



Janet:File  
CPA 06-04

STATE OF FLORIDA  
**DEPARTMENT OF COMMUNITY AFFAIRS**

*"Dedicated to making Florida a better place to call home"*

CHARLIE CRIST  
Governor

THOMAS G. PELHAM  
Secretary

May 25, 2007

Mr. Paul O'Connor, AICP, Director  
Lee County  
Department of Community Development  
Division of Planning  
P.O. Box 398  
Fort Myers, Florida 33902-0398

RECEIVED  
MAY 31 2007

COMMUNITY DEVELOPMENT

Dear Mr. O'Connor:

Thank you for submitting copies of the Lee County Small Scale Development Plan Amendment, adopted by Ordinance No(s) 07-07 on April 24, 2007, for our records. The reference number for this amendment package is 07S02.

The Department will not conduct a compliance review or issue a Notice of Intent regarding the adopted small scale development plan amendment in accordance with procedures contained in Section 163.3187(3)(a), Florida Statutes.

If you have any questions, please contact Terri Stoutamire at (850) 922-1804.

Sincerely,

D. Ray Eubanks  
Plan Review & Processing Administrator

DRE/ts

cc: David Burr, Executive Director  
Southwest Florida RPC

2555 SHUMARD OAK BOULEVARD • TALLAHASSEE, FLORIDA 32399-2100  
Phone: 850.488.8466/Suncom 278.8466 FAX: 850.921.0781/Suncom 291.0781  
Internet address: <http://www.dca.state.fl.us>

FLORIDA KEYS  
Area of Critical State Concern Field Office  
2796 Overseas Highway, Suite 212  
Marathon, Florida 33050-2227

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

**MEMORANDUM  
FROM THE  
OFFICE OF COUNTY ATTORNEY**

**RECEIVED**  
MAY 02 2007

**COMMUNITY DEVELOPMENT**

**DATE:** May 1, 2007

**To:** Matt Noble

Planning Division

**FROM:**



Donna Marie Collins  
Assistant County Attorney

**RE: Lee County Ordinance No. 07-06  
Small Scale Amendment - Adelson  
Amending the Lee County Comprehensive Plan  
Adopted April 24, 2007**

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Attached please find two (2) certified copies of the above-referenced ordinance. If you have any questions, please do not hesitate to contact me.

/amp  
Attachments

cc: Donna Marie Collins, Assistant County Attorney

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

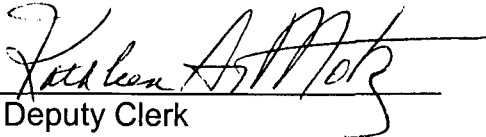
The small scale Lee Plan amendment adopted by this ordinance will be effective 31 days after adoption unless challenged within 30 days after adoption. If challenged within 30 days after adoption, the small scale amendment to the Lee Plan will not be effective until the Florida Department of Community 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:

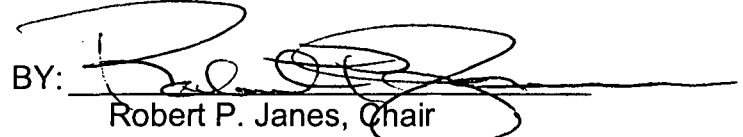
Robert P. Janes	Aye
Brian Bigelow	Nay
Ray Judah	Absent
Tammara Hall	Aye
Frank Mann	Aye

DONE AND ADOPTED this 24<sup>th</sup> of April 2007.

ATTEST:  
CHARLIE GREEN, CLERK

BY:   
Deputy Clerk

LEE COUNTY  
BOARD OF COUNTY COMMISSIONERS

BY:   
Robert P. Janes, Chair

DATE: April 24, 2007

Approved as to form by:

  
Donna Marie Collins  
County Attorney's Office




STATE OF FLORIDA

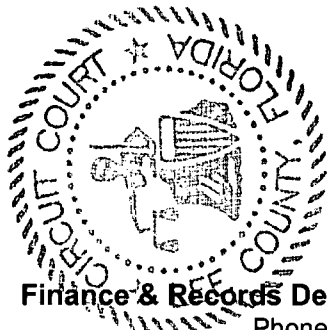
COUNTY OF LEE

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



**CPA2006-04**

**ADELSON  
SMALL-SCALE  
AMENDMENT  
TO THE**

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**LEE COUNTY COMPREHENSIVE PLAN**

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**THE LEE PLAN**

**Privately Sponsored Application  
and Staff Analysis**

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**BoCC Adoption Document**

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*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 and 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 OPENSOURCE** 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 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 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:**

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

**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 that would include 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.

**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:**

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

**CPA2006-04  
ADELSON  
SMALL-SCALE  
AMENDMENT  
TO THE  
LEE COUNTY  
COMPREHENSIVE PLAN**

LPA Public Hearing  
Presentation for the  
January 29th, 2007  
Public Hearing





PORTION OF PROPERTY  
SUBJECT TO CPA



**AERIAL VICINITY MAP**

Adelson CPA  
1501 Diamond Center Court  
Bldg # 1301  
Fort Myers FL 33912

Source: San Diego Property Appraisal Office

**ADELSON CPA**

500250 0 500  
Feet



Date: 01-18-07

Map Number  
100104-000-000000000000

Project Number  
1002-01

As to the use of this map, the user assumes all responsibility for the use of the information.





PORTION OF PROPERTY  
SUBJECT TO CPA

FLUCCS  
211 IMPROVED PASTURE LAND

SLATER RD



**AERIAL PHOTOGRAPH  
WITH FLUCCS**

Adelson CPA  
SW Florida Land/Tenure, L.L.C.  
Source: Lee County Property Appraiser Office  
© 2007 Diamond Center Corp  
Page # 1302  
Fort Myers, FL 33912

ADELSON CPA

150 75 0 150  
Feet



Date: 01-15-07  
Map Number:  
100101-CPA-REF-FLA  
Project Number:  
1022-01



**Rural**

**PORTION OF PROPERTY  
SUBJECT TO CPA**

**Suburban**

**SLATER RD**

**Legend**

**Existing Future Land Use  
LANDUSE**

Rural

Suburban



**EXISTING FUTURE  
LAND USE MAP**

Adelson CPA  
500 Florida Land Trust, LLC

AT&T Executive Center, Suite  
800, 8th Floor  
Fort Worth, TX 76102

Florida Land Trust, LLC is the sole responsible party for the data contained herein.

**ADELSON CPA**

200 100 0 200  
Feet



Date: 01.15.07

Map Number:  
ADLSON CPA ET-000001

Project Number:  
0023415

**Rural**

PORTION OF PROPERTY  
SUBJECT TO CPA

**Suburban**

SLATER RD

**Legend**

**Proposed FLUM  
LANDUSE**

Rural  
Suburban



**PROPOSED FUTURE  
LAND USE MAP**

Adelson CPA,  
S.W. Florida Land Trust, LLC  
Sevier, Lee County Property Appraiser's Office

1150 Diamond Center Court  
Bldg # 1300  
Fort Myers FL 33912

ADELSON CPA

200 100 0 200  
Feet



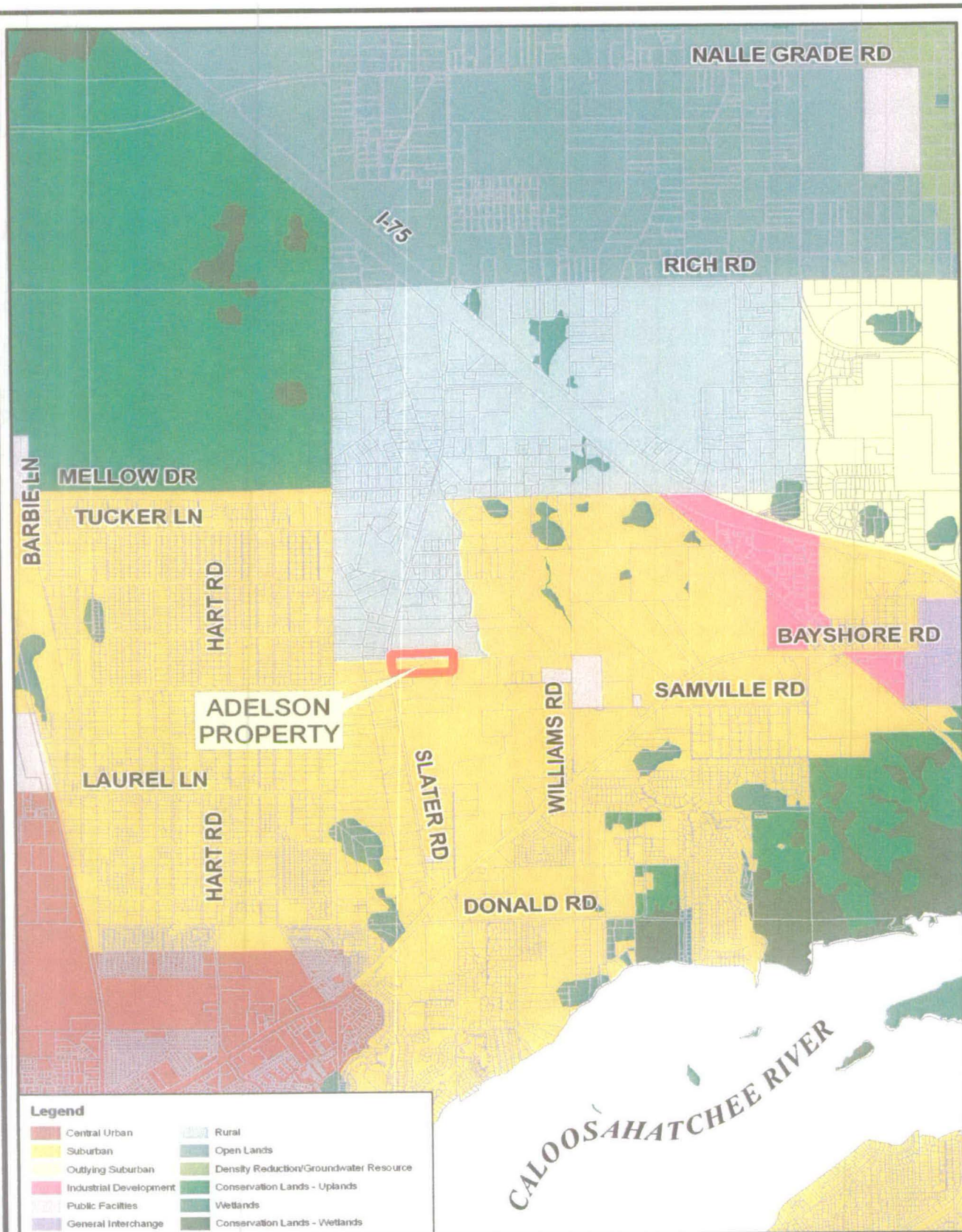
Date: 01-16-07

Map Number  
1023451

Project Number  
1023451

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





#### Legend

- |                        |  |
|------------------------|--|
| Central Urban          | Rural                                  |
| Suburban               | Open Lands                             |
| Outlying Suburban      | Density Reduction/Groundwater Resource |
| Industrial Development | Conservation Lands - Uplands           |
| Public Facilities      | Wetlands                               |
| General Interchange    | Conservation Lands - Wetlands          |



#### FUTURE LAND USE MAP

Adelson CPA  
S.W. Florida Land Twelve, LLC.  
Source: Lee County Property Appraiser's Office

6150 Diamond Center Court  
Suite 7, 1300  
Fort Myers, FL 33912

#### ADELSON CPA

1,000 0 1,000  
Feet



Date: 01-25-07

Map Number:  
1023-01-CPA-FL-UMA-VIC

Project Number:  
1023-01

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





**Slater Road North of Project Site:**

**2011 Level of Service Without Comp Plan Change – LOS "C"**

**2011 Level of Service With Comp Plan Change – LOS "C"**



**Slater Road South of Project Site:**

**2011 Level of Service Without Comp Plan Change – LOS "C"**

**2011 Level of Service With Comp Plan Change – LOS "C"**



**SLATER ROAD  
LEVEL OF SERVICE**

Adelson CPA  
SW Florida Land Traders, LLC

6151 Diamond Center Court  
Bldg # 1302  
Fort Myers, FL 33912

Source: Lee County Property Appraiser Office

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

**ADELSON CPA**

150 75 0 150  
Feet



Date: 01-25-07

Map Number  
102111-CPA-AEF403

Project Number  
1023-01





**SLATER ROAD CORRIDOR  
PHOTO MAP**

Adelson CPA  
 6158 Diamond Center Court  
 Bay # 100  
 Fort Myers FL 33912  
 Source: Sale County Property Appraiser Office

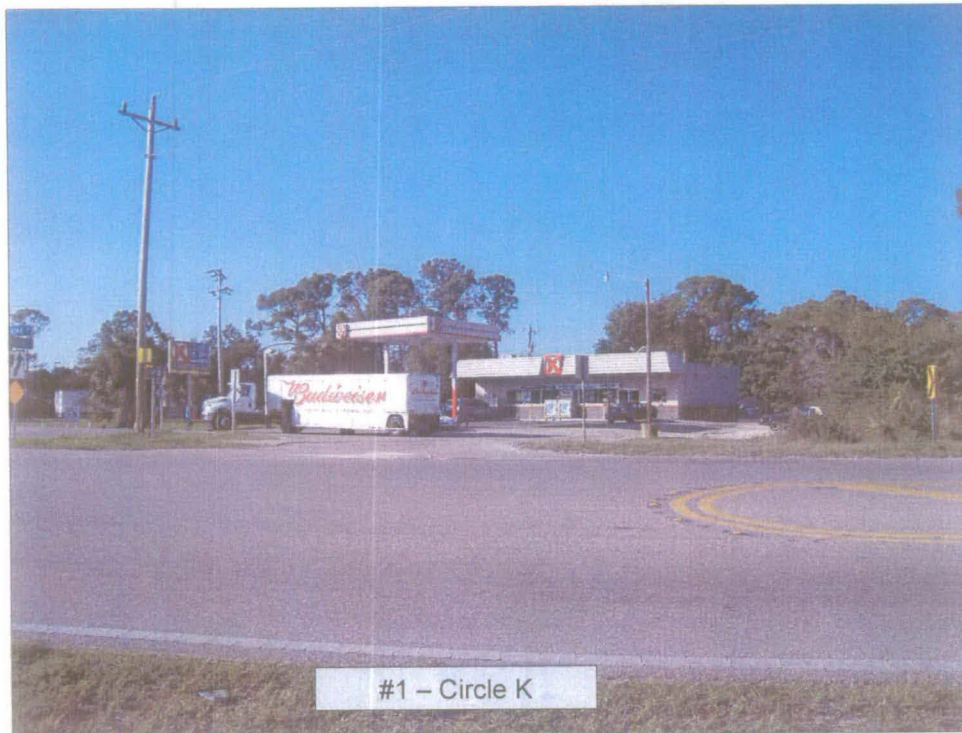
We warrant only the responsibility to verify the data contained herein.

**ADELSON CPA**



Date: 01-18-07  
 Map Number:  
 1022-01-PA-10-2015  
 Drawing Number:  
 1022-01

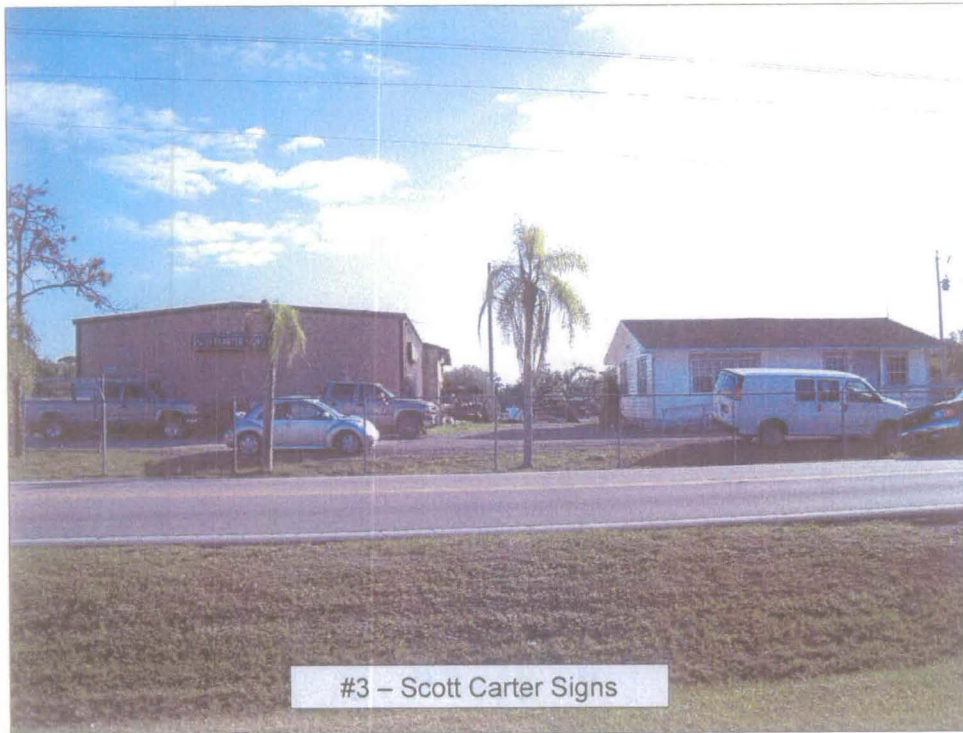




#1 – Circle K



#2 – Misc. Commercial Strip







#5 - Faith Baptist Church



#6 - Knights of Columbus Hall





#7 – Julia Park Mobile Home So. Entrance



#8 – Assembly of God Church

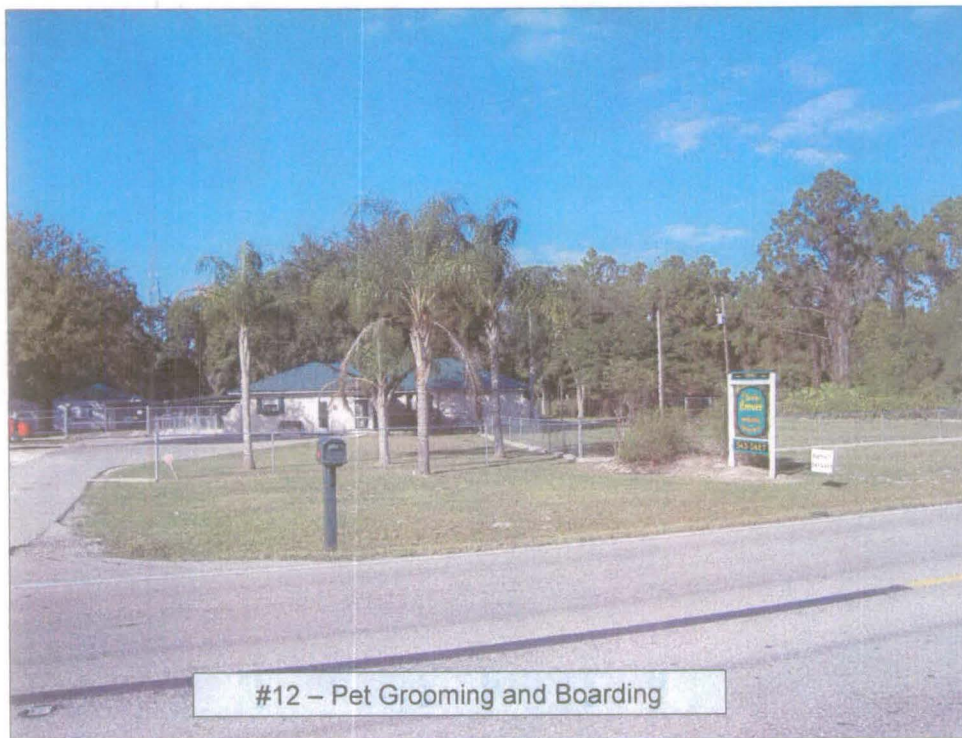


#9 – Julia Park Mobile Home No. Entrance

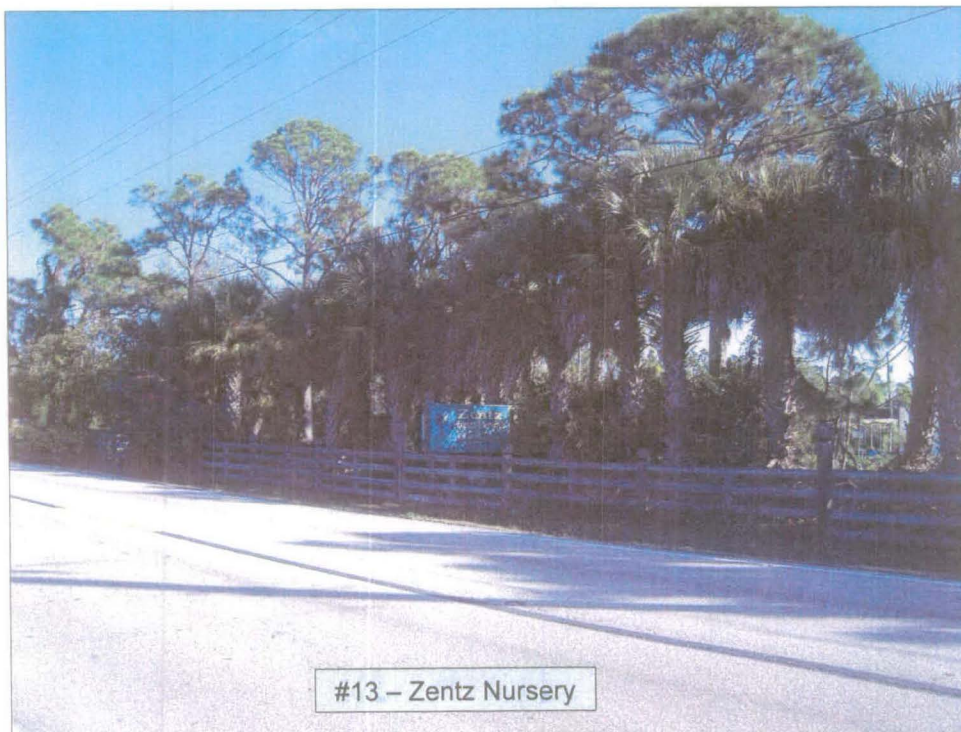


#10 – River Estates Mobile Home Park









#13 – Zentz Nursery



#14 – Honey Sales



#15 – Residence & Tree Trimming Company

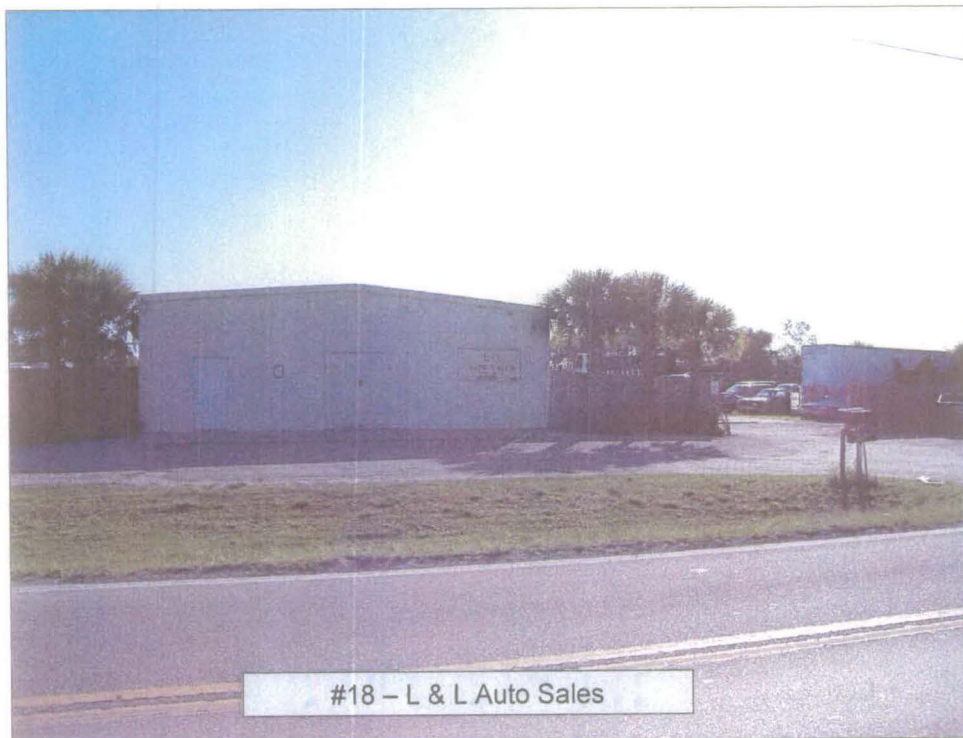


#16 – Open Bible Community Church

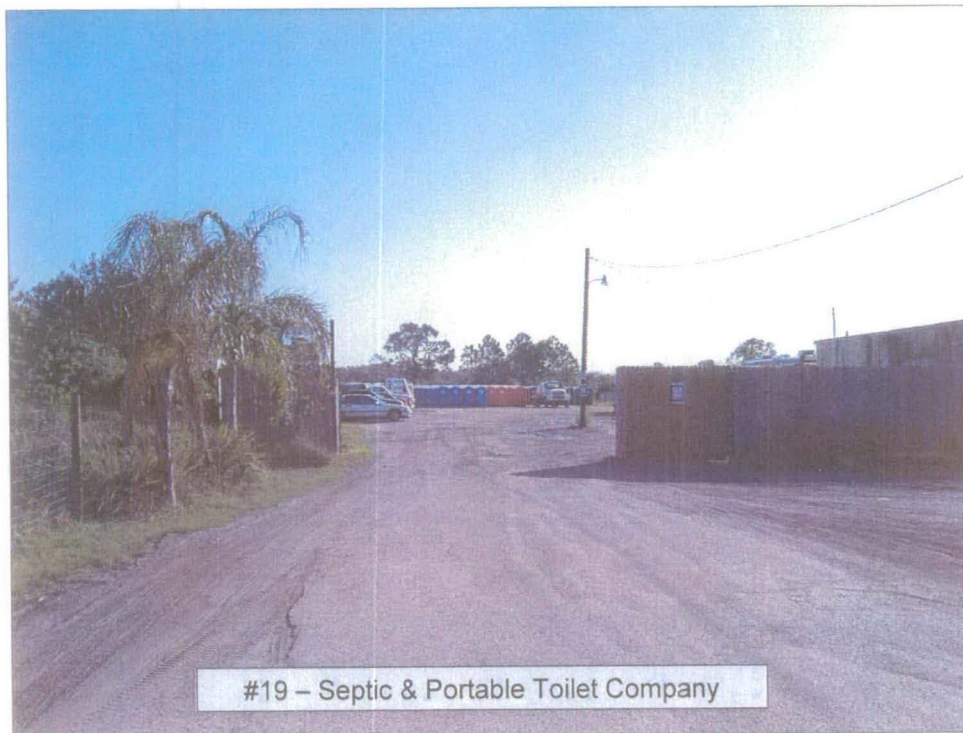




#17 – Kingdom Hall Place of Worship



#18 – L & L Auto Sales



Activities North of Subject Property





**LEE COUNTY**  
**SOUTHWEST FLORIDA**

**BOARD OF COUNTY COMMISSIONERS**

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

Bob Janes  
District One

May 4, 2007

A. Brian Bigelow  
District Two

Ray Judah  
District Three

Tammy Hall  
District Four

Frank Mann  
District Five

Donald D. Stilwell  
County Manager

David M. Owen  
County Attorney

Diana M. Parker  
County Hearing  
Examiner

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**

For :  
Paul O'Connor, AICP  
Director



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

**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

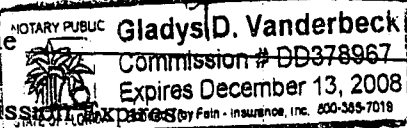
**Elisha Wells**  
personally known to me or who has produced

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

Notary Public

Print Name

My commission



**RECEIVED**  
APR 23 2007

COMMUNITY DEVELOPMENT



**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.**

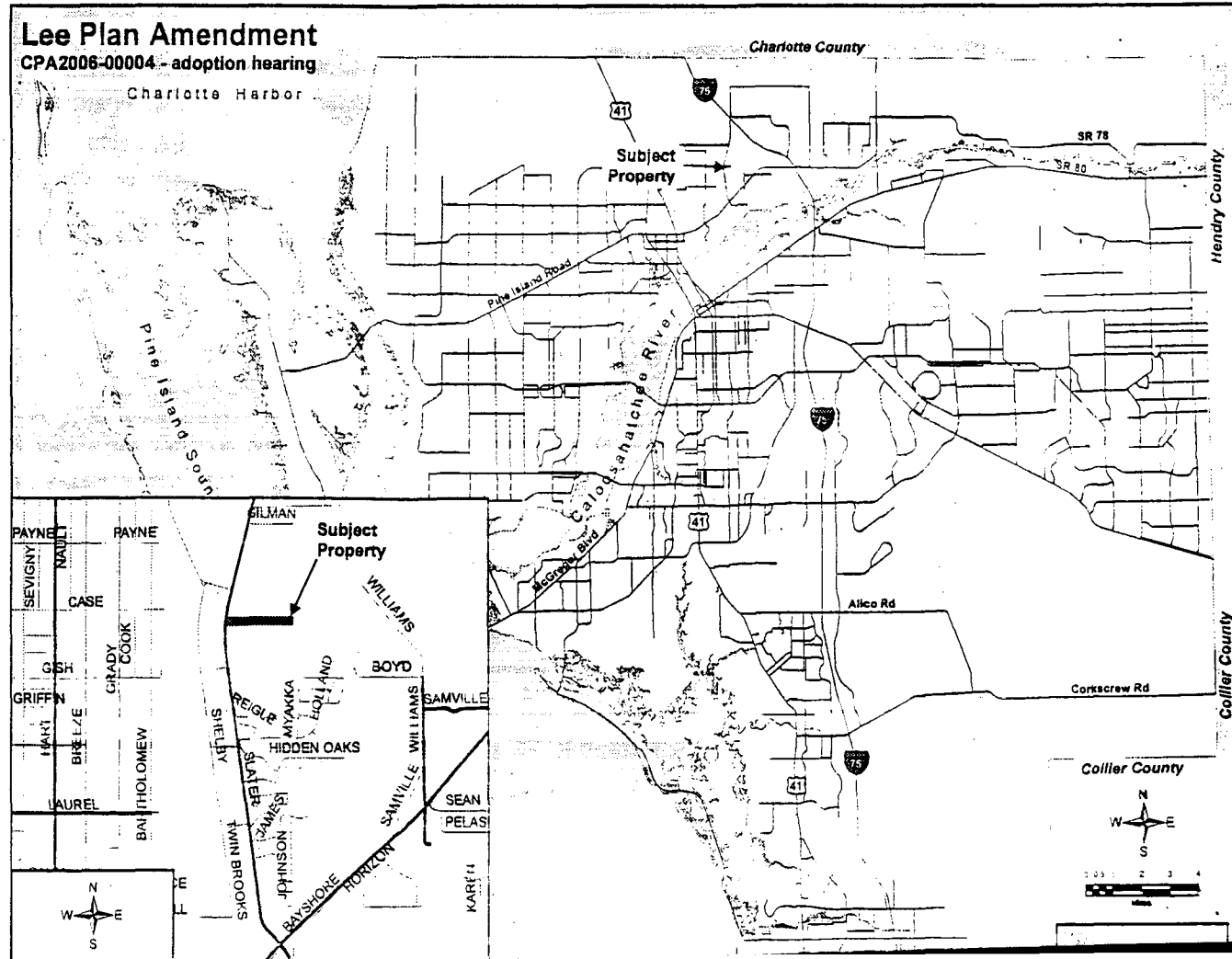
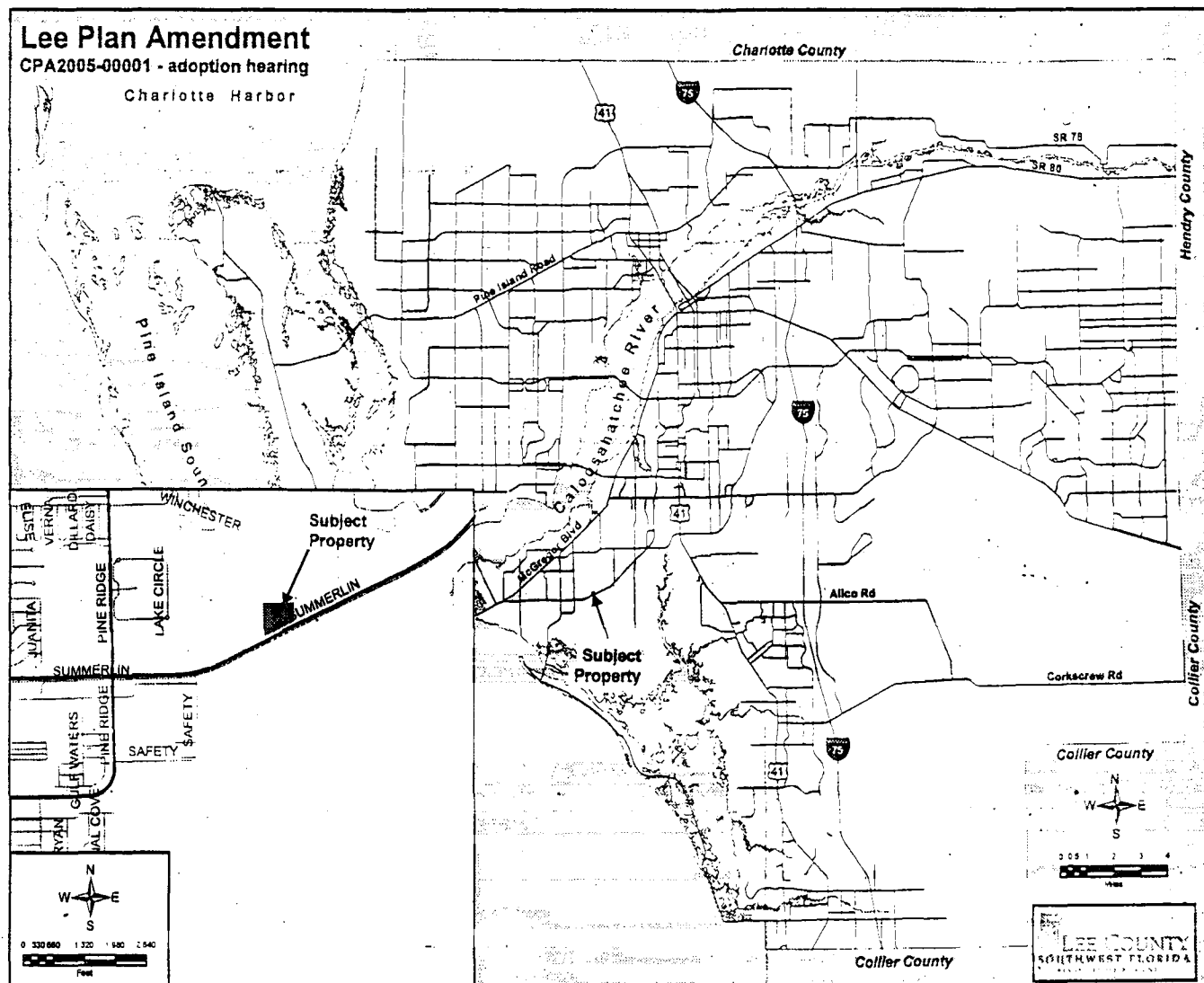
The proposed ordinance may be inspected by the public at the Office of the County Attorney, Courthouse Administration Building, 2115 Second Street, 6th Floor, Fort Myers, Florida.

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



## 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	

## Cunningham, Brent

---

**From:** Noble, Matthew A.  
**Sent:** Friday, April 20, 2007 1:50 PM  
**To:** Cunningham, Brent  
**Subject:** FW: Ag clearing

Bring this to the hearing...

---

**From:** Lis, Carol A.  
**Sent:** Monday, February 12, 2007 11:56 AM  
**To:** Noble, Matthew A.; Gibbs, Mary  
**Cc:** Trebatoski, Kim; Houck, Pamela E.  
**Subject:** RE: Ag clearing

Lee County Land Development Code (LDC) Section 14-377 exempts land clearing activities from property that is zoned agriculture and has the green belt agricultural exemption from the Lee County Property Appraiser's Office. If they do not have the green belt exemption, a Notice of Clearing (NOC) must be obtained from the Lee County Division of Environmental Sciences prior to clearing. The replanting of open space is the required if they rezone the property within three years of obtaining the NOC.

An application was submitted on 1-21-04 for VEG20004-00029 to clear for cattle grazing land. No permit issued and the file was closed by a former County employee. A fence was installed around the perimeter of the property in 2004. From the aerials, the property was not cleared until 2005, when they had their agricultural exemption form the Property Appraiser. We have no clearing violation.

I don't know how this would affect a comp plan amendment.

I also have a phone mail message from Rae Ann Wessel inquiring about the same issues on this property. We should copy Rae Ann on our response to Neale.

