



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

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County Hearing Examiner

May 16, 2007

Ray Eubanks, Administrator, Plan Review and Processing
Florida Department of Community Affairs
Division of Resource Planning and Management
Bureau of Local Planning
Plan Processing Team
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

RE: Adoption Submission Package for CPA2006-04

Dear Mr. Eubanks:

The attached Citizen Courtesy Information List was omitted from the Adoption Submission Package CPA2006-04 (Adelson Small Scale Amendment) dated May 4, 2007 in error.

Sincerely,
DEPT. OF COMMUNITY DEVELOPMENT
Division of Planning



Janet Miller
Administrative Assistant

All documents and reports attendant to this adoption are being sent, by copy of this cover to:

Wendy Evans
Department of Agriculture and Consumer services

Mike Rippe
Florida Department of Transportation

Alex Carswell
Department of Education

Jim Quinn
Department of Environmental Protection

Susan Harp
Department of State

Mary Ann Poole
Florida Fish and Wildlife Conservation Commission

Mary Helen Blakeslee
Office of Tourism Trade, and Economic Development

David Crawford
Southwest Florida Regional Planning Council

P.K. Sharma
South Florida Water Management District

ADELSON

Comprehensive Plan Citizen Courtesy Information List

Local Government: LEE COUNTY

Hearing Date: 4/24/07 (Continued from 3/27/07)

Type of Hearing: Adopt Comp Plan Small Scale Amendment - CPA2006-04 Adelson Small Scale Amendment

DCA Amendment Number: _____ (DCA Official Use)

PLEASE PRINT CLEARLY

Citizen Name	Address, City, State, Zip Code	Check (√) Appropriate Response(s)		Identify Amendment which is of Interest
		Written Comment	Spoken Comment	
Roy Reeves	17140 Slater Rd N. FT MYERS FL 33917		✓	Adelson
Allen & Joycel Walker	17131 Slater ROAD NFM 33917		✓	Adelson
Jim & Joyce A Walker	17221 Slater Rd N FM FL 33917		✓	Adelson
RaeAnn Nessel	PO Box 713 Fort Myers, FL 33902		✓	CPA 2006-04 Adelson
Kelly + Tim Denardis	17160 Slater rd		✓	Adelson CPA 2006-04

Comprehensive Plan Citizen Courtesy Information List

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Citizen Name	Address, City, State, Zip Code	Check (√) Appropriate Response(s)		Identify Amendment which is of Interest
		Written Comment	Spoken Comment	
Richard Sattne	6640 BRIGHT RD N. FT. MYERS FL 33917		✓	CPA 2006-04 ADELSON



LEE COUNTY
SOUTHWEST FLORIDA

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Writer's Direct Number: (239) 479-8309

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May 4, 2007

Ray Eubanks, Administrator, Plan Review and Processing
Florida Department of Community Affairs
Division of Resource Planning and Management
Bureau of Local Planning
Plan Processing Team
2555 Shumard Oak Boulevard
Tallahassee, FL. 32399-2100

Re: Amendment to the Lee Plan
Adoption Submission Package for CPA 2006-04

Dear Mr. Eubanks:

In accordance with the provisions of Section 163.3187(1)(c), F.S. and of 9J-11.015, this submission package constitutes the adopted small scale amendment to the Lee Plan, known as CPA 2006-04. The adoption hearing for this plan amendment was held on March 24, 2007. Per 9J-11.015(1), this is the first small scale amendment adopted in the 2007 calendar year, making the "cumulative total number of acres" for small scale amendments adopted in the 2007 calendar year approximately 5.43 ± acres.

Included with this package, Per 9J-11.015, is one copy of the adopted amendment, supporting data and analysis, and the adopting ordinance No. 07-06. By copy of this letter and its attachments I certify that this amendment has been sent to the Regional Planning Council.

Sincerely,
DEPT. OF COMMUNITY DEVELOPMENT
Division of Planning

Paul O'Connor, AICP
Director

For:

All documents and reports attendant to this adoption are being sent, by copy of this cover, to:

Wendy Evans
Department of Agriculture and Consumer Services

Mike Rippe
Florida Department of Transportation

Alex Carswell
Department of Education

Jim Quinn
Department of Environmental Protection

Susan Harp
Department of State

Mary Ann Poole
Florida Fish and Wildlife Conservation Commission

Mary Helen Blakeslee
Office of Tourism, Trade, and Economic Development

David Burr
Southwest Florida Regional Planning Council

P.K. Sharma
South Florida Water Management District

CPA2006-04

**ADELSON
SMALL-SCALE
AMENDMENT
TO THE**

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

**Privately Sponsored Application
and Staff Analysis**

BoCC Adoption Document

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

April 24, 2007

LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA2006-04

Text Amendment

Map Amendment

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

STAFF REPORT PREPARATION DATE: November 27, 2006

PART I - BACKGROUND

A. SUMMARY OF APPLICATION

1. APPLICANT/REPRESENTATIVE:

SW Florida Land Twelve, LLC
6150 Diamond Centre Court, Building 1300
Fort Myers, FL 33912

DBS Consulting, Inc
Stephen Sposato, AICP
4450 Camino Real Way
Fort Myers, FL 33912

- 2. REQUEST:** Amend the Lee Plan Future Land Use Map series for a specified 5.43± acre portion of a parcel located in Section 19, Township 43 South, Range 25 East (see Attachment 4, for general location) to change the Future Land Use classification shown on Map 1 from "Rural" to "Suburban."
- 3. SUMMARY DISCUSSION:** The applicant's agent, DBS Consulting, Inc. is requesting a Small Scale Map Amendment to Map 1 of the Lee Plan for a 5.43 acre specified portion of an existing parcel to change the Future Land Use Category from the Rural Land Use designation to the Suburban Land Use designation. The change from Rural to Suburban would allow an increase in both residential density and commercial intensity. The existing Rural Land Use designation will allow a density of 1 du per acre and a low

intensity commercial usage intended to provide services needed by the surrounding rural community. The proposed Suburban Land Use designation will allow a residential density range of 1 du per acre to 6 du per acre and a commercial intensity up to neighborhood centers. The proposed map amendment would move the 5.43 acre site from a "non-urban" land use category to an "urban" land use category. The parcel is located east of Slater Road, approximately 1 mile north of Bayshore Road (SR 78). The property is currently located within the North Fort Myers Planning Community boundaries (Map 16). The property is not located in a special planning area.

BACKGROUND INFORMATION

1. EXISTING CONDITIONS:

SIZE OF PROPERTY: ± 5.43 acres

PROPERTY LOCATION: Generally located one mile north of Bayshore Road (SR 78), east of Slater Road.

STRAP #: 19-43-25-00-00014.0020

EXISTING USE OF LAND: Passive Agriculture / Grazing Lands / Improved Pasture

CURRENT ZONING: AG-2

CURRENT FUTURE LAND USE CLASSIFICATION: Rural

2. INFRASTRUCTURE AND SERVICES:

FIRE: North Fort Myers Fire Control and Rescue District

EMS: Lee County EMS service area.

LAW ENFORCEMENT: Lee County Sheriff's Office.

SOLID WASTE: Waste Pro Franchise Area.

MASS TRANSIT: LeeTran Route is roughly 1 mile to the south on Bayshore Road.

POTABLE WATER: Lee County Utilities, Olga Water Treatment Plan

SANITARY SEWER: North Fort Myers Utility, Inc. This property is not within the sanitary sewage service area, as is depicted on Map 7 of the Lee Plan.

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION: Planning Staff recommends transmittal of the proposed amendment to the Future Land Use Map changing 5.43± acres of land currently having a Rural Land Use designation to the Suburban Land Use designation.

- Suburban land use designation is adjacent to this property to the south.

- The Comprehensive Plan Amendment site is located within the Category 3 Storm Surge Zone.
- The property is located within the Future Water Service Area, Map 6 of the Lee Plan.
- The property is not located within a Special Treatment Area regulated by specific Goals, Objectives, or Policies.
- The total 16.15 acre property, under common ownership, is currently split between the Rural Land Use designation and the Suburban Land Use designation.
- The property is located within the North Fort Myers Planning Community.
- The property is less than 10 acres and can be processed as a small scale plan amendment.
- No plan amendment has been granted to this property within the last 12 months.
- The property owner has not requested another plan amendment within 200 feet of this property within the past 12 months.
- The Land Use designations impacting this property did not follow property lines.
- The Land Use designations impacting this property did not follow complete Township, Section, or Range boundaries.

COMPREHENSIVE PLAN BACKGROUND

The subject property was designated "Suburban" by the original Lee County Future Land Use Map, adopted in 1984. By 1988 it had been designated "Rural" and has remained so. The initial change from the Suburban Land Use designation to the Rural Land Use designation took place through PAM 19-43-25, as a part of the 1986 plan amendment cycle, which had been erroneously named PAM 19-43-26 in many documents. In 1987, another round of plan amendments changed the land use designations in the same location. It is not entirely clear if this specific area was included or not, but the land use changes proposed were similar. The 1987 Plan amendments utilized changes that were proposed as an option (option 2) of the Bayshore Corridor Study (Attachment 1). In reviewing the transcripts from Local Planning Agency meetings (Attachment 2) and Board of County Commissioner's meeting concerning this topic, it has been derived that a concern existed at that time that the owners in the northern part of Section 19 (STR 19-43-25) had expressed an interest to be placed in the Rural Land Use designation and not be infringed upon by an industrial or some other incompatible land use. Many of the decisions to restrict development within this area to 1 dwelling unit per acre were based on the Bayshore North Area Study (Attachment 3), which received conceptual approval from the Board of County Commissioners on May 19, 1981 and was adopted in May of 1982.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

INTRODUCTION

Application Summary

FLUM Changes

The Comprehensive Plan Amendment requests changes to the Future Land Use designation of a 5.43 acre parcel from the Rural Land Use designation to the Suburban Land Use designation. This change would move property from a non-urban land use category to an urban category and increase its potential density and intensity. The impact to residential density would be an increase from 1 dwelling unit per acre under the Rural Land Use designation to 1 – 6 dwelling units per acre under the Suburban Land Use designation, a potential increase of 27 dwelling units. In addition, under the Rural Land Use designation commercial intensity is limited to uses needed to serve the rural community. Under the Suburban Land Use designation commercial intensities up to neighborhood centers are allowed, which would include uses such as the sale of convenience goods and personal services.

The existing boundaries between the Rural Land Use designation and the Suburban Land Use designation roughly followed the south ½ of the south ½ line of STR 19-43-25. This boundary, while not truly arbitrary, did not fall on any recognizable features or along the property lines and did not bisect the property in a functional manner. In this case, the property was split with roughly 1/3 of the property being in the Rural Land Use designation and 2/3 of the property falling under the Suburban Land Use designation. The portion of the property within the Rural LU has roughly 166 feet of frontage along Slater Road and has a depth of approximately 1,418 feet. While staff does not concede that this situation automatically warrants the concession to the more intense land use designation of Suburban, staff recognizes this split of land use designation will be problematic for development of the entire 16.15 acre site. The differences in density and intensity will not allow for a unified, cohesive development plan within the property that is currently under a single owner.

Staff took into consideration the surrounding land use designations, how the property was split between the two different land use designations; the compatibility of the two different land use designations; the over-all size of the land use change request; the ability to provide and the existing infrastructure; and the over-all intent of the Lee Plan which is to depict Lee County as it will appear through the build-out year. These considerations have led to a staff decision that the impacts of unifying the land use designations for a parcel of land under one ownership is plausible and is compatible with the Lee Plan. Additionally, staff took into consideration the surrounding uses to the plan amendment site. Immediately north of the site is an area fronting Slater Road, roughly 3.6 acres in size with a zoning category of C-1. Currently, this site is being used as open storage. Surrounding this area is a mixture of single family dwelling units on varying sized lots,

mobile home sites (River Trails and Estates Mobile Home Park is located approximately ¼ mile to the south), religious facilities, and agricultural lands.

This does not mean staff is establishing a precedent that in any case of a split land use on a parcel the more intense or the majority land use designation should prevail. Staff has simply made the conclusion that in this specific case, considering the above listed conditions, this choice made sense and is compatible with the Lee Plan. Additionally, in this immediate area, there are only two other parcels, each roughly five acres in size, that are split in a similar manner. These parcels are located on the west side of Slater Road. While the physical characteristics are similar to the Adelson, Small Scale Amendment, staff stresses the fact that every plan amendment will be reviewed based on their own, individual merits. It should not be assumed a precedent is being established with the Adelson, Small Scale Amendment.

TRANSPORTATION/TRAFFIC CIRCULATION IMPACTS

The subject property currently has access from Slater Road. Slater Road is currently classified as an Arterial with a current Level of Service "C", as was stated in the Concurrency Report, June, 2006.

The Lee County Department of Transportation (LCDOT) has reviewed the request and has provided written comments dated November 3, 2006. These comments are provided below:

We have reviewed the above application which requests the land use designation of approximately 5.43 acres be changed from "Rural" to "Suburban." It is indicated in the application that given the existing FLUM designation of "Rural," 18,000 square feet of commercial and 36,300 square feet of general office could be built in the subject area. The proposed "Suburban" designation would allow 30,000 square feet of commercial and 24,300 square feet of general office. If this amendment is adopted, there will be 247 trips generated by this property on a PM peak hour peak directional basis. The 2030 FSUTMS travel demand model indicates that there will be 341 PM peak hour peak directional trips on Slater Road and the LOS of Slater Road will be "C." Adding 247 project's trips, LOS on Slater Road will still be "C." Therefore, we determine that this land use change will not alter the future road network plans.

POPULATION ACCOMMODATION

Currently, there exists 498 acres of "Available" allocated land for Residential Use by the Suburban Future Land Use Category within the North Fort Myers Planning Community. Under the existing Rural Land Use designation, 5 dwelling units could be built, allowing for an approximate population of 12 people under the current land use. The proposed Suburban Land Use designation would allow for 30 dwelling units to be built on the 5.43 acre site or a proposed population 69 people under the proposed land use designation.

The applicant has stated the overall project site will be a 16.15 acre development. Keeping the Rural Land Use designation would allow the developer to build 69 dwelling units allowing the development to accommodate approximately 159 persons. The proposed

amendment changed to the Suburban Land Use designation would allow 96 dwelling units which could accommodate approximately 221 persons.

The proposed Land Use Change to the Suburban Land Use Designation would allow 27 more dwelling units or roughly 62 more people within a development, than would currently be allowed.

ENVIRONMENTAL CONSIDERATIONS

The application includes a map and report prepared by Boylan Environmental Consultants, Inc. to identify the potential for endangered or threatened species and to map vegetation communities on site. The map identifies the Florida Land Use, Forms and Cover Classifications System (FLUCFCS) Code, an acreage coverage and total acreage determination. The map depicts 5.43 acres of the site as being Improved Pasture (Code 211).

Lee County, Environmental Sciences Division has reviewed the application and provided an e-mailed response stating:

There are no Environmental Science issues with this request.

SOILS

The application includes a map prepared by Boylan Environmental Consultants, Inc. concerning the soil types located on the subject site. The soils types for the site were determined to be Oldsmar Sand over the entire 5.43 acre site.

HISTORIC RESOURCES

The application included a map depicting the subject parcel in relation to the Archaeological Sensitivity Map. The parcel in question is within the Archaeological Sensitivity Area, Level 2 boundary in the northeastern corner of the property. Chapter 22 of the Lee County Land Development Code defines the Sensitivity Level 2 as follows:

Those areas containing known archaeological sites that have not been assessed for significance but are likely to conform to the criteria for local designations, or areas where there is a high likelihood that unrecorded sites of potential significance are present.

The application includes a letter, dated March 21, 2005 from the Division of Historical Resources, Florida Department of State. This letter provides the following:

In response to your inquiry of March 17, 2005, the Florida Master Site File lists no previously recorded cultural resources in the following parcels:

T:43S R:25E Section 19

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 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.*

PUBLIC SERVICES

FIRE The North Fort Myers Fire District did not raise any objections to comprehensive plan amendment. As was stated in the letter, it was not expected that any increase in manpower or vehicles would be necessary to adequately service this proposed project.

EMERGENCY MEDICAL SERVICES (EMS) The Lee County Public Safety, EMS provided a form letter, "Statement of No Concern." It was stated in the form letter:

Lee County EMS has no concerns with the requested change from Rural to Suburban. The statement also does not indicate that any plans have been received or reviewed.

LAW ENFORCEMENT The Lee County Sheriff's Office provided a letter that stated there were no anticipated problems with providing any potential development with adequate "core" level of law enforcement services. An excerpt of the letter provided by the Lee County Sheriff's Office is provided:

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

SOLID WASTE The subject property is within the Lee County, Solid Waste District, Area 5. The franchise company responsible to collection for District #5 is Waste Pro. Lee County, Solid Waste Division was contacted about the comprehensive plan amendment and stated:

Disposal of the solid waste generated at this location will be accomplished at the Lee County Resource Recover Facility and the Lee-Hendry Regional Land fill. Plans have been made, allowing for growth, to maintain long-term disposal capacity at these facilities.

MASS TRANSIT LeeTran received a copy of the amendment application and had no objections to the proposed map amendment. A letter was provided to the applicant and is a part of the comprehensive plan amendment application. An excerpt of the letter provided by Lee County Transit is provided below:

Lee County does not currently provide public transportation services directly to the subject property and does not plan to extend service to the site anytime within the existing Lee County Transit Development Plan, which goes through 2013. The closest transit service accessible from this parcel is approximately 1 mile south at the intersection of Slater Road and Bayshore Road. Transit service to the subject site is also not identified in the transit element of the Lee County Long Range Transportation Plan, which has a planning horizon through 2030.

SCHOOL IMPACTS The School District provided a letter to the applicant and is a part of the comprehensive plan amendment application. The letter did not list any objections to the comprehensive plan amendment.

PARKS, RECREATION AND OPENSACE Lee County Public Works staff reviewed the request and provided comments stating there were no objections to the proposed change from Rural to Suburban.

POTABLE WATER The property is located in the Lee County Future Water Service Areas delimited on Map 6. Lee County Utilities has provided a letter stating sufficient capacity exists to provide potable water. An excerpt of the letter provided by Lee County Utilities is provided below:

Your firm has indicated that this project will consist of 96 multi-family residential units with an estimated flow demand of approximately 19,200 gallons per day. Lee County Utilities presently has sufficient capacity to provide potable water service as estimated above.

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

SANITARY SEWER The property is not located in the Lee County Future Sewer Service Areas, delimited by Map 7. It is proposed that sanitary sewage will be supplied by the North Fort Myers Utility Incorporated. A letter was provided to the applicant and is a part of the comprehensive plan amendment application. An excerpt of the letter provided by the North Fort Myers Utility Incorporated is provided below:

Currently we do not have a waterwater force main adjacent to the property therefore, the developer shall construct the offsite and onsite waterwater collection system under the terms of the Developer's Agreement.

North Fort Myers Utility, Inc. has the capacity to provide 21,600 gallons per day from its waterwater treatment plant.

This letter should not be construed as a commitment to service, but only the availability of wastewater service. The company will commit to service only upon receipt of a signed required for service, executed Developer's Agreement,

appropriate fees and charges and the approval of all federal, state and local regulatory agencies.

STORMWATER MANAGEMENT The applicant has stated that the property is located within the Daughtrey Creek Watershed. Any development would need to be in compliance with the South Florida Water Management District and the Lee County Land Development Code with regard to surface water management.

PUBLIC NOTIFICATION PROCESS

Signs Posted and Letters Mailed Out

As part of the requirements of Administrative Code 13-7, residents within 500 feet of the proposed amendment site are to be mailed a notice stating the nature of the Future Land Use Map change. In addition, a sign is posted at the site with a description of the proposed amendment and the assigned case number.

CONSISTENCY WITH THE LEE PLAN

***POLICY 1.1.5:** The Suburban areas are or will be predominantly residential areas that are either on the fringe of the Central Urban or Urban Community areas or in areas where it is appropriate to protect existing or emerging residential neighborhoods. These areas provide housing near the more urban areas but do not provide the full mix of land uses typical of urban areas. The standard residential densities are the same as the Urban Community category. Higher densities, commercial development greater than neighborhood centers, and industrial land uses are not permitted. Bonus densities are not allowed. (Amended by Ordinance No. 94-30)*

The proposed small-scale amendment is will provide a uniform land use designation for a parcel of land under one owner. There are no natural features or landmarks that direct the boundaries for different land use designations.

***POLICY 1.4.1:** The Rural areas are to remain predominantly rural--that is, low density residential, agricultural uses, and minimal non-residential land uses that are needed to serve the rural community. These areas are not to be programmed to receive urban-type capital improvements, and they can anticipate a continued level of public services below that of the urban areas. Maximum density in the Rural area is one dwelling unit per acre (1 du/acre).*

***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 existing utilities and the development's access to Slater Road, which functions as an Arterial does promote the ability to create a contiguous and compact development

pattern. Existing developments of similar densities do exist further south of the proposed amendment site.

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

No physical constraints or hazards are evident that would impact a residential development.

STANDARD 11.1: WATER.

