

BOARD OF COUNTY COMMISSIONERS



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

Bob Janes
District One

May 22, 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 2005-01 Vicott Small scale amendment

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 2005-01. The adoption hearing for this plan amendment was held on April 24, 2007. Per 9J-11.015(1), this is the second 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 13.1 ± 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. 07-07. By copy of this letter and its attachments I certify that this amendment has been sent to the Regional Planning Council.

Sincerely,
DEPT. OF COMMUNITY DEVELOPMENT
Division of Planning



Paul O'Connor, AICP
Director



LEE COUNTY

SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

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

Bob Janes
District One

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

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

Comprehensive Plan Citizen Courtesy Information List

Local Government: LEE COUNTY

Hearing Date: 4/24/07

Type of Hearing: Adopt Comp Plan Small Scale Amendment - CPA2005-01 Vicott, Inc., 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	

SMALL SCALE DEVELOPMENT AMENDMENT
SUBMITTAL FORM

1. Name of Local Government Lee County
 Person completing this form Paul O'Connor, AICP 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 _____
 (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. ±7.67
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 ± 13.1
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 ±7.67

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 11 2007

COMMUNITY DEVELOPMENT

DATE: May 10, 2007

TO: Matt Noble
Planning Division

FROM: *Ann Pacifico* for
Donna Marie Collins
Assistant County Attorney

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

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. 07-07
(Small Scale Amendment 7.67-Acre Parcel from
Industrial Development to Commercial and Wetlands
Conservation Lands)

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 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 held a public hearing on the proposed adoption of the proposed small scale amendment to the Plan on March 26, 2007. The LPA recommended that the Board adopt the Vicott small scale amendment. The Board of County Commissioners later held a public hearing for the adoption of the proposed amendment on April 24, 2007. At that hearing, the Board approved a motion to adopt proposed amendment CPA2005-01 pertaining to the designation of a 7.67-acre parcel from Industrial Development to Commercial and Wetlands Conservation Lands on the Future

Land Use Map Series, Map 1. The subject parcel is located northeast of the Summerlin Road and Pine Ridge Road intersection, and immediately to the East of the Lee County sewage treatment ponds. (Vicott, Inc.)

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 CPA 2005-01, designation of the 7.67-acre Vicott parcel located northeast of the Summerlin and Pine Ridge Roads Intersection 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 7.67-acre parcel from the Industrial Development to the Commercial and Wetlands Conservation Lands Future Land Use categories. The subject parcel is located East of the Summerlin and Pine Ridge Road intersection, and east of the Lee County sewage treatment ponds.

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

SECTION THREE: LEGAL EFFECT OF THE "LEE PLAN"

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

SECTION FOUR: GEOGRAPHIC APPLICABILITY

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

SECTION FIVE: SEVERABILITY

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

SECTION SIX: INCLUSION IN CODE, CODIFICATION, 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.

Commissioner Bigelow made a motion to adopt the foregoing ordinance, seconded by Commissioners Hall. The vote was as follows:

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

DONE AND ADOPTED this 24th of April 2007.

ATTEST:
CHARLIE GREEN, CLERK

BY: Marcia Wilson
Deputy Clerk

LEE COUNTY
BOARD OF COUNTY COMMISSIONERS

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

DATE: 4-24-07

Approved as to form by:

Donna Marie Collins
Donna Marie Collins
County Attorney's Office



STATE OF FLORIDA

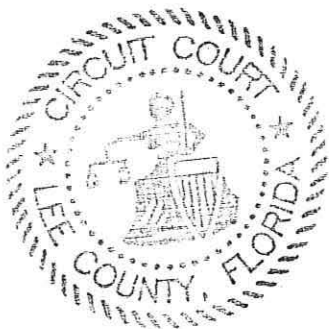
COUNTY OF LEE

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. 07-07, 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 10th day of May 2007.

CHARLIE GREEN,
Clerk of Circuit Court
Lee County, Florida

By: Isa D. Price
Deputy Clerk



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(Small Scale Amendment 7.67-Acre Parcel from
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Robert P. Janes	Aye
Brian Bigelow	Aye
Ray Judah	Absent
Tammara Hall	Aye
Frank Mann	Aye

DONE AND ADOPTED this 24th of April 2007.

ATTEST:
CHARLIE GREEN, CLERK

BY: Marcia Wilson
Deputy Clerk

LEE COUNTY
BOARD OF COUNTY COMMISSIONERS

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

DATE: 4-24-07

Approved as to form by:

Donna Marie Collins
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. 07-07, 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 10th day of May 2007.

CHARLIE GREEN,
Clerk of Circuit Court
Lee County, Florida

By:



Deputy Clerk



**CPA2005-00001
Vicott, Inc.
SMALL-SCALE
AMENDMENT
TO THE**

Lee County Comprehensive Plan

THE LEE PLAN

**Privately Sponsored Application
and Staff Analysis**

BCC Adoption Document

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

April 24, 2007

**LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA2005-01**

☐

Text Amendment

☒

Map Amendment

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

ORIGINAL STAFF REPORT DATE: March 16, 2007

PART I - BACKGROUND AND STAFF REPORT RECOMMENDATION

A. SUMMARY OF APPLICATION

1. APPLICANT/REPRESENTATIVE:

Vicott, Inc.
0950 Old South Way
Fort Myers, FL 33908

Stacy Hewitt, Director of Planning
Banks Engineering
10511 Six Mile Cypress Parkway, Suite 101
Fort Myers, FL 33908

2. REQUEST: Amend the Lee Plan Future Land Use Map Series for two parcels totaling approximately 7.67 ± acres located in Section 05, Township 46, Range 24, to change Map 1 from Industrial Development and Wetlands to Urban Community and Wetlands Conservation Lands. In the alternative, staff recommends to change the subject site on Map 1 from Industrial Development and Wetlands to Commercial and Wetlands Conservation Lands.

3. SUMMARY DISCUSSION: The applicant is pursuing a change to the Future Land Use Map Series, Map 1 of the Lee Plan for a $7.67 \pm$ acre parcel, changing $5.41 \pm$ acres from the Industrial Development Land Use designation to Urban Community land use designation and preserving the remaining $2.26 \pm$ acres of wetlands in the Wetlands Conservation Land Use designation. The property is located north of Summerlin Road, east of the Fort Myers Beach Sewage Treatment Ponds, west of conservation wetlands owned by Lee County, and south of the proposed Waterstone RPD (DCI2005-00078). The map amendment site is located within the Iona/McGregor Planning community and is not located in a special planning area that would be regulated by geographically specific, Goals, Objectives, or Policies.

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION: Planning staff recommends that Map 1 of the Future Land Use Map be amended to change the Future Land Use designation to the new Future Land Use designation of Commercial (CPA2005-39) and Wetlands Conservation Lands instead of the applicant's request to change the Future Land Use designation to Urban Community and Conservation Lands.

2. BASIS AND RECOMMENDATION FINDINGS OF FACT:

- The amendment site is located in the Coastal High Hazard Area (CHHA) as defined in the Lee Plan.
- The requested amendment from Industrial Development and Wetlands to Urban Community and Wetlands Conservation Land Future Land Use designation allows increased residential density in the CHHA.
- The Urban Community would allow additional residential development within the CHHA. In addition, any land use change other than Industrial Development would allow residential development through the Lee Plan Future Urban Areas.
- The new Commercial Future Land Use category does not allow residential development. The Commercial Future Land Use designation is intended for implementation on land where residential development is undesirable in areas such as the CHHA of the County.
- The applicant's intention is to development commercial uses pursuant to a CPD and staff's recommendation of the new Commercial Future Land Use designation is consistent with this intent.
- The amendment site is adjacent to the existing Fort Myers Beach Sewage Treatment Ponds. Planning staff's recommendation eliminates any future potential residential conflicts with this public facility.

- The property is currently zoned Agriculture (AG-2) and will need to be rezoned to CPD prior to being developed with any commercial uses. Impacts to the provision of public services and facilities will be evaluated during the rezoning process, based on the specific uses and intensities requested by the planned development application. In addition, potential traffic impacts will be evaluated at the time of rezoning and development orders.

C. BACKGROUND INFORMATION

1. EXISTING CONDITIONS

SIZE OF PROPERTY: 7.67 ± acres

PROPERTY LOCATION: The subject parcel is situated east of the Fort Myers Beach Sewage Treatment ponds, west of conservation wetlands in the Cow Slough owned by Lee County and on the north side of Summerlin Road.

EXISTING USE OF LAND: Vegetated and vacant parcel.

CURRENT ZONING: AG-2

CURRENT FUTURE LAND USE CLASSIFICATION: 5.41 ± acres of Industrial Development and 2.26 ± acres of Wetlands

2. INFRASTRUCTURE AND SERVICES

WATER & SEWER: The property is located within the Lee County Utilities franchise area.

FIRE: The property is located within the Iona McGregor Fire District.

TRANSPORTATION: Access will be from a proposed access point on Summerlin Road. The parcel is within the Iona/McGregor planning community, located on a stretch of Summerlin Road that is currently being widening to six lanes.

SOLID WASTE FRANCHISE: The subject property is within the Lee County, Solid Waste District, Area 2. The franchise company responsible for collection in District Area 2 is Veolia Environmental Services. Lee County, Solid Waste Division was contacted regarding the amendment request and no concerns were reported.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

INTRODUCTION

The applicant has requested a Future Land Use designation change from Industrial Development and Wetlands to Urban Community and Conservation Lands on approximately 7.67 ± acres of land located in the Iona/McGregor Planning Community on the north side of Summerlin Rd. The property is currently vacant.

The Urban Community Land Use category standard density range permits up to six dwelling units per acre (6du/acre) with a maximum of ten dwelling units per area (10du/acre). If residential uses were permitted on the amendment site, the proposed Urban Community Land Use designation could allow up to 32 dwelling units (5.41 upland acreage X 6 du/acre and a maximum of 43 dwelling units with the wetland density transfer per Table 1(a) of the Lee Plan. Estimated potential commercial intensity for the subject property would be 54,100 square feet depending on site design.

PROJECT SUMMARY

The subject property consists of two STRAP numbers, 05-46-24-00-00003.0030 and 05-46-24-00-00003.0020. The latter parcel was purchased by Vicott Inc LLC. on April 5, 2006 from Sunset Falls LLC. In addition, LDO2006-00459 was approved for a lot split of the subject parcel and the parcels associated with the pending Waterstone Residential Planned Development (DCI2005-00078) to the north. The applicant plans to use the subject property for retail or commercial office space. In order to permit these desired uses, should the plan amendment be approved, the applicant will need to rezone the subject property from its current zoning classification of AG-2 an appropriate commercial zoning category.

COMPREHENSIVE PLAN BACKGROUND

The subject property was designated "Industrial Business Area" by the original Lee County Land Use Map, adopted in 1984. Whereas other urban land use categories were designated to include a broad combination of residential, commercial, public, and limited industrial land uses, the Industrial Business Areas land use category was reserved mainly for industrial uses *per se*, as well as for selective land use mixtures such as a combination of industrial, research, and related office complexes. There was considerable confusion regarding the Industrial/Business land use category. The term "Business" within the title inferred that commercial retail was an allowable use within this category. The omission of commercial from the text of the Industrial/Business category as well as the conclusions derived from Thomas Robert's 1983 "Industrial Land Use Needs in the Lee County Comprehensive Plan" report seemed to clearly indicate that commercial was not intended to be included in this category. This Future Land Use category was eventually changed to Industrial Development.

ADJACENT ZONING AND USES

The subject property is zoned AG-2. The properties to the east, north, and south are zoned AG-2 and the property to west is zoned CF-3. The Fort Myers Beach Treatment ponds are located to the west. Vacant lands surround the property on the east, north, and south. These properties have remained vacant due to their location within the Cow Slough wetland area. In addition, the property to the north is included within the pending Waterstone Residential Planned Development rezoning case (DCI2005-00078).

POPULATION ACCOMMODATION CAPACITY DISCUSSION

The request is to change the Future Land Use Map (FLUM) categories of 5.41 ± acres of Industrial Development and 2.26 ± acres of Wetlands to Urban Community and Conservation Lands. The Industrial Development category does not allow residential densities. The Urban Community land use designation permits up to 6 du/acre with a Bonus Density of up to 10 du/acre. This means that 32 residential units could be developed on the subject parcel if the amendment request is granted and the property is rezoned to residential. Staff however, is recommending the Commercial Future Land Use category which would eliminate any potential for increased residential density within the Coastal High Hazard Area. The applicant has agreed to no residential development on this site. Therefore, if the proposed Commercial Future Land Use amendment is adopted as part of this map amendment it will no significantly affect Lee County's population projections.

CONSISTENCY WITH THE "URBAN COMMUNITY" LAND USE CATEGORY

The applicant is proposing that the subject area's land use designation be amended to Urban Community and Conservation Lands. The Urban Community and Conservation Lands areas are outlined in Policy 1.1.4 and described below:

POLICY 1.1.4: *The Urban Community areas are areas outside of Fort Myers and Cape Coral that are characterized by a mixture of relatively intense commercial and residential uses. Included among them, for example, are parts of Lehigh Acres, San Carlos Park, Fort Myers Beach, South Fort Myers, the city of Bonita Springs, Pine Island, and Gasparilla Island. Although the Urban Communities have a distinctly urban character, they should be developed at slightly lower densities. As the vacant portions of these communities are urbanized, they will need to maintain their existing bases of urban services and expand and strengthen them accordingly. As in the Central Urban area, predominant land uses in the Urban Communities will be residential, commercial, public and quasi-public, and limited light industry (see Policy 7.1.6). Standard density ranges from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre), with a maximum of ten dwelling units per acre (10 du/acre). (Amended by Ordinance No. 94-30, 02-02)*

POLICY 1.4.6: *The Conservation Lands include uplands and wetlands that are owned and used for long range conservation purposes. Upland and wetland conservation lands will be shown as separate categories on the FLUM. Upland conservation lands will be subject to the provisions of this policy. Wetland conservation lands will be subject to the provisions of both the Wetlands category described in Objective 1.5 and the Conservation Lands category*

described in this policy. The most stringent provisions of either category will apply to wetland conservation lands. Conservation lands will include all public lands required to be used for conservation purposes by some type of legal mechanism such as statutory requirements, funding and/or grant conditions, and mitigation preserve areas required for land development approvals. Conservation Lands may include such uses as wildlife preserves; wetland and upland mitigation areas and banks; natural resource based parks; ancillary uses for environmental research and education, historic and cultural preservation, and natural resource based parks (such as signage, parking facilities, caretaker quarters, interpretive kiosks, research centers, and quarters and other associated support services); and water conservation lands such as aquifer recharge areas, flowways, flood prone areas, and well fields. 2020 lands designated as conservation are also subject to more stringent use provisions of the 2020 Program or the 2020 ordinances. (Added by Ordinance No. 98-09, Amended by Ordinance No. 02-02)

MAP 16-PLANNING COMMUNITIES AND TABLE 1(b)

The subject area is located within the Iona/McGregor Planning Community. In this planning community, 697 acres are allocated for residential uses by the year 2020. Recent data collected by the Division of Planning indicates that there are 669 acres currently developed with residential uses within the Urban Community designation, leaving a total of 28 acres that could be developed with residential uses. Planning staff recommends the newly Commercial Future Land Use category, therefore, residential allocation does not pertain to this amendment request. In addition, in the Iona/McGregor planning community, 782 acres is allocated for commercial uses for the year 2020 and 579 acres is currently developed with commercial uses. CPA2005-00026 proposes to update the commercial allocation by extending them in the Iona/McGregor area to 1100 acres by the year 2030 (see Allocation Comparison Table Attachment). This amendment has a scheduled adoption hearing on April 11th 2007.

TRANSPORTATION ISSUES

Lee County Department of Transportation staff have reviewed the amendment request and has provided a memo dated October 19, 2006. The memo include the following comments:

“ Compared to the residential and light industrial uses, 54,100 square feet of commercial is the worst case in terms of trip generation from this site, and will generate 417 trips (including pass-by trips) on a PM peak hour basis. The Lee County MPO 2030 FSUTMS model shows that Summerlin Road, a 6-lane facility onto which the property will have an access , will have 1,937 trips on a PM peak hour basis, and the LOS will be at “B”. Adding this project’s traffic, the LOS on Summerlin Road will be still at “B”. Therefore, we determine that the land use change on this property will not alter the future road network system.”

PUBLIC SAFETY ISSUES

The applicant has provided letters from public safety agencies and service providers. The purpose of these letters is to determine the adequacy of existing or proposed support facilities regarding the proposed land use amendment request.

1. EMS

Lee County Emergency Medical Services staff have reviewed the proposal and provided a Statement of No Concern September 12, 2006 that for the requested land use designation of Urban Community with the maximum development potential of 54,100 sq. ft. of building or a maximum of 32 dwelling units.

2. FIRE

The Iona McGregor Fire Department staff have reviewed the proposal and provided a letter dated September 12, 2006 stating that there is capability to serve the subject parcel as long as all state and local codes are adhered to.

3. SHERIFF

The Lee County Sheriff Department staff have reviewed the proposal and provided a letter dated September 12, 2006 stating there are no objections to the project and an adequate "core" level of law enforcement services will be provided for the subject parcel.

SCHOOL IMPACTS

The School District of Lee County staff have reviewed the proposal provided comments dated September 13, 2006. In that letter there were no objections to the proposed land use map amendment request.

SOILS

The 1984 U.S. Department of Agriculture Soil Survey of Lee County classified 3 soil types on the subject parcel - 6 Hallendale fine sand, 13 Boca fine sand, 45 Copeland sandy loam depressional, and 56 Isle Muck. All listed soil types found on the subject parcel are hydric soils and good indicators of wetland habitat. Hydric soils are those soils that in their natural conditions are saturated, flooded, or ponded long enough during the growing season (February to December in Lee County) to develop anaerobic conditions that favor the growth and regeneration of hydrophytic (wetland) vegetation.

HISTORICAL AND ARCHAEOLOGICAL IMPACTS

The Florida Department of State Division of Historical Resources submitted a letter dated September 12, 2006 that the Florida Master Site File lists no previously recorded cultural resources on the subject parcel. In addition, the Lee County DCD Division of Planning submitted a letter dated January 5, 2007 that there are no historic sites on the subject parcel. The applicant will be required to apply for a Certificate to Dig as a condition for obtaining a development order. In reviewing the Certificate to Dig application, staff may require that the applicant have an archaeological survey conducted by an archeologist. Conditions may be imposed based on the results of the survey.

ENDANGERED SPECIES

The protected species survey dated May 13, 2005 was prepared by Boylan Environmental Consultants, Inc. for the subject parcel was submitted with the as apart of the Waterstone RPD rezoning case (DCI2005-00078). According to that report, no protected species were observed on the subject parcel.

PARKS, RECREATION AND OPEN SPACE

Lee County Parks & Recreation Staff have reviewed the amendment request and provided comments via email dated December 12, 2005. In that email, Parks & Recreation staff suggested that 100 feet be required on the eastern boundary of the site to protect water quality and wildlife habitat in the Deep Lagoon Preserve. The applicant has proposed to preserve the existing wetland habitat in this area and has requested that this portion of the site be placed in the Conservation Lands Land Use Category. In addition, the eastern 222 ± feet of the subject property is within a SFWMD Conservation Easement.

DRAINAGE/SURFACE WATER MANAGEMENT

The applicant has provided the following comments for surface water management requirements:

"The development's surface water management system will be developed in accordance with South Florida Water Management District and Lee County Development regulations. The project has been permitted under South Florida Water Management District permit number 36-05751-P. A copy of the permit is attached. The eastern 222± feet of the subject property is within a SFWMD Conservation Easement and is proposed for Conservation Lands: Wetland Land Use designation."

MASS TRANSIT

Lee County Transit Division staff have reviewed the amendment request and provided the following comments to the applicant in a memo, dated September 12, 2006. The memo includes the following:

"Lee County Transit staff has reviewed the follow-up information you provided in regards to your service adequacy request for the above-mentioned Lee County Small Scale Comprehensive Plan Amendment application. The updated use of 54,100 square or a maximum of 32 dwelling units does not change our previous determination."

We currently provide service on Summerlin Road in front of the subject property 6 days a week with our Route 50. Service frequencies Monday through Saturday are every 70 minutes, which likely does not provide for a core level of transit service to this area. However, we do have capacity for additional passengers to use this route as a result of the proposed project although; improved frequency needs to occur in order to begin attracting single occupant automobile users to the transit systems."

SOLID WASTE.

Lee County Solid Waste Division staff have reviewed the amendment request and has provided the following comments to the applicant in a memo, dated September 12, 2006. The memo includes the following:

" The Lee County Waste Division is capable of providing solid waste collection service for the additional units proposed for the 7.67 acre site located on the north side of Summerlin Rd., between Pine Ridge Road and Bass Road through our franchised hauling contractors. Disposal of the solid waste from this development will be accomplished at the Lee County Resource Recovery Facility and the Lee-Hendry Regional Landfill. Plans have been made, allowing for growth, to maintain long-term disposal capacity at these facilities,

The Solid Waste Ordinance (05-13, Section 21) and the Lee County Land Development Code, Chapter 10, Section 10-261 have requirements for providing on-site space for placement and servicing of certain multi-family commercial solid waste containers.

UTILITIES

Lee County Utilities staff have reviewed the amendment request and has provided the following comments via email on October 10, 2006. The email includes:

" Utilities has no issues regarding the capacity to serve the development proposed in this CPA. As always, the developer will be responsible for off-site improvements to infrastructure to extend facilities to the project. In this case both water and sewer infrastructure will need to extended."

COASTAL HIGH HAZARD AREA ISSUE (CHHA)

The subject property is located in the CHHA area per the Lee Plan Map 5. There have been past discussions regarding the concern of increasing density in this area. Planning staff recommendation of the new Commercial Land Use designation eliminates any potential residential uses. The 1991 "Hurricane Storm Tide Atlas for Lee County", prepared by the Southwest Florida Regional Planning Council, shows the subject property is located within the Tropical Storm surge zone. The proposed commercial development does not increase residential density in the CHHA.

B. CONCLUSIONS

The proposed amendment is consistent with Policy 1.1.4, the Urban Community Future Land Use category descriptor policy and Policy 1.4.6, the Conservation Lands Future Land Use category descriptor policy. The intent of the applicant is to develop commercial office and retail uses which is compatible with the surrounding uses. The subject parcel is located between the Urban Community Future Land Use category to the north, the Wetlands Future Land Use category to the east, the Outlying Suburban Future Land Use category to the south, and the Community Facilities Future Land Use category to the west. The commercial intensities proposed are allowed in the Urban Community land use designation. If the amendment is approved a maximum of 54,100 square feet

of commercial development could be constructed. This increase in commercial square footage is insignificant in the Urban Community Future land use designation.

Although the proposed amendment is consistent with the Urban Community and Conservation Lands Future Land Use categories and the surrounding uses in the area, staff have concerns with the proposal. The subject parcel is located within the CHHA as defined in the Lee Plan. **Policy 5.1.2. of the Lee Plan** prohibits residential development where physical constraints or hazards exist, require the density and design to be adjusted accordingly. Such constraints 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. Planning staff have concluded that the proposed amendment request has the potential to place future populations at risk. Therefore, staff is unable to support the adoption of the proposed amendment request. However, Planning staff recommends the new Future Land Use category of Commercial that was initiated by the Board of County Commissioners on September 28, 2004. This new category was the result of two privately initiated small scale amendments that are located in the southeast quadrant of the Summerlin Road and Pine Ridge road intersection. The amendments requested a future land use map change from the Industrial Development Future Land Use category to the Urban Future Land Use category. Staff noted that residential development would not be highly favored on the site due to the existing surrounding commercial and industrial uses and the location of the parcels at the intersection. As part of the review for each request, staff discussed the coastal issues involved in the map change. The properties were located in the CHHA as defined in the Lee Plan. While it was unlikely that the properties would ever be developed with residential uses, the amendment did impose a potential to increase residential densities in the CHHA. Based on the review of the two small scale amendments, staff found a growing need for a Commercial Development Future Land Use category.

C. STAFF RECOMMENDATIONS

Planning staff **recommends denial** of the applicant's request to amend Map 1, the Future Land Use Map, to change the Future Land Use designation of the subject area from Industrial Development and Wetlands to Urban Community and Conservation Lands Future Land Use designation. However, Planning staff does **recommend transmittal** of the subject property to the newly adopted Future Land Use category of Commercial. This recommended future land use designation would eliminate any potential for increased residential density within the CHHA.

PART III-LOCAL PLANNING AGENCY REVIEW AND RECOMMENDATION

DATE OF PUBLIC HEARING: March 26, 2007

A. LOCAL PLANNING AGENCY REVIEW:

Planning staff explained that the commercial land use category is a new future land use category designed for the areas that are more useful for commercial activity only, specifically Coastal High Hazard Areas (CHHA) where increased residential densities are not favored. Planning staff explained concerns about the location of the parcel in the CHHA, its location adjacent to the Fort Myers Beach Sewage Treatment ponds and the compatibility of residential uses adjacent to the ponds. In addition, staff explained that the commercial land use category is intended to be a fairly intensive urban category that would allow a general range of commercial uses from retail to office.

One member of the LPA had questions about what zoning districts the new commercial land use category relates to. Planning staff explained that the land use category is meant to accommodate a variety of commercial zoning districts from CG to CPDs. One LPA member noted that the subject property involves a 7.67 acres tract and that there is only a half-acre of upland on the site and seems to be an all wetland site. Planning staff stated that even though the FLUCCS map shows it as having only a half-acre of uplands on the site, there is more than a half an acre of uplands on the site. In addition, staff explained that the applicant would have to obtain the necessary permits to fill and that the Commercial Future Land Use designation would allow less intense uses on the property than the existing Industrial Development designation. One LPA member asked if the project had access off of Summerlin Road and if the road was a limited access road. Staff confirmed that Summerlin Road is a limited access road and the applicant is proposing an additional rezoning application that will modify the access resolution for Summerlin Road. One LPA member referred to comments in the staff report that mention the Waterstone RPD rezoning to the north of the Vicott project. In addition, the LPA member mentioned that in order for the Waterstone residents to access Summerlin they would have to go through the Vicott development. Stacy Hewitt with Banks Engineering confirmed that there will be a shared access with the proposed Waterstone RPD. The relocated median opening has been reviewed by DOT and they are in agreement with it. In addition, she stated that a South Florida Management District (SFWMD) permits have been obtained for the amendment site and the property to the north. In addition, Ms. Hewitt stated that property was reviewed for wetland mitigation, and showed LPA members the portions that will be placed in the in the Wetlands Conservation Land Future Land Use designation.

One LPA member questioned why the amendment parcel was not included within the Wetland Future Land Use category. Planning staff explained that the County first began trying to map wetlands in 1986 and that the wetlands probably did not appear correctly on the national wetland mapping when staff originally pursued those mapping efforts. One LPA member noted that the packets did not included a map that correlates to the entire property to see what the district did approved or did not approve for wetland impacts. Stacy Hewitt, from Banks Engineering, explained that the SFWMD permit was done for the amendment parcel and the property to the north and

showed the Board again where the Conservation easement was. A LPA member asked if the applicant would be closing the current median access. Ms Hewitt stated that DOT was incorporating the median ongoing with the widening project for Summerlin Road.

One LPA member asked how water and sewer would be addressed. Ms. Hewitt stated that there is the availability of water and sewer service and that all appropriate agencies had no objections to the proposed amendment request. In addition, Ms. Hewitt stated that the applicant had no objections to Planning staff's recommendation to transmit the amendment parcel to the new Commercial Future Land Use designation.

B. LOCAL PLANNING AGENCY RECOMMENDATIONS AND FINDINGS OF FACT SUMMARY:

1. RECOMMENDATION:

The Local Planning Agency recommends that the Board of County Commissioners adopt the proposed plan amendment.

2. BASIS AND RECOMMENDATION FINDINGS OF FACT:

The LPA accepted the facts advanced by planning staff.

C. VOTE:

NOEL ANDRESS	<u>AYE</u>
DEREK BURR	<u>AYE</u>
LES COCHRAN	<u>AYE</u>
RON INGE	<u>ABSENT</u>
CARLETON RYFFEL	<u>AYE</u>
RAE ANN WESSEL	<u>AYE</u>

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

DATE OF ADOPTION HEARING: April 24, 2007

A. BOARD REVIEW:

The Board agreed unanimously to adopt the proposed plan amendment request.

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION AND FINDINGS OF FACT SUMMARY

The Board of County Commissioners adopted the proposed plan amendment.

2. BASIS AND RECOMMENDED FINDINGS OF FACT

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

C. VOTE:

A. BRIAN BIGELOW **AYE**

TAMMARA HALL **AYE**

BOB JANES **AYE**

RAY JUDAH **AYE**

FRANKLIN B. MANN **AYE**

Banks Engineering

Professional Engineers, Planners & Land Surveyors
10511 Six Mile Cypress Parkway
Fort Myers, Florida 33966
(239) 939-5490
Fax (239) 939-2523

Please Reply To:
FORT MYERS OFFICE

January 12, 2007

Mr. Wayne Gaither
Division of Planning
1500 Monroe Street
Fort Myers, FL 33901

RE: CPA2005-00001
Sufficiency Submittal No. 3

Dear Mr. Gaither:

This is in response to your November 20, 2006 letter regarding the above-referenced Comprehensive Plan Amendment:

Comment #1:

It was understood through previous conversations that the 2.26 acres of wetlands were intended to be changed to a Conservation Land Use designation. If this is still the intent of the applicant the application will need to be changed to reflect the additional land use designation.

Response: The application and the Proposed Future Land Use Map have been revised to reflect the 2.26 acres of wetlands as proposed land use change to Conservation Land Use designation. Additional legal descriptions are also attached to reflect the areas for each proposed Land Use designation.

Comment #2:

Additionally, we have new Administrative Codes concerning comprehensive plan amendments. Notification needs to be sent out to property owners within **500 feet** of a CPA. To meet this requirement the applicant is now required to obtain a variance report from the Property Appraiser's Office (both hard copy and in

Naples Office
6640 Willow Park Dr.
Suite B
Naples, Florida
34109
(239) 597-2061
Fax (239) 597-3082

Sarasota Office
1144 Tallevast Road
Suite # 115
Sarasota, Florida
34243
(941) 360-1618
Fax (941) 360-6918

Port Charlotte Office
12653 SW CR 769
Suite B
Lake Suzy, Florida
34269
(941) 625-1165
Fax (941) 625-1149

digital format, preferably MS Word), including mailing labels. The applicant is also responsible for prepaying the cost of mailing these notices. This must be done within 15 calendar days of finding the applicant sufficient. The applicant is also responsible for posting a notice (provided by DCD) 15 calendar days before the LPA hearing.

Response: The variance report, including mailing labels is attached. The digital format has been sent via email.

III (A)(1): Site Address:

Please provide the site address for the parcel of land.

Response: The Property Appraiser lists the site address as Access Undetermined, Fort Myers, FL 33908.