Carol

---

**From:** Noble, Matthew A.  
**Sent:** Monday, February 12, 2007 10:34 AM  
**To:** Gibbs, Mary ; Lis, Carol A.  
**Cc:** Trebatoski, Kim; Houck, Pamela E.  
**Subject:** RE: Ag clearing

The property strap # is: 19-43-25-00-00014.0020. I see in Tidemark that a Vegetation Removal Permit Application was submitted on Jan. 21, 2004...

---

**From:** Gibbs, Mary  
**Sent:** Monday, February 12, 2007 9:38 AM  
**To:** Lis, Carol A.  
**Cc:** Trebatoski, Kim; Houck, Pamela E.; Noble, Matthew A.  
**Subject:** FW: Ag clearing

Hi Carol could you and Kim work with Pam or Matt on this? thx

**Mary Gibbs, Director**  
**Lee County Dept. of Community Development**  
**1500 Monroe Street**

4/20/2007

**Fort Myers, FL 33901**  
**(239) 479-8345**  
**(239) 479-8341 (fax)**  
[gibbsmx@leegov.com](mailto:gibbsmx@leegov.com)

---

**From:** Jones, Timothy J.  
**Sent:** Monday, February 12, 2007 9:30 AM  
**To:** Gibbs, Mary  
**Cc:** Lehnert, Dawn; Collins, Donna Marie ; Trebatoski, Kim; Houck, Pamela E.; O Connor, Paul S.; Noble, Matthew A.  
**Subject:** FW: Ag clearing

Good Morning Mary,  
I think it is more appropriate for Neale's inquiry to go to DCD for a response. We will be happy to assist you if you wish.

Timothy Jones  
Chief Assistant County Attorney  
Lee County Attorney's Office  
Phone: 239-335-2236  
Fax: 239-335-2606  
[jonest@leegov.com](mailto:jonest@leegov.com)

*Please note: Florida has a very broad public records law. Most written communications to or from County Employees and Officials regarding County business are public records available to the public and media upon request. Your e-mail communication may be subject to public disclosure.*

4/20/2007

DATE: April 12, 2007

CASE NUMBER: CPA2006-04

CASE NAME: Adelson Small Scale Comprehensive Plan  
Amendment

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 to change the Future Land  
Use classification shown on Map 1 from " Rural" to "  
Suburban".

LOCATION: 17220 Slater Road, North Fort Myers, 33917

STRAP: 19-43-25-00-00014.0020

PROPERTY OWNER'S  
REPRESENTATIVE: DBS Consulting, Inc.  
Stephen Sposato, AICP  
4450 Camino Real Way  
Fort Myers, FL 33912  
(239) 226-0024

LEE COUNTY PLANNER Brent Cunningham  
(239) 479-8585

The file may be reviewed Monday through Friday between the hours of 8:00 AM to 4:30 PM at Lee County Department of Community Development, Division of Planning, 1500 Monroe St. Fort Myers, FL 33901. Call (239) 479-8583 for additional information.

This is a courtesy notice. Please review the News Press for Board of County Commissioners meeting notices.

This case is scheduled to be reviewed by the Board of County Commissioners on April 24 ,2007.

## Comprehensive Plan Citizen Courtesy Information List

**Local Government:** LEE COUNTY

**Hearing Date:** Wednesday, 4/11/2007

**Type of Hearing:** 2005/2006 Cycle - Amendment to the Lee County Comprehensive Plan - Adoption Hearing

**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	
Dan Moser	1449 Linhart Ave Fort Myers FL 33901	✓	✓	CPA - 2005 - 11
NEAL NOETHLICH	20225 WILDCAT RUN DR ESTERO, FL 33928	✓	✓	ALL
OCTAVIA DEUSCHLE Bonita Bay Group	9990 Coconut Rd. Suite 200 Bonita Springs, FL 34135			ALL
Don Blackburn	13351 Greengate Blvd Apt. 26 Fort Myers FL	✓	✓	Admin I & J
Bill Connor	14780 Homestead Rd Lehigh Acres, FL 33971	✓	✓	Admin I & J

## Comprehensive Plan Citizen Courtesy Information List

**Local Government:** LEE COUNTY

**Hearing Date:** Wednesday, 4/11/2007

**Type of Hearing:** 2005/2006 Cycle - Amendment to the Lee County Comprehensive Plan - Adoption Hearing

**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	
Fred Drowdz	11000 Metro Pkwy. Suite 30 33966	✓	✓	CPA 2005-0005
Chris TOTH	9250 CORVALLIS RD SEASIDE FL 33928	✓	✓	CPA 2005-16
Mike Welch	1923 Golfside Village Dr. Lehigh Acres, 33972	✓	✓	CPA-2005-16
Fred Johnson	3410 Palm Beach Blvd. Fort Myers FL 33916	✓	✓	CPA-2005-11
Stephanie Keyes	8433 Britannia Dr. Ft. Myers, FL 33912	✓	✓	CPA 2005-35 + 2005-37



## Comprehensive Plan Citizen Courtesy Information List

**Local Government:** LEE COUNTY

**Hearing Date:** Wednesday, 4/11/2007

**Type of Hearing:** 2005/2006 Cycle - Amendment to the Lee County Comprehensive Plan - Adoption Hearing

**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	
Syd K. TSON	17837 MURDOCK CIRCLE PORT CHARLOTTE, FL 33948	✓	✓	CPA 2005-17 CPA 2005-25 CPA 2005-27
DICK KENNEY	13754 RIVER FOREST DR. FT. MYERS, FL 33905	✓		
Steven Brodtkin	17720 Durranee Rd. N. Ft. Myers, FL 33917			
Jimi MATHESEN	1670 WERNER DR. ALVA FL. 33920	✓	✓	
ALAN FREEMAN	19091 TAMiami TRAIL S.E. FT. MYERS, FL. 33908		✓	CPA 2005- 5

## Comprehensive Plan Citizen Courtesy Information List

**Local Government:** LEE COUNTY

**Hearing Date:** Wednesday, 4/11/2007

**Type of Hearing:** 2005/2006 Cycle - Amendment to the Lee County Comprehensive Plan - Adoption Hearing

**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	
Bill Burdette	4931 Shady River Lane, FL 33905	✓	✓	2005-26

## Comprehensive Plan Citizen Courtesy Information List

**Local Government:** LEE COUNTY

**Hearing Date:** Wednesday, 4/11/2007

**Type of Hearing:** 2005/2006 Cycle - Amendment to the Lee County Comprehensive Plan - Adoption Hearing

**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	

## Comprehensive Plan Citizen Courtesy Information List

**Local Government:** LEE COUNTY

**Hearing Date:** Wednesday, 4/11/2007

**Type of Hearing:** 2005/2006 Cycle - Amendment to the Lee County Comprehensive Plan - Adoption Hearing

**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	

## Comprehensive Plan Citizen Courtesy Information List

Local

Government: \_\_\_\_\_

Hearing Date: \_\_\_\_\_

Type Hearing: Transmittal (Proposed) Adoption

DCA Amendment Number: \_\_\_\_\_ (DCA Official Use)

### **Please Print Clearly**

By providing your name and address you will receive information concerning the date of publication of the Notice of Intent by the Department of Community Affairs.

Citizen Name	Address, City, State, Zip Code	• Check Appropriate Response(s)		Identify Amendment which is of Interest
		Written Comment	Spoken Comment	

## INSTRUCTIONS

(Section A.2.b., Lee County Administrative Code AC 13.7)

A Planning Division notification sign must be posted on a parcel(s) subject to any comprehensive plan map amendment application for a minimum of fifteen (15) calendar days in advance of the Local Planning Agency's Hearing and maintained through the Board of County Commissioners Hearing, if any. This sign will be provided by the Planning Division in the following manner:

- a. Sign for case # **CPA2006-04 must be posted by April 9, 2007**
- b. The sign must be erected in full view of the public, not more than five (5) feet from the nearest street right-of-way or easement.
- c. The sign must be securely affixed by nails, staples or other means to a wood frame or to a wood panel and then fastened securely to a post, or other structure. The sign may not be affixed to a tree or other foliage.
- d. The applicant must make a good faith effort to maintain the sign in place, and in a readable condition until the requested action has been heard and a final decision rendered.
- e. If the sign is destroyed, lost, or rendered unreadable, the applicant must report the condition to the Planning Division, and obtain duplicate copies of the sign from the Planning Division.

The Division may require the applicant to erect additional signs where large parcels are involved with street frontages extending over considerable distances. If required, such additional signs must be placed not more than three hundred (300) feet apart.

When a parcel abuts more than one (1) street, the applicant must post signs along each street.

When a subject parcel does not front a public road, the applicant must post the sign at a point on a public road which leads to the property, and the sign must include a notation which generally indicates the distance and direction to the parcel boundaries and the dimensions of the parcel.

**NOTE: AFTER THE SIGN HAS BEEN POSTED, THE AFFIDAVIT OF POSTING NOTICE, BELOW, SHOULD BE RETURNED NO LATER THAN THREE (3) WORKING DAYS BEFORE THE HEARING DATE TO LEE COUNTY PLANNING DIVISION, 1500 Monroe Street, Fort Myers, FL 33901**

(Return the completed Affidavit below to the Planning Division as indicated in previous paragraph.)

### AFFIDAVIT OF POSTING NOTICE

STATE OF FLORIDA  
COUNTY OF LEE

BEFORE THE UNDERSIGNED AUTHORITY, PERSONALLY APPEARED Stephen Sposato  
WHO ON OATH SAYS THAT HE/SHE HAS POSTED PROPER NOTICE AS REQUIRED BY SECTION 34-236(B) OF THE LEE COUNTY LAND DEVELOPMENT CODE ON THE PARCEL COVERED IN THE ZONING APPLICATION REFERENCED BELOW:

[Signature]  
SIGNATURE OF APPLICANT OR AGENT  
Stephen Sposato  
NAME (TYPED OR PRINTED)  
4450 Camino Real Way  
STREET OR PO BOX  
Fort Myers, FL 33966  
CITY, STATE & ZIP

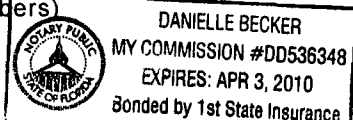
Date \_\_\_\_\_ Initials \_\_\_\_\_

CPA2006-04 Adelson Small-Scale Amendment

STATE OF FLORIDA  
COUNTY OF LEE

The foregoing instrument was sworn to and subscribed before me this 3<sup>rd</sup> day of April, 2007, by Stephen Sposato, personally known to me or who produced \_\_\_\_\_ as identification and who did/did not take an oath.

My Commission Expires: 4-3-2010  
(Stamp with serial numbers)



[Signature]  
Signature of Notary Public  
Danielle Becker  
Printed Name of Notary Public

4/3/07 *Adelson*

DATE: April 3,2007

CASE NUMBER: CPA2006-04

CASE NAME: Adelson Small Scale Comprehensive Plan  
Amendment

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 to change the Future Land  
Use classification shown on Map 1 from " Rural" to "  
Suburban".

LOCATION: 17220 Slater Road, North Fort Myers, 33917

STRAP: 19-43-25-00-00014.0020

PROPERTY OWNER'S  
REPRESENTATIVE: DBS Consulting, Inc.  
Stephen Sposato, AICP  
4450 Camino Real Way  
Fort Myers, FL 33912  
(239) 226-0024

LEE COUNTY PLANNER Brent Cunningham  
(239) 479-8585

The file may be reviewed Monday through Friday between the hours of 8:00 AM to 4:30 PM at Lee County Department of Community Development, Division of Planning, 1500 Monroe St. Fort Myers, Fl 33901. Call (239) 479-8583 for additional information.

This is a courtesy notice. Please review the News Press for Local Planning Agency meeting notices.

This case is scheduled to be reviewed by the Board of County Commissioners on March 24 ,2007.



# 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**

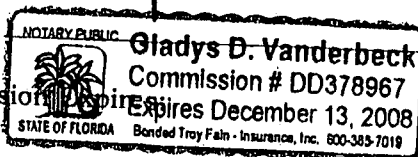
personally known to me or who has produced

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

Notary Public

Print Name

My commission



## 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.

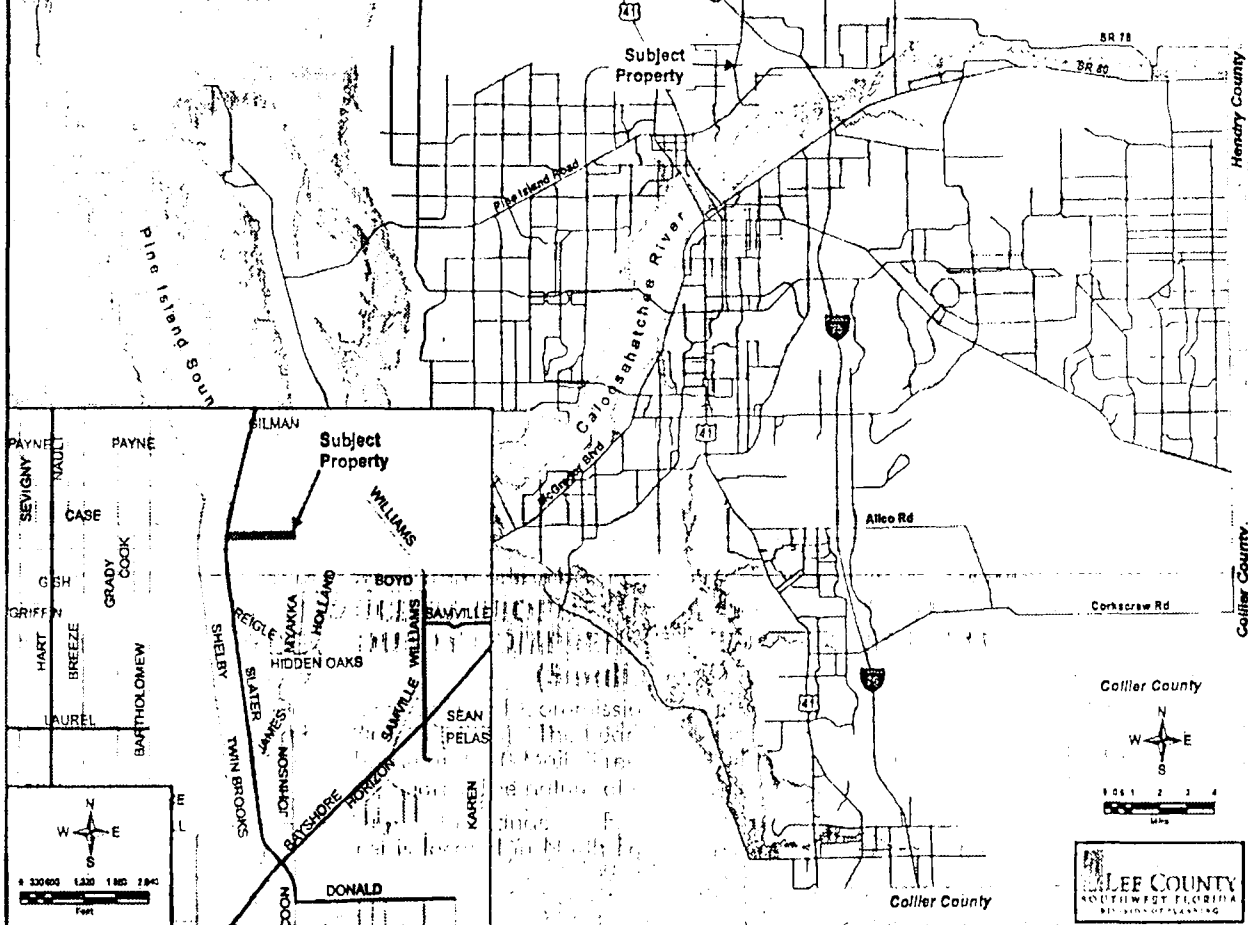
Sponsor: SW Florida Twelve, L.L.C.

3. Adjourn

### Lee Plan Amendment

CPA2006-00004 - adoption hearing

Charlotte Harbor



**Noble, Matthew A.**

---

**From:** Stephen Sposato [Stephens@dbiconsultingonline.com]  
**Sent:** Tuesday, March 27, 2007 11:35 AM  
**To:** Noble, Matthew A.  
**Cc:** Tracy Hayden; Neale Montgomery  
**Subject:** Adelson CPA

Hey Matt, I tried calling, but did get through so I am sending this email to relay that we have confirmed with Tracy and Neale that we want to continue tonight's hearing until April 10<sup>th</sup>.

Thank you,  
Stephen

Stephen Sposato  
DBS Consulting, Inc.  
4450 Camino Real Way  
Fort Myers, FL 33966  
P: (239) 226-0024  
F: (239) 226-0094  
[stephens@dbiconsultingonline.com](mailto:stephens@dbiconsultingonline.com)

**DISCLAIMER:** Upon receipt of any electronic file/data from DBS Consulting, Inc., The recipient agrees to the following conditions: This file/data is for informational purposes only. DBS Consulting, Inc. reserves the right to modify the file/data without notice. It is the responsibility of the recipient to reconcile this electronic file/data with the actual project site conditions, and agrees to indemnify and hold harmless DBS Consulting, Inc., for any defects or errors in this file/data.


3/27/2007

Post by March 15, 2007

PLANNING SIGN PICKUP SHEET

LEE COUNTY BOCC MEETING

March 27, 2007

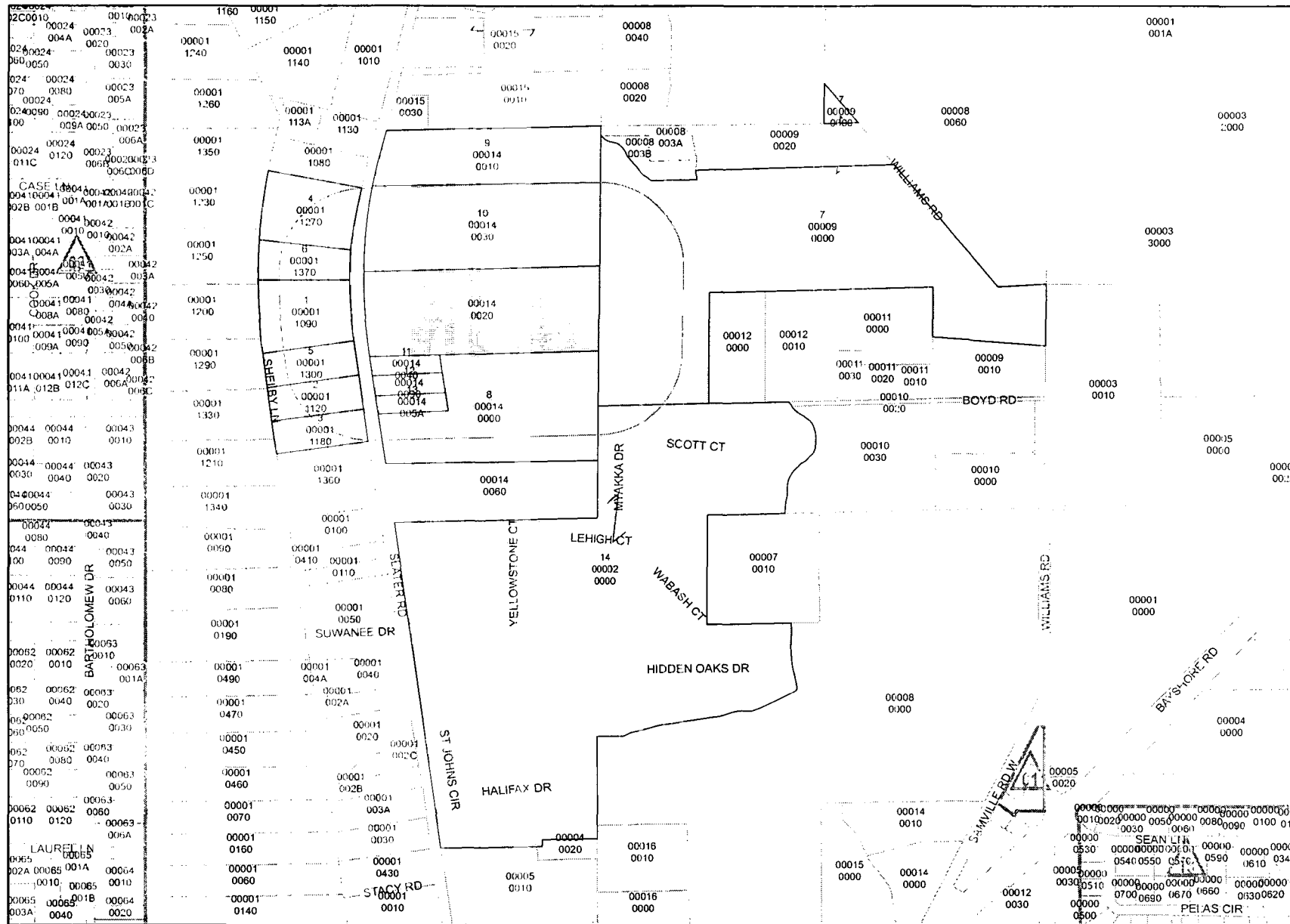
DATE	SIGNATURE	PLANNER	CASE NUMBER	CASE NAME
4/3/08		Brent Cunningham	CPA2006-04	Adelson (Small Scale) Comprehensive Plan Amendment

Please return to Internal Services Secretary: Janet Miller

# VARIANCE REPORT

3/14/2007

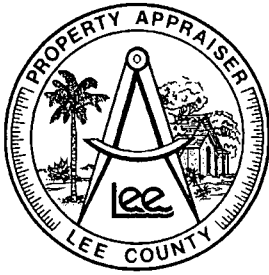
Subject Parcels : 1 Affected Parcels : 14 Buffer Distance : 500 ft



19-43-25-00-00014.0020

1,000 500 0 1,000 Feet





# Lee County Property Appraiser

**Kenneth M. Wilkinson, C.F.A.**

GIS Department / Map Room

Phone: (239) 533-6159 • Fax: (239) 533-6139 • eMail: MapRoom@LeePA.org

## VARIANCE REPORT

**Date of Report:** March 14, 2007  
**Buffer Distance:** 500 ft  
**Parcels Affected:** 14  
**Subject Parcel:** 19-43-25-00-00014.0020

<b>OWNER NAME AND ADDRESS</b>	<b>STRAP AND LOCATION</b>	<b>LEGAL DESCRIPTION</b>	<b>Map Index</b>
WALKER JAMES E + JOYCE A 17221 SLATER RD N FT MYERS FL 33917	<b>19-43-25-00-00001.1090</b> 17221 SLATER RD NORTH FORT MYERS FL 33917	A PAR PT IN SW 1/4 OF SW 1/4 AS DESC IN OR 1327 PG 1804	1
WALKER ALLEN + JOYCE L 17131 SLATER RD NORTH FORT MYERS FL 33917	<b>19-43-25-00-00001.1120</b> 17131 SLATER RD NORTH FORT MYERS FL 33917	A PAR IN SW 1/4 OF SW 1/4 AS DESC IN OR 1032/1067	2
WALKER J ALLEN + JOYCE L 17131 SLATER RD N FT MYERS FL 33917	<b>19-43-25-00-00001.1180</b> 17101 SLATER RD NORTH FORT MYERS FL 33917	PAR IN SW1/4 OF SW1/4 DESC OR 107/0718 AKA LT 10 JOHNSONS BR CRK UNREC	3
OPEN BIBLE COMMUNITY CH INC PO BOX 3430 NORTH FORT MYERS FL 33918	<b>19-43-25-00-00001.1270</b> 17331 SLATER RD NORTH FORT MYERS FL 33917	A PAR IN NW 1/4 OF SW 1/4 AS DESC IN OR 1174/0575	4
WALKER ALLEN + JOYCE L 17131 SLATER RD N FT MYERS FL 33917	<b>19-43-25-00-00001.1300</b> 6251 BEE CHARMER LN NORTH FORT MYERS FL 33917	A PAR IN SW 1/4 OF SW 1/4 AS DESC IN OR 1200/1910	5
ROBITAILLE ROBERT J + CYNTHIA 17271 SLATER RD NORTH FORT MYERS FL 33917	<b>19-43-25-00-00001.1370</b> 17271 SLATER RD NORTH FORT MYERS FL 33917	PARL W OF SLATER RD DESC IN OR 1771 PG 2206 AKA LOT 5	6
BOYD VINNIE L/E 17251 WILLIAMS RD NORTH FORT MYERS FL 33917	<b>19-43-25-00-00009.0000</b> 17251 WILLIAMS RD NORTH FORT MYERS FL 33917	NE 1/4 OF SE 1/4 SWL OF RD DB 246/216 + DB 316 PG 83 LESS 9.0010 +.0020	7
MARTIN RICHARD A A TR 16731 MCGREGOR BLVD STE 105 FORT MYERS FL 33908	<b>19-43-25-00-00014.0000</b> 17100 SLATER RD NORTH FORT MYERS FL 33917	PARL IN SE 1/4 OF SW 1/4 E OF SLATER RD LESS PARLS 14.004 + 14.005 + 14.006	8
BARCOMB JACQUELYN M 2512 CENTERGATE DR #203 MIRAMAR FL 33025	<b>19-43-25-00-00014.0010</b> 17370 SLATER RD NORTH FORT MYERS FL 33917	N 328 FT OF S 1/2 OF N 1/2 OF N 1/2 OF SW 1/4 LYING E SLATER RD	9
FORDYCE TERRY + NAN L L/E 17340 SLATER RD NORTH FORT MYERS FL 33917	<b>19-43-25-00-00014.0030</b> 17340 SLATER RD NORTH FORT MYERS FL 33917	A PAR IN NE 1/4 OF SW 1/4 AS DESC IN OR 0749/0687	10
DENARDIS TIMOTHY M + KELLY A 17160 SLATER RD NORTH FORT MYERS FL 33917	<b>19-43-25-00-00014.0040</b> 17160 SLATER RD NORTH FORT MYERS FL 33917	PARL IN SE 1/4 OF SW 1/4 DESC OR 1489 PG 2360 E OF SLATER RD	11
REEVES ROY L + CARLENE M 17140 SLATER RD NORTH FORT MYERS FL 33917	<b>19-43-25-00-00014.0050</b> 17140 SLATER RD NORTH FORT MYERS FL 33917	PARL IN SE 1/4 OF SW 1/4 DESC IN OR 1492 PG 1310	12
REEVES ROY L + CARLENE M 17140 SLATER RD NORTH FORT MYERS FL 33917	<b>19-43-25-00-00014.005A</b> 17120 SLATER RD NORTH FORT MYERS FL 33917	PARL IN SE 1/4 OF SW 1/4 AS DESC IN OR 1830 PG 1865	13
MARTIN RICHARD A A TR 16731 MCGREGOR BLVD STE 105 FORT MYERS FL 33908	<b>30-43-25-00-00002.0000</b> 16900 SLATER RD NORTH FORT MYERS FL 33917	PART OF OR 1745 PG 4750 IN SEC 30 AKA RIVER TRLS & ESTS MH PARKS	14

14   RECORDS PRINTED

DATE: March 13, 2007

CASE NUMBER: CPA2006-00004

CASE NAME: Adelson (Small Scale) Comprehensive Plan  
Amendment

REQUEST: Amend the Lee Plan Future Land Use Map Series for a  
parcel totaling in 5.43 ± acres located in Section 19,  
Township 43, Range 25, to change Map1 from Rural to  
Suburban

LOCATION: 17220 Slater Road, North Fort Myers, FL 33917

STRAP: 19-43-25-00-00014.0020

PROPERTY OWNER'S  
REPRESENTATIVE: DBS Consulting, Inc.  
Stephen Sposato, AICP  
4450 Camino Real Way  
239-226-0024

LEE COUNTY PLANNER Matt Noble  
239-478-8548

The file may be reviewed Monday through Friday between the hours of 8:00 AM to 4:30 PM at Lee County Department of Community Development, Division of Planning, 1500 Monroe St. Fort Myers, Fl 33901. Call 2390479-8583 for additional information.

This is a courtesy notice. Please review the News Press for Local Planning Agency meeting notices.

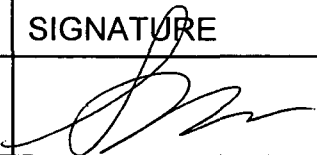
This case is scheduled to be reviewed by the Board of County Commissioners at 5:05 PM on: March 27, 2007

Post by March 15, 2007

PLANNING SIGN PICKUP SHEET

LEE COUNTY BOCC MEETING

March 27, 2007

DATE	SIGNATURE	PLANNER	CASE NUMBER	CASE NAME
3-14-07		Brent Cunningham	CPA2006-04	Adelson (Small Scale) Comprehensive Plan Amendment

Please return to Internal Services Secretary: Janet Miller

## INSTRUCTIONS

(Section A.2.b., Lee County Administrative Code AC 13.7)

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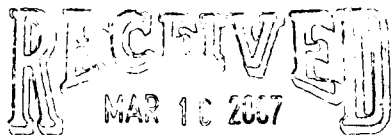
**NOTE: AFTER THE SIGN HAS BEEN POSTED, THE AFFIDAVIT OF POSTING NOTICE, BELOW, SHOULD BE RETURNED NO LATER THAN THREE (3) WORKING DAYS BEFORE THE HEARING DATE TO LEE COUNTY PLANNING DIVISION, 1500 Monroe Street, Fort Myers, FL 33901**

**(Return the completed Affidavit below to the Planning Division as indicated in previous paragraph.)**

### AFFIDAVIT OF POSTING NOTICE

STATE OF FLORIDA  
COUNTY OF LEE

BEFORE THE UNDERSIGNED AUTHORITY, PERSONALLY APPEARED Stephen Sposato  
WHO ON OATH SAYS THAT HE/SHE HAS POSTED PROPER NOTICE AS REQUIRED BY SECTION 34-236(b) OF THE  
LEE COUNTY LAND DEVELOPMENT CODE ON THE PARCEL COVERED IN THE ZONING APPLICATION  
REFERENCED BELOW:



PERMIT COUNTER

SIGNATURE OF APPLICANT OR AGENT

Stephen Sposato  
NAME (TYPED OR PRINTED)

4450 Camino Real Way  
ST. OR PO BOX

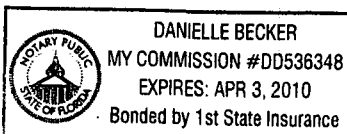
Fort Myers, FL 33966  
CITY, STATE & ZIP

CPA2006-00002 Webb Buckingham Map Amendment  
CPA 2006-04 Adelson Small Scale Amendment.

date 3-15-07 initials SS

STATE OF FLORIDA  
COUNTY OF LEE

The foregoing instrument was sworn to and subscribed before me this 15<sup>th</sup> day of March,  
2007, by Stephen Sposato, personally known to me or who produced DL  
as identification and who did/did not take an oath.



Signature of Notary Public

Danielle Becker  
Printed Name of Notary Public

My Commission Expires: April 3rd 2010  
(Stamp with serial number)



**Noble, Matthew A.**

---

**From:** Noble, Matthew A.  
**Sent:** Thursday, February 15, 2007 11:14 AM  
**To:** Charmedbee@aol.com  
**Subject:** RE: Slater Road project

The applicant has a conflict with the March 13th date, so I am knopw exploring March 27th...I will let you know...

---

**From:** Charmedbee@aol.com [mailto:Charmedbee@aol.com]  
**Sent:** Wednesday, February 14, 2007 2:58 PM  
**To:** Noble, Matthew A.  
**Subject:** Slater Road project

Thank you. Joyce Walker

3/14/2007

**Noble, Matthew A.**

---

**From:** Lis, Carol A.  
**Sent:** Monday, February 12, 2007 11:56 AM  
**To:** Noble, Matthew A.; Gibbs, Mary  
**Cc:** Trebatoski, Kim; Houck, Pamela E.  
**Subject:** RE: Ag clearing

Lee County Land Development Code (LDC) Section 14-377 exempts land clearing activities from property that is zoned agriculture and has the green belt agricultural exemption from the Lee County Property Appraiser's Office. If they do not have the green belt exemption, a Notice of Clearing (NOC) must be obtained from the Lee County Division of Environmental Sciences prior to clearing. The replanting of open space is the required if they rezone the property within three years of obtaining the NOC.

An application was submitted on 1-21-04 for VEG20004-00029 to clear for cattle grazing land. No permit issued and the file was closed by a former County employee. A fence was installed around the perimeter of the property in 2004. From the aeriels, the property was not cleared until 2005, when they had their agricultural exemption form the Property Appraiser. We have no clearing violation.

I don't know how this would affect a comp plan amendment.

I also have a phone mail message from Rae Ann Wessel inquiring about the same issues on this property. We should copy Rae Ann on our response to Neale.

Carol

*Mar 7, 2005  
AG Exp.*

---

**From:** Noble, Matthew A.  
**Sent:** Monday, February 12, 2007 10:34 AM  
**To:** Gibbs, Mary ; Lis, Carol A.  
**Cc:** Trebatoski, Kim; Houck, Pamela E.  
**Subject:** RE: Ag clearing

The property strap # is: 19-43-25-00-00014.0020. I see in Tidemark that a Vegetation Removal Permit Application was submitted on Jan. 21, 2004...

---

**From:** Gibbs, Mary  
**Sent:** Monday, February 12, 2007 9:38 AM  
**To:** Lis, Carol A.  
**Cc:** Trebatoski, Kim; Houck, Pamela E.; Noble, Matthew A.  
**Subject:** FW: Ag clearing

Hi Carol could you and Kim work with Pam or Matt on this? thx

**Mary Gibbs, Director**  
**Lee County Dept. of Community Development**  
**1500 Monroe Street**  
**Fort Myers, FL 33901**  
**(239) 479-8345**  
**(239) 479-8341 (fax)**  
[gibbsmx@leegov.com](mailto:gibbsmx@leegov.com)

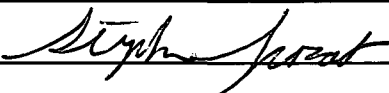
4/24/2007

Post by January 15, 2007

PLANNING SIGN PICKUP SHEET

LEE COUNTY **Local Planning Agency**

January 29, 2007

DATE	SIGNATURE	PLANNER	CASE NUMBER	CASE NAME
1-9-07		Wayne Gaither	CPA2006-00004	Adelson (Small-Scale)

Please return to Planner: Wayne Gaither

Date: January 10, 2007

Case Number: CPA2006-00004

Case Name: Adelson (Small Scale) Comprehensive Plan Amendment  
Map Amendment

Request: Amend the Lee Plan Future Land Use Map series, Map 1,  
to change 5.43 acres from the Rural Land Use Designation  
to the Suburban Land Use Designation for the purpose of  
having a uniform land use designation to cover a parcel of  
land under one ownership equaling 16.15 acres.

Location: 17220 Slater Road  
North Fort Myers, FL 33917

STRAP: 19-43-25-00-00014.0020

PROPERTY OWNER'S  
REPRESENTATIVE: DBS Consulting, Inc  
Stephen Sposato, AICP  
4450 Camino Real Way  
Fort Myers, FL 33912  
(239) 226-0094

Lee County Planner: Wayne Gaither  
(239) 479-8567

The file may be reviewed Monday through Friday between the hours of 8:00 am and 4:30 pm at the Lee County, Planning Division, 1500 Monroe St., Fort Myers, FL 33901. Call 239/479-8583 for additional information.

This is a courtesy notice. Please review the New-Press for Local Planning Agency meeting notices.

This case is anticipated to be reviewed by the Local Planning Agency on: January 29, 2007.

## INSTRUCTIONS

(Section A.2.b., Lee County Administrative Code AC 13.7)

A Planning Division notification sign must be posted on a parcel(s) subject to any comprehensive plan map amendment application for a minimum of fifteen (15) calendar days in advance of the Local Planning Agency's Hearing and maintained through the Board of County Commissioners Hearing, if any. This sign will be provided by the Planning Division in the following manner:

- Sign for case # **CPA Case #must be posted by CPA Post date.**
- The sign must be erected in full view of the public, not more than five (5) feet from the nearest street right-of-way or easement.
- The sign must be securely affixed by nails, staples or other means to a wood frame or to a wood panel and then fastened securely to a post, or other structure. The sign may not be affixed to a tree or other foliage.
- The applicant must make a good faith effort to maintain the sign in place, and in a readable condition until the requested action has been heard and a final decision rendered.
- If the sign is destroyed, lost, or rendered unreadable, the applicant must report the condition to the Planning Division, and obtain duplicate copies of the sign from the Planning Division.

The Division may require the applicant to erect additional signs where large parcels are involved with street frontages extending over considerable distances. If required, such additional signs must be placed not more than three hundred (300) feet apart.

When a parcel abuts more than one (1) street, the applicant must post signs along each street.

When a subject parcel does not front a public road, the applicant must post the sign at a point on a public road which leads to the property, and the sign must include a notation which generally indicates the distance and direction to the parcel boundaries and the dimensions of the parcel.