1. *Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development in excess of 30,000 square feet of gross leasable (floor) area per parcel, must connect to a public water system (or a "community" water system as that is defined by Chapter 17-22, F.A.C.).*
2. *If the proposed development lies within the boundaries of a water utility's certificated or franchised service area, or Lee County Utilities' future potable water service area (see Map 6), then the development must be connected to that utility.*
3. *The developer must provide proof that the prior commitments of the water utility, plus the projected need of the developer, do not exceed the supply and facility capacity of the utility.*
4. *All waterline extensions to new development will be designed to provide minimum fire flows, as well as adequate domestic services as required by Chapter 10D-4, F.A.C.*

STANDARD 11.2: SEWER.

1. *Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development that generates more than 5,000 gallons of sewage per day, must connect to a sanitary sewer system.*
2. *If the proposed development exceeds the thresholds listed above and lies within the boundaries of a sewer utility's certificated or franchised service area, or Lee County Utilities' future sanitary sewer service area (see Map 7), and that utility has sufficient capacity to provide minimum service to the development, then the development must connect to that sewer utility if there is existing infrastructure adequate to accept the effluents of the development within 1/4 mile from any part of the development.*
3. *If there is not sufficient capacity nor adequate infrastructure within 1/4 mile of the development, the developer must provide proof in the form of a clearly stated rejection of service.*

The property can be service by Lee County Utilities for potable water. The property is outside of the Lee County Sanitary Sewage Service Area, as is depicted in Map 7 and will receive sanitary sewage service from the North Fort Myers Utilities Inc. Letters stating the availability of capacity is included in the application.

***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 on Slater Road Road, which functions as an arterial roadway.

REGIONAL POLICY PLAN

***Goal 2:** Southwest Florida will develop (or redevelop) communities that are livable and offer residents a wide range of housing and employment opportunities. By locating new housing in areas where services already exist, local governments can reduce the strain on their resources and promote the cost effective use of their services. Doing so can also promote livable communities that offer residents a variety of amenities and opportunities. Encouragement of infill development, mixed land uses, and neighborhood revitalization are among the steps local governments can take to promote new affordable housing without sacrificing other planning goals.*

FLORIDA STATE COMPREHENSIVE PLAN

The proposed amendment is consistent with relevant State Comprehensive Plan Goals and Policies.

(16) LAND USE(a)

Goal – In recognition of the importance of preserving the natural resources and enhancing the quality of life of the state, development shall be directed to those areas which have in place or have agreements to provide, the land and water resources, fiscal abilities, and ser capacity to accommodate growth in an environmentally acceptable manner.

AFFECT ON ADJACENT LOCAL GOVERNMENTS

The propose amendment is not adjacent to any local governmental boundaries. The proposed amendment does not affect any local governments.

B. CONCLUSIONS

It is not anticipated that the proposed land use change will adversely impact any public service provider. The proposed plan amendment is consistent with the Lee Plan. Staff concedes that in this case, with the majority of a parcel of land being located in a more intense land use and the limited dimensions and size of the remaining area, the request to unify the parcel under one land use designation is acceptable. In this case, with the more

intense land use covering the majority of the property, it seems plausible to allow the Suburban Land Use designation to regulate development over the entire site as this split of land use designations will be problematic for development of the entire 16 .15 acre site. The differences in density and intensity will not allow for a unified, cohesive development plan within the property that is currently under a single owner. However, staff does not believe that the more intense land use designation should be the first consideration if a situation similar to this does occur.

C. STAFF RECOMMENDATION

Planning staff recommends transmittal of the proposed small-scale amendment consisting of the Future Land Use Map change of 5.43± acres of land currently holding the land use designation of Rural to Suburban.

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

PUBLIC HEARING DATE: January 29, 2007

- A. LOCAL PLANNING AGENCY REVIEW:** One LPA member started the session by stating he was president of the company involved in the development proposed on this site and that he had notified, to the best of his ability, his fellow LPA board members. This member did not participate in the discussion and left the public hearing.

Staff explained the purpose of the amendment and reviewed the staff report and recommendations. The applicant's representatives then made a presentation describing the surrounding uses, zoning, and potential impacts. The hearing was then opened to the public. Several members of the public spoke with issues ranging from the type of product that was proposed, drainage, non-conforming land uses, traffic issues, and a lack of public services.

LPA members then began a discussion centering around the compatibility of the land use amendment to the Lee Plan. One of the LPA members took issue with the amendment stating it was not compatible with the 2030 allocation tables that were proposed through the 2005/2006 plan amendment cycle; this type of amendment would set a precedent for change to more intense land use designations; it was not located on the fringe of an existing Central Urban or Urban Community land use designation as is stated in Policy 1.1.5 (Suburban); the surrounding area was not intensively developed, except for the mobile home park located south of the property; this was not an infill type of development; the traffic that would be generated would be an issue; and this type of amendment reduces the rural lands. The LPA members also discussed when and how the property was cleared and if there were any time constraints that would have existed because of the vegetative clearing permits that would have been required. LPA members discussed these issues before calling for a vote to recommend adoption of the small-scale amendment 4 to 1, with one member abstaining.

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. **RECOMMENDATION:** The LPA recommends adoption of the proposed small scale amendment.
2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The LPA accepted the findings of fact as advanced by the staff.

C. VOTE:

NOEL ANDRESS	AYE
RAE ANN WESSEL	NAY
DEREK BURR	AYE
RONALD INGE	ABSTAIN
LESLIE COCHRAN	AYE
CARLETON RYFFEL	AYE

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

DATE OF ADOPTION HEARING: April, 24, 2007

A. BOARD REVIEW:

Planning staff provided a brief overview of the proposed amendment followed by a PowerPoint presentation from the applicant. Three Board members agreed that any proposed residential development on the subject property would be more cohesive with one Future Land Use designation instead of two. One Board member was concerned with density allocations under the Suburban Future Land Use category and the compatibility with the surrounding neighborhood. Planning staff explained that any proposed residential development requiring a rezoning from AG-2 to a residential planned development would have to adhere to the review process including a compatibility analysis. There were several comments provided by residents in the immediate area of the subject amendment parcel. They were concerned about the increased density that would be allowed with the proposed amendment request and the potential for increased traffic on Slater Road. The three Board members again stated that a cohesive land use designation would allow greater flexibility for the applicant to design the project for review during the rezoning process. The applicant had no objections regarding the Board's recommendation and stated that they will provide adequate buffering for the proposed project. In addition, prior to the adoption of the proposed plan amendment, the applicant committed to 1.5 acres of indigenous restoration throughout the property and along Slater Road.

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

The Board of County Commissioners adopted the proposed plan amendment.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

The Board of County Commissioners accepted the finding of facts that were advanced by staff and the LPA

C. VOTE:

A. BRIAN BIGELOW	<u>NAY</u>
TAMMARA HALL	<u>AYE</u>
BOB JANES	<u>AYE</u>
RAY JUDAH	<u>ABSENT</u>
FRANKLIN B. MANN	<u>AYE</u>

SMALL SCALE DEVELOPMENT AMENDMENT
SUBMITTAL FORM

1. Name of Local Government Lee County
- Person completing this form Paul Connor Phone Number 239-479-8585
- Name of Newspaper that notice of small scale development amendment was published _____
- The News Press - Fort Myers, Florida
- Date Publication Noticed April 11, 2007
- (Please attach copy of notice)
2. Number of acres of small scale development amendments contained in package:
- a. Within Urban Infill, Urban Redevelopment or Downtown Revitalization as defined by Section 163.3164, FS _____
 - b. Within Transportation Concurrency Exception Area pursuant to Section 163.3180(5), FS _____
 - c. Within Regional Activity Centers or Urban Central Business Districts pursuant to Section 380.06(2)(e), FS _____
 - d. Outside categories a., b. and c. 5.43 ±
3. Cumulative total number of acres of small scale development amendments for the calendar year:
- a. Categories listed in Item 2 a, b, and c. above _____
 - b. Categories listed in Item 2 d above 5.43 ±
4. Total number of acres of small scale development amendments in this package that are located within a coastal high hazard area as identified in the comprehensive plan 5.43 ±

Pursuant to Rule 9J-11.015(2), Florida Administrative code, this form must be mailed with all small scale development amendments as defined by Section 163.3187(1)(c), Florida Statutes to:

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

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

STATE OF FLORIDA
COUNTY OF LEE

Before the undersigned authority, personally appeared
Kathy Allebach
who on oath says that he/she is the
Legal Assistant of the News-Press, a
daily newspaper, published at Fort Myers, in Lee County,
Florida; that the attached copy of advertisement, being a
Display

In the matter of
Notice of Proposed Amendment
in the court was published in said newspaper in the
issues of
March 19, 2007

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

Kathy Allebach

Sworn to and subscribed before me this

19th day of March 2007 by

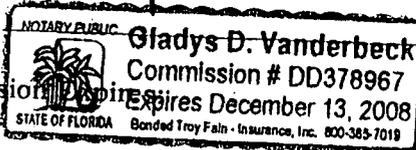
Kathy Allebach
personally known to me or who has produced

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

Notary Public

Print Name

My commission



 **LEE COUNTY**
SOUTHWEST FLORIDA

**NOTICE OF PROPOSED AMENDMENT TO THE
LEE COUNTY COMPREHENSIVE LAND USE PLAN
(Small Scale)**

On Tuesday, March 27, 2007, the Lee County Board of Commissioners will hold a public hearing to consider amending the Lee County Comprehensive Land Use Plan (Lee Plan). The hearing will be held in the Board of County Commissioners Hearing Chambers in the renovated Courthouse at 2120 Main Street in downtown Fort Myers. The hearing will commence at 5:05 p.m. or as soon thereafter as may be heard. The nature of the proposed Lee Plan amendment is to:

Amend the Future Land Use Map Series, Map 1, to change the Future Land Use classification on a 5.43 +/- acre parcel from Rural to Suburban. The subject parcel is located in North Fort Myers, north of Bayshore Road on the east side of Slater Road.

Sponsor: SW Florida Twelve, L.L.C.

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

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN" AS ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT SMALL SCALE AMENDMENT CPA2006-04 (PERTAINING TO THE DESIGNATION OF A 5.43-ACRE PARCEL FROM RURAL TO THE SUBURBAN FUTURE LAND USE CATEGORY) APPROVED DURING A SMALL SCALE COMPREHENSIVE PLAN AMENDMENT EFFORT; PROVIDING FOR AMENDMENT TO THE FUTURE LAND USE MAP SERIES, MAP 1; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN" GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

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

This meeting is open to the public and all interested parties are encouraged to attend. Interested parties may appear and be heard with respect to the proposed amendment to the Lee Plan. Pursuant to Florida Statutes, persons participating in the Comprehensive Plan Amendment process, who provide their name and address on the record, will receive a courtesy information statement from DCA prior to the publication of the Notice of Intent to find the plan amendment in compliance. If a person decides to appeal the Board's decision, he or she will need a record of the proceedings, and, for such purpose, he or she may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. Further information may be obtained by contacting the Lee County Division of Planning at 239-479-8585.

In accordance with the Americans with Disabilities Act, reasonable accommodations will be made upon request. If you are in need of a reasonable accommodation, please contact Janet Miller at 239-479-8583.

March 27, 2007

5:05 p.m.

AGENDA

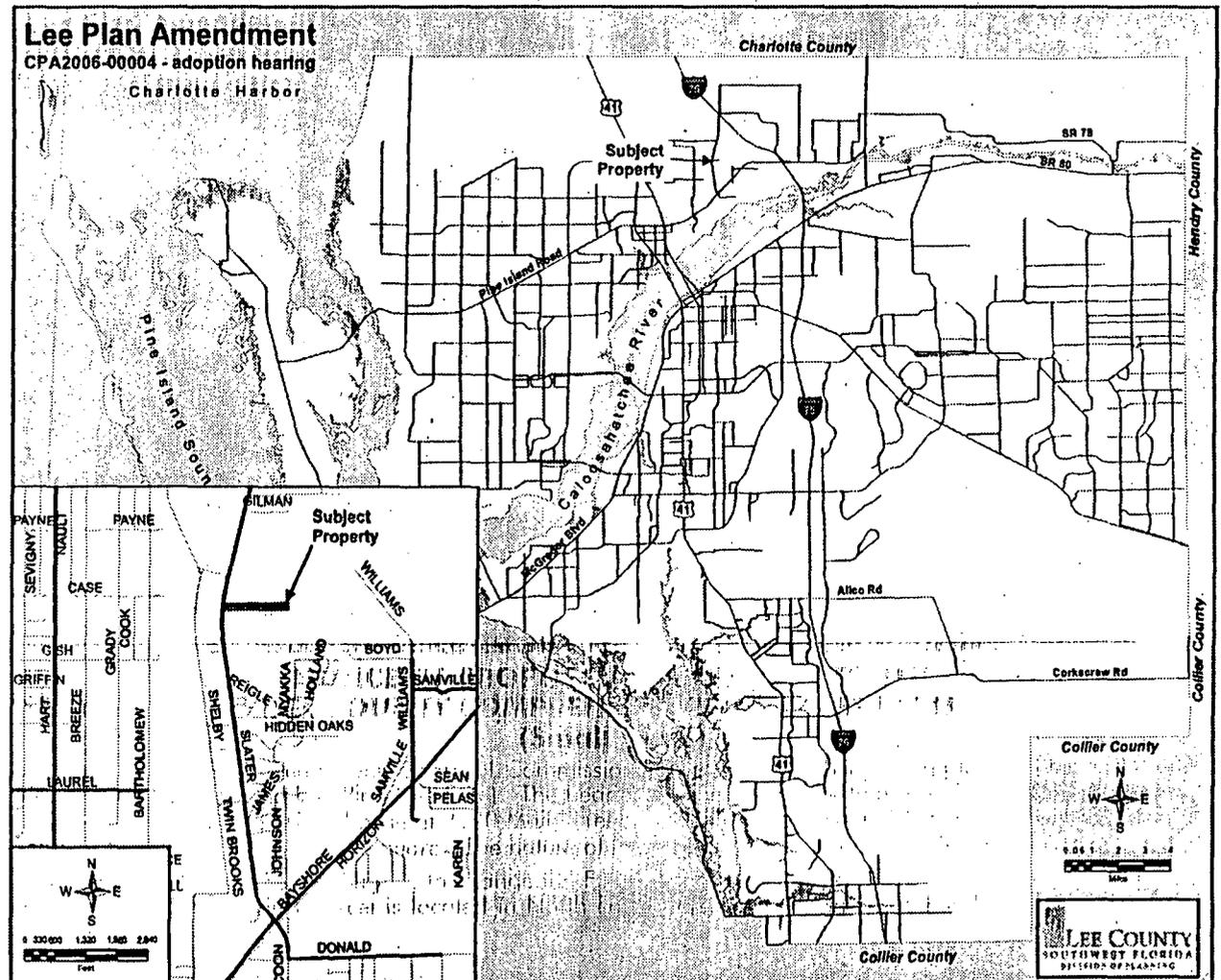
1. **Call to order; certification of Affidavit of Publication by County Attorney.**

2. **Lee Plan Amendment proposed for adoption by Board of County Commissioners:**

CPA2006-04 amends Future Land Use Map Series, Map 1, to redesignate a 5.43-acre parcel from Rural to the Suburban Future Land Use classification. The subject parcel is located north of Bayshore Road on the eastside of the Slater Road intersection.

Sponsor: SW Florida Twelve, L.L.C.

3. **Adjourn**



**NOTICE OF PROPOSED AMENDMENT TO THE
LEE COUNTY COMPREHENSIVE LAND USE PLAN
(Small Scale)**

On Tuesday, April 24, 2007, the Lee County Board of Commissioners will hold a public hearing to consider two small scale amendments to the Lee County Comprehensive Land Use Plan (Lee Plan). The hearing will be held in the Board of County Commissioners Hearing Chambers in the renovated Courthouse at 2120 Main Street in downtown Fort Myers. The hearing will commence at 5:05 p.m. or as soon thereafter as may be heard. The nature of the proposed Lee Plan amendments is to amend the Future Land Use Map Series, Map 1, to change the Future Land Use classification of two specific parcels of land described below:

1. Amend the Future Land Use Map Series, Map 1, to change the Future Land Use classification of a 7.67 +/- acre parcel from Industrial to Commercial and Wetlands Conservation. The subject parcel is located northeast of the Pine Ridge Road and Summerlin Intersection and east of the Lee County sewage treatment ponds.
Sponsor: Vicott, Inc.

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

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN" AS ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT SMALL SCALE AMENDMENT CPA 2005-01 (PERTAINING TO THE DESIGNATION OF A 7.67-ACRE VICOTT, INC. PARCEL FROM INDUSTRIAL DEVELOPMENT TO THE COMMERCIAL AND WETLANDS CONSERVATION LANDS FUTURE LAND USE CATEGORIES) APPROVED DURING A SMALL SCALE COMPREHENSIVE PLAN AMENDMENT EFFORT; PROVIDING FOR AMENDMENT TO THE FUTURE LAND USE MAP SERIES, MAP 1; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN" GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

2. Amend the Future Land Use Map Series, Map 1, to change the Future Land Use classification on a 5.43 +/- acre parcel from Rural to Suburban. The subject parcel is located in North Fort Myers, north of Bayshore Road on the east side of Slater Road.
Sponsor: SW Florida Twelve, L.L.C.

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

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN" AS ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT SMALL SCALE AMENDMENT CPA2006-04 (PERTAINING TO THE DESIGNATION OF A 5.43-ACRE PARCEL FROM RURAL TO THE SUBURBAN FUTURE LAND USE CATEGORY) APPROVED DURING A SMALL SCALE COMPREHENSIVE PLAN AMENDMENT EFFORT; PROVIDING FOR AMENDMENT TO THE FUTURE LAND USE MAP SERIES, MAP 1; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN" GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

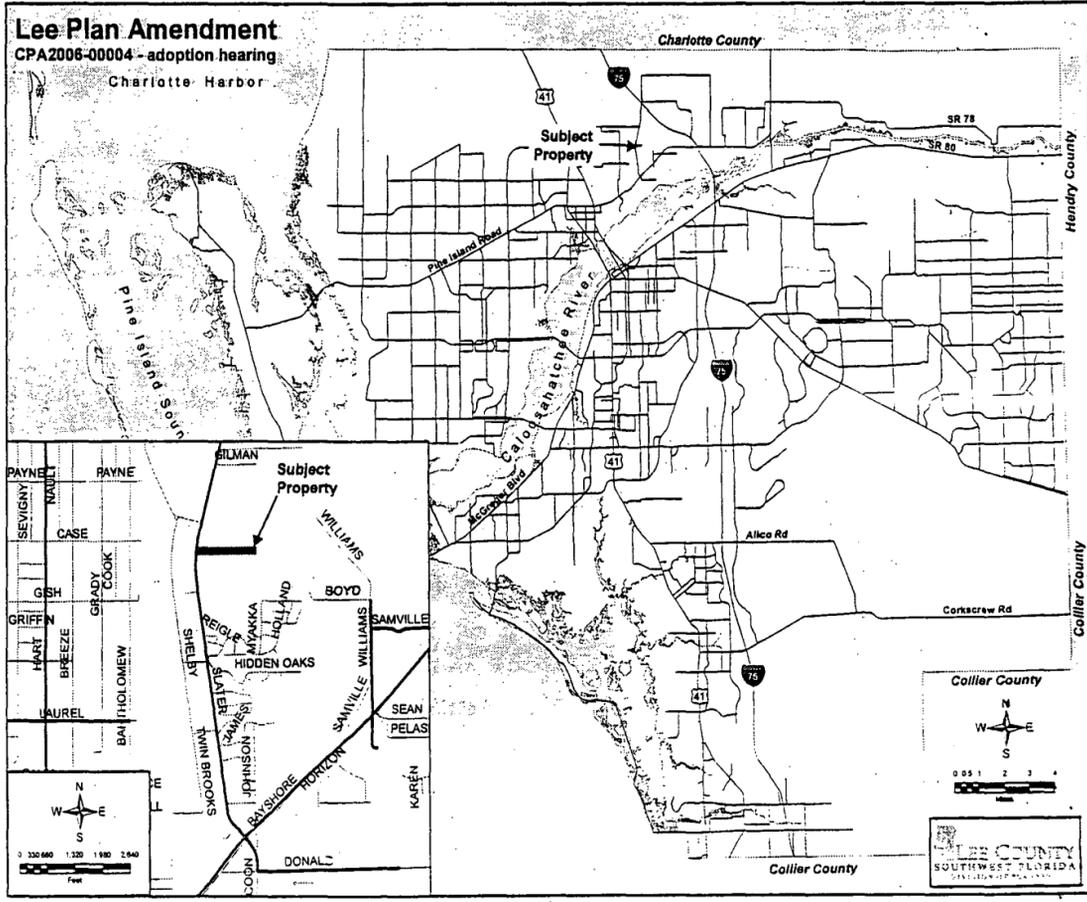
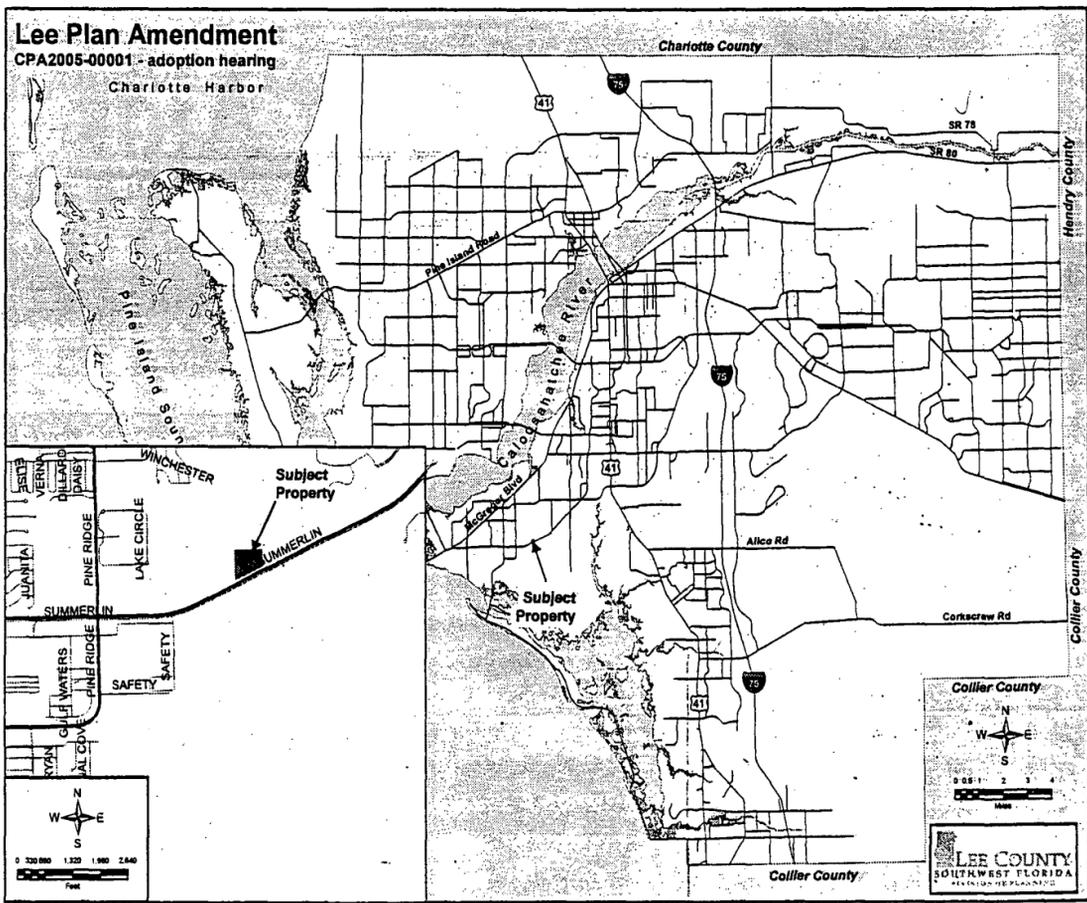
The proposed ordinance may be inspected by the public at the Office of the County Attorney, Courthouse Administration Building, 2115 Second Street, 6th Floor, Fort Myers, Florida.