III (B): Property Information – Total Acreage of Property & Total Acreage included in Request:

The Property Appraiser lists this parcel as being 8.89+/- acres. The application refers to the STRAP and provides a legal description for a portion of the STRAP. The application lists the Total Acreage of the Property as 7.67 acres and a Total Acreage Included in the Request is 7.67 acres. It appears the legal description pushes the property line roughly 100 feet north of the Property Appraisers parcel boundaries. Please verify that all property that currently has the land use designation of Industrial Development, at this site, is included in the comprehensive plan amendment.

Response: There appear to be errors on the Property Appraiser's website in relation to the subject property area and map. The legal description included with the request includes all land subject to this comprehensive plan amendment and encompasses 7.67 acres of land.

III (B): Property Information – Area of each Existing Future Land Use Category:

Please provide the areas of each individual land use category being impacted by this comprehensive plan amendment.

Response: The application has been revised to reflect existing land use as 6.62± acres as Industrial Development (5.41± acres uplands, 1.21± acres wetlands) and 1.05± acres as Wetlands (1.05± acres wetlands). The 5.41± acres of uplands are proposed to be changed to Urban Community and the wetlands (2.26± acres) are proposed to be changed to Conservation Lands - Wetlands.

III (B): Property Information – Current Future Land Use Designation:

It appears part of the property has existing wetlands designated. If this is the case, list it as a Future Land Use designation. This could impact the response to III(B): Property Information – Area of each Existing Future Land Use Category.

Response: The application has been revised to reflect existing land use as 6.62± acres as Industrial Development (5.41± acres uplands, 1.21± acres wetlands) and 1.05± acres as Wetlands (1.05± acres wetlands). The 5.41± acres of uplands are proposed to be changed to Urban Community and the wetlands (2.26± acres) are proposed to be changed to Conservation Lands - Wetlands.

IV (B): Public Facilities

- (1a) Identify the TAZ the comprehensive plan amendment site is located in. Is the comprehensive plan amendment going to impact the socio-economic data forecasts for that zone?

Response: Please see attached Memorandum from TR Transportation Consultants, Inc.

- (1b) Identify any changes to existing TAZ socio-economic data that will be required based on the comprehensive plan amendment. If no modifications are necessary, please state so. If changes are necessary. Respond to subsequent question 1c-f as necessary, if changes are made to the TAX socio-economic data.

Response: Please see attached Memorandum from TR Transportation Consultants, Inc.

IV (B): Short Range – 5 Year CIP

- (a) Three Mile Radius analysis to identify the existing roadways serving the site needs to be conducted. Indicate the laneage, functional classification, current LOS, and LOS standard.

Response: Please see attached Memorandum from TR Transportation Consultants, Inc.

- (c) For the five year horizon, identify the projected roadway conditions within the three-miles study area for both existing conditions and with the proposed plan amendment.

Response: Please see attached Memorandum from TR Transportation Consultants, Inc.

Please contact the Lee County Department of Transportation concerning this section of the application for comprehensive plan amendment.

IV (C): Environmental Impacts

- (1) Environmental assessment provided by Boylan Environmental Consultants, Inc. identifies a 7.67 acre site, please verify acreage.

Response: This acreage is correct.

- (3) Please identify the FIRM category the amendment site is located within. The graphic designating the FIRM category was originally color and was reproduced in black and white.

Response: The subject property lies within flood zone A10:EL9 pursuant to Community 125124, Panel 0435, Version B, dated 09/19/84. Color exhibits are attached.

IV (D): Historic Impacts

- (2) The comprehensive plan amendment site is located within a Lee County Archaeological Area, Sensitivity Level II site. Please provide analysis of the impacts the proposed amendment may have.

“Sensitivity Level 2: Those areas containing known archaeological sites that have not been assessed for significance but are likely to conform to the criteria for local designation, or areas where there is a high likelihood that unrecorded sites of potential significance are present.”

Please contact Gloria Sajgo for further information on Archaeological Sensitivity Level 2 areas.

Response: Attached please find the Sufficiency Review for Historic and Archaeological Resources. This document states that there are no known historic sites or archaeological sites on the subject parcel and further states that the property is within Level 2 zone of archaeological sensitivity. The applicant will be required to apply for a Certificate to Dig as a condition for obtaining a Development Order. In reviewing the Certificate to Dig application, staff may require that the applicant have an archaeological survey conducted by an archaeologist. Conditions may be imposed depending on the results of the survey.

IV (E): Internal Consistency with the Lee Plan

- (1) Table 1(b) pertains to the allocation of uses. Please expand your discussion to explain how your plan amendment will impact the Planning Community Allocation Table 1(b) and if the change is a benefit or a detriment to the Planning Community.

Response: Currently there are 202 acres of commercial development in the Urban Community Land Use Category for the Iona/McGregor planning community. The proposed Comprehensive Plan Amendment would add an additional 5.41 acres to the commercial development while eliminating 5.41 acres from industrial development. This change will be a benefit to the Planning Community as the location is better suited for commercial development.

- (3) Please describe how the proposed small scale amendment affects the adjacent local governments and their comprehensive plans, if no impact is anticipated please state so, NA is not an acceptable answer.

Response: No impacts are anticipated to the adjacent local governments or their Comprehensive Plans.

- (4) If State and Regional policy goals are not affected by the small scale amendment please state so, NA is not an acceptable answer.

Response: State and Regional policy goals will not be affected by the proposed Comprehensive Plan Amendment.

In addition to the above listed questions/concerns, prepared by the Division of Planning, your application was submitted to various agencies and divisions of Lee County Government responsible for a wide range of public services.

The comments to the original (1st submittal) are reproduced below:

Lee DOT:

Lee DOT is requesting the anticipated Zoning Category you will be applying for. This information will be used in running the transportation model used to determine the impact you will be generating on the surrounding transportation network.

Response: A Commercial Planned Development will be requested once the Comprehensive Plan Amendment has been processed.

Lee County Parks and Recreation:

- (1) I did not see any topographic map, but I assume the site is low in elevation based on a site inspection I did several years ago when this site was a Conservation 20/20 nomination and the entire site was flooded. It would appear that this site is entirely within the floodplain of Cow Slough and thus I assume that compensatory storage will be an issue with the development of this site.

Response: The project has been permitted under South Florida Water Management District permit number 36-05751-P. A copy of the permit is attached. The eastern 222+/- feet of the subject property is within a SFWMD Conservation Easement and is proposed for Conservation Lands: Wetlands Land Use designation.

- (2) The Future Land Use Map does not appear correct as the county owned portion to the east is comprised of Cow Slough, which is part of the Deep Lagoon Preserve.

We worked with Rob Irving in Environmental Sciences to have this site changed to Conservation Lands. Could you check with him on this designation?

Response: The Future Land Use Map currently shows the property as Industrial Development and Wetlands land use categories.

- (3) I suggest comparing the FLUCFCS map provided with that done when the site was going through review as a Conservation 20/20 nomination and the county paid an environmental consultant to map the uplands and wetlands. It was my recollection that most of the site was mapped as wetlands. This is supported to some extent by the soils map provided which indicates at least the western portion of the site has wetland characteristics as evidence by hydric soils.

Response: The project has been permitted under South Florida Water Management District permit number 36-05751-P. A copy of the permit is attached. The eastern 222+/- feet of the subject property is within a SFWMD Conservation Easement and is proposed for Conservation Lands:Wetlands Land Use designation.

- (4) I suggest that a buffer of at least 100' be required on the eastern boundary of the site if the rezoning is approved to protect water quality and wildlife habitat in the Deep Lagoon Preserve.

Response: The eastern 222+/- feet of the subject property is within a SFWMD Conservation Easement and is proposed for Conservation Lands:Wetlands Land Use designation which will provide the desired protection.

The comments from the 2nd submittal are reproduced below:

Smart Growth

Usually a site like this is an opportunity to attempt small scale mixed use. I would recommend that for this site, also, with most of the discussion at the plan development stage. However, there are two issues. The site is located next to the sewage treatment ponds, and the site seems to access onto Summerlin.

Regarding the ponds, the concern is whether there is any aerosol/odor issues, that makes residential inappropriate? The industrial designation would seem more likely to not have a conflict with this utility use.

Response: The subject property has deed restrictions that do not allow residential development on the site. The Declaration of Restrictive Covenants is attached for reference.

Second, access on Summerlin. At one time, Summerlin was considered a limited access roadway, with the intent to ensure that parcel division/subdivision was tied to coordinated

plans between parcels to limit access points. Is this parcel one with such a constraint?

Response: The proposed access point to the proposed development will be a shared access point with the residential subdivision that is proposed to the north of the subject property. As part of the rezoning for the residential subdivision, the applicant is proposing to relocate the designed Summerlin Road controlled access point 140' ± to the north. The relocated access point is being coordinated with Lee County DOT and will need approval by the Board of County Commissioners as part of the rezoning request. Attached please find a copy of a memo with attachments from Lee County DOT dated September 7, 2006 which states that they have no objection to the request and a copy of the grant of access easement.

This letter should not be viewed as a final dead-line for comments from the above listed agencies. Should additional comments come in regarding sufficiency questions, they will be submitted to you in a timely a manner as possible.

Please continue your review of our responses to the sufficiency checklists. Should you have any questions or require additional information, please do not hesitate to contact me at 939-5490.

Sincerely,

BANKS ENGINEERING



Stacy Ellis Hewitt
Director of Planning

cc: Rudy Maul
Eddy Garcia

Banks Engineering

Professional Engineers, Planners & Land Surveyors
10511-101 Six Mile Cypress Parkway
Fort Myers, Florida 33966
(239) 939-5490
Fax (239) 939-2523

Please Reply To:
FORT MYERS OFFICE

VICOTT, INC.

SMALL SCALE COMPREHENSIVE PLAN AMENDMENT January 8, 2007

Naples Office
6640 Willow Park Dr.
Suite B
Naples, Florida
34109
(239) 597-2061
Fax (239) 597-3082

Sarasota Office
1144 Tallevast Road
Suite # 115
Sarasota, Florida
34243
(941) 360-1618
Fax (941) 360-6918

Port Charlotte Office
12653 SW CR 769
Suite B
Lake Suzy, Florida
34691
(941) 625-1165
Fax (941) 625-1149

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VICOTT, INC.

APPLICATION FOR A COMPREHENSIVE PLAN AMENDMENT

AMENDMENT SUPPORTING DOCUMENTATION:

- A. GENERAL INFORMATION AND MAPS
- B. PUBLIC FACILITIES IMPACTS
- C. ENVIRONMENTAL IMPACTS
- D. IMPACTS ON HISTORIC RESOURCES
- E. INTERNAL CONSISTENCY WITH THE LEE PLAN
- F. ADDITIONAL REQUIREMENTS FOR SPECIFIC FUTURE LAND USE AMENDMENTS
- G. JUSTIFICATION FOR PROPOSED AMENDMENT

ADDITIONAL REQUIRED EXHIBITS:

- 1. VARIANCE REPORT
- 2. DECLARATION OF RESTRICTIVE COVENANTS
- 3. GRANT OF ACCESS EASEMENT
- 4. MEMO FROM LEE DOT AND DRAFT RESOLUTION WHICH DESIGNATES SUMMERLIN ROAD AS A CONTROLLED ACCESS ROAD AND ESTABLISHED PERMANENT ACCESS POINTS
- 5. SFWMD PERMIT NO. 36-05751-P



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: CPA2005-00001

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: 111

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.

01/09/07

DATE

SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

I. APPLICANT/AGENT/OWNER INFORMATION

Vicott, Inc.

APPLICANT

10950 Old South Way

ADDRESS

Fort Myers,

FL

33908

CITY

STATE

ZIP

(239) 489-1814

(239) 489-1816

TELEPHONE NUMBER

FAX NUMBER

Banks Engineering, c/o Stacy Ellis Hewitt, Director of Planning

AGENT*

10511 Six Mile Cypress Parkway, Suite 101

ADDRESS

Fort Myers,

FL

33966

CITY

STATE

ZIP

(239) 939-5490

(239) 939-2523

TELEPHONE NUMBER

FAX NUMBER

Vicott, Inc.

AND Sunset Falls, LLC

(Strap No. 05-46-24-00-00003.0030)

(Strap No. 05-46-24-00-00003.0020)

OWNER(S) OF RECORD

10950 Old South Way

8045 NW 115 Street

ADDRESS

Fort Myers, FL 33908

Miami Lakes, FL 33016

CITY/STATE/ZIP

(239) 489-1814 / (239) 489-1816

(305) 828-0103 / (305) 828-0147

TELEPHONE/FAX NUMBERS

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

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

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

A. TYPE: (Check appropriate type)

☐ Text Amendment

☒ Future Land Use Map Series Amendment
(Maps 1 thru 21)

List Number(s) of Map(s) to be amended
Map No. 1

B. SUMMARY OF REQUEST (Brief explanation):

Change Future Land Use Map of subject property from
Industrial Development and Wetlands to Urban Community and Conservation
Lands – Wetlands to allow for the property to be rezoned and developed as a
Commercial Planned Development.

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

A. Property Location:

1. Site Address: Access Undetermined, Fort Myers, FL 33908
2. STRAP(s): 05-46-24-00-00003.0030 & 05-46-24-00-00003.0020

B. Property Information

Total Acreage of Property: 7.67+/- Ac.

Total Acreage included in Request: 7.67+/- Ac.

Area of each Existing Future Land Use Category: _____

Total Uplands: Industrial Development: 5.41+/- Ac

Total Wetlands: Industrial Development: 1.21+ Ac. / Wetlands: 1.05+ Ac.

Current Zoning: AG-2

Current Future Land Use Designation: Industrial Development and Wetlands

Existing Land Use: Vacant

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

Lehigh Acres Commercial Overlay: N/A

Airport Noise Zone 2 or 3: N/A

Acquisition Area: N/A

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

Community Redevelopment Area: N/A

- D. Proposed change for the Subject Property: Industrial Development and Wetlands to Urban Community and Conservation Lands - Wetlands

- E. Potential development of the subject property:

1. Calculation of maximum allowable development under existing FLUM:

Residential Units/Density -0-

Commercial intensity 6,492 s.f.

Industrial intensity 64,920 s.f.

2. Calculation of maximum allowable development under proposed FLUM:

Residential Units/Density -0- (see attached restrictive covenants)

Commercial intensity 54,100 s.f.

Industrial intensity -0-

IV. AMENDMENT SUPPORT DOCUMENTATION

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

A. General Information and Maps

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

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

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

B. Public Facilities Impacts

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

1. Traffic Circulation Analysis

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

Long Range – 20-year Horizon:

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

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

Short Range – 5-year CIP horizon:

- a. Besides the 20-year analysis, for those plan amendment proposals that include a specific and 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
- b. Potable Water
- c. Surface Water/Drainage Basins
- d. Parks, Recreation, and Open Space.

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

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

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

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

C. Environmental Impacts

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

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

D. Impacts on Historic Resources

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

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

E. Internal Consistency with the Lee Plan

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

F. Additional Requirements for Specific Future Land Use Amendments

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

3. Requests involving lands in critical areas for future water supply must be evaluated based on policy 2.4.2.
 4. Requests moving lands from Density Reduction/Groundwater Resource must fully address Policy 2.4.3 of the Lee Plan Future Land Use Element.
- G. Justify the proposed amendment based upon sound planning principles. Be sure to support all conclusions made in this justification with adequate data and analysis.

Item 1: Fee Schedule

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

AFFIDAVIT

I, Stacy Ellis Hewitt, 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

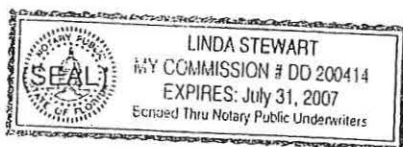
01/08/07


Date

Stacy Ellis Hewitt, Director of Planning
Typed or printed name

STATE OF FLORIDA)
COUNTY OF LEE)

The foregoing instrument was certified and subscribed before me this 8th day of Jan 2007,
by Stacy Ellis Hewitt, who is personally known to me or who has produced
_____ as identification.




Signature of notary public

LINDA STEWART
Printed name of notary public

VICOTT, INC.
SMALL SCALE COMPREHENSIVE PLAN AMENDMENT
AMENDMENT SUPPORT DOCUMENTATION

A. GENERAL INFORMATION AND MAPS:

1. Provide any proposed text changes: *There are no proposed text changes.*
2. Provide a Future Land Use Map showing the boundaries of the subject property, surrounding street network, surrounding designated future land uses, and natural resources.
Please see attached Existing Future Land Use Map and Proposed Future Land Use Map.

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 attached Aerial Photograph, Land Use and Zoning Map.

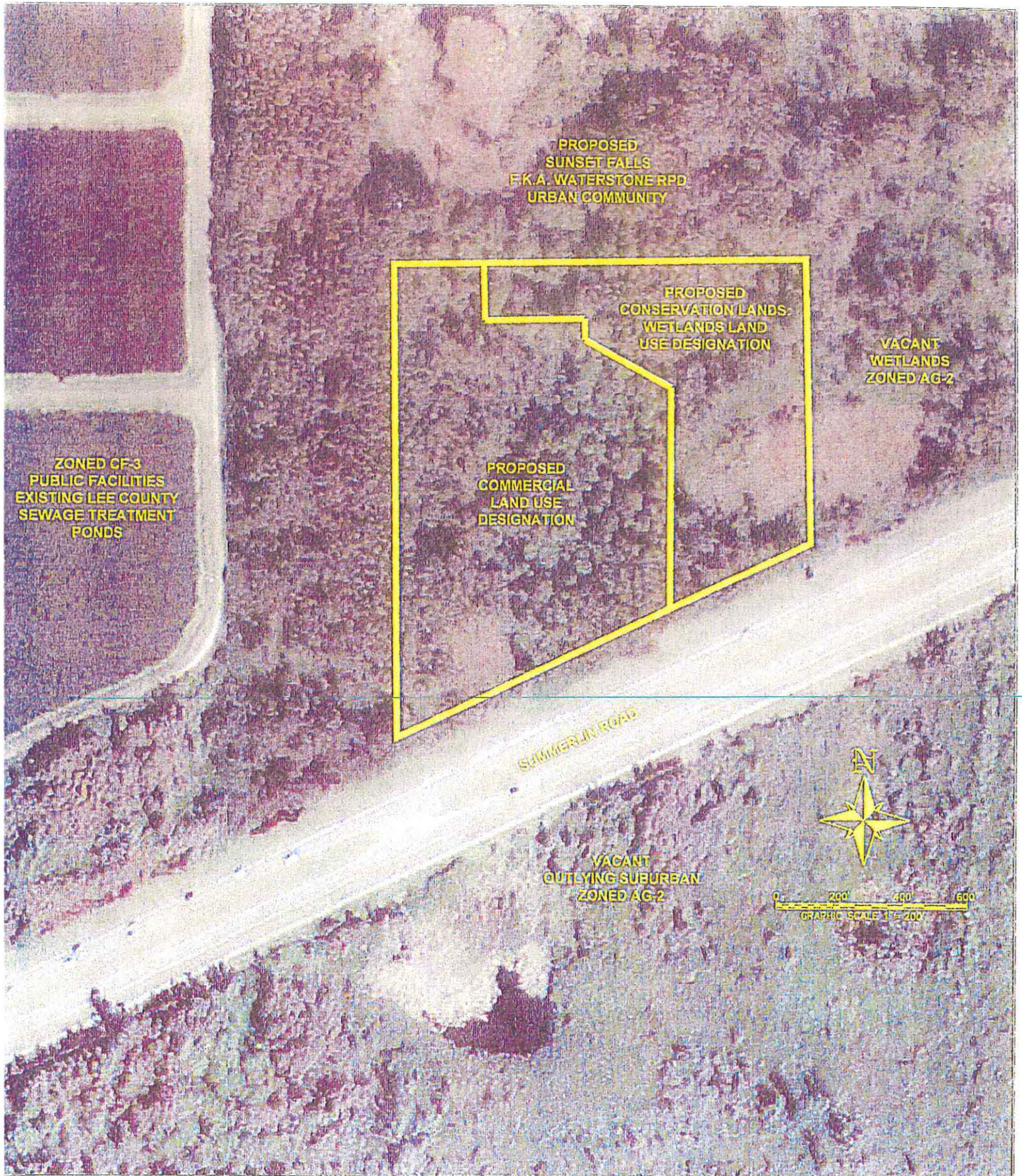
The property to the north is in the Urban Community Future Land Use Category and is currently vacant with a pending rezoning to RPD. The property to the east is in the Urban Community and Wetlands Future Land Use Categories and is currently vacant. Immediately to the south is Summerlin Road and the land south of the right-of-way is in Wetlands/Outlying Suburban Land Use Categories and Public Facilities Land Use Categories and is currently vacant. The property to the west is in the Public Facilities Land Use Category and consists of the Lee County Sewage Treatment ponds.

The proposed land use change for the subject property from Industrial Development and Wetlands to Urban Community and Conservation Lands – Wetlands will increase the compatibility with the existing and proposed land uses in the surrounding areas.

4. Map and describe existing zoning of the subject property and surrounding properties.
Please see attached Aerial Photograph, Land Use and Zoning Map.

The subject property is zoned AG-2. The property to the north is zoned AG-2 and a Planned Development application for the Sunset Falls f/k/a Waterstone RPD project is currently being reviewed to rezone the property to a Residential Planned Development (DCI2005-00078). The property to the east is zoned AG-2 and is currently vacant. The subject property abuts Summerlin Road right-of-way to the south. The property on the south of Summerlin Road is zoned AG-2 and is currently vacant. The property to the west of the subject property is zoned CF-3 and consists of Lee County Sewage Treatment ponds.

5. The legal description(s) for the property subject to the requested change.
The legal description included with the request includes all land subject to the Comprehensive Plan Amendment and encompasses 7.67 acres of land.
6. A copy of the deed(s) for the property subject to the requested change.
Please see attached Warranty Deeds and Declaration of Restrictive Covenants..
7. An aerial map showing the subject property and surrounding properties.
Please see attached Aerial Photograph, Land Use and Zoning Map.
8. If an applicant is not the owner, a letter from the owner of the property authorizing the applicant to represent the owner.
Letters of authorization are attached.



Banks Engineering

Professional Engineers, Planners & Land Surveyors

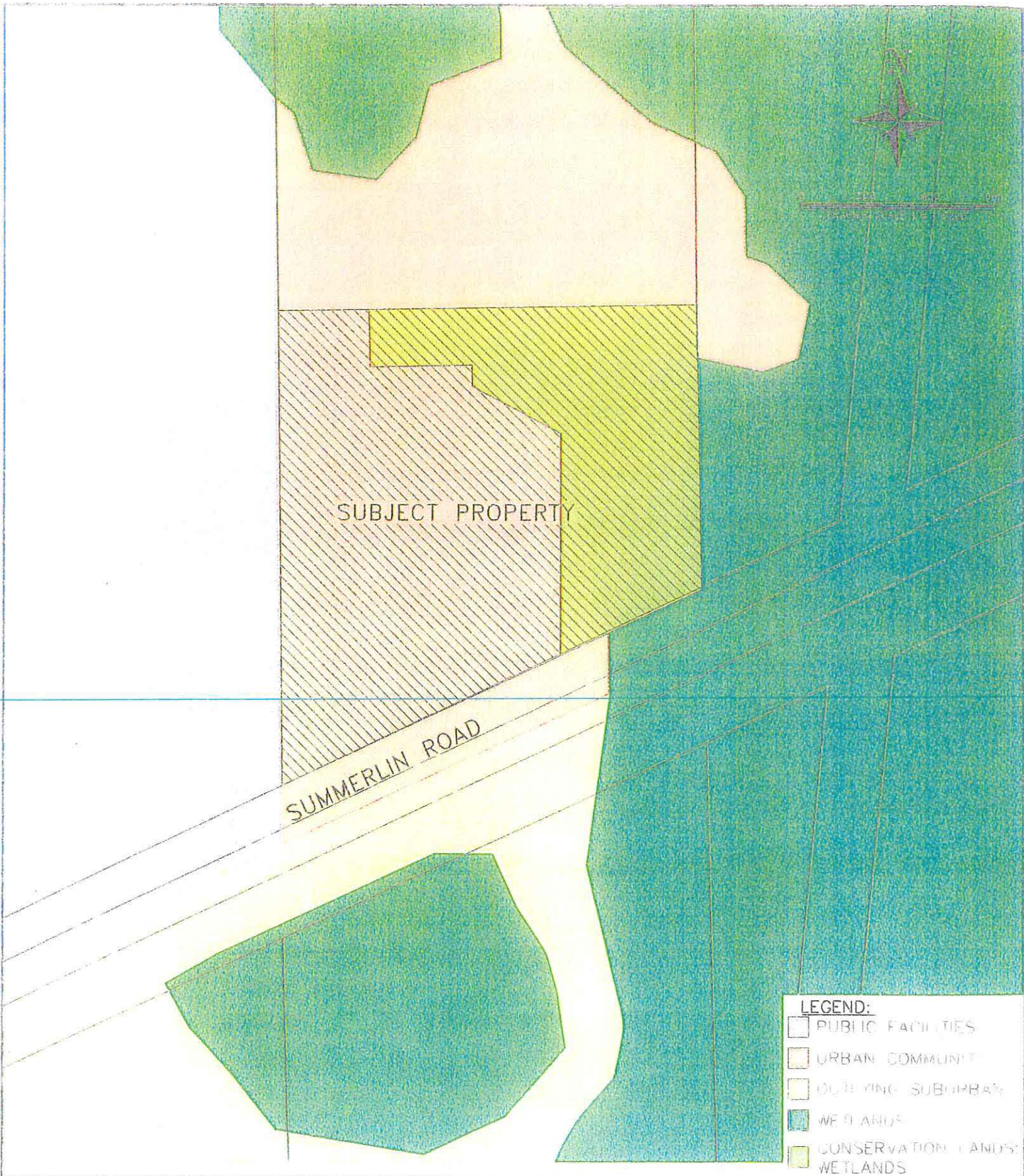
10511 SIX MILE EXPRESS PARKWAY
FORT MYERS, FLORIDA 33966
PHONE: (239) 939-5490 FAX: (239) 939-2511
ENGINEERING LICENSE # LD 5469
SURVEY LICENSE # LD 9890

AERIAL, LAND USE AND ZONING MAP

VICOTT, INC.

LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET	OF	SHEET NO. (S-T)
04-11-2007	1836	1836_AER	SDJ	SDJ	JCH	1"=200'	1	1	(05-18-24)



- LEGEND:**
- ☐ PUBLIC FACILITIES
 - ☐ URBAN COMMUNITY
 - ☐ OUTLYING SUBURBAN
 - ☐ WETLANDS
 - ☐ CONSERVATION LANDS/ WETLANDS

Banka Engineering, Inc.

Professional Engineers, Planners & Land Surveyors

10511 SIX MILE CYPRESS PARKWAY - SUITE 101
FORT MYERS, FLORIDA 33912
PHONE: (239) 939-5490 FAX: (239) 939-7521
ENGINEERING LICENSE # CB 6469
SURVEY LICENSE # LB 5690

PROPOSED FUTURE LAND USE MAP

VICOTT, INC.

LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET	OF	FILE NO. (S-T-P)
01/08/07	1836	1836-FLU	SDJ	SDJ	JGH	1"=200'	1	1	05-46-24

Banks Engineering

Professional Engineers, Planners & Land Surveyors

12653 SW C.R. 769, Suite B

Lake Suzy, Florida 34269

(941) 625-1165

Fax (941) 625-1149

DESCRIPTION OF A PARCEL LYING IN SECTION 5, T-46-S, R-24-E, LEE COUNTY, FLORIDA

(7.67 ACRES±)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 5, TOWNSHIP 46 SOUTH, RANGE 24 EAST, BEING A PART OF THE EAST HALF OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 5, AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

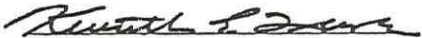
COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 5; THENCE S.89°01'42"W. ALONG THE SOUTH LINE OF SAID SECTION FOR 1319.00 FEET TO THE EAST LINE OF SAID EAST HALF OF THE WEST HALF OF THE SOUTHEAST QUARTER; THENCE N.01°26'45"W. ALONG SAID EAST LINE FOR 974.54 FEET TO AN INTERSECTION WITH THE NORTH RIGHT OF WAY LINE OF SUMMERLIN ROAD, (COUNTY ROAD 869), AND THE POINT OF BEGINNING; THENCE CONTINUE N.01°26'45"W., ALONG SAID EAST LINE, FOR 357.68 FEET; THENCE S.88°58'25"W., ALONG THE NORTH LINE OF THE SOUTH HALF OF SAID EAST HALF OF THE WEST HALF OF THE SOUTHEAST QUARTER, FOR 660.47 FEET; THENCE S.01°29'16"E., ALONG THE WEST LINE OF SAID EAST HALF OF THE WEST HALF OF THE SOUTHEAST QUARTER, FOR 654.93 FEET TO AN INTERSECTION WITH SAID NORTH RIGHT OF WAY LINE OF SUMMERLIN ROAD, (COUNTY ROAD 869); THENCE N.64°39'27"E., ALONG SAID NORTH RIGHT OF WAY, FOR 721.85 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 334105.20 SQUARE FEET OR 7.67 ACRES MORE OR LESS.

BEARINGS ARE BASED ON THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 5 AS BEARING S.89°01'42"W.