**NOTE: AFTER THE SIGN HAS BEEN POSTED, THE AFFIDAVIT OF POSTING NOTICE, BELOW, SHOULD BE RETURNED NO LATER THAN THREE (3) WORKING DAYS BEFORE THE HEARING DATE TO LEE COUNTY PLANNING DIVISION, 1500 Monroe Street, Fort Myers, FL 33901**

(Return the completed Affidavit below to the Planning Division as indicated in previous paragraph.)

### AFFIDAVIT OF POSTING NOTICE

STATE OF FLORIDA  
COUNTY OF LEE

BEFORE THE UNDERSIGNED AUTHORITY, PERSONALLY APPEARED  
WHO ON OATH SAYS THAT HE/SHE HAS POSTED PROPER NOTICE AS REQUIRED BY SECTION 34-236(b) OF THE  
LEE COUNTY LAND DEVELOPMENT CODE ON THE PARCEL COVERED IN THE ZONING APPLICATION  
REFERENCED BELOW:

SIGNATURE OF APPLICANT OR AGENT

Stephen Sposato  
NAME (TYPED OR PRINTED)

4450 Camino Real Way  
ST. OR PO BOX

Fort Myers, FL 33966  
CITY, STATE & ZIP

CPA2005-00002 Webb-Buckingham Map Amendment

CPA 2006-04 Adelson Small Scale  
Amendment

date \_\_\_\_\_ initials \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF LEE

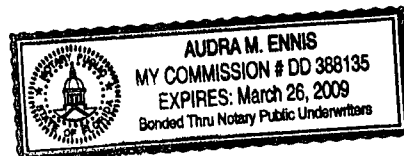
The foregoing instrument was sworn to and subscribed before me this 10th day of January,  
2007, by Stephen Sposato personally known to me or who produced  
as identification and who did/did not take an oath.

Signature of Notary Public

Printed Name of Notary Public

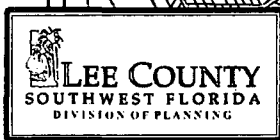
My Commission Expires:  
(Stamp with serial number)

S:\COMPREHENSIVE\Plan Amendments\06\affidavit.frm




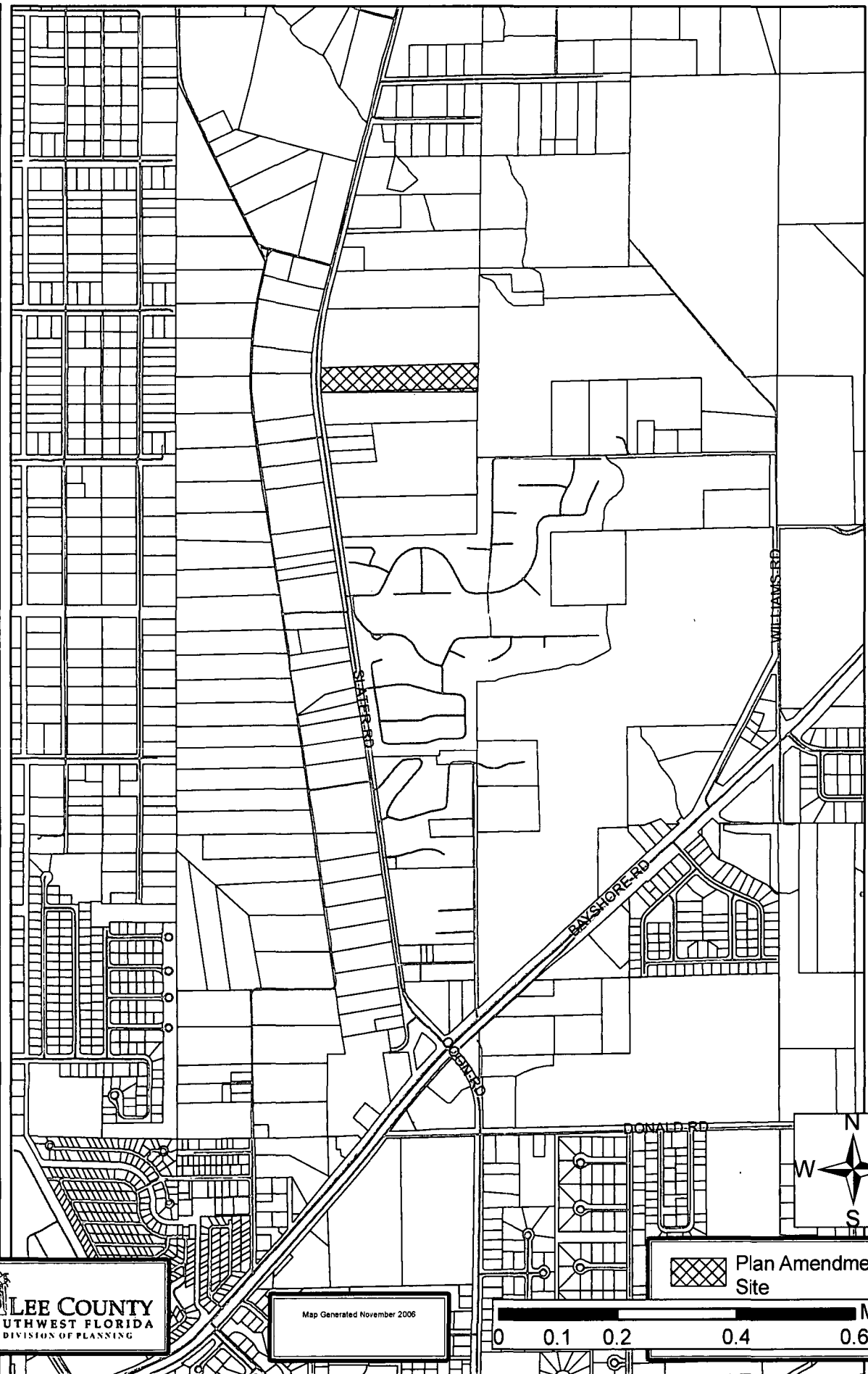
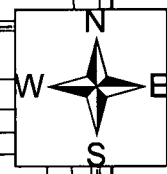
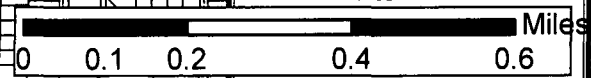


Property Owners Notification  
of Comprehensive Plan  
Amendment



Map Generated November 2006

 Plan Amendment Site





LEE COUNTY  
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: (239) 479-8567

Bob Janes  
District One

November 20, 2006

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

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

RE: CPA2006-00004, Adelson Small Scale

Dear Mr. Sposato:

The Planning Division has reviewed Adelson (CPA2006-00004) and the application was found sufficient.

The "Variance Report" required as a part of Administrative Code 13-7 has been received. A mail-out will be done approximately 15 days before the Local Planning Agency hearing date, which has yet to be arranged. The applicant is responsible for any cost associated with the mailout. You will also be required to post signage at the site pertaining the comprehensive plan amendment 15 days before the LPA public hearing.

Should you have any questions, please feel free to contact me at your convenience.

Sincerely,

H. Wayne Gaither  
Planner  
(239) 479-8567  
[wgaiter@leegov.com](mailto:wgaiter@leegov.com)

HWG

Matt Noble, Principal Planner  
File

## Gaither, Wayne

---

**From:** Horsting, Michael S.  
**Sent:** Monday, November 13, 2006 8:58 AM  
**To:** Gaither, Wayne  
**Subject:** RE: CPA2006-00004 (Adelson) Small Scale Plan Amendment

Hey Wayne,

Sorry this is late but I wanted to just confirm with you that we have reviewed the application and have not found anything insufficient with respect to transit.

Have a great week!  
Mike

---

**From:** Gaither, Wayne  
**Sent:** Thursday, October 26, 2006 10:02 AM  
**To:** tpmfmd@yahoo.com; Bergquist, W.; Campbell, George G.; Carroll, Charles M.; Collins, Donna Marie ; Daltry, Wayne E.; Eckenrode, Peter J.; Hansen, Hans C.; Horsting, Michael S.; Houck, Pamela E.; Joyce, Rick K.; Lavender, James H.; Liddblad, Ellen; Loveland, David M.; Newman, William T.; Ottolini, Roland E.; Pavese, Michael P.; Roberts, Rickey G.; Sampson, Lindsey J.; Smith, Regina Y.; Trebatoski, Kim; Velez, Sergio I.; William Horner; Wilson, John; Wu, Lili ; Yarbrough, John H.; Zettel, Mary S.  
**Subject:** CPA2006-00004 (Adelson) Small Scale Plan Amendment

### Distribution List:

**John Wilson**, Lee County Public Safety  
**Chris Hansen**, Lee County Public Safety, EMS  
**W. Bergquist**, Lee County Sheriff's Office  
**Roland E. Ottolini**, Lee County Natural Resources Management  
**Michael Horsting**, Lee Tran  
**John Yarbrough**, Lee County Parks & Recreation  
**Ellen Liddblad**, Lee County School Board  
**Dave Loveland**, Lee County Division of Transportation  
**Lili Wu**, Lee County Division of Transportation  
**Mike Carroll**, Lee County Development Services  
**Rick Joyce**, Lee County Division of Planning, Environmental Sciences  
**Lindsey Sampson**, Lee County Solid Waste  
**Bill Newman**, Lee County Solid Waste  
**Bill Horner**, Lee County Port Authority  
**Regina Smith**, Lee County Economic Development  
  
**Kim Trebatoski**, Lee County Division of Planning, Environmental Sciences  
**Gerald Campbell**, Lee County Public Safety, Emergency Management  
**Jim Lavender**, Lee County Public Works  
**Howard Wegis**, Lee County Utilities  
**Ivan Velez**, Lee County Utilities  
**Pam Houck**, Lee County Zoning  
**Nettie Richardson**, Lee County Zoning  
**Pete Eckenrode**, Lee County Development Services  
**Michael Pavese**, Lee County Public Works  
**Wayne Daltry**, Lee County Smart Growth  
**Mary Zettel**, DCD/Code Enforcement  
**Rick Roberts**, DCD/Code Enforcement  
**Donna Marie Collins**, Assistant, County Attorney's Office

**Chief Terry Pye, North Fort Myers Fire District**

October 26, 2006

Public Service/Review Agencies

2nd sufficiency

**RE: CPA2006-00004 –Adelson (Map Amendment)  
Small Scale**

19-43-25-00-00014.0020

Planning Division staff requests your agencies/departments help in reviewing the above referenced Lee Plan Amendment. The applicant is proposing a Map amendment to change the Future Land Use Map (FLUM) designation.



This is a response to the first round of sufficiency questions generated by this comprehensive plan amendment application.

Planning staff requests that your agency help determine the sufficiency of the proposed plan amendment application for review. If you can identify any deficiencies in the information provided, need clarification on the subject matter, or if you find the application sufficient for review, please provide these comments to us by **November 3, 2006**. A letter is being drafted to submit any additional data requests to the applicant and your input concerning the potential impacts to your agency is important.

The complete application can be found using the following link:

<http://www.lee-county.com/dcd/PlanAmendments/SmallScale/CPA200604A1.pdf>

The response to the letter determining insufficiency is attached as a pdf.

If you have any questions, please feel free to contact Wayne Gaither at:


479-8567  
wgaither@leegov.com

H. Wayne Gaither  
Planner  
Lee County Department of Community Development  
1500 Monroe Street, Fort Myers, FL 33901  
P.O. Box 398, Fort Myers, FL 33902-0398

Tel. (239) 479-8567  
Fax(239) 479-8319

# Memo

To: Paul O' Connor  
Division of Planning

From: David Loveland   
DOT Planning Manager

Date: November 3, 2006

**Subject: CPA2006-00004 (Adelson) Small Scale Plan Amendment**

---

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.

Please let me know if you have any questions.

DL:llj

Attachment

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



# Transmittal

To:	Wayne Gaither	From:	Stephen Sposato
Company:	Lee County	Project:	Adelson CPA
Date:	November 3, 2006	Project No.:	1023-01
Via:	<input type="checkbox"/> US Mail <input type="checkbox"/> Courier <input checked="" type="checkbox"/> Hand-Delivery <input type="checkbox"/> Pick-Up <input type="checkbox"/> Overnight		

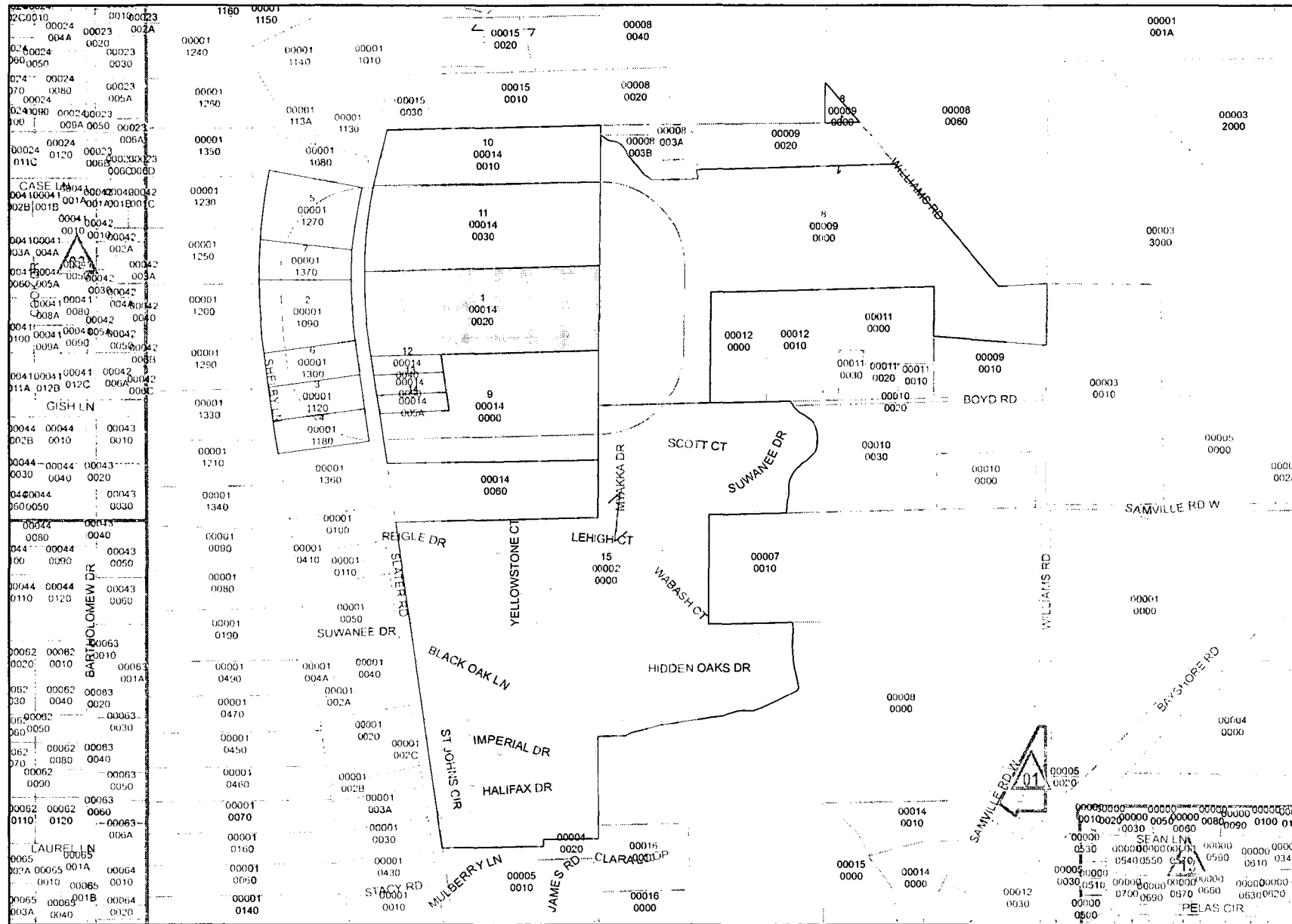
☐ Urgent   ☒ For Review   ☐ Please Comment   ☐ Please Reply   ☐ Please Recycle

Copies	Description
1	Variance Report

# VARIANCE REPORT

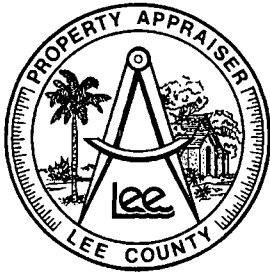
10/31/2006

Subject Parcels : 1 Affected Parcels : 14 Buffer Distance : 500 ft



19-43-25-00-00014.0020

1,000 500 0 1,000 Feet



# Lee County Property Appraiser

**Kenneth M. Wilkinson, C.F.A.**

**GIS Department / Map Room**

**Phone: (239) 533-6159 • Fax: (239) 533-6139 • eMail: MapRoom@LeePA.org**

## VARIANCE REPORT

**Date of Report:** October 31, 2006  
**Buffer Distance:** 500 ft  
**Parcels Affected:** 14  
**Subject Parcel:** 19-43-25-00-00014.0020

<b><u>OWNER NAME AND ADDRESS</u></b>	<b><u>STRAP AND LOCATION</u></b>	<b><u>LEGAL DESCRIPTION</u></b>	<b><u>Map Index</u></b>
S W FLORIDA LAND TWELVE LLC 6150 DIAMOND CENTRE CT BLDG 1300 FORT MYERS FL 33912	<b>19-43-25-00-00014.0020</b> 17220 SLATER RD NORTH FORT MYERS FL 33917	A PAR PT IN SE 1/4 OF SW 1/4 AS DESC IN OR 0673/0023	1
WALKER JAMES E + JOYCE A 17221 SLATER RD N FT MYERS FL 33917	<b>19-43-25-00-00001.1090</b> 17221 SLATER RD NORTH FORT MYERS FL 33917	A PAR PT IN SW 1/4 OF SW 1/4 AS DESC IN OR 1327 PG 1804	2
WALKER ALLEN + JOYCE L 17131 SLATER RD NORTH FORT MYERS FL 33917	<b>19-43-25-00-00001.1120</b> 17131 SLATER RD NORTH FORT MYERS FL 33917	A PAR IN SW 1/4 OF SW 1/4 AS DESC IN OR 1032/1067	3
WALKER J ALLEN + JOYCE L 17131 SLATER RD N FT MYERS FL 33917	<b>19-43-25-00-00001.1180</b> 17101 SLATER RD NORTH FORT MYERS FL 33917	PAR IN SW1/4 OF SW1/4 DESC OR 107/0718 AKA LT 10 JOHNSONS BR CRK UNREC	4
OPEN BIBLE COMMUNITY CH INC PO BOX 3430 NORTH FORT MYERS FL 33918	<b>19-43-25-00-00001.1270</b> 17331 SLATER RD NORTH FORT MYERS FL 33917	A PAR IN NW 1/4 OF SW 1/4 AS DESC IN OR 1174/0575	5
WALKER ALLEN + JOYCE L 17131 SLATER RD N FT MYERS FL 33917	<b>19-43-25-00-00001.1300</b> 6251 BEE CHARMER LN NORTH FORT MYERS FL 33917	A PAR IN SW 1/4 OF SW 1/4 AS DESC IN OR 1200/1910	6
ROBITAILLE ROBERT J + CYNTHIA 17271 SLATER RD NORTH FORT MYERS FL 33917	<b>19-43-25-00-00001.1370</b> 17271 SLATER RD NORTH FORT MYERS FL 33917	PARL W OF SLATER RD DESC IN OR 1771 PG 2206 AKA LOT 5	7
BOYD VINNIE L/E 17251 WILLIAMS RD NORTH FORT MYERS FL 33917	<b>19-43-25-00-00009.0000</b> 17251 WILLIAMS RD NORTH FORT MYERS FL 33917	NE 1/4 OF SE 1/4 SWL OF RD DB 246/216 + DB 316 PG 83 LESS 9.0010 +.0020	8
MARTIN RICHARD A A TR 16731 MCGREGOR BLVD STE 105 FORT MYERS FL 33908	<b>19-43-25-00-00014.0000</b> 17100 SLATER RD NORTH FORT MYERS FL 33917	PARL IN SE 1/4 OF SW 1/4 E OF SLATER RD LESS PARLS 14.004 + 14.005 + 14.006	9
FAIRFIELD CONCEPTS INC 2551 4TH ST FORT MYERS FL 33901	<b>19-43-25-00-00014.0010</b> 17370 SLATER RD NORTH FORT MYERS FL 33917	N 328 FT OF S 1/2 OF N 1/2 OF N 1/2 OF SW 1/4 LYING E SLATER RD	10
FORDYCE TERRY + NAN L L/E 17340 SLATER RD NORTH FORT MYERS FL 33917	<b>19-43-25-00-00014.0030</b> 17340 SLATER RD NORTH FORT MYERS FL 33917	A PAR IN NE 1/4 OF SW 1/4 AS DESC IN OR 0749/0687	11
COX LESLIE E 17160 SLATER RD NORTH FORT MYERS FL 33917	<b>19-43-25-00-00014.0040</b> 17160 SLATER RD NORTH FORT MYERS FL 33917	PARL IN SE 1/4 OF SW 1/4 DESC OR 1489 PG 2360 E OF SLATER RD	12
REEVES ROY L + CARLENE M 17140 SLATER RD NORTH FORT MYERS FL 33917	<b>19-43-25-00-00014.0050</b> 17140 SLATER RD NORTH FORT MYERS FL 33917	PARL IN SE 1/4 OF SW 1/4 DESC IN OR 1492 PG 1310	13



<b><u>OWNER NAME AND ADDRESS</u></b>	<b><u>STRAP AND LOCATION</u></b>	<b><u>LEGAL DESCRIPTION</u></b>	<b><u>Map Index</u></b>
REEVES ROY L + CARLENE M 17140 SLATER RD NORTH FORT MYERS FL 33917	<b>19-43-25-00-00014.005A</b> 17120 SLATER RD NORTH FORT MYERS FL 33917	PARL IN SE 1/4 OF SW 1/4 AS DESC IN OR 1830 PG 1865	14
MARTIN RICHARD A A TR 16731 MCGREGOR BLVD STE 105 FORT MYERS FL 33908	<b>30-43-25-00-00002.0000</b> 16900 SLATER RD NORTH FORT MYERS FL 33917	PART OF OR 1745 PG 4750 IN SEC 30 AKA RIVER TRLS & ESTS MH PARKS	15

**15 RECORDS PRINTED**

**Gaither, Wayne**

---

**From:** Trebatoski, Kim  
**Sent:** Monday, October 30, 2006 7:29 AM  
**To:** Gaither, Wayne  
**Subject:** RE: CPA2006-00004 (Adelson) Small Scale Plan Amendment

No ES issues with this request.

Kim Trebatoski  
Principal Environmental Planner  
Lee County Division of Environmental Sciences  
(239)479-8183  
[trebatkm@leegov.com](mailto:trebatkm@leegov.com)  
Fax: (239)479-8144  
<http://www.lee-county.com>

---

**From:** Gaither, Wayne  
**Sent:** Thursday, October 26, 2006 10:02 AM  
**To:** tpnfmfd@yahoo.com; Bergquist, W.; Campbell, George G.; Carroll, Charles M.; Collins, Donna Marie ; Daltry, Wayne E.; Eckenrode, Peter J.; Hansen, Hans C.; Horsting, Michael S.; Houck, Pamela E.; Joyce, Rick K.; Lavender, James H.; Liddblad, Ellen; Loveland, David M.; Newman, William T.; Ottolini, Roland E.; Pavese, Michael P.; Roberts, Rickey G.; Sampson, Lindsey J.; Smith, Regina Y.; Trebatoski, Kim ; Velez, Sergio I.; William Horner; Wilson, John; Wu, Lili ; Yarbrough, John H.; Zettel, Mary S.  
**Subject:** CPA2006-00004 (Adelson) Small Scale Plan Amendment

Distribution List:

*John Wilson, Lee County Public Safety*  
*Chris Hansen, Lee County Public Safety, EMS*  
*W. Bergquist, Lee County Sheriff's Office*  
*Roland E. Ottolini, Lee County Natural Resources Management*  
*Michael Horsting, Lee Tran*  
*John Yarbrough, Lee County Parks & Recreation*  
*Ellen Liddblad, Lee County School Board*  
*Dave Loveland, Lee County Division of Transportation*  
*Lili Wu, Lee County Division of Transportation*  
*Mike Carroll, Lee County Development Services*  
*Rick Joyce, Lee County Division of Planning, Environmental Sciences*  
*Lindsey Sampson, Lee County Solid Waste*  
*Bill Newman, Lee County Solid Waste*  
*Bill Horner, Lee County Port Authority*  
*Regina Smith, Lee County Economic Development*

*Kim Trebatoski, Lee County Division of Planning, Environmental Sciences*  
*Gerald Campbell, Lee County Public Safety, Emergency Management*  
*Jim Lavender, Lee County Public Works*  
*Howard Wegis, Lee County Utilities*  
*Ivan Velez, Lee County Utilities*  
*Pam Houck, Lee County Zoning*  
*Nettie Richardson, Lee County Zoning*  
*Pete Eckenrode, Lee County Development Services*  
*Michael Pavese, Lee County Public Works*  
*Wayne Daltry, Lee County Smart Growth*  
*Mary Zettel, DCD/Code Enforcement*  
*Rick Roberts, DCD/Code Enforcement*

***Donna Marie Collins, Assistant, County Attorney's Office***  
***Chief Terry Pye, North Fort Myers Fire District***

October 26, 2006

Public Service/Review Agencies

2nd sufficiency

**RE: CPA2006-00004 –Adelson (Map Amendment)**  
**Small Scale**

19-43-25-00-00014.0020

Planning Division staff requests your agencies/departments help in reviewing the above referenced Lee Plan Amendment. The applicant is proposing a Map amendment to change the Future Land Use Map (FLUM) designation.

This is a response to the first round of sufficiency questions generated by this comprehensive plan amendment application.

Planning staff requests that your agency help determine the sufficiency of the proposed plan amendment application for review. If you can identify any deficiencies in the information provided, need clarification on the subject matter, or if you find the application sufficient for review, please provide these comments to us by **November 3, 2006**. A letter is being drafted to submit any additional data requests to the applicant and your input concerning the potential impacts to your agency is important.

The complete application can be found using the following link:

<http://www.lee-county.com/dcd/PlanAmendments/SmallScale/CPA200604A1.pdf>

The response to the letter determining insufficiency is attached as a pdf.

If you have any questions, please feel free to contact Wayne Gaither at:

479-8567  
wgaither@leegov.com

H. Wayne Gaither  
Planner  
Lee County Department of Community Development  
1500 Monroe Street, Fort Myers, FL 33901  
P.O. Box 398, Fort Myers, FL 33902-0398

Tel. (239) 479-8567  
Fax(239) 479-8319

**Gaither, Wayne**

---

**From:** Wegis, Howard S.  
**Sent:** Friday, October 27, 2006 8:10 AM  
**To:** Gaither, Wayne  
**Cc:** Osterhout, Thom; Velez, Sergio I.  
**Subject:** CPA2006-00004 (Adelson) Small Scale Plan Amendment

Wayne,

Just a couple comments on this application. There is actually a 12" water main approximately 1,000 feet south of the subject parcel. Also, Lee County Utilities has placed the North Lee County Water Plant, noted by the applicant, into service. This Plant is now serving the area of the subject parcel.

Howard S. Wegis  
Staff Engineer  
Lee County Utilities  
P.O. Box 398  
Fort Myers, FL 33901  
Phone#: (239) 479-8163  
Fax#: (239) 479-8176



**Gaither, Wayne**

---

**From:** Newman, William T.  
**Sent:** Thursday, October 26, 2006 2:57 PM  
**To:** Gaither, Wayne  
**Subject:** RE: CPA2006-00004 (Adelson) Small Scale Plan Amendment

Wayne:  
There is no discussion as to how solid waste will be handled for this project.

Bill Newman  
Operations Manager  
Solid Waste Division  
(239)338-3302  
newmanwt@leegov.com

---

**From:** Gaither, Wayne  
**Sent:** Thursday, October 26, 2006 10:02 AM  
**To:** tpmfmd@yahoo.com; Bergquist, W.; Campbell, George G.; Carroll, Charles M.; Collins, Donna Marie ; Daltry, Wayne E.; Eckenrode, Peter J.; Hansen, Hans C.; Horsting, Michael S.; Houck, Pamela E.; Joyce, Rick K.; Lavender, James H.; Liddblad, Ellen; Loveland, David M.; Newman, William T.; Ottolini, Roland E.; Pavese, Michael P.; Roberts, Rickey G.; Sampson, Lindsey J.; Smith, Regina Y.; Trebatoski, Kim; Velez, Sergio I.; William Horner; Wilson, John; Wu, Lili ; Yarbrough, John H.; Zettel, Mary S.  
**Subject:** CPA2006-00004 (Adelson) Small Scale Plan Amendment

Distribution List:

*John Wilson, Lee County Public Safety*  
*Chris Hansen, Lee County Public Safety, EMS*  
*W. Bergquist, Lee County Sheriff's Office*  
*Roland E. Ottolini, Lee County Natural Resources Management*  
*Michael Horsting, Lee Tran*  
*John Yarbrough, Lee County Parks & Recreation*  
*Ellen Liddblad, Lee County School Board*  
*Dave Loveland, Lee County Division of Transportation*  
*Lili Wu, Lee County Division of Transportation*  
*Mike Carroll, Lee County Development Services*  
*Rick Joyce, Lee County Division of Planning, Environmental Sciences*  
*Lindsey Sampson, Lee County Solid Waste*  
*Bill Newman, Lee County Solid Waste*  
*Bill Horner, Lee County Port Authority*  
*Regina Smith, Lee County Economic Development*

*Kim Trebatoski, Lee County Division of Planning, Environmental Sciences*  
*Gerald Campbell, Lee County Public Safety, Emergency Management*  
*Jim Lavender, Lee County Public Works*  
*Howard Wegis, Lee County Utilities*  
*Ivan Velez, Lee County Utilities*  
*Pam Houck, Lee County Zoning*  
*Nettie Richardson, Lee County Zoning*  
*Pete Eckenrode, Lee County Development Services*

*Michael Pavese, Lee County Public Works*  
*Wayne Daltrey, Lee County Smart Growth*  
*Mary Zettel, DCD/Code Enforcement*  
*Rick Roberts, DCD/Code Enforcement*  
*Donna Marie Collins, Assistant, County Attorney's Office*  
*Chief Terry Pye, North Fort Myers Fire District*

October 26, 2006

Public Service/Review Agencies  
2nd sufficiency

**RE: CPA2006-00004 –Adelson (Map Amendment)**  
**Small Scale**

19-43-25-00-00014.0020

Planning Division staff requests your agencies/departments help in reviewing the above referenced Lee Plan Amendment. The applicant is proposing a Map amendment to change the Future Land Use Map (FLUM) designation.

This is a response to the first round of sufficiency questions generated by this comprehensive plan amendment application.

Planning staff requests that your agency help determine the sufficiency of the proposed plan amendment application for review. If you can identify any deficiencies in the information provided, need clarification on the subject matter, or if you find the application sufficient for review, please provide these comments to us by **November 3, 2006**. A letter is being drafted to submit any additional data requests to the applicant and your input concerning the potential impacts to your agency is important.

The complete application can be found using the following link:

<http://www.lee-county.com/dcd/PlanAmendments/SmallScale/CPA200604A1.pdf>

The response to the letter determining insufficiency is attached as a pdf.

If you have any questions, please feel free to contact Wayne Gaither at:

479-8567  
wgaither@leegov.com

H. Wayne Gaither  
Planner  
Lee County Department of Community Development  
1500 Monroe Street, Fort Myers, FL 33901  
P.O. Box 398, Fort Myers, FL 33902-0398

Tel. (239) 479-8567  
Fax(239) 479-8319

## Gaither, Wayne

---

**From:** William B. Horner [wbhorner@flylcpa.com]  
**Sent:** Thursday, October 26, 2006 10:37 AM  
**To:** Gaither, Wayne  
**Subject:** RE: CPA2006-00004 (Adelson) Small Scale Plan Amendment

Wayne,  
No comments from the Port Authority.  
Bill

*William B. Horner, AICP  
Planning Manager  
Lee County Port Authority  
11000 Terminal Access Road, Suite 8671  
Fort Myers, Florida 33913  
Telephone: (239) 590-4618/Fax: (239) 590-4688  
E-mail address: wbhorner@flylcpa.com*

-----Original Message-----

**From:** Gaither, Wayne [mailto:WGaither@leegov.com]  
**Sent:** Thursday, October 26, 2006 10:02 AM  
**To:** tpnfmfd@yahoo.com; Bergquist, W.; Campbell, George G.; Carroll, Charles M.; Collins, Donna Marie ; Daltrey, Wayne E.; Eckenrode, Peter J.; Hansen, Hans C.; Horsting, Michael S.; Houck, Pamela E.; Joyce, Rick K.; Lavender, James H.; Liddblad, Ellen; Loveland, David M.; Newman, William T.; Ottolini, Roland E.; Pavese, Michael P.; Roberts, Rickey G.; Sampson, Lindsey J.; Smith, Regina Y.; Trebatoski, Kim ; Velez, Sergio I.; William B. Horner; Wilson, John; Wu, Lili ; Yarbrough, John H.; Zettel, Mary S.  
**Subject:** CPA2006-00004 (Adelson) Small Scale Plan Amendment

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**Donna Marie Collins**, Assistant, County Attorney's Office  
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October 26, 2006

Public Service/Review Agencies  
2nd sufficiency

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**Small Scale**

19-43-25-00-00014.0020

Planning Division staff requests your agencies/departments help in reviewing the above referenced Lee Plan Amendment. The applicant is proposing a Map amendment to change the Future Land Use Map (FLUM) designation.

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If you have any questions, please feel free to contact Wayne Gaither at:

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H. Wayne Gaither  
Planner  
Lee County Department of Community Development  
1500 Monroe Street, Fort Myers, FL 33901  
P.O. Box 398, Fort Myers, FL 33902-0398

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**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**



CPA 2006-00004

**DBS Consulting, Inc.**  
**4450 Camino Real Way**  
**Fort Myers, FL 33912**  
**P (239) 226-0024**  
**F (239) 226-0094**

COMMUNITY DEVELOPMENT

# **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.

*The following comments pertain to Part IV of the application:*

*A.5.&6. Please address the issues as identified above.*

**Response:**

**Please see the corrected legal description labeled as Exhibit A-5. It has been found that the legal description included with the warranty deed is correct.**

*B.1. Additional comments may be forthcoming after LCDOT re-reviews the application given the revisions to Part III E.1. & 2. As noted above.*

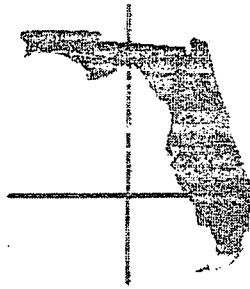
**Response:**

**Please see the attached traffic study prepared by TR Transportation Consultants, Inc., labeled as Exhibit B-1.**

*E.1 The discussion should be expanded to include the inventoried acreage. This information is available on the Lee County Department of Community Development's web page.*

**Response:**

**We have attached the North Fort Myers Planning Community land use allocation assessment from the County's website, which is updated based on Table 1(b) of the *Lee Plan*. The table shows approximately 498 acres of available Suburban, which demonstrates our request for 5.43 acres is consistent.**



**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 #7071  
10970 S. Cleveland Ave., Suite #605  
Fort Myers, FL 33907

Signed: \_\_\_\_\_

Date: 9/22/08

SHEET 1 OF 2

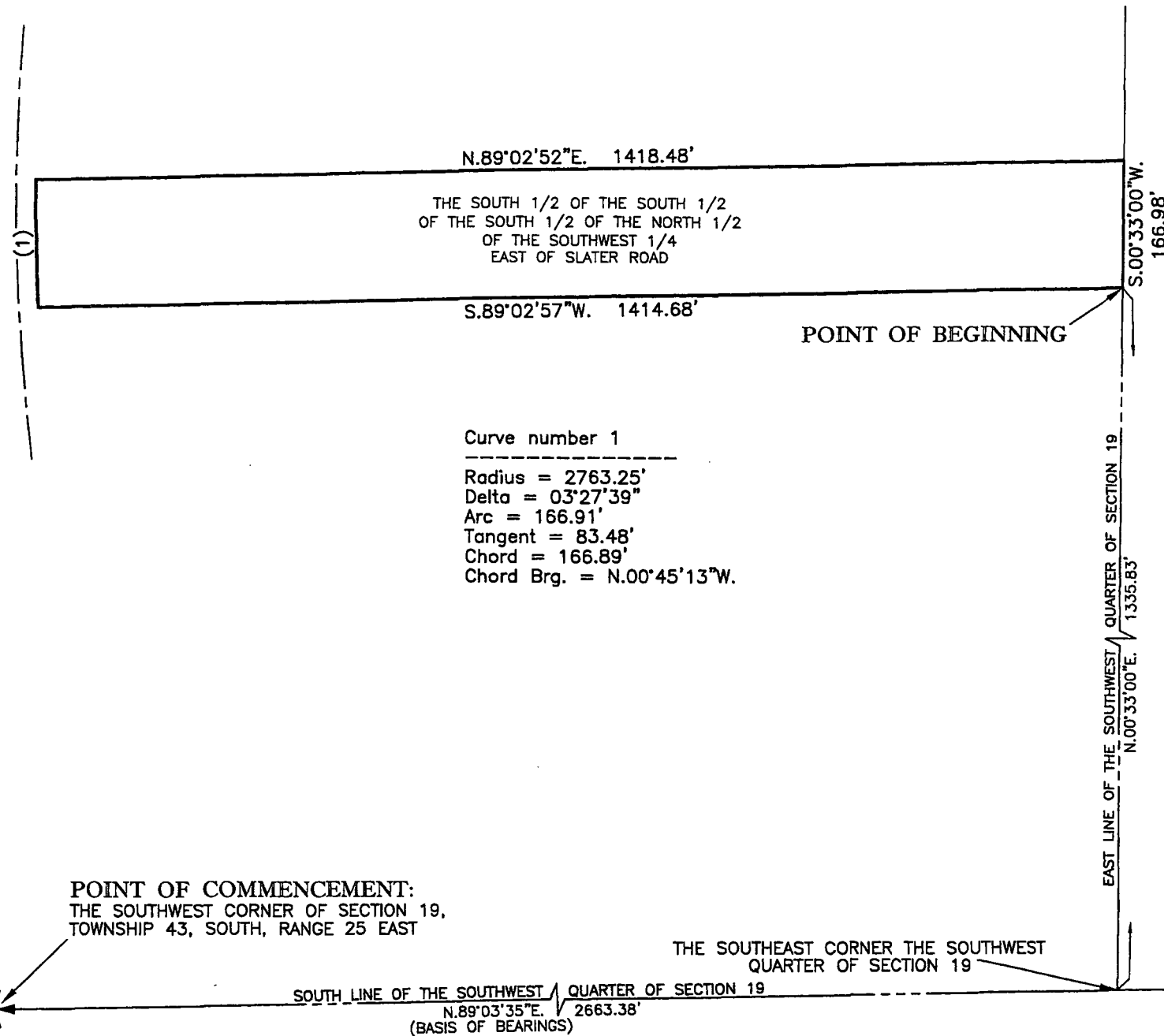
9778-5AC-DESC.doc



# 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)



Curve number 1

Radius = 2763.25'

Delta = 03°27'39"

Arc = 166.91'

Tangent = 83.48'

Chord = 166.89'

Chord Brg. = N.00°45'13"W.