This meeting is open to the public and all interested parties are encouraged to attend. Interested parties may appear and be heard with respect to the proposed amendment to the Lee Plan. Pursuant to Florida Statutes, persons participating in the Comprehensive Plan Amendment process, who provide their name and address on the record, will receive a courtesy information statement from DCA prior to the publication of the Notice of Intent to find the plan amendment in compliance. If a person decides to appeal the Board's decision, he or she will need a record of the proceedings, and, for such purpose, he or she may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. Further information may be obtained by contacting the Lee County Division of Planning at 239-479-8585.

In accordance with the Americans with Disabilities Act, reasonable accommodations will be made upon request. If you are in need of a reasonable accommodation, please contact Janet Miller at 239-479-8583.

April 24, 2007
5:05 p.m.
AGENDA

1. Call to order; certification of Affidavit of Publication by County Attorney.
2. Lee Plan Amendment proposed for adoption by Board of County Commissioners:
CPA2005-01 - Amend Future Land Use Map Series, Map 1, to redesignate a 7.67-acre parcel from Industrial Development to Urban Community Future Land Use Classification. The subject parcel is located northeast of the Pine Ridge Road/Summerlin intersection, just east of the Lee County Sewage Treatment ponds.
Sponsor: Vicott, Inc.
3. Lee Plan Amendment proposed for adoption by Board of County Commissioners:
CPA2006-04 amends Future Land Use Map Series, Map 1, to redesignate a 5.43-acre parcel from Rural to the Suburban Future Land Use classification. The subject parcel is located north of Bayshore Road on the eastside of the Slater Road intersection.
Sponsor: SW Florida Twelve, LLC
4. Adjourn



NEWS-PRESS

Published every morning - Daily and Sunday

Fort Myers, Florida

Affidavit of Publication

STATE OF FLORIDA
COUNTY OF LEE

Before the undersigned authority, personally appeared

Elisha Wells

who on oath says that he/she is the

Legal Assistant

of the News-Press, a

daily newspaper, published at Fort Myers, in Lee County, Florida; that the attached copy of advertisement, being a

Display

In the matter of

Notice of Proposed Amendment

in the court was published in said newspaper in the

issues of

April 16, 2007

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

Elisha Wells

Sworn to and subscribed before me this

16th day of April 2007 by

Elisha Wells

personally known to me or who has produced

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

Notary Public

Gladys D. Vanderbeck

Print Name

NOTARY PUBLIC Gladys D. Vanderbeck
Commission # DD378967

My commission

Expires December 13, 2008
STATE OF FLORIDA Notary Public - Insurance, Inc. 600-349-7019

RECEIVED
APR 23 2007

COMMUNITY DEVELOPMENT

LEE COUNTY ORDINANCE NO. 07-06
(Small Scale Amendment 5.43±-Acre Parcel from
Rural to Suburban)

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN" AS ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT SMALL SCALE AMENDMENT CPA 2006-00004 (PERTAINING TO THE DESIGNATION OF A 5.43±-ACRE PARCEL FROM RURAL TO THE SUBURBAN FUTURE LAND USE CATEGORY) APPROVED DURING A SMALL SCALE COMPREHENSIVE PLAN AMENDMENT EFFORT; PROVIDING FOR AMENDMENT TO THE FUTURE LAND USE MAP SERIES, MAP 1; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

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

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

WHEREAS, the Local Planning Agency (LPA) held a public hearing on the adoption of the proposed amendment on January 31, 2007. At that hearing, the LPA found the proposed amendment to be consistent with the Lee Plan and recommended that the Board adopt the amendment; and,

WHEREAS, the Board held a public hearing for the adoption the proposed amendment on April 24, 2007. At that hearing, the Board approved a motion to adopt proposed amendment CPA2006-00004 pertaining to the re-designation of a 5.43±-acre

parcel from Rural to Suburban on the Future Land Use Map Series, Map 1. The subject parcel is located on the east side of Slater Road, north of State Road 78 in North Fort Myers, Florida.

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

SECTION ONE: PURPOSE, INTENT, AND SHORT TITLE

The Board of County Commissioners of Lee County, Florida, in compliance with Chapter 163, Part II, Florida Statutes, and with Lee County Administrative Code AC-13-6, conducted a public hearing to review a proposed amendment to the Future Land Use Map Series of the Lee Plan. The purpose of this ordinance is to adopt the amendment to the Lee Plan discussed at that meeting and later approved by a majority of the Board of County Commissioners. The short title and proper reference for the Lee County Comprehensive Land Use Plan, as hereby amended, will continue to be the "Lee Plan." This amending ordinance may be referred to as the "2006 Small Scale Amendment Cycle CPA 2006-04, re-designation of 5.43±-acre parcel located on Slater Road, North of State Road 78 Ordinance."

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

The Lee County Board of County Commissioners hereby amends the existing Lee Plan, adopted by Ordinance Number 89-02, as amended, by adopting an amendment to the Future Land Use Map Series, Map 1, by changing the designation of a 5.43-acre parcel from the Rural to Suburban Future Land Use category. The subject parcel is located on the east side of Slater Road, north of State Road 78 in North Fort Myers, Florida . T h e

corresponding staff report and analysis, along with all attachments for this amendment, are adopted as "support documentation" for the Lee Plan.

SECTION THREE: LEGAL EFFECT OF THE "LEE PLAN"

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

SECTION FOUR: GEOGRAPHIC APPLICABILITY

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

SECTION FIVE: SEVERABILITY

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

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

It is the intention of the Board of County Commissioners that the provisions of this ordinance will become and be made a part of the Lee County Code. Sections of this ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or other appropriate word or phrase in order to accomplish this intention;

and regardless of whether inclusion in the code is accomplished, sections of this ordinance may be renumbered or relettered. The correction of typographical errors that do not affect the intent, may be authorized by the County Manager, or his or her designee, without need of public hearing, by filing a corrected or recodified copy with the Clerk of the Circuit Court.

SECTION SEVEN: EFFECTIVE DATE

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

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

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

STATE OF FLORIDA

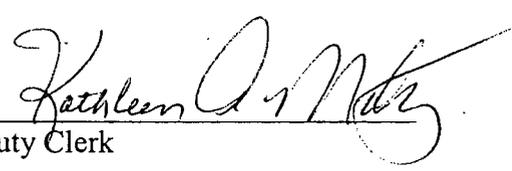
COUNTY OF LEE

I Charlie Green, Clerk of Circuit Court, Lee County, Florida, and ex-Officio Clerk of the Board of County Commissioners, Lee County, Florida, do hereby certify that the above and foregoing, is a true and correct copy of Ordinance No. 07-06, adopted by the Board of Lee County Commissioners, at their meeting held on the 24th day of April 2007 and same filed in the Clerk's Office.

Given under my hand and seal, at Fort Myers, Florida, this 24th day of April 2007.

CHARLIE GREEN,
Clerk of Circuit Court
Lee County, Florida

By:


Deputy Clerk



DONE AND ADOPTED this 24th of April 2007.

ATTEST:
CHARLIE GREEN, CLERK

BY: *Charlie Green*
Deputy Clerk

LEE COUNTY
BOARD OF COUNTY COMMISSIONERS

BY: *Robert P. Janes*
Robert P. Janes, Chair

DATE: April 24, 2007

Approved as to form by:

Donna Marie Collins
Donna Marie Collins
County Attorney's Office



ADELSON

Small Scale Comprehensive Plan Amendment Application Materials

APRIL 2007

**Prepared for:
SW FLORIDA LAND TWELVE, LLC**



**DBS Consulting, Inc.
4450 Camino Real Way
Fort Myers, FL 33966
P (239) 226-0024
F (239) 226-0094**

ADELSON

Small Scale Comprehensive Plan Amendment

RESPONSE TO FIRST SUFFICIENCY

Submitted to:

Lee County Board of County Commissioners

Department of Community Development

Division of Planning

October 10, 2006

ADELSON CPA

SMALL SCALE
COMPREHENSIVE PLAN AMENDMENT

RESPONSE TO FIRST SUFFICIENCY

OCTOBER 10, 2006

Prepared for:
SW Florida Land Twelve, LLC

Submitted to:
Lee County Board of County Commissioners
Department of Community Development
Division of Planning



DBS Consulting, Inc.
4450 Camino Real Way
Fort Myers, FL 33966
P (239) 226-0024
F (239) 226-0094

TABLE OF CONTENTS

Response Letter

- Exhibit A-5** Updated Sketch and Legal
Description - 2 Originals
Prepared by Metron Surveying and
Mapping, LLC
- Exhibit A-8** Letter of Authorization -1 Original
- Exhibit B-1** Traffic Circulation Analysis
Prepared by TR Transportation
Consultants, Inc.
- Exhibit E-1** North Fort Myers Land Use
Allocation Assessment

October 10, 2006



Mr. Matthew A. Noble, AICP
Principal Planner
Department of Community Development
Division of Planning
P.O. Box 398
Fort Myers, FL 33902

RE: CPA 2006-04, Adelson Small Scale Amendment

Dear Mr. Noble:

Please find enclosed a letter from SW Florida Land Twelve, LLC, the property owner, authorizing Neale Montgomery and myself to represent them in the above-referenced amendment process. Also enclosed are our responses to your sufficiency letter dated September 6, 2006. Questions are in italics with responses following in bold type.

Should you have any questions, or require further information, please feel free to contact me.

Sincerely,



Stephen Sposato, AICP
Director of Planning

DBS Consulting, Inc.
4450 Camino Real Way
Fort Myers, FL 33966
P (239) 226-0024
F (239) 226-0094

CPA 2006-04 ADELSON SMALL-SCALE AMENDMENT RESPONSE TO FIRST SUFFICIENCY

The following applies to Part III of the application:

- E. *The application does not provide any commercial intensity information. Based on our review of existing data and standard assumptions, staff is going to utilize 18,000 square feet of commercial intensity under the Rural designation, and 54,300 square feet of commercial intensity under the Suburban category.*

Response:

As agreed and in order to assess a non-residential build-out scenario for the subject 5.43 acre site, we are assuming the following utilization scenarios. To determine build-out, we have assumed 10,000 square feet of building area per acre.

Table 1: Commercial Land Use Allocation

Land Use Category	Retail Allocation	General Office Allocation
Existing Rural	*18,000 Square Feet	36,300 Square Feet
Proposed Suburban	*30,000 Square Feet	24,300 Square Feet
Net Change with Small Scale Amendment	Increase of 12,000 Square Feet	Decrease of 12,000 Square Feet

*A maximum of 18,000 square feet of retail is assumed because this type of land use can only be approved in the Rural designation if it supports the rural community.

**A maximum of 30,000 square feet of retail is assumed, which (based on the location of the subject site) is the maximum allocation for a minor commercial center in accordance with Policy 6.1.2 of the Lee Plan.

The amendment could result in a net increase of 12,000 square feet of retail and a net decrease of 12,000 square feet of office. These figures have been utilized in the attached traffic study prepared by TR Transportation, Inc.



METRON
SURVEYING & MAPPING, LLC
 LAND SURVEYORS • PLANNERS

**DESCRIPTION
 OF A PARCEL OF LAND
 LYING IN
 SECTION 19, TOWNSHIP 43 SOUTH, RANGE 25 EAST
 LEE COUNTY, FLORIDA
 (17220 SLATER ROAD)**

A PARCEL OF LAND LYING IN THE STATE OF FLORIDA, COUNTY OF LEE, IN SECTION 19, TOWNSHIP 43 SOUTH, RANGE 25 EAST, BEING THE SOUTH HALF (S1/2) OF THE SOUTH HALF (S1/2) OF THE SOUTH HALF (S1/2) OF THE NORTH HALF (N1/2) OF THE SOUTHWEST QUARTER (SW1/4) OF SAID SECTION 19 LYING EAST OF SLATER ROAD AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER (SW1/4) OF SAID SECTION 19; THENCE N.89°03'35"E. ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER (SW1/4) OF SAID SECTION 19, A DISTANCE OF 2663.38 FEET TO THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER (SW1/4) OF SAID SECTION 19; THENCE N.00°33'00"E. ALONG THE EAST LINE OF THE SOUTHWEST QUARTER (SW1/4) OF SAID SECTION 19, A DISTANCE OF 1335.83 FEET TO THE SOUTHEAST CORNER OF THE SOUTH HALF (S1/2) OF THE SOUTH HALF (S1/2) OF THE SOUTH HALF (S1/2) OF THE NORTH HALF (N1/2) OF THE SOUTHWEST QUARTER (SW1/4) OF SAID SECTION 19 AND THE POINT OF BEGINNING; THENCE S.89°02'57"W. ALONG THE SOUTH LINE OF THE SOUTH HALF (S1/2) OF THE SOUTH HALF (S1/2) OF THE SOUTH HALF (S1/2) OF THE NORTH HALF (N1/2) OF THE SOUTHWEST QUARTER (SW1/4) OF SAID SECTION 19, A DISTANCE OF 1414.68 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF SLATER ROAD (RIGHT-OF-WAY WIDTH VARIES); SAID POINT BEING ON A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 2763.25 FEET, A CENTRAL ANGLE OF 03°27'39", A CHORD DISTANCE OF 166.89 FEET AND A CHORD BEARING OF N.00°45'13"W.; THENCE ALONG THE ARC OF SAID CURVE AND SAID EAST RIGHT-OF-WAY LINE A DISTANCE OF 166.91 FEET; THENCE N.89°02'52"E., ALONG THE NORTH LINE OF THE SOUTH HALF (S1/2) OF THE SOUTH HALF (S1/2) OF THE SOUTH HALF (S1/2) OF THE NORTH HALF (N1/2) OF THE SOUTHWEST QUARTER (SW1/4) OF SAID SECTION 19, A DISTANCE OF 1418.48 FEET TO A POINT OF INTERSECTION WITH THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 19; THENCE S.00°33'00"W. ALONG SAID EAST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 166.98 FEET TO THE POINT OF BEGINNING.

CONTAINING 5.43 ACRES, MORE OR LESS.

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

BEARINGS ARE BASED ON THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 19 AS BEARING N.89°03'35"E.

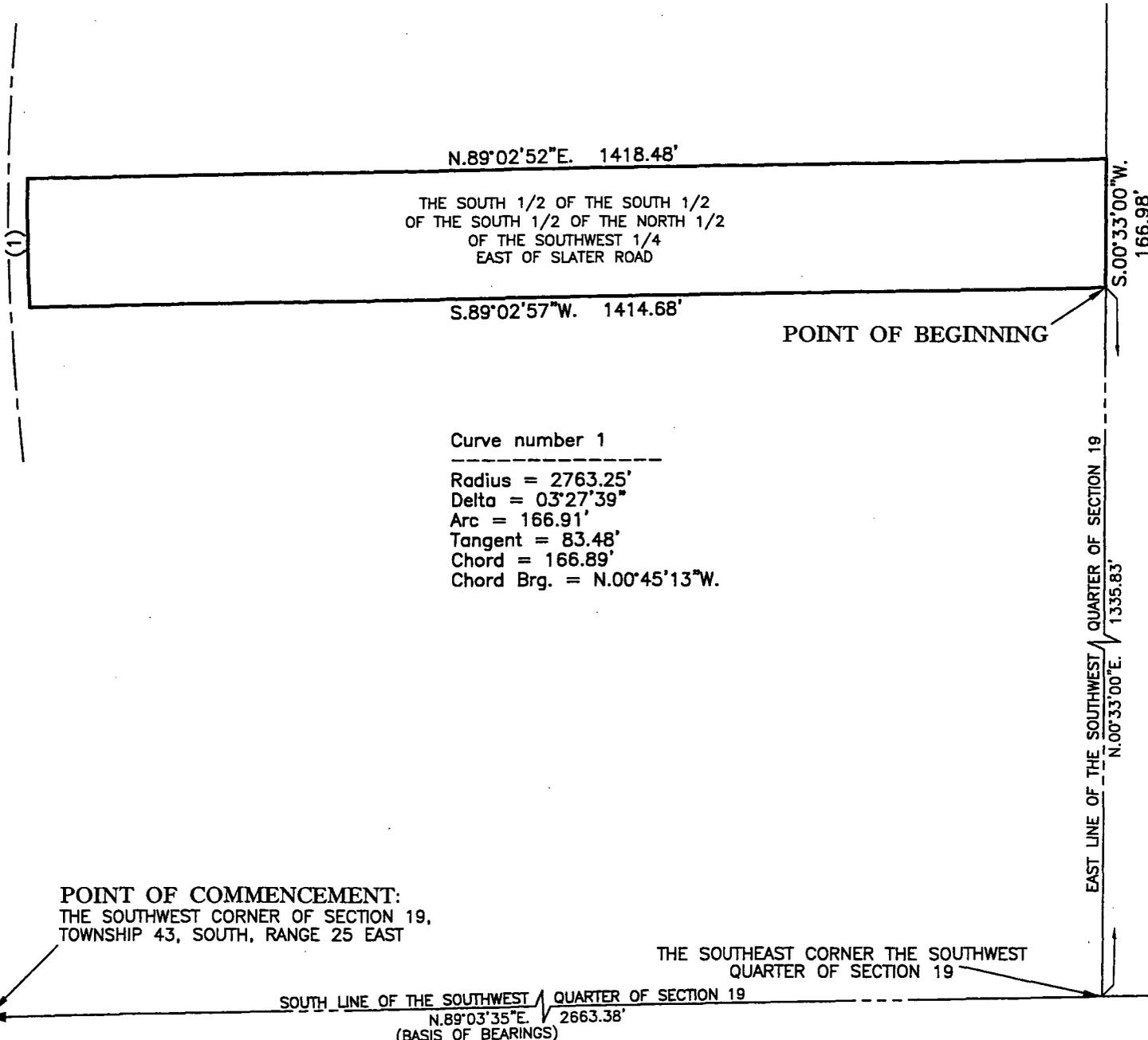
Certification for Boundary Description
 Surveyor and Mapper in Responsible Charge:
 Denis J. O'Connell, Jr., LS #5430
 Metron Surveying & Mapping, LLC, LB #7077
 10970 S. Cleveland Ave., Suite #605
 Fort Myers, FL 33907

Signed: _____
 Date: 9/22/07

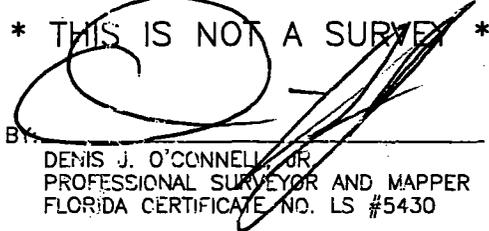
SKETCH TO ACCOMPANY DESCRIPTION

OF A PARCEL OF LAND LYING IN
SECTION 19, TOWNSHIP 43 SOUTH, RANGE 25 EAST,
LEE COUNTY, FLORIDA

SLATER ROAD
(RIGHT OF WAY VARIES)



* THIS IS NOT A SURVEY *

BY: 
DENIS J. O'CONNELL, JR.
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. LS #5430

DATE SIGNED: 9/22/06

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

17220 SLATER ROAD - 5 ACRE PARCEL

TITLE: SKETCH OF DESCRIPTION	
 <p style="font-size: 24pt; font-weight: bold; margin: 0;">METRON</p> <p style="font-weight: bold; margin: 0;">SURVEYING & MAPPING, LLC</p> <p style="font-size: 10pt; margin: 0;">LAND SURVEYORS · PLANNERS LB #7071</p>	10970 S. CLEVELAND AVE., STE. 605 FORT MYERS, FLORIDA 33907 PHONE: (239) 275-8575 FAX: (239) 275-8457 www.metronfl.com

FILE NAME: 9778-5AC-SK.dwg		PROJECT NO.: 9778	SHEET: 2 OF 2
SKETCH DATE: 09-21-2006	DRAWN BY: RAW	SCALE: 1" = 200'	CHECKED BY: PJO (S-T-R)

* SEE SHEET 1 OF 2 FOR LEGAL DESCRIPTION *

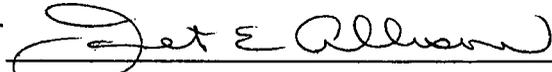
LETTER OF AUTHORIZATION

The undersigned do hereby swear that they are the fee simple title holders and owners of record of property commonly known as Adelson CPA and legally described in Exhibit A attached hereto.