BANKS ENGINEERING,
FLORIDA LICENSED BUSINESS NO. LB6690

SEPTEMBER 14, 2006



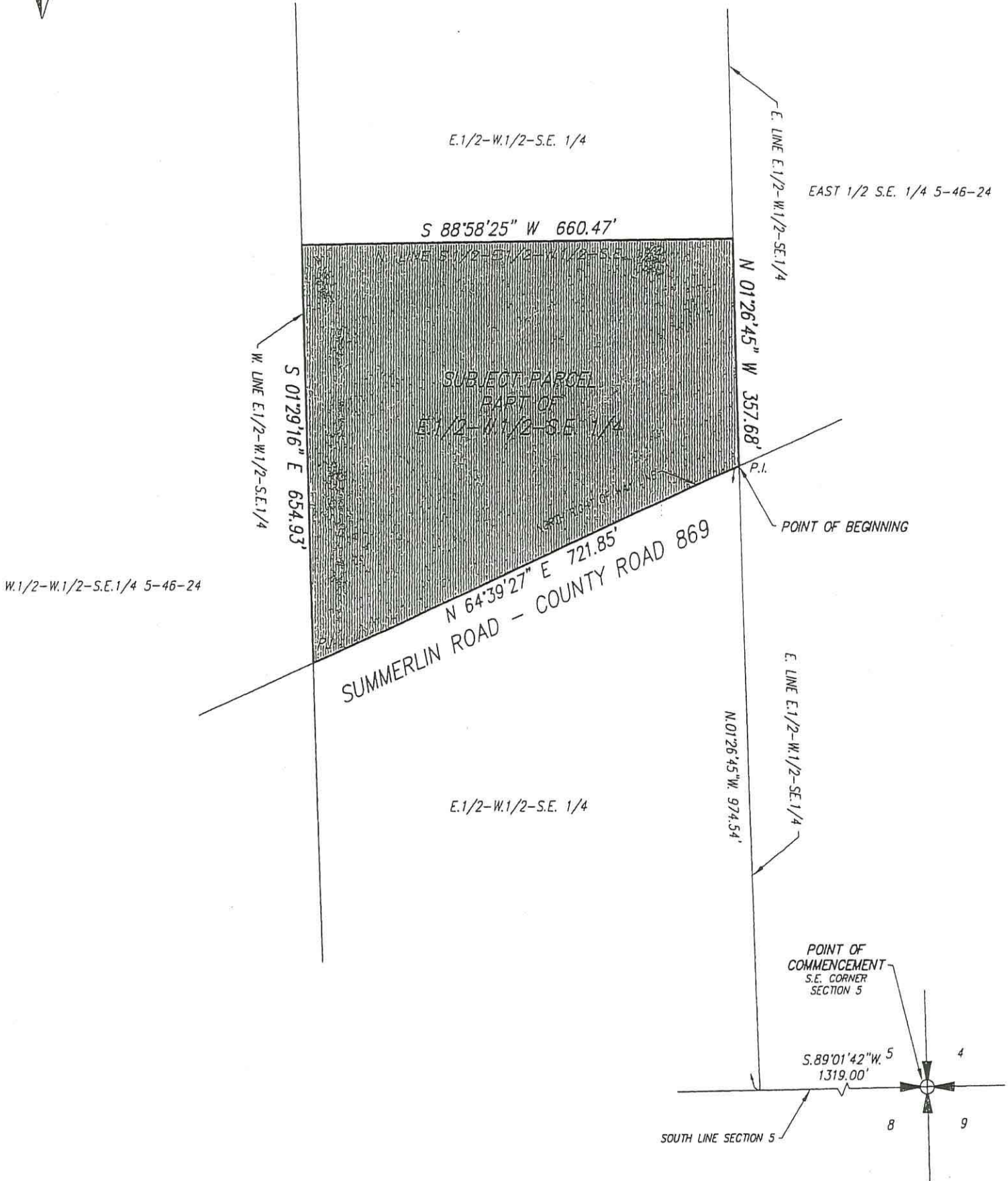
KENNETH E. TRASK
PROFESSIONAL LAND SURVEYOR
FLORIDA LICENSE NO. LS4684

SHEET 1 OF 2

Fort Myers Office
10511 Six Mile Cypress
Pkwy., Suite 101
Fort Myers, FL
33912
(239) 939-5490
Fax (239) 939-2523

Naples Office
6640 Willow Park Dr.
Suite B
Naples, Florida
34109
(239) 597-2061
Fax (239) 597-3082

Sarasota Office
1144 Tallevast Road
Suite # 115
Sarasota, Florida
34243
(941) 360-1618
Fax (941) 360-6918



LEGEND

LS LAND SURVEYOR
P.I. POINT OF INTERSECTION

THIS IS NOT A BOUNDARY SURVEY

Kenneth E. Trask
KENNETH E. TRASK
FLORIDA CERTIFICATE NO. LS4684

THIS IS NOT A BOUNDARY SURVEY

Banks Engineering Professional Engineers, Planners & Land Surveyors FORT MYERS ♦ NAPLES ♦ SARASOTA ♦ PORT CHARLOTTE 10511 SIX MILE CYPRESS PARKWAY - SUITE 101 FORT MYERS, FLORIDA 33912 PHONE: (239) 939-5490 FAX: (239) 939-2523 ENGINEERING LICENSE # EB 6469 SURVEY LICENSE # LB 8890		SKETCH TO ACCOMPANY DESCRIPTION 7.67 ACRES± LYING IN SECTION 5, T-46-S, R-24-E LEE COUNTY, FLORIDA							
DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET	FILE NO. (S-T-R)	
09-14-2005	1836	1836-SUMRLN- RQ-SKT-DESC		BJC	KT	1"=200'	2 OF 2	5-46-24	

Banks Engineering

Professional Engineers, Planners & Land Surveyors

12653 SW C.R. 769, Suite B

Lake Suzy, Florida 34269

(941) 625-1165

Fax (941) 625-1149

DESCRIPTION OF AN EASEMENT
LYING IN SECTION 5, T-46-S, R-24-E,
LEE COUNTY, FLORIDA

(URBAN COMMUNITY PARCEL)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 5, TOWNSHIP 46 SOUTH, RANGE 24 EAST, BEING A PORTION OF THE EAST HALF OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 5 AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

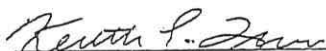
COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 5; THENCE S.89°01'42"W. ALONG THE SOUTH LINE OF SAID SECTION FOR 1319.00 FEET TO AN INTERSECTION WITH THE EAST LINE OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SAID SECTION; THENCE N.01°26'45"W. ALONG SAID FRACTIONAL LINE FOR 974.54 FEET TO AN INTERSECTION WITH THE NORTH RIGHT OF WAY LINE OF SUMMERLIN ROAD, (COUNTY ROAD 869); THENCE S.64°39'27"W. ALONG SAID NORTH RIGHT OF WAY LINE FOR 244.28 FEET TO THE POINT OF BEGINNING; THENCE N.00°04'41"E. FOR 348.06 FEET; THENCE N.61°35'24"W. FOR 156.47 FEET; THENCE N.01°01'35"W. FOR 33.37 FEET; THENCE S.88°58'25"W. FOR 310.91 FEET; THENCE S 01°29'16" E, ALONG THE WEST LINE OF SAID EAST HALF OF THE WEST HALF OF THE SOUTHEAST QUARTER, FOR 654.93 FEET TO SAID NORTH RIGHT OF WAY LINE; THENCE N 64°39'27" E, ALONG SAID NORTH RIGHT OF WAY LINE, FOR 477.57 FEET TO THE POINT OF BEGINNING.

CONTAINING 236077 SQUARE FEET OR 5.41 ACRES MORE OR LESS.

BEARINGS ARE BASED ON THE SOUTH LINE OF SECTION 5 AS BEARING S.89°01'42"W.

BANKS ENGINEERING,
FLORIDA LICENSED BUSINESS NO. LB6690

JANUARY 12, 2007



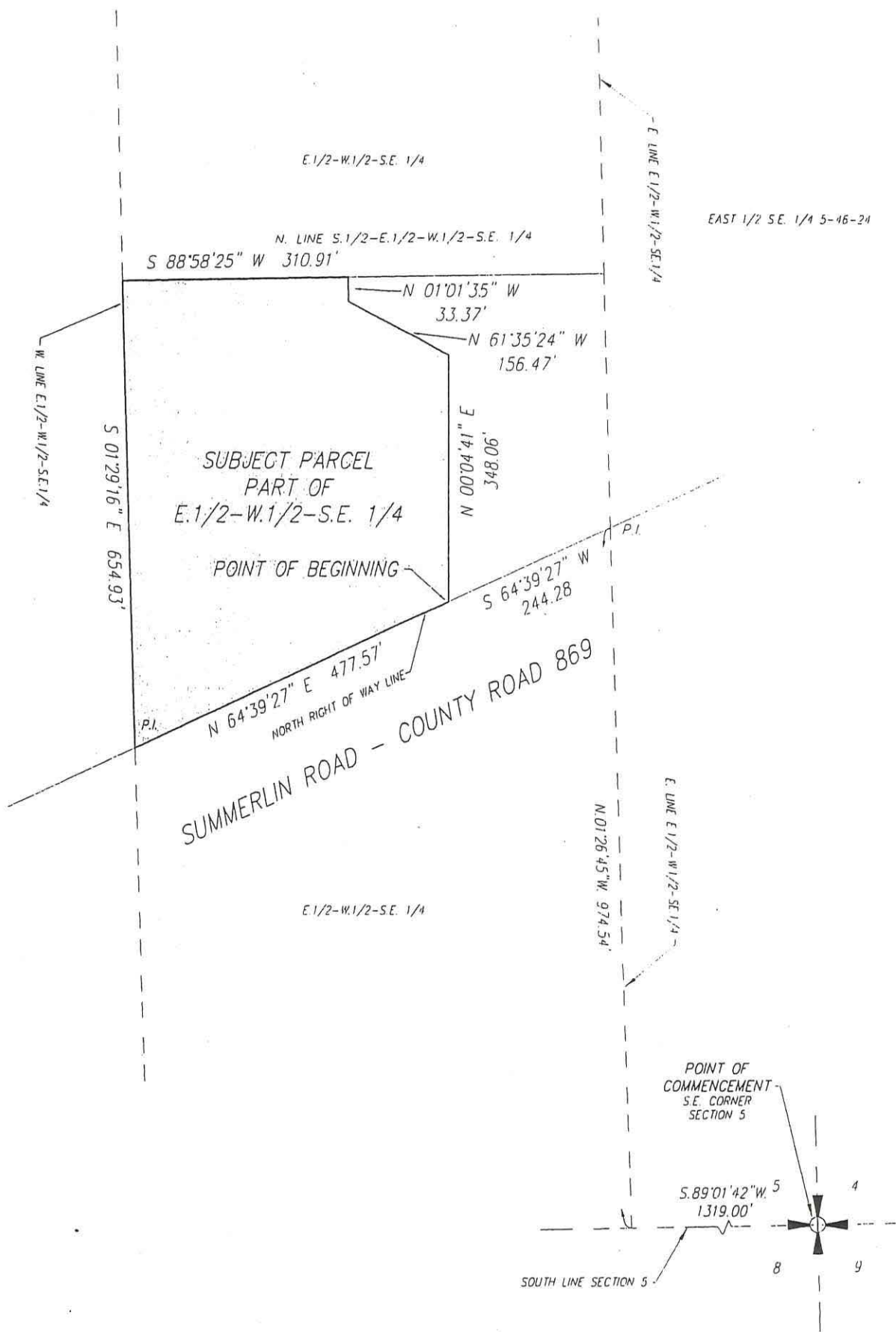
KENNETH E. TRASK
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Fax (941) 360-6918



Kenneth E. Trask
KENNETH E. TRASK
FLORIDA CERTIFICATE NO. LS468

LS LAND SURVEYOR
P.I. POINT OF INTERSECTION

LYING IN SECTION 5, T-46-S, R-24-E
LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET	FILE NO (S-)
1-12-2007	18J6	18J6-CL- PQ-SK1		BJC	KI	1"=200'	2 OF 2	S-46-24

Banks Engineering

Professional Engineers, Planners & Land Surveyors

12653 SW C.R. 769, Suite B

Lake Suzy, Florida 34269

(941) 625-1165

Fax (941) 625-1149

DESCRIPTION OF AN EASEMENT
LYING IN SECTION 5, T-46-S, R-24-E,
LEE COUNTY, FLORIDA

(CONSERVATION LANDS PARCEL)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 5, TOWNSHIP 46 SOUTH, RANGE 24 EAST, BEING A PORTION OF THE EAST HALF OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 5 AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

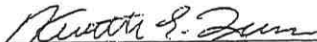
COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 5; THENCE S.89°01'42"W. ALONG THE SOUTH LINE OF SAID SECTION FOR 1319.00 FEET TO AN INTERSECTION WITH THE EAST LINE OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SAID SECTION; THENCE N.01°26'45"W. ALONG SAID FRACTIONAL LINE FOR 974.54 FEET TO AN INTERSECTION WITH THE NORTH RIGHT OF WAY LINE OF SUMMERLIN ROAD, (COUNTY ROAD 869) AND THE POINT OF BEGINNING; THENCE S.64°39'27"W. ALONG SAID NORTH RIGHT OF WAY LINE FOR 244.28 FEET; THENCE N.00°04'41"E. FOR 348.06 FEET; THENCE N.61°35'24"W. FOR 156.47 FEET; THENCE N.01°01'35"W. FOR 33.37 FEET; THENCE N.88°58'25"E. FOR 349.56 FEET; THENCE S.01°26'45"E. ALONG SAID EAST LINE OF THE WEST HALF OF THE SOUTHEAST QUARTER FOR 357.68 FEET TO THE POINT OF BEGINNING.

CONTAINING 98230 SQUARE FEET OR 2.26 ACRES MORE OR LESS.

BEARINGS ARE BASED ON THE SOUTH LINE OF SECTION 5 AS BEARING S.89°01'42"W.

BANKS ENGINEERING,
FLORIDA LICENSED BUSINESS NO. LB6690

JANUARY 12, 2007



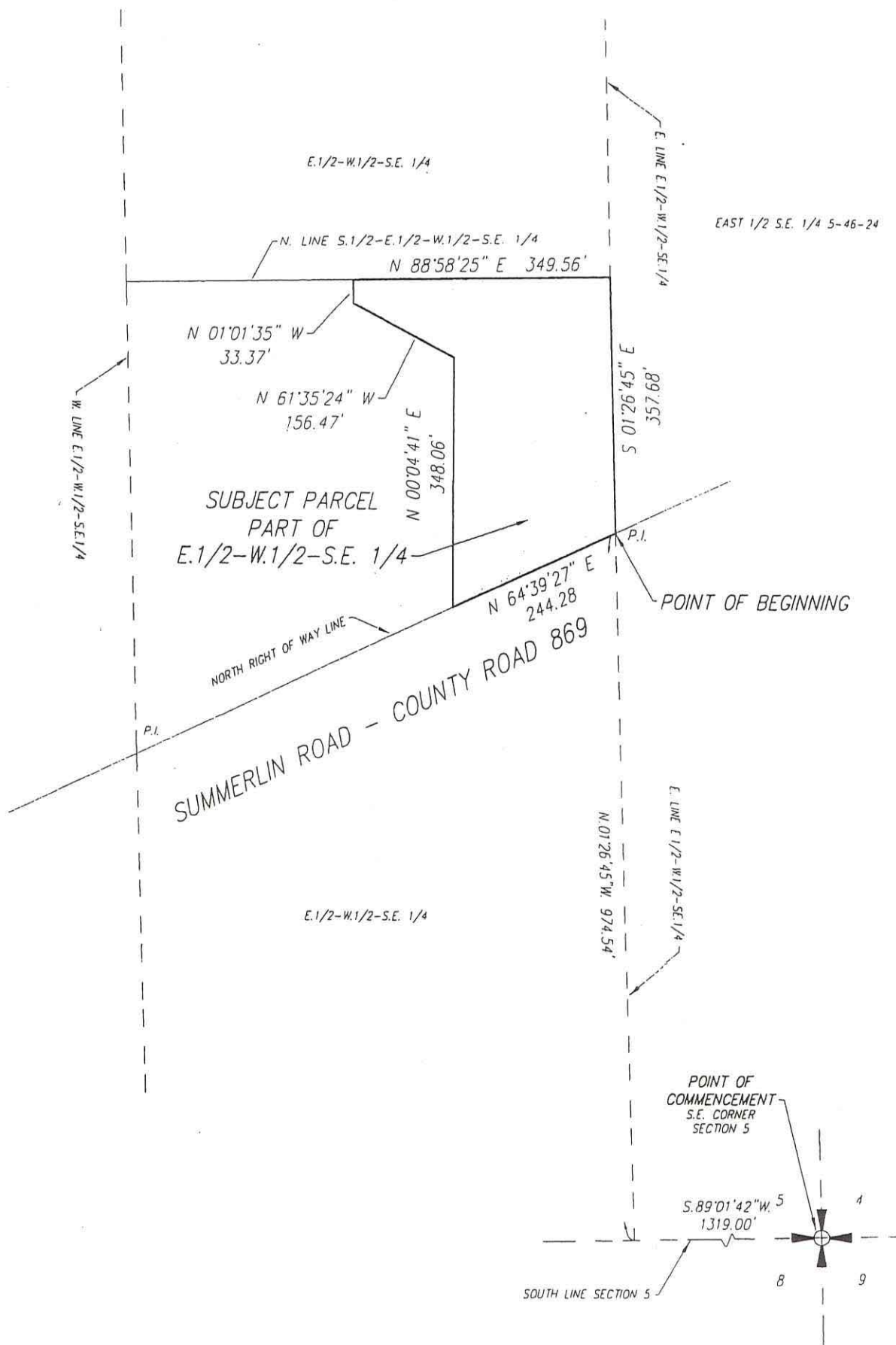
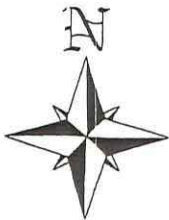
KENNETH E. TRASK
PROFESSIONAL LAND SURVEYOR
FLORIDA LICENSE NO. LS4684

SHEET 1 OF 2

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LEGEND

LS LAND SURVEYOR
P.I. POINT OF INTERSECTION

THIS IS NOT A BOUNDARY SURVEY

Kenneth E. Trask
KENNETH E. TRASK
FLORIDA CERTIFICATE NO. LS468

THIS IS NOT A BOUNDARY SURVEY

SKETCH TO ACCOMPANY DESCRIPTION

2.26 ACRES±

LYING IN SECTION 5, T-46-S, R-24-E
LEE COUNTY, FLORIDA

Banks Engineering
Professional Engineers, Planners & Land Surveyors
FORT MYERS ♦ NAPLES ♦ SARASOTA ♦ PORT CHARLOTTE
10511 SIX MILE CYPRESS PARKWAY - SUITE 101
FORT MYERS, FLORIDA 33912
PHONE: (239) 939-5490 FAX: (239) 939-2523
ENGINEERING LICENSE # EB 6489
SURVEY LICENSE # LB 6690

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET	FILE NO. (S-T)
1-12-2007	1836	1836-Q - P2-SKT		BJC	KT	1"=200'	2 of 2	5-46-24



Prepared by and return to:
George L. Consoer, Jr., Esq.
Knott, Consoer, Ebelini, Hart & Swett, P.A.
1625 Hendry Street Suite 300
Fort Myers, FL 33901
239-334-2722
File Number: Maud Swor
Will Call No.: 94

INSTR # 5929465
Official Records BK 04025 PG 4121
RECORDED 08/13/2003 04:26:18 PM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY
RECORDING FEE 6.00
DEED DOC J, 325.00
DEPUTY CLERK L Parent

Parcel Identification No. 05-46-24-00-00003.0010

[Space Above This Line For Recording Data]

6.00
3325.00

Warranty Deed

(STATUTORY FORM - SECTION 689.02, F.S.)

This Indenture made this 12th day of August, 2003 between David W. Swor, individually, and as Trustee whose post office address is 6000 Forest Boulevard, Fort Myers, FL 33908 of the County of Lee, State of Florida, grantor*, and Vicott, Inc., a Florida corporation whose post office address is 1325 SE 47th Street, Suite G, Cape Coral, FL 33904 of the County of Lee, State of Florida, grantee*.

Witnesseth, that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Lee County, Florida, to-wit:

The East one-half (E1/2) of the Northwest 1/4 of the Southeast 1/4 of Section 5, Township 46 South, Range 24 East and the East one-half (E1/2) of the Southwest 1/4 of the Southeast 1/4 of Section 5, Township 46 South, Range 24 East North of Summerlin Road a/k/a County Road 869 Lee County, Florida.

Grantor warrants that at the time of this conveyance, the subject property is not the Grantor's homestead within the meaning set forth in the constitution of the state of Florida, nor is it contiguous to or a part of homestead property. Grantor's residence and homestead address is: 6000 Forest Boulevard, Fort Myers, FL 33908.

and said grantor does hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.

* "Grantor" and "Grantee" are used for singular or plural, as context requires.

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Donnie Fice
Witness Name: Donnie Fice

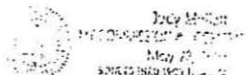
David W. Swor (Seal)
David W. Swor, individually and as Trustee

W.A. Scanlon
Witness Name: W.A. Scanlon

State of Florida
County of Lee

The foregoing instrument was acknowledged before me this 12th day of August, 2003 by David W. Swor, who ☐ is personally known or ☒ has produced a driver's license as identification.

[Notary Seal]



Tracy Mallett
Notary Public
Printed Name: Tracy Mallett
My Commission Expires: 5/18/06

This Instrument Prepared by
and Return to:
George L. Consoer, Jr.
Knott, Consoer, Ebelini,
Hart & Swett, P.A.
1625 Hendry Street, Suite 301
Fort Myers, FL 33901
239/334-2722
Folio Nos: 05-46-24-00-00003.0020;
05-46-24-00-00003.0010

SPECIAL WARRANTY DEED

THIS INDENTURE made this 5 day of April, 2006, between Vicott, Inc., a Florida Corporation, herein referred to as Grantor, whose mailing address is 10950 Old South Way, Fort Myers, Florida 33908, and Sunset Falls, LLC, a Florida Limited Liability Company, herein referred to as Grantee, whose mailing address is 8045 NW 155th Street, Miami Lakes, Florida 33016.

WITNESSETH:

That said Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable considerations to said Grantor in hand paid by said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said Grantee, and Grantee's successors and assigns forever, the following described land situate, lying and being in Lee County, Florida, to wit:

LEGAL DESCRIPTION: Attached as Exhibit "A"


THIS CONVEYANCE IS SUBJECT TO

1. Taxes for the current and subsequent years.
2. Conditions, easements and restrictions of record.
3. Zoning ordinances and other restrictions and prohibitions imposed by applicable governmental authorities.

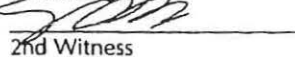
Grantor does hereby covenant with Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land and will warrant the title and defend the same against the lawful claims and demands of all persons claiming by, through or under him, but against none other.

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

Signed, sealed and delivered
in the presence of:

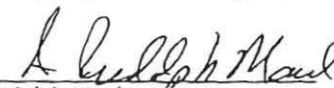

1st Witness

Summer M.O. Johnson
Printed Name


2nd Witness

ERIC M. BONG-A
Printed Name

VICOTT, INC., a Florida Corporation

By: 
A. Rudolph Maul, Manager

STATE OF FLORIDA)
COUNTY OF LEE)

The foregoing instrument was acknowledged before me on this 5th day of April, 2006, by A. Rudolph Maul, President of Vicott, Inc. He is personally known to me or who has produced _____, as identification.

My Commission Expires:

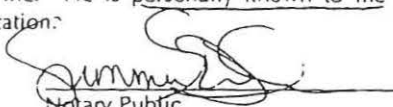

Notary Public
Summer M.O. Johnson
Printed Name



EXHIBIT "A"
VICOTT, INC.

PARCEL A:

THE EAST ONE-HALF OF THE NORTHWEST $\frac{1}{4}$ OF THE SOUTHEAST $\frac{1}{4}$ OF SECTION 5, TOWNSHIP 46 SOUTH, RANGE 24 EAST AND THE EAST ONE-HALF ($E \frac{1}{2}$) OF THE SOUTHWEST $\frac{1}{4}$ OF THE SOUTHEAST $\frac{1}{4}$ OF SECTION 5, TOWNSHIP 46 SOUTH, RANGE 24 EAST NORTH OF SUMMERLIN ROAD A/K/A COUNTY ROAD 869 LEE COUNTY, FLORIDA.

LESS:

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 5, TOWNSHIP 46 SOUTH, RANGE 24 EAST, BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 5; THENCE $S.89^{\circ}01'42''W.$, ALONG THE SOUTH LINE OF SAID SECTION 5, FOR 1319.00 FEET; THENCE $N.01^{\circ}26'45''W.$, FOR 974.54 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF SUMMERLIN ROAD (COUNTY ROAD 869); THENCE $S.64^{\circ}39'27''W.$, ALONG SAID NORTHERLY RIGHT OF WAY LINE, FOR 244.30 FEET TO THE POINT OF BEGINNING; THENCE $N.00^{\circ}04'41''E.$, FOR 348.06 FEET; THENCE $N.61^{\circ}35'24''W.$, FOR 156.47 FEET; THENCE $N.01^{\circ}01'35''W.$, FOR 33.37 FEET; THENCE $S.88^{\circ}47'59''W.$, FOR 159.92 FEET; THENCE $S.88^{\circ}30'44''W.$, FOR 47.37 FEET TO A POINT ON A CURVE TO THE RIGHT, HAVING: A RADIUS OF 212.00 FEET, A CENTRAL ANGLE OF $07^{\circ}38'23''$, A CHORD BEARING OF $S.05^{\circ}18'28''E.$, AND A CHORD LENGTH OF 28.25 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 28.27 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE $S.01^{\circ}29'16''E.$, FOR 578.40 FEET TO SAID NORTHERLY RIGHT OF WAY LINE; THENCE $N.64^{\circ}39'27''E.$, ALONG SAID RIGHT OF WAY LINE FOR 362.21 FEET TO THE POINT OF BEGINNING.

LETTER OF AUTHORIZATION

The undersigned do hereby swear or affirm that they are the fee simple title-holders and owners of record of property commonly known as Vicott, Inc. and legally described in exhibit "A" attached hereto.

STRAP #'s: 05-46-24-00-00003.0030

The property described herein is the subject of an application for zoning or development. We hereby designate Banks Engineering as the legal representative of the property and as such, this individual is authorized to legally bind all owners of the property in the course of seeking the necessary approvals to develop. This authority includes but is not limited to the hiring and authorizing of agents to assist in the preparation of applications, plans, surveys, and studies necessary to obtain zoning and development on the site. This representative will remain the only entity to authorize development activity on the property until such time as a new or amended authorization is delivered to Lee County.

Company: Vicott, Inc.

By: A. Rudolph Maul

Signature

A. Rudolph Maul

STATE OF FLORIDA

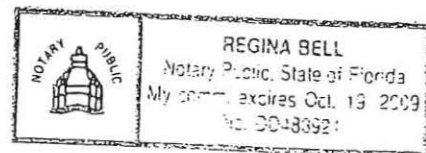
COUNTY OF Lee

The foregoing instrument was sworn (or affirmed) and subscribed before me this 8 day of September, 20 06

by Anthony Rudolph Maul as President
of Vicott, Inc.

on behalf of the corporation. He / she is personally known to me or has produced Drivers License
as identification.

Regina Bell
Notary Signature



LETTER OF AUTHORIZATION

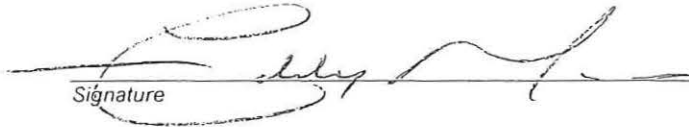
The undersigned do hereby swear or affirm that they are the fee simple title-holders and owners of record of property commonly known as Sunset Falls, LLC and legally described in exhibit "A" attached hereto.

STRAP #'s: 05-46-24-00-00003.0020

The property described herein is the subject of an application for zoning or development. We hereby designate Banks Engineering as the legal representative of the property and as such, this individual is authorized to legally bind all owners of the property in the course of seeking the necessary approvals to develop. This authority includes but is not limited to the hiring and authorizing of agents to assist in the preparation of applications, plans, surveys, and studies necessary to obtain zoning and development on the site. This representative will remain the only entity to authorize development activity on the property until such time as a new or amended authorization is delivered to Lee County.

Company: Sunset Falls, LLC

By: Eddy Garcia


Signature

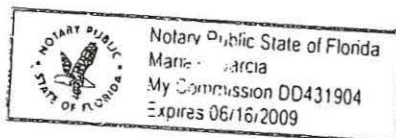
STATE OF FLORIDA


COUNTY OF Dade

The foregoing instrument was sworn (or affirmed) and subscribed before me 14th day of September, 2006

by Eddy Garcia as manager
of Sunset Falls, LLC

on behalf of the corporation. ☒ He ☐ she is personally known to me or has produced Personally Known
as identification.




Notary Signature

VICOTT, INC.
SMALL SCALE COMPREHENSIVE PLAN AMENDMENT
AMENDMENT SUPPORT DOCUMENTATION

B. PUBLIC FACILITIES IMPACTS:

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).

Please see attached Memorandum from TR Transportation Consultants, Inc. dated January 4, 2007.

Summerlin Road is currently being widened to six-lanes from San Carlos Boulevard to Gladiolus Drive by the Lee County D.O.T. The proposed access point to the proposed development will be a shared access point with the residential subdivision that is proposed to the north of the subject property. As part of the rezoning for the residential subdivision, the applicant is proposing to relocate the designed Summerlin Road controlled access point 140' ± to the north. The relocated access point is being coordinated with Lee County DOT and will need approval by the Board of County Commissioners as part of the rezoning request. Attached please find a copy of a memo with attachments from Lee County DOT dated September 7, 2006 which states that they have no objection to the request and a copy of the grant of access easement.

2a. Provide an existing and future conditions analysis for Sanitary Sewer.

Lee County Utilities maintains service in this area through the Fort Myers Beach Wastewater Treatment Plant.

Policy 56.1.2 of the Lee Plan has established that "the minimum acceptable level-of-service standards 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 the June 2006 Concurrency Management report, the Fort Myers Beach Wastewater Treatment Plant has a design capacity of 6 million gallons per day and a projected flow for 2007 of 4,632,000 gallons per day. The maximum development potential for the proposed land use change would generate between 5,410 and 8,115 GPD wastewater. The proposed amendment will not have a detrimental effect on the sanitary sewer facilities.

2b. Provide an existing and future conditions analysis for Potable Water.

Lee County Utilities maintains service for this area through the Corkscrew Water Treatment Plant.

Policy 53.1.2 of the Lee Plan has established that "the minimum acceptable level-of-service standards for potable water connections to Lee County Utilities shall be available supply and treatment capacity of 250 gallons per day per equivalent residential connection (ERC) for the peak month..."

According to the June 2006 Concurrency Management report, the Corkscrew Water Treatment Plant has a design capacity of 15 million gallons per day and a projected flow for 2007 of 10,500,000 gallons per day. The maximum development potential for the proposed land use change would generate between 5,410 and 8,115 GPD potable water. The proposed amendment will not have a detrimental effect on the potable water facilities.

- 2c. Provide an existing and future conditions analysis for Surface Water/Drainage Basins.

The subject property is located in the Deep Lagoon Watershed #43 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. The project has been permitted under South Florida Water Management District permit number 36-05751-P. A copy of the permit is attached. The eastern 222+/- feet of the subject property is within a SFWMD Conservation Easement and is proposed for Conservation Lands:Wetlands Land Use designation.

Lee County Policy 60.3.1-D of the Lee Plan 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 approximate 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 June 2006 Concurrency Management report states on page 3 that "All new developments that receive approval from the South Florida Water Management District and which comply with standards in Chapters 17-3, 17-40, and 17-302 of the Florida Statutes, and Rule 40E-4 of the Florida Administrative Code are deemed Concurrent with the Level of Service standards set forth in THE LEE PLAN."

- 2d. Provide an existing and future conditions analysis for Parks, Recreation, and Open Space.

The Iona-McGregor Planning Community including the area surrounding the site has access to existing parks and recreational facilities. The area will have parks and recreation facilities available at Lakes Regional and San Carlos Parks and has access to mass transit and bicycle facilities. Open space will be provided per Lee County requirements and evaluated at the time of rezoning. The proposed amendment will have negligible impact to the parks, recreation and open space facilities.

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

Please see attached letters.

MEMORANDUM

TO: Ms. Stacy Hewitt
Banks Engineering, Inc.