POINT OF COMMENCEMENT:  
THE SOUTHWEST CORNER OF SECTION 19,  
TOWNSHIP 43, SOUTH, RANGE 25 EAST

THE SOUTHEAST CORNER THE SOUTHWEST  
QUARTER OF SECTION 19

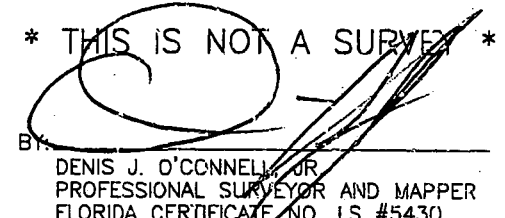
SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 19  
N.89°03'35"E. 2663.38'  
(BASIS OF BEARINGS)

POINT OF BEGINNING

EAST LINE OF THE SOUTHWEST QUARTER OF SECTION 19  
S.00°33'00"W. 166.98'



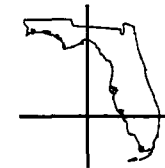
\* THIS IS NOT A SURVEY \*

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			
		<b>METRON</b> SURVEYING & MAPPING, LLC LAND SURVEYORS · PLANNERS LB #7071	
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: DJO
			(S-T-R) 19-43-25

\* SEE SHEET 1 OF 2 FOR LEGAL DESCRIPTION \*

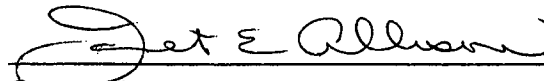
## LETTER OF AUTHORIZATION

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 537644

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
<b>Total Trips</b> (Existing Rural Designation)	<b>110</b>	<b>30</b>	<b>140</b>	<b>115</b>	<b>205</b>	<b>320</b>	<b>2,840</b>

**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
<b>Total Trips (Proposed Suburban Designation)</b>	<b>100</b>	<b>35</b>	<b>135</b>	<b>155</b>	<b>235</b>	<b>390</b>	<b>3,555</b>

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
<b>Resultant Trip Change</b>	<b>-10</b>	<b>5</b>	<b>-5</b>	<b>40</b>	<b>30</b>	<b>70</b>	<b>715</b>

**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				BCKGRND	BCKGRND
							PEAK DIR.	PEAK DIR. <sup>2</sup>				+ AM PROJ TRAFFIC	+ PM PROJ 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	BCKGRND	BCKGRND
		TRAFFIC	+ AM PROJ	+ PM PROJ
		<u>LOS</u>	<u>LOS</u>	<u>LOS</u>
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, 7<sup>th</sup> 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			



## Community Development

### Planning Community of North Fort Myers

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Code Enforcement

Comprehensive Planning

Data Resources

Environmental Sciences

Historic Preservation

Zoning

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Reader

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

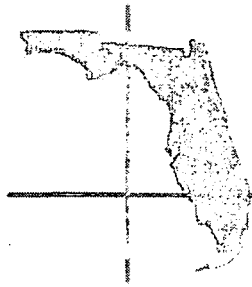
\* Forecast

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	<u>498</u>
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
<b>Total Residential</b>	<b>9209</b>	<b>8012.05</b>	<b>1196.95</b>

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](#)



**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.

CPA

2006-00004

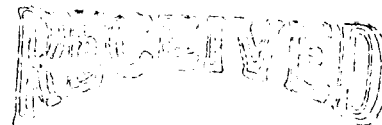
SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD (WRITTEN AND UNWRITTEN, RECORDED AND UNRECORDED).

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: 9/22/06



OCT 11 2006  
Cwm  
COMMUNITY DEVELOPMENT

SHEET 1 OF 2

9778-5AC-DESC.doc



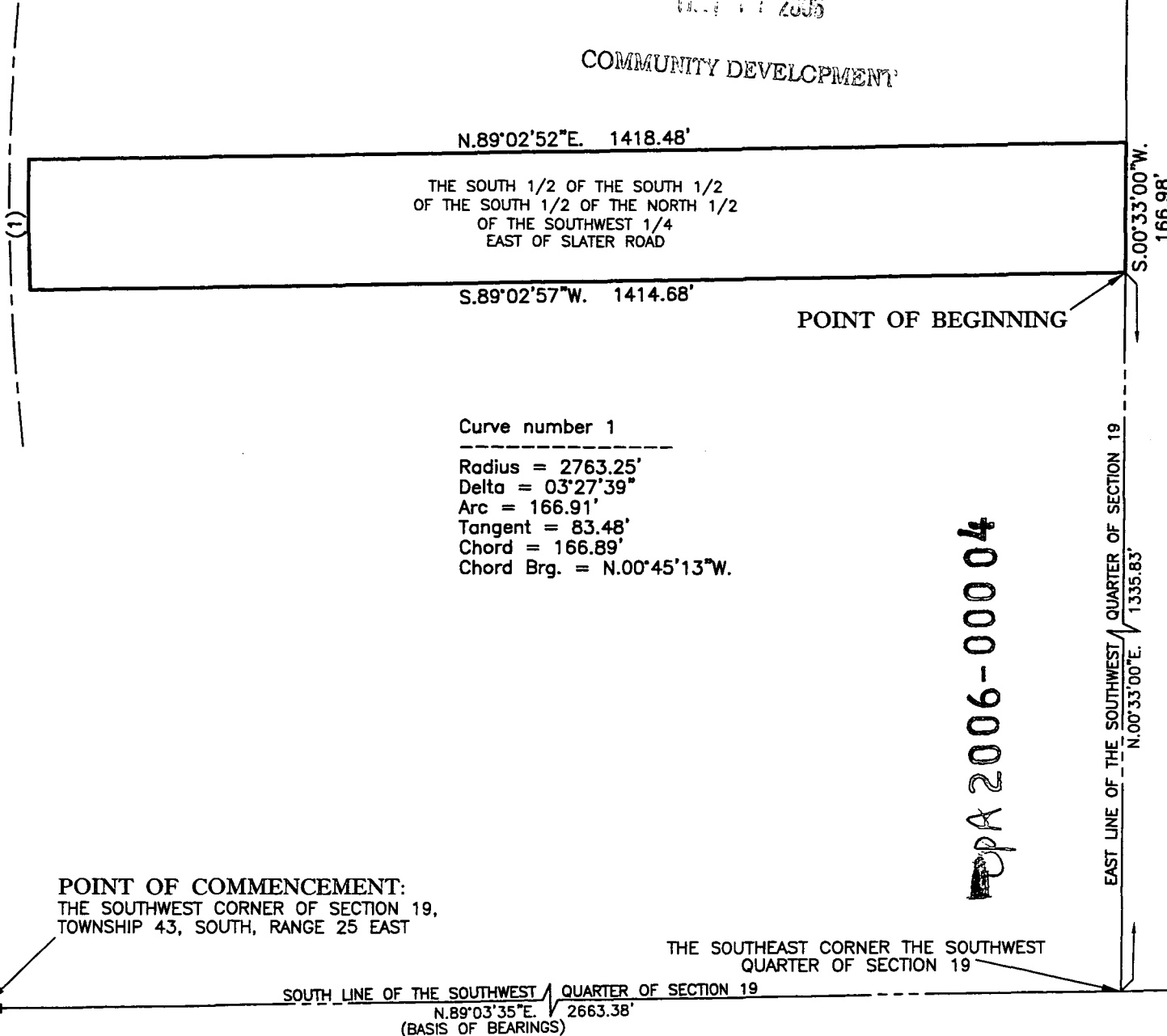
# SKETCH TO ACCOMPANY DESCRIPTION

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

RECEIVED  
OCT 11 2006

COMMUNITY DEVELOPMENT

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			
		<b>METRON</b> SURVEYING & MAPPING, LLC LAND SURVEYORS-PLANNERS LB #7071 www.metronfl.com	
10970 S. CLEVELAND AVE., STE. 605 FORT MYERS, FLORIDA 33907 PHONE: (239) 275-8575 FAX: (239) 275-8457			
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: DJO
		(S-T-R) 19-43-25	

\* 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

Janet E. Allison

Owner Signature

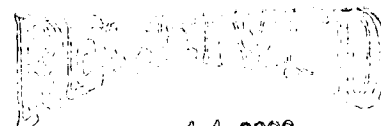
Ms. Janet E. Allison, Vice President

Printed Name and Title

STATE OF FLORIDA

COUNTY OF LEE

CPA 2006-00004



OCT 11 2006

COMMUNITY DEVELOPMENT

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

Debra S. LaSalle

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

# **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.

*The following comments pertain to Part IV of the application:*

A.5.&6.      *Please address the issues as identified above.*

**Response:**

**Please see the corrected legal description labeled as Exhibit A-5. It has been found that the legal description included with the warranty deed is correct.**

B.1.            *Additional comments may be forthcoming after LCDOT re-reviews the application given the revisions to Part III E.1. & 2. As noted above.*

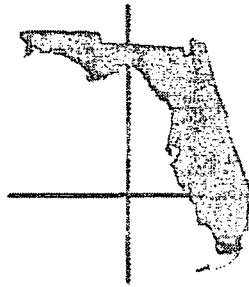
**Response:**

**Please see the attached traffic study prepared by TR Transportation Consultants, Inc., labeled as Exhibit B-1.**

E.1            *The discussion should be expanded to include the inventoried acreage. This information is available on the Lee County Department of Community Development's web page.*

**Response:**

**We have attached the North Fort Myers Planning Community land use allocation assessment from the County's website, which is updated based on Table 1(b) of the *Lee Plan*. The table shows approximately 498 acres of available Suburban, which demonstrates our request for 5.43 acres is consistent.**



# METRON

SURVEYING & MAPPING, LLC

LAND SURVEYORS • PLANNERS

**DESCRIPTION  
OF A PARCEL OF LAND  
LYING IN  
SECTION 19, TOWNSHIP 43 SOUTH, RANGE 25 EAST  
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CONTAINING 5.43 ACRES, MORE OR LESS.

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

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Certification for Boundary Description  
Surveyor and Mapper in Responsible Charge:  
Denis J. O'Connell, Jr., LS #5430  
Metron Surveying & Mapping, LLC, LB #7070  
10970 S. Cleveland Ave., Suite #605  
Fort Myers, FL 33907

Signed: \_\_\_\_\_

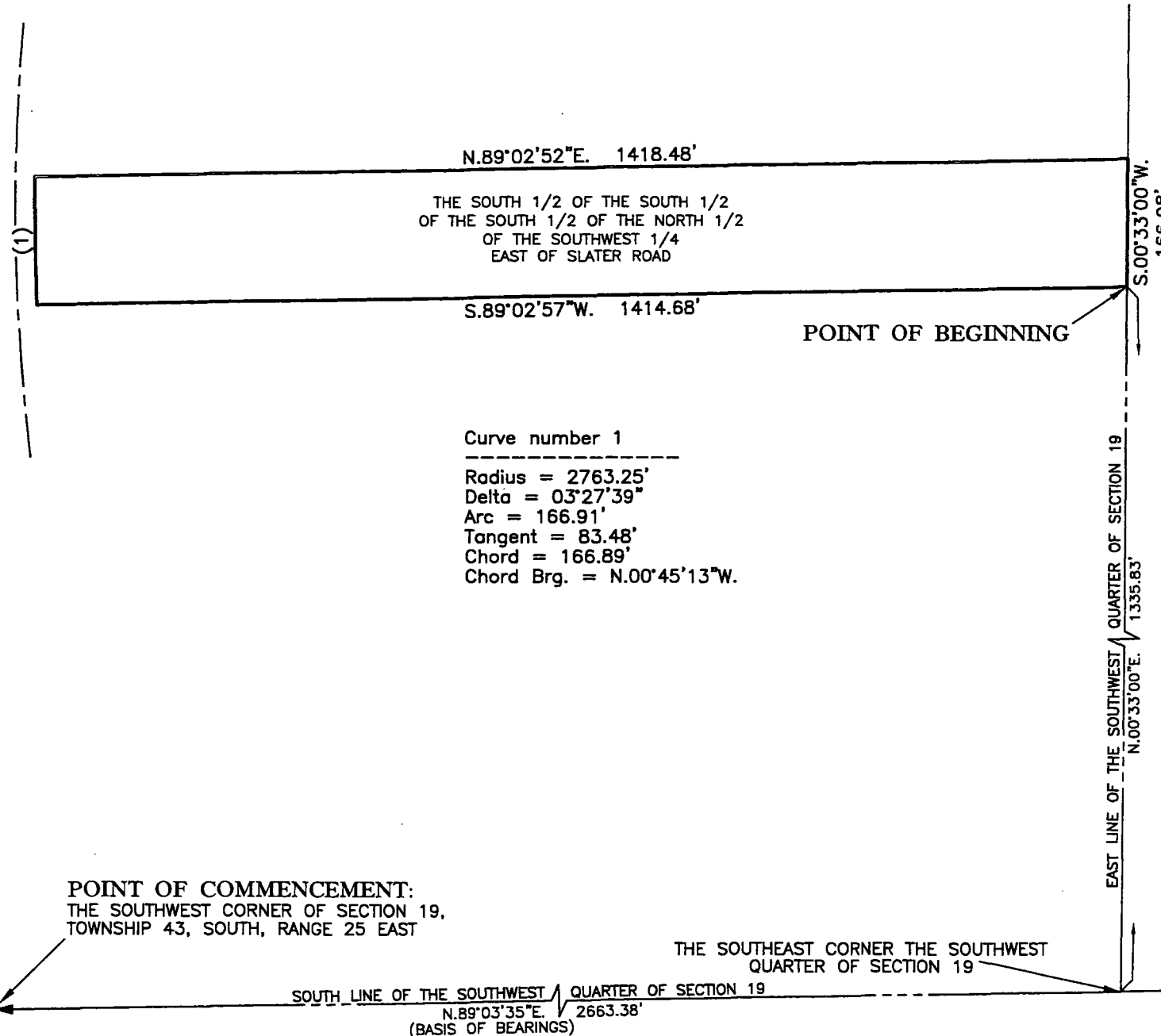
Date: 9/22/08

SHEET 1 OF 2

9778-5AC-DESC.doc

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)



Curve number 1

Radius = 2763.25'

Delta = 03°27'39"

Arc = 166.91'

Tangent = 83.48'

Chord = 166.89'

Chord Brg. = N.00°45'13"W.

POINT OF COMMENCEMENT:  
THE SOUTHWEST CORNER OF SECTION 19,  
TOWNSHIP 43, SOUTH, RANGE 25 EAST

THE SOUTHEAST CORNER THE SOUTHWEST  
QUARTER OF SECTION 19

SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 19  
N.89°03'35"E. 2663.38'  
(BASIS OF BEARINGS)


\* THIS IS NOT A SURVEY \*

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

DATE SIGNED: 9/20/06

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			
		<b>METRON</b> SURVEYING & MAPPING, LLC LAND SURVEYORS-PLANNERS LB #7071	
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: DJO
		(S-T-R)	19-43-25

\* SEE SHEET 1 OF 2 FOR LEGAL DESCRIPTION \*

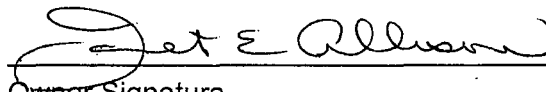
## LETTER OF AUTHORIZATION

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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

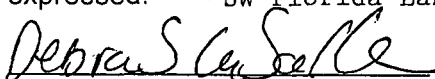
Ms. Janet E. Allison, Vice President

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
<b>Total Trips (Existing Rural Designation)</b>	<b>110</b>	<b>30</b>	<b>140</b>	<b>115</b>	<b>205</b>	<b>320</b>	<b>2,840</b>

**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
<b>Total Trips (Proposed Suburban Designation)</b>	<b>100</b>	<b>35</b>	<b>135</b>	<b>155</b>	<b>235</b>	<b>390</b>	<b>3,555</b>

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
<b>Resultant Trip Change</b>	<b>-10</b>	<b>5</b>	<b>-5</b>	<b>40</b>	<b>30</b>	<b>70</b>	<b>715</b>

**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</u> <u>CLASS</u>	<u>LOS A</u> <u>VOLUME</u>	<u>LOS B</u> <u>VOLUME</u>	<u>LOS C</u> <u>VOLUME</u>	<u>LOS D</u> <u>VOLUME</u>	<u>LOS E</u> <u>VOLUME</u>	<u>PERCENT</u>		
								<u>PROJECT</u> <u>TRAFFIC</u>	<u>PROJECT</u> <u>TRAFFIC</u>	<u>PROJ/</u> <u>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	2005 ADT	YRS OF GROWTH	ANNUAL RATE	2005	2011	PERCENT PROJECT TRAFFIC	AM PROJ TRAFFIC	PM PROJ TRAFFIC	2011	2011
							PK HR	PK HR				BCKGRND	BCKGRND
							PEAK DIR.	PEAK DIR. <sup>2</sup>				+ AM PROJ TRAFFIC	+ PM PROJ 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	BCKGRND	BCKGRND
		TRAFFIC	+ AM PROJ	+ PM PROJ
		<u>LOS</u>	<u>LOS</u>	<u>LOS</u>
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, 7<sup>th</sup> 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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## 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
<b>Total Residential</b>	<b>9209</b>	<b>8012.05</b>	<b>1196.95</b>

796302

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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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# SECTION I



LEE COUNTY  
SOUTHWEST FLORIDA

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

## APPLICATION FOR A COMPREHENSIVE PLAN AMENDMENT

(To be completed at time of intake)

DATE REC'D \_\_\_\_\_

REC'D BY: \_\_\_\_\_

APPLICATION FEE \_\_\_\_\_

TIDEMARK NO: \_\_\_\_\_

THE FOLLOWING VERIFIED:

Zoning ☐

Commissioner District ☐

Designation on FLUM ☐

-----  
(To be completed by Planning Staff)

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

Request No: \_\_\_\_\_

**APPLICANT PLEASE NOTE:**

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

  
Signature of owner or owner-authorized agent

4/20/2006

Date

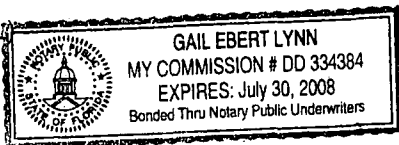
Janet E. Allison, Vice President of SW Florida Land Twelve, LLC

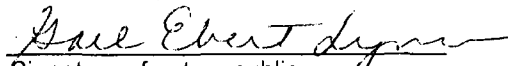
Typed or printed name

STATE OF FLORIDA )  
COUNTY OF LEE )

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

(SEAL)



  
Signature of notary public

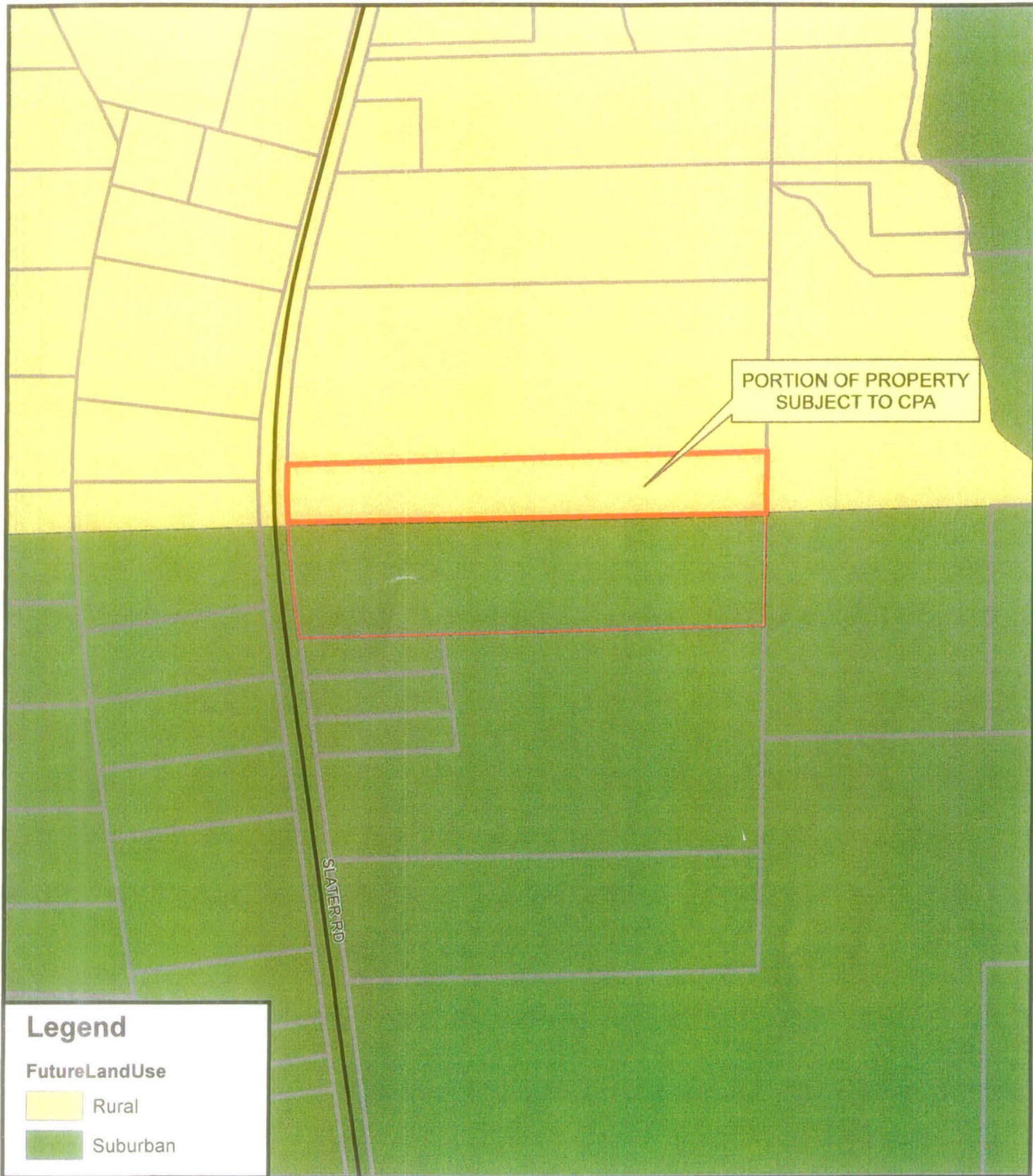
Gail Ebert Lynn

Printed name of notary public

A vertical dashed line runs down the left side of the page, consisting of a series of short, thick black horizontal bars separated by gaps.

# SECTION II





### 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

400 200 0 400  
Feet

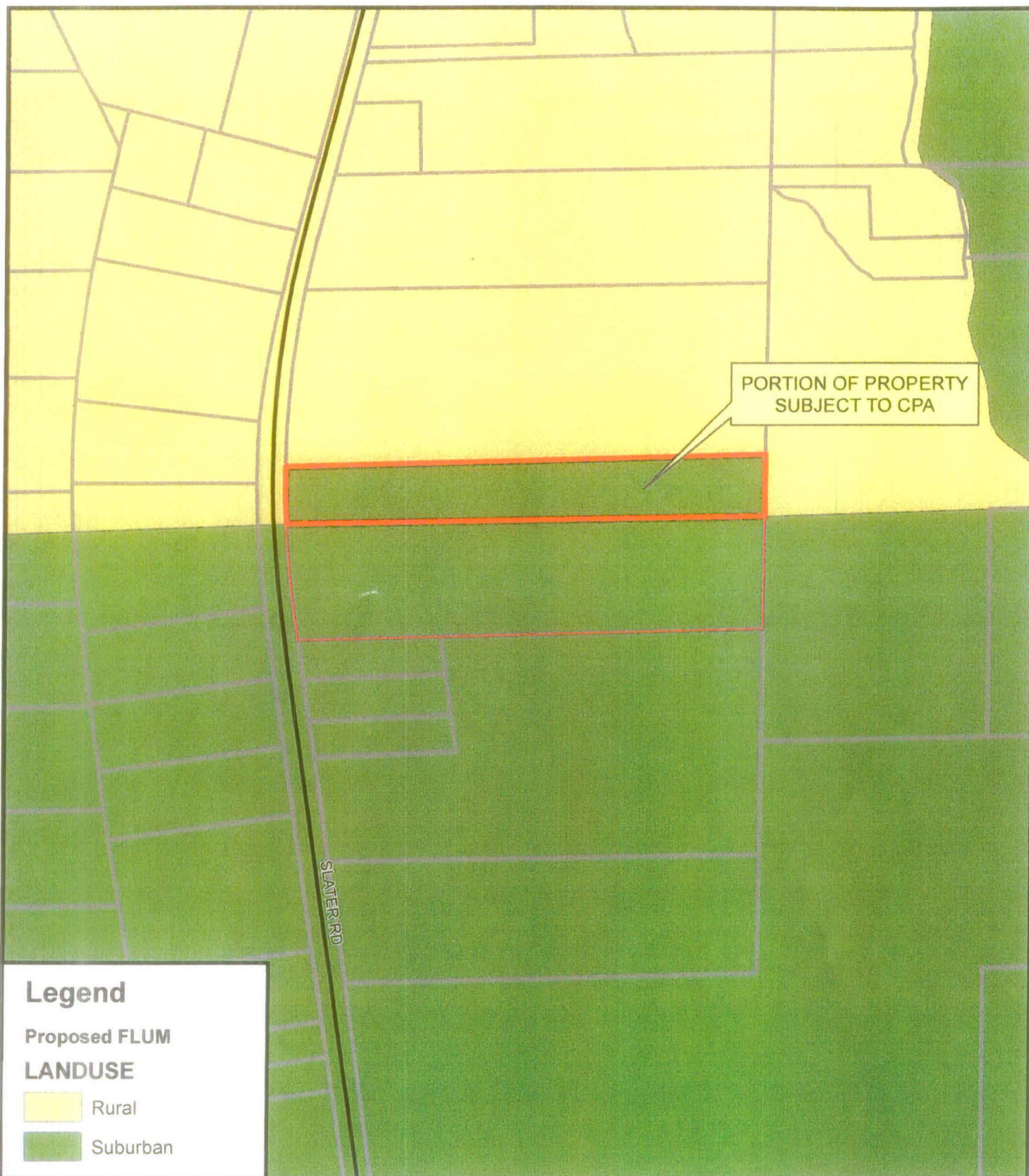


Date: 03-13-06

Map Number:  
1023-01-CPA-EX2A


Project Number:  
1023-01





### Legend

#### Proposed FLUM LANDUSE

-  Rural
-  Suburban



### Proposed Future Land Use Map MAP A2b

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

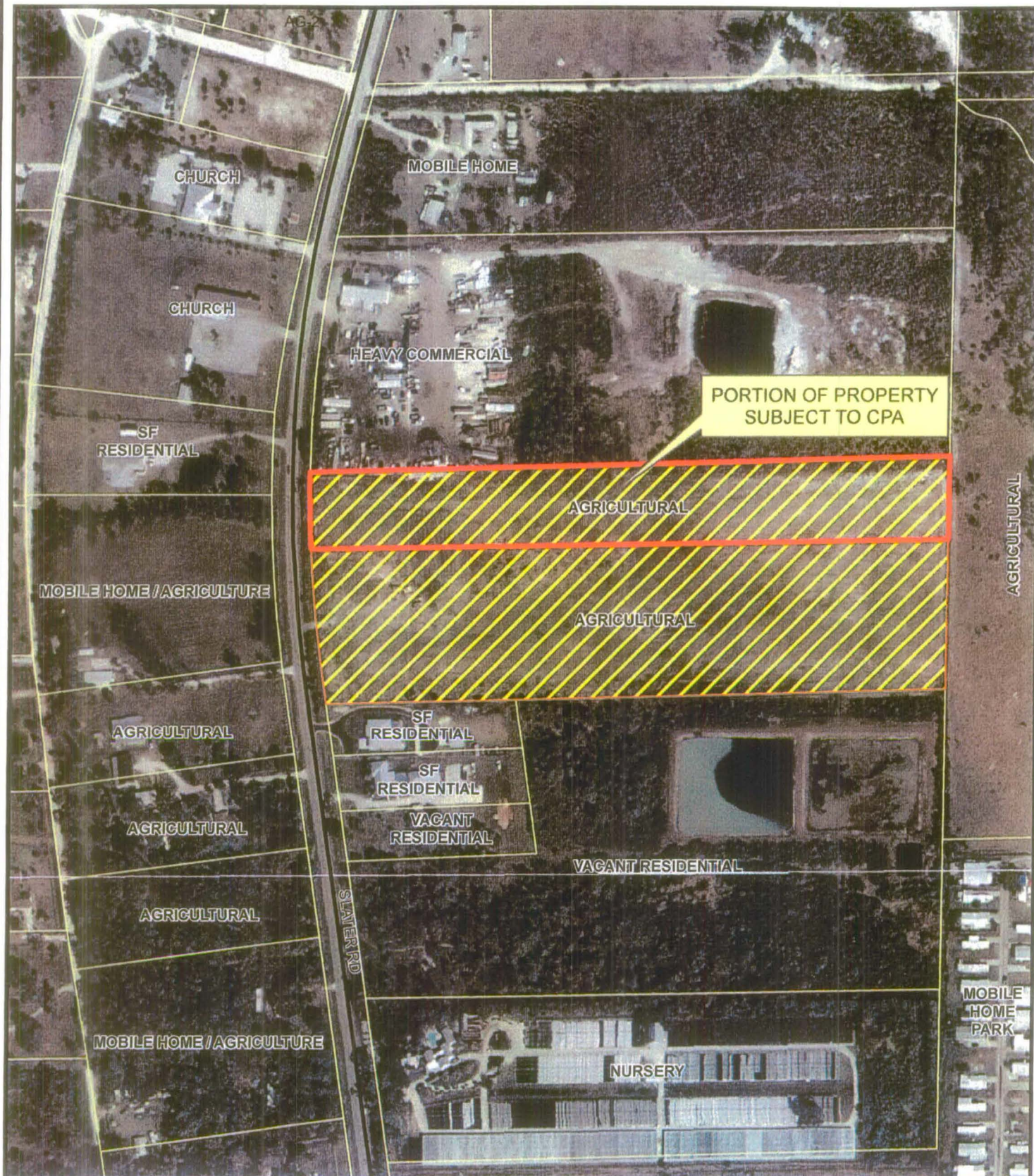


Date: 03-13-06

Map Number:  
1023-01-CPA-EX2B

Project Number:  
1023-01





## 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

Source: Lee County Property Appraisers Office

## ADELSON SMALL SCALE CPA

300 150 0 300  
Feet



Date: 03-13-06

Map Number:  
1023-01-CPA-EX3

Project Number:  
1023-01



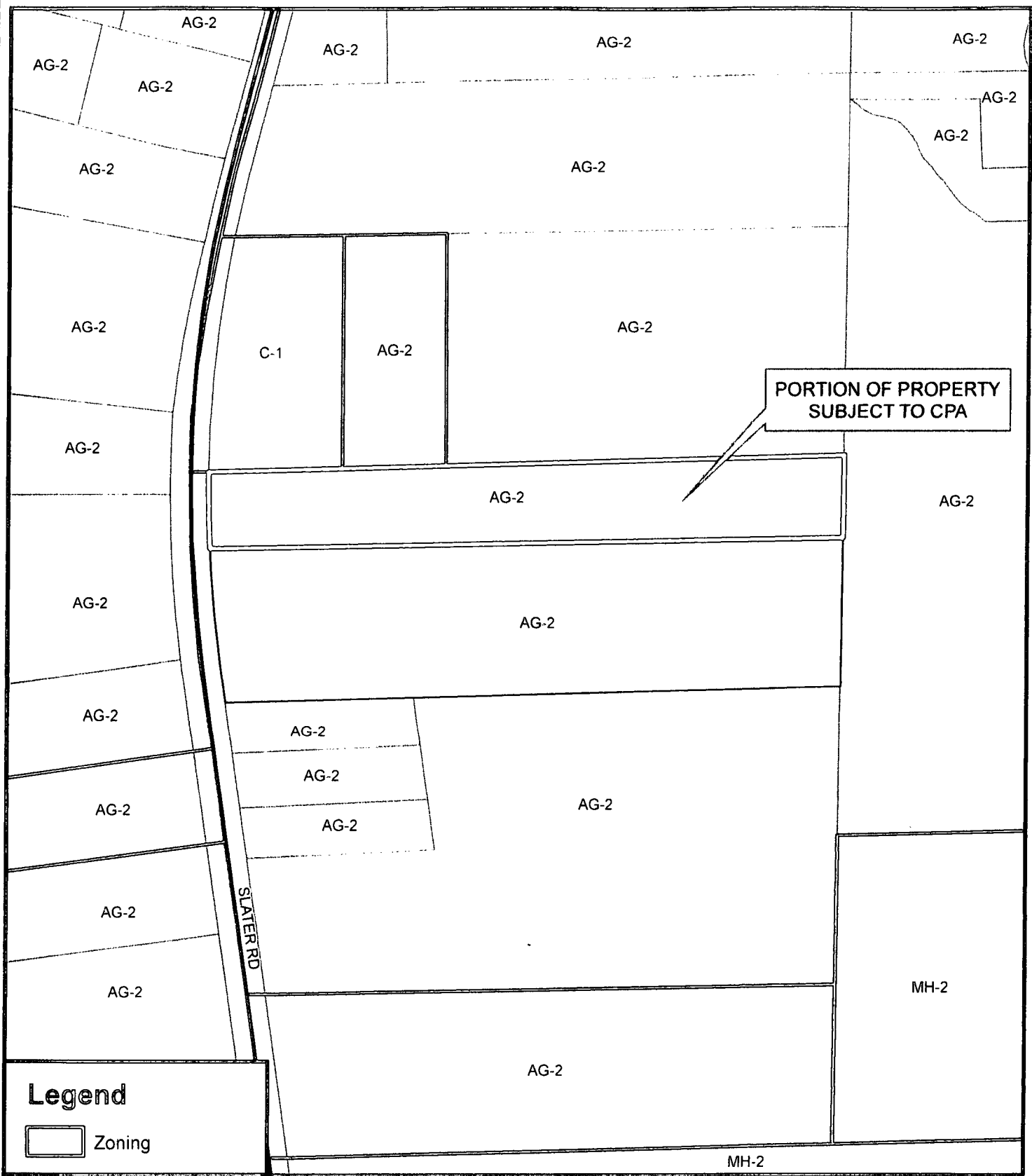
**Exhibit A3:**

**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  $\pm 5.43$  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.