The property described herein is the subject of an application for a Small Scale Comprehensive Plan Amendment. We hereby designate DBS Consulting, Inc. and The Pavese Law Firm, as the legal representative of the property and as such, these groups are authorized to legally bind all owners of the property in the course of seeking the necessary approvals. This authority includes but is not limited to hiring and authorizing of agents to assist in the preparation of applications, plans, surveys, and studies necessary to obtain approval. These representatives will remain the only entities to authorize development activity on the property until such time as a new or amended authorization is delivered to Lee County.

SW Florida Land Twelve, LLC

Owner



Owner Signature

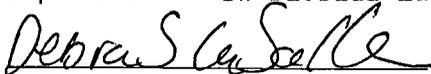
Ms. Janet E. Allison, Vice President

Printed Name and Title

STATE OF FLORIDA

COUNTY OF LEE

Sworn to (or affirmed) and subscribed before me this 26 day of September, 2006, by Janet E. Allison, Vice President of **, who is personally known to me or who has produced personally known to me as identification. He/she has acknowledged to me and before me that he/she executed this instrument for the purposes therein expressed. **SW Florida Land Twelve, LLC



Notary Public

Debra S. LaSalle
Print Notary Name

DEBRA S. LASALLE
Notary Public, State of Florida
My comm. exp. Jun. 25, 2010
Comm. No. DD 567644

MEMORANDUM

TO: Mr. Ronald Inge
Development Solutions, Inc.

FROM: David L. Wheeler, E.I.
Transportation Consultant

Ted B. Treesh
President

DATE: Revised: October 6, 2006

RE: Adelson FLUMA
Traffic Circulation Analysis
Lee County, Florida

TR Transportation Consultants, Inc. has completed an additional traffic circulation analysis for the proposed Adelson site pursuant to the requirements outlined in the application document for Comprehensive Plan Amendment requests. This analysis will analyze the impacts of the requested land use change from Rural to Suburban assuming that the subject site would be developed with commercial uses. The approximately 5.43-acre site is located on the east side of Slater Road approximately one (1) mile north of its intersection with Bayshore Road (S.R. 78) in the North Fort Myers area of Lee County, Florida.

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

The proposed Map Amendment would change the future land use designation on the subject site from Rural to Suburban. The overall square footage of commercial uses permitted to be developed on the subject site (approximately 54,300 square feet) will not change as a result of the land use designation change from Rural to Suburban. However, the retail square footage permitted on the subject site will increase from approximately 18,000 square feet to approximately 30,000 square feet of the total commercial square footage permitted. **Table 1** highlights the intensity of uses that could be constructed

under the existing land use designation and the intensity of uses under the proposed land use designation.

Table 1
Land Uses
Adelson FLUMA

Land Use Category	Intensity
Existing Land Use	18,000 sq. ft. of retail
	36,300 sq. ft. of office
Proposed Land Use	30,000 s.f. of retail
	24,300 sq. ft. of office

The trip generation for the site was determined by referencing the Institute of Transportation Engineer's (ITE) report, titled *Trip Generation*, 7th Edition. Land Use Code 820 (Shopping Center) was utilized for the trip generation purposes of the retail portion of the proposed development. Land Use Code 710 (General Office Building) was utilized for the trip generation purposes of the office portion of the proposed development. **Table 2** indicates the potential trip generation of the Adelson site based on the existing land use designation (Rural).

Table 2
Trip Generation
Existing Land Use Designation
Adelson FLUMA

Land Use	A.M. Peak Hour			P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Shopping Center (18,000 square feet)	35	20	55	95	105	200	2,230
General Office (36,300 square feet)	75	10	85	20	100	120	610
Total Trips (Existing Rural Designation)	110	30	140	115	205	320	2,840

Table 3 indicates the potential trip generation of the Adelson site based on the proposed land use designation (Suburban).

**Table 3
Trip Generation
Proposed Land Use Designation
Adelson FLUMA**

Land Use	A.M. Peak Hour			P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Shopping Center (30,000 square feet)	45	30	75	135	150	285	3,105
General Office (24,300 square feet)	55	5	60	20	85	105	450
Total Trips (Proposed Suburban Designation)	100	35	135	155	235	390	3,555

Table 4 indicates the trip generation difference between the proposed and existing land use designations.

**Table 4
Trip Generation
Adelson FLUMA**

Land Use	A.M. Peak Hour			P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Proposed Land Use – Suburban (30k s.f. retail/24.3k s.f. office)	100	35	135	155	235	390	3,555
Existing Land Use – Rural (18k s.f. retail/36.3k s.f. office)	-110	-30	-140	-115	-205	-320	-2,840
Resultant Trip Change	-10	5	-5	40	30	70	715

Long Range Impacts (20-year horizon)

The Lee County Metropolitan Planning Organization's (MPO) 2030 Long Range Transportation Plan was reviewed to determine if any future roadway improvements were planned in the vicinity of the subject site. Based on the review there are no roadway improvements on either Bayshore Road (S.R. 78) or Slater Road programmed.

The Lee County Metropolitan Planning Organization's (MPO) long range transportation travel model was also reviewed in order to determine the impacts the amendment would have on the surrounding area. The subject site lies within Traffic Analysis Zone (TAZ) 1219. The model has both productions and attractions included in this zone. The productions include both single-family homes and multi-family units. The attractions include some, but very little industrial, commercial employment and service (retail) employment. Table 3 identifies the land uses currently contained in the long range travel model utilized by the MPO and Lee County for the Long Range Transportation Analysis.

**Table 3
TAZ 1219
Land Uses in Existing Travel Model (2030)**

Land Use Category	Intensity
Single Family Homes	14 Units
Multi-Family Homes	530 Units
Services (Retail, Office & Indust.)	133 Employees
Hotel	0 Rooms
School Population	0 Students

The proposed small scale map amendment would increase the overall employment in TAZ 1219 from 133 employees to 157 employees. Table 4 indicates the revised TAZ data with the proposed Map Amendment.

**Table 4
Based on Proposed Map Amendment within TAZ 1219
Land Uses in Modified Travel Model (2030)**

Land Use Category	Intensity
Single Family Homes	14 Units
Multi-Family Homes	530 Units
Services (Retail, Office & Indust.)	157 Employees
Hotel	0 Rooms
School Population	0 Students

Based on this analysis, the proposed amendment will increase the total employment in TAZ 1219 by 24 employees. Therefore, due to the minimal impact, it is not anticipated that the proposed map amendment will have any effect on the long range transportation plan as currently adopted by the Lee County MPO.

Short Range Impacts (5-year horizon)

The 2005/2006-2009/2010 Lee County Transportation Capital Improvement Plan and the 2005/2006-2009/2010 Florida Department of Transportation Adopted Work Program were reviewed to determine the short term impacts the proposed land use change would have on the surrounding roadways. Based on this review there are no programmed improvements in the vicinity of the subject site.

The proposed map amendment will decrease the AM trip generation by five (5) trips and only increase the PM trip generation by seventy (70) trips. Table 1A and 2A attached to this report indicate the future Level of Service on Slater Road and Bayshore Road (S.R. 78). Based on this analysis, no modifications will be necessary to the Lee County or FDOT short term capital improvement program.

Conclusion

The proposed Future Land Use Map Amendment is to modify the future land use from Rural to Suburban on approximately 5.43 acres located on the east side of Slater Road approximately one (1) mile north of its intersection with Bayshore Road (S.R. 78) in the North Fort Myers area of Lee County, Florida. Based on the analysis, no modifications are necessary to the Short Term or the Long Range Transportation plan to support the proposed Map Amendment. No modifications to the socio-economic data forecasts are necessary as a result of this amendment due to the minimal increase in single-family units within the TAZ. Site specific road improvements such as turn lanes, traffic control devices, etc. will be further evaluated at the re-zoning and Development Order stages as the property is developed. The project will proceed through the zoning and Development Order process and be subject to the Concurrency Management System requirements in effect at the time of this process.

**TABLE 1A
PEAK DIRECTION
PROJECT TRAFFIC VS. 10% LOS C LINK VOLUMES**

TOTAL AM PEAK HOUR PROJECT TRAFFIC = 135 VPH IN= 100 OUT= 35
 TOTAL PM PEAK HOUR PROJECT TRAFFIC = 390 VPH IN= 155 OUT= 235

<u>ROADWAY</u>	<u>SEGMENT</u>	<u>ROADWAY CLASS</u>	<u>LOS A VOLUME</u>	<u>LOS B VOLUME</u>	<u>LOS C VOLUME</u>	<u>LOS D VOLUME</u>	<u>LOS E VOLUME</u>	<u>PERCENT</u>		
								<u>PROJECT TRAFFIC</u>	<u>PROJECT TRAFFIC</u>	<u>PROJ/ LOS C</u>
Slater Rd	N. of Site	2LU	0	170	380	570	970	5%	12	3.1%
	N. of Bayshore Rd	2LU	0	170	380	570	970	95%	223	58.8%
	S. of Bayshore Rd	2LU	0	170	380	570	970	10%	24	6.2%
Bayshore Rd	E. of Slater Rd	4LD	450	1,630	1,900	1,950	1,950	50%	118	6.2%
	W. of Slater Rd	4LD	0	0	1,250	1,900	1,990	35%	82	6.6%

* Level of Service Thresholds obtained from Lee County Link Specific Peak Hour Directional Service Volumes

**TABLE 2A
LEE COUNTY TRAFFIC COUNTS AND CALCULATIONS**

TOTAL PROJECT TRAFFIC AM = 135 VPH IN = 100 OUT = 35
 TOTAL PROJECT TRAFFIC PM = 390 VPH IN = 155 OUT = 235

ROADWAY	SEGMENT	PCS	BASE YR ADT	2005 ADT	YRS OF GROWTH	ANNUAL RATE	2005	2011	PERCENT PROJECT TRAFFIC	AM PROJ TRAFFIC	PM PROJ TRAFFIC	2011	2011
							PK HR	PK HR				+ AM PROJ	+ PM PROJ
							PK SEASON PEAK DIR.	PK SEASON PEAK DIR. ²				TRAFFIC	TRAFFIC
Slater Rd	N. of Site	4	6000	6700	9	1.23%	291	313	5%	5	12	318	325
	N. of Bayshore Rd	4	6000	6700	9	1.23%	291	313	95%	95	223	408	536
	S. of Bayshore Rd	4	6000	6700	9	1.23%	291	313	10%	10	24	323	337
Bayshore Rd	E. of Slater Rd	4	16200	22300	9	3.61%	1114	1379	50%	50	118	1429	1496
	W. of Slater Rd	4	23500	28700	9	2.25%	1270	1451	35%	35	82	1486	1533

* The 2005 Peak Hour, Peak Season, Peak Direction Traffic Volume was obtained from the 2004/2005-2005/2006 Lee County Concurrency Management Inventory and Projections Report, dated June 2005

100TH HIGHEST HOUR LOS ANALYSIS

		2011	2011	2011
		BCKGRND TRAFFIC	BCKGRND + AM PROJ	BCKGRND + PM PROJ
		LOS	LOS	LOS
Slater Rd	N. of Site	C	C	C
	N. of Bayshore Rd	C	D	D
	S. of Bayshore Rd	C	C	C
Bayshore Rd	E. of Slater Rd	B	B	B
	W. of Slater Rd	D	D	D

TRIP GENERATION EQUATIONS

**ADELSON FLUMA
ITE TRIP GENERATION REPORT, 7th EDITION**

Land Use	Weekday AM Peak Hour	Weekday PM Peak Hour	Weekday
Shopping Center (LUC 820)	$\ln(T) = 0.60 \ln(X) + 2.29$ (61% In/39% Out)	$\ln(T) = 0.66 \ln(X) + 3.40$ (48% In/52% Out)	$\ln(T) = 0.65 \ln(X) + 5.83$
T = Number of Trips, X = 1000's of Square Feet GLA			
General Office Building (LUC 710)	$\ln(T) = 0.80 \ln(X) + 1.55$ (88% In/12% Out)	T = 1.49 (X) (17% In/83% Out)	$\ln(T) = 0.77 \ln(X) + 3.65$
T = Number of Trips, X = 1000's of Square Feet GLA			



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Home

Planning Community of North Fort Myers

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Year	Population	
	Permanent	Functional
1995	43,982	51,124
1996	43,287	54,486
1997	43,631	54,896
1998	43,939	52,262
1999	44,312	52,705
2000	44,703	53,171
2001	45,591	54,227
2002	45,934	54,635
2020*	51,574	73,080

* Forecast

Residential Use by Future Land Use Category	Allocation for Year 2020	Acreage	
		Existing	Available
Intensive Development (INT)	371	280	91
Central Urban (CU)	2498	2073	425
Suburban (S)	5293	4795	498
Outlying Suburban (OS)	610	252	358
Industrial (IND)	0	0	0
General Interchange (GI)	9	8	1
Rural (R)	383	362	21
Open Lands (OL)	45	22	23
Wetlands (WL)	0	0.93	-0.93
Total Residential	9209	8012.05	1196.95

796302

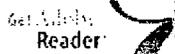


EXHIBIT E-1

Other Uses	Allocation for Year 2020	Acreage	
		Existing	Available
Commercial	1158	681.9	476.1
Industrial	209	15.9	193.1

[back to Planning Communities Map](#)

[return to the top](#)

ADELSON

**Small Scale
Comprehensive Plan Amendment**

ORIGINAL SUBMITTAL

*Submitted to:
Lee County Board of County Commissioners
Department of Community Development
Division of Planning
May 25, 2006*

ADELSON CPA

SMALL SCALE
COMPREHENSIVE PLAN AMENDMENT

MAY 2006

Prepared for:
SW Florida Land Twelve, LLC

Submitted to:
Lee County Board of County Commissioners
Department of Community Development
Division of Planning



DBS Consulting, Inc.
4450 Camino Real Way
Fort Myers, FL 33966
P (239) 226-0024
F (239) 226-0094

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- C. Environmental Impacts
- D. Impacts on Historical Resources
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- F. Addition Requirements for Specific Future Land
Use Amendments
- G. Justification of Proposed Amendment



SECTION I



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: 67

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.

5-25-06
DATE SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

I. APPLICANT/AGENT/OWNER INFORMATION

SW Florida Land Twelve, LLC

APPLICANT

6150 Diamond Centre Court, Building 1300

ADDRESS

Fort Myers

FL

33912

CITY

STATE

ZIP

239-489-4066

239-481-8477

TELEPHONE NUMBER

FAX NUMBER

DBS Consulting, Inc. c/o Stephen Sposato, AICP

AGENT*

4450 Camino Real Way

ADDRESS

Fort Myers

FL

33912

CITY

STATE

ZIP

239-226-0024

239-226-0094

TELEPHONE NUMBER

FAX NUMBER

SW Florida Land Twelve, LLC

OWNER(S) OF RECORD

6150 Diamond Centre Court, Building 1300

ADDRESS

Fort Myers

FL

33912

CITY

STATE

ZIP

239-489-4066

239-481-8477

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.

**Adelson Small Scale CPA
Additional Agents Attachment:**

1. Ms. Neale Montgomery
Pavese, Haverfield, Dalton, Harrison & Jensen, LLP
1833 Hendry Street
P.O. Drawer 1507
Fort Myers, FL 33902-1507
Phone: 239-336-6235
Fax: 239-332-2243

2. Mr. Ronald Inge
Development Solutions, Inc.
6150 Diamond Centre Court, Building 1300
Fort Myers, FL 33912
Phone: 239-489-4066
Fax: 239-481-8477

3. Ms. Tracy Hayden
Development Solutions, Inc.
6150 Diamond Centre Court, Building 1300
Fort Myers, FL 33912
Phone: 239-489-4066
Fax: 239-481-8477

4. Mr. Ted Treesh
TR Transportation Consultants, Inc.
12730 Commonwealth Drive, Suite 4
Fort Myers, FL 33913
Phone: 239-278-3090
Fax: 239-278-1906

5. Ms. Rae Ann Boylan
Boylan Environmental Consultants, Inc.
11000 Metro Parkway, Suite 4
Fort Myers, FL 33912
Phone: (239) 418-0671
Fax: (239) 418-0672

6. Mr. Andrew Fitzgerald, PE
DNR Engineering, Inc.
4450 Camino Real Way
Fort Myers, FL 33912
Phone: (239) 226-0024
Fax: (239) 226-0094

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):

The subject site is 5.43 acres and is designated Rural on the Future Land Use Map (FLUM). This 5.43 acres is a portion of a 16.15 acre parcel that is under a single STRAP number and common ownership. The balance of the property (10.72 acres) is designated Suburban on the FLUM. The purpose of this request is to amend the FLUM for the 5.43 acres so that the total project site is uniformly Suburban.

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

A. Property Location:

1. Site Address: **17220 Slater Road, North Fort Myers, FL 33917**
2. STRAP(s): **19-43-25-00-00014.0020**

B. Property Information

Total Acreage of Property: **±16.15 Owned by Applicant**

Total Acreage included in Request: **±5.43**

Area of each Existing Future Land Use Category: **±5.43 Acres is Rural**

Total Uplands: **100% or 5.43 Acres**

Total Wetlands:

Current Zoning: **AG-2**

Current Future Land Use Designation: **Rural**

Existing Land Use: **Agriculture**

- 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: **Question C is not applicable.**

Lehigh Acres Commercial Overlay: _____

Airport Noise Zone 2 or 3: _____

Acquisition Area: _____

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

Community Redevelopment Area: _____

- D. Proposed change for the Subject Property:

Suburban

- E. Potential development of the subject property:

1. Calculation of maximum allowable development under existing FLUM:

Residential Units/Density **5**

Commercial intensity

Industrial intensity

2. Calculation of maximum allowable development under proposed FLUM:

Residential Units/Density **33**

Commercial intensity

Industrial intensity

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. **N/A**
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. **Please see Maps A2a and A2b.**
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. **Please see Map A3 and Exhibit A3.**
4. Map and describe existing zoning of the subject property and surrounding properties. **Please see Map A4 and Exhibit A4**
5. The legal description(s) for the property subject to the requested change. **Please see Exhibit A5**
6. A copy of the deed(s) for the property subject to the requested change. **Please see Exhibit A6.**
7. An aerial map showing the subject property and surrounding properties. **Please see Exhibit A7.**
8. If applicant is not the owner, a letter from the owner of the property authorizing the applicant to represent the owner. **Applicant is the owner.**

B. Public Facilities Impacts

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

1. Traffic Circulation Analysis

The analysis is intended to determine the effect of the land use change on the Financially Feasible Transportation Plan/Map 3A (20-year horizon) and on the Capital Improvements Element (5-year horizon). Toward that end, an applicant must submit the following information: **Please see Exhibit B1.**

Long Range – 20-year Horizon:

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

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

Short Range – 5-year CIP horizon:

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

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

- c. For the five-year horizon, identify the projected roadway conditions (volumes and levels of service) on the roads within the 3-mile study area with the programmed improvements in place, with and without the proposed development project. A methodology meeting with DOT staff prior to submittal is required to reach agreement on the projection methodology;
 - d. Identify the additional improvements needed on the network beyond those programmed in the five-year horizon due to the development proposal.
2. Provide an existing and future conditions analysis for:
- a. Sanitary Sewer **Please see Exhibit B2a.**
 - b. Potable Water **Please see Exhibit B2b.**
 - c. Surface Water/Drainage Basins **Please see Exhibit B2c.**
 - d. Parks; Recreation, and Open Space. **Please see Exhibit B2d.**

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

- Franchise Area, Basin, or District in which the property is located;
 - Current LOS, and LOS standard of facilities serving the site;
 - Projected 2020 LOS under existing designation;
 - Projected 2020 LOS under proposed designation;
 - Improvements/expansions currently programmed in 5 year CIP, 6-10 year CIP, and long range improvements; and
 - Anticipated revisions to the Community Facilities and Services Element and/or Capital Improvements Element (state if these revisions are included in this amendment).
3. Provide a letter from the appropriate agency determining the adequacy/provision of existing/proposed support facilities, including:
Please see Exhibit B3.
- a. Fire protection with adequate response times; **Please Exhibit B3a**
 - b. Emergency medical service (EMS) provisions; **Please Exhibit B3b**
 - c. Law enforcement; **Please Exhibit B3c**
 - d. Solid Waste; **Please Exhibit B3d**
 - e. Mass Transit; and **Please Exhibit B3e**
 - f. Schools. **Please Exhibit B3f**

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: **Please see Exhibit C.**

1. A map of the Plant Communities as defined by the Florida Land Use Cover and Classification system (FLUCCS). **Please see Map C1.**
2. A map and description of the soils found on the property (identify the source of the information). **Please see Map C2.**
3. A topographic map with property boundaries and 100-year flood prone areas indicated (as identified by FEMA). **Please see Map C3.**
4. A map delineating wetlands, aquifer recharge areas, and rare & unique uplands. **N/A**
5. A table of plant communities by FLUCCS with the potential to contain species (plant and animal) listed by federal, state or local agencies as endangered, threatened or species of special concern. The table must include the listed species by FLUCCS and the species status (same as FLUCCS map).