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

Ted B. Treesh
President

DATE: January 4, 2007

RE: Vicott Small Scale Comprehensive Plan Amendment
Traffic Circulation Analysis
Lee County, Florida

TR Transportation Consultants, Inc. has completed a traffic circulation analysis for the Vicott property pursuant to the requirements outlined in the application document for Comprehensive Plan Amendment requests. This analysis will determine the impacts of the requested land use change from Industrial Development and Wetlands to Urban Community and Conservation Lands – Wetlands. The approximately 7.67-acre site is located on the north side of Summerlin Road approximately two thirds of a mile east of its intersection with Pine Ridge Road in 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 Industrial Development and Wetlands to Urban Community and Conservation Lands – Wetlands. Based on the existing land use designations (Industrial Development and Wetlands) the subject site could be developed with up to approximately 64,920 square feet of industrial uses and up to approximately 6,492 square feet of commercial uses. Based on the proposed land use designations (Urban Community and Conservation Lands – Wetlands) the subject site could be developed with up to approximately 54,100 square feet of commercial uses. It should be noted that no

residential development would be permitted on the subject site either before or after the proposed land use designation change due to existing deed restrictions. **Table 1** highlights the intensity of uses that could be constructed under the existing land use designations and the intensity of uses under the proposed land use designations.

**Table 1
Land Uses
Vicott Parcel**

Land Use Category	Intensity
Existing Land Uses	6,492 sq. ft. of Retail
	64,920 sq. ft. of Industrial
Proposed Land Uses	54,100 sq. ft. of Retail
	0 sq. ft. of Industrial

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 110 (General Light Industrial) was utilized for the trip generation purposes of the industrial portion of the proposed development. **Table 2** indicates the potential trip generation of the Vicott Parcel based on the existing land use designations (Industrial Development and Wetlands).

**Table 2
Trip Generation
Existing Land Use Designations
Vicott Parcel**

Land Use	A.M. Peak Hour			P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Shopping Center (6,492 square feet)	20	10	30	50	55	105	1,150
General Light Industrial (64,920 square feet)	55	5	60	10	55	65	450
Total Trips	75	15	90	60	110	170	1,600

Table 3 indicates the potential trip generation of the Vicott Parcel based on the proposed land use designations (Urban Community and Conservation Lands – Wetlands).

Table 3
Trip Generation
Proposed Land Use Designations
Vicott Parcel

Land Use	A.M. Peak Hour			P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Shopping Center (54,100 square feet)	65	45	110	200	215	415	4,555

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

Table 4
Trip Generation
Vicott Parcel

Land Use	A.M. Peak Hour			P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Proposed Land Use Designations (54,100 s.f. retail)	65	45	110	200	215	415	4,555
Existing Land Use Designations (6,492 s.f. retail/64,920 s.f. industrial)	-75	-15	-90	-60	-110	-170	-1,600
Resultant Trip Change	-10	30	20	140	105	245	2,955

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 programmed for Summerlin Road in the vicinity of the subject site.

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) 794. 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 industrial employment, commercial employment, and service employment. Table 5 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 5
TAZ 794

Land Uses in Existing Travel Model (2030)

Land Use Category	Intensity
Single Family Homes	94 dwelling units
Multi-Family Homes	90 dwelling units
Industrial Employment	26 employees
Commercial Employment	162 employees
Service Employment	156 employees

The proposed small scale map amendment would decrease the overall employment potential of the subject site from approximately 156 employees to approximately 133 employees. Based on the employment data currently contained within TAZ 794, no modifications will be warranted due to the proposed change in land use designation. Therefore, as there is sufficient employment already accounted for in TAZ 794, 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 2006/2007-2010/2011 Lee County Transportation Capital Improvement Plan and the 2007-2011 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 increase the overall trip generation of the subject site by approximately 20 vehicles during the A.M. peak hour and approximately 245 vehicles during the P.M. peak hour. Table 1A and 2A attached to this report indicate the future Level of Service on Summerlin Road based on the uses that would be permitted under the proposed land use designations. Based on this analysis, no modifications will be necessary to the Lee County or FDOT short term capital improvement program.

Conclusion

The proposed Comprehensive Plan Amendment is to modify the future land use designation on the subject site from Industrial Development and Wetlands to Urban Community and Conservation Lands – Wetlands. The approximately 7.67-acre site is located on the north side of Summerlin Road approximately two thirds of a mile east of its intersection with Pine Ridge Road in 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 Comprehensive Plan Amendment. In addition, no modifications to the socio-economic data forecasts are necessary as a result of this amendment as there is sufficient employment already accounted for in TAZ 794. 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 =	110 VPH	IN=	65	OUT=	45
TOTAL PM PEAK HOUR PROJECT TRAFFIC =	415 VPH	IN=	200	OUT=	215

								PERCENT		
		ROADWAY	LOS A	LOS B	LOS C	LOS D	LOS E	PROJECT	PROJECT	PROJ/
<u>ROADWAY</u>	<u>SEGMENT</u>	<u>CLASS</u>	<u>VOLUME</u>	<u>VOLUME</u>	<u>VOLUME</u>	<u>VOLUME</u>	<u>VOLUME</u>	<u>TRAFFIC</u>	<u>TRAFFIC</u>	<u>LOS C</u>
Summerlin Rd.	E. of Pine Ridge Rd.	4LD	270	1,620	1,970	2,030	2,030	40%	86	4.4%
	E. of Site	4LD	270	1,620	1,970	2,030	2,030	60%	129	6.5%

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

TABLE 2A
LEE COUNTY TRAFFIC COUNTS AND CALCULATIONS

TOTAL PROJECT TRAFFIC AM = 110 VPH IN = 65 OUT = 45
 TOTAL PROJECT TRAFFIC PM = 415 VPH IN = 200 OUT = 215

ROADWAY	SEGMENT	PCS	ADT	BASE YR	2005	YRS OF	ANNUAL	2006	2011	PERCENT	PROJECT	AM PROJ	PM PROJ	2011	2011
								PK HR	PK HR					BCKGRND	BCKGRND
								PEAK DIR.	PEAK DIR. ²					+ AM PROJ	+ PM PROJ
Summerlin Rd.	E. of Pine Ridge Rd.	1	28,900		32,400	9	1.28%	1,256	1,338	40%		26	86	1,364	1,424
	E. of Site	1	28,900		32,400	9	1.28%	1,256	1,338	60%		39	129	1,377	1,467

* The 2006 Peak Hour, Peak Season, Peak Direction Traffic Volume was obtained from the 2005/2006-2006/2007 Lee County Concurrency Management Inventory and Projections Report, dated June 2006

100TH HIGHEST HOUR LOS ANALYSIS

	2011	2011	2011
	BCKGRND	BCKGRND	BCKGRND
	TRAFFIC	+ AM PROJ	+ PM PROJ
	LOS	LOS	LOS
Summerlin Rd. E. of Pine Ridge Rd.	B	B	B
E. of Site	B	B	B

ZDATA

Existing 2030 Model Data for TAZ 794

ZDATA1:

1	794	94	45	27	147	17	37	46	90	0	0	144	8	71	21	0	99	0
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ZDATA2:

2	2	794	26	162	156	344	0	0	0
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c:\input2

Uninterrupted Flow Highway						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	100	360	710	1,000	1,270
2	Divided	1,060	1,720	2,480	3,210	3,650
3	Divided	1,590	2,580	3,720	4,820	5,480
Arterials						
Class I (>0.00 to 1.99 signalized intersections per mile)						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	*	290	760	900	920
2	Divided	450	1,630	1,900	1,950	1,950
3	Divided	670	2,490	2,850	2,920	2,920
4	Divided	890	3,220	3,610	3,700	3,700
Class II (>2.00 to 4.50 signalized intersections per mile)						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	*	210	660	850	900
2	Divided	*	490	1,460	1,790	1,890
3	Divided	*	760	2,240	2,700	2,830
4	Divided	*	1,000	2,970	3,500	3,670
Class III (more than 4.50 signalized intersections per mile)						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	*	*	370	720	850
2	Divided	*	*	870	1,640	1,790
3	Divided	*	*	1,340	2,510	2,690
4	Divided	*	*	1,770	3,270	3,480
Controlled Access Facilities						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	120	740	930	960	960
2	Divided	270	1,620	1,970	2,030	2,030
3	Divided	410	2,490	2,960	3,040	3,040
Collectors						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	*	*	530	800	850
1	Divided	*	*	560	840	900
2	Undivided	*	*	1,180	1,620	1,720
2	Divided	*	*	1,240	1,710	1,800

Note: the service volumes for I-75 (freeway) should be from FDOT's most current version of LOS Handbook.

TRIP GENERATION EQUATIONS

VICOTT PARCEL – COMPREHENSIVE PLAN AMENDMENT ITE TRIP GENERATION REPORT, 7th EDITION

Land Use	Weekday AM Peak Hour	Weekday PM Peak Hour	Weekday
Shopping Center (LUC 820)	$\ln(T) = 0.60 \ln(X) + 2.29$ (61% In/39% Out)	$\ln(T) = 0.66 \ln(X) + 3.40$ (48% In/52% Out)	$\ln(T) = 0.65 \ln(X) + 5.83$
T = Number of Trips, X = 1000's of Square Feet GLA			
General Light Industrial (LUC 110)	$T = 0.92 (X)$ (88% In/12% Out)	$T = 0.98 (X)$ (12% In/88% Out)	$T = 6.97 (X)$
T = Number of Trips, X = 1000's of Square Feet GLA			

NOTE: The trip generation rates were utilized for LUC 110 due to the size of the proposed development.



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 the additional changes for maximum development potential under the new land use for a proposed use of 54,100 square feet of buildings or a maximum of 32 dwelling units for the parcel with the Strap # 05-46-24-00-00003.0020 & 05-46-24-00-00003.0030. The proposed commercial and office uses at this parcel have 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 Industrial Development to Urban Community for the Vicott, Inc. Small Scale Comprehensive Plan Amendment on the north side of Summerlin Road, west of HealthPark, between Pine Ridge Road and Bass Road, Fort Myers, Florida.

Kim Dickerson
(Signature)

EMS Operations Chief
(Title)

Kim Dickerson
(Printed Name)

9-12-06
(Date)

Iona McGregor Fire District
15961 Winkler Rd.
Ft. Myers, Florida 33908
Phn: (239) 433-0660
Fax: (239) 433-2673

September 12, 2006

Ms. Stacy Hewitt
Planner
Banks Engineering
10511-101 Six Mile cypress
Ft. Myers, FL 33912

RE: Vicott Inc. Summerlin Road Job #1836-02
Strap # 05-46-24-00-00003.0020
05-46-24-00-00003.0030

Dear Stacy,

Please be advised the Fire Department will have the capability to serve the above referenced project as long as all state & local codes are adhered to.

Sincerely,

A handwritten signature in cursive script that reads "Thomas Wakefield". To the right of the signature is a large, stylized initial "W".

Thomas Wakefield
Fire Inspector



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

239-533-0333

Writer's Direct Dial Number: _____

September 12, 2006

Ms. Stacy Ellis Hewitt
Banks Engineering, Inc.
10511-101 Six Mile Cypress Parkway
Fort Myers, FL 33966

RE: WRITTEN DETERMINATION OF ADEQUACY FOR VICOTT, INC.
STRAP #05-46-24-00-00003.0020 & 05-46-24-00-00003.0030
First Revision

Dear Ms. Hewitt:

Lee County Transit staff has reviewed the follow-up information you provided in regards to your service adequacy request for the above-mentioned Lee County Small Scale Comprehensive Plan Amendment application. The updated use of 54,100 square feet of commercial and/or office buildings, or a maximum of 32 dwelling units does not change our previous determination.

We currently provide service on Summerlin Road in front of the subject property 6 days a week with our Route 50. Service frequencies Monday through Saturday are every 70 minutes, which likely does not provide for a core level of transit service to this area. However, we do have capacity for additional passengers to use this route as a result of the proposed project although; improved frequency needs to occur in order to begin attracting single occupant automobile users to the transit system.

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

Sincerely,

TRANSIT DIVISION

Michael Horsting
Transit Planner



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

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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

September 13, 2006

Ms. Stacy Ellis Hewitt
Banks Engineering
10511 Six Mile Cypress
Fort Myers, FL 33966

Re: Vicott, Inc.
STRAP No. 05-46-24-00-00003.0020 & 05-24-00-00003.0030

Dear Ms. Hewitt:

Thank you for the opportunity to review the proposed Vicott, Inc. Project for educational impacts. This proposed development is in the South Choice Zone of the District. This letter is in response to your request dated September 12, 2006.

Your letter stated a maximum number of 32 dwelling units, however it did not state the type of dwelling units. If the type of dwelling units have not been determined yet this letter will use the formula for single family units which would estimate at the highest number of students generated, as opposed to multi-family units which has a lesser generation amount. Based on the proposed maximum total of 32 single family residential dwelling units, the School District estimates the project could generate up to 10 additional school-aged children. This uses a generation rate of 0.316 students per unit.

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 uses the revised generation rates.

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 & School Capacity

Mike Scott
Sheriff



State of Florida
County of Lee

Ms. Stacy Ellis Hewitt
Banks Engineering
10511-101 Six Mile Cypress Parkway
Fort Myers, Florida 33966

September 13, 2006

Dear Ms. Hewitt:

The Sheriff's Office has reviewed your fax dated September 12, 2006 outlining your intention to revise your small scale comprehensive plan amendment submittal to Lee County for the project referenced as *Vicott Inc. Strap No. 05-46-24-00-00003.0020 & 05-6-24-00-00003.0030*. It is my understanding that the purpose of the amendment, if approved, would be to increase the commercial density of the project from 16,000 square feet of commercial space to a maximum of 54,100 square feet of commercial space and that this project lies in a 7.67 +/- acre site located on the north side of Summerlin Road between Pine Ridge and Bass Roads in south Lee County, Florida. According to my staff, this project does not yet have a tentative start or completion date and you are amending your plan to conform to current Lee County requirements for proposed land use.

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

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

Sincerely,

Mike Scott
Sheriff, Lee County Florida





LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

(239) 338-3302

Writer's Direct Dial Number _____

Bob Jones
District One

Douglas R. St. Cery
District Two

Ray Judain
District Three

Tammy Hall
District Four

John F. Albinn
District Five

Donald D. Stilwell
County Manager

David M. Owen
County Attorney

Diana M. Parker
County Hearing
Examiner

September 12, 2006

Ms. Stacy Ellis Hewitt
Banks Engineering
10511-101 Six Mile Cypress Pkwy.
Fort Myers, FL 33966

SUBJECT: Vicott, Inc. Comp Plan Amendment

Dear Ms. Hewitt:

The Lee County Solid Waste Division is capable of providing solid waste collection service for the additional units proposed for the 7.67 acre site located on the north side of Summerlin Rd., between Pine Ridge Road and Bass Road through our franchised hauling contractors. Disposal of the solid waste from this development will be accomplished at the Lee County Resource Recovery Facility and the Lee-Hendry Regional Landfill. Plans have been made, allowing for growth, to maintain long-term disposal capacity at these facilities.

The Solid Waste Ordinance (05-13, Section 21) and the Lee County Land Development Code, Chapter 10, Section 10-261 have requirements for providing on-site space for placement and servicing of certain multi-family and commercial solid waste containers. Please review these requirements when planning the project. If you have any questions, please call me at (239) 338-3302.

Sincerely,

William T. Newman
Operations Manager
Solid Waste Division

IV. AMENDMENT SUPPORT DOCUMENTATION

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 (FLUCFS).

See attached FLUCCS map for community locations in Parcel. The vegetation communities were mapped according to the Florida Land Use, Cover and Forms Classification System (FLUCCS) (Florida Department of Transportation, 1999). The mapping utilized Level III FLUCCS. The site was inspected and the mapping superimposed on a 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 FLUCCS communities discussed below.

411/422 Brazilian Pepper Invaded Pine Flatwoods (approximately 0.50 acres)
This upland community is dominated by a mixture a Brazilian pepper and slash pine. Cabbage palm, melaleuca and saw palmetto are also present in this community.

619E4 Exotic Wetland (approximately 5.51 acres)
This wetland is dominated by large stature melaleuca or Brazilian pepper. These wetlands also had scattered cabbage palm in the upper canopy. The understory consists of scattered leather fern.

624E2 Cabbage Palm Wetlands (approximately 0.27 acres)
This wetland community is dominated by cabbage palm in the canopy with varying amounts of Brazilian pepper and melaleuca. Understory species are dominated by leather fern and swamp fern.

6412E4 Cattail Marsh (approximately 1.39 acres)
These marshes consist solely of nuisance cattails.

FLUCFCS	Description	Acreage	Percent of Total
411/422	Brazilian Pepper Invaded Pine Flatwoods	0.50	6.5%
619E4	Exotic Wetlands	5.51	71.8%
624E2	Cabbage Palm Wetlands	0.27	3.5%
6412E4	Cattail Marsh	1.39	18.2%
	Total	+/- 7.67	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 Boca Fine Sand, Copeland Sandy Loam Depressional, Isles Fine Sand, and Isles Muck.

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

See attached USGS Topography and FEMA Flood Zone Maps. The parcel is located in the 100 year – flood prone zone.

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

See attached FLUCCS map for locations of mapped wetlands. The property has 5.51 acres of Exotic Wetlands, 0.27 acres of Cabbage Palm Wetlands, and 1.39 acres of Cattail Marsh; approximately 93.5% of the site is considered wetlands.

- 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 FLUCFS and the species status (same as FLUCCS map).**

ANIMALS

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

Name	Scientific Name	Habitat	State & Fed Status	
			FWC	FWS
Big Cypress Fox Squirrel	<i>Sciurus niger avicennia</i>	411/422	T	No listing
Eastern Indigo Snake	<i>Drymarchon corais couperi</i>	411/422	T	T
Florida Black Bear	<i>Ursus americanus floridanus</i>	411/422, 624E2	T	No listing
Gopher Frog	<i>Rana areolata</i>	411/422, 624E2	SSC	No listing
Gopher Tortoise	<i>Gopherus polyphemus</i>	411/422	SSC	No listing
Red-cockaded Woodpecker	<i>Picoides borealis</i>	411/422	T	E
Southeastern American Kestrel	<i>Falco sparverius paulus</i>	411/422	T	No listing
Snowy Egret	<i>Egretta thula</i>	624E2, 6412E4	SSC	No listing
Tricolored Heron	<i>Egretta tricolor</i>	624E2, 6412E4	SSC	No listing
American Alligator	<i>Alligator mississippiensis</i>	624E2, 6412E4	SSC	No listing
Everglades Mink	<i>Mustela vison evergladensis</i>	624E2, 6412E4	T	No listing
Little Blue Heron	<i>Egretta caerulea</i>	624E2, 6412E4	SSC	No listing
Limpkin	<i>Aramus guarauna</i>	624E2, 6412E4	SSC	No listing
Wood Stork	<i>Mycteria americana</i>	624E2, 6412E4	E	T
Florida Sandhill Crane	<i>Grus Canadensis pratensis</i>	6412E4	T	No listing
Reddish Egret	<i>Egretta rufescens</i>	6412E4	SSC	No listing
Snail Kite	<i>Rostrhamus sociabilis plumbeus</i>	6412E4	E	E

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

PLANTS

Listed plant species that were not observed but which 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 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.

Name	Scientific Name	Habitat	Status	
			FDA	FWS
Beautiful paw-paw	<i>Deeringothamnus pulchellus</i>	411/422	E	E
Fakahatchee Burmannia	<i>Burmannia flava</i>	411/422	E	--
Florida coontie	<i>Zamia Floridana</i>	411/422	C	--
Satinleaf	<i>Chrysophyllum oliviforme</i>	411/422	E	--
Twisted Air Plant	<i>Tillandsia flexuosa</i>	411/422	E	--

FWC-Florida Fish and Wildlife Conservation Commission

FWS-U.S. Fish and Wildlife Service

SSC-Species of Special Concern

T-Threatened

E-Endangered

C-Commercially Exploited

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.

Attached are the results of the Florida Master Site File. The Master Site File lists no previously recorded cultural resources in the parcels vicinity.

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

See attached sensitivity map that shows the property in relationship to the limits of the archaeologically sensitive areas.

D. Impacts on Historic Resources (Cont.):

Please see attached Sufficiency Review for Historic and Archaeological Resources from Lee County Department of Community Development, Division of Planning.



FLUCCS LEGEND

Code	Community	Upland Acreage	Wetland Acreage
411/422	Brazilian Pepper Invaded Pine Flatwoods	0.50	-
619E4	Exotic Wetland	-	5.51
624E2	Hyacinth Cabbage Palm	-	0.27
6412E4	Cattail Marsh	-	1.39
Total Site Acreage: 7.67		0.50	7.17

WETLAND EXOTIC COVERAGE LEGEND

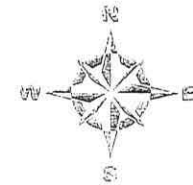
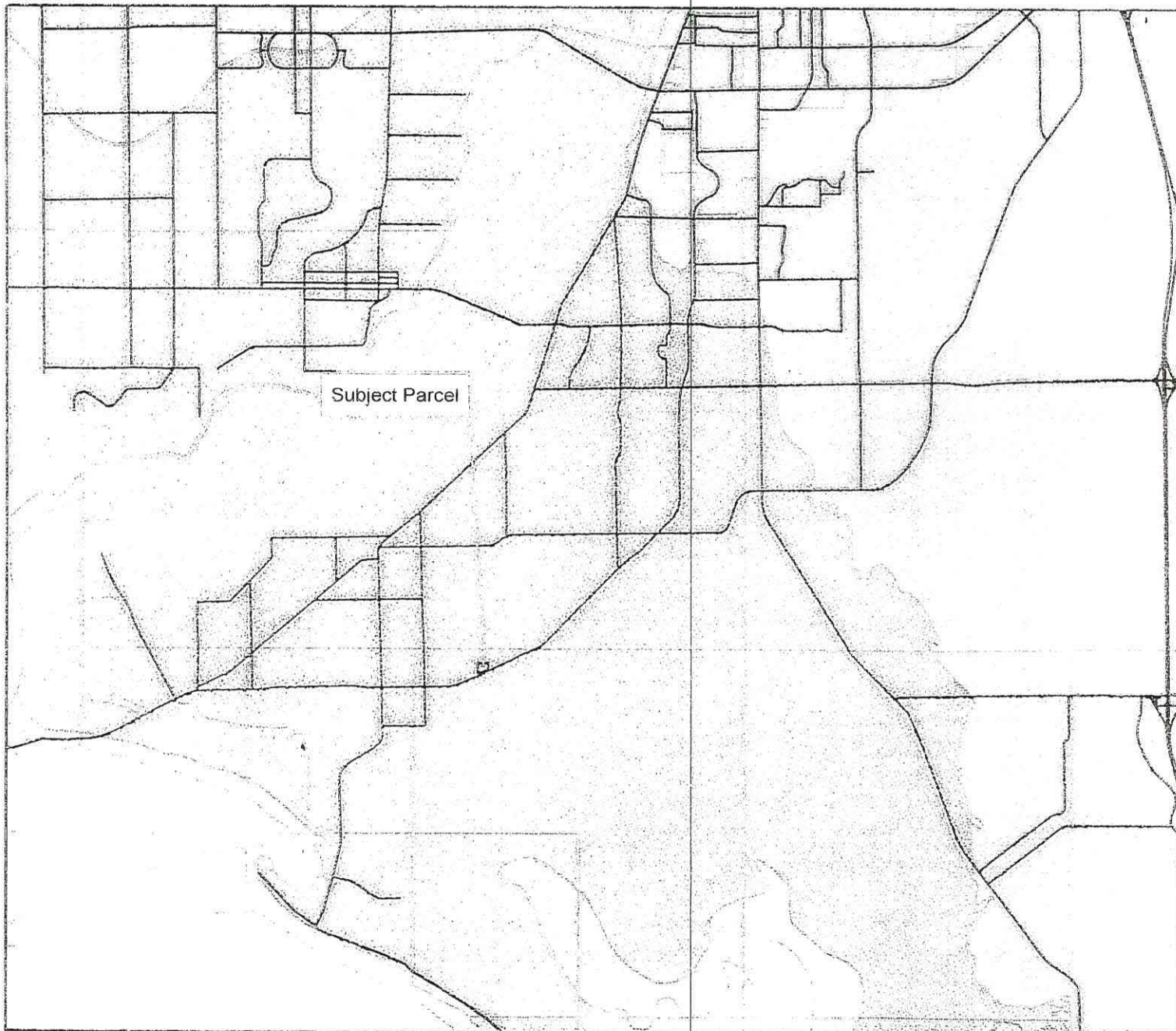
- E1 = 10-25% EXOTIC OR NUISANCE COVERAGE
- E2 = 25-50% EXOTIC OR NUISANCE COVERAGE
- E3 = 50-75% EXOTIC OR NUISANCE COVERAGE
- E4 = 75-95% EXOTIC OR NUISANCE COVERAGE

Page	Date	Revision	Exhibit

VICOTT, INC
FLUCCS MAP

Drawn By:	Date:	Category
JDK	9/12/06	FLUCCS
Job Number:	9676	Scale:
	SITR	1" = 200'
	5/46S/24E	County:
		Lee

Boylan Environmental Consultants, Inc.
Wetland & Wildlife Survey, Environmental Permitting, Impact Assessment
1001 Meyer Parkway, Suite 611, Milledgeville, GA 30651 (706) 418-0671



Fema Flood Zones ZONE

A
AE
D
UNDES
VF
X
X500

17,000

Feet

**Boylan
Environmental
Consultants, Inc.**
MEMBER OF THE BOYLAN GROUP

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

VICOTT, INC
FEMA FLOOD ZONES

Designed by	Date	Scale	Revised by	Date	Revision Number
JDK	9/12/06	5/485/24E			
Checked by					
Reviewed by					
Approved by					
FEMA					



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

VICOTT, INC
 USGS TOPO MAP

Drawn by	JDK	Date	9/12/06	Sheet	1 of 1	Sheet Not On
Checked by		Date	9/12/06	Sheet	1 of 1	Sheet Not On
Revised by	topo	Date		Sheet	1 of 1	Sheet Not On



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

September 12, 2006

Jim Keltner
Boylan Environmental Consultants, Inc.
11000 Metro Parkway, Suite 4
Fort Myers, Florida 33912
Fax: 941-418-0672

Dear Mr. Keltner:

In response to your inquiry of September 12, 2006, the Florida Master Site File lists no previously recorded cultural resources in the following parcels:

T46S, R24E, Section 05

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

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

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

Sincerely,

A handwritten signature in cursive script that reads "Celeste Ivory".

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

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

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

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

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

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

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





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

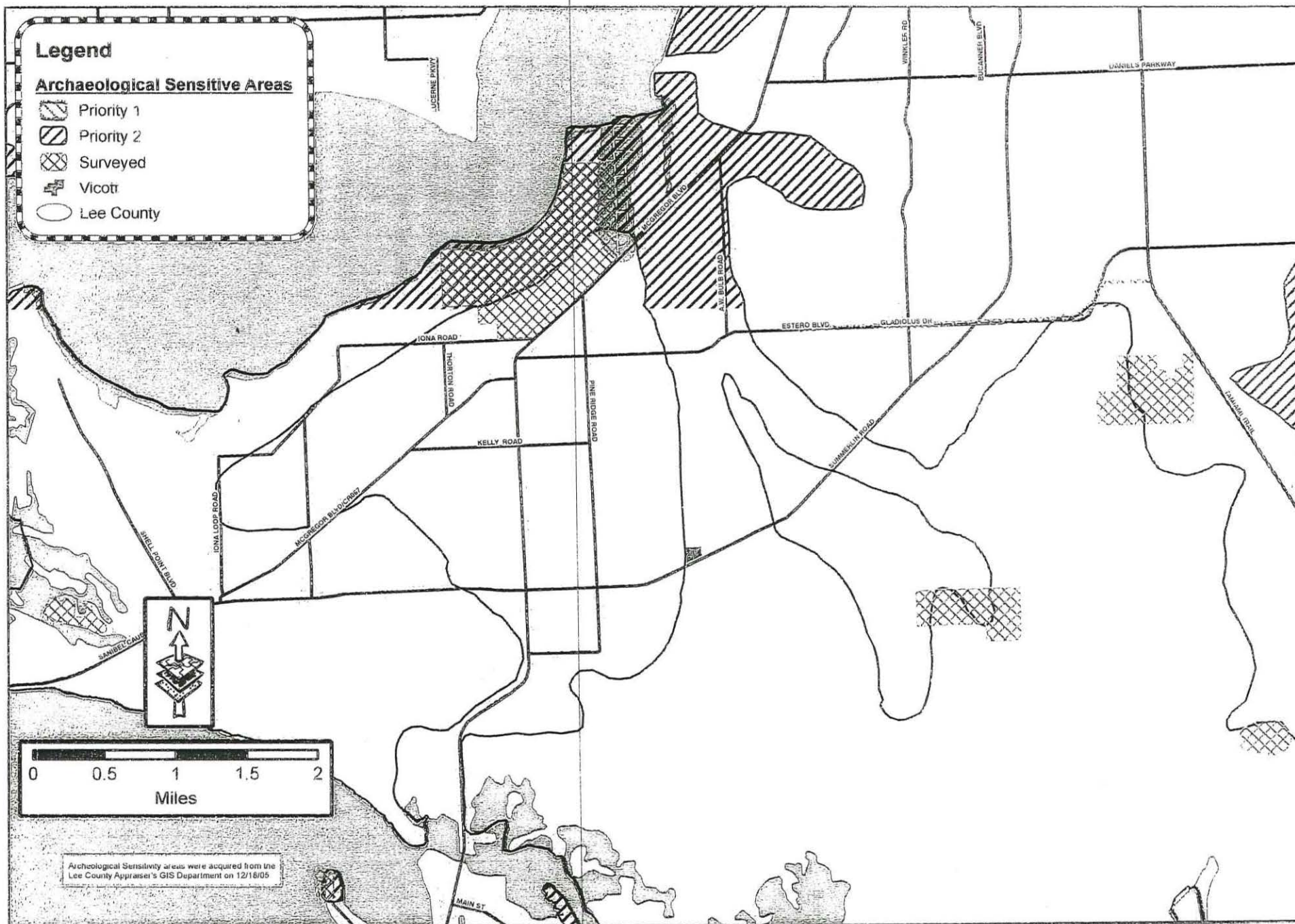
☐ Tampa Regional Office
(813) 272-3843 • FAX: 272-7740

TOTAL P.02

Legend

Archaeological Sensitive Areas

-  Priority 1
-  Priority 2
-  Surveyed
-  Vicotti
-  Lee County



Boylan Environmental Consultants, Inc.
 11000 Metro Parkway, Suite 4
 Fort Myers, FL 33966
 Office: (239) 418-0671
 Fax: (239) 418-0672

VICOTT, INC.

ARCHAEOLOGICAL SENSITIVITY MAP

Drawn By	Date	Checked By	Date	Scale	Project Name
BKM	9/14/06	3/462/24			
BKM	9/14/06	Archeological Sensitivity Map			
3676					

LEE COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT
DIVISION OF PLANNING
SUFFICIENCY REVIEW FOR
HISTORIC AND ARCHAEOLOGICAL RESOURCES

PROJECT NAME: CPA 2005 00001

CASE NUMBER: CPA 2005 00001

STRAP NUMBERS: 05 46 24 00 00003 0020
05 46 24 00 00003 0030

DATE OF REVIEW: January 5, 2007

REVIEWED BY: Gloria M. Sajgo, AICP, Principal Planner
Lee County Planning Division
POB 398
Fort Myers, FL 33902
Phone 941 479 8311 Fax 941 479-8319
e-mail: sajgogm@leegov.com

Historical Sites: There are no known historic sites on the subject parcel.