**Legend**

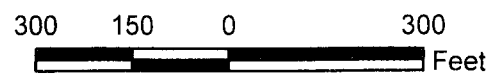
 Zoning



**ZONING MAP**  
**MAP A4**

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

**ADELSON SMALL  
SCALE CPA**



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

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

**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 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.

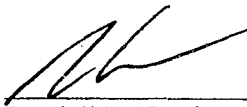
Subject parcel containing 5.431 Acres more or less.

Notes:

1. Description based on a survey preformed 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

16.9  
1575-1

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

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

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 18.50  
DEED DOC 1,575.00  
DEPUTY CLERK T Baer

**WARRANTY DEED**

THIS WARRANTY DEED made the 2<sup>nd</sup> 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.



AND the Grantor hereby covenants with the Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land; that the Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances.

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

Signed, sealed and delivered  
in our presence:

[Signature]  
Witness Signature

Dora L. Perez  
Printed Name

[Signature]  
Witness Signature

MARIA J. KIRSCHNER  
Printed Name

[Signature]  
LEE H. ADELSON

STATE OF FLORIDA            )  
  )    SS:  
COUNTY OF MIAMI-DADE    )

SWORN TO AND SUBSCRIBED before me this 7<sup>th</sup> day of December, 2004, by LEE H. ADELSON, who:

- ☐ is personally known to me;  
☒ produced his current driver's license as identification; or  
☐ produced \_\_\_\_\_ as identification.



[Signature]  
Signature of Notary

MARIA J. KIRSCHNER  
Printed Name of Notary

Adelson\S.W. FlaLandTwelve.WD





## AERIAL PHOTOGRAPH

MAP A 7

Adelson Parcel

6150 Diamond Center Court

S.W. Florida Land Twelve, L.L.C.

Fort Myers FL, 33912

Source: Lee County Property Appraisers Office

## ADELSON SMALL SCALE CPA

400 200 0 400  
Feet



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
<b>Resultant Trip Change</b>	<b>5</b>	<b>15</b>	<b>20</b>	<b>21</b>	<b>12</b>	<b>33</b>	<b>309</b>

**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)**

<b>Land Use Category</b>	<b>Intensity</b>
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)**

<b>Land Use Category</b>	<b>Intensity</b>
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</u> <u>CLASS</u>	<u>LOS A</u> <u>VOLUME</u>	<u>LOS B</u> <u>VOLUME</u>	<u>LOS C</u> <u>VOLUME</u>	<u>LOS D</u> <u>VOLUME</u>	<u>LOS E</u> <u>VOLUME</u>	PERCENT		
								<u>PROJECT</u> <u>TRAFFIC</u>	<u>PROJECT</u> <u>TRAFFIC</u>	<u>PROJ/</u> <u>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

ROADWAY	SEGMENT	PCS	ADT	BASE YR	2005 ADT	YRS OF GROWTH	ANNUAL RATE	2005	2011	PERCENT PROJECT	AM PROJ TRAFFIC	PM PROJ TRAFFIC	2011	2011
								PK HR	PK HR				BCKGRND	BCKGRND
								PK SEASON PEAK DIR.	PK SEASON PEAK DIR. <sup>2</sup>				+ AM PROJ TRAFFIC	+ PM PROJ TRAFFIC
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
		BCKGRND	BCKGRND	BCKGRND
		TRAFFIC	+ AM PROJ	+ PM PROJ
		LOS	LOS	LOS
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, 7<sup>th</sup> 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  
FORT MYERS  
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.

Feb 13 06 01:21P



# LEE COUNTY

## SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

(239) 479-8181

Writer's Direct Dial Number: \_\_\_\_\_

Bob Janes  
District One

February 13, 2006

Douglas R. St. Cerny  
District Two

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

Ray Judah  
District Three

Tammy Hall  
District Four

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

John E. Albion  
District Five

Donald D. Stilwell  
County Manager

Dear Mr. Fitzgerald:

David M. Owen  
County Attorney

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.

Diana M. Parker  
County Hearing Examiner

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](http://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 Pye  
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 ManagerP.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](mailto:kdickerson@leegov.com)**EXHIBIT B3b**

**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,

A handwritten signature in black ink, appearing to read "Randy L. Butts". The signature is written over a horizontal line.

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



14750 Six Mile Cypress Parkway • Fort Myers, Florida 33912-4406 • (239) 477-1000

EXHIBIT B3c



**LEE COUNTY**  
SOUTHWEST FLORIDA

**BOARD OF COUNTY COMMISSIONERS**

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

Writer's Direct Dial Number: (239) 338-3302

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](mailto: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.

<b>FLUCFCS</b>	<b>Description</b>	<b>Acreage</b>	<b>Percent of Total</b>
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.

<u>Name</u>	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.**

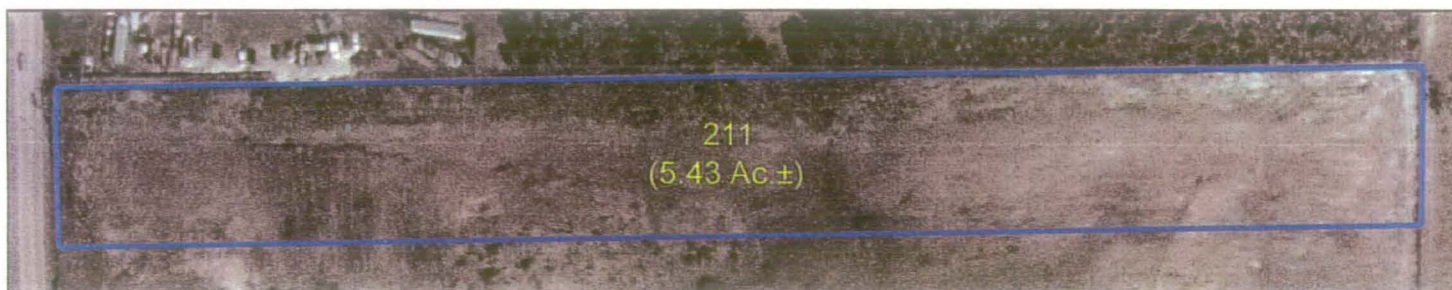
See attached Archaeological Sensitivity Map.

**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

---

## ADELSON COMP PLAN

---

### SOILS DESCRIPTION

Prepared by:

**B**oylan  
**E**nvironmental  
**C**onsultants, 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.

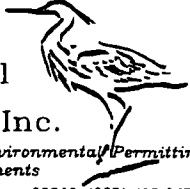


Scale: 1" = 80'

33

NRCS Soils Legend  
Code      Soil Type      Hydric\*?  
33      Oldsmar Sand      No  
\*Hydric Soils of Florida Handbook (2000)

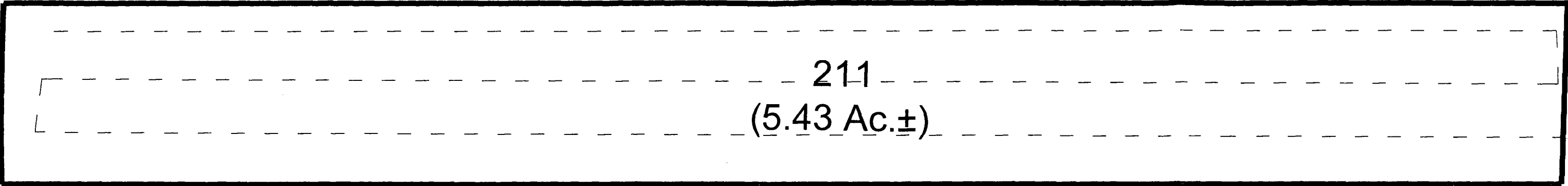
MAP C2

<div>Boyland Environmental Consultants, Inc. <small>Wetland &amp; Wildlife Surveys, Environmental Permitting, Impact Assessments</small> <small>11000 Metro Parkway, Suite 4, Ft. Myers, 33912 (239) 418-0671</small></div> 	Drawn By:	Date:	Category	Adelson NRCS Soils Map	Revisions	Date:	Page
	BWS	5/3/06	SOILS				
	Job Number		Scale:				
	2006-20		1" = 80'				Exhibit
	S/T/R		County				
	19/43S/25E		Lee				



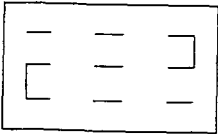


Scale: 1" = 80'




FLUCFCS Legend

Code            Community  
211            Improved Pasture



PSS Transects

Boylan  
Environmental  
Consultants, Inc.

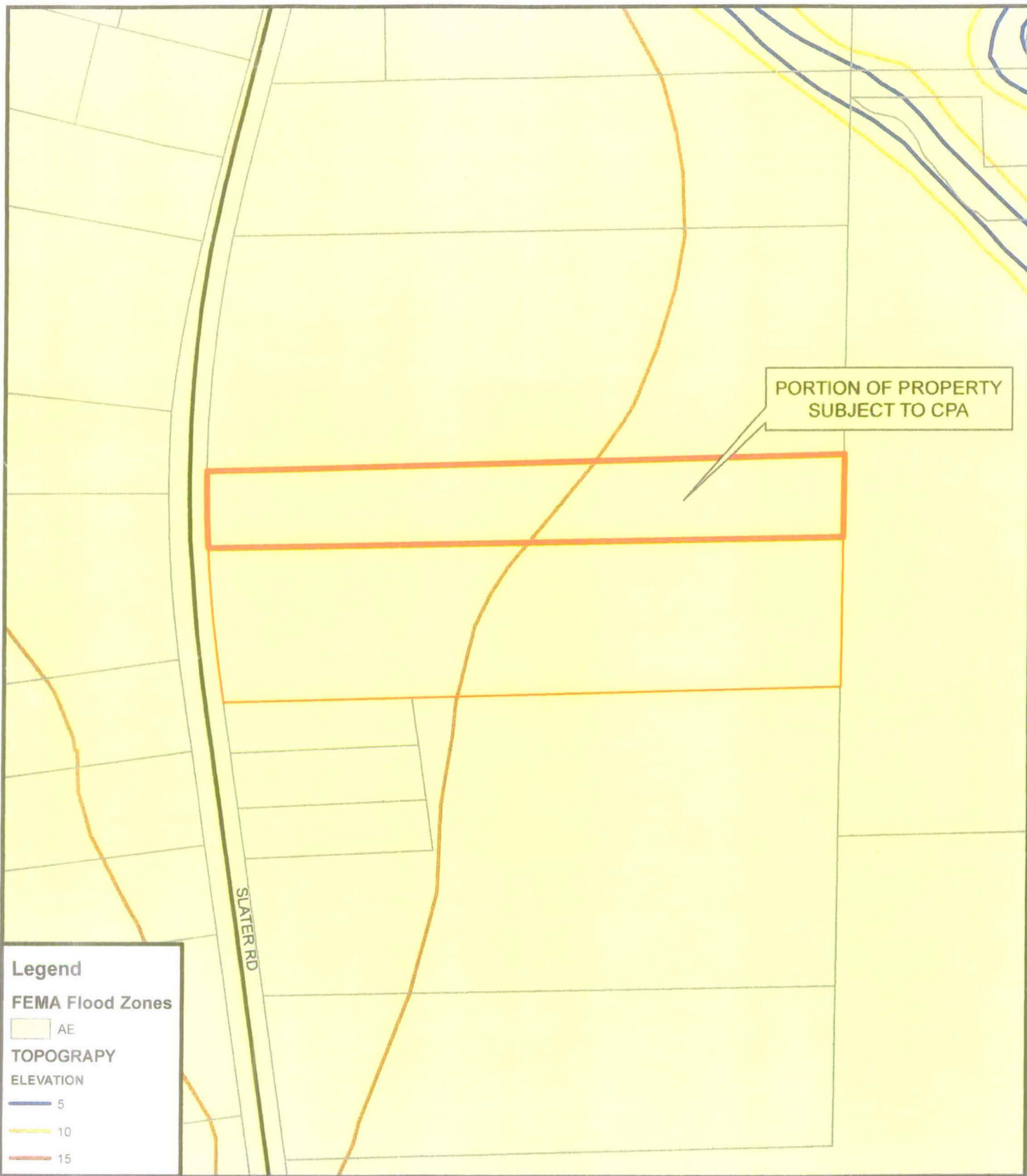


Wetland & Wildlife Surveys, Environmental Permitting,  
Impact Assessments  
11000 Metro Parkway, Suite 4, Ft. Myers, 33912 (239) 418-0671

Drawn By:	Date:	Category
BWS	5/3/06	PSS
Job Number		Scale:
2006-20		1" = 80'
S/T/R		County
19/43S/25E		Lee

Adelson  
FLUCFCS & PSS Map

Revisions	Date:	Page
		Exhibit



### Legend

#### FEMA Flood Zones

AE

#### TOPOGRAPHY

##### ELEVATION

5  
10  
15



## 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

300 150 0 300  
Feet



Date: 03-13-06

Map Number:  
1023-01-CPA-Topo

Project Number:  
1023-01

---

## 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**

<b>Survey Date</b>	<b>Survey Time</b>	<b>Weather Conditions</b>
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.

<b>FLUCFCS Code/Area</b>	<b>Potential Protected Species</b>	<b>% Surveyed</b>	<b>Species Present</b>	<b>Species Absent</b>	<b>Density (Acre)</b>	<b>Visibility (Feet)</b>
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](mailto: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

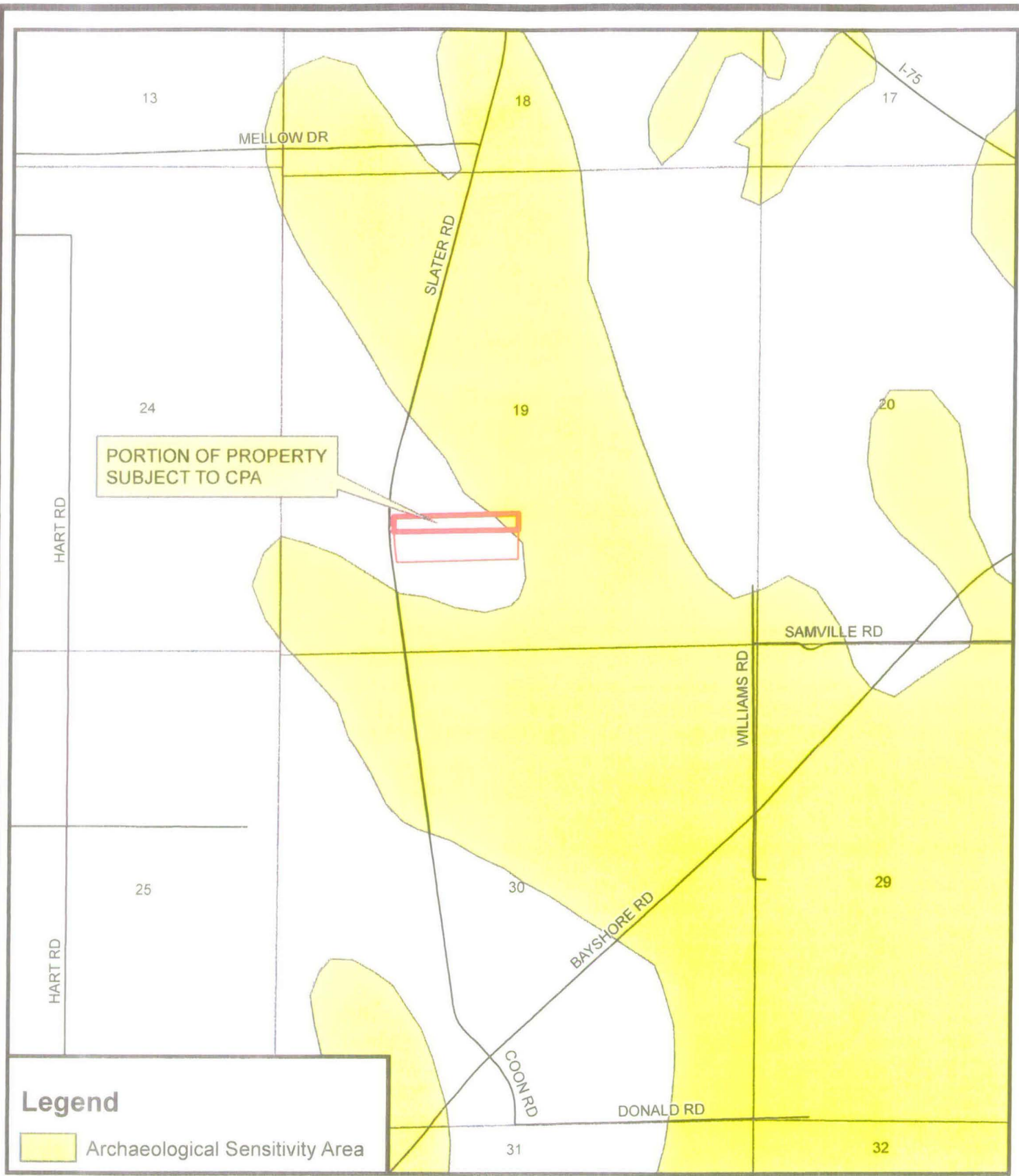
☐ Palm Beach Regional Office  
(561) 279-1475 • FAX: 279-1476

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

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

EXHIBIT D1





# 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

1,500 750 0 1,500 Feet



Date: 03-13-06  
Map Number: 1023-01-CPA-EXD2  
Project Number: 1023-01

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  $\pm 5.43$  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).

# **ADELSON**

## **Small Scale Comprehensive Plan Amendment**

**JANUARY 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 11, 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.



*The following comments pertain to Part IV of the application:*

*A.5.&6. Please address the issues as identified above.*

**Response:**

**Please see the corrected legal description labeled as Exhibit A-5. It has been found that the legal description included with the warranty deed is correct.**

*B.1. Additional comments may be forthcoming after LCDOT re-reviews the application given the revisions to Part III E.1. & 2. As noted above.*

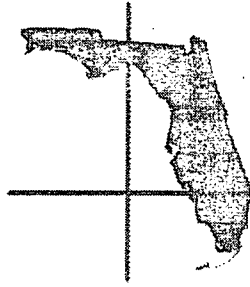
**Response:**

**Please see the attached traffic study prepared by TR Transportation Consultants, Inc., labeled as Exhibit B-1.**

*E.1 The discussion should be expanded to include the inventoried acreage. This information is available on the Lee County Department of Community Development's web page.*

**Response:**

**We have attached the North Fort Myers Planning Community land use allocation assessment from the County's website, which is updated based on Table 1(b) of the *Lee Plan*. The table shows approximately 498 acres of available Suburban, which demonstrates our request for 5.43 acres is consistent.**



# 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 #7970  
10970 S. Cleveland Ave., Suite #605  
Fort Myers, FL 33907

Signed: \_\_\_\_\_

Date: 9/22/08

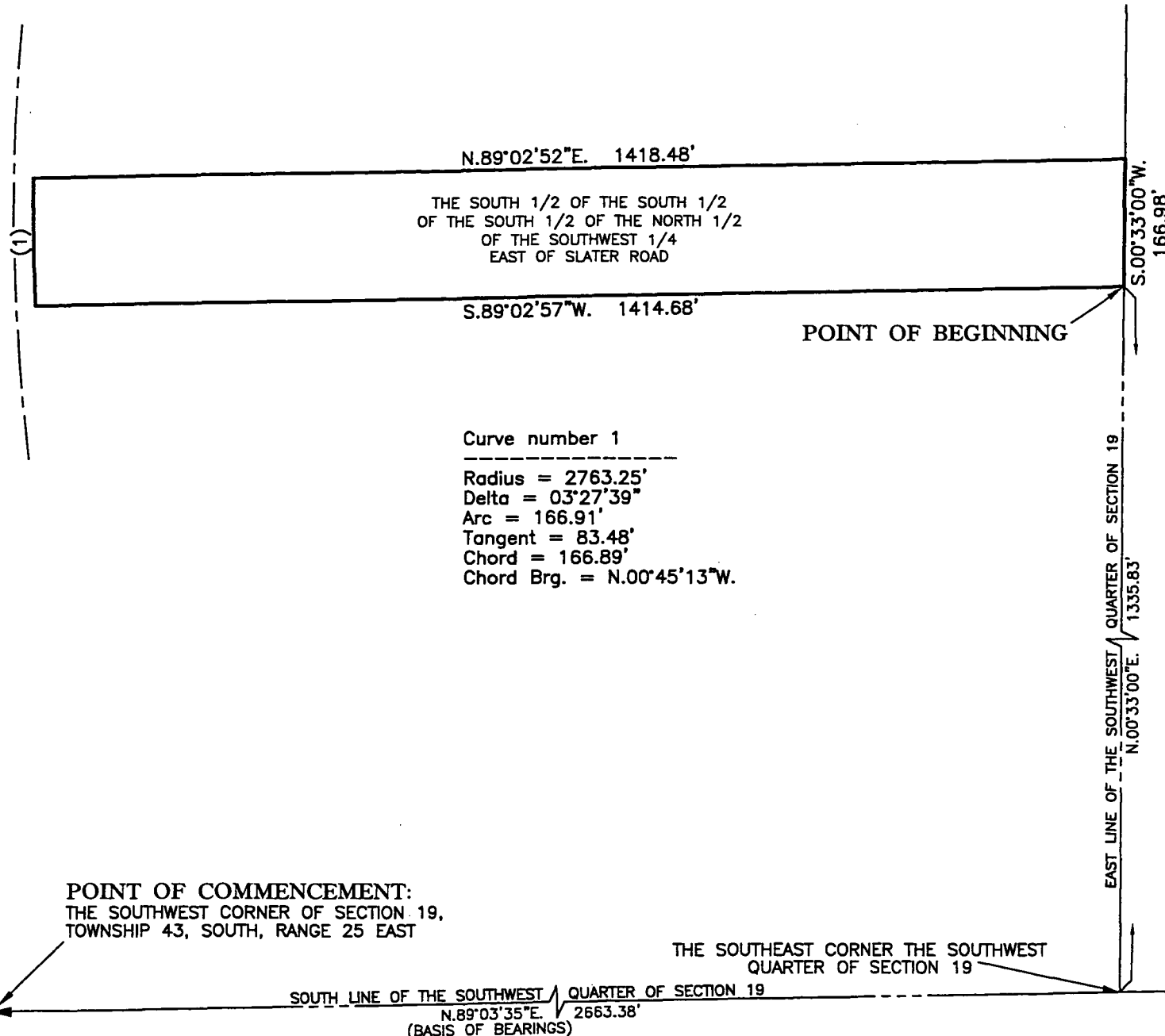
SHEET 1 OF 2

9778-5AC-DESC.doc

# 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)



Curve number 1

Radius = 2763.25'

Delta = 03°27'39"

Arc = 166.91'

Tangent = 83.48'

Chord = 166.89'

Chord Brg. = N.00°45'13"W.


POINT OF COMMENCEMENT:  
THE SOUTHWEST CORNER OF SECTION 19,  
TOWNSHIP 43, SOUTH, RANGE 25 EAST

THE SOUTHEAST CORNER THE SOUTHWEST  
QUARTER OF SECTION 19

SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 19  
N.89°03'35"E. 2663.38'  
(BASIS OF BEARINGS)



\* 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



**METRON**  
SURVEYING & MAPPING, LLC

LAND SURVEYORS-PLANNERS

LB #7071

10970 S. CLEVELAND AVE., STE. 805  
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:

DJO

(S-T-R)

19-43-25

\* SEE SHEET 1 OF 2 FOR LEGAL DESCRIPTION \*

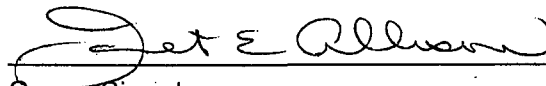
## LETTER OF AUTHORIZATION

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
<b>Total Trips (Existing Rural Designation)</b>	<b>110</b>	<b>30</b>	<b>140</b>	<b>115</b>	<b>205</b>	<b>320</b>	<b>2,840</b>

**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
<b>Total Trips (Proposed Suburban Designation)</b>	<b>100</b>	<b>35</b>	<b>135</b>	<b>155</b>	<b>235</b>	<b>390</b>	<b>3,555</b>

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
<b>Resultant Trip Change</b>	<b>-10</b>	<b>5</b>	<b>-5</b>	<b>40</b>	<b>30</b>	<b>70</b>	<b>715</b>

**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

<u>ROADWAY</u>	<u>SEGMENT</u>	<u>PCS</u>	<u>BASE YR</u>	<u>2005</u> <u>ADT</u>	<u>YRS OF</u> <u>GROWTH</u>	<u>ANNUAL</u> <u>RATE</u>	<u>2005</u>	<u>2011</u>	<u>PERCENT</u> <u>PROJECT</u>	<u>AM PROJ</u> <u>TRAFFIC</u>	<u>PM PROJ</u> <u>TRAFFIC</u>	<u>2011</u>	<u>2011</u>
							<u>PK HR</u>	<u>PK HR</u>				<u>BCKGRND</u>	<u>BCKGRND</u>
							<u>PK SEASON</u> <u>PEAK DIR.</u>	<u>PK SEASON</u> <u>PEAK DIR.<sup>2</sup></u>				<u>+ AM PROJ</u> <u>TRAFFIC</u>	<u>+ PM PROJ</u> <u>TRAFFIC</u>
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**

		<u>2011</u>	<u>2011</u>	<u>2011</u>
		<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	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, 7<sup>th</sup> 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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## Planning Community of North Fort Myers

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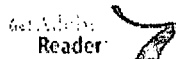
Year	Population	
	Permanent	Functional
1995	43,982	51,124
1996	43,287	54,486
1997	43,631	54,896
1998	43,939	52,262
1999	44,312	52,705
2000	44,703	53,171
2001	45,591	54,227
2002	45,934	54,635
2020*	51,574	73,080

\* Forecast

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

EXHIBIT E-1

796302



Other Uses	Allocation for Year 2020	Acreage	
		Existing	Available
<b>Commercial</b>	1158	681.9	476.1
<b>Industrial</b>	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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Use Amendments
- G. Justification of Proposed Amendment



LEE COUNTY  
SOUTHWEST FLORIDA

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

## APPLICATION FOR A COMPREHENSIVE PLAN AMENDMENT

(To be completed at time of intake)

DATE REC'D \_\_\_\_\_

REC'D BY: \_\_\_\_\_

APPLICATION FEE \_\_\_\_\_

TIDEMARK NO: \_\_\_\_\_

THE FOLLOWING VERIFIED:

Zoning ☐

Commissioner District ☐

Designation on FLUM ☐

(To be completed by Planning Staff)

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

Request No: \_\_\_\_\_

### APPLICANT PLEASE NOTE:

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

  
Signature of owner or owner-authorized agent

4/20/2006

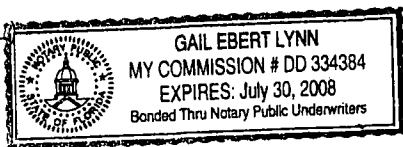
Date

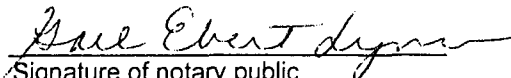
Janet E. Allison, Vice President of SW Florida Land Twelve, LLC  
Typed or printed name

STATE OF FLORIDA )  
COUNTY OF LEE )

The foregoing instrument was certified and subscribed before me this 20th day of April ~~10~~ 2006 by Janet E. Allison, who is personally known to me or who has produced personally known as identification.

(SEAL)

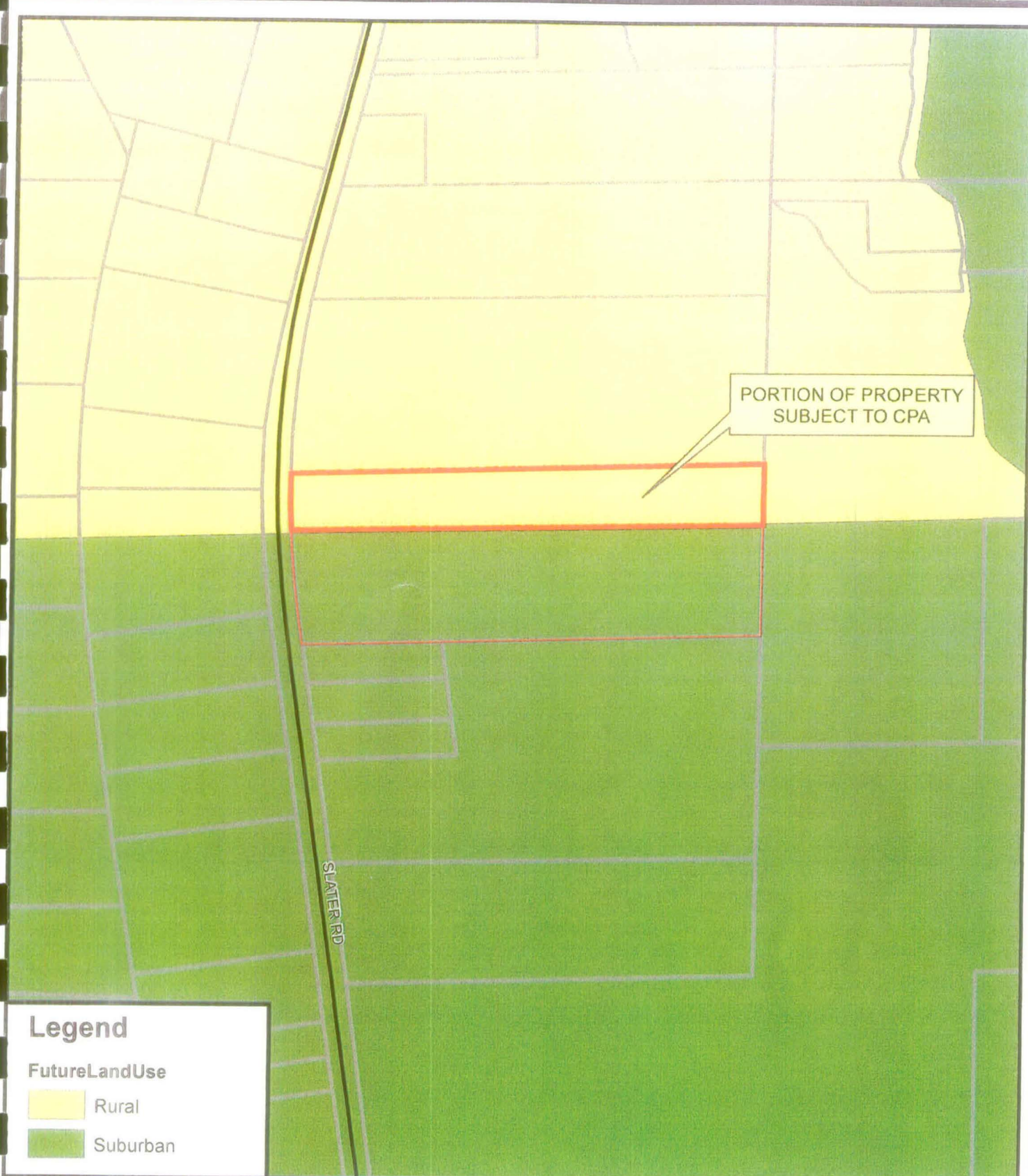


  
Signature of notary public

Gail Ebert Lynn  
Printed name of notary public

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# SECTION II



**Legend**

**FutureLandUse**

-  Rural
-  Suburban

SLATER RD

PORTION OF PROPERTY  
SUBJECT TO CPA



**Existing Future  
Land Use Map  
MAP A2a**

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

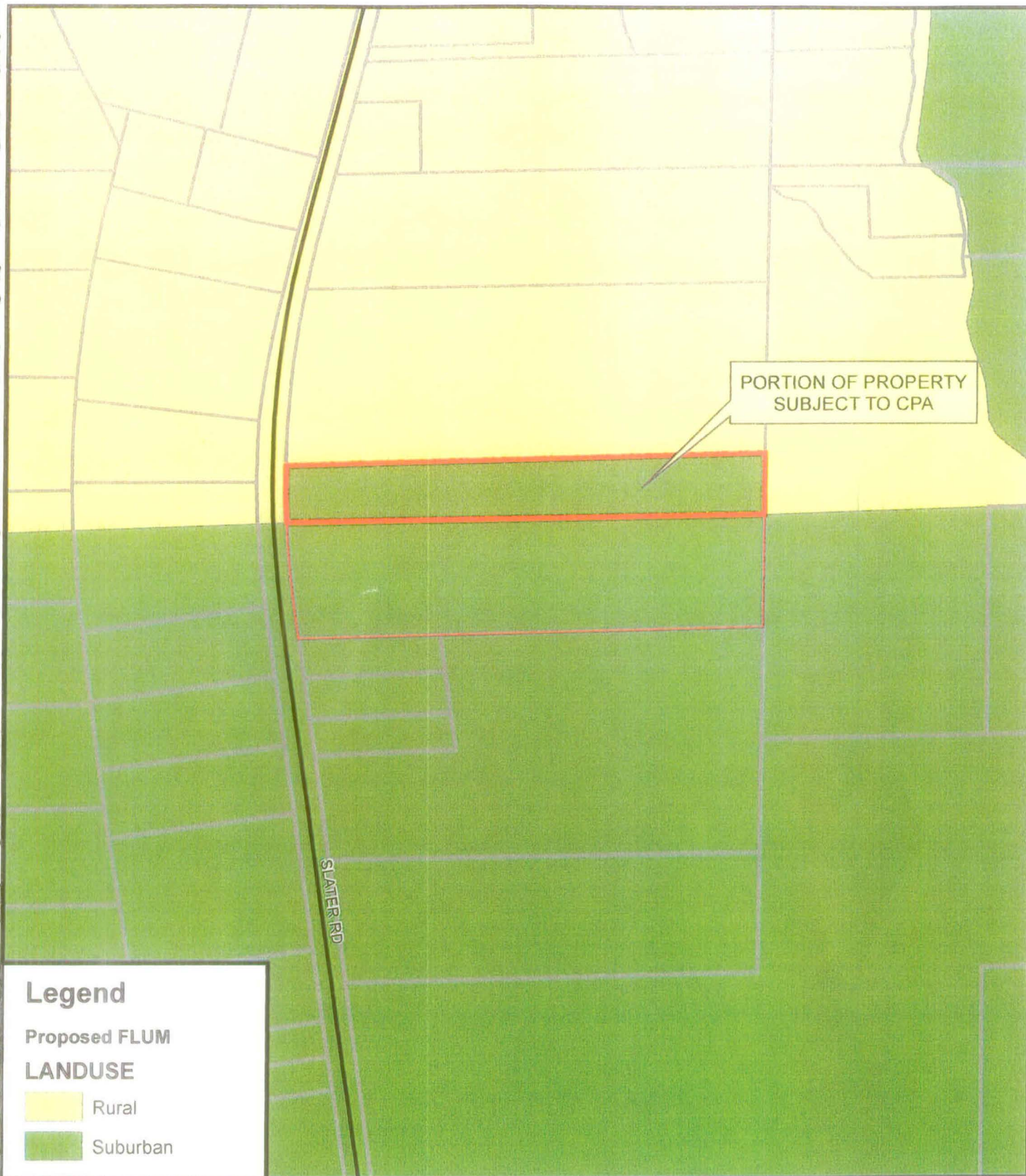
**ADELSON SMALL  
SCALE CPA**



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

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





## Legend

Proposed FLUM

LANDUSE

 Rural

 Suburban



## Proposed Future Land Use Map MAP A2b

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

400 200 0 400  
Feet



Date 03-13-06

Map Number:  
1023-01-CPA-EX2B

Project Number  
1023-01





## 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

Source: Lee County Property Appraisers Office

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

## ADELSON SMALL SCALE CPA



Date: 03-13-06

Map Number:  
1023-01-CPA-EX3

Project Number:  
1023-01



**Exhibit A3:**

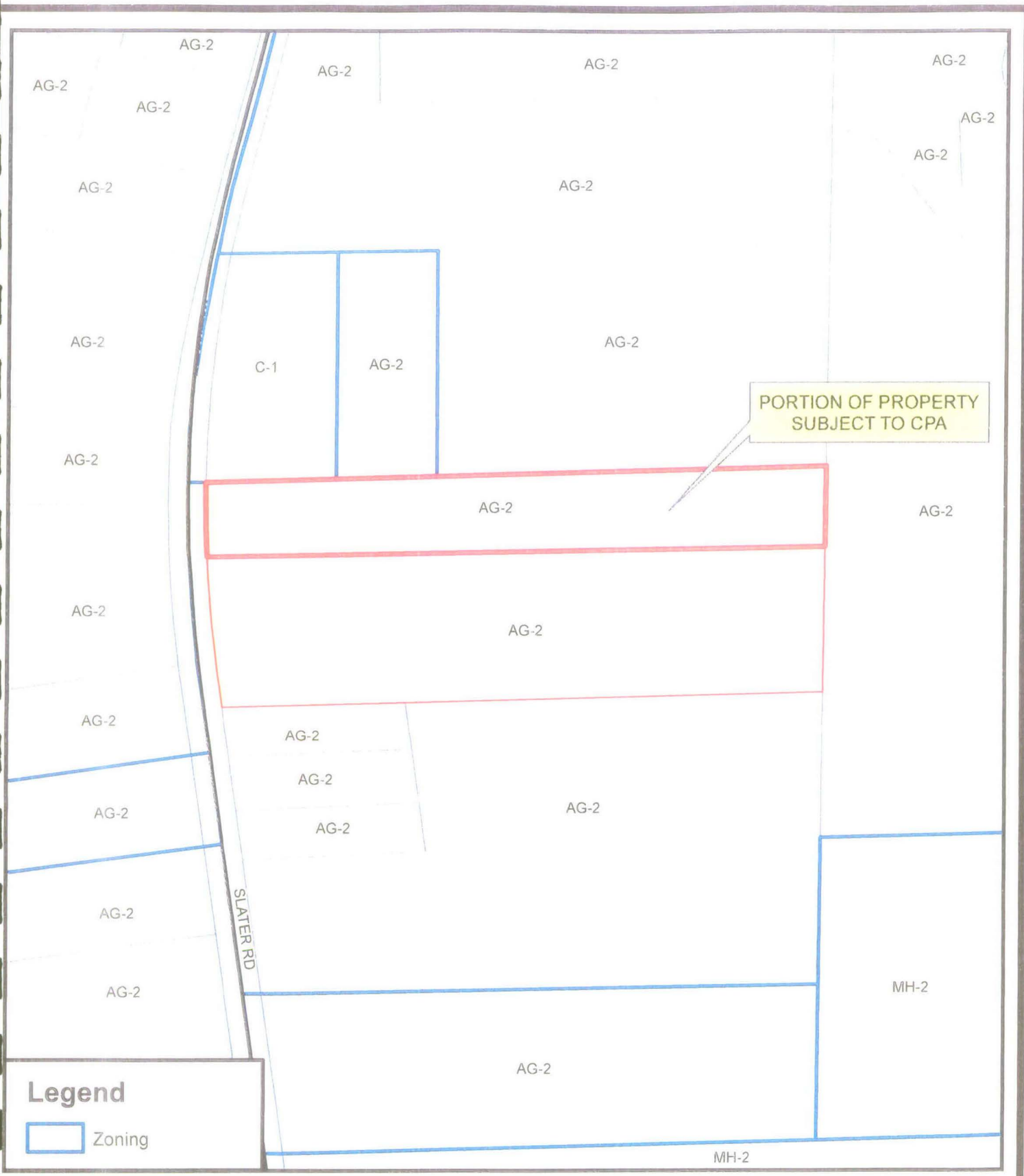
**Adelson Small-Scale CPA**



**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  $\pm 5.43$  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.