D. Impacts on Historic Resources.

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

1. A map of any historic districts and/or sites, listed on the Florida Master Site File, which are located on the subject property or adjacent properties. **Please see Exhibit D1**
2. A map showing the subject property location on the archeological sensitivity map for Lee County. **Please see Map D2.**

E. Internal Consistency with the Lee Plan **Please see Exhibit E.**

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

F. Additional Requirements for Specific Future Land Use Amendments

1. Requests involving Industrial and/or categories targeted by the Lee Plan as employment centers (to or from) **N/A**
 - a. State whether the site is accessible to arterial roadways, rail lines, and cargo airport terminals,
 - b. Provide data and analysis required by Policy 2.4.4,
 - c. The affect of the proposed change on county's industrial employment goal specifically policy 7.1.4.
2. Requests moving lands from a Non-Urban Area to a Future Urban Area **Please see Exhibit F2a.**
 - a. Demonstrate why the proposed change does not constitute Urban Sprawl. Indicators of sprawl may include, but are not limited to: low-intensity, low-density, or single-use development; 'leap-frog' type development; radial, strip, isolated or ribbon pattern type development; a failure to protect or conserve natural resources or agricultural land; limited accessibility; the loss of large amounts of functional open space; and the installation of costly and duplicative infrastructure when opportunities for infill and redevelopment exist.

3. Requests involving lands in critical areas for future water supply must be evaluated based on policy 2.4.2. N/A
4. Requests moving lands from Density Reduction/Groundwater Resource must fully address Policy 2.4.3 of the Lee Plan Future Land Use Element. N/A

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.

Please see Exhibit G.

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

AFFIDAVIT

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

Janet E. Allison
 Signature of owner or owner-authorized agent

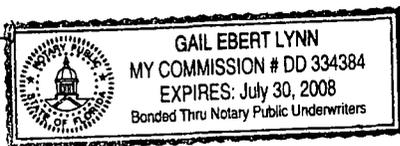
4/20/2006
 Date

Janet E. Allison, Vice President of SW Florida Land Twelve, LLC
 Typed or printed name

STATE OF FLORIDA)
 COUNTY OF LEE)

The foregoing instrument was certified and subscribed before me this 20th day of April ~~20~~2006 by Janet E. Allison, who is personally known to me or who has produced personally known as identification.

(SEAL)

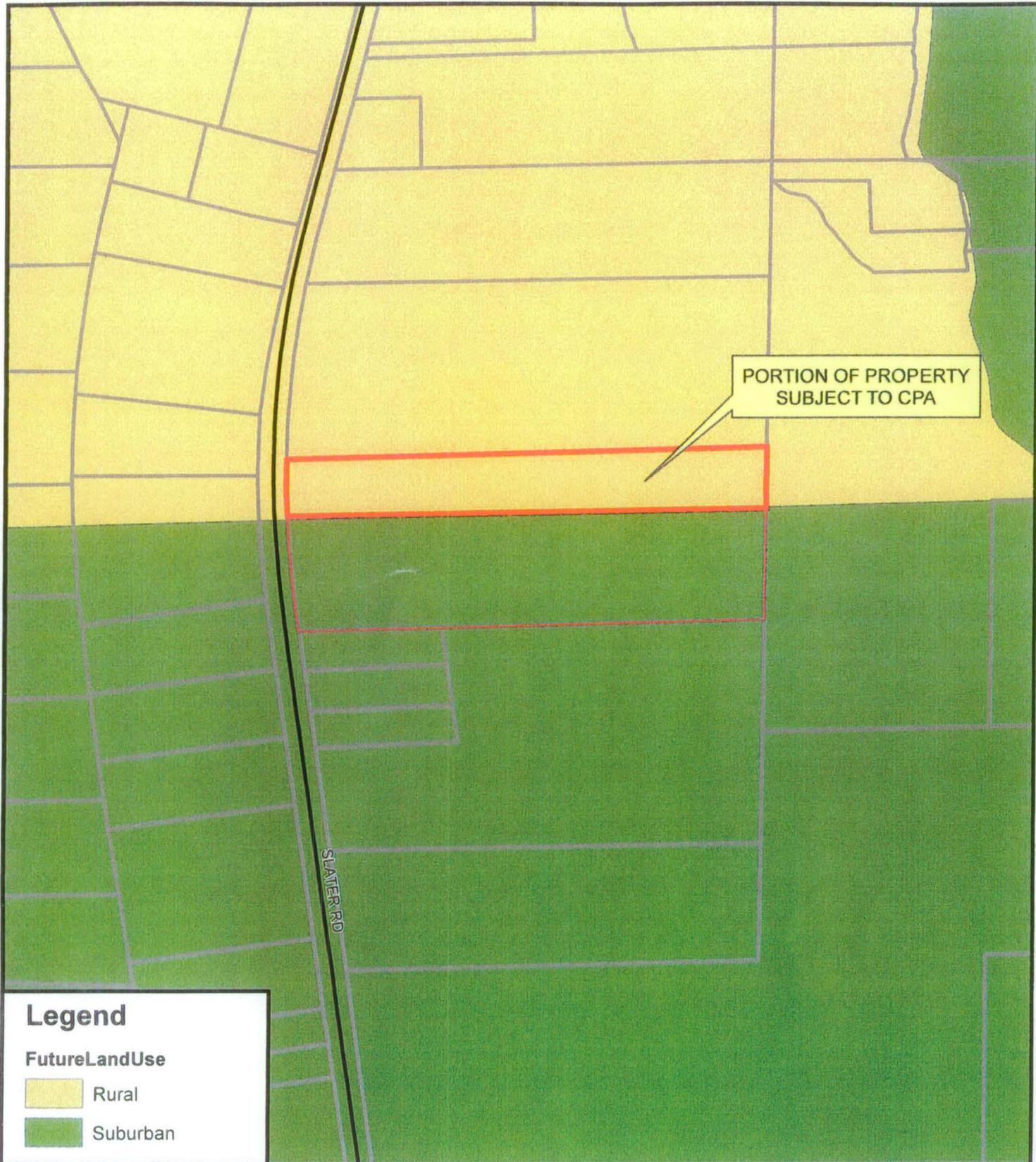


Gail Ebert Lynn
 Signature of notary public

Gail Ebert Lynn
 Printed name of notary public



SECTION II



PORTION OF PROPERTY
SUBJECT TO CPA

SLATER RD

Legend

FutureLandUse

- Rural
- Suburban



**Existing Future
Land Use Map
MAP A2a**

Adelson Parcel 6150 Diamond Center Court
Bldg. #1300
S.W. Florida Land Twelve, L.L.C. Fort Myers FL, 33912

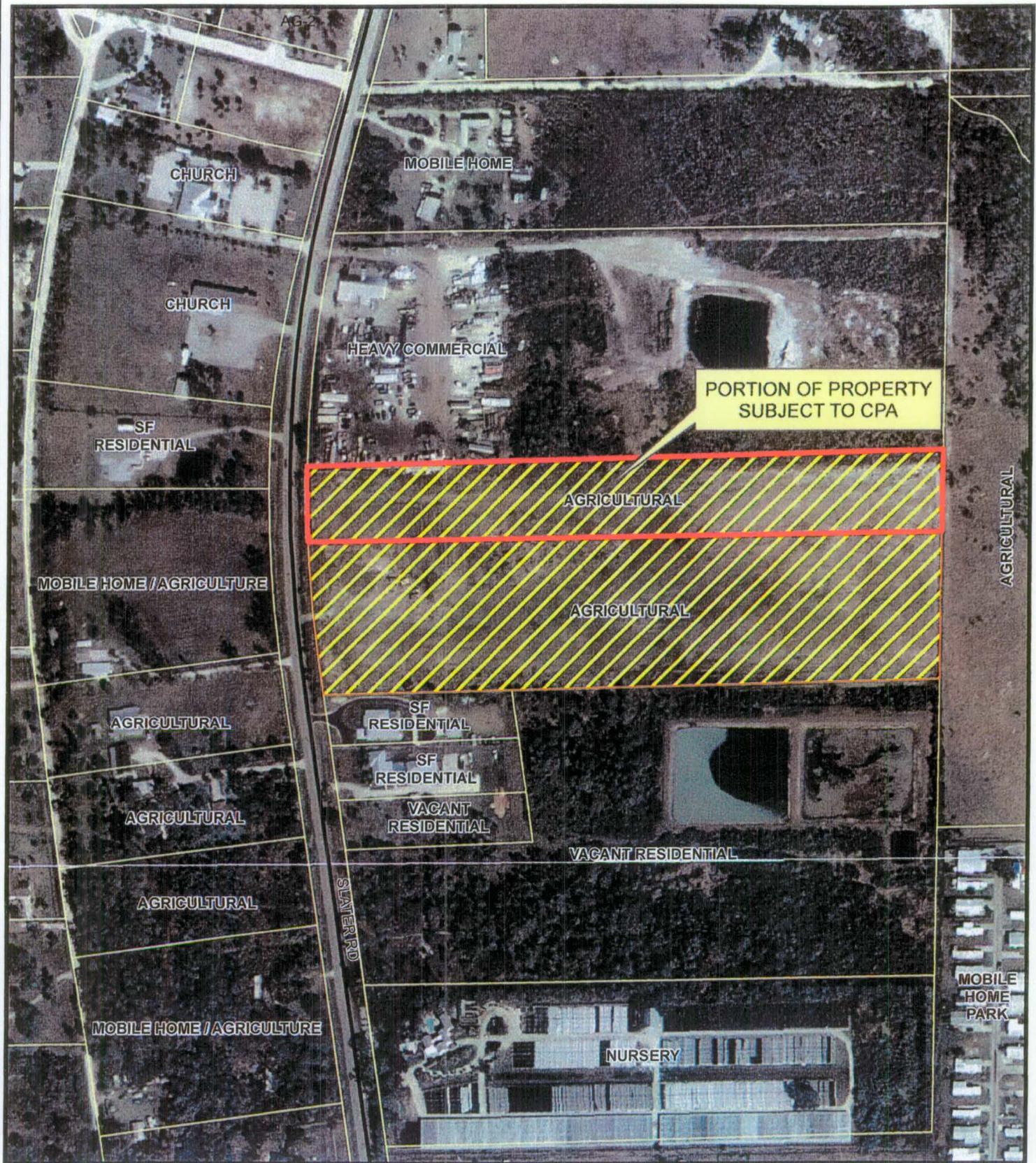
Source: Lee County Property Appraisers Office

**ADELSON SMALL
SCALE CPA**



Date: 03-13-06
Map Number:
1023-01-CPA-EX2A
Project Number:
1023-01

It is the end user's responsibility to verify the data contained hereon.



Existing Landuse Map

MAP A 3

Adelson Parcel 6150 Diamond Center Court Bldg. #1300
 S.W. Florida Land Twelve, L.L.C. Fort Myers FL, 33912

ADELSON SMALL SCALE CPA



Date: 03-13-06
 Map Number: 1023-01-CPA-EX3
 Project Number: 1023-01

Source: Lee County Property Appraisers Office
 It is the end user's responsibility to verify the data contained herein.

Exhibit A3:

Adelson Small-Scale CPA



- A3. **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.**

The property is only one mile north of Bayshore Road. Between the property and Bayshore Road, are several mobile home communities and churches, a fire station, a landscape nursery, small scale agriculture, and scattered housing. Directly to the north of the property along Slater Road is a heavy commercial use. Directly to the south along Slater Road, are two single family homes. Across from the property along Slater Road, include two churches and an open field. The property is currently being utilized for agriculture. The proposed small-scale amendment would make the ±5.43 acre portion of the 16.15 acre subject parcel uniformly Suburban providing for an integrated master planned residential community. The varied components of the project can be carefully located and arranged to encourage and ensure compatibility and maximize a healthy living environment.

Exhibit A4:

Adelson Small-Scale CPA



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

The subject property is currently zoned AG-2. Directly to the north of the property along Slater Road is a heavy commercial use that is zoned C-1. Directly to the south along Slater Road, are two single family homes both zoned AG-2. Across from the property along Slater Road, include two churches and an open field both zoned AG-2. To the east, is vacant property zoned AG-2.



**ADELSON PARCEL
SECTION 19, TOWNSHIP 43 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA**

A parcel of land lying in Section 19, Township 43 South, Range 25 East, Lee County, Florida, being the South one-half of the South one-half of the South one-half of the North one-half of the Southwest one-quarter of said Section 19 and being more particularly described as follows:

Commencing at the Southwest corner of said Section 19, thence run N.89°03'35"E., 2663.38 feet along the Southerly boundary of the Southwest one-quarter of said Section 19, to the Southeast corner of the Southwest one-quarter of said Section 19; thence N.00°33'00"E. along the East boundary of the Southwest one-quarter of Section 19, 1669.79 feet to a point of intersection with the South boundary of the South one-half of the South one-half of the North one-half of the Southwest one-quarter of said Section 19 said point being the **Point of Beginning**; thence along said Southerly boundary of said Section 19, S.89°02'57"W., 1414.68 feet to a point on the East right-of-way line of Slater Road (right-of-way width varies); thence along said East right-of-way line Northerly 166.91 feet along a curve to the right having a radius 2763.25 feet and a central angle of 03°27'39", (a chord bearing of N.00°45'13"W., 166.89 feet) to a point of intersection with the North boundary of the South one-half of the South one-half of the South one-half of the North one-half of the Southwest one-quarter, of said Section 19; thence along said North boundary N.89°02'52"E., 1418.48 feet to a point of intersection with the East boundary of the South west one-quarter of said Section 19; thence along said East boundary S.00°33'00"W, 166.98 feet to the point of beginning.

Subject parcel containing 5.431 Acres more or less.

Notes:

1. Description based on a survey performed by Barraco & Associates, dated 2/18/2004, file number 21931.
2. Bearings are based on the South boundary of the Southwest one-quarter of Section 19, Township 43 South, Range 25 East, having a bearing of N.89°03'35"E.
3. Parcel subject to reservations, restrictions and easements of record.

Prepared by

DBS Consulting Inc.
LB # 7487

Date: 3/20/06

Randall L. Hendra PSM
Florida Professional Surveyor and Mapper # 6091

SHEET 1 OF 2

D.B.S. Consulting, Inc.
4450 Camino Real Way, Fort Myers, Florida 33912
(P) 239-226-0024 ▪ (F) 239-226-0094

EXHIBIT A5

18.0
1575



This instrument prepared by:
HERBERT JAY COHEN, ESQ.
COHEN, CHASE, HOFFMAN & SCHIMMEL, P.A.
2552 Jardin Terrace
Weston, FL 33327

INSTR # 6588130
OR BK 04544 Pgs 3027 - 3028; (2pgs)
RECORDED 01/04/2005 03:36:17 PM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY, FLORIDA
RECORDING FEE 10.50
DEED DOC 1,575.00
DEPUTY CLERK T Baer

Property Identification No.: 19-43-25-00-00014.0020

WARRANTY DEED

THIS WARRANTY DEED made the 27th day of December, 2004, by **LEE H. ADELSON**, a married man, whose post office address is 10342 S.W. 144 Street, Miami, Florida 33176, hereinafter referred to as the "Grantor," to **S.W. FLORIDA LAND TWELVE, L.L.C.**, a Florida Limited Liability Company, whose post office address is 6150 Diamond Centre Court, Building 1300, Ft. Myers, Florida 33912, hereinafter referred to as the "Grantee." Wherever used herein, the terms "Grantor" and "Grantee" include all the parties to this instrument and their heirs, legal representatives and assigns.

2

WITNESSETH: That the Grantor, for and in consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto the Grantee, all of the following land situate in Lee County, Florida:

The South One-half (1/2) of the South One-half (1/2) of the South One-half (1/2) of the North One-half (1/2) of the Southwest One-quarter (1/4), being approximately 5.4 acres, and the North One-half (1/2) of the North One-half (1/2) of the South One-half (1/2) of the Southwest One-quarter (1/4), being approximately 10.7 acres, all being in Section 19, Township 43 S, Range 25 E and lying East of Slater Road.

Subject to conditions, restrictions, limitations and easements of record, if any, provided that this shall not serve to reimpose same.

The property conveyed hereby is undeveloped land and is not now nor has it ever been the Homestead property of the Grantor nor contiguous to the Homestead property of the Grantor who resides at 10342 S.W. 144 Street, Miami, Florida 33176.

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

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



PORTION OF PROPERTY
SUBJECT TO CPA



AERIAL PHOTOGRAPH

MAP A 7

Adelson Parcel 6150 Diamond Center Court
Bldg. #1300
S.W. Florida Land Twelve, L.L.C. Fort Myers FL, 33912

Source: Lee County Property Appraisers Office

ADELSON SMALL SCALE CPA



Date: 03-13-06
Map Number:
1023-01-CPA-Aer
Project Number:
1023-01

It is the end user's responsibility to verify the data contained hereon.

MEMORANDUM

TO: Mr. Ronald Inge
Development Solutions, Inc.

FROM: David L. Wheeler, E.I.
Transportation Consultant

Ted B. Treesh
Principal/Regional Manager

DATE: May 11, 2006

RE: Adelson FLUMA
Traffic Circulation Analysis
Lee County, Florida

Metro has completed a traffic circulation analysis for the proposed Adelson site pursuant to the requirements outlined in the application document for Comprehensive Plan Amendment requests. The analysis will examine the impact of the requested land use change from Rural (one unit per acre) to Suburban (six units per acre). The approximately 5.43-acre site is located on the east side of Slater Road approximately one (1) mile north of its intersection with Bayshore Road (S.R. 78) in the North Fort Myers area of Lee County, Florida.

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

The proposed Map Amendment would change the future land use designation on the subject site from Rural to Suburban. Based on the permitted uses within the Lee County Comprehensive Plan for these land use designations, the change would result in a change in the permitted density of residential units from one (1) dwelling units per acre to six (6) dwelling units per acre. **Table 1** highlights the intensity of uses that could be constructed

under the existing land use designation and the intensity of uses under the proposed land use designation.

Table 1
Land Uses
Adelson FLUMA

Land Use Category	Intensity
Existing Land Use	5 Single-Family Homes
Proposed Land Use	33 Single-Family Homes

The trip generation for the site was determined by referencing the Institute of Transportation Engineer's (ITE) report, titled *Trip Generation*, 7th Edition. Land Use Code 210 (Single-Family Detached Housing) was utilized for the trip generation purposes of both the existing land use designation and the proposed land use designation in order to obtain a "worst-case" analysis for the residential uses that could be constructed on the subject site. **Table 2** indicates the potential trip generation of the Adelson site based on the existing land use designation (Rural) and the proposed land use designation (Suburban) as well as the difference between the proposed and existing land use designations.

Table 2
Trip Generation
Adelson FLUMA

Land Use	A.M. Peak Hour			P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Proposed Land Use – Suburban (33 dwelling units)	8	25	33	25	15	40	375
Existing Land Use – Rural (5 dwelling units)	-3	-10	-13	-4	-3	-7	-66
Resultant Trip Change	5	15	20	21	12	33	309

Long Range Impacts (20-year horizon)

The Lee County Metropolitan Planning Organization's (MPO) 2030 Long Range Transportation Plan was reviewed to determine if any future roadway improvements were planned in the vicinity of the subject site. Based on the review there are no roadway improvements on either Bayshore Road (S.R. 78) or Slater Road programmed.

The Lee County Metropolitan Planning Organization's (MPO) long range transportation travel model was also reviewed in order to determine the impacts the amendment would have on the surrounding area. The subject site lies within Traffic Analysis Zone (TAZ) 1219. The model has both productions and attractions included in this zone. The productions include both single-family homes and multi-family units. The attractions include some, but very little industrial, commercial employment and service (retail)

employment. **Table 3** identifies the land uses currently contained in the long range travel model utilized by the MPO and Lee County for the Long Range Transportation Analysis.