Archaeological Sites: There are no known archaeological sites on the subject parcel.

Level 1 or Level 2 zones of Archaeological Sensitivity: The subject area is located within Level 2 zone of archaeological sensitivity. The applicant will be required to apply for a Certificate to Dig as a condition for obtaining a Development Order. In reviewing the Certificate to Dig application, staff **may** require that the applicant have an archaeological survey conducted by an archaeologist. Conditions may be imposed depending on the results of the survey.

Copy:

Matt Noble, Principal Planner
Stacy Ellis Hewitt, Banks Engineering.

VICOTT, INC.
SMALL SCALE COMPREHENSIVE PLAN AMENDMENT
AMENDMENT SUPPORT DOCUMENTATION

E. INTERNAL CONSISTENCY WITH THE LEE PLAN:

1. Discuss how the proposal affects established Lee County population projections, Table 1(b) (Planning Community Year 2020 Allocations), and the total population capacity of the Lee Plan Future Land Use Map.

The proposal does not affect established Lee County population projections as residential uses will not be developed on the subject property. Table 1(b) Planning Community Year 2020 Allocation currently lists 782 acres commercial and 298 acres industrial for the Iona/McGregor planning community. The proposed plan amendment would revise these to 790 acres commercial and 290 acres industrial. This change is a benefit to the Planning Community, as it will remove a secluded industrial future land use area with little potential to be developed as industrial due to the nature of the existing and proposed uses surrounding the property. Community Development records indicate that there are currently 196 acres of Industrial available in the Iona/McGregor planning community. With the proposed amendment, there will still be 188 acres of Industrial available in more appropriate locations.

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.

POLICY 1.1.4: The Urban Community areas are areas outside of Fort Myers and Cape Coral that are characterized by a mixture of relatively intense commercial and residential uses. Included among them, for example, are parts of Lehigh Acres, San Carlos Park, Fort Myers Beach, South Fort Myers, the city of Bonita Springs, Pine Island, and Gasparilla Island. Although the Urban Communities have a distinctly urban character, they should be developed at slightly lower densities. As the vacant portions of these communities are urbanized, they will need to maintain their existing bases of urban services and expand and strengthen them accordingly. As in the Central Urban areas, predominant land uses in the Urban Communities will be residential, commercial, public and quasi-public, and limited light industry (see Policy 7.1.6). Standard density ranges from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre), with a maximum of ten dwelling units per acre (10 du/acre). Amended by Ordinance No. 94-30, 02-02)

The proposed land use amendment and future commercial planned development is located on the north side of Summerlin Road, west of the HealthPark, between Pine Ridge Road and Bass Road in the Iona-McGregor Planning Community. The development will connect to existing water and sewer services provided by

Lee County Utilities. The property will have access to Summerlin Road, an arterial right-of-way, which is adequate to handle the proposed development.

GOAL 2: GROWTH MANAGEMENT. To provide for an economically feasible plan which coordinates the location and timing of new development with the provision of infrastructure by government agencies, private utilities, and other sources.

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)

OBJECTIVE 2.2: DEVELOPMENT TIMING. Direct new growth to those portions of the Future Urban areas where adequate public facilities exist and where compact and contiguous development patterns can be created.

POLICY 2.2.1: Rezonings and development-of-regional impact proposals shall be evaluated as to the availability and proximity of the road network; central sewer and dewater lines; community facilities and services such as schools, EMS, fire and police protection, and other public facilities; compatibility with surrounding land uses; and any other relevant facts affecting the public health, safety, and welfare. (Amended by Ordinance No. 94-30, 00-22)

The development is tied into the street roadway system of an existing arterial street (Summerlin Road). The project will connect to existing water and sewer facilities provided by Lee County Utilities. The project will have available health, safety and welfare facilities provided by HealthPark, Iona-McGregor Fire District, Lee County Sheriff's office, Lakes Regional Park, San Carlos Park Elementary School, Cypress Lake High School, Rutenberg Branch Library and Edison Community College.

The proposed development will be compatible with the existing and proposed land uses in the surrounding areas. The subject property is zoned AG-2. The property to the north is zoned AG-2 and a Planned Development application for the Sunset Falls f/k/a Waterstone project is currently being reviewed to rezone the property to a Residential Planned Development (DCI2005-00078). The property to the east is zoned AG-2 and is currently vacant. The subject property abuts Summerlin Road right-of-way to the south. The property on the south of Summerlin Road is zoned AG-2 and is currently vacant. The property to the west of the subject property is zoned CF-3 and consists of Lee County Sewage Treatment ponds.

GOAL 4: DEVELOPMENT DESIGN-GENERAL. To maintain innovative land development regulations which encourage creative site designs and mixed used developments. (Amended by Ordinance No. 94-30)

OBJECTIVE 4.1: Maintain the current planned development rezoning process which combines site planning flexibility with rigorous review. By the end of 1995, take specific steps to further promote the creation of mixed-use developments to reduce the impact on collector and arterial roads. (Amended by Ordinance No. 91-19, 94-30)

POLICY 4.1.1: Development designs will be evaluated to ensure that land uses and structures are well integrated, properly oriented, and functionally related to the topographic and natural features of the site, and that the placement of uses or structures within the development minimizes the expansion and construction of street and utility improvements. (Amended by Ordinance No. 91-19, 00-22)

POLICY 4.1.2: Development designs will be evaluated to ensure that the internal street system is designed for the efficient and safe flow of vehicles and pedestrians without having a disruptive effect on the activities and functions contained within or adjacent to the development. (Amended by Ordinance 91-19, 00-22)

The proposed project will meet or exceed the design criteria established for planned developments in the Lee County Land Development Code. The site design will minimize the construction of both street and utility improvements.

GOAL 6: COMMERCIAL LAND USES. To permit orderly and well-planned commercial development at appropriate locations within the county. (Amended by Ordinance No. 94-30)

OBJECTIVE 6.1: All development approvals for commercial land uses must be consistent with the following policies, the general standards under Goal 11 and other provisions of this plan. (Amended by Ordinance No. 94-30)

POLICY 6.1.1: All applications for commercial development will be reviewed and evaluated as to: a) Traffic and access impacts; b) Landscaping and detailed site planning; c) Screening and buffering; d) Availability and adequacy of services and facilities; e) Impact on adjacent land uses and surrounding neighborhoods; f) Proximity to other similar centers; g) Environmental considerations.

The subject property will address these issues as part of a planned developed application or rezoning.

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

1. Minor Commercial

10. The Board of County Commissioners may approve applications for minor commercial centers that do not comply with the location standards for such centers but which are consistent with duly adopted CRA and Community plans.

The subject property meets the criteria of a Minor Commercial development. The development is tied into the street roadway system of an existing arterial street (Summerlin Road). The proposed use will be 54,100+/- s.f. of buildings consisting of commercial and office uses.

POLICY 6.1.4: Commercial development will be approved only when compatible with adjacent existing and proposed land uses and with existing and programmed public services and facilities. (Amended by Ordinance No. 94-30, 00-22)

The proposed commercial planned development for the subject property is compatible with existing and proposed developments in the surrounding area. One of the predominant land uses in the Urban Community Land Use Category is commercial.

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

The proposed commercial planned development will provide adequate open space and buffering as required in the Land Development Code (LDC). The proposed project will meet or exceed the design criteria established for planned developments in the Land Development Code.

POLICY 6.1.7: Prohibit commercial developments from locating in such a way as to open new areas to premature, scattered, or strip development; but permit commercial development to infill on small parcels in areas where existing commercial development would make a residential use clearly unreasonable.

The proposed commercial planned development will be located on a 7.67+/- acre parcel of land near existing commercial and commercial planned developments having access to Summerlin Road.

GOAL 11: WATER, SEWER, TRAFFIC, AND ENVIRONMENTAL REVIEW STANDARDS. To insure that appropriate water, sewer, traffic, and environmental review standards are considered in reviewing rezoning applications and are met prior to issuance of a county development order.

STANDARD 11.1: WATER.

The proposed Commercial Planned Development will connect to an existing public water system provided by Lee County Utilities.

STANDARD 11.2: SEWER.

The proposed Commercial Planned Development will connect to an existing sanitary sewer system provided by Lee County Utilities.

STANDARD 11.3: TRAFFIC.

The proposed land use change will not have a detrimental impact on the surrounding roadway system. The existing roadway network as well as the improvements programmed by Lee County within the next three years can accommodate the additional new vehicle trips the development is anticipated to generate. Intersection analysis was performed at the site access drive on Summerlin. Based on the results of the analysis, all of the approaches to the site access intersection on Summerlin Road were shown to operate at acceptable Level of Service conditions under the 2010 build-out traffic conditions for the proposed rezoning.

STANDARD 11.4: ENVIRONMENTAL REVIEW FACTORS.

Please see attached IV.C. Amendment Support Documentation - Environmental Impacts.

GOAL 39: DEVELOPMENT REGULATIONS. Maintain clear, concise, and enforceable development regulations that fully address on-site and off-site development impacts and protect and preserve public transportation facilities. (Amended by Ordinance No. 98-09, 99-15)

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

POLICY 39.1.1: New development must:

- Have adequate on-site parking.
- Have access to the existing or planned public road system except where other public policy would prevent such access.

The proposed Commercial Planned Development will be designed with sufficient on-site parking for the proposed uses. The development will have access to an existing arterial right-of-way (Summerlin Road) that will operate at an acceptable level of service.

GOAL 61: PROTECTION OF WATER RESOURCES: To protect the county's water resources through the application of innovative and sound methods of surface water management and by ensuring that the public and private construction, operation, and maintenance of surface water management systems are consistent with the need to protect receiving waters.

POLICY 61.2.5: The policies above (41.2.1 through 41.2.4) are not intended to prohibit any permissible surface water management solution that is consistent with good engineering practices and adopted environmental criteria.

The development will be engineered and permitted utilizing the design criteria as established by the South Florida Water Management District as well as Lee County Development Regulations in accordance with good engineering practices and adopted environmental criteria. The project has been permitted under South Florida Water Management District permit number 36-05751-P. A copy of the permit is attached. The eastern 222± feet of the subject property is within a SFWMD Conservation Easement and is proposed for Conservation Lands:Wetlands Land Use designation.

OBJECTIVE 61.3: GENERAL SURFACE WATER MGMT. STANDARDS. Lee County will continue to provide sufficient performance and/or design standards for development protection of the function of natural drainage systems. (Amended by Ordinance No. 94-30, 00-22)

POLICY 61.3.1: Provide sufficient performance and design standards to require post-development runoff to approximate and total characteristics of the natural flow prior to development.

POLICY 61.3.6: Developments must have and maintain an adequate surface water management system, provisions for acceptable programs for operation and maintenance, and post-development runoff conditions which reflect the natural surface water flow in terms of rate, direction, quality, hydroperiod, and drainage basin. Detailed regulations will continue to be integrated with other county development regulations. (Amended by Ordinance No. 00-22)

The developments' surface water management system will be developed in accordance with South Florida Water Management District (District) and Lee County Development regulations. The project has been permitted under South Florida Water Management District permit number 36-05751-P. A copy of the permit is attached. The eastern 222± feet of the subject property is within a SFWMD Conservation Easement and is proposed for Conservation Lands:Wetlands Land Use designation.

POLICY 61.3.11: Runoff must be routed through retention or detention areas and vegetated swales in order to reduce flow velocity, allow for percolation, and trap and remove suspended solids and pollutants. (Amended by Ordinance No. 00-22)

The stormwater management system will be designed in accordance with South Florida Water Management District (SFWMD) requirements to provide for attenuation/retention of stormwater runoff from the site. Issuance of a SFWMD permit shall be deemed to be in compliance with Chapter 10 of the LDC and

review of the project shall be limited to external impacts and wet season water table elevation. For purposes of stormwater management calculations, the assumed water table will be established by an engineer in accordance with sound engineering practice. The stormwater management system will be reviewed for compliance with Chapter 10 of the LDC through the development order process. The project has been permitted under South Florida Water Management District permit number 36-05751-P. A copy of the permit is attached. The eastern 222± feet of the subject property is within a SFWMD Conservation Easement and is proposed for Conservation Lands:Wetlands Land Use designation.

POLICY 61.3.13: Installation of erosion control devices for development activities adjacent to water bodies, watercourses and wetlands shall be required. Such control devices shall be maintained to ensure operational effectiveness.

Erosion control devices will be installed in accordance with local and state regulations.

GOAL 77: DEVELOPMENT DESIGN REQUIREMENTS. To require new development to provide adequate open space for improved aesthetic appearance, visual relief, environmental quality, preservation of existing native trees and plant communities, and the planting of required vegetation. (Amended by Ordinance No. 94-30, 02-02)

OBJECTIVE 77.1: Development regulations will continue to require that new residential developments provide sufficient open space to meet the needs of their residents. (Amended by Ordinance No. 94-30, 00-22, 02-02)

Open space will be provided per Lee County requirements and evaluated at the time of rezoning.

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

No impacts are anticipated to the adjacent local governments or their comprehensive plans from the changing of 7.67+/- acres of subject property from Industrial Development and Wetlands to Urban Community and Conservation Lands:Wetlands.

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

State and Regional policy goals will not be affected by the proposed Comprehensive Plan Amendment.

Table 1(b)
Planning Community Year 2020 Allocations

Future Land Use Category		Lee County Totals	Alva	Boca Grande	Bonita Springs	Fort Myers Shores	Burnt Store	Cape Coral	Captiva	Fort Myers	Fort Myers Beach	Gateway Airport	Daniel's Parkway
Residential By Future Land Use Category	Intensive Development	1,484				80		27		297			
	Central Urban	9,558				208				545			
	Urban Community	12,893	519	437		449							
	Suburban	15,448				1,803				206			
	Outlying Suburban	5,231	15			300	20	2	435				1,352
	Industrial	96								48		18	
	Public Facilities	2		1					1				
	University Community	860											
	Industrial Interchange												
	General Interchange	53											3
	General Commercial Interchange	7				7							
	Industrial Commercial Interchange												
	University Village Interchange												
	Mixed Use Interchange												
	New Community	1,644								360		1,284	
	Tradeport	9										9	
	Airport												
	Rural	8,977	1,419			783	633			184		111	1,355
	Rural Community Preserve	3,046											
	Outer Island	216	5			1			172				
	Open Lands	2,091	175				588						17
	Density Reduction/ Groundwater Resource	5,544	40									94	
	Wetlands												
Unincorporated County Total Residential		67,159	2,173	438		3,631	1,241	29	608	1,640		1,516	2,656
Commercial		9,460	46	56		257	26	17	112	153		824	198
Industrial		6,311	26	14		391	5	26		233		3,096	10
Non Regulatory Allocations													
Public		58,676	3,587	537		1,724	1,193	6	1,981	750		6,136	1,851
Active AG		34,145	6,098			620				279		569	951
Passive AG		65,414	14,633			4,375	6,987	10		631		3,580	575
Conservation		79,488	2,236	296		1,125	3,672		1,347	1,006		3,482	1,018
Vacant		44,720	1,525	2		33	1,569	25	5	495		792	578
Total		365,373	30,324	1,343		12,156	14,693	113	4,053	5,682		19,995	8,213

VICOTT, INC.
SMALL SCALE COMPREHENSIVE PLAN AMENDMENT
AMENDMENT SUPPORT DOCUMENTATION

**F. ADDITIONAL REQUIREMENTS FOR SPECIFIC FUTURE LAND USE
AMENDMENTS:**

1. Requests involving Industrial and/or categories targeted by the Lee Plan as employment centers (to or from)
 - a. State whether the site is accessible to arterial roadways, rail lines, and cargo airport terminals.
The site is accessible to Summerlin Road an existing arterial right-of-way. It is not accessible to rail lines nor cargo airport terminals.
 - b. Provide data and analysis required by Policy 2.4.4.
No major changes in employment are anticipated with the proposed Comprehensive Plan Amendment. The property is currently in the Industrial Development land use category and if the appropriate permits were obtained, the property could be developed with an industrial use which would provide employment opportunities. If the Comprehensive Plan Amendment is approved, then the property could be developed with commercial development if the appropriate permits are obtained. This too would provide employment on the subject property.
 - c. The affect of the proposed change on county's industrial employment goal specifically policy 7.1.4.
The impact of changing 7.67+/- acres from Industrial Development and Wetlands to Urban Community and Conservation Lands:Wetlands will have negligible effect on the county's industrial employment goal of employing 3% of the county's population in manufacturing activities by the year 2010.
2. Requests moving lands from Non-Urban Area to a Future Urban area.
 - a. Demonstrate why the proposed change does not constitute Urban Sprawl. Indicators of sprawl may include, but are not limited to: low-intensity, low-density, or single-use development; 'leap-frog' type development; radial, strip, isolated or ribbon pattern type development; a failure to protect or conserve natural resources or agricultural land; limited accessibility; the loss of large amounts of functional open space; and the installation of costly and duplicative infrastructure when opportunities for infill and redevelopment exist.
The existing Industrial Development land use classification and the proposed Urban Community land use classification are both classified as Future Urban Areas. The proposed change does not constitute Urban Sprawl.

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

The proposed change is not in the listed critical areas for future potable water supply as listed in Policy 2.4.2.; therefore, the site does not require evaluation based on this policy.

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

The proposed change does not request moving lands from Density Reduction/Groundwater Resource; therefore Policy 2.4.3 does not need to be addressed.

VICOTT, INC.
SMALL SCALE COMPREHENSIVE PLAN AMENDMENT
AMENDMENT SUPPORT DOCUMENTATION

G. PROPOSED AMENDMENT JUSTIFICATION:

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 is consistent with the Urban Community designation for the following reasons:

- *The subject property is located on the north side of Summerlin, west of HealthPark, between Pine Ridge Road and Bass Road in the Iona-McGregor Planning Community. The property will have access to Summerlin road, an arterial right-of-way, which is adequate to handle the proposed commercial development.*
- *The proximity of the subject property to the intersection is consistent with the location criteria of Policy 6.1.2 of the Lee Plan for Commercial Land Uses.*
- *The proposed commercial use is consistent with the "Urban Community" land use category.*
- *The attached letters from the Iona-McGregor Fire District, EMS, Lee County Sheriff's Office, Lee County Solid Waste Division, Lee County Mass Transit and Lee County Public School District confirm that the urban community services required to support the small-scale amendment change can be provided.*

VICOTT, INC.
SMALL SCALE COMPREHENSIVE PLAN AMENDMENT
AMENDMENT SUPPORT DOCUMENTATION

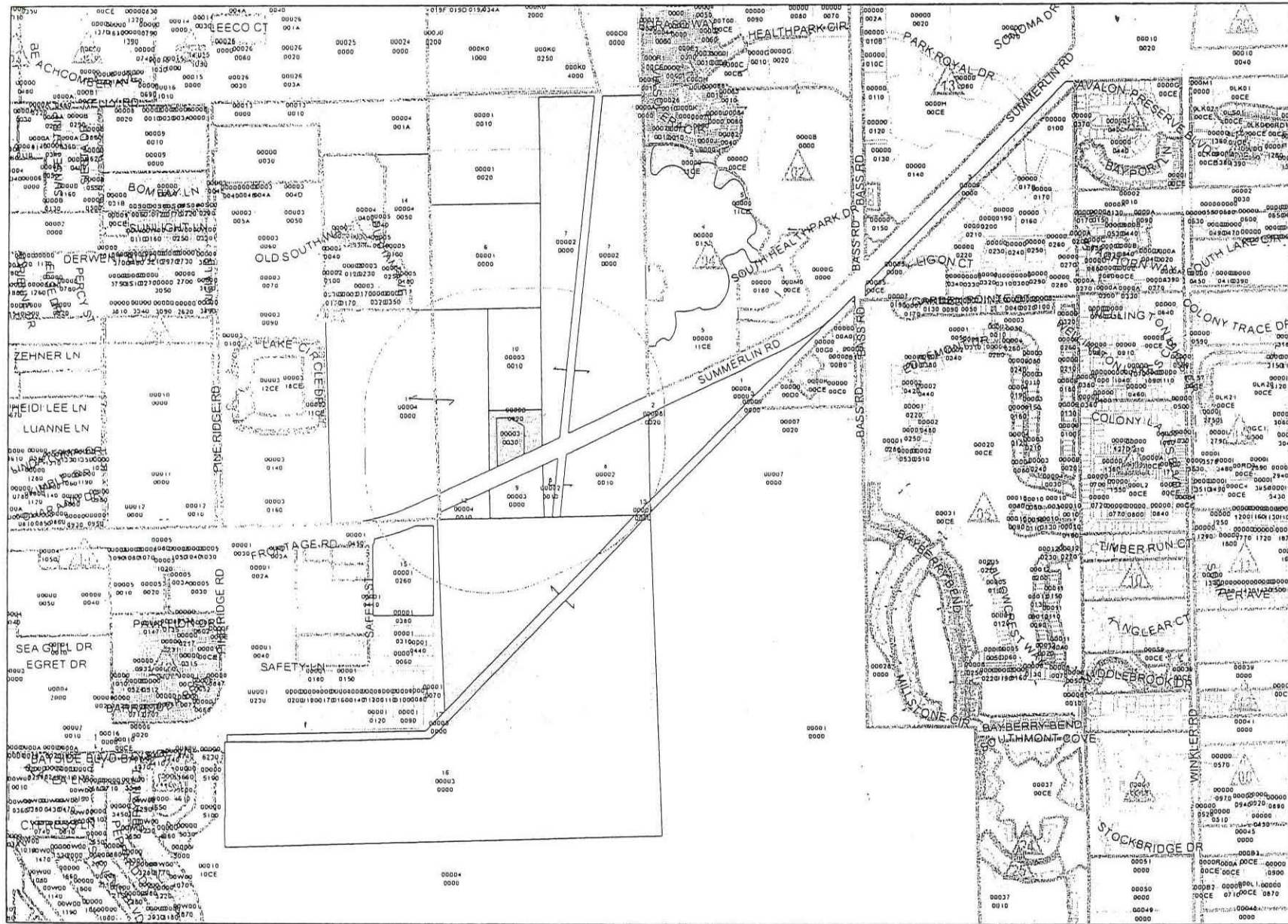
ADDITIONAL REQUIRED EXHIBITS:

- *Variance Report*
- *Declaration of Restrictive Covenants*
- *Grant of Access Easement*
- *Memo from Lee DOT and Draft Resolution which designates Summerlin Road as a controlled access road and established permanent access points*
- *SFWMD Permit No. 36-05751-P*

VARIANCE REPORT

3/14/2007

2 Affected Parcels : 17 Buffer Distance : 1520 ft



05-48-24-00-00003.0020 et al.

2,000 1,000 0

2,000 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: 1520 ft
Parcels Affected: 17
Subject Parcel: 05-46-24-00-00003.0020, 05-46-24-00-00003.0030

<u>OWNER NAME AND ADDRESS</u>	<u>STRAP AND LOCATION</u>	<u>LEGAL DESCRIPTION</u>	<u>Map Index</u>
HELMERICH FRANK W II TR 5845 RIVERSIDE LANE FORT MYERS FL 33919	04-46-24-00-00008.0000 ACCESS UNDETERMINED FORT MYERS FL 33908	SW 1/4 N OF RR AND S OF PROPOSED S R 869 LESS PARL 8.0020	1
LEE COUNTY PO BOX 398 FORT MYERS FL 33902	04-46-24-00-00008.0020 ACCESS UNDETERMINED FORT MYERS FL 33908	A PARL OF LAND IN SEC 04 TWP 46 R 24 AS DESC IN OR 1586 PG 2302	2
FLORIDA POWER + LIGHT CO PROPERTY TAX DEPT PO BOX 14000 JUNO BEACH FL 33408	04-46-24-00-00009.0000 FPL EASEMENT FORT MYERS FL 33908	STRIP OF LAND 100 FT.WIDE FORMER SAL RR R/W LESS OR 2082 PG 1929	3
LEE MEMORIAL HOSPITAL INC CYPRESS COVE 10200 CYPRESS COVE DR FORT MYERS FL 33908	04-46-24-04-00000.0110 10000-600 CYPRESS COVE DR FORT MYERS FL 33908	HEALTHPARK FLA WEST PH 1-F PB 53 PGS 81 - 90 PT LT 11 + DESC OR 3693/4170	4
LEE HEALTH VENTURES INC HEALTHPARK FL WEST OWNERS ASSN 9800 HEALTHPARK DR STE 405 FORT MYERS FL 33908	04-46-24-04-00000.11CE SUBMERGED FL	HEALTHPARK FLA WEST PH 1-F PB 53 PG 81-90 LT 11 LESS OR 3693/4170 LESS OR 4260/2391	5
SUNSET FALLS LLC 8045 NW 155TH ST MIAMI LAKES FL 33016	05-46-24-00-00001.0000 ACCESS UNDETERMINED FORT MYERS FL 33908	W 1/2 OF NE 1/4 LESS PARCEL 1.001 + PARCEL 1.002	6
LEE COUNTY PO BOX 398 FORT MYERS FL 33902	05-46-24-00-00002.0000 ACCESS UNDETERMINED FORT MYERS FL 33908	E 1/2 OF E 1/2 LESS PARL S OF SR 869	7
TIIF STATE OF FLORIDA DEPT OF ENVIR PROTECTION 3900 COMMONWEALTH BLVD TALLAHASSEE FL 32399	05-46-24-00-00002.0010 ACCESS UNDETERMINED FORT MYERS FL 33908	PARL IN E 1/2 OF E 1/2 LYING S OF SR 869 LESS SEABOARD ALL FL RAILWAY DESC IN DB 111 PG 141	8
YEATTER TAD M 13731 FERN TRAIL DR NORTH FORT MYERS FL 33903	05-46-24-00-00003.0000 ACCESS UNDETERMINED FORT MYERS FL 33908	E 1/2 OF SW 1/4 OF SE 1/4 S OF CR 869	9
SUNSET FALLS LLC 8045 NW 155TH ST MIAMI LAKES FL 33016	05-46-24-00-00003.0010 ACCESS UNDETERMINED FORT MYERS FL 33908	E 1/2 OF NW 1/4 OF SE 1/4	10
LEE COUNTY PO BOX 398 FORT MYERS FL 33902	05-46-24-00-00004.0000 ACCESS UNDETERMINED FORT MYERS FL 33908	W 1/2 OF W 1/2 OF SE 1/4+ BATE PINE RDGE TRK FARM BLK 4 PB 3 PG 68 LTS9-16 LESS PARL S OF SR 869	11
TIIF STATE OF FLORIDA DEPT OF ENVIR PROTECTION 3900 COMMONWEALTH BLVD TALLAHASSEE FL 32399	05-46-24-00-00004.0010 ACCESS UNDETERMINED FORT MYERS FL 33908	W 1/2 OF W 1/2 OF SE 1/4 LYING S OF SR 869	12

<u>OWNER NAME AND ADDRESS</u>	<u>TRAP AND LOCATION</u>	<u>LEGAL DESCRIPTION</u>	<u>Map Index</u>
FLORIDA POWER + LIGHT CO PROPERTY TAX DEPT PO BOX 14000 JUNO BEACH FL 33408	05-46-24-00-00005.0000 RIGHT OF WAY FORT MYERS FL 33908	STRIP OF LAND FORMER SAL RR R/W IN SE COR SEC.5	13
SUNSET FALLS LLC 8045 NW 155TH ST MIAMI LAKES FL 33016	05-46-24-01-00004.0050 10900 OLD SOUTH WAY FORT MYERS FL 33908	BATES PINE RDGE TRK FARMS BLK 4 PB 3 PG 68 LOTS 5 THRU 8 + E 1/2 OF LOT 3 + 4 LESS S/D	14
FLORIDA FUN FACTORY HOLDING CO 779 MEDICAL DR STE 7 ENGLEWOOD FL 34223	08-46-24-00-00001.0260 17051-081 SAFETY ST FORT MYERS FL 33908	PARL IN N W 1/4 AS DESC IN OR 1415 PG 72	15
TIITF/CAMA DEPT OF ENVIR PROTECTION 3900 COMMONWEALTH BLVD TALLAHASSEE FL 32399	08-46-24-00-00003.0000 ACCESS UNDETERMINED FORT MYERS FL 33908	NE 1/4 + N 1/2 OF S 1/2 LESS ABANDONED SAL RR R/W	16
FLORIDA POWER + LIGHT CO PROPERTY TAX DEPT PO BOX 14000 JUNO BEACH FL 33408	08-46-24-00-00005.0000 RIGHT OF WAY FORT MYERS FL 33908	STRIP OF LAND FORMERLY SAL RR R/W ACROSS SEC 8	17

17 RECORDS PRINTED

Prepared by and Return to:
Eric M. Borgia, Esq.
P.O. Box 280
Fort Myers, FL 33902-0280

DECLARATION OF RESTRICTIVE COVENANTS

THIS DECLARATION OF RESTRICTIVE COVENANTS (the "Declaration") dated this 5 day of April, 2006, by and between SUNSET FALLS, LLC, a Florida limited liability company ("Sunset Falls"), whose mailing address is 8045 N.W. 155th St., Miami Lakes, FL 33016, and VICOTT, INC., a Florida corporation ("Vicott") and SUMMERLIN INVESTMENT, LLC, a Florida limited liability company ("Summerlin"), whose mailing address is 10950 OLD SOUTH WAY ("Vicott" and "Summerlin" may be referred to collectively as "Seller"). Fort Myers, FL 33908

WHEREAS, WATERMEN DEVELOPMENT GROUP CORP., a Florida corporation ("Watermen") and Vicott entered into a Contract dated November 25, 2003 (the "Contract") wherein Watermen agreed to purchase and Vicott agreed to sell the certain real property; and

WHEREAS, Watermen subsequently assigned its right, title and interest under the Contract to Sunset Falls; and

WHEREAS, Summerlin acquired title to a portion of the Property that is to be conveyed to Purchaser pursuant to the terms of the Contract; and

WHEREAS, Seller retained ownership of certain contiguous real property more particularly described on attached Exhibit "A" (the "Property"); and

WHEREAS, in the Contract, the parties agreed to certain development restrictions and use restrictions with regard to the Property.

WITNESSETH:

NOW, THEREFORE, in consideration of the covenants contained herein and other good and valuable consideration, the adequacy and sufficiency of said consideration having been acknowledged by Sunset Falls and Seller, the parties covenant and agree as follows:

1. Recitals: The above-referenced recitals are true and correct and are incorporated herein by reference.

2. Restrictive Covenants: The parties agree that the following restrictions shall apply to the Property:

(a) Seller shall utilize the Property for retail commercial uses or professional offices. This provision shall survive the closing of the Contract for a period of thirty (30) years. The restriction shall run with the land and shall be binding on Seller and Seller's successors and assigns.