**Legend**

Zoning



**ZONING MAP**

**MAP A4**

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

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

**ADELSON SMALL  
SCALE CPA**



Date: 03-13-06

Map Number:  
1023-01-CPA-Zone

Project Number:  
1023-01

**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 preformed 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

16.90  
1575.1

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

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

INSTR # 6588130  
OR BK 84544 Pgs 3827 - 3828; (2pgs)  
RECORDED 01/04/2005 03:36:17 PM  
CHARLIE GREEN, CLERK OF COURT  
LEE COUNTY, FLORIDA  
RECORDING FEE 18.50  
DEED DOC 1,575.00  
DEPUTY CLERK T Baer

**WARRANTY DEED**

THIS WARRANTY DEED made the 7<sup>th</sup> 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.

AND the Grantor hereby covenants with the Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land; that the Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances.

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

Signed, sealed and delivered  
in our presence:

[Signature]  
Witness Signature

Maria L. Perez  
Printed Name

[Signature]  
Witness Signature

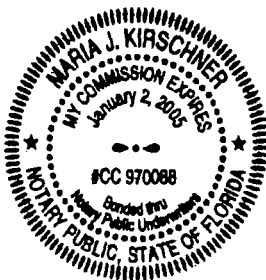
MARIA J. KIRSCHNER  
Printed Name

[Signature]  
LEE H. ADELSON

STATE OF FLORIDA           )  
  ) SS:  
COUNTY OF MIAMI-DADE    )

SWORN TO AND SUBSCRIBED before me this 7th day of December, 2004, by LEE H. ADELSON, who:

- ☐ is personally known to me;  
☒ produced his current driver's license as identification; or  
☐ produced \_\_\_\_\_ as identification.

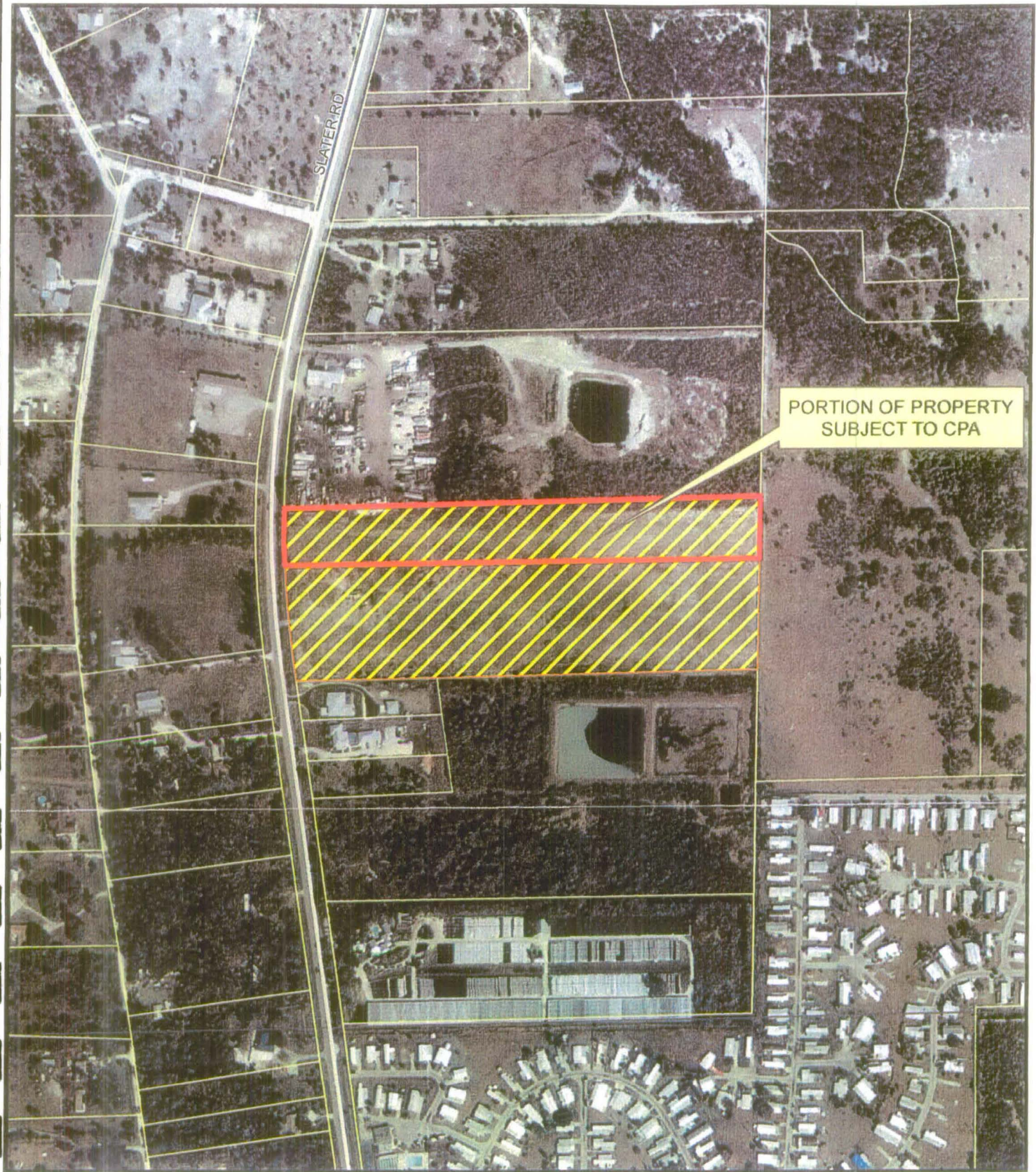


[Signature]  
Signature of Notary

MARIA J. KIRSCHNER  
Printed Name of Notary

Adelson\S.W. Fla Land Twelve.WD





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

400 200 0 400  
Feet



Date: 03-13-06

Map Number:  
1023-01-CPA-Aer

Project Number:  
1023-01



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
<b>Resultant Trip Change</b>	<b>5</b>	<b>15</b>	<b>20</b>	<b>21</b>	<b>12</b>	<b>33</b>	<b>309</b>

#### 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>	PERCENT	<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>AM PROJ</u>	<u>PM PROJ</u>	2011	2011
							PK HR	PK HR				BCKGRND	BCKGRND
							PK SEASON	PK SEASON				+ AM PROJ	+ PM PROJ
							<u>PEAK DIR.</u>	<u>PEAK DIR.<sup>2</sup></u>	<u>PROJECT</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
		BCKGRND	BCKGRND	BCKGRND
		TRAFFIC	+ AM PROJ	+ PM PROJ
		<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, 7<sup>th</sup> 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  
FORT MYERS  
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.



Feb 13 06 01:21P



# LEE COUNTY

## SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

(239) 479-8181

Writer's Direct Dial Number: \_\_\_\_\_

Bob Janes  
District One

February 13, 2006

Douglas R. St. Cerny  
District Two

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

Ray Judah  
District Three

Tammy Hall  
District Four

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

John E. Albion  
District Five

Donald D. Stilwell  
County Manager

Dear Mr. Fitzgerald:

David M. Owen  
County Attorney

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.

Diana M. Parker  
County Hearing Examiner

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.



P.O. Box 3507  
N. Ft. Myers, FL 33918-3507  
(239) 997-8654  
(239) 995-3757 fax  
[www.northfortmyersfire.com](http://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 Pye  
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](mailto:kdickerson@leegov.com)

EXHIBIT B3b

**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,

A handwritten signature in black ink, appearing to read "Randy L. Butz".

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





LEE COUNTY  
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Bob Janes  
District One

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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

(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





**BOARD OF COUNTY COMMISSIONERS**

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*

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

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](mailto: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.

<b>FLUCFCS</b>	<b>Description</b>	<b>Acreage</b>	<b>Percent of Total</b>
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.

<u>Name</u>	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.**

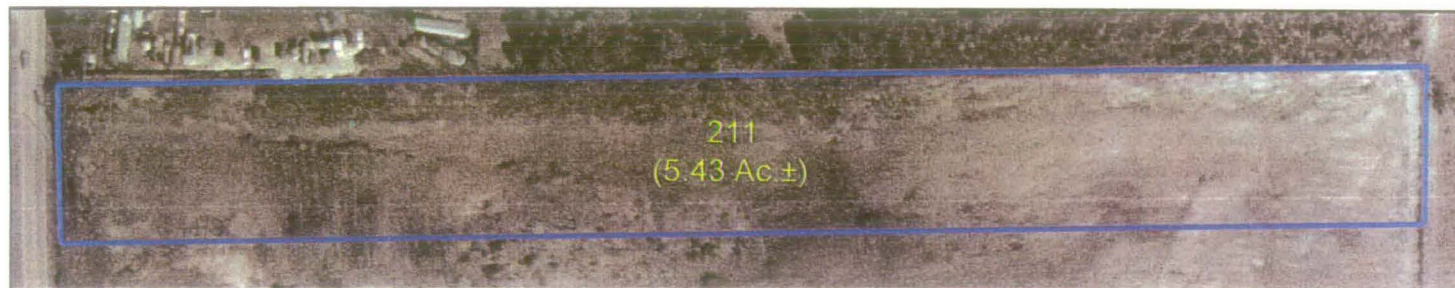
See attached Archaeological Sensitivity Map.

### **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

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## 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.






Scale: 1" = 80'

33

NRCS Soils Legend  
Code      Soil Type      Hydric\*?  
33      Oldsmar Sand      No  
\*Hydric Soils of Florida Handbook (2000)

MAP C2

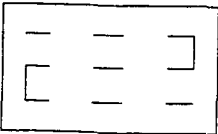
<div>Boylan Environmental Consultants, Inc. <small>Wetland &amp; Wildlife Surveys, Environmental Permitting, Impact Assessments 11000 Metro Parkway, Suite 4, Ft. Myers, 33912 (239) 418-0671</small></div> 	Drawn By: BWS	Date: 5/3/06	Category: SOILS	Adelson  NRCS Soils Map	Revisions		Date:	Page
	Job Number	2006-20	Scale: 1" = 80'					
	S/T/R	19/43S/25E	County Lee					Exhibit



Scale: 1" = 80'


211  
(5.43 Ac.±)

FLUCFCS Legend  
Code            Community  
211            Improved Pasture



PSS Transects

Boylan  
Environmental  
Consultants, Inc.



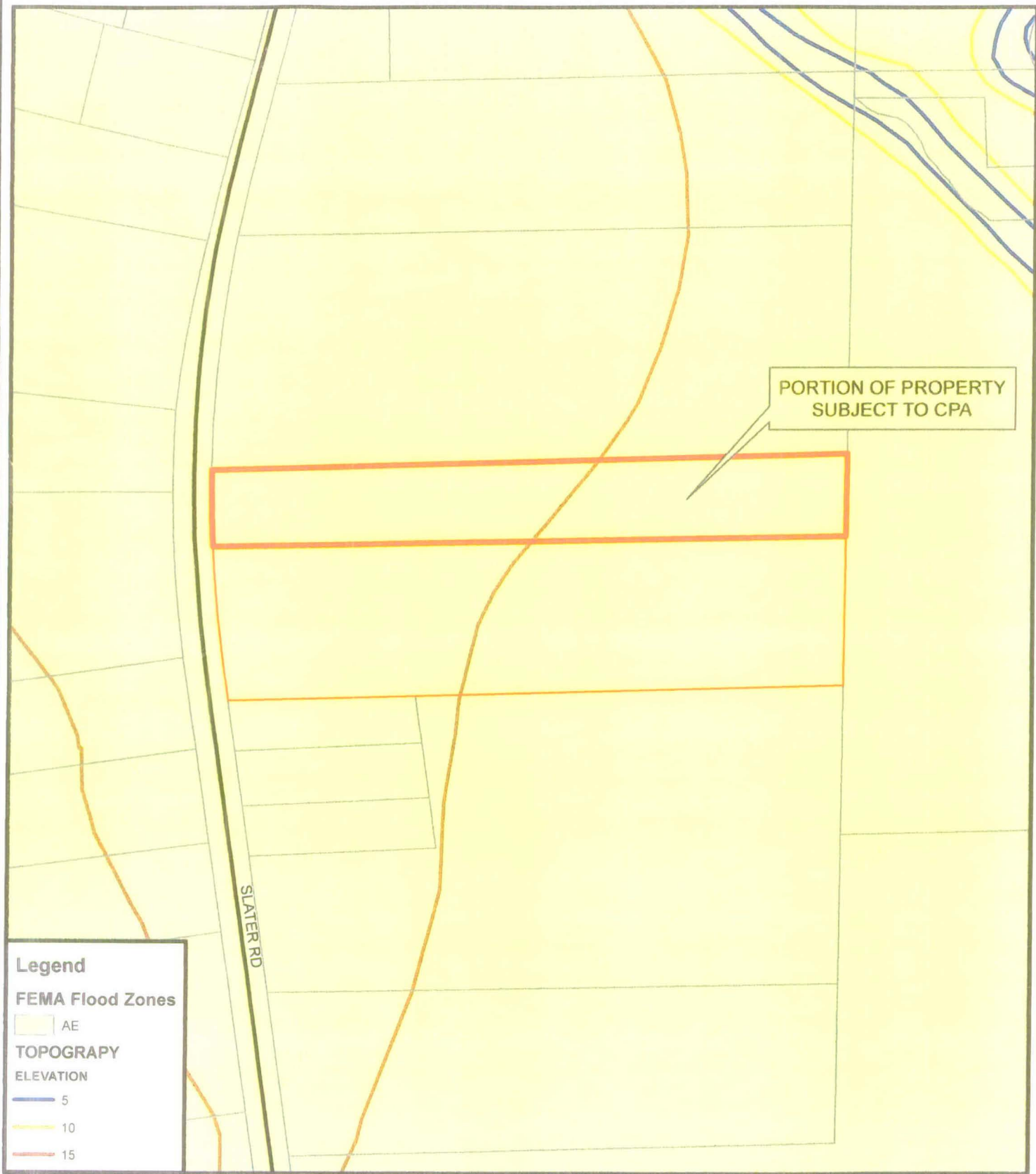
Wetland & Wildlife Surveys, Environmental Permitting,  
Impact Assessments  
11000 Metro Parkway, Suite 4, Ft. Myers, 33912 (239) 418-0671

Drawn By:	Date:	Category
BWS	5/3/06	PSS
Job Number		Scale:
2006-20		1" = 80'
S/T/R		County
19/43S/25E		Lee

Adelson  
FLUCFCS & PSS Map

Revisions	Date:	Page
		Exhibit

X:\BECIA-B Projects\Adelson(2006-20)\Comp Plan\Aerial Cropped.dwg Tab: FLUCFCS and PSS May 18, 2006 - 11:27am Plotted by: briann



**Legend**

**FEMA Flood Zones**

AE

**TOPOGRAPHY**

**ELEVATION**

5

10

15



**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**

300 150 0 300  
Feet



Date: 03-13-06

Map Number:  
1023-01-CPA-Topo

Project Number:  
1023-01

---

## 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

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## 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.

<b>FLUCFCS Code/Area</b>	<b>Potential Protected Species</b>	<b>% Surveyed</b>	<b>Species Present</b>	<b>Species Absent</b>	<b>Density (Acre)</b>	<b>Visibility (Feet)</b>
<b>211</b>	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](mailto: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

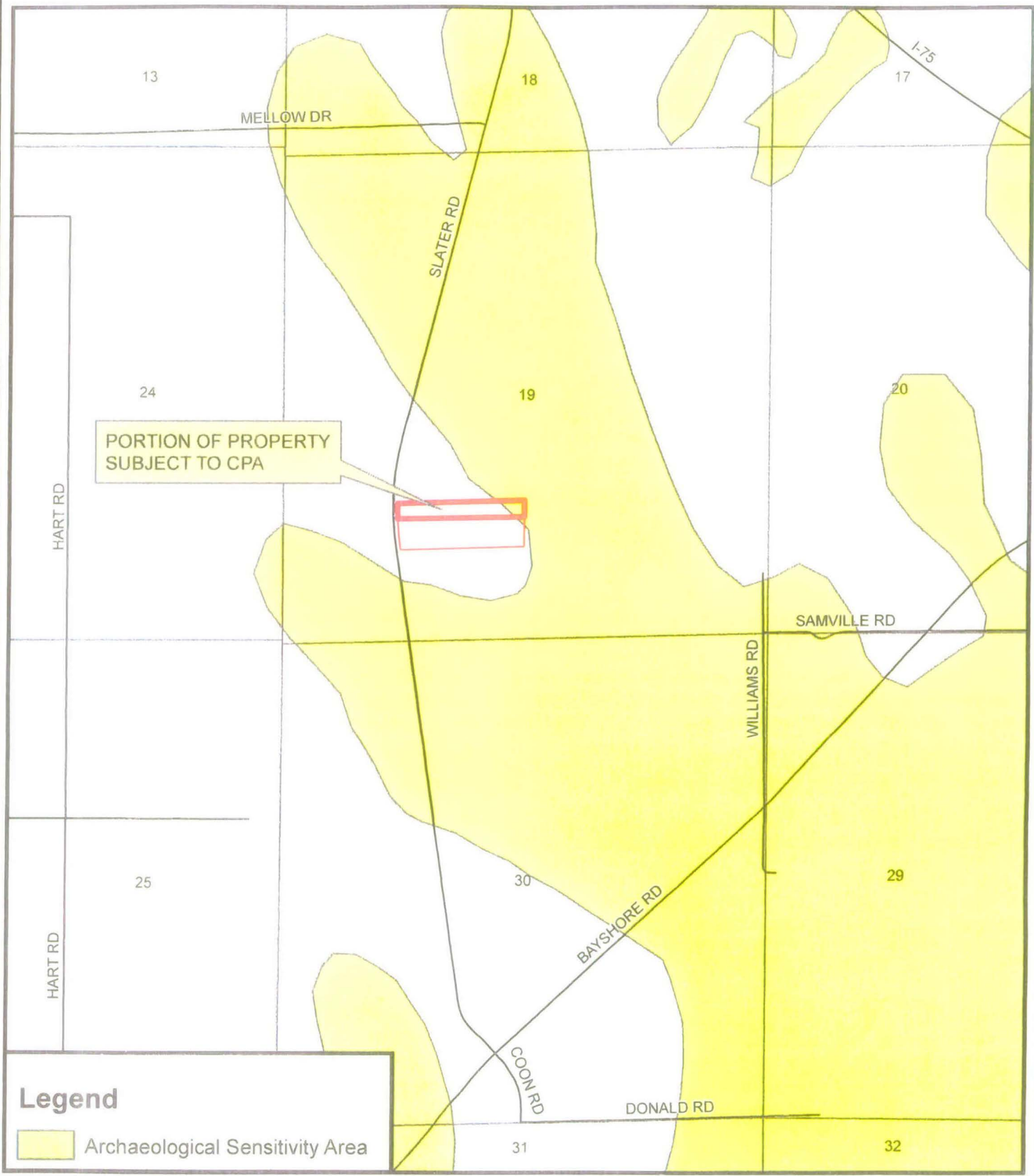
☐ Historical Museums  
(850) 245-6400 • FAX: 245-6433

☐ 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

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  $\pm 5.43$  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  $\pm 5.43$  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).



## Case Activity Listing

Case #: VEG2004-00029

4/24/2007

8:13:09AM

Description	Activity Enter Date	Target Date	Activity Completed Date	Status	Assigned To	Done By	Notes
Application Received	1/23/2004						
File Closed			1/27/2004	DONE		FLH	Closed file. Applicant wanted to clear for cows but the property is vacant res. FLH



**BOARD OF COUNTY COMMISSIONERS**

(239) 479-8548

Writer's Direct Dial Number: \_\_\_\_\_

Bob Janes  
*District One*

September 6, 2006

Douglas R. St. Cerny  
*District Two*

Stephen Sposato, AICP

Ray Judah  
*District Three*

DBS Consulting, Inc.

Tammy Hall  
*District Four*

4450 Camino Real Way

John E. Albion  
*District Five*

Fort Myers, Florida 33912

Donald D. Stilwell  
*County Manager*

RE: CPA 2006-04, Adelson Small Scale Amendment

Diana M. Parker  
*County Hearing Examiner*

Dear Stephen:

The Planning Division has reviewed your application for the above-referenced Lee Plan amendment, and finds that additional information is needed before the application may be found sufficient for review. Please provide a letter from the property owner authorizing you and any other consultants to represent them in this matter. Planning staff has several issues with the submitted legal description for the proposed plan amendment, as well as with the legal description for the parent parcel as described on the Warranty Deed. Planning staff has attached a plot of the descriptions as mapped.

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.

The following comments pertain to Part IV of the application:

- A.5. & 6. Please address the issues as identified above.
- B.1. Additional comments may be forthcoming after LCDOT re-reviews the application given the revisions to Part III E. 1. & 2. As noted above.
- E.1. The discussion should be expanded to include the inventoried acreage. This information is available on the Lee County Department of Community Developments web page.

If I can be of any assistance or if you have any questions, please do not hesitate to call me at 479-8548.

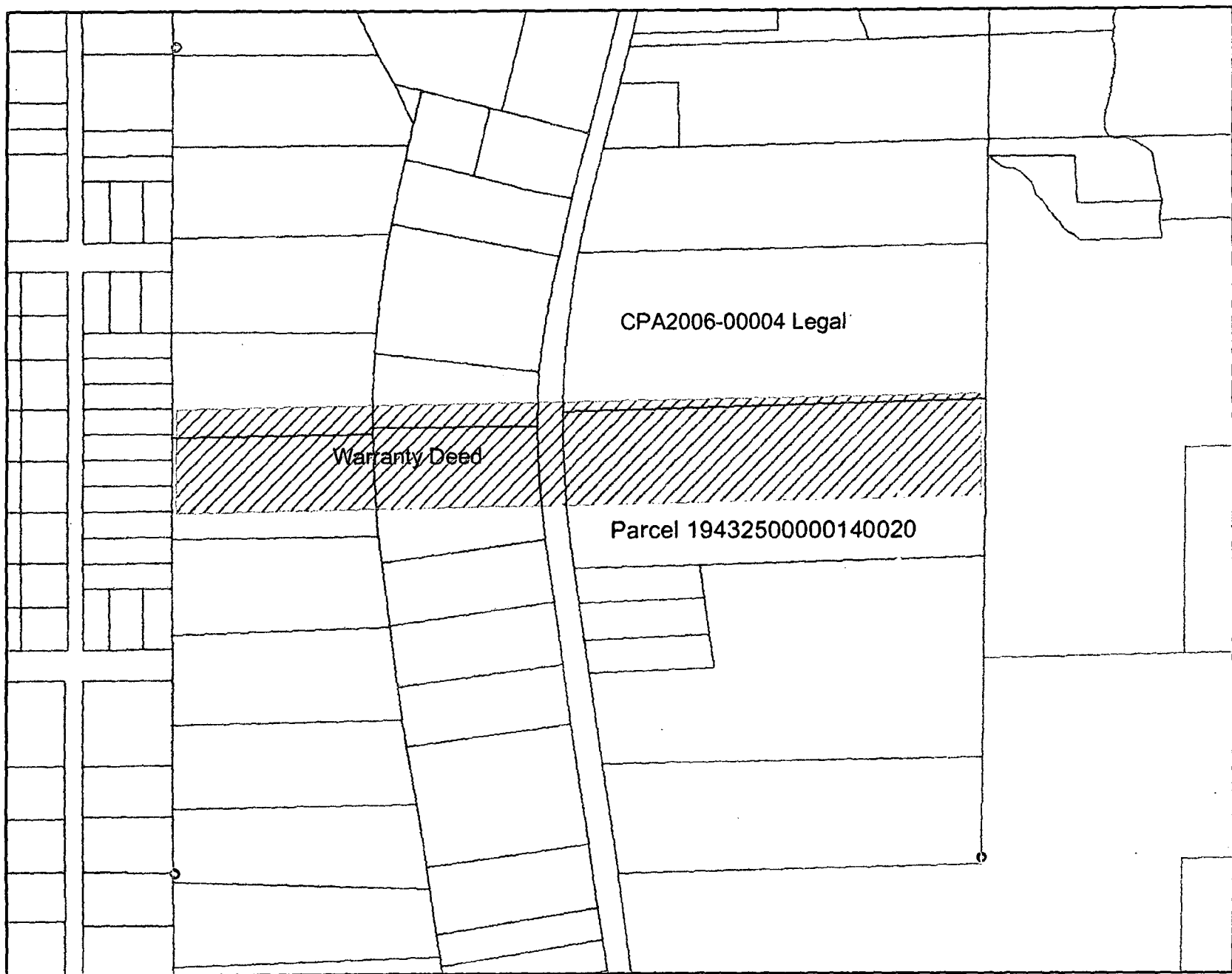
Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT, DIVISION OF PLANNING

A handwritten signature in black ink, appearing to read 'Matthew A. Noble', with a stylized, cursive script.

Matthew A. Noble, AICP  
Principal Planner

*cc: Planning file: CPA2006-04*



**Gaither, Wayne**

---

**From:** Wu, Lili  
**Sent:** Friday, June 16, 2006 2:31 PM  
**To:** Gaither, Wayne  
**Cc:** Loveland, David M.; Getch, Andrew J.  
**Subject:** CPA2006-00004 (Adelson)

Wayne:

We have reviewed the above application which requests that the land use designation of approximately 5.43 acres be changed from "Rural" to "Suburban". The information of maximum allowable development under existing and proposed FLUM submitted by the applicant is only for the use of residential. We need the information of maximum allowable development for commercial and industrial under existing and proposed FLUM for a worse case study. Please let me know if you have any questions.

Wu

6/16/2006



**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 33912  
P (239) 226-0024  
F (239) 226-0094**

**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 33912**  
**P (239) 226-0024**  
**F (239) 226-0094**

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**LEE COUNTY**  
SOUTHWEST FLORIDA

**RECEIVED**  
MAY 30 2006

**PERMIT COUNTER**

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

## APPLICATION FOR A COMPREHENSIVE PLAN AMENDMENT

(To be completed at time of intake)

DATE REC'D 5/30/2006

REC'D BY: CWM

APPLICATION FEE <sup>\$</sup>1500.00

TIDEMARK NO: CPA 2006-00004

**THE FOLLOWING VERIFIED:**

Zoning ☐ AG-2 ☐ Suburban ☐ Rural ☒ Commissioner District ☒ 4

Designation on FLUM ☐ Suburban 64.51%  
☐ Rural 35.49%

(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]  
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.

  
Signature of owner or owner-authorized agent

4/20/2006

Date

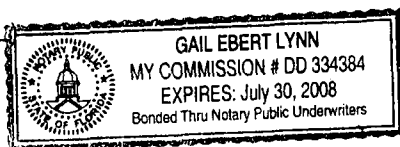
Janet E. Allison, Vice President of SW Florida Land Twelve, LLC

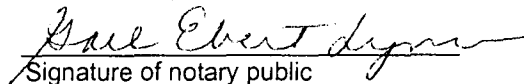
Typed or printed name

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)

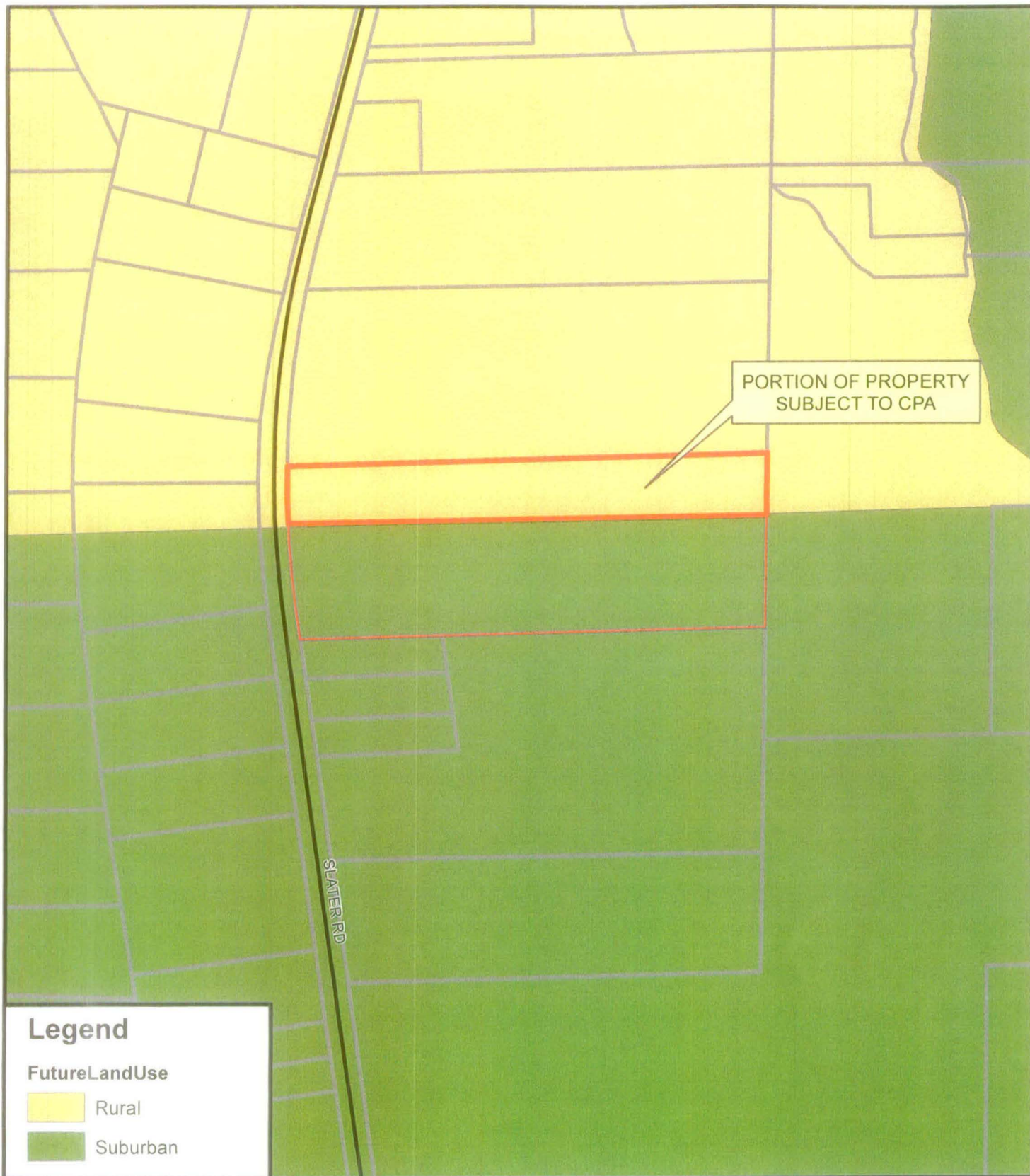


  
Signature of notary public

Gail Ebert Lynn

Printed name of notary public





## Legend

### Future Land Use

 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

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

## ADELSON SMALL SCALE CPA

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Feet

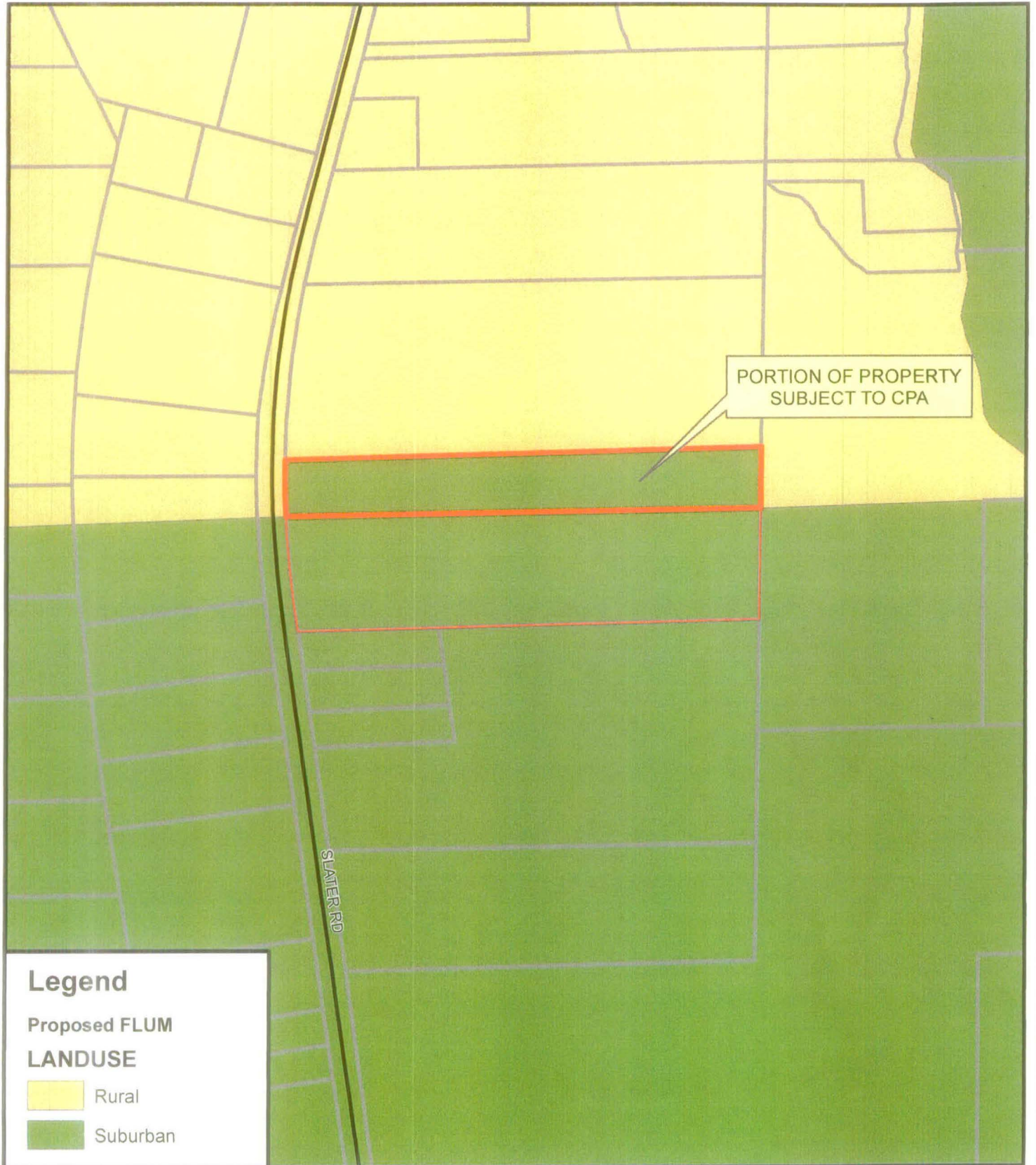


Date: 03-13-06

Map Number:  
1023-01-CPA-EX2A

Project Number:  
1023-01





## Legend

### Proposed FLUM LANDUSE

- Rural
- Suburban



## Proposed Future Land Use Map MAP A2b

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

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

## ADELSON SMALL SCALE CPA

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Feet

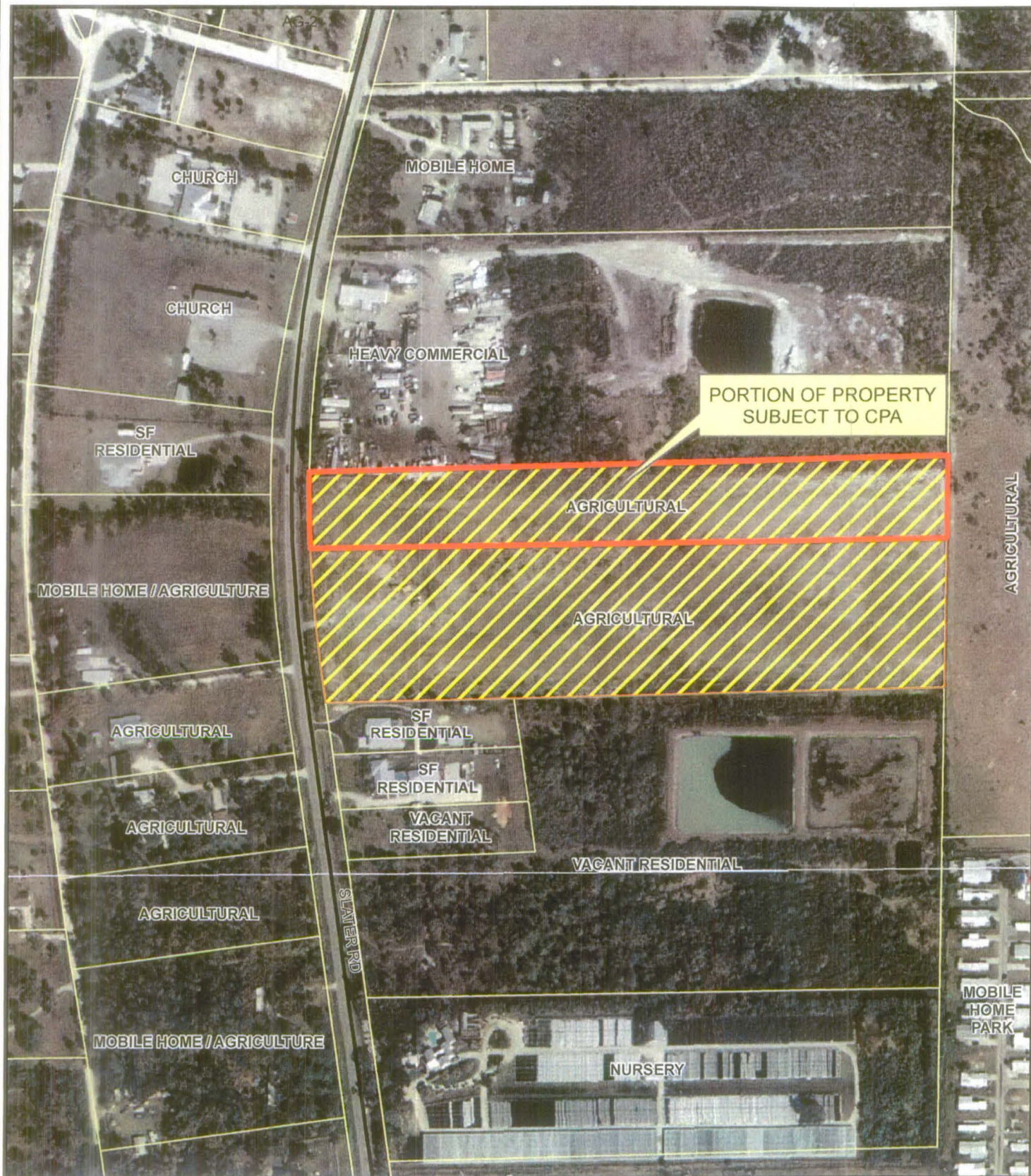


Date: 03-13-06

Map Number:  
1023-01-CPA-EX2B

Project Number:  
1023-01





## 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

Source: Lee County Property Appraisers Office

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

## ADELSON SMALL SCALE CPA

300 150 0 300  
Feet



Date: 03-13-06

Map Number:  
1023-01-CPA-EX3

Project Number:  
1023-01



## 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  $\pm 5.43$  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.



