slope is not provided.

Minimum en route altitude (MEA) means the lowest published altitude between radio fixes that ensures acceptable navigational signal coverage and meets obstruction clearance requirements between those fixes.

Minimum obstruction clearance altitude (MOCA) means the lowest published altitude between radio fixes on federal VOR airways, off-airway routes or route segments that meets obstruction clearance requirements for the entire route segment and ensures acceptable navigational signal coverage only within 22 miles of a VOR.

Minimum vectoring altitude (MVA) means the lowest altitude above mean sea level at which aircraft operating under instrument flight rule (IFR) conditions will be vectored by a radar controller, except when otherwise authorized for radar approaches, departures or missed approaches.

Noise zones means areas representative of specific airport DNL noise contours in which land use is limited due to the level of noise associated with these areas surrounding an airport.

Nonprecision-instrument runway means a runway having a nonprecision-instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type of navigation equipment, for which a straight-in nonprecision-instrument approach procedure has been approved or planned, and for which no precision-instrument approach facilities are planned or indicated on an appropriate civil or military airport planning document.

Nonstandard take-off minimums means conditions of existing weather required for takeoff at an airport which exceed the standards prescribed in Federal Aviation Regulations part 91.

Owner means a mortgage holder, a lienholder or any person having any right, title or interest of any nature and kind whatsoever in and to any real estate within the boundaries of the zones established by this subdivision.

Precision-instrument runway means a runway having an instrument approach procedure utilizing horizontal and vertical guidance through an instrument landing system (ILS),

microwave landing system (MLS) or a precision approach radar (PAR), including a runway for which such a system is planned and is so indicated on an approved civil or military airport layout plan, other Federal Aviation Administration planning documents, or comparable military service planning documents.

Radar obstruction means any structure or object of natural growth or use of land which would shield or otherwise interfere with the full coverage of the airport surveillance radar (ASR) for the Southwest Florida Regional Airport, Page Field or any other county airport.

Runway means a defined area on an airport prepared, used or intended to be used for the taking off and landing of aircraft along its length.

Utility runway means a runway that is constructed for and intended to be used by propeller-driven aircraft of 12,500 pounds maximum gross weight or less.

Visual flight rules (VFR) means rules governing the procedures for conducting flight under visual conditions according to Federal Aviation Regulations part 91. These rules are usually in effect during good weather conditions with high visibility minimums.

Visual runway means a runway intended solely for the operation of aircraft using visual approach procedures with no instrument approach procedure and no instrument designation planned or indicated on a Federal Aviation Administration approved civil or military airport layout plan, or by any other planning document submitted to the Federal Aviation Administration by competent authority.

VOR means a very high frequency omnidirectional range air navigation aid which provides bearing information to aircraft.

(Ord. No. 93-24, § 7(492(B)), 9-15-93; Ord. No. 94-24, § 28, 8-31-94; Ord. No. 00-14, § 5, 6-27-00)

Cross references: Definitions and rules of construction generally, § 1-2.

Sec. 34-1004. Flight obstruction surfaces.

In order to carry out the provisions of this subdivision, there are hereby created and established certain surfaces which include all of the land lying beneath the primary, horizontal, conical, approach and transitional surfaces as they apply to a particular airport. Such surfaces are shown on the airport layout plans and the approach and clear zone plans for the Southwest Florida International Airport and Page Field, as well as those surfaces described in the Federal Aviation Administration Terminal Approach Procedures Manual (TERPS) and under Federal Aviation Regulations part 77, on file at Southwest Florida International Airport. These surfaces apply to existing and proposed runway configurations. An area located in more than one of the described surfaces is considered to be only in the surface with the more restrictive height limitations. All height restrictions refer to height above mean sea level (AMSL).

(1) *Publicly owned, public-use county airports.* The various surfaces established and defined for any publicly owned and operated, public-use county airport are as follows:

a. *Primary surface.* The primary surface is an area longitudinally aligned along the runway centerline for each runway, extending 200 feet beyond each end of that runway with the width so specified for each runway for the most precise approach existing or planned for either end of that runway.

1. *Primary surface widths.* The width of each primary surface is as follows:

- i. Precision-instrument runways and nonprecision-instrument runways other than utility with visibility minimums lower than three-fourths of a statute mile: 1,000 feet in width.
 - ii. Nonprecision-instrument runways having visibility minimums greater than three-fourths of a statute mile: 500 feet in width.
 - iii. Visual runways other than utility: 500 feet in width.
 - iv. Utility runways having only visual approaches: 250 feet in width.
2. *Primary surface height.* No structure or obstruction will be permitted within the primary surface that is not part of the landing, maneuvering and taking-off facilities and is of a greater height than the nearest point of the runway centerline.
 - b. *Horizontal surface.* The horizontal surface is an area around each civil airport with an outer boundary, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each airport's runways and connecting the adjacent arcs by lines tangent to those arcs. The radius of the arc specified for each end of the runway will have the same arithmetical value, being the higher determined for either end of that runway. When a smaller arc is encompassed by the tangent connecting two adjacent larger arcs, the smaller arc shall be disregarded in the construction of the perimeter of the horizontal surface.
 1. *Horizontal surface arc radius.* The radius of each runway arc is as follows:
 - i. All runways other than utility having precision- and nonprecision-instrument approaches: 10,000-foot radius.
 - ii. Utility runways having visual or nonprecision approaches and other than utility runways having visual approaches: 5,000-foot radius.
 2. *Horizontal surface height.* No structure or obstruction will be permitted in the horizontal surface that has a height greater than 150 feet above the airport elevation.
 - c. *Conical surface.* The conical surface is an area extending outward from the periphery of the airport's horizontal surface for a distance of 4,000 feet. No structure or obstruction will be permitted in the conical surface that has a height greater than 150 feet above the airport elevation at the inner boundary (connecting to the horizontal surface) with permitted height increasing at a slope of 20 to 1 (one foot vertically for every 20 feet of horizontal distance) measured outward from the inner boundary to a height 350 feet above the airport elevation at the outer boundary.
 - d. *Approach surface.* The approach surface is an area longitudinally centered on the extended runway centerline and extending outward from the end of the primary surface. The approach surface is designated for each runway based upon the type of approach available or planned for that runway end.
 1. *Approach surface widths.* The inner edge of the approach surface is the same width as the primary surface. The outer width of the approach surface is prescribed for the most precise approach existing or planned for that runway end expanding uniformly outward to a width of:
 - i. Precision-instrument runways: 16,000 feet in width.
 - ii. Nonprecision-instrument runways: 4,000 feet in width for that end of a nonprecision-instrument runway other than utility, having visibility minimums lower than three-fourths of a statute mile; 3,500 feet in width for that end of a nonprecision-instrument runway other than utility, having visibility minimums greater than three-fourths of a statute mile; and 2,000 feet in width for that end of a nonprecision-instrument utility runway.

iii. Visual runways: 1,500 feet in width for that end of an other than utility runway with only visual approaches, and 1,250 feet in width for that end of a utility runway with only visual approaches.

2. *Approach surface lengths.* The approach surface extends for a horizontal distance of:

i. Precision-instrument runways: 50,000 feet in length.

ii. Nonprecision-instrument runways: 10,000 feet in length for other than utility runways having nonprecision-instrument approaches.

iii. Visual and utility runways: 5,000 feet in length for utility runways having visual and nonprecision approaches and other than utility runways having visual approaches.

3. *Approach surface heights.* No structure or obstruction will be permitted within approach surfaces having a height greater than the runway end at its inner edge, increasing with horizontal distance outward from the inner edge as follows:

i. Precision-instrument runways: A slope of 50 to 1 (one foot vertically for every 50 feet horizontally) for the first 10,000 feet, increasing to 40 to 1 (one foot vertically for every 40 feet horizontally) for an additional 40,000 feet.

ii. Nonprecision-instrument runways: A slope of 34 to 1 (one foot vertically for every 34 feet horizontally) for the designated length for runways having nonprecision-instrument approaches.

iii. Visual and utility runways: A slope of 20 to 1 (one foot vertically for every 20 feet horizontally) for the designated length for utility runways having visual and nonprecision approaches and other than utility runways having visual approaches.

e. *Transitional surface.* The transitional surface is an area extending outward and upward from the sides of each primary surface and approach surface at a slope of 7 to 1 (one foot vertically for every seven feet horizontally) until the height matches the height of the horizontal surface or for a horizontal distance of 5,000 feet for a precision-instrument runway approach surface extending beyond the conical surface.

f. *Terminal instrument procedures (TERPS) departure surfaces.* Terminal instrument procedures departure surfaces are areas designated for the instrument departure of aircraft as outlined in Federal Aviation Administration Handbook 8260.3B. The application of the terminal instrument procedures (TERPS) departure surfaces shall be made after application of the surfaces described in subsections (1)a through e of this section, to determine which of the surface's elevations are more constraining. The surface that is most constraining with regard to permitted heights will apply. The terminal instrument procedures (TERPS) departure surface is an area longitudinally centered on the extended runway centerline and extending outward from the departure end of each runway for two nautical miles. The width of the surface is 1,000 feet at the runway end, diverging 15 degrees outward from either side of the runway centerline out to the end of the surface (width at this point is approximately 7,512 feet). The beginning elevation of these surfaces is 35 feet above the runway end with this elevation increasing at a slope of 40 to 1 (one foot vertically for every 40 feet horizontally) to the end of the surface.

g. *Airport surveillance radar (ASR) surface.*

1. The airport surveillance radar (ASR) surface extends radially from the airport surveillance radar (ASR) facility located adjacent to the northwestern perimeter of the Southwest Florida International Airport. The beginning elevation of the airport surveillance radar (ASR) conical surface is designated as the ground elevation at the center of the airport surveillance radar (ASR) facility. The airport surveillance radar

(ASR) surface extends upward and outward from this reference point in all directions at a 125 to 1 slope (one foot vertically for every 125 feet horizontally) until an elevation of 125 feet above mean sea level is reached.

2. Due to the fact that the operation of the airport surveillance radar (ASR) facility is electromagnetic in nature, objects not penetrating the 125 to 1 airport surveillance radar (ASR) surface may still have an adverse affect on the safe and efficient operation of the airport surveillance radar (ASR) facility. Therefore, the airport surveillance radar (ASR) obstruction zone is hereby created and is designated as an area that extends from the airport surveillance radar (ASR) facility reference point in all directions to a radius of 5,000 feet. No construction or alteration shall be permitted within this airport surveillance radar (ASR) obstruction zone without prior review and approval by the county port authority.

h. *Heliport primary surface.* The area of the heliport primary surface coincides in size and shape with the designated takeoff and landing area of a heliport. This surface is a horizontal plane at the elevation of the established heliport elevation.

i. *Heliport approach surface.* The heliport approach surface begins at each end of the heliport primary surface with the same width as the heliport primary surface and extends outward and upward for a horizontal distance of 4,000 feet where its width is 500 feet at a slope of 8 to 1 (one foot vertically for every eight feet horizontally).

j. *Heliport transitional surface.* This surface extends outward and upward from the lateral boundaries of the heliport primary surface and from the heliport approach surface at a slope of 2 to 1 (one foot vertically for every two feet horizontally) for a distance of 250 feet measured horizontally from the centerline of the heliport primary and approach surfaces.

k. *Other areas.* In addition to the height limitations imposed in subsections (1)a through j of this section, no structure or obstruction will be permitted within the county that would cause a minimum descent altitude (MDA), minimum obstruction clearance altitude (MOCA), minimum vectoring altitude (MVA) or decision height to be raised, or which would impose either the establishment of restrictive minimum climb gradients or nonstandard takeoff minimums. The following limitations apply to height restrictions within the county, in addition to those presented in subsections (1)a through j of this section. Where any two restrictions are in conflict, the more stringent applies.

1. Except as otherwise provided in this subdivision, no structure or object of natural growth shall be erected, altered or allowed to grow, or be maintained, to a height which penetrates any flight obstruction surfaces created in this subdivision.

2. Except as otherwise provided in this subdivision, no structure or object of natural growth shall be erected, altered or allowed to grow, or be maintained, without prior approval by the county port authority, which is or would be an obstruction to air navigation within the county or of a height greater than any of the following:

i. A height of 500 feet above ground level at the site of the object.

ii. A height of 200 feet above ground level or above the established airport elevation, whichever is higher, within three nautical miles of the established reference point of an airport, and which height increases at a slope of 100 to 1 (one foot vertically for every 100 feet horizontally) up to a maximum of 500 feet.

iii. Any object within the approach segment, the departure area or any missed approach or circling approach area which is determined by the administrative director to be a hazard to the safe and efficient use of airspace around an airport.

3. Except as otherwise provided in this subdivision, no structure or object or natural growth shall be erected, altered or allowed to grow, or be maintained, which penetrates any of the imaginary surfaces outlined under Federal Aviation Regulations part 77, Notice of Construction or Alteration, as revised, without prior notification to the Federal Aviation Administration as outlined under the same regulations.

(2) *Other county airports.* No structure or obstruction will be permitted within zones specified in the rules of the state department of transportation, chapter 14-60, Airport Licensing and Zoning, that is not part of the landing, maneuvering and taking-off facilities at any county airport, as determined by the county port authority.

(Ord. No. 93-24, § 7(492(C)), 9-15-93; Ord. No. 94-24, § 28, 8-31-94)

Sec. 34-1005. Land use restrictions and obstruction identification.

(a) *Land use restrictions.* Notwithstanding any other provisions of this subdivision, no use may be made of land or water within the county in such a manner as to interfere with the safe operation of an airborne aircraft. The following special requirements shall apply to each permitted use:

(1) All lights or illumination used in conjunction with streets, parking, signs, or use of land and structures shall be arranged and operated in such a manner that it is not misleading or dangerous to aircraft operating from a county airport or in the vicinity thereof.

(2) All floodlights and spotlights and any type of pulsating, flashing, rotating or oscillating light intended as an attention-gathering device shall be prohibited if determined to be a possible hazard to air navigation by the county port authority.

(3) No operations of any type shall produce smoke, dust, visible fumes or vapors, glare or other visual hazards within three statute miles of any usable runway of an airport.

(4) No operations of any type shall produce electronic interference with navigational signals or radio communication between aircraft, an airport or other types of air traffic controlling facilities.

(5) Sanitary landfills shall be considered as an incompatible use if located within areas established for the airport through the application of the following criteria:

a. Landfills located within 10,000 feet of any runway used or planned to be used by turbojet or turboprop aircraft.

b. Landfills located within 5,000 feet of any runway used only by piston type aircraft. Landfills outside the perimeters described in this subsection, but still within the lateral limits of the surfaces described in this subdivision, will be reviewed on a case-by-case basis.

(6) Any landfill located so that it places the runways or approach and departure patterns of an airport between bird feeding, water or roosting areas is not permitted.

(7) Any type of dirigible, balloon or other type of hovering or floating object the height of which exceeds the airspace notification limitations outlined in section 34-1008 shall be reviewed by the county port authority as outlined in the procedures specified in section 34-1008.

(8) No structure of any height, type or material shall be constructed or altered which could possibly cause interference to any airport surveillance radar system as determined by the Federal Aviation Administration or the county port authority.

(b) *Obstruction marking and lighting.*

(1) Any variance or permit granted which is determined to be a possible obstruction to air navigation as outlined in the provisions of this subdivision shall, as a specific condition, require the owner to mark and light the structure to indicate to aircraft pilots the presence of the obstruction. Such marking and lighting shall conform to the specific standards established by F.S. § 333.07 and Federal Aviation Administration Advisory Circular 70/7460-1, as amended.

(2) Notwithstanding any other provisions within this subdivision, the owner of any existing nonconforming structure or tree is hereby required to install, operate and maintain thereon such markers and lights as shall be deemed necessary by the administrative director to indicate to the operators of aircraft in the vicinity of the airport the presence of such flight obstructions. Such markers and lights shall be installed, operated and maintained at the expense of the owner.

(Ord. No. 93-24, § 7(492(D)), 9-15-93)

Sec. 34-1006. Airport noise zones.

(a) *Purpose.* The purpose of this section is to establish standards for land use and for noise compatibility requirements with respect to noise associated with the normal operation of county airports. This section establishes noise zones of differing intensities and land uses in the vicinity of county airports, establishes permitted land uses within the noise zones, and establishes notification and easement procedures to prospective purchasers or developers of real estate within the noise zones.

(b) *Noise zones defined; permitted uses.* There are hereby created and established two airport noise zones pertaining to land uses surrounding the Southwest Florida International Airport based upon the DNL contours for airport noise developed in accordance with the Federal Aviation Regulations, Part 150, Noise Compatibility Study for the Southwest Florida International Airport, as adopted by the Board of County Commissioners and on file at the county port authority. The purpose and intent of these noise zones is to define and set forth specific regulations for all properties within the described areas. These noise zones are set forth as overlay zoning districts in that they provide regulations and restrictions in addition to those set forth in the planned development or conventional zoning districts in which the property is located, as defined in this chapter. Except as otherwise provided in this section, no land, body of water or structure may be used or permitted to be used and no structure may be hereafter erected, constructed, moved, reconstructed or structurally altered or maintained in any of these airport noise zones which is designed, arranged or intended to be used or occupied for any purpose other than as defined in the following:

(1) *Airport Lands zone.*

a. *Location.* Airport Lands zone is the land within the airport boundary as identified in Appendix C.

b. *Restrictions.* The Airport Lands zone is restricted to airport-related uses only, including but not limited to those necessary to provide services and convenience goods principally to airline passengers, and those uses generally associated with the airport

operations, including aircraft and aircraft parts manufacturers, air freight terminals, aviation and airline schools, aircraft repair shops, aerial survey offices, aircraft sales, equipment and parts storage, aviation research and testing laboratories, airline catering services and governmental facilities.

(2) *Noise sensitive zone.*

a. *Location.* The noise sensitive zone consists of that area of land located between the Airport Lands boundary and the 2020 Composite 60 DNL contour line as determined in the adopted 2005 FAR Part 150 Study for Southwest Florida International Airport and identified in Appendix C.

b. *Restrictions.* This zone allows any use permitted by this chapter, provided that no residential living units, places of worship, libraries, schools, hospitals, correctional institutions or nursing homes are permitted. However, residential units, including mobile homes, that are lawfully existing as of June 27, 2000 will be treated as legally permitted uses and not as nonconforming uses. Lawfully existing mobile or manufactured homes may be replaced with new mobile or manufactured homes or conventional single-family construction and existing conventional single-family homes may be replaced with new conventional homes so long as such replacement would be otherwise allowed by this Code. However, an existing conventional home may not be replaced with a new mobile or manufactured home. One conventional single-family home is permitted on each lot in a plat properly recorded before June 27, 2000 if such use would have been permitted on the lot prior to June 27, 2000.

(Ord. No. 93-24, § 7(492(E)), 9-15-93; Ord. No. 94-24, § 28, 8-31-94; Ord. No. 96-25, § 2, 12-18-96; Ord. No. 00-14, § 5, 6-27-00; Ord. No. 01-03, § 5, 2-27-01; Ord. No. 01-18, § 5, 11-13-01; Ord. No. 05-15, § 1, 8-23-05)

Sec. 34-1007. Nonconforming uses.

Except as prescribed in section 34-1005(b), pertaining to obstruction marking and lighting, the requirements prescribed by this subdivision shall not be construed to necessitate the removal, lowering or alteration of any existing structure not conforming to the requirements set forth in this subdivision; nor shall it be construed to require the sound conditioning or other changes or alteration of any existing structure not conforming to the requirements as of September 1, 1989, or otherwise interfere with the continuance of any existing nonconforming use. Nothing contained in this subdivision shall require any change in construction or alteration which was begun prior to September 1, 1989, and is diligently pursued and completed within two years thereof. The cost of removing or lowering any tree or object of natural growth not conforming to the requirements of this section shall be borne by the owner of the nonconforming tree. (Ord. No. 93-24, § 7(492(F)), 9-15-93)

Sec. 34-1008. Permit for tall structures.

(a) It shall be the duty of the director to administer and enforce the requirements prescribed in this subdivision within the territorial limits over which the county has jurisdiction through the permitting process. The director shall implement airspace notification procedures through the use of the county airspace notification map, as developed by the county port authority, to assist the department in determining when a proposed structure or object would require a tall structures permit. This airspace

notification map shall be reviewed annually with the county port authority's attorney and executive director, or their designees, to ensure currency. The various surfaces displayed on the county airspace notification map are defined as follows. The penetration of the imaginary surfaces outlined in this section shall require review by the county port authority under the provisions provided in this section.

(1) *Publicly owned, public-use county airports.* Any construction or alteration of a greater height than an imaginary surface extending outward and upward from any point of any publicly owned, public-use county airport at a slope of 125 to 1 (one foot vertically for every 125 feet horizontally) for a distance up to a height of 125 feet above mean sea level.

(2) *Other county airports.* Any construction or alteration of a greater height than an imaginary surface extending outward and upward from any point of any privately owned or private-use county airport at a slope of 50 to 1 (one foot vertically for every 50 feet horizontally) for a distance up to a height of 125 feet above mean sea level.

(3) *Heliports.* Any construction or alteration of a greater height than an imaginary surface extending outward and upward from any point of any public or private state-licensed county heliport at a slope of 25 to 1 (one foot vertically for every 25 feet horizontally) for a distance up to a height of 125 feet above mean sea level.

(4) *Airport surveillance radar notification areas.* Any construction or alteration within 5,000 feet of any airport surveillance radar facility, and any construction or alteration of a greater height than an imaginary surface extending outward and upward from the reference point of any airport surveillance radar facility at a slope of 125 to 1 (one foot vertically for every 125 feet horizontally) for a distance up to a height of 125 feet above mean sea level.

(5) *Other areas.* Any construction or alteration of a greater height than 125 feet above mean sea level.

(b) If the director determines, for any proposed construction, including adding height to any existing structures, and for all alterations, repairs or additions that will change the use of the structure, or for erecting, altering or repairing any object of natural growth, that the height of the proposed structure or object exceeds the height limitations outlined on the county airspace notification map as determined by the director, then the applicant is required to obtain a tall structures permit prior to the issuance of any further development orders or permits.

(c) Applications for a tall structures permit shall include the height and location of derricks, draglines, cranes and other boom-equipped machinery, if such machinery is to be used during construction.

(d) Applicants intending to use derricks, draglines, cranes and other boom-equipped machinery for such construction, reconstruction or alteration as is consistent with the provisions of this subdivision shall, when the machine operating height exceeds the height limitations imposed by this subdivision, require a tall structures permit. Upon obtaining this permit through the procedures outlined in this section, the applicant shall mark, or mark and light, the machine to reflect conformity with the Federal Aviation Administration's or the county port authority's standards for marking and lighting obstructions, whichever is more restrictive, and shall be required in such cases to inform the county port authority, through this tall structures permit process, of the location,

height and time of operation for such construction equipment use prior to the issuance of any construction permit to the applicant.

(e) The permitting procedures for a tall structures permit are outlined as follows. If a tall structures permit application is deemed necessary by the director, as determined through the use of the county airspace notification map, the following procedures shall apply:

(1) The department shall give a written notice to the applicant that a tall structures permit is required and that no further permits or development orders can be issued until a tall structures permit is obtained.

(2) The applicant shall then submit a completed tall structures permit application to the Lee County Port Authority, 16000 Chamberlin Parkway, Ft. Myers, Florida 33913. The county port authority shall review the application, and the following procedures will apply:

a. If the county port authority determines that the proposed construction or alteration represented in the application does not violate the provisions of Federal Aviation Regulations, part 77, or the provisions of this subdivision or any other application of federal or state rules and regulations or does not adversely affect the airspace surrounding any county airport, the port authority shall indicate such determination on the tall structures permit application. The signed tall structures permit application will then be returned to the applicant. The applicant shall present the tall structures permit application to the administrative director in order that a tall structures permit may be issued. If the signed tall structures permit application is accompanied with stipulations of compliance as determined by the county port authority, it is the responsibility of the administrative director to ensure that these stipulations are adequately addressed prior to the issuance of a tall structures permit.

b. If the county port authority determines that the proposed construction or alteration violates the notification criteria of Federal Aviation Regulations, part 77, or otherwise violates any provisions of this subdivision or any other applicable federal or state rules or regulations, the county port authority will notify the applicant in writing that the proposed construction or alteration may adversely affect the airspace surrounding county airports and require that a notice of proposed construction or alteration be filed with the Federal Aviation Administration for review through the submittal of Federal Aviation Administration Form 7460-1 as required by Federal Aviation Regulations, part 77. The county port authority shall suspend the tall structures permit application process until Federal Aviation Administration findings of aeronautical effect are received and reviewed.

c. It is the responsibility of the applicant to forward the Federal Aviation Administration's findings of aeronautical effect, along with a copy of the completed original Federal Aviation Administration Form 7460-1, to the county port authority in order to continue the tall structures permit process.

d. The tall structures permit application shall not be issued if the proposed construction or alteration is found to violate the provisions of this subdivision or any other applicable federal or state rules or regulations. No tall structures permit will be issued if all Federal Aviation Administration and county port authority comments are not addressed to the satisfaction of the county port authority. The applicant shall be forwarded a written notice if the tall structures permit is denied, from the county port authority. This written notice

shall specify the reason for objections and suggestions for compliance under this subdivision and all other applicable federal or state rules and regulations.

e. After reviewing the Federal Aviation Administration's comments pertaining to the Federal Aviation Administration Form 7460-1, if the county port authority determines that the proposed construction or alteration does not adversely affect any other requirements pertaining to county airports, the port authority shall return to the applicant the signed tall structures permit application. The applicant shall present a copy of the tall structures permit application, along with all port authority comments and stipulations, to the director in order that a tall structures permit may be issued. If the signed tall structures permit application is accompanied with stipulations of compliance, it is the responsibility of the director to ensure that these stipulations are adequately addressed prior to the issuance of a tall structures permit.

(f) If the director determines that all procedures and application approvals are in compliance with the provisions outlined in this section, then a tall structures permit will be issued to the applicant.

(g) No tall structures permit shall be issued prior to obtaining a determination of acceptability and compliance from the county port authority.

(h) Temporary or conditional tall structures permits pending completion of the Federal Aviation Administration's or the county port authority's review shall not be issued.

(Ord. No. 93-24, § 7(492(G)), 9-15-93)

LEE COUNTY TALL STRUCTURES REVIEW APPLICATION

To: Planning & Environmental Compliance Dept. Date: _____
Lee County Port Authority

Project: _____
DO #/ Building Permit Ref. # (circle one): _____

The undersigned Owner/Lessee hereby requests a Tall Structures Review in accordance with the Lee County Land Development Code, Zoning Section 34-1008, as amended.

1. Location: _____
STRAP Number: _____

IMPORTANT: A USGS 7.5 Quadrangle Map showing the exact location of the proposed project must be attached (USGS 7.5 Quadrangle Maps may be obtained from the Lee County Mapping office), unless exact Latitude/Longitude of project is given below:

North Latitude- _____ Degrees _____ Minutes _____ Seconds
West Longitude- _____ Degrees _____ Minutes _____ Seconds

2. Proposed Tall Structures

A. **TEMPORARY CRANE:**

Height _____ AGL Date(s) of Operation _____
Hours of Use ** _____

**Must coordinate with Lee County Port Authority prior to use.

B. **PERMANENT STRUCTURE:**

Type Construction _____

Construction Materials _____

Dimensions- at Base: _____ at Top: _____

Height Above Ground Level _____ Elevation of site _____

3. Property Owner:

Name _____

Address _____

Phone _____

Fax _____

Applicant:

Name _____

Address _____

Phone _____

Fax _____

IF PERMIT SEEKER IS NOT LANDOWNER, attach a copy of the authorization to construct or lease on the land involved.

4. Construction Diagram: Attach hereto a scale drawing showing the size and dimensions of the proposed construction. **If cranes are to be used during the project, include the maximum crane height used during construction, dates and hours of operation, and shade in their envelope of maneuverability.**
5. Special considerations, if any:

I do solemnly swear (or affirm) that the statements and information contained herein and on the required supporting documents are true and correct.

Date: _____ Applicant Signature: _____

Print Applicant Name: _____

Please forward this application, and direct any questions regarding the completion of this application, to Herman Lawrence, Jr., Lee County Port Authority, Planning and Environmental Compliance Department, Southwest Florida International Airport, 11000 Terminal Access Road, Suite 8671, Fort Myers, FL 33913, FAX (239) 590-4688/Telephone: (239) 590-4624.

BELOW COMPLETED BY LEE COUNTY PORT AUTHORITY

LEE COUNTY PORT AUTHORITY
TALL STRUCTURES REVIEW/PERMIT

Date Reviewed _____

DO # or Building Permit Ref. # (circle one) _____

Project: _____

STRAP #: _____

The Lee County Port Authority has reviewed the above project and determined that the proposed development is:

_____ Approved for a Tall Structures Permit and is in compliance with Zoning Section 34-1008 of the Lee County Land Development Code. This approval is conditional based on the attached stipulations.

_____ Disapproved for a Tall Structures Permit based on the following:

DATE _____

LEE COUNTY PORT AUTHORITY REPRESENTATIVE

Mike Scott
Sheriff



State of Florida
County of Lee

Mr. Fred Drovdljic
Quattrone & Associates, Inc...
11000 Metro Parkway, Suite 30
Fort Myers, FL. 33912

October 3, 2006

Dear Mr. Drovdljic:

The Sheriff's Office has reviewed your letter dated September 21, 2006 outlining your intention to request Lee County to consider a comprehensive plan amendment for the area of Three Oaks Parkway North. According to my staff, the amendment, if approved, will allow the construction of a 1,344,000 square foot business park consisting of industrial, research and development, retail and commercial office space to be situated on 169.2 acres. I further understand that the project has a tentative commencement date of sometime in the year 2009.