(b) Because of potential impacts on lands owned by Sunset Falls in close proximity to the Property, Seller hereby agrees that Sunset Falls shall have the right to approve, in Sunset Falls' reasonable discretion, all site plans, building plans and landscaping plans for the Property. Sunset Falls may reject Seller's plans based solely on aesthetic considerations if the design is out of character with the residential community Sunset Falls will construct on the property Sunset Falls purchased from Seller. Prior to submitting for building permits or development permits for any improvements to the Property, Seller shall deliver a proposed site plan, proposed building plans (including building elevations) and a landscaping plan for the Property. Sunset Falls shall have fifteen (15) business days in which to accept or reject the plans. Sunset Falls' failure to approve or disapprove Seller's plans shall be deemed an approval of the plans, unless Sunset Falls rejects the plans in writing specifying the deficiencies within the said fifteen (15) business day period. In the event Sunset Falls disapproves any plan or plans, Seller may correct the plans to accommodate Sunset Falls' objections and resubmit the plans for approval. This provision shall survive Closing until thirty (30) years from the date of the recording of the Deed. This provision shall also apply to any reconstruction or redevelopment of the Property. The restriction shall run with the land and shall be binding on Seller and Seller's successors and assigns.

(c) SELLER shall not make any of the following uses of the Property: a flea market; a school or other place of instruction where an individual class will exceed fifty students at any one time; an adult entertainment facility (including, but not limited to, an adult-type bookstore, adult video store, nude or semi-nude entertainment facility); a massage parlor oriented to sexual activity; a tattoo parlor; a skating rink; a mortuary; a labor camp, a junkyard or stockyard; a landfill, garbage dump or facility for the dumping, disposing, incineration or reduction of garbage; a recycling center; a bar, nightclub, discotheque, bottle club or any other establishment whose predominant business is selling or serving alcoholic beverages for on-premises consumption; a bowling alley, pool hall (other than a pool hall oriented to family entertainment), arcade or game room; a theater (motion picture or live performance), an auditorium or other place of public assembly which serves more than 100 customers at any one time; a service station or truck stop; any off-track betting, gaming or bingo establishment; any use which creates or includes obnoxious odors (excepting odors emanating from a restaurant, medical office or beauty salon) which extend beyond the boundaries of the Property, loud noises which extend beyond the boundaries of the Property, crowds of more than 100 people, any use which a reasonable man or woman would find immoral, offensive or obnoxious; and any use which is not allowable under existing zoning for the Property. This

provision shall survive the Closing for a period of thirty (30) years. The restriction shall run with the land and shall be binding on Seller and Seller's successors and assigns.

3. Remedies: The restrictions contained herein may be enforced by Sunset Falls by injunctive relief or by any other action at law or in equity.

4. Notices: All notices authorized or required by this Declaration shall be in writing and shall be considered delivered when:

(a) hand delivered;

(b) received by facsimile on a business day during normal business hours to the machine listed below for each party, and such facsimile is followed-up by delivery via recognized overnight delivery service;

(c) three (3) days after being sent by registered or certified mail, return receipt requested; or

(d) the first business day after being sent by recognized overnight delivery service and addressed as follows:

SUNSET FALLS: Sunset Falls, L.L.C.
Attn: Eddy Garcia
8045 N.W. 155th St.
Miami Lakes, FL 33016
Phone: (305) 828-0103
Fax: (305) 828-0147

With a copy to: Thomas H. Gunderson, Esq.
Henderson, Franklin, Starnes & Holt, P.A.
1715 Monroe Street
Fort Myers, FL 33901
Phone: (239)-344-1210
Fax: (239)-344-1575

SELLER: Vicott, Inc.
Summerlin Investment, LLC
Attn: Rudy Maul
10950 Old Southway
FT. MYERS, FL 33908
Phone: 489-1814
Fax: 489-1816

With a copy to:

George Consoer, Esq.
Knott, Consoer, Ebelini, Hart & Swett, P.A.
1625 Hendry St.
Fort Myers, FL 33901
Phone: (239) 334-2722
Fax: (239) 334-1446

5. Miscellaneous:

(a) Entire Agreement: This Declaration constitutes the entire agreement by and between Estuary and Seller with respect to the subject matter hereof and supersedes all prior agreements, understandings, negotiations and discussions, both written and oral, by and between the parties hereto with respect to such subject matter. No representations, warranties or agreements have been made or, if made, have been relied upon by either party, except as specifically set forth herein. This Declaration may not be amended or modified in any way except by a written instrument executed by each party hereto.

(b) Binding Effect: All terms and provisions of this Declaration shall be binding upon, inure for the benefit of and be enforceable by and against the parties hereto and their respective personal or other legal representatives, heirs, successors and assigns.

(c) Waiver: The waiver by either party of the prompt and complete performance, or breach or violation hereof, of any provision of this Declaration shall not operate as, nor be construed to be, a waiver of any subsequent breach or violation, and the waiver by either party of the exercise of any right or remedy that it may possess shall not operate as, nor be construed to be, the waiver of such right or remedy by any other party or parties or a bar to the exercise of such right or remedy by such party or parties upon the occurrence of any subsequent breach or violation.

(d) Headings: The headings in this Declaration are for convenient reference only and shall not have the effect of modifying or amending the express terms and provisions of this Declaration, nor shall they be used in connection with the interpretation hereof.

(e) Pronouns; Gender: All pronouns and any variations thereof shall be deemed to refer to the masculine, feminine, neuter, singular or plural as the context may require.

(f) Severability: The invalidity of any provision of this Declaration shall not affect the enforceability of the remaining provisions of this Declaration or any part hereof, all of which are inserted conditionally on their being valid in law, and, in the event that a provision of this Declaration shall be declared invalid by a court of competent jurisdiction, this Declaration shall be construed as if such invalid provisions had not been inserted.

(g) Governing Law: This Declaration shall be governed by, and construed and interpreted in accordance with, the internal laws of the State of Florida without regard to principles of conflicts or choice of laws.

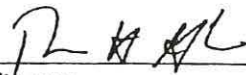
(h) Jurisdiction and Venue: Each of the parties irrevocably and unconditionally: (i) agrees that any suit, action or legal proceeding arising out of or relating to this Declaration shall be brought in the appropriate court of the Florida Twentieth Judicial Circuit located in Lee County, Florida; (ii) consents to the jurisdiction of each such court in any suit, action or proceeding; and (iii) waives any objection which it may have to the laying of venue of any such suit, action or proceeding in any of such courts.

(i) Further Assurances. Each party will, whenever and as often as he shall be reasonably requested to do so by the other party, execute, acknowledge and deliver any and all documents so requested or as are necessary in order to carry out the intent and purposes of this Declaration.

IN WITNESS WHEREOF, the parties hereto have caused this Declaration of Restrictive Covenants to be properly executed as of the day and year first above written.

Signed, Sealed, and Delivered
in the Presence of:


SUNSET FALLS, LLC,
a Florida limited liability company



Witness
Thomas H. Gundersen
(Type/Print Name of Witness)


By: 

(Eddy Garcia, Manager)



Witness
Eric M. Bong
(Type/Print Name of Witness)

VICOTT, INC.,
a Florida corporation


Witness **Summer M.O. Johnson**


(Type/Print Name of Witness)


Witness

Eric M. Borcia
(Type/Print Name of Witness)

By: 
A. Rudolph Maul, President

SUMMERLIN INVESTMENT, LLC,
a Florida limited liability company


Witness **Summer M.O. Johnson**

(Type/Print Name of Witness)


Witness

Eric M. Borcia
(Type/Print Name of Witness)

By: 
A. Rudolph Maul, Manager

STATE OF FLORIDA

COUNTY OF Lee

The foregoing instrument was acknowledged before me this 4th day of April, 2006 by Eddy Garcia, as Manager of SUNSET FALLS, LLC, a Florida limited liability company, who executed the foregoing Declaration of Restrictive Covenants on behalf of said company and who is personally known to me or who produced _____ as identification.

My Commission Expires:

R H AL
Notary Public



Thomas H. Gunderson
MY COMMISSION # DD2834 EXPIRES
March 24, 2008
BONDED THRU TROY FARN INSURANCE, INC.

Print/Type Name of Notary

Commission No. _____

STATE OF FLORIDA

COUNTY OF Lee

The foregoing instrument was acknowledged before me this 5th day of April, 2006 by A. Rudolph Maul, as President of VICOTT, INC., a Florida corporation and as Manager of SUMMERLIN INVESTMENT, LLC, a Florida limited liability company, on behalf of the company and who is personally known to me or who has produced _____ as identification.

My Commission Expires:

Summer M.O. Johnson
Notary Public



SUMMER MO JOHNSON
MY COMMISSION # DD 375913
EXPIRES: December 1, 2008
Bonded Thru Notary Public Underwriters

Summer M.O. Johnson
Print/Type Name of Notary

Commission No. _____

Banks Engineering, Inc.

Professional Engineers, Planners & Land Surveyors
FORT MYERS ♦ CHARLOTTE ♦ NAPLES ♦ SARASOTA

DESCRIPTION OF AN EASEMENT
LYING IN SECTION 5, T-46-S, R-24-E,
LEE COUNTY, FLORIDA.

(COMMERCIAL AREA)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 5, TOWNSHIP 46 SOUTH, RANGE 24 EAST, BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:


COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 5; THENCE S.89°01'42"W., ALONG THE SOUTH LINE OF SAID SECTION 5, FOR 1319.00 FEET; THENCE N.01°26'45"W., FOR 974.54 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF SUMMERLIN ROAD (COUNTY ROAD 869); THENCE S.64°39'27"W., ALONG SAID NORTHERLY RIGHT OF WAY LINE, FOR 244.30 FEET TO THE POINT OF BEGINNING; THENCE N.00°04'41"E., FOR 348.06 FEET; THENCE N.61°35'24"W., FOR 156.47 FEET; THENCE N.01°01'35"W., FOR 33.37 FEET; THENCE S.88°47'59"W., FOR 159.92 FEET; THENCE S.88°30'44"W., FOR 47.37 FEET TO A POINT ON A CURVE TO THE RIGHT, HAVING: A RADIUS OF 212.00 FEET, A CENTRAL ANGLE OF 07°38'23", A CHORD BEARING OF S.05°18'28"E. AND A CHORD LENGTH OF 28.25 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 28.27 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE S.01°29'16"E., FOR 578.40 FEET TO SAID NORTHERLY RIGHT OF WAY LINE; THENCE N.64°39'27"E., ALONG SAID RIGHT OF WAY LINE, FOR 362.21 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 169455 SQUARE FEET OR 3.89 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON SAID NORTHERLY RIGHT OF WAY LINE OF SUMMERLIN ROAD AS BEARING S.64°39'27"W.

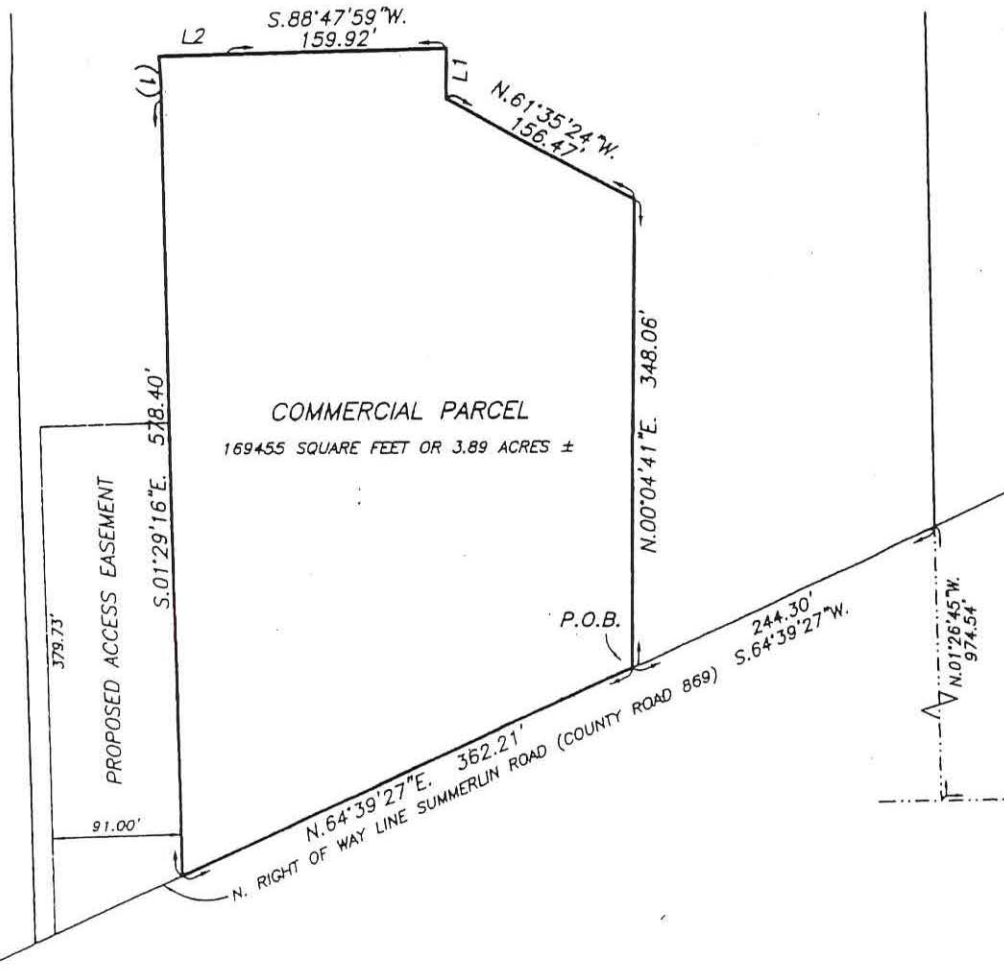
BANKS ENGINEERING, INC.
FLORIDA LICENSED BUSINESS NO. LB6690

JUNE 23, 2005


KENNETH E. TRASK
PROFESSIONAL LAND SURVEYOR
FLORIDA LICENSE NO. LS4684

SHEET 1 OF 2

Exhibit A
(1 of 2 pages)



LEGEND:

O.R. OFFICIAL RECORDS BOOK
 PG. PAGE
 P.O.B. POINT OF BEGINNING
 P.O.C. POINT OF COMMENCEMENT

LINE TABLE

Line	Bearing	Distance
L1	N. 01° 01' 35\"W.	33.37'
L2	S. 88° 30' 44\"W.	47.37'

Curve number 1

Radius= 212.00'
 Delta= 07° 38' 23\"
 Arc= 28.27'
 Tangent= 14.16'
 Chord= 28.25'
 Chord Brg.= S. 05° 18' 28\"E.

Exhibit A

(a of 2 pages)

P.O.C.
 S.E. CORNER
 SECTION 5

THIS IS NOT A BOUNDARY SURVEY

Robert E. Trusk
 ROBERT E. TRUSK
 PROFESSIONAL LAND SURVEYOR
 FLORIDA CERTIFICATE NO. 1514684

Banka Engineering, Inc.
 Professional Engineers, Planners & Land Surveyors
 FORT MYERS • MAPLES • SAN ANTONIO
 1001 3RD ST. S. SUITE 100
 FORT MYERS, FLORIDA 33901
 PHONE (239) 335-3300 FAX (239) 335-3313
 WWW.BANKAENGINEERING.COM

SKETCH TO ACCOMPANY DESCRIPTION
 EASEMENT LYING IN SECTION 5, T-46-S, R-24-E
 LEE COUNTY, FLORIDA

DATE	PROJECT	ISSUED	DESIGN	CHECKED	SCALE	SHEET	FILE NO. (P-I-N)
3-28-2005	1234	123456789	KT	KT	1"=200'	2 of 2	5-48-34

REVISED 6-23-2005 - SHIFT PARCEL EASTERLY

Prepared By:
Eric M. Borgia, Esq.
P. O. Box 280
Fort Myers, FL 33902-0280

GRANT OF ACCESS EASEMENT

THIS GRANT OF EASEMENT, is made and entered into this 5 day of April, 2006, by SUNSET FALLS, LLC, a Florida limited liability company ("Sunset Falls") in favor of VICOTT, INC., a Florida corporation ("Vicott").

WITNESSETH:

WHEREAS, Sunset Falls is the owner of the real property described on attached Exhibit "A" ("Sunset Falls Property"); and

WHEREAS, Vicott is the owner of the real property lying adjacent to, and contiguous with, the Sunset Falls Property described on attached Exhibit "B" ("Vicott Property"); and

WHEREAS, Vicott desires a perpetual non-exclusive ingress and egress easement over that portion of the Sunset Falls Property described on attached Exhibit "C" ("Easement Property"); and

WHEREAS, Sunset Falls is willing to convey a perpetual non-exclusive ingress and egress easement to Vicott over the Easement Property.

NOW THEREFORE, in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the parties hereby agree as follows:

1. Sunset Falls hereby grants and conveys to Vicott, its successors and assigns, a perpetual, non-exclusive ingress and egress over the Easement Property.
2. Sunset Falls shall construct an entry road on the Easement Property.
3. Vicott hereby agrees to indemnify, defend and hold harmless Sunset Falls, and any successor owner of the Sunset Falls Property, from all demands, claims and causes of action and repair any damage to the Sunset Falls Property and the Easement Property that relates specifically to Vicott or its agents, contractor's, employees', designees', invitees' or subcontractor's work on or use of the Easement Property.
4. The entry road shall be maintained by Sunset Falls or its successors. Vicott shall be responsible for 13% of the cost of the maintenance of the entry road. Sunset Falls shall be responsible for the remaining maintenance cost of the entry road.
5. This Grant of Easement shall be governed by and construed in accordance with the laws of the State of Florida. The venue for any legal or administrative proceeding regarding this Agreement shall be exclusively in Lee County, Florida.

6. All of the covenants, terms, agreements, conditions and restrictions set forth in this Agreement are intended to and shall be construed as running with the title to the respective properties, binding upon, inuring to the benefit of, and enforceable by the parties hereto, their respective successors and assigns.

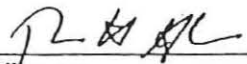
7. This Agreement may be executed in any number of counterparts, each of which when executed and delivered shall be an original, and such counterparts shall together constitute one and the same instrument.

8. The prevailing party in any litigation arising out of this Agreement shall be entitled to recover its reasonable attorneys' fees and court costs, both at trial and on appeal, from the non-prevailing party.

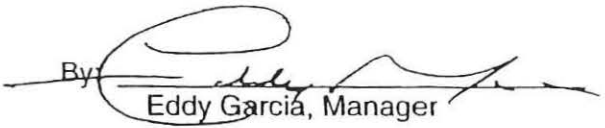
IN WITNESS WHEREOF, the parties have set their hands and seals the day and year first above written.

Signed, Sealed and Delivered
in the Presence of:

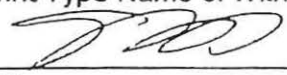
SUNSET FALLS, LLC, a
Florida limited liability company



Witness
Thomas H. Gunderson
Print/Type Name of Witness

By 

Eddy Garcia, Manager



Witness
Eric M. Borgia
Print/Type Name of Witness

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 4th day of April, 2006, by Eddy Garcia, as Manager of SUNSET FALLS, LLC, a Florida limited liability company, who is personally known to me or who has produced _____ as identification.



Notary Public

My Commission Expires:

Type/Print Name of Notary
Commission No. _____



Thomas H. Gunderson
MY COMMISSION # DD298549 EXPIRES
March 24, 2008
BONDED THRU TROY FAIN INSURANCE, INC.

Signed and Sealed in the
presence of:

Summer M.O. Johnson
Witness Signature

Summer M.O. Johnson
Type/Print Witness Name

Eric M. Borgia
Witness Signature

Eric M. Borgia
Type/Print Witness Name

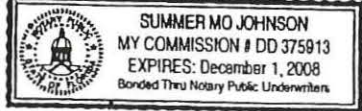
VICOTT, INC., a Florida corporation

By: A. Rudolph Maul
A. Rudolph Maul, President

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 5th day of April, 2006, by A. Rudolph Maul, as President of VICOTT, INC., a Florida corporation, who is personally known to me or who has produced _____ as identification.

My Commission Expires:



Summer M.O. Johnson
Notary Public

Summer M.O. Johnson
Type/Print Name of Notary
Commission No. _____

#1409793v.3

Banks Engineering, Inc.

Professional Engineers, Planners & Land Surveyors
FORT MYERS ♦ CHARLOTTE ♦ NAPLES ♦ SARASOTA

DESCRIPTION OF AN EASEMENT
LYING IN SECTION 5, T-46-S, R-24-E,
LEE COUNTY, FLORIDA.

(COMMERCIAL AREA)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 5, TOWNSHIP 46 SOUTH, RANGE 24 EAST, BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

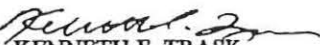
COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 5; THENCE S.89°01'42"W., ALONG THE SOUTH LINE OF SAID SECTION 5, FOR 1319.00 FEET; THENCE N.01°26'45"W., FOR 974.54 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF SUMMERLIN ROAD (COUNTY ROAD 869); THENCE S.64°39'27"W., ALONG SAID NORTHERLY RIGHT OF WAY LINE, FOR 244.30 FEET TO THE POINT OF BEGINNING; THENCE N.00°04'41"E., FOR 348.06 FEET; THENCE N.61°35'24"W., FOR 156.47 FEET; THENCE N.01°01'35"W., FOR 33.37 FEET; THENCE S.88°47'59"W., FOR 159.92 FEET; THENCE S.88°30'44"W., FOR 47.37 FEET TO A POINT ON A CURVE TO THE RIGHT, HAVING: A RADIUS OF 212.00 FEET, A CENTRAL ANGLE OF 07°38'23", A CHORD BEARING OF S.05°18'28"E. AND A CHORD LENGTH OF 28.25 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 28.27 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE S.01°29'16"E., FOR 578.40 FEET TO SAID NORTHERLY RIGHT OF WAY LINE; THENCE N.64°39'27"E., ALONG SAID RIGHT OF WAY LINE, FOR 362.21 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 169455 SQUARE FEET OR 3.89 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON SAID NORTHERLY RIGHT OF WAY LINE OF SUMMERLIN ROAD AS BEARING S.64°39'27"W.

BANKS ENGINEERING, INC.
FLORIDA LICENSED BUSINESS NO. LB6690

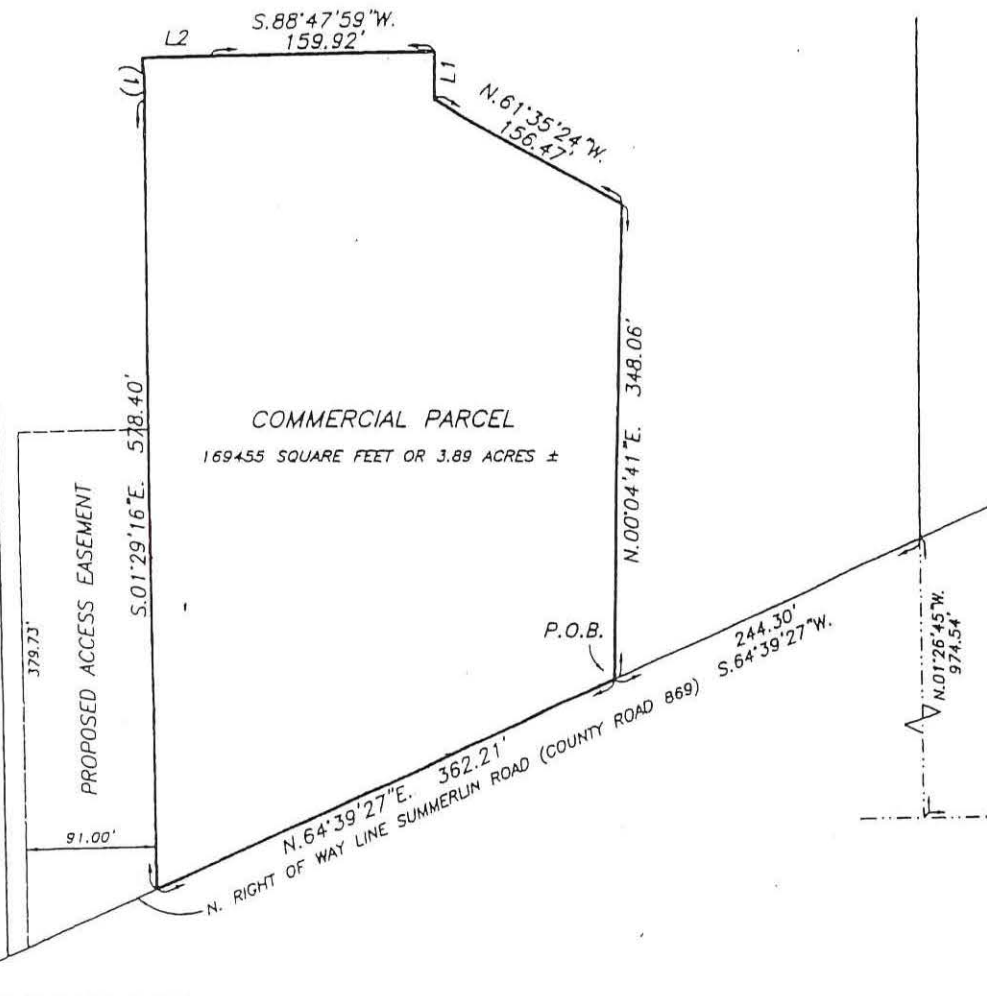
JUNE 23, 2005


KENNETH E. TRASK
PROFESSIONAL LAND SURVEYOR
FLORIDA LICENSE NO. LS4684

SHEET 1 OF 2

Exhibit B

(1 of 2 pages)



REVISED 6-23-2005 - SHIFT PARCEL EASTERLY

LEGEND:

O.R. OFFICIAL RECORDS BOOK
PG. PAGE
P.O.B. POINT OF BEGINNING
P.O.C. POINT OF COMMENCEMENT

LINE TABLE

Line	Bearing	Distance
L1	N.01°01'35"W.	33.37'
L2	S.88°30'44"W.	47.37'

Curve number 1

Radius= 212.00'
Delta= 07°38'23"
Arc= 28.27'
Tangent= 14.16'
Chord= 28.25'
Chord Brg.= S.05°18'28"E.

Exhibit B
(2 of 2 pages)

THIS IS NOT A BOUNDARY SURVEY

Rust
KENNETH E. TRASK
PROFESSIONAL LAND SURVEYOR
FLORIDA CERTIFICATE NO. 154684

Traska Engineering, Inc.
Professional Engineers, Planners & Land Surveyors
1001 W. 10th Street, Suite 100
Fort Worth, Texas 76102
PHONE: (817) 331-1111
FAX: (817) 331-1112
SURVEY LICENSE # 10110

SKETCH TO ACCOMPANY DESCRIPTION
EASEMENT LYING IN SECTION 5, T-46-S, R-24-E
LEE COUNTY, FLORIDA

DATE	PROJECT	SCALE	SHEET	FILE NO.
1-25-2005	1839	1"=200'	2 of 2	0-10-24

Banks Engineering, Inc.

Professional Engineers, Planners & Land Surveyors
FORT MYERS ♦ CHARLOTTE ♦ NAPLES ♦ SARASOTA

DESCRIPTION OF AN EASEMENT
LYING IN SECTION 5, T-46-S, R-24-E,
LEE COUNTY, FLORIDA.

(COMMERCIAL ACCESS EASEMENT)

AN EASEMENT SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 5, TOWNSHIP 46 SOUTH, RANGE 24 EAST, BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

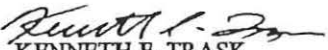
COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 5; THENCE S.89°01'42"W., ALONG THE SOUTH LINE OF SAID SECTION 5, FOR 1319.00 FEET; THENCE N.01°26'45"W., FOR 974.54 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF SUMMERLIN ROAD (COUNTY ROAD 869); THENCE S.64°39'27"W., ALONG SAID NORTHERLY RIGHT OF WAY LINE, FOR 606.52 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S.64°39'27"W., ALONG SAID NORTHERLY RIGHT OF WAY LINE, FOR 99.50 FEET; THENCE N.01°29'16"W., FOR 379.73 FEET; N.88°30'44"E., FOR 91.00 FEET; THENCE S.01°29'16"E., FOR 339.49 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 32725 SQUARE FEET OR 0.75 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON SAID NORTHERLY RIGHT OF WAY LINE OF SUMMERLIN ROAD AS BEARING S.64°39'27"W.