### Legend

Zoning



## ZONING MAP

MAP A4

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

300 150 0 300  
Feet



Date: 03-13-06

Map Number:  
1023-01-CPA-Zone

Project Number:  
1023-01

**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 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.

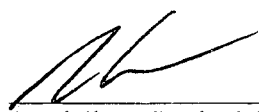
Subject parcel containing 5.431 Acres more or less.

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  
1575.1



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

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

INSTR # 6588130  
OR BK 04544 Pgs 3827 - 3828; (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

**WARRANTY DEED**

THIS WARRANTY DEED made the 2<sup>nd</sup> 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.

AND the Grantor hereby covenants with the Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land; that the Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances.

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

Signed, sealed and delivered  
in our presence:

[Signature]  
Witness Signature

Olga L. Perez  
Printed Name

[Signature]  
Witness Signature

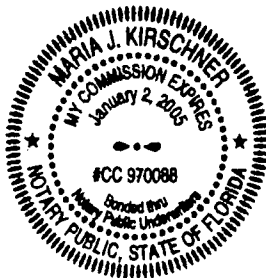
MARIA J. KIRSCHNER  
Printed Name

[Signature]  
LEE H. ADELSON

STATE OF FLORIDA            )  
  )   SS:  
COUNTY OF MIAMI-DADE    )

SWORN TO AND SUBSCRIBED before me this 7<sup>th</sup> day of December, 2004, by **LEE H. ADELSON**, who:

- ☐ is personally known to me;  
☒ produced his current driver's license as identification; or  
☐ produced \_\_\_\_\_ as identification.



[Signature]  
Signature of Notary

MARIA J. KIRSCHNER  
Printed Name of Notary

Adelson\S.W.FlaLandTwelve.WD





## 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

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

## ADELSON SMALL SCALE CPA

400 200 0 400  
Feet



Date: 03-13-06

Map Number:  
1023-01-CPA-Aer

Project Number:  
1023-01





## 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
<b>Resultant Trip Change</b>	<b>5</b>	<b>15</b>	<b>20</b>	<b>21</b>	<b>12</b>	<b>33</b>	<b>309</b>

**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)**

<b>Land Use Category</b>	<b>Intensity</b>
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)**

<b>Land Use Category</b>	<b>Intensity</b>
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</u> <u>CLASS</u>	<u>LOS A</u> <u>VOLUME</u>	<u>LOS B</u> <u>VOLUME</u>	<u>LOS C</u> <u>VOLUME</u>	<u>LOS D</u> <u>VOLUME</u>	<u>LOS E</u> <u>VOLUME</u>	PERCENT		
								PROJECT TRAFFIC	PROJECT TRAFFIC	PROJ/ LOS C
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

ROADWAY	SEGMENT	PCS	ADT	ADT	YRS OF GROWTH	ANNUAL RATE	2005	2011	PERCENT PROJECT TRAFFIC	AM PROJ TRAFFIC	PM PROJ TRAFFIC	2011	2011
							PK HR	PK HR				BCKGRND	BCKGRND
							PK SEASON	PK SEASON				+ AM PROJ TRAFFIC	+ PM PROJ TRAFFIC
							PEAK DIR.	PEAK DIR. <sup>2</sup>					
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
		BCKGRND	BCKGRND	BCKGRND
		TRAFFIC	+ AM PROJ	+ PM PROJ
		LOS	LOS	LOS
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, 7<sup>th</sup> 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

## SOUTH WEST FLORIDA

### BOARD OF COUNTY COMMISSIONERS

(239) 479-8181

Writer's Direct Dial Number: \_\_\_\_\_

Bob Janes  
District One

February 13, 2006

Douglas R. St. Cerny  
District Two

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

Ray Judah  
District Three

Tammy Hall  
District Four

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

John E. Albion  
District Five

Donald D. Stilwell  
County Manager

Dear Mr. Fitzgerald:

David M. Owen  
County Attorney

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.

Diana M. Parker  
County Hearing Examiner

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.



P.O. Box 3507  
N. Ft. Myers, FL 33918-3507  
(239) 997-8654  
(239) 995-3757 fax  
[www.northfortmyersfire.com](http://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 Pye  
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](mailto:kdickerson@leegov.com)

EXHIBIT B3b

**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,

A handwritten signature in black ink, appearing to read "Randy L. Butts".

Randy L. Butts, 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  
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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**

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*District Four*

John E. Albion  
*District Five*

Donald D. Stilwell  
*County Manager*

David M. Owen  
*County Attorney*

Diana M. Parker  
*County Hearing Examiner*

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

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](mailto: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.

<b>FLUCFCS</b>	<b>Description</b>	<b>Acreage</b>	<b>Percent of Total</b>
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.

<u>Name</u>	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.**

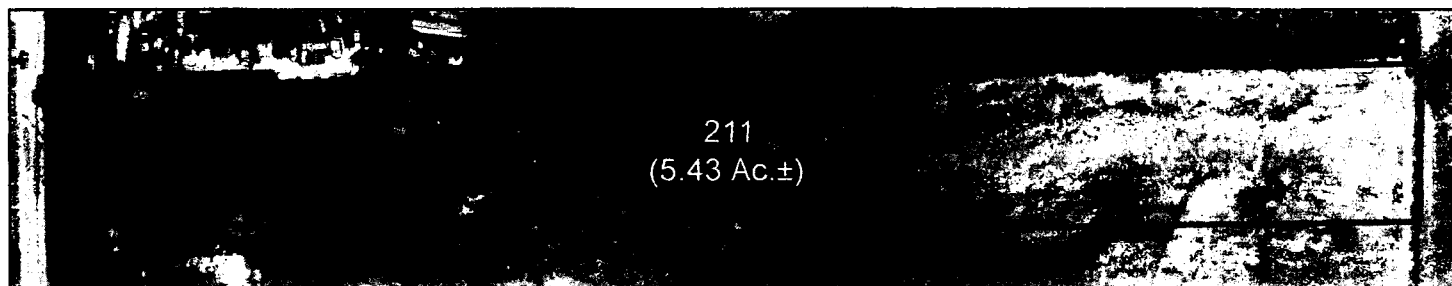
See attached Archaeological Sensitivity Map.

### **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

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## ADELSON COMP PLAN

---

### SOILS DESCRIPTION

Prepared by:

**Boylan**  
**E**nvironmental  
**C**onsultants, 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.



Scale: 1" = 80'

33

NRCS Soils Legend

Code	Soil Type	Hydric*?
33	Oldsmar Sand	No

\*Hydric Soils of Florida Handbook (2000)

MAP C2

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	SOILS
Job Number		Scale:
2006-20		1" = 80'
S/T/R		County
19/43S/25E		Lee

Adelson

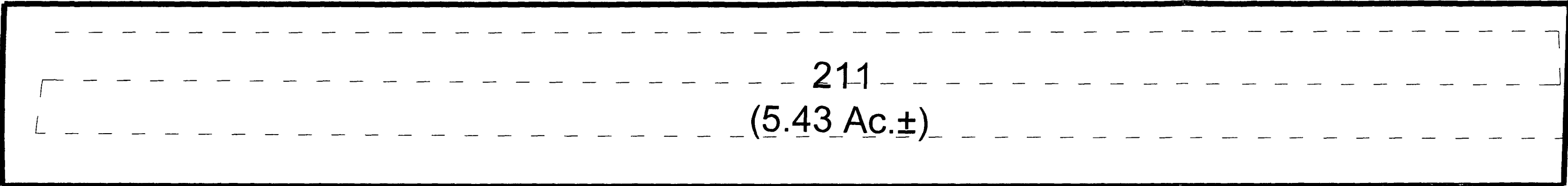
NRCS Soils Map

Revisions	Date:	Page
		Exhibit

X:\BECIA-B Projects\Adelson (2006-20)\Comp Plan\Aerial Cropped.dwg Tab: FLUCFCS and PSS (2) May 18, 2006 - 11:30am Plotted by: brianm

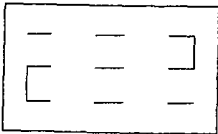


Scale: 1" = 80'




FLUCFCS Legend

Code            Community  
211            Improved Pasture



PSS Transects

X:\BECIA-B Projects\Adelson\2006-20\Comp Plan\Aerial Cropped.dwg Tab: FLUCFCS and PSS May 18, 2006 - 11:27am Plotted by: brianm

<div>Boylan Environmental Consultants, Inc. <small>Wetland &amp; Wildlife Surveys, Environmental Permitting, Impact Assessments 11000 Metro Parkway, Suite 4, Ft. Myers, 33912 (239) 418-0671</small></div> 	Drawn By: BWS	Date: 5/3/06	Category: PSS	Adelson FLUCFCS & PSS Map	Revisions	Date:	Page
	Job Number		Scale:				
	2006-20		1" = 80'				
	S/T/R		County				Exhibit
	19/43S/25E		Lee				

---

## **Adelson**

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

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### **Protected Species Survey**



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

May 17, 2006

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**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**

<b>Survey Date</b>	<b>Survey Time</b>	<b>Weather Conditions</b>
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.

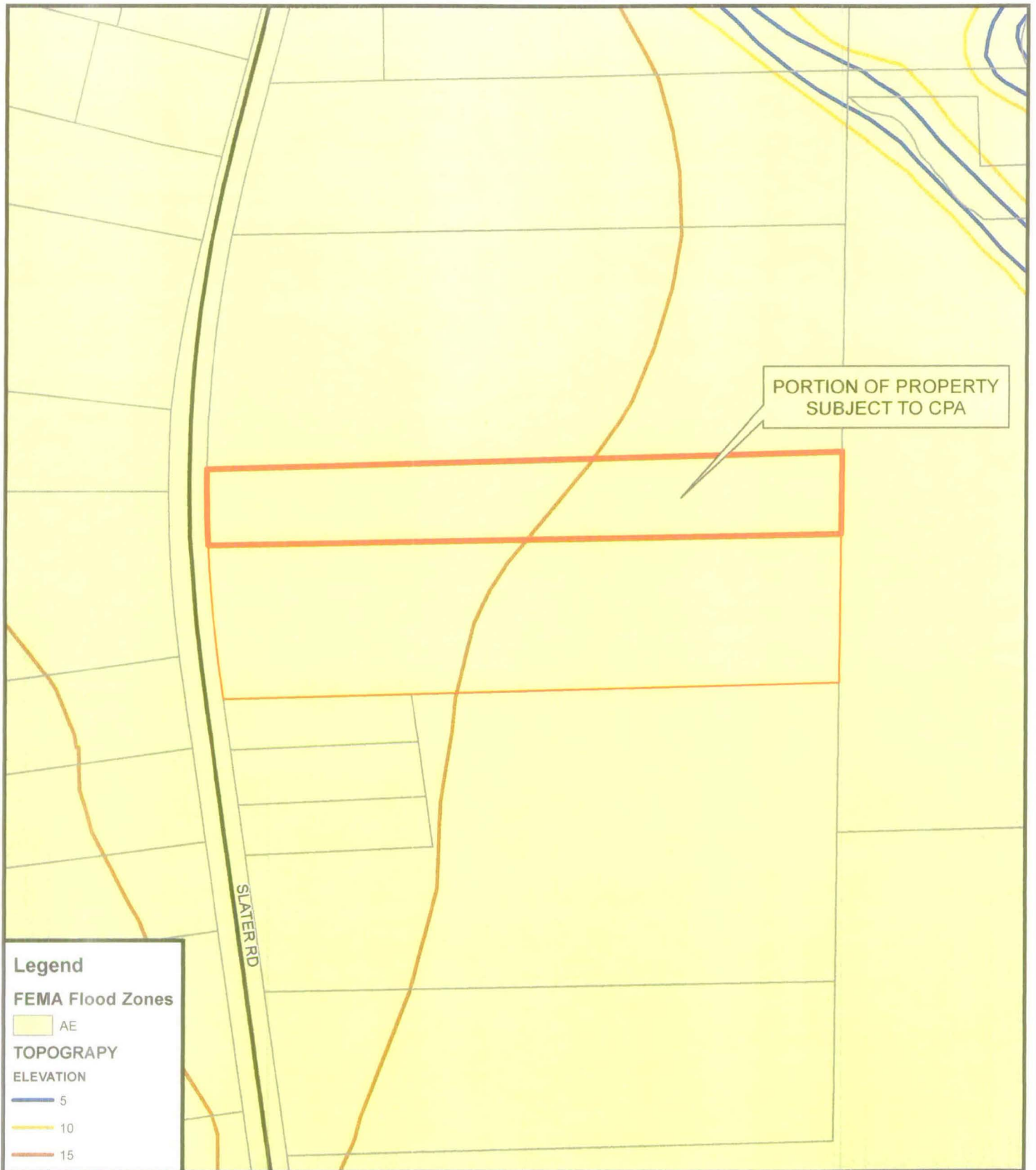
#### DISCUSSION

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.

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



### Legend

#### FEMA Flood Zones

AE

#### TOPOGRAPHY

#### ELEVATION

5  
10  
15



## 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

300 150 0 300  
Feet



Date: 03-13-06

Map Number:  
1023-01-CPA-Topo

Project Number:  
1023-01





## **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](mailto: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

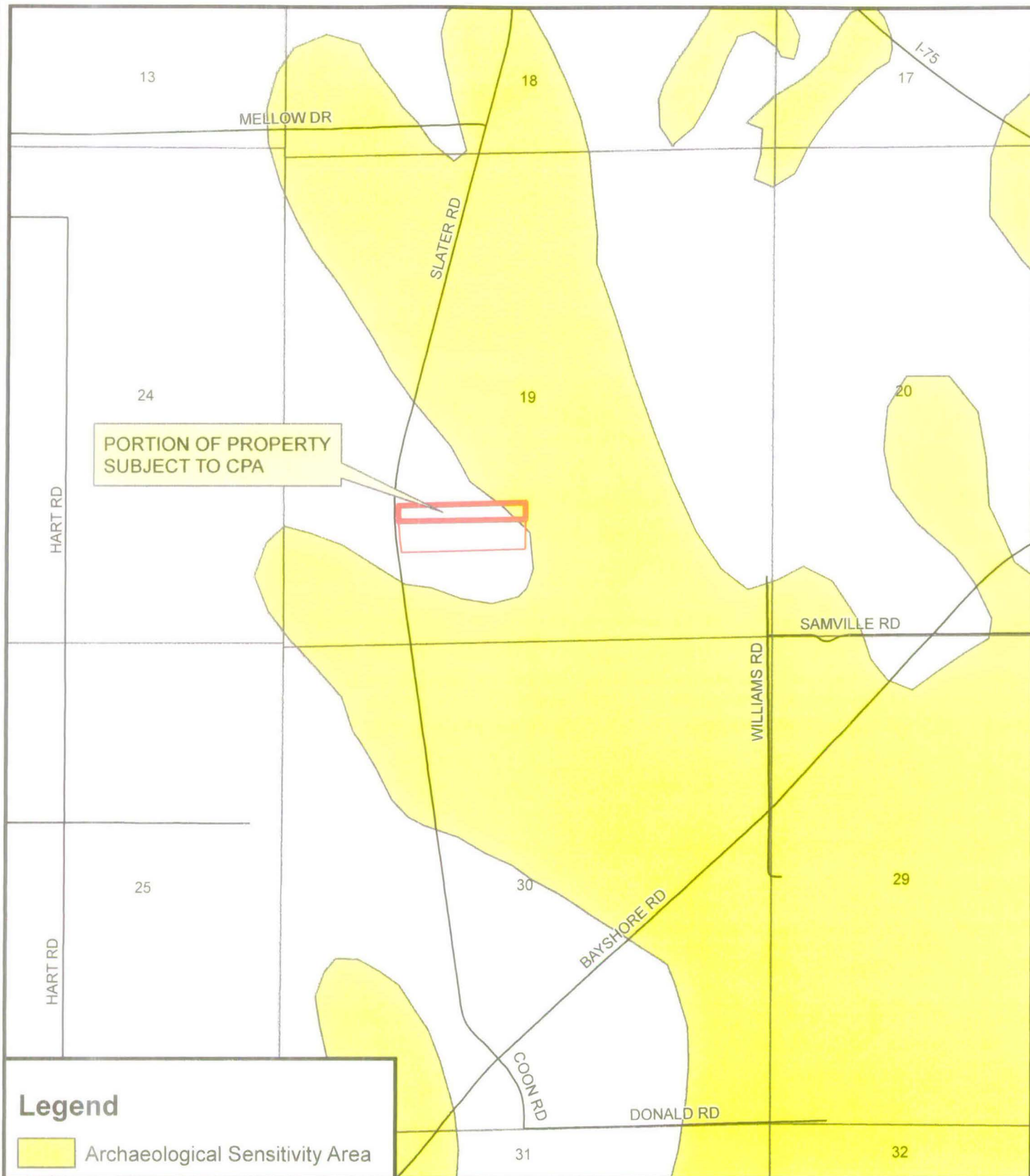
☐ Historical Museums  
(850) 245-6400 • FAX: 245-6433

☐ 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



## 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

1,500 750 0 1,500  
Feet



Date: 03-13-06

Map Number:  
1023-01-CPA-EXD2

Project Number:  
1023-01

**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  $\pm 5.43$  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).

## Gaither, Wayne

---

**From:** Daltry, Wayne E.  
**Sent:** Tuesday, June 20, 2006 2:57 PM  
**To:** Gaither, Wayne  
**Subject:** RE: Comprehensive Plan Amendment (CPA2006-00004) Adelson

Hello Wayne

Well, it is small scale. Other than that, though, no compelling reason was given for changing the plan. Has the County any background information that would indicate any inefficient use of the public facilities that would make more development appropriate? Will the project satisfy any missing component of the community identified by any analysis of staff or the community?

It is always a tough call for these "squaring off" proposals, but all that really does is make the next piece a logical place for a change, to be consistent with the higher density piece etc etc. The 2030 MPO Plan allocated densities and intensities, and unless the TAZ this parcel falls in is lacking the density to make the forecast work, there seems to be no public estimation of need.

Wayne Daltry, FAICP  
 Director, Smart Growth  
 239-335-2840  
 fx -335-2262

---

**From:** Gaither, Wayne W.  
**Sent:** Tuesday, June 13, 2006 3:28 PM  
**To:** tpnfmfd@yahoo.com; Wu, Lili ; Bergquist, W.; Boutelle, Stephen J.; Campbell, George G.; Carroll, Charles M.; Collins, Donna Marie ; Daltry, Wayne E.; Eckenrode, Peter J.; Hansen, Hans C.; Horner, Bill; Houck, Pamela E.; Jones, Timothy J.; Joyce, Rick K.; Lavender, James H.; Liddblad, Ellen; Loveland, David M.; Myers, Steve L.; Newman, William T.; Ottolini, Roland E.; Pavese, Michael P.; Richardson, Nettie M.; Roberts, Rickey G.; Sampson, Lindsey J.; Smith, Regina Y.; Trebatoski, Kim; Velez, Sergio I.; Wilson, John; Yarbrough, John H.; Zettel, Mary S.  
**Subject:** Comprehensive Plan Amendment (CPA2006-00004) Adelson

Distribution List:

*John Wilson, Lee County Public Safety*  
*Chris Hansen, Lee County Public Safety, EMS*  
*W. Bergquist, Lee County Sheriff's Office*  
*Roland E. Ottolini, Lee County Natural Resources Management*  
*Steve Boutelle, Lee County Natural Resources*  
*Steven Myers, Lee Tran*  
*John Yarbrough, Lee County Parks & Recreation*  
*David Berra, Lee County Parks & Recreation*  
*Roger Clark, Lee County Parks & Recreation*  
*Ellen Liddblad, Lee County School Board*  
*Dave Loveland, Lee County Division of Transportation*  
*Lili Wu, Lee County Division of Transportation*  
*Brad Vance, Lee County, Natural Resources*  
*Mike Carroll, Lee County Development Services*  
*Rick Joyce, Lee County Division of Planning, Environmental Sciences*  
*Lindsey Sampson, Lee County Solid Waste*  
*Bill Newman, Lee County Solid Waste*  
*Bill Horner, Lee County Port Authority*  
*Regina Smith, Lee County Economic Development*  
*Kim Trebatoski, Lee County Division of Planning, Environmental Sciences*

*Gerald Campbell, Lee County Public Safety, Emergency Management*  
*Susan Noe, Lee County, Economic Development*  
*Robert Stewart, Lee County, Building Official*  
*Jim Lavender, Lee County Public Works*  
*Howard Wegis, Lee County Utilities*  
*Ivan Velez, Lee County Utilities*  
*Pam Houck, Lee County Zoning*  
*Nettie Richardson, Lee County Zoning*  
*Pete Eckenrode, Lee County Development Services*  
*Michael Pavese, Lee County Public Works*  
*Wayne Daltry, Lee County Smart Growth*  
*Mary Zettel, DCD/Code Enforcement*  
*Rick Roberts, DCD/Code Enforcement*  
*Tim Jones, Chief Assistant, County Attorney's Office*  
*Donna Marie Collins, Assistant, County Attorney's Office*  
*Chief Terry Pye, North Fort Myers Fire District*

June 13, 2006

Public Service/Review Agencies

1st e-mail

**RE: CPA2006-00004 –Adelson (Map Amendment)**

19-43-25-00-00014.0020

Planning Division staff requests your agencies/departments help in reviewing the above referenced Lee Plan Amendment. The applicant is proposing a Map amendment to change the Future Land Use Map (FLUM) designation.

Planning staff requests that your agency help determine the sufficiency of the proposed plan amendment application for review. If you can identify any deficiencies in the information provided, need clarification on the subject matter, or if you find the application sufficient for review, please provide these comments to us by **June 30, 2006**. A letter is being drafted to submit any additional data requests to the applicant and your input concerning the potential impacts to your agency is important.

The application can be found using the following link:

<http://www.lee-county.com/dcd/PlanAmendments/SmallScale/CPA200604A1.pdf>

If you have any questions, please feel free to contact Wayne Gaither at:

479-8567  
wgaither@leegov.com



**Gaither, Wayne**

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**From:** Wu, Lili  
**Sent:** Friday, June 16, 2006 2:31 PM  
**To:** Gaither, Wayne  
**Cc:** Loveland, David M.; Getch, Andrew J.  
**Subject:** CPA2006-00004 (Adelson)

Wayne:

We have reviewed the above application which requests that the land use designation of approximately 5.43 acres be changed from "Rural" to "Suburban". The information of maximum allowable development under existing and proposed FLUM submitted by the applicant is only for the use of residential. We need the information of maximum allowable development for commercial and industrial under existing and proposed FLUM for a worse case study. Please let me know if you have any questions.

Wu

**Gaither, Wayne**

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**From:** Hansen, Hans C.  
**Sent:** Wednesday, June 14, 2006 11:37 AM  
**To:** Gaither, Wayne W.  
**Cc:** Dickerson, Kim; Lepley, Dorea V.; Wilson, John  
**Subject:** RE: Comprehensive Plan Amendment (CPA2006-00004) Adelson

Wayne:

I have reviewed the document link (PDF) and find that it is sufficiently been reviewed and documented regarding EMS issues. If we can be of any further service, please contact me or Dep. Chief Dickerson directly.

Regards,

Chief Chris Hansen  
Deputy Director  
Lee County Public Safety  
[CHRISH@leegov.com](mailto:CHRISH@leegov.com)  
239-335-1604 Office  
239-335-1675 Fax

---

**From:** Gaither, Wayne W.  
**Sent:** Tuesday, June 13, 2006 3:28 PM  
**To:** tpnfmfd@yahoo.com; Wu, Lili ; Bergquist, W.; Boutelle, Stephen J.; Campbell, George G.; Carroll, Charles M.; Collins, Donna Marie ; Daltry, Wayne E.; Eckenrode, Peter J.; Hansen, Hans C.; Horner, Bill; Houck, Pamela E.; Jones, Timothy J.; Joyce, Rick K.; Lavender, James H.; Liddblad, Ellen; Loveland, David M.; Myers, Steve L.; Newman, William T.; Ottolini, Roland E.; Pavese, Michael P.; Richardson, Nettie M.; Roberts, Rickey G.; Sampson, Lindsey J.; Smith, Regina Y.; Trebatoski, Kim ; Velez, Sergio I.; Wilson, John; Yarbrough, John H.; Zettel, Mary S.  
**Subject:** Comprehensive Plan Amendment (CPA2006-00004) Adelson

Distribution List:

*John Wilson, Lee County Public Safety*  
*Chris Hansen, Lee County Public Safety, EMS*  
*W. Bergquist, Lee County Sheriff's Office*  
*Roland E. Ottolini, Lee County Natural Resources Management*  
*Steve Boutelle, Lee County Natural Resources*  
*Steven Myers, Lee Tran*  
*John Yarbrough, Lee County Parks & Recreation*  
*David Berra, Lee County Parks & Recreation*  
*Roger Clark, Lee County Parks & Recreation*  
*Ellen Liddblad, Lee County School Board*  
*Dave Loveland, Lee County Division of Transportation*  
*Lili Wu, Lee County Division of Transportation*  
*Brad Vance, Lee County, Natural Resources*  
*Mike Carroll, Lee County Development Services*  
*Rick Joyce, Lee County Division of Planning, Environmental Sciences*

*Lindsey Sampson, Lee County Solid Waste*  
*Bill Newman, Lee County Solid Waste*  
*Bill Horner, Lee County Port Authority*  
*Regina Smith, Lee County Economic Development*  
*Kim Trebatoski, Lee County Division of Planning, Environmental Sciences*  
*Gerald Campbell, Lee County Public Safety, Emergency Management*  
*Susan Noe, Lee County, Economic Development*  
*Robert Stewart, Lee County, Building Official*  
*Jim Lavender, Lee County Public Works*  
*Howard Wegis, Lee County Utilities*  
*Ivan Velez, Lee County Utilities*  
*Pam Houck, Lee County Zoning*  
*Nettie Richardson, Lee County Zoning*  
*Pete Eckenrode, Lee County Development Services*  
*Michael Pavese, Lee County Public Works*  
*Wayne Daltry, Lee County Smart Growth*  
*Mary Zettel, DCD/Code Enforcement*  
*Rick Roberts, DCD/Code Enforcement*  
*Tim Jones, Chief Assistant, County Attorney's Office*  
*Donna Marie Collins, Assistant, County Attorney's Office*  
*Chief Terry Pye, North Fort Myers Fire District*

June 13, 2006

Public Service/Review Agencies

1st e-mail

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If you have any questions, please feel free to contact Wayne Gaither at:

479-8567  
wgaither@leegov.com

LUDSEY  
SAMPSON

Distribution List:

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**Chris Hansen**, Lee County Public Safety, EMS  
**W. Bergquist**, Lee County Sheriff's Office  
**Roland E. Ottolini**, Lee County Natural Resources Management  
**Michael Horsting**, Lee Tran  
**John Yarbrough**, Lee County Parks & Recreation  
**Ellen Lidblad**, Lee County School Board  
**Dave Loveland**, Lee County Division of Transportation  
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**Gerald Campbell**, Lee County Public Safety, Emergency Management  
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**Mary Zettel**, DCD/Code Enforcement  
**Rick Roberts**, DCD/Code Enforcement  
~~**Tim Jones**, Chief Assistant, County Attorney's Office~~  
**Donna Marie Collins**, Assistant, County Attorney's Office  
**Chief Terry Pye**, North Fort Myers Fire District

June 13, 2006

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If you have any questions, please feel free to contact Wayne Gaither at:

479-8567  
wgaither@leegov.com



1833 Hendry Street  
Post Office Drawer 1507  
Fort Myers, Florida 33902  
Telephone: (239) 334-2195

**TELECOPIER TRANSMITTAL COVER SHEET**

DATE: July 17, 2006

TELECOPIER NUMBER - (239) 334-3539

DELIVER TO: Ron Inge (481-8477; Tracy Hayden (454-6146); Matt Noble (479-8319)

RECIPIENT  
TELECOPIER  
PHONE NO.:

To fax numbers listed above.

FROM:

Neale Montgomery

OUR FILE NO:

NUMBER OF PAGES INCLUDING THIS COVER SHEET: 7

**PLEASE CONTACT SENDER IMMEDIATELY IF LESS THAN THE REQUIRED  
NUMBER OF PAGES ARRIVE OR IF TRANSMISSION ERROR OCCURS.**

SPECIAL INSTRUCTIONS: This is the case we discussed at our meeting. This case does not  
apply, the land not in the Plan Amendment are correctly designated.

TRANSMITTED BY: Charlene Penfold

DATE: 07-17-06

**THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS ATTORNEY  
PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE  
USE OF THE INDIVIDUAL OR ENTITY NAMED AS RECIPIENT. IF THE READER  
IS NOT THE INTENDED RECIPIENT, BE HEREBY NOTIFIED THAT ANY  
DISSEMINATION, DISTRIBUTION OR COPY OF THIS COMMUNICATION IS  
STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN  
ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE  
ORIGINAL MESSAGE TO US AT THE ADDRESS LOCATED ABOVE VIA THE U.S.  
POSTAL SERVICE. THANK YOU.**

2 of 2 DOCUMENTS

ST. GEORGE PLANTATION OWNERS ASSOCIATION, INC., Petitioner, v.  
FRANKLIN COUNTY, Respondent, and BEN JOHNSON and COASTAL  
DEVELOPMENT CONSULTANTS, INC., Intervenor

DOAH Case No. 96-5124GM

STATE OF FLORIDA  
ADMINISTRATION COMMISSION

*1997 Fla. ENV LEXIS 37; 97 ER FALR 64*

March 25, 1997, Final Order

February 16, 1997, Recommended Order

**COUNSEL:**

[\*1]

For Petitioner: Richard W. Moore, Esquire, E. Palmer Mason, Esquire, Tallahassee, Florida.

For Respondent: Alfred O. Shuler, Esquire, Apalachicola, Florida.

For Intervenor: L. Lee Williams, Esquire, Russell D. Gautier, Esquire, Tallahassee, Florida.

**DECISION-BY: BRADLEY**

**DECISION:**

**FINAL ORDER**

This cause came before the Governor and Cabinet, sitting as the Administration Commission (the "Commission"), on March 25, 1997, for consideration of a Recommended Order entered by the Honorable Donald R. Alexander, Administrative Law Judge, Division of Administrative Hearings, finding an amendment to the Franklin County Comprehensive Plan not "in compliance" with the Local Government Comprehensive Planning and Land Development Regulation Act, (the "Act").

The property which was the subject of amendment adopted in Ordinance No. 96-22 is subject to a 1977 Development of Regional Impact (DRI) development order. The DRI provides conceptual approval for the development of "one or more high quality resort hotels or motels together with such affiliated uses as may be appropriate or desirable, such as gift and tourist shops, restaurants, recreational activities and similar activities." Phase I of the development consists [\*2] of 9.6 acres, and provides for the construction of four hotels and additional facilities to support the hotels. The 9.6 acres does not include three subsurface absorption beds which are required to service the effluent from the wastewater treatment plant found within the 9.6 acre development. If the absorption beds had been included within the Phase I amendment, the development would have included 14.6 acres. On October 3, 1996, Franklin County adopted Ordinance 96-22, which changed the land use from residential to commercial for 9.6 acres of Phase I.

The petitioner, St. George Plantation Owners Association, Inc., filed a petition for formal administrative hearing on November 1, 1996, alleging that the amendment did not include all the lands essential for infrastructure, and was not therefore "in compliance" with the Act.

Section 163.3187(1), Florida Statutes, provides that the county may adopt small scale Comprehensive Plan amendments under ten acres in a streamlined manner. Amendments over ten acres involve additional hearing requirements and review by the Department of Community Affairs.

To accommodate the commercial uses proposed by Phase I, and after consulting with the Department [\*3] of Community Affairs, the county adopted a small scale development amendment by changing the designation on its Future Land Use Map (FLUM) for 9.6 acres from residential to commercial. Policy 2.3 of the county's Comprehensive Plan provided that public utilities needed for the provision of essential services shall be permitted in all land use classifications. Therefore, the county did not require the subsurface absorption beds located on residentially designated property adjoining the development to be included in the Phase I amendment. The Administrative Law Judge concluded that the county's interpretation of Policy 2.3 is contrary to conventional land use practices and found that the development amendment should have included the additional acreage for the subsurface absorption beds. The small scale amendment accomplished by Ordinance No. 96-22, was therefore not "in compliance" with the Act. We take action today which adopts the Administrative Law Judge's determination. However, if Franklin County concludes, as their planner Alan Pierce testified, that Policy 2.3 provides the best alternative in these situations, amendments to the County's land development regulations should be [\*4] provided for.