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

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

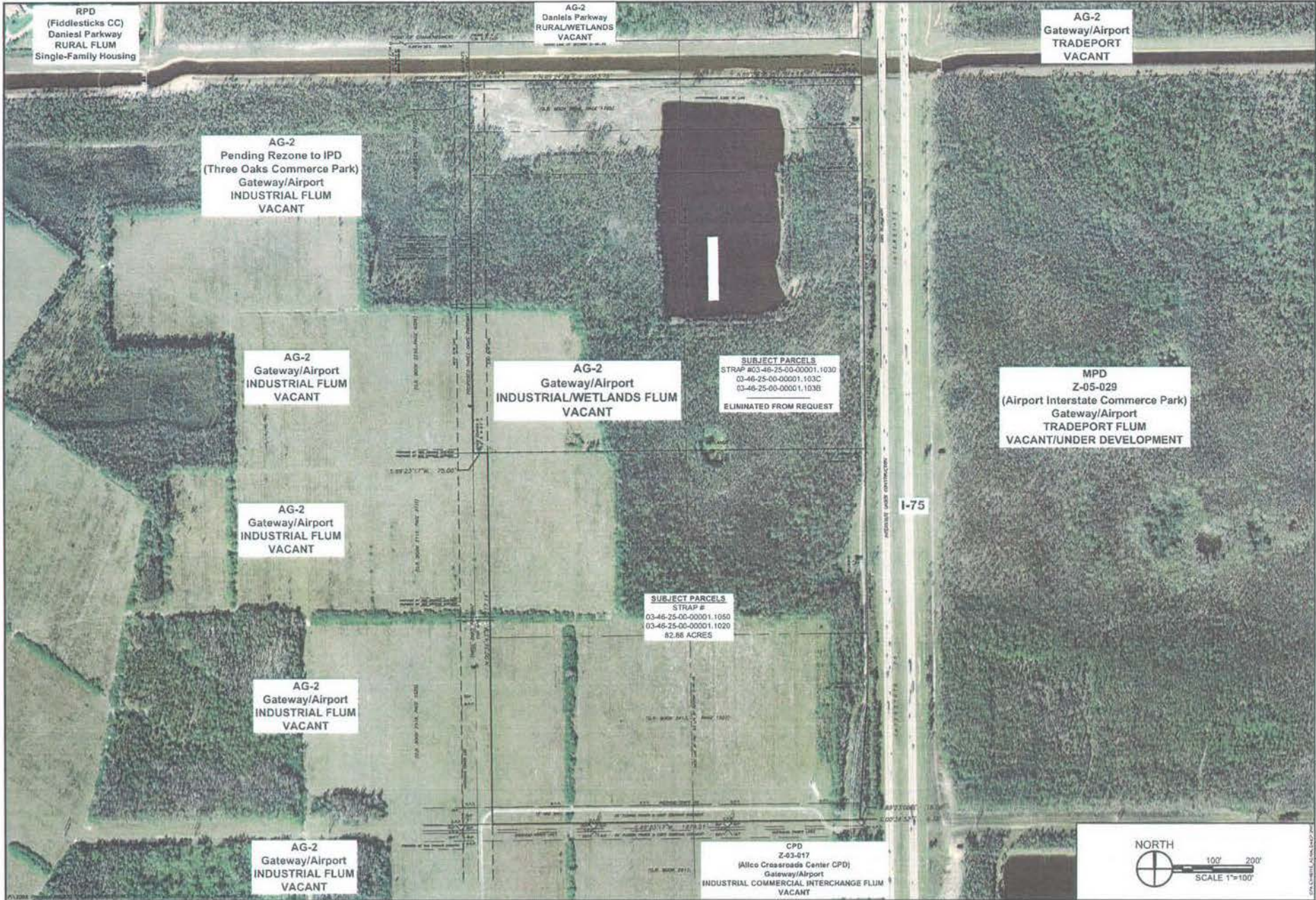
Sincerely,

Mike Scott
Sheriff, Lee County Florida



MAPS

MAPS



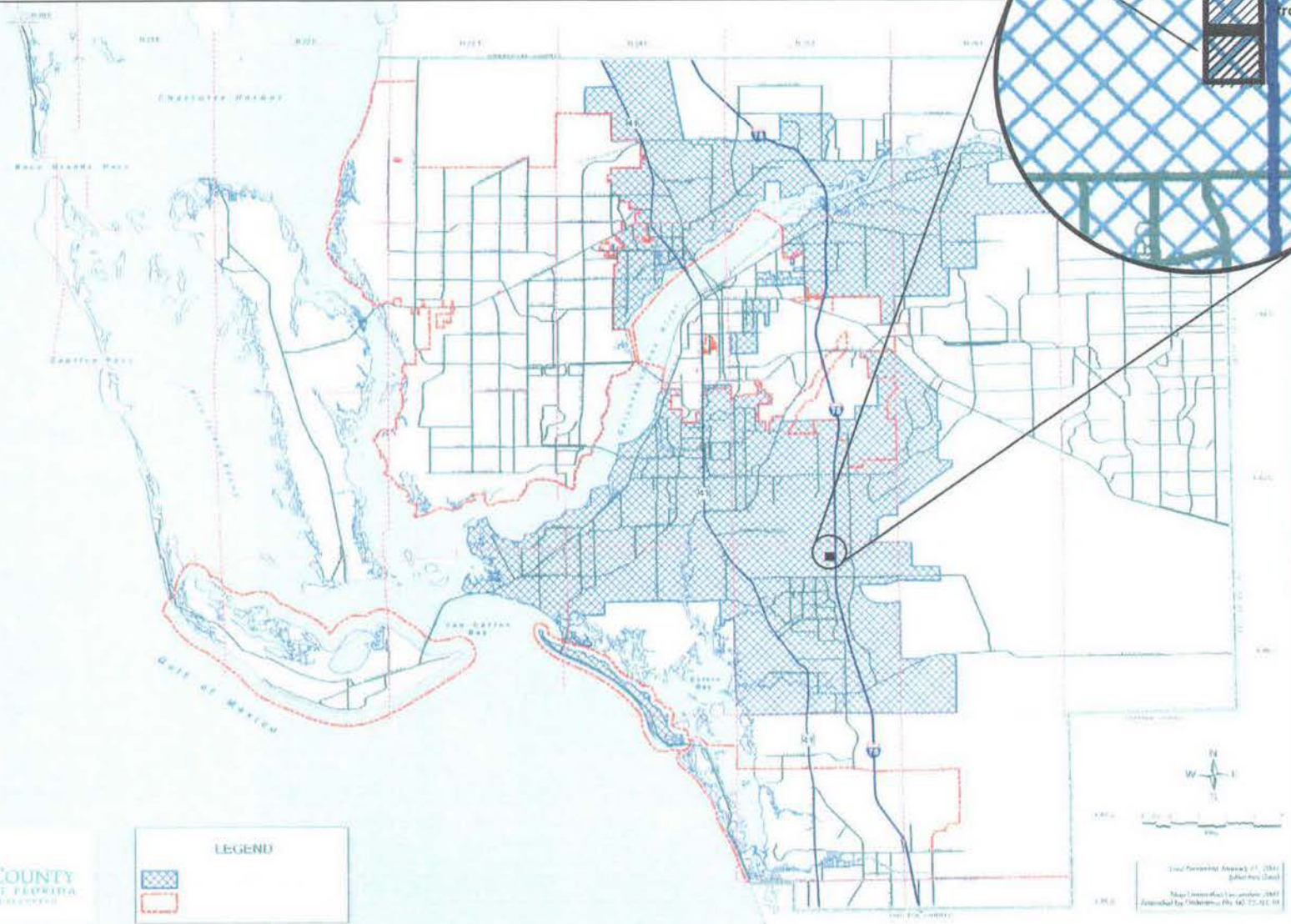
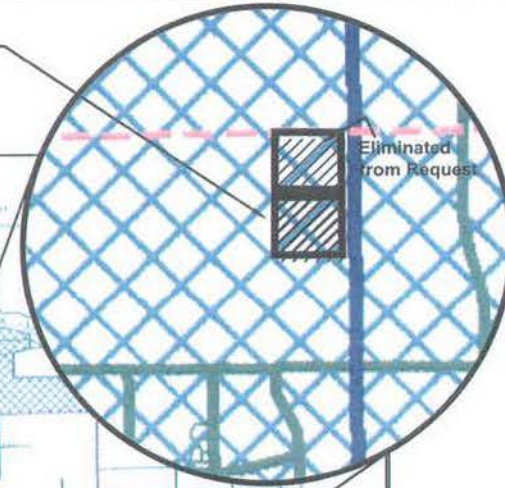
THREE OAKS NORTH CPA
EXHIBIT A-3 & A-4 : EXISTING ZONING & LAND USES
LEE COUNTY, FLORIDA

Quattrone & Associates, Inc.
Planners, Planners & Development Consultants
11000 Metro Parkway, Suite 30 - Fort Myers, Florida 3912 - 239-936-0222
certified as a subdivider under state law

A-3 & A-4

LEE COUNTY UTILITIES
FUTURE WATER SERVICE AREAS
(See Page Map 5)

SUBJECT PARCELS
STRAP #03-46-25-00-00001.1050, 03-46-25-00-00001.1020
82.86 ACRES
(Revised from 169 acres)



LEGEND

- [Blue hatched box]
- [Red dashed line box]



DATE	
REVISION	

THREE OAKS NORTH CPA
EXHIBIT - FUTURE WATER SERVICE
LEE COUNTY, FLORIDA

Quattrone & Associates, Inc.
Engineers, Planners, & Development Consultants
11000 Main Parkway, Suite 300 - Fort Myers, Florida 33912 - 239/961-5222
Certificate of Registration Number: 0401

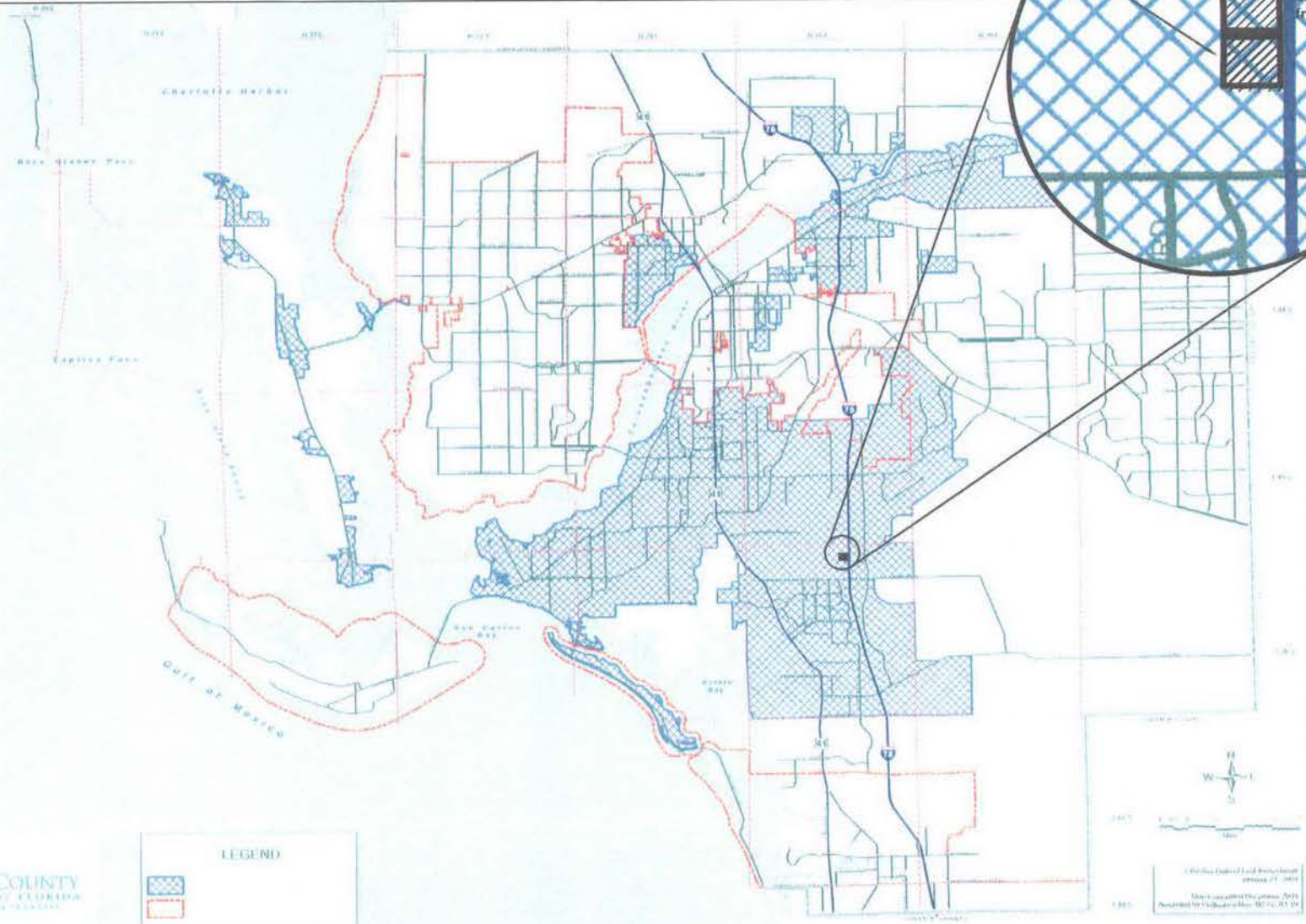
PROJECT: 03-46-25-00-00001
PLOTTER: HP 400
PLOT: 11-20-2006 1:24 PM