BANKS ENGINEERING, INC.
FLORIDA LICENSED BUSINESS NO. LB6690

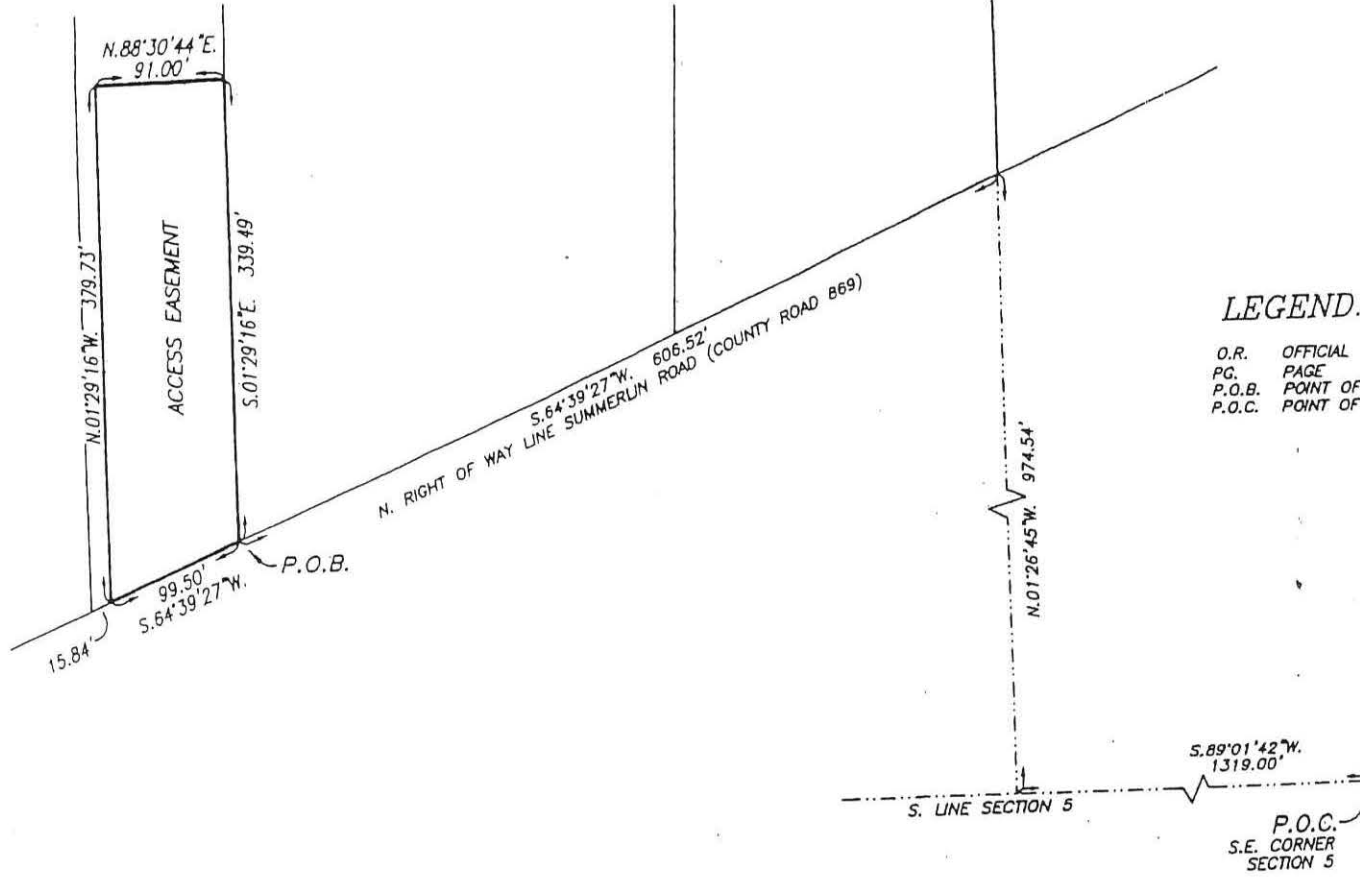
JUNE 23, 2005


KENNETH E. TRASK
PROFESSIONAL LAND SURVEYOR
FLORIDA LICENSE NO. LS4684

SHEET 1 OF 2

Exhibit C

(1 of 2 pages)



LEGEND:

O.R. OFFICIAL RECORDS BOOK
 PG. PAGE
 P.O.B. POINT OF BEGINNING
 P.O.C. POINT OF COMMENCEMENT

Exhibit C
 (2 of 2 pages)

THIS IS NOT A BOUNDARY SURVEY

Kevin E. Trusk
 KENNETH E. TRUSK
 PROFESSIONAL LAND SURVEYOR
 FLORIDA CERTIFICATE NO. 124854

Manks Engineering, Inc.
 Professional Engineers, Planners & Land Surveyors
 FORT MYERS • NAPLES • SARASOTA
 10811 US HIGHWAY 1, SUITE 100
 FORT MYERS, FL 33907
 PHONE: (888) 344-3434 FAX: (888) 344-3434
 WWW.MANKS-ENGINEERING.COM

SKETCH TO ACCOMPANY DESCRIPTION
 EASEMENT LYING IN SECTION 5, T-46-S, R-24-E
 LEE COUNTY, FLORIDA

SHEET	PROJECT	DRAWING	DATE	SCALE	SHEET	NO. OF SHEETS	FILE NO.
2	123456	123456	12.34	1"=100'	2	2	8-46-N

REVISED 6-23-2005 - SHIFT EASEMENT EASTERLY

Memo

To: Josh Philpott
Senior Planner

From: Andrew Getch, P.E.
Engineering Manager I

Date: September 7, 2006

Subject: **Waterstone RPD – DC12005-00078**

The Lee County Department of Transportation (LCDOT) has reviewed the Application for Public Hearing. The application is requesting to relocate the center of the approved connection point from STA 205+50 to STA 206+40. The current six-laning plans for Summerlin Road relocate the existing access point approximately 50 feet to the south to approximately STA 205+00. The proposal by the applicant relocates the designed access point approximately 140 feet to the north. The applicant is working with staff to modify the six-laning plans and LCDOT has no objection to the request. A draft revision to the Controlled Access Resolution is attached.

The current designated connection point is at a property line. The proposed roadway connecting to Summerlin Road is adjacent to STRAP 05-46-24-00-00003.0030, currently owned by Vicott Inc, and STRAP 05-46-24-00-00000.0020, currently owned by Lee County. The applicant has addressed the requirements of AC-11-10 for relocation of an approved access point. To ensure access to adjacent parcels, LCDOT recommends the following condition:

Prior to local development order approval, an access easement(s) for the use of adjacent properties at STRAP 05-46-24-00-00000.4000 and STRAP 05-46-24-00-00003.0030 must be recorded in the public records.

AJG/ajg

cc: Harry Campbell, LCDOT, Traffic
Donna Marie Collins, Assistant County Attorney

LEE COUNTY RESOLUTION NO. _____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, AMENDING RESOLUTION NO. 93-11-112, AS AMENDED, WHICH DESIGNATED SUMMERLIN ROAD AS A CONTROLLED ACCESS ROAD AND ESTABLISHED PERMANENT ACCESS POINTS.

WHEREAS, Section 10-285(h) of the Lee County Land Development Code provides for the designation of certain streets in Lee County as "controlled access" facilities to which permanent access points are restricted to locations established and set by design study and plans adopted by resolution of the Lee County Board of County Commissioners; and

WHEREAS, the Board of County Commissioners retains the right and authority to exercise its police power to modify roadway median openings, access points and turning movements to protect the health, safety and welfare of the traveling public; and

WHEREAS, on November 17, 1993, the Board of County Commissioners adopted Resolution No. 93-11-112 Summerlin Road as a controlled access facility from Boy Scout Road southeast to McGregor Boulevard, and establishing permanent access points; and

WHEREAS, Resolution No. 93-11-112 was subsequently amended on May 18, 1994 by Resolution No. 94-05-24 which added a connection point at Station 327+38 +/- 50 on the west side of Summerlin Road for full access by school busses only; and

WHEREAS, Resolution No. 93-11-112 was further amended by Board Resolutions adopted as follows:

1. No. 95-06-60, adopted 6-21-95 adding a right-in/right-out only connection point on the east side at Station 244+62 +/-50;
2. No. 95-10-44, adopted 10-16-95 adding a right-in only connection point on the east side at Station 203+28 +/-50; and
3. No. 97-12-10, adopted on 12-9-97, relocating an existing access point from Station 229+90 +/-50 to Station 274+17 +/-50 and establishing an eastbound left-in, right-in and right-out access only on the north side; and
4. No. 99-01-13, adopted 1-12-99, adding a right-in/right-out only connection point on the east side at Station 186+68 +/-50; and

5. No. 99-07-05, adopted 7-6-99, relocating an existing right-in/right-out only access point on the east side from Station 244+62 +/-50 to Station 248+82 +/-50; and
6. No. 99-11-42, adopted 11-15-99, adding a left-in, right-in and right-out only connection point on the east side of Summerlin Road at Station 125+50 +/-50; and
7. No. 00-05-05, adopted 5-1-2000, adding an eastbound left-in, right-in and right-out only connection point on the northwest side at Station 308+35 +/-50 on the northwest side; and
8. No. 03-04-33, adopted 3-21-2003, adding a right-in/ right-out only connection point on the northwest side at Station 326+56 +/-50; and
9. No. 06-08-47, adopted 8-21-2006, relocating an existing right-in/right-out only access point on the east side from Station 339+71 +/-50 to Station 338+68 +/-50.

WHEREAS, the Watermen Development Group, desires to relocate an existing median opening from Station 205+50 to Station 206+40; and

WHEREAS, the Lee County Department of Transportation, has concluded that, the relocation of the designated connection point will not hinder traffic capacity nor be contrary to the protection of the health, safety and welfare of the citizens of Lee County.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Lee County, Florida that:

1. Summerlin Road, from Colonial Boulevard southwest to McGregor Boulevard, including its intersections, is designated a controlled access road facility.
2. Absent subsequent Board action in accordance with applicable County regulations, the connection points are limited to those identified on attached Exhibit "A." Provided, however, no vested right to a particular connection point location is granted by virtue of adopting Exhibit "A." The County retains full power and authority to exercise its police power to modify connection points, median openings and turning movements to protect the health, safety and welfare of the traveling public.

Resolution No. 93-11-112 is hereby further amended, as stated in attached Exhibit A, to relocate an existing median opening from Station 205+50 to Station 206+40.

The foregoing Resolution was adopted by the Lee County Board of County Commissioners upon a motion by _____, and seconded by _____, and, upon being put to a vote, the result was as follows:

ROBERT JANES	_____
DOUGLAS R. ST. CERNY	_____
RAY JUDAH	_____
TAMMARA HALL	_____
JOHN E. ALBION	_____

DULY PASSED AND ADOPTED THIS _____ DAY OF _____, 2006.

ATTEST:

CHARLIE GREEN, CLERK

BOARD OF COUNTY
COMMISSIONERS
OF LEE COUNTY, FLORIDA

By _____
Deputy Clerk

By: _____
Tammara Hall, Chairwoman

APPROVED AS TO FORM

By: _____
Office of the Lee County Attorney

EXHIBIT A

STATION	DISTANCE (FEET)		ORIGIN	MEDIAN OPENING	MOVEMENTS	CONNECTION	REMARKS
	North/West	South/East					
100+02+/-50						Gladiolus Dr	Highway Station looking north
108+24+/-50	822	822	1	YES	ALL	Country Rd (W)	Existing median opening
116+20+/-50	n/a	796	2	NO	RT,IN/RT,OUT	Elderberry Ln (E)	Existing temporary connection to be replaced by frontage road
125+50+/-50	n/a	930	2	YES	SBL RT,IN/RT,OUT	E	New - Does not exist (7)
136+50+/-50	2826	1100	1	YES	ALL	Lakewood Blvd(W)	Existing signalized median opening
167+81+/-50	3131	3131	1	YES	ALL	Reflections Parkway (E) & W	Approved 3/26/76 - Existing median opening administratively shifted from STA 155+75 on 1/4/95 (5)
186+68+/-50	n/a	1887	2	NO	RT,IN/RT,OUT	E	New existing connection (5)
189+18+/-50	2137	n/a	2	NO	RT,IN/RT,OUT	W	Existing connection
196+68+/-50	750	1000	1	YES	ALL	Cypress Lake Dr	Existing signalized median opening
203+28+/-50	n/a	660	2	NO	R,IN	E	Existing connection (3)
210+44+/-50	1376	716	2	YES	ALL	Univ Ctr Blvd (E) & Edison CC (W)	Existing median opening
237+35+/-50	2691	2691	1	YES	ALL	College Parkway	Existing signalized median opening
244+62+/-50	n/a	727	2	NO	RT,IN/RT,OUT	E	Existing connection - relocated from 244+62 (2) (6)
252+12+/-50	n/a	750	1	YES	SBL RT,IN/RT,OUT	Brantley Rd (E)	Existing - Originally full median opening, directionalized for safety
274+60+/-50	3725	2248	1	YES	ALL	Park Meadows Dr (E)	Existing signalized median opening
302+60+/-50	2800	2800	1	YES	SBL RT,IN/RT,OUT	Maple Dr (E)	Existing connection
319+12+/-50	1652	1652	1	YES	ALL	E & W	Existing median opening
327+38+/-50	826	826	1	YES	ALL	E & W	Existing connection - School buses only west (1)
334+47+/-50	709	709	1	YES	ALL	Boy Scout Rd	Existing signalized median opening

Thirty-seven permanent access points

Two temporary access points

One pending access point

Length 10.31 miles

Avg spacing 1611 feet

WBL = Westbound left

EBL = Eastbound left

NBL = Northbound left

SBL = Southbound left

Notes

- 1 Original plan
- 2 Development access
- (1) Modified by Amending Resolution #94-05-24
- (2) Added by Amending Resolution #95-06-60
- (3) Added by Amending Resolution #95-10-44
- (4) Added by Amending Resolution #97-12-10
- (5) Added by Amending Resolution #99-01-13
- (6) Added by Amending Resolution #99-07-05
- (7) Added by Amending Resolution #99-11-42
- (8) Added by Amending Resolution #00-05-05
- (9) Added by Amending Resolution #03-04-33
- (10) Modified by Amending Resolution #06-08-47
- (11) Modified by Amending Resolution #__-__-__



FORM #0145
Rev. 08/95

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
ENVIRONMENTAL RESOURCE PERMIT NO. 36-05751-P
DATE ISSUED: JUNE 14, 2006

PERMITTEE: VICOTT, INC.
(SUNSET FALLS (F.K.A. WATERSTONE))
10950 OLD SOUTH WAY,
FORT MYERS, FL 33904

SUNSET FALLS, LLC
(SUNSET FALLS (F.K.A. WATERSTONE))
8045 NW 155 STREET,
MIAMI LAKES, FL 33016

PROJECT DESCRIPTION: CONSTRUCTION AND OPERATION OF A SURFACE WATER MANAGEMENT SYSTEM SERVING A 109.03-ACRE RESIDENTIAL/ COMMERCIAL DEVELOPMENT KNOWN AS SUNSET FALLS (F.K.A. WATERSTONE) WITH DISCHARGE INTO WATERS OF CALOOSAHATCHEE RIVER VIA THE IDO CANAL C VIA SHEETFLOW THROUGH ADJACENT WETLANDS

PROJECT LOCATION: LEE COUNTY, SECTION 5 TWP 46S RGE 24E

PERMIT DURATION: See Special Condition No:1. See attached Rule 40E-4.321, Florida Administrative Code.

This Permit is issued pursuant to Application No. 050113-13, dated January 13, 2005. Permittee agrees to hold and save the South Florida Water Management District and its successors harmless from any and all damages, claims or liabilities which may arise by reason of the construction, operation, maintenance or use of activities authorized by this Permit. This Permit is issued under the provisions of Chapter 373, Part IV Florida Statutes (F.S.), and the Operating Agreement Concerning Regulation Under Part IV, Chapter 373 F.S., between South Florida Water Management District and the Department of Environmental Protection. Issuance of this Permit constitutes certification of compliance with state water quality standards where necessary pursuant to Section 401, Public Law 92-500, 33 USC Section 1341, unless this Permit is issued pursuant to the net improvement provisions of Subsections 373.414(1)(b), F.S., or as otherwise stated herein.

This Permit may be transferred pursuant to the appropriate provisions of Chapter 373, F.S. and Sections 40E-1.6107(1) and (2), and 40E-4.351(1), (2), and (4), Florida Administrative Code (F.A.C.). This Permit may be revoked, suspended, or modified at any time pursuant to the appropriate provisions of Chapter 373, F.S. and Sections 40E-4.351(1), (2), and (4), F.A.C.

This Permit shall be subject to the General Conditions set forth in Rule 40E-4.381, F.A.C., unless waived or modified by the Governing Board. The Application, and the Environmental Resource Permit Staff Review Summary of the Application, including all conditions, and all plans and specifications incorporated by reference, are a part of this Permit. All activities authorized by this Permit shall be implemented as set forth in the plans, specifications, and performance criteria as set forth and incorporated in the Environmental Resource Permit Staff Review Summary. Within 30 days after completion of construction of the permitted activity, the Permittee shall submit a written statement of completion and certification by a registered professional engineer or other appropriate individual, pursuant to the appropriate provisions of Chapter 373, F.S. and Sections 40E-4.361 and 40E-4.381, F.A.C.

In the event the property is sold or otherwise conveyed, the Permittee will remain liable for compliance with this Permit until transfer is approved by the District pursuant to Rule 40E-1.6107, F.A.C.

SPECIAL AND GENERAL CONDITIONS ARE AS FOLLOWS:

SEE PAGES 2 - 5 OF 8 (30 SPECIAL CONDITIONS).

SEE PAGES 6 - 8 OF 8 (19 GENERAL CONDITIONS).

SOUTH FLORIDA WATER MANAGEMENT
DISTRICT, BY ITS GOVERNING BOARD

On ORIGINAL SIGNED BY:
By ELIZABETH VEGUILLA
DEPUTY CLERK

SPECIAL CONDITIONS

1. The construction phase of this permit shall expire on June 14, 2011.
2. Operation of the surface water management system shall be the responsibility of WATERSTONE COMMUNITY ASSOCIATION, INC. Within one year of permit issuance or concurrent with the engineering certification of construction completion, whichever comes first, the permittee shall submit a copy of the recorded deed restrictions (or declaration of condominium, if applicable), a copy of the filed articles of incorporation, and a copy of the certificate of incorporation for the association.
3. Discharge Facilities:

Basin B1

1 - 10.25" W X 13.50" H RECTANGULAR ORIFICE with invert at elev. 4.00' NGVD.
422 LF of 30" dia. REINFORCED CONCRETE PIPE culvert.
1 - 4.00' W X 5.50' L FDOT Mod. type "E" drop inlet with crest at elev. 7.33' NGVD.

Receiving body : Adjacent Wetlands
Control elev : 4.00 feet NGVD.

Basin B2

1 - 3.50" dia. CIRCULAR ORIFICE with invert at elev. 3.73' NGVD.
22 LF of 24" dia. REINFORCED CONCRETE PIPE culvert.
1 - 3.33' W X 4.42' L FDOT Mod. type "C" drop inlet with crest at elev. 6.84' NGVD.

Receiving body : Adjacent Wetlands
Control elev : 3.73 feet NGVD.

Basin B3

1 - 2" WIDE BROAD CRESTED weir with crest at elev. 6.00' NGVD.
1 - 3.75" dia. CIRCULAR ORIFICE with invert at elev. 3.73' NGVD.
14 LF of 24" dia. REINFORCED CONCRETE PIPE culvert.
1 - 3.33' W X 4.42' L FDOT Mod. type "C" drop inlet with crest at elev. 7.15' NGVD.

Receiving body : Adjacent Wetlands
Control elev : 3.73 feet NGVD.

4. The permittee shall be responsible for the correction of any erosion, shoaling or water quality problems that result from the construction or operation of the surface water management system.
5. Measures shall be taken during construction to insure that sedimentation and/or turbidity violations do not occur in the receiving water.
6. The District reserves the right to require that additional water quality treatment methods be incorporated into the drainage system if such measures are shown to be necessary.
7. Lake side slopes shall be no steeper than 4:1 (horizontal:vertical) to a depth of two feet below the control elevation. Side slopes shall be nurtured or planted from 2 feet below to 1 foot above control elevation to insure vegetative growth, unless shown on the plans.
8. Facilities other than those stated herein shall not be constructed without an approved modification of this permit.

9. A stable, permanent and accessible elevation reference shall be established on or within one hundred (100) feet of all permitted discharge structures no later than the submission of the certification report. The location of the elevation reference must be noted on or with the certification report.
10. The permittee shall provide routine maintenance of all of the components of the surface water management system in order to remove all trapped sediments/debris. All materials shall be properly disposed of as required by law. Failure to properly maintain the system may result in adverse flooding conditions.
11. This permit is issued based on the applicant's submitted information which reasonably demonstrates that adverse water resource related impacts will not be caused by the completed permit activity. Should any adverse impacts caused by the completed surface water management system occur, the District will require the permittee to provide appropriate mitigation to the District or other impacted party. The District will require the permittee to modify the surface water management system, if necessary, to eliminate the cause of the adverse impacts.
12. Minimum building floor elevation:
 - Basin B1 - 9.20 feet NGVD.
 - Basin B3 - 9.20 feet NGVD.
13. Minimum road crown elevation:
 - Basin B1 - 6.50 feet NGVD.
 - Basin B2 - 6.00 feet NGVD.
 - Basin B3 - 6.70 feet NGVD.
14. Minimum parking lot elevation:
 - Basin B1 - 6.50 feet NGVD.
 - Basin B2 - 6.00 feet NGVD.
 - Basin B3 - 6.70 feet NGVD.
15. The Permittee shall utilize the criteria contained in the Stormwater Pollution Prevention Plan and on the applicable approved construction drawings for the duration of the projects construction activities. Exhibits No. 4.0-4.8 have been incorporated by reference and shall be retained in the permit file.
16. The Urban Stormwater Management Program (Exhibit Nos.5.0-5.5) shall be included as part of the Property Owners Association documents prior to being recorded. Prior to recording of the Property Owners Association documents the amended documents shall be submitted to the Enforcement and Compliance section at the Fort Myers Lower West Coast Service Center for approval. Exhibit "D" of the draft Property Owners Association documents, Urban Stormwater Management Program has been included in this permit by reference (please see permit file).
17. Any proposed revisions to the permitted work schedule shown on Exhibit No. 3.4 must include documentation that mitigation work will be completed prior to or concurrently with authorized wetland impacts.
18. Prior to the commencement of construction, the permittee shall conduct a pre-construction meeting with field representatives, contractors and District staff. The purpose of the meeting will be to discuss with the permittee and contractors the construction methods and sequencing. The topics shall include the method proposed to retain native vegetation within preserve areas while removing exotic vegetation species, the type and location of erosion controls to be implemented during construction, the mobilization and staging of contractor equipment and construction dewatering. The permittee shall contact District Environmental Resource Compliance staff from the Lower West Coast Service Center at (239)338-2929 to schedule the pre-construction meeting.

19. Permanent physical markers designating the preserve status of the wetland preservation areas and buffer zones shall be placed as shown on Exhibit No. 2.13, cross-section H-H. The markers shall be maintained in perpetuity.
20. No root structure, including aerial prop-roots of red mangroves, may be altered, regardless of their size or height. Additionally, all mangrove ground cover and leaf litter are to remain undisturbed.
21. Prior to the commencement of construction, the perimeter of protected wetlands, buffer zones and upland preservation areas shall be staked and roped to prevent encroachment into the protected areas. Using Global Positioning System (GPS) technology, the perimeter of the preserve area(s) shall be identified for future reference. The data shall be differentially corrected and accurate to less than a meter (+/- one meter or better). Electronic copies of the GPS data shall be provided to the District's Environmental Resource Compliance staff. The permittee shall notify the District's Environmental Resource Compliance staff in writing upon completion of the staking and roping and schedule an inspection of this work. The staking and roping shall be subject to District staff approval. The permittee shall modify the staking and roping if District staff determines that it is insufficient or is not in conformance with the intent of this permit. The staking and roping shall remain in place until all adjacent construction activities are complete.
22. Prior to the commencement of construction and in conformance with the work schedule in Exhibit 3.4, the permittee shall provide an original letter of credit/bond in the amount of \$141,900 to ensure the permittee's financial ability and commitment to complete the proposed mitigation, monitoring and maintenance plan as shown on Exhibit No. 3.3. The letter of credit/bond shall be in substantial conformance with Exhibit No. 3.7. When a performance bond is established, the permittee shall also establish a standby trust fund for deposit of all payments under bond. The letter of credit/bond shall remain in effect for the entire period of the mitigation and monitoring program. Notification of the District by the financial institution that the letter of credit/bond will not be renewed or is no longer in effect shall constitute non-compliance with the permit.
23. A monitoring and maintenance program for the mitigation area(s) shall be implemented in accordance with Exhibit No. 3.3. The monitoring program shall extend for a period of five years with annual reports submitted to District Environmental Resource Compliance staff, or longer as needed to demonstrate compliance with the criteria below.

Vegetative success criteria for the mitigation areas are:

A) All mitigation areas:

- 1) Will be maintained to less than 5% exotic nuisance plants (as defined by the Florida Exotic Pest Plant Council at the time of permit issuance) for 5 consecutive years to achieve success, then in perpetuity per the long-term maintenance provisions.
- 2) Other nuisance plants shall be controlled at no more than 5% coverage and maintained at or below this level for 5 consecutive years, and in perpetuity per the long-term maintenance provisions.
- 3) In addition, exotic and other nuisance plants shall be controlled such that these species do not dominate any one section of those areas. Specifically, no area of 1/2 acre in size shall exceed the 5% coverage required for the overall conservation area.

B) Uplands/Buffers:

- 4) The percent cover of native plant species in the uplands shall not decrease for 5 consecutive years, nor in perpetuity per the long-term maintenance provisions.

C) Wetlands:

- 5) Shall remain free of livestock, not be subject to tree cutting (other than removal of exotic or nuisance species) and have sustainable wetland hydrology with at least 3 months of inundation and saturation during years with typical rainfall.
 - 6) Created wetlands shall have at least 80% coverage of beneficial native wetland species within 3 years. If this coverage is not achieved, additional mulching and/or planting will be done to assure 80% coverage.
 - 7) Planted trees shall have at least an 80% survival for 5 consecutive years, showing normal growth (girth-and height).
24. Prior to commencement of construction in wetlands and in accordance with the work schedule in Exhibit No. 3.4, the permittee shall submit documentation from Florida Department of Environmental Protection that 2.96 salt water forested credits and 1.92 fresh water herbaceous credits have been deducted from the ledger for Little Pine Island Mitigation Bank.
 25. A mitigation program for Sunset Falls (formerly known as Waterstone) shall be implemented in accordance with Exhibit No. 3.3. The permittee shall create 1.15 acres of transitional wetland, enhance 24.59 acres of wetlands, enhance 1.75 acres of upland and 1.01 acres of upland preserve.
 26. If monitoring reports or other information show the preserved wetlands have been negatively affected by the permitted development in a manner that is irreversible (such as impounding the wetland and drowning the existing vegetation or a reduction in the hydroperiod resulting in the transition of wetlands into upland/transitional habitat), the permittee shall be required to submit a remediation plan within 30 days of notification by the District's Environmental Resource Compliance staff of such conditions. The remediation plan may include onsite or offsite mitigation as necessary to address any deficiencies.
 27. Permanent physical markers designating the preserve status of the wetland preservation areas and buffer zones shall be placed at the intersection of the buffer and each lot line. These markers shall be maintained in perpetuity.
 28. The wetland impacts authorized by this permit may only occur subsequent to or concurrently with construction and implementation of the mitigation plan. If revisions to the work schedule shown on Exhibit No. 3.4 and referenced in special condition No. 29 are necessary, the permittee shall coordinate with the District's Environmental Resource Compliance Department to ensure compliance with this condition.
 29. Activities associated with the implementation of the mitigation, monitoring and maintenance plan(s) shall be completed in accordance with the work schedule attached as Exhibit No. 3.4. Any deviation from these time frames will require prior approval from the District's Environmental Resource Compliance staff. Such requests must be made in writing and shall include (1) reason for the change, (2) proposed start/finish and/or completion dates; and (3) progress report on the status of the project development or mitigation effort.
 30. In accordance with Exhibit No. 3.4, the permittee shall provide to the District the fully executed and recorded document depicted in Exhibit 3.6 to this staff report.

GENERAL CONDITIONS

1. All activities authorized by this permit shall be implemented as set forth in the plans, specifications and performance criteria as approved by this permit. Any deviation from the permitted activity and the conditions for undertaking that activity shall constitute a violation of this permit and Part IV, Chapter 373, F.S.
2. This permit or a copy thereof, complete with all conditions, attachments, exhibits, and modifications shall be kept at the work site of the permitted activity. The complete permit shall be available for review at the work site upon request by District staff. The permittee shall require the contractor to review the complete permit prior to commencement of the activity authorized by this permit.
3. Activities approved by this permit shall be conducted in a manner which does not cause violations of State water quality standards. The permittee shall implement best management practices for erosion and pollution control to prevent violation of State water quality standards. Temporary erosion control shall be implemented prior to and during construction, and permanent control measures shall be completed within 7 days of any construction activity. Turbidity barriers shall be installed and maintained at all locations where the possibility of transferring suspended solids into the receiving waterbody exists due to the permitted work. Turbidity barriers shall remain in place at all locations until construction is completed and soils are stabilized and vegetation has been established. All practices shall be in accordance with the guidelines and specifications described in Chapter 6 of the Florida Land Development Manual; A Guide to Sound Land and Water Management (Department of Environmental Regulation, 1988), incorporated by reference in Rule 40E-4.091, F.A.C. unless a project-specific erosion and sediment control plan is approved as part of the permit. Thereafter the permittee shall be responsible for the removal of the barriers. The permittee shall correct any erosion or shoaling that causes adverse impacts to the water resources.
4. The permittee shall notify the District of the anticipated construction start date within 30 days of the date that this permit is issued. At least 48 hours prior to commencement of activity authorized by this permit, the permittee shall submit to the District an Environmental Resource Permit Construction Commencement Notice Form Number 0960 indicating the actual start date and the expected construction completion date.
5. When the duration of construction will exceed one year, the permittee shall submit construction status reports to the District on an annual basis utilizing an annual status report form. Status report forms shall be submitted the following June of each year.
6. Within 30 days after completion of construction of the permitted activity, the permittee shall submit a written statement of completion and certification by a professional engineer or other individual authorized by law, utilizing the supplied Environmental Resource/Surface Water Management Permit Construction Completion/Certification Form Number 0881A, or Environmental Resource/Surface Water Management Permit Construction Completion Certification - For Projects Permitted prior to October 3, 1995 Form No. 0881B, incorporated by reference in Rule 40E-1.659, F.A.C. The statement of completion and certification shall be based on onsite observation of construction or review of as-built drawings for the purpose of determining if the work was completed in compliance with permitted plans and specifications. This submittal shall serve to notify the District that the system is ready for inspection. Additionally, if deviation from the approved drawings are discovered during the certification process, the certification must be accompanied by a copy of the approved permit drawings with deviations noted. Both the original and revised specifications must be clearly shown. The plans must be clearly labeled as "as-built" or "record" drawings. All surveyed dimensions and elevations shall be certified by a registered surveyor.
7. The operation phase of this permit shall not become effective: until the permittee has complied with the requirements of condition (6) above, and submitted a request

for conversion of Environmental Resource Permit from Construction Phase to Operation Phase, Form No. 0920; the District determines the system to be in compliance with the permitted plans and specifications; and the entity approved by the District in accordance with Sections 9.0 and 10.0 of the Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District, accepts responsibility for operation and maintenance of the system. The permit shall not be transferred to such approved operation and maintenance entity until the operation phase of the permit becomes effective. Following inspection and approval of the permitted system by the District, the permittee shall initiate transfer of the permit to the approved responsible operating entity if different from the permittee. Until the permit is transferred pursuant to Section 40E-1.6107, F.A.C., the permittee shall be liable for compliance with the terms of the permit.

8. Each phase or independent portion of the permitted system must be completed in accordance with the permitted plans and permit conditions prior to the initiation of the permitted use of site infrastructure located within the area served by that portion or phase of the system. Each phase or independent portion of the system must be completed in accordance with the permitted plans and permit conditions prior to transfer of responsibility for operation and maintenance of the phase or portion of the system to a local government or other responsible entity.
9. For those systems that will be operated or maintained by an entity that will require an easement or deed restriction in order to enable that entity to operate or maintain the system in conformance with this permit, such easement or deed restriction must be recorded in the public records and submitted to the District along with any other final operation and maintenance documents required by Sections 9.0 and 10.0 of the Basis of Review for Environmental Resource Permit applications within the South Florida Water Management District, prior to lot or units sales or prior to the completion of the system, whichever comes first. Other documents concerning the establishment and authority of the operating entity must be filed with the Secretary of State, county or municipal entities. Final operation and maintenance documents must be received by the District when maintenance and operation of the system is accepted by the local government entity. Failure to submit the appropriate final documents will result in the permittee remaining liable for carrying out maintenance and operation of the permitted system and any other permit conditions.
10. Should any other regulatory agency require changes to the permitted system, the permittee shall notify the District in writing of the changes prior to implementation so that a determination can be made whether a permit modification is required.
11. This permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any activity approved by this permit. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the permit and Chapter 40E-4 or Chapter 40E-40, F.A.C..
12. The permittee is hereby advised that Section 253.77, F.S. states that a person may not commence any excavation, construction, or other activity involving the use of sovereign or other lands of the State, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required lease, license, easement, or other form of consent authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on sovereignty lands or other state-owned lands.
13. The permittee must obtain a Water Use permit prior to construction dewatering, unless the work qualifies for a general permit pursuant to Subsection 40E-20.302(3), F.A.C., also known as the "No Notice" Rule.
14. The permittee shall hold and save the District harmless from any and all damages, claims, or liabilities which may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any system authorized by the

permit.

15. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding, unless a specific condition of this permit or a formal determination under Section 373.421(2), F.S., provides otherwise.
16. The permittee shall notify the District in writing within 30 days of any sale, conveyance, or other transfer of ownership or control of a permitted system or the real property on which the permitted system is located. All transfers of ownership or transfers of a permit are subject to the requirements of Rules 40E-1.6105 and 40E-1.6107, F.A.C.. The permittee transferring the permit shall remain liable for corrective actions that may be required as a result of any violations prior to the sale, conveyance or other transfer of the system.
17. Upon reasonable notice to the permittee, District authorized staff with proper identification shall have permission to enter, inspect, sample and test the system to insure conformity with the plans and specifications approved by the permit.
18. If historical or archaeological artifacts are discovered at any time on the project site, the permittee shall immediately notify the appropriate District service center.
19. The permittee shall immediately notify the District in writing of any previously submitted information that is later discovered to be inaccurate.

40E-4.321 Duration of Permits

(1) Unless revoked or otherwise modified the duration of an environmental resource permit issued under this chapter or Chapter 40E-40, F.A.C. is as follows:

(a) For a conceptual approval, two years from the date of issuance or the date specified as a condition of the permit, unless within that period an application for an individual or standard general permit is filed for any portion of the project. If an application for an environmental resource permit is filed then the conceptual approval remains valid until final action is taken on the environmental resource permit application. If the application is granted, then the conceptual approval is valid for an additional two years from the date of issuance of the permit. Conceptual approvals which have no individual or standard general environmental resource permit applications filed for a period of two years shall expire automatically at the end of the two year period.

(b) For a conceptual approval filed concurrently with a development of regional impact (DRI) application for development approval (ADA) and a local government comprehensive plan amendment, the duration of the conceptual approval shall be two years from whichever one of the following occurs at the latest date:

1. the effective date of the local government's comprehensive plan amendment,
2. the effective date of the local government development order,
3. the date on which the District issues the conceptual approval, or
4. the latest date of the resolution of any Chapter 120.57, F.A.C., administrative proceeding or other legal appeals.

(c) For an individual or standard general environmental resource permit, five years from the date of issuance or such amount of time as made a condition of the permit.

(d) For a noticed general permit issued pursuant to chapter 40E-400, F.A.C., five years from the date the notice of intent to use the permit is provided to the District.

(2)(a) Unless prescribed by special permit condition, permits expire automatically according to the timeframes indicated in this rule. If application for extension is made in writing pursuant to subsection (3), the permit shall remain in full force and effect until:

1. the Governing Board takes action on an application for extension of an individual permit,

or

2. staff takes action on an application for extension of a standard general permit.

(b) Installation of the project outfall structure shall not constitute a vesting of the permit.

(3) The permit extension shall be issued provided that a permittee files a written request with the District showing good cause prior to the expiration of the permit. For the purpose of this rule, good cause shall mean a set of extenuating circumstances outside of the control of the permittee. Requests for extensions, which shall include documentation of the extenuating circumstances and how they have delayed this project, will not be accepted more than 180 days prior to the expiration date.

(4) Substantial modifications to Conceptual Approvals will extend the duration of the Conceptual Approval for two years from the date of issuance of the modification. For the purposes of this section, the term "substantial modification" shall mean a modification which is reasonably expected to lead to substantially different water resource or environmental impacts which require a detailed review.

(5) Substantial modifications to individual or standard general environmental resource permits issued pursuant to a permit application extend the duration of the permit for three years from the date of issuance of the modification. Individual or standard general environmental resource permit modifications do not extend the duration of a conceptual approval.

(6) Permit modifications issued pursuant to subsection 40E-4.331(2)(b), F.A.C. (letter modifications) do not extend the duration of a permit.

(7) Failure to complete construction or alteration of the surface water management system and obtain operation phase approval from the District within the permit duration shall require a new permit authorization in order to continue construction unless a permit extension is granted.

Specific authority 373.044, 373.113 F.S. Law Implemented 373.413, 373.416, 373.419, 373.426 F.S. History—New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 15K-4.07(4), Amended 7-1-86, 4/20/94, Amended 7-1-86, 4/20/94, 10-3-95

Return recorded document to
South Florida Water Management District
3301 Gun Club Road, MSC 4236
West Palm Beach, FL 33406

DRAFT

APPLICATION NUMBER
050113-13

DEED OF CONSERVATION EASEMENT

THIS DEED OF CONSERVATION EASEMENT is given this fifth day of April, 2006, by Sunset Falls LLC ("Grantor") whose mailing address is 8045 NW 155 Street Miami Lakes, FL 33016 to the South Florida Water Management District ("Grantee"). As used herein, the term "Grantor" shall include any and all heirs, successors or assigns of the Grantor, and all subsequent owners of the "Property" (as hereinafter defined) and the term "Grantee" shall include any successor or assignee of Grantee.

WITNESS

WHEREAS, the Grantor is the owner of certain lands situated in Lee County, Florida, and more specifically described in Exhibit "A" attached hereto and incorporated herein ("Property"); and

WHEREAS, the Grantor desires to construct Sunset Falls ("Project") at a site in Lee County, which is subject to the regulatory jurisdiction of South Florida Water Management District ("District"); and

WHEREAS, District Permit No. App#050113-13 ("Permit") authorizes certain activities which affect waters in or of the State of Florida; and

WHEREAS, this Permit requires that the Grantor preserve, enhance, restore and/or mitigate wetlands and/or uplands under the District's jurisdiction; and

WHEREAS, the Grantor, in consideration of the consent granted by the Permit, is agreeable to granting and securing to the Grantee a perpetual Conservation Easement as defined in Section 704.06, Florida Statutes, over the Property.

NOW, THEREFORE, in consideration of the issuance of the Permit to construct and operate the permitted activity, and as an inducement to Grantee in issuing the Permit, together with other good and valuable consideration, the adequacy and receipt of which are hereby acknowledged, Grantor hereby grants, creates, and establishes a perpetual Conservation Easement for and in favor of the Grantee upon the Property which shall run with the land and be binding upon the Grantor, and shall remain in full force and effect forever.



The scope, nature, and character of this Conservation Easement shall be as follows:

1. Recitals. The recitals hereinabove set forth are true and correct and are hereby incorporated into and made a part of this Conservation Easement.

2. Purpose. It is the purpose of this Conservation Easement to retain land or water areas in their natural, vegetative, hydrologic, scenic, open, agricultural or wooded condition and to retain such areas as suitable habitat for fish, plants or wildlife. Those wetland and/or upland areas included in this Conservation Easement which are to be enhanced or created pursuant to the Permit shall be retained and maintained in the enhanced or created conditions required by the Permit.

To carry out this purpose, the following rights are conveyed to Grantee by this easement:

a. To enter upon the Property at reasonable times with any necessary equipment or vehicles to enforce the rights herein granted in a manner that will not unreasonably interfere with the use and quiet enjoyment of the Property by Grantor at the time of such entry; and

b. To enjoin any activity on or use of the Property that is inconsistent with this Conservation Easement and to enforce the restoration of such areas or features of the Property that may be damaged by any inconsistent activity or use.

3. Prohibited Uses. Except for restoration, creation, enhancement, maintenance and monitoring activities, or surface water management improvements, or other activities described herein that are permitted or required by the Permit, the following activities are prohibited in or on the easement area:

a. Construction or placing of buildings, roads, signs, billboards or other advertising, utilities, or other structures on or above the ground;

b. Dumping or placing of soil or other substance or material as landfill, or dumping or placing of trash, waste, or unsightly or offensive materials;

c. Removal or destruction of trees, shrubs, or other vegetation, except for the removal of exotic or nuisance vegetation in accordance with a District approved maintenance plan;

d. Excavation, dredging, or removal of loam, peat, gravel, soil, rock, or other material substance in such manner as to affect the surface;

e. Surface use except for purposes that permit the land or water area to remain in its natural or enhanced condition;

f. Activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife habitat preservation including, but not limited to, ditching, diking and fencing;

g. Acts or uses detrimental to such aforementioned retention of land or water areas;

h. Acts or uses which are detrimental to the preservation of the structural integrity or physical appearance of sites or properties having historical, archaeological, or cultural significance

4. Grantor's Reserved Rights. Grantor reserves all rights as owner of the Property, including the right to engage in uses of the Property that are not prohibited herein and which are not inconsistent with any District rule, criteria, permit and the intent and purposes of this Conservation Easement

5. No Dedication. No right of access by the general public to any portion of the Property is conveyed by this Conservation Easement.

6. Grantee's Liability. Grantee shall not be responsible for any costs or liabilities related to the operation, upkeep or maintenance of the Property.

7. Acts Beyond Grantor's Control. Nothing contained in this instrument shall be construed to entitle Grantee to bring any action against Grantor for any injury to or change in any portion of the Property other than Conservation Areas specified in Permit No. App#050113-13, that result from natural causes beyond Grantor's control, and not initiated by the Grantor, including but not limited to fire, flood, storm and earth movement. Should any Conservation Area be injured or changed from natural causes, including but not limited to fire, flood, storm and earth movement, the Grantor shall be provided notice and a reasonable opportunity to restore the affected Conservation Area to a condition that satisfies the permit requirements prior to the Grantee bringing any action for noncompliance with the Permit.

8. Property Taxes. Grantor shall keep the payment of taxes and assessments on the Easement Parcel current and shall not allow any lien on the Easement Parcel superior to this Easement. In the event Grantor fails to extinguish or obtain a subordination of such lien, in addition to any other remedy, the Grantee may, but shall not be obligated to, elect to pay the lien on behalf of the Grantor and Grantor shall reimburse Grantee for the amount paid by the Grantee, together with Grantee's reasonable attorney's fees and costs, with interest at the maximum rate allowed by law, no later than thirty days after such payment. In the event the Grantor does not so reimburse the Grantee, the debt owed to Grantee shall constitute a lien against the Easement Parcel which shall automatically relate back to the recording date of this Easement. Grantee may foreclose this lien on the Easement Parcel in the manner provided for mortgages on real property.

9. Enforcement. Enforcement of the terms, provisions and restrictions of this Conservation Easement shall be at the reasonable discretion of Grantee, and any forbearance on behalf of Grantee to exercise its rights hereunder in the event of any breach hereof by Grantor, shall not be deemed or construed to be a waiver of Grantee's rights hereunder.

10. Assignment. Grantee will hold this Conservation Easement exclusively for

conservation purposes. Grantee will not assign its rights and obligations under this Conservation Easement except to another organization or entity qualified to hold such interests under the applicable state laws.

11. Severability. If any provision of this Conservation Easement or the application thereof to any person or circumstances is found to be invalid, the remainder of the provisions of this Conservation Easement shall not be affected thereby, as long as the purpose of the Conservation Easement is preserved.

12. Terms and Restrictions. Grantor shall insert the terms and restrictions of this Conservation Easement in any subsequent deed or other legal instrument by which Grantor divests itself of any interest in the Property.

13. Written Notice. All notices, consents, approvals or other communications hereunder shall be in writing and shall be deemed properly given if sent by United States certified mail, return receipt requested, addressed to the appropriate party or successor-in-interest.

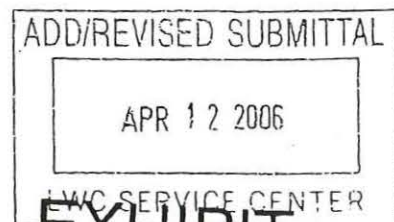
14. Modifications. This Conservation Easement may be amended, altered, released or revoked only by written agreement between the parties hereto or their heirs, assigns or successors-in-interest, which shall be filed in the public records in Lee County.

TO HAVE AND TO HOLD unto Grantee forever. The covenants, terms, conditions, restrictions and purposes imposed with this Conservation Easement shall be binding upon Grantor, and shall continue as a servitude running in perpetuity with the Property.

Grantor hereby covenants with said Grantee that Grantor is lawfully seized of said Property in fee simple; that the Property is free and clear of all encumbrances that are inconsistent with the terms of this Conservation Easement; and all mortgages and liens have been subordinated to this Conservation Easement; and that Grantor has good right and lawful authority to convey this Conservation Easement; and that it hereby fully warrants and defends the title to the Conservation Easement hereby conveyed against the lawful claims of all persons whomsoever.

APPLICATION NUMBER

050113-13 =



EXHIBIT

3-6D

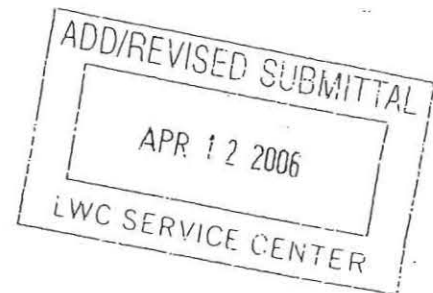
IN WITNESS WHEREOF, Sunset Falls, LLC (Grantor) has hereunto set its authorized hand this 6th day of April, 2006.

Sunset Falls, LLC
a Florida corporation
By: [Signature]
Print Name: Eddy Garcia
Title: Managing Member

Signed, sealed and delivered
in our presence as witnesses:

By: [Signature]
Print Name: Maria D Garcia

By: [Signature]
Print Name: William D Hughes



STATE OF FLORIDA

) ss:

COUNTY OF Lee

On this 6th day of April, 2006, before me, the undersigned notary public, personally appeared Eddy Garcia, the person who subscribed to the foregoing instrument, as the Managing Member (Title) of Sunset Falls, LLC (Corporation), a Florida corporation, and acknowledged that he/she executed the same on behalf of said corporation and that he/she was duly authorized to do so. He/She is personally known to me or has produced a Personally Known (state) driver's license as identification.

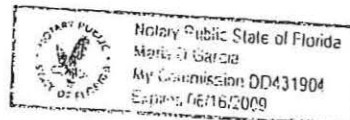
IN WITNESS WHEREOF, I hereunto set my hand and official seal.

NOTARY PUBLIC, STATE OF FLORIDA

[Signature]

Print Name: Maria D. Garcia

My Commission Expires: 6/16/09



APPLICATION NUMBER
050113-13

EXHIBIT
3-LF

MORTGAGEE JOINDER, CONSENT AND SUBORDINATION

For Ten Dollars (\$10.00) and other good and valuable consideration, the adequacy and receipt of which are hereby acknowledged, _____, the owner and holder of a mortgage dated _____, in the original principal amount of \$_____, given by _____ ("Grantor") to _____ ("Mortgagee"), encumbering the real property described on Exhibit "A" attached hereto ("Property"), which is recorded in Official Records Book _____, at Page _____, (together with that certain Assignment of Leases and Rents recorded in Official Records Book _____, at Page _____ and those certain UCC-1 Financing Statement(s) recorded in Official Records Book _____, at Page _____), all of the Public Records of _____ County, Florida (said mortgage, assignment of leases and rents, and UCC-1 Financing Statements, as modified, are hereinafter referred to as the "Mortgage"), hereby joins in, consents to and subordinates the lien of its Mortgage, as it has been, and as it may be, modified, amended and assigned from time to time, to the foregoing Conservation Easement, executed by _____, in favor of the South Florida Water Management District applicable to the Property ("Easement"), as said Easement may be modified, amended and assigned from time to time, with the intent that the Mortgage shall be subject and subordinate to the Easement.

IN WITNESS WHEREOF, this Mortgagee Joinder, Consent and Subordination is made this _____ day of _____, 20_____.

(Mortgagee) N/A _____

By: _____

Print Name: _____

Title: _____

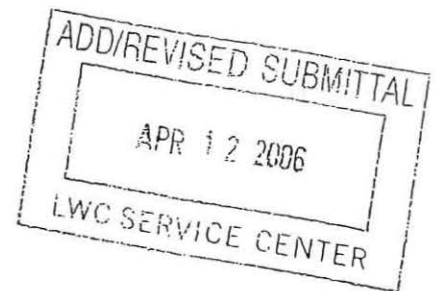
WITNESSES:

By: _____

Print Name: _____

By: _____

Print Name: _____



APPLICATION NUMBER
050113-13

EXHIBIT

3-6 F

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 20____,
by _____ (print name), as _____ (title), of _____ (Grantor of Mortgage), on behalf of the _____
(Mortgagee, Grantor of the Easement). He/She is personally known to me or has produced a _____
(state) driver's license as identification.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

NOTARY PUBLIC, STATE OF FLORIDA

Print Name: _____

My Commission Expires: _____

EXHIBIT

EXHIBIT "A"

[DESCRIPTION OF PROPERTY]

EXHIBIT

3.6 H

13-14 SFWA
Pkt-12

Banks Engineering

Professional Engineers, Planners & Land Surveyors

12653 SW C.R. 769, Suite B

Lake Suzy, Florida 34269

(941) 625-1165

Fax (941) 625-1149

DESCRIPTION OF AN EASEMENT LYING IN SECTION 5, T-46-S, R-24-E, LEE COUNTY, FLORIDA

(CONSERVATION EASEMENT)

AN EASEMENT SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 5, TOWNSHIP 46 SOUTH, RANGE 24 EAST, BEING OVER, ACROSS AND THROUGH A PORTION OF THE WEST HALF OF THE SOUTHEAST QUARTER AND THE WEST HALF OF THE NORTHEAST QUARTER, INCLUSIVE SAID SECTION 5, AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS

PART "A"

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 5, THENCE S 89°01'42"W ALONG THE SOUTH LINE OF SAID SECTION FOR 1319.00 FEET TO AN INTERSECTION WITH THE EAST LINE OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SAID SECTION, THENCE N 01°26'45"W ALONG SAID FRACTIONAL LINE FOR 974.54 FEET TO AN INTERSECTION WITH THE NORTH RIGHT OF WAY LINE OF SUMMERLIN ROAD, (COUNTY ROAD 869) AND THE POINT OF BEGINNING, THENCE S 64°39'27"W ALONG SAID NORTH RIGHT OF WAY LINE FOR 244.30 FEET, THENCE N 00°04'41"E FOR 348.06 FEET, THENCE N 61°35'24"W FOR 156.47 FEET, THENCE N 01°01'35"W FOR 33.37 FEET, THENCE S 88°47'59"W FOR 159.95 FEET, THENCE N 01°29'13"W FOR 651.93 FEET, THENCE S 88°06'21"W FOR 25.96 FEET, THENCE N 01°29'20"W FOR 650.51 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF I.D.D. CANAL C-9, THENCE N 88°55'06"E ALONG SAID SOUTH LINE BEING PARALLEL WITH AND 30.00 FEET SOUTH OF THE EAST WEST QUARTER SECTION LINE OF SAID SECTION 5 FOR 536.43 FEET TO AN INTERSECTION WITH THE EAST LINE OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 5 BEING POINT "A", THENCE S 01°26'45"E ALONG SAID FRACTIONAL LINE FOR 1659.76 FEET TO THE POINT OF BEGINNING

CONTAINING 779068.4 SQUARE FEET OR 17.88 ACRES MORE OR LESS

TOGETHER WITH

PART "B"

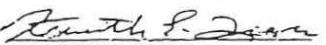
COMMENCING AT POINT "A", THENCE N 01°27'32"W ALONG THE EAST LINE OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 5 AND THE EAST LINE OF THE WEST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 5 FOR 80.00 FEET TO AN INTERSECTION WITH THE NORTH LINE OF I.D.D. CANAL C-9 AND THE POINT OF BEGINNING, THENCE S 88°55'06"W ALONG SAID NORTH LINE OF I.D.D. CANAL C-9 BEING PARALLEL WITH AND 50.00 FEET NORTH OF THE EAST WEST QUARTER SECTION LINE OF SAID SECTION 5 FOR 577.48 FEET, THENCE N 01°29'16"W FOR 20.00 FEET, THENCE N 88°55'06"E FOR 40.42 FEET, THENCE N 34°02'52"E FOR 507.64 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 940.00 FEET, THENCE NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 86°48'37" FOR 1424.22 FEET, THENCE N 01°03'34"W FOR 222.28 FEET, THENCE N 88°56'26"E FOR 418.63 FEET TO AN INTERSECTION WITH THE EAST LINE OF THE WEST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 5, THENCE S 01°26'47"E ALONG SAID FRACTIONAL LINE FOR 1935.73 FEET TO THE POINT OF BEGINNING

CONTAINING 461699.9 SQUARE FEET OR 10.60 ACRES MORE OR LESS

BEARINGS ARE BASED ON THE EAST WEST QUARTER SECTION LINE OF SECTION 5 AS BEARING S 88°55'06"W.

BANKS ENGINEERING,
FLORIDA LICENSED BUSINESS NO. LB6690

JANUARY 18, 2006


KENNETH E. TRASK
PROFESSIONAL LAND SURVEYOR
FLORIDA LICENSE NO. LS4684

SHEET 1 OF 2

Fort Myers Office
10511 Six Mile Cypress
Pkwy., Suite 101
Fort Myers, FL
33912
(239) 939-5490
Fax (239) 939-2523

Naples Office
6640 Willow Park Dr.
Suite B
Naples, Florida
34109
(239) 597-2061
Fax (239) 597-3082

Sarasota Office
1144 Tallevast Road
Suite # 115
Sarasota, Florida
34243
(941) 360-1618
Fax (941) 360-6918

EXHIBIT

361

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 expires

Gladys D. Vanderbeck
Gladys D. Vanderbeck
Commission # 00378967
Expires December 13, 2008
Notary Public
Lee County, Florida
My commission expires 12/13/2008

RECEIVED
APR 23 2007

COMMUNITY DEVELOPMENT

LEE COUNTY
SOUTHWEST FLORIDA

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

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

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

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

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

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

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

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

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

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

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

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

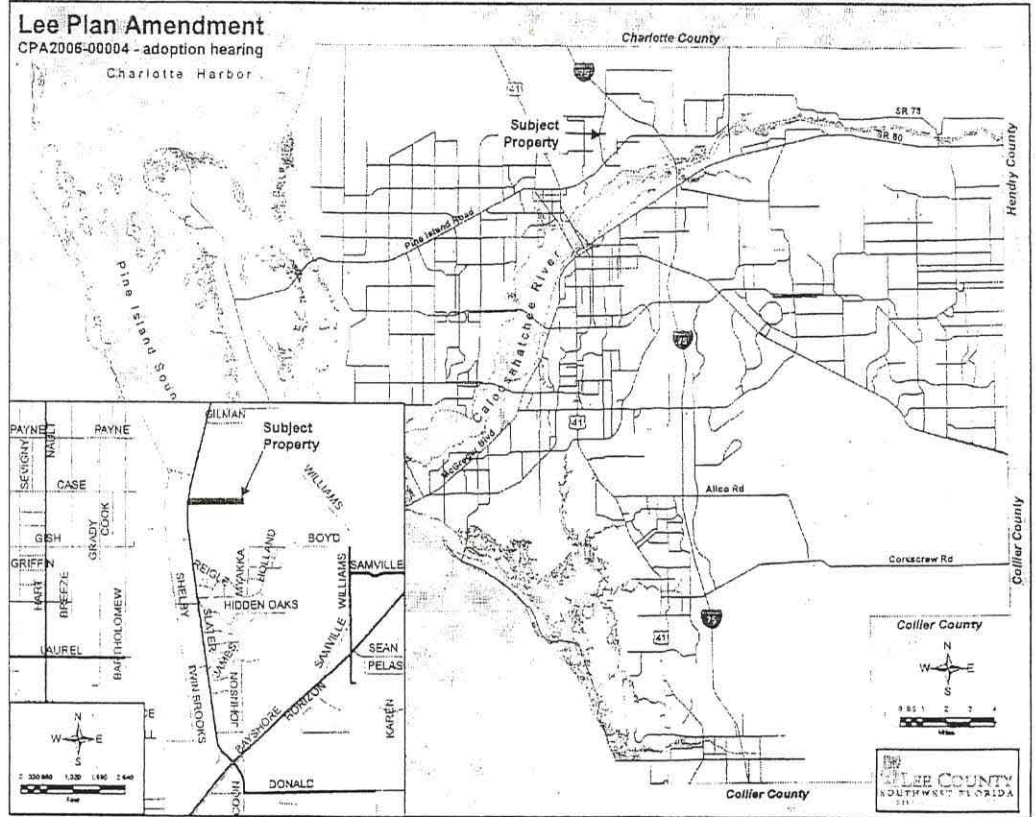
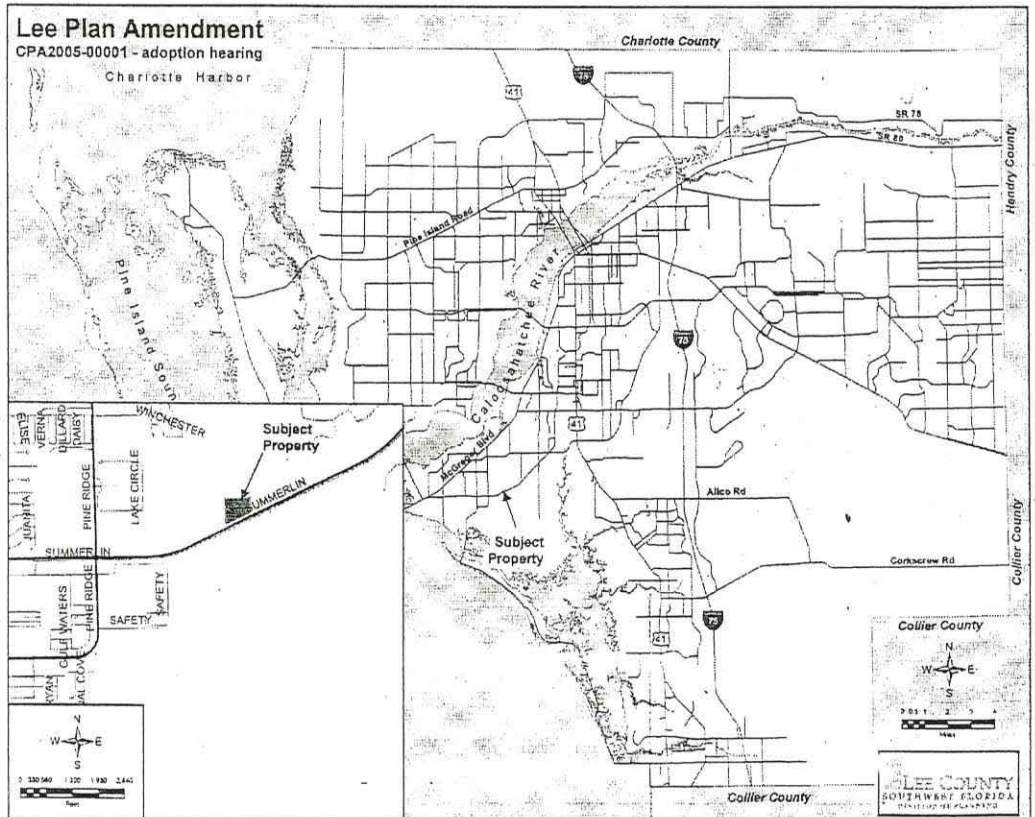
1. Call to order; certification of Affidavit of Publication by County Attorney.

2. Lee Plan Amendment proposed for adoption by Board of County Commissioners:
CPA2005-01 - Amend Future Land Use Map Series, Map 1, to redesignate a 7.67-acre parcel from Industrial Development to Urban Community Future Land Use Classification. The subject parcel is located northeast of the Pine Ridge Road/Summerlin intersection, just east of the Lee County Sewage Treatment ponds.
Sponsor: Vicott, Inc.

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

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

4. Adjourn



NEWS-PRESS

Published every morning - Daily and
Sunday

Fort Myers, Florida

Affidavit of Publication

STATE OF FLORIDA

COUNTY OF LEE

Before the undersigned authority, personally appeared

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

Meeting Notice

In the court was published in said newspaper in the
issues of

March 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.

Sworn to and subscribed before me this

16th 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 expires



MEETING NOTICE LOCAL PLANNING AGENCY PUBLIC HEARING

Notice is hereby given that the Lee County Local Planning Agency (LPA) will meet on Monday, March 26, 2007. The meeting will be held in the Board Chambers located in the Old Courthouse, 2120 Main Street in downtown Fort Myers. The meeting will commence at 8:30 a.m.

AGENDA

1. Call to Order; Certification of Affidavit of Publication
2. Pledge of Allegiance
3. Public Forum
4. Approval of Minutes: January 29, 2007
5. CPA2005-00001 Vicott, Inc. (Small Scale) Comprehensive Plan Amendment - Amend the Lee Plan Future Land Use Map Series for two parcels totaling approximately 7.67 + acres located in Section 05, Township 46, Range 24, to change Map 1 from Industrial Development and Wetlands to Urban Community and Conservation Wetlands. In the alternative, staff recommends changing the subject site on Map 1 from Industrial Development and Wetlands to Commercial and Conservation Wetlands.
6. Other Business
7. Adjournment

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 all proposed actions. If a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings 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 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 479-8583.

RECEIVED
MAR 20 2007

COMMUNITY DEVELOPMENT

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

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

Vicott

2. Article Number

(Transfer from service)

7006 0810 0002 8335 5691

COMPLETE THIS SECTION ON DELIVERY**A. Signature**

X

- ☐ Agent
☒ Addressee

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

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

MAY 24 2007

Service Type

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

4. Restricted Delivery? (Extra Fee)

- ☐ Yes

SENDER: COMPLETE THIS SECTION
COMPLETE THIS SECTION ON DELIVERY
Article Number: 7006 0810 0002 8335 5622
Form 3811, February 2004

SENDER: COMPLETE THIS SECTION
COMPLETE THIS SECTION ON DELIVERY
Article Number: 7006 0810 0002 8335 5653
Form 3811, February 2004

SENDER: COMPLETE THIS SECTION
COMPLETE THIS SECTION ON DELIVERY
Article Number: 7006 0810 0002 8335 5639
Form 3811, February 2004

SENDER: COMPLETE THIS SECTION
COMPLETE THIS SECTION ON DELIVERY
Article Number: 7006 0810 0002 8335 5660
Form 3811, February 2004

SENDER: COMPLETE THIS SECTION
COMPLETE THIS SECTION ON DELIVERY
Article Number: 7006 0810 0002 8335 5615
Form 3811, February 2004

SENDER: COMPLETE THIS SECTION
COMPLETE THIS SECTION ON DELIVERY
Article Number: 7006 0810 0002 8335 5707
Form 3811, February 2004

SENDER: COMPLETE THIS SECTION
COMPLETE THIS SECTION ON DELIVERY
Article Number: 7006 0810 0002 8335 5646
Form 3811, February 2004

SENDER: COMPLETE THIS SECTION
COMPLETE THIS SECTION ON DELIVERY
Article Number: 7006 0810 0002 8335 5714
Form 3811, February 2004

U.S. Postal Service CERTIFIED MAIL RECEIPT
OFFICIAL USE
Office of Tourism, Trade & Economic Development
Mary Helen Blakeslee, Chief Analyst
Suite 2001, The Capitol
Tallahassee, FL 32399-0001

U.S. Postal Service CERTIFIED MAIL RECEIPT
OFFICIAL USE
South Florida Water Management District
Attn: P.K. Sharma, Lead Planner
P.O. Box 24680
West Palm Beach, FL 33416-4680