Intervenors, Ben Johnson and Coastal Development Consultants, Inc., are the owners of the property subject to the amendment. Intervenors presented several exceptions to the Administrative Law Judge's Recommended Order. First, Intervenor's allege that Findings of Fact 14, 16, 18, 19 and 20 should be rejected because they are not based upon competent, substantial evidence in the record. After a review of the record, we find that these exceptions are not well taken, and that the record does contain competent, substantial evidence upon which the Findings of Fact may be based.

Exceptions were also presented respecting Conclusions of Law 24, 26, 27 and 28. In challenging Conclusion of Law 24, Intervenor's suggest that the Administrative Law Judge improperly concluded that the inquiry may consider whether the amendment "involves" land outside of the acreage stated on the face of the amendment. We do not agree that the statute should be construed so narrowly or that the Legislature intended such a myopic view. The exception to Conclusion 24 is denied.

Conclusions of Law 26 and 27 are related and are therefore considered together. These Conclusions of Law are based upon the [\*5] factual premise that the absorption beds are integral to the design of the wastewater treatment facility, and are therefore "involved" in the development to the extent that the beds should be in the same land use category. As stated above, we do not conclude as a matter of law that Policy 2.3 of the county's comprehensive plan is invalid. We do find however, that the additional acreage was "involved" in the amendment and deny Intervenor's exceptions on these points.

Intervenor's exception to Conclusion of Law 28 is well taken and is granted. Conclusion of Law 28 is stricken. Except as indicated herein, all Findings of Fact and Conclusions of Law found in the Recommended Order are accepted. Franklin County Ordinance No. 96-22, adopted October 3, 1996, is hereby found to be not "in compliance" with the Local Government Comprehensive Plan and Land Development Regulation Act.

Petitioner takes exception to conclusion of law 25 which states that the petitioner did not timely present its arguments respecting the internal consistency of the comprehensive plan amendments. The Administrative Law Judge correctly determined that the petitioner had presented this argument for the first time [\*6] at hearing. This exception is denied.

Pursuant to Section 163.3184(11), Florida Statutes, if the Administration Commission issues a final order which determines a plan or plan amendment to be not in compliance, the Commission must specify remedial actions which would bring the plan amendment into compliance and may also specify sanctions to be imposed in the event the County decides to amend its plan regardless of the finding of noncompliance. We decline to adopt any sanctions. We note that the County has already taken appropriate action to rescind the comprehensive plan amendment.

Any party to this order has the right to seek judicial review of the order pursuant to section 120.68, F.S., by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Secretary of the Commission, Robert B. Bradley, Office of Planning and Budgeting, Executive Office of the Governor, Room 2105 Capitol Building, Tallahassee, Florida 32399-0001; and by filing a copy of the Notice of Appeal, accompanied by the applicable filing fees, with the appropriate District Court of Appeal. Notice of Appeal must be filed within 30 days of the day this order is filed with [\*7] the Clerk of the Commission.



**INIT-DEC-BY: ALEXANDER**

**INITIAL-DECISION:**

DONALD R. ALEXANDER, Administrative Law Judge, Division of Administrative Hearings

**RECOMMENDED ORDER**

Pursuant to notice, the above matter was heard before the Division of Administrative Hearings by its assigned Administrative Law Judge, Donald R. Alexander, on December 19, 1996, in Apalachicola, Florida.

**STATEMENT OF THE ISSUE**

Whether the small scale development amendment adopted by Ordinance No. 96-22 on October 3, 1996, is in compliance.

**PRELIMINARY STATEMENT**

This matter began on October 3, 1996, when respondent, Franklin County, adopted Ordinance No. 96-22 changing the permitted land use on 9.6 acres of land located on St. George Island from residential to commercial. The ordinance was adopted pursuant to Section 163.3187(1)(c), Florida Statutes. On November 1, 1996, petitioner, St. George Plantation Owners' Association, Inc., filed a petition for formal administrative hearing alleging the amendment was not in compliance. More specifically, petitioner contended that the amendment did not include "all the land for the essential infrastructure," and if such land was included, the total acreage involved would exceed the amount [\*8] permitted by law. On December 5, 1996, intervenors, Ben Johnson and Coastal Development Consultants, Inc., were authorized to intervene in this proceeding.

By notice of hearing dated November 19, 1996, a final hearing was scheduled on December 19 and 20, 1996, in Apalachicola, Florida.

At final hearing, petitioner presented the testimony of Gail Easley, a land use planner and accepted as an expert in land use planning. Also, it offered petitioner's exhibits 1-23 and 25-27. All exhibits were received in evidence. Exhibit 14 is the deposition testimony of Ella Medley Brown, a Department of Environmental Protection registered professional engineer and accepted as an expert in the design and operation of wastewater treatment facilities. Respondent presented the testimony of Alan C. Pierce, county planning director, who was accepted as an expert in land use planning. Intervenors presented the testimony of Ben Johnson, an economist and accepted as an expert in public utility economics and regulation. Also, they offered intervenors' exhibits 1-5 and 7. All exhibits were received in evidence.

The transcript of hearing (two volumes) was filed on January 7, 1997. Proposed findings of fact [\*9] and conclusions of law were filed by the parties on January 22, 1997, and have been considered by the undersigned in the preparation of this Recommended Order.

**FINDINGS OF FACT**

Based upon all of the evidence, including the stipulation of counsel, the following findings of fact are determined:

**A. Background**

**a. The parties**

1. Respondent, Franklin County (County), is a local governmental unit subject to the land use planning requirements of Chapter 163, Florida Statutes. That chapter authorizes the County, under certain conditions, to adopt what is known as a small scale development amendment to its comprehensive plan. At issue in this case is a small scale development amendment adopted by the County on October 3, 1996.

2. Petitioner, St. George Plantation Owners Association, Inc. (petitioner), is a not-for-profit corporation organized for the protection and management of the Plantation Area of St. George Island. The island lies just south of Apalachicola, Florida in the Gulf of Mexico. The parties have stipulated that petitioner is an affected person within the meaning of the law and thus it has standing to bring this action.

3. Intervenors, Ben Johnson and Coastal [\*10] Development Consultants, Inc., are the owners of approximately 58 acres on St. George Island known as the Resort Village Property. The property is adjacent to the St. George Island Airport. A portion of intervenors' property, 9.6 acres, is the subject of the plan amendment being challenged.

b. The nature of the dispute

4. Intervenor's property is subject to a 1977 Development of Regional Impact (DRI) order adopted by the County in 1977. The order has been amended from time to time. Among other things, the order provides conceptual approval for the development of "one or more high quality resort hotels or motels, together with such affiliated uses as may be appropriate or desirable, such as gift and tourist shops, restaurants, recreational activities and similar activities."

5. Intervenor's desire to develop the Resort Property Village consistent with the 1977 DRI order. The first part of the project consists of approximately 9.6 acres which they have designated as Phase I. The land is located within the Plantation Area of St. George Island and has a land use designation of residential.

6. In June 1995, intervenors submitted detailed site plans for Phase I to the County. On August [\*11] 1, 1995, the County conducted a public hearing to review the proposed site plans and specifications for Phase I. It adopted a motion which directed its staff "to review and perfect the plans presented, so that the Board can consider the final approval of the plan." It also directed its staff to provide advice concerning the procedure to be followed.

7. After consulting with the Department of Community Affairs (DCA), which recommended that the comprehensive plan be amended to change the land use to accommodate the commercial uses, the staff recommended that the County adopt a small scale development amendment by changing the designation on its Future Land Use Map (FLUM) for 9.6 acres from residential to commercial.

8. By a 3-2 vote, on October 3, 1996, the County adopted Ordinance No. 96-22 which changed the designation for the 9.6 acres on the FLUM from residential to commercial. Because the amendment affected ten or fewer acres, the County opted to make the change with a small scale development amendment under Section 163.3187(1)(c), Florida Statutes.

9. According to the site plan which accompanied a Notification of Proposed Change filed with the County on May 26, 1996, the Phase [\*12] I development includes four hotels, 10,250 square feet of commercial space, 300 square feet of retail space, a beach club, a 325 seat conference center, various support and recreational facilities, and a wastewater treatment plant.

10. The Phase I site plan, however, does not include the three subsurface absorption beds which are required to service the effluent from the wastewater treatment plant. If the absorption beds were included, they would increase the size of Phase I from 9.6 to approximately 14.6 acres.

11. In a petition challenging the adoption of the small scale amendment, petitioner contends that, if the absorption beds are properly included in the land use amendment, the land use area would exceed ten acres and thus would require a full-scale land use amendment subject to DCA review. In response, the County and intervenors have contended that, under the current plan, there is no need to change the land use where the wastewater treatment facility will be located since such facilities are allowed in any land use category. As such, they contend there is no requirement to include such property in Ordinance 96-22.

B. The Wastewater Treatment Facility

12. The proposed [\*13] development will be served by a wastewater treatment facility. The Department of Environmental Protection (DEP) has issued a permit to Resort Village Utility, Inc., a utility certified by the Florida Public Service Commission to serve the entire 58-acre Resort Village property. The permit provides that the plant can accommodate up to, but not exceeding, 90,000 gallons of treated effluent per day.

13. The facility consists of the wastewater treatment plant, lines to the plant from the development which carry the untreated wastewater to the plant, and lines from the plant to three sub-surface absorption beds where the treated effluent is disbursed.

14. The absorption beds required for the Phase I project wastewater treatment facility will not serve any residential customers. Rather, they will only serve Phase I and any other subsequent phases of Resort Village development, which is a commercial development.

15. Construction must begin on the wastewater treatment plant once the flow of waste effluent reaches 7,500 gallons per day, or if the wastewater from restaurants reaches 5,000 gallons per day. The Phase I project is required to use this facility once the rate of flow of waste [\*14] effluent exceeds 10,000 gallons per day. Until these thresholds are met, the project will rely temporarily on aerobic systems to handle and treat waste effluent.

16. Under the permit issued by the DEP, the wastewater treatment facility required for Phase I consists of both a wastewater treatment plant and three absorption beds. Through expert testimony of a DEP professional engineer, it was established that the absorption beds were integral to the design and successful operation of the facility. The County and intervenors acknowledge this fact. Therefore, the "use" that is the subject of the amendment is the entire wastewater treatment facility, including the absorption beds, and "involves" some 14.6 acres. Since the plan amendment does not involve "10 or fewer acres," as required by statute, the amendment cannot qualify as a small scale development amendment and is thus not in compliance.

17. In making these findings, the undersigned has considered a contention by the County that Policy 2.3 of the comprehensive plan sanctions its action. That policy reads as follows:

Public utilities needed to provide essential service to existing and future land uses in Franklin County shall [\*15] be permitted in all the land use classifications established by this plan. Public utilities includes all utilities (gas, water, sewer, electrical, telephone, etc.) whether publicly or privately owned.

At hearing, the County planner construed the term "public utilities" as being "minor (utility) infrastructure," including wastewater treatment plants not exceeding 100,000 gallons per day. Relying on this provision, the County reasons that the proposed facility is "minor" infrastructure, since it will only have 90,000 gallons per day capacity, and thus it can be placed in a residential land use category. They go on to argue that, since no change in land use classification is needed to permit the facility, it is unnecessary to include the facility in the plan amendment. According to the County, however, the plant (but not the beds) was included only because it was easier to draw a map for the entire 9.6 acres rather than excise that portion of the land where the plant will be located.

18. Under the same theory, the County has placed at least two existing wastewater treatment facilities in the residential land use category. Those facilities, however, predate the adoption of the [\*16] comprehensive plan in April 1991, and both serve residential, as opposed to commercial, developments. Moreover, the County admitted that it lacks any "clear" policy about the meaning of "public utilities," and it has never adopted a land development regulation to implement the interpretation given at hearing.

19. The County's position is contrary to conventional land use planning practices which define "utilities" as infrastructure such as water or electrical lines that transport a service and would, by their very nature, be required to cross different land uses. Conversely, conventional land use planning practices define "facilities" as infrastructure that performs a service, such as power plants or pumping stations. This infrastructure does not cross different land use categories.

20. In this case, the absorption beds perform a service by further processing and treating waste effluent from Phase I. Therefore, conventional land use planning practices would logically call for the plant and related absorption beds to be classified as "public facilities" under Policy 2.2(i) of the County's comprehensive plan. That policy defines the term as including "water and sewer facilities." The [\*17] classification would also be compatible with the definition of "public facilities" found in DCA Rule 9J-5.003(105), Florida Administrative Code.

21. Finally, the County and intervenors point out that the facility may not be constructed for many years, depending on the rate and amount of development that occurs in Phase I. Thus, they contend that there is no immediate requirement for the County to change the future land use designation of the property where the absorption beds will be located. But given the fact that the beds and plant are a single, interrelated system, the County cannot choose to change the land use designation for a portion of the facility while ignoring the remainder.

#### CONCLUSIONS OF LAW

22. The Division of Administrative Hearings has jurisdiction over the subject matter and the parties hereto pursuant to Sections 120.57(1) and 163.3187(1)(c), Florida Statutes.

23. Section 163.3187(1), Florida Statutes (Supp. 1996), governs this controversy. Although a number of conditions must be met by a local government when adopting a small scale amendment, only the following condition found in subparagraph (1)(c)1. is in issue:

(c) Any local government comprehensive [\*18] plan amendments directly related to proposed small scale development activities may be approved without regard to statutory limits on the frequency of consideration of amendments to the local comprehensive plan.

A small scale development amendment may be adopted only under the following conditions:

1. The proposed amendment involves a use of 10 acres or fewer....

\* \* \*

24. Under the foregoing condition, the test is not simply to examine the face of the ordinance and determine if the amount of land which is the subject of the amendment is "10 acres or fewer;" if it was, there would be no need for an evidentiary hearing to perform this simple task. Rather, the statute contemplates a broader inquiry to see if the "use" that is the subject of the amendment "involves" ten acres or less. If it does not, as petitioner alleges here, the land use change must be accomplished through a regular plan amendment requiring DCA review and approval.

25. Section 163.3187(2), Florida Statutes, contains a further requirement which reads as follows:

- (2) Comprehensive plans may only be amended in such a way as to preserve the internal consistency of the plan pursuant to s. 163.3177(2).

[\*19]

Although subsection (2) allows "consistency" arguments to be raised in a section 163.3187(1)(c) proceeding, petitioner did not allege these arguments in its initial complaint (petition), and thus the untimely argument (made for the first time at hearing) that Ordinance No. 96-22 lacks internal consistency has been disregarded.

26. The more persuasive and credible evidence shows that the absorption beds are integral to the design and operation of the wastewater treatment plant. Therefore, when crafting a land use classification change, the County must consider the entire facility, including the absorption beds, as a single system in the same land use classification. Because the proposed "use" which is the subject of the amendment "involves" 14.6 acres, or more than the ten acres permitted by law, the amendment cannot qualify as a small scale development amendment under section 163.3187(1)(c). This being so, Ordinance No. 96-22 is not in compliance.

27. In reaching this conclusion, the undersigned has considered the contention by the County and intervenors that, under Policy 2.3 of the comprehensive plan, "minor" public utilities, including wastewater treatment plants having less [\*20] than 100,000 gallons per day capacity, may be located in any land use classification. They then conclude that the entire facility could have remained in a residential land use category without being a part of the small scale amendment. But this interpretation conflicts with conventional land use planning practices. Even if it did not, by choosing to place the plant facility in a commercial land use category, the County was also obliged to include the absorption beds in the amendment since the beds are an integral part of the facility.

28. At hearing, intervenors also proffered an argument that the project is vested and therefore not subject to the requirements of the comprehensive plan or section 163.3197(1)(c). It is unclear as to what extent, if any, intervenors formally raised this issue with the County, once it decided on August 6, 1996, to utilize a small scale development amendment. In any event, the vesting issue was previously litigated by intervenors before the Florida Land and Water Adjudicatory Commission (FLWAC) in *Ben Johnson and Coastal Development Consultants, Inc. v. Bd. of County Comm. of Franklin County*, 95 ER FALR 39 (FLWAC, April 12, 1995). In its final order, [\*21] FLWAC determined that any development of the property must comply with the requirements of Chapters 163 and 380, Florida Statutes. This order was affirmed in *Johnson v. Bd. of County Comm. of Franklin County*, 670 So.2d 944 (Fla. 1st DCA 1996). Intervenors are accordingly bound by the terms of that order. The undersigned interprets that final order as meaning intervenors are subject to the requirements of chapter 163, including section 163.3187(1)(c).

29. In summary, the "use" of the facility that is the subject of the amendment "involves" more than ten acres. Therefore, the change in land use classification for Phase I cannot qualify as a small scale development amendment under Section 163.3187(1)(c), Florida Statutes. This being so, Ordinance No. 96-22 is not in compliance.

#### RECOMMENDATION

Based on the foregoing findings of fact and conclusions of law, it is

RECOMMENDED that the Administration Commission enter a Final Order determining Ordinance No. 96-22 adopted by Franklin County on October 3, 1996, as not in compliance for failing to meet the criteria of Section 163.3187(1)(c), Florida Statutes.

**PROPERTY DATA FOR PARCEL 19-43-25-00-00014.0020**  
**TAX YEAR 2006**

Parcel data is available for the following tax years:

[ [2001](#) | [2002](#) | [2003](#) | [2004](#) | [2005](#) | 2006 ][ [Next Lower Parcel Number](#) | [Next Higher Parcel Number](#) | [Display Tax Bills on this Parcel](#) | [Tax Estimator](#) ]

OWNERSHIP, LEGAL, SALES AND DISTRICT DATA ARE FROM THE CURRENT DATABASE. LAND, BUILDING, VALUE AND EXEMPTION DATA ARE FROM THE 2006 ROLL.

**PROPERTY DETAILS****OWNER OF RECORD**S W FLORIDA  
LAND TWELVE  
LLC  
6150 DIAMOND  
CENTRE CT  
BLDG 1300  
FORT MYERS FL  
33912**SITE ADDRESS**17220 SLATER  
RD  
NORTH FORT  
MYERS FL 33917**LEGAL  
DESCRIPTION**A PAR PT IN SE  
1/4 OF SW  
1/4 AS DESC IN  
OR 0673/0023[ [VIEWER](#) ] TAX MAP [ [PRINT](#) ]**IMAGE OF STRUCTURE**

Photo Date: May of 2004

[ [PICTOMETRY](#) ]**TAXING DISTRICT**

040 - E/LY N FT MYERS/N FT MYERS FIRE

**DOR CODE**

64 - GRAZING LAND CLASS V

**PROPERTY VALUES (TAX ROLL  
2006)**[ [HISTORY CHART](#) ]**EXEMPTIONS****ATTRIBUTES**

JUST	354,640	HOMESTEAD	0	UNITS OF MEASURE	AC
ASSESSED	1,370	AGRICULTURAL	353,270	NUMBER OF UNITS	16.12



**From:** <webmaster@leegov.com>  
**To:** <halswofl@leegov.com>  
**Date:** 1/21/04 4:36PM  
**Subject:** Vegetation Removal Permit Application

Veg  
2004  
- 00029

\*\*\*\*\*  
ApplicantName: Jeffrey David Boyd  
ApplicantAddress: 17251 Williams RD  
ApplicantCity: N. Ft. Myers  
ApplicantState: Florida  
ApplicantZipCode: 33917  
ApplicantPhoneNumber: 239-543-3280  
ApplicantEmail: N/A  
PropertyOwner: Lee H. Adelson  
OwnerAddress: 10342 SW 144th St.  
OwnerCity: Miami  
OwnerState: Florida  
OwnerZipCode: 33176  
OwnerPhoneNumber: 305-252-9209  
ContractorName: Jeffrey David Boyd  
LicenseNumber: N/A  
DevelopmentName: 16.12+- Acres, Slater Road Ag Property  
DevelopmentOrderNumber: N/A  
STRAP: 19-43-25-00-00014.0020  
TreeBarricadesOrInspection: No  
Submit Button: Submit  
Date: January 21, 2004  
Time: 04:50 PM

AddressForPermit:

17220 Slater Road  
N. Ft. Myers, FL 33917

Directions:

1-75 North to Bayshore Road, West to Slater Road, north to 17220 Slater Road  
Vacant Agricultural Land to be cleared for farming

## Lee Property Appraiser Web Tax Map



## Tax Map Legend



Selected Parcel

Aerial Image Set	2006 Lo-Res (1 meter)	Map Currency Date	4/20/2007 2:16:53 PM
Selected Parcel	19-43-25-00-00014.0020	Legal Description	A PAR PT IN SE 1/4 OF SW 1/4 AS DESC IN OR 0673/0023
Parcel Owner	S W FLORIDA LAND TWELVE LLC 6150 DIAMOND CENTRE CT BLDG 1300 FORT MYERS FL 33912	Property Address	17220 SLATER RD North Fort Myers FL 33917



## Lee Property Appraiser Web Tax Map



## Tax Map Legend



Selected Parcel

Aerial Image Set	2005 Hi-Res (1/2 foot)	Map Currency Date	4/20/2007 2:11:33 PM
Selected Parcel	19-43-25-00-00014.0020	Legal Description	A PAR PT IN SE 1/4 OF SW 1/4 AS DESC IN OR 0673/0023
Parcel Owner	S W FLORIDA LAND TWELVE LLC 6150 DIAMOND CENTRE CT BLDG 1300 FORT MYERS FL 33912	Property Address	17220 SLATER RD North Fort Myers FL 33917



LEE COUNTY PROPERTY APPRAISER

**PROPERTY DATA FOR PARCEL 19-43-25-00-00014.0020  
TAX YEAR 2005**

Parcel data is available for the following tax years:

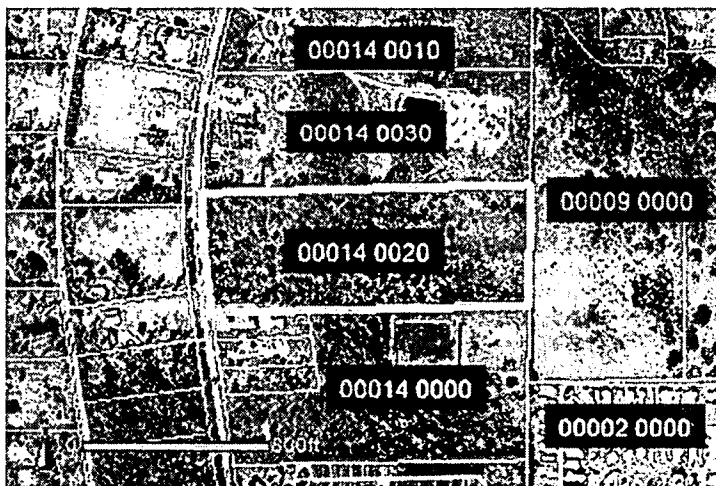
[ [2001](#) | [2002](#) | [2003](#) | [2004](#) | [2005](#) ][ [Next Lower Parcel Number](#) | [Next Higher Parcel Number](#)| [Display Tax Bills on this Parcel](#) | **NEW! Tax Estimator** ]OWNERSHIP, LEGAL, SALES AND DISTRICT DATA ARE FROM THE CURRENT DATABASE.  
LAND, BUILDING, VALUE AND EXEMPTION DATA ARE FROM THE 2005 ROLL.**PROPERTY DETAILS****OWNER OF  
RECORD**S W FLORIDA  
LAND TWELVE  
LLC  
6150 DIAMOND  
CENTRE CT  
BLDG 1300  
FORT MYERS FL  
33912**SITE ADDRESS**17220 SLATER  
RD  
NORTH FORT  
MYERS FL 33917**LEGAL  
DESCRIPTION**A PAR PT IN SE  
1/4 OF SW  
1/4 AS DESC IN  
OR 0673/0023[ [VIEWER](#) ] TAX MAP [ [PRINT](#) ]**IMAGE OF STRUC**

Photo Date: May 6

[ [PICTOMETRY](#) ]**TAXING DISTRICT**

040 - E/LY N FT MYERS/N FT MYERS FIRE 64 - GRAZING LAND CLASS V

**DOR CODE****PROPERTY VALUES (TAX  
ROLL 2005)** [ [NEW!](#) [HISTORY](#) ]**EXEMPTIONS****ATTRIBUTES**

**CHART ]**

JUST	145,080	HOMESTEAD	0	UNITS OF MEASURE	AC
ASSESSED	1,320	AGRICULTURAL	143,760	NUMBER OF UNITS	16.12
ASSESSED SOH	1,320	WIDOW	0	FRONTAGE	0
TAXABLE	1,320	WIDOWER	0	DEPTH	0
BUILDING	0	DISABILITY	0	BEDROOMS	
LAND	1,320	WHOLLY	0	BATHROOMS	
BUILDING FEATURES	0	SOH DIFFERENCE	0	TOTAL BUILDING SqFT	
LAND FEATURES	0			YEAR IMPROVED	0
				HISTORIC DISTRICT	No

**SALES/TRANSACTIONS**

SALE PRICE	DATE	OR NUMBER	TYPE	TRANSACTION DETAILS DESCRIPTION	VACANT / IMPROVED
225,000	12/7/2002	<u>4544/3027</u>	06	Qualified (Fair Market Value / Arms Length / One STRAP #)	V
0	5/1/1979	<u>1351/1324</u>	01	Disqualified (Doc Stamp .70 / SP less th \$100 / Other Disq)	V
0	1/1/1900	<u>673/23</u>			

**SOLID WASTE (GARBAGE) ROLL DATA**

SOLID WASTE DISTRICT	ROLL TYPE	CATEGORY	UNIT/AREA	TAX AMOUNT
005 - Service Area 5	-		0	0.00
<b>COLLECTION DAYS</b>				
<b>GARBAGE</b>	<b>RECYCLING</b>	<b>HORTICULTURE</b>		
Friday	Monday	Wednesday		

**ELEVATION INFORMATION**

STORM SURGE CATEGORY	FLOOD INSURANCE ( <u>FIRM FAQ</u> )				
	RATE CODE	COMMUNITY	PANEL	VERSION	DATE
Category 3	AE:EL15	125124	0225	C	031594

[ [Show](#) ]**APPRAISAL DETAILS**

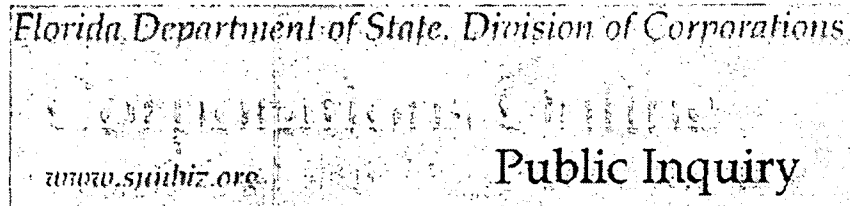
TRIM (*proposed* tax) Notices are available for the following tax years:  
[ [1997](#) | [1998](#) | [1999](#) | [2000](#) | [2001](#) | [2002](#) | [2003](#) | [2004](#) | [2005](#) ]

[ [Next Lower Parcel Number](#) | [Next Higher Parcel Number](#) ]

[ [New Query](#) | [New Browse](#) | [Parcel Queries Page](#) | [Lee PA Home](#) ]

---

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Page was last modified on Monday, July 10, 2006 2:22:01 PM.



## Florida Limited Liability

### S.W. FLORIDA LAND TWELVE, L.L.C.

#### PRINCIPAL ADDRESS

6150 DIAMOND CENTRE COURT, BLDG. 1300  
FORT MYERS FL 33912

#### MAILING ADDRESS

6150 DIAMOND CENTRE COURT, BLDG. 1300  
FORT MYERS FL 33912

**Document Number**  
L04000014241

**FEI Number**  
421618917

**Date Filed**  
02/23/2004

**State**  
FL

**Status**  
ACTIVE

**Effective Date**  
NONE

**Total Contribution**  
0.00

## Registered Agent

Name & Address
ALLISON, JANET E 6150 DIAMOND CENTRE COURT, BLDG. 1300 FORT MYERS FL 33912

## Manager/Member Detail

Name & Address	Title
THIBAUT, RANDY 6150 DIAMOND CENTRE COURT, BLDG. 1300 FORT MYERS FL 33912	MGR
ALLISON, JANET E 6150 DIAMOND CENTRE COURT, BLDG. 1300 FORT MYERS FL 33912	V

## Annual Reports

Report Year	Filed Date
2005	03/17/2005
2006	03/16/2006

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No Events

No Name History Information

## Document Images

Listed below are the images available for this filing.

[03/16/2006 -- ANNUAL REPORT](#)  
[03/17/2005 -- ANN REP/UNIFORM BUS REP](#)  
[02/23/2004 -- Florida Limited Liabilites](#)

**THIS IS NOT OFFICIAL RECORD; SEE DOCUMENTS IF QUESTION OR CONFLICT**[Corporations Inquiry](#)[Corporations Help](#)

# 2006 LIMITED LIABILITY COMPANY ANNUAL REPORT

DOCUMENT# L04000014241

FILED  
Mar 16, 2006  
Secretary of State

Entity Name: S.W. FLORIDA LAND TWELVE, L.L.C.

**Current Principal Place of Business:**

6150 DIAMOND CENTRE COURT, BLDG. 1300  
FORT MYERS, FL 33912

**New Principal Place of Business:**

**Current Mailing Address:**

6150 DIAMOND CENTRE COURT, BLDG. 1300  
FORT MYERS, FL 33912

**New Mailing Address:**

FEI Number: 42-1618917

FEI Number Applied For ( )

FEI Number Not Applicable ( )

Certificate of Status Desired ( )

**Name and Address of Current Registered Agent:**

ALLISON, JANET E  
6150 DIAMOND CENTRE COURT, BLDG. 1300  
FORT MYERS, FL 33912 US

**Name and Address of New Registered Agent:**

The above named entity submits this statement for the purpose of changing its registered office or registered agent, or both, in the State of Florida.

SIGNATURE: \_\_\_\_\_

Electronic Signature of Registered Agent

\_\_\_\_\_ Date

**MANAGING MEMBERS/MANAGERS:**

Title: MGR ( ) Delete  
Name: THIBAUT, RANDY  
Address: 6150 DIAMOND CENTRE COURT, BLDG. 1300  
City-St-Zip: FORT MYERS, FL 33912

Title: ( ) Delete  
Name:  
Address:  
City-St-Zip:

**ADDITIONS/CHANGES:**

Title: ( ) Change ( ) Addition  
Name:  
Address:  
City-St-Zip:

Title: V ( ) Change (X) Addition  
Name: ALLISON, JANET E  
Address: 6150 DIAMOND CENTRE COURT, BLDG. 1300  
City-St-Zip: FORT MYERS, FL 33912

I hereby certify that the information supplied with this filing does not qualify for the for the exemption stated in Chapter 119, Florida Statutes. I further certify that the information indicated on this report is true and accurate and that my electronic signature shall have the same legal effect as if made under oath; that I am a managing member or manager of the limited liability company or the receiver or trustee empowered to execute this report as required by Chapter 608, Florida Statutes.

SIGNATURE: RANDY THIBAUT

MGR


03/16/2006

Electronic Signature of Signing Managing Member, Manager, or Authorized Representative / Date

# 2005 LIMITED LIABILITY COMPANY ANNUAL REPORT (AR)

**FILED**  
**Mar 17, 2005 8:00**  
**Secretary of State**

03-17-2005 90135 014 \*\*\*\*50.00

<b>DOCUMENT # L04000014241</b> 1. Entity Name <b>S.W. FLORIDA LAND TWELVE, L.L.C.</b>					
Principal Place of Business <b>6150 DIAMOND CENTRE COURT, BLDG. 1300 FORT MYERS FL 33912</b>			Mailing Address <b>6150 DIAMOND CENTRE COURT, BLDG. 1300 FORT MYERS FL 33912</b>		
2. Principal Place of Business Suite, Apt. #, etc.			3. Mailing Address Suite, Apt. #, etc.		
City & State			City & State		
Zip		Country		4. FEI Number <b>42-1618917</b>	
5. Certificate of Status Desired <input type="checkbox"/>				<b>\$5.00 Addl Fee Required</b>	
6. Name and Address of Current Registered Agent <b>ALLISON, JANET E 6150 DIAMOND CENTRE COURT, BLDG. 1300 FORT MYERS FL 33912</b>				7. Name and Address of New Registered Agent Name Street Address (P.O. Box Number is Not Acceptable) City <span style="float: right;"><b>FL</b> Zip Code       </span>	
8. The above named entity submits this statement for the purpose of changing its registered office or registered agent, or both, in the State of Florida. I am familiar with, and understand, the obligations of registered agent.					
SIGNATURE _____ (NOTE: Registered Agent signature required when reinstating) _____ DATE _____					
<b>FILE NOW!!! FEE IS \$50.00</b> <b>Make Check Payable to Florida Department of State</b> <b>Due By May 1, 2005</b>					
<b>9. MANAGING MEMBERS / MANAGERS</b>			<b>10. ADDITIONS / CHANGES</b>		
TITLE NAME STREET ADDRESS CITY-ST-ZIP	<b>MGR THIBAUT, RANDY 6150 DIAMOND CENTRE COURT, BLDG. 1300 FORT MYERS FL 33912</b> <input type="checkbox"/> Delete		TITLE NAME STREET ADDRESS CITY-ST-ZIP	<input type="checkbox"/> Change	
TITLE NAME STREET ADDRESS CITY-ST-ZIP	<input type="checkbox"/> Delete		TITLE NAME STREET ADDRESS CITY-ST-ZIP	<input type="checkbox"/> Change	
TITLE NAME STREET ADDRESS CITY-ST-ZIP	<input type="checkbox"/> Delete		TITLE NAME STREET ADDRESS CITY-ST-ZIP	<input type="checkbox"/> Change	
TITLE NAME STREET ADDRESS CITY-ST-ZIP	<input type="checkbox"/> Delete		TITLE NAME STREET ADDRESS CITY-ST-ZIP	<input type="checkbox"/> Change	
TITLE NAME STREET ADDRESS CITY-ST-ZIP	<input type="checkbox"/> Delete		TITLE NAME STREET ADDRESS CITY-ST-ZIP	<input type="checkbox"/> Change	
TITLE NAME STREET ADDRESS CITY-ST-ZIP	<input type="checkbox"/> Delete		TITLE NAME STREET ADDRESS CITY-ST-ZIP	<input type="checkbox"/> Change	
11. I hereby certify that the information supplied with this filing does not qualify for the exemption stated in Section 119.07(3)(i), Florida Statutes. I further certify that the information indicated on this report is true and accurate and that my signature shall have the same legal effect as if made under oath; that I am a managing member or manager of the limited liability company or the receiver or trustee empowered to execute this report as required by Chapter 608, Florida Statutes.					
<b>SIGNATURE:</b> _____			<b>Randy Thibaut, Manager</b>		
SIGNATURE AND TYPED OR PRINTED NAME OF SIGNING MANAGING MEMBER, MANAGER, OR AUTHORIZED REPRESENTATIVE			Date <b>3/2/2005</b> Daytime Phone # <b>239-489-4</b>		

L040000014241

(Requestor's Name)

(Address)

(Address)

(City/State/Zip/Phone #)

☐ PICK-UP

☐ WAIT

☐ MAIL

(Business Entity Name)

(Document Number)

Certified Copies \_\_\_\_\_ Certificates of Status \_\_\_\_\_

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02/23/04--01039--011 \*\*125.00

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TALLAHASSEE, FLORIDA





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## Planning Community of North Fort Myers

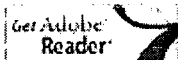
[Click here](#) for a printable version of this page.

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
<b>Intensive Development (INT)</b>	371	280	91
<b>Central Urban (CU)</b>	2498	2073	425
<b>Suburban (S)</b>	5293	4795	498
<b>Outlying Suburban (OS)</b>	610	252	358
<b>Industrial (IND)</b>	0	0	0
<b>General Interchange (GI)</b>	9	8	1
<b>Rural (R)</b>	383	362	21
<b>Open Lands (OL)</b>	45	22	23
<b>Wetlands (WL)</b>	0	0.93	-0.93
<b>Total Residential</b>	9209	8012.05	1196.95

717214



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

[back to Planning Communities Map](#)

[return to the top](#)

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

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

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 18.50  
DEED DOC 1,575.00  
DEPUTY CLERK T Baer

### WARRANTY DEED

THIS WARRANTY DEED made the 7<sup>th</sup> 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:

PTI 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. *See Right*

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.



**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.

19-43-25  
660046030

**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

DOES  
NOT MATCH  
STRAD  
want  
0020

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

CPA 2006-00004



**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:

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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

APPROVED  
LEGAL

7/24/06

SHEET 1 OF 2

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