Table 3
TAZ 1219
Land Uses in Existing Travel Model (2030)

Land Use Category	Intensity
Single Family Homes	14 Units
Multi-Family Homes	530 Units
Services (Retail, Office & Indust.)	133 Employees
Hotel	0 Rooms
School Population	0 Students

The proposed small scale map amendment would change the maximum density of residential development on the site to six (6) units per acre from the existing one (1) unit per acre. This change would result in an increase in the maximum number of residential units on the subject site of twenty eight (28) dwelling units. **Table 4** indicates the revised TAZ data with the proposed density requested with this Map Amendment.

Table 3
Based on Proposed Map Amendment within TAZ 1219
Land Uses in Modified Travel Model (2030)

Land Use Category	Intensity
Single Family Homes	42 Units
Multi-Family Homes	530 Units
Services (Retail, Office & Indust.)	133 Employees
Hotel	0 Rooms
School Population	0 Students

Based on this analysis, the proposed map amendment will only increase the trip generation by twenty (20) A.M. peak hour trips, thirty three (33) P.M. peak hour trips, and three hundred and nine (309) daily two-way trips. In addition, the proposed amendment will increase the number of single-family units by twenty eight (28). Therefore, due to the minimal impact, it is not anticipated that the proposed map amendment will have any effect on the long range transportation plan as currently adopted by the Lee County MPO.

Short Range Impacts (5-year horizon)

The 2005/2006-2009/2010 Lee County Transportation Capital Improvement Projects list and the 2005/2006-2009/2010 Florida Department of Transportation Adopted Work Program were reviewed to determine the short term impacts the proposed land use change would have on the surrounding roadways. Based on this review there are no programmed improvements in the vicinity of the subject site.

Table 1A and 2A attached to this report indicate the future Level of Service on Slater Road and Bayshore Road (S.R. 78). Based on this analysis, no modifications will be necessary to the Lee County or FDOT short term capital improvement program.

Conclusion

The proposed Future Land Use Map Amendment is to modify the future land use from Rural (one unit per acre) to Suburban (six units per acre) on approximately 5.43 acres located on the east side of Slater Road approximately one (1) mile north of its intersection with Bayshore Road (S.R. 78) in the North Fort Myers area of Lee County, Florida. Based on the analysis, no modifications are necessary to the Short Term or the Long Range Transportation plan to support the proposed Map Amendment. No modification to the socio-economic data forecasts are necessary as a result of this amendment due to the minimal increase in single-family units within the TAZ. Site specific road improvements such as turn lanes, traffic control devices, etc. will be further evaluated at the re-zoning and Development Order stages as the property is developed. The project will proceed through the zoning and Development Order process and be subject to the Concurrency Management System requirements in effect at the time of this process.

**TABLE 1A
PEAK DIRECTION
PROJECT TRAFFIC VS. 10% LOS C LINK VOLUMES**

TOTAL AM PEAK HOUR PROJECT TRAFFIC = 33 VPH IN= 8 OUT= 25
 TOTAL PM PEAK HOUR PROJECT TRAFFIC = 40 VPH IN= 25 OUT= 15

<u>ROADWAY</u>	<u>SEGMENT</u>	<u>ROADWAY CLASS</u>	<u>LOS A VOLUME</u>	<u>LOS B VOLUME</u>	<u>LOS C VOLUME</u>	<u>LOS D VOLUME</u>	<u>LOS E VOLUME</u>	<u>PERCENT</u>		
								<u>PROJECT TRAFFIC</u>	<u>PROJECT TRAFFIC</u>	<u>PROJ/ LOS C</u>
Slater Rd	N. of Site	2LU	0	170	380	570	970	5%	1	0.3%
	N. of Bayshore Rd	2LU	0	170	380	570	970	95%	24	6.3%
	S. of Bayshore Rd	2LU	0	170	380	570	970	10%	3	0.7%
Bayshore Rd	E. of Slater Rd	4LD	450	1,630	1,900	1,950	1,950	50%	13	0.7%
	W. of Slater Rd	4LD	0	0	1,250	1,900	1,990	35%	9	0.7%

* Level of Service Thresholds obtained from Lee County Link Specific Peak Hour Directional Service Volumes

**TABLE 2A
LEE COUNTY TRAFFIC COUNTS AND CALCULATIONS**

TOTAL PROJECT TRAFFIC AM = 33 VPH IN = 8 OUT = 25
 TOTAL PROJECT TRAFFIC PM = 40 VPH IN = 25 OUT = 15

<u>ROADWAY</u>	<u>SEGMENT</u>	<u>PCS</u>	<u>ADT</u>	<u>ADT</u>	<u>GROWTH</u>	<u>RATE</u>	2005	2011	<u>PERCENT</u>	<u>PROJECT</u>	<u>AM PROJ</u>	<u>PM PROJ</u>	2011	2011
							<u>PK HR</u>	<u>PK HR</u>					<u>BCKGRND</u>	<u>BCKGRND</u>
							<u>PK SEASON</u>	<u>PK SEASON</u>					<u>+ AM PROJ</u>	<u>+ PM PROJ</u>
							<u>PEAK DIR.</u>	<u>PEAK DIR.²</u>	<u>TRAFFIC</u>	<u>TRAFFIC</u>	<u>TRAFFIC</u>	<u>TRAFFIC</u>	<u>TRAFFIC</u>	<u>TRAFFIC</u>
Slater Rd	N. of Site	4	6000	6700	9	1.23%	291	313	5%	1	1	314	314	
	N. of Bayshore Rd	4	6000	6700	9	1.23%	291	313	95%	24	24	337	337	
	S. of Bayshore Rd	4	6000	6700	9	1.23%	291	313	10%	3	3	316	316	
Bayshore Rd	E. of Slater Rd	4	16200	22300	9	3.61%	1114	1379	50%	13	13	1391	1391	
	W. of Slater Rd	4	23500	28700	9	2.25%	1270	1451	35%	9	9	1460	1460	

* The 2005 Peak Hour, Peak Season, Peak Direction Traffic Volume was obtained from the 2004/2005-2005/2006 Lee County Concurrency Management Inventory and Projections Report, dated June 2005

100TH HIGHEST HOUR LOS ANALYSIS

		2011	2011	2011
		<u>BCKGRND</u>	<u>BCKGRND</u>	<u>BCKGRND</u>
		<u>TRAFFIC</u>	<u>+ AM PROJ</u>	<u>+ PM PROJ</u>
		<u>LOS</u>	<u>LOS</u>	<u>LOS</u>
Slater Rd	N. of Site	C	C	C
	N. of Bayshore Rd	C	C	C
	S. of Bayshore Rd	C	C	C
Bayshore Rd	E. of Slater Rd	B	B	B
	W. of Slater Rd	D	D	D

TRIP GENERATION EQUATIONS

ADELSON FLUMA ITE TRIP GENERATION REPORT, 7th EDITION

Land Use	Weekday AM Peak Hour	Weekday PM Peak Hour	Weekday
Single-Family Detached Housing (LUC 210)	$T = 0.70 (X) + 9.43$ (25% In/75% Out)	$\ln (T) = 0.90 \ln (X) + 0.53$ (63% In/37% Out)	$\ln (T) = 0.92 \ln (X) + 2.71$
T = Number of trips, X = Number of dwelling units			

ADELSON SMALL SCALE COMP PLAN AMENDMENT
LEE COUNTY COMPREHENSIVE PLAN AMENDMENT APPLICATION
ITEM IV. B. 2A

Provide an existing and future conditions analysis for sanitary sewer:

North Fort Myers Utilities maintains service for this area through the North Fort Myers Utilities Wastewater Treatment Facility. The closest force main is located approximately 4,000 ft. north of the property along Slater Road.

Policy 36.1.2 of the Lee Plan has established that "the minimum acceptable level-of-service standard for sanitary sewer connections to Lee County Utilities shall be available basic facility capacity to treat and dispose of a volume of wastewater equal to 200 gallons per day per equivalent residential connection (ERC) for the peak month..."

According to North Fort Myers Utilities staff, the North Fort Myers Utilities Wastewater Treatment Facility has a design capacity of 3.5 million gallons per day and the system currently operates at 1.8 million gallons per day.

North Fort Myers Utilities is in the process of expanding its plant capacity to 7.5 million gallons per day with construction anticipated the first quarter of 2007.

The maximum number of additional units (28) permitted by the proposed amendment will adequately be served by the existing plant capacity or the new, planned wastewater facilities in accordance with Section 2-46 of the Lee County Land Development Code and Chapter 163, Florida Statutes. Using 200 gallons per day ERC equates to 5,600 additional gallons per day.

DNR Engineering, Inc.

▪ P.O. Box 6306, Fort Myers, FL 33911-6306 ▪ 4450 Camino Real Way, Fort Myers, Florida, 33912 ▪
▪ P (239) 226-0024 ▪ F (239) 226-0094 ▪

N O R T H
F O R T M Y E R S
U T I L I T Y
I N C O R P O R A T E D

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

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

(239) 543-1005

Fax (239) 543-2226

February 14, 2006

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

RE: 17220 SLATER RD.
STRAP # 19-43-25-00-00014.0020

Please be advised that **D. B. S. Consulting, Inc.**, has requested wastewater service for a proposed project consisting of 96 residential units subdivision. Currently we do not have a wastewater force main adjacent to the property therefore, the developer shall construct the offsite and onsite wastewater collection system under the terms of the Developer's Agreement.

North Fort Myers Utility, Inc. has the capacity to provide 21,600 gallons per day from its wastewater treatment plant.

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

Yours truly,
NORTH FORT MYERS UTILITY, INC.



A. A. "Tony" Reeves
Utility Director

17220 Slater Rd.

EXHIBIT B2a

ADELSON SMALL SCALE COMP PLAN AMENDMENT
LEE COUNTY COMPREHENSIVE PLAN AMENDMENT APPLICATION
ITEM IV. B. 2B

Provide an existing and future conditions analysis for potable water:

Lee County Utilities maintains service for this area with service provided by the Olga Water Treatment Plant. An 8-inch water main runs along the Slater Road right-of-way to within 1,500 feet south of the subject property.

Policy 33.1.2 of the Lee Plan has established that "the minimum acceptable level-of-service standard for potable water connections to Lee County Utilities shall be an available supply and treatment capacity of 250 gallons per day per equivalent residential connection (ERC) for the peak month..."

According to Lee County Utilities staff, the Olga Water Treatment Plant has a design capacity of 5.0 million gallons per day. The system currently operates at 4.89 million gallons per day. The new North Fort Myers Water Treatment Plant which is under construction is projected to operate at 5.0 million gallons per day with its expected completion by the end of 2006.

The maximum number of additional units (28) permitted by the proposed amendment will adequately be served by the new, planned potable water facilities in accordance with Section 2-46 of the Lee County Land Development Code and Chapter 163, Florida Statutes. Using 250 gallons per day ERC equates to 7,000 addition gallons per day.

DNR Engineering, Inc.

▪ P.O. Box 6306, Fort Myers, FL 33911-6306 ▪ 4450 Camino Real Way, Fort Myers, Florida, 33912 ▪
▪ P (239) 226-0024 ▪ F (239) 226-0094 ▪

Feb 13 06 01:21p



LEE COUNTY
SOUTHWEST FLORIDA

(239) 479-8181

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: _____

February 13, 2006

Bob Janes
District One

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Tammy Hall
District Four

John E. Albion
District Five

Donald D. Stihwell
County Manager

David M. Owen
County Attorney

Diana M. Parker
County Hearing Examiner

Drew Fitzgerald
DBS Consulting, Inc.
4450 Camio Real Way
Fort Myers, Fl. 33912

RE: POTABLE Water AVAILABILITY
Adelson Parcel, 17220 Slater Road
STRAP #: 19-42-25-00-00014.0020

Dear Mr. Fitzgerald:

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

Your firm has indicated that this project will consist of 96 multi-family residential units with an estimated flow demand of approximately 19,200 gallons per day. Lee County Utilities presently has sufficient capacity to provide potable water service as estimated above.

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

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

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

Further, This Letter Of Availability Of Water Service To Be Utilized For The Permitting Of Surface Water Management Facilities Through The South Florida Management District For This Project Only. Individual Letters Of Availability Will Be Required For The Purpose Of Obtaining Building Permits.

Sincerely,

LEE COUNTY UTILITIES

Mary McCormic
Senior Engineering Tech.
UTILITIES ENGINEERING

VIA FACSIMILE
Original Mailed

SFWM - ADELSON PARCEL

**ADELSON SMALL SCALE COMP PLAN AMENDMENT
LEE COUNTY COMPREHENSIVE PLAN AMENDMENT APPLICATION
ITEM IV. B. 2C**

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

Lee Plan Policy 40.3.1- D has established level-of- service standards for the private and public development as follows:

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

The 2004-2005/2005-2006 Concurrency Management report states on page 16 that "All new developments which receive approval from the South Florida Water Management District and that comply with standards in Chapters 62-3, 62-40, and 62-302 of the Florida Statutes and Rule 40E-4 of the Administrative Code will be deemed Concurrent with the Level of Service standards set forth in THE LEE PLAN."

DNR Engineering, Inc.

▪ P.O. Box 6306, Fort Myers, FL 33911-6306 ▪ 4450 Camino Real Way, Fort Myers, Florida, 33912 ▪
▪ P (239) 226-0024 ▪ F (239) 226-0094 ▪

Exhibit B2d: Parks, Recreation and Open Space

Adelson Small-Scale CPA



1. Community Parks

The regulatory level of service for community parks is .8 acres per 1,000 permanent residents and the desired level of service is 2 acres per 1,000 permanent residents. Both standards apply to the unincorporated area of each impact fee district.

The subject property is located in Community Park Impact Fee District #2. The following is an excerpt from the report titled, Concurrency Management Inventory and Projections 2004/05 - 2005/06 regarding community parks in District #2.

As a result of the updated inventory for the Impact Fee Study, the North Fort Myers Community Park has been increased to 85 acres, Judd Park has been reduced to 8 acres and the North Fort Myers Swimming Pool has been reduced to 1 acre. The net change is an increase of 26 acres. The regulatory standard (43 acres in 2004) will be met through the year 2007. The "Desired" standard (111 acres in 2004) was not met from 1997 through 2002 but was met again in 2003 and will be met thereafter through 2007.

2. Regional Parks

The regulatory level of service for regional parks is 7 acres per 1,000 permanent and seasonal residents and the desired level of service is 8 acres per 1,000 permanent and seasonal residents. Both standards are applied on a County-wide basis. Based on the most recent concurrency report, the County exceeds the desired level of service for Regional Parks and will do so through 2007.

The amendment will have minimal impact on the demand for future parks since the proposed amendment will only increase the number of residential dwelling units in the Lee Plan by 28, which translates (2.09 persons per household x 28) to 59 people. In addition to on-site open space and private recreational facilities, the project will also be subject to park impact fees.

Exhibit B 3: Public Facilities Adequacy

Adelson Small-Scale CPA



- a. Please see the attached letter from North Fort Myers Fire District.
- b. Please see the attached letter from Lee County Emergency Medical Services.
- c. Please see the attached letter from the Lee County Sheriff's Office.
- d. Please see the attached letter from the Lee County Solid Waste Division.
- e. Please see the attached letter from Lee County Transit.
- f. Please see the attached letter from The School District of Lee County. Also, According to the 2005 *School Impact Update Study*, the student generation rate for multi-family is .132 per unit. With the addition of 28 units, the amendment would add approximately 4 school age children. Each unit will also be subject to school impact fees, which is currently \$1,704 per multi-family unit. Please see the attached letter from The School District of Lee County confirming these findings.



NORTH FT. MYERS FIRE DIST.

P.O. Box 3507

N. Ft. Myers, FL 33918-3507

(239) 997-8654

(239) 995-3757 fax

www.northfortmyersfire.com

March 21, 2006

**DBS Consulting, Inc.
4450 Camino Real Way
Ft. Myers, FL 33912**

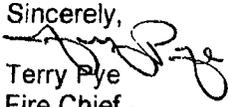
To Whom It May Concern:

Your proposed project on 17220 Slater Rd. will be adequately serviced by our fire district without any increase in manpower or vehicles.

If you have any questions feel free to contact our office.

Best Wishes with your project.

Sincerely,


Terry Pyle
Fire Chief



Lee County
Southwest Florida

Statement of No Concern

I, Kim Dickerson, authorized by the Lee County Emergency Medical Services (EMS) confirm with my signature below, that Lee County EMS has no concern with an additional density of 28 residential dwelling units in total for the parcel with the Strap # 19-43-25-00-00014.0020. The proposed residential dwellings at 17220 Slater Road, Fort Myers, Florida has to be in compliance with the Lee County Development Code.

This statement does not indicate that any plans have been received, it just identifies that Lee County EMS has no concerns with the requested change from rural to suburban for the Adelson Small Scale Comprehensive Plan Amendment at 17220 Slater Road, Fort Myers, Florida.

Kim Dickerson

(Signature)

EMS Operations Chief

(Title)

Kim Dickerson

(Printed Name)

5-18-06

(Date)



Division of Public Safety
Emergency Medical Services

Deputy Chief Kim Dickerson
EMS Operations Manager

P.O.Box 398
Fort Myers, FL 33902-0398
<http://www.lee-ems.com/ems>

Phone 239-335-1661
Pager 239-930-8339
Fax 239-335-1671
E-Mail kdickerson@leegov.com

Mike Scott
Office of the Sheriff



State of Florida
County of Lee

DBS Consulting, Inc.
4450 Camino Real Way
Ft. Myers, FL 33912

March 27, 2006

ATTN: Tarah Tayyab

RE: Written determination of adequacy for 17220 Slater Rd
N. Ft. Myers, Lee County
STRAP #: 19-43-25-00-00014.0020

Dear Ms. Tayyab:

The proposed suburban planned development located at Strap #: 19-43-25-00-00014.0020 with a listed address of 17220 Slater Rd., within N. Ft. Myers, Lee County, Florida, is within the service area for the Lee County Sheriff's Office. It is the policy of the Lee County Sheriff's Office to support growth within Lee County and we will do everything possible to accommodate the law enforcement needs of this development.

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

Sincerely and respectfully,

Randy L. Butz, Lieutenant
Commander, Planning and Research Division
Lee County Sheriff's Office





LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

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Tammy Hall
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

David M. Owen
County Attorney

Diana M. Parker
County Hearing
Examiner

(239) 338-3302

Writer's Direct Dial Number: _____

March 21, 2006

Ms. Tarah Tayyab
DBS Consulting, Inc.
4450 Camino Real Way
Ft. Myers, FL 33912

SUBJECT: Adelson Small Scale Comprehensive Plan Amendment (CPA)
STRAP No. 19-43-25-00-00014.0020

Dear Ms. Tayyab:

The Lee County Solid Waste Division is capable of providing solid waste collection service for the 28 additional residential units to be located at 17220 Slater Road (STRAP # 19-43-25-00-00014.0020) through our franchised hauling contractors. Disposal of the solid waste generated at this location will be accomplished at the Lee County Resource Recovery Facility and the Lee-Hendry Regional Landfill. Plans have been made, allowing for growth, to maintain long-term disposal capacity at these facilities.

If you have any questions, please call me at (239) 338-3302.

Sincerely,

William T. Newman
Operations Manager
Solid Waste Division



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

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

Bob Janes
District One

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Tammy Hall
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

David M. Owen
County Attorney

Diana M. Parker
County Hearing Examiner

April 11, 2006

Ms. Tarah Tayyab
D.B.S. Consulting, Inc.
4450 Camino Real Way
Fort Myers, FL 33912

**Re: Adelson Small Scale Comprehensive Plan Amendment (CPA)
17220 Slater Road, North Fort Myers, FL
STRAP No: 19-43-25-00-00014.0020**

Ms. Tayyab:

Lee County Transit received your letter dated March 17, 2006 in reference to the Comprehensive Plan Amendment Application for the subject property on Slater Road in North Fort Myers. Lee County does not currently provide public transportation services directly to the subject property and does not plan to extend service to the site anytime within the existing Lee County Transit Development Plan, which goes through 2013. The closest transit service accessible from this parcel is approximately 1 mile south at the intersection of Slater Road and Bayshore Road. Transit service to the subject site is also not identified in the transit element of the Lee County Long Range Transportation Plan, which has a planning horizon through 2030.

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

Sincerely,

Michael Horsting, Planner
Lee County Transit



THE SCHOOL DISTRICT OF LEE COUNTY

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

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

ELINOR C. 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

March 21, 2006

D.B.S. Consulting, Inc.
4450 Camino Real Way
Fort Myers, Florida 33912

Re: Adelson Small Scale Comprehensive Plan Amendment (CPA)
19-43-25-00-00014.0020

Dear Ms. Tayyab:

In reference to your request of March 17, 2006, the impact of a 28 residential unit development on Slater Road in North Fort Myers would be as follows:

28 multi-family residential units could generate up to 4 students within the East Choice Zone of the School District of Lee County. The Lee County Board of County Commissioners

adopted a School Impact Fee Ordinance on November 27, 2001, which was revised in

November, 2005. This letter reflects the revised student generation rate. The developers

will be expected to pay the impact fee at the appropriate time.

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

Sincerely,

Ellen Lindblad, Long Range Planner
Planning Department

**IV. AMENDMENT SUPPORT DOCUMENTATION
ADELSON PARCEL**

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 Forms Classification System (FLUCFCS).