LEE COUNTY UTILITIES
FUTURE SEWER SERVICE AREAS
(See Appendix T)

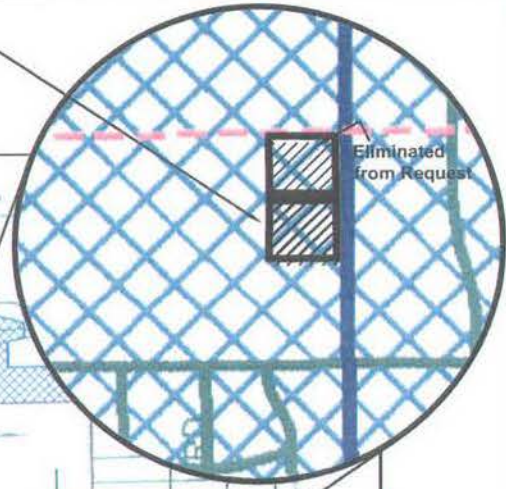


LEGEND

- Future Sewer Service Area
- Other Utility Service Area



SUBJECT PARCELS
STRAP #03-46-25-00-00001.1050, 03-46-25-00-00001.1020
82.86 ACRES
(Revised from 169 acres)



Scale: 1" = 100'

North Arrow

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DATE: _____

REVISION: _____

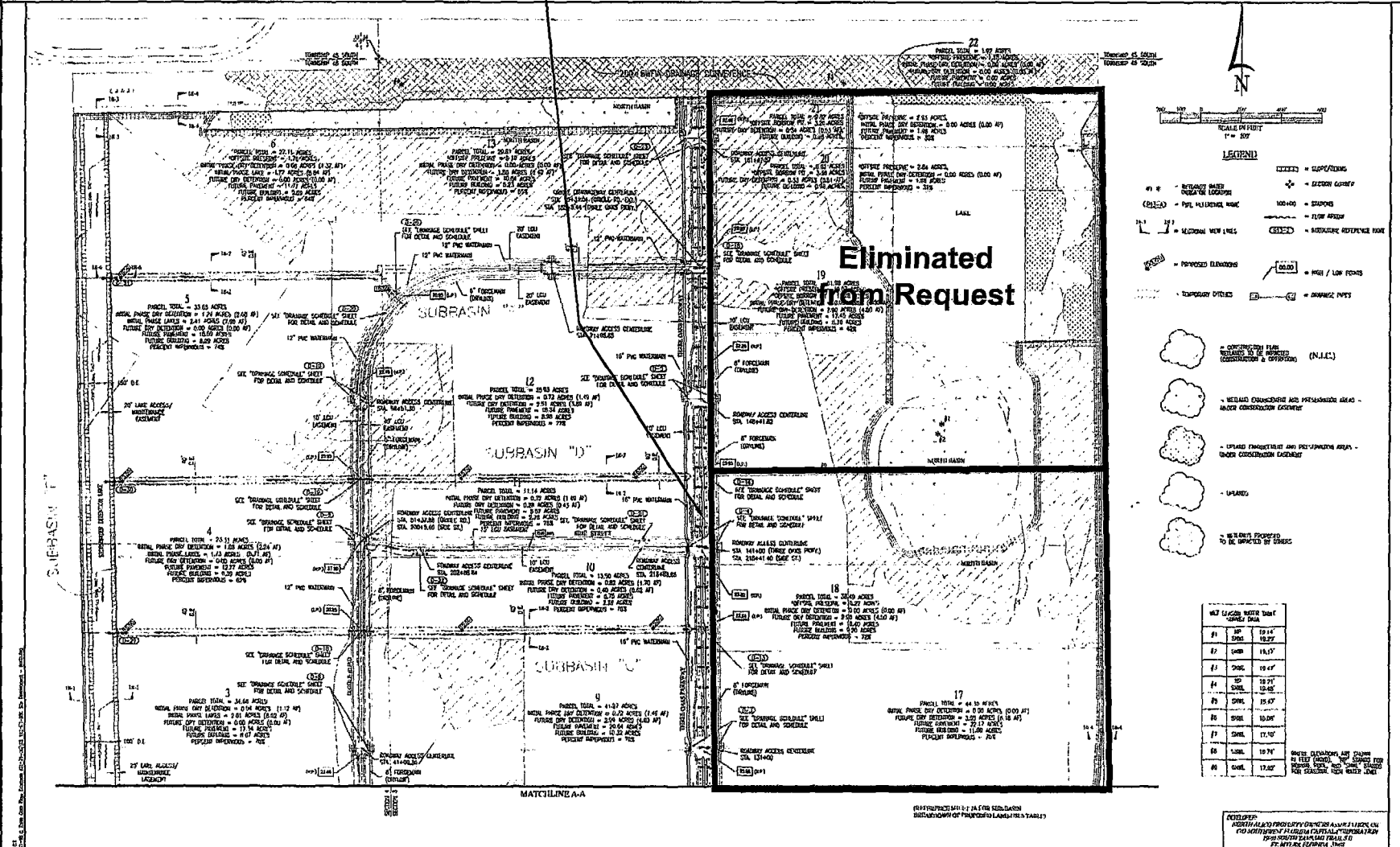
Quattrone & Associates, Inc.
Engineers, Planners, & Development Consultants
11000 Alcoa Parkway, Suite 201 - Fort Myers, Florida 33912 - 239-936-3222
Caldwell is a registered professional seal

THREE OAKS NORTH CPA
EXHIBIT - FUTURE SEWER SERVICE

LEE COUNTY, FLORIDA

1 of 1

SUBJECT PARCELS
STRAP #03-46-25-00-00001.1050, 03-46-25-00-00001.1020
82.86 ACRES
 (Revised from 169 acres)



LEGEND

☐	STANDARD BUILT OVER OR LOCATED	▨	CONCRETE
○	PAV. WALKWAY MARK	▩	SEASON COVER
⬆	NEIGHBOR NEW WALL	▧	SEWER
⬆	PROPOSED ELEVATIONS	▧	FLOW AREA
⬆	TEMPORARY UTILITIES	▧	MEASURED REFERENCE POINT
⬆		▧	HIGH / LOW POINTS
⬆		▧	ADJACENT PLOTS

(N.I.C.)
 - METEOR CONSTRUCTION AND PREPARATION AREA - UNDER CONSTRUCTION EASEMENT
 - IMPROVEMENTS AND RECONSTRUCTION AREA - UNDER CONSTRUCTION EASEMENT
 - UNPAVED
 - WEREN'T PROPOSED TO BE IMPROVED BY THESE

NO	SECTION	AREA (AC)
1	10	10.47
2	11	10.47
3	12	10.47
4	13	10.47
5	14	10.47
6	15	10.47
7	16	10.47
8	17	10.47
9	18	10.47
10	19	10.47

THREE OAKS PARKWAY EXTENSION SECTIONS 3 & 4, TOWNSHIP 46S, RANGE 25E LEE COUNTY, FLORIDA	SOURCE, INC. ENGINEERING - PLANNING 1334 LAMARITE STREET • GAINESVILLE, FL 32604 TELEPHONE: (352)946-2348 FAX: (352)946-4770	SITE DEVELOPMENT NORTH	ENGINEER: THOMAS J. PUGI, P.E. DATE:	13 STRIPED NUMBER: 48221	JOB NO: 110-01-00	DRAWN BY: L.G.	PLOIN NAME: 05-110
				DATE: 11-24-03	SHEET: 5 OF 24		

THREE OAKS NORTH CPA
 EXHIBIT - Three Oaks Parkway Dev. Parameters
 LEE COUNTY, FLORIDA
 Quatrone & Associates, Inc.
 Engineers, Planners, & Development Consultants
 11000 Main Parkway, Suite 300, Ft. Myers, Florida 33907 - 239-935-9222
 www.quatrone.com

LEGEND

SPECIAL FLOOD HAZARD AREAS INUNDAATED BY 100 YEAR FLOOD

- ZONE A: No base flood elevations determined
- ZONE AE: Base flood elevations determined
- ZONE X: Areas of 500 year flood; areas of 100 year flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 100 year flood

OTHER FLOOD AREAS

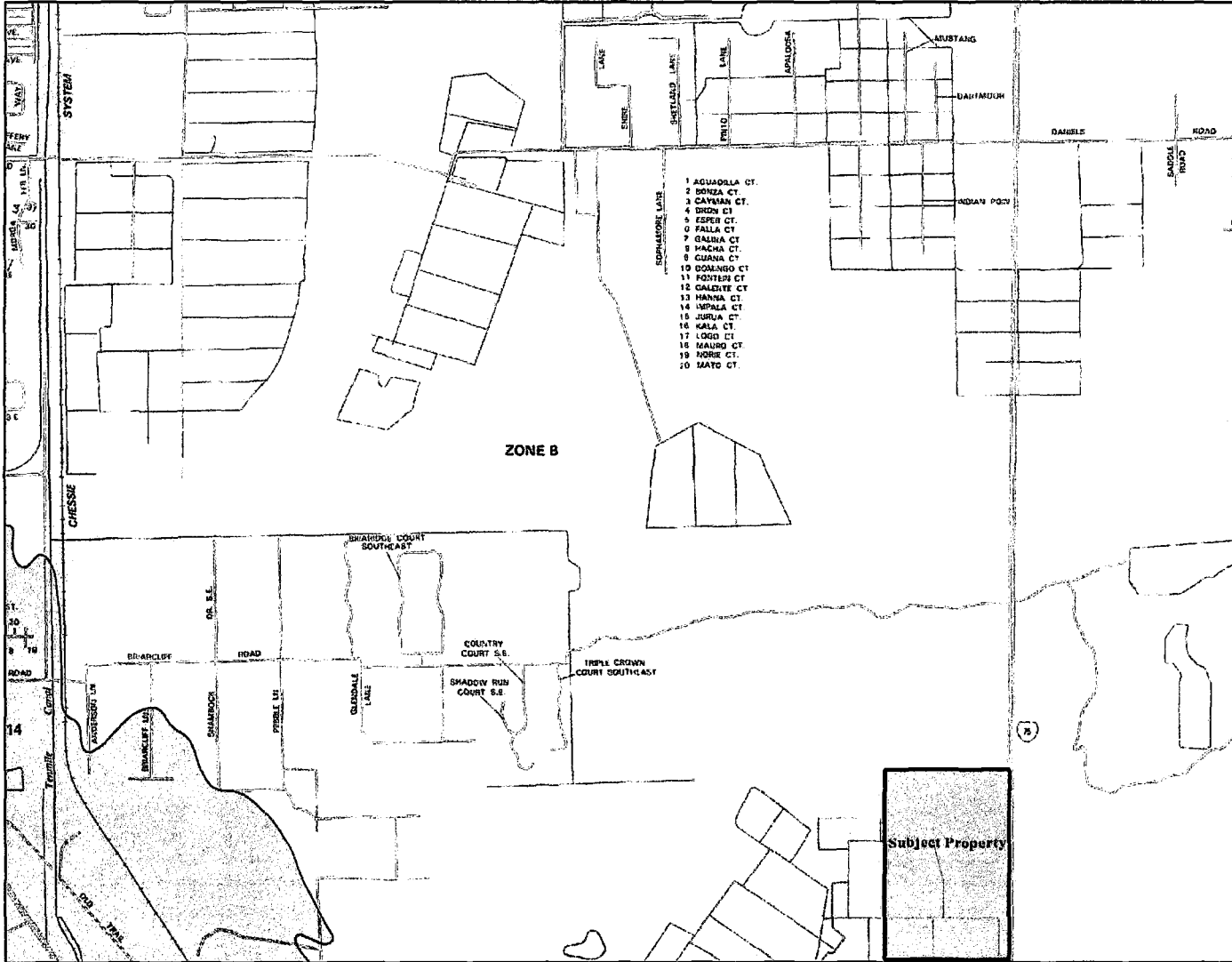
- ZONE K: Areas of 500 year flood; areas of 100 year flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 100 year flood

OTHER AREAS

- ZONE X: Areas determined to be outside 500 year flood plain
- ZONE D: Areas in which flood hazards are undetermined

EXPLANATION OF ZONE DESIGNATIONS

- ZONE A: Areas of 100 year flood; base flood elevations and flood hazard factors not determined
- ZONE AE: Areas of 100 year flood; base flood elevations and flood hazard factors determined
- ZONE B: Areas between limits of the 100 year flood and 500 year flood; or certain areas subject to 100 year flooding with average depths less than (1) foot or where the contribution drainage area is less than one square mile; or areas protected by levees from the 100 year flood
- ZONE C: Areas of minimal flooding
- ZONE V1 - V30: Areas of 100 year coastal flood with velocity (wave action); base flood elevations and flood hazard factors determined



APPROXIMATE SCALE
2000 0 2000 FC

NATIONAL FLOOD INSURANCE PROGRAM


FIRM
FLOOD INSURANCE RATE MAP

COUNTY OF
**LEE,
FLORIDA**
(UNINCORPORATED AREAS)

PANEL 350 OF 550
(SEE MAP INDEX FOR PANELS NOT PRINTED)

COMMUNITY-PANEL NUMBER
125124 0350 B

EFFECTIVE DATE:
SEPTEMBER 19, 1984


Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using FIRM Online. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps, check the FEMA Flood Map Center at www.fema.gov.

THREE OAKS NORTH CPA
EXHIBIT C-3 FEMA FLOOD MAP
LEE COUNTY, FLORIDA

Quatrone & Associates, Inc.
Engineers, Planners, & Development Consultants
11000 Metro Parkway, Suite 307 - Fort Myers, Florida 33912 • 239-936-5221
Contract No. 125124-0350-B-03

C-3