See attached map for community locations for the Adelson property. The vegetation communities on site were mapped according to the Florida Land Use, Cover and Forms Classification System (FLUCFCS) (Florida Department of Transportation, 1985). The mapping utilized Level III FLUCFCS. The site was inspected and the mapping superimposed on 2006 digital aerial photographs. Acreages were approximated using AutoCAD.

The following is a discussion of the existing land uses and vegetative associations found on site. The following table summarizes the FLUCFCS communities discussed below.

211 Improved Pasture (approximately 5.43 acres)

This habitat type occupies 5.43± acres of the site. The canopy and sub-canopy are open. The ground cover is dominated by bahia grass, water dropwort, blackroot, caesar weed, partridge pea, thistle, species of flatsedges, smutgrass, greenbriar, and grapevine.

FLUCFCS	Description	Acreage	Percent of Total
211	Improved Pasture	5.43	100%

2. A map and description of the soils found on the property (identify the source of the information).

See attached map for soil mappings based on NRCS soil survey for Lee County. The NRCS mapped the property as being underlain by Oldsmar sand (code 33). The soil description is also included.

3. A topographic map with property boundaries and 100-year flood prone areas indicated (as identified by FEMA).

See attached Topography and Flood Zone Map.

4. A map delineating wetlands, aquifer recharge areas, and rare and unique uplands.

There are no wetlands, aquifer recharge areas, or rare and unique uplands on site.

5. A table of plant communities by FLUCFCS 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 FLUCFCS and the species status (same as FLUCFCS map).

See the following response and table.

ANIMALS

Listed wildlife species that have the potential to occur on the project site are listed in the following table. These potential occurrences were determined by referencing the Field Guide to Rare Animals of Florida (Florida Natural Areas Inventory 2000), Florida Atlas of Breeding Sites for Herons and Their Allies (Runde et. al. 1991), Lee County Eagle Technical Advisory Committee (ETAC) Active 2000-2001 Season map. The Florida Endangered Species, Threatened Species and Species of Special Concern; Official Lists, dated August 1997 was used to identify the status of the potentially occurring species.

Name	Scientific Name	Habitat	State & Fed Status	
			FWC	FWS
Burrowing Owl	<i>Speotyto cunicularia</i>	211	SSC	-
Florida Sandhill Crane	<i>Grus canadensis pratensis</i>	211	T	-
Gopher Tortoise	<i>Gopherus polyphemus</i>	211	SSC	-

FWC-Florida Fish and Wildlife Conservation Commission\FWS-U.S. Fish and Wildlife Service
 SSC-Species of Special Concern/T-Threatened/E-Endangered
 T(S/A)-Threatened due to similarity of appearance

Burrowing owl

Burrowing owls normally inhabit open grassy areas consisting of low grasses. Only minimal areas of this type of habitat are present. No signs of burrows were observed.

Florida sandhill crane

The Florida sandhill crane will utilize prairies, freshwater marshes and pasture lands; however, they favor wetlands dominated by pickeral weed and maidencane. None of this habitat is found on the parcel. This bird appears to be a bit more sensitive to human disturbance; consequently, due to the sites proximity to several busy roads and other developed areas, it is unlikely that they would occur on the site in any significant frequency.

Gopher Tortoise

Gopher tortoise burrows were not located on the parcel. Suitable habitat is present, but it is unlikely that any tortoises would utilize the property.

PLANTS

Listed plant species that were not observed but which have the potential to occur on the project site were determined by referencing the Field Guide to Rare Plants of Florida (Florida Natural Areas Inventory 2000). The Florida Endangered Species, Threatened Species and Species of Special Concern; Official Lists, dated August 1997 was used to identify the status of the potentially occurring species. No species were identified to occur in Improved Pasture.

D. Impacts on Historic Resources

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

- 1. A map of any historic districts and/or sites, listed on the Florida Master Site File, which are located on the subject property or adjacent properties.**

The site contains pasturelands. A letter from the Florida Department of State Division of Historical Resources was received stating that "no previously recorded cultural resources are located on the parcel". A copy of this letter is attached.

- 2. A map showing the subject property location on the archaeological sensitivity map for Lee County.**

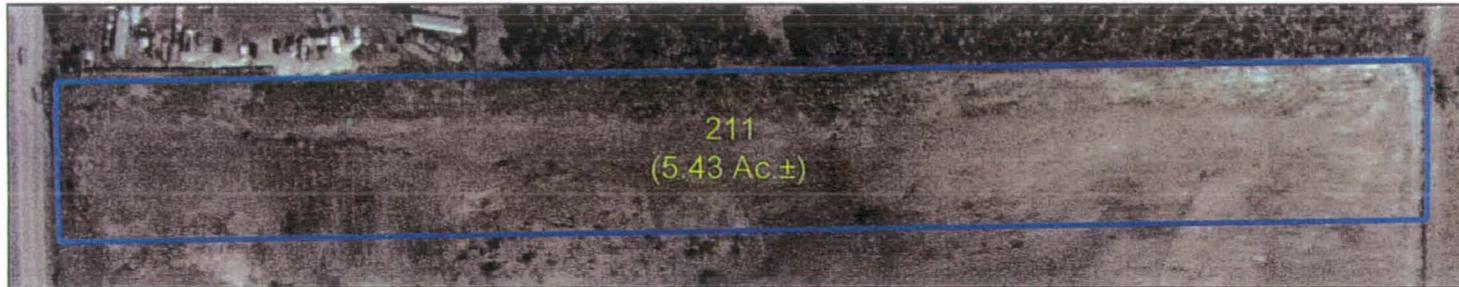
See attached Archaeological Sensitivity Map.

Discussion

The existing Land Use is Rural and will be amended to Suburban. There are no wetlands, rare or unique habitat, or listed species habitat existing on the property.



Scale: 1" = 200'



FLUCFCS Legend

Code	Community	Acreage
211	Improved Pasture	5.43 Ac.±

MAP C1

Boylan Environmental Consultants, Inc.
Wetland & Wildlife Surveys, Environmental Permitting, Impact Assessments
 11000 Metro Parkway, Suite 4, Ft. Myers, 33912 (239) 418-0671

Drawn By:	Date:	Category
BWS	5/3/06	FLUCFCS
Job Number		Scale:
2006-20		1" = 200'
S/T/R		County
19/43S/25E		Lee

Adelson
 FLUCFCS Map

Revisions	Date:	Page
		Exhibit

X:\BEC\A-B Projects\Adelson(2006-20)\Comp Plan\Aerial Cropped.dwg Tab: Model May 16, 2006 - 11:21am Plotted by: Burnett

ADELSON COMP PLAN

SOILS DESCRIPTION

Prepared by:

Boylan
Environmental
Consultants, Inc.

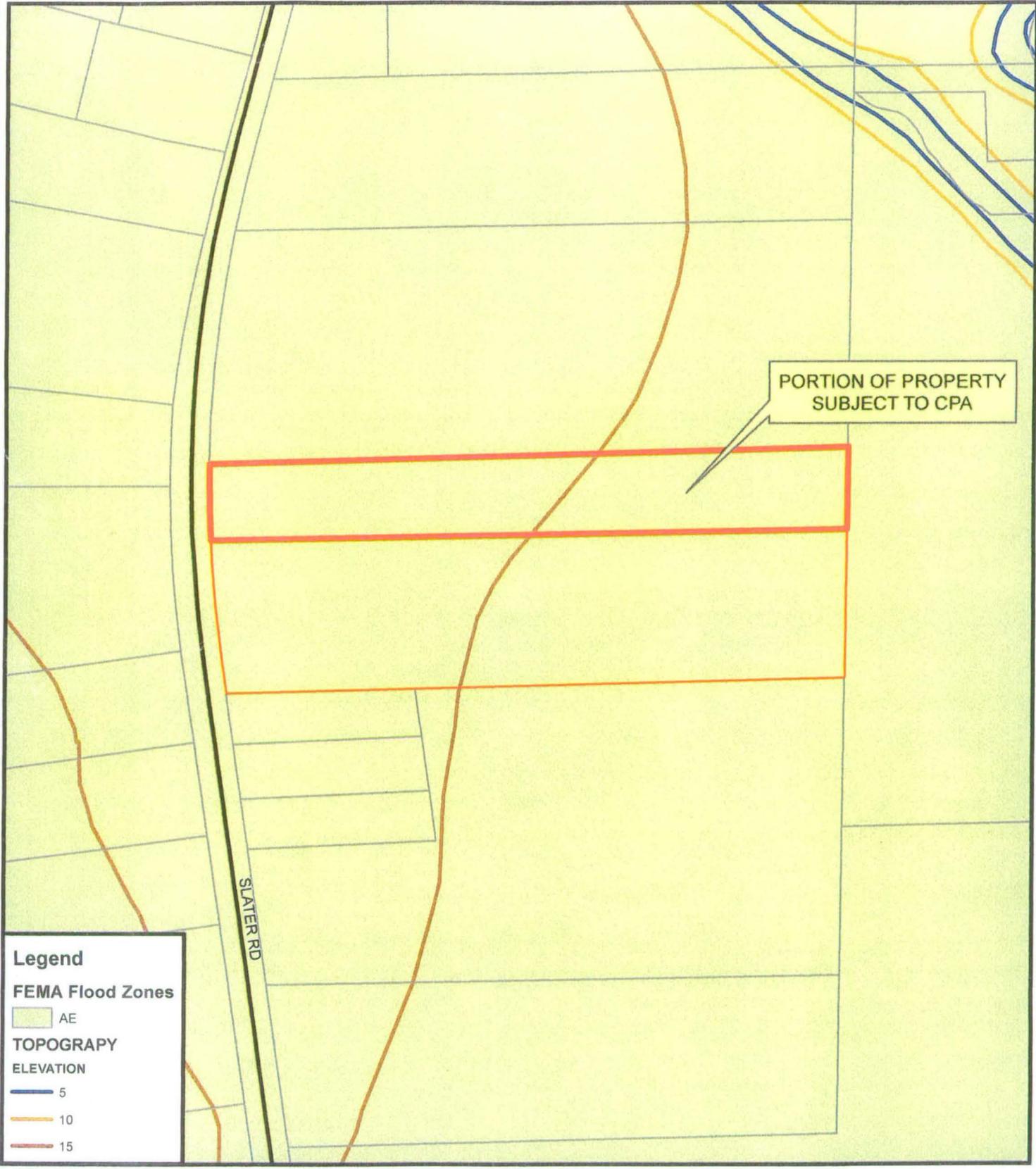
*Wetland & Wildlife Surveys, Environmental Permitting,
Impact Assessments*

11000 Metro Parkway, Suite 4, Fort Myers, Florida, 33912
Ph:(239) 418-0671 Fax:(239) 418-0672

May 3, 2006

33 – Oldsmar sand.

This is a nearly level, poorly drained soil on low, broad flatwoods areas. Slopes are smooth to slightly convex and range from 0 to 2 percent. Typically, the surface layer is black sand about 3 inches thick. The subsurface layer is gray and light gray sand about 39 inches thick. The upper part of the subsoil is very dark gray sand about 5 inches thick. The lower part of the subsoil is yellowish brown and mixed light brownish gray and brown fine sandy loam about 11 inches thick. Pale brown sand extends to a depth of 80 inches or more. In most years, under natural conditions, the water table is at a depth of less than 10 inches for 1 to 3 months. It is at a depth of 10 to 40 inches for more than 6 months, and it recedes to a depth of more than 40 inches during extended dry periods.



PORTION OF PROPERTY
SUBJECT TO CPA

Legend

FEMA Flood Zones

AE

TOPOGRAPHY

ELEVATION

5

10

15

SLATER RD



**EXISTING
TOPOGRAPHIC MAP
MAP C3**

Adelson Parcel 6150 Diamond Center Court
Bldg. #1300
S.W. Florida Land Twelve, L.L.C. Fort Myers FL, 33912

Source: Lee County Property Appraisers Office

**ADELSON SMALL
SCALE CPA**



Date: 03-13-06
Map Number:
1023-01-CPA-Topo
Project Number:
1023-01

It is the end user's responsibility to verify the data contained hereon.

Adelson

Section 19; Township 43 S; Range 25 E
Lee County, Florida

Protected Species Survey



11000 Metro Parkway, Suite 4
Fort Myers, Florida, 33912
Phone:(239) 418-0671 Fax:(239) 418-0672

May 17, 2006

INTRODUCTION

An environmental scientist from Boylan Environmental Consultants, Inc conducted a field investigation on the 5.43± acre property on May 1, 2006. The purpose of the field investigation was to identify the potential of listed (endangered, threatened, etc.) species inhabiting the site that are regulated by the US Fish & Wildlife Service (FWS) and the Florida Fish & Wildlife Conservation Commission. The site is located in portions of Section 19, Township 43 South, Range 25 East, in Lee County, Florida. Specifically, it is situated east of Slater Road and north of Bayshore Boulevard.

METHODOLOGY

The survey method consisted of overlapping belt transects performed for all FLUCFCS communities onsite in compliance with the Lee County Endangered Species Ordinance No. 89-34. The specific methodology included pedestrian surveys of parallel transects. The survey was conducted according to the methodology submitted by Kevin L. Erwin Consulting Ecologist, Inc., which was a methodology previously approved by Lee County. Particular attention during the survey was placed on location of any signs of gopher tortoise.

This survey is comprised of a several step process. First, vegetation communities or land-uses on the study area are delineated on an aerial photograph using the Florida Land Use, Cover and Forms Classification System (FLUCFCS). Next, the FLUCFCS codes are cross-referenced with the Lee County Protected Species List. This protected species list names the species which have a probability of occurring in any particular FLUCFCS community. The table at end of the report lists the FLUCFCS communities found on the parcel and the corresponding species which have a probability of occurring in them.

Transects were walked approximately as shown on the attached aerial photograph. Specific attention was placed on locating any gopher tortoise burrows.

SURVEY DATE AND WEATHER CONDITIONS

Survey Date	Survey Time	Weather Conditions
May 1, 2006	12:00-1:00 pm	Partly cloudy with light winds and temperatures in the 80's

Vegetation

Vegetation communities were mapped in the field according to the system in use by the agencies, the Florida Land Use Cover and Forms Classification System (FLUCFCS). Listed below are the vegetation communities or land-uses identified on the site. The following descriptions correspond to the mappings on the attached FLUCFCS map. See Florida Land Use, Cover and Forms Classification System (Department of Transportation 1985) for definitions.

FLUCFCS CODES/Description

Improved Pasture (FLUCFCS Code 211)

This habitat type occupies 5.43± acres of the site. The canopy and sub-canopy are open. The ground cover is dominated by bahia grass, water drop-wort, blackroot, caesar weed, sensitive plant, thistle, flatsedges, smutgrass, greenbriar, and grapevine.

SPECIES PRESENCE

The various listed species that may occur in the FLUCFCS communities have been tabulated on the attached table. During our field survey for protected species on the property, we did not observe any protected species or signs thereof. No nest-like structures or tree cavities were noted due to the absences of canopy and sub-canopy species. No tortoise burrows were identified. In general, this site does not contain native, undisturbed community types in which protected species would typically inhabit.

DISCUSSION

No listed species or evidence thereof was observed or heard during the survey conducted on May 1, 2006. Community locations were estimated and drawn by using a non-rectified aerial with approximate property boundaries, hence their location, aerial extent, and acreage is approximate.

Table 1. Lee County Protected Species Survey Summary

Protected species having the potential to occur in the corresponding FLUCFCS community or land-types with corresponding field survey results.

FLUCFCS Code/Area	Potential Protected Species	% Surveyed	Species Present	Species Absent	Density (Acre)	Visibility (Feet)
211	Gopher Tortoise	90		X		20
	Burrowing Owl	90		X		20
	Florida Sandhill Crane	90		X		20

Exhibit D 1 & 2: Impacts on Historical Resources

Adelson Small-Scale CPA



- 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**

Please see the attached letter from the Florida Division of Historical Resources indicating that no archaeological or historical resources are recorded within the project area.

- 2. A map showing the subject property location on the archeological sensitivity map for Lee County.**

Please see the attached Lee County Historical and Archaeological Map D2.



FLORIDA DEPARTMENT OF STATE
Glenda E. Hood
Secretary of State
DIVISION OF HISTORICAL RESOURCES

March 21, 2005

Angela Wright
Development Solutions, LLC.
6150 Diamond Centre Court, Bldg. 1300
Ft. Myers, FL 33912
Fax 239-481-8477

Dear Ms. Wright:

In response to your inquiry of March 17, 2005, the Florida Master Site File lists no previously recorded cultural resources in the following parcel:

T43S, R25E, Section 19

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.**

Sincerely,

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

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

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

Director's Office
(850) 245-6300 • FAX: 245-6435

Archaeological Research
(850) 245-6444 • FAX: 245-6436

Historic Preservation
(850) 245-6333 • FAX: 245-6437

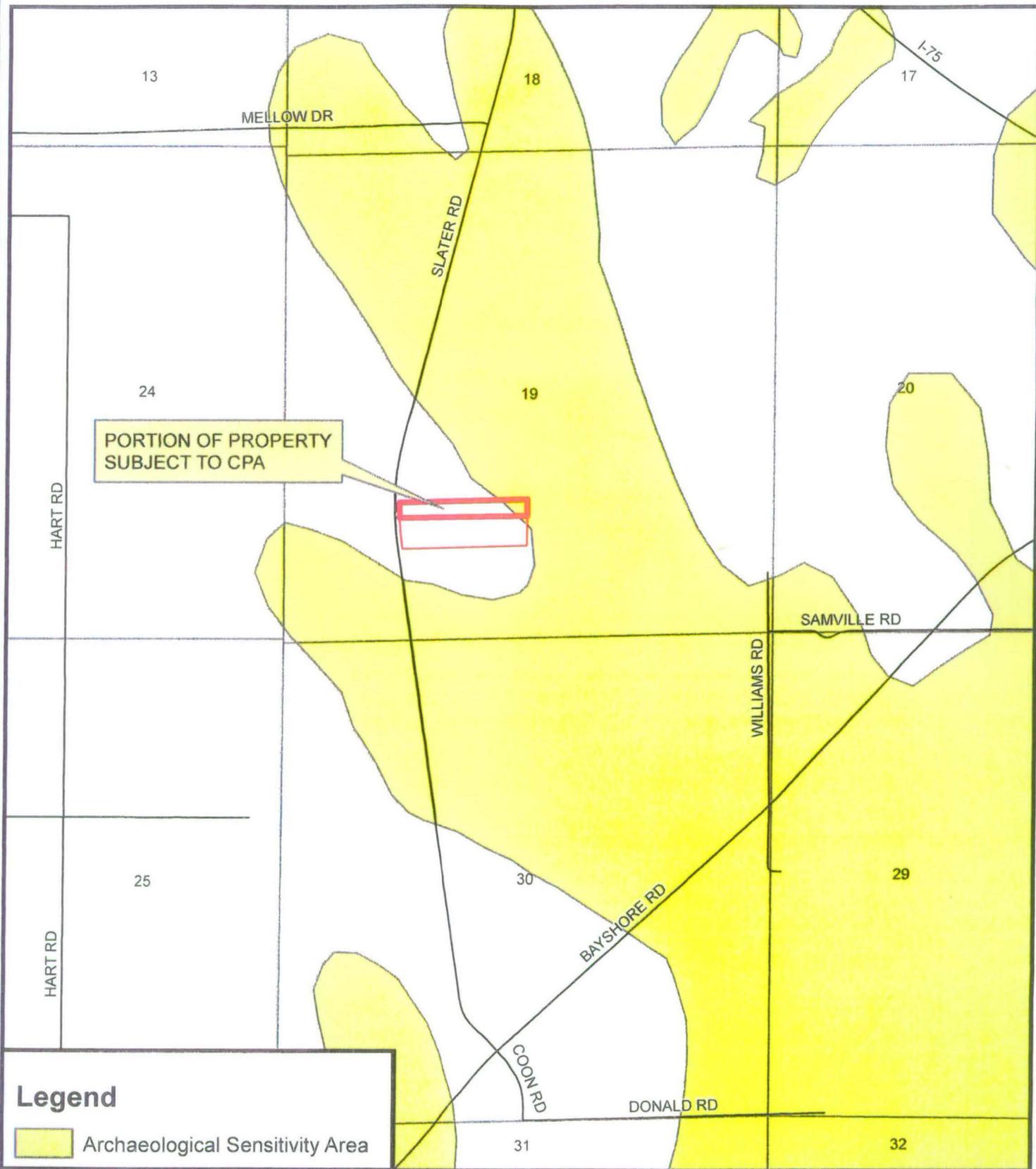
Historical Museums
(850) 245-6400 • FAX: 245-6433

Palm Beach Regional Office
(561) 279-1475 • FAX: 279-1476

St. Augustine Regional Office
(904) 825-5045 • FAX: 825-5044

Tampa Regional Office
(813) 272-3843 • FAX: 272-2340

EXHIBIT D1



PORTION OF PROPERTY
SUBJECT TO CPA

Legend

 Archaeological Sensitivity Area

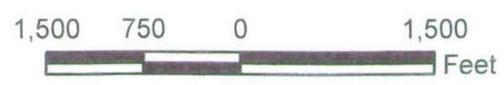


**HISTORICAL &
ARCHAEOLOGICAL MAP
MAP D2**

Adelson Parcel 6150 Diamond Center Court
Bldg. #1300
S.W. Florida Land Twelve, L.L.C. Fort Myers FL, 33912

Source: Lee County Property Appraisers Office

**ADELSON SMALL
SCALE CPA**



Date: 03-13-06

Map Number:
1023-01-CPA-EXD2

Project Number:
1023-01

It is the end user's responsibility to verify the data contained hereon.

Internal Consistency with the Lee Plan
Adelson Small-Scale CPA



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.**

The proposed amendment will increase the number of residential dwelling units in the Lee Plan by 28, which translates (2.09 persons per household x 28) to 59 people. In accordance with Table 1(b) from the Lee Plan, the 2020 population allocation for the Suburban land use designation is 15,448. The population increase proposed herein is de minimus (substantially less than 1% of the 2020 population allocation for Suburban).

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.**

The Adelson Small-Scale CPA is consistent with the following applicable goals, objectives and policies of the Lee Plan.

A. Policy 1.1.5

The Suburban areas are or will be predominantly residential areas that are either on the fringe of the Central Urban or Urban Community areas or in areas where it is appropriate to protect existing or emerging residential neighborhoods. These areas provide housing near the more urban areas but do not provide the full mix of land uses typical of urban areas. The standard residential densities are the same as the Urban Community category. Higher densities, commercial development greater than neighborhood centers, and industrial land uses are not permitted. Bonus densities are not allowed. (Amended by Ordinance No. 94-30)

The proposed small-scale amendment would make the ±5.43 acre portion of the 16.15 acre subject parcel uniformly Suburban. Consistent with the intent of this designation, the amendment will protect the integrity of existing and future residential development.

Slater Road serves as a significant roadway linking much of North Fort Myers (both east and west of I-75) to employment centers and commerce on Bayshore Road and an interchange

with I-75. The property is only one mile north of Bayshore Road. Between the property and Bayshore Road, are several mobile home communities and churches, a fire station, a landscape nursery, small scale agriculture, and scattered housing. Directly to the north of the property along Slater Road is a heavy commercial use. Directly to the south along Slater Road, are two single family homes. Across from the property along Slater Road, include two churches and an open field. Given the growth pressures along Slater Road and the investment in public infrastructure, it is clear that the current Rural (non-urban) land use designation does not protect existing and future residential development. As is the case along Slater Road in proximity to the subject site, incompatible land uses are allowed to develop or occur in the absence of urban level residential densities, which promotes cohesive and well planned neighborhoods. Allowing the extension of the Suburban designation will help to stabilize and protect existing and future residential development along this corridor. Further intensification of non-residential uses would not be beneficial given the existing fragmented land use pattern that consists mostly of residential land uses. Retail, service and industrial uses should be focused along Bayshore Road, which is currently being widened to 4-lanes. The Suburban designation also facilitates a planned development approach to site design. The varied components of a project can be carefully located and arranged to minimize incompatibility and maximize a healthy living environment.

B. Policy 1.4.1

The Rural areas are to remain predominantly rural--that is, low density residential, agricultural uses, and minimal non-residential land uses that are needed to serve the rural community. These areas are not to be programmed to receive urban-type capital improvements, and they can anticipate a continued level of public services below that of the urban areas. Maximum density in the Rural area is one dwelling unit per acre (1 du/acre).

Given the availability of public infrastructure and development patterns already established along Slater Road, it is clear that this ±5.43 acre portion is not consistent with the definition or purpose of a non-urban area. The property will be served by Lee County for potable water and North Fort Myers Utility for sewer. Please see the attached letters from these utility providers as well as the same from North Fort Myers Fire District, Lee County Solid Waste Division, Lee County Sheriff's Office, and The School District of Lee County, showing adequate capacity to serve the proposed project.

- C. Objective 2.1
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)

As evidenced in the previous responses, the amendment promotes contiguous and compact growth patterns and the efficient utilization of existing public infrastructure. Please also see the response to urban sprawl indicators included on Question F.2a.

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

There are no physical constraints that limit the development potential of the project site for a residential community. The entire property is currently being utilized for agriculture. The site is located in a Category 3 Hurricane Storm Surge Zone. Please see the attached environmental report prepared by Boylan Environmental Consultants regarding environmental information

- E. Goal 11: Standard 11.1, Standard 11.2, 11.3, and 11.4

STANDARD 11.1: WATER.

1. Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development in excess of 30,000 square feet of gross leasable (floor) area per parcel, must connect to a public water system (or a "community" water system as that is defined by Chapter 17-22, F.A.C.).

2. If the proposed development lies within the boundaries of a water utility's certificated or franchised service area, or Lee County Utilities' future potable water service area (see Map 6), then the development must be connected to that utility.

3. The developer must provide proof that the prior commitments of the water utility, plus the projected need of the developer, do not exceed the supply and facility capacity of the utility.

STANDARD 11.2: SEWER.

1. Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development that generates more than 5,000 gallons of sewage per day, must connect to a sanitary sewer system.
2. If the proposed development exceeds the thresholds listed above and lies within the boundaries of a sewer utility's certificated or franchised service area, or Lee County Utilities' future sanitary sewer service area (see Map 7), and that utility has sufficient capacity to provide minimum service to the development, then the development must connect to that sewer utility if there is existing infrastructure adequate to accept the effluents of the development within 1/4 mile from any part of the development.

Water and Sewer

The property will be served by Lee County for potable water and North Fort Myers Utility for sewer. Please see the attached letters from these utility providers.

STANDARD 11.3: TRAFFIC.

1. A traffic impact statement must be submitted to and accepted by the county DOT for the following developments:
 - Developments of Regional Impact (D.R.I.'s);
 - Planned Developments (as specified in the Zoning Regulations); and
 - Developments requiring a county development order, as specified in the Land Development Code.
2. The form, content, and level of detail required in the traffic impact statement will be established by Lee County by ordinance, administrative code, or other regulations. Lee County will establish criteria or thresholds to determine the scope of the traffic impact statement required:
 - if the development meets or exceeds the established thresholds, the traffic impact statement will provide a comprehensive assessment of the development's impacts on the surrounding road system.
 - if the development does not meet or exceed these thresholds, the traffic impact statement will provide information regarding traffic generation and impacts at the development's access points to the adjacent street system. (Amended by Ordinance No. 94-30, 00-22)

Traffic

Please see the attached Traffic Circulation Analysis prepared by TR Transportation Consultants, Inc.

STANDARD 11.4: ENVIRONMENTAL REVIEW FACTORS.

In any case where there exists or there is the probability of environmentally sensitive areas (as identified by Lee County, the Corps of Engineers, Department of Environmental Protection, South Florida Water Management District, or other applicable regulatory agency), the developer/applicant must prepare an environmental assessment that examines the existing conditions, addresses the environmental problems, and proposes means and mechanisms to protect, conserve, or preserve the environmental and natural resources. (Amended by Ordinance No. 94-30, 00-22)

Environmental Review Factors

There are no environmental factors limiting the development since the entire property is being utilized for agricultural purposes. In support of this, please see the attached report prepared by Boylan Environmental Consultants.

F. Policy 135.1.9

The county will ensure a mix of residential types and designs on a countywide basis by providing for a wide variety of allowable housing densities and types through the planned development process and a sufficiently flexible Future Land Use Map. (Amended by Ordinance No. 00-22)

Consistent with policy 135.1.9, the proposed amendment facilitates a mix of housing types and recognizes a sufficiently flexible Future Land Use Map to make adjustments that are otherwise consistent with the Lee Plan.

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

The proposed amendment is not adjacent and does not affect any other local government.

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

Relevant State Policy Plan and Regional Policy Plan goals and policies are consistent with the provisions of the Lee Plan cited herein. Specific references follow.

Strategic Regional Policy Plan

Affordable Housing Element - Livable Communities: Goal 2
Southwest Florida will develop (or redevelop) communities that are livable and offer residents a wide range of housing and employment opportunities.

The proposed amendment is consistent with this goal by expanding the range of housing types and densities that will serve a larger portion of the community seeking housing.

State Policy Plan

Land Use: Goal 15(a)

In recognition of the importance of preserving the natural resources and enhancing the quality of life of the state, development shall be directed to those areas which have in place, or have agreements to provide, the land and water resources, fiscal abilities, and service capacity to accommodate growth in an environmentally acceptable manner.

The proposed amendment is consistent with this goal:

- provides an opportunity for a distinct neighborhood that can serve as an impetus for quality development along Slater Road;
- utilizes existing investments in public infrastructure; and
- can be developed in an environmentally sensitive manner since there are no wetlands, aquifer recharge areas, rare or unique uplands, or species issues found on the site.

Exhibit F2a: Response to Urban Sprawl Indicators

Adelson Small-Scale CPA



F2a. 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 proposed amendment does not constitute urban sprawl.

1. The Suburban designation provides for mixed-use and a diversity of housing types.
2. The proposed small-scale amendment does not leap frog, but would make the ±5.43 acre portion of the 16.15 acre subject parcel uniformly Suburban.
3. The proposed amendment is neither isolated from the urban area or Suburban designation nor does it form a ribbon along Slater Road.
4. The amendment does not result in the premature conversion of rural land. A mix of residential, civic, and commercial uses are located in the vicinity of the subject parcel on Slater Road. As evidenced in the attached report prepared by Boylan Environmental Consultants, the subject site does not have environmental features needing protection or conservation.
5. Significant agricultural activities are not located nearby.
6. The property fronts on Slater Road and is served by Lee County for potable water and North Fort Myers Utility for sewer. Please see the attached letters from these utility providers as well as the same from North Fort Myers Fire District, Lee County Solid Waste Division, Lee County Sheriff's Office, and The School District of Lee County showing adequate capacity to serve the proposed project.

Exhibit G: Justification of Proposed Amendment

Adelson Small-Scale CPA



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.

The proposed amendment from Rural to Suburban is based on sound planning principles and should be granted based on the following findings:

1. Compliant with the Lee Plan:
Consistent with the intent of this designation, the amendment will protect the integrity of existing and future residential development. Slater Road serves as a significant roadway linking much of North Fort Myers (both east and west of I-75) to employment centers and commerce on Bayshore Road and an interchange with I-75. The property is one mile north of Bayshore Road. Given the growth pressures along Slater Road and the investment in public infrastructure, it is clear that the current Rural (non-urban) land use designation does not protect existing and future residential development. Incompatible land uses are allowed to develop or occur in the absence urban level residential densities. Allowing the extension of the Suburban designation will help to stabilize and protect existing and future residential development along this corridor. Further intensification of non-residential uses would not be beneficial given the existing fragmented land use pattern that consists mostly of residential land uses.
2. Provides for an Integrated Master Planned Residential Community:
The proposed small-scale amendment would make the ±5.43 acre portion of the 16.15 acre subject parcel uniformly Suburban providing for an integrated master planned residential community. The varied components of a project can be carefully located and arranged to minimize incompatibility and maximize a healthy living environment.

3. Fronts on Slater Road and Served by a Full Array of Public Infrastructure:
The property fronts on Slater Road and is served by Lee County for potable water and North Fort Myers Utility for sewer. Please see the attached letters from these utility providers as well as the same from North Fort Myers Fire District, Lee County Solid Waste Division, Lee County Sheriff's Office, and The School District of Lee County, showing adequate capacity to serve the proposed project.
4. Environmentally Suitable for Residential Development:
As evidenced in the attached report prepared by Boylan Environmental Consultants, the subject property is currently being farmed and does not have environmental features needing protection or conservation.
5. De Minimus Impact on Population Capacity in the FLUM:
The proposed amendment will increase the number of residential dwelling units in the Lee Plan by 28, which translates (2.09 persons per household x 28) to 59 people. In accordance with Table 1(b) from the Lee Plan, the 2020 population allocation for the Suburban land use designation is 15,448. The population increase proposed herein is de minimus (substantially less than 1% of the 2020 population allocation for Suburban).

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits.	A. Signature <i>Meghan Marion</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee
	B. Received by (Printed Name) <i>Meghan Marion</i> C. Date of Delivery <i>5/7/07</i>
	D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:

Northwest Florida Regional Planning Council
 Attn: David Crawford, Senior Planner
 6 Victoria Avenue
 Tallahassee, FL 323901

3. Service Type	
<input checked="" type="checkbox"/> Certified Mail	<input type="checkbox"/> Express Mail
<input type="checkbox"/> Registered	<input checked="" type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Insured Mail	<input type="checkbox"/> C.O.D.
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	

Article Number: 7006 0810 0002 8335 5578
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Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits.	A. Signature <i>Maria Bonilla</i> <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee
	B. Received by (Printed Name) <i>Maria Bonilla</i> C. Date of Delivery
	D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:

Florida Department of Transportation
 Attn: Michael Rippe
 295 Victoria Avenue #292
 Tallahassee, FL 323901

3. Service Type	
<input checked="" type="checkbox"/> Certified Mail	<input type="checkbox"/> Express Mail
<input type="checkbox"/> Registered	<input checked="" type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Insured Mail	<input type="checkbox"/> C.O.D.
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	

Article Number: 7006 0810 0002 8335 5356
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	B. Received by (Printed Name) <i>W. Caruthers</i> C. Date of Delivery <i>5/18/07</i>
	D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:

Attn: Wendy Evans, Admin Assistant II
 Bureau of Planning and Budgeting
 CA8, The Capitol
 Tallahassee, FL 32399-0810

3. Service Type	
<input checked="" type="checkbox"/> Certified Mail	<input type="checkbox"/> Express Mail
<input type="checkbox"/> Registered	<input checked="" type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Insured Mail	<input type="checkbox"/> C.O.D.
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	

Article Number: 7006 0810 0002 8335 5493
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Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits.	A. Signature <i>[Signature]</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee
	B. Received by (Printed Name) <i>[Name]</i> C. Date of Delivery <i>[Date]</i>
	D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:

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

3. Service Type	
<input checked="" type="checkbox"/> Certified Mail	<input type="checkbox"/> Express Mail
<input type="checkbox"/> Registered	<input checked="" type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Insured Mail	<input type="checkbox"/> C.O.D.
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	

Article Number: 7006 0810 0002 8335 5530
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7006 0810 0002 8335 5522

OFFICIAL USE

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 Certified Fee
 Return Receipt Fee (Endorsement Required)

Postmark: Adelson 5/16

Attn: Alex L. Carswell, Administrator
 Educational Facilities Planning
 Florida Department of Education
 325 West Gaines Street #1054
 Tallahassee, FL 32399

See Reverse for Instructions

7006 0810 0002 8335 5561

OFFICIAL USE

Postage \$
 Certified Fee
 Return Receipt Fee (Endorsement Required)

Postmark: Adelson 5/16

Office of Tourism, Trade & Economic Development
 Mary Helen Blakeslee, Chief Analyst
 Suite 2001, The Capitol
 Tallahassee, FL 32399-0001

See Reverse for Instructions

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 MAY 18 2007
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1. Article Addressed to:
Attn: Wendy Evans, Admin Assistant II
Bureau of Planning and Budgeting
8, The Capitol
Tallahassee, FL 32399-0810

Adelson

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X *[Signature]* Agent Addressee

B. Received by (Printed Name) *[Signature]* C. Date of Delivery

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

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

SENDER: COMPLETE THIS SECTION

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1. Article Addressed to:
Attn: Mary Ann Poole, Director
Office of Policy and Stakeholder Building
620 South Meridian Street, Farris Bryant Building
Tallahassee, FL 32399-1600

Adelson

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X *[Signature]* Agent Addressee

B. Received by (Printed Name) *[Signature]* C. Date of Delivery *5/7/07*

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

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

3 Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

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1. Article Addressed to:
Attn: Alex L. Carswell, Administrator
Educational Facilities Planning
Florida Department of Education
25 West Gaines Street #1054
Tallahassee, FL 32399

Adelson

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X *[Signature]* Agent Addressee

B. Received by (Printed Name) *[Signature]* C. Date of Delivery

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

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

SENDER: COMPLETE THIS SECTION

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1. Article Addressed to:
South Florida Water Management District
Attn: P.K. Sharma, Lead Planner
P.O. Box 24680
West Palm Beach, FL 33416-4680

Adelson

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X *[Signature]* Agent Addressee

B. Received by (Printed Name) *[Signature]* C. Date of Delivery *MAY 07 2007*

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

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

3 Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

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1. Article Addressed to:
Attn: Jim Quinn, Environmental Manager
Office of Intergovernmental Programs
300 Commonwealth Boulevard, Mail Station 47
Tallahassee, FL 32399-3000

Adelson

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X *[Signature]* Agent Addressee

B. Received by (Printed Name) *[Signature]* C. Date of Delivery *MAY 07 2007*

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

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

SENDER: COMPLETE THIS SECTION

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1. Article Addressed to:
Florida Department of Transportation
Attn: Michael Rippe
2295 Victoria Avenue #292
Ft. Myers, FL 33901

Adelson

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X *[Signature]* Agent Addressee

B. Received by (Printed Name) *[Signature]* C. Date of Delivery

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

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

3 Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

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1. Article Addressed to:
Attn: Susan Harp, Historic Preservation Planner
Bureau of Historic Preservation
500 South Bronough Street
Tallahassee, FL 32399-0250

Adelson

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X *[Signature]* Agent Addressee

B. Received by (Printed Name) *[Signature]* C. Date of Delivery *MAY 08 2007*

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

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

SENDER: COMPLETE THIS SECTION

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1. Article Addressed to:
Attn: Ray Eubanks, Plan Processing Administrator
Division of Community Planning
2555 Shumard Oak Blvd.
Tallahassee, FL 32399

Adelson

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X *[Signature]* Agent Addressee

B. Received by (Printed Name) *[Signature]* C. Date of Delivery

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

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

3 Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

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Article Addressed to:

Southwest Florida Regional Planning Council
Attn: David Crawford, Senior Planner
1926 Victoria Avenue
Ft. Myers, FL 33901

Adelson

COMPLETE THIS SECTION ON DELIVERY

A. Signature: *[Signature]* Agent Addressee

B. Received by (Printed Name): *A. Tomlinson* C. Date of Delivery: *[Blank]*

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

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number: *7006 0810 0002 8335 5233*
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PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

SENDER: COMPLETE THIS SECTION

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Article Addressed to:

Attn: Mary Ann Poole, Director
Office of Policy and Stakeholder Bonding
620 South Meridian Street, Farris Bryant Building
Tallahassee, FL 32399-1600

Adelson

COMPLETE THIS SECTION ON DELIVERY

A. Signature: *[Signature]* Agent Addressee

B. Received by (Printed Name): *S. Mallory* C. Date of Delivery: *[Blank]*

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

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number: *7006 0810 0002 8335 5554*
(Transfer from service label)

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

SENDER: COMPLETE THIS SECTION

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

Article Addressed to:

South Florida Water Management District
Attn: P.K. Sharma, Lead Planner
P.O. Box 24680
Vest Palm Beach, FL 33416-4680

Adelson

COMPLETE THIS SECTION ON DELIVERY

A. Signature: *[Signature]* Agent Addressee

B. Received by (Printed Name): *[Signature]* C. Date of Delivery: *MAY 18 2007*

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

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number: *7006 0810 0002 8335 5349*
(Transfer from service label)

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

SENDER: COMPLETE THIS SECTION

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

Article Addressed to:

Mr. Kent Burden
P.O. Box 995
Boca Grande, FL 33921

only please note

COMPLETE THIS SECTION ON DELIVERY

A. Signature: *[Signature]* Agent Addressee

B. Received by (Printed Name): *Kenneth L. Burden* C. Date of Delivery: *5/22/07*

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

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number: *7006 0810 0002 8335 5585*
(Transfer from service label)

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

SENDER: COMPLETE THIS SECTION

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

Article Addressed to:

Attn: Ray Eubanks, Plan Processing Administrator
Division of Community Planning
555 Shumard Oak Blvd.
Tallahassee, FL 32399

Adelson

COMPLETE THIS SECTION ON DELIVERY

A. Signature: *[Signature]* Agent Addressee

B. Received by (Printed Name): *[Signature]* C. Date of Delivery: *MAY 18 2007*

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

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number: *7006 0810 0002 8335 5509*
(Transfer from service label)

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

SENDER: COMPLETE THIS SECTION

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

Article Addressed to:

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

Adelson

COMPLETE THIS SECTION ON DELIVERY

A. Signature: *[Signature]* Agent Addressee

B. Received by (Printed Name): *[Signature]* C. Date of Delivery: *MAY 21 2007*

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

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number: *7006 0810 0002 8335 5547*
(Transfer from service label)

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

U.S. Postal Service™ CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage \$ _____
Certified Fee _____
Return Receipt Fee (Endorsement Required) _____
Restricted Delivery Fee _____

5/11/07
Postmark Here

Office of Tourism, Trade & Economic Development
Mary Helen Blakeslee, Chief Analyst
Suite 2001, The Capitol
Tallahassee, FL 32399-0001

7006 0810 0002 8335 5195

See reverse for instructions

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

Attn: Alex L. Carswell, Administrator
 Educational Facilities Planning
 Florida Department of Education
 325 West Gaines Street #1054
 Tallahassee, FL 32399

Adelson

2. Article Number
 (Transfer from serv) 7006 0810 0002 8335 5523

COMPLETE THIS SECTION ON DELIVERY

A. Signature Department Of Education
 Mail Room B1-34 Agent
 325 West Gaines Street Addressee

B. Received by (Printed Name) C. Date of Delivery

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

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes